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# Congressional Record

PROCEEDINGS AND DEBATES OF THE 112<sup>th</sup> CONGRESS, SECOND SESSION

## SENATE—Thursday, July 19, 2012

The Senate met at 9:30 a.m., and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

### PRAYER

The PRESIDING OFFICER. Today's opening prayer will be offered by Reverend Elizabeth Evans Hagan, Senior Pastor of Washington Plaza Baptist Church in Reston, VA.

The guest chaplain offered the following prayer:

Let us pray.

Gracious God, we thank You for being the source of all life, wisdom, and grace in this world. And truly, as Your people, we are so very blessed. We are blessed with breath as we rose to this new day. We are blessed with communities of friends and family that support us. We are blessed with hope that gives our gifts and talents opportunities to be channeled into meaningful work.

Help all of us, O God, as we begin this new day, to remember the richness of our blessings so that we may work together courageously for all of those You have given us to serve. To whom much is given, much is also expected. May we give more today into Your holy work than we gave yesterday.

It is in thanksgiving that we pray in Your most holy Name. Amen.

The PRESIDING OFFICER. The Senator from Virginia.

### WELCOMING THE GUEST CHAPLAIN

Mr. WEBB. Mr. President, I rise today to speak about today's guest chaplain, the Reverend Elizabeth Evans Hagan, Senior Pastor at Washington Plaza Baptist Church in Reston, VA. I am pleased to welcome Reverend Hagan and her husband, Kevin, to the United States Senate today.

Reverend Hagan holds a degree in education from Samford University, and received her Master of Divinity in 2006 from Duke University. Prior to serving at Washington Plaza, Reverend Hagan served as Associate Pastor for Education and Youth at First Baptist

Church of Gaithersburg, MD, and several pastoral internships in Alabama, North Carolina, and Washington, DC. She is passionate about building a strong community of faith, and has traveled extensively to places such as Uganda, Rwanda, Kenya, Burma, Thailand and Argentina.

Since March of 2009, Reverend Hagan has led the large and growing congregation at Washington Plaza, which includes a large African-American, Chinese, and growing Hispanic representation. It is welcoming and affirming of all people, and a church where seekers feel at home.

Through the many ministries and programs at Washington Plaza Baptist Church, Reverend Hagan has made a profound impact on the lives of many members of my constituency. I am certain that she will continue to guide her congregation for many years to come, and I look forward to seeing the direction of Washington Plaza under her leadership.

### PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, July 19, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUE,  
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### BRING JOBS HOME ACT—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to Calendar No. 442.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

Motion to proceed to S. 3364, a bill to provide an incentive for businesses to bring jobs back to America.

### SCHEDULE

Mr. REID. Mr. President, the first hour today will be equally divided and controlled between the two leaders or their designees. The Republicans will control the first half and the majority the final half. At 2:15 p.m. there will be a cloture vote on the motion to proceed to the Bring Jobs Home Act I just moved to.

MEASURE PLACED ON THE CALENDAR—S. 3401

Mr. REID. Mr. President, I am fairly confident that S. 3401 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title for the second time.

The assistant legislative clerk read as follows:

A bill (S. 3401) to amend the Internal Revenue Code of 1986 to temporarily extend tax relief provisions enacted in 2001 and 2003, to provide for temporary alternative minimum tax relief, to extend increased expensing limitations, and to provide instructions for tax reform.

Mr. REID. Mr. President, I object to any further proceedings with regard to this bill.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar under the provisions of rule XIV.

Mr. REID. Mr. President, over the last decade, American companies outsourced about 2½ million jobs, often to countries where they can hire workers for half the price. And 21 million

Americans, including nearly 7 million manufacturing workers, live with the fear their jobs could be shipped overseas tomorrow. More than 130,000 of those at-risk workers live in Nevada. In the Presiding Officer's home State of New Mexico, more than 100,000 jobs in manufacturing, sales, management, the financial sector, and other industries are in jeopardy. And more than 300,000 jobs in the State of Kentucky, the State of my Republican counterpart, are also at risk. So I was surprised yesterday when the minority leader dismissed efforts to end taxpayer incentives for companies that outsource jobs overseas. To quote the minority leader, he said:

Why aren't we doing anything? It's time to bring up serious legislation that affects the future of the country.

At a time when millions of Americans are looking for work, I am not sure what could be more serious than protecting good-paying, middle-class jobs. The Bring Jobs Home Act, the measure before this body, would end tax incentives for corporations that ship jobs overseas. Every time an American company closes a factory or a call center in America and moves operations to another country, taxpayers pick up part of that moving bill. Hard to comprehend, but it is true. The legislation before this body would end that senseless series of tax breaks for outsourcers. It would offer a 20-percent tax credit to help with the cost of moving production back to the United States.

In the last few years, major manufacturers such as Caterpillar have brought jobs back to the United States from Japan, Mexico, and China. Smaller manufacturers such as Master Lock have moved facilities home as well. Congress must do everything in its power to encourage this trend.

But let me remind the entire Senate that we must break a Republican filibuster—a record-breaking filibuster—before we can even begin debating the Bring Jobs Home Act. This obstruction is unfortunate, but it is not surprising. After all, the Republicans' nominee for President made a fortune working for a company that shipped jobs overseas.

Yesterday, my friend Senator MCCONNELL said he wants to debate serious legislation. If that is the case, he should urge his Republican colleagues to drop their filibuster. The Bring Jobs Home Act is a commonsense strategy to protect American workers. To 21 million Americans whose jobs could be the next sent to China or India, it is a very serious proposal. To the 2½ million Americans whose jobs have already been shipped offshore, it doesn't get any more serious than that. The only ones who aren't taking this measure seriously are the Republicans in Congress.

#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, could I ask the majority leader one question related to the vote we are going to have later today?

A number of my Members are asking, in connection with voting to proceed to the bill, whether the bill will be open for amendments.

Mr. REID. The only amendments I have seen are three in number that the Republicans have suggested—to do away with the Affordable Care Act, to reestablish the Bush tax cuts, and then the Hatch tax measure. As has been the tradition with Republicans, those have absolutely nothing to do with outsourcing. So unless the Republicans get serious about legislating on the legislation we have, the answer would be: Very doubtful.

Mr. MCCONNELL. Well, I would say to my Republican colleagues, apparently the bill will not be open for amendment, and we will take that into consideration in deciding whether to support cloture on the motion to proceed.

#### FISCAL CLIFF

Mr. President, earlier this week, Senate Democratic leaders made clear to the American people where their priorities lie. In case you are wondering, the middle class came in pretty low on the list.

At a moment when more Americans are signing up for disability than finding jobs—listen to that, Mr. President, because this is where the American economy stands today. More Americans are signing up for disability than are finding jobs—Democrats said they think it is a good idea to drive the country off what economists are calling America's fiscal cliff this coming January. You might call it Thelma and Louise economics—right off the cliff.

But whatever one calls it, Democrats are evidently so determined to raise taxes on America's job creators that if we don't let them do it—if we don't let them do it—they would actually welcome an economic calamity that would rock not only the American economy but the global economy as well. They want to drive us right off the cliff. They would threaten our own economy and the global economy as well.

Needless to say, this isn't a program for jobs or economic growth. It is an ideological crusade—an ideological crusade. Following the President's lead, Democrats are declaring ideological warfare, and the banner they are marching under is emblazoned with a single word: Fairness. Fairness.

Here is the problem: Fairness turns out to be a lot like hope and change. Fairness turns out to be a lot like hope and change. We don't know what it means until it is put into practice. But one thing history, common sense, and

basic economics tell us is that it doesn't mean what the Democrats say it does. Because when they say tax the rich, we can be sure the middle class isn't far behind.

Just ask yourself: When was the last time a government program stuck to its original mission? When was the last time?

Federal income taxes initially were only supposed to apply to those with taxable incomes above \$500,000 a year, equal to about \$11.3 million in today's dollars. And even then the top rate was only 7 percent. Today the Federal income tax starts to pinch as soon as you earn a dollar more than \$9,750.

The Social Security tax started out at 2 percent. What is more, Americans were told it would never rise above 6 percent. Yet today the Social Security tax stands at 12.4 percent. And all other things being equal, it will likely have to rise above 20 percent to keep the program solvent. That is the condition of Social Security today.

The alternative minimum tax was designed to hit 155 households back in 1969—155 households. Today it threatens to hit nearly 30 million households at the end of this year.

ObamaCare was supposed to tax the rich. Yet now it turns out the very core of the bill includes a tax on the middle class. In my view, that particular deception turned out to be the difference between the law passing and not passing. They said: Oh, it is not a tax. The Supreme Court says it is a tax, with 77 percent of it hitting people making \$120,000 a year and less. And it passed by just a single vote—just one vote. Every single Democrat who supported it is responsible for the law itself and the middle-class tax at the heart of it.

But the bottom line here is that a law we were told didn't hit the middle class, does—big time. And the same goes for the President's latest proposal to raise taxes on those earning more than \$200,000 a year. It may be aimed at the top 2 percent now, but like every other program that is supposedly aimed at a few, very quickly this tax will increase to apply to many.

Even the senior Senator from New York has said this tax hike will hit a lot of people who aren't rich. I agree with the senior Senator from New York. After all, the revenue from the Democrats' tax increase will only cover 6 percent of next year's projected budget deficit. So who is expected to cover the rest? The middle class, of course.

That is the fine print under every Democratic proposal. They say they are coming after the rich, but the middle class is always next. And America's small businesses are already on the line. That is one reason Republicans are so adamantly opposed to these proposals.

Yes, it is a terrible idea to raise taxes in the middle of an economic downturn. Yes, government is already way

too big. Yes, Democrats have absolutely no more intention of using this new revenue for deficit reduction than they have had in the past. Yes, the President's latest proposal wouldn't even raise enough money to fund the government for a week. And yes, we have no reason whatsoever to believe the President wouldn't continue his crony capitalist ways, spending that money on the pet projects of his political allies.

But the larger point is this: Not only is all this terrible economics, it is completely and totally unfair. The American people shouldn't be on the defense when it comes to keeping what they have earned.

The President may think those who have succeeded in life haven't done so on their own, but anybody who has ever turned a dream into reality knows he is totally wrong about that. They know the sacrifices they have made for their success: the hours of work they have put in, the time away from family, the constant worry about whether they will succeed.

Those who have made it know that what is unfair is being told—being told—they have to now hand over even more than they already are to a President who has done nothing to show he knows how to spend it.

Democrats may think it is good politics to play Russian roulette with the economy. They may think it helps their radical, ideological goals for the country to go off the fiscal cliff at the end of the year. They may look down on any enterprise that isn't controlled by the government. But nobody—nobody—should ever attempt to pretend it is a good idea for the economy or for jobs or for middle-class Americans, because it isn't. That is why Republicans think we should solve these problems now.

That is what I have been calling for all week. It is what I and my colleagues will continue to call for until Senate Democrats realize we weren't sent to play politics—we were sent to serve the American people.

HONORING OUR ARMED FORCES

SPECIALIST NATHANIEL D. GARVIN

Mr. President, it is with great sadness that I rise to commemorate an honored Kentuckian who has fallen in service to his country.

SPC Nathaniel D. Garvin of Radcliff, KY, died on July 12, 2010, in Kandahar, Afghanistan, while in support of Operation Enduring Freedom. He was 20 years old.

For his service in uniform, Specialist Garvin received several awards, medals, and decorations, including the Army Commendation Medal, the Army Good Conduct Medal, the National Defense Service Medal, the Afghanistan Campaign Medal with Bronze Service Star, the Global War on Terrorism Service Medal, the Army Service Ribbon, the Overseas Service Ribbon, the

NATO Medal, the Basic Aviation Badge, and the Overseas Service Bar.

Specialist Garvin had the nickname "Tater," given to him by his father Cliff. That is because when he was born on July 4, 1989, he weighed a little more than 5 pounds. "Wow," said Cliff to his wife, Nate's mother Melanie, "He is not much bigger than a sack of taters." The nickname stuck.

Nate may have been on the small side, but he did not shy away from risk. "He was the daredevil of the family," Melanie remembers.

As soon as he was old enough to walk, he had no fears. As he grew, he would climb trees to the tiptop to get on top of roofs—scaring his mother, of course.

One story goes to show just how tough Nate was. When he was still just in grade school, Nate's shoulder blade got dislocated, and the school nurse called his parents to come and pick up Nate and take him to the doctor. They did, but somehow in the short time between picking up Nate from school and driving to the doctor's office, Nate managed to pop his own shoulder back into place. "[He did it] showing no pain at all," says Melanie. "The doctor was shocked, along with his dad and I."

Nate's toughness included sticking up for his family. He grew up with three older brothers and a little sister. They may have at times picked on each other, but if someone outside the family ever picked on his brothers or sister, "Nate would say, 'I am not afraid, let me handle it,'" said Melanie. "He didn't care how big the other person was; he would not back down."

Nate was smart, funny, loving, and loyal. "He could say something that . . . in an instant would either make you laugh or have you laughing so hard you would be crying," Melanie remembers. Nate liked to fish and he enjoyed playing video games. He was so good at them, other people didn't want to play against him. He also could take apart and put back together the video game machines or almost anything else electronic.

After Nate met and married his wife Brittany, both he and one of his older brothers decided to use the buddy system and join the military at the same time, following in the footsteps of another Garvin brother. Nate felt it would be a good way to provide for not only his wife but also his then-unborn child.

Nate entered the Army in July 2008. He scored highly enough on his entrance exams to have his pick of any field he wanted. Nate chose avionics. He did his training at Fort Jackson, SC, and Fort Eustis, VA, and was assigned to B Company, 96th Aviation Support Battalion, 101st Airborne Division, based in Fort Campbell, KY.

Nate was able to come home from the Army for Christmas in 2008, and his timing was good. On December 26, 2008, his daughter Kayleigh was born.

"[That was] the happiest day in his short life. He loved her with all he had," said Melanie.

In the short time they had together, Kayleigh became her daddy's little girl. Her grandmother Melanie says:

She looks so much like him at that age we say she is Tater made over, just in a dress. She has his smile and her eyes light up just like his did. She also has her daddy's stubborn streak and smartness.

Nate would play video games and Kayleigh would sit beside him with an old game controller Nate gave her, pretending she was also playing the game. When Nate bobbed and weaved, she did too.

Nate was deployed to Afghanistan for Operation Enduring Freedom in March 2010. As Melanie put it:

Tater was due to come home for his R&R in August 2010, but unfortunately didn't make it. He lost his life one day before his mother's birthday and two days before his 21st. He never got to meet his son, who was born April 9, 2010.

We are thinking of SPC Nate Garvin's loved ones as I recount his story for my colleagues. That would include his wife Brittany; his parents Melanie and Cliff; his daughter Kayleigh Jo; his son Wyatt Boone; his brothers, TJ, Alex, and Jeremy; his sister Whitney; and many other beloved family members and friends. The Garvin family is also thankful for the assistance given them by CPT Erik Heely during the difficult events of 2 years ago.

The loss of SPC Nathaniel D. Garvin is tragic, and it is only appropriate that this Senate pause to honor his service and recognize his sacrifice.

I hope his family, particularly his two young children, can take some comfort from the fact that both the Commonwealth of Kentucky and this country are grateful for and honored by the heroism and courage Nate showed, both in and out of uniform. The example he set for his loved ones and his country will not be forgotten.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the following hour will be equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

The Senator from New Hampshire is recognized.

Ms. AYOTTE. Mr. President, I ask unanimous consent to enter into a colloquy with my colleagues.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. AYOTTE. Mr. President, I rise to talk about an issue that is of deep concern to our country, one of the greatest

national security threats facing our country right now; that is, what is called sequestration.

To bring that down to plain terms for the American people, our Department of Defense is facing an additional \$500 billion across-the-board meat ax in cuts in addition to the already planned \$487 billion in reduction over the next 10 years if we do not act as a Senate, as a Congress, and if the Commander in Chief does not act to come up with more responsible ways to cut spending.

We all know we have a nearly \$16 trillion debt. We all know debt threatens our country not only as a national security threat but also as a threat to the quality of life of my children—I am the mother of a 7-year-old and a 4-year-old—and future generations in this country. However, what we did last August was a kick-the-can exercise, where we left it to a supercommittee to come up with \$1.2 trillion in savings, rather than sitting down and coming up with the savings we should have at the time.

So where we are left is with a meat-ax, across-the-board approach, instead of prioritizing our spending, and we are putting at risk the most fundamental constitutional responsibility we have to the American people; that is, to keep them safe.

Daniel Webster, who was born in New Hampshire, served as a Senator from Massachusetts, was a great statesman, said in 1834: “God grants liberty only to those who love it and are always ready to guard and defend it.”

We know from our men and women in uniform that they have been there for us to guard and defend this great Nation—not only the current men and women who serve but generations of brave men and women have served our country. Where we are right now, we do a disservice to them not to resolve this sequestration, these across-the-board cuts, by coming up with alternative spending reductions, which we can do.

To put it in perspective, 1 year of sequestration is about \$109 billion, and that also covers nondefense. If we could live within our means for 1 month with this government, we could come up with the spending reductions. We need to do that on behalf of our Department of Defense and for the American people.

Some of the things that have been said about the impact of these across-the-board cuts:

Our Chairman of the Joint Chiefs of Staff has said we will face the potential for increased conflict. He also said: “We are living in the most dangerous times in my lifetime, right now”—meaning, right now. “I think sequestration would be completely oblivious to that, and counterproductive.”

We also know every leader of our military from every branch has spoken to both the House Armed Services Committee and the Senate Armed Services Committee. What they have

said is shocking and should be a wakeup call to Members of both sides of the aisle, that we owe it to our military and to the American people to address it.

Just some of the things that have been said about sequestration:

The Chief of Naval Operations has said: We will do “irreversible damage” to our Navy. “It will hollow out the military, and we will be out of balance in manpower, both military and civilian, procurement and modernization.”

The Chief of Staff of the Army has said: It “would be catastrophic to the military . . .” and we will “reduce our capability and capacity to assure our partners abroad, respond to crises, and deter our potential adversaries,” while threatening our readiness.

The Air Force Chief of Staff has said:

We will be left with a military with aging equipment, extremely stressed human resources with less than adequate training and ultimately declining readiness and effectiveness.

As I said yesterday on this floor, the Assistant Commandant of the Marine Corps has said that the Marine Corps will be unable to respond to one major conflict on behalf of this country.

There are many things we can predict. One of the things we know we can predict is what is going to happen with sequestration. We know that if we do not address our debt now, we will be facing the fate of Europe. But one thing we have been very bad at predicting is where the next conflict will come from for our country, where the next threat our country will face will come from. If our Marine Corps is unprepared to respond to one major contingency, our country is at risk. That is why we need to address this.

It is not only the impact on our men and women in uniform—from the Chief of Staff, from the Commandant of the Marine Corps, of all the branches that have spoken—but I had the chance to participate in a panel yesterday, to hear the concerns of our enlisted about this. I heard from the former head, the top enlisted person in the Marine Corps, Sergeant Major Kent. He expressed deep concern that we would be breaking faith with our troops. Our military leaders have expressed real concerns that we will not only undermine our national security, but we will fail to keep faith with those who have sacrificed so much for our country and to whom we owe everything.

In addition to the dire national security impacts of allowing this irresponsible across-the-board approach to occur in January, we also know there are nearly 1 million jobs at issue. In fact, yesterday, before the House Armed Services Committee, the CEOs of some of our major defense employers testified. In fact, the CEO of Lockheed Martin Bob Stevens said:

I have spent decades of my professional working life in the national security arena

and I have never been as concerned over the risk to the health of our industry and our Government [as now].

He said:

The effects of sequestration are being felt, right now, throughout our industry. Every month that goes by without a solution is a month of additional uncertainty, deferred investment, lost talent and ultimately increased cost.

You see, it is not just our service men and women who keep our country safe, it is those who work to make sure we have the right equipment, that we have the best technology, that we have the best capability of gathering intelligence to prevent future attacks against our country.

Our defense industrial base is incredibly important—not to mention 1 million jobs at issue.

Yesterday, Dave Hess, president of Pratt & Whitney and chairman of the Aerospace Industries Association, said:

As an industry, we are already seeing the impact of potential sequestration budget cuts today. Companies are limiting hiring and halting investments—largely due to the uncertainty about how sequestration cuts would be applied.

A small business owner, Della Williams—it is not just our large employers, a lot of small businesses make parts for our weapons systems, for our equipment for our military. They cannot take this uncertainty we have created for them in Congress, and these cuts, and many of them will be forced to go out of business.

Della Williams said:

What is being billed as a stop-gap budget fix will have lasting effects on our defense capabilities for years to come. The switch will not just get flipped back on to reverse that trend.

Moreover, the deep personnel and program cuts will threaten our national security. Indeed, the United States could lose our technological and strategic advantage and never get it back.

This is why this is so important.

By the way, yesterday the CEO of Lockheed Martin had to issue—believed he had to issue a memo to his employees. In that memo his employees will receive, he said:

We believe sequestration is the single greatest challenge facing our company and our industry. Defense Secretary Leon Panetta has said sequestration will have catastrophic consequences for our nation's defense. . . . With little guidance from the government on the specifics of sequestration, it is difficult to determine the impact . . . on our employees.

He said: We do know that we have a responsibility to tell you that you could potentially be laid off and that we have a duty to issue what are called Warn Act notices now.

Under Federal law, these defense employers are going to have to, 60 days before January 1, issue potential layoff notices to their employees. Of course, that will also create lots of uncertainty and consternation in many American families, which is unnecessary if we would come to the table right now and address this issue.



We can find spending reductions that do not threaten our national security. Just to put a couple of numbers in perspective, some States just had in job losses on this: Virginia, according to AIA—there was a new report issued this week done by George Mason University—Virginia: 136,000 defense industrial base jobs; Florida, 41,000; Pennsylvania, 39,000; my home State of New Hampshire, just on the defense end, 3,600 jobs.

We owe it to the American people to act now. This is too important to be used as a bargaining chip in December because people want to use it to put our national security at risk because of other issues they want addressed. We have always treated national security as a bipartisan issue in this Chamber. I hope we will not use our Department of Defense and put our men and women in uniform in this uncertain position. We need to let them know we have their back. As Members of Congress, we should be together right now, sitting at the table, resolving this, coming up with alternative spending reductions.

I also call on the President as Commander in Chief of this country to lead that effort, to stop sitting on the sidelines. This is too important to the security of the United States of America.

I see my colleague from South Dakota here today, JOHN THUNE, who is a leader in our conference, someone who I know has been very focused on this issue.

I ask Senator THUNE, yesterday the House was focusing on this issue. We know there were hearings before the House Armed Services Committee. In fact, we should point out that the House, through reconciliation, has already passed a bill to address sequestration, to make sure our national security is protected. They have done that. It has not been taken up in the Senate yet, unfortunately. I call on the majority leader of the Senate to act now because the House has passed something.

Yesterday, they also held a hearing. The House passed another measure by 414 to 2 that is called the Sequestration Transparency Act. It is a companion bill to one Senator THUNE introduced in this Chamber. I know how focused he has been on this issue. The Senate passed a similar amendment to the farm bill.

One of the issues we saw from the CEOs who testified yesterday, from our defense industrial bases, the Department of Defense, OMB—they have gotten no guidance on where these cuts will be implemented. Therefore, I know that yesterday the House actually passed this act to address that piece of it.

I ask, does the Senator from South Dakota agree that the Senate should immediately pass the legislation he introduced, this bipartisan House bill that is coming over, a version, so that

we, the American people, can know right away—have the agencies tell them specifically what the impacts of sequestration are? Of course, most important, we need to address this before the elections because we should not play political football with this.

With that, I ask the Senator from South Dakota what he thinks we should do here in the Senate right now.

Mr. THUNE. I thank the Senator from New Hampshire for yielding on that point—more important, for the great work she is doing as a member of the Armed Services Committee. She has been a very active member of that committee and a strong and clear voice for New Hampshire and for America's national security interests.

I might also add that we serve together on the Budget Committee, where really this should have originated. Unfortunately, since we did not pass a budget, it is very hard to have a plan for how to proceed with spending the taxpayers' money, and this is what you end up with.

Because we have this process put in place where, if action is not taken to avoid it, we have an across-the-board sequester that would occur at the first of next year—half of which would come out of the defense budget—we need to be able to find out exactly how these cuts would be implemented.

The thing we do not know is how the administration plans to implement this. I think that is what the transparency act that passed in the House of Representatives is designed to get at. By the way, it was an overwhelming vote, 414 to 2. The House of Representatives, in an overwhelmingly bipartisan way, weighed in on the issue about whether the administration ought to spell out in clear detail to the Congress and the American people how it intends to implement its sequestration plan.

I might say, it is going to be very difficult for us as Members of the Congress to come up with an alternative replacement plan if we do not know what their plan is for implementation. We know half the reductions are going to come out of defense—at least that is the plan—the other half out of nondiscretionary spending. It is clear this would have a profound impact on the defense budget on top of the \$½ trillion in cuts as part of the Budget Control Act last summer.

I say to my colleague from New Hampshire, she has very clearly and well laid out the impacts—as have been delineated and described by many of our service chiefs, by many of our military leaders in this country—what those impacts would be on our national security, on our readiness. Also, I think she has elaborated extremely well about the economic impact, what it is going to mean in terms of jobs in our economy.

For a moment, I want to come back to this fundamental point because I be-

lieve it is one that should not be missed by people who are following this debate; that is, if the Budget Committee and the Senate had done their work in the first place and passed a budget, we would not be where we are today—if we had actually passed a budget.

The Senator from New Hampshire—I think this is her second year on the Budget Committee. Even before she got here, we had not passed a budget. I got on the Budget Committee in this last session of Congress, so it has been 2 years since I have been on the committee, but it is a committee without a purpose, without a mission. If you are not going to pass a budget, I am not sure why you want to have a budget committee.

The other thing that is interesting about this is that we are not going to pass any appropriations bills. Not only not a budget, but in the Appropriations Committee here in the Senate are usually 12 bills that come across the floor. The majority leader said he is not going to bring appropriations bills to the floor.

I think the House of Representatives passed nine appropriations bills. They passed a budget. The Appropriations Committee here in the Senate has been moving and passing appropriations bills out of committee, but the leader of the Senate has said we are not going to move appropriations bills this year.

We did not move a budget. We are not moving appropriation bills. So what you end up with is a budget control act like what we passed last summer that takes these Draconian whacks out of the defense budget and puts America's national security interests at risk and in great peril.

I ask my colleague from New Hampshire, who, as I said, is a member, along with me, of the Senate Budget Committee, might this situation have been avoided had the Senate done its work as it is supposed to do in an orderly way, followed the law, actually passed a budget, actually worked on getting appropriations bills on the floor of the Senate? Might we have avoided what is before us; that is, these devastating, disastrous, and what some have described as catastrophic cuts in our defense budget? It seems to me at least that is where you end up when you do not do your work in the first place.

To my colleague from New Hampshire, I simply ask her, as a member of the Budget Committee, might we not be in a different situation if we had passed a budget now for 3 years?

Ms. AYOTTE. I would say my colleague from South Dakota is absolutely right. If we had done a budget for this country and the Senate Budget Committee functioned in the way it was intended to function, then we would not be in this situation in the first place. If we did regular budgeting

and if we did the responsible thing for our country—as every business does, as every family does; on an annual basis we are supposed to do it as opposed to it being over 3 years since we have had a budget—then we would not be in this situation right now where our Department of Defense is at risk. I know the Senator from South Dakota voted for a budget the House passed, and I did as well. Had that budget passed, then the House did its job. Had we done that, we wouldn't be here with sequestration today. We are doing what we owe to the American people. If we can't do a budget for this country, how are we going to get the trillion dollar deficit in check?

Unfortunately, we know why we don't have a budget. The majority leader of the Senate has not shown the leadership he should because he said it would be foolish for us to pass a budget and has not allowed the Senate Budget Committee—the Senator is right, I am not sure why we have that committee. I have been on there for a year and half. We have not marked up a budget. We have not done it, and that is because the majority leader of the Senate has said it would be foolish for us to do a budget. Why? Because when we do a budget, we do have to make choices, as families and businesses do, and prioritize where we are going to spend the money and the taxpayer dollars that are sent to Washington by our constituents, the American people. Where we are today is unfortunate. Had we done that, then I don't think we would be in the position we are with sequestration.

Mr. THUNE. I think the Budget Control Act, which passed last summer, created this process, and led us to sequestration, which is where we are today. This is a function and a clear outcome of having not passed a budget. It is ironic in many respects because, as the Senator from New Hampshire has pointed out, the first fundamental responsibility we have as Members of Congress is to tell the American people—the taxpayers who pay the bills for this government—how we are going to spend their money. This is now the third year in a row that the Senate has failed to do that.

Again, I might simply add that the House of Representatives did do a budget, has been passing appropriation bills, has been following the law in accordance with what has been the practice around here up until the last 3 years of actually working on a budget. When we are borrowing 40 cents out of every dollar we spend, it would strike me that it would be important we go through an exercise and figure out how we are going to start whittling away at the deficit and get the debt at a more manageable level and how we are going to spend the American taxpayers' dollars.

As the Senator from New Hampshire pointed out—again, I don't think we

can emphasize this enough. Last summer we already called for \$1/2 trillion in defense cuts, and that was half of the amount of reductions that were made last summer. It was about \$1 trillion, a little over that, overall in spending cuts last summer. Those were immediate spending cuts, half of which came out of defense; \$487 billion was already taken out of the defense budget.

So what we are talking about now is another \$1/2 trillion over the next 10 years on top of that \$1/2 trillion. In other words, \$1/2 trillion out of the national security budget. The President's own Secretary of Defense has said it would lead to the smallest ground force since 1940, since before World War II, and the smallest fleet of ships since 1915, almost a century, and the smallest tactical Air Force we have had literally in the history of the Air Force. That is what we are talking about. That is the dimension of the problem we are referring to. It completely impairs our ability to project power in many of these critical areas of the world.

The world is a dangerous place, and it is not getting any less dangerous. It is getting literally more dangerous, according to the headlines, every single day. Our ability to project power in the Middle East, Asia, and all the areas of the world we need to keep an eye on will be in serious jeopardy.

I want to make a serious observation about that, and it is important to me. My State of South Dakota is home to a bomber base. One of the key ways our Nation projects power is through the use of the bomber fleet. Our bomber fleet is aging. Nearly half of the fleet was built before the Cuban missile crisis of 1962, if you can imagine that. So it is highly important we modernize our bomber fleet and Secretary Panetta has stated that the development of the next-generation bomber would be delayed by sequestration until well toward the middle of this century. So we are talking about dramatic reductions in our ground forces, Navy, and Air Force. All the assets we use to protect this country and defend America's interests around the world would be at great risk if this sequestration goes into effect.

As the Senator from New Hampshire has appropriately pointed out, the No. 1 priority we have is to defend this country. If we don't get national security right, the rest of this conversation, including all the other things we talked about, is secondary to defending and protecting America and the American people.

This is a very serious debate, and I would come back to the question the Senator from New Hampshire posed in the first place, and that is yesterday the House of Representatives passed by a 414-to-2 vote a piece of legislation that would require the administration to tell us how they intend to imple-

ment these cuts by program, project, and activity level. That way we know with some detailed specificity how these proposed cuts are going to take effect, and that would allow us to come up with an alternative plan and perhaps be able to replace and substitute other cuts elsewhere in the budget for what are going to be disastrous cuts in the defense budget.

I introduced companion legislation here in the Senate very similar to what the House passed yesterday. I hope the Senate will pick up the House bill and move it and pass it so we can get the administration and the President to engage in this discussion about what they intend to do in terms of implementing sequestration. Then perhaps they can work with us to avoid the catastrophe we are referring to and talking about. This has been documented and validated by all of our military leadership and would be a very serious and dangerous reduction in America's national security resources and in our ability to keep our country ready and able to defend America and America's interests around the world.

I appreciate so much the leadership of the Senator from New Hampshire on this issue. I know the Senator has been very active in trying to get the administration to provide more information with regard to what the impact should be on the defense budget as a member of the Armed Services Committee.

I also think they ought to furnish all the information on these cuts not only on the defense part but the non-national security part of the budget. Defense represents 20 percent of all Federal spending, but we are going to get half of the cuts. The proportionality of this is a real issue, in my view. That happened last summer. Half of the cuts made last summer came out of defense even though it is only 20 percent of Federal spending. Half of the cuts in this sequestration would come out of the defense budget, even though it represents 20 percent of all Federal spending.

I would hope, as my colleagues here in the Senate continue to hear from people around the country who are impacted by this—not only our military leadership but also those whose jobs are going to be impacted by this—that there will be a new sense of urgency, a new intensity to try to resolve this issue, and that is to get the administration to show how they intend to implement sequestration.

I look forward to working with my colleague from New Hampshire to make that happen. I hope our colleagues on the other side, the Democratic leadership, will agree to moving that legislation.

Ms. AYOTTE. I thank my colleague from South Dakota for his leadership on this issue, and I too hope we will get that passed immediately in the Senate,

and that we have clarity from our Department of Defense as well as the non-defense agencies so the American people can know what the real impact is; also, so we can act immediately. I can't emphasize enough that this needs to be done before the elections. We need to do it before the elections because we have already—I talked about some of the testimony from the CEOs from our defense industrial base, and there will be, unfortunately, layoff notices which will have to be issued because of responsibilities they have under Federal law. Let's face it, we should not have this cloud of uncertainty for our men and women in uniform, many of whom have served multiple tours for us and defended our country so admirably and so courageously. That is why I think this is an issue that deserves action now and should not be used as a bargaining chip for other issues. This is an area we have always, on a bipartisan basis, been able to do. For example, I serve on the Senate Armed Services Committee. We voted out the Defense authorization bill unanimously. Well, this is an issue I hope we would be unanimous on and that we are not going to break faith with our men and women in uniform, we are not going to put our country in jeopardy, and I am hopeful we will also see leadership.

I call upon the President again to be a leader here, to be the Commander in Chief of this country and to call us to action to resolve this before the election.

The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, I want to speak as the chair of the Agriculture Committee about what is happening on the droughts across the country.

First, I want to take a moment as the author of the Bring Jobs Home Act to say that this afternoon we are going to have an opportunity to come together—as we did on the farm bill when we came together on a bipartisan basis—to focus on growing things in America and the need to strengthen our economy, provide economic certainty around agriculture and the food industry in America. It was a wonderful opportunity for us to get something done.

This afternoon, we are going to have the same kind of opportunity to come together and recommit ourselves to making things in America. The Bring Jobs Home Act is a very simple, straightforward way to eliminate a subsidy that should have been gone a long time ago, and that is the tax writeoff for shipping jobs overseas.

When someone is losing their job because a plant is closing to go overseas, to add insult to injury, as a taxpayer, they get to pay the cost of the moving. It is outrageous. What we want to do is stop that. That is what the bill does. It

gives a business tax deduction for the cost of bringing jobs home and then adds another 20-percent tax deduction on top of it to encourage businesses to do that. We will be talking more about that later, but it is very important and I hope my colleagues will come together and send a very strong message about American jobs. Let's bring those jobs home.

#### DROUGHT CONDITIONS

Mr. President, I also want to talk today about the terrible weather conditions across the country. It started with an early spring and then a returning frost and snow in Michigan. Areas around the country have orchards and fruit crops that have gone from frost to an extension of a drought situation that is absolutely terrible. It is a very serious crisis around the country.

Not since the days of the Dust Bowl have we seen this lethal combination of scorching heat and bone-dry weather in the production regions across our country. As I speak, 80 percent of the country is suffering from abnormal dry or drought conditions; 64 percent is suffering from moderate or severe drought. That is the highest percentage in 56 years.

As we can see on the map, any area that is in color here has had some kind of a drought. The black areas are the worst. Either it is from abnormally dry, moderate, severe, or exceptional drought in almost every area of the country. This is extremely severe, and we need to take action to support our growers and ranchers.

We have almost 1,300 counties across the country rated as drought disaster areas, and that is one-third of all the counties in the United States. Every day it seems the Secretary of Agriculture is adding more to the list. More than 75 percent of the Nation's corn and soybean crops are in drought-affected areas and more than one-third of those crops are now rated poor to very poor. This is devastating our crops and our livestock producers.

Only one-third of our soybean crop is considered good to excellent right now, which is down by about 30 percent from last year.

According to the Department of Agriculture's weekly progress report, less than one-third of the Nation's corn crop is in good or excellent condition. Nearly 40 percent is rated poor or very poor. So we are talking about a massive effect on farmers, on livestock producers, and ultimately on consumers in America.

Facing higher food and feed costs and pastures that are withering due to the heat, our ranchers and livestock producers could see significant losses. I had an opportunity a number of months ago with Senator ROBERTS to be in Kansas and to see what was happening then, even before all of this. I understand how very serious this is for our livestock producers. The livestock

sector could face significant declines in margins, and we could see a sharp increase in consumer prices for meat and eggs and dairy.

At a time when middle-class families are still trying to recover from the great recession, paying more at the grocery store is not going to help. In fact, it is going to hurt a lot.

The USDA has opened their Conservation Reserve Program so that land will be there for grazing, but we know it is not going to be enough for producers. There is no crop insurance equivalent for livestock. More producers may lose their ranches because of this drought. Livestock disaster assistance expired last year. We need the farm bill to become law so we can make this help available again because in the farm bill we extend the livestock disaster assistance program permanently, and we make it available for this year.

This drought is a serious problem, devastating all of our farmers, and will come home to families here and around the world, unfortunately, all too soon. We can't control the weather. We know that. In fact, farming and ranching are the riskiest businesses in the world. I should say even though they are the riskiest businesses, we have the safest, most affordable food supply in the world, and it is part of our national security. We can't control the weather and the risks the farmers face, but this drought underscores the need for improved risk management tools and better crop insurance. It underscores the need for a farm bill.

We need to get a farm bill done now more than ever. We have 16 million people who work in this country because of the agriculture and food industries—almost one out of four in Michigan. We came together—and it was a lot of work, a lot of bipartisan effort, and I am very proud of what we did together in the Senate a couple of weeks ago—to pass a farm bill.

We now have the House having acted in committee and passed a strong bipartisan farm bill. It is different. There are some things, certainly, we need to work out in our conference committee. Our bill has more reforms in it, and we certainly are concerned about the nutrition cuts. But I will say this: We need the House to pass their farm bill so we can come together in conference committee and find the right balance that is good for families, consumers, farmers, ranchers, and businesspeople across the country. I am very confident we can do that, but we need the House to act to be able to make that happen. Weather disasters are getting worse every day, which makes it even more important that we have our legislation and, frankly, that we work together to add some pieces to it in a conference committee so we can address what is happening.

In our bill that passed, as I said, we extended a livestock disaster assistance program and made it retroactive to this year. We also included a provision for fruit commodities that don't currently have crop insurance to allow them to be able to buy into a program that is in law. We actually strengthened it, made it better. For those who don't have crop insurance, we also said they could get help this year. So we do have some things in the bill we passed, and we can work together to strengthen that even more.

Senator BAUCUS, the chairman of the Finance Committee, is working, and we are working closely with him, on something that would be a more comprehensive disaster assistance program. In order to be able to do that, we have to have a farm bill.

This is not, as we know, a partisan issue. We came together across the aisle. Consumers, Democrats, Republicans, Independents, people who vote, and who don't vote—people across this country—care about a safe, reliable, and affordable food system, and that certainly goes for our farmers and ranchers and their families in communities all across America who were hit so hard by the drought.

This drought is evidence that we need to come together and act. When we look at this kind of weather map and what is happening and the fact that the majority of communities in our country are facing disaster as a result of the droughts and other things that happened relating to the weather, we need to act. We need to act in a responsible bipartisan manner. We can do that. We did that in the Senate. The House committee did it, and I commend them for that. We need the support and help of the leadership in the House to be able to get this to the floor and get it passed so we can get it done.

Thank you very much, Mr. President.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Mr. CARDIN. Let me compliment Senator STABENOW for her leadership as chair of the Agriculture Committee. I want the Senator to know I was on the phone yesterday with our soil conservation district managers talking about the provisions that are in the Senate bill, and I wish to personally thank the Senator from Michigan for reaching out to all of us. Our negotiations were tough, but they were fair, and I believe the reforms the Senator has in the bill will help our region and all the regions of our country deal with the underlying problems of agriculture in America.

So I particularly wish to thank her for that. The process she followed is how the legislative process should work: a very open process, a very bipartisan process. We have a good product, and I hope the House will bring forward a bill and get it to conference so we can continue the dialogue. It is

important to give the predictability to farmers that this 5-year reauthorization provides. So I thank the Senator from Michigan for her extraordinary leadership in this area on behalf of the agricultural community of my State of Maryland.

I really came to the floor to talk about another one of the efforts of the Senator from Michigan today; that is, the Bring Jobs Home Act. I thank Senator STABENOW for her leadership on this bill as well.

Senator STABENOW understands that outsourcing is devastating to our country. Americans understand that. Marylanders understand that. When we are outsourcing, we are losing jobs. Families are devastated by outsourcing. What is most shocking is that our laws encourage companies to take jobs out of America. Our Tax Code should encourage companies to keep their workers in the United States. We need to make it in America.

I think we were all shocked to hear about the U.S. Olympic team and the fact that they are going to be outfitted by clothing manufactured in China. That is outrageous. It never should have happened. We can make it in America.

I must tell my colleagues, I hear from people in Maryland all the time—and I am sure the Presiding Officer hears the same thing in New Mexico, as does my colleague from Colorado as well. When we get a call from a call center, we think the person is in our neighborhood talking to us about a local issue. Then we discover that person is halfway around the world pretending to be our neighbor and friend or representing a local business, when in reality we have outsourced that service—not we, the company has outsourced it—and the worst thing is they don't tell us about it. They are misleading the consumers, and I know we have some legislation to correct that.

That is outsourcing. That is costing America jobs, and it is wrong. We can compete. Americans can compete with any other workforce in any other country, as long as we have a level playing field. So we want to make it in America. Yes, we can.

First, let me talk about some success stories. Not too long ago I visited Marlin Steel in Baltimore City. This is a steel wire manufacturer that uses raw material from America and manufactures its product in America, in Baltimore City, a high-quality wire steel product. They sell their product in America, export their product to other countries, and create more jobs in America. That is a success story.

A lot of people have given up on steel. We can't give up on steel. We need to make it in America.

Let me tell my colleagues about another success story. Tomorrow I will be at English American Tailoring, which

is located in Westminster, right near Baltimore, in Maryland. They manufacture suits in America. They make it in America. We are able to do it. All they ask for is a level playing field.

We took some steps in the Senate Finance Committee yesterday to provide that level playing field by what we call the wool trust fund, which deals with inverted tariffs. We must make sure our laws are fair. The shocking thing about clothing is it actually has higher tariffs on the raw material—making it impossible to manufacture in America—than the finished product coming into America. We correct that with the wool trust fund. We need to make sure we have a level playing field.

Let me tell my colleagues another success story, about Pacific Trade International. This is a success story. This company was located in Asia, an American company located in Asia, making candles known as the Chesapeake Bay Candles—being made in Asia. Well, this is a success story. They are back in Maryland. They are located in Glen Burnie, MD, in the United States of America, making those candles, selling them to Kohl's and Target and other retailers, creating 100 jobs that are now in my State of Maryland as a result of this company bringing jobs back to America.

In the last 28 months alone, we have seen 500,000 new manufacturing jobs in America. We have talked about the U.S. auto manufacturing industry and how we have seen that industry take off because we can make it in America.

That brings me to the efforts of Senator STABENOW and others on the Bring Jobs Home Act. It is shocking—and I think the people in Maryland and around the Nation are shocked—to understand that our Tax Code actually encourages companies to take jobs overseas. American taxpayers are actually footing the bill because, under current law, if an American company decides to take its jobs and export them overseas, the moving costs are deductible per our Tax Code.

Why do we allow that? Why do we ask the taxpayers to subsidize moving jobs overseas? Well, the Bring Jobs Home Act says: Let's get rid of that tax deduction. Instead, let's make sure if companies bring jobs back to America, yes, we will consider those necessary expenses. We don't consider it necessary business expenses to export jobs. And we will give them some additional help with a 20-percent credit.

This is what we should be doing: creating policies that encourage keeping jobs in America. Make it in America. Yes, we can.

We are going to have a chance to bring this bill forward, and I hope my colleagues will support it. Then let's try to move this bill quickly.

This is a pretty simple bill which does three things: It eliminates the deduction for moving jobs overseas, it

makes sure we have that deduction if companies bring jobs back home, and we provide a credit as part of the cost to bring the jobs back home. It is very simple. Why don't we keep it that way. Why don't we just pass this bill by itself and do something about creating jobs in America.

I say to my colleagues, this shouldn't be a partisan issue. We all know we have to keep jobs in America. This is a simple bill. Let's get it done. Let's not confuse it or mix it with other issues. Let's show the American people we can act in the best interests of our country.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

#### PRODUCTION TAX CREDIT

Mr. UDALL of Colorado. Mr. President, I wish to commend my colleague from Maryland for his singleminded and crucial focus on jobs in America. I rise to speak about another opportunity to produce in America, and that has to do with harvesting of wind that we can do and keep jobs in America.

I have been rising every day the Senate has been in session to talk about the necessity of extending the production tax credit for wind power. And every day I come to the floor of the Senate to talk about a different State and how important wind energy is to supporting economic growth and job creation in those individual States.

Today marks the 11th time I have come to the floor to urge all of us—all of my colleagues—to act by extending the PTC for wind. Today I am going to talk about my 9th State out of 50, and I just want to say, in case anybody's wondering, I am not tired yet. I am committed to coming to the floor until Congress does what our constituents expect us to do; that is, to extend the production tax credit. It is simply that important.

If we fail to extend the PTC, our economy will suffer, jobs will be lost, and our clean energy leadership will truly be in jeopardy when we look across the world.

So where are we going to travel to today? We are going to the great State of Georgia. The wind industry in Georgia has quickly multiplied over the last few years. Nearly 1,000 wind energy jobs have been created. Equally important, there is real potential for significant continued growth.

I want to focus on ZF Wind, which invested nearly \$100 million in a manufacturing plant in the city of Gainesville, GA, which is located northeast of Atlanta. This new plant will manufacture gearboxes for wind turbines, and that will bring several hundred good-paying jobs to Georgia. ZF Wind is a German-based manufacturer. They made the decision to invest in Georgia and in America. So I just have to ask my colleagues, if a foreign company can see the potential for wind energy in America, why can't we in the Sen-

ate? Do we really want to turn these jobs away? If Congress does not decide to invest in America by extending the production tax credit, I have no doubt these jobs will be shipped back overseas.

If we continue to support the wind energy industry, ZF's gearboxes will be shipped all over our country. In fact, in the interest of full disclosure, I would say ZF is a major supplier of gearboxes for Vestas, which has a large manufacturing presence in my home State of Colorado. The point I want to make is this is one small example of the wind energy supply chain that is being built all over our country and extends in every direction.

Let me share another example of what is happening in Georgia. There is the small town of Tybee Island, which is located on the northeastern coast of Georgia. If I have my geography right, that would be up in this area, as shown on this map I have in the Chamber. They have taken a stand to show how important wind energy is to their future.

In February, their city council passed a resolution recognizing the importance of Georgia's onshore and offshore wind resources. Tybee Island is saying: Look, let's encourage the development of wind energy projects near our community and all over Georgia. They see that Georgia has enough offshore wind potential to power over 1 million homes. One million homes could be powered solely from Georgia's offshore wind potential. That is significant.

We need—all of us all across our country; all of us elected officials—to stand for the future of American manufacturing in energy. It is an economic and environmental imperative, and the choice, frankly, is stark. If we do not act, if we do not act to extend the production tax credit, and it expires, 37,000 jobs may be lost around our country. However, if we extend the PTC, conservative estimates suggest 54,000 jobs would be created. That is the choice: job loss or job creation. I can tell you what I know the answer will be in Colorado: Extend the PTC.

Without the PTC, foreign countries will extend their energy advantage over the United States. Manufacturing jobs that could be created here, that should be created here, will go instead to China and other foreign competitors. There is simply no reason to do that. Instead, we need to extend the PTC.

The PTC equals jobs. We ought to pass it as soon as possible.

I want to end on this note. This is not a partisan issue. The production tax credit has long been a bipartisan idea. Senator GRASSLEY from Iowa, our colleague who has served for many years in the Senate with great distinction, supports this idea and brought the idea forth almost 20 years ago, along with others.

Now more than ever the American people are asking us to take action and invest in clean, renewable made-in-America energy. Let's not let the production tax credit be a casualty of election-year gridlock. Now is the time for us to do the right thing: Extend the PTC.

I am going to keep coming back until we do so. I am enjoying the tour of our great country, the United States of America. Every State has a wind energy stake in the future. Let's extend the wind PTC as soon as possible to protect American jobs before it is too late.

I thank the Acting President pro tempore and yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MORAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWN of Ohio.) Without objection, it is so ordered.

Mr. MORAN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### KOCH INDUSTRIES

Mr. MORAN. Mr. President, Koch Industries is a company which is headquartered in Wichita, KS, and is an American job creator that employs 2,600 citizens of my State. The corporation, a longstanding U.S. manufacturing company, employs around 50,000 people with good-paying jobs across the country, including around 15,000 employees who are represented by unions.

Depending on the year, Koch Industries is either the first or second largest privately held company in America, with about \$100 billion in revenues. I am pleased by its presence in our State, where the company and its owners are respected corporate citizens.

The Koch family, the owners of Koch Industries, has made a statewide impact through foundations and charitable work which has given millions of dollars to help education of the poor, at-risk youth, the arts, and environmental causes.

The investments they make primarily go to Kansas and to Kansas citizens. I am grateful this company has chosen to invest in our State's economy and its people. I am pleased they are a corporate citizen of Kansas.

During the debate this week of the DISCLOSE Act, Koch Industries and its owners were mentioned numerous times. While I could come to the floor and complain about the lack of balance, if we are having a debate about the desirability of disclosing contributions to political causes, certainly the debate I heard on the Senate floor, the rhetoric, was about those who contribute to what are described as conservative causes, free-market causes. I

could come to the floor and complain about the lack of balance in that discussion. But in my view, if we are going to have a discussion about the DISCLOSE Act, what we ought to all stand for is the opportunity for free speech, the opportunity for those of a variety of political points of view to be able to express those views in the political process.

Those positions, the ability to do that—perhaps not the positions, but the ability to promote your position ought to be something defended by all. We need more participation in American democracy, not less. In my view, the discussion we had this week was a distraction from the real issues our country faces, mostly related to the economy and job creation. So rather than spending our time on the Senate floor discussing the DISCLOSE Act, in my view we should be on the Senate floor creating policies that put in place those that Koch Industries has shown in my State to create jobs rather than arguing about political contributions of those job creators.

I come to the floor today to suggest that, one, Koch Industries is a great corporate citizen of the State of Kansas, contributing in many ways to the economy and to the well-being of our citizens; to suggest that if we are going to have a debate about the DISCLOSE Act there be some balance, and that those who believe in free speech and participation in democracy ought to always rise to the occasion to defend those who engage in the political process; and finally to suggest that rather than having a debate about the DISCLOSE Act, what we should be doing is finding ways to replicate what the Founders and shareholders of Koch Industries have done in Kansas, the United States, and around the globe: create jobs for Americans in our country's economy.

We are off track here. It is time for us to get back on track and to focus on what matters, a growing economy, so we can help families across America put food on their family's table, save for their kids' education, save for their own retirement, and promote a free-market enterprise system that does just that.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### BUS SAFETY

Mrs. HUTCHISON. Mr. President, because the Senator from Ohio is in the chair, I wish to say that I am very pleased we have been able to pass a bus safety bill that was in response to two

tragic bus accidents, one in Ohio and one in Texas, and the many other bus accidents that have happened, because the buses that often transport people in our country are not safe.

I think we have strengthened those safety regulations, working together, and I appreciate very much the effort the Senator from Ohio made.

#### LOOMING FISCAL CLIFF

Mr. President, I rise today to speak about the looming tax cliff that will affect every American who pays taxes at the end of this year. The Senate must be clear with the American people about what our priorities are and where ownership of the money made by hard-working Americans belongs. Does the money belong to the government to decide what will be done with it—except for our responsibility to add to the things the Federal Government should do—or should that money belong to the people who earned it? I think that is one of the key issues we are facing right now in this Congress, and most certainly in the campaign.

The American dream is that anyone—anyone—who is willing to work hard in this country can start from nothing and, through hard work and sacrifice, become a success. It is the defining characteristic of our country and it is what has made us a shining example for people all over the world. But that dream is under threat if, at the end of this year, all of a sudden, because we don't address the major tax hikes that will affect all Americans, that hard work and sacrifice will simply result in giving a larger portion of people's paychecks to the government. If we do not enact relief, every single person who pays taxes will face an increase on January 1—every single person. Every person will move into a higher bracket and face a higher rate of taxation.

If we do not enact relief, small businesses will be hit with higher taxes, entrepreneurship will be discouraged, owners will not invest in growing their businesses, and hiring will remain in a deep freeze. And there can be no argument in this country that hiring is in a deep freeze. We have had unemployment rates above 8 percent over the last 3½ years. That is on the path to stagnation.

If we do not enact relief, marriage will be penalized at a greater rate than it is today. The marriage penalty, which is an issue that I have championed since I was elected to the Senate, pushes people who are working and single and get married into a higher bracket. If two single people pay taxes on their own earnings, it is at a lower rate than when they get married. One of the highest priorities I have had in the Senate has been to relieve Americans from this punitive burden. After years of fighting for fairness, the 2001 and 2003 tax cuts included my bill as an amendment. It made great strides to-

ward eliminating the marriage penalty by lowering the tax rates, doubling the standard deduction—which had not been the case before—and simplifying other elements of the Tax Code. Prior to this tax relief, an estimated 25 million couples paid a penalty for being married—let's use 1999—of approximately \$1,400.

Along with doubling the standard deduction, we have been able to give relief since 2001. But if we don't do something before the end of this year, the marriage penalty will return, and we will not have doubling of the standard deduction.

Let's say a Houston policeman with a taxable income of \$50,000 and a San Antonio schoolteacher with a taxable income of \$30,000 are getting married this year. How would their taxes compare if they were filing jointly as a married couple or as two single taxpayers? For this year, filing jointly as a married couple, they would save approximately \$500 because we have marriage penalty relief. However, when the relief expires at the end of this year, they would pay approximately \$800 next year, not save \$500, because they are filing jointly as a married couple. This is the time when they need the money the most—they are starting a family, they would like to buy a house—yet we would penalize them for entering the institution of marriage. In this economy, every dollar matters, and many households do rely on two incomes. So how is it that Congress has decided that we should penalize people who are working extra hours, extra hard, to begin their lives as a family?

My bill, S. 11, provides permanent relief by raising the standard deduction for married couples, doubling it—when two single people get married, the standard deduction should double—increasing the 15-percent tax bracket for married joint filers to twice that of single filers. That is very key because starting next year the 15-percent bracket is the people making the lowest amount who are paying taxes. So if we double it before they have to go into the next bracket, that is going to give them significant relief. We also extend the earned-income tax credit marriage penalty relief.

I offered my bill as an amendment last week, but we were not able to vote on amendments. So I am going to continue to offer this as an amendment as we consider a myriad of options for tax relief for our countrymen because if we don't do something by the end of the year, not only are these taxes going to go into effect but many others. I urge my colleagues to work with me on extending this relief.

We have an outsourcing bill that is going to be coming to the floor for a vote today. We must create a job creators bill, which is what this bill purports to do. It is very important, though, that we look at some of the

major issues facing corporations and small businesses, which are our job creators in many instances, and see what they really need for relief.

Today we have the dubious honor in America of having the highest corporate tax rate in the world. We used to be second, but just recently Japan changed their corporate tax rate and lowered it so that they would not have the confiscatory taxes that would discourage Japanese companies from investing in Japan. So now America has the highest corporate tax rate in the world—at 35 percent. So on top of punishing businesses with that high tax rate, our homefront looks even less business-friendly when you consider the mountain of regulations, the burdens of the President's new health care mandate, and the lack of a long-term, comprehensive tax plan.

The bill the Senate is now considering would be another punitive attack on companies and will hamper business growth. Instead, with unemployment rates above 8 percent for 41 straight months, we should be doing everything in our power to spur hiring in the private sector.

We need the President of the United States, the leader of the greatest Nation on Earth, to recognize, respect, and encourage the job creators who are investing in our country, which helps everyone get a shot at success. Unfortunately, last Friday the President shocked many Americans with his comment, "If you've got a business—you didn't build that. Somebody else made that happen." This highlighted the fundamental difference in the way the President and many in Congress view the hard work Americans put into achieving the American dream. The American dream is that somebody can come to this country, they can start with nothing, and they can build and work and sacrifice and give their kids a better chance than they had. That is why people have been coming to this country.

My office received calls and letters from all over Texas when they heard the President's comment last week. I am going to give some excerpts from one small business owner in Beaumont, TX.

I have to say that I am appalled by President Obama's recent statement about small businesses not being responsible for their own success. I am a small-business owner, and I can assure you that I built the business from nothing. I sure didn't get any government help. I gave my all to grow this business. I was not given the idea or the plans for building a successful business. An idea, a dream, and a risk—that's what mine and all of America's small businesses have been built on.

He goes on to say:

I put everything on the line, including my wife's wedding ring. With over 20 years of hard work, my wife and I have grown the company from four employees to over 40. When we first began our venture, she worked

a full-time job that supplemented our income, while I ran the operation, and together raised our children. Nobody did that for us, we worked hard. We take pride in customer service and the quality of our work as well as giving back to our community. This has created customer loyalty and allowed us to expand, not a government handout.

Our goal should be to spur growth, encourage hiring, and support the millions of small businesses that serve as the backbone of our economy, not to extinguish the entrepreneurial spirit and innovation that built this country. It just doesn't seem as though our President relates. What built this country is innovation, taking risk, and entrepreneurship. We have established an education system, and at least we used to have a regulatory system that encouraged business, that encouraged the private sector.

A few weeks before the President said that these small businesspeople didn't do it on their own, he said, and I am paraphrasing here, "You know, the private sector isn't in trouble. It is the government sector that is in trouble." Oh my gosh. You just think, "Who is he talking to? Who is he relating to?" because it is small businesspeople and big businesspeople and all businesspeople who are creating the jobs that create more jobs that make a vibrant economy. It isn't government. Government sometimes gets in the way and sometimes worse—it takes away from the vibrance of our economy.

So it is time for the leaders of our country—in Congress and in the White House—to get a perspective on who can create a vibrant economy. My definition of "who" is not the government; it is the business sector and especially the small business sector because they are growing, and if they grow, they create jobs for more people.

I hope that this Congress at some point will start working on tax reform and relief from regulations and the oppressive health care system that is going to also have a major effect at the beginning of next year and say: What can we do together to spur private sector growth that will create jobs in the private sector, that contributes to the economy, not withdraws from it?

I only hope we can all pursue the American dream and be the leaders who can make it happen for everyone.

Mr. President, I yield the floor.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter from which I read.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EARTH ANALYTICAL  
SCIENCES, INC.,  
Beaumont, TX, July 17, 2012.

HON. KAY BAILEY HUTCHISON,  
U.S. Senator, Senate Office Building, Washington, DC.

DEAR SENATOR HUTCHISON, I have to say that I am appalled by President Obama's recent statement about small businesses not being responsible for their own success. I am

a small business owner, and I can assure you that I built the business from nothing. I sure didn't get any government help. I gave my all to grow this business. I was not given the idea or the plans for building a successful business. An idea, a dream, and a risk, that's what mine and all of America's small businesses have been built on.

I put everything on the line, including my wife's wedding ring. With over 20 years of hard work, my wife and I have grown the company from 4 employees to over 40. When we first began our venture, she worked a full-time job that supplemented our income, while I ran the operation and together raised our children. Nobody did that for us, we worked hard! We take pride in customer service and the quality of our work as well as giving back to our community. This has created customer loyalty and allowed us to expand, not a government handout.

For someone who has never had to make a payroll or pay his own way to tell me I didn't build my business is insulting. He clearly lacks understanding of opportunity and business, and he is not the person that can lead our country into economic recovery.

Sincerely,

WILLIAM H. ROBBINS,  
President.

Mrs. HUTCHISON. Mr. President, I yield the floor, and I suggest the absence of a quorum.

Mr. MERKLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### THE DISCLOSE ACT

Mr. MERKLEY. Mr. President, I come to the floor today to address several issues. First, I would like to talk a little bit about the DISCLOSE Act.

Earlier this week we had two votes on whether to end debate on whether to debate the DISCLOSE Act. The DISCLOSE Act is a very simple concept, and it is that folks who make very large donations to the political system disclose who they are so the citizens of America can know where that money is coming from. Is it coming from this particular sector or that particular sector? Is the group that is posing as Blue Skies for a Healthier America actually working to create dirty skies for a less healthy America? Is the group that says it is for clean streams actually a group that is trying to weaken the pollution control standards and put more pollution into the streams?

Citizens have a right to know where the money is coming from in a public discourse, especially very large contributions, because right now what we have are folks who are putting in millions of dollars. I ask you, how many Americans can put \$1 million into a campaign? In the world I live in, \$100 is a lot of money. People can't connect that there are folks out there who are saying they are going to put in \$1 million, and they certainly can't connect with the folks out there who are saying: I am going to put \$100 million in.

I think the Koch brothers have been bragging across this country about how they are going to buy the elections so



they can control where this country heads. That is perhaps the most ill-conceived notion there is, but at least they are willing to stand in public and say what their plan is. At least they are willing to say: We are not going to hide and do it secretly. They are going to tell us they are putting in their money. Now, where they put their money and whom that money is used to attack we may not know, so even in their case we need the DISCLOSE Act.

It is confounding that so many Members of this body argued for the fact that disclosure is the disinfectant, so many Members of this body argued that citizens have a right to know, so many Members of this body said this is fundamental to fair debate in a democracy, and then when the time came to decide whether this would happen, they said: Oops. I am benefiting from this a lot. I guess I will set that principle aside and not argue for disclosure after all.

So we had two votes this week in which the outcome did not reach a supermajority because we had individuals in this body who objected to a simple majority vote to get to the bill. So we had to have a supermajority under the arcane rules of this body, and we didn't get that supermajority because we didn't have bipartisan support for debating this issue.

I must say to my colleagues who voted against it, if they believe in the debate in this society, they should at least say, yes, let's debate the bill. Maybe they do not like the bill at the end, maybe they want to filibuster the bill at the end, but at least we should be discussing it. It is such a huge factor in this Nation.

There was a time not so long ago when we had the muckraker era, and there were a series of articles that were written about how Senators in this body—I believe it was 20 articles over 20 months—were owned by different companies around this land. Those articles helped the American public understand what was going on in this body, in this very Chamber. The result was a constitutional amendment, a constitutional amendment that shifted from indirect election of Senators to direct election, to try to free the system in favor of "We the people."

When we came to this country, when our ancestors came to this country from overseas, they came from a system where wealth and power made all the decisions. They did not have a voice. They came to America, and they said we want to do it differently. We want to have a voice. The first three words of the Constitution captured that, "We the people"—not we the rich and powerful who write the rules but "We the people" will decide how we are governed.

The Citizens United decision of the Supreme Court, which allows unlimited secret oceans of money being spent

with no identification, goes completely against "We the people." It is going to be up to this Chamber to wrestle with this idea. That is why we should be on the DISCLOSE Act right now. We should be debating the impact. We should be debating the history of Montana.

One hundred years ago, folks in Montana said our State is ruled by the copper kings and we are tired of we the rich and powerful setting rules and we are going to take it back because we believe in "We the people," we believe in our Constitution. So they changed the rules in their State and our Supreme Court just a couple weeks ago gave them a 100th anniversary present, which was to strike down "We the people" in Montana, with no debate. The Supreme Court, five justices, said we don't want to have any information about how Montana politics were corrupted by vast pools of money. We don't want to know that history. We do not want to know how the people of that State, exercising their power as a State, reclaimed their democracy for the ordinary person. They put their hands over their eyes, they put their hands over their ears, and they said: We summarily decide against this case, against Montana, taking no evidence.

That is a dark moment for our Supreme Court. It follows on from the dramatically terrible decision of Citizens United. We must debate those issues on the floor of this Senate.

There are folks here who like to say in the tradition that the Senate is the world's greatest deliberative body. Then let's deliberate. Let's not vote against even having a conversation about some of the most monumental issues of our age.

This is a conversation that must continue. We must wrestle with how to honor the very premise at the heart of our Constitution, at the heart of our Republic, and not have "We the people" crossed off, out of the Constitution.

I turn to another issue; that is, the bill that is on the floor right now, the Bring Jobs Home Act. We have a manufacturing sector in crisis in America. Since the year 2000, America has lost about 5 million manufacturing jobs, according to the Bureau of Labor Statistics, and more than 42,000 factories. Today, America has only about the same number of workers employed in manufacturing as we did in 1941, more than 70 years ago. My home State of Oregon has been hit particularly hard. This trend, the loss of manufacturing jobs, strikes at the heart of the middle class because these are often living-wage jobs. These are full-time jobs. These are jobs with benefits. They provide a foundation for our families to succeed, a foundation for families to raise their children so the children will have opportunity and promise.

Put simply, if we do not make products in America, we will not have the

middle class in America. We can see the middle class shrinking year by year, right now, as we lose our manufacturing base. These jobs are not disappearing into thin air. Yes, some factories shut down because of the consolidation and some jobs are limited due to automation streamlining. But in most cases, those jobs are still there; they are just not in America, not in Oregon. Indeed, those jobs have gone overseas.

China has a four-tier industrial policy that says we are going to put people to work here even if we violate the WTO agreement we have with the United States of America. That is a huge problem that we should, in a bipartisan effort, fully address.

Today, I would like to share a couple letters from people who are in the frontline of the disappearance of manufacturing jobs. Virginia, from the city of Hillsboro in my State, wrote:

In February 2010, my department at my company was advised we would be laid off after transitioning our job duties to a replacement staff in India.

It felt like quite a blow. I had been there the shortest time at 10 years, the longest person there was 35 years. Half of our department was laid off within a few months, the rest of us sweated every Friday wondering when we would receive our lay off dates. We were finally all let go on March 11th, 2011.

Four months after my layoff, my husband was advised the rest of his department is being laid off after their job duties were transitioned to an off-shore site. My daughter, myself, and my husband are all looking for work.

We have four generations living in our home—I have no idea what will happen to all of us if none of us can find work. My husband served his time in the Army and he and I have always worked full-time, steady jobs, it feels like we're being punished for spending our lives working to take care of our family and keep a roof over our heads.

Americans need jobs! We want to work and need to work! We are not lazy, instead we are innovators and always have been! We need to regain our pride in our country, help each other and quit focusing on greed.

My mother reminded me that just 25 short years ago, it would have been considered un-American to take a job from an American and send it to a person in another country. People would stop doing business with any company who did choose to do so. I'm mentioning this to state there's been a definite change of the way businesses are run, which isn't all bad. Technology and business processes change. The problem is, the bottom line has become more important than the health of America and its citizens and that, I believe, is the cause of our current woes.

I love my country and want it back!!! I'll admit I'm tired of giving our money, resources, and jobs to other countries while American's lose their jobs, their homes, and their security. Please help.

Duwayne writes from St. Helens:

I worked at an Oregon high-tech company for 15 years, until I was laid off during the middle of the Bush depression. When I joined, the company had over 18,000 employees—most of them in Oregon. These were high-paid professionals and assembly workers with family-wage jobs.

When I was laid off the company employed only about 4,500 people—still mostly in the

US, and mostly in Oregon. But today the company has moved virtually all its manufacturing to China, and their software engineering to India. Even though the company payroll is growing, the number of employees in the US continues to shrink. Almost all the new jobs are in foreign countries.

You want to know where all the jobs went? I'll tell you. They went to Mexico and China. That's because our government policies are aimed at helping corporations, and have little to no regard for American workers.

Companies like these need to be harshly penalized for moving their jobs overseas—but instead they are rewarded, and American workers pay the price.

The policies we are talking about on the floor are all about the issues Virginia and Duwayne are talking about. The bill ends rewards for outsourcing jobs overseas. Currently, a company can deduct the moving expenses of offshoring and actually save money on their tax that way. That would end. If a company wants to move a factory overseas, we cannot stop them, but we should not give them tax breaks to do so. I would love to be in a forum of hundreds of people and I would ask this question: Do any of you love the idea that under the Bush administration, we started subsidizing the shipment of jobs overseas?

I can tell you virtually no one would say they love that policy because the jobs in America mean so much to our families.

The second thing this bill does is it creates new tax credits to reward businesses that bring jobs home. If a company wants to take a production line from overseas and move it back to the United States, let's help them pay for the moving expenses.

This spring I went on a tour called "Made In Oregon," a tour of manufacturing in my home State. It was spectacular to see how many cool things were being made. In Bend, OR, AE Solar Energy is building inverters for solar energy on roofs and putting that power into the electric grid. Bike Friday in Eugene is doing specialty, made-to-order, the best folding bikes. Ordering over the Internet, they are shipping their best folding bikes all over our globe. Kinro West RV Windows in Pendleton and Pendleton Woolen Mills had two very different types of manufacturing: Woolen mills, they go back a century, and then an RV window manufacturer that is playing a key role in our recreational business and providing these windows to manufacturers throughout the RV world, the recreational vehicle world.

Then there is Oregon Iron Works. Oregon Iron Works is building trolley cars. We are building streetcars in America again so cities putting in streetcars can buy an American-made product. They are building a prototype of a wave buoy that will generate energy as it bobs up and down in the waves off the Oregon coast. That is going to go down the river and be installed later this year, and perhaps it

will lead the way for a new source of clean, renewable energy.

Vigor Industrial is building barges. Greenbrier is building railroad cars. These are the jobs, the companies that are the heart of living-wage jobs and making products in America. We must do all we can to support them.

Let's end the subsidies for shipping jobs overseas. Let's instead provide incentives and support for moving jobs back to the United States, to the benefit of our economy and the benefit of our families. I strongly urge my colleagues to support this bill and help bring jobs back to Oregon and back to America.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Utah.

TRIBUTE TO STEPHEN R. COVEY

Mr. LEE. Madam President, I rise today to honor an extraordinary American from the great State of Utah—the world-renowned author and speaker Stephen R. Covey, who passed away on Monday, July 16, 2012. He was regarded as a legendary thought-leader throughout the global business community yet showed over the course of his 79 years that the true measure of life is not in making a dollar, but in making a difference.

Stephen leaves behind a legacy filled with meaningful words and memorable deeds. His prolific and powerful writing contained the kind of personal insight and inspiration that transformed the hearts, minds and lives of countless individuals. He is best remembered for his 1989 New York Times best seller, *The Seven Habits of Highly Effective People*. The book sold more than 20 million copies worldwide and has been translated into 38 different languages. *Seven Habits* served to prove Stephen's passionate belief that talking about principles changes behavior better than talking about behavior changes behavior.

Ever the teacher and ever the student of strategies for achieving personal and professional excellence, Stephen followed his pursuit of these life-changing principles in subsequent books including *First Things First*, *The 8th Habit*, and *The Leader in Me*. Covey's words, ideas, principles and practices have been used in a variety of educational settings, from college management classes to corporate business seminars. In 2011, *Time* magazine listed *Seven Habits* as one of the 25 most influential business management books of all time.

While Covey's words propelled him to become a global titan of bold business strategies and tactics, it was his deeds, often in family settings, which provided the notably personal touch found in his teaching and training. His poignant examples and anecdotes from his personal life illuminated how to actually live the principles he taught. Covey often shared a humorous experience he had with one of his sons when

taking a business call at home. His son felt that Stephen had been on the phone for far too long, so he took out a jar of peanut butter and began spreading it on Covey's balding head. Covey pretended to ignore it, so the son added a layer of jam and eventually a piece of bread. Stephen used this experience to teach the principles of proper priorities, life balance, and building relationships. He demonstrated it was possible to complete an important phone call, indulge his son's mischievous antics, and create a meaningful memory.

One of his best known principles, *Sharpen the Saw*, focused on the need for rest and renewal. Covey stressed the important impact of family dinners, family vacations, family service in the community, and families working together at home. He recalled "work parties" in which his whole family would tackle a project. Instead of just laboring for hours, they would laugh and talk and eat snacks while they worked and then go to a movie once they finished. Stephen continually showed that when you put your family first you can create a legacy that will truly last. His deeds as a father, husband, neighbor, and friend are the kind that communities, States, and nations would do well to promote and emulate.

Covey's contributions to the leadership community extend far beyond his literary works. He revolutionized the field of leadership and management development with the creation of the Covey Leadership Center in Utah. The Covey Leadership Center eventually merged with Franklin Quest to form FranklinCovey, a worldwide management firm specializing in training and consulting services for individuals, teams and businesses. His extensive client list includes a vast majority of the Fortune 500 companies, world leaders, celebrities, national governments, and numerous charitable organizations. In 1996, *Time* magazine named him one of the 25 most influential Americans, and in 2011 *Thinkers50* named him one of the top 50 business leaders in the world.

He was an inspiration to millions, a revolutionary problem solver, and an icon for business managers everywhere. It is impossible to calculate the immense amount of good that Stephen Covey did for so many people. His insight helped to shape the future of an untold number of businesses, resulting in better jobs and indeed better lives for people around the world. Stephen Covey's life mission is reflected in the mission of FranklinCovey: "We Enable greatness in people and organizations everywhere." Stephen Covey's words and deeds helped people discover and deploy the principles that would ultimately enable them to achieve greatness in life and in business.

My wife Sharon and I extend our thoughts and prayers to the family and

friends of Stephen Covey. His wife Sandra, his 9 children, 52 grandchildren and 6 great-grandchildren have a tremendous legacy to cherish and follow. Stephen taught his family and indeed the world that "to live, to love, to learn and to leave a legacy" is what life is all about. We honor his memory, celebrate his service and recognize that while his presence will be missed, his principles and practices will live on for generations to come.

No words of tribute to Stephen Covey could be complete without a challenge to do something, to produce personal deeds that match the words and the principles he loved and lived. So I conclude this tribute with a challenge for each of us to remember: We honor best those who have gone before by living our lives with excellence today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN of Ohio. Madam President, I ask unanimous consent following my remarks that the Senator from Nevada be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN of Ohio. Madam President, I rise because too many elected officials, too many pundits, editorial writers, elite economists, and leaders of big corporations have simply gotten too comfortable and too used to sending American jobs overseas. We have seen outsourcing time and again from the U.S. Olympic Committee's decision to crown our Nation's top athletes with a "Made in China" beret to leaders of American companies far too eager to cash in and shutter U.S. manufacturing plants and open doors to cheaper labor in foreign countries. They don't just have a cheap labor advantage, they also have weak environmental rules, nonexistent or nonenforced labor laws, subsidies for currency, energy, land, and for capital.

In other words, in some sense, in this whole Olympic debacle, with hundreds of American athletes at the opening ceremonies in London, the U.S. Olympic Committee has simply said: We will give the gold medal to China for cheating.

In far too many cases, U.S. investors and executives have gotten richer at the largest companies while U.S. workers in places such as Hamilton, Youngstown, Lorain, Lima, and Solon, OH, struggle to make ends meet. That is why I am here with a simple message: Let's replace outsourcing with insourcing. Let's see the "Made in America" label sewn into the blazers that Members of Congress wear and on football helmets worn by our student athletes.

I am wearing a suit made by union labor in Cleveland, OH, today. Let's see the letters "U.S.A." stamped in every steel beam used in our country and the armored steel purchased by our U.S.

Armed Forces. We must encourage companies to return to the United States and discourage them from ever leaving.

Right now we have it backward. Our Tax Code is upside down. As it stands, businesses can classify moving personnel and company components to a foreign country as a business expense and therefore deduct the cost of offshoring from their taxes. So when a plant moves from Youngstown to Beijing, when a plant moves from Freemont to Shihan, when a plant moves from Toledo to Wuhan, that company can deduct those moving expenses on its taxes and get a tax break for moving overseas. Combined with our outdated trade policy, with PNTR with China and no real reporting requirements and even fewer enforcement rules and mechanisms, the current American tax law encourages companies to move jobs offshore, where labor is cheap and environmental and health standards are weak.

We saw a decade of manufacturing job loss. From 2000 to 2010, we lost more than 5 million manufacturing jobs in our country. One-third of our manufacturing jobs disappeared from 2000 to 2010. Fortunately, in part, because of the auto rescue which was such a resounding success in Ohio, for instance, we have seen a 500,000 manufacturing job increase in the last 2 years. We know what happens with manufacturing job loss. It can destroy a family which had a decent wage and then can't find a job with any kind of decent wage. It weakens communities and undermines the tax base. It means police, firefighters, librarians, mental health counselors, and teachers get laid off.

But now the manufacturing sector is turning around. As I said, over the last 2 years, our country, led by the revitalization of the auto industry, is beginning to manufacture jobs. It is clear why our country and why my State of Ohio are good places to do business. We have a first-class workforce, a strong network of colleges and universities, and manufacturing know-how that is second to none.

Not only that, companies are returning to the United States because of higher costs associated with doing business abroad, whether that be transportation costs, higher wages in places such as China, and the legal difficulties of doing business overseas. We are seeing some return, but unfortunately it is more anecdotal and not extensive enough. We obviously have to keep looking ahead and make more of it happen. That is the good news.

In Ohio, we see more and more evidence that demonstrates how companies are beginning to move operations back to the United States. For instance, Apex Sports, based in Zanesville in eastern Ohio, produces softballs with an engineered foam core. They

were once made in China. Apex Sports now makes its softballs in the United States. They got their start at the Muskingum County Business Incubator, which I visited not too long ago.

Roesweld Equipment is a small exporter in Columbus that now makes its products in Ohio rather than China. Columbus-based Priority Designs manufactures dsolv, a compostable netting bagging system for yard waste. Its product is now made in the United States but was previously produced in Asia. We can do more to get Americans back to work. It makes plain sense to put U.S. tax dollars back into the U.S. economy. The U.S. tax dollars pay for some products such as American flags that fly over our post offices, outfits for a Federal agency, any kind of products bought by taxpayers and by the government. It makes sense on every level that those products be made in the United States.

Let me tell you about a 22-year-old family-owned company in Akron called American Made Bags. They are making bags for Olympians and the Army National Guard. They are making them here in America. Why shouldn't our national policies support American companies and support American workers? The Bring Jobs Home Act, sponsored by Senator STABENOW and many others, makes two commonsense changes in our tax laws. It is a carrot-and-stick approach. It gives a tax credit that any business can use against their overall tax liability for costs associated with moving a production line, such as a trade or business located outside the country, back into the United States. That is the opposite of what we do now.

By providing this tax credit, we give incentives to companies to reshore and bring back jobs that might have been moved abroad earlier to places such as China, Mexico or India. In 2006 alone, U.S. manufacturers claimed \$45 billion in foreign tax credit—a huge financial advantage to companies that have sent jobs to China, Mexico, and India.

Instead of promoting job growth, U.S. tax policy rewards those companies for outsourcing. That is why we need to end the backward practices that allow businesses to deduct from their taxes the cost of shipping jobs overseas. We need to turn our Tax Code right side up when it comes to U.S. jobs by promoting their creation and discouraging their elimination. That is what the business bill does, and it is about time.

One of the things that happened out of the auto rescue is a bit of an untold story. It has to do with an assembly plant in Toledo, OH, where the Wrangler and Liberty are put together. Prior to the auto rescue, only 50 percent of the components at the Chrysler Jeep plant were made in the United States. Today, 75 percent of those components are made in the United States. The glass comes out of Crestline and

the seats come from Northwood. Much of the rest of the Jeep Wrangler comes from suppliers in Ohio and Michigan. Those are American jobs, and it is a huge increase in American jobs when we consider three-fourths of those components are made in the United States, when only 3 years ago it was half those components.

Those Jeeps are selling, as is the Chevy Cruze that is made in Youngstown, OH. The components come from Ohio, Michigan and others States and manufacturing plants. It makes a huge difference in building a middle-class society.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. HELLER. I thank the Chair.

(The remarks of Senator HELLER pertaining to the introduction of S. 3405 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. HELLER. Thank you, Madam President. I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. SHAHEEN. Madam President, today the Senate is considering legislation to end tax breaks included in our own Internal Revenue Code that actually help companies that want to ship American jobs overseas. The Bring Jobs Home Act provides not only a tax credit to encourage companies to move jobs back to the United States, but it would end those tax breaks that help companies ship jobs overseas.

Offshoring of American jobs has hurt the middle class and it continues to be a real problem. There is no good reason we should continue giving companies an incentive to offshore good American jobs.

We can address high unemployment by encouraging companies to bring jobs back to the United States, and the tax credits in this bill will help to reverse the trend and put Americans back to work. In fact, this incentive could help bring 2 million to 3 million jobs back to the United States, according to some economic estimates. So I hope all of our colleagues will support this bill.

I also wish to take a few minutes to talk about another way that I think we in the Senate and in Congress could work together in a bipartisan way to create jobs and help the economy. Today I filed an amendment, along with Senator PORTMAN from Ohio, that provides us with a great opportunity to create jobs in America. This amend-

ment is the text of S. 1000. It is the Energy Savings and Industrial Competitiveness Act, which is a bipartisan bill sponsored by Senator PORTMAN and myself that will create a national energy efficiency strategy for the United States.

Energy efficiency is the cheapest and fastest way to improve our Nation's energy infrastructure and our economy's energy independence. It is also something we can all agree on. Whether we are from the Northeast, as I am in New Hampshire, from the South, from the West—all of us can benefit from energy efficiency.

What our bill would do, which is the amendment we filed today, is create jobs for our workers, lower energy costs for consumers, and make businesses more competitive. In fact, a recent study by the American Council for an Energy Efficient Economy concluded that our bill would create almost 80,000 jobs and save consumers \$4 billion by 2020.

Also, S. 1000 has broad support on both sides of the aisle. It passed out of the Senate Energy and Natural Resources Committee with an 18-to-3 vote. In addition, there is a large and diverse group of industry, energy efficiency, and environmental stakeholders who have endorsed the bill. That list includes the Chamber of Commerce, the National Association of Manufacturers, the Alliance to Save Energy, the National Resources Defense Council, Best Buy, and the Environmental Defense Fund just to name a few of the organizations on the list.

Anytime we can get organizations as diverse as the ones I just listed to endorse one piece of legislation, it is clear there is broad bipartisan support for the effort. This legislation contains a broad package of low-cost and effective tools to reduce barriers for businesses, homeowners, and consumers who want to adopt off-the-shelf technologies, so we don't have to wait for something to happen in order for the bill to make a difference. These are all efforts that will help consumers, businesses, and homeowners save money.

This is an easy first step to make our economy more competitive and our Nation more secure while still meeting pent-up demand for these energy-saving technologies from individuals and business alike.

The American public is desperately looking for Congress to work in a bipartisan way on policies to spur growth and create jobs. Energy efficiency legislation represents our best chance to achieve both of those goals this year.

We need to get some energy legislation to the floor. I have had the great opportunity to work for the last 4 years with Senator JEFF BINGAMAN and Senator LISA MURKOWSKI, the chair and ranking members of the Energy Committee. We have done some great work in our committee. We passed signifi-

cant pieces of bipartisan legislation out of the committee. In fact, there are 15 pieces of legislation that have been passed and all but one of those with strong bipartisan votes. Those pieces of legislation are just sitting in committee because we have not been able to get an agreement to bring them to the floor.

We can get an energy efficiency policy in place. We can pass this legislation. That kind of an energy efficiency policy would be one that enhances our national security, addresses our energy needs, and puts Americans back to work. We can do it in this Congress if we can bring the Shaheen-Portman energy bill to the Senate floor for a vote. That is what this amendment would do. I hope we have that opportunity.

Thank you very much, Madam President. I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Madam President, today we are debating a bill called the Bring Jobs Home Act. We live in serious times. We have a debt fast approaching \$16 trillion, millions remain out of work, and economic and job growth has slowed to a crawl. Times such as these demand serious economic answers. So it is important that we all understand the utter lack of seriousness of this proposal. The only things serious about the Bring Jobs Home Act are its flaws.

The Bring Jobs Home Act would deny the deduction for ordinary and necessary business expenses to the extent that such expenses were incurred for outsourcing; that is, to the extent an employer incurred costs in relocating a business unit from the United States to outside the United States, the employer would be disallowed a deduction for any of the business expenses associated with such outsourcing.

The Bring Jobs Home Act would also create a new tax credit for insourcing; that is, if a company relocated a business unit from outside the United States to inside the United States, the business would be allowed a tax credit equal to 20 percent of the costs associated with such insourcing.

On the surface, this proposal might sound reasonable. As sound bites go, the President's reelection campaign and the Senate Democratic leadership have apparently decided they can make some political hay with this proposal, but as substantive tax policy goes, this proposal is a joke.

First of all, the amount of money involved is trifling. According to the nonpartisan Joint Committee on Taxation, this bill's deduction disallowance provision will only raise about \$14

million per year. That is \$14 million, not billion with a “b,” it is million with an “m.” Let’s put that in perspective. This bill is supposedly a critical tax incentive to create jobs here in the United States. Yet, according to the Joint Committee on Taxation, a non-partisan committee, it will only raise about \$14 million per year in this multitrillion-dollar economy. Meanwhile, President Obama’s campaign has now spent \$24 million on ads attacking his opponent and attacking what he considers to be outsourcing, which his opponent has not done.

The American people want us to address our fiscal situation and to create the conditions for robust economic and job growth. And how are the President and Senate Democrats spending their time? Advancing a proposal that raises less money in 1 year than the amount the President’s campaign has spent attacking Republicans on this topic on television. If Democrats meant this as a serious revenue raiser for the government, we would all be better off if the Obama campaign had simply sent its \$24 million to the Treasury Department for disbursement to insourcers rather than spend it on ads attacking American global businesses. And I think the President might get more credit for that.

Simply put, this bill is misleading. Its supporters would have you believe that under current law there is some special deduction that exists for mov-

ing jobs outside of the United States of America. That is simply false. Rather, there has always been a deduction allowed for a business’s ordinary and necessary expenses, and expenses associated with moving have always been regarded as deductible business expenses. So allowing a deduction for these expenses is not a special thing, it is the rule. Disallowing this deduction would be the exception, an extraordinary deviation from current tax policy.

Yesterday I heard my friends from the other side say we need to end a tax deduction for jobs that a business sends overseas.

I have a letter from the Joint Committee on Taxation, addressed to the bill’s authors, that includes an analysis of their bill and a score. I ask unanimous consent to have a copy of the letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,  
JOINT COMMITTEE ON TAXATION,  
Washington, DC.

Hon. DEBBIE STABENOW,  
U.S. Senate,  
Washington, DC.  
Hon. BILL PASCRELL,  
House of Representatives, Rayburn House Office  
Building, Washington, DC.

DEAR SENATOR STABENOW AND MR. PASCRELL: This letter is in response to your request of June 5, 2012, for an estimate of the revenue impacts of the “Bring Jobs Home

Act” (S. 2884/H.R. 5542). This bill provides a 20-percent tax credit for eligible expenses associated with relocating business units from overseas and disallows a deduction for business expenses associated with relocating business units to foreign countries.

Under present law, there are no specific tax credits or disallowances of deductions solely for locating jobs in the United States or overseas. Deductions generally are allowed for all ordinary and necessary expenses paid or incurred by the taxpayer during the taxable year in carrying on any trade or business, which includes the relocation of business units.

Under the proposal, corporations would be granted a credit equal to 20 percent of the expenses associated with the relocation of business units from a foreign country to within the United States. In order to qualify for the credit, the firm must increase its domestic employment when compared to the year prior to the first taxable year in which eligible insourcing expenses were paid or incurred. Corporations also would be disallowed from taking a deduction for expenses associated with the relocation of business units from within the United States to a foreign country.

In estimating this proposal, we assume that there will be a behavioral response in how firms classify their reorganization expenses in order to maximize their expenses eligible for the insourcing credit and to minimize their disallowed deductions associated with the outsourcing credit.

The following estimate provides the effect of this proposal on Federal fiscal year budget receipts. This estimate assumes a date of enactment of July 1, 2012, and that the proposal is effective for all expenses paid or incurred after the date of enactment.

Fiscal years, in millions of dollars

Item	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2012–17	2012–22
Provide a 20 percent credit for expenses associated with insourcing jobs .....	-3	-21	-21	-22	-23	-24	-26	-27	-28	-29	-31	-115	-255
Disallow deduction for expenses associated with outsourcing jobs .....	2	14	14	14	15	16	17	18	18	19	20	76	168
Total .....	-1	-7	-7	-8	-8	-8	-9	-9	-10	-10	-10	-39	-87

NOTE: Details may not add to totals due to rounding.

I hope this information is helpful to you. If we can be of further assistance in this matter, please let me know.

Sincerely,

THOMAS A. BARTHOLD.

Mr. HATCH. Paragraph two of the letter says, and I quote:

Under present law, there are no specific tax credits or disallowances of deductions solely for locating jobs in the United States or overseas. Deductions generally are allowed for all ordinary and necessary expenses paid or incurred by the taxpayer during the taxable year in carrying on any trade or business, which includes the relocation of business units.

Now, perhaps my friends on the other side take issue with a description of tax policy from Congress’s nonpartisan official scorekeeper. Well, if they do, I invite them—or the President, for that matter—to show me the provision of the Internal Revenue Code that contains a special deduction for shipping jobs overseas.

Let me just mention that this is the Internal Revenue Code I have in my hand. It is getting so big you can hardly handle it. Maybe Joint Tax and I are wrong, so I will keep the Tax Code

right at my desk, and if one of my friends wants to leaf through the Code and show me the section that provides a special deduction for shipping jobs overseas, I will stand corrected.

They cannot. It is not in here, this huge conglomerated mess that we would like to reform, which will not be reformed until there is a change in administration.

This administration is in the habit of pointing fingers every which way, blaming everyone but themselves for our weak economy and pathetic job growth. Just the other day the Treasury Secretary blamed Europe and rising oil prices for our economic slowdown. Yet he did not discuss the pall of uncertainty that Democratic politicians, including his boss, are putting over the economy with their refusal to extend the 2001 and 2003 tax relief unless they get their way on tax increases for small businesses.

According to an analysis by the American Action Forum, the fiscal cliff facing American taxpayers is now twice the size of total GDP growth this year. If we drive over this fiscal cliff,

as the President and Senate Democratic leadership are now threatening, the likelihood that small businesses will hire will decrease by 18 percent, and the effective marginal tax rate for many workers and small businesses will go over 50 percent.

At least in part, and I would say in significant part, is the complete failure to provide certainty and progrowth tax policies to America’s families and businesses that is dragging our economy down. Proposals such as the one before the Senate today are not helping either. They increase uncertainty for the businesses that will grow our economy and hire new workers.

It is another example of the Obama administration’s “Washington-knows-best philosophy.” Disallowing the business expense deduction means income will now be measured less accurately. Gross receipts minus business expenses equals income. That is what both accountants and economists tell us. But even through economists, accountants and businesses all measure income one way, Washington will now measure it another way. Not only is this bad for

business, but by disallowing deductions for certain business expenses, this proposal would measure income less accurately.

When the government's main source of revenue is income tax, it is rather important to measure income accurately. Ultimately, we know this bill is devoid of serious content because it is the product of political, not economic necessity. This bill is a sound bite, not sound tax policy. There really are not a lot of dots to connect.

Really, the genesis of this bill's prioritization can be traced in a straight line from 1600 Pennsylvania Avenue to the President's reelection headquarters in Chicago. This bill is called the Bring Jobs Home Act, but its Democratic proponents have not presented any evidence of the number of jobs, if any, that will return to America if the proposal becomes law.

During comments in support of the bill, the sponsor referred to a chart that said, "[i]n the last decade, 2.4 million jobs were shipped overseas." But the sponsor tellingly did not say the bill will bring 2.4 million jobs back to America. The proponents of this bill have not even told us that jobs will return to America if this bill becomes law, much less how many jobs. The answer is probably none.

That is exactly the sort of question we would have explored had this bill been produced by the Senate Finance Committee rather than by some campaign consultant in Chicago. The Senate Finance Committee would have held hearings, we would have talked to the experts, and we would have looked at comments on both sides of the issue. Then we would probably have had a markup. It could have been brought to the floor with full Finance Committee support—except we would never pass a bill such as this in the Finance Committee, in my eyes. Well, not with any real good intent.

It is disappointing that even though the sponsor of this bill is a member of the Senate Finance Committee, the bill's sponsor chose to bypass that committee. This bill has come straight to the Senate floor without being vetted by the committee. Her colleagues on the committee would likely have had some valuable feedback for her. Both staffs on the committee would likely have had valuable expertise they could have brought to bear on this proposal. That is why I anticipate moving to commit this bill to the Senate Finance Committee.

How does this bill fit with tax reform? Many on the other side say they want tax reform. I think it is fair to say there is a consensus that tax reform means getting rid of tax expenditures so as to decrease tax rates. The mantra is broaden the base and lower the rates, but this proposal would create new tax expenditures. It would narrow the base.

Another major goal of tax reform is simplification, but this proposal would make the tax laws even more complicated. This proposal is the antithesis of true tax reform. Rather than coming up with more sticks to punish American businesses that compete globally, as this proposal does, we should be coming up with more carrots to encourage American businesses as well as foreign businesses to make America a more attractive place to expand, hire, and invest. Of course, the best way to do that, consistent with free-market principles, would be to lower the corporate tax rate.

By creating new tax expenditures, as this act would do, it becomes all the more difficult to lower the corporate tax rate. If we want businesses to locate and hire in the United States, then we need to do what we can to make sure they are glad they are incorporated in the United States and that their headquarters is in the United States.

As it stands right now, because of our worldwide tax regime, many global corporations have their parent company in the United States as a matter of historical accident. If they had to do it all over again, they very well might decide to incorporate elsewhere in the world. The way to address that, the way to make sure the United States is the place that global businesses want to incorporate is to transition our current worldwide system of taxation to a territorial tax system.

A territorial tax system would only tax businesses on the profits they make in the United States. This way businesses would not be discouraged from incorporating in the United States. If a business incorporates in the United States, all of its worldwide profits are subject to U.S. tax. It is certainly true that a territorial tax regime must be done right and that the devil is in the details, but it is also clear that territorial tax regime proposals could lead to greater investment in the United States and more headquarters jobs in the United States.

A territorial tax regime would put American businesses at a more competitive position when competing internationally. A territorial tax system would make us more consistent with major developed countries. So it is amazing that President Obama has decided to demagogue this issue as well, undermining the future jobs prospects of millions of Americans for years to come in order to secure his own job for another 4 years.

Not content to grossly misrepresent the issue of outsourcing, he is now doing the same with territorial taxation; that is, in spite of the fact that his own agencies have been for it.

And it's really quite strange. President Obama's Export Council, his Council on Jobs Competitiveness, his National commission on Fiscal Respon-

sibility and Reform, and his Steering Committee on Advanced Manufacturing have all recommended that to make the U.S. more competitive it shift to taking income on a territorial basis. For a person who claimed last week that he just cares so darn much about policy, he has an odd way of showing it when he campaigns.

In the 2008 election, he fundamentally misled the American people about key aspects of the health care proposal put forward by my friend and colleague from Arizona, Senator MCCAIN. In doing so, he kicked the legs out from a reasonable and growing consensus about how best to reform the Nation's health care system, and he did so only for his own political gain.

His selfish acts on a territorial tax system have a similar flavor, and they promise to make tax reform much more difficult in the future. It is hard to see how this President could lead the country on tax reform. He attacks territorial tax regimes with a \$4.5 trillion tax increase looming at the end of the year, essentially freezing job creation and economic growth. His allies in the Senate are debating this effectively useless bill on outsourcing.

His administration called for the so-called Buffett tax, essentially creating a new alternative minimum tax that would provide trivial revenues and tax capital gains at higher rates than even President Carter wanted. Some say it would have given us maybe 8 days' of spending in Washington.

After waiting years for a corporate tax reform proposal, this past February President Obama's administration put out a series of bullet points, the so-called framework for corporate tax reform—all fluff and no details.

Tax reform is critical if we want our economy to grow and if we are going to get out of our current jobs deficit. But given this mediocre track record, I do not think the President can be relied upon to lead this Nation on this issue—not in 2012 and not in a second term either.

To the extent the President's tax agenda is not attributable to politics, it can be blamed on his odd view of our economy and the businesses that grow it. I think it is fair to say the President's world view is fundamentally out of step with that of ordinary American taxpayers. Just the other day, while campaigning in Virginia, the President laid out his economic vision, channeling the economic know-how of Harvard Law's faculty lounge. He told the crowd, "If you've got a business—you didn't build that, somebody else made that happen." As Charles Krauthammer put it, spoken by a man who never created or ran so much as a candy store.

I do not want to demean candy stores, but that is a fact. The President made clear for all to see just what he thinks of all the hard-working, risk-



taking entrepreneurs who sacrifice daily to build their businesses. His perception is that the hard work and sacrifice of those business owners and their families has nothing to do with their success. Any success they have is owing to good luck and big government, the fact that we have built some roads and so forth.

My guess is that not only American business owners, but most Americans disagree fundamentally with this assessment. The President clearly does not understand or deliberately ignores economic incentives and the way they lead to business growth and job creation. This is certainly on display in the policy that will forever define this President, ObamaCare. Good intentions are not enough, and ObamaCare's small business tax credit is a case in point.

This credit was designed to encourage small employers to offer health insurance. The promise was that over 4 million employers would claim \$2 tax in credits to help pay for health insurance. In reality, only 309,000 taxpayers claimed the credit for a total of less than \$466 million.

Why was the credit such a failure at achieving its well-intentioned goal? Well, a picture is worth 1,000 words. So please look at this chart.

Can you imagine what a business owner must think when they encounter an administrative nightmare like all of this? The ObamaCare tax credit for small businesses gives redtape a bad name. Talk about a bureaucratic straightjacket. No wonder the business community has failed to embrace ObamaCare.

This issue of ObamaCare's manipulation of the Tax Code and its historic tax increases are deserving of extended remarks. For now, let me just say we should be pursuing laws that will help not harm businesses and middle-class taxpayers. The bill we are discussing on the floor today, like ObamaCare, is not going to help.

I suggest the absence of a quorum.

THE PRESIDING OFFICER (Mrs. McCASKILL). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

MR. LEVIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

THE PRESIDING OFFICER. Without objection, it is so ordered.

MR. LEVIN. Madam President, 1 week ago yesterday was a fairly typical day in the Senate. The CONGRESSIONAL RECORD shows Senators used the word "jobs" more than 150 times. The following day, a week ago today, the word "jobs" appears in the RECORD 131 times. Just this Monday, a few days ago when the Senate came in at 2 o'clock, "jobs" appears in the RECORD 36 times.

So we are talking—and talking a lot—about jobs. Today, Senator STABE-

NOW's bill offers a chance to do more than talk; we can act.

The legislation addresses a fundamental flaw in our tax law. At a time when Americans desperately want us to defend American jobs and to give employers the incentives and support they need to hire new workers, our tax law perversely rewards employers for moving jobs to other countries. Today, an American corporation can decide to close a factory in this country, build a new one in another country, claim a tax break for the expense of moving those jobs out of our country, and pay no U.S. taxes on the income that foreign factory earns as long as they leave that income overseas.

Our Tax Code, in effect, tells employers: Here is a tax deduction to help you cut your American workforce and move those jobs offshore. That is the effect of our Tax Code. American employers have responded, unhappily. Statistics released in April by the Bureau of Labor Statistics show that since 1999, U.S.-based multinational corporations have reduced employment in the United States by about 1 million workers but they have added more than 3 million workers overseas.

A recent Gallup Poll found that only 13 percent of Americans believe this trend of shipping jobs overseas is good for our economy. Almost 8 of every 10 Americans believe it does harm. In a poll for the Alliance for American Manufacturing, 83 percent of respondents said they disapprove of companies that move jobs to countries such as China.

The people in Michigan and every other State can no longer afford to watch their tax dollars subsidize shipping their jobs overseas.

Earlier this spring, along with Senator CONRAD, I introduced the Cut Unjustified Tax Loopholes Act or the CUT Loopholes Act. Our legislation would cut several loopholes that enable tax avoidance, which adds to the deficit and to the tax burden of those who pay the taxes they owe. Our bill would cut offshore tax loopholes that allow corporations and individuals to avoid paying taxes by concealing their income and assets in offshore tax havens. One provision of the CUT Loopholes Act would ensure that companies aren't taking a tax deduction for the expense of moving jobs overseas. Under our bill, companies couldn't take a deduction for the expense, for instance, of moving a U.S. factory to another country until that company pays U.S. taxes on the income generated by that foreign factory.

Senator STABENOW's Bring Jobs Home Act takes a similar approach, ending the taxpayer subsidy that helps firms to move American jobs overseas. In addition, it would offer a 20-percent tax credit to companies that move production back to the United States.

Surely it makes sense for us to offer employers a tax cut if they bring jobs

back to the United States. Surely it makes sense to reform a law that adds insult to injury, that forces our taxpayers to watch companies move their jobs abroad with the assistance of our taxpayer dollars.

We have already seen the enormous benefits to our economy and our workers when American companies make the decision to return jobs to our shores. Ford Motor Company is returning thousands of offshore jobs to Michigan and other States. Companies such as Whirlpool are making the decision to hire American workers for work they once did abroad. American manufacturing has built great momentum in the last 3 years, adding thousands of jobs. We should add to that momentum and adopt the Bring Jobs Home Act. We should end existing tax incentives to export American jobs, and we should provide a tax break for companies that bring jobs back to American workers.

Madam President, I yield the floor and suggest the absence of a quorum.

THE PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

MR. PAUL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

THE PRESIDING OFFICER. Without objection, it is so ordered.

#### AID TO PAKISTAN

MR. PAUL. Madam President, there is a doctor in Pakistan by the name of Shakil Afridi. He has been identified as a doctor who helped us with information in order to get bin Laden. The Pakistan Government has now put him in prison for 33 years. I think this is an abomination. While we can't tell countries what they must do with their internal affairs, we certainly don't have to reward them with taxpayer money when they put someone in prison for attempting to help America.

My point and my message to Pakistan is that if they want to be an ally, they should act like it. Putting this man in prison for 33 years for helping America get bin Laden, which Pakistan was ostensibly supposed to be doing, is a real travesty of justice. Bin Laden lived for nearly a decade in Pakistan, in a city, living comfortably a mile or two from one of their military academies. We finally got him, but it doesn't appear as if we got him with much help from the Pakistani Government.

Now this doctor is in prison for 33 years. And how does President Obama respond? President Obama, this week, gave them \$1 billion—an additional \$1 billion. We are rewarding bad behavior with more of our money—money we don't even have. We have a \$1 trillion deficit and we are giving them an extra \$1 billion.

Yesterday he was supposed to have an appeal. Dr. Afridi, the doctor who helped us, was supposed to get a chance



to help prove his innocence. His trial has been indefinitely delayed. We have requested from the Pakistani Embassy whether there is going to be a trial. We want to know the date, and has the date been set for his appeal. We have gotten no answer. We have requested this information from President Obama's administration, from his State Department. Will Dr. Afridi get a trial? When will his trial be? We have gotten no answer.

If we can't get an answer—if they are going to continue to hold this man—I see no reason to send taxpayer money to Pakistan. I have the votes and the ability to force a vote on this issue. My plan is to force a vote on this issue next week. The vote will be on ending all aid to Pakistan, ending the aid until this doctor is freed.

This is not something I take lightly. This doctor's life is now being threatened. The information minister from that particular province in Pakistan says they want him transferred because they receive death threats on a daily basis toward him. They are worried about other prisoners killing him. I would hate for the Obama administration to have on their conscience the fact that this doctor, who helped us get bin Laden, is killed in prison. I would hate to have on my conscience the death of an innocent man, if he were to be killed in prison, whose only crime was helping America. At the very least, the Pakistani Government ought to immediately get him into a safe prison in one of the larger cities outside the tribal regions.

We are concerned about Dr. Afridi's safety, we are concerned about imprisoning him for life for helping America, and we are also concerned about American taxpayers' money being taken from hard-working Americans and sent to a country that seems to disrespect us. I am all for cooperating with Pakistan. I hope they will continue to work with us. But we shouldn't have to buy our friends. We gave them an extra \$1 billion. Yet they continue to disrespect us by holding this man in prison.

I am very concerned about Dr. Afridi's safety. I am concerned his appeal was not heard today and his trial was canceled. So next week, if we don't have answers on his trial, we will be here on the floor until I get a vote on whether we should continue sending money to Pakistan while they hold him. This is a very important issue for Americans, and I hope all across America people are going to call their Senators and say: You know what. I am not so sure we should send our hard-earned dollars to Pakistan when they treat us this way.

I thank the Chair, and I yield the floor.

**THE PRESIDING OFFICER.** The Senator from Maryland.

**WATER INFRASTRUCTURE INVESTMENT**

**Mr. CARDIN.** Madam President, I have taken to the floor of the Senate

on previous occasions to talk about our aging water infrastructure and the need for financing. I have talked about the State revolving funds, which are the principal funding sources for our local governments' ability to upgrade their water infrastructure. I have talked about the need for safe drinking water and how that is being compromised. I have also talked about the way we treat our wastewater and the health risks involved in an aging infrastructure. And when I have taken to the floor on different occasions to talk about the consequences of our failure to act, I have made it clear if we move forward with water infrastructure projects it will not only provide the type of infrastructure we need for public health but it will also create jobs and opportunities in our communities.

I have the honor of representing the State of Maryland in the Senate, and we have some very aged communities in Maryland. One of those, of course, is my home city of Baltimore, where the water infrastructure is as historic as some of its buildings—well over 100 years old. And although I have talked about this issue before, I want to bring to the Senate's attention that this past Monday, in Baltimore, a 120-year-old water main broke, creating a massive crater in downtown Baltimore on one of the busiest streets in our city. I have been told it will take a couple of weeks before that can be fixed. I have also been told that, as a result, downtown Baltimore was flooded, sending thousands of workers home and costing businesses countless loss of revenue.

One might say: Well, these things happen. But in Baltimore we have a water main break at the rate of about two or three a day, costing a great deal of money because our city workers have to go out, dig it up, and cut off water service to homes and businesses, which are inconvenienced by not having the ability to get water. And we experience this expense again and again.

What we need to do is upgrade our water infrastructure. We all understand that. We need to make that investment. These major water main breaks are becoming more and more a reality. In 2008, we saw River Road in Bethesda turn literally into a river. We had to use helicopters to rescue people because of a water main break. In October 2009, we had a major break in Dundalk, MD, outside Baltimore, which flooded thousands of homes, causing incredible inconvenience to that community. One year ago, not far from where we are right here, we saw a major water main break in Prince George's County, closing the Washington beltway and causing a lot of homeowners to be without water for an extended period of time.

The water infrastructure in this country is in desperate need of new attention and greater investment. That is true in our wastewater treatment fa-

cility plants and it is true in the way we transport our clean water. Wastewater treatment plants are critically important in preventing billions of tons of pollutants each year from reaching America's rivers, lakes, and coastlines. These facilities prevent waterborne disease and make our water safe for fishing and swimming.

Similarly, some 54,000 community drinking water systems provide drinking water to more than 250 million Americans, keeping water supplies free of contaminants that cause disease. The ongoing degradation of these systems puts our human health directly at risk.

Many of our water and wastewater systems are outdated, with some components across the country over a century old. This aging infrastructure contributes to the 75,000 sanitary sewer overflows that occur in the United States per year—75,000 sewage overflows a year in the United States. It causes an estimated 5,500 annual illnesses due to these contaminations which occur on our beaches and in our streams and lakes where American families vacation.

The Environmental Protection Agency has estimated that more than \$630 billion will be needed over the next 20 years to meet the Nation's drinking water and wastewater infrastructure needs.

As chair of the Subcommittee on Water and Wildlife, I held a hearing where we brought in some of our local officials to talk about some of these needs. They told us they can't possibly do this with the resources they currently have available, that they need a Federal partner—they need a stronger Federal partner—and they need a Federal Government that will give them new innovative tools in order to deal with these critical needs.

Mayor Stephanie Rawlings-Blake of Baltimore testified she would like to see some form of trust fund established so we can leverage money and make these types of investments. She pointed out—which we already know—that for the money we spend on water infrastructure we will cause a multiplier effect. By a ratio of 3-to-1, it actually creates more money in our economy. If we put \$1 billion in water infrastructure improvement, it creates \$3 billion of economic activity in our communities, allowing us to create more jobs at the same time we improve our water infrastructure for public health and for economic development.

This makes sense. We need to do this. I don't know how many more times I will have to come to the floor of the Senate and point out these horrible water main breaks that are occurring all over. What is happening in Baltimore—what is happening in Maryland—is happening in every one of our States. This is not a one-State problem. This is a national problem. People

are outraged by these situations, and they are going to be more outraged when they realize their public health is at risk and the availability of safe drinking water is at risk, as well as the inconvenience that is caused when their basements are flooded or they can't get to their businesses or have to leave their businesses early or pay additional local taxes in order to repair the damage done as a result of the failure to replace aged infrastructure.

I urge my colleagues to work together on this issue. Let's make sure we have a budget that makes sense for this country but that allows us to invest in the types of investments that are important for America's future. We have talked about that with transportation infrastructure, we have talked about that with energy infrastructure, but the same thing is true with water infrastructure. So I look forward to working with my colleagues on both sides of the aisle to provide the tools and resources that will allow our economy to grow and our local governments to upgrade their water infrastructure systems.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WICKER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### OSCE'S MAGNITSKY RESOLUTION

Mr. WICKER. Madam President, I come to the floor today to call Members' attention to recent action taken at the Parliamentary Assembly meeting of the Organization for Security and Cooperation in Europe, which convened in Monaco earlier this month.

The OSCE considered and passed with overwhelming support a resolution on the rule of law in Russia and the case of Sergei Magnitsky. This is a resounding and much welcomed rebuke of Russia's deplorable human rights record and systemic corruption.

With the Magnitsky resolution, the OSCE—made up of 56 participating states spanning Europe, Central Asia, and North America—reaffirms the widespread call for justice and rule of law. The international group has sent a clear signal to human rights violators that they will be held accountable.

The OSCE resolution supports government efforts to ban visas, freeze assets, and employ other financial sanctions against those connected to the illegal detention and tragic death of Sergei Magnitsky. The young lawyer was beaten and denied medical care in a Russian prison after uncovering a vast conspiracy by Russian officials involving \$230 million in tax fraud. Sergei Magnitsky died as a result of his treatment, and no one has ever been held responsible for his death.

I have been a member of the Helsinki Commission for the last several years, and I have seen firsthand the contributions the OSCE has made to advance democratic, economic, security, and human rights issues. I was unable to attend the Parliamentary Assembly meeting, but I am grateful our colleague Senator JOHN MCCAIN was able to be there to highlight the importance of this particular issue.

The Magnitsky case is just one example of the gross human rights abuses and official impunity in Russia. But as Senator MCCAIN noted in his statement before the OSCE meeting in Monaco, "The demand for justice for Sergei is what has mobilized the world in his memory."

Senator MCCAIN is right to point out that the OSCE resolution—as well as national initiatives to punish those implicated in Sergei Magnitsky's death—is not anti-Russia. Indeed, a return to the rule of law would be of great benefit to the Russian people. To quote my colleague Senator MCCAIN:

Defending the innocent and punishing the guilty is pro-Russia. . . . The virtues that Sergei Magnitsky embodied—integrity, fair-dealing, fidelity to truth and justice, and the deepest love of country, which does not turn a blind eye to the failings of one's government, but seeks to remedy them by insisting on the highest standards—this too is pro-Russia, and I would submit that it represents the future that most Russians want for themselves and their country.

Senator MCCAIN then goes on to encourage the assembly to align "with the highest aspirations of the Russian people—Sergei's aspirations—for justice, for equal dignity under the law, and for the indomitable spirit of human freedom."

Like the OSCE, Members of this Senate will also have an opportunity to lend our voices to the call for justice and accountability. The Sergei Magnitsky Rule of Law Accountability Act would impose travel and financial sanctions on those associated with human rights crimes.

I urge my colleagues to support this bill and to uphold this country's commitment to the protection of human rights. I salute the leadership of my colleague and friend Senator BEN CARDIN of Maryland for his leadership in this regard, and I am pleased to note that the Magnitsky Act was included during consideration of extending normal trade relations to Russia in yesterday's Senate Finance Committee markup. We are making great progress on this issue, and I look forward to a vote on the Senate floor.

In conclusion, I ask unanimous consent to have printed in the RECORD Senator MCCAIN's full remarks at the OSCE Parliamentary Assembly.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR JOHN MCCAIN AT THE OSCE PARLIAMENTARY ASSEMBLY—SUNDAY, JULY 8, 2012

Thank you for the opportunity to join you this afternoon.

Let me recognize my fellow members of Congress, Dennis Cardoza and Robert Aderholt, who are doing great work on behalf of the American delegation. I am pleased that Robert is standing for vice president of this assembly, and I want to voice my full support for his candidacy.

It is also my pleasure to support this resolution on rule of law in Russia and the case of Sergei [SERgay] Magnitsky. What happened to Sergei was a horrific crime. But it is also an example—an extreme example, to be sure, but an example nonetheless—of the pervasive and systemic corruption in the Russian government. To this day, no one—not one person—has ever been held responsible for Sergei's death. This, despite the fact that the Russian Human Rights Council, established by the Russian President, found that Sergei's arrest was illegal, that he was denied access to justice, and that his treatment amounted to torture. This resolution correctly notes these disturbing facts.

The demand for justice for Sergei is what has mobilized the world in his memory. In the United States, Senator Ben Cardin and I introduced legislation that would impose an array of penalties on those believed to be responsible for Sergei's death, but also on other human rights abusers in Russia and beyond. The Sergei Magnitsky Rule of Law Accountability Act has been passed by our Foreign Relations Committee, and no matter what you hear, make no mistake: It will become law. And it will contain the full array of essential measures—visa bans, asset freezes, and financial sanctions. I assure you of it.

The Congress now has a path to pass this legislation. I and others have made clear that doing so is the condition for repeal of the Jackson-Vanik amendment and extension of Permanent Normal Trade Relations to Russia, which I have also sponsored legislation to enact.

Other European legislatures, as well as the European Parliament, have condemned Sergei's murder and may take legislative action as well. Now, this resolution offers an opportunity for all of us, legislators from more than 50 nations, to speak with one voice in favor of the justice that Sergei and his family deserve. It is essential that we do so.

I know that some will try to paint this resolution as anti-Russia. I could not disagree more. Indeed, I believe it is pro-Russia, as are the pieces of national legislation that would punish those guilty of Sergei's death. I believe that supporting the rule of law is pro-Russia. I believe that defending the innocent and punishing the guilty is pro-Russia. And ultimately, I believe the virtues that Sergei Magnitsky embodied—integrity, fair-dealing, fidelity to truth and justice, and the deepest love of country, which does not turn a blind eye to the failings of one's government, but seeks to remedy them by insisting on the highest standards—this too is pro-Russia, and I would submit that it represents the future that most Russians want for themselves and their country.

The example that Sergei set during his brief life is now inspiring more and more Russian citizens. They are standing up and speaking up in favor of freedom, democracy, and the rule of law. They, like us, do not want Russia to be weak and unstable. They want it to be a successful and just and lawful

country, as we do. Most of these Russian human rights and rule of law advocates support our efforts to continue Sergei's struggle for what's right, just as they are now doing.

Let us now add our voices to theirs by passing this important resolution today. And in doing so, let us align this Assembly with the highest aspirations of the Russian people—Sergei's aspirations—for justice, for equal dignity under the law, and for the indomitable spirit of human freedom.

Mr. WICKER. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SANDERS). The clerk will call the roll. The bill clerk proceeded to call the roll.

Ms. STABENOW. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. STABENOW. Mr. President, in just a couple minutes we are going to be voting on a very important policy, a very important bill I am proud to sponsor with a number of cosponsors, a number of colleagues, called the Bring Jobs Home Act. It goes to the heart of what has been happening in a global economy when we have not been paying attention to our Tax Code or other things that we ought to be doing to be able to bring jobs home and other countries are aggressively working to take our manufacturing base, to take our middle class. They know when they look at our country we have a middle class because we make products and grow products, so they are rushing to be able to make products and to innovate and so on and to create incentives for our jobs to be shipped overseas.

We know we are in a global economy. We know our companies are competing with countries. We have a whole range of things we have been working to do to be able to support and incentivize and help manufacturers and other businesses here to innovate, expand advanced manufacturing, IT services, among others. But what we have not been paying attention to is how our own Tax Code actually is incentivizing or supporting—at the very least supporting and helping companies ship jobs overseas.

There is a very important, very basic policy we will be voting on today. If a company decides to pack up and move overseas, should they be able to write that off their taxes and you and I—all of us as American taxpayers—pay for it? I do not think there are too many people in the country who would say yes to that. In fact, I can't imagine why anybody would say yes to that. The reality is, if somebody loses their job at a plant and then they find out they get the privilege, as an American taxpayer, to help pay for the move, folks say: Are you kidding me or they say a whole lot of other things.

This bill, the Bring Jobs Home Act, is very straightforward. It simply says we are not going to pay for that any-

more. That loophole will be gone. However, if they want to bring jobs back, we will be happy to let them deduct those costs as a business expense, for bringing a job home. In fact, we will give them another 20-percent tax credit for 20 percent of their costs on top of it. So we are happy to incentivize coming home and to support their efforts to come home, but we are not paying for them to leave. That is basically what this is about.

We are going to have a vote on whether to proceed to this bill. As we know around here, unfortunately, we have seen the process that used to be used rarely now used on every bill, to where we cannot even get to the bill to vote on that with a majority vote without going through a supermajority to be able to stop a filibuster, which is right now what basically has been happening. There is an objection. We have to get 60 votes to overcome it; otherwise, the filibuster continues.

We will need to do that today. We need bipartisan support to do that. I hope we will have that. A couple weeks ago we came together in strong bipartisan support. We worked together very hard, long hours, to pass a farm bill. That is about growing products in America. Now we have an opportunity to work together, come together in a bipartisan basis to support making products in America.

We do not have a middle class unless we make products and grow products. It is not going to make any sense if we continue to have a tax policy that actually encourages or helps you to leave America.

What we have seen now is that we are actually losing jobs. We know in the last decade 2.4 million jobs were shipped overseas. Those are just the ones they are able to count at this point. So 2.4 million jobs have been shipped overseas, at a minimum, and we help to pay for it. The good news is we have a lot of companies now, for a lot of reasons—the fact that we have the most productive, the smartest, most talented workforce in the world, we have high productivity in our country—we have companies now bringing jobs back and we want to accelerate that, to support that effort.

I am proud that in our automobile industry we are seeing jobs come back with support and help from policies that allowed loans to retool older plants. Ford Motor Company has taken their largest plant in Wayne, MI, and retooled it, along within investment in advanced batteries. Jobs are coming back from Mexico. Some are coming from other countries as well. GM is doing the same kind of thing, Chrysler—I am sure other companies as well. We know many companies, large and small, are looking at this.

Yesterday, I had the opportunity to have in a businessman from Michigan who is the CEO of a company called

GalaxE.Solutions. He actually lives in New Jersey but is now having a major presence in Michigan, in Detroit, hiring 500 people in IT, information technology. Those are jobs coming back from India, Brazil, China.

One of the things I heard, as he was talking yesterday, is when we look at the bottom line, costs matter. If we have a Tax Code that helps him bring jobs back rather than supporting him to take jobs away, to ship them overseas, it makes a difference. It matters. It matters not only for the cost but for the signal it sends about how serious we are in creating jobs in America.

I cannot imagine anybody who doesn't want to see "Made in America" again on everything. We are not going to get there if we do not start with the basics. That is what this is. I know you have talked about this so many times as well. This is about the basic premise of saying we are going to stop loopholes in the Tax Code that reward companies that are shipping jobs overseas and we are instead going to support and incentivize jobs coming back.

We know there are many other things, in addition to this, that we need to do. We need comprehensive tax reform in a global economy. There is no question about that. That is something I am confident we will be doing in the months ahead and into the next year. We need to do that. We need to do it on a bipartisan basis. But that is not a reason not to close this loophole, to stop this policy that makes no sense.

We have a lot more to do. We know that. We need to come together around policies that focus on innovation and education and rebuilding America and supporting the great entrepreneurs of the country—small businesses, large businesses. We know that. There is much to do. But today we have a chance to do something. We have a chance to do something. This is very straightforward. We have a chance to simply say the Tax Code in America is not going to reward or pay for the costs of American jobs being shipped overseas. It is as basic as that. No other country in the world would do this. They think we are crazy to have this kind of policy in place. So today is a chance to say: No, we are not crazy. We get it.

We know there is a lot to do, but let's come together on this issue and then we can come together on the next and the next and continue to build and rebuild our economy for the future.

But today is very simple. Today is the day to say no to American taxpayers helping to pay the costs for American jobs being shipped overseas. It is a day to say yes to supporting, through tax deductions, jobs coming back and additional incentives on top of that. I hope my colleagues will come together and very strongly vote yes on this measure so we can proceed to debate and to pass something that I know

is strongly supported across our country.

# CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

# CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to calendar No. 442, S. 3364, a bill to provide an incentive for businesses to bring jobs back to America.

Harry Reid, Debbie Stabenow, Sheldon Whitehouse, Al Franken, Richard J. Durbin, Sherrod Brown, Richard Blumenthal, Jeff Merkley, Christopher A. Coons, Robert P. Casey, Jr., Benjamin L. Cardin, Jeanne Shaheen, Kirsten E. Gillibrand, Charles E. Schumer, Jack Reed, Barbara A. Mikulski, John D. Rockefeller IV.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 3364, a bill to provide an incentive for businesses to bring jobs back to America, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Wisconsin (Mr. KOHL) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 56, nays 42, as follows:

[Rollcall Vote No. 181 Leg.]

# YEAS—56

Akaka	Gillibrand	Nelson (NE)
Baucus	Hagan	Nelson (FL)
Begich	Harkin	Pryor
Bennet	Heller	Reed
Bingaman	Inouye	Reid
Blumenthal	Johnson (SD)	Rockefeller
Boxer	Kerry	Sanders
Brown (MA)	Klobuchar	Schumer
Brown (OH)	Landrieu	Shaheen
Cantwell	Lautenberg	Snowe
Cardin	Leahy	Stabenow
Carper	Levin	Tester
Casey	Lieberman	Udall (CO)
Collins	Manchin	Udall (NM)
Conrad	McCaskill	Warner
Coons	Menendez	Webb
Durbin	Merkley	Whitehouse
Feinstein	Mikulski	Wyden
Franken	Murray	

# NAYS—42

Alexander	Cochran	Hoeven
Ayotte	Corker	Hutchison
Barrasso	Cornyn	Inhofe
Blunt	Crapo	Isakson
Boozman	DeMint	Johanns
Burr	Enzi	Johnson (WI)
Chambliss	Graham	Kyl
Coats	Grassley	Lee
Coburn	Hatch	Lugar

McCain	Portman	Shelby
McConnell	Risch	Thune
Moran	Roberts	Toomey
Murkowski	Rubio	Vitter
Paul	Sessions	Wicker

# NOT VOTING—2

Kirk	Kohl
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The PRESIDING OFFICER. On this vote, the yeas are 56, the nays are 42. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

Mr. REID. Mr. President, I am not in a position now to announce no more votes today. I hope we can be there in just a little bit, but we are trying to work through some procedural matters now, and hopefully we can do that within the next half hour or so.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Thank you, Mr. President. I wish to take a moment to speak about what just happened and my deep concern about what just happened with this vote.

On the one hand, we have 56 Members, a majority—a substantial majority of Members who voted yes, that they want to bring jobs home, that they want to stop paying for jobs that have been shipped overseas, and that we want to support and provide assistance through the Tax Code to bring jobs home. Fifty-six Members—that is a majority. What we didn't have is a supermajority to stop a filibuster.

So this is basically what has been happening here. We have a situation where, despite the will of the majority of the people here, the majority of Senators who want to move forward to this legislation and pass it, because we have 56 votes to pass it, we don't have a supermajority. This is what has been happening over and over in the Senate despite the fact that people want us to work together and get things done.

What we are trying to do—and we are going to continue to push forward—is to say very clearly to businesses that if they are going to close shop and ship jobs overseas, it is on their dime, not the American taxpayers' dime. We are not going to help pay for it. If they want to bring jobs back, we are happy to have our Tax Code allow businesses to write off those costs. In fact, we will give businesses an extra 20 percent toward those costs.

This is deeply concerning to me today. I think those watching around the country are probably scratching their heads or saying things that we probably can't say on the Senate floor about what in the world is going on when we can't come together on the simple premise that Americans should not be paying for jobs shipped overseas.

So we are going to keep at it until we get it done. What we ought to be unified around is having the words "Made in America" on everything again in this country. We are going to keep fighting until we can get that done.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, while the distinguished Senator from Michigan is still on the floor—and she has done such commendable work here, as somebody who brought together the Senate Agriculture Committee on a very complex farm bill, and in a record amount of time got it passed with a heavy bipartisan majority—I think she would agree with me that is the way we used to and should do legislation.

For the life of me, I cannot understand why any Senator would not be supporting the Senator from Michigan on the bill. We want jobs here in the United States. Everybody will say: We want jobs in the United States. Everybody says they want to have tax laws that actually help this country. So what do they do? By refusing to allow us to go forward, they vote to allow jobs to go overseas. But worse than that, it gives special tax breaks. It is almost like saying: Hey, this company of yours, these jobs you have, come on, I know a great place for you to go overseas. By the way, here is the airplane ticket. Here is the special deal. We are not going to give that to a small business owner in Vermont or Michigan, but we will give that to you to ship your jobs overseas.

Come on, let's get real. If you took a poll of the American people on this: Do you want to close loopholes for shipping jobs overseas or do you want to give encouragement to have jobs here in the United States? I guarantee you, it would be overwhelmingly passed. The U.S. Senate better wake up and say: We will pass it too.

So I thank the Senator from Michigan.

# RELEASE OF CAMP LEJEUNE DOCUMENTS

Mr. President, the distinguished Presiding Officer and I are both from Vermont, where we have open and available government. He did in his role as mayor of our largest city. He has encouraged it all the way through.

We know that the "right to know" is a cornerstone of our democracy. During my three decades in the Senate, I have urged Democratic and Republican administrations alike to be open and transparent to the American people.

That is why in March I joined a bipartisan group of Members of Congress—Senator GRASSLEY, Senator BURR, Senator HAGAN, Senator BILL NELSON, and Senator RUBIO—in writing to Secretary of Defense Panetta to request the release of government records regarding the contamination of drinking water that occurred over several decades at Camp Lejeune Marine Base, in North Carolina.

The drinking water contamination at Camp Lejeune was one of the worst environmental disasters in American history to occur at a domestic Department of Defense installation. Unfortunately, the Department of Defense initially refused to provide this important information to the Congress. But I am pleased to report that after I pursued it further with Secretary Panetta, the Department finally provided more than 8,500 files about this issue to the Judiciary Committee on July 9.

I commend Secretary Panetta for accommodating the committee's request for this information. But I believe that much more transparency is needed. I believe it as a U.S. Senator. I believe it as one who believes in transparency. I also believe it as a father of a Marine.

Today, thousands of active and retired Marines who lived on or near Camp Lejeune prior to 1987, and their family members, are extremely interested in learning more about what occurred, and why.

In my own State of Vermont, 402 Vermonters have signed in saying they are looking to their government to provide more information about this calamity.

Open government is neither a Democratic issue nor a Republican issue. It is an American value. It is a virtue that we all have to uphold.

It is in this bipartisan spirit that I announce I will make all the documents the Department of Defense has provided to the Judiciary Committee available to the public. These documents can be seen on the Judiciary Committee's Web site. Go to [www.judiciary.senate.gov](http://www.judiciary.senate.gov). Find out what the documents say about what happened at Camp Lejeune.

To protect the personal privacy of our servicemembers and other private information, information that would be subject to the Privacy Act, has been redacted from these files. But the Marines and any other Americans who have been touched by this environmental disaster deserve complete candor from their government. Our uniquely American tradition of a government that is open, accountable, and accessible to its people demands nothing less.

Again, I thank Senator GRASSLEY, the committee's distinguished ranking member, and Senators BURR, HAGAN, NELSON, and RUBIO for working closely with me on this important transparency issue.

I say to those Marines, we will find out what happened.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, we have been able to work things out. We are not going to have to be in session—we thought we had it all worked out but now we do not.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCAIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. SHAHEEN). Without objection, it is so ordered.

Mr. MCCAIN. Madam President, I ask unanimous consent that Senator LIEBERMAN and I and Senator GRAHAM—if he shows up—be allowed to engage in a colloquy.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SYRIA

Mr. MCCAIN. Madam President, I join my friend Senator LIEBERMAN again on the floor on the issue that has, in my view, transcendent consequences not just for the people being massacred in Libya, but also for a definition of what the United States of America is all about.

Yesterday's attack in Syria killed some key leaders of the Assad regime, including one of its most notorious and brutal henchmen. It is a sign of victory and progress for the Syrian opposition and, hopefully, it could be a sign that Assad is losing his hold on power. But it is hardly time to celebrate or claim credit.

I see in the various organs of the administration, such as the New York Times that, well, the administration's hands-off policy has been successful. Successful? Seventeen thousand Syrians have been massacred while this administration has done nothing, and the President has refused to even speak up. The President of the United States talks about Bain Capital all the time. Why doesn't he talk about the capital of Syria where thousands of innocent people have been tortured, raped, and murdered?

So Assad will fall, as the Senator from Connecticut and I have said time and time again. But how many more will die before the United States of America, first, speaks up for them and, second, helps with other countries to provide them with arms and an ability to defend themselves and a sanctuary—a no-fly/no-drive sanctuary—and work with other countries in the region, accelerating the departure of Bashar Assad.

I will make another point before I ask my friend from Connecticut to speak. It seems now that U.S. national security rests not with the decisions that should be made in the Halls of Congress and at the White House, but

that the decisions concerning what actions the United States of America may take is now dictated by Russia and China in the United Nations. How many times have we heard the administration say: We would like to do more and have more happen, but Russia vetoes it in the U.N. Security Council?

Does that mean when these people are being massacred and are crying out for our help and moral support, because Russia vetoes a resolution—as they did today again, supported by China—in the Security Council, therefore we can do nothing?

Former President Clinton went to Kosovo without a United Nations Security Council resolution because he knew the Russians would veto any resolution concerning Kosovo. He went and we saved Muslims' lives. The administration continues to assume what they call a "Yemen solution" is possible in Syria. They believe that with Russia's backing, we can compel Assad and his top lieutenants to leave power and the apparatus of the Syrian State will continue to function under new management.

I wish this could be so. Let me also point this out: I ask my friend from Connecticut, isn't it true that the predictions that the longer this conflict lasts, the more likely it is that extremists will come in and take this revolution, which began peacefully?

Isn't it true that our concern about weapons of mass destruction and the stockpile become more valid every day this goes on? Isn't it a valid assumption that Bashar Assad, in his desperation, may use these weapons against his own people, and the whole stockpile of those weapons becomes more and more tenuous by the day?

Isn't it true that the likelihood of further chaos, further inability to put that country and its people back together after this conflict is over and, as we agree, Bashar Assad relieved—but isn't it true that every day that goes by and he remains in power the situation becomes worse in all respects as far as American national security interests are concerned, whether it be weapons of mass destruction, whether it be Islamic extremists taking over that country and, by the way, including the continued Iranian presence in Syria propping up Hezbollah in Lebanon and all of the ramifications of their continued presence there?

I ask my friend, finally, doesn't this argue and cry out that rather than saying, well, what happened yesterday, that was good, and it shows Assad is on his way out—but doesn't this indicate it is now more in our interest to accelerate his departure, not with American boots on the ground but through moral, physical, and logistic support, working with our allies?

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I say to my friend from Arizona, of

course, I agree with him. The reality is that the premature judgment about the victory of the Syrian freedom fighters is exactly that—premature. The assassination, elimination of these critical leaders of this dictatorial government yesterday by the Syrian opposition was a very significant development.

Apparently, the fighting continues in Damascus in a way that may bring exactly what my friend from Arizona says—more chaos in Damascus. But this fight is not over. This regime has a devastating inventory of weapons, including weapons of mass destruction, and as the Senator from Arizona said, Bashar Assad's father used those weapons—in that case, chemical weapons—against his own people decades ago, killing thousands of them on a single day.

No, this fight is not over. The danger is that, as he said, it gets worse the more it goes on without the involvement of the civilized nations of the world that have to be led by the United States of America.

I want to put in juxtaposition two significant events of the last 24 hours, which my friend has described. One is the suicide bombing, apparently, or the death of these leaders of the Assad government. Second is the vote in New York at the U.N. today. After months in which too much of the civilized world has been pleading with Russia and depending on Russia to change its mind and come in and get Bashar Assad out of there, this veto today shows they are not going to do it.

I will yield in a moment because I see the presence of the majority leader. First, I will finish this thought.

The reality is now that the figleaf has been taken off of the plan since it went into effect and allegedly brought a cease-fire in Syria, thousands more Syrians have been killed. The reality is that Russia will not join in trying to stop the slaughter in Syria, and the slaughter will only be stopped by facts on the ground, and those facts are military. It will not get better until the United States leads a coalition of the willing to support the opposition and bring about the early end of this horrific regime that now rules Syria.

With that, I yield the floor to the majority leader.

#### ORDER OF BUSINESS

Mr. REID. Madam President, there will be no further rollcall votes today. The next vote will be Monday at 5:30 p.m. on the nomination of Michael A. Shipp to be a U.S. district judge for the District of New Jersey.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Madam President, I thank the majority leader. I urge him, however possible, to bring up the Defense authorization bill, which I hope we can do sooner rather than later, as we have done for the last 50 years. I thank the majority leader.

Mr. REID. Madam President, I had a long conversation yesterday with the chairman of the committee and with his ranking member, Senator MCCAIN. I understand the importance of the legislation. I know Senator MCCAIN is trying to work to narrow the focus of what we do when we get on that bill. We will get on that; it is only a question of when.

Mr. MCCAIN. Madam President, I want to mention to my friend from Connecticut, as we continue this colloquy, there is another aspect of this that I would appreciate his comments on.

We all agree that Bashar Assad will go. We know that. Now, the question is how many will die, how many are wounded, how many are killed, and what happens to the weapons of mass destruction? I think we have established that the longer it goes on, the more those threats increase, and the more dangerous the situation becomes, the harder it will be to resolve once Bashar Assad does leave.

I also ask my friend from Connecticut, how will the Syrian people feel about the United States of America if we continue to sit by and provide them not even moral assistance, much less the physical and logistical assistance the Senator and I discussed being necessary. Senator LIEBERMAN and I have been to Libya on numerous occasions. I was there at an exhilarating moment—at the time of their elections.

I can tell you firsthand from seeing a couple hundred thousand people celebrating that they are grateful to the United States of America for what we did. I wonder what the attitude of the people who will emerge as the new leaders of Syria—whoever they are—what their attitude will be toward the United States, I ask my colleague. Taking into consideration that the challenges that whoever takes over power in Libya will face are myriad, and there are incredible obstacles to a path to a free and democratic nation, that would cry out for American assistance, how willing and eager will they be for the United States to be engaged in any way in assisting them as they try to achieve the goal they have already sacrificed 17,000 lives for?

Mr. LIEBERMAN. Well, the Senator makes a very important point. Let me relate it back to one of the excuses that has been given for the United States not to have become more involved on the side of the opposition to Assad, which is the side of freedom, which is where our national values call us to be. One of the excuses for not getting involved is this argument: We don't know who is going to follow Assad. It could be Islamist extremists.

Well, my reaction to that is that the longer we sit back, the more likely it will be people who are not friendly toward the United States because in

their hour of need—unlike the situation in Libya that the Senator just described—we were not with them. The Senator and I have been to Turkey together, and I made a trip to Lebanon. In each case, we talked to the leaders. In one case, in Turkey, we spoke to the leaders of the Syrian opposition, the Syrian National Council, and we met with the heads of the Free Syrian Army and met with individual refugees.

My own judgment is that these people are not extremists or radicals; they are patriots, nationalists, people who want a better life than they were living under Assad. Now, increasingly, they are people whose relatives or friends have been killed by Assad's military, and so they have a fury in them, an anger that they didn't have before because now they have been victims.

Now, can I say that there are no Islamist extremists who are now fighting in Syria against Assad? I cannot say that. I think the longer we stand back and don't partner openly and strongly with the Syrian freedom fighters, the greater the danger is that, one, extremists will be what follows Assad and, two, even if we are lucky enough and it is not extremists, it will be a leadership group that will not feel any particular sense of gratitude toward the United States because we were not with them when they needed us.

Mr. MCCAIN. First of all, I wish to point out that I understand—as I know my friend from Connecticut does—the focus of the American people is on our economy, on jobs, and the severe recession we are in. But I say to my friend from Connecticut, I just wish every American could have been with us or had seen on film a recording of our visit to the refugee camp on the Turkish-Syrian border, with 25,000 refugees—I understand now that is up to 35,000 or 40,000 refugees—from Syria. These are people who have been driven out of their homes, living not in squalid conditions but certainly very crowded and unpleasant conditions. They are certainly not the same conditions which they enjoyed in Syria. I wish the American people could have seen when we met those young children who have been displaced from their homes or when we met a group of men who told us about watching their children being murdered in front of their eyes and of the young women who had been gang raped and hear the defectors from the Syrian military who told us their instructions are—in order to try to subdue the people—to torture, murder, and rape. We know from human rights organizations there are torture centers set up around Syria by the Assad military, where people are taken and, obviously, tortured.

The American people are the most generous people in the world. The American people, where we can, try to



stop these kinds of atrocities and offenses that are against everything we stand for and believe in. I wish more Americans would know how terrible and dire this situation is for the average citizen and not just for those who are demonstrating but anybody who happens to be in one of these areas where the tanks roll in and the artillery starts firing and the helicopter gunships start slaughtering people in the streets.

I hope I am not saying this in a partisan fashion, but I wish the President of the United States would speak up for these people. That is the job of the President of the United States—to lead. I wish we in Congress would do more in order to help these people because that is a long American tradition. Yes, it may require some financial sacrifice and maybe materiel sacrifice on the part of the American people, but I think the cause is one of transcendent importance.

I wish to thank my friend from Connecticut for his compassion, his concern, and his commitment to these people who live far away.

Mr. LIEBERMAN. Madam President, I thank Senator MCCAIN for his leadership. This is one of those cases where we have the opportunity—and it is painful that we have not taken it over these many months of the uprising in Syria—not only to do what is right but to do what is best for our country diplomatically. In other words, what is right is to be on the side of freedom, to be with the people fighting against a brutal dictator. That is the right thing to do. What is right is to enter this fight to stop the slaughter of innocent men, women and, literally, children. But there also happens to be a strategic opportunity.

I ask my friend from Arizona about this. Does he agree Syria's Assad is not only the best friend but the only friend and ally Iran has in the Middle East? Iran is our No. 1 strategic threat in the world today; the No. 1 state sponsor of terrorism, in a headlong effort to build nuclear weapons that will totally change the peace of the world if they get them. So here we have an opportunity not only to do what is morally right but to help overthrow the best friend of our worst enemy—Iran.

As the Senator remembers—we were there together—when GEN James Mattis, a great American military leader and head of Central Command overseeing the Middle East, said that if Assad is overthrown, it will be the worst setback Iran has suffered in more than a quarter of a century. That will, in turn, I think, open tremendous new possibilities in Lebanon, which has been under the Syrian-Iranian influence. Even in Iraq, where the new Iraqi Government has felt, I think, pressured on both sides from Iran and Iran's ally Syria on the other side, if Syria is not controlled by an Iranian puppet, I

think we may see some more independence from Iraq that we would like to see.

I ask the Senator from Arizona if he agrees there is not just a moral imperative but an extraordinary strategic opportunity here to get in and shape history.

Mr. MCCAIN. I would say my friend from Connecticut is exactly right. Both he and I visited Lebanon recently, and the fact is that Hezbollah basically controls the government with a Prime Minister who is not Hezbollah but who was put into power by Hezbollah, and their country is basically gridlocked as well. If Syria goes, Bashar Assad goes. That connection between Iran and Hezbollah will be severed and the people of Lebanon will have a great opportunity to have what once was a very thriving democracy restored.

Finally, I would like to mention to my friend one of the things that surprises me from time to time as I have traveled to places such as Burma, whose people were recently freed. I met three men there who were in prison, one of whom had been there for 18 years and another for 22 years. When I have traveled to Libya, as I was for the elections the other day, when I have been in Egypt and I have met some of the young people who were part of the revolution, and in Tunisia, where we met the young people there and the new government there, much to my surprise, to some degree, they pay attention to what we say. They pay attention.

These three men who were imprisoned for over 20 years said: Thank you for what you said. We listened to you in prison. The people in Libya on election night, waving little Libyan flags, were saying thank you. Thank you, America. Thank you. Thank you, Senator MCCAIN, for saying that. The people in Syria are listening and will find out what we are saying today on the floor of the Senate.

Does it matter much? I don't know. But the people in Syria know there are some of us who are committed and will not rest until this massacre stops, until these terrible atrocities cease, and that we will continue to do everything we can to provide them with the kind of moral assistance, which is a vital ingredient in continuing their resistance, and the materiel assistance which provides them the wherewithal to gain their freedom.

Mr. LIEBERMAN. I thank the Senator. I want to make clear, as we finish, what we are talking about.

What are we asking our government to do? We are not asking our government to put American troops on the ground in Syria. They do not need American troops. They have fierce patriotic fighters. What they need first from us is an open declaration that we are on the side of the Syrian opposition.

The second is, I believe they need us to organize a coalition of the willing, just as Senator MCCAIN said President Clinton did in the case of Kosovo, without the United Nations supporting it. Again, it was a Russian veto that stood in the way.

Mr. MCCAIN. President Clinton said his greatest regret was that we did not intervene in Rwanda, where some 800,000 people were massacred.

Mr. LIEBERMAN. Absolutely. So we have to learn from those lessons of history. There is a coalition of the willing waiting to be formed here, if only we in the United States will show leadership. Nobody is asking us and we are not asking for unilateral American action.

There is no question we have allies in the Arab world who are already involved in supporting the opposition in Syria—namely Saudi Arabia and Qatar, which would join us. I believe there may be one or more European countries that would join us. There are other Arab countries that would join us.

What are we asking? Let us increase the flow of weapons and training to the opposition. I think it is time for us to use American air power to at least impose a no-fly zone over Syria because the Syrians are now using gunships, and I fear they will begin to use fighters to attack their civilian population and create and spread the kind of fear they now depend upon.

It is a coalition in support of the opposition, it is weapons and training, it is sanctuaries where they can be trained and equipped, and it is the use of air power against this regime which I think will not only deal a devastating blow to their regime but will make the remaining supporters it has in the military and in the business community despair and see the end is near and abandon Assad.

Have I stated correctly what the Senator from Arizona feels we want this government of ours to be doing now in regard to Syria?

Mr. MCCAIN. I think the Senator is exactly right and has described it well.

There is an element also that adds more urgency, of which I know the Senator from Connecticut is very well aware; that is, that published media reports have talked about the fact that weapons of mass destruction—which, apparently, Bashar Assad has significant stocks of—have been moved around. For what purpose those weapons have been moved around is not known. But it is not an unbelievable scenario that, in final desperation, Bashar Assad would behave as his father did and use these chemical weapons and slaughter unknown numbers of people.

Again, that information lends urgency to bringing him down, to having it happen as quickly as possible, and that, of course, means the kind of engagement the Senator from Connecticut just described.



Mr. LIEBERMAN. I thank my friend. I feel disappointed we continue to have to return to the floor to make these pleas. I hope we come to a day soon when we come to the floor to celebrate the victory of freedom and the defeat of Assad the dictator. May it happen soon.

Mr. MCCAIN. Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that for the next half hour, myself, Senator MIKULSKI, Senator BLUMENTHAL, Senator COONS, and Senator BLUNT, and also, should they come, Senator GRAHAM and Senator KYL be allowed to engage in a colloquy.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CYBER AND CRITICAL INFRASTRUCTURE

Mr. WHITEHOUSE. Our topic is the urgency of the need to protect our privately held critical infrastructure—the power grid, the machines that process our financial transactions, and the communications networks that connect our BlackBerrys and our phones.

In this area, no one is more expert than Senator MIKULSKI, who is a senior member of the Senate Intelligence Committee, helped draft the Senate intelligence report on cyber, and has the pen as the cardinal for the budgets of most of the agencies that are relevant to this discussion. So let me lead immediately to Senator MIKULSKI, who has been enormously helpful in this arrangement.

Ms. MIKULSKI. I thank the Senator from Rhode Island, a former member of the Intelligence Committee and an activist in this area.

Madam President and colleagues, I am happy to be on the floor with a bipartisan group of people who are really worried about our country, and we are worried about its survivability in the event of a cyber attack.

Cyber attacks are not the work of science fiction, though they were once written about. That which was once science fiction is now a hard reality that could cripple our country and bring it to the ground. We have to come up with the legislative framework to be able to protect dot.com and also be able to protect critical infrastructure. I am talking about something that could create catastrophic economic damage, severe degradation.

Why am I obsessed about it? Let's take the grid. There are those who say America runs on oil. BARBARA MIKULSKI says it runs on electricity. You can-

not have a community without electricity. Look at what happened to us in this north capital region when, 2 weeks ago, we had this freaky storm. We nearly came to our knees. Metro couldn't function, stoplights were out, and communication went down. People didn't have access to many communications. Their homes were without electricity, food went bad, and tempers rose. We could not function as a community.

The good news is that no matter how late the utilities were in coming in to respond, they could turn the lights back on, they could turn the electricity back on. But I will tell you, in a cyber attack, that international predator will fix it so that we won't be able to turn it back on or not turn it on for hours, days, or weeks. Do you know what that means? They want to humiliate us, they want to intimidate us, and they want to terrorize us.

We have it within our hands to pass legislation that would bring the appropriate sources together for our privately owned critical infrastructure to be able to make the significant efforts, and I believe we need to incentivize them to be able to protect us. I don't want to wake up one day and find out America has been hit because of gridlock here. And I will tell you, if we are hit, we will overreact, we will overspend, we will overregulate, and we will go over the top.

I want to listen to my other colleagues, but we have to get off of our pet peeves here and move America to a safe result.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Madam President, I am very honored and proud to follow the Senator from Maryland, who has been such an extraordinary leader in so many areas and, most prominently and recently, this one that involves the future of our country. I thank the Senator from Rhode Island for his leadership and my colleague, Senator COONS of Delaware, because he has been at the forefront. This issue truly is bipartisan. Senator BLUNT has played a leading role, as have Senator GRAHAM and Senator KYL and, of course, Senators LIEBERMAN and COLLINS and Senator MCCAIN, who was on the floor before, and Senator CHAMBLISS. This kind of amassing senatorial consensus reflects the urgency and immediacy of this problem. Our Nation is under attack.

I came today from a meeting with one of the major accounting and consulting companies in the United States, whose name would be immediately recognizable to you, and by happenstance, sheer coincidence, he said to me that his company is attacked literally 1,000 times a day. His company has information that is intensely valuable and private and has taken steps to safeguard itself. But the

magnitude of this attack on this single company and others like it that may have intellectual property lost to this country if it gets stolen by hackers and by other nations reflects the seriousness and importance of this issue.

Time is not on our side. We must act immediately. The Senate must follow its duty and make sure we meet the challenge, No. 1, of bringing together all the stakeholders to enhance the resiliency of our critical infrastructure systems. Much of this infrastructure lies beyond the purview of the Federal Government. Cybersecurity is a major concern of both the government and the private sector. There must be a partnership between them; it is not for either to do alone.

Today, the computers that control energy and manufacturing, water, and chemical facilities across the country are connected via the Internet. None of them is an island. No one is an island in the Internet age. We are all under attack when any one of us is under attack.

I believe we have a path forward to strengthen protection of our Nation's network industrial control systems without heavyhanded regulation and in partnership with the businesses that own the systems. Many are already pursuing best practices. Many already are addressing this threat. And my hope is that the legislation coming forward as a result of the leadership by my colleagues here today will make sure these best practices become common practices and uniform to every industry so that access to controls and audits and monitoring is done systematically.

Finally, let me emphasize—and I think this point is especially critical to many who are watching this process today—we can make progress in strengthening the privacy and civil liberties protection in cybersecurity while preserving its underlying goal of safeguarding the Nation.

Americans have become aware of the need to protect online privacy. As I have seen personally in my contacts with the citizens of Connecticut, they are outraged and fearful about frequent reports of massive data breaches and the theft of personal information as a result of the very hacking that threatens private industry and the government. Hacking and spear phishing attacks that have become a daily occurrence in our lives threaten our privacy, our financial integrity, and our security.

A recent United Technologies National Journal poll found that 62 percent of respondents believe that government and businesses should not be allowed at all to share information because it would hurt privacy and civil liberties. That same poll found that 67 percent of those surveyed said they were either very or somewhat concerned about threats to our country's

computer networks. The two anxieties go hand in hand, they fit together, and we must find a path forward on this legislation reconciling these views.

I personally believe this cybersecurity is compatible with privacy protection and with the liberties—including the liberty to go to court and protect the individual rights—that are so integral and fundamental to our constitutional protections and American civil liberties. We can make sure adequate protections are in place.

Again, this task is one we must address—and address it now.

I again thank the Senator from Rhode Island, and I yield to him.

Mr. WHITEHOUSE. Let me welcome Senator BLUNT to the discussion and invite him to chime in now. He has been a very important voice in the bipartisan discussions on how we can find a proper way to protect American privately owned critical infrastructure. He is a consummately experienced legislator from the House and has been a great addition to the Senate, and we welcome him to the discussion.

Mr. BLUNT. I thank the Senator from Rhode Island for his kind comments.

I wish to comment on a couple of things that have been said, and one by my friend from Connecticut that there are competing concerns here and they don't need to be mutually exclusive at all.

When we talk about cybersecurity, we are not talking about the government somehow securing everything that happens in the cyber world; we are talking about, what are the things we can identify and agree on as critical infrastructure? There is a lot of security about what happens on the military cyberspace, dot-mil, and a lot of comfort about what happens in the government part, the dot-gov. What we are concerned about is what is outside those two networks that doesn't have the kind of protection those networks have, not about controlling everything—in fact, about defining specifically in the most limited way possible what is critical to the ongoing daily operation of the country. Senator MIKULSKI talked about that. She also said that if something happens, there is no telling what kind of legislation will pass. And I couldn't agree more with that comment in every way I can think of.

We are going to pass a cybersecurity bill at some time, I believe, in the not too distant future, and it will either be in the kind of environment the four Senators along with me here on the floor have been working to create, where we do this in the most thoughtful way, we do this in a way that has taken time to bring people together and have a discussion, or in a post-cyber attack moment, like a post-9/11 moment, and who knows what we might do. I think Senator MIKULSKI

said wisely and rightly that it will go further than it should go and it will cost more than it should cost because then we are reacting, and that is what we need to avoid.

We can do this in the right way or the wrong way, and the wrong way would be waiting too long. The right way is to do this now. You don't have to be well read into the intelligence community. I have a chance to be on that committee with Senator MIKULSKI. I served on the House committee when Senator WHITEHOUSE was on the Senate committee and know they have long been advocates of securing this part of our vulnerability. But you don't have to be on the Intelligence Committee or even have access to the information that all Senators have to know that this is believed to be our greatest area of vulnerability. And why is it? Because it involves everything. It involves how we communicate, it involves how we get gasoline, and it involves how we power everything from the drinking water system to the electricity at home.

A windstorm created all kinds of problems. Two different 30-minute-or-so stops on the Metro system in the Washington area because the screen went blank caused all kinds of problems. Imagine that multiplied by whatever multiple you want to use, and the country would quickly not be functioning in any way—traffic in Washington, traffic anywhere in the country, trying to get from one gas station to the other only to find out that, by the way, the gas pumps don't work because the electricity is out and your car doesn't have enough gas.

This is a huge problem. How do we define that critical infrastructure, and how do we do that in a way that is the most responsible, as Senator BLUMENTHAL said, protecting civil liberties at the same time that we are carefully carving out that spot where government does have some obligation to make that area secure, and if we can do that in a way that encourages people to get into that environment.

One of the things Senator COONS has been talking about—a former local government executive who knows all of the impact of police and fire and the court system and everything else he had to be responsible for, as well as his private sector work—has brought real value to this discussion. Somebody told me the other day, if you are in almost any kind of business, you have either been attacked, are going to be attacked, or you are being attacked right now as people are trying to figure out—maybe for malicious purposes, maybe just to see if they can do it—how they can get into your system. And Senator COONS has been so helpful in these discussions. I would like to hear what his thinking today is on this and where you are, talking about this on the floor.

Mr. COONS. I very much thank Senator BLUNT. Thank you for helping to contribute to the bipartisan, positive tone of our deliberations. I thank my friend, the Senator from Rhode Island, for his leadership both in today's colloquy and in pulling together the language and partners, and Senator MIKULSKI, who started off our conversation today by reminding us as Senator BLUNT has that it was a terrible storm in this area that knocked out power for a couple of days that gave a bracing reminder to the community around Washington, DC, just how much we rely in this modern economy of ours, on continuous, uninterrupted power.

That storm was an act of God. That storm was a random meteorological event. But as all of us have spoken—Senator BLUMENTHAL also commented on this—we know as Members of the Senate that there are daily efforts at attacks on the United States far more devastating, far more far-reaching than that transitory storm. For us not to act, for us to fail to act in a bipartisan, thoughtful, and responsible way would be the worst sort of dereliction of duty.

All of us have been in secure briefings with folks from four-star and three-letter agencies with the most central roles in our intelligence community, in our national security agencies. But this is not something that only those of us in the Congress know or only those in the higher reaches of executive branch leadership know. This is now broadly, publicly well known. The water is rising, the storms are coming, and we need to incentivize the private sector that is responsible for running most of our essential infrastructure to man the barricades, to fill the sandbags, and to take on the responsibility in a thoughtful, balanced, and responsible way of preparing for the wave of highly effective cyberattacks that are currently underway and that will crescendo soon.

We have heard public comments that are remarkable. The Chairman of the Joint Chiefs, General Dempsey, has said an effective cyber-attack could literally stop society in its tracks. As Senator BLUNT mentioned, as a county executive I was responsible for emergency response, and all over this country cities, counties, and States are trying to understand how to prepare for the consequences of a cyber-attack.

We are not talking about trying to craft legislation that would deal with every possible cyber harm, every possible cyber crime. We are talking about those few incidents that would be likely driven by a nation state or by a terribly advanced and sophisticated terrorist group that would strike at the very heart of what makes our modern society vibrant and that would have mass casualty consequences, dramatic impact on our economy, or wipe out whole sectors for days or weeks, such as a failure of the power grid.

This is not exotic. We just had another public hearing on the Energy and Natural Resources Committee and were warned yet again of what the Department of Homeland Security documented back in 2007 in their Aurora exercise, that our power grid, nationally interconnected, vital to the modern economy, is fragile, is vulnerable to cyber-attacks. We have seen this unfold overseas. The small Baltic nation of Estonia was the victim of a comprehensive cyber-attack. They saw also in 2007 banks, media outlets, government entities that collapsed, bank cards, mobile phones, government services over a 3-week period completely shut down.

Is there a real threat? Absolutely. Are we doing enough to face it? I don't think so. I don't think we have yet done enough. There is legislation that has been brought forward by a whole group of Senators led by Senators LIEBERMAN and COLLINS that I hope this body will turn to in the days ahead and find ways to balance. As Senator BLUMENTHAL said previously, we live in a country where we must continue to respect the powerful, passionate commitment to individual privacy and civil liberties. But I think we can, with narrowly targeted, appropriately crafted legislation that incentivizes and encourages the private sector, take on the role, appropriately informed by those from throughout Federal Government, to strengthen their defenses against these coming attacks. I don't think we have to make a choice between privacy and security and I do think we can give the private sector the tools to make our country safe and strong.

But those who view new cyber regulations as onerous, as burdensome, as overly expensive for the private sector, as threatening needlessly our privacy, have an obligation to come forward with a credible alternative before it is too late.

Today we are, frankly, leaving our country wide open to attack. As we recently heard in floor speeches by both Senator BLUMENTHAL and Senator WHITEHOUSE, when private sector companies, even the most technically sophisticated, are contacted by our government and told they have been the victim of a successful intrusion and attack, in nearly 90 percent of the cases they were utterly unaware. We need to strengthen information sharing. We need to develop robust standards of defense. We need to help invest in building up the infrastructure protection of this country, and it is the most vital thing I can think of that this country could turn to.

Let me close with this for my moment, if I could. I had a chance to have lunch last week with Senator DANIEL INOUE. That was for me a great honor, a chance to sit with him and visit and ask his advice. He made one comment

to me in closing. He is the only Member of this body who was at Pearl Harbor. He shared with me that in his view the next Pearl Harbor, the next unexpected massive attack that could hurt the United States, will come from cyber. It is our obligation to take that lesson seriously and to legislate in a bipartisan, thoughtful but swift and effective way.

So, I say to Senator WHITEHOUSE, I am grateful for his leadership of our efforts in this regard.

Mr. WHITEHOUSE. I agree with Senator COONS, and more important than me agreeing with him, the Secretary of Defense of the United States of America agrees with him. He has said, "The next Pearl Harbor we confront could very well be a cyberattack," and that is an exact quote.

I wish to turn back to Senator MIKULSKI for a moment, as the person who is in charge of the appropriations for these key agencies, because there is a sense in some quarters that if you leave the private sector on its own to do this, they will be fine. I think the evidence we have heard in a series of hearings that Senator MIKULSKI, Senator BLUNT, myself, and Senator KYL cochaired, bipartisan hearings—Senator COONS came to virtually all of them, and to their great credit Senator LIEBERMAN and Senator COLLINS came to virtually all of them—the testimony we heard was that was not the case.

Some of the public commentary, our Deputy Secretary of Defense Ashton Carter says:

There is a market failure at work here . . . companies are not willing to admit vulnerabilities to themselves, or publicly to shareholders, in such a way as to support the necessary investments or lead their peers down a certain path of investment and all that would follow.

That is a bipartisan sentiment. Mike Chertoff, who is the former head of DHS, said:

The marketplace is likely to fail in allocating the correct amount of investment to manage risk across the breadth of the networks on which our society relies.

Senator COONS pointed out 9 out of 10 of the companies contacted by the NCI JTF, when they became aware they were attacked, had no idea they had been attacked.

I will turn to Senator MIKULSKI to make her comment on this. It is a public-private partnership here.

Ms. MIKULSKI. I thank Senator WHITEHOUSE for what he said and the fact we really had a great study group, both sides of the aisle eager for information, eager to come up with the best policies.

Much has been said about the private sector. I talk to the private sector a lot because of our work on the committees, and the private sector is looking for leadership. They are looking for a framework. They worry that overregulation could be both costly and stran-

gulating; would we be so prescriptive that we mandate—first of all, that we mandate, and that we essentially mandate dated technology because this is a fast-moving, evolving field. They are looking for us to give a legislative framework where they could work with their government on what they want to bring to the table and feel free, because of certain proprietary concerns, to do it.

I talked to people who have responsibility for delivering power in Maryland. They are working. Edison Institute, which represents essentially the electric companies and the grid, would like us to have a framework. They want to be at the table. They want to know who is in charge, who do you call, what do you do in the event of an attack.

When you say to them how can we prevent the attack, they say that is where we need government, to tell us where you think we are heading, to bring the great Federal labs to bear with their ideas and how do you do this in a way that encourages not whatever government is going to do but voluntary efforts, but voluntary efforts with some teeth, some standards to be met—standards that are not prescriptive, that could be dated, but again the ever evolving of the state of science.

I think we have the elements. Where the problem is, is not do we know what to do, but the problem is are we going to do it and can we put aside where we make the perfect the enemy of the good. Colin Powell had a great phrase: "America always needs to seek the sensible center." That is what I am talking about here. I want to protect civil liberties. I certainly do want to protect civil liberties. But you know the first civil liberty is that you can turn your lights on, and when you go to bed you know your refrigerator is going to be working; the stoplights are going to be working when you wake up the next day; or if your child is at school or at camp, you are going to be able to get to that child, and that 911 is going to be working if you call 911. That is civil liberty. It means you can function in a free and democratic society but that you are not terrified that you are literally in the dark, you are literally in the cold, you have no power politically, you have no power with electricity. It is all because we failed that.

I think we can do that. I think Senators LIEBERMAN and COLLINS have given us a great only starting point. I think to use the language of our future Super Bowl champions, the Ravens, which will happen, we are beyond the 50-yard line. We can do this.

I hope in the spirit we came here today, we need a sense of urgency, we need a bipartisan effort, and we need the will to serve America and put that interest first.

Mr. WHITEHOUSE. Senator BLUNT.

Mr. BLUNT. I think Senator MIKULSKI made the case so well here, too.

When we looked at this, when we have gone through exercises, the power grid is where you go first because it is the most dramatic, I suppose. But there are so many other places you could go—the description of the financial networks. Suddenly business stops. I was making a list here. We were talking of the kinds of things that could be at risk through some kind of cyber-attack—everything from electromagnetic pulse attack to literally a cyber-attack that comes into these various networks.

There are 111 powerplants in Missouri. In our State alone, there are 111 powerplants. They are all in some way or another hooked into the grid. They can be disabled in a significant way. I was talking to a friend of mine who, during the last few days, was in West Virginia with their family. Driving to West Virginia, the electricity was out and they began to see abandoned cars because nobody could get to a gas station, and if they could get to a gas station, it was closed. So there were cars all over the place. That is assuming you can even get out of the traffic mess you would be in in more urban areas. But where would you go? What would you do? The desperation we understand. It would be something that is preventable if we prevent it. It is something that is preventable in ways that—particularly Senator WHITEHOUSE has been thoughtful in putting together ideas of how you encourage people to voluntarily want to get into this space, to where they have assistance that they would not otherwise have, where they have assurances that they have done everything they could do to prevent this from happening.

Frankly, if we do everything we can do to prevent this from happening, there is a chance it will not happen. But if we do not, there is certainty it will happen. We know that. I am glad my colleagues are here. I hope the Senate turns to this issue and we have a full and free debate because if we are united on this in a bipartisan way, that finds that sensible answer Senator MIKULSKI was talking about.

Senator WHITEHOUSE.

Mr. WHITEHOUSE. I thank the Senator from Missouri. I will wrap up by making three points and I will make them briefly. I have given remarks at greater length in these areas before so I think my position on this is pretty clear.

One is, protecting our critical infrastructure, the privately owned systems our way of life depends on, is the weak point we need to address. We do well with dot-mil, we do well with dot-gov. The government has the authority to provide all of its resources to protect those. We don't particularly care about ordinary Web sites, about chat rooms—we do not want to interfere with those anyway. It is just the critical infrastructure that is important, the pri-

vately held infrastructure. We really need to work on that. The warnings from our national security leaders are across the board: Secretary of Defense Panetta, NSA Cyber Command and Director Keith Alexander, Director of National Intelligence Clapper, Secretary of Homeland Security Janet Napolitano, Attorney General Holder, and Chairman of the Joint Chiefs of Staff Mark Dempsey have all clearly expressed the danger of this threat.

The second point, it is bipartisan. The former Director of National Intelligence and NSA Director Mike McConnell has said:

The United States is fighting a cyber-war today, and we are losing. It's that simple. As the most wired nation on Earth, we offer the most targets of significance, yet our cyber-defenses are woefully lacking. . . . [W]ith cybersecurity, the time to start was yesterday.

Former Assistant Secretary for Policy at the Department of Homeland Security Baker said:

We must begin now to protect our critical infrastructure from attack.

A great number of national security officials, bipartisan, wrote a letter to us in the Senate and said:

The threat is only going to get worse. Inaction is not an acceptable option.

Protection of our critical infrastructure is essential in order to effectively protect our national and economic security from the growing cyber threat.

As I said earlier in introducing Senator MIKULSKI, there is indeed a market failure that has been identified in a bipartisan fashion. The facts prove it because so often when public or private sector folks respond to an intrusion, they find 90 percent of the time the company had no idea it was hacked.

Even the Chamber of Commerce was hacked and had Chinese infiltrators with access to all of their computers for months. When the Aurora bug hit Google and others, only 3 out of 30 companies were aware of it. So the private sector does need a supportive government. We, in turn, from the government side have to make sure the burden is not unreasonable and make sure we are doing this in as light, as sensible, and voluntary as is possible and consistent with the mission of actually protecting our cybersecurity.

In the Bush administration, the Assistant Attorney General was Jack Goldsmith, who is now at the Harvard Law School. He has written about this very issue. He wrote:

[T]he government is the only institution with the resources and the incentives to ensure that the [critical infrastructure] on which we all depend is secure, and we must find a way for it to meet its responsibilities.

I thank Senator MIKULSKI, Senator BLUNT, Senator BLUMENTHAL, and Senator COONS for participating in this colloquy today. I thank our group and the group I just mentioned. In addition I would like to thank Senator KYL, Senator GRAHAM, and Senator COATS

for the bipartisan work that has been done to try to find a way forward to protect critical infrastructure.

Again, I thank Senator BLUNT, Senator KYL, and Senator MIKULSKI for the series of private briefs and classified briefings that have helped build the momentum toward this effort.

I think we can get this done. It is essential we do. I appreciate the work of my colleagues in making this happen.

I yield the floor and note the absence of a quorum.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. BLUMENTHAL). The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### GLOBAL WARMING

Mr. WHITEHOUSE. Mr. President, I come to the floor most every week to discuss the issue that I think is the one that Members of Congress in this era are most likely to be judged on in the future; that is, the relentless carbon pollution of our atmosphere that we are engaged in and the changes in our climate and in our oceans that are very visibly happening as a result.

I know there are many interests in Washington that would prefer us to ignore this issue, but just because they ignore it and just because they want us to ignore it doesn't mean it is going anywhere. The country, as we have heard in the last few weeks, has baked in record heat. I think it was Bloomberg News that described the Midwest farmers as farming in hell. It has been scorched by drought, driven by unprecedented wildfires, and that has resulted in an increasing amount of chatter in the news and even some conversation on the Senate floor about climate change.

Some have tried to say there is no relation, but I want to talk a little bit about the science of what we see happening around our country and around the world.

There is an interesting report that I would mention. I am not going to put it in the RECORD because it is too large. It is called "The State of the Climate in 2011," a special supplement to the bulletin of the American Meteorological Society.

What we see is that 2012 is shaping up to look a lot like 2011, which Deputy NOAA Administrator Kathryn Sullivan called "a year of extreme events, both in the United States and around the world." The report I just showed is a peer-reviewed report. It was compiled by 37 scientists from 48 countries.

As explained by Dr. Sullivan, and I quote her:

Every weather event that happens now takes place in the context of a changing global environment. This annual report provides scientists and citizens alike with an

analysis of what has happened so we can all prepare for what is to come.

Here are some of the highlights from the American Meteorological Society report. The first generally is that warm temperature trends are continuing. Four independent datasets show 2011 was one of the 15 warmest years since recordkeeping began in the late 19th century, and yet one of the coolest since 2008. The average temperature for 2011 was higher than the 30-year annual average temperature. The Arctic continued to warm at about twice the rate compared with lower latitudes.

On the opposite pole, the South Pole Station recorded its all-time highest temperature of 9.9 degrees Fahrenheit on December 25, Christmas Day, breaking the previous record for warm weather around the South Pole by more than 2 degrees.

So the warm temperature trends continue. The other major finding of the report is that greenhouse gases continue to climb. Major greenhouse gas concentrations like carbon dioxide, methane, and nitrous oxide continued to rise. Carbon dioxide steadily increased in 2011, and the yearly global average exceeded 390 parts per million for the first time since instrumental records began. This represents an increase of 2.10 parts per million over the previous year.

I would note that the Arctic sampling stations have for the first time in history recorded concentrations over 400 parts per million. That is an ominous number because the Arctic tends to be the leading edge for these indicators. There is no evidence that natural emissions of methane in the Arctic have increased significantly during the last decade, so they have not yet contributed to this steady increase. But there could be significant increases of methane in the future as the tundra thaws and as methane captured under the permafrost is released.

Arctic sea ice is decreasing. Arctic sea ice extent was below average for all of 2011 and has been since June of 2001. It is a span of 127 consecutive months through December of 2011. Both the maximum ice extent, which was 5.67 million square miles on March 7, and the minimum extent, 1.67 square miles on September 9, were the second smallest measurements for maximum and for minimum of the satellite era.

A fourth finding is that sea surface temperature and ocean heat content continue to rise. Even with La Nina conditions occurring during most of the year, the 2011 global sea surface temperature was among the 12 highest years on record. Ocean heat content measured from the surface down to 2,300 feet deep continued to rise since records again being taken in 1993, and ocean heat content was at a record high.

In addition to putting 2011 into the context of these longer trends and

timelines, the researchers from NOAA and the U.K. Meteorological Office also examined the link between climate change and extreme weather events that occurred in 2011. Here is what they say:

In the past it was often stated that it simply was not possible to make an attribution statement about an individual weather or climate event. However, scientific thinking on this issue has moved on and now it is widely accepted—

Widely accepted—that attribution statements about individual weather or climate events are possible, provided proper account is taken of the probabilistic nature of attribution.

So let me be clear. It is still not correct to say that any weather event specifically is or is not directly caused by climate change. However, what these researchers have done is evaluate methods to see if the probability of this event occurring has changed by a particular percentage given the changing climate. Have we, in effect, loaded the dice in our atmosphere to make extreme weather events more likely? And not only have we loaded the dice, but how loaded are the dice? How are the odds changing?

This paper evaluated six events from last year, and here are some of those findings:

La Nina-related heat waves such as that experienced in Texas in 2011 are now 20 times more likely to occur during La Nina today than during La Nina years 50 years ago. So we have loaded the dice for these events to happen during the La Nina years by a factor of 20. That is a pretty heavy increase.

Researchers evaluated a very warm November that the United Kingdom experienced in 2011. They found that warm Novembers are now 62 times more likely for the region. Again, not only are the dice loaded for unusual weather events, they are loaded with big numbers.

The next month, December 2011, was very cold. Researchers found that cold Decembers were 50 percent less likely to occur now versus 50 years ago.

Moving on to 2012, I wish to mention another event that happened this week. On Monday, researchers at the University of Delaware and the Canadian Ice Service reported that a 46-square-mile chunk of ice broke off from the Petermann Glacier on the northwest coast of Greenland. This piece of ice is two times the size of Manhattan. In August 2010, a piece four times the size of Manhattan separated from the glacier. This most recent breakoff of the Petermann Glacier puts the glacier's end point where it has not been for 150 years.

Andreas Muenchow, a researcher at the University of Delaware, said:

The Greenland ice sheet as a whole is shrinking, melting and reducing in size as a result of globally changing air and ocean temperatures and associated changes in circulation patterns in both the ocean and the atmosphere.

When we change the temperature, we change the circulation patterns. Those go hand in hand.

Relatedly, an article published in *Science* magazine examined data from not the Arctic areas but the tropic areas from coral reefs around the world. The researchers concluded that sea levels during the last warming period, which is most similar to today's climate, were roughly 18 to 30 feet higher than today. That is about 6 to 10 feet higher than previous estimates had projected. The likely culprit: more melting of the Greenland and Antarctic ice sheets than was previously assumed.

All of this evidence, these changing trends and emerging science evaluating increased probability of extreme weather events, ought to be enough for us to consider limiting our greenhouse gas emissions. It ought to be enough of a warning for us to stop what is presently an uncontrolled experiment that we are conducting on our planet. We should do this while we still can.

Yet, unfortunately, there are special interests in Washington who deny that carbon pollution causes global temperatures to rise; deny that melting icecaps destabilize our climate so that regions face extreme drought or outsized precipitation events; deny that they have any responsibility to do anything about this. These special interests have a strong grip on Washington and on Congress. They pretend to us and to the American public that the jury is actually still out on climate change caused by carbon pollution, that we should wait, we should let them continue with business as usual and wait for the verdict to come in. Well, they are wrong. The jury is not still out. The verdict is, indeed, in, and their claims to the contrary are, frankly, outright false.

This is a pattern, actually, that has manifested itself with other industries in the past. The lead paint industry, the tobacco industry, and others have all had legions of scientists who have been willing to manufacture enough doubt about the danger of the product—tobacco is safe to smoke, lead paint won't hurt children, that sort of thing—so as to delay public safety action that would protect the public from their product. They obviously have a motive in doing that because they want to keep selling their product and keep making profits, but the cost has been terribly high to the public when we have listened to that kind of science. Unfortunately, we are listening to that now again. We should not be fooled. The vast overwhelming bulk of scientists agree that climate change is happening and that human activities are the driving cause of this change.

When I give these talks, I often refer to a paragraph from a letter we received in Congress in October of 2009. The letter was very powerfully stated,

particularly when we consider the cautious way in which scientists ordinarily couch their findings. Here is what the letter said:

Observations throughout the world make it clear—

Clear is the word they use—

that climate change is occurring, and rigorous scientific research demonstrates that the greenhouse gases emitted by human activities are the primary driver. These conclusions are based on multiple independent lines of evidence—

And they close with this—

and contrary assertions are inconsistent with an objective assessment of the vast body of peer-reviewed science.

In other words, if we look at the peer-reviewed science, the body of science, objectively, one cannot reach those conclusions. Those contrary assertions are inconsistent with an objective assessment. Clearly, subjective assessments are different, but subjective assessments we should discount because of the motives that lie behind them.

The letter I just quoted was signed by an enormous number of very prestigious scientific organizations, from the American Association of the Advancement of Science, to the American Chemical Society, the Geophysical Union, Institute of Biological Science, Meteorological Society, Society of Agronomy, American Plant Biologists, the Ecological Society of America, the Organization of Biological Field Stations, Soil Science Society of America, and an immense group of very respectable organizations not gathered together for the purposes of argument about climate change but who have a responsibility to their scientific communities to be accurate. These are highly esteemed scientific organizations. They know the jury is not still out. They know that the verdict is, in fact, in and that it is time we did something about it. It is really irresponsible and nonsensical for us not to.

The science on this goes back to the Civil War. It was a scientist named John Tyndall, an Irish scientist practicing in England, who determined that carbon dioxide and water, when they were trapped in the atmosphere, had a blanketing effect and would trap heat in the atmosphere—the basic principle of global warming.

In 1955, the year I was born, a textbook called “Our Astonishing Atmosphere” said the following:

Nearly a century ago, scientist John Tyndall suggested that a fall in the atmospheric carbon dioxide could allow the Earth to cool, whereas a rise in carbon dioxide would make it warmer.

If that was century-old information the year I was born, then I think it is entitled to some credence around here.

Of course, we are observing these changes. Let me put one into context, and then I will yield the floor. That one is that 390-parts-per-million figure

I alluded to earlier. For the last 8,000 centuries—800,000 years—we have been able to measure what the range was of carbon dioxide in the Earth’s atmosphere, and for all that period, 800,000 years, it has been between 170 parts per million and 300 parts per million. So 170 to 300 is the range. So when we are out of that not by a little bit but by a lot—we are already to 390, and in the Arctic we have hit 400—this is measurement, by the way, not theory—that is something to be worried about because when we look back at history, before 800,000 years ago, back into previous geological events, we find that these high carbon concentrations are associated with really dramatic die-offs, very hostile environments for human occupation.

Of course, we have never had that experience because we have really only been around on this planet for probably less than 200,000 years. We only started scratching the soil, planting things and developing agriculture, 10,000 years ago. So 800,000 years ago is a long time, and the safe bandwidths our species has developed within during that 800,000 years is something that we should not be so frivolous about flying outside of to the tune of now hitting 390 parts per million. There will be consequences that will be grave.

We are already seeing consequences that are grave. Our ocean is acidifying in unprecedented ways. If we are looking for a first catastrophe to ensue, it is as likely to be through the acidification of our oceans as it is through climate and through the damage that an acidic ocean can do to small creatures, particularly those at the very bottom of the food chain, the ones all the others eat. Let me put it this way: It is a hard thing for an animal to succeed and survive in a physical environment in which it is soluble.

So I see a colleague on the floor, and I will yield to him. I appreciate the attention of the Senate to this issue, and I hope the day will come soon when we can wrench ourselves free of the grip of the special interests and do something serious about this looming threat.

I thank the Presiding Officer, and I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

#### PROGROWTH TAX REFORM

Mr. HOEVEN. I rise today to discuss the need for progrowth tax reform. I came to the floor last week, I have been here this week on the subject, and I am here again today to talk about the need to get started and get going right now on the progrowth tax reform that will unleash private investment in this country and help us grow our economy and create jobs for the more than 13 million people we have unemployed today.

The current Tax Code changes at the end of the year. If we fail to act, the current Tax Code changes. That is a

fact. Simply put, tax rates go up. The income tax rates rise. Capital gains taxes go up. The death tax goes up.

Today, we voted on a measure regarding outsourcing. Its goal was to encourage U.S. companies to invest and hire workers in the United States rather than overseas. But, at best—at best—that is a piecemeal approach. The reality is, the tax increases that will occur at the end of the year will do far more to drive investment and employment overseas than any measure like the one we considered today. Those increases to the tax rates on small businesses across this country will have a much bigger impact than any single measure like the one that was offered today.

So think about it. By not extending the current tax rates, we will have a business climate that makes it harder to do business in this country. It seems to me that makes the solution pretty simple. Let’s extend the current tax rates for 1 year, and let’s set up a process to engage in progrowth tax reform that will empower small businesses—millions of small businesses across this country—to do what they do best; that is, to invest and hire people, to put Americans back to work.

The question is, Why aren’t we doing it? By setting up a process to undertake comprehensive, progrowth tax reform over the next year, everyone has a chance to provide their input and to provide their ideas, to offer their legislation, Republicans and Democrats alike. In fact, formats have already been proposed, formats such as Simpson-Bowles, Domenici-Rivlin, groups such as the Gang of 6 and others that have put forward different concepts. So there is absolutely no reason to wait.

The question is not are we or are we not going to do it. The reality is, we have to do it. The reality is we have to do it to get our economy going. So let’s get started. President Obama needs to join with us in this effort. Look at our economy. Look at the statistics since President Obama took office.

Unemployment. We have 8.2 percent unemployment. Unemployment has been over 8 percent for 41 straight months. We have 13 million people in this country unemployed—13 million people in this country looking for work—and we have another 10 million who are underemployed; that is, 23 million people either unemployed or underemployed.

Middle class income. Middle class income has declined from approximately \$55,000 annually to \$50,000 since the current administration took office.

Food stamps. Food stamp usage has increased dramatically, from 32 million recipients to 46 million recipients.

Home values. Home values have dropped. Home values have dropped, on average, from \$169,000 to \$148,000.

Economic growth. GDP, gross domestic product, growth is the weakest for any recovery since World War II.

Job creation last month. Mr. President, 80,000 jobs were created. But it takes 150,000 jobs each and every month just to keep up with population growth to actually reduce the unemployment rate.

So these facts speak for themselves. These are the facts. The President's approach to our economy is making it worse, and his failure to join with us to extend the lower tax rates and engage in progrowth tax reform is sitting on our economy like a big wet blanket. But we can change that. We can change that right now. We can change that by extending the current tax rates and by together, on a bipartisan basis, with the administration, joining in a process to put in place progrowth tax reform and at the same time getting control of our spending.

Business investment and economic activity would respond immediately. Look at the latest information from the Congressional Budget Office, the CBO. The CBO projects the economy will contract—will contract—by 1.3 percent on an annualized rate for the first 6 months of next year, meeting the definition of “recession” if the fiscal cliff we now face is not addressed. Overall, the economy, based on the CBO projection for next year, would grow by only one-half of 1 percent for the entire year. That compares to a 4.4-percent growth rate for next year if the fiscal cliff is avoided.

Granted, that fiscal cliff includes not only addressing the tax increases that would go into effect but also sequestration. But we have put forward ideas to address sequestration as well. Clearly, the tax piece is a huge part of what drives that difference in economic growth—the difference between one-half of 1 percent and over 4 percent economic growth next year.

Think of what that means in terms of employment to the people who are looking for a job. Think of what that means in terms of growth in the economy and revenue growth to help address our deficit and our debt. All that stands to reason because business needs certainty. Business needs certainty to invest, to grow, to hire more people.

With legal, tax, and regulatory certainty—not more government spending but with legal, tax, and regulatory certainty, businesses in this country will invest and grow and put people back to work. There is more cash, there is more private capital on the sidelines now than ever before in our history. With the uncertainty about what the Tax Code is going to be, that investment will continue to be sidelined rather than deployed in ventures that will create jobs.

The longer we go, the more uncertainty. That means slow economic growth; that means higher unemployment; that means more people out of work rather than finding a job; and it

means less revenue to help reduce our deficit and our debt. Clearly, that is not the way to go.

President Obama, however, says: But wait a minute. Everyone needs to pay their fair share. So he is proposing tax increases on that basis. Of course, everyone needs to pay their fair share. But the way to ensure that gets accomplished is with progrowth tax reform and closing loopholes. That is exactly what we have proposed—not by raising taxes on more than 1 million small businesses across this country, which is what the President has proposed.

Let's extend the current tax rates for 1 year. Let's set up a process to pass comprehensive, progrowth tax reform that lowers rates, closes loopholes, that is fairer, that is simpler and that will generate revenue to reduce our deficit and our debt through economic growth rather than through higher taxes. In reality, that is the only way we will get our economy going, and that along with controlling our spending will reduce our deficit and our debt and it will put Americans back to work.

Leadership is all about finding common ground. President Obama needs to join with us to find common ground on this issue. We have offered it. We are offering it right now. I hope the President will join with us in this endeavor. It is simple. It is straightforward. It is what the American people want and what they need and we need to get started right now.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CAMPUS DEBIT CARDS

Mr. DURBIN. Mr. President, there was a troubling report recently released by the U.S. Public Interest Research Group. It is entitled “The Campus Debit Card Trap.” The report from PIRG documents how colleges and universities across the country have signed deals with financial service companies to provide campus debit cards and prepaid credit cards to students.

Sometimes these debit cards are linked to a student checking account, and many times the school's name will appear on the card. In some cases, the student ID card is turned into a bank debit card. We are also seeing colleges and universities make deals in which banks issue prepaid debit cards to

make financial aid disbursements to students.

When they are managed appropriately, debit and prepaid cards can be a good thing for students. It can give them an effective way to conduct transactions and receive their student aid payments. But, unfortunately, as the PIRG research found, some of these campus debit card arrangements raise some serious questions.

Why did the U.S. PIRG title its report, “The Campus Debit Card Trap”? You guessed it. Many students are being charged unreasonable fees that are costing them millions of dollars. According to the U.S. PIRG report, 15 financial institutions have debit or prepaid card contracts with 878 campuses that serve more than 9 million students. It is a big business. Forty-two percent of all students nationwide go to school on these 878 campuses.

It is a lucrative business for financial institutions. There is a lot of money to be paid from fees on college debit cards, especially when they start charging fees on the billions of dollars disbursed each year in Federal student aid. So the Federal money is passing through these cards to the students. The financial institutions are making money in the process.

As the U.S. PIRG report shows, some of the fees being charged are clearly unreasonable. One of the most egregious fees is a per-transaction fee on students for using a PIN number on debit purchases instead of a signature. One of the largest campus debit card companies, Higher One, currently charges students 50 cents every time the student enters his PIN number at a checkout. PIN-based transactions are supposed to be more secure than signature transactions. But this deal actually penalizes the students for using PIN numbers which are supposed to be more secure.

Another unacceptable fee is the ATM balance inquiry fee that some banks charge. This penalizes students who check on their balances to make sure they do not overdraw their accounts or incur an overdraft fee. Why would you discourage a student from checking on their balance so they do not overdraw their account?

Some banks charge inactivity fees, when a student is charged \$10 a month if they are not using the account after 6 months. In other words, if the student is not using the card, racking up fees by making purchases, the financial institution still charges \$10 each month. So it is going to get the money either way.

Of course, there are mysterious fees such as Higher One's \$50 lack of documentation fee. That is what they call it. They recently abandoned this. And not to mention the obscure and unreasonable overdraft fees that some institutions charge.

Not only do those fees eat away at the limited money these students have



for books, food, and living expenses, but these fees also cut into taxpayer-subsidized student aid dollars.

Student aid should be used to aid students, period, not banks. We should not allow financial institutions to take a slice off a taxpayer-subsidized student aid disbursement through unreasonable fees. We should not have debit card deals between financial institutions and colleges that leave students holding the bag.

Colleges and universities should negotiate for the students, for the best deal for them; the lowest fees, the best consumer protection. We need these deals to be fully transparent. Students often think: Wait a minute. If the university is recommending this bank or this school ID or this debit card, then it must be approved by the school.

The terms of the deal ought to be clear to the student so they can make the right choice. In addition, if the school receives incentives or kickbacks for providing exclusive access to the students, there is an inherent conflict of interest that at least ought to be disclosed.

I wrote a letter, along with Senator JACK REED and Congressman PETER WELCH, calling on the 15 financial institutions mentioned in the PIRG report to immediately discontinue several of the worst fees that were highlighted and disclose their contracts with colleges and universities. I am pleased that some financial institutions are responding to this PIRG report, but more needs to be done.

Fortunately, there are colleges and universities out there that are ready to step up. Soon after the PIRG report came out, I met with the president of a university in Illinois that uses prepaid Visa debit cards to disburse title IV student aid. Students at this school were being charged some of the fees that were mentioned in the PIRG report, such as the inactivity fee and a fee for checking on the balance on their account.

When I alerted the president of the university to these fees, he immediately responded and agreed that he thought that was unreasonable. He said he will work to promptly address this issue for the benefit of the students.

I hope other leaders of colleges and universities who try to convince students and their families that they are truly their friends will be their friends when it comes to these debit cards. In the days to come, I am going to work with the regulators at the Department of Education and the Consumer Financial Protection Bureau and with the higher education and financial communities to take the tricks and traps out of the campus debit card programs.

Let's give our college students who are already borrowing money, deep in debt, struggling to pay their bills a break. Let's not increase the debt they are going to carry out of school, trying

to enter into the job market. I thank my colleagues who are already working with me on this. I urge others to join me.

#### VA CAREGIVER PROGRAM

Mr. President, since last July, the Veterans' Administration's Caregivers Program has been providing the families of severely disabled Iraq and Afghanistan veterans with the support they deserve to care for their loved ones. I would like to mark the 1-year anniversary of this program by taking a few minutes to talk about its impact on families across America.

The Caregivers Program was originally conceived by then-Senator Hillary Rodham Clinton. She came up with this notion to help those caregivers who were staying at home with disabled veterans, many of them parents and spouses, who make considerable sacrifices to make sure their disabled vet has the very best love and care in the place they want to be, right in their home.

Sometimes it is a hardship, not just the medical requirements but sometimes the financial requirements. So we passed the Caregivers Program, originally conceived by Senator Clinton. With the assistance of Senator AKAKA, it became the law of the land. Here is what it said: For the veterans of Iraq and Afghanistan who came home with a disability and needed a caregiver to make sure they could go about their daily routine, we would say first to the caregiver, we are going to provide you with the medical training you need so you can take care of this vet in terms of their personal needs.

Secondly, we will provide you with a respite. If you need time off to go spend a few days somewhere to rest and relax and recharge your batteries, we will find a nurse or someone to come in and take care of that vet so you can have a little time to yourself.

Third, if there is a final need, an economic hardship, we pay up to \$3,000 a month—not a huge sum of money—but up to \$3,000 a month to the caregivers who are willing to help. I just had a group of wounded warriors in my office the other day. They talked about what this meant to some of these families. It meant whether their homes would be foreclosed upon. So when you think about it, the alternative is institutional care for these veterans, not nearly the level we want, the kind of care we would want to have. Instead, they are home with someone they love at a fraction of the cost of institutional care. We are just giving a helping hand to the caregivers.

So let me show a couple of photographs because these are some stories that I think are important for everyone to know about. This is a family I know pretty well. They are from North Carolina. Eric Edmundson served in the U.S. Army. Eric is shown with his wife Stephanie, his daughter Gracie, 7

years old, and his baby son Hunter, who is almost 2 years old. Eric served in the Army and was injured, and during the course of surgery, there were complications. He ended up a quadriplegic, unable to speak. They almost gave up on him. They talked to his father about sending him, at the age of about 24, into a nursing home. His dad blew his stack and said: You are not going to do that to my boy. He got on the Internet and started asking questions and ended up with Eric being admitted to the Rehab Institute in Chicago. That is where I met them, this North Carolina family. His dad said: My son will get the best care no matter what. Because he worked so hard and pushed so hard, Eric got the care he needed.

I can remember visiting him in his hospital room and saying that I want to come back from time to time to see how he is doing in Chicago. I came back a few weeks later, and his mom said Eric had a gift for me.

I said: For me, a gift? What is it?

She said: I will show you.

His mom and dad walked to the side of his wheelchair, lifted him up, and he took three steps. There wasn't a dry eye in that room. There were tears of joy all the way around. This man who had been given up on was taking steps. His mom and dad said: He is supposed to check out on Memorial Day, and he will walk out of the front door of this hospital in his full dress uniform. Can you be there?

I said I wouldn't be anywhere else. So I came, as did the mayor of Chicago and a lot of press, and watched Eric walk out of that hospital. It was one of the happiest days I can ever remember. His wife Stephanie was waiting with his daughter Gracie, and they moved back to North Carolina. His mom and dad gave up their business and devoted their lives to him. They are living with this family to make sure Eric has a life. They have a brand new baby boy.

I have visited at their home. It is one of those stories where local vets and good people said: We will build you a home at no expense so you can get around in your wheelchair.

It is a terrific, wonderful story of a brave family who worked hard to give Eric a life, and all the neighbors and friends have helped sustain him.

I can tell you that Eric's story went a chapter further. His dad came to me and said: Have you ever heard of the caregivers bill Hillary Clinton had introduced?

I said no.

He said: She is leaving the Senate to be Secretary of State, so would you take a look at it?

I said I would. As a result of that, I worked with Senators AKAKA and INOUE and the President, who signed it into law. As a result, families just like the Edmundsons will get the helping hand they need, like Eric got the

kind of care he needed. The Iraq war is over, but his struggle will continue. We want to make sure he has the loving care he needs throughout his life.

Let me tell you about another family from Clinton, IL. I don't have a photo. It is Nathan Florey and his caregiver mother Deanna.

Nathan was a military police officer in Iraq, and he suffered an aneurysm while on duty in 2008. His recovery took 15 months. At one point it was suggested that Nathan should go to a group home. His mother refused to allow that to happen and said: No, send him home with me. She has taken care of him ever since. They were told that Nathan might never wake up, regain consciousness, but he exceeded everyone's expectations. He has received an associate's degree and is working on a bachelor's degree. Deanna says the caregiver program gives her a support system so that she doesn't feel like she is caring for Nathan alone.

This is a common refrain. Another caregiver named Beth, whom I spoke with this spring in downstate Illinois near Marion, pointed out that this support from the caregivers program gave her the flexibility to be able to care for her husband full time.

These are the kinds of families we want to help with this program. When we started, we thought a few thousand Iraq and Afghanistan families might qualify. As it turns out, these signature wounds that lead to this type of care are more prevalent than we thought and families' hearts are even bigger than we imagined. So far, 5,153 families have qualified for the caregivers program. Think about that. They have taken the training to provide quality care for their loved ones in the comfort of their own homes. This includes Deanna and Beth and 129 other families in my State, and I will bet there are some families in Minnesota.

This is an interesting and amazing story as well. This is a family from Oak Lawn, IL. This is Yuriy and Aimee Zmysly in the center of the photo. I was connected with the Zmyslys several years ago after I read about them in a Chicago newspaper. They became strong advocates for the caregivers program, spreading the word about it in Illinois, including at this event in Chicago last fall.

Yuriy was a marine serving in Afghanistan and Iraq. In 2006, he came back to the United States for surgery at the military hospital, where he suffered complications from a burst appendix and was left with a severe brain injury. When she got the news, Aimee drove to the hospital and put her whole heart and life into caring for Yuriy. At the time, they weren't married, but Aimee said she made her commitment to him before this. They got married after he suffered this grievous injury. The Zmyslys qualified for the caregiver program last summer. As Aimee told

the Sun Times in an update to their story, "It's good to be recognized for what I've been doing and other people have been doing for years."

Let me close with a brief update on Eric Edmundson, whom I started talking about. His father Ed tells me in a recent note that enrollment in the program went smoothly—the caregivers program. His wife Beth, who gave up her health insurance when she left her job to care for her son, now has her health insurance back thanks to the program. And Eric is doing great as well. He is back hunting and fishing. He can literally go hunting. He loves it so much. And he can also fish with his dad. He recently completed a multistate hunting trip sponsored by the Wounded Warrior Project. Eric also received the 2011 Pathfinder Award from Safari Club International in recognition of the way he has explored life undeterred by his injuries. As part of the award, he is going to head to South Africa in September to hunt big game. Who would have imagined that this young man, abandoned by our system, which said he would virtually spend the rest of his life alone in a nursing home, now has such a full life?

His father said in his note to me, "Eric works through his challenges. He will not be disabled by them—always a warrior."

I am pleased that the caregivers program has been able to help veterans in America—over 5,000 in Illinois, North Carolina, and everywhere. I encourage anybody who is following this statement on the floor of the Senate and knows of an Iraq or Afghanistan veteran who may qualify for the caregivers program to get more information at [www.caregiver.va.gov](http://www.caregiver.va.gov).

#### CROP INSURANCE

Mr. President, last Sunday I went to Gardner Township outside of Springfield and met with a group of farmers to talk about the drought. We were across the street from a cornfield, and I have seen these since I was a little kid. If you looked at it driving by, you would think it was just another cornfield. The farmers took me into the cornfield, and we started looking at the corn and stalks. It is a disaster.

The drought has really taken its toll. As of last week, my entire State is suffering through at least a moderate drought, and 33 counties have been declared to be in severe drought. They have joined 1,000 other counties in 26 States that have already been declared disaster areas by the U.S. Department of Agriculture. Some people think it is the worst drought we have had in 25 years. I am afraid they could be right. Nobody knows better than our farmers, which I learned when I made this visit. Some of this corn crop is going to be flatout lost. They chop it off at ground level and let it dry out and try to feed it to the livestock. But it will get worse if the drought continues. We

need rain and need it desperately—not just a little rain but a level of consistent, meaningful accumulation.

The primary tool available to producers to help them get through this is crop insurance. Taxpayers help the Crop Insurance Program by subsidizing about 62 percent of the premiums, but it is a better deal than disaster payments, which are unfortunately massive in amount and don't reward good conduct. The basic Crop Insurance Program rewards those producers who are trying to protect themselves from these outcomes.

I talked to Secretary Vilsack with the Department of Agriculture last week. I know they are watching this disastrous situation across Illinois and the Nation as, unfortunately, it increases. The benefits that are available to local farmers are low-interest loans they can take out to get through this while waiting for the crop insurance payout. These farmers don't want a handout, but they have no choice. They have to get through this year so they can get into next year. The loans are not going to solve the problem, but they will help address them.

There is a political thing we can do. I wish we would pass a bill to create rain, but we obviously can't. We did pass a farm bill. Sixty-four Senators, Democrats and Republicans, voted for the farm bill. Senator STABENOW of Michigan and Senator ROBERTS of Kansas, a Democrat and a Republican, worked through a bipartisan bill when most people said they didn't have a chance. They did it and did a great job. They sent it to the House. The House, unfortunately, has not been able to move the farm bill.

This is like the story we heard on the Transportation bill. Here is a bill that is critically important for farmers, many of whom are facing disasters like the drought now, and the House needs to get moving. I hate to put pressure on the House, but that is what Senators do to House Members, and they try to do the same to us. If they fail to pass a farm bill, it will reduce the opportunities to help our farmers through this drought.

So I am encouraging all Members of the House of Representatives, Democrats and Republicans, to at least vote on the Senate bipartisan bill if you can't come up with a bill. It will give us a chance to help producers in rural America facing a natural disaster. As they face these natural disasters, we should not create political disasters to make it worse.

I call on the House of Representatives, before you leave for the August recess, pass a farm bill, get to conference, and get the job done.

I yield the floor.

Mr. JOHNSON of South Dakota. Mr. President, I rise today to discuss the urgency that is growing with each passing day for the House to take up

and pass the farm bill. Most Senators in this body have a constituency that is being impacted by the worsening drought conditions, which is currently affecting 61 percent of the landmass of the continental United States. I have seen a growing frustration among my colleagues, myself included, with the lack of action on the part of the House of Representatives.

The Agriculture Reform, Food and Jobs Act of 2012, which is the Senate's version of the farm bill, contains an extension of the critical livestock disaster assistance programs, and would ensure that this assistance would apply to losses experienced this year. The bill also contains a new commodity program which would serve to supplement crop insurance.

Unfortunately, if we do not complete a full reauthorization by the end of September, producers are at risk of not having this assistance available to them. Our disaster assistance programs, which we authorized in the 2008 farm bill, expired on September 30, 2011, and so they will not be available unless the House leadership brings up the farm bill for immediate consideration. We need to move the process forward so that we can get to a conference committee and complete a full reauthorization by the end of September.

Continued unwillingness of the House leadership to bring the farm bill up for consideration puts my producers at risk. The uncertainty of how the House will proceed led me to join last week with Senators BAUCUS, TESTER, and CONRAD in introducing standalone legislation to extend the Supplemental Revenue Assistance, SURE program, the Livestock Indemnity Program, LIP, Livestock Forage Program, LFP, and the Emergency Livestock Assistance Program, ELAP, through the current crop year. While the farm bill that we passed through the Senate last week includes the livestock disaster programs and a new commodity program to supplement crop insurance, the House has not given any indication that it will move the reauthorization process forward. As such, we introduced this standalone disaster assistance bill as another option for ensuring assistance is available for our producers.

There are a lot of things in the House farm bill that I do not like, but that is why we have a process in place to work out differences between the House and Senate versions. Ideally, the House should just bring up and pass the Senate bill, which passed last month with wide bipartisan support, so we can give our producers some certainty and the assistance they need.

## EXECUTIVE SESSION

### NOMINATION OF MICHAEL A. SHIPP TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Executive Calendar No. 663, which is the nomination of Michael A. Shipp of New Jersey.

The PRESIDING OFFICER (Mr. FRANKEN). Without objection, the clerk will report the nomination.

The assistant legislative clerk read the nomination of Michael A. Shipp, of New Jersey, to be United States District Judge for the District of New Jersey.

#### CLOTURE MOTION

Mr. REID. Mr. President, I sent a cloture motion to the desk with respect to the Shipp nomination. In fact, it may already be there.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Michael A. Shipp, of New Jersey, to be United States District Judge for the District of New Jersey.

Harry Reid, Patrick J. Leahy, Sheldon Whitehouse, Patty Murray, Jeff Merkley, Richard Blumenthal, Christopher A. Coons, Mark Udall, Joseph I. Lieberman, Tom Harkin, Bernard Sanders, Debbie Stabenow, John F. Kerry, Barbara A. Mikulski, Jeanne Shaheen, Richard J. Durbin, Al Franken.

Mr. REID. I ask unanimous consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

## MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that we proceed to a period of morning business and that Senators be allowed to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

### TRIBUTE TO KATHRYN LANDRETH

Mr. REID. Mr. President, I recognize and honor Kathryn E. Landreth for her distinguished service from 2005 to 2012

as the State Director of the Nevada Chapter of The Nature Conservancy.

Under Kathryn's leadership, The Nature Conservancy—Nevada Chapter has maintained its focus on its core mission to conserve lands and waters on which all life depends. Kathryn was first drawn to The Nature Conservancy for its commitment to science-based information to reach collaborative outcomes for conservation. She was instrumental in working with important partners to establish the Ash Meadows National Wildlife Refuge and protect the desert tortoise habitat. Kathryn's vision and leadership also helped the Chapter acquire Independence Lake—one of the most pristine alpine lakes—complete the Whit Hall Interpretive Center and complete restoration work at the McCarran Ranch and Lower Truckee River. In Western Nevada, the Chapter completed the restoration of the Carson and Truckee Rivers to improve wildlife habitats and water quality.

I have had the good fortune of working with Kathryn and The Nature Conservancy in Nevada and nationally on legislation that impacts our Federal wild lands heritage. She and The Nature Conservancy have been important partners in successful efforts to protect Nevada's unique landscapes; their advocacy has led to the protection of over 1 million acres across the Silver State.

Prior to her work with The Nature Conservancy, she was appointed by President Clinton in October of 1993 to serve as United States Attorney for the District of Nevada. Kathryn served as a tough and effective prosecutor and established a fine legal reputation.

Due to her impressive and dedicated work, her efforts have not gone unacknowledged. The Nevada Chapter of the National Association of Social Workers previously recognized her as Public Advocate of the Year, the State Bar of Nevada named her Public Lawyer of the Year, and the Las Vegas Chamber of Commerce recognized her as a Woman of Distinction in Government.

I am tremendously proud of the legacy that she has imprinted on the State of Nevada. Thank you, Kathryn, for your extraordinary service as a leader and advocate for conservation and justice.

### RECOGNIZING ST. BERNARD HOSPITAL

Mr. DURBIN. Mr. President, for the past several years much of the conversation about health care in Washington has been a war of words. Today I would like to talk about a hospital in my home State that is seeking to better the lives of the women in its community, not simply with words but with action.

This month, St. Bernard Hospital in the Englewood neighborhood in Chicago, announced it would provide 150

free mammograms for women. The mammograms will be for women who are over the age of 40 and do not have health insurance.

For those who may not know, Englewood is a neighborhood in Chicago that struggles with high levels of crime and unemployment.

The mammograms will be offered as part of the Metropolitan Chicago Breast Cancer Task Force's "Screen to Live" initiative. The Task Force was created in 2007, after a landmark study by the Sinai Urban Health Institute found that the mortality rate from breast cancer for African American women in Chicago was 68 percent higher than white women.

That startling statistic is not unique to Chicago.

According to the American Cancer Society, African American women nationally have the lowest survival rate from breast cancer of any racial or ethnic group. Not surprisingly, the study found poverty and a lack of health insurance are also associated with lower breast cancer survival.

It is this disparity that led St. Bernard President and CEO, Sister Elizabeth Van Straten, to offer the mammograms. St. Bernard Hospital is not a wealthy hospital. But this gift of 150 free mammograms to the community will save lives. And this partnership between St. Bernard's and the Metropolitan Chicago Breast Cancer Task Force should be applauded.

This brings me to the Affordable Care Act.

The lesson to learn from St. Bernard's effort is that preventive care matters. Because survival often hinges on early detection, the Affordable Care Act has made preventive services free. In fact 54 million Americans, including 2.4 million in Illinois have received preventive services from their insurance company at no cost. In 2011, 1.3 million people on Medicare in Illinois received free preventive services. And starting next year, States will receive an increased share from the Federal Government to cover preventive services for people on Medicaid.

This effort to bring preventive services to millions of Americans across the country will no doubt save lives.

I want to acknowledge the outstanding people at St. Bernard's and the Metropolitan Chicago Breast Cancer Task Force who made this happen. I am proud to be their Senator.

#### REMEMBERING WILLIAM RASPBERRY

Mr. COCHRAN. Mr. President, my State of Mississippi and the American journalism community have suffered a great loss with the death of William Raspberry. As a widely respected writer, his articles were refreshing in their depth of understanding and even handed reporting of the perils and triumphs of politics and government.

I ask unanimous consent to have printed in the RECORD an article from the Clarion-Ledger in Jackson, Mississippi, written by Sid Salter.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Clarion-Ledger, July 18, 2012]

#### RASPBERRY'S AMAZING LEGACY REACHES BEYOND JOURNALISM (By Sid Salter)

When I learned of the death of longtime Washington Post columnist William Raspberry, I was immediately reminded of a conversation I'd had with him in 2005 in his hometown of Okolona. Raspberry, who logged 40 years writing commentary for the Post and saw his work syndicated nationally in over 200 newspapers, died at age 76 at his Washington home of prostate cancer on July 17.

Raspberry won the 1994 Pulitzer Prize for commentary and was then only the second African-American writer afforded that honor.

I had met Raspberry several times over the years at conferences, but never spent much time with him until 2000 when he became the first African-American journalist inducted into the Mississippi Press Association's Hall of Fame. In 2005, after learning of the early childhood education/intervention effort he was personally funding in Okolona, I asked him to meet me there and to tell me about his vision for changing the game for disadvantaged children in a town with a poor track record in public education.

Prior to the interview, I asked him if it bothered him that in 2000 he had been the first black MPA Hall of Fame inductee and that coming some six years after winning the Pulitzer. He reflected on the question, then said: "No, not really. One thing one learns growing up in the segregated South is patience. I was pleasantly surprised when the honor came and I was glad that my mother lived to see it, but my career had taught me that change comes ever so slowly."

One area in which Raspberry lost his patience was early childhood education. Raspberry's solution was program he funded and founded called Baby Steps in Okolona. The Baby Steps Program has been a partnership between columnist William Raspberry, the Okolona Area Chamber of Commerce, the University of Mississippi and the Barksdale Reading Institute. Other key community partners include a number of Okolona and Tupelo churches and local volunteers. "The (Baby Steps') basic idea is that all parents, no matter how unsuccessful they might have been in school, want their children to succeed academically—even if many of them don't know how to make that happen," Raspberry wrote in his nationally syndicated Nov. 17, 2003, column in The Washington Post.

"We propose to teach them. The text for the effort is Dorothy Rich's "MegaSkills"—a set of 11 attitudes and competencies that she believes lead to success in school and in life . . . the idea is to train the parents themselves, as they children's most effective teachers, to pass these MegaSkills along to their children."

On that day in 2005 in Okolona, I joined Raspberry at the Hazel Ivy Child Care Center—Ground Zero for the Baby Steps program in Okolona—along with two of the city's other day care centers. Raspberry arrived at Ivy's center and was greeted not as one of the nation's premier journalists, but as a neighbor and friend called "Bill."

Raspberry cut his journalistic teeth covering the Watts Riots in Los Angeles in 1965 and wrote passionately about the violence that gripped Washington, D.C., for a time. But in many ways, Raspberry never forgot his Mississippi upbringing and the inspiration of his schoolteacher parents. He was an advocate of self-reliance and hard work.

In 2005, I asked Raspberry to define his legacy in journalism: "I'm at an age where legacy becomes important. I'd like to leave something behind other than yellowing newspaper columns, something that people can carry forward. At the end of the day, I'd like to be remembered as someone who always tried to make clear the things that were pulling us apart and tried to ameliorate it, to point out that we're not as far apart as folks would have us to believe."

Bill Raspberry's place in American journalism is assured, but Mississippians would be wise to claim our part of this good man's distinguished personal and professional legacy.

#### HONORING AMERICA'S VETERANS AND CARING FOR CAMP LEJEUNE FAMILIES ACT

Mr. NELSON of Florida. Mr. President, it has been 31 years since Camp Lejeune officials became aware that toxic compounds were found in the drinking water at the North Carolina base. It has taken 31 years for countless water tests, analyses, investigations, studies, and reports to be conducted so we can finally vote on H.R. 1627, a bill that will give thousands of Marine veterans and their families the health care they deserve after suffering from illnesses caused by this water contamination.

Almost 1 million people at Camp Lejeune were exposed to drinking water that was poisoned with cancer-causing industrial compounds, including trichloroethylene—a metal degreaser, tetrachloroethylene—a dry cleaning solvent, benzene and vinyl chloride. For almost 3 decades people who lived and worked at the base were drinking, cooking, and bathing in water with these toxic chemicals, which medical experts have linked to birth defects, childhood leukemia and a variety of other cancers.

There are over 181,000 people currently registered on the Camp Lejeune water contamination website registry, which is the critical information link for the Camp Lejeune veterans, civilians, and their families who may have been exposed to water contaminants. Next to North Carolina, Florida has the second highest number of registrants with over 15,000. Every single State has residents registered on the Camp Lejeune website, and every Member of the Senate has constituents who have been affected by this water contamination.

Some scientists have been calling this one of the worst public drinking-water contaminations in our Nation's history. Some of the most vocal supporters of the Camp Lejeune victims are from my State of Florida. I am

happy to tell them that we are finally doing right by those harmed while serving our country. Thanks to the dedication of these folks, the full impact of the contamination is being exposed.

I have pressed the Navy for all the facts surrounding the incident, and have advocated for conducting the right studies so those affected and their families can get more information on the possible association between their exposures and current and future health effects. The Agency for Toxic Substances and Disease Registry has been assessing the effects of exposure to drinking water containing volatile organic compounds since 1993. This Agency is also conducting an investigation, at the request of Congress, to determine the health effects of exposure to this drinking water. And the Department of Veterans Affairs already employs mechanisms to prevent fraudulent claims.

We are finally fulfilling our duty to protect our Nation's veterans and families who have sacrificed so much. After 55 years, they will finally get the medical coverage they are owed.

Finally, I would like to applaud my colleagues in the Judiciary Committee, Senators LEAHY and GRASSLEY, for shedding some light on this water contamination issue.

Mr. GRASSLEY. Mr. President, I am pleased that Chairman LEAHY and I were able to help with the effort to look at the issue of water contamination at Marine Corps Base Camp Lejeune in North Carolina. In particular, in June, we sent a letter to the Department of Defense, which has resulted in it producing more than 8,500 documents to the Judiciary Committee.

I know that Senator BURR and others have been leaders with the effort to look into the situation at Camp Lejeune.

Every member of the Senate should be aware of the situation at Camp Lejeune.

The drinking water contamination that took place over several decades at the base was one of the worst environmental disasters in American history.

Camp Lejeune was designated a Superfund site by the Environmental Protection Agency (EPA) in 1988 after inspections confirmed contamination of the ground water due to the migration of hazardous chemicals from outside the base and inadequate procedures to contain and dispose of hazardous chemicals on the base.

Residents of every State, who previously lived or worked at the base, have been impacted by the contamination.

Indeed, more than 180,000 current and former members of the armed services and employees at the base have signed up for the Camp Lejeune Historic Drinking Water Registry. By reg-

istering, individuals who lived or worked at the base before 1987 receive notifications about the contamination.

The Camp Lejeune registry includes residents from all 50 States. 1,121 Iowans are among them. It's estimated that more than 750,000 people may have been exposed to hazardous chemicals at the base.

The numbers don't fully reflect the impact of the disaster at the base. There are real people behind those numbers.

In March, as part of the Judiciary Committee's annual oversight hearing on the Freedom of Information Act, we heard the testimony of retired Marine Master Sergeant Jerry Ensminger. He was stationed at Camp Lejeune with his family and told us of the battle his daughter, Janey, fought with leukemia for two-and-a-half years, before she died at the age of nine. He also told us of the difficulties that he and others were having getting information from the Department of Defense.

The men and women of the armed services protect us every day. We should never take them or the sacrifices that they and their families make for granted.

We in Congress have an obligation to do everything that we can to support them in their mission.

That's why I'm a cosponsor of the Caring for Camp Lejeune Veterans Act, which was introduced by Senator BURR in 2011. That bill, a version of which passed by unanimous consent in the Senate yesterday, will help to provide medical treatment and care for service-members and their families, who lived at the camp and were injured by the chemical contamination.

Unfortunately, the Department of Defense has not been forthcoming with information about the contamination at Camp Lejeune.

That's troubling, especially coming from the administration that proclaims itself to be the "most transparent administration ever."

As we all recall, on his first full day in office, President Obama declared openness and transparency to be touchstones of his administration, and ordered agencies to make it easier for the public to get information about the government.

Specifically, he issued two memoranda written in grand language and purportedly designed to usher in a "new era of open government."

Based on my experience in trying to pry information out of the Executive Branch and based on investigations I've conducted, and inquiries by the media, I'm disappointed to report that President Obama's statements in memos about transparency are not being put into practice.

There's a complete disconnect between the President's grand pronouncements about transparency and the actions of his political appointees.

The situation with the Camp Lejeune documents is just another example of that disconnect. The documents should have been produced long ago.

The recent letter that Chairman LEAHY and I sent from the Judiciary Committee had to be sent because the Defense Department refused to produce documents in response to a March letter signed by six senators and three members of the House of Representatives. Chairman LEAHY and I had also signed that March letter.

The March letter had to be sent because of complaints that Congressional offices had received about the Navy's refusal to disclose documents needed for scientific studies of the contamination at Camp Lejeune. It was also needed because of claims that the Navy is improperly citing exemptions under the Freedom of Information Act to withhold documents related to the contamination.

So, while I'm pleased that there was a bipartisan effort to obtain these documents, I'm disappointed by the stonewalling and by the hurdles that were put up by the administration.

Transparency and open government must be more than just pleasant sounding words found in memos. They are essential to the functioning of a democratic government.

Transparency is about basic good government and accountability—not party politics or ideology.

Throughout my career I have actively conducted oversight of the Executive Branch regardless of who controls the Congress or the White House.

I'll continue doing what I can to hold this administration's feet to the fire with Camp Lejeune and wherever else I find stonewalling and secrecy.

Thank you. I yield the floor.

#### LEADERSHIP ALLIANCE 20TH ANNIVERSARY

Mr. REED. Mr. President, twenty years ago, Brown University, located in my home State of Rhode Island, established the Leadership Alliance, a national academic consortium of leading research universities and minority serving institutions with the mission to develop underrepresented students into outstanding leaders and role models in academia, business, and the public sector. Brown University and its partner institutions have continued to address this pressing national need.

The National Research Council recently published a report titled "Research Universities and the Future of America" that included a call for ten "breakthrough actions." Two of these actions involve reforming graduate education and creating pathways into the fields of science, technology, engineering, and mathematics (STEM) for women and underrepresented minorities. That is what the Leadership Alliance has been striving to do since 1992.

Through an organized program of research, networking and mentorship at critical transitions along the entire academic training pathway, the Leadership Alliance prepares young scientists and scholars from underrepresented and underserved populations for graduate training and professional apprenticeships. Leadership Alliance faculty mentors provide high quality, cutting-edge research experiences in all academic disciplines at the Nation's most competitive graduate training institutions and share insights into the nature of academic careers.

In the 20 years since its establishment, the Leadership Alliance has established a strong track record of success. More than half of the students who participated in the Summer Research Early Identification program enrolled in a graduate level program. Leadership Alliance institutions graduated approximately 25 percent of all doctorates in the biomedical sciences degrees to underrepresented minority students between 2004 and 2008, making it a leading consortium grantor of PhD degrees in the biomedical sciences in the United States.

Since founding the Leadership Alliance in 1992, Brown has mentored 386 scholars, of whom 35 percent have attained a graduate level degree. Nearly half of the students who participated in its Summer Research Early Identification program completed a graduate level degree. A majority of the Leadership Alliance doctoral degree recipients are in the STEM disciplines.

The Leadership Alliance is a model for identifying, training, and mentoring underrepresented minorities who are poised to expand and diversify the base of the 21st century workforce. I am pleased today to recognize the importance of such efforts and acknowledge the continued dedication of institutional leaders, faculty members, and administrators across the United States who provide training and mentoring of underrepresented students along the academic pathway. As such, I congratulate and commend the Leadership Alliance, including Brown University, for 20 years of contributing to creating a diverse and competitive research and scholarly workforce.

Mr. CASEY: Mr. President, today I would like to acknowledge the great work of the Leadership Alliance during its 20th anniversary. The Leadership Alliance is a consortium of 32 leading colleges and universities that aims to train, mentor and inspire a diverse group of students from a wide range of backgrounds to enter competitive graduate programs and research careers. This admirable goal of expanding access to high-quality programs is supported by the consortium's shared resources and vision.

I would especially like to acknowledge the program at the University of Pennsylvania, which is one of the

Leadership Alliance founding members and the only member in Pennsylvania. According to the university, the Leadership Alliance complements Penn's broader strategic vision of increasing diversity within its graduate student body and faculty. As it seeks to prepare leaders and role models for service in academia and the private and public sectors, the Leadership Alliance disseminates best practices in recruitment, mentoring and career development. With 20 years of experience in developing and sharing these essential techniques, the Leadership Alliance has helped to provide the Nation with a more diverse and globally competitive workforce. I wish to congratulate the Leadership Alliance on its 20th anniversary and thank its leaders and scholars for their significant contributions.

Mr. WHITEHOUSE. Mr. President, I am proud to rise today to honor the Leadership Alliance, which was founded 20 years ago in 1992 at Rhode Island's Brown University. It has grown to become a consortium of 32 of our country's leading higher education research and minority serving institutions, working together to bring students from underrepresented groups into competitive graduate programs and professional research careers. Through training and mentorship, the Leadership Alliance opens doors for our best and brightest young people to become the innovators of tomorrow.

During its 20 years, the Leadership Alliance has mentored more than 2,600 undergraduates, including 43 Rhode Islanders. These students are offered the unique and exciting opportunity, through the Summer Research-Early Identification Program, to participate in a 9-week paid summer internship where they work side by side with faculty in the academic discipline of their choice at some of our leading research institutions. They then present their research to the annual Leadership Alliance National Symposium. This summer experience gives the students the opportunity to expand their intellectual horizons, as well as network with academics and their peers. The program has produced nearly 200 PhDs, the Leadership Alliance Doctoral Scholars, along with professionals in private research and academia.

It is vital for our country's continued competitiveness in the world that we seek to inspire our young people to innovate and experiment, to push the boundaries of our current knowledge. The Leadership Alliance has recognized that mentoring is key in order to ensure that students from all backgrounds feel that they have access to graduate education and know that they have peers in research. The innovative programs the Leadership Alliance has created over 20 years have not only allowed these students to increase their own opportunities academically and

professionally, but allowed past students to become role models themselves.

I congratulate the Leadership Alliance, Brown University, and the other participating colleges and universities, as well as academics and students, past and present, who through 20 years have shown their commitment to American education, leadership, and innovation.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO EDWARD J. HAMILL

• Mrs. McCASKILL. Mr. President, today I wish to pay tribute to Edward J. "Eddie" Hamill, who is retiring on July 31, 2012 after more than three decades of exemplary service to the U.S. Department of Agriculture Farm Service Agency. On July 17, the Missouri Farm Service Agency, FSA, held a reception for Eddie recognizing his service. Today, I would like to stand to honor his contributions to agriculture and the people of Missouri.

Eddie is a lifelong Missourian who has served the people of Missouri through his work at the Farm Service Agency since 1979. In addition to his dedicated work at the Farm Service Agency, Eddie's passion for public service is evident in his willingness to serve beyond his normal workload. He is active in the Perry Lion's Club, Mark Twain Young Farmers, Missouri Cattlemen's Association, Missouri Farmer's Union, and serves as a member of the Ralls County Health Department Board of Directors. On top of all this, Eddie operates a family farm with 1,200 acres of cropland and pasture for a cow-calf herd.

In July 2009, Eddie was appointed by President Obama to serve as the State Executive Director of FSA, responsible for overseeing the delivery of the income support, disaster assistance, conservation and farm loan programs. With more than 100,000 farms, Missouri agriculture employs nearly 250,000 people. Immensely productive and highly diverse, it is the backbone of Missouri's economy. The task of ensuring that Missouri's farmers and ranchers have the tools they need to provide for our families and communities is vital.

During his tenure as Missouri FSA Director, Eddie has worked tirelessly to ensure the agency is doing everything it can to properly serve our State. With nearly 100 offices in counties throughout the State, the local Farm Service Agency office is where Missouri farmers turn for assistance. A husband, father of four, and a farmer himself, Eddie believes in improving economic stability for Missouri farmers one family at a time. From the letters that have come in to my office from Missourians expressing the importance they place on their local Farm Service Agency office, the value of his approach and dedication is clear.



Perhaps nowhere has the value of Eddie's leadership been clearer than in response to the devastating natural disasters Missouri agriculture has faced. From the devastating flooding we experienced along the Missouri River, to the catastrophe at Birds Point, to this year's crippling drought conditions, Eddie and the entire Missouri Farm Service Agency staff have answered every call to help.

I am happy today to pay tribute to Eddie Hamill. He stands out amongst public servants, and he has my thanks and surely that of all Missourians for his service to our State. I wish congratulations and good luck to him and his entire family.●

#### REMEMBERING HIRAM HISANORI KANO

● Mr. NELSON of Nebraska. Mr. President, today I wish to pay tribute to a historic figure in Nebraska who helped this country through troubling times in a battle against racism, hatred and fear and in pursuit of justice and equality.

Hiram Hisanori Kano was born in Tokyo, Japan, in 1889. When former Presidential candidate William Jennings Bryan traveled to Japan, the Kanos, as part of the Imperial family, hosted his visit. Their visitor from the west sparked in young Kano an intense desire to travel to the United States and especially to Bryan's home state of Nebraska.

As the story is told by James E. Krotz during the Annual Council Eucharist at the Church of Our Savior in North Platte, NE, in 1916 Mr. Kano came to America, where his skills were put to good use in helping the many young Japanese who were immigrating to the United States to farm. He came to America and quickly earned a Masters Degree in Agricultural Economics at the University of Nebraska. In the years that followed he served as organizer, translator, teacher and spokesman for Japanese immigrants living in Nebraska.

Just 1 year after his graduation from the University, Kano faced his first challenge when the Nebraska Constitutional Convention assembled in Lincoln in 1919. The purpose was to update the State constitution to reflect the monumental social, economic and political changes brought about by World War I. A number of bills were introduced that would have discriminated bitterly against Japanese immigrants. One would have prohibited aliens from owning land, inheriting farmland, or even leasing land for more than 1 year. Since the Japanese did not have the right to become naturalized citizens at that time, these laws would have excluded them entirely from farming, except as hired laborers.

Mr. Kano left his farm in rural Nebraska and hurried off to the State

capital, where he testified before the Judiciary Committee. "In Nebraska," he told them, "there are about 700 Japanese, including Nisei [American citizens born to Japanese immigrant parents]. There are about 200 Japanese farms, mostly raising sugar beets along the North Platte River. Nearly all are tenant farmers whose skill and hard work satisfies their landlords and the sugar company. Japanese living in towns or cities mostly operate cafes and restaurants, with the help of their employees. They are friendly and cooperative with their neighbors, sharing their joys and sorrows." Mr. Kano was successful in persuading the Nebraska Legislature to vote against the anti-Japanese bills, which went down in defeat.

Several years later, Mr. Kano joined with Bishop George Allen Beecher to defeat a similar bill and came up with a compromise. Bishop Beecher, an Episcopalian, was obviously impressed by Hiram Kano because in 1923 he descended on the Kano farmstead unannounced and asked Mr. Kano to serve as a missionary to the Japanese immigrants living in western Nebraska. Already a deeply committed Christian, though not an Episcopalian, Kano was profoundly moved; and in 1925, he left his farm and traveled to Mitchell, NE, to begin Bishop Beecher's missionary work among the Japanese.

Kano was ordained Deacon in 1928 and continued in that order for 8 years. He served as pastor of St. Mary's church in Mitchell and also served the Japanese mission in North Platte. For the next 12 years, Deacon Kano served as an agricultural consultant, English teacher, advocate, friend and pastor to the Japanese in the Platte Valley. In 1936 he was ordained priest and continued his tireless ministry.

On December 7, 1941, the Japanese Imperial Navy attacked Pearl Harbor in Hawaii. American reaction against Japanese immigrants was swift and harsh. Father Kano was arrested by agents of the Federal Bureau of Investigation that very afternoon on the steps of his church in North Platte.

Despite the protests of their many friends and without regard for their exemplary behavior, the Japanese were severely treated and some even sent to prison camps. Father Kano spent time in five different camps. There he continued his ministry, calming the fears of his people and giving them strength through knowledge. Through what he called the "Internment University," he helped hundreds of Japanese Americans learn to read, speak, and write English. Following his release from custody, Father Kano returned to his mission with the church.

It was not until the Walter-McCarran Act of 1952 that Father Kano, then 63 years old, could become a naturalized citizen. By then, he had worked 33 years in service to his country, his people, and his church.

The Reverend Hiram Hisanori Kano died on October 24, 1988, at the age of 99. Each year, the Episcopal Church in Nebraska and in Colorado celebrates the life and ministry of Father Kano on the anniversary of his death. As a layman, Father Kano was a quiet, persevering warrior in the battle against the evils of racism. He was a champion for his people in the struggle for justice and peace, respected as he fought for the dignity of every human being.●

#### POLITICS AND GOVERNMENT

● Mr. ALEXANDER. Mr. President, on July 11, I addressed the Fund for American Studies annual Congressional Scholarship Award Dinner here in Washington. I ask consent to have this transcript of my remarks printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Very often, young people say to me, "How can I get involved in politics and government?" Tonight there are at least 85 of you here who are young and may be wondering about that, so I'm going to tell you exactly how to do it.

Here's the secret formula: Pick someone whom you admire. Volunteer to help carry their bag, write their speeches, do anything they ask you to do that's legal. Watch what they do, watch what they do well, watch what they do wrong, and learn from it. That's the way I would suggest to get involved in politics and government.

Now, back when I was governor, I made a speech and my late friend Alex Haley, the author of *Roots*, was in the audience, and he came up to me afterwards and said, "Lamar, may I make a suggestion to you?" And I said, "Of course Alex." He said, "When you start a speech, if you will just say 'Instead of making a speech, let me tell you a story,' people might actually listen to what you have to say." So instead of making a speech, let me tell you some stories to illustrate my secret formula for how to get involved in politics and government.

I'm going to mention three of my mentors, and I think it's important for you to know that I had no special connection to these three who helped me get involved in politics and government.

When I was running for president some years ago, the New York Times wrote an article that said, I grew up in a small town in lower-middle class family, in a small town on the edge of the mountains in Tennessee. And, when I called home later in the week to talk to my mother, I found her reading Thesalonians to gather strength on how to deal with this slur on the family. She said, "Son, we had never thought of ourselves in that way. You had a library card from the day you were three, you had music lessons from the day you were four. You had everything you needed that was important." So I had everything I needed that was important, but to these three men, who helped me so much, I had no special connection at all.

The first was John Minor Wisdom. Toward the end of my third year at New York University Law School, I didn't know what to do and the dean of the Law School said, "Would you like to clerk for Judge Wisdom in New Orleans?" And I said, "Well of course, he's one of the best in the country." He said,



"There's one hitch, he's already got a clerk and he's only allowed one." So I said, "Well how do I get to be a clerk?" He said, "He has a position of messenger that pays \$300 a month, and if you'll take the job as messenger he'll treat you like a clerk." So, I took it. I drove down to New Orleans—the Harvard guy got a clerkship, and I was the messenger. Of course, Judge Wisdom treated me like a clerk and I had a wonderful year. I did get tired of making so little money, so I went down to Bourbon Street and got a job playing trombone, washboard and tuba at a place called "Your Father's Mustache," and that's how I got started with Judge Wisdom. So, if you want to be a clerk, and someone offers you a job as messenger, take it, and then learn to play the trombone, the washboard, and tuba.

Now my second mentor: Howard Baker. Many people here know Howard. I could speak about him for a week, and he is undoubtedly the most important person in my life, other than my own family members. But how did I get connected to him? Well, I didn't know him. His father was our congressman. My dad took me to the courthouse to meet Mr. Baker, Howard's father, when I was ten years old. He gave me a dime, I remember that, and I thought I'd probably met the most respected man I was ever likely to meet, other than my father and the preacher. But when I was getting through with Judge Wisdom I noticed that Howard Baker was running for the United States Senate from Tennessee. We'd never had a Republican Senator, so I wrote him a letter, volunteering to work in his campaign. I never heard from him. So I was home for Easter in 1966 and I finagled an appointment with him, got in to see him and volunteered for his campaign. The long and short of it was, a couple of months later I had a little bit of a paying job.

Then, to our surprise, he got elected, he brought me to Washington, and I was his first legislative assistant. We had, as he likes to tell it, a perfect relationship. One of my duties was as his speechwriter. I would write a speech, give it to him, and he seemed happy. Well one day, I wanted to hear him deliver one. He didn't say a word of anything I'd written. I went a second time. Not a word. So I asked to see him. I said, "Senator, we have a problem." He said, "What's the problem?" I said, "I work hard, write these speeches and you never give a word of it." He said, "Lamar, we have a perfect relationship. You write what you want to write, I say what I want to say."

Now the mentor I'd like to talk about tonight is a man well known to this organization because this institute was once named for him—Bryce Harlow.

In 1968, I was working for United Citizens for Nixon-Agnew in the Willard Hotel, and it was filled with people who didn't quite fit into the Republican establishment at the time, one of whom was Bud Wilkinson, the most famous football coach of the time. And when the campaign was over, I didn't have a job. And so Bud said, "Well, let me call Bryce Harlow." Which he did, and I got a job. And so Bryce Harlow was President Nixon's first appointee and I, without ever having known him, ended up as his executive assistant, which means I sat in his office in the West Wing of the White House, about eight feet from him for six months, smoking cigarettes with him, answering the telephone and getting a Ph.D. in politics and government from the wisest man in Washington, D.C. Today, that office is the office of the Vice President of the United States, JOE BIDEN.

After Bryce got tired of me sitting so close to his office for six months, he moved me out and created a little cubbyhole. And, if any of you are in there visiting JOE BIDEN, you can still see that cubbyhole today.

But why do I say that Bryce Harlow was the wisest man in Washington, D.C.? Well, here's an example. He was from Oklahoma. He was recruited to Washington to work for General George Marshall. He used to tell me, and here's a lesson, that he was very popular with the generals because he could take shorthand. Bryce was a small guy. He said there's nobody more popular in a room full of generals than a short little guy who can take shorthand and write down all those orders. He moved straight up the ladder. So the lesson is: learn shorthand. Bryce stayed in Washington, worked for the House Armed Services Committee, and became President Eisenhower's favorite staff member.

He was in charge of government relations for Procter & Gamble when he wasn't in the government. And when President Nixon was elected, Bryce Harlow was his first appointee. The campaign transition headquarters was in the Pierre Hotel, New York City. And on one occasion, Mr. Nixon, the president-elect, had said something about foreign policy that made President Johnson, who was still President, very upset. So, President Johnson called the one person he knew in the Nixon campaign, Bryce Harlow. As Mr. Harlow is sitting there listening to President Johnson chew his ear out on the phone—saying "Bryce, there's only one President at a time, and I am that President!"—Mr. Harlow's secretary comes in and says, "Mr. Harlow, President Eisenhower is calling for you." So, Mr. Harlow, listening to President Johnson, told Sally, the secretary, "You'll have to put President Eisenhower on hold." Then Larry Higby, who was working at the Pierre Hotel, came running in and said, "Mr. Harlow, Mr. Harlow, President Nixon wants to see you immediately." So, you can see that Bryce Harlow was in demand, with the current president chewing his ear off, the former President on hold, and the President-elect demanding to see him in his office.

The wiser members of the White House staff would drop by that office and ask Mr. Harlow what to do. Here's an example: Peter Flannigan, who lives in New York and is a great friend of mine still today, was a very good businessman. I remember he came in to see Mr. Harlow and said, "Bryce, I just wanted to chat with you. I'm in charge of the Independent Regulatory Agencies, and we are a pro-business administration, we need efficiency in government. There's a television license that's been pending for 18 months for a Miami station. I'm going to call over there and I'm not going to tell them what way to decide, I'm just going to say that we want to know the status of the case."

And Bryce responded, "Peter, do you remember Sherman Adams?" And Peter said, "Well of course I do. He was President Eisenhower's disgraced Chief of Staff." Bryce said, "Peter, do you remember what disgraced him?" Peter said, "No I'm not sure." Bryce said, "He made a telephone call to an Independent Regulatory Agency on behalf of a friend who was a campaign contributor and had given him a Christmas present." So Mr. Flannigan thought about this and thought better of making that telephone call.

We young people in the White House were very impatient. We wanted the president and his top advisors to do even more this way, even more that way. And I remember Mr.

Harlow saying to me, "No Lamar. Remember that in the White House, just a little ripple here makes a very big wave out there. So, just settle down, just a little bit."

In the early months of the Nixon administration, the new, brasher young members of the White House staff, and some of the old ones too, were in deep trouble with the United States Senate. They knew nothing about the Senate. Finally, they came to Mr. Harlow and said, "Bryce, we can't get anything done, can you help us out?" So Mr. Harlow got his bag, got in a car, drove up to the Senate, went to some back room where Senator Eastland and a bunch of the old boys, who were the Southern senators, were all clumped together having a bourbon in the late afternoon. They were in a very foul mood about the Nixon White House. Mr. Harlow went in, he went down on one knee, bowed to them and said, "Ah, I see before me 155 years of accumulated seniority and wisdom." Upon which they all burst out laughing, and everything was fine. He had the experience and the good judgment just to show a little respect to the office that these Senators held, and that was really all it took for him to get what he wanted.

I remember once that an irate Democratic chairman called, complaining because the new Republican administration was announcing grants in his district before Democratic congressman knew about it. Bryce said, "Mr. Chairman, I understand your feelings. Let me call you right back, I want to check on something." So he called Larry O'Brien, who was the Chief of Congressional Relations for President Johnson in the Democratic administration. He said, "Now Larry, could you tell me exactly how you and President Johnson announced those grants when you were in office?" Once he heard, he called back the chairman and he said, "Mr. Chairman, I've just checked with Larry O'Brien and here's exactly what President Johnson did. We're going to be exactly fair with you, we're going to do just the reverse and let the Republicans announce them." And there was this big laugh on the end of the line. So he got done what he had to do, but he did it in a way that made the other person feel good about it.

Bryce Harlow had a great sense of ethics. One of his personal ethics was that he never wrote a book. He thought it would be a betrayal of all the confidential relationships that he had in the White House, and couldn't do it. It's a shame he didn't, in a way, because he was the best writer around in the Nixon and the Eisenhower administrations.

On one occasion, he was planning to take a vacation with his wife in Mexico with an old friend. There couldn't be any possible conflict of interest with this friend—they'd known each other forever, and there was really nothing Mr. Harlow could do for this person. Then about a week before the trip, the friend called, asking for a small favor, and the next thing I knew, Mr. Harlow's secretary was calling the friend saying, "I'm so sorry, but the President has asked Bryce to go to thus and so, and he won't be able to go on the trip." She didn't embarrass the friend, but he also didn't even take the risk of an appearance of impropriety based upon a tiny favor that the friend had asked of him.

I heard it said a little earlier that "Your word is your bond." That's Bryce Harlow's phrase, he always would say to a lobbyist or anyone working with a member of Congress or with a Senator, or even with another Senator, "Always tell the truth, tell the exact truth. Don't overstate a thing, don't understate a thing, and if you have to, tell the

other side to make sure that whomever you're speaking with is never surprised as a result of what you've just told them. And always keep your word." It gave him a tremendous reputation in this community and it greatly influenced hundreds of people who work here.

One other thing, he told me a story that I've remembered for a long time about his days with the Eisenhower administration. Some people must read books about Lyndon Johnson and suspect that maybe most of the people who work in high positions of trust—in politics, in business, in universities, or whatever line of work—are always shading the truth and looking at the angle and elbowing one another and taking advantage. How else, you might ask, would they get to the top? It's hard to get a picture of what people who are really at the top actually do when they make decisions.

While I can't tell you what they all do, I can tell you this is the story that pretty much symbolizes my impression of most of the successful people I know in politics and how they make their most difficult decisions.

President Eisenhower was having a Cabinet meeting in the 1950s. Some great issue was laid before the Cabinet, so the President put the issue to the Secretary of State, "Mr. Secretary, what shall we do?" "Well, from a foreign policy point of view," said the Secretary, "we must do X." "Mr. Secretary of Defense, what shall we do?" "Well, um, from a defense point of view, if we did X that would be a disaster for the country, so we've got to do Y." "And Mr. Treasury Secretary, what shall we do?" And the Treasury Secretary had Z as an angle. Before long they went around the cabinet room and they all had a different opinion about how the decision might affect the department each headed. And then President Eisenhower asked this question, "Well gentlemen," (and I think they were all gentleman but one at that time), he said, "What would be the right thing to do for the country?"

The Secretary of State said, "Well Mr. President, the right thing to do would be C." And Secretary of Defense said, "Yes, the right thing to do would be C," and pretty quickly they all agreed that would be the right thing to do for the country. And so the President of the United States said to his Press Secretary Jim Hagerty, "Jim, then that's what we'll do, go tell the press."

Now, here we have, not an unsophisticated man, this was the leading general during World War II, this was a man who was President of the United States. He had the biggest job in the world. And he was making a big decision. And when it came time to ask the question that had to be answered before a bunch of very sophisticated people, his question was, "What would be the right thing to do for our country?" I think you'll find more often than not that when we're puzzled by what to do, that's the right question. And the answer isn't always obvious, but that question will lead to the answer more quickly than just about any other question that you can ask.

So thank you for allowing me to come tonight. I'm here to honor you. I'm glad to have a chance to tell you about the great Bryce Harlow, who has meant so much to this organization. My advice about how to get involved in politics and government is: Pick someone who you admire, volunteer to work for them, carry their bag, do anything that they ask you to do that's legal, learn from them, watch what they do right, watch what they do wrong—and one more little

piece of advice that my railroad-engineer grandfather used to tell me when I was a little boy, he'd say "Aim for the top, there's more room there." Thank you.●

#### SOUTH DAKOTA HUMANITIES COUNCIL

● Mr. JOHNSON of South Dakota. Mr. President, today I wish to recognize the 40th anniversary of the South Dakota Humanities Council, SDHC. As an organization dedicated to promoting culture and our State's rich history, SDHC plays an integral role in fostering an interest in history, literature, and other humanities subjects. Founded in 1972, this important anniversary gives us the opportunity to recognize and celebrate 40 successful years of SDHC humanities programming in South Dakota.

SDHC serves as a faithful steward of our State's heritage and a leader in promoting cultural awareness. After 40 years, SDHC continues to fulfill its mission "to support and promote the exchange of ideas to foster a thoughtful and engaged society." With funding from the National Endowment for Humanities and support from local communities, SDHC has improved access to outstanding cultural and civic opportunities for all South Dakotans. Virtually every county and most school districts in our State have benefitted from SDHC-sponsored programs. Especially at a time when many school districts have been forced to make difficult cuts to their budgets, SDHC has served as a valuable partner to schools across our State through its support of programs like National History Day. In addition, SDHC grants to community organizations provide critical "seed money" that promotes the preservation and study of humanities topics in cities and towns across South Dakota.

In addition to enriching the lives of South Dakotans, humanities programs represent an important source of economic development. The annual Festival of Books attracts thousands of booklovers every year who are given the chance to talk with locally and nationally recognized authors. In addition, the Museum on Main Street program brings Smithsonian exhibits to rural communities. This year, six communities in South Dakota will be hosting the exhibit "New Harmonies: Celebrating American Roots Music." The SDHC's Speakers' Bureau provides funding for humanities scholars to present and lead discussions on humanities topics. These and many other programs sponsored by SDHC play an important role in attracting visitors to our State, which in turn brings in tourism dollars and supports jobs in local communities.

I appreciate the valuable role of SDHC in promoting the humanities in communities and schools across South Dakota. As a member of the Senate

Cultural Caucus and a lifelong supporter of the arts and humanities, I congratulate SDHC on 40 successful years and thank the organization for its service to our State.●

#### RECOGNIZING UNITED HEALTH FOUNDATION SCHOLARS

● Ms. KLOBUCHAR. Mr. President, I want to take this opportunity to highlight two bright, young scholars from my home State of Minnesota, David Koffa and Victoria Okuneye, who have received scholarships from the United Health Foundation's Diverse Scholars Initiative.

David and Victoria are both hardworking and dedicated individuals who will undoubtedly be great members of the health care workforce.

David, who is currently attending Dartmouth College, believes that we can improve the health care system by taking a holistic approach to patient care. As a member of the future health workforce, David plans to focus not only on the physical well-being of patients, but on the social and emotional aspects of patient health. Taking advantage of the skills and opportunities provided through the United Health Diverse Scholars Initiative, David intends to provide high-quality health care services to impoverished communities and third-world countries.

Victoria, who is excelling at the Massachusetts Institute of Technology, strives to make a difference by working to expand mental health research and services for disadvantaged/low resource communities, particularly among youth and adolescents. Through the United Health Diverse Scholars Initiative, Victoria has been able to take advantage of rewarding opportunities such as academic research internships and experiences in international public service.

Both David and Victoria are examples of academic excellence and personal determination. And as scholars of the United Health Foundation's Diverse Scholars Initiative, they will be great representatives of a multicultural and diverse health care workforce. I want to congratulate them on their achievements and look forward to their promising futures. ●

#### TRIBUTE TO MICHAEL MCSHANE

● Mr. LIEBERMAN. Mr. President, today I wish to honor my long-time friend and advisor, Michael McShane, who will be retiring next month after 40 remarkable years working in government, the private sector, and in Democratic politics.

I first got to know Michael when he and I worked together to advance the goals of the Democratic Leadership Council and Third Way. He was responsible for all the DLC activities at both Clinton inaugurations and the 1996 and

2000 Democratic Conventions. Later, when I decided to run for President in 2004, I was honored to have Michael serve as the vice chair of my campaign.

Michael has built a long and impressive record of public service. As a young man, he served in the Air Force for 6 years, where he flew B-52s and served in Vietnam. After leaving the military in 1972, Michael worked as press secretary for Congressman John J. Rooney and then as a Foreign Service Officer before joining the Carter-Mondale 1976 Presidential campaign. Following that election, he served in the Carter White House as a Special Assistant to Vice President Mondale. Michael was later a White House advisor to President Clinton. He recently returned to public service, joining the Congressional Liaison Office at the United States Agency for International Development.

Mike McShane has also had a notable career in the private sector. After leaving the Carter administration in 1979, he began managing government relations programs for trade associations and Fortune 500 companies including System Development Corporation, National Computer Systems, and TRW. He also founded and led The Policy Institute, and, later, the McShane Group International.

The academic and nonprofit communities have also benefitted greatly from Michael's talents and experience. He has served on the faculty of the Bryce Harlow Foundation, which seeks to promote the highest standards within the profession of lobbying and government relations, as Visiting Lecturer in American Political History at Boston University, and as a teacher of politics at Stanford, Notre Dame, Villanova, Georgetown, American, and East Carolina, his alma mater. A proud alum, Michael presently serves as vice chair of the Board of Visitors at East Carolina and the Board of the ECU Alumni Association. In 1998, he was named the East Carolina University Alumni of the Year.

I can't help but view Michael McShane's departure from Washington through a bittersweet lens. For while I am excited that he and his wonderful wife Susan will get to enjoy a much deserved retirement, I will miss Michael's wise counsel and thoughtful insights. Still, I am confident that his example will live on in all of us who were lucky enough to know him, and I wish Michael and Susan much happiness and success in their retirement in Charlottesville.●

#### REMEMBERING CHERYLL HEINZE

● Ms. MURKOWSKI. Mr. President, I am saddened to inform the Senate of the death of a friend and former member of the Alaska Legislature Cheryll Heinze. Cheryll died last week when a float plane that was carrying her and

colleagues to a fishing outing cartwheeled on landing and became submerged on Beluga Lake near Homer. At the time Cheryll was working as Director of Human Resources and Public Relations for the Matanuska Electric Association.

It is appropriate that we remember those whose lives end in tragedy for the way they lived their lives so I want to take the next few minutes to speak in tribute to an Alaskan who lived life to the fullest.

Cheryll Heinze was born in Wewoka, OK. She spent part of her childhood in Anchorage when her father was an Army Chaplain at Fort Richardson. In 1985, Cheryll returned to be an Alaskan for life. Most of her time in Alaska was spent in Anchorage but she also lived in Slana, Talkeetna and Valdez. Cheryll was married to Harold Heinze, the former President of ARCO Alaska. The two met when Harold was serving as Alaska's Commissioner of Natural Resources under former Governor Walter Hickel. Cheryll served as Press Secretary on Governor Hickel's 1990 campaign. The two made quite a power couple.

In 2002, Cheryll was elected to the 23rd Alaska Legislature representing House District 24 in Anchorage. Although she served a single 2-year term, she accomplished a great deal during her time in Juneau. During that term she chaired the Special Committee on Economic Development, International Trade and Tourism and was Vice Chair of the Resources Committee.

Cheryll is best known for working with colleagues across the aisle in moving Alaska's anti-stalking law out of the legislature and to the Governor's desk. Her bill allowed victims of stalking to obtain protective orders in the same way that victims of domestic violence could in the State of Alaska. Cheryll was also a strong supporter of therapeutic courts and passed a resolution encouraging prosecutors and public defenders to take full advantage of this important resource. She worked to make health insurance more affordable to small employers and helped promote trade relations between Alaska and Taiwan.

Cheryll was well liked by those inside and outside of the political circle and was viewed as a genuinely nice person. A mutual friend, Mike Chenault of Nikiski, who served with Cheryll in the Alaska House and is today the House Speaker had this to say about Cheryll: "She had a light smile and an easy way about her that made her popular not only inside, but outside the Capitol."

Alaska takes pride in the fact that our Legislature is composed of citizens who come to Juneau for a few months each year to do the business of the State and then return home to carry on their own lives. Art was central to Cheryll Heinze's life. In fact, her official legislative biography lists her pro-

fession as "Artist." In fact, she was a world class oil painter who took inspiration from Alaska's fabulous scenery. Her painting of Mount Foraker hung in the offices of the Foraker Group, a consulting group that supports Alaska's non-profit sector. We also took pride in Cheryll's poetry.

In addition to all of her other activities she was a former President of the Anchorage Symphony League, a board member of the Pacific Northern Academy and Breast Cancer Focus, Inc., a member of the Alaska Pacific University President's Steering Committee, and an Art Instructor at the University of Alaska Rural Extension. She was a member of the Anchorage Opera Board, the World Affairs Council and the Matanuska Charitable Foundation Board. Cheryll brought energy and enthusiasm to all she did.

I extend the Senate's deepest condolences to Harold and other members of the family. Cheryll left us well before her time but in a way that is so appropriate for Alaskans—in pursuit of adventure. Alaskans have lost a friend and a leader and she will be greatly missed.●

#### TRIBUTE TO MAYOR TED JENNINGS

● Mr. SESSIONS. Mr. President, today I wish to pay tribute to a dedicated individual in Alabama, Mayor Ted Jennings of Brewton, AL. Ted has been a successful businessman, pharmacist, and community, State, and national leader.

When he retires this year, he will have served as the mayor of Brewton for 24 years. During that time, he has grown Brewton both economically and technologically. But in addition to his success as a mayor, he has been a successful business owner and pharmacist. He is also well known in Alabama as former president and an active officer of the Alabama League of Municipalities and nationally has served on the board and in many other positions in the National League of Cities. He has, in both capacities, represented Brewton and Alabama as a strong advocate on matters of economic development. On a personal level, I want to express my appreciation to Ted for his friendship, advice, and counsel on matters critical to the area.

All of us who have come to know him over the years have observed his dedication to public service, his hard work, and his effective leadership. He has a host of friends and admirers—this Senator is one. I thank him for his service and know that, even in retirement, he will be a strong advocate for rural economic development and Alabama. I extend my best wishes to Ted and family as you begin your next adventure.●

# RECOGNIZING BALDWIN APPLE LADDERS

• Ms. SNOWE. Mr. President, small, local businesses play a critical role in our economy, creating two-thirds of all jobs across the Nation. Nowhere is small businesses' value more evident than in my home State of Maine. Even during these challenging economic times, entrepreneurs across the State continue to make headlines for their perseverance and can-do attitude in the face of adversity. I rise today to recognize and commend Baldwin Apple Ladders and owner Peter Baldwin for their tremendous contribution to the local economy and for resilience in the face of disaster that struck a mere 2 months ago.

Mr. Baldwin founded Baldwin Apple Ladders in 1984, in his hometown of Brooks, ME. Since its opening, Baldwin Apple Ladders has built approximately 30,000 ladders, which have been used in orchards throughout Maine, Massachusetts, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Virginia, and Wisconsin. Famous for their durability and signature style, the ladders were even featured in Martha Stewart Magazine. Mr. Baldwin's business purchases the lumber used in ladder production from local sources, generates jobs through shipping and delivery, and supplies customers nationwide, giving it a national as well local presence. While business was at its peak, the Baldwin Apple Ladders manufactured and sold an average of 1,200 ladders annually.

On May 8th 2012, Mr. Baldwin was contacted by a neighbor with the devastating news that Baldwin's ladder building facility was on fire. Along with the stock inventory of finished ladders, production equipment, and stacks of unused materials, the fire consumed the 6,500 square foot dairy barn which housed his manufacturing operations.

After the smoke cleared and the remaining assets were assessed, Mr. Baldwin was faced with a difficult decision to retire after 30 years in business, or rebuild. Mr. Baldwin chose to rebuild, refusing to let the fire dictate his future. Mr. Baldwin is committed to making ladders for as long as possible; recently building his first post-fire ladder, using tools that are no more advanced than what he had to work with when he first opened, back in 1984. Though this manner of manufacturing is considerably more arduous and time consuming, Mr. Baldwin is continuing his business and hoping to emerge stronger than ever.

Generous local donations, assistance, and support have helped in making tremendous strides in the rejuvenation of Baldwin Apple Ladders, a testament to the goodwill Mr. Baldwin has earned throughout the community. Mr. Baldwin's dedication to starting over and his perseverance in the face of such un-

imaginable obstacles is inspiring and a true example of the grit and incomparable spirit of Maine's entrepreneurs. I will eagerly follow Mr. Baldwin's progress in rebuilding, and extend my best wishes to him and Baldwin Apple Ladders and their future success. •

## TRIBUTE TO TYLER DUTTON

• Mr. THUNE. Mr. President, today I recognize Tyler Dutton, a legal intern in my Washington, DC, office, for all the hard work he has done for me, my staff, and the State of South Dakota over the past several weeks.

Tyler is a graduate of South Dakota State University in Brookings, SD. Currently, he is attending Emory University Law School in Atlanta, GA. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Tyler for all the fine work he has done and wish him continued success in the years to come. •

## MESSAGE FROM THE HOUSE

### ENROLLED BILLS SIGNED

At 9:33 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker had signed the following enrolled bills:

S. 2009. An act to improve the administration of programs in the insular areas, and for other purposes.

S. 2165. An act to enhance strategic cooperation between the United States and Israel, and for other purposes.

H.R. 205. An act to amend the Act titled "An Act to authorize the leasing of restricted Indian lands for public, religious, educational, recreational, residential, business, and other purposes requiring the grant of long-term leases", approved August 9, 1955, to provide for Indian tribes to enter into certain leases without prior express approval from the Secretary of the Interior, and for other purposes.

H.R. 3001. An act to award a Congressional Gold Medal to Raoul Wallenberg, in recognition of his achievements and heroic actions during the Holocaust.

The enrolled bills were subsequently signed by the President pro tempore (Mr. INOUE).

### ENROLLED BILL SIGNED

At 11:35 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the speaker had signed the following enrolled bill:

H.R. 4155. An act to direct the head of each Federal department and agency to treat relevant military training as sufficient to satisfy training or certification requirements for Federal licenses.

The enrolled bill was subsequently signed by the President pro tempore (Mr. INOUE).

At 12:08 p.m., a message from the House of Representatives, delivered by

Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5872. An act to require the President to provide a report detailing the sequester required by the Budget Control Act of 2011 on January 2, 2013.

## MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 3401. A bill to amend the Internal Revenue Code of 1986 to temporarily extend tax relief provisions enacted in 2001 and 2003, to provide for temporary alternative minimum tax relief, to extend increased expensing limitations, and to provide instructions for tax reform.

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

S. 3412. A bill to amend the Internal Revenue Code of 1986 to provide tax relief to middle-class families.

S. 3413. A bill to amend the Internal Revenue Code of 1986 to temporarily extend tax relief provisions enacted in 2001 and 2003, to provide for temporary alternative minimum tax relief, to extend increased expensing limitations, and to provide instructions for tax reform.

## MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 5872. An act to require the President to provide a report detailing the sequester required by the Budget Control Act of 2011 on January 2, 2013.

S. 3414. A bill to enhance the security and resiliency of the cyber and communications infrastructure of the United States.

## ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, July 19, 2012, she had presented to the President of the United States the following enrolled bills:

S. 2009. An act to improve the administration of programs in the insular areas, and for other purposes.

S. 2165. An act to enhance strategic cooperation between the United States and Israel, and for other purposes.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-6882. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the second quarter of fiscal year 2011 quarterly report of the Department of Justice's Office of Privacy and Civil Liberties; to the Committee on the Judiciary.

EC-6883. A communication from the Secretary of Defense, transmitting a report on

the approved retirement of General Norton A. Schwartz, United States Air Force, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

EC-6884. A communication from the Assistant Secretary of the Army (Manpower and Reserve Affairs), transmitting, pursuant to law, an annual report relative to recruitment incentives; to the Committee on Armed Services.

EC-6885. A communication from the Secretary of Defense, transmitting, pursuant to law, a report entitled "A Report on Policies and Practices of the U.S. Navy for Naming the Vessels of the Navy; to the Committee on Armed Services.

EC-6886. A communication from the Chairman of the Board of Governors, Federal Reserve System, transmitting, pursuant to law, the Board's semiannual Monetary Policy Report to Congress; to the Committee on Banking, Housing, and Urban Affairs.

EC-6887. A communication from the Attorney, Office of the General Counsel, Bureau of Consumer Financial Protection, transmitting, pursuant to law, the report of a rule entitled "Rules of Practice for Adjudication Proceedings" ((RIN3170-AA05) (Docket No. CFPB-2011-0006)) received in the Office of the President of the Senate on July 17, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-6888. A communication from the Attorney, Office of the General Counsel, Bureau of Consumer Financial Protection, transmitting, pursuant to law, the report of a rule entitled "State Official Notification Rule" ((RIN3170-AA02) (Docket No. CFPB-2011-0006)) received in the Office of the President of the Senate on July 17, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-6889. A communication from the Attorney, Office of the General Counsel, Bureau of Consumer Financial Protection, transmitting, pursuant to law, the report of a rule entitled "Rules Relating to Investigations" ((RIN3170-AA03) (Docket No. CFPB-2011-0007)) received in the Office of the President of the Senate on July 17, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-6890. A communication from the Attorney, Office of the General Counsel, Bureau of Consumer Financial Protection, transmitting, pursuant to law, the report of a rule entitled "Equal Access to Justice Act Implementation Rule" ((RIN3170-AA27) (Docket No. CFPB-2012-0020)) received in the Office of the President of the Senate on July 17, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-6891. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Update of Weighted Average Interest Rates, Yield Curves, and Segment Rates" (Notice 2012-47) received in the Office of the President of the Senate on July 16, 2012; to the Committee on Finance.

EC-6892. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice Requirements under Section 101(j) of ERISA for Funding-Related Benefit Limitations in Single-Employer Defined Benefit Pension Plans" (Notice 2012-46) received in the Office of the President of the Senate on July 16, 2012; to the Committee on Finance.

EC-6893. A communication from the Assistant General Counsel for Regulatory Services,

Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "National Institute on Disability and Rehabilitation Research (NIDRR)—Disability and Rehabilitation Research Projects and Centers Program—Disability and Rehabilitation Research Project—Employment of Individuals with Disabilities" (CFDA No. 84.133A-1) received in the Office of the President of the Senate on July 12, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-6894. A communication from the Assistant General Counsel for Regulatory Services, Office of Postsecondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Federal Pell Grant Program" (RIN1840-AD11) received in the Office of the President of the Senate on July 12, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-6895. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "D and C Red No. 6 and D and C Red No. 7; Change in Specification" (Docket No. FDA-2011-C-0050) received in the Office of the President of the Senate on July 16, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-6896. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Effective Date of Requirement for Premarket Approval for Cardiovascular Permanent Pacemaker Electrode" (Docket No. FDA-2011-N-0505) received in the Office of the President of the Senate on July 16, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-6897. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Significant New Use Rule for Phenol, 2,4 dimethyl-6-(1-methylpentadecyl)-" (FRL No. 9649-4) received in the Office of the President of the Senate on July 12, 2012; to the Committee on Environment and Public Works.

EC-6898. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Indiana" (FRL No. 9699-1) received in the Office of the President of the Senate on July 12, 2012; to the Committee on Environment and Public Works.

EC-6899. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Idaho: Infrastructure Requirements for the 1997 8-Hour Ozone National Ambient Air Quality Standard; Prevention of Significant Deterioration Greenhouse Gas Permitting Authority and Tailoring Rule" (FRL No. 9676-6) received in the Office of the President of the Senate on July 12, 2012; to the Committee on Environment and Public Works.

EC-6900. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Oil and Natural Gas Sector: New

Source Performance Standards and National Emission Standards for Hazardous Air Pollutants Reviews" (FRL No. 9665-1) received in the Office of the President of the Senate on July 12, 2012; to the Committee on Environment and Public Works.

EC-6901. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Comprehensive Ecosystem-Based Amendment 2 for the South Atlantic Region; Correction" (RIN0648-BB26) received in the Office of the President of the Senate on July 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6902. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Deep-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska" (RIN0648-XC001) received in the Office of the President of the Senate on July 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6903. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Commercial Porbeagle Shark Fishery Closure" (RIN0648-XC044) received in the Office of the President of the Senate on July 10, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6904. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Snapper-Grouper Fishery of the South Atlantic; 2012 Commercial Accountability Measure and Closure for the South Atlantic Lesser Amberjack, Almaco Jack, and Banded Rudderfish Complex" (RIN0648-XC060) received in the Office of the President of the Senate on July 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6905. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Closure of the Delmarva Access Area" (RIN0648-BC04) received in the Office of the President of the Senate on July 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6906. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Temporary Rule To Delay Start Date of 2012-2013 South Atlantic Black Sea Bass Commercial Fishing Season" (RIN0648-BB98) received in the Office of the President of the Senate on July 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6907. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Exempted Fishery for the Southern New England Skate Bait Trawl Fishery" (RIN0648-BB35) received in the Office of the President

of the Senate on July 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6908. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Gray Triggerfish Management Measures" (RIN0648-BB90) received in the Office of the President of the Senate on July 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6909. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Northeast Multispecies, Monkfish, Atlantic Sea Scallop; Amendment 17" (RIN0648-BB34) received in the Office of the President of the Senate on July 12, 2012; to the Committee on Commerce, Science, and Transportation.

### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

S. 2104. A bill to amend the Water Resources Research Act of 1984 to reauthorize grants for and require applied water supply research regarding the water resources research and technology institutes established under that Act (Rept. No. 112-189).

H.R. 1160. A bill to require the Secretary of the Interior to convey the McKinney Lake National Fish Hatchery to the State of North Carolina, and for other purposes (Rept. No. 112-190).

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment:

S. 285. A bill for the relief of Sopuruchi Chukwueke.

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 3276. An original bill to extend certain amendments made by the FISA Amendments Act of 2008, and for other purposes.

By Mr. BAUCUS, from the Committee on Finance, without amendment:

S. 3406. An original bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to products of the Russian Federation and Moldova, to require reports on the compliance of the Russian Federation with its obligations as a member of the World Trade Organization, and to impose sanctions on persons responsible for gross violations of human rights, and for other purposes.

### EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Frank Paul Geraci, Jr., of New York, to be United States District Judge for the Western District of New York.

Fernando M. Olguin, of California, to be United States District Judge for the Central District of California.

Matthew W. Brann, of Pennsylvania, to be United States District Judge for the Middle District of Pennsylvania.

Malachy Edward Mannion, of Pennsylvania, to be United States District Judge for the Middle District of Pennsylvania.

Charles R. Breyer, of California, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2015.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BOOZMAN:

S. 3403. A bill to repeal the Federal estate and gift taxes; to the Committee on Finance.

By Mr. COATS (for himself and Mr. VITTER):

S. 3404. A bill to establish within the Department of Energy an Office of Federal Energy Production, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HELLER (for himself and Mr. BURR):

S. 3405. A bill to amend title 38, United States Code, to treat small businesses bequeathed to spouses and dependents by members of the Armed Forces killed in line of duty as small business concerns owned and controlled by veterans for purposes of Department of Veterans Affairs contracting goals and preferences, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BAUCUS:

S. 3406. An original bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to products of the Russian Federation and Moldova, to require reports on the compliance of the Russian Federation with its obligations as a member of the World Trade Organization, and to impose sanctions on persons responsible for gross violations of human rights, and for other purposes; from the Committee on Finance; placed on the calendar.

By Mr. WYDEN:

S. 3407. A bill to amend the Public Health Service Act to increase the number of permanent faculty in palliative care at accredited allopathic and osteopathic medical schools, nursing schools, and other programs, to promote education in palliative care and hospice, and to support the development of faculty careers in academic palliative medicine; to the Committee on Health, Education, Labor, and Pensions.

By Mr. JOHANNES:

S. 3408. A bill to prohibit the Secretary of Energy from enforcing regulations pertaining to certain battery chargers; to the Committee on Energy and Natural Resources.

By Mr. LEE:

S. 3409. A bill to address the forest health, public safety, and wildlife habitat threat presented by the risk of wildfire, including catastrophic wildfire, on National Forest System land and public land managed by the Bureau of Land Management by requiring the Secretary of Agriculture and the Secretary of the Interior to expedite forest management projects relating to hazardous fuels reduction, forest health, and economic development, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. PRYOR (for himself and Ms. AYOTTE):

S. 3410. A bill to extend the Undertaking Spam, Spyware, And Fraud Enforcement With Enforcers beyond Borders Act of 2006, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LEE:

S. 3411. A bill to provide that the individual mandate under the Patient Protection and Affordable Care Act shall not be construed as a tax; to the Committee on Finance.

By Mr. REID:

S. 3412. A bill to amend the Internal Revenue Code of 1986 to provide tax relief to middle-class families; placed on the calendar.

By Mr. HATCH (for himself and Mr. MCCONNELL):

S. 3413. A bill to amend the Internal Revenue Code of 1986 to temporarily extend tax relief provisions enacted in 2001 and 2003, to provide for temporary alternative minimum tax relief, to extend increased expensing limitations, and to provide instructions for tax reform; placed on the calendar.

By Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. ROCKEFELLER, Mrs. FEINSTEIN, and Mr. CARPER):

S. 3414. A bill to enhance the security and resiliency of the cyber and communications infrastructure of the United States; read the first time.

By Mr. INHOFE (for himself and Mr. VITTER):

S. 3415. A bill to require the disclosure of all payments made under the Equal Access to Justice Act; to the Committee on the Judiciary.

### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LEE:

S. Con. Res. 52. A concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2013 and setting forth the appropriate budgetary levels for fiscal years 2014 through 2022; placed on the calendar.

### ADDITIONAL COSPONSORS

S. 19

At the request of Mr. HATCH, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 19, a bill to restore American's individual liberty by striking the Federal mandate to purchase insurance.

S. 424

At the request of Mr. SCHUMER, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 424, a bill to amend title XVIII of the Social Security Act to preserve access to ambulance services under the Medicare program.

S. 581

At the request of Mr. BURR, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 581, a bill to amend the Child Care and Development Block Grant Act of 1990 to require criminal background checks for child care providers.



S. 657

At the request of Mr. CARDIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 657, a bill to encourage, enhance, and integrate Blue Alert plans throughout the United States in order to disseminate information when a law enforcement officer is seriously injured or killed in the line of duty.

S. 687

At the request of Mr. CONRAD, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 687, a bill to amend the Internal Revenue Code of 1986 to permanently extend the 15-year recovery period for qualified leasehold improvement property, qualified restaurant property, and qualified retail improvement property.

S. 1167

At the request of Mr. JOHNSON of South Dakota, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1167, a bill to amend the Public Health Service Act to improve the diagnosis and treatment of hereditary hemorrhagic telangiectasia, and for other purposes.

S. 1381

At the request of Mr. BLUMENTHAL, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1381, a bill to provide for the expansion of Federal efforts concerning the prevention, education, treatment, and research activities related to Lyme and other tick-borne disease, including the establishment of a Tick-Borne Diseases Advisory Committee.

S. 1460

At the request of Mr. BAUCUS, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 1460, a bill to grant the congressional gold medal, collectively, to the First Special Service Force, in recognition of its superior service during World War II.

S. 1555

At the request of Mr. VITTER, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1555, a bill to authorize the use of certain offshore oil and gas platforms in the Gulf of Mexico for artificial reefs, and for other purposes.

S. 1577

At the request of Mr. BAUCUS, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1577, a bill to amend the Internal Revenue Code of 1986 to increase and make permanent the alternative simplified research credit, and for other purposes.

S. 1744

At the request of Ms. KLOBUCHAR, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 1744, a bill to provide funding for State courts to assess and

improve the handling of proceedings relating to adult guardianship and conservatorship, to authorize the Attorney General to carry out a pilot program for the conduct of background checks on individuals to be appointed as guardians or conservators, and to promote the widespread adoption of information technology to better monitor, report, and audit conservatorships of protected persons.

S. 1884

At the request of Mr. DURBIN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1884, a bill to provide States with incentives to require elementary schools and secondary schools to maintain, and permit school personnel to administer, epinephrine at schools.

S. 1929

At the request of Mr. BLUMENTHAL, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1929, a bill to require the Secretary of the Treasury to mint coins in commemoration of Mark Twain.

S. 1990

At the request of Mr. LIEBERMAN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1990, a bill to require the Transportation Security Administration to comply with the Uniformed Services Employment and Reemployment Rights Act.

S. 2137

At the request of Mrs. BOXER, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2137, a bill to prohibit the issuance of a waiver for commissioning or enlistment in the Armed Forces for any individual convicted of a felony sexual offense.

S. 2205

At the request of Mr. MORAN, the name of the Senator from Utah (Mr. LEE) was added as a cosponsor of S. 2205, a bill to prohibit funding to negotiate a United Nations Arms Trade Treaty that restricts the Second Amendment rights of United States citizens.

S. 2253

At the request of Mr. DURBIN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2253, a bill to require individuals who file under the Ethics in Government Act of 1978 to disclose any financial accounts that are or have been deposited in a country that is a tax haven.

S. 2264

At the request of Mr. HOEVEN, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 2264, a bill to provide liability protection for claims based on the design, manufacture, sale, offer for sale, introduction into commerce, or use of certain fuels and fuel additives, and for other purposes.

S. 2620

At the request of Mr. SCHUMER, the names of the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 2620, a bill to amend title XVIII of the Social Security Act to provide for an extension of the Medicare-dependent hospital (MDH) program and the increased payments under the Medicare low-volume hospital program.

S. 3280

At the request of Mr. JOHANNES, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 3280, a bill to preserve the companionship services exemption for minimum wage and overtime pay under the Fair Labor Standards Act of 1938.

S. 3332

At the request of Mr. BEGICH, the names of the Senator from Florida (Mr. NELSON) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 3332, a bill to provide for the establishment of nationally uniform and environmentally sound standards governing discharges incidental to the normal operation of a vessel in the navigable waters of the United States.

S. 3340

At the request of Mrs. MURRAY, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 3340, a bill to improve and enhance the programs and activities of the Department of Defense and the Department of Veterans Affairs regarding suicide prevention and resilience and behavioral health disorders for members of the Armed Forces and veterans, and for other purposes.

S. 3356

At the request of Mr. PORTMAN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 3356, a bill to strengthen the role of the United States in the international community of nations in conserving natural resources to further global prosperity and security.

S. 3366

At the request of Mrs. FEINSTEIN, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 3366, a bill to designate the Haqqani network as a foreign terrorist organization.

S. 3394

At the request of Mr. JOHNSON of South Dakota, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 3394, a bill to address fee disclosure requirements under the Electronic Fund Transfer Act, to amend the Federal Deposit Insurance Act with respect to information provided to the Bureau of Consumer Financial Protection, and for other purposes.

S. 3397

At the request of Mr. HATCH, the name of the Senator from Utah (Mr.



LEE) was added as a cosponsor of S. 3397, a bill to prohibit waivers relating to compliance with the work requirements for the program of block grants to States for temporary assistance for needy families, and for other purposes.

S.J. RES. 42

At the request of Mr. DEMINT, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S.J. Res. 42, a joint resolution proposing an amendment to the Constitution of the United States relative to parental rights.

S.J. RES. 43

At the request of Mr. MCCONNELL, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S.J. Res. 43, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

S.J. RES. 45

At the request of Mrs. HUTCHISON, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S.J. Res. 45, a joint resolution amending title 36, United States Code, to designate June 19 as "Juneteenth Independence Day".

S.J. RES. 46

At the request of Mr. RUBIO, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S.J. Res. 46, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rules submitted by the Department of the Treasury and the Internal Revenue Service relating to the reporting requirements for interest that relates to deposits maintained at United States offices of certain financial institutions and is paid to certain nonresident alien individuals.

S. CON. RES. 50

At the request of Mr. RUBIO, the names of the Senator from Tennessee (Mr. ALEXANDER), the Senator from Wyoming (Mr. BARRASSO), the Senator from Georgia (Mr. ISAKSON), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Montana (Mr. TESTER) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. Con. Res. 50, a concurrent resolution expressing the sense of Congress regarding actions to preserve and advance the multistakeholder governance model under which the Internet has thrived.

S. RES. 494

At the request of Mr. CORNYN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. Res. 494, a resolution condemning the Government of the Russian Federation for providing weapons to the regime of President Bashar al-Assad of Syria.

AMENDMENT NO. 2556

At the request of Mrs. HUTCHISON, the names of the Senator from Wyoming (Mr. ENZI), the Senator from Tennessee (Mr. ALEXANDER) and the Senator from South Dakota (Mr. THUNE) were added as cosponsors of amendment No. 2556 intended to be proposed to S. 3364, a bill to provide an incentive for businesses to bring jobs back to America.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HELLER (for himself and Mr. BURR):

S. 3405. A bill to amend title 38, United States Code, to treat small businesses bequeathed to spouses and dependents by members of the Armed Forces killed in line of duty as small business concerns owned and controlled by veterans for purposes of Department of Veterans Affairs contracting goals and preferences, and for other purposes; to the Committee on Veterans' Affairs.

Mr. HELLER. Mr. President, last month was yet another disappointing month of job growth. Over 12 million Americans are unemployed, close to 6 million have been unemployed for over 27 weeks, and 8 million have been forced to work part time because they have been unable to find full-time work.

To put this in context, since this administration came into office, the number of Americans who are unemployed has increased by 700,000. This is a 5-percent increase in our national unemployment rate. Home values and middle-class income have decreased, and America has dropped from being the most competitive Nation in the world to the fourth most competitive Nation in the world.

After this administration's failed policies of bailout after bailout, Senate Democrats are endorsing the idea of letting America go off the so-called fiscal cliff at the end of this year instead of letting businesses maintain their existing tax rates. This would effectively raise taxes on every American during one of the slowest economic recoveries in modern times.

While I support extending these taxes and giving our Nation's job creators certainty, I believe we need tax reform. Our Tax Code is too complex. We need to close loopholes, broaden the base, and lower rates.

As a member of the Committee on Ways and Means in the House, I worked on this issue, and I will continue to advocate for comprehensive reform while I am in the Senate. While I recognize that sometimes comprehensive policies may be difficult to move forward, especially in an election year, I believe we can find consensus on commonsense solutions.

Since coming to the Senate, I have advocated for policies that create jobs

for Nevadans and for all Americans. My State has been one of the hardest hit in this current economic climate. Nevada has had the distinction of leading the Nation in unemployment for over 2 years, as well as in foreclosures and bankruptcies. One part of our population has been especially hit hard, and that is our veterans.

Over 13 percent of the Nation's bravest who put their lives on the line are unable to find a job in this economy. They come home from overseas to find their homes underwater or chronic unemployment in their communities. While a number of veterans have fallen on tough times financially, some have had difficulty adjusting to civilian life. Congress should make it a priority that necessary resources are made available to those who have bravely served our Nation. We must also not forget the families of our veterans, particularly those who have lost loved ones in combat.

So I am proud to join with Senator BURR to introduce the Veterans Small Business Act, which simply ensures that surviving spouses and children are eligible for small business benefits. Congress has provided numerous benefits to our Nation's veterans who own small businesses, including sole-source contracting, low-interest loans, and other resources in order to help these small businesses grow and create jobs. However, should a spouse or a child of a veteran lose a loved one in combat, they can no longer receive these benefits or enroll in these programs.

My legislation closes this large gap in Federal law that does little for those who own businesses before their activation and were killed in the line of duty. As a Member of Congress, we must honor our Nation's fallen as well as ensuring that the loved ones they leave behind have the same economic opportunities afforded to that veteran.

We should be doing all we can to provide all of our Nation's small businesses with the tools needed to survive in this current economic climate. Congress needs to stop worrying about the next election and put in place policies that will not only ignite economic growth, but also get our country back to work.

While there are larger issues we must address, such as tax reform, there are smaller commonsense measures, such as this bill, that we can pass right now if given the opportunity. Measures such as this will make a big difference in our Nation's veterans and job creators.

If it is any indication of how important these issues are to Nevada, I had a constituent, Dan Lyons, who walked from Reno, NV, to Washington, DC, because he didn't think Washington was doing enough for veterans. This was a 6-month walk from Reno, NV, to Washington, DC. He felt he was not getting through to his elected officials via

phone or e-mails. So Dan, with a tent, a map, and a plan, started walking across America to see his elected officials face to face.

He walked 25 miles a day, battling treacherous weather, snakes, long, lonely miles, and probably a few blisters just for the chance to sit down and ask that we do more to help struggling veterans. I was proud to meet with Dan, and he is a reminder of what is right with society. He reminds us that we must honor our obligation to our veterans. When they have sacrificed so much to preserve and protect our freedoms, we should at least ensure their needs are met when they and their surviving families fall on hard economic times.

By Mr. WYDEN:

S. 3407. A bill to amend the Public Health Service Act to increase the number of permanent faculty in palliative care at accredited allopathic and osteopathic medical schools, nursing schools, and other programs, to promote education in palliative care and hospice, and to support the development of faculty careers in academic palliative medicine; to the Committee on Health, Education, Labor, and Pensions.

Mr. WYDEN. Mr. President, I rise today to discuss the critical need in today's health care workforce for additional training related to palliative care. Palliative care is an interdisciplinary model of care focused on relieving the pain, stress and other debilitating symptoms of serious illness, such as cancer, cardiac disease, respiratory disease, kidney failure, Alzheimer's, AIDS, ALS, and MS. Its goal is to relieve suffering and provide the best possible quality of life for patients and their families.

Many people mistakenly believe that palliative care is only beneficial when a cure is not possible. Actually, palliative care is not dependent on a life-limiting prognosis and may actually help individuals recover by relieving symptoms—such as pain, anxiety or loss of appetite—while they are undergoing sometimes difficult medical treatments or procedures, such as surgery or chemotherapy. Palliative care is provided by a team of doctors, nurses, social workers, and other specialists who work with a patient's other health care providers to provide an extra layer of support, including assistance with difficult medical decision-making and coordination of care among specialists. Palliative care is appropriate for people of any age and at any stage in an illness, whether that illness is curable, chronic or life-threatening.

There is a specific type of palliative care, called hospice, for people for whom a cure is no longer possible and who likely have 6 months or less to live. Hospice care can be provided at one's home, a hospice facility, a hos-

pital or a nursing home. Hospice care is about giving patients control, dignity and comfort so they have the best possible quality of life during the time they have. Hospice care also provides support and grief therapy for loved ones whose struggles are often cast aside or forgotten during treatment.

A growing evidence base has demonstrated that palliative care, including hospice, improves quality, controls cost and enhances patient and family satisfaction for the rapidly expanding population of individuals with serious or life-threatening illness. Palliative care may also prolong the lives of some seriously ill patients.

Over the last 10 years, the number of hospital-based palliative care programs has more than doubled due to the increasing number of Americans living with serious, complex and chronic illnesses and the realities of the care responsibilities faced by their families. Studies suggest that in states with more hospital-based palliative care programs, patients are less likely to die in the hospital, are likely to spend fewer days in the ICU, have better pain management and higher satisfaction with their health care.

As usual, Oregon is ahead of the curve and I am proud to say that in a 2011 report ranking states on their citizens' access to hospital-based palliative care programs, Oregon was among the seven states who earned an "A" rating, with 88 percent of Oregon hospitals offering palliative care.

Unfortunately, many seriously ill patients and their families lack the access available to Oregonians. Palliative care is a relatively new medical specialty and more must be done to ensure an adequate, well-trained palliative care workforce is available to provide comprehensive symptom management, intensive communication and a level of care coordination that addresses the episodic and long-term nature of serious, chronic illness. I believe that, with Federal support, we can help address the workforce gap between those currently practicing in palliative care and hospice and the number of health care professionals required to care for this expanding patient population. That is why today I am introducing the Palliative Care and Hospice Education and Training Act or PCHETA. This authorizing legislation focuses on three key areas to grow the palliative care and hospice workforce.

Education centers to expand interdisciplinary training in palliative and hospice care.

Training of physicians who plan to teach palliative medicine and fellowships to encourage re-training for mid-career physicians, and academic career awards and career incentive awards to support physicians and other health care providers who provide palliative and hospice care training.

With this legislation, patients and families who are facing serious or life-

threatening illness will have access to the high-quality palliative care and hospice services that can maximize their quality of life. I urge my colleagues to join me in this effort.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3407

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Palliative Care and Hospice Education and Training Act".

#### SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Health care providers need better education about pain management and palliative care. Students graduating from medical school have very little, if any, training in the core precepts of pain and symptom management, advance care planning, communication skills, and care coordination for patients with serious, life-threatening, or terminal illness.

(2) Palliative care is interdisciplinary, patient- and family-centered health care for people with serious illnesses. This type of care is focused on providing patients with relief from the symptoms, pain, and stress of a serious illness, whatever the diagnosis. The goal of palliative care is to relieve suffering and improve quality of life for both patients and their families. Palliative care is provided by a team of doctors, nurses, social workers, chaplains, and other specialists who work with a patient's other health care providers to provide an extra layer of support, including assistance with difficult medical decisionmaking and coordination of care among specialists. Palliative care is appropriate at any age and at any stage in a serious illness, and can be provided together with curative treatment. Palliative care is not dependent on a life-limiting prognosis and may actually help an individual recover from illness by relieving symptoms, such as pain, anxiety, or loss of appetite, while undergoing sometimes difficult medical treatments or procedures, such as surgery or chemotherapy. There were 1,623 hospitals with palliative care programs in 2012.

(3) Hospice is palliative care for patients in their last year of life. Considered the model for quality compassionate care for individuals facing a life-limiting illness, hospice provides expert medical care, pain management, and emotional and spiritual support expressly tailored to the patient's needs and wishes. In most cases, care is provided in the patient's home but may also be provided in freestanding hospice centers, hospitals, nursing homes, and other long-term care facilities. In 2010, an estimated 1,580,000 patients received services from hospice or approximately 41.9 percent of all United States deaths. Hospice is a covered benefit under the Medicare program. There were 3,509 Medicare-certified hospices in 2010.

(4) A 2005 study at Michigan State University found that the formal training of United States doctors in palliative care is "grossly inadequate". When the American Society of Clinical Oncology surveyed their members, 65 percent said they had received inadequate education in controlling symptoms associated with cancer, and 81 percent felt they

had inadequate mentoring in discussing a poor prognosis with their patients and families. Training in pediatric palliative care is also seriously lacking according to physicians, residents, and medical students responding to a survey presented at a meeting of American Federation for Medical Research.

(5) The American Board of Medical Specialties (ABMS) and the Accreditation Council for Graduate Medical Education (ACGME) provided formal subspecialty status for hospice and palliative medicine (HPM) in 2006, and the Centers for Medicare & Medicaid Services recognized hospice and palliative medicine as a medical subspecialty in October of 2008.

(6) As of June 2012, there were a total of 86 hospice and palliative medicine training programs. Seventy-eight programs have been accredited by the Accreditation Council for Graduate Medical Education and seven programs have been accredited by the American Osteopathic Association. For the 2011–2012 academic year, these programs were training 176 physicians in hospice and palliative medicine. Some programs include an additional track in research, geriatrics, or public health.

(7) There is a large gap between those practicing in the palliative medicine field and the number of physicians needed. A mid-range estimate by the American Academy of Hospice and Palliative Medicine's Workforce Task Force calls for 6,000 or more full time equivalents to serve current needs in hospice and palliative care programs. At maximum capacity, the current system would produce roughly 4,600 new hospice and palliative medicine certified physicians over the next 20 years, during which time some 70,000,000 new Medicare beneficiaries will enter the Medicare program. At the same time, there is expected to be increasing acceptance of the hospice and palliative approach to care among the general population and health care providers.

### SEC. 3. PALLIATIVE CARE AND HOSPICE EDUCATION AND TRAINING.

(a) IN GENERAL.—Part D of title VII of the Public Health Service Act (42 U.S.C. 294 et seq.) is amended by adding at the end the following:

#### "SEC. 759A. PALLIATIVE CARE AND HOSPICE EDUCATION AND TRAINING.

"(a) PALLIATIVE CARE AND HOSPICE EDUCATION CENTERS.—

"(1) IN GENERAL.—The Secretary shall award grants or contracts under this section to entities described in paragraph (1), (3), or (4) of section 799B, and section 801(2), for the establishment or operation of Palliative Care and Hospice Education Centers that meet the requirements of paragraph (2).

"(2) REQUIREMENTS.—A Palliative Care and Hospice Education Center meets the requirements of this paragraph if such Center—

"(A) improves the training of health professionals in palliative care, including residencies, traineeships, or fellowships;

"(B) develops and disseminates curricula relating to the palliative treatment of the complex health problems of individuals with serious or life threatening illnesses;

"(C) supports the training and retraining of faculty to provide instruction in palliative care;

"(D) supports continuing education of health professionals who provide palliative care to patients with serious or life threatening illness;

"(E) provides students (including residents, trainees, and fellows) with clinical training in palliative care in the home, long-term

care facilities, home care, hospices, chronic and acute disease hospitals, and ambulatory care centers;

"(F) establishes traineeships for individuals who are preparing for advanced education nursing degrees in palliative care nursing, home care, hospice, in the home, long-term care, or other nursing areas that specialize in palliative care; and

"(G) does not duplicate the activities of existing education centers funded under this section or under section 753 or 865.

"(3) EXPANSION OF EXISTING CENTERS.—Nothing in this section shall be construed to—

"(A) prevent the Secretary from providing grants to expand existing education centers, including geriatric education centers established under section 753 or 865, to provide for education and training focused specifically on palliative care, including for non-geriatric populations; or

"(B) limit the number of education centers that may be funded in a community.

"(b) PALLIATIVE MEDICINE PHYSICIAN TRAINING.—

"(1) IN GENERAL.—The Secretary may make grants to, and enter into contracts with, schools of medicine, schools of osteopathic medicine, teaching hospitals, and graduate medical education programs, for the purpose of providing support for projects that fund the training of physicians (including residents, trainees, and fellows) who plan to teach palliative medicine.

"(2) REQUIREMENTS.—Each project for which a grant or contract is made under this subsection shall—

"(A) be staffed by full-time teaching physicians who have experience or training in palliative medicine;

"(B) be based in a hospice and palliative medicine fellowship program accredited by the Accreditation Council for Graduate Medical Education;

"(C) provide training in palliative medicine through a variety of service rotations, such as consultation services, acute care services, extended care facilities, ambulatory care and comprehensive evaluation units, hospice, home health, and community care programs;

"(D) develop specific performance-based measures to evaluate the competency of trainees; and

"(E) provide training in palliative medicine through one or both of the training options described in subparagraphs (A) and (B) of paragraph (3).

"(3) TRAINING OPTIONS.—The training options referred to in subparagraph (E) of paragraph (2) shall be as follows:

"(A) 1-year retraining programs in hospice and palliative medicine for physicians who are faculty at schools of medicine and osteopathic medicine, or others determined appropriate by the Secretary.

"(B) 1- or 2-year training programs that shall be designed to provide training in hospice and palliative medicine for physicians who have completed graduate medical education programs in any medical specialty leading to board eligibility in hospice and palliative medicine pursuant to the American Board of Medical Specialties.

"(4) DEFINITIONS.—For purposes of this subsection the term 'graduate medical education' means a program sponsored by a school of medicine, a school of osteopathic medicine, a hospital, or a public or private institution that—

"(A) offers postgraduate medical training in the specialties and subspecialties of medicine; and

"(B) has been accredited by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association through its Committee on Postdoctoral Training.

"(c) PALLIATIVE MEDICINE AND HOSPICE ACADEMIC CAREER AWARDS.—

"(1) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program to provide awards, to be known as the 'Palliative Medicine and Hospice Academic Career Awards', to eligible individuals to promote the career development of such individuals as academic hospice and palliative care physicians.

"(2) ELIGIBLE INDIVIDUALS.—To be eligible to receive an award under paragraph (1), an individual shall—

"(A) be board certified or board eligible in hospice and palliative medicine; and

"(B) have a junior (non-tenured) faculty appointment at an accredited (as determined by the Secretary) school of medicine or osteopathic medicine.

"(3) LIMITATIONS.—No award under paragraph (1) may be made to an eligible individual unless the individual—

"(A) has submitted to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require, and the Secretary has approved such application;

"(B) provides, in such form and manner as the Secretary may require, assurances that the individual will meet the service requirement described in paragraph (6); and

"(C) provides, in such form and manner as the Secretary may require, assurances that the individual has a full-time faculty appointment in a health professions institution and documented commitment from such institution to spend a majority of the total funded time of such individual on teaching and developing skills in interdisciplinary education in palliative care.

"(4) MAINTENANCE OF EFFORT.—An eligible individual who receives an award under paragraph (1) shall provide assurances to the Secretary that funds provided to the eligible individual under this subsection will be used only to supplement, not to supplant, the amount of Federal, State, and local funds otherwise expended by the eligible individual.

"(5) AMOUNT AND TERM.—

"(A) AMOUNT.—The amount of an award under this subsection shall be equal to the award amount provided for under section 753(c)(5)(A) for the fiscal year involved.

"(B) TERM.—The term of an award made under this subsection shall not exceed 5 years.

"(C) PAYMENT TO INSTITUTION.—The Secretary shall make payments for awards under this subsection to institutions which include schools of medicine and osteopathic medicine.

"(6) SERVICE REQUIREMENT.—An individual who receives an award under this subsection shall provide training in palliative care and hospice, including the training of interdisciplinary teams of health care professionals. The provision of such training shall constitute a majority of the total funded obligations of such individual under the award.

"(d) PALLIATIVE CARE WORKFORCE DEVELOPMENT.—

"(1) IN GENERAL.—The Secretary shall award grants or contracts under this subsection to entities that operate a Palliative Care and Hospice Education Center pursuant to subsection (a)(1).

"(2) APPLICATION.—To be eligible for an award under paragraph (1), an entity described in such paragraph shall submit to the

Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

“(3) **USE OF FUNDS.**—Amounts awarded under a grant or contract under paragraph (1) shall be used to carry out the fellowship program described in paragraph (4).

“(4) **FELLOWSHIP PROGRAM.**—

“(A) **IN GENERAL.**—Pursuant to paragraph (3), a Palliative Care and Hospice Education Center that receives an award under this subsection shall use such funds to offer short-term intensive courses (referred to in this subsection as a ‘fellowship’) that focus on palliative care that provide supplemental training for faculty members in medical schools and other health professions schools with programs in psychology, pharmacy, nursing, social work, chaplaincy, or other health disciplines, as approved by the Secretary. Such a fellowship shall be open to current faculty, and appropriately credentialed volunteer faculty and practitioners, who do not have formal training in palliative care, to upgrade their knowledge and clinical skills for the care of individuals with serious or life-threatening illness and to enhance their interdisciplinary teaching skills.

“(B) **LOCATION.**—A fellowship under this paragraph shall be offered either at the Palliative Care and Hospice Education Center that is sponsoring the course, in collaboration with other Palliative Care and Hospice Education Centers, or at medical schools, schools of nursing, schools of pharmacy, schools of social work, schools of chaplaincy or pastoral care education, graduate programs in psychology, or other health professions schools approved by the Secretary with which the Centers are affiliated.

“(C) **CME CREDIT.**—Participation in a fellowship under this paragraph shall be accepted with respect to complying with continuing health profession education requirements. As a condition of such acceptance, the recipient shall subsequently provide a minimum of 18 hours of voluntary instruction in palliative care content (that has been approved by a palliative care and hospice education center) to students or trainees in health-related educational, home, hospice, or long-term care settings.

“(5) **TARGETS.**—A Palliative Care and Hospice Education Center that receives an award under this subsection shall meet targets approved by the Secretary for providing palliative care training to a certain number of faculty or practitioners during the term of the award, as well as other parameters established by the Secretary.

“(6) **AMOUNT OF AWARD.**—An award under this subsection shall be in an amount of \$150,000. Not more than 24 Palliative Care and Hospice Education Centers may receive an award under this subsection.

“(7) **MAINTENANCE OF EFFORT.**—A Palliative Care and Hospice Education Center that receives an award under this subsection shall provide assurances to the Secretary that funds provided to the Center under the award will be used only to supplement, not to supplant, the amount of Federal, State, and local funds otherwise expended by such Center.

“(e) **PALLIATIVE CARE AND HOSPICE CAREER INCENTIVE AWARDS.**—

“(1) **IN GENERAL.**—The Secretary shall award grants or contracts under this subsection to individuals described in paragraph (2) to foster greater interest among a variety of health professionals in entering the field of palliative care.

“(2) **ELIGIBLE INDIVIDUALS.**—To be eligible to receive an award under paragraph (1), an individual shall—

“(A) be an advanced practice nurse, a clinical social worker, a pharmacist, a chaplain, or student of psychology who is pursuing a doctorate or other advanced degree in palliative care or related fields in an accredited health professions school; and

“(B) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

“(3) **CONDITIONS OF AWARD.**—As a condition of receiving an award under this subsection, an individual shall agree that, following completion of the award period, the individual will teach or practice palliative care in health-related educational, home, hospice or long-term care settings for a minimum of 5 years under guidelines established by the Secretary.

“(4) **PAYMENT TO INSTITUTION.**—The Secretary shall make payments for awards under this subsection to institutions which include schools of medicine, osteopathic medicine, nursing, social work, psychology, chaplaincy or pastoral care education, dentistry, and pharmacy, or other allied health discipline in an accredited health professions school that is approved by the Secretary.

“(f) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section, \$44,100,000 for each of the fiscal years 2013 through 2017.”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall be effective beginning on the date that is 90 days after the date of enactment of this Act.

#### **SEC. 4. APPLICATION TO ADVANCED PRACTICE NURSES.**

(a) **ADVANCED EDUCATION NURSING GRANTS.**—Section 811(a) of the Public Health Service Act (42 U.S.C. 296j(a)) is amended—

(1) in paragraph (1), by striking “and” at the end;

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1), the following:

“(2) palliative care and hospice career incentive awards authorized under section 759A(e); and”.

(b) **IN GENERAL.**—Part D of title VIII of the Public Health Service Act (42 U.S.C. 296p et seq.) is amended by adding at the end the following:

#### **“SEC. 832. PALLIATIVE CARE AND HOSPICE EDUCATION AND TRAINING.**

“(a) **PROGRAM AUTHORIZED.**—The Secretary shall award grants to eligible entities to develop and implement, in coordination with programs under section 759A, programs and initiatives to train and educate individuals in providing palliative care in health related educational, hospice, home, or long-term care settings.

“(b) **USE OF FUNDS.**—An eligible entity that receives a grant under subsection (a) shall use funds under such grant to—

“(1) provide training to individuals who will provide palliative care in health-related educational, home, hospice, or long-term care settings;

“(2) develop and disseminate curricula relating to palliative care in health-related educational, home, hospice, or long-term care settings;

“(3) train faculty members in palliative care in health related educational, home, hospice, or long-term care settings; or

“(4) provide continuing education to individuals who provide palliative care in health-related educational, home, hospice, or long-term care settings.

“(c) **APPLICATION.**—An eligible entity desiring a grant under subsection (a) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

“(d) **ELIGIBLE ENTITY.**—For purposes of this section, the term ‘eligible entity’ shall include a school of nursing, a health care facility, a program leading to certification as a certified nurse assistant, a partnership of such a school and facility, or a partnership of such a program and facility.

“(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section \$5,000,000 for each of fiscal years 2013 through 2017.”.

By Mr. REID:

S. 3412. A bill to amend the Internal Revenue Code of 1986 to provide tax relief to middle-class families; placed on the calendar.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD as follows:

S. 3412

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### **SECTION 1. SHORT TITLE; ETC.**

(a) **SHORT TITLE.**—This Act may be cited as the “Middle Class Tax Cut Act”.

(b) **AMENDMENT OF 1986 CODE.**—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

Sec. 1. Short title; etc.

#### **TITLE I—TEMPORARY EXTENSION OF TAX RELIEF**

Sec. 101. Temporary extension of 2001 tax relief.

Sec. 102. Temporary extension of 2003 tax relief.

Sec. 103. Temporary extension of 2010 tax relief.

Sec. 104. Temporary extension of election to expense certain depreciable business assets.

#### **TITLE II—ALTERNATIVE MINIMUM TAX RELIEF**

Sec. 201. Temporary extension of increased alternative minimum tax exemption amount.

Sec. 202. Temporary extension of alternative minimum tax relief for non-refundable personal credits.

#### **TITLE III—BUDGETARY EFFECTS**

Sec. 301. Budgetary effects.

#### **TITLE I—TEMPORARY EXTENSION OF TAX RELIEF**

#### **SEC. 101. TEMPORARY EXTENSION OF 2001 TAX RELIEF.**

(a) **TEMPORARY EXTENSION.**—

(1) **IN GENERAL.**—Section 901(a)(1) of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by striking “December 31, 2012” and inserting “December 31, 2013”.

(2) **EFFECTIVE DATE.**—The amendment made by this subsection shall take effect as

if included in the enactment of the Economic Growth and Tax Relief Reconciliation Act of 2001.

(b) APPLICATION TO CERTAIN HIGH-INCOME TAXPAYERS.—

(1) INCOME TAX RATES.—

(A) TREATMENT OF 25- AND 28- PERCENT RATE BRACKETS.—Paragraph (2) of section 1(i) is amended to read as follows:

“(2) 25- AND 28- PERCENT RATE BRACKETS.—The tables under subsections (a), (b), (c), (d), and (e) shall be applied—

“(A) by substituting ‘25%’ for ‘28%’ each place it appears (before the application of subparagraph (B)), and

“(B) by substituting ‘28%’ for ‘31%’ each place it appears.”.

(B) 33-PERCENT RATE BRACKET.—Subsection (i) of section 1 is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

“(3) 33-PERCENT RATE BRACKET.—

“(A) IN GENERAL.—In the case of taxable years beginning after December 31, 2012—

“(i) the rate of tax under subsections (a), (b), (c), and (d) on a taxpayer’s taxable income in the fourth rate bracket shall be 33 percent to the extent such income does not exceed an amount equal to the excess of—

“(I) the applicable amount, over

“(II) the dollar amount at which such bracket begins, and

“(ii) the 36 percent rate of tax under such subsections shall apply only to the taxpayer’s taxable income in such bracket in excess of the amount to which clause (i) applies.

“(B) APPLICABLE AMOUNT.—For purposes of this paragraph, the term ‘applicable amount’ means the excess of—

“(i) the applicable threshold, over

“(ii) the sum of the following amounts in effect for the taxable year:

“(I) the basic standard deduction (within the meaning of section 63(c)(2)), and

“(II) the exemption amount (within the meaning of section 151(d)(1) (or, in the case of subsection (a), 2 such exemption amounts).

“(C) APPLICABLE THRESHOLD.—For purposes of this paragraph, the term ‘applicable threshold’ means—

“(i) \$250,000 in the case of subsection (a),

“(ii) \$225,000 in the case of subsection (b),

“(iii) \$200,000 in the case of subsections (c), and

“(iv) ½ the amount applicable under clause (i) (after adjustment, if any, under subparagraph (E)) in the case of subsection (d).

“(D) FOURTH RATE BRACKET.—For purposes of this paragraph, the term ‘fourth rate bracket’ means the bracket which would (determined without regard to this paragraph) be the 36-percent rate bracket.

“(E) INFLATION ADJUSTMENT.—For purposes of this paragraph, with respect to taxable years beginning in calendar years after 2012, each of the dollar amounts under clauses (i), (ii), and (iii) of subparagraph (C) shall be adjusted in the same manner as under paragraph 1(C), except that subsection (f)(3)(B) shall be applied by substituting ‘2008’ for ‘1992’.”.

(2) PHASEOUT OF PERSONAL EXEMPTIONS AND ITEMIZED DEDUCTIONS.—

(A) OVERALL LIMITATION ON ITEMIZED DEDUCTIONS.—Section 68 is amended—

(i) by striking “the applicable amount” the first place it appears in subsection (a) and inserting “the applicable threshold in effect under section 1(i)(3)”.

(ii) by striking “the applicable amount” in subsection (a)(1) and inserting “such applicable threshold”.

(iii) by striking subsection (b) and redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively, and

(iv) by striking subsections (f) and (g).

(B) PHASEOUT OF DEDUCTIONS FOR PERSONAL EXEMPTIONS.—

(i) IN GENERAL.—Paragraph (3) of section 151(d) is amended—

(I) by striking “the threshold amount” in subparagraphs (A) and (B) and inserting “the applicable threshold in effect under section 1(i)(3)”.

(II) by striking subparagraph (C) and redesignating subparagraph (D) as subparagraph (C), and

(III) by striking subparagraphs (E) and (F).

(ii) CONFORMING AMENDMENTS.—Paragraph (4) of section 151(d) is amended—

(I) by striking subparagraph (B).

(II) by redesignating clauses (i) and (ii) of subparagraph (A) as subparagraphs (A) and (B), respectively, and by indenting such subparagraphs (as so redesignated) accordingly, and

(III) by striking all that precedes “in a calendar year after 1989,” and inserting the following:

“(4) INFLATION ADJUSTMENT.—In the case of any taxable year beginning”.

(c) EFFECTIVE DATE.—Except as otherwise provided, the amendments made by this section shall apply to taxable years beginning after December 31, 2012.

(d) APPLICATION OF EGTRRA SUNSET.—Each amendment made by subsection (b) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 to the same extent and in the same manner as if such amendment was included in title I of such Act.

#### SEC. 102. TEMPORARY EXTENSION OF 2003 TAX RELIEF.

(a) EXTENSION.—

(1) IN GENERAL.—Section 303 of the Jobs and Growth Tax Relief Reconciliation Act of 2003 is amended by striking “December 31, 2012” and inserting “December 31, 2013”.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect as if included in the enactment of the Jobs and Growth Tax Relief Reconciliation Act of 2003.

(b) 20-PERCENT CAPITAL GAINS RATE FOR CERTAIN HIGH INCOME INDIVIDUALS.—

(1) IN GENERAL.—Paragraph (1) of section 1(h) is amended by striking subparagraph (C), by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F) and by inserting after subparagraph (B) the following new subparagraphs:

“(C) 15 percent of the lesser of—

“(i) so much of the adjusted net capital gain (or, if less, taxable income) as exceeds the amount on which a tax is determined under subparagraph (B), or

“(ii) the excess (if any) of—

“(I) the amount of taxable income which would (without regard to this paragraph) be taxed at a rate below 36 percent, over

“(II) the sum of the amounts on which a tax is determined under subparagraphs (A) and (B),

“(D) 20 percent of the adjusted net capital gain (or, if less, taxable income) in excess of the sum of the amounts on which tax is determined under subparagraphs (B) and (C).”.

(2) MINIMUM TAX.—Paragraph (3) of section 55(b) is amended by striking subparagraph (C), by redesignating subparagraph (D) as subparagraph (E), and by inserting after subparagraph (B) the following new subparagraphs:

“(C) 15 percent of the lesser of—

“(i) so much of the adjusted net capital gain (or, if less, taxable excess) as exceeds

the amount on which tax is determined under subparagraph (B), or

“(ii) the excess described in section 1(h)(1)(C)(ii), plus

“(D) 20 percent of the adjusted net capital gain (or, if less, taxable excess) in excess of the sum of the amounts on which tax is determined under subparagraphs (B) and (C), plus”.

(c) CONFORMING AMENDMENTS.—

(1) The following provisions are each amended by striking “15 percent” and inserting “20 percent”:

(A) Section 531.

(B) Section 541.

(C) Section 1445(e)(1).

(D) The second sentence of section 7518(g)(6)(A).

(E) Section 53511(f)(2) of title 46, United States Code.

(2) Sections 1(h)(1)(B) and 55(b)(3)(B) are each amended by striking “5 percent (0 percent in the case of taxable years beginning after 2007)” and inserting “0 percent”.

(3) Section 1445(e)(6) is amended by striking “15 percent (20 percent in the case of taxable years beginning after December 31, 2010)” and inserting “20 percent”.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided, the amendments made by subsections (b) and (c) shall apply to taxable years beginning after December 31, 2012.

(2) WITHHOLDING.—The amendments made by paragraphs (1)(C) and (3) of subsection (c) shall apply to amounts paid on or after January 1, 2013.

(e) APPLICATION OF JGTRRA SUNSET.—Each amendment made by subsections (b) and (c) shall be subject to section 303 of the Jobs and Growth Tax Relief Reconciliation Act of 2003 to the same extent and in the same manner as if such amendment was included in title III of such Act.

#### SEC. 103. TEMPORARY EXTENSION OF 2010 TAX RELIEF.

(a) AMERICAN OPPORTUNITY TAX CREDIT.—

(1) IN GENERAL.—Section 25A(i) is amended by striking “or 2012” and inserting “2012, or 2013”.

(2) TREATMENT OF POSSESSIONS.—Section 1004(c)(1) of division B of the American Recovery and Reinvestment Tax Act of 2009 is amended by striking “and 2012” each place it appears and inserting “2012, and 2013”.

(b) CHILD TAX CREDIT.—Section 24(d)(4) is amended—

(1) by striking “AND 2012” in the heading and inserting “2012, AND 2013”, and

(2) by striking “or 2012” and inserting “2012, or 2013”.

(c) EARNED INCOME TAX CREDIT.—Section 32(b)(3) is amended—

(1) by striking “AND 2012” in the heading and inserting “2012, AND 2013”, and

(2) by striking “or 2012” and inserting “2012, or 2013”.

(d) TEMPORARY EXTENSION OF RULE DISREGARDING REFUNDS IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.—Subsection (b) of section 6409 is amended by striking “December 31, 2012” and inserting “December 31, 2013”.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2012.

(2) RULE DISREGARDING REFUNDS IN THE ADMINISTRATION OF CERTAIN PROGRAMS.—The amendment made by subsection (d) shall apply to amounts received after December 31, 2012.

# **SEC. 104. TEMPORARY EXTENSION OF ELECTION TO EXPENSE CERTAIN DEPRECIABLE BUSINESS ASSETS.**

(a) IN GENERAL.—

(1) DOLLAR LIMITATION.—Section 179(b)(1) is amended—

(A) by striking “and” at the end of subparagraph (C),

(B) by redesignating subparagraph (D) as subparagraph (E),

(C) by inserting after subparagraph (C) the following new subparagraph:

“(D) \$250,000 in the case of taxable years beginning in 2013, and”, and

(D) in subparagraph (E), as so redesignated, by striking “2012” and inserting “2013”.

(2) REDUCTION IN LIMITATION.—Section 179(b)(2) is amended—

(A) by striking “and” at the end of subparagraph (C),

(B) by redesignating subparagraph (D) as subparagraph (E),

(C) by inserting after subparagraph (C) the following new subparagraph:

“(D) \$800,000 in the case of taxable years beginning in 2013, and”, and

(D) in subparagraph (E), as so redesignated, by striking “2012” and inserting “2013”.

(b) COMPUTER SOFTWARE.—Section 179(d)(1)(A)(ii) is amended by striking “2013” and inserting “2014”.

(c) ELECTION.—Section 179(c)(2) is amended by striking “2013” and inserting “2014”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2012.

## **TITLE II—ALTERNATIVE MINIMUM TAX RELIEF**

### **SEC. 201. TEMPORARY EXTENSION OF INCREASED ALTERNATIVE MINIMUM TAX EXEMPTION AMOUNT.**

(a) IN GENERAL.—Paragraph (1) of section 55(d) is amended—

(1) by striking “\$72,450” and all that follows through “2011” in subparagraph (A) and inserting “\$78,750 in the case of taxable years beginning in 2012”, and

(2) by striking “\$47,450” and all that follows through “2011” in subparagraph (B) and inserting “\$50,600 in the case of taxable years beginning in 2012”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2011.

### **SEC. 202. TEMPORARY EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF FOR NONREFUNDABLE PERSONAL CREDITS.**

(a) IN GENERAL.—Paragraph (2) of section 26(a) is amended—

(1) by striking “or 2011” and inserting “2011, or 2012”, and

(2) by striking “2011” in the heading thereof and inserting “2012”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2011.

## **TITLE III—BUDGETARY EFFECTS**

### **SEC. 301. BUDGETARY EFFECTS.**

(a) PAYGO SCORECARD.—The budgetary effects of this Act shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

(b) SENATE PAYGO SCORECARD.—The budgetary effects of this Act shall not be entered on any PAYGO scorecard maintained for purposes of section 201 of S. Con Res. 21 (110th Congress).

By Mr. INHOFE (for himself and Mr. VITTER):

S. 3415. A bill to require the disclosure of all payments made under the

Equal Access to Justice Act; to the Committee on the Judiciary.

Mr. INHOFE. Mr. President, I rise today to introduce the Government Transparency and Recordkeeping Act along with Senator VITTER.

The purpose of this bill is to require that all records of individual payments under 31 U.S.C. 1304, which is the Judgment Fund, are reported to Congress and made available to the public. It further requires that agencies provide this information by keeping accurate and thorough records.

Simply put, most Americans have a checking account. When you write a check, you also record it in your checking book. This checking book is your record of how much you paid and to whom you paid. Simply put, the Federal Government does not do this in terms of the Judgment Fund. The Federal government has not been keeping track of its Judgment Fund payments because they are not required to do so. In this age of technology, shouldn't the federal government keep track of its finances?

If the Federal Government is named as a defendant and the plaintiffs are successful then the plaintiffs may be awarded for certain attorney fees and costs. Such payments are made from the Judgment Fund.

The Judgment Fund was created in 1956 and is a permanent fund available to pay judgments against the government and settlements resulting from lawsuits.

As the Ranking Member of the Senate Environment and Public Works Committee, I had to request that GAO investigate how much the Judgment Fund has paid related to the environmental statutes in our jurisdiction and get back to me. Even GAO had trouble getting complete records over the past ten years. This is federal taxpayers' money that we are spending without keeping accurate and up to date records. This information needs to be readily available and accessible to the public.

Federal agencies that are impacted by these costs as well as policymakers and taxpayers should be able to track payments from the Judgment Fund to determine who is suing a particular Federal agency, the nature of their claims, how often agencies settle and agree to pay plaintiffs' legal fees, and so forth. If Congress and the public had access to this information in a useable form, they could identify problem areas and work to save taxpayer money by bringing loss rates down.

Article I, section 9 of the U.S. Constitution provides “that a regular Statement and Account of the Receipts of all public money shall be published from time to time.” The operation and payment of Judgment fund monies should not be an exception. This bill will ensure that Congress and the public have access to such information.

## **SUBMITTED RESOLUTIONS**

### **SENATE CONCURRENT RESOLUTION 52—SETTING FORTH THE CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2013 AND SETTING FORTH THE APPROPRIATE BUDGETARY LEVELS FOR FISCAL YEARS 2014 THROUGH 2022**

Mr. LEE submitted the following concurrent resolution; which was placed on the calendar:

S. CON. RES. 52

*Resolved by the Senate (the House of Representatives concurring),*

#### **SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2013.**

(a) DECLARATION.—Congress declares that this resolution is the concurrent resolution on the budget for fiscal year 2013 and that this resolution sets forth the appropriate budgetary levels for fiscal years 2014 through 2022.

(b) TABLE OF CONTENTS.—The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent resolution on the budget for fiscal year 2013.

#### **TITLE I—RECOMMENDED LEVELS AND AMOUNTS**

Sec. 101. Recommended levels and amounts.

Sec. 102. Social Security.

Sec. 103. Major functional categories.

#### **TITLE II—RESERVE FUNDS**

Sec. 201. Deficit-reduction reserve fund for the sale of unused or vacant Federal properties.

Sec. 202. Deficit-reduction reserve fund for selling excess Federal land.

Sec. 203. Deficit-reduction reserve fund for the repeal of Davis-Bacon prevailing wage laws.

Sec. 204. Deficit-reduction reserve fund for the reduction of purchasing and maintaining Federal vehicles.

Sec. 205. Deficit-reduction reserve fund for the sale of financial assets purchased through the Troubled Asset Relief Program.

Sec. 206. Reserve fund for the repeal of the 2010 health care laws.

#### **TITLE III—BUDGET PROCESS**

##### **Subtitle A—Budget Enforcement**

Sec. 301. Discretionary spending limits for fiscal years 2013 through 2022, program integrity initiatives, and other adjustments.

Sec. 302. Point of order against advance appropriations.

##### **Subtitle B—Other Provisions**

Sec. 311. Oversight of government performance.

Sec. 312. Application and effect of changes in allocations and aggregates.

Sec. 313. Adjustments to reflect changes in concepts and definitions.

#### **TITLE IV—RECONCILIATION**

Sec. 401. Reconciliation in the Senate.

#### **TITLE V—CONGRESSIONAL POLICY CHANGES**

Sec. 501. Policy statement on social security.

Sec. 502. Policy statement on Medicare.

Sec. 503. Policy statement on Medicaid.

Sec. 504. Policy statement on tax reform.



Sec. 505. Policy statement on government asset sales.

Sec. 506. Policy on repealing Obamacare.

#### TITLE VI—SENSE OF CONGRESS

Sec. 601. Regulatory reform.

Sec. 602. Rescind unspent or unobligated balances after 36 months.

#### TITLE I—RECOMMENDED LEVELS AND AMOUNTS

##### SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2013 through 2022:

(1) **FEDERAL REVENUES.**—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2013: \$1,961,929,000,000.  
Fiscal year 2014: \$2,144,992,000,000.  
Fiscal year 2015: \$2,376,945,000,000.  
Fiscal year 2016: \$2,558,632,000,000.  
Fiscal year 2017: \$2,715,114,000,000.  
Fiscal year 2018: \$2,846,304,000,000.  
Fiscal year 2019: \$2,984,528,000,000.  
Fiscal year 2020: \$3,135,231,000,000.  
Fiscal year 2021: \$3,292,091,000,000.  
Fiscal year 2022: \$3,453,764,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2013: —\$328,000,000,000.  
Fiscal year 2014: —\$440,000,000,000.  
Fiscal year 2015: —\$421,000,000,000.  
Fiscal year 2016: —\$406,000,000,000.  
Fiscal year 2017: —\$457,000,000,000.  
Fiscal year 2018: —\$484,000,000,000.  
Fiscal year 2019: —\$513,000,000,000.  
Fiscal year 2020: —\$541,000,000,000.  
Fiscal year 2021: —\$585,000,000,000.  
Fiscal year 2022: —\$631,000,000,000.

(2) **NEW BUDGET AUTHORITY.**—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2013: \$2,602,345,000,000.  
Fiscal year 2014: \$2,498,340,000,000.  
Fiscal year 2015: \$2,584,430,000,000.  
Fiscal year 2016: \$2,598,024,000,000.  
Fiscal year 2017: \$2,712,605,000,000.  
Fiscal year 2018: \$2,834,797,000,000.  
Fiscal year 2019: \$2,991,342,000,000.  
Fiscal year 2020: \$3,124,945,000,000.  
Fiscal year 2021: \$3,216,804,000,000.  
Fiscal year 2022: \$3,326,195,000,000.

(3) **BUDGET OUTLAYS.**—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2013: \$2,658,535,000,000.  
Fiscal year 2014: \$2,540,263,000,000.  
Fiscal year 2015: \$2,600,001,000,000.  
Fiscal year 2016: \$2,600,898,000,000.  
Fiscal year 2017: \$2,698,998,000,000.  
Fiscal year 2018: \$2,817,023,000,000.  
Fiscal year 2019: \$2,960,794,000,000.  
Fiscal year 2020: \$3,092,448,000,000.  
Fiscal year 2021: \$3,181,088,000,000.  
Fiscal year 2022: \$3,289,369,000,000.

(4) **DEFICITS.**—For purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 2013: \$696,606,000,000.  
Fiscal year 2014: \$395,271,000,000.  
Fiscal year 2015: \$223,056,000,000.  
Fiscal year 2016: \$42,265,000,000.  
Fiscal year 2017: —\$16,115,000,000.  
Fiscal year 2018: —\$29,282,000,000.  
Fiscal year 2019: —\$23,735,000,000.  
Fiscal year 2020: —\$42,783,000,000.  
Fiscal year 2021: —\$111,004,000,000.  
Fiscal year 2022: —\$164,394,000,000.

(5) **PUBLIC DEBT.**—Pursuant to section 301(a)(5) of the Congressional Budget Act of

1974, the appropriate levels of the public debt are as follows:

Fiscal year 2013: \$11,871,000,000,000.  
Fiscal year 2014: \$12,368,000,000,000.  
Fiscal year 2015: \$12,679,000,000,000.  
Fiscal year 2016: \$12,799,000,000,000.  
Fiscal year 2017: \$12,855,000,000,000.  
Fiscal year 2018: \$12,888,000,000,000.  
Fiscal year 2019: \$12,928,000,000,000.  
Fiscal year 2020: \$12,932,000,000,000.  
Fiscal year 2021: \$12,874,000,000,000.  
Fiscal year 2022: \$12,770,000,000,000.

(6) **DEBT HELD BY THE PUBLIC.**—The appropriate levels of debt held by the public are as follows:

Fiscal year 2013: \$16,782,000,000,000.  
Fiscal year 2014: \$17,423,000,000,000.  
Fiscal year 2015: \$17,908,000,000,000.  
Fiscal year 2016: \$18,210,000,000,000.  
Fiscal year 2017: \$18,468,000,000,000.  
Fiscal year 2018: \$18,729,000,000,000.  
Fiscal year 2019: \$18,943,000,000,000.  
Fiscal year 2020: \$19,112,000,000,000.  
Fiscal year 2021: \$19,204,000,000,000.  
Fiscal year 2022: \$19,224,000,000,000.

##### SEC. 102. SOCIAL SECURITY.

(a) **SOCIAL SECURITY REVENUES.**—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2013: \$675,120,000,000.  
Fiscal year 2014: \$731,427,000,000.  
Fiscal year 2015: \$772,640,000,000.  
Fiscal year 2016: \$821,698,000,000.  
Fiscal year 2017: \$872,014,000,000.  
Fiscal year 2018: \$919,303,000,000.  
Fiscal year 2019: \$965,008,000,000.  
Fiscal year 2020: \$1,010,593,000,000.  
Fiscal year 2021: \$1,055,547,000,000.  
Fiscal year 2022: \$1,102,093,000,000.

(b) **SOCIAL SECURITY OUTLAYS.**—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2013: \$720,436,000,000.  
Fiscal year 2014: \$758,457,000,000.  
Fiscal year 2015: \$797,609,000,000.  
Fiscal year 2016: \$839,879,000,000.  
Fiscal year 2017: \$887,426,000,000.  
Fiscal year 2018: \$939,147,000,000.  
Fiscal year 2019: \$995,537,000,000.  
Fiscal year 2020: \$1,032,447,000,000.  
Fiscal year 2021: \$1,093,921,000,000.  
Fiscal year 2022: \$1,153,017,000,000.

(c) **SOCIAL SECURITY ADMINISTRATIVE EXPENSES.**—In the Senate, the amounts of new budget authority and budget outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for administrative expenses are as follows:

Fiscal year 2013:  
(A) New budget authority, \$5,539,000,000.  
(B) Outlays, \$5,543,000,000.  
Fiscal year 2014:  
(A) New budget authority, \$5,701,000,000.  
(B) Outlays, \$5,709,000,000.  
Fiscal year 2015:  
(A) New budget authority, \$5,868,000,000.  
(B) Outlays, \$5,842,000,000.  
Fiscal year 2016:  
(A) New budget authority, \$6,047,000,000.  
(B) Outlays, \$6,019,000,000.  
Fiscal year 2017:  
(A) New budget authority, \$6,231,000,000.  
(B) Outlays, \$6,201,000,000.  
Fiscal year 2018:  
(A) New budget authority, \$6,434,000,000.

(B) Outlays, \$6,402,000,000.

Fiscal year 2019:

(A) New budget authority, \$6,651,000,000.

(B) Outlays, \$6,617,000,000.

Fiscal year 2020:

(A) New budget authority, \$6,867,000,000.

(B) Outlays, \$6,832,000,000.

Fiscal year 2021:

(A) New budget authority, \$7,088,000,000.

(B) Outlays, \$7,052,000,000.

Fiscal year 2022:

(A) New budget authority, \$7,320,000,000.

(B) Outlays, \$7,283,000,000.

##### SEC. 103. MAJOR FUNCTIONAL CATEGORIES.

Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2013 through 2022 for each major functional category are:

(1) **National Defense (050):**

Fiscal year 2013:

(A) New budget authority, \$696,600,000,000.

(B) Outlays, \$713,500,000,000.

Fiscal year 2014:

(A) New budget authority, \$699,900,000,000.

(B) Outlays, \$713,900,000,000.

Fiscal year 2015:

(A) New budget authority, \$724,900,000,000.

(B) Outlays, \$732,100,000,000.

Fiscal year 2016:

(A) New budget authority, \$749,500,000,000.

(B) Outlays, \$749,500,000,000.

Fiscal year 2017:

(A) New budget authority, \$766,700,000,000.

(B) Outlays, \$759,100,000,000.

Fiscal year 2018:

(A) New budget authority, \$784,800,000,000.

(B) Outlays, \$777,100,000,000.

Fiscal year 2019:

(A) New budget authority, \$812,700,000,000.

(B) Outlays, \$796,700,000,000.

Fiscal year 2020:

(A) New budget authority, \$835,600,000,000.

(B) Outlays, \$819,800,000,000.

Fiscal year 2021:

(A) New budget authority, \$857,900,000,000.

(B) Outlays, \$841,500,000,000.

Fiscal year 2022:

(A) New budget authority, \$881,100,000,000.

(B) Outlays, \$864,300,000,000.

(2) **International Affairs (150):**

Fiscal year 2013:

(A) New budget authority, \$38,024,000,000.

(B) Outlays, \$41,175,000,000.

Fiscal year 2014:

(A) New budget authority, \$36,214,000,000.

(B) Outlays, \$41,078,000,000.

Fiscal year 2015:

(A) New budget authority, \$32,615,000,000.

(B) Outlays, \$37,851,000,000.

Fiscal year 2016:

(A) New budget authority, \$34,605,000,000.

(B) Outlays, \$39,104,000,000.

Fiscal year 2017:

(A) New budget authority, \$36,288,000,000.

(B) Outlays, \$39,950,000,000.

Fiscal year 2018:

(A) New budget authority, \$36,754,000,000.

(B) Outlays, \$39,928,000,000.

Fiscal year 2019:

(A) New budget authority, \$38,239,000,000.

(B) Outlays, \$41,199,000,000.

Fiscal year 2020:

(A) New budget authority, \$39,017,000,000.

(B) Outlays, \$42,036,000,000.

Fiscal year 2021:

(A) New budget authority, \$39,856,000,000.

(B) Outlays, \$42,873,000,000.

Fiscal year 2022:

(A) New budget authority, \$40,168,000,000.

(B) Outlays, \$43,043,000,000.

(3) **General Science, Space, and Technology (250):**

Fiscal year 2013:

(A) New budget authority, \$11,390,000,000.



- (B) Outlays, \$11,875,000,000.  
Fiscal year 2014:  
(A) New budget authority, \$10,781,000,000.  
(B) Outlays, \$10,925,000,000.  
Fiscal year 2015:  
(A) New budget authority, \$10,190,000,000.  
(B) Outlays, \$10,175,000,000.  
Fiscal year 2016:  
(A) New budget authority, \$10,043,000,000.  
(B) Outlays, \$9,984,000,000.  
Fiscal year 2017:  
(A) New budget authority, \$10,281,000,000.  
(B) Outlays, \$10,200,000,000.  
Fiscal year 2018:  
(A) New budget authority, \$10,953,000,000.  
(B) Outlays, \$10,850,000,000.  
Fiscal year 2019:  
(A) New budget authority, \$11,201,000,000.  
(B) Outlays, \$11,075,000,000.  
Fiscal year 2020:  
(A) New budget authority, \$10,976,000,000.  
(B) Outlays, \$10,848,000,000.  
Fiscal year 2021:  
(A) New budget authority, \$11,231,000,000.  
(B) Outlays, \$11,064,000,000.  
Fiscal year 2022:  
(A) New budget authority, \$11,044,000,000.  
(B) Outlays, \$10,879,000,000.  
(4) Energy (270):  
Fiscal year 2013:  
(A) New budget authority, \$1,924,000,000.  
(B) Outlays, \$8,075,000,000.  
Fiscal year 2014:  
(A) New budget authority, \$1,765,000,000.  
(B) Outlays, \$4,807,000,000.  
Fiscal year 2015:  
(A) New budget authority, \$934,000,000.  
(B) Outlays, \$2,035,000,000.  
Fiscal year 2016:  
(A) New budget authority, \$1,043,000,000.  
(B) Outlays, \$2,080,000,000.  
Fiscal year 2017:  
(A) New budget authority, \$1,260,000,000.  
(B) Outlays, \$2,125,000,000.  
Fiscal year 2018:  
(A) New budget authority, \$1,292,000,000.  
(B) Outlays, \$2,170,000,000.  
Fiscal year 2019:  
(A) New budget authority, \$1,323,000,000.  
(B) Outlays, \$2,215,000,000.  
Fiscal year 2020:  
(A) New budget authority, \$1,081,000,000.  
(B) Outlays, \$1,808,000,000.  
Fiscal year 2021:  
(A) New budget authority, \$1,105,000,000.  
(B) Outlays, \$1,844,000,000.  
Fiscal year 2022:  
(A) New budget authority, \$1,138,000,000.  
(B) Outlays, \$1,892,000,000.  
(5) Natural Resources and Environment (300):  
Fiscal year 2013:  
(A) New budget authority, \$24,988,000,000.  
(B) Outlays, \$28,975,000,000.  
Fiscal year 2014:  
(A) New budget authority, \$23,662,000,000.  
(B) Outlays, \$27,094,000,000.  
Fiscal year 2015:  
(A) New budget authority, \$20,775,000,000.  
(B) Outlays, \$24,013,000,000.  
Fiscal year 2016:  
(A) New budget authority, \$22,093,000,000.  
(B) Outlays, \$24,128,000,000.  
Fiscal year 2017:  
(A) New budget authority, \$23,753,000,000.  
(B) Outlays, \$25,075,000,000.  
Fiscal year 2018:  
(A) New budget authority, \$25,130,000,000.  
(B) Outlays, \$25,172,000,000.  
Fiscal year 2019:  
(A) New budget authority, \$26,291,000,000.  
(B) Outlays, \$26,137,000,000.  
Fiscal year 2020:  
(A) New budget authority, \$26,460,000,000.  
(B) Outlays, \$26,216,000,000.  
Fiscal year 2021:  
(A) New budget authority, \$27,487,000,000.  
(B) Outlays, \$27,199,000,000.  
Fiscal year 2022:  
(A) New budget authority, \$27,265,000,000.  
(B) Outlays, \$26,961,000,000.  
(6) Agriculture (350):  
Fiscal year 2013:  
(A) New budget authority, \$9,822,000,000.  
(B) Outlays, \$9,775,000,000.  
Fiscal year 2014:  
(A) New budget authority, \$9,390,000,000.  
(B) Outlays, \$9,357,000,000.  
Fiscal year 2015:  
(A) New budget authority, \$8,666,000,000.  
(B) Outlays, \$8,620,000,000.  
Fiscal year 2016:  
(A) New budget authority, \$8,760,000,000.  
(B) Outlays, \$8,710,000,000.  
Fiscal year 2017:  
(A) New budget authority, \$8,423,000,000.  
(B) Outlays, \$8,375,000,000.  
Fiscal year 2018:  
(A) New budget authority, \$8,506,000,000.  
(B) Outlays, \$8,456,000,000.  
Fiscal year 2019:  
(A) New budget authority, \$8,588,000,000.  
(B) Outlays, \$8,537,000,000.  
Fiscal year 2020:  
(A) New budget authority, \$8,671,000,000.  
(B) Outlays, \$8,618,000,000.  
Fiscal year 2021:  
(A) New budget authority, \$9,687,000,000.  
(B) Outlays, \$9,621,000,000.  
Fiscal year 2022:  
(A) New budget authority, \$9,822,000,000.  
(B) Outlays, \$9,753,000,000.  
(7) Commerce and Housing Credit (370):  
Fiscal year 2013:  
(A) New budget authority, \$13,261,000,000.  
(B) Outlays, \$13,001,000,000.  
Fiscal year 2014:  
(A) New budget authority, -\$1,068,000,000.  
(B) Outlays, -\$1,118,000,000.  
Fiscal year 2015:  
(A) New budget authority, -\$3,900,000,000.  
(B) Outlays, -\$3,894,000,000.  
Fiscal year 2016:  
(A) New budget authority, -\$5,351,000,000.  
(B) Outlays, -\$5,362,000,000.  
Fiscal year 2017:  
(A) New budget authority, -\$7,049,000,000.  
(B) Outlays, -\$7,080,000,000.  
Fiscal year 2018:  
(A) New budget authority, -\$6,172,000,000.  
(B) Outlays, -\$6,210,000,000.  
Fiscal year 2019:  
(A) New budget authority, -\$9,909,000,000.  
(B) Outlays, -\$9,972,000,000.  
Fiscal year 2020:  
(A) New budget authority, -\$9,578,000,000.  
(B) Outlays, -\$9,647,000,000.  
Fiscal year 2021:  
(A) New budget authority, -\$2,999,000,000.  
(B) Outlays, -\$3,087,000,000.  
Fiscal year 2022:  
(A) New budget authority, -\$1,184,000,000.  
(B) Outlays, -\$1,302,000,000.  
(8) Transportation (400):  
Fiscal year 2013:  
(A) New budget authority, \$17,078,000,000.  
(B) Outlays, \$27,075,000,000.  
Fiscal year 2014:  
(A) New budget authority, \$6,958,000,000.  
(B) Outlays, \$18,791,000,000.  
Fiscal year 2015:  
(A) New budget authority, \$8,203,000,000.  
(B) Outlays, \$19,129,000,000.  
Fiscal year 2016:  
(A) New budget authority, \$8,169,000,000.  
(B) Outlays, \$19,136,000,000.  
Fiscal year 2017:  
(A) New budget authority, \$8,275,000,000.  
(B) Outlays, \$19,125,000,000.  
Fiscal year 2018:  
(A) New budget authority, \$8,439,000,000.  
(B) Outlays, \$19,096,000,000.  
Fiscal year 2019:  
(A) New budget authority, \$8,657,000,000.  
(B) Outlays, \$19,049,000,000.  
Fiscal year 2020:  
(A) New budget authority, \$9,401,000,000.  
(B) Outlays, \$20,792,000,000.  
Fiscal year 2021:  
(A) New budget authority, \$10,926,000,000.  
(B) Outlays, \$22,128,000,000.  
Fiscal year 2022:  
(A) New budget authority, \$9,793,000,000.  
(B) Outlays, \$22,231,000,000.  
(9) Community and Regional Development (450):  
Fiscal year 2013:  
(A) New budget authority, \$10,459,000,000.  
(B) Outlays, \$19,000,000,000.  
Fiscal year 2014:  
(A) New budget authority, \$8,265,000,000.  
(B) Outlays, \$17,043,000,000.  
Fiscal year 2015:  
(A) New budget authority, \$8,348,000,000.  
(B) Outlays, \$13,838,000,000.  
Fiscal year 2016:  
(A) New budget authority, \$10,611,000,000.  
(B) Outlays, \$14,144,000,000.  
Fiscal year 2017:  
(A) New budget authority, \$12,652,000,000.  
(B) Outlays, \$14,875,000,000.  
Fiscal year 2018:  
(A) New budget authority, \$14,022,000,000.  
(B) Outlays, \$15,190,000,000.  
Fiscal year 2019:  
(A) New budget authority, \$14,349,000,000.  
(B) Outlays, \$15,062,000,000.  
Fiscal year 2020:  
(A) New budget authority, \$14,365,000,000.  
(B) Outlays, \$14,916,000,000.  
Fiscal year 2021:  
(A) New budget authority, \$15,547,000,000.  
(B) Outlays, \$16,135,000,000.  
Fiscal year 2022:  
(A) New budget authority, \$15,512,000,000.  
(B) Outlays, \$16,082,000,000.  
(10) Education, Training, Employment, and Social Services (500):  
Fiscal year 2013:  
(A) New budget authority, \$56,341,000,000.  
(B) Outlays, \$57,875,000,000.  
Fiscal year 2014:  
(A) New budget authority, \$52,978,000,000.  
(B) Outlays, \$53,499,000,000.  
Fiscal year 2015:  
(A) New budget authority, \$50,710,000,000.  
(B) Outlays, \$50,180,000,000.  
Fiscal year 2016:  
(A) New budget authority, \$54,699,000,000.  
(B) Outlays, \$54,080,000,000.  
Fiscal year 2017:  
(A) New budget authority, \$56,797,000,000.  
(B) Outlays, \$56,100,000,000.  
Fiscal year 2018:  
(A) New budget authority, \$57,622,000,000.  
(B) Outlays, \$56,854,000,000.  
Fiscal year 2019:  
(A) New budget authority, \$58,400,000,000.  
(B) Outlays, \$57,590,000,000.  
Fiscal year 2020:  
(A) New budget authority, \$59,907,000,000.  
(B) Outlays, \$59,059,000,000.  
Fiscal year 2021:  
(A) New budget authority, \$60,799,000,000.  
(B) Outlays, \$59,930,000,000.  
Fiscal year 2022:  
(A) New budget authority, \$60,885,000,000.  
(B) Outlays, \$60,071,000,000.  
(11) Health (550):  
Fiscal year 2013:  
(A) New budget authority, \$353,800,000,000.  
(B) Outlays, \$348,000,000,000.

Fiscal year 2014:

- (A) New budget authority, \$337,591,000,000.
- (B) Outlays, \$326,887,000,000.

Fiscal year 2015:

- (A) New budget authority, \$351,655,000,000.
- (B) Outlays, \$330,821,000,000.

Fiscal year 2016:

- (A) New budget authority, \$361,046,000,000.
- (B) Outlays, \$340,432,000,000.

Fiscal year 2017:

- (A) New budget authority, \$374,026,000,000.
- (B) Outlays, \$349,175,000,000.

Fiscal year 2018:

- (A) New budget authority, \$385,327,000,000.
- (B) Outlays, \$360,180,000,000.

Fiscal year 2019:

- (A) New budget authority, \$399,456,000,000.
- (B) Outlays, \$371,797,000,000.

Fiscal year 2020:

- (A) New budget authority, \$413,929,000,000.
- (B) Outlays, \$383,778,000,000.

Fiscal year 2021:

- (A) New budget authority, \$443,416,000,000.
- (B) Outlays, \$411,012,000,000.

Fiscal year 2022:

- (A) New budget authority, \$472,571,000,000.
- (B) Outlays, \$438,342,000,000.

(12) Medicare (570):

Fiscal year 2013:

- (A) New budget authority, \$585,288,000,000.
- (B) Outlays, \$585,220,000,000.

Fiscal year 2014:

- (A) New budget authority, \$617,452,000,000.
- (B) Outlays, \$617,414,000,000.

Fiscal year 2015:

- (A) New budget authority, \$650,316,000,000.
- (B) Outlays, \$650,265,000,000.

Fiscal year 2016:

- (A) New budget authority, \$624,673,000,000.
- (B) Outlays, \$624,626,000,000.

Fiscal year 2017:

- (A) New budget authority, \$623,319,000,000.
- (B) Outlays, \$623,271,000,000.

Fiscal year 2018:

- (A) New budget authority, \$625,754,000,000.
- (B) Outlays, \$625,706,000,000.

Fiscal year 2019:

- (A) New budget authority, \$653,437,000,000.
- (B) Outlays, \$653,384,000,000.

Fiscal year 2020:

- (A) New budget authority, \$665,758,000,000.
- (B) Outlays, \$665,702,000,000.

Fiscal year 2021:

- (A) New budget authority, \$632,639,000,000.
- (B) Outlays, \$632,583,000,000.

Fiscal year 2022:

- (A) New budget authority, \$663,152,000,000.
- (B) Outlays, \$663,095,000,000.

(13) Income Security (600):

Fiscal year 2013:

- (A) New budget authority, \$458,510,000,000.
- (B) Outlays, \$462,945,000,000.

Fiscal year 2014:

- (A) New budget authority, \$388,595,000,000.
- (B) Outlays, \$391,402,000,000.

Fiscal year 2015:

- (A) New budget authority, \$382,123,000,000.
- (B) Outlays, \$383,981,000,000.

Fiscal year 2016:

- (A) New budget authority, \$384,516,000,000.
- (B) Outlays, \$385,762,000,000.

Fiscal year 2017:

- (A) New budget authority, \$385,722,000,000.
- (B) Outlays, \$386,070,000,000.

Fiscal year 2018:

- (A) New budget authority, \$394,436,000,000.
- (B) Outlays, \$394,212,000,000.

Fiscal year 2019:

- (A) New budget authority, \$400,998,000,000.
- (B) Outlays, \$400,516,000,000.

Fiscal year 2020:

- (A) New budget authority, \$416,931,000,000.
- (B) Outlays, \$416,354,000,000.

Fiscal year 2021:

- (A) New budget authority, \$405,108,000,000.
- (B) Outlays, \$404,451,000,000.

Fiscal year 2022:

- (A) New budget authority, \$417,175,000,000.
- (B) Outlays, \$416,541,000,000.

(14) Social Security (650):

Fiscal year 2013:

- (A) New budget authority, \$53,216,000,000.
- (B) Outlays, \$53,296,000,000.

Fiscal year 2014:

- (A) New budget authority, \$31,892,000,000.
- (B) Outlays, \$32,002,000,000.

Fiscal year 2015:

- (A) New budget authority, \$35,135,000,000.
- (B) Outlays, \$35,210,000,000.

Fiscal year 2016:

- (A) New budget authority, \$38,953,000,000.
- (B) Outlays, \$38,991,000,000.

Fiscal year 2017:

- (A) New budget authority, \$43,140,000,000.
- (B) Outlays, \$43,140,000,000.

Fiscal year 2018:

- (A) New budget authority, \$47,590,000,000.
- (B) Outlays, \$47,590,000,000.

Fiscal year 2019:

- (A) New budget authority, \$52,429,000,000.
- (B) Outlays, \$52,429,000,000.

Fiscal year 2020:

- (A) New budget authority, \$57,425,000,000.
- (B) Outlays, \$57,425,000,000.

Fiscal year 2021:

- (A) New budget authority, \$62,604,000,000.
- (B) Outlays, \$62,604,000,000.

Fiscal year 2022:

- (A) New budget authority, \$68,079,000,000.
- (B) Outlays, \$68,079,000,000.

(15) Veterans Benefits and Services (700):

Fiscal year 2013:

- (A) New budget authority, \$119,099,000,000.
- (B) Outlays, \$119,750,000,000.

Fiscal year 2014:

- (A) New budget authority, \$121,154,000,000.
- (B) Outlays, \$121,456,000,000.

Fiscal year 2015:

- (A) New budget authority, \$123,497,000,000.
- (B) Outlays, \$123,506,000,000.

Fiscal year 2016:

- (A) New budget authority, \$131,075,000,000.
- (B) Outlays, \$130,702,000,000.

Fiscal year 2017:

- (A) New budget authority, \$128,369,000,000.
- (B) Outlays, \$127,870,000,000.

Fiscal year 2018:

- (A) New budget authority, \$127,819,000,000.
- (B) Outlays, \$127,274,000,000.

Fiscal year 2019:

- (A) New budget authority, \$134,992,000,000.
- (B) Outlays, \$134,425,000,000.

Fiscal year 2020:

- (A) New budget authority, \$139,848,000,000.
- (B) Outlays, \$139,274,000,000.

Fiscal year 2021:

- (A) New budget authority, \$142,925,000,000.
- (B) Outlays, \$142,327,000,000.

Fiscal year 2022:

- (A) New budget authority, \$142,670,000,000.
- (B) Outlays, \$142,079,000,000.

(16) Administration of Justice (750):

Fiscal year 2013:

- (A) New budget authority, \$47,182,000,000.
- (B) Outlays, \$48,925,000,000.

Fiscal year 2014:

- (A) New budget authority, \$45,833,000,000.
- (B) Outlays, \$48,070,000,000.

Fiscal year 2015:

- (A) New budget authority, \$45,232,000,000.
- (B) Outlays, \$46,805,000,000.

Fiscal year 2016:

- (A) New budget authority, \$46,682,000,000.
- (B) Outlays, \$47,840,000,000.

Fiscal year 2017:

- (A) New budget authority, \$47,921,000,000.
- (B) Outlays, \$48,875,000,000.

Fiscal year 2018:

- (A) New budget authority, \$48,995,000,000.
- (B) Outlays, \$49,910,000,000.

Fiscal year 2019:

- (A) New budget authority, \$50,690,000,000.
- (B) Outlays, \$50,945,000,000.

Fiscal year 2020:

- (A) New budget authority, \$51,208,000,000.
- (B) Outlays, \$51,980,000,000.

Fiscal year 2021:

- (A) New budget authority, \$52,229,000,000.
- (B) Outlays, \$53,015,000,000.

Fiscal year 2022:

- (A) New budget authority, \$52,207,000,000.
- (B) Outlays, \$52,976,000,000.

(17) General Government (800):

Fiscal year 2013:

- (A) New budget authority, \$17,292,000,000.
- (B) Outlays, \$19,000,000,000.

Fiscal year 2014:

- (A) New budget authority, \$18,113,000,000.
- (B) Outlays, \$18,791,000,000.

Fiscal year 2015:

- (A) New budget authority, \$17,574,000,000.
- (B) Outlays, \$17,908,000,000.

Fiscal year 2016:

- (A) New budget authority, \$17,752,000,000.
- (B) Outlays, \$17,888,000,000.

Fiscal year 2017:

- (A) New budget authority, \$19,100,000,000.
- (B) Outlays, \$19,125,000,000.

Fiscal year 2018:

- (A) New budget authority, \$19,082,000,000.
- (B) Outlays, \$19,096,000,000.

Fiscal year 2019:

- (A) New budget authority, \$19,466,000,000.
- (B) Outlays, \$19,049,000,000.

Fiscal year 2020:

- (A) New budget authority, \$20,345,000,000.
- (B) Outlays, \$19,888,000,000.

Fiscal year 2021:

- (A) New budget authority, \$20,278,000,000.
- (B) Outlays, \$19,823,000,000.

Fiscal year 2022:

- (A) New budget authority, \$20,320,000,000.
- (B) Outlays, \$19,866,000,000.

(18) Net Interest (900):

Fiscal year 2013:

- (A) New budget authority, \$226,273,000,000.
- (B) Outlays, \$226,273,000,000.

Fiscal year 2014:

- (A) New budget authority, \$241,665,000,000.
- (B) Outlays, \$241,665,000,000.

Fiscal year 2015:

- (A) New budget authority, \$278,158,000,000.
- (B) Outlays, \$278,158,000,000.

Fiscal year 2016:

- (A) New budget authority, \$329,553,000,000.
- (B) Outlays, \$329,553,000,000.

Fiscal year 2017:

- (A) New budget authority, \$377,828,000,000.
- (B) Outlays, \$377,828,000,000.

Fiscal year 2018:

- (A) New budget authority, \$419,849,000,000.
- (B) Outlays, \$419,849,000,000.

Fiscal year 2019:

- (A) New budget authority, \$456,458,000,000.
- (B) Outlays, \$456,458,000,000.

Fiscal year 2020:

- (A) New budget authority, \$483,401,000,000.
- (B) Outlays, \$483,401,000,000.

Fiscal year 2021:

- (A) New budget authority, \$497,066,000,000.
- (B) Outlays, \$497,066,000,000.

Fiscal year 2022:

- (A) New budget authority, \$508,481,000,000.
- (B) Outlays, \$508,481,000,000.

(19) Allowances (920):

Fiscal year 2013:

- (A) New budget authority, \$0.
- (B) Outlays, \$0.

Fiscal year 2014:

- (A) New budget authority, \$0.
- (B) Outlays, \$0.

Fiscal year 2015:

(A) New budget authority, \$0.

(B) Outlays, \$0.

Fiscal year 2016:

(A) New budget authority, \$0.

(B) Outlays, \$0.

Fiscal year 2017:

(A) New budget authority, \$0.

(B) Outlays, \$0.

Fiscal year 2018:

(A) New budget authority, \$0.

(B) Outlays, \$0.

Fiscal year 2019:

(A) New budget authority, \$0.

(B) Outlays, \$0.

Fiscal year 2020:

(A) New budget authority, \$0.

(B) Outlays, \$0.

Fiscal year 2021:

(A) New budget authority, \$0.

(B) Outlays, \$0.

Fiscal year 2022:

(A) New budget authority, \$0.

(B) Outlays, \$0.

(20) Undistributed Offsetting Receipts (950):

Fiscal year 2013:

(A) New budget authority, \$138,200,000,000.

(B) Outlays, \$138,200,000,000.

Fiscal year 2014:

(A) New budget authority, \$152,800,000,000.

(B) Outlays, \$152,800,000,000.

Fiscal year 2015:

(A) New budget authority, \$160,700,000,000.

(B) Outlays, \$160,700,000,000.

Fiscal year 2016:

(A) New budget authority, \$230,400,000,000.

(B) Outlays, \$230,400,000,000.

Fiscal year 2017:

(A) New budget authority, \$204,200,000,000.

(B) Outlays, \$204,200,000,000.

Fiscal year 2018:

(A) New budget authority, \$175,400,000,000.

(B) Outlays, \$175,400,000,000.

Fiscal year 2019:

(A) New budget authority, \$145,800,000,000.

(B) Outlays, \$145,800,000,000.

Fiscal year 2020:

(A) New budget authority, \$119,800,000,000.

(B) Outlays, \$119,800,000,000.

Fiscal year 2021:

(A) New budget authority, \$71,000,000,000.

(B) Outlays, \$71,000,000,000.

Fiscal year 2022:

(A) New budget authority, \$74,000,000,000.

(B) Outlays, \$74,000,000,000.

## TITLE II—RESERVE FUNDS

### SEC. 201. DEFICIT-REDUCTION RESERVE FUND FOR THE SALE OF UNUSED OR VACANT FEDERAL PROPERTIES.

The Chairman of the Committee on the Budget of the Senate may reduce the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for 1 or more bills, joint resolutions, amendments, motions, or conference reports that achieve savings by selling any unused or vacant Federal properties. The Chairman may also make adjustments to the Senate's pay-as-you-go ledger over 10 years to ensure that the deficit reduction achieved is used for deficit reduction only. The adjustments authorized under this section shall be of the amount of deficit reduction achieved.

### SEC. 202. DEFICIT-REDUCTION RESERVE FUND FOR SELLING EXCESS FEDERAL LAND.

The Chairman of the Committee on the Budget of the Senate may reduce the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for 1 or more bills, joint resolutions, amendments, motions, or conference reports that achieve savings by selling any excess Federal land. The Chairman may also make adjustments to the Senate's pay-as-you-go ledger over 10 years to ensure that the deficit reduction achieved is used for deficit reduction only. The adjustments authorized under this section shall be of the amount of deficit reduction achieved.

### SEC. 203. DEFICIT-REDUCTION RESERVE FUND FOR THE REPEAL OF DAVIS-BACON PREVAILING WAGE LAWS.

The Chairman of the Committee on the Budget of the Senate may reduce the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for 1 or more bills, joint resolutions, amendments, motions, or conference reports from savings achieved by repealing the Davis-Bacon prevailing wage laws. The Chairman may also make adjustments to the Senate's pay-as-you-go ledger over 10 years to ensure that the deficit reduction achieved is used for deficit reduction only. The adjustments authorized under this section shall be of the amount of deficit reduction achieved.

### SEC. 204. DEFICIT-REDUCTION RESERVE FUND FOR THE REDUCTION OF PURCHASING AND MAINTAINING FEDERAL VEHICLES.

The Chairman of the Committee on the Budget of the Senate may reduce the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for 1 or more bills, joint resolutions, amendments, motions, or conference reports that achieve savings by reducing the Federal vehicles fleet. The Chairman may also make adjustments to the Senate's pay-as-you-go ledger over 10 years to ensure that the deficit reduction achieved is used for deficit reduction only. The adjustments authorized under this section shall be of the amount of deficit reduction achieved.

### SEC. 205. DEFICIT-REDUCTION RESERVE FUND FOR THE SALE OF FINANCIAL ASSETS PURCHASED THROUGH THE TROUBLED ASSET RELIEF PROGRAM.

The Chairman of the Committee on the Budget of the Senate may reduce the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for 1 or more bills, joint resolutions, amendments, motions, or conference reports that achieve savings by selling financial instruments and equity accumulated through the Troubled Asset Relief Program. The Chairman may also make adjustments to the Senate's pay-as-you-go ledger over 10 years to ensure that the deficit reduction achieved is used for deficit reduction only. The adjustments authorized under this section shall be of the amount of deficit reduction achieved.

### SEC. 206. RESERVE FUND FOR THE REPEAL OF THE 2010 HEALTH CARE LAWS.

The Chairman of the Committee on the Budget of the Senate may reduce the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for 1 or more bills, joint resolutions, amendments, motions, or conference reports that achieve savings by repealing the Patient Protection and Affordable Care Act of 2010. The Chairman may

also make adjustments to the Senate's pay-as-you-go ledger over 10 years to ensure that the deficit reduction achieved is used for deficit reduction only. The adjustments authorized under this section shall be of the amount of deficit reduction achieved.

## TITLE III—BUDGET PROCESS

### Subtitle A—Budget Enforcement

### SEC. 301. DISCRETIONARY SPENDING LIMITS FOR FISCAL YEARS 2013 THROUGH 2022, PROGRAM INTEGRITY INITIATIVES, AND OTHER ADJUSTMENTS.

(a) SENATE POINT OF ORDER.—

(1) IN GENERAL.—Except as otherwise provided in this section, it shall not be in order in the Senate to consider any bill or joint resolution (or amendment, motion, or conference report on that bill or joint resolution) that would cause the discretionary spending limits in this section to be exceeded.

(2) SUPERMAJORITY WAIVER AND APPEALS.—

(A) WAIVER.—This subsection may be waived or suspended in the Senate only by the affirmative vote of two-thirds of the Members, duly chosen and sworn.

(B) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution. An affirmative vote of two-thirds of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(b) SENATE DISCRETIONARY SPENDING LIMITS.—In the Senate and as used in this section, the term “discretionary spending limit” means—

(1) for fiscal year 2013, \$996,000,000,000 in new budget authority and \$1,084,000,000,000 in outlays;

(2) for fiscal year 2014, \$986,000,000,000 in new budget authority and \$1,099,000,000,000 in outlays;

(3) for fiscal year 2015, \$1,017,000,000,000 in new budget authority and \$1,086,000,000,000 in outlays;

(4) for fiscal year 2016 \$1,062,000,000,000 in new budget authority and \$1,112,000,000,000 in outlays;

(5) for fiscal year 2017, \$1,096,000,000,000 in new budget authority and \$1,130,000,000,000 in outlays;

(6) for fiscal year 2018, \$1,127,000,000,000 in new budget authority and \$1,157,000,000,000 in outlays;

(7) for fiscal year 2019, \$1,166,000,000,000 in new budget authority and \$1,186,000,000,000 in outlays;

(8) for fiscal year 2020, \$1,196,000,000,000 in new budget authority and \$1,217,000,000,000 in outlays;

(9) for fiscal year 2021, \$1,232,000,000,000 in new budget authority and \$1,248,000,000,000 in outlays; and

(10) for fiscal year 2022, \$1,255,000,000,000 in new budget authority and \$1,279,000,000,000 in outlays.

### SEC. 302. POINT OF ORDER AGAINST ADVANCE APPROPRIATIONS.

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, or conference report that would provide an advance appropriation.

(b) DEFINITION.—In this section, the term “advance appropriation” means any new budget authority provided in a bill or joint resolution making appropriations for fiscal year 2013 that first becomes available for any fiscal year after 2012, or any new budget authority provided in a bill or joint resolution

making general appropriations or continuing appropriations for fiscal year 2013, that first becomes available for any fiscal year after 2013.

#### Subtitle B—Other Provisions

##### SEC. 311. OVERSIGHT OF GOVERNMENT PERFORMANCE.

In the Senate, all committees are directed to review programs and tax expenditures within their jurisdiction to identify waste, fraud, abuse, or duplication, and increase the use of performance data to inform committee work. Committees are also directed to review the matters for congressional consideration identified on the High Risk list reports of the Government Accountability Office. Based on these oversight efforts and performance reviews of programs within their jurisdiction, committees are directed to include recommendations for improved governmental performance in their annual views and estimates reports required under section 301(d) of the Congressional Budget Act of 1974 to the Committees on the Budget.

##### SEC. 312. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) APPLICATION.—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) BUDGET COMMITTEE DETERMINATIONS.—For purposes of this resolution the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

##### SEC. 313. ADJUSTMENTS TO REFLECT CHANGES IN CONCEPTS AND DEFINITIONS.

Upon the enactment of a bill or joint resolution providing for a change in concepts or definitions, the Chairman of the Committee on the Budget of the Senate may make adjustments to the levels and allocations in this resolution in accordance with section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002).

#### TITLE IV—RECONCILIATION

##### SEC. 401. RECONCILIATION IN THE SENATE.

(a) SUBMISSION TO PROVIDE FOR THE REFORM OF MANDATORY SPENDING.—

(1) IN GENERAL.—Not later than September 1, 2012, the Senate committees named in paragraph (2) shall submit their recommendations to the Committee on the Budget of the Senate of the United States. After receiving those recommendations from the applicable committees of the Senate, the Committee on the Budget shall report to the Senate a reconciliation bill carrying out all such recommendations without substantive revision.

(2) INSTRUCTIONS.—

(A) COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION.—The Committee on Commerce, Science, and Transportation shall report changes in law within its jurisdiction sufficient to reduce direct spending outlays

by \$59,000,000,000 for the period of fiscal years 2013 through 2022.

(B) COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY.—The Committee on Agriculture, Nutrition, and Forestry shall report changes in law within its jurisdiction sufficient to reduce direct spending outlays by \$563,000,000,000 for the period of fiscal years 2013 through 2022.

(C) COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS.—The Committee on Health, Education, Labor, and Pensions shall report changes in laws within its jurisdiction sufficient to reduce direct spending outlays by \$6,000,000,000 for the period of fiscal years 2013 through 2022.

(D) COMMITTEE ON FINANCE.—The Committee on Finance shall report changes in laws within its jurisdiction sufficient to reduce direct spending outlays by \$159,000,000,000 for the period of fiscal years 2013 through 2022.

(b) SUBMISSION OF REVISED ALLOCATIONS.—Upon the submission to the Committee on the Budget of the Senate of a recommendation that has complied with its reconciliation instructions solely by virtue of section 310(c) of the Congressional Budget Act of 1974, the chairman of that committee may file with the Senate revised allocations under section 302(a) of such Act and revised functional levels and aggregates.

#### TITLE V—CONGRESSIONAL POLICY CHANGES

##### SEC. 501. POLICY STATEMENT ON SOCIAL SECURITY.

It is the policy of this concurrent resolution that Congress and the relevant committees of jurisdiction enact legislation to ensure the Social Security System achieves solvency over the 75-year window as follows:

(1) The legislation must modify the Primary Insurance Amount formula starting in 2013 to smoothly phase down so that starting with workers born after 1985, it will reach a flat benefit of \$1,200 in 2012 dollars indexed between 2012 and the year in question by the increase in average wages.

(2) Effective 2013, reduce benefits on a progressive basis for single beneficiaries with incomes over \$55,000 and married couples with incomes over \$110,000 so that individuals and married couples who file taxes jointly, with more than \$110,000 and \$165,000, respectively, in non-Social Security income will receive no benefit.

(3) From 2013 to 2022, the normal retirement age will rise to 68 for workers born in or after 1959. After 2031, the normal retirement age will be indexed to longevity, adding about 1 month every 2 years according to current projections.

(4) The normal retirement age will be increased by 4 months per year starting with individuals born in 1954 and stopping when it reaches age 68 for individuals born in or after 1959.

(5) From 2013 to 2031, the early retirement age rises to 65 for workers born in or after 1964. After 2031, the early retirement age will be indexed to longevity, adding about 1 month every 2 years according to current projections.

(6) The early eligibility age will be increased by 3 months per year starting with individuals born in 1953 and stopping when it reaches age 65 for individuals born in or after 1964.

##### SEC. 502. POLICY STATEMENT ON MEDICARE.

It is the policy of this concurrent resolution that Congress and the relevant committees of jurisdiction enact legislation to ensure a reduction in the unfunded liabilities of Medicare as follows:

(1) In 2017, Medicare is reformed to provide a premium support payment and a selection of guaranteed health coverage options from which recipients can choose a plan that best suits their needs overseen by a separate independent agency.

(2) Preserves the traditional Medicare fee for service option administered by the Department of Health and Human Services.

(3) For each region, the base Federal premium support would be initially set at 88 percent of the average of 3 lowest bids.

(4) Provides for enhanced risk adjustment to ensure continuity in coverage and market stability.

(5) Raises the age of eligibility gradually over 10 years, increasing from 65 to 68, resulting in a 3.6 month increase per year and subsequently increased or decreased based on longevity.

(6) The Federal-based premium support amount would be reduced or phased out for upper income seniors and increased for lower income seniors.

##### SEC. 503. POLICY STATEMENT ON MEDICAID.

It is the policy of this concurrent resolution that Congress and the relevant committees of jurisdiction enact legislation to ensure fiscal sustainability at the Federal level while protecting the most vulnerable and promoting beneficiary independence as follows:

(1) Medicaid is reformed to provide direct Federal premium support for low-income, nondisabled, nonelderly individuals.

(2) The Federal Government would provide at least \$2,000 for an individual and at least \$3,500 in premium support for a family and up to \$9,000 for the lowest income families.

(3) Current Federal Medicaid funding for acute and long-term care services provided to the disabled and elderly (dual eligibles) would be converted into a fixed payment to the States adjusted on a per capita basis for medical inflation.

(4) States would be permitted to design and manage more appropriate care and service delivery to the disabled and elderly populations remaining in the program.

##### SEC. 504. POLICY STATEMENT ON TAX REFORM.

It is the policy of this concurrent resolution that Congress and the relevant committees of jurisdiction shall enact legislation to ensure the adoption of a new tax system that replaces all existing taxes collected by the Federal Government including but not limited to income, payroll, gift and estate taxes, and excises except those dedicated to specific Trust Funds, with a new flat tax featuring a consumed-income tax base structure that is economically neutral with respect to saving and investment, reduces tax complexity, and provides for a globally competitive single tax rate as follows:

(1) The new tax will have a single flat tax rate consistent with and sufficient to collect the annual revenue levels specified herein. The individual tax code shall include no deductions, exemptions, exclusions, or credits except as follows:

(A) A deduction for charitable contributions to institutions qualifying as charitable organizations under current law.

(B) An elective deduction for home mortgage interest subject to the condition that if and only if the borrower elects the deduction the lender would then owe tax on all resulting income.

(C) A deduction for higher education tuition and fees.

(D) A standard deduction for seniors equal to the sum of the flat Social Security benefit amount plus the value of the Medicare defined contributions.

(E) An exclusion for seniors of up to \$10,000 in wage and salary income.

(F) The current law Earned Income Credit.

(G) A \$3,500 nonrefundable tax credit for families (\$2,000 for individuals) to purchase health insurance. The new individual tax would tax all income and other proceeds used for consumption and exclude all savings.

(2) The business tax code shall apply the same rate as the individual tax code, and shall levy tax on total revenue from the domestic sale of goods and services less purchases of goods and services from other firms less wages, salaries, and related employee costs. All credits currently applicable to business income would be repealed except the Alternative Simplified Credit for research and development expenditures.

(3) Individuals and businesses would be subject to taxation solely on income generated within the United States. A border tax adjustment system would be developed in consultation with the World Trade Organization to neutralize tax differences for goods and services entering and leaving the United States proper.

(4) Tax reform shall be enacted with due care through transition provisions to avoid insofar as possible retroactive tax increases or decreases arising from the accrued tax consequences of decisions made under current tax law.

#### SEC. 505. POLICY STATEMENT ON GOVERNMENT ASSET SALES.

(a) FINDINGS.—The Senate finds the following:

(1) The Federal Government owns and controls vast assets, including huge swaths of commercial land, especially in the West; power generation facilities; valuable portions of the electromagnetic spectrum; underutilized buildings; and financial assets.

(2) Control of these numerous and varied assets is 1 key expression of a government much too large and intrusive.

(3) Given the Federal Government's excessive spending, which has driven trillion-dollar-plus deficits for 4 straight years, and generated debt burdens that are stifling present-day economic growth and threatening the Nation's future prosperity.

(4) Divesting itself of these assets would make an important contribution to reducing Government's debt and interest costs.

(b) POLICY ON ASSET SALES.—It is the policy of this budget resolution that the House and Senate shall each develop a package of asset sales and transfers of government activities to the private sector. These proposals, which are to yield revenues or savings of at least \$260,000,000,000 through fiscal year 2028, shall be submitted to the respective chambers for enactment in fiscal year 2013.

(c) ASSUMPTIONS REGARDING ASSET SALES.—The assets in the package must include, though not be limited to, the following:

(1) Land administered by the Bureau of Land Management and the Department of Agriculture.

(2) Federal buildings and other real estate.

(3) Mineral rights.

(4) Electromagnetic spectrum.

(5) Facilities administered by the Power Marketing Administrations and by the Tennessee Valley Authority.

(6) Federal loans and other financial assets.

(7) Amtrak.

(d) ASSUMPTIONS REGARDING TRANSFER OF GOVERNMENT ACTIVITIES.—Transfers of government activities to the private must include, though not be limited to, the following:

(1) The Neighborhood Reinvestment Corporation.

(2) The Government Printing Office.

(3) The Architect of the Capitol.

(4) The Bureau of Reclamation.

#### SEC. 506. POLICY ON REPEALING OBAMACARE.

(a) FINDINGS.—The Senate finds the following:

(1) The quality of United States health care, as well as the stability of the nation's economy and the Federal budget, depend on solving the genuine cost and delivery challenges in the health sector.

(2) But the pervasive government intrusiveness and \$1,390,000,000,000 cost of Obamacare are precisely the wrong prescription for problems that have developed grown from faulty government policy, particularly on the part of the Federal Government.

(3) Obamacare will generate fewer choices, less access, and greater dependence on the Government for health care, while increasing taxes, regulation and mandates on individuals and businesses.

(4) A majority of Americans continue to oppose this one-size-fits-all "remedy," a Government takeover of one sixth of the economy that was rammed through Congress despite a clear lack of consensus.

(b) POLICY ON OBAMACARE.—It is the policy of this budget resolution that Congress should repeal Obamacare and develop a fresh strategy built on a patient-centered, market-based solution.

### TITLE VI—SENSE OF CONGRESS

#### SEC. 601. REGULATORY REFORM.

It is the policy of this concurrent resolution that Congress and the relevant committees of jurisdiction enact legislation to ensure a regulatory reform as follows:

(1) APPLY REGULATORY ANALYSIS REQUIREMENTS TO INDEPENDENT AGENCIES.—It shall be the policy of Congress to pass into law a requirement for independent agencies to abide by the same regulatory analysis requirement as those required by executive branch agencies.

(2) ADOPT THE REGULATIONS FROM THE EXECUTIVE IN NEED OF SCRUTINY ACT (REINS).—It shall be the policy of Congress to vote on the Regulations From the Executive in Need of Scrutiny Act of 2011, legislation that would require all regulations that impose a burden greater than \$100 million in economic aggregate may not be implemented as law unless Congress gives their consent by voting on the rule.

(3) SUNSET ALL REGULATIONS.—It shall be the policy of Congress that regulations imposed by the Federal Government shall automatically sunset every 2 years unless repromulgated by Congress.

(4) PROCESS REFORM.—It shall be the policy of Congress to implement regulatory process reform by instituting statutorily required regulatory impact analysis for all agencies, require the publication of regulatory impact analysis before the regulation is finalized, and ensure that not only are regulatory impact analysis conducted, but applied to the issued regulation or rulemaking.

(5) INCORPORATION OF FORMAL RULEMAKING FOR MAJOR RULES.—It shall be the policy of Congress to apply formal rulemaking procedures to all major regulations or those regulations that exceed \$100,000,000 in aggregate economic costs.

#### SEC. 602. RESCIND UNSPENT OR UNOBLIGATED BALANCES AFTER 36 MONTHS.

It is the sense of Congress that—

(1) any adjustments of allocations and aggregates made pursuant to this resolution shall require that any unobligated or

unspent allocations be rescinded after 36 months;

(2) revised allocations and aggregates resulting from these adjustments resulting from the required rescissions shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution; and

(3) for purposes of this resolution the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

### AMENDMENTS SUBMITTED AND PROPOSED

SA 2561. Mrs. SHAHEEN (for herself and Mr. PORTMAN) submitted an amendment intended to be proposed by her to the bill S. 3364, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table.

SA 2562. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 3364, supra; which was ordered to lie on the table.

SA 2563. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 3364, supra; which was ordered to lie on the table.

SA 2564. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 3364, supra; which was ordered to lie on the table.

SA 2565. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 3364, supra; which was ordered to lie on the table.

SA 2566. Mr. MCCAIN (for himself and Mrs. HAGAN) submitted an amendment intended to be proposed by him to the bill S. 3364, supra; which was ordered to lie on the table.

### TEXT OF AMENDMENTS

SA 2561. Mrs. SHAHEEN (for herself and Mr. PORTMAN) submitted an amendment intended to be proposed by her to the bill S. 3364, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

#### TITLE II—ENERGY SAVINGS AND INDUSTRIAL COMPETITIVENESS

##### SEC. 201. SHORT TITLE.

This title may be cited as the "Energy Savings and Industrial Competitiveness Act of 2012".

##### Subtitle A—Buildings

#### PART I—BUILDING ENERGY CODES

##### SEC. 211. GREATER ENERGY EFFICIENCY IN BUILDING CODES.

(a) DEFINITIONS.—Section 303 of the Energy Conservation and Production Act (42 U.S.C. 6832) is amended—

(1) by striking paragraph (14) and inserting the following:

"(14) MODEL BUILDING ENERGY CODE.—The term 'model building energy code' means a voluntary building energy code and standards developed and updated through a consensus process among interested persons, such as the IECC or the code used by—

"(A) the Council of American Building Officials;

"(B) the American Society of Heating, Refrigerating, and Air-Conditioning Engineers; or

“(C) other appropriate organizations.”; and (2) by adding at the end the following:

“(17) IECC.—The term ‘IECC’ means the International Energy Conservation Code.

“(18) INDIAN TRIBE.—The term ‘Indian tribe’ has the meaning given the term in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103).”.

(b) STATE BUILDING ENERGY EFFICIENCY CODES.—Section 304 of the Energy Conservation and Production Act (42 U.S.C. 6833) is amended to read as follows:

**“SEC. 304. UPDATING STATE BUILDING ENERGY EFFICIENCY CODES.**

“(a) IN GENERAL.—The Secretary shall—

“(1) encourage and support the adoption of building energy codes by States, Indian tribes, and, as appropriate, by local governments that meet or exceed the model building energy codes, or achieve equivalent or greater energy savings; and

“(2) support full compliance with the State and local codes.

“(b) STATE AND INDIAN TRIBE CERTIFICATION OF BUILDING ENERGY CODE UPDATES.—

“(1) REVIEW AND UPDATING OF CODES BY EACH STATE AND INDIAN TRIBE.—

“(A) IN GENERAL.—Not later than 2 years after the date on which a model building energy code is updated, each State or Indian tribe shall certify whether or not the State or Indian tribe, respectively, has reviewed and updated the energy provisions of the building code of the State or Indian tribe, respectively.

“(B) DEMONSTRATION.—The certification shall include a demonstration of whether or not the energy savings for the code provisions that are in effect throughout the State or Indian tribal territory meet or exceed—

“(i) the energy savings of the updated model building energy code; or

“(ii) the targets established under section 307(b)(2).

“(C) NO MODEL BUILDING ENERGY CODE UPDATE.—If a model building energy code is not updated by a target date established under section 307(b)(2)(D), each State or Indian tribe shall, not later than 2 years after the specified date, certify whether or not the State or Indian tribe, respectively, has reviewed and updated the energy provisions of the building code of the State or Indian tribe, respectively, to meet or exceed the target in section 307(b)(2).

“(2) VALIDATION BY SECRETARY.—Not later than 90 days after a State or Indian tribe certification under paragraph (1), the Secretary shall—

“(A) determine whether the code provisions of the State or Indian tribe, respectively, meet the criteria specified in paragraph (1); and

“(B) if the determination is positive, validate the certification.

“(c) IMPROVEMENTS IN COMPLIANCE WITH BUILDING ENERGY CODES.—

“(1) REQUIREMENT.—

“(A) IN GENERAL.—Not later than 3 years after the date of a certification under subsection (b), each State and Indian tribe shall certify whether or not the State and Indian tribe, respectively, has—

“(i) achieved full compliance under paragraph (3) with the applicable certified State and Indian tribe building energy code or with the associated model building energy code; or

“(ii) made significant progress under paragraph (4) toward achieving compliance with the applicable certified State and Indian tribe building energy code or with the associated model building energy code.

“(B) REPEAT CERTIFICATIONS.—If the State or Indian tribe certifies progress toward achieving compliance, the State or Indian tribe shall repeat the certification until the State or Indian tribe certifies that the State or Indian tribe has achieved full compliance, respectively.

“(2) MEASUREMENT OF COMPLIANCE.—A certification under paragraph (1) shall include documentation of the rate of compliance based on—

“(A) independent inspections of a random sample of the buildings covered by the code in the preceding year; or

“(B) an alternative method that yields an accurate measure of compliance.

“(3) ACHIEVEMENT OF COMPLIANCE.—A State or Indian tribe shall be considered to achieve full compliance under paragraph (1) if—

“(A) at least 90 percent of building space covered by the code in the preceding year substantially meets all the requirements of the applicable code specified in paragraph (1), or achieves equivalent or greater energy savings level; or

“(B) the estimated excess energy use of buildings that did not meet the applicable code specified in paragraph (1) in the preceding year, compared to a baseline of comparable buildings that meet this code, is not more than 5 percent of the estimated energy use of all buildings covered by this code during the preceding year.

“(4) SIGNIFICANT PROGRESS TOWARD ACHIEVEMENT OF COMPLIANCE.—A State or Indian tribe shall be considered to have made significant progress toward achieving compliance for purposes of paragraph (1) if the State or Indian tribe—

“(A) has developed and is implementing a plan for achieving compliance during the 8-year-period beginning on the date of enactment of this paragraph, including annual targets for compliance and active training and enforcement programs; and

“(B) has met the most recent target under subparagraph (A).

“(5) VALIDATION BY SECRETARY.—Not later than 90 days after a State or Indian tribe certification under paragraph (1), the Secretary shall—

“(A) determine whether the State or Indian tribe has demonstrated meeting the criteria of this subsection, including accurate measurement of compliance; and

“(B) if the determination is positive, validate the certification.

“(d) STATES OR INDIAN TRIBES THAT DO NOT ACHIEVE COMPLIANCE.—

“(1) REPORTING.—A State or Indian tribe that has not made a certification required under subsection (b) or (c) by the applicable deadline shall submit to the Secretary a report on—

“(A) the status of the State or Indian tribe with respect to meeting the requirements and submitting the certification; and

“(B) a plan for meeting the requirements and submitting the certification.

“(2) FEDERAL SUPPORT.—For any State or Indian tribe for which the Secretary has not validated a certification by a deadline under subsection (b) or (c), the lack of the certification may be a consideration for Federal support authorized under this section for code adoption and compliance activities.

“(3) LOCAL GOVERNMENT.—In any State or Indian tribe for which the Secretary has not validated a certification under subsection (b) or (c), a local government may be eligible for Federal support by meeting the certification requirements of subsections (b) and (c).

“(4) ANNUAL REPORTS BY SECRETARY.—

“(A) IN GENERAL.—The Secretary shall annually submit to Congress, and publish in the Federal Register, a report on—

“(i) the status of model building energy codes;

“(ii) the status of code adoption and compliance in the States and Indian tribes;

“(iii) implementation of this section; and

“(iv) improvements in energy savings over time as result of the targets established under section 307(b)(2).

“(B) IMPACTS.—The report shall include estimates of impacts of past action under this section, and potential impacts of further action, on—

“(i) upfront financial and construction costs, cost benefits and returns (using investment analysis), and lifetime energy use for buildings;

“(ii) resulting energy costs to individuals and businesses; and

“(iii) resulting overall annual building ownership and operating costs.

“(e) TECHNICAL ASSISTANCE TO STATES AND INDIAN TRIBES.—The Secretary shall provide technical assistance to States and Indian tribes to implement the goals and requirements of this section, including procedures and technical analysis for States and Indian tribes—

“(1) to improve and implement State residential and commercial building energy codes;

“(2) to demonstrate that the code provisions of the States and Indian tribes achieve equivalent or greater energy savings than the model building energy codes and targets;

“(3) to document the rate of compliance with a building energy code; and

“(4) to otherwise promote the design and construction of energy efficient buildings.

“(f) AVAILABILITY OF INCENTIVE FUNDING.—

“(1) IN GENERAL.—The Secretary shall provide incentive funding to States and Indian tribes—

“(A) to implement the requirements of this section;

“(B) to improve and implement residential and commercial building energy codes, including increasing and verifying compliance with the codes and training of State, tribal, and local building code officials to implement and enforce the codes; and

“(C) to promote building energy efficiency through the use of the codes.

“(2) ADDITIONAL FUNDING.—Additional funding shall be provided under this subsection for implementation of a plan to achieve and document full compliance with residential and commercial building energy codes under subsection (c)—

“(A) to a State or Indian tribe for which the Secretary has validated a certification under subsection (b) or (c); and

“(B) in a State or Indian tribe that is not eligible under subparagraph (A), to a local government that is eligible under this section.

“(3) TRAINING.—Of the amounts made available under this subsection, the State may use amounts required, but not to exceed \$750,000 for a State, to train State and local building code officials to implement and enforce codes described in paragraph (2).

“(4) LOCAL GOVERNMENTS.—States may share grants under this subsection with local governments that implement and enforce the codes.

“(g) STRETCH CODES AND ADVANCED STANDARDS.—

“(1) IN GENERAL.—The Secretary shall provide technical and financial support for the development of stretch codes and advanced standards for residential and commercial buildings for use as—

“(A) an option for adoption as a building energy code by local, tribal, or State governments; and

“(B) guidelines for energy-efficient building design.

“(2) TARGETS.—The stretch codes and advanced standards shall be designed—

“(A) to achieve substantial energy savings compared to the model building energy codes; and

“(B) to meet targets under section 307(b), if available, at least 3 to 6 years in advance of the target years.

“(h) STUDIES.—The Secretary, in consultation with building science experts from the National Laboratories and institutions of higher education, designers and builders of energy-efficient residential and commercial buildings, code officials, and other stakeholders, shall undertake a study of the feasibility, impact, economics, and merit of—

“(1) code improvements that would require that buildings be designed, sited, and constructed in a manner that makes the buildings more adaptable in the future to become zero-net-energy after initial construction, as advances are achieved in energy-saving technologies;

“(2) code procedures to incorporate measured lifetimes, not just first-year energy use, in trade-offs and performance calculations; and

“(3) legislative options for increasing energy savings from building energy codes, including additional incentives for effective State and local action, and verification of compliance with and enforcement of a code other than by a State or local government.

“(i) EFFECT ON OTHER LAWS.—Nothing in this section or section 307 supersedes or modifies the application of sections 321 through 346 of the Energy Policy and Conservation Act (42 U.S.C. 6291 et seq.).

“(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section and section 307 \$200,000,000, to remain available until expended.”

(C) FEDERAL BUILDING ENERGY EFFICIENCY STANDARDS.—Section 305 of the Energy Conservation and Production Act (42 U.S.C. 6834) is amended by striking “voluntary building energy code” each place it appears in subsections (a)(2)(B) and (b) and inserting “model building energy code”.

(d) MODEL BUILDING ENERGY CODES.—Section 307 of the Energy Conservation and Production Act (42 U.S.C. 6836) is amended to read as follows:

**“SEC. 307. SUPPORT FOR MODEL BUILDING ENERGY CODES.**

“(a) IN GENERAL.—The Secretary shall support the updating of model building energy codes.

“(b) TARGETS.—

“(1) IN GENERAL.—The Secretary shall support the updating of the model building energy codes to enable the achievement of aggregate energy savings targets established under paragraph (2).

“(2) TARGETS.—

“(A) IN GENERAL.—The Secretary shall work with State, Indian tribes, local governments, nationally recognized code and standards developers, and other interested parties to support the updating of model building energy codes by establishing 1 or more aggregate energy savings targets to achieve the purposes of this section.

“(B) SEPARATE TARGETS.—The Secretary may establish separate targets for commercial and residential buildings.

“(C) BASELINES.—The baseline for updating model building energy codes shall be the 2009

IECC for residential buildings and ASHRAE Standard 90.1-2010 for commercial buildings.

“(D) SPECIFIC YEARS.—

“(i) IN GENERAL.—Targets for specific years shall be established and revised by the Secretary through rulemaking and coordinated with nationally recognized code and standards developers at a level that—

“(I) is at the maximum level of energy efficiency that is technologically feasible and life-cycle cost effective, while accounting for the economic considerations under paragraph (4);

“(II) is higher than the preceding target; and

“(III) promotes the achievement of commercial and residential high-performance buildings through high performance energy efficiency (within the meaning of section 401 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17061)).

“(ii) INITIAL TARGETS.—Not later than 1 year after the date of enactment of this clause, the Secretary shall establish initial targets under this subparagraph.

“(iii) DIFFERENT TARGET YEARS.—Subject to clause (i), prior to the applicable year, the Secretary may set a later target year for any of the model building energy codes described in subparagraph (A) if the Secretary determines that a target cannot be met.

“(iv) SMALL BUSINESS.—When establishing targets under this paragraph through rulemaking, the Secretary shall ensure compliance with the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note; Public Law 104-121).

“(3) APPLIANCE STANDARDS AND OTHER FACTORS AFFECTING BUILDING ENERGY USE.—In establishing building code targets under paragraph (2), the Secretary shall develop and adjust the targets in recognition of potential savings and costs relating to—

“(A) efficiency gains made in appliances, lighting, windows, insulation, and building envelope sealing;

“(B) advancement of distributed generation and on-site renewable power generation technologies;

“(C) equipment improvements for heating, cooling, and ventilation systems;

“(D) building management systems and SmartGrid technologies to reduce energy use; and

“(E) other technologies, practices, and building systems that the Secretary considers appropriate regarding building plug load and other energy uses.

“(4) ECONOMIC CONSIDERATIONS.—In establishing and revising building code targets under paragraph (2), the Secretary shall consider the economic feasibility of achieving the proposed targets established under this section and the potential costs and savings for consumers and building owners, including a return on investment analysis.

“(c) TECHNICAL ASSISTANCE TO MODEL BUILDING ENERGY CODE-SETTING AND STANDARD DEVELOPMENT ORGANIZATIONS.—

“(1) IN GENERAL.—The Secretary shall, on a timely basis, provide technical assistance to model building energy code-setting and standard development organizations consistent with the goals of this section.

“(2) ASSISTANCE.—The assistance shall include, as requested by the organizations, technical assistance in—

“(A) evaluating code or standards proposals or revisions;

“(B) building energy analysis and design tools;

“(C) building demonstrations;

“(D) developing definitions of energy use intensity and building types for use in model

building energy codes to evaluate the efficiency impacts of the model building energy codes;

“(E) performance-based standards;

“(F) evaluating economic considerations under subsection (b)(4); and

“(G) developing model building energy codes by Indian tribes in accordance with tribal law.

“(3) AMENDMENT PROPOSALS.—The Secretary may submit timely model building energy code amendment proposals to the model building energy code-setting and standard development organizations, with supporting evidence, sufficient to enable the model building energy codes to meet the targets established under subsection (b)(2).

“(4) ANALYSIS METHODOLOGY.—The Secretary shall make publicly available the entire calculation methodology (including input assumptions and data) used by the Secretary to estimate the energy savings of code or standard proposals and revisions.

“(d) DETERMINATION.—

“(1) REVISION OF MODEL BUILDING ENERGY CODES.—If the provisions of the IECC or ASHRAE Standard 90.1 regarding building energy use are revised, the Secretary shall make a preliminary determination not later than 90 days after the date of the revision, and a final determination not later than 15 months after the date of the revision, on whether or not the revision will—

“(A) improve energy efficiency in buildings compared to the existing model building energy code; and

“(B) meet the applicable targets under subsection (b)(2).

“(2) CODES OR STANDARDS NOT MEETING TARGETS.—

“(A) IN GENERAL.—If the Secretary makes a preliminary determination under paragraph (1)(B) that a code or standard does not meet the targets established under subsection (b)(2), the Secretary may at the same time provide the model building energy code or standard developer with proposed changes that would result in a model building energy code that meets the targets and with supporting evidence, taking into consideration—

“(i) whether the modified code is technically feasible and life-cycle cost effective;

“(ii) available appliances, technologies, materials, and construction practices; and

“(iii) the economic considerations under subsection (b)(4).

“(B) INCORPORATION OF CHANGES.—

“(i) IN GENERAL.—On receipt of the proposed changes, the model building energy code or standard developer shall have an additional 270 days to accept or reject the proposed changes of the Secretary to the model building energy code or standard for the Secretary to make a final determination.

“(ii) FINAL DETERMINATION.—A final determination under paragraph (1) shall be on the modified model building energy code or standard.

“(e) ADMINISTRATION.—In carrying out this section, the Secretary shall—

“(1) publish notice of targets and supporting analysis and determinations under this section in the Federal Register to provide an explanation of and the basis for such actions, including any supporting modeling, data, assumptions, protocols, and cost-benefit analysis, including return on investment; and

“(2) provide an opportunity for public comment on targets and supporting analysis and determinations under this section.

“(f) VOLUNTARY CODES AND STANDARDS.—Notwithstanding any other provision of



this section, any model building code or standard established under this section shall not be binding on a State, local government, or Indian tribe as a matter of Federal law.”.

## PART II—WORKER TRAINING AND CAPACITY BUILDING

### SEC. 221. BUILDING TRAINING AND ASSESSMENT CENTERS.

(a) IN GENERAL.—The Secretary of Energy shall provide grants to institutions of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) and Tribal Colleges or Universities (as defined in section 316(b) of that Act (20 U.S.C. 1059c(b))) to establish building training and assessment centers—

(1) to identify opportunities for optimizing energy efficiency and environmental performance in buildings;

(2) to promote the application of emerging concepts and technologies in commercial and institutional buildings;

(3) to train engineers, architects, building scientists, building energy permitting and enforcement officials, and building technicians in energy-efficient design and operation;

(4) to assist institutions of higher education and Tribal Colleges or Universities in training building technicians;

(5) to promote research and development for the use of alternative energy sources and distributed generation to supply heat and power for buildings, particularly energy-intensive buildings; and

(6) to coordinate with and assist State-accredited technical training centers, community colleges, Tribal Colleges or Universities, and local offices of the National Institute of Food and Agriculture and ensure appropriate services are provided under this section to each region of the United States.

#### (b) COORDINATION AND NONDUPLICATION.—

(1) IN GENERAL.—The Secretary shall coordinate the program with the Industrial Assessment Centers program and with other Federal programs to avoid duplication of effort.

(2) COLLOCATION.—To the maximum extent practicable, building, training, and assessment centers established under this section shall be collocated with Industrial Assessment Centers.

#### Subtitle B—Building Efficiency Finance

### SEC. 231. LOAN PROGRAM FOR ENERGY EFFICIENCY UPGRADES TO EXISTING BUILDINGS.

Title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.) is amended by adding at the end the following:

#### “SEC. 1706. BUILDING RETROFIT FINANCING PROGRAM.

“(a) DEFINITIONS.—In this section:

“(1) CREDIT SUPPORT.—The term ‘credit support’ means a guarantee or commitment to issue a guarantee or other forms of credit enhancement to ameliorate risks for efficiency obligations.

“(2) EFFICIENCY OBLIGATION.—The term ‘efficiency obligation’ means a debt or repayment obligation incurred in connection with financing a project, or a portfolio of such debt or payment obligations.

“(3) PROJECT.—The term ‘project’ means the installation and implementation of efficiency, advanced metering, distributed generation, or renewable energy technologies and measures in a building (or in multiple buildings on a given property) that are expected to increase the energy efficiency of the building (including fixtures) in accordance with criteria established by the Secretary.

“(b) ELIGIBLE PROJECTS.—

“(1) IN GENERAL.—Notwithstanding sections 1703 and 1705, the Secretary may provide credit support under this section, in accordance with section 1702.

“(2) INCLUSIONS.—Buildings eligible for credit support under this section include commercial, multifamily residential, industrial, municipal, government, institution of higher education, school, and hospital facilities that satisfy criteria established by the Secretary.

“(c) GUIDELINES.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary shall—

“(A) establish guidelines for credit support provided under this section; and

“(B) publish the guidelines in the Federal Register; and

“(C) provide for an opportunity for public comment on the guidelines.

“(2) REQUIREMENTS.—The guidelines established by the Secretary under this subsection shall include—

“(A) standards for assessing the energy savings that could reasonably be expected to result from a project;

“(B) examples of financing mechanisms (and portfolios of such financing mechanisms) that qualify as efficiency obligations;

“(C) the threshold levels of energy savings that a project, at the time of issuance of credit support, shall be reasonably expected to achieve to be eligible for credit support;

“(D) the eligibility criteria the Secretary determines to be necessary for making credit support available under this section; and

“(E) notwithstanding subsections (d)(3) and (g)(2)(B) of section 1702, any lien priority requirements that the Secretary determines to be necessary, in consultation with the Director of the Office of Management and Budget, which may include—

“(i) requirements to preserve priority lien status of secured lenders and creditors in buildings eligible for credit support;

“(ii) remedies available to the Secretary under chapter 176 of title 28, United States Code, in the event of default on the efficiency obligation by the borrower; and

“(iii) measures to limit the exposure of the Secretary to financial risk in the event of default, such as—

“(I) the collection of a credit subsidy fee from the borrower as a loan loss reserve, taking into account the limitation on credit support under subsection (d);

“(II) minimum debt-to-income levels of the borrower;

“(III) minimum levels of value relative to outstanding mortgage or other debt on a building eligible for credit support;

“(IV) allowable thresholds for the percent of the efficiency obligation relative to the amount of any mortgage or other debt on an eligible building;

“(V) analysis of historic and anticipated occupancy levels and rental income of an eligible building;

“(VI) requirements of third-party contractors to guarantee energy savings that will result from a retrofit project, and whether financing on the efficiency obligation will amortize from the energy savings;

“(VII) requirements that the retrofit project incorporate protocols to measure and verify energy savings; and

“(VIII) recovery of payments equally by the Secretary and the retrofit.

“(3) EFFICIENCY OBLIGATIONS.—The financing mechanisms qualified by the Secretary under paragraph (2)(B) may include—

“(A) loans, including loans made by the Federal Financing Bank;

“(B) power purchase agreements, including energy efficiency power purchase agreements;

“(C) energy services agreements, including energy performance contracts;

“(D) property assessed clean energy bonds and other tax assessment-based financing mechanisms;

“(E) aggregate on-meter agreements that finance retrofit projects; and

“(F) any other efficiency obligations the Secretary determines to be appropriate.

“(4) PRIORITIES.—In carrying out this section, the Secretary shall prioritize—

“(A) the maximization of energy savings with the available credit support funding;

“(B) the establishment of a clear application and approval process that allows private building owners, lenders, and investors to reasonably expect to receive credit support for projects that conform to guidelines;

“(C) the distribution of projects receiving credit support under this section across States or geographical regions of the United States; and

“(D) projects designed to achieve whole-building retrofits.

“(d) LIMITATION.—Notwithstanding section 1702(c), the Secretary shall not issue credit support under this section in an amount that exceeds—

“(1) 90 percent of the principal amount of the efficiency obligation that is the subject of the credit support; or

“(2) \$10,000,000 for any single project.

“(e) AGGREGATION OF PROJECTS.—To the extent provided in the guidelines developed in accordance with subsection (c), the Secretary may issue credit support on a portfolio, or pool of projects, that are not required to be geographically contiguous, if each efficiency obligation in the pool fulfills the requirements described in this section.

“(f) APPLICATION.—

“(1) IN GENERAL.—To be eligible to receive credit support under this section, the applicant shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary determines to be necessary.

“(2) CONTENTS.—An application submitted under this section shall include assurances by the applicant that—

“(A) each contractor carrying out the project meets minimum experience level criteria, including local retrofit experience, as determined by the Secretary;

“(B) the project is reasonably expected to achieve energy savings, as set forth in the application using any methodology that meets the standards described in the program guidelines;

“(C) the project meets any technical criteria described in the program guidelines;

“(D) the recipient of the credit support and the parties to the efficiency obligation will provide the Secretary with—

“(i) any information the Secretary requests to assess the energy savings that result from the project, including historical energy usage data, a simulation-based benchmark, and detailed descriptions of the building work, as described in the program guidelines; and

“(ii) permission to access information relating to building operations and usage for the period described in the program guidelines; and

“(E) any other assurances that the Secretary determines to be necessary.

“(3) DETERMINATION.—Not later than 90 days after receiving an application, the Secretary shall make a final determination on the application, which may include requests for additional information.

“(g) FEES.—

“(1) IN GENERAL.—In addition to the fees required by section 1702(h)(1), the Secretary may charge reasonable fees for credit support provided under this section.

“(2) AVAILABILITY.—Fees collected under this section shall be subject to section 1702(h)(2).

“(h) UNDERWRITING.—The Secretary may delegate the underwriting activities under this section to 1 or more entities that the Secretary determines to be qualified.

“(i) REPORT.—Not later than 1 year after commencement of the program, the Secretary shall submit to the appropriate committees of Congress a report that describes in reasonable detail—

“(1) the manner in which this section is being carried out;

“(2) the number and type of projects supported;

“(3) the types of funding mechanisms used to provide credit support to projects;

“(4) the energy savings expected to result from projects supported by this section;

“(5) any tracking efforts the Secretary is using to calculate the actual energy savings produced by the projects; and

“(6) any plans to improve the tracking efforts described in paragraph (5).

“(j) FUNDING.—

“(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section \$400,000,000 for the period of fiscal years 2012 through 2021, to remain available until expended.

“(2) ADMINISTRATIVE COSTS.—Not more than 1 percent of any amounts made available to the Secretary under paragraph (1) may be used by the Secretary for administrative costs incurred in carrying out this section.”.

#### Subtitle C—Industrial Efficiency and Competitiveness

#### PART I—MANUFACTURING ENERGY EFFICIENCY

#### SEC. 241. STATE PARTNERSHIP INDUSTRIAL ENERGY EFFICIENCY REVOLVING LOAN PROGRAM.

Section 399A of the Energy Policy and Conservation Act (42 U.S.C. 6371h-1) is amended—

(1) in the section heading, by inserting “AND INDUSTRY” before the period at the end;

(2) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively; and

(3) by inserting after subsection (g) the following:

“(h) STATE PARTNERSHIP INDUSTRIAL ENERGY EFFICIENCY REVOLVING LOAN PROGRAM.—

“(1) IN GENERAL.—The Secretary shall carry out a program under which the Secretary shall provide grants to eligible lenders to pay the Federal share of creating a revolving loan program under which loans are provided to commercial and industrial manufacturers to implement commercially available technologies or processes that significantly—

“(A) reduce systems energy intensity, including the use of energy-intensive feedstocks; and

“(B) improve the industrial competitiveness of the United States.

“(2) ELIGIBLE LENDERS.—To be eligible to receive cost-matched Federal funds under this subsection, a lender shall—

“(A) be a community and economic development lender that the Secretary certifies meets the requirements of this subsection;

“(B) lead a partnership that includes participation by, at a minimum—

“(i) a State government agency; and

“(ii) a private financial institution or other provider of loan capital;

“(C) submit an application to the Secretary, and receive the approval of the Secretary, for cost-matched Federal funds to carry out a loan program described in paragraph (1); and

“(D) ensure that non-Federal funds are provided to match, on at least a dollar-for-dollar basis, the amount of Federal funds that are provided to carry out a revolving loan program described in paragraph (1).

“(3) AWARD.—The amount of cost-matched Federal funds provided to an eligible lender shall not exceed \$100,000,000 for any fiscal year.

“(4) RECAPTURE OF AWARDS.—

“(A) IN GENERAL.—An eligible lender that receives an award under paragraph (1) shall be required to repay to the Secretary an amount of cost-match Federal funds, as determined by the Secretary under subparagraph (B), if the eligible lender is unable or unwilling to operate a program described in this subsection for a period of not less than 10 years beginning on the date on which the eligible lender first receives funds made available through the award.

“(B) DETERMINATION BY SECRETARY.—The Secretary shall determine the amount of cost-match Federal funds that an eligible lender shall be required to repay to the Secretary under subparagraph (A) based on the consideration by the Secretary of—

“(i) the amount of non-Federal funds matched by the eligible lender;

“(ii) the amount of loan losses incurred by the revolving loan program described in paragraph (1); and

“(iii) any other appropriate factor, as determined by the Secretary.

“(C) USE OF RECAPTURED COST-MATCH FEDERAL FUNDS.—The Secretary may distribute to eligible lenders under this subsection each amount received by the Secretary under this paragraph.

“(5) ELIGIBLE PROJECTS.—A program for which cost-matched Federal funds are provided under this subsection shall be designed to accelerate the implementation of industrial and commercial applications of technologies or processes (including distributed generation, applications or technologies that use sensors, meters, software, and information networks, controls, and drives or that have been installed pursuant to an energy savings performance contract, project, or strategy) that—

“(A) improve energy efficiency, including improvements in efficiency and use of water, power factor, or load management;

“(B) enhance the industrial competitiveness of the United States; and

“(C) achieve such other goals as the Secretary determines to be appropriate.

“(6) EVALUATION.—The Secretary shall evaluate applications for cost-matched Federal funds under this subsection on the basis of—

“(A) the description of the program to be carried out with the cost-matched Federal funds;

“(B) the commitment to provide non-Federal funds in accordance with paragraph (2)(D);

“(C) program sustainability over a 10-year period;

“(D) the capability of the applicant;

“(E) the quantity of energy savings or energy feedstock minimization;

“(F) the advancement of the goal under this Act of 25-percent energy avoidance;

“(G) the ability to fund energy efficient projects not later than 120 days after the date of the grant award; and

“(H) such other factors as the Secretary determines appropriate.

“(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, \$400,000,000 for the period of fiscal years 2012 through 2021.”.

#### SEC. 242. COORDINATION OF RESEARCH AND DEVELOPMENT OF ENERGY EFFICIENT TECHNOLOGIES FOR INDUSTRY.

(a) IN GENERAL.—As part of the research and development activities of the Industrial Technologies Program of the Department of Energy, the Secretary shall establish, as appropriate, collaborative research and development partnerships with other programs within the Office of Energy Efficiency and Renewable Energy (including the Building Technologies Program), the Office of Electricity Delivery and Energy Reliability, and the Office of Science that—

(1) leverage the research and development expertise of those programs to promote early stage energy efficiency technology development;

(2) support the use of innovative manufacturing processes and applied research for development, demonstration, and commercialization of new technologies and processes to improve efficiency (including improvements in efficient use of water), reduce emissions, reduce industrial waste, and improve industrial cost-competitiveness; and

(3) apply the knowledge and expertise of the Industrial Technologies Program to help achieve the program goals of the other programs.

(b) REPORTS.—Not later than 2 years after the date of enactment of this Act and biennially thereafter, the Secretary shall submit to Congress a report that describes actions taken to carry out subsection (a) and the results of those actions.

#### SEC. 243. REDUCING BARRIERS TO THE DEPLOYMENT OF INDUSTRIAL ENERGY EFFICIENCY.

(a) DEFINITIONS.—In this section:

(1) INDUSTRIAL ENERGY EFFICIENCY.—The term “industrial energy efficiency” means the energy efficiency derived from commercial technologies and measures to improve energy efficiency or to generate or transmit electric power and heat, including electric motor efficiency improvements, demand response, direct or indirect combined heat and power, and waste heat recovery.

(2) INDUSTRIAL SECTOR.—The term “industrial sector” means any subsector of the manufacturing sector (as defined in North American Industry Classification System codes 31-33 (as in effect on the date of enactment of this Act)) establishments of which have, or could have, thermal host facilities with electricity requirements met in whole, or in part, by onsite electricity generation, including direct and indirect combined heat and power or waste recovery.

(3) SECRETARY.—The term “Secretary” means the Secretary of Energy.

(b) REPORT ON THE DEPLOYMENT OF INDUSTRIAL ENERGY EFFICIENCY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing—

(A) the results of the study conducted under paragraph (2); and

(B) recommendations and guidance developed under paragraph (3).

(2) **STUDY.**—The Secretary, in coordination with the industrial sector, shall conduct a study of the following:

(A) The legal, regulatory, and economic barriers to the deployment of industrial energy efficiency in all electricity markets (including organized wholesale electricity markets, and regulated electricity markets), including, as applicable, the following:

- (i) Transmission and distribution interconnection requirements.
- (ii) Standby, back-up, and maintenance fees (including demand ratchets).
- (iii) Exit fees.
- (iv) Life of contract demand ratchets.
- (v) Net metering.
- (vi) Calculation of avoided cost rates.
- (vii) Power purchase agreements.
- (viii) Energy market structures.
- (ix) Capacity market structures.

(x) Other barriers as may be identified by the Secretary, in coordination with the industrial sector.

(B) Examples of—

- (i) successful State and Federal policies that resulted in greater use of industrial energy efficiency;
- (ii) successful private initiatives that resulted in greater use of industrial energy efficiency; and
- (iii) cost-effective policies used by foreign countries to foster industrial energy efficiency.

(C) The estimated economic benefits to the national economy of providing the industrial sector with Federal energy efficiency matching grants of \$5,000,000,000 for 5- and 10-year periods, including benefits relating to—

- (i) estimated energy and emission reductions;
- (ii) direct and indirect jobs saved or created;
- (iii) direct and indirect capital investment;
- (iv) the gross domestic product; and
- (v) trade balance impacts.

(D) The estimated energy savings available from increased use of recycled material in energy-intensive manufacturing processes.

(3) **RECOMMENDATIONS AND GUIDANCE.**—The Secretary, in coordination with the industrial sector, shall develop policy recommendations regarding the deployment of industrial energy efficiency, including proposed regulatory guidance to States and relevant Federal agencies to address barriers to deployment.

#### SEC. 244. FUTURE OF INDUSTRY PROGRAM.

(a) **IN GENERAL.**—Section 452 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17111) is amended by striking the section heading and inserting the following: “future of industry program”.

(b) **DEFINITION OF ENERGY SERVICE PROVIDER.**—Section 452(a) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17111(a)) is amended—

(1) by redesignating paragraphs (3) through (5) as paragraphs (4) through (6), respectively; and

(2) by inserting after paragraph (3):

“(5) **ENERGY SERVICE PROVIDER.**—The term ‘energy service provider’ means any private company or similar entity providing technology or services to improve energy efficiency in an energy-intensive industry.”.

(c) **INDUSTRIAL RESEARCH AND ASSESSMENT CENTERS.**—

(1) **IN GENERAL.**—Section 452(e) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17111(e)) is amended—

(A) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively, and indenting appropriately;

(B) by striking “The Secretary” and inserting the following:

“(1) **IN GENERAL.**—The Secretary”;

(C) in subparagraph (A) (as redesignated by subparagraph (A)), by inserting before the semicolon at the end the following: “, including assessments of sustainable manufacturing goals and the implementation of information technology advancements for supply chain analysis, logistics, system monitoring, industrial and manufacturing processes, and other purposes”; and

(D) by adding at the end the following:

“(2) **CENTERS OF EXCELLENCE.**—

“(A) **IN GENERAL.**—The Secretary shall establish a Center of Excellence at up to 10 of the highest performing industrial research and assessment centers, as determined by the Secretary.

“(B) **DUTIES.**—A Center of Excellence shall coordinate with and advise the industrial research and assessment centers located in the region of the Center of Excellence.

“(C) **FUNDING.**—Subject to the availability of appropriations, of the funds made available under subsection (f), the Secretary shall use to support each Center of Excellence not less than \$500,000 for fiscal year 2012 and each fiscal year thereafter, as determined by the Secretary.

“(3) **EXPANSION OF CENTERS.**—The Secretary shall provide funding to establish additional industrial research and assessment centers at institutions of higher education that do not have industrial research and assessment centers established under paragraph (1), taking into account the size of, and potential energy efficiency savings for, the manufacturing base within the region of the proposed center.

“(4) **COORDINATION.**—

“(A) **IN GENERAL.**—To increase the value and capabilities of the industrial research and assessment centers, the centers shall—

“(i) coordinate with Manufacturing Extension Partnership Centers of the National Institute of Standards and Technology;

“(ii) coordinate with the Building Technologies Program of the Department of Energy to provide building assessment services to manufacturers;

“(iii) increase partnerships with the National Laboratories of the Department of Energy to leverage the expertise and technologies of the National Laboratories for national industrial and manufacturing needs;

“(iv) increase partnerships with energy service providers and technology providers to leverage private sector expertise and accelerate deployment of new and existing technologies and processes for energy efficiency, power factor, and load management;

“(v) identify opportunities for reducing greenhouse gas emissions; and

“(vi) promote sustainable manufacturing practices for small- and medium-sized manufacturers.

“(5) **OUTREACH.**—The Secretary shall provide funding for—

“(A) outreach activities by the industrial research and assessment centers to inform small- and medium-sized manufacturers of the information, technologies, and services available; and

“(B) a full-time equivalent employee at each center of excellence whose primary mission shall be to coordinate and leverage the efforts of the center with—

“(i) Federal and State efforts;

“(ii) the efforts of utilities and energy service providers;

“(iii) the efforts of regional energy efficiency organizations; and

“(iv) the efforts of other centers in the region of the center of excellence.

“(6) **WORKFORCE TRAINING.**—

“(A) **IN GENERAL.**—The Secretary shall pay the Federal share of associated internship programs under which students work with or for industries, manufacturers, and energy service providers to implement the recommendations of industrial research and assessment centers.

“(B) **FEDERAL SHARE.**—The Federal share of the cost of carrying out internship programs described in subparagraph (A) shall be 50 percent.

“(C) **FUNDING.**—Subject to the availability of appropriations, of the funds made available under subsection (f), the Secretary shall use to carry out this paragraph not less than \$5,000,000 for fiscal year 2012 and each fiscal year thereafter.

“(7) **SMALL BUSINESS LOANS.**—The Administrator of the Small Business Administration shall, to the maximum practicable, expedite consideration of applications from eligible small business concerns for loans under the Small Business Act (15 U.S.C. 631 et seq.) to implement recommendations of industrial research and assessment centers established under paragraph (1).”.

#### SEC. 245. SUSTAINABLE MANUFACTURING INITIATIVE.

(a) **IN GENERAL.**—Part E of title III of the Energy Policy and Conservation Act (42 U.S.C. 6341) is amended by adding at the end the following:

#### “SEC. 376. SUSTAINABLE MANUFACTURING INITIATIVE.

“(a) **IN GENERAL.**—As part of the Industrial Technologies Program of the Department of Energy, the Secretary shall carry out a sustainable manufacturing initiative under which the Secretary, on the request of a manufacturer, shall conduct onsite technical assessments to identify opportunities for—

“(1) maximizing the energy efficiency of industrial processes and cross-cutting systems;

“(2) preventing pollution and minimizing waste;

“(3) improving efficient use of water in manufacturing processes;

“(4) conserving natural resources; and

“(5) achieving such other goals as the Secretary determines to be appropriate.

“(b) **COORDINATION.**—The Secretary shall carry out the initiative in coordination with the private sector and appropriate agencies, including the National Institute of Standards and Technology to accelerate adoption of new and existing technologies or processes that improve energy efficiency.

“(c) **RESEARCH AND DEVELOPMENT PROGRAM FOR SUSTAINABLE MANUFACTURING AND INDUSTRIAL TECHNOLOGIES AND PROCESSES.**—As part of the Industrial Technologies Program of the Department of Energy, the Secretary shall carry out a joint industry-government partnership program to research, develop, and demonstrate new sustainable manufacturing and industrial technologies and processes that maximize the energy efficiency of industrial systems, reduce pollution, and conserve natural resources.

“(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be to carry out this section \$10,000,000 for the period of fiscal years 2012 through 2021.”.

(b) **TABLE OF CONTENTS.**—The table of contents of the Energy Policy and Conservation Act (42 U.S.C. prec. 6201) is amended by adding at the end of the items relating to part E of title III the following:

“Sec. 376. Sustainable manufacturing initiative.”.

**SEC. 246. STUDY OF ADVANCED ENERGY TECHNOLOGY MANUFACTURING CAPABILITIES IN THE UNITED STATES.**

(a) **IN GENERAL.**—Not later than 60 days after the date of enactment of this Act, the Secretary shall enter into an arrangement with the National Academy of Sciences under which the Academy shall conduct a study of the development of advanced manufacturing capabilities for various energy technologies, including—

(1) an assessment of the manufacturing supply chains of established and emerging industries;

(2) an analysis of—

(A) the manner in which supply chains have changed over the 25-year period ending on the date of enactment of this Act;

(B) current trends in supply chains; and

(C) the energy intensity of each part of the supply chain and opportunities for improvement;

(3) for each technology or manufacturing sector, an analysis of which sections of the supply chain are critical for the United States to retain or develop to be competitive in the manufacturing of the technology;

(4) an assessment of which emerging energy technologies the United States should focus on to create or enhance manufacturing capabilities; and

(5) recommendations on leveraging the expertise of energy efficiency and renewable energy user facilities so that best materials and manufacturing practices are designed and implemented.

(b) **REPORT.**—Not later than 2 years after the date on which the Secretary enters into the agreement with the Academy described in subsection (a), the Academy shall submit to the Committee on Energy and Natural Resources of the Senate, the Committee on Energy and Commerce of the House of Representatives, and the Secretary a report describing the results of the study required under this section, including any findings and recommendations.

**SEC. 247. INDUSTRIAL TECHNOLOGIES STEERING COMMITTEE.**

The Secretary shall establish an advisory steering committee that includes national trade associations representing energy-intensive industries or energy service providers to provide recommendations to the Secretary on planning and implementation of the Industrial Technologies Program of the Department of Energy.

**PART II—SUPPLY STAR**

**SEC. 251. SUPPLY STAR.**

Part B of title III of the Energy Policy and Conservation Act (42 U.S.C. 6291) is amended by inserting after section 324A (42 U.S.C. 6294a) the following:

**“SEC. 324B. SUPPLY STAR PROGRAM.**

“(a) **IN GENERAL.**—There is established within the Department of Energy a Supply Star program to identify and promote practices, recognize companies, and, as appropriate, recognize products that use highly efficient supply chains in a manner that conserves energy, water, and other resources.

“(b) **COORDINATION.**—In carrying out the program described in subsection (a), the Secretary shall—

“(1) consult with other appropriate agencies; and

“(2) coordinate efforts with the Energy Star program established under section 324A.

“(c) **DUTIES.**—In carrying out the Supply Star program described in subsection (a), the Secretary shall—

“(1) promote practices, recognize companies, and, as appropriate, recognize products that comply with the Supply Star program

as the preferred practices, companies, and products in the marketplace for maximizing supply chain efficiency;

“(2) work to enhance industry and public awareness of the Supply Star program;

“(3) collect and disseminate data on supply chain energy resource consumption;

“(4) develop and disseminate metrics, processes, and analytical tools (including software) for evaluating supply chain energy resource use;

“(5) develop guidance at the sector level for improving supply chain efficiency;

“(6) work with domestic and international organizations to harmonize approaches to analyzing supply chain efficiency, including the development of a consistent set of tools, templates, calculators, and databases; and

“(7) work with industry, including small businesses, to improve supply chain efficiency through activities that include—

“(A) developing and sharing best practices; and

“(B) providing opportunities to benchmark supply chain efficiency.

“(d) **EVALUATION.**—In any evaluation of supply chain efficiency carried out by the Secretary with respect to a specific product, the Secretary shall consider energy consumption and resource use throughout the entire lifecycle of a product, including production, transport, packaging, use, and disposal.

“(e) **GRANTS AND INCENTIVES.**—

“(1) **IN GENERAL.**—The Secretary may award grants or other forms of incentives on a competitive basis to eligible entities, as determined by the Secretary, for the purposes of—

“(A) studying supply chain energy resource efficiency; and

“(B) demonstrating and achieving reductions in the energy resource consumption of commercial products through changes and improvements to the production supply and distribution chain of the products.

“(2) **USE OF INFORMATION.**—Any information or data generated as a result of the grants or incentives described in paragraph (1) shall be used to inform the development of the Supply Star Program.

“(f) **TRAINING.**—The Secretary shall use funds to support professional training programs to develop and communicate methods, practices, and tools for improving supply chain efficiency.

“(g) **EFFECT OF IMPACT ON CLIMATE CHANGE.**—For purposes of this section, the impact on climate change shall not be a factor in determining supply chain efficiency.

“(h) **EFFECT OF OUTSOURCING OF AMERICAN JOBS.**—For purposes of this section, the outsourcing of American jobs in the production of a product shall not count as a positive factor in determining supply chain efficiency.

“(i) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section \$10,000,000 for the period of fiscal years 2012 through 2021.”.

**PART III—ELECTRIC MOTOR REBATE PROGRAM**

**SEC. 261. ENERGY SAVING MOTOR CONTROL REBATE PROGRAM.**

(a) **ESTABLISHMENT.**—Not later than January 1, 2012, the Secretary of Energy (referred to in this section as the “Secretary”) shall establish a program to provide rebates for expenditures made by entities for the purchase and installation of a new constant speed electric motor control that reduces motor energy use by not less than 5 percent.

(b) **REQUIREMENTS.**—

(1) **APPLICATION.**—To be eligible to receive a rebate under this section, an entity shall

submit to the Secretary an application in such form, at such time, and containing such information as the Secretary may require, including—

(A) demonstrated evidence that the entity purchased a constant speed electric motor control that reduces motor energy use by not less than 5 percent; and

(B) the physical nameplate of the installed motor of the entity to which the energy saving motor control is attached.

(2) **AUTHORIZED AMOUNT OF REBATE.**—The Secretary may provide to an entity that meets the requirements of paragraph (1) a rebate the amount of which shall be equal to the product obtained by multiplying—

(A) the nameplate horsepower of the electric motor to which the energy saving motor control is attached; and

(B) \$25.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$5,000,000 for each of fiscal years 2012 and 2013, to remain available until expended.

**PART IV—TRANSFORMER REBATE PROGRAM**

**SEC. 271. ENERGY EFFICIENT TRANSFORMER REBATE PROGRAM.**

(a) **DEFINITION OF QUALIFIED TRANSFORMER.**—In this section, the term “qualified transformer” means a transformer that meets or exceeds the National Electrical Manufacturers Association (NEMA) Premium Efficiency designation, calculated to 2 decimal points, as having 30 percent fewer losses than the NEMA TP-1-2002 efficiency standard for a transformer of the same number of phases and capacity, as measured in kilovolt-amperes.

(b) **ESTABLISHMENT.**—Not later than January 1, 2012, the Secretary of Energy (referred to in this section as the “Secretary”) shall establish a program to provide rebates for expenditures made by owners of commercial buildings and multifamily residential buildings for the purchase and installation of a new energy efficient transformers.

(c) **REQUIREMENTS.**—

(1) **APPLICATION.**—To be eligible to receive a rebate under this section, an owner shall submit to the Secretary an application in such form, at such time, and containing such information as the Secretary may require, including demonstrated evidence that the owner purchased a qualified transformer.

(2) **AUTHORIZED AMOUNT OF REBATE.**—For qualified transformers, rebates, in dollars per kilovolt-ampere (referred to in this paragraph as “kVA”) shall be—

(A) for 3-phase transformers—

(i) with a capacity of not greater than 10 kVA, \$15;

(ii) with a capacity of not less than 10 kVA and not greater than 100 kVA, the difference between 15 and the quotient obtained by dividing—

(I) the difference between—

(aa) the capacity of the transformer in kVA; and

(bb) 10; by

(II) 9; and

(iii) with a capacity greater than or equal to 100 kVA, \$5; and

(B) for single-phase transformers, 75 percent of the rebate for a 3-phase transformer of the same capacity.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$5,000,000 for each of fiscal years 2012 and 2013, to remain available until expended.

**Subtitle D—Federal Agency Energy Efficiency**

**SEC. 281. ADOPTION OF PERSONAL COMPUTER POWER SAVINGS TECHNIQUES BY FEDERAL AGENCIES.**

(a) IN GENERAL.—Not later than 360 days after the date of enactment of this Act, the Secretary of Energy, in consultation with the Secretary of Defense, the Secretary of Veterans Affairs, and the Administrator of General Services, shall issue guidance for Federal agencies to employ advanced tools allowing energy savings through the use of computer hardware, energy efficiency software, and power management tools.

(b) REPORTS ON PLANS AND SAVINGS.—Not later than 180 days after the date of the issuance of the guidance under subsection (a), each Federal agency shall submit to the Secretary of Energy a report that describes—

- (1) the plan of the agency for implementing the guidance within the agency; and
- (2) estimated energy and financial savings from employing the tools described in subsection (a).

**SEC. 282. AVAILABILITY OF FUNDS FOR DESIGN UPDATES.**

Section 3307 of title 40, United States Code, is amended—

(1) by redesignating subsections (d) through (h) as subsections (e) through (i), respectively; and

(2) by inserting after subsection (c) the following:

“(d) AVAILABILITY OF FUNDS FOR DESIGN UPDATES.—

“(1) IN GENERAL.—Subject to paragraph (2), for any project for which congressional approval is received under subsection (a) and for which the design has been substantially completed but construction has not begun, the Administrator of General Services may use appropriated funds to update the project design to meet applicable Federal building energy efficiency standards established under section 305 of the Energy Conservation and Production Act (42 U.S.C. 6834) and other requirements established under section 3312.

“(2) LIMITATION.—The use of funds under paragraph (1) shall not exceed 125 percent of the estimated energy or other cost savings associated with the updates as determined by a life-cycle cost analysis under section 544 of the National Energy Conservation Policy Act (42 U.S.C. 8254).”

**SEC. 283. BEST PRACTICES FOR ADVANCED METERING.**

Section 543(e) of the National Energy Conservation Policy Act (42 U.S.C. 8253(e)) is amended by striking paragraph (3) and inserting the following:

“(3) PLAN.—

“(A) IN GENERAL.—Not later than 180 days after the date on which guidelines are established under paragraph (2), in a report submitted by the agency under section 548(a), each agency shall submit to the Secretary a plan describing the manner in which the agency will implement the requirements of paragraph (1), including—

“(i) how the agency will designate personnel primarily responsible for achieving the requirements; and

“(ii) a demonstration by the agency, complete with documentation, of any finding that advanced meters or advanced metering devices (as those terms are used in paragraph (1)), are not practicable.

“(B) UPDATES.—Reports submitted under subparagraph (A) shall be updated annually.

“(4) BEST PRACTICES REPORT.—

“(A) IN GENERAL.—Not later than 180 days after the date of enactment of the Energy Savings and Industrial Competitiveness Act

of 2012, the Secretary of Energy, in consultation with the Secretary of Defense and the Administrator of General Services, shall develop, and issue a report on, best practices for the use of advanced metering of energy use in Federal facilities, buildings, and equipment by Federal agencies.

“(B) UPDATING.—The report described under subparagraph (A) shall be updated annually.

“(C) COMPONENTS.—The report shall include, at a minimum—

“(i) summaries and analysis of the reports by agencies under paragraph (3);

“(ii) recommendations on standard requirements or guidelines for automated energy management systems, including—

“(I) potential common communications standards to allow data sharing and reporting;

“(II) means of facilitating continuous commissioning of buildings and evidence-based maintenance of buildings and building systems; and

“(III) standards for sufficient levels of security and protection against cyber threats to ensure systems cannot be controlled by unauthorized persons; and

“(iii) an analysis of—

“(I) the types of advanced metering and monitoring systems being piloted, tested, or installed in Federal buildings; and

“(II) existing techniques used within the private sector or other non-Federal government buildings.”

**SEC. 284. FEDERAL ENERGY MANAGEMENT AND DATA COLLECTION STANDARD.**

Section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) is amended—

(1) by redesignating the second subsection (f) (as added by section 434(a) of Public Law 110-140 (121 Stat. 1614)) as subsection (g); and

(2) in subsection (f)(7), by striking subparagraph (A) and inserting the following:

“(A) IN GENERAL.—For each facility that meets the criteria established by the Secretary under paragraph (2)(B), the energy manager shall use the web-based tracking system under subparagraph (B)—

“(i) to certify compliance with the requirements for—

“(I) energy and water evaluations under paragraph (3);

“(II) implementation of identified energy and water measures under paragraph (4); and

“(III) follow-up on implemented measures under paragraph (5); and

“(ii) to publish energy and water consumption data on an individual facility basis.”

**SEC. 285. ELECTRIC VEHICLE CHARGING INFRASTRUCTURE.**

Section 804(4) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(4)) is amended—

(1) in subparagraph (A), by striking “or” after the semicolon;

(2) in subparagraph (B), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(C) a measure to support the use of electric vehicles or the fueling or charging infrastructure necessary for electric vehicles.”

**SEC. 286. FEDERAL PURCHASE REQUIREMENT.**

Section 203 of the Energy Policy Act of 2005 (42 U.S.C. 15852) is amended—

(1) in subsections (a) and (b)(2), by striking “electric energy” each place it appears and inserting “electric, direct, and thermal energy”; and

(2) in subsection (b)(2)—

(A) by inserting “, or avoided by,” after “generated from”; and

(B) by inserting “(including ground-source, reclaimed, and ground water)” after “geothermal”;

(3) by redesignating subsection (d) as subsection (e); and

(4) by inserting after subsection (c) the following:

“(d) SEPARATE CALCULATION.—Renewable energy produced at a Federal facility, on Federal land, or on Indian land (as defined in section 2601 of the Energy Policy Act of 1992 (25 U.S.C. 3501))—

“(1) shall be calculated (on a BTU-equivalent basis) separately from renewable energy used; and

“(2) may be used individually or in combination to comply with subsection (a).”

**SEC. 287. STUDY ON FEDERAL DATA CENTER CONSOLIDATION.**

(a) IN GENERAL.—The Secretary of Energy shall conduct a study on the feasibility of a government-wide data center consolidation, with an overall Federal target of a minimum of 800 Federal data center closures by October 1, 2015.

(b) COORDINATION.—In conducting the study, the Secretary shall coordinate with Federal data center program managers, facilities managers, and sustainability officers.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the results of the study, including a description of agency best practices in data center consolidation.

**Subtitle E—Miscellaneous**

**SEC. 291. OFFSETS.**

(a) ZERO-NET ENERGY COMMERCIAL BUILDINGS INITIATIVE.—Section 422(f) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17082(f)) is amended by striking paragraphs (2) through (4) and inserting the following:

“(2) \$50,000,000 for each of fiscal years 2009 through 2012;

“(3) \$100,000,000 for fiscal year 2013; and

“(4) \$200,000,000 for each of fiscal years 2014 through 2018.”

(b) ENERGY SUSTAINABILITY AND EFFICIENCY GRANTS AND LOANS FOR INSTITUTIONS.—Subsection (j) of section 399A of the Energy Policy and Conservation Act (42 U.S.C. 6371h-1) (as redesignated by section 241(2)) is amended—

(1) in paragraph (1), by striking “through 2013” and inserting “and 2010, \$100,000,000 for each of fiscal years 2011 and 2012, and \$250,000,000 for fiscal year 2013”; and

(2) in paragraph (2), by striking “through 2013” and inserting “and 2010, \$100,000,000 for each of fiscal years 2011 and 2012, and \$425,000,000 for fiscal year 2013”.

(c) WASTE ENERGY RECOVERY INCENTIVE PROGRAM.—Section 373(f)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6343(f)(1)) is amended—

(1) by redesignating subparagraph (B) as subparagraph (D); and

(2) by striking subparagraph (A) and inserting the following:

“(A) \$100,000,000 for fiscal year 2008;

“(B) \$200,000,000 for each of fiscal years 2009 and 2010;

“(C) \$100,000,000 for each of fiscal years 2011 and 2012; and”

(d) ENERGY-INTENSIVE INDUSTRIES PROGRAM.—Section 452(f)(1) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17111(f)(1)) is amended—

(1) in subparagraph (D), by striking “\$202,000,000” and inserting “\$102,000,000”; and

(2) in subparagraph (E), by striking “\$208,000,000” and inserting “\$108,000,000”.

**SEC. 292. BUDGETARY EFFECTS.**

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

**SEC. 293. ADVANCE APPROPRIATIONS REQUIRED.**

The authorization of amounts under this title and the amendments made by this title shall be effective for any fiscal year only to the extent and in the amount provided in advance in appropriations Acts.

**SA 2562.** Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 3364, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. \_\_. EXTENSION OF 2001 AND 2003 TAX RELIEF.**

(a) **IN GENERAL.**—Paragraph (1) of section 901(a) of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by striking "December 31, 2012" and inserting "December 31, 2013".

(b) **EFFECTIVE DATE.**—The amendment made by this section shall take effect as if included in the enactment of the Economic Growth and Tax Relief Reconciliation Act of 2001.

**SEC. \_\_. SURTAX ON MILLIONAIRES.**

(a) **IN GENERAL.**—Subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new part:

**"PART VIII—SURTAX ON MILLIONAIRES**

"Sec. 59B. Surtax on millionaires.

**"SEC. 59B. SURTAX ON MILLIONAIRES.**

"(a) **GENERAL RULE.**—In the case of a taxpayer other than a corporation for any taxable year beginning after 2012 and before 2014, there is hereby imposed (in addition to any other tax imposed by this subtitle) a tax equal to 2 percent of so much of the modified adjusted gross income of the taxpayer for such taxable year as exceeds \$1,000,000 (\$500,000, in the case of a married individual filing a separate return).

"(b) **MODIFIED ADJUSTED GROSS INCOME.**—For purposes of this section—

"(1) **IN GENERAL.**—The term 'modified adjusted gross income' means adjusted gross income reduced by the excess of—

"(A) gross income from a small business (as defined in section 6654(d)(1)(D)(iii))—

"(i) which is not a passive activity with respect to the taxpayer (within the meaning of section 469(c)), and

"(ii) which pays wages to at least 1 full-time equivalent employee (as defined in section 45R(d)(2)), other than the taxpayer, the taxpayer's spouse, or an individual who bears a relationship to the taxpayer described in section 152(d)(2), over

"(B) the deductions which are properly allocable to such income.

"(2) **AGGREGATION RULE.**—All persons treated as a single employer under subsection (a) or (b) of section 52 or subsection (m) or (o) of section 414 shall be treated as one employer for purposes of paragraph (1)(A).

"(3) **REGULATIONS.**—The Secretary shall prescribe regulations similar to the regulations under section 469(1) for determining the income that is taken into account under paragraph (1)(A).

"(c) **SPECIAL RULES.**—

"(1) **NONRESIDENT ALIEN.**—In the case of a nonresident alien individual, only amounts taken into account in connection with the tax imposed under section 871(b) shall be taken into account under this section.

"(2) **CITIZENS AND RESIDENTS LIVING ABROAD.**—The applicable dollar amount under subsection (a) shall be decreased by the excess of—

"(A) the amounts excluded from the taxpayer's gross income under section 911, over

"(B) the amounts of any deductions or exclusions disallowed under section 911(d)(6) with respect to the amounts described in subparagraph (A).

"(3) **CHARITABLE TRUSTS.**—Subsection (a) shall not apply to a trust all the unexpired interests in which are devoted to one or more of the purposes described in section 170(c)(2)(B).

"(4) **NOT TREATED AS TAX IMPOSED BY THIS CHAPTER FOR CERTAIN PURPOSES.**—The tax imposed under this section shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit under this chapter or for purposes of section 55."

(b) **CLERICAL AMENDMENT.**—The table of parts for subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"PART VIII. SURTAX ON MILLIONAIRES."

(c) **SECTION 15 NOT TO APPLY.**—The amendment made by subsection (a) shall not be treated as a change in a rate of tax for purposes of section 15 of the Internal Revenue Code of 1986.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2012.

**SA 2563.** Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 3364, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. \_\_. POINT OF ORDER ON LEGISLATION THAT RAISES INCOME TAX RATES ON SMALL BUSINESSES.**

(a) **POINT OF ORDER.**—

(1) **IN GENERAL.**—In the Senate, it shall not be in order to consider any bill, joint resolution, amendment, motion, or conference report that includes any provision which increases Federal income tax rates.

(2) **DEFINITION.**—In this section, the term "Federal income tax rates" means any rate of tax under—

(A) subsection (a), (b), (c), (d), or (e) of section 1 of the Internal Revenue Code of 1986,

(B) section 11(b) of such Code, or

(C) section 55(b) of such Code.

(b) **SUPERMAJORITY WAIVER AND APPEALS.**—

(1) **WAIVER.**—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) **APPEALS.**—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

**SA 2564.** Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 3364, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the "United States Job Creation and International Tax Reform Act of 2012".

(b) **AMENDMENT OF 1986 CODE.**—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

Sec. 1. Short title; amendment of 1986 Code; table of contents.

**TITLE I—PARTICIPATION EXEMPTION SYSTEM FOR TAXATION OF FOREIGN INCOME**

Sec. 101. Deduction for dividends received by domestic corporations from certain foreign corporations.

Sec. 102. Application of dividends received deduction to certain sales and exchanges of stock.

Sec. 103. Deduction for foreign intangible income derived from trade or business within the United States.

Sec. 104. Treatment of deferred foreign income upon transition to participation exemption system of taxation.

**TITLE II—OTHER INTERNATIONAL TAX REFORMS****Subtitle A—Modifications of Subpart F**

Sec. 201. Treatment of low-taxed foreign income as subpart F income.

Sec. 202. Permanent extension of look-thru rule for controlled foreign corporations.

Sec. 203. Permanent extension of exceptions for active financing income.

Sec. 204. Foreign base company income not to include sales or services income.

**Subtitle B—Modifications Related to Foreign Tax Credit**

Sec. 211. Modification of application of sections 902 and 960 with respect to post-2012 earnings.

Sec. 212. Separate foreign tax credit basket for foreign intangible income.

Sec. 213. Inventory property sales source rule exceptions not to apply for foreign tax credit limitation.

**Subtitle C—Allocation of Interest on Worldwide Basis**

Sec. 221. Acceleration of election to allocate interest on a worldwide basis.

**TITLE I—PARTICIPATION EXEMPTION SYSTEM FOR TAXATION OF FOREIGN INCOME****SEC. 101. DEDUCTION FOR DIVIDENDS RECEIVED BY DOMESTIC CORPORATIONS FROM CERTAIN FOREIGN CORPORATIONS.**

(a) **ALLOWANCE OF DEDUCTION.**—Part VIII of subchapter B of chapter 1 is amended by inserting after section 245 the following new section:

**"SEC. 245A. DIVIDENDS RECEIVED BY DOMESTIC CORPORATIONS FROM CERTAIN FOREIGN CORPORATIONS.**

"(a) **IN GENERAL.**—In the case of any dividend received from a controlled foreign corporation by a domestic corporation which is a United States shareholder with respect to such controlled foreign corporation, there

shall be allowed as a deduction an amount equal to 95 percent of the qualified foreign-source portion of the dividend.

“(b) TREATMENT OF ELECTING NONCONTROLLED SECTION 902 CORPORATIONS AS CONTROLLED FOREIGN CORPORATIONS.—

“(1) IN GENERAL.—If a domestic corporation elects the application of this subsection for any noncontrolled section 902 corporation with respect to the domestic corporation, then, for purposes of this title—

“(A) the noncontrolled section 902 corporation shall be treated as a controlled foreign corporation with respect to the domestic corporation, and

“(B) the domestic corporation shall be treated as a United States shareholder with respect to the noncontrolled section 902 corporation.

“(2) ELECTION.—

“(A) TIME OF ELECTION.—Any election under this subsection with respect to any noncontrolled section 902 corporation shall be made not later than the due date for filing the return of tax for the first taxable year of the taxpayer with respect to which the foreign corporation is a noncontrolled section 902 corporation with respect to the taxpayer (or, if later, the first taxable year of the taxpayer for which this section is in effect).

“(B) REVOCATION OF ELECTION.—Any election under this subsection, once made, may be revoked only with the consent of the Secretary.

“(C) CONTROLLED GROUPS.—If a domestic corporation making an election under this subsection with respect to any noncontrolled section 902 corporation is a member of a controlled group of corporations (within the meaning of section 1563(a), except that ‘more than 50 percent’ shall be substituted for ‘at least 80 percent’ each place it appears therein), then, except as otherwise provided by the Secretary, such election shall apply to all members of such group.

“(C) QUALIFIED FOREIGN-SOURCE PORTION OF DIVIDENDS.—For purposes of this section—

“(1) QUALIFIED FOREIGN-SOURCE PORTION.—

“(A) IN GENERAL.—The qualified foreign-source portion of any dividend is an amount which bears the same ratio to such dividend as—

“(i) the post-2012 undistributed qualified foreign earnings, bears to

“(ii) the total post-2012 undistributed earnings.

“(B) POST-2012 UNDISTRIBUTED EARNINGS.—The term ‘post-2012 undistributed earnings’ means the amount of the earnings and profits of a controlled foreign corporation (computed in accordance with sections 964(a) and 986) accumulated in taxable years beginning after December 31, 2012—

“(i) as of the close of the taxable year of the controlled foreign corporation in which the dividend is distributed, and

“(ii) without diminution by reason of dividends distributed during such taxable years.

“(C) POST-2012 UNDISTRIBUTED QUALIFIED FOREIGN EARNINGS.—The term ‘post-2012 undistributed qualified foreign earnings’ means the portion of the post-2012 undistributed earnings which is attributable to income other than—

“(i) income described in section 245(a)(5)(A), or

“(ii) dividends described in section 245(a)(5)(B).

“(2) ORDERING RULE FOR DISTRIBUTIONS OF EARNINGS AND PROFITS.—Distributions shall be treated as first made out of earnings and profits of a controlled foreign corporation which are not post-2012 undistributed earnings and then out of post-2012 undistributed earnings.

“(d) DISALLOWANCE OF FOREIGN TAX CREDIT, ETC.—

“(1) IN GENERAL.—No credit shall be allowed under section 901 for any taxes paid or accrued (or treated as paid or accrued) with respect to the qualified foreign-source portion of any dividend.

“(2) DENIAL OF DEDUCTION.—No deduction shall be allowed under this chapter for any tax for which credit is not allowable under section 901 by reason of paragraph (1).

“(3) COORDINATION WITH SECTION 78.—Section 78 shall not apply to any tax for which credit is not allowable under section 901 by reason of paragraph (1).

“(4) TREATMENT OF NONDEDUCTIBLE PORTION IN APPLYING FOREIGN TAX CREDIT LIMIT.—For purposes of applying the limitation under section 904(a), the remaining 5 percent of the qualified foreign-source portion of any dividend with respect to which a deduction is not allowable to the domestic corporation under subsection (a) shall be treated as income from sources within the United States.

“(e) SPECIAL RULES FOR HYBRID DIVIDENDS.—

“(1) IN GENERAL.—Subsection (a) shall not apply to any dividend received by a United States shareholder from a controlled foreign corporation if the dividend is a hybrid dividend.

“(2) HYBRID DIVIDENDS OF TIERED CONTROLLED FOREIGN CORPORATIONS.—If a controlled foreign corporation with respect to which a domestic corporation is a United States shareholder receives a hybrid dividend from any other controlled foreign corporation with respect to which such domestic corporation is also a United States shareholder, then, notwithstanding any other provision of this title—

“(A) the hybrid dividend shall be treated for purposes of section 951(a)(1)(A) as subpart F income of the receiving controlled foreign corporation for the taxable year of the controlled foreign corporation in which the dividend was received, and

“(B) the United States shareholder shall include in gross income an amount equal to the shareholder’s pro rata share (determined in the same manner as under section 951(a)(2)) of the subpart F income described in subparagraph (A).

“(3) DENIAL OF FOREIGN TAX CREDIT, ETC.—The rules of subsection (d) shall apply to any hybrid dividend received by, or any amount included under paragraph (2) in the gross income of, a United States shareholder, except that, for purposes of applying subsection (d)(4), all of such dividend or amount shall be treated as income from sources within the United States.

“(4) HYBRID DIVIDEND.—The term ‘hybrid dividend’ means an amount received from a controlled foreign corporation—

“(A) which is treated as a dividend for purposes of this title, and

“(B) for which the controlled foreign corporation received a deduction (or similar tax benefit) under the laws of the country in which the controlled foreign corporation was created or organized.

“(f) DEFINITIONS.—For purposes of this section—

“(1) UNITED STATES SHAREHOLDER.—The term ‘United States shareholder’ has the meaning given such term in section 951(b).

“(2) CONTROLLED FOREIGN CORPORATION.—The term ‘controlled foreign corporation’ has the meaning given such term in section 957(a).

“(3) NONCONTROLLED SECTION 902 CORPORATION.—The term ‘noncontrolled section 902 corporation’ has the meaning given such term in section 904(d)(2)(E)(i).

“(g) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the provisions of this section.”.

(b) APPLICATION OF HOLDING PERIOD REQUIREMENT.—Subsection (c) of section 246 is amended—

(1) by striking “or 245” in paragraph (1) and inserting “245, or 245A”, and

(2) by adding at the end the following new paragraph:

“(5) SPECIAL RULES FOR QUALIFIED FOREIGN-SOURCE PORTION OF DIVIDENDS RECEIVED FROM CONTROLLED FOREIGN CORPORATIONS.—

“(A) 1-YEAR HOLDING PERIOD REQUIREMENT.—For purposes of section 245A—

“(i) paragraph (1)(A) shall be applied—

“(I) by substituting ‘365 days’ for ‘45 days’ each place it appears, and

“(II) by substituting ‘731-day period’ for ‘91-day period’, and

“(ii) paragraph (2) shall not apply.

“(B) STATUS MUST BE MAINTAINED DURING HOLDING PERIOD.—For purposes of section 245A, the holding period requirement of this subsection shall be treated as met only if—

“(i) the controlled foreign corporation referred to in section 245A(a) is a controlled foreign corporation at all times during such period, and

“(ii) the taxpayer is a United States shareholder (as defined in section 951) with respect to such controlled foreign corporation at all times during such period.

“(C) SPECIAL RULES FOR ELECTING NONCONTROLLED SECTION 902 CORPORATIONS.—In the case of an election under section 245A(b) to treat a noncontrolled section 902 corporation as a controlled foreign corporation, the requirements of subparagraph (B) shall be treated as met for any continuous period ending on the day before the effective date of the election for which the taxpayer met the ownership requirements of section 904(d)(2)(E) with respect to such corporation.”.

(c) APPLICATION OF RULES GENERALLY APPLICABLE TO DEDUCTIONS FOR DIVIDENDS RECEIVED.—

(1) TREATMENT OF DIVIDENDS FROM TAX-EXEMPT CORPORATIONS.—Paragraph (1) of section 246(a) is amended by striking “and 245” and inserting “245, and 245A”.

(2) ASSETS GENERATING TAX-EXEMPT PORTION OF DIVIDEND NOT TAKEN INTO ACCOUNT IN ALLOCATING AND APPORTIONING DEDUCTIBLE EXPENSES.—Paragraph (3) of section 864(e) is amended by striking “or 245(a)” and inserting “, 245(a), or 245A”.

(3) COORDINATION WITH SECTION 1059.—Subparagraph (B) of section 1059(b)(2) is amended by striking “or 245” and inserting “245, or 245A”.

(d) CONFORMING AMENDMENTS.—

(1) Clause (vi) of section 56(g)(4)(C) is amended by inserting “245A or” before “965”.

(2) Subsection (b) of section 951 is amended—

(A) by striking “subpart” and inserting “title”, and

(B) by adding at the end the following: “Such term shall include, with respect to any entity treated as a controlled foreign corporation under section 245A(b), any domestic corporation treated as a United States shareholder with respect to such entity under such section.”.

(3) Subsection (a) of section 957 is amended—

(A) by striking “subpart” in the matter preceding paragraph (1) and inserting “title”, and

(B) by adding at the end the following: “Such term shall include any entity treated



as a controlled foreign corporation under section 245A(b).”.

(4) The table of sections for part VIII of subchapter B of chapter 1 is amended by inserting after the item relating to section 245 the following new item:

“Sec. 245A. Dividends received by domestic corporations from certain foreign corporations.”.

(e) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2012, and to taxable years of United States shareholders with or within which such taxable years of foreign corporations end.

**SEC. 102. APPLICATION OF DIVIDENDS RECEIVED DEDUCTION TO CERTAIN SALES AND EXCHANGES OF STOCK.**

(a) **SALES BY UNITED STATES PERSONS OF STOCK IN CFC.**—Section 1248 is amended by redesignating subsection (j) as subsection (k) and by inserting after subsection (i) the following new subsection:

“(j) **COORDINATION WITH DIVIDENDS RECEIVED DEDUCTION.**—

“(1) **IN GENERAL.**—In the case of the sale or exchange by a domestic corporation of stock in a foreign corporation held for 1 year or more, any amount received by the domestic corporation which is treated as a dividend by reason of this section shall be treated as a dividend for purposes of applying section 245A.

“(2) **LOSSES DISALLOWED.**—If a domestic corporation—

“(A) sells or exchanges stock in a foreign corporation in a taxable year of the domestic corporation with or within which a taxable year of the foreign corporation beginning after December 31, 2012, ends, and

“(B) met the ownership requirements of subsection (a)(2) with respect to such stock, no deduction shall be allowed to the domestic corporation with respect to any loss from the sale or exchange.”.

(b) **SALE BY A CFC OF A LOWER TIER CFC.**—Section 964(e) is amended by adding at the end the following new paragraph:

“(4) **COORDINATION WITH DIVIDENDS RECEIVED DEDUCTION.**—

“(A) **IN GENERAL.**—If, for any taxable year of a controlled foreign corporation beginning after December 31, 2012, any amount is treated as a dividend under paragraph (1) by reason of a sale or exchange by the controlled foreign corporation of stock in another foreign corporation held for 1 year or more, then, notwithstanding any other provision of this title—

“(i) the qualified foreign-source portion of such dividend shall be treated for purposes of section 951(a)(1)(A) as subpart F income of the selling controlled foreign corporation for such taxable year,

“(ii) a United States shareholder with respect to the selling controlled foreign corporation shall include in gross income for the taxable year of the shareholder with or within which such taxable year of the controlled foreign corporation ends an amount equal to the shareholder's pro rata share (determined in the same manner as under section 951(a)(2)) of the amount treated as subpart F income under clause (i), and

“(iii) the deduction under section 245A(a) shall be allowable to the United States shareholder with respect to the subpart F income included in gross income under clause (ii) in the same manner as if such subpart F income were a dividend received by the shareholder from the selling controlled foreign corporation.

“(B) **EFFECT OF LOSS ON EARNINGS AND PROFITS.**—For purposes of this title, in the

case of a sale or exchange by a controlled foreign corporation of stock in another foreign corporation in a taxable year of the selling controlled foreign corporation beginning after December 31, 2012, to which this paragraph would apply if gain were recognized, the earnings and profits of the selling controlled foreign corporation shall not be reduced by reason of any loss from such sale or exchange.

“(C) **QUALIFIED FOREIGN-SOURCE PORTION.**—For purposes of this paragraph, the qualified foreign-source portion of any amount treated as a dividend under paragraph (1) shall be determined in the same manner as under section 245A(c).”.

**SEC. 103. DEDUCTION FOR FOREIGN INTANGIBLE INCOME DERIVED FROM TRADE OR BUSINESS WITHIN THE UNITED STATES.**

(a) **IN GENERAL.**—Part VIII of subchapter B of chapter 1 is amended by adding at the end the following new section:

**“SEC. 250. FOREIGN INTANGIBLE INCOME DERIVED FROM TRADE OR BUSINESS WITHIN THE UNITED STATES.**

“(a) **IN GENERAL.**—In the case of a domestic corporation, there shall be allowed as a deduction an amount equal to 50 percent of the qualified foreign intangible income of such domestic corporation for the taxable year.

“(b) **QUALIFIED FOREIGN INTANGIBLE INCOME.**—

“(1) **IN GENERAL.**—The term ‘qualified foreign intangible income’ means, with respect to any domestic corporation, foreign intangible income which is derived by the domestic corporation from the active conduct of a trade or business within the United States with respect to the intangible property giving rise to the income.

“(2) **REQUIREMENTS RELATING TO TRADE OR BUSINESS WITHIN THE UNITED STATES.**—For purposes of this section, foreign intangible income shall be treated as derived by a domestic corporation from the active conduct of a trade or business within the United States only if—

“(A) the domestic corporation developed, created, or produced within the United States the intangible property giving rise to the income, or

“(B) in any case in which the domestic corporation acquired such intangible property, the domestic corporation added substantial value to the property through the active conduct of such trade or business within the United States.

“(c) **FOREIGN INTANGIBLE INCOME.**—For purposes of this section—

“(1) **IN GENERAL.**—The term ‘foreign intangible income’ means any intangible income which is derived in connection with—

“(A) property which is sold, leased, licensed, or otherwise disposed of for use, consumption, or disposition outside the United States, or

“(B) services provided with respect to persons or property located outside the United States.

“(2) **EXCEPTIONS FOR CERTAIN INCOME.**—The following amounts shall not be taken into account in computing foreign intangible income:

“(A) Any amount treated as received by the domestic corporation under section 367(d)(2) with respect to any intangible property.

“(B) Any payment under a cost-sharing arrangement entered into under section 482.

“(C) Any amount received from a controlled foreign corporation with respect to which the domestic corporation is a United States shareholder to the extent such

amount is attributable or properly allocable to income which is—

“(i) effectively connected with the conduct of a trade or business within the United States and subject to tax under this chapter, or

“(ii) subpart F income.

For purposes of clause (ii), amounts not otherwise treated as subpart F income shall be so treated if the amount creates (or increases) a deficit which under section 952(c) may reduce the subpart F income of the payor or any other controlled foreign corporation.

“(3) **INTANGIBLE INCOME.**—The term ‘intangible income’ means gross income from—

“(A) the sale, lease, license, or other disposition of property in which intangible property is used directly or indirectly, or

“(B) the provision of services related to intangible property or in connection with property in which intangible property is used directly or indirectly,

to the extent that such gross income is properly attributable to such intangible property.

“(4) **DEDUCTIONS TO BE TAKEN INTO ACCOUNT.**—The gross income of a domestic corporation taken into account under this subsection shall be reduced, under regulations prescribed by the Secretary, so as to take into account deductions properly allocable to such income.

“(5) **INTANGIBLE PROPERTY.**—The term ‘intangible property’ has the meaning given such term by section 936(h)(3)(B).

“(d) **REGULATIONS.**—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the provisions of this section.”.

(b) **CONFORMING AMENDMENT.**—The table of sections for part VIII of subchapter B of chapter 1 is amended by adding at the end the following new item:

“Sec. 250. Foreign intangible income derived from trade or business within the United States.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years of domestic corporations beginning after December 31, 2012.

**SEC. 104. TREATMENT OF DEFERRED FOREIGN INCOME UPON TRANSITION TO PARTICIPATION EXEMPTION SYSTEM OF TAXATION.**

(a) **IN GENERAL.**—Section 965 is amended to read as follows:

**“SEC. 965. TREATMENT OF DEFERRED FOREIGN INCOME UPON TRANSITION TO PARTICIPATION EXEMPTION SYSTEM OF TAXATION.**

“(a) **DEDUCTION ALLOWED.**—In the case of a domestic corporation which elects the application of this section to any controlled foreign corporation with respect to which it is a United States shareholder, there shall be allowed as a deduction for the taxable year of the United States shareholder with or within which the first taxable year of the controlled foreign corporation beginning after December 31, 2012, ends an amount equal to 70 percent of the amount determined under subsection (b) for the taxable year.

“(b) **ELIGIBLE AMOUNT.**—For purposes of subsection (a)—

“(1) **IN GENERAL.**—The amount determined under this subsection for a United States shareholder with respect to any controlled foreign corporation for the taxable year of the shareholder described in subsection (a) is the lesser of—

“(A) the shareholder's pro rata share of the earnings and profits of the controlled foreign

corporation described in section 959(c)(3) as of the close of the taxable year preceding the first taxable year of the controlled foreign corporation beginning after December 31, 2012, or

“(B) an amount equal to the sum of—

“(i) the dividends received by the shareholder during such taxable year from the controlled foreign corporation which are attributable to the earnings and profits described in subparagraph (A), plus

“(ii) the increase in subpart F income required to be included in gross income of the shareholder for the taxable year by reason of the election under paragraph (2).

“(2) ELECTION OF DEEMED SUBPART F INCLUSION.—A United States shareholder may elect for purposes of paragraph (1)(B)(ii) to treat all (or any portion) of the shareholder's pro rata share of the earnings and profits of a controlled foreign corporation described in paragraph (1)(A) as subpart F income includible in the gross income of the shareholder for the taxable year of the shareholder described in subsection (a).

“(3) ORDERING RULE.—For purposes of paragraph (1)(B)(i), distributions shall be treated as first made out of earnings and profits of a controlled foreign corporation described in paragraph (1)(A).

“(4) DIVIDEND.—The term ‘dividend’ shall not include amounts includible in gross income as a dividend under section 78.

“(c) DISALLOWANCE OF FOREIGN TAX CREDIT, ETC.—In the case of a domestic corporation making an election under subsection (a) with respect to any controlled foreign corporation—

“(1) IN GENERAL.—No credit shall be allowed under section 901 for any taxes paid or accrued (or treated as paid or accrued) with respect to the earnings and profits taken into account in determining the amount under subsection (b).

“(2) DENIAL OF DEDUCTION.—No deduction shall be allowed under this chapter for any tax for which credit is not allowable under section 901 by reason of paragraph (1).

“(3) COORDINATION WITH SECTION 78.—Section 78 shall not apply to any tax for which credit is not allowable under section 901 by reason of paragraph (1).

“(4) TREATMENT OF NONDEDUCTIBLE PORTION IN APPLYING FOREIGN TAX CREDIT LIMIT.—For purposes of applying the limitation under section 904(a), the remaining 30 percent of the amount determined under subsection (b) with respect to which a deduction is not allowable under subsection (a) shall be treated as income from sources within the United States.

“(d) ELECTION TO PAY LIABILITY FOR DEEMED SUBPART F INCOME IN INSTALLMENTS.—

“(1) IN GENERAL.—In the case of a United States shareholder with respect to 1 or more controlled foreign corporations to which elections under subsections (a) and (b)(2) apply, such United States shareholder may elect to pay the net tax liability determined with respect to its deemed subpart F inclusions with respect to such corporations under subsection (b)(2) for the taxable year described in subsection (a) in 2 or more (but not exceeding 8) equal installments.

“(2) DATE FOR PAYMENT OF INSTALLMENTS.—If an election is made under paragraph (1), the first installment shall be paid on the due date (determined without regard to any extension of time for filing the return) for the return of tax for the taxable year for which the election was made and each succeeding installment shall be paid on the due date (as so determined) for the return of tax for the

taxable year following the taxable year with respect to which the preceding installment was made.

“(3) ACCELERATION OF PAYMENT.—If there is an addition to tax for failure to pay timely assessed with respect to any installment required under this subsection, a liquidation or sale of substantially all the assets of the taxpayer (including in a title 11 or similar case), a cessation of business by the taxpayer, or any similar circumstance, then the unpaid portion of all remaining installments shall be due on the date of such event (or in the case of a title 11 or similar case, the day before the petition is filed).

“(4) PRORATION OF DEFICIENCY TO INSTALLMENTS.—If an election is made under paragraph (1) to pay the net tax liability described in paragraph (1) in installments and a deficiency has been assessed which increases such net tax liability, the increase shall be prorated to the installments payable under paragraph (1). The part of the increase so prorated to any installment the date for payment of which has not arrived shall be collected at the same time as, and as a part of, such installment. The part of the increase so prorated to any installment the date for payment of which has arrived shall be paid upon notice and demand from the Secretary. This subsection shall not apply if the deficiency is due to negligence, to intentional disregard of rules and regulations, or to fraud with intent to evade tax.

“(5) TIME FOR PAYMENT OF INTEREST.—Interest payable under section 6601 on the unpaid portion of any amount of tax the time for payment of which has been extended under this subsection shall be paid annually at the same time as, and as part of, each installment payment of such tax. In the case of a deficiency to which paragraph (4) applies, interest with respect to such deficiency which is assigned under the preceding sentence to any installment the date for payment of which has arrived on or before the date of the assessment of the deficiency, shall be paid upon notice and demand from the Secretary.

“(6) NET TAX LIABILITY FOR DEEMED SUBPART F INCLUSIONS.—For purposes of this subsection—

“(A) IN GENERAL.—The net tax liability described in paragraph (1) with respect to any United States shareholder for any taxable year is the excess (if any) of—

“(i) such taxpayer's net income tax for the taxable year, over

“(ii) such taxpayer's net income tax for such taxable year determined as if the elections under subsection (b)(2) with respect to 1 or more controlled foreign corporations had not been made.

“(B) NET INCOME TAX.—The term ‘net income tax’ means the net income tax (as defined in section 38(c)(1)) reduced by the credit allowed under section 38.

“(e) SPECIAL RULES.—For purposes of this section—

“(1) ELECTIONS.—Any election under subsection (a), (b)(2), or (d)(1) shall be made not later than the due date (including extensions) for the return of tax for the taxable year for which made and shall be made in such manner as the Secretary may provide.

“(2) SECTION NOT TO APPLY TO NONCONTROLLED SECTION 902 CORPORATIONS TREATED AS CFCS.—No election may be made under subsection (a) with respect to a controlled foreign corporation which was a noncontrolled section 902 corporation which a United States shareholder elected under section 245A(b) to treat as a controlled foreign corporation.

“(3) PRO RATA SHARE.—A shareholder's pro rata share of any earnings and profits shall be determined in the same manner as under section 951(a)(2).”

(b) CONFORMING AMENDMENTS.—

(1) Clause (vi) of section 56(g)(4)(C), as amended by this Act, is amended—

(A) by striking “965” and inserting “965(b)”, and

(B) by inserting “AND INCLUSIONS” after “CERTAIN DISTRIBUTIONS” in the heading thereof.

(2) Paragraph (2) of section 6601(b) is amended—

(A) by striking “section 6156(a)” in the matter preceding subparagraph (A) and inserting “section 965(d)(1) or 6156(a)”, and

(B) by striking “section 6156(b)” in subparagraph (A) and inserting “section 965(d)(2) or 6156(b), as the case may be”.

(3) The table of section for subpart F of part III of subchapter N of chapter 1 is amended by striking the item relating to section 965 and inserting the following:

“Sec. 965. Treatment of deferred foreign income upon transition to participation exemption system of taxation.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2012, and to taxable years of United States shareholders with or within which such taxable years of foreign corporations end.

## TITLE II—OTHER INTERNATIONAL TAX REFORMS

### Subtitle A—Modifications of Subpart F

#### SEC. 201. TREATMENT OF LOW-TAXED FOREIGN INCOME AS SUBPART F INCOME.

(a) IN GENERAL.—Subsection (a) of section 952 is amended by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively, and by inserting after paragraph (2) the following new paragraph:

“(3) low-taxed income (as defined under subsection (e)).”

(b) LOW-TAXED INCOME.—Section 952 is amended by adding at the end the following new subsection:

“(e) LOW-TAXED INCOME.—

“(1) IN GENERAL.—For purposes of subsection (a), except as provided in paragraph (2), the term ‘low-taxed income’ means, with respect to any taxable year of a controlled foreign corporation, the entire gross income of the controlled foreign corporation unless the taxpayer establishes to the satisfaction of the Secretary that such income was subject to an effective rate of income tax (determined under rules similar to the rules of section 954(b)(4)) imposed by a foreign country in excess of one-half of the highest rate of tax under section 11(b) for taxable years of United States corporations beginning in the same calendar year as the taxable year of the controlled foreign corporation begins.

“(2) EXCEPTION FOR QUALIFIED BUSINESS INCOME.—For purposes of paragraph (1), qualified business income—

“(A) shall be taken into account in determining the effective rate of income tax at which the entire gross income of the controlled foreign corporation is taxed, but

“(B) the amount of gross income treated as low-taxed income under paragraph (1) shall be reduced by the amount of the qualified business income.

“(3) QUALIFIED BUSINESS INCOME.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘qualified business income’ means, with respect to any

controlled foreign corporation, income derived by the controlled foreign corporation in a foreign country but only if—

“(i) such income is attributable to the active conduct of a trade or business of such corporation in such foreign country,

“(ii) the corporation maintains an office or fixed place of business in such foreign country, and

“(iii) officers and employees of the corporation physically located at such office or place of business in such foreign country conducted (or significantly contributed to the conduct of) activities within the foreign country which are substantial in relation to the activities necessary for the active conduct of the trade or business to which such income is attributable.

“(B) EXCEPTION FOR INTANGIBLE INCOME.—For purposes of subparagraph (A), qualified business income of a controlled foreign corporation shall not include intangible income (as defined in section 250(c)(3)).

“(4) DETERMINATION OF EFFECTIVE RATE OF FOREIGN INCOME TAX AND QUALIFIED BUSINESS INCOME.—

“(A) COUNTRY-BY-COUNTRY DETERMINATION.—For purposes of determining the effective rate of income tax imposed by any foreign country under paragraph (1) and qualified business income under paragraph (3), each such paragraph shall be applied separately with respect to—

“(i) each foreign country in which a controlled foreign corporation conducts any trade or business, and

“(ii) the entire gross income and qualified business income derived with respect to such foreign country.

“(B) TREATMENT OF LOSSES.—For purposes of determining the effective rate of income tax imposed by any foreign country under paragraph (1)—

“(i) such effective rate shall be determined without regard to any losses carried to the relevant taxable year, and

“(ii) to the extent the income of the controlled foreign corporation reduces losses in the relevant taxable year, such effective rate shall be treated as being the effective rate which would have been imposed on such income without regard to such losses.

“(5) DEDUCTIONS TO BE TAKEN INTO ACCOUNT.—The gross income of a controlled foreign corporation taken into account under this subsection shall be reduced, under regulations prescribed by the Secretary, so as to take into account deductions (including taxes) properly allocable to such income.”.

(c) CONFORMING AMENDMENTS.—

(1) Subsection (a) of section 952 is amended—

(A) by striking “paragraph (4)” in the next to last sentence and inserting “paragraph (5)”, and

(B) by striking “paragraph (5)” in the last sentence and inserting “paragraph (6)”.

(2) Subsection (d) of section 952 is amended by striking “subsection (a)(5)” and inserting “subsection (a)(6)”.

(3) Paragraphs (1) and (2) of section 999(c) are each amended by striking “section 952(a)(3)” and inserting “section 952(a)(4)”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2012, and to taxable years of United States shareholders with or within which such taxable years of foreign corporations end.

## SEC. 202. PERMANENT EXTENSION OF LOOK-THRU RULE FOR CONTROLLED FOREIGN CORPORATIONS.

(a) IN GENERAL.—Section 954(c)(6)(C) is amended by striking “and before January 1, 2012.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2011, and to taxable years of United States shareholders with or within which such taxable years of foreign corporations end.

## SEC. 203. PERMANENT EXTENSION OF EXCEPTIONS FOR ACTIVE FINANCING INCOME.

(a) EXCEPTION FROM INSURANCE INCOME.—Section 953(e)(10) is amended—

(1) by striking “and before January 1, 2012,” and

(2) by striking the last sentence.

(b) EXCEPTION FROM FOREIGN PERSONAL HOLDING COMPANY INCOME.—Section 954(h)(9) is amended by striking “and before January 1, 2012.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2011, and to taxable years of United States shareholders with or within which such taxable years of foreign corporations end.

## SEC. 204. FOREIGN BASE COMPANY INCOME NOT TO INCLUDE SALES OR SERVICES INCOME.

(a) REPEAL.—Paragraphs (2) and (3) of section 954(a) are repealed.

(b) CONFORMING AMENDMENTS.—

(1) Section 954(d) is amended by adding at the end the following new paragraph:

“(5) TERMINATION.—This subsection shall not apply to taxable years of foreign corporations beginning after December 31, 2012, and to taxable years of United States shareholders with or within which such taxable years of foreign corporations end.”.

(2) Section 954(e) is amended by adding at the end the following new paragraph:

“(3) TERMINATION.—This subsection shall not apply to taxable years of foreign corporations beginning after December 31, 2012, and to taxable years of United States shareholders with or within which such taxable years of foreign corporations end.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2012, and to taxable years of United States shareholders with or within which such taxable years of foreign corporations end.

## Subtitle B—Modifications Related to Foreign Tax Credit

## SEC. 211. MODIFICATION OF APPLICATION OF SECTIONS 902 AND 960 WITH RESPECT TO POST-2012 EARNINGS.

(a) SECTION 902 NOT TO APPLY TO DIVIDENDS FROM POST-2012 EARNINGS.—Section 902 is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following new subsection:

“(d) SECTION NOT TO APPLY TO DIVIDENDS FROM POST-2012 EARNINGS.—

“(1) IN GENERAL.—This section shall not apply to the portion of any dividend paid by a foreign corporation to the extent such portion is made out of earnings and profits of the foreign corporation (computed in accordance with sections 964(a) and 986) accumulated in taxable years beginning after December 31, 2012.

“(2) COORDINATION WITH DISTRIBUTIONS FROM PRE-2013 EARNINGS AND PROFITS.—For purposes of this section—

“(A) ORDERING RULE.—Any distribution in a taxable year beginning after December 31, 2012, shall be treated as first made out of earnings and profits of the foreign corporation (computed in accordance with sections 964(a) and 986) accumulated in taxable years beginning before January 1, 2013.

“(B) POST-1986 UNDISTRIBUTED EARNINGS.—Post-1986 undistributed earnings shall not include earnings and profits described in paragraph (1).”.

(b) DETERMINATION OF SECTION 960 CREDIT ON CURRENT YEAR BASIS.—Section 960 is amended by adding at the end the following new subsection:

“(d) DEEMED PAID CREDIT FOR SUBPART F INCLUSIONS ATTRIBUTABLE TO POST-2012 EARNINGS.—

“(1) IN GENERAL.—For purposes of this subpart, if there is included in the gross income of a domestic corporation any amount under section 951(a)—

“(A) with respect to any controlled foreign corporation with respect to which such domestic corporation is a United States shareholder, and

“(B) which is attributable to the earnings and profits of the controlled foreign corporation (computed in accordance with sections 964(a) and 986) accumulated in taxable years beginning after December 31, 2012,

then subsections (a), (b), and (c) shall not apply and such domestic corporation shall be deemed to have paid so much of such foreign corporation's foreign income taxes as are properly attributable to the amount so included.

“(2) FOREIGN INCOME TAXES.—For purposes of this subsection, the term ‘foreign income taxes’ means any income, war profits, or excess profits taxes paid or accrued by the controlled foreign corporation to any foreign country or possession of the United States.

“(3) REGULATIONS.—The Secretary shall provide such regulations as may be necessary or appropriate to carry out the provisions of this subsection.”.

## SEC. 212. SEPARATE FOREIGN TAX CREDIT BASKET FOR FOREIGN INTANGIBLE INCOME.

(a) IN GENERAL.—Paragraph (1) of section 904(d) is amended by striking “and” at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting “, and”, and by adding at the end the following:

“(C) foreign intangible income (as defined in paragraph (2)(J)).”.

(b) FOREIGN INTANGIBLE INCOME.—

(1) IN GENERAL.—Section 904(d)(2) is amended by redesignating subparagraphs (J) and (K) as subparagraphs (K) and (L) and by inserting after subparagraph (I) the following:

“(J) FOREIGN INTANGIBLE INCOME.—For purposes of this section—

“(i) IN GENERAL.—The term ‘foreign intangible income’ has the meaning given such term by section 250(c).

“(ii) COORDINATION.—Passive category income and general category income shall not include foreign intangible income.”.

(2) GENERAL CATEGORY INCOME.—Section 904(d)(2)(A)(ii) is amended by inserting “or foreign intangible income” after “passive category income”.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2012.

(2) TRANSITIONAL RULE.—For purposes of section 904(d)(1) of the Internal Revenue Code of 1986 (as amended by this Act)—

(A) taxes carried from any taxable year beginning before January 1, 2013, to any taxable year beginning on or after such date,

with respect to any item of income, shall be treated as described in the subparagraph of such section 904(d)(1) in which such income would be described without regard to the amendments made by this section, and

(B) any carryback of taxes with respect to foreign intangible income from a taxable year beginning on or after January 1, 2013, to a taxable year beginning before such date shall be allocated to the general income category.

**SEC. 213. INVENTORY PROPERTY SALES SOURCE RULE EXCEPTIONS NOT TO APPLY FOR FOREIGN TAX CREDIT LIMITATION.**

(a) IN GENERAL.—Section 904 is amended by redesignating subsection (l) as subsection (m) and by inserting after subsection (k) the following new subsection:

“(l) INVENTORY PROPERTY SALES SOURCE RULE EXCEPTIONS NOT TO APPLY.—Any amount which would be treated as derived from sources without the United States by reason of the application of section 862(a)(6) or 863(b)(2) for any taxable year shall be treated as derived from sources within the United States for purposes of this section.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2012.

**Subtitle C—Allocation of Interest on Worldwide Basis**

**SEC. 221. ACCELERATION OF ELECTION TO ALLOCATE INTEREST ON A WORLDWIDE BASIS.**

Section 864(f)(6) is amended by striking “December 31, 2020” and inserting “December 31, 2012”.

**SA 2565.** Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 3364, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE —TAX RETURN DUE DATE SIMPLIFICATION AND MODERNIZATION**

**SEC. 01. SHORT TITLE; REFERENCE.**

(a) SHORT TITLE.—This title may be cited as the “Tax Return Due Date Simplification and Modernization Act of 2012”.

(b) REFERENCE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

**SEC. 02. NEW DUE DATE FOR PARTNERSHIP FORM 1065, S CORPORATION FORM 1120S, AND C CORPORATION FORM 1120.**

(a) PARTNERSHIPS.—

(1) IN GENERAL.—Section 6072 is amended by adding at the end the following new subsection:

“(f) RETURNS OF PARTNERSHIPS.—Returns of partnerships under section 6031 made on the basis of the calendar year shall be filed on or before the 15th day of March following the close of the calendar year, and such returns made on the basis of a fiscal year shall be filed on or before the 15th day of the third month following the close of the fiscal year.”.

(2) CONFORMING AMENDMENT.—Section 6072(a) is amended by striking “6017, or 6031” and inserting “or 6017”.

(b) S CORPORATIONS.—

(1) IN GENERAL.—So much of subsection (b) of 6072 as precedes the second sentence thereof is amended to read as follows:

“(b) RETURNS OF CERTAIN CORPORATIONS.—Returns of S corporations under sections 6012 and 6037 made on the basis of the calendar year shall be filed on or before the 31st day of March following the close of the calendar year, and such returns made on the basis of a fiscal year shall be filed on or before the last day of the third month following the close of the fiscal year.”.

(2) CONFORMING AMENDMENTS.—

(A) Section 1362(b) is amended—

(i) by striking “15th” each place it appears and inserting “last”,

(ii) by striking “2½” each place it appears and inserting “3”, and

(iii) by striking “2 months and 15 days” in paragraph (4) and inserting “3 months”.

(B) Section 1362(d)(1)(C)(i) is amended by striking “15th” and inserting “last”.

(C) Section 1362(d)(1)(C)(ii) is amended by striking “such 15th day” and inserting “the last day of the 3d month thereof”.

(c) CONFORMING AMENDMENTS RELATING TO C CORPORATIONS.—

(1) Section 170(a)(2)(B) is amended by striking “third month” and inserting “4th month”.

(2) Section 563 is amended by striking “third month” each place it appears and inserting “4th month”.

(3) Section 1354(d)(1)(B)(i) is amended by striking “3d month” and inserting “4th month”.

(4) Subsection (a) and (c) of section 6167 are each amended by striking “third month” and inserting “4th month”.

(5) Section 6425(a)(1) is amended by striking “third month” and inserting “4th month”.

(6) Subsections (b)(2)(A), (g)(3), and (h)(1) of section 6655 are each amended by striking “3rd month” and inserting “4th month”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to returns for taxable years beginning after December 31, 2012.

**SEC. 03. MODIFICATION OF DUE DATES BY REGULATION.**

In the case of returns for taxable years beginning after December 31, 2012, the Secretary of the Treasury or the Secretary's delegate shall modify appropriate regulations to provide as follows:

(1) The maximum extension for the returns of partnerships filing Form 1065 shall be a 6-month period ending on September 15 for calendar year taxpayers.

(2) The maximum extension for the returns of trusts filing Form 1041 shall be a 5½-month period ending on September 30 for calendar year taxpayers.

(3) The maximum extension for the returns of employee benefit plans filing Form 5500 shall be an automatic 3½-month period ending on November 15 for calendar year taxpayers.

(4) The maximum extension for the returns of organizations exempt from income tax filing Form 990 shall be an automatic 6-month period ending on November 15 for calendar year filers.

(5) The due date of Form 3520-A (relating to the Annual Information Return of Foreign Trust with a United States Owner) for calendar year filers shall be April 15 with a maximum extension for a 6-month period ending on October 15.

(6) The due date of Form TD F 90-22.1 (relating to Report of Foreign Bank and Financial Accounts) shall be April 15 with a maximum extension for a 6-month period ending on October 15 and with provision for an extension under rules similar to the rules in Treas. Reg. 1.6081-5. For any taxpayer re-

quired to file such Form for the first time, any penalty for failure to timely request for, or file, an extension, may be waived by the Secretary of the Treasury or the Secretary's delegate.

**SEC. 04. CORPORATIONS PERMITTED STATUTORY AUTOMATIC 6-MONTH EXTENSION OF INCOME TAX RETURNS.**

(a) IN GENERAL.—Section 6081(b) is amended by striking “3 months” and inserting “6 months”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to returns for taxable years beginning after December 31, 2012.

**SA 2566.** Mr. MCCAIN (for himself and Mrs. HAGAN) submitted an amendment intended to be proposed by him to the bill S. 3364, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE —FOREIGN EARNINGS REINVESTMENT**

**SEC. 01. SHORT TITLE.**

This title may be cited as the “Foreign Earnings Reinvestment Act”.

**SEC. 02. ALLOWANCE OF TEMPORARY DIVIDENDS RECEIVED DEDUCTION FOR DIVIDENDS RECEIVED FROM A CONTROLLED FOREIGN CORPORATION.**

(a) APPLICABILITY OF PROVISION.—

(1) IN GENERAL.—Subsection (f) of section 965 is amended to read as follows:

“(f) ELECTION; ELECTION YEAR.—

“(1) IN GENERAL.—The taxpayer may elect to apply this section to—

“(A) the taxpayer's last taxable year which begins before the date of the enactment of the Foreign Earnings Reinvestment Act, or

“(B) the taxpayer's first taxable year which begins during the 1-year period beginning on such date.

Such election may be made for a taxable year only if made on or before the due date (including extensions) for filing the return of tax for such taxable year.

“(C) ELECTION YEAR.—For purposes of this section, the term ‘election year’ means the taxable year—

“(i) which begins after the date that is one year before the date of the enactment of the Foreign Earnings Reinvestment Act, and

“(ii) to which the taxpayer elects under paragraph (1) to apply this section.”.

(2) CONFORMING AMENDMENTS.—

(A) EXTRAORDINARY DIVIDENDS.—Section 965(b)(2) of such Code is amended—

(i) by striking “June 30, 2003” and inserting “September 30, 2011”, and

(ii) by adding at the end the following new sentence: “The amounts described in clauses (i), (ii), and (iii) shall not include any amounts which were taken into account in determining the deduction under subsection (a) for any prior taxable year.”.

(B) DETERMINATIONS RELATING TO RELATED PARTY INDEBTEDNESS.—Section 965(b)(3)(B) of such Code is amended by striking “October 3, 2004” and inserting “September 30, 2011”.

(C) APPLICABLE FINANCIAL STATEMENT.—Section 965(c)(1) of such Code is amended by striking “June 30, 2003” each place it appears and inserting “September 30, 2011”.

(D) DETERMINATIONS RELATING TO BASE PERIOD.—Section 965(c)(2) of such Code is amended by striking “June 30, 2003” and inserting “September 30, 2011”.

(b) DEDUCTION INCLUDES CURRENT AND ACCUMULATED FOREIGN EARNINGS.—

(1) IN GENERAL.—Paragraph (1) of section 965(b) of the Internal Revenue Code of 1986 is amended to read as follows:

“(1) IN GENERAL.—The amount of dividends taken into account under subsection (a) shall not exceed the sum of the current and accumulated earnings and profits described in section 959(c)(3) for the year a deduction is claimed under subsection (a), without diminution by reason of any distributions made during the election year, for all controlled foreign corporations of the United States shareholder.”.

(2) CONFORMING AMENDMENTS.—

(A) Section 965(c) of such Code, as amended by subsection (a), is amended by striking paragraph (1) and by redesignating paragraphs (2), (3), (4), and (5), as paragraphs (1), (2), (3), and (4), respectively.

(B) Paragraph (4) of section 965(c) of such Code, as redesignated by subparagraph (A), is amended to read as follows:

“(4) CONTROLLED GROUPS.—All United States shareholders which are members of an affiliated group filing a consolidated return under section 1501 shall be treated as one United States shareholder.”.

(c) AMOUNT OF DEDUCTION.—

(1) IN GENERAL.—Paragraph (1) of section 965(a) of the Internal Revenue Code of 1986 is amended by striking “85 percent” and inserting “75 percent”.

(2) BONUS DEDUCTION IN SUBSEQUENT TAXABLE YEAR FOR INCREASING JOBS.—Section 965 of such Code is amended by adding at the end the following new subsection:

“(g) BONUS DEDUCTION.—

“(1) IN GENERAL.—In the case of any taxpayer who makes an election to apply this section, there shall be allowed as a deduction for the first taxable year following the election year an amount equal to the applicable percentage of the cash dividends which are taken into account under subsection (a) with respect to such taxpayer for the election year.

“(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage is the amount which bears the same ratio (not greater than 1) to 10 percent as—

“(A) the excess (if any) of—

“(i) the qualified payroll of the taxpayer for the calendar year which begins with or within the first taxable year following the election year, over

“(ii) the qualified payroll of the taxpayer for calendar year 2010, bears to

“(B) 10 percent of the qualified payroll of the taxpayer for calendar year 2010.

“(3) QUALIFIED PAYROLL.—For purposes of this paragraph:

“(A) IN GENERAL.—The term ‘qualified payroll’ means, with respect to a taxpayer for any calendar year, the aggregate wages (as defined in section 3121(a)) paid by the corporation during such calendar year.

“(B) EXCEPTION FOR CHANGES IN OWNERSHIP OF TRADES OR BUSINESSES.—

“(i) ACQUISITIONS.—If, after December 31, 2009, and before the close of the first taxable year following the election year, a taxpayer acquires the trade or business of a predecessor, then the qualified payroll of such taxpayer for any calendar year shall be increased by so much of the qualified payroll of the predecessor for such calendar year as was attributable to the trade or business acquired by the taxpayer.

“(ii) DISPOSITIONS.—If, after December 31, 2009, and before the close of the first taxable year following the election year, a taxpayer disposes of a trade or business, then—

“(I) the qualified payroll of such taxpayer for calendar year 2010 shall be decreased by

the amount of wages for such calendar year as were attributable to the trade or business which was disposed of by the taxpayer, and

“(II) if the disposition occurs after the beginning of the first taxable year following the election year, the qualified payroll of such taxpayer for the calendar year which begins with or within such taxable year shall be decreased by the amount of wages for such calendar year as were attributable to the trade or business which was disposed of by the taxpayer.

“(C) SPECIAL RULE.—For purposes of determining qualified payroll for any calendar year after calendar year 2011, such term shall not include wages paid to any individual if such individual received compensation from the taxpayer for services performed—

“(i) after the date of the enactment of this paragraph, and

“(ii) at a time when such individual was not an employee of the taxpayer.”.

(3) REDUCTION FOR FAILURE TO MAINTAIN EMPLOYMENT LEVELS.—Paragraph (4) of section 965(b) of such Code (relating to limitations) is amended to read as follows:

“(4) REDUCTION IN BENEFITS FOR FAILURE TO MAINTAIN EMPLOYMENT LEVELS.—

“(A) IN GENERAL.—If, during the period consisting of the calendar month in which the taxpayer first receives a distribution described in subsection (a)(1) and the succeeding 23 calendar months, the taxpayer does not maintain an average employment level at least equal to the taxpayer's prior average employment, an additional amount equal to \$75,000 multiplied by the number of employees by which the taxpayer's average employment level during such period falls below the prior average employment (but not exceeding the aggregate amount allowed as a deduction pursuant to subsection (a)(1)) shall be taken into income by the taxpayer during the taxable year that includes the final day of such period.

“(B) AVERAGE EMPLOYMENT LEVEL.—For purposes of this paragraph, the taxpayer's average employment level for a period shall be the average number of full-time United States employees of the taxpayer, measured at the end of each month during the period.

“(C) PRIOR AVERAGE EMPLOYMENT.—For purposes of this paragraph, the taxpayer's ‘prior average employment’ shall be the average number of full-time United States employees of the taxpayer during the period consisting of the 24 calendar months immediately preceding the calendar month in which the taxpayer first receives a distribution described in subsection (a)(1).

“(D) FULL-TIME UNITED STATES EMPLOYEE.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘full-time United States employee’ means an individual who provides services in the United States as a full-time employee, based on the employer's standards and practices; except that regardless of the employer's classification of the employee, an employee whose normal schedule is 40 hours or more per week is considered a full-time employee.

“(ii) EXCEPTION FOR CHANGES IN OWNERSHIP OF TRADES OR BUSINESSES.—Such term does not include—

“(I) any individual who was an employee, on the date of acquisition, of any trade or business acquired by the taxpayer during the 24-month period referred to in subparagraph (A), and

“(II) any individual who was an employee of any trade or business disposed of by the taxpayer during the 24-month period referred to in subparagraph (A) or the 24-month period referred to in subparagraph (C).

“(E) AGGREGATION RULES.—In determining the taxpayer's average employment level and prior average employment, all domestic members of a controlled group shall be treated as a single taxpayer.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON ARMED SERVICES

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on July 19, 2012, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor and Pensions be authorized to meet during the session of the Senate to conduct a hearing entitled “Making College Affordability a Priority: Promising Practices and Strategies” on July 19, 2012, at 10 a.m. in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON INDIAN AFFAIRS

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on July 19, 2012, in room SD-628 of the Dirksen Senate Office Building, at 2:15 p.m., to conduct a hearing entitled “Impacts of Environmental Changes on Treaty Rights, Traditional Lifestyles, and Tribal Homelands.”

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON THE JUDICIARY

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on July 19, 2012, at 10 a.m., in SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SELECT COMMITTEE ON INTELLIGENCE

Ms. STABENOW. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 19, 2012, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PRIVILEGES OF THE FLOOR

Mr. MERKLEY. Mr. President, I ask unanimous consent that Steven Kirby, a member of my staff who is serving as an intern this summer, be granted the privilege of the floor for the balance of today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that Jennifer Parsons, a member of my staff, be granted floor privileges during today's session of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

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MEASURES PLACED ON THE  
CALENDAR—S. 3412 AND S. 3413

Mr. REID. Mr. President, I ask unanimous consent that S. 3412 and S. 3413, which are both at the desk, be considered as having been read twice and placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

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MEASURES READ THE FIRST  
TIME—S. 3414 AND H.R. 5872

Mr. REID. Mr. President, there are two bills at the desk, and I ask for their first reading.

The PRESIDING OFFICER. The clerk will report the bills by title for the first time.

The assistant legislative clerk read as follows:

A bill (S. 3414) to enhance the security and resiliency of the cyber and communications infrastructure of the United States.

A bill (H.R. 5872) to require the President to provide a report detailing the sequester required by the Budget Control Act of 2011 on January 2, 2013.

Mr. REID. Mr. President, I now ask for a second reading on both these matters but object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bills will be read for a second time on the next legislative day.

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ORDERS FOR MONDAY, JULY 23,  
2012

Mr. REID. Mr. President, I now ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. on Monday, July 23; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day, and at that time I be recognized; that at 5 p.m. the Senate proceed

to executive session to consider Calendar No. 663, the nomination of Michael A. Shipp to be U.S. district judge for the District of New Jersey, with 30 minutes of debate equally divided and controlled in the usual form; further, that the cloture vote on the Shipp nomination be at 5:30 p.m. on Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

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PROGRAM

Mr. REID. Mr. President, the next rollcall vote will be at 5:30 p.m. on Monday on the motion to invoke cloture on the Shipp nomination.

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ADJOURNMENT UNTIL MONDAY,  
JULY 23, 2012, AT 2 P.M.

The PRESIDING OFFICER. Mr. President, if there is no further business to come before the Senate, I ask that it adjourn under the previous order.

There being no objection, the Senate, at 5:46 p.m., adjourned until Monday, July 23, 2012, at 2 p.m.

## HOUSE OF REPRESENTATIVES—Thursday, July 19, 2012

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. WEBSTER).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
July 19, 2012.

I hereby appoint the Honorable DANIEL WEBSTER to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
*Speaker of the House of Representatives.*

### MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 17, 2012, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

### AMERICANS HOLD THE KEY TO THE AMERICAN DREAM—NOT GOVERNMENT

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from North Carolina (Ms. FOXX) for 5 minutes.

Ms. FOXX. Mr. Speaker, I couldn't believe my ears last Friday when President Obama made the revealing statement: if you have a business, you didn't build that. Someone else made that happen.

The President's decision to speak as an authority on the private sector, where he has never staked his own livelihood, is baffling. The takeaway from his speech may be boiled down to this: it's not your smarts; it's not your work ethic. If not for the government, where would you be?

Ask the entrepreneur who has taken real risk if that rings true. Ask the small business owner who took out a second mortgage to get his company off the ground. Ask those who wakened before dawn to fire up the ovens at their bakery or to tend to the needs on their farm. Was Washington a co-laborer in their work? Should Washington claim any credit for their suc-

cess? Job creators stake their own money and security on their ventures and most do so without the safety net of a government grant or bailout.

In America, not everyone chooses to take those risks and join the ranks of job creators; and among those who do, not everyone succeeds. But that is the symptom of a choice-driven free market and part of the beauty of our country. That is why our Declaration itemizes as one of our inalienable rights the pursuit of happiness. This is the understanding that the American Dream looks different for everyone and that through hard work, talent, choice, and opportunity, so too will its results.

Inherent in the American psyche is the belief that hard work can change the course of a person's life. I know that to be true in my own life; and 63 percent of Americans share that belief, as opposed to 37 percent of French, 45 percent of Dutch, and 46 percent of Norwegians. That hope in hard work is among our country's greatest assets, and it is a tragedy that the principle was so diminished by our White House.

You see, Mr. Speaker, I have a background as a small businesswoman. Together with my husband, Tom, we built an independent nursery and landscaping business in North Carolina more than 30 years ago, and it's still in our family today. I've seen what it takes to keep a small business afloat. The hours are long, the strain on the family can be significant, and you live with the knowledge that one sustained economic downturn could spell the end of your life's work.

No one from the government was there when my husband and I worked in the rain and snow to finish jobs so we could get paid, or cut Christmas trees and load them when the temperature was so brutally cold we could hardly tie knots to keep them on a truck. No one from government was there in the wee hours of the morning when we were doing our regular jobs while at the same time working to start our business.

Small businesses operate in a world of bottom lines Washington knows very little about. Unlike Washington, they don't have the luxury to deficit spend, print more money, or profess as "spending cuts" lower-than-anticipated growth.

When the President claimed the American system "allowed" the successful to thrive, he made a dangerous error. Government doesn't allow its citizens to thrive, nor does it "enable" them to thrive or "permit" them to

thrive. That language suggests government is a benefactor possessing the authority to give or take the blessings of open commerce as it sees fit. No, government does not "allow" you to thrive. Government, when it operates in its constitutional capacity, does not obstruct your thriving.

Ask small business owners today and they will likely tell you they exist in spite of government's burdens and interference. Government already obligates small businesses to pay more than \$10,000 per employee each year to comply with Federal regulations. That is money they are not directing toward hiring new employees. But even with that knowledge, Washington's regulatory tsunami continues. So do the taxes.

In a faltering economy, job creation is of paramount importance; and when you raise taxes in a faltering economy, job creation is thwarted. The President acknowledged as much in 2009, but his policies run to the contrary.

Perhaps the President's lack of familiarity with running a business in a recession is responsible for his insistence on increasing taxes on 940,000 small business tax filers in 2013. Perhaps it's because he doesn't know the ins and outs of private sector creation that he's willing to risk 710,000 American jobs on his tax crusade. We who know the private sector want to spare him that lesson. Taxes will devastate our economy. To grow it, every American should benefit from an extension of tax relief.

Mr. Speaker, Washington didn't buy the American Dream for the millions of small businesses that comprise the backbone of our economy. Nor did Washington show up sick when a shift needed to be covered, miss soccer games because a shipment had to be received, or work graveyard because someone had to do it. Americans did that.

Too quickly we forget that everything the government has it takes from taxpayers; and if taxpayers do poorly, so does the government. So Washington must remain mindful. If the policies it imposes make it harder for small businesses to grow and create jobs, and eliminate their ability to invest, it is Washington that will find itself in crisis as it is now.

### PUBLIC BROADCASTING

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



Mr. BLUMENAUER. There is a battle under way about the very existence of public broadcasting. We thought we were past this when, 15 months ago, the House Republican leadership targeted NPR and tried to defund the Corporation for Public Broadcasting.

Luckily, last year, 170 million people—who don't just listen to or watch public broadcasting, but depend on it—unleashed an unprecedented show of support. As a result, the Republican leadership walked back.

One good thing about last year's budget was a requirement to have a study about alternatives to funding public broadcasting so that people would have hard facts for this year's budget discussion. Well, that study is in, and it clearly shows that there is no viable alternative to Federal funding for public broadcasting.

Many of the proposals that have been suggested would actually result in less money overall for public broadcasting in the long term. Yet the House appropriations bill, marked up yesterday, would slash funding now, defund NPR Federal support, and end public broadcasting as we know it within 2 years.

I had dinner with Ken Burns last night, and we discussed this. He pointed out that his five or six projects in the pipeline would never be seen if this budget goes forward. So enjoy his program about the Dust Bowl this November because you will never be able to see the Roosevelts, Jackie Robinson, Vietnam, Hemingway. All will never be finished or seen if the Republican budget proposal is approved.

The problem is that Governor Romney—who has singled out public broadcasting as one of five projects that he would defund—and the Republicans listened to a tiny fraction of the American public that is even a minority in their own party. Polls show that two-thirds of Republicans surveyed would either keep Federal funding for broadcasting as it is or increase it.

What resonates with Republican primary voters is not what America wants, needs, or believes. The unprecedented threat comes at exactly the time Americans need public broadcasting the most. NPR news, the object of greatest Republican scorn, is the most trusted brand in American news media.

PBS shows like "Sesame Street" have helped three generations of parents raise their children with effective, commercial-free educational programming.

□ 1010

Locally owned news is becoming only a memory for most America as large corporations buy up local stations and newspapers. There's no money to be made by commercial stations that cater to the special needs of rural and small town America. Luckily, public broadcasting is there because their mission is to serve, not make money.

We must stop this attack on the critical service, especially for rural and small-town America. It's time for the 170 million Americans who depend on public broadcasting every month to again fight back and for Congress to finally listen.

The radical proposal to slash public broadcasting, defund NPR, and terminate public broadcasting as we know it, is a powerful symbol of how far out of step the Republican leadership is from the country they're supposed to represent.

There's no reason to make public broadcasting a partisan issue. Public broadcasting has broad support from Republicans, Independents, and Democrats alike. That's why PBS and its member stations were named number one in public trust and a "excellent" use of taxpayer dollars for the 9th consecutive year.

It's time for people who believe in public broadcasting to stand up to this extremism and settle the question once and for all about the future of public broadcasting. Unless we fight now, there may be nothing left to protect.

#### MINNESOTA'S 86,000-ACRE PROBLEM

The SPEAKER pro tempore. The Chair recognizes the gentleman from Minnesota (Mr. CRAVAACK) for 5 minutes.

Mr. CRAVAACK. Mr. Speaker, for far too long—over 30 years, in fact—Minnesota and its students have been faced with an 86,000-acre problem.

When Minnesota became a State in 1858, sections 16 and 36 of every township were set aside in trust for the benefit of schools. The State could use, lease, or sell the land to raise money for education. Then, in the 1970s, the Federal Government created the Boundary Waters Canoe Area Wilderness. These State school trust lands within the Boundary Waters cannot be timber harvested, leased, or utilized for their minerals. Thus, they are not generating money for the school trust. As a result, approximately 86,000 acres of State trust lands are currently locked within the borders of the Boundary Waters and unable to produce critical funding for Minnesota public education.

Ultimately, Congress got us into this situation in the first place, and Congress will have to get us out.

On June 8, the Natural Resources Committee's Subcommittee on National Parks, Forests and Public Lands, conducted a comprehensive hearing on this legislation. Our goal: preserve and protect the Boundary Waters and allow State-owned school trust lands to raise revenue for Minnesota education through utilizing our timber and mineral resources.

It is imperative we resolve this long-standing problem. Minnesota law speci-

fies these lands must earn money for the school trust. In fact, the State has a constitutional responsibility to earn a financial return from these lands to fund the education system.

That is why I introduced H.R. 5544, the Minnesota Education Investment and Employment Act, which will give State-owned school trust lands trapped in the Boundary Waters to the Federal Government in exchange for Federal Government-owned land outside the Boundary Waters. This legislation is needed for the Federal Government to execute the bipartisan plan recently agreed upon by the Minnesota Legislature and signed by the Governor.

Our economy cannot wait, and our kids in the classroom shouldn't either. This legislation will produce new opportunities to create well-paying jobs and additional revenue for our schools.

Minnesota's school trust lands are a 154-year investment in our future. Times are tight, and our schools and teachers could use the help. Currently, some school districts in Minnesota, including mine in North Branch, have classes with up to 40 students and have scaled back to 4-day school weeks.

Just recently, the largest paper in Minnesota, the Minneapolis Star Tribune, penned an opinion piece which stated that enactment of this legislation would be a boon for our economy in the Eighth. Unfortunately, special interests are attempting to derail this broad, bipartisan land swap plan, which includes jobs for Minnesotans and additional revenue to fund our schools. To swap these lands trapped within the Boundary Waters for lands located outside the Boundary Waters—to simply execute this Federal action—our State, its people, and our students should not endure years of litigation and disingenuous delay.

Importantly, the Minnesota Education Investment Employment Act would not eliminate a single acre of Boundary Waters land. In fact, it would add Federal wilderness acres to the existing boundaries. The Boundary Water Canoe Area wilderness would therefore become whole.

The Boundary Water Canoe Area is an important and vital aspect of the Eighth District of Minnesota, and we will take care of it. As a side benefit—the bill guarantees Minnesotans will retain their existing hunting and fishing rights in the Boundary Waters.

Now, more than ever, it is our duty as Minnesota's leaders to honor the State's obligations owed to Minnesota students and restore the integrity of the Boundary Water Canoe Area Wilderness. This is a team effort, and I am ready to work with involved stakeholders and my colleagues to put Minnesota schools first.

# SUPPORTING PRESIDENT OBAMA'S DECISION TO STOP DEPORTATIONS FOR DREAM ACT-ELIGIBLE IMMIGRANTS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. GUTIERREZ) for 5 minutes.

Mr. GUTIERREZ. Mr. Speaker, I'm very pleased to announce today that more than 100 of my colleagues have joined me in writing to President Obama to thank him for his action to use prosecutorial discretion to stop deportations for DREAM Act-eligible immigrants.

We are pledging our continued and strong support for this policy. My colleagues and I, 104 of us, are standing together to make clear that we think America is a better place with the immigrants who will be helped by this new policy.

Of course, not everyone agrees. Progress doesn't always mean consensus. My colleague, Mr. KING of Iowa, wants to sue the President, take him to court, because Mr. KING is determined to deport every last young person who is DREAM Act eligible. Mitt Romney says that he would veto the DREAM Act and does not support steps to protect these very young people.

Let's remind ourselves exactly who the Republican candidate for President believes should be deported.

DREAM Act-eligible young people who have lived in America for more than 5 years. Most of them were brought to our Nation as children, many of them as infants, toddlers, yes, babies. They've stayed away from crime. They attended our high schools and colleges. They are no different from your children or my children. They regularly excel at school. Some are valedictorians. They are athletes and musicians and leaders. Many of them want to serve our Nation in the military. They are leaders in their high school ROTC. They are, in every sense of the word, except for the very narrow, exclusive sense promoted by Mr. KING and Mr. Romney, outstanding young Americans.

Apparently, when Mr. KING and Mr. Romney look at the winner of your high school science fair or a young immigrant eager to become a soldier, they see a threat to our national security.

Sensible Americans see their friends and neighbors, young people who want to make America better. They want these young people to be treated fairly, and they also want our Nation to be safe.

So, Mr. Speaker, I would ask Mr. KING and Mr. Romney a question: In a world where our law enforcement officials have limited time and resources, who should they be focused on investigating, detaining, putting behind bars, rounding up, and deporting—the captain of your high school chess team or a drug smuggler?

I know the answer. I think most of Americans would agree. Immigrants who break the law should face serious consequences. Immigrants who are busy studying for exams should simply be left alone. That's not just my opinion or just the opinion of immigrants or advocates or 104 of my colleagues.

Despite those few who would like to sue the President and force him to kick high school kids out of this country, President Obama's actually legally and responsibly using prosecutorial discretion to leave young people alone and focus instead on actual criminals.

□ 1020

It is the consensus legal opinion among experts. Even the Supreme Court has weighed in. In their Arizona decision last month, the Supreme Court wrote:

A principal feature of the removal system is the broad discretion exercised by immigration officials. Federal officials, as an initial matter, must decide whether it makes sense to pursue removal at all.

"Whether it makes sense to pursue removal at all," says the Supreme Court.

If the Supreme Court's opinion is not enough, then I submit the opinions of Members of Congress, including those of Members I don't often agree with when it comes to immigration. These Members include LAMAR SMITH, the chairman of our Judiciary Committee; DAVID DREIER, chairman of the Rules Committee; and even BRIAN BILBRAY, chairman of the House anti-immigration caucus.

Just a few years ago, as this letter notes, they weighed in forcefully on prosecutorial discretion. In a letter to a previous President's administration, these staunch opponents of immigration reform enthusiastically defended prosecutorial discretion, writing: "The principle of prosecutorial discretion is well established." They wrote that legal experts at Immigration Services "apparently well-grounded in case law" show that the Immigration Services has prosecutorial discretion in the initiation—the beginning—and the termination of deportations.

It's simple, really. The Members of Congress who signed this letter with me today, the Supreme Court, President Obama—and yes, even LAMAR SMITH and dozens of his colleagues just a few years ago—get it. It is time to leave hardworking immigrants alone. When we do, our law enforcement officials can focus on catching the actual bad guys.

JULY 18, 2012.

PRESIDENT BARACK OBAMA,  
*The White House, Pennsylvania Avenue,  
Washington, DC*

DEAR MR. PRESIDENT: We write to thank you and express our appreciation for your recent decision to grant "deferred action," protection from deportation, and work permits to certain young people who call the

United States home and who are not an enforcement priority for the Department of Homeland Security (DHS).

We welcome the opportunity to ensure that our constituents who fit the criteria for relief are among the estimated 800,000 individuals whose lives will forever be changed as a result of your leadership. DREAMers coming forward to apply will mark a new chapter, but not the last chapter, in a long struggle for inclusion in society. The new policy represents an important down payment toward achieving broader reforms in the future.

The implications of your policy are already reverberating well beyond those who are potentially eligible for deferred action. With this announcement, you have changed the public discourse about immigration and immigrants, and our communities are now excited and hopeful. Even those who attack immigrants for political purposes are second guessing their negative posture toward the young immigrants you are protecting. You have opened the door to reform, and people of all political stripes recognize that change is coming and is inevitable.

We recognize that there are those who will want to take the power of discretion away from you and the Executive branch. Like you, we agree that you are on solid moral and legal ground and we will do everything within our power to defend your actions and the authority that you, like past Presidents, can exercise to set enforcement priorities and better protect our neighborhoods and our nation.

Despite this vital reprieve for a deserving group of promising individuals, we also understand that it does not diminish the need for a permanent solution and comprehensive immigration reform. Mr. President, we stand committed to fixing the broken immigration system once and for all, and we are ready to fight for a permanent solution that benefits all children and families, the economy, our national security and our nation.

We thank you again for your actions on behalf of DREAMers. We stand ready to work with you to ensure the policy's success and to use it as a stepping stone for broader relief and future legislative action.

Sincerely,

Luis V. Gutierrez; Joseph Crowley; Xavier Becerra; Steny Hoyer; Howard Berman; Charles A. Gonzalez; Jared Polis; Susan A. Davis; Zoe Lofgren; Judy Chu; Nancy Pelosi; John Conyers, Jr.; Lucille Roybal-Allard; Michael M. Honda; Barbara Lee; Gene Green; Raúl Grijalva; James P. Moran; Eleanor Holmes Norton; Bill Pascrell, Jr.; Janice Hahn; Peter Welch; José E. Serrano; Betty McCollum; Ruben Hinojosa; Lois Capps; Yvette D. Clarke; Laura Richardson; Silvestre Reyes; Hansen Clarke; Terri Sewell; Jerrold Nadler; Bob Filner; Dennis Cardoza; Frederica Wilson; Charles B. Rangel; Edolphus "Ed" Towns; Jan Schakowsky; Jackie Speier; Gregorio Kilili Camacho Sablan; Maxine Waters; Bobby L. Rush; Pedro R. Pierluisi; Carolyn B. Maloney; Gwen Moore; Louise M. Slaughter; Ted Deutch; Chaka Fattah; Rick Larsen; Jim McDermott; George Miller; Henry C. "Hank" Johnson, Jr.; John Lewis; John W. Oliver; James P. McGovern; Joe Baca; Rush Holt; Robert A. Brady; Eni Faleomavaega; Adam Smith; Al Green; Grace F. Napolitano; Earl Blumenauer; John Garamendi; John B. Larson; Jesse L. Jackson, Jr.; Doris O. Matsui; Keith

Ellison; Fortney "Pete" Stark; Dennis J. Kucinich; Lloyd Doggett; Corrine Brown; Linda Sánchez; Gregory Meeks; Sam Farr; Gary C. Peters; Eliot L. Engel; Lynn Woolsey; Ed Pastor; Maurice Hinchey; Albio Sires; Mike Quigley; Loretta Sanchez; Danny K. Davis; Nita Lowey; Mike Thompson; Anna Eshoo; Marcy Kaptur; David Cicilline; Russ Carnahan; Nydia M. Valázquez; Chris Van Hollen; Steve Israel; Diana DeGette; Edward J. Markey; Henry A. Waxman; Karen Bass; Jim Costa; Steve Cohen; Henry Cuellar; Barney Frank; Ben Ray Lujan; Sheila Jackson Lee; Robert C. "Bobby" Scott.

#### HIGH-LEVEL NUCLEAR WASTE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. SHIMKUS) for 5 minutes.

Mr. SHIMKUS. Mr. Speaker, I come to the floor once again to reiterate Federal law, a law that was passed in 1982, called the Nuclear Waste Policy Act, and the amendments offered in 1987, which said that Yucca Mountain would be the long-term geological repository for our nuclear waste in this country. It's unfortunate that I have to keep coming down on the floor to address this issue because of the administration's position to defund, derail, stop, and to actually break Federal law.

To do that, not only do I just talk about the legal aspects of the Federal law, but I have been going around the country, identifying locations where we currently have high-level nuclear waste, and have been asking the basic question: Would you rather have it at location A or at location B?

So, today, we return to Pennsylvania, to a power plant called Limerick. Limerick has 1,143 metric tons of uranium spent fuel on site. At Limerick, the waste is stored above the ground in pools and in casks. It is 20 feet above the groundwater, and it is on the Schuylkill River, which is 40 miles from Philadelphia, Pennsylvania. That is where we currently store high-level nuclear waste.

Now, compare that to where we should by Federal law store high-level nuclear waste—in a place defined in law under the Nuclear Waste Policy Act: Yucca Mountain, in Nevada. This tells you it's a government job. We've only been working on it for about 30 years, and we've only spent about \$15 billion to study, research, and ascertain that Yucca Mountain is a suitable location.

So, at Yucca Mountain, since we've spent approximately 30 years and \$15 billion, how much nuclear waste do we have on site? Zero.

If we had it, where would it be stored? It would be stored 1,000 feet underground. It would be stored 1,000 feet above the water table, and it would be over 100 miles from the Colorado River. There is no safer place in the country, and there is no more studied location

than Yucca Mountain. It just makes sense.

What is a better location: next to a major river that feeds into the major metropolitan area of Philadelphia, Pennsylvania, or underneath a mountain in a desert? I would submit to you that underneath a mountain in a desert is the proper location.

So what is the holdup? Well, the holdup is the Senator from Nevada, HARRY REID. More compelling are the other Senators from his party who are allowing Senator REID to block this, which is a detriment to their own States. We are going to talk about two in particular, but we're looking at four Senators from two States—Senator CASEY, Senator TOOMEY, Senator MANCHIN, and Senator ROCKEFELLER.

Senator TOOMEY is already on record as supporting Yucca Mountain. In fact, I quote him here:

The alternative is what we have now—highly radioactive waste located at 131 sites in 39 States, including nuclear power plants close to the Lehigh Valley. That cannot be as safe and secure as burying this stuff deep in Yucca Mountain.

The other Senator is quoted, but has got question marks here because, in his being a Senator for 5½ years, we don't know his position of whether he thinks storing high-level nuclear waste at Limerick is a better plan than placing it underneath a mountain in a desert. He understands the concern and the need.

He is quoted as saying:

As a Senator from a State with nine commercial reactors—this being one—and 10 million people living within 50 miles of those reactors, I can tell you that nuclear security is extremely important to Pennsylvanians.

So my question is, which is the question posed here: Will you state a position on whether you think Yucca Mountain is that location since it's in Federal law?

Overall, why is this important? As I've been coming down to the floor for the past year and a half, we've done a tally sheet of where Senators stand based upon their votes or their public comments. We have 55 Senators who say, yes, Yucca Mountain is the place we ought to go. Of course, if you follow closely in the parliamentary processes between the two Chambers, you really need 60 to move a bill in the Senate. It's over five short. We need Senator CASEY to get on record in support of Yucca Mountain.

#### HONORING THE LIFE OF NORTH CAROLINA STATE REPRESENTATIVE WILLIAM L. WAINWRIGHT

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. BUTTERFIELD) for 5 minutes.

Mr. BUTTERFIELD. Mr. Speaker, I rise today to pay tribute to North

Carolina's State Representative William L. Wainwright, whose earthly journey has ended.

Representative Wainwright died on Tuesday of this week, July 17, 2012, at the age of 64, after a brief illness. Representative Wainwright was a dear personal friend and leader in the First Congressional District.

Representative Wainwright was deputy democratic leader of the North Carolina House of Representatives, and was formerly the speaker pro tempore of the House. In each position, Representative Wainwright was the first African American to hold the position.

In addition to serving the citizens of Craven and Lenoir Counties as their representative for the past 21 years, Representative Wainwright was a tenured pastor and presiding elder of the New Bern District of the African Methodist Episcopal Zion Church. His ministry touched thousands of people in his home communities of New Bern, Havelock, and Harlowe. For more than 40 years, Representative Wainwright taught God's word in pulpits all across America. He counseled those in need. He visited the sick and was a friend to all.

In the general assembly, Representative Wainwright was a leader among leaders. He was chairman of the Legislative Black Caucus. He served as vice chairman of the Finance Committee. He was also a member of the Commerce and Job Development Subcommittee on Business and Labor, the Committees on Health and Human Services, Homeland Security, Military and Veterans Affairs, even the Committee on Insurance.

North Carolina Governor Bev Perdue said this of Representative Wainwright:

Whether he was in the pulpit or the legislature, William Wainwright's priorities were without question and his devotion without peer.

□ 1030

He served the Lord and the people of North Carolina with courage, with humility, and with love. He and I arrived at the general assembly about the same time, from neighboring districts. He was wiser in the ways of both politics and the human spirit. Ever since, and up to his last days, I relied on his invaluable counsel, and I will always treasure his friendship. Heaven is a richer place today.

Those were the words of North Carolina Governor Bev Perdue.

County Commissioner Johnnie Sampson in Craven County, North Carolina said:

He worked around the clock for the history education center, and he was able to get things done. He wanted to help people who could not help themselves.

In closing, Mr. Speaker, it must be said today that North Carolina is better because of the life and work of William Wainwright. William had endless energy and deep passion for the people

he served. We will miss this giant of a man. May God bless his memory and provide comfort to his beloved family and his community.

IN HONOR OF PRIVATE FIRST  
CLASS BRANDON D. GOODINE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia (Mr. WESTMORELAND) for 5 minutes.

Mr. WESTMORELAND. Mr. Speaker, I come before you today with a great sadness, but with a sense of pride to honor one of Georgia's own heroes, Private First Class Brandon D. Goodine. On June 7, Brandon gave the ultimate sacrifice when his unit was attacked with an improvised explosive device by enemy forces in Maiwand district of Kandahar province in Afghanistan while he was supporting Operation Enduring Freedom.

Brandon was a beloved father. He was a husband, a brother, and a son. He was taken from us much too soon, but not without accomplishing some great things. He believed that his greatest accomplishment was his 3-year-old daughter, Kathryn.

Brandon became a father at a young age, but devoted his life to making sure Kathryn had everything she needed. In fact, his reason for joining the Army was so that he could be sure that she was going to be taken care of. Her birth gave him direction and purpose in life, helping him believe he could accomplish anything. Everything that Brandon did was for Kathryn.

Giving everything 110 percent is what Brandon did. He was just an all-around great guy striving to make something of himself. Brandon attended Henry County High School and later joined the Navy ROTC at Greenville High School.

On May 2, 2011, he joined the Army and proudly served as a scout with Bravo Troop, Fourth Battalion, 73rd Calvary Regiment of the 82nd Airborne Division from Fort Bragg, North Carolina. In his unit, he was a brother to his fellow paratroopers. They remember not only laughing and having fun with him, but his kindness and generosity that he showed them.

Going out of his way to volunteer or help someone was not unusual for Brandon. On June 7, he was assigned to a mission to prevent the enemy from freely attacking peaceful communities in Afghanistan. He bravely gave his life doing what he did best—helping others and giving them a chance for a better life.

His commitment to his daughter, his family, and our country inspired his older brother, Christopher, to enlist in the Army 3 months later. Brandon's mother, Mandy, said she was not only proud to be his mother, but a friend. He was a hero to his family, a role model for his three sisters, a beloved son, a

brother, a loving father, and a dedicated husband to his wife, Nicole.

One of the biggest tributes to Brandon's life has been the support from the community. When Brandon was being transported home for the last time, flags were placed along the road to honor him in his sacrifice. He was laid to rest on June 18 by his close friends and family in McDonough, Georgia.

I'm proud to stand here before you to honor the life of Brandon C. Goodine and to thank him for his service to our country. Brandon has left a lasting impression on those he has touched, and his bravery will never be forgotten.

Joan and I wish to extend our deepest sympathy to Mandy, Dwayne, Kathryn, Nicole, and all of Brandon's family and friends. We will never forget his great sacrifice for his Nation so that we may all live free.

GLOBAL WARMING IS REAL

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. QUIGLEY) for 5 minutes.

Mr. QUIGLEY. Mr. Speaker, if anecdotal evidence were science, I would be standing here proclaiming that global warming is real, just step outside. It is severely hot, oppressive, simply unenjoyable. Often, I feel as if I'm standing behind an 18-wheeler blowing heat and exhaust in my face. But no, I'm just walking my dogs in Chicago no less. Chicago, the city of snow. Yes, snow, the stuff that emboldened those who said that global warming was a farce. "Just think about that snow piled up against your door," they said.

But global warming is part of a larger climate crisis—climate change. It is something the Union of Concerned Scientists say includes such events as more extreme storms, more severe droughts, deadly heat waves, rising sea levels, and more acidic oceans, to name a few. You might have noticed I'm citing the Union of Concerned Scientists, not the group of folks who notice anecdotally that the weather was extreme. It would do us good to heed the words of science and not the remarks of a few casual observers.

I don't make my case that global warming is real because it's hot, just as it doesn't follow that global warming isn't real when it's cold. Extreme weather is climate change. Over 200 peer-reviewed scientific studies have concluded that global warming is real and potentially catastrophic. No scientific peer-reviewed studies have found the opposite—none.

As of July 3, 56 percent of the continental United States was experiencing drought conditions. This marks the largest area affected by drought in the 12-year record kept by the U.S. Drought Monitor. Scientists note that temperature records reveal a long-term trend for warming that has been picking up speed. The first decade of this

century was the warmest on record, according to NOAA's State of Climate in a 2010 report. It is real because science tells us so.

We have sustained 1,644 record heat days from January to June of 2012. We have endured 631 days of record rainfall. We have shoveled our way out of 98 days of record snowfall. The prolonged heat wave this past spring included the hottest March since record-keeping began in 1894. There were 671 records that were broken, according to the National Weather Service. April marked the end of the warmest 12-month stretch ever in the United States.

What does all this snow, rain, heat, drought, ocean acidity, and raging forest fires mean? Scientists say it's global warming. Scientists say that our warming climate is causing more and more extreme weather events, and they can and will get worse by our inaction.

Several weeks of snowmageddon, which prompted taunts of Al Gore by Congress, do not disprove scientific fact. At the same time, the brutality of today's untenable heat does not solidify my stance any more than the snow disproves Al Gore. Local temperatures taken as individual data points have nothing to do with the long-term trend of global warming.

To get a real hand on global reading, scientists rely on changes in weather over a long period of time. Looking at high- and low-temperature data from recent decades shows that new record highs occur nearly twice as often as new record lows.

So, no, my belief in global warming isn't sprung from a conversation with my neighbor nor a straw poll of people I'm sitting and sweating with at a Cubs game. My belief in global warming is borne of a respected acknowledgement of sound science that tells us that global warming is real.

As Winston Churchill said, "I never worry about action, but only about inaction." My concern—my fear—is that we have gone too far to save the planet we've neglected to protect because we've traded science for reading the wind.

Global warming is real, and the extreme weather and sound science demonstrate that this is so. Let us know the crippling fear of inaction no longer.

□ 1040

THE 38TH ANNIVERSARY OF  
INVASION OF CYPRUS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida (Mr. BILIRAKIS) for 5 minutes.

Mr. BILIRAKIS. Mr. Speaker, I rise today not only as a Member of this esteemed body, but also as a member of the House Foreign Affairs Committee and as a cochair of the Congressional Caucus on Hellenic Issues.

I stand before you today to recall a somber anniversary that has pained the Cypriot and Hellenic communities for the past 38 years. Mr. Speaker, even though the tragic events of the Turkish invasion of Cyprus took place long ago on July 20, 1974, the suffering of the victims has not subsided.

This anniversary is a time for America to respectfully remember the brutal Turkish military invasion of Cyprus, to mourn those who lost their lives, and to condemn the continued occupation. Over 5,000 Cypriots were killed in 1974, and more than 1,400 Greek Cypriots, including four Americans of Greek Cypriot descent, still remain missing. Since the invasion, Turkey has established a heavily armed military occupation that continues to control over 30 percent of Cyprus.

Forced expulsions of Greek Cypriots on the occupied land have left nearly 200,000 people displaced. These Cypriots were kicked out of their homes, making them refugees in their own country, Mr. Speaker. These properties have been unlawfully distributed and are currently being used by tens of thousands of illegal settlers from Turkey. To this day, Greek Cypriots are prevented by Turkey from returning to their homes and properties.

Another tragic result of this 38-year occupation is a division among Greek and Turkish Cypriots who have been forcibly separated along ethnic lines. This unnatural division of the island nation is a crime against society and a crime against the people of Cyprus that can only be resolved by ending Turkey's illegal occupation.

Mr. Speaker, 38 years is too long. On the occasion of this anniversary, we need to take a long, hard look at our own commitment toward helping Cyprus reach a lasting and enduring peace free from occupation, division, and oppression.

A few years ago, the U.S. House had the wisdom and foresight to unanimously pass H. Res. 405, a measure I introduced which expressed strong support from this body for the implementation of the July 8 agreement.

Last month Mr. ENGEL and I introduced H. Res. 676 to expose and halt the Republic of Turkey's illegal colonization of the Republic of Cyprus with non-Cypriot populations, to support Cyprus in its efforts to control all of its territories, to end Turkey's illegal occupation of Cyprus, and to allow Cyprus to exploit its energy resources without illegal interference from Turkey.

The Republic of Cyprus has also worked alongside its European neighbors to bring about a stronger integration of Turkish and Greek Cypriot interests for the good of the island and its people. This has included a partial lifting on the restriction of movement across the cease-fire line that continues to forcibly divide Cyprus.

Mr. Speaker, I believe that because of this continued integration between Greek and Turkish Cypriots, and the economic and political successes that the Republic of Cyprus so readily wants to share with its neighbors, it is possible to bring closure to this 38-year occupation now as Cyprus takes over the EU presidency, the first time since its succession to the union in 2004.

Cyprus has long been a strong and faithful ally of the United States. It continues to work with us in the global war on terrorism and has supported our efforts in both Afghanistan and Iraq. Mr. Speaker, 38 years is too long. It's long enough. It is time to have Cyprus, a Cyprus that is once again unified without Turkish occupation troops, foreign illegal settlers, where human rights is fundamental for all Cypriots.

Every legal citizen of the republic of Cyprus, irrespective of national or religious background, is eligible currently to enjoy all rights provided for by the constitution and international convention signed by Cyprus. The only obstacle, Mr. Speaker, is the Government of Turkey.

We Americans, as friends of the Cypriot people, owe it to them to do everything in our power to support peace and an end to Turkey's 38-year illegal occupation of Cyprus.

#### HONORING REVEREND JACOB N. UNDERWOOD

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. TOWNS) for 5 minutes.

Mr. TOWNS. Mr. Speaker, I come to the floor today to recognize Reverend Jacob N. Underwood, the founder of the Grace Baptist Church in east New York's section of Brooklyn. He is a very unusual person and has done some great things.

For instance, when the people in east New York were complaining about the lack of housing, Reverend Underwood pulled the group together and started building houses. He established the Grace Towers because people were complaining about not having housing. Then they came to talk about the inadequate schools. Then, of course, at that point in time he pulled some folks together and started a school.

Then, when they were talking about jobs, he also provided jobs. I recall recently talking to Brother Lee in the east New York section, who indicated that Reverend Underwood gave him a job and that as a result now he has a house and family, and he went on to say how excited he was about that job that Reverend Underwood provided.

Reverend Underwood did so much in the community. He was the kind of person who didn't believe in just complaining, sitting around and talking about what needs to be done. He was the kind of person that would go and get it done. We need more people like

him today because Reverend Underwood was a very progressive person, had an agenda, promoted human welfare and social reform in the church and in the community.

When people would say you can't do that, he would just say watch me because all things are possible with God. He is a very strong man of faith, and he just felt that with a little support that he could accomplish anything that he wanted to do.

Pastor Underwood also established a soup kitchen and one of the first day care centers in the east New York section Brooklyn. He really believed in helping others. What I liked about him is that he was not the kind of person, if you asked him for help, that he would call a press conference. You know, some people, if you asked them for help, the first thing they want to do is call a press conference and let the world know that you've asked them for help.

He was not that kind of person. He would make a decision to help and very quietly would just do it and was happy that he was in a position to do it for you.

Pastor Underwood served on the local school board, and he was very big on voter registration. A lot of people in the area were not registered, but he sort of talked to them, called meetings together and encouraged us to get involved in terms of registering people. As a result, a lot of folks were registered in that community.

He was also on the civil rights committee. He was the first elected chairman of the East New York Community Corporation back in those days and president of the New York Progressive State Congress. He served twice as the moderator of the New York Missionary Baptist Association. What a great man.

He was the chairman of the Brownsville East New York Clergy Association and president of the New York Progressive State Convention and corresponding secretary of the Presidents Department of the Progressive National Baptist Convention, the president of the African American Clergy and Elected Officials Association of Brooklyn, and he currently serves as the chairman of the Churches United for Worldwide Action. At the age of 84, he decided to start another church, not in New York, but in the State of his birth, South Carolina.

Let me conclude and thank Reverend Underwood for his inspiration and commitment to making the world a better place for all of us to live. He is a great teacher, he is a great innovator, a great educator; and, of course, he believed that he has an obligation and responsibility to help others. That is what it's all about.

Now, at the age of 86, on his 86th birthday, he indicated that he was not through organizing and doing things. I would say to Reverend Underwood and

to those who actually know him, the world is a better place because of the fact that this man has been here for 86 years making a difference, doing things on behalf of people. He can surely say that this world is better because of his involvement.

□ 1050

#### CBO TRANSPARENCY ACT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. MURPHY) for 5 minutes.

Mr. MURPHY of Pennsylvania. Remember back in school when your math teacher expected you to show your work when solving a problem? It made sense. A number on a page, even if it was the correct answer, didn't suffice because your teacher wanted you to demonstrate you knew how to solve the problem. There, the outcome was a grade on a quiz or a test. But what about when we're talking about hundreds of billions or trillions of dollars? Why is it we take on blind faith the cost estimates produced by one of the most influential accounting firms in the United States, the Congressional Budget Office.

In 1974, the Congressional Budget Office, or CBO, was formed to give Congress independent, nonpartisan, objective analysis of legislation. In addition, the CBO is required by law to produce a cost estimate—or "score"—for every bill coming out of committee of either Chamber of Congress. It sounds good in theory, but the problem is no one knows how CBO arrives at their numbers—and they won't tell us. They don't have to. CBO is not required to "show their work," like we were required in school, when announcing economic impact results.

Members of Congress rely on the CBO score. A favorable or a budget-neutral score makes a difference for a bill's success or failure. If there are savings, chances are better that the bill will get a vote on the floor. If it's budget-neutral, it may still get a vote. But what happens if the analysis was wrong and turns out to lead to big deficits, or what if Congress failed to call up a bill for a vote because CBO scored it as deficit spending when really it could lead to substantial savings?

The price of an inaccurate estimate right now is extremely high. Our national debt is closing in on \$16 trillion. Major safety net programs like Medicare and Medicaid are heading for bankruptcy. Congress has to act to bring our country back from the brink of a fiscal cliff. It is crucial for policymakers to have all available information about the true cost of legislation. And that's why I introduced H.R. 6136, the CBO Transparency Act, so lawmakers and the public have an opportunity to review CBO's work.

Today, you can access information on hospital visits, crop yields, and air quality levels, which are used to produce major regulation by the EPA and others. But you can't find out how the CBO scored things. Like any scientific study, opening up the details of a CBO analysis for greater inspection and peer review will enable us to better understand how decisions are made.

This bill isn't about pointing out inaccuracies in CBO's estimates. What we're doing here is using transparency to enhance the credibility of the Congressional Budget Office. Once the information is out there, it can be reviewed by Congress and all Americans. Is the information correct? Do they consider all the facts? Was something left out? Was their analysis done right?

In 2009, a University of Chicago researcher revealed a CBO office had grossly underestimated potential savings from changes to Medicare and Medicaid. For instance, CBO overestimated the cost of Medicare part D by 40 percent. In the 1980s, CBO predicted spending on hospitals stays under new law would be \$19 million more expensive than the actual cost. Congress changed Medicare to pay hospitals a fixed amount per admission. This encouraged shorter stays, led to fewer diagnostic services, and lowered administrative costs. But CBO didn't predict that, and by 1986 actual spending for hospital payments was 18 percent lower than estimated.

The CBO also estimated that if hospitals reported infection rates, it would cost about \$30 million over 5 years. It turns out when they report infection rates, they pay attention to it. And the savings has been billions of dollars over 5 years and tens of thousands of lives. When the CBO says the stimulus saved 3.3 million jobs or tax rates don't impact decisions by individuals or businesses or that cutting spending will slow economic growth, we currently have no way of understanding the conclusions CBO has reached because we can't get information on how they got there.

Ultimately, the decisions we make in Congress are only as good as the data upon which they are based. I hope all my colleagues will join me in this effort. Transparency is a cornerstone of sound government. I urge Democrats and Republicans to sign on to this bipartisan good government bill, H.R. 6136, the CBO Transparency Act.

#### STOP MILITARY RAPE

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. SPEIER) for 5 minutes.

Ms. SPEIER. I rise again today to talk about military sexual trauma. It's a cancer, it's ubiquitous, it's unabated, and regrettably, unaddressed.

There was Tailhook in 1991. There was Aberdeen in 1996. There were scan-

dals at the military academies. There were hearings, there were reports, there were toothless recommendations. So here we are, again, with yet another scandal.

At this very moment, military training instructor Luis Walker stands before a court martial for raping and assaulting recruits at Lackland Air Force Base in San Antonio, Texas. Walker's job is to train freshly minted new Air Force recruits, many of them still in their teens. In all, there are 28 charges against him and 10 victims. Walker is a sexual predator.

On Tuesday, a victim testified that right after graduating from boot camp, Walker approached her while she sat outside on a bench waiting for a bus that would take her to technical training school. Walker came up and ordered her to get some bleach from a supply room, and then he followed her. Once inside, he closed the door and took off his training instructor's hat. "I'm not here for bleach, am I," she asked. While Walker had intercourse with her on a couch, she wondered, "My God, I hope he has a condom on."

On Wednesday, another victim testified that while on laundry detail one day, Walker showed up and told her to follow him to get some towels, but to wait 5 minutes so the surveillance cameras would not capture them going up together. Once inside a dorm, he pulled her into a flight office, kissed her, and told her to perform oral sex on him. She said she did what she was told.

Walker's defense attorneys argue that because the women never forcefully resisted, the sex was consensual. The defense also argues that because the women never came forward to report the incidents, they must not have felt victimized.

If this happens in any high school in this country—if the prized English teacher, band instructor, or football instructor had sex with his student, we would be outraged and we would demand action. That teacher would be fired. Yet at Lackland, where some of the recruits are just 18 or 19 years old, we rationalize the behavior of the perpetrator and we blame the victim. Apparently, we have a different definition of zero tolerance for sex offenders in the military world than we do for them in the civilian world. What does zero tolerance mean in the military? Is that just a catchphrase?

The 35,000 Air Force recruits who funnel through Lackland each year are mostly confined to the base for 6½ weeks of training. They get one 3-minute phone call once a week. Recruits live and breathe basic training and follow each and every order of their instructor. One rape victim at Lackland said, "Nothing a military training instructor says ends with a question mark."

Walker is not the only predator charged at Lackland. Seven additional



training instructors have been charged with sexual misconduct with trainees. At least another five are under investigation. One instructor, Staff Sergeant Craig LeBlanc, bragged about his conquests to his colleague, who waited a month before he reported the incidents. Out of loyalty, the colleague stayed quiet. Once he finally reported LeBlanc's misconduct with recruits, that instructor was ostracized by fellow training instructors for being a tattletale. Is this really a culture of zero tolerance?

Congress needs to investigate and to hold an independent hearing on the widespread sex abuse at Lackland Air Force Base. In the last 3 years since Luis Walker started working at Lackland, roughly 21,000 female airmen have cycled through basic training. Have they been interviewed by investigators to determine if they, too, have been raped and sexually assaulted at Lackland? How widespread is this epidemic?

At Lackland, out of the 31 identified victims, only one has reported the crime. Why are victims scared to come forward? Internal investigations will not get to the bottom of this. Congress needs to act. I called for a hearing in June, and received no response. Last week, I was joined by a bipartisan group of 77 Members of Congress calling for a hearing. We've received no response. I'm sick of waiting for action. The 19,000 members of our military who are raped each and every year deserve better than catchphrases. They deserve justice.

#### COOL BLAST LEMONADE STAND, CYPRESS, TEXAS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. POE) for 5 minutes.

Mr. POE of Texas. There's a new small business in my district in southeast Texas: Cool Blast Lemonade Stand, run by the Sutton sisters of Cypress, Texas. Clara is 7 and Eliza is 4. Their newest employee is little brother Eirik, who recently was hired to join the team. They even have their own Facebook page with 867 followers.

□ 1100

On their Facebook page, they say this about their business:

We are entrepreneurs who started a lemonade stand for Lemonade Day. We are going to continue working to earn money to spend on things we would like, save and also to share with our two chosen charities, Meals on Wheels and Paws of Texas Rescue.

Mr. Speaker, they learned all of these lessons without any interference from the Federal Government.

Their father, Andrew, said this:

They did it all on their own. Nobody helped them except us. My wife and I both run our own businesses, so running a lemonade stand with them was showing them what they

could do. They were curious how we got money for things.

Mr. Speaker, the girls stood out in 100-degree Texas humid heat serving customers instead of being like many other kids going to the local swimming pool. Each day they are open for business, the girls learn valuable lessons—lessons about budgets, lessons about capitalism, and lessons about life.

Clara says:

You learn how to make change. We learned about customer service—that we should always be nice to customers. We learned how to advertise. We donate some of the money to charity to help other people out. We might buy a gift for our brother since he's our new employee.

After one Lemonade Day in Houston, the girls said that they made enough money to "pay their investors back in full." Mr. Speaker, when was the last time you heard of a 7-year-old using those business terms?

These kids are getting on-the-job business training that no government—especially the Federal Government—gave them. They are practicing Americanism. In the America I know, we teach our kids the value of hard work and entrepreneurship. We teach our kids from a young age that success does not come without sacrifice. Perseverance and responsibility pay off.

These are the lessons that our children need to learn, not the lessons of trying to depend on government. You see, these kids made it without government doing anything except getting out of their way.

So, Mr. Speaker, the next time you see the President, tell him that successful businesses in America come from businessowners—even kids—and not the Federal Government.

And that's just the way it is.

#### THE 38TH ANNIVERSARY OF INVASION OF CYPRUS

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from New York (Mrs. MALONEY) for 5 minutes.

Mrs. MALONEY. Mr. Speaker, I rise as the founder and cochair of the Hellenic Caucus to speak on the 38th anniversary of the 1974 illegal Turkish invasion and occupation of Cyprus. We must ensure that the passage of time does not allow us to forget that the Cyprus issue is the result of an illegal invasion and ongoing occupation.

It is long overdue for Turkey to withdraw its troops from Cyprus so that the island can move forward as one nation. Turkey continues to forcibly occupy more than one-third of Cyprus with more than 48,000 troops. In addition, to date, Turkey has repeatedly ignored many of the United Nations resolutions pertaining to Cyprus and has continued to occupy the island in complete violation of international law.

The destruction of religious and cultural sites and artifacts continues

unabated, in a long list of Turkish actions that flagrantly disrespect the rights and religious freedoms of the Cypriot people. In the last Congress, the Hellenic Caucus passed a resolution in the House calling for the protection of these religious sites and artifacts in Turkish-occupied areas. We have also worked on a resolution that has been introduced by Mr. BILIRAKIS and Mr. ENGEL, H. Res. 676, which calls for the halt of the Republic of Turkey's illegal colonization of the Republic of Cyprus with non-Cypriot populations. They are moving people onto the island. It is reported there are 500,000 Cypriot phones in the Turkish area. So the population—no one knows how many more people they're moving in. Cyprus is endeavoring to control all of its territory to end Turkey's occupation and to exploit its energy resources without illegal interference by Turkey.

In 2011, they discovered gas in the Cypriot area. The Noble Energy Company, a private energy company from Texas, discovered that a field off the coast of Cyprus may hold as much as 8 trillion cubic feet of natural gas, the first discovery off the divided island nation. This is tremendously important for energy independence and for an ally to be able to support America and our energy needs. The beginning of drilling by Noble prompted Turkey in September to send a vessel accompanied by warships and fighter jets to the area.

Cyprus is divided after Turkey invaded the northern third of the island in 1974. Turkey does not recognize the Greek Cypriot Government. So this is yet another development that the Turkish country has brought to the island of Cyprus.

There have been some successes for Cyprus. In May of 2004, Cyprus, with the support of the United States, joined the European Union. And during the second half of this year, Cyprus took over the very important and prestigious position of presidency of the Council of the European Union. This is the first time Cyprus presided over the Council of the EU since it became a member of it in 2004.

Yesterday, a group of Hellenic Caucus members met with a group of leaders from the district that I am honored to represent. They included Phil Christopher, Peter Papanicolaou and other national leaders of the Cypriot American community and other Greek American leaders. They came to participate in the hearings before the Senate Foreign Relations Committee on the confirmation hearing of Mr. Koeing. John Koeing was nominated by President Obama to be the next U.S. Ambassador to Cyprus, and we are hopeful that the confirmation will move forward.

We are also very concerned about a bill that has been put forward that gives preferential treatment to Turkey



over other countries on contracts and activities that take place on American Indian areas. This has caused a great deal of concern with the members of the caucus.

I now want to express my opposition to the Indian Tribal Trade and Investment Demonstration Project Act. This bill would give preferential treatment to Turkish businesses to engage in investment activities on Indian tribal lands. And I question why they are being singled out for this consideration, given the illegal occupation that continues.

I express my strong support for Cyprus and the vital role it is playing in European affairs and the strong ally they have been to the United States.

#### THE 38TH ANNIVERSARY OF INVASION OF CYPRUS

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. ROYCE) for 5 minutes.

Mr. ROYCE. Mr. Speaker, July 20 marks the 38th anniversary of the Turkish invasion of the island of Cyprus. That invasion claimed the lives of about 5,000 Cypriots. In the neighborhood of 200,000 people were forcibly expelled from their homes during that time period. To put that in perspective, that was one-third of the population of the country. If this were to happen in the United States, it would be the equivalent of about 100,000 people becoming refugees in their own land.

As we stand here today, that occupation continues. There are over 30,000 Turkish troops on the island. They are stationed on over one-third of Cyprus. Sadly, that occupied area of this beautiful land is one of the most militarized areas in the world. I have seen this on both sides of that divide. It is truly tragic that despite the wishes of Cypriots on both sides of that line that this cannot be resolved. And the Cyprus-Turkey issue, unlike many others, is one that the international community has been able to agree on.

There have been 75 resolutions adopted in the Security Council—more than 13 by the General Assembly—calling for the return of the refugees to their homes and to their properties and for the withdrawal of those Turkish troops from Cyprus.

□ 1110

President Demetris Christofias has followed through on his promise to make the solution of that problem his top priority. I met with him when I was in Nicosia 3 years ago, and his commitment to finding a solution greatly impressed me in that he had reached out to Turkish Cypriots.

I had my own opportunity, when I was in northern Cyprus, to talk to Turkish Cypriots, and they confirmed that their desire was to find a resolution to this problem, to find a way to

have Turkish troops leave the island. And there's certainly no lack of good will, I think, in terms of the Cypriot community.

So, since 2008, there have been these full-fledged negotiations with leaders of the Turkish Cypriot community. I think that the problem here is that that effort needs a reliable partner, a reasonable partner, and I question whether Turkey is listening in that process. From everything I've seen, they're not listening yet.

I would point out that Cyprus and the United States share a deep and abiding commitment to upholding the ideals of freedom, democracy, justice, human rights, and the international rule of law. After the Lebanon crisis in 2006, if you'll recall, Cyprus served as the principal transit location for people evacuating Lebanon, including our U.S. citizens. I had constituents that went through Cyprus at that time. In the '83 Beirut barracks bombing, it was Cyprus that provided the staging ground for the U.S. evacuation and rescue efforts after that bombing.

But I point out also that since the discovery of gas reserves in the eastern Mediterranean, the U.S. has advocated including revenue sharing from energy resources in those Cyprus settlement talks, urging that they be shared with the Cypriot community on both sides of that line.

It's important to note that there are concrete efforts underway by the heads of the respective communities to reunify. Greek and Turkish Cypriots, alike, want to see that solution. Again, in my view, what stands in the way here is Turkey at the present time, and I wish they would reconsider their position.

You can see the extent to which Cyprus is willing to compromise with these newly discovered energy resources. Greek Cypriot leaders are willing, in principle, to share the benefits of future gas production with Turkish Cypriots. Their only request is that revenues not be shared with those 30,000-plus Turkish soldiers on the island, and that's still not good enough for Turkey.

You know, Mr. Speaker, 38 years of occupation, needless militarization in this part of the world, this divide should have ended long, long ago. There is still time to right this wrong. I hope Turkey reconsiders.

#### HONORING MARCEL DEON JACKSON

The SPEAKER pro tempore. The Chair recognizes the gentleman from Michigan (Mr. CLARKE) for 5 minutes.

Mr. CLARKE of Michigan. Mr. Speaker, recently, I introduced a resolution in this House calling the illiteracy of our African American and Hispanic men in this country to be a national crisis. By teaching our young

men how to read, we can help build their character, we can save their lives. We can also reduce violent crime, because many of our young men will no longer be on the streets. They will be in schools, and they will also have the skills that they need to get good-paying jobs.

Today, I wish to offer that resolution in recognition of the memory of a great man of honor, Marcel Deon Jackson. We need more men like Mr. Jackson.

Marcel Jackson recently gave his life in defense of another. He was a courageous member of Detroit 300, which is a community organization committed to deter crime in the streets of Detroit.

If we help give our young men hope—hope through education, hope by building their character, by reading inspiring books, hope that they can have a better life, raise a family—that will save lives and make Metro Detroit and our country a better place to live.

Marcel Jackson lived and died so that we who live in Detroit could have a better life there. Mr. Speaker, I ask this House to recognize the memory of the life of Marcel Deon Jackson, a great man of honor.

#### HONORING THE LIFE OF MEL FELDMAN

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. SCHILLING) for 5 minutes.

Mr. SCHILLING. Mr. Speaker, I wish to rise and say just a few words to honor the remarkable life and note the passing of a constituent of mine and an accomplished small business man from central Illinois, a businessman named Mel Feldman.

I had the privilege of meeting Mr. Feldman in 2010, when he shared with me the story of his life and times. I'd like to share some of that with you, for it encapsulates much of what we all love about our country and what I love about central Illinois.

Mel was born in Poland in 1913, which he and his family fled soon thereafter to escape the pogroms that arose during the First World War. The family eventually settled in St. Louis, where Mel studied engineering. He began a career in the radio business, hustling a job as a remote engineer with KMOX during the 1930s, where he courted his wife, Ruth, while doing remote broadcasts of big band concerts on Saturday nights. Later, he was an engineer and sidekick of a young broadcaster named Harry Carey, of who we're very familiar with.

Mel fought in World War II, and upon returning home, he and a friend bought a radio station in Springfield, Illinois. Operating on a shoestring budget, they worked day and night for years to get established, eventually buying two other radio stations in Peoria and coming to employ nearly 100 workers.

He and his wife, Ruth, became pillars of the community at the synagogue

there in the central Illinois area, where she helped run the preschool. In the 1980s, they sold their stations and retired, choosing to remain in the area to be near their family.

To go from the streets of Eastern Europe to the prosperity and stability of central Illinois in the 21st century is a journey that is difficult for many of us to fathom. It is to the enormous benefit of our community that people like Mel came to the United States and braved war and oppression and poverty and all kinds of other tribulations for the chance to settle down and raise their families amongst us. They are one of the things that make Illinois such a great and rewarding place to live and raise our families.

America owes much to immigrants, and central Illinois owes much to the contributions of Mel and Ruth Feldman, whose legacy goes beyond the radio stations he established, the synagogue they served, and the family they raised. Their lives touched and bettered so many friends and neighbors in Peoria, who I know are mourning Mel's passing but, at the same time, celebrating his life.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 11 o'clock and 19 minutes a.m.), the House stood in recess.

□ 1200

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

#### PRAYER

Reverend Jeffery Bayhi, St. John the Baptist Catholic Church, Baton Rouge, Louisiana, offered the following prayer:

Gracious God and Father, we humbly ask that You bestow upon us the gift of humility. Humble us in Your sight, our Creator. It's only from You, our God, that the rights of life, liberty, and the pursuit of happiness are derived, not from any king, government or congress. Let us always see ourselves as stewards of these rights and the servants of the people created in Your image and likeness, like our Founding Fathers. We are to protect, ensure, and safeguard those rights.

Guard us from the evils of pride and power that place self-interest before the common good. Give us the courage of our convictions and not simply a belief based on convenience. Never let a wishbone replace our backbone, for it is You alone to whom one day we will

all be accountable. Give us courage and strength to serve and care for Your people. We ask this through our God and Father.  
Amen.

#### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

#### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Kansas (Ms. JENKINS) come forward and lead the House in the Pledge of Allegiance.

Ms. JENKINS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

#### WELCOMING REVEREND M. JEFFERY BAYHI

The SPEAKER. Without objection, the gentleman from Louisiana (Mr. CASSIDY) is recognized for 1 minute.

There was no objection.

Mr. CASSIDY. Mr. Speaker, it is my privilege to invite Father Bayhi here today to speak. Father Bayhi is a native of Baton Rouge and was ordained at St. Patrick's Church in 1979.

He has many academic achievements, but he is actually best known for spiritual stewardship of his parishioners. You can see this both in how his calling and ministry manifest in the opportunities that he has sought and the activities he currently does.

Among these he has worked with Mother Teresa's church in Calcutta. He currently is the director of Closer Walk Ministries. He has written several books, such as "Paved With Souls," speaking about his experience with Mother Teresa and the Missionaries of Charity in Calcutta, as well as produced videos of his experiences on mission trips. He has worked in prison systems for the criminally insane. He works with youth, et cetera, et cetera.

I was struck that his prayer for us reflected his life, one of humility, courage, accountability to God, calling us to service.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. DENHAM). The Chair will entertain 15 further requests for 1-minute speeches on each side of the aisle.

#### DODD-FRANK

(Ms. JENKINS asked and was given permission to address the House for 1

minute and to revise and extend her remarks.)

Ms. JENKINS. Mr. Speaker, despite my strenuous objections, 2 years ago this week Congress passed the Dodd-Frank Act. Two years have passed, and only one-third of nearly 400 rules are written today, and we have already added nearly 9,000 pages of new regulations and \$7 billion in compliance costs.

By trying to solve a poorly understood financial crisis, Washington created a regulatory nightmare. New agencies like the Consumer Financial Protection Bureau have slowed the credit lifeline that is vital to the creation and survival of American small businesses.

By impeding borrowing, experts predict Dodd-Frank will reduce annual job creation by 4.3 percent, hindering economic growth. Instead of using crises as excuses to expand our already overreaching government, we should target regulation at the root of the problem and work to protect both consumers and our innovating entrepreneurs.

#### SUPPORTING MAKE IT IN AMERICA

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, I rise in support of the Make It in America plan, a series of bills set forth by House Democrats to put America back to work.

In the 29th District of Texas, we hold job fairs throughout the year to help our constituents find a job and make better lives for themselves and their families. The American public continually cites job creation and economic growth as the top concerns in the Nation.

The Make It in America plan aims to strengthen the economy and boost the middle class through continuing to grow our manufacturing and energy production sectors and creating jobs in America. Make It in America focuses on competition, investing in infrastructure, clean energy jobs, increased education, smart tax policies, and smart regulations.

Unfortunately, the majority in the 112th Congress has failed to bring these job-creating plans to the floor for a vote and continually refuses to put forward a comprehensive jobs plan. Congress must focus our legislative priorities, invest in our future, create good middle class jobs and increase America's competitiveness around the globe. By creating these jobs for hardworking Americans, the other areas of our economy will be stimulated.

I urge the majority to take up these bipartisan bills and help the American people get back to work.

□ 1210

## PERMITTING ISSUES

(Mrs. CAPITO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPITO. I rise today to support the jobs of hundreds of hardworking coal miners in West Virginia and to highlight the misguided actions of the EPA in objecting to permits for coal mining activity.

On April 1, 2010, the EPA issued guidance under the Clean Water Act that bypasses the normal process for promulgating water quality standards. It nullifies the water quality standards put into place by our State regulators and our State legislatures. In other words, the EPA has taken over the States' prerogative on water quality.

Despite a 2011 Federal court decision that rejected the EPA's interpretation of its authority, the regulatory permitting process for surface mining has essentially been halted in the Appalachian region. Hundreds of permits will expire within the next 18 months in West Virginia alone. Failure to act on these permits will lead to the loss of thousands of jobs in West Virginia, and just recently we have experienced a loss of 1,000 coal mining jobs.

The EPA should exercise its permitting and regulatory authority under the Clean Water Act in a manner that considers the impacts on jobs and the economy in West Virginia and other coal mining States.

## DISCLOSE ACT

(Ms. CHU asked and was given permission to address the House for 1 minute.)

Ms. CHU. Thanks to the Supreme Court decision on Citizens United, corporations can now make unlimited donations without disclosing who they are. The result is a government for hire to the highest bidder.

Think about it. Are you a corrupt oil company that hates those annoying safeguards that protect Americans' health, but restrict your ability to drill, baby, drill? No problem. Find a candidate that will turn a blind eye and donate until they win. Or maybe you're a billionaire on Wall Street who leveraged away the savings of the American people for a big paycheck in 2008, but now you're being held back by Wall Street reform. Not to worry. Buy a candidate with a super PAC. Nobody needs to know who you even are.

Twice this week, the DISCLOSE Act, which would end this madness and provide transparency to who's contributing in elections, has come up in the Senate. And twice this week, Republicans blocked it on a party-line vote. Americans should ask the GOP: Why?

## TAXES

(Mrs. BIGGERT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BIGGERT. Mr. Speaker, massive tax increases loom on our horizon. If Congress doesn't act before January 1, middle class families will see a return of the marriage penalty, the AMT, higher rates on capital gains, dividends, estates, and painful tax hikes on incomes. According to a new study, the President's tax plan would cost us more than 700,000 American jobs.

Mr. Speaker, we all hear from our neighborhood businesses back home who say Congress can't raise taxes during a recession and expect the economy to generate new jobs. Yet some of my colleagues seem content to tax anyone who might have enough revenue to hire and then hope the voters blame someone else when it hurts the middle class.

Well, I don't care about the blame game. I care about jobs and the economy. Let's stop the tax hikes, extend current rates, and work immediately on effective reforms to lower rates, close loopholes, and promote growth.

## LAW OF THE SEA TREATY

(Mr. FARR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FARR. I rise today to express my shocking disappointment with some Republican Members of the other body in opposing the Senate ratification of the Law of the Sea Treaty. The Law of the Sea Treaty ratification is essential to protect American interests. For over 30 years now, the United States Navy and the U.S. Coast Guard, both under Republican and Democratic administrations, former Secretaries of State, and U.S. military personnel have been consistent and strong proponents of U.S. joining the Law of the Sea Convention. Defense Secretary Leon Panetta recently said:

Not since we acquired the lands of the American West and Alaska have we had such a great opportunity to expand U.S. sovereignty.

Former Secretary of Defense Robert Gates said:

The Law of the Sea provides clear guidance on the appropriate use of the maritime domain.

As the world's major maritime power with the longest coastline, the U.S. has more to gain from legal certainty and public order in the world's oceans than any other country. It has been supported by every President since Ronald Reagan. The time is due for the other body to take a leadership role and ratify the Law of the Sea Treaty.

## ARMY DEPOTS PLAY VITAL ROLE IN MILITARY READINESS

(Mr. FARENTHOLD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FARENTHOLD. I rise today to express my concern regarding the reduction in funding for Army depots and arsenals contained in the Defense appropriations bill that we're debating today on the House floor. Army studies have shown that these reductions will have a lasting negative impact on the Army's organic industrial base.

I have the privilege of representing the Corpus Christie Army depot, known as the "best kept secret in the Army," saving taxpayers millions of dollars. It costs about \$6.7 million to repair a crash-battle damaged Blackhawk versus \$17 million for a new one. In fiscal year 2011, a record production year, CCAD produced more than \$47 million in cost savings for the Army. The depot shares a great relationship with the community, employing over 6,000 civilian, 56 percent of whom are veterans. The Army depot serves as the world's largest facility for the repair and overhaul of Army aviation helicopters. Without CCAD, the Army would be unable to sustain maximum combat power for the warfighter.

I look forward to working with the committee and the chairman to address these concerns and ensuring the Corpus Christie Army depot and others depots and arsenals continue to play a vital role in maintaining the readiness of our military.

## INTERNATIONAL AIDS CONFERENCE

(Mrs. CHRISTENSEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CHRISTENSEN. With the International AIDS Conference less than a week away, I join my colleagues to celebrate the progress we've made in the fight against HIV/AIDS, to honor those who have lost their battle to this disease, and also to remind everyone that we still have much work to do in Sub-Saharan Africa, the Caribbean and Asia, but also the United States, where more than 1 million people—a disproportionate number of whom are people of color—are living with HIV and AIDS today. Blacks and Latinos together account for 64 percent of all new HIV infections, yet are only about 28 percent of the population. The AIDS case rate among African Americans is nearly 10 times higher than that of whites; and one recent study found that 2 percent of all blacks in the U.S., compared to only .2 percent of all whites, are HIV positive. In my district, the U.S. Virgin Islands, which is predominantly black and Hispanic, we're extremely hard hit, with the

third largest AIDS case rate in the Nation.

The conference offers all of us an opportunity to reinvigorate our commitment to battling this disease, to reinforce existing relationships and forge new ones with the leaders in the fight against HIV/AIDS, and to take significant steps toward making HIV/AIDS a disease of the past.

#### ILLINOIS' 14TH DISTRICT 2012 OLYMPIANS

(Mr. HULTGREN asked and was given permission to address the House for 1 minute.)

Mr. HULTGREN. Mr. Speaker, I am proud to recognize the remarkable accomplishments of six athletes from Illinois' 14th Congressional District who will represent the United States at the 2012 Olympics in London. Twin brothers Grant and Ross James from DeKalb will both compete as part of the men's eight rowing team. Track and field athlete Evan Jager of Algonquin will compete in the steeplechase. Anna Li of Aurora will travel to London as an alternate member of the women's gymnastics team. Charlie Jayne of Elgin will serve as alternate for the equestrian team. Finally, the men's volleyball team will include Sean Rooney, a graduate of Wheaton-Warrenville South High School.

Each of these men and women are making us so proud as they represent Illinois and the United States this summer. The House of Representatives wishes them the best of luck.

#### READ IT AND WEEP

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, wonders never cease. I picked up *The Hill* this morning, which is a local newspaper that most people read once in a while, and there were the words of one of the best Republican doctors that ever served in the Congress. Bill Frist has said he's encouraging his Republican colleagues to embrace the insurance exchange which is central to President Obama's health care plan. He said:

Originally it was a Republican idea. The State insurance exchanges will offer a menu of private insurance plans to pick and choose from, all with a required set of minimum benefits to those without employer-sponsored health care insurance.

Now, here's a Republican doctor who was the Majority Leader in the Senate. Contrast him to who we have there now. We have 31 times in this body tried to repeal this, and here you have a Republican doctor who was Majority Leader of the Senate saying we ought to do it.

Read it and weep.

□ 1220

#### SEQUESTRATION

(Mrs. ROBY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. ROBY. Mr. Speaker, once again, President Obama displays his lack of leadership and refuses to take charge in order to avoid the forthcoming devastating ramifications associated with sequester. That's why I enthusiastically agreed to cosponsor H.R. 5872, the Sequestration Transparency Act of 2012.

For months, the House Armed Services Committee has repeatedly asked DOD and OMB for specifics of how sequestration would be implemented and its impact. In response, we have received nothing.

Once H.R. 5872 is implemented, the President will be forced to forgo his laissez-faire approach to crisis resolution and will be required to report to Congress the details of the administration's plans to implement the budget sequestration cuts. He will be forced to include an estimate of the sequestration percentages and amounts necessary to achieve the reduction for both defense and non-defense categories.

Of course, the impact on our military personnel and their families cannot be overstated. Frankly, it's inexcusable that these men and women who sacrifice so much for our Nation should suffer through these uncertainties while Senate Democrats and the White House refuse to offer a specific proposal to fix the sequester. As such, I urge Senator REID to take this bill up immediately.

#### BUFFALO IS BACK IN BUSINESS

(Mr. HIGGINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HIGGINS. Mr. Speaker, I come to the House floor to talk about the extraordinary transformation in the city of Buffalo and Buffalo's waterfront. The national publication, *The Economist*, had declared last week that the city of Buffalo is back in business.

Buffalo was once an industrial economy and an industrial working waterfront. Today, there is a transformation of public places along the water's edge attracting some 800,000 people from all over Buffalo, western New York, and southern Ontario into the city of Buffalo. There are 425 cultural and arts events. Four years ago, there were none.

Buffalo's last 36 months have been a period of great progress, with tens of millions of dollars of private sector investment following the public investment of infrastructure that has transformed Buffalo's waterfront. The last

36 months have been a period of great progress. The next 36 months are poised to be a period of even greater progress.

#### HONORING THE FIREFIGHTERS OF HIGH PARK, COLORADO

(Mr. GARDNER asked and was given permission to address the House for 1 minute.)

Mr. GARDNER. Mr. Speaker, I rise today to honor the brave firefighters, the sheriff's department officials, and first responders who fought the High Park fire near Fort Collins, Colorado, and those who cared so deeply for their neighbors and their communities by providing a helping hand.

The High Park fire was the most destructive in the history of northern Colorado, burning over 87,000 acres, destroying 259 homes, and displacing hundreds of families for weeks. At its peak, over 2,000 firefighters, National Guardsmen, law enforcement, and others braved extremely rugged terrain, 100-plus-degree temperatures, and high winds to battle this complex and fast-moving fire. In some cases, local volunteer firefighters fought on the fire line for the good of the community, despite knowing that their own homes would likely be burned to the ground.

As signs popped up across the front range of Colorado thanking those brave men and women for their service, this Congress salutes you. Because of the brave and immense effort of these firefighters, lives were saved, homes were preserved, and generations to come will be able to continue to enjoy some of the most beautiful and majestic forested areas in the country as we work to restore those areas that were lost.

I'm proud to recognize the great and heroic efforts of our firefighters.

#### HONORING GAIL PENNYBACKER

(Mr. MORAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN. Mr. Speaker, I rise today to honor Gail Pennybacker, an award-winning, longtime television journalist who has covered local news in the District, Maryland, and especially Virginia for the ABC Channel 7 news team since 1986.

During her time as the northern Virginia bureau chief, Gail has garnered the respect of law enforcement, legislators, and everyday citizens alike. Gail has covered the Capital region's top stories for the last quarter century, including the September 11 terror attacks, the beltway sniper shootings, and the Columbine High School massacre. She has reported directly from the Persian Gulf during the Iraq war, conducted exclusive interviews with nationally known individuals, and earned several Edward R. Murrow Awards and other accolades.

Active in her community, Gail has been deeply involved with a variety of civic associations and organizations, including the Alzheimer's Association and the American Diabetes Association.

Her recognition by the Northern Virginia Victims Coalition for the "objective, fair, and compassionate portrayal of crime victims" is truly a testament to her respect for all persons, no matter their situation.

Mr. Speaker, in conclusion, I'm honored to ask my colleagues to join me in congratulating Gail Pennybacker upon her retirement from ABC7. Her dedication to making news reporting a reliable source of information has made her an institution in our community. While Gail's familiar face will be missed, we wish her only the best as she begins the next phase of her life.

#### HONORING THE MEMORY OF WILLIAM RASPBERRY

(Mr. NUNNELEE asked and was given permission to address the House for 1 minute.)

Mr. NUNNELEE. Mr. Speaker, I rise today to honor the memory of a great man, Mr. William Raspberry of Okolona, Mississippi, who died Tuesday at the age of 76.

He was hired by The Washington Post straight out of the Army and worked his way up from teletype operator to the op-ed page. At the time, he was only one of a handful of nationally syndicated and widely read African American columnists.

And though Mr. Raspberry lived most of his life away from Mississippi, he never forgot Okolona. He devoted much of his time in retirement to the foundation in Mississippi that bears his name that helped children from at-risk families be prepared for entrance into kindergarten.

He was a model of how to talk about complicated and divisive issues in a respectful and civil tone. In fact, he once said:

Perhaps it was then that I found myself trying to write in such a way that people who didn't agree with me might at least hear me. Then I found they were talking back to me in similarly civil tones. And it felt good.

His attitude would be a model for all of us that debate public policy.

William Raspberry was a fine man and a great Mississippian. He will be missed.

#### MAKE IT IN AMERICA

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, every citizen deserves an equal opportunity to make it in America. Last week, I, along with Democratic Whip STENY HOYER and other members of the Democratic Cau-

cus unveiled a plan to jump-start growth in the United States manufacturing industry and support job creation that we so desperately need.

My bill, the Advancing Innovative Manufacturing Act of 2012, makes investments to spur innovation and increase the competitiveness of American manufacturers.

In order for America to make it, we need to maintain the capacity to manufacture new and innovative products right here at home in America. The Make It In America agenda will do just that.

Mr. Speaker, I would say: Let all of us face and focus on our responsibility to America's business and press ahead to make it all in America.

#### NORTH KOREAN GULAGS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, last week, I had the privilege of meeting Shin Dong-hyuk, the only known defector to have escaped from one of the many concentration camps operated by the Communist government in North Korea.

He was born in the camp and faced starvation, torture, and brainwashing on a routine basis, which is described in the book, "Escape From Camp 14." On the same day, the authorities executed both his brother and his mother in front of him for attempting to plan an escape. He knew nothing of the outside world, only living day to day, doing whatever was needed to survive. Heartbreakingly, this included informing the guards when he heard about his family's escape plan. Years later, a new prisoner came to the camp from Pyongyang, and Shin began to learn about the outside world and then began to long to escape.

By some estimates, as many as 200,000 people are held in the brutal gulags like Shin. As we negotiate with the gangster government of North Korea over their nuclear weapons program, we cannot forget about these human rights atrocities perpetrated against millions of their own people.

□ 1230

#### TAX CUTS FOR MIDDLE CLASS FAMILIES

(Ms. EDWARDS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDWARDS. Mr. Speaker, I rise today to urge us to reclaim the security that middle class Americans have lost over the last decade.

Beginning in 2001, Republicans passed trillions of dollars in tax cuts, primarily benefiting the wealthiest Amer-

icans. We were told these tax cuts would unleash a torrent of job creation and economic growth. That was baloney. It failed miserably. The wealthiest Americans experienced unprecedented gains while middle class families saw their budgets shrink in tandem with rising poverty and the slowest rate of job creation in half a century.

Well, lesson learned. It's time to let the tax cuts for the wealthiest expire, but not at the expense of middle class families. It's time to extend, without delay or uncertainty, tax cuts for all families, for all income up to \$250,000. If we don't, it will be a disaster, and a tax hike will result for those middle class families.

Mr. Speaker, it's unacceptable, particularly when Republicans are holding these tax cuts hostage so that wealthy Americans can continue to reap the benefits of a broken system that hasn't worked to the advantage of most Americans and has exploded our deficit. Lesson learned.

Let's not let tax cuts expire for people whose income is up to \$250,000.

#### CONGRATULATING WARRINGTON- WARWICK LITTLE LEAGUE SOFT- BALL TEAM

(Mr. FITZPATRICK asked and was given permission to address the House for 1 minute.)

Mr. FITZPATRICK. Mr. Speaker, I rise today to congratulate the Warrington-Warwick Little League softball team for their victory over Minersville on Saturday in the State championship game in Pennsylvania.

Our community can be proud to be represented by this group of young women as they compete for the regional title this week. As the father of three girls who are involved in our community, I understand the dedication required of the players and their families to achieve such a success.

The team will head to Bristol, Connecticut, today, where they will compete against State championships from nine other States for the title. Congratulations to Coach Bitting, Coach Corso, and Coach Ruscio, and players Stephanie Andreoli, Madison Bitting, Sophia Boggs, Meghan Bradley, Lauren and Nicole Corso, Lauren Crim, Alexandra DeLeon, Sabrina Dobron, Kaitlyn Hammond, Alexis McConomy, Madeline McShane, Giuliana Ruscio, and Cassie Underkofler.

Congratulations once again to everybody who took part in this historic run. We wish all the players and coaches and parents the best. I'm proud and honored to see a local team go so far.

#### CONGRATULATING THE CITY OF MORRO BAY

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Mr. Speaker, I rise today to extend my congratulations to the city of Morro Bay in my congressional district on the central coast of California.

Last month, the city won the 2012 award for Excellence in Local Governance for coastal and ocean management from NOAA, the National Oceanic and Atmospheric Administration. This award is for its groundbreaking work with other coastal communities in California, local fishermen, and the Nature Conservancy to preserve historic fishing activity and build long-term economic and environmental resiliency on California's central coast.

Working together, these partners realized that Morro Bay and other small fishing communities—our working waterfronts—needed to respond to the changing conditions of their fisheries. This effort has not been easy, to be sure; but Morro Bay's leaders, who have faced huge obstacles in their efforts to try new approaches to fisheries management, were determined to make this work. So it is great to see this recognition of their courage and their hard work to improve Morro Bay's leading industry.

Again, I congratulate the city of Morro Bay and its innovative partners for earning this acknowledgement.

#### THANKING SMALL BUSINESS OWNERS IN AMERICA

(Mr. YODER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YODER. Mr. Speaker, I rise today to say thank you to all those small business owners across America who have used their ingenuity, hard work, and tireless effort at great financial risk to build a business from the ground up.

Americans know that jobs aren't created by bureaucrats in Washington, D.C. We know that our country's greatest innovators succeed in our American free enterprise system because they pour their hearts and souls into their dreams, overcoming each obstacle placed in their way.

In our current economy, Congress should be doing everything it can to minimize the burdens on these entrepreneurs; yet, day by day, new regulations, mandates, and taxes pile up and make it that much harder for these innovators to succeed and harder for them to create good jobs and grow the economy.

Mr. Speaker, this morning, as thousands of small business owners rise at the crack of dawn once again to build on the American Dream, we say thank you. It's their hard work and determination, and it's the tireless effort of every working American that has built the most prosperous Nation the world has ever seen.

#### INTERNATIONAL AIDS CONFERENCE

(Ms. SCHAKOWSKY asked and was given permission to address the House for 1 minute.)

Ms. SCHAKOWSKY. The International AIDS Conference could not be returning to America at a better time. This year's conference could mark the turning point in the HIV/AIDS epidemic. Advances in research are finally allowing us to picture the possibility of a generation that is free from this disease.

Despite great promise, there is still much to do. Now more than ever, America must remain committed to leading the fight against HIV/AIDS, combating the crisis right here at home and abroad. Our continued support is absolutely vital to developing new treatments and prevention techniques, including microbicides, as well as to finding a cure.

The United States must continue to do everything we can to increase access to treatment for infected individuals around the globe, including the availability of life-saving drugs. Let this conference serve as a reminder of America's contribution to combating this epidemic and a rallying cry for why we can't turn back now.

#### CALLING FOR A VOTE ON THE FARM BILL

(Mr. BERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BERG. Mr. Speaker, last week, the House Ag Committee reported out of committee a version of the House bill. I rise today to call for this important measure to be brought to the floor for a vote as soon as possible.

Agriculture is the backbone of North Dakota's economy. Our great State leads the Nation in nine different commodities. This farm bill takes into consideration unique things within our State and within many other States as it relates to agriculture and those commodities. Specifically, it implements a strong crop insurance program that would be so beneficial in times like these where we're facing severe drought in much of our Nation. North Dakota's farmers and ranchers need the stability that this farm bill can bring, and it needs to be a long-term authorization.

Now is the time for the House to act. For farmers and ranchers across this country, now is the time to ensure that we act on this important piece of legislation and get it reauthorized for the long term. The time for the farm bill is now.

#### STUNT

(Mr. MCINTYRE asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. MCINTYRE. Mr. Speaker, I rise to recognize STUNT, a new competitive team sport which focuses on the technical and athletic components of cheerleading, including stunts, basket tosses, and tumbling.

With more than 800,000 cheerleaders in the United States, USA Cheer created this NCAA emerging sport to provide new opportunities for female athletes to compete at the high school and collegiate level, while still allowing traditional cheerleading to remain a vital and important part of the schools' spirit program.

There are 22 colleges that have already participated in the national championships, with this number poised to expand significantly by next year. As cochairman of the Congressional Caucus on Youth Sports, it is my distinct pleasure to highlight the success of STUNT and to commend the inaugural players of this sport. Your pioneering efforts will inspire and generate excitement amongst the next generation of potential STUNT athletes. May God bless you for your efforts to involve more young female athletes in healthy physical activities and sports.

#### VETERANS JOBS ACT

(Mr. DENHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DENHAM. Mr. Speaker, I rise today to urge the President to sign the Veterans Jobs Act.

This body has a duty to make sure that every veteran, our brave men and women who are returning home—at 200,000 leaving Active Duty every year—actually have jobs available to them and that they're actually certified to be able to accept those jobs.

We invest billions of dollars every year to give the best training in the world to our young men and women who are serving our country. Yet when they leave Active Duty, most times they're not certified for the very jobs that they're trying to get. Our brave men and women deserve the opportunity to jump right into these fields. Why should they have to get 2 or 3 extra years of training to duplicate the training they already have that is oftentimes much better training that they had on Active Duty.

We have a duty to pass this bill, to have it signed into law, and to not let a day go by that these veterans return home and make sure that they've got the certifications to immediately enter our workforce.

I urge the President once again to sign this important legislation that both bodies have passed now on a bipartisan level.

□ 1240

## RETURN OF THE INTERNATIONAL AIDS CONFERENCE

(Ms. LEE of California asked and was given permission to address the House for 1 minute.)

Ms. LEE of California. Mr. Speaker, for the first time in more than two decades, the United States will host the 19th International AIDS Conference, drawing over 20,000 people from around the world to our Nation's Capital.

Having participated in every conference since I was first elected to Congress in 1998, I knew we could not bring the conference back to the United States until the discriminatory immigration ban on people living with HIV was lifted.

In 2007, I introduced a bill to repeal the ban. Few believed it could be done, but through bipartisan support we achieved this goal, and I want to thank Members who are still here for their support in that effort.

This week, the return of the conference is an important opportunity to shine a global spotlight on the fight against AIDS in the African American community and communities of color, and a national spotlight on the ongoing global epidemic. Yesterday I introduced new legislation to do just that.

Ending the HIV/AIDS Epidemic Act articulates a policy and financing framework to achieve an AIDS-free generation in the United States and abroad. I urge all my colleagues to support it so that we can begin to bring an end to AIDS here at home and around the world.

## TRICKING THE PUBLIC IS OBSCENE

(Mr. CLEAVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLEAVER. Mr. Speaker, funding the military is imperative, and supporting our troops at home and abroad is fundamental. But overfunding it at the expense of vital domestic programs is irresponsible.

The Defense appropriations bill is \$8 billion more than the agreed-upon level set by the Budget Control Act. This means that real programs in our home districts, which many of our constituents rely on, will be cut or go unfunded.

Every family in this Nation knows what it is to make a budget and the reasons behind needing it. This bill blatantly ignores the need and purpose of a budget. Certain aspects of this bill are hundreds of millions of dollars above requested levels. If a family tried to live like that, they would be in dire straits.

Designating money when it is above and beyond what is needed is nothing more than a gratuitous earmark. Now,

I am in favor of earmarks; I'm just not in favor of trying to trick the public. I believe that earmarks are right. It is our constitutional responsibility as Members of the House. But tricking the public by adding \$8 billion more is obscene.

## PROPOSED SNAP PROGRAM CUTS

(Mr. GRIJALVA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRIJALVA. Mr. Speaker, at a time when the Republican majority has, in another wasted effort, repealed health care reform for the 33rd time, at a time when we will not see on this floor a vote to extend tax cuts for the middle class, now the Republican majority is planning to literally take food out of the mouths of families and children by cutting \$16.5 billion from the SNAP program in the farm bill.

This represents 45 percent of all the cuts, immediately cuts 3 million families and children from the program, and this is at a time when one in seven American families depend on some supplemental food assistance.

But as the Republican majority fiddles away, we know that there is a crisis. Fifty-eight percent of all food bank clients currently receiving SNAP benefits need assistance from them. The resulting demand to food banks will put additional pressure on our communities and on families.

## MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with amendments a bill of the following title in which the concurrence of the House is requested:

H.R. 1627. An act to amend title 38, United States Code, to provide for certain requirements for the placement of monuments in Arlington National Cemetery, and for other purposes.

## DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2013

## GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the further consideration of H.R. 5856, and that I may include tabular material on the same.

The SPEAKER pro tempore (Mr. GOSAR). Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 717 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 5856.

Will the gentleman from California (Mr. DENHAM) kindly take the chair.

□ 1245

## IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 5856) making appropriations for the Department of Defense for the fiscal year ending September 30, 2013, and for other purposes, with Mr. DENHAM (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Wednesday, July 18, 2012, the amendment offered by the gentleman from Iowa (Mr. KING) had been disposed of, and the bill had been read through page 153, line 15.

## AMENDMENT OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following new section:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used in contravention of section 7 of title 1, United States Code.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. KING of Iowa. Mr. Chairman, this is the DOMA limitation amendment. We've seen this last year where it passed out of the House of Representatives with a substantial vote. And it says, as it reads, that none of the funds made available by this act may be used in contravention of the Defense of Marriage Act, which passed here in this Congress in 1996.

What we've seen since the passage of the Defense of Marriage Act is an effort on the part of the executive branch to undermine, I believe, marriage between one man and one woman within our military ranks.

We saw the President of the United States make some statements along the way that his position was evolving on marriage that seemed to be a signal to the Department of Defense, which issued two memoranda, one of them on September 21, the Secretary of Defense memorandum that identified facilities, and it says that the facilities, our military facilities should be made, the use of them should be made on a sexual orientation-neutral basis. That's a signal that says same-sex marriages on U.S. military bases and U.S. facilities.

The second memorandum came 9 days later to our military chaplains, and it says a military chaplain may officiate any private ceremony, on or off a military installation. That's not just permission, that's implied encouragement to conduct same-sex marriages on our military bases, conducted by our chaplains who are, presumably, all under the payroll of the United States Government.



This same-sex marriage that has been taking place on our military bases, where otherwise legal around the world, contravenes the Defense of Marriage Act. The Defense of Marriage Act means this, actually says specifically this: marriage means only a legal union between one man and one woman, as husband and wife, and the word spouse refers only to a person of the opposite sex who is a husband or a wife. Pretty simple statute being contravened by the directives of the President of the United States as exercised through the Secretary of Defense.

And I would point out that the President has demonstrated disrespect for the Constitution and the rule of law on multiple occasions. I just came from the Judiciary Committee, where I reminded Secretary Napolitano of the same thing.

Congress directs and acts within the authority of article I of the Constitution, our legislative authority, and the President of the United States, or his executives who are empowered by him, seek to undermine the law of the United States, instead of coming here to this Congress and asking for the law to be changed, or simply accepting the idea that they've taken an oath to uphold the Constitution of the United States and the rule of law, and to take care, under article II, section 3, that the laws be faithfully executed.

That's not happening, Mr. Chairman, and this amendment prohibits the use of military facilities, or the pay of military chaplains, from being used to contravene the Defense of Marriage Act. The President has now stepped out and said that he supports same-sex marriage in the United States. That is, apparently, the most recent evolution of his position.

□ 1250

But an evolving position of the President of the United States cannot be allowed to contravene the will of the people of the United States, as expressed through the statutes of the United States and as signed by previous President Bill Clinton in September of 1996.

So I urge the adoption of this amendment. It prohibits the utilization of any of these funds that are in the Defense appropriations bill to be used to contravene the Defense of Marriage Act.

I yield back the balance of my time.

UNDER SECRETARY OF DEFENSE,  
Washington, DC, September 30, 2011.

MEMORANDUM FOR SECRETARIES OF  
THE MILITARY DEPARTMENTS—  
CHIEFS OF THE MILITARY SERVICES  
SUBJECT: Military Chaplains

In connection with the repeal of Section 654 of Title 10 of the United States Code, I write to provide the following guidance, which hereby supersedes any Department regulation or policy to the contrary:

A military chaplain may participate in or officiate any private ceremony, whether on or off a military installation, provided that

the ceremony is not prohibited by applicable state and local law. Further, a chaplain is not required to participate in or officiate a private ceremony if doing so would be in variance with the tenets of his or her religion or personal beliefs. Finally, a military chaplain's participation in a private ceremony does not constitute an endorsement of the ceremony by DoD.

CLIFFORD L. STANLEY.

GENERAL COUNSEL OF  
THE DEPARTMENT OF DEFENSE,  
Washington, DC, September 21, 2011.

MEMORANDUM FOR SECRETARIES OF  
THE MILITARY DEPARTMENTS—  
UNDER SECRETARY OF DEFENSE  
FOR ACQUISITION, TECHNOLOGY AND  
LOGISTICS; UNDER SECRETARY OF  
DEFENSE FOR PERSONNEL AND  
READINESS

SUBJECT: Uses of DoD Facilities

In connection with the repeal of Section 654 of Title 10 of the United States Code, I write to provide the following legal guidance.

Determinations regarding use of DoD real property and facilities for private functions, including religious and other ceremonies, should be made on a sexual-orientation neutral basis, provided such use is not prohibited by applicable state and local laws. Further, private functions are not official activities of the Department of Defense. Thus, the act of making DoD property available for private functions, including religious and other activities, does not constitute an endorsement of the activities by DoD.

JEH C. JOHNSON.

TITLE 1—GENERAL PROVISIONS  
CHAPTER 1—RULES OF CONSTRUCTION  
Sec. 7. Definition of "marriage" and "spouse"

In determining the meaning of any Act of Congress, or of any ruling, regulation, or interpretation of the various administrative bureaus and agencies of the United States, the word "marriage" means only a legal union between one man and one woman as husband and wife, and the word "spouse" refers only to a person of the opposite sex who is a husband or a wife.

Source: Added Pub. L. 104-199, Sec. 3(a), Sept. 21, 1996, 110 Stat. 2419.

Mr. DICKS. I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. Mr. Chairman, I rise in strong opposition to the amendment. This amendment is being offered for purely political reasons.

As the gentleman knows, the Defense of Marriage Act is already current law. Despite the successful repeal of Don't Ask, Don't Tell last year under DOMA, same-sex military spouses are not entitled to the same benefits as other married couples. This amendment only seeks to divide this House. He knows that current law already prohibits same-sex spouses from independently shopping at military commissaries, using base gyms, or benefiting from subsidized dental and health care.

I do believe we should have the debate of the effects of DOMA on our servicemembers and their families, but introducing this contentious and dis-

criminatory amendment to this bill is not the place. I urge my colleagues to oppose this divisive amendment.

I yield back the balance of my time.

Mr. YOUNG of Florida. I rise in support of the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. YOUNG of Florida. The gentleman from Iowa has explained the amendment very thoroughly. It is easy to understand. The House has spoken many, many times strongly on the issue, so I would add my support to the King amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. DICKS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Iowa will be postponed.

AMENDMENT OFFERED BY MS. LEE OF  
CALIFORNIA

Ms. LEE of California. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), add the following new section:

SEC. \_\_\_\_ . Funds made available by this Act for operations of the Armed Forces in Afghanistan shall be obligated and expended only for purposes of providing for the safe and orderly withdrawal from Afghanistan of all members of the Armed Forces and Department of Defense contractor personnel who are in Afghanistan. Nothing in this section shall be construed to authorize the use of funds for the continuation of combat operations in Afghanistan while carrying out such withdrawal or to prohibit or otherwise restrict the use of funds available to any department or agency of the United States to carry out diplomatic efforts or humanitarian, development, or general reconstruction activities in Afghanistan.

Ms. LEE of California (during the reading). I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The Acting CHAIR. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mr. YOUNG of Florida. Mr. Chairman, I reserve a point of order on the gentlelady's amendment.

The Acting CHAIR. A point of order is reserved.

The gentlewoman is recognized for 5 minutes.

Ms. LEE of California. Mr. Chairman, this amendment is straightforward. It would put a responsible end to combat operations in Afghanistan by limiting funding to the safe and orderly withdrawal of United States troops and military contractors.

Eleven years after Congress wrote a blank check for war without end, which I could not support, the United States is still in Afghanistan. Ever since that vote, I have introduced this Lee amendment—that responsibly and safely brings our troops home—on numerous occasions and at every opportunity. It is past time that Congress caught up, had the debate, and passed this amendment.

Today, we have the opportunity to stand squarely with the war-weary American people who want to bring our troops home. It is clear that the American people have been far ahead of Congress in supporting an end to the war in Afghanistan. The call has been growing across this land to bring this war to an end, and it is past time for Congress to answer that call.

After over a decade of war and over a half a trillion dollars in direct costs—not a penny of it, mind you, paid for, and we talk about deficit reduction—when we should have been actually investing in jobs and our economy here at home, it is really time now to say enough is enough. It is crucial to our economy and to the future of this country to stop pouring billions into a counterproductive military presence in Afghanistan. It is no wonder that 7 out of 10 Americans oppose the war in Afghanistan. The American people have made it clear that the war should end, that it should not go on for another year or 2 years and, surely, not for another decade or more.

Mr. Chair, the costs of the war are unacceptable, particularly when we ask what we gain by keeping our troops in Afghanistan through 2014. The war in Afghanistan has already taken the lives of over 2,000 soldiers, has injured tens of thousands more, and has drained our Treasury of over a half a trillion dollars. These costs will only go up as we spend trillions of dollars on long-term care for our veterans, which of course we must do.

As the daughter of a military veteran, I know firsthand the sacrifices and the commitment involved in defending our Nation; but the truth is our troops have been put in an impossible situation. There is no military solution, and it is past time to end the war and to bring our troops home. Quite frankly, it is time to use these savings from ending the war to create jobs here at home. We need to provide for the health care and economic security of our returning troops by rebuilding the American economy.

The American people have made it clear that the war should end. Not an extra day—not an extra dollar—should be spent extending the decade-long war in Afghanistan. After 11 long years now, it is time to bring our troops home.

I yield back the balance of my time.

POINT OF ORDER

Mr. YOUNG of Florida. Mr. Chairman, I make a point of order against

the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill and, therefore, violates clause 2 of rule XXI. The rule states in pertinent part: “An amendment to a general appropriations bill shall not be in order if changing existing law.”

The amendment gives affirmative direction in effect, so I ask for a ruling from the Chair.

The Acting CHAIR. Does any Member wish to be heard on the point of order? If not, the Chair will rule.

The Chair finds that this amendment includes language imparting direction on the expenditure of funds.

The amendment, therefore, constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained, and the amendment is not in order.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. YOUNG of Florida. I rise to make just a very brief announcement.

For years and years in the past when presenting the Defense appropriations bill, it has always been my policy, if any amendment is out of order and is subject to a point of order, to allow the introducer of that amendment at least 5 minutes to discuss it before raising a point of order. I hope we can do that today and expedite the process. I would like to move this bill a little quicker than maybe we had anticipated.

So I just make that announcement. We will continue to allow you to have your debate time before raising the point of order, but I would hope that everybody would be respectful of the time.

I yield back the balance of my time.

AMENDMENT OFFERED BY MR. GOSAR

Mr. GOSAR. I have an amendment at the desk.

The Acting CHAIR (Mr. CHAFFETZ). The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), add the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be may be obligated or expended for assistance to the following entities:

- (1) The Government of Iran.
- (2) The Government of Syria.
- (3) Hamas.
- (4) Hizbullah.
- (5) The Muslim Brotherhood.

The Acting CHAIR. The gentleman from Arizona is recognized for 5 minutes.

Mr. GOSAR. Mr. Chairman, I rise today in support of my amendment to H.R. 5856, the Department of Defense Appropriations Act for fiscal year 2013.

The amendment seeks to halt any potential Department of Defense funding from being used to aid States and organizations that pose real threats to the international community. My amend-

ment is simple. It prohibits any DOD funds from being spent on the Government of Iran, the Government of Syria, the Muslim Brotherhood, Hamas, and Hezbollah.

□ 1300

The cases against each of these organizations are well documented. Each of them has either sponsored terror activities, performed terror activities, made threats of terror activities, or engaged in atrocious human rights violations. None of these organizations are particularly friendly to the United States, and each of them harbors hate towards our friend and ally, Israel.

Further, I know that some make the argument that sometimes foreign aid eases diplomatic relations with certain entities. While I do not discount that theorem, I do not believe that the United States should be disbursing any funding to any entity that promotes terror and violence. To that I say, trust is a series of promises kept, and we need to start with upholding good behavior, and that is by honoring previous promises.

This amendment is almost exactly the same as the amendment I offered to the last DOD appropriations bill, only that this amendment has included Damascus, due to the al-Assad regime's terrible atrocities of late. That amendment was adopted by voice vote in the House of Representatives.

I ask my colleagues to give my revised amendment the same unanimous approval as last time. In the words of the old American adage: We do not negotiate with terrorists.

I thank the chairman and the committee for their work, and I urge a “yes” vote on my amendment.

Mr. YOUNG of Florida. Will the gentleman yield?

Mr. GOSAR. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. I would just like to advise him that our side of the committee especially and enthusiastically endorses your amendment.

Mr. GOSAR. I appreciate the gentleman, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. GOSAR).

The amendment was agreed to.

Ms. HAHN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. HAHN. Today is actually my 1-year anniversary of being sworn into this Congress. It's hard to believe it's been a year.

One of the things I came to Congress to do was to really move us toward ending the wars in Iraq and Afghanistan. While we look toward the 11th anniversary of Operation Enduring Freedom, I believe it's necessary to reflect

on the staggering human and economic costs this country has endured over the past decade. Since 2001, we've spent nearly \$635 billion on the Afghanistan war. Under FY 2012 figures, this equates to an average of \$8.8 billion a month, \$2 billion a week, and nearly \$300 million a day.

With what it takes to keep this war going for a week, we can hire 45,000 more construction workers to help repair and build our own crumbling infrastructure. With what it costs to keep this war going for 1 more month, we can hire over 250,000 new teachers, nearly enough to hire back all of the teachers and public school officials who've lost their jobs during this great recession. While these figures seem astounding, they don't begin to compare to the human toll that this war has taken on our active servicemembers and military families.

Last October, on the weekend of the 10th anniversary of this war in Afghanistan, I visited Arlington West in California—an incredible memorial to the men and women who died in Iraq and Afghanistan. It's truly a moving experience walking through row after row of crosses in the sand at Santa Monica Beach.

As of today, 2,041 U.S. soldiers have been killed in Afghanistan, and over 12,000 have been wounded. While many of us talk about these figures here on the House floor, I know many of us have even more personal experiences with families who have suffered loss or illnesses or injuries of their loved ones.

Unfortunately, I had reason to visit Walter Reed twice in the last 6 months, and I've seen the evidence of the sacrifice that we're asking these young men and women to bear. I think all of us should take the time to walk the halls of Walter Reed and see the full cost that this war has taken. My own cousin, a young man of 26, was only in Afghanistan 3 months and was shot in his leg. It's unclear whether or not he'll get full recovery of his leg. Last week, I visited one of my former employees in the City of Los Angeles whose son, Ben, was in Afghanistan. He reenlisted three times to go back. Unfortunately, this last time, he's now lost both of his legs. His future and his family's future has changed forever.

When you walk the halls at Walter Reed, you're made to remember the mothers bearing the crosses of their children, armed with only the memory of the love lost and unique responsibility that we all have to the fallen. You're reminded of the men and women who are still here and of the battles that they're going to have to fight long after they hang up their fatigues and come home. You're reminded of the struggles shared by the families—the mothers, the fathers, the sisters, the brothers, the sons, and daughters—of these veterans who bear the seen and unseen scars of four, five, even six tours of duty.

These scars are most evident in the recent news that 154 Active Duty servicemembers have committed suicide in the first 150 days of this year. This is nearly 1 per day. This is a heart-breaking statistic that brings into stark relief the terrible toll of nearly 11 years of war.

Mr. Chairman, we need to bring these troops home. That's why I support this amendment that provides for the safe and orderly withdrawal of U.S. forces from Afghanistan and to help bring this war to an end. A decade at war is too long.

I want to thank Congresswoman LEE for raising this incredibly important issue, and I urge my colleagues to support this effort and help bring the troops home. With that, I yield back the balance of my time.

AMENDMENT OFFERED BY MS. LEE OF CALIFORNIA

Ms. LEE of California. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_ (a) The total amount of appropriations made available by this Act is hereby reduced by \$19,200,000,000.

(b) The reduction in subsection (a) shall not apply to amounts made available—

(1) under title I;

(2) under title VI for "Defense Health Program"; and

(3) under title IX for—

(A) "Military Personnel"; and

(B) "Defense Health Program".

Ms. LEE of California (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered read.

The Acting CHAIR. Is there objection to the request of the gentlewoman from California?

There was no objection.

The Acting CHAIR. The gentlewoman is recognized for 5 minutes.

Ms. LEE of California. Mr. Chair, I'm pleased to be joined by my colleagues in offering an amendment to set Pentagon spending at the levels from the 2008 financial year adjusted for inflation, or at \$500 billion.

I'm offering this amendment for one simple reason: the bloated Pentagon budget must be addressed if we are serious about solving our Nation's deficit. Quite frankly, our real national security is about rebuilding our economy. It's time to use these tax dollars to create jobs here at home.

It's time to rebuild America and also to provide for the health and economic security of our brave troops and the communities that they live in back here at home. Even with this modest cut—and it's very modest at \$19.2 billion—the Pentagon-based budget would still be, mind you, a half trillion dollars, excluding war funding for Afghanistan, far outpacing any other nation in defense spending.

Americans across the country have been forced to cut back, and many are barely able to make ends meet while Pentagon spending has doubled over the past decade. The United States spends as much on its military as the next 14 countries combined, and all but three of these are close allies. Americans believe no Federal agency should be immune from cuts, including the Pentagon. In fact, the average American would pursue a much larger cut of over \$100 billion according to a poll released earlier this week by the Stimson Center.

Some have argued that defense cuts will result in job losses. The Pentagon, quite frankly, is not a jobs program. Even if it were, defense spending creates fewer jobs per billion dollars spent than investing in other sectors: education, health care, clean energy, or even tax cuts.

The bloated Pentagon budget has been immune from oversight and scrutiny for too long. We couldn't even pass my amendment yesterday calling for an audit of the Pentagon. This really has resulted in unbalanced spending where nearly 60 cents of every discretionary dollar now goes to the Pentagon. If we are serious about addressing the deficit, we must take reasonable steps to rein in Pentagon spending.

My amendment makes modest cuts to defense spending while protecting our active military personnel and retirees from misguided efforts to cut their compensation and health care expenditures by prohibiting the additional cuts from coming from Active Duty and National Guard personnel accounts from the defense health program. Let me repeat: not a single penny would come from Active Duty and National Guard personnel accounts or from defense health programs.

President Eisenhower famously said that the United States "should spend as much as necessary on defense," which we all agree with, "but not a penny more."

□ 1310

At a time when American families, businesses, and government agencies are facing budget cuts and tightening their belts, the Pentagon should not be immune from the need to justify its expenses and guard against waste, fraud, and abuse.

I am proposing a very modest proposal over the course of a decade that would equal less than \$200 billion, \$200 billion. The Bowles-Simpson Commission outlines \$750 billion in suggested defense cuts in the next decade.

President Reagan's Assistant Secretary of Defense, Lawrence Korb, has proposed \$1 trillion in cuts to the Pentagon over the next 10 to 12 years. As I said, the average American would cut 18 percent of the Pentagon budget, or a little over \$100 billion.

Finding \$19 billion in savings next year is a very modest first step after an unchecked decade of runaway Pentagon spending. While many Americans would support a larger cut, this is a commonsense amendment to change the direction of Pentagon spending towards a reasonable level aligned with actual threats to our national security.

I hope my colleagues, many of whom speak out here on the House floor frequently about the importance of addressing our deficit, will support this amendment. If we are really concerned about the deficit, then vote for this amendment.

I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. YOUNG of Florida. Mr. Chairman, this is another amendment that slashes large amounts from our overall Defense appropriations bill.

I would say that this subcommittee is not adverse to reducing defense spending when we can do so without having an adverse effect on readiness or without having an adverse effect on our troops, their medical care, and their families. I understand the gentleman does protect some of those issues in her amendment.

This committee has already proven that we are willing to cut defense. In the last 2 fiscal years, this subcommittee, on a bipartisan basis and in a bipartisan way, was able to reduce \$39 billion, and we did so very carefully by looking at every account, every project, every place that we could find weakness in the spending, in the contracting, in programs that were terminated or about to be terminated, and we can do that, but just an across-the-board cut is not smart.

Here's what could happen. We could actually, with this amendment and this reduction, we could require that we reduce or cancel training for troops returning home from the battlefield or cancel Navy training exercises because they are running very tight on funding already, or reduce Air Force flight training or delay or cancel maintenance of aircraft, ships, and vehicles. All of this relates to readiness: to make sure that the men and women in the military are ready, that they are trained properly, that they have the equipment, and that the equipment is ready.

Now something new here, interesting for this year: the CBO—and everyone understands that CBO is a nonpartisan, nonpolitical organization—has just issued their analysis of the Department's Future Year Defense Programs, the FYDP, and determined that Department plans will actually cost \$123 billion more than they actually project, which means what they say we will get for the money, we won't get that for the money.

Further cuts would make it very difficult to meet the requirements of the Department of Defense, the Army, Navy, Marine Corps, and the Air Force. We just don't want to do that.

This is not the only amendment. We have dealt with similar amendments numerous times yesterday, and I expect that we will again numerous times today. This is not a good amendment, and it's one that I would hope that the Members reject.

I yield back the balance of my time.

Ms. WOOLSEY. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Chairman, I am proud to cosponsor this amendment offered by my friend from California. As she clearly stated, this amendment would cut \$19.2 billion of Pentagon spending and bring the overall spending down to \$500 billion while at the same time protecting our troops and their medical needs.

Even with this cut, the \$500 billion that remains amounts to a generous appropriation for the Defense Department. With this cut, the Pentagon budget would still be greater than the next 10 countries' defense budgets combined. That's right: military spending from China, Japan, Germany, the U.K., Russia, India, France, Saudi Arabia, and Brazil combined would still trail our United States' military Pentagon budget by hundreds of billions of dollars.

I just don't understand how someone can stand here and say half a trillion dollars isn't enough. How many more outdated Cold War weapons systems do we need? How many helicopters with unreliable mechanical systems do we need? How many fighter jets causing pilot blackouts do we need? How many more private defense contractors do we have to pay and overpay?

At some point we have to say enough is enough. It's time, Mr. Chairman, for a reality check. It's time to accept that we spend too much on our bloated defense budget. I mean, ask any other Department or agency if they would make due with half a trillion dollars. I think we all know what that answer is—they would be delighted.

I urge you all, vote "yes," bring some sanity back to our budget.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Ms. LEE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. LEE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

#### AMENDMENT OFFERED BY MR. BROOKS

Mr. BROOKS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used by the Department of Defense or a component thereof to provide the government of the Russian Federation with any information about the missile defense systems of the United States that is classified by the Department or component thereof.

The Acting CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. BROOKS. I want to thank Representative MIKE TURNER, chairman of the Armed Services Strategic Forces Subcommittee, and Representative TRENT FRANKS, cochair of the Missile Defense Caucus, for their support of this amendment.

This amendment prohibits the administration from using funds to share the United States' classified missile defense information with Russia. It is similar to an amendment which passed with bipartisan support in the House version of the fiscal year 2013 National Defense Authorization Act.

In light of recent statements by President Obama that he wanted "more space" from the Russians in regards to missile defense, and his statement that he would "have more flexibility" on this issue after the elections, I am concerned, Mr. Speaker, that the United States' hit-to-kill and other valuable missile defense technologies may become pawns in a political chess game of appeasement with the Russians.

Statements by Russian Chief of General Staff Nikolai Makarov have increased my concern. In reference to the United States' desire to strengthen our missile defense sites in Europe, General Makarov threatened the use of military force against the United States, declaring that "A decision to use destructive force preemptively will be taken if the situation worsens."

Mr. Chairman, if Russia's defense staff is willing to blatantly threaten the United States, why should the United States hand them the keys to technology that gives America's warfighter a decided advantage.

The danger to national security is obvious, but there is more to this picture. The Congressional Research Service estimates the United States has spent approximately \$153 billion on missile defense. A vast majority, roughly 90 percent, was spent on hit-to-kill technology. It makes no sense to spend \$153 billion of taxpayers' money on advanced weaponry just to give it away.

This amendment builds on a letter that had broad bipartisan support in the United States Senate and was

signed by 39 senators in April 2011 expressing concern about giving the Russians sensitive missile defense data and technologies.

□ 1320

These Senators were concerned, as I am, that the White House must not use America's missile defense technologies as a bargaining chip in negotiations with Russia.

This amendment helps the United States lead the world in missile defense technologies, preserves investments of billions of dollars, and ensures the viability of current and future missile defense technologies.

Mr. Chairman, I yield 2 minutes to my colleague and good friend, Congressman TURNER from the great State of Ohio.

The Acting CHAIR. The gentleman may yield, but not specific amounts of time.

The gentleman from Ohio is recognized.

Mr. TURNER of Ohio. Thank you, Mr. BROOKS.

I just want to point out the importance of this amendment and also reiterate that this amendment says that classified information about our missile defense system should not be allowed to be provided to the Russians. We have two areas of concern:

Obviously, one, Iran and their growing ICBM threat to the United States. I previously wrote a letter with Chairman MCKEON to Secretary Panetta asking about specific information for the rising ICBM threat with Iran.

The second aspect is that we're all aware that the President is currently in negotiations on a secret deal with the Russians. We saw that in the open mike discussion that the President was having with Medvedev in South Korea, where he said he wanted greater flexibility until after the election. Some of that flexibility should not be disclosing classified information concerning our missile defense system to the Russians. This amendment would say: Mr. President, you won't tell us what your secret deal is, but that secret deal better not include sharing classified information of the United States with the Russians about our missile defense.

Again, Mr. BROOKS' amendment is very important because it says: Mr. President, even though you won't tell us what the secret deal is, we will not allow you to exchange classified information and weaken the security of the United States.

COMMITTEE ON ARMED SERVICES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, July 13, 2012.

Hon. LEON E. PANETTA,  
Secretary of Defense,  
Defense Pentagon, Washington, DC.

DEAR SECRETARY PANETTA: We write out of concern with the Administration's plans for missile defense, specifically, the continued sharp decline in the attention and resources invested in U.S. national missile defenses.

We fear that this situation could be severely exacerbated under current plans, including the threat of defense sequester, which could be prevented under recent legislation passed by the House of Representatives. Further, we are in receipt of an \$8 billion reprogramming request that could, in view of new information, continue to mis-prioritize scarce defense resources.

In 2009, the Administration justified a significant shift in U.S. missile defense policy on the basis of what was labeled "new intelligence assessments". Secretary Gates, in a September 17, 2009, press conference, stated, "our intelligence assessment also now assesses that the threat of potential Iranian intercontinental ballistic missile capabilities has been slower to develop than was estimated in 2006." (emphasis added). It therefore follows that a shift in intelligence could justify a further change in U.S. missile defense strategy.

The recently released unclassified 2012 Report on the Military Power of the Islamic Republic of Iran suggests to us just such a shift may be at hand. For example, the report stated, "Beyond steady growth in its missile and rocket inventories, Iran has boosted the lethality and effectiveness of existing systems with accuracy improvements. . . . Since 2008, Iran has launched multistage space launch vehicles that could serve as a test bed for developing long-range ballistic missile technologies."

Because of our concerns that the 2009 judgments may be superseded based on new intelligence information, we have the following questions, which we request be answered by you with an unclassified written response:

1. Have key judgments about Iran's efforts to develop intercontinental ballistic missiles (ICBM) shifted since 2009? Does Iran now intend to develop an ICBM? If so, when is the earliest it could deploy such a capability?

2. Has Iran continued to improve its ICBM-related technical capabilities through its short-range, medium-range, and alleged space-launch vehicle tests since 2009?

3. If Iran has now decided to develop an ICBM capability, does that suggest anything regarding Iranian decisions to develop a nuclear weapons program? There appears to be no reason for Iran to develop ICBMs unless it has already decided to develop nuclear weapons, or other weapons of mass destruction, to put on top of those missiles.

4. Have there been any further developments that suggest North Korea could be preparing to deploy a new road mobile ICBM this year?

Additionally, for almost three years, the Committee has been asking for, and repeatedly promised by your Department, a "hedging strategy" for national missile defense in the event that the Administration's plan, as articulated in the September 2009 decision on the Third Site and the European Phased Adaptive Approach (EPAA) and the 2010 Ballistic Missile Defense Review, is delayed for technical or budgetary reasons, or if the ballistic missile threat to the United States emerges faster than was assessed in 2009. Indeed, in the FY2012 National Defense Authorization Act, such a plan was required by law. The Committee has thus far received no such strategy.

The Administration's plan for national missile defense is almost entirely focused on assumptions for future changes to the shot doctrine of the GMD system—which would not happen for years under the program of record, assuming it is possible, or the SM-3 IIB missile, which is now a year delayed, and about which the Defense Science Board and

the National Academies have all expressed grave concerns for its projected capability. Indeed, the Government Accountability Office has expressed concerns about the absence of any real Analysis of Alternatives to substantiate technical capability and requirements for the IIB missile and therefore has warned about the risk of delay and budget overrun. We urge the Administration to provide the Committee all the analysis that was prepared when the SM-3 IIB missile was recommended in September 2009.

Committee staff were briefed in March of this year on some elements of the "hedging strategy", as then under consideration, including potential configurations of an East Coast site consisting of 20 ground-based interceptors. The Committee is now informed that the Department has determined not to share even those briefing slides with the Committee.

We request you submit the hedging strategy mandated by section 233 of the FY12 NDAA not later than the week of July 30th, in time for Committee Members to be briefed before the August district work period and Senate consideration of the NDAA, and we request you immediately transmit the briefing slides of the March 6th briefing.

The Committee is in receipt of almost \$8 billion in FY12 reprogramming requests, with significant sums of money intended for missile defense capabilities and capabilities oriented to a potential conflict with a regional threat. We therefore believe it appropriate for our requests in this letter to be answered prior to any decision by the Committee on those matters.

We appreciate your willingness to work with us on these requests in a timely fashion.

Sincerely,

HOWARD P. "BUCK"  
MCKEON,  
Chairman, Committee  
on Armed Services.  
MICHAEL R. TURNER,  
Chairman, Sub-  
committee on Stra-  
tegic Forces.

COMMITTEE ON ARMED SERVICES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, May 23, 2012.

President BARACK OBAMA,  
The White House,  
Washington, DC.

MR. PRESIDENT: As you know, there is profound interest on the subject of you and your Administration's efforts to enter into an agreement with the Russian Federation on the subject of U.S. missile defenses. These efforts were the subject of considerable debate during the recent consideration of H.R. 4310, the National Defense Authorization Act for Fiscal Year 2013.

Specifically, there is still a great deal of concern about what you meant when you were overheard during a recent meeting in Seoul with Russia's former President, Dmitri Medvedev, that after this election, your "last election," you "would have greater flexibility" to make a deal with Russia concerning U.S. missile defenses.

One of your aides, Mr. Nabors, wrote to me stating "[i]t is no secret that this effort [referring to the effort to negotiate an agreement with Russia about U.S. missile defense] will be more complicated during election years in both the United States and Russia." The inference is that the American people may not like the deal your Administration is planning to negotiate. If that is the case, why make it at all?

What is it you and your administration are concerned the American people would object to in such a deal with Russia? Would it be limitations, unilateral or bilateral, with Russia on the speed, range, or geographical deployment of U.S. missile defense interceptors?

Of like concern is your apparent belief that U.S. missile defenses are a hindrance to further U.S. nuclear arms reductions. At present, your Administration is conducting what's known as the NPR Implementation Study, which press reports indicate could recommend up to 80 percent reductions in U.S. nuclear forces, on top of the unilateral U.S. reductions your Administration just negotiated in the New START treaty. This review is being conducted in total secrecy, without any information having been shared with the Congress. Many in Congress, me included, are deeply troubled that you may be willing to further trade or give away U.S. missile defenses to get closer to your goal of a world without nuclear weapons.

You may be able to put to rest such concerns if you would simply direct your Administration to share with the Congress the draft agreements that have been offered to Russia. For example, according to President Putin in a March 2, 2012 interview with RIA-Novosti:

"They [referring to your Administration] made some proposals to us which we virtually agreed to and asked them to get them down on paper . . . They made a proposal to us just during the talks, they told us: we would offer you this, this and that. We did not expect this, but I said: we agree. Please put it down on paper . . . We were waiting for their answer for two months. We did not get it, and then our American partners withdrew their own proposals, saying: no, it's impossible," he added.

This is not the first such reference to a secret deal the Obama Administration offered to Russia. The Russian newspaper *Kommersant* reported last October that it obtained the copy of a deal that was to be agreed to at the May 2011 G8 summit in Deauville, France.

Mr. President, the unwillingness of your Administration to provide copies of these draft agreements to the Congress does nothing to resolve concerns about just what your Administration is prepared to offer to Russia regarding U.S. missile defenses after your "last election."

After all, it was not that long ago that your Administration unilaterally withdrew from the plan to build the European Third Site in Poland and the Czech Republic just to earn goodwill from Russian Presidents Putin and Medvedev during the negotiations of the New START treaty. Additionally, your signing statement earlier this year that you would treat section 1244 of the National Defense Authorization Act for Fiscal Year 2012 as non-binding, is troubling in that this provision, which you signed into law, only seeks to protect classified U.S. missile defense information from disclosure to Russia or those to whom it proliferates, like the Islamic Republic of Iran and Syria.

I encourage you to direct your Administration to provide to the Congress the draft agreements provided to the Russian Federation. Such transparency would be the best way to resolve concerns in the Congress about your statement to President Medvedev—"[t]his is my last election . . . After my election I have more flexibility"—about your intentions for missile defense. And, I can see no reason why you wouldn't provide to the elected representatives of the

American people that which you and your Administration have provided to President Putin, President Medvedev and others in their government.

Sincerely,

MICHAEL R. TURNER,  
*Chairman, Strategic Forces Subcommittee,  
House Armed Services Committee.*

Mr. BROOKS. I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. YOUNG of Florida. Mr. Chairman, this actually may be the most critical amendment that we will consider on this bill today. There should be no secret deals on our missile defense with a Russian President or any other person not involved with the security of our own Nation. This amendment precludes that.

Mr. BROOKS has pointed it out extremely well and Mr. TURNER has certainly made a very strong case. But let me add, our national defense interests have got to be our interests, not somebody else's. Our national defense investments must be made based on what is the threat to our Nation, and missile defense in particular. The Iranians have just shown a massive arsenal of missiles—short-range, medium-range, and some long-range capability. Those missiles would have the ability to target our troops wherever they might be in the Persian Gulf region. They can even reach to Israel, one of our very best partners and coalition allies.

We just can't let this happen. We can't let anyone make a secret deal with a Russian President on missile defense. The threat is too great.

The threat is growing not only from Iran, but from North Korea. The North Koreans have invested a lot of time, a lot of money, and a lot of technology in developing their missiles, and I don't suspect that they are for peaceful purposes.

We have to be always on guard that we protect Americans and our interests and our troops, wherever they might be, from hostile attacks by somebody's missile.

So this is a critical amendment, and I think it is important that we have a very large vote and send the message that we are not going to toy with the defense of our Nation, especially missile defense.

I yield back the balance of my time. Mr. DICKS. I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. Frankly, we don't have any problem with this amendment. I would be very surprised if the administration would give any classified information to the Russian Government. Now, maybe the gentleman knows something that I don't know. And I understand that there was an inadvertent

comment suggesting that after the election there may be a better opportunity to work between the two governments. Those things are said at times. But I have no personal information that anyone is saying that we're going to give them this information. So I personally think it would be a mistake to give it to them unless it was declassified so the American people would know what the information was.

But in this case, just to be sure, I'm willing to go along with the gentleman's amendment. We have to be very careful here with classified information, there's no question about that. There's been some concern expressed about classified information being released to the public, which is another questionable activity.

I support the gentleman's amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Alabama (Mr. BROOKS).

The amendment was agreed to.

Ms. CASTOR of Florida. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Ms. CASTOR of Florida. I rise for the purpose of a colloquy regarding an amendment that I had intended to offer relating to military families.

Mr. Chair, our military personnel have access to great health care through TRICARE, but in certain cases—and many would be surprised to learn this—TRICARE does not cover every health service. And this comes into play sometimes with children of military families with special needs. There's also a circumstance when someone in the military is separating from the military but they don't have retirement benefits, and their family, their children, may not have access to health insurance.

I ran into this in a case back home in Tampa, Florida, at MacDill Air Force Base, not unlike many of our colleagues here who participate in forums for veterans and job fairs and the like. The military health folks didn't know a lot about Medicaid or the Children's Health Insurance Program, whether it applied to military families that they talked to all of the time or those families that are separating from the military and are no longer covered by TRICARE. So we tried to investigate this with the Pentagon a little bit, but they were not able to clarify anything for us.

I have done a little research. There was one report, entitled, "Medicaid's Role in Treating Children in Military Families." That report advised that 1 in 12 children from military families rely on Medicaid for some health service; and for children with special needs in the military families, 1 in 9. I was surprised to learn that, frankly. Plus,



we have many that have served in the military and have come back from Iraq or Afghanistan and have a lot of questions about what it means for them finding a job, finding coverage for their family as they move on in their lives.

So I had intended to offer an amendment that simply clarifies the fact that nothing prohibits DOD from providing that information at a job fair, a health fair, or advising military families that the Medicaid coverage or the SCHIP coverage could be an option. So I would really like to work with Chairman YOUNG, the Department of Defense, and Ranking Member DICKS so that our military families don't have to worry about health coverage, whether they're in the military, they have children, children with special needs, or they're separating from the military and they just simply need answers to questions about where they can turn.

I yield to the chairman.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentlelady for yielding, and I want to thank her for the attention and the hard work that she does to ensure that our military servicemembers and their families have the very best information and resources regarding health care.

□ 1330

That is only fair. One of our highest priorities has always been to take care of the health of our men and women in uniform and their families.

I thank the gentlelady again, my neighbor in Florida, for her advocacy on this issue and guarantee that we will be very happy to work with her and the Department to make sure that all relevant health care information is available to our servicemembers, our retirees, and their families.

Ms. CASTOR of Florida. Mr. Chair, I thank the chairman. And this is especially meaningful coming from Chairman YOUNG. No one has been more attentive to military families and our servicemembers—no matter what service, no matter their veteran status—than Mr. YOUNG, my colleague and friend from Florida.

I thank the gentleman and yield back the balance of my time.

Mr. WALDEN. Mr. Chairman, I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Oregon is recognized for 5 minutes.

Mr. WALDEN. I would ask the gentleman from Florida if he would be willing to enter into a colloquy.

Mr. YOUNG of Florida. I would be happy to enter into a colloquy with my colleague, the very distinguished gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN. Thank you very much, Mr. Chairman.

As chairman of the Communications and Technology Subcommittee, I have taken an interest in the use of our Na-

tion's spectrum resources by both Federal and non-Federal users. Spectrum is becoming increasingly important as our Nation's needs for mobile communications grow. Unfortunately, however, demand is quickly outpacing the supply of spectrum.

The U.S. Department of Defense is a large user of spectrum. Efficient use of spectrum would therefore not only greatly benefit our country in terms of technological and economic development, but also help our military in conducting its critical mission.

Recent discussion of spectrum policy in government has turned to ways that governmental and nongovernmental users might share spectrum to the benefit of both. It has come to my attention that the work of the Department of Defense—through the Defense Advanced Research Projects Agency, the Joint Program Executive Office Joint Tactical Radio System, and other programs—has been examining some of these sharing technologies, but with mixed results. It is my belief that Congress would benefit greatly from a report on this research. I would suggest that the Department of Defense draft such a report that details the status of its work on cognitive radio, dynamic spectrum access, software-defined radio, and any other spectrum-sharing techniques and technologies.

I would like to ask for your support, Mr. Chairman, and assistance in working with the Department of Defense to get additional information on the types of technologies under development and production and how much has been spent to date for these efforts, as well.

In addition, I believe that a clearer understanding of the efforts being pursued by the Department of Defense and the associated organizations for joint spectrum management technology developments, what has been deployed and what future investments will achieve is important and should be pursued and we should fully understand what they're doing.

Mr. YOUNG of Florida. Mr. Chairman, if the gentleman would yield, I would say to him that today, spectrum is a commodity, and the efficient management of that commodity is critical. I agree that understanding the Department of Defense's plans and budgets for research and development and deployment of these capabilities is critical.

I look forward to working with Mr. WALDEN and the Department of Defense to understand the technologies and techniques being employed to improve government spectrum efficiencies. I thank the gentleman for raising this important issue.

Mr. WALDEN. I thank the chairman for his work on not only this issue and working with us on this, but also your terrific dedication to the country over the years, and especially in moving this legislation forward.

I yield back the balance of my time.

AMENDMENT OFFERED BY MS. LEE OF CALIFORNIA

Ms. LEE of California. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. (a) The total amount of appropriations made available by this Act is hereby reduced by \$7,583,000,000.

(b) The reduction in subsection (a) shall not apply to amounts made available—

(1) under title I;

(2) under title VI for "Defense Health Program";

(3) under title IX; and

The Acting CHAIR. The gentlewoman is recognized for 5 minutes.

Ms. LEE of California. The Lee-Van Hollen-Smith amendment would limit Department of Defense funding to the amount authorized under the Budget Control Act of 2011, resulting in a \$7.6 billion reduction in spending from the level authorized by the Appropriations Committee.

This amendment is cosponsored by my colleagues, Armed Services Ranking Member ADAM SMITH, Budget Committee Ranking Member CHRIS VAN HOLLEN, and Representatives AMASH, BLUMENAUER, CLARKE, JOHNSON, NADLER, POLIS, SCHRADER, STARK, WELCH, and WOOLSEY, among others.

As you know, Mr. Chair, last year, Congress passed the Budget Control Act, which put in place spending caps on discretionary spending. Despite these statutory limitations, the Appropriations Committee set overall military spending billions of dollars above what the Pentagon requested or what was agreed to under the Budget Control Act.

A deal is a deal. While many of us did not support the discretionary caps under the Budget Control Act, our amendment simply brings Pentagon spending in line with the law. Again, a deal is a deal. It does this while protecting our Active Duty military personnel and retirees from misguided efforts to cut their compensation and health care expenditures, by prohibiting the additional cuts from coming from Active Duty and National Guard personnel accounts or from the Defense Health Program.

Let me repeat: not a single penny would come from Active Duty and National Guard personnel accounts or from the Defense Health Program.

The Pentagon budget already consumes almost 60 cents out of every discretionary dollar we spend, and adding billions of unrequested dollars—mind you, unrequested dollars—at the expense of struggling families during the ongoing economic downturn is wrong.

Once again, I just have to remind us that yesterday an amendment was struck down, made out of order, that we still can't even get an audit of the Pentagon; and here, once again, we're



going against the law of the land and violating a deal and asking for more money—outrageous.

At a time when American families, businesses, and government agencies are facing budget cuts and tightening their belts, why shouldn't the Department of Defense be asked to become more efficient and eliminate wasteful programs?

While many of us would support a larger cut, this is a commonsense amendment to keep spending in line with what was agreed to last year. Remember, a deal is a deal.

I hope my colleagues, many of whom speak here on the floor frequently about the importance of addressing our deficit, will support this amendment. So I ask my colleagues, if we are really concerned with the deficit, then vote for this amendment. This is money the Pentagon did not ask for and it does not need.

Some of us really do believe that your word is your bond.

I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. YOUNG of Florida. Mr. Chairman, first, I would like to say that I really respect Ms. LEE's tenacity and her determination. There's no doubt that she is sincere, but I just disagree with her amendment.

Actually, except for the numbers that have changed, this is basically the same amendment that has been offered before even today. And so rather than repeat the arguments, I will just say the arguments are the same.

This is not a good amendment, and I would hope that the membership would oppose this amendment as we have others similar to this.

I yield back the balance of my time.

Mr. SCHRADER. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Oregon is recognized for 5 minutes.

Mr. SCHRADER. Mr. Chairman, we have actually completed our withdrawal from Iraq. We are on our way to withdrawing from Afghanistan. There is not a strategic need to increase the base budget for the Defense Department beyond the BCA, Budget Control Act, agreement.

Our own military leaders have acknowledged that our debt and deficits are the largest national security threat that our country actually faces. We need to be building on the fiscal foundation the BCA laid in order to provide for our children's futures and the military they will need to defend their freedoms. Sticking to the BCA framework is our strategic priority.

We should take a moment to remember where we were at this time last year. There was a real threat of gov-

ernment and economic shutdown due to the approaching debt limit. In the very 11th hour, we passed the bipartisan Budget Control Act to forestall a sovereign debt crisis by cutting \$900 billion from the deficits and agreeing to cut another \$1.2 trillion over the next 10 years.

Even still, our national debt has increased by \$1.3 trillion since we came to that agreement last August. In part, this is due to the failure of the supercommittee to reform entitlements in our Tax Code.

In the coming months, we need to finish the job we began with the passage of the Budget Control Act. Reforming entitlements and instituting comprehensive tax reform as suggested by the Bowles-Simpson plan is no longer an option but a national necessity. Changes scheduled to go into effect in January would harm the economy and the middle class while proving ineffective in true deficit reduction. Backpedaling on the BCA is irresponsible.

□ 1340

By holding this body to the bipartisan law we passed last August and reducing our debt by reducing the underlying bill's appropriation by a mere \$7.5 billion—in Washington, D.C. terms—the amendment before you today will enhance our national economic security.

We need to stick to the spending caps and move on from the FY 2013 appropriation process so we can work on getting the next framework put in place to responsibly address what has become known as the "fiscal cliff."

The American people and businesses in this country deserve certainty about their future. We need to do right by them, avoid a crisis of our own making, and lay the groundwork for restoring our economy and getting hardworking Americans back to work.

I yield back the balance of my time.

Mr. STARK. Mr. Chairman, I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. STARK. I'd like to first thank my friend, Ms. LEE, for bringing up this important amendment. She knows so well that the less experience people in this body have had with the military, the fiercer they are. That goes to the Republicans wanting to exceed their own funding cap in the Budget Control Act by \$8 billion. This is a moderate amendment to bring us back under the Budget Control Act.

This is the 12th year that we've been fighting and funding a war in Afghanistan and that area; and there's no peace, there's nothing, no stability. The war in Afghanistan has basically contributed to our instability. Nothing has happened over there. Since 2001, we have spent \$600 billion or \$700 billion on

this Afghani war alone, and the Defense Department appropriations bill wants another \$600 billion.

Republicans like to talk about entitlements like Medicare driving the debt. Well, let me tell you, defense spending has become just as much of an entitlement, with a team of lobbyists and Members of this body who are more interested in protecting defense contractors than protecting our country's health, education, and economic growth.

This bill ignores administration proposals to delay or terminate military programs while providing funding instead for weapons that the Department of Defense doesn't want, doesn't need, and won't work. Apparently, funding wars and weapons instead of better health care, education, and repairing our infrastructure are more important to the Republican majority than all other issues.

I urge my colleagues to support this commonsense amendment and start reining in our out-of-control defense budget.

I yield back the balance of my time.

Mr. VAN HOLLEN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Maryland is recognized for 5 minutes.

Mr. VAN HOLLEN. Mr. Chairman, I'm very proud to join with my colleague from California (Ms. LEE) and Mr. SMITH, the ranking member on the Armed Services Committee, in support of this amendment.

This amendment is, in fact, different than every other amendment that has been offered on this bill. This amendment is very simple and very clear in its purpose: it's to make sure that this Congress complies with the Budget Control Act agreement that was set by this body on a bipartisan vote just last year.

I would just refer my colleagues to the Budget Control Act and refer them to section 302, Enforcement of Budget Goals. It's right there in plain English what the 050 number will be, the Defense appropriation number will be. That was the Budget Control Act that was supported and voted on by the chairman of the Budget Committee, by the chairman of the Armed Services Committee, by the chairman of the Appropriations Committee, and by the chairman and the ranking member of the Defense Appropriations Subcommittee.

In fact, the chairman of the Appropriations Committee, Mr. ROGERS, said last year, when we passed it:

Tough choices will have to be made, particularly when it comes to defense and national security priorities, but shared sacrifice will bring shared results.

He went on to say:

The Appropriations Committee has already started making tough decisions on spending and will continue to under the spending limits and guidelines provided in this bill—meaning the Budget Control Act.

That was August 1 of last year. The chairman of the full Appropriations Committee was right last year, but the bill that's coming to the floor today is in violation of that bipartisan agreement. As a result of that violation, while the Defense appropriation bill exceeds significantly what was requested by our own Defense Department as what was necessary to meet our national security needs—because this bill dramatically increased that level above what was requested—the reality is the other bills that are coming through the Appropriations Committee are taking very deep cuts—deep cuts to education, deep cuts to health care programs. In fact, the ranking member of the subcommittee, Mr. DICKS, described that Labor-H bill as one of the most partisan bills that he has seen. That's true, and that is a direct result of the fact that this bill that's before us today dramatically explodes the Budget Control Act agreements.

Now, Mr. Chairman, I would just refer the body to the statements made by Admiral Mullen recently, who of course was the chairman of the Joint Chiefs of Staff, pointing out that our military strength depends on our economic strength and our economic strength depends on our long-term fiscal health and the soundness of our fiscal policy. And I quote Admiral Mullen, who said:

Our national debt is our biggest national security threat.

He went on to say:

Everybody must do their part.

He said:

We can no longer afford to spend taxpayer resources without doing the analysis—this is Admiral Mullen—without ensuring every dollar is efficiently and effectively invested. We can no longer go along with business as usual if we are going to get our fiscal house in order.

That is why this body, on a bipartisan basis, agreed to the Budget Control Act. So it's very unfortunate that this bill now comes to the floor in violation of an agreement, in violation of an understanding that in order to get our fiscal house in order, we had to make tough decisions on defense and nondefense alike.

By violating the agreement in this regard, what the committee is saying is they're willing to make really tough decisions. In fact, they make irresponsible decisions with respect to the non-defense domestic spending, and we doubt we'll even see a Labor-H bill on the floor of this House, it's so bad. The reason it's so bad is because, in part, that Budget Control Act was violated and so much was added to the Defense Department, again, as my colleagues have said, more than requested by our military leadership and more than requested by the Defense Department.

I agree with Admiral Mullen, who said we all need to share in this responsibility. I agree with what my Repub-

lican colleague said just last year when we passed the Budget Control Act. Let's stick to an agreement and let the people know that when this body comes to an understanding after a hard compromise, we stick with it for the public good.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Ms. LEE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. LEE of California. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California will be postponed.

Mr. CONAWAY. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. CONAWAY. Mr. Chairman, I would like to engage the chairman, Mr. YOUNG, in a colloquy if he will so engage.

Mr. Chairman, I commend you and your committee for your hard work putting together this bill. The efforts by your committee and your staff to provide our warfighters with the tools they need to keep our Nation secure are our first priority, and I thank you for your service doing just that.

I applaud your work also to mitigate risk associated with shrinking budgets. I believe this bill shows your leadership to make the tough decisions to fund our Department of Defense at the appropriate levels even during this time of fiscal austerity.

Mr. YOUNG of Florida. Will the gentleman yield?

Mr. CONAWAY. I yield to the gentleman.

Mr. YOUNG of Florida. I want to thank him very much for the comment.

Mr. CONAWAY. Mr. Chairman, I would also like to thank you specifically for your work addressing the wasteful pursuit by the Department—specifically the Navy—to stand up an alternative energy industry. These efforts go against the primary mission of the Department and are a colossal waste of taxpayer money, especially as we are scrubbing every penny inside the Pentagon.

The Navy claims that its pursuit of a green fuel source that is produced in the United States would help protect it from price shocks and volatility within the oil markets. I have yet to hear an argument that supports how spending, on average, \$26 a gallon for biofuels would protect our fuel budgets when we could be paying \$3.60 a gallon. This argument simply doesn't add up.

□ 1350

Prices, Mr. Chairman, would have to rise eightfold for this equation to work.

The Navy claims that development of biofuels will limit the number of deaths associated with fuel convoys in theater. Yet, this is a specious argument. Convoys will still be needed to haul biofuels across dangerous areas to supply our needs, just like conventional fuels. And if they're less efficient, more convoys would in all likelihood be needed.

The Navy also claims that buying biofuels and sailing their Green Fleet will end up saving American taxpayer dollars and ultimately lead our military to energy independence. Throughout hearings in the House and the Senate Armed Services Committee, witnesses failed to offer any verifiable analysis that shows the costs of achieving this goal or when these goals can be achieved.

Mr. Chairman, time and time again, with this current administration we've seen instances of shortsighted, unrealistic expectations like this and its sister project, Solyndra, at the Department of Energy where venture capitalists are making a fortune off frivolous spending of taxpayer dollars on projects that belong in the private sector.

The Department of Defense should be in the business of prosecuting wars and keeping this country safe, not wasting dollars on the pursuit of green fuel. I would argue that Department leaders should focus on buying the cheapest most readily available fueling which keeps our ships steaming and our planes flying.

Mr. YOUNG of Florida. Will the gentleman yield?

Mr. CONAWAY. I yield to the gentleman.

Mr. YOUNG of Florida. Thank you for yielding.

I appreciate the gentleman's attention to this matter, and I support his efforts to prioritize spending within the Defense Department. I look forward to working with him to ensure that our scarce defense dollars are spent in a responsible manner, and I thank the gentleman for raising this issue.

Mr. CONAWAY. I thank the gentleman, and I yield back the balance of my time.

AMENDMENT OFFERED BY MR. KUCINICH

Mr. KUCINICH. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), add the following new section:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used for the administration of the Armed Services Vocational Aptitude Battery for the student (high school) testing programs.

The Acting CHAIR. The gentleman from Ohio is recognized for 5 minutes.

Mr. KUCINICH. Just so you know, and I want the chairman and the ranking member to know, in offering this

amendment, it's not my intention to wipe out military recruiting. It's very important for people to be able to serve our country. It's an honorable profession. It's essential to America.

What this amendment is about really is about upholding the right of parents to be able to determine whether or not their young person should have to take a test that would be given to them under the auspices of the Armed Services Vocational Aptitude Test. This is a test that is administered annually to 1 million military applicants, high school and postsecondary students.

But it's more than just a test. Here's the kind of information that students who take this test divulge: Social Security number, gender, race, ethnicity, birth date, statement of future plans, and most significantly, their aptitude on a battery of subcritical tests.

Now, if you ever wanted to make a case for the danger of Big Government being able to reach into schools, think about this. You've got the largest organization in the government administering tests to high school kids and basically getting all the information they want about these young people, and without their parents' consent. I have a problem with that, and we all should have a problem with that.

Now, if someone can tell me that you'll fix this and provide for an opt-in or opt-out, or tell me that, you know, DENNIS, you're right; any young person who could end up in military service, their parents ought to consent to whether or not they should be able to take the test and/or whether the results of the test should be released.

This is about privacy. It's about parental rights, and it's also about not letting Big Government become Big Brother, gathering information about our children at a very early age in order to have some higher purpose.

It might be very altruistic here. We've got to be very careful about this system we've set up. This Armed Services Vocational Aptitude Test is administered in recruiting centers. That's true. Fine. But it's also offered to high schools and postsecondary students. And according to the Pentagon, the Career Exploration Program is designed to help students explore civilian and military careers.

But the rise of this test in high schools has led countless students and parents to feel that they're being unfairly, potentially illegally, and often-times unknowingly recruited.

The Department of Defense claims it's just a tool to screen students' enlistment eligibility and determine their interests and skills for non-military careers, but Mr. Chairman, more than 90 percent of the scores being sent are sent directly to military recruiters. So it's obvious this is a recruiting tool. Fine.

How about letting the parents know about it? How about giving parents a

choice, because most of the times you're talking about somebody that's under 18 years old?

So I don't oppose military recruitment. I want that understood. But I am concerned that this test is being administered to kids in our public schools in a way that circumvents parental consent. The vast majority of students think they're taking the test and that it's required by their high school. Parents aren't informed that children are given the test. Why? Because their consent isn't required.

Let's get the parents in on this.

Now, my dad encouraged me to be in the military. I had a heart murmur. I couldn't serve. All my brothers and my sister did. But you know what? We had some feedback with our parents about this.

You give a kid a test, that puts that child on a track to military service, parents don't know about it? Are you kidding me?

Parents have a right here, and we have to restrain the impulse of a big government organization to gather information about these kids that ordinarily the government would never be entitled to.

So I want to make sure that my friends in the majority and my friend, who's the ranking member, understand that my amendment in no way stops consenting adults from pursuing a career in the military or from taking the test at a recruiting station or processing station. It doesn't prohibit military recruiter presence in our schools. We dealt with that in No Child Left Behind. I was on the other side on that, but my amendment doesn't stop that.

But it stops the administration of this test in schools, so it can't be used as a recruiting tool disguised as a test that targets children who are legally too young, too young to consent to a career in the Armed Forces.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the gentleman's amendment. This amendment would basically prohibit funds from being used to administer the Armed Services Vocational Aptitude Battery test. This amendment would negatively impact both the education and recruiting communities.

This test is administered free of charge on a voluntary basis. It's on a voluntary basis to high school and college students as part of a comprehensive Career Exploration Program. This program integrates student aptitudes and interests to help them explore postsecondary opportunities, including college, technical schools, and civilian as well as military careers.

As education resources grow together, many schools rely on this free

test to provide a valuable career exploration experience. And we, as a Nation, benefit from this test. Through this amendment, the gentleman would effectively prohibit high schools from offering this test, which would be unfortunate, and we are strongly opposed to the bill.

I yield back the balance of my time.

The Acting CHAIR (Mr. POE of Texas). The question is on the amendment offered by the gentleman from Ohio (Mr. KUCINICH).

The amendment was rejected.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. YOUNG of Florida. Mr. Chairman, I take this time to advise Members of something that they might be exposed to here shortly. Recently, I had an opportunity to experience what I call ambush journalism on an issue that—I really found it hard to believe that this investigative reporter would raise the issue.

□ 1400

He was very upset because of the amount of money we spend to return our "killed in action" heroes back to their families at their home bases after they arrive in the United States at Dover. I was really shocked that that would be a concern to anybody because I believe that those heroes should be treated with the utmost respect.

I told this distinguished gentleman that I would do everything that I possibly could to make sure that the proper respect and dignity were awarded these heroes as their remains return home to their families. This gentleman thought that Congress actually set the schedules and decided which airplanes fly the soldiers back home. I explained the law. I explained that that was not the case. I explained that the Pentagon had a lot of people who did administrative things like that, including scheduling.

I expect that many of you might also face this same investigative reporter and be asked the same question. I just want you to be aware that that is the issue. I don't understand why anybody would want to deny a hero killed in action dignity and respect as he returns home to his family. It is just exasperating to me, I will say, Mr. Chairman. I just wanted Members to be aware. You may be faced with this very same question, with this very same issue. I hope you're not, but you might be; so I bring this to your attention just in case.

I yield back the balance of my time.

Mr. DICKS. I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. I have had a chance to talk to the distinguished chairman of

the Defense Subcommittee, Mr. YOUNG of Florida, about this issue. I can tell you, based on long experience, that no one cares more about our wounded warriors and also of those who have lost their lives and are coming home for the last time.

I think the way that the Department of Defense handles this is appropriate. They are trying to get these bodies back to the parents or to the families as expeditiously as possible. Obviously, Congress doesn't tell them how to do this. Obviously, we fund that program. I just appreciate Mr. YOUNG's history of concern about our troops. I know that he stood up to a journalist, as most of us have had to do from time to time, who thinks he knows all the answers but who has not gotten all of the information.

As was suggested, the decisions about how to do this from Dover to the home are made by the Department of Defense. I think that it is done appropriately, and I think it is done in a dignified way and in a way that all of us can be proud of. So I appreciate what Mr. YOUNG has done here. I just want him to know that I support him and will be glad to talk to any reporter.

I see the distinguished chairman of the authorizing committee is here as well. Maybe it's necessary to have another meeting and to bring in some of the senior Members of the House and those who are leaders in defense to talk to this reporter and to try to make him understand how this actually functions.

I just want my good friend Mr. YOUNG to know that we support him. This is not something that he has day-to-day responsibility for, and he should not be blamed in any way. Again, we just know that he and his wife, Beverly, have been such great supporters of the troops, so to have any insinuation here is just not appropriate.

I yield back the balance of my time.

Mr. McKEON. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. McKEON. Mr. Chairman, I rise with great pride to stand with Chairman YOUNG in order to reaffirm my commitment and the commitment of the members of the Armed Services Committee to the dignified and respectful transportation of the remains of our war casualties to their final resting places.

The current process of airlifting our fallen warriors was initiated by the Committee on Armed Services and legislated in 2006 following a series of unfortunate cases in which the transfers of remains simply did not meet the high standard that the people of our Nation demanded. As awareness grew, it was very quickly clear that the routine treatment of our warriors on their returns home was not meeting the ex-

pectations of families and communities across the Nation.

Without this law, the Department of Defense would be required to transport them by the cheapest means, in other words, to transport remains without an escort and in the cargo holds of commercial airliners along with the suitcases and FedEx packages. No one wants to see that. That is not how the American people wish to treat those who have made the ultimate sacrifice on our behalf.

The soul of a nation can be measured by its commitment to honor those who have sacrificed all to defend that nation. If a nation takes a bookkeeper's approach to measuring that commitment, then, in this Nation's case, the cost of Arlington, of all the national cemeteries, of the cemeteries we maintain overseas, of the efforts made to account for our war dead and missing is too high. When it comes to upholding the traditions so intrinsically linked to the values treasured by the American people, our Nation will never be accused of possessing a bookkeeper's mentality. There is only one standard for the treatment of our fallen heroes, and the American people will demand that the standard will be met in the most dignified and respectful manner possible.

I commend the gentleman from Florida for taking a moment to reaffirm the commitment of the Congress and the American people on this important issue. I cannot understand anyone who would challenge him on his devotion to our servicepeople. He and his wife both have dedicated the ultimate measure to seeing that our servicepeople are given the respect and the things that they need. I don't know anyone who has visited the hospitals more or who has really cared about our people. I commend the chairman for this, for his devotion to those who wear the uniform.

I yield back the balance of my time.

Mr. HUNTER. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. HUNTER. As a United States marine who served in Iraq and Afghanistan and who saw the bodies and the flag-draped caskets with dignity and respect get put into the backs of airplanes and sit off of the battlefield in those two theaters, I want to thank you, Mr. Chairman, for standing up for the fact that we accept them back into our arms in this Nation with the same dignity and respect.

I would like to go a little bit further.

Beyond saying this isn't Congress' job, if it were not for Congress, the bodies of our dead military men and women who come back to this Nation would be in the cargo holds of commercial airliners. As the moms and dads watch their sons and daughters get

forklifted off a commercial airline cargo hold and set on the ground—with no military escorts and with no flag-draped coffins—that is what we should be ashamed of. I would say that this is an issue that resonates with anybody who has worn a uniform or with any family who has had to receive the remains of a loved one.

Those who die for this Nation should be handled by honor guards, not by forklifts. It's harsh but true that the people who question the necessity of this process need to examine their souls and ask themselves if they are even worthy of the freedoms that are protected and secured by our military heroes. There is no extravagant cost. There are no luxury accommodations. Those who pay for our freedom with their lives deserve to be treated with respect and handled as the heroes that they are.

There are plenty of places in the defense budget we can find savings, but the idea that someone would suggest the way we treat our war dead is a waste of money and resources should be ashamed, and he should not bring that up to any more Representatives in the future.

I again want to thank Chairman YOUNG for his extraordinary service and for the way that he honors our wounded and our KIAs.

I yield back the balance of my time.

□ 1410

Ms. BONAMICI. Mr. Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Oregon is recognized for 5 minutes.

Ms. BONAMICI. Mr. Chair, I wish to engage in a colloquy with Chairman YOUNG and Ranking Member DICKS.

Yesterday, the House adopted an amendment I offered with Congresswoman BUERKLE directing the National Guard to conduct a capability assessment of the medical equipment in its domestic Humvee ambulances. This will pave the way for the retrofitting of Humvee ambulances that lack adequate cardiac monitoring and resuscitation equipment. As you know, the National Guard's mission includes responding to terrorist attacks, homeland security emergencies, natural disasters, and providing defense support to civil authorities. This equipment will allow the Guard to effectively carry out their mission.

But the retrofitting of currently-owned Humvee ambulances is not enough. To purchase ambulances in the future that lack cardiac monitoring and resuscitation equipment is, frankly, irresponsible. Mr. Chair and Mr. Ranking Member, the adjutant generals in eight different States, including Washington, New York, and my home State of Oregon, have indicated that this equipment is necessary to their missions, and could make the difference between life and death in an emergency situation.

Mr. Chair and Mr. Ranking Member, both Congresswoman BUEKLE and I appreciate your support for our amendment yesterday and your commitment to all who serve in our Nation's National Guard. Congresswoman BUEKLE and I had another amendment to ensure that this important lifesaving equipment would be included in Humvee ambulances purchased for the Guard in the future. In lieu of that amendment, I ask if you will work with Ms. BUEKLE and me to ensure that future Humvee ambulances purchased for Guard use contain adequate cardiac monitoring and resuscitation equipment?

I would be happy to yield to the distinguished chairman.

Mr. YOUNG of Florida. I thank the gentlelady for yielding, and I thank the gentlelady for raising this issue.

The attention and hard work to ensure the proper equipping of Humvee ambulances in units of our National Guard is extremely important. In today's wars, because we have these increased benefits, we have better training, we have better medicines, we're able to move soldiers from the battlefield almost as soon as they're hurt. Lives are being saved. Troops are surviving who in previous wars would not have survived. So the gentlelady's work is a very important part of this capability.

I agree that the Humvee ambulances and National Guard units should be outfitted with proper medical equipment to effectively accomplish the assigned missions, and that any new purchases of Humvee ambulances should include the equipment necessary for mission accomplishment. The capability assessment that the National Guard will soon conduct will greatly assist this effort. I thank the gentlelady for her advocacy in this extremely important issue of saving the lives of our heroes on the battlefield.

Mr. DICKS. Will the gentlelady yield?

Ms. BONAMICI. Yes, I will yield to the gentleman from Washington.

Mr. DICKS. I agree with my colleague and look forward to working with you on this issue. Our National Guard and Humvee ambulances must have the cardiac monitoring and resuscitation equipment and capabilities needed to respond to terrorist attacks, natural disasters, and homeland security emergencies. This should be given careful thought when the Department of Defense makes future purchases. I might point out that this probably comes in other procurement for the Army, but also that the committee has provided \$2 billion in National Guard equipment so that this money goes through and the National Guard actually gets to decide what that equipment is.

We look forward to working with you, with the Army, and the National

Guard to see if there's an answer to this problem.

I appreciate the gentlelady yielding. Ms. BONAMICI. Thank you, Mr. Ranking Member.

I sincerely thank the chairman and the ranking member for their attention, cooperation, and willingness to work on and address this very important issue. With that, I yield back the balance of my time.

AMENDMENT OFFERED BY MR. MORAN

Mr. MORAN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to Rosoboronexport.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. MORAN. Mr. Chairman, this amendment is about what is happening in Syria today as we speak.

What began as peaceful demonstrations against a nonrepresentative minority government quickly became violent when Bashar al-Assad chose the path of violence over an inclusionary government. Since the uprising began in March of last year, at least 16,000 Syrians have been killed, countless thousands have been seriously injured, and at least 200,000 people have been displaced.

In neighborhoods like Homs, as well as in defenseless refugee camps, women and children are being attacked, sexually assaulted, and summarily executed. Accused civilian sympathizers are being brutally tortured, I won't even go into the manner in which they are torturing them with all the acid burns, and sexual assaults, and so on.

And, this country's violence is only going to get worse. We read what happened yesterday when some of President Assad's closest military advisers, including the minister of defense, were assassinated in Damascus. As the unrest spreads, as all this violence continues, the international community has had to sit on the sidelines, unable to take action because of Russian opposition at the United Nations. Mr. Chairman, perhaps one reason the Russians oppose more forceful steps against Syria is because they are the regime's principal weapons supplier. They have a vested economic interest. That's why they won't cooperate with the rest of the international community who is trying to act responsibly.

Just last year, Moscow sold Damascus \$1 billion in arms. In particular, a Russian state-owned firm, known as Rosoboronexport, has provided Assad's regime with mortars, sniper rifles, at-

tack helicopters, and even recently agreed to provide advanced fighter jets. In a recent letter from the Pentagon to the Congress, the Pentagon wrote that there is evidence that this Rosoboronexport's arms are being used to kill the civilians in Syria. As we speak, more Russian arms, including refurbished helicopters, are steaming towards Syria on a ship. I raise this ongoing humanitarian disaster in Syria and the role of this particular Russian firm in it because the U.S. Government has substantial business dealings with Rosoboronexport, and that makes us in some ways complicit in what is happening.

To date, the Department of Defense has purchased 23 Mi-17 helicopters from Rosoboronexport for use by the Afghan National Security Forces. Just this past weekend, DOD agreed to purchase 10 more, which will not be delivered until 2016, 2 years after we've left Afghanistan. I don't know about you, but I'm nervous about how those helicopters might be used 2 years after we've already left the country. Who are they going to be used by? And who are they going to be used against?

Even more distressing is that DOD is buying these helicopters for our Afghan allies from Syria's main arms supplier through a no-bid contract. It's an earmark for the Russians, no less. There has never been competition for supplying rotorcraft for the Afghan National Security Forces. If there had been, our American firms would have won it.

Mr. Chairman, I should think it's troubling to all of us that we are purchasing helicopters from a Russian firm that is directly complicit in the deaths of thousands of innocent Syrian men, women, and children. This has got to stop.

What this amendment would do is to simply say no more purchases from this Russian arms supplier. We don't need to be purchasing any more helicopters for years in advance when we're not even going to have a military presence in the country.

□ 1420

The Russians have vetoed U.N. resolutions designed to stop this violence in Syria. They are preventing an expansion of the current U.N. mandate. Our financial support for Rosoboronexport, has to be stopped. We have to divest ourselves from dependence on this state owned arms supplier.

This amendment would stop our business dealings with Syria's principal arms supplier. Otherwise, our condemnations of Syria's regime ring hollow.

Mr. Chairman, I urge support for the American taxpayer and for this amendment.

Ms. DELAURO. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Connecticut is recognized for 5 minutes.

Ms. DELAURO. I rise in support of my colleague's bipartisan amendment, which prohibits any funds provided in this act from being used to fulfill the Defense Department's current contract with Rosoboronexport, the Russian state arms dealer currently providing weapons to Syria for Mi-17 helicopters for the Afghan security forces.

This amendment builds upon the bipartisan support of the amendment added to the House authorization bill that prohibits future contracts along the same lines and requires future contracts to be competitively bid so that U.S. manufacturers can compete on these taxpayer-funded deals.

For over a year now, we have seen Syrian President Bashar al-Assad respond to peaceful demonstrations by the Syrian people with a brutal crackdown. According to the Syrian Observatory for Human Rights, over 17,000 people have been killed by the regime since violence began there in March 2011. Fighting this week has further intensified in and around Damascus, and there are reports, after similar violence in Houla and Qubair, that more than 100 civilians have been massacred in Tremseh. This is on top of torture, sexual violence, inference with access to medical treatment and many other gross human rights violations perpetrated by the al-Assad regime.

At the same time, Russia continues to provide that regime with the means to perpetrate widespread systemic attacks on its civilians. Last year alone, they reportedly sold Damascus \$1 billion in weapons. In January, they signed a deal with Damascus to supply Syria with 36 combat jets.

Last month Secretary of State Clinton expressed concern that Russia is sending attack helicopters to Syria. The New York Times last Saturday, in an article on the defection of Syrian Air Force Captain Akhmed Trad, detailed the use of rocket-equipped Mi-17 helicopters by the regime. Earlier today, Russia, along with China, vetoed a U.N. Security Council resolution that would have sanctioned the Assad regime for the continued use of heavy weapons.

Yet, incredibly, the U.S. Defense Department has purchased 21 Mi-17 helicopters for the Afghan security forces and is reportedly purchasing 10 more through a no-bid with that Russian company, even though it supplies arms to Syria and was, for years, on the U.S. sanctions list for providing illegal nuclear assistance to Iran.

If U.S. taxpayer dollars are going to be spent providing helicopters to the Afghans, those dollars should be spent on American systems that create jobs here at home. There are American companies available to manufacture the aircraft, which would increase interoperability with both the U.S. and NATO forces and support American manufacturing. The Defense Depart-

ment is reportedly already training the Afghans how to fly and maintain American-made helicopters.

At the very least, there should be an open competition for procurement of these helicopters, a competition we believe superior American manufacturers would win. In any case, the American taxpayer dollars should not be used to subsidize al-Assad's murderous regime in Syria.

This amendment will end this no-bid contract, stop the use of Federal dollars to subsidize the massacres being perpetrated by the al-Assad regime. I urge you to support this bipartisan amendment.

I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. YOUNG of Florida. Mr. Chairman, I have had the opportunity to discuss this amendment numerous times with Mr. MORAN and with our colleagues on the Armed Services Committee, and I would like to say that I am here to support this amendment.

However, I would like to engage Mr. MORAN and ask if he would be willing, as we move forward—I know we can't do it on the floor today—to include a national security waiver in this language when we get to conference. As we go through the process, would the gentleman have any difficulty supporting us in that effort to get a national security waiver?

I yield to the gentleman from Virginia.

Mr. MORAN. Mr. Chairman, I want to thank you, first of all, for your support of this amendment as well as your leadership of this committee.

I think this is an excellent idea. Perhaps, if we were to get into conference with the Senate on this bill, which I expect we will, we could add that national security waiver at that time and, thus, we would not be compromising the things that don't need to be discussed on the floor.

But I think that's an excellent suggestion, and I appreciate the gentleman's deference to concerns that HASC might have. With that, I do appreciate the very distinguished chairman's support.

Mr. YOUNG of Florida. I thank the gentleman very much, and I do support this amendment.

Mr. DICKS. Will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Washington.

Mr. DICKS. I support the amendment as well, and I appreciate the work of my friend and colleague from Virginia (Mr. MORAN) and Congresswoman ROSA DELAURO on this issue.

There are some reasons why these Mi-17 helicopters are sold to the Afghans. It's not just a blunder. It's because of the altitude of the country.

There is a legitimate national security issue here that has to be addressed, and I think we do have helicopters, maybe not Black Hawks, but CH-47s, that can go to a higher altitude. I don't know how much more expensive they are or anything about it.

But I just want to point out that, because I don't want people to have the impression that they just did this maliciously. There were some legitimate reasons for this.

Mr. YOUNG of Florida. I yield back the balance of my time.

Mr. DICKS. I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. I yield to the gentleman from Virginia.

Mr. MORAN. Thank you, Mr. Chairman, and I very much thank my friend and colleague, the ranking member of the committee.

That is an important point to make. The Pentagon not only has to be concerned about the operability in Afghanistan, which is quite different.

Mr. DICKS. Very unique.

Mr. MORAN. It is very unique. Plus, the Afghans need helicopters they can maintain after we leave. They are used to maintaining Russian helicopters. During the occupation, they learned that. I understand they are easier to maintain than some of ours.

But notwithstanding that, I think the gentleman would agree that there is reason for some apprehension after we have left the country to continue supplying these helicopters.

Mr. DICKS. There ought to be a competition. I mean, there is no reason that this should be sole-sourced. There should be an opportunity for American contractors to compete, and one thing we're going to have to work on is logistics and their ability to handle equipment. That's a very weak point right now with the Afghan military.

Mr. MORAN. The other point, if the gentleman would further yield, is this firm is not someone we ought to be dealing with unless we absolutely have to. These are people that have violated our concerns about providing nuclear capacity to Iran. They have been cited about that. They are supplying a billion dollars of arms to Assad; and its principal reason, I suspect, because it's a state-owned firm, that Russia won't comply with the rest of the world.

It does need to be seen in that context, as well, to send this kind of a message. It's not a message I am necessarily sending to the Pentagon. It's a message we're trying to send to Russia: Let's get on board.

Mr. DICKS. In that respect I am totally supportive of what the gentleman is trying to accomplish.

I yield back the balance of my time.

Mr. ELLISON. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Minnesota is recognized for 5 minutes.

□ 1430

Mr. ELLISON. First of all, Mr. Chairman, I'm very pleased to see that there's broad bipartisan agreement on this issue. It's always a great benefit when we can work things out—and occasionally we do, just as we've seen. So that's a good thing. But I do have an obligation to speak up for constituents of my own on this issue.

Mr. Chairman, I have to say on the record that there have been more than 17,000 people killed in Syria over the last 14 months. That's when a non-violent uprising began in response to Bashar Al-Assad's brutal torture and murder of teenage kids in the city of Dara'a. Violence against civilians has escalated rapidly in months. There have been large massacres in the villages of Houla, Qubair, and possibly Tremseh.

The international community, including the Arab League, has overwhelmingly condemned Al-Assad's violent repression. One country—Russia—has refused to stop arming Al-Assad and his murderous campaign. In fact, a Russian cargo ship could deliver military helicopters to Syria this week. Rosoboronexport is the Russian weapons dealer arming the Al-Assad regime. There's substantial evidence Al-Assad is using weapons from Rosoboronexport against innocent civilians in Syria. I was surprised to learn that our own government is buying Russian-made helicopters from Rosoboronexport.

Put simply, our government is supporting Syria's arms dealer, which is enabling the Syrian regime's bloody crackdown. This should stop. That's why I urge all to support this amendment, which it looks like there's broad agreement on. American taxpayers should not be supporting Syria's arms dealer. If the military wants to buy helicopters, it should be American ones and create jobs at home, not in Russia. Our amendment does the right thing. It ends the U.S. purchases from Rosoboronexport. I'm proud that it has strong bipartisan support, and I urge all of my colleagues to support it.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. MORAN).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. MORAN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

AMENDMENT OFFERED BY MR. TURNER OF OHIO

Mr. TURNER of Ohio. I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used to—

(1) reduce the nuclear forces of the United States in contravention of section 303(b) of the Arms Control and Disarmament Act (22 U.S.C. 2573(b)); or

(2) implement the Nuclear Posture Review Implementation Study or modify the Secretary of Defense Guidance for Employment of Force, Annex B, or the Joint Strategic Capabilities Plan, Annex N.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. TURNER of Ohio. Mr. Chairman, I rise in support of the Turner-McKeon-Thornberry amendment. I, as chairman of the House Strategic Forces Subcommittee, am offering this amendment, along with the House Armed Services Committee chairman, Mr. MCKEON, and the vice chairman, Mr. THORNBERRY.

For 66 years, the U.S. nuclear deterrent has kept us and our allies safe from large-scale war under a remarkably consistent policy supported by Presidents of both parties. Now, however, President Barack Obama appears to be unilaterally changing it—for reasons not yet explained.

House Armed Services Committee Chairman BUCK MCKEON and 31 other committee members and I recently wrote to the President, expressing concern over reports that he is directing a review of U.S. nuclear weapons strategy that could result in U.S. reductions of up to 80 percent. We asked to understand what the President is doing, and why. We've received nothing back from the President.

The Obama administration reportedly is weighing at least three options for reducing U.S. nuclear forces: Cutting to roughly 1,000 to 1,100; 700 to 800; or 300 to 400. Our arsenal now includes about 5,000 warheads, with approximately 2,000 deployed warheads permitted under the new START Treaty. The remaining 3,000 are kept in storage as a hedge against advancements by other nations. Russia has 4,000 to 6,500 warheads and China is reported to have more than 300, though no one outside of the Chinese Communist Party knows for sure how many they have. These countries, as well as India; Pakistan, which is building a stockpile expected to soon surpass Britain; Britain itself; France; North Korea; and perhaps soon Iran have active nuclear weapons modernization programs. Only the United States does not.

Now, the President may soon seek to have the U.S. make the deepest reductions in its nuclear forces in history. The new strategic review could be on the President's desk within the next month. It is unclear whether he expects the cuts to be unilateral or within the framework of a treaty with Rus-

sia or China and others. At least one of the President's senior advisers has suggested that these reductions could be unilateral. It's worth noting that the impetus for this review is outside the norm. It is unexplainable. Traditionally, a President has directed his military advisers to determine, chiefly, what level of our nuclear force is needed to deter a potential adversary from attacking us or our allies. The answer to that question should be what drives the strategy, not a President's political ideology.

For example, this is how Secretary Powell stated that President Bush looked at the issue. He stated:

President Bush gathered his advisers around him and he instructed us as follows: "Find the lowest number we need to make America safe, to make America safe today, and to make America safe in the future. Do not think of this in Cold War terms."

The House Armed Services Committee has been asking questions, holding briefings with the administration, even hearings about the details that we need to explain what the administration is doing. Unfortunately, the only information we have at this point is what we're learning from the media. Why would the administration be unwilling to share even the basic terms of reference for this review, known as Presidential Policy Directive 11? Why wouldn't it share other basic instructions from the Defense Department? The President, after all, is directing a strategic review that could border on disarmament and significantly diminish U.S. strength.

It is not even clear that the unilateral reductions to the U.S. nuclear forces that are currently required by the New START agreement are in the best interests of our national security. And the Defense Department refuses to tell Congress how it plans to implement that treaty. The Senate was ultimately comfortable with those reductions once the President promised to provide his own plan for modernization of our U.S. nuclear deterrent. The President's most recent budget, however, abandons the nuclear modernization funding that he promised.

Case in point is the Chemistry and Metallurgy Research Replacement Nuclear Facility, the construction of which the President pledged a little more than a year ago to accelerate and which in this year's budget he deferred for 5 years, which basically means that this project will be canceled. Thus, the President leaves the United States with virtually no militarily significant plutonium pit production capacity, which other nuclear weapons state still possesses. And he wants to seek steep new reductions in the U.S. nuclear forces. This can only be described as a bait-and-switch strategy.

Any further reductions must be met with ample justification for how U.S. nuclear security will be enhanced. Simply saying that U.S. should "reduce the



roles and numbers” of its nuclear weapons is nothing more than putting hope in the place of our strategy.

Our military leaders share these sentiments. General Chilton, in talking about the number of warheads that we currently have, said: “The arsenal that we have is exactly what is needed to provide the deterrent.”

Clearly, any further reductions will undermine the deterrent that has kept our country safe. Our nuclear weapons provide for the safety of this Nation and our allies around the globe. A number of countries with the capability and resources to do so have not pursued this.

We ask for support for this in Ronald Reagan’s “peace through strength” policy.

Mr. DICKS. I rise in opposition to this amendment.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. As you know, the New START, or strategic arms reduction, is a nuclear arms reduction treaty between the United States and Russia. On December 22, 2010, the Senate increased our national security by providing its advice and consent to ratification of the New START Treaty with Russia. With the New START Treaty, the United States and Russia will have another important element supporting our reset relationship and expanding our bilateral cooperation on a wide range of issues.

As the President said during the end of the last Congress, the treaty is a national security imperative as well as a cornerstone of our relations with Russia. Under the terms of the treaty, the U.S. and Russia will be limited to significantly fewer strategic arms within 7 years from the date the treaty entered into force. Each party has the flexibility to determine for itself the structure of the strategic forces within the aggregate limits of the treaty.

□ 1440

We should carry out our commitment to the New START treaty and not restrict our country’s obligation to implement it. I urge my colleagues to oppose the amendment.

I would say to the gentleman, if there is one thing—and I stand here as a member of this subcommittee for 34 years—that we can reduce, it’s strategic weapons. We have never used one, except in Hiroshima and Nagasaki. And we can have a credible deterrent with a much smaller force. In fact, I agree with General Cartwright that we could use our strategic ballistic missile submarines and our long-range bombers, the B-2s and hopefully a new bomber, and reduce dramatically the number of land-based ICBMs.

We simply don’t need, and we can’t afford to have and continue to produce all of these nuclear weapons that will,

more than likely, never be used. They are a good deterrent and they have been an effective deterrent. Thank God for that. But the Cold War is over, and we are in a position today where we must reduce the size of our nuclear weapons force.

I yield to the gentleman. I’ve been here a long time. I went through all the arms control debates, and I know something about this subject.

Mr. TURNER of Ohio. Sir, thank you for yielding me time. And I know you certainly do know about this topic, which is why I know that you also know that we use our nuclear deterrent every day. While we stand on this floor and speak with the freedoms that we have, our nuclear deterrent keeps us safe. Abandoning our nuclear deterrent would not make us safe.

Mr. DICKS. Regaining my time, just for a second, I worked to convert the B-2 bomber from a nuclear weapon carrier to a conventional carrier. Do you know why a conventional bomber is, I think, more of a deterrent than a nuclear bomber? Because with a conventional bomber, you can use bombs. You can go in, and with the JDAMs that we put on those bombers, in one sortie, you could take out 16 targets. That is real deterrence. And that is having a conventional force that is usable.

Nuclear weapons are not going to be used, and that’s why both sides can have a much smaller force. We can bring the number of nuclear weapons down. At some point, it becomes ridiculous to have that many warheads when there aren’t that many targets, and we’re not going to use them.

I know the gentleman is all wrought up about this and protecting our great deterrent, which has been a very valuable thing to our national security. But I have to tell you, if there is one thing that we can reduce by agreement with the Russians, it is nuclear weapons.

I will yield to the gentleman again if he wants to say anything else.

Mr. TURNER of Ohio. To respond to the gentleman, again, our nuclear deterrent is used every day. Every day, it keeps us safe because it ensures that our country—

Mr. DICKS. It isn’t used every day. It’s available every day.

Mr. TURNER of Ohio. This is my time. The time that I am speaking is my time. You yielded me some and you kept your own.

Mr. DICKS. I yield.

Mr. TURNER of Ohio. The reality is that our nuclear deterrent is used every day. And when you say that nuclear weapons won’t be used, you can only say that with respect to our heart, the heart of this country, the heart of this country that wants to make certain that freedom is safe and our allies are safe.

We can’t say that for others. Iran and North Korea are pursuing nuclear

weapons not because they just want the increased power, they want that technology. They want that ability to have weapons of mass destruction.

Mr. DICKS. I reclaim my time.

The Acting CHAIR. The time of the gentleman from Washington has expired.

(By unanimous consent, Mr. DICKS was allowed to proceed for 1 additional minute.)

Mr. DICKS. You don’t need thousands of these weapons. A couple hundred, frankly, could take out Iran and almost any country you can imagine. So, again, we can’t afford to do everything. We are in an era where we’re dealing with terrorists, and we need to have special forces that can be utilized. We need to have these very effective drones. We need to look at the threats that are out there today and equip our military accordingly.

This is not our responsibility. The Senate handles advice and consent on treaties. We should stay out of this. In my judgment, this amendment is unnecessary.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. We support the amendment.

I yield to the gentleman from Ohio. On behalf of the Appropriations Committee, we appreciate his work.

Mr. TURNER of Ohio. I thank the gentleman from New Jersey for his work on this on the appropriations side.

This is an important issue, and this really goes to the heart of our national security. My amendment does nothing, by the way, to prohibit the implementation of New START. But the thing that is important here is that there are those who talk about nonproliferation, and I think we are all wanting nuclear weapons to be restricted and to stop their growth. But there’s a difference between nonproliferation and disarmament of the United States. Only the United States is reducing our nuclear weapons. In New START, Russia wasn’t required to reduce at all. Only the United States was reduced.

You have India, you have Pakistan, you have Iran and North Korea. North Korea already is a recognized nuclear weapons state. Iran is seeking nuclear weapons. And both of those nations are seeking ICBM technology for the purposes of placing the United States at risk. Secretary Gates, upon his departure, was saying that North Korea is becoming an absolute threat to mainland United States with its nuclear weapons and its ICBM technology.

We can only be confident that others will not use nuclear weapons to the extent that we can stand strong as a nuclear weapons state. That needs to be

derived from what is the threat and the number of weapons to ensure that we have both survivability and the ability to place their assets and their nations at risk.

A couple of hundred—and all due respect to the ranking member—is based upon no science whatsoever. Our commander of U.S. Strategic Command, General Chilton, who has been through this science and who is charged with keeping the United States safe, said that the arsenal that we have is exactly what is needed today to provide the deterrent.

Our concern is that the President, on his road to zero, has made it clear that even though it will have no effect on reducing the nuclear arsenals of other nations, he would move to unilaterally reduce ours. That's why we're on this floor, not as the Senate, but as the House to say we are going to restrict funding to prevent the President from unilaterally disarming us.

If the President is committed to a road to zero, show us any evidence that he is able to persuade anyone else to reduce their nuclear weapons, because we don't have any evidence of anyone else reducing except the President's trying to reduce ours.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Ohio (Mr. TURNER).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. DICKS. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio will be postponed.

Mr. GARY G. MILLER of California. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. GARY G. MILLER of California. Let me begin again by thanking Chairman YOUNG and Ranking Member DICKS for their continued leadership on this bill and this very important piece of legislation.

Mr. Chairman, yesterday, Representative BACA and I offered an amendment that directs \$10 million from the Defense-Wide Operations and Management account and moves it to the Strategic Environmental Research Program and the Environmental Security Technology Certification Program.

These funds would provide the Research and Development Programs additional resources for competitive grants that allow our communities to provide clean water. It is critical that Congress support DOD efforts to develop innovative solutions that use the best technology available to us for

problems like the perchlorate contamination that areas in my district in California deal with.

Perchlorate is a chemical used to produce explosives that, when found in groundwater, can be harmful to women, children, and the elderly. In fact, one-quarter of Inland Empire aquifers, including basins from surrounding counties, contains high concentrations of perchlorate.

Just this week, the U.S. Geological Survey released findings from a statewide assessment of groundwater quality that high levels of perchlorate were discovered in 11 percent of wells and moderate concentrations in 53 percent of wells. That is statewide, Mr. Chairman.

Groundwater contamination and other contamination from former defense sites are becoming increasingly problematic throughout the Nation. Based on those facts, I would like to yield to the chairman for the purpose of entering into a colloquy, with hopes that we can work on this issue in the future.

I yield to the gentleman from Florida.

Mr. YOUNG of Florida. I thank the gentleman for yielding.

The committee does, in fact, recognize that these R&D programs provide necessary resources that help invest in innovative new technologies which benefit local communities that are dealing with these contamination issues through competitive grants.

□ 1450

We look forward to working with Mr. MILLER to see how we can properly address the needs of communities looking to provide clean water to all of their citizens.

Mr. GARY G. MILLER of California. I thank the chairman for agreeing and committing to work with me on this issue. I'd like to thank Representative BACA for his leadership in support of this issue, and I yield back the balance of my time.

AMENDMENT OFFERED BY MR. TONKO

Mr. TONKO. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_ None of the funds made available by this Act may be used to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor or any subcontractor of the contractor to an employee performing work under the contract or any subcontract under the contract for compensation if the compensation of the employee for a fiscal year from the Federal Government for work under Federal contracts exceeds \$230,700, except that the Secretary of Defense may establish one or more narrowly targeted exceptions for scientists and engineers upon a determination that such exceptions are needed to ensure that the Department of Defense has

continued access to needed skills and capabilities. This section shall apply to contracts entered into during fiscal year 2013.

Mr. YOUNG of Florida. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIR. A point of order is reserved.

The gentleman from New York is recognized for 5 minutes.

Mr. TONKO. Mr. Chairman, I rise to offer an amendment to the FY13 Defense appropriations bill.

My amendment is a modest, straightforward reform to fix the current cap on Federal salaries paid to government contractor executives. This is part of a bipartisan reform that I and our colleague, the gentlewoman from California, have been working on for the past 2 years; and despite significant bipartisan progress in the Senate, this issue has never once been allowed so much as a vote in the House. I expect today will be no different.

Nevertheless, Mr. Chair, it was once my understanding that the highest individual salary funded by the American taxpayer was that of the President of the United States at a total of \$400,000; but it turns out that the leader of the free world isn't actually the highest paid executive on the taxpayers' payroll. The highest Federal Government salaries are actually earned by private sector executives who can be paid nearly \$770,000 in taxpayer dollars under current law. That's nearly twice the salary of the Commander in Chief and more than three times the salary of the Secretary of Defense. In fact, gaping loopholes in the law mean that many can earn far more. Let me emphasize that these are federally funded salaries for private sector executives—funded 100 percent by the American taxpayer.

You won't find these exorbitant pay rates on government pay schedules, and they certainly aren't subject to the pay and hiring freeze. In fact, just weeks ago, top government contractors got a \$70,000 raise on the taxpayers' dime for no reason other than the current law demanded it. That raise alone, \$70,000, is more than the salary of most Federal employees. That raise brought the current cap on Federal reimbursements for contractor compensation up to nearly \$770,000, an incredible 10 percent raise for the top echelons of the contractor workforce that is estimated to outnumber Federal civilian and military personnel by more than 2-1.

To put that delta into perspective, compare the 10 percent contractor increase to the 1.7 percent raise that this bill proposes for our women and men in uniform. Compare it to the total pay freeze under which our civilian personnel are operating. If you believe that reining in personnel costs is a smart way to reduce the deficit, then you cannot possibly argue that we should maintain a blank check for the estimated 7 million contractors on the Federal Government payroll.

This problem started in the late 1990s with a law that created the current, deeply flawed formula to reimburse government contractors for the pay of their top executives. The so-called “cap” under this law has grown by leaps and bounds each year, increasing by more than 75 percent in just the last 8 years. That is an unsustainable and unjustifiable trend that must be put to a stop. In a year where we can agree on so little, I have found that many of us can agree on this.

From 2001 to 2010, spending on service contractors rose by 137 percent, making it one of the Pentagon’s largest cost drivers. Given the rampant growth in contract spending, the Army estimated earlier this year that limiting contractor compensation to even the salary of the President—that’s \$400,000—would have saved the taxpayers \$6 billion in fiscal year 2011 alone, or a savings of approximately 15 percent in contract services. Six billion dollars—that’s only for the Army, and that’s only in 1 year. Imagine what we could be saving government-wide.

Our amendment is a modest, bipartisan proposal that reins in the most excessive government salaries by revising the cap to a set level of \$230,700—or the salary of the Vice President of the United States. The cap would apply to all defense contractors and subcontractors. However, it also reaffirms the authority of the Secretary of Defense to create exceptions to the cap in certain circumstances.

This authority was established in last year’s defense authorization to preserve flexibility for our military in maintaining access to individuals—particularly scientists and engineers—who possess unique skills and capabilities critical to the United States’ national security.

To reiterate, this amendment does not grant new authority to the Secretary of Defense. It is not legislating in an appropriations bill. It merely reaffirms the current authority of the Secretary codified in title 10. To be clear, this amendment deals exclusively with taxpayer dollars spent to reimburse contractors.

The Acting CHAIR. The time of the gentleman has expired.

#### POINT OF ORDER

Mr. YOUNG of Florida. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill and, therefore, violates clause 2 of rule XXI.

The rule states in pertinent part:

“An amendment to a general appropriation bill shall not be in order if changing existing law.”

The amendment changes the application of existing law. I ask for a ruling from the Chair.

The Acting CHAIR. Does any Member wish to be heard on the point of order?

If not, the Chair will rule.

The Chair finds that this amendment includes language conferring authority on the Secretary of Defense to establish certain exceptions. The amendment, therefore, constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained, and the amendment is not in order.

Ms. SPEIER. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. SPEIER. Mr. Chairman, I rise to support an amendment by my good friend and colleague from New York to cap excessive contractor compensation. Ballooning contractor costs are wasting taxpayer dollars and weakening our national defense.

While our government employees accept pay freezes, the Office of Federal Procurement Policy raised the cap on executive compensation for contractor executives by 10 percent to nearly \$770,000. This, my friends, is a no-brainer: we can’t afford to pay contractors twice the President’s salary.

Now, mind you, this does not mean that the CEOs can’t make more than \$770,000. They can, in fact. In fact, they can be paid much more by their shareholders. We want to reduce the amount of money they make to no more than that of the President.

Throughout this budget process, defense contractor CEOs have threatened to fire people if they do not get what they want through the suspension of sequestration, saying that they can’t afford to continue their operations unless the Department of Defense is spared from the chopping block. But if you look at the Forbes magazine list of the top compensated CEOs, you see that it is the taxpayers who can’t afford them.

The Federal Government’s top contractors make anywhere from \$5 million to \$56 million each year. While these costs are not all coming directly from the Treasury, we contribute, nonetheless, in cost overruns and single-source contracts that make them all too big to fail.

□ 1500

Last year we passed language that capped some of their compensation, but excluded scientists and engineers from these caps because we were worried that we would not be able to get the talent we need. But when you think about it, this argument is ludicrous. The U.S. Government isn’t their only client, but we’re expected to pay the whole cost for the talent they need to win contracts with us.

The Senate agrees. The Armed Services Committee unanimously passed a bill that would include this cap on contractor compensation. “Unanimously” means it was bipartisan.

What we’re asking contractors to accept, the same salary as the Vice Presi-

dent, isn’t unfair or unprecedented. It’s time that we stop asking taxpayers to pay excessive contractor compensation.

I yield back the balance of my time.  
AMENDMENT NO. 18 OFFERED BY MIKE COFFMAN  
OF COLORADO

Mr. COFFMAN of Colorado. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title) insert the following:

SEC. \_\_\_\_\_. None of the funds appropriated in this Act shall be available to continue the deployment, beyond fiscal year 2013, of the 170th Infantry Brigade in Baumholder and the 172nd Infantry Brigade in Grafenwöhr, except pursuant to Article 5 of the North Atlantic Treaty, signed at Washington, District of Columbia, on April 4, 1949, and entered into force on August 24, 1949 (63 Stat. 2241; TIAS 1964).

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. COFFMAN of Colorado. Mr. Chairman, the Cold War ended more than two decades ago, and the Iron Curtain and the Soviet Union no longer exist.

While the United States is spending 4.7 percent of our economy on defense, only 4 out of 28 of our NATO allies are spending even 2 percent of their economy on defense. Our allies in Europe have drastically reduced their national defense spending because they take for granted that the United States will continue to be the guarantor of their security. Now it is time for our NATO allies to provide more of their own security and not be so reliant upon the United States.

We face difficult budget challenges here at home. The resources that we are currently spending on maintaining a military presence in Europe are needed to meet much more significant security challenges elsewhere.

The Pentagon has recently stated that the American military presence in Europe is a diminishing priority and has proposed removing two combat brigade teams in fiscal year 2013. This bipartisan limiting amendment to the Defense appropriations bill will force the Department of Defense to follow through with withdrawing two brigade combat teams from Europe and will deny the ability for the Pentagon to reverse this decision later.

Mr. Chairman, I yield to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman’s courtesy, as I appreciate him bringing this amendment to the floor.

I think it’s telling that our friends in European NATO countries, since 2008, have reduced their defense spending 12 percent. They’re having tough times. They’re retrenching. They recognize

the new posture in terms of security. We should do the same thing. We should do the same thing. Absolutely.

It's ironic that this Chamber is going to be considering massive cuts in food stamps to have more responsibility and accountability that some of us think are draconian. But for heaven's sake, why can't we, 60 years after World War II, almost 25 years after the collapse of the former Soviet Union, can't we help Europe assume a little larger role for their own defense? For whom are these troops positioned in terms of some sort of military posture?

I think most of us agree that it's highly unlikely they'll be used in combat. Any cost that would be incurred by accelerating it is money that's going to be spent anyway, notwithstanding all the costs to keep them there.

So I think the gentleman is spot on. I'm happy to cosponsor the amendment. I'm happy to speak in support of it. I hope this body approves it in a small way to help the Europeans assume their own responsibility and for us to be able to focus on things that are more important for us.

Mr. DICKS. Will the gentleman yield?

Mr. COFFMAN of Colorado. I yield to the gentleman from Washington.

Mr. DICKS. Would you explain—you say here you have these two brigades, except pursuant to article 5 of the North Atlantic Treaty.

Could you explain what the impact of this is, the treaty commitments here?

Mr. COFFMAN of Colorado. To the gentleman from Washington, I believe that this certainly does not disallow us to maintain rotational forces in Europe. There is no provision within the NATO Charter that requires the United States to maintain a permanent military presence in Europe.

Mr. DICKS. It says:

None of the funds appropriated in this act shall be available to continue the deployment beyond fiscal year 2013 of the 170th Infantry Brigade in Baumholder and the 172nd Infantry Brigade in Grafenwoehr, except pursuant to article 5 of the North—

Is there some commitment in the North Atlantic Treaty that requires us to have these two brigades there?

Mr. COFFMAN of Colorado. To the gentleman from Washington, there is no requirement where we have to maintain a permanent military presence in Europe.

The Acting CHAIR. The time of the gentleman has expired.

Mr. DICKS. I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. I rise in opposition to the gentleman's amendment.

I believe that this amendment is unnecessary because the Department of Defense is currently in the process of

reducing the number of troops in Europe. The Department has already announced the closure of Army garrisons in Schweinfurt, Bamberg, and Heidelberg by fiscal year 2015.

Furthermore, the Department has begun the process of deactivating two infantry brigades, the 170th Infantry Brigade and the 172nd Infantry Brigade, each with 3,850 soldiers. I think this is what the gentleman intends. In addition, the U.S. Army in Europe will see a reduction of approximately 2,500 soldiers from enabling units over the next 5 years.

Reducing end strength of any military service is an art form, as projecting future needs for future conflicts is a very difficult task. Reducing end strength should be part of a deliberate and thoughtful plan that incorporates current and future national security needs of the Nation.

I believe adding an arbitrary cap to the number of servicemembers assigned to Europe could put our national security at risk. I urge all my colleagues to vote "no" on the amendment.

I yield back the balance of my time. Mr. TURNER of Ohio. I move to strike the requisite number of words.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. TURNER of Ohio. I rise in agreement with the ranking member on the issue of this amendment.

The subject matter of this amendment is really wholly inappropriate. It is the movement of brigades. From a policy perspective, we should not, on this bill or on any bill, be dictating the movement of brigades.

Should we get out the map of the world and see where all of our brigades are and have a debate in Congress as to how they be moved about? No. That is something that is supposed to occur in consultation with the experts in full, and participation of the Department of Defense, the Secretary of Defense. And no disrespect to the authors, but they have no expertise or experience in how the positioning of our brigades should go for our overall national security.

Mr. COFFMAN has previously authored an amendment that was on the National Defense Authorization Act that used language of permit the reassignment or the removal of brigades. But this is directive. This says these brigades shall be moved, and it does so under the assumption that there will be cost savings. But we all know that when you actually move a brigade, there are a number of costs that are incurred that are greater than any savings that you would have in offset.

It's been said that the Soviet Union no longer exists. You're right; the Soviet Union no longer exists. But we have commitments in the Middle East and our assistance to Africa and our relationship with Israel. These troops are not there standing guard against the

Soviet Union that's not there anymore. They're in active deployment under the Secretary of Defense with the current threats that we have for our national security.

Certainly, as the ranking member has indicated, there's ongoing assessments as to where these brigades should be assigned and where their responsibility should be, and those should be left to our oversight of the Department of Defense and the Secretary of Defense, not to our directive of the moving of brigades.

□ 1510

There are some concerns that even the language of this and the directing of movement of brigades might be logistically implausible. One of the reasons we don't direct these things is that we don't really have the ability to understand all of the cascades of effects that occur.

Now, I certainly understand the call for increased spending from our NATO partners. That is certainly something that this body should do; but in calling for our NATO partners to increase their participation in the expenditures of NATO in their own defense, we should not be directing the Secretary of Defense to actually move brigades. It is an expertise we don't have in a debate that should not be happening from a policy perspective on this floor.

With that, I yield back the balance of my time.

Mr. BLUMENAUER. I move to strike the last word.

The Acting CHAIR. The gentleman from Oregon is recognized for 5 minutes.

Mr. BLUMENAUER. It is rare that I disagree with my good friend from Ohio, but I do. I think that it is appropriate to move forward in this direction.

As my good friend from the State of Washington indicated, we are probably going to do this, I think he mentioned, by 2015. The point here is that this reassessment has been proceeding at a glacial speed. It is important for us to be on record to move this forward. There are major things that we are going to have to do. This is relatively small potatoes compared with what we are going to have to do if we are going to meet our challenges both in terms of a different security arrangement with regard to the threats that the United States faces and our fiscal problems.

Now, we have had this sitting on the back burner for years. We are, if anything, late to the party; and of course, as long as they are there, that is a disincentive for our NATO allies to step up and to do what they need to do in their own defense. We have plenty of assets around the world. We have opportunities with naval and air strikes. The notion that we are going to be throwing ground forces that are stationed in Europe into the fray in Israel

or in some battle in Africa, I think, is near-fetched at the least. Look at what we have done in the past and how we've gone about it.

With all due respect, I think, in a world where we have the capacity—as we have shown—to be able to stage and move troops when needed, this is a small step in the right direction. I think my friend from Ohio is overstating the case in the notion that somehow it costs money to do the redeployment so we should just keep them there. We are going to be redeploying them anyway, so the costs of redeployment are going to be incurred sometime this decade or sometime this century, but it costs money to keep them there.

I have a nephew who makes a very good living teaching Americans in Europe in military schools. I think it's time for my nephew to come home and teach in the United States. I think there are more cost-effective ways for us to meet our security obligations. I do think it is time for our European friends and allies to step up. We can no longer be paying almost half the defense costs of the world when many of the others in that mix are people who are our friends and allies. I think this is a small step in the right direction. I urge the adoption of the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Colorado (Mr. COFFMAN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. BLUMENAUER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado will be postponed.

Ms. RICHARDSON. Mr. Chairman, I move to strike the last word in order to engage in a colloquy.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. RICHARDSON. I would like to thank Chairman YOUNG and Ranking Member DICKS for ensuring that this legislation, the fiscal year 2013 Defense appropriations bill, would not include any reductions in the number of C-17s that are used and serviced by our armed services.

The C-17 is the Air Force's premier strategic transport aircraft, and it remains the military's most reliable and capable airlift aircraft. The C-17 flies more than 80 percent of all U.S. airlift missions while comprising only 60 percent of the airlift fleet. The C-17 has proven capable of delivering more cargo, troops, and non-war humanitarian missions than any other aircraft that we have.

Mr. Chairman, this aircraft was instrumental in saving lives during the

devastating earthquake and tsunami that struck Japan last year. In addition to that, it was instrumental in aiding in the humanitarian efforts that I witnessed personally in Samoa. Some of the other missions include the delivery of 10,005 tons of disaster relief supplies and the carrying of 13,812 passengers in response to the earthquake that struck Haiti in 2010. In 2009, I worked with Congressman ENI FALEOMAVAEGA to help get disaster relief supplies to American Samoa after an earthquake and tsunami that ravaged that island. The 10-day relief mission was conducted with the C-17 aircraft.

The C-17 provides rapid-response capability for relief missions anywhere in the world, including—but not limited to—serving those who serve us.

Mr. Chairman, in addition to these humanitarian efforts, the C-17 leads in providing positive economic benefits to our country. The C-17 is built in Long Beach, California, which I happen to have the privilege to represent with my colleague Mr. ROHRABACHER. The production of the C-17 is responsible for over 13,000 jobs in California, and it provides \$2 billion in economic benefit. Nationally, the production of the C-17 has suppliers in 44 States, all of which we represent here. It supports more than 30,000 jobs and has an \$8.4 billion economic impact.

While we are looking for ways to rein in spending, the C-17 remains critical to our national security, to our humanitarian relief missions, and to our economy. My effort today is to make sure that we have an adequate number of C-17s that are available, serviced and maintained for our Armed Forces.

Will the chairman and ranking member continue to work with me to ensure that there is a sufficient and well-maintained fleet of our C-17s in our armed services?

Mr. YOUNG of Florida. Will the gentlelady yield?

Ms. RICHARDSON. I yield to the gentleman.

Mr. YOUNG of Florida. I thank the gentlelady for yielding.

I also thank her for her strong support of the C-17, and she is right on with regard to the vital role it plays in our Nation's defense.

This committee has been a strong advocate for the C-17. Our bill fully funds the C-17 and ensures that no action can be taken by the Air Force to reduce the C-17 fleet.

I again thank the gentlelady for her very timely comments on this important issue.

Mr. DICKS. Will the gentlelady yield?

Ms. RICHARDSON. I yield to the gentleman from Washington.

Mr. DICKS. I was a very strong proponent of the C-17 even when Douglas Aircraft in Long Beach was building this airplane. I had a chance to go

there when they were doing the wooden mock-ups and when they brought in the load masters, who made it such that the plane was built in a way that it could load cargo faster than any other airplane in history. We have 54 of these at Joint Base Lewis-McChord in the great State of Washington. We are very proud of the C-17. It is now built by the Boeing Company.

I just want you to know that we are a very strong proponent. We had some great work done in the nineties in upgrading the software when we had major software issues. We also had a dramatic workforce out there that really used all of the tools of lean production. So the C-17 is a very high priority, and we will certainly do everything we can.

I wish we'd built more of them, frankly, while we had the line open, but we did everything we could. We are at a point now where the line is closing down except for foreign sales. We have a number of foreign sales; and if at some point we need to come back to it, I certainly would be open to that.

□ 1520

Ms. RICHARDSON. I would like to thank Chairman YOUNG and also Ranking Member DICKS for their response and their commitment to this program.

Yes, in fact, we have been utilizing foreign sales, and given the current occupations in this country, we stand ready to continue to build them to protect this country.

With that, I yield back the balance of my time.

Mr. ROHRABACHER. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. ROHRABACHER. Mr. Chairman, it is fortuitous now that I rise for the purpose of entering into a colloquy with the gentleman from Florida on an issue that deals directly with the C-17, I might add.

I rise today to voice my concern over recent and devastating wildfires that have enveloped massive amounts of land throughout our country. The ruin caused by these wildfires has consumed 2.1 million acres, destroyed over 1,600 homes, killed 7 people, and threatened many more. This recurring problem, caused by dry conditions, hot weather, and ample fuel, tests the limits of our current Federal, State, and local fire-fighting resources.

When homes and lives are on the line, I believe we should take all possible action to protect lives and property, including the deployment of Air National Guard and Air Force Reserve resources when appropriate. We oftentimes think of the Department of Defense as an entity that should be aimed at defending our Nation from foes abroad, but the

fact is that there are enormous resources held by the Department of Defense, such as cargo planes that are capable of assisting in many other efforts, including firefighting efforts, which threaten the lives and property of our people.

For example, one specific concept, named the Precision Container Aerial Delivery System, or PCADS, needs only an additional \$2.6 million in funding to complete its already years-long evaluation of this technology. Unfortunately, however, DOD has not committed this meager sum to finish evaluating PCADS, despite the authority to do so.

What are PCADS? They essentially allow any military cargo plane that has a ramp in the back—mainly, our C-17s and our C-130s—to assist in wildfire efforts without having to modify the airplane at all. This means the C-17s and the C-130s, of which we have right now many stationed all over the country, could be deployed to help extinguish wildfires at a relatively low cost, creating a new and enormous firefighting capability. As I say, it's at a minimal cost.

Basically what we're talking about is a huge container system in the back that is made out of cardboard and a water balloon, which will permit putting them onto the C-17s and the C-130s to rolling right on 1,000 pounds of water per container. These C-130 pilots and C-17 pilots are already trained to drop these things, and without modifying the airplane, they could become an enormous resource to fighting fires throughout our country without adding any extra cost after this \$2.6 million for the final test.

I, therefore, have one simple request: to the extent that the Department of Defense is capable of exploring new, innovative, cost-effective, and promising firefighting technologies that can be used for our civilian population, but especially for the firefighting capabilities that can aid in support, as I say, firemen's requests throughout our country and from the State and Federal level, I urge the Department of Defense to do so to the degree that it can.

I now yield to the distinguished chairman, the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman from California for bringing this to our attention and for supporting innovative and cost-effective ways for our government to protect our people and their possessions from wildfires. I, too, believe the Department of Defense should seriously consider promising and cost-effective firefighting technologies where appropriate.

Mr. DICKS. Will the gentleman yield?

Mr. ROHRABACHER. Yes, I yield to the gentleman from Washington.

Mr. DICKS. This has been a subject I've been very interested in as former

chairman of the Interior Appropriation Subcommittee where we have to fund the efforts for firefighting, which are very massive.

I have tried to work with the Defense Department. The biggest problem we face is that OMB, when you want to lease these airplanes—we're looking mainly at the C-130J here—lease them for firefighting purposes and then have them deployed with the National Guard in California or somewhere on the west coast, you get into the fact that if you try to lease them, the budget control people want to put the whole burden on the first year. This is why leasing has become difficult. We've got to work out a way to get these airplanes.

The Acting CHAIR. The time of the gentleman from California has expired.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. I yield to the gentleman from California.

Mr. ROHRABACHER. In the past, in order to achieve the goal that you have outlined, we needed to reconfigure the inside of these C-130s and have special C-130s deployed.

This new PCAD system, which we can roll on enormous amounts of water in these little container systems, which is 1,000 pounds of water per container, can be dropped without reconfiguring the C-130s or the C-17s.

Mr. DICKS. I'm very interested in this, and I want to talk to my good friend about this. I would like to work with you on it.

Mr. ROHRABACHER. I have one last note. Will the gentleman yield?

Mr. DICKS. I yield to the gentleman.

Mr. ROHRABACHER. There's been a series of tests to show this is very effective. One more series of tests will cost \$2.6 million and can deploy these. I believe it will increase the value of our C-130s and C-17s to the point that we can actually maybe charge a little bit more money when we sell the C-17s, which will be far more than the \$2.6 million for this final test. It will pay for itself, not to mention the property damage that we can protect against.

Mr. DICKS. I look forward to working with the gentleman on this issue, and I yield back the balance of my time.

Ms. RICHARDSON. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. RICHARDSON. I would like to engage in a colloquy.

Mr. Chairman, I would like to thank Chairman YOUNG and Ranking Member DICKS for including language in the conference report that recognizes the importance of increasing the fair opportunity for numbers of women and

minorities in officer positions and within the Special Operations Forces.

Minorities and women to have an opportunity to fairly compete—and I stress, “compete”—are often underrepresented in the leadership ranks within our Armed Services. African Americans account for 12 percent of the U.S. population but represent just 8 percent of Active Duty officers. Likewise, when it comes to Hispanic Americans, it's even worse. Hispanics make up 15 percent of the U.S. population but number only 5 percent of the officer corps.

While the number of women in officer positions has seen increases, there is still a lack of women in top officer positions. In 2009, there were 40 individuals who held the highest rank in our Armed Services.

Mr. Chairman, do you know how many of those were women? I'm sad to say, just 1 out of 40. This shows that there is considerable room for improvement.

Having served on the Transportation Committee with Mr. CUMMINGS, much work was done on the Coast Guard side, but really should be equalled throughout the Armed Forces.

I was planning on offering an amendment to the Defense appropriations bill that would make it explicit that it is the sense of Congress that efforts should be made to increase the number of women and minorities in officer positions, but it would be subject to a point of order. However, I've worked with Chairman YOUNG and his staff that going forward we would continue to look at ways to increase women and minorities within the leadership ranks and to give them an opportunity again to compete for fair positions.

Chairman YOUNG, will you continue to work with me on this very important issue?

And I yield to the gentleman.

Mr. YOUNG of Florida. I thank the gentlelady for yielding, and I thank her for calling attention to the fact that the subcommittee in our report said this is an issue worthy of attention. Our language in the report said: urges the services, and specifically our Special Operations Forces, to conduct effective outreach and recruitment programs to minority populations to improve diversity in the military.

Absolutely. We agree with you totally. That is the intent of our committee. It becomes the intent of the Congress. We will continue to work with you to make sure that we do better at every opportunity.

I thank you for raising this issue today.

□ 1530

Ms. RICHARDSON. I thank the gentleman for his response, his leadership, and his commitment on this issue.

Mr. DICKS. Will the gentlelady yield?

Ms. RICHARDSON. I yield to the gentleman.

Mr. DICKS. I want the gentlelady to know that we worked with Mr. YOUNG on a number of insertions of report language in the report because of our concern about this issue as well. This is something where we always have to be vigilant because the people kind of forget what the legal responsibilities are. These are statutory responsibilities.

I appreciate the gentlelady from California bringing this to our attention. We'll work with her on this issue.

Ms. RICHARDSON. Thank you, Mr. Chairman, and also Ranking Member DICKS.

With that, I yield back the balance of my time.

AMENDMENT OFFERED BY MR. BERG

Mr. BERG. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used to reduce the number of the following nuclear weapons delivery vehicles of the United States:

- (1) Heavy bomber aircraft.
- (2) Air-launched cruise missiles.
- (3) Nuclear-powered ballistic missile submarines.
- (4) Submarine-launched ballistic missiles.
- (5) Intercontinental ballistic missiles.

The Acting CHAIR. The gentleman from North Dakota (Mr. BERG) is recognized for 5 minutes.

Mr. BERG. Mr. Chairman, I have the distinct honor to represent several military installations in my State of North Dakota, including the Minot Air Force Base, the home of the 91st Missile Wing and the 5th Bomber Wing, which relates to the amendment I have to offer today.

The amendment, which I offer today, along with my colleagues Mrs. LUMMIS of Wyoming and Mr. DENNY REHBERG of Montana, is very straightforward. It prohibits the fiscal year 2013 funds from being used to implement plans under the New START Treaty to reduce the number of nuclear weapons and their delivery system, which significantly reduces America's ability to develop and use our nuclear defense capabilities.

We all know that during the 2010 lame duck session the Senate ratified the New START Treaty, and President Obama made a promise to Congress that as long as he was President we will continue to invest in nuclear modernization.

Mr. Chairman, since then, he has backed away from his promise, and we all heard the President's unsettling off-mike comments that he would have more flexibility after the November elections.

The treaty provides for 7 years for the United States and Russia to reduce the number of deployed ICBMs, deployed submarine-launched ballistic missiles and deployed heavy bombers

equipped to carry nuclear armaments to no more than 700 weapons.

I know that many of us may not agree on the appropriate level of deployed nuclear weapons or our view on the New START Treaty. However, we need to make one thing clear: nowhere in the New START Treaty does it require reductions from the United States to make these cuts prior to fiscal year or during fiscal year 2013.

Furthermore, we're still waiting on the administration to tell us exactly how sharp the cuts in our deployed nuclear weapons could be under the New START Treaty.

The Associated Press has reported the Obama administration is going beyond the level laid out in the New START Treaty and is considering as much as an 80-percent reduction in our current nuclear arsenal.

It appears that the administration is planning drastic cuts to our nuclear arsenal and could be planning to move away from our nuclear triad strategy altogether. All three legs of our Nation's nuclear triad are complementary to the defense of our Nation.

Drastic cuts in our overall level of our Nation's nuclear arsenal puts our national security at risk and sharp reductions to any one leg of the nuclear triad would destabilize a sound defense strategy.

Therefore, since the President made an agreement to modernize our arsenal, and Congress is still waiting to hear what those specifics are, Congress should not provide funding to facilitate these reductions.

I urge adoption of these amendments.

Mr. YOUNG of Florida. Will the gentleman yield?

Mr. BERG. I yield to the gentleman.

Mr. YOUNG of Florida. I thank the gentleman for yielding, and I thank him very much for bringing up this issue. I believe that the Berg amendment recognizes the world as it really is, the threats that we potentially face. I think he has done the Congress a real service today by emphasizing this issue with his amendment, and I support his amendment.

Mr. BERG. I yield back the balance of my time.

Mr. DICKS. Mr. Chairman, I rise in opposition to this amendment.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. The New START Treaty limits the total number of weapon delivery vehicles by 2017. According to the Air Force, they are funded for New START implementation, but are awaiting final force structure decisions to determine numbers of weapon delivery vehicles to be reduced in FY 13.

We should carry out our obligation under the New START Treaty and not restrict the Department's obligation to implement it. I urge my colleagues to oppose the amendment.

I want to make it clear to my colleagues just what we're talking about. Under the New START we will have 520 ICBMs with 420 warheads. We will have 60 bombers, 42 B-52s and 18 B-2s that are nuclear capable, and they have many warheads. We have 240 sub-launched missiles. The number of subs are not restricted, but we have 14 Trident submarines.

I would, with all due respect, just say this, this is one area where we can, if we can come down on a mutual agreement with the Russians to a lower level, we can save ourselves the money of not having to replace all of these weapons systems. A lot of very thoughtful people have looked at this issue, and they believe that the two most survivable legs of the triad are the ballistic missile submarines and the bombers. The land-based missiles are vulnerable. Now, we had great debates over the MX missile. We got into how many RVs coming in to take out an existing missile, usually it's two, so the enemy would be using up weapons.

But the point of it all is, the last thing that we're going to be using is nuclear weapons. It just is not going to happen; it would destroy the world. So we can come down to a lower level and still have a credible deterrent. We can't afford to do everything.

The most important thing today, I think, is to build up our Special Forces, build up our intelligence capabilities, and look at the threats that we're facing out there with al Qaeda and the terrorists. Frankly, nuclear weapons are a relic of the Cold War, and we should bring down the size of this.

General Cartwright, one of the most thoughtful former members of the Joint Chiefs, has suggested that we go to a DYAD, just having ballistic missile submarines and bombers. That's something that we should consider. The Markey amendment would have started us in a way of reducing the number of land-based missiles.

I just think it's not right for us to get in the middle of this. The Senate had long hearings. They went through a process of ratification. This treaty was ratified by the United States Senate.

Again, I just think if there is one area where we can make some reductions, it's in the area of nuclear weapons. We're just not going to need as many as we've had in the past, and we can have great deterrents at a lower level. I hope we can reach that.

I yield back the balance of my time.

Mrs. LUMMIS. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Wyoming is recognized for 5 minutes.

□ 1540

Mrs. LUMMIS. I'm pleased to work with Representative BERG on this



amendment, which will protect our nuclear triad from the reductions scheduled under this treaty for the term of this 2013 budget year. Each leg of our nuclear triad—bombers, submarines, and land-based missiles—complement each other and they strengthen each other.

As a lifelong resident of southeast Wyoming, I have come to understand and appreciate the role of our intercontinental ballistic missiles. The 90th Missile Wing in Cheyenne keeps 150 of our ICBMs at nearly 100 percent alert. The bombers and subs have their own unique strengths, but no other leg of the triad comes close to this alert level. The constant alert, wide geographic dispersion and immediate, global response capability of our ICBMs make them an indispensable part of our triad.

ICBMs are the most cost-effective leg of the triad as well. At less than \$3 million per ICBM, they are less than a third of the cost of a sub-launched missile or a nuclear bomber. It's because of ICBMs that we can say with confidence that we are fielding a nearly unbeatable nuclear force.

Those that want to slash our nuclear force forget that it was American strength that ended the Cold War. It was American strength, including the Peacekeeper and Minuteman III missiles, that allowed us to negotiate landmark reductions in American and Russian nuclear arsenals. Remember, we were able to retire the Peacekeeper missile silos in Wyoming. It was a victory for global stability; but we did it through American strength, not through unilateral disarmament.

That's what makes the New START Treaty so troubling. It is bilateral in name only. The United States bound itself to unilateral reductions in strategic nukes, but Russia can still expand its strategic arsenal. Russia can stack their bombers to the hilt with warheads and call it a single-delivery vehicle. Russia can deploy an unlimited number of the tactical nuclear weapons under which they hold an advantage. Russia can develop new, long-range nuclear-tipped cruise missiles. With New START, we negotiated away American strength and received little in return.

It is dangerous to assume that our nuclear competitors have the same motives and ideals that we do. If we roll over and capitulate to the demands of our competitors, we cannot assume that Russia, China, and Iran will follow. But if we maintain our strengths and our unbeatable nuclear posture, we will be far more effective at securing the peace that we all want.

Again, I want to thank Representative BERG and Mr. REHBERG. I encourage you to vote against unilateral disarmament. Vote for our amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. MARKEY. I move to strike the last word.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. MARKEY. This debate has taken on the characteristics of ancestor worship, and I understand it. I know it's hard for individuals to let go of the Cold War, to let go of an era where foreign policy was characterized by this bitter rivalry between the United States and the Soviet Union. The reality: We won. It's over. We didn't just win. It was basically a world where there's unipower now. It's us.

The Chinese only have 40 to 50 nuclear missiles. The Russians have already dramatically reduced their weapons. The likelihood of a nuclear war between the United States and Russia is negative zero. And yet there are Members that don't want to see any reductions in our nuclear weapons force, notwithstanding the fact that those extra expenditures then would have to come out of other budgets, including the budget for the National Institutes of Health to find a cure for cancer or Alzheimer's or Parkinson's. And so we have this curious disconnect between the reality of the world that we live in today and the understandable but erroneous commitment that many Members on the other side have to a relic of a Cold War-era rivalry that no longer can withstand fiscal scrutiny.

So let's just take this debate about whether or not the United States is vulnerable.

Each one of our submarine-based nuclear weapons systems have 96 independently targetable warheads onboard. That is: each one of our sub commanders can destroy the 96 biggest cities in China; each one of our sub commanders can destroy the 96 biggest cities in Russia; each sub commander, with their first nuclear weapon, could destroy Tehran; each sub commander could destroy Pyongyang and still have 95 independently targetable nuclear weapons onboard that one submarine, much less every other submarine that we have out there.

And so to have an amendment that says, after New START was agreed to between Russia and the United States, after the Air Force and the Navy signed off on New START, to have Members of the House proposing that notwithstanding that agreement that was reached that does enhance American national security by reducing the likelihood that there would be a conflict between the United States and Russia, as low as that likelihood is, that we have this micromanagement that comes in of our military.

But it's more than that. Let's admit it. It's all about jobs. You're thinking about the defense bill as a jobs bill, and I understand that. But whenever we're talking about the defense bill, those jobs that are created should relate in

some way to American national security. And what the Air Force and the Navy are saying is that they do not believe they need more nuclear weapons. In fact, they can agree to and have already accepted the reduction in nuclear weapons that is in the New START Treaty.

And so I understand from a jobs perspective why you want to lock in jobs that may have been created a generation ago in the height of the Cold War, but we have to redeploy for the 21st century not only militarily, but also into what strengthens us domestically in terms of medical research and educational programs.

So I can't really understand why we're even debating this issue. There is a treaty between our two countries. Our military has signed off. Our military says it actually enhances our security.

And I agree with the gentleman from Washington State: This is an area where we should actually give some respect to the United States Senate that ratified the treaty, to each one of your Joint Chiefs that signed off on it, and not allow a jobs bill to trump our national security; and that if you can find programs that actually enhance our security and you want to spend the money on it, let's debate that. But this is an area that is already resolved.

I urge a "no" vote on the Berg amendment, and I yield back the balance of my time.

Mr. REHBERG. Mr. Chair, we've got to do everything we can to stop New START in its tracks.

President Obama, with the support of the Senate put the United States on a dangerous path of unilateral disarmament. New START forced the United States to reduce our nuclear arsenal, while actually allowing Russia to increase theirs.

And for Malmstrom Air Force Base in Montana—home of the 341st ICBM Missile Wing—this does more than threaten our national security. For the Great Falls community, it threatens the foundation of our community and economy.

Last week, I heard from community leaders and activists in Great Falls. They made it clear that New START, and the deeper cuts it fore-shadows, is a bad idea.

Today, the House of Representatives has an opportunity to protect our nuclear deterrent and derail this harmful treaty. I urge "yes" vote.

The Acting CHAIR. The question is on the amendment offered by the gentleman from North Dakota (Mr. BERG).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. BERG. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from North Dakota will be postponed.

Mr. HOLT. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. HOLT. I wish to engage in a colloquy with the ranking member of the Committee, but let me begin by thanking the gentleman from Washington and Chairman YOUNG for accommodating my request, for the second year in a row, for an additional \$20 million to be included in the appropriations bill for suicide prevention and outreach programs.

□ 1550

The committee last year honored this request, and I think it's a clear demonstration of the committee's intent that the Department do more and more to end this epidemic of suicide among our Active-Duty, Guard and Reserve force.

I do have a clarifying question I would like to pose to the gentleman from Washington.

Is it the committee's intent that the \$20 million in this legislation in additional suicide prevention funds be made available for successful suicide prevention programs, such as New Jersey's Vets4Warriors peer-to-peer counseling and outreach program?

Mr. DICKS. Will the gentleman yield?

Mr. HOLT. I would be pleased to yield to the gentleman from Washington.

Mr. DICKS. I can assure the gentleman from New Jersey that the committee intends to fund those programs that most effectively minimize suicides. And I'd point out that in most of these situations, this money is going to be competitively awarded. But I'm sure that the gentleman's New Jersey program will compete very well.

Mr. HOLT. I thank the gentleman.

I would also like under general leave to insert in the RECORD a letter from the American Legion, the Veterans of Foreign Wars, the Disabled American Veterans, AMVETS, and the Marine Corps League to Secretary Panetta concerning this Vets4Warriors program.

JUNE 15, 2012.

Hon. LEON E. PANETTA,  
Secretary of Defense,  
Defense Pentagon, Washington, DC.

DEAR MR. SECRETARY: As a group of the nations' leading veteran service organizations we take very seriously our commitment to the men and women who serve in uniform. They have answered the call and put their lives in mortal danger to protect the nation from adversaries and to advance our national security interests. One of the most important things we can do to honor their service and give something back to those who have given us so much is to ensure that they have healthy conduits to alleviate their mental and psychological anguish.

Unfortunately, the nation has not yet succeeded in bringing this to pass. Though many programs and alternatives have been explored by the Departments of Defense and Veterans' Affairs, few or perhaps none have

been as successful as the Vets4Warriors program. The program is based on the New Jersey Vet2Vet program, a nationally-recognized peer support program that has received critical acclaim for over 7 years. Vets4Warriors, the nascent program of the Army National Guard—a mere six months old—is showing incredible promise and we are confident that it will be as successful nationally as Vet2Vet has been in New Jersey.

Already, this program has received over 7000 calls and nearly 500 inbound contacts through other means such as Internet-based chats. Vets4Warriors provides effective, ongoing peer support for men and women from all service branches—past and present. Any military personnel, family member or veteran can call this toll-free line 24/7 and have the call answered immediately by a carefully trained veteran peer counselor. We believe there are none better positioned to understand and assist with the rigors of military life than someone who has lived it. The calls are all confidential and can be anonymous. The peer counselors are able to triage the callers' needs, provide crisis intervention, local referrals for any needed services such as mental health, financial counseling, legal aid, or a host of other possible needs. At all times, a licensed mental health professional is immediately available to the peer counselor, should the situation warrant it. The goal is to create a stigma-free environment that encourages service members to contact Vets4Warriors when any concerns arise and the peer counselors help prevent these problems from becoming crises. There is also a formal relationship with the National Veterans Crisis Line, so calls to Crisis Line that are not crises are transferred to Vets4Warriors and crisis calls to Vets4Warriors can be "warm transferred" to the Veterans Crisis Line. Vets4Warriors strives to use all existing resources and not duplicate any of them.

These and other characteristics make this program unique and successful. However, what truly sets their work apart is that they show their commitment to individuals by proactively reaching back to each person that contacts Vets4Warriors to make sure they are getting the help they need, preventing problems from becoming crises. Vets4Warriors has made approximately 8400 follow-up calls to veterans who have contacted them—about 900 or 11% more than their incoming call volume. Every single call is logged into a database, so there is extensive information available on who is calling, why they are calling and the outcomes of the calls.

Vets4Warriors employs 27 veteran peer counselors representing all branches of service, so callers may even choose a peer counselor by their military experience. The same peer counselor will maintain contact with the caller over weeks or months, until the issues are resolved. They will also become advocates for the callers, should that be necessary. To our knowledge, no other program provides this kind of personal investment in the service member and offers the variety of services needed to meet the diverse needs of our military members and their families.

It is because of the enormous success of the program that we are so determined to ensure it receives the funding it needs to achieve long-term success. Recent developments have made us very concerned that the program will not be budgeted for in 2013, and we urge you to make funding this program a top priority. The investment is marginal, yet the impact is huge. The health and readiness of the military depends on personnel that are

resilient against the stressors of military service, both on and off the battlefield. Having seen it first-hand, we believe Vets4Warriors is a tremendous program that must be given a legitimate opportunity to succeed. With your support, we have every reason to believe that it will make a measurable difference in the lives of many veterans, military personnel and family members, and we strongly urge you to ensure full funding for the program.

Respectfully,

STEWART M. HICKEY, National Executive Director, American Veterans, Forbes Boulevard, Lanham, MD.

BARRY A. JESINOSKI, Executive Director, Disabled American Veterans, Maine Avenue, SW., Washington, DC.

MICHAEL A. BLUM, Executive Director, Marine Corps League, Merrifield, VA.

PETER S. GAYTAN, Executive Director, The American Legion, K Street, NW., Washington, DC.

ROBERT E. WALLACE, Executive Director, Veterans of Foreign Wars of the U.S., Maryland Avenue, NE., Washington, DC.

In this letter, the five veteran service organizations note that of all the suicide prevention programs and alternatives explored by the Department, "perhaps none have been more successful than the Vets4Warriors program."

I raise this letter, Mr. Chairman, because just this past week, the National Academies of Science released a report on the DOD and the VA's response to this explosion of PTSD cases and suicide-related mental health problems for veterans from Iraq and Afghanistan.

We want to make sure that the successful programs are recognized; and to date, no servicemember or veteran who has used these Vets4Warriors or vet-to-vet program has taken his or her own life. They have been successful.

One of the shortcomings in our government's approach to dealing with the suicide epidemic among servicemembers and veterans is the assumption that only programs within the DOD and within the VA are capable of dealing with this crisis. Our experience in New Jersey strongly suggests otherwise, and I ask the gentleman from Washington and the chair of the committee for their help in prodding the National Academies and the government at large in evaluating the potential positive role that community-based programs like Vets4Warriors can play in helping defeat the suicide epidemic among our troops and veterans.

Mr. DICKS. Will the gentleman yield?

Mr. HOLT. I yield to the gentleman from Washington.

Mr. DICKS. The gentleman from New Jersey has my assurance we will work with him on this issue. And I would just say that our chairman has been a great leader on this issue. No one has done more than BILL YOUNG on this. I look forward to working with him and trying to make sure that this program is completely and thoroughly evaluated by the Army, by the National Guard, and by the VA.

Mr. YOUNG of Florida. Will the gentleman yield?

Mr. HOLT. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. I thank the gentleman for yielding.

I appreciate the comments of Mr. DICKS, our former chairman, and would say that I agree strongly with him, as I do most of the time. We have a great history of working together for many, many years. We will be very happy to work together with you on this issue because it is a very, very important concern to all of us and to all the members of our committee and I know to all the Members of this House of Representatives.

Mr. HOLT. Reclaiming my time, I would reiterate my thanks to the chairman and to the ranking member for the strong attention and sensitive attention that they have given to this matter.

With that, Mr. Chairman, I yield back the balance of my time.

AMENDMENT OFFERED BY MR. FLORES

Mr. FLORES. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), add the following new section:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used to enforce section 526 of the Energy Independence and Security Act of 2007 (Public Law 110-140; 42 U.S.C. 17142).

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. FLORES. Mr. Chairman, I rise to offer an amendment which addresses another misguided and restrictive Federal regulation.

Section 526 of the Energy Independence and Security Act prevents Federal agencies from entering into contracts for the procurement of fuels unless their life-cycle greenhouse gas emissions are less than or equal to emissions from an equivalent conventional fuel produced from conventional petroleum sources.

The initial purpose of section 526 was to stop the Defense Department's plans to buy and develop coal-based or coal-to-liquid jet fuel. This restriction was based on the opinion of some environmentalists that coal-based jet fuel might produce more greenhouse gas emissions than traditional, petroleum-derived fuels.

My amendment is a simple fix, and that fix is to not restrict our fuel choices based on extreme environmental views, bad policies, and misguided regulations like those in section 526.

Placing limits on Federal agencies' fuel choices is an unacceptable precedent to set in regard to America's petroleum independence and our national security. Mr. Chair, section 526 restrictions make our Nation more dependent

on unstable Middle Eastern oil. Stopping the impact of section 526 will help us promote American energy, improve the American economy, and create American jobs. In addition, and probably most important, we must ensure that our military has adequate fuel resources and that it can rely on domestic and more stable sources of fuel.

With increasing competition for energy and fuel resources and with the continued volatility and instability in the Middle East, it is now more important than ever for our country to become more energy independent and to further develop and produce all of our domestic energy resources.

In some circles, there is a misconception that my amendment somehow prevents the Federal Government and our military from being able to produce and use alternative fuels. Mr. Chair, this viewpoint is categorically false. All my amendment does is to allow Federal purchasers, particularly our military, to be able to acquire the fuels that best and most efficiently meet their needs.

I offered a similar amendment to the CJS appropriations bill for FY 2013, and it passed with strong bipartisan support. My identical amendments to four other FY 2013 appropriations bills also each passed by voice vote. My friend, Mr. CONAWAY, also had language added to the defense authorization bill to exempt the Defense Department from this burdensome regulation.

Let's remember the following problems with section 526: one, it increases our reliance on unstable Middle Eastern oil; two, it hurts our military readiness, our national security and our energy security; three, it prevents the increased use of some sources of safe, clean and efficient American oil and gas; four, it hurts American jobs and the American economy; five, last and certainly not least, it costs our taxpayers more of their hard-earned dollars.

My amendment fixes those problems. I urge my colleagues to support the passage of this commonsense amendment.

I yield back the balance of my time.

Mr. CONAWAY. Mr. Speaker, I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. CONAWAY. Mr. Chairman, everyone in this House would sleep much easier at night if our airplanes flew on sunbeams and our ships steamed on rainbows, but they don't. They use diesel, and diesel they must have if they are to continue to protect this Nation.

I rise today in strong support of this amendment to lift the restrictions on the military's procurement of alternative fuels enshrined in section 526 of the Energy Independence and Security Act. I would also like to thank my colleagues, Mr. FLORES and Mr. HEN-

SARLING, for their work with me on this issue.

Section 526 prohibits the military from purchasing alternative fuel products that have "life-cycle greenhouse gas emissions"—that's a mouthful—that are "less than or equal to such emissions from conventional fuel." Mr. Chair, this prohibition makes no sense to me.

Several months ago, Secretary of the Navy Mabus said:

Our dependence on foreign sources of fossil fuel is rife with danger for our Nation, and it would be irresponsible to continue it. Paying for spikes in oil prices means we may have less money to spend on readiness, which includes procurement. We could be using that money for more hardware and more platforms.

□ 1600

If protecting fuel supply lines and avoiding price volatility are truly the goals of the military—and I do believe that these are worthy objectives—then lifting the restrictions imposed by section 526 should be a no-brainer.

Section 526 puts technology like coal-to-liquids, gas-to-liquids, oil shale, and oil sands out of reach for the United States military. These technologies are capable of meeting the Department's objectives for safeguarding production and reducing price volatility, and in most cases are far more advanced than the exotic biofuels project that the Navy is currently pursuing.

This amendment will offer us a stark choice: The military can meet its strategic fuel supply concerns or operational planning can take a backseat to environmental posturing.

Many of my colleagues on the other side of the aisle will spend their time talking about how dirty fuel derived from coal-to-liquids or oil sand technology is. They will offer up and knock down straw men dealing with global warming and carbon footprints. But what they will not talk about is the critical need for our Department of Defense to procure the cheapest, most readily available fuel that fulfills its strategic requirements.

I offer my full-throated endorsement for the Department's work to increase its energy efficiency, to reduce the need for fuel convoys, and to limit vulnerabilities in the fuel supply chain. However, those aren't the issues that we're dealing with with this amendment. The question this amendment asks is: Is it appropriate for Congress to continue to prohibit the military from purchasing certain domestically available synthetic fuels?

The Department of Defense's singular objective is to protect this Nation. Department of Defense leaders have made it clear that foreign sources of oil and price volatility present an obstacle to fulfilling that obligation. Lifting the restrictions contained in section 526 will free the military to utilize any technology it believes can help to confront that danger.

I urge my colleagues to join me to lift this irresponsible prohibition and provide the military with the options it needs to manage the long-term, strategic risks facing our Nation.

I thank my good friend for offering this amendment, and I look forward to its passage.

I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. YOUNG of Florida. I rise to support this very, very popular amendment.

Mr. FLORES offered the same amendment to each fiscal year 2012 appropriations bill, and all were accepted by a voice vote. Also, each fiscal year 2013 appropriations bill that has already passed the House includes this amendment. All passed by voice vote, with the exception of CJS, which had a roll-call and a positive vote of over 250 votes "yes." Fifteen Democrats supported the amendment.

Mr. CONAWAY offered an amendment to the FY13 Armed Services Committee bill which has the same effect. The amendment was accepted into the House bill. This obviously is a very popular amendment, and I'm happy to be supportive of it.

I yield back the balance of my time.

Mr. GARAMENDI. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. GARAMENDI. I have a question to the author of the amendment and to those who are supporting it on the other side.

In listening to your discussion, you seem to be in a posture of the military—Navy in this case, and I suppose other branches—having access to alternate fuels. You spoke specifically of coal-based fuels. Are you speaking of all kinds of alternative fuels and that the military should pursue those fuels so that they might be available to pursue them in their development phase as well as when they are fully developed?

Mr. FLORES. Will the gentleman yield?

Mr. GARAMENDI. I yield to the gentleman.

Mr. FLORES. All my amendment does is remove any external restrictions from the Department of Defense being able to acquire fuels. It doesn't restrict their ability to acquire alternative fuels, such as the Green Fleet.

Now, I have issues with paying \$56 a gallon for fuel, but I'm willing to battle that at a future date. I'm not endorsing the use of those expensive fuels. I think they're irresponsible uses of taxpayer funds when the purpose of the military is to defend our country, not to be trying to promote alternative fuels.

Mr. GARAMENDI. Reclaiming my time, sir, in listening to your discus-

sion about the coal-based fuels, clearly those are in the development stage; they're not yet in place. I would assume that in the development stage, the U.S. military would be purchasing those for the purposes of testing as well as providing an early market, a development market, for those fuels. Therefore, I would assume that that same logic would apply to other kinds of biofuels, would it not?

I yield to the gentleman.

Mr. FLORES. The logic applies. But again, I think it's an order of magnitude.

For instance, technology to do coal-to-liquids fuels was used by the Germans in World War II. It's been tried in the past. It's still not cost effective. I think there's an order of magnitude. For instance, if the military can do it for, let's say, 50 percent more than it costs for conventional fuel, that's one thing; but if it has to pay 10 times more for biobase fuels, that's another issue.

Mr. GARAMENDI. Well, reclaiming my time, and thank you, sir, for the information.

The point here is that in the early development of all of these fuels, whether they are coal-based or other kinds of biofuels, there is a higher cost in the early stages that presumably and hopefully and, in fact, must be reduced if the Navy is to procure those fuels for the normal utilization of their fleet, or whatever the fuel might be used for. Therefore, in listening to your discussion, which I do support, I think it's important to understand that in the early development there is going to be a higher cost which could not and should not carry forward for the normal use of those fuels.

With that, I yield back the balance of my time.

Mr. VISCLOSKEY. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKEY. Mr. Chairman, I rise in opposition to the gentleman's amendment. It's been argued that section 526 harms our military readiness. This is simply not the case, particularly according to the Department of Defense.

The Department of Defense has stated this month, very clearly, the provision has not hindered the Department from purchasing the fuel we need today worldwide to support the military missions. But it also sets an important baseline in developing the fuels that we need for our future.

DOD, the Department of Defense, supports this section and recognizes that tomorrow's soldiers, sailors, airmen, and marines are going to need a greater range of energy sources. In fact, the Department says that repealing this section could, and I'm quoting the Department, "complicate the De-

partment's efforts to provide better energy solutions to our warfighters and to take advantage of the promising developments in homegrown biofuels." I would also emphasize the impact it would have on our economy and the creation of new jobs in our economy.

I believe the amendment would damage the development of biofuels, given the fact that the Department of Defense is such a huge procurer of energy, at the worst possible time for our economy. It could send a negative signal to America's advanced biofuel industry and could result in adverse impacts to the U.S. job creation efforts, rural development efforts, and the export of world-leading technology.

I would also emphasize to my colleagues the section does not prevent the sale of fuels that emit more carbon, nor does it prevent the Federal agencies from buying these fuels if they need to.

Government policies should help drive the development of alternative fuels that cut carbon emission, not increase it. I think that's a commonsense approach.

Again, I am opposed to the gentleman's amendment and, I yield back the balance of my time.

Mr. GINGREY of Georgia. Mr. Chair, I rise in strong support of the Flores amendment that will prevent funds in H.R. 5856—the FY13 Defense Appropriations Act—from being used to carry out Section 526 of the Energy Independence and Security Act of 2007.

Section 526 prohibits all federal agencies from contracting for alternative fuels that emit higher levels of greenhouse gas emissions than "conventional petroleum sources." This means that if a federal agency—particularly the Department of Defense—attempts to utilize an alternative fuel that even has one scintilla more carbon emissions than conventional fuels, it is prohibited from doing so. As a result, Section 526 limits innovation from DoD to improve clean carbon capture technologies for alternative fuels, thereby increasing our dependence on foreign oil, and will only further increase fuel costs.

The amendment intends to remove the handcuffs placed on the agencies under this bill by Section 526. This means that the DoD will still be able to purchase Canadian fuels with traces of oil sands that may create more of a carbon footprint than completely conventional fuel.

Mr. Chair, I support a full repeal of Section 526 because the cost of refined product for DoD has increased by over 500% in the last ten years when volume only increased by 30%. Furthermore, within the last month, the U.S. Navy spent \$26 per gallon and the U.S. Air Force just spent \$59 per gallon for biofuels used for the Administration's Great Green Fleet Demonstration while conventional fuel bears less of a cost on the Pentagon.

When defense spending is already facing \$600 billion in sequestration cuts, we must find commonsense ways to best utilize taxpayer dollars. This amendment takes a very important step of achieving this goal by prohibiting funding to carry out Section 526 for the upcoming fiscal year at the DoD.

With that in mind, I commend my colleague from Texas—BILL FLORES—for his continued leadership on this important issue. I urge this body to support this amendment.

The Acting CHAIR (Mr. BISHOP of Utah). The question is on the amendment offered by the gentleman from Texas (Mr. FLORES).

The amendment was agreed to.

Mr. THOMPSON of California. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. THOMPSON of California. I rise for the purpose of a colloquy between my friend, the chairman from Florida, and the ranking member, my friend from Indiana.

I was planning to introduce an amendment on this issue, an amendment that would require the Department of Defense to buy American flags that are made in America by American workers using American-grown and manufactured materials.

Wherever an American flag is flown, it's a symbol of the freedoms men and women throughout our history have marched, fought, and died to secure.

□ 1610

There's no greater symbol of our country, our unity, our freedom, and our liberty than our flag.

The Veterans Administration is already required, by law, to purchase 100 percent American-made flags of American-made materials to drape the caskets of each deceased war hero.

I understand that there are already requirements prohibiting the Department of Defense from purchasing certain items not produced in the United States, but there are no requirements for the Department of Defense to purchase American-made American flags.

I believe it's important that every American flag the Department of Defense buys should be made in America by American workers with American materials. It's as simple as that.

At a time when our domestic manufacturing sector is struggling, and millions in our country are out of work, it's a slap in the face to all Americans to have their tax dollars spent on flags that are made overseas.

I ask the gentlemen here today with me, do you share my concerns about this issue? Will you and the ranking member, Mr. Chairman, work with me to address this omission, and help to ensure that the brave men and women in uniform receive American-made American flags?

Mr. YOUNG of Florida. Will the gentleman yield?

Mr. THOMPSON of California. I yield to the gentleman.

Mr. YOUNG of Florida. I thank the gentleman for discussing this with us earlier on. We have had a very good conversation, and I would say that I am strongly supportive of what the gentleman has just said.

I believe that the American flag should be made in America, with American materials, whatever they might be. And so I do share that, and I guarantee him that we will continue to work with him to find a workable solution to see that this does happen.

I thank the gentleman for raising the issue. I thank him, again, for discussing this early on with me, and I'm here to be supportive.

Mr. THOMPSON of California. Reclaiming my time, thank you, Mr. Chairman. I look forward to working with you.

I yield to my friend, the gentleman from Indiana (Mr. VISCLOSKY), the ranking member.

Mr. VISCLOSKY. I appreciate the gentleman yielding, and would associate myself with the remarks of the chairman.

I really appreciate the gentleman raising this issue before the body, and certainly want to work with Mr. THOMPSON, as well as the chairman of the committee, on this very important issue, and certainly pledge myself to do that.

Mr. THOMPSON of California. Reclaiming my time, Mr. Chairman, I thank the gentleman from Florida and the gentleman from Indiana, and look forward to working with both of them and others in the House to ensure that we can bring this to resolution.

I yield back the balance of my time.

AMENDMENT OFFERED BY MR. RUNYAN

Mr. RUNYAN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title) insert the following:

SEC. \_\_\_\_ . None of the Operation and Maintenance funds made available in this Act may be used in contravention of section 41106 of title 49, United States Code.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. RUNYAN. Mr. Chairman, I would like to thank the chairman of the committee for allowing me to bring this forward.

Congress has a responsibility to see that funds are spent appropriately by the Department of Defense to support missions and provide for our national security.

The Department has been using foreign-owned aircraft to carry equipment in and out of Afghanistan, totaling over \$140 million year-to-date. These missions could have been completed by American carriers.

American carriers are regulated by the FAA and have a much better safety record than foreign airlines. And U.S. government dollars go to develop U.S. jobs.

The U.S. government specifically designated the Civil Reserve Air Fleet, or CRAF, to supplement national secu-

rity air transport needs through partnership with private U.S.-based airlines. The program allows civilian airlift capability to integrate with military command structures on short notice.

Using foreign-owned aircraft is not only disadvantageous for our military carriers but also for U.S. commercial airlines that have dedicated aircraft to CRAF. It removes the incentive for American carriers to hire American workers and use American mechanics and suppliers, and ultimately harms a vital national security program.

This amendment requires that the Department of Defense use American-owned and operated aircraft whenever possible to move cargo and passengers. It ensures that troops in the field get what they need by allowing the Department to use foreign carriers when necessary. It strengthens this vital national security program and assures that American dollars are spent on American services.

Current law, the Fly CRAF Act, is not being complied with to the extent, again, of \$140 million. It has gone to foreign carriers this year, and unapproved carriers are being assigned CRAF missions. This "leakage" from CRAF programs is a threat to the viability of our CRAF carriers, the program, and ultimately, our warfighters.

I would encourage all Members to support this amendment.

I yield back the balance of my time. Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. YOUNG of Florida. Mr. Chairman, I rise in support of this excellent amendment, and I thank Mr. RUNYAN for offering it today. And so I do accept the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. RUNYAN).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. GARAMENDI

Mr. GARAMENDI. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_ . (a) Except as provided in subsection (b), appropriations made in title IX of this Act are hereby reduced in the amount of \$12,670,355,000.

(b) The reduction in subsection (a) shall not apply to the following accounts in title IX:

- (1) "Afghanistan Security Forces Fund".
- (2) "Defense Health Program".
- (3) "Drug Interdiction and Counter-Drug Activities, Defense".
- (4) "Joint Improvised Explosive Device Defeat Fund".
- (5) "Office of the Inspector General".

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. GARAMENDI. Mr. Chairman, this amendment is offered by Mr. JONES and myself. The current Overseas Contingency Operation budget is based on the assumption that we will have 68,000 troops in Afghanistan throughout the entire fiscal year 2013. However, this is not the plan that our Commander in Chief has put forth, nor is it the plan that many of us who would like to see the war come to a quick end would support.

As President Obama has repeatedly stated, we are winding down this war. After withdrawing the surge troops by the end of this summer, that will bring us to 68,000 troops at the beginning of the 2013 fiscal year. We will continue to bring our troops home from Afghanistan, and I quote the President, "at a steady pace."

This amendment captures the billions of dollars that we will save by pursuing this steady drawdown of troops, as opposed to maintaining troop levels at 68,000 throughout the entire fiscal year 2013, and then presumably, on October 1, bring 28,000 troops home.

This amendment would cut \$12.67 billion from the Overseas Contingency Fund.

Let me be clear about what this amendment does not do. It does not cut funding for troops on the ground in Afghanistan. I believe, as do all of my colleagues who have advocated for an accelerated end to this war, that our troops in harm's way should have all the resources they need to safely execute their mission. And I am committed to ensuring that our troops on the ground have the best equipment and the compensation that they deserve.

This amendment does cut the OCO funds that are unneeded and would not be used if we pursue the President's steady drawdown plan. In these fiscal times, stringent as they are, we should not be paying for things that we're not going to buy and that we don't need, and we certainly don't need to further pad the OCO budget.

The committee has already approved an extra \$3.25 billion cushion on the OCO fund that was not even part of the President's request. We have already spent half a trillion dollars of taxpayer dollars on the war in Afghanistan, and the Department of Defense can't even account for many of those funds, lost due to contractor fraud or Afghan corruption.

□ 1620

When we take into account the long-term costs of this war, such as servicing our debt and caring for the wounded warriors, the costs are even more staggering.

Many of us support a quicker timeline of withdrawing troops from Afghanistan than the President has proposed. After a decade of war, we recognize that our core national security objectives have been met in Afghanistan and that there is no U.S. military solution to the remaining challenges in the Afghanistan nation.

We began our military operations in Afghanistan to eliminate those international terrorist organizations that threaten the United States. Thanks to the remarkable bravery and competency of our men and women in uniform, al Qaeda has been virtually eliminated from Afghanistan; terrorist training camps have been demolished; and Osama bin Laden is dead. Thousands have given their lives to accomplish this, and tens of thousands have suffered life-altering wounds. It is now time for our troops to come home.

It is also time for this House not to waste further money. This amendment is not about ending the war. It is about reducing the deficit by \$12.67 billion. We can do that by capturing the billions of dollars saved by the President's proposed troop drawdown and by redirecting those funds towards reducing the deficit and by bolstering our fiscal security here at home.

With that, I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. YOUNG of Florida. First, I would like to say that I understand the sincerity of the gentleman's presentation. It is very much like a number of other amendments that we have had.

Mr. Chairman, in Afghanistan, we are in a very critical position. I think it's important that we allow the military commanders—those who are commanding our troops, those who are leading our troops into combat—to tell us how we achieve our goal and then how we depart from Afghanistan. We need their advice.

I will tell you that I have been to Afghanistan, but I've seen more of the war at the hospital at Walter Reed in Bethesda. I've seen too many young folks—men and women—who are quadruple amputees, triple amputees, and who have more serious mental issues and traumatic brain injuries. From my weekly visits there, I can tell you that this is a mean, mean, nasty war with a mean, mean, nasty enemy.

We have got to let, not politics, but the wisdom, the vision, the knowledge, the advice of our military commanders in the field who are responsible for this operation make our decisions. Their advice is not compatible with this amendment, so I do strongly oppose it.

I yield back the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. FRANK of Massachusetts. I yield to the gentleman from California (Mr. GARAMENDI).

Mr. GARAMENDI. I thank the gentleman.

My apologies to Mr. JONES who was about to stand up and speak on this issue.

Mr. Chairman, I appreciate your sincerity and your extraordinary work on the issue—a very, very difficult issue. I share with you the obvious compassion that you have for our troops—those who are there and those who have been wounded. However, if I might pose a question:

The Commander in Chief, who presumably had the advice of the generals on the ground and in the Pentagon, has stated clearly that at the beginning of the next fiscal year, which would be October 1 of this year, there would be 68,000 troops on the ground in Afghanistan and that there would be a steady drawdown, or a steady pace, so that at the end of the fiscal year there would be some 40,000 troops, which would be September 30, 2013. Now, a steady drawdown would assume that you would take 28,000 troops, and you would remove them on a steady basis so that, over the course of that year, you would have half the troops in the country and the other half would be gone. That being the case, you don't need to budget for all 68,000 being there the entire year. In fact, you budget for something between 40,000 and 68,000. However, the appropriation that we have before us actually assumes that all 68,000 are going to be there until October 1 of 2013. That's not what the President has said. That's apparently not what the generals are planning and what the planning and execution is.

So what this amendment simply does is to recognize what it is that the generals intend to do as commanded by the Commander in Chief. Now, we may disagree with that, but the advice just given to me by the chairman is that we ought to pay attention to the generals, who are apparently saying a steady drawdown. There is \$12.5 billion at stake here, and what we are trying to do is to capture that. Now, at least there would be concern that something would go awry and that the drawdown wouldn't occur. The appropriation actually places a \$3.2 billion cushion for unexpected contingencies.

So what are we doing here? Do we care about the deficit or not? My amendment simply speaks to: let's be wise with the taxpayers' money. Let's not appropriate money that should not or is not apparently going to be necessary, and if there is a contingency, there is a \$3 billion cushion built into this budget and into this appropriation already.

Mr. FRANK of Massachusetts. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentleman has 2 minutes remaining.

Mr. FRANK of Massachusetts. I strongly support the effort by my colleague from California.



I would say to the distinguished chairman of the subcommittee that it's certainly the case that, once the society through which democratic processes has determined what it wants to do in a military area, then we need the technical advice from the military experts. But there is a prior question with regard to Afghanistan: Should we be staying there?

It wasn't up to the military—and they never claimed that it was—to go in on their own. They went in pursuant to a vote of this House and of the Senate. It is the duty of the Members of this House to decide whether, in taking all of the factors into account, the time has come to wind it down or not. Once a decision is made, then we listen to the military.

Clearly, what is at stake here in this amendment is not simply a technical question of the way in which the logistics of a drawdown are handled but, really, whether or not the House wants to affirm that the time has come to begin a steady withdrawal. I might also add I would like to go more quickly than this amendment would allow, but we probably won't have the votes for that.

I disagree with the notion that this is a matter on which the elected representatives of the American people must defer to military experts. Yes, we will once we have made the democratic decision about what to do. But with all of the factors taken into account, the time has come, just as this House authorized the military to go in, to reaffirm the decision that the time has come to begin to withdraw. So I very much support the gentleman's amendment in that particular context.

I yield back the balance of my time.

Mr. JONES. I move to strike the last word.

The Acting CHAIR. The gentleman from North Carolina is recognized for 5 minutes.

Mr. JONES. Mr. Chairman, I join my friend from California (Mr. GARAMENDI).

The President has said, with the advice from the military, it is time to bring the war in Afghanistan to an end and to bring our troops home.

I have the greatest respect for the gentleman who is the chairman and who was just here, Mr. YOUNG.

I've signed over 10,474 letters for those who have given their lives for this country. Many families are divorced. And I take the pain home every weekend. No, it's not like being in Afghanistan, but I don't forget the war. I don't think many of my colleagues here forget the war. I want to make that clear.

I go to Walter Reed and Bethesda—now that they've been consolidated—and I've seen four kids that have no body parts below the waist. One of them is from Florida. He is Corey Kent. I never will forget him. He is the first

one I ever met who had no body parts below his waist. He is 23 years of age, and he is a private in the United States Army.

□ 1630

I look at all the waste in Afghanistan. It is a country that will never change, no matter what you do. History has proven that. What Mr. GARAMENDI's amendment says is let's stick to the plan that's been laid out by the President with the advice of the military.

I worry about the wounded. The \$12 billion that Mr. GARAMENDI is talking about saving could be spent to take care of the wounded.

Mr. Chairman, there is a book called "The Three Trillion Dollar War," written by Dr. Joe Stiglitz and coauthored by Professor Linda Bilmes at Harvard University. Dr. Stiglitz is now saying, no, it's not the three trillion dollar war when you factor in all the pain and the wounded from Afghanistan. I would rewrite the title of the book to be "The Five Trillion Dollar War."

Are we prepared for that tsunami that is coming? No. We are a country that is financially broke, but we owe those who have given so much. That's all this amendment is doing. It's saying let's follow the plan by the President and advice from the generals. Let's save \$12 billion, spend it on the wounded and take care of their pain for the next 25 or 30 years.

I hope that my colleagues on both sides of the aisle will look seriously at this amendment. Let's do what is right first for the wounded and their families; and, secondly, let's do what's right for the taxpayers and their families and bring this war to an end. If we don't do it here in Congress, there will be no end. It will be 2014, 2015, 2016, 2017, and 2018.

Let's pass this amendment. Let's say to the President, Sir, we trust you. You listened to the generals, and this is the plan to bring an end to Afghanistan because it is a corrupt country, and nothing will change no matter what we do or how many lives we expend or how much money we expend. It will never change.

With that, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. GARAMENDI).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. FRELINGHUYSEN. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 1 OFFERED BY Mr. MULVANEY

Mr. MULVANEY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. (a) Appropriations made in this Act are hereby reduced in the amount of \$1,072,581,000.

(b) The reduction in subsection (a) shall not apply to amounts made available for—

- (1) accounts in title I;
- (2) "Other Department of Defense Programs—Defense Health Program"; and
- (3) accounts in title IX.

The Acting CHAIR. The gentleman from South Carolina is recognized for 5 minutes.

Mr. MULVANEY. The amendment is fairly simple. It's an amendment to seek to freeze defense spending for 1 single year. It is not a cut. Only in Washington, D.C., could we spend more money from one year to the next and call it a cut.

This is not a "cut" amendment. This is an amendment to freeze spending for 1 year. It is an amendment to set the base defense spending levels at \$518 billion, the exact same amount as last year's appropriation that was approved just a few months ago. It is \$2 billion above what the Pentagon asked for. It is also \$2 billion above what the President asked for. While the amendment gives control to the generals over the spending, it still protects military pay, the Defense Health Program, and the war budget.

We've heard arguments in favor of a 1-year freeze before. This amendment is entirely consistent with the Simpson-Bowles plan, and it is entirely consistent with the Domenici-Rivlin plan.

What arguments will we hear against it? We may hear, as we've heard earlier today, that the defense budget has already been cut \$39 billion over the last 2 years. This is the base defense budget for the last 2 years and the base defense budget in this year.

The base defense spending has gone up from 2011 to 2012. If the bill passes unamended, it will go up again this year. Only in Washington, D.C., is that considered a \$39 billion cut.

We may hear that the CBO says that the Pentagon is still \$9 billion short based upon a report they released earlier this month. I have the report. The report reads:

To execute its base-budget plans for 2013, the Department would require appropriations 1.4 percent less than last year's appropriation.

We may also hear the argument that this amendment would compromise our defense in some fashion. That can only be true if the same exact appropriation that we passed just 6 months ago put our defense at risk, because this is the exact same spending level as we established 6 months ago.

The one thing we do know is that even with this amendment, if this amendment would pass, we will be



spending more on defense spending than the Pentagon asked for and that the President asked for, and we will be spending exactly the same as we did last year.

We've heard a lot in the last day or two about "austerity." It's another word that, I think, has lost its traditional meaning. It means something different in Washington than it does back home.

"Austerity," to me, means spending less. Total discretionary spending will be up this year. Total mandatory spending will be up this year. Total government spending will be up this year. We are still facing a \$1 trillion deficit by the time that this year is over. We need to do better in getting our spending under control. It is easy to cut things that we do not like on both sides of the aisle; it is hard to cut things that we like.

The defense of this Nation means a tremendous amount to me, as I know it means to every Member of this Chamber. If I thought for a second that this amendment would put a single soldier at risk, if I thought for a second that this amendment would put a single citizen at risk, I would take it down immediately. All it does is freeze spending from last year. If we cannot do that simple task, do we really think we have an honest chance of solving our debts and our deficit problems?

With that, I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, respectfully, I think this is an appropriate time to remind our colleagues that under the Constitution, national defense is the top priority of the House and Senate. Article I, section 8 gives Congress specific authority to declare war, raise and support armies, provide for a navy, establish the rules for the operation of American military forces.

It was in this context that, under Chairman YOUNG, our subcommittee carefully reviewed, over many months, the President's budget and Secretary Panetta's new strategic guidance for the Defense Department. Frankly, we found the administration's approach lacking in many respects. In several key areas, the subcommittee was concerned that the level of risk tolerated by the Armed Forces was unacceptable. We've talked a lot about that on the floor over the last couple of days.

As the Constitution requires, we made adjustments, which is our duty and obligation. Yet even within the allocation that is \$3.1 billion higher than our President's request, our subcommittee could have done more for

our national security and for our troops, with more resources.

I want our colleagues to know that our subcommittee clearly recognizes the size and nature of the Nation's deficit and debt. That's why we found areas and programs for reduction that were possible without adversely impacting the warfighter or any efforts towards modernization and readiness.

Exercising our mandate to adhere to sound budgeting, we reclaimed funding for programs that were terminated or restructured since the budget was released by the President. We achieved savings from favorable contract pricing adjustments and schedule delays. We cut unjustified cost increases or funding requested ahead of need. We took rescissions and surplus from prior years.

Even with these steps to stretch our defense dollars, there remains capability gaps:

In the Navy, we've heard a lot about that over the last couple of days. Our fleet needs more ships. They've got more responsibilities in the Asia Pacific;

The Air Force tactical fighters are aging rapidly. They've had a lot of activity in Iraq and Afghanistan;

The Army is struggling to modernize its ground combat inventory;

The Marines need their version of the F-35, the Joint Strike Fighter;

We need to be prepared to respond to every future crisis. Who knows where that may be.

□ 1640

Syria is engulfed in a civil war. North Korea is unpredictable. Russia wants to reclaim its former glory. China is on the fast track to a stronger military. Iran is working night and day to acquire nuclear weapons. Al Qaeda, Hezbollah and other terrorist groups continue to plot and plan.

Obviously, the future is challenging, to say the least; and we do our troops and our citizens a disservice if we do not prepare for the next crisis. Mr. Chairman, the legislation before us includes funding for critical national security needs and provides the necessary resources to continue the Nation's vital military efforts abroad.

The Department of Defense has already sustained significant budget reductions. Cuts to the military have accounted for over half the deficit reduction efforts achieved so far, nearly \$500 billion, even though national defense accounts for only 20 percent of the entire Federal budget, which is sharply reduced from the 40 percent or more before and during Vietnam.

These are real cuts, not simply reductions to planned future spending. But given the military's urgent needs, their vital role in maintaining global stability, and this House's responsibility to protect America and Americans, I urge my colleagues to oppose this amendment.

I yield back the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. FRANK of Massachusetts. Mr. Chairman, I am very pleased to join my colleague from South Carolina in an effort to make a small reduction in the Appropriations Committee's recommendation. Our colleague from New Jersey is right, the Constitution gives this power to the Congress, not to the Appropriations Committee, to the entire Congress.

The cuts that are being talked about consist, in the numbers—that I have seen in light of the chairman of the Armed Services Committee—are entirely due to the fact that we have had a drawdown of the troops in Iraq. Now I shouldn't stop at the fact that we did reduce the money we're spending in Iraq, because that's the problem with this budget. Yes, we have threats. The problem with this budget is it is dealing with the current threats, and it's dealing with past threats. This budget fully funds a capacity to win a thermo-nuclear war with the Soviet Union. I do not think that's a significant threat today.

This continues the commitment made courageously by Harry Truman in a bipartisan way to defend Western and Central Europe against Stalin and his hordes because we went into Europe 65 years ago when the Communists were menacing and the European nations were weak, and we said we will protect you. We are still doing that. They're not weak, and they're not threatened; but we are still protecting them.

Look at the budgets as a percentage of gross domestic product from all of those wealthy nations in Western Europe. They are less than half of ours.

On the other hand, the French are now contemplating reducing the retirement age for certain people who worked a certain amount of years, the official retirement age, from 62 to 60, while we're being told we may have to raise ours. How come the French can do that? Very simple: we've picked up their tab.

Yes, there are problems with China, there are problems with Iran, there are problems with North Korea. Tens of thousands of troops in Western Europe have got nothing to do with that. Yes, we should have a nuclear capacity and the submarines and the airplanes are important, but we've got three ways to destroy the Soviet Union, which no longer exists, and it's replaced by a much weaker Russia.

Couldn't we say to the Pentagon—and I know there is a great reluctance here to appear to be anything but totally deferential to them—couldn't we say to them, you've got three ways to

win a thermonuclear war with the Soviet Union. Could you pick two and save much less than this \$1 billion.

There is also the question of the culture. The general response of this Agency when an agency is inefficient is to crack down. When the Pentagon is inefficient, the money keeps going.

I am told there are cuts. It was my understanding this budget, the base budget, leaving aside the war in Iraq, which has wound down, is larger than it's ever been. No, these are cuts from what the Pentagon was supposed to have.

Let's understand also this has now become a zero-sum game. Unless you are prepared to ignore the deficit problem, every dollar you put into the Pentagon over and above what I believe is needed is coming from somewhere.

I don't know how Members can go to people who are on Medicare and explain to them that there are going to be these cutbacks, or to tell people on Social Security who have been doing physical labor all of their lives not to work another year or two, and then put money in the Defense budget that is not necessary.

We are told that, well, we have to be able to protect ourselves. Against whom do we need it all?

One of the things, we are told we need more ships because we have got to protect the shipping lanes between here and China. These are, of course, shipping lanes on which the Chinese make an enormous amount of money.

The notion that the Chinese plan to shut down the shipping lanes, which are the basis for their enormous surplus of trade with America, seems to me somewhat skeptical; but we still have a greater defense than the Chinese. I noted that the Chinese recently launched an aircraft carrier, their first one. They bought it, I believe, from the Ukraine and outfitted it with model airplanes so they can learn how to do it. Now, I don't deny that there are some threats there.

The question is not whether or not we should be the strongest Nation in the world. Of course we should be, and we are. The question is by how many multiples do we need to be stronger than any combination of enemies.

My only reluctance on this amendment is I'm embarrassed by the fact that it's only a billion, but I think the gentleman from South Carolina made a correct decision. Members will have their choices. If there is any seriousness about deficit reduction across the board in this House, this amendment will pass.

I yield back the balance of my time.  
Mr. GARAMENDI. I move to strike the last word.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. GARAMENDI. Mr. Chairman, I yield to the gentleman from South Carolina (Mr. MULVANEY).

Mr. MULVANEY. I thank the gentleman from California.

I rise very briefly to respond to a few points made by my colleague and friend from New Jersey. Yes, North Korea is a threat. Yes, Iran is a difficulty. Yes, China's role in the world is growing, and we will need to deal with that. No, Syria was not a problem last year, but Egypt was. All of these were challenges to us last year. All of these were challenges to us just 6 months ago when we set the base Defense appropriation at \$518 billion, and \$518 billion was good enough 6 months ago. It should be good enough today.

I received a letter regarding this particular amendment, and it used a lot of the same language the gentleman from New Jersey did. It mentioned that these were real cuts already, that the cuts we have put in place regarding the defense budget were real cuts, not cuts in future growth. This is the CBO's estimate of the defense-based budget for the next 15 or 20 years.

Can someone please show me in this dark line, which is the base budget, where the cuts are? Because in my world, when we cut spending, those graphs go down. The only reductions that we have seen, the only real reductions that we have seen in defense spending are in the overseas on the global war on terror, which we all agree was a good thing because it came as a result of winding up operations in Iraq and reducing operations in Afghanistan.

But what we do in this town is when we increase spending on the global war on terror, we don't count it as an increase; but when we cut spending on that same thing, we do count it as a cut, and that is simply not right. It's not fair, and it's not honest with people back home. We should tell people how we spend their money.

To sit here and say that the cuts that the Defense Department has incurred already are real cuts is not accurate. The sequester is. This is not a debate about the sequester, because I am as opposed to the sequester as anybody in this room. I have voted several times to replace it with spending reductions in other places. That's not what this discussion is about. This is about whether or not the \$518 billion that was good enough 6 months ago is good enough today.

With that, I ask once again for support for the amendment.

Mr. GARAMENDI. Reclaiming my time, I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I submit for the RECORD a June 28 article from The Hill:

But U.S. dominance in every dimension of military power is clear. In recent years we have been building "strategic depth" into this dominance without regard to its costs—to our Treasury and to our other priorities. A responsible rollback of our military budget is achievable with no sacrifice to our security.

The author is Lawrence Wilkerson, chief of staff to Colin Powell when he was Secretary of State, and he was special assistant to Colin Powell when General Powell was chairman of the Joint Chiefs of Staff.

So, yes, there were times when I think: let's take some advice from some military experts.

[From The Hill, June 28, 2012]

THE EXECUTIVE VIEWPOINT—TIME TO BITE  
THE BULLET

(By Lawrence Wilkerson)

Though the U.S. budget process has been going through the motions in 2012, the real action will take place at the end of the year, when several budget overhaul strategies will converge. Around town, the train wreck metaphor is getting the most use to describe what will happen. But whatever does happen, it is certain that large cuts are coming.

Those cuts come as three wars—Afghanistan, Iraq and the global war on terror—are driving national security spending to levels not seen since World War II. Since these wars have been paid for by borrowing, they have contributed mightily to our budget deficit and diverted resources from other investments in our domestic strength.

It is time for a responsible build-down of the post-9/11 build-up. But an extraordinary feature of the dysfunctional policies of Washington is the strenuous expenditure of time and money devoted to ensuring this doesn't happen. Most of this intensity has focused on exempting the military budget from the coming sequestration of funds mandated by current law. This is unwise, because the military—or better said, the national security account—can and should contribute to our getting our fiscal house in order. In fact, we could cut our national security budget by a trillion dollars over the next decade without jeopardizing our security. Moreover, we could rebalance that budget as we cut and actually enhance our security.

The national security budget includes the Intelligence, Veterans Affairs and Homeland Security agencies, as well as bureaus dealing with international affairs and nuclear weapons issues (mostly in the Department of Energy) and, of course, the Pentagon. Last year the total was about \$1.2 trillion. The huge component in that budget is the Pentagon, at more than 50 percent of the total spending. So that is where everyone concentrates what he or she wants to cut, keep or increase. That's where most of the rhetoric is expended, too.

But this view is myopic.

National security is composed as much of good intelligence and competent diplomacy as it is of bombs, bullets and bayonets; indeed, one hopes more so. Thus, looking at the national security budget as a whole, with all its components, demonstrates clearly that it is out of balance. Too much money is going to the iron and steel part of the budget and too little to the velvet glove.

That's the first problem that needs correcting, the balance. The second is the Pentagon. As the largest item by far in the discretionary budget, not to mention in the security budget, Pentagon spending has the largest influence over the reducing/rebalancing equation.

The United States began the new millennium with a string of military budget increases, paid for by borrowing, that swelled the deficit while bringing us to the highest levels of Pentagon spending since World War II. Our current military expenditures account for more than half of the world's total.

We spend as much as the next 17 countries put together, most of them our allies. And we spend more in real terms now than we did on average when we did have a formidable adversary—the Soviet Union—that was spending about as much as we were and arguably constituted an existential threat to America. No such threat exists today, nor can we see a comparable one in the future, China's rise notwithstanding.

Guaranteeing perfect security is impossible. But U.S. dominance in every dimension of military power is clear. In recent years we have been building "strategic depth" into this dominance without regard to its costs—to our treasury and to our other priorities. A responsible rollback of our military budget is achievable with no sacrifice to our security.

The specifics of this judicious rollback are contained in the Unified Security Budget (USB) published by the Institute for Policy Studies and the Center for American Progress, a budget I helped compile. Not only does this USB cut a trillion dollars over 10 years, it rebalances the budget so that the steel and the glove are in better proportions.

It is time for wise men and women to put partisanship aside, ignore the siren calls of defense contractors, stop taking counsel of their fears and get down to business with the national security budget. No aspect of the federal budget should be exempt from helping the nation get its fiscal act together. This soldier of 31 years knows that national security—including the Pentagon—can join this effort with no danger to the republic.

□ 1650

Mr. GARAMENDI. I yield back the balance of my time.

Mr. KUCINICH. I move to strike the last word.

The Acting CHAIR. The gentleman from Ohio is recognized for 5 minutes.

Mr. KUCINICH. I rise in support of the amendment.

There's a news report out today that suggests that very soon the United States will have over 1,000 bases of various kinds around the world, and it raises the question as to whether or not we're overextending. As the budget keeps growing, the tendency is to keep overextending.

We already know that our basic force is being taxed with an overextension of duty. So if you introduce a notion of fiscal discipline here that will not in any way undermine the Air Force, the Army, the Navy, but fiscal discipline that will send a message to this administration: Don't go overextending. We know what our core mission is. We know that we have the ability to defend this country. Be careful you don't overextend.

This amendment, which has bipartisan support, is something that is an important moment for this House because, on one hand, the budget that is being prepared through DOD appropriations is sufficient enough for a strong defense, and, on the other hand, we're saying part of a strong defense is fiscal accountability. The two actually go hand in hand.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gen-

tleman from South Carolina (Mr. MULVANEY).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. MULVANEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from South Carolina will be postponed.

Mr. LANGEVIN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Rhode Island is recognized for 5 minutes.

Mr. LANGEVIN. I rise to engage in a colloquy with my colleagues and good friends, a member of the Appropriations Subcommittee on Defense, Mr. FRELINGHUYSEN, and the ranking member of the subcommittee, Mr. DICKS.

First of all, I'd like to thank the chairman and the ranking member for their hard work on this very important legislation. Their efforts to strengthen our national defense and support our men and women in uniform have been tireless, and they truly should be commended. Moreover, I'm very pleased that they make key investments in areas of great interest and concern to me, the first of which is the Virginia class submarine, as well as cybersecurity.

I believe that our technological edge is critical to ensuring that our warfighters not only can do what we ask them to do in the future, but can do so as safely and efficiently as possible. In addition to the Virginia class submarine and cybersecurity, no family of technologies shows as much promise to this end as directed-energy weapons.

With that, I would yield to the gentleman.

Mr. FRELINGHUYSEN. I thank the gentleman and welcome the opportunity to engage with him.

Mr. LANGEVIN. In this vein, I'd like to talk about the decades of investment that this Congress and the Department of Defense have made into directed-energy weapons research. More specifically, I'd like to direct them to a recent report by the Center for Strategic and Budgetary Assessment that clearly showed many directed-energy technologies have actually matured to the point that cultural factors, not technological maturity, are the most significant barriers to operational deployment.

To this end, I offered an amendment to this year's National Defense Authorization Act that would require a report detailing how we can accelerate the deployment of the most promising directed-energy initiatives; and I recognize the commitment that this bill before us today continues in terms of investing in directed-energy weapons technology, and I would encourage the

committee to support these efforts in future appropriations measures.

With that, I yield to the gentleman.

Mr. FRELINGHUYSEN. The committee is aware of the Department's research into directed-energy capabilities and shares the gentleman from Rhode Island's interest in ensuring that our warfighters have the capabilities they need to operate in the complex environments of the future.

I would assure the gentleman that the committee will continue to make every effort to ensure that the Department of Defense is adequately and effectively resourced to meet the challenges of the future, including the transformational technologies such as directed energy.

Mr. DICKS. Will the gentleman yield?

Mr. LANGEVIN. I yield to the gentleman.

Mr. DICKS. I, too, echo the gentleman's interest in the field of directed energy and solid-state laser technology. With the threats and environment that the warfighter and the intelligence community are facing, the addition of new technologies that provide a tactical and strategic edge should be examined more rigorously.

I appreciate the gentleman yielding.

Mr. LANGEVIN. I thank the chairman for his and the ranking member's commitment, and I certainly look forward to working to realize the potential of directed-energy weapons and to harvest the Nation's past investments in this family of technologies.

With that, I yield to the chairman.

Mr. FRELINGHUYSEN. We appreciate the gentleman's view. And I will assure him that we'll look forward to working with him and the ranking member, Mr. DICKS, to make sure that our warfighters can realize the benefits of our Nation's research and development investments, including directed energy.

Mr. DICKS. I thank the gentleman for his hard work on this issue and look forward to working with him.

Mr. LANGEVIN. I thank the ranking member and the chairman, and I yield back the balance of my time.

AMENDMENT OFFERED BY MR. ENGEL

Mr. ENGEL. I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used by the Department of Defense or any other Federal agency to lease or purchase new light duty vehicles, for any executive fleet, or for an agency's fleet inventory, except in accordance with Presidential Memorandum-Federal Fleet Performance, dated May 24, 2011.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. ENGEL. Mr. Chairman, let me just say very, very briefly, on May 24,

2011, President Obama issued a memorandum on Federal fleet performance that requires all new light-duty vehicles in the Federal fleet to be alternate-fuel vehicles, such as hybrid, electric, natural gas, or biofuel, by December 31, 2015. My amendment simply echos the Presidential memorandum by prohibiting funds in the Defense Appropriations Act from being used to lease or purchase new light-duty vehicles except in accord with the President's memorandum.

Mr. FRELINGHUYSEN. Will the gentleman yield?

Mr. ENGEL. I will yield to the gentleman.

Mr. FRELINGHUYSEN. We're very pleased to accept your amendment.

Mr. ENGEL. I thank the chairman, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. ENGEL).

The amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY MR. MULVANEY  
Mr. MULVANEY. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. The amounts otherwise provided in title IX of this Act are revised by reducing the amount made available for "Military Personnel, Army", by increasing such amount, by reducing the amount made available for "Military Personnel, Marine Corps", and by increasing such amount, by \$4,359,624,000, \$4,359,624,000, \$1,197,682,000, and \$1,197,682,000, respectively.

The Acting CHAIR. The gentleman from South Carolina is recognized for 5 minutes.

Mr. MULVANEY. This is a follow-up amendment to an amendment that I had offered and we had a chance to debate, and once again I thank the chairman for the opportunity yesterday to discuss the issue before the amendment was ruled out of order.

As you recall, very briefly, \$5.6 billion this year has been moved out of the base defense budget and into the war budget. It violates a policy that we have tried to follow in this House since 9/11, and actually violates a policy that the bill, itself, says we should not violate going forward, beginning in 2014.

□ 1700

I simply tried to draw attention to that in yesterday's amendment which was ruled out of order.

This amendment deals with the exact same thing, and it simply takes that \$5.6 billion out of the budget and puts it right back in, which sounds like a strange thing to do, but it's the only way within the rules to draw attention to the fact that this \$5.6 billion is in the war budget when it actually should be in the base defense budget.

This is not a spending amendment; this is a good-governance amendment. This is not a spending amendment; it is an accountability amendment. It is a bipartisan amendment. Mr. JORDAN from Ohio and Mr. WELCH from Vermont are amongst those joining me in sponsoring this particular amendment.

Again, this is a good-government amendment, and I would think that it would have bipartisan support. I ask for its support.

With that, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from South Carolina (Mr. MULVANEY).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. MULVANEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from South Carolina will be postponed.

AMENDMENT OFFERED BY MR. ELLISON

Mr. ELLISON. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. Not later than 30 days after a contract is awarded using funds appropriated under this Act, the relevant contractor and subcontractor at any tier (and any principal with at least 10 percent ownership interest, officer, or director of the contractor or subcontractor or any affiliate or subsidiary within the control of the contractor or subcontractor) shall disclose to the Administrator of General Services all electioneering communications, independent expenditures, or contributions made in the most recent election cycle supporting or opposing a Federal political candidate, political party, or political committee, and contributions made to a third-party entity with the intention or reasonable expectation that such entity would use the contribution to make independent expenditures or electioneering communications in Federal elections.

Mr. FRELINGHUYSEN. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIR. The gentleman from New Jersey reserves a point of order.

The gentleman from Minnesota is recognized for 5 minutes.

Mr. ELLISON. Mr. Chairman, Representative ESHOO and I have submitted this very straightforward amendment for a very simple reason. We believe that it's simply fair and it's good for public disclosure to require defense contractors to publicly show and disclose their political contributions. Money, secret money in particular, can breed corruption. Sunlight will banish it away.

When government contractors make political contributions, there's no

doubt that the officeholder knows who gave the money. The only ones in the dark are the American public. This can lead to pay-to-play corruption where contractors donate to candidates they believe will benefit them, and this would misserve our democracy. We need full disclosure so that the public can ensure that contracts are awarded based on merit rather than money.

Now, some have expressed a concern in the past with disclosure pre-contract. A pre-contract disclosure requirement could be a problem because they fear that agencies would choose contractors for partisan reasons. While I think this is an overstated concern and I don't agree with it, our bill doesn't do that. Our amendment requires disclosure post-contract to avoid any fear of that.

So I just want to say that we are in an era where the public needs to trust Congress and government more than it does. In order to promote real trust and real confidence, we need to implement amendments that will promote transparency and that will let the public know that we are doing the right thing with the public dollar, particularly as it relates to the defense industry.

Let me close by saying I think this amendment is a first step. I'm a proud cosponsor of the DISCLOSE Act by Representative VAN HOLLEN, which requires reporting of all corporate campaign activity.

Also, we won't be able to truly tackle money in politics until we overturn Citizens United, in my opinion. The public agrees with that as a proposition by 82 percent.

I yield back the balance of my time.

POINT OF ORDER

Mr. FRELINGHUYSEN. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and, therefore, violates clause 2 of rule XXI.

The rule states in pertinent part:

"An amendment to a general appropriation bill shall not be in order if changing existing law."

The amendment imposes additional duties.

I ask for a ruling from the Chair.

The Acting CHAIR. Does any other Member wish to be heard on the point of order?

If not, the Chair is prepared to rule.

The Chair finds that this amendment includes language imparting direction. The amendment, therefore, constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained and the amendment is not in order.

Ms. ESHOO. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. ESHOO. Mr. Chairman, this is the, I believe, sixth time that I've come

to the floor during this Congress to call for disclosure and full transparency throughout the Federal Government. So this is not my first time on the floor on this issue. I've risen on many bills, and I will continue to because I think it's really critical to help restore the confidence of the American people in their government and how it operates.

I maintain the view, and it's shared by the majority of the American people, that transparency in the use of our tax dollars is absolutely critical. I want to pay tribute to my colleague, Mr. ELLISON, for offering this amendment, and together we support it and offer it to the full House.

I believe that with public dollars come public responsibilities. There are thousands of companies who do business with the Federal Government, and they receive billions of dollars—of public dollars—for their services and products. And I think that all of our constituents deserve to know whether and how they spend these dollars and whether they are used to influence our elections.

The amendment I'm offering with Congressman ELLISON will provide this transparency by requiring that post-award contractors or subcontractors—which is very important, we don't want to interfere with the contracting process whatsoever, but once they have been awarded a contract—disclose all political contributions. This should be the norm of the day.

Disclosure is extraordinarily powerful because it puts the American people in the driver's seat. Constituents deserve to know who is involved in their elections and what their purpose might be. I think it's sad that just a few days ago the United States Senate killed the DISCLOSE Act. It was a sad day for the Congress. But I think the American people are taking note.

Anyone who supports the Citizens United decision, which I don't, legalizing corporate expenditures, should know that eight out of nine Supreme Court Justices endorsed prompt disclosure. Justice Anthony Kennedy wrote:

Disclosure permits citizens and shareholders to react to the speech of corporate entities in a proper way.

Now, Republicans supported disclosure before they were against it, and I would hope that my Republican colleagues would come back into the fold. There's no reason to oppose transparency and disclosure unless someone really wants to hide anything. And I don't think any of us wants to hide behind the hiding. It just is not good government. The American people, the people that we are here to represent and have the privilege of representing, deserve more information and not less.

We can bring this about by adopting this policy. I urge my colleagues to support the amendment, and I yield back the balance of my time.

#### PARLIAMENTARY INQUIRY

Mr. STEARNS. Mr. Chairman, I have an amendment at the desk, but I do have a question for the Chairman, if I could.

The Acting CHAIR. The gentleman will state his inquiry.

Mr. STEARNS. The gentlelady from California (Ms. ESHOO) was talking about an amendment that was ruled out of order.

Is it germane for her to be talking about an amendment that is ruled out of order?

□ 1710

The Acting CHAIR. The gentlewoman offered a pro forma amendment to the bill under the 5-minute rule.

Is the gentleman prepared to go forward with his amendment?

Mr. STEARNS. Yes.

AMENDMENT OFFERED BY MR. STEARNS

Mr. STEARNS. I have an amendment at the desk, Mr. Chairman.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_ None of the funds made available by this Act may be used by the Secretary of Defense to implement an enrollment fee for the TRICARE for Life program under chapter 55 of title 10, United States Code, that does not exist as of the date of the enactment of this Act.

The Acting CHAIR. The gentleman from Florida is recognized for 5 minutes.

Mr. STEARNS. Mr. Chairman, I rise today to offer an amendment that prohibits funds made available through this act to implement a new enrollment fee for TRICARE for Life beneficiaries.

The Department of Defense may have the authority to raise fees and implement new enrollment fees unless specified by Congress prohibiting such authority. Last year, through the FY 2012 DOD authorization and appropriations process, the administration increased enrollment fees for TRICARE prime beneficiaries for the first time since 1995. My amendment will ensure the administration does not implement a first time ever enrollment fee for TRICARE for Life beneficiaries.

For fiscal year 2013, the administration proposed additional fees and cost-sharing increases, a new annual enrollment fee for TRICARE for Life, aggressive increases in pharmacy copayments, and a cap of \$3,000 per family.

On April 17, 2012, I expressed my opposition to these proposals that were made by this administration on the House floor to raise such fees for our servicemembers and veterans. I quoted the President in a speech he gave about veterans being "shortchanged." Then Senator Barack Obama said on May 18, 2006: "When a young man or woman goes off and serves the country in the military, they should be treated with

the utmost dignity and respect when they come home." Mr. President, this is at least one thing I can fully agree with you on.

Passage of this bill will mark the third consecutive annual decrease in total DOD funding, including Overseas Contingency Operations, since FY 2010. I understand budget cuts need to be made and obviously we need to get our fiscal house in order, but, my colleagues, we owe our veterans quality health care for their service and their sacrifice. We promised to take care of our troops when they came home. As a veteran myself, I can appreciate knowing that our country's support for our troops is not limited to strictly the battlefield.

It is unconscionable that this administration seeks to raise health care costs on more than 9.3 million veterans and their families that are currently eligible for TRICARE when there are other excesses that can surely be cut. For example, we should limit funds to Pakistan before giving DOD the option to raise costs on our veterans. We heard adequately yesterday on Members' opposition to Pakistan for closing supply routes since November 2011 that are necessary for providing our troops in Afghanistan necessary supplies and resources. So I ask Members of this Congress to consider alternative avenues to cut spending before we require 3.3 million veterans that are eligible for TRICARE for Life to sacrifice even further.

I'd like to submit for the RECORD letters of support from the Veterans of Foreign War, VFW, and the American Legion for my amendment prohibiting funds from this act to be used to implement an enrollment fee for the TRICARE for Life program. The Military Association of America also is in support of this effort.

Mr. Chairman, the administration's proposal to increase health care costs on our military represents a very serious breach of faith, as it taxes the oldest cohort of military retirees and their families.

So I conclude by asking my colleagues to support my amendment. By doing so, we honor the promises made to our brave men and women who have sacrificed so much for the freedom that we all enjoy.

With that, Mr. Chairman, I yield back the balance of my time.

THE AMERICAN LEGION,  
Washington, DC, July 19, 2012.

Hon. CLIFF STEARNS,  
House of Representatives, Rayburn House Office  
Building, Washington, DC.

DEAR REPRESENTATIVE STEARNS: The American Legion offers its full support to the Stearns Amendment to H.R. 5856.

The proposed amendment to the 2013 Defense Appropriations Act (H.R. 5856) would mandate that no funds made available by this Act may be used by the Secretary of Defense to implement an enrollment fee for the TRICARE for Life program.

As you know, both the House and Senate Armed Services Committees have turned aside the Pentagon's call for higher health care fees, to include a first-ever TRICARE for Life enrollment fee, in the 2013 Defense Authorization bill. However, the president has threatened a veto of the defense bill, in part, because it does not include increased health care fees for members of the military. As such, the threat of higher health care fees continues.

By resolution, The American Legion requests that all proposals to implement any increases in military retirees' Tricare enrollment fees, deductibles, or premiums be reconsidered; especially before all efforts have been exhausted to remove waste, fraud, and abuse from the Tricare program.

Once again, The American Legion fully supports this amendment and we appreciate your leadership in addressing this critical issue that is important to America's service members, veterans and their families.

Sincerely,

FANG A. WONG,  
National Commander.

DEPARTMENT OF FLORIDA VETERANS  
OF FOREIGN WARS OF THE UNITED  
STATES,

Florida, July 18, 2012.

Hon. CLIFF STEARNS,  
House of Representatives,  
Washington, DC.

DEAR REPRESENTATIVE STEARNS: On behalf of the nearly 90,000 members of Florida's Veterans of Foreign Wars and its Auxiliaries, it gives me great pleasure to endorse your proposed amendment to the Defense Appropriations Act for 2013 that if adopted would prevent the Department of Defense from implementing an enrollment fee for TRICARE for Life.

It has been the long standing position of the Veterans of Foreign Wars that TRICARE in its present form is a contract between America and her military retirees. That contract is just as binding now as the contract a young service member signs when he or she joins the military. The Administration's proposal is a most egregious break of faith as it "taxes" the oldest cohort of military retirees and their families.

Once again thank you for your enduring support of Florida's veterans, military retirees, active service members and their families.

Respectfully,

WAYNE E. CARRIGNAN,  
State Commander.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. YOUNG of Florida. Mr. Chairman, the Stearns' amendment would prohibit funds from being used to implement an enrollment fee for the TRICARE for Life program.

The Department of Defense does not currently have the authority to establish such a fee, but did submit a legislative proposal to do so. The House-passed National Defense Authorization Act chose not to adopt the legislative request that would give the Department this authority.

While this Defense Appropriations bill does not have jurisdiction on TRICARE issues, we support strongly what Mr. STEARNS intends to do, so we accept the amendment.

Mr. STEARNS. Will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman.

Mr. STEARNS. I thank my colleague from Florida.

I just want to say to the distinguished former chairman of the Appropriations Committee, chairman emeritus, and also the chairman of the Defense Appropriations Subcommittee, that I appreciate his endorsement. Notwithstanding that, I would say to him that his acceptance is good, but I think the floor should have a vote on this.

Mr. YOUNG of Florida. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. STEARNS).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. STEARNS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

AMENDMENT OFFERED BY MR. FITZPATRICK

Mr. FITZPATRICK. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_ None of the funds made available by this Act may be used to enter into a contract using procedures that do not give to small business concerns owned and controlled by veterans (as that term is defined in section 3(q)(3) of the Small Business Act (15 U.S.C. 632(q)(3))) that are included in the database under section 8127(f) of title 38, United States Code, any preference available with respect to such contract, except for a preference given to small business concerns owned and controlled by service-disabled veterans (as that term defined in section 3(q)(2) of the Small Business Act (15 U.S.C. 632(q)(2))).

Mr. YOUNG of Florida. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIR. A point of order is reserved.

The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. FITZPATRICK. Mr. Chairman, for generations, brave young men and women from across the United States have answered the call of duty in service of our Nation. Now, as the conflicts on foreign fields continue to wind down, we must ensure that we do not lose sight of the need to care for and provide for our returning veterans.

Our Nation has learned from generations of veterans that war does not end when the camps are packed in, the planes are grounded, the ships are docked, and our soldiers set foot on American soil.

General Washington once reminded us that the willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional to how they perceive the veterans of earlier wars were treated and appreciated by their nation. However, during these difficult economic times, our veterans are still faced with challenges as they return to civilian life.

In March of this year, the Bureau of Labor and Statistics reported that among veterans who have served in the post 9/11 era, the unemployment rate is 12 percent higher than the national average. Among young male veterans under the age of 24, the unemployment rate is 29 percent—nearly one-third are unemployed. One unemployed veteran is one too many, but these statistics demonstrate an economic reality which is quite unacceptable.

It is important to understand that this hardship comes not from a lack of willingness to work by our veterans but rather from a lack of opportunity. Consider that according to the most recent census, over 2.4 million of our Nation's veterans are now small business owners. Veteran-owned companies now make up 9 percent of all U.S. firms. The Small Business Administration now estimates that one in seven veterans is self-employed or is a small business owner. And finally, nearly a quarter of veterans say they're interested in starting or buying their own business. So our veterans continue to do their part.

□ 1720

It is clear that our Nation's veterans are ready and willing to invest in our economy if we provide them with the opportunities they seek and, quite frankly, with the opportunities that they deserve.

With the President's announcement earlier this year that all of our young men and women will be home from Afghanistan within the next 2 years, we, as a community and as a country, must begin working now to ensure that we are providing our returning servicemen and -women with job opportunities as they seek to reintegrate into civilian life.

To address this, I've offered legislation called the Fairness to Veterans Act to provide the same preferences given to other preference groups in Federal contracting. It levels the playing field for veteran-owned businesses to help get our economy moving and our veterans back to work. This amendment furthers the goal of the Fairness to Veterans Act.

As our Nation struggles to achieve an economic recovery, we should be looking to utilize the talent and leadership skills of our Nation's veterans. These men and women volunteered to selflessly serve our country and, in order to succeed, must display self-discipline



and leadership. It is character traits like these that should be nurtured and fostered to help our economy grow again.

Ultimately, all of our efforts in the House must be focused on putting our constituents back to work, and this legislation will do just that by creating new opportunities for our veterans. With the passage of this amendment, we will be one step closer to leveling the playing field for our veterans.

The guidelines included in this amendment will provide veteran-owned businesses with the access they need to grow and to create jobs. The skill sets possessed by our highly trained veterans are unmatched across the globe. In fact, our fighting men and women are, unquestionably, the most highly trained, highly skilled workforce in history. It is critical that we fully utilize their expertise to put our economy back on the right track.

The men and women of the military have risked their lives in service to us. This amendment is our opportunity to begin to repay that incredible debt.

With that, Mr. Chairman, I ask unanimous consent to withdraw the amendment in furtherance of working with staff to institute this policy of fairness to veterans in a way that will benefit our returning veterans and benefit our country.

The Acting CHAIR. Is there objection to the request of the gentleman from Pennsylvania?

Mr. YOUNG of Florida. Mr. Chairman, reserving the right to object. I would say to the gentleman from Pennsylvania that what he wants to do, I want to share with him and to help him do that.

I had to, under the rules, reserve the point of order, but I would hope that the gentleman would let us be part of this effort to accomplish what it is he wants to do within the rules.

I withdraw my reservation on his request to withdraw.

Mr. FITZPATRICK. I thank the chairman, and I look forward to working with you.

The Acting CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. KUCINICH

Mr. KUCINICH. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used to enter into a contract with any person or other entity listed in the Federal Awardee Performance and Integrity Information System (FAPIS) as having been convicted of fraud against the Federal Government.

The Acting CHAIR. The gentleman from Ohio is recognized for 5 minutes.

Mr. KUCINICH. My amendment is simple. It says, if you seek to be a De-

partment of Defense contractor and you have previously defrauded the Federal Government, you shouldn't be able to receive a contract from the DOD.

According to the Congressional Research Service, in fiscal 2010, the Department of Defense obligated \$366 billion to contracts, which is 54 percent, more than half of the total of Department of Defense obligations. There are rules and regulations in place that prevent Federal contracts from going to entities that have broken the law.

Under the Federal acquisitions regulation, Federal agencies are required to award contracts only to responsible sources. And Federal acquisition regulation subpart 9104-1 states that a satisfactory record of integrity and business ethics is one of the general standards of responsibility. But the term "responsible" is not explicitly defined anywhere in the law, and I know that we cannot try to define new terms using the amendment process, and that's not what we're trying to do here.

The fact is that someone could commit fraud against the government and still get a contract with the Department of Defense, and that's wrong. We have to make clear that companies who've defrauded the taxpayers should not be able to get more DOD contracts.

I'd like to point out that the underlying bill being debated here contains a specific prohibition against the use of Department of Defense funds in contracts with anyone who has an unpaid tax liability. Again, a party bidding on government contracts is supposed to affirm that they have no unpaid tax liability.

So the point of this amendment is to make it absolutely clear that contract fraud against the American taxpayer will not be tolerated. According to groups like the Project on Government Oversight, which is only able to track the number of known and disclosed settlements, there have been dozens of instances of contractors committing government contract fraud since 1995. And of those dozens that are known to have committed this fraud, a total of \$544 million in fines was paid. That's a tiny amount, really, when you're talking about in terms of fines, compared to the billions appropriated for Department of Defense contracts in the last decade.

Bottom line, if you defraud the taxpayer, you should lose your privilege to receive more taxpayer money. So I would urge the adoption of this amendment.

I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. YOUNG of Florida. Mr. Chairman, I will not oppose this amendment because I want to make sure that the Defense Department does not hire bad contractors. And I agree with Mr. KUCINICH strongly on this issue.

The only comment that I would make is we've just seen this amendment just a few minutes ago, and we have not really had time to analyze it, so if we could make any further explanation. But I'm not going to oppose the amendment. I suspect it's going to pass. It probably should because none of us want the Defense Department to hire bad contractors.

Good job, Mr. KUCINICH.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Ohio (Mr. KUCINICH).

The amendment was agreed to.

AMENDMENT NO. 17 OFFERED BY MR. JONES

Mr. JONES. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), add the following:

SEC. \_\_\_\_\_. (a) None of the funds appropriated or otherwise made available in this or any other Act may be used to negotiate, enter into, or implement any agreement with the Government of the Islamic Republic of Afghanistan that includes security assurances for mutual defense, unless the agreement—

(1) is in the form of a treaty requiring the advice and consent of the Senate (or is intended to take that form in the case of an agreement under negotiation); or

(2) is specifically authorized by a law enacted after the date of enactment of this Act.

(c) For purposes of this section, an agreement shall be considered to include security assurances for mutual defense if it includes provisions addressing any of the following:

(1) A binding commitment to deploy United States Armed Forces in defense of the Islamic Republic of Afghanistan, or of any government or faction in Afghanistan, against any foreign or domestic threat.

(2) The number of United States Armed Forces personnel to be deployed to, or stationed in, Afghanistan.

(3) The mission of United States Armed Forces deployed to Afghanistan.

(4) The duration of the presence of United States Armed Forces in Afghanistan.

Mr. YOUNG of Florida. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIR. A point of order is reserved.

The gentleman from North Carolina is recognized for 5 minutes.

Mr. JONES. Thank you very much.

Even though the chairman has a point of order, I want to explain why I think this amendment is important. I am working with ROSA DELAURO on this amendment.

This amendment simply says that any long-term security agreement with Afghanistan must be conducted as a treaty or authorized by Congress.

In 2008, this Congress was outraged that a long-term security agreement would be concluded without input from Congress. I wonder where the outrage is today? We're in worse financial



shape than we were in 2008, and I would hope that Congress would see that we have a need and a responsibility.

This agreement, signed last month, was submitted to the Afghan Parliament, but not to the United States Congress. Where is the outrage?

My colleague, Ms. DELAURO, led the effort in the House in 2008 to return Congress to its constitutional responsibility. We must decide when and where our men and women go to fight.

I would like to commend Ms. DELAURO for having the courage to help lead this effort again today. No matter who is the President, it is the responsibility of Congress to commit U.S. troops and fund this agreement.

Mr. Chairman, there are estimates that say we will be up to 30,000 U.S. troops in Afghanistan until 2024. This will cost over \$500 billion.

□ 1730

Yet, if we don't support legislation like we are talking about today, we will have no say, no say at all. I don't know why the taxpayers aren't outraged by what is happening with this national security agreement with Afghanistan. The fact remains we simply don't have what the numbers are going to be and what the cost is going to be with this national security agreement with Afghanistan.

We in Congress have a responsibility. Our responsibility is to make sure that we have checks and balances with any administration. When our country is in such a bad financial situation, hopefully we will not allow a 10-year agreement to just slide by Congress with \$500 billion at stake and with maybe even more of our young men and women being killed.

Mr. Chairman, just a couple of more minutes.

I have a very dear friend who is the former Commandant of the Marine Corps. I have an arrangement with him that I will not use his name in a public forum, but if any of my friends here today—the chairman or the ranking member—asks me his name, I'll come up and tell you. I sent him an email after we signed this security agreement with Afghanistan.

I said to the former Commandant: What do you think about this agreement?

I got three paragraphs back, but I will read just a couple of sentences. He wrote:

Simply put, I am not in favor of the agreement signed. It basically keeps the United States in Afghanistan to prop up a corrupt regime. It continues to place our troops at risk.

I know that my friend from Connecticut will speak in just a moment, and I look forward to her words.

I hope that the Congress in 2013, no matter who the President is, will bring this issue back. Let's have a debate in the House of Representatives, and let's

say to the American people that we will meet our responsibility: that we will not send troops, that we will not send money to Afghanistan unless the Congress, itself, approves it.

Again, Mr. Chairman, I have great respect for you and for the ranking member. I am sorry he is leaving. He has been a great Member of the Congress. I hope, Mr. Chairman, if we all get back in 2013 that we will have an opportunity to bring this issue to the floor of the Congress and to debate the role of Congress when any President, Democrat or Republican, reaches a security agreement that obligates our troops and the taxpayers. We must meet our constitutional responsibility.

With that, Mr. Chairman, I yield back the balance of my time.

#### POINT OF ORDER

Mr. YOUNG of Florida. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI.

The rule states in pertinent part:

An amendment to a general appropriation bill shall not be in order if changing existing law.

The amendment requires a new determination.

I ask for a ruling from the Chair.

The Acting CHAIR. Does any other Member wish to be heard on the point of order?

Ms. DELAURO. Mr. Chairman, I rise against the point of order.

The Acting CHAIR. The gentlewoman from Connecticut is recognized.

Ms. DELAURO. The bipartisan amendment that Congressman JONES and I offer ensures that any security agreement between the United States and Afghanistan will not be legal unless it comes in the form of a treaty or is specifically authorized by a law.

The gentleman's point of order argues that this amendment requires the Secretary of Defense to know the definition of "any agreement with the Government of the Islamic Republic of Afghanistan that includes security assurances for mutual defense." While this definition is not written into statute, it is common sense.

I also believe our responsibility under the Constitution takes precedence over this point of order. As it is, this point would cut into the heart of our constitutional duties as a Congress under article I, section 8. The power to declare war has been entrusted to the Congress and to the Congress alone.

At the recent NATO summit in Chicago, President Obama and NATO leaders announced an end to combat operations in Afghanistan in 2013 and the transition of lead responsibility for security to the Afghan Government by the end of 2014. But even though Bin Laden is dead and al Qaeda has been decimated, the administration has also announced an agreement with the Gov-

ernment of Afghanistan that would keep an untold number of American troops there until 2024, which is 12 years from now.

The Acting CHAIR. The Chair would ask the gentlewoman to confine her remarks to the issue of the point of order.

Ms. DELAURO. Whether you agree or disagree with the policy, it is imperative for our form of government that Congress be consulted on any such agreement that maintains our troops abroad or, for that matter, any defense or Status of Forces agreement that is made by the United States. It is our task as representatives of the people to debate the critical issues and to make the ultimate decision of whether to put or keep our troops in harm's way.

This amendment will simply ensure in our relationship with Afghanistan that no defense agreement will be enacted without the ultimate consent of Congress, as is mandated by our Constitution.

The Acting CHAIR. Again, the gentlewoman needs to address the point of order and not the policy issue.

Ms. DELAURO. I will conclude by saying that I urge the Chair to overrule the point of order and to allow this amendment to receive an up-or-down vote.

The Acting CHAIR. Does any other Member wish to be heard on the point of order?

If not, the Chair is prepared to rule.

The Chair finds that this amendment addresses funds in other acts and includes language requiring a new determination of the Secretary. It, therefore, constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained, and the amendment is not in order.

Mr. DICKS. I move to strike the last word to engage in a colloquy with Chairman YOUNG.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. I rise to seek the chairman's support in addressing an issue of which he is deeply and painfully aware: the rapidly increasing numbers of cases of amputations, post-traumatic stress disorder, and traumatic brain injury suffered by our brave young men and women returning from combat theaters. Of course, these conditions can have a devastating impact on military dependents. They are also having an increasingly devastating impact on the military health care system that serves our soldiers, sailors, marines, airmen, and their families.

There is no one who has worked harder than the chairman of our subcommittee to ensure that the very best medical care is available to the 9 million Americans who have earned the benefits of our military health care system. Yet I remain concerned that newer, innovative practices are not

being sufficiently integrated into the military medical system.

One such innovative practice is systems medicine. By more rapidly and accurately quantifying wellness and deciphering disease, systems medicine will promote translational research by linking the Department's research and development programs, initiatives, and laboratories with its clinical care programs, initiatives and facilities.

Mr. YOUNG of Florida. The former chairman of this subcommittee is absolutely correct.

Current strains on our military and fiscal resources are causing unprecedented challenges in maintaining a viable, cost-effective military health care system. He has probably heard me discuss this more than he has wanted to over the years, but it is a serious, important issue. It is essential that new, innovative approaches be more quickly included in military medical practice.

Mr. DICKS. I ask the chairman to join me in urging the Department to implement systems medicine into the medical practices of all service branches.

To facilitate the training of DOD medical personnel in systems medicine, the Defense Department should consider systems medicine pilot projects that address post-traumatic stress disorder, traumatic brain injury, and amputee health, along with other high-priority concerns that impact all aspects of total readiness, including mental resilience.

Mr. YOUNG of Florida. Again, I just want to thank the gentleman for highlighting this issue today. Obviously, I plan to continue to work with him in order to do the best we can to make this happen.

Mr. DICKS. Thank you, Mr. Chairman.

I yield back the balance of my time.

Mr. ROGERS of Kentucky. I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. ROGERS of Kentucky. Mr. Chairman, as we begin to wind down the debate on this defense bill, I wanted to take just a moment to pay tribute to this dynamic duo that we have—BILL YOUNG and NORM DICKS. The collective experience, wisdom, and knowledge of this defense bill and the actions of our military is almost unprecedented in this House.

□ 1740

They have put forward a great bill in the highest bipartisan traditions of the House, and all of us in this body say "thank you" for the great service of these two stalwarts in this body. They have conducted themselves during this debate in the highest traditions of this House. They have collaborated together in a bipartisan way to help defend this country. I think I speak for all Members of the House of Represent-

atives in saying "thank you" to these two great stalwarts of this body.

This will be the last defense bill that NORM DICKS will take part in. He is departing this body in retirement, and we will miss his wisdom and his camaraderie and his knowledge of the needs of our country and its defense. I think I speak for all of the House when I say "thank you" to NORM DICKS for great service to his country, to this body, and to the defense of our country especially. We will miss his presence. We will miss his expertise. We will miss the fact that he is a jolly good fellow, among other things.

Mr. LEWIS of California. Will the gentleman yield?

Mr. ROGERS of Kentucky. I will be happy to yield to the chairman.

Mr. LEWIS of California. I very much appreciate my chairman yielding just for a moment.

I would like to associate myself with your remarks regarding these two fabulous leaders and the jobs they have done over the years on our behalf and for our national security. Thank you, Mr. Chairman.

Mr. ROGERS of Kentucky. I thank the gentleman, and I can't help but mention the great service the former chairman of this committee has rendered to the body, as well.

Mr. YOUNG of Florida. Will the gentleman yield?

Mr. ROGERS of Kentucky. Mr. Chairman, I am happy to yield.

Mr. YOUNG of Florida. Thank you for yielding, and I wanted to say the same thing.

Mr. LEWIS chaired this subcommittee, as well as the full committee. He did an outstanding job. Many innovations came about during his 6 years as chairman of this subcommittee. He is with us today, and he will continue to be with us. The House is losing another great talent, another great dedicated public official. I thank you for calling attention to his service.

Mr. DICKS. Will the gentleman yield?

Mr. ROGERS of Kentucky. I will be happy to yield to the gentleman from Washington.

Mr. DICKS. The three of you have grayer hair than I do, and that means you have wisdom and experience along with it.

I just want to say that I've enjoyed working with all three of you. BILL YOUNG and I have worked together for many years. JERRY LEWIS and I have worked together many years. We've taken many trips to Afghanistan and Iraq to try to be with the troops and find out what was going on. We've had a good group.

It bothers me greatly when there's this sense out there that we can't work together. This committee works together. I'm proud of that, and I'm proud to be associated with my colleagues.

Mr. ROGERS of Kentucky. Mr. Chairman, Chairman YOUNG has mentioned briefly the service of our friend from California (Mr. LEWIS), who, as we all know, served as chairman of the full committee for a period of time, and, of course, chairman of this great subcommittee. We're going to miss his presence because he is seeking greener pastures out there as well in retirement.

JERRY LEWIS has been a stalwart Member of this body for many years and he has rendered great service to his country, certainly to this House, and most importantly, I think, on this subcommittee, because this subcommittee is in charge of defending our country, and there is no higher calling for any of us than to say we've been a part of that.

Mr. Chairman, I wind my remarks up. We've had some 60 or 70 amendments on this bill, and I think the debate that took place is in the highest traditions of this body. I wish Mr. LEWIS and Mr. DICKS happy retirements and other pursuits in life, and we wish you Godspeed.

With that, I yield back the balance of my time.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. One issue that didn't come up today was this question of what are we going to do at the end of this year with sequestration, and there was some discussion of an amendment that didn't happen because of points of order and other possible reasons.

I really believe that somehow we've got to avoid sequestration and that collectively we've got to work together in the next several months, because I honestly believe that the economy of this country will be severely and adversely affected if we allow sequestration not just for defense, which we're talking about here today, but for the other part of the government, the discretionary domestic part of the government. We have got to avoid this.

I would love to see an agreement reached between the parties and between the leadership so that we can get an agreement that is fair and balanced and equitable. I think with the four of us and a couple of others I can think of, I think we could put something like that together. Somehow it's got to happen, because the consequences to defense—and not only to defense, but the economy of the country is at stake here.

The CBO says that the difference in growth, if we do sequestration, if we don't deal with the tax issue, will go from 4.4 percent to 5 percent. It is a 4½ percent difference in economic growth. That means unemployment will be greater. That means the deficit will be greater. The whole idea of the Budget

Control Act was to get the deficit under control.

Again, I hope that we will all continue to think about how we can come up with a solution that's bipartisan, bicameral. We have got to work with the administration. From a national security and a defense perspective, there is nothing more treacherous out there than sequestration. We've got to avoid it.

With that, I yield back the balance of my time.

#### ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

The second amendment by Mr. KING of Iowa.

The fourth amendment by Ms. LEE of California.

The fifth amendment by Ms. LEE of California.

An amendment by Mr. MORAN of Virginia.

An amendment by Mr. TURNER of Ohio.

Amendment No. 18 by Mr. COFFMAN of Colorado.

An amendment by Mr. BERG of North Dakota.

An amendment by Mr. GARAMENDI of California.

Amendment No. 1 by Mr. MULVANEY of South Carolina.

Amendment No. 9 by Mr. MULVANEY of South Carolina.

An amendment by Mr. STEARNS of Florida.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

#### AMENDMENT OFFERED BY MR. KING OF IOWA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the second amendment offered by the gentleman from Iowa (Mr. KING) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

#### RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 247, noes 166, not voting 18, as follows:

[Roll No. 487]

#### AYES—247

Adams	Bartlett	Blackburn
Aderholt	Barton (TX)	Bonner
Alexander	Bass (NH)	Bono Mack
Amash	Benishkek	Boustany
Amodei	Berg	Brady (TX)
Austria	Bilbray	Brooks
Bachmann	Bilirakis	Brown (GA)
Bachus	Bishop (GA)	Buchanan
Barletta	Bishop (UT)	Bucshon
Barrow	Black	Burgess

Burton (IN)	Herrera Beutler	Pitts
Calvert	Holden	Platts
Camp	Huelskamp	Poe (TX)
Campbell	Huizenga (MI)	Pompeo
Canseco	Hultgren	Posey
Capito	Hunter	Price (GA)
Carter	Hurt	Quayle
Cassidy	Issa	Rahall
Chabot	Jenkins	Reed
Chaffetz	Johnson (IL)	Rehberg
Chandler	Johnson (OH)	Reichert
Coble	Johnson, Sam	Renacci
Coffman (CO)	Jones	Ribble
Cole	Jordan	Rigell
Conaway	Kelly	Rivera
Costello	King (IA)	Roby
Cravaack	King (NY)	Roe (TN)
Crawford	Kingston	Rogers (AL)
Crenshaw	Kinzinger (IL)	Rogers (KY)
Critz	Kissell	Rogers (MI)
Cuellar	Kline	Rohrabacher
Culberson	Labrador	Rokita
Davis (KY)	Lamborn	Rooney
Denham	Lance	Roskam
Dent	Landry	Ross (AR)
DesJarlais	Lankford	Ross (FL)
Dold	Latham	Royce
Donnelly (IN)	LaTourette	Runyan
Dreier	Latta	Ryan (WI)
Duffy	Lewis (CA)	Scalise
Duncan (SC)	Lipinski	Schilling
Duncan (TN)	LoBiondo	Schmidt
Ellmers	Long	Schock
Emerson	Lucas	Schweikert
Farenthold	Luetkemeyer	Scott (SC)
Fincher	Lummis	Scott, Austin
Fitzpatrick	Lungren, Daniel	Sensenbrenner
Flake	E.	Sessions
Fleming	Mack	Shimkus
Flores	Manzullo	Shuler
Forbes	Marchant	Shuster
Fortenberry	Marino	Simpson
Fox	Matheson	Smith (NE)
Franks (AZ)	McCarthy (CA)	Smith (NJ)
Frelinghuysen	McCaul	Smith (TX)
Gallely	McClintock	Southerland
Gardner	McHenry	Stearns
Garrett	McIntyre	Stutzman
Gerlach	McKeon	Sullivan
Gibbs	McKinley	Terry
Gibson	McMorris	Thompson (PA)
Gingrey (GA)	Rodgers	Thornberry
Gohmert	Meehan	Tiberi
Goodlatte	Mica	Tipton
Gosar	Miller (FL)	Turner (NY)
Gowdy	Miller (MI)	Turner (OH)
Granger	Miller, Gary	Upton
Graves (GA)	Mulvaney	Walberg
Graves (MO)	Murphy (PA)	Walden
Green, Gene	Myrick	Walsh (IL)
Griffin (AR)	Neugebauer	Webster
Griffith (VA)	Noem	West
Grimm	Nugent	Westmoreland
Guinta	Nunes	Whitfield
Guthrie	Nunnelee	Wilson (SC)
Hall	Olson	Wittman
Harper	Palazzo	Wolf
Harris	Paul	Womack
Hartzler	Paulsen	Woodall
Hastings (WA)	Pearce	Yoder
Heck	Pence	Young (AK)
Hensarling	Peterson	Young (FL)
Herger	Petri	Young (IN)

#### NOES—166

Ackerman	Carnahan	DeFazio
Altmire	Carney	DeGette
Andrews	Carson (IN)	DeLauro
Baca	Castor (FL)	Diaz-Balart
Baldwin	Chu	Dicks
Barber	Cicilline	Dingell
Bass (CA)	Clarke (MI)	Doggett
Becerra	Clarke (NY)	Doyle
Berkley	Clay	Edwards
Berman	Cleaver	Ellison
Biggert	Clyburn	Engel
Blumenauer	Cohen	Eshoo
Bonamici	Connolly (VA)	Farr
Boswell	Conyers	Fattah
Brady (PA)	Cooper	Frank (MA)
Braley (IA)	Costa	Fudge
Butterfield	Courtney	Garamendi
Capps	Crowley	Gonzalez
Capuano	Cummings	Green, Al
Cardoza	Davis (CA)	Grijalva

Gutierrez	Matsui	Sánchez, Linda
Hahn	McCarthy (NY)	T.
Hanabusa	McCollum	Sanchez, Loretta
Hanna	McDermott	Sarbanes
Hastings (FL)	McGovern	Schakowsky
Hayworth	McNerney	Schiff
Heinrich	Meeks	Schrader
Higgins	Michaud	Schwartz
Himes	Miller (NC)	Scott (VA)
Hinchey	Miller, George	Scott, David
Hinojosa	Moore	Serrano
Hochul	Moran	Sewell
Holt	Murphy (CT)	Sherman
Honda	Nadler	Sires
Hoyer	Napolitano	Slaughter
Israel	Neal	Smith (WA)
Johnson (GA)	Oliver	Speier
Johnson, E. B.	Owens	Sutton
Kaptur	Pallone	Thompson (CA)
Keating	Pascarella	Thompson (MS)
Kildee	Pastor (AZ)	Tierney
Kind	Pelosi	Tonko
Kucinich	Perlmutter	Towns
Langevin	Peters	Tsongas
Larsen (WA)	Pingree (ME)	Van Hollen
Larson (CT)	Price (NC)	Velázquez
Lee (CA)	Quigley	Visclosky
Levin	Rangel	Walz (MN)
Lewis (GA)	Richardson	Waters
Loebach	Richmond	Watt
Lofgren, Zoe	Ros-Lehtinen	Waxman
Lowe	Rothman (NJ)	Welch
Lujan	Roybal-Allard	Wilson (FL)
Lynch	Ruppersberger	Woolsey
Maloney	Rush	Yarmuth
Markey	Ryan (OH)	

#### NOT VOTING—18

Akin	Deutch	Polis
Bishop (NY)	Filner	Reyes
Boren	Fleischmann	Stark
Brown (FL)	Hirono	Stivers
Buerkle	Jackson (IL)	Wasserman
Cantor	Jackson Lee	Schultz
Davis (IL)	(TX)	

#### □ 1815

Mr. THOMPSON of California changed his vote from "aye" to "no."

Messrs. YOUNG of Alaska, MURPHY of Pennsylvania, and ADERHOLT changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall 487, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "no."

#### AMENDMENT OFFERED BY MS. LEE OF CALIFORNIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the fourth amendment offered by the gentlewoman from California (Ms. LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

#### RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 87, noes 326, not voting 18, as follows:

[Roll No. 488]

## AYES—87

Amash  
Baldwin  
Bass (CA)  
Becerra  
Blumenauer  
Bonamici  
Braley (IA)  
Campbell  
Capuano  
Carnahan  
Carson (IN)  
Castor (FL)  
Chu  
Clarke (MI)  
Clarke (NY)  
Clay  
Cleaver  
Coble  
Crowley  
Cummings  
Davis (IL)  
DeFazio  
DeGette  
Doyle  
Duncan (TN)  
Edwards  
Ellison  
Eshoo  
Farr  
Fattah

Frank (MA)  
Fudge  
Grijalva  
Gutierrez  
Hahn  
Hastings (FL)  
Higgins  
Hinojosa  
Holt  
Honda  
Johnson (IL)  
Johnson, E. B.  
Jones  
Keating  
Kucinich  
Lee (CA)  
Lewis (GA)  
Lofgren, Zoe  
Markey  
Matsui  
McCollum  
McDermott  
McGovern  
Michaud  
Miller, George  
Moore  
Moran  
Murphy (CT)  
Nadler  
Napolitano

Neal  
Oliver  
Pallone  
Paul  
Pingree (ME)  
Quigley  
Rangel  
Richardson  
Roybal-Allard  
Rush  
Sánchez, Linda  
T.  
Schakowsky  
Serrano  
Slaughter  
Speier  
Stark  
Thompson (CA)  
Thompson (MS)  
Tierney  
Townes  
Tsongas  
Velázquez  
Waters  
Watt  
Welch  
Wilson (FL)  
Woolsey

## NOES—326

Ackerman  
Adams  
Aderholt  
Alexander  
Altmire  
Amodei  
Andrews  
Austria  
Baca  
Bachmann  
Bachus  
Barber  
Barletta  
Barrow  
Bartlett  
Barton (TX)  
Bass (NH)  
Benishkek  
Berg  
Berkley  
Berman  
Biggart  
Bilbray  
Bilirakis  
Bishop (GA)  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Bono Mack  
Boswell  
Boustany  
Brady (PA)  
Brady (TX)  
Brooks  
Broun (GA)  
Buchanan  
Bucshon  
Burgess  
Burton (IN)  
Butterfield  
Calvert  
Camp  
Canseco  
Cantor  
Capito  
Capps  
Cardoza  
Carney  
Carter  
Cassidy  
Chabot  
Chaffetz  
Chandler  
Cicilline  
Clyburn  
Coffman (CO)  
Cohen  
Cole  
Conaway

Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Cravaack  
Crawford  
Crenshaw  
Critz  
Culberson  
Davis (CA)  
Davis (KY)  
DeLauro  
Denham  
Dent  
DesJarlais  
Diaz-Balart  
Dicks  
Dingell  
Doggett  
Dold  
Donnelly (IN)  
Dreier  
Duffy  
Duncan (SC)  
Ellmers  
Emerson  
Engel  
Farenthold  
Fincher  
Fitzpatrick  
Flake  
Fleming  
Flores  
Forbes  
Fortenberry  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Garamendi  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Gohmert  
Gonzalez  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Green, Al  
Green, Gene  
Griffin (AR)  
Griffith (VA)

Grimm  
Guinta  
Guthrie  
Hall  
Hanabusa  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Heck  
Heinrich  
Hensarling  
Herger  
Herrera Beutler  
Himes  
Hinchey  
Hochul  
Holden  
Hoyer  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Israel  
Issa  
Jenkins  
Johnson (GA)  
Johnson (OH)  
Johnson, Sam  
Jordan  
Kaptur  
Kelly  
Kildee  
Kind  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kissell  
Kline  
Labrador  
Lamborn  
Lance  
Landry  
Langevin  
Lankford  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Latta  
Levin  
Lewis (CA)  
Lipinski  
LoBiondo  
Loeb sack  
Long  
Lucas

Luetkemeyer  
Luján  
Lummis  
Lungren, Daniel  
E.  
Lynch  
Mack  
Maloney  
Manzullo  
Marchant  
Marino  
Matheson  
McCarthy (CA)  
McCarthy (NY)  
McCauley  
McClintock  
McHenry  
McIntyre  
McKeon  
McKinley  
McMorris  
Rodgers  
McNerney  
Meehan  
Meeks  
Mica  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Mulvaney  
Murphy (PA)  
Myrick  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Owens  
Palazzo  
Pascarell  
Pastor (AZ)  
Paulsen  
Pearce  
Pelosi  
Pence  
Perlmutter  
Peters  
Peterson

Petri  
Pitts  
Platts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Price (NC)  
Quayle  
Rahall  
Reed  
Rehberg  
Reichert  
Renacci  
Ribble  
Richmond  
Rigell  
Rivera  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (AR)  
Ross (FL)  
Rothman (NJ)  
Royce  
Runyan  
Ruppersberger  
Ryan (OH)  
Ryan (WI)  
Sanchez, Loretta  
Sarbanes  
Scalise  
Schiff  
Schilling  
Schmidt  
Schock  
Schrader  
Schwartz  
Schweikert  
Scott (SC)  
Scott (VA)  
Scott, Austin  
Scott, David

Sensenbrenner  
Sessions  
Sewell  
Sherman  
Shimkus  
Shuler  
Shuster  
Simpson  
Sires  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Southerland  
Stearns  
Stutzman  
Sullivan  
Sutton  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Tonko  
Turner (NY)  
Turner (OH)  
Upton  
Van Hollen  
Visclosky  
Walberg  
Walden  
Walsh (IL)  
Walz (MN)  
Waxman  
Webster  
West  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yarmouth  
Yoder  
Young (AK)  
Young (FL)  
Young (IN)

## NOT VOTING—18

Akin  
Bishop (NY)  
Boren  
Brown (FL)  
Buerkle  
Cuellar  
Deutch

Filner  
Fleischmann  
Hayworth  
Hirono  
Jackson (IL)  
Jackson Lee  
(TX)

Lowey  
Polis  
Reyes  
Stivers  
Wasserman  
Schultz

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
There is 1 minute remaining.

□ 1819

Mr. ROKITA changed his vote from  
“aye” to “no.”

Mr. DAVIS of Illinois changed his  
vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced  
as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 488, I was  
away from the Capitol due to prior commit-  
ments to my constituents. Had I been present,  
I would have voted “aye.”

AMENDMENT OFFERED BY MS. LEE OF  
CALIFORNIA

The Acting CHAIR. The unfinished  
business is the demand for a recorded  
vote on the fifth amendment offered by  
the gentlewoman from California (Ms.  
LEE) on which further proceedings were  
postponed and on which the noes pre-  
vailed by voice vote.

The Clerk will redesignate the  
amendment.

The Clerk redesignated the amend-  
ment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote  
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-  
minute vote.

The vote was taken by electronic de-  
vice, and there were—ayes 171, noes 243,  
not voting 17, as follows:

[Roll No. 489]

## AYES—171

Ackerman  
Amash  
Andrews  
Baca  
Baldwin  
Bass (CA)  
Becerra  
Berman  
Blumenauer  
Bonamici  
Boswell  
Brady (PA)  
Braley (IA)  
Campbell  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Castor (FL)  
Chaffetz  
Chu  
Cicilline  
Clarke (MI)  
Clarke (NY)  
Clay  
Cleaver  
Clyburn  
Coble  
Cohen  
Connolly (VA)  
Conyers  
Costa  
Costello  
Crowley  
Cummings  
Davis (IL)  
DeFazio  
DeGette  
DeLauro  
Dicks  
Dingell  
Doyle  
Duffy  
Duncan (TN)  
Edwards  
Ellison  
Engel  
Eshoo  
Farr  
Fattah  
Frank (MA)  
Fudge  
Garamendi  
Gibson  
Gonzalez  
Goodlatte

Green, Al  
Green, Gene  
Griffith (VA)  
Grijalva  
Gutierrez  
Hahn  
Hastings (FL)  
Higgins  
Himes  
Hinchey  
Hinojosa  
Holt  
Honda  
Hoyer  
Huelskamp  
Johnson (IL)  
Johnson, E. B.  
Jones  
Kaptur  
Keating  
Kildee  
Kind  
Kucinich  
Labrador  
Langevin  
Larsen (WA)  
Lee (CA)  
Levin  
Lewis (GA)  
Lofgren, Zoe  
Luján  
Lynch  
Maloney  
Markey  
Matsui  
McCarthy (NY)  
McClintock  
McCollum  
McDermott  
McGovern  
Meeks  
Michaud  
Miller (NC)  
Miller, George  
Moore  
Moran  
Murphy (CT)  
Nadler  
Napolitano  
Neal  
Oliver  
Pallone  
Pascarell  
Pastor (AZ)  
Paul  
Pelosi  
Perlmutter  
Peters

Peterson  
Petri  
Pingree (ME)  
Posey  
Price (NC)  
Quigley  
Rahall  
Rangel  
Renacci  
Ribble  
Richardson  
Richmond  
Rohrabacher  
Rokita  
Rothman (NJ)  
Roybal-Allard  
Royce  
Rush  
Ryan (OH)  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schrader  
Schwartz  
Scott (VA)  
Scott, David  
Sensenbrenner  
Serrano  
Sherman  
Sires  
Slaughter  
Smith (WA)  
Speier  
Stark  
Stearns  
Sutton  
Thompson (CA)  
Thompson (MS)  
Tierney  
Tonko  
Townes  
Tsongas  
Van Hollen  
Velázquez  
Visclosky  
Walz (MN)  
Waters  
Watt  
Waxman  
Welch  
Wilson (FL)  
Woolsey  
Yarmuth

## NOES—243

Adams  
Aderholt  
Alexander  
Altmire  
Amodei  
Austria  
Bachmann  
Bachus  
Barber  
Barletta  
Barrow  
Bartlett  
Barton (TX)  
Bass (NH)  
Benishkek  
Berg  
Berkley  
Biggart

Bilbray  
Bilirakis  
Bishop (GA)  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Bono Mack  
Boustany  
Brady (TX)  
Brooks  
Broun (GA)  
Buchanan  
Bucshon  
Burgess  
Burton (IN)  
Butterfield  
Calvert

Camp  
Canseco  
Cantor  
Capito  
Carter  
Cassidy  
Chabot  
Chandler  
Coffman (CO)  
Cole  
Conaway  
Cooper  
Courtney  
Cravaack  
Crawford  
Crenshaw  
Critz  
Cuellar

Culberson Johnson, Sam  
 Davis (CA) Jordan  
 Davis (KY) Kelly  
 Denham King (IA)  
 Dent King (NY)  
 DesJarlais Kingston  
 Diaz-Balart Kinzinger (IL)  
 Doggett Kissell  
 Dold Kiene  
 Donnelly (IN) Lamborn  
 Dreier Lance  
 Duncan (SC) Landry  
 Ellmers Lankford  
 Emerson Larson (CT)  
 Farenthold Latham  
 Fincher LaTourette  
 Fitzpatrick Latta  
 Flake Lewis (CA)  
 Fleming Lipinski  
 Flores LoBiondo  
 Forbes Loeb sack  
 Fortenberry Long  
 Foxx Lucas  
 Franks (AZ) Luetkemeyer  
 Frelinghuysen Lummis  
 Gallegly Lungren, Daniel  
 Gardner E.  
 Garrett Mack  
 Gerlach Manzullo  
 Gibbs Marchant  
 Gingrey (GA) Marino  
 Gohmert Matheson  
 Gosar McCarthy (CA)  
 Gowdy McCaul  
 Granger McHenry  
 Graves (GA) McIntyre  
 Graves (MO) McKeon  
 Griffin (AR) McKinley  
 Grimm McMorris  
 Guinta Rodgers  
 Guthrie McNerney  
 Hall Meehan  
 Hanabusa Mica  
 Hanna Miller (FL)  
 Harper Miller (MI)  
 Harris Miller, Gary  
 Hartzler Mulvaney  
 Hastings (WA) Murphy (PA)  
 Hayworth Myrick  
 Heck Neugebauer  
 Heinrich Noem  
 Hensarling Nugent  
 Herger Nunes  
 Herrera Beutler Nunnelee  
 Hochul Olson  
 Holden Owens  
 Huizenga (MI) Palazzo  
 Hultgren Paulsen  
 Hunter Pearce  
 Hurt Pence  
 Issa Pitts  
 Jenkins Platts  
 Johnson (GA) Poe (TX)  
 Johnson (OH) Pompeo

## NOT VOTING—17

Akin Fleischmann  
 Bishop (NY) Hirono  
 Boren Israel  
 Brown (FL) Jackson (IL)  
 Buerkle Jackson Lee  
 Deutch (TX)  
 Filner Lowey

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
 There is 1 minute remaining.

□ 1822

So the amendment was rejected.

The result of the vote was announced  
 as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 489, I was  
 away from the Capitol due to prior commit-  
 ments to my constituents. Had I been present,  
 I would have voted “aye.”

## AMENDMENT OFFERED BY MR. MORAN

The Acting CHAIR. The unfinished  
 business is the demand for a recorded  
 vote on the amendment offered by the  
 gentleman from Virginia (Mr. MORAN)

on which further proceedings were  
 postponed and on which the ayes pre-  
 vailed by voice vote.

The Clerk will redesignate the  
 amendment.

The Clerk redesignated the amend-  
 ment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote  
 has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-  
 minute vote.

The vote was taken by electronic de-  
 vice, and there were—ayes 407, noes 5,  
 not voting 19, as follows:

[Roll No. 490]

## AYES—407

Ackerman Coble  
 Adams Coffman (CO)  
 Aderholt Cohen  
 Alexander Cole  
 Altmire Conaway  
 Amash Connolly (VA)  
 Amodei Conyers  
 Andrews Cooper  
 Austria Costa  
 Baca Costello  
 Bachmann Courtney  
 Bachus Cravaack  
 Baldwin Crawford  
 Barber Crenshaw  
 Barletta Critz  
 Barrow Crowley  
 Bartlett Cuellar  
 Bass (CA) Culberson  
 Bass (NH) Cummings  
 Becerra Davis (CA)  
 Benishek Davis (IL)  
 Berg Davis (KY)  
 Berkley DeFazio  
 Berman DeGette  
 Biggert DeLauro  
 Bilbray Denham  
 Bilirakis Dent  
 Bishop (GA) DesJarlais  
 Bishop (UT) Diaz-Balart  
 Black Dicks  
 Blackburn Dingell  
 Bonamici Hinojosa  
 Bonner Hochul  
 Bono Mack Holden  
 Boswell Doyle  
 Boustany Dreier  
 Brady (PA) Duffy  
 Brady (TX) Duncan (SC)  
 Braley (IA) Duncan (TN)  
 Brooks Edwards  
 Broun (GA) Ellison  
 Buchanan Ellmers  
 Bucshon Emerson  
 Burgess Engel  
 Burton (IN) Eshoo  
 Butterfield Farenthold  
 Calvert Farr  
 Camp Fattah  
 Campbell Fincher  
 Canseco Fitzpatrick  
 Cantor Flake  
 Capito Fleming  
 Capps Flores  
 Capuano Forbes  
 Cardoza Fortenberry  
 Carnahan Foxx  
 Carney Frank (MA)  
 Carson (IN) Franks (AZ)  
 Carter Frelinghuysen  
 Cassidy Fudge  
 Castor (FL) Gallegly  
 Chabot Garamendi  
 Chaffetz Gardner  
 Chandler Garrett  
 Chu Gerlach  
 Cicilline Gibbs  
 Clarke (MI) Gibson  
 Clarke (NY) Gingrey (GA)  
 Clay Gohmert  
 Cleaver Gonzalez  
 Clyburn Goodlatte

Latham  
 LaTourette  
 Latta  
 Lee (CA)  
 Levin  
 Lewis (CA)  
 Lewis (GA)  
 Lipinski  
 LoBiondo  
 Loeb sack  
 Lofgren, Zoe  
 Lucas  
 Luetkemeyer  
 Lujan  
 Lummis  
 Lungren, Daniel  
 E.  
 Lynch  
 Mack  
 Maloney  
 Manzullo  
 Marchant  
 Marino  
 Markey  
 Matheson  
 Matsui  
 McCarthy (CA)  
 McCarthy (NY)  
 McCaul  
 McClintock  
 McCollum  
 McDermott  
 McGovern  
 McHenry  
 McIntyre  
 McKeon  
 McKinley  
 McMorris  
 Rodgers  
 McNerney  
 Meehan  
 Meeks  
 Mica  
 Michaud  
 Miller (FL)  
 Miller (MI)  
 Miller (NC)  
 Miller, Gary  
 Miller, George  
 Moore  
 Moran  
 Mulvaney  
 Murphy (CT)  
 Murphy (PA)  
 Myrick  
 Nadler  
 Napoliitano  
 Neal  
 Neugebauer  
 Noem  
 Nugent  
 Nunes  
 Nunnelee  
 Olson  
 Owens  
 Palazzo  
 Pallone  
 Pascrell  
 Pastor (AZ)  
 Paulsen  
 Pearce  
 Pelosi  
 Pence  
 Perlmutter  
 Peters  
 Peterson  
 Petri  
 Pingree (ME)  
 Pitts  
 Platts  
 Poe (TX)  
 Pompeo  
 Posey  
 Price (GA)  
 Price (NC)  
 Quayle  
 Quigley  
 Rahall  
 Rangel  
 Reed  
 Rehberg  
 Reichert  
 Renacci  
 Ribble  
 Richardson  
 Richmond  
 Rigell  
 Rivera  
 Roby  
 Roe (TN)  
 Rogers (AL)  
 Rogers (KY)  
 Rogers (MI)  
 Rohrabacher  
 Rokita  
 Rooney  
 Ros-Lehtinen  
 Roskam  
 Ross (AR)  
 Ross (FL)  
 Rothman (NJ)  
 Roybal-Allard  
 Royce  
 Runyan  
 Ruppertsberger  
 Rush  
 Ryan (OH)  
 Ryan (WI)  
 Sánchez, Linda  
 T.  
 Sanchez, Loretta  
 Sarbanes  
 Scalise  
 Schakowsky  
 Schiff  
 Schilling  
 Schmidt  
 Schock  
 Schrader  
 Schwartz  
 Schweikert  
 Scott (SC)  
 Scott (VA)  
 Scott, Austin  
 Scott, David  
 Sensenbrenner  
 Serrano  
 Sessions  
 Sewell  
 Sherman  
 Shimkus  
 Shuler  
 Shuster  
 Simpson  
 Sires  
 Slaughter  
 Smith (NE)  
 Smith (NJ)  
 Smith (TX)  
 Southerland  
 Speier  
 Stark  
 Stearns  
 Stutzman  
 Sullivan  
 Sutton  
 Terry  
 Thompson (CA)  
 Thompson (MS)  
 Thompson (PA)  
 Thornberry  
 Tiberi  
 Tierney  
 Tipton  
 Tonko  
 Towns  
 Tsongas  
 Turner (NY)  
 Turner (OH)  
 Upton  
 Van Hollen  
 Velázquez  
 Visclosky  
 Walberg  
 Walden  
 Walsh (IL)  
 Walz (MN)  
 Waters  
 Watt  
 Waxman  
 Webster  
 Welch  
 West  
 Westmoreland  
 Whitfield  
 Wilson (FL)  
 Wilson (SC)  
 Wittman  
 Wolf  
 Womack  
 Woodall  
 Woolsey  
 Yarmuth  
 Yoder  
 Young (AK)  
 Young (FL)  
 Young (IN)

## NOES—5

Barton (TX) Long  
 Hayworth Paul Smith (WA)

## NOT VOTING—19

Akin Filner  
 Bishop (NY) Fleischmann  
 Blumenauer Hirono  
 Boren Jackson (IL)  
 Brown (FL) Jackson Lee  
 Buerkle (TX)  
 Deutch Johnson (IL) Schultz

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
 There is 1 minute remaining.

□ 1826

So the amendment was agreed to.

The result of the vote was announced  
 as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 490, I was  
 away from the Capitol due to prior commit-  
 ments to my constituents. Had I been present,  
 I would have voted “aye.”

AMENDMENT OFFERED BY MR. TURNER OF OHIO

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. TURNER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

#### RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 235, noes 178, not voting 18, as follows:

[Roll No. 491]

#### AYES—235

Adams	Flores	Lummis
Aderholt	Forbes	Lungren, Daniel
Alexander	Fortenberry	E.
Amodei	Fox	Mack
Austria	Franks (AZ)	Manzullo
Bachmann	Frelinghuysen	Marchant
Bachus	Galleghy	Marino
Barletta	Gardner	McCarthy (CA)
Barrow	Garrett	McCaul
Bartlett	Gerlach	McClintock
Barton (TX)	Gibbs	McHenry
Bass (NH)	Gingrey (GA)	McIntyre
Benish	Gohmert	McKeon
Berg	Goodlatte	McKinley
Biggart	Gosar	McMorris
Bilbray	Gowdy	Rodgers
Bilirakis	Granger	Meehan
Bishop (GA)	Graves (GA)	Mica
Bishop (UT)	Graves (MO)	Miller (FL)
Black	Griffin (AR)	Miller (MI)
Blackburn	Griffith (VA)	Miller, Gary
Bonner	Grimm	Mulvaney
Bono Mack	Guinta	Murphy (PA)
Boustany	Guthrie	Myrick
Brady (TX)	Hall	Neugebauer
Brooks	Hanna	Noem
Broun (GA)	Harper	Nugent
Buchanan	Harris	Nunes
Bucshon	Hartzler	Nunnelee
Burgess	Hastings (WA)	Olson
Burton (IN)	Hayworth	Palazzo
Calvert	Heck	Paulsen
Camp	Hensarling	Pearce
Casaco	Herger	Pence
Cantor	Herrera Beutler	Peters
Capito	Huelskamp	Peterson
Carter	Huizenga (MI)	Petri
Cassidy	Hultgren	Pitts
Chabot	Hunter	Platts
Chaffetz	Hurt	Poe (TX)
Coble	Issa	Pompeo
Coffman (CO)	Jenkins	Posey
Cole	Johnson (IL)	Quayle
Conaway	Johnson (OH)	Reed
Crawaack	Johnson, Sam	Rehberg
Crawford	Jordan	Reichert
Crenshaw	Kelly	Renacci
Culberson	King (IA)	Ribble
Davis (KY)	King (NY)	Rigell
Denham	Kingston	Rivera
Dent	Kinzinger (IL)	Roby
DesJarlais	Kissell	Roe (TN)
Diaz-Balart	Kline	Rogers (AL)
Dold	Lamborn	Rogers (KY)
Dreier	Lance	Rogers (MI)
Duffy	Landry	Rohrabacher
Duncan (SC)	Lankford	Rokita
Duncan (TN)	Latham	Rooney
Ellmers	LaTourette	Ros-Lehtinen
Emerson	Latta	Ross (FL)
Farenthold	Lewis (CA)	Royce
Fincher	LoBiondo	Runyan
Fitzpatrick	Long	Ryan (WI)
Flake	Lucas	Scalise
Fleming	Luetkemeyer	Schilling

Schmidt  
Schock  
Schrader  
Schweikert  
Scott (SC)  
Scott, Austin  
Sensenbrenner  
Sessions  
Shimkus  
Shuler  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)

Smith (TX)  
Southernland  
Stearns  
Stutzman  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner (NY)  
Turner (OH)  
Upton  
Walberg  
Walden

Walsh (IL)  
Webster  
West  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Young (AK)  
Young (FL)  
Young (IN)

#### NOES—178

Ackerman  
Altmire  
Amash  
Andrews  
Baca  
Baldwin  
Barber  
Bass (CA)  
Becerra  
Berkley  
Berman  
Blumenauer  
Bonamici  
Boswell  
Brady (PA)  
Braley (IA)  
Butterfield  
Campbell  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Castor (FL)  
Chandler  
Chu  
Cicilline  
Clarke (MI)  
Clarke (NY)  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Critz  
Crowley  
Cuellar  
Cummings  
Davis (CA)  
Davis (IL)  
DeFazio  
DeGette  
DeLauro  
Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Doyle  
Edwards  
Ellison  
Engel  
Eshoo  
Farr  
Fattah

#### NOT VOTING—18

Akin  
Bishop (NY)  
Boren  
Brown (FL)  
Buerkle  
Deutch  
Filner  
Fleischmann  
Gutierrez  
Hirono  
Jackson (IL)  
Jackson Lee  
(TX)  
Lowey

Frank (MA)  
Fudge  
Garamendi  
Gibson  
Gonzalez  
Green, Al  
Green, Gene  
Grijalva  
Hahn  
Hanabusa  
Hastings (FL)  
Heinrich  
Higgins  
Himes  
Hincey  
Hinojosa  
Hochul  
Holden  
Holt  
Honda  
Hoyer  
Israel  
Johnson (GA)  
Johnson, E. B.  
Jones  
Kaptur  
Keating  
Kildee  
Kind  
Kucinich  
Labrador  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis (GA)  
Lipinski  
Loeb sack  
Lofgren, Zoe  
Lujan  
Lynch  
Maloney  
Markey  
Matheson  
Matsui  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McNerney  
Meeks  
Michaud  
Miller (NC)  
Miller, George  
Moore  
Moran  
Murphy (CT)  
Nadler  
Napolitano

Polis  
Reyes  
Stivers  
Sullivan  
Wasserman  
Schultz

Stated for:

Mr. PRICE of Georgia. Mr. Chair, on rollcall No. 491, I inadvertently voted "no". It was my intention to vote "aye."

Stated against:

Mr. FILNER. Mr. Chair, on rollcall 491, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "no."

AMENDMENT NO. 18 OFFERED BY MR. COFFMAN OF COLORADO

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. COFFMAN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

#### RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 123, noes 292, not voting 16, as follows:

[Roll No. 492]

#### AYES—123

Amash	Gutierrez	Pallone
Baca	Hahn	Paul
Bachmann	Harris	Perlmutter
Baldwin	Heinrich	Peters
Bass (CA)	Himes	Petri
Bass (NH)	Holt	Pingree (ME)
Becerra	Honda	Posey
Benish	Huelskamp	Quigley
Blumenauer	Huizenga (MI)	Ribble
Bonamici	Johnson (IL)	Richardson
Braley (IA)	Jones	Rohrabacher
Camp	Keating	Rokita
Capuano	Kind	Ross (FL)
Carney	Kingston	Royce
Chabot	Kucinich	Ryan (OH)
Chandler	Labrador	Ryan (WI)
Chu	Landry	Sánchez, Linda
Cicilline	Langevin	T.
Clarke (MI)	Larsen (WA)	Schakowsky
Clay	Lee (CA)	Schock
Coble	Loeb sack	Schrader
Coffman (CO)	Lofgren, Zoe	Serrano
Cohen	Lujan	Sherman
Conyers	Lummis	Slaughter
Cooper	Markey	Stark
Cummings	McClintock	Stearns
Davis (CA)	McDermott	Sutton
DeFazio	McGovern	Tiberi
DeGette	McMorris	Tierney
Doggett	Rodgers	Tonko
Doyle	Meehan	Upton
Duffy	Michaud	Van Hollen
Duncan (TN)	Miller (MI)	Velázquez
Edwards	Miller, George	Walsh (IL)
Farr	Moore	Waters
Flores	Mulvaney	Waxman
Frank (MA)	Murphy (CT)	Welch
Gibson	Nadler	Woodall
Gohmert	Napolitano	Woolsey
Goodlatte	Neal	Yarmuth
Griffith (VA)	Nunes	
Grijalva	Oliver	

#### NOES—292

Ackerman	Bachus	Berman
Adams	Barber	Biggart
Aderholt	Barletta	Bilbray
Alexander	Barrow	Bilirakis
Altmire	Bartlett	Bishop (GA)
Amodei	Barton (TX)	Bishop (UT)
Andrews	Berg	Black
Austria	Berkley	Blackburn

ANNOUNCEMENT BY THE ACTING CHAIR  
The Acting CHAIR (during the vote).  
There is 1 minute remaining.

□ 1829

So the amendment was agreed to.  
The result of the vote was announced  
as above recorded.

Bonner  
Bono Mack  
Boswell  
Boustany  
Brady (PA)  
Brady (TX)  
Brooks  
Broun (GA)  
Buchanan  
Buchanan  
Bucshon  
Burgess  
Burton (IN)  
Butterfield  
Calvert  
Campbell  
Canseco  
Cantor  
Capito  
Capps  
Cardoza  
Carnahan  
Carson (IN)  
Carter  
Cassidy  
Castor (FL)  
Chaffetz  
Clarke (NY)  
Clever  
Clyburn  
Cole  
Conaway  
Connolly (VA)  
Costa  
Costello  
Courtney  
Cravaack  
Crawford  
Crenshaw  
Critz  
Crowley  
Cuellar  
Culberson  
Davis (IL)  
Davis (KY)  
DeLauro  
Denham  
Dent  
DesJarlais  
Diaz-Balart  
Dicks  
Dingell  
Dold  
Donnelly (IN)  
Dreier  
Duncan (SC)  
Ellison  
Ellmers  
Emerson  
Engel  
Eshoo  
Farenthold  
Fattah  
Fincher  
Fitzpatrick  
Flake  
Fleming  
Forbes  
Fortenberry  
Foss  
Franks (AZ)  
Frelinghuysen  
Fudge  
Gallegly  
Garamendi  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gingrey (GA)  
Gonzalez  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Green, Al  
Green, Gene  
Griffin (AR)  
Grimm  
Guinta

## NOT VOTING—16

Akin  
Bishop (NY)  
Boren

Guthrie  
Hall  
Hanabusa  
Hanna  
Harper  
Hartzler  
Hastings (FL)  
Hastings (WA)  
Hayworth  
Heck  
Hensarling  
Herger  
Herrera Beutler  
Higgins  
Hinchey  
Hinojosa  
Hochul  
Holden  
Hoyer  
Hultgren  
Hunter  
Hurt  
Israel  
Issa  
Jenkins  
Johnson (GA)  
Johnson (OH)  
Johnson, E. B.  
Johnson, Sam  
Jordan  
Kaptur  
Kelly  
Kildee  
King (IA)  
King (NY)  
Kinzinger (IL)  
Kissell  
Kline  
Lamborn  
Lance  
Lankford  
Larson (CT)  
Latham  
LaTourette  
Latta  
Levin  
Lewis (CA)  
Lewis (GA)  
Lipinski  
LoBiondo  
Long  
Lucas  
Luetkemeyer  
Lungren, Daniel  
E.  
Lynch  
Mack  
Maloney  
Manzullo  
Marchant  
Marino  
Matheson  
Matsui  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tipton  
Towns  
Tsongas  
Turner (NY)  
Turner (OH)  
Visclosky  
Walberg  
Walz (MN)  
Watt  
Webster  
West  
Westmoreland  
Whitfield  
Wilson (FL)  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Yoder  
Young (AK)  
Young (FL)  
Young (IN)

Brown (FL)  
Buerkle  
Deutch  
Filner  
Fleischmann  
Hirono

Pearce  
Pelosi  
Pence  
Peterson  
Pitts  
Platts  
Poe (TX)  
Pompeo  
Price (GA)  
Price (NC)  
Quayle  
Rahall  
Rangel  
Reed  
Rehberg  
Reichert  
Renacci  
Richmond  
Rigell  
Rivera  
Robby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (AR)  
Rothman (NJ)  
Roybal-Allard  
Runyan  
Ruppersberger  
Rush  
Sanchez, Loretta  
Sarbanes  
Scalise  
Schiff  
Schilling  
Schmidt  
Schwartz  
Schweikert  
Scott (SC)  
Scott (VA)  
Scott, Austin  
Scott, David  
Sensenbrenner  
Sessions  
Sewell  
Shimkus  
Shuler  
Shuster  
Simpson  
Sires  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Southernland  
Speier  
Stutzman  
Sullivan  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tipton  
Towns  
Tsongas  
Turner (NY)  
Turner (OH)  
Visclosky  
Walberg  
Walz (MN)  
Watt  
Webster  
Burton (IN)  
Calvert  
Camp  
Canseco  
Cantor  
Capito  
Carter  
Cassidy  
Chabot  
Chaffetz  
Clyburn  
Coble  
Coffman (CO)  
Cole  
Conaway  
Cravaack  
Crawford  
Crenshaw

Jackson (IL)  
Jackson Lee  
(TX)  
Lowey  
Polis  
Reyes  
Stivers  
Wasserman  
Schultz

ANNOUNCEMENT BY THE ACTING CHAIR  
The Acting CHAIR (during the vote).  
There is 1 minute remaining.

□ 1832

So the amendment was rejected.  
The result of the vote was announced  
as above recorded.

Stated for:  
Mr. FILNER. Mr. Chair, on rollcall 492, I was  
away from the Capitol due to prior commit-  
ments to my constituents. Had I been present,  
I would have voted “aye.”

AMENDMENT OFFERED BY MR. BERG  
The Acting CHAIR. The unfinished  
business is the demand for a recorded  
vote on the amendment offered by the  
gentleman from North Dakota (Mr.  
BERG) on which further proceedings  
were postponed and on which the noes  
prevailed by voice vote.

The Clerk will redesignate the  
amendment.

The Clerk redesignated the amend-  
ment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote  
has been demanded.

A recorded vote was ordered.  
The Acting CHAIR. This will be a 2-  
minute vote.

The vote was taken by electronic de-  
vice, and there were—ayes 232, noes 183,  
not voting 16, as follows:

[Roll No. 493]

AYES—232

Adams  
Aderholt  
Alexander  
Amodei  
Austria  
Bachmann  
Bachus  
Baretta  
Barrow  
Bartlett  
Barton (TX)  
Bass (NH)  
Benishak  
Berg  
Biggert  
Bilirakis  
Bishop (GA)  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Bono Mack  
Boustany  
Brady (TX)  
Broun (GA)  
Bucshon  
Burgess  
Burton (IN)  
Calvert  
Camp  
Canseco  
Cantor  
Capito  
Carter  
Cassidy  
Chabot  
Chaffetz  
Clyburn  
Coble  
Coffman (CO)  
Cole  
Conaway  
Cravaack  
Crawford  
Crenshaw

McCarthy (NY)  
McCaul  
McClintock  
McHenry  
McIntyre  
McKeon  
McKinley  
McMorris  
Rodgers  
Meehan  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mulvaney  
Murphy (PA)  
Myrick  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Palazzo  
Paulsen  
Pearce  
Pence  
Peterson  
Petri  
Pitts  
Platts  
Poe (TX)  
Pompeo

Ackerman  
Altmire  
Amash  
Andrews  
Baca  
Baldwin  
Barber  
Bass (CA)  
Becerra  
Berkley  
Berman  
Bilbray  
Blumenauer  
Bonamici  
Boswell  
Brady (PA)  
Braley (IA)  
Brooks  
Buchanan  
Butterfield  
Campbell  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Castor (FL)  
Chandler  
Chu  
Ciilline  
Clarke (MI)  
Clarke (NY)  
Clay  
Clever  
Cohen  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Critz  
Crowley  
Cummings  
Davis (CA)  
Davis (IL)  
DeFazio  
DeGette  
DeLauro  
Dent  
Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Doyle  
Duncan (TN)  
Edwards  
Ellison  
Engel

Posey  
Price (GA)  
Quayle  
Reed  
Rehberg  
Reichert  
Ribble  
Richardson  
Rigell  
Rivera  
Robby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (AR)  
Ross (FL)  
Royce  
Runyan  
Ryan (WI)  
Scalise  
Schilling  
Schmidt  
Schock  
Schweikert  
Scott (SC)  
Scott, Austin  
Sensenbrenner  
Sessions

## NOES—183

Eshoo  
Farr  
Fattah  
Fortenberry  
Frank (MA)  
Fudge  
Garamendi  
Gibson  
Gonzalez  
Green, Al  
Green, Gene  
Grijalva  
Gutierrez  
Hanabusa  
Hastings (FL)  
Heinrich  
Higgins  
Himes  
Hinchey  
Hinojosa  
Hochul  
Holden  
Holt  
Honda  
Hoyer  
Israel  
Johnson (GA)  
Johnson, E. B.  
Jones  
Kaptur  
Keating  
Kildee  
Kind  
Kucinich  
Labrador  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis (GA)  
Lipinski  
Loebach  
Lofgren, Zoe  
Lujan  
Lynch  
Maloney  
Markey  
Matheson  
Matsui  
McCollum  
McDermott  
McGovern  
McNerney  
Meeks  
Michaud  
Miller (NC)  
Miller, George  
Moore  
Moran

Shimkus  
Shuler  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southernland  
Stearns  
Stutzman  
Sullivan  
Terry  
Thornberry  
Tiberi  
Tipton  
Turner (NY)  
Turner (OH)  
Upton  
Walberg  
Walden  
Walsh (IL)  
Webster  
West  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Yoder  
Young (AK)  
Young (FL)  
Young (IN)  
Murphy (CT)  
Nadler  
Napolitano  
Neal  
Olver  
Owens  
Pallone  
Pascarell  
Pastor (AZ)  
Paul  
Pelosi  
Perlmutter  
Peters  
Pingree (ME)  
Price (NC)  
Quigley  
Rahall  
Rangel  
Renacci  
Richmond  
Rohrabacher  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schradler  
Schwartz  
Scott (VA)  
Scott, David  
Serrano  
Sewell  
Sherman  
Sires  
Slaughter  
Smith (WA)  
Speier  
Stark  
Sutton  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Tierney  
Tonko  
Towns  
Tsongas  
Van Hollen  
Velázquez  
Visclosky  
Walz (MN)  
Waters  
Watt



Waxman Wilson (FL) Woolsey  
Welch Woodall Yarmuth

## NOT VOTING—16

Akin Filner Lowey  
Bishop (NY) Fleischmann Polis  
Boren Hirono Reyes  
Brown (FL) Jackson (IL) Stivers  
Buerkle Jackson Lee Wasserman  
Deutch (TX) Schultz

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
There is 1 minute remaining.

□ 1835

Mr. GARRETT changed his vote from  
“no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced  
as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall 493, I was  
away from the Capitol due to prior commit-  
ments to my constituents. Had I been present,  
I would have voted “no.”

## AMENDMENT OFFERED BY MR. GARAMENDI

The Acting CHAIR. The unfinished  
business is the demand for a recorded  
vote on the amendment offered by the  
gentleman from California (Mr.  
GARAMENDI) on which further pro-  
ceedings were postponed and on which  
the ayes prevailed by voice vote.

The Clerk will redesignate the  
amendment.

The Clerk redesignated the amend-  
ment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote  
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-  
minute vote.

The vote was taken by electronic de-  
vice, and there were—ayes 137, noes 278,  
not voting 16, as follows:

[Roll No. 494]

## AYES—137

Amash	DeGette	Lee (CA)
Andrews	DeLauro	Lewis (GA)
Baldwin	Doggett	Loeb sack
Bass (CA)	Doyle	Lofgren, Zoe
Becerra	Duncan (TN)	Lynch
Benishkek	Edwards	Maloney
Berman	Ellison	Markey
Blumenauer	Engel	Matsui
Bonamici	Eshoo	McCollum
Boswell	Farr	McDermott
Brady (PA)	Fattah	McGovern
Braley (IA)	Frank (MA)	Meeks
Butterfield	Fudge	Michaud
Capps	Garamendi	Miller (NC)
Capuano	Grijalva	Miller, George
Carnahan	Gutierrez	Moore
Carney	Hahn	Moran
Carson (IN)	Hanabusa	Murphy (CT)
Castor (FL)	Hastings (FL)	Nadler
Chu	Heinrich	Napolitano
Cicilline	Higgins	Neal
Clarke (MI)	Himes	Oliver
Clarke (NY)	Hinchev	Pallone
Clay	Hinojosa	Pascarell
Cleaver	Holt	Paul
Clyburn	Honda	Perlmutter
Cohen	Johnson (IL)	Peters
Conyers	Johnson, E. B.	Petri
Costello	Jones	Pingree (ME)
Courtney	Keating	Price (NC)
Crowley	Kildee	Quigley
Cummings	Kind	Rahall
Davis (CA)	Kucinich	Rangel
Davis (IL)	Larsen (WA)	Richardson
DeFazio	Larson (CT)	Richmond

Rokita  
Roybal-Allard  
Rush  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schrader  
Scott (VA)

## NOES—278

Ackerman  
Adams  
Aderholt  
Alexander  
Altmire  
Amodei  
Austria  
Baca  
Bachmann  
Bachus  
Barber  
Barletta  
Barrow  
Bartlett  
Barton (TX)  
Bass (NH)  
Berg  
Berkley  
Biggert  
Bilbray  
Bilirakis  
Bishop (GA)  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Bono Mack  
Boustany  
Brady (TX)  
Brooks  
Broun (GA)  
Buchanan  
Bucshon  
Burgess  
Burton (IN)  
Calvert  
Camp  
Campbell  
Canseco  
Cantor  
Capito  
Cardoza  
Carter  
Cassidy  
Chabot  
Chaffetz  
Chandler  
Coble  
Coffman (CO)  
Cole  
Conaway  
Connolly (VA)  
Cooper  
Costa  
Cravaack  
Crawford  
Crenshaw  
Critz  
Cuellar  
Culberson  
Davis (KY)  
Denham  
Dent  
DesJarlais  
Diaz-Balart  
Dicks  
Dingell  
Ding Latta  
Donnelly (IN)  
Dreier  
Duffy  
Duncan (SC)  
Ellmers  
Emerson  
Farenthold  
Fincher  
Fitzpatrick  
Flake  
Fleming  
Flores  
Forbes  
Fortenberry

Serrano  
Sewell  
Sherman  
Sires  
Slaughter  
Speier  
Stark  
Sutton  
Thompson (CA)  
Thompson (MS)  
Tierney

Smith (NJ)  
Smith (TX)  
Smith (WA)  
Southernland  
Stearns  
Stutzman  
Sullivan  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton

## NOT VOTING—16

Akin Filner Lowey  
Bishop (NY) Fleischmann Polis  
Boren Hirono Reyes  
Brown (FL) Jackson (IL) Stivers  
Buerkle Jackson Lee Wasserman  
Deutch (TX) Schultz

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
There is 1 minute remaining.

□ 1840

Mr. PRICE of North Carolina  
changed his vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced  
as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 494, I was  
away from the Capitol due to prior commit-  
ments to my constituents. Had I been present,  
I would have voted “aye.”

## AMENDMENT NO. 1 OFFERED BY MR. MULVANEY

The Acting CHAIR. The unfinished  
business is the demand for a recorded  
vote on the amendment offered by the  
gentleman from South Carolina (Mr.  
MULVANEY) on which further pro-  
ceedings were postponed and on which  
the noes prevailed by voice vote.

The Clerk will redesignate the  
amendment.

The Clerk redesignated the amend-  
ment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote  
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-  
minute vote.

The vote was taken by electronic de-  
vice, and there were—ayes 247, noes 167,  
not voting 17, as follows:

[Roll No. 495]

## AYES—247

Amash	Campbell	Courtney
Amodei	Capps	Critz
Andrews	Capuano	Crowley
Baca	Cardoza	Cuellar
Baldwin	Carnahan	Cummings
Barton (TX)	Carney	Davis (CA)
Bass (CA)	Carson (IN)	Davis (IL)
Bass (NH)	Castor (FL)	DeFazio
Becerra	Chabot	DeGette
Benishkek	Chaffetz	DeLauro
Chu	Chilling	Dicks
Cicilline	Cicilline	Dingell
Clarke (MI)	Clarke (MI)	Doggett
Clarke (NY)	Clarke (NY)	Doyle
Clay	Clay	Dreier
Cleaver	Cleaver	Duffy
Clyburn	Clyburn	Duncan (SC)
Cohen	Coble	Duncan (TN)
Conyers	Coffman (CO)	Edwards
Costello	Cohen	Ellison
Courtney	Connolly (VA)	Eshoo
Crowley	Conyers	Farr
Cummings	Cooper	Fattah
Davis (CA)	Costa	Fincher
Davis (IL)	Costello	Fitzpatrick

Flake  
Flores  
Fortenberry  
Frank (MA)  
Fudge  
Garamendi  
Garrett  
Gibbs  
Gibson  
Gohmert  
Gonzalez  
Goodlatte  
Gosar  
Gowdy  
Graves (GA)  
Green, Al  
Green, Gene  
Griffith (VA)  
Grijalva  
Guinta  
Gutierrez  
Hahn  
Hanabusa  
Harris  
Hastings (FL)  
Heinrich  
Hensarling  
Herrera Beutler  
Himes  
Hinchey  
Hinojosa  
Holden  
Holt  
Hoyer  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hurt  
Johnson (IL)  
Johnson, E. B.  
Jones  
Jordan  
Kaptur  
Keating  
Kildee  
Kind  
Kingston  
Kucinich  
Labrador  
Lance  
Landry  
Langevin  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Lee (CA)  
Levin

Lewis (GA)  
Lipinski  
Loebach  
Lofgren, Zoe  
Lowey  
Luján  
Lummis  
Lynch  
Mack  
Maloney  
Manzullo  
Marchant  
Markey  
Matheson  
Matsui  
McCarthy (NY)  
McClintock  
McCollum  
McDermott  
McGovern  
McHenry  
Meeks  
Mica  
Michaud  
Miller (MI)  
Miller (NC)  
Miller, George  
Moore  
Moran  
Mulvaney  
Murphy (CT)  
Nadler  
Napolitano  
Neal  
Neugebauer  
Oliver  
Pallone  
Pascrell  
Pastor (AZ)  
Paul  
Pelosi  
Pence  
Perlmuter  
Peters  
Peterson  
Petri  
Pingree (ME)  
Pompeo  
Posey  
Price (GA)  
Price (NC)  
Quigley  
Rahall  
Rangel  
Reed  
Renacci  
Ribble  
Richardson

Richmond  
Roe (TN)  
Rohrabacher  
Rokita  
Ross (FL)  
Rothman (NJ)  
Roybal-Allard  
Royce  
Rush  
Ryan (OH)  
Sánchez, Linda  
T.  
Sarbanes  
Scalise  
Schakowsky  
Schiff  
Schrader  
Schwartz  
Schweikert  
Scott (SC)  
Scott (VA)  
Scott, David  
Sensenbrenner  
Serrano  
Sessions  
Sherman  
Shuler  
Shuster  
Sires  
Slaughter  
Smith (WA)  
Southerland  
Speier  
Stark  
Stearns  
Stutzman  
Sutton  
Terry  
Thompson (CA)  
Thompson (MS)  
Tierney  
Tonko  
Tsongas  
Peters  
Van Hollen  
Velázquez  
Walberg  
Walsh (IL)  
Waters  
Watt  
Waxman  
Welch  
Westmoreland  
Wilson (FL)  
Woolsey  
Yarmuth  
Yoder

Miller, Gary  
Murphy (PA)  
Myrick  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Owens  
Palazzo  
Paulsen  
Pearce  
Pitts  
Platts  
Poe (TX)  
Quayle  
Rehberg  
Reichert  
Rigell  
Rivera  
Robby  
Rogers (AL)

Akin  
Bishop (NY)  
Bono Mack  
Boren  
Brown (FL)  
Buerkle  
Deutch

NOT VOTING—17  
The Acting CHAIR (during the vote).  
There is 1 minute remaining.

□ 1843

So the amendment was agreed to.  
The result of the vote was announced  
as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 495, I was  
away from the Capitol due to prior commit-  
ments to my constituents. Had I been present,  
I would have voted “aye.”

AMENDMENT NO. 9 OFFERED BY MR. MULVANEY

The Acting CHAIR. The unfinished  
business is the demand for a recorded  
vote on the amendment offered by the  
gentleman from South Carolina (Mr.  
MULVANEY) on which further pro-  
ceedings were postponed and on which  
the ayes prevailed by voice vote.

The Clerk will redesignate the  
amendment.

The Clerk redesignated the amend-  
ment.

RECORDED VOTE

The Acting CHAIR. A recorded vote  
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-  
minute vote.

The vote was taken by electronic de-  
vice, and there were—ayes 238, noes 178,  
not voting 15, as follows:

[Roll No. 496]

AYES—238

Adams  
Amash  
Amodei  
Bachus  
Baldwin  
Barietta  
Bartlett  
Barton (TX)  
Bass (CA)  
Bass (NH)  
Benishak  
Berg  
Berkley  
Berman  
Biggert  
Bilirakis

Black  
Blackburn  
Bonamici  
Boswell  
Boustany  
Brady (PA)  
Brady (TX)  
Brooks  
Broun (GA)  
Buchanan  
Bucshon  
Burgess  
Burton (IN)  
Campbell  
Cantor  
Capito

Cuellar  
Cummings  
Davis (CA)  
Davis (IL)  
DeFazio  
DeGette  
Denham  
DesJarlais  
Doggett  
Dold  
Dreier  
Duffy  
Duncan (SC)  
Duncan (TN)  
Eshoo  
Farenthold  
Fincher  
Flake  
Flores  
Frank (MA)  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Gohmert  
Gonzalez  
Goodlatte  
Gosar  
Gowdy  
Graves (GA)  
Graves (MO)  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guinta  
Guthrie  
Hahn  
Harper  
Hastings (FL)  
Heinrich  
Hensarling  
Herrera Beutler  
Higgins  
Himes  
Hinojosa  
Holt  
Honda  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hurt  
Issa  
Jenkins  
Johnson (IL)  
Johnson (OH)  
Jones  
Jordan  
Keating  
Kind  
King (IA)  
Kingston  
Kline

Polis  
Reyes  
Stivers  
Wasserman  
Schultz

Clarke (NY)  
Clay  
Cleaver  
Clyburn  
Cole  
Conaway  
Connolly (VA)  
Cooper  
Costello  
Courtney  
Crenshaw  
Critz  
Culberson  
Davis (KY)  
DeLauro  
Dent  
Diaz-Balart  
Dicks  
Dingell  
Donnelly (IN)  
Doyle  
Edwards  
Ellison  
Ellmers  
Emerson  
Engel  
Farr  
Fattah  
Fitzpatrick

Kucinich  
Labrador  
Lamborn  
Lance  
Landry  
Lankford  
Latham  
LaTourette  
Latta  
Lee (CA)  
Lipinski  
Loebach  
Long  
Luetkemeyer  
Lummis  
Mack  
Manzullo  
Marino  
Markey  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McClintock  
McGovern  
Meeks  
Mica  
Michaud  
Miller (MI)  
Miller, Gary  
Miller, George  
Moore  
Moran  
Mulvaney  
Murphy (CT)  
Murphy (PA)  
Nadler  
Napolitano  
Neugebauer  
Noem  
Nunes  
Nunnelee  
Palazzo  
Pallone  
Pascrell  
Pastor (AZ)  
Paul  
Paulsen  
Pearce  
Pence  
Peters  
Peterson  
Petri  
Pingree (ME)  
Pitts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Quayle  
Rahall  
Rangel  
Reed  
Renacci

NOES—178

Fleming  
Forbes  
Fortenberry  
Foxy  
Franks (AZ)  
Frelinghuysen  
Fudge  
Gallegly  
Garamendi  
Granger  
Green, Al  
Green, Gene  
Grijalva  
Gutierrez  
Hanna  
Hanabusa  
Harris  
Hartzler  
Hastings (WA)  
Hayworth  
Heck  
Herger  
Hinchey  
Hochul  
Holden  
Hoyer  
Hunter  
Israel

NOES—167  
Ackerman  
Adams  
Aderholt  
Alexander  
Altmire  
Austria  
Bachmann  
Bachus  
Barber  
Barletta  
Barrow  
Bartlett  
Berg  
Biggert  
Bilbray  
Bilirakis  
Bishop (UT)  
Blackburn  
Bonner  
Boustany  
Brooks  
Burton (IN)  
Calvert  
Camp  
Canseco  
Cantor  
Capito  
Carter  
Cassidy  
Chandler  
Cole  
Conaway  
Cravaack  
Crawford  
Crenshaw

NOES—167

Culberson  
Davis (KY)  
Denham  
Dent  
DesJarlais  
Diaz-Balart  
Dold  
Donnelly (IN)  
Ellmers  
Emerson  
Engel  
Farenthold  
Fleming  
Forbes  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Gardner  
Gerlach  
Gingrey (GA)  
Granger  
Graves (MO)  
Griffin (AR)  
Grimm  
Guthrie  
Hall  
Hanna  
Harper  
Hartzler  
Hastings (WA)  
Hayworth  
Heck  
Herger  
Higgins

Hochul  
Hunter  
Israel  
Issa  
Jenkins  
Johnson (GA)  
Johnson (OH)  
Johnson, Sam  
Kelly  
King (IA)  
King (NY)  
Kinzinger (IL)  
Kissell  
Kline  
Lamborn  
Lankford  
Latta  
Lewis (CA)  
LoBiondo  
Long  
Lucas  
Luetkemeyer  
Lungrén, Daniel  
E.  
Marino  
McCarthy (CA)  
McCaul  
McIntyre  
McKeon  
McKinley  
McMorris  
Rodgers  
McNerney  
Meehan  
Miller (FL)

Johnson (GA)	McMorris	Schock	Bilirakis	Forbes	Loeb sack	Rooney	Sensenbrenner	Tsongas
Johnson, E. B.	Rodgers	Schwartz	Bishop (GA)	Portenberry	Loifgren, Zoe	Ros-Lehtinen	Serrano	Turner (NY)
Johnson, Sam	McNerney	Scott (VA)	Bishop (UT)	Bishop	Long	Roskam	Sessions	Turner (OH)
Kaptur	Meehan	Scott, David	Black	Frank (MA)	Lowey	Ross (AR)	Sewell	Upton
Kelly	Miller (FL)	Sowell	Blackburn	Franks (AZ)	Lucas	Ross (FL)	Sherman	Van Hollen
Kildee	Miller (NC)	Shinkus	Bonamici	Frelinghuysen	Luetkemeyer	Rothman (NJ)	Shinkus	Velázquez
King (NY)	Myrick	Simpson	Bonner	Fudge	Luján	Roybal-Allard	Shuster	Walberg
Kinzinger (IL)	Neal	Slaughter	Bono Mack	Gallegly	Lummis	Royce	Simpson	Walden
Kissell	Nugent	Smith (NJ)	Boswell	Garamendi	Lungren, Daniel	Runyan	Sires	Walsh (IL)
Langevin	Olson	Smith (TX)	Boustany	Gardner	E.	Rush	Slaughter	Walsh (MN)
Larsen (WA)	Olver	Stark	Brady (PA)	Garrett	Lynch	Ryan (OH)	Smith (NE)	Waters
Larson (CT)	Owens	Thornberry	Brady (TX)	Gerlach	Mack	Ryan (WI)	Smith (NJ)	Watt
Levin	Pelosi	Tiberi	Braley (IA)	Gibbs	Maloney	Sánchez, Linda	Smith (TX)	Waxman
Lewis (CA)	Perlmutter	Tierney	Brooks	Gibson	Manzullo	T.	Southerland	Webster
Lewis (GA)	Platts	Tierney	Broun (GA)	Gingrey (GA)	Marchant	Sanchez, Loretta	Speier	Welch
LoBiondo	Price (NC)	Tonko	Buchanan	Gohmert	Marino	Sarbanes	Stearns	West
Loifgren, Zoe	Quigley	Turner (NY)	Bucannon	Gonzalez	Markley	Scalise	Stutzman	Westmoreland
Lowey	Rehberg	Turner (OH)	Burgess	Goodlatte	Matheson	Schakowsky	Sullivan	Whitfield
Lucas	Reichert	Upton	Burton (IN)	Gosar	Matsui	Sutton	Terry	Wilson (FL)
Luján	Rigell	Visclosky	Butterfield	Gowdy	McCarthy (CA)	Schilling	Thompson (CA)	Wilson (SC)
Lungren, Daniel	Rogers (KY)	Walz (MN)	Calvert	Granger	McCarthy (NY)	Schmidt	Thompson (MS)	Wittman
E.	Rogers (MI)	Watt	Camp	Graves (GA)	McCaul	Schrock	Thompson (PA)	Wolf
Lynch	Rooney	Waxman	Campbell	Graves (MO)	McClintock	Schrader	Thornberry	Womack
Maloney	Ross (AR)	Westmoreland	Canseco	Green, Al	McCollum	Schwartz	Tiberi	Woodall
Marchant	Rothman (NJ)	Whitfield	Cantor	Green, Gene	McGovern	Schweikert	Tierney	Yarmuth
McCaul	Roybal-Allard	Wilson (FL)	Capito	Griffin (AR)	McHenry	Scott (SC)	Tipton	Yoder
McCollum	Ruppersberger	Wilson (SC)	Capps	Griffith (VA)	McIntyre	Scott (VA)	Tonko	Young (AK)
McDermott	Ryan (OH)	Wittman	Capuano	Grijalva	McKeon	Scott, Austin	Towns	Young (FL)
McHenry	Sánchez, Linda	Wolf	Cardoza	Grimm	McKinley	Scott, David		Young (IN)
McIntyre	T.	Young (AK)	Carnahan	Guinta	McMorris			
McKeon	Sanchez, Loretta	Young (FL)	Carney	Guthrie	Rodgers			
McKinley	Sarbanes		Carson (IN)	Gutierrez	McNerney			

## NOT VOTING—15

Akin	Filner	Polis
Bishop (NY)	Fleischmann	Reyes
Boren	Hirono	Stivers
Brown (FL)	Jackson (IL)	Wasserman
Buerkle	Jackson Lee	Schultz
Deutch	(TX)	

□ 1848

Mr. FRANKS of Arizona changed his vote from “aye” to “no.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 496, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “aye.”

AMENDMENT OFFERED BY MR. STEARNS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. STEARNS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 399, noes 17, not voting 15, as follows:

[Roll No. 497]

## AYES—399

Ackerman	Baca	Bass (CA)
Adams	Bachmann	Bass (NH)
Aderholt	Bachus	Becerra
Alexander	Baldwin	Benishchek
Altmire	Barber	Berg
Amash	Barletta	Berkley
Amodel	Barrow	Berman
Andrews	Bartlett	Biggert
Austria	Barton (TX)	Bilbray

Bass (CA)	Eshoo	LoBiondo
Bass (NH)	Farr	Lipinski
Becerra	Fattah	Lofgren, Zoe
Benishchek	Fincher	Long
Berg	Fitzpatrick	Lowey
Berkley	Flake	Lucas
Berman	Fleming	Luetkemeyer
Biggert	Flores	Manzullo
Bilbray		Marchant

LoBiondo	McKeon	McNerney
Lipinski	McKinley	McNerney
Lofgren, Zoe	McMorris	McNerney
Long	Rodgers	McNerney
Lowey		Meehan
Lucas		Meeks
Luetkemeyer		Mica
Manzullo		Michaud
Marchant		Miller (FL)
Marino		Miller (MI)
Markley		Miller (NC)
Matheson		Miller, Gary
Matsui		Moore
McCarthy (CA)		Mulvaney
McCarthy (NY)		Murphy (CT)
McCaul		Murphy (PA)
McClintock		Myrick
McCollum		Nadler
McGovern		Napolitano
McHenry		Neal
McIntyre		Neugebauer
McKeon		Noem
McKinley		Nugent
McMorris		Nunes
Rodgers		Nunnelee
		Olson
		Owens
		Palazzo
		Pallone
		Pascarell
		Pastor (AZ)
		Paul
		Paulsen
		Pearce
		Pelosi
		Pence
		Perlmutter
		Peters
		Peterson
		Petri
		Pingree (ME)
		Pitts
		Platts
		Poe (TX)
		Pompeo
		Posey
		Price (GA)
		Price (NC)
		Quayle
		Quigley
		Rahall
		Rangel
		Reed
		Rehberg
		Reichert
		Renacci
		Ribble
		Richardson
		Richmond
		Rigell
		Rivera
		Roby
		Roe (TN)
		Rogers (AL)
		Rogers (KY)
		Rogers (MI)
		Rohrabacher
		Rokita

## NOES—17

Blumenauer	Larsen (WA)	Shuler
Cooper	McDermott	Smith (WA)
Dicks	Miller, George	Stark
Honda	Moran	Visclosky
Hoyer	Olver	Woolsey
Johnson, E. B.	Ruppersberger	

## NOT VOTING—15

Akin	Filner	Polis
Bishop (NY)	Fleischmann	Reyes
Boren	Hirono	Stivers
Brown (FL)	Jackson (IL)	Wasserman
Buerkle	Jackson Lee	Schultz
Deutch	(TX)	

□ 1852

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 497, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “aye.”

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

This Act may be cited as the “Department of Defense Appropriations Act, 2013”.

Mr. YOUNG of Florida. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WOODALL) having assumed the chair, Mr. BISHOP of Utah, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5856) making appropriations for the Department of Defense for the fiscal year ending September 30, 2013, and for other purposes, directed him to report the bill back to the House with sundry amendments adopted in the Committee of the Whole, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Under House Resolution 717, the previous question is ordered.

Is a separate vote demanded on any amendment reported from the Committee of the Whole? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 326, nays 90, not voting 15, as follows:

[Roll No. 498]

YEAS—326

Ackerman	Costello	Harper
Adams	Courtney	Harris
Aderholt	Cravaack	Hartzler
Alexander	Crawford	Hastings (FL)
Altmire	Crenshaw	Hastings (WA)
Amodei	Critz	Hayworth
Andrews	Crowley	Heck
Austria	Cuellar	Heinrich
Baca	Culberson	Hensarling
Bachmann	Cummings	Herger
Bachus	Davis (CA)	Herrera Beutler
Barber	Davis (KY)	Higgins
Barletta	DeLauro	Himes
Barrow	Denham	Hinojosa
Bartlett	Dent	Hochul
Barton (TX)	DesJarlais	Holden
Bass (NH)	Diaz-Balart	Hoyer
Benishek	Dicks	Huizenga (MI)
Berg	Dingell	Hultgren
Berkley	Doggett	Hunter
Berman	Dold	Hurt
Biggert	Donnelly (IN)	Israel
Bilbray	Dreier	Issa
Bilirakis	Duffy	Jenkins
Bishop (GA)	Duncan (SC)	Johnson (OH)
Bishop (UT)	Ellmers	Johnson, E. B.
Black	Emerson	Johnson, Sam
Blackburn	Engel	Jordan
Bonner	Farenthold	Kaptur
Bono Mack	Fattah	Kelly
Boswell	Fincher	Kildee
Boustany	Fitzpatrick	King (IA)
Brady (PA)	Fleming	King (NY)
Brady (TX)	Flores	Kingston
Brooks	Forbes	Kinzinger (IL)
Broun (GA)	Fortenberry	Kissell
Buchanan	Fox	Kline
Buchson	Franks (AZ)	Labrador
Burgess	Frelinghuysen	Lamborn
Burton (IN)	Galleghy	Lance
Butterfield	Garamendi	Landry
Calvert	Gardner	Langevin
Camp	Garrett	Lankford
Canseco	Gerlach	Larsen (WA)
Cantor	Gibbs	Larson (CT)
Capito	Gibson	Latham
Capps	Gingrey (GA)	LaTourette
Cardoza	Gohmert	Latta
Carnahan	Gonzalez	Lewis (CA)
Carson (IN)	Goodlatte	Lipinski
Carter	Gosar	LoBiondo
Cassidy	Gowdy	Loeb
Castor (FL)	Granger	Long
Chabot	Graves (GA)	Lowe
Chaffetz	Graves (MO)	Lucas
Chandler	Green, Al	Luetkemeyer
Cicilline	Green, Gene	Lujan
Clyburn	Griffin (AR)	Lummis
Coble	Griffith (VA)	Lungren, Daniel
Coffman (CO)	Grimm	E.
Cole	Guinta	Lynch
Conaway	Guthrie	Mack
Connolly (VA)	Hall	Maloney
Cooper	Hanabusa	Manzullo
Costa	Hanna	Marchant

Marino	Posey	Shuler
Matheson	Price (GA)	Shuster
McCarthy (CA)	Quayle	Simpson
McCarthy (NY)	Rahall	Sires
McCaul	Reed	Smith (NE)
McHenry	Rehberg	Smith (NJ)
McIntyre	Reichert	Smith (TX)
McKeon	Renacci	Smith (WA)
McKinley	Ribble	Southerland
McMorris	Richardson	Stearns
Rodgers	Richmond	Stutzman
McNerney	Rigell	Sullivan
Meehan	Rivera	Sutton
Meeks	Roby	Terry
Mica	Roe (TN)	Thompson (MS)
Miller (FL)	Rogers (AL)	Thompson (PA)
Miller (MI)	Rogers (KY)	Thornberry
Miller (NC)	Rogers (MI)	Tiberi
Miller, Gary	Rokita	Tipton
Moran	Rooney	Tsongas
Mulvaney	Ros-Lehtinen	Turner (NY)
Murphy (PA)	Roskam	Turner (OH)
Myrick	Ross (AR)	Upton
Neugebauer	Ross (FL)	Visclosky
Noem	Rothman (NJ)	Walberg
Nugent	Runyan	Walden
Nunes	Ruppersberger	Walsh (IL)
Nunnelee	Ryan (WI)	Walz (MN)
Olson	Sanchez, Loretta	Waxman
Owens	Sarbanes	Webster
Palazzo	Scalise	West
Pascarella	Schiff	Westmoreland
Pastor (AZ)	Schilling	Whitfield
Paulsen	Schmidt	Wilson (FL)
Pearce	Schock	Wilson (SC)
Pelosi	Schweikert	Wittman
Pence	Scott (SC)	Wolf
Perlmutter	Scott (VA)	Womack
Peters	Scott, Austin	Woodall
Peterson	Scott, David	Yoder
Petri	Sensenbrenner	Young (AK)
Pitts	Sessions	Young (FL)
Platts	Sewell	Young (IN)
Poe (TX)	Sherman	
Pompeo	Shimkus	

NAYS—90

Amash	Hahn	Pingree (ME)
Baldwin	Hinchey	Price (NC)
Bass (CA)	Holt	Quigley
Becerra	Honda	Rangel
Blumenauer	Huelskamp	Rohrabacher
Bonamici	Johnson (GA)	Roybal-Allard
Braley (IA)	Johnson (IL)	Royce
Campbell	Jones	Rush
Capuano	Keating	Ryan (OH)
Carney	Kind	Sánchez, Linda
Chu	Kucinich	T.
Clarke (MI)	Lee (CA)	Schakowsky
Clarke (NY)	Levin	Schrader
Clay	Lewis (GA)	Schwartz
Cleaver	Lofgren, Zoe	Serrano
Cohen	Markey	Slaughter
Conyers	Matsui	Speier
Davis (IL)	McClintock	Stark
DeFazio	McCollum	Thompson (CA)
DeGette	McDermott	Tierney
Doyle	McGovern	Tonko
Duncan (TN)	Michaud	Towns
Edwards	Miller, George	Van Hollen
Ellison	Moore	Velázquez
Eshoo	Murphy (CT)	Waters
Farr	Nadler	Watt
Flake	Napolitano	Welch
Frank (MA)	Neal	Woolsey
Fudge	Olver	Yarmuth
Grijalva	Pallone	
Gutierrez	Paul	

NOT VOTING—15

Akin	Filner	Polis
Bishop (NY)	Fleischmann	Reyes
Boren	Hirono	Stivers
Brown (FL)	Jackson (IL)	Wasserman
Buerkle	Jackson Lee	Schultz
Deutch	(TX)	

□ 1911

Messrs. BUTTERFIELD and CICILLINE changed their vote from “nay” to “yea.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 498, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “no.”

PERSONAL EXPLANATION

Mr. AKIN. Mr. Speaker, on rollcall Nos. 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497 and 498 I was delayed and unable to vote. Had I been present I would have voted “aye” on rollcall No. 487, “no” on rollcall No. 488, “no” on rollcall No. 489, “aye” on rollcall No. 490, “aye” on rollcall No. 491, “no” on rollcall No. 492, “aye” on rollcall No. 493, “no” on rollcall No. 494, “no” on rollcall No. 495, “aye” on rollcall No. 496, “aye” on rollcall No. 497 and “aye” on rollcall No. 498.

#### PRESENTATION OF CONGRESSIONAL GOLD MEDAL TO ARNOLD PALMER

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the concurrent resolution (H. Con. Res. 133) authorizing the use of the rotunda of the United States Capitol for an event to present the Congressional Gold Medal to Arnold Palmer, in recognition of his service to the Nation in promoting excellence and good sportsmanship in golf, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore (Mr. GOSAR). Is there objection to the request of the gentleman from California?

There was no objection.

The text of the concurrent resolution is as follows:

H. CON. RES. 133

*Resolved by the House of Representatives (the Senate concurring),*

#### SECTION 1. USE OF THE ROTUNDA OF THE UNITED STATES CAPITOL TO PRESENT THE CONGRESSIONAL GOLD MEDAL.

(a) AUTHORIZATION.—The rotunda of the United States Capitol is authorized to be used on September 12, 2012, for the presentation of the Congressional Gold Medal to Arnold Palmer, in recognition of his service to the Nation in promoting excellence and good sportsmanship in golf.

(b) PREPARATIONS.—Physical preparations for the conduct of the event described in subsection (a) shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

#### NATIONAL BASEBALL HALL OF FAME COMMEMORATIVE COIN ACT

Mr. HUIZENGA of Michigan. Mr. Speaker, I ask unanimous consent to

take from the Speaker's table the bill (H.R. 2527) to require the Secretary of the Treasury to mint coins in recognition and celebration of the National Baseball Hall of Fame, with the Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will report the Senate amendment.

The Clerk read as follows:

Senate amendment:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the 'National Baseball Hall of Fame Commemorative Coin Act'.

#### SEC. 2. FINDINGS.

The Congress finds the following:

(1) On June 12, 1939, the National Baseball Hall of Fame and Museum opened in Cooperstown, New York. Ty Cobb, Walter Johnson, Christy Mathewson, Babe Ruth, and Honus Wagner comprised the inaugural class of inductees. This class set the standard for all future inductees. Since 1939, just one percent of all Major League Baseball players have earned induction into the National Baseball Hall of Fame.

(2) The National Baseball Hall of Fame and Museum is dedicated to preserving history, honoring excellence, and connecting generations through the rich history of our national pastime. Baseball has mirrored our Nation's history since the Civil War, and is now an integral part of our Nation's heritage.

(3) The National Baseball Hall of Fame and Museum chronicles the history of our national pastime and houses the world's largest collection of baseball artifacts, including more than 38,000 three dimensional artifacts, 3,000,000 documents, 500,000 photographs, and 12,000 hours of recorded media. This collection ensures that baseball history and its unique connection to American history will be preserved and recounted for future generations.

(4) Since its opening in 1939, more than 14,000,000 baseball fans have visited the National Baseball Hall of Fame and Museum to learn about the history of our national pastime and the game's connection to the American experience.

(5) The National Baseball Hall of Fame and Museum is an educational institution, reaching 10,000,000 Americans annually. Utilizing video conference technology, students and teachers participate in interactive lessons led by educators from the National Baseball Hall of Fame Museum. These award-winning educational programs draw upon the wonders of baseball to reach students in classrooms nationwide. Each educational program uses baseball as a lens for teaching young Americans important lessons on an array of topics, including mathematics, geography, civil rights, women's history, economics, industrial technology, arts, and communication.

#### SEC. 3. COIN SPECIFICATIONS.

(a) DENOMINATIONS.—In recognition and celebration of the National Baseball Hall of Fame, the Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall mint and issue the following coins:

(1) \$5 GOLD COINS.—Not more than 50,000 \$5 coins, which shall—

(A) weigh 8.359 grams;

(B) have diameter of 0.850 inches; and

(C) contain 90 percent gold and 10 percent alloy.

(2) \$1 SILVER COINS.—Not more than 400,000 \$1 coins, which shall—

(A) weigh 26.73 grams;

(B) have a diameter of 1.500 inches; and

(C) contain 90 percent silver and 10 percent copper.

(3) HALF-DOLLAR CLAD COINS.—Not more than 750,000 half-dollar coins which shall—

(A) weigh 11.34 grams;

(B) have a diameter of 1.205 inches; and

(C) be minted to the specifications for half-dollar coins contained in section 5112(b) of title 31, United States Code.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

(d) SENSE OF CONGRESS.—It is the sense of Congress that, to the extent possible without significantly adding to the purchase price of the coins, the \$1 coins and \$5 coins minted under this Act should be produced in a fashion similar to the 2009 International Year of Astronomy coins issued by Monnaie de Paris, the French Mint, so that the reverse of the coin is convex to more closely resemble a baseball and the obverse concave, providing a more dramatic display of the obverse design chosen pursuant to section 4(c).

#### SEC. 4. DESIGN OF COINS.

(a) IN GENERAL.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary after consultation with—

(A) the National Baseball Hall of Fame;

(B) the Commission of Fine Arts; and

(2) reviewed by the Citizens Commemorative Coin Advisory Committee.

(b) DESIGNATIONS AND INSCRIPTIONS.—On each coin minted under this Act there shall be—

(1) a designation of the value of the coin;

(2) an inscription of the year "2014"; and

(3) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(c) SELECTION AND APPROVAL PROCESS FOR OBERSE DESIGN.—

(1) IN GENERAL.—The Secretary shall hold a competition to determine the design of the common obverse of the coins minted under this Act, with such design being emblematic of the game of baseball.

(2) SELECTION AND APPROVAL.—Proposals for the design of coins minted under this Act may be submitted in accordance with the design selection and approval process developed by the Secretary in the sole discretion of the Secretary. The Secretary shall encourage 3-dimensional models to be submitted as part of the design proposals.

(3) PROPOSALS.—As part of the competition described in this subsection, the Secretary may accept proposals from artists, engravers of the United States Mint, and members of the general public.

(4) COMPENSATION.—The Secretary shall determine compensation for the winning design under this subsection, which shall be not less than \$5,000. The Secretary shall take into account this compensation amount when determining the sale price described in section 6(a).

(d) REVERSE DESIGN.—The design on the common reverse of the coins minted under this Act shall depict a baseball similar to those used by Major League Baseball.

#### SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) PERIOD FOR ISSUANCE.—The Secretary may issue coins minted under this Act only during the 1-year period beginning on January 1, 2014.

#### SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in section 7(a) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, winning design compensation, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

#### SEC. 7. SURCHARGES.

(a) IN GENERAL.—All sales of coins minted under this Act shall include a surcharge as follows:

(1) A surcharge of \$35 per coin for the \$5 coin.

(2) A surcharge of \$10 per coin for the \$1 coin.

(3) A surcharge of \$5 per coin for the half-dollar coin.

(b) DISTRIBUTION.—Subject to section 5134(f) of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to the National Baseball Hall of Fame to help finance its operations.

(c) AUDITS.—The National Baseball Hall of Fame shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code, with regard to the amounts received under subsection (b).

(d) LIMITATION.—Notwithstanding subsection (a), no surcharge may be included with respect to the issuance under this Act of any coin during a calendar year if, as of the time of such issuance, the issuance of such coin would result in the number of commemorative coin programs issued during such year to exceed the annual commemorative coin program issuance limitation under section 5112(m)(1) of title 31, United States Code (as in effect on the date of the enactment of this Act). The Secretary of the Treasury may issue guidance to carry out this subsection.

#### SEC. 8. FINANCIAL ASSURANCES.

The Secretary shall take such actions as may be necessary to ensure that—

(1) minting and issuing coins under this Act will not result in any net cost to the United States Government; and

(2) no funds, including applicable surcharges, are disbursed to any recipient designated in section 7 until the total cost of designing and issuing all of the coins authorized by this Act (including labor, materials, dies, use of machinery, winning design compensation, overhead expenses, marketing, and shipping) is recovered by the United States Treasury, consistent with sections 5112(m) and 5134(f) of title 31, United States Code.

#### SEC. 9. BUDGET COMPLIANCE.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the Committee on the Budget of the House of Representatives, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Without objection, the reading is dispensed with.

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Michigan?

There was no objection.

A motion to reconsider was laid on the table.

#### REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 6085

Mr. WOMACK. Mr. Speaker, I ask unanimous consent to remove myself as a cosponsor of H.R. 6085.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

#### LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, for the purpose of inquiring of the schedule for the coming week, I yield to the chief deputy whip.

Mr. ROSKAM. I thank the gentleman from Maryland, the Democratic whip, for yielding to me.

Mr. Speaker, on Monday the House will meet at noon for morning-hour and 2 p.m. for legislative business. Votes will be postponed until 6:30 p.m. On Tuesday and Wednesday, the House will meet at 10 a.m. for morning-hour and noon for legislative business. On Thursday, the House will meet at 9 a.m. for legislative business. The last votes of the week are expected no later than 3 p.m.

Mr. Speaker, the House will consider a number of bills under suspension on Monday and Tuesday, and of particular note will be H.R. 459, the Federal Reserve Transparency Act, a bipartisan bill sponsored by Congressman RON PAUL. A complete list of the suspensions will be announced by the close of business tomorrow.

Beginning on Tuesday, the House will consider H.R. 6082, the Congressional Replacement of President Obama's Energy-Restricting and Job-Limiting Offshore Drilling Plan. And finally, the balance of the week will be spent on H.R. 4078, the Red Tape Reduction and Small Business Job Creation Act. This is a compilation of bills that are sponsored by Representatives TIM GRIFFIN, REID RIBBLE, BEN QUAYLE, DENNIS ROSS, VIRGINIA FOXX, SCOTT GARRETT, and MIKE CONAWAY.

Mr. HOYER. I thank the gentleman for that information. I appreciate it. I know the majority leader could not be here this afternoon, but he said last week that we should expect legislation on the floor the week of July 30 dealing with the tax questions; in particular, the tax cuts of 2001 and 2003. The gentleman may remember my discussions at that point in time. I don't think decisions had been made.

We are hopeful on this side of the aisle that there will be hearings next week, obviously, because it's going to be the week of the 30th it'll be on the

floor, and also there will be a markup of that bill before it comes to the floor. Can you tell us whether or not in fact there will be a hearing on that legislation and also whether, pursuant to those hearings, there will be a markup on that bill?

Mr. ROSKAM. As the gentleman knows, the 2001 and the 2003 tax rates have been well vetted and well discussed. They're not news or breaking ground in any way, shape, or form. So my understanding is that the current thinking is to bring those directly to the floor and that there's not a plan for a markup.

Mr. HOYER. I thank the gentleman for that information. As the gentleman understands, although they may be well known, the situation that exists today is radically different than existed in 2001 and 2003 when President Bush, who recommended both of those tax cuts, projected a \$5.6 trillion surplus, as the gentleman may recall. Unfortunately, that prediction was radically wrong. And when I say radically wrong, in fact, we increased the debt by over \$4 trillion rather than have a surplus—a \$10 trillion turnaround in the projections.

As a result, I would suggest to the gentleman and his party that the situation confronting us, as I said, is very, very different than it was in 2001 and 2003 when the Bush administration projected those surpluses, which it inherited, of course, from the Clinton administration.

In addition to that, the Republican majority has said that we'll govern based on their pledge to America. Openness in the House is a key part of that pledge that you made.

I want to read you a quote:

"We have nothing to fear from letting the House work its will, nothing to fear from the battle of ideas."

The Speaker of the House, Mr. BOEHNER, went on to say:

"That starts with the committees. The result will be more scrutiny and better legislation."

He said that in October 2010. Of course, it was in the throes of a campaign. But I would hope and I tell my friend very sincerely that that premise prevails today. In light of the change of circumstances, but much more than that, in light of the significant differences between the two parties in the Ways and Means Committee, the transparency and openness to which Speaker BOEHNER referred, referencing that that would apply in committees as well, would almost dictate that you would have a markup in the committee and give members of the committee the opportunity to vote on that legislation, offer amendments, offer alternatives, and offer their opinions for the consideration of other members on the committee as to the ramifications of the actions proposed in the committee by the majority party.

□ 1920

I would ask my friend if he has a view on whether or not, notwithstanding the fact that the position of the majority is that the subject matter is well known—it is also well known there are differences of opinion on this. And what the Speaker said in his quote was, let that difference be spread across the RECORD, let Members have the opportunity to express their differences through their vote; and that premise applied to the committees. I would hope that the gentleman could assure us that, in fact, there would be a markup in the committee.

I have talked to Mr. CAMP, who is a good friend of mine and for whom I have a great deal of respect, and asked him to have a markup. I would hope the leadership would support that effort and urge that markup to occur consistent with what Speaker BOEHNER said in October of 2010.

And I yield to my friend.

Mr. ROSKAM. I thank the gentleman for yielding.

One of the points I think that's important to focus in on is the last time this Congress dealt with the '01 and the '03 tax rates was not in '01, not in '03, but in December of 2010 when President Obama signed these into law. So this is an arena where we do reflect back, but ultimately we need to look forward. So the question is how do you create a sense of predictability by which businesses can deal with these situations?

So the gentleman is right to point out past forecasts that were incorrect. But it's also correct to point out that the White House made one error after another—this White House—one error after another as it relates to the predictions of the stimulus, for example, where unemployment was promised to peak at 8 percent, and it didn't turn out to be so.

So as we move forward, this is not new ground, these are not new concepts, and it's consistent with what then-Minority Leader BOEHNER said in the Pledge to America. This process has been open, this process has been dynamic, this process has been participatory, and this bill will be considered under the same rules and the same commitments that were made in the Pledge to America.

Moving forward, what I would like to announce to the gentleman and to the membership is that there will be an opportunity, I'm told, for the minority party to offer the President's alternative as an amendment on the floor, to have the debate. Because as the gentleman and I both know, that's really the crux of the matter. So to have an up-or-down vote, as I would characterize it, is a bad idea. I know the gentleman has a different view of that, but I think, particularly in light of this week's study from Ernst & Young, I think we should be chastened, actually, with the notion of moving forward and raising taxes on anybody.

I accept the world view of the gentleman who has been articulate in the past in communicating that. But I think that really is the crystallization of these two competing views of how to create economic growth, and I think the gentleman will be fully satisfied.

Mr. HOYER. I thank the gentleman for those comments. That is new information for us. I will tell you, please, I would still like to have a markup in the committee, which I think is consistent. No matter how much this has been discussed, there has been no markup of this bill. So while it may have been discussed for a long period of time and while there have been hearings on tax reform, there has been no markup of this bill in the committee, as the gentleman well knows.

But I'm pleased to hear that the minority will be allowed an amendment to be made in order of our choosing to offer on this floor. I think that's a positive sign. I appreciate the gentleman's notice of that, and I will certainly notice our Members of that ability. We're pleased at that.

I will say, however, to the gentleman that I did note the Ernst & Young story. I noticed it was paid for by people who may, absent its conclusions, receive a tax increase to help us bring down the deficit. But notwithstanding that, I was sure we were going to hear about that on the floor. I'm not surprised, and you're not going to be surprised that there will be other studies referenced on the floor as well. So I thank the gentleman for his information, and I'm pleased with that.

As I said, I will note that, in fact, there will be an amendment, and hopefully that amendment will be allowed some significant period of time for debate. That is much superior to the only other alternative that we would have had, which was an MTR 5 minutes on each side. So I thank the gentleman, and I thank the leadership for that information.

Let me ask the gentleman, does the gentleman expect the farm bill to come to the floor before the August break?

I yield to my friend.

Mr. ROSKAM. I thank my friend for yielding.

As the gentleman knows, the farm bill has created a lot of concern on our side of the aisle. It's my understanding that there is concern on the gentleman's side of the aisle. Your ranking member supports the bill. It's my understanding that Leader PELOSI does not support the bill. So we're in conversation with our Members, as I'm sure you are with yours; and we're not prepared to make an announcement today in light of continuing to get Member feedback.

Mr. HOYER. I thank the gentleman.

For the gentleman's information, which may help you in determining whether or not you have the votes for the farm bill, I think it fair to say that

we would have a majority of our party for the Senate-passed bill which passed, as the gentleman knows, with 62 votes, 12 Members of the Republican Party voting for that bill, 50 members of the Democratic Party. Obviously, it is a significant bipartisan bill. If the gentleman perhaps is talking to Mr. MCCARTHY, you can convey to him information that if that bill were to come to the floor, we would try to work with you to pass that piece of legislation.

Obviously, there are a lot of farmers in our country who are struggling right now. We have an extraordinary drought in America. They are suffering, they're at risk, and the gentleman talked about certainty. I agree with him on certainty. By the way, because I didn't ask him when he brought it up, does that certainty mean that you would be suggesting that the tax cuts that were in effect in '01, '03 be made permanent?

I yield to my friend.

Mr. ROSKAM. Well, as the gentleman knows, making things permanent in this arena with this conundrum of rules and limitations—and limitations particularly in the other body—make that difficult. I, speaking on behalf of myself, think that that rate at that level permanent is a wise course. But as the gentleman knows, based on the difficulty of the rules, what I have to say on that is fairly limited based on the reality of the rules.

Mr. HOYER. I thank the gentleman for that answer.

Going back to the crisis that the agriculture community is confronted with by the drought, if the farm bill—and we would urge that the bipartisan farm bill be brought to the floor for consideration to give certainty to farmers, to give some sense to farmers as to what they might rely on in the coming year or coming years; but absent that, the gentleman did not mention, do we have any expectation that we will deal with drought emergency legislation vis-a-vis the farm community prior to our August break?

I yield to my friend.

Mr. ROSKAM. I don't have information to announce at this point in terms of the timing. I have a high level of confidence that no one is going to be going home for very long absent a remedy and a joint response on all of our parts.

Mr. HOYER. I thank the gentleman for that answer.

Lastly, Mr. CANTOR is not on the floor, but both Mr. CANTOR and I have made representations that we are going to work together, as we do from time to time, cooperatively and effectively. I might say. We are very concerned that the Iran sanctions legislation, which is in conference, be passed by this Congress prior to our leaving on August 2 or 3—I'm not sure which days we are going to be leaving, but one of those days.

Does the gentleman have any information on the status of the Iran sanctions legislation which we passed overwhelmingly in this House and the Senate has passed? It's in conference, and I know Mr. CANTOR and I both support getting this done before we leave.

I yield to my friend.

Mr. ROSKAM. I thank the gentleman for yielding.

Yes, there is every intention to move forward on that which the gentleman and the majority leader have been working so cooperatively on, and there is an expectation that that will be done before the August recess.

Mr. HOYER. I'm very pleased to hear that. I thank the gentleman for that information, and I yield back the balance of my time.

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#### PERMISSION TO FILE REPORT ON H.R. 4078, REGULATORY FREEZE FOR JOBS ACT OF 2012

Mr. ROSKAM. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform have until midnight on July 20, 2012, to file its report to accompany H.R. 4078.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

#### ADJOURNMENT TO MONDAY, JULY 23, 2012

Mr. ROSKAM. I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next for morning-hour debate and 2 p.m. for legislative business.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

#### AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 5856, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2013

Mr. ROSKAM. I ask unanimous consent that in the engrossment of H.R. 5856, the Clerk be permitted to make technical and conforming changes, including numerical changes, in the amendment offered by the gentleman from Minnesota (Mr. WALZ).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

#### HONORING THE LIFE OF LLOYD CHITTUM

(Mr. WITTMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)



Mr. WITTMAN. Mr. Speaker, I rise today to pay respect to an admirable individual from America's First District who passed away earlier this week, who is truly admirable.

Earl Lloyd Chittum of Stafford County lived an honorable life, full of service to his fellow man and faith in a higher power. Lloyd served his community in many different ways, including as a little league baseball and football coach, a member of the Falmouth Volunteer Fire Department, and a member of the Stafford County Board of Supervisors. He was also a proud member of the Fairview at River Club Church and served as a deacon at the Falmouth Baptist Church.

I knew Lloyd for many years through his roles in local government and politics, and I am honored that I was able to call him a friend.

Lloyd leaves behind a large, loving family, including his wife of 55 years, Gloria Payne Chittum.

My prayers are with his family during this time of mourning, and I ask my colleagues to join me in honoring the life of Earl Lloyd Chittum.

#### DENOUNCING ACCUSATIONS AGAINST HUMA ABEDIN

(Mr. SHERMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHERMAN. Mr. Speaker, I rise to add my voice to those who have come forward to denounce the unwarranted attacks on Huma Abedin, a key aid to Secretary of State Hillary Clinton and a woman who has given years of service to this Nation and to the State Department.

As it happens, my wife has given her entire career to the State Department, and I know how angry I would be if she were attacked based on some twisted exaggeration of something that her relatives may have done decades ago, notwithstanding her absolutely spotless record.

No one in this House is more dedicated to combatting radical Islamist ideologies and the governments and organizations that espouse them, but the unwarranted attacks on Huma Abedin undermine our effort to do just that.

Now we face, in Egypt and elsewhere, the outrageous attack that our decision to engage with the Muslim Brotherhood in Egypt is not a decision made in our own national interest, but somehow is the result of undue influence.

Let me simply say that I join Senator JOHN MCCAIN in calling for these dangerous accusations, unwarranted accusations, to be withdrawn.

#### STOP PREDATORY LENDING TO MILITARY

(Mr. CARNAHAN asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. CARNAHAN. Mr. Speaker, I rise to warn of the danger to our Armed Forces and their families not on the battlefield, but here on American soil.

The Military Spending Act, passed in 2006, stopped much of the predatory lending that once sunk its claws into our military families, but loopholes remain.

The rent-to-own industry constructs stores outside our military bases, while car title lenders and Internet payday lenders find ways around the law by creating open-end loans with interest topping 500 percent.

A counselor at Ft. Leonard Wood, Missouri, reports that most service-members seeking financial counseling are burdened with expensive rent-to-own contracts. One soldier earning less than \$1,000 a month paid nearly \$500 a month in furniture rent.

The Senate recently held hearings on this, and the Senate version of the National Defense Authorization Act for 2013 would mandate regulating open-end credit loans and close the loopholes.

This must change. I will continue to work with my colleagues in the House and the Senate to address this problem. We must add rent-to-own and open-ended loans to "covered" credit and stop the use of allotments for military pay for credit.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BISHOP of New York (at the request of Ms. PELOSI) for today on account of a death in the family.

Ms. JACKSON LEE of Texas (at the request of Ms. PELOSI) for the week of Monday, July 16, 2012, to Friday, July 20, 2012, on account of ongoing medical treatment in Houston, Texas.

Ms. SEWELL (at the request of Ms. PELOSI) for July 17 and 18 on account of events and commitments in the district.

#### ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 4155. An act to direct the head of each Federal department and agency to treat relevant military training as sufficient to satisfy training or certification requirements for Federal licenses.

#### BILLS PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reported that on July 19, 2012, she presented to the President of the United States, for his approval, the following bills.

H.R. 205. To amend the act titled 'An Act to authorize the leasing of restricted Indian lands for public, religious, educational, recreational, residential, business, and other purposes requiring the grant of long-term leases', approved August 9, 1955, to provide for Indian tribes to enter into certain leases without prior express approval from the Secretary of the Interior, and for other purposes.

H.R. 3001. To award a Congressional Gold Medal to Raoul Wallenberg, in recognition of his achievements and heroic actions during the Holocaust.

H.R. 4155. To direct the head of each Federal department and agency to treat relevant military training as sufficient to satisfy training or certification requirements for Federal licenses.

#### ADJOURNMENT

Mr. WITTMAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 37 minutes p.m.), under its previous order, the House adjourned until Monday, July 23, 2012, at noon for morning-hour debate.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

6977. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Sedaxane; Pesticide Tolerances [EPA-HQ-OPP-2010-0615; FRL-9345-8] received June 10, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6978. A letter from the Administrator, Housing and community Facilities Programs, Department of Agriculture, transmitting the Department's final rule — Reserve Account (RIN: 0575-AC66), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6979. A letter from the Assistant Secretary for Special Education and Rehabilitative Services, Department of Education, transmitting the Department's final rule — Final priority; National Institute on Disability and Rehabilitation Research (NIDRR)-Disability and Rehabilitation Research Projects and Centers Program-Disability Rehabilitation Research Project (DRRP)-National Data and Statistical Center for the Burn Model Systems received June 21, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

6980. A letter from the Assistant Secretary for Special Education and Rehabilitative Services, Department of Education, transmitting the Department's final rule — Final priority; National Institute on Disability and Rehabilitation Research (NIDRR)-Disability and Rehabilitation Research Projects and Centers Program-Disability Rehabilitation Research Project (DRRP)-Traumatic Brain Injury Model Systems Centers received June 21, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

6981. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Mississippi; Regional Haze State Implementation Plan [EPA-R04-OAR-2009-0784; FRL-9691-

9] received June 10, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6982. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Indiana; Central Indiana (Indianapolis) Ozone Maintenance Plan Revision to Approved Motor Vehicle Emissions Budgets [EPA-R05-OAR-2012-0214; FRL-9689-6] received June 10, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6983. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; South Carolina; Emissions Statements [EPA-R04-OAR-2008-0177; FRL-9689-5] received June 10, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6984. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; South Carolina; Regional Haze State Implementation Plan [EPA-R04-OAR-2009-0785; FRL-9691-7] received June 10, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6985. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Alabama; Regional Haze State Implementation Plan [EPA-R04-OAR-2009-0782; FRL-9691-8] received June 10, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6986. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Iowa; Regional Haze [EPA-R07-OAR-2012-0150; FRL-9687-9] received June 10, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6987. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Missouri; Regional Haze [EPA-R07-OAR-2012-0153; FRL-9688-1] received June 10, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6988. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of North Carolina; Regional Haze State Implementation Plan [EPA-R04-OAR-2010-0219; FRL-9691-5] received June 10, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6989. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Significant New Use Rule on Certain Chemical Substances; Withdrawal of Significant New Use Rule [EPA-HQ-OPPT-2012-0182; FRL-9353-2] (RIN: 2070-AB27) received June 10, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6990. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agen-

cy's final rule — Significant New Use Rules on Certain Chemical Substances; Withdrawal of Significant New Use Rules [EPA-HQ-OPPT-2011-0577; FRL-9352-7] (RIN: 2070-AB27) received June 10, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6991. A letter from the Chief, Branch of Listing, Department of Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Revised Designation of Critical Habitat for the Pacific Coast Populations of the Western Snowy Plover [Docket No.: FWS-R8-ES-2010-0070] (RIN: 1018-AX10) received June 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6992. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Indiana Regulatory Program [STATS No.: IN-160-FOR; Docket ID: OSM-2011-0008] received July 10, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6993. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Wyoming Regulatory Program [STATS No.: WY-042-FOR; Docket ID: OSM-2012-0001] received July 10, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6994. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Biennial Specifications and Management Measures [Docket No.: 120207106-2428-02] (RIN: 0648-BB85 and 0648-BB27) received June 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6995. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries [Docket No.: 110210132-1275-02] (RIN: 0648-XC006) received June 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6996. A letter from the Acting Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Final 2012 Spiny Dogfish Fishery Specifications [Docket No.: 120213130-2435-02] (RIN: 0648-XA973) received June 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6997. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area [Docket No.: 11213751-2102-02] (RIN: 0648-XC013) received June 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6998. A letter from the Deputy Office Director, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Flower Garden Banks National Marine Sanctuary Regulations [Docket No.: 100222109-2171-02] (RIN: 0648-AY35) received July 12, 2012, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Natural Resources.

6999. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class D and Class E Airspace and Revocation of Class E Airspace; Bellingham, WA [Docket No.: FAA-2011-0363; Airspace Docket No. 11-ANM-8] received June 21, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7000. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of VOR Federal Airways V-135 and V-137; Southwest United States [Docket No.: FAA-2011-0654; Airspace Docket No. 11-AWP-8] (RIN: 2120-AA66) received June 21, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7001. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Multiple Compulsory Reporting Points; Continental United States, Alaska and Hawaii [Docket No.: FAA-2012-0130; Airspace Docket No. 12-AWA-2] (RIN: 2120-AA66) received June 21, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7002. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class D and Class E Airspace; Leesburg, FL [Docket No.: FAA-2012-0445; Airspace Docket No. 12-ASO-27] received June 21, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7003. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Orlando, FL [Docket No.: FAA-2011-0503; Airspace Docket No. 11-ASO-19] received June 21, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7004. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Tallahassee, FL [Docket No.: FAA-2012-0240; Airspace Docket No. 12-ASO-15] received June 21, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7005. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule — Airport Concessions Disadvantaged Business Enterprise: Program Improvements [Docket No.: OST-2011-0101] (RIN: 2105-AE10) received June 21, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7006. A letter from the Regulatory Ombudsman, Department of Transportation, transmitting the Department's final rule — Inspection, Repair, and Maintenance; Driver-Vehicle Inspection Report for Intermodal Equipment [Docket No.: FMCSA-2011-0046] (RIN: 2126-AB34) received June 21, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7007. A letter from the Trial Attorney, Department of Transportation, transmitting the Department's final rule — Systems for Telephonic Notification of Unsafe Conditions at Highway-Rail and Pathway Grade Crossings [Docket No.: FRA-2009-0041, Notice No. 2] (RIN: 2130-AC12) received June 21, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7008. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2011-1259; Directorate Identifier 2011-NM-181-AD; Amendment 39-17059; AD 2012-10-10] (RIN: 2120-AA64) received June 21, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7009. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Gulfstream Aerospace Corporation Airplanes [Docket No.: FAA-2012-0494; Directorate Identifier 2012-NM-088-AD; Amendment 39-17069; AD 2012-11-06] (RIN: 2120-AA64) received June 21, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7010. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron Canada Limited Helicopters [Docket No.: FAA-2012-0084; Directorate Identifier 2010-SW-089-AD; Amendment 39-17050; AD 2012-10-01] (RIN: 2120-AA64) received June 21, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 5958. A bill to name the Jamaica Bay Wildlife Refuge Visitor Contact Station of the Jamaica Bay Wildlife Refuge unit of Gateway National Recreation Area in honor of James L. Buckley (Rept. 112-608). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 2834. A bill to recognize the heritage of recreational fishing, hunting, and shooting on Federal public lands and ensure continued opportunities for these activities; with an amendment (Rept. 112-609, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 6029. A bill to amend title 18, United States Code, to provide for increased penalties for foreign and economic espionage, and for other purposes (Rept. 112-610). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 2467. A bill to take certain Federal lands in Mono County, California, into trust for the benefit of the Bridgeport Indian Colony; with an amendment (Rept. 112-611). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 4484. A bill to provide for the conveyance of a small parcel of National Forest System land in the Uinta-Wasatch-Cache National Forest in Utah to Brigham Young University, and for other purposes; with an amendment (Rept. 112-612). Referred to the Committee of the Whole House on the state of the Union.

Mr. MICA: Committee on Transportation and Infrastructure. H.R. 3742. A bill to designate the United States courthouse located at 100 North Church Street in Las Cruces, New Mexico, as the "Edwin L. Mechem

United States Courthouse" (Rept. 114-613). Referred to the House Calendar.

Mr. MICA: Committee on Transportation and Infrastructure. H.R. 4347. A bill to designate the United States courthouse located at 709 West 9th Street in Juneau, Alaska, as the "Robert Boachever United States Courthouse" (Rept. 112-614). Referred to the House Calendar.

#### DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII, the Committee on Agriculture discharged from further consideration. H.R. 2834 referred to the Committee of the Whole House on the state of the Union.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. SLAUGHTER:

H.R. 6150. A bill to reauthorize appropriations for the National Women's Rights History Project Act; to the Committee on Natural Resources.

By Mr. TURNER of Ohio (for himself, Mr. CARNAHAN, Mr. BURTON of Indiana, and Mr. POE of Texas):

H.R. 6151. A bill to amend the Internal Revenue Code of 1986 to allow rehabilitation expenditures for public school buildings to qualify for rehabilitation credit; to the Committee on Ways and Means.

By Mr. PASCRELL (for himself, Mr. LEVIN, Mr. RANGEL, Mr. STARK, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Mr. NEAL, Mr. BECERRA, Mr. DOGGETT, Mr. THOMPSON of California, Mr. LARSON of Connecticut, Mr. BLUMENAUER, Mr. KIND, Mr. CROWLEY, and Ms. BERKLEY):

H.R. 6152. A bill to amend the Internal Revenue Code of 1986 to encourage domestic insourcing and discourage foreign outsourcing, and for other purposes; to the Committee on Ways and Means.

By Mr. MCNERNEY (for himself, Mr. ROONEY, Mr. CARDOZA, Mr. NUGENT, Mr. GEORGE MILLER of California, Mr. COSTA, and Ms. LEE of California):

H.R. 6153. A bill to require the holder of a subordinate lien on the property that secures a federally related mortgage loan, upon a request by the homeowner for a short sale, to make a timely decision whether to allow the sale; to the Committee on Financial Services.

By Mr. GOSAR (for himself, Mr. THOMPSON of California, Mr. DENHAM, Mr. POLIS, Mr. COFFMAN of Colorado, Mr. COSTA, Mr. TIPTON, Mr. DEFazio, Mrs. McMORRIS RODGERS, and Mr. SIMPSON):

H.R. 6154. A bill to promote the development of renewable energy on public lands, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGEL (for himself, Ms. SCHWARTZ, Ms. DEGETTE, Ms. RICHARDSON, and Mr. FARR):

H.R. 6155. A bill to amend the Public Health Service Act to increase the number of permanent faculty in palliative care at accredited allopathic and osteopathic medical schools, nursing schools, and other pro-

grams, to promote education in palliative care and hospice, and to support the development of faculty careers in academic palliative medicine; to the Committee on Energy and Commerce.

By Mr. CAMP (for himself, Mr. LEVIN, Mr. BRADY of Texas, Mr. MCDERMOTT, Mr. REICHERT, Mr. RANGEL, Mr. ROSKAM, Mr. BLUMENAUER, Mr. PAULSEN, and Mr. CROWLEY):

H.R. 6156. A bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to products of the Russian Federation and Moldova and to require reports on the compliance of the Russian Federation with its obligations as a member of the World Trade Organization, and for other purposes; to the Committee on Ways and Means.

By Mr. CLEAVER (for himself and Mr. BACHUS):

H.R. 6157. A bill to create a patient-centered quality of care initiative for seriously ill patients through the establishment of a stakeholder strategic summit, quality of life education and awareness initiative, health care workforce training, an advisory committee, and palliative care focused research, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GARY G. MILLER of California:

H.R. 6158. A bill to amend the S.A.F.E. Mortgage Licensing Act of 2008 to specify that courses offered by lenders for their own employees may not satisfy the pre-licensing education or continuing education requirement; to the Committee on Financial Services.

By Mr. THOMPSON of Mississippi (for himself, Ms. JACKSON LEE of Texas, Mr. DAVIS of Illinois, and Mr. RICHMOND):

H.R. 6159. A bill to amend title 49, United States Code, to require that individuals seeking training in the operation of certain aircraft be checked against the terrorist watchlist to ensure that such individuals are non-threats to aviation; to the Committee on Homeland Security.

By Mr. KEATING (for himself, Mrs. BONO MACK, Mr. ROGERS of Kentucky, Mr. LYNCH, Mr. RAHALL, Mr. TOWNS, and Mr. TIERNEY):

H.R. 6160. A bill to amend the Federal Food, Drug, and Cosmetic Act to incentivize the development of tamper-resistant drugs; to the Committee on Energy and Commerce.

By Mr. FITZPATRICK:

H.R. 6161. A bill to provide an exemption for low-revenue companies from certain SEC regulations; to the Committee on Financial Services.

By Mr. CASSIDY (for himself, Mr. BURGESS, Mr. PAUL, Mr. WESTMORELAND, Mr. HECK, Mrs. ELLMERS, Mrs. BONO MACK, Mr. DESJARLAIS, Mr. HARRIS, Mrs. BLACK, Mr. LANCE, Mrs. BLACKBURN, Mr. BOUSTANY, Mr. BROUN of Georgia, Mr. FORTENBERRY, and Mr. TERRY):

H.R. 6162. A bill to amend the Internal Revenue Code of 1986 to permit health plans without a deductible for prenatal, labor and delivery, and postpartum care to be treated as high deductible plans with respect to health savings accounts; to the Committee on Ways and Means.

By Mrs. McMORRIS RODGERS (for herself, Mrs. CAPPS, Mr. HARPER, Ms. DEGETTE, and Mr. KING of New York):

H.R. 6163. A bill to amend title IV of the Public Health Service Act to provide for a

National Pediatric Research Network, including with respect to pediatric rare diseases or conditions; to the Committee on Energy and Commerce.

By Mr. GOHMERT (for himself, Mr. FRANKS of Arizona, Mr. POSEY, Mr. WALSH of Illinois, Mrs. BLACKBURN, Mr. PITTS, Mr. HARRIS, Mr. BROUN of Georgia, Mrs. SCHMIDT, Mr. BARTLETT, and Mr. ROE of Tennessee):

H. Res. 735. A resolution expressing the sense of the House of Representatives that the Patient Protection and Affordable Care Act of 2009 violates article I, section 7, clause 1 of the United States Constitution because it was a "Bill for raising Revenue" that did not originate in the House of Representatives; to the Committee on Ways and Means.

By Mr. MORAN:

H. Res. 736. A resolution expressing opposition to the use of carbon monoxide, carbon dioxide, nitrogen, nitrous oxide, argon, or other gases to euthanize shelter animals and support for State laws that require the use of the more humane euthanasia by injection method; to the Committee on Agriculture.

By Ms. WATERS (for herself, Mr. TOWNS, Mr. CLAY, Ms. NORTON, Ms. RICHARDSON, Ms. CLARKE of New York, Mr. BUTTERFIELD, Ms. LEE of California, Mrs. CHRISTENSEN, Mr. JOHNSON of Georgia, Ms. JACKSON LEE of Texas, Ms. ROYBAL-ALLARD, Mr. RUSH, Ms. BASS of California, Ms. WOOLSEY, Ms. LORETTA SANCHEZ of California, and Mr. HASTINGS of Florida):

H. Res. 737. A resolution supporting the goals and ideals of National Clinicians HIV/AIDS Testing and Awareness Day, and for other purposes; to the Committee on Energy and Commerce.

### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Ms. SLAUGHTER:

H.R. 6150.

Congress has the power to enact this legislation pursuant to the following:

Clause 18 of Section 8 of Article I of the Constitution.

By Mr. TURNER of Ohio:

H.R. 6151.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article I of the U.S. Constitution

By Mr. PASCRELL:

H.R. 6152.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

"The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States."

Sixteenth Amendment

"The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration."

By Mr. MCNERNEY:

H.R. 6153.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the United States Constitution.

By Mr. GOSAR:

H.R. 6154.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3, Clause 2.

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

Currently, the federal government possesses approximately 1.8 billion acres of land. The U.S. Constitution specifically addresses the relationship of the federal government to lands. Article IV, §3, Clause 2—the Property Clause—gives Congress plenary power and full authority over federal property. The U.S. Supreme Court has described Congress's power to legislate under this Clause as "without limitation." This bill falls squarely within the express Constitutional power set forth in the Property Clause.

By Mr. ENGEL:

H.R. 6155.

Congress has the power to enact this legislation pursuant to the following:

The bill is enacted pursuant to the power granted to Congress under the following provisions of the United States Constitution:

Article I, Section 1;

Article I, Section 8, Clause 1; and

Article I, Section 8, Clause 18.

By Mr. CAMP:

H.R. 6156.

Congress has the power to enact this legislation pursuant to the following:

Section 8 of Article I of the U.S. Constitution.

By Mr. CLEAVER:

H.R. 6157.

Congress has the power to enact this legislation pursuant to the following:

The United States Constitution, Article I, Section 8, Clause 1.

By Mr. GARY G. MILLER of California:

H.R. 6158.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 (relating to the general welfare of the United States); and

Article I, Section 8, Clause 3 (relating to the power to regulate interstate commerce).

By Mr. THOMPSON of Mississippi:

H.R. 6159.

Congress has the power to enact this legislation pursuant to the following:

The U.S. Constitution including Article 1, Section 8.

By Mr. KEATING:

H.R. 6160.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the United States Constitution.

By Mr. FITZPATRICK:

H.R. 6161.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

By Mr. CASSIDY:

H.R. 6162.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3

By Mrs. MCMORRIS RODGERS:

H.R. 6163.

Congress has the power to enact this legislation pursuant to the following:

The Constitutional authority in which this bill rests is the power of the Congress to regulate Commerce, which is significantly affected by genetic disorders and can be enhanced by research breakthroughs therein, as enumerated by Article I, Section 8, Clause 3 of the United States Constitution.

### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 181: Mr. ISRAEL and Mr. CANSECO.

H.R. 360: Mr. LAMBORN.

H.R. 361: Mr. AUSTIN SCOTT of Georgia.

H.R. 814: Mr. MICHAUD.

H.R. 891: Mr. KING of Iowa.

H.R. 931: Mr. OWENS, Mr. BARTLETT, and Mr. BARLETTA.

H.R. 942: Mr. DAVID SCOTT of Georgia, Mr. KING of New York, Mr. SHERMAN, Mr. LATHAM, and Mr. WALZ of Minnesota.

H.R. 965: Mr. LEVIN.

H.R. 1054: Mr. FARR.

H.R. 1182: Mrs. HARTZLER.

H.R. 1219: Ms. NORTON.

H.R. 1277: Mr. HEINRICH.

H.R. 1311: Mr. BACA.

H.R. 1370: Mr. WEBSTER and Mr. GOWDY.

H.R. 1381: Mr. COHEN, Ms. CASTOR of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. MORAN.

H.R. 1404: Mr. WAXMAN.

H.R. 1422: Mr. BOUSTANY.

H.R. 1426: Mr. LATTI and Ms. TSONGAS.

H.R. 1489: Ms. NORTON and Mr. HINCHEY.

H.R. 1543: Mr. LOEBSACK.

H.R. 1546: Mr. ANDREWS.

H.R. 1639: Mr. SHULER.

H.R. 1675: Mr. PALLONE, Mr. LOEBSACK, Mr. DOYLE, Mr. FILNER, Mr. GENE GREEN of Texas, Mr. HINOJOSA, Mr. COSTA, and Mr. GRIFFIN of Arkansas.

H.R. 1681: Mr. MICHAUD.

H.R. 1755: Mr. DANIEL E. LUNGREN of California.

H.R. 1774: Ms. SPEIER.

H.R. 1946: Mr. WESTMORELAND.

H.R. 1960: Mr. BENISHEK.

H.R. 2040: Mr. ROONEY.

H.R. 2082: Mr. DOYLE.

H.R. 2094: Mr. LUJAN.

H.R. 2108: Mr. SAM JOHNSON of Texas and Mr. TIBERI.

H.R. 2139: Mr. KING of Iowa, Ms. TSONGAS, Mr. LOBIONDO, and Ms. CHU.

H.R. 2382: Mr. GENE GREEN of Texas, Ms. SLAUGHTER, Mr. CARNEY, and Mr. PETERS.

H.R. 2479: Mr. COSTELLO, Mr. QUIGLEY, and Mr. GRIJALVA.

H.R. 2547: Mr. HONDA and Mr. SCOTT of Virginia.

H.R. 2557: Ms. DEGETTE, Ms. BASS of California, and Ms. PINGREE of Maine.

H.R. 2563: Mr. BUTTERFIELD, Mr. YOUNG of Florida, Mr. KING of New York, and Mr. COLE.

H.R. 2655: Mr. CRENSHAW and Mrs. DAVIS of California.

H.R. 2696: Mr. CAPUANO.

H.R. 2721: Ms. WOOLSEY, Mr. HASTINGS of Florida, Ms. BASS of California, Mr. CLYBURN, and Mr. AL GREEN of Texas.

H.R. 2730: Mr. DANIEL E. LUNGREN of California and Mr. CASSIDY.

H.R. 2741: Mr. BLUMENAUER and Ms. MOORE.

H.R. 2746: Mr. CICILLINE, Mr. PETERS, Mr. LARSEN of Washington, Mr. LOBIONDO, and Mr. BISHOP of New York.

H.R. 2787: Mr. BOSWELL.  
 H.R. 2925: Mr. WALSH of Illinois.  
 H.R. 3091: Mr. POE of Texas.  
 H.R. 3109: Mr. BISHOP of New York.  
 H.R. 3187: Mr. RICHMOND and Ms. EDWARDS.  
 H.R. 3242: Ms. EDWARDS.  
 H.R. 3264: Mr. LONG.  
 H.R. 3415: Mrs. DAVIS of California.  
 H.R. 3432: Mr. STARK.  
 H.R. 3510: Mr. SCOTT of Virginia.  
 H.R. 3591: Mr. NADLER.  
 H.R. 3634: Mr. LOEBSACK.  
 H.R. 3798: Mr. AL GREEN of Texas.  
 H.R. 3816: Mr. YOUNG of Alaska.  
 H.R. 3849: Mr. SCOTT of South Carolina.  
 H.R. 4000: Mr. COBLE.  
 H.R. 4091: Mr. LEVIN.  
 H.R. 4169: Ms. EDWARDS and Mr. PITTS.  
 H.R. 4209: Mrs. DAVIS of California and Mr. JOHNSON of Georgia.  
 H.R. 4215: Mr. ANDREWS.  
 H.R. 4228: Mr. GARRETT.  
 H.R. 4345: Mr. PITTS and Mr. BACHUS.  
 H.R. 4405: Mr. ROE of Tennessee, Mr. POE of Texas, Mr. GENE GREEN of Texas, Mr. HULTGREN, Mr. COURTNEY, Mr. FALEOMAVAEGA, and Mr. GRIFFIN of Arkansas.  
 H.R. 4818: Mr. YOUNG of Alaska and Mr. CONNOLLY of Virginia.  
 H.R. 5542: Mr. GEORGE MILLER of California, Ms. PINGREE of Maine, Mr. COSTELLO, Ms. TSONGAS, Mr. LOEBSACK, and Ms. BONAMICI.  
 H.R. 5684: Mr. MCNERNEY and Mr. WELCH.  
 H.R. 5741: Mr. SHIMKUS and Mr. KINZINGER of Illinois.  
 H.R. 5744: Mr. LAMBORN.  
 H.R. 5796: Mr. YOUNG of Alaska.  
 H.R. 5822: Mr. FORBES.  
 H.R. 5846: Mrs. HARTZLER and Mr. WALBERG.  
 H.R. 5865: Mr. DAVIS of Kentucky.  
 H.R. 5871: Mr. SCHIFF.  
 H.R. 5925: Mr. HARRIS.  
 H.R. 5943: Mr. BARLETTA and Mr. HALL.  
 H.R. 5944: Mr. GRIJALVA and Mr. THOMPSON of Mississippi.  
 H.R. 5965: Mr. BILBRAY.  
 H.R. 5969: Mr. ROE of Tennessee.  
 H.R. 5970: Mr. ROE of Tennessee.  
 H.R. 5977: Mr. CASSIDY.  
 H.R. 5978: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. PETERS.  
 H.R. 5980: Mr. ELLISON.  
 H.R. 6063: Mr. SCHIFF.  
 H.R. 6067: Mr. KING of Iowa and Mrs. MYRICK.  
 H.R. 6085: Mr. GRIFFIN of Arkansas and Mr. SCOTT of South Carolina.  
 H.R. 6087: Mr. HONDA.  
 H.R. 6088: Mr. NUNNELEE.  
 H.R. 6089: Mrs. LUMMIS.  
 H.R. 6092: Ms. TSONGAS.  
 H.R. 6097: Mr. BACHUS, Mr. BILIRAKIS, Mr. KELLY, and Mr. DUNCAN of Tennessee.  
 H.R. 6099: Mr. BRADY of Pennsylvania.  
 H.R. 6102: Mr. SENSENBRENNER.  
 H.R. 6118: Mr. BURGESS and Mr. TIBERI.  
 H.R. 6124: Mr. STARK.  
 H.R. 6134: Mrs. DAVIS of California and Ms. DEGETTE.  
 H.R. 6139: Mr. SCHWEIKERT, Mr. MEEKS, and Mr. FINCHER.  
 H.R. 6140: Mr. SOUTHERLAND, Mr. DAVIS of Kentucky, Mr. BOUSTANY, Mr. REED, Mrs. BLACK, Mr. SAM JOHNSON of Texas, Mr. HERGER, Mr. PRICE of Georgia, Mr. MARCHANT, Mr. SCOTT of South Carolina, Mr. GRAVES of

Georgia, Mr. POSEY, Mr. NEUGEBAUER, Mr. LANCE, Mr. ROE of Tennessee, Mr. WESTMORELAND, Mr. HUIZENGA of Michigan, Mr. BUCSHON, Mr. SCALISE, Mr. MCCAUL, Mrs. ELLMERS, Mr. MCKINLEY, Mr. ADERHOLT, Mr. GRIFFIN of Arkansas, Mr. AUSTRIA, Mr. OLSON, Mr. WEST, Mr. DENHAM, Mr. NUNNELEE, Mr. WALBERG, Mr. ROSS of Florida, Mrs. BLACKBURN, Mr. SHIMKUS, Mr. LANKFORD, Mrs. MCMORRIS RODGERS, Mr. GOODLATTE, Mr. ROKITA, Mr. QUAYLE, Mr. HENSARLING, Mr. BRADY of Texas, Mr. PAULSEN, Mr. ROSKAM, Mr. MCCLINTOCK, Mr. THORNBERRY, Mr. WILSON of South Carolina, Ms. FOX, Mr. KELLY, Mr. HUELSKAMP, Mr. PITTS, Mr. GOWDY, Mrs. MYRICK, Ms. JENKINS, Mr. HASTINGS of Washington, Mr. LAMBORN, Mr. POMPEO, Mr. BROOKS, Mr. BURTON of Indiana, Mrs. ROBY, Mr. NUGENT, Mr. SCHWEIKERT, Mr. SMITH of Texas, Mr. GIBBS, Mrs. ADAMS, Mr. COBLE, Mr. CONAWAY, Mrs. CAPITO, Mr. COLE, and Mr. LANDRY.

H.J. Res. 110: Mr. BROOKS.  
 H.J. Res. 111: Mr. STARK, Mr. CAPUANO, and Mr. MICHAUD.

H.J. Res. 112: Mrs. BLACKBURN, Mr. ISSA, Mr. HUELSKAMP, Mr. WALSH of Illinois, Mr. LAMBORN, Mr. GRAVES of Georgia, Mr. WILSON of South Carolina, Mr. GOHMERT, Mrs. SCHMIDT, Mr. STUTZMAN, Mrs. LUMMIS, Mr. PAUL, Mr. BOUSTANY, and Mr. BROUN of Georgia.

H. Con. Res. 109: Mr. BARTLETT.  
 H. Con. Res. 121: Ms. JACKSON LEE of Texas and Mr. TOWNS.

H. Con. Res. 129: Mr. POSEY.  
 H. Res. 134: Mr. GOWDY.  
 H. Res. 262: Mrs. CAPITO.

H. Res. 298: Mr. RYAN of Ohio, Ms. SPEIER, Mr. OLVER, Ms. MCCOLLUM, Ms. TSONGAS, and Mr. SCHIFF.

H. Res. 353: Mr. SCHOCK and Mr. AL GREEN of Texas.

H. Res. 407: Mr. LOBIONDO.  
 H. Res. 506: Ms. ZOE LOFGREN of California.  
 H. Res. 684: Mr. SIRES.

H. Res. 690: Ms. MCCOLLUM.

H. Res. 713: Ms. MATSUI, Mr. MORAN, Mr. GUTIERREZ, Mr. CAPUANO, Ms. SCHAKOWSKY, Mr. GRIJALVA, Mr. SCHIFF, Mr. SERRANO and Mr. NADLER.

H. Res. 725: Mr. LEWIS of Georgia, Mr. BUTTERFIELD, Mr. BISHOP of Georgia, and Mr. MCGOVERN.

H. Res. 727: Mr. GRIJALVA.

H. Res. 729: Mr. CICILLINE, Mr. LEVIN, Mr. PERLMUTTER, Ms. RICHARDSON, Mr. HIGGINS, Mr. MICHAUD, Mr. HINCHEY, Mr. BISHOP of New York, Mr. SERRANO, Mr. TONKO, Mr. OWENS, and Ms. NORTON.

H. Res. 732: Ms. ZOE LOFGREN of California, Mr. SCOTT of South Carolina, and Mr. LEVIN.

#### DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 6085: Mr. WOMACK.

#### DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petition:

Petition 4 by Mr. VAN HOLLEN on the bill (H.R. 4010): Dennis A. Cardoza, Daniel Lipinski, Norman D. Dicks, Charles B. Rangel, John D. Dingell, Nita M. Lowey, Gary L. Ackerman, Cedric L. Richmond, Bobby L. Rush, Shelley Berkley, Earl Blumenauer, Luis V. Gutierrez, Richard E. Neal, Emanuel Cleaver, Martin Heinrich.

The following Member's name was withdrawn from the following discharge petition:

Petition 4 by Mr. VAN HOLLEN on the bill (H.R. 4010): Ben Chandler, Henry Cuellar.

#### AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 5856

OFFERED BY: Mr. BROOKS

AMENDMENT No. 30: At the end of the bill (before the short title), insert the following:  
 SEC. \_\_\_\_ None of the funds made available by this Act may be used by the Department of Defense or a component thereof to provide the government of the Russian Federation with any information about the missile defense systems of the United States that is classified by the Department or component thereof.

H.R. 5856

OFFERED BY: Mr. JOHNSON OF ILLINOIS

AMENDMENT No. 31: At the end of the bill (before the short title), insert the following new section:

SEC. \_\_\_\_ None of the funds made available by this Act may be used for any further operations in Afghanistan other than for a full and immediate withdrawal.

H.R. 5856

OFFERED BY: Mr. JOHNSON OF ILLINOIS

AMENDMENT No. 32: At the end of the bill (before the short title), insert the following new section:

SEC. \_\_\_\_ None of the funds made available by this Act for overseas operations may be used for strikes against targets by unmanned aerial vehicles.

H.R. 5856

OFFERED BY: Mr. ELLISON

AMENDMENT No. 33: At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_ Not later than 30 days after a contract is awarded using funds appropriated under this Act, the relevant contractor and subcontractor at any tier (and any principal with at least 10 percent ownership interest, officer, or director of the contractor or subcontractor or any affiliate or subsidiary within the control of the contractor or subcontractor) shall disclose to the Administrator of General Services all electioneering communications, independent expenditures, or contributions made in the most recent election cycle supporting or opposing a Federal political candidate, political party, or political committee, and contributions made to a third-party entity with the intention or reasonable expectation that such entity would use the contribution to make independent expenditures or electioneering communications in Federal elections.

## EXTENSIONS OF REMARKS

## STEVE EBNER TRIBUTE

## HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2012

Mr. TIPTON. Mr. Speaker, I rise today in honor of Mr. Steve Ebner. Since 2006, Mr. Ebner has served as Fire Chief at the Fort Lewis Mesa Fire Department and on August 1, he will step down from this position.

Beginning his career as a volunteer in Maryland, Mr. Ebner worked for nearly 42 years in the fire service industry. His experience gained him teaching positions at both the University of Maryland and San Juan College Fire Science Programs. In 2006, after many distinguished years of service, the Fort Lewis Fire Department appointed Mr. Ebner to the fire chief position.

During his time at Fort Lewis Mesa, Mr. Ebner was essential to the development and expansion of the fire department. With improved training sessions and enhanced services, Mr. Ebner advanced the department's ability to perform. His leadership and commitment to the community were also recognized this past spring when eight department members shaved their heads in support of Mr. Ebner's battle with chemotherapy.

Mr. Speaker, it is an honor to recognize Chief Steve Ebner. I rise today to thank him for his work on behalf of the state of Colorado, and I wish him the best in his fight against cancer.

## PERSONAL EXPLANATION

## HON. TERRI A. SEWELL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2012

Ms. SEWELL. Mr. Speaker, on Tuesday July 17 and Wednesday July 18, 2012, I was not present for recorded votes and was with my constituents in my district preparing for and attending tornado recovery related events with the First Lady of the United States.

If I were present, I would have voted in the following way:

Tuesday July 17

H.R. 6018—To authorize appropriations for the Department of State for fiscal year 2013, and for other purposes—voted “yes.”

S. 2009—Insular Areas Act of 2011—voted “yes.”

Wednesday July 18

H.R. 5872—Sequestration Transparency Act of 2012—voted “yes.”

McCollum Amendment to H.R. 5856—Reduces Military Retirement Funds (for military bands) by \$187,770,000 and applies the savings to the spending reduction account—voted “no.”

Kingston/McCollum Amendment to H.R. 5856—Reduces the amount of Defense Department funding for professional sports sponsorships by \$72,300,000 and applies the savings to the spending reduction account—voted “yes.”

Quigley Amendment to H.R. 5856—Reduces the Navy Shipbuilding and Conversion account by \$988 million (funding for one DDG-51 Destroyer) and applies the savings to the spending reduction account—voted “no.”

Cohen Amendment (#1) to H.R. 5856—Reduces the Navy Cruiser Modernization account by \$506,660,000 and increases the Defense Health Program (for cancer research) account by \$470 million—voted “no.”

Pompeo Amendment to H.R. 5856—Strikes the \$250 million Rapid Innovation Fund from the bill and applies the savings to the spending reduction account—voted “no.”

Markey Amendment (#1) to H.R. 5856—Reduces the funding for ground based missile defense by \$75 million and applies the savings to the spending reduction account—voted “no.”

Amash Amendment to H.R. 5856—Allows outsourcing of Defense-related work and strikes the requirement that such outsourcing be done on a competitive and cost-beneficial basis—voted “no.”

Cohen Amendment (#2) to H.R. 5856—Reduces the Afghanistan Infrastructure Fund by \$175 million and applies the savings to the spending reduction account—voted “no.”

Cicilline Amendment to H.R. 5856—Strikes the \$375 million in funding for the Afghanistan Infrastructure Fund and applies the savings to the spending reduction account—voted “no.”

Woolsey Amendment (#1) to H.R. 5856—Reduces total defense funding by \$181 million—the same amount that the FY13 Transportation/HUD bill cut the Federal Transit Administration—voted “no.”

Markey Amendment (#2) to H.R. 5856—Prohibits the use of funds to operate or maintain more than 300 land-based intercontinental ballistic missiles (ICBMs)—voted “no.”

Woolsey Amendment (#2) to H.R. 5856—Reduces funding in the bill by \$293,900,000—the same amount as was cut in the proposed FY13 Labor/HHS appropriations bill for Title X Family Planning (zeroing out the account)—voted “no.”

Woolsey Amendment (#3) to H.R. 5856—Reduces funding in the bill by \$1,700,000,000—the same amount as the Republican budget cut the Social Services Block Grant program (zeroing out the account)—voted “no.”

Lee Amendment to H.R. 5856—Reduces funding for the Overseas Contingency Operation (OCO) by \$21 billion, excluding: the Defense Health Program; Defense Drug Interdiction and Counter-Drug Activities; the Joint Improvised Explosive Device Defeat Fund; and the Office of the IG—voted “no.”

King (IA) Amendment to H.R. 5856—Prohibits the use of funds to be used to imple-

ment, administer, or enforce the requirements in the Davis-Bacon Act—voted “no.”

## RECOGNIZING THE FLINN FAMILY AS THE 2012 SANTA ROSA COUNTY, FLORIDA OUTSTANDING FARM FAMILY

## HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2012

Mr. MILLER of Florida. Mr. Speaker, I am proud to recognize the Flinn family for being selected as the Santa Rosa County, Florida Outstanding Farm Family for 2012.

Shannon Flinn first began farming with his father in his native Illinois. From a young age, he has always been actively involved in all aspects of farming and personifies the spirit of American ingenuity that has helped make our Nation prosperous. His hands-on experience helped develop a natural aptitude for finding unique solutions to complex problems. In 1972, Shannon moved to Santa Rosa County, Florida, and in 1989, he and his wife, Audra, were married. Audra plays an instrumental role in their success, especially during the planting and harvesting seasons.

The Flinn family embodies the industrious nature and household unity that characterizes our Nation's family farmers. Today, along with their three children, the Flinns farm peanuts, cotton, corn, and soybeans on 500 acres of land in Northwest Florida. Sheldon, 16 years of age, is known as an excellent operator and is skilled at using essential farm equipment to plow, plant, and harvest the crops. Aaron, still relatively young at the age of 11, is a helpful worker who has already developed the patience required to think through problems that routinely arise on the farm. Megan, their oldest child, currently attends nursing school, but still finds time to help out on the farm when she is able.

The Flinn family is also very active in their local church and Cobbtown Christian Academy, where Sheldon and Aaron attend school. Shannon also serves on both the Santa Rosa County Farm Bureau Board and the Jay Peanut Farmers Cooperative Board of Directors.

Mr. Speaker, our great Nation was built by farmers and their families. The Santa Rosa County Outstanding Farm Family of the Year Award is a reflection of the Flinns' tireless work and their dedication to family, faith and farming. On behalf of the United States Congress, I would like to offer my congratulations to the Flinn family for this great accomplishment. My wife Vicki and I extend our best wishes for their continued success.

● This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

H.R. 4367

**HON. DON YOUNG**

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 19, 2012*

Mr. YOUNG of Alaska. Mr. Speaker, I rise to support H.R. 4367, a bill which would remove the current requirement under the Electronic Funds Transfer Act that ATM machines have a physical label indicating the fee charge. Currently, ATM machines have both a physical posted notification and an on-screen prompt that inform the customer of any fees prior to the withdrawal or transfer of money. These fees are often used to offset the cost of a patron withdrawing money from an ATM owned by another financial institution.

H.R. 4367 is an essential piece of legislation which prevents greed-motivated individuals from fraudulently removing the physical fee notification and then filing frivolous lawsuits on financial institutions for not having the physical notification posted. This fraud forces financial institutions to waste huge amounts of money on legal fees, some as much as \$500,000, merely to defend frivolous lawsuits. Unfortunately, the cost of this litigation forces banks to raise their ATM fees to deal with the action of a few unscrupulous individuals exploiting a legal loophole.

Today, virtually all ATM machines display on-screen notifications of a transfer fee, prior to allowing the customer to withdraw money. Altering the law so that banks are only required to post an on-screen fee notification will help them avoid expensive, unjust, and unnecessary lawsuits. H.R. 4367 is an essential and necessary part of modernizing our financial regulations to fit the needs of the digital world. Please know that I firmly support H.R. 4367 and would have voted in favor of it.

**HONORING BARDSTOWN, KY****HON. BRETT GUTHRIE**

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 19, 2012*

Mr. GUTHRIE. Mr. Speaker, I rise today to congratulate the town of Bardstown, Kentucky on its recent honor of being named the "Most Beautiful Small Town in America." This distinction was made by Rand McNally and USA Today after considering the 650 nominated towns.

This is a tremendous honor for Bardstown and its residents. Whenever people visit Kentucky, I always tell them to visit Bardstown because I believe it best exemplifies the beauty of the Bluegrass State. I am proud to call Kentucky my home, and I hope this honor will continue to draw attention to this beautiful town and all that Kentucky has to offer.

Bardstown, the second oldest city in Kentucky, has previously been named one of the 100 Best Small Towns in America and one of the 50 Best Small Southern Towns. Bardstown is home to many historic and notable sites, most notably "My Old Kentucky Home," which was visited by American composer Stephen Foster. The legendary story says it was his in-

spiration for the Kentucky State Song. Bardstown holds another impressive title of "Bourbon Capital of the World." Bardstown is home to Heaven Hill and Barton Brands and the distilleries at Maker's Mark and Jim Beam are just outside of town.

It is important to highlight the wonderful leadership of Bardstown, and this honor reflects on their work within the community. Thank you for making Bardstown what it is today.

I encourage everyone to visit beautiful Bardstown, Kentucky. You will fall in love with the majestic landscape and the sense of community.

**RECOGNIZING 2012 BLUE STAR MUSEUMS: THE FRISCO HERITAGE MUSEUM AND THE COLLIN COUNTY FARM MUSEUM****HON. SAM JOHNSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 19, 2012*

Mr. SAM JOHNSON of Texas. Mr. Speaker, I am proud to recognize the Frisco Heritage Museum in Frisco, Texas and the Collin County Farm Museum in McKinney, Texas for participating in the National Endowment for the Arts' Blue Star Museums program.

This program—also supported by Blue Star Families organizations and the United States Department of Defense—encourages museums across the country to offer free admission to active duty military personnel and their families between Memorial Day and Labor Day. Over 1,800 facilities nationwide participate, and many extend the offer of free admission to veterans of our Armed Forces. Two of these great institutions are located in Collin County, Texas, the place I'm privileged to call home.

The Frisco Heritage Museum exists to "collect, preserve, study, interpret, exhibit, and stimulate appreciation for the history and culture of Frisco, Texas—and the North Texas region—to all the people of the region." This great museum is situated on a six-acre Heritage Center where folks can visit a reproduction of the Frisco Train Depot and historic buildings that were moved to the lot. The museum itself walks visitors through Frisco's development from a small railroad town to the fastest-growing city in America.

Another museum designated as a Blue Star is the Collin County Farm Museum. This great facility, which boasts over 8,500 square feet of collections and exhibits, strives to "develop a better understanding and appreciation of Collin County's rural heritage." The museum also loans out artifacts to popular area attractions, allowing the public to enjoy historic equipment such as a Model T Ford and early-model tractors.

I commend both museums for honoring our nation's heroes by opening their doors free of charge. After all, it's the men and women of our Armed Forces who have defined the American story and who still fight to protect the freedoms that allow the United States to be the most innovative nation on earth.

To the staff, supporters, and volunteers of the Frisco Heritage Museum and the Collin

County Farm Museum, thank you for your first-rate efforts. You help make our community great.

**IN RECOGNITION OF BISHOP GREGORY KEITH BLUE, D.MIN.****HON. SANFORD D. BISHOP, JR.**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 19, 2012*

Mr. BISHOP of Georgia. Mr. Speaker, I rise today to pay tribute to Bishop Gregory Keith Blue, D.Min., Presiding Prelate of Perfecting Ministries Worldwide, Inc. and Overseer of Body of Christ Church International, who is celebrating 30 years of Pastoral Ministry this year. He will be honored at a banquet on Saturday, July 21, 2012 and at a church service on Sunday, July 22, 2012, in Columbus, Georgia.

A native of Miami, Florida, Bishop Blue holds five degrees: a Bachelor of Arts in Psychology, Bachelor of Science in Criminal Justice, Master of Arts in Psychology, Master of Divinity, and Doctorate of Divinity.

Stepping out of the United Methodist Church, Dr. Gregory Blue stepped into apostolic purpose birthing Perfecting Ministries Worldwide and Body of Christ Church International. Following Ephesians 4:11-13, "So Christ himself gave the apostles, the prophets, the evangelists, the pastors and teachers, to equip his people for works of service, so that the body of Christ may be built up until we all reach unity in the faith and in the knowledge of the Son of God and become mature, attaining to the whole measure of the fullness of Christ," the revelation became manifestation in July 2000 on a store front property in Columbus, Georgia.

Bishop Blue is responsible for establishing, developing, and perfecting the five-fold ministry by equipping and teaching followers of God and sending them out across the globe to found churches with Christ as the Chief Apostle.

A strong leader with an exceptional work ethic, Bishop Blue has spoken and shared the Word of God as a pastor throughout the State of Georgia since 1983. He had the honor of speaking at the Congressional Black Caucus in Washington, DC in 2002 and has received many civic and social awards both locally and nationally. He is also affiliated with Potter's House International Pastoral Alliance (PHIPA) in Dallas, Texas and Summerfield Ministries in Raleigh, North Carolina.

Bishop Blue has been sought out by local and state officials for his counsel and prayers. In late 2005, he traveled with Dr. Sherlock Bally to Israel to meet with key Israeli leaders. Since then, Bishop Blue has been traveling around the United States consecrating bishops and teaching true worship.

A father of five, Bishop Blue meditates upon Psalm 66:12, "You have caused men to ride over our heads; we went through fire and through water; But You brought us out to rich fulfillment—abundance."

Mr. Speaker, I ask my colleagues to join me in paying tribute to Bishop G.K. Blue for 30 outstanding years of Pastoral Ministry. He has



transformed the lives of countless people and his leadership has inspired others to also help lead the way to eternal life.

TRIBUTE TO THE TOWN OF ATHOL  
ON THE OCCASION OF THE 250TH  
ANNIVERSARY OF ITS FOUNDING

**HON. JOHN W. OLVER**

OF MASSACHUSETTS  
IN THE HOUSE OF REPRESENTATIVES  
*Thursday, July 19, 2012*

Mr. OLVER. Mr. Speaker, I rise today to recognize the 250th anniversary of the town of Athol, Massachusetts. On March 4, 1762 the colonial Governor of Massachusetts, Sir Francis Bernard, officially incorporated the Town of Athol, Massachusetts into the commonwealth. The town was named in honor of the Scottish heritage of an influential settler, John Murray, who had ancestral ties to Blair Atholl in Scotland.

As with many colonial towns and villages in western Massachusetts, agriculture was an important and prosperous industry. In Athol, that industry grew to include milling lumber, grains, and other agricultural products. The advent of the locomotive and the expansion of railroads to Athol contributed greatly to the economic growth of the town and to increasing trade with Springfield and Vermont.

As the market for goods produced in Athol expanded, new industries, such as cotton processing, tanning, production of textiles, and metal working, flourished. Athol earned the nickname of "Tool Town" because of the Athol Machine Company and the L. S. Starrett Company, which produced machinists' hand tools and precision tools and were both established in the 19th century. Athol's booming economy turned the town into a destination for travelers from all across Massachusetts and New England. Trolley lines from Athol to Orange shuttled visitors to and from their destinations.

Today, Athol is again on the rise; its population is increasing and the spirit of resilience and determination present in the days of the lumber mills and metal works factories remains strong. On the occasion of the 250th anniversary of the town of Athol, Massachusetts, I congratulate its citizens and praise their dedication and perseverance throughout the town's history. It has been an honor to represent this great community, and I wish the people of Athol a healthy and prosperous future.

INTRODUCTION OF LEGISLATION  
TO REAUTHORIZE THE NA-  
TIONAL WOMEN'S RIGHTS HIS-  
TORY PROJECT

**HON. LOUISE McINTOSH SLAUGHTER**

OF NEW YORK  
IN THE HOUSE OF REPRESENTATIVES  
*Thursday, July 19, 2012*

Ms. SLAUGHTER. Mr. Speaker, I rise today to introduce legislation that will reauthorize the National Women's Rights History Project. I originally worked with then-Senator Hillary Clinton to create this project, and with the au-

thorization for the project. With its current authorization set to expire in Fiscal Year 2013, it is vital that Congress pass this reauthorization and ensure that the women who have shaped our Nation's history, and fought for women's rights, are remembered and honored for generations to come.

The National Women's Rights History Project will establish an auto route linking sites significant to the struggle for women's suffrage. It will also add to the National Register of "Places Where Women Made History," a variety of historic sites that were home to pivotal moments in our Nation's struggle for gender equality. Finally, this Project will establish a public-private partnership network to offer financial and technical assistance for educational programs about the history of the fight for women's rights.

On this day in 1848, Elizabeth Cady Stanton, Lucretia Mott, and Mary Ann M'Clintock convened the first women's rights convention at Wesleyan Chapel in Seneca Falls, New York. This event marked the beginning of a 72-year struggle for women's suffrage. During the convention, 68 women and 32 men signed the Declaration of Sentiments, which set out radical notions such as women's freedom to own property, receive an education and earn fair wages.

I am especially proud that it was in Rochester, New York, where Susan B. Anthony fought so hard for the rights that women throughout this country rely on today. Among her many efforts, Susan B. Anthony established the Equal Rights Association to refute ideas that women were inferior to men and fight for women's right to vote. And in 1900, Anthony fought to tear down the walls of higher education. Twenty years earlier, a woman launched a brave petition to be the first female student at the University of Rochester. For almost twenty years, the petition was flatly denied—until 1898, when the University said that women would be allowed if they raised \$100,000 for the school. In today's terms, that is equal to \$2 million.

By June 1900 a group of women had managed to secure \$40,000, and the University decided that women would be allowed to enroll if they could raise another \$10,000 by September. Scrambling to reach the new goal, the women were \$8,000 short a day before the deadline. With hours remaining, Susan B. Anthony stepped forward and raised \$6,000 from friends and family before pledging her own life insurance policy to raise the final \$2,000 and throw open the doors of higher education in Rochester.

Now, more than 100 years later, the University of Rochester is home to the Susan B. Anthony Institute for Gender and Women's Studies—one of the preeminent institutions in the world.

These are the stories of incredible courage, dedication, and unyielding belief in equality that the National Women's Rights History Project is designed to honor.

The fight for women's rights and equality still continues today. It was just 92 years ago that women were finally granted the right to vote.

The struggle for women's suffrage was never easy and it is vital that we honor the sacrifices and commitment of those who have led us here today.

Reauthorizing the National Women's Rights History Project Act will ensure that this important civil rights story is celebrated for generations to come. I urge my colleagues to support this bill and reauthorize the National Women's Rights History Project.

IN RECOGNITION OF SGT. RICHARD  
A. CUMMINGS, JR.

**HON. FRANK PALLONE, JR.**

OF NEW JERSEY  
IN THE HOUSE OF REPRESENTATIVES  
*Thursday, July 19, 2012*

Mr. PALLONE. Mr. Speaker, I rise today to honor the late Sgt. Richard A. Cummings, Jr., a life long resident of Deal, New Jersey. Sgt. Cummings enlisted in the United States Marine Corps after high school and passed away while serving his country. His heroic actions to defend our nation's freedom are truly worthy of this body's recognition.

Sgt. Richard Cummings, Jr. has exemplified a long standing history of dedication to his community and country. Sgt. Cummings attended Deal Elementary School and is an alumnus of St. Rose High School in Belmar, New Jersey. Richard was a devout member of the First Baptist Church in Manasquan, New Jersey and dedicated his time to serving the community as a member of the Veterans of Foreign Wars, Post 2226. Richard was a member of Boy Scout Troop 70 and attained the rank of Life Scout. Sgt. Cummings enlisted in the United States Marine Corps the summer after he graduated high school. He proudly served at the 4th Marine Logistics Group in Red Bank, New Jersey as a diesel mechanic with the 6th Motor Transport Battalion and held this position for five years. Sgt. Cummings' most recent assignment was at the Marine Tactical Group, Marine Air Control Group-48, in Great Lakes, Illinois. Sgt. Cummings also bravely served his country in Iraq supporting Operation Enduring Freedom. He passed away while on assignment at Marine Air Base in Yuma, Arizona at the age of twenty-four.

Sgt. Cummings is predeceased by his grandparents, Charles and Helen Cummings and Becky Correia. He is survived by his grandfather, Toddy Correia of Manasquan, New Jersey, his parents, Richard, Sr. and Odette Cummings of Deal, New Jersey, his sister, brother-in-law and niece, Stefanie, Aaron and Rebecca Green of Ocean Township, New Jersey and his sister and brother-in-law Amy and Jim Bonney of Brownsville, Vermont. Also surviving are his uncle and aunts, Elliott and Marybeth Correia, Dennis and Sheri Cummings, and cousins, Todd and Lt. Mark Correia, Gregory Cummings. He will also be missed by his cousins Amanda, Toby, Mia and Izzy Wood of Austin, Texas. Sgt. Cummings will always be remembered as a loving son, brother, gracious friend and loyal Marine.

Mr. Speaker, once again, please join me in memorializing the life and legacy of Sgt. Richard A. Cummings, Jr. His faithful dedication and service toward his country continue to uphold the proud legacy and motto of the United States Marine Corps of honor, courage and commitment.

THE REHABILITATION OF  
HISTORIC SCHOOLS ACT

**HON. MICHAEL R. TURNER**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 19, 2012*

Mr. TURNER of Ohio. Mr. Speaker, today, my colleague, Congressman RUSS CARNAHAN, and I, as co-chairs of the Historic Preservation Caucus, introduced the Rehabilitation of Historic Schools Act, which would incentivize private investment to help rehabilitate our country's older K–12 public school buildings.

It is imperative that we improve our educational facilities to help our children learn and compete in today's economy. According to the Department of Education's National Center for Education Statistics, 28 percent of all public K–12 schools were built before 1950. In addition, a study by the American Society of Civil Engineers gave the quality of our nation's public school facilities a "D" rating. As state and local governments continue to feel pressure in this difficult economy, Congress must remove red tape that hinders private investment in our public schools.

Established by Congress over thirty years ago, the Historic Tax Credit, HTC, has helped create 2.2 million jobs, incentivized nearly \$100 billion in private investment, and renovated more than 38,000 buildings, while helping to revitalize our communities and protect our country's cultural heritage. In 2011, the HTC leveraged more than \$4 billion in private investment and helped create nearly 56,000 jobs to rehabilitate 937 projects.

Unfortunately, under current law, a restriction on the prior use of a property limits the ability of local governments to partner with private developers to rehabilitate older public schools through the use of the HTC. This bipartisan and bicameral bill would remove this barrier, incentivizing the renovation of older K–12 public schools, improving the learning environment for our nation's youth and helping spur local job creation.

Our communities must have the ability to provide our children with the premier, 21st Century education they deserve. By allowing this incentivized private investment, school districts can rehabilitate their facilities at lower costs and dedicate more funding to educating their students.

Mr. Speaker, I urge all my colleagues to co-sponsor this important bill.

HONORING PRIVATE FIRST CLASS  
BRANDON D. GOODINE

**HON. LYNN A. WESTMORELAND**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 19, 2012*

Mr. WESTMORELAND. Mr. Speaker, I come before you today with great sadness to honor one of Georgia's own, Private First Class Brandon D. Goodine. On June 7th, Brandon gave the ultimate sacrifice when his unit was attacked with an improvised explosive device by enemy forces in the Maiwand District of Kandahar province in Afghanistan while supporting Operation Enduring Freedom.

Brandon was a beloved father, husband, brother, and son. He was taken from us much too soon, but not without accomplishing great things. He believed his greatest was his 3 year old daughter, Kathryn. Brandon became a father at a young age, but devoted his life to making sure Kathryn had everything she needed. In fact, his reason for joining the Army was so that he could be sure she was taken care of. Her birth gave him direction and purpose in life, helping him believe he could accomplish anything. Everything that Brandon did was for Kathryn.

Giving everything 110% was what Brandon did. He was just an all around great guy striving to make something of himself. Brandon attended Henry County High School, and later joined the Navy ROTC at Greenville High School. On May 2, 2011, he joined the Army and served as a scout with Bravo Troop, 4th Battalion, 73rd Cavalry Regiment of the 82nd Airborne Division in Fort Bragg, NC. In his unit, he was a brother to his fellow paratroopers. They remember not only laughing and having fun with him, but his kindness and generosity. Going out of his way to volunteer or help someone was not unusual for Brandon. On June 7th, he was assigned to a mission to prevent the enemy from freely attacking peaceful communities. He bravely gave his life doing what he did best, helping others and giving them a chance for a better life.

His commitment to his daughter, family, and our country inspired his older brother, Christopher, to enlist in the Army 3 months later. Brandon's mother, Mandy, said she was not only proud to be his mother, but his friend. He was a hero to his family, a role model for his three sisters and brother, and a loving father, a dedicated husband to his wife, Nicole. One of the biggest tributes to Brandon's life has been the support from the community. When Brandon was being transported home, flags were placed along the road to honor him and his sacrifice. He was laid to rest on June 18 by his close friends and family in McDonough, GA.

I am proud to stand before you to honor the life of PFC Brandon Goodine and to thank him for his service to our country. Brandon has left a lasting impression on all those he has touched, and his bravery will never be forgotten.

Joan and I extend our deepest sympathy to the friends and family of Brandon, and we will never forget his great sacrifice for our nation so that we may all live free.

DR. STEPHEN R. COVEY

**HON. JASON CHAFFETZ**

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 19, 2012*

Mr. CHAFFETZ. Mr. Speaker, today I would like to celebrate and honor the life of a great American who recently passed away—Dr. Stephen R. Covey, who lived in my district and was a dear friend. He died this past week at the age of 79 with his family at his side.

Dr. Covey received a bachelor's degree from the University of Utah, a master's in business from Harvard, and a doctorate from

Brigham Young University. He began his career as a university professor and then later became a world-renowned author and leadership consultant. He is the author of many international bestsellers, including *The 7 Habits of Highly Effective People*, which has sold over 20 million copies and has been translated into 40 languages. In 2002, *Forbes* named it one of the 10 most influential management books ever written, and *Chief Executive* magazine called it one of the two most influential books of the 20th Century. His other bestsellers include *First Things First*, *Principle-Centered Leadership*, *The 7 Habits of Highly Effective Families*, and *The 8th Habit*. In 1996, Dr. Covey was named one of *Time* magazine's 25 most influential Americans.

Dr. Covey founded Covey Leadership Center, a leadership training company which later merged to become FranklinCovey in 1997. Since that time, FranklinCovey has grown to operate in over 125 countries throughout the world. Whether it was with Fortune 100 CEOs, heads of state, or university and grade school students, Dr. Covey devoted his life to spreading principle-centered leadership and influenced the lives of millions.

Despite his astounding professional career, Dr. Covey always considered his family to be his most important work and greatest accomplishment. He was a devoted husband and father, and was beloved by his nine children, 52 grandchildren, and six great-grandchildren. In 2003, he received one of his most meaningful awards—the Fatherhood Award from the National Fatherhood Initiative. Dr. Covey truly exemplified the principles he taught, balancing his family and personal priorities with an extraordinary professional career.

I invite my colleagues to join me in celebrating the life of one of the world's best—Dr. Stephen R. Covey. He left a legacy to the world and his influence will be felt for generations to come.

RECOGNIZING RICE UNIVERSITY  
FOR 100 YEARS OF SUCCESS

**HON. SAM JOHNSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 19, 2012*

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is a great honor to recognize the 100th anniversary of a fine higher educational institution in the Great State of Texas—Rice University. As one of only three Tier One schools in Texas, Rice also ranks among the world's top 100 universities. Consistently ranked as one of the nation's premier institutions, Rice is a leading university in research and its stellar academic programs.

Located in the center of Texas' largest metropolitan area, Rice's small size allows for enriched personal interaction between students and professors. Year after year, the university produces first-rate graduates and students—many of whom have received such awards and distinctions as Fulbright Scholars, Marshall Scholars, Mellon Fellows, and many other merits. This level of success is due in part to the distinguished faculty which consists of a Nobel laureate, a Pulitzer Prize award

winner, 6 Fulbright Scholars, and 86 fellows of the National Science Foundation—just to name a few.

In its 100 years of award-winning success, Rice University has established itself as a model institution of higher education, and its status as a top national university promises a remarkable future. Congratulations to everyone who helped make 100 years of educating the best and brightest a reality at Rice University. For all you do for the state of Texas, God bless you, and I salute you.

#### A TRIBUTE TO RYAN HANSON

### HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 19, 2012*

Mr. LATHAM. Mr. Speaker, I rise today to recognize and congratulate Ryan Hanson of Ames, Iowa for achieving the rank of Eagle Scout.

The Eagle Scout rank is the highest advancement rank in scouting. Only about five percent of Boy Scouts earn the Eagle Scout Award. The award is a performance-based achievement with high standards that have been well-maintained over the past century.

To earn the Eagle Scout rank, a Boy Scout is obligated to pass specific tests that are organized by requirements and merit badges, as well as completing an Eagle Project to benefit the community. The work ethic Ryan has shown in his Eagle Project, and every other project leading up to his Eagle Scout rank, speaks volumes of his commitment to serving a cause greater than himself and assisting his community.

Mr. Speaker, the example set by this young man and his supportive family demonstrates the rewards of hard work, dedication and perseverance. I am honored to represent Ryan and his family in the United States Congress. I know that all of my colleagues in the House will join me in congratulating him in obtaining the Eagle Scout ranking, and will wish him continued success in his future education and career.

HONORING DR. DEREK WILLARD,  
SPECIAL ASSISTANT TO THE  
PRESIDENT FOR GOVERN-  
MENTAL RELATIONS AND ASSO-  
CIATE VICE PRESIDENT FOR RE-  
SEARCH AT THE UNIVERSITY OF  
IOWA

### HON. DAVID LOEBSACK

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 19, 2012*

Mr. LOEBSACK. Mr. Speaker, today I would like to recognize the long, successful, and highly dedicated career of Dr. Derek H. Willard, the Special Assistant to the President for Governmental Relations and the Associate Vice President for Research at the University of Iowa in Iowa City, Iowa. Derek has served the University of Iowa, the Iowa City community, and the State of Iowa for almost three

decades with admirable leadership, devotion, and loyalty. I have worked closely with him since I came to Congress six years ago, and it has truly been a privilege to witness and work with someone so focused on advocating on behalf of Iowans.

Prior to coming to the University of Iowa, Derek earned his bachelor's degree from the University of Rhode Island in 1964, a master's degree from the University of Pennsylvania in 1968, and served as a faculty member at the United States Air Force Academy. His own research brought him to the Hawkeye State, where he earned his doctorate degree in 1975 and began his long career at the University of Iowa.

Since 1999, Derek has been the primary contact for federal relations and the Iowa Board of Regents at the University of Iowa, which is not only a top tier public university of over 45,000 students, faculty and staff but also a premier national research institution. He has overseen external funding for the University, and, under his leadership, funding secured by the University from organizations such as the National Institute of Health has increased from about \$70 million annually to more than \$386 million in 2008.

Prior to his appointment as federal liaison, Derek served 17 years as Associate Vice President for Research, a position he still holds today and which demonstrates his impressive dedication to the University of Iowa's research mission. He also currently serves as a faculty member in the Department of Preventive and Community Dentistry, and previously served as Director of Behavioral Sciences.

Among many career highlights, Derek played a pivotal role in securing funding and space on the University of Iowa campus for the National Advanced Driving Simulator. He also served as project director on a \$2 million Higher Education Disaster Relief Grant, which provided much needed federal assistance in the wake of the Floods of 2008 that devastated the University of Iowa campus. Derek was recently recognized by the Association of Public and Land Grant Universities with a Lifetime Achievement Award for governmental relations.

The many successes he has achieved both for the University of Iowa and on a personal level demonstrate Derek's incredible dedication, professionalism, and commitment. On a personal level, I am grateful for Derek's helpfulness to my office in numerous generous ways. His encyclopedic knowledge of University activities and his intelligent, openhanded advice has greatly helped me advocate on behalf of the University of Iowa, its students, and its faculty and staff. My staff and I will always cherish his graciousness, his wisdom, and his thoughtfulness.

On behalf of all Iowans, I would like to thank Derek for his years of service to the University of Iowa, the State of Iowa, and our nation. I know I join his colleagues, friends, and loved ones in wishing him well in his retirement.

#### PERSONAL EXPLANATION

### HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 19, 2012*

Mr. BECERRA. Mr. Speaker, yesterday I was unavoidably detained and missed rollcall vote 472. If present, I would have voted "yea" on rollcall vote 472.

#### RECOGNIZING SHERIFF TOMAS S. HERRERA

### HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 19, 2012*

Mr. CUELLAR. Mr. Speaker, I rise today to recognize the accomplishments of Sheriff Tomas S. Herrera, a distinguished individual who has served in law enforcement for 36 years in South Texas. He has dedicated his career to assisting the Texas community through his involvement in various coalitions, councils and distinguished positions centered on efforts to protect Texas and our southwest border.

Sheriff Herrera was born in Eagle Pass, Texas and is a graduate of Eagle Pass High. Mr. Herrera began his law enforcement career in 1974 and served as the Justice of the Peace until 1976. A year later he began his 16-year service as Chief Deputy under the late Sheriff Tom Bowles. Mr. Herrera was a key instrument in the planning and building process of the new jail facility named after the late Tom Bowles. In addition, Sheriff Herrera served as Municipal Court Judge from 1995 to 1997. After holding dual positions as Constable and Deputy Constable, Mr. Tomas S. Herrera was sworn in as the Honorable Sheriff of Maverick County in 2005.

Mr. Herrera is a highly regarded member of the South Texas community and has many notable career accomplishments. In an effort to assist the Federal Government in Homeland Security to protect our borders from terrorist activities or threats, he established the newly created Texas Border Sheriff's Coalition in Laredo, Texas in 2005. Under this newly created Coalition, he held the title of Secretary/Treasurer on the Executive Committee. Additionally, two years later Sheriff Herrera and other community individuals initiated the construction of a 688-bed detention facility.

Mr. Herrera held key positions within the community and State of Texas, including an appointment by the Sheriff's Association of Texas President by Sheriff Tomas Kerss to the Texas Jail Commission Committee. Sheriff Herrera also served as Chairman of the Texas Border Sheriff Coalition in 2007 and was appointed by Governor Rick Perry to the Border Security Council. From 2008 to 2009 Mr. Herrera was appointed as the Board of Director for the Southwest Border Sheriff Coalition (SWTBSC). Today, Sheriff Herrera continues to contribute to the community by being a member of the Sheriff's Association of Texas. He was reappointed last year by the NSA President Sheriff Paul H. Fitzgerald to a 5th

term to the Immigration/Border Security Committee. Mr. Herrera was also recently appointed by President of the Sheriffs', JW Jankowski to the Jail Advisory Committee. Mr. Herrera is married to Magdalena P. Herrera and together they have three children and seven grandchildren.

Mr. Speaker, I am honored and privileged to have this time to recognize Mr. Tomas S. Herrera's extraordinary commitment and service in South Texas. His tremendous efforts to protect and serve the community have made a significant impact in the State of Texas.

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TRIBUTE TO LIEUTENANT  
GENERAL DENNIS J. HEJLIK

**HON. TOM LATHAM**

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 19, 2012*

Mr. LATHAM. Mr. Speaker, I rise today to recognize and congratulate native Iowan Lieutenant General Dennis Hejlik of the United States Marine Corps on his illustrious 44-year military career that will be coming to a close on Monday at an awards dinner at the Marine Barracks in Washington, DC.

Before he was a three-star general and commander of Marine Corps Forces Command, Lieutenant General Hejlik, then known around town as Dennis, grew up on a farm near Garner, Iowa, with his nine brothers and sisters. He would go on to graduate from Garner-Hayfield High School in 1965 and attend North Iowa Area Community College before beginning his military career when he enlisted in the Marines Corps in 1968. Four short years later, Lieutenant General Hejlik was commissioned through the Marine Corps Platoon Leaders Course. Since joining the Marines, Lieutenant General Hejlik has gone on to become an honor graduate of the Basic School, the Amphibious Warfare School, the Marine Corps Command and Staff College, and the Naval War College.

Lieutenant General Hejlik has earned numerous decorations for his service over the last four decades including the Defense Superior Service Medal with Gold Star, Meritorious Service Medal with two Gold Stars, the Navy Marine Corps Achievement Medal, and the Leftwich Award, just to name a few. Since his humble beginnings in Iowa, his time with the Marine Corps has brought him to all corners of the globe, most recently culminating to his current position as the commander of Marine Corps Forces Command in Norfolk, Virginia and Marine Corps Forces Europe in Boblingen, Germany.

Mr. Speaker, our country owes Lieutenant General Hejlik a great debt of gratitude for his decades of service and sacrifice. His unwavering commitment to serving his country and fellow Americans embodies the Iowa spirit. I know all of my colleagues in the United States House of Representatives will join me in thanking Lieutenant General Hejlik and congratulating him on his truly stellar career. I wish him the best of luck in his future endeavors as he begins a new chapter in his life.

OUR UNCONSCIONABLE NATIONAL  
DEBT

**HON. MIKE COFFMAN**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 19, 2012*

Mr. COFFMAN of Colorado. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was \$10,626,877,048,913.08.

Today, it is \$15,874,046,715,877.56. We've added \$5,247,169,666,964.48 to our debt in just over 3 years. This is debt our Nation, our economy, and our children could have avoided with a balanced budget amendment.

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HONORING THE SERVICE OF HE  
XIANGDONG, COUNSELOR, CON-  
GRESSIONAL LIAISON OFFICE  
FOR THE CHINESE EMBASSY

**HON. ENI F. H. FALEOMAVAEGA**

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 19, 2012*

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today to honor the distinguished service of my good friend, He Xiangdong, Counselor for the Congressional Liaison Office of the Chinese Embassy.

Counselor He graduated from Wuhan University in 1985. From 1985–1994, he was editor for the World Affairs Magazine in Beijing. From 1994–1996, he was Second Secretary of the Chinese Embassy in Oman. From 1996–1999, he served as First Secretary and Chief of the Political Section for the Chinese Embassy in Saudi Arabia. From 1999–2004, he was First Secretary of the Policy Planning Department in the Foreign Ministry of China.

Since 2004, he has been assigned to work with the U.S. Congress to strengthen relations between China and the U.S., and having worked closely with him in my official capacities as Chairman and Ranking Member of the Subcommittee on Asia and the Pacific, I am proud of Counselor He's accomplishments and the indelible mark he has made in furthering relations between our countries.

Counselor He is to be commended for his exemplary service for and on behalf of the People's Republic of China. He has served his nation well.

On a personal note, I will miss him, and I extend to him my highest regards.

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A TRIBUTE TO BENJAMIN HURD

**HON. TOM LATHAM**

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 19, 2012*

Mr. LATHAM. Mr. Speaker, I rise today to recognize and congratulate Benjamin Hurd of Ames, Iowa for achieving the rank of Eagle Scout.

The Eagle Scout rank is the highest advancement rank in scouting. Only about five percent of Boy Scouts earn the Eagle Scout

Award. The award is a performance-based achievement with high standards that have been well-maintained over the past century.

To earn the Eagle Scout rank, a Boy Scout is obligated to pass specific tests that are organized by requirements and merit badges, as well as completing an Eagle Project to benefit the community. The work ethic Benjamin has shown in his Eagle Project, and every other project leading up to his Eagle Scout rank, speaks volumes of his commitment to serving a cause greater than himself and assisting his community.

Mr. Speaker, the example set by this young man and his supportive family demonstrates the rewards of hard work, dedication and perseverance. I am honored to represent Benjamin and his family in the United States Congress. I know that all of my colleagues in the House will join me in congratulating him in obtaining the Eagle Scout ranking, and will wish him continued success in his future education and career.

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TRIBUTE TO DOLORES HUERTA

**HON. HOWARD L. BERMAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 19, 2012*

Mr. BERMAN. Mr. Speaker, I am honored to pay tribute to my dear friend Dolores Huerta, who recently received the Presidential Medal of Freedom. This coveted honor is the highest civilian award for service to the nation. It recognizes individuals who have made an especially meritorious contribution to the security or national interests of the United States, world peace, cultural or other significant public or private endeavors.

Dolores is a world renowned activist and is regarded as the most prominent Chicana labor leader in the United States. She is currently the President of the Dolores Huerta Foundation, whose mission is to build active communities in disadvantaged areas and to work towards fair and equal access to healthcare, housing, education, jobs, civic participation and economic resources with an emphasis on women and youth. Dolores gives a voice to the voiceless and countless Americans owe a debt of immense gratitude to her for making their causes her own.

I met Dolores in 1972 when I was a member of the California State Legislature and she was the vice president and co-founder of the United Farm Workers of America. Over the last forty years, I have had the pleasure of working with her on many issues.

In 1955, when she was only twenty-five years old, she found her calling as an organizer while serving in the leadership of the Stockton Community Service Organization (CSO), a grass roots organization that battled segregation and police brutality, led voter registration drives, pushed for improved public services, and fought to enact new legislation. Through her tireless lobbying efforts, she succeeded in getting the citizenship requirements removed from pension and public assistance programs. She was the leading force in the passage of legislation allowing voters to vote in Spanish, and the right to take the driver's license examination in their native language.

She has been arrested twenty-two times for participating in non-violent civil disobedience activities and strikes to protect farmers and women, which has resulted in great benefit to both groups. Due to her solid support for the grape strikes, farm workers won health and benefit plans for the first time, and those who had lived, worked, and paid taxes in the United States for many years were granted amnesty. Dolores fought tirelessly to provide a better working environment and stop the abuse of female immigrants across the U.S.-Mexican border, and she lobbied law enforcement agencies in both countries to stop the brutal rape and the murder of these immigrants.

Dolores was given the Outstanding Labor Leader Award in 1984 by the California State Senate. In 1993, she was inducted into the National Women's Hall of Fame. That same year she received the American Civil Liberties Union (ACLU) Roger Baldwin Medal of Liberty Award; and the Eugene V. Debs Foundation Outstanding American Award, and the Ellis Island Medal of Freedom Award. She is also the recipient of the Consumers' Union Trumpeter's Award. In 1998, she was one of three Ms. Magazine, "Women of the Year", and the Ladies Home Journal's, "100 Most Important Women of the 20th Century." She received three honorary doctorate degrees for her extraordinary life work.

Mr. Speaker and distinguished colleagues, I ask you to join me in honoring Dolores Huerta for her outstanding contribution to our community. Few Americans in our history have done more to protect workers and safeguard women's rights than Dolores Huerta. We are a better country because Dolores continues to play a vital role in shaping our laws and values.

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HONORING MR. WILLIAM  
KAMPELMAN

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**HON. RUSS CARNAHAN**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 19, 2012*

Mr. CARNAHAN. Mr. Speaker, I rise today to honor the life of a World War II Veteran, Mr. William Kampelman. He passed away in St. Louis, Missouri on Saturday, July 7, 2012. He will be deeply missed.

After serving in World War II, Mr. William Kampelman founded an electrical business in Webster Groves, Missouri. Then he strengthened the community of Webster Groves by working for the Webster Groves Public Library.

He was the beloved husband of the late Phillis Kampelman; father of Ann Amato, Bill, and Pat Quarles; and grandfather, great-grandfather, uncle, and friend.

Mr. Speaker, I stand today to honor the life of William Kampelman. I invite my colleagues to join me in this tribute to this incredible man, and hope that his legacy lives on for future generations.

WELCOMING THE XIX INTERNATIONAL AIDS CONFERENCE TO WASHINGTON, DC

**HON. ALCEE L. HASTINGS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 19, 2012*

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to welcome the XIX International AIDS Conference, AIDS 2012, back to Washington, DC. On July 22, 2012, more than 30,000 people from approximately 200 countries are expected to converge on Washington, DC, for AIDS 2012, including 20,000 delegates, 10,000 additional participants in the Global Village, and up to 2,000 journalists. Over the course of the Conference, which runs through July 27, 2012, the world's leading scientists, public health experts, policymakers, community leaders, and persons living with HIV/AIDS will chart the way forward in the global response to HIV/AIDS by turning the latest scientific advancements into action.

The III International AIDS Conference was held in our Nation's capital in 1987, the same year that the United States established a policy barring HIV-positive foreigners from obtaining permanent immigration status or entering the United States without special waivers. As a result, no major scientific conferences on HIV/AIDS have been held in this country since—until now. Thanks to years of advocacy by countless individuals and the leadership of former President George W. Bush and President Barack Obama, the misguided travel and immigration ban against people with HIV was lifted in 2010. This was a critical step forward in addressing societal stigma and discriminatory practices against people living with HIV/AIDS.

The return of the International AIDS Conference to the United States could not come at a more critical time. Here at home, more than one million people are living with HIV and approximately 50,000 individuals become newly infected with the virus each year. And among individuals living with HIV, one in five is unaware of his or her infection. This not only increases one's risk for developing worse health outcomes and unknowingly transmitting the virus to others, but undermines HIV prevention efforts as a whole. Furthermore, significant disparities persist across diverse communities and populations with regard to incidence, access to treatment, and health outcomes, particularly for men who have sex with men, MSM, African Americans and other minorities, women, and young people.

However, more than 30 years after the beginning of the epidemic, we are now at a point where we have the tools necessary to prevent the spread of HIV and bring an end to the crisis. The theme of AIDS 2012, "Turning the Tide Together," represents the challenge before us. In order to change the course of HIV/AIDS in the United States and abroad, we must harness the potential of the most recent scientific advances in HIV/AIDS treatment and biomedical prevention, continue research for a HIV vaccine and cure, and scale up effective, evidence-based interventions in key settings. As the world's leader in HIV research and the largest funder of international AIDS programs,

including the President's Emergency Plan for AIDS Relief, PEPFAR, and the Global Fund to Fight AIDS, Tuberculosis, TB, and Malaria, continued commitment by the United States to HIV/AIDS research, prevention, and treatment programs is crucial to improving global health.

Mr. Speaker, AIDS 2012 is a tremendous opportunity to further strengthen the role of the United States in global HIV/AIDS initiatives within the current context of significant global economic challenges. Therefore, I urge my colleagues to join me in welcoming the delegates and participants of AIDS 2012 to Washington, DC, as well as commit to helping support a stronger international response to HIV/AIDS, advancing the health and rights of people living with HIV/AIDS, and working to create an "AIDS-free generation."

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LEADERSHIP ALLIANCE

**HON. JAMES R. LANGEVIN**

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 19, 2012*

Mr. LANGEVIN. Mr. Speaker, I rise to recognize the 20th anniversary of the Leadership Alliance. Founded in 1992 by Brown University in my home State of Rhode Island, the Leadership Alliance is a national academic consortium of leading research universities and minority-serving institutions with the mission to develop underrepresented students into outstanding leaders and role models in academia, business, and public service.

Through an organized program of research, networking, and mentorship at critical transitions along the entire academic training pathway, the Leadership Alliance prepares young scientists and scholars from underrepresented and underserved populations for graduate training and professional apprenticeships. Leadership Alliance faculty mentors provide high quality, cutting-edge research experiences in all academic disciplines at the Nation's most competitive graduate training institutions and share insights into the nature of academic careers.

During difficult economic times, it is important to educate and train young people to become active participants in the workforce. In particular, I believe we must build on programs in the science, technology, engineering, and mathematics, or STEM fields. If we do not engage future generations to excel in these fields, it will hurt our Nation's ability to innovate, and hurt our employers' ability to fill 21st century jobs. It is through their creativity and talent that we will strengthen our economy and competitiveness.

In the 20 years since its establishment, the Leadership Alliance has proven that investing in our students yields immeasurable returns. Brown University has mentored 386 Leadership Alliance participants, of whom 35 percent have received a graduate level degree. Notably, over half of the Leadership Alliance doctoral degree recipients are in the STEM disciplines.

Opportunities through the Leadership Alliance and other programs, such as the Community College to Career Fund, offer students of all gender, racial, and economic backgrounds to get involved, and ultimately, to succeed. As co-chair of the Career and Technical

Education Caucus, I am always searching for ways to excite and entice these young students to develop their potential and share their knowledge. When we invest in their successes, we invest in our economic future.

I am pleased today to congratulate the Leadership Alliance and Brown University for 20 years of mentoring a diverse, competitive research and scholarly workforce, and I look forward to following their successes over the next 20 years.

#### OBAMA TAX HIKES

#### HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2012

Mr. POE of Texas. Mr. Speaker, at a time when businesses in this country are navigating through waves of distress, the administration wants to deliver a tsunami in the form of tax increases. Taxing, taxing, taxing is about the only solution that it can come up with. But what it doesn't seem to realize is how it's failed all of us. It's shrinking the economy even more and is shrinking paychecks too. If the administration lets the Bush era tax cuts expire, 700,000 jobs will be destroyed. And out of those jobs, 56,800 will be in Texas.

The administration has had its chances to restore financial stability in this country without creating tax hikes. These tax increases not only target the wealthy. These taxes will actually take hard strikes at small businesses and the middle class. Contrary to what the administration believes, this is not fair.

Ernst & Young's latest study breaks it down just right. It examined the long-term impacts of increasing top tax rates. And let me tell you, they're not good. The long-run economic consequences are severe. Here it goes.

The administration proposes a one-year extension of the current tax rates for households making \$250,000 or less. Then, those making \$250,000 or more, including a lot of small businesses that file under the individual rate, will pay the tax rates prior to the Bush era. That means the top rate will go from 35 percent to 39.6 percent. Tax rates for the other top income tax bracket will go from 33 percent to 36 percent.

But this isn't all of them. The administration continues to tax. Medicare tax will go from 2.9 percent to 3.8 percent. A new 3.8 percent tax will be implemented on investment income. And last but not least, higher taxes on capital gains and dividends.

So, what does this total and how does it all play out? The combination of all these taxes will take the top individual income tax rate from 35 percent to 44.7 percent next year. And beware; this doesn't include all of the Obamacare taxes that will empty your wallet in 2013.

What does this do? Approximately 2 million businesses will be affected by these tax hikes. This will take capital out of the hands of business owners and reduced labor supply and the United States will lose \$200 billion in economic output. And extending the rates for families earning less than \$250,000 will cost us \$175 billion dollars next year. As bad as this

sounds already, the tax hikes will likely force American employers to trim their workers' pay by 1.8 percent.

What will happen? Business firms will be hit hard. We will see patterns of less hiring, less investment in businesses, and retarded growth of these businesses in their sector. Sixty million Americans are small business employees. About two out of three jobs was created by a small business. And the administration is trying to take this away from us.

We've had enough of their fun with taxes. As someone who claims his focus to be "rebuilding the economy," he is doing quite the opposite. Our lives now revolve around taxes and this is all thanks to our nation's leader who thinks he can tax our way into economic prosperity. It doesn't take a math genius to figure out that these tax numbers are not the solution to a damaged economy. His idea that taxing the wealthy won't hurt this economy is false. If his job is to stifle job creation, create class warfare, and even further damage our market, then he's really done it well.

We can't afford to let this happen.

We can't afford to lose more than 700,000 jobs.

We can't afford to give more control to our government.

And that's just the way it is.

#### DESIGNATION OF AUGUST AS NATIONAL FUEL EFFICIENCY MONTH

#### HON. MIKE KELLY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2012

Mr. KELLY. Mr. Speaker, I rise today to urge President Obama to designate August as National Fuel Efficiency Month. It is critical that we help educate the American public that we can all contribute to energy independence and environmental sustainability if we undertake a few simple measures.

More fuel-efficient vehicles are being built and sold in the United States every day. But as we head into the major summer driving season, it's important to remember that we all can improve fuel efficiency right now, through a number of simple measures—even without buying a new car.

In my home state of Pennsylvania, there were nearly 7.9 million passenger vehicles on the roads last year. Armstrong, Butler, Crawford, Erie, Mercer, Vernango, and Warren counties accounted for almost 500,000 of those registrations. For all of the drivers in Pennsylvania's 3rd congressional district—and for all of the many drivers across the United States—we should be raising awareness about how to be more fuel efficient.

For example, simply using cruise control will help drivers maintain a steady speed and save fuel. Tuning your car and keeping tires inflated each can increase your fuel economy by 3 or 4%. Driving responsibly and at the speed limit also improve fuel economy.

AAA and many other organizations have tips for driving economically. EPA also has posted information on efficient driving at <http://www.fueleconomy.gov/feg/drive.shtml>. These

techniques will save Americans fuel, decrease emissions and help us achieve energy independence.

Again, I urge the President to designate August as National Fuel Efficiency Month. Such a designation would provide the perfect opportunity for all of us to take a good look at our driving habits and see how easily we can improve fuel economy.

#### CONGRATULATING WILFRED COOPER, SR. FOR HIS INDUCTION INTO THE CALIFORNIA HOMEBUILDING FOUNDATION'S HALL OF FAME

#### HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2012

Mr. GARY G. MILLER of California. Mr. Speaker, it is with great pleasure that I rise to recognize Wilfred Cooper, Sr. for his service to the community and this nation. Mr. Cooper has recently been inducted into the California Homebuilding Foundation's Hall of Fame, which honors individuals who are active in the home building industry and committed to improving the lives of others through service to civic, social, and philanthropic organizations.

Mr. Cooper has devoted his career to addressing the need for affordable and available housing at both the national and local level. He has served as senior life director of the National Association of Home Builders, chairman of NAHB's Multifamily Council, and as a member of NAHB's Low Income Housing Tax Credit Steering Group. Mr. Cooper also volunteers on the Board of Advisors for Jamboree Housing, the Board of Directors for Volunteers of America, and the Tuberous Sclerosis Alliance.

In addition to his advocacy and volunteer work, Mr. Cooper founded WNC & Associates, Inc. in 1971. It was one of the first affordable housing investors in the United States and has long been recognized as an industry leader in affordable housing. Today, his firm proudly serves more than 45,000 low and moderate income families in 42 states.

Mr. Cooper's tireless energy and passion, which is apparent in his business, advocacy, and volunteer work has bettered the lives of many and has produced positive change in neighborhoods across the nation. I cannot think of a more deserving candidate for this award. It is my privilege to congratulate Mr. Wilfred Cooper, Sr. on this recognition and for his lifetime of service to promote affordable housing in America.

#### IN HONORING OF THE 100TH ANNIVERSARY OF PLAST, THE UKRAINIAN SCOUTING ORGANIZATION

#### HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2012

Ms. KAPTUR. Mr. Speaker, I rise today to honor the 100th anniversary of Plast, the Ukrainian Scouting Organization.

Plast was founded in 1911 by Dr. Oleksandr Tysovsky, and it is based on the principles of scouting started by Lord Baden Powell in Great Britain.

As a consequence of the country's absence of national independence through most of the 20th Century, Plast was forced to go underground when the occupying Soviet Union declared the organization illegal and banned its activities.

However, following World War II, when many Ukrainians emigrated to various countries of the Free World, including the United States, the plastun among the émigrés formed Plast organizations in the countries of their settlement. This included incorporating "Plast, Inc." in 1950 in the state of Michigan.

Additionally, after the Declaration of Independence of Ukraine in 1991, Plast was reconstituted in Ukraine with the help of plastun from the United States and other Free-World countries.

Today, Plast is an international organization of Ukrainian youth which fosters personal development, leadership and teamwork, as well as a love of Ukrainian culture and history while also raising youth to be conscientious, responsible and valuable citizens of their communities at the local, national and international level. Former President of Ukraine, Victor Yushchenko, is an honorary plastun, and Liubomyr Cardinal Husar, a U.S. citizen and now Patriarch-emeritus of the Ukrainian Eastern Rite Catholic Church based in Ukraine is one of many distinguished plastuns.

Currently, Plast has 23 branches coast to coast in the United States, and Plast will be celebrating its Centennial with a Jamboree in Ukraine August 10 to 24, with the official opening of the Jamboree Celebration on August 19th in the city of L'viv.

As such, we should recognize August 19, 2012 as the Centennial Day of Plast, commend the Ukrainian Scouting Organization for its tremendous contributions, and celebrate the Centennial of Plast.

#### PERSONAL EXPLANATION

### HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 19, 2012*

Mr. AKIN. Mr. Speaker, on rollcall Nos. 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485 and 486 I was delayed and unable to vote. Had I been present I would have voted "no" on rollcall No. 472, "aye" on rollcall No. 473, "no" on rollcall No. 474, "no" on rollcall No. 475, "aye" on rollcall No. 476, "no" on rollcall No. 477, "aye" on rollcall No. 478, "no" on rollcall No. 479, "no" on rollcall No. 480, "no" on rollcall No. 481, "no" on rollcall No. 482, "no" on rollcall No. 483, "no" on rollcall No. 484, "no" on rollcall No. 485, "aye" on rollcall No. 486.

#### A TRIBUTE TO JASON KENNETH WITTMUSS

### HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 19, 2012*

Mr. LATHAM. Mr. Speaker, I rise today to recognize and congratulate Jason Wittmuss of Waukee, Iowa for achieving the rank of Eagle Scout.

The Eagle Scout rank is the highest advancement rank in scouting. Only about five percent of Boy Scouts earn the Eagle Scout Award. The award is a performance-based achievement with high standards that have been well-maintained over the past century.

To earn the Eagle Scout rank, a Boy Scout is obligated to pass specific tests that are organized by requirements and merit badges, as well as completing an Eagle Project to benefit the community. Jason's project involved remodeling a gardening shed for Wildwood Hills Ranch, a summer camp program for low-income youth. The work ethic Jason has shown in his Eagle Project, and every other project leading up to his Eagle Scout rank, speaks volumes of his commitment to serving a cause greater than himself and assisting his community.

Mr. Speaker, the example set by this young man and his supportive family demonstrates the rewards of hard work, dedication and perseverance. I am honored to represent Jason and his family in the United States Congress. I know that all of my colleagues in the House will join me in congratulating him in obtaining the Eagle Scout ranking, and will wish him continued success in his future education and career.

#### PERSONAL EXPLANATION

### HON. PETER J. VISCLOSKEY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 19, 2012*

Mr. VISCLOSKEY. Mr. Speaker, on July 18, 2012, I was absent from the House and missed rollcall vote 481.

Had I been present for rollcall 481, on agreeing to the Woolsey amendment to reduce the total amount of appropriations made by the bill by \$181,000,000, I would have voted "no."

#### HONORING DANIEL A. SCHULTZ

### HON. PATRICK MEEHAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 19, 2012*

Mr. MEEHAN. Mr. Speaker, I rise today to honor a constituent of the Seventh Congressional District of Pennsylvania, Daniel A. Schultz, who recently lost his battle with Sarcoma.

Daniel Schultz was an outspoken advocate for Sarcoma awareness. Sarcoma is a rare, highly aggressive, cancer which can present

anywhere in the body and occurs in connective tissues, such as muscle, fat, fibrous tissue and blood vessels. As with most rare diseases, this cancer has a higher prevalence in children. Sarcoma represents approximately 15 percent of all children's cancers. Treatments for rare diseases, like Sarcoma, are difficult to achieve which is why I was happy to cosponsor the Creating Hope Act, introduced by my colleague from Texas, Congressman MICHAEL MCCAUL. This bill, which was signed into law last month, creates incentives for the development of treatments for rare diseases that disproportionately impact children. In honor of Daniel A. Schultz, I would like to recognize the importance of Sarcoma Awareness.

#### HONORING MRS. STELLA TOKAR

### HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 19, 2012*

Mr. DIAZ-BALART. Mr. Speaker, I rise today to honor Mrs. Stella Tokar, an outstanding individual who has continuously supported the Miami community.

As a busy military spouse and dedicated mother of two, Mrs. Tokar has always found time to represent and lead her community. Although her family was constantly relocated around the nation to follow her husband who served in the military, this constant relocating did not stop her from giving back to her community. While living in Texas she was PTA President at four different schools in the area and served on a state appointed committee to institute media rating systems. While living in Annapolis, MD she was offered a position as Special Assistant to the House Majority Leader of the State of Maryland, and shortly after was promoted to work in the Senate.

Upon her arrival in South Florida she returned to work in education, but quickly distinguished herself as a community leader and was asked to become the President/CEO of the Miramar Pembroke Pines Chamber of Commerce. During her tenure, she was able to transform a struggling establishment into what is now considered a fiscally sound and model Chamber of Commerce in the State of Florida. She has received numerous awards for her work including the 2011 Florida Association of Chamber Professionals "Professional of the Year" and has been recognized as one of "100 Most Influential Women in Broward County".

Always striving for excellence and new endeavors Mrs. Tokar started her own company, BOLD Consulting, LLC, which stands for Build, Organize, Lead, and Discover. Mrs. Tokar is an accomplished businesswoman and community representative, but she considers her greatest treasures in life to be her husband, children, and grandchild.

Mr. Speaker, I am honored to pay tribute to Mrs. Stella Tokar for her continued service to the Miami community and I ask my colleagues to join me in recognizing this exemplary individual.



IN MEMORY OF REVEREND DR.  
ROBERT E. PRICE, SR.

### HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 19, 2012*

Mr. SESSIONS. Mr. Speaker, I rise today in memory of Reverend Dr. Robert E. Price, Sr., the pastor of New Mount Zion Baptist Church in Dallas, Texas. Dr. Price passed away on Saturday, July 14, 2012.

Born in Smithville, Texas, Dr. Price grew up in a large family as the second youngest of eleven children. At an early age, he took a strong interest in ministry. He helped local pastors during his high school years and assisted chaplains during his tenure in the U.S. Army. After retiring from a successful career at a mortgage banking company, Dr. Price felt the call to ministry. He attended Bishop College for training in theology and later graduated from Saint Thomas Christian College with a Doctor of Divinity degree.

Dr. Price was a man with great vision who wholeheartedly dedicated himself to serving his community. Under his leadership, New Mount Zion Baptist Church grew from less than one hundred members to over 3,000 members. It also began to offer a variety of ministries, including educational, business, and technological ministries, to meet the needs of its congregation. His dreams of having a day care center and credit union for the church also came to fruition. To recognize Dr. Price and his dedicated service to our community, I sponsored legislation to have a local post office named in his honor. In March 2007, I had the privilege of attending the dedication ceremony, where I witnessed firsthand the countless elected officials, community leaders, and individuals that came out to show their support, love, and respect for Dr. Price. His legacy is one of faith, service, and charity.

Dr. Price is survived by his loving wife, Deloris Brashear Price; his son, Robert E. Price, Jr.; his daughters, Patricia Hicks and Lisa Rausaw; and his grandsons, Donald Hicks, Kelvin Rausaw, Jr. and Kortland Rausaw. I am honored to have known Dr. Price and know that he will be greatly missed. May the peace of God be with those he loved and sustain them through this hour of sorrow.

IN RECOGNITION OF PRESIDING  
JUDGE HERBERT E. PHIPPS

### HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 19, 2012*

Mr. BISHOP of Georgia. Mr. Speaker, it is my pleasure and honor to extend my sincerest appreciation and personal congratulations to Presiding Judge Herbert E. Phipps for his distinguished service on the Court of Appeals of the State of Georgia. On Monday, July 23, 2012, his legacy as a judge will be recognized at the Unveiling and Hanging of His Portrait at the Judicial Building in Albany, Georgia, where he first began his career as a judge in 1980.

Presiding Judge Phipps was born in Baker County, Georgia to J.W. Phipps and Marion

Gadson Phipps. He earned a Bachelor's degree in Political Science from Morehouse College in 1964. He has traveled throughout Europe and Asia and taught English at Thammasatt University and private schools in Thailand. He earned a Juris Doctor degree in 1971 from Case Western Reserve University School of Law in Cleveland, Ohio where he also served as an editor of the Law Review. In 2004, he was awarded a Master of Laws in the Judicial Process from the University of Virginia School of Law.

Presiding Judge Phipps returned to Albany, Georgia in 1971 to practice law, focusing on civil rights litigation. In 1980, he was appointed part-time Magistrate and Associate Judge of the Dougherty County State Court and in 1988, he was appointed to the Dougherty Circuit Juvenile Court. In 1995, he was appointed Judge of the Dougherty County Superior Court by Governor Zell Miller and in 1999, Governor Roy Barnes appointed him to the Court of Appeals. In April 2010, he became a Presiding Judge of the Court of Appeals.

Due to his enduring dedication and his strong leadership, Presiding Judge Phipps has received many awards, including the Justice Robert Benham Award for Community Service from the State Bar of Georgia. In 2007, he was inducted into the Society of Benchers of Case Western Reserve School of Law and his Commencement Address to the Class of 2007 of Case Western Reserve School of Law, "Lawyers—the Guardians of Truth and Justice," is published at 58 Case Western Reserve Law Review 483 (2008).

In conjunction with his professional accomplishments, Presiding Judge Phipps has served on a number of boards and commissions and has been involved with many law and professional organizations. He also lives a life of service and faith, attending Bethel A.M.E. Church in Albany and serving as a past President of the Albany Association for Retarded Citizens, the Albany Sickle Cell Foundation, the Faith Fund Foundation and The Criterion Club, as well as being a member of numerous community organizations.

Presiding Judge Phipps has accomplished many things in his life but none of this would have been possible without the enduring love and support of his wife Connie, children Herbert and India, son-in-law Will J. Epps and granddaughter Zoë Olivia Epps.

Mr. Speaker, I ask my colleagues to join me in paying tribute to Presiding Judge Herbert E. Phipps for his outstanding professional achievements and dedicated service to the people of the state of Georgia.

TRIBUTE TO THE TOWN OF  
SANDISFIELD ON THE OCCASION  
OF THE 250TH ANNIVERSARY OF  
ITS FOUNDING

### HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 19, 2012*

Mr. OLVER. Mr. Speaker, on March 6, 1762, Sir Francis Bernard, colonial Governor of the Commonwealth of Massachusetts, approved the incorporation of the town of

Sandisfield. The town was named for Samuel Sandys, the First Lord of Trade from 1761 to 1763. Beginning around 1750, settlers from Connecticut Colony, drawn in by the abundance of land, arrived in what had been called "Housatonic Plantation Number Three."

Today, Sandisfield boasts 53 square miles of land, the largest in Berkshire County, covered with flourishing forests and countless brooks, streams, and ponds. Sandisfield's natural beauty, highlighted in the Sandisfield State Forest, Knox Trail, and York Lake, provides many opportunities to explore hidden trails, undisturbed woods, and shimmering lakes.

Sandisfield's golden age, filled with the buzz and vibrancy of sawmills, tanneries, and numerous dairy farms, is not forgotten today; more than one hundred buildings from the 18th and 19th centuries remain. Three are included on the National Register of Historic Places, including the Baptist Meeting House from 1842. The building now houses the Sandisfield Arts Center, which exemplifies the centrality of community, so important to many cities and towns in western Massachusetts.

On the occasion of the 250th anniversary of the town of Sandisfield, Massachusetts, I congratulate its citizens and praise their civic dedication and perseverance throughout the town's history. It has been an honor to represent this great community, and I wish the people of Sandisfield a healthy and prosperous future.

IN RECOGNITION OF THE JOHN F.  
KENNEDY HYANNIS MUSEUM

### HON. WILLIAM R. KEATING

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 19, 2012*

Mr. KEATING. Mr. Speaker, I rise today to recognize the John F. Kennedy Hyannis Museum on its twentieth anniversary.

For the past two decades, the John F. Kennedy Hyannis Museum has been providing Cape Cod residents and visitors with a glimpse into the life that President Kennedy and his family led on the Cape. Founded in 1992 by the Hyannis Chamber of Commerce, the Museum has since served as a favorite Main Street destination in the town, showcasing rare photographs and family artifacts that reflect the laid-back summer vacations enjoyed by the Kennedys on the beaches of Hyannis. Guests of the museum are greeted with a bronze statue of the President just outside the main entrance, pensively walking along a sandy beach, which calls to mind the President once saying that "the Cape is the one place I can think and be alone." Once inside, the main gallery houses photos from family albums and clips from home movies. These images, of the Kennedys relaxing on the beach and enjoying time with their friends, could come from the album of any American family. Even though the Kennedys' other home was the White House at the time that many of these pictures were taken, the Kennedy Hyannis Museum's display accurately portrays the truly down-to-earth family that the Kennedys were.

The Museum is also famous in the Hyannis area for hosting many special exhibits and lecture series. The now-sold-out series, Mrs. Kennedy and Me, opened this past June, and details what it was like to be a secret service agent during the Kennedy presidency. Jackie Kennedy—Life on Cape Cod is another special exhibit that the Museum launched this summer, achieving great critical success. As the Museum showcases such an important aspect of our local and national history, it continues to thrive, and it remains a celebrated destination in downtown Hyannis.

Mr. Speaker, I am proud to recognize the John F. Kennedy Hyannis Museum on its twentieth anniversary. I ask that my colleagues join me in congratulating the Museum for its many years of success, and in applauding it for preserving this important era of Cape Cod's history.

#### PERSONAL EXPLANATION

#### HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 19, 2012*

Mr. JOHNSON of Illinois. Mr. Speaker on rollcall No. 490 I was present for all prior and subsequent votes but was off the floor on legislative business and inadvertently missed the vote. I support the underlying concept of non-intervention regarding the subject material, but also feel the amendment was excessively micromanagerial and did not accomplish mine and the sponsor's objectives. Had I been present, I would have voted "present."

#### 38TH ANNIVERSARY OF THE ILLEGAL INVASION OF CYPRUS BY TURKISH ARMED FORCES

#### HON. NIKI TSONGAS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 19, 2012*

Ms. TSONGAS. Mr. Speaker, today marks the 38th anniversary of the illegal invasion of

Cyprus by Turkish armed forces. The lengthy duration of this occupation, which consumes nearly 37% of Cyprus' territory, is particularly disappointing given the number of multilateral organizations—the UN, NATO and the EU—who have a vested interest in this dispute and who should work in concert to bring about a peaceful resolution. While some progress has been made, there is still much work to be done. Greek Cypriots have been evicted from their property, and cultural and religious desecration has been widespread. The Turkish government cannot maintain this occupation and hope to ever achieve membership in the EU.

Respect for international law and calls for self-representation must be answered with regard to Cyprus. Turkey must live up to its international responsibilities and return all of Cyprus to the Cypriots. Throughout my tenure in Congress, I have supported a variety of initiatives in support of this outcome including sending letters to President Obama and Secretary Clinton applauding the administration's commitment to exercise U.S. leadership in the negotiation for a just solution on Cyprus. We agree that a solution to the Cyprus problem should result in a single, sovereign country within a bi-zonal, bi-communal federation. 38 years of discord is long enough; Cypriots deserve a government for them and by them.

Since his election in February 2008, President Demetris Christofias has followed through on his promise to make the solution of the Cyprus problem his top priority and principal concern. In September of 2008, he embarked on negotiations with the then-leader of the Turkish Cypriot community, Mr. Mehmet Ali Talat, under the auspices of the United Nations with U.S. support. He also continued these negotiations with the new leader of the Turkish Cypriot community, Mr. Dervis Eroglu.

Unfortunately, despite these negotiations, Turkey has stepped up its efforts to illegally obtain natural resources like oil and natural gas from the Republic of Cyprus' sovereign territory. Furthermore, Turkey's threat of possible annexation of northern Cyprus and Turkey's refusal to be a part of any EU discussion, communication, or policymaking while Cyprus holds the EU presidency does nothing to facilitate progress.

The solution must reunite the island and safeguard the human rights and fundamental freedoms of all Cypriots and the withdrawal of Turkish forces from Cyprus.

#### HONORING THE LIFE OF DR. ROBERT EARL PRICE, SR.

#### HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 19, 2012*

Ms. EDDIE BERNICE JOHNSON of Texas.

Mr. Speaker, I rise today to honor the life of Dr. Robert Earl Price, Sr., the late pastor of the New Mount Zion Baptist Church of Dallas. Dr. Price dedicated more than 42 years of his life to his congregation before he passed away at the age of 80.

Dr. Price was born in Smithville, Texas, where he grew up working with local pastors in spreading their ministry. Dr. Price later settled in Dallas with his wife, and went on to have three children, whom he loved tremendously. While he was devoted primarily to his church, Dr. Price spent time with a number of groups such as the NAACP and Dallas Museum of Art, contributing to the betterment of his community.

Dr. Price was a vibrant leader who was well respected within the church and Dallas, and credited with expanding the church's services and bolstering their ranks. The New Mount Zion Baptist Church grew to be a pillar of the community under the leadership and direction of Dr. Price. The church now houses a robust food bank, a day care that now serves nearly 110 families, and a credit union for local residents. Dr. Price provided spiritual guidance and inspired his congregants to strive to bring about positive social change.

Mr. Speaker, Dr. Price led with the utmost integrity in his work. He prided himself on his faith, and others often looked to Dr. Price for spiritual guidance. It comes as a great loss to the community to hear of his passing, however his invaluable contributions have gone far from unnoticed. I hope his friends, loved ones, and congregants can take comfort in the good he did.

## SENATE—Monday, July 23, 2012

The Senate met at 2 p.m. and was called to order by the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Savior, our help in ages past, take our lawmakers to a safe refuge, for You are their strong defense. Let them find safety under Your wings, as You protect them with Your constant love and faithfulness. Today, refresh our Senators with Your spirit, quicken their thinking, reinforce their judgment, and strengthen their resolve to follow You. Show them what needs to be changed and give them the courage and wisdom to make the changes.

Lord, we conclude this prayer by asking You to embrace with Your arms of mercy the victims and the families affected by the tragic shooting in Aurora, CO. We pray in Your holy Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable RICHARD BLUMENTHAL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, July 23, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut, to perform the duties of the Chair.

DANIEL K. INOUE,  
President pro tempore.

Mr. BLUMENTHAL thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### MIDDLE CLASS TAX CUT ACT— MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to Calendar No. 467.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 467, S. 3412, a bill to amend the Internal Revenue Code of 1986 to provide tax relief to middle-class families.

### MOMENT OF SILENCE

Mr. REID. Mr. President, I ask unanimous consent that the Senate now observe a moment of silence for the victims of the shooting in Colorado.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(Moment of Silence.)

### AURORA, COLORADO SHOOTINGS

Mr. REID. Mr. President, this afternoon the Senate pauses to remember those killed in last week's horrific shooting in Colorado.

Among the dead was 26-year-old Jonathan Blunk—a graduate of Hug High School in Reno, NV, a Navy veteran and father of two. My heart goes out to his loved ones and to all the victims and their families as they struggle to make sense of the senseless. How can you make sense of something that is so senseless? We may never know the motivations behind this terrible crime or understand why anyone would target so many innocent people.

Friday's events were a reminder that nothing in this world is certain and that life is precious and short. Today we pause to mourn the dead but also to honor how they lived. We pledge our support to the people of Aurora, CO, both as they grieve and as they begin to heal from this terrible tragedy.

### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

### AURORA, COLORADO SHOOTINGS

Mr. MCCONNELL. Mr. President, we have all been sifting through the events of last Friday, and I think it is entirely appropriate for the Senate to take a moment today to acknowledge, as we just did, the victims of this nightmarish rampage, their families, and the wider community of Aurora.

In the life of a nation, some events are just so terrible they compel all of us to set aside our normal routines and preoccupations, step back, reflect on our own motivations and priorities, and think about the kind of lives we all aspire to live. This is certainly one of those times.

As is almost always the case in moments such as this, the horror has been

tempered somewhat by the acts of heroism and self-sacrifice that took place in the midst of the violence. I read one report that said three different young men sacrificed their own lives in protecting the young women they were with. We know the first responders and nurses and doctors saved lives too, including the life of an unborn child.

I think all of us were moved over the weekend by the stories we have heard about the victims themselves. It is hard not to be struck by how young most of them were, of how many dreams were extinguished so quickly and mercilessly, but we were also moved by the outpouring of compassion that followed and by the refusal of the people of Aurora to allow the monster who committed this crime to eclipse the memory of the people he killed.

President Obama, Governor Hickenlooper, and the religious leaders in and around Aurora are to be commended for the time and effort they have put into consoling the families of the victims and the broader community. I think the best thing the rest of us can do right now is to show our respect for those who have been affected by this terrible and senseless crime and to continue to pray for the injured, that they recover fully from their injuries.

There are few things more common in America than going out to a movie with friends, which is why the first response most of us had to the shootings in Aurora was to think: It could have been any of us. It is the randomness of a crime such as this that makes it impossible to understand and so hard to accept. But as the Scripture says, "The rain falls on the just and the unjust."

So we accept that some things we just can't explain. Evil is one of them. We take comfort in the fact that while tragedy and loss persist, so does the goodness and generosity of so many.

Now I would like to join Governor Hickenlooper in honoring the victims by reciting their names:

Veronica Moser-Sullivan, Gordon Cowden, Matthew McQuinn, Alex Sullivan, Micayla Medek, John Larimer, Jesse Childress, Alexander Boik, Jonathan Blunk, Rebecca Ann Wingo, Alexander Teves, Jessica Ghawi.

We too will remember.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### DEFENSE AUTHORIZATION

Mr. MCCAIN. Mr. President, I rise to once again urge the majority leader of the Senate to bring to the floor for debate one of the most important pieces of legislation that comes before this body each year; that is, the national defense authorization bill.

On several occasions I have approached the majority leader and asked him to consider this legislation which, for the last 50 years, this body has taken up, debated, amended, passed, conferred with the House of Representatives, and sent to the President for the President's signature.

Last week, the majority leader, the Senator from Nevada, stated that Senate consideration of a controversial and flawed bill on cybersecurity—a bill that has not been considered in the regular order—is more important and of a higher national security priority than the Defense authorization bill. I respectfully but vehemently disagree with that statement.

According to the majority leader, "We're going to have to get to cybersecurity before we get to the defense authorization bill because on the relative merits, cybersecurity is more important."

Let me repeat this. The majority leader of the Senate is arguing that legislation dealing with cybersecurity—which is a subset of national security, of national defense—is more important than legislation responsible for ensuring that the men and women of the Armed Forces have the resources and authorities necessary to ensure our national security—a bizarre statement.

I have been involved in national security issues for a long time. I have been involved with the bills concerning national defense, and I have never heard a statement that cybersecurity is more important than the overall security of this country. That either was the majority leader misspeaking or the majority leader having a lack of understanding of what national security is all about.

He is arguing that a controversial and flawed bill on cybersecurity—a bill of such "significance" that it has languished for over 5 months at the Homeland Security and Governmental Affairs Committee, with no committee markup or normal committee process, no amendments—should take precedence over a bill which was vetted for over a period of 4 months by the Senate Armed Services Committee and reported to the floor with the unanimous support of all 26 members, which certainly would not have been the case if there had been a vote on cybersecurity legislation as it is presently proposed,

because I am a member of that committee and I and others certainly would never have supported this legislation and at least we should have been allowed the amendment process. But that is not the case with "cybersecurity."

Also, I might add, I understand we will have to have a motion to proceed, which then will drag us into next week, when we could—I emphasize could—finish the Defense authorization bill in 1 week and at most 2.

I remind my colleagues that consideration of the Defense authorization bill is more than a simple right of this body. It is an obligation to our national defense and a fulfillment of our responsibility to the men and women in uniform that the Senate has honored over the past 50 consecutive years.

I would say to my colleagues, today I went out to Bethesda. Walter Reed to visit with our wounded. It is always an uplifting and always an incredible experience for me to make that visit. Cannot we—cannot we—as a body, for the sake of those men and women whose lives are on the line, pass a defense authorization bill that is responsible for their security, their training, their weapons, their equipment, their morale, their welfare? Cannot we pass a defense authorization bill through this body? Are we so parochial? Is the Senate majority leader oblivious to the needs of the men and women who are serving this Nation? They deserve better than what they are getting from the leadership of this Senate.

The Senate Armed Services Committee version of the fiscal year 2013 National Defense Authorization Act provides \$525 billion for the base budget of the Defense Department, \$88 billion for operations in Afghanistan and around the world, and \$17.8 billion to maintain our nuclear deterrent.

In the area of pay and compensation, the bill authorizes \$135 billion for military personnel, including costs of pay, allowances, bonuses, and a 1.7-percent across-the-board pay raise for all members of the uniformed services, consistent with the President's request. The bill improves the quality of life of the men and women in the Active and Reserve components of the all-volunteer force. It helps to address the needs of the wounded servicemembers and their families. It also authorizes important military construction and family housing projects that cannot proceed without specific authorization.

All major weapons systems are authorized in this legislation, including those that will benefit by the committee's continuous rigorous oversight of poorly performing programs. Every piece of equipment—large or small—that the Department of Defense needs to develop or procure is authorized in that legislation.

With the planned reductions in Afghanistan, the importance of providing

for our deployed troops while training and transitioning responsibilities to the Afghan forces has never been more important. The bill provides our service men and women with the resources, training, equipment, and authorities they need to succeed in combat and stability operations. It also enhances the capability of U.S. forces to support the Afghan National Security Forces and Afghan local police as they assume responsibility for security throughout Afghanistan by the year 2014.

The bill contains important initiatives intended to ensure proper stewardship by the department of taxpayer dollars by, among other things, codifying the 2014 goal for it to achieve an auditable statement of budgetary resources, strictly limiting the use of cost-type contracts for the production of major weapons systems, requiring the Department of Defense to review its existing profit guidelines and revise them as necessary to ensure an appropriate link between contractor profits and contractor performance, enhancing protections for contractor employee whistleblowers, and restricting the use of abusive "passthrough" contracts.

Another vitally important provision in the bill repeals provisions of last year's National Defense Authorization Act that threaten to upset the delicate balance between the public sector and the private sector in the maintenance and repair of military systems, and the bill addresses many other important national security policy issues.

With respect to cybersecurity, I am in full agreement that the threat we face in the cyber domain is among the most significant and challenging threats of 21st century warfare. This threat was made even more evident by the recent leaks about Stuxnet coming from this administration. That is why the Defense authorization bill takes great steps to improve our capabilities by consolidating defense networks to improve security and management and allow critical personnel to be reassigned in support of offensive cyber missions which are presently understaffed. It also provides policy guidance to the Department of Defense to address the clear need for retaliatory capabilities to serve both as a deterrence to and to respond in the event of a cyber attack.

Based on the procedures the Senate has been following over the past few years—with little or no opportunity for debate and amendments—the majority leader apparently intends to rush through the Senate a flawed piece of legislation. The cybersecurity bill he intends to call up later this week is greatly in need of improvement, both in the area of information sharing among all Federal agencies and the appropriate approach to ensuring critical infrastructure protection.

Without significant amendment, the current bill the majority leader intends

to push through the Senate has zero chance of passing the House of Representatives or ever being signed into law; whereas, the Defense authorization bill, if we would take it up and pass it, clearly, we would have a successful conference with the House, and we would send it—after voting on the conferenced bill—to the President for his signature. There is no chance the cybersecurity bill the majority leader wants to bring to the floor will have a chance of passage in the House of Representatives.

So here is the choice: take up the Defense authorization bill, which has important cybersecurity provisions in it and provides for the overall defense of the Nation, or take up a flawed bill that never went through the committee, was never amended, take it to the floor, use up 1 week while we go through the motion to proceed, and then maybe pass it, maybe not, and not have it even considered by the other body during the month of September, which is the last we will be in session before the election.

For the life of me, I do not understand why the majority leader of the Senate should have so little regard for the needs of the men and women who are serving in the military today, and I hope he will understand better the needs to defend this Nation, as we are still involved in conflict in Afghanistan, we face a major crisis with Iran over their continued development of nuclear weapons—we just saw the Iranian ability to commit acts of terror all over the world, the latest being in Bulgaria—the fact that Syria is now coming apart and in danger of—because of this administration's failure to lead—that there can be chemical weapons not only spread around Syria but also in other places as well. There is a danger of chemical weapons that are presently under Bashar Assad's control flowing to Hezbollah, presenting a grave threat to the security of Israel.

All these things are happening in the world without this body acting on the most important piece of legislation as far as our national security is concerned, and the majority leader of the Senate apparently has decided not to bring it up and wants to bring up cybersecurity instead. It is a grave injustice—a grave injustice—to the men and women who are serving this Nation and sacrificing so much.

I hope the majority leader of the Senate, who by right of his position and in the majority decides the agenda for the Senate, will change his mind and bring up the Defense authorization bill, which I assure him we can have passed by this body, as always, in a near unanimous vote, if not totally unanimous vote, for the benefit of the security of this Nation.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### CLASS WARFARE

Mr. KYL. Mr. President, I wanted to say a few words today about the current debate over "class," a term that has been ubiquitous in this election year. Its usage in political rhetoric is, I believe, misguided and wrong and even dangerous. Most prominently, we have a President who talks incessantly about class, particularly the middle class. Maybe you have noticed that.

He defines class strictly by your income. In the President's narrative, someone who makes \$199,000 a year is a member of one class, and someone who makes \$200,000 belongs to another class. Does that make sense? Indeed, each day the President is out on the campaign trail championing himself as the great protector of what he calls the middle class, and pitting those Americans against their fellow citizens by arguing that the wealthiest class is victimizing them through the Tax Code.

If wealthy people are not made to pay more, he argues, the middle class will be stuck in their current stations. What one class wins, he implies, the other class loses. In this, I believe he is wrong. Moreover, I believe such a formulation is contrary to four centuries of American history.

First, I think "class" is a loaded term that is not appropriate for our debates about income, mobility, and tax policy. Implying there is a rigid class structure in America suggests some people were born innately superior to others, and that where you were born is where you stay.

That is not what we believe in America. A true class-based society is one in which one ruling class employs another class that labors but cannot own property or move out of their class.

This is not who we are in America. We do not have an ingrained class system. There are no noble bloodlines. We do not have an aristocracy or commoners or people who are legally unable to own land, for example, because of their class. Spreading economic resentment weakens American values and ideals, and it ignores the uniquely meritocratic basis of our society where you can succeed if you work hard, and you can do well.

Generations arrived here in America to get away from class societies in Europe. They believed in that meritocracy. They wanted the opportunity to make it in the land of self-government and equal rights and opportunity, to work and compete and to build something of their own, something they could perhaps one day pass on to their children.

In America we believe everyone can achieve the American dream regardless of background. And how many rags-to-riches stories are there out there? There are countless. How many from one generation to the next, and by the third generation you had an incredibly more successful generation than the first. Think of all the people who had a big dream and built something or made something that changed lives; maybe a company that employs a lot of people or a product that makes life easier or maybe even just more fun. We have different talents to offer and different ideas of success and what we want to do with our lives, and that is all part of the American story.

As columnist Robert Samuelson noted recently, four modern-day Presidents—Obama, Clinton, Johnson, and Eisenhower—all came from very modest backgrounds. So we don't need the current President touring the country and defining every American's values and status based upon a class system he has made up.

If we want to talk about income and mobility, which is the basis of the class debate, let's do that. And that leads to my second point. Income in America is fluid; that is, there is ample evidence that people can and do move among income groups. Our economists study this. They divide our country into quintiles and they talk about how people move from one quintile into another quintile, and they do this throughout their life. You know, younger people start in the lower quintiles and as they get education and get work and then get improved work and more experience, they move into higher quintiles.

Take one statistic here. The Tax Foundation found from 1997 to 2007—the 10-year period they studied—only 50 percent of the taxpayers who reached millionaire status did so more than one time. In other words, high income status is often the result of 1 or 2 years of financial success, frequently based on the sale of an asset or some other temporary event.

Here is another notable factoid: A Kauffman Foundation survey of more than 500 successful entrepreneurs found that 93 percent came from middle-income or lower income backgrounds. The survey notes that entrepreneurship did not run in the family for these people. Quoting from the survey:

The majority were the first in their families to launch a business.

A Treasury Department study on income and mobility in America found during the 10-year period starting in 1996, roughly half of the taxpayers who started in the bottom 20 percent had moved up to a higher income group by 2005. Similarly, people in the top income group dropped to lower groups, thus making way for others to move up. The point is there is no such thing as a permanent middle class or any other class in America.

There are other measures of income mobility. As columnist Robert Samuelson noted, one litmus test for mobility in America is whether people rise above their parents economically, and this happens frequently. Citing a new report from the Pew Mobility Project, he notes that 84 percent of Americans exceed their parents' income at a similar stage in life. Income gains were "sizable across the economic spectrum," he writes. Indeed, in the bottom fifth of income earners, median income grew by 74 percent over just this decade.

While income mobility has slowed during this economic downturn, the overarching point is that nobody in America is stuck where they are because of a ruling class of greedy wealthy people.

Here is my third point: To borrow a phrase from Congressman PAUL RYAN, the real class threat is a class of bureaucrats and crony capitalists using their government connections to try to rig the rules and rise above everyone else.

One example is ObamaCare. Recently released documents show that industry lobbyists and Democrats worked very closely in drafting ObamaCare. After it became law, the Department of Health and Human Services granted approximately 1,700 temporary waivers from the new annual limit requirements of the law. When the Federal Government is handing out lucrative favors, it is easy to predict what will happen. Companies hire armies of lobbyists and politically connected organizations—in this case, primarily, labor unions—will get special treatment. And that is exactly what happened here.

It is not just ObamaCare. Cap-and-trade would have enriched politically connected energy firms. Even without cap-and-trade, many of Obama's political supporters have reaped huge benefits from the administration's green energy industrial policy. The Solyndra scandal demonstrates what can happen when government tramples free markets in a misguided attempt to pick economic winners and losers.

As University of Chicago economist Luigi Zingales reminds us in his new book, "A Capitalism for the People," being "probusiness" is not the same as being "promarket." All too often, the Obama administration has embraced spending policies and regulations that favor certain businesses but are fundamentally antimarket. If a Federal policy is probusiness but antimarket, it is most likely an example of crony capitalism.

The irony here is remarkable. Even though President Obama tours the country advertising himself as the defender of the little guy and a guardian of the middle class, he has consistently embraced policies that promote crony capitalism.

That is not the type of capitalism that made this country so prosperous,

and it is not the type of capitalism the American people support. Citizens across this country are eager for policies that promote free markets and equal opportunities for all businesses, all industries, all entrepreneurs, all people. Those are the principles upon which our country was founded. Americans firmly reject the idea that certain companies and industries should receive preferential treatment for political or ideological reasons. Centuries of evidence from around the world demonstrates crony capitalism leads to corruption, a decline of social trust, and economic stagnation. That is certainly not the future Americans want.

Instead of policies that favor politically connected entities and take even more money from successful Americans, let's clear the way for more opportunity and mobility in a true free market system. Higher taxes and more government are not the answers. We should not make it more difficult for Americans to get ahead.

We should certainly not believe Americans are to be distinguished by their income in any given year or be presumed to have different values or value because of that. To say America has a middle class presumes we have a lower class or an upper class. Think about it. You can't have a middle without something on either side. Is it true we have a lower class and a middle class and an upper class? Some Americans are better off financially than others. That is certainly true. But that is no basis for dividing us into arbitrary classes to favor one over another.

My guess is that all this talk about class, while it has a tendency to divide Americans, is more about trying to identify with the common man, and that is something all politicians try to do. "I am just like you. I am just like the average guy." Abraham Lincoln talked about identifying with the common man. He said he thought God made a lot of them, and I think that is true. Most people in this country like to think of themselves as basic, common citizens, and they do not particularly like somebody identifying them as a class in order to suggest they are better or worse than somebody else.

That is why I think, even though this divides America, the discussion about class is probably simply an effort to say "I am for you." And some politicians don't like to say "I am for everybody" because that would imply they are for people who are very successful. Well, why shouldn't we be for people who are very successful? They are probably people who have accumulated wealth because of something they have accomplished in life—usually by studying hard, working hard, sometimes by creating some special kind of product.

Take Bill Gates or Steve Jobs. They were smart people who created something people wanted and were willing to buy, and they got very wealthy be-

cause of that. Is that bad? Bill Gates has created a foundation, and he and his wife have contributed more to charity than probably any other thousand people you can name. That is a good thing. They have created more jobs than many other people in this country have. They have created products that have enabled us to lead much better lives. The same thing is true of Steve Jobs and thousands and thousands of other entrepreneurs. So there is nothing wrong with being successful, being rewarded for that, because most likely it has given many other people an opportunity.

There was a recent editorial in the Wall Street Journal that talked about the Chicago Bulls and Michael Jordan. The article noted they weren't a very impressive team before Michael Jordan came and the team wasn't making very much money and neither were any of the players. When Michael Jordan came, after he established how great he would be, he was given an enormous, almost unheard-of salary. Did the other players say: That is not fair? No. Actually, all the other players got big salary increases too—nothing like Michael Jordan, but they got huge salary increases. Why? Because he made the team better and it began to succeed and, eventually—you all know the story—the world championships, the whole franchise did well—the people selling popcorn in the stands, the people parking the cars, and certainly every one of the members of the team made much more money than they ever would have had Michael Jordan not come to the team. But Michael Jordan still made many times more than any of them did.

This is a point President John Kennedy made when he talked about reducing the tax rates in the country on business—on capital gains—so that businesses could create more wealth so they could do what? They could grow and hire more people. He said a rising tide lifts all boats. If the economy is doing well, if we have wealthy people who are doing well, we have less wealthy who will also do better.

That is what America has always been about. We don't take it away from the person who makes a lot of money. Maybe it is because they are lucky with a God-given talent they have or their good looks and their acting ability. Whatever it is, those people generally participate in activities that create wealth for others as well. They also create products or services or even entertainment we enjoy. So Americans don't look askance at these people. We celebrate them. We are happy for their success. Frequently it helps us too, besides which they pay a lot of taxes.

Likewise, for those people who are less fortunate, I don't know of any politician who wants to talk about the lower class. That almost is a pejorative term. It is as though these are lesser

people. Well, the reality is maybe it is somebody down on his or her luck. Maybe it is somebody just starting out so they are not making as much money as somebody who has been in business a lot longer. Maybe it is a student, for example, or somebody who suffered misfortune, somebody who doesn't have a good education, or maybe a recent immigrant to the country. There is nothing lesser about those people. We are all Americans. They may be in a lower income group, at least temporarily, but there is no reason to distinguish between the people in that income group and however the President defines the middle class.

Why is the middle class more deserving or special than people who don't make as much money as those in the middle class? The point is, people are deserving all up and down the economic ladder. It isn't just about money, anyway. The person who makes an average income—who provides for his family, provides them a good home, good tutelage as a parent, strong values, maybe sends them off to college and helps them to prepare for their life as a productive citizen—is just as important as the wealthy person in this country. A teacher may not make much money but influences the lives of thousands of young people to be better citizens in this country—more educated—and that influence goes far beyond the salary the individual teacher makes. So you can't judge value by how much money someone makes, and you certainly can't identify with one class and say: That is the class I am for.

The President, in particular, represents all Americans. He should be for all Americans. And I don't think there is anything called middle class values that are different from the values of other people in this country. Tell me what is different about the values of someone who the President identifies as middle class? Does that mean middle income? If so, what income and what year? Because a person will be in a lower income group one year, in a middle income group the next year, and maybe 10 years later in a higher income group. Has that individual's values changed? No. Americans are Americans, and it doesn't matter how much money we make in a given year. What matters is that as a country we have found a degree of success that others can only dream of because we create opportunity for everyone to succeed, and we teach that to our kids.

I think it is destructive for the leader of the country, the President, to be suggesting something else—that you should consider what class you are in in this country: If you are middle class, that is great, I am for you. Well, what about the other classes, and what about the person who is middle class today under the President's definition but wasn't yesterday and might not be tomorrow?

I just think the whole discussion of class is wrong. It is not what we do here in America. You can divide people for statistical purposes into income levels, into wealth levels, into levels of education. We divide ourselves for statistical reasons into all kinds of categories, but at the end of the day, we don't suggest that one group has different values than the other or that one is better than the other one. And I think that is the pernicious effect of the President's rhetoric—constantly talking about the middle class. I don't even know if I am in that group or not. Am I in the middle class? I make less money than the President suggests identifies the wealthy, that is for sure, but I don't think my values are any different or any better than those who make less money or more money than I do. In my view, money isn't even the measure of what this should be all about anyway.

I hope that as the campaign goes on, maybe we can focus a little bit more on what unites us rather than what divides us, on the values that I think we all subscribe to, and on the things that would make us a better country not just in economic terms but in other terms as well. And if we are focused on economic terms, then let's focus on those that will make us better off economically: a better education, a better home environment, strong communities, a government that is willing to help when that is necessary, and certainly governmental policies that reward what? That reward education; that reward hard work; that reward savings and investment; that reward entrepreneurship, people working to create something, to create a business; that reward job creation so that you don't have a law like ObamaCare that says: You are OK if you have 49 employees, but as soon as you have 50 employees, then here are a whole bunch of expensive burdens you are going to have to take on—tax burdens, penalties, and regulations. That is not something that favors building a business beyond 49 employees. It doesn't favor job creation beyond 49 employees. These are the kinds of issues we should be debating. What will make our country better both in economic terms and in all of the other terms that define us as a society?

I hope that as the campaign goes on, we will focus a lot more on what we hold in common, that we share, and that we can do better with, rather than those that divide us and especially that divide us in political terms.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MANCHIN). Without objection, it is so ordered.

#### AURORA, COLORADO SHOOTINGS

Mr. DURBIN. Mr. President, the horrific shooting that happened last week in Aurora, CO has shocked our Nation. Our hearts and our prayers go out to the victims, to their loved ones, and to all those whose lives have been forever marred by this tragedy. Twelve have died, and 58 more have been injured, many seriously.

We certainly give thanks to the first responders and to the medical personnel who responded so quickly and so capably. Most of all, we mourn those who we have lost.

Sadly, no state in our Union is immune to the horror of lives cut short by violence. In my State of Illinois, there have been too many lives lost, too many families shattered, too many children caught in the crossfire in my hometown of East St. Louis and some neighborhoods of Chicago.

The tragic mass shooting in Aurora has sent ripples of sadness and loss far beyond Colorado. For many people in Illinois, the scene last Friday was sickeningly familiar. A little over 4 years ago, a mentally disturbed gunman walked into a lecture hall at Northern IL University in DeKalb, IL, and opened fire. He killed 5 people, and injured 21 more. We in Illinois know something about the grief Coloradans are feeling after last Friday's mass shooting, and we grieve with them.

#### PETTY OFFICER JOHN LARIMER OF CRYSTAL LAKE, IL

We were saddened to hear that a young man from Illinois was among those killed in Aurora. U.S. Navy PO3 John Larimer of Crystal Lake, IL, was a fourth-generation Navy man.

He joined the Navy last year and trained at the Naval Station Great Lakes near Chicago. He was a cryptologic technician. He was stationed at Buckley Air Force Base in Aurora, where he was assigned to the U.S. Fleet Cyber Command. Last week Petty Officer Larimer went to the movies with his girlfriend, Julia Vojtsek, a nurse who grew up in Algonquin, Illinois. When the shooting started, John Larimer shielded Julia's body with his own. Julia said that John "held my head, and protected my whole body with his, and saved me." John Larimer was a brave man who died a hero. He was 27 years old.

His commanding officer, Commander Jeffrey Jakuboski, said the following of Larimer:

He was an outstanding shipmate. A valued member of our Navy team, he will be missed by all who knew him.

Over the weekend, John Larimer was remembered by friends and family for his intelligence, his good nature, his compassion, and his dedication to his family, his community and his country.



Family members spoke of his “incredible mind” and “quiet gentleness.” John’s English teacher at Crystal Lake South High School remembered a good student who was “incredibly bright and firm in his ideals.” He said John “was a good, strong human being . . . and I know he would have done incredible things for our country.” To his high school principal, John Larimer was “just a great kid to be around.”

Whether it was giving a big tip to a neighborhood kid who sold him a lemonade, or sending letters to the local newspaper calling for tolerance and respect for the views of others, John Larimer inspired those around him through the way he lived his life. And now he has inspired us with the way he died, literally sacrificing his life to save another.

His passing is a heartbreaking loss to the community of Crystal Lake, to Illinois, and to our country. I offer my condolences to John’s parents, his brother and his three sisters. All of us will keep John, his family and his loved ones in our thoughts and prayers.

A night out at the movies is supposed to be a joyful event. That it could end in such a horrific scene reminds us how precious and fragile life is.

In the days and weeks to come, we will learn more about what happened in Aurora and whether there was any point at which this disturbed gunman could have been identified and stopped.

There will inevitably be discussions about whether we need to change any of our laws or policies. We owe it to the victims and their loved ones to see that those debates are guided by an honest assessment of the facts, what it will take to keep us safe in America, safe from the gunman who walks into a classroom at Northern Illinois University in DeKalb or the gunman who walks into a crowded theater in Aurora CO.

I came out of church yesterday, and a woman came up to me and said: They are talking about putting metal detectors in movie theaters now. What is next?

I said, sadly: I am not sure. I don’t know where we will turn next to keep America safe from people who misuse firearms, assault rifles, a 100-round clip of ammunition.

All of these things are raising questions in the minds of everyone about where is it safe anymore.

I said to this woman outside our church: There was a big crowd sitting in that church today, too. Just as in that movie theater, we all thought we were safe until this happened.

For today we pause, not to enter into a debate about these important issues, which we must face, but to remember and honor those who died, to offer our condolences to those who were left behind, and to pray for the recovery of all those who were wounded and those who have suffered. We wish them comfort in this difficult time.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, are we now on the motion to proceed to S. 3412?

The PRESIDING OFFICER. We are.

#### CLOTURE MOTION

Mr. REID. I have a cloture motion at the desk I wish to have reported.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant bill clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to calendar No. 467, S. 3412, a bill to amend the Internal Revenue Code of 1986 to provide tax relief to middle class families.

Harry Reid, Max Baucus, Tom Udall, Debbie Stabenow, Mark Begich, Sheldon Whitehouse, Carl Levin, Robert P. Casey, Jr., Tom Harkin, Tom Carper, Christopher A. Coons, Barbara A. Mikulski, Jeff Merkley, Kirsten E. Gillibrand, Daniel K. Inouye, Richard Blumenthal, Mark R. Warner.

Mr. REID. I ask unanimous consent that the mandatory quorum required under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EXECUTIVE SESSION

#### NOMINATION OF MICHAEL A. SHIPP TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination which the clerk will report.

The assistant bill clerk read the nomination of Michael A. Shipp, of New Jersey, to be United States District Judge for the District of New Jersey.

Mr. LEAHY. Mr. President, I ask unanimous consent that the cloture

motion be withdrawn and that the time be equally divided between now and the hour of 5:30 in the usual form; that upon the use or yielding back of time the Senate proceed to vote without intervening action or debate on the nomination; that the motion to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate’s action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I thank the distinguished Presiding Officer, distinguished by his service here in the Senate but also as Governor of one of the most beautiful States in the Union.

#### AURORA, COLORADO SHOOTINGS

Before we begin—and so many others have said this—it would be impossible to state the amount of horror and sadness felt by my wife Marcelle and me at the news of what happened in Colorado, and I was reminded again today as I saw the flags lowered to half staff on this Capitol Building. We think of the Capitol as being a bastion of democracy or the light that sort of shines for the rest of the world on what democracy is. Unfortunately, so much of the world has seen the acts of a madman. It is safe to say this is one thing that united every Senator of both parties here. Our hearts go out not only to those who have been injured, obviously to the families of those who have died, and to the people in that wonderful community, because it is impossible for any one of us here to know how long or how hard that will hold in their heart, the number of people who say, as we all do: We just went to a movie. Any one of us has done that. Our children go to movies, our grandchildren go to movies. You expect them to go, have a good time, and come back, and enjoy it. The thought of what they saw there is horrible.

We have before us a Federal trial court nomination, that of Michael Shipp. This is a nomination that was voted on by the Senate Judiciary Committee more than three months ago and supported nearly unanimously by both Republican and Democratic Senators who have reviewed it. The only objection came as a protest vote from Senator LEE.

Judge Michael Shipp has served as a U.S. Magistrate Judge in the District of New Jersey since 2007 and has presided over civil and criminal matters and issued over 100 opinions. He is the first African-American United States Magistrate Judge in that district. Prior to his appointment to the Federal bench, he worked for the Office of the Attorney General of New Jersey for five years, where he was Assistant Attorney General in charge of Consumer

Protection from 2003 to 2007 and Counsel to the Attorney General in 2007. From 1995 to 2003, Judge Shipp was an associate in the Newark office of the law firm Skadden, Arps. Upon graduation from law school, Judge Shipp clerked for Judge James Coleman on the New Jersey Supreme Court.

Despite his outstanding qualifications and bipartisan support, Senate Republicans have delayed his confirmation vote for more than three months. Despite the fact that the Senate has finally been allowed to consider his nomination and that he will be confirmed overwhelmingly, Senate Republicans have again demonstrated their obstruction of judicial nominees. This is not a nominee on whom cloture should have been filed.

They refused until today to agree to a vote on this nomination. That meant that the Majority Leader was required to file a cloture petition to put an end to their obstruction and partisan filibuster. While I am pleased we are holding a confirmation vote today, it should not have required that the Majority Leader file for cloture.

This was the 29th time the Majority Leader had been forced to file for cloture to end a Republican filibuster and get an up-or-down vote for one of President Obama's judicial nominees. By comparison, during the entire eight years that President Bush was in office, cloture was filed in connection with 18 of his judicial nominees, most of whom were opposed on their merits as extreme ideologues.

Senate Republicans used to insist that filibustering of judicial nominations was unconstitutional. The Constitution has not changed but as soon as President Obama was elected they reversed course and filibustered President Obama's very first judicial nomination. Judge David Hamilton of Indiana was a widely-respected 15-year veteran of the Federal bench nominated to the Seventh Circuit and was supported by Senator DICK LUGAR, the longest-serving Republican in the Senate. They delayed his confirmation for five months. Senate Republicans then proceeded to obstruct and delay just about every circuit court nominee of this President, filibustering nine of them. They delayed confirmation of Judge Albert Diaz of North Carolina to the Fourth Circuit for 11 months. They delayed confirmation of Judge Jane Stranch of Tennessee to the Sixth Circuit for 10 months. They delayed confirmation of Judge Ray Lohier of New York to the Second Circuit for seven months. They delayed confirmation of Judge Scott Matheson of Utah to the Tenth Circuit and Judge James Wynn, Jr. of North Carolina to the Fourth Circuit for six months. They delayed confirmation of Judge Andre Davis of Maryland to the Fourth Circuit, Judge Henry Floyd of South Carolina to the Fourth Circuit, Judge Stephanie

Thacker of West Virginia to the Fourth Circuit, and Judge Jacqueline Nguyen of California to the Ninth Circuit for five months. They delayed confirmation of Judge Adalberto Jordan of Florida to the Eleventh Circuit, Judge Beverly Martin of Georgia to the Eleventh Circuit, Judge Mary Murguia of Arizona to the Ninth Circuit, Judge Bernice Donald of Tennessee to the Sixth Circuit, Judge Barbara Keenan of Virginia to the Fourth Circuit, Judge Thomas Vanaskie of Pennsylvania to the Third Circuit, Judge Joseph Greenaway of New Jersey to the Third Circuit, Judge Denny Chin of New York to the Second Circuit, and Judge Chris Droney of Connecticut to the Second Circuit for four months. They delayed confirmation of Judge Paul Watford of California to the Ninth Circuit, Judge Andrew Hurwitz of Arizona to the Ninth Circuit, Judge Morgan Christen of Alaska to the Ninth Circuit, Judge Stephen Higginson of Louisiana to the Fifth Circuit, Judge Gerard Lynch of New York to the Second Circuit, Judge Susan Carney of Connecticut to the Second Circuit, and Judge Kathleen O'Malley of Ohio to the Federal Circuit for three months.

As a current report from the nonpartisan Congressional Research Service confirms, the median time circuit nominees have had to wait before a Senate vote has skyrocketed from 18 days for President Bush's nominees to 132 days for President Obama's. This is the result of Republican foot dragging and obstruction. In most cases, Senate Republicans are delaying and stalling for no good reason. How else do you explain the filibuster of the nomination of Judge Barbara Keenan of Virginia to the Fourth Circuit who was ultimately confirmed 99-0? And how else do you explain the needless stalling and obstruction of Judge Denny Chin of New York to the Second Circuit, who was filibustered for four months before he was confirmed 98-0?

Three of the five circuit court judges finally confirmed this year after months of unnecessary delays and a filibuster should have been confirmed last year. The other two circuit court nominees confirmed this year were both subjected to stalling and a partisan filibuster by Senate Republicans. This was the case even though these circuit nominees had strong bipartisan support. We needed to overcome a filibuster to confirm Justice Andrew Hurwitz of Arizona to the Ninth Circuit despite the strong support of his home state Senators, Republicans JON KYL and JOHN MCCAIN. The Majority Leader had to file cloture to secure an up-or-down vote on Paul Watford of California to the Ninth Circuit despite his sterling credentials and bipartisan support. The year started with the Majority Leader having to file cloture to get an up-or-down vote on Judge Adalberto Jordan of Florida to the Eleventh Cir-

cuit even though he was strongly supported by his Republican home state Senator. Every single one of these nominees for whom the Majority Leader was forced to file cloture was rated unanimously well qualified by the nonpartisan ABA Standing Committee on the Federal Judiciary, the highest possible rating. And every one of them was nominated to fill a judicial emergency vacancy.

In June, Senate Republicans confirmed that they shut down the confirmation process for qualified and consensus circuit court nominees. They are now filibustering Judge Patty Shwartz of New Jersey who is nominated to the Third Circuit and Richard Taranto who is nominated to the Federal Circuit. In addition, they are filibustering two circuit court nominees who have the support of both their home state Republican Senators: William Kayatta of Maine to the First Circuit and Judge Robert Bacharach of Oklahoma to the Tenth Circuit. This is almost unprecedented.

During the past five presidential election years, Senate Democrats have never denied an up-or-down vote to any circuit court nominee of a Republican President who received bipartisan support in the Judiciary Committee. In fact, during the last 20 years, only four circuit nominees reported with bipartisan support have been denied an up-or-down vote by the Senate and all four were nominated by President Clinton and blocked by Senate Republicans. While Senate Democrats have been willing to work with Republican presidents to confirm circuit court nominees with bipartisan support, Senate Republicans have repeatedly obstructed the nominees of Democratic presidents. In the previous five presidential election years, a total of 13 circuit court nominees have been confirmed after June 1. Not surprisingly, 12 of the 13 were Republican nominees. Clearly, this is not tit-for-tat as some contend but, rather, a one-way street in favor of Republican presidents' nominees.

This entire year, the Senate has yet to vote on a single circuit court nominee who was nominated by President Obama this year. Since 1980, the only presidential election year in which there were no circuit nominees confirmed who was nominated that year was in 1996, when Senate Republicans shut down the process against President Clinton's circuit nominees.

The nonpartisan Congressional Research Service has confirmed in its reports that judicial nominees continue to be confirmed in presidential election years—except it seems when there is a Democratic President. In five of the last eight presidential election years, the Senate has confirmed at least 22 circuit and district court nominees after May 31. The notable exceptions were during the last years of President

Clinton's two terms in 1996 and 2000 when Senate Republicans would not allow confirmations to continue. The third exception was in 1988, at the end of President Reagan's presidency, but that was because vacancies were at 28. In comparison, vacancies at the end of the Clinton years stood at 75 at the end of 1996 and 67 at the end of 2000. Otherwise, it has been the rule rather than the exception. So, for example, according to CRS the Senate confirmed 32 nominees in 1980; 28 in 1984; 31 in 1992; 28 in 2004 at the end of President George W. Bush's first term; and 22 after May 31 in 2008 at the end of President Bush's second term. So far this year only 7 judicial nominees have been allowed to be confirmed.

It is ironic that certain Senate Republicans are now arguing in support of a distorted version of the Thurmond Rule, as if it had the force of law. After all, it is Senate Republicans who have repeatedly asserted that the Thurmond Rule does not exist. For example, on July 14, 2008, the Senate Republican caucus held a hearing solely dedicated to arguing that the Thurmond Rule does not exist. At that hearing, the senior Senator from Kentucky stated: "I think it's clear that there is no Thurmond Rule. And I think the facts demonstrate that." Similarly, the Senator from Iowa, my friend who is now serving as Ranking Member of the Judiciary Committee, stated that the Thurmond Rule was in his view "plain bunk." He said: "The reality is that the Senate has never stopped confirming judicial nominees during the last few months of a president's term." We did not in 2008 when we proceeded to confirm 22 nominees over the second half of that year. That Senate Republicans have objected to voting on the nomination of Judge Shipp is a distortion of the Thurmond rule and shows the depths to which they have gone.

There is no good reason that the Senate should not vote on consensus nominees like Judge Shipp and more than a dozen other consensus judicial nominees to fill Federal trial court vacancies in Iowa, California, Utah, Connecticut, Maryland, Florida, Oklahoma, Michigan, New York and Pennsylvania. There is no good reason the Senate should not vote on the nominations of William Kayatta of Maine to the First Circuit, Judge Robert Bacharach of Oklahoma to the Tenth Circuit, Richard Taranto to the Federal Circuit and for that matter Judge Patty Shwartz of New Jersey to the Third Circuit, who is supported by New Jersey's Republican Governor. Each of these circuit court nominees has been rated unanimously well qualified by the nonpartisan ABA Standing Committee on the Federal Judiciary, the highest possible rating. These should not be controversial nominees. They are qualified and should be considered as consensus nominees and confirmed.

Senate Republicans are blocking consent to vote on superbly qualified circuit court nominees with strong bipartisan support. This is a new and damaging application of the Thurmond rule.

The fact that Republican stalling tactics have meant that circuit court nominees that should have been confirmed in the spring—like Bill Kayatta, Richard Taranto and Patty Shwartz—are still awaiting a vote is no excuse for not moving forward this month to confirm these circuit nominees.

In an article dated July 16, 2012 entitled "William Kayatta and the Needless Destruction of the Thurmond Rule," Andrew Cohen of the Atlantic states:

In a more prudent and practical era in Senate history, nominees like Kayatta would have been confirmed in days . . . Now even slam-dunk candidates like Kayatta linger in the wings waiting for Senate "consent" long after the body already has definitively "advised" the executive branch of how great it thinks the nominee would be as a judge. Can you imagine the uproar if the Senate ever used its filibuster power to block the deployment of troops already endorsed by the Armed Services Committee? Now please tell me the material difference here. Surely, the judiciary needs judges as much as the army needs soldiers.

I agree. We have outstanding nominees with the support of both Republican home State senators. Yet, we cannot vote on these nominees because Senate Republicans want to place politics over the needs of the American people.

The Los Angeles Times recently published an editorial entitled "Reject the 'Thurmond Rule'" which concluded "the administration of justice shouldn't be held hostage to partisan politics even in an election year."

I ask unanimous consent that copies of the July 12 and 16 articles be printed in the RECORD at the conclusion of my statement.

The PRESIDING OFFICER. Without objection, it is ordered.

(See exhibit 1.)

Mr. LEAHY. As both Chairman and Ranking Member of the Judiciary Committee during the last several years, I have worked with Senate Republicans to consider judicial nominees well into presidential election years. I have made earnest efforts to make the confirmation process more transparent and fair, I have ensured that the President consults with home state Senators before submitting a nominee, and I have opened up the blue slip process to prevent abuses while continuing to respect it.

In the last two presidential election years, we were able to bring the number of judicial vacancies down to the lowest levels in the past 20 years. In 2004 at end of President Bush's first term, vacancies were reduced to 28 not the 77 we have today. In 2008, in the last year of President Bush's second

term, we again worked to fill vacancies and got them down to 34, less than half of what they are today. In 2004, 25 nominees were confirmed between June and the presidential election, and in 2008, 22 nominees were confirmed between June and the presidential election.

In 2004, a Presidential election year, the Senate confirmed five circuit court nominees of a Republican President that had been reported by the Committee that year. This year we have confirmed only two circuit court nominees that have been reported by the Committee this year, and both were filibustered. By this date in 2004 the Senate had already confirmed 32 of President Bush's circuit court nominees, and we confirmed another three that year for a total of 35 circuit court nominees in his first term. So far, the Senate has only been allowed to consider and confirm 30 of President Obama's circuit court nominees five fewer, 17 percent fewer while higher numbers of vacancies remain, and yet the Senate Republican leadership wants to artificially shut down nominations for no good reason.

As Chairman of this Committee, I have also assiduously protected the rights of the minority in the judicial nomination process. I have only proceeded with judicial nominations supported by both home state Senators. That has meant that we are not able to proceed on current nominees from Arizona, Georgia, Nevada and Louisiana. I even stopped proceedings on a circuit court nominee from Kansas when the Kansas Republican Senators reversed themselves and withdrew their support for the nominee. Nor did I accede to the Majority Leader's request to push a Nevada nominee through Committee who did not have the blue slip of the state's Republican Senator. In stark contrast, it was Senate Republicans and the Republican chairman who blatantly disregarded Senate Judiciary procedure by proceeding with nominations despite the objection of both home state Senators. And I have been consistent. I hold hearings at the same pace and under the same procedures whether the President nominating is a Democrat or a Republican. Others cannot say that. So those have been my rules respect for minority rights, transparency, deference to home state Senators, consistent application of policies and practices, and allowing for confirmations well into presidential election years for nominees with bipartisan support.

Personal attacks on me do nothing to help the American people who are seeking justice in our Federal courts. I am willing to defend my record but that is beside the point. The harm to the American people is what matters. What the American people and the overburdened Federal courts need are qualified judges to administer justice

in our Federal courts, not the perpetuation of extended, numerous vacancies.

The judicial vacancy rate remains almost twice what it was at this point in the first term of President Bush. I wish Senate Republicans would think more about our responsibilities to the American people than some warped sense of partisan score settling. Vacancies have been near or above 80 for three years. Nearly one out of every 11 Federal courts is currently vacant. Their shutting down confirmations for consensus and qualified judicial nominees is not helping the overburdened courts who cannot administer justice in an expedient fashion. It is not helping owners of small businesses.

Last week, after his nomination was reported with near unanimous voice vote by the Judiciary Committee approximately three months ago, the Senate was finally able to confirm Judge Kevin McNulty to the District of New Jersey. Despite vacancies still remaining near or above 80, Senate Republicans continue to obstruct and stall nominees on the Senate floor for no good reason. We could easily have confirmed both Judges Shipp and McNulty together three months ago. It is this type of across-the-board obstruction of judicial nominees by Senate Republicans that has contributed to the judicial vacancy crisis in our Federal courts.

Last week, I spoke about the novel excuses that some Senate Republicans have concocted for refusing to allow for votes on nominees. One excuse was that having confirmed two Supreme Court justices, the Senate cannot be expected to reach the 205 number of confirmations in President Bush's first term. Work on two Supreme Court nominations did not stop the Senate from working to confirm 200 of President Clinton's circuit and district nominees in his first term. Similarly, there were two Supreme Court confirmations in President George H.W. Bush's term, and that did not prevent Senate Democrats who were in the Senate majority from confirming 192 of his circuit and district nominees, including 66 in the election year of 1992 alone.

Last week we heard another self-serving misconception of more recent history from the Republican side of the aisle. They claimed that Democrats were responsible for growing judicial vacancies in 2008. The charge was as follows: "[A]t the beginning of 2008 there were 43 vacancies. So the practice for Democrats who controlled the Senate during that last year of President Bush's term was to allow vacancies to increase by more than 37 percent." In fact, what we did in 2008 was to reduce vacancies back down to 34 in October 2008 when the Senate recessed for the year. The increase in vacancies after October and through the remain-

der of 2008 was not because Senate Democrats were obstructing Senate votes on qualified judicial nominees with bipartisan support as Senate Republicans are today. In November and December 2008 the Senate met on a few days only to address the financial crisis. There were no nominations pending on the Calendar after the election in 2008. Their charge is fallacious. Judicial vacancies have not been as low as 34 or 43 or even the 55 that they stood at when President Obama took office for years. Due to Republican obstruction, President Obama will be the first President in 20 years to complete his first term with more judicial vacancies than when he took office.

Last week Senate Republicans also contended that they have no responsibility for the lack of progress in 2009. In fact, that year ended with 10 judicial confirmations stalled by Senate Republicans. The obstructionist tactics they employed from the outset of the Obama administration had led to the lowest number of judicial confirmations in more than 50 years. Only 12 of President Obama's judicial nominations to Federal circuit and district courts were confirmed that whole year. The 12 were less than half of what we achieved during President Bush's first tumultuous year. In the second half of 2001, a Democratic Senate majority proceeded to confirm 28 judges. Despite the fact that President Obama began nominating judicial nominees two months earlier than President Bush, Senate Republicans delayed and obstructed them to yield an historic low in confirmations. Republicans refused to agree to the consideration of qualified, noncontroversial nominees for weeks and months. And as the Senate recessed in December, only three of the available 13 judicial nominations on the Senate Executive Calendar were allowed to be considered.

By contrast, in December 2001, the first year of President Bush's administration, Senate Democrats proceeded to confirm 10 of his judicial nominees. At the end of the Senate's 2001 session, only four judicial nominations were left on the Senate Executive Calendar, all of which were confirmed soon after the Senate returned in 2002. By contrast, it took until May 2011, a year and a half later, to complete action on the judicial nominees who should have been confirmed in December 2009 but had to be renominated. Although noncontroversial, several were further delayed by filibusters before being confirmed unanimously. The lack of Senate action on those 10 judicial nominees in 2009 was attributable to Senate Republicans and no one else. Despite the fact that President Obama reached across the aisle to consult with Republican Senators, he was rewarded with obstruction from the outset of his administration. While President Obama moved beyond the judicial nominations

battles of the past and reached out to work with Republicans and make mainstream nominations, Senate Republicans continued their tactics of delay.

For Senate Republicans to claim that "only 13 [sic] judges were confirmed during President Obama's first year" because of "decisions made by the Senate Democratic leadership" and that it was "the choice of Democrats" and "not because of anything the Republican minority could do" is ludicrous. Senate Democrats had cleared for confirmation the other 10 judicial nominees stalled by Republicans in 2009. Their assertion ignores the facts and the truth. Just as they cannot escape responsibility for their unwillingness to move forward with the 21 judicial nominees ready for a final up-or-down vote now before the end of this year, they cannot escape responsibility for what they did in 2009.

Senate Republicans choose to offer weak excuses and blame everyone but themselves for the delays and obstruction in which they have excelled. Their sense of being justified by some view of tit-for-tat is distorted and should be beside the point while vacancies remain so high that the American people and our courts are overburdened. The way Senate Democrats helped reduce vacancies was not by limiting confirmations to one nominee per week, as Senate Republicans have. In September 2008, with Democrats in the majority, the Senate confirmed 10 of President Bush's nominees in a single day, all by voice vote. There were 10 consensus nominees pending on the Senate floor, and we confirmed all of them in minutes. Likewise, in 2002, Senate Democrats joined in confirming 18 of President Bush's nominees in a single day, again by voice vote. I wish Senate Republicans would duplicate that precedent and help clear the logjam of judicial nominees dating back to March who are still awaiting up-or-down votes.

While I am pleased that we will confirm Judge Shipp today, I wish that Senate Republicans would help us confirm the 20 additional judicial nominees who can be confirmed right now. Then we could make real progress in giving our courts the judges they need to provide justice for the American people, just as we did in 1992, 2004 and 2008.

After today's vote, I hope Senate Republicans will reconsider their ill-conceived partisan strategy and work with us to meet the needs of the American people. With more than 75 judicial vacancies still burdening the American people and our Federal courts, there is no justification for not proceeding to confirm the judicial nominees reported with bipartisan support by the Judiciary Committee this year.

Each day that Senate Republicans refuse because of their political agenda

to confirm these qualified judicial nominees who have been reviewed and voted on by the Judiciary Committee is another day that a judge could have been working to administer justice. Every week lost is another in which injured plaintiffs are having to wait to recover the costs of medical expenses, lost wages, or other damages from wrongdoing. Every month is another drag on the economy as small business owners have to wait to have their contract disputes resolved. Hardworking and hard-pressed Americans should not have to wait years to have their cases decided. Just as it is with the economy and with jobs, the American people do not want to hear excuses about why Republicans in Congress will not help them. So let us do more to help the American people.

## EXHIBIT 1

[From theatlantic.com, July 16, 2012]

WILLIAM KAYATTA AND THE NEEDLESS  
DESTRUCTION OF THE THURMOND RULE

(By Andrew Cohen)

WHY DO REPUBLICAN LEADERS STILL PLAY  
ALONG WITH AN INFORMAL SENATE RULE THAT  
PREVENTS UP-OR-DOWN VOTES ON EVEN THOSE  
JUDGES WHO HAVE STRONG REPUBLICAN SUP-  
PORT?

Meet William Kayatta, another one of America's earnest, capable judges-in-waiting. Widely respected in his home state of Maine, nominated by President Obama in January to fill a vacancy on the 1st U.S. Circuit Court of Appeals, eagerly endorsed by both of Maine's Republican senators, passed for confirmation to the Senate floor by an easy voice vote in the Senate Judiciary Committee, Kayatta's nomination instead has become yet another victim of the Senate GOP's suicidal tendencies.

The litigants of the 1st Circuit need Kayatta. There are no serious arguments against him. Yet the Republican leadership in the Senate has blocked a vote on the merits of his nomination in obedience to the so-called "Thurmond Rule," an informal practice as self-destructive as was its namesake. The Thurmond Rule is typically invoked by the opposition party in a presidential election year to preclude substantive votes on federal judicial appointments within six months of Election Day. It is the Senate's version of a sit-down strike.

In April, just after the Judiciary Committee favorably passed along Kayatta's nomination to the Senate floor for confirmation, Maine's junior senator, Susan Collins, had wonderful things to say about the nominee:

Bill is an attorney of exceptional intelligence, extensive experience, and demonstrated integrity, who is very highly respected in the Maine legal community. Bill's impressive background makes him eminently qualified for a seat on the First Circuit. His thirty-plus years of real world litigation experience would bring a much-needed perspective to the court. Maine has a long proud history of supplying superb jurists to the federal bench. I know that, if confirmed, Mr. Kayatta will continue in that tradition. I urge the full Senate to approve his nomination as soon as possible.

And how did her fellow Republicans respond to her request? They blew her off. There has been no vote on Kayatta's nomination and none is scheduled. Instead, last

month, Sen. Mitch McConnell, the Senate Minority Leader, invoked the "Thurmond rule" to block floor consideration of appointment—as well as up-or-down votes on the rest of President Obama's federal appellate nominees (This in turn, initially prompted Sen. Collins to blame the Obama Administration for going too slow in nominating Kayatta in the first place.)

In theory, the Thurmond Rule is something official Washington defends as the price of divided government. In reality, it's another outrageous example of how the Senate has re-written the Constitution by filibuster. In practice, in the Kayatta case and many more, the Thurmond rule is the antithesis of good governance. Your Senate today perpetuates a frivolous rule which, for the most cynical political reasons, blocks qualified people from serving their nation. It's not misfeasance. It's malfeasance.

Just because Strom Thurmond was willing to jump the Senate off the bridge doesn't mean that today's Senate Republican leaders had to do likewise.

In a more prudent and practical era in Senate history, nominees like Kayatta would have been confirmed in days. Fifty years ago, for example, when another bright Democratic appointee with strong Republican support came to the Senate seeking a judgeship, the Judiciary Committee took all of 11 minutes before it endorsed him. Byron "Whizzer" White then served the next 31 years as an associate justice of the United States Supreme Court. That's wholly unthinkable today—even with lower federal court nominees.

Now even slam-dunk candidates like Kayatta linger in the wings waiting for Senate "consent" long after the body already has definitively "advised" the executive branch of how great it thinks the nominee would be as a judge. Can you imagine the uproar if the Senate ever used its filibuster power to block the deployment of troops already endorsed by the Armed Services Committee? Now please tell me the material difference here. Surely, the judiciary needs judges as much as the army needs soldiers.

There are currently 76 judicial vacancies around the country. There are 31 districts and circuits designated as "judicial emergencies" because vacancies there have lingered so long. In the 10th Circuit, what's happening to Kayatta is happening to Robert Bacharach, who has the support of Oklahoma's two Republican senators. The Senate also is blocking Richard Taranto from a Federal Circuit spot even though he breezed through the Judiciary Committee and has been endorsed by Robert Bork and Paul Clement. The same goes for Patty Shwartz in the 3rd Circuit.

This is unacceptable on every level. When we talk about "false equivalence" in modern politics the business of these judges should be the lede. These nominations require no great policy choices on the part of Congress. They don't come with thousands of pages of ambiguous legalese disguised as the language of a federal statute. There is no room for spin. These nominees are either qualified, or they aren't, and when they sail out of the Judiciary Committee with voice votes no one can plausibly say they aren't qualified.

And yet here we are. It would be convenient to blame Strom Thurmond, one of the most divisive politicians of the 20th century, for one of the Senate's most divisive rules. But Thurmond is long gone. And there was never anything about his rule that demanded it be followed, session after session, under both Democratic and Republican control.

Just because Strom Thurmond was willing to jump the Senate off the bridge, in other words, doesn't mean that today's Senate Republican leaders had to do likewise. But they have.

America has trouble enough today without a senseless Senate rule that blocks highly skilled, highly competent public servants from joining government. The nation's litigants in federal court, burdened by judicial vacancies, already are waiting long enough to have their corporate disputes decided. This isn't gridlock. This is destruction. "I think it's stupid" to block good judges from confirmation, Sen. Tom Coburn said earlier this year. For once, he is right. And Sen. Collins? Even she's come around. "I have urged my colleagues on both sides of the aisle to give Bill the direct vote by the full Senate that he deserves," she said late last month. Amen to that.

[From the Los Angeles Times, July 12, 2012]

## REJECT THE "THURMOND RULE"

SENATE MINORITY LEADER MITCH MCCONNELL  
INVOKES THE LEGACY OF STROM THURMOND  
TO HOLD UP JUDICIAL CONFIRMATIONS—IT'S  
BAD FOR JUDGES AND BAD FOR JUSTICE

The late Strom Thurmond is best known for his 48 years in the U.S. Senate representing South Carolina, his segregationist candidacy for the presidency in 1948 and the fact that even though he was a longtime opponent of racial equality, he fathered a child with a black teenage housekeeper. But Thurmond also lent his name to the so-called Thurmond Rule, according to which Senate action on judicial confirmations is supposed to stop several months before a presidential election.

The rule—actually a custom that sometimes has been honored in the breach—goes back to 1968, when Thurmond and other Republicans held up action on President Johnson's nomination of Abe Fortas to be chief justice of the United States. Fortas withdrew in the face of a filibuster, and President Nixon, the Republican victor in the 1968 election, was able to choose a successor to the retiring Earl Warren. In subsequent years, senators of both parties have cited the Thurmond/Fortas episode as a precedent for not acting on judicial nominations close to an election.

Even in the case of a Supreme Court appointment, the Thurmond Rule violates the spirit of the Constitution, which doesn't distinguish between nominations made earlier or later in a president's term. It is less defensible still in connection with nominations to lower courts. Yet Senate Minority Leader Mitch McConnell (R-Ky.) told colleagues last month that he was immediately invoking the rule to end nominations to the U.S. Court of Appeals, and would block confirmation votes on nominees to federal district courts after September.

Such delays are a disservice to the nominees and to an overburdened federal judiciary. At present there are 12 vacancies on federal appeals courts, 63 on district courts and two on the U.S. Court of International Trade. The Obama administration, although it has been slow to fill vacancies, currently is proposing seven candidates for the appeals court and 28 for the district courts. The Senate should hold up-or-down votes on these nominations and any others put forward in the near future.

Apart from the Thurmond Rule, the timely confirmation of judicial nominees has long been frustrated by petty partisanship. Democrats and Republicans share the blame. The most recent logjam was broken in March

when Republicans agreed to timely votes on 14 nominations.

Obviously Republicans hope that Barack Obama is a lame-duck president, but even lame-ducks are entitled to expeditious consideration of their nominations. And the administration of justice shouldn't be held hostage to partisan politics even in an election year.

Mr. President, I see the distinguished senior Senator from New Jersey on the floor. If he seeks the floor, I will yield to him; otherwise, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I thank the chairman of the Judiciary Committee who always has things of relevance to talk to us about and he has done that again today and we thank the chairman.

#### AURORA, COLORADO SHOOTINGS

Mr. President, I do plan on talking about a confirmation vote coming up on the floor, but one can't address the public at-large on this day, so soon after a tragedy of enormous proportion, without taking just a few moments to discuss the events that took place in Aurora, CO, last Friday. The question arises: What do we do besides weep with these people? What do we do besides feel sad and see a gloom hanging over our country? What do we do about this? What do we want to do to prevent it in the future? That will be the test of the general character of this body and others in government.

So many promising young lives were lost, changed forever. We see pictures of those who lost a loved one in our newspapers. It is heartbreaking just to look at those pictures. What I sense from my visits around New Jersey today and over the weekend is a certain kinship one feels with the people who are mourning the loss of a child—an 8-year-old—or a daughter or son, husband or wife. One feels a certain kinship. One can feel the sadness and it is depressing, and it is not the kind of characterization we would like to see for the United States and the young lives lost forever.

But our duty in this body is not simply to mourn and offer our condolences. We want to do that. We want those families who lost someone to understand that we, in some strange way, join them in their mourning, but the best way to prove our sadness, the best way to prove we care is to take action to protect young, innocent lives. On that score, we don't rank very high.

I remember so clearly the time in 1999 the pictures of young people at a high school, hanging out the window, imploring for help, imploring to be

saved, heartbroken at what they were seeing and what they were feeling. So we have to do something more.

The gun laws on the books are outdated, and we even have let key protections expire. It is tragic. In the coming days, I am sure, some of my colleagues and I will be discussing specific measures, commonsense measures, because when it comes to our gun laws, we need to act before another outburst of gun violence overtakes us with the terrible consequences that brings.

Around here we have opportunities to do great things, and I have one of those, I believe, today—an opportunity that I take with great pleasure—to come to the floor to strongly endorse Judge Michael Shipp for a position on the U.S. District Court for the District of New Jersey.

Judge Shipp brings an impressive background to the bench. To start, he was born in Paterson, NJ, as was I. It is a city of significant poverty and difficulty, but he rose from humble beginnings in Paterson to graduate from Rutgers University and Seton Hall Law School, two of New Jersey's fine educational institutions.

Judge Shipp has dedicated his career to our justice system, and he spent much of it in public service. I learned so much about him in my meeting with him. Not only does he bring a sincerity about wanting to do what is right, but he has the knowledge and the sensitivity that will make him a terrific district court judge.

He began his career as a law clerk to a New Jersey Supreme Court justice, James H. Coleman, Jr. He then served in the office of New Jersey's attorney general, where he developed not only a thorough legal expertise but also real leadership acumen. As counsel to the attorney general, he oversaw 10,000 employees, including 800 attorneys. For more than a decade, Judge Shipp has taught our State's students as an adjunct law professor at Seton Hall University.

Since 2007, he has served our city and our Nation as a U.S. magistrate judge in the district court. In this capacity, he has conducted proceedings in both civil and criminal cases and has included rulings on motions, issuing recommendations to district court judges, and performing district court judge duties in cases with magistrate jurisdiction. With this experience, Judge Shipp is going to be well prepared to serve on the district court.

The law, our constitution, are the greatest denominators of our democracy, and the judges are the faithful stewards to protect these precious guidelines of our society. That is why, as a Senator, I consider it a sacred duty, given by the Constitution, to carefully select judicial nominees and to provide the President with advice and consent.

Our faith in the legal system depends on the just application of the law as it

is soundly written law. Judge Shipp has served New Jersey extraordinarily well, he is eminently qualified, and his broad experience will prepare him well for his new role. I have no doubt he will continue his excellence as a judge on the U.S. district court.

The success of our democracy depends on all our citizens receiving equal and just representation before the law. As leaders in our judicial system, judges hold that equality and justice in their hands. It means they must be fair-minded, honorable, and humble. I am confident Judge Shipp is going to make a terrific judge. He is highly qualified to meet this challenge, and I urge my colleagues to support this confirmation.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that I be recognized for 4 minutes; that following my 4 minutes, the distinguished Senator from Iowa, the ranking member of the Judiciary Committee, be recognized for 6 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MENENDEZ. Mr. President, I rise to strongly support the nomination of Judge Michael Shipp for the U.S. District Court for the District of New Jersey.

All of us in New Jersey, everyone who has dealt with him, everyone who knows him is very familiar with Judge Shipp's strong qualifications and reputation for excellence. He is an exceptional candidate for the Federal bench—an accomplished jurist with impressive credentials.

I recommended Judge Shipp to President Obama, and I urge all my colleagues in the Senate to support his nomination, as the Judiciary Committee did.

With almost 5 years' experience as a Federal magistrate judge for the District of New Jersey, he is well prepared to assume a seat as a Federal district judge. As a magistrate, he has successfully managed significant and complex cases. On occasion, he has served as the district court judge in cases with magistrate jurisdiction.

The first 8 years of his distinguished legal career were spent in the litigation department at the law firm of Skadden, Arps, Slate, Meagher & Flom. In 2003, he turned to public service to give something back to the community as an assistant attorney general for consumer protection in the Office of the Attorney General of New Jersey, where he honed his expertise in consumer fraud, insurance fraud, and securities fraud cases.

Judge Shipp clearly excelled. He was twice promoted within the office, first as a liaison to the attorney general and second as counsel to the attorney general. As counsel, he was in charge, in



essence, of day-to-day operations of the Department of Law and Public Safety, a department with over 10,000 employees and 800 attorneys.

An accomplished jurist, an experienced prosecutor, a dedicated public servant, and an effective administrator and manager as well, that is Michael Shipp. It is what all of us in New Jersey have known him to be.

Judge Shipp has not stayed on the sidelines. Even with a full plate, he has been deeply involved in the legal community in helping address the profession's needs and concerns. He held a leadership role with the New Jersey State Bar Association and is actively involved with the Garden State Bar Association, which is the association of African-American lawyers.

As a faculty member of Seton Hall University's School of Law's Summer Institute for Pre-Legal Studies, he helped disadvantaged students develop their interest in the law, and he served on the faculty of the New Jersey Attorney General's Advocacy Institute, which ensures that attorneys representing the State of New Jersey maintain the highest possible levels of professionalism.

Judge Shipp is also a very proud New Jerseyan—part of the community—with deep roots in the State. A native of Paterson, he grew up and has lived in New Jersey all his life. He earned his degrees from Rutgers, the State university, and Seton Hall University School of Law. After graduating, he went on to clerk for the Honorable James Coleman, a former justice on the New Jersey Supreme Court.

To put it simply, Michael Shipp will be an extraordinary district court judge for the District of New Jersey. He is a man of honor, principle, and he possesses an excellent judicial temperament, has extraordinary legal experience, and a deep and abiding commitment to the rule of law.

I have full confidence he will serve the people of New Jersey and the country with all the dignity, fairness, and honor he has shown throughout his extraordinary career. We are lucky to have a nominee of his caliber, and I wholeheartedly urge the full Senate to vote to confirm Judge Shipp to the District of New Jersey.

I am thrilled we are actually going to do a confirmation vote and not a cloture vote and I appreciate those who made that possible.

With that, I yield the floor to my distinguished colleague from Iowa.

The PRESIDING OFFICER. The Senator from Iowa.

RECOGNIZING TAYLOR MORRIS

Mr. GRASSLEY. Mr. President, when my colleagues come over to vote, I hope they will take note of a constituent of mine and wish him well.

Taylor Morris, a Navy wounded person from Afghanistan, who is an explosives expert, lost parts of four limbs.

He is at the bottom of the escalator as you go to the subway. He is one of our wounded heroes, and I would like to have my colleagues recognize him.

AURORA, COLORADO SHOOTINGS

Mr. GRASSLEY. Mr. President, it was a very sad weekend and will be for a long period of time in Aurora, CO. I heard the remarks of the majority and minority leaders today expressing condolence for the victims and their families. I wish to associate myself with those remarks and offer my condolences to all the people of Aurora but particularly to those who have deceased family members and those who are hospitalized because of this tragic event that happened there.

Mr. President, I support the nomination of Michael A. Shipp to be U.S. district judge for the District of New Jersey, currently serving as a U.S. magistrate and coming out of committee on voice vote. I am not aware of any controversy regarding this nominee, and I expect he will be confirmed with an overwhelming vote.

There has been a bit of discussion regarding whether the cloture vote that had been scheduled on today's nominee was some sort of escalation of Presidential election politics or an indication of a partisan fight over judicial confirmations. Those are raised as speculation or misreading what is happening in the Senate. The fact is that the cloture vote, which is now vitiated, had nothing to do with the judicial confirmation process in general or this nominee in particular.

There is, unfortunately, an element of partisan gridlock that is affecting this nomination, but it is not because of a Republican desire to block this nominee or to shut down the Senate floor. Republicans, in fact, have been demanding more access to the Senate floor. That gridlock is the majority leader's tactics to block amendments on the Senate floor.

Time after time the majority uses parliamentary procedure to prohibit amendments, block votes, and deny or limit debate. For example, last Thursday the Republican leader asked the majority leader if the anticipated business coming before the Senate, the Stabenow-Obama campaign tax bill, would be open for amendment. The majority leader responded that would be "very doubtful." These actions, although they may be permitted by Senate rules, are contrary to the spirit of the Senate.

Certainly we are far from being the world's greatest deliberative body at this time. So when a Senator who seeks a vote on his amendment is stymied time after time, it is not surprising that the Senator would use Senator rules and procedures to bring pressure on the majority leader for a vote—in other words, to do exactly what the Senate was set up under the Constitution to do. There is a bit of sad

irony that Senators who are facing obstructionism are the ones who are labeled obstructionist when they are persistent in trying to bring a matter to a vote, which is customary in the Senate.

Unfortunately, we are now seeing this obstructionism strategy creep into committee activity as well. Again, last Thursday the Judiciary Committee marked up an important national security bill. The bill was open to amendment but apparently only amendments the chairman agreed with. In the Judiciary Committee, we have a longstanding practice of voting up or down on difficult, controversial issues. What happened last week undermined the responsibility of the committee to debate and address important issues—in this case, national security. The Judiciary Committee is a forum for these debates.

The bill that was on the agenda is one of the few vehicles that will likely be passed before the end of the year, so it was an important and appropriate vehicle for addressing such issues once the chairman opened the amendment process by adopting his own substitute amendment. Instead, the partisan gridlock, driven by the majority leader's tactics to block amendments on the Senate floor, has now spread to the committee level with made-up germaneness rules and tabling motions forced on amendments, some of which had received bipartisan support from members of the Judiciary Committee in the past. The only conclusion that can be drawn is that the Senate majority leadership wants to protect its members at every step of the legislative process from having to make difficult votes, and the majority leadership will employ any procedure it can to duck debates and to govern.

Even as we turn to the 154th nominee of this President to be confirmed to the district or circuit courts, we continue to hear unsubstantiated charges of obstructionism. The fact is we have confirmed over 78 percent of President Obama's district nominees. At this point in his Presidency, 75 percent of President Bush's nominees had been confirmed. President Obama, in other words, is running ahead of President Bush on district confirmations as a percentage.

I continue to hear some of my colleagues repeatedly ask the question: What is different about this President that he is to be treated differently than all of these other Presidents? I won't speculate as to any inference that might be intended by that question, but I can tell you that this President is not being treated differently than previous Presidents. By any objective measure, this President has been treated fairly and consistently with past Senate practices.

As I stated, as a percentage of nominations, this President is running



ahead of the previous President with regard to the number of confirmations. Let me put that in perspective for my colleagues with an apples-to-apples comparison. As I mentioned, we have confirmed 153 district and circuit nominees of this President. We have also confirmed two Supreme Court nominees. Everyone understands that the Supreme Court nominations take a great deal of committee time. The last time the Senate confirmed two Supreme Court nominees was during President Bush's second term, and during that term the Senate confirmed a total of 119 district and circuit court nominees. With Judge Shipp's confirmation today—which I support and which I think will be confirmed almost unanimously—we will have confirmed 35 more district and circuit court nominees for President Obama than we did for President Bush in similar circumstances.

During the last Presidential election, 2008, the Senate confirmed a total of 28 judges—24 district and 4 circuit. This Presidential election year we have already exceeded those numbers. We have confirmed 5 circuit nominees, and this will be the 27th district judge confirmed.

Judge Shipp received his B.S. from Rutgers University in 1987 and his J.D. from the Seton Hall University School of Law in 1994. Upon graduation, he clerked for the Honorable James H. Coleman, Jr., a justice on the Supreme Court of New Jersey. After his clerkship, Judge Shipp joined Skadden, Arps, Slate, Meagher & Flom LLP as a litigation associate. There, he worked in general litigation matters, handling labor and employment work. He also developed an expertise in mass tort law and products liability litigation.

In 2003, Judge Shipp became an assistant attorney general in charge of consumer protection with the Department of Law and Public Safety of New Jersey. There, he managed five practice groups: consumer fraud prosecution, insurance fraud prosecution (civil), securities fraud prosecution, professional boards prosecution, and debt recovery. He supervised approximately 80 deputy attorneys general. In 2005, he was promoted to the Attorney General's front office. There, he acted as an advisor to the Attorney General on sensitive legal matters related to ethics and appointments.

In 2007, Judge Shipp was appointed as a United States magistrate judge for the District of New Jersey. As a magistrate judge he presides over civil and criminal pre-trial proceedings. He also presides over civil trials, with the consent of the parties. The ABA Standing Committee on the Federal Judiciary gave Judge Shipp a rating of substantial majority "Qualified," minority "Not Qualified."

Mr. LEAHY. Mr. President, I ask unanimous consent to speak for 1 minute.

Mr. GRASSLEY. I ask unanimous consent to have 1 minute, then, too.

Mr. LEAHY. I have no objection. In fact, I will give a courtesy to the Senator from Iowa that he did not give to me, and I will be happy to yield 1 minute.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LEAHY. Usually, Mr. President, it has been my experience that in 37 years in this Senate, as the second most senior Member here, if a Senator wants to come and attack another Senator, they have the courtesy of giving him notice before they do. I am sorry my friend from Iowa didn't follow the normal courtesy.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, for my 1 minute I will respond simply to that by saying that I am talking about the institution of the Senate and not one single Senator personally.

Mr. LEAHY. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 25 seconds.

Mr. LEAHY. Mr. President, I yield to no Member of this body in the fact that I uphold not only the rules but the courtesies of this Senate. As chairman of the Senate Judiciary Committee, I have never cut off a Member of the other party who wished to speak, unlike some of the procedures they followed when they held the chair. I have never refused to have a Member of the other party bring up an amendment, contrary to the procedures they followed when they chaired it.

I believe in the Senate. I believe in the rules of the Senate, but especially I believe in the comity that Thomas Jefferson believed in, in this body; otherwise, the Senate would fall apart.

I yield the floor.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Michael A. Shipp, of New Jersey, to be United States District Judge for the District of New Jersey.

Mr. LEAHY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Alaska (Mr. BEGICH), the Senator from California (Mrs. BOXER), the Senator from Pennsylvania (Mr. CASEY), the Senator from Iowa (Mr. HARKIN), and the Senator from Colorado (Mr. UDALL) are necessarily absent.

I further announce that, if present and voting, the Senator from Colorado (Mr. UDALL) would have voted "yea."

Mr. KYL. The following Senators are necessarily absent: the Senator from

South Carolina (Mr. DEMINT), the Senator from Utah (Mr. HATCH), and the Senator from Illinois (Mr. KIRK).

Further, if present and voting, the Senator from Utah (Mr. HATCH) would have voted "yea."

The PRESIDING OFFICER (Mrs. HAGAN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 1, as follows:

[Rollcall Vote No. 182 Ex.]

#### YEAS—91

Akaka	Graham	Murray
Alexander	Grassley	Nelson (NE)
Ayotte	Hagan	Nelson (FL)
Barrasso	Heller	Paul
Baucus	Hoeven	Portman
Bennet	Hutchison	Pryor
Bingaman	Inhofe	Reed
Blumenthal	Inouye	Reid
Blunt	Isakson	Risch
Boozman	Johanns	Roberts
Brown (MA)	Johnson (SD)	Rockefeller
Brown (OH)	Johnson (WI)	Rubio
Burr	Kerry	Sanders
Cantwell	Klobuchar	Schumer
Cardin	Kohl	Sessions
Carper	Kyl	Shaheen
Chambliss	Landrieu	Shelby
Coats	Lautenberg	Snowe
Coburn	Leahy	Stabenow
Cochran	Levin	Tester
Collins	Lieberman	Thune
Conrad	Lugar	Toomey
Coons	Manchin	Udall (NM)
Corker	McCain	Vitter
Cornyn	McCaskill	Warner
Crapo	McConnell	Webb
Durbin	Menendez	Whitehouse
Enzi	Merkley	Wicker
Feinstein	Mikulski	Wyden
Franken	Moran	
Gillibrand	Murkowski	

#### NAYS—1

Lee

#### NOT VOTING—8

Begich	DeMint	Kirk
Boxer	Harkin	Udall (CO)
Casey	Hatch	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CONRAD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. CONRAD. Madam President, I ask unanimous consent that the Senate proceed to a period of morning

business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TRIBUTE TO LARRY CORUM

Mr. McCONNELL. Madam President, I come before the Senate to recognize the entrepreneurial spirit of Mr. Larry Corum of London, KY. After serving in the United States military for over 20 years, in 1990 he opened a printing business and now is the manager of the London-Corbin Airport. Both his economic leadership and steadfast service to Laurel County make him a valuable asset to the London community.

Born and raised in Clay County, KY, upon his graduation from high school in 1958, Larry attended Sue Bennett College and Eastern Kentucky University. After graduating from ECU in 1965, he joined the U.S. Air Force and became an officer. While in his first years of service, Larry married his wife, Lois. Throughout his 20-year military career, the couple traveled around the country with their two children, Chris and Gienah. Finally in 1989, he retired from the Air Force as a lieutenant colonel and settled in London, KY.

In 1990, Larry opened an American Speedy Printing franchise in the London Shopping Center. After acquiring Durham Printing in 1998, the name of the company changed to Allegra Print and Imaging. In 2008, Larry left the business, entrusting his son, Chris, with running the day-to-day business operations, and became manager of the London-Corbin airport, which is the sixth-largest airport in the State of Kentucky.

Larry has served on many boards in the Laurel County area such as the American Red Cross, the United Way, SCORE, the London-Corbin Airport, Saint Joseph-London, and the executive board of the Chamber of Commerce. His contribution to the London-Laurel County Chamber of Commerce stemmed from a desire to grow the community economically. Through the Chamber of Commerce, Larry was able to make an economic impact in London and improve the lives of his fellow Kentuckians.

Today, it is my honor to recognize Mr. Larry Corum for his contribution to the Laurel County economy through his own small business and his extensive service to the London-Laurel County Chamber of Commerce. His dedication to the community has made London, KY, an attractive area in which businesses can invest and grow. I ask my colleagues in the U.S. Senate to join with me in celebrating Mr. Larry Corum's service to the greater Laurel County, KY, area.

A recent article published in the Chamber News, a publication of the Laurel County-area newspaper the Sen-

tinel Echo, highlighted Mr. Corum's accomplishments. I ask unanimous consent that said article appear in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Chamber News: The Sentinel Echo, May 30, 2012]

#### BOARD OF DIRECTORS: LARRY CORUM

Larry Corum has served as manager of the London-Corbin Airport since February 2008. The airport is the sixth-largest and one of the busiest general aviation airports in the state of Kentucky. It serves as one of the important gateways for business and commerce to Laurel County and eastern Kentucky.

In 1990, Larry moved to Laurel County with his wife, Lois, and children, Chris and Gienah. Seeing a business opportunity and using his wife and sister for labor and as partners, he opened an American Speedy Printing franchise in the London Shopping Center. The business began to grow and was able to move to a stand-alone building on South Main Street in 1994. In 1998, a second building was acquired through the purchase of Durham Printing and the business name was changed to Allegra Print and Imaging. After completing college, both Chris and Gienah joined Larry in the business. Larry continued in the business until 2008, when he turned over the operation to his son, Chris, who has added sign-making capability. He now operates the business under the name of Allegra Print Sign and Design.

Larry grew up in Clay County, graduating from Clay County High School in 1958. He later attended Sue Bennett College and Eastern Kentucky University, graduating from ECU in 1965. Larry worked several jobs while completing his education, including teaching school in Clay County, Cleveland, Ohio, and Miami, Fla. In 1967, Larry joined the U.S. Air Force and became an officer. He then married his wife, Lois, and they began a grand adventure together traveling the world and making a career. In 1969, Larry was awarded his wings, assigned to an airplane in the strategic air command and moved to a permanent military base. Over the next 20 years, Larry served the Air Force as a flight crew member, flight instructor, flight evaluator, and command evaluator in the EC, KC, and RC-135 Aircraft. Larry, Lois, and their children lived in or visited most all of the 50 states and many foreign countries. Larry retired from the Air Force as a lieutenant colonel and the commander of the 384th Transportation Squadron, McConnell AFB, Wichita, Kan., in 1989.

Larry's involvement in the London-Laurel County Chamber of Commerce began when he opened his business in London with a ribbon cutting in 1990. He was later invited to join the board of directors. In addition, he has served on the board of the American Red Cross, the United Way of Laurel County, SCORE, London-Corbin airport, Saint Joseph-London, and the executive board of the Chamber. Larry is an active member, Sunday school teacher, and deacon of the First Baptist Church of London.

Larry believes that London and Laurel County is one of the best places in America to bring up a family and grow a small business. He feels that the Chamber can and will help with growth and community improvement. He is proud to be a member of this community and the London-Laurel County Chamber of Commerce Executive Board.

#### TRIBUTE TO COMMANDER JEFFREY SMITH

Mr. McCONNELL. Madam President, today I rise in recognition of U.S. Navy CDR Jeffrey Smith, captain of the USS *Kentucky*. Commander Smith, a Kentucky native, is the youngest commanding officer of an *Ohio*-class submarine. The commander has accomplished great feats in his naval career and he proudly represents the State of Kentucky with everything he does. I know he is especially honored to command the ship that bears the name of our beloved Commonwealth.

Commander Smith was born in Covington, KY, and moved to Independence, KY, shortly thereafter. Upon graduating from Simon Kenton High School, he attended Xavier University and then transferred to the University of Kentucky. In 1995, Commander Smith graduated with a degree in physics and was commissioned in the Navy, where he began nuclear power training in Florida.

His dedicated service to the U.S. Navy brought him to the post of commanding officer of an *Ohio*-class submarine. The youngest man in his position, Commander Smith leads both the Gold and Blue Teams and is charged with overseeing the drills, maintenance, and day to day operations of the USS *Kentucky*.

Respected as a leader by his crew, Commander Smith also makes time to share his love of his State, the namesake of the submarine, with his men. After each announcement, it has become his trademark to lead the men in a round of "Go Big Blue" cheers. A true Kentucky Wildcats fan, he loves to talk University of Kentucky basketball and "bracketology" with his men come NCAA Tournament time. By sharing some of these beloved hallmarks of the Bluegrass State, Commander Smith not only shows his own pride in being a Kentuckian, but also provides his men a sense of attachment to the place for which their ship was named.

Commander Smith, besides being an avid UK Wildcats fan, enjoys reading, playing video games, and spending time with his four children. He credits his interests and leadership capabilities to his education from the University of Kentucky. From physics and engineering courses which enable him to effectively operate the ship, to psychology courses which allow him to understand his men and their attitudes in different situations, a diverse educational and experiential background allows Commander Smith to lead his men effectively.

It is my privilege today to recognize a Kentuckian who has truly devoted his life to the service of this Nation. A rising star in the U.S. Navy, CDR Jeffrey Smith has committed himself to excellence and to proudly representing the State of Kentucky. I ask my colleagues in the U.S. Senate to join me

in saluting U.S. Navy CDR Jeffrey Smith.

A recent publication by the University of Kentucky newspaper the Kentucky Kernel highlighted the accomplishments of the Commander. Mr. President, I ask unanimous consent that said article appear in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From University of Kentucky, Kentucky Kernel, July 3, 2012]

USS KENTUCKY'S COMMANDER IS A PROUD UK ALUM

(By Sarah Geegan)

There's just no telling where an education from the University of Kentucky can take you.

For U.S. Navy Cmdr. Jeffrey Smith, the journey that began at UK has taken him around the world and deep below the ocean's surface, as captain of the USS Kentucky, a nuclear submarine.

"Having been born in Kentucky and growing up there, I can't imagine any pride greater than serving as commander of the ship that bears my home state's name," says Smith, whose parents and sister still live in Kentucky.

Born in Covington and raised in Independence, Smith graduated from Simon Kenton High School and attended Xavier University for a year before transferring to UK. After graduating in 1995 with a bachelor's degree in physics, Smith was commissioned in the Navy and went to officer candidate school in Pensacola, Fla., where he began nuclear power training.

At 39, Smith is the youngest commanding officer of an Ohio-class submarine. The Kentucky—560 feet long and 42 feet in diameter, and producing around 18,000 tons of displacement—is about the size of the largest ships that worked during World War II. It has a crew complement of 160, and it is capable of sinking more than 800 feet and traveling faster than 25 knots. ("That's pretty much freeway speed for a submarine," Smith says.) The Kentucky's primary mission, as a strategic nuclear deterrent, is to provide a credible, survivable launch platform for ballistic missiles from sea.

The ship is really a world of its own, Smith says, and it's a complex world with tens of thousands of moving parts. For the commander of the Kentucky, a day's work involves taking care of the ship and making sure its crew members are prepared for any situation they could face while at sea.

"Life aboard a nuclear submarine is all about mitigating risk, while still making sure that you are able to perform your mission," Smith says. "A submarine at sea is really a dangerous environment. Everywhere within reach, there are cables carrying high-voltage electricity. There are pipes containing rapidly moving sea water. There are high-pressure hydraulics lines. And we live constantly within just a few feet of the most unforgiving, deadly, crushing environment, right on the other side of our hull—the deep sea. It's of paramount importance that we keep it on the other side of that hull."

A naval submarine will operate at sea for about 50 to 100 days before coming back to port for a couple of months, during which time it undergoes a regimen of critical maintenance and a crew rotation. The Kentucky has two crews, a Blue Team and a Gold Team. Smith commands both.

While the Kentucky is under way, the daily routine is one of training, planning and

maintenance. Breakfast begins at 05:00 (5 a.m.) and is over by 06:30, at which time the crew receives briefings before commencing drills at 08:00. Drills consist of simulations of various different situations that could be encountered aboard the ship, such as fires, floodings, and casualties.

On some days, the crew performs strategic exercises, in which the crew practices the tasks they could be asked to perform while on a mission—everything from processing messages to walking through a strategic launch. This part of the day is usually done by 15:00 (3 p.m.), followed by a few hours of planning, training, and debriefing before dinner at 17:00 hours. There's usually a movie for the crew around 20:00, and then it's lights out.

Running parallel to that daily routine, the ship maintains a regular watch schedule, in which at any given time, one-third of the crew is manning a watch station on their part of the ship. The watch shifts run for six hours in an 18-hour rotation.

In port, the routine centers around maintenance, with anywhere from 50 to 150 separate scheduled maintenance items every time the ship comes in.

"The scheduled maintenance on a car is a good comparison," Smith says. "Think of all of the things that you have to check on your car every 5,000 miles. Well, a submarine is a lot bigger and a lot more complex than a car. And a typical car owner might keep their car for five or six years, while a submarine has to last for 40. So we have to ensure that the ship is in good shape for another whole generation of submariners."

Smith says he works conscientiously to instill a sense of Kentucky pride in his crew. One of the first things he did after taking command was to implement "Go Big Blue!" as the ship's rallying cry. He ends every shipboard announcement over the loudspeaker with that call, and the crew echoes it back.

"I think you'll find it's true, on any of the ships named after a state, that the commanders will try to get the whole state-pride thing going among the crew," Smith says. "I have just a little extra fire in my belly, being a native of Kentucky and a graduate of UK. My crew definitely knows that we're representing a great state."

Smith says the education he received at UK has helped to prepare him for his role in the Navy in ways he couldn't even have imagined when he was a student some 20 years ago.

"The experience that I had in college—not just in physics, but the whole multidisciplinary aspect of what college is—has served me very well throughout my career," he says. "I use the physics every day, and the engineering and math. But there's also philosophy—particularly the connection between philosophy and anthropology: How do we live in a multinational society? There's psychology, which helps me to be able to interpret the reactions of my crew in an objectively harsh environment. I use business management and financial accounting. Even the Russian I studied has served me well. There was not a single class that I took at UK that I have not gone back and leveraged in my career at some point."

A lifelong Wildcat fan, Smith says he was thrilled to see the Cats bring home their eighth NCAA Championship this year. He offers his own, admittedly biased, take on bracketology:

"I tell my fellow officers that when you pick your bracket for the NCAA tournament, you need to realize that there is a Center of

Awesomeness in the Universe, which is Rupp Arena, and the farther any team is based from there, the less of a chance they are going to have of making it to the Final Four."

Smith is also father to four children. In his spare time, he enjoys reading broadly on diverse topics, including philosophy, poetry, and music. He is an avid video gamer, who welcomes challenges from his crew in just about any game imaginable.

"I try to remain as interdisciplinary as possible," he says.

#### TRIBUTE TO GLENN "BUDDY" WESTBROOK

Mr. MCCONNELL. Madam President, I rise today in recognition of Mr. Glenn "Buddy" Westbrook of London, Kentucky, and his service to both this nation and the State of Kentucky, specifically Laurel County and the surrounding region. Passionate about development of the London community, Mr. Westbrook worked to build the Laurel County economy and strengthen the tourism industry in southeastern Kentucky.

Born in 1930 to J. Hamp and Flo Pearl Westbrook, Buddy Westbrook was raised in London, Kentucky. His nickname, Buddy, stuck when his older sister, Madge, called him Buddy because she could not say Glenn. He began working at an early age when he helped his father separate type for the printing shop the family owned. Buddy enjoyed working because it made him feel grown up. However, like all boys, he enjoyed spending time outdoors, especially at Kidds Pond, and he also had a knack for getting into mischief, such as climbing telephone poles.

Buddy graduated from high school in London but during his sophomore year attended classes at Berea College to study chemistry. After high school he attended Sue Bennett College and worked in his father's gas and LP appliance store. Throughout his life, he was taught that civic duty and serving others was an important part of being a member of a community. In 1950, Buddy joined the U.S. Army and served in Germany during the Korean War.

When he returned to London, Buddy took over his family store. As an active member of the Jaycees, an organization that promotes community development, he was able to attend a conference in Ashland where he met his wife, Jeanne. The couple had eight children. In 1970, Governor Wendell Ford named Buddy to the Kentucky Institute for Children.

In 1975, Buddy was offered a position with the Cumberland Valley Area Development District. His service through this post was especially of benefit to the tourism industry in the region. Not only did Buddy and members of the commission share information about the region at travel shows, but he also organized the first Tourism Industry Development Symposium held in Lexington.

After the death of his wife, Jeanne, and son, Don, in 1983 and 1984, respectively, Buddy understandably endured some difficult times. However, a friend, Susan Mitchell, who later became his wife, helped him through this dark period. After retiring in 1993, Buddy organized Vision 2000 for London, Kentucky, a plan to define goals for the city which ultimately came to fruition during the new millennium.

Buddy Westbrook is truly an outstanding citizen of the London, Kentucky, community. Passionate about the development of Laurel County and the surrounding region, his lifetime commitment to economic and tourism development have proved to be invaluable to southeastern Kentucky. Buddy's dedication to his community is exemplary, and I am privileged today to recognize his many contributions to Kentucky. I ask my colleagues in the U.S. Senate to join me in celebrating Mr. Glenn "Buddy" Westbrook. A recent article published in the *Sentinel-Echo*, a Laurel County-area publication, highlighted his accomplishments. Mr. President, I ask unanimous consent that said article appear in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the *Sentinel-Echo*, May 2, 2012]

WESTBROOK: "THIS IS MOST EXCITING TIME IN HISTORY"

(By Tara Kaprowy)

Upon opening the door for his Living Treasures interview, 81-year-old Glenn "Buddy" Westbrook announces he just has a couple of hours to chat; he's going four-wheeling on the Salt River with a friend and, with the spring morning warm and clear, time's, as they say, a-wastin'.

But upon stepping into his kitchen, it's clear Westbrook's interest hasn't completely been kidnapped by the prospect of AT'ing. He's laid out his dining room table with croissants, marmalade and several types of tea in anticipation of the impending discussion—and, in his characteristic way, to make things lovely and enjoyable.

Westbrook was born June 14, 1930, to J. Hamp and Flo Pearl (Eversole) Westbrook. His mother was born in London and her maternal grandfather, J.N. Robinson, was the first photographer and jeweler in town. "My mother's father was Roscoe Eversole, and he was the cashier of the First National Bank in London and was also mayor when they first started putting in sidewalks and culverts. Before that, it was boardwalks. And so I grew up with examples of leadership, a love of London and Laurel County, and an appreciation of the people."

His father came from the cotton farms of Georgia and, together, he and Flo Pearl made a cozy home with their young family in an apartment above First National Bank. Westbrook's sister Madge was two years his elder and, unable to pronounce the name "Glenn," he soon acquired the nickname "Buddy," a moniker by which he is still known.

Hamp worked at the Corbin Times and later owned a printing shop in Corbin. From a young age, Westbrook helped his father, learning "to separate cold type in a California box," he said.

"It wasn't done by a-b-c-d-e-f-g," he said. "It was by the most-used letters, 'e' was in the center in the bigger box. It made me feel grown up."

After Madge and Westbrook started attending school at Sue Bennett grade school, Flo Pearl went to work at First National Bank, a job she kept for the next 50 years.

With the family settling in a home his father built on East Fifth Street, Westbrook remembers a happy childhood. "This was a wonderful place to grow up," he said. "If you made any mistakes while you were in town, like climbing telephone poles or things like that, your parents knew by the time you got home. You got a lecture and often your backside got warmed."

London was a friendly place to live, and "people would come to town on Saturdays from farms, park their cars, park their horses and wagons behind the jail on Broad Street, and they'd come up on Main Street where all the businesses were located," he said. "It was a time when doctors cared about you. They knew you, they loved you, and they wanted to heal you."

Westbrook also described strict but caring teachers. "We learned about patriotism and civic things," he said. "We started learning at an early age that we were part of a whole."

Evenings at the Westbrook house included the family "watching the radio" to listen to the evening news. Flo Pearl would read to her children from English and American authors and classic mythology. On warm summer afternoons, Westbrook said he and his friends would head to a small lake south of London close to the entrance of Levi Jackson Wilderness Road State Park.

"It was Kidds Pond," he said. "They had dressing rooms and they charged you a quarter to swim all day and sometimes it was 10 cents. Of course, back then you could get a Coke for a nickel and hamburgers were a nickel."

When he was looking for something to do, Westbrook would head to his grandmother's farm next to where E.C. Porter's IGA currently stands, where he learned how to "milk a cow and how to churn and make butter."

On December 7, 1941, Westbrook remembers "playing in the front yard on his bicycle" when his parents told him President Roosevelt had announced the Japanese had attacked Pearl Harbor. From that moment on, Westbrook's childhood changed. "We followed everything about the war," he said. "I saw the National Guard troops mount up over where the fire department is now on Dixie Street. They had horses and stables and they had a drill hall filled with sand with a roof over it and they would take the horses in there and do their formations in there. I remember seeing the troops mount up in the armory after World War II started and march up Main Street, go down to the depot and get on a train to go off to war."

By the time he reached high school, Westbrook had decided he would become a "brilliant chemist for Dupont" and even went to Berea College in his sophomore year to study chemistry. He returned to London the following year to graduate. "That was a wonderful experience," he said. "London had a good basketball team, good cheerleaders and good teachers who cared."

Following graduation, Westbrook enrolled in Sue Bennett College. Later, he worked at the appliance and LP gas store with his father. Westbrook said he was lucky to learn from his father "how to build a business, care for customers, find what they needed, and have it for them."

But Westbrook was lucky—jobs were scarce and veterans returning from WWII wanted to be able to live in Laurel County. That desire was granted when in 1949, London was chosen to be Kentucky's first "Test City," an experiment in community development sponsored by the Kentucky Chamber of Commerce. Over the next 10 years, the effort attracted 2,500 new jobs to the area.

Part of the effort involved "a big clean-up, paint-up, fix-up" campaign in preparation for visits from industries, Westbrook said. "Gradually the ramshackle buildings and sheds were torn down," he said. "There was no law or anything, there was just pride. They wanted it to be part of helping it succeed. Weeded lots were mowed, progress reports were given every week in the newspaper."

The experience profoundly affected Westbrook, who was greatly inspired by the community leaders who were spurring the effort. "The leadership I saw, the people I respected, the veterans who came back from World War II and other leaders, they got together and I saw them cooperating and really dreaming, saying we could do this and let's try this to create jobs. Even though there would be the potential embarrassment of trying something and it not working, at least you felt like you should try it."

Westbrook joined the Jaycees, the young men's organization active in community development.

In 1950, Westbrook was drafted in the U.S. Army during "the Korean Police Action," but rather than be sent to Asia, was shipped to Germany where he taught soldiers about weapon surveillance and fire direction control in his artillery unit. He was also given the task of purchasing German wines for the military base.

Westbrook took full advantage of his time in Europe and sunk happily in its cultures. He learned to ski in the Alps, took photography lessons from "an old German," learned French, German, and Italian, ate pizza and weinerschnitzel for the first time, and spent his time off travelling. "I spent a week in Paris and got to go to every museum," he said. "It was fun to be discovering these things. I got to see the Louvre. When I went in there, on the first landing, there was the Winged Victory of Samothrace and I said, 'Wow! They've got it here.'"

When he was discharged in 1953, Westbrook returned to London, shed his dreams of becoming a chemist, and took over the family business. He quickly re-joined the Jaycees and upon his first annual meeting in Ashland, met the woman who was to become his first wife. "The only single one was Jeanne Watts," he said. "A year and a half later, we were married."

They wed in Ashland and Westbrook returned to London with his bride. "She was intelligent, she had her own way of doing things, she was thoughtful and caring, but she was also very independent," he said of Jeanne.

Together they had eight children—Joe, Amy, Don, Robert, David, Mary, Susan, and Leann. Jeanne kept the books and Buddy continued working at his businesses and diving into community issues. In 1970, he was appointed by Gov. Wendell Ford and later Gov. Julian Carroll to the Kentucky Commission for Children, which was renamed the Kentucky Institute for Children, and attended the president's 1970 White House Conference on Children and Youth.

After decades in the gas business, Westbrook decided to go into the wholesale kitchen-design business, one that later expanded into institutional food service for schools, hospitals and resorts.

With the majority of his business in eastern Kentucky, Westbrook soon discovered it was cheaper to get his instrument pilot's license and fly his men to Pikeville than it was to drive, so he bought a six-passenger Cessna and began his career in the air, flying the equivalent of eight times around the world.

"On the weekend, I could take my family and we'd leave here at noon and be on the beach in Florida in five hours," he remembered.

Spending time with his family was paramount to Westbrook, though he admits he was a "strict disciplinarian."

"I believe discipline is proof that you care about values that are important in life," he said. "When my daughter Leann was born with Down syndrome, she thrived because of the help of her brothers and sisters. I stopped playing golf and our family did things together and we traveled as a family. We tried to teach them the need for unconditional love. They went to church and learned to pray. They still go to church."

In 1975, still with a passion for leadership, Westbrook was asked to work for the Cumberland Valley Area Development District. Later, he worked to develop a stronger tourism industry in the region. "We'd take our brochures and our booths and our pictures and travel to shows in Chicago and Indianapolis and Cincinnati and Detroit and people would come and see where to go on vacation," he said.

Eight years later, Jeanne was diagnosed with lung cancer and, with little treatment available, died August 2, 1983. Nine months later, Westbrook's son Don died after having an allergic reaction to a flu shot. It was a devastating time for Westbrook, who was still working and taking care of Leann.

Though he continued to go to work every day, he admitted he fell into a deep depression. "When a child dies, it pulls something out of you and you're never, ever the same," he said.

Eventually, Westbrook was able to recover, in part with the help of Susan Mitchell, who would later become his wife. "She helped me through the most difficult times of the grieving," he said. "I was certainly not a very pleasant person to be around, and she told me years later I was the saddest person she had ever seen. I was so thankful to have a friend who knew what I was going through. She was my cheerleader."

Together, Susan and Westbrook have a son, Reuben, and though no longer married, remain friends.

After 18 years with the development district, during which he organized the first Tourism Industry Development Symposium in Lexington, Westbrook retired in 1993. In advance of the new millennium, he organized Vision 2000, an effort to define London's goals and aspirations, many of which came to fruition. In 2010, he wrote a cookbook, "Grandma's Heirloom Kentucky and Southern Recipes." He continues to live with Leann, "who babysits her dad," and enjoys seeing his other children, 13 grandchildren, and five great-grandchildren. He attends St. William Catholic Church. And he remains deeply committed to London and his passion for progress.

At the end of his interview, he outlines ways to think outside the box, drawing several adjacent squares on a sheet of paper and asking how many are actually there. Pointing out how several small boxes form several larger ones, he talks about the importance of expanding one's mind. "You have to be open minded, you can't just be closed to what was.

It's exciting. This is the most exciting time in the history of mankind to be alive," he said and puts his pencil down.

### HONORING OUR ARMED FORCES

SERGEANT MICHAEL E. RISTAU

Mr. GRASSLEY. Madam President, I rise to pay tribute to the life and service of SGT Michael E. Ristau, a native of Cascade, IA. He was killed on July 13, 2012 in Qalat, Zabul Province, Afghanistan while serving his country as part of Operation Enduring Freedom. He leaves behind his wife, Elizabeth, two sons, Hyle and Bradley, his parents, Randy and Suzanne, and many other family and friends. My prayers go out to them as they grieve his loss.

By all accounts, he was a brave soldier who was proud of serving his country. He had a long list of awards and decorations, including the Bronze Star and Purple Heart, Army Achievement Medal, Army Good Conduct Medal, with Oak Leaf Cluster, National Defense Service Medal, Afghanistan Campaign Medal, with Bronze Service Star, Iraq Campaign Medal, with two Bronze Service Stars, Global War on Terrorism Service Medal, Army Service Ribbon, NATO Medal, Non-Commissioned Officer Professional Development Ribbon, Valorous Unit Award, Meritorious Unit Commendation, and Combat Infantryman Badge.

Our Nation is truly blessed to have patriots like Sergeant Ristau who volunteered to serve their country, prepared to endure the daily sacrifices of a deployment and the horrors of combat, and knowing that they could make the ultimate sacrifice. About his military service, his family said, "Michael had a passion for the military and was going to re-enlist." They also said that "Michael was always looking out for others and helping them in any way possible." There is certainly no more selfless act than to give one's life to ensure that others may live in freedom. We cannot hope to ever fully repay the debt we owe Michael Ristau, but as he joins the illustrious ranks of our fallen patriots from the birth of our Nation to the present day, we have an obligation to honor his life and his sacrifice. We must always remember heroes like Michael Ristau and never take for granted the gift of liberty they have won for us.

### ADDITIONAL STATEMENTS

#### HONORING KENNETH SAAVEDRA, JR.

• Mr. BLUMENTHAL. Madam President, for a few minutes, let us recall a young patriot, a military veteran, and a Connecticut son who tragically passed away on July 15, 2012. His name was Kenneth Saavedra, Jr. He was just 29 years old.

Kenneth was born in Bridgeport, CT and lived in Shelton for most of his life. He graduated from Shelton High School and the University of Connecticut. Kenneth was an electrician and worked for Sikorsky Aircraft.

But I speak about Kenneth today because of another job a different distinction that he held for a number of years: sergeant in the U.S. Army.

Kenneth Saavedra, Jr., served with the Army's 1st Battalion, 102nd Infantry Regiment, including two tours of duty in Afghanistan, and served with the National Guard for almost 10 years.

Kenneth was an American patriot. He selflessly dedicated his life to serving his country and never asked what he would receive in return. And after he came home from two tours in Afghanistan, he continued to stay active in veterans' causes as vice chair of the Teamsters Veterans Caucus Connecticut Chapter 1 and an avid supporter of the Wounded Heroes Fund.

This Saturday, Kenneth will be laid to rest in the Connecticut Veterans' Cemetery in Rocky Hill with full military honors. We owe a debt of gratitude to Kenneth Saavedra, Jr., and to military men and women like him who have risked everything to protect our Nation, and served and sacrificed, often at great cost to themselves. We must keep faith with them and make sure that we leave no veteran behind.

I want to offer my sincere condolences to Kenneth's parents, Evelyn and Kenneth Sr., as well as to his many family members and friends who are mourning his loss.●

#### GARDEN CITY, SOUTH DAKOTA

• Mr. JOHNSON of South Dakota. Madam President, today I wish to pay tribute to the 125th anniversary of the founding of Garden City, SD. Located in northeastern Clark County, Garden City is a proud small town, known for potato farming.

The townsite of Garden City was established in 1882 on 40 acres of land donated by Clarence Hayward, an early resident. Hayward was known as the father of the town because of his steadfast dedication to the well-being and improvement of Garden City. It is said that were it not for his aggressive advocacy, Garden City would not be a town.

The Chicago, Milwaukee & St. Paul Railroad was built in the town in 1887, bringing with it great prosperity. At that time, R.S. Carpenter donated a 40-acre parcel of land located just south of Garden City to the town. His wife is credited with naming the town, an honor granted to her by the railroad workers who were impressed by her hospitality. She had a love of flowers and saw parallels between the townsite and the Garden of Eden.

The year 1887 was important in the early history of Garden City. Besides

the establishment of the railroad, 1887 was when the first buildings were constructed. There was a grocery store and hardware business built by William Morise and Charley Edwards, as well as a post office and a railroad depot. In following years, many business and civic organizations popped up to serve the growing population.

In the 20th century, Garden City earned notoriety for being a center of potato farming in South Dakota. Commercial potato farming first arrived around 1908, and by the 1940s, Garden City farms were yielding half a million bushels of potatoes each year.

Residents of Garden City plan to celebrate their town's 125th anniversary with a day full of activities for the whole family. Festivities will begin with a tractor parade, followed by a pork loin dinner, bean bag and horseshoe tournaments, and musical entertainment, all held in the park. At the Opera House, numerous mementos and antiques will be on display to showcase the rich history of Garden City.

Garden City was founded by a determined group of pioneers, who fought hard for the preservation and advancement of their town. This legacy is evident to this day in the can-do spirit of its residents. I congratulate Garden City on reaching this historic milestone and wish them the best in the future.●

#### TRIBUTE TO VINCENT J. VACCA

● Mr. TESTER. Madam President, I wish to pay tribute to Vincent J. Vacca, a veteran of the first Gulf War. Vince, on behalf of all Montanans and all Americans, I stand to say thank you for your service to this nation. It is my honor to share the story of Vince Vacca's service in Operation Desert Storm, because no story of heroism should ever fall through the cracks.

Vince was born in New York but grew up in Libby, MT. When he was just a junior in high school, Vince decided to join the Navy headed to boot camp right after he graduated. On his first deployment, he was stationed on the U.S.S. *Sylvania* as an electrician's mate.

Vince served in Operation Desert Storm from 1990 to 1991. He separated from the Navy in May of 1992 but re-enlisted in the Armed Services, this time in the U.S. Army in December of 1992.

In the Army, Vince graduated third in his class as a fire direction specialist in field artillery. Vince served in the Army until 1999. After his service, Vincent Vacca never received the medals he earned from either the Army or the Navy. Vince recently received his Army medals but couldn't get his Navy medals.

Earlier this month, in the presence of his family, it was my honor to finally present to Vince: the Navy Good Conduct Medal, the National Defense Service Medal, Southwest Asia Service

Medal with two bronze stars, and the Navy Unit Commendation Ribbon. I also had the honor of presenting to Vince, the Kuwait Liberation Medal, based in Kuwait, the Sea Service Deployment Ribbon with one bronze star, and the Kuwait Liberation Medal, based in Saudi Arabia.

These seven decorations are small tokens, but they are powerful symbols of true heroism, sacrifice, and dedication to service.

These medals are presented on behalf of a grateful Nation.●

#### LANDSAT SATELLITE PROGRAM

● Mr. UDALL of Colorado. Madam President, I wish to recognize and commemorate the Landsat satellite program on the 40th anniversary of the launch of the first Landsat satellite. While perhaps not as well known as some of our other satellite programs, the Landsat satellites are nevertheless wildly successful and critically important to scientific research and policymaking.

On September 21, 1966, Secretary of the Interior Stewart Udall announced the commencement of Project EROS—Earth Resources Observation Satellites. The goal of Project EROS was to create a program responsible for mapping the characteristics of the surface of the Earth, thereby helping us better understand Earth's natural resources and changing climate.

In the years following, the Department of the Interior, through the U.S. Geological Survey and partnering with the National Aeronautics and Space Administration, established the EROS Program, and on July 23, 1972, launched the first Landsat satellite responsible for Earth surface imaging. Over the last 40 years the United States launched six more Landsat satellites, ensuring continuous observation and creating a national archive of natural resource information. The next Landsat is scheduled to be launched in 2013.

Today Landsat is crucial, not only to environmental research and study, but to national policy and decisionmakers at all levels. Landsat collects data from across the United States from the forests of Washington and Oregon, to the changing wetlands and waterways of coastal Louisiana. It also collects data globally, mapping, for example, the arid regions of Saudi Arabia and Mexico and the shrinking Aral Sea and Lake Chad. Using the information gathered by these satellites, researchers are able to catalogue and compare changes in the land due to urbanization, deforestation, population growth, climate change, and natural disasters. This kind of analysis is critically important to local governments, farmers and ranchers, land managers, and many other decisionmakers.

For example, my home State of Colorado has been deeply affected by

wildfires this year. Drought, climate change, and fire suppression have combined to make this one of the most destructive wildfire seasons in Colorado history. Landsat satellites collect data measuring water consumption by plants, bark beetle infestation, forest health, fuel loads, and even environmental recovery data from these damaging fires. Given this information, we can better combat wildfires both on the front lines and through our decisions here in Washington.

Not only does Landsat data benefit Colorado decisionmakers, but the satellites themselves have a strong Colorado pedigree. Ball Aerospace, located in Boulder, CO, is a key contributor to the development and progress of the Landsat program. Ball developed and constructed several vital components of the Landsat mission, most notably the Operational Land Imager, which allows for detailed imaging and a complete scan of the entire globe every 16 days.

I want to congratulate all those who have been associated with the Landsat legacy over the past 40 years on fulfilling Secretary Udall's vision so ably. Their tireless dedication has been a true benefit to all Americans and the world.●

#### REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY ORIGINALLY DECLARED IN EXECUTIVE ORDER 13536 ON APRIL 12, 2010 WITH RESPECT TO SOMALIA, RECEIVED DURING ADJOURNMENT OF THE SENATE JULY 20, 2012—PM 58

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

*To the Congress of the United States:*

Pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), I hereby report that I have issued an Executive Order (the "order") taking additional steps with respect to the national emergency declared in Executive Order 13536 of April 12, 2010 (E.O. 13536).

In E.O. 13536, I found that that the deterioration of the security situation and the persistence of violence in Somalia, and acts of piracy and armed robbery at sea off the coast of Somalia, which have repeatedly been the subject of United Nations Security Council resolutions, and violations of the arms embargo imposed by the United Nations Security Council in Resolution 733 of January 23, 1992, and elaborated upon and amended by subsequent resolutions, constitute an unusual and extraordinary threat to the national security and foreign policy of the United



States. To address that threat, E.O. 13536 blocks the property and interests in property of persons listed in the Annex to E.O. 13536 or determined by the Secretary of the Treasury, in consultation with the Secretary of State, to meet criteria specified in E.O. 13536.

In view of United Nations Security Council Resolution 2036 of February 22, 2012, and Resolution 2002 of July 29, 2011, I am issuing the order to take additional steps to deal with the national emergency declared in E.O. 13536 and to address exports of charcoal from Somalia, which generate significant revenue for al-Shabaab; the misappropriation of Somali public assets; and certain acts of violence committed against civilians in Somalia, all of which contribute to the deterioration of the security situation and the persistence of violence in Somalia.

The order prohibits the importation into the United States, directly or indirectly, of charcoal from Somalia. It also amends the designation criteria specified in E.O. 13536. As amended by the order, E.O. 13536 provides for the designation of persons determined by the Secretary of the Treasury, in consultation with the Secretary of State, to:

Have engaged in acts that directly or indirectly threaten the peace, security, or stability of Somalia, including but not limited to: Acts that threaten the Djibouti Agreement of August 18, 2008, or the political process; acts that threaten the Transitional Federal Institutions or future Somali governing institutions, the African Union Mission in Somalia (AMISOM), or other future international peacekeeping operations related to Somalia; or acts to misappropriate Somali public assets;

Have obstructed the delivery of humanitarian assistance to Somalia, or access to, or distribution of, humanitarian assistance in Somalia;

Have directly or indirectly supplied, sold or transferred to Somalia, or to have been the recipient in the territory of Somalia of, arms or any related materiel, or any technical advice, training, or assistance, including financing and financial assistance, related to military activities;

Be responsible for or complicit in, or responsible for ordering, controlling, or otherwise directing, or to have participated in, the commission of acts of violence targeting civilians in Somalia, including killing and maiming, sexual and gender-based violence, attacks on schools and hospitals, taking hostages, and forced displacement;

Be a political or military leader recruiting or using children in armed conflict in Somalia;

Have engaged, directly or indirectly, in the import or export of charcoal from Somalia on or after February 22, 2012;

Have materially assisted, sponsored, or provided financial, material,

logistical or technical support for, or goods or services in support of, the activities described above or any person whose property and interests in property are blocked pursuant to E.O. 13536; or

Be owned or controlled by, or to have acted or purported to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to E.O. 13536.

The designation criteria will be applied in accordance with applicable Federal law including, where appropriate, the First Amendment to the United States Constitution. In view of United Nations Security Council Resolution 2002 of July 29, 2011, persons who engage in non-local commerce via al-Shabaab-controlled ports that constitutes support for a person whose property and interests in property are blocked pursuant to E.O. 13536 may be subject to designation pursuant to E.O. 13536, as amended by the order.

The order was effective at 2:00 p.m. eastern daylight time on July 20, 2012. I have delegated to the Secretary of the Treasury, in consultation with the Secretary of State, the authority to take such actions, including the promulgation of rules and regulations, and to employ all power's granted to the President by IEEPA as may be necessary to carry out the purposes of the order. All agencies of the United States Government are directed to take all appropriate measures within their authority to carry out the provisions of the order.

I am enclosing a copy of the Executive Order I have issued.

BARACK OBAMA.  
THE WHITE HOUSE, July 20, 2012.

#### MESSAGE FROM THE HOUSE

At 2:03 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5856. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2013, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 133. Concurrent resolution authorizing the use of the rotunda of the United States Capitol for an event to present the Congressional Gold Medal to Arnold Palmer, in recognition of his service to the Nation in promoting excellence and good sportsmanship in golf.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 2527) to require the Secretary of the Treasury to mint coins in recognition and celebration of the National Baseball Hall of Fame.

#### MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 5856. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2013, and for other purposes; to the Committee on Appropriations.

#### MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 3414. A bill to enhance the security and resiliency of the cyber and communications infrastructure of the United States.

H.R. 5872. An act to require the President to provide a report detailing the sequester required by the Budget Control Act of 2011 on January 2, 2013.

#### MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 3420. A bill to permanently extend the 2001 and 2003 tax cuts, to provide for permanent alternative minimum tax relief, and to repeal the estate and generation-skipping transfer taxes, and for other purposes.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KERRY, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

S. 1039. A bill to impose sanctions on persons responsible for the detention, abuse, or death of Sergei Magnitsky, for the conspiracy to defraud the Russian Federation of taxes on corporate profits through fraudulent transactions and lawsuits against Hermitage, and for other gross violations of human rights in the Russian Federation, and for other purposes (Rept. No. 112-191).

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. REED (for himself and Mr. GRASSLEY):

S. 3416. A bill to enhance civil penalties under the Federal securities laws, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HATCH (for himself and Mr. MCCONNELL):

S. 3417. A bill to amend the Internal Revenue Code of 1986 to temporarily extend tax relief provisions enacted in 2001 and 2003, to provide for temporary alternative minimum tax relief, to extend increased expensing limitations, and to provide instructions for tax reform; to the Committee on Finance.

By Mr. WYDEN:

S. 3418. A bill to amend title 10, United States Code, to require the Secretary of Defense to use only human-based methods for training members of the Armed Forces in the treatment of severe combat injuries; to the Committee on Armed Services.



By Mr. SANDERS (for himself, Mr. LEAHY, Mr. BROWN of Ohio, Mr. BLUMENTHAL, and Mr. AKAKA):

S. 3419. A bill to provide for the establishment of the United States Employee Ownership Bank, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LEE (for himself, Mr. RUBIO, Mr. RISCH, Mr. DEMINT, Mr. CORNYN, Mr. VITTER, and Mr. JOHNSON of Wisconsin):

S. 3420. A bill to permanently extend the 2001 and 2003 tax cuts, to provide for permanent alternative minimum tax relief, and to repeal the estate and generation-skipping transfer taxes, and for other purposes; read the first time.

By Mr. SANDERS (for himself, Mr. LEAHY, Mr. BROWN of Ohio, Mr. BLUMENTHAL, and Mr. AKAKA):

S. 3421. A bill to establish an Employee Ownership and Participation Initiative, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. VITTER:

S. 3422. A bill to prohibit the sale of billfish and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. REED (for himself, Mr. LIEBERMAN, and Mr. WHITEHOUSE):

S. 3423. A bill to amend the Wild and Scenic Rivers Act to designate a segment of the Beaver, Chipuxet, Queen, Wood, and Pawcatuck Rivers in the States of Connecticut and Rhode Island for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Energy and Natural Resources.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KERRY (for himself, Mr. LUGAR, Mr. WEBB, Mr. INHOFE, Mr. LIEBERMAN, and Mr. MCCAIN):

S. Res. 524. A resolution reaffirming the strong support of the United States for the 2002 declaration of conduct of parties in the South China Sea among the member states of ASEAN and the People's Republic of China, and for other purposes; to the Committee on Foreign Relations.

## ADDITIONAL COSPONSORS

S. 102

At the request of Mr. MCCAIN, the names of the Senator from Wyoming (Mr. BARRASSO) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 102, a bill to provide an optional fast-track procedure the President may use when submitting rescission requests, and for other purposes.

S. 202

At the request of Mr. PAUL, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 202, a bill to require a full audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks by the Comptroller General of the United States before the end of 2012, and for other purposes.

S. 343

At the request of Mr. BINGAMAN, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 343, a bill to amend Title I of PL 99-658 regarding the Compact of Free Association between the Government of the United States of America and the Government of Palau, to approve the results of the 15-year review of the Compact, including the Agreement Between the Government of the United States of America and the Government of the Republic of Palau Following the Compact of Free Association Section 432 Review, and to appropriate funds for the purposes of the amended PL 99-658 for fiscal years ending on or before September 30, 2024, to carry out the agreements resulting from that review.

S. 387

At the request of Mrs. BOXER, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 387, a bill to amend title 37, United States Code, to provide flexible spending arrangements for members of uniformed services, and for other purposes.

S. 845

At the request of Mr. ENZI, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 845, a bill to amend the Internal Revenue Code of 1986 to provide for the logical flow of return information between partnerships, corporations, trusts, estates, and individuals to better enable each party to submit timely, accurate returns and reduce the need for extended and amended returns, to provide for modified due dates by regulation, and to conform the automatic corporate extension period to long-standing regulatory rule.

S. 866

At the request of Mr. TESTER, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 866, a bill to amend title 10, United States Code, to modify the per-fiscal year calculation of days of certain active duty or active service used to reduce the minimum age at which a member of a reserve component of the uniformed services may retire for non-regular service.

S. 896

At the request of Mr. BINGAMAN, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 896, a bill to amend the Public Land Corps Act of 1993 to expand the authorization of the Secretaries of Agriculture, Commerce, and the Interior to provide service opportunities for young Americans; help restore the nation's natural, cultural, historic, archaeological, recreational and scenic resources; train a new generation of public land managers and enthusiasts; and promote the value of public service.

S. 933

At the request of Mr. SCHUMER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 933, a bill to amend the Internal Revenue Code of 1986 to extend and increase the exclusion for benefits provided to volunteer firefighters and emergency medical responders.

S. 996

At the request of Mr. ROCKEFELLER, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 996, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit through 2016, and for other purposes.

S. 1299

At the request of Mr. MORAN, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1299, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Lions Clubs International.

S. 1368

At the request of Mr. ROBERTS, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 1368, a bill to amend the Patient Protection and Affordable Care Act to repeal distributions for medicine qualified only if for prescribed drug or insulin.

S. 1372

At the request of Mr. REED, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 1372, a bill to amend the Elementary and Secondary Education Act of 1965 regarding environmental education, and for other purposes.

S. 1460

At the request of Mr. BAUCUS, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1460, a bill to grant the congressional gold medal, collectively, to the First Special Service Force, in recognition of its superior service during World War II.

S. 1806

At the request of Mrs. BOXER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1806, a bill to amend the Internal Revenue Code of 1986 to allow taxpayers to designate overpayments of tax as contributions to the homeless veterans assistance fund.

S. 1832

At the request of Mr. ENZI, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. 1832, a bill to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes.

S. 1843

At the request of Mr. ISAKSON, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S.

1843, a bill to amend the National Labor Relations Act to provide for appropriate designation of collective bargaining units.

S. 1911

At the request of Mr. SCHUMER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1911, a bill to amend the Internal Revenue Code of 1986 to provide recruitment and retention incentives for volunteer emergency service workers.

S. 1929

At the request of Mr. BLUMENTHAL, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 1929, a bill to require the Secretary of the Treasury to mint coins in commemoration of Mark Twain.

S. 1956

At the request of Mr. THUNE, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1956, a bill to prohibit operators of civil aircraft of the United States from participating in the European Union's emissions trading scheme, and for other purposes.

S. 2093

At the request of Mr. MENENDEZ, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 2093, a bill to establish pilot programs to encourage the use of shared appreciation mortgage modifications, and for other purposes.

S. 2201

At the request of Mr. GRASSLEY, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 2201, a bill to amend the Internal Revenue Code of 1986 to extend the renewable energy credit.

S. 2283

At the request of Mr. TESTER, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2283, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to include procedures for requests from Indian tribes for a major disaster or emergency declaration, and for other purposes.

S. 2342

At the request of Mr. TESTER, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 2342, a bill to reform the National Association of Registered Agents and Brokers, and for other purposes.

S. 2620

At the request of Mr. SCHUMER, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 2620, a bill to amend title XVIII of the Social Security Act to provide for an extension of the Medicare-dependent hospital (MDH) program and the increased payments under the Medicare low-volume hospital program.

S. 3248

At the request of Mr. ENZI, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 3248, a bill to designate the North American bison as the national mammal of the United States.

S. 3290

At the request of Mr. VITTER, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 3290, a bill to prohibit discrimination against the unborn on the basis of sex or gender, and for other purposes.

S. 3325

At the request of Mr. BEGICH, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 3325, a bill to authorize the Secretary of Health and Human Services, acting through the Administrator of the Substance Abuse and Mental Health Services Administration, in coordination with the Secretary of Education, to carry out a 5-year demonstration program to fund mental health first aid training programs at 10 institutions of higher education to improve student mental health.

S. 3352

At the request of Mr. BINGAMAN, the names of the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 3352, a bill to amend the Internal Revenue Code of 1986 to improve and extend certain energy-related tax provisions, and for other purposes.

S. 3372

At the request of Mr. WEBB, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from Montana (Mr. BAUCUS), the Senator from Colorado (Mr. BENNET), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from California (Mrs. BOXER), the Senator from Ohio (Mr. BROWN), the Senator from Washington (Ms. CANTWELL), the Senator from Maryland (Mr. CARDIN), the Senator from Delaware (Mr. CARPER), the Senator from Pennsylvania (Mr. CASEY), the Senator from Delaware (Mr. COONS), the Senator from Illinois (Mr. DURBIN), the Senator from California (Mrs. FEINSTEIN), the Senator from Minnesota (Mr. FRANKEN), the Senator from New York (Mrs. GILLIBRAND), the Senator from North Carolina (Mrs. HAGAN), the Senator from Iowa (Mr. HARKIN), the Senator from Hawaii (Mr. INOUE), the Senator from South Dakota (Mr. JOHNSON), the Senator from Massachusetts (Mr. KERRY), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Wisconsin (Mr. KOHL), the Senator from Louisiana (Ms. LANDRIEU), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Vermont (Mr. LEAHY), the Senator from Michigan

(Mr. LEVIN), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from West Virginia (Mr. MANCHIN), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Oregon (Mr. MERKLEY), the Senator from Maryland (Ms. MIKULSKI), the Senator from Washington (Mrs. MURRAY), the Senator from Florida (Mr. NELSON), the Senator from Nebraska (Mr. NELSON), the Senator from Arkansas (Mr. PRYOR), the Senator from Rhode Island (Mr. REED), the Senator from Nevada (Mr. REID), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Vermont (Mr. SANDERS), the Senator from New York (Mr. SCHUMER), the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Michigan (Ms. STABENOW), the Senator from New Mexico (Mr. UDALL), the Senator from Rhode Island (Mr. WHITEHOUSE), and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 3372, a bill to amend section 704 of title 18, United States Code.

S. 3392

At the request of Mr. BROWN of Ohio, the names of the Senator from Hawaii (Mr. INOUE) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 3392, a bill to amend the Securities Exchange Act of 1934, to require the disclosure of the total number of the domestic and foreign employers of issuers.

S. 3394

At the request of Mr. JOHNSON of South Dakota, the names of the Senator from Alaska (Mr. BEGICH), the Senator from Illinois (Mr. KIRK), the Senator from New Jersey (Mr. MENENDEZ), and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 3394, a bill to address fee disclosure requirements under the Electronic Fund Transfer Act, to amend the Federal Deposit Insurance Act with respect to information provided to the Bureau of Consumer Financial Protection, and for other purposes.

S. RES. 494

At the request of Mr. CORNYN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. Res. 494, a resolution condemning the Government of the Russian Federation for providing weapons to the regime of President Bashar al-Assad of Syria.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REED (for himself and Mr. GRASSLEY):

S. 3416. A bill to enhance civil penalties under the Federal securities laws, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. REED. Today I am introducing bipartisan legislation to address a matter that I explored as chairman of the Banking Subcommittee on Securities,

Insurance, and Investment. During a series of hearings, it became increasingly clear to me that in order to protect taxpayers and investors, we need tougher anti-fraud laws and better oversight of Wall Street. Some of these institutions that are “too big to fail” have also become “too big to care.” We need to end the cycle of misconduct where such institutions can look at the bottom line and see they can break the law, get caught, pay a nominal fine, and still profit.

At a Securities and Exchange Commission, SEC, oversight hearing I held in November 2011, I asked Robert Khuzami, director of the Division of Enforcement at the SEC, why a recently proposed settlement with Citigroup had been thrown out by a Federal judge in the Southern District of New York, who believed it to be egregiously low. Mr. Khuzami replied that the SEC’s ability to assess penalties was actually limited by the statute. In follow-up questions, I directly asked if Congress should consider raising these limits, especially in cases involving repeated offenders. I subsequently received a letter from SEC Chairman Schapiro, and written answers from Mr. Khuzami, supporting the need to raise the limits and make other improvements to the SEC civil enforcement statute.

As a result, I am introducing today with my colleague, Senator CHUCK GRASSLEY, the Stronger Enforcement of Civil Penalties Act of 2012 or the SEC Penalties Act. This bill will strengthen the ability of the SEC to crack down on violations of securities laws by updating its civil penalties statute. This legislation will ensure that the punishment better fits the crime by increasing the statutory limits on civil monetary penalties, directly linking the size of these penalties to the scope of harm and associated investor losses, and substantially raising the financial stakes for repeat offenders of our nation’s securities laws.

Our bill will increase the per violation cap for the most egregious securities laws violations to \$1 million per offense for individuals and \$10 million per offense for entities. This will help ensure that the SEC’s most severe, or “tier three,” penalties will help deter people from engaging in the most serious offenses, rather than have such wrongdoing be viewed as just the cost of doing business. Under existing law, the SEC can only penalize individual securities law violators a maximum of \$150,000 per offense and institutions \$725,000 per offense.

Our bill will also toughen penalties by allowing penalties equal to three times the economic gain of the violator. It also provides a new calculation method that includes the amount of associated investor losses as part of the penalty determination. This should

allow the SEC to address situations where the actual economic gain to the violator is relatively small compared to the extent of the wrongdoing or the harm caused to investors.

In the recent case involving Citigroup, existing law did not even entitle the SEC to recover the amount actually lost by investors. Estimated investors losses were about \$700 million, but the SEC proposed to settle the case with Citigroup for only \$285 million. This amount was what was estimated to be close to the total monetary recovery that the SEC itself could have obtained if it had gone to trial. Under our bill, this amount could have been much larger, and would have taken into account the economic gain to Citigroup, in addition to investor losses.

Recent reports have highlighted the level of repeat offenses that have occurred on Wall Street and gone unchecked. The SEC Penalties Act includes two statutory changes that would substantially improve the ability of the SEC’s enforcement program to ratchet up penalties as recidivism occurs.

One would allow the SEC to triple the applicable penalty cap for recidivists who, within the preceding five years, have been criminally convicted of securities fraud or been the subject of a judgment or order imposing monetary, equitable, or administrative relief in any action alleging SEC fraud.

The other would allow the SEC to seek a civil penalty if an individual or entity has violated an existing federal court injunction or bar imposed by the SEC. Many believe this approach would be more efficient, effective, and flexible than the current civil contempt remedy.

Finally, under the SEC Penalties Act, the penalty relief available in administrative proceedings will be the same as it is in district court. In essence, the SEC will be able to assess these types of penalties in-house, and not just obtain them in federal court.

Given the JP Morgan trading scandal, issues arising from the Facebook IPO, and the manipulation of LIBOR, it is clear much still needs to be done to improve transparency and restore confidence in our financial system. The nearly one-half of all U.S. households that own securities deserve a strong cop on the beat that has the tools it needs to go after fraudsters and the difficult cases arising from our increasingly complex financial markets. Our economy’s success depends in no small part on restoring confidence in our capital markets.

The SEC Penalties Act will help by giving the SEC more tools to demand meaningful accountability from Wall Street. It will enhance the SEC’s ability to protect investors and crack down on fraud and I urge my colleagues to cosponsor and join us in supporting this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3416

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Stronger Enforcement of Civil Penalties Act of 2012”.

#### SEC. 2. UPDATED CIVIL MONEY PENALTIES FOR SECURITIES LAWS VIOLATIONS.

(a) SECURITIES ACT OF 1933.—

(1) MONEY PENALTIES IN ADMINISTRATIVE ACTIONS.—Section 8A(g)(2) of the Securities Act of 1933 (15 U.S.C. 77h–1(g)(2)) is amended—

(A) in subparagraph (A)—

(i) by striking “\$7,500” and inserting “\$10,000”; and

(ii) by striking “\$75,000” and inserting “\$100,000”;

(B) in subparagraph (B)—

(i) by striking “\$75,000” and inserting “\$100,000”; and

(ii) by striking “\$375,000” and inserting “\$500,000”; and

(C) by amending subparagraph (C) to read as follows:

“(C) THIRD TIER.—Notwithstanding subparagraphs (A) and (B), the amount of penalty for each such act or omission shall not exceed the greater of—

“(i) \$1,000,000 for a natural person or \$10,000,000 for any other person;

“(ii) 3 times the gross amount of pecuniary gain to the person who committed the act or omission; or

“(iii) the amount of losses incurred by victims as a result of the act or omission, if—

“(I) the act or omission described in paragraph (1) involved fraud, deceit, manipulation, or deliberate or reckless disregard of a regulatory requirement; and

“(II) such act or omission directly or indirectly resulted in—

“(aa) substantial losses or created a significant risk of substantial losses to other persons; or

“(bb) substantial pecuniary gain to the person who committed the act or omission.”.

(2) MONEY PENALTIES IN CIVIL ACTIONS.—Section 20(d)(2) of the Securities Act of 1933 (15 U.S.C. 77t(d)(2)) is amended—

(A) in subparagraph (A)—

(i) by striking “\$5,000” and inserting “\$10,000”; and

(ii) by striking “\$50,000” and inserting “\$100,000”;

(B) in subparagraph (B)—

(i) by striking “\$50,000” and inserting “\$100,000”; and

(ii) by striking “\$250,000” and inserting “\$500,000”; and

(C) in subparagraph (C), by striking “greater of (i) \$100,000 for a natural person or \$500,000 for any other person, or (ii) the gross amount of pecuniary gain to such defendant as a result of the violation” and inserting the following: “greater of—

“(i) \$1,000,000 for a natural person or \$10,000,000 for any other person;

“(ii) 3 times the gross amount of pecuniary gain to such defendant as a result of the violation; or

“(iii) the amount of losses incurred by victims as a result of the violation”.

(b) SECURITIES EXCHANGE ACT OF 1934.—

(1) MONEY PENALTIES IN CIVIL ACTIONS.—Section 21(d)(3)(B) of the Securities Exchange Act of 1934 (15 U.S.C. 78u(d)(3)(B)) is amended—

(A) in clause (i)—  
(i) by striking “\$5,000” and inserting “\$10,000”; and

(ii) by striking “\$50,000” and inserting “\$100,000”;

(B) in clause (ii)—  
(i) by striking “\$50,000” and inserting “\$100,000”; and

(ii) by striking “\$250,000” and inserting “\$500,000”; and

(C) in clause (iii), by striking “greater of (I) \$100,000 for a natural person or \$500,000 for any other person, or (II) the gross amount of pecuniary gain to such defendant as a result of the violation” and inserting the following: “greater of—

“(I) \$1,000,000 for a natural person or \$10,000,000 for any other person;

“(II) 3 times the gross amount of pecuniary gain to such defendant as a result of the violation; or

“(III) the amount of losses incurred by victims as a result of the violation”.

(2) MONEY PENALTIES IN ADMINISTRATIVE ACTIONS.—Section 21B(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78u-2(b)) is amended—

(A) in paragraph (1)—  
(i) by striking “\$5,000” and inserting “\$10,000”; and

(ii) by striking “\$50,000” and inserting “\$100,000”;

(B) in paragraph (2)—  
(i) by striking “\$50,000” and inserting “\$100,000”; and

(ii) by striking “\$250,000” and inserting “\$500,000”; and

(C) by amending paragraph (3) to read as follows:

“(3) THIRD TIER.—Notwithstanding paragraphs (1) and (2), the amount of penalty for each such act or omission shall not exceed the greater of—

“(A) \$1,000,000 for a natural person or \$10,000,000 for any other person;

“(B) 3 times the gross amount of pecuniary gain to the person who committed the act or omission; or

“(C) the amount of losses incurred by victims as a result of the act or omission, if—

“(i) the act or omission described in subsection (a) involved fraud, deceit, manipulation, or deliberate or reckless disregard of a regulatory requirement; and

“(ii) such act or omission directly or indirectly resulted in substantial losses or created a significant risk of substantial losses to other persons or resulted in substantial pecuniary gain to the person who committed the act or omission.”.

(c) INVESTMENT COMPANY ACT OF 1940.—

(1) MONEY PENALTIES IN ADMINISTRATIVE ACTIONS.—Section 9(d)(2) of the Investment Company Act of 1940 (15 U.S.C. 80a-9(d)(2)) is amended—

(A) in subparagraph (A)—  
(i) by striking “\$5,000” and inserting “\$10,000”; and

(ii) by striking “\$50,000” and inserting “\$100,000”;

(B) in subparagraph (B)—  
(i) by striking “\$50,000” and inserting “\$100,000”; and

(ii) by striking “\$250,000” and inserting “\$500,000”; and

(C) by amending subparagraph (C) to read as follows:

“(C) THIRD TIER.—Notwithstanding subparagraphs (A) and (B), the amount of penalty for each such act or omission shall not exceed the greater of—

“(i) \$1,000,000 for a natural person or \$10,000,000 for any other person;

“(ii) 3 times the gross amount of pecuniary gain to the person who committed the act or omission; or

“(iii) the amount of losses incurred by victims as a result of the act or omission, if—

“(I) the act or omission described in paragraph (1) involved fraud, deceit, manipulation, or deliberate or reckless disregard of a regulatory requirement; and

“(II) such act or omission directly or indirectly resulted in substantial losses or created a significant risk of substantial losses to other persons or resulted in substantial pecuniary gain to the person who committed the act or omission.”.

(2) MONEY PENALTIES IN CIVIL ACTIONS.—Section 42(e)(2) of the Investment Company Act of 1940 (15 U.S.C. 80a-41(e)(2)) is amended—

(A) in subparagraph (A)—  
(i) by striking “\$5,000” and inserting “\$10,000”; and

(ii) by striking “\$50,000” and inserting “\$100,000”;

(B) in subparagraph (B)—  
(i) by striking “\$50,000” and inserting “\$100,000”; and

(ii) by striking “\$250,000” and inserting “\$500,000”; and

(C) in subparagraph (C), by striking “greater of (i) \$100,000 for a natural person or \$500,000 for any other person, or (ii) the gross amount of pecuniary gain to such defendant as a result of the violation” and inserting the following: “greater of—

“(i) \$1,000,000 for a natural person or \$10,000,000 for any other person;

“(ii) 3 times the gross amount of pecuniary gain to such defendant as a result of the violation; or

“(iii) the amount of losses incurred by victims as a result of the violation”.

(d) INVESTMENT ADVISERS ACT OF 1940.—

(1) MONEY PENALTIES IN ADMINISTRATIVE ACTIONS.—Section 203(i)(2) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-3(i)(2)) is amended—

(A) in subparagraph (A)—  
(i) by striking “\$5,000” and inserting “\$10,000”; and

(ii) by striking “\$50,000” and inserting “\$100,000”;

(B) in subparagraph (B)—  
(i) by striking “\$50,000” and inserting “\$100,000”; and

(ii) by striking “\$250,000” and inserting “\$500,000”; and

(C) by amending subparagraph (C) to read as follows:

“(C) THIRD TIER.—Notwithstanding subparagraphs (A) and (B), the amount of penalty for each such act or omission shall not exceed the greater of—

“(i) \$1,000,000 for a natural person or \$10,000,000 for any other person;

“(ii) 3 times the gross amount of pecuniary gain to the person who committed the act or omission; or

“(iii) the amount of losses incurred by victims as a result of the act or omission, if—

“(I) the act or omission described in paragraph (1) involved fraud, deceit, manipulation, or deliberate or reckless disregard of a regulatory requirement; and

“(II) such act or omission directly or indirectly resulted in substantial losses or created a significant risk of substantial losses to other persons or resulted in substantial pecuniary gain to the person who committed the act or omission.”.

(2) MONEY PENALTIES IN CIVIL ACTIONS.—Section 209(e)(2) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-9(e)(2)) is amended—

(A) in subparagraph (A)—

(i) by striking “\$5,000” and inserting “\$10,000”; and

(ii) by striking “\$50,000” and inserting “\$100,000”;

(B) in subparagraph (B)—

(i) by striking “\$50,000” and inserting “\$100,000”; and

(ii) by striking “\$250,000” and inserting “\$500,000”; and

(C) in subparagraph (C), by striking “greater of (i) \$100,000 for a natural person or \$500,000 for any other person, or (ii) the gross amount of pecuniary gain to such defendant as a result of the violation” and inserting the following: “greater of—

“(i) \$1,000,000 for a natural person or \$10,000,000 for any other person;

“(ii) 3 times the gross amount of pecuniary gain to such defendant as a result of the violation; or

“(iii) the amount of losses incurred by victims as a result of the violation”.

### SEC. 3. PENALTIES FOR RECIDIVISTS.

(a) SECURITIES ACT OF 1933.—

(1) CEASE-AND-DESIST PROCEEDINGS.—Section 8A(g)(2) of the Securities Act of 1933 (15 U.S.C. 77h-1(g)(2)) is amended by adding at the end the following:

“(D) FOURTH TIER.—Notwithstanding subparagraphs (A), (B), and (C), the maximum amount of penalty for each such act or omission shall be 3 times the otherwise applicable amount in such subparagraphs if, within the 5-year period preceding such act or omission, the person who committed the act or omission was criminally convicted for securities fraud or became subject to a judgment or order imposing monetary, equitable, or administrative relief in any Commission action alleging fraud by that person.”.

(2) INJUNCTIONS AND PROSECUTION OF OFFENSES.—Section 20(d)(2) of the Securities Act of 1933 (15 U.S.C. 77t(d)(2)) is amended by adding at the end the following:

“(D) FOURTH TIER.—Notwithstanding subparagraphs (A), (B), and (C), the maximum amount of penalty for each such violation shall be 3 times the otherwise applicable amount in such subparagraphs if, within the 5-year period preceding such violation, the defendant was criminally convicted for securities fraud or became subject to a judgment or order imposing monetary, equitable, or administrative relief in any Commission action alleging fraud by that defendant.”.

(b) SECURITIES EXCHANGE ACT OF 1934.—

(1) CIVIL ACTIONS.—Section 21(d)(3)(B) of the Securities Exchange Act of 1934 (15 U.S.C. 78u(d)(3)(B)) is amended by adding at the end the following:

“(iv) FOURTH TIER.—Notwithstanding clauses (i), (ii), and (iii), the maximum amount of penalty for each such violation shall be 3 times the otherwise applicable amount in such clauses if, within the 5-year period preceding such violation, the defendant was criminally convicted for securities fraud or became subject to a judgment or order imposing monetary, equitable, or administrative relief in any Commission action alleging fraud by that defendant.”.

(2) ADMINISTRATIVE PROCEEDINGS.—Section 21B(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78u-2(b)) is amended by adding at the end the following:

“(4) FOURTH TIER.—Notwithstanding paragraphs (1), (2), and (3), the maximum amount of penalty for each such act or omission shall be 3 times the otherwise applicable amount in such paragraphs if, within the 5-year period preceding such act or omission, the person who committed the act or omission was criminally convicted for securities

fraud or became subject to a judgment or order imposing monetary, equitable, or administrative relief in any Commission action alleging fraud by that person.”.

(c) INVESTMENT COMPANY ACT OF 1940.—

(1) INELIGIBILITY OF CERTAIN UNDERWRITERS AND AFFILIATES.—Section 9(d)(2) of the Investment Company Act of 1940 (15 U.S.C. 80a-9(d)(2)) is amended by adding at the end the following:

“(D) FOURTH TIER.—Notwithstanding subparagraphs (A), (B), and (C), the maximum amount of penalty for each such act or omission shall be 3 times the otherwise applicable amount in such subparagraphs if, within the 5-year period preceding such act or omission, the person who committed the act or omission was criminally convicted for securities fraud or became subject to a judgment or order imposing monetary, equitable, or administrative relief in any Commission action alleging fraud by that person.”.

(2) ENFORCEMENT.—Section 42(e)(2) of the Investment Company Act of 1940 (15 U.S.C. 80a-41(e)(2)) is amended by adding at the end the following:

“(D) FOURTH TIER.—Notwithstanding subparagraphs (A), (B), and (C), the maximum amount of penalty for each such violation shall be 3 times the otherwise applicable amount in such subparagraphs if, within the 5-year period preceding such violation, the defendant was criminally convicted for securities fraud or became subject to a judgment or order imposing monetary, equitable, or administrative relief in any Commission action alleging fraud by that defendant.”.

(d) INVESTMENT ADVISERS ACT OF 1940.—The Investment Advisers Act of 1940 (15 U.S.C. 80b-1 et seq.) is amended—

(1) in section 203(i)(2) (15 U.S.C. 80b-3(i)(2)), by adding at the end the following:

“(D) FOURTH TIER.—Notwithstanding subparagraphs (A), (B), and (C), the maximum amount of penalty for each such act or omission shall be 3 times the otherwise applicable amount in such subparagraphs if, within the 5-year period preceding such act or omission, the person who committed the act or omission was criminally convicted for securities fraud or became subject to a judgment or order imposing monetary, equitable, or administrative relief in any Commission action alleging fraud by that person.”; and

(2) in section 209(e)(2) (15 U.S.C. 80b-9(e)(2)) by adding at the end the following:

“(D) FOURTH TIER.—Notwithstanding subparagraphs (A), (B), and (C), the maximum amount of penalty for each such violation shall be 3 times the otherwise applicable amount in such subparagraphs if, within the 5-year period preceding such violation, the defendant was criminally convicted for securities fraud or became subject to a judgment or order imposing monetary, equitable, or administrative relief in any Commission action alleging fraud by that defendant.”.

#### SEC. 4. VIOLATIONS OF INJUNCTIONS AND BARS.

(a) SECURITIES ACT OF 1933.—Section 20(d) of the Securities Act of 1933 (15 U.S.C. 77t(d)) is amended—

(1) in paragraph (1), by inserting after “the rules or regulations thereunder,” the following: “a Federal court injunction or a bar obtained or entered by the Commission under this title.”; and

(2) by amending paragraph (4) to read as follows:

“(4) SPECIAL PROVISIONS RELATING TO A VIOLATION OF AN INJUNCTION OR CERTAIN ORDERS.—

“(A) IN GENERAL.—Each separate violation of an injunction or order described in subparagraph (B) shall be a separate offense, ex-

cept that in the case of a violation through a continuing failure to comply with such injunction or order, each day of the failure to comply with the injunction or order shall be deemed a separate offense.

“(B) INJUNCTIONS AND ORDERS.—Subparagraph (A) shall apply with respect to any action to enforce—

“(i) a Federal court injunction obtained pursuant to this title;

“(ii) an order entered or obtained by the Commission pursuant to this title that bars, suspends, places limitations on the activities or functions of, or prohibits the activities of, a person; or

“(iii) a cease-and-desist order entered by the Commission pursuant to section 8A.”.

(b) SECURITIES EXCHANGE ACT OF 1934.—Section 21(d)(3) of the Securities Exchange Act of 1934 (15 U.S.C. 78u(d)(3)) is amended—

(1) in subparagraph (A), by inserting after “the rules or regulations thereunder,” the following: “a Federal court injunction or a bar obtained or entered by the Commission under this title.”; and

(2) by amending subparagraph (D) to read as follows:

“(D) SPECIAL PROVISIONS RELATING TO A VIOLATION OF AN INJUNCTION OR CERTAIN ORDERS.—

“(i) IN GENERAL.—Each separate violation of an injunction or order described in clause (ii) shall be a separate offense, except that in the case of a violation through a continuing failure to comply with such injunction or order, each day of the failure to comply with the injunction or order shall be deemed a separate offense.

“(ii) INJUNCTIONS AND ORDERS.—Clause (i) shall apply with respect to an action to enforce—

“(I) a Federal court injunction obtained pursuant to this title;

“(II) an order entered or obtained by the Commission pursuant to this title that bars, suspends, places limitations on the activities or functions of, or prohibits the activities of, a person; or

“(III) a cease-and-desist order entered by the Commission pursuant to section 21C.”.

(c) INVESTMENT COMPANY ACT OF 1940.—Section 42(e) of the Investment Company Act of 1940 (15 U.S.C. 80a-41(e)) is amended—

(1) in paragraph (1), by inserting after “the rules or regulations thereunder,” the following: “a Federal court injunction or a bar obtained or entered by the Commission under this title.”; and

(2) by amending paragraph (4) to read as follows:

“(4) SPECIAL PROVISIONS RELATING TO A VIOLATION OF AN INJUNCTION OR CERTAIN ORDERS.—

“(A) IN GENERAL.—Each separate violation of an injunction or order described in subparagraph (B) shall be a separate offense, except that in the case of a violation through a continuing failure to comply with such injunction or order, each day of the failure to comply with the injunction or order shall be deemed a separate offense.

“(B) INJUNCTIONS AND ORDERS.—Subparagraph (A) shall apply with respect to any action to enforce—

“(i) a Federal court injunction obtained pursuant to this title;

“(ii) an order entered or obtained by the Commission pursuant to this title that bars, suspends, places limitations on the activities or functions of, or prohibits the activities of, a person; or

“(iii) a cease-and-desist order entered by the Commission pursuant to section 9(f).”.

(d) INVESTMENT ADVISERS ACT OF 1940.—Section 209(e) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-9(e)) is amended—

(1) in paragraph (1), by inserting after “the rules or regulations thereunder,” the following: “a federal court injunction or a bar obtained or entered by the Commission under this title.”; and

(2) by amending paragraph (4) to read as follows:

“(4) SPECIAL PROVISIONS RELATING TO A VIOLATION OF AN INJUNCTION OR CERTAIN ORDERS.—

“(A) IN GENERAL.—Each separate violation of an injunction or order described in subparagraph (B) shall be a separate offense, except that in the case of a violation through a continuing failure to comply with such injunction or order, each day of the failure to comply with the injunction or order shall be deemed a separate offense.

“(B) INJUNCTIONS AND ORDERS.—Subparagraph (A) shall apply with respect to any action to enforce—

“(i) a Federal court injunction obtained pursuant to this title;

“(ii) an order entered or obtained by the Commission pursuant to this title that bars, suspends, places limitations on the activities or functions of, or prohibits the activities of, a person; or

“(iii) a cease-and-desist order entered by the Commission pursuant to section 203(k).”.

By Mr. WYDEN:

S. 3418. A bill to amend title 10, United States Code, to require the Secretary of Defense to use only human-based methods for training members of the Armed Forces in the treatment of severe combat injuries; to the Committee on Armed Services.

Mr. WYDEN. Mr. President, I rise today to discuss military medical training, and specifically, the use of live animals in trauma training.

Many Americans may be unaware that the Military still uses live pigs and goats in combat trauma training courses to train military personnel to treat battlefield injuries. This is an outdated and inefficient training method that does not fully prepare doctors and medics to treat wounded service members.

For many years, medical simulation has not been able to provide a training experience superior to animal-based live tissue training, but the newest generation of simulators can do just that. These simulators are based on human anatomy and recreate the feeling, the sights, and the sounds of treating a wounded service member.

In current military training, live pigs and goats are anesthetized while trainees perform critical procedures on them. In some cases, the animals are shot in the face or have limbs amputated while the trainees are instructed to keep them alive as long as possible. This is inhumane, but more importantly, it is like comparing apples and oranges—this does not teach service members how to treat a human soldier, only how to operate on a goat or pig. And while live tissue training has some value in getting trainees accustomed

to the sight of blood, medical simulation can now do the same, and has become the new gold standard.

In civilian medical training courses, which teach many of the same procedures as the military, simulators have almost universally replaced the use of live animals. The reason for this is simple; to learn how to treat human injuries, you must learn on human anatomy. Medical simulation can now replicate that anatomy while providing the emotional and psychological pressure of working on a living, wounded soldier.

Let me say that I applaud the investments that the Department of Defense has made in the area of simulation. No one has invested more in simulation technology than the Military. But the problem that I see is that despite millions of dollars in investments, simulator technology is not being fully utilized.

Speaking of costs, in addition to providing superior training and reducing animal suffering, a move away from live tissue training would save taxpayer dollars. Due to the many hidden costs of animal use, such as housing and feeding the animals, purchasing drugs for euthanasia and anesthesia, and keeping a veterinarian on staff, simulation can offer a better training experience at a lower cost.

But at the end of the day this is about providing the best possible training for our troops, because in military medicine the difference between the best training and the next best can literally mean the difference between life and death.

For these reasons I introduced today the Battlefield Excellence through Superior Training Practices, or BEST Practices Act. This legislation lays out a timeline for the Department of Defense to develop and fully implement innovative simulator technology in medical training, and to phase out live tissue training on animals in the process.

I want to note that I designed this legislation with a specific waiver authority for the Secretary of Defense, so that if there is a specific procedure that can only be best taught with live tissue use, that option is not removed. But the BEST Practices Act is primarily designed to engage the Pentagon to embrace this technology, continue further development, and incorporate this technology in military training in all cases where simulators provide the best result.

Just as we have seen with other technologies, the advancements in medical simulation are increasing at an exponential rate. The capabilities currently in place and under development are truly amazing. The BEST Practices Act capitalizes on these present and future capabilities, and uses them to save the lives of our service members.

By Mr. REED (for himself, Mr. LIEBERMAN, and Mr. WHITEHOUSE):

S. 3423. A bill to amend the Wild and Scenic Rivers Act to designate a segment of the Beaver, Chipuxet, Queen, Wood, and Pawcatuck Rivers in the States of Connecticut and Rhode Island for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. REED. Mr. President, today I am introducing, along with my colleagues from Rhode Island and Connecticut, Senators WHITEHOUSE and LIEBERMAN, legislation to authorize the National Park Service to study specific sections of the Beaver, Chipuxet, Queen, Wood, and Pawcatuck Rivers in Rhode Island and Connecticut for potential addition to the National Wild and Scenic Rivers System. Our legislation seeks to bring greater attention to and resources for efforts to protect and restore the health of these rivers through the evaluation of their recreational, natural, and historical qualities and whether they are suitable for designation as Wild and Scenic Rivers.

The recreational and scenic wealth of the Wood-Pawcatuck watershed is a natural treasure. The National Park Service's Rivers and Trails Conservation Assistance program conducted a planning and conservation study in the 1980s which concluded, in part, that the waters of the Wood and Pawcatuck Rivers corridor in Rhode Island "are the cleanest and purest and its recreational opportunities are unparalleled by any other river system in the state."

These rivers also provide opportunities for outdoor recreation and tourism that contribute to the local economy. Not only do its rivers provide easy access to the wilderness for family outings and school field trips, but they also offer ways to explore our heritage throughout the watershed, from Native American fishing grounds to Colonial and early industrial mill ruins. The rivers also provide opportunities for trout fishing, canoeing, bird watching, and hiking.

I have long supported the protection and restoration of Southern New England's watersheds and estuaries, including the Narragansett Bay, and this study is an important first step in determining future opportunities for protection and recreational enjoyment of the rivers in the Wood-Pawcatuck watershed. Our states have been excellent stewards of these rivers, and this study would enhance existing local and State efforts to preserve and manage this open space and its wildlife habitat.

Indeed, partnerships are key to broad restoration and management of our resources, and it is expected that this study would be conducted in close cooperation with the affected commu-

nities, state agencies, local governments, and other interested organizations. The partnership-based approach also allows for development of a proposed river management plan as part of the study, which could address issues ranging from fish passage to the restoration of wetlands to assist with flood mitigation, as well as balance the recreational opportunities that contribute to the local economies with preservation of the natural resources.

This is a two State initiative that will encompass both Rhode Island and Connecticut, and will help protect these resources for future generations to enjoy.

I commend Representatives LANDEVIN and COURTNEY for spearheading this effort in the other body, and I look forward to working with all of my colleagues to initiate the process to study the rivers of the Wood-Pawcatuck Watershed for inclusion in the National Wild and Scenic Rivers System.

#### SUBMITTED RESOLUTIONS

SENATE RESOLUTION 524—RE-AFFIRMING THE STRONG SUPPORT OF THE UNITED STATES FOR THE 2002 DECLARATION OF CONDUCT OF PARTIES IN THE SOUTH CHINA SEA AMONG THE MEMBER STATES OF ASEAN AND THE PEOPLE'S REPUBLIC OF CHINA, AND FOR OTHER PURPOSES

Mr. KERRY (for himself, Mr. LUGAR, Mr. WEBB, Mr. INHOFE, Mr. LIEBERMAN, and Mr. MCCAIN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 524

Whereas the Association of Southeast Asian Nations (ASEAN) plays a key role in strengthening and contributing to peace, stability, and prosperity in the Asia-Pacific region;

Whereas the vision of the ASEAN Leaders in their goals set out in the ASEAN Charter to integrate ASEAN economically, politically, and culturally furthers regional peace, stability, and prosperity;

Whereas the United States Government recognizes the importance of a strong, cohesive, and integrated ASEAN as a foundation for effective regional frameworks to promote peace and security and economic growth and to ensure that the Asia-Pacific community develops according to rules and norms agreed upon by all of its members;

Whereas the United States is enhancing political, security and economic cooperation in Southeast Asia through ASEAN, and seeks to continue to enhance its role in partnership with ASEAN and others in the region in addressing transnational issues ranging from climate change to maritime security;

Whereas the United States Government welcomes the development of a peaceful and prosperous China which respects international norms, international laws, international institutions, and international rules, and enhances security and peace, and



seeks to advance a “cooperative partnership” between the United States and China;

Whereas ASEAN plays an important role, in partnership with others in the regional and international community, in addressing maritime security issues in the Asia-Pacific region and into the Indian Ocean, including open access to the maritime commons of Asia;

Whereas the South China Sea is a vital part of the maritime commons of Asia, including critical sea lanes of communication and commerce between the Pacific and Indian oceans;

Whereas, in the declaration on the conduct of parties in the South China Sea, the governments of the member states of ASEAN and the Government of the People's Republic of China have affirmed “that the adoption of a code of conduct in the South China Sea would further promote peace and stability in the region” and have agreed to work towards the attainment of a code of conduct;

Whereas, pending the peaceful settlement of territorial and jurisdictional disputes, the member states of ASEAN and the People's Republic of China have committed to “exercise self-restraint in the conduct of activities that would complicate or escalate disputes and stability, including, among others, refraining from action of inhabiting presently uninhabited islands, reefs, shoals, and other features and to handle their differences in a constructive manner”;

Whereas, pending the peaceful settlement of territorial and jurisdictional disputes, the member states of ASEAN and the People's Republic of China affirmed their commitment “to the freedom of navigation in and overflight of the South China Sea provided for by the universally recognized principles of international law, including the 1982 UN Convention on the Law of the Sea”;

Whereas, although not a party to these disputes, the United States has national interests in freedom of navigation, the maintenance of peace and stability, respect for international law, and unimpeded lawful commerce: Now, therefore, be it

*Resolved*, That the Senate—

(1) reaffirms the strong support of the United States for the 2002 declaration of conduct of parties in the South China Sea among the member states of ASEAN and the People's Republic of China;

(2) supports the member states of ASEAN, and the Government of the People's Republic of China, as they seek to adopt a legally-binding code of conduct of parties in the South China Sea, and urges all countries to substantively support ASEAN in its efforts in this regard;

(3) strongly urges that, pending adoption of a code of conduct, all parties, consistent with commitments under the declaration of conduct, “exercise self-restraint in the conduct of activities that would complicate or escalate disputes and stability, including, among others, refraining from action of inhabiting presently uninhabited islands, reefs, shoals and other features and to handle their differences in a constructive manner”;

(4) supports a collaborative diplomatic process by all claimants for resolving outstanding territorial and jurisdictional disputes, allowing parties to peacefully settle claims and disputes using international law;

(5) reaffirms the United States commitment—

(A) to assist the nations of Southeast Asia to remain strong and independent;

(B) to help ensure each nation enjoys peace and stability;

(C) to broaden and deepen economic, political, diplomatic, security, social, and cul-

tural partnership with ASEAN and its member states; and

(D) to promote the institutions of emerging regional architecture and prosperity; and

(6) supports enhanced operations by the United States armed forces in the Western Pacific, including in the South China Sea, including in partnership with the armed forces of others countries in the region, in support of freedom of navigation, the maintenance of peace and stability, respect for international law, including the peaceful resolution of issues of sovereignty, and unimpeded lawful commerce.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 2567. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3364, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

SA 2567. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3364, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

### SEC. \_\_\_\_ . RIGHT TO WORK.

(a) AMENDMENTS TO THE NATIONAL LABOR RELATIONS ACT.—

(1) RIGHTS OF EMPLOYEES.—Section 7 of the National Labor Relations Act (29 U.S.C. 157) is amended by striking “except to” and all that follows through “authorized in section 8(a)(3)”.

(2) UNFAIR LABOR PRACTICES.—Section 8 of the National Labor Relations Act (29 U.S.C. 158) is amended—

(A) in subsection (a)(3), by striking “: *Provided*, That” and all that follows through “retaining membership”;

(B) in subsection (b)—

(i) in paragraph (2), by striking “or to discriminate” and all that follows through “retaining membership”; and

(ii) in paragraph (5), by striking “covered by an agreement authorized under subsection (a)(3) of this section”; and

(C) in subsection (f), by striking clause (2) and redesignating clauses (3) and (4) as clauses (2) and (3), respectively.

(b) AMENDMENT TO THE RAILWAY LABOR ACT.—Section 2 of the Railway Labor Act (45 U.S.C. 152) is amended by striking paragraph Eleven.

## NOTICES OF HEARINGS

### COMMITTEE ON INDIAN AFFAIRS

Mr. AKAKA. Mr. President, I would like to announce that the Committee on Indian Affairs will meet during the session of the Senate on July 26, 2012, in room SD-628 of the Dirksen Senate Office Building, at 2:15 p.m., to conduct a hearing entitled “Regulation of Tribal Gaming: From Brick & Mortar to the Internet.”

Those wishing additional information may contact the Indian Affairs Committee at (202) 224-2251.

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources. The hearing will be held on Tuesday, July 31, 2012, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on S. 3385, a bill to authorize the Secretary of the Interior to use designated funding to pay for construction of authorized rural water projects, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, 304 Dirksen Senate Office Building, Washington, DC 20510-6150, or by email to [john\\_assini@Kenergy.senate.gov](mailto:john_assini@Kenergy.senate.gov).

For further information, please contact Patricia Beneke (202) 224-5451 or John Assini (202) 224-9313.

## MEASURES PLACED ON THE CALENDAR—S. 3414 AND H.R. 5872

Mr. CONRAD. Madam President, I understand there are two bills at the desk due for a second reading.

The PRESIDING OFFICER. The clerk will read the bills by title for the second time.

The legislative clerk read as follows:

A bill (S. 3414) to enhance the security and resiliency of the cyber and communications infrastructure of the United States.

An act (H.R. 5872) to require the President to provide a report detailing the sequester required by the Budget Control Act of 2011 on January 2, 2013.

Mr. CONRAD. On behalf of the majority leader, I object to any further proceedings with respect to these bills en bloc.

The PRESIDING OFFICER. Objection having been heard, the bills will be placed on the calendar.

## MEASURE READ THE FIRST TIME—S. 3420

Mr. CONRAD. Madam President, I understand there is a bill at the desk and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The assistant legislative clerk read as follows:

A bill (S. 3420) to permanently extend the 2001 and 2003 tax cuts, to provide for permanent alternative minimum tax relief, and to repeal the estate and generation-skipping transfer taxes, and for other purposes.

Mr. CONRAD. I now ask for a second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.



The PRESIDING OFFICER. Objection having been heard, the bill will be read for a second time on the next legislative day.

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#### APPOINTMENTS

THE PRESIDING OFFICER. The Chair, on behalf of the majority leader and the Republican leader, pursuant to the Public Law 110-298, reappoints the following individual to serve as a member of the Federal Law Enforcement Congressional Badge of Bravery Board: Richard Gardner of Nevada.

THE PRESIDING OFFICER. The Chair, on behalf of the majority leader and the Republican leader, pursuant to the Public Law 110-298, appoints the following individual to serve as a member of the State and Local Law Enforcement Congressional Badge of Bravery Board: Mike Hettich of Kentucky, vice Nick DiMarco of Ohio.

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#### ORDERS FOR TUESDAY, JULY 24, 2012

Mr. CONRAD. I ask unanimous consent that when the Senate completes

its business today, it adjourn until 10 a.m. on Tuesday, July 24; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that the majority leader be recognized; that the first hour be equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; further, that the Senate recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly conference meetings; finally, that at 3:40 p.m., the Senate observe a moment of silence in memory of Officer Jacob J. Chestnut and Detective John M. Gibson of the U.S. Capitol Police, who were killed 14 years ago in the line of duty defending this Capitol, the people who work here, and its visitors against an armed intruder.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. CONRAD. Madam President, today the majority leader filed cloture on the motion to proceed to S. 3412, the Middle Class Tax Cut Act. If no agreement is reached, that vote will be on Wednesday.

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#### ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. CONRAD. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:20 p.m., adjourned until Tuesday, July 24, 2012, at 10 a.m.

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#### CONFIRMATION

Executive nomination confirmed by the Senate July 23, 2012:

##### THE JUDICIARY

MICHAEL A. SHIPP, OF NEW JERSEY, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY.

## HOUSE OF REPRESENTATIVES—Monday, July 23, 2012

The House met at noon and was called to order by the Speaker pro tempore (Mr. HARRIS).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
July 23, 2012.

I hereby appoint the Honorable ANDY HARRIS to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
*Speaker of the House of Representatives.*

### MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 17, 2012, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 1:50 p.m.

### GUN CONTROL

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Imagine the headline, "Outbreak of Serious Illness Strikes; 12 People Killed, 58 Hospitalized," just like similar outbreaks, but the Federal Government prohibits the Centers for Disease Control from investigating.

Or another headline, "70 Trapped in a Collapsed Building, 20 Dead or Critically Injured," and your government makes it illegal for government organizations to collect data to study what could be done to solve it, to minimize this carnage in the future.

People would be justifiably outraged. They expect government to protect them and to help understand the nature of threats in the workplace, the marketplace, or in our homes. At some level, we want to know about why cars malfunction or if there are patterns of disease, illness, injury, or mechanical failure.

That is what our government is supposed to do. If food safety, mine safety, or TSA fails, there would be calls for

accountability. Sadly, that's not what is happening as the Nation recoils in anguish at another outbreak of gun violence. The 70 killed or wounded are the latest in a pattern that happens repeatedly, predictably, with overall loss of life being in the tens of thousands over the years.

What is as appalling as the loss of life is the fact that we not only refuse to do anything about it, but we allow political bullies to intimidate us from even researching the facts.

Now, there's never been a threat in this country that sportsmen will not be able to hunt or target shoot, that false specter raised by the gun lobby so successfully that today there's virtually no gun protection. But that doesn't stop the number one gun advocacy group, the National Rifle Association, from making things up, creating phony threats to gun ownership.

They're attacking the Obama administration, which has done, essentially, nothing in this field since they know that Congress would reject even the most reasonable of proposals. It has been impossible, for example, to even close the gun show loophole, where people can get unlimited amounts of guns without a background check.

The NRA is at work to make sure that people on the "no fly list" because they are threats to national security can purchase guns, that data cannot be shared between ATF and Homeland Security dealing with potential terrorists.

The NRA argues that all we need is for existing gun laws to be enforced, while they systematically set about to dismantle what laws we have and then defund even feeble government enforcement efforts.

Anyone who looks at the background of the recent so-called Fast and Furious controversy finds that, in part, the Bureau of Alcohol, Tobacco, and Firearms is dysfunctional because it's constantly under assault by the NRA for its most modest steps and most minimal budgets. We cannot even study gun violence, patterns, causes, and potential solutions.

While I didn't know anybody in Aurora, this most recent tragic, senseless rampage touches home for me. As I was growing up, a young man in a family that I was close to was killed by an act of random gun violence.

As I've followed the issues over the years, I continue to feel that there's no reason to permit armor-piercing, cop-killer bullets to be sold like Tic Tacs; that automatic weapons should be

available over the counter with hundred-bullet magazines like the killer in Colorado had that facilitate such sprees. These things have no useful purpose in sports activities or target shooting.

I find it appalling that we, as citizens, have enabled Congress to act in a spineless fashion, to be taken over in the area of gun safety by the NRA; that we refuse to deal with something that has serious law enforcement implications so that we, alone, in the developed world are most at risk for random gun violence. Any time there's a mass killing spree, I hope against hope for a more enlightened reaction.

Perhaps the gun owners themselves, the majority of whom disagree with the NRA's extreme positions, will join with politicians, business, the health community to come together to deal with an epidemic of gun violence in the way we would treat any other threat to the safety of our families and our communities. We would study, we would work on solutions together, and we would act.

Sadly, we're still waiting.

### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 6 minutes p.m.), the House stood in recess.

□ 1400

### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HARRIS) at 2 p.m.

### PRAYER

Reverend Andrew Walton, Capitol Hill Presbyterian Church, Washington, D.C., offered the following prayer:

Creating God, we come together today in a simple prayer. May we be who we are created to be, reflections of Your image. May we live as we know we should, as caretakers of creation. May we participate in the purpose of life, as companions to God and to one another. May we truly embrace the equality of humanity as "self-evident" and know that just beneath the surface of disagreement, conflict, discord, and even violence and death, there is a deep river of grace, love, and forgiveness that truly binds us. May this stream of

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

eternal presence be solace for any pain in our lives; but, more importantly, inspiration and hope of reconciliation and peace in personal relationships, in our Nation, and throughout the world.

May the deliberations and decisions of this day and all days take place in the spirit of common good, the spirit in which we are created.

Amen.

#### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

#### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Maryland (Mr. SARBANES) come forward and lead the House in the Pledge of Allegiance.

Mr. SARBANES led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

#### AFFORDABLE CARE ACT—FISCAL CALAMITY IN WAITING

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, almost a month after the Supreme Court has issued its decision on the so-called Affordable Care Act, we have all had time to think and dissect their opinion and start to predict how this landmark ruling will affect each and every one of us.

I respect the role of the Court and the decision of the Justices, but I can't help but tell you I was disappointed the entire law was upheld. I do believe the Affordable Care Act is detrimental to our Nation. Certainly it has been a wet blanket on our economy, and it is a real threat to the future of medicine in America. Since the passing of the law over 2 years ago, we have seen the strain it has placed on our economy. The pricetag continues to increase, sometimes staggeringly so. There are provisions which discourage small businesses from hiring, not to mention the commensurate government regulations.

Today, the Congressional Health Care Caucus held a panel discussion on what was one of its many panel discussions on the current state of health care. Karen Ignagni, president and chief executive officer of America's Health Insurance Plans, has said that the health care law won't work unless it is changed or delayed. I couldn't agree more. Dan Danner from the National Federation of Independent Busi-

nesses was also present, and he said there has got to be a way to get price signals to people so they can participate in the cost of their care.

The structure of this law, through the combination of new fees coupled with weak penalties for those who choose to not purchase will force the young and healthy to shoulder the majority of the financial burden of expansion. Mr. Speaker, we must do away with this thing.

#### TURKISH OCCUPATION OF CYPRUS IS OFFENSE TO HUMAN DIGNITY

(Mr. SARBANES asked and was given permission to address the House for 1 minute.)

Mr. SARBANES. Mr. Speaker, I rise today to mark the 38th year of Turkey's invasion and occupation of the Republic of Cyprus. I do so only days after Cyprus assumed the 6-month presidency of the European Union, yet Turkey, an EU candidate country, refuses to recognize the Cypriot presidency and has acted to freeze its communications with the European Union.

Since 1974, Turkey has engaged in the systematic destruction of the island's Hellenic, Christian, and Turkish Cypriot heritage. This year, the U.S. Commission on International Religious Freedom placed Turkey on its watch list "as a country of particular concern."

The presence of 45,000 Turkish troops on the island, along with over 200,000 Turkish colonialists, is an offense to human dignity.

Mr. Speaker, it is time for Turkey to meet the expectations of the international community by ending its decades-long occupation of Cyprus.

#### NATION JOINS COLORADO IN MOURNING VICTIMS OF senseless VIOLENCE

(Mr. POLIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POLIS. Mr. Speaker, my home State of Colorado had a tragedy over the weekend, a mass murder that will forever remain on the minds of all Coloradans and all Americans. The tragedy extends beyond those who were killed and those who were injured to our friends, our neighbors, everybody impacted by this senseless act of terror in my home State. I would like to thank President Obama for joining the families impacted in mourning. I would like to thank all of those in Colorado and across the country who have sent their thoughts, their care, their resources to all of us in Colorado in a time of need.

This also should serve as an occasion for all of us to acknowledge what is special and important in our lives, to celebrate every day we have on this

planet, the health of our family, our own health and safety, and hope and pray to God that the tragedy that impacted Colorado will not happen again in Colorado or anywhere else.

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, July 20, 2012.

Hon. JOHN A. BOEHNER,  
*The Speaker, House of Representatives,*  
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on July 20, 2012, at 4:07 p.m., and said to contain a message from the President whereby he notifies the Congress concerning the national emergency with respect to Somalia.

With best wishes, I am  
Sincerely,

KAREN L. HAAS,  
*Clerk of the House.*

#### NATIONAL EMERGENCY WITH RESPECT TO SOMALIA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 112-126)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

*To the Congress of the United States:*

Pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), I hereby report that I have issued an Executive Order (the "order") taking additional steps with respect to the national emergency declared in Executive Order 13536 of April 12, 2010 (E.O. 13536).

In E.O. 13536, I found that that the deterioration of the security situation and the persistence of violence in Somalia, and acts of piracy and armed robbery at sea off the coast of Somalia, which have repeatedly been the subject of United Nations Security Council resolutions, and violations of the arms embargo imposed by the United Nations Security Council in Resolution 733 of January 23, 1992, and elaborated upon and amended by subsequent resolutions, constitute an unusual and extraordinary threat to the national security and foreign policy of the United States. To address that threat, E.O. 13536 blocks the property and interests in property of persons listed in the Annex to E.O. 13536 or determined by the Secretary of the Treasury, in consultation with the Secretary of State, to meet criteria specified in E.O. 13536.

In view of United Nations Security Council Resolution 2036 of February 22, 2012, and Resolution 2002 of July 29, 2011, I am issuing the order to take additional steps to deal with the national emergency declared in E.O. 13536 and to address exports of charcoal from Somalia, which generate significant revenue for al-Shabaab; the misappropriation of Somali public assets; and certain acts of violence committed against civilians in Somalia, all of which contribute to the deterioration of the security situation and the persistence of violence in Somalia.

The order prohibits the importation into the United States, directly or indirectly, of charcoal from Somalia. It also amends the designation criteria specified in E.O. 13536. As amended by the order, E.O. 13536 provides for the designation of persons determined by the Secretary of the Treasury, in consultation with the Secretary of State, to:

Have engaged in acts that directly or indirectly threaten the peace, security, or stability of Somalia, including but not limited to:

Acts that threaten the Djibouti Agreement of August 18, 2008, or the political process;

acts that threaten the Transitional Federal Institutions or future Somali governing institutions, the African Union Mission in Somalia (AMISOM), or other future international peacekeeping operations related to Somalia; or

acts to misappropriate Somali public assets;

have obstructed the delivery of humanitarian assistance to Somalia, or access to, or distribution of, humanitarian assistance in Somalia;

have directly or indirectly supplied, sold or transferred to Somalia, or to have been the recipient in the territory of Somalia of, arms or any related materiel, or any technical advice, training, or assistance, including financing and financial assistance, related to military activities;

be responsible for or complicit in, or responsible for ordering, controlling, or otherwise directing, or to have participated in, the commission of acts of violence targeting civilians in Somalia, including killing and maiming, sexual and gender-based violence, attacks on schools and hospitals, taking hostages, and forced displacement;

be a political or military leader recruiting or using children in armed conflict in Somalia;

have engaged, directly or indirectly, in the import or export of charcoal from Somalia on or after February 22, 2012;

have materially assisted, sponsored, or provided financial, material, logistical or technical support for, or goods or services in support of, the activities described above or any person whose property and interests in prop-

erty are blocked pursuant to E.O. 13536; or

be owned or controlled by, or to have acted or purported to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to E.O. 13536.

The designation criteria will be applied in accordance with applicable Federal law including, where appropriate, the First Amendment to the United States Constitution. In view of United Nations Security Council Resolution 2002 of July 29, 2011, persons who engage in non-local commerce via al-Shabaab-controlled ports that constitutes support for a person whose property and interests in property are blocked pursuant to E.O. 13536 may be subject to designation pursuant to E.O. 13536, as amended by the order.

The order was effective at 2:00 p.m. eastern daylight time on July 20, 2012. I have delegated to the Secretary of the Treasury, in consultation with the Secretary of State, the authority to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA as may be necessary to carry out the purposes of the order. All agencies of the United States Government are directed to take all appropriate measures within their authority to carry out the provisions of the order.

I am enclosing a copy of the Executive Order I have issued.

BARACK OBAMA.  
THE WHITE HOUSE, July 20, 2012.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 3:30 p.m. today.

Accordingly (at 2 o'clock and 13 minutes p.m.), the House stood in recess.

□ 1531

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. WOMACK) at 3 o'clock and 31 minutes p.m.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

## PROVIDING FOR LAND EXCHANGE BETWEEN TRINITY PUBLIC UTILITIES DISTRICT, BUREAU OF LAND MANAGEMENT, AND THE SIX RIVERS NATIONAL FOREST

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1237) to provide for a land exchange with the Trinity Public Utilities District of Trinity County, California, involving the transfer of land to the Bureau of Land Management and the Six Rivers National Forest in exchange for National Forest System land in the Shasta-Trinity National Forest, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1237

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. LAND EXCHANGE, TRINITY PUBLIC UTILITIES DISTRICT, TRINITY COUNTY, CALIFORNIA, THE BUREAU OF LAND MANAGEMENT, AND THE FOREST SERVICE.

(a) LAND EXCHANGE REQUIRED.—If the Trinity Public Utilities District of Trinity County, California (in this section referred to as the “Utilities District”) conveys to the Secretary of Agriculture all right, title, and interest of the Utilities District in and to the parcel of land described in subsection (b)(1) and conveys to the Secretary of the Interior all right, title, and interest of the Utilities District in and to the parcel of land described in subsection (b)(2), the Secretary of Agriculture shall convey to the Utilities District, in exchange, all right, title, and interest of the United States in and to a parcel of land in the Shasta-Trinity National Forest in the State of California consisting of approximately 100 acres near the Weaverville Airport in Trinity County.

(b) LAND TO BE ACQUIRED.—

(1) FOREST SERVICE ACQUISITION.—The land to be acquired by the Secretary of Agriculture under subsection (a) consists of approximately 150 acres, known as the Van Duzen parcel, within the boundaries of the Six Rivers National Forest.

(2) BLM ACQUISITION.—The land to be acquired by the Secretary of the Interior under subsection (a) consists of approximately 47 acres, known as the Sky Ranch parcel, adjacent to public land administered by the Redding Field Office of the Bureau of Land Management.

(c) AVAILABILITY OF MAPS AND LEGAL DESCRIPTIONS.—Any map prepared by the Secretary of Agriculture or the Secretary of the Interior in connection with the land exchange required by subsection (a), and the legal description of the lands to be exchanged, shall be on file and available for public inspection in the Office of the Chief of the Forest Service and the appropriate office of the Bureau of Land Management. With the agreement of the parties to a conveyance under subsection (a), the Secretary concerned may make technical corrections to the map and legal descriptions.

(d) LAND EXCHANGE PROCESS.—Section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716) shall apply to the land conveyances under this section, except that—

(1) if the value of the land described in paragraphs (1) and (2) of subsection (b) is less

than the value of the land to be conveyed to the Utilities District, any cash equalization payments received by the Secretaries shall be deposited in the General Treasury; and

(2) if the value of the land described in paragraphs (1) and (2) of subsection (b) is greater than the value of the land to be conveyed to the Utilities District, no cash equalization payment may be made to the Utilities District and the acreage of the land involved in the exchange may be adjusted to equalize the value of the exchange.

(e) SURVEY AND ADMINISTRATIVE COSTS.—The exact acreage and legal description of the land to be exchanged under subsection (a) shall be determined by a survey satisfactory to the Secretary concerned. The Utilities District shall be responsible for the costs of the survey and reasonable administrative costs related to the land exchange.

(f) MANAGEMENT OF ACQUIRED LAND.—

(1) FOREST SERVICE ACQUISITION.—The land acquired by the Secretary of Agriculture under subsection (a) shall be added to and administered as part of the Six Rivers National Forest and managed in accordance with the Act of March 1, 1911 (commonly known as the Weeks Act; 16 U.S.C. 480 et seq.), and the laws and regulations applicable to the National Forest System.

(2) BLM ACQUISITION.—The land acquired by the Secretary of the Interior under subsection (a) shall be administered as public land by the Redding Field Office of the Bureau of Land Management in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and the laws and regulations applicable to public land administered by the Bureau of Land Management.

(g) COMPLETION OF LAND EXCHANGE.—The Secretary of Agriculture shall complete the conveyance of National Forest System land required by subsection (a) not later than one year after the date on which the Utilities District offers to make the conveyances to the Secretary of Agriculture and the Secretary of the Interior described in such subsection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentleman from the Northern Mariana Islands (Mr. SABLAN) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

#### GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. I yield myself such time as I may consume.

Mr. Speaker, H.R. 1237, authored by our friend from California (Mr. HERGER), authorizes a land exchange between the Trinity County Public Utilities District, the Forest Service, and the Bureau of Land Management in northern California.

The utilities district currently owns a parcel of land within the city of

Weaverville that is cut off by the surrounding Federal land. The utilities district would like to acquire approximately 100 acres of the national forest to consolidate its holdings and guarantee access for future use of the property near the Weaverville Airport. In exchange for this parcel, the utilities district will convey about 150 acres it currently owns to the Six Rivers National Forest and approximately 50 acres to the Bureau of Land Management.

Passage of this legislation will allow additional opportunity for economic development in remote Trinity County, California, while allowing the Forest Service to consolidate its land base and the Bureau of Land Management to acquire a prime recreational site.

The suspension text makes a minor amendment to the bill to conform to House rules by specifying that any cash equalization payments for the parcels that may be paid to the Secretary must be deposited in the general fund of the Treasury. It also requires that no cash equalization payment may be paid to the utilities district.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. SABLAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1237 provides for the exchange of land between the Trinity Public Utilities District in California, the United States Forest Service, and the Bureau of Land Management. We do not object to this legislation, and I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am very pleased to yield 5 minutes to the author of this legislation and somebody that this body will miss, as he is retiring at the end of this session, the gentleman from California (Mr. HERGER).

Mr. HERGER. I thank my good friend.

Mr. Speaker, I rise to urge support for H.R. 1237, a noncontroversial land exchange bill I introduced to provide for greater economic opportunities in Trinity County, located in the northern California congressional district I represent. With a 19 percent unemployment rate, this rural community faces significant economic challenges.

The Trinity County Public Utilities District owns property surrounded by land administered by the Bureau of Land Management and the Forest Service. The TPUD seeks to economically improve one parcel near the Weaverville Airport, but it currently cannot do so because it is landlocked by the Forest Service.

This legislation would transfer 47 acres of the district's property near the Trinity River, known as Sky Ranch, to the Bureau of Land Management and 150 acres within Six Rivers National Forest, known as Van Duzen, to the Forest Service. The district would re-

ceive a parcel of equal value from the Shasta-Trinity National Forest that surrounds their site at the airport.

This land exchange would benefit the Federal Government as well by consolidating BLM and Forest Service holdings and increasing the efficiency of managing the land. This would allow the TPUD to develop the property and enhance economic opportunities for the community.

Trinity County faces significant challenges attracting businesses because the Federal Government currently owns 75 percent of the available land—over 1.5 million acres—limiting the availability of land for commercial use.

The county also faces significant economic challenges because government mismanagement and lawsuits from fringe groups have shut down responsible stewardship and management of the county's vast timber resources. This decline in management has been devastating to the timber industry and has had a multiplier effect on the county's economy, with severe impacts on schools, infrastructure, and small retail businesses.

In closing, I strongly believe that these resources belong to the people, and local needs should drive their management. Sensible land exchanges like the one this legislation would implement would have the twofold benefit of making Federal land management more efficient while providing local communities with greater access to their natural resources.

I want to thank Chairman HASTINGS and Ranking Member GRIJALVA for their efforts on behalf of this common-sense bill, and I urge my colleagues to vote for it.

Mr. SABLAN. Mr. Speaker, may I inquire if Chairman HASTINGS has any additional speakers at this time?

Mr. HASTINGS of Washington. Mr. Speaker, I have no more requests for time. If the gentleman is prepared to close, I'll close.

Mr. SABLAN. Mr. Speaker, again, like I said, we have no objection to this legislation, and I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, this is a good piece of legislation, and I congratulate the gentleman for his introduction and getting this far.

With that, I urge adoption and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, H.R. 1237, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

# Y MOUNTAIN ACCESS ENHANCEMENT ACT

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4484) to provide for the conveyance of a small parcel of National Forest System land in the Uinta-Wasatch-Cache National Forest in Utah to Brigham Young University, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4484

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE.

*This Act may be cited as the "Y Mountain Access Enhancement Act".*

## SEC. 2. LAND CONVEYANCE, UINTA-WASATCH-CACHE NATIONAL FOREST, UTAH.

(a) **CONVEYANCE REQUIRED.**—On the request of Brigham Young University submitted to the Secretary of Agriculture not later than one year after the date of the enactment of this Act, the Secretary shall convey, not later than one year after receiving the request, to Brigham Young University all right, title, and interest of the United States in and to an approximately 80-acre parcel of National Forest System land in the Uinta-Wasatch-Cache National Forest in the State of Utah consisting of the SE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> of Section 32, T. 6 S., R. 3 E., and Lot 4 of Section 5, T. 7 S., R. 3 E., Salt Lake Base & Meridian. The conveyance shall be subject to valid existing rights and shall be made by quitclaim deed.

### (b) CONSIDERATION.—

(1) **CONSIDERATION REQUIRED.**—As consideration for the land conveyed under subsection (a), Brigham Young University shall pay to the Secretary an amount equal to the fair market value of the land, as determined by an appraisal approved by the Secretary and conducted in conformity with the Uniform Appraisal Standards for Federal Land Acquisitions and section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(2) **DEPOSIT.**—The consideration received by the Secretary under paragraph (1) shall be deposited in the general fund of the Treasury to reduce the Federal deficit.

(c) **GUARANTEED PUBLIC ACCESS TO Y MOUNTAIN TRAIL.**—After the conveyance under subsection (a), Brigham Young University represents that it will—

(1) continue to allow the same reasonable public access to the trailhead and portion of the Y Mountain Trail already owned by Brigham Young University as of the date of the enactment of this Act that Brigham Young University has historically allowed; and

(2) allow that same reasonable public access to the portion of the Y Mountain Trail and the "Y" symbol located on the land described in subsection (a).

(d) **SURVEY AND ADMINISTRATIVE COSTS.**—The exact acreage and legal description of the land to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. Brigham Young University shall pay the reasonable costs of survey, appraisal, and any administrative analyses required by law.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentleman from the Northern Mariana Islands (Mr. SABLON) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

## GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. I yield myself such time as I may consume.

Mr. Speaker, this bill is authored by our colleague from Utah (Mr. CHAFFETZ). H.R. 4484 authorizes the Forest Service to convey 80 acres, known as Y Mountain, to Brigham Young University.

□ 1540

Y Mountain is the location of the renowned white block "Y" in Provo, overlooking the Utah Valley and the BYU campus. The Y was constructed in 1906 and has been a celebrated part of the Utah landscape ever since.

Currently, BYU owns and maintains the trailhead and much of the trail leading up to the 380-foot tall by 130-foot wide landmark. The remaining property is owned by the Forest Service but it is used by the university under a permit which has typically been renewed every 10 years.

With this legislation, the university will guarantee its ability to maintain the Y and surrounding grounds without the risk of losing the right through the permitting process.

Finally, the legislation requires that BYU pay fair market value and continue to allow public access to the Y as it has done for decades.

With that, I reserve the balance of my time.

Mr. SABLON. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, H.R. 4484 provides for the conveyance of approximately 80 acres of Forest Service lands to Brigham Young University. We do not object to this legislation.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am very pleased to yield 3 minutes to the gentleman from Utah (Mr. CHAFFETZ), the author of this legislation.

Mr. CHAFFETZ. Mr. Speaker, I am proud to introduce this piece of legislation. It's common sense. I think it's something that should be widely accepted.

I also appreciate the bipartisan nature in which we introduce this bill. Mr. FALEOMAVAEGA was important to this, Mr. FLAKE and Mr. MCKEON, and I appreciate the bipartisan nature in which we introduced this bill.

As you go into Utah County, up on the eastern side of the valley there, there's this big Y representing

Brigham Young University. It's a mainstay in our community and something that we're all proud of. It's also something that is easily accessible to hikers. Year-round, people will hike up this trail as they pass up and go up to enjoy a day up on the side of the mountain.

And really, in an effort to make sure that this is properly maintained, there's continuity of maintenance. This really does make sense. It's interesting, because that portion, that 80 acres that we talk about today was once owned by Brigham Young University, and that was then transferred into a trust and, over the course of time, many decades ago it was actually transferred to the Forest Service. And so, now, to actually sell it back, have that money deposited back into the Treasury to help reduce our deficit, Brigham Young University paying fair market value for that, makes sense in terms of keeping the continuity in place, making sure that the trail is well-maintained, that it's clean. It's something that people in Utah and other people coming to our State like to enjoy on a regular basis.

So the bill would restore ownership to Brigham Young University, provide long-term certainty by removing any questions about who owns the land and who is responsible for maintaining the trail, and I look forward to the passage of this.

It's important to our community, and I think a good win-win for the Federal Government as well as the residents there, particularly in Utah County.

Mr. SABLON. Mr. Speaker, I yield the gentleman from American Samoa (Mr. FALEOMAVAEGA) as much time as he may consume.

Mr. FALEOMAVAEGA. Mr. Speaker, I want to thank the distinguished chairman of our committee, DOC HASTINGS, and our ranking member, Mr. MARKEY, for their leadership in support of this proposed legislation.

I especially want to thank my good friend and colleague, the chief sponsor of this legislation, the gentleman from Utah (Mr. CHAFFETZ).

I rise today, Mr. Speaker, in support of H.R. 4484, the Y Mountain Access Enhancement Act, which would direct the U.S. Department of Agriculture to sell 80 acres of U.S. Forest Service land of an area known for years by the residents of Provo, Utah, as the "Y Mountain" to Brigham Young University.

Y Mountain, which is located directly east of the BYU campus, includes a trail that leads 1.2 miles from the mountain's base up to a large white concrete Y on the mountain's hillside that was built over 100 years ago. The Y, which is 380 feet high by 130 feet wide, is even larger than Los Angeles' famous Hollywood sign and serves as an insignia for Brigham Young University.

Mr. Speaker, I am a proud alumnus of Brigham Young University. The Y has always been a symbol of pride for us, the alumni, the faculty, the student body, and the Provo community. It reminds us of what BYU students and alumni strive for and continue to advocate for future generations: "Enter to learn, and go forth to serve."

The Y is illuminated five times a year, including at freshman orientation, homecoming, graduations in April and August, as well as Y Days, which celebrate BYU's week of service activities, dating back to the school's tradition of whitewashing the Y. It is a nationally recognized symbol of BYU sports, especially its football tradition.

BYU's athletic program is essentially important for all Pacific Islanders who have been given the opportunity, through athletic scholarships, to further their education here in the United States.

Mr. Speaker, BYU once owned the entire area surrounding the Y and the Y Mountain Trail, and the university also currently manages the U.S. Forest Service portion of the trail.

H.R. 4484, however, proposes that the Federal Government sell the Y Mountain at fair market value to BYU, and mandates that proceeds of the sale be used to reduce the Federal budget deficit. The bill also guarantees that public access to the Y and the Y Mountain Trail be maintained following the sale.

It is my strong belief, Mr. Speaker, that permitting BYU to purchase this property would result in better maintenance of the trail and mountain. Given the immense source of pride in the Y Mountain, BYU ownership of the property would only result in improved maintenance, cleanliness, safety, and access for the public. Transfer of ownership would also allow the university to preserve a significant monument for future generations of students and members of the community.

Mr. Speaker, again, I thank my colleagues and especially the gentleman from Utah, as the chief sponsor of this legislation. I urge my colleagues to support this bill.

Mr. HASTINGS of Washington. Mr. Speaker, I'd advise my friend from the Northern Mariana Islands that I have no more requests for time, and I'm prepared to close if he is.

Mr. SABLON. Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, this is again, a good piece of legislation. I urge its adoption.

I yield back the balance of my time. The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, H.R. 4484, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

# RENAMING THE JAMAICA BAY WILDLIFE REFUGE VISITOR CONTACT STATION IN HONOR OF JAMES L. BUCKLEY

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5958) to name the Jamaica Bay Wildlife Refuge Visitor Contact Station of the Jamaica Bay Wildlife Refuge unit of Gateway National Recreation Area in honor of James L. Buckley.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5958

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. NAMING OF JAMAICA BAY WILDLIFE REFUGE VISITOR CONTACT STATION, JAMAICA BAY WILDLIFE REFUGE UNIT, GATEWAY NATIONAL RECREATION AREA.

(a) NAMING.—The Jamaica Bay Wildlife Refuge Visitor Contact Station of the Jamaica Bay Wildlife Refuge unit of Gateway National Recreation Area in the State of New York shall be known and designated as the "James L. Buckley Visitor Contact Station".

(b) REFERENCES.—Any reference in any statute, rule, regulation, Executive order, publication, map, paper, or other document of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the James L. Buckley Visitor Contact Station.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentleman from the Northern Mariana Islands (Mr. SABLON) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

### GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and add extraneous material to the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. I yield myself as much time as I may consume.

Mr. Speaker, H.R. 5958 was introduced by our colleague from New York (Mr. TURNER) to honor Senator James L. Buckley for his many contributions to America and to the State of New York. The bill recognizes, in particular, his role in establishing the Jamaica Bay Wildlife Refuge and the Gateway National Recreation Area. Senator Buckley was the sponsor of the legislation that created the park and, obviously, participated in the floor debate in the Senate.

Even before his historic election to the Senate as the candidate of the New

York Conservative Party, Senator Buckley spoke out in favor of protecting this natural area in the shadow of New York City and from its use as an airport extension.

Senator Buckley is one of the few Americans to have served in the top levels of all three branches of the U.S. Government. In addition to his election to the Senate seat once held by Robert Kennedy, Buckley served as Under Secretary of State, President of Radio Free Europe and Radio Liberty, and judge of the U.S. Court of Appeals for the D.C. Circuit, generally held to be the second-highest court in our judicial system.

□ 1550

Naming the visitors' center and the wildlife refuge after Senator Buckley is a particularly fitting tribute, and he is a lifelong naturalist and birder. This is good legislation.

I reserve the balance of my time.

Mr. SABLON. Mr. Speaker, I yield myself such time as I may consume.

H.R. 5958 renames the Jamaica Bay Wildlife Refuge Visitor Contact Station to the James L. Buckley Visitor Contact Station. We do not object to this legislation.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am very pleased to yield 4 minutes to the author of this legislation, the gentleman from New York (Mr. TURNER).

Mr. TURNER of New York. Mr. Speaker, I rise in strong support of H.R. 5958, which recognizes Senator James L. Buckley for his service to our country and for his efforts to create the Gateway National Recreation Center in New York and New Jersey by renaming the visitors' center in Jamaica Bay Wildlife Refuge of the Gateway National Recreation Area in his honor.

Senator James L. Buckley has been a true public servant, who served at the highest levels of all three branches of government as well as in the United States Navy during World War II. Along with his fellow New York Senator, Jacob Javits, Senator Buckley had the vision to create a national wildlife refuge center in an urban area, accessible to millions of people in New York City as well as to millions of other residents in the metropolitan area.

In 1970, during his first days in the Senate, Buckley joined Senator Javits in introducing legislation to create Gateway, a more than 26,000-acre area spanning three boroughs and stretching all the way to Sandy Hook, New Jersey. This year, as it celebrates its 40th anniversary, Gateway welcomes more than 8 million visitors annually.

From the historic aircraft at hangar B in Floyd Bennett Field to America's oldest lighthouse that was established in 1767 in Sandy Hook, New Jersey, Gateway offers a unique piece of history for its visitors. Gateway National



Park has also provided ornithologists—birders and birdwatchers—like Senator Buckley and myself, a glimpse of the more than 325 species of birds that stop over as part of the Atlantic Flyway, which stretches from the north of Canada to the Caribbean.

Senator Buckley's environmental interests were not limited to New York. He cosponsored the 1972 Clean Water Act, which is the seminal law governing water pollution and contamination. He also cosponsored the Grand Canyon National Park Enlargement Act, which protected the majesty of one of our Nation's greatest national habitats.

Senator Buckley was also prescient and eloquent by pointing out how technology and the environment can evolve together. He stressed that we can concentrate on developing environmental programs at achievable rates and costs. He said, "We must learn how modern technology can coexist with the natural world."

So I hope you will join me in honoring someone who has served to protect his State, his country, and the environment. Passing H.R. 5958 would be a fitting tribute to a man who spent most of his life sharing his intellect and talent in the service of others.

Mr. SABLON. Mr. Speaker, I have no further requests for time. If the gentleman has no further speakers, I yield back the balance of my time.

Mr. HASTINGS of Washington. This is a good piece of legislation, Mr. Speaker. I urge its adoption.

I yield back the balance of my time. The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, H.R. 5958.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### WOOD-PAWCATUCK WATERSHED PROTECTION ACT

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3388) to amend the Wild and Scenic Rivers Act to designate a segment of the Beaver, Chipuxet, Queen, Wood, and Pawcatuck Rivers in the States of Connecticut and Rhode Island for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3388

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Wood-Pawcatuck Watershed Protection Act".*

#### SEC. 2. BEAVER, CHIPUXET, QUEEN, WOOD, AND PAWCATUCK RIVERS STUDY.

(a) DESIGNATION FOR STUDY.—Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amended by adding at the end the following:

"( ) BEAVER, CHIPUXET, QUEEN, WOOD, AND PAWCATUCK RIVERS, RHODE ISLAND AND CONNECTICUT.—The approximately 10-mile segment of the Beaver River from its headwaters in Exeter, Rhode Island, to its confluence with the Pawcatuck River; the approximately 5-mile segment of the Chipuxet River from Hundred Acre Pond to its outlet into Worden Pond; the approximately 10-mile segment of the upper Queen River from its headwaters to the Usquepaugh Dam in South Kingstown, Rhode Island, and including all its tributaries; the approximately 5-mile segment of the lower Queen (Usquepaugh) River from the Usquepaugh Dam to its confluence with the Pawcatuck River; the approximately 11-mile segment of the upper Wood River from its headwaters to Skunk Hill Road in Richmond and Hopkinton, Rhode Island, and including all its tributaries; the approximately 10-mile segment of the lower Wood River from Skunk Hill Road to its confluence with the Pawcatuck River; the approximately 28-mile segment of the Pawcatuck River from Worden Pond to Nooseneck Hill Road (RI Rte 3) in Hopkinton and Westerly, Rhode Island; and the approximately 7-mile segment of the lower Pawcatuck River from Nooseneck Hill Road to Pawcatuck Rock, Stonington, Connecticut, and Westerly, Rhode Island."

(b) STUDY AND REPORT.—Section 5(b) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(b)) is amended by adding at the end the following:

"( ) BEAVER, CHIPUXET, QUEEN, WOOD, AND PAWCATUCK RIVERS, RHODE ISLAND AND CONNECTICUT.—Not later than 3 years after the date on which funds are made available to carry out this paragraph, the Secretary of the Interior shall—

"(A) complete the study of the Beaver, Chipuxet, Queen, Wood, and Pawcatuck Rivers, Rhode Island and Connecticut, described in subsection (a) ( );

"(B) submit a report describing the results of that study to the appropriate committees of Congress;

"(C) include in the report under subparagraph (B) the effect of the designation under this Act on—

"(i) existing commercial and recreational activities, such as hunting, fishing, trapping, recreational shooting, motor boat use, or bridge construction;

"(ii) the authorization, construction, operation, maintenance, or improvement of energy production and transmission infrastructure; and

"(iii) the authority of State and local governments to manage those activities encompassed in clauses (i) and (ii); and

"(D) identify—

"(i) all authorities that will authorize or require the Secretary to influence local land use decisions (such as zoning) or place restrictions on non-Federal land if the area studied is designated under this Act;

"(ii) all authorities that the Secretary may use to condemn property if the area studied is designated under this Act; and

"(iii) all private property located in the area studied under this provision."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentleman from the Northern Mariana Islands (Mr. SABLON) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

#### GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to add extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

H.R. 3388, authored by our colleague from Rhode Island (Mr. LANGEVIN), would authorize the study of 86 miles of rivers in the States of Connecticut and Rhode Island for a potential addition to the National Wild and Scenic Rivers System.

The Natural Resources Committee amended the legislation to specifically require that the study consider any potential limitations on existing uses and any impacts to private property that could occur with an eventual designation. These are important protections and are necessary for this study bill to move forward. With that, it is a good piece of legislation.

I reserve the balance of my time.

Mr. SABLON. Mr. Speaker, I yield myself such time as I may consume.

This legislation authorizes the National Park Service to study roughly 86 miles of rivers in Connecticut and Rhode Island for possible designation as Wild and Scenic Rivers.

The Wild and Scenic Rivers program currently protects the free-flowing condition of more than 12,000 miles of rivers in 38 States. Unfortunately, this is less than 1 quarter of 1 percent of the rivers in the United States. In contrast, more than 75,000 large dams restrict the flow of roughly 600,000 miles of river. This is about 17 percent of the river miles in this country.

Mr. LANGEVIN is to be commended for his hard work on behalf of his constituents and the natural resources within his State.

I reserve the balance of my time.

Mr. HASTINGS of Washington. I am very pleased to yield 4 minutes to the author of this legislation, the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. I want to thank the gentleman for yielding.

I would like to thank Ranking Member GRIJALVA and Chairman BISHOP and their staffs for working to bring this bill to the committee and to the floor today. I would like to thank my good friend, Congressman COURTNEY of Connecticut, who has been an outstanding partner in this effort. I would also like to thank all of those back in Rhode Island who have worked to bring this bill to fruition, including the Wood-Pawcatuck Watershed Association, Save the Bay, The Nature Conservancy, the Rhode Island Department of

Environmental Management, and the Connecticut Department of Environmental Protection.

Mr. Speaker, the Wood-Pawcatuck Watershed Protection Act proposes a study of segments of the Beaver, Chipuxet, Queen, Wood, and Pawcatuck Rivers in Rhode Island and Connecticut for potential addition to the National Wild and Scenic Rivers System. Rhode Island and Connecticut have long been outstanding stewards of these rivers, so I hope the passage and completion of this study will affirm what we who live near these rivers already know, which is that they possess outstanding recreational, natural, and historical qualities that make them worthy of the designation of "Wild and Scenic Rivers."

As a nation, we are privileged to have access to a diverse system of wilderness areas, not only in the remote expanses of our country but also close to home—in our backyard wilderness. The rivers of the Wood-Pawcatuck watershed are within a 45-minute drive for every Rhode Islander, easily accessible for family outings and school field trips. The people of Rhode Island and Connecticut have long enjoyed the recreational and scenic wealth of the Wood-Pawcatuck, and we are eager to share this natural treasure with the rest of New England and the Nation.

These rivers are not only an important part of our national heritage; they are a critical part of our economy, which relies on the health of our waters. The Wood-Pawcatuck watershed offers diverse destinations for tourism, which is a vital industry to Rhode Island and Connecticut, and these rivers offer exceptional trout fishing, canoeing, photography, and bird watching opportunities, with adjacent hiking and camping our for sportsmen. Accordingly, the study will not only review the special character of the river, but it will fully engage with local government, landowners, and businesses to recognize the existing commercial and recreational activities on or adjacent to the watershed.

With that, Mr. Speaker, the Wild and Scenic Rivers Act offers the best guarantee that the Wood-Pawcatuck will be here for future generations to enjoy. The passage of this study is an important first step along that path. The rivers of the Wood-Pawcatuck watershed contain outstanding recreational, scenic, and natural heritage qualities that would be an excellent addition to the National Wild and Scenic Rivers System. I urge my colleagues to support the passage of this bill.

Again, I want to thank the members of the committee, especially the chair and the ranking member, for bringing the bill to the floor, and I thank Mr. HASTINGS and also Mr. SABLON for their assistance with this as well.

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Mr. HASTINGS of Washington. Mr. Speaker, I advise my friend from the

Northern Marianas that I have no more requests for time, and I'm prepared to close if he is.

Mr. SABLON. I have no additional speakers, and I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, as I mentioned, this is good legislation, and I urge its adoption.

With that, I yield back the balance of my time.

Mr. COURTNEY. Mr. Speaker, I rise in support of the Wood-Pawcatuck Watershed Protection Act. I also want to thank my colleague, Congressman JIM LANGEVIN, for his unyielding efforts to introduce, promote and advance this important legislation.

As you know, the Wood-Pawcatuck Watershed Protection Act would initiate an important first step to potential National Wild and Scenic River designation for portions of the Chipuxet, Queen, Wood, and Pawcatuck Rivers in Connecticut and Rhode Island. Launching a study by the National Parks Service, this legislation could help to verify the outstanding beauty, abundant fisheries, and historic character that these free-flowing rivers currently provide our local communities and put this designated area on a path towards greater preservation.

Connecticut and Rhode Island are home to some of the most diverse habitats and natural resources, including the lands and waters of the Wood-Pawcatuck watershed. As stewards of this pristine 300 square mile area, it is our responsibility to ensure that these natural habitats are preserved and protected for generations to come. Our communities in Connecticut and Rhode Island have joined together to help protect this outstanding resource and preserve the area's biological diversity as well as its seemingly unlimited recreational opportunities. The relationship between the continued health of our local communities and the continued health of these waters is one that cannot and should not be overlooked.

The Wood-Pawcatuck Watershed Association and the Nature Conservancy have done an outstanding job advocating for the need and passage of this legislation, garnering the support of every town in the surrounding areas. It is evident that this locally-driven priority would benefit greatly from the public-private partnership that the Wild and Scenic designation entails, and I encourage this body to look favorably on this legislation so that a study for potential designation can begin.

I urge my colleagues to cast a vote in favor of H.R. 3388, the Wood-Pawcatuck Watershed Protection Act.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, H.R. 3388, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## INDIAN TRIBAL TRADE AND INVESTMENT DEMONSTRATION PROJECT ACT OF 2011

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2362) to facilitate economic development by Indian tribes and encourage investment by Turkish enterprises, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2362

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE; FINDINGS; PURPOSES.

(a) SHORT TITLE.—This Act may be cited as the "Indian Tribal Trade and Investment Demonstration Project Act of 2011".

(b) FINDINGS.—Congress finds that—

(1) the public and private sectors in the Republic of Turkey have demonstrated a unique interest in bolstering cultural, political, and economic relationships with Indian tribes and tribal members;

(2) uneconomic regulatory, statutory, and policy barriers are preventing more robust relationships between the Turkish and Indian tribal communities; and

(3) it is in the interest of Indian tribes, the United States, and the United States-Turkey relationship to remove or ameliorate these barriers through the establishment of an Indian Tribal Trade and Investment Demonstration Project.

(c) PURPOSE.—The purposes of this Act are—

(1) to remove or ameliorate certain barriers to facilitate trade and financial investment in Indian tribal economies;

(2) to encourage increased levels of commerce and economic investment by private entities incorporated in or emanating from the Republic of Turkey or other World Trade Organization member nations; and

(3) to further the policy of Indian self-determination by strengthening Indian tribal economies and political institutions in order to raise the material standard of living of Indians.

### SEC. 2. DEFINITIONS.

In this Act:

(1) APPLICANT.—The term "applicant" means an Indian tribe or a consortium of Indian tribes that submits an application under this Act seeking participation in the demonstration project.

(2) CONSORTIUM.—The term "consortium" means an organization of two or more entities, at least one of which is an Indian tribe, that has the written consent of the governing bodies of all Indian tribes participating in the consortium pursuant to this Act.

(3) DEMONSTRATION PROJECT.—The term "demonstration project" means the trade and investment demonstration project authorized by this Act.

(4) INDIAN TRIBE.—The term "Indian tribe" has the meaning given that term in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a).

(5) ORGANIZATION.—The term "organization" means a partnership, joint venture, limited liability company, or other unincorporated association or entity that is established in order to participate in the demonstration project authorized by this Act.

(6) PARTICIPATING INDIAN TRIBE.—The term "participating Indian tribe" means an Indian tribe selected by the Secretary from the applicant pool.

(7) **PROJECT; ACTIVITY.**—The terms “project” and “activity” mean a community, economic, or business development undertaking that includes components that contribute materially to carrying out a purpose or closely related purposes that are proposed or approved for assistance under more than one Federal program.

(8) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

### SEC. 3. INDIAN TRIBAL TRADE AND INVESTMENT DEMONSTRATION PROJECT.

(a) **IN GENERAL.**—The Secretary shall authorize Indian tribes or consortia selected under section 4 to participate in a demonstration project under this Act, which shall be known as the “Indian Tribal Trade and Investment Demonstration Project”.

(b) **LEAD AGENCY.**—The Department of the Interior shall be the lead agency for purposes of carrying out the demonstration project.

(c) **TRIBAL APPROVAL OF LEASES.**—Notwithstanding any other provision of law, and in the discretion of a participating Indian tribe or consortium, any lease of Indian land held in trust by the United States for a participating Indian tribe (or an Indian tribe in a consortium) entered into under this Act to carry out a project or activity shall not require the approval of the Secretary if the lease—

(1) is entered into in furtherance of a commercial partnership involving one or more private entities incorporated in or emanating from the Republic of Turkey or other World Trade Organization member nations;

(2) is entered into not later than 3 years after the date of the enactment of this Act;

(3) is not for the exploration, development, or extraction of any mineral resources;

(4) does not include lease of land or an interest in land held in trust for an individual Indian;

(5) is executed under the tribal regulations approved by the Secretary under this Act; and

(6) has a term that does not exceed 25 years, except that any such lease may include an option to renew for up to 2 additional terms, each of which may not exceed 25 years.

(d) **ACTIVITIES TO BE CONDUCTED ON LEASED LANDS.**—Indian land held in trust by the United States for the benefit of a participating Indian tribe (or an Indian tribe in a consortium) may be leased for activities consistent with the purposes of this Act, including business and economic development, public, educational, or residential purposes, including the development or use of natural resources in connection with operations under such leases, for grazing purposes, and for those farming purposes which require the making of a substantial investment in the improvement of the land for the production of specialized crops as determined by the Secretary.

(e) **APPROVAL OF TRIBAL REGULATIONS.**—

(1) **IN GENERAL.**—The Secretary shall approve a tribal regulation issued for the purposes of subsection (c)(4), if the tribal regulation—

(A) is consistent with regulations, if any, issued by the Secretary pursuant to the Act of August 9, 1955 (25 U.S.C. 415(a)); and

(B) provides for an environmental review process that includes—

(i) the identification and evaluation of any significant effects of the proposed action on the environment; and

(ii) a process for ensuring that—

(I) the public is informed of, and has a reasonable opportunity to comment on, any significant environmental impacts of the pro-

posed action identified by the participating Indian tribe or consortium; and

(II) the participating Indian tribe or consortium provides responses to relevant and substantive public comments on those impacts before the participating Indian tribe or consortium approves the lease.

(2) **SECRETARIAL REVIEW.**—

(A) **IN GENERAL.**—Not later than 120 days after the date on which the tribal regulations under this subsection are submitted to the Secretary, the Secretary shall review and approve or disapprove the regulations.

(B) **WRITTEN DOCUMENTATION.**—If the Secretary disapproves such tribal regulations, the Secretary shall include written documentation with the disapproval notification that describes the basis for the disapproval.

(C) **EXTENSION.**—The deadline described in subparagraph (A) may be extended by the Secretary, after consultation with the participating Indian tribe or consortium.

(f) **FEDERAL ENVIRONMENTAL REVIEW.**—Notwithstanding subsection (e)(2), if a participating Indian tribe or consortium carries out a project or activity funded by a Federal agency, the participating Indian tribe or consortium may rely on the environmental review process of the applicable Federal agency rather than any tribal environmental review process under this subsection.

(g) **DOCUMENTATION.**—If a participating Indian tribe or consortium executes a lease pursuant to tribal regulations approved under this section, the participating Indian tribe or consortium shall provide the Secretary with—

(1) a copy of the lease, including any amendments or renewals to the lease; and

(2) in the case of tribal regulations or a lease that allows for lease payments to be made directly to the participating Indian tribe or consortium, documentation of the lease payments that are sufficient to enable the Secretary to discharge the trust responsibility of the United States under subsection (h).

(h) **TRUST RESPONSIBILITY.**—

(1) **IN GENERAL.**—The United States shall not be liable for losses sustained by any party to a lease executed under this Act.

(2) **AUTHORITY OF SECRETARY.**—Pursuant to the authority of the Secretary to fulfill the trust obligation of the United States to an Indian tribe under Federal law, including regulations, the Secretary may, upon reasonable notice from the Indian tribe and at the discretion of the Secretary, enforce the provisions of, or cancel, any lease executed by a participating Indian tribe or consortium under this Act.

(i) **COMPLIANCE.**—

(1) **IN GENERAL.**—An interested party, after exhausting applicable tribal remedies, may submit a petition to the Secretary, at such time and in such form as the Secretary determines to be appropriate, to review the compliance of a participating Indian tribe or consortium with any tribal regulations approved by the Secretary under this Act.

(2) **VIOLATIONS.**—If, after carrying out a review under paragraph (1), the Secretary determines that the tribal regulations were materially violated, the Secretary may take any action the Secretary determines to be necessary to remedy the violation, including rescinding the approval of the tribal regulations and reassuming responsibility for the approval of leases of Indian lands.

(3) **DOCUMENTATION.**—If the Secretary determines under this paragraph that a violation of tribal regulations has occurred and a remedy is necessary, the Secretary shall—

(A) make a written determination with respect to the regulations that have been violated;

(B) provide the applicable participating Indian tribe or consortium with a written notice of the alleged violation together with such written determination; and

(C) prior to the exercise of any remedy, the rescission of the approval of the regulation involved, or the reassumption of lease approval responsibilities, provide the applicable participating Indian tribe or consortium with—

(i) a hearing that is on the record; and

(ii) a reasonable opportunity to cure the alleged violation.

### SEC. 4. SELECTION OF PARTICIPATING INDIAN TRIBES.

(a) **PARTICIPANTS.**—The Secretary may select not more than 12 Indian tribes or consortia from the applicant pool described in subsection (b) to submit an application to be a participating Indian tribe or consortium.

(b) **APPLICANT POOL.**—The applicant pool described in this subsection shall consist of each Indian tribe or consortium that—

(1) requests participation in the demonstration project through a resolution or other official action of the tribal governing body or, in the case of a consortium, a resolution or other official action of each Indian tribe that is a member of the consortium; and

(2) demonstrates, for the 3 fiscal years immediately preceding the fiscal year for which participation is requested, financial stability and financial management capability as demonstrated by a showing by the Indian tribe or consortium that there were no material audit exceptions in the required annual audit of the Indian Self-Determination and Education Assistance Act contracts or Tribal Self Governance Act compacts of the Indian tribe or consortium.

### SEC. 5. APPLICATION REQUIREMENTS, REVIEW, AND APPROVAL.

(a) **REQUIREMENTS.**—An Indian tribe or consortium selected under subsection (a) may submit to the Secretary an application that—

(1) identifies the activities to be conducted by the Indian tribe or consortium;

(2) describes the revenues, jobs, and related economic benefits and other likely consequences to the Indian tribe or consortium, its members, the investors, and the surrounding communities to be generated as a result of the activities identified in paragraph (1); and

(3) is approved by the governing body of the Indian tribe or consortium, including, in the case of an applicant that is a consortium of Indian tribes, the governing body of each affected member Indian tribe.

(b) **REVIEW AND APPROVAL.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of receipt of an application under subsection (a), the Secretary shall inform the applicant, in writing, of the approval or disapproval of the application.

(2) **DISAPPROVAL.**—If an application is disapproved, the written notice shall identify the reasons for the disapproval and the applicant shall be provided an opportunity to amend and resubmit the application to the Secretary.

### SEC. 6. REPORT TO CONGRESS.

Not later than 3 years after the date of the enactment of this Act, the Secretary shall prepare and submit to Congress a report that includes—

(1) a description of the economic benefits and other consequences to participating Indian tribes, their members, and surrounding

communities as a result of the economic activities and financial investment engendered by the demonstration project; and

(2) observations drawn from the implementation of this Act and recommendations reasonably designed to improve the operation or consequences of the demonstration project.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentleman from the Northern Mariana Islands (Mr. SABLON) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

#### GENERAL LEAVE

Mr. HASTINGS of Washington. I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

H.R. 2362 is authored by our colleague from Oklahoma (Mr. COLE).

We continue to be reminded that it takes months and years for the Bureau of Indian Affairs to approve simple lease agreements. For years, many tribes have pleaded with Congress to let them manage their lands with less Federal supervision. The bureaucratic redtape is often cited as the main culprit for the lack of economic development on reservations.

Last week, the Senate passed H.R. 205, the HEARTH Act. The HEARTH Act promotes greater tribal self-determination by allowing tribes to govern their own regulations governing certain leasing of their lands. H.R. 2362, as amended, would give tribes additional options in attracting economic development. The Indian Tribal Trade and Investment Demonstration Project Act would allow any Federally recognized tribe to engage in business with companies of any World Trade Organization member country. It's a good start. It is something that we should be addressing more aggressively.

With that, I urge adoption of this legislation, and I reserve the balance of my time.

Mr. SABLON. Mr. Speaker, at this time I yield 4 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I thank my ranking member.

I rise to oppose H.R. 2362, the Indian Tribal Trade and Investment Demonstration Project Act. To put it quite simply, there is no good reason for passage of this legislation. In fact, there are a whole bunch of reasons why this legislation should fail today.

First, I would like to say that I strongly support efforts to bring eco-

nomics prosperity to Indian Country. I've been a longtime advocate of Indian Country's right and power to exercise their sovereignty and pursue economic development in the ways they choose. That is why I was glad to vote for H.R. 205, the HEARTH Act.

The HEARTH Act permits all tribes, not just a select few, to engage in leasing activities without Federal oversight under certain circumstances. Under the HEARTH Act, tribes can engage in these activities with both domestic and foreign entities. Furthermore, the HEARTH Act enjoys strong bipartisan support and passed this body on May 15 by a vote of 400-0. The bill then passed the Senate by unanimous consent, and it now only awaits the President's signature.

In contrast, H.R. 2362 singles out the Republic of Turkey for preferential treatment. Anyone who questions this just needs to turn to the bill itself which states its purposes as "to facilitate economic development by Indian tribes and encourage investment by Turkish enterprises." If this bill didn't give Turkey special preference, what would be the point? It would be entirely duplicative to what will be law in just a few days.

The Republic of Turkey, Mr. Speaker, acts increasingly hostile to U.S. interests and has a long history of human rights violations. Turkey is not a country that should be receiving preferential treatment in any sense, and certainly not explicitly approved by this Congress. Turkey has yet to acknowledge the fact of the Armenian genocide and reconcile itself with its own history. The Armenian genocide is the first genocide of the 20th century. It's a dark chapter in history, but it must be remembered and reaffirmed. That's why we must not stand by as the Republic of Turkey continues their policy of denying the 20th century's first genocide.

It is also very appropriate to remember that this past Friday marked the 38th anniversary of the illegal occupation of northern Cyprus by Turkey. On July 20, 1974, Turkey invaded Cyprus in violation of international law, and at great cost to the citizens of Cyprus. Turkish troops continue to occupy Cyprus illegally, and the invasion forced nearly 200,000 Greek Cypriots to flee their homes.

The EU member Cypriot government has made strong efforts to bring this ongoing occupation to a peaceful settlement. However, the Turkish government from afar continues to push against such peace negotiations. In fact, Turkey has used its bases in northern Cyprus to harass Israeli merchant vessels peacefully engaged, in cooperation with the Cypriot Government, on oil and gas exploration. It has even threatened U.S. companies.

I have just presented a couple of examples as to why Turkey's policies fly

in the face of solid moral standing and threaten U.S. interests abroad. Legislating preferential treatment for Turkey would be a mistake and only signal that genocide denial, illegal occupation of U.S. allies, and other anti-U.S. policies will be tolerated.

I'm proud to say that this Congress has passed legislation that gives tribes more flexibility in entering into lease agreements that will promote economic development and future vitality. Today's bill does not advance this cause. It would simply put Turkey on a pedestal, and I urge my colleagues to oppose this bill and vote "no."

Mr. HASTINGS of Washington. Mr. Speaker, I am very pleased to yield 5 minutes to the author of this legislation, the gentleman from Oklahoma (Mr. COLE).

Mr. COLE. Mr. Speaker, I thank the gentleman for yielding.

H.R. 2362 is simply a bill to facilitate economic development in Indian Country and to expand the range of options open to some of the poorest and most disadvantaged of Americans, the first Americans.

Currently, as my friend Mr. HASTINGS pointed out, economic development is often hampered in Indian Country by restrictive leasing practices on Indian reservations. H.R. 2362 directs the Secretary of the Interior to create a demonstration project for up to six tribes engaged in economic development with foreign companies and foreign countries. Tribes will develop the guidelines for their own economic activity with these entities, the Secretary will approve them, and we will over time learn how to do business between Indian tribes and foreign countries. Frankly, that is something we know comparatively little about. One of the things that comes out of this is a development by the Secretary of the Interior of recommendations and best practices, something which needs to be done in this area.

We have tried in the course of this legislation to recognize the concerns raised by some people about it. There's no question that I was approached by the Turkish American Coalition, who have a deep interest in Turkey and American Indians. It has been for many hundreds of years. This goes back a long way. They're the only country that has actually sent a national delegation to an Indian economic development conference. There are scholarships for Native American students at the Istanbul Technical Institute. There's a constant movement of tribal citizens going back and forth. This interest, apart from these other disputes, is real and genuine and deep. We've accepted some of the concerns that were voiced in subcommittee. There is no preferential status for Turkey in this bill. All 155 World Trade Organization countries will have exactly the same opportunity.

It's important to note, I think, that this bill is strongly supported in Indian Country. Maybe we should listen to Indians about what's best for their own economic development. The National Congress of American Indians supports this bill, the National American Indian Housing Council supports this bill, the National Center for American Indian Enterprise Development supports this bill. Numerous tribes support this bill. Perhaps they are the real experts here that we should be listening to.

Passage of this bill would normally be a routine matter in this House. Frankly, due to the strong Turkish interest and support for the bill, we have a number of ethnic communities in the United States that have voiced objections. I think that's always legitimate and always appropriate. But sadly, as I pointed out, some of these objections don't have much merit. Again, this is not special legislation for Turkey. All 155 World Trade Organizations can participate. That includes the folks that are so concerned about this.

□ 1610

Second, the idea that passing the HEARTH bill—which, by the way, I strongly supported, cosponsored, came down here and argued for. I think it's a wonderful piece of legislation. It's largely silent, save for one phrase. On foreign investment, we do not have a lot of experience here. It would be helpful to have demonstration projects. It would be good to have the Secretary of the Interior involved more deeply.

And third—and I hope this isn't the case. I have heard recently that there is even a sheet going around—perhaps not true; I hope not—that suggests this legislation will cost domestic manufacturing jobs. You've got to be kidding. Putting jobs on Indian reservations is going to take American jobs away? Who were the first Americans? So again, the arguments, I think, largely do not address the legislation.

I understand something about historical grievances and controversies. I'm the only Native American in this House right now. My great-great-grandfather, when he was 13 years old, was forced to move from Mississippi, where his people had lived for 500 years, to avoid being placed under State restriction. His lands were confiscated. They were guaranteed new land in Indian territory in the West. He arrived—nothing. Started it up being, actually, the clerk of the Chickasaw supreme court. His son, my great-grandfather, was treasurer at the time of the Dawes Commission when—guess what—those treaties that were going to last forever were revoked again by the United States Government. Indian territory was opened up, over the objection of the tribes, to white settlement, and Indian governments were ground down.

My family has spent much of the time since that time working with

other Chickasaws and other Native Americans to see tribal sovereignty restored and those rights given back. That's why I cochair the Native American Caucus. That's why, when the tribal law and order bill came to this floor, where there were concerns on our side about process, I got the Republican votes that were necessary to pass it. That is why I was the Republican lead sponsor of the Cobell settlement. That's why I've worked with this administration—which, by the way, has a great record on Native American affairs—on the Carcieri bill.

So I understand grievances, and I understand the legitimacy of expressing them.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HASTINGS of Washington. I yield the gentleman an additional 2 minutes.

Mr. COLE. I thank the gentleman.

But legislation must be relevant to the historical experience that we're talking about, and we ought to look for opportunities to turn old enemies into new friends. I try to do that on this floor every day.

This legislation has nothing to do with ancient or current disputes between Turkey and Armenia or Greece. This bill is about helping American Indians. We ought to put aside the disputes of the Old World and focus on helping the original inhabitants of the New World, which is exactly what this legislation will do.

Mr. SABLON. Mr. Speaker, at this time, may I inquire of the time remaining?

The SPEAKER pro tempore. The gentleman from the Northern Mariana Islands has 16½ minutes remaining.

Mr. SABLON. Mr. Speaker, at this time, I yield 4 minutes to the gentleman from American Samoa, a member of the committee.

Mr. FALEOMAVAEGA. Every word that's been spoken by the gentleman from Oklahoma, not only as the chief author and the sponsor of this legislation, but something that I think my colleagues in the House need to be reminded of, this has nothing to do with whatever current feuds are going on between Armenia and Turkey. That is totally irrelevant to the bill that we are discussing here this afternoon. If we talk about past criminalities and acts that were done against the American Indians, Mr. Speaker, I don't know if my colleagues realize that the Government of the United States of America signed 389 treaties with the American Indians. And guess what. We broke every one of those treaties. So let's talk about fairness.

I rise in strong support of H.R. 2362, the Indian Tribal Trade and Investment Demonstration Project Act of 2011.

First, I want to thank the gentleman from Washington, the chairman of our

committee, and also the gentleman from Massachusetts (Mr. MARKEY) for their support. And I especially want to thank my good friend, the only American Indian that we have in this body, a proud member of the Chickasaw Nation of the State of Oklahoma, my good friend and buddy, TOM COLE. Not only is he the cochair of our American Indian Congressional Caucus, but he is also a real gentleman that knows what he's talking about.

Mr. Speaker, despite the recent success of some tribes in creating successful gaming enterprises, pursuant to the 1988 Indian Gaming Regulatory Act, to a large extent, Indian tribes still face extreme economic conditions. This is due in part to the perception by private lenders and investors that risky conditions prevail in Indian Country. Because of the Federal trust status, Indian lands and resources are perceived as risky for collateral, and even loans and burdensome regulations restrict and impede efforts to improve economic conditions on tribal lands.

Mr. Speaker, we have unemployment as high as 80 percent among some of these tribes. In terms of any incentives given them to provide greater economic development, Mr. Speaker, this legislation solves this problem, and we need to give them these tools so that these tribes could better make economic improvements in their situation.

Mr. Speaker, our Federal Government has a trust obligation to our Indian brothers and sisters. A couple of years ago, I was pleased to work with Senator INOUE, my good friend from Hawaii, on legislation that will give Indian tribes access to many tools such as development capital, loans to Indian enterprises, and a host of other authorized activities, with the purpose of creating an environment that is conducive to Indian Country economic development. Today I continue to remain steadfast in my support and am willing to work with my colleagues in Congress to make improvements in this area.

Again, I commend my good friend Mr. COLE for his leadership. The bill before us today will create the Indian Tribal Trade and Investments Demonstration project within the Department of the Interior to include up to six Indian tribes for this pilot program. These tribes will be able to lease land currently held in trust by Federal land to conduct such activities including business and economic development; public, educational, or residential purposes; et cetera. Moreover, the bill will streamline the archaic and burdensome—you know, even just to get a lease agreement with the Federal Government, some of these tribes have had to wait for 10 years. They couldn't even get this done through the regulatory process. These are the problems that we're faced with.

Mr. Speaker, I ask my colleagues, pass this legislation. And again, I commend and thank my good friend, the gentleman from Oklahoma, for his leadership and bringing this legislation before us for consideration and approval.

I rise today in support of H.R. 2362, the Indian Tribal Trade and Investment Demonstration Project Act of 2011. First, I want to thank the gentleman from the State of Oklahoma, and my good friend, Mr. TOM COLE, for his authorship of this important piece of legislation that will facilitate economic development by Indian tribes and encourage investment by foreign companies.

Mr. Speaker, despite the recent success of some Indian tribes in creating successful gaming enterprises pursuant to the 1988 Indian Gaming Regulatory Act, to a large extent, Indian tribes still face extreme economic conditions. This is due in part to the perception by private lenders and investors that risky conditions prevail in Indian country. Because of the Federal Trust Status, Indian lands and resources are perceived as risky for collateral, and even loans and burdensome regulations restrict and impede efforts to improve economic conditions on tribal land.

Mr. Speaker, according to recent statistics from the U.S. Department of Commerce, the overall poverty rate for American Indians/Alaska Natives, including children, is higher than that for the total U.S. population. The fact is, many of our Indian brothers and sisters remain stuck in poverty. With unemployment rates of up to 80-percent in some tribal communities, Indian tribes must find creative ways to foster economic growth and generate jobs and economic prosperity in these struggling communities.

Mr. Speaker, our Federal Government has a trust obligation to our Indian brothers and sisters. A couple of years ago, I was pleased to work with the Senator from Hawaii, and my good friend, Senator INOUE on legislation that will give Indian tribes access to many tools, such as development capital, loans to Indian enterprises, and a host of other authorized activities, with the purpose of creating an environment that is conducive to Indian country economic development. Today, I continue to remain steadfast in my support and am willing to work with my colleagues in Congress, to ensure that our federal trust obligation to the Indian tribes is upheld.

Again, I commend Mr. TOM COLE for his leadership. The bill before us today will create the Indian Tribal Trade and Investment Demonstration Project within the U.S. Department of the Interior to include up to six Indian tribes or consortia. These tribes will be able to lease land currently held in trust by the federal land to conduct such activities including business and economic development; public, educational, or residential purposes; development or use of natural resources in connection with operations under such leases; and grazing and farming activities.

Moreover, the bill will streamline the archaic and burdensome federal regulations in place for leasing, to make it easier for Indian Tribes to partner with foreign companies that engage in economic development on tribal lands. While H.R. 2362 was initially developed be-

cause of Turkey's interest in working with Indian tribes, I am pleased to know that all 155 World Trade Organization countries will have the same investment opportunities.

Mr. Speaker, this bill embodies our federal government trust obligation to the economic condition of the Indian tribes and I urge my colleagues to support H.R. 2362.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentlelady from North Carolina (Ms. FOXX).

Ms. FOXX. I thank the gentleman from Washington for yielding time.

I want to associate myself with the words of my very capable and articulate colleague from Oklahoma (Mr. COLE), the author of this legislation. As he said, this should be a routine bill to be passed on suspension on the basis of his comments alone. However, some have chosen to try to divert, to take us away from the subject at hand of this bill.

I support H.R. 2362, an important bill designed to bolster global economic cooperation by making it easier for Native American tribal communities to strengthen ties with foreign trading partners.

Even though Native American communities suffer from the highest unemployment rate in the United States, economic development on tribal lands is stifled by a restrictive and archaic leasing system, requiring applicants to succumb to a multilayered review process, taking up to 6 years to complete.

These unnecessary hurdles have compromised important tribal economic development in the past. For example, the Round Valley Indian Housing Authority continues to wait, after 9 years, for the Bureau of Indian Affairs to process a lease for a large housing project. And in 2006, the Swinomish and Walmart agreed to build a store on the reservation while the BIA regional office stalled for 2 years before Walmart withdrew from the deal following the 2008 financial crisis.

This bill helps correct these problems by authorizing select tribes to develop guidelines for leasing land and services to both foreign and domestic companies for economic development purposes. The bill further provides for only one approval of the land leasing guidelines by the Interior Secretary, thereby reducing current multilayer, prohibitive land leasing laws.

Without imposing any new costs, these changes will promote tribal job growth and economic empowerment, encourage foreign and domestic investments in Indian Country, all the while, inviting foreign and domestic companies to explore commercial opportunities with tribes. It's for these reasons that I urge my colleagues to support this legislation.

Mr. SABLON. Mr. Speaker, at this time, I would like to inquire as to the time remaining.

The SPEAKER pro tempore. The gentleman from the Northern Mariana Islands has 13 minutes remaining.

Mr. SABLON. Mr. Speaker, at this time, I yield 4 minutes to the gentlelady from New York (Mrs. MALONEY).

Mrs. MALONEY. I thank Congressman SABLON for yielding and for his hard work in so many areas and his leadership.

I rise to express my opposition to the Indian Tribal Trade and Investment Demonstration Project Act, H.R. 2362.

This bill is unnecessary and seeks to give special consideration to one country—Turkey.

□ 1620

As a country that has shown both negative and aggressive actions toward a number of our allies, Turkey should not be given investment preferences in Indian tribal lands through this bill. And they should not be given preference over 154 allies, members of the World Trade Organization. Nor should they be given preference over American businesses that wish to invest in Indian tribal lands. This bill would reward a country with a record of human rights and religious freedom violations. It has been on the U.S. Commission on International Religious Freedom's watch list for 3 consecutive years.

Just this last Friday, many of us marked the 38th anniversary of Turkey's illegal occupation of the northern third of the island Republic of Cyprus. Throughout this occupation, Turkey actively seeks to alter the heritage and demographics of Cyprus. It has systematically destroyed the island's Christian heritage and colonized the area with more than 200,000 settlers and 40,000 troops.

Furthermore, Turkey maintains an economic blockade against Armenia, sealing its borders to all trade, and continues to deny the Armenian genocide, during which over 1.5 million Armenians perished. I have with me the Armenian Assembly and the Armenian National Committee of America's letters in opposition to this legislation.

Also, Turkey has challenged Israel by arguing against Israel's right to develop energy sources. Turkey has also threatened American businesses by saying it would use force to stop a Texas-based company, Noble Energy, from drilling for oil and gas off the shores of Cyprus. Turkey has said it will blacklist any business that assists Cyprus and Israel in their efforts to jointly develop their country's natural resources.

The preferential treatment given to Turkey in H.R. 2362 is unnecessary given the previous passage of the HEARTH Act, which passed this body 400-0, passed the Senate, and is now awaiting the President's signature. That bill allows domestic and foreign companies to engage in leases for housing construction, clean energy, and



business development. Unlike the HEARTH Act, the bill before us today does nothing to support these domestic businesses.

Last November, the director of the Bureau of Indian Affairs, Michael Black, testified before the Indian and Alaska Native Affairs Subcommittee, stating that the HEARTH Act “fosters the same goals identified in this bill but on a broader, larger scale.” Through the HEARTH Act, domestic and foreign entities have already been granted an expedited route to invest in Native American lands and help their economic development.

Given the redundancies in the bill and the favored treatment it gives to one country that has shown threatening and discriminatory action toward a number of American allies, I urge my colleagues to join Ranking Member BERMAN and Ranking Member MARKEY and vote “no” on H.R. 2362.

From: Andreas Akaras

Sent: Monday, July 23, 2012, 1:13 a.m.

To: Elizabeth Darnall

Subject: H.R. 2362 Tribal Trade Bill (AHEPA email blast)

On behalf of the American Hellenic Educational Progressive Association (AHEPA), the largest and oldest membership-based organization of American citizens of Greek heritage and Philhellenes, we are out-reaching to share AHEPA's position in opposition to H.R. 2362, the Indian Tribal Trade and Investment Demonstration Project Act. We understand H.R. 2362 is expected to come to the Floor under Suspension of the Rules this week—perhaps on Monday.

Position

AHEPA is opposed to H.R. 2362 for the following reasons:

1. Turkey's Recent Threats to U.S. Commercial Interests. Why reward it?

Turkey's has issued threats to the actions of U.S. firm Noble Energy, which is lawfully conducting oil and gas exploration off the coast of Cyprus, in Cyprus's Exclusive Economic Zone (EEZ) in the eastern Mediterranean. Noble Energy is based in Houston, Texas.

During this same exploration, Turkey's threats have directed at U.S. allies Cyprus and Israel as both countries are working in cooperation via a signed agreement to develop hydrocarbon reserves in their EEZs.

In response to these threats, House Foreign Affairs Chairman Ileana Ros-Lehtinen stated, “Turkey's decision to escalate tensions by increasing its military presence in the Mediterranean poses a clear threat to U.S. citizens and interests in the region.”

Moreover, Turkey has threatened to blacklist international companies willing to work on this particular exploration project off the coast of Cyprus. This would include any U.S. companies.

Why would the United States Congress facilitate the unique opportunity for private entities from Turkey to engage in trade and financial investment with Indian tribal economies when U.S. private entities and citizens are threatened by Turkey?

2. Congress has already acted with the overwhelmingly bipartisan-passed HEARTH Act.

H.R. 205, the HEARTH Act, passed the House 400-0 and the Senate by UC. It will be signed into law by President Obama.

The HEARTH Act promotes trade and investment on Native American lands without

requiring the approval of the Bureau of Indian Affairs.

As the Director of the Bureau of Indian Affairs, Mike Black, testified before the House Committee on Natural Resources in November 3, 2011, H.R. 205 “foster[s] the same goals identified in H.R. 2362 on a broader scale.”

The HEARTH Act benefits all tribes; not a select few that could benefit from H.R. 2362. Simply stated, passage of H.R. 205 renders H.R. 2362 unnecessary.

3. Section 1(b) Findings (1)(2)(3) of H.R. 2362 displays preferential treatment for the Republic of Turkey over other WTO nations. Why?

Proponents state that no particular country is granted a commercial advantage under the bill, yet the bill's Findings section clearly single-out and champion Turkey.

If proponents were serious about amending H.R. 2362 to provide all WTO countries with a level playing field, it would not state “Turkey and all other WTO countries.”

4. Turkish Entities Under Investigation in the United States.

Mainstream U.S. media outlets have reported on the growth of Turkish charter schools in America, as many as 120 of them, and how the schools have come under federal investigation for how they are administered.

The Philadelphia Inquirer reported on March 20, 2011, “But federal agencies—including the FBI and the Departments of Labor and Education—are investigating whether some charter school employees are kicking back part of their salaries to a Muslim movement founded by Gulen known as Hizmet, or Service, according to knowledgeable sources.”

In addition the New York Times in a June 6, 2011 article raised the same concerns about how the schools spend taxpayer money, “And it raises questions about whether, ultimately, the schools are using taxpayer dollars to benefit the Gulen movement—by giving business to Gulen followers, or through financial arrangements with local foundations that promote Gulen teachings and Turkish culture.” The article also reports on federal investigations about abuse of a visa program to bring in expatriate employees.

5. Turkey's Treatment of Minority Populations.

The U.S. House of Representatives must take into consideration Turkey's treatment of minority populations.

The United States Commission on International Religious Freedom (USCIRF), an independent, bipartisan U.S. federal government commission established by the U.S. Congress, has recommended Turkey be designated a “country of particular concern” (CPC) in its 2012 annual report. Prior to this designation, Turkey was placed on its “Watch List” for three consecutive years (2009-2011).

According to the Executive Summary of the 2011 U.S. State Department Human Rights Report on Turkey, there is “inadequate protection of vulnerable populations” within Turkey.

In addition to these reasons, AHEPA is dismayed the House Committee on Foreign Affairs was not provided an opportunity to vet H.R. 2362.

We note a concern with Turkey's foreign policy direction and history that conflicts with the best interests of the United States, including: the aforementioned belligerent posture toward Israel, its vote against a UN resolution to impose sanctions against Iran with regard to that country's nuclear weapons program, its 38-year illegal invasion and subsequent illegal occupation of the Repub-

lic of Cyprus, a member of the European Union and current holder of the EU presidency; its continued violations of Greece's sovereignty in the Aegean Sea, a staunch NATO ally; and its blockade of Armenia.

Hellenic Caucus Opposition

We also thought you would be interested to learn of AHEPA's position because the congressman is a member of the Congressional Hellenic Caucus.

The Congressional Hellenic Caucus is opposed to H.R. 2362 and has circulated a DC letter on the issue. Please contact Chairs U.S. Reps. Gus Bilirakis or Carolyn Maloney to sign the DC letter.

Thank you also for consideration of AHEPA's position. We hope the congressman will take all of the points presented into consideration and will oppose H.R. 2362.

ANDREAS N. AKARAS,

Advisor,

Office of Congressman John Sarbanes.

From: Andreas Akaras

Monday, July 23, 2012 11:16 AM

To: Elizabeth Darnall

Subject: email blast from Armenian Assembly sent this morning

On behalf of the Armenian Assembly of America, I am writing to urge a “NO” vote on H.R. 2362, the Indian Tribal Trade and Investment Demonstration Project Act of 2011 when it is considered today.

H.R. 2362 is not necessary as a more comprehensive measure, H.R. 205, the HEARTH Act has already been adopted by the House and Senate.

The HEARTH Act unlike H.R. 2362 allows all Indian tribes, not just a select few to engage in economic development projects with foreign entities.

H.R. 2362 undermines the HEARTH Act because it seeks to endorse and offer special consideration to one country—Turkey—over every other WTO member country. With respect to the WTO, numerous complaints ranging from restrictions on imports of textile and clothing products to anti-dumping duties on steel have been lodged against Turkey.

The U.S. Trade Representative (USTR) has highlighted several areas of concern regarding Turkey's trade policies and practices in its 2012 National Trade Estimate Report on Foreign Trade Barriers, including its import policies and exports subsidies, yet H.R. 2362 specifically highlights Turkey.

Given Turkey's lack of respect for human rights its ongoing blockade of landlocked Armenia and its illegal occupation of the Republic of Cyprus, passage of H.R. 2362 would send the wrong message to the international community that the United States is not committed to human rights, democracy and the rule of law.

Examples of Turkey's record:

The U.S. Commission on International Religious Freedom in its 2012 Annual Report has recommended that Turkey be designated as a “country of particular concern” due to “the Turkish government's systematic and egregious limitations on the freedom of religion . . .”

According to the 2011 Freedom House report, “Turkey struggles with corruption in government and in daily life.” In addition, according to an April 2012 Freedom House article, “the number of journalists imprisoned in Turkey has nearly doubled” from 57 in 2011 to 95 journalists in 2012.

Turkey also continues to deny the Armenian Genocide (New York Times Op-Ed—July 19, 2012), while at the same time accuses Israel of committing genocide and has defended the genocidal regime of Sudanese



President Omar al-Bashir even after Bashir's indictment (BBC News—November 6, 2009) for war crimes by the International Criminal Court (ICC).

For all of the aforementioned reasons, the Armenian Assembly strongly opposes H.R. 2362 and urges a "NO" vote.

Sincerely,

BRYAN ARDOUNY,  
*Executive Director.*

From: petian7@gmail.com on behalf of Kate Nahapetian [Kate@anca.org]  
Sent: Friday, July 20, 2012 4:09 PM  
To: Kate Nahapetian  
Subject: VOTE NO ON H.R. 2362

On behalf of the Armenian National Committee of America, I am writing to express our opposition to H.R. 2362, the Indian Tribal Trade and Investment Demonstration Project Act of 2011.

1. H.R. 2362 is redundant and unnecessary

The House and Senate have already passed the HEARTH Act (H.R. 205), which has already accomplished the aims of H.R. 2362 to promote trade and investment on Native American lands without requiring the approval of the Bureau of Indian Affairs. As the Director of the Bureau of Indian Affairs testified before the House in November 2011, H.R. 205 "foster[s] the same goals identified in H.R. 2362 on a broader scale." Turkey and other countries have already been granted an expedited route to invest in Native American lands. This bill will not create any new jobs or investment opportunities that have not already been provided by H.R. 205.

2. H.R. 2362 creates an implied preference for Turkey

By singling out the Republic of Turkey in its findings section, the bill will create confusion around the granting of an actual preference for Turkey during the drafting of regulations or their implementation, should this bill become law. Other nations, including those, such as Canada, which already have leases in place are not mentioned at all, which leaves the impression that Turkey is somehow more deserving of favorable treatment.

3. This measure is morally wrong

The U.S. Congress should not extend special economic benefits to a country that remains an unrepentant perpetrator of genocide against millions of its own indigenous minorities, including Armenians, Greeks, Assyrians, and others. At a time when Turkey continues to oppress its indigenous minorities, confiscates Christian churches and properties, denies the Armenian Genocide and threatens the United States if we merely commemorate this crime, occupies our ally Cyprus, and both threatens and excludes our ally Israel from international initiatives, promoting Turkey in the findings section is misplaced and does not reflect the values of American citizens.

Today, it is criminal to even discuss Turkey's genocidal policies and these indigenous minorities continue to face persecution in Turkey. The U.S. Commission for International Religious Freedom has documented that the Turkish government's continued limitations on religious freedom are "threatening the continued vitality and survival of minority religious communities in Turkey." In its 2012 report, the Commission recommended that, Turkey be designated as a "country of particular concern," along with Iran, Sudan, and Saudi Arabia, due to "the Turkish government's systematic and egregious limitations on the freedom of religion. . ." Moreover, just a few weeks ago Turkey ordered the expropriation of Mor Ga-

bril, one of the oldest Christian monasteries in the world.

As Nina Shea, a Commissioner, recently wrote:

Turkey's Christian minorities struggle to find places in which they can worship, are denied seminaries in which to train future leaders, are barred from wearing clerical garb in public, see the trials of the murderers of their prominent members end with impunity, and, above all, lack the legal right to be recognized as churches so that their members can be assured of their rights to gather freely in sacred spaces for religious marriages, funerals, and baptisms, and otherwise carry out the full practice of their respective religions.

We do not believe providing trade preferences, even if just implied, to a country that exhibits such a disdain for religious freedom and its minorities, is a message that reflects the values of our country.

4. Turkey prohibits trade with Armenia, a U.S. ally which has tripled its troop deployment to Afghanistan

We should not be providing trade preferences to Turkey, a country that has been blockading landlocked Armenia for nearly twenty years. Close to a quarter of Armenia's population—has been forced from their homeland over the past decade, largely as a result of the economic dislocation caused by Turkey's blockade, the last closed border of Europe.

Sincerely,

KATE NAHAPETIAN,  
*Government Affairs Director.*

Sent to Issue(s): Foreign Affairs, Natural Resources

Subject: The Truth About H.R. 2362

From: The Honorable Tom Cole

Sent By: stratton.edwards@mail.house.gov

Bill: H.R. 2362

Date: 7/23/2012

DEAR COLLEAGUE, I want to highlight my responses below to recent criticism of my legislation, H.R. 2362, which will be considered under suspension of the rules this afternoon.

1. H.R. 2362 is redundant and unnecessary

Leasing on tribal lands is an overly complicated system that requires extensive review and Secretarial approval. This legislation may be operationally the same as the HEARTH Act, which passed the House and Senate and is waiting for the President's signature, but tribes want both programs to give them the flexibility to address lease reforms using which program best suits their needs, which is why the National Congress of American Indians and the National American Indian Housing Council strongly support this legislation in addition to the HEARTH Act.

2. H.R. 2362 creates an implied preference for Turkey

I authored H.R. 2352 in response to Turkish entities expressing interest in doing business with American Indians. The findings reflect that interest. Despite this, the legislation gives no preference to Turkey over any of the 155 other WTO countries. This legislation does not alter any leases already in place. I applaud our trading partners engaged in economic development with Tribes and look forward to this legislation encouraging expansion of those partnerships.

3. This measure is morally wrong

American Indians across the United States face unimaginable poverty. Unemployment on Indian reservations is unfathomably high. Economic development on tribal lands is hampered because of overly complicated and

archaic regulations. It is morally wrong not to do everything in our power to give tribes, and American citizens, every opportunity to succeed. While not as sweeping as the HEARTH Act, H.R. 2362 provides tribes with additional tools they need to help them succeed.

4. Turkey prohibits trade with Armenia, a U.S. ally which has tripled its troop deployment to Afghanistan

Turkey is a NATO ally and a critical and willing partner in the War on Terror. Turkish troops have fought alongside American soldiers as far back as the Korean Conflict. The United States maintains Incirlik Air Force base in Turkey. While Turkey and Armenia have a long history of conflict, that history is irrelevant to this legislation. This legislation will economically empower Indian tribes and help the most disadvantaged Americans while providing no special treatment for Turkey over any other WTO member country.

Sincerely,

TOM COLE,  
*Member of Congress.*

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN. Mr. Speaker, I rise in support of this Indian Tribal Trade and Investment Demonstration Project Act.

Mr. Speaker, the unemployment rate on American Indian reservations averages between 40–50 percent, and it is intergenerational. Income, employment, and educational attainment are all well below the American average. As a member of the Interior Appropriations Committee, I am very much aware of that, as Mr. COLE is. But the fact is every Member of this body should be as intensely aware as Mr. COLE and those supporting this legislation are, of the immense needs in Indian country and the serious shortfall the Federal Government confronts in meeting its obligations to Native Americans and Native Alaskans.

Some have suggested that private enterprise on reservations may help substantially in alleviating that poverty. And with rising income, many of the social and health-related ills that Native Americans confront in disproportionate numbers will decline. That ought to be a national responsibility, and, really, an obligation. The fact is that this act would test the theory by enabling foreign investors to partner with Native Americans on reservations to create new businesses and generate income where little to none exists today.

The legislation complements other legislation that Congress has already passed, allowing tribes to simplify leasing arrangements to address their housing needs. Go to a reservation and see the housing needs. This bill will bring new capital into reservations and simplify the arrangements under which long-term leases with private investors can be executed. While the proposal may initially have focused on foreign investment from one country, Turkey,

it has been amended to include all 155 World Trade Organization countries.

I applaud the government of Turkey for coming up with this original proposal and for what is a genuine offer of assistance and friendship.

I understand the objections that have been raised that really have very little to do with this legislation.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HASTINGS of Washington. I yield the gentleman from Virginia an additional 1 minute.

Mr. MORAN. I thank the gentleman very much. I appreciate the additional time to make a further point.

Turkey and Israel have long enjoyed amicable relations. Turkey was the first Muslim country to recognize the State of Israel. The two states remain active trade partners. Their bilateral trade volume is almost \$3 billion. It is Israel's sixth-largest trading partner. Israel exports chemicals, agriculture products, and high-tech manufacturing machinery to Turkey. And Turkey exports textiles and transport equipment to Israel. Israel needs Turkey as a trading partner.

The fact is that, according to the Israel-Turkey Business Council, bilateral trade between the two nations increased 35 percent between 2010 and 2011 despite the diplomatic tensions that emerged in 2009. The reality is that they are working together. They want to work together and transcend politics. Bilateral trade is in the interest of both nations.

This is in the interest of the Native American nations. Gosh sakes, they deserve this kind of help after we turned our back on one treaty after another, as has already been said. This is a unique opportunity. We ought to seize it.

Mr. SABLAN. Mr. Speaker, at this time I yield 4 minutes to the gentleman from Maryland (Mr. SARBANES).

Mr. SARBANES. I thank the gentleman for yielding. I rise in opposition to H.R. 2362 because I don't believe that the preferential consideration which it gives to the interest of one country, Turkey, can be justified.

There is no dispute over what many of our colleagues have said today, which is that there are tremendous needs on the part of Native American tribes, and a desire I think shared widely here for economic development opportunities on tribal lands. We all know the statistics. But that goal of achieving enhanced economic development on tribal lands has been achieved through the HEARTH Act. As Congresswoman MALONEY just indicated a minute ago, Michael Black, director of the Bureau of Indian Affairs, testified that the HEARTH Act "fosters the same goals identified in H.R. 2362 on a broader scale." We don't need this legislation to accomplish all of the important things that have been articulated here.

I have tremendous respect for Congressman COLE, and he just gave a very powerful articulation of the legacy that he carries in his DNA and why he is so passionate about these issues, and we share his perspective on the important need to develop tribal lands, but this particular piece of legislation is redundant at best, and it gives this unjustified preference to Turkish interests.

This presents a number of issues. First of all, there are some concerns on the trade front. Now, I understand the bill was amended because originally it would have given exclusive opportunity to Turkish enterprises without regard to the rest of the WTO nations. Now that's been changed so other the WTO nations can participate.

□ 1630

But if you look at the bill, Turkey's interests are discussed all through it. It's infused with language about Turkey. The findings section is about Turkey. And frankly, a Turkish enterprise could take this bill, once it passed, and use it as a passport to get preferential consideration with respect to these economic opportunities. So I think it does present some continued concern with respect to trade concerns.

But on the foreign policy front, even if you felt it were important to give preferential consideration for purposes of a demonstration project or a pilot project to one nation's interest over others, why would you select the country of Turkey given its record? That's why Ranking Member BERMAN has sent a Dear Colleague letter around urging opposition to this bill, because he knows from a foreign policy standpoint the record of Turkey.

I have to mention a few of these things because they're compelling. Increasingly, Turkey has become hostile to our ally, Israel, recently threatening to mobilize its air and naval assets to escort ships to Gaza and to stop Israel from developing energy sources in its Exclusive Economic Zone in the eastern Mediterranean.

Secondly, in June of 2010, NATO member Turkey voted against the United Nations resolution imposing sanctions against Iran to thwart its nuclear weapons program.

Thirdly, Turkey has just now been put on the U.S. Commission on International and Religious Freedom watch list for its widespread discrimination of minority religious communities.

Fourthly, Turkey has threatened the use of force to stop Texas-based Noble Energy—this is an American company—from drilling for oil and gas off the shores of Cyprus and Israel and to blacklist any businesses that work with Cyprus or Israel for natural resource extraction.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SABLAN. I yield the gentleman 1 additional minute.

Mr. SARBANES. We've heard the discussion of how Turkey has continually denied the Armenian genocide of 1915 to 1923 during which 1.5 million Armenians perished and since 1993 has maintained a destabilizing blockade of Armenia.

Now some would say these are irrelevant issues. They're very relevant. If you're going to choose a country to which you're going to extend some preferential consideration, these kinds of activities and this kind of legacy ought to be part of your consideration.

Finally, for more than 38 years, Turkey has illegally occupied the northern third of the island Republic of Cyprus, which is a member of the European Union. In fact, as of July 1, Cyprus assumed the presidency of the European Union, but Turkey refuses to recognize this.

These are all relevant to the question of whether a preferential consideration ought to be extended to one country. It's not justified, and it's not warranted. I join Ranking Member MARKEY and Ranking Member BERMAN in urging opposition to H.R. 2362.

Mr. HASTINGS of Washington. I reserve the balance of my time.

Mr. SABLAN. Mr. Speaker, at this time, I yield the remainder of my time to the gentleman from Oklahoma (Mr. BOREN).

The SPEAKER pro tempore. The gentleman from Oklahoma is recognized for 4 minutes.

Mr. BOREN. Mr. Speaker, I rise today in strong—very strong—support of H.R. 2362, the Indian Tribal Trade and Investment Demonstration Project Act of 2011.

In an effort to reduce unemployment and incentivize investment, H.R. 2362 allows—again, we have said this all along the debate—all 155 World Trade Organization countries to participate in a trial trade program directly with sovereign Native American tribes in the United States. Specifically, it would authorize the Secretary of the Interior to select up to six tribes to participate in a program that would allow them to use their land for economic development.

In addition to creating jobs, H.R. 2362 would provide a path for economic empowerment of tribes and encourages foreign and domestic investment in Indian Country. With this bill, we can give tribes the means and the authority to address specific issues plaguing Indian Country.

I want to also, as Mr. MORAN and many other members on our side of the aisle have done, commend my good friend, Mr. COLE, for his diligence on this issue, for his persistence and for all that he has done for Indian Country. Mr. COLE mentioned in his debate earlier that there are a lot of different organizations that are supporting this legislation. He talked about NCAI and a whole list of others.

Again, if you ask Indian Country, "Do you support this bill?" they're saying, "Yes." The other people that are saying, well, we're opposed to it, it's not coming from Indian Country. It's not coming from places like my home State of Oklahoma.

So I ask my colleagues that are watching this debate to give their deepest consideration and to support this legislation. Again, I want to say "thank you" to Mr. COLE, to the chairman and to all the other Members who are supporting this legislation.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes again to the author of this legislation, the gentleman from Oklahoma (Mr. COLE).

Mr. COLE. I thank the gentleman for yielding.

I want to thank my friends on the other side of the aisle for participating in the debate. I understand the passions here are high, and I actually respect that a great deal even when I disagree with the policy conclusions that may have led some of my colleagues to.

I do ask you to stop and think, there is a sort of a contradiction in your argument: It's both redundant and yet gives special preferences. Both those things can't be true. It suggests to me the real argument is fundamentally different from those two points. The reality is it gives no one special preferences. We tried to listen to that point.

I wish other countries were beating down my door to want to go do work on Indian reservations and to want to partner with Indians. They aren't. I know of one country that has really cared enough to do this.

Now, there are a range of disputes in other areas. Those are legitimate disputes, and those are matters that ought to be the subject of serious discussion and debate on the floor, but have nothing to do with this bill. They have nothing to do with this bill. They're about ancient and current acrimonies and differences that ought to be settled in other forums on other issues but not on this bill, and certainly not at the expense of the least advantaged, frankly, the most disadvantaged part of our own population. I wish I could get more American companies that wanted to go on reservations and sit down and work with people about creating jobs. That's all this bill is about.

To those of you that have other concerns, I recognize the legitimacy of those concerns. But I just ask you to focus on the nature of the legislation. The New World is supposed to be able to put some of the Old World's controversies behind us, and certainly on a topic like this.

So for those of you, again, that have a different opinion, I respect it. But I also point out that Turkey is an ally of the United States. It has been for dec-

ades and decades. It's an important regional partner for the United States. This strengthens that relationship, as well, and the interest and the commitment in this area is genuine.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HASTINGS of Washington. I yield the gentleman 1 additional minute.

Mr. COLE. The interest in this area is genuine and real. Shouldn't that be something we should take and build on and try and add to and encourage? There needs to be a competition here. Let's build a competition to help Indian Country. Other countries can step up. Foreign companies can step up. Let's get a blueprint on how to do it. It is more complex than we would like to admit or acknowledge. That's one of the reasons why there's not American investments in these places.

I can take you to some of the Indian reservations in North and South Dakota where the unemployment rate is 80 percent and the State unemployment is under 5. Should that tell you how serious the problem is? I'd like to get anybody interested in helping and doing it legitimately.

We now have a level playing field for everybody. There are no preferences in this bill. Let's encourage other people to join the competition. Have them come in, and maybe they've got a better idea and a better way. But in the meantime, we should pass this bill, we should get about the business of putting Americans to work—the first Americans—and certainly Americans on Indian reservations that have every obstacle in the world against them. This bill will give one more tool in the toolbox. It's not a panacea, but it's a tool they ought to have.

Mr. SABLON. Mr. Speaker, at this time, I would like to inquire if the other side has any additional speakers.

Mr. HASTINGS of Washington. Mr. Speaker, I would tell my friend I have no more requests for time, and I am prepared to close if the gentleman is.

Mr. SABLON. Mr. Speaker, then, at this time, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, once again, I urge adoption of this legislation, and I yield back the balance of my time.

Ms. RICHARDSON. Mr. Speaker, as a member of the Native American Caucus and co-sponsor, I rise today in support of H.R. 2362, "The Indian Tribal Trade and Investment Demonstration Project Act of 2011." This bill authorizes the Secretary of the Interior to select up to six Indian tribes or consortia of Indian tribes to participate in an Indian Tribal Trade and Investment Demonstration Project that facilitates trade and financial investment in Indian tribal economies by private entities from Turkey.

Tribes selected for the program are to develop their own guidelines for leasing land and services to both foreign and domestic compa-

nies for economic development purposes. This act requires that the Secretary of the Interior approve land leasing guidelines only once, reducing current multi-layer prohibitive land leasing laws. H.R. 2362 is a demonstration project, and if successful it would be expanded. This bill has been amended to expand the period of the demonstration project from one to three years to allow reasonable time for Tribes to draft leasing regulations, attain approval by the Secretary of the Interior, and enter into a lease.

Economic development on tribal lands is hampered by a restrictive and archaic leasing system that requires applications to go through multiple levels of review and can sometimes take up to six years. Examples of projects delayed by this application process: Round Valley Indian Housing Authority has been waiting for nine years for BIA to process a lease for a large housing project. In 2006, the Swinomish made a deal with Wal-Mart to build a store on the reservation. The BIA regional office sat on the lease for two years and Wal-Mart pulled out of the deal after the 2008 financial crisis.

During a hearing on the bill held in the Subcommittee on Indian and Alaska Native Affairs, a tribal witness explained that Turkey has a long track record of promoting good relations and trade between its private business community and Indian tribes in the United States. The intent of the bill is to further such relations to increase private business development in Indian Country where economic diversification is greatly needed. This bill also allows all 155 members of the World Trade Organization (WTO) an equal opportunity to invest in Indian tribal economies.

Mr. Speaker, the major purpose and dominant aim of this bill is to promote economic development in Indian Country and not to reward or show favoritism to Turkey. The reason Turkey is directly recognized in this legislation is to acknowledge its helpful role in developing this bill.

Mr. Speaker, Native Americans suffer from the highest unemployment and social illness rates reported in the United States. This legislation will be the first step to ameliorating those ailments and begin to diversify Indian Country.

That is why this legislation is strongly supported by the National Congress of American Indians and the National American Indian Housing Council, two of the nation's leading advocacy organizations on behalf of Native Americans. I will continue to support legislation that invests in our economy and our Indian tribes. I urge my colleagues to support this demonstration so that we can expand this much needed project.

Mr. MARKEY. Mr. Speaker, nothing in H.R. 2362 can't be accomplished by H.R. 205, the HEARTH Act, which passed the House unanimously in May and was just last week passed by the Senate without change. The President is expected to sign H.R. 205 into law any day now.

Unlike H.R. 2362, the HEARTH Act authorizes all tribes to engage in leasing activities with any nation—foreign or domestic—for economic development purposes on tribal lands. It

does not discriminate based on world geography, or benefit a select few tribes who qualify under strict requirements for a time-limited demonstration project.

In light of H.R. 205, there is simply no need for H.R. 2362. It is redundant and unnecessary and should be rejected by the House on this basis alone.

But there are serious reasons to oppose H.R. 2362.

By acknowledging Turkey's "unique interest" in developing tribal economies and in building "robust" relationships between it and tribal communities, this legislation rewards a country with a terrible history of human rights and religious freedom violations, threats to U.S. commercial interests in Cyprus, and—most importantly—its refusal to acknowledge the Armenian Genocide which resulted in the deaths of 1.5 million people.

The manager's amendment to include WTO countries does not change the fact that Turkey is singled out for preferential treatment and will benefit through increased investment opportunities in Indian Country.

Congress should not be in the business of rewarding countries with appalling records on human rights to develop economic ties to Indian country on a preferential basis.

I urge a "no" vote.

Mr. BERMAN. Mr. Speaker, I rise in strong opposition to H.R. 2362, the Indian Tribal Trade and Investment Demonstration Project Act of 2011. My reasons for opposing this ill-conceived and unnecessary legislation are spelled out in a dear colleague I issued with several of my colleagues, and which I submit for the RECORD. I urge all of my colleagues to vote "no" on H.R. 2362.

VOTE NO ON H.R. 2362

DEAR COLLEAGUE: We urge you to oppose H.R. 2362, the Indian Tribal Trade and Investment Demonstration Project Act of 2011, when it is considered on the House floor today. This bill provides for investment activities by WTO member nations in a select number of Indian tribal lands, with implied special consideration for Turkish businesses. Although the bill ostensibly applies equally to all WTO member nations, its Findings section exclusively discusses Turkey's relations with Native Americans, alleging that Turkey has "demonstrated a unique interest in bolstering cultural, political, and economic relationships with Indian tribes and tribal members"—without explaining the nature of this "unique interest." Moreover, in both the operative and non-operative sections of the bill, the concept of "all WTO member nations" is expressed as "Turkey and other World Trade Organization member nations"—an odd description that, if adopted by Congress, would suggest that the United States, for no apparent reason, prefers Turkish investment in tribal areas over that from other WTO member nations.

Turkey is an important NATO ally, but we are concerned about the prospect of singling out Turkey for special consideration at a time when Ankara is pursuing so many objectionable policies. For example:

Turkey recognizes the terrorist Hamas government in Gaza and even received its leader in the Turkish parliament earlier this year—disturbing hypocrisy from a state that receives U.S. support for its own fight against terrorism. Turkey also demands that Israel end its naval blockade of Gaza, despite the deadly security threat Hamas poses to

Israel. Turkey's repeated, flagrant criticism of Israel is particularly troubling and potentially destabilizing.

As a member of the UN Security Council two years ago, Turkey voted against sanctions on Iran.

For 38 years, Turkey has illegally occupied the northern third of the island Republic of Cyprus, a member of the European Union. More recently, Turkey has threatened the use of force to stop Texas-based Noble Energy from drilling for oil and gas off the shores of EU-member Cyprus and to blacklist any businesses that work with Cyprus for natural resource extraction.

Turkey continues to deny the Armenian Genocide during which 1.5 million Armenians perished and has threatened punitive measures against the United States if Congress recognizes this tragic event. Since 1993 Turkey has maintained a destabilizing blockade of Armenia.

On July 19, Congress sent H.R. 205 to the President for signature into law. That bill, known as the HEARTH Act, provides that all Native American tribes, not just a few, would have the right to lease tribal lands for economic development purposes to any party, domestic or foreign—not just to Turkish parties. H.R. 205 would also maintain traditional federal government oversight of economic use of tribal lands; in contrast, H.R. 2362 would limit that oversight for the tribal lands to which it would apply. But, even at it is best, H.R. 2362—with its focus on only a few tribal areas and its implied preference for Turkish investment—is redundant and an unusual, unprecedented, and unnecessary endorsement of a state that, though an ally, continues to pursue problematic policies.

We encourage you to vote no on H.R. 2362.

HOWARD L. BERMAN.  
GARY ACKERMAN.  
ELIOT ENGEL.  
SHELLEY BERKLEY.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, H.R. 2362, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SARBANES. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

□ 1640

#### BRIDGEPORT INDIAN COLONY LAND TRUST, HEALTH, AND ECONOMIC DEVELOPMENT ACT OF 2012

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2467) to take certain Federal lands in Mono County, California, into trust for the benefit of the Bridgeport Indian Colony, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2467

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Bridgeport Indian Colony Land Trust, Health, and Economic Development Act of 2012".

#### SEC. 2. LANDS TO BE TAKEN INTO TRUST.

(a) IN GENERAL.—Subject to valid existing rights and management agreements related to easements and rights-of-way, all right, title, and interest (including improvements and appurtenances) of the United States in and to the Federal lands described in subsection (b) are hereby declared to be held in trust by the United States for the benefit of the Bridgeport Indian Colony, except that the oversight and renewal of all easements and rights-of-way with the Bridgeport Public Utility District in existence on the date of the enactment of this Act shall remain the responsibility of the Bureau of Land Management.

(b) FEDERAL LANDS DESCRIBED.—The Federal lands referred to in subsection (a) are the approximately 39.36 acres described as follows:

(1) The South half of the South half of the Northwest quarter of the Northwest quarter of the Northeast quarter and the North half of the Southwest quarter of the Northwest quarter of the Northeast quarter of Section 21, Township 8 North, Range 23 East, Mount Diablo Meridian, containing 7.5 acres, more or less, as identified on the map titled "Bridgeport Camp Antelope Parcel" and dated July 26, 2010.

(2) Lots 1 and 2 of the Bureau of Land Management survey plat entitled "Dependent resurvey of a portion of the subdivision of Section 28, designed to restore the corners in their true original locations according to the best available evidence, and the further subdivision of Section 28 and the metes and bounds survey of a portion of the right-of-way of California State Highway No. 182, Township 5 North, Range 25 East, Mount Diablo Meridian, California" and dated February 21, 2003 containing 31.86 acres, more or less.

(c) AVAILABILITY OF MAP.—The maps referred to in subsection (b) shall be on file and available for public inspection at the office of the California State Director, Bureau of Land Management.

(d) GAMING.—Land taken into trust under this section shall not be eligible for, or considered to have been taken into trust for, class II gaming or class III gaming (as those terms are defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentleman from the Northern Mariana Islands (Mr. SABLON) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and add extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. I yield myself such time as I may consume.

Mr. Speaker, H.R. 2467, which is sponsored by our colleague from California (Mr. McKEON), places two parcels of land in trust for a tribe in his district known as the Bridgeport Indian Colony. This is a small tribe located in a fairly remote area in eastern California.

The two parcels are approximately 40 acres of public land currently administered by the Bureau of Land Management. One parcel is a 32-acre tract located along Highway 182, adjacent to the tribe's existing reservation. The tribe states that it intends to use the lands for housing and related community development because its existing reservation is running out of room for additional uses.

The other parcel is a 7.5-acre tract located 30 miles off the tribe's reservation. The tribe originally leased this property from the Bureau of Land Management for a health clinic which closed several years ago. The tribe still owns the building and has expressed its intent to reopen the clinic, but without ownership of the property in trust it is unlikely this purpose can be achieved.

Hearings were held on a similar bill in the last Congress, and the Subcommittee on Indian and Alaska Native Affairs held a hearing this year. The Department of the Interior has not expressed reservations with holding these public lands in trust for the tribe, nor has it requested the tribe to pay for the public land.

Though the committee has heard no opposition to the bill, the local public utility district serving the city of Bridgeport requested language to clarify that existing easements serving the district's customers remain the responsibility of the BLM. The bill's sponsor, Mr. McKEON, worked out language, after consulting with all affected parties, to ensure this request was appropriately handled for the benefit of the town and of the tribe.

I want to point out that while the bill was reported by the Natural Resources Committee without objection from its members, it lacked language addressing potential tribal gambling rights on the new trust land. Because the expansion of gambling under the Indian Gaming Regulatory Act may cause concern among many Members in the House, and because the primary purpose of the lands, as explained by the tribe, is not for operating a casino, the text of the bill before us today includes new language prohibiting class II and class III gaming on the public lands.

With that, the bill is a good bill, and I urge its passage. I reserve the balance of my time.

Mr. SABLÁN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2467 would transfer two parcels of Federal land into trust

for the exclusive benefit of the Bridgeport Indian Colony, a Federally recognized Indian tribe located in rural Mono County, California.

The tribe seeks to expand its reservation in order to address its additional housing and community development needs, as well as to address its need for a local community health services clinic that will service Indian and non-Indians in the area.

I urge my colleagues to support H.R. 2467, and I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I'm very pleased to yield 5 minutes to the author of this legislation, the gentleman from California (Mr. McKEON).

Mr. McKEON. Mr. Speaker, I rise today in support of my legislation, H.R. 2467, the Bridgeport Indian Colony Land Trust, Health, and Economic Development Act of 2012. I want to thank Chairman HASTINGS and Ranking Member MARKEY, as well as subcommittee Chairman YOUNG and Ranking Member LUJÁN, for giving my legislation a fair hearing and moving the bill through the committee.

Mr. Speaker, the Bridgeport Indian Colony is a Federally recognized Indian tribe with a reservation located near the town of Bridgeport in Mono County, California. The tribe's reservation is approximately 40 acres and was established by Federal law in 1974. However, the size of the current reservation is insufficient for the tribe's housing and community development needs.

In order to create space for economic development and housing, my legislation proposes to transfer from the BLM to the BIA to hold in trust for the tribe one parcel of land contiguous to the tribe's existing reservation, totaling approximately 31 acres. On this parcel, the tribe plans to construct an RV park, gas station, convenience store, and residential housing for tribal members, as well as a recreational center to serve the greater community.

Mr. Speaker, many tribal members have expressed interest in moving back to the reservation if housing and job opportunities can be made available. And this bill will create jobs in a part of my district where unemployment is over 10 percent.

Additionally, my legislation would promote the health care of the tribe and community by taking into trust a 7-acre BLM parcel where the Toiyabe Indian Health Project previously served the community, allowing the clinic to be reopened and returned to service. Currently, members of the tribe have to drive 90 miles to Bishop to obtain health care services.

In the 1980s, the tribe applied for and received a community development block grant from the Department of Housing and Urban Development in order to build a health care facility in Mono County. With Toiyabe Indian

Health Project directing the project, the Camp Antelope Health Clinic was built on a 7.16-acre parcel of Federal land one mile north of Walker, California, approximately 30 miles from the tribe's reservation—60 miles closer than the Bishop health clinic. Unfortunately, the Toiyabe Indian Health Project closed the Camp Antelope Health Clinic in 2006.

The tribe and the Toiyabe Indian Health Project have agreed that the health clinic needs to be reopened, and the investment of the Federal funds in the development of the health clinic from the CDBG grant adds to the importance of maintaining the parcel under Federal ownership.

Mr. Speaker, throughout the process of developing this legislation, I worked closely with the tribe and the Bridgeport Public Utility District to mitigate any concerns that the utility district had regarding the rights of way of an easement which crosses the first parcel proposed for transfer from the BLM to the BIA in trust to the tribe. The services provided by the utility district, both to the community of Bridgeport as well as to the tribe, depend on the infrastructure where this easement is located. Currently, the easement is managed by the BLM and is subject to periodic renewal. I clarified in my legislation that this easement should continue to be managed by the BLM, as this has proven successful.

The Mono County Board of Supervisors voted to support the land transfer in October of 2009 and agreed unanimously in April of 2010 to enter into a memorandum of understanding with the tribe, thus supporting the tribe's efforts to have these parcels of land transferred into trust. Additionally, there is language contained in my bill that clarifies that there will be no new gaming on lands that are acquired by the tribe.

Mr. Speaker, thank you for giving my bill time on the floor. The additional land will be greatly beneficial to the Bridgeport Indian Tribe, and I urge Members to support this vital legislation.

Mr. SABLÁN. Mr. Speaker, may I ask if there are additional speakers on the other side?

Mr. HASTINGS of Washington. Mr. Speaker, I tell my friend I have no requests for time, and I am prepared to yield back if the gentleman is.

Mr. SABLÁN. Mr. Speaker, we also urge the support and passage of this legislation, and I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, this is a good piece of legislation; I urge its passage. And I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, H.R. 2467, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1650

# REPEAL OF PROVISION RELATING TO MOTOR VEHICLE INSURANCE COST REPORTING

Mrs. BONO MACK. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5859) to repeal an obsolete provision in title 49, United States Code, requiring motor vehicle insurance cost reporting, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5859

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. REPEAL.

*Subsection (c) of section 32302 of title 49, United States Code, is repealed, and any regulations promulgated under such subsection shall have no force or effect.*

## SEC. 2. DETERMINATION REGARDING PROVISION OF DAMAGE SUSCEPTIBILITY INFORMATION TO CONSUMERS.

*(a) IN GENERAL.—Section 32302(b) of title 49, United States Code, is amended by adding at the end the following: “The Secretary, after providing an opportunity for public comment, shall study and report to Congress the most useful data, format, and method for providing simple and understandable damage susceptibility information to consumers.”.*

*(b) DEADLINE.—The Secretary of Transportation shall carry out the last sentence of section 32302(b) of title 49, United States Code, as added by subsection (a), not later than the date that is 2 years after the date of the enactment of this Act.*

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. BONO MACK) and the gentleman from North Carolina (Mr. BUTTERFIELD) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

Mrs. BONO MACK. Mr. Speaker, I yield myself such time as I may consume.

### GENERAL LEAVE

Mrs. BONO MACK. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to insert extraneous materials into the RECORD on H.R. 5859.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. BONO MACK. Today, we have an opportunity to slam the car door on an obsolete provision in the United States Code requiring motor vehicle insurance cost reporting, which is of little or no use to American consumers.

I want to commend Mr. HARPER of Mississippi and Mr. OWENS of New York

for their bipartisan work on H.R. 5859, as well as Chairman UPTON and Ranking Member WAXMAN for their leadership in moving this legislation forward. I also want to thank my good friend and colleague, Mr. BUTTERFIELD of North Carolina, our subcommittee's ranking member, for his help with our efforts to repeal this costly and outdated provision of the law.

Additionally, just this morning, I received word that the five leading automotive trade associations in the U.S., including the National Automobile Dealers Association, are all supportive of H.R. 5859, and here's why.

In 1993, NHTSA issued a final rule requiring new-car dealers to make available to buyers a booklet containing the latest information on insurance costs. The information is updated by NHTSA annually, based on data from the Highway Loss Data Institute.

The information required by this regulation is rarely sought by consumers and its value is highly questionable. Insurance premiums are based primarily on factors that are unrelated to the susceptibility of damage to a vehicle, including the driver's age, driving record, location, and miles driven.

Additionally, a recent survey of 850 members of the National Automobile Dealers Association reported 96 percent of its dealers have never been asked by a customer—not even once—to see the insurance cost booklet that is at issue here today.

Clearly, this is yet another example of where the cost of a Federal regulation outweighs its potential benefit. As a nation, we simply cannot afford to keep doing business that way. And frankly, the current law has more problems than an old, dirty, oil-burn engine.

Today, new-car dealers face civil penalties if they do not provide, upon request, the booklet that discloses the relative cost to repair vehicles after a collision, yet the data is completely generic and skewed by averaging the repair costs of everything from fender-benders to vehicle rollovers. How is this useful information to consumers at the point of sale?

Even more troubling, this information is not always accurate or up to date. For the most part, it is simply a compilation of historical information and does not take into account new model year changes that can significantly alter how a car performs in a crash.

And finally, even the administration suggests this requirement should be eliminated. In technical comments provided earlier this year to Congress, NHTSA describes the data as, and I'm quoting now:

rarely used and not useful because the differences in rates due to loss payments are overshadowed by differences in premiums due to driver demographics, geographic location, and the relative prices of the vehicles.

In other words, the requirement is simply not working as intended, and it's become a needless cost and burden to automobile dealers nationwide.

Today, we have an opportunity to tow this clunker of a regulation to the junkyard where it belongs and to provide America's nearly 20,000 automobile dealers with some important regulatory relief.

Mr. Speaker, I reserve the balance of my time.

Mr. BUTTERFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5859 repeals a provision of law related to the reporting of automobile insurance cost. This provision requires car dealers to make available to prospective buyers information that compares insurance costs for different vehicles based on damage susceptibility.

While I am always wary of any attempts to limit consumer information, clearly, the provision of law that H.R. 5859 would repeal is simply not working as intended.

Every year, the National Highway Traffic Safety Administration, or NHTSA, as we call it, produces and sends to auto dealers a booklet containing insurance cost information. Dealers have told us that very few consumers even ask for the booklet. Yet, under Federal law, NHTSA is still required to produce and distribute these booklets, and dealers are still required to make them available.

I am not opposed, Mr. Speaker, to ending the current reporting mandate. However, we should not repeal this mandate without acknowledging that the impetus behind the original provision is sound. The purpose of the provision was to give consumers a basis for comparing damageability risk at the point of sale.

Damageability is about how much damage a car is likely to sustain when a collision occurs, even at very low speed. The law also intended to create an incentive for manufacturers to produce cars which are more resistant to damage and less expensive to repair and service.

Whether you think the current requirement is a nuisance for auto dealers or you think that NHTSA has missed the mark in its implementation of the mandate, I think we should accept that consumers continue to have a legitimate interest in minimizing the costs associated with minor collisions.

Therefore, I would like to thank Congressman HARPER for his interest in this; Congressman OWENS, on our side of the aisle, from New York, who was one of the original Members of Congress who presented this idea; Chairman BONO MACK and Chairman UPTON and Ranking Member WAXMAN for all working with me to include alongside the repeal a requirement that NHTSA thoroughly examine—that would be the



requirement—that NHTSA would thoroughly reexamine the issue of how best to inform prospective buyers about damage susceptibility.

I think we have struck the right balance. We fix a valid problem and keep in place a valuable principle.

Under the bill before us, NHTSA would have 2 years—2 years—to conduct a study, solicit public comment, and issue a report to Congress that will determine the most useful data, format, and method for providing simple and understandable damage susceptibility information to consumers. The agency would evaluate whether insurance costs are the best measure of damage susceptibility or whether there is a better way to make comparisons between vehicles and a better way to make such information available to consumers.

Mr. Speaker, I've said time and time again that information is power, and that is certainly true. For example, the NHTSA program Stars on Cars, which provides crashworthiness information to consumers, gives prospective car buyers information they need about how well a vehicle will protect them and their family in the event of a crash. And car companies now routinely compete to make safer cars that better protect passengers.

If we pass H.R. 5859, complete with a provision to get NHTSA to find a better way for consumers to get important damageability information, the same may be accomplished in this case. And so, therefore, I join my colleagues in asking all of our colleagues to vote for this amendment.

I reserve the balance of my time.

Mrs. BONO MACK. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Mississippi (Mr. HARPER), a terrific member of the Commerce, Manufacturing, and Trade Subcommittee.

Mr. HARPER. Mr. Speaker, I'm proud to be the lead sponsor of H.R. 5859. This bipartisan bill repeals an obsolete mandate that the National Highway Traffic Safety Administration has said is rarely used and not helpful.

Since 1991, the Department of Transportation has annually distributed by mail a document, entitled, "Relative Collision Insurance Cost Information." This information is sent by mail to new-vehicle dealers who are required to make the information available to prospective new-vehicle customers upon request.

□ 1700

NHTSA has spent hundreds of thousands of dollars distributing this booklet over the past 21 years. While this information is of value to insurance actuaries, it has been of little or no use to consumers—for whom it is primarily intended. Insurance premiums are set through numerous factors that take into account driver characteristics,

such as age, gender, marital status, driving record, and geographical location. No brochure produced annually by the Federal Government can accurately gauge a prospective new car owner's insurance premium cost.

A recent survey by the National Automobile Dealers Association confirmed what was expected: out of 800 new car dealers polled, an overwhelming 96 percent of the dealers answered that not a single customer had ever even asked for a booklet. I would like to make note that, if this regulation is repealed, the data will still be compiled, and NHTSA will still have the discretion to provide this information to consumers on their Web sites.

We have heard from witnesses like Mr. Jack Fitzgerald, who has been in the car business all of his life. Neither he nor his employees have ever been asked for a copy of this booklet. In my home State of Mississippi, Butch Oustalet of Butch Oustalet Ford Lincoln in Gulfport, informed my staff that, despite selling thousands of vehicles to so many people over the years, not one customer has ever asked for this booklet. Barker Honda of Brookhaven and New South Ford of Meridian also reported that no customer has ever asked for a copy of this booklet. When customers go into a dealership and ask what their insurance premiums will be, they all agree that the best way to get accurate quotes is for them to simply contact their insurance agents.

This simple and bipartisan bill, if passed, would show that Congress is serious about efforts to alleviate burdensome and unneeded regulations on businesses across this country. The President states that it is a priority of his administration's to get rid of absurd and unnecessary paperwork requirements that waste time and money. I say that Congress should lead now with H.R. 5859.

I would like to thank Subcommittee Chairman BONO MACK, Chairman UPTON and the Energy and Commerce Committee for moving H.R. 5859. I would also like to thank Congressman BILL OWENS from New York for his hard work and leadership on this legislation.

Mr. BUTTERFIELD. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. OWENS).

Mr. OWENS. I thank my colleague.

Mr. Speaker, I rise today to join Mr. HARPER as an original cosponsor to offer legislation to repeal an outdated mandate on auto dealerships across the country.

Under current rules, the National Highway Traffic Safety Administration is required to distribute a hard copy information booklet on vehicle insurance costs to auto dealers. In addition, those auto dealers are then required to keep the booklet on hand and make it available to prospective customers.

Before coming to Congress, I had the opportunity to represent Bill McBride and Gerry Garrand, two auto dealers located in Plattsburgh, New York. Working alongside the McBride and Garrand teams helped me better understand the automobile retail market and the pressure dealers are under to remain competitive. Today, we have a chance to remove a regulation, which we can all agree is outdated, for the benefit of taxpayers and businesses like those in my congressional district. I believe actions like this make common sense, and I urge more of it.

Over the past 21 years, NHTSA has spent hundreds of thousands of dollars distributing this information, much of which is unnecessary for an average customer who is trying to make an informed decision in the showroom. Recent surveys show that few, if any, customers ask for this information in a given year. In fact, as much as 96 percent of auto dealers have never once been asked for this information at all.

Putting information in the hands of consumers is sensible. For the average American family, buying a car is a major expense. Most people will consider price, safety ratings, and other features, and will compare a number of makes and models before making a purchase. However, the data show that few American families make NHTSA's Relative Collision Insurance Cost Information booklet a part of that decision-making process.

With that in mind, our legislation simply ensures that auto dealers will no longer be required to make this unused information available to their customers at taxpayer expense. At the same time, the bill allows NHTSA and the Highway Loss Data Institute complete flexibility to make this information available online, which HLDI has said it will do. This is an example of the commonsense bipartisanship we need to see more of, working together to reduce outdated, unnecessary or overly burdensome regulations to the benefit of businesses, families, and taxpayers at large.

I thank Mr. HARPER for his leadership on this issue and for working with me to get this done for auto dealers across the country. Moreover, I am pleased to have had the opportunity to have worked with my colleagues from both sides of the aisle in order to help make government work better. I urge a "yes" vote on this legislation.

Mrs. BONO MACK. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. KELLY).

Mr. KELLY. I thank the gentlelady from California.

Mr. Speaker, I rise today to urge the passage of H.R. 5859. This legislation repeals a requirement that auto dealers provide consumers with an insurance cost booklet.

I actually know about this because I am an automobile dealer, and I've



spent 45 years in the showroom and on the lots. To the best of my recollection—and we service anywhere from 800 to 1,000 people a month—nobody has ever come into our showroom and ever asked for that booklet. It just never happens. This booklet has information that is useless and totally irrelevant to the average consumer.

Let me read from the booklet:

The table presents vehicles' collision loss experience in relative terms, with 100 representing the average for all passenger vehicles. Thus, a rating of 122 reflects a collision loss experience that is 22 percent higher, or worse, than average while a rating of 96 reflects a collision loss experience that is 4 percent lower, or better, than average.

It goes on to say:

It is unlikely your total premium will vary more than 10 percent depending upon the collision loss experience of a particular vehicle.

It then goes on to say that, if you really want to find out about the insurance, what you really need to do is to contact the insurance carriers or the companies directly.

Do you know what? I didn't want to base it just on what I know. I've talked to a lot of my friends who are also in the automobile business, and I've asked them, Have you ever had anybody walk in the store and ask for this? They've said, Absolutely not. It has never happened.

We called the NHTSA hotline, the booklet hotline. The representative said—and this is NHTSA's representative—I have no idea about the booklet. He said, Do you know what you need to do? You need to call your insurance agent. Now, this is NHTSA's person. This is their hotline.

Last month—again, not relying on my 45 years of experience—I went back into our store, and I went to one of our sales meetings. I asked our guys and our girls, who have a combined sales experience of 250 years, Listen, I've never had this happen, but has anybody ever come in and asked for this insurance collision loss booklet? Nobody—nobody—had heard of it. Nobody has ever come in—zero, nada—and asked for that booklet.

Now, here is the deal. Dealers have to have this booklet available. Should somebody ask for it and you can't provide it, there is a fine of \$1,000 per occurrence with a max of \$400,000. That's what the fine is capped at. So, if somebody comes into the showroom and asks for the booklet and you don't have it and you get audited on it, it's \$1,000. Unfortunately, the government caps it at \$400,000.

So, when you look at these things, again, the unintended consequences have such a dire effect on the American people. These are taxpayer dollars that are being wasted on information that is irrelevant, never asked for. Nobody cares about it. So I join my colleagues.

I thank Mr. OWENS, and I also thank Mr. HARPER and Mrs. BONO MACK for

bringing this forward today. It is another waste of taxpayer money that serves no purpose to the American people. I urge the passage of H.R. 5859.

Mr. BUTTERFIELD. I don't have any more speakers on my side.

I yield back the balance of my time. Mrs. BONO MACK. In closing, I just want to strongly urge the passage of H.R. 5859. It passed unanimously out of the Energy and Commerce Committee.

Again, I would like to thank Mr. BUTTERFIELD for his hard work, and I would like to thank the staff for their hard work and for the bipartisan nature that we all approached this with. I would also like to thank my staff for their hard work.

In 1993, this insurance reporting provision probably made sense.

□ 1710

But today, after being road tested now for nearly 20 years and with so much information currently available to consumers simply on the Internet, the Kelley Blue Book value on this regulation is just darn near next to nothing. Let's junk it and move on.

With that, Mr. Speaker, I urge passage of this bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. BONO MACK) that the House suspend the rules and pass the bill, H.R. 5859, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### PILOT'S BILL OF RIGHTS

Mr. BUCSHON. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1335) to amend title 49, United States Code, to provide rights for pilots, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1335

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Pilot's Bill of Rights".

#### SEC. 2. FEDERAL AVIATION ADMINISTRATION ENFORCEMENT PROCEEDINGS AND ELIMINATION OF DEFERENCE.

(a) IN GENERAL.—Any proceeding conducted under subpart C, D, or F of part 821 of title 49, Code of Federal Regulations, relating to denial, amendment, modification, suspension, or revocation of an airman certificate, shall be conducted, to the extent practicable, in accordance with the Federal Rules of Civil Procedure and the Federal Rules of Evidence.

(b) ACCESS TO INFORMATION.—

(1) IN GENERAL.—Except as provided under paragraph (3), the Administrator of the Federal Aviation Administration (referred to in

this section as the "Administrator") shall provide timely, written notification to an individual who is the subject of an investigation relating to the approval, denial, suspension, modification, or revocation of an airman certificate under chapter 447 of title 49, United States Code.

(2) INFORMATION REQUIRED.—The notification required under paragraph (1) shall inform the individual—

(A) of the nature of the investigation;

(B) that an oral or written response to a Letter of Investigation from the Administrator is not required;

(C) that no action or adverse inference can be taken against the individual for declining to respond to a Letter of Investigation from the Administrator;

(D) that any response to a Letter of Investigation from the Administrator or to an inquiry made by a representative of the Administrator by the individual may be used as evidence against the individual;

(E) that the releasable portions of the Administrator's investigative report will be available to the individual; and

(F) that the individual is entitled to access or otherwise obtain air traffic data described in paragraph (4).

(3) EXCEPTION.—The Administrator may delay timely notification under paragraph (1) if the Administrator determines that such notification may threaten the integrity of the investigation.

(4) ACCESS TO AIR TRAFFIC DATA.—

(A) FAA AIR TRAFFIC DATA.—The Administrator shall provide an individual described in paragraph (1) with timely access to any air traffic data in the possession of the Federal Aviation Administration that would facilitate the individual's ability to productively participate in a proceeding relating to an investigation described in such paragraph.

(B) AIR TRAFFIC DATA DEFINED.—As used in subparagraph (A), the term "air traffic data" includes—

(i) relevant air traffic communication tapes;

(ii) radar information;

(iii) air traffic controller statements;

(iv) flight data;

(v) investigative reports; and

(vi) any other air traffic or flight data in the Federal Aviation Administration's possession that would facilitate the individual's ability to productively participate in the proceeding.

(C) GOVERNMENT CONTRACTOR AIR TRAFFIC DATA.—

(i) IN GENERAL.—Any individual described in paragraph (1) is entitled to obtain any air traffic data that would facilitate the individual's ability to productively participate in a proceeding relating to an investigation described in such paragraph from a government contractor that provides operational services to the Federal Aviation Administration, including control towers and flight service stations.

(ii) REQUIRED INFORMATION FROM INDIVIDUAL.—The individual may obtain the information described in clause (i) by submitting a request to the Administrator that—

(I) describes the facility at which such information is located; and

(II) identifies the date on which such information was generated.

(iii) PROVISION OF INFORMATION TO INDIVIDUAL.—If the Administrator receives a request under this subparagraph, the Administrator shall—

(I) request the contractor to provide the requested information; and

(II) upon receiving such information, transmitting the information to the requesting individual in a timely manner.

(5) **TIMING.**—Except when the Administrator determines that an emergency exists under section 44709(c)(2) or 46105(c), the Administrator may not proceed against an individual that is the subject of an investigation described in paragraph (1) during the 30-day period beginning on the date on which the air traffic data required under paragraph (4) is made available to the individual.

(c) **AMENDMENTS TO TITLE 49.**—

(1) **AIRMAN CERTIFICATES.**—Section 44703(d)(2) of title 49, United States Code, is amended by striking “but is bound by all validly adopted interpretations of laws and regulations the Administrator carries out unless the Board finds an interpretation is arbitrary, capricious, or otherwise not according to law”.

(2) **AMENDMENTS, MODIFICATIONS, SUSPENSIONS, AND REVOCATIONS OF CERTIFICATES.**—Section 44709(d)(3) of such title is amended by striking “but is bound by all validly adopted interpretations of laws and regulations the Administrator carries out and of written agency policy guidance available to the public related to sanctions to be imposed under this section unless the Board finds an interpretation is arbitrary, capricious, or otherwise not according to law”.

(3) **REVOCATION OF AIRMAN CERTIFICATES FOR CONTROLLED SUBSTANCE VIOLATIONS.**—Section 44710(d)(1) of such title is amended by striking “but shall be bound by all validly adopted interpretations of laws and regulations the Administrator carries out and of written agency policy guidance available to the public related to sanctions to be imposed under this section unless the Board finds an interpretation is arbitrary, capricious, or otherwise not according to law”.

(d) **APPEAL FROM CERTIFICATE ACTIONS.**—

(1) **IN GENERAL.**—Upon a decision by the National Transportation Safety Board upholding an order or a final decision by the Administrator denying an airman certificate under section 44703(d) of title 49, United States Code, or imposing a punitive civil action or an emergency order of revocation under subsections (d) and (e) of section 44709 of such title, an individual substantially affected by an order of the Board may, at the individual's election, file an appeal in the United States district court in which the individual resides or in which the action in question occurred, or in the United States District Court for the District of Columbia. If the individual substantially affected by an order of the Board elects not to file an appeal in a United States district court, the individual may file an appeal in an appropriate United States court of appeals.

(2) **EMERGENCY ORDER PENDING JUDICIAL REVIEW.**—Subsequent to a decision by the Board to uphold an Administrator's emergency order under section 44709(e)(2) of title 49, United States Code, and absent a stay of the enforcement of that order by the Board, the emergency order of amendment, modification, suspension, or revocation of a certificate shall remain in effect, pending the exhaustion of an appeal to a Federal district court as provided in this Act.

(e) **STANDARD OF REVIEW.**—

(1) **IN GENERAL.**—In an appeal filed under subsection (d) in a United States district court, the district court shall give full independent review of a denial, suspension, or revocation ordered by the Administrator, including substantive independent and expedited review of any decision by the Administrator to make such order effective immediately.

(2) **EVIDENCE.**—A United States district court's review under paragraph (1) shall include in evidence any record of the proceeding before the Administrator and any record of the proceeding before the National Transportation Safety Board, including hearing testimony, transcripts, exhibits, decisions, and briefs submitted by the parties.

**SEC. 3. NOTICES TO AIRMEN.**

(a) **IN GENERAL.**—

(1) **DEFINITION.**—In this section, the term “NOTAM” means Notices to Airmen.

(2) **IMPROVEMENTS.**—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall begin a Notice to Airmen Improvement Program (in this section referred to as the “NOTAM Improvement Program”)—

(A) to improve the system of providing airmen with pertinent and timely information regarding the national airspace system;

(B) to archive, in a public central location, all NOTAMs, including the original content and form of the notices, the original date of publication, and any amendments to such notices with the date of each amendment; and

(C) to apply filters so that pilots can prioritize critical flight safety information from other airspace system information.

(b) **GOALS OF PROGRAM.**—The goals of the NOTAM Improvement Program are—

(1) to decrease the overwhelming volume of NOTAMs an airman receives when retrieving airman information prior to a flight in the national airspace system;

(2) to make the NOTAMs more specific and relevant to the airman's route and in a format that is more useable to the airman;

(3) to provide a full set of NOTAM results in addition to specific information requested by airmen;

(4) to provide a document that is easily searchable; and

(5) to provide a filtering mechanism similar to that provided by the Department of Defense Notices to Airmen.

(c) **ADVICE FROM PRIVATE SECTOR GROUPS.**—The Administrator shall establish a NOTAM Improvement Panel, which shall be comprised of representatives of relevant nonprofit and not-for-profit general aviation pilot groups, to advise the Administrator in carrying out the goals of the NOTAM Improvement Program under this section.

(d) **PHASE-IN AND COMPLETION.**—The improvements required by this section shall be phased in as quickly as practicable and shall be completed not later than the date that is 1 year after the date of the enactment of this Act.

**SEC. 4. MEDICAL CERTIFICATION.**

(a) **ASSESSMENT.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall initiate an assessment of the Federal Aviation Administration's medical certification process and the associated medical standards and forms.

(2) **REPORT.**—The Comptroller General shall submit a report to Congress based on the assessment required under paragraph (1) that examines—

(A) revisions to the medical application form that would provide greater clarity and guidance to applicants;

(B) the alignment of medical qualification policies with present-day qualified medical judgment and practices, as applied to an individual's medically relevant circumstances; and

(C) steps that could be taken to promote the public's understanding of the medical re-

quirements that determine an airman's medical certificate eligibility.

(b) **GOALS OF THE FEDERAL AVIATION ADMINISTRATION'S MEDICAL CERTIFICATION PROCESS.**—The goals of the Federal Aviation Administration's medical certification process are—

(1) to provide questions in the medical application form that—

(A) are appropriate without being overly broad;

(B) are subject to a minimum amount of misinterpretation and mistaken responses;

(C) allow for consistent treatment and responses during the medical application process; and

(D) avoid unnecessary allegations that an individual has intentionally falsified answers on the form;

(2) to provide questions that elicit information that is relevant to making a determination of an individual's medical qualifications within the standards identified in the Administrator's regulations;

(3) to give medical standards greater meaning by ensuring the information requested aligns with present-day medical judgment and practices; and

(4) to ensure that—

(A) the application of such medical standards provides an appropriate and fair evaluation of an individual's qualifications; and

(B) the individual understands the basis for determining medical qualifications.

(c) **ADVICE FROM PRIVATE SECTOR GROUPS.**—The Administrator shall establish a panel, which shall be comprised of representatives of relevant nonprofit and not-for-profit general aviation pilot groups, aviation medical examiners, and other qualified medical experts, to advise the Administrator in carrying out the goals of the assessment required under this section.

(d) **FEDERAL AVIATION ADMINISTRATION RESPONSE.**—Not later than 1 year after the issuance of the report by the Comptroller General pursuant to subsection (a)(2), the Administrator shall take appropriate actions to respond to such report.

The **SPEAKER** pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. BUCSHON) and the gentleman from Illinois (Mr. COSTELLO) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana.

**GENERAL LEAVE**

Mr. BUCSHON. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous materials on S. 1335.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. BUCSHON. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of the Pilot's Bill of Rights.

S. 1335, the Pilot's Bill of Rights, is intended to restore fairness to airmen and Federal Aviation Administration enforcement proceedings by providing airmen timely access to critical information and adding an additional level of appeal for airmen disputing enforcement action. This bill also requires the FAA to improve the system of providing notices to airmen and directs

the FAA to review and approve the medical certification form.

Pilots have expressed frustration and concerns about what they believe is unfair and inequitable treatment during FAA enforcement proceedings before the National Transportation Safety Board. They complain that the burden of proof is on the airman to prove his or her innocence rather than the FAA proving guilt. To address this, the Pilot's Bill of Rights directs that, to the extent the NTSB finds practical, FAA enforcement proceedings should be conducted in accordance with the Federal Rules of Civil Procedure and Federal Rules of Evidence. This is consistent with protections provided to defendants in other parts of our legal system.

The Pilot's Bill of Rights also requires the FAA to better inform and advise an airman, who is the subject of an investigation, of his or her rights. The goal is to provide an airman with better and timely access to information. This includes notifying an airman that the releasable portions of the administrator's investigative report will, at the appropriate time, be available to the airman.

The bill also clarifies that air traffic data collected by a government contractor that is available to the FAA, such as air traffic communication tapes, radar information, and air traffic controller statements, will also be available to the airman. However, it is important that the pilot community understands that, when the data has to be obtained from a government contractor, time is of the essence. Tapes containing air traffic data from contractors is ordinarily recycled after 15 days and would no longer be available to the FAA or the airman.

S. 1335 eliminates language that expressly bound the NTSB to all validly adopted interpretations of laws and regulations of the FAA unless the NTSB finds an interpretation to be arbitrary, capricious, or otherwise not according to law. The amendments are made only because they are redundant of what is already provided under law. The NTSB, when reviewing FAA cases, will continue to apply principles of judicial deference to the FAA interpretations of the laws, regulations, and policies in accordance with the Supreme Court precedent.

The Pilot's Bill of Rights adds an additional way to appeal to the NTSB's decisions regarding FAA enforcement action.

Currently, an airman goes before an administrative law judge at the NTSB and can appeal any decisions to the full NTSB board and, ultimately, to the court of appeals. According to pilots, the courts generally defer to the NTSB's decisions. It's not a true or fair appellate process.

The Pilot's Bill of Rights allows an airman to elect to file an appeal of his

or her case in either the U.S. District Court or the U.S. Circuit Court of Appeals. It is the intent of Congress that courts not act in a way that is contrary to civil aviation safety in conducting their reviews of the NTSB's decisions.

Lastly, the Pilot's Bill of Rights requires the FAA to improve the system of providing notices to airmen—NOTAMs—and to undertake an assessment of the medical certification standards and forms. The overwhelming volume of NOTAMs and a vague and outdated medical certification process can lead to confusion and, ultimately, an FAA enforcement proceeding against an airman.

Again, I rise in strong support of S. 1335 and urge my colleagues to do the same.

I reserve the balance of my time.

Mr. COSTELLO. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of S. 1335, the Pilot's Bill of Rights.

I want to commend Senator INHOFE from Oklahoma for his leadership on this issue, as well as Chairman PETRI and Congressman BUCSHON, for bringing the bill to the floor in an expedited manner.

S. 1335 revises the process for the Federal Aviation Administration enforcement action against pilots, mechanics, and other airmen. The bill also directs the FAA to streamline important safety-related information provided to pilots before flight.

As I have said many times, the FAA must have the authority and resources necessary to keep the skies safe. To keep the skies safe, the FAA must use its enforcement power to take action, when appropriate, against pilots and other airmen who act in an unsafe manner. This bill does not weaken that authority; rather, it requires the FAA to hand over, at the earliest appropriate time, the evidence that could be used against pilots involved in enforcement actions, and it provides pilots with a new opportunity to test the FAA's enforcement orders in court. Additionally, the bill directs the FAA to streamline its publication of notices to pilots to ensure that they receive high priority and relevant safety information before flight.

This legislation is strongly supported by the Aircraft Owners and Pilots Association and the general aviation community.

Mr. Speaker, I'm pleased to support this bill authored by my friend, Senator INHOFE.

I yield back the balance of my time.

Mr. BUCSHON. Mr. Speaker, I rise again in strong support of S. 1335.

I'd like to thank Mr. GRAVES, the gentleman from Missouri, the lead sponsor on the majority side, and Mr. LIPINSKI from Illinois, from the minority side, for bringing this bill to the House floor.

I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HARPER). The question is on the motion offered by the gentleman from Indiana (Mr. BUCSHON) that the House suspend the rules and pass the bill, S. 1335.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 1720

#### EDWIN L. MECHEM UNITED STATES COURTHOUSE

Mr. BUCSHON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3742) to designate the United States courthouse located at 100 North Church Street in Las Cruces, New Mexico, as the "Edwin L. Mechem United States Courthouse".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3742

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. FINDINGS.

Congress finds the following:

- (1) Edwin L. Mechem was a land surveyor with the United States Reclamation Service in Las Cruces, New Mexico, from 1932–1935.
- (2) He served as a member of the New Mexico State Police Commission.
- (3) He was a Special Agent with the Federal Bureau of Investigation.
- (4) He attended the New Mexico College of Agriculture and Mechanic Arts, which later became the New Mexico State University in Las Cruces, New Mexico.
- (5) He was admitted to the New Mexico bar in 1939, and practiced law in Albuquerque and Las Cruces, New Mexico.
- (6) He served in the New Mexico House of Representatives from 1947–1948.
- (7) He was the first New Mexico governor born in New Mexico after statehood.
- (8) He served four terms as Governor of New Mexico between 1951 and 1962.
- (9) He served as a United States Senator from New Mexico from 1962–1964.
- (10) He was confirmed by the United States Senate as a United States District Judge for the District of New Mexico on October 8, 1970, and served in that position until his death in 2002.
- (11) He led a rich and accomplished life dedicated to public service which warrants recognition.

SEC. 2. DESIGNATION.

The United States courthouse located at 100 North Church Street in Las Cruces, New Mexico, shall be known and designated as the "Edwin L. Mechem United States Courthouse".

#### SEC. 3. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 2 shall be deemed to be a reference to the "Edwin L. Mechem United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. BUCSHON) and the gentleman

from Illinois (Mr. COSTELLO) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana.

#### GENERAL LEAVE

Mr. BUCSHON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 3742.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. BUCSHON. Mr. Speaker, I yield myself such time as I may consume.

H.R. 3742 would designate the United States courthouse in Las Cruces, New Mexico, as the Edwin L. Mechem United States Courthouse.

I want to thank the gentleman from New Mexico, Representative PEARCE, for his work on this legislation.

Judge Mechem served more than 30 years as a U.S. district judge for the district of New Mexico until his death in 2002. Prior to his judicial appointment, Judge Mechem served as Governor of New Mexico for four terms. He also served as a U.S. Senator as well as a member of the New Mexico House of Representatives. Earlier in his career, he worked as a special agent for the FBI.

Judge Mechem dedicated his life to public service. I believe it is fitting to name this courthouse after him. I support passage of this legislation and urge my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Mr. COSTELLO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support H.R. 3742. It was introduced by the gentleman from New Mexico, and it would designate the United States courthouse located at 100 North Church Street in Las Cruces, New Mexico, as the Edwin L. Mechem United States Courthouse.

Judge Edwin L. Mechem spent a lifetime in public service. Early in his career, he was a special agent of the Federal Bureau of Investigation during World War II and, later, a land surveyor for the U.S. Reclamation Service.

In 1947, Judge Mechem was elected to the New Mexico House of Representatives and went on to become a four-term Republican Governor of the State of New Mexico. Later, he was appointed to the United States Senate to represent the State of New Mexico.

In 1970, President Nixon appointed Judge Mechem as a Federal judge on the U.S. district court for the district of New Mexico, where he served for 32 years before he passed away in 2002.

Judge Mechem will be remembered for his commitment to public service and his distinguished service as a Federal judge.

Mr. Speaker, I encourage my colleagues to support H.R. 3742, and I reserve the balance of my time.

Mr. BUCSHON. Mr. Speaker, I yield 3 minutes to the gentleman from New Mexico (Mr. PEARCE).

Mr. PEARCE. I thank the gentleman for yielding.

Mr. Speaker, I would like to start by thanking Subcommittee Chairman DENHAM and Ranking Member HOLMES NORTON, Committee Chairman MICA and Ranking Member RAHALL for moving H.R. 3742.

I rise today in strong support of this bill.

This bill is very simple. It would name the United States courthouse located in Las Cruces, New Mexico, as the Edwin L. Mechem United States Courthouse.

Governor Mechem was a community leader who dedicated his life to public service. He was a four-term Governor of New Mexico and the first Governor born in New Mexico post-statehood. Governor Mechem also served New Mexico as a member of the New Mexico House of Representatives, in the United States Senate, and as a United States district judge for the district of New Mexico. He presided as United States district judge from 1970 until his death in 2002.

Governor Mechem was born in Alamogordo, New Mexico, shortly after New Mexico gained statehood. He attended what later became New Mexico State University in Las Cruces, New Mexico. And following graduation from the University of Arkansas School of Law, he returned to New Mexico to practice law.

Despite having a successful law practice, Governor Mechem answered America's call and joined the FBI during World War II. After the Allied victory, Governor Mechem returned to his practice, but then ran for a seat in the house of representatives, for which he was elected. He served two terms in the State house, then made a successful bid for Governor of the State of New Mexico. He went on to become the only four-term Governor of New Mexico. Governor Mechem then served 2 years as a United States Senator.

On October 8, 1970, Governor Mechem took the next step of his life in service when he was confirmed by the United States Senate as United States district judge for the district of New Mexico. He dutifully served in that position until his death in 2002.

In a letter to my office, his wife Josephine Mechem wrote:

He loved this State from one end to the other, and vacations were rarely taken outside of New Mexico. All his life, the thing he loved most was to spend his free time driving the back roads, checking the water situation, and seeing that all was well with our crops, our businesses, and our communities.

This year marks the 100th anniversary of New Mexico's statehood, and July 2, 2012, was Governor Mechem's 100th birthday. Naming this courthouse the Edwin L. Mechem United States

Courthouse during 2012 is an honor befitting his life of service; and, as such, I ask my colleagues in the House to vote in favor of H.R. 3742. I would also strongly encourage quick action and passage by our friends in the Senate.

Mr. COSTELLO. Mr. Speaker, at this time I would ask my friend from Indiana if he has additional requests for time.

Mr. BUCSHON. I have no further requests for time.

Mr. COSTELLO. Mr. Speaker, I urge support of this legislation and yield back the balance of my time.

Mr. BUCSHON. Mr. Speaker, I, again, rise in support of H.R. 3742 and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. BUCSHON) that the House suspend the rules and pass the bill, H.R. 3742.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### ROBERT H. JACKSON UNITED STATES COURTHOUSE

Mr. BUCSHON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3556) to designate the new United States courthouse in Buffalo, New York, as the "Robert H. Jackson United States Courthouse".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3556

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. DESIGNATION.

The United States courthouse at 2 Niagara Square, Buffalo, New York shall be known and designated as the "Robert H. Jackson United States Courthouse".

#### SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the "Robert H. Jackson United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. BUCSHON) and the gentleman from Illinois (Mr. COSTELLO) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana.

#### GENERAL LEAVE

Mr. BUCSHON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 3556.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. BUCSHON. Mr. Speaker, I yield myself such time as I may consume.

H.R. 3556 would designate the courthouse in Buffalo, New York, as the Robert H. Jackson United States Courthouse. Justice Jackson was an associate Justice to the United States Supreme Court from 1941 to 1954. He had a long career in public service, including participating in the landmark desegregation case *Brown v. Board of Education*, and serving as chief counsel for the United States in charge of prosecuting Nazi leaders at Nuremberg. Justice Jackson served the Nation and advanced justice both here and at Nuremberg.

I think it's appropriate to honor his dedication by naming this courthouse after him. I support passage of this legislation and urge my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Mr. COSTELLO. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 3556, introduced by the gentleman from New York (Mr. HIGGINS).

The bill would designate the new United States courthouse in Buffalo, New York, as the "Robert H. Jackson United States Courthouse".

Associate Supreme Court Justice Robert H. Jackson is considered one of the finest legal experts in American history.

He served in the U.S. Treasury Department and in several roles within the U.S. Department of Justice, including Attorney General. In 1938, Justice Jackson was appointed as the U.S. Solicitor General where he argued more than 30 cases before the U.S. Supreme Court.

In 1941, Justice Jackson was appointed to the U.S. Supreme Court by President Franklin D. Roosevelt. Justice Jackson served for 13 terms on the U.S. Supreme Court and in 1945, at the request of President Harry S. Truman, Justice Jackson took a leave of absence from the Supreme Court to serve as the United States Chief Prosecutor in the "Nuremberg Trials" where Nazi war criminals were tried.

He was admired for his work in addressing how these trials were organized, the standards of evidence, and the rights of all defendants, setting the stage for the development of modern international law.

Justice Jackson will be remembered for his outstanding work in the legal system and for his strong commitment to public service. Therefore, it is appropriate that the new United States courthouse in Buffalo, New York, be named in his honor.

I support this bill and encourage my colleagues to support H.R. 3556.

At this time, Mr. Speaker, I yield 5 minutes to my good friend, Congressman HIGGINS from New York.

Mr. HIGGINS. Mr. Speaker, the new Federal courthouse in Buffalo opened last November. It opened to great fanfare, and rightly so, because it is a beautiful building that enhances our community and will provide needed space for the crucial work that is done there.

But the opening of the courthouse was also significant to western New York because it did not come easily.

In the 1990s, Federal Judges William Skretny and Richard Arcara began to make the case that the Michael Dillon Courthouse in Buffalo was no longer suitable for the growing caseload of the Western District of New York. The United States Judicial Conference agreed, and they ranked a new courthouse in Buffalo near the top of the list of new facilities it annually sends to Congress. Yet Judges Skretny and Arcara watched along with the rest of our community as Congress repeatedly passed over Buffalo for other facilities around the country. But the judges kept fighting, and so did Buffalo.

We finally passed the funding through Congress in 2007, and we now have a magnificent 10-story structure right on historic Niagara Square that we can be proud of.

□ 1730

Mr. Speaker, the bill before us today would name this new courthouse for Supreme Court Justice, chief U.S. prosecutor at the Nuremberg trials, Solicitor General and U.S. Attorney General Robert H. Jackson. He is a uniquely western New York story and a uniquely American story.

Robert Jackson was raised near Jamestown, New York, and spent the first 42 years of his life in western New York. For a time, he lived on Johnson Park, now in the shadow of the new courthouse, and practiced law in the historic Ellicott Square Building. He would often walk to work from his home, passing the site where the new courthouse now sits. He was a prominent attorney in Buffalo when he was called to Washington by President Franklin Roosevelt.

As U.S. Solicitor General, he argued more than 30 cases before the United States Supreme Court, on which he would later sit. Louis Brandeis, the constitutional scholar and a former member of the U.S. Supreme Court, said at the time that Jackson was so good as Solicitor General, he "should be Solicitor General for life."

And as U.S. Attorney General, Jackson focused on national security issues as the United States headed toward involvement in World War II.

Robert Jackson served the United States Supreme Court for 13 terms and took part in the landmark decision prohibiting segregation, *Brown v. Board of Education*. He is celebrated as among the most accomplished writers in the Court's history. In fact, constitutional scholar Laurence Tribe called him "the most piercingly eloquent writer ever to serve on the United States Supreme Court."

At the request of President Truman, Jackson took a leave of absence from the Court to serve as the chief prosecutor of Nazi war criminals at the International Military Tribunal, commonly known as the Nuremberg trials. He designed and was the driving force

behind this first international trial, bringing Nazi criminals to justice while establishing an important foundation of international law.

In his oral arguments at Nuremberg, he spoke not only to the assembled tribunal, he spoke to the world of the American ideals of justice and freedom, and of freedom being the essence of man. He said America's history and promise is to help other nations define freedom in their own terms. Jackson's oral arguments at Nuremberg are considered among the greatest speeches of the 20th century.

Shortly after the Nuremberg trials concluded, Justice Jackson was invited to speak at the University of Buffalo's centennial celebration at Kleinhans Music Hall on October 4, 1946. With over 2,000 people in attendance, Jackson's speech was delivered with power and eloquence. In it, he said that "education is humanity's hope," connecting his work at Nuremberg to the work of the university, and he received an honorary degree of doctor of laws from the University of Buffalo.

The leadership of the western district of New York has endorsed naming their building in honor of Justice Jackson. Judge Skretny called him the most distinguished jurist and most acclaimed legal mind to come out of western New York. Jackson is the only member of the United States Supreme Court from western New York, making this honor especially significant.

I want to thank Chairman MICA and Ranking Member RAHALL for bringing this bill to the floor today; and I would like to thank the western New York congressional delegation—KATHY HOCHUL, LOUISE SLAUGHTER, and TOM REED—and the entire New York delegation, including our two Senators, for their bipartisan and unanimous support of this bill.

This is a proud day for western New York, and I urge my colleagues to support this legislation.

Mr. BUCSHON. Mr. Speaker, I continue to reserve the balance of my time.

Mr. COSTELLO. Mr. Speaker, I urge support of this legislation, and I yield back the balance of my time.

Mr. BUCSHON. Mr. Speaker, I also urge support for H.R. 3556, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. BUCSHON) that the House suspend the rules and pass the bill, H.R. 3556.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

ROBERT BOOCHEVER UNITED STATES COURTHOUSE

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the

bill (H.R. 4347) to designate the United States courthouse located at 709 West 9th Street in Juneau, Alaska, as the "Robert Boochever United States Courthouse".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4347

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. DESIGNATION.

The United States courthouse located at 709 West 9th Street in Juneau, Alaska, shall be known and designated as the "Robert Boochever United States Courthouse".

#### SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the "Robert Boochever United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from Illinois (Mr. COSTELLO) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska.

#### GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 4347.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

Mr. YOUNG of Alaska. Mr. Speaker, H.R. 4347 would designate the United States Courthouse in Juneau, Alaska, as the Robert Boochever United States Courthouse.

Judge Boochever served our country as a captain in the U.S. Army during World War II and then moved to Alaska in 1940, where he worked in the U.S. Attorney's Office and in private practice. In 1972, he was appointed to the Alaska Supreme Court and served 3 years as the chief justice. In 1980, he was the first Alaskan appointed as a judge to the Federal Ninth Circuit Court of Appeals and served as a Federal judge for more than 30 years until his death in 2011.

Judge Boochever's commitment to the law and service made him a well-respected jurist, and so I am pleased to be the sponsor of this legislation. I support the passage of this legislation and urge my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Mr. COSTELLO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4347 designates the United States courthouse located at 709 West Ninth Street in Juneau, Alaska, as the Robert Boochever United States Courthouse.

Mr. Speaker, Judge Boochever will always be remembered for his out-

standing legal expertise and his extraordinary role in the Juneau community, making it appropriate for the new United States courthouse in Juneau, Alaska, to be designated as the Robert Boochever United States Courthouse.

Mr. Speaker, I support this legislation and encourage my colleagues to support the legislation and I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I urge passage of this legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the bill, H.R. 4347.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### AUTHORIZING STATE OR LOCAL GOVERNMENT TO CONSTRUCT LEVEES ON CERTAIN PROPERTIES

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2039) to allow a State or local government to construct levees on certain properties otherwise designated as open space lands.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 2039

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. LEVEES.

(a) DEFINITIONS.—In this section—

(1) the term "Administrator" means the Administrator of the Federal Emergency Management Agency; and

(2) the term "covered hazard mitigation land" means land—

(A) acquired and deed restricted under section 404(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(b)) before, on, or after the date of enactment of this Act; and

(B) that is located—

(i) in North Dakota; and

(ii) in a community that—

(I) is participating in the National Flood Insurance Program on the date on which a State, local, or tribal government submits an application requesting to construct a permanent flood risk reduction levee under subsection (b); and

(II) certifies to the Administrator and the Chief of Engineers that the community will continue to participate in the National Flood Insurance Program.

(b) AUTHORITY.—Notwithstanding clause (i) or (ii) of section 404(b)(2)(B) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(b)(2)(B)), the Administrator shall approve the construction of a permanent flood risk reduction levee by a State, local, or tribal government on covered hazard mitigation land if the Administrator and the Chief of Engineers determine, through a process established by the Administrator and Chief of Engineers and funded entirely by the State, local, or tribal govern-

ment seeking to construct the proposed levee, that—

(1) construction of the proposed permanent flood risk reduction levee would more effectively mitigate against flooding risk than an open floodplain or other flood risk reduction measures;

(2) the proposed permanent flood risk reduction levee complies with Federal, State, and local requirements, including mitigation of adverse impacts and implementation of floodplain management requirements, which shall include an evaluation of whether the construction, operation, and maintenance of the proposed levee would continue to meet best available industry standards and practices, would be the most cost-effective measure to protect against the assessed flood risk and minimizes future costs to the federal government;

(3) the State, local, or tribal government seeking to construct the proposed levee has provided an adequate maintenance plan that documents the procedures the State, local, or tribal government will use to ensure that the stability, height, and overall integrity of the proposed levee and the structure and systems of the proposed levee are maintained, including—

(A) specifying the maintenance activities to be performed;

(B) specifying the frequency with which maintenance activities will be performed;

(C) specifying the person responsible for performing each maintenance activity (by name or title);

(D) detailing the plan for financing the maintenance of the levee; and

(E) documenting the ability of the State, local, or tribal government to finance the maintenance of the levee.

(c) MAINTENANCE CERTIFICATION.—

(1) IN GENERAL.—A State, local, or tribal government that constructs a permanent flood risk reduction levee under subsection (b) shall submit to the Administrator and the Chief of Engineers an annual certification indicating whether the State, local, or tribal government is in compliance with the maintenance plan provided under subsection (b)(3).

(2) REVIEW.—The Chief of Engineers shall review a certification submitted under paragraph (1) and determine whether the State, local, or tribal government has complied with the maintenance plan.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from Missouri (Mr. CARNAHAN) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska.

#### GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on S. 2039.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that the gentleman from North Dakota (Mr. BERG) be permitted to control the balance of my time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?



There was no objection.

Mr. BERG. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Senate bill S. 2039 is a bipartisan bill sponsored by Senators from North Dakota CONRAD and HOEVEN, which passed the Senate by unanimous consent in January of this year. This bill will provide a great deal of help to the citizens of our State.

The text of S. 2039 allows for a process of building permanent levees on Federal land in North Dakota, with the approval of FEMA and the Army Corps of Engineers. I want to highlight the unique situation we have in North Dakota, and this legislation intends to address just that.

First of all, Fargo, North Dakota. It has faced repeated flooding along the Red River, which runs through the heart of the city. The city has constructed a permanent levee that runs along as much of the river as possible. However, over the years, some properties have been bought out along the riverbank with Federal funds.

□ 1740

As a result, we have a patchwork of properties that exist along this levee system with gaps in the system. Recurring flooding along the Red River requires temporary levees to go up nearly every year only to be taken down, and what happens, repeatedly, over and over, is a taxpayer waste of money.

Minot, North Dakota, will have the same problem. As my colleagues know, Minot faced enormous flooding last spring. Thousands of homes were lost, and the community sustained hundreds of millions of dollars in damages. The city of Minot now plans to rebuild a major new flood protection system, including rebuilding the levees that were in place. This is in the middle of the city along the Souris River. This means that Minot will face the same frustration and expense of constructing and removing temporary levees year after year, just as it is in Fargo.

The solution is to simply permit levee construction on federally purchased property in these areas of North Dakota, with the approval of FEMA and the Corps. It's important to note that in both Fargo and Minot, a levee will be in place regardless of this legislation.

What this commonsense bill is trying to prevent is the absurdity and the expense to taxpayers of building and then taking down a temporary levee every year every time there's a flood.

This bill does contain important restrictions to ensure undue Federal costs are not incurred. Under this bill, before approving any project, FEMA and the Army Corps of Engineers must first determine that the levee will be effective in mitigating against the flood risk versus having an open floodplain, that permanent levee flood protection would be the most cost effective

measure to protect against flood risk and minimize the future cost to the Federal Government, and also, that the State or local government seeking to build the levee has provided adequate, detailed plans for maintenance of the proposed levee and the State or local government has a detailed finance plan to pay for it.

All of the above must be demonstrated before the construction plan can be approved. Furthermore, this Federal review itself must be paid for entirely by the local or State government.

Mr. Speaker, the construction of a permanent levee is far more fiscally responsible than the annual costs associated each year with tearing down, building and tearing down these temporary levees. Most importantly, this legislation eliminates the cost that FEMA and the Corps of Engineers have already incurred time and time again as they're forced to build these and tear them down, the temporary levees in the State of North Dakota.

This legislation provides better stewardship of taxpayer dollars. It provides sound protections against future Federal expense, and it will save the local, State and Federal Government money. Most importantly, it will ensure better flood protection for the communities of Minot and Fargo in North Dakota.

I ask my colleagues for their support of this legislation and reserve the balance of my time.

Mr. CARNAHAN. Mr. Speaker, I yield myself as much time as I may consume.

With respect to the gentleman from North Dakota, there are some differences on this bill.

I rise to ask my colleagues to vote "no" on S. 2039, a bill that would increase the likelihood of flooding along the Missouri River that impacts several States, putting millions of people at risk. This legislation has not had a hearing in either the House or the Senate, nor has the public or impacted federal agencies had an opportunity to weigh in.

The bill goes against longstanding Federal policy that would still apply to the other 49 States—just not North Dakota. Once Federal funds are used to relocate communities and buildings out of floodplains, that land is meant to be dedicated and maintained in perpetuity for a use that is compatible with open space, recreational or wetlands management practices. This bill would stop that from happening in North Dakota, despite the fact that the issue was already addressed with specific allowances for communities in North Dakota in the recently signed into law Biggert-Waters Flood Reform Act of 2012. This bill that's on the floor today doesn't require local communities to reimburse the Federal Government and taxpayers for those previous buyouts.

Without hearings, it's hard to understand why S. 2039 is even necessary. Mr. Speaker, floods are the most frequently occurring natural disaster in this Nation. They happen in all 50 States. According to NOAA, there has been a steady increase in the U.S. of extreme flooding events. In fact, my home State of Missouri has had its fair share. In 2008, we faced a 200-year flood. In 1993, it was a 500-year flood. We're talking about incredibly abnormal levels of flooding that would only be exacerbated by this bill.

Last year, in St. Louis, we faced millions of dollars in losses because of weeks upon weeks of flooding. Again, it was a flood that the Army Corps of Engineers expects to occur every 10 to 25 years. River barge traffic, transporting billions in crops, were delayed. Riverboat casinos were closed for 6 to 8 weeks. Estimates of farmland crop damage was as high as \$2 billion.

Missouri was not the only State to suffer. Kentucky saw \$5 million in damage, and 1,300 homes around Memphis were damaged. Mississippi suffered hundreds of millions of dollars of damage. This devastation was not from rainfall in Missouri or in the other States affected. It was created by runoff a thousand miles north in North Dakota.

Increased rainfall in that State leads to flooding downstream in my State and others. This bill would allow levees to be created that would greatly increase the chances of that flooding. Rather than exempting North Dakota from the Stafford Act, we should be returning North Dakota to a natural state of marshes and wetlands along the river. These areas absorb significant amounts of water, slow runoff water and minimize the frequency that streams and rivers reach catastrophic flood levels.

Rather than protecting the environment and letting nature do what it is designed to do, this bill would set precedent for other States—increasing catastrophic flood levels across the country and devastating our Nation's businesses, farms and infrastructure.

Therefore, I urge my colleagues to vote "no" on this bill, and I reserve the balance of my time.

Mr. BERG. Mr. Speaker, I yield myself such time as I may consume.

I want to just really make this perfectly clear. This is not affecting the Missouri River. This is focused on a very flat area in the eastern part of our State. As was mentioned, this came through the Senate with unanimous consent. Senators along the Missouri River from North Dakota all the way down were supportive of this.

The essence of this problem is that we have a levee. This is a downtown levee that's in a city, and there are gaps there. And what happens is when there's a flood—and every year we have a recurring flood—a temporary levee is



put in. Trucks come in and clays come in, it tears it up, and they build it, and as soon as that's done, it's all torn down again. This is disruptive, and it impacts the natural habitat there. That is where this is focused to be.

The other thing that is really important here that I would like to stress, this legislation requires the Corps of Engineers to approve it. Those of us who have been dealing with the Missouri River know the Corps management would not approve of anything that would disrupt the Missouri waterway all the way down.

Mr. Speaker, this is an urgent thing. The reason it's urgent is our State has had 10,000 people dislocated from 4,000 homes, and these people had the uncertainty of not knowing where they can rebuild, what they can do. This will help the city of Minot move forward with their housing needs. There are 1,400 families that are currently not back in their homes. They're living in trailers, living with neighbors and living with friends. They're not sure when these temporary levees go down what they should do next. That's really the urgency of this bill, and why that's why it's before you today.

So, Mr. Speaker, I do urge my colleagues to support this bill, and I will reserve the balance of my time.

Mr. CARNAHAN. Mr. Speaker, I yield 5 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

□ 1750

Mr. BLUMENAUER. I appreciate the gentleman's courtesy as I appreciate his leadership on this issue. He comes from an area that has seen its own devastations in terms of flood.

We're talking about a river system where we have engineered the area, and we have been fighting for years to try and attain an appropriate balance.

This is not a fiscally responsible approach. It's interesting that it is opposed by Taxpayers for Common Sense, the National Taxpayers Union, the American Conservative Union, the Competitive Enterprise Institute, who have joined in common cause with a wide array of environmental organizations, as well as the professionals who deal with the management of floodplains, the Association of State Floodplain Managers, and a vast array of businesses, particularly those that are involved with the insurance and reinsurance. This is a prescription for disaster.

Now, bear in mind that in the transportation bill—recently approved—there were proposals that were part of the flood issue that were for five parcels. This legislation—that as my friend from St. Louis points out has never had a hearing—would open it up to some 37,000 units of land in North Dakota. It doesn't restrict it.

Additionally, it doesn't require that the Federal Government—that paid for

this land to be taken and put in a natural state where it could absorb the floodplain, the floodwaters—that they get this for free.

Now, Mr. Speaker, I've worked in flood insurance reform now for over 10 years. The last major flood insurance bill I was coauthor with my good friend, Doug Bereuter. We worked hard to try and make sure that we weren't going to subsidize people to live in places where nature has shown repeatedly that they don't belong, and that we weren't going to be in a situation where one part of the Federal Government subsidizes to move the problem downstream.

What we see repeatedly is that, with major river systems that are fortified, that we try and fight against nature by putting in a series of levees. What it does is it channels that water, it accelerates and it moves it downstream and actually makes flooding worse.

Now, it also, in a very perverse way, increases the risk in some of these areas that get levees, because ultimately there are floods. When you put a levee in, you give the illusion of safety, and then there's more development behind the levee. So instead of having natural area absorbing the runoff and avoiding loss—because the taxpayers are now off the hook for loss in these areas that we have purchased and returned to a natural state—then you have the cycle repeating.

There's a reason this vast array of organizations are opposed to it. It's not environmentally sound; it's not fiscally sound; it violates important principles of flood control; it's going to make it harder for people. Bear in mind, these parcels were voluntarily purchased, but are people going to give up land in the future if it might be subject to a levee and development and a repetition of flooding? I think not.

So I would really hope that my colleagues pay careful attention to this legislation. Look at the vast array of groups and organizations that are opposed to it. Question why it is coming to the floor without ever having a hearing. And most important, look at the devastation that will occur if we move away from these established principles. Listen to the floodplain managers. Listen to the environmentalists. Listen to the taxpayer advocates. Protect the system. Reject this ill-conceived measure.

#### GROUPS OPPOSED TO S. 2039

Taxpayers for Common Sense; R Street; National Taxpayers Union; SmarterSafer.org; American Consumer Institute; American Conservative Union; Competitive Enterprise Institute; Less Government; Association of Bermuda Insurers and Reinsurers; National Association of Mutual Insurance Companies; National Flood Determination Association; Reinsurance Association of America; National Leased Housing Association; Association of State Flood Plain Managers.

Institute for Liberty; National Fire Protection Association; Friends of the Earth;

American Rivers; Ceres; Defenders of Wildlife; Environmental Defense Fund; National Wildlife Federation; The Nature Conservancy; Republicans for Environmental Protection; Sierra Club; Clean Air-Cool Planet; ConservAmerica; Association of State Wetland Managers.

Mr. BERG. Mr. Speaker, I yield myself such time as I may consume.

I mean, these are exactly why we need to do this. I mean, there's passion when it comes to floods, passion when it comes to levees. What concerns me is people don't understand probably what the Red River Valley is like. This is flat. When there's a break in the levee, this is not just a few homes, this will be miles and miles and miles.

I want to be very clear: the levee will be there, it's going to be there. The only thing we're doing here is, right now, the Federal Government, when there is a flood, pays for this. The Federal Government shares in the cost to build a temporary levee. A month later, they pay for it to tear it down—time and time again.

If you're concerned about the environment or you're concerned about disruption, this is where we need to have that part of a levee system, a permanent levee system that's already in place that has very little impact on the environment.

As we can work through these commonsense things, these commonsense solutions, this will help build a relationship so we can solve these problems and move longer term, both in flood protection as well as the Missouri River.

Again, just to reiterate that point: this bill has nothing to do with the Missouri River—in fact, it did pass under unanimous consent in the Senate, with the Senators up and down Missouri supporting it.

I reserve the balance of my time.

Mr. CARNAHAN. Mr. Speaker, again, I think we're seeing the complexity of this issue.

I just want to follow up on the gentleman from Oregon's remarks, that the groups that have weighed in on this bill, from taxpayer groups on the conservative side, to professional managers, to more progressive environmental groups have weighed in against this bill.

Under the previously agreed general leave request, I want to include letters and statements in opposition to S. 2039 from over 30 national and State organizations, including the Association of State Floodplain Managers, Taxpayers for Common Sense, the National Taxpayers Union, the Competitive Enterprise Institute, American Rivers, the National Wildlife Federation, the Nature Conservancy, and Republicans for Environmental Protection—not a list of groups you often see on the same page, Mr. Speaker.

With that, I yield back the balance of my time.

TAXPAYERS FOR COMMONSENSE, R  
STREET, NATIONAL TAXPAYERS  
UNION,

July 23, 2012.

DEAR REPRESENTATIVE: We are strongly opposed to S. 2039, a bill that is on the suspension calendar for a vote today. This bill would allow communities in North Dakota to construct levees on land that was so flood-prone that federal taxpayers bought out the property owners on the condition of no future development. Construction of the levees will inevitably lead to more high risk development and future costs to taxpayers. In short, the taxpayer will be forced to pay twice or more.

The Federal Emergency Management Agency Hazard Mitigation Grant Program (HMGP) enables voluntary buy-outs of frequently flooded property, and to prevent future losses (and costs to the federal government) the communities agree not to develop the property in the future.

Instead of rectifying specific instances where problems with the program may have arisen, or pursuing other solutions, this bill applies broadly across the state of North Dakota. In fact, while this legislation is specifically targeted at North Dakota, the bill would set a precedent that could have national implications. And it would trigger potentially significant future costs that would be avoided by simply not building on the land as was originally agreed. In fact, taxpayers would be subsidizing the levee construction by purchasing the land, which would enable the future levee project and the local cost-sharing partner to avoid real estate fees. A costly pattern could develop: the federal taxpayer buys the property and a short while later the community opts out of the program and builds a levee on the "free" land.

We urge you to oppose S. 2039. This controversial bill should not have been placed on the suspension calendar and should not be approved. For more information contact Steve Ellis at 202-546-8500 x126 or [steve.taxpayer.net](mailto:steve.taxpayer.net).

Sincerely,

STEPHEN ELLIS,  
Vice President, Tax-  
payers for Common  
Sense.

ELI LEHRER,  
President, R Street.

ANDREW MOYLAN,  
Vice President of Gov-  
ernment Affairs Na-  
tional Taxpayers  
Union.

SMARTERSAFER.ORG

DEAR REPRESENTATIVE: As a diverse coalition of taxpayer advocates, environmental groups, and insurance interests, we write to express our concerns regarding S. 2039, a bill that would exempt the state of North Dakota from Stafford Act requirements designed to protect property, the environment, and taxpayer interests.

As currently written, the Stafford Act requires that once federal funds are used to relocate communities and buildings out of floodplains, the land will be dedicated and maintained in perpetuity for a use that is compatible with open space, recreation, or wetlands management practices. S. 2039 would allow communities that voluntarily accepted buyout funds and agreed to maintain the bought out land as open space to no longer abide by their agreements. This will negatively impact wetland protection, wildlife habitat, and water quality as well as burden taxpayers.

S. 2039 was proposed to address a circumstance in North Dakota in which temporary levees are built on land bought out under the Federal Emergency Management Agency's (FEMA) Hazard Mitigation Grant Program (HMGP) during a flood. The legislation gives North Dakota—and no other state—the ability to build permanent levees on land purchased with federal dollars and deed restricted as open space. This would allow for development on land that is restricted as a result of the buyout.

The bill undermines the purpose of the Hazard Mitigation Grant Program (HMGP). Property acquisition for open space under FEMA's mitigation programs is a common-sense flood risk management approach. Communities can choose to relocate homes and businesses that are in flood-prone areas, eliminating the risk of flooding to those structures and eliminating the need for federal taxpayers to pay for recovery every time the structures flood. The space remains deed-restricted open space to ensure that the taxpayer investment in that area is preserved. Even better, it absorbs flood waters that would otherwise flood areas downstream. These important goals are undermined by S. 2039.

Federal taxpayers have already paid once to purchase the land in question, and the open space requirement ensures that the taxpayers will not have to pay disaster costs associated with this land again. While the Senate's requirement that the bill require state, local, or tribal funding of levee construction represents a slight improvement, federal taxpayers will still ultimately be on the hook for many levees. By enrolling the completed levees in the U.S. Army Corps of Engineers' (USACE) Rehabilitation and Inspection Program, local partners are eligible for the 80% federal share of future rehabilitation and repair costs.

We are also concerned that in the long run, S. 2039 will unintentionally result in harm to unsuspecting North Dakota communities by encouraging more development behind the constructed levees. In addition, flood waters have to go somewhere and, since North Dakota alone will be able to build new levees, flooding may occur in other areas.

FEMA's HMGP buyouts occur most often in deep floodplains, right next to the rivers because these areas receive the heaviest damage to structures. These portions of the floodplains are incredibly valuable for the multiple environmental benefits in addition to their ability to convey and store floodwaters naturally. They also help to clean water and provide areas for recreation, fishing, hunting, and wildlife habitat. In addition, communities that allow room for rivers and protect their floodplains are more resilient to the next flood and often recover more quickly from a flood event.

S. 2039 would only benefit communities in North Dakota; however, it sets a dangerous precedent for undermining mitigation elsewhere.

We understand the challenges North Dakota and other states and communities face as they attempt to recover from floods. However, we do not believe S. 2039 is the solution. A Memorandum of Understanding currently exists between the USACE and FEMA that allows these agencies to provide limited exemptions on buyout land for certain circumstances. Nearly any difficult circumstance could—and should—be addressed through this process rather than by undermining the entire purpose of HMGP.

Sincerely,

SMARTERSAFER.ORG.

#### MEMBERS

Environmental Organizations: American Rivers; Ceres; Defenders of Wildlife; Environmental Defense Fund; National Wildlife Federation; The Nature Conservancy; Republicans for Environmental Protection; Sierra Club.

Consumer and Taxpayer Advocates: American Consumer Institute; American Conservative Union; Competitive Enterprise Institute; Less Government; National Taxpayers Union; R Street.

Insurer Interests: Association of Bermuda Insurers and Reinsurers; National Association of Mutual Insurance Companies; National Flood Determination Association; Reinsurance Association of America.

Housing: National Leased Housing Association.

Allied Organizations: Association of State Flood Plain Managers; Friends of the Earth; Institute for Liberty; National Fire Protection Association; Taxpayers for Common Sense.

ASSOCIATION OF STATE FLOODPLAIN  
MANAGERS, INC.

Madison WI, July 17, 2012.

Controversial Bill will be Considered Today  
under Suspension of Rules.

DEAR REPRESENTATIVE: Good morning! I wanted to draw your attention to a bill that is being brought up on the House floor today under Suspension of the Rules which the Association of State Floodplain Managers feels is actually very controversial and not suitable for consideration under Suspension. The bill (S. 2039) would allow a State or local government to construct levees on certain properties bought out by taxpayers and designated as deed-restricted, open space land. The measure was passed by the Senate this past winter under Unanimous Consent very shortly after it was introduced so the bill has had exactly zero debate or discussion!

Here are the reasons ASFPM feels it is controversial:

While this bill is limited to North Dakota, it opens the door to do this activity nationally. It would be established as a pilot program. There are more than 37,000 properties nationally that are permanently deed restricted (bought out using taxpayer money) and costing the taxpayers nothing in future flood damage costs or in operation and maintenance costs.

This would turn the Federal Emergency Management Agency Hazard Mitigation Grant Program (HMGP) into a Community Redevelopment Program. FEMA hazard mitigation programs are meant for loss reduction and are intended to use the natural functions of a floodplain for water conveyance and storage. Placement of a permanent levee on the land induces increased development behind the levee and, therefore, increased consequences and costs when the levee fails or overtops. Because participation in mitigation buy-outs is voluntary, less participation can be expected if property owners think their land will be used for redevelopment rather than open space.

Taxpayers will be paying twice for less mitigation than currently exists. Buy-out land can be flooded to any height and not be damaged. What this bill would allow is not only a structure that could be damaged, but also could lead to damage to all of the newly induced development behind the levee. This is what happened in New Orleans after Hurricane Katrina. Levees and floodwalls fail and are overtopped. Taxpayers have already paid for 100% mitigation on these acquired properties.

Levees on deed-restricted taxpayer buy-out land would often lead to poor floodplain management. They will usually be built close to the river since that is where most buy-outs occur. That results in squeezing the river resulting in greater flood heights, greater water velocity and flooding both upstream and downstream of the levee. One alternative would involve the community using CMG or other funds to buy out land behind the deed-restricted land and building a setback levee. Such a levee could be much smaller and retain the deed-restricted land for natural floodplain functions of water conveyance and storage. This bill would have the effect of promoting poor and expensive floodplain management practices.

The bottom line is that this bill sets a terrible precedent, is bad public policy, and should at least have adequate discussion and a hearing by the Congress. Since the FEMA HMGP program has been in place (1988) these deed restrictions have been in place and have worked well across the country. ASFPM was concerned after it passed the Senate and sent the attached letter to the House Transportation and Infrastructure Committee. ASFPM feels a vote under suspension is inappropriate. We hope that your Representative will vote against this measure. Please do not hesitate to contact me if you have any questions.

Respectfully,

CHAD BERGINNIS, CFM,  
*Executive Director.*

THE AMERICAN CONSUMER INSTITUTE, AMERICAN RIVERS, THE ASSOCIATION OF STATE FLOODPLAIN MANAGERS, CLEAN AIR-COOL PLANET, CONSERVAMERICA, FRIENDS OF THE EARTH, TAXPAYERS FOR COMMON SENSE, NATIONAL WILDLIFE FEDERATION, THE NATURE CONSERVANCY.

DEAR REPRESENTATIVE: On behalf of our members and supporters across the nation, we write to express our concerns regarding S. 2039, a bill that would exempt the state of North Dakota from Stafford Act requirements designed to protect property, the environment, and taxpayer interests. As currently written, the Stafford Act requires that once federal funds are used to relocate communities and buildings out of floodplains, the land will be dedicated and maintained in perpetuity for a use that is compatible with open space, recreational, or wetlands management practices. S. 2039, which will be considered tomorrow on the suspension calendar, has passed the Senate and now will receive a House vote without receiving any hearings or in depth consideration in either chamber of Congress. This bill would negatively impact wetland protection, wildlife habitat, and water quality while it sticks taxpayers with enormous bills. As such, we urge you to oppose this legislation.

S. 2039 was proposed to address a circumstance in North Dakota in which temporary levees that are built on land bought out under Federal Emergency Management Agency's (FEMA) Hazard Mitigation Grant Program (HMGP) during a flood, be removed following the flood. The legislation gives North Dakota—and no other state—the ability to build permanent levees on land purchased with federal dollars and deed restricted as open space. This proposal, to put it simply, is unwise, financially costly, destructive, and unnecessary.

The proposal is unwise because it violates the purpose of the Hazard Mitigation Grant

Program. Property acquisition for open space under FEMA's mitigation programs utilizes a commonsense flood risk management approach. By relocating homes and businesses that are in flood-prone areas, we eliminate the risk of flooding to those structures, and eliminate the need for the federal taxpayers to pay for recovery every time the structures flood. The space remains as deed-restricted open space to ensure that the taxpayer investment in that area is preserved. Even better, it absorbs flood waters that would otherwise flood areas downstream. HMGP exists for this purpose while the proposed law allows states to work against that explicit purpose.

The bill will also cost an enormous amount of money. The Federal taxpayer has already paid once to purchase the land in question and the open space requirement ensures that the taxpayers will not have to pay disaster costs associated with this land again. In addition, once the levees are built, many people living behind the levees will become eligible for de facto subsidized federal flood insurance that otherwise wouldn't be sold in the area. While the Senate's requirement that the bill require state, local, or tribal funding of levee construction represents a slight improvement, federal taxpayers will still ultimately be on the hook for many levees. By enrolling the completed levees in the U.S. Army Corps of Engineers' (USACE) Rehabilitation and Inspection Program, local partners are eligible for the 80% federal share of future rehabilitation and repair costs.

The law is also destructive. We are concerned that in the long run S. 2039 will unintentionally result in harm to unsuspecting North Dakota communities by encouraging more development behind the constructed levees. The 2011 floods brought images of walls of water flooding homes after levees breached or overtopped, reminding us that it is impossible to out-build Mother Nature. In the long run, flood waters have to go somewhere and, since North Dakota alone will be able to build new levees, many of them will flood other areas. There is no way of getting around this.

This is even worse because FEMA's HMGP buy-outs occur most often in deep floodplains, right next to the rivers, because these are areas that receive the heaviest damage to structures. These portions of the floodplains are incredibly valuable for the multiple environmental benefits they provide in addition to their ability to convey and store floodwaters naturally. They also help to clean water, provide areas for recreation, fishing, hunting, and wildlife habitat. In addition, communities that allow room for rivers and protect their floodplains are more resilient to the next flood and often recover more quickly from a flood event.

In any event, the law simply isn't necessary. No policy—including HMGP's current programs—is perfect and, for just that reason, Memorandum of Understanding currently exists between the USACE and FEMA that allows these agencies to provide limited exemptions on buyout land for certain circumstances. Nearly any difficult circumstance could—and should—be addressed through this preexisting process, rather than by undermining the entire purpose of HMGP.

We understand the challenges North Dakota and other states and communities face as they attempt to recover from floods. Increased federal flexibility can help them do this. But S. 2039, in its current form, is just bad public policy.

Sincerely,

ADAM KOLTON,

*Executive Director,  
National Advocacy  
Center, National  
Wildlife Federation.*

DAVID JENKINS,  
*Vice President for  
Government and Political  
Affairs,  
ConservAmerica.*

SARAH WOODHOUSE  
MURDOCK,  
*Acting Director, Climate  
Change Adaptation Policy,  
The Nature Conservancy.*

STEVE POCIASK,  
*President, The American  
Consumer Institute.*

STEVE ELLIS,  
*Vice President, Taxpayers for Common  
Sense.*

BROOKS B. YEAGER,  
*Executive Vice President for Policy,  
Clean Air-Cool Planet.*

JIM BRADLEY,  
*Senior Director of Government Relations,  
American Rivers.*

BEN SCHREIBER,  
*Climate and Energy Tax Analyst,  
Friends of the Earth.*

CHAD BERGINNIS,  
*Executive Director,  
The Association of State Floodplain  
Managers.*

AMERICAN RIVERS,  
WILDLIFE FEDERATION,  
July 16, 2012.

DEAR REPRESENTATIVE: On behalf of our members and supporters across the nation, we write to express our concerns regarding S. 2039, a bill that would exempt the state of North Dakota from Stafford Act requirements designed to protect property, the environment and taxpayer interests. As currently written, the Stafford Act requires that once federal funds are used to relocate communities and buildings out of floodplains, the land will be dedicated and maintained in perpetuity for a use that is compatible with open space, recreational, or wetlands management practices. S. 2039, which will be considered tomorrow on the suspension calendar, has passed the Senate and now will receive a House vote without receiving any hearings or in depth consideration in either chamber of Congress. This bill would negatively impact wetland protection, wildlife habitat and water quality and for these reasons, among others, we urge you to oppose this legislation.

S. 2039 was proposed to address a circumstance in North Dakota in which temporary levees are built on land bought out under Federal Emergency Management Agency's (FEMA) Hazard Mitigation Grant Program (HMGP) during a flood which must then be removed following the flood. The legislation would establish a pilot program within the state of North Dakota to allow for the construction of permanent levees on land purchased with federal dollars and deed restricted as open space. We have concerns first, that this legislation would set unwise federal policy and that it may be unnecessary given existing federal policies, and second that the federal government would be

unintentionally causing harm to the North Dakota communities seeking to manage their flood risk.

S. 2039 violates the purpose and spirit of the Hazard Mitigation Grant Program—Property acquisition for open space under FEMA's mitigation programs is a common-sense flood risk management approach. By relocating homes and businesses that are in flood-prone areas, we eliminate the risk of flooding to those structures, and eliminate the need for the federal taxpayers to pay for recovery every time the structures flood. The space remains as deed-restricted open space to ensure that the taxpayer investment in that area is preserved, and allows for the storage and conveyance of flood waters without harming life and property.

The Federal taxpayer has already paid once to purchase the land in question and the open space requirement ensures that the taxpayers will not have to pay disaster costs associated with this land again. Though the Senate bill was amended to require State, local, or tribal funding of levee construction, the bill would create a backdoor for these nonfederal entities to use federal taxpayer dollars. By enrolling the completed levees in the U.S. Army Corps of Engineers' (USACE) Rehabilitation and Inspection Program, local partners are eligible for the 80% federal share of future rehabilitation and repair costs.

We are also concerned that in the long run S. 2039 will unintentionally result in harm to unsuspecting North Dakota communities by encouraging more development behind the constructed levees. The 2011 flooding brought images of walls of water flooding homes after levees breached or overtopped reminding us that it is impossible to out build Mother Nature. No matter how strong or tall we build levees, they still fail, often with catastrophic consequences. Many people living behind these structures don't even know that their homes are in danger. It does not appear that development would be restricted in the inundation zone behind the constructed levees allowed in this pilot program.

Furthermore, while S. 2039 requires the community to participate in the National Flood Insurance Program (NFIP), this program does little or nothing to assist communities that live behind levees. Homeowners who live behind levees are not currently required to purchase flood insurance, and they often assume the levee will protect them. But when the levee is overtopped or fails, the homeowner must rely on federal disaster assistance to recover.

Finally, FEMA's HMGP buy-outs occur most often in deep floodplains, right next to the rivers because these are areas that receive the heaviest damage to structures. These portions of the floodplains are incredibly valuable for the multiple environmental benefits they provide in addition to their ability to convey and store floodwaters naturally. It is estimated that floodplains provide approximately 25% of all terrestrial ecosystem service benefits despite that they only cover 2% of the land surface. These services include clean water, recreation, and wildlife habitat, among many others. In addition, communities that allow room for rivers and protect their floodplains are more resilient to the next flood and often recover more quickly from a flood event.

S. 2039 would only benefit communities in North Dakota. However for the reasons above, it should in no way be expanded to other states or nationwide. We understand that a Memorandum of Understanding cur-

rently exists between the USACE and FEMA that allows these agencies to provide limited exemptions on buyout land for certain circumstances. For this reason we question whether this legislation is necessary to address the challenges that North Dakota communities are facing.

We understand the challenges North Dakota and other states and communities face as they attempt to recover from floods. However, we urge you to oppose this legislation.

Sincerely,

JIM BRADLEY,  
Senior Director of Government Relations,  
American Rivers.

JOSHUA SAKS,  
Legislative Director,  
National Wildlife Federation.

THE NATURE CONSERVANCY,  
Arlington, VA, July 16, 2012.

Speaker JOHN A. BOEHNER,  
U.S. Capitol,  
Washington, DC.  
Minority Leader NANCY PELOSI,  
U.S. Capitol,  
Washington, DC.

DEAR SPEAKER BOEHNER AND MINORITY LEADER PELOSI: It has come to our attention that S. 2039, "A Bill to allow a State or local government to construct levees on certain properties otherwise designated as open space lands" is due to be brought up on the House floor tomorrow to be considered Under Suspension of the Rules.

We ask that you oppose this bill as it would set a bad federal policy precedent on a number of fronts. The bill would allow expenditure of federal funds to build a levee on lands where federal funds have been previously expended under the Hazard Mitigation Grant Program (HMGP). Funds under the HMGP have been used to buyout and remove properties that were subjected to high flood risk. The land is then returned to its natural state and acts more effectively to mitigate future floods. The land is permanently deed restricted to ensure that no future development can be built and subjected to flood risk and diminish the floodplain function of absorbing and dispersing flood waters.

If a levee was allowed to be built, federal taxpayers would be unnecessarily paying twice to reduce flood risk. In addition, a levee does not guarantee protection from future flood risk, especially if the flooding event is greater than a 100 year flood (which are occurring at greater frequency due to an increase in extreme precipitation events). In addition, any development occurring in the area would remain at risk to future flooding events.

While we understand that this legislation addresses a specific location, we are concerned about the precedent that this bill would establish for all other areas in the nation where buyouts have occurred under the HMGP program. Such buyouts typically have taken place in areas of repetitive loss under the National Flood Insurance program and thus represent high flood hazard areas. Voluntary buyout and removal of properties is the best way to ensure the future safety of residents and minimize federal expenditures from future flood damage. Allowing levees or other barriers such as sea walls to be built would be extremely costly, undermine the integrity of the natural flood protection provided by existing open space, and provide a false sense of security to the property owners behind such structures.

Thank you for your attention to this matter and again we ask that you oppose this bill.

Sincerely,

ROBERT BENDICK,  
Director, U.S. Government Relations.

Mr. BERG. I am prepared to close.

Mr. Speaker, again, Members of the assembly here: there are 1,400 people in Minot that aren't living in their homes—there are 1,400 families, not people. Every year creates an uneasiness on the people that live in this flat valley, in the Red River Valley. This is an important bill. It's critical for long-term planning and clearly will save not only the Federal Government money, but it will save the local government money. It also will save all the volunteer time that goes into building a levee, taking a levee down.

I do believe if you saw the area where this will go, you would agree that a permanent levee system that ties into the landscaping would really be a positive impact on the wildlife and the habitat in those areas.

With that, I yield back the balance of my time.

Mr. LUETKEMEYER. Mr. Speaker, I rise today to express some concerns regarding S. 2039, introduced by Sen. HOEVEN, and sent to this body after unanimous consent in the Senate. I am concerned that this language, though well intentioned, is vague and could potentially result in negative consequences downstream, should this language be signed into law.

I remain concerned that the language could be applied to rivers beyond the Souris and the Red, without explicit Congressional intent. There is potential, although small, for levee construction to take place up and down the stretch of Missouri River that runs through North Dakota, resulting in negative consequences throughout the Missouri River basin.

I am comforted by the fact that there seems to be a rigorous FEMA review and approval process for construction of these levees, and I trust that the author's intentions are to allow for construction of new levees along only the Souris River and the Red River at specified locations. I appreciate the steps taken by the gentleman from North Dakota, Mr. BERG, to address these concerns and to make very clear for future reference that Congressional intent is to show that this legislation is intended to apply only to locations along the Souris and Red Rivers.

Mr. Speaker, our nation has gone too long without improving our levee systems. I do applaud the efforts to allow municipalities to take into their own hands efforts to rehabilitate systems. At the same time, it is important that they meet all necessary guidelines and do not injure other states and communities along a river bank.

I look forward to continuing this important conversation with the gentlemen from North Dakota.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the bill, S. 2039.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. CARNAHAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

□ 1800

# NICKY "NICK" DANIEL BACON POST OFFICE

Ms. BUERKLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3870) to designate the facility of the United States Postal Service located at 6083 Highway 36 West in Rose Bud, Arkansas, as the "Nicky 'Nick' Daniel Bacon Post Office".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3870

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. NICKY "NICK" DANIEL BACON POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 6083 Highway 36 West in Rose Bud, Arkansas, shall be known and designated as the "Nicky 'Nick' Daniel Bacon Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Nicky 'Nick' Daniel Bacon Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Ms. BUERKLE) and the gentleman from Virginia (Mr. CONNOLLY) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

Ms. BUERKLE. Mr. Speaker, I yield myself such time as I may consume.

GENERAL LEAVE

Ms. BUERKLE. I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. BUERKLE. Mr. Speaker, H.R. 3870, introduced by the gentleman from Arkansas (Mr. GRIFFIN), would designate the facility of the United States Postal Service located at 6083 Highway 36 West in Rose Bud, Arkansas, as the Nicky "Nick" Daniel Bacon Post Office. The bill is cosponsored by the entire Arkansas State delegation and was favorably reported by the Committee on Oversight and Government Reform on February 7.

Mr. Speaker, First Sergeant Nick Bacon was known for his heroism while

he served in the Army during the Vietnam War. During his second tour in Vietnam in 1968, Bacon assumed command of his company when his platoon leader was wounded in open ground. He led his platoon to successfully defeat the enemy gun crew.

When another platoon moved to Sergeant Bacon's location, its leader was also wounded. Without hesitation, Sergeant Bacon took charge of the additional platoon and continued the fight.

He is a recipient of the United States military's highest decoration, the Medal of Honor, as well as numerous other distinctions.

Mr. Speaker, I am truly grateful for the brave and heroic service of first Sergeant Nick Bacon and for all of those who serve and defend our Nation every day.

I urge my colleagues to join me in strong support of this bill.

I reserve the balance of my time.

Mr. CONNOLLY of Virginia. Mr. Speaker, as a member the House Committee on Oversight and Government Reform, I'm very pleased to join my colleagues in consideration of H.R. 3870, to designate the facility of the U.S. Postal Service located at 6083 Highway 36 West in Rose Bud, Arkansas, as the Nicky "Nick" Daniel Bacon Post Office.

Mr. Bacon served his tour of duty as my colleague from New York just indicated. During his first tour of duty in Vietnam, a helicopter he was riding in collided with another. All but First Sergeant Bacon and one other soldier perished. But despite that fact, Sergeant Bacon did not shrink from the call of duty and would go on to volunteer for a second tour.

His bravery and his courage are certainly something that was recognized by this country when he was awarded the Medal of Honor by then-President Richard M. Nixon in 1969.

He is deserving of this recognition, and I urge passage of H.R. 3870.

I reserve the balance of my time.

Ms. BUERKLE. Mr. Speaker, I yield as much time as he may consume to my distinguished colleague from the State of Arkansas (Mr. GRIFFIN), the sponsor of this legislation.

Mr. GRIFFIN of Arkansas. Mr. Speaker, I rise today in support of my bill, H.R. 3870, to designate the U.S. Post Office located at 6083 Highway 36 West in Rose Bud, Arkansas, as the Nicky "Nick" Daniel Bacon Post Office.

Nicky Bacon is one of Arkansas's finest sons, and he dedicated his life to serving our country. Mr. Bacon was born in Caraway, Arkansas, on November 25, 1945. In 1963, at the age of 17, he forged his mother's signature so he could enlist in the Army. He went on to serve two tours in Vietnam.

On August 26, 1968, while serving as a squad leader with the First Platoon, Company B, in an operation west of

Tam Ky, Mr. Bacon and his unit came under fire. He destroyed an enemy position with hand grenades, but his platoon leader was wounded in open ground. Without hesitating, he assumed command and led the platoon in destroying still more enemy emplacements.

When the third platoon leader was wounded, Mr. Bacon took command of that platoon as well, leading both platoons against the remaining enemy positions. During evacuation of the wounded, he climbed up on the deck of a nearby tank, and from that vantage point, he directed fire into enemy positions, all while exposed to enemy fire himself.

He personally is credited with destroying an anti-tank weapon and moving the platoons forward so they could eliminate the enemy positions and rescue soldiers trapped at the front. For his actions on that day, Mr. Bacon received the Medal of Honor, which was presented to him by President Richard Nixon during a ceremony at the White House in 1969.

Mr. Bacon also earned multiple awards for his accomplishments, including the Distinguished Service Cross, the Legion of Merit, two Bronze Stars, and a Purple Heart.

After retiring from active duty, he continued his service to America. He served as the director of the Arkansas Department of Veterans Affairs from 1993 until his retirement in 2005. During that time, Mr. Bacon was essential to the development of the Arkansas State Veterans Cemetery and the Arkansas State Veterans Cemetery Beautification Foundation. He also helped establish the Arkansas Veterans' Coalition.

Additionally, in 2004, Mr. Bacon was appointed by then-Speaker of the House, Denny Hastert, to the Veterans' Disability Benefits Commission, an independent, 13-member panel responsible for studying the military system of compensating veterans for their injuries. The commission was charged with ensuring that the compensation system was equitable and fair.

Mr. Bacon passed away on July 17, 2010, after a long battle with cancer. He was the last living Medal of Honor recipient from the State of Arkansas, and he is survived by his wife, Tamara, and children and grandchildren.

Mr. Bacon spent his final years as a resident of Rose Bud, Arkansas, and we can honor his heroism, bravery, and service by installing a permanent marker of his contribution to Arkansas and America. His example is one all Americans and Arkansans can admire, and I urge my colleagues to join me in supporting this bill to honor his legacy.

Mr. CONNOLLY of Virginia. Mr. Speaker, I certainly echo the sentiments of our colleague from Arkansas and urge passage of H.R. 3870.

With no further speakers on this side, I yield back the balance of my time.

Ms. BUEKLE. Mr. Speaker, I urge all Members to support the passage of H.R. 3870, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. BUEKLE) that the House suspend the rules and pass the bill, H.R. 3870.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### CORPORAL KYLE SCHNEIDER POST OFFICE BUILDING

Ms. BUEKLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5837) to designate the facility of the United States Postal Service located at 26 East Genesee Street in Baldwinsville, New York, as the "Corporal Kyle Schneider Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5837

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. CORPORAL KYLE SCHNEIDER POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 26 East Genesee Street in Baldwinsville, New York, shall be known and designated as the "Corporal Kyle Schneider Post Office Building".

(b) REFERENCES.—Any reference in a law, map regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Corporal Kyle Schneider Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Ms. BUEKLE) and the gentleman from Virginia (Mr. CONNOLLY) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

Ms. BUEKLE. Mr. Speaker, I yield myself such time as I may consume.

#### GENERAL LEAVE

Ms. BUEKLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. BUEKLE. Mr. Speaker, my bill, H.R. 5837, would designate the facility of the United States Postal Service located at 26 East Genesee Street in Baldwinsville, New York, as the Corporal Kyle Schneider Post Office Building. This bill is cosponsored by the en-

tire New York delegation and was favorably reported by the Committee on Oversight and Government Reform on June 27.

Kyle R. Schneider was born on January 8, 1988, to Richard and Lorie Schneider. He was raised in the Baldwinsville, New York, area with his brother, Kevin. Kyle was a graduate of Baker High School in Baldwinsville, and attended Onondaga Community College for 1 year in the criminal justice program.

□ 1810

While at Baker High School, he played football, baseball, and ran track. Kyle loved the outdoors and was an avid hunter and fisherman.

In March of 2008, Kyle joined the United States Marine Corps and graduated from boot camp in June of 2008. He attended the School of Infantry in July and graduated in September. From September to October, he attended the Marine Corps Security Forces Training. In October of 2008 he was with the Guard Company Marine Barracks in Washington, D.C. In May 2010, he was transferred to Echo Company, 2nd Battalion, 8th Marine Regiment, II Marine Expeditionary Force. In January of 2011, Kyle was assigned to the 3rd Platoon and was deployed to Afghanistan in support of Operation Enduring Freedom.

In defense of our Nation, Kyle was killed in Helmand Province, Afghanistan, on June 30, 2011, by an improvised explosive device. Corporal Kyle R. Schneider was 23 years old.

Corporal Schneider is an American hero. He was a proud and valiant marine. He was also a son, a brother, a grandson, a fiancé, a friend, and a comrade. Kyle is greatly missed, and no words will diminish the grief of those who knew and loved him. In his death, he has earned the thanks of a grateful Nation.

Mr. Speaker, let us honor the service and sacrifice of Corporal Kyle R. Schneider through the passage of this legislation to designate the Baldwinsville Post Office in his honor. I urge my colleagues to join me in strong support of this bill.

I reserve the balance of my time.

Mr. CONNOLLY of Virginia. I yield myself such time as I may consume.

I am pleased to join my colleague from New York (Ms. BUEKLE) in supporting H.R. 5837, a bill to designate the facility of the United States Postal Service located at 26 East Genesee Street in Baldwinsville, New York, as the Corporal Kyle Schneider Post Office Building.

The dedication to his country, his sacrifice, his bravery are certainly worthy of this honor, and I urge all of my colleagues to support this bill.

I yield back the balance of my time.

Ms. BUEKLE. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. BUEKLE) that the House suspend the rules and pass the bill, H.R. 5837.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### NATIONAL CLANDESTINE SERVICE OF THE CENTRAL INTELLIGENCE AGENCY NCS OFFICER GREGG DAVID WENZEL MEMORIAL POST OFFICE

Ms. BUEKLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3593) to designate the facility of the United States Postal Service located at 787 State Route 17M in Monroe, New York, as the "National Clandestine Service of the Central Intelligence Agency NCS Officer Gregg David Wenzel Memorial Post Office".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3593

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. NATIONAL CLANDESTINE SERVICE OF THE CENTRAL INTELLIGENCE AGENCY NCS OFFICER GREGG DAVID WENZEL MEMORIAL POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 787 State Route 17M in Monroe, New York, shall be known and designated as the "National Clandestine Service of the Central Intelligence Agency NCS Officer Gregg David Wenzel Memorial Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "National Clandestine Service of the Central Intelligence Agency NCS Officer Gregg David Wenzel Memorial Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Ms. BUEKLE) and the gentleman from Virginia (Mr. CONNOLLY) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

#### GENERAL LEAVE

Ms. BUEKLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. BUEKLE. Mr. Speaker, I yield such time as she may consume to the sponsor of this legislation, my distinguished colleague from the State of New York, Representative HAYWORTH.

Ms. HAYWORTH. I thank the distinguished gentlewoman from New York.

Our bill, H.R. 3593, to designate the post office on State Route 17M in Monroe, New York, as the National Clandestine Service of the Central Intelligence Agency NCS Officer Gregg David Wenzel Memorial Post Office, honors the life and service of Gregg David Wenzel, who was from Monroe. He is the son of Gladys and Mitchell Wenzel, who still live in Monroe.

Gregg graduated from Monroe-Woodbury High School and from the State University of New York at Binghamton. He received his juris doctor degree from the University of Miami School of Law, and he served as a public defender in Florida before he began his career with the Central Intelligence Agency. He did so because, in his own words, he wished "to live for a greater purpose than himself."

He was a member of the first post-September 11 training class, and he was distinguished for his enthusiasm and leadership. He was assigned to Addis Ababa, Ethiopia, in 2002, as a clandestine officer, losing his life in patriotic service in Addis Ababa on July 9, 2003.

Gregg's CIA affiliation was not revealed publicly for 6 years. In June 2009, it was finally revealed when he was honored with a star on the Memorial Wall in the CIA headquarters. Then-CIA Director Leon Panetta noted, "We find some measure of solace in knowing that Gregg achieved what he set out to do: he lived for a greater purpose than himself."

When a man has given his life, as Gregg David Wenzel did, to protect our American liberties, honoring him through the tradition of naming a post office for his extraordinary service to our country is both fitting and inspiring.

Our deepest gratitude goes to Gregg's family for their sacrifice, whom I've had the pleasure of speaking with. While no memorial, however appropriate, can remove the pain of parents and loved ones when they lose a child, I hope that Gregg's parents and family will find comfort in his receiving this eminently deserved posthumous recognition.

Mr. CONNOLLY of Virginia. Mr. Speaker, I yield myself such time as I may consume.

I am pleased to join in support of my colleague from New York in her urging us to pass H.R. 3593, to designate the facility of the U.S. Postal Service located at 787 State Route 17M in Monroe, New York, as the National Clandestine Service of the Central Intelligence Agency NCS Officer Gregg David Wenzel Memorial Post Office.

As our colleague from New York indicated, this is a posthumous recognition of the ultimate sacrifice for his country that finally can be recognized, even though he served his country in a clandestine role. I urge all of my colleagues to support this legislation.

With that, Mr. Speaker, I yield back the balance of my time.

Ms. BUERKLE. Mr. Speaker, I urge all Members to support the passage of H.R. 3593.

I yield back the balance of my time. The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. BUERKLE) that the House suspend the rules and pass the bill, H.R. 3593.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### ARMY FIRST SERGEANT DAVID MCNERNEY POST OFFICE BUILDING

Ms. BUERKLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3477) to designate the facility of the United States Postal Service located at 133 Hare Road in Crosby, Texas, as the Army First Sergeant David McNerney Post Office Building.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3477

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. ARMY FIRST SERGEANT DAVID MCNERNEY POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 133 Hare Road in Crosby, Texas, shall be known and designated as the "Army First Sergeant David McNerney Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Army First Sergeant David McNerney Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Ms. BUERKLE) and the gentleman from Virginia (Mr. CONNOLLY) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Ms. BUERKLE. I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. BUERKLE. I yield such time as he may consume to the sponsor of this legislation, my distinguished colleague from Texas (Mr. POE).

Mr. POE of Texas. I thank the gentlewoman from New York for yielding time.

Mr. Speaker, it was the Vietnam war. It was March 1967—45 years ago.

Army First Sergeant David McNerney's company was sent to recover a missing American Army reconnaissance team. As his company ap-

proached that reconnaissance team, they walked into heavy fire from the Vietnamese Army. McNerney was soon wounded by a grenade, and the commander was killed, but Sergeant McNerney took control of the situation.

Injury could not deter this patriot.

He climbed a tree, exposing his position to heavy enemy fire, and called in close artillery fire. After that occurred, he personally destroyed an enemy machine gun. And always thinking of others, he personally pulled wounded soldiers to safety and secured a landing zone for medical helicopters that were approaching.

□ 1820

He had the chance to evacuate that evening, but he refused and remained with his troops overnight on the battlefield until a new commander arrived the next day. His actions stopped the enemy advance and saved many of his own men's lives. These actions of heroism earned David McNerney the Congressional Medal of Honor presented to him by Lyndon Baines Johnson in 1968.

Mr. Speaker, this is a fairly recent photograph of First Sergeant David McNerney. He kind of looks like Clint Eastwood to me and he's just as tough, because I knew him for a good number of years until he died in 2010.

This was not where Sergeant McNerney's service to America would end on that battlefield in Vietnam. He started really serving the United States when he joined the United States Navy right out of St. Thomas High School in Houston, Texas. He did two tours of duty in the Korean War.

After leaving the Navy in 1953, he joined the United States Army, and was one of the first 500 so-called "advisers" sent to Vietnam by President Kennedy in 1962. The acts that earned McNerney the Medal of Honor came on his third tour of duty in Vietnam. After he received the Congressional Medal of Honor, First Sergeant David McNerney from Crosby, Texas, volunteered for another tour of duty in Vietnam.

Mr. Speaker, those were amazing men that served America in the Vietnam War. First Sergeant McNerney served with thousands of other Vietnam troops and generally were not appreciated by America when they returned back home after doing what their country asked them to do.

After he retired from the Army in 1969, he worked in the Customs Service at the Port of Houston until 1995. He served his country for 46 years in the United States Navy, United States Army, and the Customs Service.

After all of his work and service, he worked in the community in Crosby. He led by example, with his involvement in the Crosby High School Junior Reserve Officer Training Corps and the Crosby American Legion Post 658.



First Sergeant McNerney died in Texas on October 10, 2010, at the age of 79, still a patriot. He called his hometown Crosby, and they called him their hero. Crosby American Legion Post 658 is named for him.

Mr. Speaker, Crosby, Texas, like many of the towns mentioned in the last few resolutions and bills, is a small town in America. It's an old-fashioned, flag-waving patriotic town that honors our returning veterans from Iraq and from Afghanistan.

First Sergeant McNerney's bravery and commitment to our country and community is well worth the acknowledgement by naming a post office after him, at 133 Hare Road in Crosby, Texas, the Army First Sergeant David McNerney Post Office.

Mr. Speaker, men like Army First Sergeant David McNerney are the reason our country has always had the best military in history.

And that's just the way it is.

Mr. CONNOLLY of Virginia. Mr. Speaker, I'm pleased to again join my friend and colleague from Texas in honoring this brave man. Serving as many tours of duty in Vietnam was a rare event in that era than the tours of duty in Iraq and Afghanistan. That was particularly noteworthy.

I'm pleased to urge my colleagues to join with Judge POE and our other colleagues in support of H.R. 3477 in order to designate the facility of the United States Postal Service located at 133 Hare Road in Crosby, Texas, as the Army First Sergeant David McNerney Post Office Building, and I urge its adoption.

With that, I yield back the balance of my time.

Ms. BUERKLE. Mr. Speaker, I urge all Members to support the passage of H.R. 3477, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. BUERKLE) that the House suspend the rules and pass the bill, H.R. 3477.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. POE of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### JUDGE SHIRLEY A. TOLentino POST OFFICE BUILDING

Ms. BUERKLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2896) to designate the facility of the United States Postal Service located at 369 Martin Luther King Jr. Drive in Jersey City, New Jersey, as the "Judge Shirley A. Tolentino Post Office Building".

The Clerk read the title of the bill.  
The text of the bill is as follows:

H.R. 2896

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. JUDGE SHIRLEY A. TOLentino POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 369 Martin Luther King Jr. Drive in Jersey City, New Jersey, shall be known and designated as the "Judge Shirley A. Tolentino Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Judge Shirley A. Tolentino Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Ms. BUERKLE) and the gentleman from Virginia (Mr. CONNOLLY) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

Ms. BUERKLE. Mr. Speaker, I yield myself such time as I may consume.

GENERAL LEAVE

Ms. BUERKLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. BUERKLE. H.R. 2896, introduced by the gentleman from New Jersey, Mr. Payne, would designate the facility of the United States Postal Service located at 369 Martin Luther King Jr. Drive in Jersey City, New Jersey, as the Judge Shirley A. Tolentino Post Office Building. The bill is cosponsored by the entire New Jersey State delegation and was favorably reported by the Committee on Oversight and Government Reform on June 27. Although Representative Payne passed away earlier this year, it is our privilege to consider H.R. 2896 today.

Mr. Speaker, I urge my colleagues to join me in strong support of this bill, and I reserve the balance of my time.

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise in support of H.R. 2896, which would name the postal facility located at 269 Martin Luther King Jr. Drive in Jersey City, New Jersey, after the late Judge Shirley A. Tolentino. This was a bill favored by our late colleague, Donald Payne of New Jersey, and it's an honor and privilege to carry that bill on the floor today.

Shirley Tolentino was born in Jersey City, served in the judicial system, and lived a life of great accomplishments. She graduated with a degree in Latin with honors from the College of St. Elizabeth. Judge Tolentino taught Latin and English before starting law school. As a student at Seton Hall Uni-

versity School of Law, Judge Tolentino was the only African American female in the graduating class of 1971.

She became a deputy attorney general in the State of New Jersey, where she remained until being appointed to the Jersey City Municipal Court in 1976, becoming the first female appointed to that position. Judge Tolentino received her master of laws degree in criminal justice from NYU Graduate School of Law in 1980 while continuing to serve in the municipal court. She later was elevated to the position of presiding judge of the municipal court of New Jersey, again as the first female to hold that position.

With all those great accomplishments, she viewed her appointment and time served on the Coleman Commission, which would later be called the New Jersey Supreme Court Task Force on Minority Concerns, as her greatest accomplishment. During her time on the commission, she became chair of the subcommittee on juvenile justice.

As a member of the Jersey City Hudson County Urban League, the Hudson County Girl Scouts Board, Delta Sigma Theta Sorority, Inc., and a host of other local organizations, she served in prominent roles and loved being part of her community and, obviously, served as a role model for future generations, especially among young women.

Mr. Speaker, I urge passage of H.R. 2896 to honor the life of Judge Tolentino and to remember our distinguished late colleague, Donald Payne of New Jersey.

With that, I yield back the balance of my time.

Ms. BUERKLE. Mr. Speaker, I urge all Members to support the passage of H.R. 2896, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. BUERKLE) that the House suspend the rules and pass the bill, H.R. 2896.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 1830

#### WARREN LINDLEY POST OFFICE

Ms. BUERKLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1369) to designate the facility of the United States Postal Service located at 1021 Pennsylvania Avenue in Hartshorne, Oklahoma, as the "Warren Lindley Post Office".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1369

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. WARREN LINDLEY POST OFFICE.**

(a) DESIGNATION.—The facility of the United States Postal Service located at 1021 Pennsylvania Avenue in Hartshorne, Oklahoma, as the “Warren Lindley Post Office”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Warren Lindley Post Office”.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Ms. BUEKLE) and the gentleman from Virginia (Mr. CONNOLLY) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

**GENERAL LEAVE**

Ms. BUEKLE. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. BUEKLE. Mr. Speaker, I urge all of my colleagues to join me in strong support of this bill, and I yield back the balance of my time.

Mr. CONNOLLY of Virginia. Mr. Speaker, I certainly am pleased to join my colleagues, and especially my colleague from Oklahoma (Mr. BOREN), in support of this bill. And I urge our colleagues to support H.R. 1369, a bill to designate the facility of the United States Postal Service located at 1021 Pennsylvania Avenue in Hartshorne, Oklahoma, as the Warren Lindley Post Office.

I am now pleased to yield to my colleague from Oklahoma (Mr. BOREN) for such time as he may consume.

Mr. BOREN. Mr. Speaker, I rise today in support of H.R. 1369, a bill to designate the facility of the United States Postal Service located at 1021 Pennsylvania Avenue in Hartshorne, Oklahoma, as the Warren Lindley Post Office, a bill that has the support of the entire Oklahoma delegation.

All of us who knew Warren knew him for his caring heart. Warren Lindley proved time and again that he would go to great lengths to assist his community. The naming of a post office facility after this great man would not only honor his accomplishments, but also those of the community that he cared so much about and worked so hard to improve.

After purchasing a grocery store in Hartshorne, Oklahoma, in 1979, Warren realized that as a small business owner, he could greatly contribute to the economic success of his town. In the years following his initial purchase, Warren helped to open a convenience store, a car wash, a laundromat, a medical clinic, and a water company in order to provide more job opportunities for people in his growing community.

However, his charity did not end there. During a historic ice storm, Warren worked to secure food, water, and other necessary items for his townspeople, even personally delivering the goods to those that were most in need. In addition to hiring many local students for their first job, Warren provided numerous employees with the guidance and encouragement needed to earn scholarships for college and grow confident in their future.

Warren Lindley was a self-made businessman, a respected community leader, a beloved friend, and an admirable citizen. A post office named in his honor will serve as a reminder to the Hartshorne community to live each day in the service and support of one another.

I know tonight that his widow, Clidia, and his family is watching, and they are very proud that his legacy will go on. We will miss Warren Lindley.

I urge passage of this legislation.

Mr. CONNOLLY of Virginia. Mr. Speaker, I join my colleagues in urging passage of H.R. 1369, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. BUEKLE) that the House suspend the rules and pass the bill, H.R. 1369.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

**ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE**

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 2362, by the yeas and nays;

S. 2039, by the yeas and nays;

H.R. 3477, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

**INDIAN TRIBAL TRADE AND INVESTMENT DEMONSTRATION PROJECT ACT OF 2011**

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 2362) to facilitate economic development by Indian tribes and encourage investment by Turkish enterprises, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr.

HASTINGS) that the House suspend the rules and pass the bill, as amended.

The vote was taken by electronic device, and there were—yeas 222, nays 160, not voting 49, as follows:

[Roll No. 499]

**YEAS—222**

Aderholt	Gerlach	Myrick
Alexander	Gibbs	Neugebauer
Amodei	Gibson	Noem
Bachmann	Goodlatte	Nunnelee
Bachus	Gowdy	Olson
Barletta	Granger	Owens
Bartlett	Griffin (AR)	Pascarell
Barton (TX)	Griffith (VA)	Pastor (AZ)
Bass (CA)	Guinta	Paul
Bass (NH)	Guthrie	Paulsen
Benishek	Hall	Pearce
Berg	Hanabusa	Pence
Biggert	Hanna	Peterson
Blibray	Harper	Petri
Bishop (GA)	Harris	Pitts
Black	Hartzler	Platts
Blackburn	Hastings (FL)	Poe (TX)
Blumenauer	Hastings (WA)	Polis
Bonamici	Hayworth	Pompeo
Bonner	Heck	Posey
Bono Mack	Heinrich	Price (GA)
Boren	Hensarling	Quayle
Boustany	Herger	Rahall
Brady (PA)	Herrera Beutler	Reed
Brady (TX)	Hochul	Rehberg
Brooks	Holden	Reichert
Broun (GA)	Huizenga (MI)	Renacci
Buchanan	Hultgren	Ribble
Bucshon	Hunter	Richardson
Burgess	Hurt	Rigell
Calvert	Issa	Roby
Camp	Jenkins	Roe (TN)
Canseco	Johnson (GA)	Rogers (AL)
Cantor	Johnson (OH)	Rogers (MI)
Carnahan	Johnson, E. B.	Ros-Lehtinen
Carter	Johnson, Sam	Roskam
Cassidy	Jones	Ross (AR)
Chabot	Kelly	Runyan
Chaffetz	King (IA)	Ruppersberger
Chandler	Kingston	Ryan (WI)
Clyburn	Kinzinger (IL)	Scalise
Coble	Kline	Schilling
Cohen	Lamborn	Schmidt
Cole	Lance	Schock
Conaway	Landry	Schweikert
Connolly (VA)	Lankford	Scott (SC)
Cravaack	Larson (CT)	Scott, Austin
Crawford	Latham	Sessions
Crenshaw	Latta	Shimkus
Cuellar	Lewis (CA)	Shuler
Culberson	Long	Shuster
Davis (KY)	Lucas	Simpson
Dent	Luetkemeyer	Smith (NE)
DesJarlais	Luján	Smith (TX)
Doggett	Lummis	Stearns
Doyle	Lungren, Daniel	Stutzman
Dreier	E.	Sullivan
Duffy	Manzullo	Terry
Duncan (SC)	Marchant	Thompson (PA)
Edwards	Marino	Thornberry
Ellmers	Matheson	Tipton
Emerson	McCaul	Towns
Farenthold	McClintock	Turner (NY)
Fattah	McCollum	Turner (OH)
Fincher	McHenry	Walberg
Fitzpatrick	McKeon	Walden
Fleming	McKinley	Webster
Flores	McMorris	Whitfield
Fox	Rodgers	Wilson (SC)
Franks (AZ)	McNerney	Wittman
Fudge	Meeks	Womack
Gallegly	Mica	Yoder
Garamendi	Miller (MI)	Young (AK)
Gardner	Moran	Young (IN)
Garrett	Mulvaney	

**NAYS—160**

Adams	Bilirakis	Capuano
Altmire	Bishop (NY)	Carney
Amash	Boswell	Carson (IN)
Andrews	Braley (IA)	Castor (FL)
Baca	Brown (FL)	Chu
Baldwin	Buerkle	Cicilline
Barber	Butterfield	Clarke (MI)
Barrow	Campbell	Clarke (NY)
Berkley	Capps	Clay

Cleaver  
Coffman (CO)  
Cooper  
Costa  
Costello  
Courtney  
Crowley  
Cummings  
Davis (CA)  
Davis (IL)  
DeFazio  
DeGette  
DeLauro  
Denham  
Deutch  
Diaz-Balart  
Dingell  
Dold  
Duncan (TN)  
Engel  
Eshoo  
Forbes  
Fortenberry  
Frank (MA)  
Frelinghuysen  
Gonzalez  
Graves (GA)  
Green, Al  
Green, Gene  
Grijalva  
Grimm  
Hahn  
Higgins  
Himes  
Hinchey  
Holt  
Hoyer  
Huelskamp  
Israel  
Jackson Lee  
(TX)  
Jordan  
Kaptur  
Keating  
Kildee  
Kind

## NOT VOTING—49

Ackerman  
Akin  
Austria  
Becerra  
Berman  
Bishop (UT)  
Burton (IN)  
Capito  
Cardoza  
Conyers  
Critz  
Dicks  
Donnelly (IN)  
Ellison  
Farr  
Filner  
Flake

□ 1856

Messrs. ROSS of Florida, HUELSKAMP, DAVIS of Illinois, TIBERI, WESTMORELAND, WEST, MEEHAN, SMITH of New Jersey and Ms. BUERKLE changed their vote from “yea” to “nay.”

Messrs. ROSKAM, FATTAH, RUPPERSBERGER, JOHNSON of Georgia, LATHAM, MEEKS, Mrs. HARTZLER and Ms. RICHARDSON changed their vote from “nay” to “yea.”

Mr. UPTON changed his vote from “present” to “nay.”

So (two-thirds not being in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 499, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “nay.”

Sánchez, Linda T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schwartz  
Scott (VA)  
Scott, David  
Sensenbrenner  
Serrano  
Sewell  
Sherman  
Sires  
Slaughter  
Smith (NJ)  
Southernland  
Stark  
Sutton  
Thompson (CA)  
Thompson (MS)  
Tiberi  
Tierney  
Tonko  
Tsongas  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walsh (IL)  
Walz (MN)  
Wasserman  
Schultz  
Watt  
Waxman  
Welch  
West  
Westmoreland  
Wilson (FL)  
Wolf  
Woodall  
Woolsey  
Yarmuth  
Young (FL)

Miller, Gary  
Miller, George  
Murphy (CT)  
Olver  
Perlmutter  
Peters  
Reyes  
Rogers (KY)  
Rohrabacher  
Rokita  
Schradler  
Smith (WA)  
Speier  
Stivers  
Waters  
Miller, Gary  
Miller, George  
Murphy (CT)  
Olver  
Pelosi  
Perlmutter  
Peters  
Reyes  
Rogers (KY)  
Rohrabacher  
Rokita  
Schradler  
Smith (WA)  
Speier  
Stivers  
Waters  
Brady (PA)  
Brady (TX)  
Braley (IA)  
Buchanan  
Camp  
Cantor  
Coble  
Coffman (CO)  
Cole  
Cravaack  
Crawford  
Crenshaw  
Davis (KY)  
Dent  
DesJarlais  
Diaz-Balart  
Dreier  
Duffy  
Duncan (SC)  
Ellmers  
Emerson  
Farenthold  
Fattah  
Flores  
Fortenberry  
Foxy  
Frelinghuysen  
Gallegly  
Gardner  
Garrett

## NAYS—254

Adams  
Aderholt  
Alexander  
Amash  
Andrews  
Baca  
Baldwin  
Barber  
Barrow  
Bartlett  
Bass (CA)  
Bass (NH)  
Berkley  
Biggart  
Bilbray  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Bonamici  
Bonner  
Boswell  
Boustany  
Brooks  
Broun (GA)  
Brown (FL)  
Bucshon  
Buerkle  
Burgess  
Butterfield  
Calvert  
Campbell  
Canseco  
Capps  
Capuano

## AUTHORIZING STATE OR LOCAL GOVERNMENT TO CONSTRUCT LEVEES ON CERTAIN PROPERTIES

The SPEAKER pro tempore (Mr. WOMACK). The unfinished business is the vote on the motion to suspend the rules and pass the bill (S. 2039) to allow a State or local government to construct levees on certain properties otherwise designated as open space lands on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the bill.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 126, nays 254, not voting 51, as follows:

[Roll No. 500]

## YEAS—126

Altire  
Amodei  
Bachmann  
Bachus  
Barletta  
Barton (TX)  
Benishak  
Berg  
Bilirakis  
Black  
Blackburn  
Bono Mack  
Boren  
Brady (PA)  
Brady (TX)  
Braley (IA)  
Buchanan  
Camp  
Cantor  
Coble  
Coffman (CO)  
Cole  
Cravaack  
Crawford  
Crenshaw  
Davis (KY)  
Dent  
DesJarlais  
Diaz-Balart  
Dreier  
Duffy  
Duncan (SC)  
Ellmers  
Emerson  
Farenthold  
Fattah  
Flores  
Fortenberry  
Foxy  
Frelinghuysen  
Gallegly  
Gardner  
Garrett  
Gibson  
Goodlatte  
Gowdy  
Graves (GA)  
Griffith (VA)  
Grimm  
Guthrie  
Harper  
Harris  
Hastings (WA)  
Heck  
Herger  
Herrera Beutler  
Holden  
Huelskamp  
Hunter  
Hurt  
Issa  
Jenkins  
Johnson (OH)  
Johnson, Sam  
Kelly  
King (IA)  
King (NY)  
Kingston  
Kline  
Landry  
Lankford  
Lewis (CA)  
Long  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel E.  
Marino  
McCarthy (CA)  
McHenry  
McKinley  
McMorris  
Rodgers  
Mulvaney  
Murphy (PA)  
Noem  
Olson  
Paulsen  
Pearce  
Peterson  
Pitts  
Platts  
Pompeo  
Posey  
Reed  
Rehberg  
Ribble  
Rigell  
Rivera  
Roe (TN)  
Rogers (AL)  
Ros-Lehtinen  
Roskam  
Ross (AR)  
Ross (FL)  
Ryan (WI)  
Scalise  
Scott (SC)  
Scott, Austin  
Shimkus  
Smith (NE)  
Smith (TX)  
Southernland  
Terry  
Thompson (PA)  
Tipton  
Turner (NY)  
Turner (OH)  
Walberg  
Walden  
Welch  
Westmoreland  
Whitfield  
Wilson (SC)  
Womack  
Yoder  
Young (AK)

Conaway  
Connolly (VA)  
Cooper  
Costa  
Costello  
Courtney  
Crowley  
Cuellar  
Culberson  
Cummings  
Davis (CA)  
Davis (IL)  
DeFazio  
DeGette  
DeLauro  
Denham  
Deutch  
Dingell  
Doggett  
Dold  
Doyle  
Duncan (TN)  
Edwards  
Engel  
Eshoo  
Fincher  
Fitzpatrick  
Fleming  
Forbes  
Frank (MA)  
Franks (AZ)  
Fudge  
Garamendi  
Gerlach  
Gibbs  
Gonzalez  
Granger  
Green, Al  
Green, Gene  
Griffin (AR)  
Grijalva  
Guinta  
Hahn  
Hall  
Hanabusa  
Hanna  
Hastings (FL)  
Hayworth  
Heinrich  
Hensarling  
Higgins  
Himes  
Hinchey  
Hochul  
Holt  
Hoyer  
Huizenga (MI)  
Hultgren  
Israel  
Jackson Lee  
(TX)  
Johnson (GA)  
Johnson, E. B.  
Jones  
Jordan  
Kaptur  
Keating  
Kildee  
Kind  
Kinzinger (IL)  
Kucinich  
Labrador  
Lamborn  
Lance  
Langevin  
Larson (CT)  
Latham  
LaTourette  
Latta  
Levin  
Lewis (GA)  
Lipinski  
LoBiondo  
Loeb sack  
Lofgren, Zoe  
Lowey  
Lujan  
Lynch  
Maloney  
Manzullo  
Marchant  
Markay  
Matheson  
Matsui  
McCarthy (NY)  
McCaul  
McClintock  
McCollum  
McDermott  
McGovern  
McKeon  
McNerney  
Meehan  
Meeks  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Moore  
Moran  
Myrick  
Nadler  
Napolitano  
Neal  
Neugebauer  
Nugent  
Nunes  
Nunnelee  
Owens  
Palazzo  
Pallone  
Pascrell  
Pastor (AZ)  
Paul  
Pence  
Petri  
Pingree (ME)  
Poe (TX)  
Polis  
Price (GA)  
Price (NC)  
Quayle  
Rahall  
Rangel  
Reichert  
Renacci

## NOT VOTING—51

Ackerman  
Akin  
Austria  
Becerra  
Berman  
Bishop (UT)  
Burton (IN)  
Capito  
Cardoza  
Conyers  
Critz  
Dicks  
Donnelly (IN)  
Ellison  
Farr  
Filner  
Flake  
Fleischmann  
Gingrey (GA)  
Gohmert  
Gosar  
Graves (MO)  
Gutierrez  
Hartzler  
Hinojosa  
Hirono  
Honda  
Jackson (IL)  
Johnson (IL)  
Kissell  
Larsen (WA)  
Lee (CA)  
Mack  
McIntyre  
Miller, Gary  
Miller, George  
Murphy (CT)  
Olver  
Pelosi  
Perlmutter  
Peters  
Reyes  
Rogers (KY)  
Rohrabacher  
Schock  
Schradler  
Smith (WA)  
Speier  
Stivers  
Sullivan  
Waters

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining.

□ 1903

Mr. OWENS changed his vote from “yea” to “nay.”

So (two-thirds not being in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mrs. HARTZLER. Mr. Speaker, on rollcall No. 500, I was unavoidably detained. Had I been present, I would have voted “yea.”

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 500, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “nay.”

#### ARMY FIRST SERGEANT DAVID MCNERNEY POST OFFICE BUILDING

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 3477) to designate the facility of the United States Postal Service located at 133 Hare Road in Crosby, Texas, as the Army First Sergeant David McNerney Post Office Building, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. BUERKLE) that the House suspend the rules and pass the bill.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 379, nays 0, not voting 52, as follows:

[Roll No. 501]

YEAS—379

Adams	Broun (GA)	Crawford
Aderholt	Brown (FL)	Crenshaw
Alexander	Buchanan	Crowley
Altmire	Buerkle	Cuellar
Amash	Burgess	Culberson
Amodel	Calvert	Cummings
Andrews	Camp	Davis (CA)
Baca	Campbell	Davis (IL)
Bachmann	Canseco	Davis (KY)
Bachus	Cantor	DeFazio
Baldwin	Capps	DeGette
Barber	Capuano	DeLauro
Barletta	Carnahan	Denham
Barrow	Carney	Dent
Bartlett	Carson (IN)	DesJarlais
Barton (TX)	Carter	Deutch
Bass (CA)	Cassidy	Diaz-Balart
Bass (NH)	Castor (FL)	Dingell
Benishek	Chabot	Doggett
Berg	Chaffetz	Dold
Berkley	Chandler	Doyle
Biggert	Chu	Dreier
Bilbray	Cicilline	Duffy
Billirakis	Clarke (MI)	Duncan (SC)
Bishop (GA)	Clarke (NY)	Duncan (TN)
Bishop (NY)	Clay	Edwards
Black	Cleaver	Ellmers
Blackburn	Clyburn	Emerson
Blumenauer	Coble	Engel
Bonamici	Coffman (CO)	Eshoo
Bonner	Cohen	Farenthold
Bono Mack	Cole	Fattah
Boren	Conaway	Fincher
Boswell	Connolly (VA)	Fitzpatrick
Boustany	Cooper	Fleming
Brady (PA)	Costa	Flores
Brady (TX)	Costello	Forbes
Braley (IA)	Courtney	Fortenberry
Brooks	Cravaack	Fox

Frank (MA)	Long	Roskam
Franks (AZ)	Lowey	Ross (AR)
Frelinghuysen	Lucas	Ross (FL)
Fudge	Luetkemeyer	Rothman (NJ)
Gallegly	Luján	Roybal-Allard
Garamendi	Lummis	Royce
Gardner	Lungren, Daniel E.	Runyan
Garrett	Lynch	Ruppersberger
Gerlach	Maloney	Rush
Gibbs	Manzullo	Ryan (OH)
Gibson	Marchant	Ryan (WI)
Gonzalez	Marino	Sánchez, Linda T.
Goodlatte	Markey	Sanchez, Loretta
Gowdy	Matheson	Sarbanes
Graves (GA)	Matsui	Scalise
Green, Al	McCarthy (CA)	Schakowsky
Green, Gene	McCarthy (NY)	Schiff
Griffin (AR)	McCaul	Schilling
Griffith (VA)	McClintock	Schmidt
Grijalva	McCollum	Schock
Grimm	McDermott	Schwartz
Guinta	McGovern	Schweikert
Guthrie	McHenry	Scott (SC)
Hahn	McKeon	Scott (VA)
Hall	McKinley	Scott, Austin
Hanabusa	McMorris	Scott, David
Hanna	Rodgers	Sensenbrenner
Harper	McNerney	Serrano
Harris	Meehan	Sessions
Hartzler	Meeke	Sewell
Hastings (FL)	Mica	Sherman
Hastings (WA)	Michaud	Shimkus
Hayworth	Miller (FL)	Shuler
Heck	Miller (MI)	Shuster
Heinrich	Miller (NC)	Simpson
Hensarling	Moore	Sires
Herger	Moran	Slaughter
Herrera Beutler	Mulvaney	Smith (NE)
Higgins	Murphy (PA)	Smith (NJ)
Himes	Myrick	Smith (TX)
Hinchey	Nadler	Southerland
Hochul	Napolitano	Stark
Holden	Neal	Stearns
Holt	Neugebauer	Stutzman
Hoyer	Noem	Sullivan
Huelskamp	Nugent	Sutton
Huizenga (MI)	Nunes	Terry
Hultgren	Nunnelee	Thompson (CA)
Hunter	Olson	Thompson (MS)
Hurt	Owens	Thompson (PA)
Israel	Palazzo	Thornberry
Issa	Pallone	Tiberi
Jackson Lee	Pascarella	Tierney
(TX)	Pastor (AZ)	Tipton
Jenkins	Paul	Tonko
Johnson (GA)	Pearce	Towns
Johnson (OH)	Pence	Tsongas
Johnson, E. B.	Peters	Turner (NY)
Johnson, Sam	Peterson	Turner (OH)
Jones	Petri	Upton
Jordan	Pingree (ME)	Van Hollen
Kaptur	Platts	Velázquez
Keating	Poe (TX)	Visclosky
Kelly	Polis	Walberg
Kildee	Pompeo	Walden
Kind	Posey	Walsh (IL)
King (IA)	Price (GA)	Walz (MN)
King (NY)	Price (NC)	Wasserman
Kingston	Quayle	Schultz
Kinzinger (IL)	Quigley	Watt
Kline	Rahall	Waxman
Kucinich	Rangel	Webster
Labrador	Reed	Welch
Lamborn	Rehberg	West
Lance	Reichert	Westmoreland
Landry	Renacci	Whitfield
Langevin	Ribble	Wilson (FL)
Lankford	Richardson	Wilson (SC)
Larson (CT)	Richmond	Wittman
Latham	Rigell	Wolf
LaTourette	Rivera	Womack
Latta	Roby	Woodall
Levin	Roe (TN)	Wooley
Lewis (CA)	Rogers (AL)	Yarmuth
Lewis (GA)	Rogers (MI)	Yoder
Lipinski	Rokita	Young (AK)
LoBiondo	Rooney	Young (FL)
Loebach	Ros-Lehtinen	Young (IN)
Lofgren, Zoe		

NOT VOTING—52

Ackerman	Berman	Butterfield
Akin	Bishop (UT)	Capito
Austria	Bucshon	Cardoza
Becerra	Burton (IN)	Conyers

Critz	Hinojosa	Paulsen
Dicks	Hirono	Pelosi
Donnelly (IN)	Honda	Perlmutter
Ellison	Jackson (IL)	Pitts
Farr	Johnson (IL)	Reyes
Filner	Kissell	Rogers (KY)
Flake	Larsen (WA)	Rohrabacher
Fleischmann	Lee (CA)	Schrader
Gingrey (GA)	Mack	Smith (WA)
Gohmert	McIntyre	Speier
Gosar	Miller, Gary	Stivers
Granger	Miller, George	Waters
Graves (MO)	Murphy (CT)	
Gutierrez	Oliver	

□ 1909

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. PAULSEN. Mr. Speaker, on rollcall No. 501, I was unavoidably detained. Had I been present, I would have voted “yea.”

Mr. FILNER. Mr. Speaker, on rollcall 501, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “yea.”

#### PERSONAL EXPLANATION

Mr. CONYERS. Mr. Speaker, had I been present, I would have voted no on H.R. 2362, the Indian Tribal Trade and Investment Demonstration Project Act of 2011 (Rep. COLE—Natural Resources).

Had I been present, I would have voted no on S. 2039, a bill to allow a State or local government to construct levees on certain properties otherwise designated as open space lands (Sen. HOEVEN—Transportation and Infrastructure).

Had I been present I would have voted yes on H.R. 3477, to designate the facility of the United States Postal Service located at 133 Hare Road in Crosby, Texas, as the Army First Sergeant David McNerney Post Office Building (Rep. POE—Oversight and Government Reform).

#### HONORING GEORGE DUNKLIN

(Mr. CRAWFORD asked and was given permission to address the House for 1 minute.)

Mr. CRAWFORD. Mr. Speaker, I rise today to honor George Dunklin on completing his term as an Arkansas Game and Fish commissioner. For the last 7 years, Mr. Dunklin has worked tirelessly to maintain a healthy wild-life population in Arkansas.

From the time he took office in 2005, after being appointed by Governor Mike Huckabee, Mr. Dunklin has been a devoted public servant. One of the accomplishments he's most proud of is improving and restoring water flow habitat in crucial areas. Arkansas is world renowned for duck hunting, and restoring the water flow habitats will make for a better environment for the many ducks that over winter in Arkansas.

Mr. Dunklin also worked on an agreement with the Army Corps of Engineers to provide minimum flow in the

White River below Bull Shoals Dam and in the Norfolk River below the Norfolk dam.

Always the gentleman, Mr. Dunklin maintained a healthy balance of opposing passions on the commission. I appreciate all of Mr. Dunklin's efforts and wish him well on his future endeavors.

#### SENSIBLE GUN CONTROL LEGISLATION

(Mr. ENGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENGEL. Mr. Speaker, the tragic events that happened in Aurora, Colorado just shows us in this country that if we don't have sensible gun control legislation, then shame on us; then we're the fools.

Nobody is against Second Amendment rights, and nobody is not for giving legitimate people the ability to own guns. But what the shooter was able to obtain on the Internet or in a gun shop, without any kind of background check whatsoever, to me, is unconscionable and makes no sense whatsoever.

I think that this Congress has to come together and find out what language we can put in sensible gun control legislation to make sure that when someone buys weapons, they don't have 100 and 200 and 300 and 1,000 times the amount of ammunition that they would need, that a reasonable person would need, for any reasonable event.

My heart goes out to the victims in Aurora and to their families. This tragedy should never happen again.

#### SEQUESTRATION TARGETS DEPARTMENT OF DEFENSE CIVILIAN WORKERS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, this month, in Politico, Todd Harrison, a defense analyst at the Center for Strategic and Budgetary Assessments, warned of the impacts that sequestration will have on the Department of Defense civilian work force if action is not taken.

If sequestration is implemented, Harrison warns the Department of Defense civilian employees "could see, 10, 15 or even a higher percentage being laid off or furloughed shortly after sequestration goes into effect." Over 200,000 jobs are at risk in the State of Virginia alone.

I support Armed Services Committee Chairman BUCK McKEON's efforts to protect our national security, and also to protect up to one million jobs that will be destroyed as a result of sequestration. Job loss could be as high as 2.14 million.

With a record unemployment rate now of 8 percent for over the past 41 months, the President and Senate should adopt bills that have already been passed by the House.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

#### RED TAPE REDUCTION AND SMALL BUSINESS JOB CREATION ACT

(Mr. PAULSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAULSEN. Mr. Speaker, over the last 3 years, the number of regulations imposed on small businesses has grown considerably. This year alone, the Federal Register has ballooned to a staggering 41,662 pages, burying our Nation's small businesses in paperwork and red tape.

But it's not all about page numbers. There are very real implications to our economic recovery as a result of the increased burden on small businesses. Nearly half of all small businesses say they aren't hiring because of red tape. They are spending vital time and energy and money on navigating the tidal wave of regulations that is coming out of Washington. These are resources that could be used to invest in new equipment and expand and hire in their payrolls.

Mr. Speaker, this week the House will take action, action aimed to freeze onerous regulations, to streamline the permitting process for construction projects, and create transparency within regulatory agencies so that employers can have more time and more energy and more resources to growing and expanding their businesses and, ultimately, creating jobs.

Mr. Speaker, it's time to help small businesses get out from under the red tape coming from Washington.

#### EXPRESSING SYMPATHY FOR THE VICTIMS OF THE COLORADO TRAGEDY

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. Mr. Speaker, we all came together prayerfully last week as the tragedy in Aurora, Colorado, took place.

The State of Texas has a relationship with Colorado. We probably were of one territory some time ago. But I rise today to extend my sympathy to Congressman PERLMUTTER and the entire congressional delegation in Colorado, both House and Senate.

I also rise to offer sympathy to the victims and those fallen—families, innocent babies, children, that were injured.

And I reach out to say this: Tell the NRA to come and sit down with all of

us so that this Congress can work in an effective manner, that we can begin to look at issues such as buying 6,000 rounds of ammunition on the Internet, not against the Second Amendment, but that the fact that the Internet sellers did not even have to give notice that one person was buying 6,000 rounds of ammunition. There's no Federal law on that issue. There's not even a Federal law to give notice on that issue.

We can find common ground. Something has to be done, whether it is a disturbed person or not, whether it's a terrorist act. And for me, this issue was a terrorist condition because of what happened.

But I want us to come together as one. We can do so, and we can come together to do what is good for the American people, respect the Second Amendment, but find ways to protect the American people, wherever they are, wherever they live, from these dangers.

May God bless the people who have now fallen, and those who suffer, and God bless the United States of America.

#### RECOGNIZING CENTRE COUNTY WOMEN'S RESOURCE CENTER

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today to recognize the dedication and hard work of the staff and volunteers of the Centre County Women's Resource Center, which has addressed the harms of domestic violence while promoting community safety in Centre County, Pennsylvania, since 1975.

The Women's Resource Center provides vital services to women, children, and men who have been victims of sexual assault and/or domestic violence. The continuum of services includes prevention, crisis intervention, education, and advocacy.

In 2010 and 2011 CCWRC served more than 1,000 victims with 24-hour confidential and free services for those victims of sexual assault, stalking, and domestic violence. The emergency shelter also provides counseling, legal and medical advocacy, and prevention programs.

Much of the Federal support the CCWRC receives has been through the Violence Against Women Act and the Victims of Crime Act, both of which I am proud to support.

Mr. Speaker, domestic violence is a national epidemic. The professional and caring staff of the Centre County Women's Resource Center is doing their part to raise awareness, assist victims, and make positive strides towards further prevention. Their efforts have not gone unnoticed or underappreciated, and set an example for

how other communities can address domestic violence.

□ 1920

#### CONGRESSIONAL BLACK CAUCUS HOUR

The SPEAKER pro tempore (Mr. GIBSON). Under the Speaker's announced policy of January 5, 2011, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) is recognized for 60 minutes as the designee of the minority leader.

Mrs. CHRISTENSEN. Thank you, Mr. Speaker.

Again, it is my pleasure to lead this Special Order this evening, and I thank again our Democratic leadership for giving us this time.

Before I yield to the minority whip, I want to also add my condolences to the families who lost loved ones in the shooting in Aurora, Colorado, and to those who are recovering from their injuries, both physical and emotional. I want to add the condolences of the people of the Virgin Islands to all of them. They are all in our prayers. It happened that I had taken my granddaughter, Nia, to a preview of the movie the night before, and I really shudder to think of what everyone in that theater went through that night. It could have been us, and it still could be any one of us anywhere unless we do something to ban assault weapons and to turn back some of what the Republican Congresses have passed.

One of the weapons used by Holmes was an AR-15 rifle, which is a semi-automatic weapon. If the assault weapon ban of the Violent Crime Control and Law Enforcement Act of 1994 had not been allowed to expire, it might be that 12 people, including a little girl, might still be alive. Our colleague, Gabby Giffords, would not be home, making what is, thankfully, a remarkable recovery, but the six people who died that day might be alive. A young man in St. Croix, who lost his life yesterday—and many others in the U.S. Virgin Islands and across this country—might still be alive if that ban were in place.

So, again, on behalf of me and my family and of the people of the Virgin Islands, I offer condolences to the families of those who were lost and to the families of those who are recovering. They are in our prayers.

At this time, I would like to yield such time as he may consume to our Democratic whip, a true leader for all Americans, leading us in many issues. Tonight, I believe, he is going to talk about voter protection, but he also has been working very hard to make sure that we Make It in America and that everyone is able to Make It in America.

Mr. HOYER. I thank the gentlelady for yielding.

Mr. Speaker, I want to thank my friends in the Congressional Black Cau-

cus for organizing today's Special Order, but as my colleague Mr. ENGEL and as my colleague on the Republican side and as Dr. CHRISTENSEN have pointed out, our hearts and thoughts go out to and with those people who by happenstance of going to a movie have lost their lives, have been injured badly, have lost family members, have had the confidence of going out and about in this country put at risk. How we lament that loss of life, that loss of confidence, that loss of a sense of safety in their community.

We need to address that issue—to instill confidence, to restore safety, to ensure that America continues to be a land in which people feel safe.

Mr. Speaker, today, I want to talk about an issue that is central to America, and that is the right to vote. This is an issue that affects millions of Americans from every walk of life, but it will certainly have a disproportional effect on African Americans, Hispanic Americans, seniors, and youth.

In 2008, we saw a record turnout from minority communities and younger voters as more Americans were energized to take part in our democracy. That democracy is our greatest strength, and the principle of "one person, one vote" has always been a vehicle for Americans to hold their government accountable and ensure it is responsive to the challenges we face as a Nation. We ought to be building on that progress we made in 2008 by encouraging more Americans to register to vote and cast their ballots. Indeed, in my view, the Nation—States, counties, communities, municipalities—need to be reaching out to people to make sure they know how to vote and to facilitate their votes, not to put stumbling blocks in the way.

It continues to be deeply disturbing to witness a campaign of raising barriers to voting and voter registration by Republican-controlled legislatures in States across this country. My dear friend and colleague, a hero in American history, JOHN LEWIS, is a veteran of the fight for voting rights in the fifties and sixties. He carries the scars, both physical and in his memory, of the great effort to secure not just the right to vote but the freedom to exercise that right. That's why he is helping to lead this effort in 2012 to prevent voter suppression and to make certain our elections are open to all who are eligible to participate.

He can attest that today's effort is a continuation of the work he began as a young man. Since the beginning of last year, 22 laws and two executive actions in 17 States have restricted our citizens' right to vote. Civil rights heroes like JOHN LEWIS refused to accept barriers to voting in the middle of the 20th century, and all of us—each and every one of us—is here today because we refuse to accept these new restrictions in the 21st century.

That's why many of us introduced the Voter Empowerment Act in May. Our bill strengthens America's democracy by improving our voting system in three key areas: access, integrity, and accountability. It will reauthorize the Election Assistance Commission, create a national voter hotline for reporting problems, allow same-day and online registration, remove obstacles to voting for military personnel, and prohibit deceptive practices that discourage Americans from casting their votes.

Each one of us in this House is opposed to voter fraud. Each one of us is opposed to any voter voting who is not eligible to vote. But very frankly, the good news in America is that is a very, very, very small problem. In fact, when proponents of restrictions are asked to cite examples, they are hard put to do so.

Democrats, Mr. Speaker, are making the issue of voter access a major priority this year, because we believe that all Americans deserve to participate in this year's election and to have their votes counted accurately. We will continue to monitor our voting system and call attention to those who seek to undermine it.

□ 1930

Again, I want to thank the Congressional Black Caucus for its work on this critical issue, as well as the ranking member of the Judiciary Committee, Mr. CONYERS, who has been such a hero on voting rights throughout his congressional career; the ranking member of the House Administration Committee, Mr. BRADY; and the assistant Democratic leader, Mr. CLYBURN.

I'm proud that the fight for voter access has attracted a broad coalition of civil rights organizations, as well as the Congressional Hispanic Caucus and the Congressional Asian Pacific American Caucus, and that senior citizen organizations and, yes, representatives of young people are very concerned about the fact that eligible voters are being discouraged and, in some cases, suppressed from exercising their precious American right to vote. Let us never forget that generations have held it to be a moral duty to preserve the most powerful guarantor of our liberty: the right of every American to vote. We continue to stand up for it today, and hopefully each day as we proceed.

Mr. Speaker, I mentioned a couple of times about what Democrats are doing. Let me refer now to an article that appeared in *The Washington Post* today, written by Charlie Crist, the former Republican Governor of Florida. He says:

As a result of insidious political maneuvers and a lack of respect for voters, we in Florida have been entangled in litigation. The courts and the Justice Department have been required to step in this summer to protect the integrity of the voting process

against a sweeping voter purge that the Florida Department of State undertook under the guise of removing non-U.S. citizens from voter rolls.

He goes on to observe:

Among those caught up in this shameless purging and notified that he was not a U.S. citizen eligible to vote: a 91-year-old World War II veteran, Bill Internicola, who fought in the Battle of the Bulge, and has proudly exercised his right to vote for many years.

Governor Crist, the former Republican Governor of Florida, concludes:

The right to choose our leaders is at the heart of what it means to be an American. Our history books are full of examples to the contrary. When we send independent observers to monitor for voter fraud in banana republics, we derive authority from our self-regard as the ideal. When we hear of corrupt voting practices in foreign countries, where the ideal of democracy is nothing more than lip service, we feel good about ourselves.

He then went on to say, Mr. Speaker:

It's time to look right under our noses. It's happening here at home. And it's our responsibility to honestly assess the root of the problem, which requires doing so with as little partisan bias as we believe belongs in the administration of our elections.

He concluded with this statement:

We can't be surprised every time it turns out that politics are involved in politics, but neither can we be silent when our democracy is threatened in its name.

There are lines that should not be crossed; meddling with voting rights is one of them. It is un-American, and it is beneath us.

I thank my friends in the Congressional Black Caucus for their leadership on this issue to make sure that the most precious right that every American has as a birthright is the right to vote. Let us not allow any steps to be taken by the Federal Government, by the State government, by county governments, or, yes, by municipal and local governments from impeding the rights of citizens to speak out in the most powerful way they can: voting.

[From the Washington Post, July 20, 2012]

#### THE VOTER ID MESS SUBVERTS AN AMERICAN BIRTHRIGHT

(By Charlie Crist)

For better or worse, the central principle behind the unlimited contributions to super PACs that will dominate this election cycle is simple: Money is speech, and we cannot limit speech. Yet many who hold this freedom as an article of faith are all too willing to limit an equally precious form of speech: voting.

If we don't speak out against these abuses, we may soon learn the hard way the danger of that double standard. And a dozen years after the 2000 recount that went all the way to the U.S. Supreme Court, my state of Florida threatens to be ground zero one more time.

As Florida's attorney general from 2003 to 2007, I strongly enforced the laws against illegal voting. When swift action was necessary, I took it without hesitation. I did so out of respect for our democracy—voting is a precious right reserved only for U.S. citizens—but I'm concerned that zealots overreacting to contrived threats of voter fraud by significantly narrowing the voting pool are

doing so with brazen disrespect and disregard for our greatest traditions.

As a result of insidious political maneuvers and a lack of respect for voters, we in Florida have been entangled in litigation. The courts and the Justice Department have been required to step in this summer to protect the integrity of the voting process against a sweeping voter purge that the Florida Department of State undertook under the guise of removing non-U.S. citizens from the voter rolls. Among those caught up in this shameless purging and notified that he was not a U.S. citizen eligible to vote: a 91-year-old World War II veteran, Bill Internicola, who fought in the Battle of the Bulge and has proudly exercised his right to vote for many years.

This is just the most recent example of a mean-spirited and all-too-partisan attempt to restrict access to the rolls and to the polls. A federal court also recently struck down provisions of a law Florida's legislature passed in 2011, which put heavy burdens on organizations seeking to help voters: burdens that the court described as "harsh and impractical," serving no purpose other than to make it harder for Americans to participate in the electoral process.

These machinations make a mockery of the democracy we put on display every Election Day. The right to vote is the key to that democracy, giving value to the freedom of speech and making the freedom of religion and the right to assemble possible. When one takes away another's right to vote, he is taking dead aim at democracy and undermining the very virtue that makes us the envy of the world.

Including as many Americans as possible in our electoral process is the spirit of our country. It is why we have expanded rights to women and minorities but never legislated them away, and why we have lowered the voting age but never raised it. Cynical efforts at voter suppression are driven by an un-American desire to exclude as many people and silence as many voices as possible.

Our country has never solved anything with less democracy, and we're far better off when more citizens can access the polls—no matter which party mobilizes the most voters to them. As governor of Florida, I extended voting hours and increased the number of days people could vote. I also restored registration rights for felons, years after starting that effort in the state Senate with a member of the opposite party.

I was a Republican at the time of those decisions, which didn't make me many friends on my side. But when you do the right thing for the people, a political party's concerns roll off your back quite easily.

The right to choose our leaders is at the heart of what it means to be an American. Our history books are full of examples to the contrary. When we send independent observers to monitor for voter fraud in banana republics, we derive authority from our self-regard as the ideal. When we hear of corrupt voting practices in foreign countries, where the ideal of democracy is nothing more than lip service, we feel good about ourselves.

It's time to look right under our noses. It's happening here at home. And it's our responsibility to honestly assess the root of the problem—which requires doing so with as little partisan bias as we believe belongs in the administration of our elections.

We can't be surprised every time it turns out that politics are involved in our politics. But neither can we be silent when our democracy is threatened in its name.

There are lines that should not be crossed; meddling with voting rights is one of them. It is un-American and it is beneath us.

Mrs. CHRISTENSEN. We thank you for joining us again, as you've done many times before, and for those strong words and for your strong leadership. We look forward to working with you, Mr. Whip, to make sure that voting rights are preserved for all Americans.

I would like to now yield such time as she might consume to the Congresswoman from Cleveland, Ohio, Congresswoman MARCIA FUDGE.

Ms. FUDGE. Thank you so very much, and thank you as always for anchoring this CBC hour week in and week out. Thank you, Mr. Whip, for supporting this very important issue.

Mr. Speaker, this is America. This is the land of the free and the home of the brave. I, too, sing America, land of the free and home of the brave, Mr. Speaker. America, the light on the hill, the standard, the example, a country built on democracy and inclusion. America, a country of men and women willing to give their lives to ensure the rights of all people to elect their leadership. But some right here in America are now doing all they can to restrict the ability for us to do the same. They're chipping away at the very foundation upon which all of our rights rest, and that is the right to vote. Yet 31 American States have begun limiting the rights of their citizens to participate in our democracy's most important function, and that is voting.

If things remain as they are today, Mr. Speaker, by the 2012 election, 11 percent, or 21 million American voters, may not be allowed to cast their ballot. Twenty-five percent of them will be African American and 18 percent of them will be our Nation's elderly. This is a national shame. The fact that this was a coordinated effort is a national scandal.

Recently, the Pennsylvania House Majority Leader Mike Turzai told the State's Republican committee, "Voter ID, which is going to allow Governor Romney to win the State of Pennsylvania—done."

They can't win without cheating? Have they no shame? Mr. Turzai and others are blatantly and boldly attempting to encumber the rights of the American people. They do not want a level playing field.

A trend that began in just a few States like Pennsylvania has now sparked a wildfire. In Texas, you can face prosecution for registering voters. Five States—Alabama, South Carolina, Texas, Kansas, and Wisconsin—all have passed laws requiring voters to produce a government-issued ID before casting a ballot. In Florida, Georgia, Tennessee, and West Virginia, early voting and absentee voting have been cut short. Even in my home State of Ohio, we're still fighting. We are fighting restrictive actions taken by our State legislature.

Time and time again, Ohio Republicans have tried everything in the



book to keep voters away from the polls. Ohio's current legislation will keep as many as 54,000 legitimate voters in my district alone from voting. It could restrict 4 percent of all voters in our county from voting, the county with the highest percentage of minorities.

I'm quite a sports fan. In sports, if somebody wants to change the outcome of a game, they do something that they call "point-shaving." What this is is point-shaving. If we can shave off enough points in every State, even if it is one or two points, this election can be up in the air. It's point-shaving.

Sometimes I think it is time for America to be angry. Sometimes someone needs to know we won't lay down without a fight, that we won't just throw in the towel in defeat. If we fail to act, if we ignore the vicious attack on the right to vote, if we don't do what we need to do to educate voters and fight these suppressive laws, it will have an effect in November and many years beyond.

If we stand idly by, how many voters will be disenfranchised due to changes in voting rules? If we sit on the sidelines, how many people will come to the polls with a utility bill and be turned away because they need a government-issued ID? If we say nothing, how many people will be erroneously purged from the county voter rolls? In my county, that's many people. If we do nothing, how many people will be denied the opportunity to register to vote because community and religious groups can no longer hold voter registration drives?

In the past year, more States have passed more laws punishing more voters out of the ballot box than any time since the rise of Jim Crow.

Join my colleagues and me. Get angry, America. The time for action is now.

Mrs. CHRISTENSEN. I thank you for joining us and making it plain, Congresswoman FUDGE: The time for making this right is now.

We are also joined again by our colleague, SHEILA JACKSON LEE, the gentlelady from Texas. I yield her such time as she may consume.

□ 1940

Ms. JACKSON LEE of Texas. I thank the gentlelady from the Virgin Islands for, again, leading us on a very important topic, one of which that I have worked on, Mr. Speaker, for the time that I have had the privilege of serving in this House. And I would venture to say, Mr. Speaker, that I believe that if I look to this side of the House and this side, we would all hold to the view that it is important to have one vote, one person.

And then we hold to the view that I have been saying, regardless of our ups and downs in the economy, that we do live in the greatest nation in the world.

I say it all over, everywhere. There are too many great things that are happening in America. There are too many great men and women in the United States military. There are too many great individual personal stories of survival and small businesses and family farms.

I live in a great State. And I get to see urban America. I get to see family farms, small businesses. I get to see ranchers and people who are struggling against droughts but are still hanging in there. We have, in Texas, a potpourri of the Nation. So I know that we live in a great Nation.

I happen to have had the privilege of serving in a district that the Honorable Barbara Jordan first served in. This district was not created before Barbara Jordan served. And Barbara Jordan, who was an honorable Member of this House, ran many times in a segregated and southern Texas. Many of the times that she ran, she lost. But it was only after the 1965 Voting Rights Act, when they created the opportunity for districts, that Barbara Jordan was able to win a seat in the State Senate. Her picture now is in the State Senate as the only African American woman who served as a Governor for the day. So this is the great news, what the Voting Rights Act of 1965 generated.

She went on to become the first African American elected out of the deep South with Andy Young. And out of that great leadership, she was able to add language to the Voting Rights Act, to create language for minorities which, in essence, provided extra protection for those who had been discriminated against.

Let me remind my colleagues that all I speak of is one vote, one person. That's what redistricting is about. That's what we stand here today and speak of.

We in the Congressional Black Caucus believe it is important, along with the Democratic Caucus—and again, I extend my hand of friendship, I believe, to all Americans—that we fight for one vote, one person; that we fight for extending open, if you will, the doors of opportunity through voting.

Let me make note of this one point: Sixty years after the American Revolution, Americans were fighting to expand the right to vote. In 1842, Thomas Dorr, a white male legislator from Rhode Island, led a huge crowd of citizens, workers, and artisans, white men who were being denied the right to vote because they did not own property. The working man who had no property fought for the right to choose his Nation's leaders and did not win until 1850.

If we just put ourselves in each other's shoes—nonproperty owners, women who did not get the right to vote until the 20th century—we would understand what it means now when voter ID laws are being passed across America. And

voters who are vulnerable, voters who are Americans—Americans such as the 95-year-old woman in Pennsylvania who, in essence, is not covered by the Voting Rights Act because of a voter ID law. She cannot vote because she does not have her birth certificate.

We looked for my mother, Ivaleta Jackson's birth certificate until her death. We made all kinds of efforts. We moved and moved and moved and moved to the place of her birth, which was the State of Florida, and could not find that birth certificate. But she had a voter registration card. And I can tell you, by God, that was a citizen, a proud citizen of this Nation who had seen her brother go to World War II, her relatives be in the war. She was someone who loved America, who worked as a laborer but provided, along with my father, for our family.

Would I deny her the right to vote in a State that would have a voter ID law? This is not about a picture, about someone impersonating a voter. It really is a larger question of the Constitution that provides us with due process. Taking away your voting rights is not due process.

So I join my colleagues in supporting the Voter Empowerment Act, same-day registration, protecting voters, having the right to sign up online. And there is one sentence that says, "No provision passed by any State can intimidate or prohibit a person from voting."

Why would we not want to vote, Mr. Speaker? The argument that I would make is, when I have had the privilege to travel on behalf of this great Nation—I remember one of my distinctive trips was as an early and new Member of Congress going into Sarajevo, landing before the Dayton Peace Agreement had ever been signed. Joining me was our former majority leader Dick Armey. We went into Bosnia, the former Yugoslavia, and Croatia after our brave Americans had worked to bring peace to that region. We wanted to see what was going on.

When we went to a city like Sarajevo, my eyes could not believe what I was seeing. People were walking the streets in destitute conditions. Books from the library were all thrown out on the street. Buildings look like they had their heads shaved off, just cut off—maybe by, if you will, a chainsaw, because it was from the bombing. And as we walked the streets, because there was no transportation, we were going to meet with the president, then, of that country. We landed, as I indicated, under a French flag. I had a flak jacket on to get off the plane.

When we went in, they told us that they just had a city election. A city election? In the meantime, I will tell you, as I was walking, a mother came up to me in all black, an elderly woman, and she said, Have you seen my son? He went off to the war. I haven't seen him.

This is the destitution of the people. And they told me that that city election had 98 percent of the people in that city voting. What is happening to America? There is so much intimidation at the voting polls. There are so many headlines about who cannot vote, that people don't vote. That is not the great country that we love.

We're purging people off of rolls instead of sending them a notice and saying, Are you registered to vote? Or do you want to stay on the roll? They're not. A million people in Florida, 1.5 million in the State of Texas, a voter ID law that the courts are now reviewing because there is merit to the fact that these are prohibitors of people voting.

In the State of Texas, they have a voter ID law that's tracked to the Department of Public Safety, a great organization that does not have offices in every county in that State. We have 254 counties, and we've got 80 or 90 of them without Department of Public Safety offices.

So I think it is important, as we look to the 2012 November election, that we be reminded that this is not about party politics. It's not about who gets the upper hand. For Americans, it is about one person, one vote. And it is to remind us of days past that, yes, those of us who came out of a history of slavery could not vote. But also, white men who were not property owners could not vote; women could not vote; white men could not vote who were not property owners. And certainly Asians at one time could not vote. Latinos at one time could not vote. But America has grown up, and we recognize the value of that.

So I think it is enormously important that we join together to support the Voter Empowerment Act that we have worked on, and that we recognize the issue of voter protection. This is crucial.

And I do want to close by, again, expressing my sympathy to those in Colorado. But we have had a litany of these tragic issues. I remember how much we mourned the tragedy in Arizona. And now we come full circle, where there are families in such pain.

I think part of the pain is that when you send someone to a place of innocence, to a town hall meeting on the square, to the movie theater, which is really America's part-time pastime. Everyone knows those Friday night movies and Saturday movies, families, children, one couple with a baby. And they said, We didn't have a babysitter. I understand that. I was a young mother with my spouse in an area where we moved away from our families. It was hard to find babysitters. So you take a sleeping baby to the movie. There is no sin in that.

□ 1950

But it is an innocent place. It is a place where you can have joy, and

enjoy the genius of America in producing these films. And what happened? Someone who was intent on evil came and destroyed lives. Someone who didn't want their mark to be only in the theater, but they wanted it to be on the innocent neighbors who might by chance do what every neighbor does when you're too loud in your place and it is next door to their place, to ask you to please turn the music down. Just think, Mr. Speaker, if someone had asked to turn the music down or had asked by either knocking loud or entering that apartment, that door was cracked, maybe it was the kind of apartment where neighbors felt comfortable to do that, and if they just entered, the enormous disaster and havoc and carnage and bloodshed that would have been added to the bloodshed.

I made a plea earlier today on the floor of the House, I am, in fact, going to do that. I am going to invite the National Rifle Association to one of my meetings. I want to sit down and talk to them about how we can work together because I want an explanation on why someone can buy 6,000 rounds of ammunition on the Internet without any oversight whatsoever. Why is there no basis of giving notice? If they had given notice to the local police, maybe someone would have knocked on the door and found out what was going on, not last Thursday but a week back, last month.

We can find a way to come together. This is not rocket science to determine why you're getting 6,000 rounds. And you know what pains me, Mr. Speaker, you know what causes me to bleed? It causes me to bleed that active duty troops lost their lives, as the story tells. Sitting in their own Nation, unarmed, along with innocent civilians. We know that those troops, if they could have stopped it, if they were in their armor, they would have been on the front lines protecting the homeland.

I am saddened by the condition of this individual, saddened by what is represented to be this individual's circumstance. Those of us who deal with terrorism and sit on the Homeland Security Committee, have to raise a question about this incident.

I close by simply giving my deepest sympathy to the people of Colorado, the congressional delegation of Colorado, and again our dear friend Congressman PERLMUTTER and all of the delegation for those whose districts overlap those areas, and to say that the American people will continue to pray, to lift them up because as I started out, this is the greatest Nation in the world. I know that we can find a solution to the opportunities of democracy, and we can find a solution to a peaceful way of coexisting so that people are protected as they walk the highways and byways, and law enforcement officers, United States military, babies,

young people, and others similarly situated who come out for a simple opportunity of friendship and fellowship and fun. America is better than what happened last Thursday, and we are certainly better than denying individuals their right to democracy.

I thank the gentlelady for yielding to me, and I look forward to working with you and the Congressional Black Caucus and the entire Congress and the Democratic Caucus on standing tall for that constitutional right, precious right to vote, and standing tall for the protection of America, for people, and the homeland.

Mrs. CHRISTENSEN. I thank you, and I thank you again for joining us and offering your views and your vision for what we could be and what we should be, and for your strong words in defense of Americans' right to vote.

As I said this is the America that goes around the world to monitor and ensure that people in other countries exercise their right to vote. So we know that the right to vote is sacred. It is a sacred right. Many sacrificed and some died for that right. As our Democratic whip said, it is the most powerful guarantor of our liberty, and we must protect the right to vote, and we need to support the Voter Empowerment Act.

I want to go back to the issue of guns and violence. One might ask what do guns, what does the gun issue have to do with the right to vote. But, unfortunately, it has been used to deny voting rights in the District of Columbia, the place in which we meet. The District of Columbia has been the victim of the gun lobby and overzealous gun support in the Senate. Instead of passing a bill to extend the voting rights that the residents of the District of Columbia deserve, the Senate attached amendments that would overturn some of the local laws that are meant to stem the tide of gun violence in the city, meant to restore peace and safety to its streets and neighborhoods.

So in addition to the violence that could follow from allowing concealed weapons, as their amendment would do in just about every venue, against the wishes and rights of the District of Columbia to decide, doing what they did would allow another sort of violence. It did untold violence to the District by holding its voting rights, the voting rights that it should have in this body hostage. That is unfair, and it is just plain wrong.

But in addition, it is some of the poorer neighborhoods in this country where poverty and other ills breed violence. It is in those neighborhoods that we see the voter restrictive policies are being placed. Their ability to vote for individuals who would help them to quell the violence in their neighborhoods and keep their families safe, it is their ability to vote that is being interfered with most by these laws that are

being passed by Republican legislatures, and promoted and signed by Republican governors.

I hope that this Congress, and if not this one the next, will have the courage to pass strong and sensible gun control laws. Yes, we are very concerned, as has been said—and which is the subject of our Special Order this evening—about voter protection in the face of many States that are passing laws to restrict voting in ways that do particular harm to the rights of young people, seniors, people of color, and the poor to vote.

As we were reminded, it was made abundantly clear a few weeks ago by that Republican Pennsylvania legislator what the intent of these new restrictive voter so-called poll tax laws are all about: they are being passed to try to defeat President Obama. Well, I have news for them. Those very groups that they are trying to keep from voting, the good people of this country are not going to let that happen. That brings us right back to the need for gun control legislation. The communities that need it most are also the ones that most need us to protect their right to vote. Although everyone in this country must have their right to vote protected, these are the communities where there is violence, where there is poverty, that we must work very hard to protect their right to vote.

In too many communities, violent crime is rising. It is due to the flow of guns, the increase in assault weapons, and it has to be stopped. It is time for us to come together to save our young people, and really to save ourselves. Gabby's shooting shows that none of us are safe unless all of us are safe. My and many other communities are calling out for help. This is a crisis in many parts of our country, and we who are elected to provide for the welfare of our communities and our country have an obligation to do just that. So let's come together. Let's all support the legislation that is before us, the Voter Empowerment Act. Let's also pass gun control legislation. And in the end, though, it is in the voters' hands to decide in November whether we are going to have safe streets and neighborhoods, whether this assault on voting rights will stop. And if we just protect their right to vote, I know that they will do the right thing.

With that, I yield back the balance of my time.

#### GOP FRESHMEN HOUR

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Colorado (Mr. GARDNER) is recognized for 60 minutes as the designee of the majority leader.

Mr. GARDNER. Thank you, Mr. Speaker, and thank you for the oppor-

tunity to address the House tonight. I appreciate the time and consideration that we will have, the opportunity to visit with the American people about some of the biggest issues we are facing as a Nation.

I thought I would start with highlighting an article that appeared July 18 in Politico. The headline of this bill is: "President Obama's job's panel, missing in action."

□ 2000

The first paragraph of this Politico article says:

President Barack Obama's Jobs Council hasn't met publicly for 6 months, even as the issue of job creation dominates the 2012 election.

So we know that the economy is suffering. We know that unemployment continues to burden this country. But the fact is even the President and his Jobs Council isn't taking the issue seriously enough to make sure they're meeting regularly to talk about what's important for the American people.

Tonight as we talk about those issues that are important to the American people, I want to talk about the issue of regulations and how the issue of regulations, whether it's a large business or small business, are affecting the ability of businesses to hire around this country to get people back to work because we are indeed becoming a regulation nation.

The effort continues this week for House Republicans to ensure that government doesn't stand in the way of America's job creators. Washington doesn't need more regulations, we need smarter regulations.

Tomorrow, we will be considering H.R. 4078, the Red Tape Reduction and Small Business Job Creation Act, which is a package of proposals aimed at providing regulatory relief from the red tape that continues to burden our small businesses. This package imposes a moratorium on any new regulation until unemployment drops below 6 percent nationally. It's been over 3 years since our unemployment has actually dropped below 8 percent. This is the 41st month in a row where unemployment in this country has been at or exceeded 8 percent. This bill aims to curtail the practice of midnight regulations, regulations that are promulgated from the day after the November election through January 20, the day of the presidential inauguration, and highlights the increasing concern of "sue and settle" agreements.

As a Member of Congress, I try to vote the right way and push forward the right Federal policies and practices so that businesses can operate more effectively without the hand of government guiding it. I wanted to break down some of the barriers throughout the night that are truly affecting job creators and their ability to hire to make this country work. I thought I

would just talk a little about current events across the Nation. Some of these are State regulations, and some of these are local regulations. There is a Forbes article printed last year on August 3, 2011, "The Inexplicable War on Lemonade Stands" about regulations that required a child's lemonade stand to cost \$400 in permitting alone, bake sale busts across the country because regulations don't allow for children to have bake sales, and Big Gulp attacks in New York as the mayor attempts to regulate the size of pop that people can buy.

Some of these are Federal regulations, and some of these are State regulations. But the fact of the matter is this Nation faces a greater and greater challenge in becoming a regulation nation that hurts job creators and our ability to pull ourselves out of this economic slump.

Tonight I'll be joined by Members of Congress from across the United States, from Indiana to Alabama to Arizona and beyond, to focus on those issues that are important to our Nation's small businesses and job creators.

With that, I would like to yield as much time as she may consume to the gentlelady from Alabama who has been working tirelessly to make sure that her constituents have the opportunity they need to get back on their feet again when it comes to our economy.

Mrs. ROBY. I thank the gentleman from Colorado and the other Members that are here tonight to talk about the Red Tape Reduction and Small Business Job Creation Act that we will be voting on here in the House this week.

Earlier this month, President Obama commented in a speech:

If you've got a business, you didn't build that. Somebody else made that happen.

President Obama has even talked about how excessive regulation hurts job creation saying that:

Sometimes rules have gotten out of balance placing unreasonable burdens on business, burdens that have stifled innovation, and it's had a chilling effect on the growth of jobs.

This is straight from this President's and this administration's mouth. Even as recently as February of 2012, The Economist put out this, "The Over-regulated America." This is not a secret that we are talking about here tonight. This is something that is clearly well established. And if any Member of Congress has taken, as I know many have, the time to travel throughout their districts, as we all do, to meet with business owners, small businesses, medium-sized businesses or even large businesses, they will tell you that they are not creating jobs because they are overregulated. And I have used example after example on this very floor where I have met with the private sector, with these businesses, and they've said we had to reinvest all of our capital into just making sure that we are

dotting the I and crossing the T, when all of that capital could be reinvested in creating jobs.

So what we have on this floor this week is a series of bills. I know Mr. QUAYLE from Arizona is here to talk about his incorporation in this bill, but there are seven different ideas incorporated into this one bill that is going to ease regulations in this country on businesses in different ways. I think tonight, as the gentleman from Colorado has already suggested, we can have a real frank discussion, because this is about being honest with the American people.

I get asked the question, as I'm sure all of you do, what are you doing? What is Congress doing? Well, this is what we're doing. And why our friends in the Senate, for the life of me, I do not understand, nor do the people I represent in southeast Alabama understand, why Mr. REID and those in the Senate will not take up these very bills that will remove the heavy hand of government and unleash the private sector's ability to create jobs in this country. I look forward to continuing this conversation, and thanks for letting me be here.

Mr. GARDNER. I thank the gentlelady from Alabama, and *The Economist* article, I've got a copy of it here as well, this is not exactly the bastion of conservatism that Republicans hold up all the time to highlight their beliefs. This is the *Economist* dated February 18, 2012, headline as you stated, "Over-regulated America." And just to share one little factoid from this report that *The Economist* put out here, it says a study from the Small Business Administration, a government body, found that regulations in general add \$10,585 in costs per employee per year—\$10,585 per year per employee is the cost of regulations. If you're a business that's just getting started, or if you're struggling to balance the books and make sure you are able to continue into next year, here's the cost, \$10,585 per employee.

Mrs. ROBY. Just to jump in real quick, have you heard from your employers back in the district where you go and you do these site visits and they immediately tell you not just how overregulated they are but how excited the regulators are to come into their business and write them up for things they have never done before? In the past, these regulators have been ambitious to help job creators to correct situations that may be unsafe or a dangerous situation for the employees. But, now, instead of providing employers an opportunity, there are fines after fines after fines that are just putting more of a burden on these very people that want to take their capital and invest in job creation. I hear it everywhere I go.

Mr. GARDNER. You're exactly right, the punitive approach to regulation

that's not actually trying to make a business improve, it's not trying or concerned with safety, but it's more concerned with the number of tickets or violations that they write, the number of fines that they can collect.

I know the gentleman from Indiana (Mr. YOUNG) has a lot of insight on this. You talk about a State that has seen some incredible challenges over the years as it comes to the economy, but certainly rebounding now under great leadership of Mr. YOUNG himself as well as a great Governor, Mitch Daniels. I certainly look forward to the comments you have tonight.

Mr. YOUNG of Indiana. Thank you so much for your hard work on this issue and your leadership on so many other efforts. I can certainly identify with the comments that you've made and that the gentlelady, my fellow colleague from Alabama, has made. We've seen an uptick certainly in my district of these numbers of notices and penalties that the aggregates businesses, for example, in my district receive, oftentimes for petty little issues. And it seems that there has been an increase in the enforcement from this administration on some things where frankly you ought to have these agencies working with our businesses, helping them come into compliance, consulting with them, doing even a little cost-benefit analysis on the ground level. We've lost all sense of perspective.

I have to say as someone who has just been here for a year and a half, I've been a little surprised by a number of things, but perhaps it was my own naivete that led me to expect most of my constituents' concerns would be related to how we should vote on a given matter.

□ 2010

Vote "no" on this resolution. Vote "yes" on that given bill. But instead, so much of what I have heard over the last 1½ years has been, as much as anything else: Stop this regulation from being enforced. It's really killing our business. It's hurting job creation right here in our part of the country. How can you rein in these executive mandates? So I've tried to do my part, and others have here as well.

I'll cite my colleague from Indiana, Congressman TODD ROKITA, who has worked very hard on a project the last year and a half that he calls the Red Tape Rollback. I hold right here in my hand a report which Congressman ROKITA's office recently put out, the catalogs, these regulatory concerns of businesses in my home State and the job-destroying effects of overregulation. It turns out there's a reason why so many businesses in the Hoosier State are suddenly feeling the crushing effect of regulation, and it's because we've seen a sharp increase in regulations under this administration.

Let me throw out some numbers here:

Since 2008, there have been over 34,000 regulators added to the government's payroll;

Additional regulatory costs have increased by \$46 billion per year since the beginning of 2009;

The number of regulations with an economic impact of \$100 million or more—so-called "major regulations"—has increased by 32 just last year. By comparison, the last President only added 28 such regulations in his first 3 years in office. All told, this President added 106 through the end of last year.

So the list goes on and on. I know my colleagues can add to this list—parade of horrors—with respect to regulations. Something needs to change up here. I'm glad we're here tonight to talk about a particular bill that will change things for the better.

Mr. GARDNER. I want to just ask a quick question about something that you said there. I believe you said, since 2008, 34,000 regulators have been hired by the Federal Government?

Mr. YOUNG of Indiana. That's right. They've been added to the government's payroll.

Mr. GARDNER. These are individuals whose sole job it is to write new regulations; 34,000 new people to write new regulations.

Mr. YOUNG of Indiana. To write new regulations, to go out there and to pore through private sector books, to be boots on the ground to enforce these existing regulations. So we've got 34,000 more individuals who are interfering with private sector activity.

Now, I use the word "interfering." I acknowledge there are cases where we have to have regulations. I think everyone here would agree with that sentiment. But things have gotten out of whack, and we're really constraining job creation at a time when our constituents want us to be creating more jobs.

Mrs. ROBY. I would love to add to the out-of-whack statement because I have a few examples here.

I don't know if you have agriculture in your districts, but the farmer that is having to deal with duplicative permitting processes or concerns over the Federal Government making them regulate dust on their farm. As one of our colleagues said, last time she checked, if you drive a pickup truck down a dirt road, it's going to generate dust. But we're regulating that. That's what the Federal Government is regulating.

Not to mention ObamaCare or the pulp and paper industry—which we have a lot of in my district—concerned about the Boiler MACT regulations that are so costly, the gas station owners that are worried about EPA requiring that their gasoline have certain percentages of ethanol mixed into their fuel or they have to pay a penalty, or the chicken hatchery farmer—now, this is a good one that happened last week.

We had a chicken hatchery farmer that called our office just last week about a new regulation that will require keeping his eggs at a certain temperature to go to processing to make dried eggs to avoid salmonella. Well, here's the kicker. And this is just to demonstrate the ridiculousness of the overregulation.

On the surface, this makes sense because we want to protect America's health. But this same regulation, this very same regulation, is letting the grade egg farmers that do have potential salmonella in their facilities send their possible contaminated eggs to the same processing plants. Processing eggs for dried eggs and other products kills the salmonella that would potentially be in this product. The FDA is allowing possible exposed eggs into the system.

So why should a hatchery farmer, who only sells to this type of processing when they have extra eggs be forced to put it all in a sort of refrigeration process that has nothing to do with the prevention that the regulation says that it's trying to prevent? And the answer is overregulation. This is just another example. I like eggs. I fixed some scrambled eggs this morning for breakfast. This affects me. It affects all of us in our lives, in our homes, in the grocery store.

When I buy milk for my kids, I see the costs increasing because of these very regulations. Whether it's the EPA and the ethanol in the gas or these actual very specific regulations that have to do specifically with the product being sold, we all are affected by this. It's costing jobs, and it's costing the American taxpayer to have to spend dollars that are unnecessary.

Mr. GARDNER. I thank the gentleman from Alabama for making the point, especially on the issue of farm dust.

I can remember a committee hearing we had a month ago where the assistant administrator of the EPA was asked directly whether or not the EPA regulates farm dust, and she denied that the EPA is going to regulate farm dust. But when she was asked whether or not the EPA regulates dust from farms, the answer was yes. Now, only in Washington, D.C., Mr. Speaker, can farm dust and dust from farms be two different things.

But somebody who has also been standing the line to make sure that they are fighting for America's job creators, somebody who's been doing the hard work it takes to get this economy back on track, and somebody who has experience himself as a job creator, running a small business, putting people to work, is our colleague from Colorado, SCOTT TIPTON, who has worked tirelessly to make sure that this country's policies reflect a nation of job creators instead of a nation of bureaucrats.

With that, I would like to thank the gentleman from Colorado (Mr. TIPTON) for joining us tonight.

Mr. TIPTON. My pleasure, and I thank the gentleman from Colorado for yielding.

Mr. Speaker, we have a great challenge in this Nation: to be able to get our people back to work.

Right now we are paying, as a country, \$1.75 trillion per year in regulatory costs. As was noted earlier, small businesses are incurring better than \$10,000 per employee. That is a burden that they cannot sustain, hoping to be able to create jobs and to be able to get this economy moving.

I'd like to be able to just give you a couple of real, personal examples of regulations that are impacting real lives.

A gentleman in Pueblo, Colorado—they just had their new unemployment figures come out: 11.1 percent, and those are just the official numbers. The real numbers are even much higher. Jim Bartness, much to his dismay, contributed to that, simply because he tried to play by the rules that the government had issued.

A small construction company, Mr. Bartness had had a few good years. In fact, under the President's proposals now, a couple of years ago he would be deemed as wealthy. What did he do with his wealth as a small business man, an LLC, a sole proprietorship? He reinvested those dollars right back into his business—to be able to create jobs, to be able to provide for his family. He paid down his line of credit to zero, kept a little bit of cushion to be able to get them through the tough times.

In construction, if you're familiar with that, you often bid jobs but you don't get them. So he needed to re-up that line of credit to be able to keep his business going, to keep his employees going. When he went down to the local community bank, he was told they wanted to re-up that line of credit, but regulatorily, they could not. He could not get that line of credit. The one option he had was to shut down his business, line up that equipment, and auction it off.

As I talked to Mr. Bartness, you could see tears welling in his eyes as he related that story of calling in those 23 employees to tell them it was going to be their last day. That was a regulatory killing—literally—of a business.

I think we all do concur. We know there need to be some regulations. You know, at the beginning of the 1900s in this country, when we first started building cars, there were only two automobiles in New York City. They ran into each other. A stoplight isn't a bad idea. But we have seen such overreach out of government.

When we're talking about the agricultural community, as I traveled through the San Luis Valley, where I was this last weekend, held a town hall

meeting and met with potato farmers, fully willing to take on the issues that we deal with often in Colorado, dealing with water, they didn't want to talk about water. They wanted to talk about the EPA. The overreach of government in the regulatory process is literally killing business.

We had a message that they wanted to be able to have delivered. They heard the President's comments that they didn't build that business; they owed it to government. They want the President to know that when they open up that business early in the morning and put in those 12-, 14-hour days, sometimes 7 days a week, and they are the ones that lock that door at night, it isn't Washington, D.C., but it is this President's policies which are inhibiting job growth in America.

□ 2020

We've got to be able to get America back to work, and the Red Tape Reduction and Small Business Job Creation Act is something that will help achieve that, and I'm proud to be able to stand with you and speak to this this evening.

Mr. GARDNER. I thank the gentleman from Colorado.

And again, I will highlight some of the statistics that he pointed out. And the gentleman from Colorado can correct me. You said \$1.75 trillion cost of regulations. That's per year?

Mr. TIPTON. That's correct.

Mr. GARDNER. And that's just money that businesses are using to comply with more and more regulations that are in place every year by the Federal Government.

Mr. TIPTON. It is. And I think it's incredibly important to note, they're continuing to grow. The moving bar that our businesses face in terms of regulatory compliance is costing American jobs.

Mr. GARDNER. And I would point out, too, as the gentleman has mentioned, the cost of regulations and the time that regulations take, this is a—again, going back to that same economist article talking about the issue of overregulated in America. And it talks about how every hour spent, every hour spent by a doctor in this country today, under the President's health care bill, when a doctor meets with a patient for an hour, that doctor, that health care clinic, that hospital, is going to spend at least 30 minutes filling out paperwork and forms. So the doctor meets for an hour with the patient; they're going to be spending at least 30 minutes of paperwork, and often a whole hour.

You talk about regulations. That's what the President's health care has brought us.

And I know the gentleman from Arizona (Mr. QUAYLE) has been a champion for job creators in his State. The next speaker tonight is BEN QUAYLE from

Arizona, who's going to talk, amongst other things, about a bill that he has introduced, H.R. 3862, to get to the very heart of some of the challenges that we face when it comes to protecting America's job creators and making sure that we're not strangling our job creators through regulations. I look forward to his comments tonight.

Mr. QUAYLE. I thank the gentleman for yielding.

Our friend Mr. TIPTON from Colorado was talking about some of the President's comments about business owners and people who created businesses, when he said that, you know, if you have a business, you didn't build that.

Well, Mr. Speaker, I have news for the President. They did build that. They built it on the sweat of their own brow, their hard work, their determination. Sometimes they failed, but most of the time they succeeded. And they didn't succeed because of government; they succeeded in spite of government because of all of the regulatory burdens they put in front of small businesses to grow, all of these things that they have to comply with, and the rules change on a daily basis.

I was reading an article—actually, an interview—with former Secretary of State George Shultz the other day in *The Wall Street Journal*, and he had a very appropriate analogy when he said that, if you take a sports game, whether it's football or baseball or what have you, and you're asking a team—here, it's going to be businesses—to get involved, get on the playing field, which is exactly what people are saying right now when people are holding back their cash if they've been lucky enough to have that success.

But the problem is you don't ever want to go onto a football field if you don't know what the rules of the game are, if the rules are going to change, or if you have a referee, like this administration, who is not going to faithfully execute the laws based on what is written rather than what they believe should have been written.

And so that is a huge difference, and it's a huge problem that's facing our job creators right now. They don't know what the rules are. They're constantly changing, and they don't have a referee that's going to call balls and strikes just as balls and strikes and not just make things up as they go along.

Our friend from Colorado (Mr. TIPTON) mentioned that \$1.75 trillion of annualized costs are dedicated to regulations. If you break that down, that's about \$10,585 per employee for the average small business. I don't know about you, but that is a huge cost that is an annual cost that they pay every single year, and it's choking the ability for small businesses to take that money, take that capital, invest it, grow it, hire new people. Instead, they're using that for compliance costs. Instead, they're using that to push paper.

Those are the things that we're trying to get rid of. Those are the things we're trying to streamline so that we don't have the red tape that's going to continue to stifle economic growth in this country.

And if you look at what's coming down the road, my goodness. You have Taxmageddon that's coming up on January 1, where we have the Democrats in the Senate saying that they're willing to go over the fiscal cliff in order to get after some of the best job creators and tax them, basically to Armageddon.

And then you have the regulatory environment that continues to stifle economic growth. And if you look at what the Obama administration has been able to do, just in 2011, they added \$231.4 billion in new regulatory burdens. They added 82,000 pages to the Federal Register. That is an insane amount.

But this week we're going to be fighting back. That's why the Red Tape Reduction and Small Business Job Creation Act is so vitally important for the economic future of our country.

Now, I have a bill that's entitled *Sunshine for Regulatory Decrees and Settlement Act of 2012*, and that's a piece of this bill. And what it does, it kinds of goes into an area that's not really talked about that much, but this is basically regulation via litigation, and it's extraordinarily damaging.

What happens is, if you have an interest group, they lobby Congress for a rule, for a statute, and having one of the agencies write a rule by a certain specific date. Now, the date is artificially short so they can't actually comply and go through the normal rule-making process. So then that date lapses, and then that special interest goes and sues that agency. The DOJ comes in and tries to defend it, and sometimes—and most of the time—we get a more stringent regulatory burden that is placed on our businesses, and they don't even have a chance to respond. A lot of times they file the complaint the same day as the settlement agreement, and it is virtually impossible for a subsequent administration to actually change that because they have to go through the whole judicial process rather than going through the normal agency process.

So this starts to bring some transparency to that, brings the stakeholders to the table so they can have a say in what's going to happen in the regulation that's going to directly affect their business.

Now, some of the most onerous regulations that have been passed recently have been passed via this regulation via litigation, whether it's the Boiler MACT, the Cement MACT, the Utility MACT that's coming down. Some of the ones that affect Arizona especially, we're having one that came out that's going to affect the Navajo Generating

Station that could cost hundreds of jobs, drive up Arizona energy prices by 20 to 30 percent, our water costs by 20 or 30 percent, and the compliance cost for the Navajo generating station is \$1.1 billion.

□ 2030

This came through regulation by litigation. These are the types of things that this bill, which we're going to be debating in the next couple of days, is going to stop. It's going to put an end to it so our small businesses can grow again, so we can get our economy moving again, and so we can get people back to work.

I thank the gentleman for highlighting this issue and for leading on this issue.

Mr. GARDNER. I thank the gentleman from Arizona.

You mentioned at the beginning of your comments tonight the President's statement that, if you have a business, you can thank government for that.

Have you ever had a small business owner or somebody who opened a business call you and thank the government for building his business? I don't know. I certainly have never had that.

Mr. QUAYLE. No. I think Ronald Reagan said the scariest words you can hear are: "I'm from the government. I'm here to help." I think that that is basically what our small businesses are saying right now, that if you have the government knocking on your door, it's not a good thing.

Mr. GARDNER. And \$1.75 trillion is the yearly cost of regulations. If you were to hire 35 million people at \$50,000 a year, that would equal \$1.75 trillion. \$1.75 trillion could hire 35 million people at \$50,000 a year.

Mrs. ROBY. I would even add to that and say that I've had business owners in my district who have lodged complaints about what we talked about before, this punitive regulation, but they don't want you to go to bat for them because they're afraid it's only going to end up costing them more and that then their businesses will become targets of this Federal Government.

Now, what kind of United States of America is that when we have businesses that are afraid to complain to their Representatives in Congress about exactly what you're talking about? "Hi, I'm here. I'm from the government and I'm here to help." Then you complain about it, and you get targeted as a business.

Mr. QUAYLE. You're exactly right. Because of all the different agencies that there are to respond to, they're worried that, if they actually challenge the ruling or challenge the regulation that is being put upon them, then they will actually have further burdens placed upon them, further ramifications placed on them so that you have a constant living in fear because they're going to still have to report to

that agency. Then, if they actually try to combat what just happened, they're going to have the full force of this agency going down their throats. That is a huge issue.

Mrs. ROBY. If you talk to the Greatest Generation, you know that is not what this country was built on.

Mr. YOUNG of Indiana. In everything you've described—from the sports analogy, where people are afraid to go onto the field because they don't know the game, to the direct impact it has on all sorts of businesses—that also applies to our Nation's financial institutions.

It's through our banks and credit unions that so many of our small businesses get off the ground, and that's how, oftentimes, they're able to sustain themselves during dips in the economy. Unfortunately, there is great uncertainty in the financial sector as well. We can cite a number of different things, but I put Dodd-Frank high on the list. I certainly hear that in my district. Let me relate to you a little story about the impact of regulations as they affect banks and how they, in turn, affect businesses in my district and around the country.

I visited, not long ago, a business that manufactures food products, things like these little miniature pizzas that are frozen—you buy them at the grocery store—and little hot dogs with dough encrusted around them. It's actually an incredibly productive manufacturer of these things, and it has developed a lot of expertise. This company was on the verge of a major expansion. It would have created hundreds of jobs in my district and led to additional jobs because of the supply industry that would have supported this company.

But Federal regulations got in the way.

The company needed a \$3 million bridge loan to get everything online and begin production. They were a dream sort of business. To give you a sense of what they had lined up, they had a world-renowned entrepreneur, and they had a billionaire investor. The person who had conceived of this business put up \$1 million of his own money—his life savings. They had several high-profile, nationally known businesses lining up with purchase orders. They'd already secured a new facility and invested significantly in new capital equipment.

So everything is online, but the new banking regulations prohibited them from getting the money they needed to take it to the next level. Things are finally moving forward for this business. I'm happy to say that, despite these headwinds, the founder of this business was able to secure alternative financing from private sources and others. Ultimately, it was regulations that almost killed these hundreds of jobs in my district.

This is the sort of human impact that so many Americans and commu-

nities are facing right now. This is what we're trying to get our hands on with this legislation that we're passing.

Mrs. ROBY. To quickly add to that, in the Dodd-Frank Act, there are 36 rules implemented, and it will grow to the 400 required under that act. That goes to your point exactly.

Mr. YOUNG of Indiana. Absolutely.

So we've seen this in the ag sector, where traditionally between crops being planted and harvested, it's not uncommon to get bank loans to keep the operation afloat, especially with smaller farms. We see it in all types of businesses. It's time that we take care of these financial regulations and other types of regulations, and I'm glad we are acting here on the Republican side in the House of Representatives.

Mr. GARDNER. Again, thank you for sharing that story with us about a manufacturer of a restaurant—a food business, I guess, operator—that is ready to create jobs if it could just get government out of the way and let it do what it does best, which is run its own business.

I am pleased tonight that we are joined by the gentlelady from North Carolina, VIRGINIA FOXX, who is a champion on the House floor in making sure we are doing just that—getting government out of the way and letting America work.

Ms. FOXX. I want to thank members of the freshman class—I think people don't realize we call ourselves “freshmen” our first year here—for doing such a wonderful job of humanizing this bill.

This is not the most exciting legislation that has ever passed the House of Representatives, and I have to say my piece of this legislation is probably one of the least exciting pieces of it. It's H.R. 373. It's called the Unfunded Mandates Information and Transparency Act. It's pretty dull. I'll tell you, when you read it, if you need something to put you to sleep, it's a great thing to put you to sleep, but it is very important legislation. All seven pieces of the legislation that you all are talking about tonight have real impact on the public.

I want to say, in 1995, when Republicans took over the majority for the first time in 40 years, they passed a bill with bipartisan support called the Unfunded Mandates bill. We all grew up hearing how the Federal Government was putting unfunded mandates on State and local governments. So they said, well, we're not going to do that anymore. We're going to figure out how much this costs, and if it costs over \$100 million, we're not going to do it. Well, guess what? There were loopholes in the legislation. We hear about loopholes all the time in tax legislation, but you don't hear very many people talking about the loopholes that are out there that govern the bureaucracy.

Well, there were lots of loopholes in the Unfunded Mandates bill, or UMR.

What my bill does is close those loopholes to keep the bureaucrats from getting around telling us how much these unfunded mandates are going to cost. For the first time ever, it is going to apply to the private sector so that we will really know—these rules and regulations that the gentleman from Indiana was talking about—how much they're going to cost that business that was almost put out of business. That's what we need to be doing.

So the rules may go into effect, but this Congress is going to understand and the world is going to understand how much it is costing us, and that is very, very important.

I thank you for letting me share a couple of minutes of your time tonight in order to bring some information forward about H.R. 373, which is a bipartisanly supported bill, as I think most of these bills are. So, while they are not exciting, they do good work.

Mr. GARDNER. I thank the gentlelady.

In going back to some of the comments that have been made tonight, the gentleman from Indiana talked about the 34,000 new rule makers—the people who have been hired to do nothing but write rules. I live in a town of about 3,000 people, so 34,000 people is a heck of a lot more than I have in my hometown, and they were all hired to write regulations. The gentleman from Arizona talked about 82,000 pages.

To the gentleman, I think that was 82,000 pages of regulations in 2012 alone?

Mr. QUAYLE. 2011.

Mr. GARDNER. 2011. So that's 82,000 pages of regulations written in 2011.

During the first 3 years in office, the Obama administration unleashed 106 new major regulations that increased the regulatory burdens in this country by more than \$46 billion annually. I want to share with you a statement that the President, himself, made. This is a statement that he made recently, saying:

The rules have gotten out of balance, placing unreasonable burdens on business, burdens that have stifled innovation and have had a chilling effect on growth and jobs.

Yet here we are increasing regulations by this President, by this administration.

Mr. YOUNG of Indiana. We've just lost all sense of perspective. We ought to be measuring the cost of any given regulation—of any proposed regulation—of the benefits, and then comparing the two. I think any fair-minded person would take into account both of them and, in the end, decide whether or not a given regulation makes sense.

I was doing a little research earlier in preparation of my coming down to the floor. I just wanted to see what some of the cost-benefit analyses have been for recent regulations.



□ 2040

I came across a report by the National Bureau of Economic Research. It was from a decade ago. They took a look at some of the regulations that have been proposed over the years. One of them was child-safe lighters. The Consumer Product Safety Commission determined that a life would be saved for a cost of only \$100,000 by implementing these regulatory standards for child-safe lighters. That strikes me as pretty reasonable. That's absolutely worth it. There was another regulation proposed, and conceivably for a cost of \$100 trillion that we might save a life some day by the solid waste construction regulatory standards that our Federal Government has proposed. There has got to be a sense of balance here, or we're going to crush our economy.

Mr. GARDNER. We continue to hear testimony before our committees that talk about how for every \$1 million you spend on regulations, it creates 1.5 jobs, as if regulations and adding burdens to business is actually job creation in and of itself.

Mrs. ROBY. Didn't you have the opportunity to question a witness on your committee and ask very specifically as it relates to energy? If I watched the hearing correctly, you were unable to ever get really until the final admittance that, in fact, they do not take economic impact into consideration when instituting these regulations.

Mr. GARDNER. It's one of the greatest frustrations I have. You're talking about major regulations and their impact on job creation and impact on jobs, and yet this bureaucrat admitted that they don't take into account in the economic analysis they carried out, they don't take into account the impact on jobs.

Mrs. ROBY. What do they take into account?

Mr. GARDNER. Somehow they have cost and benefits, yet they consider their economic analysis complete, even though it doesn't take into account jobs.

Mrs. ROBY. Without the input of the private sector that is actually impacted by the very regulations.

Mr. TIPTON. I would like to be able to comment really in regards to Congresswoman FOXX, that this is an exciting piece of legislation.

The fact is that if you sit down and you talk to small businesses, they're excited about this legislation because they're the ones that are literally feeling this impact. We passed the REINS Act to be able to pull back those massive regulations which were impacting jobs in this country. We are standing up for the small businesses that create 7 out of 10 jobs in this country to be able to get our people back to work.

Just recently when we were talking about committee hearings, we just had

a hearing in a Small Business Subcommittee that I chair over at Energy, Ag, and Trade, and we saw that the Department of Labor was going to start regulating children working on the family farm. You couldn't work on a haystack higher than 6 feet; you couldn't take your animal down to the county fair to be able to show. In farming and ranching, you learn by doing. They pulled that rule now for the balance of the year. What's frightening to the farm and ranch community is the words "for the balance of the year." They will be back. The regulators will be back.

This is a commonsense piece of legislation that's speaking to the heart of the people that drive this country, the small businessmen and -women who are willing to wake up those mornings and put in that hard labor just for the hope of being able to live the American Dream. This is the right thing to do at the right time for American business, to be able to stimulate jobs and get this economy moving.

Mr. QUAYLE. I very much agree with that.

One thing that Mr. GARDNER from Colorado was talking about in terms of actually taking into account in the cost-benefit analysis is the impact on jobs. I've talked to a number of businesses, and they say that with all of the new regulation that has been coming out of this administration, that they've actually had to replace somebody in a productive part of their company, in R&D, research and development, with somebody on the administrative side just to be able to comply with the regulations.

If you look at that, it's a net zero for job creation or job loss. The problem is that that person who is involved in R&D, they have the ability to get new products on the market that are actually going to expand their company. Somebody who's actually just pushing paper and trying to comply with regulations is never going to put in some sort of measure where they're actually going to be able to expand their company. That's the big thing that we're talking about when you're saying that for every regulation you have 1.5 jobs for whatever million dollars. That's just hogwash. It's ridiculous that they're pointing to that. I've heard other Members say that increased regulation increases jobs. It does not. It increases paperwork. We don't want a bunch of paper pushers. We want people who are going to provide products and services that are going to be expanding the economic pie that we have in the United States.

Mr. GARDNER. I often tell my constituents a story about my grandfather when he came to Colorado and opened up the farm equipment dealership that still remains in our family today. I tell the story about how they came to our hometown, a

small town, and they built their business. I talk about how my wife and I wonder if our children are going to be able to have the same opportunities that he did to start a business of their dreams. I don't think they ever imagined that the government would be considering prohibiting a 16-year-old from working on their uncle's farm. I don't think they ever imagined that the government might try to require dairies to build berms around the cows in case there was a milk spill. I don't think they ever would have imagined a world where the government would introduce, as a result of litigation, a proposal that could wipe out 25 percent of our electricity generation just because they decided this regulation has to go into effect because of a lawsuit that they agreed to settle, and the cost that that will force upon America's job creators.

Again, we get back to this notion of the millions of people in this country that are unemployed. We get back to the very simple fact that one out of every two college graduates today is either unemployed or underemployed. Our Nation has seen unemployment rates at or above 8 percent for 41 months in a row. All while the promise of the President's stimulus bill said we're going to solve these problems, unemployment is going to be drastically reduced, we're going to create energy opportunities by giving millions and millions of dollars in loan guarantees to companies that go bankrupt. Yet, we have job creators in Indiana ready to hire, but they can't get the money that they need because of regulations. We have a government that would rather give loan guarantees to companies they know are going to fail than to actual job creators that are already succeeding.

Mr. YOUNG of Indiana. If I can intervene here. You would think that during a down economy, what some have called the worst economy since the Great Depression, we would stop piling on. It's the first rule of holes: you stop digging when you find yourself in one. But we continue to dig even though we're in a hole. We pile on new significant regulations on top of the existing significant regulations.

There's a portion of this legislation that was offered originally by Congressman GRIFFIN. His name is still on it: Regulatory Freeze for Jobs Act. This places a moratorium on all significant regulations, all of those with \$100 million or more economic cost on our economy.

This is common sense among my constituents, probably among the vast majority of the American people here, that you just stop piling on the major regulations during a down economy. I'm certainly supportive of this. I think we need to go further.

Mr. TIPTON of Colorado mentioned the REINS Act. It would be my preference that every time we have any

proposed rule or regulation imposing a \$100 million cost or more on our economy, it comes back to Congress for a hearing, for an up-or-down vote. We should allow our constituents to weigh in on the manner, tell us how to improve the regulation, tell us if they think it ought to be eliminated altogether, or perhaps they like it. In the end, I think we need to own these significant regulations.

You know what? If we pass that REINS Act, that will give all of us an incentive not to punt on the hard issues, not to pass them onto the EPAs and OSHAs and USDAs of the world. Ultimately, we would own it. We would be accountable. I would invite that sort of scrutiny and accountability.

Mrs. ROBY. Wouldn't that be a novel idea?

Just real quickly if I may. We've now stated on more than one occasion some quotes from the President and this administration going back to the fact that if you've got a business, you didn't build that. Then, as the gentleman from Colorado just read again, the President said that these rules have gotten out of balance. Mr. GRIFFIN in his op ed he wrote in support of his amendment. I'm just going to make sure we give the gentleman from Arkansas some credit since he's not standing here with us. He also points out at the end of this opinion piece that the President admitted in his State of the Union address, "There's no question that some regulations are outdated, unnecessary, or too costly."

□ 2050

And I just want to read that again. "There's no question"—this is the President, this President, President Obama—"There's no question that some regulations are outdated, unnecessary, and too costly." Yet every single time in my short tenure in this House of Representatives that we have brought a bill to the floor to deregulate, to do away with unnecessary regulations so that the private sector can grow, we are blocked in the Senate, and the President is not there to support us.

Mr. YOUNG of Indiana. Just one addition to the gentlelady's comments. The President also ordered a regulatory review of all regulations in that very same speech. And he was going to root out, he said, existing regulations that were constraining job creation. He reaffirmed his commitment to repealing all these sorts of measures. You know, his rhetoric is not matched by commitment, by action. So we're acting in terms of this piece of legislation, and I am proud of that.

Mr. GARDNER. And I would like to ask the gentleman from Colorado tonight—you know, the gentleman from Indiana mentioned the Regulatory Freeze for Jobs Act. This is the idea that we put a freeze on regulations

when the economy's down, but it is specifically about the REINS Act.

You know, the REINS Act that we talked about earlier this year was a bill that we passed that said, if a rule or regulation has a certain economic impact on our economy, then it has to come back to us to say whether or not this is something that we need to pass on to America's job creators.

When we served together in the State legislature, every year we worked on the rule review bill. And the gentleman from Colorado will recall that this was a bill that came up to us, and we got to look at the regulations and give them a thumbs up or thumbs down on whether or not we thought the executive agency had gone too far, whether we thought they were doing the right thing.

And again, this is just one way for us to say, hey, let's do what's right for America's job creators.

Mr. TIPTON. You know, in Colorado, we just call that common sense. And I bet we do in every other State in the Union as well.

Here is what is fundamentally the problem: We will recall that Minority Leader PELOSI, with the passage of the President's health care mandate, said that once it is passed, we'll find out what's in it. It is a little comical to be able to hear that. But the fact is, it was actually true because they continued to fill in the blanks with regulations. We continue to see that with Dodd-Frank. And the Congress is not having the opportunity to truly be able to be engaged.

I know in each of our committees, we have challenged bureaucracies, departments as they have come in to be able to bring those rules back to the authoritative committees, to be able to bring them back to Congress to actually be able to play a role because here is fundamentally the problem: Once they go final with a rule, it takes that proverbial act of Congress to be able to pull back that rule that a Member of Congress, a Member of the Senate never asked for.

We have got to be able to have these opportunities, to reengage the people who are actually elected to be able to represent the American people rather than having nameless, faceless bureaucrats writing regulations that are hurting American business, hurting our economic prospects, and preventing us from being able to get this economy moving.

Mr. QUAYLE. You know, it is kind of a shame that we actually have to pass something like this. But so much power has been amassed in the executive branch that we need pieces of legislation like the REINS Act, like this bill.

But the thing is is that if the President would just pick up the phone and call his agency heads and say, Cut it out; don't pass these rules and regula-

tions that are going to keep putting a damper on economic growth. I mean, they believe that they have executive discretion for just about anything. But my goodness, the one thing that they should be using some sort of discretion for is not putting more burdens on small businesses that are trying to grow.

So the President needs to just pick up the phone. That could lead to the biggest economic growth that could happen in this country if he picked up the phone and told every agency head, Hey, let's cut off all these new regulations that you guys are trying to implement.

Mr. GARDNER. And I think the gentleman from Arizona brings up a good point because the President likes to blame Congress for not increasing taxes or for spending enough money. But we know that this President is in charge of his executive branch agencies, that he's the one who appointed his cabinet, approved by the Senate. He could just pick up the phone, as you said, call, and say, Let's make sure we're making it easier for businesses, not more difficult. And again, it's an incredible, incredible opportunity that the President has to stand up and lead. But it goes back to that very issue: he's required to stand up and lead.

Mr. YOUNG of Indiana. Does anyone know—I will pose this question to my colleagues. Is the President's jobs council working on this issue?

Mr. GARDNER. The gentleman from Indiana brings up a great point. And as I mentioned earlier tonight, there was an article in *Politico* that was printed last week. The President's jobs council hasn't even met for 6 months. I don't know if they have given up or if he just is afraid that they may not support his policies.

Mr. YOUNG of Indiana. I have heard that. It seems he has other priorities. But we need to force the hand. We need to make the argument here. This is what our constituents are asking us to do, every conceivable thing we can think of to create an environment where jobs can be created, where new businesses can be started, where entrepreneurship is at a 15-year low, where existing businesses can expand, where unemployment remains above 8 percent for how many months now.

Mr. TIPTON. I applaud that comment.

Let's make American jobs the key priority. Putting Americans back to work; that must be a priority. And we call on the President to join us in this action. We are putting forward the idea. But we need some partners that are willing to be able to work with us.

Mr. GARDNER. I want to thank my colleagues from Indiana, Alabama, Colorado, Arizona, and North Carolina who stood on the House floor tonight talking about what we could do to get this country moving again, what we

could do to unleash the innovators and the entrepreneurs across this country.

We face a lot of challenges. We know that we face insurmountable debt that we must address. We know this country faces spending challenges each and every day. But we can't build a long, sustainable economy unless we get America's job creators back on their feet.

The Small Business Administration recently released a study that said, per employee, small businesses face regulatory costs 36 percent higher than large businesses. It's now easier to start a business in Slovenia, Estonia, and Hungary than in America.

The message that we join together tonight to send to our job creators is that we stand with you. We stand with businesses across this country who are struggling to hire that next person, to make sure that they have the opportunities that the people who started their businesses did, to make sure that the generations that follow have the same opportunities as the generations before them.

So I want to thank my colleagues again for joining us tonight and to make sure that the American people know that we, indeed, have a jobs plan. And tomorrow, when we pick up, again, a debate to talk about America's job creators, that we will talk about how we can get this economy moving forward again. And we will be voting on H.R. 4078, the Red Tape Reduction and Small Business Job Creation Act, that every vote we take on it will be made with one purpose: to get this country moving again and to get our economy back on track and to get America's job creators hiring once again.

I yield back the balance of my time.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4078, RED TAPE REDUCTION AND SMALL BUSINESS JOB CREATION ACT, AND PROVIDING FOR CONSIDERATION OF H.R. 6082, CONGRESSIONAL REPLACEMENT OF PRESIDENT OBAMA'S ENERGY-RESTRICTING AND JOB-LIMITING OFFSHORE DRILLING PLAN

Ms. FOXX (during the Special Order of Mr. GARDNER), from the Committee on Rules, submitted a privileged report (Rept. No. 112-616) on the resolution (H. Res. 738) providing for consideration of the bill (H.R. 4078) to provide that no agency may take any significant regulatory action until the unemployment rate is equal to or less than 6.0 percent, and providing for consideration of the bill (H.R. 6082) to officially replace, within the 60-day Congressional review period under the Outer Continental Shelf Lands Act, President Obama's Proposed Final Outer Continental Shelf Oil & Gas Leasing Program (2012-2017) with a congressional plan that

will conduct additional oil and natural gas lease sales to promote offshore energy development, job creation, and increased domestic energy production to ensure a more secure energy future in the United States, and for other purposes, which was referred to the House Calendar and ordered to be printed.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FARR (at the request of Ms. PELOSI) for today on account of official business in district.

Mr. HONDA (at the request of Ms. PELOSI) for today.

Mr. REYES (at the request of Ms. PELOSI) for today on account of medical reason.

#### ADJOURNMENT

Mr. GARDNER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 57 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, July 24, 2012, at 10 a.m. for morning-hour debate.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

7011. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Azoxystrobin; Pesticide Tolerances [EPA-HQ-OPP-2011-0398; FRL-9352-2] received June 10, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7012. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Dicloran and Formetanate; Tolerance Actions [EPA-HQ-OPPT-2011-0507; FRL-9353-7] (RIN: 2070-ZA16) received June 10, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7013. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Methoxyfenozide; Pesticide Tolerances [EPA-HQ-OPP-2011-0343; FRL-9354-1] received June 10, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7014. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Sulfentrazone; Pesticide Tolerances [EPA-HQ-OPP-2011-0758; FRL-9353-8] received June 10, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7015. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of General Norton A. Schwartz, United States Air Force, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

7016. A letter from the Assistant Director for Legislative Affairs, Consumer Financial

Protection Bureau, transmitting the Bureau's report on Reverse Mortgages; to the Committee on Financial Services.

7017. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Hazardous Chemical Reporting: Revisions to the Emergency and Hazardous Chemical Inventory Forms (Tier I and Tier II) [EPA-HQ-SFUND-2010-0763; FRL-9674-1] (RIN: 2050-AG64) received June 10, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7018. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule Step 3 and GHG Plantwide Applicability Limits [EPA-HQ-OAR-2009-0517; FRL-9690-1] (RIN: 2060-AR10) received June 10, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7019. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Reasonably Available Control Technology for the 1997 8-Hour Ozone National Ambient Air Quality Standard [EPA-R03-OAR-2012-0208; FRL-9697-9] received June 10, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7020. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Nonattainment New Source Review; Fine Particulate Matter (PM<sub>2.5</sub>) [EPA-R03-OAR-2011-0924; FRL-9698-2] received June 10, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7021. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Delegation of National Emission Standards for Hazardous Air Pollutants for Source Categories; Gila River Indian Community [EPA-R09-OAR-2012-0286; FRL-9698-7] received June 10, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7022. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Louisiana: Final Authorization of State-initiated Changes and Incorporation by Reference of Approved State Hazardous Waste Management Program [EPA-R06-2012-0411; FRL-9694-7] received June 10, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7023. A letter from the Under Secretary, Department of Commerce, transmitting a report on the removal of United Nations arms embargo provisions against Rwanda; to the Committee on Foreign Affairs.

7024. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 12-35, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

7025. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 12-46, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

7026. A letter from the Under Secretary, Department of the Treasury, transmitting as

required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to Lebanon that was declared in Executive Order 13441 of August 1, 2007; to the Committee on Foreign Affairs.

7027. A letter from the Chief Human Capital Officer, Equal Employment Opportunity Commission, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7028. A letter from the President and Chief Executive Officer, Federal Home Loan Bank of Topeka, transmitting the 2011 Statements on System of Internal Controls of the Federal Home Loan Bank of Topeka, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

7029. A letter from the President, National Council on Radiation Protection and Measurements, transmitting the 2011 Annual Report of an independent auditor who has audited the records of the National Council on Radiation Protection and Measurements, pursuant to 36 U.S.C. 4514; to the Committee on the Judiciary.

7030. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a semi-annual report to Congress on the continued compliance of Azerbaijan, Kazakhstan, Moldova, the Russian Federation, Tajikistan, and Uzbekistan with the Trade Act's freedom of emigration provisions, as required under the Jackson-Vanik Amendment; to the Committee on Ways and Means.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

*[Pursuant to the order of the House on July 19, 2012 the following report was filed on July 20, 2012]*

Mr. ISSA: Committee on Oversight and Government Reform. H.R. 4078. A bill to provide that no agency may take any significant regulatory action until the unemployment rate is equal to or less than 6.0 percent; with amendments (Rept. 112-461 Pt. 2). Referred to the Committee of the Whole House on the state of the Union.

*[Submitted July 20, 2012]*

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 6082. A bill to officially replace, within the 60-day Congressional review period under the Outer Continental Shelf Lands Act, President Obama's Proposed Final Outer Continental Shelf Oil & Gas Leasing Program (2012-2017) with a congressional plan that will conduct additional oil and natural gas lease sales to promote offshore energy development, job creation, and increased domestic energy production to ensure a more secure energy future in the United States, and for other purposes; with an amendment (Rept. 112-615). Referred to the Committee of the Whole House.

*[Submitted July 23, 2012]*

Ms. FOXX: Committee on Rules. House Resolution 738. Resolution providing for consideration of the bill (H.R. 4078) to provide that no agency may take any significant regulatory action until the unemployment rate is equal to or less than 6.0 percent, and providing for consideration of the bill (H.R. 6082)

to officially replace, within the 60-day Congressional review period under the Outer Continental Shelf Lands Act, President Obama's Proposed Final Outer Continental Shelf Oil & Gas Leasing Program (2012-2017) with a congressional plan that will conduct additional oil and natural gas lease sales to promote offshore energy development, job creation, and increased domestic energy production to ensure a more secure energy future in the United States and for other purposes (Rept. 112-616). Referred to the House Calendar.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. TERRY (for himself, Mr. UPTON, Mr. WHITFIELD, Mr. SCALISE, Mr. MURPHY of Pennsylvania, Mr. SULLIVAN, Mr. POMPEO, Mr. BARTON of Texas, Mr. OLSON, Mr. CONAWAY, Mr. SHUSTER, Mr. WESTMORELAND, Mr. BOUSTANY, Mr. STIVERS, Mr. BROOKS, Mr. BERG, Mr. ROKITA, Mr. HARPER, Mr. BURGESS, Mr. KINZINGER of Illinois, Mr. KING of New York, Mr. REHBERG, Mr. LONG, Mr. CANSECO, Mr. MULVANEY, Mr. BILBRAY, Mr. GUTHRIE, Mr. HUIZENGA of Michigan, Mr. CASSIDY, Mr. GARDNER, Mr. PEARCE, Mr. LANKFORD, Mr. POE of Texas, Mr. SENSENBRENNER, Mr. SHIMKUS, Mr. JOHNSON of Ohio, Mr. MATHESON, Mrs. MCMORRIS RODGERS, Mr. WALDEN, Mr. SIMPSON, Mr. GRIFFIN of Arkansas, Mr. HARRIS, Mrs. BLACKBURN, Mr. COBLE, Mrs. CAPITO, Mr. FLORES, Mr. GRAVES of Missouri, and Mr. GRIFFITH of Virginia):

H.R. 6164. A bill to approve the construction, operation, and maintenance of the northern portion of the Keystone XL pipeline from the Canadian border to the South Dakota/Nebraska border; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Energy and Commerce, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOSAR (for himself, Mr. SCHWEIKERT, Mr. FLAKE, Mr. QUAYLE, and Mr. FRANKS of Arizona):

H.R. 6165. A bill to amend the Internal Revenue Code of 1986 to require certain non-resident aliens to provide valid immigration documents to claim the refundable portion of the child tax credit; to the Committee on Ways and Means.

By Mrs. DAVIS of California (for herself, Ms. ZOE LOFGREN of California, Mr. THOMPSON of California, Mr. CARDOZA, Ms. MATSUI, Ms. RICHARDSON, Ms. HAHN, Mr. GEORGE MILLER of California, Ms. WOOLSEY, Mr. FARR, Ms. ESHOO, Ms. LORETTA SANCHEZ of California, Ms. BASS of California, Mr. BERMAN, Ms. LEE of California, Ms. CHU, Mr. GARAMENDI, Mrs. CAPPS, Mrs. NAPOLITANO, Ms. ROYBAL-ALLARD, Mr. SCHIFF, Ms. PELOSI, Mr. WAXMAN, Mr. MCNERNEY, Ms. SPEIER, Ms. LINDA T. SANCHEZ of California, Mr. SHERMAN, Mr. HONDA, Mr. FILLNER, Mr. BECERRA, Mr. BACA, and Mr. STARK):

H.R. 6166. A bill to designate the United States courthouse located at 333 West Broad-

way Street in San Diego, California, as the "James M. Carter and Judith N. Keep United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. LOEBSACK (for himself, Mr. BOSWELL, Mr. BRALEY of Iowa, Mr. KING of Iowa, and Mr. LATHAM):

H.R. 6167. A bill to extend supplemental agricultural disaster assistance programs; to the Committee on Agriculture, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. TERRY:

H.R. 6164.

Congress has the power to enact this legislation pursuant to the following:

Commerce Clause: Article I, Section 8, Clause 3

By Mr. GOSAR:

H.R. 6165.

Congress has the power to enact this legislation pursuant to the following:

Because this legislation affects the process to adjust income tax liability, it is constitutionally authorized by Article I, Section 8, Clause 1 which gives Congress the power to lay and collect taxes—as well as the Sixteenth Amendment to the Constitution which specifically gives Congress the power to lay and collect taxes on incomes.

By Mrs. DAVIS of California:

H.R. 6166.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. LOEBSACK:

H.R. 6167.

Congress has the power to enact this legislation pursuant to the following:

The ability to regulate interstate commerce pursuant to Article I, Section 8, Clause 3.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 157: Mr. KINZINGER of Illinois.  
H.R. 265: Mr. JOHNSON of Georgia.  
H.R. 288: Ms. SCHAKOWSKY.  
H.R. 572: Mr. LARSEN of Washington.  
H.R. 602: Mr. VAN HOLLEN, Mr. MCGOVERN, and Mr. KILDEE.  
H.R. 603: Mr. VAN HOLLEN, Mr. MCGOVERN, and Mr. KILDEE.  
H.R. 604: Mr. VAN HOLLEN, Mr. MCGOVERN, and Mr. KILDEE.  
H.R. 640: Mr. LYNCH.  
H.R. 719: Mr. MURPHY of Connecticut.  
H.R. 860: Mr. PEARCE, Mr. THOMPSON of Mississippi, and Mr. WAXMAN.  
H.R. 890: Mr. MCINTYRE.  
H.R. 891: Mr. PLATTS and Mr. HINOJOSA.  
H.R. 997: Mr. BILIRAKIS.  
H.R. 1063: Mr. DAVIS of Kentucky and Mr. SESSIONS.

H.R. 1111: Mr. GRIFFIN of Arkansas.  
H.R. 1195: Mr. WALZ of Minnesota.  
H.R. 1244: Mr. HONDA.  
H.R. 1370: Mr. DUNCAN of South Carolina.  
H.R. 1381: Mr. ALTMIRE and Mr. CAPUANO.  
H.R. 1397: Mr. CARNEY.  
H.R. 1474: Mr. HANNA.  
H.R. 1489: Mr. SABLAN and Mr. HOLDEN.  
H.R. 1543: Mr. HEINRICH.  
H.R. 1546: Mr. WILSON of South Carolina, Ms. BERKLEY, and Ms. DELAURO.  
H.R. 1549: Mr. KINGSTON.  
H.R. 1621: Mr. GOHMERT and Mr. HUNTER.  
H.R. 1635: Mr. GRIMM.  
H.R. 1653: Mr. MORAN and Mr. RICHMOND.  
H.R. 1775: Mr. HARRIS, Mr. LIPINSKI, Mr. CICILLINE, Mr. PETERSON, and Ms. DELAURO.  
H.R. 1956: Mr. SCALISE.  
H.R. 1971: Mr. WESTMORELAND.  
H.R. 2030: Mr. LEVIN.  
H.R. 2052: Ms. BORDALLO.  
H.R. 2069: Mr. RANGEL and Mr. FITZPATRICK.  
H.R. 2094: Mr. POLLS.  
H.R. 2140: Ms. SUTTON.  
H.R. 2194: Mr. MCGOVERN.  
H.R. 2245: Mr. BILIRAKIS.  
H.R. 2284: Mr. MCCAUL.  
H.R. 2437: Mr. CLAY.  
H.R. 2492: Ms. BONAMICI.  
H.R. 2637: Ms. RICHARDSON.  
H.R. 2689: Mr. CLAY.  
H.R. 2695: Ms. SPEIER, Mr. CAPUANO, Mr. BACHUS, Mr. TONKO, and Mr. RIVERA.  
H.R. 2696: Ms. SPEIER, Mr. BACHUS, Mr. TONKO, Mr. RIVERA, Mr. ALTMIRE, and Ms. EDDIE BERNICE JOHNSON of Texas.  
H.R. 2721: Mr. QUIGLEY.  
H.R. 2730: Mr. GRIJALVA.  
H.R. 2925: Mrs. MYRICK.  
H.R. 2960: Mr. BILIRAKIS.  
H.R. 2982: Mr. DANIEL E. LUNGREN of California.  
H.R. 3091: Mr. SCALISE and Mrs. NOEM.  
H.R. 3130: Mr. FINCHER.  
H.R. 3252: Mr. GIBSON and Mr. WALDEN.  
H.R. 3269: Ms. HERRERA BEUTLER.  
H.R. 3307: Mr. KISSELL.  
H.R. 3352: Ms. LINDA T. SÁNCHEZ of California and Mr. LIPINSKI.  
H.R. 3423: Mr. HANNA, Mr. RUNYAN, Mr. BISHOP of Georgia, Mr. COLE, Ms. CASTOR of Florida, Mr. RIVERA, and Mr. CHABOT.  
H.R. 3506: Mr. STEARNS.  
H.R. 3510: Mr. MILLER of North Carolina and Mrs. NAPOLITANO.  
H.R. 3553: Ms. EDWARDS and Mr. WELCH.  
H.R. 3612: Mr. GEORGE MILLER of California.  
H.R. 3627: Ms. CASTOR of Florida, Mr. COBLE, and Mr. COURTNEY.  
H.R. 3769: Mr. MEEKS and Mr. FRANK of Massachusetts.  
H.R. 3798: Mr. TOWNS, Mr. DANIEL E. LUNGREN of California, and Ms. CLARKE of New York.  
H.R. 3803: Mr. GRIFFITH of Virginia, Mr. WEBSTER, Mr. MACK, Mr. FITZPATRICK, and Mr. HASTINGS of Washington.  
H.R. 3816: Mr. BRALEY of Iowa.  
H.R. 3861: Mr. DINGELL.  
H.R. 4037: Mrs. CHRISTENSEN.  
H.R. 4115: Mr. LIPINSKI.  
H.R. 4122: Mr. HIMES.  
H.R. 4215: Mr. MARINO.  
H.R. 4235: Mr. HINOJOSA.  
H.R. 5284: Mr. DAVIS of Kentucky.  
H.R. 5542: Mr. LYNCH, Ms. LINDA T. SÁNCHEZ of California, Mrs. MCCARTHY of New York, and Mr. BOSWELL.  
H.R. 5630: Mr. BUCHANAN.  
H.R. 5638: Ms. SPEIER.  
H.R. 5646: Mr. FINCHER.  
H.R. 5647: Mr. PASTOR of Arizona.  
H.R. 5684: Ms. TSONGAS.  
H.R. 5708: Mr. LONG and Mr. BUCHANAN.  
H.R. 5710: Mr. HARRIS and Mr. LOEBBACH.  
H.R. 5846: Mr. WESTMORELAND.  
H.R. 5959: Ms. PINGREE of Maine.  
H.R. 5978: Mr. SCHIFF and Ms. BONAMICI.  
H.R. 5998: Mr. BACA.  
H.R. 6025: Mr. FRANKS of Arizona, Mr. CARTER, and Mr. CRAVACK.  
H.R. 6035: Ms. BASS of California.  
H.R. 6075: Mr. FLAKE.  
H.R. 6107: Ms. MATSUI, Mr. BOSWELL, Mr. BUTTERFIELD, and Ms. NORTON.  
H.R. 6112: Mr. LANKFORD.  
H.R. 6120: Mr. CROWLEY.  
H.R. 6132: Mr. STARK.  
H.R. 6139: Mr. SESSIONS.  
H.R. 6140: Mr. HARRIS, Mr. COFFMAN of Colorado, Mr. KINGSTON, Mr. GOSAR, and Mr. JONES.  
H.R. 6147: Mr. PENCE and Mrs. MYRICK.  
H.R. 6150: Mr. HANNA.  
H.R. 6152: Mr. DINGELL.  
H.R. 6155: Mr. RUSH.  
H.R. 6161: Mr. GARRETT.  
H.J. Res. 47: Mr. CUMMINGS and Ms. BROWN of Florida.  
H.J. Res. 110: Mr. GALLEGLY and Mr. ROSKAM.  
H. Con. Res. 116: Mr. SENSENBRENNER.  
H. Con. Res. 129: Ms. HIRONO.  
H. Res. 651: Mr. STARK.  
H. Res. 682: Ms. BORDALLO, Mr. TOWNS, Mr. CLAY, Mr. MORAN, and Mr. LEWIS of Georgia.  
H. Res. 687: Mr. ELLISON.  
H. Res. 722: Mr. MEEHAN.  
H. Res. 725: Ms. SEWELL, Ms. MCCOLLUM, and Mr. RANGEL.  
H. Res. 727: Mr. POLIS.

## AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4078

OFFERED BY: MR. MANZULLO

AMENDMENT NO 1:

Add at the end of the bill the following:

### TITLE VIII—ENSURING HIGH STANDARDS FOR AGENCY USE OF SCIENTIFIC INFORMATION

#### SEC. 801. REQUIREMENT FOR FINAL GUIDELINES.

(a) IN GENERAL.—Not later than January 1, 2013, each Federal agency shall have in effect guidelines for ensuring and maximizing the quality, objectivity, utility, and integrity of scientific information relied upon by such agency.

(b) CONTENT OF GUIDELINES.—The guidelines described in subsection (a), with respect to a Federal agency, shall ensure that—

(1) when scientific information is considered by the agency in policy decisions—

(A) the information is subject to well-established scientific processes, including peer review where appropriate;

(B) the agency appropriately applies the scientific information to the policy decision;

(C) except for information that is protected from disclosure by law or administrative practice, the agency makes available to the public the scientific information considered by the agency;

(D) the agency gives greatest weight to information that is based on experimental, empirical, quantifiable, and reproducible data that is developed in accordance with well-established scientific processes; and

(E) with respect to any proposed rule issued by the agency, such agency follows procedures that include, to the extent feasible and permitted by law, an opportunity for public comment on all relevant scientific findings;

(2) the agency has procedures in place to make policy decisions only on the basis of the best reasonably obtainable scientific, technical, economic, and other evidence and information concerning the need for, consequences of, and alternatives to the decision; and

(3) the agency has in place procedures to identify and address instances in which the integrity of scientific information considered by the agency may have been compromised, including instances in which such information may have been the product of a scientific process that was compromised.

(c) APPROVAL NEEDED FOR POLICY DECISIONS TO TAKE EFFECT.—No policy decision issued after January 1, 2013, by an agency subject to this section may take effect prior to such date that the agency has in effect guidelines under subsection (a) that have been approved by the Director of the Office of Science and Technology Policy.

(d) POLICY DECISIONS NOT IN COMPLIANCE.—A policy decision of an agency that does not comply with guidelines approved under subsection (c) shall be deemed to be arbitrary, capricious, an abuse of discretion, and otherwise not in accordance with law.

(e) DEFINITIONS.—For purposes of this section:

(1) AGENCY.—The term “agency” has the meaning given such term in section 551(1) of title 5, United States Code.

(2) POLICY DECISION.—The term “policy decision” means, with respect to an agency, an agency action as defined in section 551(13) of title 5, United States Code, (other than an adjudication, as defined in section 551(7) of such title), and includes—

(A) the listing, labeling, or other identification of a substance, product, or activity as hazardous or creating risk to human health, safety, or the environment; and

(B) agency guidance.

(3) AGENCY GUIDANCE.—The term “agency guidance” means an agency statement of general applicability and future effect, other than a regulatory action, that sets forth a policy on a statutory, regulatory, or technical issue or on an interpretation of a statutory or regulatory issue.

## EXTENSIONS OF REMARKS

## HONORING DE'UNA WILSON

## HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 23, 2012*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor Ms. De'Una Wilson, the 2012 Valedictorian at Canton High School, in Canton, Mississippi. De'Una is the daughter of Mr. Derreco, Sr. and Ms. Regenia Wilson. She was born and raised in Canton and attends Canton United Methodist Church.

De'Una's accomplishments can be greatly attributed to her desire to fulfill her grandmother's dying wish for her to graduate at the top of her class. To achieve this, De'Una dedicated herself to her academics and completed her senior year with an "A" average, earning her the merit of Class Valedictorian. In addition to her academics, De'Una has remained active in her community by volunteering at the Open Door Community Outreach Center at Zion Missionary Baptist Church in Canton, and working a part-time job.

De'Una has been accepted into the Engineering Program at Jackson State University where she earned a full scholarship.

Mr. Speaker, I ask our colleagues to join me in recognizing Ms. De'Una Wilson in being Valedictorian of Canton High School's 2012 graduating class.

IN COMMEMORATION OF THE  
SENECA FALLS CONVENTION

## HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 23, 2012*

Ms. RICHARDSON. Mr. Speaker, I rise today to recognize the anniversary of the first Women's Rights Convention in history, held in Seneca Falls, New York in 1848. This groundbreaking convention spanned two days and six sessions, and is considered by many to mark the beginning of the Women's Suffrage Movement in America.

The Seneca Falls Convention was attended by such important figures as Elizabeth Cady Stanton, Lucretia Mott, and Frederick Douglass. It was there that these luminaries mapped out the strategy to liberate and empower future generations to come. It was there that these women debated Elizabeth Cady Stanton's Declaration of Sentiments, regarded by Frederick Douglass as the "grand basis for attaining the civil, social, political, and religious rights of women."

Since the launch of the first wave of political activism at the Seneca Falls convention, women's rights activists have fought tirelessly for equality and independence and have vigilantly guarded and protected these hard won gains.

From 1848–1895, states passed laws that extensively expanded the property rights of married women. And in 1920, women finally earned the right to vote.

In the 1960s, the second wave of political activism brought an expansion of the successes in the fight against gender inequality with the inclusion of workplace and reproductive rights. The Equal Pay Act was passed in 1963, followed a year later by the creation of the Equal Employment Opportunity Commission. The 1965 Supreme Court ruling in *Griswold v. Connecticut* struck down state law banning the use of contraception. And in 1973 *Roe v. Wade* granted women the right to privacy and to make their own decision to have an abortion. The passage of landmark Title IX in 1972 mandated equal opportunities for women in higher education. In 2009, President Obama signed into law the Lilly Ledbetter Fair Pay Act, which amends the Civil Rights Act of 1964 to reset the 180-day statute of limitations on equal pay lawsuits every time a discriminatory paycheck is issued.

These victories over the last 164 years were possible because of the foundation laid out by the historic Seneca Falls Women's Rights Convention.

But, unfortunately Mr. Speaker, despite all of these achievements, there is still a substantial amount of work to do. I have witnessed, over the last few years, efforts by my colleagues across the aisle begin to roll back many of these hard won rights. We have seen the attempt to strip women of their reproductive rights and of their right to choose. We have seen attempts to strip funding for family planning programs. We have seen attempts to redefine rape, in a way that turns the innocent into an "accuser" rather than a victim.

Let us not allow the 72-year struggle for women's suffrage, and the 164-year battle for women's rights to be in vain. We must resist and defeat those who would wage war on women. Let us not allow a War on Women to continue to permit violence against women, workplace discrimination, and disparate wages. Women, indeed, and all Americans must stand for what is right and honor our Nation's maxim of freedom and liberty for all. We must remember the Seneca Falls Convention and fight for the principle of equality that serves as the foundation of our great Nation.

CELEBRATING THE LIFE OF  
EDWARD RAMIREZ, SR.

## HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 23, 2012*

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise to recognize the accomplishments and celebrate the life of Edward Ramirez, Sr.

Edward Ramirez, Sr. was born on March 1, 1930 to Bernardina and Pedro Ramirez and he recently passed away peacefully on July 13, 2012. He was surrounded by his family in his final moments.

As a young boy, Edward Ramirez, Sr. worked in the fields of San Jose. He enlisted when he was only 15 and served our country during World War II in Germany. In 1967, he started his social activism as an original member, parishioner, and leader at Our Lady of Guadalupe Church in San Jose, where he gave his time and resources in the fight to improve the community.

Edward graduated from San Jose State University in 1973 and advocated for the establishment of the Educational Opportunity Program, EOP, that improves student academic support of low-income and educationally disadvantaged students. He established the first alcohol rehabilitation center, Casa Adelante, in Santa Clara County. His expertise with the Hispanic Community in need of alcohol rehabilitation services has earned him the respect and gratitude of our community.

Edward is survived by his children, Edward, Jr., Arlene, Julian, Margaret, Catherine, and Julieana; 16 grandchildren; 6 great-grandsons; and numerous loving siblings, nieces, and nephews he loved. He was a much beloved son, brother, husband, father, grandfather, great-grandfather, and pillar of the community.

We honor and mourn the passing of Edward Ramirez, Sr. We thank Edward for his invaluable service to our community and applaud his numerous contributions to the economically disadvantaged. We are very fortunate to have benefited from his passion, advocacy, and tenacity. He has left his mark in San Jose and the larger community.

IN HONOR OF GEORGE MCGOVERN  
ON THE OCCASION OF HIS 90TH  
BIRTHDAY

## HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 23, 2012*

Mr. KUCINICH. Mr. Speaker, I rise today to honor George McGovern who is celebrating his 90th birthday and to thank him for his many years of service and dedication to social justice.

McGovern was a steadfast student at Dakota Wesleyan University, where he was elected school president twice. Following his service during WWII, McGovern enrolled at Northwestern University where he earned M.A. and Ph.D. degrees in government and American history.

In 1956, McGovern was elected to the U.S. House of Representatives where he spent two terms as an advocate to the American farmer. Continuing on his mission of social justice

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

McGovern was named Director of the Food for Peace Program by President John F. Kennedy, leading efforts to donate food to developing countries. As a U.S. Senator from South Dakota, McGovern made an immediate impact by challenging the U.S. military involvement in Vietnam, and by being named Chairman of the Senate Select Committee on Nutrition and Human Needs. He held office for three terms during which time he continued challenging the Vietnam War.

After leaving the Senate and after his bids for president, McGovern served as the 6th United States Ambassador to the United Nations Agencies for Food and Agriculture during the Clinton Administration. In 2001, McGovern was appointed as the first UN Global Ambassador on World Hunger and continues to be a leading advocate in the fight against hunger around the world.

Throughout his storied career both in Congress and as a leading voice against world hunger, McGovern has been honored countless times. He has received more than ten honorary degrees and is the recipient of a Presidential Medal of Freedom, a Gandhi Peace Award and a National Peacemaker Award from the National Conflict Resolution Center.

Mr. Speaker and colleagues, please join me in honoring a long time friend, George McGovern, on the occasion of this 90th birthday.

A TRIBUTE TO CAPTAIN WILLIAM  
ANDREW LOTT

**HON. MICHAEL T. McCAUL**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 23, 2012*

Mr. McCAUL. Mr. Speaker, I rise today to honor the life of Captain William Andrew Lott of Leesburg, Florida, my uncle, who passed away earlier this month. A native of Dallas, Texas, Captain Lott flew combat missions in Korea and Vietnam, serving 34 years in the United States Navy in both hot and cold wars. He flew three different types of carrier-based aircraft including the A-1 Skyraider, the F-8 Crusader and the F-4 Phantom. He spent the equivalent of six years of his life at sea, amassing thousands of hours of flight time in three different combat aircraft, serving four tours of duty in Vietnam, and surviving ejections from crippled aircraft three times. He served proudly as not only a fighter pilot, but also as the Commanding Officer of both Fighter Squadron Forty One and the Naval Air Facility in El Centro, California. During his illustrious career, Captain Lott was the recipient of many awards and commendations including the Meritorious Service Medal, Air Medal, and Navy Commendation Medal.

He was also an outstanding mentor to both the junior enlisted and officers under his command, with one former subordinate commenting, "He was a great leader and mentor, just like a Navy fighter pilot his timing was always on target; he knew when a junior officer needed direction and was always compassionate when doing so. He was not afraid to do what was right even in the face of adversity."

His Public Works Officer at El Centro noted, "the leadership style he passed on to me stayed with me. It was his guidance that pushed me on to be Operations Officer in Naval Mobile Construction Battalion 62 and to later become Commanding Officer of Naval Mobile Construction Battalion 7. In fact, when the civilian construction world called me, it was because of Captain Lott I chose to stay in longer as I wanted to command just like him."

Captain Lott leaves behind two sons, Randall and David, and a nation grateful for his distinguished service.

IN RECOGNITION OF SERGEANT  
CHRISTOPHE RUSTICI'S SERVICE  
TO OUR COUNTRY WITH THE  
UNITED STATES MARINE CORP

**HON. FRANK C. GUINTA**

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 23, 2012*

Mr. GUINTA. Mr. Speaker, it is with great pleasure that I thank Sergeant Christophe Rustici for his brave and honorable service to our country with the United States Marine Corps.

Sgt. Rustici has served with the Marine Corps since May of 2006 when he enlisted as a Reservist. During his enlistment he was deployed to both Afghanistan and Iraq in support of our combat operations in the region. Christophe fought side by side with local and NATO coalition forces, and was in charge of several of his fellow Marines. He was responsible for providing security to many installations and bases in both Iraq and Afghanistan, assisted with first aid to both locals and fellow soldiers, and assisted in engaging with the local forces and population to provide humanitarian aid.

Sgt. Rustici's hard work and efforts have been recognized with a Certificate of Commendation for his actions as a Fire Team Leader and Sergeant of the Guard for his service in Afghanistan. He has also qualified as a Rifle and Pistol Expert with the Marine Corps, and has been awarded a Meritorious Mast for Excellence while working as a recruiter with the Marines.

Our liberties, our values, and everything America stands for is due to the heroic services of our men and women in uniform. I thank Christophe for his service to the United States and wish him all the best in the future.

RECOGNIZING ELIZABETH  
"BEEZIE" MADDEN

**HON. WILLIAM L. OWENS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 23, 2012*

Mr. OWENS. Mr. Speaker, I rise today to recognize one of my constituents, Elizabeth "Beezie" Madden of Cazenovia, New York for her involvement in the 2012 Summer Olympics in London.

Beezie already has a very distinguished riding career, establishing herself as one of

the premier equestrian riders in the world. In addition to becoming the first woman to pass the \$1 million mark in show jumping earnings, she has competed in two Olympics, winning two Gold medals and a Bronze.

Beezie will be competing in the London Olympics representing the United States this summer. Her success adds to a long history of New York Olympians continuing the proud American athletic tradition in international competition. I wish Beezie all the best in the Olympics, and I know she will represent our region—and our nation—proudly.

TRIBUTE TO DENNIS AND JEAN  
DORTON

**HON. HAROLD ROGERS**

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 23, 2012*

Mr. ROGERS of Kentucky. Mr. Speaker, I rise today to pay tribute to Dennis T. Dorton, the President and Chief Executive Officer at Citizens National Bank, in honor of his retirement after contributing more than 42 years of banking excellence. I also would like to recognize Dennis' wife, Jean Dorton, and honor her for her strong leadership and service to the Commonwealth. Mr. and Mrs. Dorton have been a dynamic duo over the years. Working together they have helped transform southern and eastern Kentucky.

As a Paintsville native, Dennis Dorton has served as a third generation President of Citizens National Bank, which has been a part of the Dorton family for 90 years. Mr. Dorton began his career at the bank in 1970, after graduating from Morehead State University with a bachelor's degree in Business Administration.

Raised in the spirit that a banker's place is in the community, Mr. Dorton is a leader in various community organizations including the Christian Appalachian Project, the American Red Cross, a group working to restore programs and operations at the David School, and the local utilities commission building a new water plant in Paintsville. He is an active member of the First United Methodist Church in Paintsville and has been involved in Volunteers in Mission traveling to Belize and Costa Rica to help build church and school buildings.

Mr. Dorton's involvement in civic and community service efforts span a broad spectrum. He has served as Chairman of the Big Sandy Regional Industrial Development Authority board, Treasurer and Board member of Paintsville-Johnson County Chamber of Commerce, Chairman of the Appalachian Artisan Center, and Vice Chairman and Board Member of the Christian Appalachian Project board. Mr. Dorton also served as Treasurer for the Kentucky Bankers Association in the '80s and Chairman of the Kentucky Bankers Association from 2007–2008.

Mr. Dorton has had a strong partner by his side in his wife, Jean Dorton. Mrs. Dorton is a graduate of Morehead State University and has worked for the Big Sandy Community and Technical College since 2005. Like her husband, Mrs. Dorton has been involved in many organizations within the community. Mrs.



Dorton was a founding member of the Eastern Kentucky Federated Republican Women and a member of the University of Pikeville Board of Regents. She served on the Paintsville City Council, and currently serves on the board for the Center for Rural Development, and on the PRIDE Executive Committee.

Mr. Speaker, I ask my colleagues to join me in honoring Dennis and Jean Dorton for their countless years of dedication and service to the families of southern and eastern Kentucky and for their banking expertise and civic leadership which have impacted the community for the better.

#### HONORING KATHERINE TANKSON

#### HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 23, 2012*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor Mrs. Katherine Tankson. Katherine has shown what can be done through tenacity, dedication and a desire to serve others.

Katherine Tankson is a native of Sharkey County and resides in Rolling Fork, Mississippi. She has served in the educational arena for a total of 42 years. This included 12 years in the South Delta School District as a classroom teacher and 19 years as an administrator, before her first retirement in December of 2000. The South Delta School District is located in the Mississippi Delta and serves the students of Sharkey and Issaquena Counties with a present enrollment of 988 students.

Upon receiving her Bachelor's of Science Degree in Business Education from Mississippi Valley State University in Itta Bena, MS in 1969, her only desire was to return to her hometown to teach with the goal of helping to make a difference in the lives of children. Mrs. Tankson has received two master's degrees. She has a Master's Degree in English from Jackson State University, in Jackson, MS, and her second Master's Degree is in Education Administration and Supervision from Delta State University in Cleveland, MS.

During her tenure with South Delta School District, she served as the auditor in the district for the International Curriculum Management Audit Center, Inc., located in Huxley, Iowa. In that position she conducted curriculum management audits in school districts in the Bermuda territory of the United Kingdom, also on the United States in the States of Georgia and California. She was appointed by the Mississippi Department of Education to serve as auditor throughout the State in various schools selected by the State.

In January 2001, she was employed with the Mississippi Department of Education as Project Director for the Technology Academy for School Leaders (TASL) until June 2004. As the director she worked with superintendents, principals, and other administrators across the State in the areas of technology and curriculum development.

In July 2006, she returned to the South Delta School District where she currently serves as Superintendent. Under her leader-

ship, significant progress has been made in changing the culture of the district and the schools. An increase in necessary resources critical to the success of being effective teachers, administrators, and instructional leaders has flourished in the district. As a result the district and schools have seen significant increases in student achievement, and improvements in classroom delivery and instruction through the use of 21st century technology. The district has also undergone \$4 million dollars in renovation at the South Delta High School which has produced a by-product of improved parent and community involvement to say the least.

Mrs. Tankson's career in education is long standing—after 31 years, retiring in 2000, she came out of retirement and gave 11 more years to educating and leading before retiring again June 30, 2012. Those 11 more years give her that grand total of 42 years in education, which is worthy of recognition. She is still an active member of numerous educational organizations.

Although she has left her footprints through schools in various States in the U.S. including the Bermuda territory, her love for Mississippi is where she started and ended her career. Providing the students of the South Delta School District in Rolling Fork, MS with a quality education is her passion. Her contribution to education will be forever appreciated for the countless number of students she has touched guiding them to the path of success. She has not only had a positive impact on students but also parents, teachers, and even community members, and for that too she will be appreciated.

She married her high school sweetheart, James Tankson, a retired educator of 40 years, and they have three beautiful daughters, Dr. Jeanetta Denise Tankson, Dr. Janice Valencia Tankson, and Ms. Jamie Alicia Tankson-Cunningham who is also aspiring to acquire her doctoral degree in education. Her son-in-law, Rev. Therman Cunningham, Jr. is currently working toward a doctoral degree in theology. Mrs. Tankson also has two precious, loving granddaughters—Trinity Alicia Cunningham and Taylor LeAnn Cunningham.

Mr. Speaker, I ask our colleagues to join me in recognizing Mrs. Katherine Tankson for her passion and dedication to the South Delta School District in Rolling Fork, MS.

#### IN RECOGNITION OF THE 103RD ANNIVERSARY OF THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE

#### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 23, 2012*

Mr. RANGEL. Mr. Speaker, it is with great honor that I am pleased to recognize the National Association for Advancement of Colored People for its 103rd year of pursuing justice and equality for everyone in America, regardless of color, religion, or gender. The NAACP is one of our nation's most revered and outstanding organizations dedicated to social, po-

litical, and economic equality. It has fought countless battles—from race riots to voter suppression—to protect the rights of all persons.

I commend the leadership of President Benjamin Jealous who has been outspoken on the most pressing issues in our communities. He has inspired thousands of Americans across the country to take action, whether it is organizing the "Justice for Trayvon Martin" movement or protests against unfounded voter ID laws.

Furthermore, I am pleased to acknowledge the Mid-Manhattan branch of the NAACP located in my district for its unwavering commitment to our community. The branch is involved in mentorship programs, youth development, and encouraging people to be politically and socially active. This year they helped to organize the "Silent Stop and Frisk" march in June, which rallied roughly 72,000 of our community. I had the pleasure of marching in unison with them against unjust stop and frisk practices that discriminately target minorities and violence in our communities. The event was an example of NAACP's continuous efforts to galvanize and mobilize our communities to stand up for equality.

I am proud to congratulate the Mid-Manhattan branch for receiving the Thalheimer award for outstanding membership enrollment at their annual convention in Houston, Texas earlier this month. I applaud them for their accomplishments in health and education advocacy, fighting for economic empowerment, and continuously standing up for justice.

Mr. Speaker, I ask that you and my colleagues join me in honoring the NAACP during its 103rd anniversary for its accomplishments and tireless commitment to uplifting all communities throughout America.

#### PERSONAL EXPLANATION

#### HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 23, 2012*

Mr. CANTOR. Mr. Speaker, on rollcall No. 487 I was unavoidably detained. Had I been present, I would have voted "yes."

#### H.R. 5856: THE MORAN AMENDMENT

#### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 23, 2012*

Mr. KUCINICH. Mr. Speaker, last week the House voted on an amendment by Mr. MORAN which prohibits U.S. funds from being used to purchase Russian-made Mi-17 helicopters for the Afghan National Security Forces (ANSF). After more than 10 years at war, we recently reached the grim milestone of losing our 2,000th service member in this war. It has been clear for a long time that more of our blood and our money will not help us "win" Afghanistan. Yet long after the last member of our Armed Forces leaves Afghanistan, U.S. taxpayers will be footing the bill for more than

half of the \$4 billion per year it will take to support the ANSF over the next decade. This financial support includes military equipment, training and uniforms.

The underlying bill includes a total of \$238.7 billion to continue operations in Iraq and Afghanistan, on top of the \$1.3 trillion we have already spent. It is time for the U.S. to end its nation-building exercise in Afghanistan, stop funding military spending there and bring the troops home safely and responsibly.

HONORING THE SERVICE AND  
DEDICATION OF MS. BEATRICE  
BEILER OF LONG BEACH, CALI-  
FORNIA

**HON. LAURA RICHARDSON**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 23, 2012*

Ms. RICHARDSON. Mr. Speaker, today I rise to recognize the tireless service and dedication of one of my own constituents, Ms. Beatrice Beiler. Ms. Beiler has been an essential part of the Long Beach foster care program for over 20 years and has a truly inspirational story.

Upon retiring from Hughes Aircraft in 1992, rather than living the life of leisure that many retirees do, Ms. Beiler chose to be of service. Coming from a big family herself, she has always been very family oriented and it is this experience that opened her mind to the idea to giving back through foster care.

Her caring spirit and giving nature instilled Ms. Beiler with a heart that is able to see the needs of others and immediately try to fulfill those needs. When Ms. Beiler found out that there was a shortage of foster homes able to house multiples of siblings of two or more, she volunteered her home to foster children siblings without hesitation. As a result, she helped many children to avoid damaging transitions by helping them to stay together and maintain a sense of family in spite of the turmoil that led to their entry into the foster care system.

In California there are over 80,000 children in the foster care system, the majority of whom are placed there as a result of parental abuse or neglect. As a member of the Congressional Caucus of Foster Youth I am particularly impressed by the service that Ms. Beiler has done for my community and the many families and children she has helped to reunite. Through her work, many children have had the opportunity to grow up in a safe and loving environment that they might not have otherwise had.

Ms. Beiler has been able to help many foster children succeed despite their painful pasts. Children like Kelsey, a foster child Ms. Beiler has raised since she was just 8 months old until the age of 17, find not only shelter but also love and nurture while in the care of Ms. Beiler. She has seen students go from struggling to stay in school to making straight A's. She has watched many go from dire situations to reunification with their families. It is stories like these that fuel her passion to continue to reach out to anyone whose life she can change for the better. Along with her dedica-

tion to the foster care system, Ms. Beiler has also opened a daycare facility to continue to be able to help parents and children in need. It is her mission to touch as many hearts and lives as she can.

Mr. Speaker, Ms. Beiler is the type of woman we should all look to emulate. She is selflessly committed and graciously generous with her time, her money, her home, and her love. It is with great pleasure that I have the opportunity to recognize the hard work and dedication of this unsung hero.

RECOGNIZING THE CITIZEN'S  
COMMISSION ON HUMAN RIGHTS

**HON. DAN BURTON**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 23, 2012*

Mr. BURTON of Indiana. Mr. Speaker, I rise tonight to commend the Citizen's Commission on Human Rights on the opening of their new National Public Affairs Office here in Washington, DC.

I want to thank my friend Sam Brunelli, the President and CEO of Team Builders International, for the role he played in bringing the good work of the Citizen's Commission on Human Rights to my attention. Since 1969, the Citizen's Commission on Human Rights has tirelessly worked to educate the public about the dangers of some drugs. As part of this effort, CCHR has been at the forefront of the debate over whether parents' have a fundamental right to raise their children as they see fit; and that includes making decisions about evaluation and treatment of mental health conditions.

As some of my colleagues may recall, back in 2003 a Presidential Commission recommended that the government implement mental health screening in public school. The Commission contended that early detection, assessment, and links with treatment and support programs would help prevent mental health problems from worsening. However, neither the Commission's report nor any related mental health screening proposal under discussion at the time required active parental consent before a child was subjected to mental health screening.

I appreciate the value of having mental health problems diagnosed and treated early, but cutting the parents out of the process was deeply troubling to me. More often than not, the typical course of action when a child is diagnosed with a mental health condition—typically Attention Deficit Disorder, ADD, or Attention Deficit Hyperactive Disorder, ADHD, is to prescribe a powerful psychotropic drug, such as Ritalin. But these drugs have some serious side effects which include mania, violence and dependence. In fact, these drugs are so potentially dangerous that in 2007, under pressure from members of Congress and groups like CCHR, the U.S. Food and Drug Administration, FDA, was finally compelled to require that the makers of all antidepressant medications update their black box warning on their products' labeling to include warnings about increased risks of suicidal thinking and behavior, known as suicidality.

Yet, inexplicably, not only were parents being cut out of the loop with regard to these drugs, parents who were informed, and who wanted to say no, were actually being threatened by school districts with child abuse charges for not drugging their children.

As a Christian, parent and grandparent, I have throughout my Congressional career staunchly defended the right of parents to direct the upbringing of their children as they see fit. I believe this right is embedded in the U.S. Constitution, affirmed by Supreme Court case precedent, and exemplary of the inalienable rights and freedoms this country was founded on. To deny parents the right to know about the potential dangers of these drugs and the right to say "no, this is not the right treatment for my child," is simply mindboggling. This is the same flawed mentality that condones putting toxic substances like mercury in medical products like vaccines and dental fillings and then not telling people the mercury is in there. Mercury is the most toxic substances on earth after radioactive materials. It has no place in any medication for children or adults; and I'm proud of the work I've done in Congress to get mercury removed from medicine. I'm also proud to have worked with CCHR and other like-minded groups to raise awareness of the potential dangers of psychotropic drugs, and to fight to put parents back in charge of their children's health care decisions instead of government bureaucrats.

Unfortunately, the price of defending our freedoms from the intrusion of big government is to be eternally vigilant. The economic and political life of America has changed profoundly over the last four years, and once again, the government is trying to intrude upon the relationship of parent to child.

In the past, parents were threatened by government officials with child abuse charges if they resisted efforts to drug their children with ADHD medications. Today, parents are penalized by government for sending their children to school with a brownbag lunch that does not meet some arbitrary government nutritional guidelines. These may seem like widely separate things but they are at the most basic level the same; an usurpation by the government of the right of parents to make decisions for their children.

Under the rubric of "Children's Rights," advocates of big government are pushing the argument that children should have, and the state should recognize, greater autonomy for children from their parents in deciding how to live, or that government agencies must have the power to step in to protect children from "bad parents."

I believe this concept of "Children's Rights" is flawed for two reasons. First, parents possess the maturity, experience, and capacity for judgment required for making life's difficult decisions that children lack. Second, as the Supreme Court said in the case of *Parham v. J.R.* 19 simply "because the decision of a parent is not agreeable to a child or because it involves risks, does not automatically transfer the power to make that decision"—nor in my opinion should it—"from the parents to some agency or officer of the state."

In his Oval Office farewell address, President Ronald Reagan said two things that are

particularly relevant to our discussion tonight; he said: "As government expands, liberty contracts;" and that "All great change in America begins at the dinner table."

President Reagan understood that family is the foundation of our society; and that parents do have a profound impact on their children. If we are to recapture a common denominator of right and wrong in America, we must begin in the homes of America with conversations at the dinner table between moms and dads and growing children.

By respecting and defending a parents' fundamental right to teach their children that there is acceptable behavior and unacceptable behavior, appropriate speech and inappropriate speech we can re-instill in our children a moral character of trust, honesty, respect and tolerance, qualities that are so necessary to having safe and prosperous communities—and which are at the core of CCHR's own philosophy.

Make no mistake, though, stopping the further spread of government power in the area of the family and ensuring that parental rights are protected with the strength and certainty they deserve will not be a quick and easy victory. That is why organizations like CCHR are so important. If good people like the men and women who work for CCHR refuse to give up the fight, victory is inevitable.

Again, I want to commend CCHR on the opening of their beautiful new facility here in Washington, DC and wish them good fortune in their future endeavors.

#### REAUTHORIZATION OF THE NATIONAL WOMEN'S RIGHTS HISTORY PROJECT ACT

##### HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 23, 2012*

Ms. SLAUGHTER. Mr. Speaker, on July 19, 2012, I introduced the Reauthorization of the National Women's Rights History Project Act. This legislation was intended to be introduced with Mr. RICHARD HANNA (NY-24) as an original cosponsor.

#### TRIBUTE TO DEWAYNE BUNCH

##### HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 23, 2012*

Mr. ROGERS of Kentucky. Mr. Speaker, I rise today to pay tribute to Dewayne Bunch, a brave member of the Kentucky National Guard, a leader in the State legislature, and a dedicated teacher at Whitley County High School. His passing is a great loss and he will be deeply missed by Whitley and Laurel County and across the Commonwealth of Kentucky.

Dewayne's life encompassed the true meaning of a public servant. Described as "a mighty man of valor," Dewayne helped lead our Commonwealth with an extraordinary level of dedication and excellence. While serving in

the Kentucky National Guard, Dewayne proudly fought for our country in Iraq as a first sergeant and received multiple honors, including the Bronze Star. Dewayne was also a veteran of the United States Army and after 24 years of service to the Kentucky National Guard, Dewayne was elected to the Kentucky House of Representatives in the fall of 2010 and thoughtfully represented Whitley and Laurel Counties. In his brief legislative career in Frankfort, Dewayne showed tremendous potential as a legislator.

In April of 2011, Dewayne was severely injured while trying to break up a fight between two students at Whitley County High School where he taught math and science for 17 years. Dewayne was highly regarded by his students and faculty, and shared a vision with lawmakers for a better Kentucky, especially in the field of education. After his injury, Dewayne resigned from the Kentucky legislature, and the position was filled by his dutiful wife, Regina Bunch.

On July 11th, 2012, Dewayne passed away at the age of 50. Over 450 people attended his funeral, including State legislators, fellow educators, members of the Patriot Guard Riders, and friends from all walks of life. During the funeral service, it was announced that the Kentucky Distinguished Service Medal had been posthumously awarded to Dewayne, for his exceptionally admirable and meritorious conduct.

Dewayne was a quality man, dedicated to his State, his church, and most importantly, his family. On behalf of my wife Cynthia and myself, I want to extend our deepest heartfelt sympathies to Regina, the Bunch family, and those who had the privilege of knowing Dewayne.

Mr. Speaker, I ask my colleagues to join me in honoring the late Dewayne Bunch for dedicating a lifetime of service to the families of southeastern Kentucky, our Commonwealth, and our great Nation.

#### HONORING SHAWANDA ALLEN

##### HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 23, 2012*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor Ms. Shawanda LaShell Allen. Shawanda LaShell Allen was born in Hazlehurst, Mississippi to the proud parents of Glenda Johnson and Anthony Allen.

Throughout her years in school, Shawanda remained dedicated to her academics and extracurricular activities. She received the highest academic average of her class for the 2011-2012 school year in advanced placement English Literature and Composition, Calculus, United States Government, and Accounting. In addition to this, Shawanda was inducted into the Crystal Springs High School Hall of Fame; received the Student Council Leadership Award; and the U.S. Marine Corps Distinguished Athlete Award. Ms. Allen was also awarded the following scholarships—Boardwalk Pipeline Partners, LP, the United States Achievement Academy, Workforce Investment Area Transition, and University of Southern Mississippi Leadership Scholarships.

Shawanda also participated in the Student Council, Beta Club, SADD Club, Mu Alpha Theta Club, Theater Club-Tigers Actin' Up, and played on the soccer, softball, and track/field teams. She is a faithful member of Clear Creek Missionary Baptist Church where she is a part of the Feeding Ministry and Nursing Home Ministry.

In 2012, Shawanda graduated from Crystal Springs High School with honors. In the fall, she plans to attend the University of Southern Mississippi and pursue a degree in Accounting.

Mr. Speaker, I ask our colleagues to join me in recognizing Ms. Shawanda LaShell Allen for her hard work, dedication and a strong desire to achieve.

#### 150TH ANNIVERSARY OF THE PILGRIM BAPTIST CHURCH

##### HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 23, 2012*

Ms. McCOLLUM. Mr. Speaker, today I rise to honor the Historic Pilgrim Baptist Church of Saint Paul, and its 150 years of rich history and dedicated service to our community.

Pilgrim Baptist Church is the oldest African-American church in Minnesota, with a history deeply rooted in America's struggle for racial equality and social justice. More than 150 years ago, a group of slaves escaped and embarked upon a turbulent and courageous journey to the North during the Civil War. With the help of Union Forces and the Underground Railroad, this group of black men, women and children departed from Boone County, Missouri. Calling themselves "pilgrims", because they did not know their final destination, they began their long trek through the Midwest, eventually finding refuge in Saint Paul, Minnesota.

The group found a leader in fellow escaped slave Robert Thomas Hickman, who had previously learned how to read under the direction of his master, and also received permission to preach to his peers. Reverend Hickman continued this practice upon arriving to Minnesota, gaining many followers who desired a welcoming place to worship. The congregation worshipped in several Saint Paul homes until they were able to rent a room in a local concert hall. Reverend Hickman received his mission status from the First Baptist Church of Saint Paul, and the congregation continued to worship under Hickman's direction, officially becoming the Pilgrim Baptist Church on November 15, 1866.

The courage and dedication of Reverend Hickman and the founders of Pilgrim Baptist Church are woven into church history. Throughout the years, the congregation has not only been a spiritual home for countless families and individuals, but also a center for community action, serving as the birthplace of the Saint Paul Chapters of the NAACP and Urban League as well as schools and organized labor movements. This legacy of community activism continues today through the congregation and Reverend Charles Gill, Jr., who has served as the Senior Pastor since

2004. Reverend Gill remains steadfast in the church mission, delivering a message of love and acceptance to the congregation and the congregation continues to serve the community in many ways.

Mr. Speaker, in honor of the 150th Anniversary of the Pilgrim Baptist Church of Saint Paul, Minnesota, I am pleased to submit this statement.

RECOGNIZING THE OUTSTANDING  
MILITARY SERVICE OF COLONEL  
JOE N. WILBURN ON THE OCCA-  
SION OF HIS RETIREMENT

**HON. AUSTIN SCOTT**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 23, 2012*

Mr. AUSTIN SCOTT of Georgia. Mr. Speaker, on the occasion of his retirement from the United States Air Force, I rise to recognize Colonel Joe N. Wilburn for his twenty-six years of commissioned service to our country. In his most recent assignment, he was the Commander, Air Force Reserve Recruiting Service, Robins AFB, Georgia. In this role, he served as advisor to the Air Force Reserve Command Commander, Vice Commander, senior staff and field numbered Air Force and wing commanders on all matters relating to recruiting for the Air Force Reserve. He commanded and exercised oversight for more than 450 military and civilian personnel worldwide at forty-five main operating locations and numerous satellite offices.

Colonel Wilburn joined the Air Force on June 27, 1982 when he reported in as a cadet at the Air Force Academy. He was commissioned as a Second Lieutenant on May 28, 1986, with an undergraduate degree in International Affairs. While stationed at MacDill AFB, he deployed to the Middle East in support of Operations Desert Shield and Desert Storm. Upon returning from deployment, he was selected to be the Chief of Operations at the 369th Recruiting Squadron in Los Angeles, California. Colonel Wilburn later joined the Air National Guard where he performed duties with the 148th Combat Communications Squadron in Ontario, California. In April 2000, he was asked to lead a Recruiting Flight at March Air Reserve Base, California. Because of his success at March Air Reserve Base, Colonel Wilburn was chosen to be a Program Manager on the Island of Oahu in Hawaii.

Due to his achievements and unwavering dedication to his country, it was no surprise he was chosen to be the Commander of Air Force Reserve Recruiting. During his almost four years as Commander, Colonel Wilburn was responsible for accessing 39,268 new citizen airmen. His innovative ideas and exemplary leadership skills allowed his team of recruiters to focus their accession practices on targeting prior service candidates, which saved the Air Force Reserve Command over \$600 million dollars in training costs.

Colonel Wilburn could not have been such a tremendous leader without the support of his wife of thirteen years, Monica, his daughter Maya, and his son Jason. Colonel Wilburn also owes much of his success to his parents

Joe Wilburn, Senior, and his mother Merrie as well as his in-laws, Dudley and JoAnne Latham. We thank them for helping to develop and mold such an outstanding leader for our military.

Mr. Speaker, I join my colleagues in expressing our sincere appreciation to Colonel Joe N. Wilburn for his outstanding service to both the United States Air Force and our great nation. We wish him and his family the best of luck as he transitions into retirement. Colonel Wilburn is a true professional and a credit to himself, his family, and the United States Air Force.

PERSONAL EXPLANATION

**HON. TIMOTHY H. BISHOP**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 23, 2012*

Mr. BISHOP of New York. Mr. Speaker, I was not present in the House chamber on Thursday, July 19 to vote on rollcalls 487 through 498. Had I been present, I would have voted "yea" on rollcalls 489, 490, 494, 495, 497 and 498. I would have voted "nay" on rollcalls 487, 488, 491, 492, 493 and 496.

CONGRATULATING DIAMOND  
DIXON

**HON. SILVESTRE REYES**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 23, 2012*

Mr. REYES. Mr. Speaker, I rise today in recognition of Ms. Diamond Dixon who will be representing our nation as a member of the Olympic track and field team in London this year. She will compete, as one of our nation's best athletes, in the 4x400m relay. This young woman is not only an amazing competitor, but serves as an inspiration to a generation of young athletes throughout the nation.

Diamond was born El Paso, Texas, the district that I represent, and grew up in Houston. She is currently a student athlete at the University of Kansas and a member of the track and field team.

Running was Diamond's way to escape, the place she could go to forget about her problems and clear her mind. By her junior year at Westside High School in Houston, she had already begun to showcase her athletic talent. On a recruiting trip to see one of Westside High School's male stars, University of Kansas coach Stanley Redwine was very impressed with Dixon's performance at the meet, noting that "her determination and will to win is just unbelievable."

After racing 21 times during her sophomore collegiate season, Dixon turned in a solid performance on tired legs at the Olympic Trials. She finished third in her opening round and semifinal round heats of the 400m before running a personal-best 50.88, finishing fifth in the final. With the top four finishers automatically in the relay pool, Dixon's efforts impressed Coach Amy Deem enough to earn one of her discretionary selections.

The Olympic Games this summer will be her first call-up to the senior national team. Dixon's strong international relay experience on the junior level Team USA will prove to be a valuable asset to her teammates racing with her in London. In 2010, she led off the U.S. 4x400m that won gold in 3:31.20 at the World Junior Championships in Moncton, Canada. Last summer, she anchored the U.S. to victory in 3:34.71 at the Pan American Junior Championships in Miramar, Florida. In July, Dixon anchored the U.S. to victory in 3:28.64 at the North American, Central American and Caribbean Championships in Irapuato, Mexico.

I am extremely proud of Ms. Diamond Dixon and wish her the best competing in the Summer Olympics. Ms. Dixon's story is the embodiment of the American dream, her motivation and success were derived from her drive to become the best. This reminds us all that with hard work and spirit, we can accomplish great things.

VOTER PROTECTION

**HON. EDDIE BERNICE JOHNSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 23, 2012*

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, there is an unprecedented effort by the GOP to deprive millions of Americans of their right to vote. Proponents of these efforts to suppress the electorate continue to grossly exaggerate the threat of voter fraud, in hopes of excluding select groups of eligible voters from the polls, and thus swaying the election in their favor.

In 2002, President Bush launched an aggressive 5-year campaign to crack down on voter fraud. The end result was a mere 86 convictions out of the 122 million people who voted during the 2004 Presidential election. There is no evidence to suggest that these facts have changed, and certainly not to the degree in which it is being touted by the Republicans. It is clear that the only reason why overly burdensome voter laws are being adopted is to exclude the elderly, our youth, minorities, and the poor from casting their ballots.

Nationally, an estimated 21 million American citizens do not possess a government-issued photo ID. Under these restrictive laws, that is potentially 21 million Americans who will be excluded from the democratic process. In states like Texas, where millions of individuals live in rural areas and without easy access to ID-issuing offices, the costs are even higher. Millions more stand to be excluded, as voter suppression continues far beyond requiring specific forms of identification.

Mr. Speaker, we must prevent these regressive policies from becoming law if we are to preserve the integrity of the electoral process for all Americans. Fourteen states have already passed restrictive voting laws. This deceptive practice has already gone too far, and I refuse to allow history to repeat itself in what is a direct attack on our democracy, and the American people.

NATIONAL STRATEGIC AND CRITICAL MINERALS PROTECTION ACT, H.R. 4402

**HON. BETTY McCOLLUM**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2012

Ms. McCOLLUM. Mr. Speaker, I rise in strong opposition to H.R. 4402, the National Strategic and Critical Minerals Protection Act. This bill is yet another Republican giveaway to the mining industry.

H.R. 4402 elevates the narrow special interest of the mining industry above the interests of the American public. For example, this bill gives mining on public lands priority over all other uses—replacing current law that requires public lands to be managed for multiple uses. The White House warns this provision “has the potential to threaten hunting, fishing, recreation and other activities which create jobs and sustain local economies across the country.”

Moreover, H.R. 4402 exempts hardrock mining operations from key provisions of the nation’s most important environmental laws, including the Clean Water Act and the National Environmental Policy Act. These weakened environmental safeguards would govern mining operations in every region because H.R. 4402 deceptively defines “strategic and critical minerals” so broadly as to include sand and gravel. This means families and businesses all across the country would have less ability to resist new mining operations that threaten to pollute their community’s air and water.

Congressman CHIP CRAVAACK, my Minnesota colleague, offered an amendment to H.R. 4402 that would apply these weakened permitting and environmental review provisions to mining proposals that are already in the approval process. This amendment would allow massive sulfide-mining proposals in Northern Minnesota to escape necessary public scrutiny and thorough environmental analysis. The foreign-owned mining corporations advancing these proposals are motivated by short-term profit, not the long-term risks to the people and land of our state. Sulfide mining has never occurred in our state before but has produced a devastating legacy of toxic pollution elsewhere in the country. Minnesotans need and deserve strong federal safeguards to protect the health of our families and communities. The Cravaack amendment to fast-track sulfide mining in Minnesota threatens the environmental integrity of our state’s greatest natural treasures, including the Boundary Waters Canoe Area, Lake Superior and the Mississippi River.

I ask my colleagues to join me in opposing H.R. 4402 in order to safeguard the health of America’s children, families, and communities.

**SENATE COMMITTEE MEETINGS**

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference.

This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, July 24, 2012 may be found in the Daily Digest of today’s RECORD.

**MEETINGS SCHEDULED**

JULY 25

10 a.m.

Commerce, Science, and Transportation  
To hold hearings to examine the International Space Station, focusing on research, collaboration, and discovery.  
SR-253

**Appropriations**

Energy and Water Development Subcommittee  
To hold hearings to examine the proper size of the nuclear weapons stockpile to maintain a credible U.S. deterrent.  
SD-192

**Environment and Public Works**

Business meeting to consider S. 847, to amend the Toxic Substances Control Act to ensure that risks from chemicals are adequately understood and managed, S. 357, to authorize the Secretary of the Interior to identify and declare wildlife disease emergencies and to coordinate rapid response to those emergencies, S. 810, to prohibit the conducting of invasive research on great apes, S. 1494, to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act, S. 2071, to grant the Secretary of the Interior permanent authority to authorize States to issue electronic duck stamps, S. 2156, to amend the Migratory Bird Hunting and Conservation Stamp Act to permit the Secretary of the Interior, in consultation with the Migratory Bird Conservation Commission, to set prices for Federal Migratory Bird Hunting and Conservation Stamps and make limited waivers of stamp requirements for certain users, S. 2282, to extend the authorization of appropriations to carry out approved wetlands conservation projects under the North American Wetlands Conservation Act through fiscal year 2017, S. 3370, to authorize the Administrator of General Services to convey a parcel of real property in Albuquerque, New Mexico, to the Amy Biehl High School Foundation, S. 2251, to designate the United States courthouse located at 709 West 9th Street, Juneau, Alaska, as the Robert Boochever United States Courthouse, S. 2326, to designate the new United States courthouse in Buffalo, New York, as the “Robert H. Jackson United States Courthouse”, S. 1735, to approve the transfer of Yellow Creek Port properties in Iuka, Mississippi, the nomination of Major General John Peabody, United States Army, to be a

Member and President of the Mississippi River Commission, proposed resolutions relating to the General Services Administration, and proposed resolutions in the Corps Study, city of Norfolk, Virginia and Port Fourchon, Louisiana.

SD-406

**Finance**

To hold hearings to examine education tax incentives and tax reform.  
SD-215

**Judiciary**

To hold hearings to examine ensuring judicial independence through civics education.  
SH-216

**Appropriations**

Departments of Labor, Health and Human Services, and Education, and Related Agencies Subcommittee  
To hold hearings to examine the impact of sequestration on education.  
SD-124

**Foreign Relations**

Near Eastern and South and Central Asian Affairs Subcommittee  
To hold hearings to examine Iran’s support for terrorism in the Middle East.  
SD-419

2 p.m.

**Aging**

To hold hearings to examine enhancing women’s retirement security.  
SD-562

2:30 p.m.

Commerce, Science, and Transportation  
To hold hearings to examine short-supply prescription drugs.  
SR-253

**Homeland Security and Governmental Affairs**

Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee  
To hold hearings to examine assessing grants management practices at Federal agencies.  
SD-342

**Energy and Natural Resources**

Water and Power Subcommittee  
To hold an oversight hearing to examine the role of water use efficiency and its impact on energy use.  
SD-366

3 p.m.

**Foreign Relations**

To hold hearings to examine S. 2215, to create jobs in the United States by increasing United States exports to Africa by at least 200 percent in real dollar value within 10 years, focusing on economic statecraft.  
SD-419

JULY 26

9:30 a.m.

**Agriculture, Nutrition, and Forestry**

To hold hearings to examine S. 3239, to provide for a uniform national standard for the housing and treatment of egg-laying hens.  
SR-328A

**Foreign Relations**

Business meeting to consider The Convention on the Rights of Persons with Disabilities, Adopted by the United Nations General Assembly on December 13, 2006, and Signed by the United States of America on June 30, 2009 (Treaty Doc 112-7).  
SD-G50

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10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the Financial Stability Oversight Council's annual report to Congress.

SD-538

Health, Education, Labor, and Pensions  
Children and Families Subcommittee

To hold hearings to examine the Child Care and Development Block Grant (CCDBG) reauthorization, focusing on helping to meet the child care needs of American families.

SD-430

Judiciary

Business meeting to consider S. 225, to permit the disclosure of certain information for the purpose of missing child investigations, S.J. Res. 44, granting the consent of Congress to the State and Province Emergency Management Assistance Memorandum of Understanding, and the nominations of Thomas M. Durkin, to be United States District Judge for the Northern District of Illinois, and Jon S. Tigar, and William H. Orrick, III, of the District of Columbia, both to be a United States

District Judge for the Northern District of California.

SD-226

1 p.m.

Judiciary

To hold hearings to examine the nominations of William Joseph Baer, of Maryland, to be an Assistant Attorney General, Department of Justice.

SD-226

2:15 p.m.

Indian Affairs

To hold an oversight hearing to examine the regulation of tribal gaming, focusing on brick and mortar to the internet.

SD-628

2:30 p.m.

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH-219

JULY 31

10 a.m.

Energy and Natural Resources

To hold hearings to examine S. 3385, to authorize the Secretary of the Interior

to use designated funding to pay for construction of authorized rural water projects.

SD-366

AUGUST 1

9 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine MF Global, focusing on accountability in the futures markets.

SR-328A

POSTPONEMENTS

JULY 26

9:30 a.m.

Homeland Security and Governmental Affairs

Investigations Subcommittee

To hold hearings to examine assessing overlap between disability and unemployment benefits.

SD-342

**SENATE—Tuesday, July 24, 2012**

The Senate met at 10 a.m. and was called to order by the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut.

**PRAYER**

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, awe and wonder grip us when we reflect upon Your majesty. You are the source of our strength and provide our hope for years to come.

Guide our Senators today. May they seek Your marching orders and have the courage to follow the cadence of Your drumbeat. Give them the courage to act as well as to think, to do as well as to talk, and to accomplish Your will on Earth in all their work. Lead them, O God, to think with clarity, to love with honor, and to see the stamp of Your image in all Your creation.

We pray in Your sacred Name. Amen.

**PLEDGE OF ALLEGIANCE**

The Honorable RICHARD BLUMENTHAL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, July 24, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut, to perform the duties of the Chair.

DANIEL K. INOUE,  
President pro tempore.

Mr. BLUMENTHAL thereupon assumed the chair as Acting President pro tempore.

**RECOGNITION OF THE MAJORITY LEADER**

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

**MIDDLE CLASS TAX CUT ACT—MOTION TO PROCEED**

Mr. REID. Mr. President, I now move to proceed to Calendar No. 467, S. 3412,

which is the Middle Class Tax Cut Act of 2012.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows. Motion to proceed to Calendar No. 467, S. 3412, a bill to amend the Internal Revenue Code of 1986 to provide tax relief to middle class families.

**SCHEDULE**

Mr. REID. Mr. President, the first hour this morning will be divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans the final half. The Senate will recess from 12:30 to 2:15 p.m. today for weekly caucus meetings. At 3:40 this afternoon, there will be a moment of silence in memory of Officer Jacob J. Chestnut and Detective John Gibson of the U.S. Capitol Police, who were killed 14 years ago today in the line of duty defending this Capitol, the people who worked here, and the visitors against an armed intruder.

Yesterday, I filed cloture on the motion to proceed to the Middle Class Tax Act. If no agreement is reached, that vote will be tomorrow.

**MEASURE PLACED ON THE CALENDAR—S. 3420**

Mr. REID. Mr. President, I understand that S. 3420 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bill by title for the second time.

The legislative clerk read as follows:

A bill (S. 3420) to permanently extend the 2001 and 2003 tax cuts, to provide for the permanent alternative minimum tax relief, and to repeal the estate and generation-skipping transfer taxes, and for other purposes.

Mr. REID. Mr. President, I object to any further proceedings with respect to this legislation at this time.

The ACTING PRESIDENT pro tempore. Objection having been heard, the measure will be placed on the calendar.

**TAX PROPOSALS**

Mr. REID. Mr. President, Republicans claim to share Democrats' commitment to keeping taxes low for the middle class, so it is very strange that, if that is what they believe, they have repeatedly blocked votes on our proposal to cut taxes for 98 percent of American families. Two weeks ago Republicans seemed eager to have those votes. That is what the Republican leader talked about here on the floor: They wanted to vote on our proposal to cut taxes for families making less than \$250,000 a year or 98 percent of Americans, and they wanted to vote on their competing proposal, which would actually raise taxes for 25 million families while handing out more tax breaks to

millionaires and billionaires. Democrats have tried to give the Republicans what they wanted. We have offered to skip their usual procedural delays and hold up-or-down majority votes on both proposals. So far they have refused, but the offer still stands. If they want to vote on theirs and vote on ours, we will do it with a simple majority. So I hope the Republicans don't insist on doing this the hard way.

Why are Republicans delaying votes they asked for in the first place? They know a majority of Senators and a majority of Americans support our plan to help middle-class families. Our plan gives 114 million taxpayers—again, 98 percent of American families—certainty that their taxes won't go up, and it reduces the deficit by almost \$1 trillion by ending wasteful tax breaks for the rich.

The Senate Republican proposal takes a very different approach—and that is an understatement—to extend tax breaks for the top 2 percent of Americans, but it fails to extend tax cuts to help middle-class families. Their plan would hike taxes by another \$1,000 for middle-class families while handing out an extra \$160,000 tax break to every millionaire. Democrats will simply never agree that we should hand out more tax breaks to the richest 2 percent of Americans while our economy is in its current situation, but that shouldn't stop us from protecting the other 98 percent of Americans—and do it today.

**CYBERSECURITY**

Mr. President, I have had a number of briefings lately from people in the administration held in the classified facility here in the Capitol about cybersecurity.

Over the last few days, some of my Republican colleagues have suggested that the Senate should delay action on what national security experts have called the most pressing threat facing this country. Instead of considering bipartisan cybersecurity legislation, they say we should first consider the annual Defense authorization bill. I argue that we need to move rapidly to address the gaping hole in our defenses against cyber attack.

The Director of the FBI, Robert Mueller, said that cyber threats will soon overtake terrorism as the most significant threat to our national security. And in the minds of some, it is difficult to separate cybersecurity from what people are trying to do and have tried to do every day. It is the same as terrorism, it is just a different form.

A bipartisan group of national security experts led by former Secretary of



Homeland Security Michael Chertoff, a Republican, and former Director of National Intelligence Mike McConnell, who was appointed during the Republican administration, said cyber threat “represents one of the most serious challenges to our national security since the onset of the nuclear age.”

The ranking member of the Armed Services Committee, Senator MCCAIN, said:

We must act now and quickly develop and pass comprehensive legislation to protect our electric grid, air traffic control system, water supply, financial networks and defense systems and much more from a cyber attack.

And he is right—we need to protect our electric grid.

The Presiding Officer participated in a demonstration in our classified room of how cybersecurity would work, taking down the Presiding Officer’s State in the northeast part of this country. It could be done relatively easily, and it would take weeks and weeks to get it back up. We all watched that.

What JOHN MCCAIN said is really true. We must pass comprehensive legislation to protect our electric grid, air traffic control system, water supply, financial networks, defense systems, and much more. Any one of these things would be devastating to our country if a cyber attack is successful. JOHN MCCAIN suggested this almost a year ago.

The threat has only grown worse in that time, and failing to act on cybersecurity legislation not only puts our national security at risk, it recklessly endangers members of our Armed Forces and our missions around the world. Servicemembers themselves have been repeatedly targeted by cyber attackers. In one hack last year, more than 90,000 military e-mail addresses and passwords were stolen. In another hack of the TRICARE system, 4.9 million medical records from our military were stolen. If we are serious about protecting our troops, we must protect them against cyber attacks.

But acting to secure our critical networks doesn’t mean we won’t do other things to help the defense, of course. There are some specific concerns about the Defense authorization bill, and I have talked about them. We can’t allow the Defense bill to become an end run around the bipartisan Budget Control Act, which has been so important to this country.

If we are going to debate the Defense bill, House and Senate Republicans need to make it clear that they are willing to abide by the budget levels set by the law that they all voted for, with rare exception, and we must also ensure that the Defense bill is not used as a platform to advance irrelevant partisan agendas.

REMEMBERING AGENT GIBSON AND OFFICER CHESTNUT

Mr. REID. Mr. President, I wish to take a minute to talk about Agent Gibson and Officer Chestnut.

It was 14 years ago, and it is really hard to comprehend that it has been that long. Officer Chestnut I knew by saying hello. But we had an event in Virginia where my wife became ill. I will never forget Agent Gibson running from the Capitol Police headquarters and administering aid to my wife. That was Agent Gibson, and I remember that so clearly. He was a wonderful guy. I felt I knew him so well because of his helping my wife.

Last week, this Nation was reminded how fragile life is with what happened in Colorado and how quickly it can be taken away, at random, with senseless acts of violence.

Fourteen years ago, the Capitol community was similarly reminded that we must never take life for granted. On this day in 1998, two dedicated U.S. Capitol Police officers—Special Agent John Gibson and Officer Jacob Chestnut—gave their lives while protecting this building and the people in it. But their lives were not spent in vain. As a result of their sacrifice, we now have a Capitol that is much safer than it ever was. It was a result of their having been killed that we were able to finally get the Visitor Center done. We were able to speed that up, and we got it done. Now people who come to this Capitol are safe in the building, and their security is as good as anywhere in the world. It is a much more pleasant visit now to the Capitol. So their lives were not given in vain.

While guarding the Capitol, Agent Gibson and Officer Chestnut were shot to death by, really, a madman. With the facilities we have now, that would not have happened. While nothing can erase the pain of losing a loved one, I hope their families take some measure of comfort from knowing that Agent Gibson and Officer Chestnut are not forgotten.

As a sidenote, I take special pride in the fact that I was a Capitol policeman. I worked in this building and carried a pistol. I worked swing shift, as we called it, from about 3:00 to 11:00 when I was going to law school. So every year when we give special recognition to this occurrence having happened, I think of my days here and what a different place it was. Of course there were things we had to look out for, but, as I have said before, the most dangerous thing I had to do was direct traffic. But that isn’t the way it is now for the men and women who take care of us here in the Capitol—not just the Senators, not just the staff, but all the millions of people who visit this facility every year. So I honor their service and their sacrifice. And I reflect back on the days of my youth, for someone who came from where I came, walking around this facility, mostly at nighttime, a lot of times quite lonely.

So we are grateful for the brave men and women who safeguard the people’s house. They do it today. They do it

every day. We take them for granted, and we shouldn’t. They are really gallant in the work they do. The Capitol Police is a wonderful organization, and I am proud of them, and every Member of the Senate is proud of them. Everyone in the country should be aware of the work they do to make this building safe.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

REMEMBERING OFFICER JACOB CHESTNUT AND DETECTIVE JOHN GIBSON

Mr. MCCONNELL. Mr. President, I would like to start this morning by remembering another deadly shooting, one that hit very close to home for most of us.

It was 14 years ago today that Officer Jacob Chestnut and Detective John Gibson of the Capitol Police were shot dead in the line of duty right here in the Capitol by a lone gunman. Their deaths serve as yet another reminder not only of the reality of evil but of the precious gift of life. Today we honor them for their lives and the final act of heroism that ended them.

A plaque inside the Capitol commemorates their sacrifice, and the Capitol Police Headquarters now bears their names. It is appropriate we also pause in the midst of our other duties to honor these men and every member of the Capitol Police Force who works so hard to ensure our safety.

Officer Chestnut was a 20-year veteran of the Air Force and had 18 years of service to the Capitol Police. Detective Gibson also had 18 years of Capitol Police service, and until the day he died had never drawn his weapon. Both men left behind wives, children, and friends.

Today the Senate honors both of these good men once again and all of those they left behind.

TAX PROPOSALS

Mr. President, as the Senate resumes its work this week, Americans are hungry for leadership. The national debt hovers around \$16 trillion. The Federal Government is on track to spend \$1 trillion more than it takes in for the fourth year in a row, and Democrats have not done so much as pass a budget in nearly 4 years.

Meanwhile, President Obama is not even talking with us about what to do about any of these things. The taxpayers are basically paying him \$400,000 a year to hold campaign rallies and show up at fundraisers. His latest proposal on taxes has more to do with helping his campaign than in reviving the economy. If you want proof, just ask yourself why Democrats don’t want to vote on it.

Republicans will head into tomorrow’s vote guided by a simple principle: Do no harm. In our view, the best approach to taxes right now is to let every American and every American

business know they will not have a higher income tax bill at the end of the year. We think everybody in America should have that certainty.

The Democrats' guiding principle, to the extent they have one, is quite different. To them the goal is not so much relief for struggling Americans or reviving the economy, it is sending a message. Their message is that some people deserve relief and some people don't, and they will decide who those people are regardless of the effect it has on the broader economy or on jobs. It is an approach that isn't based on any economic outcome but on ideology. Americans are quite tired of it because it has been a disaster for our economy.

Think about it. If Democrats cared more about helping folks and reviving the economy, then they wouldn't be calling for a tax hike. Yet throughout this entire debate Democrats have not offered a single credible argument about how their tax increase targeted at job creators will help struggling middle-class Americans. Surely, they don't think this tax increase is the fiscally responsible thing to do.

Let's assume they got this tax increase. It would only generate enough money to fund the government for 5 days. Even if they got the tax increase they want, it would only generate enough money to fund the government for 5 days.

The larger point is this: The Senate should be in the business of actually making a difference rather than just making political statements. That is why we think we should have a vote on all three proposals tomorrow: the President's proposal, the Senate Democrat proposal, and ours. Show the American people what is behind their proposals and what we all stand for. If the Democrats believe the President's rhetoric, they will vote for his proposal, and he will work to get their support.

My guess is that Democratic leaders will not allow a vote on the President's plan, and that should tell us everything we need to know about the Democratic approach to the problems we face. They are either out of ideas, not serious about solving the problems we face or both. To them this is more about messaging or passing the buck than it is about helping anybody or preventing an economic calamity at the end of this year.

The President proposed a plan he thinks will help him on the campaign trail. Democrats proposed a plan they think helps them in the Senate. What about a plan that actually helps the American people? It is all politics and positioning to our friends on the other side of the aisle at this point, and it is quite disgraceful.

The time to act on the problems we face is right now. The fiscal cliff draws closer with each passing day. I think most people think the party in power

has some responsibility to do something about it.

I yield the floor.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### ORDER OF BUSINESS

Under the previous order, the following hour will be equally divided and controlled between the two leaders and their designees, with the majority controlling the first half and the Republicans controlling the final half.

The Senator from North Dakota.

#### REMEMBERING OFFICER CHESTNUT AND DETECTIVE GIBSON

Mr. CONRAD. Mr. President, before I talk about the matter at hand, I would like to remember Officer Chestnut and Detective Gibson. I did not have a chance to know Detective Gibson. I did have a chance to know J.J. and he was someone who lit up a room. He had a 1,000-watt smile.

I will never forget the time I was going to a meeting at the House of Representatives. I wasn't familiar with where the room was, and J.J. took me right to it. He was a delightful man, and it was tragic that his life was taken.

I will never forget the funeral. It was one of the most remarkable outpourings I have ever seen, and so we remember with enormous respect Officer Chestnut and Detective Gibson.

#### THE ECONOMY

Mr. President, I have to respond to the Republican leader. What a fountain of misinformation. He repeats this canard that no budget action has been taken here for 4 years.

What about the Budget Control Act that was passed last year with more than 70 votes in the Senate? That was passed instead of a budget resolution. It was a law. Anybody who has had even a little bit of civics knows a law is stronger than a resolution.

Indeed, that law cut spending by \$900 billion over 10 years and put in place this sequester we now face that cuts another \$1.2 trillion over 10 years for a total spending cut of over \$2 trillion. It was the biggest spending cut in the history of the United States, and the Republican leader acts as though he never heard of it; it never happened. Let's get real. We took action in the House and Senate, and it was signed into law by the President.

The last time our friends on the other side were in charge, their policies brought us to the brink of financial collapse. Have we forgotten that the economy was shrinking at a rate of 9 percent in the last quarter of the previous administration? In their last month in office we lost 800,000 jobs—in 1 month. That was their record.

This administration has turned things around. We are no longer losing jobs; we are gaining them. The econ-

omy is no longer shrinking; it is growing. Maybe it is not as strong as we would like, but it has been a remarkable turnaround after the other side and their policies led us to the brink of financial collapse.

Let's talk about the legislation before us. It assures 98 percent of the American people are not going to have a tax increase, extends expiring provisions on income taxes, and income tax relief for everyone making below \$250,000 a year. It includes incentives to promote work and support families, and it provides relief from the individual alternative minimum tax for 1 year, a tax that is increasingly affecting the middle class.

Our friends on the other side say: Whoa. Wait a minute. That means those making more than \$250,000 will have a top rate of 39.6 percent. That is true. What happened the last time we had a top rate of 39.6 percent? That was during the Clinton administration. What was the economic record then? It was 39 straight quarters of economic growth from 1991 until 2000. It was the longest period of uninterrupted growth in this Nation's history. There were 24 million jobs created. That is what happened the last time we had a top rate of 39.6 percent.

Why is it important we begin doing something about these growing deficits and debt? It is because we are on an unsustainable course. This is one place where the Republican leader and I would agree. We are on an unsustainable course; we have been since the previous administration.

Have they forgotten that they tripled foreign holdings of U.S. debt during that administration, and doubled the debt? We are on an unsustainable course. We are headed for a debt that will be 200 percent of our GDP if we don't act.

This is a spending and revenue problem. This chart shows spending and revenue as a share of the economy over the last 60 years. Spending is the red line, and the green line is revenue. As we can see, we are at or near a 60-year high in spending. We are at or near a 60-year low on revenue. It is true we have a spending problem. It is also true we have a revenue problem. Revenue is at or near a 60-year low.

Our friends on the other side want to just have the historic average for revenue. The problem with that is it is not a useful benchmark. This is spending going back to 1972, 40 years. The red line shows spending. The green line is the historic average for revenue. We can see that if we just had the historic average for revenue, we never would have balanced the budget in a single year over 40 years. That is what the other side wants to do.

The fact is the five times we have balanced the budget since 1969—in 44 years—the revenue was nearly 20 percent of GDP. It was 19.7 percent in 1969,

19.9 percent in 1998, 19.8 percent in 1999, 20.6 percent in 2000, and 19.5 percent in 2001. Facts are stubborn.

Former Republican Budget Committee Chairman Judd Gregg said this about revenue:

We also know revenues are going to have to go up, if you're going to maintain a stable economy and a productive economy, because of the simple fact that you're going to have to have this huge generation that has to be paid for.

It is the baby boom generation. That is not a forecast; that is not a projection. They have been born, they are alive today, and they are going to be eligible for Medicare and Social Security.

In 2010, we saw some wealthy people paying no Federal income tax—nothing. People with incomes of \$500,000 to \$1 million in 2010, 14,000 paid nothing, zero. Those earning over \$1 million in 2010 who paid nothing were 4,000. Is that fair? It is outrageous that 4,000 people earning over \$1 million paid absolutely nothing and 14,000 earning between \$500,000 and \$1 million of income paid absolutely nothing and our friends want to defend that system. Shocking.

Here is what is happening to so-called tax expenditures. We are now spending more money through the Tax Code than through all the appropriated accounts. Who are the big winners? The top 1 percent in income, on average, get a benefit of \$255,000 a year by the so-called credits, deductions, exclusions, and preferences that are shot through the Tax Code. We have a little five-story building in the Cayman Islands that claims to be home to 18,000 companies. They all say they are doing business out of that little five-story building. Are they doing business out of that little building or are they doing monkey business out of that building? Eighteen thousand companies in a little five-story building in the Cayman Islands evading and avoiding the taxes due in the United States. Our friends on the other side say: No change. Shouldn't touch that. That is fair? I don't think so.

Let's get real. Let's get serious. Let's take on deficits and debt. Let's make certain everybody has a chance to contribute, including those who are at the top rungs who are now paying nothing.

I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank my colleague from North Dakota, Senator KENT CONRAD, who is the chairman of the Senate Budget Committee. He is retiring, unfortunately, for the Senate and for this country because he has brought to this Chamber and to the national debate on our deficits an insight and a knowledge of the subject that is unequalled. He has become a close and dear friend of mine, even closer over the last couple years, while we labored shoulder to shoulder on the

Simpson-Bowles deficit commission and bipartisan efforts afterwards in the Senate to deal with the deficit.

I am disappointed and somewhat troubled by the argument made by many in this Chamber that the deficit is the most serious problem facing America and then, in the same breath, they call for extending tax cuts to the wealthiest people in this country. What we are proposing is a tax cut for those making up to \$250,000 in income. That will certainly include all—all of the middle class and working families across America. The taxes will be higher for those in the 2-percent range of the highest income categories, and I think it is fair. I think those who have done so well and have been so fortunate in this great Nation should be willing to pay their fair share of taxes.

I support the middle-class tax cut the President has proposed. We want to bring it to the floor for a vote. I support it with the notion that we still have to keep our focus on the economy and creating jobs, No. 1, and deficit reduction and debt reduction, No. 2. We can do both. We have to take care that whatever we do to the Tax Code does not jeopardize our economic recovery. We are on a positive path, with 28 straight months of job creation in the private sector, and we want to continue it. But we also need to change a reality, which is that we borrow 40 cents for every \$1 we spend in Washington. That is unfortunate and unsustainable. We have to make sure working families across America who continue to fall further and further behind each year and live paycheck to paycheck will have a helping hand from our Tax Code. That is known as progressive taxation. I think it is fair.

Those of us in higher income categories should pay more. Those who are struggling paycheck to paycheck, trying to care for their children, need a helping hand in the Tax Code. That is not only just and fair, it is good for the economy. Those of lower incomes are going to spend their money and do it in a fashion that invigorates the economy with the production of more goods and services.

The Republican plan that calls for tax cuts even for the highest income categories, as Senator CONRAD just noted, means a tax break of \$250,000 for millionaires across America. I am sorry. The people who are making \$20,000 a week—that is what a millionaire would make over the course of a year, \$20,000 a week—do not need that tax break. They haven't asked for it, they don't need it, and they should be contributing toward reducing this deficit and saving America from deeper cuts in Medicare, education, and other expenditures that are critical to so many American families.

According to a recent analysis, the Republican plan would actually end up raising taxes on working families. If we

give tax breaks to those who are at the highest level of income categories and still go after deficit reduction, then the working class families actually would have to pay more.

I asked a number of my constituents to respond to this notion about cutting off the tax cuts at \$250,000 in income and several of them responded. Merry from Rockford, IL, said this:

I oppose any extension of tax cuts for the top 2 percent. I am a mother of a developmentally disabled adult. I have seen more and more budget cuts each year for 30 years for the special needs population. However, for the 30 years we have been involved with this "trickledown theory," there have been no conclusive reports showing that this theory is working.

John, a veteran living in Plainfield, IL, writes:

We fully agree with our President that the rich should pay a little more for their tax share! We (the middle class) are rapidly fading away. We have worked for most of our lives—only to witness corporations take over and fraud in our financial markets!

Jennifer from Chicago writes:

I am appalled that Congress would consider cutting food stamps and other vital services for poor people and their families while maintaining tax breaks for those in the upper 2 percent of income. Wealthy people can afford to live on a little less. Poor children cannot afford to do without food and shelter.

When we talk about tax policy and debt reduction, let's do it sensibly. Let's help working families. Let's fix the Tax Code in a way that gives them a fighting chance. Let's ask the upper 2 percent—the top 2 percent of wage earners—to pay their fair share. It is not unreasonable. Everyone must be prepared to make some sacrifice. Let's make certain that working families are protected in this debate.

I note that Senator MURRAY was coming to the floor to speak on this tax issue, but she has been delayed, and I ask unanimous consent that she be recognized to speak after I finish my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURBIN. I also ask unanimous consent that if I go over the allotted time in morning business for the majority, that I and Senator MURRAY be given an additional period of time and a like amount of time be offered to the Republican side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### THE DREAM ACT

Mr. DURBIN. Mr. President, 11 years ago, I introduced a bill called the DREAM Act. The DREAM Act is a piece of legislation that would give a select group of immigrant students who grew up in this country the chance to earn their citizenship if they were of good moral character and if they were prepared to serve in the military or complete at least 2 years of college.

The young people who would be eligible for the DREAM Act came to be known as the DREAMers. These are young people brought to the United States as children and infants. They grew up in this country overcoming great obstacles. They will be our future doctors, our engineers, our teachers, our lawyers, our soldiers. They will make America a better nation. They didn't make the decision originally to come to this country; it was a decision made by their parents. If their parents were breaking the law in that decision, I don't believe their children should be held responsible. That is not the American way.

As did the civil rights activists of past generations, the DREAMers are speaking out. They are telling their stories publicly, even though many of them know they risk deportation from the only country they have ever known as home. They have organized rallies and marches where they advocate for the DREAM Act, and they have declared their undocumented status. They wear T-shirts and carry signs that bear their slogan: "Undocumented and Unafraid."

These DREAMers have been by my side every step of the way, fighting for the DREAM Act, for 11 years, and I am proud of them.

In 2007, the first time the DREAM Act came to a vote on the floor of the Senate, there were a few DREAMers sitting right up in the gallery. We won 52 votes that day. It was a bipartisan majority. Frankly, we have always had a bipartisan majority, but we have never had the 60 votes we need to overcome the Republican filibuster against the DREAM Act.

Three years later, in December of 2010, the DREAM Act was again considered on the floor of the Senate. This time, it was different. The Senate gallery was filled to capacity with DREAMers wearing graduation gowns and caps. It was an inspiring sight. That day, 55 Senators voted for the DREAM Act. Again, we had another bipartisan majority, but, again, we fell short of the 60 votes we needed to defeat a Republican filibuster of the DREAM Act.

I made a commitment that day, after that vote was lost, to the young people who would be eligible for the DREAM Act, that I wouldn't give up, that I would keep on fighting for the DREAM Act as long as it takes to make it a law.

Since that vote in December of 2010, I have come to the floor of the Senate to tell the DREAMers' stories. I think it is the best way for people to understand the DREAM Act. Today, I wish to tell my colleagues about another DREAMer. Her name is Erika Andiola. Erika was brought to America from Mexico when she was 11 years old. She grew up in Arizona and enrolled at Arizona State University. But then Ari-

zona passed a new law prohibiting public universities from giving financial aid or instate tuition rates to undocumented students. Hundreds of students were forced to drop out of school. Erika persevered. She graduated with honors from Arizona State with a bachelor's degree in psychology. She has been very active in advocating for immigrants and the DREAM Act. She is the founding president of the Arizona DREAM Act Coalition. Her dream is to be a school counselor.

The story I have just told of Erika Andiola is the 50th DREAMer story I have told on the Senate floor. It is an amazing group. It includes DREAMers who grew up in 17 different States, from Oregon and Washington in the Pacific Northwest—and I see my colleague Senator MURRAY on the floor—to Illinois and Michigan in the Midwest, to North Carolina and Georgia in the Southeast. These DREAMers came from all over the world to America, from 19 different countries, including Europe, Asia, Africa, South America, and Central America. Yet all of them have something in common: Their home is America. They are just asking for a chance to give back to this great country.

To mark the occasion of the 50th DREAMer story on the floor of the Senate, many of the DREAMers I featured on the floor have made a trip to Washington and have gathered in the Senate. They are here this morning, and I wish to take a few minutes to recognize them.

Let me start with the person who started the DREAM Act, Tereza Lee. Tereza was brought to the United States when she was 2 years old to the city of Chicago. She received her bachelor's and master's degrees from Manhattan Conservatory of Music, where she is currently pursuing her doctorate.

The next person I wish to refer to is Eric Balderas. Eric came to the United States from Mexico when he was 4 years old. He was valedictorian and student council president at his high school in San Antonio, TX. He is now a student at Harvard University where he is majoring in molecular and cellular biology. His dream is to become a cancer researcher.

The next is Manuel Bartsch. Manuel came to this country from Germany when he was a child. He recently graduated from Heidelberg University in Ohio with a major in political science and a minor in history. He wants to pursue a career in government and politics.

The next is Kelsey Burke. Kelsey came here from Honduras when she was 10 years old. She graduated from Florida Atlantic University with a major in public communications. She begins law school this fall, and she dreams of becoming an attorney.

The next is Julieta Garibay. She came to America when she was 11 years

old. She graduated from the University of Texas with a bachelor's and master's degree in nursing. She has been a registered nurse since 2004. She dreams of serving in our military as a military nurse.

The next is Maria Gomez. Maria came to the United States from Mexico when she was 8 years old. She graduated from UCLA with a bachelor's degree in sociology and a master's degree in architecture. She dreams someday of being a licensed architect in America.

Next is Angelica Hernandez. She came here when she was 9. She graduated from Arizona State University as the outstanding senior in the Mechanical Engineering Department. Someday she wants to be a licensed engineer in the United States of America.

Next is Ola Kaso. Ola was brought to the United States from Albania at the age of 5. She is a pre-med student in the honors program at the University of Michigan. Her dream is to be a surgical oncologist.

Next is Sahid Limon. Sahid was brought to America from Bangladesh when he was 9 years old. He graduated from East Carolina University with a bachelor's degree in biology.

Next is Jhon Magdaleno. Jhon came to the United States from Venezuela when he was 9 years old. He is an honor student at Georgia Tech University, where he is a biomedical engineering major.

Next is Tolu Olubunmi. She actually was brought to America from Nigeria at the age of 14. She obtained a bachelor's degree in chemical engineering 10 years ago. She has never worked a day as a chemical engineer because she cannot be licensed. That is her dream: to be a licensed engineer.

Here is Gaby Pacheco. Gaby came to the United States from Ecuador at the age of 7. She has earned two associate's degrees in education and is now working on her bachelor's degree. She wants to teach autistic children. She has become an extraordinary leader in this movement.

Next is Pedro Pedroza. He came to the United States when he was 5 years old and grew up in Chicago. He graduated from Cornell University with a BA in Spanish literature and a minor in Latino studies. His dream is to be a teacher.

Next are two brothers who are here, Carlos and Rafael Robles. Carlos is majoring in education at Loyola University in Chicago. He dreams of being a teacher and may get his chance at Palatine High School. Rafael is majoring in architecture at the University of Illinois in Chicago. Of course, he dreams of being a licensed architect.

Next is Novi Roy, who came to America from India as a child. Novi graduated from the University of Illinois at Urbana-Champaign with a bachelor's degree in economics and two master's degrees—one in business administration and one in human resources. His

dream is to help provide affordable health care for all Americans.

Next is Felipe Sousa-Rodriguez. Felipe came to the United States from Brazil when he was 14. He recently graduated summa cum laude from St. Thomas University with a bachelor's degree in business studies and a minor in economics. His ambition is to be a teacher.

And last is Cesar Vargas, another good friend, who was brought to the United States when he was 5 years old. He recently graduated from the City University of New York School of Law with honors. He dreams of one day serving in the Judge Advocate General's Corps, of being in our military and serving the Nation he loves.

I thank all the Dreamers who are here today and have gathered with us. They have come a long way. It took an extra effort for them to come to Washington and to step forward and to allow me to share their stories again with the people who follow this debate.

Today I am launching "American Dreamers," a new Web site featuring the Dreamers whose stories I have told on the floor of the Senate, including all of those who are here today. We are going to update this Web site as I tell more stories. You can find it at [www.durbin.senate.gov/dreamers](http://www.durbin.senate.gov/dreamers).

This is a hopeful time for the Dreamers. It is better than it has been in a long time because this President, his administration recently announced that we will give the Dreamers temporary legal status to be here in America. This status will allow them to live and work legally without fear of deportation. The status needs to be renewed every 2 years, but they get their chance. It gives these young immigrants an opportunity to come out of the shadows and be part of the only country they have ever called home. The Obama administration's new policy will make America a stronger and better Nation by giving these Dreamers a chance to be part of our future.

This policy has strong bipartisan support in Congress. My special thanks to Senator RICHARD LUGAR of Indiana, who joined me in cosponsoring this bill and asking for this status on immigration years ago. It took extraordinary political courage for him to do that, and I thank him once again, as I have before.

According to recent polls, the American people think the President is right in giving these Dreamers a chance to earn their way toward legal status by a margin of almost 2 to 1. A future President could come along and change this policy, so the Dreamers are still at risk, but they are prepared to step up, to follow the law, and to become part of America's future with permanent residency someday and perhaps citizenship, which is our ultimate dream.

The President's new policy is a step in the right direction, but ultimately it

is Congress that must act—the House and the Senate—to pass the DREAM Act and give these young people who have gathered here today and thousands more just like them the path to citizenship in America.

I want to give special thanks to Majority Leader HARRY REID. The last time we called the DREAM Act he took a lot of grief for it. They said: Oh, it is just a political thing. But it is not. He believes in it, as so many of us do, and he was prepared to guide the Senate through a week-long debate to get to a vote. We did not have enough votes to break the Republican filibuster, but we demonstrated again bipartisan support for a sound, good idea for America's future.

I also want to give special thanks to Joe Zogby, sitting on the floor here. Joe is an attorney on my staff who for 11 years now has battled side by side with me to pass the DREAM Act. And Vaishalee Yeldani, who is on our staff as well, has been terrific in helping us prepare these floor statements and to continue this battle forward.

I said to the Dreamers the last time it was brought to the floor and we did not have the votes: I am not going to give up on you. Don't give up on me. We are going to do this. I am dedicated to them and to the fact that many of us who are the sons and daughters of immigrants—and, frankly, that includes almost all of us in this country—understand that the diversity of immigration has made America a stronger place. These DREAM students will prove once again, as generations have before, that given a chance they will make America a better country.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. Mr. President, I come to the floor today to urge my colleagues to support the extension of tax cuts for 98 percent of workers and 97 percent of small business owners.

This should be a no-brainer. Democrats do not want taxes on our middle-class families to go up, and Republicans claim they want that too. They also say they want these tax cuts extended.

So this should be easy. When 100 Senators agree on a policy, we should be able to pass a bill. But, unfortunately, Republicans are not focused on the 98 percent we agree on. They are preoccupied with the 2 percent we are not. They are prepared to take our country over the edge and into the new year in an effort to prevent millionaires and billionaires from paying a penny more in taxes.

Republicans are so opposed to having the wealthy pay the very same rate they were paying during the Clinton years that if they cannot force through more tax cuts for the rich, they would prefer taxes to go up on middle-class families. They want 98 percent of work-

ers to pay the price if millionaires are asked to pay a penny more. This is unbelievable and a deeply cynical position to take. It does not make any sense.

We have a fundamental difference of opinion between the two parties about the Bush tax cuts for the wealthiest Americans that have added trillions of dollars to the deficit and debt.

I am not asking Republicans to set aside their values. It is clear they are deeply committed to putting more money into the pockets of the wealthy. All I am saying is—all Democrats are saying is—we should not let that disagreement on tax cuts for the rich cause taxes to go up for the middle class. We can certainly have a debate about the merits of extending tax cuts for millionaires and billionaires. I am confident Republicans are ready to stand here on the floor and make their case. I am prepared to make mine. But I urge our Republican colleagues now to not play political games with the tax cuts that both sides believe should be extended. Because holding these middle class tax cuts hostage is bad policy, it is bad economics, and, frankly, it is bad politics.

Poll after poll shows the American people support ending the tax breaks for the wealthiest Americans. Republicans know they are in an unsustainable political position. They know they cannot be seen as holding middle-class tax cuts hostage for more tax cuts for the rich.

Last week we saw how they reacted when they got called on that reality: stomping their feet and shaking their fists, trying to muddy the water and change the subject. They do everything but admit it is time for compromise.

In fact, just this morning, the Republican Senator from Pennsylvania gave a speech about his plan for even deeper tax cuts for the rich—down to 28 percent for the wealthiest Americans. It is stunning. While Democrats are fighting for tax cuts for the middle class, Republicans are not only holding them hostage to continue the tax cuts for the rich, they are also scheming for ways to cut taxes for the wealthiest Americans even more. But their rhetoric is not going to fool families and small business owners in America.

I recently heard from a constituent of mine. His name is Rob Robinson. He is from Walla Walla in my home State of Washington. Rob owns a small construction company. He just finished work on the local police department. He said to me, "I've been a small business owner for over twenty-five years and it's outrageous to me that some members of Congress would hold up middle class tax cuts for the sake of protecting the wealthy from paying their fair share."

He went on. He said: "The fact that they justify cutting taxes for the wealthy by invoking the name of small

businesses tells me that they are simply out of touch with the economic reality of the majority of small business owners in this country."

I heard from another small business owner. His name is Allan Willis. He is from Kennewick, WA. Allan opened his small business, Tri-city Music, in 2008. He wrote to me saying:

I'm like a lot of Main Street small business owners. I open the shop in the morning and close it down at night. I vacuum the carpets and clean the bathrooms. I strive to provide my customers with an incredible level of customer service after the sale. I work hard and am blessed that I make enough to pay my fair share of taxes.

Allan told me:

When Republicans hide behind the name of small business to support their agenda for lower taxes for the rich, they don't speak for me. Let's call it what it is: political identity theft. They are stealing the name of small business as a smokescreen for tax policy that benefits millionaires.

That is a quote from Allan.

I also heard from a constituent of mine named Dallas Baker. Dallas is a Seattle firefighter. He has been on the job for 15 years. He told me he loves serving his community and making a difference. But he said—and I quote—

My daughters and I are all making sacrifices now. We are comfortable but we are losing ground.

If taxes went up for middle-class families like his, it would only get harder.

Rob, Allan, and Dallas are among the 98 percent of workers and 97 percent of small business owners the Democrats' bill would extend our tax cuts for. Those are the people I am fighting for—they and millions across America—middle-class families who have been struggling, who have sacrificed so much, and who should not see their taxes go up.

But my Republican colleagues do not seem to be focused on people such as Rob, Allan, and Dallas. They are much more concerned about the tax cuts for the wealthiest Americans, many of whom happen to be their biggest campaign and super PAC donors. They may claim to be here talking for small business owners, but they are not speaking for the small business owners I hear from—not small business owners such as Rob and Allan or the 97 percent who Democrats are here fighting to protect tax cuts for—but fighting for people such as Joseph Craft. He is a coal industry billionaire. Mr. Craft is worth an estimated \$1.4 billion, according to Forbes, and Republicans are fighting to cut his taxes. They are fighting for people like Harold Simmons. He made his billions on corporate buyouts. Harold is worth an estimated \$9 billion, and Republicans are fighting to cut his taxes too. And they are fighting for people such as Harold Hamm. He is an oil and gas billionaire. He is worth an estimated \$11 billion. Republicans are doing everything they can to make sure their taxes do not go up a penny.

The vote on the middle-class tax cut extension is going to be very illuminating. It is going to highlight some stark contrasts and give the American people a clear view into the priorities of our two parties.

Democrats are here focused on the middle class. We want to extend the tax cuts for 98 percent of our workers and 97 percent of small business owners, people such as Rob, Allan, and Dallas, and millions more. But if Republicans do not vote for our tax cut bill, it will demonstrate clearly they do not care about certainty, they do not care about the economy, and they certainly do not care about the middle class.

Rather, they care about extending those tax cuts for the rich above all else and to use every bit of leverage they have to do it, and they are prepared to let taxes go up on every family if they do not get their way. I hope they change their tune.

They say inaction is not an option. Well, here is their chance to act for 98 percent of workers and 97 percent of small business owners. All they have to do is stop playing games and stand with us to pass their bill this week. If they do, I would be happy to have an honest debate about extending the Bush tax cuts for the rich they are so passionate about. If they do not and taxes go up on every American because Republicans insist on protecting and extending the Bush tax cuts for these guys, then they are going to have to explain that to Rob and Allen and Dallas and millions of families and business owners just like them.

I yield the floor.

THE PRESIDING OFFICER (Mr. TESTER.) The Senator from Tennessee, Mr. ALEXANDER. Mr. President, I ask unanimous consent to enter into a colloquy with my Republican colleagues.

THE PRESIDING OFFICER. Without objection, it is so ordered.

THE BUDGET

Mr. ALEXANDER. Mr. President, the Senator from Washington said Republicans often change the subject. That is exactly what we intend to do. We intend to change the subject from raising taxes to creating jobs.

In terms of taxes, according to the Congressional Budget Office report recently released—this is hard to believe. You have to go back and read it again, but 20 percent of Americans who pay individual taxes pay 94 percent of all the taxes. Twenty percent of Americans pay 94 percent of the taxes. The President and his allies are about the only ones in the country right now who are going out across the country and saying: The way to solve this 5 years of recession and the bad economy we have experienced is to raise taxes on the people who create millions of jobs. That is their argument, that the way to deal with the bad economy we are in is to raise taxes on the people who create millions of jobs.

We do not believe that. We are prepared to keep the tax rates where they are while we deal with what we need to deal with, which is the fiscal cliff that the Chairman of the Federal Reserve Board talks about, where he says, if we do not deal with it at the end of the year, we will produce, according to the Congressional Budget Office as well, a recession in the first 6 months of 2013, which means more loss of jobs.

So the subject we are here to talk about this morning is how to avoid that. The question we are going to ask is, why not bring up the appropriations bills and do our job under the Constitution to limit spending and get a head start on the business of putting the fiscal problems we have behind us. Nothing could create jobs more rapidly than for us to bring Washington into some solvency, create some certainty. People have said: We are not going to invest, we are not going to hire until we can see whether Congress can act.

As far as the appropriations bills, here are the basics: We have 12 of them that we are supposed to pass every year. A bipartisan group of us went to the floor a few months ago and praised the majority leader and the Republican leader for their agreement to try to bring them to the floor and pass them. That has only happened twice in 12 years. So we worked hard to do that. Nine of the 12 appropriations bills are ready for the Senate to consider. In other words, they have been all the way through the committee process. They are ready for the Senate to consider.

Only the majority leader can bring them to the floor. Yet he said 2 weeks ago suddenly: No appropriations bills this year. That is 38 percent of the budget. That is more than \$1 trillion. That is our job to do. It is the way we control spending. Yet we are not even going to deal with it. So this morning we are going to talk about the consequences of that and hope the majority leader will change his mind and bring these bills to the floor.

The House is doing its job. The House has acted on eleven of their 12 bills and the House has passed 7. While they may be at a different overall spending level than we are, we have a well-established procedure for dealing with that called the conference, which is the way we normally deal with differences between the two Houses.

So suddenly we are saying, no budget, no appropriations bills. That is why we are on the floor today. I wish to begin by asking the Senator from Georgia, who is a former leader of the Republicans in the Georgia legislature, who has been here for a number of years, and who has been one of the leaders in this body of working across party lines to try to cause the Senate to do its job, whether he can think of a good reason why we should not be dealing with appropriations bills this year.



Mr. ISAKSON. I thank Senator ALEXANDER for the recognition and for joining with Senator BLUNT in this colloquy. As I was listening to you talk, I thought back to what happened in my family Sunday night. I want to start my remarks with that.

My wife Dianne and I went to my son Kevin and his wife Katherine's house to cook out hamburgers on Sunday night. Three of my nine grandchildren were there: Elizabeth, Sarah Katherine, and William. Elizabeth had arrived late, by the way, because she had been at a birthday party, the theme of which was dressing their American Girl dolls.

When Elizabeth finally got home, she sat down by me and she said: Grandpa, I want to talk to you. She calls me "Pops." I want to talk to you about my American Girl doll and some accessories that I want to buy. So she went over with me how much money it would take to buy the accessories and how much money she made for her chores. We sat down and kind of budgeted how many chores it is going to take to make the amount of money she needs to buy the American Girl doll accessories. Riding home that night I commented to my wife: You know, I just spent more time talking about budgeting and appropriating with my granddaughter than I have spent the entire year in the Senate.

This morning I was with Bud Peterson, the president of the Georgia Institute of Technology, and you can identify with this as a former president of the University of Tennessee, and Senator BLUNT, the former president of Southwest Baptist University. He was talking about how tuition has not gone up that much, but the amount of State support to subsidize tuition has gone down because the States are having to live within their means, having to have balanced budgets. They are having to cut.

I thought to myself, here we are in Washington, the leaders of the country, the people who should be setting the example. Yet my State and my granddaughter are doing a better job than we are. That is an indictment of the system.

I joined the Senator when he commended Senator REID on saying he was going to bring appropriations bills to the floor. I will come to the floor and cheer him again if he will bring them to the floor. We are running out of time, but we are also running out of the patience of the American people.

Senator ALEXANDER's remarks about jobs—appropriations are all about jobs. Right now we are operating for the third year in a row under what is known as continuing resolutions. Do you know what that means? That means we are continuing to do things just as badly as we did the year before, because we are not facing the music. We are not prioritizing our expenditures. We are talking about the appro-

priations of the American people and their tax dollars.

Senator MURRAY was talking about taxes as one part of the equation. It is only one part. Spending is the other part of the equation. You only address spending by taking up appropriations bills, by having debate and by moving forward.

By way of example, my State is having a referendum in 2 weeks, a referendum on a \$7.4 billion increase in sales tax dedicated for 10 years to roads and improvements in infrastructure. Our State needs it. The taxpayers are going to vote on it.

President Obama announced a couple of weeks ago a prioritization of the Port of Savannah in Georgia in terms of finishing the deepening and the widening of that project so the Panamax ships can come in. But if we are not doing appropriations bills on WRDA, we are not doing appropriations bills on the Corps of Engineers, we are not doing appropriations bills on highways, those jobs are not going to come, or we are not going to have jobs and the velocity of investment we need to have.

It is a real indictment of the greatest democracy on the face of this Earth, the leader of the entire free world, that in a time when we are in difficulties, we are in a time with increased debt, we are in a time of great challenges, we are talking more with our grandchildren about spending and saving than we are talking to each other about the money of the taxpayers of the United States of America.

I commend the Senator from Tennessee and the Senator from Missouri on their dedication to this subject and the leadership they have shown on appropriations in subcommittee work, and Senator COCHRAN, all of the members of the Appropriations Committee. The bills are ready. All it takes is for someone to drop the flag and say: Bring them to the floor. I hope Senator REID will reconsider not bringing them to the floor and instead bring them to the floor. Let us talk about the American people's money. Let us talk about jobs. Let's talk about investment in the greatest country on the face of this Earth.

I yield back to the Senator from Tennessee.

Mr. ALEXANDER. I thank the Senator from Georgia for his clear statement about solving the appropriations problems, solving the fiscal problems, creating an environment in which the private sector in this country is willing to create more jobs, and how failing to do that, in the words of the Chairman of the Federal Reserve Board, would be "destructive." In the estimate of the Congressional Budget Office, it would create a recession in the first 6 months of 2013.

The Senator from Missouri is the former No. 2 leader in the House of Representatives and now he is a part of

the Senate Republican leadership, so he has some special knowledge about how the two Houses work together.

The majority leader gave as his reason why he could not bring up the appropriations bill, one, that it did not fit the Budget Control Act. Well, the Budget Control Act, which we passed, I voted for it, set a limit on appropriations, and the Senate is marking up its bills to that number. The House is marking up to a number a little below. The majority leader said: Well, they are at one number, the Senate is at another number, so we will not do anything.

I would ask the Senator from Missouri, I thought it was a pretty normal procedure for the House of Representatives to do what it thought it ought to do, and the Senate to do what it thought it ought to do. There is something called a conference of the Senate and the House to work out the differences.

Mr. BLUNT. That is exactly right. That is the way the process is supposed to work. I think the observation the Senator made on the Budget Control Act is that is the maximum amount of money we agree to spend. The majority leader's view is: Well, if the House decides to spend less than that, somehow we cannot move forward.

The truth is that is the excuse for this year. In the 6 years that the current majority has controlled the Senate, they have not passed a budget three times and three times have not brought a single appropriations bill to the floor. I do not exactly know what the excuse was the other times, but this year it is: Well, the House has a different number.

The House is a different institution. It is the House of Representatives. They get elected every 2 years. They bring bills to the floor. In fact, they have had a budget the last 2 years and we have not. I think the House the last year that the majority controlled, the last year NANCY PELOSI was Speaker, did not have a budget. That may be the only time ever since the budget law in 1974. But the Senate has not had a budget for 3 years.

There is that old saying: If you fail to plan, you plan to fail. Clearly the budget is a plan, and the Parliamentarian says we do not have one. The Parliamentarian says the Senate has failed to obey the law for 3 years now because we do not have a budget. We are not prepared to tell the American people what our budget is. And even in spite of not having a budget, the Senate Appropriations Committee has gone ahead and figured out a number they could use as the number to appropriate to. Those bills are ready. The only problem is, those bills are not allowed to come to the floor. A few days ago, I cannot remember what the waste of time that week was on the Senate floor, but I said, in the leadership



stakeout: Why are we not doing the things we are supposed to be doing that give us a plan, that tell the American people what we are for? Then at the next moment, the next press opportunity, the majority came out and they asked the leader: Why are we not doing that? And the majority leader said: Well, because the House has a different number, so we are not going to have an appropriations process until the election is over.

It is particularly interesting to me that the majority's view is that they do not want to tell people until the election is over what they are for. The House is saying what they are for. They have had 11 of the 12 bills ready to go to the floor, and more than half of them have been voted on. They voted on a budget. But in the Senate, we are not prepared to tell people what we are for.

Another thing, this is 38 percent of the budget. Senator ALEXANDER mentioned this earlier. What about the other 62 percent? The other 62 percent now gets spent if we do not even show up, if nobody takes any action, because we have already defined the so-called entitlement part of the budget. A lot of that is Medicare, Medicaid, and Social Security—62 percent. By the way, that was all of the money that came in.

And while we have not had a budget for 3 years, while over 6 years we have only brought appropriations bills to the floor three times, our national debt has nearly doubled. It went from \$8.67 trillion when the current majority leader became the majority leader to \$15.87 trillion now 6 years later. We have doubled the debt. We have failed to plan. So I guess the old adage is true: If you fail to plan, you plan to fail. Our big failure is we have allowed the debt of the country—the debt that was accumulated in over 200 years, we have now doubled in 6 years. During that 6 years, we have simply been unwilling to do our work. The American people are upset about what is happening in Washington, and they should be. I am upset about it too. We could be talking about spending on the floor of the Senate. That is the only way to ever get spending under control—the appropriations bills, the most basic work the Congress is supposed to do. By the way, we ought to get to where we are talking about more than 38 percent of the budget when we talk about the appropriations bills. We have to get that back in the right category as well.

We have to make the Senate work. The best way to do that is to do the job the Congress is supposed to do, the House and the Senate. When only the House does it, there is no chance to have that conference. That is how legislation works, back to the Senator's original point. The House passes a bill. Any of us who had the basic civic course remember how that chart looked: The House passes a bill, the

Senate passes a bill, then you go to conference and talk about the differences.

But the current majority has said: Well, there are differences. We could never work that out, so we will not do our part of the legislative process. We will not have the debate in the Senate. We will not tell the American people what we are for, and we will let them go to the polling place on election day guessing what we might be for, but we are certainly not going to let them find that out by bringing legislation to the floor.

The Senate is not doing its work. This is the fundamental work that needs to be done. I mean, imagine when the Senator was the Governor of Tennessee or when he was president of the University of Tennessee, if he decided they were not going to have a budget, or this interesting argument some of our colleagues make that the Budget Control Act is the budget because it sets the top line.

That would be like when Senator ALEXANDER was Governor and had gotten his adviser and Cabinet together and said: Here is the amount of money we are going to spend. Now let's see how it works out.

That would be the budget? Of course that wouldn't be a budget. It would be a disaster. And the 6-year deficit numbers of \$8.67 trillion to now, 6 years later, \$15.87 trillion proves the disaster truly has happened.

I just can't imagine. How could one possibly run a State or university or a business if their budgeting process was, here is the top number we are going to spend; now let's see how it works out.

Mr. ALEXANDER. Well, I can't imagine how that would be. In fact, this is such a breathtaking assertion by the majority leader, it is hard to grasp it.

Here we are in a fiscal mess. Everybody says that. They will say it is for a different reason on that side than we do, but everybody acknowledges it. Everybody acknowledges as well that while the rest of the world is in trouble, we are just in a little less trouble and we can get out of our trouble more easily than the rest of the world; that the single biggest decision about whether the United States deals with its fiscal crisis and gets the economy moving again is whether the President and the Congress can govern. That is what everyone says, and we know it is true. In other words, this isn't out of our hands. This isn't out of our control. In fact, it is within our hands. All we have to do is come to some agreement about how much money we can spend, reform the taxes, reduce the debt, control entitlement spending, and this country will take off like a rocket.

The retiring head of the World Bank last month told a briefing of about 35 Democratic and Republican Senators—all of whom are concerned about this,

all of whom are committed to working on it—that people who are making decisions about whether to hire people or whether to invest more money in the United States have stopped. They have stopped because of the uncertainty. And what are they waiting on? They are waiting to see whether we can function. They are waiting to see whether we can govern. They have stopped to wait and see.

This is not an encouraging indication about whether the United States can govern. We had some encouragement earlier in the year. That is why several of us from both sides of the aisle came to the floor and complimented the majority leader, complimented the Republican leader, and said: We applaud your agreement to do the appropriations bills.

It says right here in the Constitution, Section 9 of Article I, that no money shall be drawn from the Treasury but in consequence of appropriations made by law. In other words, Article I—this is our job. People say I use the Grand Ole Opry as an analogy too often sometimes, but why would you join the Grand Ole Opry if you didn't want to sing? Appropriating money is what we do.

If the Senator doesn't like the Solyndra loan, then I am supposed to come up here and make that argument if I agree with that. If Senator BLUNT has a flood problem out in Missouri, he can make the argument that he made last year: Put some more money in to take care of the flood victims; take some more money out of here to pay for it.

If we want less of this or more of that, the way we do that is by going through the appropriations process, coming to the floor, offering amendments, and representing the people who elected us and sent us here. What are we supposed to say when we go home and they say: We think there should be more money for the Center Hill Dam on the Caney Fork River or more money for the levees down along the Mississippi and there ought to be less money for loans like Solyndra. Are we supposed to say: Well, sorry, we are not in business in the Senate because the one person who can put an appropriations bill on the floor has announced suddenly that he is not going to do it.

It is not because we don't have time to do it. Look, we could be doing it today. I will bet we don't even have a vote today, much less debate something interesting. We have been wasting the entire month. We could have taken up almost every one—most of the nine appropriations bills that are ready to be enacted and put them on the floor to vote.

The Senator from Missouri is a part of the Republican leadership. He has that honor. There is a different way to run the Senate, and maybe that should be a major factor in the election this

year. Maybe people would like to see the Senate work on the \$1 trillion that is a part of the appropriations bills, bring amendments and bills to the floor in a bipartisan way, let Senators from every State vote on those, and vote them up or down. That would be one way to run the Senate.

And I wonder if that kind of discussion has been going on in the Republican leadership. If we were fortunate enough to have a majority and move a few desks from that side over to this side as a result of the election, how do you think Senator MCCONNELL and the Republican leadership would conduct business in the Senate?

Mr. BLUNT. I do think we are having that discussion, and particularly about the budget.

There have never been 60 popularly elected Republican Senators, so anytime the Republicans have controlled the Senate, it was with a number that was below 60. And the budget became incredibly important because you can do things that involve spending money or collecting money during the 10-year budget window, and that decade can be extended every single year if you wanted to. So you can always be talking 10 years in the future of solid policy. And, by the way, in a democracy, 10 years of knowing what the policy is is a lot of time.

We have to have a budget. Our friends in the majority—now there are 53 of them—could do anything in the budget or at least set out to do anything in the budget that 53 of them said they wanted to do. They could change tax policy for 10 years if 53 of them wanted to do it. They could change how we implement the President's health care bill, if 53 of them wanted to do it, because that is spending money, and we would have to do that.

I don't think there is any doubt that if our side were in the majority, we would have a budget because, frankly, it is the biggest tool our size majority has ever had. There have never been 60 of us. We couldn't rely on 60.

Mr. ALEXANDER. If the Senator would yield, I have heard Senator MCCONNELL, the Republican leader, speak both in our Republican caucus and in meetings with Democrats in committee and publicly. I believe he has made it absolutely clear that if he were fortunate enough to be the majority leader, that he would bring appropriations bills to the floor, that he would see that a large number of amendments from both sides of the aisle were offered, and that we would be working longer, working later, and getting more done.

Mr. BLUNT. I think the Senator is exactly right. He has made that pledge at press conferences. I think some of that has been said recently on the floor of the Senate: Let's get our work done. And if we were in the majority, we

would pledge that we would get our work done. That means Republican Senators and Democratic Senators would wind up having to take some votes they would just as soon not take, but that has always been part of being in the Senate, that you are here to say what you are for, and you are here for 6 years to say what you are for.

The last 6 years—if you have served in the Senate and your only time in the Senate, as would be the case for some of our colleagues up to now, has been the last 6 years, you have really never had a chance to say what you are for. Half the years you didn't even have an appropriations bill on the floor.

And we have added to the legislative dialog normal phrases that didn't used to be quite as normal, such as "continuing resolution." And what is a continuing resolution? That means you basically can't get your work done for the next year, so you decide to just put a couple of band-aids on whatever were the rules for last year and move forward. When you talk about a continuing resolution, that is failure.

We are going to have a few more days here in July and early August, and then, as Congress has always done, we will go home and hear a lot of complaints in August this year because we are not getting our work done. We are going to come back in September. The fiscal year—the spending year—ends the end of September, and what are our choices going to be? We are not going to have good choices. We have had no appropriations bills. So the choice is to either let the government stop functioning on October 1 or continue spending money at the level we decided who knows how many years ago, to spend that money in many of these programs because we really have not talked about these programs. So we go from no good choice to an even worse choice.

Mr. ALEXANDER. We are all good friends here. People sometimes talk about lack of civility in the Senate. The fact is the Senate is probably the most civil place in the United States. We are excessively nice to each other. We have disagreements, but we are nice to each other. But what is disappointing is that it is not functioning. The Senate is not functioning the way it is supposed to.

It would be as if the President announced: Well, I am not going to the office for a month or two; or if the Supreme Court said: Well, it has gotten to be February, and we think we will stop deciding cases and go home, we will go on vacation. What would the American people say? Well, that is what is happening here. And it is not that we don't have the time. We have it right now. We have it this minute that we could do be doing it.

What makes it especially disappointing is that earlier this year there was what I call an outbreak of good government. We had the majority

leader and the Republican leader saying: Let's bring all the appropriations bills to the floor, and people on both sides were applauding them. And then we had some discussions, and lo and behold, suddenly we had bills coming to the floor that made a difference in the lives of Americans: the FAA bill, which is about airline safety, the farm bill, the highway bill, and the Postal Service bill. And thanks to suggestions by the Senator from Michigan, Mr. LEVIN, and others, we began to adopt an agreement: Let's allow all relevant amendments to the bill be considered. So we began to vote a lot. I think one bill had 73 amendments. And then there were even some amendments that weren't relevant.

It began to look like the time in the 1980s when Senators Byrd and Baker ran the Senate. Senator Byrd or Senator Baker would come to the floor and say: All right, here is a bill that is supported by the Democratic chairman and the ranking Republican, or vice versa. They put it on the floor, and they would ask for amendments. They might get 300, and then they would say: I ask unanimous consent to have no more amendments. And of course they would get it because everybody who wanted an amendment had offered one. Then they would start to vote, and the majority leader would say: OK, we are going to stay here until we finish. And they did. Now, it never was perfect. It is always a little messy. That is the way the Senate is. But they got a lot of work done. That is what makes this so disappointing.

Mr. BLUNT. It is disappointing in that, as the Senator says, it is not even that hard to figure out what we could be doing or what we should be doing or what is the fundamental work of what we should be doing. There are things the Constitution says we can't do, such as initiate a tax bill. So we are spending a lot of time on tax bills that, even if we passed one, would be unconstitutional. The House has the right to start those bills, and they would say: We are not even going to deal with that because it is outside of the Constitution. It is not as though this is a hard formula.

How do you get spending under control? The No. 1 domestic priority in the country today should be more private sector job creation. But the No. 1 priority for the Federal Government would be, how do we get spending under control? How do we begin to pay off debt rather than add to debt? And the only way we can do that is to debate the spending bills.

The Senator mentioned the former head of the World Bank a minute ago. I heard him mention a few days ago that several years ago after leaving the governorship, he spent some time in Australia and made good friends there—one of the former Prime Ministers of Australia. And I will let him

tell that story. Everybody in the world knows the best and strongest economy and workforce in the world is ours, if we just do the right thing. And the right thing is not that hard to figure out.

The Senator from Tennessee was telling me one of the former Prime Ministers had just returned to the government after some time away. What about his comment about what it takes for our country to reassert itself as the economic place to watch and place to be and want to be. When the Senator reminded me about that story, I thought it was very telling. People all over the world understand what it is we ought to do, but we are just not doing it.

Mr. ALEXANDER. I would be happy to do that. Actually, Bob Zoellick, the retiring head of the World Bank, reported this story to 35 or 40 of us—both parties—to find out how to do what we are talking about, which is to deal with the fiscal cliff issues coming at the end of the year. He repeated Bob Carr, the new Foreign Minister in Australia, who said in a speech in Washington that the United States is one budget agreement away from reasserting its global preeminence.

All of us believe the United States is the preeminent country in the world. That statement comes from a great friend of the United States who wants us to succeed and who knows we can.

If we want to get our economy moving again and help the world get its economy moving again, the main thing we need to do is make this fiscal agreement, deal with the debt, deal with tax reform, deal with the payroll taxes, deal with the sequester, and deal with the appropriations bills. This is the single most important thing we can do to get our economy moving again instead of heading into a depression. He put it that way to reassert, establish, claim, renew—whatever adjective or verb we want to use. The way to maintain America's global preeminence is to get a budget agreement at the end of the year. We were off to such a promising start this year and now we slid backwards.

I will let the Senator from Missouri make the final remarks in the colloquy. It is my hope the majority leader will decide to use the rest of our time this week and next week to deal with appropriations bills, and then when we come back in September we could deal with more. It doesn't take long. Let's just put them on the Senate floor and get to work. We can agree on a reasonable number of amendments. We showed we could do that before, and the American people would appreciate us doing our job.

Remember, 9 of the 12 are ready to go. It affects 38 percent of the budget. That is more than \$1 trillion in spending. That would be one more indication we are capable of governing ourselves,

which is the single most important signal that those who invest and create jobs in America need to see and hear from Washington, DC.

I thank the Senator from Missouri for his leadership and for coming to the Senate floor.

Mr. BLUNT. My only thought, as we are standing here finishing up this discussion, is that as people hear this, they may wonder if Senator ALEXANDER and Senator BLUNT are talking about how the Federal Government can spend the money, and that being the most important thing. If we are going to get spending under control, of course, it is the most important thing. It is not a desire to spend money, it is a desire to debate how we spend the money, to plan how we spend the money, and give as much notice as we can to the country, to the States, and to the people who are trying to make job-creating decisions. We want to show them the American government is going to do the right thing and is going to plan for a future that makes sense rather than fail to plan and stumble into a future that continues to just do the wrong things.

We have seen the debt of the country almost double in 6 years. Surely, that is enough indication that what we are doing is not working and more of the same is not the answer. Getting back to the real responsibility of the Senate to do its job—the House is doing its job. They are going to take some criticism about the programs they said should be cut or redefined. We need to do our job. That is the way this process has to work. It is disappointing that it is not working.

We are going to come back in all likelihood in September with bad choices that will be made. One is to shut the government down. One is to just somehow continue to spend money as we have been spending it as the debt of the United States of America doubled in about 6 years.

I yield back to my friend from Tennessee.

Mr. ALEXANDER. Mr. President, we yield back the remainder of our time.

I see the Senator from Nebraska is here. I wonder if he is here to be a part of our colloquy or to make another statement.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. JOHANNIS. Mr. President, I am here to make another statement, but I do want to associate myself with what the two Senators had to say, the Senator from Missouri and the Senator from Tennessee. I look at our assignment between now and the end of the year, and we have some monumental issues to tackle. In fact, they are so monumental that many are referring to the work that needs to be done as a fiscal cliff. Some are talking in the vein that we are going to cause another recession unless we come to grips with these issues.

I look at this week and so many weeks that have passed this year and nothing has been done. I am going to guess when this week is all said and done, we will probably take three votes. That seems unbelievable for the Senate. It doesn't have to be this way at all. We could be addressing the important issues that face our Nation. There isn't any reason we should not be addressing those issues. Let's debate bills, vote on them, and do the right thing for our country.

I thank the two Senators for their comments and I am pleased to be able to associate myself.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, I rise this morning in strong support of the Middle Class Tax Cut Relief Act that would extend tax cuts for 98 percent of the American people while letting the Bush tax breaks for the wealthiest 2 percent expire at the end of this year.

I also want to express my strong opposition to the McConnell-Hatch bill that would provide tens of billions of dollars in tax breaks next year to millionaires and billionaires who today are doing phenomenally well.

Really, this is not a complicated issue. The United States now is seeing growing wealth and income inequality. The middle class is disappearing, poverty is increasing, the people at the top are doing very well at the same time that the effective tax rate of the millionaires and billionaires is the lowest it has been for many decades.

This country has a \$16 trillion national debt. We have a \$1 trillion deficit this year. I believe to give huge tax breaks to millionaires and billionaires makes no sense, and I believe it makes no sense to the American people.

Our Republican friends have made it very clear that when they say they don't want to raise taxes on anyone, that is just code for saying they don't want to raise taxes on millionaires and billionaires. I should add that if Governor Mitt Romney becomes President, he has proposed even more tax breaks for the wealthiest people in this country while at the same time cutting Social Security, ending Medicare as we know it, and slashing investments in education, transportation, child care, nutrition, and a variety of other programs that benefit working families and the middle class.

#### SOCIAL SECURITY

This morning I want to say a few words about Social Security. Let me be very clear. When we talk about Social Security, it is imperative that we understand that Social Security has not contributed one nickel to our deficit or our national debt. So when people say we have a national debt problem and that we have Social Security and they fuse the two together, that is simply incorrect.

As all Americans know, Social Security is independently funded through payroll tax contributions from workers and employers. Up until last year, it has received no funding from the Federal Treasury.

Despite the rhetoric we hear from Republicans and those on Wall Street, Social Security is not in financial crisis. Social Security has a \$2.7 trillion surplus. According to the Social Security Administration, Social Security will be able to pay out 100 percent of promised benefits to every eligible recipient for the next 21 years.

Although the American people now take Social Security for granted, we should never underestimate the incredibly positive impact Social Security has had on our country. Sometimes we do forget it, especially when those people come up and say: Let's cut Social Security. Let's cut Social Security. But let's talk about what Social Security has accomplished.

Since its inception over 75 years ago, through good economic times and bad, through terrible recessions, Social Security has paid out every nickel owed to every eligible beneficiary with minimal administrative cost. This is an extraordinary accomplishment. Nobody has ever received a letter from the Social Security Administration saying: Sorry. We are in the middle of a recession. We have had to cut your benefits in half. Every eligible beneficiary has received 100 percent of the benefits owed to him or her.

During this 75-year period, Social Security has succeeded in keeping millions of senior citizens, widows, orphans, and persons with disability out of poverty. Before Social Security existed, almost half of America's senior citizens lived in poverty. Today, that number is still too high, but it is 10 percent not 50 percent.

More than 55 million Americans now receive Social Security benefits. I would contrast that record to the situation we recently saw on Wall Street when millions of Americans lost significant or all of their retirement savings because of the collapse of Wall Street and the financial crisis we went through. Despite this success, despite this incredibly strong record, my Republican friends, and too many Democratic friends, are calling for cuts in Social Security.

For example, we know where Mitt Romney stands on Social Security. Mr. Romney wants to begin the process of privatizing Social Security. I disagree with him because I think that would benefit primarily his friends on Wall Street, because if we privatize Social Security, where are people going to get their retirement benefits? From Wall Street. Those guys on Wall Street will end up making huge amounts of money by charging the average American a significant commission for their service.

Mr. Romney wants to gradually increase the retirement age to 68 or 69. I don't agree with that. At a time when 23 million Americans remain unemployed or underemployed and when the long-term unemployment for senior citizens is skyrocketing, tell me how many employers out there are going to say to a 68-year-old person or a 69-year-old person: We have a great job for you, especially if someone is in the construction trades or is a nurse or is somebody who stands on their feet 8 or 9 hours a day, such as a waiter or a waitress. I don't think those jobs are going to be there if we raise the Social Security retirement age. I don't know what those folks are going to be doing for income.

Finally, the Romney campaign has put on his Web site the following:

Mitt believes that [Social Security] benefits should continue to grow but that the growth rate should be lower for those with higher incomes.

What does that mean in English? While Mr. Romney has been somewhat vague about his intentions and has not spelled out the exact details of this proposal, some of my Republican friends in the Senate have provided what I believe is the roadmap Mr. Romney is talking about. Last year, Senators LINDSEY GRAHAM, RAND PAUL, and MIKE LEE introduced a bill that would, among other things, reduce the future growth rate of Social Security benefits for the top 60 percent of earners—60 percent of earners—by establishing what they call a progressive price index.

Who are these so-called higher income individuals whom my Republican friends are talking about? Under this Republican bill, a worker making about \$45,000 a year today, retiring in 2050, would receive 32 percent less in annual Social Security benefits than under the current formula. How much is a 32-percent cut for this middle-class wage earner? It is about \$7,500 a year, and that, my friends, is a lot of money for a retiree.

It should come as no surprise that Republicans in Washington and Governor Romney want to slash Social Security. The truth is, Republicans have never liked Social Security, and they have been attacking Social Security since its inception. That is not news. The question that millions of Americans are asking themselves today, however, is where President Obama stands on Social Security. Unfortunately, he has been largely silent on this issue since he has been in the White House and during the current 2012 campaign. He made a very strong statement recently, incorrectly attacking the Republican proposal—the so-called Ryan proposal—to move Medicare toward a voucher program. But unless I am mistaken, I did not hear a word from him on the future of Social Security, and that is a shame.

That is a shame because candidate Barack Obama, when he was running for President in 2008, made it very clear to the American people he would be a strong defender of Social Security. Let me remind the American people exactly what Barack Obama said on the campaign trail in 2008.

On September 6, 2008, Barack Obama told the AARP the following:

John McCain's campaign has suggested that the best answer for the growing pressures on Social Security might be to cut cost of living adjustments or raise the retirement age. Let me be clear: I will not do either.

That was then-candidate Senator Barack Obama. On April 16, 2008, Senator Barack Obama said:

The alternatives, like raising the retirement age, or cutting benefits, or raising the payroll tax on everybody, including people making less than \$97,000 a year—

Which today would be \$110,000 a year—those are not good policy options.

On November 11, 2007, candidate Barack Obama said:

I believe that cutting [Social Security] benefits is not the right answer; and that raising the retirement age is not the best option.

In order to address the long-term financial challenges of Social Security, candidate Barack Obama came up with an idea that I believe hit the nail on the head. It was exactly the right approach, and I have applauded him for coming up with that idea. What he said is that he would apply the Social Security payroll tax on income above \$250,000 a year to make sure a millionaire and a billionaire pay the same percentage of their income into Social Security as someone who today makes \$110,000 a year.

The bottom line is we lift the cap on taxable income so billionaires and millionaires and those making above \$250,000 a year start contributing into the Social Security trust fund. Recent reports have confirmed this would ensure Social Security would remain solvent for the next 75 years.

In 2008, candidate Barack Obama was exactly right. That is the solution to the long-term financial needs of Social Security, and that is why I introduced candidate Obama's concept into legislation. It was the right approach. I have introduced it into legislation and it now has 10 cosponsors.

Here is how the *Economic Times* reported on the subject back on June 14, 2008:

Barack Obama would apply the Social Security payroll tax to all annual incomes above \$250,000, which would affect the wealthiest 3 percent of Americans. The Presidential candidate told senior citizens in Ohio that it is unfair for middle-class earners to pay the Social Security tax "on every dime they make," while millionaires and billionaires pay it on only "a very small percentage of their income."

That is what Barack Obama said when he was running for President in

2008. I agreed with him. He was very clear. I suspect millions of Americans voted for Barack Obama because of the strong stand he made in defending Social Security. Unfortunately, since he has been in office, he has been much less clear about his position on Social Security. There were reports last year he was considering cutting Social Security as part of a grand bargain with the Speaker of the House JOHN BOEHNER.

What I simply want to know, and I think what the American people want to know, is where does the President stand on Social Security? Is he going to keep faith with the American people? Does he continue to believe what he believed when he ran for President? Is he going to say to the millions and millions of seniors out there who are struggling every single day to keep their heads above water that we are not going to balance the budget on the backs of the elderly and the children and the sick and the poor; that we are not going to continue to give tax breaks to millionaires and billionaires who are doing phenomenally well and cut Social Security as part of some grand bargain when, in fact, Social Security has not contributed a nickel to the deficit situation?

As the Presiding Officer well knows, in terms of Social Security, there is a lot of discussion in the Senate about moving toward a chained CPI—a chained CPI. Nobody outside this room understands what a chained CPI is, but I will tell you what it is. A chained CPI is significant cuts in Social Security COLAs, and it rests on the theory, if we can believe it, that COLAs for seniors on Social Security are too generous.

When I tell this to the seniors in Vermont, I say: Please, don't laugh, but they always laugh. They say: Bernie, in the last 2 out of 3 years, while our health care costs have been going up, while our prescription drug costs have been going up, we haven't gotten a COLA at all. How could they possibly believe the formulation for coming up with these COLAs is too generous?

But that is what the billionaires and the millionaires want, that is what our Republican friends want, and that is what some Democrats want. They want to come up with a formulation which will cut Social Security benefits. It will mean, if someone is 65 today, that when they become 75, they will receive \$500 a year less; and when they are 85 and are trying to get by on \$15,000, \$16,000 a year, they are going to cut \$1,000 from their Social Security benefits.

I think—when this country has the most unequal distribution of income and wealth, when the top 1 percent owns 40 percent of the wealth of this country, when in the last study I saw 93 percent of all new income in 2010 went to the top 1 percent—we shouldn't balance the budget by cutting Social

Security for people who are trying to survive on \$14,000 or \$15,000 a year. That is not the right formulation or the way we should go.

I wish to conclude my remarks by simply saying I am going to do everything I can to defend Social Security. I am going to do everything I can—given the fact our deficit is largely caused by unpaid wars and tax breaks for the rich and the recession, which was created by Wall Street greed—to fight any effort to cut Social Security, Medicare, and Medicaid.

Today, I think the American people know where the Republicans stand on Social Security. They know where Governor Romney stands on Social Security. But now is the time for the President of the United States to tell us where he stands on Social Security. Is he going to keep faith with the promises he made in 2008? Is he going to stand with the senior citizens of this country and say: No, we are not going to balance the budget by cutting Social Security?

I look forward to hearing what the President has to say. This is an enormously important issue to the seniors and the veterans of Vermont, and I am going to continue dealing with it.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MANCHIN). The clerk will call the roll. The bill clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, today I wish to talk about a bill that will reduce taxes for 97 percent of all small business owners. I wish to talk about a bill that will keep \$2,200 in the pockets of the middle class next year. I wish to talk about a bill that will extend tax cuts for those making less than \$250,000 per year. I wish to talk about the Middle Class Tax Cut Act and why it should pass with overwhelming and bipartisan support.

My colleagues across the aisle have said they want to get our country back on its feet. Well, I know our prosperity has always stemmed from and been measured by the success of the middle class. They are the ones who get in early and stay late. They take on a second job to make it just a little bit easier to pay for college. They wait to retire to save more to help their children and grandchildren. Under no circumstances should middle-class people be worried about their taxes going up, particularly at a time when median income, middle-class income is declining in America.

To raise taxes at a time when the middle class is struggling makes no

sense whatsoever. Under no circumstances—no circumstances—should the middle class have to worry about their taxes going up.

So we are proposing a 1-year extension of the Bush-era tax cuts on all Americans on the first \$250,000 of income they make. Let it be known that tax break will go to everybody. A person could be making \$10 million and they will get the same tax break on the first \$250,000 as someone making \$200,000 or \$220,000 or someone making \$80,000. So it does not discriminate.

By the way, we are lucky in America that we have people who have made a whole lot of money by starting businesses and employing people. We revel in the fact that America does that, and we admire well-to-do people. The difference is we don't think they need a tax break when that money could go to deficit reduction instead. Well, we can't say that for the middle class because the middle class, obviously, has less money and is struggling. So that is why we choose \$250,000 as the line.

In addition, there were three more very important tax cuts signed into law by President Obama that working families across America rely on. They are the American opportunity tax credit, the expanded child tax credit, and the earned-income tax credit. Our proposal would extend these tax cuts as well. So under our plan the middle class will be secure in the knowledge that their taxes aren't going to go up over the next 5 months while we all debate the fiscal cliff and all the things we have to do to prevent our deficit from growing. This should be priority No. 1—to secure the middle class while we have this debate.

I wish to focus for a moment on a glaring difference between our plan and the Republican plan. We all know how hard it is to pay for college. We all know how important a college degree is. Study after study after study has shown if a person gets a college degree, they will make more income and a person will have a better life. Some of the recent studies show people even live longer. Having a college degree is so important to American families. Yet, at the same time, the cost of college is rising. Whether a person goes to a private school, a religious school, or a public university, the cost is going up and up and up. So it has been a passion of mine since I have come to the Senate, and even before, that we give middle-class people a tax break to go to college.

We help the poor already with Pell grants and things such as that. That is a very good thing, and I am proud we do it. But a person or a family can be making \$50,000, \$70,000, \$90,000, \$110,000, and if a kid is going to college and it costs \$10,000 or \$20,000 or \$30,000 or \$40,000 a year, they can't afford it. As a result, we have millions of parents stretching and stretching and stretching to help their kids, and millions

more students are taking on huge debt loads because they know college is so important. It is vital for us to help them.

When a young man or a young woman who deserves to go to college doesn't because they can't afford it, they lose, their family loses, and our country loses as well. When a young person goes to the college they shouldn't go to because they can't afford the college they deserve to go to and want to go to, they lose, their family loses, and America loses. So it has been a passion of mine that we give the middle class—not just the poor but the middle class as well—help in paying for college because it is so expensive but it is also so important.

So we have a law now called the American opportunity tax credit. It is legislation I wrote. It helped 9.1 million families get a tax break on their children's college tuition last year. Because of the American opportunity tax credit, more parents and students now qualify for tax relief to pay for college expenses not just for 2 years but for a whole 4 years of study. It gives a \$2,500 tax credit right off a family's taxes to families whose income is up to \$180,000 a year. So it goes well into the middle class and even a little higher in many States. But it is needed. It is vital.

If this tax credit expires, families who rejoiced—I have talked to them across my State of New York in every corner of the State. Moms and dads are sitting around the kitchen tables Friday night after dinner, the kids are out, saying: How are we going to pay for college for Mary or Jane or Tom or Bill? They have sleepless nights about it. So why, why would our colleagues on the other side of the aisle let this tax break expire? Why does their proposal, which continues tax breaks for the wealthiest of Americans, kick these tax incentives to the curb? To let this tax break expire is a dagger to the heart of the middle class, and that is just what our colleagues on the other side of the aisle are doing.

It is more than clear Republicans are going to hold up the middle-class tax cuts, including this needed and significant help to pay for college, to insist that we provide those at the highest income levels—people who make over \$250,000 a year—with a tax cut at the same time. They are holding the middle-class tax cuts hostage.

Now, I will be the first to congratulate people who are very wealthy, as I mentioned. They have been successful. They are living the American dream. God bless them. They create jobs. They do. But today's debate is not about them or their taxes. We can have a rigorous debate about whether they deserve another tax break or whether that money should go to deficit reduction or maybe for education or infrastructure or scientific research. That is a debate for another day, and I look forward to it.

Today's debate is about the middle class. Letting these tax cuts expire would generate serious problems for our middle-class families and businesses.

It could prevent them from being able to pay for their kids' education or buy a new house or a new car. It could mean they put off retirement a little bit longer or cancel a vacation. That would have repercussions across the entire economy. So extending the tax cuts for the middle class is a no-brainer and the American people are on our side.

I hope, I pray, I beseech our friends on the other side of the aisle to listen to the middle class, saying: Look, you guys fight over what you should do for the highest income people but come together on helping us.

That is what we can do. If our colleagues on the other side of the aisle want to get this country back on track, they will join us in supporting this critical legislation, including the tax credit to help pay for college education, to help the families and businesses that are the real job creators and prosperity makers.

With that, Mr. President, I yield the remainder of my time.

THE PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Good afternoon, Mr. President.

THE PRESIDING OFFICER. Good afternoon.

#### REMEMBERING SALLY RIDE

Ms. MIKULSKI. Mr. President, I rise today to honor the life and legacy of a dear friend, someone whom I admire, and someone whom the whole world cheered on, Dr. Sally Ride.

Dr. Ride was the first American woman in space. When she went out there, she blazed a trail out into the stars for women in science and women in technology, inspiring not only American girls but girls around the world.

Last night, we got the very sad news that Dr. Ride passed away after a brave fight against pancreatic cancer.

I wanted to come to the floor to speak about her. We all know the biography. Dr. Ride became an astronaut after answering an ad in her college newspaper. She had earned a Ph.D. in physics from Stanford. She also earned a graduate degree in Shakespeare. She joined the first group of women in the astronaut corps and trained to be a mission specialist.

I knew Sally Ride both professionally and personally. I have had the great honor in my years in the Senate to be on the committee that funds the American space program. I have important space assets in my own State of Maryland: the great Goddard Space Flight Center and Wallops Island, from where we hope to do some new launches later this summer.

But for me, my journey into space, my love for space began not only when

John Glenn went into space, and when we walked on the Moon, but I will never forget that day Sally Ride, in 1983, boarded that shuttle, strapped herself in, put on her helmet, the rockets roared, and out she went. The whole world had signs, cheers saying: Go Sally. Go Sally. Wow, I will never forget it.

I was in the House of Representatives. I was down there. We were waiting. We were excited. There was nothing like it. Mr. President, if you have not seen a shuttle launch, it is the most amazing thing. The ground shakes. You feel it. You feel it in your body. You feel it in your heart. Then, as that rocket took off, we cheered her on. It was an enormously patriotic moment. Once again, our shuttle flew high into the sky. It was the Challenger, and later on it would have its own rendezvous with destiny.

I was so proud of Dr. Ride. But I was proud of my country. I was proud of its vision, of its innovation, and I was proud of the fact that we live in a country where women can follow their dreams, to take the talents God has given them and be able to pursue them.

When I saw Dr. Ride go into space, another barrier was broken for women. Even though Sally was the first, she did not want to be the only. When she launched into space, yes, she broke a barrier; yes, she took with her the hopes and dreams of many girls, but she wanted more to come. She had a characteristic of many of us who are the first. She said though she was the first American woman, she did not want to be the only American woman. She devoted her career to encouraging young women to go into science and to also come into the space program. Now more than 50 women have gone into space, and it has been an astounding—an astounding—accomplishment.

Dr. Ride and I talked about what it is like to be the first. When I was elected to the Senate, I became the first Democratic woman elected to the Senate in her own right. Among the first 10 phone calls I got was from Sally Ride, congratulating me. She said: Hey, you broke a barrier and you are going to go into new space. It is called Senate space. After we joked and laughed, and so on, we said: Gee, we "firstees" ought to have a club that should meet on the first Monday of the first month, the first of the year. We had Sandra Day O'Connor. There was Sally Ride. President George Bush was to go on to appoint Bernadine Healy as the first woman to head NIH.

As we talked about it, she said: We who are the first cannot be the only. Another characteristic of "we the first" was where she said—and we would agree—that you do not get to be a "me" without a whole lot of "we." She was a firm believer in public schools, public education, public libraries—those opportunities that enable



you to go to school, that enable you to go get a Ph.D. at Stanford, that enable you to get out there and compete, to be an astronaut, that when we think about ourselves, we think about our families, we think about our teachers, we think about our coaches.

We are so indebted to them, and she was too. She was so indebted that that is the way she wanted to devote her life. Sally Ride knew she was famous, but she had no desire to get rich. She did not capitalize on her big name, her big iconic international brand. She wanted to use her name, her reputation, the Sally Ride brand, to be inspirational and motivational. She did not seek profit. She sought to inspire others.

After retiring from NASA, she dedicated her entire life to encouraging young women to study science, math, and technology, to love that which she loved and wanted to do. She continued to do that all the way up to the last months of her life.

I recall in 2008 I invited her to Baltimore to celebrate the 25th anniversary of her going into space. We had this great afternoon. After a wonderful lunch of crab cakes and talking things over, we went to the Maryland Science Center. There were these girls there, Girl Scouts working on badges about science and technology. There was this great globe that showed planet Earth, and she talked about what it is like to study the planet. She talked about what it is like to go into space. What she said was, when you are busy looking out there in space, and you look back, you see this great planet, and you want to do all you can to help it and save it.

Those young girls were mesmerized. Well, wow, that was 4 years ago. Many of them have now finished their Girl Scout badges, many have finished middle school and are in high school. But, hopefully, they are not finished their great interest in science.

That is what her work was.

She also had a great impact on the space program itself.

When Al Gore was here as a Senator, he was on the authorizing committee, and I, of course, was an appropriator. She worked with NASA and us on a new strategic vision for NASA. Then, what did she say about what we should study? Planets, galaxies, asteroids, you name it; rings around Saturn, yes. But you know what else she said? She said: Let's study this planet where we suspect there is intelligent life. She had a great sense of humor. Al Gore and I leaned forward in our chairs and said: What would that be? What did Sally know that had been dreamt about for ages—intelligent life? She said: Yes, it is called planet Earth. Let's see if we can find it.

Dr. Ride, after we had our laughs that day, suggested that we study our own planet as if it were a distant star

so that we would get to know it, we would know its climate, we would know its weather, and also we would take the time to know its people, and that we would do it to save the planet and save the people who are on the planet.

I regret that our own science is not yet advanced to have saved Dr. Ride. She died of pancreatic cancer. I know the gifted and talented people at NIH and those who benefit from the funding of NIH are working all over this great country to find cures for that dread "C" word. Pancreatic cancer is deadly and it is fast and it is painful. She died steadfast and true to herself and true to her mission.

I think the entire world owes a debt of gratitude to her. The way we can honor her memory is to encourage students to search for the stars, but let's search here for the problems that hurt our own people. Let's find a cure for pancreatic cancer. And let's continue to be a great country that innovates and also educates and believes in educating its women and girls in the same way.

God bless Sally Ride. And God bless America, the kind of country that made Dr. Ride's life possible.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

DR. SHAKIL ALFRIDI

Mr. PAUL. Mr. President, Dr. Shakil Alfridi is a physician in Pakistan. He has been put in prison for the rest of his life for the crime, basically, of helping the United States get bin Laden. I think it is a travesty of justice that Pakistan is holding this man for the crime of helping America, and I think we should not tolerate it.

We send Pakistan \$2 billion a year, and recently, instead of withholding that, President Obama has given them an additional \$1 billion—exactly the wrong thing to do. I have a bill that will withhold all further foreign aid to Pakistan unless this doctor is released.

There are reports now that his life has been threatened. There are reports coming from the Information Minister in the province where he is being held that his life has been threatened by fellow inmates and throughout the community.

My concern is that Dr. Alfridi may well be killed before he comes to trial. He was scheduled for an appeal on July 19. They have rescheduled this, and it will be on August 30.

I have a bill, and I have the votes necessary to demand a vote in the Senate. No matter what the leadership wants, we will have a vote on ending all of Pakistan's aid if this political prisoner, Dr. Shakil Alfridi, is not released. We will have this vote. I had threatened to have the vote this week, but I am going to delay it for one month to see if the appeal works, to see if he is still safe in 1 month. But I

hate to think of what might happen to him while we are waiting here and that we have not used every bit of the leverage of this money that we give to Pakistan. It is our money, it is your money, and we should not be sending it to a country that disrespects us.

If Pakistan wants to be our ally, they should act like it. If Pakistan wants to work with us in the war on terrorism, they should act like it. And imprisoning the man who helped us get one of the world's worst mass murderers is not a way to encourage cooperation between our countries.

This episode of imprisoning this man is driving a wedge between America and Pakistan. So if Pakistan wants to help us, good. Can we cooperate with them? Yes. But we should not continue to send good money after bad while they are imprisoning this man. This doctor deserves our respect.

I have also introduced legislation that would allow him to come to the United States if there is a threat to his safety in Pakistan and if he wishes to come here as a reward for helping us get bin Laden.

This vote will happen either in early September or late August, depending on what happens with his appeal. I hope some common sense will intervene and they will let him go. But at the very least, Americans need to know that Pakistan needs to cooperate with us, Pakistan needs to help this man, and that we all should be proud of what he did to help us get bin Laden. I will do everything possible, everything I have within my limits, to get this vote to occur, and this will happen within the next month when his trial comes forward on August 30.

Mr. President, I yield back my time.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m. today.

Thereupon, the Senate, at 12:30 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. WEBB).

#### MIDDLE CLASS TAX CUT ACT— MOTION TO PROCEED—Continued

Mr. DURBIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MORAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORAN. Mr. President, I wish to speak about the tax issues the Senate is facing this week. There is clearly a tremendous need for comprehensive tax reform. Americans worked from



January 1 to April 17 this year, 107 days, to earn enough money to pay their share of Federal, State, and local taxes. Americans also spent nearly 8 billion hours preparing their tax returns this spring. This amounts to 1 million people working full time for an entire year. There is no reason that paying taxes should be so confusing and so complicated, so time-consuming.

The burden this process places on individuals and small businesses must be relieved. According to the nonpartisan Tax Foundation, the average American taxpayer will spend more on taxes in 2012 than they spend on food, clothing, and housing combined.

It is time for tax freedom. We need to replace our deeply flawed tax system with a commonsense system that is simpler and more growth oriented. The Tax Code matters when it comes to growing the economy. It is for these reasons that I am a sponsor of S. 13 and a long time supporter of the Fair Tax, which I see as a step in the direction of liberty and prosperity. The Fair Tax eliminates payroll, estate, and many other taxes, to be replaced with a national sales tax levied on purchased goods, placing all Americans on equal footing. The Fair Tax allows our businesses to thrive while generating tax revenues to be similar to our current 3-million-word-long Tax Code.

The process of tax reform has major consequences for every citizen of our country. But it is a process that must be started because the consequences of inaction are too costly. The truth remains that Americans want and need some sort of tax-filing relief. The need for commonsense reform becomes more obvious each and every tax season.

Over the course of the last several years, American taxpayers have become much more attentive to what is and is not happening in the Nation's Capital, and they have made their choices clearly heard. They have a message Congress should be willing to listen to, and that message is: Simplify the Tax Code.

In doing so, we will create an opportunity for economic growth and new prosperity while increasing personal freedom and liberty. By reforming this broken process, the Tax Code we have today, Americans will once again be more in charge of their lives and their money.

This coming January, as we know, our Nation faces a fiscal cliff. On top of the tax increases included in President Obama's health care law, if the Bush tax cuts are allowed to expire, a tax increase of \$494 billion will strike the economy. For Kansans, that is an average tax increase of \$3,000 per tax return, money they should be using to put food on their family's table, save for their children's education, and prepare for their own retirement. It is estimated that 70 percent of the looming

tax increases will fall directly on low- and middle-income families.

This week, Congress will consider a tax proposal from the majority leader that increases taxes, unfortunately, the exact opposite of what our economy needs. S. 3412 that we are debating this week raises the death tax on family farms, small businesses and ranches and estates to a level over a decade old, when they were brought down in a bipartisan basis.

This proposal would increase the death tax from its current rate of 35 percent to 55 percent. According to the nonpartisan Joint Committee on Taxation, the number of estates hit by this tax will rise from 3,600 to nearly 47,000.

Nothing hinders the transfer of a family farm to the next generation more than the estate tax. It is an unfair, unjust burden on our economy, and it punishes Kansans who want to continue their family business. I have long sought a permanent repeal of the estate tax and have pursued opportunities to increase the size of the estate tax exemption and lower the rates. Now we have a proposal to increase the burden of this tax. That will only create less certainty for farmers and small business owners as they plan for their future.

Under this massive tax increase, 20 times more family farming estates will be hit by the death tax and 9 times more small businesses. This tax increase comes on top of significant small business tax increases already in the legislation. According to Ernst & Young, these tax increases on the top two marginal rates would shrink the economy by 1.3 percent and reduce by over 700,000—reduce by over 700,000—jobs from the American workforce.

This tax increase legislation will only add more uncertainty to our Nation's convoluted, ever-changing tax system. Common sense tells us it does not have to be Republicans and Democrats, common sense tells us a simplified Tax Code will help boost the economy.

The revenues we need to balance our books are not increases in taxes; in fact, the United States has the highest corporate tax rate in the world. Revenues we need to balance our books will come from a strong and growing economy, where more Americans are working and therefore paying taxes.

Government must get out of the way and reduce the drag on the private sector so entrepreneurs and small business owners can put Americans back to work. Americans know that when our economy is strong, when our tax laws are fair, simple, and certain, they can provide for their families. We will have the opportunity to see once again our children and grandchildren pursuing the American dream.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### GUN VIOLENCE

Mr. LAUTENBERG. Mr. President, it is a terrible time in our country. The entire country is in mourning for the 12 innocent people who were gunned down in Aurora, CO, last week. Our thoughts and our prayers are with dozens more still recovering from their wounds. We are mourning with people we never knew, with unfamiliar names, but we have seen pictures of grief-stricken parents, friends, neighbors, and our hearts break with them. We wish we could reach across the country and offer them some comfort while we mourn.

We know our mourning alone will not be enough to prevent a future tragedy unless we do something. We in Congress have an obligation to turn grief into action, as we have often done when faced with tragedy. So I come to the floor today to ask a question: When will we wake up? How many of our sons and daughters have to die before we go to work? It is time to sound the alarm on gun violence in our country. It is time for us to gather to talk about commonsense solutions. And I am talking about all of us—all 100. It should not matter which side of the aisle we are on. All of us who serve here have someone we love, someone we know, someone with whom we are in contact, whether it is our child, our sister, our brother, our father, or our mother. The lives of our loved ones depend on us and we should not let them down.

Right now, our Nation's lax gun laws make it far too easy for murderers to commit incomprehensible acts of violence and terror. Very early last Friday morning, we witnessed a massacre, and it has become something we have seen far too often. A tragedy with even less deaths, with less wounded, with less hurt is a tragedy of enormous proportion when something like this happens in this great country of ours. There is so much to live for, so much to enjoy, but here innocent people died.

This guy arrived at a movie theater in Aurora, CO, and he had an assault rifle with a 100-round magazine, a shotgun, and two handguns. He unleashed a barrage of bullets murdering 12 innocent people and injuring 58 more in a matter of minutes. In the theater at the time there was a total population of 200 people, and 70 of them were wounded or killed in a matter of minutes. Even though the police responded rapidly—within 90 seconds—with his high-capacity magazine, the gunman had more than enough time to carry out his reign of terror.

Among those who lost their lives were parents, mothers, fathers, servicemen, a veteran, a recent high school

graduate, a college student, and a 6-year-old-girl named Veronica Moser Sullivan. She was the youngest to be murdered in Colorado that night and someone whose tragic death reminds us all too well of the time 9-year-old Christina Taylor Green was murdered in Tucson last year because she wanted to know more about her government. She was part of a group who greeted Representative Giffords.

The victims of these horrible tragedies deserve more than words of solidarity and mourning. They deserve our attention, our action. What we do to prevent these tragedies in the future will be the real test of character of this body. The best way to prove we are concerned is to take the action necessary to protect young lives because on that score now we lose.

I have been in the Senate a long time, and I have seen too many Americans murdered by guns, too many lives cut short because of the easy availability of guns, and too many times Congress has sat back, cowered before the gun lobby and done nothing to prevent these tragedies from happening in the future. We can't wait any longer, Mr. President, without the public at large challenging our effectiveness, wanting to know what it is we are doing to protect the next group of children and parents and loved ones.

The murderers in Colorado and Arizona both had something that enabled them to bring about the mayhem they did. They had a mega-magazine capable of shooting dozens of rounds without having to reload. They bought them legally. Here we see a picture of what this man had—a semiautomatic rifle and a 100-round drum magazine.

These magazines were originally designed for law enforcement and military people. These magazines were banned from 1994 to 2004, a period of 10 years, but under pressure from the gun lobby, Congress let that ban expire in 2004. It wasn't an accident. It didn't happen without complicity.

Just think about it. The Colorado shooter carried a 100-round magazine, and if he hadn't had that magazine, maybe the shooting toll would have been substantially lower. Maybe more lives would have been saved. Maybe more loved ones—husbands, wives, and children—would be alive today. Maybe there would be fewer people suffering from bullet wounds.

In the Arizona shooting, the shooter was only subdued when he paused to change his 30-round magazine, and if he had to stop sooner, obviously precious lives could have been saved.

These magazines are the tools of mass murderers. No matter what the gun lobby would have you believe, nobody needs a mega-magazine to go duck hunting. These high-capacity magazines put all of our families in danger, and they endanger our law enforcement officers as well. We send

them into the line of fire to defend us against mass murderers such as the Colorado shooter, who legally bought 6,000 bullets and a gun magazine that holds 100 bullets over the Internet. The safety of our families is too important to let this continue. There are too many bullets, too many deaths, and too many funerals. But not enough people are saying: Stop it. Do your job. Protect my family. Protect my kids. Protect my parents.

Here are the facts. Guns have murdered more Americans here at home in recent years than have died on the battlefields of Iraq and Afghanistan. More have been murdered on the grounds of the United States than have died in far-off battlefields. It is shocking. More than 6,500 American soldiers have died in the service of our country in support of the wars in Afghanistan and Iraq. During the same period, guns here were used to murder about 100,000 people.

Americans deserve a Congress that makes the safety of our families a priority. That is why I urge my colleagues today to help our people. Bring back the ban on high-capacity ammunition magazines such as the one used in Colorado on Friday and the one used in Arizona last year. That was the law from 1994 to 2004. This shouldn't be a partisan issue. Even former Vice President Dick Cheney has suggested that it may be appropriate to reinstate this ban. It is time to work together, all of us, to ban high-capacity magazines. Don't do it for me. Do it for your family. Do it for your constituents. Stand and say: I don't want your family hurt. I don't want your children to fall prey to a gunman.

It is time to begin a national conversation once more about taking commonsense measures to prevent gun violence in America. And to those who are fearful about the power of the NRA, understand that we bested them before and we will do it again. We beat them in 1996 when an effort that I began to ban the sale of guns to domestic abusers passed, we have stopped over 200,000 of those people from getting gun permits since that time, and a lot of lives could have been saved in there. We stood up to them again in 1999 when the Senate came together after Columbine and passed legislation to close the gun show loophole. Unfortunately, after passing in the Senate, the House refused to do anything about it. If we show resolve and if we stand with courage, I know we can do the right thing once more. There are no more excuses for inaction.

I say to my colleagues, look at your children. Look at the pictures that may be on your mantelpiece. Think about the happy days with your kids, think about the enjoyment you share together, and think about what we want to do to be able to continue those lives we enjoy so much. The stakes are just too high. We have to intervene

while the memory, unfortunately, is still fresh.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I am still trying to wrap my head around President Obama's recent remarks that small business job creators somehow owe their success to the Federal Government. His comment wasn't just wrong, it was actually kind of embarrassing. It showed that the President does not understand the enormous challenges and financial risks entrepreneurs and job creators deal with every day. It also affirmed that the President is going to continue pushing the same misguided big-government economic policies that have helped keep our unemployment rate well above 8 percent for some 41 consecutive months.

I wish to highlight a few of the success stories from my home State of Texas that epitomize what the American dream is all about and to reassure my listeners that the American dream is still alive and well and thriving in the great State of Texas. But first I would like to make a brief point about tax policy because as mundane and boring as tax policy may seem to a lot of people, it actually has a very real impact on the people I am talking about.

There is now an emerging bipartisan consensus that tax reform should involve lowering rates and broadening the base so that our tax system becomes simpler, fairer, and more conducive to strong economic growth. Don't just take my word for it. Look at the President's own bipartisan fiscal commission, the Simpson-Bowles Commission, which reached that same conclusion.

Unfortunately, the President's own fiscal commission's report is inconsistent with the President's current demand that we have to raise taxes. That would mean a large tax increase for many people who are the people we are depending upon to create those jobs. The reason is that many small businesses pay their business income on individual tax returns. They are not major Forbes 500, multinational corporations; they are the mom-and-pop operations that are sole proprietorships, they are partnerships, and they are even sometimes subchapter S corporations. That is just a reference to the Tax Code that means you don't pay corporate taxes, you pay flowthrough business income on your individual tax

return. So many people who are small businesses who may reach that threshold of \$250,000 or above are businesspeople paying on an individual tax return. If this is an effort to soak the rich, well, the middle class and small businesses are part of the collateral damage.

I would like to remind the President that Americans will spend about \$350 billion this year alone just to comply with the Tax Code. That means hiring accountants and that means hiring lawyers just to try to figure out what they owe to the Federal Government. Small business owners face a particularly heavy burden because they can't afford the army of lawyers and accountants to help them figure out what their tax obligations are. Yet these are the folks we are depending upon to get America back to work and to get our economy growing again. But we effectively have a tax system that punishes them for their success. We can and we should do better.

When it comes to dealing with the IRS, small businesses don't enjoy the same resources that large multinational corporations do. According to the World Bank, it is now more difficult to pay business taxes in the United States than in many Western European countries. When heavily taxed, heavily bureaucratic countries such as France make it easier to comply with their tax code than America does, we know we have a problem.

If the President doesn't believe me, perhaps he should spend some time chatting with some of my constituents, people such as Steve Mayo, the owner of Mayo Furniture in Texarkana, TX. Steve's company is a family business that was established about a half century ago. It now employs 130 full-time workers and sells furniture in 25 different States. When I visited with Steve and his employees last year, they were worried about how in the world they were going to comply with the financial burdens of the new health care law, along with other taxes and regulations. They told me it would affect their business and their ability to create jobs and stay competitive. These are the same concerns I have heard about from countless constituents and small business owners all across my State.

We are one of the lucky States. About half the jobs in America have been created in my State in the last 5 years or so. We are fortunate because when it comes to small businesses we are depending upon to create jobs, we asked this very simple question: How can we make it easier for them to create jobs? How can we make it easier for them to start a business? Unfortunately, the message emanating from Washington seems to be—in so many words—how can we make it harder? How can we increase the unpredictability of their investment?

After talking to Steve Mayo, maybe President Obama would like to talk to Diane LaBleu. Diane is a breast cancer survivor in Austin, TX. Diane was creative enough to invent a clothing accessory to help women recovering from a mastectomy. The accessory is known as a Pink Pocket, and it is now being used by women around the world from Austin to Australia.

The story of Pink Pockets demonstrates the power of a great idea. Diane identified a problem facing breast cancer survivors. She came up with a brilliant solution, something nobody else had thought of before. The remarkable success of her invention is a testament to her creativity and her hard work.

The government was not responsible for the success of Pink Pockets or Mayo Furniture. Far from it. Many times all these small businesses want is for government to get out of their way, off their back, and out of their pocket so they can do what they do best.

The government was also not responsible for the success of STS Coatings, a construction company based in the San Antonio area. The founder of STS Coatings, Cayce Kovacs, reports that she and her husband cashed in their savings to launch their business, which now has annual sales totaling more than \$3 million. As Ms. Kovacs recently said:

We were the ones sweating bullets over processing orders and paying our bills, making payroll—not the government. The government did nothing to help my business.

You know who else can say that? Another extraordinary Texan named Frank Scantlin, who founded Sunbelt Machine Works in Stafford, TX, near Houston, some 34 years ago. Frank tells a story that as a child he was so poor he sometimes couldn't even afford to buy shoes, and he had to quit school in the ninth grade in order to support his family. This is a quintessential American success story. Frank persevered and went on to create a business that now has almost 60,000 square feet of workspace and employs 90 people.

All these stories epitomize the American dream that has enticed immigrants from around the world to take a risk, leave everything they had behind, and come and make America their home. We were the one place in the world where they knew if they were willing to work hard and save, that hard work could be rewarded by success.

In the meantime, those of us who depend on those small businesses to create those jobs and prosperity could benefit as well. The owners of Sunbelt, STS Coatings, Pink Pockets, and Mayo Furniture understand their success was not inevitable, and it sure was not guaranteed by the Federal Government. They had to take the hard risks,

they had to work overtime, and they had to overcome challenges that many times the government put in their way. In the end, as in so many great American success stories, their hard work and ingenuity paid off. They can, not government, declare with confidence that "I built this."

My office has received more than 250 of these stories since President Obama gave his speech in Roanoke. They are the type of stories that have made our country the beacon of prosperity and entrepreneurial energy for so many years. As one Texas business owner put it: "Rugged individualism is alive and well in the United States." I hope we remember that, and I hope the President of the United States remembers that as well.

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER (Mr. FRANKEN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KOHL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. KOHL pertaining to the introduction of S. 3427 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. KOHL. Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KOHL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MOMENT OF SILENCE IN MEMORY OF OFFICER JACOB J. CHESTNUT AND DETECTIVE JOHN M. GIBSON

The PRESIDING OFFICER. Under the previous order, the Senate will observe a moment of silence in memory of Officer Jacob J. Chestnut and Detective John M. Gibson of the U.S. Capitol Police.

(Moment of silence.)

Mr. REED. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANCHIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MIDDLE CLASS TAX CUT ACT—  
MOTION TO PROCEED—Continued

Mr. MANCHIN. Mr. President, I ask unanimous consent to speak for up to 10 minutes, and that following my remarks the Senator from Rhode Island be recognized to speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANCHIN. Mr. President, I rise today to express my indescribable frustration and genuine disbelief that we are looking at two proposals that do not do enough to fix this Nation's financial problems—and both have been predicted by both respective sides to fail. I speak of the Bush tax cuts and how those of us in the responsible middle find ourselves caught between a rock and a hard place, with a vote that offers, truly, no real solutions.

It is no secret that I prefer fixing the problems this country faces, like most of my colleagues, and we all have different approaches. We are hurling toward \$16 trillions in debt, and for the first time since the World War II era our debt exceeds the output of our economy. Even our generals say the greatest threat this Nation faces is not a foreign power or a terrorist organization but the debt we have created ourselves.

We are staring down the barrel of insurmountable obligations for decades to come, and we are passing up a key opportunity to put this country in better shape for the next generation.

As you can see, and as West Virginians know, we urgently need to put our country's financial house back in order, and the people of West Virginia are tired of temporary solutions to our long-term problems.

As I have said so many times, I will work with both sides of the aisle, Democrats and Republicans, on a comprehensive solution that lowers tax rates, broadens our revenue base, closes loopholes, cuts spending, and reduces our debt, like the framework proposed by the Bowles-Simpson plan.

Unfortunately, neither of the proposals on the Bush tax cuts will solve our long-term debt and fiscal problems. At the same time, with our debt problems getting worse every year, we must come together to take responsible action and fair steps toward reducing our debt, even if they are only temporary.

Let's look at the two proposals that have been offered, one from my Republican colleagues in the House that, unfortunately, kicks the can down the road entirely and extends these tax cuts at a cost of \$400 billion. What people do not know is that even though it would extend tax cuts for the wealthiest—and this is what they do not know—it would actually get rid of some tax reductions for middle- and low-income Americans, such as the expanded child tax credit. That is tremendously unfair.

Another proposal from the Democrats here in the Senate, our side,

would cost about \$250 billion, which is at least starting to move in the right direction to reduce our deficit, and it keeps the tax cut for more than 99 percent of all West Virginians and a high percentage in every State such as the Presiding Officer's.

When considering these two proposals, I kept two priorities in mind—putting our fiscal house back in order and restoring fairness to the Tax Code. So while I would prefer a bipartisan comprehensive solution, I will support the plan to keep taxes low on families that make less than \$250,000. According to the latest available figures from the West Virginia Department of Revenue, more than 99 percent of all West Virginians will get a break on their taxes under this proposal. And the wealthiest among us will pay the rates they did during Bill Clinton's Presidency, which was the greatest era of prosperity I can remember in my lifetime.

On the other hand, the proposal that includes extending the tax cuts for the wealthiest Americans carries a heavy price for this Nation. It is about \$150 billion more than the Democrats' proposal. Given our dire budget situation, this country cannot afford that. We simply have to prioritize and close the gap. The fact is we cannot keep trying temporary solutions to our serious budget problems. And the truth is, these tax cuts will not restore confidence in our government or our economy to create good jobs or keep the ones we have. They certainly do not put our fiscal house back in order. What they will do is be used as fodder in political ads in the next 100 days against both sides. I cannot understand why we continue to take votes that are more about making one side look bad or worse than the other, or taking cheap shots, than actually solving the problems we have before us.

I will continue to work across the aisle on a comprehensive bipartisan plan, because when it comes right down to it these tax cuts simply will not fix the financial problems our country faces. I have talked to countless business leaders and laborers all over the State of West Virginia and all over the country. When I asked them what will encourage them not only to create the good jobs we need but to keep the jobs we already have, the answer is simple: Certainty. They need to be able to plan their next steps. They need to know their government is working as a partner, an ally, not as an adversary.

We did not pull these stunts in West Virginia when I was Governor. We were willing to get our hands dirty, to come to the table, to have a genuine and respectful discussion on the right direction for our State, and sometimes that led to respectful agreement to disagree. But in the least, we moved forward and made a decision. It has been nearly 2 years since the bipartisan commission on reducing our debt rec-

ommended a plan that people of all political stripes support. It is time to go back to that framework and provide this country with an honest solution.

In fact, the only thing that seems to be holding our feet to the fire right now is the sequester, which is becoming quite the scary term around here. For people who do not live and work in the Beltway, here is what the sequester is: If those of us in Congress cannot agree on a real, substantial plan to fix our finances, we will have to make some very painful cuts in some very important areas—our Department of Defense, our schools, and our domestic priorities such as veterans services and Head Start. Both Democrats and Republicans care about those issues.

So both Democrats and Republicans have some skin in the game when it comes to finding an agreement, because, let me tell you, the reason the sequester was put in place almost a year ago was in case we could not come up with an agreement on a big fix, one the so-called supercommittee was tasked to put forward. Well, they did not agree on the superfix and this is our penalty. I believe the greatest mistake we could make would be to walk away before the end of the year and not vote on a clear direction to fulfill the commitment and promises we made to the American people, which were that we would fix the country's financial problems or the sequester would go into effect. That is the biggest mistake we can make as a Nation, letting the American people down.

So now a year after Congress has failed to reach an agreement, I am surprised to find some of my colleagues who voted for the sequester, knowing full well that Congress needs the threat of painful cuts before we can get anything done, are complaining about something they supported. I stand with those, including the President, who are drawing a hard line in the sand on our finances.

Like it or not, this painful sequester is the linchpin to a better government and a better agreement. It is the only way we are going to get something bigger. A better agreement will look a lot like the bipartisan comprehensive Bowles-Simpson framework, not the Bush tax cuts, because this country needs a real solution, because this country needs to come together on that solution, because if we cannot come together, there will be dire consequences for this country with or without the cuts in the sequester.

I sincerely hope and pray and will work for a compromise. But I believe the threat of a sequester might be the only thing that will force Congress to get its job done.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

## TRIBUTE TO OFFICER CHESTNUT AND DETECTIVE GIBSON

Mr. REED. Mr. President, before I begin my remarks with respect to the current debate, let me pay tribute to Officer Jacob J. Chestnut and Detective John M. Gibson of the Capitol Police, and to all of the Capitol Police officers, men and women who protect us each day.

I was here on that somber day when these gentlemen sacrificed their lives to protect innocent people in this building. Their example continues to sustain us and inspire us. They continue to sustain and inspire the Capitol Police officers who today are protecting us. We thank them all.

As my colleague from West Virginia commented, we are in the midst of a very serious debate with huge consequences for our country, our economy, our future. That is why I rise today in support of the Middle Class Tax Cut Act. This bill will extend the 2001, 2003, and 2009 tax cuts for the middle class through 2013. It will provide tax relief to every American, especially to those families who have struggled through this recession and this weak recovery, and restore some fairness to the Tax Code by letting the top marginal tax rates return to the Clinton-era levels.

If we do not extend these tax cuts for the middle class, the typical Rhode Island family of four could see their taxes raised by an average of \$2,200 in 2013. This is not fair to middle-income Rhode Islanders, middle-income Americans.

Unfortunately, I fear many, if not all, of my Republican colleagues will block this bill because it does not extend additional tax cuts for taxpayers who make over a quarter of a million dollars. Instead, they will continue to press for a proposal that doubles down on the failed economic policies of the Bush era for a plan that gives more tax cuts to the wealthy, while eliminating middle-class tax breaks for families with children. Indeed, one of the astounding things about the Republican proposal is it will, if you look closely, actually increase the tax burden on middle-income Americans.

In contrast, the bill Democrats propose will benefit every single taxpayer in America. It is only when someone exceeds a quarter of a million dollars in income that their income in excess of the quarter of a million dollar threshold will be subject to the top two Clinton-era rates.

The Democratic plan will extend tax cuts for the vast majority of Americans. Only the top 2 percent of earners, approximately 2.1 million out of more than 100 million households, households that have disproportionately benefited from the Bush tax cuts for more than a decade, will see their top rates revert to Clinton era levels. They will get to maintain their benefits up to

\$250,000, but after that, they will see an increase. This is the nature of our progressive tax system, one which for generations has spread the burden across income levels, making sure that middle-income Americans do not shoulder a disproportionate burden of the taxes that support this government.

One of the key facts we have observed, now for more than a decade, is that these Bush tax cuts have been very costly. They have been a primary driver of this deficit, in addition to unpaid conflicts in Afghanistan and Iraq and a prescription drug program that was not paid for.

At least with this proposal, we are beginning to try to reverse that trend in a principled way. The wealthiest, those who enjoy the greatest economic privilege in the country should shoulder some of the responsibility, and should shoulder some of the effort in order to help us begin to repair the deficit, which has grown as a result of these massively costly and ineffective tax breaks the wealthiest have enjoyed since 2001.

The Democratic bill will cost the Federal Government \$249 billion in lost revenue for a 1-year extension. The Republican bill will cost \$405 billion. So, again, if you are talking about trying to get a handle on the deficit, compare a bill for \$249 billion, which is expensive but significantly less than \$405 billion Republican plan that would do virtually nothing to restore fairness to our tax code or create jobs. I do not think our Nation can afford this \$405 billion Republican alternative. There has been a promise or a mantra that has been offered over the last decade that these Republican tax cuts create jobs, and that they would contribute to our prosperity. But what we have seen, particularly over the 8 years of the Bush administration, is that these tax cuts for the wealthy did not create jobs. I believe the evidence we have shows that there is very little correlation between these tax cuts for the wealthy and job creation or economic prosperity.

Additionally, tax cuts for the wealthiest Americans constrain our ability to pursue policies that will boost growth in the near-term.

Indeed, if we do not have the resources to invest in the country, in our infrastructure, in our education, in the health of our people, we will not have the economic dynamism needed to be competitive and give our children the future they deserve. Frankly, like the future our parents gave to us. A future that previous generations were able to provide for because of Federal tax policies which were fairer, which were more progressive, and which allowed for significant investment and job growth.

In my State, with a 10.9-percent unemployment rate and a national unemployment rate above 8 percent, it is im-

perative that we embrace fiscal policy that creates jobs in the short-term but also recognizes the need for long-term deficit reduction.

Democrats have offered plan after plan that would preserve and create jobs in a fair and fiscally responsible manner. We press for policies that will provide more of an economic bang for the buck, policies such as the continuation of unemployment benefits and policies that provide relief to middle-class households. What we have to do is go forward, support this effort, begin the hard and difficult task of not only continuing to support middle-income families but begin to address the issue of long-term deficit reduction.

I hope my colleagues do not block this effort. I hope my colleagues do not once again decide that doing nothing is a viable alternative to helping middle-income Americans and helping our economy overall. Unfortunately, they have done that in the past. Earlier this month, the Republicans blocked a bill that cut taxes for small businesses that hired new workers. The bill was estimated to create 1 million jobs nationally and could have created about 3,500 jobs in my State, but Republicans filibustered.

Just last week, the Republicans blocked a bill that would have given tax cuts to businesses that brought jobs to the United States and closed tax loopholes for companies that send jobs overseas. Republicans blocked that also. I believe the record is clear. Democrats have been trying week in and week out to create jobs here at home, to make our tax system fairer, to give middle-income families a break, and to do so in a fiscally responsible manner. The vote on the Middle Class Tax Cut Act will be upon us shortly. I hope it will be a vote on which we prevail and go forward together and provide tax relief to middle-class Americans. I think it will be a first step toward the larger issues that were alluded to by my colleague from West Virginia dealing with the potential of sequestration at the end of this year, advancing policies that will grow our economy while beginning to restrain our deficit and provide a more stable, more sustainable economic environment for all Americans.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, it has been more than 30 years since I was in medical school, but I still remember the day my classmates and I stood to recite the Hippocratic Oath. That is an oath which has guided doctors for centuries. At its simplest, it can be boiled down to a single phrase: First, do no harm.

I was reminded of that last week when Federal Reserve Chairman Ben Bernanke testified before the Senate

Banking Committee, speaking about the approach Washington should take toward healing our sick economy. He said: Do no harm. Well, that is good advice for Senators and for Presidents, just as it is good advice for doctors. The problem is that we have a President in the White House and Democrats in Congress who don't believe it and don't act that way.

Day after day, as the President makes one policy decision after another, his policies do harm to the American economy and to the American people. Just look at how sick our economy has gotten since President Obama took office. The Federal Reserve projects that the gross domestic product will grow by as little as 1.6 percent this year. That is not nearly good enough to give us the healthy economy we need.

The other night, "CBS Evening News" opened with this summary: "This is the worst economic recovery America has ever had." That is what they said—the worst.

Every other President has been able to bounce back from tough economic times. Not President Obama. Why is that? Why is our private sector economy sicker today than it was when the President took his oath of office? The Economist magazine put it this way. It gave a characterization of the President as someone "who has regulated to death a private sector he neither likes nor understands." And I agree. Look at the President's own words. He said that while government bureaucrats were struggling, the private sector is doing just fine. Doing just fine? It has gotten worse. Because of President Obama's failed economic policies, more than 23 million Americans are now either unemployed or underemployed. I think those 23 million people would say to President Obama: Do no harm. We have now had 41 straight months of unemployment above 8 percent. Our economy created just 80,000 jobs last month—just 80,000 jobs. More people last month signed up for Social Security disability benefits than got a job. That is not doing just fine.

Look at what else the President said recently about small business owners. He said:

If you've got a business, you didn't build that. Somebody else made that happen.

I know a lot of small business owners who would say they worked extremely hard to build their own businesses. Farmers and ranchers work from sunup to past sundown, and everyone in the family works to keep the operation going. The corner drycleaner is trying to keep his doors open in tough economic times. The florist is trying to avoid laying off another salesperson in the shop.

Where I live, in Casper, WY, most of the businesses we have are small businesses. They were started by men and women with dreams and with deter-

mination. These people aren't looking for a government handout, but they don't think their government should be hostile toward them. They work hard every day. They have worked hard to build their businesses and have tried to expand and create jobs in the community. President Obama doesn't seem to grasp that. That is why, instead of doing all he can to help small businesses, he is burying them under more regulations, under more redtape, and under threats of increased taxes.

Democrats here in Washington like to say they are in favor of creating jobs, but then they turn around and do the very things that hurt the people who create the jobs in this country. Washington has already put out more than 36,000 pages of new regulations just since January of this year. If small business owners could talk to the President, I think they would tell him they do not need more paperwork. They would tell him: Mr. President, do no harm.

The damage President Obama's policies have done to our economy so far is terrible, and it is likely to get worse. We know the President's policies are holding back our economy from the type of normal recovery we have had from other recessions in the past. Even worse, he is paying for his failed policies by piling an unprecedented amount of debt on future generations. Today, our national debt is \$16 trillion. In just 3½ years, President Obama has managed to waste more taxpayer money than any other President, in my opinion, in American history.

Previous Presidents understood the danger of spending more than we can afford. President John Kennedy said: Persistently large deficits would endanger our economic growth and our military and defense commitments abroad. President Kennedy made that statement 50 years ago—in 1962. At the time he made that statement 50 years ago, Washington's budget deficit that year was \$7 billion. So we have gone from \$7 billion 50 years ago to a projected deficit of \$1,200 billion this year—from \$7 billion to \$1,200 billion. That is 170 times greater. Has anything else increased that fast in the past 50 years in terms of expenses on anything—a daily newspaper or a bottle of Coke, which would have cost 10 cents in 1962? Using this multiplier of 170 times, that would be \$17 today if it had increased at the same rate as our Nation's deficit. And gasoline was about 30 cents a gallon back then. It would have to be more than \$50 a gallon today.

Look at it a different way. The share of Washington's total debt that is owed by every man woman and child in America today is almost \$51,000. The President is saddling our children with debt to pay bills we can't afford for policies that don't work and for goals the American people don't support.

The President demonstrates no sincere interest in cutting government spending, even as the Federal Government has grown less efficient, less effective, and less accountable. The American people look at Washington's out-of-control spending and debt, and their message to President Obama is this: Please, Mr. President, stop doing harm.

Remember, President Obama has been quite clear. He doesn't respect small businesses, and he thinks the private sector is doing fine. He has increased redtape, increased bureaucracy, and he has mortgaged America's future to give taxpayer dollars to his campaign contributors—to companies such as Solyndra.

When he has borrowed all he can—lots of it from China—he still doesn't slow down his spending. He says he needs to raise taxes to spend even more. The President already raised taxes through his health care plan. He pushed through \$½ trillion in taxes and fees. He pushed his individual mandate tax to force people to buy insurance. Now he is pushing again to impose massive new tax hikes on millions of successful families and small businesses.

The additional damage President Obama would do to our economy with his proposals to raise additional taxes would be enormous.

Now, that is not only my opinion; others agree. The accounting firm of Ernst & Young did a study of the President's plan and found it would wipe out 710,000 jobs. Middle-class workers who keep their jobs would see their wages go down. And 2.1 million business owners would be hit with higher taxes. That means less money left to expand and less money left to hire additional workers. Again, you can't be for jobs and against the people who create the jobs.

In short, as weak as our economic recovery has been these past 3 years—the worst ever, as reported in the news—the President's tax increases would make matters worse. Just look again at the difference between President Obama and a different Democratic President—John Kennedy. John Kennedy said:

The largest single barrier to full employment of our manpower and resources, and to a higher rate of economic growth, is the unrealistically heavy drag of Federal income taxes on private purchasing power, initiative, and incentive.

This lesson from President Kennedy is lost on President Obama. The only solution President Obama seems to see is to raise taxes and to raise them most on the very people and businesses we need to lead us to prosperity and economic recovery. Remember the words President Obama used when he was running for President in 2008. He said that even if his tax increases led to less revenue for the government—that is

what he said, even if his tax increases led to less revenue for the government—he would raise taxes anyway as a matter of fairness. Fairness? Fairness? What about doing what is best for the country? As an orthopedic surgeon, when someone came to me with a broken leg, I would try to fix it. You don't break someone else's leg so the two people would then be equal and both would have broken legs. The President is promoting his vision of fairness over good common sense.

The American people know those who work hard and take risks should be free to enjoy the fruits of their labor. They should not have to suffer more angry attacks by the President and by Democrats in Washington. The American way should be to promote success, not to punish it.

President Obama should abandon his misguided agenda to replace the long-held American value of equal opportunity with the President's own desire for equal outcomes regardless of effort. Before he makes things even worse, he should stop and he should do no harm.

Finally, I would like to address one last issue where I think the Democrats in Congress and the White House need to reverse course. Our country faces what has been called a fiscal cliff. Unless Washington acts in January, taxes will increase across the board—not just on small businesses but on middle-class families and even low-income people. Republicans in the House have already voted to approve long-term spending cuts. This month they will vote to stop the tax increases. And Republicans have a plan to create a healthier economy by making our Tax Code simpler, flatter, and fairer for all Americans. What happens next is in the hands of the Democrats in the Senate.

Financial experts have warned that if Senate Democrats do not act by the end of this year, they could create a worldwide recession. This is very serious harm. Democrats appear to be ready to do it. The Senate Democratic leadership has made clear that they would let the country go over the fiscal cliff rather than compromise on tax hikes. President Obama recently said the same thing. He said that if Congress passes reasonable regulation that keeps tax rates where they are—even temporarily, he said, while we sort out long-term tax reform—he would veto that. He would raise everyone's taxes and risk another worldwide recession. I ask the President to look at what he is saying and stop threatening grave damage to America in reckless pursuit of his political agenda.

Mr. President, do no harm.

Those words that sum up the Hippocratic Oath ring true for so many people across America today, for people who believe, as Ronald Reagan said, that government should stand by our side, not ride on our back.

It is time for Washington to change direction, to lower taxes, not raise

them; to reduce redtape, not increase it; to control our spending, not rack up more debt; to free the entrepreneurial spirit, not stifle it.

First, before all else, if we are to heal our sick economy, it is a time for Washington to do no harm.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. SHAHEEN). The clerk will call the roll. The bill clerk proceeded to call the roll.

Mr. BROWN of Ohio. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN of Ohio. Madam President, I ask unanimous consent to speak as if in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN of Ohio. Madam President, I rise to speak about the need to extend middle-class tax cuts.

We have a broad bipartisan consensus that middle-class families should not see their taxes increase on January 1. We know that if Congress does nothing, then the taxes will increase for the broad middle class on that date. We have a broad bipartisan consensus that should not happen.

So while we have this moment of agreement, we should act swiftly to extend tax cuts for 98 percent of American families—about 99 percent of the people in my State—right now, today, this week, soon. But we will not because special interests and their allies in Congress are holding middle-class tax cuts hostage. Why? It is the same old song: In order to protect the interests of millionaires and billionaires. It seems the default button—certainly in the majority of the House of Representatives and far too many in the Senate—is, no matter what, protect the interests of millionaires and protect the interests of billionaires.

Let's be clear. Whether it is our plan where we immediately—today, this week, as soon as possible—grant tax relief for people who are middle class, every American will get a tax cut on their first \$250,000 worth of income. If someone is making \$1 million a year, they still get a tax cut on their first \$250,000. If someone makes \$10 million a year, they still get a tax cut on their first \$250,000. They are only paying roughly 4 percent on every \$1 above \$250,000. So we have bipartisan agreement. Let's lock that in so the middle class will get a tax cut.

There is an old cliché that the definition of insanity is doing the same thing over and over, expecting different results. We have been in this policy shop before, when they sold us the same flawed economic policies based upon tax cuts to the wealthy trickling down to the middle class. I was in the House

of Representatives in the first part of the last decade when President Bush came to us. We had a huge budget surplus. In fact, in 2001, we had the largest budget surplus in American history—surplus, not deficit. Look what we are dealing with now.

So what happened? Two wars, Iraq and Afghanistan. It was a bad idea to go into Iraq, a contentious issue. The intelligence wasn't right that Congress was given. Many of us voted against it.

But put that aside. Nobody paid for the war in Iraq. Then there were the tax cuts that went overwhelmingly to the wealthiest people in our society. Nobody paid for those tax cuts. Then there was the Medicare partial privatization prescription drug bill. Nobody paid for that. So we went from the biggest budget surplus in American history to the biggest budget deficit. At the same time, the economic geniuses of the time that were running the government didn't use the words "trickle down," but that is what it is. They said: If we cut taxes on the richest people of our country, all that wealth will trickle down to the middle class and to working families and the poor and everybody will get richer and the economy will take off.

We had 8 years of that experiment. What happened? Between 2000 and 2010, we lost 5 million manufacturing jobs under those economic policies of giving huge tax breaks to the rich. The fundamental tenet and central core of that policy was huge tax cuts for the rich. What happened? We lost one-third of our manufacturing jobs. It is only since we have begun to bring some more fairness with the Recovery Act, with Wall Street reform, with the auto rescue—especially important in my State—and other things we have done did we see the economy grow from 2010. The unemployment rate in my State in 2009 was 10.6 percent. Now it is 7.3 percent. That is not good enough, but it is certainly progress. There were 5 million manufacturing jobs lost between 2000 and 2010. Since 2010, almost every single month we have gained, in the aggregate, some 450,000 to 500,000 manufacturing jobs.

So this policy of cutting taxes on the wealthy was going to create prosperity. It didn't work that way. We went from a surplus at the end of the Clinton years to massive deficits at the end of the Bush years.

Let's be clear. We are talking about returning the tax rates for the top 2 percent of the Americans to the 1993 level, the same year President Clinton balanced the budget. Opposition to our bill to extend the middle-class tax cuts says that if millionaires have to pay the same top marginal tax rate they did in the Clinton years, then job creation will suffer. But it doesn't make sense. We want to go back to tax rates for the richest people in our country to what they were under President Clinton. During that 8 years, jobs increased



by 22 million in this country. During the Bush years, with low tax rates for the rich, we lost 5 million manufacturing jobs and had absolutely anemic economic growth. One doesn't have to be an economist to make this comparison. Look at tax rates during the Clinton years and the Bush years.

I don't want to blame everything on President Bush. That doesn't get us anywhere. It makes people quit listening. But I do want to learn from history. Look at the tax system we had during the Clinton years and the tax system we had during the Bush years and make the contrast about what happened: 22 million jobs created; not so good during the Bush years, with very anemic job creation.

For too many people in my home State, the recession didn't mean they had to delay buying a new yacht. Workers in Steubenville, in Norwood, and Norwalk were struggling to stay afloat. They struggled to make ends meet. Too many are still struggling. That is why we have a responsibility to the people in New Hampshire and the people of Ohio and all over to pass the Middle Class Tax Cut Act of 2012.

The median household income in Ohio is \$47,358. For those families, a \$2,000 tax cut means a whole lot. We know that 98 percent of Americans who would benefit from this tax cut are going to put that money back into the economy. This isn't trickle down. This is, someone gets a tax cut like that and maybe they can put a downpayment on a car, maybe they can help pay their son or daughter's way to community college, maybe they can do some remodeling in their house, maybe they can do some things around the house that they need to do or take their kids to a movie or go out to dinner once in a while. But that \$2,000 truly means a lot for a family with an income of \$47,000. That is why this legislation is so important.

We can't afford to stall on this important middle-class tax cut for the Americans who need it most. The middle class in our society has been beat up long enough, for 10 years, where wages have been stagnant, where people are too anxious about layoffs, where people simply haven't had the opportunity to do what they need to do to build this great country.

I ask my colleagues to support this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, tomorrow we will have the opportunity to deliver a little bit of tax certainty to the American people by advancing the Middle Class Tax Cut Act. This legislation would prevent tax rates from increasing for the vast majority of American families and would preserve an important tax credit that currently helps millions of students

and families afford the costs of a higher education.

The Middle Class Tax Cut Act is the right thing to do for the middle class, and I intend to vote for it. The question is, Will it be filibustered—a tax cut for millions of hard-working Americans, filibustered simply to protect the wealthiest Americans from paying a fair share? We will find out.

This is not a new story. In 2001, when President George W. Bush decided to spend a large portion of the surpluses he inherited from President Clinton to cut tax rates across the board, many Democrats opposed it because the tax cuts were unfairly weighted toward the highest income Americans. As a result of this opposition, Republicans were forced to set the tax cuts to expire at the end of 2010.

As 2010 drew to a close, President Obama and many Democrats in Congress, including myself, supported extending the tax cuts for middle-class families but letting the lower rates on income above \$200,000 for an individual and \$250,000 for a family revert to the Clinton-era levels as was scheduled. Senate Republicans filibustered that effort, refusing to allow the middle-class tax cut without a tax cut for America's wealthiest. Not wanting tax rates to go up on middle-class families still struggling during the recovery, the President and Senate Democrats reluctantly agreed to extend all the tax cuts through this year, which brings us to now. Once again, these tax rates are set to expire.

I would like to keep rates low for middle-class families. Families in Rhode Island are still struggling in the aftermath of the mortgage meltdown on Wall Street, and this is not the time to raise their taxes. But I agree with President Obama that for reasons of fairness and to begin to address our deficit, it would be wise not to extend the Bush tax cuts for high levels of income.

Bear in mind in this discussion that the Middle Class Tax Cut Act would benefit even high-end taxpayers. When we protect the rates for the first \$250,000 in income, it is the first \$250,000 for somebody making \$1 million; it is not just the first \$250,000 for a family who makes \$100,000 or \$185,000. Whether someone makes \$100 million or \$185 million, they still get the first \$250,000 tax cut. If a family, for instance, makes \$255,000, they would only see an increase on the \$5,000 and only to the Clinton-era rates that were in effect during the 1990s when our economy was thriving. A family earning \$255,000 would pay an extra \$150 as a result of this bill. Extending the lower tax rates for income above \$250,000 for 1 year, as the Republicans have proposed, would add over \$49 billion to our deficit. Even in Washington \$49 billion is significant money, money that would have to be borrowed and would add to our deficit problem.

Many of the same Republicans who voted in the name of deficit reduction to end Medicare as we know it—deficit reduction was so important to them that they voted on the Ryan budget to end Medicare as we know it and would put thousands of dollars in costs on our seniors—would support deepening the deficit with high-end tax cuts. There is a double standard here, and for most Rhode Islanders these are exactly the wrong priorities when it comes to deficit reduction.

In addition to the deficit concerns, we should let the tax cuts at the top expire just for fairness reasons. Loopholes and special provisions allow many super high-income earners to pay lower tax rates than many middle-class families. According to the nonpartisan Congressional Research Service, 65 percent of individuals earning \$1 million or more annually pay taxes at a lower rate than median-income taxpayers making \$100,000 or less.

Let me say that again so it sinks in. Sixty-five percent, nearly two-thirds, of individuals earning \$1 million or more a year—the vast majority of individuals earning \$1 million or more annually—pay taxes at a lower rate than median-income taxpayers making \$100,000 or less. Because of the loopholes, because of what the special interests have done, our supposedly progressive tax system is upside down to the point where 65 percent of those earning over \$1 million pay a lower tax rate than the median-income taxpayer making \$100,000 or less.

Earlier this year we voted on my Paying a Fair Share Act, legislation that would implement the so-called Buffett rule and ensure that multimillion-dollar earners paid at least a 30-percent overall effective tax rate. During debate on my Buffett rule bill, I cited an IRS statistic that the top 400 taxpayers in America in 2008 who earned an average of \$270 million each in that 1 year paid the same 18.2-percent effective tax rate on average that is paid by a truckdriver in Providence, RI.

The single biggest factor driving this inequality is the special low rate for capital gains, 15 percent under the Bush tax cuts. The special capital gains rate allows hedge fund billionaires to avail themselves of that so-called carried interest loophole and pay taxes at lower rates than their doormen, secretaries, or chauffeurs. If we let the tax cuts at the top expire, these rates revert to 20 percent instead of 15 percent. Now 20 percent is still a pretty low rate for someone making \$100 million a year, but more like what a family making \$100,000 a year pays.

Let's also be very clear about one thing: The proposal that Republicans prefer, the tax cut bill introduced by Finance Committee ranking member ORRIN HATCH, would raise taxes. It would raise taxes on 25 million lower

and middle-income Americans. It would raise taxes on those 25 million Americans still struggling in these challenging economic times. Republicans claim not to want to raise taxes, but the Republican tax bill would let very popular lower and middle-income provisions expire that would cost 25 million Americans an average of \$1,000 each. Under the Republican bill, 12 million families would lose part or all of their child tax credit, 6 million families would lose part or all of their earned income tax credit, and 11 million families would lose their American opportunity tax credit which helps pay for college. It provides a \$2,500 tax credit for higher education. That popular tax credit has already helped millions of students and their parents pay for college, along with Pell grants, another subject of Republican attack.

Extending the American opportunity tax credit, the college tax credit, through 2013 would cost about \$3.2 billion. Republicans believe we cannot afford a \$3.2 billion investment in higher education for middle-class Americans, but we can afford \$49 billion in continued tax cuts for ultra high-income earners. A \$2,500 tax credit might seem pretty small in comparison to the \$92,000 average tax break that millionaires, or people earning \$1 million a year, would receive from another year of high-end tax cuts, but that \$2,500 may make a much bigger difference in the life of that middle-class family with that child trying to get into a college they can afford than that \$92,000 would make in the life of somebody earning well over \$1 million a year.

Once again, look at the priorities here. Republicans fought to protect the tax loopholes and taxpayer subsidies for big oil. They fought to protect the carried interest tax loophole that lets hedge fund billionaires pay lower tax rates than their chauffeurs and doormen. They want to go after the child tax credit, they want to go after the earned income tax credit, and they want to go after the college tuition tax credit. Those are priorities that, like our Tax Code, for too many Americans are upside down.

I hope Republicans will join us tomorrow in voting to advance a measure that would keep taxes low for the vast majority of Americans, and I urge them to reexamine their proposal to raise taxes on 25 million low- and middle-income Americans.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, many of our Republican colleagues argue that we can't extend tax relief for middle-class families unless we also extend tax cuts for the wealthiest. They argue without tax cuts for the wealthiest 2 percent, we will harm job creators and slow the economy. Their arguments

rely on faulty assumptions, mistaken beliefs, and misleading statements. Let's get to the facts.

It is a fact that every American taxpayer would receive a tax cut under our bill on the first \$250,000 of their income. It is a fact that compared to the middle-class tax cut act now before us, the plan the Republicans have put forward would increase the deficit by \$155 billion. It is a fact that the bill Republicans have put forward, despite their professed support for tax cuts, would raise taxes on the middle class by failing to extend the 2009 tax cuts for middle-class families, including the American opportunity tax credit and credits that help families with children.

What is unfolding on the Senate floor now is the culmination of a rigid Republican adherence to tax cuts for the wealthy as the supreme goal of public policy. Republicans have demonstrated a willingness to risk government shutdowns. They have demonstrated a willingness to risk grave economic damage, to risk rising taxes on the vast majority of Americans in pursuit of their highest priority: lower taxes on the wealthiest 2 percent of us. They want to risk all of that in service to an idea that has already proved a failure.

When historians look back at the Republican dedication to the tax cuts for the wealthy, they will find it remarkable that so many fought so long and so hard to go back to a failed policy. Income for the typical American family peaked in the year 2000, not coincidentally just before the Republican tax-cuts-for-the-wealthy mania reached its zenith.

A June study by the Federal Reserve found that the average middle-class family's net worth had fallen by 40 percent from 2007 to 2010. In 2010, the bottom 99 percent of income earners reaped just 7 percent of total income growth while 93 percent of all growth flowed to the top 1 percent.

As David Leonhardt of the New York Times reported on Monday:

The top-earning 1 percent of households now bring home about 20 percent of total income, up from less than 10 percent 40 years ago. The top earning 1/10,000th of households—each earning at least \$7.8 million a year, many of them working in finance—bring home almost 5 percent of income, up from 1 percent 40 years ago.

Perhaps this vast accumulation of wealth would arguably be acceptable if it had resulted in faster economic growth that produced new jobs and helped average Americans prosper. Indeed, since the time of President Reagan, America has been told that the rising tide lifting up the wealthy would lift all boats, and that the benefits would trickle down to all Americans. Our Republican colleagues today argue that we must continue the President Bush tax cuts for the wealthy or risk harm to the "job creators."

But the Republican emphasis on policies that are more and more generous

to the wealthiest have utterly failed to spark economic growth or create the jobs we need. Their experiment failed. The Bush tax cuts coincided with the slowest rate of job growth in American history. Economic growth, even before the financial crisis, nearly sent our economy into depression and was woefully short by historic standards.

The failure of the Bush policies to spur economic growth and job creation underlies the failure of another promise from supporters of tax cuts for the wealthy, the promise that those cuts would pay for themselves. Republicans backing the tax cuts of 2001 and 2003 painted those grand scenarios that grow so rapidly that it would yield increased tax revenue. But instead of growing Federal coffers, we got a flood of red ink.

So the policy of tax cuts for the wealthy failed as a fiscal policy. It added to our deficit. It failed as an economic policy, coinciding with weak growth and economic output and job creation, and it failed as a vital test of public policy in a democratic society because it failed the fairness test. Instead, it facilitated massive accumulations of wealth for a fortunate few while most Americans have struggled just to tread water.

Yet our Republican colleagues persist in their pursuit of their failed policy—persist, in fact, to the point that they are willing to force a tax increase on more than 90 percent of taxpayers and potentially send our economy tumbling back into recession in adherence to that failed policy.

We are not arguing against this policy of tax cuts for the wealthiest because we seek to denigrate success or to stoke class warfare, as some Republicans allege. We are arguing against these policies because they are broken, they have failed, and they are unfair. We should reject them lest they do even more harm. We should reject the Republican pursuit of tax cuts for the wealthy at all costs, every other consideration be damned. We should allow middle-class families to keep a few of their hard-earned dollars and pass the Middle Class Tax Cut Act. At a minimum we should vote tomorrow to overcome the filibuster threat and proceed to debate this singularly important issue.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

#### VIOLENCE AGAINST WOMEN ACT

Mrs. MURRAY. Thank you, Madam President. I come to the floor this afternoon to talk about a very important bill, the Violence Against Women Act. It is hard for me to believe it has actually been months now since we first came to the floor to talk about this important legislation, which is why we are here again this afternoon: to try and pass a bill into law that has consistently received broad bipartisan

approval. It is a bill that passed the Senate now almost 3 months ago by a vote of 68 to 31.

The Violence Against Women Act has successfully helped provide lifesaving assistance to hundreds of thousands of women and their families. Every time we have reauthorized this bill we have included bipartisan provisions to address those who are not being protected by it. But here we are back on the Senate floor urging support for a bill that should not be controversial.

So, today, the women of the Senate and the men who support the Violence Against Women Act have come to the floor with a simple, straightforward message for our friends in the House of Representatives: Stop the games and pass the inclusive, bipartisan Senate bill without delay.

In the coming weeks we are going to be making sure this message resonates loudly and clearly both in the Nation's Capital and back home in our States because we are not going to back down, not while there are thousands of women across our country who are currently excluded from the law. In fact, for Native and immigrant women and LGBT individuals, every moment our inclusive legislation to reauthorize the Violence Against Women Act is delayed is another moment they are left without the resources and protection they deserve.

The numbers are staggering: 1 in 3 Native women will be raped in their lifetimes—1 in 3—and 2 in 5 of them are victims of domestic violence. They are killed at 10 times the rate of the national average.

These shocking statistics aren't isolated to one group of women: 25 to 35 percent of women in the LGBT community experience domestic violence in their relationships, and 3 in 4 abused immigrant women never entered the process to obtain legal status, even though they were eligible, because their abuser husbands never filed their paperwork.

This should make it perfectly clear to our colleagues in the other Chamber that their current inaction has a real impact on the lives of women across America who are affected by violence—women such as Deborah Parker.

Deborah is the vice-chairwoman of the Tulalip Tribe in my home State of Washington. Deborah was repeatedly abused starting at a very young age by a nontribal man who lived on her reservation. Not until the abuse stopped around the fourth grade did Deborah realize she wasn't the only child suffering at the hands of that assailant. At least a dozen other young girls had fallen victim to that same man.

He was a man who was never arrested for his crimes, never brought to justice, and still walks free today, all because he committed these heinous acts on the reservation and is someone who is not a member of the tribe. It is an

unfortunate reality that he is unlikely to be held liable for his crimes.

Reauthorizing an inclusive VAWA is a matter of fairness. Deborah's experience and the experience of other victims of this man do not represent an isolated incident. For the narrow set of domestic violence crimes laid out in the Violence Against Women Act, tribal governments should be able to hold accountable defendants who have a strong tie to the tribal community.

I was very glad to see Republican Congresswoman JUDY BIGGERT and several of her Republican colleagues echo these very same sentiments last week. In a letter to Speaker BOEHNER and Leader CANTOR, the Republican Members explicitly called on their party leadership to end this gridlock and accept "Senate-endorsed provisions that would protect all women of domestic violence, including college students, LGBT individuals, Native Americans, and immigrants."

So today we are here to urge Speaker BOEHNER to listen to the members of his own caucus and join us in taking a major step to uphold our government's promise to protect its people. I was so proud to have served in the Senate back in 1994 with Senator BOXER, who is here with me today, when we first passed this bill. Since we took that historic step, VAWA has been a great success in coordinating victims' advocates, social service providers, and law enforcement professionals to meet the challenges of combating domestic violence. Along with this bipartisan support, it has received praise from law enforcement officers, prosecutors, judges, victim service providers, faith leaders, health care professionals, advocates, and survivors.

VAWA has attained such broad support because it works. Where a person lives, their immigration status, or whom they love should not determine whether perpetrators of domestic violence are brought to justice. These women across this country cannot afford any further delay—not on this bill.

Today the New York Times ran an editorial on this bill that gets to the heart of where we are. It began by saying:

House Republicans have to decide which is more important: Protecting victims of domestic violence or advancing the harsh antigay and anti-immigrant sentiments of some on their party's far right. At the moment, harshness is winning.

But the editorial pointed out, it doesn't have to be that way. It pointed out:

In May, 15 Senate Republicans joined with the chamber's Democratic majority to approve a strong reauthorization bill.

Finally, it ends with what we all know we need to take this bill forward: Leadership from Congressman BOEHNER.

Madam President, I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, July 23, 2012]

#### DELAY ON DOMESTIC VIOLENCE

With Congress just days away from its August break, House Republicans have to decide which is more important: protecting victims of domestic violence or advancing the harsh antigay and anti-immigrant sentiments of some on their party's far right. At the moment, harshness is winning.

At issue is reauthorizing the Violence Against Women Act, the landmark 1994 law central to the nation's efforts against domestic violence, sexual assault and stalking.

In May, 15 Senate Republicans joined with the chamber's Democratic majority to approve a strong reauthorization bill. Instead of embracing the Senate's good work, House Republicans passed their own regressive version, ignoring President Obama's veto threat. The bill did not include new protections for gay, immigrant, American Indian and student victims contained in the Senate measure. It also rolled back protections for immigrant women, including for undocumented immigrants who report abuse and cooperate with law enforcement.

Negotiations on a final bill are in limbo. Complicating matters, there is a procedural glitch. The Senate bill imposes a fee to pay for special visas that go to immigrant victims of domestic abuse. This runs afoul of the rule that revenue-raising measures must begin in the House. Mr. BOEHNER's leadership could break the logjam—but that, of course, would also require his Republican colleagues to drop their narrow-minded opposition to stronger protections for all victims of abuse.

Unless something changes, Republicans will bear responsibility for blocking renewal of a popular, lifesaving initiative. This seems an odd way to cultivate moderate voters, especially women, going into the fall campaign.

Mrs. MURRAY. Today the effort we are beginning in the Senate is an effort that will continue for as long as it takes. It is a call for the same thing: Leadership. It is time for Speaker BOEHNER to look beyond ideology and partisan politics. It is time for him to look at the history of a bill that again and again and again has been supported and expanded by Republicans and Democrats. It is time for him to do the right thing and pass our inclusive, bipartisan Violence Against Women Act because the lives of women across the country literally depend on it.

I am delighted my colleague from California is here with me. She has been with us every step of the way in this bipartisan bill that we have moved forward. With the women and men who support us, we are going to continue to be loud and strong. We need to pass the bill, and Speaker BOEHNER needs to take it up for the women who are watching and waiting.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mrs. BOXER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Madam President, I am proud to follow Senator MURRAY in her call to pass the bipartisan Senate bill which would reauthorize the Violence Against Women Act. The Leahy-Crapo bill is the only bill that will protect all of the women in our country.

I well remember when Vice President BIDEN was then-Senator BIDEN, and in 1990 he wrote the Violence Against Women Act. I was in the House at the time. He asked if I would carry the House version of his bill. I was extremely honored to do that. We were able to pass small portions of the bill early in the 1990s.

But it wasn't until I came to the Senate that we actually passed the entire bill, and I think it was Senator SCHUMER, who was then in the House, who picked up the ball on the bill in the House. It got passed. Since then we have seen a decline in domestic violence of 53 percent. But even so, even while the law is working, we have to strengthen it because, as the Presiding Officer knows because she is a leader in this cause, every day three women are killed by their abusive partners. Let me say that again. Every single day, three women are killed by their abusive partners.

So in order to change this terrible statistic, we need to reauthorize the Violence Against Women Act, and we need to improve it to protect more victims of domestic violence. That is what the Senate did. I am very proud of the Senate. We passed the bipartisan bill with a vote of 68 to 31, with 15 Republicans voting in favor.

The Presiding Officer also worked hard to get the Transportation bill done. It was a very similar situation. The Senate had a bipartisan bill; it was a very popular bill. It had over 70 votes. The House was very slow to take up the measure, and we kept saying: Pass the Senate bill. Finally, they passed a small bill, and we got to conference, and we hammered it out.

But here is the thing: We don't have time on this bill. We need to ask the House to take a look at our bill and to understand how important it is that everybody be included in the Violence Against Women Act.

I am going to put up a chart that shows us how many people are left out of the House Violence Against Women Act.

(Mr. CASEY assumed the chair.)

Mrs. BOXER. Now, I say Mr. President, we can see that 30 million people are left out of the House Violence Against Women Act. That is why we have seen a number of colleagues in the House call for passage of a bill such as the Senate's bill, because we include everybody. It isn't fair to leave entire groups out of the protections of the Violence Against Women Act, and that is exactly what they do in the House.

The House bill ignores the wishes of law enforcement and excludes key protections for 4 million immigrants. It excludes 16 million LGBT persons from critical legal protections and services. More than 44 percent of LGBT victims who seek shelter are turned away.

The House bill would also prevent Indian tribes from protecting almost 2 million Native American women from their abusers. This is outrageous. It is an extremely outrageous omission, given that nearly half of all Native American women have been victims of domestic violence. Let me repeat that: Almost half of all Native American women have been victims of domestic violence. Yet among the 30 million left out of the House Violence Against Women Act, we see the exclusion of the Native American community.

Despite the epidemic of sexual assault and dating violence on our college campuses, the House bill leaves out improved protections for more than 11 million college women.

The House bill would deny vital protections to women such as an immigrant woman who is my constituent who had been stabbed by her boyfriend 19 times while she was 3 months pregnant. During her ordeal, her boyfriend drove her from one part of town to the other, refusing to take her to the emergency room, even though she was losing consciousness and bleeding profusely.

Thankfully, the woman received medical attention, the baby was not lost, and she made a full recovery. This brave woman, despite her physical and emotional scars, fully cooperated with police and the prosecutor to eventually bring her abuser to justice. A women's shelter helped her get a U visa based on her cooperation with law enforcement, and she and her child were able to move on with a new life.

If we look at some of the most vulnerable people living in America today, in addition to our children—and I know what the Presiding Officer is dealing with in Pennsylvania, with an unbelievable, horrific, violent crime that took place on a college campus over a period of years—we know our children are vulnerable, and our immigrant women are extremely vulnerable, too, because they are scared they are going to be kicked out of the country and, therefore, their abuser knows that and puts them in a horrific situation, where if they go to the police to report the abuse on themselves and their kids, they may be kicked out of the country.

That is why we have the U visas. The U visas say: If someone cooperates with law enforcement, they will not be kicked out. So we have to include immigrant women and, by extension, their children in the 30 million who are left out. We have to add them back in.

The House bill fails to ensure that people such as Jonathon, a gay man who was abused by his partner of 13

years, receives full protection under the law and cannot be discriminated against.

When Jonathon did seek shelter from his abuser, he was refused by three L.A. area domestic violence shelters, none of which could give him a reason for excluding him. But he was left out because this community was not mentioned in the Violence Against Women Act. It is not mentioned in the House act, and Jonathon falls among the 30 million who are left out of the House act.

The House bill also leaves out students such as Mika, who was physically assaulted by her ex-boyfriend while she was in college in San Francisco. Her ex-boyfriend broke her phone, broke into her home, stole her belongings, stalked her at school, and severely beat her.

She got a restraining order against him but struggled to get her school to enforce that restraining order. She should not have had to struggle. She should have had the school on her side.

Sadly, only the Senate bill would help her, not the House bill. The House bill does not protect these women. Only the Senate bill ensures that all women, LGBT individuals, and college students are protected equally under the law, as well as Native American women.

The consequences of denying anyone the critical protections in the Violence Against Women Act are too great. When someone is bleeding on the floor, we need to help them in this great country. We do not want to start asking them questions. Are you gay? Are you straight? Are you an immigrant? Are you a college student? Are you a Native American? If someone is bleeding on the floor, we help them in this country. That is what America is about.

We see the compassion and the love every day in our country, and we saw it pour out in Aurora, CO, for an unspeakable situation. When there is violence, we have to help the victims. Only the Senate bill, the Senate Violence Against Women Act, the Leahy-Crapo bipartisan Senate bill, affords protection to all our people.

So what we are saying to Speaker BOEHNER is: Please hear our plea. This is not about the Senate saying it is any better than the House. What we are saying is, in a bipartisan way, we figured out a bill that will protect everybody, and we are asking Members to pick up that bill and pass it.

There are some technical issues—a blue-slip question. We have studied that. What did we find out? Those technical problems can be overcome in 5 seconds. So there is no reason why the House cannot pick up and pass the Senate bill.

The safety of women across the country, the safety of all our communities, is at stake, and it is time we pass it.

In closing, I would say this: Vice President BIDEN is a wonderful human being, and he could not sit back when he was in the Senate and see violence against women go on and on and on without any way to ensure that women could get into shelters, that women could get counseling, that law enforcement could be trained, that doctors could be trained, that nurses could be trained, and that we enhance the penalties for those who would harm another in a domestic violence situation.

He had tremendous foresight. In this bill, Senator LEAHY and Senator CRAPO have amazing foresight because they have strengthened this. We have cut back domestic violence by 53 percent. But we have a long way to go when three women a day are killed—killed—by their abuser.

Again, we have a very clear message for the House: Please join hands with us. Please, with all the politics and all the fighting and all the problems, there are certain times when we should reach out to one another and protect the American people. This is one of those times. We have the bill. It is bipartisan. It works. Please accept it, and let's get on with our work.

Thank you very much.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, let me begin by thanking my colleague from California for her leadership over many years and her steadfast courage and vision on this issue; likewise, my colleague from the State of Washington who spoke before her, Senator MURRAY, for her leadership, as well and others in this body who passed VAWA, the Senate's version of that measure, S. 1925, by an overwhelming bipartisan margin, in fact, 68 to 31, back in April.

This measure truly is bipartisan, and it has commanded overwhelming support in this body and, more important, from across the American public.

In Connecticut, I hear again and again from men and women, members of all communities, that the Violence Against Women Act is an idea whose time came 18 years ago but continues to demand the kind of respect and support the Senate has given it.

Now is the time for the House to adopt the Senate bill because it is more inclusive and more effective. For a bill that works, as this measure truly does, to include more potential victims, to provide more tools of enforcement is absolutely appropriate and necessary at this point in our history.

Of course, I hear from Connecticut constituents such as Hillary from Fairfield, who tells me:

One in four women, worldwide and in the U.S. is at risk for violence at some point in her life. Men are at risk too, and VAWA supports provisions for men to be safe and healthy in their relationships as well. VAWA supports programs for both men and women perpetrators of abuse to get the help they

need to stop the violence, and it ensures that women and their children have a safe place to go when in danger.

Susan from New Haven:

Reauthorizing VAWA sends the message that survivors of sexual assault, domestic violence, dating violence and stalking must have the tools to heal and reclaim their lives; that women and girls, our communities and our families, must be safe; that the next generation must be engaged in this effort—and that the evolution of our collective thinking on how to break the cycle of violence is a national priority. To send any other message is unconscionable. Congress must act swiftly. Renew VAWA now.

Renew VAWA is the message we carry to the House: Renew VAWA with the improvements and reforms we have wisely adopted in this body and continue a measure that has benefited 54,000—let me repeat that, 54,000—domestic violence victims in Connecticut alone, millions across the country, and has provided organizations in Connecticut nearly \$5 million in just the last fiscal year from VAWA programs.

These measures make a difference in people's lives. So often we can speak and think in this Chamber without the kind of connection to individual lives, where we see legislation, our acts here, making a difference. This measure offers us the opportunity to make a difference by broadening and making more inclusive this measure.

It makes it more effective. I am proud it makes it more effective with an amendment I offered to prosecute criminals who use the Internet to intimidate, threaten, harass, and incite violence against women and children.

The use of the Internet is increasingly prevalent for these kinds of crimes. The legislation I introduced, included in the Senate's bill, enhances current law for the Internet age. That section of the bill is not in the House version. It should be. That is a reason I am urging the House to adopt the Senate version.

But it is also more inclusive in including lesbian, gay, bisexual, and transgender constituents—whom all of us have—in these protections.

LGBT Americans experience domestic violence at the same rate as the general population, but they often face discrimination in accessing services. In fact, a survey found that 45 percent of LGBT victims were turned away when they sought help from a domestic violence shelter. There is a real need—an unquestionable and immediate need—to improve the access and availability of services for LGBT victims, and our measure does it; the House version does not.

Over 800 constituents—and I welcome them in contacting me—have written me to urge that we preserve the LGBT provisions of the Senate bill as VAWA moves forward.

S. 1925 also includes protections for Native Americans that are absolutely vital. One of the invisible, unknown,

unrealized, unacknowledged facts about this community is that nearly three out of five Native American women are assaulted by their spouses or intimate partners. One-third of all American Indian women will be raped during their lifetime. Those numbers alone should dictate the result. The members of the Tribal Council of the Mashantucket Pequot Tribal Nation and others across the country—the Mashantucket Pequots happen to be from Connecticut—have appealed to me to protect the tribal provisions in the Senate measure, not to waiver, not to relent to the House version.

Again, I urge the House to adopt our measure.

Protecting immigrant populations ought to be a given for the Senate. The House version of VAWA would “endanger the safety of noncitizen victims and society as a whole.” That is a quote from the International Institute of Connecticut, which has urged me to hold firm to support the provisions of the Senate bill and not surrender to the House and relent on protecting immigrants who need this help.

Again, I quote. The House version would “endanger the safety of noncitizen victims and society as a whole.” VAWA symbolizes for our immigrants, those who come to this country, what makes America great. We protect everyone who needs it. We enforce the laws equally without discriminating against people as to their national heritage or origin or ethnicity or race or other background. Equal protection of the law is one of the unique constitutional principles of the American democracy and the American Constitution. Our landmark measure enhances and enforces equal protection of the law.

I hope this body stands firm. I hope the House understands that it is not one body being better than another. We are way beyond that kind of comparison at this point. It is one version of the same legislation, one set of provisions seeking a common goal, doing it better, more inclusively, and more effectively in the great tradition of the legislative process.

I urge the House of Representatives to put partisanship aside, to put aside any kind of cameral personal differences and take immediate action to support all in America who are victims of domestic violence and sexual abuse.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THUNE. Mr. President, I rise today to talk about the need to extend

the current tax rates and to reject the tens of billions of dollars in higher taxes the President and Senate Democrats want to impose next year. I believe the upcoming vote or votes will be some of the most important votes the Senate holds this year.

As early as tomorrow, we will hopefully vote on tax plans that represent two competing philosophies. One plan, introduced by Majority Leader REID and supported by Senate Democrats and the President, proposes higher taxes on American entrepreneurs, investors, and small business owners.

The Democratic plan represents the philosophy that if only the government could raise enough money, Congress could somehow spend our way to prosperity. It is a viewpoint that holds that the Federal Government can spend hard-working American tax dollars better than they can. Rather than leaving the money in the private economy where it can be invested or spent by private citizens, this view holds that the government should instead bring these dollars here to Washington, DC, to redistribute them through the Federal bureaucracy. This philosophy was probably best articulated by the President recently when he said, "If you've got a business—you didn't build that. Someone else made that happen." In other words, no one is extraordinary by virtue of their hard work and accomplishments. When someone works hard and succeeds, we should not celebrate that person as an example to others, we should instead take from him or her in order—again, as the President said—to "spread the wealth," to quote another of his lines.

I am hopeful that the tax-and-spend philosophy of the Reid tax plan, however, will not be our only option. I hope we will also have the opportunity to vote on legislation introduced recently by Senator HATCH and Minority Leader MCCONNELL. This plan takes a very different approach by following the view that now is not the time to raise anyone's taxes. This view holds that our American free enterprise system works best when government gets out of the way, leaving Americans free to pursue their hopes and dreams. One way we can leave Americans free to pursue their dreams is by not raising their taxes next year. And we especially should not raise taxes when Americans are struggling to get by.

Ironically, the view that we should extend current tax policy at a time when the economy is weak was articulated, interestingly enough, by the President just 2 years ago when he signed an extension of all of the tax rates. At that time, President Obama said that raising taxes would have "been a blow to our economy just as we're climbing out of a recession." Interestingly enough, real GDP growth when he made that statement was around 3.1 percent. That was the aver-

age when the President made the statement that if we raised taxes, it would have "been a blow to our economy." Well, real GDP growth this year is on a pace to average 2 percent and possibly less. Those numbers are consistently being revised and being revised downward. If it did not make sense to raise taxes when our economy was recovering, why does it make sense now to raise taxes as our economy is slowing? How does it make sense to raise taxes in an environment where over 23 million Americans are out of work or underemployed, when the unemployment rate has been stuck at over 8 percent now for 41 consecutive months?

The votes tomorrow are incredibly important—not because either plan is likely to become law immediately but because Americans deserve to know where their Senators stand when they go to vote this November. Do you stand for stable tax rates that encourage work and investment or do you stand for increasing taxes on the very businesses we rely on for job creation? Do you stand for a free enterprise system that rewards hard work and innovation or do you stand for making it more difficult for small businesses to grow and succeed? These are the important choices that will have a real impact on hard-working Americans and on our economy at large.

Consider the Reid tax plan. According to the Joint Committee on Taxation, this plan will impose a tax increase on nearly 1 million business owners. Proponents of this increase are going to argue that it will only affect a small segment of our economy. Yet the Joint Tax Committee estimates that the President's tax increase in the Reid plan will hit more than 50 percent of all income earned by businesses that pay their taxes at individual rates. These are so-called passthrough businesses, and they apply to S corporations, partnerships, sole proprietorships, and LLCs. They are the ones who are going to see their cost of business go up next year for no other reason than the desire by the Senate Democrats to "tax the rich."

Small businesses, which accounted for two-thirds of the net new jobs over the last decade, will be particularly impacted by these tax increases. According to a survey of small businesses by the National Federation of Independent Business, 75 percent of small businesses are organized as passthrough businesses. NFIB also found that the businesses most likely to be hit by the Reid tax increases are those businesses employing between 20 and 250 employees. According to the U.S. census, the data that they collect, these businesses employ more than 25 percent of the workforce. So the million small businesses that, according to the Joint Committee on Taxation, will see their taxes go up under this proposal employ 25 percent of the Amer-

ican workforce and account for over 50 percent of all passthrough income. So you are going to see taxes go up dramatically on over 50 percent of passthrough income and on small businesses that employ 25 percent of the American workforce.

Does that make sense in this economy? It should be no wonder that the political party advocating this kind of tax policy has also presided over the weakest economic recovery literally since the end of World War II.

The impact of the Reid tax increase on small business will be bad enough, but unfortunately these tax increases will have significant ramifications for our entire economy. According to a study released earlier this month by Ernst & Young, the Reid tax plan would hurt our economy in the long term. According to Ernst & Young, the tax increases in the Reid plan would reduce economic output by 1.3 percent. This would mean \$200 billion less in economic activity if translated into today's economy. The Ernst & Young study estimates that the tax policies in the Reid plan would reduce employment by one-half percent, meaning roughly 710,000 fewer jobs.

The study estimates the Senate Democrats' approach will reduce the Nation's capital stock by 1.4 percent and investment by 2.4 percent, and this approach will reduce aftertax wages by 1.8 percent. So we will be reducing investment, costing the economy over 700,000 jobs, and reducing aftertax wages for hard-working Americans in this country. Yet here we are talking about a tax increase that would do dangerous damage and harm to our economy.

I would say, these aren't partisan statistics compiled by Senate Republicans. These are the estimates by a respected accounting firm as to what will happen if we follow the tax policies proposed by Senate Democrats and the President. We will have less economic growth, fewer jobs, and a lower standard of living in the long run. These numbers simply confirm common sense. If we want individuals and businesses to spend and invest more, we shouldn't raise the amount of the income they have to pay to the Federal Government, and that is what this does.

We have major tax policy decisions to make, decisions reflected in the votes we will take tomorrow. Do we want to encourage capital formation in this country? In other words, do we want to encourage investors to put their capital at risk so that businesses will have money to make new investments? Well, by raising the capital gains tax rate from 15 percent to 20 percent for some investors, the Reid bill will make it less attractive to invest in our economy. According to an Ernst & Young study from February of this year, the top rate of capital gains



will rise from 56.7 percent on January 1 of next year, after taking into account corporate, investor, and State taxes. This will be the second highest combined capital gains tax rate in the world among OECD and BRIC nations. America already has the highest corporate tax rate in the developed world. It appears as if the Senate Democrats are going for No. 1 when it comes to capital gains taxes as well.

If there is anything I can say that is positive about the Democrats' tax increase plan, it is that at least they rejected the President's proposal to nearly triple the tax on dividends paid by upper income Americans. Even Senate Democrats, who are not shy about raising taxes, understand the President's proposal to impose a top rate of over 40 percent on dividend income would be terrible for millions of seniors who rely on dividend-paying stocks and for those American companies that rely on dividends to raise capital.

Instead, the Reid bill would increase the top rate on dividends from 15 percent to 20 percent. I believe this tax increase is bad policy, but it won't be nearly as harmful as the President's approach would have been.

On another issue of critical importance, however, the Senate Democrats have decided to run to the left of this liberal administration, and this is on the issue of the estate tax, better known as the death tax. The Reid plan would impose a huge new death tax on family farms and businesses next year. Under current law, businesses and farms are exempted from the death tax on the first \$5 million of the value of an estate. Values above this amount are taxed at a top rate of 35 percent.

I believe we ought to completely eliminate the death tax, and I have introduced legislation, with 37 of my colleagues, to do so. But the current death tax treatment exempts the large majority of family farms and businesses from the tax. The Reid plan, however, would allow the death tax to revert to the provisions in effect before 2001.

This means, under the Reid plan, that family farms and businesses will face a top death tax rate of 55 percent on estates above \$1 million in value.

This is a massive death tax increase on tens of thousands of small businesses and family farms across America. In fact, according to the Joint Committee on Taxation, the Reid plan will increase the number of estates subject to the death tax in 2013 from 3,600 estates under current law to 50,300 estates under the Reid proposal.

According to the Joint Committee on Taxation, the Reid plan will subject 20 times more farming estates to the death tax in 2013—a 2,000-percent increase. The Reid plan will subject 9 times more small businesses to the death tax—a 900-percent increase.

If the death tax policy in the Reid plan were made permanent over the

next 10 years, the number of small businesses subject to the death tax will increase from 1,800 to 23,700, and the number of family farms subject to the death tax would increase from 900 to 25,200. That is all data put together and reported out by the Joint Committee on Taxation.

The reason for this massive expansion of the death tax is because the \$1 million exemption amount is much too low, given the value of successful farms and small businesses today. I will use my State of South Dakota as a good example. Take family farms in South Dakota. According to the Department of Agriculture, the average size of a farm in my State is 1,374 acres. According to the USDA, the average value per acre of cropland in South Dakota is about \$1,810. This means the average value of a farm in my State is nearly \$2.5 million. So if you have a death tax law that only exempts \$1 million and has a 55-percent top rate on everything above that, imagine what that is going to do to the average farm in a State such as South Dakota. And South Dakota is not unique in that regard. We have seen land values rise across America's heartland, from Nebraska to Missouri to Montana.

Let's be clear: The Reid bill would subject many more families to a punitive double tax—the death tax—when a loved one passes away. It will make it much more difficult to pass family farms and businesses from one generation to the next. And we should never forget that most family farms are land rich and cash poor. Lots of assets, land values, and those sorts of things, but what you don't want to see happen is a family farm that can be passed on to the next generation have to be liquidated to pay the IRS because of a punitive death tax. That is precisely what this policy, as proposed by the Democrats' plan, would do.

The USDA estimates 84 percent of farm assets are comprised of farm real estate. That is where most farm and ranch families have their assets. That means family farms don't have extra cash on hand to pay the death tax. Instead, they will have to sell off land or take on additional debt in order to pay these higher taxes. That is exactly what we don't want to see happen in this country.

I don't believe the President's proposal—which is a \$3.5 million exemption and a 45-percent top rate—is adequate, but it is much better than what Senate Democrats in the Reid plan have proposed.

Let me summarize, if I might. Tomorrow we are going to vote on the Reid proposal to raise taxes at a time when Americans are hurting and our economy is fragile. The Reid proposal will impose higher taxes of more than \$50 billion on successful small business owners and families. It will hurt our economy, reducing economic growth

and job creation at the same time it lowers wages for hard-working American families. It will impose a new death tax of \$31 billion on 43,100 family farmers, ranchers, and small businesses.

We will also vote, I hope—I hope—on the Hatch-McConnell alternative plan to keep tax rates where they are, to prevent a tax increase on any American next year. In addition to keeping tax rates where they are, the Hatch-McConnell proposal provides instructions to the Finance Committee to report out fundamental tax reform legislation by 12 months from the date of enactment of the bill. The Hatch-McConnell approach is the correct approach: Prevent a tax increase now and move to fundamental tax reform next year.

Of course, extending current tax law temporarily is only a short-term fix. What is needed is comprehensive tax reform, much like the Tax Reform Act of 1986. Real tax reform will drive economic growth higher, will lead to robust job creation, and will result in more revenue to the Federal Government.

But real tax reform is going to require Presidential leadership, something that has, unfortunately, been lacking over the past 3½ years. Perhaps next year we will have a President truly willing to commit to tax reform, a President who is not content with simply releasing a 23-page framework for corporate tax reform.

But until we get to comprehensive tax reform, the least we can do now is to ensure Americans do not face a massive new tax hike during a weak economy. I hope we will get that vote tomorrow. I hope Senate Democrats will find their way to give us a vote on extending the tax rates for all Americans so that small businesses aren't whacked with a big tax increase next year, so that our economy doesn't get plunged perhaps into a recession, and we don't see that unemployment rate tick even higher.

Those are the results, those are the outcomes, those are the types of things that are going to happen, according to all the independent analysis, with the tax proposal that is before us today.

Remember, there is always this idea that somehow, if we raise more taxes, we will be able to pay down more of the debt. Well, I have to say, it has been my experience that when there is money around Washington, DC, it gets sucked up and it gets spent. I think a lot of Americans would welcome the idea of seeing their taxes going to pay down the debt, but what we will see is a massive tax increase on Americans used to grow government here in Washington, DC. That is not what the American people want, and that is not what we in the Senate should be for.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.



Mr. BAUCUS. Mr. President, Abraham Lincoln is quoted as saying:

I am a firm believer in the people. If given the truth, they can be depended upon to meet any national crisis. The great point is to bring them the real facts.

There have been a number of inaccurate claims over the past several weeks accusing Democrats of proposing tax hikes. Nothing could be further from the truth. So let me set the record straight, as Lincoln said, and bring them the real facts.

Democrats are proposing to extend a tax cut for 100 percent of taxpayers. Under the Democratic proposal, all taxpayers get a tax cut. Those lower income, those middle income, and those upper income all get a tax cut. Everyone does. Millionaires get a tax cut under the Democratic proposal, billionaires get a tax cut under the Democratic proposal, and all taxpayers who pay ordinary income tax are going to get a tax cut.

Why is that? It is very simple. Because even if your income is above \$200,000 for an individual or \$250,000 for a family, you are still getting a tax cut for your first \$200,000 of income or the first \$250,000 of income. So you are getting a tax cut. Everybody is getting a tax cut. I want to make that clear: All Americans get a tax cut under the Democratic proposal.

Even though the most wealthy are also getting a tax cut under the Democratic proposal, those on the other side of the aisle want to give an even greater tax cut to those earning above \$200,000 as individuals or \$250,000 as a couple. So let me repeat: Everyone gets a tax cut under the Reid bill. The other side of the aisle says: Okay, maybe that is so, but they want to give an even greater tax cut to those earning over \$250,000. That is the fact.

An awful lot of people think the Democratic bill does not cut taxes for those above \$200,000 and \$250,000. It does. It does. The facts are clear. The numbers don't lie. It does. Everyone gets a tax cut. So there should be no question about that.

As I said, my colleagues on the other side of the aisle are threatening to oppose a middle-income tax cut, which actually is a tax cut for everybody. They say, oh, no, don't do that. They say, do that, but then add a greater tax cut for those top 2 percent of the wealthiest of Americans.

But let's go back and ask ourselves why are we here, in part? These tax reductions were instituted in 2001, at a time when our country had record surpluses. I think the total tax cut in 2001 was projected to be about—I may be off a little here—\$1.5 or \$1.6 trillion over 10 years, at a time when our Nation had a projected surplus of about \$3 trillion or up to \$5 trillion. I have forgotten exactly, but it was way above the 2001 tax cut. That is why, in large part, the 2001 Congress decided, well, we have these

big projected surpluses, so let's give some of it back to the people. I voted for it.

That is why I voted for it. It made sense to me—with the great projected surpluses—to take a little less than half of that and give it back to people in terms of tax cuts.

But times have changed. In the wake of two wars that have cost over \$1 trillion, unpaid for—Iraq and Afghanistan—and also the 2008 financial collapse that very much hurt our economy, times have changed since 2001. As a consequence, our Nation now is faced with record debt, and we cannot continue to spend money we don't have. We have to put our Nation back on solid fiscal ground. So a lot has happened since 2001.

In addition, something else has happened, regrettably. Today, the average household income indexed for inflation is lower than it was when the tax cuts for the wealthy were put into effect. This means more people are making less money now than they were when these cuts were signed into law. Today, American families have less money to spend on their mortgages, gasoline, and groceries, for example. Actually, including benefits, Americans are not as well off as they were 10, 15 years ago.

These cuts were enacted in 2001 for all Americans. Those top two rates for the wealthiest 2 percent of Americans has cost future generations nearly \$1 trillion. I think it is bad economics to continue these highest income tax cuts without evidence they actually solve America's economic woes. They don't. It is especially bad economics when our Nation's debt has increased by \$10 trillion since they were first enacted.

Hard choices need to be made as we work to get our debt back to sustainable levels. We are all going to be asked to contribute. We need to make sure the most fortunate pay their fair share to deficit reduction as well. Again, they are already getting a tax break under the Democratic proposal. Everyone gets a tax cut under the Democratic proposal, but it is wrong to go further and say those making above \$250,000 should be getting an even greater tax cut.

With a greater contribution from them, we could more easily work to get our Nation's debt down to manageable levels.

Some have argued we cannot let the tax rates expire for the wealthiest Americans—the top 2 percent—because they are “small business owners.” Let me address that and marshal the facts, as Abraham Lincoln would ask us to do.

Being wealthy is not the same as being a small business owner. One can be very wealthy in America but not be a small business owner. Some might have us believe there are 1 million small business owners earning over \$200,000 a year. How do they get that

number? They get that number from an estimate prepared by the Joint Committee on Taxation, a bipartisan group that gives us accurate data—both Republicans and Democrats, Senators and House Members.

The Joint Committee predicts that in 2013 there will be about 940,000 taxpayers with some business income in the upper two tax rates. But that Joint Committee estimate isn't the number of small businesses. That is a different number. Instead, it is the number of all individuals in the top two rates who receive any amount of income, from a passthrough business or from rental real estate, royalties, estates or trusts. That number of 940,000 taxpayers does not tell us whether the taxpayer spent any amount of time actually working in the business or if that taxpayer is merely an investor sitting on the sidelines. In addition, that number does not tell us whether the income is from a large business or from a small business. It can be a large business passthrough. So that number of 940,000 doesn't tell us if it is large or is it small. It does not tell us if the business actually even employs anybody. We don't know that. There are a lot of taxpayers at that bracket who don't employ anybody. They are not small businesspeople.

So that 1 million number being thrown around includes taxpayers who, for example, invest in publicly traded partnerships which can be purchased on the New York Stock Exchange similar to any other stock. They are not small businesses as ordinary Americans think them to be. The 1 million number also includes celebrities and sport stars who receive income from speaking engagements. They are not small businesspeople, but yet they are lumped into that same number. Americans wouldn't regard sports celebrities as a small businessperson. That is not right.

That 1 million number also includes best-selling authors receiving royalties for book sales. That 1 million number includes partners in law firms and hedge funds who receive their income as a share of a partnership distribution. They are not a small business. The 1 million number also includes wealthy individuals who rent out their vacation homes for just a few weeks a year.

Both President Obama and Governor Romney would be considered small business owners in 2011 under this definition. I wouldn't think they are small businesspeople, Americans don't think they are small businesspeople, but they would be included in the definition the other side bandies about.

In reality, only a very small fraction of the top earners actually own or control or manage a business that is small and has hired anyone. I have forgotten the exact number, but it is a small number. It isn't sound fiscal policy to

extend tax cuts for the wealthiest 2 percent of Americans just because a small portion of them have income from a business and a tiny portion of them manage a small business. But that is what some would have us believe. I don't have the number with me, but it is very small. There aren't very many at all.

Finally, the argument that higher taxes on the wealthiest hinders job creation is tenuous at best. Why do I say that? I say that because even the non-partisan Congressional Budget Office found that extending the high income tax cuts for those in the top two rates was the least effective way of creating jobs among a list of alternatives commented on by the Congressional Budget Office. As I recall, the top of the list were items such as payroll tax. If we cut the payroll tax, that is a big job creator. If we extend unemployment insurance benefits, that is a big job creator. Down at the bottom of the list of job creation on a dollar-for-dollar basis is extending the 2 percent top rates. That creates very few jobs, according to the Congressional Budget Office.

Actually, it hurts job creation, according to the Congressional Budget Office. Why? It found that extending the high income tax cuts actually reduces the gross domestic product and the number of jobs over 10 years. Why? Because doing so increases the deficit. The CBO said that actually extending the top two rates is a job reducer, not a job creator—a job reducer—because it would add to the deficit and, in doing so, all things being equal, would lose jobs.

So despite efforts to hide behind small businesses, the fundamental question is, What is fair? What is best for our country? Should we drive up deficits further, reducing growth as a result by extending the tax cuts for the top 2 percent? Don't forget, we are already reducing their taxes under the Reid bill. Should we tame our deficits by ending Medicare as we know it and cutting important social programs to the bone? The more those top two rates are extended, the more we have to cut someplace else. It is just mathematics. It is a choice we have to make in our country. There is no free lunch. We know that. We can't have our cake and eat it. Life is choices. Our fiscal situation needs choices. We have to decide what makes the most sense or should we control our deficits through a balanced approach that thoughtfully cuts spending and ask the wealthiest 2 percent to contribute no more than they did 11 years ago? Clearly, as we reduce our debt and try to cut spending, there is no question about that. There is also no question that there has to be some combined income tax increase along with the spending cuts to be able to reduce our budget deficit.

The answer is clear: We should vote for Leader REID's bill and continue

down the path toward responsible deficit reduction. I wish to make the point again, if it wasn't clear. The Reid bill reduces tax rates for all Americans, middle income and upper income, because we have a marginal rate system. The most wealthy have to pay in the 10-percent bracket, then they pay in the 15-percent bracket, then they pay in the 25-percent bracket, then they pay in the 28-percent bracket, all the way up to the top bracket today which is 35 percent. They pay in all brackets. So what we are saying is we are going to reduce your taxes; we are going to make sure you stay at those low rates for the next year so you, therefore, are going to pay less in income taxes, even if one is a billionaire.

Let's go with the Reid bill. It is fair. It is the right course. I hope the Senate adopts it and we get enough votes—60 votes—to get this passed.

I yield the floor.

Ms. COLLINS. Mr. President, today I have filed an amendment to extend for 1 year the individual income tax provisions of the 2001 and 2003 tax relief acts for all Americans, but with a surtax of two percent on those earning \$1 million or more, coupled with a “carve-out” to protect our nation's small businesses.

The Congressional Budget Office has warned us that the “fiscal cliff” created by the expiration of current tax rates on December 31, coupled with ill-advised and deep cuts in defense spending that would result from “sequestration,” would likely result in a recession in the first half of next year. It makes no sense and should be unacceptable to all of us to allow our country to go over this “fiscal cliff.”

I have long urged that we begin the debate on comprehensive tax reform aimed at creating a simpler, fairer, pro-growth tax code. I also believe that multimillionaires and billionaires can afford to pay more to help us deal with our unsustainable deficit.

My amendment would, therefore, impose a 2 percent surtax on millionaires, with a carve-out to protect small business owners who pay taxes through the individual income tax system. Our Nation's small businesses must not be lumped-in with millionaires and billionaires. The “carve-out” I am proposing would shield small businesses owners from tax increases intended to fall on the very wealthy.

These small business owner-operators are on the front lines of our economy, and of the communities in which they live. The income that shows up on their tax returns is critical to their ability to create jobs, finance investment, and grow their businesses. Left in their hands, this income will lead to more jobs and buy the tools that help American workers compete.

Congress still could tackle tax reform this year but, unfortunately, this is not likely. That is why, in my amendment, I propose extending the

current individual tax rates for all Americans through 2013, to give us the time we need to consider and adopt comprehensive reform that results in a simpler, fairer, pro-growth Tax Code. The surtax on the very wealthy, combined with protection for small businesses, will help us begin to deal with the deficit without harming the job creation engine of our economy—small business.

The PRESIDING OFFICER. The Senator from Georgia.

HONORING GHANA'S PRESIDENT JOHN ATTA MILLS

Mr. ISAKSON. Mr. President, I rise for a moment to express my sympathy and condolences to the people of Ghana and to the family of its President, John Atta Mills.

President Mills died in a military hospital today in Accra, Ghana, of throat cancer. Four hours after his death, the Vice President was sworn in as the new President of Ghana, a testimony to the democratization of that country and its leadership on the continent of Africa.

Ghana has been one of the shining beacons of light in Africa for its transition to business, trade, prosperity, and economic development. John Atta Mills deserves the credit for taking Ghana to the height it has gone to today.

Senator COONS from Delaware and I traveled to Ghana last year to meet with President Mills. We saw firsthand how he has developed a large-scale oil-producing country in Ghana, making that wealth come back to be reinvested in the people of that country. We visited the Millennium Challenge Compact that Ghana made with the United States of America to help her pineapple plantation producers be able to extend the life of their pineapple and export them into Europe for increased trade and agriculture in Ghana. We visited hospitals, where money from the oil and petroleum the country has discovered is now being reinvested in that country and in her people.

Today, with his tragic death, we also saw the light of democracy as the government made its transition, the Vice President ascended to the Presidency, and elections will be held later in the year for the next President of Ghana.

But it is important to pause as a tribute to President Bush and Condoleezza Rice, to President Obama and Hillary Clinton, our Secretary of State, who have worked tirelessly during the past decade and a half to work with the countries of Africa to develop. Americans have invested in PEPFAR, and we have reduced the growth of AIDS. We have invested in malaria prevention, and we have reduced the growth of malaria. Nigeria is the last place on Earth where polio exists, and it is about to be eradicated because of the investment of the American people.

I have said oftentimes as the ranking member of the African Subcommittee

that Africa is the continent of the 21st century for our country, and I think it is. I think the investment our taxpayers have made and the investment our last President and our current President and both Secretaries of State have made are paying great dividends.

But it is important for us to pay tribute to those bold, brave African leaders who ran for office to promote democracy, who served and reinvested the profits they made in their country's wealth and their people and shine as beacons of light for hope on what has been known in the past as the Dark Continent.

In this sad moment for the people of Africa, and particularly the people of Ghana, it is time for us also to rejoice on what democracy has made in that country, and what John Atta Mills did to produce that democracy and to make it work.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HONORING THE LIFE AND LEGACY OF DR. SALLY RIDE

Ms. SNOWE. Mr. President, I rise to pay tribute to the life and legacy of Dr. Sally Ride, the first American woman to enter space and who passed away, sadly, this week.

A truly extraordinary woman and an American icon and hero, Sally was a trailblazer who, with a steadfast fortitude and an insatiable spirit of exploration, accomplished what no other female in American history had before. When she rocketed into the heavens aboard the Space Shuttle Challenger on June 18, 1983, she also soared into the hearts of millions of Americans, including myself. Indeed, we recognized in her landmark achievement the realization of the quintessential American dream—that anyone, regardless of their gender, can succeed to even the greatest of heights, even if it is the stars.

I was fortunate enough to have been present at Cape Canaveral—along with my good friend and colleague then-Congresswoman BARBARA MIKULSKI—on that historic June morning when Sally took to the skies. I can vividly recall the palpable optimism and unabated excitement that saturated the air. At that point, I had been a member of the House of Representatives for 4 years and was 1 of only 23 women in Congress. You can imagine the tremendous amount of pride we all felt in witnessing such a watershed moment.

Indeed, it was a triumphant pinnacle in the fight to topple gender barriers and a progressive stride in the movement to shatter oppressive social norms. It was a bold response to those

who could only see so far as to ask her before the flight, “Will you wear makeup in space? Do you cry on the job?” It was a bright beacon of hope to millions of young girls across the country, and indeed the world, who would come to recognize Sally Ride as the embodiment of their most fervent hopes and dreams.

I was very proud to be able to participate in a tribute at the Air and Space Museum as cochair of the Congressional Caucus on Women's Issues a month later to pay tribute to Dr. Sally Ride and the entire Challenger crew, where I expressed to them that “their achievement is America's achievement.”

In fact, in a testament to the depth of her remarkable character, Sally Ride lamented the unprecedented nature of her trip when she said:

It's too bad this is such a big deal. It's too bad our society isn't further along. It's time people in this country realized that women can do any job they want to.

She recognized rightly that while her excursion was extraordinary, it should not have been. Today, we nonetheless recognize that through her words she gave voice to countless women, and through her actions she gave the vision and courage to seize their dreams. That is the message Sally Ride engendered as an astronaut, as a professor, and as the founder of Sally Ride Science, her namesake company which strives tirelessly to inspire and inform students by providing them with innovative science programs and resources.

I had the opportunity to see Sally Ride last year. She was recounting with enthusiasm the work she was doing in working with so many young people across this country and sharing her commitment and her passion for education and for space. I was also privileged to have Sally as a neighbor of mine during her time working in Washington, DC.

Indeed, she was a pioneer and a true American icon whose inspirational journey into space will long serve as an example that we can accomplish anything we put our minds to. Perhaps even more importantly, she bequeaths to future generations a legacy that transcends her time unbounded by earthly ties. She leaves to us the omnipotent notion that we can and will do what is hard and that we will achieve what is great, regardless of who we are, and it will indisputably resonate for generations to come.

Leonardo da Vinci once observed:

When once you have tasted flight, you will forever walk the Earth with your eyes turned skyward, for there you have been, and there you will always long to return.

Well, today we fondly remember a woman who had her eyes turned skyward not only for herself but for the women of future generations who would follow in her example and in her footsteps. We take comfort in knowing

that the stars are now indeed where she rests, and we continue to firmly keep her family and friends in our thoughts and prayers.

I yield the floor.

The PRESIDING OFFICER (Mr. BENNET). The Senator from New Hampshire.

#### VIOLENCE AGAINST WOMEN ACT

Mrs. SHAHEEN. Mr. President, I rise today to join my colleagues who have been to the Senate floor earlier this afternoon to emphasize the importance of getting the House to act to pass the Violence Against Women Act. We have passed a bipartisan reauthorization in the Senate and now it is time for the House to do the same.

There are provisions in the Senate version of the bill that offer critical protections for survivors, Native Americans, immigrants, the LGBT community, and for students, young women on college campuses. It is that importance of protecting those victims on college campuses that I want to specifically address this afternoon.

According to the Department of Justice, 25 percent of college women—that is 1 in 4—will be victims of rape or attempted rape before they graduate within their 4-year college period. The Rape, Abuse, and Incest National Network reports that college-aged women are four times more likely than any other age group to face sexual assault. In addition, experts believe that rape and sexual assault are among the most underreported crimes, so that one in four could be even greater.

In the Senate-passed legislation, the Leahy-Crapo bill, there are provisions to address the challenges that young women face on college campuses. The legislation we passed here in the Senate requires schools that receive VAWA funds to do the following: State the policies and procedures that are in place to protect victims and provide prevention education for all incoming students. Many young girls arrive on a college campus to live on their own for the very first time. They are struggling to orient themselves in a new environment, and this makes them vulnerable. They need to be given clear guidance about what to do in case they become victims.

The legislation also requires institutions to implement a coordinated response both internal and external to the campus. This means that survivors are helped if they want to hold their attackers accountable, whether through a process that the university has set up or by bringing criminal charges and working with the police. This provision tells young women they are not alone; they are supported and their school will help them.

The third part of the provision that is very important in the Senate-passed bill is that it would require schools to provide training on domestic violence, dating violence, sexual assault, and

stalking for campus law enforcement and to members of the campus judicial boards.

Last week in New Hampshire my office spoke with Forrest Seymour, the sexual assault prevention coordinator at Keene State College, which is a small college with about 6,000 students in the western part of New Hampshire. Forrest said that all of these provisions in the Senate-passed bill are very important and necessary because universities need more guidance about how to best serve students who are victims of rape, dating violence, and stalking. This is especially important at small universities such as Keene where they have limited resources.

Training for campus law enforcement is critical because they are the first responders. School administrators who serve on campus judicial boards also need special training because word spreads very fast on college campuses about whether survivors should feel comfortable going forward. These processes need to be handled with appropriate sensitivity, and the training that is required by the Senate Violence Against Women Act will help make sure these young women feel safe.

The Senate-passed version of the bill will help young women like Harmony, who began her first year in college at Plymouth State University in New Hampshire in 2006. She was excited to be there. She made new friends, and she quickly became comfortable in her new surroundings.

Unfortunately, one night someone she thought was a friend took advantage of that trust and sexually assaulted Harmony. Harmony was ashamed and confused. She felt violated. She began to question all of her new relationships. She was scared all of the time, and she was sure everyone could tell she was a victim, so Harmony didn't tell anyone. She didn't know where to turn. She was scared that she would not be believed, and she even considered dropping out of school.

Fortunately, Harmony did finally reach out and found support. She graduated from Plymouth and now she works as a case manager for survivors of domestic violence in an emergency shelter helping other survivors through the most difficult periods in their lives. Harmony shares her story all over the country, encouraging victims to come forward, promising them they will be believed, they will be supported.

If Harmony has the bravery and the courage to make these promises to survivors, so should we. We owe it to the young and vulnerable women on college campuses across this country to pass the Violence Against Women Act now. It is time for the House to act. The session is running out. We need to see this legislation reauthorized. We need to see the Senate version reauthorized so we can guarantee to young women such as Harmony across this

country that they will get the support they need.

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AURORA, COLORADO SHOOTINGS

Mr. UDALL of Colorado. Mr. President, as does the Presiding Officer, I come to the floor this evening with a heavy heart. I know that as Senators and leaders we are expected to have words for every occasion, but what happened last Friday morning makes it very difficult to bring forth words that are appropriate. However, as I think of the Coloradans who were there whom we are so lucky to represent, their actions spoke louder than words. Their actions spoke very loudly on Friday morning in the city of Aurora.

I wish to focus on the actions of those brave, decent Coloradans who were victims in a variety of ways at the horrific movie theater shooting that took place there in Aurora. It cut short the lives of 12 people. It injured approximately 58 others. I rise to pay tribute to all of those people as well as to their families and their loved ones. I think I know the Presiding Officer, my colleague and my fellow Senator from Colorado, knows that, most importantly, we are here to state emphatically that Aurora will triumph over adversity in our State of Colorado to emerge stronger than ever.

From the time I awoke to the news of the movie theater shootings in Aurora early Friday morning, July 20, I, along with the rest of Colorado and our country, have experienced emotions ranging from deep, profound sadness to, frankly, utter outrage. Our State was just starting to recover from the devastating wildfires that destroyed hundreds of homes, forced tens of thousands to evacuate their communities, and scorched thousands of acres in our beautiful State of Colorado. With that in mind, none of us could have been prepared for the news of these mass shootings in one of our communities.

I know the Presiding Officer has three beautiful daughters. I have two children. I know that having loved ones stolen from us in such a tragic and violent fashion is something for which one can never be prepared. But it is during these times we are also reminded to cherish those all-too-brief moments we have with the people we love.

Although this heinous crime may have shaken us, it did not break us, and it will not break us. We will mourn those we have lost and those who were injured, and with them in mind we will heal and we will become stronger.

Sadly, this kind of tragedy is not new to Colorado. It was 13 short years ago that we learned of another mass shooting at Columbine High School on the western side of Denver. As a nation, we are reminded of more recent shootings at Virginia Tech; Fort Hood, TX; and Tucson, AZ. These incidents may occur in one city or in one State, but they are national tragedies that tear at us all and then cause us all to tear up and cry together.

Like all Americans, my heart goes out to the victims and their families. I also remain hopeful—the Presiding Officer and I went to one of the hospitals—that the survivors are going to defy the odds on their road to recovery. We have been truly inspired by their stories.

I wish to take a moment and applaud the leadership shown by Colorado's public servants, from Governor John Hickenlooper, Aurora Mayor Steve Hogan, and especially Chief of Police Dan Oates and the Aurora Police Department. There are also other metro area law enforcement professionals who came to the scene almost immediately, including first responders, and medical professionals on site and at the number of hospitals where the victims were taken.

I think what is most notable is that they worked seamlessly to carry out the city's disaster plan and protect the victims from further harm. The police and firefighters arrived a mere 90 seconds after the first 9-1-1 call was placed. There is no question that lives were saved by the swift and coordinated action of Aurora's first responders.

I have to say that this incident shows what similar tragedies have before: that America shines brightest when the night is darkest, and that was literally the situation at midnight on Friday morning in Aurora.

We had the uplifting experience of hearing the stories of bravery coming out of Aurora. We marveled at those stories on Sunday. We start with the fact that at least four young men demonstrated the heights of heroism when they sacrificed their lives to protect their girlfriends from the hail of this gunman's bullets. One young woman had the courage to remain by the side of her wounded friend, calmly applying pressure to her friend's bleeding neck wound while dialing 9-1-1 with her other hand as the gunfire continued around her. Let me put it this way: Lives were saved Friday morning by those who did not let fear override their capacity to care for one another.

These experiences have underlined for me and our entire Nation that what makes us great and will help us endure this tragedy is our people. I saw that Sunday night, as did the Presiding Officer, while participating in a moving vigil in Aurora where our community not only mourned together but also

held together during this most difficult time. Although the West is known for its rugged individuals, Colorado is also known for its rugged cooperators—people who help their neighbors in times of adversity. We saw that after the recent wildfires, and we see it again now.

President Obama's visit with victims and families on July 22—just Sunday—2 days ago in Aurora, provided comfort and support to those in need and again reminded us that the sanctity and strength of family and community is what unites us in the face of adversity. Coloradans have seen that in the wake of this tragedy, our Nation has come together for Aurora and our State, and to my colleagues and anyone listening today, let me say humbly that we are grateful.

I wish to take a moment to say the names of the 12 people who were taken from us too soon. I know that later my colleague will share even more of their stories with us and with the Nation. Their families and friends have my commitment that we will, to honor these good people, these Coloradans, never forget them as the healing process goes on.

The 12 Coloradans, the Americans whom we lost Friday morning are Jonathan T. Blunk, Alexander J. Boik, Jesse Childress, Gordon Cowden, Jessica Ghawi, Micayla Medek, Matthew McQuinn, John Larimer, Alex M. Sullivan, Alexander Teves, Rebecca Wingo, and I think the hardest name for all of us to say is that of 6-year-old Veronica Moser-Sullivan. I smile in my sadness because I think the Presiding Officer has seen the photo of her with an ice cream cone in hand, delight on her face, ice cream on her nose. I guess maybe what we could do is take the time to enjoy an ice cream cone, maybe leave that ice cream on our nose for a little bit, and remember her.

In honor of these victims, I have submitted a resolution—S. Con. Res. 53—along with my colleague, the Presiding Officer, Senator BENNET. Congressman PERLMUTTER has filed an identical resolution in the House of Representatives. The resolution, among many things, strongly condemns the atrocities which occurred in Aurora; offers condolences to the families, friends, and loved ones of those who were killed in the attack and expresses hope for the rapid and complete recovery of the wounded; applauds the hard work and dedication exhibited by the hundreds of local, State, and Federal officials and others who offered their support and assistance; and last but certainly not least, honors the resilience of the community of the city of Aurora and the State of Colorado in the face of such adversity. I ask all of my colleagues in the Senate to support Aurora and support this resolution.

As we pay tribute to our fallen fellow Americans and the heroes around them, here is what I hope will come out

of what can only be described as a senseless tragedy: We must harness the sense of community we feel this week and use it to create a lasting sense of collaboration in America and use it to solve our shared challenges in a measured, respectful, and thoughtful way. We can truly learn from those who selflessly gave of themselves during the chaos of the Aurora shootings and draw from it the strength to be better people, better family members, and, yes, even better legislators.

In Roman mythology, Aurora is the goddess of the dawn who renews herself each morning. At dawn on Friday, the chaos and the pain and the tragedy of the night before still lingered over that wonderful city of Aurora, but by dawn on the second day, signs of heroism, of recovery, of community began to shine through the darkness of the great Colorado city called Aurora.

As each dawn signals a new day, we owe it to the victims to rise to the occasion and renew our commitment to make this a better, stronger, and more perfect Nation.

Thank you, Mr. President. I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BENNET. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

Mr. BENNET. Mr. President, I would like to first thank my friend—and I do not mean that in the political sense, I mean it in the real sense—the senior Senator from Colorado, the Presiding Officer from Colorado, for his incredibly thoughtful remarks about the tragedy last week in Colorado. I cannot think of any more fitting place to be than here with the Senator tonight to have this conversation. So I thank the Senator very much for his words.

In just a few dark moments last week, in Aurora, CO, 12 innocent lives were taken from us—12 people, full of life and aspirations, loved by family and friends, and now 12 people remembered by an entire nation.

As the Presiding Officer said, thousands of Coloradans attended a vigil hosted by the city of Aurora on Sunday evening. We shared tears and prayers. We also resolved to support one another, to heal, and to always remember those who lost their lives on July 20, 2012. It is for that purpose that the Presiding Officer and I come to the floor this evening.

The first is Jonathan Blunk, age 26. Jon was a father of two who moved to Colorado in 2009, after three tours in the Persian Gulf and North Arabian Sea for the U.S. Navy. He was a certified firefighter and EMT. Jon lost his

life protecting his friend Jansen Young from the gunman's line of fire. Jon shielded her from gunfire by pushing her to the ground while shots were fired. He was supposed to fly on Saturday to Nevada to see his wife Chantel Blunk and his 4-year-old daughter and 2-year-old son. Instead, his wife had to put up the dress her daughter had picked out to wear to the airport. She told her daughter that they would not see their dad anymore but that he would still love them and look over them. His daughter Hailey is comforted by calling her father's cell phone and hearing him on voice mail.

This is Alexander Jonathan "A.J." Boik, age 18. A.J. recently graduated from Gateway High School. He enjoyed baseball, music, and making pottery. A.J. was to start art classes at the Rocky Mountain College of Art and Design in the fall. He was described "as being the life of the party. AJ could bring a smile to anybody's face." He was a young man with a warm and loving heart.

This is Jesse Childress, age 29. Jesse was an Air Force cyber systems operator based at Buckley Air Force Base. He loved to play flag football, softball, and bowl. He was a devoted fan of the Denver Broncos, for which he secured season tickets. He was described by his superior officer as an invaluable part of the 310th family who touched everyone with whom he worked.

This is Gordon Cowden, age 51. Gordon was originally from Texas and lived in Aurora with his family. He was "a quick witted world traveler with a keen sense of humor, he will be remembered for his devotion to his children and for always trying to do the right thing, no matter the obstacle." Gordon took his two teenage children to the theater the night of the shooting, both of whom, thankfully, made it out unharmed.

This is Jessica Ghawi, age 24. Jessica was an aspiring journalist, most recently interning with Mile High Sports Radio in Denver, and went by the nickname "Redfield." She was hard working and ambitious, with a generous spirit and kind heart. When numerous homes were recently destroyed by Colorado wildfires, Jessica decided to start collecting hockey equipment to donate to the kids affected because she wanted to help.

This is John Thomas Larimer, age 27. John was a cryptologic technician with the Navy based also at Buckley Air Force Base—a job that requires "exceptionally good character and skills." Originally from Chicago, he was the youngest of five siblings and had joined the service just over a year ago. Like his father and grandfather, John chose to serve in the U.S. Navy. John's superior officer called him "an outstanding shipmate, a valued member of the Navy and an extremely dedicated sailor." Colleagues were drawn to his calming

demeanor and exceptional work ethic. He was also known as an extremely competent professional.

This is Matthew McQuinn, age 27. Matt died while protecting his girlfriend Samantha Yowler by jumping in front of her during the shooting. Matt and Samantha moved to Colorado from Ohio last fall and worked at Target. He and Samantha were very much in love and planning their life together. Because of Matt's bravery, Samantha was only wounded in the knee and is expected to make a full recovery.

This is Micayla "Cayla" Medek, age 23. Cayla was a graduate of William C. Hinkley High School in Aurora and a resident of Westminster. She worked at Subway and was a huge Green Bay Packers fan. Cayla would plan weekend activities around watching the games with her brother and father. She is remembered as a loving and gentle young woman.

This is Veronica Moser-Sullivan, age 6. Veronica had just learned to swim and attended Holly Ridge Elementary School in Denver, CO. She was a good student who loved to play dress-up and read. Veronica's mother Ashley Moser remains in critical condition at Aurora Medical Center. She was shot in the neck and abdomen. We pray for Ashley's recovery and strength in working through the passing of her daughter Veronica.

This is Alex Sullivan, age 27. Alex was at the movie celebrating his 27th birthday and first wedding anniversary. He loved comic books, the New York Mets, and movies. Alex was such a big movie fan that he took jobs at theaters just to see the movies. Alex stood 6 feet 4 inches and weighed about 280 pounds. He played football and wrestled before graduating high school in 2003 and later went to culinary school. Alex was known as a gentle giant and loved by many.

This is Alexander C. Teves, age 24. Alex received an M.A. in counseling psychology from the University of Denver in June and was planning on becoming a psychiatrist. He also competed in the Tough Mudder, an intense endurance challenge, and helped students with special needs. Alex was at the theater on the night of the shooting with his girlfriend Amanda Lindgren. When the gunman opened fire, Alex immediately lunged to block Amanda from the gunfire, held her down, and covered her head.

This is Rebecca Wingo, age 32. Rebecca, originally from Texas and a resident of Aurora, joined the Air Force after high school, where she became fluent in Mandarin Chinese and served as a translator. She was a single mother of two girls and worked as a customer relations representative at a mobile medical imaging company. Rebecca was also enrolled at the Community College of Aurora since the fall of 2009 and had been working toward an

associate of arts degree. She was known to family and friends as a "gentle, sweet, beautiful soul."

Here is a photo of the gathering we had last Sunday night in Aurora. I believe, like you, Mr. President, that the early morning hours of July 20, 2012, will not be remembered for the evil that happened.

Scripture tells us "not to be overcome by evil, but overcome evil with good." That is what the people of Aurora and Colorado have been doing since the first moment of this tragedy, and that is what we will continue to do.

In time, we will not remember the morning of July 20 for the evil that killed 12 innocent and precious people. Instead, we will remember the bright lives of those we lost and the families they leave behind. We will remember the 58 wounded survivors, whose recovery bears witness to humanity's strength and resolve. And tonight, knowing that some are still in critical condition, we pray for their recovery. We will remember the heroic acts of everyday citizens, our first responders, and medical personnel who saved lives that otherwise surely would have been lost. We will remember the continuing generosity of those Coloradans and Americans who are donating blood in record numbers and raising funds to support the families in this trying time. And in time, because we are all Aurora, we will draw strength from the example set by one great American city and the faith of her people in one another.

Thank you, Mr. President.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BENNET. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. BENNET. Mr. President, I ask unanimous consent the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HONORING OUR ARMED FORCES

##### TRIBUTE TO LANCE CORPORAL HUNTER HOGAN

Mr. JOHANNIS. Mr. President, I rise today to remember a fallen hero, U.S. Marine Corps LCpl Hunter H.D. Hogan. Lance Corporal Hogan was killed in action while supporting combat operations in Afghanistan on June 23, 2012.

Lance Corporal Hogan cultivated a desire to serve our Nation at an early

age, and he followed in his father's footsteps when he enlisted in the Marine Corps on October 26, 2009. He, like so many young marines, could have pursued other opportunities outside of the military, but he instead chose to take an oath of service to our great country. He was rightfully proud of this oath and remained faithful to the mission and to his brothers in arms.

The Hogan family laid their marine to rest in York, NE, on July 6, 2012. Lance Corporal Hogan served with honor and valor having been awarded the Purple Heart, Combat Action Ribbon, Sea Service Deployment Ribbon, Afghanistan Campaign Medal, Global War on Terrorism Service Medal, and the National Defense Service Medal.

Hunter is mourned by his wife Brittney, his father, mother, grandparents, and so many others. I know his family is proud of him and will always remember his spirit and his quick wit. His sense of adventure and his enthusiasm for rodeo, hunting, and fishing will also be fondly remembered. Hunter's passion for life and those around him allowed him to be the best marine he could be.

Strong marines are not possible without the support of family. Hunter's family chose a quote by Senator Paul H. Douglas to describe their young marine's passion for the Corps.

Those of us who have had the privilege of serving in the Marine Corps value our experience as among the most precious of our lives. The fellowship of shared hardships and dangers in worthy cause creates a close bond of comradeship. It is the basic reason for the cohesiveness of Marines and for the pride we have in our Corps and our loyalty to each other.

We hold our heads high when we speak of the strong tradition of military service in our great State of Nebraska. We are honored to call him one of our own, and I know Nebraskans across the State will provide his family with care and love during this very difficult time.

May God bless the Hogan family and all of our service men and women both home and abroad. LCpl Hunter Hogan, forever a marine, forever a cowboy, Semper Fidelis.

#### REMEMBERING OFFICER CHESTNUT AND DETECTIVE GIBSON

Ms. MIKULSKI. Mr. President, the nation is mourning the senseless loss of 12 people in Aurora CO, and the wounding of 58 people.

Today, we mark the sad anniversary of another tragedy that took place in the Capitol on July 27, 1998.

We remember Officer Jacob J.J. Chestnut, from Ft. Washington in my home State of Maryland and Special Agent John Gibson, of Woodbridge, VA, who gave their lives to protect the U.S. Capitol, all the people who work at and visit the Capitol, and to protect this

building that is the symbol of freedom and democracy the world over.

Today, we honor the lives and heroism of Officer Chestnut and Detective Gibson. We also commend all the Capitol Hill police officers who put their lives on the line to protect democracy.

These two fine men were part of one of the most unique police forces in the country. They are excellent Federal law-enforcement officials who protect Members of Congress from crooks, terrorists, or anyone else who would want to harm us, and they also protect all the people in the building, whether it is a foreign dignitary or a Girl Scout troop from Iowa.

Second, they are also “Officer Friendly”—welcoming people and answering questions; and many have taken special language training to help visitors from around the world.

Third, many are also trained for other possible emergencies: to provide basic paramedic help in the case of an ill tourist, or to provide basic firefighting and help evacuate buildings in the case of fires.

These police are like our own “Cops on the Beat.”

Finally, so many of the Capitol Hill Police Officers are my Maryland constituents, just like J.J. Chestnut.

Officer Chestnut was always one of the stars: trained as an MP in the military, he was with the Capitol Police for 18 years and was known for having a unique touch with tourists and constituents. We were very proud of him, and he was even nominated at one time for Capitol Police Officer of the Year.

And I know how proud we were of Detective Gibson as well: he was from just across the river in Virginia. He was a true hero—stopping the gunman from entering the building.

Mr. President, I join my colleagues in the Senate in marking this sad anniversary and in paying respect to the families of Officer Chestnut and Detective Gibson. They were heroes that sad day in 1998, and they are heroes for today and all eternity.

#### FDA SAFETY AND INNOVATION ACT

Mr. BLUMENTHAL. Mr. President, today I rise to say a few words about the Food and Drug Administration Safety and Innovation Act, legislation Congress passed with strong bipartisan support just before we returned home to our States for the Fourth of July.

This bill was a big one. It was a big bill with complex provisions and an essential purpose: to safeguard the public, to protect patients and encourage innovation and invention, which are so important to treating and curing diseases in this country as well as other problems. And this measure was revolutionary in many ways. It contained complex, new provisions, provisions that we must make sure are implemented as Congress intended.

I was proud to work on many parts of this bill with my colleagues, including title VIII of this legislation, to generate new antibiotics to treat emerging serious and life threatening superbug infections. I want to clarify two points for the record on this legislation: I want to be clear that pathogens identified in this title are illustrative, not all-inclusive. There are many deadly pathogens that we may not even know of yet; title VIII is intended to spur innovation against all superbug infections as soon as they arise. And, I want to be clear, language in section 801(b) is not intended to prohibit or preclude innovative drug products that will spur the antibiotic pipeline, so long as they meet the definition for a qualified infectious disease product.

FDA approval of new antibiotics has decreased by 70 percent since the mid-1980s, yet reports from the CDC suggest that resistant MRSA infection deaths are now at more than 17,000 lives lost in the United States each year—more than AIDS. Resistant infections have now been elevated to one of the World Health Organization’s top three threats to human health. It is my sincere hope that title VIII will spur production of the weapons we need to fight this threat.

#### FISCAL YEAR 2013 APPROPRIATIONS

Ms. COLLINS. Mr. President, I am pleased to join my colleagues in support of Senate debate and passage of the fiscal year 2013 appropriations bills.

I want to begin by commending both Chairman INOUE and Vice-Chair COCHRAN for their leadership on the Appropriations Committee. In what has been largely a bipartisan process, the Senate Appropriations Committee has approved 9 of the 12 funding bills so far. A lot of hard work on both sides has gone into putting these bills together.

As ranking member of the Appropriations Subcommittee on Transportation and Housing and Urban Development, Senator MURRAY and I worked closely together to craft a truly bipartisan fiscal year 2013 appropriations bill. The T-HUD bill strikes a balance between thoughtful investment and fiscal restraint. In fact, this bill honors an allocation that is nearly \$14.5 billion below fiscal year 2010 levels, a 22-percent reduction. These deep cuts reflect an even deeper commitment to getting our fiscal house in order.

I am proud of the work that went into this bill and the strong bipartisan vote this past April to report it out of committee. Like the T-HUD bill, the Agriculture; Commerce, Justice, and Science; Energy and Water; Military Construction and Veterans Affairs; State and Foreign Operations; and Department of Homeland Security bills have all been reported with overwhelming bipartisan support. In put-

ting together these bills, the Appropriations Committee functioned the way committees are supposed to: we worked together to develop thoughtful and responsible bills that could be recommended for the full Senate for consideration.

As such, I was very disappointed to hear the majority leader’s recent announcement that not one of the 12 appropriations bills would be brought to the Senate floor until after the election, virtually guaranteeing that we end up with a continuing resolution or catch-all omnibus that the full Senate has not had an opportunity to properly vet. I hope he will reconsider in light of our commitment to work with him to develop a workable and fair process for considering these bills.

Given the immense workload that we have before the end of the year—including enacting appropriations bills and preventing the so-called fiscal cliff, when enormous tax hikes and indiscriminate cuts to defense spending are set to kick in—I am disappointed that we have spent much of July haggling over proposals that never really stood a chance of going anywhere.

I understand that the majority leader has said that he doesn’t want to bring the bills to the floor because the House is writing its bills to a lower level, but we have a process to deal with disagreements. It is called a conference. The Senate Appropriations Committee has reported several bipartisan bills that are ready for floor consideration. Why not bring them to the floor, allow Senators to offer amendments, and let the Senate work its will on this important constitutional responsibility?

As our Nation’s economy struggles to recover, it is important that we complete appropriations bills on time and through regular order. It is important for the Senate as an institution that we proceed. It is also important for the American people to see that we can work together in an open and bipartisan manner to establish priorities, make hard decisions, and complete the work that the Constitution requires of us.

Last November, I joined Chairman MURRAY as well as Chairmen KOHL and MIKULSKI and Ranking Members BLUNT and HUTCHISON to usher the first group of fiscal year 2012 spending bills to final passage, avoiding a long-term continuing resolution for fiscal year 2012. It is my hope that we will build on last year’s success and bring the fiscal year 2013 appropriations bill to the floor to be considered through a similarly open and transparent process.

These bills make investments that not only create jobs now when they are needed most but also establish the foundations for future growth. Just as important to our economic future, however, is reigning in Federal spending; we must strike the right balance between thoughtful investments and



fiscal restraint, thereby setting the stage for future economic growth. Uncertainty only makes matters worse.

#### CHRIS BOHJALIAN

Mr. LEAHY. Mr. President, Vermont boasts many talented artists, creators, composers and authors. Not least among them is Chris Bohjalian of Lincoln, an accomplished writer whose recent novel, *The Sandcastle Girls*, is drawing the praise and accolades of critics and readers alike. Marcelle and I were inspired by the story Chris has committed to the printed page; it is a novel that I believe will secure his place among the most accomplished writers of the 21st Century.

I read with interest an interview with Chris published in Vermont's Burlington Free Press on July 15. Like many artists and authors, Chris drew from his own heritage in his case, Armenian—to pen a moving story of compassion and perseverance amid horror and tragedy. Perhaps this is why he has called *The Sandcastle Girls* the “most important book” he will ever write.

Chris is a longtime friend, and I have always enjoyed reading his works. *The Sandcastle Girls* is an achievement that stands apart and will deeply affect its readers.

I ask unanimous consent to have printed in the RECORD the article, “The Most Important Book I Will Ever Write.”

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Burlington Free Press, July 15, 2012]

“THE MOST IMPORTANT BOOK I WILL EVER WRITE”—BOHJALIAN TALKS ABOUT ‘THE SANDCASTLE GIRLS’

(By Sally Pollak)

Chris Bohjalian is a novelist who lives in Lincoln. Bohjalian, 51, writes a Sunday column for the Burlington Free Press. “*The Sandcastle Girls*,” his 14th novel, comes out Tuesday. In a recent conversation with Free Press reporter Sally Pollak, Bohjalian said “*The Sandcastle Girls*” is the most important novel he will ever write. He said, as well, he thinks it’s the best book he’s ever written.

“*The Sandcastle Girls*” is set in Aleppo, Syria, during the Armenian genocide, nearly a century in the past. The story centers around a young American woman, Elizabeth Endicott, who travels to the Middle East to assist Armenian refugees. She befriends (and aids) a group of interesting people, and falls in love with an Armenian engineer who has suffered devastating losses.

The book is narrated by a contemporary American novelist of Armenian heritage, Laura Petrosian. Bohjalian says Petrosian is a female version of himself.

BFP: What compelled you to write this book?

CB: This is the second time I’ve tried to write about the Armenian genocide. I tried to write about it when I finished “*Water Witches*,” prior to writing “*Midwives*.” I wrote an entire novel called “*Sugar Daddy*.” Terrible book, never published.

Not only was it a terrible, terrible book, but about this time Carol Edgarian wrote “*Rise the Euphrates*” about the Armenian genocide.

And I remember thinking to myself, Why does the world need my book when it has “*Rise the Euphrates*?”

Rather than try to save the novel I went onto my next project, a novel about a midwife who dies in childbirth, and wrote that book instead.

I was about 100 pages into the manuscript about the *Sandcastle Girls* when Mark Mustian published his interesting and marvelous novel about the genocide, “*The Gardame*.” Once again I thought the world doesn’t need my novel.

But I was so emotionally invested in these characters, I cared so much about the story, that I soldiered on and finished it. I’m really glad I did. I love this novel. Elizabeth Endicott, Nevart and Hatoun are my three favorite female characters, along with Sibyl Danfroth in “*Midwives*,” that I’ve ever written.

BFP: “*The Sandcastle Girls*” is a mystery, a love story and a narrative of war. How do you approach writing a novel that weaves together these themes?

CB: Those elements are woven together through the characters. I know when I read a novel, I’m interested in characters I care about. And so when I began this book I began with the people, I began with the characters. And I do care so deeply about the characters in this book, especially those women.

BFP: How did you come up with “the compound” in your novel, the setting for much of the action and the place where many of your characters live?

CB: Partly, I was simply after historical authenticity: Where would Elizabeth Endicott, an American, be living? Then, however, I saw the importance of the juxtaposition of where Elizabeth lays her head at night compared to where the refugees who are coming from the desert are sleeping. The square of the citadel is an innermost ring of Dante’s inferno, compared to the compound.

BFP: Did you know when you started writing the book how you were going to resolve it?

CB: I never know where my books are going when I begin them. I depend upon my characters to take me by the hand and lead me through the dark of the story. I didn’t know this novel was even going to have a component that was mysterious when I began it. All I knew was that I wanted to examine what my narrator calls the “*Slaughter You Know Next to Nothing About*.”

BFP: Can you describe the sense of responsibility or obligation you might have felt writing a novel that would tell people something about this mass killing, now a century in the past?

CB: I know in my heart this is the most important book I’m ever going to write. I’m telling a story that is not known but was precedent-setting for some of the most horrific tragedies and crimes of the last century. There’s a direct line between the Armenian genocide, the Holocaust, the killing fields of Cambodia, Bosnia, Rwanda. It’s a long list.

In 1915, there were roughly two million Armenians living in the Ottoman empire. By the end of the First World War, 1.5 million would be dead, three out of every four of them. In 1915, I had four Armenian great-grandparents. By the end of that year, at least one would be dead. Both of my Armenian grandparents are genocide survivors.

My family history is a part of that horrific global narrative. So when I started this

book, I began with the personal. My narrator, Laura Petrosian, is a female version of me. That’s my grandparents’ house in the novel.

Elizabeth Endicott and Armen Petrosian (central characters in the book) are not my grandparents. They are completely fictional.

BFP: When did your grandparents, Leo and Haigoooh Bohjalian, come to this country?

CB: There were two points of arrival. I believe my grandfather, Leo, first arrived here in 1920 but he didn’t stay. He went back to get my grandmother and they lived in Paris until late 1927, or very early 1928.

BFP: What do you know about your own Armenian ancestors? And how does your family’s history figure into this work?

CB: I know almost nothing about my Armenian ancestry; I know even less about my (maternal) Swedish ancestry.

I don’t know what demons dogged my mother and father, but they never talked to me about their childhoods. That’s why perhaps “*The Sandcastle Girls*” is a novel and not a memoir. I couldn’t tell you enough about my Armenian and Swedish ancestors to write a memoir. I have wondered if I am going to learn a lot about my (Armenian) ancestors when this book comes out, which would be great.

My aunt believes that Haigoooh’s father (Bohjalian’s great-grandfather) was murdered by Turkish soldiers because he supplied horses to the army. They killed the Armenians and took the horses.

The history of “*The Sandcastle Girls*” is accurate. I did my research and I did my homework. I believe that Aleppo of 1915 (where the novel is set) is the real thing.

I knew so little about the Armenian genocide as a child, and what my grandparents must have endured, that I saw no irony in the fact that my first serious girlfriend when I was 13 and 14 years old was Turkish. I understood as a child that my grandparents were from Armenia and were magnificently exotic, by the standards of both grandparents. My mother really did call their house the Ottoman Annex of the Metropolitan Museum of Art. Their English, up to as late as 1970, was heavily accented.

BFP: Your father, Aram Bohjalian, died last summer, about a year before the publication of “*The Sandcastle Girls*.” Did you get a chance to talk to him about the book? What were his feelings about the novel?

CB: My father’s eyesight had been diminished by macular degeneration for so long, he was not able to read even large-print books. That photograph (of Bohjalian’s father and grandparents) is one of many photographs that my dad and I pored over the last two years of his life. Because he was so ill, I was visiting him a lot. The way I would try to take his mind off the pain he was in was to get out family photo albums and ask him to tell me stories, ask him to tell me about the different people in the photographs. A lot of it he didn’t know.

My father, as a first generation son of immigrants, in many ways distanced himself as much as he could from his Armenian ancestry. He grew up in a house in Westchester County in which everyone spoke Armenian or Turkish. When he started kindergarten, he spoke not a single word of English. He didn’t even know how to ask where the bathroom was. In terms of distancing himself from his Armenain ancestry, he became as American as possible.

He was not as handsome as Don Draper in “*Mad Men*” but he was a Mad Man. He was an advertising executive at large New York City ad agencies.

I think my father knew more than he wanted to share with me. He had mixed emotions about it. On the one hand, he was always really proud of me; even when his eyesight was gone, he loved listening to my books on audio, even the bad ones.

But I think he also felt that this story was too painful for a novel. I remember once reminding him when we talked about this that I had written novels about a woman dying in childbirth, a couple who had their twin daughters washed away in a flood, the Holocaust, and a domestic abuse murder-suicide. And I also told him that as an Armenian-American, I felt an incredible desire to write this story because it feels so much a part of me.

BFP: Can you tell us something about your recent trip to Armenia and Lebanon?

CB: The principal driving force that led me to Armenia was the death of my father, and not simply his death but his illness. The more time I spent looking at old family photographs, the more time I spent seeing images of Leo and Haigoo, the more I felt this profound desire to see Mount Ararat.

I have never in my life been outside Vermont and felt less like a stranger in a strange land, than when I was in Yerevan, Armenia. I was so happy there in ways I hadn't expected.

BFP: "The Sandcastle Girls" will be released Tuesday. Are you nervous as publication approaches?

CB: I've never been as emotionally invested in how people respond to a book as I am with this one. Because this is the most important book I will ever write. And I think it's the best book I've ever written. And the reason why it's the most important book is pure and simple: because it's about the "Slaughter You Know Next to Nothing About."

#### ADDITIONAL STATEMENTS

##### STENNIS CENTER PROGRAM FOR CONGRESSIONAL INTERNS

• Mr. KOHL. Mr. President, for 10 years, summer interns working in Congressional offices have benefited from a program run by the John C. Stennis Center for Public Service Leadership. This 6-week program is designed to enhance their internship experience by giving them an inside view of how Congress works and a deeper appreciation for the role that Congress plays in our democracy. Each week, the interns meet with senior congressional staff and other experts to discuss issues such as the legislative process, separation of powers, balancing governing and campaigning, political polarization, and more. My office has had the benefit of hosting Stennis interns over years and I know it contributes to a richer experience for all who participate.

Interns are selected for this program based on their college record, community service experience, and interest in a career in public service. This year, 28 outstanding interns, most of them juniors and seniors in college who are working in Republican and Democratic offices in both the House and Senate, have taken part.

I congratulate the interns for their involvement in this valuable program

and I thank the Stennis Center and the Senior Stennis Fellows for providing such a meaningful experience for these interns and for encouraging them to consider a future career in public service.

I ask that a list of 2012 Stennis Congressional Interns and the offices in which they work be printed in the RECORD.

The list follows.

Nick Briggs, attending Brown University, interning in the office of Rep. JIM MCGOVERN;

Julia Caulfield, attending Western Washington University, interning in the office of Sen. MARK BEGICH;

Ryan Clarke, attending the University of North Florida, interning in the office of the House Democratic Leader;

Rebecca Dailey, attending Boston College, interning in the office of Sen. MARK BEGICH; Myranda Elliott, attending Hofstra University, interning in the office of Rep. PAUL GOSAR;

Robert Glass, attending Georgia Southwestern State University, interning in the office of Rep. JOHN BARROW;

Alison Gocke, attending Princeton University, interning in the House Committee on Natural Resources;

Sadhna Gupta, attending Duke University, interning in the office of Rep. JIM MCGOVERN;

Geoff Henderson, attending Haverford College, interning in the House Committee on Foreign Affairs;

Katie Hill, attending Brown University, interning in the office of Rep. DAVID CICILLINE;

Kayla Howe, attending The Monterey Institute of International Studies, interning in the House Committee on Foreign Affairs;

Dan Hsieh, attending Seattle University School of Law, interning in the office of Sen. MIKE ENZI;

Elizabeth Joseph, attending the University of Texas at Austin, interning in the office of Sen. THAD COCHRAN;

Isabella Leavitt, attending Arizona State University, interning in the office of Rep. RAUL GRIJALVA;

Ju Young Lee, attending Claremont McKenna College, interning in the office of Rep. BARBARA LEE;

Hunter Ligon, attending the University of Oklahoma, interning in the office of Rep. JAMES LANKFORD;

Jennifer Lundemo, attending Dickinson State University, interning in the office of Sen. KENT CONRAD;

Ty McNamee, attending the University of Wyoming, interning in the office of Sen. MIKE ENZI;

Zach Ostro, attending the University of Maryland Francis King Carey School of Law, interning in the office of Rep. MARCIA FUDGE;

James Pollack, attending Harvard University, interning in the office of Rep. JACKIE SPEIER;

Stephanie Rice, attending Boston College, interning in the House Committee on Financial Services;

Sterling Robinson, Jr., attending Hofstra Law School, interning in the office of Rep. CHARLES RANGEL;

Amir Rowe, attending St. John's University, interning in the office of Rep. CHARLES RANGEL;

Ray Salazar, attending Hawaii Pacific University, interning in the office of Rep. COLLEEN HANABUSA;

Mike Sardano, attending New England Law Boston, interning in the Senate Committee on Rules and Administration;

Elizabeth Teagle, attending the University of Georgia, interning in the office of Sen. SAXBY CHAMBLISS;

Kanoe Tjorvatjoglou, attending George Mason University, interning in the office of Rep. COLLEEN HANABUSA;

Guy Wood, attending Princeton University, interning in the office of Sen. THAD COCHRAN. •

##### TRIBUTE TO MAJOR GENERAL TIMOTHY J. LOWENBERG

• Mrs. MURRAY. Mr. President, today I wish to recognize Major General Timothy J. Lowenberg for his exemplary record of service to the Washington National Guard, Washington State, and the United States of America.

MG Timothy J. Lowenberg will retire on July 31, 2012 after a distinguished career with the Washington National Guard and 44 years of military service to this country. General Lowenberg has been the Adjutant General for Washington State since September 1999 and in this role he has served as the commander of all Washington National Guard forces, Director of Washington State's Emergency Management programs, and Homeland Security Advisor to the Governor of Washington. Beyond these already extensive responsibilities, General Lowenberg is recognized nationally for his work on Homeland Security policy. In a defining mark of General Lowenberg's forward-leaning leadership, he established the Washington State Domestic Security Infrastructure in 1999, prior to the events of 9/11. This collaborative effort to establish a Statewide system capable of responding to major disaster events preceded the establishment of the Department of Homeland Security by several years.

While his list of titles would be a strong credit to any individual, an equally impressive aspect of General Lowenberg's career has been his ability to provide this leadership during one of the most dynamic periods of Washington State's history. During his tenure, General Lowenberg has led Washington State in the response to 53 Governor Emergency Proclamations, 10 Presidential Major Disaster Declarations, and one Presidential Emergency Declaration. Beyond the sheer volume of emergencies General Lowenberg has addressed during his time as Adjutant General, he has displayed great flexibility and a talent for adapting to the needs of any given situation. One of his signature accomplishments was working with me and others toward the establishment of the 2010 Olympics Security Committee and the construction of the 2010 Olympic Coordination Center. In the years that led up to the 2010 Vancouver Winter Olympics, General Lowenberg recognized the need for local, State, Federal, and international cooperation to ensure an effective and smooth response to the games. He managed to operate this committee without the benefit of a National Security

Special Event designation, achieving the desired outcome without the benefit of additional funding.

Had General Lowenberg spent his time as Adjutant General only responding to emergencies and planning for disasters, he would still have been able to retire as one of the most accomplished Adjutant Generals in the country, but he also commanded the Washington National Guard during a time of war. Though it is easy to forget, our world looked quite different in 2001. The servicemembers who initially deployed to Afghanistan and Iraq didn't have Mine Resistant Ambush Protected vehicles, up-armored Humvees, or even the kind of extensive body armor we see today. Some National Guard members deployed to war zones without body armor, necessary equipment, or even vehicles. In the face of these hardships, General Lowenberg and the Washington National Guard stood fast and persevered. Over the last decade Washington Guard members have deployed and sacrificed alongside the Active-Duty military again and again, and in the words of former Secretary of Defense Robert Gates, the Washington National Guard and all State Guard members have changed from, "a strategic reserve to an integral part of the operational force."

While these brave servicemembers were deployed, General Lowenberg worked with me to modernize Cold War-era benefits that no longer sufficiently supported the post-9/11 Guard members and their families. Guard members deploying in the early half of the last decade were doing so without the promise of adequate veterans' benefits, without appropriate TRICARE benefits for their families, and without the skilled behavioral health resources to keep pace with the toll that repeated deployments would eventually take. General Lowenberg pushed for improved Guard member access to TRICARE and VA benefits, and to make sure that Guard members and members of the Reserve component have improved access to the behavioral health specialists they need while they are on inactive duty or on annual training.

When these Guard members came back from deployment, they came home to a country that was well intentioned but not well prepared to receive them. When Washington Guard members began returning from their first deployments to Iraq, unemployment for some units was extremely high. I have never accepted the premise that it is acceptable for servicemembers who have sacrificed so much to return home from deployment and struggle to find work to support their families, and neither has General Lowenberg. General Lowenberg fought for funding for the Yellow Ribbon Reintegration program and to expand efforts such as the Washington State Joint Services Support

Directorate, J9, program to help more Guard members find employment. The positive impact from these programs helped the men and women of the Washington Guard find stable work and these efforts became such a success that the lessons from these programs have spread throughout the country. Members of the Washington Guard now boast an unemployment rate below the national average and the work that General Lowenberg put into reducing Guard unemployment laid the foundation for my VOW to Hire Heroes Act and other efforts to help veterans access secure employment, including overhauling the Transition Assistance program for the first time in 20 years and making it mandatory.

These changes to National Guard since 1999 have been historic, but General Lowenberg has always maintained the ability to understand what is important. Out of all the memories I have of General Lowenberg, the ones that will stay with me the longest are from the catastrophic flooding that hit Washington in January 2009. The Washington State flood of 2009 caused the biggest urban evacuation in the history of the State, and I cannot begin to describe the scene that I witnessed out of the back of a Chinook as General Lowenberg and I surveyed the damage. That flood broke levees, shut down Interstate 5, and compromised the integrity of Howard Hanson Dam. Through all of that chaos and the lengthy effort to move Federal funding to repair the Howard Hanson Dam, General Lowenberg directed relief, recovery operations, and preparedness efforts with an unparalleled understanding of emergency management that didn't ignore the effects that flood and damaged dam had on small communities and individuals. Under General Lowenberg, Washington State had the best possible leadership for these and other demanding situations.

I join the people of Washington State in congratulating General Lowenberg on an impressive career, and I look forward to seeing what he will accomplish in what I know will be an active retirement.

General Lowenberg, thank you for your service. You will be missed. ●

#### REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS ORIGINALLY DECLARED IN EXECUTIVE ORDER 13441 WITH RESPECT TO LEBANON—PM 59

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, within 90 days prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency declared with respect to the actions of certain persons to undermine the sovereignty of Lebanon or its democratic processes and institutions is to continue in effect beyond August 1, 2012.

Certain ongoing activities, such as continuing arms transfers to Hizballah that include increasingly sophisticated weapons systems, undermine Lebanese sovereignty, contribute to political and economic instability in the region, and continue to constitute an unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared on August 1, 2007, to deal with that threat and the related measures adopted on that date to respond to the emergency.

BARACK OBAMA.  
THE WHITE HOUSE, July 24, 2012.

#### MESSAGE FROM THE HOUSE

At 2:18 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1335. An act to amend title 49, United States Code, to provide rights for pilots, and for other purposes.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1237. An act to provide for a land exchange with the Trinity Public Utilities District of Trinity County, California, involving the transfer of land to the Bureau of Land Management and the Six Rivers National Forest in exchange for National Forest System land in the Shasta-Trinity National Forest, and for other purposes.

H.R. 1369. An act to designate the facility of the United States Postal Service located at 1021 Pennsylvania Avenue in Hartshorne, Oklahoma, as the "Warren Lindley Post Office".

H.R. 2467. An act to take certain Federal lands in Mono County, California, into trust for the benefit of the Bridgeport Indian Colony.

H.R. 2896. An act to designate the facility of the United States Postal Service located at 369 Martin Luther King, Jr. Drive in Jersey City, New Jersey, as the "Judge Shirley A. Tolentino Post Office Building".

H.R. 3388. An act to amend the Wild and Scenic Rivers Act to designate a segment of the Beaver, Chipuxet, Queen, Wood, and

Pawcatuck Rivers in the States of Connecticut and Rhode Island for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes.

H.R. 3477. An act to designate the facility of the United States Postal Service located at 133 Hare Road in Crosby, Texas, as the Army First Sergeant David McNerney Post Office Building.

H.R. 3556. An act to designate the new United States courthouse in Buffalo, New York, as the "Robert H. Jackson United States Courthouse".

H.R. 3593. An act to designate the facility of the United States Postal Service located at 787 State Route 17M in Monroe, New York, as the "National Clandestine Service of the Central Intelligence Agency NCS Officer Gregg David Wenzel Memorial Post Office".

H.R. 3742. An act to designate the United States courthouse located at 100 North Church Street in Las Cruces, New Mexico, as the "Edwin L. Mechem United States Courthouse".

H.R. 3870. An act to designate the facility of the United States Postal Service located at 6083 Highway 36 West in Rose Bud, Arkansas, as the "Nicky 'Nick' Daniel Bacon Post Office".

H.R. 4347. An act to designate the United States courthouse located at 709 West 9th Street in Juneau, Alaska, as the "Robert Boochever United States Courthouse".

H.R. 4484. An act to provide for the conveyance of a small parcel of National Forest System land in the Uinta-Wasatch-Cache National Forest in Utah to Brigham Young University, and for other purposes.

H.R. 5837. An act to designate the facility of the United States Postal Service located at 26 East Genesee Street in Baldwinsville, New York, as the "Corporal Kyle Schneider Post Office Building".

H.R. 5859. An act to repeal an obsolete provision in title 49, United States Code, requiring motor vehicle insurance cost reporting.

H.R. 5958. An act to name the Jamaica Bay Wildlife Refuge Visitor Contact Station of the Jamaica Bay Wildlife Refuge unit of Gateway National Recreation Area in honor of James L. Buckley.

#### ENROLLED BILL SIGNED

The message further announced that the Speaker has signed the following enrolled bill:

H.R. 2527. An act to require the Secretary of the Treasury to mint coins in recognition and celebration of the National Baseball Hall of Fame.

The enrolled bill was subsequently signed by the President pro tempore (Mr. INOUE).

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1237. An act to provide for a land exchange with the Trinity Public Utilities District of Trinity County, California, involving the transfer of land to the Bureau of Land Management and the Six Rivers National Forest in exchange for National Forest System land in the Shasta-Trinity National Forest, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1369. An act to designate the facility of the United States Postal Service located at 1021 Pennsylvania Avenue in Hartshorne, Oklahoma, as the "Warren Lindley Post Of-

fice"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 2467. An act to take certain Federal lands in Mono County, California, into trust for the benefit of the Bridgeport Indian Colony; to the Committee on Indian Affairs.

H.R. 2896. An act to designate the facility of the United States Postal Service located at 369 Martin Luther King Jr. Drive in Jersey City, New Jersey, as the "Judge Shirley A. Tolentino Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3388. An act to amend the Wild and Scenic Rivers Act to designate a segment of the Beaver, Chipuxet, Queen, Wood, and Pawcatuck Rivers in the States of Connecticut and Rhode Island for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3477. An act to designate the facility of the United States Postal Service located at 133 Hare Road in Crosby, Texas, as the Army First Sergeant David McNerney Post Office Building; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3593. An act to designate the facility of the United States Postal Service located at 787 State Route 17M in Monroe, New York, as the "National Clandestine Service of the Central Intelligence Agency NCS Officer Gregg David Wenzel Memorial Post Office"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3742. An act to designate the United States courthouse located at 100 North Church Street in Las Cruces, New Mexico, as the "Edwin L. Mechem United States Courthouse"; to the Committee on Environment and Public Works.

H.R. 3870. An act to designate the facility of the United States Postal Service located at 6083 Highway 36 West in Rose Bud, Arkansas, as the "Nicky 'Nick' Daniel Bacon Post Office"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4484. An act to provide for the conveyance of a small parcel of National Forest System land in the Uinta-Wasatch-Cache National Forest in Utah to Brigham Young University, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 5837. An act to designate the facility of the United States Postal Service located at 26 East Genesee Street in Baldwinsville, New York, as the "Corporal Kyle Schneider Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5859. An act to repeal an obsolete provision in title 49, United States Code, requiring motor vehicle insurance cost reporting; to the Committee on Commerce, Science, and Transportation.

H.R. 5958. An act to name the Jamaica Bay Wildlife Refuge Visitor Contact Station of the Jamaica Bay Wildlife Refuge unit of Gateway National Recreation Area in honor of James L. Buckley; to the Committee on Environment and Public Works.

#### MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 3420. A bill to permanently extend the 2001 and 2003 tax cuts, to provide for permanent alternative minimum tax relief, and to repeal the estate and generation-skipping transfer taxes, and for other purposes.

#### MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 3429. A bill to require the Secretary of Veterans Affairs to establish a veterans jobs corps, and for other purposes.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-6910. A communication from the Director of the Regulatory Review Group, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Disaster Designation Process" (RIN0560-AH17) received in the Office of the President of the Senate on July 18, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6911. A communication from the Under Secretary, Rural Development, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Federal Deposit Insurance Corporation Limit Change" (RIN0575-AC94) received in the Office of the President of the Senate on July 18, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6912. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Trifloxystrobin; Pesticide Tolerance" (FRL No. 9354-8) received in the Office of the President of the Senate on July 19, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6913. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Difenoconazole; Pesticide Tolerances" (FRL No. 9354-9) received in the Office of the President of the Senate on July 19, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6914. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Irradiation Treatment; Location of Facilities in the Southern United States" ((RIN0579-AD35) (Docket No. APHIS-2009-0100)) received in the Office of the President of the Senate on July 23, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6915. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, an annual report relative to the implementation of the Formaldehyde Standards for Composite Wood Products Act; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6916. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Charles E. Stenner, Jr., United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-6917. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Thomas J. Owen, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-6918. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting the report of an officer authorized to wear the insignia of the grade of major general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-6919. A communication from the Chairman, Defense Nuclear Facilities Safety Board, transmitting the Board's Report to Congress on the Status of Significant Unresolved Issues with the Department of Energy's Design and Construction Projects; to the Committee on Armed Services.

EC-6920. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to the current and future military strategy of Iran (DCN OSS 2012-1130); to the Committee on Armed Services.

EC-6921. A communication from the Secretary, Division of Trading and Markets, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Commission Guidance Regarding Definitions of Mortgage Related Security and Small Business Related Security" (RIN3235-AL33) received in the Office of the President of the Senate on July 18, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-6922. A communication from the Secretary, Division of Trading and Markets, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Consolidated Audit Trail" (RIN3235-AK51) received in the Office of the President of the Senate on July 19, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-6923. A communication from the Secretary, Division of Trading and Markets, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Further Definition of 'Swap', 'Security-Based-Swap', and 'Security-Based Swap Agreement'; Mixed Swaps; Security-Based Swap Agreement Recordkeeping" (RIN3235-AK65) received in the Office of the President of the Senate on July 19, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-6924. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64) (Docket No. FEMA-2012-0003)) received in the Office of the President of the Senate on July 18, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-6925. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" ((44 CFR Part 67) (Docket No. FEMA-2012-0003)) received in the Office of the President of the Senate on July 18, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-6926. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Export and Reexport Controls to Rwanda and United Nations Sanctions under the Export Administration Regulations" (RIN0694-AF31) received in the Office of the President of the Senate on July 18, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-6927. A communication from the Senior Counsel for Regulatory Affairs, Domestic Fi-

nance, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Calculation of Maximum Obligation Limitation" (RIN1505-AC36) received in the Office of the President of the Senate on July 19, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-6928. A communication from the White House Liaison, Department of Health and Human Services, transmitting, pursuant to law, the report of a vacancy in the position of Administrator, Centers for Medicare and Medicaid Services, received in the Office of the President of the Senate on July 19, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-6929. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, a report relative to a vacancy in the position of Assistant Secretary, Community Planning and Development, received in the Office of the President of the Senate on July 19, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-6930. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to the Socialist Republic of Vietnam; to the Committee on Banking, Housing, and Urban Affairs.

EC-6931. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 12947 with respect to terrorists who threaten to disrupt the Middle East peace process; to the Committee on Banking, Housing, and Urban Affairs.

EC-6932. A communication from the Chairman, Securities and Exchange Commission, transmitting, pursuant to law, the 2011 Annual Report of the Securities Investor Protection Corporation (SIPC); to the Committee on Banking, Housing, and Urban Affairs.

EC-6933. A joint communication from the President and Chief Executive Officer and the Chief Accounting and Administrative Officer, Federal Home Loan Bank of Seattle, transmitting, pursuant to law, the Bank's 2011 Annual Report; to the Committee on Banking, Housing, and Urban Affairs.

EC-6934. A communication from the White House Liaison, Department of Energy, transmitting, pursuant to law, (15) fifteen reports relative to vacancies in the Department of Energy, received in the Office of the President of the Senate on July 18, 2012; to the Committee on Energy and Natural Resources.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. VITTER:

S. 3424. A bill to prohibit the sale of billfish; to the Committee on Commerce, Science, and Transportation.

By Mrs. McCASKILL:

S. 3425. A bill to amend the Worker Adjustment and Retraining Notification Act to provide a notice requirement regarding offshoring; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MERKLEY (for himself, Mr. UDALL of New Mexico, and Mr. DURBIN):

S. 3426. A bill to amend the Truth in Lending Act to address certain issues related to the extension of consumer credit, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KOHL:

S. 3427. A bill to permanently extend the employer-provided child care credit under section 45F of the Internal Revenue Code of 1986; to the Committee on Finance.

By Mr. CARDIN:

S. 3428. A bill to amend the Clean Air Act to partially waive the renewable fuel standard when corn inventories are low; to the Committee on Environment and Public Works.

By Mr. NELSON of Florida (for himself and Mrs. MURRAY):

S. 3429. A bill to require the Secretary of Veterans Affairs to establish a veterans jobs corps, and for other purposes; read the first time.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. NELSON of Florida (for himself, Mr. MENENDEZ, and Mr. RUBIO):

S. Res. 525. A resolution honoring the life and legacy of Oswaldo Paya Sardinias; to the Committee on Foreign Relations.

By Mr. KERRY (for himself, Ms. SNOWE, Mr. DURBIN, and Mr. BROWN of Massachusetts):

S. Res. 526. A resolution designating November 2012 as "Stomach Cancer Awareness Month" and supporting efforts to educate the public about stomach cancer; to the Committee on the Judiciary.

By Ms. MURKOWSKI (for herself, Mr. REED, Mr. BEGICH, Mr. REID, Mr. CORKER, Mr. INHOFE, Ms. SNOWE, Mr. LIEBERMAN, Mr. COCHRAN, Mrs. MURRAY, Mr. CHAMBLISS, Mr. WICKER, Mr. WHITEHOUSE, Mr. BROWN of Massachusetts, Mrs. HUTCHISON, Mr. BAUCUS, Mr. TESTER, Mr. INOUE, Ms. MIKULSKI, Ms. COLLINS, Mr. BLUMENTHAL, Mr. BURR, Mrs. HAGAN, and Mr. MCCONNELL):

S. Res. 527. A resolution designating August 16, 2012, as "National Airborne Day"; considered and agreed to.

By Mr. CARDIN (for himself and Mr. CHAMBLISS):

S. Res. 528. A resolution recognizing the 100th anniversary of the American Podiatric Medical Association, the preeminent organization representing podiatric medicine and surgery, celebrating its achievements, and encouraging the association to continue providing guidance on foot and ankle health issues to the people of the United States and of the world; considered and agreed to.

By Mr. UDALL of Colorado (for himself, Mr. BENNET, Mr. REID, Mr. MCCONNELL, Mr. AKAKA, Mr. ALEXANDER, Ms. AYOTTE, Mr. BARRASSO, Mr. BAUCUS, Mr. BEGICH, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DURBIN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr.

GRAHAM, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mr. HELLER, Mr. HOEVEN, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JOHANNIS, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Mr. KERRY, Mr. KIRK, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEE, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MANCHIN, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PAUL, Mr. PORTMAN, Mr. PRYOR, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. RUBIO, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. TOOMEY, Mr. UDALL of New Mexico, Mr. VITTER, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN):

S. Con. Res. 53. A concurrent resolution honoring the victims of the Aurora, Colorado, movie theater shooting and condemning the atrocities that occurred in Aurora, Colorado; to the Committee on the Judiciary.

#### ADDITIONAL COSPONSORS

S. 137

At the request of Mrs. FEINSTEIN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 137, a bill to amend the Public Health Service Act to provide protections for consumers against excessive, unjustified, or unfairly discriminatory increases in premium rates.

S. 239

At the request of Ms. KLOBUCHAR, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 239, a bill to support innovation, and for other purposes.

S. 432

At the request of Mrs. FEINSTEIN, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 432, a bill to provide for environmental restoration activities and forest management activities in the Lake Tahoe Basin, and for other purposes.

S. 697

At the request of Mr. CASEY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 697, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for amounts paid by a spouse of a member of the Armed Services for a new State license or certification required by reason of a permanent change in the duty station of such member to another State.

S. 881

At the request of Ms. LANDRIEU, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 881, a bill to amend the Consumer Credit Protection Act to assure meaningful

disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide substantive rights to consumers under such agreements, and for other purposes.

S. 961

At the request of Mr. KERRY, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 961, a bill to create the income security conditions and family supports needed to ensure permanency for the Nation's unaccompanied youth, and for other purposes.

S. 1102

At the request of Mr. DURBIN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1102, a bill to amend title 11, United States Code, with respect to certain exceptions to discharge in bankruptcy.

S. 1269

At the request of Ms. SNOWE, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1269, a bill to amend the Elementary and Secondary Education Act of 1965 to require the Secretary of Education to collect information from coeducational secondary schools on such schools' athletic programs, and for other purposes.

S. 1299

At the request of Mr. MORAN, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. 1299, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Lions Clubs International.

S. 1421

At the request of Mr. PORTMAN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1421, a bill to authorize the Peace Corps Commemorative Foundation to establish a commemorative work in the District of Columbia and its environs, and for other purposes.

S. 1605

At the request of Mr. KERRY, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 1605, a bill to amend the Fair Housing Act, and for other purposes.

S. 1884

At the request of Mr. DURBIN, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 1884, a bill to provide States with incentives to require elementary schools and secondary schools to maintain, and permit school personnel to administer, epinephrine at schools.

S. 1935

At the request of Ms. COLLINS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S.

1935, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the 75th anniversary of the establishment of the March of Dimes Foundation.

At the request of Mrs. HAGAN, the names of the Senator from Iowa (Mr. HARKIN), the Senator from Rhode Island (Mr. REED), the Senator from Florida (Mr. RUBIO), the Senator from Pennsylvania (Mr. TOOMEY) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1935, supra.

S. 2347

At the request of Mr. CARDIN, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 2347, a bill to amend title XVIII of the Social Security Act to ensure the continued access of Medicare beneficiaries to diagnostic imaging services.

S. 3186

At the request of Mr. SCHUMER, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 3186, a bill to make it unlawful to alter or remove the identification number of a mobile device.

S. 3203

At the request of Mr. LAUTENBERG, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 3203, a bill to amend title 10, United States Code, to limit increases in the certain costs of health care services under the health care programs of the Department of Defense, and for other purposes.

S. 3237

At the request of Mr. WHITEHOUSE, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 3237, a bill to provide for the establishment of a Commission to Accelerate the End of Breast Cancer.

S. 3239

At the request of Mrs. FEINSTEIN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 3239, a bill to provide for a uniform national standard for the housing and treatment of egg-laying hens, and for other purposes.

S. 3244

At the request of Mr. FRANKEN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 3244, a bill to amend the Higher Education Opportunity Act to add disclosure requirements to the institution financial aid offer form and to amend the Higher Education Act of 1965 to make such form mandatory.

S. 3269

At the request of Mr. PAUL, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 3269, a bill to provide that no United States assistance may be provided to Pakistan until Dr. Shakil Afridi is freed.



S. 3384

At the request of Mr. BAUCUS, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 3384, a bill to extend supplemental agricultural disaster assistance programs.

S. 3395

At the request of Mr. MERKLEY, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 3395, a bill to amend the Federal Crop Insurance Act to extend certain supplemental agricultural disaster assistance programs.

S. 3397

At the request of Mr. HATCH, the names of the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. 3397, a bill to prohibit waivers relating to compliance with the work requirements for the program of block grants to States for temporary assistance for needy families, and for other purposes.

S. 3423

At the request of Mr. REED, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 3423, a bill to amend the Wild and Scenic Rivers Act to designate a segment of the Beaver, Chipuxet, Queen, Wood, and Pawcatuck Rivers in the States of Connecticut and Rhode Island for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes.

S.J. RES. 43

At the request of Mr. MCCONNELL, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S.J. Res. 43, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KOHL:

S. 3427. A bill to permanently extend the employer-provided child care credit under section 45F of the Internal Revenue Code of 1986; to the Committee on Finance.

Mr. KOHL. Mr. President, we know taxes are scheduled to increase for all Americans next year, and we know an across-the-board tax increase on all Americans would be very bad for our economy. What we disagree on is which tax cuts should be continued.

Unfortunately, this has become a highly partisan debate. Someone watching this debate would assume we cannot agree on anything when it comes to taxes, but they would be wrong. We do agree on far more than we disagree. We agree that middle-class tax rates should not go up. We agree that the alternative minimum tax should not affect middle-class taxpayers. We agree on a variety of tax

breaks that help families raise children and invest in their education. Our disagreements elsewhere should not stop us from acting where we do agree. We should cut through the partisan gridlock and pass the policies we all support.

One policy we can all support is a tax credit for companies that provide childcare to their workforce. This is a powerful and proven incentive for business—especially small business—to arrange onsite childcare for their employees.

I originally introduced this tax credit after we passed welfare reform in 1996. The purpose of welfare reform was to move recipients off benefits and into jobs—a path of financial freedom that is too often blocked by the lack of quality and affordable childcare. After years of work, we finally passed the employer-provided childcare tax credit in 2001. Since then, it has offered businesses a tax credit for building and maintaining a childcare center. Businesses can also receive a smaller tax credit for helping their employees find childcare elsewhere in the community.

Childcare is a good investment for employee and employer alike. Businesses get employees who miss less work to deal with family issues and stay at their jobs longer. Parents know their children are safe, sound, and close by while their mom or dad is at work. They do not have to choose between putting food on the table and caring for their children.

Now is not the time to add another stress to overstressed working families struggling to survive in a down economy. That is why today I am introducing a bill to continue the tax credit for employer-provided childcare. We all agree the employer-provided childcare tax credit should not expire. It is included in both tax bills we are considering this week and we should extend it now.

But support for childcare isn't the only thing the Republican and Democratic tax bills agree on. In fact, these two bills offer the same exact tax cut extension for the first \$250,000 earned by every American family. If a family makes \$1 more than that, they still get the same tax cut extension on their first \$250,000. Even millionaires get the same tax cut extension as everyone else. Everybody, including the wealthiest Americans, benefits from the tax cuts we all can and do support.

Bipartisan policies, such as a tax credit for employer-provided childcare or middle-class tax cuts, should not be held hostage because of a partisan debate about other tax cuts. When we all can agree on something, we should vote for it.

By Mr. CARDIN:

S. 3428. A bill to amend the Clean Air Act to partially waive the renewable fuel standard when corn inventories

are low; to the Committee on Environment and Public Works.

Mr. CARDIN. Mr. President, today I am proud to introduce the Renewable Fuel Standard Flexibility Act. I am introducing this bill because I have grave concerns about the impacts the Federal mandate for corn ethanol production is having on the price of food in this country and the cost of domestic food production.

Corn is a staple of the modern American diet that has become a ubiquitous ingredient or additive in most of our food and it is fed as feed to nearly all livestock animals. The fact is, most meals Americans consume either has corn as an essential ingredient or consist of ingredients that required corn to produce. From milk, to eggs, to beef to poultry, to bread, to soft drink, and most prepared frozen meals corn—is essential to American food.

The first section of Michael Pollan's 2006 Best Seller *The Omnivore's Dilemma: A Natural History of Four Meals* is titled "Industrial Corn" and it explains just how omnipresent corn, in some form or another, is in American diets. For better or for worse, the vast majority of the food found on American supermarket shelves is made from processed corn. When it comes to the animal proteins Americans consume most of these animals were raised on corn diets.

For decades, America's corn growers were out producing demand for corn and food producers, and consumers benefited from relatively low corn prices that ranged around \$2 a bushel. While consumers may have benefitted from these prices, American corn and grain growers were hurting badly.

Since 2007, the tides have been turning significantly. National demand for corn is at an all-time high and corn futures project corn reaching \$8 a bushel in the near future. A growing and hungry nation combined with new demands for corn that are the result of technological innovations have created new uses for corn in the form of ethanol as both a motor fuel additive and in plastics. These new uses, combined with expanded traditional uses have fueled the upward spike in corn prices.

Corn growers have benefitted tremendously from the increased demand and high corn prices. Ethanol producers have enjoyed a variety of government supports mandating levels of ethanol production which have helped them weather high corn prices paying a high price for corn feedstocks is relatively easy when you have enormous production tax credits and a federally mandated market for your product.

Food producers, including livestock and poultry producers, who use tremendous amounts of corn to raise their livestock and produce food, do not have the luxury of a mandated market for their products.



In Maryland, our number one agricultural product is poultry. Poultry production is far and away the top employer on Maryland's Eastern Shore. Maryland poultry is hurting and it is because they are competing with big oil, and other non-traditional users, for corn. Corn is vitally important to raising chickens. Unlike other livestock, like cattle or hogs which are ruminants that can eat a variety of different types of feed, chickens' diets are limited to corn. Feed makes up more than 73 percent of the cost of raising poultry and when corn reaches \$6.50 or \$7.00 or even \$8.00 a bushel that cost goes even higher.

I understand the important role domestic ethanol production will play in helping our nation achieve greater energy security. However, the nurturing and growth of our domestic biofuels industry must not come at the expense of our domestic food supply. In other words, we cannot sacrifice U.S. food security for energy security. That is why I do not support the use of food based feedstocks like sugar and corn to be commercially produced into ethanol.

I also believe that as global demand for oil increases, driven by increased mobility and affluence spreads in the developing world, renewable biofuels will compete well with oil and that the government supports we have in place will not be necessary because pure market demand for less expensive and cleaner burning fuels like ethanol will drive growth in biofuel production, not government mandates.

Because domestic food production is reaching a state of crisis driven by the increasing cost of inputs, like corn, that the food producers have to unfairly compete with industries that are operating with under government production mandates I am introducing legislation today that offers a simple change to the Renewable Fuel Standard that will help provide our domestic food producers access to corn.

This legislation will link the amount of corn ethanol required for the RFS to the amount of U.S. corn supplies. This legislation sets up a process so that when the USDA reports on U.S. corn supplies towards the end of each year, based upon the ratio of corn stocks- to expected use, there could be a reduction made to the RFS mandate for corn ethanol. This is a common sense solution to make sure that we have enough corn supplies to meet all of our corn demands.

Once a year, the Administrator of the Environmental Protection Agency will review the current corn crop year's ratio of U.S. corn stocks-to-use ratio in making a determination of the RFS.

By the end of November the Administrator of the Environmental Protection Agency will make an official determination of the Renewable Fuels Standard, RFS, corn ethanol mandate for the following calendar year, based

on the U.S. Department of Agriculture's November World Agricultural Supply and Demand Estimate report to determine the U.S. corn stocks-to-use ratio. The administrator shall provide for a waiver for the RFS for the following calendar year according to the calculated stocks to use ratio as directed. Such a waiver, if required, shall be included in the Environmental Protection Agency's Federal Register notice regarding the RFS for the following calendar year. The required waiver, if any, will take effect January 1 of the new calendar year.

Stocks-to-Use Ratio Percent	Waiver to the Renewable Fuels Standard for Corn Ethanol
Above 10.00 .....	no adjustment
10.00 to 7.50 .....	10 percent reduction
7.49 to 6.00 .....	15 percent reduction
5.99 to 5.00 .....	25 percent reduction
Below 5.00 .....	50 percent reduction

I believe the future of biofuels must be in the development and production of cellulosic and advanced biofuels that are not derived from feedstocks that are part of essential food sources. As a supporter of bringing cellulosic and advanced biofuels to market, my legislation explicitly states that it "shall not affect the volume of advanced biofuels required under" the Renewable Fuel Standard. This will leave intact the advanced biofuels production mandate which I believe is critical to growing this still nascent and beneficial fuel product to commercial viability.

Because of corn's many uses it has become a commodity that is in high demand. Assuring our domestic food producers' access to this valuable and increasingly scarce crop is so important to controlling the cost of food in America and maintaining the economic viability of our U.S. food companies. I urge my colleagues to support U.S. food producers and families working to put food on the table by co-sponsoring the Renewable Fuel Standard Flexibility Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3428

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Renewable Fuel Standard Flexibility Act".

#### SEC. 2. PARTIAL WAIVER OF RENEWABLE FUEL STANDARD.

Section 211(o)(7) of the Clean Air Act (42 U.S.C. 7545(o)(7)) is amended by adding at the end the following:

"(G) CONSIDERATION OF CORN INVENTORIES.—

"(i) DETERMINATIONS REGARDING CORN STOCKS-TO-USE RATIO.—Not later than November 30 of each year, the Administrator shall determine and publish the estimated United States corn stocks-to-use ratio for the applicable crop year—

"(I) in consultation with the Secretary of Agriculture; and

"(II) based on the most recent publication of the World Agricultural Supply and Demand Estimate or other similar authoritative estimate issued or used by the Secretary of Agriculture.

"(ii) WAIVER.—Based on the most recent determination of the Administrator under clause (i), the Administrator shall waive the requirements of paragraph (2) by reducing the national quantity of renewable fuel otherwise required for a period as follows:

"United States Corn Stocks-to-Use Ratio for the Applicable Crop Year (percent)	Reduction in national quantity of renewable fuel required
Above 10.0	No adjustment
10.0-7.5	10 percent reduction
7.49-6.0	15 percent reduction
5.99-5.0	25 percent reduction
Below 5.0	50 percent reduction

"(iii) DURATION.—A waiver under clause (ii) that is based on a determination under clause (i) that is made not later than November 30 of a calendar year shall—

"(I) take effect on the date that is 30 days after the date on which the determination is published; and

"(II) remain in effect for the following calendar year.

"(iv) ADJUSTMENT OF RENEWABLE FUEL OBLIGATION.—On granting a waiver under clause (ii) that reduces the national quantity of renewable fuel required for a period to which paragraph (3) applies, the Administrator shall adjust the renewable fuel obligation determined under paragraph (3) in proportion to the reduction.

"(v) NO EFFECT ON REQUIRED VOLUME OF ADVANCED BIOFUEL.—

"(I) IN GENERAL.—A waiver granted under this subparagraph that reduces the national quantity of renewable fuel required for a period shall not affect the volume of advanced biofuel required under paragraph (2).

"(II) APPLICABILITY.—The Administrator shall not allow any volume of conventional biofuel to be used to satisfy the requirement for advanced biofuel under paragraph (2).

"(vi) PUBLICATION.—The Administrator shall publish each waiver under clause (ii) in the Federal Register, including an explanation of the basis for the waiver."

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 525—HONORING THE LIFE AND LEGACY OF OSWALDO PAYA SARDINAS

Mr. NELSON of Florida (for himself, Mr. MENENDEZ, and Mr. RUBIO) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 525

Whereas, on Sunday, July 22, 2012, 60-year-old Cuban dissident and activist Oswaldo Payá Sardiñas died in a car crash in Bayamo, Cuba;

Whereas, at a young age, Oswaldo Payá Sardiñas criticized the communist government in Cuba, which led to his imprisonment at a work camp on Cuba's Isle of Youth in 1969;

Whereas, in 1988, Oswaldo Payá Sardiñas founded the Christian Liberation Movement as a nondenominational political organization to further civic and human rights in Cuba;

Whereas, in 1992, Oswaldo Payá Sardiñas announced his intention to run as a candidate to be a representative on the National Assembly of Popular Power of Cuba and, 2 days before the election, was detained by police at his home and determined by Communist Party officials to be ineligible to run for office because he was not a member of the Communist Party;

Whereas, in 1997, Oswaldo Payá Sardiñas collected hundreds of signatures to support his candidacy to the National Assembly of Popular Power, which was rejected by the electoral commission of Cuba;

Whereas the Constitution of Cuba supposedly guarantees the right to a national referendum on any proposal that achieves 10,000 or more signatures from citizens of Cuba who are eligible to vote;

Whereas, in 1998, Oswaldo Payá Sardiñas and other leaders of the Christian Liberation Movement created the Varela Project, a signature drive to secure a national referendum on "convert[ing] into law, the right of freedom of speech, the freedom of press and freedom of enterprise";

Whereas, in May 2002, the Varela Project delivered 11,020 signatures from eligible citizens of Cuba to the National Assembly of Popular Power, calling for an end to 4 decades of one-party rule, to which the Government of Cuba responded by beginning its own referendum that made Cuba's socialist system "irrevocable", even after an additional 14,000 signatures were added to the Varela Project petition;

Whereas the Varela Project is the largest civil society-led petition in the history of Cuba;

Whereas Oswaldo Payá Sardiñas bravely led the Varela Project at great risk to himself, his loved ones, and his associates;

Whereas, in March 2003, the Government of Cuba arrested 75 human rights activists, including 25 members of the Varela Project, in the crackdown known as Cuba's "Black Spring";

Whereas Oswaldo Payá Sardiñas's dedication to freedom and faith earned him the Sakarov Prize for Freedom of Thought from the European Parliament in 2002;

Whereas Oswaldo Payá Sardiñas received the W. Averell Harriman Democracy Award from the United States National Democratic Institute for International Affairs in 2003;

Whereas Oswaldo Payá Sardiñas was nominated for the Nobel Peace Prize by Václav Havel, the former president of the Czech Republic, in 2005; and

Whereas President Barack Obama stated, "We continue to be inspired by Payá's vision and dedication to a better future for Cuba, and believe that his example and moral leadership will endure." Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes and honors the life and exemplary leadership of Oswaldo Payá Sardiñas;

(2) offers heartfelt condolences to the family, friends, and loved ones of Oswaldo Payá Sardiñas;

(3) praises the bravery of Oswaldo Payá Sardiñas and his colleagues for collecting more than 11,000 verified signatures in support of the Varela Project;

(4) in memory of Oswaldo Payá Sardiñas, calls on the United States to continue policies that promote respect for the fundamental principles of religious freedom, democracy, and human rights in Cuba, in a manner consistent with the aspirations of the people of Cuba;

(5) in memory of Oswaldo Payá Sardiñas, calls on the Government of Cuba to provide

its citizens with internationally accepted standards for civil and human rights and the opportunity to vote in free and fair elections; and

(6) calls on the Government of Cuba to allow an impartial, third-party investigation into the circumstances surrounding the death of Oswaldo Payá Sardiñas.

#### SENATE RESOLUTION 526—DESIGNATING NOVEMBER 2012 AS "STOMACH CANCER AWARENESS MONTH" AND SUPPORTING EFFORTS TO EDUCATE THE PUBLIC ABOUT STOMACH CANCER

Mr. KERRY (for himself, Ms. SNOWE, Mr. DURBIN, and Mr. BROWN of Massachusetts) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 526

Whereas stomach cancer is one of the most difficult cancers to detect and treat in the early stages of the disease, which contributes to high mortality rates and human suffering;

Whereas stomach cancer is the second-leading cause of cancer mortality in the world;

Whereas, in 2011, an estimated 21,520 new cases of stomach cancer were diagnosed in the United States;

Whereas, in 2011, it was estimated that more than 10,000 people in the United States would die from stomach cancer;

Whereas the estimated 5-year survival rate for stomach cancer is only 28 percent;

Whereas approximately 1 in 114 individuals will be diagnosed with stomach cancer during their lifetimes;

Whereas an inherited form of stomach cancer carries a 67- to 83-percent risk that an individual will be diagnosed with stomach cancer by 80 years of age;

Whereas, in the United States, stomach cancer is more prevalent among racial and ethnic minorities;

Whereas better education for patients and health care providers is needed for the timely recognition of stomach cancer risks and symptoms;

Whereas more research into effective early diagnosis, screening, and treatment for stomach cancer is needed; and

Whereas November 2012 is an appropriate month to observe Stomach Cancer Awareness Month: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates November 2012 as "Stomach Cancer Awareness Month";

(2) supports efforts to educate the people of the United States about stomach cancer;

(3) recognizes the need for additional research into early diagnosis and treatment for stomach cancer; and

(4) encourages the people of the United States and interested groups to observe and support November 2012 as Stomach Cancer Awareness Month through appropriate programs and activities to promote public awareness of, and potential treatments for, stomach cancer.

#### SENATE RESOLUTION 527—DESIGNATING AUGUST 16, 2012, AS "NATIONAL AIRBORNE DAY"

Ms. MURKOWSKI (for herself, Mr. REED, Mr. BEGICH, Mr. REID of Nevada, Mr. CORKER, Mr. INHOFE, Ms. SNOWE,

Mr. LIEBERMAN, Mr. COCHRAN, Mrs. MURRAY, Mr. CHAMBLISS, Mr. WICKER, Mr. WHITEHOUSE, Mr. BROWN of Massachusetts, Mrs. HUTCHISON, Mr. BAUCUS, Mr. TESTER, Mr. INOUE, Ms. MIKULSKI, Ms. COLLINS, Mr. BLUMENTHAL, Mr. BURR, Mrs. HAGAN, and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 527

Whereas the members of the airborne forces of the Armed Forces of the United States have a long and honorable history as bold and fierce warriors who, for the national security of the United States and the defense of freedom and peace, project the ground combat power of the United States by air transport to the far reaches of the battle area and to the far corners of the world;

Whereas the experiment of the United States with airborne operations began on June 25, 1940, when the Army Parachute Test Platoon was first authorized by the Department of War, and 48 volunteers began training in July 1940;

Whereas August 16 marks the anniversary of the first official Army parachute jump, which took place on August 16, 1940, to test the innovative concept of inserting United States ground combat forces behind a battle line by means of a parachute;

Whereas the success of the Army Parachute Test Platoon in the days immediately before the entry of the United States into World War II validated the airborne operational concept and led to the creation of a formidable force of airborne formations that included the 11th, 13th, 17th, 82nd, and 101st Airborne Divisions;

Whereas, included in those divisions, and among other separate formations, were many airborne combat, combat support, and combat service support units that served with distinction and achieved repeated success in armed hostilities during World War II, and provide the lineage and legacy of many airborne units throughout the Armed Forces;

Whereas the achievements of the airborne units during World War II prompted the evolution of those units into a diversified force of parachute and air-assault units that, over the years, have fought in Korea, Vietnam, Grenada, Panama, the Persian Gulf region, and Somalia, and have engaged in peacekeeping operations in Lebanon, the Sinai Peninsula, the Dominican Republic, Haiti, Bosnia, and Kosovo;

Whereas, since the terrorist attacks of September 11, 2001, the members of the United States airborne forces, including members of the XVIII Airborne Corps, the 82nd Airborne Division, the 101st Airborne Division, the 173rd Airborne Brigade Combat Team, the 4th Brigade Combat Team (Airborne) of the 25th Infantry Division, the 75th Ranger Regiment, special operations forces of the Army, Marine Corps, Navy, and Air Force, and other units of the Armed Forces, have demonstrated bravery and honor in combat, stability, and training operations in Afghanistan and Iraq;

Whereas the modern-day airborne forces also include other elite forces composed of airborne trained and qualified special operations warriors, including Army Special Forces, Marine Corps Reconnaissance units, Navy SEALs, and Air Force combat control and para-rescue teams;

Whereas, of the members and former members of the United States airborne forces, thousands have achieved the distinction of

making combat jumps, dozens have earned the Medal of Honor, and hundreds have earned the Distinguished Service Cross, the Silver Star, or other decorations and awards for displays of heroism, gallantry, intrepidity, and valor;

Whereas the members and former members of the United States airborne forces are all members of a proud and honorable tradition that, together with the special skills and achievements of those members, distinguishes the members as intrepid combat parachutists, air assault forces, special operation forces, and, in the past, glider troops;

Whereas individuals from every State in the United States have served gallantly in the airborne forces, and each State is proud of the contributions of its paratrooper veterans during the many conflicts faced by the United States;

Whereas the history and achievements of the members and former members of the United States airborne forces warrant special expressions of the gratitude of the people of the United States; and

Whereas, since the airborne forces, past and present, celebrate August 16 as the anniversary of the first official jump by the Army Parachute Test Platoon, August 16 is an appropriate day to recognize as National Airborne Day: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates August 16, 2012, as “National Airborne Day”; and

(2) calls on the people of the United States to observe National Airborne Day with appropriate programs, ceremonies, and activities.

# SENATE RESOLUTION 528—RECOGNIZING THE 100TH ANNIVERSARY OF THE AMERICAN PODIATRIC MEDICAL ASSOCIATION, THE PREEMINENT ORGANIZATION REPRESENTING PODIATRIC MEDICINE AND SURGERY, CELEBRATING ITS ACHIEVEMENTS, AND ENCOURAGING THE ASSOCIATION TO CONTINUE PROVIDING GUIDANCE ON FOOT AND ANKLE HEALTH ISSUES TO THE PEOPLE OF THE UNITED STATES AND OF THE WORLD

Mr. CARDIN (for himself and Mr. CHAMBLISS) submitted the following resolution; which was considered and agreed to:

S. RES. 528

Whereas, in 1912, Alfred Joseph was the driving force behind the establishment of the National Association of Chiropodists (referred to as the “NAC” in this preamble), an organization dedicated to the needs and educational standards of chiropodists and to advancing and advocating for the profession of podiatric medicine and surgery for the benefit of its members and the public, and was elected the first president of the NAC;

Whereas, by 1922, most States had passed laws regulating the professional practice of chiropody;

Whereas, in 1922, the NAC began publishing the Journal of the National Association of Chiropodists and the NAC’s Council on Education began its first college accreditation activities;

Whereas, in 1943, the NAC ran an advertisement campaign in Life magazine highlighting the efforts of podiatrists to keep United States soldiers marching;

Whereas, in 1957, the NAC was renamed the American Podiatric Association (referred to as the “APA” in this preamble);

Whereas, in 1959, the APA established the Educational Foundation to advance the growth and stability of podiatric medicine through student scholarships and increased national awareness of foot and ankle health;

Whereas, in 1967, podiatric physicians were included as covered providers under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.);

Whereas, in 1971, all the colleges of podiatric medicine began granting the DPM (doctor of podiatric medicine) degree to students graduating from 4 years of podiatric medical training;

Whereas, in 1984, the APA was renamed the American Podiatric Medical Association to emphasize the profession as part of mainstream medical practice;

Whereas, in 2011, the Council on Podiatric Medical Education adopted the requirements of a 3 year podiatric medicine and surgery residency, which was approved for full graduate medical education funding by the Centers for Medicare and Medicaid Services;

Whereas the American Podiatric Medical Association regularly hosts medical and scientific meetings dedicated to highlighting and disseminating research findings and clinical advances in the prevention, detection, treatment, and cure of foot, ankle, and related conditions;

Whereas the American Podiatric Medical Association continues to meet its clinical and scientific mission through the publication of academic journals and clinical statements on the prevention, diagnosis, treatment, and cure of foot and ankle disorders, as well as through the provision of continuing medical education in foot and ankle care and through consumer education on foot and ankle health;

Whereas feet often reveal indicators of overall health, including signs of arthritis, diabetes, and nerve and circulatory disorders;

Whereas medically necessary care provided by podiatrists can reduce the risk of and prevent complications from these conditions and diseases, while at the same time offer savings to the heavily burdened health care system of the United States; and

Whereas the American Podiatric Medical Association has a long tradition of working in collaboration with the Federal Government to improve the foot and ankle health of all people of the United States: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the scientific, clinical, and public health achievements of the American Podiatric Medical Association as its members and staff commemorate and celebrate its 100th anniversary;

(2) recognizes the great impact that the American Podiatric Medical Association has had on improving the foot and ankle and related health of people in the United States and around the world; and

(3) congratulates the American Podiatric Medical Association for its achievements and encourages the organization to continue providing scientific guidance on foot and ankle and related health issues to improve the public health of future generations.

## SENATE CONCURRENT RESOLUTION 53—HONORING THE VICTIMS OF THE AURORA, COLORADO, MOVIE THEATER SHOOTING AND CONDEMNING THE ATROCITIES THAT OCCURRED IN AURORA, COLORADO

Mr. UDALL of Colorado (for himself, Mr. BENNET, Mr. REID, Mr. MCCONNELL, Mr. AKAKA, Mr. ALEXANDER, Ms. AYOTTE, Mr. BARRASSO, Mr. BAUCUS, Mr. BEGICH, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DURBIN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mr. HELLER, Mr. HOEVEN, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JOHANNES, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Mr. KERRY, Mr. KIRK, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEE, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MANCHIN, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PAUL, Mr. PORTMAN, Mr. PRYOR, Mr. REED of Rhode Island, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. RUBIO, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. TOOMEY, Mr. UDALL of New Mexico, Mr. VITTER, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 53

Whereas, on July 20, 2012, an armed gunman opened fire at a movie theater in Aurora, Colorado, killing 12 people and wounding 58 others;

Whereas many individuals at the theater selflessly sought to aid and protect others without regard for their own safety;

Whereas the Aurora Police Department and the Aurora Fire Department quickly and bravely acted to prevent the additional loss of life; and

Whereas local, State, and Federal law enforcement, firefighters, and medical service professionals performed their duties with utmost skill and coordination: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*, That Congress—

(1) condemns, in the strongest possible terms, the heinous atrocities that occurred in Aurora, Colorado;

(2) offers condolences to the families, friends, and loved ones of those who were killed in the shooting;

(3) expresses hope for the rapid and complete recovery of the wounded;

(4) applauds the hard work and dedication exhibited by the hundreds of local, State, and Federal officials and other individuals who offered support and assistance; and

(5) honors the resilience of the community of the City of Aurora and the State of Colorado in the face of incredible adversity.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 2568. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 3412, to amend the Internal Revenue Code of 1986 to provide tax relief to middle-class families; which was ordered to lie on the table.

SA 2569. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 3412, supra; which was ordered to lie on the table.

SA 2570. Mrs. HUTCHISON (for herself, Mr. BOOZMAN, Mr. BURR, Mr. COBURN, and Mr. PORTMAN) submitted an amendment intended to be proposed by her to the bill S. 3412, supra; which was ordered to lie on the table.

SA 2571. Mrs. SHAHEEN (for herself and Mr. PORTMAN) submitted an amendment intended to be proposed by her to the bill S. 3412, supra; which was ordered to lie on the table.

SA 2572. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 3412, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 2568.** Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 3412, to amend the Internal Revenue Code of 1986 to provide tax relief to middle-class families; which was ordered to lie on the table; as follows:

At the end, add the following:

##### TITLE IV—PERMANENT TAX RELIEF

##### SEC. 401. REPEAL OF SUNSET ON MARRIAGE PENALTY RELIEF.

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to sections 301, 302, and 303(a) of such Act (relating to marriage penalty relief).

**SA 2569.** Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 3412, to amend the Internal Revenue Code of 1986 to provide tax relief to middle-class families; which was ordered to lie on the table; as follows:

At the end, add the following:

##### TITLE IV—PERMANENT TAX RELIEF

##### SEC. 401. PERMANENT EXTENSION OF DEDUCTION FOR STATE AND LOCAL GENERAL SALES TAXES.

(a) IN GENERAL.—Subparagraph (I) of section 164(b)(5) of the Internal Revenue Code of 1986 is amended by striking “, and before January 1, 2012”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2011.

**SA 2570.** Mrs. HUTCHISON (for herself, Mr. BOOZMAN, Mr. BURR, Mr. COBURN, and Mr. PORTMAN) submitted an amendment intended to be proposed by her to the bill S. 3412, to amend the

Internal Revenue Code of 1986 to provide tax relief to middle-class families; which was ordered to lie on the table; as follows:

At the end, add the following:

##### TITLE IV—PERMANENT TAX RELIEF

##### SEC. 401. REPEAL OF CERTAIN LIMITATIONS ON HEALTH CARE BENEFITS.

(a) REPEAL OF DISTRIBUTIONS FOR MEDICINE QUALIFIED ONLY IF FOR PRESCRIBED DRUG OR INSULIN.—

(1) HSAS.—Section 223(d)(2)(A) of the Internal Revenue Code of 1986 is amended by striking the last sentence thereof.

(2) ARCHER MSAS.—Section 220(d)(2)(A) of such Code is amended by striking the last sentence thereof.

(3) HEALTH FLEXIBLE SPENDING ARRANGEMENTS AND HEALTH REIMBURSEMENT ARRANGEMENTS.—Section 106 of such Code is amended by striking subsection (f).

(4) EFFECTIVE DATE.—

(A) DISTRIBUTIONS FROM SAVINGS ACCOUNTS.—The amendments made by paragraphs (1) and (2) shall apply to amounts paid with respect to taxable years beginning after December 31, 2011.

(B) REIMBURSEMENTS.—The amendment made by paragraph (3) shall apply to expenses incurred with respect to taxable years beginning after December 31, 2011.

(b) REPEAL OF LIMITATION ON HEALTH FLEXIBLE SPENDING ARRANGEMENTS UNDER CAFETERIA PLANS.—

(1) IN GENERAL.—Section 125 of the Internal Revenue Code of 1986 is amended by striking subsection (i) and by redesignating subsections (j) through (l) as subsections (i) through (k), respectively.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2012.

**SA 2571.** Mrs. SHAHEEN (for herself and Mr. PORTMAN) submitted an amendment intended to be proposed by her to the bill S. 3412, to amend the Internal Revenue Code of 1986 to provide tax relief to middle-class families; which was ordered to lie on the table; as follows:

After title II, insert the following:

##### TITLE III—ENERGY SAVINGS AND INDUSTRIAL COMPETITIVENESS

##### SEC. 301. SHORT TITLE.

This title may be cited as the “Energy Savings and Industrial Competitiveness Act of 2012”.

##### Subtitle A—Buildings

##### PART I—BUILDING ENERGY CODES

##### SEC. 311. GREATER ENERGY EFFICIENCY IN BUILDING CODES.

(a) DEFINITIONS.—Section 303 of the Energy Conservation and Production Act (42 U.S.C. 6832) is amended—

(1) by striking paragraph (14) and inserting the following:

“(14) MODEL BUILDING ENERGY CODE.—The term ‘model building energy code’ means a voluntary building energy code and standards developed and updated through a consensus process among interested persons, such as the IECC or the code used by—

“(A) the Council of American Building Officials;

“(B) the American Society of Heating, Refrigerating, and Air-Conditioning Engineers; or

“(C) other appropriate organizations.”; and

(2) by adding at the end the following:

“(17) IECC.—The term ‘IECC’ means the International Energy Conservation Code.

“(18) INDIAN TRIBE.—The term ‘Indian tribe’ has the meaning given the term in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103).”.

(b) STATE BUILDING ENERGY EFFICIENCY CODES.—Section 304 of the Energy Conservation and Production Act (42 U.S.C. 6833) is amended to read as follows:

##### “SEC. 304. UPDATING STATE BUILDING ENERGY EFFICIENCY CODES.

“(a) IN GENERAL.—The Secretary shall—

“(1) encourage and support the adoption of building energy codes by States, Indian tribes, and, as appropriate, by local governments that meet or exceed the model building energy codes, or achieve equivalent or greater energy savings; and

“(2) support full compliance with the State and local codes.

“(b) STATE AND INDIAN TRIBE CERTIFICATION OF BUILDING ENERGY CODE UPDATES.—

“(1) REVIEW AND UPDATING OF CODES BY EACH STATE AND INDIAN TRIBE.—

“(A) IN GENERAL.—Not later than 2 years after the date on which a model building energy code is updated, each State or Indian tribe shall certify whether or not the State or Indian tribe, respectively, has reviewed and updated the energy provisions of the building code of the State or Indian tribe, respectively.

“(B) DEMONSTRATION.—The certification shall include a demonstration of whether or not the energy savings for the code provisions that are in effect throughout the State or Indian tribal territory meet or exceed—

“(i) the energy savings of the updated model building energy code; or

“(ii) the targets established under section 307(b)(2).

“(C) NO MODEL BUILDING ENERGY CODE UPDATE.—If a model building energy code is not updated by a target date established under section 307(b)(2)(D), each State or Indian tribe shall, not later than 2 years after the specified date, certify whether or not the State or Indian tribe, respectively, has reviewed and updated the energy provisions of the building code of the State or Indian tribe, respectively, to meet or exceed the target in section 307(b)(2).

“(2) VALIDATION BY SECRETARY.—Not later than 90 days after a State or Indian tribe certification under paragraph (1), the Secretary shall—

“(A) determine whether the code provisions of the State or Indian tribe, respectively, meet the criteria specified in paragraph (1); and

“(B) if the determination is positive, validate the certification.

“(c) IMPROVEMENTS IN COMPLIANCE WITH BUILDING ENERGY CODES.—

“(1) REQUIREMENT.—

“(A) IN GENERAL.—Not later than 3 years after the date of a certification under subsection (b), each State and Indian tribe shall certify whether or not the State and Indian tribe, respectively, has—

“(i) achieved full compliance under paragraph (3) with the applicable certified State and Indian tribe building energy code or with the associated model building energy code; or

“(ii) made significant progress under paragraph (4) toward achieving compliance with the applicable certified State and Indian tribe building energy code or with the associated model building energy code.

“(B) REPEAT CERTIFICATIONS.—If the State or Indian tribe certifies progress toward achieving compliance, the State or Indian tribe shall repeat the certification until the

State or Indian tribe certifies that the State or Indian tribe has achieved full compliance, respectively.

“(2) MEASUREMENT OF COMPLIANCE.—A certification under paragraph (1) shall include documentation of the rate of compliance based on—

“(A) independent inspections of a random sample of the buildings covered by the code in the preceding year; or

“(B) an alternative method that yields an accurate measure of compliance.

“(3) ACHIEVEMENT OF COMPLIANCE.—A State or Indian tribe shall be considered to achieve full compliance under paragraph (1) if—

“(A) at least 90 percent of building space covered by the code in the preceding year substantially meets all the requirements of the applicable code specified in paragraph (1), or achieves equivalent or greater energy savings level; or

“(B) the estimated excess energy use of buildings that did not meet the applicable code specified in paragraph (1) in the preceding year, compared to a baseline of comparable buildings that meet this code, is not more than 5 percent of the estimated energy use of all buildings covered by this code during the preceding year.

“(4) SIGNIFICANT PROGRESS TOWARD ACHIEVEMENT OF COMPLIANCE.—A State or Indian tribe shall be considered to have made significant progress toward achieving compliance for purposes of paragraph (1) if the State or Indian tribe—

“(A) has developed and is implementing a plan for achieving compliance during the 8-year-period beginning on the date of enactment of this paragraph, including annual targets for compliance and active training and enforcement programs; and

“(B) has met the most recent target under subparagraph (A).

“(5) VALIDATION BY SECRETARY.—Not later than 90 days after a State or Indian tribe certification under paragraph (1), the Secretary shall—

“(A) determine whether the State or Indian tribe has demonstrated meeting the criteria of this subsection, including accurate measurement of compliance; and

“(B) if the determination is positive, validate the certification.

“(d) STATES OR INDIAN TRIBES THAT DO NOT ACHIEVE COMPLIANCE.—

“(1) REPORTING.—A State or Indian tribe that has not made a certification required under subsection (b) or (c) by the applicable deadline shall submit to the Secretary a report on—

“(A) the status of the State or Indian tribe with respect to meeting the requirements and submitting the certification; and

“(B) a plan for meeting the requirements and submitting the certification.

“(2) FEDERAL SUPPORT.—For any State or Indian tribe for which the Secretary has not validated a certification by a deadline under subsection (b) or (c), the lack of the certification may be a consideration for Federal support authorized under this section for code adoption and compliance activities.

“(3) LOCAL GOVERNMENT.—In any State or Indian tribe for which the Secretary has not validated a certification under subsection (b) or (c), a local government may be eligible for Federal support by meeting the certification requirements of subsections (b) and (c).

“(4) ANNUAL REPORTS BY SECRETARY.—

“(A) IN GENERAL.—The Secretary shall annually submit to Congress, and publish in the Federal Register, a report on—

“(i) the status of model building energy codes;

“(ii) the status of code adoption and compliance in the States and Indian tribes;

“(iii) implementation of this section; and

“(iv) improvements in energy savings over time as result of the targets established under section 307(b)(2).

“(B) IMPACTS.—The report shall include estimates of impacts of past action under this section, and potential impacts of further action, on—

“(i) upfront financial and construction costs, cost benefits and returns (using investment analysis), and lifetime energy use for buildings;

“(ii) resulting energy costs to individuals and businesses; and

“(iii) resulting overall annual building ownership and operating costs.

“(e) TECHNICAL ASSISTANCE TO STATES AND INDIAN TRIBES.—The Secretary shall provide technical assistance to States and Indian tribes to implement the goals and requirements of this section, including procedures and technical analysis for States and Indian tribes—

“(1) to improve and implement State residential and commercial building energy codes;

“(2) to demonstrate that the code provisions of the States and Indian tribes achieve equivalent or greater energy savings than the model building energy codes and targets;

“(3) to document the rate of compliance with a building energy code; and

“(4) to otherwise promote the design and construction of energy efficient buildings.

“(f) AVAILABILITY OF INCENTIVE FUNDING.—

“(1) IN GENERAL.—The Secretary shall provide incentive funding to States and Indian tribes—

“(A) to implement the requirements of this section;

“(B) to improve and implement residential and commercial building energy codes, including increasing and verifying compliance with the codes and training of State, tribal, and local building code officials to implement and enforce the codes; and

“(C) to promote building energy efficiency through the use of the codes.

“(2) ADDITIONAL FUNDING.—Additional funding shall be provided under this subsection for implementation of a plan to achieve and document full compliance with residential and commercial building energy codes under subsection (c)—

“(A) to a State or Indian tribe for which the Secretary has validated a certification under subsection (b) or (c); and

“(B) in a State or Indian tribe that is not eligible under subparagraph (A), to a local government that is eligible under this section.

“(3) TRAINING.—Of the amounts made available under this subsection, the State may use amounts required, but not to exceed \$750,000 for a State, to train State and local building code officials to implement and enforce codes described in paragraph (2).

“(4) LOCAL GOVERNMENTS.—States may share grants under this subsection with local governments that implement and enforce the codes.

“(g) STRETCH CODES AND ADVANCED STANDARDS.—

“(1) IN GENERAL.—The Secretary shall provide technical and financial support for the development of stretch codes and advanced standards for residential and commercial buildings for use as—

“(A) an option for adoption as a building energy code by local, tribal, or State governments; and

“(B) guidelines for energy-efficient building design.

“(2) TARGETS.—The stretch codes and advanced standards shall be designed—

“(A) to achieve substantial energy savings compared to the model building energy codes; and

“(B) to meet targets under section 307(b), if available, at least 3 to 6 years in advance of the target years.

“(h) STUDIES.—The Secretary, in consultation with building science experts from the National Laboratories and institutions of higher education, designers and builders of energy-efficient residential and commercial buildings, code officials, and other stakeholders, shall undertake a study of the feasibility, impact, economics, and merit of—

“(1) code improvements that would require that buildings be designed, sited, and constructed in a manner that makes the buildings more adaptable in the future to become zero-net-energy after initial construction, as advances are achieved in energy-saving technologies;

“(2) code procedures to incorporate measured lifetimes, not just first-year energy use, in trade-offs and performance calculations; and

“(3) legislative options for increasing energy savings from building energy codes, including additional incentives for effective State and local action, and verification of compliance with and enforcement of a code other than by a State or local government.

“(i) EFFECT ON OTHER LAWS.—Nothing in this section or section 307 supersedes or modifies the application of sections 321 through 346 of the Energy Policy and Conservation Act (42 U.S.C. 6291 et seq.).

“(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section and section 307 \$200,000,000, to remain available until expended.”

(c) FEDERAL BUILDING ENERGY EFFICIENCY STANDARDS.—Section 305 of the Energy Conservation and Production Act (42 U.S.C. 6834) is amended by striking “voluntary building energy code” each place it appears in subsections (a)(2)(B) and (b) and inserting “model building energy code”.

(d) MODEL BUILDING ENERGY CODES.—Section 307 of the Energy Conservation and Production Act (42 U.S.C. 6836) is amended to read as follows:

**“SEC. 307. SUPPORT FOR MODEL BUILDING ENERGY CODES.**

“(a) IN GENERAL.—The Secretary shall support the updating of model building energy codes.

“(b) TARGETS.—

“(1) IN GENERAL.—The Secretary shall support the updating of the model building energy codes to enable the achievement of aggregate energy savings targets established under paragraph (2).

“(2) TARGETS.—

“(A) IN GENERAL.—The Secretary shall work with State, Indian tribes, local governments, nationally recognized code and standards developers, and other interested parties to support the updating of model building energy codes by establishing 1 or more aggregate energy savings targets to achieve the purposes of this section.

“(B) SEPARATE TARGETS.—The Secretary may establish separate targets for commercial and residential buildings.

“(C) BASELINES.—The baseline for updating model building energy codes shall be the 2009 IECC for residential buildings and ASHRAE Standard 90.1-2010 for commercial buildings.

“(D) SPECIFIC YEARS.—

“(i) IN GENERAL.—Targets for specific years shall be established and revised by the Secretary through rulemaking and coordinated

with nationally recognized code and standards developers at a level that—

“(I) is at the maximum level of energy efficiency that is technologically feasible and life-cycle cost effective, while accounting for the economic considerations under paragraph (4);

“(II) is higher than the preceding target; and

“(III) promotes the achievement of commercial and residential high-performance buildings through high performance energy efficiency (within the meaning of section 401 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17061)).

“(ii) INITIAL TARGETS.—Not later than 1 year after the date of enactment of this clause, the Secretary shall establish initial targets under this subparagraph.

“(iii) DIFFERENT TARGET YEARS.—Subject to clause (i), prior to the applicable year, the Secretary may set a later target year for any of the model building energy codes described in subparagraph (A) if the Secretary determines that a target cannot be met.

“(iv) SMALL BUSINESS.—When establishing targets under this paragraph through rule-making, the Secretary shall ensure compliance with the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note; Public Law 104-121).

“(3) APPLIANCE STANDARDS AND OTHER FACTORS AFFECTING BUILDING ENERGY USE.—In establishing building code targets under paragraph (2), the Secretary shall develop and adjust the targets in recognition of potential savings and costs relating to—

“(A) efficiency gains made in appliances, lighting, windows, insulation, and building envelope sealing;

“(B) advancement of distributed generation and on-site renewable power generation technologies;

“(C) equipment improvements for heating, cooling, and ventilation systems;

“(D) building management systems and SmartGrid technologies to reduce energy use; and

“(E) other technologies, practices, and building systems that the Secretary considers appropriate regarding building plug load and other energy uses.

“(4) ECONOMIC CONSIDERATIONS.—In establishing and revising building code targets under paragraph (2), the Secretary shall consider the economic feasibility of achieving the proposed targets established under this section and the potential costs and savings for consumers and building owners, including a return on investment analysis.

“(c) TECHNICAL ASSISTANCE TO MODEL BUILDING ENERGY CODE-SETTING AND STANDARD DEVELOPMENT ORGANIZATIONS.—

“(1) IN GENERAL.—The Secretary shall, on a timely basis, provide technical assistance to model building energy code-setting and standard development organizations consistent with the goals of this section.

“(2) ASSISTANCE.—The assistance shall include, as requested by the organizations, technical assistance in—

“(A) evaluating code or standards proposals or revisions;

“(B) building energy analysis and design tools;

“(C) building demonstrations;

“(D) developing definitions of energy use intensity and building types for use in model building energy codes to evaluate the efficiency impacts of the model building energy codes;

“(E) performance-based standards;

“(F) evaluating economic considerations under subsection (b)(4); and

“(G) developing model building energy codes by Indian tribes in accordance with tribal law.

“(3) AMENDMENT PROPOSALS.—The Secretary may submit timely model building energy code amendment proposals to the model building energy code-setting and standard development organizations, with supporting evidence, sufficient to enable the model building energy codes to meet the targets established under subsection (b)(2).

“(4) ANALYSIS METHODOLOGY.—The Secretary shall make publicly available the entire calculation methodology (including input assumptions and data) used by the Secretary to estimate the energy savings of code or standard proposals and revisions.

“(d) DETERMINATION.—

“(1) REVISION OF MODEL BUILDING ENERGY CODES.—If the provisions of the IECC or ASHRAE Standard 90.1 regarding building energy use are revised, the Secretary shall make a preliminary determination not later than 90 days after the date of the revision, and a final determination not later than 15 months after the date of the revision, on whether or not the revision will—

“(A) improve energy efficiency in buildings compared to the existing model building energy code; and

“(B) meet the applicable targets under subsection (b)(2).

“(2) CODES OR STANDARDS NOT MEETING TARGETS.—

“(A) IN GENERAL.—If the Secretary makes a preliminary determination under paragraph (1)(B) that a code or standard does not meet the targets established under subsection (b)(2), the Secretary may at the same time provide the model building energy code or standard developer with proposed changes that would result in a model building energy code that meets the targets and with supporting evidence, taking into consideration—

“(i) whether the modified code is technically feasible and life-cycle cost effective;

“(ii) available appliances, technologies, materials, and construction practices; and

“(iii) the economic considerations under subsection (b)(4).

“(B) INCORPORATION OF CHANGES.—

“(i) IN GENERAL.—On receipt of the proposed changes, the model building energy code or standard developer shall have an additional 270 days to accept or reject the proposed changes of the Secretary to the model building energy code or standard for the Secretary to make a final determination.

“(ii) FINAL DETERMINATION.—A final determination under paragraph (1) shall be on the modified model building energy code or standard.

“(e) ADMINISTRATION.—In carrying out this section, the Secretary shall—

“(1) publish notice of targets and supporting analysis and determinations under this section in the Federal Register to provide an explanation of and the basis for such actions, including any supporting modeling, data, assumptions, protocols, and cost-benefit analysis, including return on investment; and

“(2) provide an opportunity for public comment on targets and supporting analysis and determinations under this section.

“(f) VOLUNTARY CODES AND STANDARDS.—Notwithstanding any other provision of this section, any model building code or standard established under this section shall not be binding on a State, local government, or Indian tribe as a matter of Federal law.”.

## PART II—WORKER TRAINING AND CAPACITY BUILDING

### SEC. 321. BUILDING TRAINING AND ASSESSMENT CENTERS.

(a) IN GENERAL.—The Secretary of Energy shall provide grants to institutions of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) and Tribal Colleges or Universities (as defined in section 316(b) of that Act (20 U.S.C. 1059c(b))) to establish building training and assessment centers—

(1) to identify opportunities for optimizing energy efficiency and environmental performance in buildings;

(2) to promote the application of emerging concepts and technologies in commercial and institutional buildings;

(3) to train engineers, architects, building scientists, building energy permitting and enforcement officials, and building technicians in energy-efficient design and operation;

(4) to assist institutions of higher education and Tribal Colleges or Universities in training building technicians;

(5) to promote research and development for the use of alternative energy sources and distributed generation to supply heat and power for buildings, particularly energy-intensive buildings; and

(6) to coordinate with and assist State-accredited technical training centers, community colleges, Tribal Colleges or Universities, and local offices of the National Institute of Food and Agriculture and ensure appropriate services are provided under this section to each region of the United States.

(b) COORDINATION AND NONDUPLICATION.—

(1) IN GENERAL.—The Secretary shall coordinate the program with the Industrial Assessment Centers program and with other Federal programs to avoid duplication of effort.

(2) COLLOCATION.—To the maximum extent practicable, building, training, and assessment centers established under this section shall be collocated with Industrial Assessment Centers.

#### Subtitle B—Building Efficiency Finance

### SEC. 331. LOAN PROGRAM FOR ENERGY EFFICIENCY UPGRADES TO EXISTING BUILDINGS.

Title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.) is amended by adding at the end the following:

#### “SEC. 1706. BUILDING RETROFIT FINANCING PROGRAM.

“(a) DEFINITIONS.—In this section:

“(1) CREDIT SUPPORT.—The term ‘credit support’ means a guarantee or commitment to issue a guarantee or other forms of credit enhancement to ameliorate risks for efficiency obligations.

“(2) EFFICIENCY OBLIGATION.—The term ‘efficiency obligation’ means a debt or repayment obligation incurred in connection with financing a project, or a portfolio of such debt or payment obligations.

“(3) PROJECT.—The term ‘project’ means the installation and implementation of efficiency, advanced metering, distributed generation, or renewable energy technologies and measures in a building (or in multiple buildings on a given property) that are expected to increase the energy efficiency of the building (including fixtures) in accordance with criteria established by the Secretary.

“(b) ELIGIBLE PROJECTS.—

“(1) IN GENERAL.—Notwithstanding sections 1703 and 1705, the Secretary may provide credit support under this section, in accordance with section 1702.



“(2) INCLUSIONS.—Buildings eligible for credit support under this section include commercial, multifamily residential, industrial, municipal, government, institution of higher education, school, and hospital facilities that satisfy criteria established by the Secretary.

“(c) GUIDELINES.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary shall—

“(A) establish guidelines for credit support provided under this section; and

“(B) publish the guidelines in the Federal Register; and

“(C) provide for an opportunity for public comment on the guidelines.

“(2) REQUIREMENTS.—The guidelines established by the Secretary under this subsection shall include—

“(A) standards for assessing the energy savings that could reasonably be expected to result from a project;

“(B) examples of financing mechanisms (and portfolios of such financing mechanisms) that qualify as efficiency obligations;

“(C) the threshold levels of energy savings that a project, at the time of issuance of credit support, shall be reasonably expected to achieve to be eligible for credit support;

“(D) the eligibility criteria the Secretary determines to be necessary for making credit support available under this section; and

“(E) notwithstanding subsections (d)(3) and (g)(2)(B) of section 1702, any lien priority requirements that the Secretary determines to be necessary, in consultation with the Director of the Office of Management and Budget, which may include—

“(i) requirements to preserve priority lien status of secured lenders and creditors in buildings eligible for credit support;

“(ii) remedies available to the Secretary under chapter 176 of title 28, United States Code, in the event of default on the efficiency obligation by the borrower; and

“(iii) measures to limit the exposure of the Secretary to financial risk in the event of default, such as—

“(I) the collection of a credit subsidy fee from the borrower as a loan loss reserve, taking into account the limitation on credit support under subsection (d);

“(II) minimum debt-to-income levels of the borrower;

“(III) minimum levels of value relative to outstanding mortgage or other debt on a building eligible for credit support;

“(IV) allowable thresholds for the percent of the efficiency obligation relative to the amount of any mortgage or other debt on an eligible building;

“(V) analysis of historic and anticipated occupancy levels and rental income of an eligible building;

“(VI) requirements of third-party contractors to guarantee energy savings that will result from a retrofit project, and whether financing on the efficiency obligation will amortize from the energy savings;

“(VII) requirements that the retrofit project incorporate protocols to measure and verify energy savings; and

“(VIII) recovery of payments equally by the Secretary and the retrofit.

“(3) EFFICIENCY OBLIGATIONS.—The financing mechanisms qualified by the Secretary under paragraph (2)(B) may include—

“(A) loans, including loans made by the Federal Financing Bank;

“(B) power purchase agreements, including energy efficiency power purchase agreements;

“(C) energy services agreements, including energy performance contracts;

“(D) property assessed clean energy bonds and other tax assessment-based financing mechanisms;

“(E) aggregate on-meter agreements that finance retrofit projects; and

“(F) any other efficiency obligations the Secretary determines to be appropriate.

“(4) PRIORITIES.—In carrying out this section, the Secretary shall prioritize—

“(A) the maximization of energy savings with the available credit support funding;

“(B) the establishment of a clear application and approval process that allows private building owners, lenders, and investors to reasonably expect to receive credit support for projects that conform to guidelines;

“(C) the distribution of projects receiving credit support under this section across States or geographical regions of the United States; and

“(D) projects designed to achieve whole-building retrofits.

“(d) LIMITATION.—Notwithstanding section 1702(c), the Secretary shall not issue credit support under this section in an amount that exceeds—

“(1) 90 percent of the principal amount of the efficiency obligation that is the subject of the credit support; or

“(2) \$10,000,000 for any single project.

“(e) AGGREGATION OF PROJECTS.—To the extent provided in the guidelines developed in accordance with subsection (c), the Secretary may issue credit support on a portfolio, or pool of projects, that are not required to be geographically contiguous, if each efficiency obligation in the pool fulfills the requirements described in this section.

“(f) APPLICATION.—

“(1) IN GENERAL.—To be eligible to receive credit support under this section, the applicant shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary determines to be necessary.

“(2) CONTENTS.—An application submitted under this section shall include assurances by the applicant that—

“(A) each contractor carrying out the project meets minimum experience level criteria, including local retrofit experience, as determined by the Secretary;

“(B) the project is reasonably expected to achieve energy savings, as set forth in the application using any methodology that meets the standards described in the program guidelines;

“(C) the project meets any technical criteria described in the program guidelines;

“(D) the recipient of the credit support and the parties to the efficiency obligation will provide the Secretary with—

“(i) any information the Secretary requests to assess the energy savings that result from the project, including historical energy usage data, a simulation-based benchmark, and detailed descriptions of the building work, as described in the program guidelines; and

“(ii) permission to access information relating to building operations and usage for the period described in the program guidelines; and

“(E) any other assurances that the Secretary determines to be necessary.

“(3) DETERMINATION.—Not later than 90 days after receiving an application, the Secretary shall make a final determination on the application, which may include requests for additional information.

“(g) FEES.—

“(1) IN GENERAL.—In addition to the fees required by section 1702(h)(1), the Secretary may charge reasonable fees for credit support provided under this section.

“(2) AVAILABILITY.—Fees collected under this section shall be subject to section 1702(h)(2).

“(h) UNDERWRITING.—The Secretary may delegate the underwriting activities under this section to 1 or more entities that the Secretary determines to be qualified.

“(i) REPORT.—Not later than 1 year after commencement of the program, the Secretary shall submit to the appropriate committees of Congress a report that describes in reasonable detail—

“(1) the manner in which this section is being carried out;

“(2) the number and type of projects supported;

“(3) the types of funding mechanisms used to provide credit support to projects;

“(4) the energy savings expected to result from projects supported by this section;

“(5) any tracking efforts the Secretary is using to calculate the actual energy savings produced by the projects; and

“(6) any plans to improve the tracking efforts described in paragraph (5).

“(j) FUNDING.—

“(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section \$400,000,000 for the period of fiscal years 2012 through 2021, to remain available until expended.

“(2) ADMINISTRATIVE COSTS.—Not more than 1 percent of any amounts made available to the Secretary under paragraph (1) may be used by the Secretary for administrative costs incurred in carrying out this section.”

#### Subtitle C—Industrial Efficiency and Competitiveness

#### PART I—MANUFACTURING ENERGY EFFICIENCY

#### SEC. 341. STATE PARTNERSHIP INDUSTRIAL ENERGY EFFICIENCY REVOLVING LOAN PROGRAM.

Section 399A of the Energy Policy and Conservation Act (42 U.S.C. 6371h–1) is amended—

“(1) in the section heading, by inserting “AND INDUSTRY” before the period at the end;

(2) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively; and

(3) by inserting after subsection (g) the following:

“(h) STATE PARTNERSHIP INDUSTRIAL ENERGY EFFICIENCY REVOLVING LOAN PROGRAM.—

“(1) IN GENERAL.—The Secretary shall carry out a program under which the Secretary shall provide grants to eligible lenders to pay the Federal share of creating a revolving loan program under which loans are provided to commercial and industrial manufacturers to implement commercially available technologies or processes that significantly—

“(A) reduce systems energy intensity, including the use of energy-intensive feedstocks; and

“(B) improve the industrial competitiveness of the United States.

“(2) ELIGIBLE LENDERS.—To be eligible to receive cost-matched Federal funds under this subsection, a lender shall—

“(A) be a community and economic development lender that the Secretary certifies meets the requirements of this subsection;

“(B) lead a partnership that includes participation by, at a minimum—

“(i) a State government agency; and

“(ii) a private financial institution or other provider of loan capital;



“(C) submit an application to the Secretary, and receive the approval of the Secretary, for cost-matched Federal funds to carry out a loan program described in paragraph (1); and

“(D) ensure that non-Federal funds are provided to match, on at least a dollar-for-dollar basis, the amount of Federal funds that are provided to carry out a revolving loan program described in paragraph (1).

“(3) AWARD.—The amount of cost-matched Federal funds provided to an eligible lender shall not exceed \$100,000,000 for any fiscal year.

“(4) RECAPTURE OF AWARDS.—

“(A) IN GENERAL.—An eligible lender that receives an award under paragraph (1) shall be required to repay to the Secretary an amount of cost-match Federal funds, as determined by the Secretary under subparagraph (B), if the eligible lender is unable or unwilling to operate a program described in this subsection for a period of not less than 10 years beginning on the date on which the eligible lender first receives funds made available through the award.

“(B) DETERMINATION BY SECRETARY.—The Secretary shall determine the amount of cost-match Federal funds that an eligible lender shall be required to repay to the Secretary under subparagraph (A) based on the consideration by the Secretary of—

“(i) the amount of non-Federal funds matched by the eligible lender;

“(ii) the amount of loan losses incurred by the revolving loan program described in paragraph (1); and

“(iii) any other appropriate factor, as determined by the Secretary.

“(C) USE OF RECAPTURED COST-MATCH FEDERAL FUNDS.—The Secretary may distribute to eligible lenders under this subsection each amount received by the Secretary under this paragraph.

“(5) ELIGIBLE PROJECTS.—A program for which cost-matched Federal funds are provided under this subsection shall be designed to accelerate the implementation of industrial and commercial applications of technologies or processes (including distributed generation, applications or technologies that use sensors, meters, software, and information networks, controls, and drives or that have been installed pursuant to an energy savings performance contract, project, or strategy) that—

“(A) improve energy efficiency, including improvements in efficiency and use of water, power factor, or load management;

“(B) enhance the industrial competitiveness of the United States; and

“(C) achieve such other goals as the Secretary determines to be appropriate.

“(6) EVALUATION.—The Secretary shall evaluate applications for cost-matched Federal funds under this subsection on the basis of—

“(A) the description of the program to be carried out with the cost-matched Federal funds;

“(B) the commitment to provide non-Federal funds in accordance with paragraph (2)(D);

“(C) program sustainability over a 10-year period;

“(D) the capability of the applicant;

“(E) the quantity of energy savings or energy feedstock minimization;

“(F) the advancement of the goal under this Act of 25-percent energy avoidance;

“(G) the ability to fund energy efficient projects not later than 120 days after the date of the grant award; and

“(H) such other factors as the Secretary determines appropriate.

“(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, \$400,000,000 for the period of fiscal years 2012 through 2021.”

#### SEC. 342. COORDINATION OF RESEARCH AND DEVELOPMENT OF ENERGY EFFICIENT TECHNOLOGIES FOR INDUSTRY.

(a) IN GENERAL.—As part of the research and development activities of the Industrial Technologies Program of the Department of Energy, the Secretary shall establish, as appropriate, collaborative research and development partnerships with other programs within the Office of Energy Efficiency and Renewable Energy (including the Building Technologies Program), the Office of Electricity Delivery and Energy Reliability, and the Office of Science that—

(1) leverage the research and development expertise of those programs to promote early stage energy efficiency technology development;

(2) support the use of innovative manufacturing processes and applied research for development, demonstration, and commercialization of new technologies and processes to improve efficiency (including improvements in efficient use of water), reduce emissions, reduce industrial waste, and improve industrial cost-competitiveness; and

(3) apply the knowledge and expertise of the Industrial Technologies Program to help achieve the program goals of the other programs.

(b) REPORTS.—Not later than 2 years after the date of enactment of this Act and biennially thereafter, the Secretary shall submit to Congress a report that describes actions taken to carry out subsection (a) and the results of those actions.

#### SEC. 343. REDUCING BARRIERS TO THE DEPLOYMENT OF INDUSTRIAL ENERGY EFFICIENCY.

(a) DEFINITIONS.—In this section:

(1) INDUSTRIAL ENERGY EFFICIENCY.—The term “industrial energy efficiency” means the energy efficiency derived from commercial technologies and measures to improve energy efficiency or to generate or transmit electric power and heat, including electric motor efficiency improvements, demand response, direct or indirect combined heat and power, and waste heat recovery.

(2) INDUSTRIAL SECTOR.—The term “industrial sector” means any subsector of the manufacturing sector (as defined in North American Industry Classification System codes 31-33 (as in effect on the date of enactment of this Act)) establishments of which have, or could have, thermal host facilities with electricity requirements met in whole, or in part, by onsite electricity generation, including direct and indirect combined heat and power or waste recovery.

(3) SECRETARY.—The term “Secretary” means the Secretary of Energy.

(b) REPORT ON THE DEPLOYMENT OF INDUSTRIAL ENERGY EFFICIENCY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing—

(A) the results of the study conducted under paragraph (2); and

(B) recommendations and guidance developed under paragraph (3).

(2) STUDY.—The Secretary, in coordination with the industrial sector, shall conduct a study of the following:

(A) The legal, regulatory, and economic barriers to the deployment of industrial en-

ergy efficiency in all electricity markets (including organized wholesale electricity markets, and regulated electricity markets), including, as applicable, the following:

(i) Transmission and distribution interconnection requirements.

(ii) Standby, back-up, and maintenance fees (including demand ratchets).

(iii) Exit fees.

(iv) Life of contract demand ratchets.

(v) Net metering.

(vi) Calculation of avoided cost rates.

(vii) Power purchase agreements.

(viii) Energy market structures.

(ix) Capacity market structures.

(x) Other barriers as may be identified by the Secretary, in coordination with the industrial sector.

(B) Examples of—

(i) successful State and Federal policies that resulted in greater use of industrial energy efficiency;

(ii) successful private initiatives that resulted in greater use of industrial energy efficiency; and

(iii) cost-effective policies used by foreign countries to foster industrial energy efficiency.

(C) The estimated economic benefits to the national economy of providing the industrial sector with Federal energy efficiency matching grants of \$5,000,000,000 for 5- and 10-year periods, including benefits relating to—

(i) estimated energy and emission reductions;

(ii) direct and indirect jobs saved or created;

(iii) direct and indirect capital investment;

(iv) the gross domestic product; and

(v) trade balance impacts.

(D) The estimated energy savings available from increased use of recycled material in energy-intensive manufacturing processes.

(3) RECOMMENDATIONS AND GUIDANCE.—The Secretary, in coordination with the industrial sector, shall develop policy recommendations regarding the deployment of industrial energy efficiency, including proposed regulatory guidance to States and relevant Federal agencies to address barriers to deployment.

#### SEC. 344. FUTURE OF INDUSTRY PROGRAM.

(a) IN GENERAL.—Section 452 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17111) is amended by striking the section heading and inserting the following: “FUTURE OF INDUSTRY PROGRAM”.

(b) DEFINITION OF ENERGY SERVICE PROVIDER.—Section 452(a) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17111(a)) is amended—

(1) by redesignating paragraphs (3) through (5) as paragraphs (4) through (6), respectively; and

(2) by inserting after paragraph (3):

“(5) ENERGY SERVICE PROVIDER.—The term ‘energy service provider’ means any private company or similar entity providing technology or services to improve energy efficiency in an energy-intensive industry.”.

(c) INDUSTRIAL RESEARCH AND ASSESSMENT CENTERS.—

(1) IN GENERAL.—Section 452(e) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17111(e)) is amended—

(A) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively, and indenting appropriately;

(B) by striking “The Secretary” and inserting the following:

“(1) IN GENERAL.—The Secretary”;

(C) in subparagraph (A) (as redesignated by subparagraph (A)), by inserting before the

semicolon at the end the following: “, including assessments of sustainable manufacturing goals and the implementation of information technology advancements for supply chain analysis, logistics, system monitoring, industrial and manufacturing processes, and other purposes”; and

(D) by adding at the end the following:

“(2) CENTERS OF EXCELLENCE.—

“(A) IN GENERAL.—The Secretary shall establish a Center of Excellence at up to 10 of the highest performing industrial research and assessment centers, as determined by the Secretary.

“(B) DUTIES.—A Center of Excellence shall coordinate with and advise the industrial research and assessment centers located in the region of the Center of Excellence.

“(C) FUNDING.—Subject to the availability of appropriations, of the funds made available under subsection (f), the Secretary shall use to support each Center of Excellence not less than \$500,000 for fiscal year 2012 and each fiscal year thereafter, as determined by the Secretary.

“(3) EXPANSION OF CENTERS.—The Secretary shall provide funding to establish additional industrial research and assessment centers at institutions of higher education that do not have industrial research and assessment centers established under paragraph (1), taking into account the size of, and potential energy efficiency savings for, the manufacturing base within the region of the proposed center.

“(4) COORDINATION.—

“(A) IN GENERAL.—To increase the value and capabilities of the industrial research and assessment centers, the centers shall—

“(i) coordinate with Manufacturing Extension Partnership Centers of the National Institute of Standards and Technology;

“(ii) coordinate with the Building Technologies Program of the Department of Energy to provide building assessment services to manufacturers;

“(iii) increase partnerships with the National Laboratories of the Department of Energy to leverage the expertise and technologies of the National Laboratories for national industrial and manufacturing needs;

“(iv) increase partnerships with energy service providers and technology providers to leverage private sector expertise and accelerate deployment of new and existing technologies and processes for energy efficiency, power factor, and load management;

“(v) identify opportunities for reducing greenhouse gas emissions; and

“(vi) promote sustainable manufacturing practices for small- and medium-sized manufacturers.

“(5) OUTREACH.—The Secretary shall provide funding for—

“(A) outreach activities by the industrial research and assessment centers to inform small- and medium-sized manufacturers of the information, technologies, and services available; and

“(B) a full-time equivalent employee at each center of excellence whose primary mission shall be to coordinate and leverage the efforts of the center with—

“(i) Federal and State efforts;

“(ii) the efforts of utilities and energy service providers;

“(iii) the efforts of regional energy efficiency organizations; and

“(iv) the efforts of other centers in the region of the center of excellence.

“(6) WORKFORCE TRAINING.—

“(A) IN GENERAL.—The Secretary shall pay the Federal share of associated internship programs under which students work with or

for industries, manufacturers, and energy service providers to implement the recommendations of industrial research and assessment centers.

“(B) FEDERAL SHARE.—The Federal share of the cost of carrying out internship programs described in subparagraph (A) shall be 50 percent.

“(C) FUNDING.—Subject to the availability of appropriations, of the funds made available under subsection (f), the Secretary shall use to carry out this paragraph not less than \$5,000,000 for fiscal year 2012 and each fiscal year thereafter.

“(7) SMALL BUSINESS LOANS.—The Administrator of the Small Business Administration shall, to the maximum practicable, expedite consideration of applications from eligible small business concerns for loans under the Small Business Act (15 U.S.C. 631 et seq.) to implement recommendations of industrial research and assessment centers established under paragraph (1).”.

#### **SEC. 345. SUSTAINABLE MANUFACTURING INITIATIVE.**

(a) IN GENERAL.—Part E of title III of the Energy Policy and Conservation Act (42 U.S.C. 6341) is amended by adding at the end the following:

#### **“SEC. 376. SUSTAINABLE MANUFACTURING INITIATIVE.**

“(a) IN GENERAL.—As part of the Industrial Technologies Program of the Department of Energy, the Secretary shall carry out a sustainable manufacturing initiative under which the Secretary, on the request of a manufacturer, shall conduct onsite technical assessments to identify opportunities for—

“(1) maximizing the energy efficiency of industrial processes and cross-cutting systems;

“(2) preventing pollution and minimizing waste;

“(3) improving efficient use of water in manufacturing processes;

“(4) conserving natural resources; and

“(5) achieving such other goals as the Secretary determines to be appropriate.

“(b) COORDINATION.—The Secretary shall carry out the initiative in coordination with the private sector and appropriate agencies, including the National Institute of Standards and Technology to accelerate adoption of new and existing technologies or processes that improve energy efficiency.

“(c) RESEARCH AND DEVELOPMENT PROGRAM FOR SUSTAINABLE MANUFACTURING AND INDUSTRIAL TECHNOLOGIES AND PROCESSES.—As part of the Industrial Technologies Program of the Department of Energy, the Secretary shall carry out a joint industry-government partnership program to research, develop, and demonstrate new sustainable manufacturing and industrial technologies and processes that maximize the energy efficiency of industrial systems, reduce pollution, and conserve natural resources.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be to carry out this section \$10,000,000 for the period of fiscal years 2012 through 2021.”.

(b) TABLE OF CONTENTS.—The table of contents of the Energy Policy and Conservation Act (42 U.S.C. prec. 6201) is amended by adding at the end of the items relating to part E of title III the following:

“Sec. 376. Sustainable manufacturing initiative.”.

#### **SEC. 346. STUDY OF ADVANCED ENERGY TECHNOLOGY MANUFACTURING CAPABILITIES IN THE UNITED STATES.**

(a) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary shall enter into an arrangement

with the National Academy of Sciences under which the Academy shall conduct a study of the development of advanced manufacturing capabilities for various energy technologies, including—

(1) an assessment of the manufacturing supply chains of established and emerging industries;

(2) an analysis of—

(A) the manner in which supply chains have changed over the 25-year period ending on the date of enactment of this Act;

(B) current trends in supply chains; and

(C) the energy intensity of each part of the supply chain and opportunities for improvement;

(3) for each technology or manufacturing sector, an analysis of which sections of the supply chain are critical for the United States to retain or develop to be competitive in the manufacturing of the technology;

(4) an assessment of which emerging energy technologies the United States should focus on to create or enhance manufacturing capabilities; and

(5) recommendations on leveraging the expertise of energy efficiency and renewable energy user facilities so that best materials and manufacturing practices are designed and implemented.

(b) REPORT.—Not later than 2 years after the date on which the Secretary enters into the agreement with the Academy described in subsection (a), the Academy shall submit to the Committee on Energy and Natural Resources of the Senate, the Committee on Energy and Commerce of the House of Representatives, and the Secretary a report describing the results of the study required under this section, including any findings and recommendations.

#### **SEC. 347. INDUSTRIAL TECHNOLOGIES STEERING COMMITTEE.**

The Secretary shall establish an advisory steering committee that includes national trade associations representing energy-intensive industries or energy service providers to provide recommendations to the Secretary on planning and implementation of the Industrial Technologies Program of the Department of Energy.

### **PART II—SUPPLY STAR**

#### **SEC. 351. SUPPLY STAR.**

Part B of title III of the Energy Policy and Conservation Act (42 U.S.C. 6291) is amended by inserting after section 324A (42 U.S.C. 6294a) the following:

#### **“SEC. 324B. SUPPLY STAR PROGRAM.**

“(a) IN GENERAL.—There is established within the Department of Energy a Supply Star program to identify and promote practices, recognize companies, and, as appropriate, recognize products that use highly efficient supply chains in a manner that conserves energy, water, and other resources.

“(b) COORDINATION.—In carrying out the program described in subsection (a), the Secretary shall—

“(1) consult with other appropriate agencies; and

“(2) coordinate efforts with the Energy Star program established under section 324A.

“(c) DUTIES.—In carrying out the Supply Star program described in subsection (a), the Secretary shall—

“(1) promote practices, recognize companies, and, as appropriate, recognize products that comply with the Supply Star program as the preferred practices, companies, and products in the marketplace for maximizing supply chain efficiency;

“(2) work to enhance industry and public awareness of the Supply Star program;

“(3) collect and disseminate data on supply chain energy resource consumption;

“(4) develop and disseminate metrics, processes, and analytical tools (including software) for evaluating supply chain energy resource use;

“(5) develop guidance at the sector level for improving supply chain efficiency;

“(6) work with domestic and international organizations to harmonize approaches to analyzing supply chain efficiency, including the development of a consistent set of tools, templates, calculators, and databases; and

“(7) work with industry, including small businesses, to improve supply chain efficiency through activities that include—

“(A) developing and sharing best practices; and

“(B) providing opportunities to benchmark supply chain efficiency.

“(d) EVALUATION.—In any evaluation of supply chain efficiency carried out by the Secretary with respect to a specific product, the Secretary shall consider energy consumption and resource use throughout the entire lifecycle of a product, including production, transport, packaging, use, and disposal.

“(e) GRANTS AND INCENTIVES.—

“(1) IN GENERAL.—The Secretary may award grants or other forms of incentives on a competitive basis to eligible entities, as determined by the Secretary, for the purposes of—

“(A) studying supply chain energy resource efficiency; and

“(B) demonstrating and achieving reductions in the energy resource consumption of commercial products through changes and improvements to the production supply and distribution chain of the products.

“(2) USE OF INFORMATION.—Any information or data generated as a result of the grants or incentives described in paragraph (1) shall be used to inform the development of the Supply Star Program.

“(f) TRAINING.—The Secretary shall use funds to support professional training programs to develop and communicate methods, practices, and tools for improving supply chain efficiency.

“(g) EFFECT OF IMPACT ON CLIMATE CHANGE.—For purposes of this section, the impact on climate change shall not be a factor in determining supply chain efficiency.

“(h) EFFECT OF OUTSOURCING OF AMERICAN JOBS.—For purposes of this section, the outsourcing of American jobs in the production of a product shall not count as a positive factor in determining supply chain efficiency.

“(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$10,000,000 for the period of fiscal years 2012 through 2021.”

### PART III—ELECTRIC MOTOR REBATE PROGRAM

#### SEC. 361. ENERGY SAVING MOTOR CONTROL REBATE PROGRAM.

(a) ESTABLISHMENT.—Not later than January 1, 2012, the Secretary of Energy (referred to in this section as the “Secretary”) shall establish a program to provide rebates for expenditures made by entities for the purchase and installation of a new constant speed electric motor control that reduces motor energy use by not less than 5 percent.

(b) REQUIREMENTS.—

(1) APPLICATION.—To be eligible to receive a rebate under this section, an entity shall submit to the Secretary an application in such form, at such time, and containing such information as the Secretary may require, including—

(A) demonstrated evidence that the entity purchased a constant speed electric motor

control that reduces motor energy use by not less than 5 percent; and

(B) the physical nameplate of the installed motor of the entity to which the energy saving motor control is attached.

(2) AUTHORIZED AMOUNT OF REBATE.—The Secretary may provide to an entity that meets the requirements of paragraph (1) a rebate the amount of which shall be equal to the product obtained by multiplying—

(A) the nameplate horsepower of the electric motor to which the energy saving motor control is attached; and

(B) \$25.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$5,000,000 for each of fiscal years 2012 and 2013, to remain available until expended.

### PART IV—TRANSFORMER REBATE PROGRAM

#### SEC. 371. ENERGY EFFICIENT TRANSFORMER REBATE PROGRAM.

(a) DEFINITION OF QUALIFIED TRANSFORMER.—In this section, the term “qualified transformer” means a transformer that meets or exceeds the National Electrical Manufacturers Association (NEMA) Premium Efficiency designation, calculated to 2 decimal points, as having 30 percent fewer losses than the NEMA TP-1-2002 efficiency standard for a transformer of the same number of phases and capacity, as measured in kilovolt-amperes.

(b) ESTABLISHMENT.—Not later than January 1, 2012, the Secretary of Energy (referred to in this section as the “Secretary”) shall establish a program to provide rebates for expenditures made by owners of commercial buildings and multifamily residential buildings for the purchase and installation of a new energy efficient transformers.

(c) REQUIREMENTS.—

(1) APPLICATION.—To be eligible to receive a rebate under this section, an owner shall submit to the Secretary an application in such form, at such time, and containing such information as the Secretary may require, including demonstrated evidence that the owner purchased a qualified transformer.

(2) AUTHORIZED AMOUNT OF REBATE.—For qualified transformers, rebates, in dollars per kilovolt-ampere (referred to in this paragraph as “kVA”) shall be—

(A) for 3-phase transformers—

(i) with a capacity of not greater than 10 kVA, \$15;

(ii) with a capacity of not less than 10 kVA and not greater than 100 kVA, the difference between 15 and the quotient obtained by dividing—

(I) the difference between—

(aa) the capacity of the transformer in kVA; and

(bb) 10; by

(II) 9; and

(iii) with a capacity greater than or equal to 100 kVA, \$5; and

(B) for single-phase transformers, 75 percent of the rebate for a 3-phase transformer of the same capacity.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$5,000,000 for each of fiscal years 2012 and 2013, to remain available until expended.

### Subtitle D—Federal Agency Energy Efficiency

#### SEC. 381. ADOPTION OF PERSONAL COMPUTER POWER SAVINGS TECHNIQUES BY FEDERAL AGENCIES.

(a) IN GENERAL.—Not later than 360 days after the date of enactment of this Act, the Secretary of Energy, in consultation with

the Secretary of Defense, the Secretary of Veterans Affairs, and the Administrator of General Services, shall issue guidance for Federal agencies to employ advanced tools allowing energy savings through the use of computer hardware, energy efficiency software, and power management tools.

(b) REPORTS ON PLANS AND SAVINGS.—Not later than 180 days after the date of the issuance of the guidance under subsection (a), each Federal agency shall submit to the Secretary of Energy a report that describes—

(1) the plan of the agency for implementing the guidance within the agency; and

(2) estimated energy and financial savings from employing the tools described in subsection (a).

#### SEC. 382. AVAILABILITY OF FUNDS FOR DESIGN UPDATES.

Section 3307 of title 40, United States Code, is amended—

(1) by redesignating subsections (d) through (h) as subsections (e) through (i), respectively; and

(2) by inserting after subsection (c) the following:

“(d) AVAILABILITY OF FUNDS FOR DESIGN UPDATES.—

“(1) IN GENERAL.—Subject to paragraph (2), for any project for which congressional approval is received under subsection (a) and for which the design has been substantially completed but construction has not begun, the Administrator of General Services may use appropriated funds to update the project design to meet applicable Federal building energy efficiency standards established under section 305 of the Energy Conservation and Production Act (42 U.S.C. 6834) and other requirements established under section 3312.

“(2) LIMITATION.—The use of funds under paragraph (1) shall not exceed 125 percent of the estimated energy or other cost savings associated with the updates as determined by a life-cycle cost analysis under section 544 of the National Energy Conservation Policy Act (42 U.S.C. 8254).”

#### SEC. 383. BEST PRACTICES FOR ADVANCED METERING.

Section 543(e) of the National Energy Conservation Policy Act (42 U.S.C. 8253(e)) is amended by striking paragraph (3) and inserting the following:

“(3) PLAN.—

“(A) IN GENERAL.—Not later than 180 days after the date on which guidelines are established under paragraph (2), in a report submitted by the agency under section 548(a), each agency shall submit to the Secretary a plan describing the manner in which the agency will implement the requirements of paragraph (1), including—

“(i) how the agency will designate personnel primarily responsible for achieving the requirements; and

“(ii) a demonstration by the agency, complete with documentation, of any finding that advanced meters or advanced metering devices (as those terms are used in paragraph (1)), are not practicable.

“(B) UPDATES.—Reports submitted under subparagraph (A) shall be updated annually.

“(4) BEST PRACTICES REPORT.—

“(A) IN GENERAL.—Not later than 180 days after the date of enactment of the Energy Savings and Industrial Competitiveness Act of 2012, the Secretary of Energy, in consultation with the Secretary of Defense and the Administrator of General Services, shall develop, and issue a report on, best practices for the use of advanced metering of energy use in Federal facilities, buildings, and equipment by Federal agencies.

“(B) UPDATING.—The report described under subparagraph (A) shall be updated annually.

“(C) COMPONENTS.—The report shall include, at a minimum—

“(i) summaries and analysis of the reports by agencies under paragraph (3);

“(ii) recommendations on standard requirements or guidelines for automated energy management systems, including—

“(I) potential common communications standards to allow data sharing and reporting;

“(II) means of facilitating continuous commissioning of buildings and evidence-based maintenance of buildings and building systems; and

“(III) standards for sufficient levels of security and protection against cyber threats to ensure systems cannot be controlled by unauthorized persons; and

“(iii) an analysis of—

“(I) the types of advanced metering and monitoring systems being piloted, tested, or installed in Federal buildings; and

“(II) existing techniques used within the private sector or other non-Federal government buildings.”.

#### SEC. 384. FEDERAL ENERGY MANAGEMENT AND DATA COLLECTION STANDARD.

Section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) is amended—

(1) by redesignating the second subsection (f) (as added by section 434(a) of Public Law 110-140 (121 Stat. 1614)) as subsection (g); and

(2) in subsection (f)(7), by striking subparagraph (A) and inserting the following:

“(A) IN GENERAL.—For each facility that meets the criteria established by the Secretary under paragraph (2)(B), the energy manager shall use the web-based tracking system under subparagraph (B)—

“(i) to certify compliance with the requirements for—

“(I) energy and water evaluations under paragraph (3);

“(II) implementation of identified energy and water measures under paragraph (4); and

“(III) follow-up on implemented measures under paragraph (5); and

“(ii) to publish energy and water consumption data on an individual facility basis.”.

#### SEC. 385. ELECTRIC VEHICLE CHARGING INFRASTRUCTURE.

Section 804(4) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(4)) is amended—

(1) in subparagraph (A), by striking “or” after the semicolon;

(2) in subparagraph (B), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(C) a measure to support the use of electric vehicles or the fueling or charging infrastructure necessary for electric vehicles.”.

#### SEC. 386. FEDERAL PURCHASE REQUIREMENT.

Section 203 of the Energy Policy Act of 2005 (42 U.S.C. 15852) is amended—

(1) in subsections (a) and (b)(2), by striking “electric energy” each place it appears and inserting “electric, direct, and thermal energy”;

(2) in subsection (b)(2)—

(A) by inserting “, or avoided by,” after “generated from”; and

(B) by inserting “(including ground-source, reclaimed, and ground water)” after “geothermal”;

(3) by redesignating subsection (d) as subsection (e); and

(4) by inserting after subsection (c) the following:

“(d) SEPARATE CALCULATION.—Renewable energy produced at a Federal facility, on

Federal land, or on Indian land (as defined in section 2601 of the Energy Policy Act of 1992 (25 U.S.C. 3501))—

“(1) shall be calculated (on a BTU-equivalent basis) separately from renewable energy used; and

“(2) may be used individually or in combination to comply with subsection (a).”.

#### SEC. 387. STUDY ON FEDERAL DATA CENTER CONSOLIDATION.

(a) IN GENERAL.—The Secretary of Energy shall conduct a study on the feasibility of a government-wide data center consolidation, with an overall Federal target of a minimum of 800 Federal data center closures by October 1, 2015.

(b) COORDINATION.—In conducting the study, the Secretary shall coordinate with Federal data center program managers, facilities managers, and sustainability officers.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the results of the study, including a description of agency best practices in data center consolidation.

#### Subtitle E—Miscellaneous

#### SEC. 391. OFFSETS.

(a) ZERO-NET ENERGY COMMERCIAL BUILDINGS INITIATIVE.—Section 422(f) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17082(f)) is amended by striking paragraphs (2) through (4) and inserting the following:

“(2) \$50,000,000 for each of fiscal years 2009 through 2012;

“(3) \$100,000,000 for fiscal year 2013; and

“(4) \$200,000,000 for each of fiscal years 2014 through 2018.”.

(b) ENERGY SUSTAINABILITY AND EFFICIENCY GRANTS AND LOANS FOR INSTITUTIONS.—Subsection (j) of section 399A of the Energy Policy and Conservation Act (42 U.S.C. 6371h-1) (as redesignated by section 341(2)) is amended—

(1) in paragraph (1), by striking “through 2013” and inserting “and 2010, \$100,000,000 for each of fiscal years 2011 and 2012, and \$250,000,000 for fiscal year 2013”; and

(2) in paragraph (2), by striking “through 2013” and inserting “and 2010, \$100,000,000 for each of fiscal years 2011 and 2012, and \$425,000,000 for fiscal year 2013”.

(c) WASTE ENERGY RECOVERY INCENTIVE PROGRAM.—Section 373(f)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6343(f)(1)) is amended—

(1) by redesignating subparagraph (B) as subparagraph (D); and

(2) by striking subparagraph (A) and inserting the following:

“(A) \$100,000,000 for fiscal year 2008;

“(B) \$200,000,000 for each of fiscal years 2009 and 2010;

“(C) \$100,000,000 for each of fiscal years 2011 and 2012; and”.

(d) ENERGY-INTENSIVE INDUSTRIES PROGRAM.—Section 452(f)(1) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17111(f)(1)) is amended—

(1) in subparagraph (D), by striking “\$202,000,000” and inserting “\$102,000,000”; and

(2) in subparagraph (E), by striking “\$208,000,000” and inserting “\$108,000,000”.

#### SEC. 392. ADVANCE APPROPRIATIONS REQUIRED.

The authorization of amounts under this title and the amendments made by this title shall be effective for any fiscal year only to the extent and in the amount provided in advance in appropriations Acts.

**SA 2572.** Ms. COLLINS submitted an amendment intended to be proposed by

her to the bill S. 3412, to amend the Internal Revenue Code of 1986 to provide tax relief to middle-class families; which was ordered to lie on the table; as follows.

Strike all after the enacting clause and insert the following:

#### SECTION 1. EXTENSION OF 2001 AND 2003 TAX RELIEF.

(a) IN GENERAL.—Paragraph (1) of section 901(a) of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by striking “December 31, 2012” and inserting “December 31, 2013”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the enactment of the Economic Growth and Tax Relief Reconciliation Act of 2001.

#### SEC. 2. SURTAX ON MILLIONAIRES.

(a) IN GENERAL.—Subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new part:

#### “PART VIII—SURTAX ON MILLIONAIRES

“Sec. 59B. Surtax on millionaires.

#### “SEC. 59B. SURTAX ON MILLIONAIRES.

“(a) GENERAL RULE.—In the case of a taxpayer other than a corporation for any taxable year beginning after 2012 and before 2014, there is hereby imposed (in addition to any other tax imposed by this subtitle) a tax equal to 2 percent of so much of the modified adjusted gross income of the taxpayer for such taxable year as exceeds \$1,000,000 (\$500,000, in the case of a married individual filing a separate return).

“(b) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this section—

“(1) IN GENERAL.—The term ‘modified adjusted gross income’ means adjusted gross income reduced by the excess of—

“(A) gross income from a small business (as defined in section 6654(d)(1)(D)(iii))—

“(i) which is not a passive activity with respect to the taxpayer (within the meaning of section 469(c)), and

“(ii) which pays wages to at least 1 full-time equivalent employee (as defined in section 45R(d)(2)), other than the taxpayer, the taxpayer’s spouse, or an individual who bears a relationship to the taxpayer described in section 152(d)(2), over

“(B) the deductions which are properly allocable to such income.

“(2) AGGREGATION RULE.—All persons treated as a single employer under subsection (a) or (b) of section 52 or subsection (m) or (o) of section 414 shall be treated as one employer for purposes of paragraph (1)(A).

“(3) REGULATIONS.—The Secretary shall prescribe regulations similar to the regulations under section 469(1) for determining the income that is taken into account under paragraph (1)(A).

“(c) SPECIAL RULES.—

“(1) NONRESIDENT ALIEN.—In the case of a nonresident alien individual, only amounts taken into account in connection with the tax imposed under section 871(b) shall be taken into account under this section.

“(2) CITIZENS AND RESIDENTS LIVING ABROAD.—The applicable dollar amount under subsection (a) shall be decreased by the excess of—

“(A) the amounts excluded from the taxpayer’s gross income under section 911, over

“(B) the amounts of any deductions or exclusions disallowed under section 911(d)(6) with respect to the amounts described in subparagraph (A).

“(3) CHARITABLE TRUSTS.—Subsection (a) shall not apply to a trust all the unexpired

interests in which are devoted to one or more of the purposes described in section 170(c)(2)(B).

“(4) NOT TREATED AS TAX IMPOSED BY THIS CHAPTER FOR CERTAIN PURPOSES.—The tax imposed under this section shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit under this chapter or for purposes of section 55.”

(b) CLERICAL AMENDMENT.—The table of parts for subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

“PART VIII. SURTAX ON MILLIONAIRES.”

(c) SECTION 15 NOT TO APPLY.—The amendment made by subsection (a) shall not be treated as a change in a rate of tax for purposes of section 15 of the Internal Revenue Code of 1986.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2012.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on July 24, 2012, at 10 a.m., to conduct a committee hearing entitled “Housing Partnerships in Indian Country.”

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on July 24, 2012, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

The Committee will hold a hearing entitled, “The Cable Act at 20.”

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on July 31, 2012, at 10 a.m., in room 366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS AND SUBCOMMITTEE ON SUPERFUND, TOXICS, AND ENVIRONMENTAL HEALTH

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works and the Subcommittee on Superfund, Toxics, and Environmental Health be authorized to meet during the session of the Senate on July 24, 2012, at 10 a.m. in Dirksen 406 to conduct a joint hearing entitled, “Oversight of EPA Authorities and Actions to Control Exposures to Toxic Chemicals.”

THE PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON FOREIGN RELATIONS

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on July 24, 2012, at 10 a.m., to hold a briefing entitled, “Intelligence Update on Syria.”

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SELECT COMMITTEE ON INTELLIGENCE

Mr. SANDERS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 24, 2012, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SUBCOMMITTEE ON THE CONSTITUTION, CIVIL RIGHTS, AND HUMAN RIGHTS

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on the Constitution, Civil Rights, and Human Rights, be authorized to meet during the session of the Senate, on July 24, 2012, at 2:30 p.m., in room SH-216 of the Hart Senate Office Building, to conduct a hearing entitled “Taking Back Our Democracy: Responding to Citizens United and the Rise of Super PACs.”

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SUBCOMMITTEE ON FINANCIAL INSTITUTIONS AND CONSUMER PROTECTION

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs’ Subcommittee on Financial Institutions and Consumer Protection be authorized to meet during the session of the Senate, on July 24, 2012, at 2:30 p.m., to conduct a hearing entitled “Private Student Loans: Providing Flexibility and Opportunity to Borrowers?”

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SUBCOMMITTEE ON IMMIGRATION, REFUGEES, AND BORDER SECURITY

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Immigration, Refugees, and Border Security, be authorized to meet during the session of the Senate, on July 24, 2012, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “Strengthening the Integrity of the Student Visa System by Preventing and Detecting Sham Educational Institutions.”

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PRIVILEGES OF THE FLOOR

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that for the duration of today’s session, Varun Jain, a

fellow in my office, be granted floor privileges.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I ask unanimous consent that Kirk Porter, Andras Varhelyi, Talitha James, Alison Albers, and Eric Hageman, staff of the Finance Committee, be granted the privilege of the floor during consideration of S. 3412.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### INDIAN LAW ENFORCEMENT REFORM ACT

Mr. BENNET. Mr. President, I ask unanimous consent the Committee on Indian Affairs be discharged from further consideration of S. 2090, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2090) to amend the Indian Law Enforcement Reform Act to extend the period of time provided to the Indian Law and Order Commission to produce a required report, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. BENNET. Mr. President, I further ask that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to this measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2090) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2090

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. REPORT OF INDIAN LAW AND ORDER COMMISSION.

(a) IN GENERAL.—Section 15(f) of the Indian Law Enforcement Reform Act (25 U.S.C. 2812(f)) is amended in the matter preceding paragraph (1) by striking “2 years” and inserting “3 years”.

(b) TECHNICAL AMENDMENT.—Section 15(e) of the Indian Law Enforcement Reform Act (25 U.S.C. 2812(e)) is amended in the matter preceding paragraph (1) by striking “paragraph (1)” and inserting “subsection (d)”.

#### NATIONAL AIRBORNE DAY

Mr. BENNET. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 527 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 527) designating August 16, 2012, as “National Airborne Day.”

There being no objection, the Senate proceeded to consider the resolution.

Mr. BENNET. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 527) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 527

Whereas the members of the airborne forces of the Armed Forces of the United States have a long and honorable history as bold and fierce warriors who, for the national security of the United States and the defense of freedom and peace, project the ground combat power of the United States by air transport to the far reaches of the battle area and to the far corners of the world;

Whereas the experiment of the United States with airborne operations began on June 25, 1940, when the Army Parachute Test Platoon was first authorized by the Department of War, and 48 volunteers began training in July 1940;

Whereas August 16 marks the anniversary of the first official Army parachute jump, which took place on August 16, 1940, to test the innovative concept of inserting United States ground combat forces behind a battle line by means of a parachute;

Whereas the success of the Army Parachute Test Platoon in the days immediately before the entry of the United States into World War II validated the airborne operational concept and led to the creation of a formidable force of airborne formations that included the 11th, 13th, 17th, 82nd, and 101st Airborne Divisions;

Whereas, included in those divisions, and among other separate formations, were many airborne combat, combat support, and combat service support units that served with distinction and achieved repeated success in armed hostilities during World War II, and provide the lineage and legacy of many airborne units throughout the Armed Forces;

Whereas the achievements of the airborne units during World War II prompted the evolution of those units into a diversified force of parachute and air-assault units that, over the years, have fought in Korea, Vietnam, Grenada, Panama, the Persian Gulf region, and Somalia, and have engaged in peace-keeping operations in Lebanon, the Sinai Peninsula, the Dominican Republic, Haiti, Bosnia, and Kosovo;

Whereas, since the terrorist attacks of September 11, 2001, the members of the United States airborne forces, including members of the XVIII Airborne Corps, the 82nd Airborne Division, the 101st Airborne Division, the 173rd Airborne Brigade Combat Team, the 4th Brigade Combat Team (Airborne) of the 25th Infantry Division, the 75th Ranger Regiment, special operations forces of the Army, Marine Corps, Navy, and Air Force, and other units of the Armed Forces, have demonstrated bravery and honor in combat, stability, and training operations in Afghanistan and Iraq;

Whereas the modern-day airborne forces also include other elite forces composed of airborne trained and qualified special operations warriors, including Army Special Forces, Marine Corps Reconnaissance units,

Navy SEALs, and Air Force combat control and para-rescue teams;

Whereas, of the members and former members of the United States airborne forces, thousands have achieved the distinction of making combat jumps, dozens have earned the Medal of Honor, and hundreds have earned the Distinguished Service Cross, the Silver Star, or other decorations and awards for displays of heroism, gallantry, intrepidity, and valor;

Whereas the members and former members of the United States airborne forces are all members of a proud and honorable tradition that, together with the special skills and achievements of those members, distinguishes the members as intrepid combat parachutists, air assault forces, special operation forces, and, in the past, glider troops;

Whereas individuals from every State in the United States have served gallantly in the airborne forces, and each State is proud of the contributions of its paratrooper veterans during the many conflicts faced by the United States;

Whereas the history and achievements of the members and former members of the United States airborne forces warrant special expressions of the gratitude of the people of the United States; and

Whereas, since the airborne forces, past and present, celebrate August 16 as the anniversary of the first official jump by the Army Parachute Test Platoon, August 16 is an appropriate day to recognize as National Airborne Day: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates August 16, 2012, as “National Airborne Day”; and

(2) calls on the people of the United States to observe National Airborne Day with appropriate programs, ceremonies, and activities.

# 100TH ANNIVERSARY OF THE AMERICAN PODIATRIC MEDICAL ASSOCIATION

Mr. BENNET. Mr. President, I ask unanimous consent that the Senate proceed to S. Res. 528, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 528) recognizing the 100th anniversary of the American Podiatric Medical Association, the preeminent organization representing podiatric medicine and surgery, celebrating its achievements, and encouraging the association to continue providing guidance on foot and ankle health issues to the people of the United States and of the world.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BENNET. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 528) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 528

Whereas, in 1912, Alfred Joseph was the driving force behind the establishment of the National Association of Chiropodists (referred to as the “NAC” in this preamble), an organization dedicated to the needs and educational standards of chiropodists and to advancing and advocating for the profession of podiatric medicine and surgery for the benefit of its members and the public, and was elected the first president of the NAC;

Whereas, by 1922, most States had passed laws regulating the professional practice of chiropody;

Whereas, in 1922, the NAC began publishing the Journal of the National Association of Chiropodists and the NAC’s Council on Education began its first college accreditation activities;

Whereas, in 1943, the NAC ran an advertisement campaign in Life magazine highlighting the efforts of podiatrists to keep United States soldiers marching;

Whereas, in 1957, the NAC was renamed the American Podiatry Association (referred to as the “APA” in this preamble);

Whereas, in 1959, the APA established the Educational Foundation to advance the growth and stability of podiatric medicine through student scholarships and increased national awareness of foot and ankle health;

Whereas, in 1967, podiatric physicians were included as covered providers under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.);

Whereas, in 1971, all the colleges of podiatric medicine began granting the DPM (doctor of podiatric medicine) degree to students graduating from 4 years of podiatric medical training;

Whereas, in 1984, the APA was renamed the American Podiatric Medical Association to emphasize the profession as part of mainstream medical practice;

Whereas, in 2011, the Council on Podiatric Medical Education adopted the requirements of a 3 year podiatric medicine and surgery residency, which was approved for full graduate medical education funding by the Centers for Medicare and Medicaid Services;

Whereas the American Podiatric Medical Association regularly hosts medical and scientific meetings dedicated to highlighting and disseminating research findings and clinical advances in the prevention, detection, treatment, and cure of foot, ankle, and related conditions;

Whereas the American Podiatric Medical Association continues to meet its clinical and scientific mission through the publication of academic journals and clinical statements on the prevention, diagnosis, treatment, and cure of foot and ankle disorders, as well as through the provision of continuing medical education in foot and ankle care and through consumer education on foot and ankle health;

Whereas feet often reveal indicators of overall health, including signs of arthritis, diabetes, and nerve and circulatory disorders;

Whereas medically necessary care provided by podiatrists can reduce the risk of and prevent complications from these conditions and diseases, while at the same time offer savings to the heavily burdened health care system of the United States; and

Whereas the American Podiatric Medical Association has a long tradition of working in collaboration with the Federal Government to improve the foot and ankle health of all people of the United States: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the scientific, clinical, and public health achievements of the American Podiatric Medical Association as its members and staff commemorate and celebrate its 100th anniversary;

(2) recognizes the great impact that the American Podiatric Medical Association has had on improving the foot and ankle and related health of people in the United States and around the world; and

(3) congratulates the American Podiatric Medical Association for its achievements and encourages the organization to continue providing scientific guidance on foot and ankle and related health issues to improve the public health of future generations.

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#### MEASURE READ THE FIRST TIME—S. 3429

Mr. BENNET. Mr. President, I understand that S. 3429, introduced earlier today by Senator BILL NELSON, is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title for the first time.

The legislative clerk read as follows:

A bill (S. 3429) to require the Secretary of Veterans Affairs to establish a veterans jobs corps, and for other purposes.

Mr. BENNET. Mr. President, I ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will receive its second reading on the next legislative day.

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#### APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Republican leader, pursuant to Public Law 107-12, appoints the following individual as a member of the Public Safety Officer Medal of Valor Review Board: Rick Clemons of Kentucky, vice Charles Massarone.

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#### ORDERS FOR WEDNESDAY, JULY 25, 2012

Mr. BENNET. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., on Wednesday, July 25; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day; that the majority leader be recognized; that the time until 2:15 p.m. be equally divided and

controlled between the two leaders or their designees, with the Republicans controlling the first 30 minutes and the majority controlling the second 30 minutes; further, that at 2:15 p.m., the Senate proceed to a rollcall vote on the motion to invoke cloture on the motion to proceed to S. 3412, the Middle Class Tax Cut Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

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#### PROGRAM

Mr. BENNET. Mr. President, the first vote tomorrow will be a cloture vote on the motion to proceed to the Middle Class Tax Act at 2:15 p.m.

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#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BENNET. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:50 p.m., adjourned until Wednesday, July 25, 2012, at 9:30 a.m.



## HOUSE OF REPRESENTATIVES—Tuesday, July 24, 2012

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. RIVERA).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
July 24, 2012.

I hereby appoint the Honorable DAVID RIVERA to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
*Speaker of the House of Representatives.*

### MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 17, 2012, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

### THE DRONES ARE COMING

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. POE) for 5 minutes.

Mr. POE of Texas. Mr. Speaker, for years, the United States has used drones to track terrorists overseas, catch outlaws along the border and other lawful purposes—but now, thousands of drones are heading to the homeland. The FAA plans to allow the expanded use of drones to operate nationwide by the year 2015. It is estimated, by 2020, 30,000 of them will be flying in American skies.

Yes, Mr. Speaker, the drones are coming.

Who will operate these drones, and what will be their mission? Could it be a suspicious government agent who thinks someone looks kind of funny? The EPA bureaucrat to monitor somebody's farm and watch Bessie the cow graze in the pasture? Or a nosy neighbor who wants to make sure someone's shutters are pretty and the flowers don't violate the homeowners' association rules? Or could it be a legitimate and lawful and legal purpose of drones that doesn't violate the right of privacy?

These are the kinds of situations Americans face as we enter this uncharted and unprecedented world of drone technology.

Congress has the legal obligation to ensure that the Fourth Amendment rights of private citizens are protected in this new "drone world." You see, Mr. Speaker, the Fourth Amendment says this:

The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated. No warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

The Fourth Amendment limits government intrusion into our lives. The Constitution limits eavesdropping, snooping, and spying on American citizens. While there are some legitimate uses for drones domestically, such as monitoring forest fires and floods and hurricanes, tracking an escaped bank robber, and other law enforcement uses, it is up to Congress to limit their use so that the Fourth Amendment and the right of privacy are protected.

That is why I am introducing the Preserving American Privacy Act.

Now is the time for Congress to act, not in 2015. With the increased technology of surveillance, Congress has to be proactive in controlling drone use to law enforcement and also in protecting civilians from the private use of drones. This bill will ensure the privacy of private citizens is protected by establishing guidelines about when and for what purposes law enforcement agencies, private citizens, and businesses can use drones.

I repeat: This bill will ensure the privacy of private citizens, that it is protected by establishing guidelines about when and for what purposes law enforcement agencies, private citizens, and businesses can use drones.

First, it would prevent the FAA from issuing a permit for the use of a drone to fly in United States airspace for law enforcement purposes unless it is pursuant to a warrant and in the investigation of a felony. This would apply to State, Federal, and local jurisdictions. The warrant exceptions and exigent circumstances rules that are already the law of the land would be the same as those that are applicable in the State, Federal, or local jurisdiction where that surveillance occurs.

It would also prevent the FAA from issuing a permit to any private individual for the use of a drone for the surveillance of a U.S. citizen or the

property of a U.S. citizen unless that person under surveillance has consented or the owner of the property has consented. There may be some other lawful exceptions as well.

Lastly, this bill would ensure that no evidence obtained from the use of a drone may be used at an administrative hearing.

Americans expect their constitutional rights will be protected at any time in our history or our future, so Congress must decide when drones can and cannot be used in order to ensure constitutional safeguards. This decision cannot be left up to government agencies, special interest groups, or others. Mr. Speaker, technology may change with time, but the Constitution does not.

And that's just the way it is.

### THE NEAR COLLAPSE OF THE ECONOMY: AVOIDING A REPEAT PERFORMANCE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. There is plenty of blame for the near collapse of the economy over the last 5 years—greedy, even criminal business behavior, lax or nonexistent oversight with regulators asleep at the switch. Clearly, there were some reckless consumers and a failed political system. But as instructive as the postmortem might be, it's more important to avoid a repeat performance.

What should we do? I would suggest we simplify, regulate, and prosecute.

Let's begin by reinstating the Glass-Steagall, Depression-era bank regulation that helped promote stability in that industry. It would be a small step in the right direction, a signal that the era of deregulation, unfettered, is at an end. I hope we can move to performance-based regulation. The Dodd-Frank bill had many important and valuable features, but I fear that it is at risk of becoming a bureaucratic nightmare.

We do need to regulate. The cozy, light-touched, gentle—some would say diffident—approach that assumes that the gentle people in the financial industry will self-police must be a thing of the past. We should provide the various regulatory authorities with adequate staff and budget. We should pay them properly so that they aren't a training ground to be hired away for much higher salaries by the industry they're supposed to regulate. We

should have high expectations that they will do their jobs, and then we should back them up and not undercut those efforts.

Finally, we should prosecute. Sending people to jail will send a message. All of the people in American prisons collectively have not stolen as much with guns as the American public, our pension funds, our businesses lost in the near meltdown of the economy. Every time somebody illegally profits from a financial transaction, somebody else loses. Crooks, whatever the color of their collars, should be held accountable.

To make this happen, the public needs to focus some of their frustration to make this an issue in the election. At a time when politicians and special interests are making strange and outrageous noises, here is a real issue for them to address.

#### REGULATORY REFORM: FINDING A BALANCE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Michigan (Mr. WALBERG) for 5 minutes.

Mr. WALBERG. Mr. Speaker, for the record, America's businesses and innovators do not need the administration mandating how they run their companies—yet it regularly does and in the form of burdensome and costly regulations. We all share in the responsibility to find the balance of making sure employees have the safest working conditions possible while allowing them to have a job to come back to every day. Burdensome, onerous regulations place such a heavy toll on businesses that hiring slows and they are forced to start cutting from their workforces.

□ 1010

Part of protecting employees' jobs is making sure that the business they work for is still able to grow and create more good-paying jobs for those in Michigan and across the country.

Over the course of this Congress, I have had the opportunity to speak with numerous small businesses, owners, and workers who state unequivocally that they'd rather Washington hand out less regulations and more certainty. According to a Chamber of Commerce small business outlook survey from earlier this year, nearly 80 percent of small businesses say taxes, regulations, and legislation make it harder for them to hire. That's because small businesses are forced to pay on average \$10,000 per employee per year in order to comply with excessive regulations. The Small Business Administration has reported that when added up, those costs amount to \$1.75 trillion annually, which is enough money for businesses to provide 35 million private sector jobs with an average salary of \$50,000 per year.

Mr. Speaker, truly, the price of red tape is the loss of American jobs. Because of these regulations, the United States is also losing its competitive edge. According to the "Global Competitiveness Report" for 2011–2012, the U.S. fell to the fifth most competitive economy in the world. It is down from second place when President Obama took office in 2009. The reason stated by the report: more burdensome regulations.

I ask my Big Government colleagues: What's wrong with being number one? Regulations are important, and businesses should be held accountable for the safety of their employees. But how much is too much? So far this year, the Federal Register has run more than 40,000 pages of regulations that range from burdensome to downright ridiculous. It contains such provisions as multiple hospital claim reimbursement codes for injuries caused by parrots and burns from flaming water skis. We need regulatory reform that cleans up the system, removes duplicative regs, and wipes out burdensome and excessive rules.

My Republican colleagues and I in the House have passed dozens of bills to pull back the government's regulatory arm. We passed the Regulations From the Executive in Need of Scrutiny, or REINS, Act which would require both Congress and the President approve all major rulings created by Federal agencies. We also have passed rules that would discourage any regulation that will have an annual impact of more than \$100 million, resulting in major increases in costs and prices, or impose a significant negative effect on competition and jobs.

This week, we'll vote on H.R. 4078, the Red Tape Reduction and Small Business Job Creation Act, which would prevent any Federal agency from taking a significant regulatory action until employment has reached 6 percent or less. House Republicans remain committed to growing the economy and requiring congressional approval for any regulation that has significant impact on the economy or burdens small businesses and costs jobs.

We must stop allowing unelected bureaucrats to enact job-killing rules with no checks or balances. By preventing these kinds of job-hindering proposals, we can give job creators more certainty about what rules they can expect. Small businesses are our country's real job creators, creating seven out of every 10 jobs.

To protect these jobs and our country and Michigan, I'll continue to fight for less red tape here and in Washington, and more jobs in our homeland.

#### TRIBUTE TO KATHLEEN "KATHI" WILKES

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Texas (Ms. JACKSON LEE) for 5 minutes.

Ms. JACKSON LEE of Texas. Mr. Speaker, these are tasks that we often do not find welcoming. I rise this morning to pay tribute to a public servant among us, someone who served in this House as a staff person, a chief of staff in my office. I rise this morning to pay tribute to Kathleen "Kathi" Wilkes, whose memorial service will be held this afternoon, July 24, 1:30 p.m., at the Alfred Street Baptist Church in Alexandria, Virginia.

Kathi died suddenly last Saturday. The good news is that so many of her friends were able to fly in, as I was able to do from Houston, and to be with her in those waning hours. One can always ask the question why, and there is no explanation for someone so full of life, so ready to serve, so willing to help, to lose their life so suddenly, even as she was so active the week of her death.

Kathi had a wonderful history of coming from Ohio, touching down in Pennsylvania, in Houston, and Washington, D.C. How often can what we call a "civilian" touch the lives of so many States and so many people? Kathi pulled herself up by her bootstraps, supported herself, and became a nurse. As she was so good at nursing as well, she continued to nurture people, maybe in the spirit of Florence Nightingale.

That was not enough for Kathi. She continued to put herself through school and ultimately graduated and became a lawyer. That brought her to Houston, Texas, working for one of the major corporations there, but it brought her into my life so many years ago. There, she was a light as well, interested in helping and befriending not only my husband and myself, but my two little ones, Erica and Jason. Boy, did they have a buddy in Kathi Wilkes. She loved to do things that children much smaller and much younger than herself enjoyed. She was just a fun-loving person. Then, of course, she traveled to places around the world embracing friends.

As she came back to Washington, D.C., to become the chief of staff in the 18th Congressional District, what a light she was in the office, bringing in great talent and other young people who were nurtured, counseled by her, tutored, and made great. Then, of course, what a partner in legislation. She was there through the ups and downs of the 1990s, through the impeachment proceedings, as I was a member of the House Judiciary Committee. Through all these tough times, Kathi was there.

Then we were able to do something quite great, if I might say so myself. This House was built by slaves, the Capitol of the United States of America. But as we looked around a few years past, there were no statues of African Americans, less an African American woman. I passed legislation, along with then-Senator Clinton, to place a

statue of Sojourner Truth in this House. Sojourner Truth was a person who had been an abolitionist, a suffragette, a slave, a mother of 13 children, who had seen most all of them sold into slavery.

Kathi worked without ceasing to ensure that that statue was sculpted, that we had the opportunity to place it historically in the United States Congress, and it was honored with 2,000 people coming to see the placement of the Sojourner Truth statue having then-Secretary Hillary Clinton and First Lady Michelle Obama and, of course, the Speaker, NANCY PELOSI, present. What a wonderful day and occasion and tribute to the hard work of Kathi Wilkes.

It is befitting that I rise today to express the deep pain that so many of us feel, friends from all around the world even, but certainly in this Nation. Friends, as I said from Ohio, to Pennsylvania, to Washington, D.C., to Texas, many of whom will be able to come today, others of whom will celebrate her in Houston and in Ohio. One may ask why she is deserving of such. In the backdrop of such terrible tragedies that have faced us in Aurora and places around the world, as we mourn the loss of so many in the occurrence of last Thursday, I stand here today to say that I know that if Kathi Wilkes were alive today, she would be somewhere trying to help, to nurture, to assist my office, to be of help, even as she is no longer a chief of staff, but really a former chief of staff.

That is simply the way Kathi Wilkes is to her mother, her son, and, of course, her granddaughter and her many relatives and many friends. We have lost a good friend, but I can see her now taking wings.

Farewell, my good friend. You have served well and made us proud. More importantly, you have given of yourself. May you rest in peace.

□ 1020

#### AFGHANISTAN

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. JONES) for 5 minutes.

Mr. JONES. Mr. Speaker, last Saturday, I had the privilege to speak to well over 200 retirees. Many of the retirees are veterans of our previous wars for this country. They wanted me to be there with them to discuss sequestration, their benefits, and what do I think is going to happen, which I could not honestly tell them. And none of us really seem to know until we get back after the election in November.

But, Mr. Speaker, when I spoke to this group of retirees, I took this poster down, and I had it on a stand like this one. It says: "Funding the Enemy: How U.S. Taxpayers Bankroll the

Taliban." And I told these veterans that it was time to get our troops out of Afghanistan. It was time to stop sending money to a corrupt leader named Karzai and time to bring the troops home and spend the money here in America on our own people and guarantee the benefits for our veterans, which they have earned.

Mr. Speaker, I got a strong applause from those people, who have served this Nation, and their spouses. This took place in Jacksonville, North Carolina, which is in my district. The Camp LeJeune Marine base is in my district. And many of these in attendance served in the Marine Corps, the Navy, a few in the Air Force. And they agree with me, it is time to stop spending money, digging a hole that has no end to it, known as Afghanistan.

Mr. Speaker, in a critique on this book, "Funding the Enemy," I read one of the most candid behind-the-scenes examples of war reportage. This book contains a host of voices that spell out the chaos and mayhem of America's longest war.

Mr. Speaker, it is a no-win situation. I'm a history major from college, but I'm not an expert on history. But in everything I have ever read about Afghanistan, the end is always the same. No nation has ever gone to Afghanistan and changed anything, nothing at all.

And, Mr. Speaker, speaking of mayhem, yesterday in The New York Times—and I will quote the article—the title of the article is "Top Afghans Tied to Nineties Carnage, Researchers Say: Activists Say Powerful Figures Are Blocking 800-Page Report" of carnage in the nineties by many of those that are leading Afghanistan today.

I don't know why there is not more outrage from Congress. Anytime we have a debate about Afghanistan, it's a few Republicans and a few Democrats who stand up. And we might get 10 minutes, but that's about all. Ten minutes? We are spending \$10 billion a month; young men and women are losing their legs and arms. And 10 minutes is all we're going to debate the policy in Afghanistan? That, in itself, is crazy.

In this article, it further states:

The American Embassy here has been another source of objection to the mass-graves report. American officials say releasing the report would be a bad idea, at least until after Afghanistan's 2014 Presidential election is complete.

This has been a failed policy. It should have stopped after Mr. Obama got bin Laden. The reason we went into Afghanistan was to get bin Laden and al Qaeda which was responsible for 9/11. Well, he is dead now; al Qaeda has been disbursed all around the world. It is time to stop this failed policy in Afghanistan.

And I will say to the embassy that does not want this report out, Why? Why do you continue to play this game

with the American young men and women who give their lives and limbs in Afghanistan? Why won't you be honest with the American people and Congress and say, Bring the troops home; stop spending money we don't have.

The money is actually borrowed from China, Mr. Speaker. We owe China \$1.3 trillion. We can't pay our own bills. Yet we're going to borrow the money from China to send to a corrupt leader named Karzai in Afghanistan. And, Mr. Speaker, the subtitle of this book, "How U.S. Taxpayers Bankroll the Taliban"—it's the Taliban that are killing Americans.

Mr. Speaker, in closing, I will ask God to please bless our men and women in uniform.

#### ASSAULT WEAPONS BAN

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia (Mr. JOHNSON) for 5 minutes.

Mr. JOHNSON of Georgia. Mr. Speaker, today I rise to express my heartfelt sorrow and condolences to the victims and their families and the community of Aurora, Colorado, a great tragedy. Words are inadequate to describe it. And it's certainly a reminder to everyone that no time is promised to any of us. And we never know what will happen in the next second or the next minute or the next hour and certainly the next day. So we give praise that we were able to wake up this morning, come to the floor of the House and talk about an issue that is going to take a lot of time to heal.

But while we are healing, we have work to do in this Congress. You see, the assault weapons ban, in place for 10 years, expired in 2004. And after the expiration of the assault weapons ban, it's been open season.

Now, I know that there are people who hold the Second Amendment dear. And it is established clearly in law that citizens have a right to bear arms. Beyond that, the Constitution is silent. So it leaves it up to us to address issues concerning the reasonable regulation of that right. Should we not have any regulations, or should we have regulations that are reasonable?

Now, I just heard some of my colleagues on the other side of the aisle talking about the numerous bills that we will be considering this week having to do with stopping regulation in its tracks in all areas, whether or not it be child safety, food, drugs, car safety, whether or not it be air, water, food, drugs. I have heard talk that regulations stop jobs from being created. That is one that I disagree with; but nevertheless, we will be considering it today.

□ 1030

But there are some regulations governing the affairs of people that are reasonable, and that includes restrictions on who can bear arms and what

kind of arms they can bear. To say that we should have no regulations on weapons, particularly weapons of mass destruction, to me is unwise. I don't understand why someone who has a gun in their home for protection needs to have a magazine that is capable of rapid fire, a hundred rounds in a couple of minutes or in a minute. I don't understand why someone needs that kind of firepower to protect their home.

I know people love to go hunting. I, myself, will one day have the opportunity to do that. I have never done it before, but I respect those who wait until hunting season begins on their particular prey of choice. They exercise that right and get a lot of joy and satisfaction out of it, and also bring home some food. I can't disagree with that, and we do need to cull our deer population and other populations. We have reasonable regulations on that. But you don't need an AK-47 to go deer hunting.

My 5 minutes went by very quickly, but I think you all understand what I'm saying.

#### HONORING PENNSYLVANIA STATE REPRESENTATIVE ANTHONY MELIO

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. FITZPATRICK) for 5 minutes.

Mr. FITZPATRICK. Mr. Speaker, I rise today to honor the life and memory of Pennsylvania State Representative Anthony Melio, who passed away on Thursday afternoon. To his family, friends, and neighbors, he was known simply as "Tony," "Pop Pop," and "Uncle Tony." In the Pennsylvania State capitol, he was known as a hardworking and honorable State representative.

Having served his country in the Naval Reserves and working as one of the first employees in the United States Steel Fairless Works in Bucks County, Tony's story is the story of my hometown of Levittown, Pennsylvania, a town of dignified and hardworking people.

Tony Melio was a man who built his political career on bringing the community together with his contagious smile and his warm personality. He embodied the spirit of public service during his time in Harrisburg. As the people's representative from Lower Bucks County, Tony carried out his duties with dignity and perseverance. His commitment to his family and his community were the hallmarks of his service.

A man of great faith, Bucks County has lost one of its most well-respected and beloved public servants in Tony Melio. I, like so many, had the privilege of calling Tony a friend and a neighbor, and my thoughts and prayers are with the Melio family in this difficult time.

I thank the United States House of Representatives for stopping to remember this dignified public servant this morning.

#### DEVELOP AMERICA'S ENERGY RESOURCES

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. THOMPSON) for 5 minutes.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, President Obama continues to pursue an energy agenda that is contrary to his all-of-the-above rhetoric. There is no better example than his administration's recently released 5-year offshore leasing plan.

According to the nonpartisan Congressional Research Service, the plan proposes a mere 15 lease sales over the next 5 years, which is the lowest number since 1980, when CRS began tracking that data. Instead of allowing the development of America's vast offshore oil and gas resources, the plan effectively imposes a moratorium on most development, a moratorium which Congress lifted nearly 4 years ago. The plan blocks drilling on 85 percent of the Outer Continental Shelf. Effectively, States which sought Federal approval will have to wait another 12 years before any production is possible.

Under current law, Congress has a 60-day review period to replace the President's plan. Last week, the House Natural Resources Committee passed H.R. 6082, a plan that will allow more development of our energy resources. Instead of a moratorium of a none-of-the-above energy policy, we should responsibly develop all of our resources for the long-term benefits of the American people.

Mr. Speaker, the American people deserve affordable and reliable energy.

#### PASS RUSSIA PNTR

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. DREIER) for 5 minutes.

Mr. DREIER. Mr. Speaker, I rise to discuss an issue which I hope we will be addressing in the coming days.

There is a great deal of confusion about the possibility of our passing PNTR for Russia. Some are laboring under the impression that this is a reward to Vladimir Putin and Russia; and, in fact, the opposite is the case. We know that Vladimir Putin—in fact, many people say they look at him and what they are reminded of is the KGB. We know that Vladimir Putin, according to many reports, is attempting to reassemble the former Soviet Union. We know that he has grossly violated human rights. We know that they have a massive bureaucracy, crony capitalism, and a very corrupt court system. That's why, Mr. Speaker, it is very important for us to make sure that we pass Russia PNTR.

According to The Wall Street Journal in an editorial last week, they made it clear, Vladimir Putin does not want to us to pass the Magnitsky Act, which is part of PNTR, and they go on to say that he probably would be just as happy if we did not have PNTR. Why? Because based on overwhelming votes that took place in the last 2 weeks in the Russian Parliament, in the Duma, the lower house, and the Federated Council, the upper house, overwhelming votes, Russia is going to become a member of the World Trade Organization. I personally believe that's a good thing. It will take a great step in the direction of forcing Russia to live with a rules-based trading system, to address those issues of crony capitalism, a corrupt court system, and a massive bureaucracy.

But, Mr. Speaker, having said that, I think it is important to note that we've seen action taken here in the House Foreign Affairs Committee, the Senate Finance Committee, and we have seen a great deal of enthusiasm focused on the Magnitsky Act.

What is the Magnitsky Act? It is legislation that is named for Sergei Magnitsky, who was a whistleblower who focused on basically corruption that existed within the tax reporting system, basically, tax fraud. He reported on that, and he was imprisoned. He died in 2009. Mr. Speaker, what happened, very sadly, according to most reports, is that he was beaten to death.

Well, what does this legislation do? Something, again, Vladimir Putin would be virulently opposed to. It actually penalizes anyone who was involved in those human rights violations against Sergei Magnitsky. So, Mr. Speaker, this is a good thing. And at the same time in passing PNTR, we will say that the 140 million consumers in Russia will have access to goods and services from the United States of America.

Under the measure that has passed both houses of the Russian Parliament, as I said, overwhelming majorities, it will go into effect within the next couple or 3 weeks. What we need to do, Mr. Speaker, we need to recognize that the world will have access to that consumer market. We need to create jobs here in the United States of America. We need to open up that market for U.S. goods and services.

And so, Mr. Speaker, when this vote comes forward, don't believe that this is somehow a reward to Vladimir Putin and the people who are leading Russia. This, in fact, is a great benefit for workers in the United States of America, businesses in the United States of America, and a benefit to the consumers of Russia who will have access to our goods and services.

I want to congratulate, in closing, Mr. Speaker, my colleagues BILLY LONG and TOM REED, who, along with 71 other of the newly elected Members,

sent a letter that indicates strong support of this effort.

□ 1040

#### RECOGNIZING BELL FLAVORS & FRAGRANCES

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. DOLD) for 5 minutes.

Mr. DOLD. Mr. Speaker, I certainly want to echo the comments of the esteemed chairman from the Rules Committee about the effects the Russian PNTR is going to have for American businesses. It really is going to allow us to compete more on a level playing field.

Mr. Speaker, I rise today also to recognize Bell Flavors & Fragrances of Northbrook, Illinois, who tomorrow will celebrate their 100-year anniversary on July 25. This is, indeed, a remarkable achievement and something that we should celebrate. Mr. James Heintz and his team at Bell Flavors & Fragrances are innovating and selling products that satisfy the needs of their customers. And their customers, Mr. Speaker, are literally all over the world. Headquartered in Northbrook, Illinois, Bell Flavors & Fragrances has sales offices in 40 countries around the world and tailors its products to meet the regional demands of its consumers.

Bell is one of the many small businesses in my district that has utilized the Export-Import Bank. They've utilized it this year to support their export operations. As a member of the Financial Services Committee and a strong supporter of the Export-Import Bank, I'm proud that here in Congress we were able to work together on a broad, bipartisan basis to reauthorize the Export-Import Bank. So many of our small and medium-sized businesses rely on support of the Export-Import Bank in order to more efficiently and effectively compete in the global marketplace.

Mr. Speaker, we don't always spend enough time, effort, or energy here in Washington, D.C., celebrating business growth and success. So today on behalf of the residents of the 10th District of Illinois, I want to congratulate the wonderful people who make up Bell Flavors & Fragrances on their centennial anniversary.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 41 minutes a.m.), the House stood in recess.

□ 1200

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

#### PRAYER

Reverend Bud Roland, St. John Neumann Catholic Church, Austin, Texas, offered the following prayer:

Good and loving God, we thank You for this day. We thank You for the gift of public service.

We ask for Your blessings on these women and men who serve on our behalf. Grant them the wisdom to be humble in collaboration, the vision to consider the needs of all American citizens, and the desire to protect our freedom as they provide for the common good.

Direct their deliberations to be good leaders and guide them in fruitful dialogue.

May Your grace shine forth in all their proceedings. May they enact just laws for our government, and may they seek to preserve peace, promote national happiness, and continue to bring us the blessings of liberty and equality.

Amen.

#### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

#### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Arkansas (Mr. CRAWFORD) come forward and lead the House in the Pledge of Allegiance.

Mr. CRAWFORD led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

#### MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Brian Pate, one of his secretaries.

#### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will remind the House that on July 24, 1998, at 3:40 p.m., Officer Jacob J. Chestnut and Detective John M. Gibson of the United States Capitol Police were killed in the line of duty defending the Capitol against an intruder armed with a gun.

At 3:40 p.m. today, the Chair will recognize the anniversary of this tragedy

by observing a moment of silence in their memory.

#### WELCOMING REVEREND BUD ROLAND

(Mr. McCAUL asked and was given permission to address the House for 1 minute.)

Mr. McCAUL. Mr. Speaker, I rise today to pay tribute to a good and decent man, a man of God and a man of faith, a man who has devoted his entire life to the service of his fellow man. Father Bud Roland, whom we affectionately call Father Bud, is our guest chaplain today and is the pastor of St. John Neumann Catholic Church in Austin, Texas.

A native of Amarillo, Father Bud was ordained a Roman Catholic priest in January 1999. He was inspired to convert to Catholicism by a loving and generous man in Amarillo named Jordan Grooms who also inspired scores of others to go into the priesthood.

I am thankful that this man impacted Father Bud, who has gone on to shepherd so many with great love and great leadership. Father Bud is revered, admired, and loved by all whose lives he has touched. It has been a great privilege to call him my pastor, and everyone who knows him experiences the true message of Christ. In his words, in his deeds and, above all, in his heart, his example is a beacon of light which draws us all closer to the Creator.

I am reminded of Romans 8:28, which says:

We know that for those who love God all things work together for good, for those who are called according to His purpose.

We are blessed, and the world is a better place because Father Bud was called according to His purpose.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. YODER). The Chair will entertain 15 further requests for 1-minute speeches on each side of the aisle.

#### RECOGNITION OF RETA HAMILTON

(Mr. CRAWFORD asked and was given permission to address the House for 1 minute.)

Mr. CRAWFORD. Mr. Speaker, I rise today to recognize the leadership and dedication Reta Hamilton has shown to the Republican Party of Arkansas and the Republican National Committee. Ms. Hamilton has made a lifelong commitment to advancing conservative causes.

Her career began as a volunteer in political activism in 1995; and she has gone on to hold positions, including the first vice chairman of the Republican Party of Arkansas, an appointee to the

Governor's Appointments Committee, and a member of the National Committee's Women's Leadership Forum.

She served as a national committee-woman for the Republican Party of Arkansas since 2004; and as a member of the national rules committee, she is able to influence party nominations and messages.

Ms. Hamilton has been a delegate to every Republican national convention since 1992. She is also a 2012 RNC convention committee member.

Mr. Speaker, today I honor Ms. Reta Hamilton for her commitment to our commonsense, conservative ideals and thank her for her service.

#### VETERANS TRANSITIONING TO CIVILIAN LIFE

(Ms. HOCHUL asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HOCHUL. Mr. Speaker, exactly 2 months ago, I was in Afghanistan breaking bread with our troops, and I asked them, What is your biggest worry? What keeps you awake at night? I thought it had to be the Taliban lurking in the nearby mountains. Well, it wasn't. Their biggest fear—and I heard this over and over—was the fear of coming back to this country and not finding a job.

At this point in our country, over 30 percent is the rate of unemployment for recently returning veterans from Iraq and Afghanistan. That is absolutely unacceptable. We've taken some steps in Congress. The tax credit for employers is a good start, and I introduced the VETS bill, which will help veterans receive professional certification for the training and skills they've already acquired abroad.

I also want to recognize that the VA and DOD are recognizing that we need to do much more to help these individuals transition into civilian society. In fact, tomorrow we are having a joint hearing with the Armed Services and Veterans' Affairs Committees to address these matters.

As I told many veterans groups, we didn't get it right after Vietnam. We have to do so much more to help them reintegrate into society and help them heal their wounds. I say instead of just giving them a thank-you, let's give our veterans a job.

#### RED TAPE REDUCTION ACT HELPS CREATE JOBS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, since the President took office, his administration has enacted over 400 new government regulations limiting small business owners from

creating new jobs. This year alone, the Federal Register has published over 41,000 pages of regulations that would cost \$56.6 billion and result in paperwork that would take over 114 million wasted hours to complete.

With record unemployment, it is sadly clear that the President's new taxes and policies are failing American families and destroying jobs. House Republicans are focused on putting Americans back to work. As a result, we have passed over 30 job-creation bills in the past year. Sadly, these bills remain stalled by the liberal-controlled Senate.

This week, the House, led by KEVIN BRADY, will vote on the Red Tape Reduction and Small Business Job Creation Act and, once again, attempt to remove government red tape prohibiting America's job creators from achieving economic success in creating jobs. I hope we can work together to support this legislation.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

□ 1210

#### THINK BEFORE WE CUT

(Mr. COHEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COHEN. Mr. Speaker, this weekend, the whole country was struck with the tragedy in Aurora, Colorado. A deranged individual murdered 12 citizens and wounded 58 others.

My mind went back to the day that Gabrielle Giffords was shot—another deranged individual. What it says to me is we need to spend more money, not less money, on mental health issues. There are a lot of mentally disturbed people out there who need mental health treatment, and this Congress has been cutting funds for mental health and for clinics and for health care. And we need more law enforcement and more protection.

There are cuts that can be made to protect our country's fiscal health, but to protect our Nation's physical health, some funds need to be maintained. Let's think before we cut.

#### CONGRATULATING DR. VIRGILIO I. BEATO NUNEZ

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, it is with great pride, admiration, and affection that I rise to recognize Dr. Virgilio Beato Nunez, an outstanding member of the south Florida medical community, on his very well-deserved retirement.

In his 69 years of medical practice, he has improved the lives of countless in-

dividuals and has enjoyed a career of many achievements. Dr. Beato is a great example of the patriotism and dedication that we see throughout our Nation, and also to his profession.

Forced to flee from the oppressive Communist regime of Fidel Castro, Dr. Beato began his new life and his career in Miami. He then moved to San Antonio, Texas, where in 1974 he was elected vice president of the American Heart Association. In 1977, Dr. Beato moved back to Miami, where he helped many struggling young doctors who had moved to freedom in the United States.

He has received many awards, including a proclamation by the city of Miami naming "Dr. Virgilio Beato Day," and a congressional recognition in 2006 for his many contributions to the medical field.

Congratulations to Dr. Beato on his retirement, and I wish him all the best in this new, exciting chapter in his life.

#### MARKETPLACE EQUITY ACT

(Mr. WELCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELCH. Mr. Speaker, retailing is an important part of the American economy. The Main Street retailers—brick-and-mortar retailers—play an essential function of providing access to stores in communities. They're the engine of downtown revitalization. E-commerce retailers are emerging as a very strong retailing force, providing convenience and low cost to consumers.

The challenge we face is having a level playing field between these two retailers. The way things stand right now, if a State assesses a sales tax, Main Street retailers have to collect it; e-retailers, more often than not, don't. That's not a level playing field for them to compete on a fair basis.

There are two bills in the House to resolve this: the Main Street Fairness Act and the Marketplace Equity Act. Both I am a cosponsor of, with bipartisan support.

Fair is fair. We're making progress on this. Just recently, the Governors from both parties attending the National Governors Association spoke in favor of the importance of updating Federal law so there will be this level playing field. And just this morning, in Chairman SMITH's House Judiciary Committee, there was a hearing on the Marketplace Equity Act.

Let's bring this to the floor for a vote. Let's pass it. Let's return fairness.

#### STOP THE TAX HIKE

(Mr. GUINTA asked and was given permission to address the House for 1 minute.)

Mr. GUINTA. Mr. Speaker, I rise today to add my voice to those calling

attention to the harmful tax hikes that could soon come our way.

With tax cuts set to expire at midnight on December 31 of this year, the Obama administration wants some of those taxes to increase. I think that that would inflict a body blow to our economy and prolong this recovery.

A recent study by the accounting firm Ernst & Young finds raising these taxes would cause the estimated loss of 700,000 jobs, wages would be reduced by 1.8 percent, and our economy would shrink by 1.3 percent.

My State of New Hampshire relies heavily on small businesses; they are the backbone of our economy. This tax hike would hit small businesses especially hard because at least 75 percent pay their taxes as individuals.

I think of the many job creators in my district, such as Hampshire Fire Protection in Londonderry. They face enough challenges without Washington imposing higher taxes and that burden on their small business. With the Nation's unemployment at 8.2 percent, we simply cannot afford to lose an additional 700,000 jobs. That is why I say we must stop this tax hike, Mr. Speaker.

#### AMERICA LOST A TRUE HERO

(Mrs. DAVIS of California asked and was given permission to address the House for 1 minute.)

Mrs. DAVIS of California. Mr. Speaker, yesterday, we lost a true hero in Sally Ride. Dr. Ride was a constituent, and I recall my excitement in first meeting her years ago.

At the age of 32, Sally K. Ride broke her first barrier when she flew on the space shuttle Challenger in 1983. She was the first American woman ever to fly in space. But her journey didn't end there. She went back to space in 1984, and later on became director of the California Space Institute at UCSC, as well as a professor of physics.

She was a trailblazer in every sense of the word. She cracked open the door for women to enter the fields of science and engineering and helped inspire countless young girls to follow in her footsteps. I think of what it will mean to my granddaughter Jane to see her in our history books.

Dr. Ride will be missed by all those who knew her and all those whom she touched and will continue to reach with her courage, her determination, and fearless spirit.

#### FARM BILL

(Mrs. NOEM asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. NOEM. Mr. Speaker, I wanted to bring up a subject today that's on the minds of people all across this country, and this is the drought that is hitting so many people and our economy.

I was recently in the northwest corner of South Dakota and had the chance to drive all the way across the State and visit with producers and communities that have been hit so hard. I'll tell you the facts are clear. We have feed shortages, stock dams are going dry, and there are escalating feed costs that are hitting our producers every single day.

Our livestock producers undeniably take a great risk. They don't have the crop insurance programs that many of our commodity producers do have and that protects them and gives them a safety net. That's why our livestock disaster programs are so important.

I was proud of the fact that I introduced legislation that reauthorized this bill's programs earlier this year and that they were included in the committee version of the farm bill that came through the House Ag Committee earlier. That's why it's so important that we get our farm bill work done and that we bring it to the House floor and have a vote so that our livestock producers truly can have a safety net that our commodity producers already enjoy.

#### INTERNATIONAL AIDS CONFERENCE

(Mr. HIMES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HIMES. Mr. Speaker, this week, Washington plays host to the International AIDS Conference, a conference that brings together activists, scientists, and people living with HIV to mourn those millions who have been lost to that disease around this world but also to celebrate some very real progress made against that disease.

HIV is no longer a death sentence for those who are diagnosed. That's a very large accomplishment that the U.S. Government can claim some credit for through research at NIH, CDC, small things like the fact that the city of Washington can be host because the President's administration lifted the travel ban on people with HIV.

Mr. Speaker, there is also something for us to learn. The Bush administration—which I didn't always agree with—also can take enormous credit for PEPFAR, a program which saved millions of lives in Africa and Asia and which earned us the respect and the love of people around this planet. We should learn from that, to work together to end this disease, to make sure that those with it are treated and that we prevent it and ultimately end it. That should be our goal.

#### FEDERAL RESERVE TRANSPARENCY ACT

(Mr. MARCHANT asked and was given permission to address the House for 1 minute.)

Mr. MARCHANT. Mr. Speaker, I rise today as an original cosponsor of the Federal Reserve Transparency Act of 2011, authored by my colleague from Texas, RON PAUL. I commend Congressman PAUL for his years of diligence in pursuing this issue. It has long since been time for the Federal Reserve to commit to an audit.

This legislation requires the Comptroller General to complete an audit of the Federal Reserve Board of Governors and of the Federal Reserve Bank. Many of my constituents have been calling and writing and asking me for this significant new transparency of the Federal Reserve. I agree with them on the urgent need for accountability. This legislation is an important step forward in achieving that goal.

I urge all of my colleagues to join me in supporting the Federal Reserve Transparency Act.

□ 1220

#### LOOK AT WHAT'S REALLY IN THE AFFORDABLE CARE ACT

(Ms. SCHAKOWSKY asked and was given permission to address the House for 1 minute.)

Ms. SCHAKOWSKY. Now that it's the law of the land, it's time for everyone in the country to take a deep breath and look at what really is in the Affordable Care Act, ObamaCare.

If you're a senior citizen, you're now receiving a 50 percent discount on brand name drugs if you fall into what is called the doughnut hole, the Medicare prescription drug coverage gap.

If you're a woman, you now have free coverage of lifesaving preventive services such as mammograms; and beginning on August 1, free coverage is going to include many additional preventive care services, so take a good look at that.

If you're a parent, if you have children under age 19, they cannot be denied coverage by an insurance company because they have a preexisting condition.

And if you're a young adult, you can now stay on your parents' health care plan until your 26th birthday, which is really important if you don't have a job that has health insurance coverage.

And if you're a small business owner, like my son is, there are millions now of eligible small business owners that are receiving tax credits if you choose to offer coverage to your employees.

So take a look. It's really good for most Americans.

#### MD ANDERSON CANCER CENTER THE BEST IN THE WORLD

(Mr. POE of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE of Texas. Mr. Speaker, last week I met with Dr. Loretta Williams,



an oncology nurse from MD Anderson Cancer Center in Houston, Texas. For 30 years, Dr. Williams has provided care to cancer patients, whether they have battled the disease for years or they are just beginning that fight. I was impressed by her compassion and her dedication.

People like Dr. Williams are why MD Anderson is the greatest cancer center in the world, named the top hospital for cancer care for the 6th year in a row. While its innovative cancer research is most impressive, dedicated and knowledgeable staff are the reasons why it remains the number one center for cancer care.

It all starts at the top with Dr. Ronald DePinho. Dr. DePinho is an impressive individual. His main motivation is to provide the best care possible to patients while conducting creative research to dramatically reduce the number of deaths from cancer.

This year, MD Anderson will see its one-millionth patient since its doors opened in 1944. Each day lives are forever changed by the staff and the volunteers who are tenaciously determined to stop cancer.

And that's just the way it is.

#### KEEPING OUR WATERS HEALTHY AND FREE OF INVASIVE SPECIES IS A FEDERAL RESPONSIBILITY

(Mr. HIGGINS asked and was given permission to address the House for 1 minute.)

Mr. HIGGINS. Mr. Speaker, a recent report issued by American and Canadian scientists for the Department of Fisheries and Oceans reveals alarming findings regarding the health of our Great Lakes.

The report warns that Asian carp are closer to entering the Great Lakes than we had anticipated. When introduction occurs, it will be irreversible and devastating to the ecology of the lakes and the economy of the region. This report is an urgent reminder that it is imperative that we intensify our efforts and act immediately to prevent Asian carp from entering the Great Lakes.

Today, I, along with 15 of my colleagues from both sides of the aisle, sent a bipartisan letter to the Environmental Protection Agency and the Army Corps of Engineers calling attention to this study, and urging swift action on the threat of the Asian carp to the Great Lakes environment.

Keeping our waters healthy and free of invasive species is a Federal responsibility. It's time to act—and to act now.

#### LET'S AUDIT THE FEDERAL RESERVE

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. In 1989, I sponsored a bill, along with 11 other Democrats, to audit the Federal Reserve.

The Wall Street Journal wrote an editorial saying we would destroy the American economy if we audited the Federal Reserve. Well, guess what? Eighteen years later, Wall Street destroyed the economy of the United States of America—Wall Street, the big banks—and then they were bailed out secretly by the Federal Reserve. We don't know how many trillions of dollars the Federal Reserve committed to them. We know their profits were billions, tens of billions on the bailout they got. So it's past time to audit the Federal Reserve.

Today we'll take up a bill, finally, RON PAUL's bill, to audit the Reserve. I strongly support it.

I also urge Members to support my bill, which would establish conflict-of-interest rules for the Federal Reserve and take the two-thirds of the Federal Reserve that is controlled by Wall Street banks, take those people off the board and put citizen representatives who represent the taxpayers and the consumers of the United States, not the big banks, on that board.

#### KEEP TAX RATES LOW FOR MIDDLE CLASS AMERICANS

(Ms. HAHN asked and was given permission to address the House for 1 minute.)

Ms. HAHN. Mr. Speaker, yesterday the Government Accountability Office revealed that the debt ceiling crisis Republicans put this country through last August cost us taxpayers \$1.3 billion. Now, Americans are hearing that they may be put through that wringer again.

I hope my Republican friends would agree with me that the middle class families are the backbone of our economy. Keeping their taxes at their historically low rate is the best way to get our economy back on track.

Unfortunately, that middle class tax cut extension is under threat. My friends on the other side of the aisle are demanding, instead, that the superrich get their tax breaks.

This isn't the way forward. We tried tax breaks for the rich and tax giveaways for the corporations during the Bush years. It didn't work.

Let's keep tax rates low for the middle class Americans and move this country forward.

#### DRILL, BABY, DRILL? WE HAVE, BABY, WE HAVE

(Mr. CONNOLLY of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONNOLLY of Virginia. Mr. Speaker, some claim the solution to America's energy concerns is "Drill,

Baby, drill." Under President Obama, domestic oil and natural gas production increased every year, with the largest increase in the number of drilling rigs in American history. Domestic oil production last year was the highest in a decade, and natural gas production the highest ever in our history.

Under President Obama, we've reduced foreign oil imports by 1 million barrels of oil per day. Foreign oil dependence was 60 percent of U.S. consumption in 2005 under Bush. It's dropped to 49 percent in 2010 under Obama, and is now on pace to fall to 36 percent, reversing trends since the Nixon Presidency. By 2020, U.S. oil production will be up 11 percent, rivaling the largest producer in the world, Saudi Arabia.

Under this President, U.S. oil production and exploration are booming, while foreign oil imports are plummeting.

The U.S. consumes 21 percent of the world's energy but contains 2 percent of proven oil reserves. That's why it's so imperative we follow President Obama's lead and pursue multiple sources of energy to meet our ever-expanding needs.

So to those who say, "Drill more," President Obama can respond, "We have, Baby, we have."

□ 1230

#### EXTEND MIDDLE CLASS TAX CUTS

(Ms. HANABUSA asked and was given permission to address the House for 1 minute.)

Ms. HANABUSA. Mr. Speaker, both sides agree on one thing: that we must reduce taxes on the group of Americans that fuels our economy. We disagree as to who this group is. Republicans believe that it is the wealthy 2 percent. Democrats believe that it is the 98 percent—the middle class—that fuels our economy.

The bottom line is: Do you believe that the economy is going to be revived top down? But really, it isn't. Rather, it's going to be a strong and secure middle class.

Today, the White House released some figures.

For Hawaii, my State, 500,000 families qualify as middle class. Do you know what it means? If we extend the middle class tax credits and tax breaks, it will mean \$1,600 more per family per year. More importantly, what does it mean for the super wealthy? If we let those tax breaks expire, like they should, we will be able to reduce the deficit by about \$1.16 trillion in 10 years.

This is a no-brainer. Extend the middle class tax credits for those who really fuel our economy, and expire the Bush tax cuts.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 31 minutes p.m.), the House stood in recess.

□ 1315

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. YODER) at 1 o'clock and 15 minutes p.m.

CONTINUATION OF NATIONAL EMERGENCY DECLARED WITH RESPECT TO THE ACTIONS OF CERTAIN PERSONS TO UNDERMINE THE SOVEREIGNTY OF LEBANON OR ITS DEMOCRATIC PROCESSES OR INSTITUTIONS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 112-127)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, within 90 days prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency declared with respect to the actions of certain persons to undermine the sovereignty of Lebanon or its democratic processes and institutions is to continue in effect beyond August 1, 2012.

Certain ongoing activities, such as continuing arms transfers to Hizballah that include increasingly sophisticated weapons systems, undermine Lebanese sovereignty, contribute to political and economic instability in the region, and continue to constitute an unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared on August 1, 2007, to deal with that threat and the related measures adopted on that date to respond to the emergency.

BARACK OBAMA.  
THE WHITE HOUSE, July 24, 2012.

PROVIDING FOR CONSIDERATION OF H.R. 4078, RED TAPE REDUCTION AND SMALL BUSINESS JOB CREATION ACT, AND PROVIDING FOR CONSIDERATION OF H.R. 6082, CONGRESSIONAL REPLACEMENT OF PRESIDENT OBAMA'S ENERGY-RESTRICTING AND JOB-LIMITING OFFSHORE DRILLING PLAN

Ms. FOXX. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 738 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 738

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4078) to provide that no agency may take any significant regulatory action until the unemployment rate is equal to or less than 6.0 percent. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed two hours equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary and the chair and ranking minority member of the Committee on Oversight and Government Reform. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendments in the nature of a substitute recommended by the Committees on the Judiciary and Oversight and Government Reform now printed in the bill, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 112-28, modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution, shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule and shall be considered as read. All points of order against provisions in the bill, as amended, are waived. No further amendment to the bill, as amended, shall be in order except those printed in part B of the report of the Committee on Rules. Each such further amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such further amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill, as amended, and any further amendment thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. At any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House

resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 6082) to officially replace, within the 60-day Congressional review period under the Outer Continental Shelf Lands Act, President Obama's Proposed Final Outer Continental Shelf Oil; Gas Leasing Program (2012-2017) with a congressional plan that will conduct additional oil and natural gas lease sales to promote offshore energy development, job creation, and increased domestic energy production to ensure a more secure energy future in the United States, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 112-29. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. No amendment to that amendment in the nature of a substitute shall be in order except those printed in part C of the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1320

The SPEAKER pro tempore. The gentlewoman from North Carolina is recognized for 1 hour.

Ms. FOXX. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Ms. FOXX. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Ms. FOXX. House Resolution 738 is a structured rule providing for consideration of H.R. 6082, the Congressional Replacement of President Obama's Energy-Restricting and Job-Limiting Offshore Drilling Plan, from the Natural Resources Committee and Chairman HASTINGS, and seven other bills that will be considered as a single package, including mine, H.R. 373, the Unfunded Mandates Information and Transparency Act; H.R. 4078, the Regulatory Freeze for Jobs Act by Mr. GRIFFIN; H.R. 4607, the Midnight Rule Relief Act by Mr. RIBBLE; H.R. 3862, the Sunshine for Regulatory Decrees and Settlements Act by Mr. QUAYLE; H.R. 4377, the RAPID ACT by Mr. ROSS of Florida; H.R. 2308, the SEC Regulatory Accountability Act by Mr. GARRETT; and H.R. 1840, which is a bill by Mr. CONAWAY to improve consideration by the Commodity Futures Trading Commission of the cost and benefits of its regulations and orders.

H.R. 6082 is a bill to replace the Obama administration's final offshore drilling plan announced on June 28, which keeps 85 percent of America's offshore areas off limits to energy production, with one that would establish a timeline for 29 specific leases, some of which are not open for drilling under the Obama plan.

The legislation would also require the Interior Department to prepare a multilease environmental impact statement for any leases required under the bill not in the June 2012 plan.

The remaining bills are rolled into one package; and while each has its own unique virtues, they're all intended to provide for Federal regulatory relief.

H.R. 373 is the culmination of nearly 5 years of work to build on the success of the Unfunded Mandates Reform Act, or UMRA, which is a bipartisan initiative that has not been modernized since its inception in 1995.

Given his express support for regulatory reform, my hope is that President Obama will support my bill, which incorporates many of his ideas, including those embodied in Executive Order 13563.

Mr. Speaker, so often we thank people for working on our legislation and for working in the Congress only at the time that they retire, but I want to give some thanks today for the hard work that's been done, particularly on H.R. 373. There's an enormous amount of work that has gone into bringing this bill to the floor.

I'd first like to thank Brandon Renz, my legislative director, who has worked with this for over 5 years. I thank Kristin Nelson and Peter Warren with the House Oversight and Government Reform Committee for providing

the diligence and creative thinking needed to shape the product we're considering today.

I also thank Ryan Little, Austin Smythe, Daniel Flores, and Hugh Halpern for their help shepherding this bill through the various committees of jurisdiction. It's this kind of cooperation that's necessary to ensure the proper functioning of this legislative body.

I thank Chairman DARRELL ISSA for bringing this bill to the Oversight and Government Reform Committee. He is providing extraordinary leadership for that committee and our country. But it's my colleague and good friend, Congressman JAMES LANKFORD, the chairman of the House Oversight and Government Reform Committee's Subcommittee on Technology, Information Policy, Intergovernmental Relations and Procurement Reform, who is deserving of my most sincere appreciation and praise.

Mr. LANKFORD's dogged work and determination to build upon and improve on my initiative is only one demonstration of his keen intellect and exceptional legislative acumen. For a freshman with no prior legislative experience to have received such immense respect by peers of both parties further underscores his professionalism and amiable personality. Undoubtedly, this House would be better off if it were filled with legislators as serious about seeking tangible solutions to problems as Mr. LANKFORD and Mr. ISSA.

Mr. Speaker, it's on that note that I urge my colleagues to support this rule and the underlying bill and reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentlelady for yielding me the customary 30 minutes.

I'd like to address process just very briefly, and that is that, when we began this session of Congress, we were advised by our Republican colleagues that we were going to bring up each measure individually and discuss them. This is a structured rule that does contemplate the opportunity for many Members to participate, but it isn't an open rule. What it is is it's a measure as the base bill that has cobbled to it six distinctly different measures—evidenced by the number of thank-yous that had to come from Dr. FOXX to the various committees.

I do agree with the one, Dr. FOXX, where you thank the young man for creative thinking. This is out of the box when it comes to us as far as process is concerned being creative. Cobbling six pieces of legislation—with another to make seven—is a bit much.

This rule provides for consideration of H.R. 4078, the Red Tape Reduction and Small Business Act of 2012, and H.R. 6082, which has such a long and convoluted name that the cost to the

government to simply print the bill may require the Republican majority to raise the debt ceiling.

What the red tape bill should be called, Mr. Speaker, is the "Eliminate the Government's Ability to Protect Its Own Citizens Act of 2012," because that is what the radical legislation—creative, though one may think it is—aims to do.

Under this legislation, Federal agencies would be prohibited from issuing new regulations until the unemployment rate falls below 6 percent.

□ 1330

And I defy any economist or anybody else in the world to tell me when that's going to be in an economy such as the one that we have. So too, would new regulations be prohibited between Election Day in early November and Inauguration Day in late January.

For the past 2 years, the Republican majority has been spending its time doing everything, it seems to me, to crash the economy by defaulting on our debt, eliminating the greatest health care protections made in decades, and turning sensible decisions about women's health care into a fantasy of religious persecution.

But now it appears that perhaps struggling Americans have finally managed to capture the Republicans' attention, except that the majority's response is not to make the kind of investments that will actually create jobs, but, instead, to gut the Federal Government's efforts to protect the health and safety of American citizens.

I realize that in the fantasy world inhabited by some far-right ideologues allowing polluters to run amok is tantamount to creating jobs, allowing corporations to pursue fantastic profits at the expense of public health and safety is somehow good governance, and enabling the middle class to fall farther and farther behind the ultra-wealthy is somehow a shining example of the American spirit.

But I have to ask, under this legislation, where will these new jobs come from?

I suppose we'll need more doctors to care for sick children, since the FDA will be prohibited from monitoring the safety of baby formula. We will need caregivers, I'm sure, willing to provide free care for older Americans, as Medicare will be unable to change its payments to providers. And we'll need new water treatment plant workers, as corporate polluters will have increased freedom to dump harmful chemicals into our drinking water, as they have for years.

If I sound extreme, Mr. Speaker, it's because this bill is extreme. A blanket prohibition on new regulations is not any kind of solution to grow our economy. The FDA, the EPA, and the Veterans Administration, these agencies are not responsible for the failure of our jobless recovery.

What is irresponsible is the failure to address the real needs of the American people. Rather than preventing the Federal Government from ensuring clean drinking water, we ought to be investing in the infrastructure that makes clean drinking water possible and that desalinates salt water.

We ought to be investing in economic development projects, in the national infrastructure, in clean energy technology, in education, and in the kinds of programs that support those Americans who are struggling the hardest. Rich CEOs of big polluters aren't one of those that are in need.

But speaking of rich CEOs out of touch with everyday Americans, it was Mitt Romney who said in 2009 that, "You have to have regulation." He said that regulations need to be modernized, reviewed, and effective, and that Republicans "misspeak" when they say they don't like regulation.

I guess what Mitt Romney calls "misspeak" other people might call "outright ridiculous" because that is what the ideology behind this bill is. It is as ridiculous a notion that yet more drilling for oil will somehow—drilling in these places where companies like BP can cause the kind of incidents that we saw in the gulf—that somehow this is going to benefit the country. It won't.

The other bill to be considered under this rule is just the latest manifestation of the Republican energy doctrine: "Only drilling, all the time, and everywhere." This legislation does exactly two things. It tears up environmental protections, and it further enriches oil company executives.

The House, under the Republican majority, has taken 142 pro-oil-and-gas drilling votes this Congress. Using the hourly cost of voting in the House, as calculated by the Congressional Research Service, the more than 90 hours we have spent debating these measures that everybody in this House knew were going nowhere when they left this House, we've spent \$54 million of the taxpayers' money debating, and these are the people that would tell me they want to cut costs.

I suppose, Mr. Speaker, that there's always a chance that the Republicans will achieve success the 143rd time and additional hours that they try something. But once again, the majority's efforts reflect a dogged determination to rely on an outdated ideology that seeks only to reward the wealthiest corporations.

We are already drilling at historic levels in this country. The United States is home to more offshore drilling rigs than the entire rest of the world combined. Seventy percent of offshore areas currently leased are not even active yet.

This legislation isn't going to change the price of fuel for the average American. It does not mandate that oil

drilled in the United States—Mr. MARKEY brought an amendment that allowed that if it's going to be drilled here, it ought to stay here. But this legislation doesn't allow for it to even be sold in the United States.

In fact, oil will simply be shipped out to the highest bidder, similar to what's going to happen with Keystone when it's completed, on the world market, generating enormous profits for the oil companies while sticking the American public with the bill.

I recently saw an editorial cartoon by Joel Pett. And in the cartoon, a man stands up at a climate change summit and asks, what happens if climate change is, indeed, a hoax, but we achieve energy independence anyway, that we preserve the environment anyway, that we create green jobs anyway, and livable cities, and have cleaner air and water. The answer, of course, is that we will all be better off.

Republicans can stick their heads in the far sands all they want, but pumping more fossil fuels out of the ground and into the atmosphere will not sustain the American economy, nor provide the kind of economic prosperity that will benefit all Americans. And as I've said before, and I repeat again, I'll be the last person standing against drilling offshore of Florida.

At the same time, preventing the Federal Government from acting on behalf of public health and safety will not create new jobs. It won't return the unemployment rate to 6 percent, and it won't send a signal to the American public that their elected Representatives are ably minding public resources.

I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I just would like to point out to my colleague from Florida that we certainly agree on our side of the aisle with Governor Romney that we need regulations. These bills don't do away with all regulations. Republicans know you need government. We just want some common sense brought into our government. We want a cost-benefit analysis done to rules and regulations.

After all, we're here, we're breathing the air, we're drinking the water, we're eating the food. Our children, our grandchildren are, too. It doesn't make any sense these tired old accusations against Republicans that we don't care anything about our environment or our food because we're here living with them, also.

□ 1340

I don't think the American people are going to buy the arguments that my colleague made.

I would now like to yield 5 minutes to the distinguished gentleman from Oklahoma (Mr. LANKFORD).

Mr. LANKFORD. I thank Ms. FOXX, my colleague, for her kind introduction on that.

All aspects of this bill, each part of it, has gone through the committee process. Multiple of them have had multiple hearings related to them. There has been plenty of opportunity to be able to allow for input and for votes through the traditional committee process on this.

The reality is that red tape is strangling our businesses. Each day, they wake up, and they are worried about what the Federal Government is going to do to them rather than what the Federal Government is going to do for them. There is an appropriate role for the Federal Government for regulations, but it seems like there is a never-ending acceleration of regulations—and not just small—they get larger and larger and larger and more and more expensive and more and more nonsensical at times.

Let me just give you one quick example of this: community bankers that are facing hundreds of new regulations.

When the problem seemed to be the largest investment banks, the one who got hit the hardest with the regulations were the community banks. Now community banks have to step aside. A bank that may have 14 to 20 employees and \$50 million or less in total assets, which is a very small rural bank, has to go and prove that these rules don't apply to them. That involves their hiring outside attorneys. That involves setting aside staff that should be doing loans. That involves setting aside additional time to prove these hundreds of rules don't apply to them and that they're not a big bank. Regulations passed on to them—death by a thousand paper cuts is how they explain it to me.

Simplicity and common sense need to be applied to how we do regulations. When there is no check and balance in the regulatory environment, it needs to have that.

Now, the other side seems to assume that, occasionally, Americans are in need of daily oversight by the Federal Government, that unless some Federal bureaucrat or some Federal regulator is not standing next to their beds when they get up that they won't know how to get to work and that, when they get to work, they're going to cheat a neighbor and that, on the way home, they're going to cheat another neighbor, so we'd better have a Federal regulator standing right next to them because American citizens can't be trusted to do the right thing without Federal control.

I would say the neighbors that I live around, in the cities that I visit all over America, have great citizens who want to do the right thing and are doing the right thing and are serving their neighbors. We have great city and State governments. They're doing very good regulatory schemes. We should trust them more to engage in what they're doing in the communities that

they live in, where they eat the food, where they drink the water. They are the first line of defense on that, rather than taking all those things to Washington, D.C., and assuming all Americans can't function without someone from Washington, D.C., checking on them each and every day. Let me just give you a couple things on that.

During the first hearing that I participated in here in this Congress, someone from the other side extolled the benefits of adding more regulations because companies were sitting on money and were not spending it. This was a way to force companies to hire additional people by hiring compliance officers—people to oversee regulations—and that, if we couldn't increase employment in America through producing more goods and services, we would increase employment in America by creating more bureaucrats just in the private business.

That's not how I see that you should grow an economy. Let me just highlight one area, one title of this great bill.

Title IV of this is the Unfunded Mandates Information and Transparency Act of 2011. This was a bill that started in the previous Congress with Ms. VIRGINIA FOXX as the author. That bill went through multiple processes in the previous Congress. We picked it up in the Oversight and Government Reform Committee, and we did three hearings on it at the beginning of last year. We had city leaders, we had State and county leaders, we had private business leaders, and we had administration individuals from this administration and from the previous administration come and testify.

In 1995, the House and the Senate and the President signed a bill called the Unfunded Mandates Reform Act. It was a wide bipartisan act—394 votes in the House and 91 votes in the Senate—to give information to the House and to the Senate before decisions were made about what is an unfunded mandate, and what effect will that have.

There are large loopholes that have been exploited in the last 17 years. This bill aims to fix those loopholes:

It takes in all the independent agencies, and it also puts them under those same requirements;

It puts in the language that President Clinton put in in Executive Order 12866 in order to clarify this, that the administration's functioned under. It puts that language and codifies it from President Clinton into this bill. It also takes a clarification of President Obama's that he has for this bill and also adds it into the language;

It redefines "direct costs" with how the CBO already defines "direct costs," and it actually codifies that language and provides ability;

It allows for a ranking member or a chairman of a committee to do an analysis of a rule to make sure that it is

not exceeding our unfunded mandates requirements. It is very bipartisan. It's not just the chairman. A chairman or a ranking member can get in on that.

It is the intent of this, in this modern regulatory environment, to clean this up and to make sure Congress has the information to make their decisions.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 5 minutes to my good friend, the distinguished gentlewoman from Florida (Ms. CASTOR).

Ms. CASTOR of Florida. I thank my good friend from Florida on the Rules Committee for yielding time.

I rise to oppose the rule and the underlying bills, particularly H.R. 6082, because that bill unreasonably expands offshore drilling without the corresponding and necessary safety standards.

The Republicans are ignoring the lessons that we learned after the BP Deepwater Horizon blowout. Again, they are putting the profits of the oil companies ahead of the safety and larger economic concerns of families and businesses all across our great country.

Certainly, memories cannot be so short that we don't remember the devastation caused by the BP Deepwater Horizon blowout and disaster. That oil spewed for months and months, and they could not cap the well. In the meantime, it caused serious economic damage, not just to my home State of Florida and to the tourism industry and fishing and to the hotels and motels and restaurants, but all across the gulf coast and all across the country.

I recall very well, prior to the blowout, they said it was safe. They said drilling in deep water and offshore was safe and that there hadn't been very many accidents. But they were wrong. I remember Tony Hayward came in front of our committee, and he said, We were wrong. We didn't anticipate this would happen.

You've got to anticipate that it will happen.

Unfortunately, in the aftermath, we appointed a blue ribbon commission, the National Commission on the BP Deepwater Horizon blowout. They issued their report in January of 2011. They had many recommendations from experts in how you make offshore drilling safe. The Congress has not acted on any of those recommendations to make it safe. Yet, in this bill, they press ahead to open even more areas for oil drilling. That's not right. You're putting our economy and our environment at risk when you do so.

This was a great commission, by the way, because they didn't just stop there. They've issued progress reports along the way. I know people often-times don't like report cards, and the Congress is not going to like this report card. They've broken it down into safety and environmental protection,

spill response and containment, and ensuring adequate resources.

Under safety and environmental protection, they say Congress has done nothing to make permanent the improvements that have been made by industry and the Obama administration. We've got to enact these into law before we go forward with more offshore drilling in new and pristine areas.

They say Congress has provided little support for spill response and containment. If we're going to expand drilling—and it certainly has to be part of our energy portfolio—we have to be able to respond to a disaster, and yet Congress has done nothing there.

It says, although the administration has provided increases in funding to oversight, Congress has taken little action to adjust the unrealistic limits on liability. Who is going to pay? It shouldn't be the taxpayers who pay for these disasters. Right now, they have not adjusted the outrageous liability limits that these oil companies have when there are accidents.

What you're doing is really thumbing your nose at—you're turning a blind eye to—the hard work done by the commission, the commission that proposed to protect us if we were going to rely on offshore oil. I think it's going to be part of our portfolio, so why not adopt reasonable safety standards?

I know some of my colleagues say, Well, we don't like red tape. I don't like red tape either, but this isn't red tape. These are vital environmental and economic safety standards to ensure that the \$60 billion tourism industry in Florida is maintained. Those are hardworking folks and good jobs back home. For the hotels and motels, even though the oil was coming out of the ocean 350 miles away, their businesses fell off. All we ask is that simple safety standards be adopted.

Mr. MARKEY and Mr. HOLT have proposed some of those as amendments. The Republicans rejected other ones. We need to adopt these. Otherwise, it is irresponsible to press ahead with expansive, new deepwater drilling in deeper areas, in pristine areas.

□ 1350

These recommendations are reasonable. And if the Republican Congress cannot take up reasonable safety standards in the wake of one of the worst economic and environmental disasters in our history, then I'd hate to say what's at risk for this great country.

Ms. FOXX. Mr. Speaker, I now yield 3 minutes to my colleague from Florida (Mr. ROSS).

Mr. ROSS of Florida. Mr. Speaker, I thank the gentlelady from North Carolina.

Mr. Speaker, recent economic indicators show that another recession is a real danger. Consumer confidence is plummeting, businesses aren't hiring,

and recovery continues to slow. Real unemployment is at 14.9 percent, and millions of Americans have given up hope. The World Bank reports that the U.S. is now 13th in the world when measuring the ease of starting a new business. In 2007, we were ranked third. Last month, American manufacturing shrank for the first time in nearly 2 years. Economists are revising their growth projections downward. Inflation looms on the horizon, and Europe's sovereign debt crisis continues unabated.

Some of the circumstances that led to this crisis are out of anybody's control, but many of these circumstances are not. Policymakers in Washington have an obligation to our constituents and to this country to work together to create an environment where the American people prosper. We have such an opportunity today. The Red Tape Reduction and Small Business Job Creation Act takes a balanced approach towards regulatory reforms that are desperately needed in today's market.

For 25 years, before I was elected, I was a small businessman. I started a business not because of a government program or because of government lending; in fact, I couldn't even get a bank to loan me money. I borrowed money from a friend and grew that business over 20-some years to 27 employees. I didn't do it because there were good bridges and roads next door to me. I saw a need, I took a risk, and worked harder than the next guy. I also knew the rules and understood that government was the referee, not the player.

Today, the regulatory climate and litigious nature of many government agencies create uncertainty. Some falsely claim that certainty has nothing to do with our current economic crisis. Mr. Speaker, economics is as much a behavioral science as anything. When businesses don't know what the next regulatory hurdle will be, they won't invest.

The Florida Chamber of Commerce has recently done a study of small businesses in Florida. The results were clear: uncertainty is the number one issue facing job creators and entrepreneurs. Right now there are projects waiting on the sidelines that have the potential to create 1.9 million jobs annually in this country. Talk about a shot in the arm to the economy.

The only thing certain about this President has been the uncertainty that he has provided and the regulatory reform and tax reform for small business. Take my home State of Florida for example. According to research by the U.S. Chamber of Commerce, there is potential for 121,000 jobs there if we have regulatory certainty. In the first year of operations, businesses could generate over \$2 billion in employment earnings. This bill is not about generating profits for fat cats

and Big Oil. How do I know? Because I have seen firsthand a project in my area come to a halt because of a litigious activist group that affected 200 blue color jobs: secretaries, machinists, and more. There were 14 Federal agencies, State and local agencies, 7 years of permits and review, only to have a lawsuit 1 month later kill the dreams of a better life for my neighbors.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. FOXX. Mr. Speaker, I yield an additional 30 seconds to the gentleman from Florida.

Mr. ROSS of Florida. Mr. Speaker, one thing I know about government is that before it gives to someone, it must take from someone else. This legislation presents solutions that are sensible and immediately effective. My neighbors are tired of the regulatory burden. I'm tired of the regulatory burden.

Mr. Speaker, I urge my colleagues to support this rule and the underlying bill.

Mr. HASTINGS of Florida. Mr. Speaker, I would say to my good friend and colleague from Florida that when he speaks about 120,000 jobs that may have been created, Governor Rick Scott categorically rejected money for light rail between the I-4 corridor of Orlando and Tampa that would definitely have produced 18,000 jobs.

You can't have it both ways. You can't one minute say that you don't want something, and then the next minute say that some fictional number is going to take place that's a magic bullet. We worked hard to get that money appropriated. The last statement that he made was that you can't give something unless you get something. Well, they got from Florida, and that money went to the east coast corridor, to California, to Illinois. I'm not certain about whether any of it went to Kentucky, but I'm sure that the next speaker would be prepared to address that.

Mr. Speaker, I yield 2 minutes to my good friend, the gentleman from Kentucky (Mr. YARMUTH).

Mr. YARMUTH. I thank my friend from Florida. Mr. Speaker, I rise in opposition to the rule which, if enacted, will block United States servicemembers and veterans from getting the best care and services we can offer.

In the Rules Committee, I offered an amendment to exempt from the proposed moratorium any regulation that is related to the health and safety of United States servicemembers and veterans. I did so because I believe, as I'm certain all my colleagues do, that servicemembers and veterans are best served when the agencies that serve them can provide critical treatment and assistance in a timely and responsive manner. Doing so often requires writing new rules and regulations. We should not, for example, block a new

regulation that allows the VA to provide medical or other benefits to caregivers of veterans and servicemembers in exchange for a new talking point about the economy.

My colleagues on the Oversight and Government Reform Committee agreed. My amendment was unanimously approved in a bipartisan fashion. Yet, inexplicably, Republicans are now blocking it from a full vote. Suddenly, they're ready to let our commitments to our heroes lapse. And for what, a new talking point? Over the next 5 years, more than 1 million veterans will return home from war. Part of our commitment to them must be to ensure that they have the best services available, whether that's in health care, job training, or educational benefits.

Mr. Speaker, most legislation has unanticipated consequences. This legislation has a consequence that is easily anticipated, and that is that we will be tying the hands of the agencies that serve our brave men and women in the armed services. I ask any one of my Republican colleagues from the Rules Committee to explain why this amendment wasn't made in order and why this rule is sending a message to our military and veterans that they aren't entitled to the best we have.

I urge my colleagues to vote against this rule and the bill.

Ms. FOXX. Mr. Speaker, as I often do when I'm handling a rule, I have to make sure that the public understands the facts.

It's my understanding that the amendment that the gentleman spoke of that was adopted in the committee and then presented in the way that it was presented for this bill was not germane. I need to point out to the public that it was not the majority, it wasn't the Republicans, who decided the amendment wasn't germane. It is our Parliamentarians, who are non-partisan.

I would now like to yield 3½ minutes to my colleague from Texas, Representative CANSECO.

Mr. CANSECO. Mr. Speaker, I thank the gentlelady from North Carolina, and I rise today in strong support of the rule for H.R. 4078.

The Regulatory Freeze for Jobs Act is an important piece of legislation that will ensure the government does not stand in the way of America's job creators.

I have the honor of representing a district that reaches from San Antonio, Texas, to El Paso, Texas, including nearly 800 miles of U.S.-Mexico border. When I head home for a work period, my days are spent on the road meeting with diverse groups of small businessmen, entrepreneurs, community bankers, farmers, energy producers, teachers, and law enforcement agents.

The most common theme that I hear from my constituents, whether they're



Democrat or Republican, conservatives or liberals, to the left or to the right, is that the Federal Government is intrusive and standing in the way of job creation by issuing job-killing regulations. One constituent even sent a letter to my office on how regulations and high energy costs are impacting his family. He writes:

Our family is on a fixed income. It has become a hardship to buy gasoline. Now, with the coal mines being shut down, our electric bills are going to go through the roof. I guess the wife and I will have to get a block of ice and a box fan to stay cool this summer.

□ 1400

Since President Obama took office, we have seen a 52 percent increase in regulations deemed economically significant, which means a regulation costs the economy at least \$100 million annually. And according to a September 2010 report from the Small Business Administration, total regulatory costs amount to \$1.75 trillion annually, enough money for business to provide 35 million private sector jobs with an average salary of \$50,000. In the midst of an economic downturn in which the unemployment rate has been above 8 percent for 41 consecutive months, 35 million private sector jobs is a very significant amount of jobs.

The legislation we begin to consider today is an important step in the right direction to provide certainty to our Nation's job creators so they can start hiring again and get our economy back on track.

It is amazing that this year alone, the Federal Register, where rules and regulations are published for the public to view, has seen more than 41,000 pages alone devoted to this regulatory explosion. These regulations would cost \$56 billion and result in paperwork burdens that would take 114 million hours to complete. That is 13,000 years working 24 hours a day, 7 days a week. Imagine how many jobs we could create in America if those 114 million paperwork hours were spent on building roads, issuing loans, expanding small businesses, and selling products instead of pushing paperwork across a desk to please a government regulator.

From regulating farm dust, stock tanks, and streams on private property, keeping young people off the farm, and imposing the most expensive rule ever on the energy sector, nothing is off limits for the out-of-control regulators in this administration. Even though the House of Representatives has had some success in reining in job-killing regulations, right now it is still a good time to go to work for the Federal Government as a regulator in Washington, DC, because they are hiring.

If we want more jobs on Main Street, we need less red tape from bureaucrats and other regulators in Washington, DC.

Mr. HASTINGS of Florida. Mr. Speaker, would you be so kind as to tell both sides how much time remains.

The SPEAKER pro tempore (Mr. WOMACK). The gentleman from Florida has 12 minutes remaining. The gentleman from North Carolina has 12 minutes remaining.

Mr. HASTINGS of Florida. Mr. Speaker, at this time, I am very pleased to yield 1 minute to my good friend from Connecticut (Mr. COURTNEY), whose State did benefit from that money that was to go to Florida, as appropriated.

Mr. COURTNEY. Mr. Speaker, I rise in opposition to the rule on the so-called regulatory freeze bill which will act as a chain saw, going through parts of the government that have absolutely nothing to do with small business or small business job creation. And I say that as a former small employer.

One of the regulations which will be butchered under this law is the income-based repayment program which the Department of Education is now in the middle of fashioning, which will provide loan payment relief for people paying title IV student loans. For a teacher making \$25,000 a year with maybe about \$20,000 in student loan debt, that program will reduce monthly payments by \$100 a month. That is real help for people who are contributing to the U.S. economy. Allowing that regulation to go forward will not hurt the U.S. economy. In fact, it will provide more basis for that teacher to go out and survive and spend money on housing, car loans, et cetera.

Yet this bill, in the name of job creation, will knock down the income-based repayment program.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HASTINGS of Florida. I yield the gentleman an additional 30 seconds.

Mr. COURTNEY. The income-based repayment program is trying to provide student loan relief at a time when student loan debt in this country now exceeds \$1 trillion—higher than credit card debt, higher than car loan debt. It is a commonsense program, fully paid for.

The Student Aid and Fiscal Responsibility Act, signed into law in 2010, offset every nickel of cost in the income-based repayment program; and yet here we are, debating a bill at a time of crisis for middle class families because of student loan debt, denying them the needed relief which will help the U.S. economy.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

The rule before us today provides for consideration of my bill, H.R. 373, the Unfunded Mandates Information and Transparency Act, as I mentioned before. While working on this legislation over the years, I have come to appreciate that the subject matter is not one of the most thrilling ever to be consid-

ered by this House. In fact, I'm confident that reading a summary of my bill would provide an effective remedy for even the most stubborn case of insomnia.

Some have compared observing the legislative process with that of making sausage. Admittedly, in the case of my bill, it more closely resembles watching paint dry. Nor do I expect many in the media will sell many advertisements dissecting legislation entitled the Unfunded Mandates Information and Transparency Act. However, this certainly does not diminish the meaning or value of this important work.

By collaborating with the House Oversight and Government Reform Committee, we've worked to create a comprehensive legislative package that promotes the principles of good government, accountability, and transparency that my constituents sent me to Congress to represent. These principles have been a top priority of mine throughout my legislative career, starting in the North Carolina State Senate.

Very simply, H.R. 373 advances these priorities by drawing upon bipartisan initiatives to expand access to information. The legislative text, itself, identifies the stated purpose of H.R. 373 as improving:

the quality of the deliberations of Congress with respect to proposed Federal mandates by providing Congress and the public with more complete information about the effects of such mandates, ensuring that Congress acts on such mandates only after focused deliberation on their effects while enhancing the ability of Congress and the public to identify Federal mandates that may impose undue harm on consumers, workers, employers, small businesses, and State, local, and tribal governments.

But it does so much more than that. The strength of the bill is that it serves to inform more fully decision-makers engaged in the policymaking process while letting affected State and local governments and those in the private sector who must put Washington dictates into practice know what's coming and better participate in the process.

Many provisions of the bill simply codify, clarify, and streamline existing practice. Others enhance the purpose of UMRA by applying its disclosure requirements to more circumstances while initiating more complete, detailed, useful, and accurate cost estimates to expose otherwise hidden costs. Yet others still protect legislative intent by closing loopholes in current law, allowing enterprising rule-makers to circumvent disclosure requirements while imposing costly mandates.

All of these provisions are harmonized in a way that provides something for everyone—which, unfortunately, is a rare legislative virtue—yet underscores the unique opportunity Members of both parties have to vote



for a modest, yet effective legislative solution.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I would advise the gentlelady that I'm going to be the last speaker, and I am prepared to close.

Ms. FOXX. That would be fine with me, Mr. Speaker, if the gentleman is prepared to close. I will have some more comments to make, and then I will close.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself the balance of my time.

We could go back to the days when government was helpless against the robber barons who abused our public resources. We could go back to the days when citizens had no recourse against corporations who valued profit above individual health and safety. And we could go back to the days when unelected oligarchs drove this Nation's destiny, rather than democratically elected governments representing the interests of the American public.

Prohibiting Federal agencies from carrying out necessary and essential public protections will not create new jobs. It will not boost our economy. It will not protect the most vulnerable and disadvantaged Americans in a time of extraordinary uncertainty.

Drilling for oil everywhere and anywhere is not a solution. It won't even provide much benefit, unless you consider further enriching oil executives to be a benefit for millions of struggling Americans.

□ 1410

What Americans need is government that is willing to invest in its citizens.

Mr. Speaker, if we defeat the previous question, I will offer an amendment to this rule to make in order an amendment which proposes that Congress will not adjourn until the President signs middle class tax cuts into law.

We have an opportunity to extend the middle class tax cuts for 98 percent of Americans who make less than \$250,000. This should not be a partisan fight; this is what we were elected to do. We should not adjourn into August recess while American families across this country are trying to make ends meet. It is imperative that Congress act on behalf of families across this Nation and bring them the certainty and security that their taxes will not go up in 6 months.

I don't know about all of my colleagues here, but I have had the misfortune of having been involved in lame duck sessions; and the one that is coming up where we are about to go off the cliff is going to be brutal for some of the newcomers in this institution who do not understand that it seems to be a methodology to wait until the last minute before we do something. We can

do it in August. We can give 98 percent of the American people certainty about their taxes and be assured that if they make less than \$250,000 their taxes will not go up in December, or that their taxes will not be leveraged so we can avoid seeing to it that the Bush tax cuts on the 2 percent of Americans that are even concerned about the little bit of money that each one of them would have to provide in order for us to ensure safety for children, education for children, safety for old people, and understanding that the middle class has this great need.

I ask unanimous consent to insert the text of the amendment in the RECORD along with extraneous material immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, I urge my colleagues to vote "no" and defeat the previous question. I urge a "no" vote on the rule, and I yield back the balance of my time.

Ms. FOXX. Mr. Speaker, the various elements of the comprehensive reform contained in title IV of the underlying bill can be overwhelming, which is why it may be helpful to elaborate on the purpose of some of the most prominent individual provisions within the package.

In that light, it is important for the American people to understand the oppressive nature and full scope of the costs associated with complying with Federal mandates.

As a former small business owner, I experienced a myriad of costly, overly burdensome Federal mandates, and I hear from my constituents every day about the challenges that they face in dealing with them.

In my position as chairwoman of the House Subcommittee on Higher Education and Workforce Training, I have become familiar with an example of a ridiculous rule that will unnecessarily complicate student access to higher education. As we all know, in recent months, students and families have urged Congress to act to stem the ever-increasing cost of higher education. In response, the Obama administration has offered several proposals claiming to reduce student loan debt and rein in tuition. However, these initiatives only further entrench the Federal Government in the affairs of States and institutions.

In response, higher education officials are crying foul over a 2010 Department of Education rule establishing a Federal definition of a credit hour. Higher education personnel believe this regulation will restrict innovation, limit flexibility, and pave the way for additional Federal overreach into higher education. As we've seen many times before, onerous Federal regula-

tion always come with a price, which in this case is paid by students or their families.

It's time to take a comprehensive view of the problems facing our Nation's higher education system and eliminate burdensome Federal regulations that pile unnecessary costs on institutions and students. Rather than getting the Federal Government further entrenched in higher education, we should be working together to remove costly mandates that pile unnecessary financial burdens on colleges and universities.

Mr. Speaker, I enter into the RECORD a statement from the 2012 edition of "Ten Thousand Commandments" issued by the Competitive Enterprise Institute relative to the explosive growth of regulations by Federal agencies in the past 2 years.

Mr. Speaker, again I want to say that Republicans, contrary to what our colleagues have said across the aisle, are not opposed to all regulations and rules. We are not opposed to government. We understand that we have to have government in order to have a civil society. We understand that we have to have regulations to protect us in some cases from each other and to make sure that we have an orderly society.

We live in the greatest country in the world, Mr. Speaker; and we got here not because of the government, but we got here because of the hardworking Americans who have good values, who love this country and want to see it continue to thrive. We can count on those hardworking Americans to do the right things in almost every case. What Republicans want are commonsense regulations, and we want to stop the flood of regulations that have come particularly from this administration. And the materials that I have submitted to the RECORD, Mr. Speaker, will document the unnecessary rules and regulations that have come, particularly in this administration.

We have heard today many reasons for Congress and President Obama to pursue Federal regulatory reform as a cost-free way in which the Federal Government can promote economic growth. We have the worst deficit, the worst debt we've ever had in this country. We have an unemployment rate that is stifling economic growth. What we're proposing here today will help our economy, will help revive our economy, and will bring jobs to this country.

This legislative package, with the passage of this rule, represents a variety of ways we can move towards these ends. As Americans look to Congress for innovative solutions to spur private sector job growth, I call on my colleagues to support this rule and the underlying legislation.

The 2011 Federal Register stands at 81,247 pages. That number is just shy of 2010's all-

time record-high 81,405 pages. These years are the only two in which the number of Federal Register pages topped 81,000.

In 2011, agencies issued 3,807 final rules, compared with 3,573 in 2010, a 6.5-percent increase.

Proposed rules appearing in the Federal Register increased even more than the number of final rules, from 2,439 to 2,898, an 18.8-percent increase that signals a likely future rise in final rules.

Although regulatory agencies issued 3,807 final rules in 2011, Congress passed and the president signed into law a comparatively few 81 bills. Substantial lawmaking power is delegated to unelected bureaucrats at agencies.

Of the 4,128 regulations now in the pipeline, 822 affect small businesses and 212 are 'economically significant' rules wielding at least \$100 million in economic impact. That number represents a 32.5-percent jump over the 160 rules five years ago, in 2006, and a higher level than any year of the past decade except for the 224 rules in 2010.

The number of final 'major rule' reports issued by agencies and reviewed by the Government Accountability Office (GAO) has grown. The 99 rules of 2010 represented the highest number since this tabulation began. Five years ago, there were 56 such reports.

The five most active rule-producing agencies—the departments of the Treasury, Commerce, the Interior, and Agriculture, along with the Environmental Protection Agency (EPA)—account for 1,733 rules, or 42 percent of all rules in the Unified Agenda pipeline.

The government's reach extends well beyond the taxes Washington collects and its deficit spending and borrowing. Federal environmental, safety and health, and economic regulations cost hundreds of billions—perhaps trillions—of dollars every year over and above the costs of the official federal outlays that dominate the policy debate.

Economics 101 on tax incidence explains how and why firms generally pass along to consumers the costs of some taxes. Likewise, some regulatory compliance costs that businesses face will find their way into the prices consumers pay and into wages earned.

Taxation and regulation can substitute for each other because regulation can advance government initiatives without using tax dollars. Rather than pay directly and book expenses for new programs, the government can require the private sector—as well as state and local governments—to pay for federal initiatives through compliance costs.

Because such regulatory costs are not budgeted and lack the formal public disclosure of federal spending, they may generate comparatively little public outcry. Regulation thus becomes a form of off-budget or hidden taxation.

As the mounting federal debt causes concern, the impulse to regulate instead can also mount. Deficit spending, in a manner of speaking, can manifest itself as regulatory compliance costs that go largely unacknowledged by the federal government. Worse, if regulatory compliance costs prove burdensome, Congress can escape accountability by blaming the agencies that issue the unpopular rules.

Openness about regulatory facts and figures is critical, just as disclosure of program costs is critical in the federal budget . . .

[But] Disclosure of and accountability for regulatory costs are spotty. This allows policy makers to be reckless about imposing regulatory costs relative to undertaking ordinary—but more publicly visible—government spending.

The material previously referred to by Mr. HASTINGS of Florida is as follows:

AN AMENDMENT TO H. RES. 738 OFFERED BY  
MR. HASTINGS OF FLORIDA

At the end of the resolution, add the following new section:

SEC. 3

It shall not be in order to consider a concurrent resolution providing for adjournment or adjournment sine die unless the House has been notified that the President has signed a bill to extend for one year certain expired or expiring tax provisions that apply to middle-income taxpayers with income below \$250,000 for married couples filing jointly, and below \$200,000 for single filers, including, but not limited to, marginal rate reductions, capital gains and dividend rate preferences, alternative minimum tax relief, marriage penalty relief, and expanded tax relief for working families with children and college students.

(The information contained herein was provided by the Republican Minority on multiple occasions throughout the 110th and 111th Congresses.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT  
IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's *Precedents of the House of Representatives* (VI, 308-311), describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: "Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the mo-

tion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

In Deschler's *Procedure in the U.S. House of Representatives*, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. FOXX. I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess for a period of less than 15 minutes.

Accordingly (at 2 o'clock and 17 minutes p.m.), the House stood in recess.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. WOMACK) at 2 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed. Votes will be taken in the following order:

Ordering the previous question on House Resolution 738, and adopting House Resolution 738, if ordered.

The first electronic vote will be conducted as a 15-minute vote. The remaining electronic vote will be conducted as a 5-minute vote.

The unfinished business is the vote on ordering the previous question on the resolution (H. Res. 738) providing for consideration of the bill (H.R. 4078) to provide that no agency may take any significant regulatory action until

the unemployment rate is equal to or less than 6.0 percent; and providing for consideration of the bill (H.R. 6082) to officially replace, within the 60-day Congressional review period under the Outer Continental Shelf Lands Act, President Obama's Proposed Final Outer Continental Shelf Oil & Gas Leasing Program (2012–2017) with a congressional plan that will conduct additional oil and natural gas lease sales to promote offshore energy development, job creation, and increased domestic energy production to ensure a more secure energy future in the United States, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The vote was taken by electronic device, and there were—yeas 238, nays 177, not voting 16, as follows:

## [Roll No. 502]

## YEAS—238

Adams	Farenthold	Labrador
Aderholt	Fincher	Lamborn
Alexander	Fitzpatrick	Lance
Amash	Flake	Landry
Amodel	Fleischmann	Lankford
Austria	Fleming	Latham
Bachmann	Flores	LaTourette
Bachus	Forbes	Latta
Barletta	Fortenberry	Lewis (CA)
Bartlett	Fox	LoBiondo
Barton (TX)	Franks (AZ)	Long
Bass (NH)	Frelinghuysen	Lucas
Benishke	Gallely	Luetkemeyer
Berg	Gardner	Lummis
Biggart	Garrett	Lungren, Daniel
Bilbray	Gerlach	E.
Bilirakis	Gibbs	Mack
Black	Gibson	Manzullo
Blackburn	Gingrey (GA)	Marchant
Bonner	Gohmert	Marino
Bono Mack	Goodlatte	McCarthy (CA)
Boren	Gosar	McCaul
Boustany	Gowdy	McClintock
Brady (TX)	Granger	McHenry
Brooks	Graves (GA)	McKeon
Broun (GA)	Graves (MO)	McKinley
Buchanan	Griffin (AR)	McMorris
Buchson	Griffith (VA)	Rodgers
Buerkle	Grimm	Meehan
Burgess	Guinta	Mica
Burton (IN)	Guthrie	Miller (FL)
Calvert	Hall	Miller (MI)
Camp	Hanna	Miller, Gary
Campbell	Harper	Mulvaney
Canseco	Harris	Murphy (PA)
Cantor	Hartzler	Myrick
Capito	Hastings (WA)	Neugebauer
Carter	Hayworth	Noem
Cassidy	Heck	Nugent
Chaffetz	Hensarling	Nunes
Coble	Herger	Nunnelee
Coffman (CO)	Herrera Beutler	Olson
Cole	Huelskamp	Owens
Conaway	Huizenga (MI)	Palazzo
Cravaack	Hultgren	Paul
Crawford	Hunter	Paulsen
Crenshaw	Hurt	Pearce
Culberson	Issa	Pence
Davis (KY)	Jenkins	Petri
Denham	Johnson (IL)	Pitts
Dent	Johnson (OH)	Platts
DesJarlais	Johnson, Sam	Poe (TX)
Diaz-Balart	Jones	Pompeo
Dold	Jordan	Posey
Dreier	Kelly	Price (GA)
Duffy	King (IA)	Quayle
Duncan (SC)	King (NY)	Reed
Duncan (TN)	Kingston	Rehberg
Ellmers	Kinzing (IL)	Reichert
Emerson	Kline	Renacci

Ribble	Schock
Rigell	Schweikert
Rivera	Scott (SC)
Roby	Scott, Austin
Roe (TN)	Sensenbrenner
Rogers (AL)	Sessions
Rogers (KY)	Shimkus
Rogers (MI)	Shuler
Rohrabacher	Shuster
Rokita	Simpson
Rooney	Smith (NE)
Ros-Lehtinen	Smith (NJ)
Roskam	Smith (TX)
Ross (FL)	Southerland
Royce	Stearns
Runyan	Stutzman
Ryan (WI)	Sullivan
Scalise	Terry
Schilling	Thompson (PA)
Schmidt	Thornberry

## NAYS—177

Ackerman	Frank (MA)	Olver
Altman	Fudge	Pallone
Andrews	Garamendi	Pascarell
Baca	Gonzalez	Pastor (AZ)
Baldwin	Green, Al	Pelosi
Barber	Green, Gene	Perlmutter
Barrow	Gutierrez	Peters
Becerra	Hahn	Peterson
Berkley	Hanabusa	Pingree (ME)
Berman	Hastings (FL)	Polis
Bishop (GA)	Heinrich	Price (NC)
Bishop (NY)	Higgins	Quigley
Blumenauer	Himes	Rahall
Bonamici	Hinche	Rangel
Boswell	Hinojosa	Richardson
Brady (PA)	Hochul	Richmond
Braley (IA)	Holden	Ross (AR)
Brown (FL)	Holt	Rothman (NJ)
Butterfield	Honda	Roybal-Allard
Capps	Hoyer	Ruppersberger
Capuano	Israel	Rush
Cardoza	Johnson (GA)	Ryan (OH)
Carnahan	Johnson, E. B.	Sanchez, Linda
Carney	Kaptur	T.
Carson (IN)	Keating	Sanchez, Loretta
Castor (FL)	Kildee	Sarbanes
Chandler	Kind	Schakowsky
Chu	Kissell	Schiff
Ciulline	Kucinich	Schrader
Clarke (MI)	Langevin	Schwartz
Clarke (NY)	Larsen (WA)	Scott (VA)
Clay	Larson (CT)	Scott, David
Cohen	Levin	Serrano
Connolly (VA)	Lewis (GA)	Sewell
Conyers	Lipinski	Sherman
Cooper	Loebbeck	Sires
Costa	Lofgren, Zoe	Slaughter
Costello	Lowe	Speier
Courtney	Lujan	Stark
Critz	Lynch	Sutton
Crowley	Maloney	Thompson (CA)
Cuellar	Markey	Thompson (MS)
Cummings	Matheson	Tierney
Davis (CA)	Matsui	Tonko
Davis (IL)	McCarthy (NY)	Towns
DeFazio	McCollum	Tsongas
DeGette	McDermott	Van Hollen
DeLauro	McGovern	Velázquez
Deutch	McIntyre	Visclosky
Dicks	McNerney	Walz (MN)
Dingell	Meeks	Wasserman
Doggett	Michaud	Schultz
Donnelly (IN)	Miller (NC)	Waters
Doyle	Miller, George	Watt
Ellison	Moore	Waxman
Engel	Moran	Welch
Eshol	Murphy (CT)	Wilson (FL)
Farr	Nadler	Woolsey
Fattah	Napolitano	Yarmuth
Filner	Neal	

## NOT VOTING—16

Akin	Edwards	Lee (CA)
Bass (CA)	Grijalva	Reyes
Bishop (UT)	Hirono	Smith (WA)
Chabot	Jackson (IL)	Stivers
Cleaver	Jackson Lee	Young (AK)
Clyburn	(TX)	

□ 1456

Messrs. ISRAEL, FILNER, and Ms. WILSON of Florida changed their vote from “yea” to “nay.”

Mr. LEWIS of California changed his vote from “nay” to “yea.”

So the previous question was ordered.

The result of the vote was announced as above recorded.

(By unanimous consent, Mr. PERLMUTTER was allowed to speak out of order.)

## AURORA, COLORADO TRAGEDY

Mr. PERLMUTTER. Mr. Speaker, I stand here with a lot of sadness with my friends from the Colorado delegation. We Democrats and Republicans are a pretty tight-knit group. We had a terrible incident in Aurora, Colorado, on Friday, you all are well aware of, where 12 people were killed and 58 were wounded. It is with sadness and grief that we come before you today. As our Governor said at the vigil on Sunday night, we will remember these 12 and those who were shot.

But there was a silver lining in this very, very dark moment in the history of Colorado. We saw bravery and selflessness and heroism among the people who were in the theater that night. Any one of us can tell you stories of how complete strangers were willing to give up their own lives to save the lives of the strangers next to them. In times when it is difficult like that, you want to find bright spots—and there were many. Another bright spot was the courage demonstrated by the Aurora police and the fire department and the FBI and the ATF in the face of what was a monstrous action by this guy.

In Colorado, we consider ourselves to be pretty tough. Aurorans, where this act took place, are pretty tough. It hurts—we all hurt—but we are resilient and we will get through it, and the stories being shared of some of those who were injured actually really do lighten the day. I know any one of us would be happy to talk to you all about that.

There has been a tremendous outpouring of sympathy and condolences and compassion from all of you. I know I speak on behalf of our entire delegation when I thank you for thinking about us and where we live and our community, because we are in this together. We just thank you very much.

## MOMENT OF SILENCE

So I ask that all of you stand with me and our delegation in a moment of silence to honor the memory of those who were killed, the wounded victims and all Americans during this time of healing. As I said once before and as our Governor said, we will remember these people who were hurt, and we will help them all along the way.

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

## RECORDED VOTE

Mr. HASTINGS of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 244, noes 170, not voting 17, as follows:

[Roll No. 503]

AYES—244

Adams	Goodlatte	Nugent
Aderholt	Gosar	Nunes
Alexander	Gowdy	Nunnelee
Amash	Granger	Olson
Amodei	Graves (GA)	Owens
Austria	Graves (MO)	Palazzo
Bachmann	Green, Gene	Paul
Bachus	Griffin (AR)	Paulsen
Barletta	Griffith (VA)	Pearce
Bartlett	Grimm	Pence
Barton (TX)	Guinta	Petri
Bass (NH)	Guthrie	Pitts
Benishek	Hall	Platts
Berg	Hanna	Poe (TX)
Biggert	Harper	Pompeo
Billbray	Harris	Posey
Bilirakis	Hartzler	Price (GA)
Black	Hastings (WA)	Quayle
Blackburn	Hayworth	Reed
Bonner	Heck	Rehberg
Bono Mack	Hensarling	Reichert
Boren	Herger	Renacci
Boustany	Herrera Beutler	Ribble
Brady (TX)	Huelskamp	Rigell
Brooks	Huizenga (MI)	Rivera
Brown (GA)	Hultgren	Roby
Buchanan	Hunter	Roe (TN)
Bucshon	Hurt	Rogers (AL)
Buerkle	Issa	Rogers (KY)
Burgess	Jenkins	Rogers (MI)
Burton (IN)	Johnson (IL)	Rohrabacher
Calvert	Johnson (OH)	Rokita
Camp	Johnson, Sam	Rooney
Campbell	Jones	Ros-Lehtinen
Canseco	Jordan	Roskam
Cantor	Kelly	Ross (AR)
Capito	King (IA)	Ross (FL)
Carter	King (NY)	Royce
Cassidy	Kingston	Runyan
Chaffetz	Kinzing (IL)	Ryan (WI)
Coble	Kissell	Scalise
Coffman (CO)	Kline	Schilling
Cole	Labrador	Schmidt
Conaway	Lamborn	Schock
Cravaack	Lance	Schweikert
Crawford	Landry	Scott (SC)
Crenshaw	Lankford	Scott, Austin
Culberson	Latham	Sensenbrenner
Davis (KY)	LaTourette	Sessions
Denham	Latta	Shimkus
Dent	Lewis (CA)	Shuler
DesJarlais	LoBiondo	Shuster
Diaz-Balart	Long	Simpson
Dold	Lucas	Smith (NE)
Donnelly (IN)	Luetkemeyer	Smith (NJ)
Dreier	Lummis	Smith (TX)
Duffy	Lungren, Daniel	Southerland
Duncan (SC)	E.	Stearns
Duncan (TN)	Mack	Stutzman
Ellmers	Manzullo	Sullivan
Emerson	Marino	Terry
Farenthold	Matheson	Thompson (PA)
Fincher	McCarthy (CA)	Thornberry
Fitzpatrick	McCauley	Tiberi
Flake	McClintock	Tipton
Fleischmann	McHenry	Turner (NY)
Fleming	McIntyre	Turner (OH)
Flores	McKeon	Upton
Forbes	McKinley	Walberg
Fortenberry	McMorris	Walden
Fox	Rodgers	Walsh (IL)
Franks (AZ)	Meehan	Webster
Frelinghuysen	Mica	West
Galleghy	Miller (FL)	Westmoreland
Gardner	Miller (MI)	Whitfield
Garrett	Miller, Gary	Wilson (SC)
Gerlach	Mulvaney	Wittman
Gibbs	Murphy (PA)	Wolf
Gibson	Myrick	
Gingrey (GA)	Neugebauer	
Gohmert	Noem	

Womack  
Woodall

Yoder  
Young (AK)

Young (FL)  
Young (IN)

## NOES—170

Ackerman	Farr	Oliver
Altmire	Fattah	Pallone
Andrews	Filner	Pascarelli
Baca	Frank (MA)	Pastor (AZ)
Baldwin	Fudge	Pelosi
Barber	Garamendi	Perlmutter
Barrow	Gonzalez	Peters
Becerra	Green, Al	Peterson
Berkley	Grijalva	Pingree (ME)
Berman	Gutierrez	Polis
Bishop (GA)	Hahn	Price (NC)
Bishop (NY)	Hanabusa	Quigley
Blumenauer	Heinrich	Rahall
Bonamici	Higgins	Rangel
Boswell	Himes	Richardson
Brady (PA)	Hinche	Rothman (NJ)
Braley (IA)	Hinojosa	Roybal-Allard
Brown (FL)	Hochul	Ruppersberger
Butterfield	Holden	Rush
Capps	Holt	Ryan (OH)
Capuano	Honda	Sanchez, Linda
Cardoza	Hoyer	T.
Carnahan	Israel	Sanchez, Loretta
Carney	Johnson (GA)	Sarbanes
Carson (IN)	Johnson, E. B.	Schiff
Castor (FL)	Kaptur	Schrader
Chandler	Keating	Schwartz
Chu	Kildee	Scott (VA)
Cicilline	Kind	Scott, David
Clarke (MI)	Kucinich	Serrano
Clarke (NY)	Langevin	Sewell
Clay	Larsen (WA)	Sherman
Cleaver	Larson (CT)	Sires
Clyburn	Levin	Slaughter
Cohen	Lewis (GA)	Speier
Connolly (VA)	Lipinski	Stark
Conyers	Loeb	Sutton
Cooper	Loeffler	Thompson (CA)
Costa	Lowe	Thompson (MS)
Costello	Lujan	Tierney
Courtney	Lynch	Tonko
Critz	Maloney	Towns
Crowley	Mark	Tsongas
Cuellar	Marky	Van Hollen
Cummings	Matsui	Velázquez
Davis (CA)	McCarthy (NY)	Visclosky
Davis (IL)	McCollum	Walz (MN)
DeFazio	McGovern	Wasserman
DeGette	McNerney	Schultz
DeLauro	Meeks	Waters
Deutch	Michaud	Watt
Dicks	Miller (NC)	Waxman
Dingell	Miller, George	Welch
Doggett	Moore	Wilson (FL)
Doyle	Moran	Woolsey
Ellison	Murphy (CT)	Yarmuth
Engel	Nadler	
Eshoo	Napolitano	
	Neal	

## NOT VOTING—17

Akin	Hirono	McDermott
Bass (CA)	Jackson (IL)	Reyes
Bishop (UT)	Jackson Lee	Richmond
Chabot	(TX)	Schakowsky
Edwards	Lee (CA)	Smith (WA)
Hastings (FL)	Marchant	Stivers

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining.

□ 1506

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. AKIN. Mr. Speaker, on rollcall Nos. 502 and 503 I was delayed and unable to vote. Had I been present I would have voted "aye" on rollcall No. 502 and "aye" on rollcall No. 503.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

□ 1510

FEDERAL RESERVE  
TRANSPARENCY ACT OF 2012

Mr. ISSA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 459) to require a full audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks by the Comptroller General of the United States before the end of 2012, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 459

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

*This Act may be cited as the "Federal Reserve Transparency Act of 2012".*

**SEC. 2. AUDIT REFORM AND TRANSPARENCY FOR THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.**

(a) *IN GENERAL.*—Notwithstanding section 714 of title 31, United States Code, or any other provision of law, an audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks under subsection (b) of such section 714 shall be completed within 12 months of the date of enactment of this Act.

*(b) REPORT.*—

(1) *IN GENERAL.*—A report on the audit required under subsection (a) shall be submitted by the Comptroller General to the Congress before the end of the 90-day period beginning on the date on which such audit is completed and made available to the Speaker of the House, the majority and minority leaders of the House of Representatives, the majority and minority leaders of the Senate, the Chairman and Ranking Member of the committee and each subcommittee of jurisdiction in the House of Representatives and the Senate, and any other Member of Congress who requests it.

(2) *CONTENTS.*—The report under paragraph (1) shall include a detailed description of the findings and conclusion of the Comptroller General with respect to the audit that is the subject of the report, together with such recommendations for legislative or administrative action as the Comptroller General may determine to be appropriate.

(c) *REPEAL OF CERTAIN LIMITATIONS.*—Subsection (b) of section 714 of title 31, United States Code, is amended by striking all after "in writing."

(d) *TECHNICAL AND CONFORMING AMENDMENT.*—Section 714 of title 31, United States Code, is amended by striking subsection (f).

**SEC. 3. AUDIT OF LOAN FILE REVIEWS REQUIRED BY ENFORCEMENT ACTIONS.**

(a) *IN GENERAL.*—The Comptroller General of the United States shall conduct an audit of the review of loan files of homeowners in foreclosure

in 2009 or 2010, required as part of the enforcement actions taken by the Board of Governors of the Federal Reserve System against supervised financial institutions.

(b) *CONTENT OF AUDIT.*—The audit carried out pursuant to subsection (a) shall consider, at a minimum—

(1) the guidance given by the Board of Governors of the Federal Reserve System to independent consultants retained by the supervised financial institutions regarding the procedures to be followed in conducting the file reviews;

(2) the factors considered by independent consultants when evaluating loan files;

(3) the results obtained by the independent consultants pursuant to those reviews;

(4) the determinations made by the independent consultants regarding the nature and extent of financial injury sustained by each homeowner as well as the level and type of remediation offered to each homeowner; and

(5) the specific measures taken by the independent consultants to verify, confirm, or rebut the assertions and representations made by supervised financial institutions regarding the contents of loan files and the extent of financial injury to homeowners.

(c) *REPORT.*—Not later than the end of the 6-month period beginning on the date of the enactment of this Act, the Comptroller General shall issue a report to the Congress containing all findings and determinations made in carrying out the audit required under subsection (a).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ISSA) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentleman from California.

#### GENERAL LEAVE

Mr. ISSA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ISSA. I yield myself such time as I may consume.

H.R. 459, the Federal Reserve Transparency Act, directs the GAO to conduct a full audit of the Federal Reserve. The Dodd-Frank legislation mandated a GAO audit of the Fed, but that audit, issued by the Government Accountability Office in July of 2011, focused solely on the issues concerning emergency credit facilities.

GAO remains restricted, under the current law, from conducting a broader audit of the Fed that includes, for instance, a review of the Fed's monetary policy operations and its agreements with foreign governments and central banks. The bill remedies this situation by permitting GAO, the investigative arm of Congress, to conduct a non-partisan audit that will review all of these transactions. The findings of the audit are to be reported to Congress.

It is particularly appropriate that we consider this legislation at this time. While Congress should not manage or

micromanage details of monetary policy, it needs to be able to conduct oversight of the Fed. The Fed was created by Congress to be a central bank, independent of the influence of the U.S. Treasury. It was never intended to, in fact, be independent of Congress or independent of the American people.

In recent years, the Fed's extraordinary interventions into the economy and financial markets have led some to call into question its independence. We do not ask for an audit for that reason. We ask for an audit because the American people ultimately must be able to hold the Fed accountable; and to do so, they must know, at least in retrospect, what the Fed has done over these many years that it has been without an audit. That is why I support H.R. 459, a bipartisan bill with 273 other cosponsors.

I urge my colleagues' support, and I reserve the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded not to traffic the well while another Member is under recognition.

Mr. CUMMINGS. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the gentleman for yielding.

Mr. Speaker, when the sponsors of this bill talk about "auditing" the Federal Reserve, they don't mean a traditional audit. An outside, independent accounting firm already audits the Federal Reserve's annual financial statements, and GAO is already empowered to review the Fed's financial statements and a broad range of its functions.

In fact, the Wall Street reform legislation Democrats passed last Congress expanded the types of audits GAO can conduct, as has been mentioned by Mr. ISSA. So there is transparency and accountability when it comes to the Federal Reserve's finances and operations. However, this bill would, instead, jeopardize the Fed's independence by subjecting its decisions on interest rates and monetary policy to a GAO audit.

The Fed, like every other major central bank in the world, is independent, and Congress has rightly insulated the Fed from short-term political pressures.

I agree with Chairman Bernanke that congressional review of the Fed's monetary policy decisions would be a "nightmare scenario," especially judging by the track record of this Congress when it comes to governing effectively and intervening in the courts and other areas. We don't have to look any further than the Congress unnecessarily taking the country to the brink of default last summer in a display of politics.

All of us, Mr. Speaker, want transparency. All of us here want to make sure that the Federal Reserve is work-

ing to carry out the economic goals of the American people, which are maximum employment and price stability. But that's not what this bill is about. This bill increases the likelihood that the Fed will make decisions based on political rather than economic considerations, and that is not a recipe for sound monetary policy.

I urge my colleagues to defeat this bill and preserve the independence of the Fed so it can keep our currency stable and cultivate the best conditions for our economy to grow and create jobs.

Unfortunately, Mr. Speaker, we, in Congress, have shown too frequently our inability in a political environment to make tough choices. That failure has led us, in part, to where we are today. I urge my colleagues to defeat this unwarranted, unjustified, and dangerous legislation.

Mr. ISSA. Mr. Speaker, it's now my honor to yield 2 minutes to the gentleman from Texas (Mr. PAUL), the author of this bill and the man who understands that not knowing should never be an answer.

Mr. PAUL. I thank the gentleman for yielding.

I rise, obviously, in strong support of this legislation. I don't know how anybody could be against transparency.

They want secrecy, especially when the secrecy is to protect individuals who deal in trillions of dollars, much bigger than what the Congress does. And these trillions of dollars bail out all the wealthy, rich people; the banks and the big corporations; international, overseas banks; bailing out Europe; dealing with central banks around Europe and different places.

And to say that we should have secrecy and to say that it's political to have transparency, well, it's very political when you have a Federal Reserve that can bail out one company and not another company. That's pretty political.

I think when people talk about independence and having this privacy of the central bank means they want secrecy, and secrecy is not good. We should have privacy for the individual, but we should have openness of government all the time, and we've drifted a long way from that.

The bill essentially removes the prohibitions against a full audit. To audit, we should know what kind of transactions there are. We should know about the deals that they made when they were fixing the price of LIBOR. These are the kinds of things that have gone on for years that we have no access to.

Congress has this responsibility. We are reneging on our responsibility. We have had the responsibility and we have not done it, so it is up to us to reassert ourselves.

The Constitution is very clear who has the responsibility, but the law conflicts with the Constitution. The law

comes along and says the Congress can't do it. Well, you can't change the Constitution and prohibit the Congress from finding out what's going on by writing a law, and this is what has happened.

So it is time that we repeal this prohibition against a full audit of the Federal Reserve. We deserve it. The American people deserve it. The American people know about it and understand it, and that's what they're asking for. They're sick and tired of what happened in the bailout, where the wealthy got bailed out and the poor lost their jobs and they lost their homes.

Mr. CUMMINGS. I yield 4 minutes to the distinguished gentleman from Massachusetts (Mr. FRANK), the ranking member of the Financial Services Committee.

Mr. FRANK of Massachusetts. Mr. Speaker, I think this is a bad idea, and I am somewhat confused.

By the way, we will be debating tomorrow a bill which restricts rule-making, and it exempts the Federal Reserve, as I read it. So we're kind of on again/off again about the Federal Reserve. It seems to me what we're talking about is taking some fake punches at the Federal Reserve but not doing anything serious.

My Republican colleagues brought up a reconciliation bill that was going to subject the Consumer Bureau to appropriations.

□ 1520

So I offered an amendment to subject the Federal Reserve to appropriations. That was voted down. So we're not going to restrict their rulemaking. We're not going to subject them to appropriations, even though that's being done elsewhere. We're going to audit them, which is a way to look tough without really being tough.

Mr. ISSA. Will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from California.

Mr. ISSA. I thank the gentleman. Would you suggest that we should do both of those?

Mr. FRANK of Massachusetts. No. I reclaim my time and say we should do none of them. I was saying I have a consistent position. I don't think we should do any of them. What I'm saying is, people who get up there and beat their chest about how tough they are and they're not afraid of the Federal Reserve but exempt it from the great rulemaking bill, and subject the Consumer Bureau—that terrible threat to the well-being of Americans—to the appropriations process, but let the Federal Reserve, which spends about 150 times as much, go free—I am inclined to doubt their seriousness. Not their purity, that would be a violation of the rules, but their seriousness. This is a way to shake your fist at that big, bad Fed. And it's not a good way.

We hear a lot about uncertainty. Remember, the Federal Reserve is now subject to a complete openness about all of its transactions with private companies. We did that last year. The gentleman from Texas had a major role in that. When the Federal Reserve deals with any other institution, we know what it does. We don't know it necessarily the same day. There were these predictions about what terrible things were going to happen when the Federal Reserve did this and that. They haven't come true. Maybe they will some day, but we will know it.

This makes this exception: it says that we will audit the decisions about monetary policy. It says that members who vote on what the interest rate should be will now be audited. They will be subject to being quizzed about why they did that. Now, I will tell my Democratic friends, understand that one part of this problem is the objection on the part of the Republican Party to the fact that our Federal Reserve, unusual among central banks, has a dual mandate. They are charged under our statute to be concerned about inflation and about unemployment.

Now, the Republicans have an agenda they're keeping on low key until next year. They have a bill, but they won't act on it yet. But they would like to strip that part of the mandate. They would like the Federal Reserve to be only involved in inflation. They don't like the notion that the Federal Reserve deals with unemployment, and this is a way that, if it were ever to become law, and no one thinks it will—this is a, Look how tough we are. We are going to wave our fists at the Fed. But it would be a way to kind of put pressure on members of the Open Market Committee and see, were you worried about unemployment when you did this? That's the audit. This has nothing to do with how they spend their money. It has nothing to do with whom they contract. That is what people usually think about an audit. It doesn't have anything to do with whether they are efficient or not. It is an ideological agenda by a group of people who didn't like what the Federal Reserve was doing—under, by the way, George Bush, there was reference to the bailouts, which were, of course, under the Bush administration. One of the things that we did, by the way, in our bill 2 years ago—and all my Republican colleagues voted against the bill—was to take away from the Federal Reserve the power they used—under President Bush—to give/lend \$85 billion to AIG. We rescinded that. I don't think Mr. Bernanke, a Bush appointee, was doing the wrong thing necessarily, but we took back that power.

So this is partly a show because on the two serious efforts to curtail the Fed's powers, my Republican colleagues aren't there. But secondly—and

as I said, I'm consistent—I don't think that we should do any of these things. I think what we did with regard to openness makes sense. I'm not pretending to be tough when I'm not.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CUMMINGS. I yield the gentleman 1 additional minute.

Mr. FRANK of Massachusetts. But what it will do is destabilize. We have worries about expectations. There is a fear that we will be too inflationary or that we won't grow enough. People on Wall Street are not as sophisticated as some people think. I don't mean they're not sophisticated about their own business, as we know, but they will read this and take it more seriously than the Members here do who think it might eventually become law, and it will destabilize some of the financial system. They will see it as political interference not with the contracting procedures, not with the budget, not with how many cars they have, but with how they decide on interest rates. And the perception that the Congress is going to politicize the way in which interest rates are set will in itself have a destabilizing effect.

And as I said, nobody here thinks this will ever become law. But there is this fear on the part of others who don't know that that will translate into precisely the kind of uncertainty, precisely the kind of unsettling on investments that my Republican colleagues pretend to fear, and it will also send them the message, stop worrying about unemployment.

Mr. ISSA. As I introduced my good friend and leader on this issue, Mr. CHAFFETZ, I might note that when the word "Democrat" and "Republican" are used in this Hall, hopefully when there are 45 Democratic Members on this bill as cosponsors, we would recognize this is a bipartisan bill.

I now yield 2 minutes to the gentleman from Utah (Mr. CHAFFETZ).

Mr. CHAFFETZ. I thank the chairman.

I also want to appreciate and congratulate Dr. RON PAUL for his tireless pursuit of this openness and transparency. Without his leadership, we wouldn't be at this point today, and I applaud him and thank him for that.

Some would say that the Fed is already audited, but there are some key points where it is not. These include transactions with foreign central banks, discussion and actions on monetary policy, and transactions made under the direction of the Federal Open Market Committee.

If we are truly about openness and transparency in this Nation, which distinguishes us above and beyond so many others, we deserve and need to know this information.

We need also understand the imperative that is before us because the Federal Reserve balance sheet has exploded in recent years. In fact, since

2008, it has literally tripled. It's gone from \$908 billion on its balance sheet to over \$2.8 trillion, nearly a 33 percent annualized increase since January 2008.

The Federal Reserve ownership of Treasuries has also increased substantially in recent years, having more than doubled from January of 2008 to January of 2012, where it went from \$741 billion to \$1.66 trillion.

Let's understand also that in fiscal year 2011, the Federal Reserve purchased 76 percent of new Treasuries. Certainly the American people and this Congress deserves more openness, transparency, and at the very least an audit. I encourage my colleagues on both sides of the aisle to support this commonsense piece of legislation, and again congratulate Dr. PAUL, and continue to hope for his pursuit of this issue.

Mr. CUMMINGS. I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. This is an absolute terrible idea. Although I am in total agreement with Mr. PAUL that transparency is a virtue, I also believe that the Federal Reserve must be free of any political influence, and I'm afraid this bill opens the door for precisely that to happen. I don't believe there is anyone in this Chamber that thinks that what the process needs is more politics.

Make no mistake, I agree that maximum transparency is necessary and desirable, and that's precisely why we included numerous transparency requirements in the financial reform bill, as well as numerous audit requirements. We authorized the GAO to audit the Fed's emergency lending facility. We authorized the GAO to audit any special facility created within the Fed. And we required the Fed to issue an assessment 2 years after institutions were granted access to the Fed's discount window.

We crafted those measures and more in a way that ensures transparency but still preserves the independence of the Federal Reserve in its decision-making process in the critical area of monetary policy. But this bill, as it now stands, would provide information without a proper context. That could have unintended consequences and have totally unwarranted effects on consumer confidence in our financial institutions.

If the individual members of the Open Markets Committee know that each one of their decisions are subject to potential political pressure, it would significantly alter that decision-making process. An open door to the Federal Open Markets Committee would invite political pressures. And having decisions that are driven by politics and polling data is not the path to sound monetary policy.

Decisions about monetary policy should never be based on the raw political needs of the moment but instead

should always be based strictly on objective economic considerations and guided by the twin mandates of low inflation and full employment. The unintended consequences of this bill would be to open the Federal Reserve to political influence, and that would have a negative impact on the Fed's independence and its ability to produce sound economic policy. I urge a strong bipartisan "no" vote.

□ 1530

Mr. ISSA. It is now my honor to yield 1 minute to the gentleman from Texas (Mr. FARENTHOLD).

Mr. FARENTHOLD. Mr. Speaker, the Constitution grants us the power to coin money and regulate the value thereof, and we've delegated this to the Fed. Unfortunately, we've tied our hands behind our back with respect to seeing what they're doing, and it's our duty to conduct oversight. A moment ago, Mr. FRANK said the audit was just fist pounding and chest pounding. I disagree. It's the first step. It is our doing our homework to determine what needs to be done to reform the Fed.

Chairman Bernanke said this bill would be a "nightmare scenario" of political meddling in monetary affairs. I disagree. I think the current situation is a nightmare scenario in unaccountable government. As Justice Brandeis said, "Sunshine is always the best disinfectant." As a member of the Oversight and Government Reform Committee, we demand transparency from agencies like the GSA, the TSA, and other Fed agencies.

I join my friend and neighbor in Congress, Dr. PAUL, in demanding for the American people that sunshine be shined into the Fed and this audit be conducted. I urge my colleagues to support this bill because the American people have a right to know.

Mr. CUMMINGS. I yield 1 minute to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, to illustrate the misconceptions about this bill, let's refer to what the gentleman from Utah (Mr. CHAFFETZ) had to say. He said 76 percent of the purchasers of this and that. Well, if they were so nontransparent, I don't know how he would know that. He didn't have a subpoena. But the fact is, yes, he knows that because of the transparency we've already built in. But all the more important, the details, the specifics of every one of those transactions are already public.

This isn't about those transactions or about with whom they were done and under what time period. It's about the motives of the people setting monetary policy.

And let me address the Constitution. Yes, it is true that the Constitution gives us the power to do this. The Constitution gives us a lot of power. It gives us power to declare war on Can-

ada. It gives us the power to do a lot of things. Wise people pick and choose which powers they use.

But this is not about getting more information about their transactions. All of that is out there. This is an effort to give politicians, a wonderful group of people of which I am one, more direct involvement in the actual decisions on setting of interest rates than is good for the economy.

Mr. ISSA. It is now my honor to yield 1 minute to the gentleman from Michigan (Mr. AMASH).

Mr. AMASH. I would like to thank Chairman ISSA and thank and congratulate Dr. RON PAUL for his tireless work on this issue for many decades.

Mr. Speaker, what is the Federal Reserve? I think even many Members of this body couldn't answer that question. And yet Congress has delegated its constitutional authority to this committee of bankers and Presidential appointees. To no institution in our country's history has Congress given so much power while knowing so little.

As our central bank, we've entrusted the Federal Reserve with managing inflation. That means the Fed can change the value of Americans' life savings, their retirement accounts and their mortgages. Lately, the Fed has taken on the role of "lender of last resort." It has made unprecedented market interventions, promising billions of dollars to the country's largest financial institutions. When investors wouldn't buy mortgages, the Fed did. When creditors became wary of Congress' spending binge, the Feds stepped in.

Years ago, Congress enacted an audit statute, but it prevents an audit of monetary policy. The government's accountants understandably were outraged, saying they couldn't "satisfactorily audit the Federal Reserve system without authority to examine the Fed's largest assets."

Congress should be wary of all types of central planning. We should be especially vigilant against unaccountable groups that profoundly affect Americans' lives and liberty.

Pass this bill, and let's audit the Fed.

Mr. CUMMINGS. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. WATT).

Mr. WATT. I thank the gentleman.

Let me say, first, that this bill is not about sunshine and it's not about transparency. It is about dissatisfaction that some individuals have with the mandate that Congress has given to the Federal Reserve.

The gentleman who just spoke is absolutely right; They are supposed to deal with inflation. That's what we told them to do in their mandate. They're supposed to deal with unemployment. That's what we told them to do in the mandate we gave.

And some people over there are dissatisfied with the fact that—they don't



want them to deal with unemployment. They don't want them to try to adjust and make changes that will be beneficial to our economy. And if they don't want that, they ought to just introduce a bill that repeals the mandate that we gave to them.

Don't come and say that we are talking about sunshine and transparency.

Every time I turn on the television now, I hear the Federal Reserve, Chairman Bernanke and members of the Federal Reserve, talking about how the economy is going. That is not lack of sunshine and lack of information. I thought we had dealt with this when Mr. PAUL was the ranking member of the subcommittee and I was the chairman.

Mr. PAUL's problem is he doesn't like the Federal Reserve. He is avowedly in favor of doing away with the Federal Reserve. That's an honest position. But don't come in and try to cloak it in the guise of this agency is not transparent or it lacks sunshine. If you don't like the mandate that they have, then have the guts to stand up and introduce a bill that says that we are doing away with the Federal Reserve.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CUMMINGS. I yield the gentleman 1 additional minute.

Mr. WATT. If you think we are in trouble now, if you get the politics and the Congress involved in transactions with foreign governments and the decisions about how we get ourselves out of this unemployment situation, if we have some answers about how to get out of unemployment, then I would assume we would come forward with them. And nobody on this floor of this Congress has done anything to take up an unemployment bill. So I'm glad we have the Federal Reserve over there at least trying to figure out how to make some adjustments in our economy that will deal with unemployment.

The last thing I want is for this Congress to be second-guessing—or an auditor that is not elected by anybody to be second-guessing—the decisions of the people who are on the Federal Reserve. An auditor might be a good accountant, he can count, but I want somebody on the Federal Reserve, and hopefully it would be nice to have some people in Congress who can make some decisions about how to deal with unemployment.

Mr. ISSA. Mr. Speaker, the rules of the House prohibit going after someone's motivation. I'm very concerned that a bill that, in a substantially similar form, was placed into Dodd-Frank by then-Chairman BARNEY FRANK is now being characterized as somehow ill-intended and mischievous activity by the proponent. I would trust that that is not the intent of the speakers on behalf of that side of the aisle about this bipartisan bill. It is virtually identical to the language that BARNEY FRANK put into Dodd-Frank.

Mr. WATT. Will the gentleman yield?

Mr. ISSA. I yield to the gentleman from North Carolina.

Mr. WATT. I just want to be clear that Mr. FRANK and I both voted against the bill that you're talking about, so don't try to make it sound like it's Mr. FRANK's and my bill. We voted against the bill. This is RON PAUL's bill. We thought it was a terrible idea then, and we think it's a terrible idea now.

Mr. ISSA. Reclaiming my time, I would like to yield 15 seconds to the gentleman from Texas, the author of the bill.

Mr. PAUL. Did you vote against Dodd-Frank? Because it was in Dodd-Frank. It wasn't a separate bill. Maybe on a separate vote you might have done it, but it was in Dodd-Frank.

Mr. ISSA. I now yield 1 minute to the gentleman from Montana (Mr. REHBERG).

Mr. REHBERG. Thank you, Mr. ISSA, and I especially thank you, Dr. PAUL.

Tomorrow, the House of Representatives will uphold our constitutional duty and vote to pull back the secretive curtain of the Federal Reserve. The American people have a right to know. It's an important step in openness and government transparency that's long overdue.

Just a few years ago, the Senate rejected an effort to add this strong audit language to the Dodd-Frank bill, but times are changing. As our economy struggles and job creation lags, it's more important than ever to look under the hood of the Federal Reserve. We need to find out exactly what they are doing and why. That way, we can determine if the Fed is actually hurting our economy and discouraging job growth.

In a democracy, no government body should be allowed to hide behind a curtain of secrecy. That's why I stand strongly behind this legislation.

□ 1540

MOMENT OF SILENCE IN MEMORY OF OFFICER JACOB J. CHESTNUT AND DETECTIVE JOHN M. GIBSON

The SPEAKER pro tempore. Pursuant to the Chair's announcement of earlier today, the House will now observe a moment of silence in memory of Officer Jacob J. Chestnut and Detective John M. Gibson.

Will all present please rise in observance of a moment of silence.

Mr. CUMMINGS. Mr. Speaker, I yield 30 seconds to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I'm glad that the Committee on Government and Oversight isn't the official House historian. In fact, there was a motion to include language like this offered to the financial reform bill. I voted "no," as did Mr. WATT. It was included in the bill. It's true, I voted for the bill. Of course, the gentleman

from Texas voted against the bill. So if your vote on the whole bill is taken as an account of what you feel, he was against it.

But when it went to conference, it was not in the Senate bill—which was the text of the conference—so it did not come up, and no Republican conferee offered it as an amendment. That is, in the conference, that language which I and the gentleman from North Carolina voted against was not offered by any Member of the conference, Democrat or Republican.

Mr. ISSA. History records that Democrats broadly voted for it when it was voted out of this body. Nothing more need be said.

With that, I yield 1 minute to the gentlelady from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. I thank the gentleman from California for the time. And I want to commend the gentleman from Texas (Mr. PAUL) for his excellent work on this issue.

Recently, I had a constituent say to me in a townhall meeting they thought it was time for Congress to start putting some mandates on the Federal Government. They're tired of government mandates on them. Why don't we mandate, why don't we hold them accountable?

This is a piece of legislation that does exactly that. It requires the GAO to conduct a full audit of the Board of Governors of the Federal Reserve System and of the Federal Reserve banks by the Comptroller General before the end of the year. That is significant. A timeline to do a job, to be held accountable to the people of this great Nation for how they spend their time, their money, the decisions they make that affect us.

It is imperative that we get this economy back on track. The actions that we will vote on today are part of that, having a Federal Reserve that is accountable—accountable to our constituents, accountable to the people of this Nation. I commend the gentleman for a move toward transparency and accountability.

Mr. CUMMINGS. Mr. Speaker, may I inquire as to how much time we have.

The SPEAKER pro tempore. The gentleman from Maryland has 6½ minutes remaining. The gentleman from California has 9¼ minutes remaining.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in opposition to H.R. 459, which passed out of the Oversight Committee without even a single hearing and without testimony from any Federal Reserve officials.

Let me be clear: the Government Accountability Office has had the authority to audit the Federal Reserve's books for three decades. In 2010, the Dodd-Frank Act expanded the types of audits GAO conducts of the Federal Reserve, as well as the data the Fed must

disclose to the public. For example, Dodd-Frank required the GAO to audit the emergency financial assistance provided during the financial crisis.

The act also opens discount window operations and open market operations to audit so GAO can assess the operational integrity, collateral policies, fairness, and use of third-party contractors. And Dodd-Frank requires the Federal Reserve to release information regarding borrowers and counterparties participating in discount-lending programs and open market operations. Mr. Speaker, as a conferee who helped craft the final Dodd-Frank legislation, I supported all of these provisions.

I believe other areas of the Federal Reserve's operations are also ripe for audit. During the committee's consideration of this legislation, I offered an amendment that would require GAO to perform an audit of the independent foreclosure reviews currently being conducted by the Federal Reserve and the Office of the Comptroller of the Currency.

Fourteen mortgage servicers have been required to establish a process under which borrowers can request an independent review of their loan histories. But at the end of May, only 200,000 out of about 4.4 million eligible borrowers had requested an independent review of their foreclosure cases. We need to understand whether the design of the program has limited the number of borrowers who have sought reviews of their cases.

Further, it is unclear how the types and amounts of remediation are being determined. This is precisely the type of issue that should be reviewed by the GAO. Certainly, the public has a right and the Congress has a responsibility to know and understand the transactions and enforcement actions undertaken by the Nation's central bank. However, when Congress established the Fed in 1913, it understood that independence from political interference was critical to the bank's ability to fulfill its monetary policy responsibilities.

The Dodd-Frank Act was carefully crafted to expand transparency while preserving the protections that ensure the independence of the Federal Reserve's internal deliberations on monetary policy matters. The Board of Governors of the Federal Reserve must be able to pursue the policies it considers most responsive to our Nation's current economic conditions and most likely to fulfill its dual mandate of promoting maximum employment and stable prices.

We should not allow GAO examinations to be the back door through which politics intrude on monetary policy—which is what this legislation would allow. Opening the Federal Reserve's internal policy deliberations to GAO review could influence how such deliberations are conducted and poten-

tially the policies that are chosen, thus degrading the Fed's independence.

Last week, the Chairman of the Federal Reserve, Mr. Bernanke, described the potential impact of this bill to the Financial Services Committee. He said:

The nightmare scenario I have is one in which some future Fed Chairman would decide and say to raise the Federal funds rate to 25 basis points and somebody would say, I don't like that decision. I want the GAO to go in and get all the records, get all the transcripts, get all the preparatory materials and give us an independent opinion whether or not that was the right decision.

I share Chairman Bernanke's concern. For that reason, during the markup of this legislation in the Oversight Committee, I offered an amendment that would have retained the protections for the Board of Governors' internal monetary policy deliberations to ensure that the audit required by this legislation did not intrude on the Federal Reserve's independence. I continue to believe this provision is needed to ensure this bill does not prohibit the ability of the Federal Reserve to implement monetary policies to strengthen our Nation's economy as it has done repeatedly throughout the recent financial crisis.

I reserve the balance of my time.

Mr. ISSA. Mr. Speaker, can I inquire how much time we both have remaining, please.

The SPEAKER pro tempore. The gentleman from California has 9¼ minutes remaining. The gentleman from Maryland has 2 minutes remaining.

Mr. ISSA. I now yield 1 minute to the gentlelady from Kansas (Ms. JENKINS).

Ms. JENKINS. I thank the gentleman for yielding, and I thank Dr. PAUL for his leadership on this very important issue.

Mr. Speaker, the Federal Reserve lent out \$16 trillion during the fiscal crisis. That's larger than the entire U.S. economy—or worse, our Federal debt. Trillions of taxpayer dollars, and we have very little understanding of where it went.

Congress holds the purse, but we have no oversight over how the Fed manages the funds. This is why I've cosponsored a bipartisan effort to audit the Fed in full. It's our responsibility.

Current monetary policy audits of the Fed are insufficient. Most Fed operations consist of transactions with foreign central banks, and yet they are exempt from review. When corruption is suspected, a common refrain is: follow the money. With the historic sovereign debt crisis brewing in Europe, we must look closely at our own balance sheet. We must follow the money.

As a CPA, I know we need more transparency in Washington. It should start with the Federal Reserve.

□ 1550

Mr. CUMMINGS. I yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. I would like to include in the record of this debate an article about the Fed's policy model sacrificing its maximum employment mandate and targeting 5 to 6 percent as unemployment.

SPEECH BY JANET L. YELLEN, VICE CHAIR, BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM AT THE BOSTON ECONOMIC CLUB DINNER, BOSTON, MASSACHUSETTS JUNE 6, 2012

#### PERSPECTIVES ON MONETARY POLICY

Good evening. I'm honored to have the opportunity to address the Boston Economic Club and I'm grateful to Chip Case for inviting me to speak to you tonight. As most of you probably know, Chip was one of the first economists to document worrisome signs of a housing bubble in parts of the United States. After sounding an early alarm in 2003, Chip watched the bubble grow and was prescient in anticipating the very serious toll that its unwinding would impose on the economy. Chip recognized that declining house prices would affect not just residential construction but also consumer spending, the ability of households to borrow, and the health of the financial system. In light of these pervasive linkages, the repeat sales house price index that bears Chip's name is one of the most closely watched of all U.S. economic indicators. Indeed, as I will discuss this evening, prolonged weakness in the housing sector remains one of several serious headwinds facing the U.S. economy. Given these headwinds, I believe that a highly accommodative monetary policy will be needed for quite some time to help the economy mend. Before continuing, let me emphasize that my remarks reflect my own views and not necessarily those of others in the Federal Reserve System.

#### ECONOMIC CONDITIONS AND THE OUTLOOK

In my remarks tonight, I will describe my perspective on monetary policy. To begin, however, I'll highlight some of the current conditions and key features of the economic outlook that shape my views. To anticipate the main points, the economy appears to be expanding at a moderate pace. The unemployment rate is almost 1 percentage point lower than it was a year ago, but we are still far from full employment. Looking ahead, I anticipate that significant headwinds will continue to restrain the pace of the recovery so that the remaining employment gap is likely to close only slowly. At the same time, inflation (abstracting from the transitory effects of movements in oil prices) has been running near 2 percent over the past two years, and I expect it to remain at or below the Federal Open Market Committee's (the FOMC's) 2 percent objective for the foreseeable future. As always, considerable uncertainty attends the outlook for both growth and inflation; events could prove either more positive or negative than what I see as the most likely outcome. That said, as I will explain, I consider the balance of risks to be tilted toward a weaker economy.

Starting with the labor market, conditions have gradually improved over the past year, albeit at an uneven pace. Average monthly payroll gains picked up from about 145,000 in the second half of 2011 to 225,000 during the first quarter of this year. However, these gains fell back to around 75,000 a month in April and May. The deceleration of payroll employment from the first to the second quarter was probably exacerbated by some combination of seasonal adjustment difficulties and an unusually mild winter that likely

boosted employment growth earlier in the year. Payback for that earlier strength probably accounts for some of the weakness we've seen recently. Smoothing through these fluctuations, the average pace of job creation for the year to date, as well as recent unemployment benefit claims data and other indicators, appear to be consistent with an economy expanding at only a moderate rate, close to its potential.

Such modest growth would imply little additional progress in the near term in improving labor market conditions, which remain very weak. Currently, the unemployment rate stands around 3 percentage points above where it was at the onset of the recession—a figure that is stark enough as it is, but does not even take account of the millions more who have left the labor force or who would have joined under more normal circumstances in the past four years. All told, only about half of the collapse in private payroll employment in 2008 and 2009 has been reversed. A critical question for monetary policy is the extent to which these numbers reflect a shortfall from full employment versus a rise in structural unemployment. While the magnitude of structural unemployment is uncertain, I read the evidence as suggesting that the bulk of the rise during the recession was cyclical, not structural in nature.

Consider figure 1, which presents three indicators of labor market slack. The black solid line is the unemployment gap, defined as the difference between the actual unemployment rate and the Congressional Budget Office (CBO) estimate of the rate consistent with inflation remaining stable over time. The red dashed line is an index of the difficulty households perceive in finding jobs, based on results from a survey conducted by the Conference Board. And the red dotted line is an index of firms' ability to fill jobs, based on a survey conducted by the National Federation of Independent Business. All three measures show similar cyclical movements over the past 20 years, and all now stand at very high levels. This similarity runs counter to claims that the CBO's and other estimates of the unemployment gap overstate the true amount of slack by placing insufficient weight on structural explanations, such as a reduced efficiency of matching workers to jobs, for the rise in unemployment since 2007. If that were the case, why would firms now find it so easy to fill positions? Other evidence also points to the dominant role of cyclical forces in the recent rise in unemployment: job losses have been widespread, rather than being concentrated in the construction and financial sectors, and the co-movement of job vacancies and unemployment over the past few years does not appear to be unusual.

As I mentioned, I expect several factors to restrain the pace of the recovery and the corresponding improvement in the labor market going forward. The housing sector remains a source of very significant headwinds. Housing has typically been a driver of economic recoveries, and we have seen some modest improvement recently, but continued uncertainties over the direction of house prices, and very restricted mortgage credit availability for all but the most creditworthy buyers, will likely weigh on housing demand for some time to come. When housing demand does pick up more noticeably, the huge overhang of both unoccupied dwellings and homes in the foreclosure pipeline will likely allow a good deal of that demand to be met for a time without a sizeable expansion in homebuilding. Moreover, the enormous toll

on household wealth resulting from the collapse of house prices—almost a 35 percent decline from its 2006 peak, according to the Case-Shiller index—imposes ongoing restraint on consumer spending, and the loss of home equity has impaired many households' ability to borrow.

A second headwind that will likely become more important over coming months relates to fiscal policy. At the federal level, stimulus-related policies are scheduled to wind down, while both defense and nondefense purchases are expected to decline in inflation-adjusted terms over the next several years. Toward the end of this year, important decisions regarding the extension of current federal tax and budget policies loom. I will return to the associated uncertainties and their potentially detrimental effects later.

A third factor weighing on the outlook is the likely sluggish pace of economic growth abroad. Strains in global financial markets have resurfaced in recent months, reflecting renewed uncertainty about the resolution of the European situation. Risk premiums on sovereign debt and other securities have risen again in many European countries, while European banks continue to face pressure to shrink their balance sheets. Even without a further intensification of stresses, the slowdown in economic activity in Europe will likely hold back U.S. export growth. Moreover, the perceived risks surrounding the European situation are already having a meaningful effect on financial conditions here in the United States, further weighing on the prospects for U.S. growth.

Given these formidable challenges, most private sector forecasters expect only gradual improvement in the labor market and I share their view. Figure 2 shows the unemployment rate together with the median forecast from last month's Survey of Professional Forecasters (SPF), the dashed blue line. The figure also shows the central tendency of the unemployment projections that my FOMC colleagues and I made at our April meeting: Those projections reflect our assessments of the economic outlook given our own individual judgements about the appropriate path of monetary policy. Included in the figure as well is the central tendency of FOMC participants' estimates of the longer-run normal unemployment rate, which ranges from 5.2 percent to 6 percent. Like private forecasters, most FOMC participants expect the unemployment rate to remain well above its longer-run normal value over the next several years.

Of course, considerable uncertainty attends this outlook: The shaded area provides an estimate of the 70 percent confidence interval for the future path of the unemployment rate based on historical experience and model simulations. Its width suggests that these projections could be quite far off, in either direction. Nevertheless, the figure shows that labor market slack at present is so large that even a very large and favorable forecast error would not change the conclusion that slack will likely remain substantial for quite some time.

Turning to inflation, figure 3 summarizes private and FOMC forecasts. Overall consumer price inflation has fluctuated quite a bit in recent years, largely reflecting movements in prices for oil and other commodities. In early 2011 and again earlier this year, prices of crude oil, and thus of gasoline, rose noticeably. Smoothing through these fluctuations, inflation as measured by the price index for personal consumption expenditures (PCE) averaged near 2 percent

over the past two years. In recent weeks, however, oil and gasoline prices have moderated and are now showing through to the headline inflation figures. Looking ahead, most FOMC participants at the time of our April meeting expected inflation to be at, or a bit below, our long-run objective of 2 percent through 2014; private forecasters on average also expect inflation to be close to 2 percent. As with unemployment, uncertainty around the inflation projection is substantial.

In the view of some observers; the stability of inflation in the face of high unemployment in recent years constitutes evidence that much of the remaining unemployment is structural and not cyclical. They reason that if there were truly substantial slack in the labor market, simple accelerationist "Phillips curve" models would predict more noticeable downward pressure on inflation. However, substantial cross-country evidence suggests that, in low-inflation environments, inflation is notably less responsive to downward pressure from labor market slack than it is when inflation is elevated.

In other words, the short-run Phillips curve may flatten out. One important reason for this non-linearity, in my view, is downward nominal wage rigidity—that is, the reluctance or inability of many firms to cut nominal wages.

The solid blue bars in figure 4 present a snapshot of the distribution of nominal wage changes for individual jobs during the depth of the current labor market slump, based on data collected by the Bureau of Labor Statistics. For comparison, the dashed red line presents a hypothetical distribution of wage changes, using a normal distribution that approximates the actual distribution of wage changes greater than zero. The distribution of actual wage changes shows that a relatively high percentage of workers saw no change in their nominal wage, and relatively few experienced modest wage cuts. This pile-up phenomenon at zero suggests that, even when the unemployment rate was around 10 percent, many firms were reluctant to cut nominal wage rates. In the absence of this barrier, nominal gains in wages and unit labor costs would have likely been even more subdued given the severity of the economic downturn, with the result that inflation would probably now be running at a lower rate.

Anchored inflation expectations are another reason why inflation has remained close to 2 percent in the face of very low resource utilization. As shown in figure 5, survey measures of longer-horizon inflation expectations have remained nearly constant since the mid-1990s even as actual inflation has fluctuated. As a result, the current slump has not generated the downward spiral of falling expected and actual inflation that a simple accelerationist model of inflation might have predicted. Indeed, keeping inflation expectations from declining has been an important success of monetary policy over the past few years. At the same time, the fact that longer-term inflation expectations have not risen above 2 percent has also proved extremely valuable, for it has freed the FOMC to take strong actions to support the economic recovery without greatly worrying that higher energy and commodity prices would become ingrained in inflation and inflation expectations, as they did in the 1970s.

While my modal outlook calls for only a gradual reduction in labor market slack and a stable pace of inflation near the FOMC's longer-run objective of 2 percent, I see substantial risks to this outlook, particularly to

the downside. As I mentioned before, even without any political gridlock, fiscal policy is bound to become substantially less accommodative from early 2013 on. However, federal fiscal policy could turn even more restrictive if the Congress does not reach agreement on several important tax and budget policy issues before the end of this year; in fact, the CBO recently warned that the potential hit to gross domestic product (GDP) growth could be sufficient to push the economy into recession in 2013. The deterioration of financial conditions in Europe of late, coupled with notable declines in global equity markets, also serve as a reminder that highly destabilizing outcomes cannot be ruled out. Finally, besides these clearly identifiable sources of risk, there remains the broader issue that economic forecasters have repeatedly overestimated the strength of the recovery and so still may be too optimistic about the prospects that growth will strengthen.

Although I view the bulk of the increase in unemployment since 2007 as cyclical, I am concerned that it could become a permanent problem if the recovery were to stall. In this economic downturn, the fraction of the workforce unemployed for six months or more has climbed much more than in previous recessions, and remains at a remarkably high level. Continued high unemployment could wreak long-term damage by eroding the skills and labor force attachment of workers suffering long-term unemployment, thereby turning what was initially cyclical into structural unemployment. This risk provides another important reason to support the recovery by maintaining a highly accommodative stance of monetary policy.

#### THE CONDUCT OF POLICY WITH UNCONVENTIONAL TOOLS

Now turning to monetary policy, I will begin by discussing the FOMC's reliance on unconventional tools to address the disappointing pace of recovery. I will then elaborate my rationale for supporting a highly accommodative policy stance.

As you know, since late 2008, the FOMC's standard policy tool, the target federal funds rate, has been maintained at the zero lower bound. To provide further accommodation, we have employed two unconventional tools to support the recovery—extended forward guidance about the future path of the federal funds rate, and large-scale asset purchases and other balance sheet actions that have greatly increased the size and duration of the Federal Reserve's portfolio.

These two tools have become increasingly important because the recovery from the recession has turned out to be persistently slower than either the FOMC or private forecasters anticipated. Figure 6 illustrates the magnitude of the disappointment by comparing Blue Chip forecasts for real GDP growth made two years ago with ones made earlier this year. As shown by the dashed blue line, private forecasters in early 2010 anticipated that real GDP would expand at an average annual rate of just over 3 percent from 2010 through 2014. However, actual growth in 2011 and early 2012 has turned out to be much weaker than expected, and, as indicated by the dotted red line, private forecasters now anticipate only a modest acceleration in real activity over the next few years.

In response to the evolving outlook, the FOMC has progressively added policy accommodation using both of its unconventional tools. For example, since the federal funds rate target was brought down to a range of 0

to ¼ percent in December 2008, the FOMC has gradually adjusted its forward guidance about the anticipated future path of the federal funds rate. In each meeting statement from March 2009 through June 2011, the Committee indicated its expectation that economic conditions “are likely to warrant exceptionally low levels of the federal funds rate for an extended period.” At the August 2011 meeting, the Committee decided to provide more specific information about the likely time horizon by substituting the phrase “at least through mid-2013” for the phrase “for an extended period”; at the January 2012 meeting, this horizon was extended to “at least through late 2014.” Has this guidance worked? Figure 7 illustrates how dramatically forecasters' expectations of future short-term interest rates have changed. As the dashed blue line indicates, the Blue Chip consensus forecast made in early 2010 anticipated that the Treasury-bill rate would now stand at close to 3½ percent; today, in contrast, private forecasters expect short-term interest rates to remain very low in 2014.

Of course, much of this revision in interest rate projections would likely have occurred in the absence of explicit forward guidance; given the deterioration in projections of real activity due to the unanticipated persistence of headwinds, and the continued subdued outlook for inflation, forecasters would naturally have anticipated a greater need for the FOMC to provide continued monetary accommodation. However, I believe the changes over time in the language of the FOMC statement, coupled with information provided by Chairman Bernanke and others in speeches and congressional testimony, helped the public understand better the Committee's likely policy response given the slower-than-expected economic recovery. As a result, forecasters and market participants appear to have marked down their expectations for future short-term interest rates by more than they otherwise would have, thereby putting additional downward pressure on long-term interest rates, improving broader financial conditions, and lending support to aggregate demand.

The FOMC has also provided further monetary accommodation over time by altering the size and composition of the Federal Reserve's securities holdings, shown in figure 8. The expansion in the volume of securities held by the Federal Reserve is shown in the left panel of the figure. During 2009 and early 2010, the Federal Reserve purchased about \$1.4 trillion in agency mortgage-backed securities and agency debt securities and about \$300 billion in longer-term Treasury securities. In November 2010, the Committee initiated an additional \$600 billion in purchases of longer-term Treasury securities, which were completed at the end of June of last year. Last September, the FOMC decided to implement the “Maturity Extension Program,” which affected the maturity composition of our Treasury holdings as shown in the right panel. Through this program, the FOMC is extending the average maturity of its securities holdings by selling \$400 billion of Treasury securities with remaining maturities of 3 years or less and purchasing an equivalent amount of Treasury securities with remaining maturities of 6 to 30 years. These transactions are currently scheduled to be completed at the end of this month.

Research by Federal Reserve staff and others suggests that our balance sheet operations have had substantial effects on longer-term Treasury yields, principally by reducing term premiums on longer-dated

Treasury securities. Figure 9 provides an estimate, based on Federal Reserve Board staff calculations, of the cumulative reduction of the term premium on 10-year Treasury securities from the three balance sheet programs. These results suggest that our portfolio actions are currently keeping 10-year Treasury yields roughly 60 basis points lower than they otherwise would be. Other evidence suggests that this downward pressure has had favorable spillover effects on other financial markets, leading to lower long-term borrowing costs for households and firms, higher equity valuations, and other improvements in financial conditions that in turn have supported consumption, investment, and net exports. Because the term premium effect depends on both the Federal Reserve's current and expected future asset holdings, most of this effect—without further actions—will likely wane over the next few years as the effect depends less and less on the current elevated level of the balance sheet and increasingly on the level of holdings during and after the normalization of our portfolio.

#### THE RATIONALE FOR HIGHLY ACCOMMODATIVE POLICY

I have already noted that, in my view, an extended period of highly accommodative policy is necessary to combat the persistent headwinds to recovery. I will next explain how I've reached this policy judgment. In evaluating the stance of policy, I find the prescriptions from simple policy rules a logical starting point. A wide range of such rules has been examined in the academic literature, the most famous of which is that proposed by John Taylor in his 1993 study. Rules of the general sort proposed by Taylor (1993) capture well our statutory mandate to promote maximum employment and price stability by prescribing that the federal funds rate should respond to the deviation of inflation from its longer-run goal and to the output gap, given that the economy should be at or close to full employment when the output gap—the difference between actual GDP and an estimate of potential output—is closed. Moreover, research suggests that such simple rules can be reasonably robust to uncertainty about the true structure of the economy, as they perform well in a variety of models. Today, I will consider the prescriptions of two such benchmark rules—Taylor's 1993 rule, and a variant that is twice as responsive to economic slack. In my view, this latter rule is more consistent with the FOMC's commitment to follow a balanced approach to promoting our dual mandate, and so I will refer to it as the “balanced-approach” rule.

To show the prescriptions these rules would have called for at the April FOMC meeting, I start with an illustrative baseline outlook constructed using the projections for unemployment, inflation, and the federal funds rate that FOMC participants reported in April. I then employ the dynamics of one of the Federal Reserve's economic models, the FRB/US model, to solve for the joint paths of these three variables if the short-term interest rate had instead been set according to the Taylor (1993) rule or the balanced-approach rule, subject, in both cases, to the zero lower bound constraint on the federal funds rate. The dashed red line in figure 10 shows the resulting path for the federal funds rate under Taylor (1993) and the solid blue line with open circles illustrates the corresponding path using the balanced-approach rule. In both simulations, the private sector fully understands that monetary policy follows the particular rule in force.

Figure 10 shows that the Taylor rule calls for monetary policy to tighten immediately, while the balanced-approach rule prescribes raising the federal funds rate in the fourth quarter of 2014—the earliest date consistent with the FOMC's current forward guidance of “exceptionally low levels for the federal funds rate at least through late 2014.”

Although simple rules provide a useful starting point in determining appropriate policy, they by no means deserve the “last word”—especially in current circumstances. An alternative approach, also illustrated in figure 10, is to compute an “optimal control” path for the federal funds rate using an economic model—FRB/US, in this case. Such a path is chosen to minimize the value of a specific “loss function” conditional on a baseline forecast of economic conditions. The loss function attempts to quantify the social costs resulting from deviations of inflation from the Committee's longer-run goal and from deviations of unemployment from its longer-run normal rate. The solid green line with dots in figure 10 shows the “optimal control” path for the federal funds rate, again conditioned on the illustrative baseline outlook. This policy involves keeping the federal funds rate close to zero until late 2015, four quarters longer than the balanced-approach rule prescription and several years longer than the Taylor rule. Importantly, optimal control calls for a later lift-off date even though this benchmark—unlike the simple policy rules—implicitly takes full account of the additional stimulus to real activity and inflation being provided over time by the Federal Reserve's other policy tool, the past and projected changes to the size and maturity of its securities holdings.

Figure 11 shows that, by keeping the federal funds rate at its current level for longer, monetary policy under the balanced-approach rule achieves a more rapid reduction of the unemployment rate than monetary policy under the Taylor (1993) rule does, while nonetheless keeping inflation near 2 percent. But the improvement in labor market conditions is even more notable under the optimal control path, even as inflation remains close to the FOMC's long-run inflation objective.

As I noted, simple rules have the advantage of delivering good policy outcomes across a broad range of models, and are thereby relatively robust to our limited understanding of the precise working of the economy—in contrast to optimal-control policies, whose prescriptions are sensitive to the specification of the particular model used in the analysis. However, simple rules also have their shortcomings, leading them to significantly understate the case for keeping policy persistently accommodative in current circumstances.

One of these shortcomings is that the rules do not adjust for the constraints that the zero lower bound has placed on conventional monetary policy since late 2008. A second is that they do not fully take account of the protracted nature of the forces that have been restraining aggregate demand in the aftermath of the housing bust. As I've emphasized, the pace of the current recovery has turned out to be persistently slower than most observers expected, and forecasters expect it to remain quite moderate by historical standards. The headwinds that explain this disappointing performance represent a substantial departure from normal cyclical dynamics. As a result, the economy's equilibrium real federal funds rate—that is, the rate that would be consistent with full employment over the medium run—is probably

well below its historical average, which the intercept of simple policy rules is supposed to approximate. By failing to fully adjust for this decline, the prescriptions of simple policy rules—which provide a useful benchmark under normal circumstances—could be significantly too restrictive now and could remain so for some time to come. In this regard, I think it is informative that the Blue Chip consensus forecast released in March showed the real three-month Treasury bill rate settling down at only 1¼ percent late in the decade, down 120 basis points from the long-run projections made prior to the recession.

#### LOOKING AHEAD

Recent labor market reports and financial developments serve as a reminder that the economy remains vulnerable to setbacks. Indeed, the simulations I described above did not take into account this new information. In our policy deliberations at the upcoming FOMC meeting we will assess the effects of these developments on the economic forecast. If the Committee were to judge that the recovery is unlikely to proceed at a satisfactory pace (for example, that the forecast entails little or no improvement in the labor market over the next few years), or that the downside risks to the outlook had become sufficiently great, or that inflation appeared to be in danger of declining notably below its 2 percent objective, I am convinced that scope remains for the FOMC to provide further policy accommodation either through its forward guidance or through additional balance-sheet actions. In taking these decisions, however, we would need to balance two considerations.

On the one hand, our unconventional tools have some limitations and costs. For example, the effects of forward guidance are likely to be weaker the longer the horizon of the guidance, implying that it may be difficult to provide much more stimulus through this channel. As for our balance sheet operations, although we have now acquired some experience with this tool, there is still considerable uncertainty about its likely economic effects. Moreover, some have expressed concern that a substantial further expansion of the balance sheet could interfere with the Fed's ability to execute a smooth exit from its accommodative policies at the appropriate time. I disagree with this view: The FOMC has tested a variety of tools to ensure that we will be able to raise short-term interest rates when needed while gradually returning the portfolio to a more normal size and composition. But even if unjustified, such concerns could in theory reduce confidence in the Federal Reserve and so lead to an undesired increase in inflation expectations.

On the other hand, risk management considerations arising from today's unusual circumstances strengthen the case for additional accommodation beyond that called for by simple policy rules and optimal control under the modal outlook. In particular, as I have noted, there are a number of significant downside risks to the economic outlook, and hence it may well be appropriate to insure against adverse shocks that could push the economy into territory where a self-reinforcing downward spiral of economic weakness would be difficult to arrest.

#### CONCLUSION

In my remarks this evening I have sought to explain why, in my view, a highly accommodative monetary policy will remain appropriate for some time to come. My views concerning the stance of monetary policy re-

flect the FOMC's firm commitment to the goals of maximum employment and stable prices, my appraisal of the medium term outlook (which is importantly shaped by the persistent legacy of the housing bust and ensuing financial crisis), and by my assessment of the balance of risks facing the economy. Of course, as I've emphasized, the outlook is uncertain and the Committee will need to adjust policy as appropriate as actual conditions unfold. For this reason, the FOMC's forward guidance is explicitly conditioned on its anticipation of “low rates of resource utilization and a subdued outlook for inflation over the medium run.” If the recovery were to proceed faster than expected or if inflation pressures were to pick up materially, the FOMC could adjust policy by bringing forward the expected date of tightening. In contrast, if the Committee judges that the recovery is proceeding at an insufficient pace, we could undertake portfolio actions such as additional asset purchases or a further maturity extension program. It is for this reason that the FOMC emphasized, in its statement following the April meeting, that it would “regularly review the size and composition of its securities holdings and is prepared to adjust those holdings as appropriate to promote a stronger economic recovery in a context of price stability.”

Mr. KUCINICH. I would also like to include in the record of this debate an article from Bloomberg News that talks about how secret Fed loans gave banks billions that were undisclosed to Congress.

[From: Bloomberg Markets Magazine, Nov. 27, 2011]

#### SECRET FED LOANS GAVE BANKS \$13 BILLION UNDISCLOSED TO CONGRESS

(By Bob Ivry, Bradley Keoun, and Phi Kuntz)

The Federal Reserve and the big banks fought for more than two years to keep details of the largest bailout in U.S. history a secret. Now, the rest of the world can see what it was missing. The Fed didn't tell anyone which banks were in trouble so deep they required a combined \$1.2 trillion on Dec. 5, 2008, their single neediest day. Bankers didn't mention that they took tens of billions of dollars in emergency loans at the same time they were assuring investors their firms were healthy. And no one calculated until now that banks reaped an estimated \$13 billion of income by taking advantage of the Fed's below-market rates, Bloomberg Markets magazine reports in its January issue.

Saved by the bailout, bankers lobbied against government regulations, a job made easier by the Fed, which never disclosed the details of the rescue to lawmakers even as Congress doled out more money and debated new rules aimed at preventing the next collapse.

A fresh narrative of the financial crisis of 2007 to 2009 emerges from 29,000 pages of Fed documents obtained under the Freedom of Information Act and central bank records of more than 21,000 transactions. While Fed officials say that almost all of the loans were repaid and there have been no losses, details suggest taxpayers paid a price beyond dollars as the secret funding helped preserve a broken status quo and enabled the biggest banks to grow even bigger.

#### “CHANGE THEIR VOTES”

“When you see the dollars the banks got, it's hard to make the case these were successful institutions,” says Sherrod Brown, a Democratic Senator from Ohio who in 2010 introduced an unsuccessful bill to limit bank

size. "This is an issue that can unite the Tea Party and Occupy Wall Street. There are lawmakers in both parties who would change their votes now." The size of the bailout came to light after Bloomberg LP, the parent of Bloomberg News, won a court case against the Fed and a group of the biggest U.S. banks called Clearing House Association LLC to force lending details into the open.

The Fed, headed by Chairman Ben S. Bernanke, argued that revealing borrower details would create a stigma—investors and counterparties would shun firms that used the central bank as lender of last resort—and that needy institutions would be reluctant to borrow in the next crisis. Clearing House Association fought Bloomberg's lawsuit up to the U.S. Supreme Court, which declined to hear the banks' appeal in March 2011.

#### \$7.77 TRILLION

The amount of money the central bank parceled out was surprising even to Gary H. Stern, president of the Federal Reserve Bank of Minneapolis from 1985 to 2009, who says he "wasn't aware of the magnitude." It dwarfed the Treasury Department's better-known \$700 billion Troubled Asset Relief Program, or TARP. Add up guarantees and lending limits, and the Fed had committed \$7.77 trillion as of March 2009 to rescuing the financial system, more than half the value of everything produced in the U.S. that year.

"TARP at least had some strings attached," says Brad Miller, a North Carolina Democrat on the House Financial Services Committee, referring to the program's executive-pay ceiling. "With the Fed programs, there was nothing."

Bankers didn't disclose the extent of their borrowing. On Nov. 26, 2008, then-Bank of America (BAC) Corp. Chief Executive Officer Kenneth D. Lewis wrote to shareholders that he headed "one of the strongest and most stable major banks in the world." He didn't say that his Charlotte, North Carolina-based firm owed the central bank \$86 billion that day.

#### "MOTIVATE OTHERS"

JPMorgan Chase & Co. CEO Jamie Dimon told shareholders in a March 26, 2010, letter that his bank used the Fed's Term Auction Facility "at the request of the Federal Reserve to help motivate others to use the system." He didn't say that the New York-based bank's total TAF borrowings were almost twice its cash holdings or that its peak borrowing of \$48 billion on Feb. 26, 2009, came more than a year after the program's creation.

Howard Opinsky, a spokesman for JPMorgan (JPM), declined to comment about Dimon's statement or the company's Fed borrowings. Jerry Dubrowski, a spokesman for Bank of America, also declined to comment.

The Fed has been lending money to banks through its so-called discount window since just after its founding in 1913. Starting in August 2007, when confidence in banks began to wane, it created a variety of ways to bolster the financial system with cash or easily traded securities. By the end of 2008, the central bank had established or expanded 11 lending facilities catering to banks, securities firms and corporations that couldn't get short-term loans from their usual sources.

#### "CORE FUNCTION"

"Supporting financial-market stability in times of extreme market stress is a core function of central banks," says William B. English, director of the Fed's Division of Monetary Affairs. "Our lending programs served to prevent a collapse of the financial

system and to keep credit flowing to American families and businesses."

The Fed has said that all loans were backed by appropriate collateral. That the central bank didn't lose money should "lead to praise of the Fed, that they took this extraordinary step and they got it right," says Phillip Swagel, a former assistant Treasury secretary under Henry M. Paulson and now a professor of international economic policy at the University of Maryland. The Fed initially released lending data in aggregate form only. Information on which banks borrowed, when, how much and at what interest rate was kept from public view.

The secrecy extended even to members of President George W. Bush's administration who managed TARP. Top aides to Paulson weren't privy to Fed lending details during the creation of the program that provided crisis funding to more than 700 banks, say two former senior Treasury officials who requested anonymity because they weren't authorized to speak.

#### BIG SIX

The Treasury Department relied on the recommendations of the Fed to decide which banks were healthy enough to get TARP money and how much, the former officials say. The six biggest U.S. banks, which received \$160 billion of TARP funds, borrowed as much as \$460 billion from the Fed, measured by peak daily debt calculated by Bloomberg using data obtained from the central bank. Paulson didn't respond to a request for comment.

The six—JPMorgan, Bank of America, Citigroup Inc. (C), Wells Fargo & Co. (WFC), Goldman Sachs Group Inc. (GS) and Morgan Stanley—accounted for 63 percent of the average daily debt to the Fed by all publicly traded U.S. banks, money managers and investment-services firms, the data show. By comparison, they had about half of the industry's assets before the bailout, which lasted from August 2007 through April 2010. The daily debt figure excludes cash that banks passed along to money-market funds.

#### BANK SUPERVISION

While the emergency response prevented financial collapse, the Fed shouldn't have allowed conditions to get to that point, says Joshua Rosner, a banking analyst with Graham Fisher & Co. in New York who predicted problems from lax mortgage underwriting as far back as 2001. The Fed, the primary supervisor for large financial companies, should have been more vigilant as the housing bubble formed, and the scale of its lending shows the "supervision of the banks prior to the crisis was far worse than we had imagined," Rosner says.

Bernanke in an April 2009 speech said that the Fed provided emergency loans only to "sound institutions," even though its internal assessments described at least one of the biggest borrowers, Citigroup, as "marginal."

On Jan. 14, 2009, six days before the company's central bank loans peaked, the New York Fed gave CEO Vikram Pandit a report declaring Citigroup's financial strength to be "superficial," bolstered largely by its \$45 billion of Treasury funds. The document was released in early 2011 by the Financial Crisis Inquiry Commission, a panel empowered by Congress to probe the causes of the crisis.

#### "NEED TRANSPARENCY"

Andrea Priest, a spokeswoman for the New York Fed, declined to comment, as did Jon Diat, a spokesman for Citigroup.

"I believe that the Fed should have independence in conducting highly technical monetary policy, but when they are putting

taxpayer resources at risk, we need transparency and accountability," says Alabama Senator Richard Shelby, the top Republican on the Senate Banking Committee.

Judd Gregg, a former New Hampshire senator who was a lead Republican negotiator on TARP, and Barney Frank, a Massachusetts Democrat who chaired the House Financial Services Committee, both say they were kept in the dark.

"We didn't know the specifics," says Gregg, who's now an adviser to Goldman Sachs.

"We were aware emergency efforts were going on," Frank says. "We didn't know the specifics."

#### DISCLOSE LENDING

Frank co-sponsored the Dodd-Frank Wall Street Reform and Consumer Protection Act, billed as a fix for financial-industry excesses. Congress debated that legislation in 2010 without a full understanding of how deeply the banks had depended on the Fed for survival. It would have been "totally appropriate" to disclose the lending data by mid-2009, says David Jones, a former economist at the Federal Reserve Bank of New York who has written four books about the central bank.

"The Fed is the second-most-important appointed body in the U.S., next to the Supreme Court, and we're dealing with a democracy," Jones says. "Our representatives in Congress deserve to have this kind of information so they can oversee the Fed."

The Dodd-Frank law required the Fed to release details of some emergency-lending programs in December 2010. It also mandated disclosure of discount-window borrowers after a two-year lag.

#### PROTECTING TARP

TARP and the Fed lending programs went "hand in hand," says Sherrill Shaffer, a banking professor at the University of Wyoming in Laramie and a former chief economist at the New York Fed. While the TARP money helped insulate the central bank from losses, the Fed's willingness to supply seemingly unlimited financing to the banks assured they wouldn't collapse, protecting the Treasury's TARP investments, he says.

"Even though the Treasury was in the headlines, the Fed was really behind the scenes engineering it," Shaffer says.

Congress, at the urging of Bernanke and Paulson, created TARP in October 2008 after the bankruptcy of Lehman Brothers Holdings Inc. made it difficult for financial institutions to get loans. Bank of America and New York-based Citigroup each received \$45 billion from TARP. At the time, both were tapping the Fed. Citigroup hit its peak borrowing of \$99.5 billion in January 2009, while Bank of America topped out in February 2009 at \$91.4 billion.

#### NO CLUE

Lawmakers knew none of this.

They had no clue that one bank, New York-based Morgan Stanley (MS), took \$107 billion in Fed loans in September 2008, enough to pay off one-tenth of the country's delinquent mortgages. The firm's peak borrowing occurred the same day Congress rejected the proposed TARP bill, triggering the biggest point drop ever in the Dow Jones Industrial Average. (INDU) The bill later passed, and Morgan Stanley got \$10 billion of TARP funds, though Paulson said only "healthy institutions" were eligible.

Mark Lake, a spokesman for Morgan Stanley, declined to comment, as did spokesmen for Citigroup and Goldman Sachs.



Had lawmakers known, it “could have changed the whole approach to reform legislation,” says Ted Kaufman, a former Democratic Senator from Delaware who, with Brown, introduced the bill to limit bank size.

#### MORAL HAZARD

Kaufman says some banks are so big that their failure could trigger a chain reaction in the financial system. The cost of borrowing for so-called too-big-to-fail banks is lower than that of smaller firms because lenders believe the government won’t let them go under. The perceived safety net creates what economists call moral hazard—the belief that bankers will take greater risks because they’ll enjoy any profits while shifting losses to taxpayers.

If Congress had been aware of the extent of the Fed rescue, Kaufman says, he would have been able to line up more support for breaking up the biggest banks.

Byron L. Dorgan, a former Democratic senator from North Dakota, says the knowledge might have helped pass legislation to reinstate the Glass-Steagall Act, which for most of the last century separated customer deposits from the riskier practices of investment banking.

“Had people known about the hundreds of billions in loans to the biggest financial institutions, they would have demanded Congress take much more courageous actions to stop the practices that caused this near financial collapse,” says Dorgan, who retired in January.

#### GETTING BIGGER

Instead, the Fed and its secret financing helped America’s biggest financial firms get bigger and go on to pay employees as much as they did at the height of the housing bubble.

Total assets held by the six biggest U.S. banks increased 39 percent to \$9.5 trillion on Sept. 30, 2011, from \$6.8 trillion on the same day in 2006, according to Fed data.

For so few banks to hold so many assets is “un-American,” says Richard W. Fisher, president of the Federal Reserve Bank of Dallas. “All of these gargantuan institutions are too big to regulate. I’m in favor of breaking them up and slimming them down.”

Employees at the six biggest banks made twice the average for all U.S. workers in 2010, based on Bureau of Labor Statistics hourly compensation cost data. The banks spent \$146.3 billion on compensation in 2010, or an average of \$126,342 per worker, according to data compiled by Bloomberg. That’s up almost 20 percent from five years earlier compared with less than 15 percent for the average worker. Average pay at the banks in 2010 was about the same as in 2007, before the bailouts.

#### “WANTED TO PRETEND”

“The pay levels came back so fast at some of these firms that it appeared they really wanted to pretend they hadn’t been bailed out,” says Anil Kashyap, a former Fed economist who’s now a professor of economics at the University of Chicago Booth School of Business. “They shouldn’t be surprised that a lot of people find some of the stuff that happened totally outrageous.”

Bank of America took over Merrill Lynch & Co. at the urging of then-Treasury Secretary Paulson after buying the biggest U.S. home lender, Countrywide Financial Corp. When the Merrill Lynch purchase was announced on Sept. 15, 2008, Bank of America had \$14.4 billion in emergency Fed loans and Merrill Lynch had \$8.1 billion. By the end of the month, Bank of America’s loans had reached \$25 billion and Merrill Lynch’s had

exceeded \$60 billion, helping both firms keep the deal on track.

#### PREVENT COLLAPSE

Wells Fargo bought Wachovia Corp., the fourth-largest U.S. bank by deposits before the 2008 acquisition. Because depositors were pulling their money from Wachovia, the Fed channeled \$50 billion in secret loans to the Charlotte, North Carolina-based bank through two emergency-financing programs to prevent collapse before Wells Fargo could complete the purchase. “These programs proved to be very successful at providing financial markets the additional liquidity and confidence they needed at a time of unprecedented uncertainty,” says Ancel Martinez, a spokesman for Wells Fargo.

JPMorgan absorbed the country’s largest savings and loan, Seattle-based Washington Mutual Inc., and investment bank Bear Stearns Cos. The New York Fed, then headed by Timothy F. Geithner, who’s now Treasury secretary, helped JPMorgan complete the Bear Stearns deal by providing \$29 billion of financing, which was disclosed at the time. The Fed also supplied Bear Stearns with \$30 billion of secret loans to keep the company from failing before the acquisition closed, central bank data show. The loans were made through a program set up to provide emergency funding to brokerage firms.

#### “REGULATORY DISCRETION”

“Some might claim that the Fed was picking winners and losers, but what the Fed was doing was exercising its professional regulatory discretion,” says John Deane, a former speechwriter at the New York Fed who’s now executive vice president for policy at the Financial Services Forum, a Washington-based group consisting of the CEOs of 20 of the world’s biggest financial firms. “The Fed clearly felt it had what it needed within the requirements of the law to continue to lend to Bear and Wachovia.”

The bill introduced by Brown and Kaufman in April 2010 would have mandated shrinking the six largest firms.

“When a few banks have advantages, the little guys get squeezed,” Brown says. “That, to me, is not what capitalism should be.”

Kaufman says he’s passionate about curbing too-big-to-fail banks because he fears another crisis.

#### “CAN WE SURVIVE?”

“The amount of pain that people, through no fault of their own, had to endure—and the prospect of putting them through it again—is appalling,” Kaufman says. “The public has no more appetite for bailouts. What would happen tomorrow if one of these big banks got in trouble? Can we survive that?”

Lobbying expenditures by the six banks that would have been affected by the legislation rose to \$29.4 million in 2010 compared with \$22.1 million in 2006, the last full year before credit markets seized up—a gain of 33 percent, according to OpenSecrets.org, a research group that tracks money in U.S. politics. Lobbying by the American Bankers Association, a trade organization, increased at about the same rate, OpenSecrets.org reported.

Lobbyists argued the virtues of bigger banks. They’re more stable, better able to serve large companies and more competitive internationally, and breaking them up would cost jobs and cause “long-term damage to the U.S. economy,” according to a Nov. 13, 2009, letter to members of Congress from the FSF.

The group’s website cites Nobel Prize-winning economist Oliver E. Williamson, a professor emeritus at the University of Cali-

fornia, Berkeley, for demonstrating the greater efficiency of large companies.

#### “SERIOUS BURDEN”

In an interview, Williamson says that the organization took his research out of context and that efficiency is only one factor in deciding whether to preserve too-big-to-fail banks.

“The banks that were too big got even bigger, and the problems that we had to begin with are magnified in the process,” Williamson says. “The big banks have incentives to take risks they wouldn’t take if they didn’t have government support. It’s a serious burden on the rest of the economy.”

Deane says his group didn’t mean to imply that Williamson endorsed big banks.

Top officials in President Barack Obama’s administration sided with the FSF in arguing against legislative curbs on the size of banks.

#### GEITHNER, KAUFMAN

On May 4, 2010, Geithner visited Kaufman in his Capitol Hill office. As president of the New York Fed in 2007 and 2008, Geithner helped design and run the central bank’s lending programs. The New York Fed supervised four of the six biggest U.S. banks and, during the credit crunch, put together a daily confidential report on Wall Street’s financial condition. Geithner was copied on these reports, based on a sampling of e-mails released by the Financial Crisis Inquiry Commission.

At the meeting with Kaufman, Geithner argued that the issue of limiting bank size was too complex for Congress and that people who know the markets should handle these decisions, Kaufman says. According to Kaufman, Geithner said he preferred that bank supervisors from around the world, meeting in Basel, Switzerland, make rules increasing the amount of money banks need to hold in reserve. Passing laws in the U.S. would undercut his efforts in Basel, Geithner said, according to Kaufman.

Anthony Coley, a spokesman for Geithner, declined to comment.

#### “PUNISHING SUCCESS”

Lobbyists for the big banks made the winning case that forcing them to break up was “punishing success,” Brown says. Now that they can see how much the banks were borrowing from the Fed, senators might think differently, he says.

The Fed supported curbing too-big-to-fail banks, including giving regulators the power to close large financial firms and implementing tougher supervision for big banks, says Fed General Counsel Scott G. Alvarez. The Fed didn’t take a position on whether large banks should be dismantled before they get into trouble.

Dodd-Frank does provide a mechanism for regulators to break up the biggest banks. It established the Financial Stability Oversight Council that could order teetering banks to shut down in an orderly way. The council is headed by Geithner.

“Dodd-Frank does not solve the problem of too big to fail,” says Shelby, the Alabama Republican. “Moral hazard and taxpayer exposure still very much exist.”

#### BELOW MARKET

Dean Baker, co-director of the Center for Economic and Policy Research in Washington, says banks “were either in bad shape or taking advantage of the Fed giving them a good deal. The former contradicts their public statements. The latter—getting loans at below-market rates during a financial crisis—is quite a gift.”



The Fed says it typically makes emergency loans more expensive than those available in the marketplace to discourage banks from abusing the privilege. During the crisis, Fed loans were among the cheapest around, with funding available for as low as 0.01 percent in December 2008, according to data from the central bank and money-market rates tracked by Bloomberg.

The Fed funds also benefited firms by allowing them to avoid selling assets to pay investors and depositors who pulled their money. So the assets stayed on the banks' books, earning interest.

Banks report the difference between what they earn on loans and investments and their borrowing expenses. The figure, known as net interest margin, provides a clue to how much profit the firms turned on their Fed loans, the costs of which were included in those expenses. To calculate how much banks stood to make, Bloomberg multiplied their tax-adjusted net interest margins by their average Fed debt during reporting periods in which they took emergency loans.

#### ADDED INCOME

The 190 firms for which data were available would have produced income of \$13 billion, assuming all of the bailout funds were invested at the margins reported, the data show.

The six biggest U.S. banks' share of the estimated subsidy was \$4.8 billion, or 23 percent of their combined net income during the time they were borrowing from the Fed. Citigroup would have taken in the most, with \$1.8 billion.

"The net interest margin is an effective way of getting at the benefits that these large banks received from the Fed," says Gerald A. Hanweck, a former Fed economist who's now a finance professor at George Mason University in Fairfax, Virginia.

While the method isn't perfect, it's impossible to state the banks' exact profits or savings from their Fed loans because the numbers aren't disclosed and there isn't enough publicly available data to figure it out.

Opinsky, the JPMorgan spokesman, says he doesn't think the calculation is fair because "in all likelihood, such funds were likely invested in very short-term investments," which typically bring lower returns.

#### STANDING ACCESS

Even without tapping the Fed, the banks get a subsidy by having standing access to the central bank's money, says Viral Acharya, a New York University economics professor who has worked as an academic adviser to the New York Fed.

"Banks don't give lines of credit to corporations for free," he says. "Why should all these government guarantees and liquidity facilities be for free?"

In the September 2008 meeting at which Paulson and Bernanke briefed lawmakers on the need for TARP, Bernanke said that if nothing was done, "unemployment would rise—to 8 or 9 percent from the prevailing 6.1 percent," Paulson wrote in "On the Brink" (Business Plus, 2010).

#### OCCUPY WALL STREET

The U.S. jobless rate hasn't dipped below 8.8 percent since March 2009, 3.6 million homes have been foreclosed since August 2007, according to data provider RealtyTrac Inc., and police have clashed with Occupy Wall Street protesters, who say government policies favor the wealthiest citizens, in New York, Boston, Seattle and Oakland, California.

The Tea Party, which supports a more limited role for government, has its roots in

anger over the Wall Street bailouts, says Neil M. Barofsky, former TARP special inspector general and a Bloomberg Television contributing editor.

"The lack of transparency is not just frustrating; it really blocked accountability," Barofsky says. "When people don't know the details, they fill in the blanks. They believe in conspiracies."

In the end, Geithner had his way. The Brown-Kaufman proposal to limit the size of banks was defeated, 60 to 31. Bank supervisors meeting in Switzerland did mandate minimum reserves that institutions will have to hold, with higher levels for the world's largest banks, including the six biggest in the U.S. Those rules can be changed by individual countries. They take full effect in 2019.

Meanwhile, Kaufman says, "we're absolutely, totally, 100 percent not prepared for another financial crisis."

This is all about disclosure and accountability. You know, the Fed's not some kind of hocus-pocus, black box operation. The Fed essentially supplants the constitutional mandate in article I, section 8 that belongs to the Congress of the United States.

Let's look at some recent history here: 2008, subprime meltdown, collateralized debt obligations go back to mortgage-backed securities. Neighborhoods in Cleveland melting down, people losing their homes. The Fed looked the other way.

And we're saying, don't go into the Fed; it will be political. Yes, it's political. We have unemployment because of politics. We have people losing their homes because of politics. We have banks getting uncalculated amounts of money from the Federal Reserve, and we don't even know about it.

Meanwhile, people can't get a loan to keep their home or keep their business.

Audit the Fed? You bet we should audit the Fed. We have to have accountability. It's time the Congress stood up for its constitutional role. Article I, section 8: power to coin and create money.

It's time that we stood up for America's 99 percent. It's time that we stood up to the Federal Reserve that right now acts like it's some kind of high, exalted priesthood, unaccountable in a democracy.

Let's change that by voting for the Paul bill.

Mr. ISSA. I yield 1 minute to the gentlewoman from Wyoming (Mrs. LUMMIS).

Mrs. LUMMIS. Mr. Speaker, before the financial crisis, the Fed's lending to the financial system was minimal, and monetary policy was limited; but since 2008, they've tripled their balance sheet and transacted nearly \$16 trillion in loans.

Clearly, Congress has delegated monetary policy to the Fed; and I, for one, am not advocating that we abolish the Fed. But Congress retains oversight responsibility, and Congress should insist on an accurate accounting of the Fed so Members of Congress can better understand monetary policy.

Our colleague, RON PAUL, was instrumental in getting an audit of the Fed's emergency activities during the financial crisis, but restrictions remain in place on examining monetary policy actions such as quantitative easing and assisting failing banks in Europe.

When the Fed's cumulative lending hits the size and scope to be greater than the entire GDP of the United States, it's past time for Congress to insist on transparency.

Mr. CUMMINGS. Mr. Speaker, I reserve the balance of my time.

Mr. ISSA. I yield myself 2 minutes.

Mr. Speaker, it appears as though we agree on certain things. We agree that some transparency is required. We certainly agree, on a bipartisan basis, that what the GAO did, under Dodd-Frank, at a minimum, was a good thing. I think there's no question my colleague who was here earlier, Mr. FRANK, certainly would agree to the numbers, the expansion of the Fed in that period that Mrs. LUMMIS talked about between 2008 and now.

I think we would all agree the Federal Reserve is the people's bank. It is broadly owned by 316 or 320 million Americans.

I served on the board of a public company, one that I founded. I understand that if you have more than 500 stockholders, you have an obligation to considerable disclosure.

Although the Fed is audited to see whether, basically, some numbers are correct or not on a limited basis, the truth is the Federal Reserve is not open and transparent, not even years after they make decisions.

I think the American people have a piercing question right now, one that is not the question that Dr. PAUL was asking when he first wanted to audit the Fed. The question is, Will we be like Greece? Will we be like Germany? Will we be like the trauma that's sweeping over the European Union?

Do we, in fact, know the true numbers? Do we know the extent of the leverage and the policies and the accuracy and the knowledge of the Federal Reserve?

I think calmly we have to ask that question. Do we know what we need to know, or are we willing to not know, in hopes that we won't be political because we don't know?

I've been in Congress for 12 full years at the end of this term, and I've learned one thing: Congress has a tendency to do two things well: nothing at all, and overreact. I trust today will be a day in which we're in between.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ISSA. I yield myself an additional minute.

We would do something so that we would know more a year from now than we know today. We would not overreact. We would not want to stifle what the Fed has done historically,

without an awful lot more study. Changes to an entity like the Central Bank should be done thoughtfully and over time.

My friend, Dr. PAUL, would like to do more than this bill does; but this minimal effort, offered on a bipartisan basis, is offered today because we believe the American people have a right to know, an interest to know, and a need to know.

With that, I reserve the balance of my time.

Mr. CUMMINGS. I yield 1 minute to the gentleman from Missouri (Mr. CLAY).

Mr. CLAY. Mr. Speaker, I rise in support of H.R. 459. This bill directs the Comptroller General to conduct an audit of the Federal Reserve.

Since 1982, the GAO has had authority to audit the Federal Reserve Board and Bank, subject to exceptions for monetary policy-related decisions and activities.

In 2009, Congress provided authority for the GAO to audit actions by the Fed under section 13(3) of the Federal Reserve Act to lend to any single and specific partnership or corporation, notwithstanding the generally applicable monetary policy-related exceptions.

In 2010, the Dodd-Frank Wall Street Reform Act added new audit authorities. In addition, GAO has conducted a number of other reviews of Federal Reserve activities; but we need a full audit, and I urge my colleagues to vote for the bill.

Mr. ISSA. Mr. Speaker, could I inquire how much time is available.

The SPEAKER pro tempore. The gentleman from California has 4¼ minutes remaining. The time of the gentleman from Maryland has expired.

Mr. ISSA. Mr. Speaker, I won't use all of our time.

I have a slightly different opinion than the ranking member's. I believe regular order has been followed on this bill, followed and then some.

This is something that Dr. PAUL has worked on, on a bipartisan basis, with Republican Presidents and Democratic Presidents, with Republican Congresses and Democratic Congresses. The support for this, as you saw here today, goes to Republicans and Democrats, Progressives, Conservatives, Blue Dogs.

The American people want to know. I don't believe the American people are afraid to know. Of course, the American people would not be comfortable with interference with the Fed, with micromanaging policy decisions, with tearing down the institution.

But, in fact, I think that the 9/11 of the financial market, if you will, the meltdown in 2008 and 2009, \$1 trillion nearly in TARP money, and countless trillions in expansion of the balance sheet, have taught us one thing: what we don't know can hurt us.

Now, before 9/11 of the financial market, before the meltdown, before Leh-

man Brothers and Bear, Stearns evaporated, we would have thought, well, there are some very smart people on Wall Street, and we'd have been right. But smart people can be wrong.

We put very good people on the Federal Reserve Board. We choose very good chairmen. Chairman Bernanke was a choice of Republicans and Democrats alike.

But, ultimately, looking over the shoulder by Congress, by my committee, by the Financial Services Committee, just to ask the question, are those numbers undeniable truths brought down on tablets; or are they, in fact, open to second guessing after the fact, questioning of whether or not a model works or whether there is just a small, but meaningful, opportunity for tens of trillions of dollars to fall on the backs of the American people if they got it wrong?

□ 1600

That's the question the American people asked, and after 2008, it's a question Congress must ask.

When Chairman FRANK voted for RON PAUL's bill, perhaps he didn't want it, but he voted for it as did countless Democrats. Ultimately, it was reduced—but not eliminated—in conference. There was some recognition that it needed to be audited.

Today, what we are doing is asking to send to the Senate a piece of legislation that more purely and clearly says: I believe the American people have a right to know. Perhaps the Senate will take up a slightly different version. Perhaps it will be truly a one-time audit. Perhaps it will be limited.

The American people need to hold us in the House and our counterparts in the Senate responsible, that we do know what we need to know and that we will never again say we rely on other people to be so smart that we shouldn't look over their shoulders. That's not the America that I grew up in. It's not the clear and transparent America the American people are asking for.

With that, I urge the passage of this bipartisan bill, and I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I rise in strong support of H.R. 459, the Federal Reserve Transparency Act. I am an original cosponsor of this important measure and I have long supported Representative PAUL's efforts to authorize a full audit of the Federal Reserve by the Government Accountability Office (GAO).

In 2009, I conducted a "We the People Town Hall By Mail" and asked my constituents how they felt about several issues before the Congress. Of the 32,000 Pinellas County residents who responded, 95 percent said they supported a full audit of the Federal Reserve.

The Constitution gives the Congress the authority to coin money and to regulate the dollar's value. In an effort to remove politics from decisions about monetary policy, the Congress

outsourced this responsibility to an independent Federal Reserve almost one hundred years ago.

Unfortunately, for too long the Fed has operated in secret. Current law actually prohibits the Congress from having access to all of the Federal Reserve's books. The GAO serves as Congress's watchdog, and should be allowed to audit the Fed just as it does other agencies. Only through increased transparency can the Congress conduct the necessary oversight of the Fed and hold it accountable for the American people. This institution plays an important role in managing the dollar and the American people deserve to know what is being done to our currency.

One of the few good provisions of the Dodd-Frank financial reform legislation was that it permitted a limited audit of the Federal Reserve's response to the financial crisis. What the GAO uncovered in this limited audit was astonishing. Between December 2007 and July 2010, Fed committed trillions of dollars to backstop hundreds of financial institutions. Some of the largest of recipients of this aid were even foreign banks. According to Bloomberg News, "the Fed and its secret financing helped America's biggest financial firms get bigger and go on to pay employees as much as they did at the height of the housing bubble."

Much of this emergency action was run through the Federal Reserve Bank of New York, which at that time was headed by Tim Geithner, who is now President Obama's Treasury Secretary.

The Fed has continued its extraordinary tactics. In addition to holding the federal funds rate at practically zero since December 2008, the Fed has engaged in programs called Quantitative Easing 1, Quantitative Easing 2, and Operation Twist. In 2011 alone, the Fed's balance sheet grew by 20 percent. The Federal Reserve says it will likely hold interest rates at "exceptionally low levels" through 2014 and there is speculation that it will soon implement a third round of quantitative easing.

Mr. Speaker, this legislation has broad support from all sides. In fact, it seems like the only one who opposes H.R. 459 is the Chairman of the Federal Reserve Ben Bernanke. My question would be: "What is there to hide?" We should have passed this legislation long ago, and it is my hope that my colleagues in the Senate will follow the House's lead and act quickly to approve the Federal Reserve Transparency Act so that we can finally shine a light on the Fed's policies.

Mr. GINGREY of Georgia. Mr. Speaker, I rise in strong support of H.R. 459, the Federal Reserve Transparency Act of 2012, and I would like to commend our colleague from Texas, Dr. RON PAUL, who has worked tirelessly as the author of this legislation for a number of years.

With its ability to control monetary supply policy, the Federal Reserve is arguably the most powerful entity of the federal government. Yet, despite this power, current law specifically prevents Congress from fully auditing the monetary policy actions the Fed takes that impact each of us on a daily basis.

Mr. Speaker, as a proud cosponsor of H.R. 459, I believe it is well past time to change that policy. This legislation would simply require the Comptroller General to conduct a full

audit of the Federal Reserve before the end of 2012.

At a time when the Federal Reserve has expanded its balance sheet to \$3 trillion as of last month, the American people deserve to have transparency and accountability when it comes to our monetary supply policy. I urge all of my colleagues to support H.R. 459.

Mrs. MILLER of Michigan. Mr. Speaker, in America we believe in freedom, in democracy and in the belief that in this country the people rule. And in order for the people to rule responsibly they must have knowledge and information about the handling of our economy.

Unfortunately, the American people are denied the basic information they need on one of the most important pillars of our economy, the Federal Reserve.

Today the Federal Reserve operates in secrecy. It creates money out of thin air, it can make purchases of questionable assets from friendly Wall Street firms and it can loan hundreds of billions of dollars to foreign governments and central banks—all out of the sight of the American people and even policy makers in Washington.

It is time to lift the veil of secrecy by passing H.R. 459, the Federal Reserve Transparency Act.

This bill will allow for a thorough audit of the Fed, including transactions with foreign governments, central banks and the decision making process in setting monetary policy.

We should never fear transparency in a free society—it is vital—and we should embrace it. Today I urge my colleagues to join me in supporting this bill which provides for a long overdue audit of the Fed.

Mr. TIPTON. Mr. Speaker, the ability to provide oversight of the Federal Reserve's dealings is hindered by current law that prohibits the Government Accountability Office from auditing aspects of the Bank's activities including monetary policy matters and transactions with foreign entities. H.R. 459 would remove these and other restrictions on GAO audits of the Federal Reserve, increasing transparency.

It defies common sense that there is currently no full oversight over the Federal Reserve, which sets the monetary policy that impacts every American citizen and holds a balance sheet of \$3 trillion. H.R. 459 will increase transparency of the Federal Reserve by allowing a full audit of all aspects of the bank's dealings including the decision-making behind its monetary policy. The ability to fully audit the Federal Reserve is long overdue, and this bill is a victory for all who strive for a more transparent government.

Mr. MICA. Mr. Speaker, I rise in strong support of legislation that will provide greater transparency within our Federal Reserve System.

H.R. 459, the Federal Reserve Transparency Act, requires an audit of that agency. As a cosponsor, I urge my colleagues to join me in voting for this crucial piece of legislation. In order to get our financial house in order, we must take all necessary steps to ensure the Federal Reserve, which sets the conditions for the free market to thrive; is operating in the most efficient manner possible. The auditing of the Federal Reserve is the first step in inspecting this important level of government for financial and regulatory waste and inefficiency.

It was recently revealed that the New York District Federal Reserve had previous knowledge of dangers threatening our financial markets before the financial market collapsed in 2007. The New York Fed, led then by Treasury Secretary Timothy Geithner, had knowledge that certain rates were being manipulated but failed to act. Auditing the Federal Reserve will pinpoint responsibility, foster accountability and provide Congress and the American people with transparency over this powerful Federal entity. Our Nation's central bank should not be exempt from financial audit, especially with the immense financial power it controls. In its hands lies the fate of our country's financial stability.

As I have worked to uncover waste throughout government as Chairman of the House Transportation Committee and as a senior member of the House Oversight and Government Reform Committee, I must insist that our Nation's financial operators be subject to the same level of scrutiny. An audit is the first positive step in that direction, and I will continue to work for passage of the Federal Reserve Transparency Act.

Mr. RYAN of Wisconsin. Mr. Speaker, in response to the recession and financial crisis, the Federal Reserve had to take a variety of unorthodox measures to stabilize our credit markets and resuscitate the economy. Many in Congress have felt unease as the Fed took emergency actions to rescue individual companies and launched a variety of new credit facilities for an increasing number of banks, financial institutions and even investors. I share this unease and I believe that Congress should have the ability to gather information about the Fed's actions. That is why I voted in favor of H.R. 459, the Federal Reserve Transparency Act.

However, I do want to register my caution about opening up the Fed's monetary policy deliberations and actions to a government audit as it could erode the Fed's political independence. Even the appearance of politicians gaining some measure of influence over monetary policy decisions could have disastrous consequences. Political independence is not simply a luxury for our central bank. It is a core principle of good economic policy that yields real benefits for the American people. A number of empirical studies have shown that countries with independent central banks tend to have steadier economic growth and low and stable rates of inflation. This is not surprising. Just as politicians involved in fiscal policy have a bias toward greater spending, monetary policy influenced by politics would have a bias toward looser credit over the short term and therefore higher rates of inflation over the longer term. Financial markets would immediately recognize this and push up our borrowing rates and weaken our currency.

Congress should strive for robust oversight of the Fed, but it must guard against political interference. In the end, an independent Federal Reserve with a clear and focused mandate is the best way to achieve the desirable ends of sustainable economic growth, job creation, and low inflation.

Mr. GEORGE MILLER of California. Mr. Speaker, while I fully believe that the Federal Reserve is in need of greater transparency and accountability, I rise in opposition to this

bill, which I believe approaches the issue in a problematic way. I want to be clear that the Fed should not take my vote against this bill as a vote of confidence.

In order for the Federal Reserve to function properly as an independent central bank, I believe that its monetary policy functions must be independent of pressure from Congress, which would be jeopardized by a GAO audit of the Fed's monetary policy. We've seen recently the harmful impact that congressional pressure can have on the Fed's monetary policy even without this audit, such as Republican members of Congress urging the Fed to take no further actions to rescue the economy, which is why I bring to my colleagues' attention the below column by former Federal Reserve Vice Chairman, Alan Blinder, in which he points out additional options for the Fed to tackle the elevated unemployment rate that are not being used.

That said, it is clear that cultural change is needed at the Federal Reserve, which has too often put the needs of America's biggest banks ahead of the interests of the American public. As just the latest example, JP Morgan Chase CEO, Jamie Dimon, has refused to resign from the board of the New York Federal Reserve Bank, despite the fact that the New York Fed is investigating misbehavior at JPMorgan Chase's Chief Investment Office that contributed to its recent multi-billion dollar trading loss.

Furthermore, I strongly supported a provision in the Dodd-Frank Act that has increased transparency at the Fed, providing for an audit of the emergency financial assistance provided by the Fed during the financial crisis, as well as requiring the Fed to release information going forward about parties participating in emergency lending programs and the details of those transactions. The bill also importantly limited the power of bankers like Mr. Dimon who serve on the boards of regional Federal Reserve Banks.

There is one aspect of today's bill that I strongly support, the provision of this bill added in committee by Mr. CUMMINGS, which provides for an audit of the Independent Foreclosure Review, which has been grossly mismanaged by the Fed and the Office of the Comptroller of the Currency and does not appear to be on track to provide appropriate compensation to homeowners who were abused. I believe that the Fed needs to know that their role is to look out for the American public, and I hope they hear that loud and clear today.

#### HOW BERNANKE CAN GET BANKS LENDING AGAIN

(By Alan S. Blinder)

If the Fed reduces the reward for holding excess reserves, banks will have to find something else to do with their money, like making loans or putting it in the capital markets.

The U.S. economy could use another boost, and it won't come from fiscal policy. Can the Federal Reserve provide it?

Chairman Ben Bernanke keeps insisting that the central bank is not out of ammunition, and in a literal sense he is right. After all, the Fed has not yet exhausted its bag of tricks. It is still twisting the yield curve. It can purchase more assets. It can tell us that its federal funds target interest rate will remain 0-25 basis points beyond late 2014. It

can even nudge the funds rate down within that range. The operational question is: How powerful are any of these weapons?

Let's start with Operation Twist, which was recently extended through the end of this year. The Fed seeks to flatten the yield curve by buying longer-term Treasuries and selling shorter-term ones. And it's probably succeeding—a bit. But Federal Reserve activity in the Treasury markets is modest compared with the vast volume of trading. Realistically, the U.S. yield curve is probably influenced far more by daily developments in Europe. In any case, the Fed will be out of short-term Treasuries to sell by December.

The logical next step would be more quantitative easing—QE3—or, as the Fed likes to call it, more large-scale asset purchases. Purchases of what? There are two main choices. One is Treasuries. But does anyone really think that lower U.S. Treasury rates are what this country needs?

Mortgage-backed securities (MBS) are a better choice, the idea being to reduce mortgage rates by shrinking the spread between MBS and Treasuries. But mortgage rates are already falling toward 3.5%. With 10-year expected inflation around 2.1%, can a 1.4% real interest rate be deterring many prospective home buyers? No, they are shut out of the market by the unavailability of credit. Posted rates are low, but try getting a mortgage.

The third available weapon is what the Fed calls “forward guidance”—that is, indicating (please don't say promising!) that the 0-25 basis points funds rate will be maintained for years to come. The Fed's current guidance (please don't call it a pledge!) extends “at least through late 2014.” While that's pretty far into the future, the Fed could stretch it to 2015, 2016 or 2025 for that matter.

In rational models, the yield curve should flatten a bit every time the Fed pushes that date out further. But the key words here are “rational” and “a bit.” To most bond traders, two and a half years is already an eternity. Would they really respond much if 2015 replaced 2014?

This brief analysis paints a pretty grim picture: The Fed has three weak weapons, one of which will be exhausted by year's end.

Fortunately, there is more the Fed can do. I have two out-of-the-box suggestions to make, one in today's column and another in a companion piece soon.

The simpler option is one I've been urging on the Fed for more than two years: Lower the interest rate paid on excess reserves. The basic idea is simple. If the Fed reduces the reward for holding excess reserves, banks will hold less of them—which means they will have to find something else to do with the money, such as lending it out or putting it in the capital markets.

The Fed sees this as a radical change. But remember that it paid no interest on reserves before the 2008 crisis and, not surprisingly, banks held practically no excess reserves then. In early October of that year, Congress gave the Fed authority to pay interest on reserves, which it promptly started doing. When the Fed trimmed the federal funds rate to its current 0-25 basis-point range in December 2008, it also lowered the interest rate on reserves to 25 basis points, where it has been ever since.

My suggestion is to push it lower in two stages. First, test the waters by cutting the interest on excess reserves (in Fedpeak, the “IOER”) to zero. Then, if nothing goes wrong, drop it to, say, minus-25 basis points—that is, charge banks a fee for holding their money at the Fed. Doing so would

provide a powerful incentive for banks to disgorge some of their idle reserves. True, most of the money would probably find its way into short-term money-market instruments such as fed funds, T-bills and commercial paper. But some would probably flow into increased lending, which is just what the economy needs.

The Fed has steadfastly opposed this idea for years. Why? One objection is true but silly: Lowering the IOER might not be a very powerful instrument. No kidding. Are there a lot of powerful instruments sitting around unused?

The other objection is that making the IOER zero or negative would push other money-market rates even closer to zero than they are now, thereby hurting money-market funds and otherwise impeding the functioning of money markets. My answer two years ago was that we have more important things to worry about. My answer today is that it has mostly happened anyway: U.S. money-market rates are negligible.

It is noteworthy that the European Central Bank just jumped ahead of the Fed by cutting the rate it pays on bank deposits to zero—and European money markets did not die. Denmark's National Bank went even further, dropping its deposit rate to minus 20 basis points. Yet the Little Mermaid still sits in Copenhagen harbor.

The Fed's hostility toward lowering the interest on excess reserves is almost self-contradictory. When Mr. Bernanke lists the weapons the Fed plans to use when the time comes to tighten monetary policy, he always gives raising the IOER a prominent role. His reasoning is straightforward and sound: If the Fed makes holding reserves more attractive, banks will hold more of them. Why doesn't the same reasoning apply in the other direction?

But suppose it doesn't work. Suppose the Fed cuts the IOER from 25 basis points to minus 25 basis points, and banks don't lend one penny more. In that case, the Fed stops paying banks almost \$4 billion a year in interest and, instead, starts collecting roughly equal fees from banks.

That would be almost an \$8 billion swing from banks to taxpayers. There are worse things.

Mr. Blinder, a professor of economics and public affairs at Princeton University, is a former vice chairman of the Federal Reserve.

Ms. HIRONO. Mr. Speaker, I believe that transparency in the activities of government is extremely important and that we should endeavor to let in more sunlight, not less. Therefore, I am proud to support H.R. 459, the Federal Reserve Transparency Act.

The financial crisis of 2007–2008 cost nearly \$6.5 trillion in household wealth. That's home equity and savings for retirement and college that millions of people will likely never get back. Between December 2007 and early 2010 8.7 million jobs were lost—including a record-breaking 779,000 in January of 2009 alone.

I raise these frightening numbers to illustrate a point—the impact of the financial crisis was disastrous, widespread, and occurred very quickly.

As a result, unprecedented steps were taken to halt the disastrous decline in our economy. These included the Federal Reserve (the Fed) stretching its emergency lending authority farther than it ever had to before. This, along with the legislative actions of Congress and the efforts of the Bush and Obama Ad-

ministrations, helped to prevent the “Great Recession” from instead becoming “The Great Depression Redux.”

The Obama Administration and Congress have worked to rebuild our economy. Over 4.4 million jobs have been created over the past 28 consecutive months. The American automobile industry has been saved and is prospering. Communities across the nation benefited from investments in transportation, energy, and other vital areas from the American Recovery and Reinvestment Act. The Fed has also contributed to this effort by keeping interest rates low and other measures.

But progress has not been fast enough. We are all frustrated by the current state of affairs. We are also rightly frustrated at the conduct of banks and bankers—private sector bankers and central bankers alike.

I recognize that the actions of the Fed are subject to Congressional oversight and audits by the Government Accountability Office. I was proud to support the Dodd-Frank Wall Street Reform and Consumer Protection Act, which included needed reforms of the Fed's emergency lending authority, and required that the Government Accountability Office conduct an audit of the Fed's emergency lending programs.

These are much needed steps. While I don't share the view that we should abolish the Fed, or that the Fed's activities are necessarily malicious, I do believe that the American people have a right to know how decisions about interest rates and other policies that impact their day-to-day lives are made.

The recent revelations that major international banks colluded to set the London Inter-Bank Offered Rate (LIBOR), which is an influential global interest rate, indicate that it is in the public interest to more closely scrutinize the activities of both financial market players as well as those that are supposed to be the unbiased referees like the Fed.

Today's bill is a positive step toward doing that and I am proud to support H.R. 459.

Mr. BACHUS. Mr. Speaker, I rise in qualified support of H.R. 459, the Federal Reserve Transparency Act of 2012. Before addressing the merits of the legislation, I want to pay tribute to its author, the gentleman from Texas, Mr. PAUL, who serves as the Chairman of the Financial Services Committee's Domestic Monetary Policy Subcommittee. His tireless advocacy on monetary policy issues and his crusade for a more open and transparent Federal Reserve have been hallmarks of his congressional career. With that career coming to a close at the end of this Congress, it is appropriate that the House consider this bill.

H.R. 459 is bipartisan legislation which will help promote greater public understanding of the Federal Reserve's operations and the impact of its decisions on average Americans. A more transparent central bank will be more accountable for its decisions, which have broad consequences for the American economy, including consumers, savers and small businesses. By de-mystifying the Federal Reserve, we can enhance public confidence in the institution and help address some of the legitimate questions the American people have in the wake of the extraordinary measures that the Fed took at the height of the financial crisis, which have resulted in a tripling of the size of the Fed's balance sheet since 2008.

To his credit, Chairman Bernanke recognized the need for the Fed to improve the transparency of its operations early on in his tenure, and under his leadership, the Fed has made significant strides in this area. Among other initiatives, the Chairman now holds quarterly press conferences, giving the American public an insight into his thinking on the state of the economy and the basis for monetary policy judgments that would have been unheard of under past Fed Chairmen. The Fed has also achieved a greater level of clarity in policy statements issued by the Federal Open Market Committee, and has become much more explicit in its targeting of inflation.

While these are welcome developments for which Chairman Bernanke should be commended, in a representative democracy, maximum transparency is essential to maintaining the trust of the governed. If we err, it must be on the side of the public's right to know. By removing certain statutory limitations on the current authority of the Government Accountability Office (GAO) to audit the Fed's operations, H.R. 459 builds on the reforms that Chairman Bernanke has instituted and will make for a more open and accountable central bank, which is a goal we all share.

Having said that, no legislation is perfect, and there is one aspect of this bill that, if not carefully implemented, runs the risk of undermining the Fed's political independence. Specifically, the bill would authorize the GAO to audit the Federal Reserve Board's "deliberations, decisions, or actions on monetary policy matters," thereby removing a limitation that was imposed on the GAO when it was first given statutory authority to audit the Fed in 1978. Proponents of expanding the scope of the GAO's audit authority cite the unconventional policy interventions carried out by the Fed in recent years in its attempt to stabilize the financial system and stimulate the economy as justification for a more robust congressional role in overseeing the central bank's operations. It should be noted, however, that the inclusion in the Dodd-Frank Act of reforms first proposed by Financial Services Committee Republicans that significantly curtail the Fed's emergency lending authorities under section 13(3) of the Federal Reserve Act go a long way toward addressing concerns about the Fed's ability to conduct rescues of individual financial institutions without the review and approval of Congress.

As a general matter, I worry that the level of congressional scrutiny authorized by H.R. 459 may, if not exercised cautiously and responsibly, be incompatible with the need to insulate the Fed from political pressures and ensure that its decisions are based on sound economic principles rather than on jaw-boning from Capitol Hill. I am therefore sympathetic to Chairman Bernanke's argument—which he made in recent testimony before the Financial Services Committee—that a central bank that operates free of such political influence is likely to produce better economic outcomes and a more stable interest rate environment.

Indeed, the danger of allowing political considerations to guide monetary policy judgments was on full display at a recent hearing in the other body, where one of the Senators, citing Congress' inability to reach consensus on how to jump-start our anemic economic re-

covery, loudly urged Chairman Bernanke to "get to work" and implement a more aggressive monetary easing. This kind of rhetoric underscores the need for the GAO to exercise its expanded audit authority under H.R. 459 prudently, and to resist any efforts by Members of Congress to use this new tool to influence decisions on monetary policy. Failure to protect the central bank's independence from such political pressure will have dire consequences for our economy and for the legitimacy of the Federal Reserve as an institution.

Concerns about the scope of GAO's audits of monetary policy deliberations were never aired in the Financial Services Committee because of a decision by the House Parliamentarian to refer H.R. 459 exclusively to the Committee on Oversight and Government Reform. This referral, which Dr. Paul and I challenged at the time in extensive written correspondence and in meetings with the Parliamentarians, ignored decades of past precedents recognizing the Financial Services Committee's jurisdiction over legislative proposals affecting the Federal Reserve's conduct of monetary policy. While the Parliamentarian ultimately granted the Financial Services Committee a sequential referral of H.R. 459 after it had been reported to the House and scheduled for floor consideration, the initial referral to the Committee on Oversight and Government Reform short-circuited the legislative process and denied Members of the Financial Services Committee, including Dr. Paul, an opportunity to fully debate the important issues of Federal Reserve transparency and independence raised by this legislation.

Again, I commend Dr. Paul and Chairman Bernanke for their efforts to bring greater transparency to the Fed's operations.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ISSA) that the House suspend the rules and pass the bill, H.R. 459, as amended. The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CUMMINGS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### PRESERVING AMERICA'S FAMILY FARMS ACT

Mr. WALBERG. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4157) to prohibit the Secretary of Labor from finalizing a proposed rule under the Fair Labor Standards Act of 1938 relating to child labor, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4157

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE AND FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the "Preserving America's Family Farms Act".

(b) FINDINGS.—Congress finds that—

(1) family farms have a long history and tradition of providing youth with valuable work experience;

(2) Department of Labor regulations should not adversely impact the longstanding tradition of youth working on farms where they can gain valuable skills and lessons on hard work, character, and leadership;

(3) the Department of Labor's proposed regulations would have curtailed opportunities for youth to gain experiential learning and hands-on skills for enrollment in vocational agricultural training;

(4) the proposed regulations would have obstructed the opportunity for youth to find rewarding employment and earn money for a college education or other meaningful purposes;

(5) the proposed regulations would have limited opportunities for young farmers wishing to pursue a career in agriculture at a time when the average age of farmers continues to rise; and

(6) working on a farm has become a way of life for thousands of youth across the rural United States.

#### SEC. 2. RULE RELATING TO CHILD LABOR.

The Secretary of Labor shall not reissue in substantially the same form, or issue a new rule that is substantially the same as, the proposed rule entitled "Child Labor Regulations, Orders and Statements of Interpretation; Child Labor Violations—Civil Money Penalties" (published at 76 Fed. Reg. 54836 (September 2, 2011)).

The SPEAKER pro tempore (Mr. DOLD). Pursuant to the rule, the gentleman from Michigan (Mr. WALBERG) and the gentlewoman from California (Ms. WOOLSEY) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

#### GENERAL LEAVE

Mr. WALBERG. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4157.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. WALBERG. Mr. Speaker, I yield myself such time as I may consume.

I want to first thank my colleague from Iowa, Congressman TOM LATHAM, for introducing this very important legislation. Representative LATHAM is a long-time advocate for farmers and agribusiness, and his leadership in Congress is greatly appreciated.

According to a report on MLive.com, which is a new site from my home State of Michigan, parts of the country are experiencing the worst drought in more than 20 years. Jim Spink, a sixth-generation farmer from Michigan's Liberty Township, said:

It's going to be one of the years that separates those that are positioned well financially and those that are not.

Unpredictability in the weather and harvest is not a new challenge for American farmers. Quite the contrary, it's a way of life. Farmers work each day under difficult circumstances,

growing the food and resources necessary to power this Nation and this world. Often the presence of a son or a daughter working with his or her parents is important to a farm's long-term success.

Federal labor policies recognize the support youth provide to family farms by exempting farmworkers between 14 and 16 years of age from restrictions on agriculture activities. For decades, this exemption has applied to youth working on a farm owned or operated by the parent or an individual standing in place of his or her parent. With farmers facing a tough year with high temperatures and low rainfall, we should continue to support the ability for youth to experience safe employment in American farming. That's why many were shocked when the Obama administration announced new rules that would make it difficult for young people to work on family farms.

Last September, the Department of Labor proposed regulatory changes that would negatively affect youth employment in agriculture, such as narrowing the parental exemption, restricting the rules of farm ownership, and prohibiting the use of certain equipment central to a farm's operation, even for young people who have received safety training through the Federal Services Extension program. The Labor Department even tried to prevent youth from working with non-toxic pesticides available at the local hardware store.

These proposed regulatory shifts fail to reflect the changes in farming that have occurred in recent years. We all want to keep young people safe from harm, especially when they work in an inherently dangerous environment. However, the administration's proposal would deny youth an opportunity to gain hands-on experience that is crucial to a farm's survival.

Throughout our history, farms have been handed down from one generation to the next through the knowledge a future farmer gained from working alongside his or her parents. Public policy should promote this great American tradition, not dismantle it.

Mr. Speaker, across the country, many farmers are struggling. While I recognize the Department has withdrawn its proposal for now, we owe it to these hardworking men and women to remove as much uncertainty as we can, especially the uncertainty caused by flawed government policies. I am proud to support the Preserving America's Family Farms Act, and I urge my colleagues to vote "yes."

I reserve the balance of my time.

Ms. WOOLSEY. Mr. Speaker, I yield myself such time as I may consume.

Last September, the Department of Labor published a proposed rule on children employed in agriculture. I saw it as an important regulation that would protect young people working in

one of the top three most hazardous industries in the Nation—agriculture. But in May, the Department withdrew the rule. I want to say this again: in May of this year, the Department withdrew the rule.

That wasn't enough, apparently, for the Republican majority. Today, they've decided to waste precious legislative time on a bill that tells the Department of Labor not to issue this regulation—again, a regulation the Department already withdrew. Today's debate gives new meaning to the idea of government waste. Not only did the Department of Labor withdraw this rule; the administration has said it will not reissue the rule.

I was disappointed that the Department chose not to pursue the rule in the first place because the rule sought to implement specific recommendations made by the National Institute for Occupational Safety and Health, OSHA, and increase parity between the agriculture and non-agriculture child labor provisions.

Agriculture is dangerous, Mr. Speaker. Children working on farms, like their adult counterparts, work with or around toxic pesticides. They carry very heavy materials, and they use dangerous equipment. The fatality rate for child farmworkers is four times higher than for children in other industries. There are an estimated 400,000 children working on farms that are not owned by family members, and those children deserve health and safety protections. That is all this rule would have required. Children under 16 should not be permitted or required to work with hazardous pesticides or dangerous equipment—period.

But let's be clear. Nothing in the proposed rule would have applied to children working on their parents' farms in the first place. I've been a steadfast supporter of family farms throughout my 20 years in Congress. We have many family farms in California's Sixth Congressional District.

□ 1610

They are the important economic engine and a part of the fabric of our beautiful and diverse community.

Mr. Speaker, my intent here is simply to protect children who are in danger of being exploited and injured. The withdrawal of this rule was disappointing. Today's debate, however, is a disgrace. There are nearly 24 million Americans unemployed or underemployed. Instead of addressing the real issues that affect them, we are debating legislation that does nothing that hasn't already been done. It prevents a rule that has been already prevented by powerful special interests—and talk about a waste of taxpayer money.

With the Republican majority taking floor time with meaningless legislation like this, it's no wonder Congress has an approval rating in the low teens.

With that, I reserve the balance of my time.

Mr. WALBERG. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa, the sponsor of the bill, Mr. LATHAM.

Mr. LATHAM. Mr. Speaker, I thank the gentleman for yielding.

I'm pleased to stand today in support of H.R. 4157, Preserving America's Family Farm Act. This is a very bipartisan bill that I think really gets to what we're concerned about in agriculture today. Anymore these days, it seems like armies of Federal bureaucrats are drawing up new regulations, often with little or no consideration or understanding of the very industries that they're trying to regulate.

While some regulations do serve a legitimate purpose, others do little more than create uncertainty and additional costs for hardworking taxpayers, farmers, and small business owners. I believe if we want to put America back in business, back to work, one of the first things we must do is crack down on overregulation.

I've introduced a proposal called the Regulatory Accountability and Economic Freedom Act that would take a number of steps to reverse our government's direction and overregulation. Unfortunately, we're standing here today to fight one of those misguided regulation attempts. Last September, the Department of Labor proposed rules that would have dramatically limited the ability of America's youth to contribute to work on their family's farm or agricultural operations, and it would have restricted, if not completely eliminated, educational training opportunities for youth in rural America. As a result, I introduced H.R. 4157 as the solution to block the DOL's overly burdensome regulations.

We can't allow Federal bureaucrats, many of whom have never set foot on a farm, to tell Iowa farm families how they can run their operations. As a person who grew up on a family farm and later became a farmer myself, I can attest to the valuable skills that are developed through days of bailing hay and detassling cornfields and showing cattle at the county fair. I, like so many thousands of youth across this country today, utilized my own farm experience to learn the often difficult lessons of hard work, character development, problem solving skills, and leadership.

Life on the farm is never easy, but the valuable lessons learned while producing America's food, feed, and fiber make for a rewarding way of life. I think it goes without saying that the safety and well-being of all farmworkers, especially our youth, is of the utmost importance to our Nation's farmers and ranchers. However, the regulations proposed by the DOL went beyond all common sense and would have destroyed opportunities for youth across the agricultural economy. This



bill will ensure the Department cannot reissue a proposed rule substantial in nature to its version released last year.

Our youth deserve an opportunity to learn and grow through on-farm experience, and my bill ensures that that opportunity will remain available. And I urge support for Preserving America's Family Farms Act.

Ms. WOOLSEY. Mr. Speaker, I reserve the balance of my time.

Mr. WALBERG. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. DUFFY).

Mr. DUFFY. Mr. Speaker, I rise today in support of the American family farm.

Wisconsin farms are the bedrock of our society. They are the cornerstone of the Wisconsin economy. Look at our family farms. If we don't have the whole family and the youth working on the family farm, oftentimes they can't be successful in this very challenging economy. If you look at the life skills and the work ethic that our youth get from the family farm, it is amazing. They learn how to milk cows, how to plant, how to harvest, how to balance the books, how to manage risk. They learn how markets work on the family farm.

Here again is a great example of Big Government getting bigger and more intrusive, telling American families whether or not their kids can engage in the family farm and the family business. When you talk to employers in Wisconsin, they tell me some of their best workers are workers who grew up on a family farm. If you look back, thank goodness that we didn't have my friends across the aisle who are now going to complain about the family farms. The Greatest Generation was raised on the family farm.

Ms. WOOLSEY. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa (Mr. BOSWELL).

Mr. BOSWELL. Mr. Speaker, I thank the gentlewoman for yielding me time. I appreciate this opportunity.

I rise in support of H.R. 4157, Preserving America's Family Farms, or I should say farm family traditions. Passing this legislation today will codify our successful effort to prevent the Department of Labor from undercutting the structure of our Nation's family farms.

For generations, the contributions of young people have led to family success and bright futures on household farms. However, late last year, our family farmers faced a sweeping regulation that would have prevented children and grandchildren from participating in the very important lessons and traditions that have stabilized not only our families but also our economy.

The short-sighted ruling proposed by the Department of Labor would have affected a wide variety of subsectors within agriculture, work with live-

stock and grain production, commodity transportation, youth agriculture education, and a number of other sectors that train and educate our youth in family-farm settings with hands-on experience.

Not only did this ruling admit in its own text that there was little or no data available to back the proposal being made, it would, as stated by Future Farmers of America—our youth—limit, if not eliminate, opportunities to effectively teach students to be safe when working in agriculture.

I'm proud that many of us join in a bipartisan effort to tell the Secretary of Labor through multiple letters that this ruling is wrong. Fortunately, the Department did rescind this ruling, as it was stated a little while ago, so that the youth in our districts could continue to learn important lessons taking place in the most successful sector of our economy.

I support H.R. 4157 because it will codify this effort. This bill will clarify the intention of Congress with respect to youth education on farms, and it will prevent the Department of Labor from implementing or enforcing this very specific proposal. In codifying our intention and passing this bill, we ensure that all farmers have access to education and retain their family's traditions, two things that are critical in our changing society.

I often think back when I returned home from the Army to the farm and realized the changes that had taken place in farm technology while I was away. The farmers we are nurturing now will acquire even more skills and adjust to faster changes than ever before. Young people today, and even some of us who aren't too young, are maintaining high-tech GPS programs, aerial mapping, and biotechnology that create greater efficiencies in farming, increase output, and reduce the cost of food at our local grocery store. These young farmers are taking their experience on the farm to study and create the software that improves farming and acquire the financial skills it takes to run a farm, and they are gaining the entrepreneurial spirit that is needed to be part of one of America's greatest economic sectors. These youth, backed by their experience on the farm, are not just farmers. They're agronomists, engineers, economists, and international liaisons.

□ 1620

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. WOOLSEY. I yield an additional 30 seconds to the gentleman from Iowa.

Mr. BOSWELL. We must ensure these young farmers have access to the education they deserve, to the traditions and lessons that so many of us hold dear and have treasured our entire lives.

However, I not only call on my colleagues to join me in supporting this

legislation today, to ensure our young farmers have access to the education they need, but I also call on us to demand that the farm bill, passed with 35 ayes out of the House Agriculture Committee, be brought to the House floor for debate.

Farming in America requires a great deal of capital for major investments, access to land and credit, the ability to hire and purchase. American farmers create jobs and make investments in communities that keep jobs. The primary and perhaps only difference between a farmer and a businessman is that the farmer's revenue and profits are more subject to the whims of the climate, such as the drought that is devastating our Nation this summer.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Ms. WOOLSEY. I yield the gentleman an additional 30 seconds.

Mr. BOSWELL. I thank the gentlewoman from California.

So if we care about the future of our farmers and our young farmers, we must pass a 5-year farm bill, and we must do it before the August work period. So let's pass this bill today, and let's move on to the farm bill next.

Mr. WALBERG. Mr. Speaker, I am glad to yield 1 minute to my colleague and farmer friend from Kansas (Mr. HUELSKAMP).

Mr. HUELSKAMP. Mr. Speaker, I rise in support of the family farms of Kansas and all of America.

The proposed Department of Labor rule, restricting children from working on family farms, presented a direct threat not only to the continuity of our Nation's ag tradition, but to a way of life in rural America. Though the bureaucrats have put it off for now, such a reprieve may only be temporary.

The family farm is one of the best places for a child to learn and develop a strong work ethic. I know this as a former farm kid myself, now a fifth-generation farmer who hopes that my children will be the sixth.

With our aging crisis facing agriculture, the last thing we need is for Washington bureaucrats who know next to nothing about the family farm—or rural America, for that matter—to regulate it into oblivion. Parents, not bureaucrats, know what's best for their children. Moms and dads should be trusted to raise their kids as they see fit.

I encourage my colleagues to support this bill.

Ms. WOOLSEY. I reserve the balance of my time.

Mr. WALBERG. Mr. Speaker, I yield 2 minutes, at this time, to a former rancher kid, rancher, and colleague of mine, the gentlelady from South Dakota, KRISTI NOEM.

Mrs. NOEM. Mr. Speaker, it's often through debate here on different bills



and legislation that comes that we learn things about each other. We may learn facts about a bill that we're discussing or about experiences that we've all had. What a lot of people probably don't know about me is that I care deeply about this subject because I lost my dad in an accident on a farm. It was devastating to our family. But I thank God every single day for every moment that I had working beside him, growing up on the family farm. It was there that I learned how to pick out good land and look for good soil. It's where I learned how to identify a cow that would be a good mother or a good milk-er. And it was there that I learned to look at a problem and not just talk about it, but to actually solve it and to fix it.

So my children are having that same experience with me. We get the chance, when I go home from here, to work together, to work with our livestock and our animals, and we love it.

I would be devastated if a Washington bureaucrat came and told me that no longer could I teach my children the way of life that was passed on to me by my father because of a decision that they decided they would be safer, that that was no longer allowed. So that is why I stand here today in support of H.R. 4157, Preserving America's Family Farms Act.

The Department of Labor talked about putting this regulation in place. They withdrew it because of pressure from the American people who recognized that it was not the way to go about regulating family farms. And this act is just going to ensure that they can no longer take this action and put it into place.

So with that, I proudly stand here, protecting our family farms and our way of life by endorsing this act.

Ms. WOOLSEY. Mr. Speaker, I yield 4 minutes to the gentleman from Oklahoma (Mr. BOREN).

Mr. BOREN. Mr. Speaker, I rise today in strong support of H.R. 4157, the Preserving America's Family Farms Act.

I commend my friend from Iowa (Mr. LATHAM) and his entire staff for all of their hard work on ensuring that the Department of Labor's proposed rule to restrict family farm tradition be reversed.

In December, the U.S. Department of Labor proposed updated regulations on labor practices for minors in agricultural operations, including a rule that would have prevented children under the age of 16 from performing certain duties on farms. Historically, family farms have been exempted from such rules, but the new proposal could have been interpreted broadly to exclude operations that are partly owned by extended family members.

In response to the proposed rule, Congressman LATHAM and I introduced H.R. 4157. The bill protects the family

farm tradition by directing the Secretary of Labor to recognize and understand the unique circumstances of family farm youth and multigenerational family partnerships when drafting regulations now and in the future.

In April, the administration announced that, as a result of loud opposition, they would not finalize the proposed rule. Although I am very pleased that they have decided to abandon the flawed rule and listen to thousands of voices among our rural communities, passage of H.R. 4157 will ensure that, in the future, the Department of Labor does not reissue this proposal or any other rule that would have a similar effect on our family farms.

This legislation encourages the administration to work collaboratively with rural stakeholders, such as farmers and ranchers, to understand issues that affect our communities and our way of life.

Family farms have a long history of providing invaluable work ethic and leadership experience to future farmers. Many of these young folks dedicate their entire lives to providing us with an abundant and safe marketplace, so we owe it to them to protect the foundation on which this American spirit of hard work is built.

Please join me, my friend Congressman LATHAM, and the over 93 bipartisan cosponsors to pass this legislation.

Mr. WALBERG. Mr. Speaker, in a point of personal privilege, I would applaud my colleague and friend from Oklahoma for his comments.

The concept of "trust, but verify" is carried out here. We trust what has been said by the Department and the administration, but we verify with the action that we are taking today.

It gives me a privilege now to yield 2 minutes of time to a friend from Tennessee (Mr. DESJARLAIS), a colleague who cares about people and their safety, and especially young people, as a medical doctor.

Mr. DESJARLAIS. I thank the gentleman.

Earlier this year, the Department of Labor issued a misguided rule that would effectively ban children from working on family-owned farms. While I'm sure there were some kids in rural areas across our Nation who were overjoyed by this news, I think it would be horribly unfair to deprive our youth of the same valuable work experience many of us were afforded.

Growing up in a rural community, I spent a lot of time doing work on farms, and I will be the first to admit that it wasn't always fun. But the values and appreciation for hard work that it instilled in me played an important role in shaping me as a person.

That is why I was proud to support Preserving America's Family Farms Act. This legislation will prevent the Department of Labor from issuing this

rule or any similar rule, preventing children from working on their parents' farm.

If this proposal from the Department of Labor were actually implemented, not only would it rob our young farmers of important educational opportunities, but it would erode part of our Nation's rural culture. These actions by the Department of Labor serve as yet another reminder of the troubling pattern of government overreach and intrusion we have seen from this administration.

I thank the Tennessee Farm Bureau for their efforts in speaking out against this misguided notion and working with me to ensure that farming decisions are left to farmers, not bureaucrats in Washington.

Ms. WOOLSEY. Mr. Speaker, I just want to repeat what I said in my opening remarks. Nothing in the proposed rule would have applied to children working on their parents' family farm. The proposed rule maintains the parental exemption.

But again, to remind everybody, the Department of Labor withdrew their proposal. We are wasting time today.

I reserve the balance of my time.

Mr. WALBERG. Mr. Speaker, I yield 2 minutes of time to my friend from New York, RICHARD HANNA.

Mr. HANNA. Mr. Speaker, I rise today in strong support of H.R. 4157, the Preserving America's Family Farms Act. I am pleased to cosponsor this legislation.

This rule, had it been enacted, would be one more sad example of how far our government is willing to go to protect us from ourselves.

□ 1630

The Preserving America's Family Farms Act would prohibit the Department of Labor from issuing a rule prohibiting young people from working on their own family farms.

Mr. Speaker, like so many children growing up in rural America, I spent many of my summers working on my grandparents' modest dairy farm in Herkimer County, New York. By my grandfather's side, I learned personal responsibility, accountability, gained character and a sense of accomplishment, as well as the pride and dignity that results from a day's work.

My family farm would not have been economically viable if my younger cousins and I had not worked and assisted during harvest and milking. I am concerned, along with many Americans, that the belief in personal accountability and responsibility, as well as hard work—which is best instilled at a young age—is being diminished. The lessons learned on a family farm should be reinforced and encouraged more, not less.

Mr. Speaker, I acknowledge farms are a dangerous place to work. But as a man who has employed hundreds of

people, those who worked early and hard in their lives, regardless of where they worked, were my most eager and responsible employees. I could not have succeeded without those men and women, and neither will this country. We should not restrict young people from working. Character built early grows deeper and lasts a lifetime. Let's pass this bill and protect our family farms and the great Americans they produce.

Ms. WOOLSEY. I continue to reserve.

Mr. WALBERG. Mr. Speaker, I'm privileged to yield 1 minute to my friend and colleague, the gentlelady from Missouri (Mrs. HARTZLER).

Mrs. HARTZLER. Mr. Speaker, as a lifelong farmer, I rise today in support of H.R. 4157, Preserving America's Family Farms Act. This bill prohibits the Secretary of Labor from finalizing or enforcing a proposed rule that will fundamentally alter the way family farms have operated for decades, and is another example of Washington bureaucrats trying to tell farmers and ranchers how to operate their operations. If these rules are finalized in their current form, children in rural America will not have the opportunity to learn the important life skills and values that working on the farm provides.

As I talk with farm families in Missouri's Fourth District, they are frustrated by this rule. Their message is clear, plain and simple: Big Government should not tell hardworking Americans how to raise their children and care for their land.

I believe the government should ensure our basic liberties, not trample on them. Parents care more for their children than government bureaucrats and should make the ultimate decisions on the activities of their children, not Washington, D.C.

I encourage all of my colleagues to support this commonsense legislation.

Ms. WOOLSEY. Again, Mr. Speaker, nothing in the proposed rule would have applied to children working on their parents' family farm, and I reserve the balance of my time.

Mr. WALBERG. Mr. Speaker, point of personal privilege: a family farm and a family farm sometimes isn't the same. If it's incorporated, it would come under this proposed rule initially, and for that reason we continue to offer this great piece of legislation. And that gives me the privilege to introduce another great farmer.

I yield 1 minute to my colleague, the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman for yielding to me.

When I saw this rule, it was appalling to me to think about the attempt of the administration, this assault on the sanctity of the family and on the family farm all at the same time. And as we had a witness come before the

Small Business Committee, the Assistant Secretary of Labor, under oath I asked her what was driving this rule. Her answer was: It's driven by data; the highest level of injuries in youth labor are on the farm, and so we have to do something to interrupt this injury that's taking on place on the farm.

So I asked her: What was the second-highest level of injury in youth labor? Her answer was: I don't know.

Not data driven; it's driven by some misguided ideology. It's also been supported by the Secretary of Agriculture, Tom Vilsack, whose team has been working with the Department of Labor. And this has not been withdrawn by the administration, Mr. Speaker, for the sake of them understanding that this is a misguided policy decision; it's been withdrawn because it is a misguided political initiative. So I'm glad it's temporarily withdrawn, and I appreciate the gentleman from Iowa (Mr. LATHAM) for bringing this legislation to prohibit this rule from being reintroduced again. Let's protect the tradition that made America great.

Ms. WOOLSEY. I understand, Mr. Speaker, that we're ready to close, so I yield myself the balance of my time.

In closing, Mr. Speaker, once again, at a time when there are so many Americans looking for work and so many middle class families struggling to make ends meet, Congress has better things to do than take up a redundant bill. It's wasteful, it's unnecessary, and it prevents us from doing the real work that our constituents have sent us here to do. Let's answer the important challenges facing the country. Let's start creating jobs for the American people. Let's start now, and let's stop wasting time on something that has already been satisfied.

I yield back the balance of my time.

Mr. WALBERG. Mr. Speaker, I appreciate so much that we've had this time of debate. Again, trust but verify. This is a verifying opportunity. As has been said, the proposed regulation was pulled because of political challenges. The American people generally understand common sense, and this wasn't common sense.

When we see the cost of regulations in this country right now being \$10,000 per employee, we add this to the impact on the farm family, those that have incorporated in order to carry on their business and ultimately carry on farming for generations, we see additional problems. So we want to make sure that this debate carries through and ultimately we don't have to do it again, but that we preserve the right to farm, we preserve the right to carry on the farming tradition, and the opportunity to train our young people to do something that is valuable long term and full of impact.

Having said that, Mr. Speaker, I yield the remainder of my time to the sponsor of this bill, the gentleman from Iowa (Mr. LATHAM).

Mr. LATHAM. Mr. Speaker, I thank the gentleman from Michigan for yielding once again. I will be submitting a letter here from 16 national farm groups in support of this legislation. I would also like to respond—the gentleman talked about farm families, that parents can still let their children be involved in the farming operation. That statement to me just shows a total misunderstanding and miscomprehension of what agriculture is today. Yes, you have family, Mom and Dad, but the highest percentage of all farms today are in partnership with their brothers, with their sisters. If their grandparents are still involved, if their parents are involved in that farming operation, this rule would have prohibited any child from working on the farm and being part of a family operation. Or, if you're a subchapter S corporation, any of the things that are so common today—partnerships, small business corporations—that these family farm operations are, it would have totally prohibited our youth from getting the kind of education, getting the knowledge, getting the experience that they can derive working with their parents on a family farm operation.

Mr. Speaker, last Saturday I had the opportunity to travel to three county fairs, one in Bedford, one in Red Oak, and one in Avoca, Iowa. It brought back so many memories from my own youth to go to those fairs and see young people showing livestock, either 4-H or FFA, and to see the experience, the love they have for those animals, the love of the farm and agriculture that they are developing in their youth. This is extraordinarily important.

While some people may dismiss the importance of this bill, it will prohibit, even in the proposal that was made, but also anything like it from happening.

□ 1640

That's what's very, very important, to give those families out there the certainty, to give the 4-H and the FFA, the educational programs in agriculture today, a chance to continue this great legacy of agriculture and of family farm operations. That's really what this is all about.

Mr. Speaker, I, again, ask for support of all the Members for this bill. It is extremely important for family farms.

JULY 24, 2012.

The Honorable,  
House of Representatives,  
Washington, DC.

DEAR REPRESENTATIVE: This afternoon the House of Representatives will debate and vote on H.R. 4157, the Preserving America's Family Farms Act. The undersigned organizations support preserving the ability of youth to gain training and education by working on the farm. Accordingly, we urge all members of the House to vote in favor of H.R. 4157.

The safety of all workers is of utmost importance; however, in September 2011, the

Department of Labor introduced regulations that took caution beyond recognition. The proposed regulations were overly burdensome to agriculture producers and would have limited, if not eliminated, training opportunities for youth in rural America. Fortunately, the administration listened to the concerns of farmers and ranchers by withdrawing the regulation in April. However, the threat to family farms still exists. H.R. 4157 protects an agricultural way of life from future child labor regulations that could limit the ability of youth to learn valuable skills by working on the farm.

While we all respect the obligations and responsibilities of the Department of Labor to ensure the safety of youth working on farms as delineated in the Fair Labor Standards Act, we believe that the approaches taken need to be well reasoned and not detrimental to the family farm or the youth participating in farm work. Thus, we urge all members of the House to vote in favor of this bill when it reaches the floor.

Sincerely,

American Farm Bureau Federation, American Feed Industry Association, American Horse Council, American Seed Trade Association, American Soybean Association, Florida Fruit & Vegetable Association, International Association of Fairs and Expositions, National Association of State Departments of Agriculture.

National Cattlemen's Beef Association, National Council of Agricultural Employers, National Cotton Council, National FFA Organization, National Milk Producers Federation, National Pork Producers Council, United Fresh Produce Association, U.S. Apple Association.

Mr. PENCE. Mr. Speaker, I rise in support of H.R. 4157, the Preserving America's Family Farms Act, and I thank Representative LATHAM for his work on this issue.

Like many Hoosiers who worked on a farm during their youth, I believe we must encourage young men and women to participate in family farming and ranching.

Last September the Labor Department proposed regulations that would significantly limit the ability of young men and women to work on farms and ranches. They have since backed-off, but the law does not currently prevent them from bringing it up again. This legislation will explicitly prohibit the Department of Labor from pursuing these types of regulations and ensure that family farming and youth employment will be continued traditions in Indiana and throughout our Nation.

Despite the severe drought we are currently experiencing, young Hoosiers continue to look forward to summer jobs on the farm, where life lessons and a few dollars can be learned and earned along the way.

Mr. Speaker, I can think of few places better than an Indiana farm where a young person can truly learn the values of personal responsibility and hard work. And if America's farms are to continue to feed this nation and world, we must encourage young men and women to participate in farming and ranching. I urge my colleagues to support this commonsense, bipartisan legislation.

Mrs. MILLER of Michigan. Mr. Speaker, America's Family Farmers have built the most productive agriculture sector in the world and this abundance helps feed not only our nation, but also the world.

Family farms are truly based on the family where each generation trains the succeeding generation.

Last year the Department of Labor tried to inject itself into the family farm by proposing onerous new regulations that would have basically denied family farmers the ability to train the next generation of farmers.

Some would have you believe that the Labor Department was just looking out for children, but does anyone truly believe that a bureaucrat in Washington cares more about a family's children than their parents, or aunts and uncles, or their grandparents?

Faced with overwhelming opposition earlier to this overreach the Department of Labor withdrew the proposed regulations and went back to the drawing board. The legislation we are considering today would stop these regulations in their tracks and keep the bureaucrats from getting between family farmers and their children.

I urge my colleagues to support the heritage of the family farm and join me in passing this legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. WALBERG) that the House suspend the rules and pass the bill, H.R. 4157, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to prohibit the Secretary of Labor from reissuing or issuing a rule substantially similar to a certain proposed rule under the Fair Labor Standards Act of 1938 relating to child labor."

A motion to reconsider was laid on the table.

#### CONGRESSIONAL REPLACEMENT OF PRESIDENT OBAMA'S ENERGY-RESTRICTING AND JOB-LIMITING OFFSHORE DRILLING PLAN

##### GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill, H.R. 6082.

The SPEAKER pro tempore (Mr. LATHAM). Is there objection to the request of the gentleman from Washington?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 738 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 6082.

The Chair appoints the gentleman from Illinois (Mr. DOLD) to preside over the Committee of the Whole.

□ 1643

##### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the

consideration of the bill (H.R. 6082) to officially replace, within the 60-day Congressional review period under the Outer Continental Shelf Lands Act, President Obama's Proposed Final Outer Continental Shelf Oil & Gas Leasing Program (2012–2017) with a congressional plan that will conduct additional oil and natural gas lease sales to promote offshore energy development, job creation, and increased domestic energy production to ensure a more secure energy future in the United States, and for other purposes, with Mr. DOLD in the chair.

The Acting CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Washington (Mr. HASTINGS) and the gentleman from Massachusetts (Mr. MARKEY) each will control 30 minutes.

The Chair recognizes the gentleman from Washington.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, under the shadow of the Supreme Court's ruling on ObamaCare, the Obama administration on June 28 quietly announced the President's proposed final offshore drilling plan for 2012–2017.

Despite claims of their being proud of their energy record, the Obama administration deliberately chose to announce their plan on a day when it would get buried in the ObamaCare news coverage. This shows that even this administration is not proud of their plan that would place 85 percent of America's offshore areas off-limits to energy production.

Under section 18 of the Outer Continental Shelf Leasing Act, when any President proposes a new 5-year offshore drilling plan, it must be submitted to Congress for a mandatory 60-day review before it can become final and take effect. That 60-day clock is now ticking. It's now Congress' responsibility to take action and to reject President Obama's no-new-drilling, no-new-jobs plan and to replace it with a robust, responsible plan to safely develop our offshore energy resources.

According to analysis conducted by the nonpartisan Congressional Research Office, the President has proposed fewer leases in his plan than any President since this process began—that goes back to President Jimmy Carter, so it's even worse than President Carter.

President Obama's proposal doesn't open up one new area for leasing and energy production. It would set our Nation's energy production back to the days before 2008 when two moratoria that prohibited drilling of a vast majority of American offshore areas were in place. Both moratoria were lifted after the summer of 2008 due to the outrage of the American people over the cost of \$4-per-gallon gasoline, and

they demanded that the Federal Government take action. President Obama proposes to effectively reimpose that moratoria.

From nearly the day he took the oath of office, this President has put the brakes on new American energy production and job creation. In the first weeks of this administration, the Interior Department took a nearly complete new offshore lease plan and put it on hold for 6 months, and then they tossed out that draft plan entirely and started over. It took them over 3½ years to get a new proposed plan in place. And along the way, they delayed and canceled multiple lease sales.

For example, President Obama canceled the Virginia lease sale scheduled for 2011 last year and now refuses to include Virginia in his 2012–2017 plan. He is responsible for closing an entire new area of drilling and cheating the Commonwealth out of thousands of jobs and another industry. If President Obama has his way, Virginia will be left out in the cold in until 2017 at the earliest.

The bill being considered today, H.R. 6082, is entitled the Congressional Replacement of President Obama's Energy-Restricting and Job-Limiting Offshore Drilling Plan. In stark contrast to President Obama's plan, this bill represents a drill-smart plan that includes 29 lease sales and focuses energy production in specific areas containing America's greatest known oil and natural gas resources. What a novel idea: go to where the resources are.

The bill would replace the lease sales scheduled in the President's proposed plan and safely open new areas that were previously under moratoria—such as the Mid-Atlantic, southern Pacific, and the Arctic. It does this while ensuring that necessary and required environmental reviews are conducted.

The congressional replacement plan would generate \$600 million in additional revenue and create tens of thousands of new American jobs.

Tomorrow there will be a direct up-or-down vote on the President's proposed plan when we consider, under suspension, H.R. 6168. There will also, obviously, be a direct up-or-down vote on this legislation. So Members can decide if the President's plan meets the standards expected by the American people or if we should replace it with a real plan that creates jobs and grows our economy.

The House has taken action to replace the President's proposed plan, and I call on the Senate to do the same. If the Senate does nothing and lets the 60-day clock run out, that is an endorsement of the President's plan. It is an endorsement of the plan that reimposes the drilling moratoria, creates no new jobs and no new energy.

I believe that we can do better than this proposed plan, and our Nation deserves better. By passing this bill, we

are standing up for American energy and American jobs and moving our country forward.

With that, I reserve the balance of my time.

Mr. MARKEY. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, I would like to welcome everyone back to yet another episode of the GOP Wheel of Giveaway game show here. Every week on the floor of the House of Representatives, the majority picks an industry to benefit from giveaways of our public lands.

□ 1650

One month ago, the Republican majority voted to turn over nearly all of our onshore public lands to the oil and gas industry in just a few short years.

Two weeks ago, the majority voted to eviscerate proper environmental review for massive gold and silver and uranium mines on public lands to benefit the mining industry. And here we are on the House floor once again debating a Republican bill from the Natural Resources Committee intended to hand out even more industry giveaways.

Well, it actually gets hard to keep track of which industry is getting the GOP giveaway each week, so let's consult our chart—the GOP Wheel of Giveaways—so that we can make sure that everyone at home can follow along to see whether it will be the oil, the gas, the mining, or the timber industries that will be the big winner in the giveaway of our public lands this week.

Of course, we all know that it won't be the solar or the wind industries benefiting from the Republicans because in the Republican “oil above all” game, if you land on renewable energy, you lose a turn. So which industry is getting the giveaway this week? We are back on the “even more oil” on the House floor today, even more oil giveaways.

H.R. 6082 would place drill rigs right off our beaches in southern California, off our beaches in Maine, in New Hampshire, in Massachusetts, in Rhode Island, in Connecticut, in New York, in New Jersey—just put the drills right out there, right off the Maryland coast. And by the way, there will be millions of people, of course, out on those beaches saying get those oil rigs off the beaches, off the places where people go and have a good time during the summer, where the fishing industry is.

My amendment will say, and by the way, if you do find any oil and gas out there, at least let's keep the oil and gas here in the United States. Let's not run the risk of spoiling the natural resources of our country—the beaches, the fishing areas—finding natural gas and then ship it to other countries; at least let's keep it here. And the Republicans are going to oppose keeping the natural gas that they would find off

these beaches in California and Maine and Massachusetts and New Jersey and send it to other countries.

This is truly the “even more oil” Republican Party. Whatever ExxonMobile wants, whatever Shell wants, whatever BP wants, we'll do it, even if we know millions of people will just be protesting right from the very beginning—and by the way, without passing one of the reforms from the BP spill commission to make sure that the drilling occurs in a safe fashion.

They still, in 2 years, have yet to bring out one single safety reform that would implement safeguards to protect against the repetition of what happened in the Gulf of Mexico. So the natural gas that's found can go overseas. It will be done in a risky fashion because they refuse to learn the lessons of BP in the Gulf of Mexico, and they've included no new safety measures. That's what ExxonMobil wants, that's what BP wants, so it's out here on the House floor to be voted upon, by the way, over the vigorous objection of this Democrat and Democrats all across the country.

This Congress, the Republican majority, has reported 11 drilling bills out of the Natural Resources Committee. Those 11 bills have been combined and brought to the House floor and this is now the sixth massive passage of giveaways to Big Oil that we have considered. Two of those bills were largely similar to the legislation we are considering today to dramatically expand offshore drilling without putting any new safety measures in place.

All of the previous drilling bills have suffered from the same fate. They were all far too extreme to pass the Senate and not a single one of them has been signed into law. Well, let me let everyone in on a little secret: this bill is also not becoming law. Like the bills before it, it can't pass the Senate, and the administration has already said that the President would veto this bill.

But that reality hasn't stopped the Republican House from passing giveaways to the oil and gas industry over and over again. The reason they keep passing them is the same reason when you go to a movie and you see previews of coming attractions. What they're saying here is we're passing, that is, Republicans are passing, all of this legislation for the oil companies to drill off our beaches for the big oil companies. And if just somehow or other Mitt Romney becomes President and the Republicans take over the Senate, this will become the law of the Nation. So they see this as a preview of coming attractions, and they want the public to know that that will happen.

They want to run this year on this premise, and I think that's great. It's a very honest way of dealing with something that will horrify people who live all along the coastlines in these States that would run the risk of having damage done to their beaches.

When you include all of the bills that have been reported by all of the committees altogether, this Republican House has already cast 139 votes—139 votes—on the House floor this Congress to benefit the oil and gas industry.

We are going to pass 90 hours of debate on the floor on oil and gas legislation this Congress just today. What a streak. When most people think of the great records of American history, they might think of Joe DiMaggio's 56-game hitting streak, or Cal Ripkin's 2,362 consecutive games, or maybe Wilt Chamberlain scoring 100 points in a basketball game, or Ted Williams hitting .406 in 1941.

But when all is said and done, the record of this Republican Congress voting to benefit Big Oil might be just as untouchable a record. With already 139 votes and nearly 90 hours of debate on these giveaways to the oil industry on the House floor, this is a once-in-a-generation performance by this Republican Congress. It may stand as a record that can never be broken by any other Congress in terms of the number of giveaways to the oil and gas industry.

Whether it's voting 33 times to repeal the Affordable Care Act, or voting again and again for more and more drilling, under the GOP, this isn't the House of Representatives, it's the House of Repetition. President Truman dubbed the 80th Congress the "do nothing" Congress. Well, this is apparently the "do the same thing over and over and over again" Congress.

The Republican majority has already cast 139 votes to aid the oil and gas industry. How many votes have they cast to benefit the wind and the solar industry? Ah, there's a good question. Well, the answer is zero—139 for oil and gas, zero for the wind and solar industry. Is that all you really need to know about what's going on here in Congress?

Can you imagine the millennials out there listening to this debate saying zero for wind and solar? Zero for the future? Zero for making our country more of the clean energy leader of the world, of reducing greenhouse gases, of creating jobs in these industries? Zero for wind and solar?

The wind tax breaks, by the way, are expiring this year. Do not expect that to come out on the House floor as a vote that the Republicans say we must extend. But tax breaks for oil companies, extra drilling privileges off our beaches for the oil and gas companies? Oh, yeah, plenty of votes for that.

While we have been spending 90 hours debating legislation to help Big Oil, recently the majority wouldn't even allow a debate on the floor on an amendment to create a renewable electricity standard for our Nation because the Republican energy policy isn't "all of the above." It is "oil above all." And that's what we're going to be debating for the rest of the day out here on the

House floor—sad to say for the future of renewable energy for our country.

At this point, I reserve the balance of my time.

Mr. HASTINGS of Washington. Before I yield to the gentleman from Colorado, I'll yield myself 30 seconds to simply point out to my good friend from Massachusetts that in response to his answer on how many bills this House has addressed on renewables, the gentleman said zero, and that is incorrect.

□ 1700

There have been multiple bills and parts of bills dealing with the process of putting wind and solar in place, specifically on public lands, so I just wanted to correct the gentleman in that regard.

I yield 3 minutes to the gentleman from Colorado (Mr. LAMBORN).

Mr. LAMBORN. Mr. Chairman, the bill we are considering today is very simple. Republicans are taking a proactive step to secure a more stable energy future for our country.

Just last week, the nonpartisan Congressional Research Service published a report confirming what you can see on this chart, that President Obama's plan for offshore drilling offers the lowest number of lease sales in the history of our Outer Continental Shelf program.

There, on the left, my left, "15" is the number you see in red. Going back to 1980, when President Jimmy Carter was in office, he had 36 lease sales in his proposed 5-year plan. And you can see intervening 5-year plans since 1980 until today.

This is the fewest ever. Even this number is generous, because we're operating under the assumption that the administration will actually follow through on doing all of these 15 lease sales. This is not a sure bet, when you consider that since the President was elected, he has cancelled more lease sales than he has held.

Let me repeat that. This President, in 3½ years, has cancelled more lease sales than have been held.

Now, the administration proposes a new leasing plan that offers for sale the fewest leasing sales ever and locks away 85 percent of our Outer Continental Shelf from any development.

Why would the President propose the fewest number of lease sales ever? Is it because we've solved our dependency on foreign oil? No. We import 5 million barrels a day.

Is it because we've developed all of our domestic resources so there's nothing left to develop? No. The President's plan leaves tens of billions of barrels of oil off limits and trillions of cubic feet of natural gas untapped, unused, and unavailable for the American consumer.

The President says over and over that he supports U.S. energy develop-

ment, then we see that, at every opportunity, he makes the choice to prevent efficient energy development from happening.

We must do more for the American people in generating more energy for lower prices and lessen our dependence on foreign oil. This bill does exactly that.

I ask my colleagues to join me in voting for this bill. Vote for American energy and American jobs. Let's replace the President's do nothing plan with a plan that moves America forward.

Mr. HOLT. Mr. Chairman, I rise in opposition to this bill, and I yield myself such time as I may consume.

First, I would like to address a point that the chairman made as he attempted to correct Mr. MARKEY and said that there have been a number of wind energy bills considered. I think we would gladly count those votes in the column of gutting the national environmental protection act, but wind, no. The wind industry did not support any of those bills that he was talking about or amendments. They are not wind legislation. They are environmental spoilage legislation.

Mr. Chairman, this Republican bill would allow drilling off the coast of every State in the east coast, from Maine to South Carolina, and off of California and in Bristol Bay, off of Alaska, which is, I might add, one of our Nation's most important salmon fisheries. By reviving long dead lease sales in these fishery areas, they would be reviving sales that the Bush administration issued just 4 days before they left office.

Now, it's interesting that tomorrow we will consider Republican legislation on this floor that is intended to prohibit midnight regulations, yet, today, we have a midnight drilling lease sale. They are, in effect, trying to reinstate the Bush administration's midnight offshore leasing plan. So I just want my colleagues on the other side to know that tomorrow, when we are talking about midnight regulations, that they were actually talking about it a day in advance.

The other side has also made the point that the administration's offshore drilling plan would reinstate a moratorium. Quite the opposite. Mr. Chairman, the Obama administration's offshore drilling plan already, now, makes more than 75 percent of our oil and gas resources available for drilling. They are not doing what the Republicans are saying they are doing.

Two months ago, industry analysts were projecting that, by the end of this year, we would have 50 percent more floating rigs operating in the gulf than before the BP spill. It turns out they were wrong. Not by the end of this year. It's already happened. We have about 50 percent more rigs operating in

the gulf today. We have more rigs operating in the United States than in the rest of the world combined.

And they're saying the President is trying to kill the oil industry.

H.R. 6082 ignores the fact that President Obama's all-of-the-above energy strategy has successfully reduced our dependence on foreign oil from 57 percent in the last year of the Bush administration to only 45 percent today. It ignores the fact that our oil production is at an 18-year high.

It does raise the question of why we have this legislation in front of us at all if not to maybe embarrass the President. But, no, the President will not be embarrassed by the facts, and I hope we will deal with the facts here.

This legislation is unnecessary and unwise—unnecessary because the drilling is taking place, and unwise because the other side wants to strike all of the environmental protections that, rather than weakened, should be strengthened.

Later we will be considering an amendment that I will offer to strike the language from the underlying bill that requires the Department of the Interior to conduct a single multisale environmental impact statement for all new areas opened for drilling.

You may recall, Mr. Chairman, I said a moment ago that this legislation talks about drilling from Maine to South Carolina, off California and in Alaska. And they propose to say a single environmental impact statement will deal with that? Well, that's like the environmental impact statement that applied to the BP drilling in the gulf that talked about walruses. Yes, because they were using the same environmental impact statement that they had used in Alaska previously.

No, the protection of the environment requires a little more attention than that. Congress has a responsibility to the American people to ensure that offshore oil and gas drilling is occurring in a safe and environmentally responsible manner.

Also, later, we will be considering an amendment that I will offer that has to do with the royalties that will be collected—or should be collected—from offshore drilling.

The Big Five oil companies made a record profit of \$137 billion last year. In the first quarter of this year, they continued to capitalize on the pain of Americans at the pump, raking in \$368 million in profits per day. And this legislation that is brought to the floor by the Republicans here wants to allow them to drill in many places without paying any royalties, without paying a fee to the taxpayers for the oil that the taxpayers own.

□ 1710

Right now, more than 25 percent of all oil produced offshore on Federal lands is produced without paying a

penny of royalty. That should be changed.

My constituents—and I think the constituents of any Member of this House—would say it's only fair that these oil companies pay for what they use.

With that, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Louisiana, a member of the Natural Resources Committee and a subcommittee chairman, Dr. FLEMING.

Mr. FLEMING. I want to thank the committee chairman for allowing me to speak.

First, I would like to agree with the gentleman from New Jersey. He is absolutely correct that oil production has increased in recent years and that our dependence on oil has actually decreased over the same period of time.

But why? Because of the private sector.

The private sector industry has been out there and has been drilling in new areas like North Dakota and in my own home State of Louisiana. It's the private sector that's driving this. It's producing more oil than we ever have, and there is much more that we can have.

On the other hand, on public lands, which have been under the control of the President, we have seen a reduction of 15 percent. So there is no way in the world we could give our President, President Obama, credit for that unless, of course, we said, Well, indeed, the private sector didn't build it—he did. But I really don't think that's the case.

Mr. Chairman, I stand in support of H.R. 6082.

What we are seeing in President Obama's lease plan is a study in contrasts. When demand for energy was up and prices were spiking in 2008, the Bush administration opened more areas for drilling. That's just common-sense economics. Here we are 4 years later with high energy prices again, and this President's solution is to propose a plan that opens no new areas of drilling.

The Obama administration pounced on the BP spill 2 years ago to ratchet down our Nation's ability to drill for oil, and then it dragged its feet in issuing new drilling permits. All the while, taxpayer dollars were being thrown at failed wind and solar energy projects like Solyndra and many others too numerous to name today.

The Acting CHAIR (Mr. MARCHANT). The time of the gentleman has expired. Mr. HASTINGS of Washington. I yield the gentleman an additional minute.

Mr. FLEMING. This legislation is smart policy and is a return to common sense. Our country needs energy, and it needs jobs. The President's plan doesn't help, but H.R. 6082 does. It will

open areas for drilling that never should have been closed off, and that will lead to more jobs and more cost-effective energy for Americans.

Mr. HOLT. Mr. Chair, in 1969, many in America encountered the phrase "oil spill" for the first time. Off the coast of Santa Barbara, California, there was what has now become the granddaddy of oil spills.

Currently representing that area and those beaches is our good colleague. I yield 3 minutes to the gentlelady from California (Mrs. CAPPs).

Mrs. CAPPs. I thank my colleague for yielding.

Mr. Chairman, here we are, voting once again to mandate new offshore drilling in areas where it simply isn't wanted. And just like before, this proposal simply ignores the facts, the facts stated by my colleague from New Jersey: the fact that we already make more than 75 percent of the offshore oil and gas resources available for drilling; the fact that domestic oil production is at an 18-year high; and the fact that we have more rigs that are drilling in the United States than in the rest of the world combined.

Instead of addressing the real issues in offshore drilling, like the need to adopt the safety recommendations of the nonpartisan oil spill commission, this bill seeks to compound the problems by mandating new drilling all over the place.

H.R. 6082 also cavalierly dismisses the legitimate concerns raised by the people most affected by this mandated new drilling idea—my constituents. After nearly 100 years of drilling off my coastline, Californians have spoken loud and clear: we've had enough. In fact, a 2010 proposal to allow slant drilling from the shores of a coastal town in my district was opposed by 70 percent—that's right, 70 percent—of the voters.

To protect communities now at risk under this bill, I offered an amendment that would have stopped the mandated new lease sales off southern California—off my district—but the majority refused to allow a debate on this amendment. In addition, this new mandated drilling would happen on platforms that have been in the Santa Barbara Channel since the Everly Brothers were topping the music charts over 50 years ago. It's not a good idea to use these old rigs for expanded drilling—20 of them—including platform A, as my colleague referenced, which was the very culprit of the 1969 Santa Barbara oil spill.

I offered an amendment to require the Interior Department to certify these platforms were actually capable of handling new drilling before it could start; but thanks to the Rules Committee, we won't be debating that issue either.

What is also true is that the Pentagon doesn't support new drilling off



its base on the central coast. The Pentagon told ExxonMobil that the company's proposed drilling plan at Vandenberg Air Force Base would "present a wide range of significant operational constraints." That's why I offered an amendment to protect the national space launch mission at Vandenberg Air Force Base; but again, the House won't be able to debate that issue, and the concerns of the Air Force are left unaddressed.

Mr. Chairman, it's clear that H.R. 6082 is not a well-thought out proposal. It's another heavy-handed, know-it-all approach from Washington, D.C.—rubber-stamping destructive drilling, cutting out environmental reviews, limiting public input. That might be good policy for oil companies; but it's bad policy for my constituents, and it's bad energy policy for our Nation. I urge my colleagues to oppose this reckless offshore drilling bill.

Mr. HASTINGS of Washington. Mr. Chairman, I am pleased to yield 2 minutes to another member of the Natural Resources Committee and a subcommittee chairman, the gentleman from California (Mr. McCLINTOCK).

Mr. McCLINTOCK. As I listened to my colleague from Santa Barbara, I was reflecting on the fact that, during that same period, I represented the same area of Santa Barbara. I was in the State senate for 8 years. So I would remind the gentlelady that less than 4 years ago the Santa Barbara County Board of Supervisors passed a resolution asking for more offshore development of the Santa Barbara area, so dependent is the region's economy on that enterprise.

Mr. Chairman, that speaks volumes, I think, about where the American people stand today as well.

America's energy crisis is not because of any shortage of American energy. Our Nation is blessed with vast reserves of petroleum, natural gas, coal, hydroelectricity, and uranium that dwarf those of any other nation, and they should make us the most prosperous and energy-independent Nation in the world.

The real energy crisis is here in Washington—some would say right here in this Chamber—where our government, in thrall to the green left, continues to thwart the development of American resources.

We have seen this policy time and time again as the President has blocked the Keystone pipeline, waged war on coal, and thwarted offshore exploration and development, which is a problem that this bill now addresses. To add hypocrisy to injury, while blocking American petroleum development, many of these politicians exhort the Saudis and Brazilians to increase their production.

Enough is enough. Our Nation is at a crossroads. We can choose either a future of government-created energy

shortages or a future of jobs, prosperity and abundance produced by American enterprise. That is the issue before us today, and that is one of the issues that will be before the American people in November.

Mr. HOLT. Mr. Chairman, I would like to yield 4 minutes to the gentleman from New York (Mr. TONKO), who is a new member of the committee, but who is one of the most energetic and informed members of the committee and passionate about preserving a healthful environment.

Mr. TONKO. Mr. Chairman, here we go again.

It isn't enough that the Obama administration's offshore drilling plan makes more than 75 percent of our oil and natural gas resources available for drilling; but the majority is not going to be happy until we have turned over every square foot of our public lands and our coastline to the oil and gas companies.

H.R. 6082 abandons any pretense to the support of states' rights by mandating lease sales for the east coast and southern California—the coastlines of States that are on record as opposing oil and gas drilling along their coasts.

□ 1720

Too bad New York, New Jersey, Connecticut, and Massachusetts. If your citizens want to prioritize the tourism, recreation, and fishing industries, Big Oil wants to move in, and H.R. 6028 gives them the authority to do so. H.R. 6082 requires no public comment or consultation with the States. Apparently, those steps, steps followed by the administration in putting together their plan, are too time consuming. Besides, they may result in opposition to this ill-conceived drilling plan.

On the same day that the United States Chemical Safety Board has released its report on the Deepwater Horizon accident with the finding that safety lessons were not learned from the 2005 refinery accident, we're moving a bill that does nothing to improve the safety of offshore drilling for either the people who work on these rigs or for the many citizens and businesses whose coastal access, enjoyment, or livelihood would be lost if there were an oil spill.

Thankfully, this bill will go no further than this House, at least in this Congress. If it passed the other body, the President has already issued a veto threat. Why are we doing this? One can only speculate.

I'm disappointed that the Rules Committee did not make my amendment in order. It would have required oil and gas companies that are awarded leases to disclose their Federal campaign donations to candidates and super PACs.

We are in real danger of losing our democracy. Free speech should not cost millions of dollars, and corporations

are not people. Sunshine is the best anecdote to this particular brand of poison. The public should know who is funding issue ads and other campaign-focused activities, especially when those funds come from corporations that profit from public resources.

The Supreme Court's decision in the Citizens United case unleashed a tidal wave of anonymous campaign donations. There are now over 600 super PACs poised to spend at least the \$221 million that they have collected so far to dominate the airwaves with advertisements of the political viewpoints of corporations and wealthy individuals. According to a Bloomberg news article published earlier this year, Americans for Prosperity, an organization backed by oil interests, paid over \$12 million for ads attacking the Obama administration's green energy policies.

The public has a right to know how profits made through exploitation of public resources of our land and our coastlines are being used to influence elections. My amendment would have provided the public with some of that information.

H.R. 6082 will not make us energy independent. It will not make us more energy efficient. It will not lower fuel prices. Energy efficiency and investment in our new energy resources are the real way to kick our oil habit.

I urge my colleagues to reject H.R. 6082.

Mr. HOLT. Mr. Chair, before the gentleman begins, may I ask the time remaining on each side?

The Acting CHAIR. The gentleman from New Jersey has 7 minutes remaining, and the gentleman from Washington has 17¼ minutes remaining.

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 2 minutes to another member of the Natural Resources Committee, the gentleman from South Carolina (Mr. DUNCAN).

Mr. DUNCAN of South Carolina. Mr. Chairman, I give thanks to the Natural Resources Committee for their hard work on this issue.

As my good friend, JEFF LANDRY, the Congressman from Louisiana reminds us, drilling equals jobs. And Republicans have a plan for job creation in America, and it begins not with a government takeover of our health care industry like the Democrats thought would create jobs. It begins with America pursuing energy independence, utilizing the resources that we are blessed with in this country, primarily right now in the offshore areas. We do this by expanding the areas of our Outer Continental Shelf that are included in our Nation's plan for exploration over the next 5 years. It seems simple to the average American, and that's what frustrates them so much, that we would refuse to at least explore our reserves and meet our energy needs in this country.



With a 9.4 percent unemployment rate in South Carolina, South Carolina understands that drilling equals jobs. Jobs we want, and that is why the Palmetto State offshore area is included in this bill.

I urge my colleagues on both sides of the aisle to support this American Jobs and Energy initiative by passing H.R. 6082.

Mr. HOLT. At this time, I am pleased to yield 3 minutes to the gentleman from Virginia (Mr. MORAN), who, on the Appropriations Committee and Interior Appropriations, is a champion for the environment.

Mr. MORAN. Mr. Chairman, I want to thank my good friend from New Jersey for yielding to me.

I have a few facts that we need to put on the table here:

One, this bill isn't going anywhere. It's not going to be accepted by the Senate, let alone be enacted by the President;

Secondly, we could create more jobs and a more sustainable future if we dropped the subsidies for oil and gas and we redirected them into wind and solar power;

Thirdly, this will have no impact upon the world oil price.

The fact is that we have a good deal of experience that shows that no matter how much production comes out of the United States, it, at best, has a negligible impact upon what consumers pay at the gas pump. Let me introduce some numbers to that effect to prove the point.

We currently consume about 18.8 million barrels of oil a day, and we produce about 5.4 million. Despite the concerted efforts of former oilmen President Bush and Vice President Cheney and a Congress that embraced the "drill, baby, drill" mantra, total oil production actually dropped from 2.118 billion barrels in 2001, when President Bush and Vice President Cheney came into office, to 1.812 billion barrels in 2008, when they left office. Under the friendliest, most pro-oil administration, U.S. production declined, despite technological advances in drilling and despite the lifting of previously restricted areas to drilling on land and at sea.

Ironically, oil production today, under the Obama administration, is higher than at any time during the last 14 years. I'll mention that once again. Oil production today is higher, under the Obama administration, than at any time during the last 14 years.

Onshore, oil companies hold leases on more than 73 million acres of the public's land; offshore, more than 37 million acres of the Outer Continental Shelf have been offered for lease since 2012.

More of the public's lands and waters are available and have been leased for drilling than at any previous time in U.S. history. It's worth repeating.

More of the public's lands and waters are available today and have been leased for drilling than at any previous time in U.S. history.

As of June 1 of this year, there were 1,980 rotary drilling rigs operating on U.S. lands and waters, more than all other countries combined.

But all this activity has had no impact on prices. The fact is we have 36 years of data to show that it will have no impact on the price of oil.

Why are we doing this? That's the real question that needs to be answered. The Associated Press undertook a statistical analysis of 36 years of monthly, inflation-adjusted gasoline prices and U.S. domestic oil production. The study found that there was no statistical correlation between how much oil comes out of U.S. wells and the price at the pump.

U.S. oil production this past spring has been steady, yet the price of regular gasoline has fluctuated by more than 50 cents a gallon over a three month period.

The price spike this past spring can no more be attributed to President Obama and the false claim that he is failing to drill more than he can be credited with the recent drop in the gasoline prices.

This bill moves us in exactly the opposite direction of what the bipartisan National Oil Spill Commission recommended: that current environmental reviews be more thorough and that oil spill response plans cover all contingencies.

It did not call for an arbitrary mandate to open all areas offshore on an unrealistic timetable, and it did not recommend drilling applicants be granted fast track approval.

This bill dismisses the work of the commission and pretends the trauma we all experienced in 2010, watching day-after-day and month-after-month, as more than 200 million gallons of oil spilled into the Gulf didn't happen.

It pretends the suffering and economic losses thousands of residents and local Gulf businesses experienced didn't happen.

This bill returns to the lax regulatory climate that existed before the disaster. It should be defeated.

Mr. HASTINGS of Washington. Mr. Chair, I am very pleased to yield 2 minutes to the gentlelady from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Chairman, I thank the gentleman for yielding time.

It was just last month that the administration announced its proposed final lease plan for developing the U.S. offshore energy resources for the next 5 years, 2012-2017. There was a lot of anticipation about this. We thought that finally the administration would hear the calls that have come from this House saying we need to increase our American energy supply and we need to create jobs, but we were disappointed. Our calls for relief obviously fell on deaf ears.

Instead of opening up 98 percent of the U.S. offshore, which is currently unleased for energy exploration, the

President's plan will make the situation worse by closing 85 percent of our offshore areas to energy production. I think that's significant.

You have to ask the question: What do you really want? If you want energy independence, open it up. Let's explore for these sources.

□ 1730

To put that into context, I think what we need to do is look at this President's plan and compare it to previous Presidents. And, Mr. Chairman, what we find is that this President's plan offers fewer offshore drilling leases than former President Jimmy Carter had offered. The President's plan also ignores the economic struggles that are facing our country, and it really does not move us toward energy independence.

What it does do is it moves us a step backwards. We are heading in the wrong direction on this issue, and it re-imposes a drilling moratorium that had been lifted in 2008, a moratorium that the gulf coast still has not recovered from. And I think that we need to look at that and consider those jobs in our coastal regions.

In stark contrast to the President's plan, H.R. 6082 proposes a drill smart job creation plan that expands offshore drilling and opens new areas containing the most oil and natural gas resources. I encourage my colleagues to support this plan.

Mr. HOLT. May I inquire of the time remaining, Mr. Chair?

The Acting CHAIR. The gentleman from New Jersey has 4 minutes. The gentleman from Washington has 14 minutes.

Mr. HOLT. I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 2 minutes to the gentleman from Louisiana, Dr. BOUSTANY.

Mr. BOUSTANY. Mr. Chairman, I rise in support of H.R. 6082 which I believe is a commonsense approach to energy production and jobs in south Louisiana and for our Nation.

I continue to be disappointed. The President states we must have "an all-of-the-above strategy for the 21st century that develops every source of American-made energy," but at the same time, he fails to understand the need to develop resources now for future energy production.

South Louisiana has tens of thousands of jobs in the oil and gas industry. This administration's hostility to responsible, safe American energy production by closing 85 percent—85 percent—of our offshore areas to energy production and issuing burdensome and duplicative regulations stalls our languishing economy and hurts job growth.

I rise in support of H.R. 6082 because it's a rational and responsible plan.

Not only will this bill generate a robust drilling plan, creating thousands of new jobs, helping to lower the price at the pump, improve American energy security, and strengthen our national and economic security, but it requires separate environmental reviews for each specific lease sale. This is good policy.

Passage of this legislation sends a crystal clear message to the administration: a do-nothing energy plan is simply unacceptable.

I look over at my colleagues on the other side of the aisle, and I would urge the President as well to take a look at that plaque up there near the ceiling above the Speaker's Chair—read it—from Daniel Webster. It says, "Let us develop the resources of our land."

Passage of this bill gets us on to a good start of developing the resources of our land, which include good, high-paying American jobs.

Mr. HOLT. I would now like to yield 3 minutes to the gentleman from Massachusetts (Mr. KEATING) who represents one of the areas that would be affected by offshore drilling, should this go forward.

Mr. KEATING. I thank the gentleman for yielding the time.

I don't have a lot of time to watch television these days. But I think most of us have seen on television a commercial comes up time and time again. It's a commercial with beautiful coastal scenes in it, telling people, Come to Louisiana, Come to Mississippi, Come to Florida, Come to the coast. And I looked at that. And I said, That's great marketing. At the end of the commercial, I was surprised to see it was sponsored by BP. Now why was that sponsored by BP? It was sponsored by BP because of Deepwater Horizon and the damage that that did.

And this bill is just another attempt at giving Big Oil a handout, putting oil companies and their profits above both the American taxpayers and American treasures.

Now my district includes the south shore of Massachusetts, the Cape, the islands of Martha's Vineyard and Nantucket and the south coast. We're a maritime community, one that respects the ocean and one that has prospered from its resources.

This bill would threaten our shores, our marine life, and the industries that rely upon them by opening up the waters of the east coast from Maine to South Carolina for quote-unquote "required oil and gases."

Now I ask my colleagues, is this necessary? Why put hundreds of miles of ocean waters and the livelihoods of our fishing and tourism industries at risk when our Nation's oil imports are already down to their lowest level in nearly two decades, and production is up?

Now in the spirit of compromise, I would like to offer a suggestion that

will help the oil companies increase their profits. And that would be this: Let's defeat this bill, and the oil companies won't have to spend all that money paying for TV commercials to lure people to areas that are our Nation's treasures because they've been damaged.

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 2 minutes to the gentleman from a coastal State, the gentleman from Mississippi (Mr. NUNNELEE).

Mr. NUNNELEE. I thank the chairman for yielding.

I rise in support of H.R. 6082, the Congressional Replacement of President Obama's Energy-Restricting and Job-Limiting Offshore Drilling Plan.

The President's lease plan for offshore energy resources is unacceptable. It would close 85 percent of our offshore areas to energy production and recovery. Just like the Keystone pipeline, this is just another example of an administration beholden to a radical environmental agenda.

We must be about safely and responsibly recovering American energy. We have available energy under our feet and off our shores. This plan does that by expanding offshore drilling into new areas, areas that contain the most oil and natural gas resources.

Our economy is still struggling. People are still looking for work. And this bill would generate \$600 million in government revenue and at the same time, put tens of thousands of Americans back to work.

It's time that we choose jobs and energy security over left-wing ideology.

Mr. MARKEY. Mr. Chairman, I am the final speaker on our side. If the gentleman from Washington State is ready to conclude debate, so are we in the minority.

Mr. HASTINGS of Washington. Mr. Chairman, I would tell my friend from Massachusetts, I have one other request for time and then myself to close.

Mr. MARKEY. Then, Mr. Chairman, I will reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 2 minutes to the gentleman from Virginia (Mr. HURT).

Mr. HURT. I thank the chairman for yielding.

I rise today on behalf of the people of Virginia's Fifth District. As I visit with central and southside Virginians across my district, they all echo the same sentiment: The burdens caused by high fuel prices in this stalled economy are negatively impacting their lives.

This issue particularly resonates in the Commonwealth because just last month, the administration announced that its 5-year energy plan will exclude resources off of the coast of Virginia. This announcement comes as a shock to the people that I represent. At a time when the Fifth District is suf-

fering from 3 years of high unemployment, now the administration has said it will put thousands more Virginia jobs on hold. It also shocks us because it shows just how out of touch Washington is when it comes to the devastation that high fuel prices are causing at home.

Energy prices may have subsided for now, but now is the time to act. I am proud to support this legislation which replaces the administration's unreasonable and irresponsible energy policy. I believe that this legislation will bring jobs to Virginia, help keep fuel prices low, and move our country forward to spur economic growth in central and southside Virginia.

□ 1740

Mr. MARKEY. Mr. Chairman, I yield myself the balance of my time.

This is a very simple debate to understand. The Republicans want to authorize drilling for oil and gas off of the coastlines of southern California, Maine and New Hampshire, Massachusetts and Rhode Island, New York, Maryland, and New Jersey. Those States do not want that. They long ago decided the risks were too great for their beaches and for their fishing industries. They do not want it.

But it also is in the context of this Republican aversion, this Republican opposition to wind and solar and other renewables receiving the same attention as oil and natural gas does. And the important thing about wind and solar is that they would be domestically produced 100 percent. The same is true, by the way, you would think, for natural gas. Let's just say they find some off the coast of Massachusetts or off the coast of New Jersey; that would be great. But what the Republicans refuse to agree to is that that natural gas, after we've drilled off of our beaches, cannot be exported to other countries. And the reason that's important is we could use that natural gas and substitute it for the oil that we import from the Persian Gulf, but they won't agree to do that.

So the one thing that definitely has to be produced here is wind and solar because it has to be domestic. Natural gas, though, you can put it in a ship and you can send it around the world. You can freeze it like liquefied natural gas. And they won't agree not to do that as part of this package of running the risk of fouling the beaches of the east coast and the west coast.

There is just something fundamentally wrong with this; nothing for wind and solar, everything for the oil industry, including their discretion to then take the oil and gas that's discovered off our beaches and selling it overseas.

So this is just wrong on so many levels in terms of what we should be doing to protect our own country, and I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentleman has 9½ minutes remaining.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I just want to say why we are here today. We are here today because the President submitted his plan. It was late. His 5-year plan is supposed to go through a 60-day review here in the Congress. We are here to offer an alternative to that plan because that plan locks up 85 percent of the potential resources in this country. We offer this plan because we have heard loud and clear from the American people that it is in our best interest to be less dependent on foreign energy. And in the process of creating American energy, we obviously create American jobs. That, to me, is a win/win situation.

Now, let me respond to some of the arguments that have been made on the other side, and I want to point out specifically the bills.

The charge was made that the Republican-led House has not taken up any bills dealing with renewable energy. In fact, the observation was that there were no bills. In fact, there have been several bills, and there are three bills that have passed the House. Now, some of my friends on the other side of the aisle may not like it, but the fact is that they've passed.

The first one is H.R. 4402. It passed on a bipartisan basis in July. H.R. 3408, it too passed on a bipartisan basis in February. And H.R. 4480, it too passed on a bipartisan basis in June. So Republicans have repeatedly said that we are in favor of an all-of-the-above energy plan, and this, of course, confirms that belief.

Now, I want to make an observation to part of the debate here that we are giving away something. I'm trying to think of an analogy on how to describe that, and the best I can come up with is if one has an asset, the Federal Government has an asset of having control over the Outer Continental Shelf, and somebody wants to use that asset where there may be some opportunity to grow the economy or create jobs, or what have you, that seems to me to be a positive step rather than a giveaway.

In fact, I think about the private landowners in North Dakota or maybe the State of North Dakota, because the same people, Big Oil, that are being beat up here on the floor here in debate went to North Dakota. They talked to the State and they talked to the private landowners. They said, You may have some assets that we would like to see if maybe there is some energy development available, very similar to what's available on the Outer Continental Shelf. So they made an agreement, I'll pay you, the landowner, some money if you let me look. And if there is something there, I'll pay you with what comes out of the ground.

Now, this is exactly the same process we're going through here, except we're dealing with the Outer Continental Shelf. Now, who is the beneficiary of that? Well, the beneficiary, in part, obviously, is the Federal Government because they get money for the leases and they'll get royalty payments. And I might point out, by the way, Mr. Chairman, the second largest source of income to the Federal Government after the income tax comes from leases and royalties. So there clearly is a benefit to the American people in that regard.

So when this is characterized as a giveaway when supposedly what is being given away is paid for, it does not, in my mind, pass the straight-face test.

Lastly, we hear the arguments, specifically from my good friend from Virginia (Mr. MORAN) saying this bill is going nowhere in the other body. Well, I would remind my good friend that the two Senators from his home State of Virginia are Democrats, and they are in support of drilling off the coast of Virginia, which, of course, this bill embodies. So if maybe they could whisper into the majority leader's ear and get some action on it, then this bill, indeed, could move through the Senate, as I suspect it will move through the House, on a bipartisan basis in the same light.

So with that, Mr. Chairman, I think this bill is a very good bill. I urge its adoption, and I yield back the balance of my time.

Mr. STARK. Mr. Chair, I rise in opposition to H.R. 6082, the so-called "Congressional Replacement of President Obama's Energy-Restricting and Job-Limiting Offshore Drilling Plan." This bill opens up nearly every last piece of our public lands to drilling, giving even more to Big Oil. The bill would require oil and gas leasing off the East Coast, from Maine to South Carolina, off of Southern California and in the important fishery of Bristol Bay off Alaska. It opens up California's coastline to oil and gas companies as early as 2013. If this bill were to become law, areas that have previously been deemed off limits to oil development by state governments would be put up for lease.

This bill also fails to secure safety reforms for offshore drilling, nor does it ensure that oil companies are paying their fair share to drill on public lands. The California Coastline is an international treasure and is one of the primary drivers of our state's economy. We must protect our coastlines and the vital ecosystems they embody. We cannot place it at risk of an oil spill or give it away to reckless, profit-seeking oil companies. We cannot and will not drill our way to energy independence. Continuing to make our cars more efficient, investing in clean and renewable energy, ending subsidies and tax breaks for the fossil fuel industry, and putting a price on carbon emissions is how we can obtain a secure and sustainable energy future.

I urge my colleagues to oppose this senseless and harmful legislation by joining me in voting "no."

Mr. YOUNG of Florida. Mr. Chair, I rise today to express my continued support for the restrictions placed on oil and gas leasing in the Eastern Gulf of Mexico under the Gulf of Mexico Energy Security Act of 2006. I am pleased that H.R. 6082 continues this moratorium and recognizes an area not only critical to the protection of Florida's beautiful beaches and unique environment but to the training of our nation's sailors, Marines and pilots who conduct training exercises there on a regular basis.

As you know, I have been working on the issue of drilling in the Eastern Gulf of Mexico since 1983, when the oil industry proposed drilling off the Gulf Coast of Florida. That year, I offered an amendment to a 1983 supplemental appropriations bill to create the first buffer zone to protect Florida's Gulf Coast from offshore oil drilling. Congress did not implement this buffer zone only to protect the economic or environmental interests of the State of Florida; rather we also recognized the potential conflict that exists between drilling and naval and aviation military activities.

The importance of this area to our military training was affirmed in 2000, when the Department of Defense requested that no above-surface structures be built in the Eastern Gulf of Mexico, officially establishing the Military Mission Line within which no drilling can occur. This decision proved timely when the Air Force and Army were forced to end training exercises in Vieques, Puerto Rico and had to find a new site to undertake these specialized training activities. The Eastern Gulf of Mexico was the only site available where this training could continue because this naval and aviation training is incompatible with drilling platforms and drilling ships.

Since the first amendment in 1983, I negotiated with my colleagues to include this moratorium in appropriations bills year after year, until a bipartisan compromise was reached in 2006 that balanced increased domestic energy production with the critical military activities conducted in the Eastern Gulf of Mexico. This carefully crafted agreement opened 8.3 million acres south of the Florida Panhandle to drilling, an area previously under a ban, while barring new oil and gas leases off Florida's coastline until June 30, 2022, and codifying the ban on drilling within the Military Mission Line.

Prior to the enactment of the current moratorium, then Secretary of Defense Donald Rumsfeld stated that "in those areas east of the Military Mission Line, drilling structures and associated development would be incompatible with military activities, such as missile flights, low-flying drone aircraft, weapons testing and training." By maintaining the drilling ban in the Eastern Gulf of Mexico, H.R. 6082 continues to protect an area that holds the U.S. military's largest training and testing area.

Mr. Chair, I am pleased to support this measure that will responsibly increase our domestic oil production while maintaining the important protections against drilling in the Eastern Gulf of Mexico, in order to ensure that our military readiness and training capabilities are not compromised.

Ms. HIRONO. Mr. Chair, I oppose H.R. 6082, the Congressional Replacement of President Obama's Energy-Restricting and Job-Limiting Offshore Drilling Plan.

This is the current Majority's 12th giveaway for Big Oil in the last 18 months. I've consistently opposed these prior 11 measures on the House floor. The Senate has failed to pass any of the prior bills, and President Obama has consistently stated his intention to veto those measures.

The majority claims that this bill is about lowering energy prices and creating jobs.

Let's be clear—this is a bill against President Obama's offshore drilling plan.

Today, more than 75 percent of the offshore oil and gas resources are available for drilling under that plan. We have 50 percent more floating drilling rigs operating in the Gulf of Mexico than we did prior to the BP spill and have more total rigs operating in the United States than does the rest of the world combined. Domestic oil production is at an 18 year high and oil and gas companies continue to enjoy substantial profits—all on top of tax breaks totaling over \$4 billion per year. In addition, this year the U.S. became a net exporter of oil for the first time since 1949.

My home state of Hawaii relies on imported oil from both foreign and U.S. sources for 90 percent of our primary energy. We use oil to generate our electricity and to fuel our vehicles. We also pay three times the average price that the mainland pays for that electricity and our gas prices are constantly the highest in the nation—despite all of the drilling that is currently happening.

That's why this attack on President Obama's comprehensive approach to energy—producing more oil and boosting clean energy—is especially troubling.

It's also troubling that the majority seem to be consciously ignoring key safety recommendations and preventing proper environmental reviews.

We all remember April 20, 2010. That is the date that the Deepwater Horizon oil rig exploded. This accident killed 11 crew members and injured numerous others. Over 4 million barrels of oil gushed into the Gulf of Mexico, and the spill could not be contained for almost 3 months.

In response President Obama created the bipartisan National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling. The commission concluded that if more effective oversight of safety and environmental protection had been conducted—by both the government and the industry itself—the disaster could have been avoided. The commission then made a series of recommendations to prevent another spill from occurring.

Representative MARKEY introduced these recommendations as legislation in January of 2011. I'm proud to be a cosponsor of this bill, H.R. 501. However, I'm disappointed that there has not even been a committee hearing on this important legislation.

That's not all. On July 24, 2012, the U.S. Chemical Safety Board released a report which found that at the time of the 2010 Deepwater Horizon blowout, BP and other companies involved in that accident had failed to implement safety recommendations made by the Board in 2007.

The 2007 recommendations stemmed from the investigation of a March 2005 explosion at BP's Texas City Refinery.

These are real disasters with real consequences for workers and communities.

At the same time, the facts and record are clear: These disasters are preventable and Congress can and should do something to address them.

The bill also undermines a series of laws intended to ensure that we are good stewards of our natural resources—including the National Environmental Policy Act, Endangered Species Act, National Historic Preservation Act, and Clean Water Act. Ensuring compliance with these laws protects public health, communities, and the environment. These environmental reviews are also necessary to avoid costly and time-consuming litigation for all parties.

More than that, this is a matter of ensuring that the resources we have can be utilized responsibly to support jobs and economic growth in industries other than drilling, like tourism for example.

The bill also opens huge areas on the East Coast, stretching from Maine to South Carolina, off of Southern California, in the Alaska Arctic and in the area around the important fishery of Bristol Bay off Alaska. Opening these areas ignores concerns raised by nearly every stakeholder other than oil and gas companies.

These include significant issues raised by states and local communities, concerns about important fishing areas, and even concerns raised by our military will go unheeded if this bill were to become law.

Finally, H.R. 6082 would require that the Department of Interior conduct a single multi-sale Environmental Impact Statement (EIS) for the Atlantic, Pacific and Bristol Bay. Combined EIS documents are usually done for lease sales in areas where the conditions are well known and similar. However, these are three wildly different environments that merit their own considerations.

Just to be clear, those who stand to lose under this bill include: states, localities, fisherman, the military, average citizens and small businesses that currently rely on these areas for recreation, tourism, and other purposes.

The winners under this bill: the oil and gas drilling industry.

Hawaii is a case study for why we must end our reliance on fossil fuels and work harder to support the development of a broad range of clean, renewable, locally-produced fuels. Drilling more won't decrease the global competition for oil, and it won't do anything to reduce energy prices in the long-term. High energy prices act as a tax on all of us and an anchor on our economy, so if we are truly going to have the most competitive economy in the 21st century we need to develop affordable alternatives. Developing these alternatives will give the U.S. the upper hand both in terms of costs to our economy, and in developing new industries that can create jobs for the next century.

Instead, the bill before us keeps us on the same path of dependence we've been on. This bill is a failure for our economy in the long term, fails to address the safety reforms for offshore drilling that numerous experts have advocated for, and seeks to give oil companies another windfall without ensuring that they are paying their fair share to drill on public lands.

I urge my colleagues to oppose this terribly shortsighted and ill-advised legislation.

Mrs. MALONEY. Mr. Chair, while the American people are asking Congress to help create jobs and stabilize the economy, the House Majority would rather spend valuable time on handouts to big oil and gas. For the 11th time this Congress, Members are being asked to support giveaways to big producers and polluters. It is ironic that this bill is being debated at the same time the U.S. Chemical Safety Board released its report that the Deepwater Horizon disaster was caused by a lack of adherence to safety guidelines. Instead of thoughtful efforts to ensure health and safety of workers and the public, as well as the protection of the environment, H.R. 6082 ignores any lessons from that tragedy while opening huge portions of our coasts to drilling. In addition, as someone who has fought to make sure the American taxpayer is properly compensated for energy resources extracted from federally leased lands, I am disturbed that this bill would not ensure oil companies pay their fair share for drilling on public lands. This bill does nothing to help our country build a strong energy future or get Americans back to work. I urge my colleagues to vote "no."

The Acting CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

In lieu of the amendment in the nature of a substitute recommended by the Committee on Natural Resources, printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 112-29. That amendment in the nature of a substitute shall be considered as read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 6082

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Congressional Replacement of President Obama's Energy-Restricting and Job-Limiting Offshore Drilling Plan".*

#### SEC. 2. DEFINITIONS.

*In this Act:*

(1) **OCS PLANNING AREA.**—Any reference to an "OCS Planning Area" means such Outer Continental Shelf Planning Area as specified by the Department of the Interior as of January 1, 2012.

(2) **PROPOSED OIL AND GAS LEASING PROGRAM (2012–2017).**—The term "Proposed Final Outer Continental Shelf Oil & Gas Leasing Program (2012–2017)" means such plan as transmitted to the Speaker of the House and President of the Senate on June 28, 2012.

#### SEC. 3. REQUIREMENT TO IMPLEMENT PROPOSED OIL AND GAS LEASING PROGRAM (2012–2017).

(a) **IN GENERAL.**—Except as otherwise provided in this Act, the Secretary of the Interior shall implement the Proposed Final Outer Continental Shelf Oil & Gas Leasing Program (2012–2017) in accordance with the schedule for conducting oil and gas lease sales set forth in such proposed program, the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.), and otherwise applicable law.

(b) **MODIFIED AND ADDITIONAL LEASE SALES.**—Notwithstanding the schedule of lease sales in the Proposed Final Outer Continental Shelf Oil & Gas Leasing Program (2012–2017), the Secretary shall conduct under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) oil and gas lease sales in OCS Planning Areas as specified in the following table, in the year specified in the table for each lease sale:

Lease Sale No.	OCS Planning Area	Year
229	Western Gulf of Mexico .....	2012
220	Mid-Atlantic .....	2013
225	Eastern Gulf of Mexico .....	2013
227	Central Gulf of Mexico .....	2013
249	Southern California (existing infrastructure sale) .....	2013
233	Western Gulf of Mexico .....	2013
244	Cook Inlet .....	2013
212	Chukchi Sea .....	2013
228	Southern California .....	2014
230	Mid-Atlantic .....	2014
231	Central Gulf of Mexico .....	2014
238	Western Gulf of Mexico .....	2014
242	Beaufort Sea .....	2014
221	Chukchi Sea .....	2014
245	Mid-Atlantic .....	2015
232	North Atlantic .....	2015
234	Eastern Gulf of Mexico .....	2015
235	Central Gulf of Mexico .....	2015
246	Western Gulf of Mexico .....	2015
237	Chukchi Sea .....	2016
239	North Aleutian Basin .....	2016
248	Western Gulf of Mexico .....	2016
241	Central Gulf of Mexico .....	2016
226	Eastern Gulf of Mexico .....	2016
217	Beaufort Sea .....	2016
243	Southern California .....	2017
250	Mid-Atlantic .....	2017
247	Central Gulf of Mexico .....	2017
255	South Atlantic-South Carolina .....	2015

(c) **LEASE SALES DESCRIBED.**—For purposes of subsection (b)—

(1) lease sale numbers 229, 227, 233, 244, 225, 231, 238, 235, 242, 246, 226, 241, 237, 248, and 247 are such sales proposed in, and shall be conducted in accordance with, the Proposed Final Outer Continental Shelf Oil & Gas Leasing Program (2012–2017), except each such lease sale shall be conducted in the year specified for such sale in the table in subsection (b);

(2) lease sale numbers 220, 212, 228, 230, 221, 245, 232, 234, 239, 217, and 243 are such sales proposed in, and shall be conducted in accordance with, the Draft Proposed Outer Continental Shelf (OCS) Oil and Gas Leasing Program for 2010–2015 as published in Federal Register on January 21, 2009 (74 Fed. Reg. 12), except each such lease sale shall be conducted in the year specified for such sale in the table in subsection (b); and

(3) lease sale numbers 249 and 250 shall be conducted—

(A) for lease tracts in the Southern California OCS Planning Area and Mid-Atlantic OCS Planning Area, respectively, as determined by and at the discretion of the Secretary, subject to subparagraph (C);

(B) in the year specified for each such lease sale in the table in subsection (b); and

(C) in accordance with the other provisions of this Act.

#### SEC. 4. SOUTHERN CALIFORNIA EXISTING INFRASTRUCTURE LEASE SALE.

(a) **IN GENERAL.**—In lease sale 249 under section 3, the Secretary shall offer for sale leases of tracts in the Santa Maria and Santa Barbara/Ventura Basins of the Southern California OCS Planning Area as soon as practicable, but not later than December 31, 2013.

(b) **USE OF EXISTING STRUCTURES OR ON-SHORE-BASED DRILLING.**—The Secretary of the Interior shall include in leases offered for sale under lease sale 249 such terms and conditions as are necessary to require that development and production may occur only from offshore infrastructure in existence on the date of the enactment of this Act or from onshore-based drilling.

#### SEC. 5. NATIONAL DEFENSE.

(a) **NATIONAL DEFENSE AREAS.**—This Act shall in no way affect the existing authority of the Secretary of Defense, with the approval of the President, to designate national defense areas on the outer Continental Shelf pursuant to section 12(d) of the Outer Continental Shelf Lands Act (43 U.S.C. 1341(d)).

(b) **PROHIBITION ON CONFLICTS WITH MILITARY OPERATIONS.**—No person may engage in any exploration, development, or production of oil or natural gas on the Outer Continental Shelf under a lease issued under this Act that would conflict with any military operation, as determined in accordance with the Memorandum of Agreement between the Department of Defense and the Department of the Interior on Mutual Concerns on the Outer Continental Shelf signed July 20, 1983, and any revision or replacement for that agreement that is agreed to by the Secretary of Defense and the Secretary of the Interior after that date but before the date of issuance of the lease under which such exploration, development, or production is conducted.

#### SEC. 6. ENVIRONMENTAL IMPACT STATEMENT REQUIREMENT.

(a) **IN GENERAL.**—For the purposes of this Act and in order to conduct lease sales in accordance with the lease sale schedule established by this Act, the Secretary of the Interior shall prepare a multisale environmental impact statement under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) for all lease sales required under this Act that are not included in the Proposed Final Outer Continental Shelf Oil & Gas Leasing Program (2012–2017).

(b) **ACTIONS TO BE CONSIDERED.**—Notwithstanding section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332), in such statement—

(1) the Secretary is not required to identify nonleasing alternative courses of action or to analyze the environmental effects of such alternative courses of action; and

(2) the Secretary shall only—

(A) identify a preferred action for leasing and not more than one alternative leasing proposal; and

(B) analyze the environmental effects and potential mitigation measures for such preferred action and such alternative leasing proposal.

#### SEC. 7. EASTERN GULF OF MEXICO NOT INCLUDED.

Nothing in this Act affects restrictions on oil and gas leasing under the Gulf of Mexico Energy Security Act of 2006 (title I of division C of Public Law 109–432; 43 U.S.C. 1331 note).

#### SEC. 8. LEASE SALE OFF THE COAST OF SOUTH CAROLINA.

In determining the areas off the coast of South Carolina to be made available for leasing under this Act, the Secretary of the Interior shall—

(1) consult with the Governor and legislature of the State of South Carolina; and

(2) focus on areas considered to have the most geologically promising energy resources.

The Acting CHAIR. No amendment to that amendment in the nature of a substitute shall be in order except those printed in part C of House Report 112–616. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

#### AMENDMENT NO. 1 OFFERED BY MR. HASTINGS OF WASHINGTON

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in part C of House Report 112–616.

Mr. HASTINGS of Washington. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 1, beginning at line 11, strike “PROPOSED OIL AND GAS LEASING PROGRAM (2012–2017)” and insert “PROPOSED FINAL OUTER CONTINENTAL SHELF OIL & GAS LEASING PROGRAM (2012–2017)”.

Page 1, line 14, strike “plan” and insert “program”.

The Acting CHAIR. Pursuant to House Resolution 738, the gentleman from Washington (Mr. HASTINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself such time as I may consume, and I will just take a few seconds here.

This amendment is very simple. It makes two small technical corrections to the way the plan is referred to in the bill, and I urge my colleagues to support this amendment.

I yield to the gentleman from Massachusetts.

Mr. MARKEY. I thank the gentleman.

The minority has no objection to the amendment by the gentleman, and we urge support of it.

Mr. HASTINGS of Washington. Mr. Chairman, I urge adoption of the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Washington (Mr. HASTINGS).

The amendment was agreed to.

□ 1750

#### AMENDMENT NO. 2 OFFERED BY MR. HOLT

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in part C of House Report 112–616.

Mr. HOLT. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Beginning at page 5, line 22, strike section 6.

The Acting CHAIR. Pursuant to House Resolution 738, the gentleman from New Jersey (Mr. HOLT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. HOLT. Mr. Chairman, the amendment is simple:

“On page 5, line 22, strike section 6.”

This amendment strikes language from the bill that requires the Interior Department to conduct a single multisale environmental impact statement for all of the new areas that would be opened under this bill.

Now, it's not going to happen. We are not going to see this into law. I'm sure this bill is not going anywhere. But if it were, it would be an environmental disaster.

The notion that one environmental analysis would be sufficient for lease sales in the Atlantic, in the Pacific, and Bristol Bay in Alaska is simply absurd. These are very different environments. The steps that would be taken to prepare for drilling would be different in each one. The steps that would be taken during drilling would be different in each one. The steps that would be taken to prepare against an accident would be different in each one, and the steps for a cleanup would be different in each one. In fact, it would be hard to imagine three environments that could be more different. Even along the Atlantic coast from South Carolina to Massachusetts there are differences.

Congress has a responsibility to the American people to ensure that offshore drilling for gas and oil is occurring in a safe and environmentally responsible manner. It's been over 2 years since the worst environmental oil disaster in American history, the BP oil spill, and Congress has yet to enact a single legislative reform.

This committee, instead of doing a bill that—seems to be motivated to try to embarrass the President, I guess, based on a false premise that the President is interfering with the oil industry. They should actually be trying to put in place corrections that have been pointed out that are needed following the knowledge we've learned from the BP oil spill. The independent BP Spill Commission gave Congress a grade of "D" for a legislative response.

Now, the Republican majority has said they wanted to wait until all the facts were in before taking action to respond to the gulf spill. Well, the time has come. We've heard from the independent BP Spill Commission, Mr. Chairman; we've heard from the government's joint investigative team, Mr. Chairman; and those reports reached similar conclusions: The BP disaster was preventable, not inevitable. Those reports concluded that corners were cut, bad decisions were made, and stronger safety standards could have helped, in fact, could have prevented the disaster.

In fact, just today, the United States Chemical Safety Board issued its first report on the BP oil spill disaster and found that, when BP looked at offshore operations, it "focused on financial risks, not process safety risks."

So that's what we should be doing here today. We should be strengthening

the safety, the public health, and the environmental protections instead of saying we're going to drill everywhere and water down the environmental protections.

Here we are considering the 11th drilling bill over the last 18 months. The Republican majority is, once again, seeking to open up vast, vast swaths of America's coastlines to drilling without proper environmental review.

Mandating a single environmental impact analysis for the variety of lease sales included under this legislation is simply insufficient. Truncating environmental review will make drilling less safe, not more safe.

Let me be clear: The authors of H.R. 6082 apparently believe that the Atlantic, the Pacific, and Bristol Bay are similar enough to warrant a single environmental assessment.

An oil spill off the east coast would endanger 200,000 jobs and \$12 billion associated with just New Jersey's fishing and tourism industries—and that's not counting the indirect effects as this money flows through our local economies.

Bristol Bay and the North Aleutian Basin form the heart of one of the most productive salmon fisheries on the planet, contributing more than \$5 billion every year to our economy, yet the underlying bill opens up these areas to drilling under a truncated environmental review.

My amendment simply strikes the language from the bill that requires a single multisale environmental impact statement and would go a long way toward protecting the environment.

I urge adoption of the amendment.

I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I rise to claim time in opposition.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself as much time as I may consume.

The amendment prioritizes bureaucracy over responsibly increasing energy production and job creation. This amendment would strike the section of the bill requiring that an environmental impact statement be conducted prior to any leasing in lease sale areas.

The gentleman takes issue with the manner in which the environmental impact statement is required to be conducted. However, what he fails to mention is that the administration is required to do yet another environmental review prior to each lease sale and additional reviews on each lease block as a part of the leasing process, and then each exploration plan has additional environmental work. So, in effect, all of the areas in the underlying bill will be studied and then restudied for the effect that any activity will have on the environment.

Not only that, Mr. Chairman, but all of these lease sales will still be subject to the many different laws that still impact the offshore leasing process, such as the Coastal Zone Management Act, the Marine Mammal Protection Act, the Endangered Species Act, and the National Fishing Enhancement Act, to name a few.

The truth of the matter is that this bill doesn't harm the environment. It goes an extra mile in requiring a multiple-sale EIS on all of the lease areas, while also ensuring that leasing does occur, although that leasing is still subject to all the environmental protection laws that are on the books.

Support for offshore energy development does not mean that you cannot also respect the range of different environmental needs based on lease area.

Mr. Chairman, I don't think anybody in the country does not want to drill safely and responsibly. I know I certainly don't, and I know Members on my side of the aisle don't. So I encourage my colleagues to oppose this amendment.

Mr. Chairman, I understand the gentleman has yielded back his time. I will yield back my time and urge a "no" vote.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. HOLT).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey will be postponed.

AMENDMENT NO. 3 OFFERED BY MS. RICHARDSON

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in part C of House Report 112-616.

Ms. RICHARDSON. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 7, strike line 3 and insert the following:

**SEC. 8. LEASE SALES OFF THE COASTS OF SOUTH CAROLINA AND CALIFORNIA.**

Page 7, line 5, after "lina" insert "and the coast of California".

Page 7, line 8, strike "the State of South Carolina" and insert "each such State".

The Acting CHAIR. Pursuant to House Resolution 738, the gentlewoman from California (Ms. RICHARDSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. RICHARDSON. Mr. Chairman, my staff and I have had the opportunity earlier today to discuss this amendment with Chairman HASTINGS, Ranking Member MARKEY and their staffs, so I'll be brief.



□ 1800

The Richardson amendment improves the bill by amending section 8 to explicitly require the Secretary of the Interior to consult the California Governor and the State legislature before leasing any areas off the coast of California. My amendment codifies in the bill existing law, practice, and custom.

In short, the Richardson amendment extends to California the same consideration that the bill's drafters afforded the State of South Carolina. The State of California has within its borders more than two-thirds of the Nation's Pacific coastline, a far greater percentage than South Carolina has with respect to the Atlantic coastline.

California's coastline is an international treasure, and our State's residents should have input on drilling off our shores. Offshore drilling along the California coastline should thoroughly consider impacts to tourism, fisheries, coastal recreation, and of course the economy and its benefits. That is why it's reasonable and necessary that the people of California, through their chief elected officials, be consulted by the Secretary of the Interior on the subject of offshore drilling off the California coast.

Mr. Chairman, I'd like to acknowledge the leadership and expertise and willingness of Chairman HASTINGS and Ranking Member MARKEY for working with me on the Richardson amendment, and I urge my colleagues to support the amendment.

Mr. HASTINGS of Washington. Will the gentlelady yield?

Ms. RICHARDSON. I yield to the gentleman.

Mr. HASTINGS of Washington. I thank the gentlelady for yielding. And I want to congratulate her on her amendment because I think this is a responsible approach that we are trying to take.

One of the reasons why California is so important, I think as the gentlelady knows, is that there are geologists that say that there are over 1.5 million potential barrels of oil off the shore. That should be important to Californians because not too long ago you were producing 50 percent of your oil production, now it's down to 38 percent. What we say, obviously, in this legislation is that it should be done from platforms on land.

So I thank the gentlelady for her amendment. I think it's a responsible approach, and I think it adds to this legislation. And I urge my colleagues to support the amendment.

Ms. RICHARDSON. Mr. Chairman, again, I just want to conclude with saying that I both acknowledge and appreciate the leadership by both Chairman HASTINGS and Ranking Member MARKEY; look forward to working with them on this and many other issues; and I'm grateful for their willingness to consider the rightfulness of this amendment.

With that, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Ms. RICHARDSON).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. MARKEY

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in part C of House Report 112-616.

Mr. MARKEY. Mr. Chairman, I have an amendment made in order under the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add at the end the following:

**SEC. \_\_\_\_.** **REQUIREMENT TO OFFER GAS FOR SALE ONLY IN THE UNITED STATES.**

The Secretary of the Interior shall require that all gas produced under a lease issued under this Act shall be offered for sale only in the United States.

The Acting CHAIR. Pursuant to House Resolution 738, the gentleman from Massachusetts (Mr. MARKEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. MARKEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment is very, very simple. It ensures that the natural gas produced under the leases issued under this legislation is sold in America. We're talking about the public lands of the United States, the taxpayer-owned lands of the United States. These are the American people's lands off of Massachusetts, off of New York, off of New Jersey, off of California that are being leased under this bill. The very least we should be able to tell the American people is that they are actually going to see a benefit from any oil or gas produced from these lands.

We should be able to tell Americans that we are keeping the natural gas produced on their public lands here in America to keep prices low for Americans here in the United States, and we're going to find ways of putting that natural gas into trucks, into buses, into cars so that we can stop importing oil from dangerous parts of the world.

We should be able to tell Americans that we're keeping the natural gas here so that we can create more American jobs in manufacturing plastics, fertilizer, chemicals, and steel; and that we tell those countries in the Middle East we don't need your oil any more than we need your sand because we have natural gas here in America. That's all that my amendment would do, send a strong signal to the OPEC nations.

Current law does not allow for the exportation of our crude oil, and it shouldn't allow for the exportation of

our natural gas either. My amendment would ensure that no waivers can be granted, no permits can be issued to export natural gas produced from the public land of the United States to other countries when we're still importing oil from OPEC. How much sense does that make that we find natural gas and start to sell it to other countries, even as OPEC continues to tip us upside down and shake money out of our pockets at the pump?

So I'm going to reserve the balance of my time at this point and continue my argument in a few minutes.

Mr. HASTINGS of Washington. Mr. Chairman, I rise to claim time in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. I yield myself such time as I may consume.

Mr. Chairman, I'm very happy to see that the gentleman understands that America needs oil and natural gas. That was a very good statement on his part. We would prefer to see more domestic production of this necessary commodity rather than importing it from foreign countries. I think we're making progress in that regard, Mr. Chairman.

The good news is this is already law, what the gentleman is trying to address. Title 43, chapter 29, section 1534 of the U.S. Code specifically prevents the export of both oil or gas produced from the Outer Continental Shelf unless the President finds that it is, one, in the national interest; two, will not increase our reliance on natural gas; and, three, that it is in accordance with the Export Administration Act, which puts further regulations on exports.

Now, the House has said repeatedly that increased energy production on Federal lands is in the national interest. So I suppose the gentleman could say there is some wiggle room there. But, nevertheless, this amendment had failed in committee last week, it has failed on the House floor on many occasions because of this protection that's already in law. So I urge my colleagues to reject this amendment, and I reserve the balance of my time.

Mr. MARKEY. Mr. Chairman, I yield myself such time as I may consume.

The Department of Energy right now has applications from 15 companies to export 28 percent of our current natural gas consumption in the United States.

Let me be very clear: exporting our natural gas will increase American energy prices. No economist or energy analyst disagrees. Why would we find natural gas here and then start selling it around the world? It would increase the price here. In fact, exporting far less than what is currently being proposed could send domestic natural gas prices skyrocketing by 54 percent.



Let me just let everyone out there know right now, we are the Saudi Arabia of natural gas. We are, right now, the lowest natural gas price in the world. In the United States, it's only \$2.40, \$2.50 in Mcf. In Japan, in Korea, in China, it's seven times higher. In Europe, it's four times higher. So if you're a manufacturer, if you're a company thinking about moving your trucking or your bus fleet to natural gas as opposed to oil and you're in these other countries, it's difficult for you to do it.

It's time for the United States to figure out how to do this. We have this incredible bonanza. Now they're proposing to drill off the coastline of Massachusetts, off New York, off southern California to find more natural gas. And what are they saying? Let's export it. Well, you're going to export the cheapest natural gas in the world.

Do you know what T. Boone Pickens says about this? "If we do it, if we export natural gas, we're truly going to go down as America's dumbest generation. It's bad public policy to export natural gas."

□ 1810

This is T. Boone Pickens. This is ED MARKEY. This is a coalition that spans the entire spectrum of political thought, but we do agree on this one thing. Why would we take our most precious natural resource and sell it to other countries, when it gives us a massive competitive advantage?

So I'm going to reserve the balance of my time to conclude debate, but this is a nonsensical policy.

Mr. HASTINGS of Washington. Mr. Chairman, I have no more requests for time, and I understand I have the right to close, so I will reserve my time.

Mr. MARKEY. How much time is remaining on either side, Mr. Chairman?

The Acting CHAIR. The gentleman has 15 seconds.

Mr. MARKEY. Fifteen seconds.

We drill for natural gas off of our beaches, our pristine beaches and we find it, we take the risk, those States take their risk, that natural gas should stay here in America. ExxonMobil shouldn't be able to pack it up and sell it to China, sell it to South America. That natural gas should stay here in America if it's found off of our beaches. That's what the Markey amendment calls for.

I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, I just want to say that this law has been on the books since 1940. Now, in 1940, there was a whole lot of unrest in the world just prior to the Second World War, and in the wisdom, apparently, of the Congress of that time, they said that energy production from the Outer Continental Shelf, which I might add, was probably not as

robust as it is today, there are only certain conditions that you would export what comes off. And as I listed those things before, I think they're important.

That law was a good law then. It's a good law now. This amendment adds absolutely nothing to that whatsoever.

So, Mr. Chairman, I would urge my colleagues to vote "no" on this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. MARKEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts will be postponed.

AMENDMENT NO. 5 OFFERED BY MR. MARKEY

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in part C of House Report 112-616.

Mr. MARKEY. Mr. Chairman, I have an amendment made in order under the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add at the end the following:

**SEC. \_\_\_\_ . SAFETY REQUIREMENTS.**

The Secretary of the Interior shall require that drilling operations conducted under each lease issued under this Act meet requirements for—

(1) third-party certification of safety systems related to well control, such as blowout preventers;

(2) performance of blowout preventers, including quantitative risk assessment standards, subsea testing, and secondary activation methods;

(3) independent third-party certification of well casing and cementing programs and procedures;

(4) mandatory safety and environmental management systems by operators on the outer Continental Shelf (as that term is used in the Outer Continental Shelf Lands Act); and

(5) procedures and technologies to be used during drilling operations to minimize the risk of ignition and explosion of hydrocarbons.

The Acting CHAIR. Pursuant to House Resolution 738, the gentleman from Massachusetts (Mr. MARKEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. MARKEY. Mr. Chairman, the independent blue ribbon BP Spill Commission—and this is their comprehensive compendium of what went wrong and what needs to be done in order to correct what went wrong in the Gulf of Mexico, the worst environmental disaster in the history of our country—

concluded that there were systemic problems that occurred in the entire industry.

The Commission recommended sweeping reforms to improve the safety of offshore drilling. Yet, this Congress has still not enacted a single legislative reform and, as a result, the BP Spill Commission recently gave Congress a D, this Republican Congress, on its legislative response, and only refrained from handing out an F because it said it didn't want to insult the institution.

My amendment would simply ensure that we put into the statute specific minimal safety requirements for blow-out preventers, cementing, and the casing of offshore wells. My amendment would ensure that if we are going to expand drilling off of States like Massachusetts and New York and New Jersey and Maryland and California, that we put additional safety requirements on the books to ensure that a Romney administration or any other future administration cannot simply roll back the Interior Department reforms.

We don't want a Louisiana mess off of the coast of Massachusetts, off of the coast of southern California. We want the safety reforms that the BP Spill Commission recommended be put in place so there is no recurrence.

The Republicans are saying they want to drill off of the coast of these States that don't want the drilling. The least that they should do is build in the safety reforms.

And just today, the Chemical Safety Board released its report on the disaster. The Chemical Safety Board reached many of the same conclusions as the BP Spill Commission. The government's joint investigative team and the National Academy of Engineering said that this disaster was not inevitable, that it was preventable.

This majority has said they wanted to wait until all the facts were in before taking action on safety legislation. Well, the time has now come. We now have two blue ribbon reports, each reaching the same conclusions. It is long past time for the Congress to take the lessons of the BP spill and turn them into laws, so that we never have a disaster like this again.

I'm afraid of what the majority is contemplating here, which is authorizing the drilling off the coasts of the East and the West in our country without building in the safety reforms. If ever there is a recipe for disaster, ruining the fishing, ruining the tourism business for these States that don't want the drilling in the first place because their economies are not based upon the same premise as the Louisiana and Texas economy, then this is that recipe. This is what we're voting on here today.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I rise to claim time in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. I yield myself as much time as I may consume.

Mr. Chairman, let's be very frank about this. This amendment won't increase safety, but it will add red tape to the leasing process and open new avenues for lawsuits to interfere with the process of creating American energy and creating American jobs.

The types of safety measures identified in the amendment are already in place, and they are already enforceable. On multiple occasions, the Obama administration has testified that offshore drilling operations are being conducted safely.

With this amendment, the minority continues to try to divert attention away from the real issue of increasing energy production, American energy production, creating jobs, American jobs, lowering energy costs, and improving our national security, all doing that because, potentially, we lessen our dependence on foreign oil.

So it seems that my friends on the other side of the aisle simply do not want to face the fact that this bill says we can move forward with a robust and responsible program of oil and gas development, while, at the same time, ensuring that increased safety measures are undertaken. These are not, nor should they be mutually exclusive goals.

Right now, we have two choices before us. Tomorrow, when we vote on this, and the suspension that will be before us, we can choose to endorse the President's energy plan to hold 15 sales in five areas in the OCS, or we can support this bill before us, which will have nearly double, 29 sales, in over double the areas, 11 areas.

Both options will ensure that the drilling is done safely. Both options will ensure that our environment is protected. But only one option follows through on the promise made to the American people when the moratoria was lifted.

The American people clearly want our Nation to harness our energy resources. But the President's energy plan takes 85 percent of the Outer Continental Shelf and makes it off-limits.

This amendment, I should add, has failed when it was offered on this floor last February, and it also failed when it was offered in committee last week. So I urge my colleagues to vote "no" on the amendment.

I reserve the balance of my time.

□ 1820

Mr. MARKEY. May I ask the Chair to recapitulate the exact time that the majority and minority still have remaining for this debate?

The Acting CHAIR. There are 1½ minutes for the gentleman from Massachusetts, and there are 2½ minutes for the gentleman from Washington.

Mr. MARKEY. Does the gentleman have any other speakers?

Mr. HASTINGS of Washington. If the gentleman is prepared to yield back, I will do the same.

Mr. MARKEY. I am prepared to give my convincing concluding presentation to the House floor.

Mr. HASTINGS of Washington. I am the last speaker on my side, so you do what you have to do, and I will respond accordingly.

Mr. MARKEY. I thank the gentleman very much.

I yield myself my remaining time.

Again, just for the record, Republicans can say this as much as they want, but I have to repeat:

(1) When President Obama was sworn in, 57 percent of our oil was imported. Today, only 45 percent of our oil is imported—congratulations, President Obama—no matter how many times the Republicans want to cover that over.

(2) Seventy-five percent of all of the oil and gas reserves offshore have been made available by the Obama administration for drilling.

(3) We in the United States are at an 18-year high in drilling.

Now, the Republicans have a problem with this because the 18-year high in drilling, the reduction from 57 percent of imports down to 45 percent of imports and the fact that 75 percent of all areas off the shores of our country are open for drilling run totally contrary to everything that they believe—to everything that they want America to believe, it is better to be said—because if the American people actually believed the truth, which is that Obama has reduced our imported oil from 57 percent down to 45 percent, reduced our dependence upon imported oil and increased our drilling to the highest point in 18 years, then their whole narrative just goes right down the drain. They have to keep getting up as though Bush were the right guy, but he did nothing.

All we're saying is, if you are so desperate to actually license all of this new drilling off of the beaches of our States, at least build in the safety precautions, which is what the Markey amendment calls for, which will prevent another mess like the BP Horizon catastrophe in the Gulf of Mexico.

I yield back the balance of my time.

Mr. HASTINGS of Washington. I yield myself the balance of the time.

Okay. Let's say it again: The gentleman's remarks would imply that, because there is increased oil production in this country, it's due to the actions of this administration.

Nothing, Mr. Chairman, could be further from the truth, because it takes a while to go through the process of leasing and developing potential resources before you drill, and even then you don't know until you drill.

All of that process started prior to this administration's taking office. It

happened in the Bush administration, and as a matter of fact, it happened in the Clinton administration. That's where the increased production, in large part, came from. Even that isn't entirely true, because the increased production of American oil is really coming from State and private lands, not from Federal lands. In fact, over the last 2 years, Federal lands production has been down under this administration. It is principally because of North Dakota and West Texas that we are finding more production of American energy.

By the way, Mr. Chairman, I think that's good—but why should we ignore the potential resources that we have on Federal lands and not allow that to produce our American energy?

This amendment really does not help that process. All it does is add red tape to the process, so I urge a "no" vote on the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. MARKEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts will be postponed.

AMENDMENT NO. 6 OFFERED BY MR. HOLT

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in part C of House Report 112-616.

Mr. HOLT. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add at the end the following:

**SEC. \_\_\_\_ . ELIGIBILITY FOR LEASES.**

(a) LIMITATION ON ELIGIBILITY.—

(1) IN GENERAL.—Beginning 1 year after the date of enactment of this Act, the Secretary of the Interior shall not offer any lease pursuant to this Act to a person described in paragraph (2) unless the person has renegotiated each covered lease with respect to which the person is a lessee, to modify the payment responsibilities of the person to require the payment of royalties if the price of oil and natural gas is greater than or equal to the price thresholds described in clauses (v) through (vii) of section 8(a)(3)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)(C)).

(2) PERSONS DESCRIBED.—A person referred to in paragraph (1) is a person that—

(A) is a lessee that—

(i) holds a covered lease on the date on which the Secretary considers the issuance of the lease under this Act; or

(ii) was issued a covered lease before the date of enactment of this Act, but transferred the covered lease to another person or entity (including a subsidiary or affiliate of the lessee) after the date of enactment of this Act; or

(B) any other person that has any direct or indirect interest in, or that derives any benefit from, a covered lease.

(b) DEFINITIONS.—In this section:

(1) COVERED LEASE.—The term “covered lease” means a lease for oil or gas production in the Gulf of Mexico that is—

(A) in existence on the date of enactment of this Act;

(B) issued by the Department of the Interior under section 304 of the Outer Continental Shelf Deep Water Royalty Relief Act (43 U.S.C. 1337 note; Public Law 104-58); and

(C) not subject to limitations on royalty relief based on market price that are equal to or less than the price thresholds described in clauses (v) through (vii) of section 8(a)(3)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)(C)).

(2) LESSEE.—The term “lessee” includes any person or other entity that controls, is controlled by, or is in or under common control with, a lessee.

The Acting CHAIR. Pursuant to House Resolution 738, the gentleman from New Jersey (Mr. HOLT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. HOLT. If the majority Republicans continue to push their “oil above all” agenda, then we House Democrats will persist in our attempts to make offshore drilling safe—safe for the workers and safe for the environment—and to make sure that the American taxpayers are getting their fair share of return on the use of their natural resources.

The Big Five oil companies made a record profit of \$137 billion last year. In the first quarter of this year, they continued to capitalize on the pain that Americans feel at the pump, raking in \$368 million in profits per day. But did the Americans see increased profits from selling their oil as it was pumped from public lands offshore? No. As a result of a legal quirk in the 1995 law, oil companies are not paying any royalties to the American people on leases issued between 1996 and 2000—none, zero.

In recent years, the amount of free oil these companies have been pumping has gone through the roof as more of these faulty leases have gone into production. In fact, right now, more than 25 percent of all oil produced offshore on Federal lands is produced royalty-free, and these oil companies are getting a complete windfall on 25 percent of all the oil produced offshore in the United States. They don't pay the American people one penny for their drilling regardless of their huge profits. It's just unjust.

According to the Interior Department, American taxpayers stand to lose about \$9.5 billion over the next 10 years from this big giveaway to oil companies. Yes, it's a giveaway. The Government Accountability Office projects that all this free drilling will cost us as much as \$53 billion over the life of the leases. My amendment would recover these revenues that rightly belong to the American people.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I rise to claim time in opposition to this amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. I yield myself such time as I may consume.

Mr. Chairman, this is yet another attempt to legislate a decision that was made during the Clinton administration. The constant attempt to renegotiate contracts that were signed, sealed, and delivered under the Clinton administration is in violation of contract law. That should be very, very basic, it would seem to me, if, indeed, we are a Nation of laws.

The U.S. Supreme Court found that the Interior Department did not have the authority to go back and insert price thresholds on these leases. The Department lost this issue in district court, in the appellate court, and they lost it in the Supreme Court. If this amendment were to pass, the issue would most certainly be challenged in court where, undoubtedly, the Department would again lose after having spent taxpayer dollars to defend the indefensible.

Ultimately, this amendment seeks to force U.S. companies to break a contract negotiated under government law. Now, some would say it's a bad contract. Maybe it was. I'm not going to second-guess what the Clinton administration did—but, in fact, they signed that contract law. This amendment has repeatedly failed on the House floor, and I hope it fails again. I urge its opposition.

I reserve the balance of my time.

Mr. HOLT. My amendment would offer oil companies a choice. They could choose either to continue to produce royalty-free oil in the gulf and not get new leases or they could pay their fair share and proceed with this willy-nilly drilling that would be allowed under this law, under this legislation. My amendment does not break contracts. It simply would not force companies to give up their leases. It would impose a condition on future leases. As the Congressional Research Service has stated:

As a general matter, the United States has broad discretion in setting the qualifications of those with whom it contracts.

These oil companies are the most profitable companies in the history of the world, yet they receive more than \$4 billion a year in taxpayer subsidies. On top of that, they get to drill for free on all of these public lands. Because of a quirk in the 1995 law, which came about because that Republican Congress was not eager to make oil companies pay, we shouldn't continue to give them a free ride.

If my colleagues on the other side are serious about paying down the deficit

and realistically financing necessary investments in this Nation, then there is no excuse for not supporting this amendment to recover about \$1 billion a year—actually, somewhat more than that probably—that is rightfully owed to the American people.

□ 1830

It's time to end this taxpayer rip-off once and for all.

With that, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself the balance of the time.

If the intent of this amendment, as the gentleman says, is just to say that companies aren't forced to, but could renegotiate their contracts, I would say they could do that right now. Anybody that enters into a contract is free—if both parties want to—to renegotiate a contract. Nothing prevents them from doing so. But to have the heavy hand of government say in the future that “if you don't do this,” I think is a step too darn far. I think that that is really the wrong way to go. That's the last thing that we need, is saying a condition of leasing or doing business with the government is that you have to retroactively go back and change a contract. That would have a chilling effect, Mr. Chairman.

Again, I don't know why the Clinton administration signed these contracts. Who knows? But to add this, where do you stop then? Where do you stop with all of the Federal contracts that could be not only in energy production, but anything else? This is a very bad amendment. It's a very bad precedent, and I urge my colleagues to reject it.

With that, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. HOLT).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. HOLT. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey will be postponed.

AMENDMENT NO. 7 OFFERED BY MR. HASTINGS  
OF FLORIDA

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in part C of House Report 112-616.

Mr. HASTINGS of Florida. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add at the end the following:

SEC. \_\_\_\_ LEASES MUST REQUIRE ESTIMATIONS  
OF PRODUCTION AND EFFECT ON  
PRICES.

The Secretary of the Interior shall require under each lease issued under this Act that

each application for a permit to drill a well includes detailed estimations of—

(1) the amount of oil and gas that is expected—

(A) to be found in the area where the well is drilled, in the case of an exploration well; or

(B) to be produced by the well, in the case of a production well; and

(2) the amount by which crude oil prices and consumer prices would be reduced as a result of oil and gas found or produced by the well, and by when the reductions would occur.

The Acting CHAIR. Pursuant to House Resolution 738, the gentleman from Florida (Mr. HASTINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. HASTINGS of Florida. Mr. Chairman, Republicans justify these irresponsible bills by claiming that more drilling will help reduce the cost of gasoline and fuel for the average American. Yet opening up even more of our country's shores to drilling will do little to help Americans at the gas pump. In reality, the United States is already producing more oil per day than it ever has. There are more drilling rigs in the United States than the rest of the world combined.

The drilling plan issued by President Obama that this bill amends already makes three-quarters of our offshore oil and gas resources open to drilling. Yet 70 percent of the offshore areas that are leased are currently not even active. That's 55 million acres under lease not active.

The price of oil and gas is set on a global level, primarily by the Organization of Petroleum Exporting Countries, OPEC. At maximum output, the United States holds only 2 percent of the world's oil reserves, not nearly enough to significantly impact the price per barrel, which is set on a global scale. According to the Energy Information Agency, even tripling our current offshore drilling capabilities by the year 2030 would lower gasoline prices only 5 cents per gallon more than if we continued at our current levels.

Gas prices are set on the world market on the basis of many geopolitical factors. For example, when the world thought Israel might attack Iran in February, gas prices went up 10 percent in 2 months to reach a 9-month high over fear that fuel supply lines would be disrupted. Though production in our country has actually increased every year since 2005, crude oil hit a record \$147 per barrel over the same time period, demonstrating that there is little correlation between drilling levels in the United States and the price of oil.

What drives the price of oil more than any other factor is the large non-stop worldwide demand for oil. The only way we can reduce gasoline prices is to reduce our country's disproportionate demand for fossil fuels by in-

creasing our energy efficiency, improving the fuel mileage of our cars, and developing renewable energy resources. Federal policies should focus on these kinds of demand-reducing improvements, not on increasing the land available for drilling. I make it very clear over and over again that I'll be the last person standing off the shores of Florida if we continue down the path of wanting to drill in that area.

Mr. Chairman, with all this in mind, my amendment requires applicants for drilling or exploration to explain in detail to what extent and by when any oil is found on the leased property will that decrease the price of oil for the American consumer.

More drilling will put our businesses, as well as our environment and our health, at an increased risk. Since we know that there's no correlation between gas prices and U.S. drilling, this bill is really nothing more than a giveaway, and I know my good friend from Washington will say that it is not. He perceives it as not a giveaway. I do. I think that it's nothing more than a giveaway to the oil and gas companies. My goodness, gracious, have we not given them enough?

With that, I reserve the balance of my time.

#### ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. The Chair will remind all persons in the gallery that they are here as guests of the House and any manifestation of approval or disapproval of proceedings or other audible conversation is in violation of the House rules.

Mr. HASTINGS of Washington. Mr. Chairman, I rise to claim time in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. In deference to my good friend from Florida, I really believe that this is a political amendment that would simply require companies seeking to drill offshore to estimate the impact that increased oil and gas production would have on gasoline prices. This bill is about increasing American domestic energy production. It's about reducing our dependence on foreign oil. It's about creating American jobs and creating American energy.

Simply put, requiring producers to estimate the impact that each and every well has on global markets is nothing more than a bureaucratic paperwork nightmare that would be put on those that would want to go and drill offshore and a delaying tactic by those that are opposed to offshore development. I don't think this is a good amendment. As I said in deference to my good friend from Florida, I really believe that this is a political amendment.

With that, I urge rejection of the amendment, and I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Chair, do I have any time remaining?

The Acting CHAIR. The gentleman from Florida has 30 seconds remaining.

Mr. HASTINGS of Florida. Mr. Chair, I am going to use my 30 seconds as I hope to yield to my good friend from Washington for a question. Perhaps I can get it in.

Do you dispute, Representative HASTINGS, that we now have 55 million acres under lease, 70 percent of it is not being utilized and, in the final analysis, that all of what we wanted to drill, that it would amount to more than 2 percent of the world's output?

Mr. HASTINGS of Washington. Will the gentleman yield?

Mr. HASTINGS of Florida. I yield to the gentleman from Washington.

Mr. HASTINGS of Washington. I thank the gentleman for yielding and say that if you run out of time, I will claim the time.

First, I do not deny that, except the figures that you're using aren't quite accurate; I will say that in the sense that the 2 percent you're talking about is known reserves.

The Acting CHAIR. The time of the gentleman from Florida has expired.

□ 1840

Mr. HASTINGS of Washington. I yield myself the balance of my time.

The 2 percent figure that you are using is the known reserves. The potential resources that we have are much, much greater than that. And really, when you are looking at potential future energy production in this country, you look at the potential resources, not the known reserves. There's a big, big difference. Two percent is reserve.

So I will acknowledge that while we have 2 percent right now, our potential resources are much, much larger.

And I will yield to the gentleman.

Mr. HASTINGS of Florida. I thank the gentleman. But in the Gulf of Mexico, which holds the largest volume of undiscovered technically recoverable resources, 32 million acres are under lease. However, only approximately 10 million acres have approved exploration or development plans, and only 6.4 million of these acres are in production. Leased areas in the Gulf of Mexico that are not producing or are not subject to pending or approved exploration and development plan are estimated to contain 17.9 billion barrels of UTRR oil and 49.7 trillion cubic feet.

So I will make the argument again to my dear friend that if we're talking about doing everything that you called for—and I know it's most sincerely—if we do that, we are not talking about reducing the price of gas but by a nickel. So show me the plan to get us to energy independence by drilling.

Mr. HASTINGS of Washington. Reclaiming my time, what the gentleman is talking about is lease sales. Somebody has made an investment. They do

not know if that area has any oil or natural gas. They don't know. They will go through all the studies. They'll spend millions, and sometimes billions, of dollars finding out if there is something there. Then, if they think there is, they will drill, costing that much more.

Now, I might add, with these lease sales, there is a set time. The Federal Government gets money from these lease sales. Why would somebody give the money to the Federal Government if they didn't think there was something there? And, by the way, many times these leases come up empty and the company walks away and the only revenue goes to the Federal Government.

But let me speak to one other area of the amendment, because what the gentleman is really saying with this amendment is he is asking somebody that produces a crude product to estimate the price of a finished product. That's like telling an apple grower in my part of the country that, if he or she is to sell apples overseas, what's the price of applesauce going to be down the line? Now, it doesn't make any sense to do that. Now, whether the gentleman purposely did that or not, I don't know. But in any case, I don't believe that the amendment ought to be adopted for other reasons, but certainly for that one.

With that, Mr. Chairman, I urge a "no" vote on the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. HASTINGS).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. HASTINGS of Florida. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

AMENDMENT NO. 8 OFFERED BY MR. HASTINGS  
OF FLORIDA

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in part C of House Report 112-616.

Mr. HASTINGS of Florida. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add at the end the following:

SEC. \_\_\_\_ . LEASES MUST REQUIRE ESTIMATIONS  
OF PRODUCTION AND RESULTING  
CLIMATE CHANGE.

(a) IN GENERAL.—The Secretary of the Interior shall require under each lease issued under this Act that each application for a permit to drill a well includes detailed estimations of—

(1) the amount of oil and gas that is expected—

(A) to be found in the area where the well is drilled, in the case of an exploration well; or

(B) to be produced by the well, in the case of a production well; and

(2) climate change that will result from consumption of oil and gas found pursuant to the lease.

(b) CLIMATE CHANGE DEFINED.—In this section the term "climate change" means change of climate that is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and that is in addition to natural climate variability observed over comparable time periods.

The Acting CHAIR. Pursuant to House Resolution 738, the gentleman from Florida (Mr. HASTINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. HASTINGS of Florida. I yield myself such time as I may consume.

Mr. Chairman, I do want to say, in the last exchange that I had with my good friend, that I deeply appreciate his yielding some of his time to me, and I'm glad that he didn't compare apples to oranges. I thought that's what he was going to do, but he went down the applesauce route.

Mr. Chairman, my Republican colleagues continue, in my opinion, to cling to an antiquated 19th century energy policy while the rest of the world has moved into the 21st century. Just because the majority Members of Congress refuse to acknowledge that human activity contributes to climate change does not make it true. Climate change is not an abstract or difficult scientific principle to grasp. The effects are all around us. Our country is currently experiencing its worst drought since the Dust Bowl in the year of my birth, 1936.

Just last week, sudden violent storms rocked the east coast—they were referred to as microbursts—knocking out power for thousands and killing a number of people. Furthermore, record heat waves are having serious repercussions on crop yields.

We must pursue responsible, sustainable energy policies both for the legacy that we will leave our children and also to make certain the United States is at the forefront of an emerging green economy.

My amendment will not let oil companies shield themselves in ignorance any longer. It requires in each permit application an analysis and estimate of the impact on global climate change of the consumption of the fossil fuels discovered.

While the oil and gas found under each individual lease may not have a huge impact, there is no question that the aggregate fossil fuel consumption contributes to global climate change.

I urge my colleagues to support this amendment in order to force my friends, the House Republicans, and big oil companies to acknowledge the reality that the international community is preparing for.

Interestingly, Mr. Chairman, when I was president of the Organization for Security and Cooperation in Europe's Parliamentary Assembly—its headquarters is in Denmark—I went to Denmark during that 2-year period of time, close to 30 times over the course of the years that I've been here. When I fly into Denmark, just coming from the side of Sweden, I see the windmills tilting that have been tilting for 16 years. And Denmark's city, Copenhagen, is the beneficiary of much of that production. They're headed toward the future. We're living in the past.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I rise to claim time in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself such time as I may consume.

In many respects, Mr. Chairman, we just had this debate. And again, with deference to my good friend from Florida, I think this is another political amendment because what it will do is require companies seeking to drill offshore to estimate the potential impact produced by oil and natural gas production, what impact that would have on climate change. Not only that, you would have to do it on a well-by-well basis.

Mr. Chairman, in all honesty, some sort of requirement like that would simply dry up anybody wanting to drill offshore or utilize our resources offshore. Now, if that's what the gentleman wants, then okay, that's a good concession; but, if not, it simply does not make any sense.

But from a practical standpoint—and I think this is very important, Mr. Chairman—if the issue—and there is some debate about this, no question. But if the issue of producing oil and natural gas will affect the climate, and we, as a country, probably have the most stringent environmental laws on our air quality and water quality, why would we put this extra burden on us when it wouldn't happen in other parts of the world?

But the net effect of this, if it were to become law, would be to drive everybody from America.

So the net effect, if the issue—now, if the issue is really to protect the environment and protect the air, why would you drive it to areas that have less stringent environmental laws? Yet that would be the practical effect if this amendment were to become law.

Like I said, we've been over this before. It puts extraordinary burdens on individual wells and individual producers. And as I mentioned, in deference to my friend, I think it is a political amendment.

I urge rejection, and I reserve the balance of my time.

□ 1850

Mr. HASTINGS of Florida. Mr. Chairman, in the words of the celebrated movie that these words came from, I'm shocked, just shocked that this is a political amendment. And I'm equally shocked that this bill is political. This is the 143rd time that we're talking about oil drilling. And somewhere along the line, I'm lost. I thought politics was what we do. That's what I do. That's what people sent me here to do. That's what you do, my good friend, is politics. That's what it's about.

The difference is where we separate ourselves is whether we're talking about the politics of the future, where there are opportunities for us to do the things to bring us to energy independence, or whether or not we are going to cling to fossil fuels until we just can't find any place else to drill.

My major opposition to oil drilling offshore has been demonstrably shown when the Deep Horizon accident occurred. There have been other accidents. You want to drill in the tundra; there have been accidents where oil was spilled in that area. And daily in Ft. Lauderdale, I see ships sitting offshore, and I find that occasionally tar and things that come from them wind up on the beaches.

We make \$60 billion a year in Florida on those resources. I heard you earlier, my colleague, argue about North Dakota. I don't want to be in North Dakota in the wintertime, and I'm glad if they are about their business doing what they want to do; but I know a lot of North Dakota people, when they finish with the drilling up there, are going to come to Florida for our beaches, and that's what I'm about trying to preserve.

I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself the balance of my time.

Well, I, too, am shocked; but I'm glad we got that out of the way. Mr. Chairman, as I mentioned, this bill is a bill that addresses American energy and American jobs and, therefore, has a positive effect—potential positive effect—on our economy.

This amendment adds nothing to that. As a matter of fact, I think it's an impediment to this bill becoming law if it were to be adopted. And if I could think of some sorts of things to say regarding oranges, I would say it; but I'm totally at a loss. So I will simply say that this amendment does not deserve support, I urge its rejection, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. HASTINGS).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. HASTINGS of Florida. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

Mr. HASTINGS of Washington. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HANNA) having assumed the chair, Mr. MARCHANT, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 6082) to officially replace, within the 60-day Congressional review period under the Outer Continental Shelf Lands Act, President Obama's Proposed Final Outer Continental Shelf Oil & Gas Leasing Program (2012–2017) with a congressional plan that will conduct additional oil and natural gas lease sales to promote offshore energy development, job creation, and increased domestic energy production to ensure a more secure energy future in the United States, and for other purposes, had come to no resolution thereon.

#### HOUSE PLANS VOTE ON PRESIDENT'S ENERGY PLAN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Washington (Mr. HASTINGS) is recognized for 60 minutes as the designee of the majority leader.

Mr. HASTINGS of Washington. Mr. Speaker, we have had an extensive debate today on the floor centered around American energy and American jobs. It is interesting in how this discussion has unfolded over time. Many times we on this side of the aisle are accused of repeating over and over and over different issues, and I suppose to a certain extent that is true. But one of the reasons why this effort is done on a regular basis is because the genius of our Founding Fathers was such that they created a government where there was a division of powers, and we all know that, the three branches of government. But the genius of our Founding Fathers was even greater than that in the fact that they created the legislative branch, and they divided that power. They divided that power between the House and the Senate.

What that simply means, Mr. Speaker, is that before any legislation can pass, any law that's put on anybody in this country has to pass both Houses of the Congress. Now, I recognize I'm a Member of the people's House. There has been no Member of this House in the history of our country that was not elected to this House.

On the other hand, the Senate is a different body, as we well know. The Senate is made up of only two Members

from each of the States regardless of population. Because we come from different constituencies, one a smaller constituency within a State, another from a whole State like the Senate is, you are bound to have different ideas as you approach legislation. But again, the genius of our Founding Fathers was to say, okay, before anything can become law, both Houses have to act on that legislation, and it has to pass both the House and the Senate without a comma being different. Therein, of course, lies the challenge.

So we have been accused here many times of passing the same type of legislation, at least on the same issue, and passing it over to the other body. But what we have found, unfortunately, in this Congress is that the other body has simply not acted on a lot of pieces of legislation. Now, I'm not saying they should pick up, although it would be nice if they took everything that we passed and say it is a wonderful idea, pass it over there, and send it to the President. Well, they don't do that.

But one of the functions that they could do and they haven't done is pass legislation, albeit different than what we have. And then, of course, we have a mechanism to work out the difference. But in many respects, Mr. Speaker, not even that has happened. In other words, they haven't passed legislation where they may have a disagreement with us that we can work out the differences. So that leads to a lot of frustration, obviously, on our side of the rotunda; but we feel it is important as the Republican majority to continue to make the case in what we believe in.

I might mention also that the House is controlled in the majority by the Republicans; and, of course, the Democrats control the Senate. So there is a difference. So that's why we continue to send legislation over to the Senate, and we hold out hope that maybe one time they will take up legislation, maybe on the same issue, and we can go to conference and work out whatever differences. So that's why we continue to bring this legislation to the floor. I look forward to a time when the Senate will, in fact, act.

Now, let me talk then about this piece of legislation that we had on the floor today and why it was brought to the floor and how the process is going to unfold tomorrow. As I mentioned in my opening remarks on debate, the President, any President, by the way, is required to submit a 5-year energy plan on the Outer Continental Shelf, the OCS, and submit it for a 60-day review by Congress.

□ 1900

That clock started ticking in June last. So we felt it was important because I, for one, and a number of my colleagues on the House Natural Resources Committee, in fact, throughout



this Congress, felt that the President's plan was inadequate and that there ought to be an alternative to that plan. Thus, we had a markup several weeks ago on the plan that we had before us today. We are debating it tonight now. We've gone through the debate, we've had the amendment process, and we will vote on this bill tomorrow.

But what is missing in all of this equation was simply that there is no effort to defend the President's plan. As a matter of fact, in the debate that I had heard from the other side, rarely did I hear anybody say that the President's energy plan was a good plan. So, tomorrow, there will be on suspension legislation that I reluctantly will offer that is essentially the President's energy plan. We'll have a vote, and tomorrow the House will have an opportunity to say "yes" to this job-creating bill that we had on the floor today or the President's plan. There will be a distinct choice that Members of this body will have an opportunity to vote on.

I certainly hope that they'll support this job-creating plan, American-energy-creating plan that we debated today, and I hope that they will reject President Obama's plan.

With that, Mr. Speaker, I yield back the balance of my time.

#### GOP DOCTORS CAUCUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Louisiana (Mr. CASSIDY) is recognized for 55 minutes as the designee of the majority leader.

Mr. CASSIDY. Mr. Speaker, an issue tonight that is much more important to the American people than many realize is Medicaid. Now, for folks who don't understand this, and you really had no need to until this health care debate began, but, if you will, there are three types of coverage for folks who have insurance. One is Medicare. Medicare is the program for folks who are typically 65 and above. It is the program that all of us pay into, having a certain amount deducted from our paycheck, and it goes into this account. The second is private insurance. Ninety percent of Americans have their private insurance policy through their employer. And then the last group is Medicaid.

Now Medicaid is a program designed to support those of lower income as well as those who are elderly and, again, of lower income and long-term care—think nursing homes. And lastly, it supports the blind and disabled. The financing in Medicaid comes from your tax dollars, but it can be your tax dollars either funneled through the Federal Government paying a portion to the State, which is matched by what is called the State match, which is from the State itself.

So Medicaid is a program for lower income which receives about, on average, 57 percent of the money that goes towards it from the Federal Government and 43 percent on average from the State government. The State administers the program to take care of, again, low income for acute medical services, long-term care, think nursing homes for the elderly, and then the blind and disabled. Tonight's discussion will be about Medicaid.

Now, the importance of Medicaid is that 16 percent of the health care dollar in the United States goes towards Medicaid. So almost a little bit over one-eighth of the money our country spends is on this combined Federal-State program that provides health insurance, if you will, for the poor.

Additionally, Medicaid is important because right now Medicaid is consuming an ever larger portion of both the Federal Government's budget as well as the State government's budget. One example of this: the Simpson-Bowles bipartisan debt commission, which President Obama appointed to help give guidance as to how our country could get out of our indebtedness, pinpointed Medicaid as one of the drivers of our national debt. So first, we know that on a national level, Medicaid has been pinpointed as a driver of our national debt. On a State level, Medicaid is consuming an ever larger portion of State budgets.

Now, there are many examples of the importance of this, but as Medicaid is costing more and more, State dollars for other programs are less and less. Senator Lamar Alexandria from Tennessee said that the reason that tuition is increasing at universities in Tennessee is because there is less public support. More tax dollars are going to Medicaid, and so therefore, to make up the budget for the universities in Tennessee, they have to increase tuition.

One example of this, as well, for K-12 is that for the first time beginning around 2009, States spent more of their income upon Medicaid than on education. And so this is a chart from the National Association of State Budget Officers, and it shows how total State spending on Medicaid now surpasses K-12 education, and K-12 is kindergarten to 12th grade. So this is primary and secondary education. In this blue line you see funding for education, and you can see the percent of total State expenditures devoted to, in this case, education.

So in 2008 it peaked at around 22 percent, and now in 2011, it has decreased down to roughly 20 percent. Here you can see that in 2008, Medicaid expenditures were about 20.7 percent of the State budget, and they are rapidly rising. They are now up to almost 24 percent.

We are now spending more money providing Medicaid services for those who are eligible than we are educating

our children. Now, it isn't as if this is something that is temporary, related to the recession; this is actually expected to continue to worsen. So Medicaid, again the program that both the Federal and State Governments—which means both taxpayers paying to the State and taxpayers paying to the Federal Government—finance, is growing so rapidly that it is cannibalizing the rest of the State budget.

An example of this is that expenditures for primary and secondary education now for the first time in history are lower than those expenditures for Medicaid. And this is expected to worsen.

So if you will, we have this program which is important. It's a safety net program. But under its current construction, it's costing more and more.

Now I'm joined by a couple of my colleagues, and I will first go to Dr. NAN HAYWORTH, who is an ophthalmologist—she held up a note earlier that my eyes are not good enough to read—an ophthalmologist from New York, and she can discuss how President Obama's health care plan expands Medicaid, a program which is rapidly expanding in cost but nonetheless will be further expanded in terms of those who benefit.

Ms. HAYWORTH. I thank our colleague, Dr. CASSIDY, and I understand that your time may be slightly limited this evening, Doctor, so Dr. HARRIS and I will be more than happy to lead this discussion as we go along, and I thank you for all the work you do on this very important subject.

The American public has much to be concerned about with regard to the massive 2010 health law, and this was, of course, passed on a party line basis, unfortunately. I and Dr. HARRIS are two of the representatives who were elected in part in response to the public's grave concerns about this act. And if I can direct everyone's attention to the chart that Dr. CASSIDY has revealed next to him, you can see what is projected to happen in terms of Medicaid spending alone as the years go by and, of course, under the terms of the Affordable Care Act, it is like putting gasoline on a fire, unfortunately.

□ 1910

Mr. CASSIDY. Will the gentle lady yield?

Ms. HAYWORTH. Yes, absolutely.

Mr. CASSIDY. Federal and State Medicaid spending in billions of 2010 dollars by 2009. It's down here, the year. So 1993, 2009, going out to 2081. And so here is about \$400 billion. This is combined Federal and State spending. By 2017, this rises to \$750 billion. By 2025—obviously within our lifetime—that will rise close to \$1 trillion. And projections are by 2081, it will be over \$4.5 trillion.

Ms. HAYWORTH. I'm going to imagine, Dr. CASSIDY, that this chart does



not take into account—because it could be, indeed, very difficult to do so, but it has to enter the public mind when we think about these things. The enormous cost on the American public of the well-intentioned, but poorly designed, 2010 health law will make our economy weaker. So it's fair to anticipate that there will be a further impetus to acceleration of Medicaid spending merely because of the imposition of that \$2 trillion or more of Washington-generated cost due to the terms of the Affordable Care Act.

So this is an issue that concerns every one of us, not only people who are truly in need and unable to sustain a job or their health care—and we've all met these fellow citizens. I have in my own district, the Hudson Valley of New York. These are people like the folks I met at Park, which is a center that provides for people who are severely disabled by developmental disabilities, such as autism, but not only autism. These are good people who, no matter how robust the economy is, will not be able to afford the kind of care that they need. And those are the people in particular who Medicaid was initially intended to help.

Mr. CASSIDY. Will the gentlelady yield?

Ms. HAYWORTH. Yes, sir, absolutely.

Mr. CASSIDY. So just to emphasize, Medicaid is an important safety net program for those folks without means. It was traditionally designed to take care of the blind and the disabled, the elderly and long-term care, and then oftentimes focused upon pregnant women and upon children. So the importance of making sure the program is sound is that we continue to care for these people.

Ms. HAYWORTH. Precisely. So we need to be able to provide for the people who are most in need. That is a reasonable role for government in a great Nation. But what we don't want to do, what we want to avoid is creating economic hardship that will push more Americans into this category. We see that phenomenon happening across our economy as we speak, and it's one of the reasons why so many States have said, we cannot possibly afford to expand our Medicaid programs.

Indeed, Dr. CASSIDY, you, being the good teacher that you are, provided me with an example from the State of Connecticut, with their recent experience in opening up their Medicaid program and opening up the enrollment because they had such a dramatic increase—I think it was something like 70 percent increase in the number of enrollees—that the State actually couldn't handle that increase in any way readily. So their services to all of their Medicaid recipients, unfortunately, of necessity, were compromised.

Mr. CASSIDY. If the gentlelady will yield, I'd like to bring in Dr. HARRIS,

who is an anesthesiologist from Maryland, the Eastern Shore.

You just mentioned how Medicaid, as it attempts to expand and be all things to all people, becomes stressed and in that stress becomes less capable of being anything to anybody.

Ms. HAYWORTH. Exactly.

Mr. CASSIDY. So the concern regarding a program which becomes, again, too stretched, too unfocused is that it becomes ineffective at its original mission.

Dr. HARRIS. I can leave this one or go to the next one.

Mr. HARRIS. If the gentleman from Louisiana will just leave that one up so the American public that is watching just understands because a picture says a thousand words.

That picture is the growth of Medicaid for the next generation. My son is 12 now. When he reaches age 65, he'll be at the right-hand side of that graph. And although none of us like to think of it, we all remember when we were 12, we never thought we would retire, but here we are nearing retirement age. So it's not that far off in the future.

If I read that graph correctly, our current entire budget, in 2010 dollars, is \$3.5 trillion—our entire Federal budget, paying for everything. That graph indicates that by the time my child reaches retirement age, every penny of that budget would be taken up by Medicaid, every penny—not a single penny for Medicare; not a single penny left over for Social Security; not a single penny left over for interest on a debt that is now \$16 trillion and growing; not a single penny left for defense; not a single penny left for Pell Grants; not a single penny left for anything.

Mr. CASSIDY. I think the point being made is that not only will the safety net become tattered in and of itself, but, rather, even though tattered, it will destroy our ability to finance these other governmental functions.

Mr. HARRIS. The gentleman is correct. Every single program that we have, whether it's the elderly with health care, the elderly with Social Security, whether it's food stamps, whether it's unemployment insurance, whether it's to do the things this government has to do, like pay the interest on an ever-growing debt, whether it's Pell Grants, whether it's K-12 education, which your last slide showed, every single program that we have is threatened by this one single program, a program that the President's Affordable Care Act ballooned out of control.

Mr. CASSIDY. Reclaiming my time, if you could elaborate. We know that under the President's health care proposal, Medicaid—a program which right now is driving Federal indebtedness and which is threatening to bankrupt States, despite that was greatly expanded under the President's health care proposal to include people up to

133 percent of Federal poverty level. So I'll yield back to the gentleman if he will just comment if this is what he is referring to regarding expansion, and if so, any further thoughts he has.

Mr. HARRIS. The gentleman is absolutely right. What we have done is we have once again made promises to people we know we can't keep. We know because that graph—and I'll yield to the gentleman to answer the question—that's from the Congressional Budget Office. That's a non-partisan group that objectively looks at the effect of Federal laws and policies and projects the anticipated costs. Is that correct?

Mr. CASSIDY. That is correct.

Mr. HARRIS. So what we have here is we have a third party looking at what's going on and saying the emperor has no clothes; that, in fact, if we continue the current policy with Medicaid—which, as the gentleman well knows, roughly doubles the number of people eligible for the safety net program under the Affordable Care Act—we will not only bankrupt the Medicaid program, future generations will no longer have the ability to be confident that Social Security will be there when they retire, that Medicare will be there when they retire.

The ratings agencies, whether it's Moody's, Standard and Poor's, all the various rating agencies will look at us and say: you don't have the ability to pay the interest back on your debt.

We know when that bill was passed, we know what happened. We know the cornhusker kickback. We know what went on—the buying and selling of votes at the expense of future generations and the ability of the Federal Government to keep their promises to future generations—the promises of Medicare, Medicaid, again, Pell Grants, K-12 education.

The gentleman showed a slide that showed a 3 percent increase in the cost—an average of 3 percent in the States' budgets—the cost of Medicaid over the past only 3 years before the President's health care bill kicks in. Well, as the President may know, 3 percent doesn't sound like much, but in Maryland that's a \$1 billion increase. That's an increase we can't afford. That's an increase that means that property or income taxes would have to go up, further strangling our economy.

As the gentleman fully recognizes, this is why the President's policy with regard to Medicare and the Affordable Care Act is poorly thought out, is going to bankrupt the Nation, and really ought to be repealed and rethought.

□ 1920

Mr. CASSIDY. Now, if the gentleman will yield, I'll go to Dr. DESJARLAIS who joined us, who although he has a French last name and you would think he is from Louisiana is actually from Tennessee.

Now, Dr. DESJARLAIS, obviously, to you and me, but perhaps not to those who are listening, Tennessee experimented with using Medicaid as a safety net program back in the nineties and, if you will, extended it to many others. If I can yield to you, please, could you please comment as to the results of that.

Mr. DESJARLAIS. I thank the gentleman for yielding.

And you're absolutely right. I moved to start my practice in Tennessee in the fall of '93, and our program, TennCare, was implemented somewhat as an experiment in '94, January '94. So I witnessed it from its inception through what I would call its continuous failure.

The program continued to grow and expand, continued, as I think you referenced earlier, as substantiated by Senator LAMAR ALEXANDER, has drained our State's educational resources. And it got so bad that, in 2007, Governor Bredesen actually had to remove about 270,000 people from the program just to keep the State from going bankrupt.

So clearly, it was an example of how the program and the system does not work and did not work. And that's maybe a glimpse of what we can expect to see moving forward with the President's health care law. So it failed to accomplish its objectives, and just as we would have suspected, the costs grew exponentially. And so we have a great example in Tennessee of how the system does not work. So clearly, we need alternative reforms.

I would be happy to yield to the gentleman from Georgia, Dr. BROUN.

Mr. BROUN of Georgia. Thank you, Dr. DESJARLAIS. I appreciate your yielding.

In fact, Medicaid is going to destroy the Federal budget and create a total economic collapse of America if we don't change it from the present system. That's before ObamaCare even takes place and markedly expands the States having to cover many more people, as my good friend from Maryland, Dr. HARRIS, was just explaining.

But there are alternatives. Hopefully, we can repeal ObamaCare and replace it with something that makes sense. But there is a solution today. And, in fact, the Republican Study Committee, several us in the Republican Study Committee—JIM JORDAN, our chairman, TODD ROKITA, TIM HUELSEKAMP, and I—introduced the State Health Flexibility Act, which would freeze Medicaid spending at the current level and will block grant those funds to the States with no strings attached. Not only for Medicaid, but also for the State Child Health Insurance Program. And what the States would do is utilize those funds in any manner that they want to. If they want to do drug testing on Medicaid or SCHIP recipients, they can. They can organize the pro-

gram any way they want to, which is going to be the solution because it freezes spending at current levels.

Mr. CASSIDY. If the gentleman will yield.

Mr. BROUN of Georgia. Absolutely.

Mr. CASSIDY. I'll say, just out of pride of authorship, there's another alternative, a Republican Medicaid proposal, one that I and others are sponsoring, and it does, if you will, similar to the block grant, it readjusts as your population changes.

I'm from Louisiana. When Hurricane Katrina hit, we had lots of folks who moved to Atlanta and moved to Houston. If you will, the dollar would follow the patient. It wouldn't just stay in Louisiana. I love my State, and it would be nice to have the extra money. But it is more important that, where the patient is, have the money. It's a variation on the theme. But also part of it is that the State has flexibility, freeing them from the money-consuming regulations that the Federal Government puts on how those monies are applied.

Mr. BROUN of Georgia. Absolutely. In fact, the State Health Flexibility Act does that same thing, and the only growth is due to population in any State, so it does account for that change in the population of any given State.

But we have solutions. We have economically viable solutions that Republicans are submitting and, hopefully, we can get passed into law. But of course we've got to have a Senate that will even take up those kinds of bills, because the House has passed bill after bill after bill to create a stronger economy, to create jobs here in America, to lower the cost of gasoline, to develop all our energy resources.

We've got these bills that will solve the problems for Medicaid. Even my Patient Option Act is across-the-board health care reform. It repeals ObamaCare and replaces it with policy that makes health care cheaper for everyone, provides coverage for all Americans, and will save Medicare from going broke. And you add that, with the State Health Flexibility Act, it covers everybody.

We have solutions, but HARRY REID is an obstructionist. He's acting as a puppet for this President, and they throw in the trash can every bill we send over there.

We've got to create jobs. We've got to create a stronger economy. We have solutions to the health care problem.

All of us are physicians. All of us are physicians out here that are talking tonight. We've just been joined by one nonphysician, but she's been a strong supporter of the Doctors Caucus, and we've seen her here many times, Mrs. LUMMIS from Wyoming.

But we have solutions. The American people need to understand, Republicans have solutions, and we need to have the

ability to pass those solutions into law so that we can have policy that's not going to break the bank. We're going into an economic collapse of America if we don't stop this inanity.

Mr. CASSIDY. I thank the gentleman.

One thing I am struck by—and I'd like to bring Mrs. LUMMIS in—often-times it is, when folks say, Wait a second, it's Medicaid and the government will pay for it, or the State should enroll because the Federal Government is going to pay so much more, and there's a sense that it is the government that is paying for it but not the taxpayer. Now, what we know is the government is nothing but an aggregator of our pocketbooks, and it will take that money and bequeath it.

I asked Mrs. LUMMIS to come tonight because she is a former State treasurer in Wyoming and will discuss the impact this program is having upon State budgets and, therefore, other State services.

Mr. BROUN of Georgia. Before you go to Mrs. LUMMIS, I'd like to reclaim my time and just say this: Our State of Georgia is struggling. We have a balanced budget amendment to our State constitution. We're having a difficult time dealing with the extra cost, not only of Medicaid, but all these government mandates that are foisted upon our State from the Federal Government.

It has to stop. And the only way we're going to stop it is for we, the people, across this country to demand a different kind of governance from their Senators and Congressmen, and particularly from the President of the United States.

Mr. CASSIDY. Thank you, Dr. BROUN.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Maryland (Mr. HARRIS) is recognized for 28 minutes as the designee of the majority leader.

Mr. HARRIS. Thank you very much, Mr. Speaker, and I will yield to the gentlelady from Wyoming.

Mrs. LUMMIS. I thank the gentleman for inviting me to participate, although a non-physician, the only non-physician here.

I thank Dr. HARRIS, and I want to thank Dr. CASSIDY. I have seen Dr. CASSIDY in the cloakroom talking on the phone, pro bono, to patients that he used to serve in Louisiana, and I have seen other members of our Doctors Caucus do the same thing.

These are people who care about their patients. And even though they're here, working for the people of the United States and their district, and not compensated financially, they are still here caring about their patients, working without compensation,

pro bono, to help people that they used to serve, to make sure their lives are better and their health care is better.

□ 1930

So I want to compliment the physicians in this conference who have made such a difference to my life and to other people's health care lives, and I want to thank them for serving in Congress. They make a huge difference in the dialogue, the debate, the nurturing, the care, the tenderness, and in what we all experience because of their training and because of their love of the people of this country and the manner in which they serve their patients.

Mr. Speaker, I was the State treasurer of my State. I have seen Medicaid and other programs soak up the compensation that taxpayers in every State provide through taxes to their States, preventing States from being able to allocate more money to education and other State-based functions, and Medicaid is definitely one of them. In addition, States care for their working poor. States want to see their low-income, Medicaid-eligible people have access to high-quality health care and support the Medicaid program but to not support it in a way that requires these rigid handcuffs on States in a one-size-fits-all program that prevents States from innovating and from providing quality care to their people.

Case in point: My State of Wyoming has the smallest population in the Nation. As a consequence, we have the opportunity to study things that other States cannot study because their populations are so large. My State of Wyoming, through its own health care commission, studied every single Medicaid-eligible child under the age of 18. It determined that it would be over 2½ times cheaper to buy each one of those children a standard Blue Cross-Blue Shield policy than it would be to provide health care through Medicaid.

These are the kinds of things that States are studying, that they are learning, that they are innovating. Furthermore, there are places in the country that are dealing with different health care problems than other places in the country.

Case in point: The Rocky Mountain West has a much higher incidence of multiple sclerosis than has other parts of the United States. No one knows why, but it's a fact. So Wyoming and other Rocky Mountain States should be able to concentrate on MS. Other States, perhaps Southern States, may have more problems with diabetes.

I recently was in Saudi Arabia. There is a tremendous diabetes problem there. They are spending tremendous amounts of money at their brand new higher education university, at which they partner with businesses, in order to study diabetes in a way that will help the great number and growing number of people who are affected by diabetes.

These should be things that regions of our country are allowed to work together on and to create programs for in order to innovate and to be the great incubators of innovation that States are. So that's why I do want to compliment the U.S. Supreme Court in the portion of the decision on ObamaCare that provided that States do not have to be held hostage under the ObamaCare law, that they do not have to expand beyond the original intent of the Medicaid-eligible population to accommodate its expansion under the ObamaCare law. They can still concentrate, if they choose, on the Medicaid-eligible population as it exists today and can continue to provide quality Medicaid to low-income, eligible constituents within their States.

That doesn't mean they should be under the same constraints they are under now to provide Medicaid to their populations—because of the variance and the kinds of diseases that are cropping up in different parts of the country and because of the different innovations that States are able to use if they are not constrained by the shackles of the Federal one size fits all.

I want to thank the physicians in our conference for continuing to raise these issues, to discuss these issues. You discuss them to the benefit of those of us who are not physicians who serve with you in Congress. You discuss these issues to the benefit of the people to whom you provide health care in this Nation, and you do it as a service to the people of this country. I thank all of the physicians who are here tonight to discuss this issue.

Mr. HARRIS. Thank you very much to the gentlelady from Wyoming for bringing up that point about what Medicaid does to State governments and about what the potential is to State governments and all the other programs that they have to fund.

I will tell you that, with regard to what happens, what we know is that access under the Medicaid program is already suffering, the access of patients. Again, passing the Affordable Care Act puts an insurance card—a Medicaid card—in the hands of probably 10 to 12 million Americans, but that doesn't guarantee access to health care.

As a physician, I've taken care of Medicaid patients for almost 30 years, but increasingly what I'm finding is my colleagues who are facing decreased payment reimbursements by the governments that are under financial hardship now. Even under current conditions, as this chart will show, there are very few States in the Union that actually have extra money around to fund that Medicaid increase. This chart shows various specialties and how Medicaid patients have access to them.

Under the current reimbursement, which of course will get nothing but worse for specialists under the new Af-

fordable Care Act, among all specialists, 89 percent of patients with private insurance have access to all specialists and only 34 percent of medical assistance patients, or Medicaid patients. That's true whether it's orthopedics, psychiatry, asthma, neurology, endocrinology, ear, nose and throat, or dermatology. In all cases, access to a physician is restricted because, when a government controls the health care budget, the way it contains costs is by decreasing reimbursements to providers.

Those are the facts. That's what happens. That's what's going to happen under Medicaid. We know, with the Independent Payment Advisory Board, that that's what's going to happen under Medicare.

I yield to the physician from Tennessee.

Mr. DESJARLAIS. Thank you for yielding.

I just want to expound on your comments and on, actually, what the gentlelady from Wyoming talked about in terms of the efficiency in her study, where they could actually buy a policy for those cheaper than what the Federal Government has implemented.

We were promised better access to care at a lower cost with the Affordable Care Act, and the TennCare program in Tennessee really was an experiment of nationalized health care confined to one State. What we found was that more and more physicians, as you stated, were dropping out of the TennCare program because of reimbursement issues and also because of the bureaucracy and the frustration with trying to find specialists.

I had a primary care practice, and I actually had to hire an extra staff member, which drove up my costs, to sit after hours to try to find specialists to take care of these patients. It was very frustrating for us. It was very frustrating for them. Yet the reimbursement, compared to a privately paid patient versus a Medicare patient versus a TennCare patient, continually was less money.

Mr. HARRIS. So what you're saying is that you had patients under TennCare who had insurance cards. You just couldn't find anyone to take care of them.

Mr. DESJARLAIS. Right, which is exactly what we're going to see under the President's plan. You're going to see people who allegedly now have access to care, but they really don't because the reimbursement rates are so low that physicians really aren't even able to keep their doors open. The reimbursement rate for a TennCare patient in Tennessee was almost half of that from a private patient. It's not that physicians don't want to help and take care of these people. They do. It's just financially unfeasible, especially in solo practices, which are common in rural areas.

Mr. HARRIS. You may or may not be aware of the study done early last year that showed that, actually, whether patients have private insurance or no insurance or Medicare or Medicaid, when you compare the outcomes, Medicaid patients have the worst outcomes. In fact, they are 93 percent more likely to die of their illnesses than patients with private insurance. They were more likely to die than even patients who had no insurance. I don't know. Is the gentleman aware of that finding?

Mr. DESJARLAIS. I have heard of that study as well. Again, I think it is an access to care issue, and that's certainly a problem that has not been addressed.

The ObamaCare law does nothing to address access to care, and it does nothing to address the cost of health care. Frankly, we all know that the cost of health care is driving our national debt, so we need to look at solutions that have been offered by the Republican caucus and the Doctors Caucus that will make real reforms to health care: that will make it more affordable and involve a greater attempt to get government out of the way. Just like in small businesses, the number one complaint is that government bureaucracy is driving down the profitability. It remains the same in health care as well, and we need to look at more free market options in health care if we're going to actually reduce costs.

□ 1940

Mr. HARRIS. I thank the gentleman.

I would love to bring the gentleman from Texas into the discussion, because women actually are specifically affected by the shortfalls in Medicaid because the reimbursement rates for women's health care is frequently so low that it's actually hard to find an obstetrician to take care of those patients. I know in Maryland this is a problem we had.

In the First Congressional District on the eastern shore of Maryland for a while, before we did Medicaid payment reform, women who were pregnant in that part of the State had to drive 3 hours to find an obstetrician to take care of them because the reimbursements were so low. And we know the Affordable Care Act does nothing for medical liability.

We also know, for instance, that we have a cesarean section rate that is 35 percent now, the result of medical liability. We have obstetricians who have left the practice later in their careers of obstetrics and gravitate toward just doing gynecology where they join frequently large group practices. So we've left the practice of obstetrics to be an impersonal practice with people who generally don't have as much experience as those who have left the practice. And because of the lack of li-

ability reform, we have a cesarean section rate that has roughly doubled over my career in dealing with obstetrics and obstetric anesthesiology.

I would like to hear the gentleman's comments on medical assistance and what it's doing for this country and for the women's health care in this Nation.

Mr. BURGESS. I thank the gentleman for yielding.

Of course the doctor from Maryland makes an excellent point about having an insurance card—in this case, a Medicare card—that it does not necessarily guarantee access to care. I would see it literally every month in my practice. Being an obstetrician, if I'm called by the emergency room doctor to attend to a patient who is pregnant, under EMTALA laws I have got 30 minutes to show up or I get fined \$50,000, so I would always show up.

The difficulty is that, although she was pregnant, sometimes the problem that brought her to the emergency room was something unrelated to pregnancy, such as a heart murmur, tonsillitis, you name it. I may not be the best person to take care of that particular condition, but, just as the doctor from Tennessee pointed out, it was almost impossible to find someone in a specialty practice who would agree to see that patient. Oftentimes, you would find yourself admitting a patient who might otherwise not require admission but simply so that you could get them the specialist care that they needed. It's a very inefficient and very expensive way to go about getting that care.

Mr. HARRIS. If the gentleman would just yield for a very brief question.

Do you think that's the kind of health care that the women of America deserve?

Mr. BURGESS. Look, it doesn't have to be this way. That's what's so disappointing about every aspect of the Affordable Care Act.

I don't want to get too far into it, but we know now that this law was written by special interest groups, secret deals down closeted in the White House, Senate-constructed deals on Christmas Eve before a snowstorm to get out of town. This was constructed under the worst of possible circumstances. Should it be any surprise to us that the darn thing, regardless of how you feel about everything else, it's just not going to work? And yes, as the gentleman pointed out, the difficulties in obstetric care is just one aspect of that.

If I could, I would like to bring up the point that I was in the Supreme Court the day the oral argument was heard on the individual mandate. I heard the Solicitor General make his argument that the cost of health care is going up because we have people showing up in the emergency room without insurance and everybody needs to be compelled to buy insurance and, by golly, that will fix our problem.

Wait a minute. That ain't going to fix your problem because we know, in the State of Texas, only 31 percent of doctors will see a Medicaid patient. As a consequence, if you expand your numbers of Medicaid patients and you don't have the doctors there to see them, what are they to do? They've got this card in their hand, and they go to the emergency room to get the most expensive care.

I wanted to bring this up because in the Austin American-Statesman this weekend, Dr. Tom Suehs, the executive director of the State Department of Health—or the Executive Commissioner of the Texas Health and Human Services had an op-ed in the Austin American-Statesman. I just want to read the first two paragraphs of his piece:

Do you know how much a Medicaid client pays for an emergency room visit? How about if the visit isn't an emergency? The answer to both questions is the same: nothing. Not one dime.

The Texas Medicaid program paid \$467 million for almost 2.5 million emergency visits in 2009, and half of those visits weren't even for emergencies. Yet Federal law makes it virtually impossible for States to charge even small copays to discourage unnecessary emergency room utilization by Medicaid clients.

I think Dr. Suehs has hit the nail on the head here. We have to provide the flexibility back to our States.

But it also belies the question: Who thought of taking a safety net program for blind and disabled nursing home residents, pregnant women, and children and then expanding that to cover 15 million more Americans? That wasn't the way to go about this. There were better ideas out there. For whatever reason, the Obama administration chose not to listen, not to solicit those ideas, and now we have the situation as it exists today.

With that, I thank the gentleman for yielding. I thank him for allowing me to participate in this hour. This is an important subject, one that is not going to go away, and we're going to be talking about it a lot for the next several months and the next several years.

Mr. HARRIS. I thank the gentleman from Texas.

Again, we have on the floor with us now two obstetricians and an obstetric anesthesiologist. If women are ready for childbirth, we're ready on the floor of the House tonight.

The gentleman makes a great point that in the end, having an insurance card doesn't guarantee access and having an insurance card doesn't guarantee affordable care. As we know, what the Affordable Care Act did is to again pretend that, really, economics don't exist, to pretend that the laws of mathematics don't count; that we can expand this program, as the gentleman pointed out, a program that was meant to be a safety net for the poor elderly, for women, for children, and we expanded it well beyond that to the point

where, as we brought up earlier in the hour, if gone unchecked, it will bankrupt everything else in government.

The time has come, as the gentleman has pointed out, for us to reconsider whether that Affordable Care Act was the right approach.

We know that just today the Congressional Budget Office has rescored the President's Affordable Care Act and has said that, as a result of the Supreme Court decision—because one of the goals was to insure as many Americans as possible—that an additional 3 to 4 million individuals will not be insured as a result of the Supreme Court, because the States will make a rational decision that they can't afford to let their budgets go bankrupt through this Federal Government-mandated expansion that does nothing to control costs. It does nothing, really, to increase access, other than putting a card in someone's hand.

And as the graph shows, that card doesn't help all the people who are in these pink bars. They're the ones with the Medicaid card currently, and their chance of seeing a specialist is somewhere between 17 percent and 57 percent because the government payment is so low and because these programs are so expensive and never adequately budgeted for, just as in the case of the Affordable Care Act.

Now, we're joined this evening by my colleague from Georgia (Mr. GINGREY), who is also an obstetrician, who has spent years taking care of patients and understands what it will take to fix the health care system in the United States. I'm very interested to hear your perspective, Dr. GINGREY, on the topic we're discussing tonight, Medicaid and its expansion under the Affordable Care Act.

Mr. GINGREY of Georgia. Mr. Speaker, I thank the gentleman from Maryland, my physician colleague, for yielding.

I missed some of the hour. I regret that, and hopefully I'm not repeating some remarks that have already been made. Even if I am, I think it's important for people to understand that Medicaid expansion is threatening each and every one of our 50 States and the territories.

The provision in the Affordable Care Act, ObamaCare, that's titled, "Maintenance of Effort"—actually, this maintenance of effort provision, Mr. Speaker, began even before the passage of ObamaCare. ObamaCare passed March 23, 2010, a little more than 2 years ago. It just extended this.

But what happened with the stimulus package back in 2008 is that States were told that they would not be allowed to purge their rolls of people that were, at that point in time, under Medicaid to see if, per chance, they were in this country illegally and not eligible or their income level had risen to the point that they were doing just

fine, thank you, maybe making \$50,000 a year and could afford their own health insurance premiums not to be paid for by we, the taxpayer and the citizens of the State of Georgia, my great State. And then it was extended with the passage of ObamaCare to say that, through the year 2013, these States could not do that.

□ 1950

Well, what's happened is, I've got some statistics. And just to quote from the National Governors' Association report, "States are facing a collective \$175 billion budget shortfall through 2013" in large part because of this maintenance of effort requirement under Medicaid, that they're not allowed to make sure that the people on the Medicaid program are the ones that need to be there, the most needy that can't afford—their children can't afford health care. And now these rolls are sort of set in stone until the year 2013. And in many cases, Mr. Speaker, they include childless adults, childless adults who maybe were eligible to get on the program at a point where their income was very low or maybe they were out of work. But now, shouldn't the Governors be allowed—at least on an annual basis, if not every 6 months—to look at those rolls and make sure that the dollars for health care are going to the folks that really need it and their children? That's what the Medicaid program was all about when it was started as an amendment to the Social Security Act back in 1965.

So I wanted to mention that. It may have already been talked about earlier. My colleagues in the Doctors Caucus of the House know of what they speak with regard to health care. There are a lot of other issues in Medicaid. But I thought, in particular, I would want to discuss that.

But in conclusion, on this point, if allowing a State to improve its enrollment and its verification system saves enough money to keep our children's education program intact and the safety of its citizens, with regard to police and fire protection, intact, then why wouldn't we support this change? Why wouldn't we repeal this maintenance of effort?

If giving Governors the ability to manage their own Medicaid programs prevents drastic cuts to education or job creation programs, why in the world would we not support that? The only reason I can think of would be to force, under ObamaCare, more and more people into the Medicaid program, where the States have to eventually do that FMAP and that sharing of the cost because, otherwise, they would be in the exchanges, and the subsidies, as we know, go up to 400 percent of the Federal poverty level. It's all part of this grand scheme to eventually have national health insurance, Medicare for all, if you will, and it's got to stop.

Mr. HARRIS. I thank my colleague, the obstetrician from Georgia, who points out that on the graph, as the gentleman from Louisiana showed before, Medicaid expenditures now exceed K-12 education. And as the other chart we've seen shows, we're over at the left-hand side. It will only get worse over time.

I yield to the obstetrician from Texas.

Mr. BURGESS. I thank the gentleman for yielding.

I wanted to make one point on this new Congressional Budget Office score that was provided today. And I know some people are looking at that and saying the cost for the program, for the Affordable Care Act over the next 10 years, was only scored I think at \$1.16 trillion—if I can use the words "only" and "trillion" together in a sentence.

But what many people overlook is that the Congressional Budget Office must score under existing law. And one of the things that existing law does is it cuts physician reimbursement in Medicare by 35 percent on December 31 of this year. So add another \$300 billion to \$400 billion to that cost just for the so-called sustainable growth rate formula, which has not yet been repealed.

Now we will fix that before the end of the year for at least 1 more year. But the Congressional Budget Office has no way of scoring that. They must go with existing law.

And, of course, with the Independent Payment Advisory Board, the same thing applies. They have to think that those cuts that the Independent Payment Advisory Board is programmed to produce, that they are going to continue occur.

The other thing the Congressional Budget Office cannot easily estimate is the number of people who will be moved off employer-sponsored insurance onto the State exchanges or the Federal exchange. And that is a difficult number to know. The MacKenzie Corporation said it was going to be 30 percent. The Deloitte corporation has said 10 percent. We don't know what that number is. CBO is scoring that at a very low 1 to 2 percent because historically, that is the average of the erosion of employer-sponsored insurance.

Those points are important to remember in looking at these figures.

Mr. HARRIS. I thank my colleagues for their participation, and I yield back the balance of my time.

#### AMERICAN JOBS AND HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from California (Mr. GARAMENDI) is recognized for 60 minutes as the designee of the minority leader.

Mr. GARAMENDI. Mr. Speaker, thank you for the privilege. And thank

you, to my colleagues in the Republican Doctors Caucus, for a most interesting but factually incorrect 45 minutes of debate here.

We really were going to spend this evening talking about jobs and about the American Jobs Act and one of the great “woulda, coulda, shoulda’s” of our time. But we’re going to hold that for just a few moments, though, because there are a few things that really need to be discussed from the last half-hour.

First of all, most of the discussion was about Medicaid. That’s a national program in which the Federal Government pays about 50 percent—it varies State to State, but roughly 50 percent of the cost of providing medical services to the poor, women, and children in the States.

Now the debate was most interesting in that the argument was that there would be a lack of access and simultaneously an argument that there were no cost controls. Yet if you were listening to our esteemed colleagues, you would have heard them say, The doctors are not paid enough.

I think if they’re not paid enough, and the doctors want to get paid more in order to provide services, then the costs are going to go up. So the cost control argument here doesn’t make a whole lot of sense. If you want to keep the costs down, you need to improve the effectiveness and efficiency of the system.

Certainly certain services within the Medicaid and Medi-Cal, as we call it in California, are not paid sufficiently. Some other services are paid more than enough. So you need to balance that up over time. And all of these programs are run by the States. It’s really the State that decides what the reimbursement rate is going to be. The Federal Government then matches the State’s contribution.

So the argument really didn’t make a whole lot of sense. And even more so, in the Ryan Republican budget, which has passed this House twice now, there is a significant reduction in the educational services for doctors so that the money that we, all Americans, spend to educate doctors—particularly in that part of the program, both the basic education and then in the residency programs—the Ryan Republican budget significantly reduces the amount of money available for residency programs for family care practices, for the very basic programs that we all want to access.

□ 2000

For family care, for basic care, that money is reduced. You go, wait a minute, that doesn’t make any sense. If you are down here on the floor arguing that there is an insufficient number of doctors and they are not paid enough, then don’t argue at the same time that it is too expensive and there

are not enough cost controls; and please don’t argue that there are not enough doctors because, in fact, the Affordable Care Act expanded the number of residencies for very basic care, for the family practice programs. I’m not quite sure I understand what they are arguing.

In addition to that, access across this Nation for millions and millions of people is provided in clinics. These are the community clinics that a large population attend for their basic services, and most of those are the Medi-Cal or Medicaid population and the very poor that are not yet enrolled in what will be the expanded ObamaCares—the ObamaCares program.

So what do the Republicans offer us?

The Ryan Republican budget would cut by more than a third the support for the clinics, closing thousands of clinics across the Nation and in my State where people get access. So please do not come down here on the floor and argue for an hour or half an hour that access is being delayed when on the one hand you are cutting the money for access. That’s what the Ryan Republican budget does. It cuts the money for access by reducing the residencies and reducing access to clinics by cutting by more than a third the money that is there to build up the clinics, the community clinics where people get care.

I’m going to take a deep breath here because I don’t want to get wound up too tight about this issue, and I want to ask my colleague from New York, Mr. PAUL TONKO, to talk about the Medicare aspects of this.

Mr. TONKO. Absolutely. We didn’t hear too much about what would be lost in their cuts or repeal of the Affordable Care Act. Representative GARAMENDI, you are absolutely right, there is much that has been gained by the American population, health consumers across this Nation, with the efforts of the Affordable Care Act, to close the doughnut hole, to make prescription drugs more affordable for our pharmaceutical consumers out there, for seniors who require this medication, their prescription drugs to stay well or to stay alive. Far too many were balancing their household budget by reducing their intake of prescriptions advised by their medical community. That is immoral. It’s unnecessary and has been addressed by the Affordable Care Act. So 5.3 million seniors today are drawing \$3.7 billion in benefits. That is something that could be taken away if the Republican majority in the House of Representatives had its way.

Now, this is a wellness aspect. This is part of a formula that allows people to be cured, to be healed, to be allowed to live with a quality of life that then addresses their very needs. And so I think it’s necessary to point out what would be taken away from the benefits al-

ready offered, and there are more to come. But as we know, they’re staged. They are rolled into the operations of reform over the next several years. But suffice it to say, the screenings, the annual checkup, flu shots that are made available without cost, no copayment, no coinsurance, no deductible is required here. These are huge benefits to every age demographic that are offered through the Affordable Care Act.

And so we heard about adding to the cost curve of health care. We have heard about repealing the Affordable Care Act. We have heard about taking away the benefits that have just recently arrived at the door steps of health consumers across this great Nation. And why would you want to play politics with the very fabric of quality of life of the people that we represent collectively by undoing progress? This is a recurring theme. They want to undo Social Security that has a 76-year-old history. They want to voucher out Medicare that came to us in the mid-1960s that addressed the economic stability, the predictability of senior households and the quality of life in those households. Why would you want to take that progress away?

It is heart wrenching to listen to some of this insensitive, callous dialogue on the House floor that really renders the public that we are here to serve without benefits that have just recently arrived through the success of the Affordable Care Act.

Representative GARAMENDI, it is something that I think needs to be echoed out there from this House floor and shared with the constituents of this great Nation in a way that allows them to better understand what is part and parcel of the Affordable Care Act, a monumental piece of success. Is it perfect? No. We aimed for perfection, we struck with progress. But there is many, many a benefit that is part of the Affordable Care Act, and we are witnessing an all-out attempt by the Republican majority to turn that success into failure.

Mr. GARAMENDI. Let me pick up on that, Mr. TONKO. You are quite correct, it is not just an attempt. There have been 33 votes on this floor by the Republican majority to either terminate completely or to eviscerate in part the Affordable Health Care Act. Now, what would be eviscerated?

First of all, the Ryan Republican budget would terminate Medicare as we know it and give to every American who is not yet 55 years of age a coupon that basically says this coupon is worth 70 percent of the cost of insurance. Go get your insurance when you become 65 from a private insurance company. No longer would Medicare be available to all of those people who will eventually be 65. And for those people who are 55 to 65, it makes it impossible for Medicare to go forward on a financial basis because it takes away the younger people.

I heard something on the floor which I just said—wait a minute—some statistic that was tossed out here just a few moments ago that more people die on Medicare than die on regular insurance. Yes, Medicare is for the elderly. Medicare is for the elderly. Yes, they do get medical care but eventually they get old; and I will, too, be on Medicare, and I will die on Medicare. And I am so grateful to have Medicare available to me when I become 65 because I know that I have a solid insurance program. I know that I'll be covered, and I know that my younger brother and sister will be covered when they become 65. They will have quality care. And guess what, they will die on Medicare. Yup, that happens. You're on Medicare for the rest of your life. It may be for a year. It may be for 30 years. But for whatever, you've got a guaranteed benefit that is available to you.

And what do you lose if the Ryan Republican budget and the effort to repeal Medicare is lost? Well, let's see. Nearly 13 million Americans will benefit from \$1.1 billion in rebates from their private insurance companies that are presently overcharging them. Hmm. And 86 million Americans, including 54 million Americans on private policies and 32 million Americans that are on Medicare, will lose their free preventive services.

Now, you want to reduce the cost of health care, then you've got to make sure that people stay healthy as long as possible. And how do you do that? Blood pressure. You want to deal with blood pressure, okay, it is very cheap, if you get your medicine. But you have to find out about it, so you need that free checkup. Diabetes, stroke, all of those things can be delayed and often prevented if you know it's coming. So what are we talking, 32 million seniors will no longer have a free checkup, preventive services.

In August, just a week from now, women will begin receiving free coverage for comprehensive women's preventive services—pap smears, breast cancer checkups. You want to repeal that? That's what the Republicans have voted 33 times to do—repeal the free checkups for women in America.

105 million Americans will have a lifetime limit once again. Today, they do not have a limit.

□ 2010

So if you're 30 years old, you have a private insurance policy and you get cancer, you'll hit that lifetime limit immediately. Not under the ObamaCares program. In that program, there are no lifetime limits, and you will continue to receive the medical benefits.

Mr. TONKO. Thank you, Representative GARAMENDI.

One of the things you talked about with the influence or the focus on

women's health care reminds me of the preexisting conditions that are precluded now as a rationale for denying insurance. And "preexisting" might mean, in youth, asthma; in our senior population, emphysema or cancer recovery or cancer struggle.

But it can also mean in a gender-related bias—being a woman. That is used as a preexisting condition. Being a woman is a preexisting condition. So the benefits to women, as you outlined in the direct services, the screenings, the mammograms and the like, are a portion. The other portion is just being born a woman can deny you insurance.

So, when you talk about the 30 cents on the dollar that the voucher would carry for the Medicare recipient, and they're asked to go shop, this is saying that compared to today's standards, it's the senior digging much deeper into her pocket. It's the senior digging into another pocket to be able to afford his Medicare voucher portion. And that's unacceptable. That is playing to a special interest.

That's what I believe the espoused virtue of this deny, this repeal, is about. It's about playing to special interests that don't want to be told that there's a transition here, that there's a new day in America for health care consumers, and that the heart has been poured into this to be more sensitive, to address a moral compass that this Nation has always uniquely embraced, that we are a compassionate society, that we are going to make a difference out there, and that we are solutions bound.

That's what the Affordable Care Act was about: presenting a new approach to health care, providing more freedom and opportunity to our seniors and to our children.

If you're 26 and under, you can stay on your parents' policy. These are the formulae for success that allow us to go forward with much more dignity, much more success, cost containment, affordability, and accessibility. These are the dynamics of reform.

Why would you repeal something here other than to respond to special interests?

Mr. GARAMENDI. Well, exactly so. For 8 years in the early nineties and then in 2000, I was the insurance commissioner in California. I wish I had this law because I could have held the insurance companies responsible.

Now, my attitude about them is they always put profit before people. However, the Affordable Care Act has what we call the Patient's Bill of Rights, and this is the insurance discrimination that is eliminated by this law. And you spoke of a couple of these issues.

Discrimination against a woman simply because they're a woman. They have an existing condition. They're a woman. They could get pregnant. So the insurance companies would not cover or they would charge more. Those days are over.

Also, a young child, there are about 17 million children in America with preexisting conditions that can no longer be discriminated against by the insurance company. They have to be able to get insurance from an insurance company, 17 million children, one of whom is the son of my chief of staff, born with kidney failure. He had insurance the day he was born. He immediately lost insurance because he had kidney failure, and today, as soon as he leaves his parents' policy, which he's able to get now under the law because they cannot discriminate against children, he will be able to continue to get insurance. Under the old law, repeal the ObamaCares law and he will be denied insurance because there is an end to the Patient's Bill of Rights.

The Patient's Bill of Rights guarantees that insurance discrimination is over.

So what do they want here? What do the Republicans want from Americans? A big question.

Apparently, they want more money for the doctors, and that's certainly necessary in some cases.

Apparently, they say they want government out of health care. Does that mean end Medicare? Apparently, yes, because the Republicans have voted twice on this floor to end Medicare as we know it. You'll get a voucher. You will not have guaranteed coverage, and you will have to go out and shop for it yourself.

Apparently, they don't want community clinics because they've already voted on this floor to cut about one-third of the community clinics in this Nation.

Apparently, they talk about access, but at the same time they refuse to fund the residencies for family care, for the basic health care providers that we need in our hospitals and in our communities.

And apparently, they want to eliminate the Patient's Bill of Rights.

This is not a formula for America's health care.

Now, we also heard on this floor a few minutes ago, a half hour, 45 minutes ago, that the nonpartisan Congressional Budget Office said that because the Supreme Court eliminated the mandate that States have to provide more Medicaid coverage there would be fewer insured. True. That's true. Texas has refused to increase its Medicaid program. Well, that is Texas' decision, and I'm sure the Governor and legislature will have to address that.

But the fact here is that the Medicaid coverage actually provides the opportunity for some 17 million Americans to get insurance that do not now have insurance. If we provide the clinics, if we provide the residencies for the doctors who would be able to care for them, they will have access.

I can assure you that if we also do the preventative services, we will see a



decline in the number of severe cases. People will not get so sick that they have to go to the emergency room. They'll get care early. And with the drugs that are necessary, they'll be able to avoid the very expensive illnesses. That's to all of our benefit. You mentioned vaccinations. These are all ways of reducing costs.

So here we are, once again, debating something that is now the law, that is proven, proven to provide services to Americans, whether they are seniors or whether they are young, whether they are children. It works, and it's working for America today.

Mr. TONKO. Well, if I might ask the gentleman from California if he would yield.

I believe there's a whole lot of political posturing going on with the Medicaid decision by States. We are hearing a lot of talk about, well, we are not going to pay for that portion because, while it may be 100 percent in the near future, it may go to 90 percent into the long-distance future, and they don't want to pay anything for the new installments of the Medicaid plan.

Well, today we are paying. It's not like it's against an absolute that costs nothing. If you have the poor uninsured, underinsured in any given State, there's indigent care. There is bad debt and charity that is addressed in ratepayer dollars for insurance coverage's sake because that is going to be incorporated into the overall actuarial plan, or you're paying it through taxpayer dollars and for a much more inefficient system.

To have the poor, uninsured, and underinsured go to emergency rooms visiting a different doctor team every time they visit that emergency room, or perhaps a different emergency room, to not provide the stable, standardized care, acceptable notions of how to provide a predictable outcome, you're going to pay needlessly and wastefully. This is about networking people to a system that provides a stability, a standard that will enable them to have a clinic, have a contract that will cover them and make certain that all of us are strengthened by it.

And guess what. The business community, we talk about competitiveness. We talk about a sharp competitive edge for America's business communities as they enter into the international sweepstakes on winning contracts. That translates into providing jobs and profitability for our business community. Well, part of their cost of doing business is to have health care for their workers. Many want the health care coverage for their workers but simply cannot afford it.

So the exchange opportunities that are part of the package of the Affordable Care Act enables them to cut their cost. It's taking their experience, their actuarial experience of 10, 15, 20 workers in that small business and putting them in a pool of millions of workers.

□ 2020

That enables them to shave the peaks and enables them to take those catastrophic situations. One person in their plan of 10 impacted by catastrophic situations can cause their premiums as a company and the copayments of their workers to skyrocket. But if they're enabled to join this pooled effort, it provides for a better outcome for everybody.

So there is wisdom and thoughtfulness poured into the reform elements of the Affordable Care Act. And it's done again with that American heart, that spirit, that sense of compassion for the worker, the sensitivity toward the employer, and putting together a package that has everyone responded to in a way that speaks to a long-overdue bit of success. The last industrialized nation, Representative GARAMENDI, to go toward a guaranteed health plan.

So, long overdue. And now to taste success and have it pulled away from the American health care consumers of this great Nation is a very troubling notion.

Mr. GARAMENDI. Well, Mr. TONKO, thank you very much.

Next Monday, did you know, next Monday is the annual birthday of Medicare? Next Monday. It went into effect in 1965, and ever since, as you said earlier, Republicans have been trying to terminate it. They tried again this year, but the American public knows better. They know that they want to live long enough to get to Medicare because in Medicare they have a guaranteed benefit. They know that wherever you are in the United States, whether you are in Vermont or in California, you have the same quality policy that will cover most of what you need. If you want more, you can go out and buy that, that's called the Advantage program. And you get to choose your program.

It's not a government takeover at all. In fact, it is a financing mechanism so that every senior in America can choose their own provider. They get to choose their provider. They can go wherever they want to go to get their medical services. And if they don't like their doctor, they can change.

So the government is not saying where you can go. In fact, the government is financing the system so you can choose whatever provider you want to choose. It is a common policy across the Nation. It is efficient and it is effective, and the Republicans are trying to destroy it. We won't let that happen. Bottom line, we will not let that happen. And there are serious cost containments in the current Medicare program and in the Affordable Care Act.

I'm just going to end with this, and then we really need to get to what we wanted to talk about, which were the job programs.

The Congressional Budget Office today estimated that the Affordable Care Act, over the next 10 years, will reduce the deficit by \$109 billion. In the 20 years going out, because of the cost containment in this system, the Affordable Care Act will reduce the deficit by over \$1 trillion. Now, that's worth engaging. That's worth us doing. And simultaneously provide far better health care to Americans and far better access to health care wherever they may need it across this Nation. It's a good thing.

When they want to stand up here and say ObamaCare, I'm going, you're right, Obama cares—cares deeply about the very health of every single American. That's why the Affordable Care Act is in place today, was found to be constitutional, does reduce the deficit, and does provide quality health care and choice of where you want to get your medical care.

Mr. TONKO. My colleague from California just indicated that there would be a favorable deficit outcome because of the Affordable Care Act.

Mr. GARAMENDI. Exactly.

Mr. TONKO. Well, what else reduces the deficit? Putting people to work. Putting people to work, the American Jobs Act. Plain and simple: It's about addressing the deficit and providing for the dignity of work and the enhancement of services that strengthens the fabric of our communities, our States, our Nation. So, the American Jobs Act, according to experts, is a phenomenal plan.

We've heard the Republicans say we have some 30 bills that are about growing the economy and producing jobs when, in fact, when put under the test, when reviewed by some very sound organizations out there and professional economists and analysts, they said it would do precious nothing. That it was not the formula. It's not what the doctor called for, if we can stay on that health-care related theme. But the American Jobs Act, well, listen to some of the experts.

The chief economist at Moody's Analytics—who, by the way, Mark Zandi, was the former economic advisor for Senator JOHN MCCAIN—what does he theorize? That anywhere from 1.9 million to 2 million jobs would be the outcome of the American Jobs Act, something that not only produces the jobs, but would reduce the unemployment rate by at least 1 percentage point. That's a major significant factor.

What also happens is that, when you produce those 2 million jobs, you're addressing the GDP by at least 2 percentage points. Growth in the GDP, reduction in the unemployment, reducing the deficit, putting people to work, strengthening the economy, providing purchasing power at a time when businesses are saying the best thing you can do: Get us customers. A healthy economy, putting people into the work

mode creates customers. It creates purchasing power. It creates a strength in the economy. Two million jobs.

How can we walk away from a proposal? Oh, I know why: Because there were those who spoke before cameras reaching all of America saying anything this President offers, we won't do; our goal is to make him a one-term President. My friends, that is putting partisan politics—petty, partisan politics ahead of the interests, the better interests of the American public.

Where is that American spirit? Where is that sense of patriotism? Where is that sense of responsibility, of leadership in this House and in the U.S. Senate that needs to go forward with the American Jobs Act?

Representative GARAMENDI, I know we've been joined by another colleague. It is just great to share this hour with you to talk about the progress we can taste that would lift every community in this great Nation.

Mr. GARAMENDI. I was reading one of the Hill magazines—often called the Hill rags—and they said that the Speaker of this House starts off his weekly press conference by asking: Where are the jobs? Well, the jobs, Mr. Speaker, were proposed last September by President Obama—the American Jobs Act. Two million jobs minimum could have been created. This is one of the great woulda, coulda, shoulda's of our time. We could have had people back to work today, and in doing so reducing the deficit.

There are so many different pieces of this. Mr. Speaker, the American Jobs Act are where the jobs are. You talked about a piece of it. I'm going to just pick up one more. This is one that speaks to the American homes, what's going on in the house where we live. Many of those homes are run down, they have problems with insulation, or they don't have any insulation at all. They leak energy. Well, the President proposed, as a piece of the American Jobs Act, that we could provide construction jobs, really, low-skilled construction jobs, in rehabilitating the American homes. This is not a new concept. This has been going on for some time. It's been used repeatedly to upgrade homes in the United States and simultaneously save energy and save dollars for the American public. One piece of it, construction jobs, could have been put in place.

I'm going to pick up another one, and then I'm going to turn it back to you, Mr. TONKO. My daughter is a teacher, my son-in-law is a teacher. They've seen their class size just grow from 20, 22 to some 32 people in the class. Now, this is a serious problem for the teacher, making it more difficult to provide the quality teaching that's necessary. My daughter is a great teacher, my son-in-law is too, but it's much more difficult. The class size has increased by a third.

The American Jobs Act would have put 280,000 teachers back into the classroom. Now, if you happen to be a second-grader and you're not getting what you need to learn, then that's going to carry on through the remaining years of your schooling. And so 280,000 teachers could have been brought back into the classroom had the American Jobs Act passed.

□ 2030

Mr. TONKO.

Mr. TONKO. Yes, they are both significant bits of legislation, so it's good to interlace the American Jobs Act and the Affordable Care Act.

To the 280,000 teachers, I think it's very easy to state that the human infrastructure in our school systems across this Nation are a critical component to quality education, that personal relationship of students to teacher, the exercise of self-discovery—who am I, what are my gifts, what are my talents, what are my passions. That is exercised in the classroom. That is a spirit that prevails. It's a magic that happens in the classroom and that sense of self-discovery.

Part of our goal here is not only to enable these students to understand who they are, to draw forth the soul of the individual; it's to provide the opportunity for our workforce of the future.

That fourth-grader, hypothetically, that was impacted by class size or the lack of a teacher for certain subject areas, that's something that child will never gain again. What you lose in that given year is lost throughout the development. And it is important for us to make certain that every bit of opportunity, every bit of learning experience is granted our children so that they understand where they can best contribute to society, where their gifts can be utilized.

And it's part of that development of the workforce of the future, the workforce of the present, training, retraining dollars, that are part of the American Jobs Act, absolutely a critical piece of the infrastructure.

And the tens of thousands—this chart will say retain thousands of police officers and firefighters. We know it's tens of thousands across this Nation. An element of public safety, a quality-of-life component, making certain that our core communities have the given workforce of firefighters, of police officers that will enable us to respond to public safety measures.

These are a core bit of principle, along with veterans that would be hired with benefits that are significant. That element was done under pressure, under scrutiny, under growing public sentiment. But think of what could happen if we did all of these and did even additional services with our veterans who are returning home and are in need of employment.

These are the factors, these are the dynamics that are introduced through AJA, the American Jobs Act, that would allow for the deficit to be addressed and at the same time to have services responded to, essential services.

We've talked about the belt-tightening, addressing waste and inefficiency and outmoded programs and fraud. And after we capture those savings from that exercise, it's important, I believe, to slide that into an investment zone so that the result is cut where you can, so as to invest where we must.

The investment, absolutely critical. The investment in jobs, the investment in teachers, firefighters, public safety elements, our police officers, our veterans community, and items like an infrastructure bank bill, an infrastructure that we'll talk about in the remaining minutes of this Special Order.

Mr. GARAMENDI. Well, let me just pick up a little more on the education. The most important investment any society will ever make is the education of their children and the re-education of their workforce.

In the American Jobs Act there are the 280,000 teachers that would have been in the classroom this entire year. They're not there today because there's been no movement on this floor to even debate in committee, let alone take up a vote on this floor, the American Jobs Act.

Also, many of the schools across America are run down. Their laboratories, their classrooms are antiquated. They don't have air conditioning, many, many other problems. The American Jobs Act provided money for 35,000 schools across the United States to be upgraded, to be rehabilitated so that 250,000 jobs would have been created right there.

Before we go any further, I know you're all worried, oh, it's going to increase the deficit. The American Jobs Act would increase the deficit. No, it would not.

Mr. TONKO, you spoke earlier about when people go to work, the economy gets going, money is circulated, taxes are paid.

The other part of it is, the American Jobs Act was fully paid for by ending unnecessary tax subsidies to companies that don't need it, specifically the oil industry. The wealthiest industry in the world would lose its tax breaks that amount to over \$16 billion, and that money would come back to pay for Americans going back to work.

There are other things. The top end tax, at the very top end, the wealthiest 2 percent would see their taxes go back to where they were during the Clinton period. This is how the American Jobs Act was going to be paid for.

Mr. TONKO.

Mr. TONKO. I think it's interesting too because we're talking about the

jobs created that impact the unemployment rate, that impact the reduction of the deficit.

In contrast, the Ryan budget, which we've talked about many times, the Republican plan for this House, that's been adopted by Republicans that are in leadership and running for President, would, in contrast, according to the Economic Policy Institute, the cuts in services would result in a reduction of 1.3 million jobs in the first year and 2.8 million jobs in the second year.

Mr. GARAMENDI. Excuse me, 4.1 million jobs total.

Mr. TONKO. So when you contrast that, that cut in jobs, the cuts that would be part of the Republican budget plan, adopted by this House, would grow the deficit because if we're arguing that employment reduces the deficit, unemployment, in contrast to the American Jobs Act, would drive up the deficit. It's going back to the failed policies of the past.

We've fought two wars that were never put on budget. We offered trillions in tax cuts that we couldn't afford, and we avoided talking about paying for the war. Did we think there wasn't going to be a crash?

Did we think that that behavior wouldn't come with a price?

Of course it had to extract a price from the American society, and it was the loss of 8.2 million jobs; it was the loss of as many as 800,000 jobs a month. It was about bringing America's economy to its knees and draining trillions of dollars from households that trusted that their investment with the private sector, with the financial industry was going to return them lucrative dividends.

We saw the failure of those policies. Why would we go back down that road, which seems to be what the Republican plan, the Republican budget, is all about?

Mr. GARAMENDI. Excuse me for interrupting, but if you look at the Ryan Republican budget, it would cut education and other services by 33 percent. So instead of investing in our children, investing in re-educating and helping our workforce learn new skills, they would cut it by 33 percent.

In transportation, the Ryan Republican budget would cut transportation funding by 25 percent, even when we know that our infrastructure gets a D because of potholes, because the bridges are failing. So why would you cut the transportation budget by 25 percent?

If you want to put Americans back to work, you don't do it that way.

And you did talk about Moody Analytics already. It doesn't work.

Now, I'm going to just pick up one more thing. I'm on the House Armed Services Committee, and we heard testimony last week from the CEO of Lockheed Martin, and the CEO of

EADS, and also from two other witnesses. And they said this: you cut the budget for defense, and you're going to lay off 2 million people. That's part of the sequestration.

So here you have the top CEOs of America's big huge companies saying don't cut the budget because you are going to lay Americans off. You're going to lose up to 2 million jobs.

And yet for the last 2 years, our Republican friends have been trying to cut the budget. Not in defense, but in everything else, arguing that that will somehow create jobs.

□ 2040

However, testimony received last week from the CEOs of three large American corporations and one smaller corporation said categorically, If you cut the budget, we'll lay people off—creating unemployment.

The American Jobs Act puts people back to work, and it is fully paid for.

Mr. TONKO. Earlier, I think you had made mention of modernizing our schools and that part of the American Jobs Act includes the investment in the revitalizing of our schools, some 35,000 schools across this Nation. The statistics are there. People document, historically, what investments in refurbishing our schools have meant. For every \$1 billion of investment, we can grow some 9,000 to 10,000 jobs. That's the start of the story. So what we have here, the modernization of schools, would create some 250,000 jobs. As I said, that's just the start of the story.

What happens after that?

Maintenance costs and operating costs are reduced because you might have energy efficiency embraced in that restructuring. You'll have better, more efficient weather-type situations, more comfortable situations for students in which to learn, which is important.

Mr. GARAMENDI. Mr. TONKO, you might actually have bathrooms that work. You might actually have a place where kids would want to be. You'll have a school that has a decent paint job, air conditioning. Kids would want to be in that school. Yet we have schools across this Nation where you wouldn't want to be and I wouldn't want to be, and I certainly wouldn't want my kids in that classroom.

Mr. TONKO. They're typical danger zones with ceilings falling and poorly upheld infrastructure.

The jobs—the absolute jobs of a 250,000 count—would benefit, again, the economy. These operating costs are reduced, and they theorize that it could be in the neighborhood of \$100,000 a year. Now, think of what you can do locally with that. That might mean 2 teachers, or it might mean 200 more computers, or it might mean 5,000 textbooks. It's a way to invest by balancing those savings with the investment in children—in our future and our

present—because our children represent our future and our present. It is a respect toward our children.

These are, I think, in keeping with the old American spirit—the pioneer spirit—to enable us to dream bold dreams and to encourage our youngsters to pursue these career paths and to develop, again, the workforce of the new millennium, in which we are going to be asked to compete in a global marketplace where there are investments going on around the world. Now is not the time to cut our commitment to our children and to our society and our competitiveness as a business community. So it all comes together in a very structured sense, in a very comprehensive plan.

Mr. GARAMENDI. Mr. TONKO, there is one additional piece to this puzzle, and that is that the Democrats have been putting forth for the last 2 years a project which we call Make It in America. This is the rebuilding of the American manufacturing sector. Twenty-five years ago, there were just under 20 million Americans employed in manufacturing. These were the middle class jobs. Now there are just over 11 million. We've seen the hollowing out—we've seen the outsourcing—of American manufacturing jobs.

There were actually policies in place before the Democrats in 2010 took control of this and ended tax breaks for American corporations that outsourced jobs. They actually were able to reduce their taxes by sending jobs overseas. We ended about \$12 billion of those crazy, unnecessary, destructive tax breaks. Now the President has suggested that we put in place the remaining \$4 billion. End those tax breaks, which is ending the rewarding of companies for outsourcing jobs. Turn it around and reward companies for insourcing, for bringing those jobs back home.

I have a piece of legislation that we've been working on, and it's actually getting some legs and moving along. It's part of Make It in America. Our tax dollars have been used in the past to buy foreign-made solar systems, wind turbines, trains, buses, light rail vehicles. My legislation says, if it's our tax money, then, by golly, it's going to be spent on American-made equipment, bringing our tax dollars home so that we buy American, so that we Make It in America once again. When we Make It in America, America will make it.

Mr. TONKO, I know that you are also into this with some pieces of legislation that you have, and maybe you'll want to talk about those. We can rebuild the American middle class by rebuilding America's manufacturing base. That's where you create wealth. Maybe it's in the food services. Maybe it's in the manufacturing of wine or in the manufacturing of food or automobiles or light rails or solar systems.

We can do it, but we need to have in place smart government policies.

I beg my Republican colleagues to take a look at this. Don't just assume it's a Democratic idea. Make this an American idea, a Democrat and Republican idea, to change our policies so that we can rebuild the American middle class by making things in America once again.

Mr. TONKO. A couple of things come to mind legislatively.

What about investing, as the AJA does, in community colleges—the campus of choice across this Nation? The associate degree is a very important, valuable bit of material to have in one's hand. We are going to rely heavily on those associate degrees, and community colleges need our assistance. They are also there as the operational center of training and retraining programs.

What about investments in technology? investments in research? investments in alternative energy supplies that give us an opportunity to grow independent?

Mr. GARAMENDI. Excuse me for interrupting.

Before you came to the House of Representatives, that was your work in New York, wasn't it?

Mr. TONKO. Absolutely.

I was energy chair at the State assembly for the last 15 of my 25 years in the legislature, but then went over as president and CEO with NYSERDA, the New York State Energy Research and Development Authority. We made it our goal to advance research, to make certain that we would incubate these ideas—these innovations, the cutting-edge technology—that translate into jobs. Research equals jobs.

I have advanced legislation that would slide subsidies that are given to the historically profit-rich in the tenure of capitalism—our goal here is to not feed the profit margin of our oil companies—over to cutting-edge technology, renewables, providing for consumer behavioral transitioning that enables us to grow American independence in the energy generation business.

Why are we sending tens and hundreds of billions of dollars over to unfriendly nations to the United States for our dependency on fossil-based fuels when, in fact, we can encourage renewables here and energy efficiency, utilizing that as our fuel of choice to make certain that we reduce demand that then reduces bills that then allows the competitiveness of our businesses to be all the sharper? Those are the sorts of things in which we want to invest, and it's the going forward from that point.

How about our infrastructure bank bill that would leverage public and private monies and that would stretch our opportunities to respond to that deficient infrastructure of which you spoke? These are important measures.

This is the sort of cutting-edge opportunity—the investment, the pioneer spirit again.

We can learn from our American story. There have been those golden moments when we have hit bottom. There were those golden moments when we were tremendously challenged and when we rose to the occasion in tough times, primarily tough times, by responding with a tough agenda that said, look, true grit here will get us to the finish line—and it happened. It happened with Medicare. It happened with the Erie Canal, of which we often speak.

Mr. GARAMENDI. Social Security.

Mr. TONKO. Again, Social Security. You're absolutely right.

The President lifted this Nation, and he made certain that all families would have at least a foundation upon which they could grow, upon which they could live in this society. It addressed the dignity factor, which has made us unique as an American society: caring about our fellow man, caring about the men and women of this great Nation in a way that created an American society, a sense of community—we the people—talking of us in a community sense, a neighborliness, neighborhoods and societies speaking in a compassionate way, caring about one another. That's when we're at our best.

Mr. GARAMENDI. If we're going to really be caring about the American worker going back to work, we also need to be very cognizant of international competition.

You spoke earlier about the need for our workforce to be competitive, which is the education process—K-12, vocational education, community colleges. They're exceedingly important. Also important is that there be fairness in the international trade situation, that we look not just for free trade but fair trade.

One of the things that we really must address is the threat of China's unfair trade practices. The Chinese currency is undervalued; and as a result of that, they have a 20 to 25 percent advantage.

□ 2050

You eliminate that, and the American worker will be competitive.

We have one of the pieces of legislation in the Make It In America package that the Democrats are putting forward which is forcing China to end its currency manipulation. When it ends its currency manipulation and allows the value of its currency to rise to appropriate parity, we will be able to be competitive. You can bet why the Chinese don't want to do it. They want that unfair trade advantage. That's one of the pieces of legislation that we put forward.

When the Democrats controlled Congress a year and a half ago, we pushed a bill out of here that would force sanctions on China if they continued their

currency manipulation. Since the Republicans have taken control of the House of Representatives, that legislation has died, has never even come up for a vote on the floor. It ought to come up for a vote. We need fair trade practices.

We need to use our tax money to buy American-made equipment and supplies. We need to educate our workforces. These are investments in the American middle class. This is how we can restore the middle class of America. Health care is part of it also.

You talked earlier about health care and the availability of health care for working men and women. We also need to make sure that those jobs are there.

The American automobile industry is instructive on this count. It is instructive in that the U.S. Government and the leadership of President Obama actually allowed the American automotive industry to continue to even survive. Using the stimulus program, the President stepped forward and said, I will not allow the American automotive industry to die, and he put our tax money behind General Motors and Chrysler. Those companies are now thriving. And it's not just those companies. It is the thousands upon thousands of manufacturers across this Nation and others who supply all of the parts and all of the services. Think where we would be today if Congress had not given the President the power and if this President did not have the courage to take up saving the American automobile industry.

Presidential politics come here. Mr. Romney says he would not have done it. Okay. President Obama did it, and the American automobile industry is strong and vibrant today, and the American middle class is back to work.

Mr. TONKO, we must be about out of time.

Mr. TONKO. Yes, we're down to our last 4 minutes.

I always find these discussions to be interesting because there's all this rhetoric out there about 30 bills that have been advanced by the majority in the House and that it's the salvation that's going to produce jobs and get America working again.

Major analysts have reviewed that legislative agenda and said it doesn't do what they contend it will do. It doesn't produce the results. We would love that to be the case, but it doesn't produce the result. They said that we are really in need of legislation that will advance jobs.

Tonight, this discussion about providing the tools, putting additional tools into the kit that makes American industry competitive, speaks to our humble beginnings. So many people travel to these shores. Their journey was about the dream, a noble dream, an American Dream that they were going to make it here. That was our humble beginning, and we enabled people to experience the rags-to-riches

scenario. We allowed for generations to continue to grow and prosper and build upon the success that preceded them.

Today, sadly, our middle class is weakening household income-wise. The next generation may be the first to go backward. The President is trying to move us forward, with great resistance in this House to reject progressive policies.

We say: Let's build upon the success of the past. Let's reach to those shining moments when we were challenged as a nation and produce the best outcomes. That can happen again here if we open up to what's best for America and not resort to petty partisan politics that want to deny a Presidency, that want to deny opposition that comes forward with constructive qualities to do it in a better way, to build the consensus.

We need to move forward on behalf of the nobleness of the American Dream. With heart and soul poured into the efforts here in this House, we can achieve and grow that middle class, purchasing power enhanced for the middle class, opportunities for our middle class. A strong middle class means a strong America. Let's go forward.

Representative GARAMENDI, thank you for leading us in this hour.

Mr. GARAMENDI. Mr. TONKO, thank you very much for your passion on this issue, and thank you for your compassion for the American people. We can make it. We can make it in America. We need good and wise policies to do that. You can't do it by cutting, cutting, and cutting. You have to do it by investing, investing, investing.

The American public understands. They really do understand that we're a great Nation. There is no greater nation in the world. We need the kind of policies that will put Americans back to work and keep them healthy.

I want to thank those of you that are listening to this hour of discussion on health care and on jobs in America.

Mr. TONKO, thank you very much, and, Mr. Speaker, I yield back the balance of our time.

#### REFORM

The SPEAKER pro tempore (Mr. HARRIS). Under the Speaker's announced policy of January 5, 2011, the Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 30 minutes.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the opportunity to be here this evening following my good friends and their interesting discussion.

I wanted to spend a couple of moments this evening talking about reform.

Reform has been a major focus of my public service career beginning as a citizen volunteer, working as a State legislator, a local official. I was pleased to be part of innovation in my native

State of Oregon in areas of tax reform, transportation innovation, environmental protection, land use, and government structure.

I am pleased to have been able to take some of the lessons that I learned in Oregon here to our Nation's Capital, working in Congress in areas of energy, bicycles, flood insurance, health care reform. For me, that's exciting and energizing. That's what makes me a little disappointed, to say at the very least, with what's happening in this session of Congress.

It's sad to see that today in the House the focus is not taking the Affordable Care Act where the questions of its constitutionality have been settled by the Supreme Court and moving forward to accelerate its implementation. Instead, the efforts are to slow it down, to repeal, to put sand in the gears. Not without a constructive alternative mind you, but just to be against the reform that's on the books.

It's depressing to see repeated attacks on environmental protections, something that Americans care deeply about that makes a difference to the quality of life of our communities, the strength of our economy, the health of our families.

It has been unfortunate that we were given by this Congress earlier this year what has been described, I think appropriately, as the most partisan transportation bill in history, and certainly the worst, undoing 20 years of transportation reform. Luckily, it collapsed under its own weight, but we were left with a pale 2-year extension, and we're soon going to be right back where we started.

We're watching, more recently, efforts that deal with agriculture in terms of the reauthorization of the farm bill, an opportunity to reform, to be able to save money, to improve the health of our citizens and the economic viability of America's farmers and ranchers. Instead, the bill that has passed out of the committee in the House would concentrate even more subsidy in the hands of fewer wealthy farmers and short-circuit the needs of Americans who eat, people who care about animal welfare, about the environment, and, most importantly, about the welfare of the vast majority of American farmers who, sadly, would have been shut off.

□ 2100

It looks now that the bill is so precarious that it may not even come to the floor of the House, backtracking on efforts to rein in and reform military spending, when just last year there was a bipartisan agreement to deal with reducing the deficit that was balanced between spending for military and non-military accounts. And now we see people retreating from that goal in the military appropriations bill that passed, despite aggressive bipartisan

efforts to rein it in, and it is moving forward as a lost opportunity.

Well, it's in that context, Mr. Speaker, that I wanted to discuss the issues that surround the postal service. It's not by any stretch of the imagination that I'm not interested in changing how we do business. I think that's important across the board. I have demonstrated that with my past work, and by word and deed and what I do politically.

I often find myself in agreement with some of the editorial positions from *The Washington Post* and *The New York Times*. They're moving forward with an urgent effort to move legislation that would dramatically scale down the postal service, to cut a large number of facilities and suspend 6-day service, assuming that those are the only alternatives available for us going forward.

Well, as I say, I will be the last person to argue that we should not do business differently, but it seems to me that it's past time for us to take a step back and take a hard look at this so-called postal crisis and at potential solutions and their implications.

Mr. Speaker, it is important to note, from the outset, that the postal service has played a vital role in the development of the United States. It dates back to the beginning of our country. The first Postmaster General was Benjamin Franklin. The service was established 236 years ago. And the postal service actually has been involved, when we let it, with a variety of innovations.

There are those who are concerned that today, with the advent of email, that it has somehow made it impossible for the postal service to move forward in this climate. Well, it's interesting. The postal service has been able to survive the telegraph, the fax machine. It has, in fact, been part of the innovation. Airmail service was part of what the postal service did to help launch the aviation industry in this country. And we have, today, a pattern of development of the transcontinental railroad service and the nature of the postal service, itself, tying together American communities.

Part of what I think is important for us to focus on is the role that the postal service plays in rural and small town America. It's an important part of rural and small town America in Oregon and around the Nation, and these communities are facing times of economic stress and isolation.

The post office plays an outside role. Many people revel in the quality of life. It's very desirable in many rural and small town areas, with great traditions. But it's no secret that for many communities and the people who live there, it's a struggle. They have high unemployment, as young people leave and the population ages. There are real challenges in terms of connectivity, access to broadband for over 26.2 million

Americans, three-quarters of them living in rural America.

Now, I think it is important moving forward, dealing with the changes to the postal service, to think about the implications for this part of America that often gets lots of rhetoric but not the attention that it deserves.

The postal service in rural and small town America provides services in terms of people being able to get access to not just mail services and a sense of community, tying people together, a sense of identity, but it is a source of good-paying, family wage jobs that play an outside role in this part of the United States.

It is important in terms of being able to access immigration forms, passport services. These are items that are, in some instances, difficult for people in rural and small town America.

And also, as we are watching the explosion of online shopping, which is playing a larger and larger role in the American economy, it's even more significant in rural and small town America. The postal service often provides that last mile for transactions that take place via the Internet—increasingly for senior citizens who rely on mail order pharmacy services to be able to get their prescriptions through the mail.

Looking at the wide range of activities that make a difference for rural and small town America, I think it's important for us to consider what the implications are going to be for them.

Now, there are those that say, well, wait a minute. They'll just have to pay the price because we are facing a funding crisis in the post office. It's bumping up against a \$15 billion debt limit. Bills are coming due. And we have no alternative but to move forward with dramatic reductions in service, including Saturday service and closing facilities.

Well, it's important to reflect on what is the nature of the current funding crisis that faces the post office. Sadly, it is largely a manufactured crisis. The impending funding deadline is simply a result of the legislation in 2006, which was a compromise—a reluctant compromise, but it included a provision that would require the postal service to prefund its health insurance costs for retirees who haven't yet been hired—75 years in the future—and required that funding to be made over the course of 10 years.

Well, thinking about that for a moment, Mr. Speaker, this is actually a device that is not necessary. No other business or government agency is required to do it 75 years into the future. And, in fact, part of the charm for the people who devised this a few years ago was it actually artificially reduces the Federal Government deficit because these payments are credited to Federal accounts. Even though the post office has been an independent agency since

1971, operating without subsidy, these moneys are credited to the Federal Treasury and are used to try to disguise the true size of our deficit. There is no reason to accelerate the prefunding of this obligation of 75 years to make it occur here in the course of this 10-year window.

Mr. Speaker, I think it's important to point out, after putting it in this context, that this is an artificial crisis. The post office, if it weren't for this extraordinary, unnecessary, and unprecedented prefunding requirement, would actually not be hemorrhaging red ink. In fact, it's very close to being self-sufficient, and it does so despite the constraints that Congress has placed on the postal service. Because, bear in mind, even though it doesn't get support, the Congress has kept a very short leash on what the postal service can do. It doesn't have the flexibility to run like a business, to adjust its pricing, to be able to adjust its product mix, to take advantage of the fact that there is a skilled workforce of over 500,000 people and has more facilities around the country than McDonald's, Walmart, and Starbucks combined.

□ 2110

We don't give them the freedom and the flexibility to move forward to take advantage of that platform.

Now, you don't have to be very creative to think of ways that we might be able to work together to be able to slightly modify the services that are provided, and give them more flexibility on the implementation of their service. It is important, I think, to be able to think about what this connectivity means for the American public. If we somehow eliminated the postal service, turned it over to the private sector, cut down more dramatically in terms of what the offerings are, does anybody think we would be able to send a first-class letter from the Florida Keys to Nome, Alaska for 44 cents? The post office moves about 40 percent of the mail in the entire world.

Now there are those that say look at Germany, it has been privatized. Well, look at Germany. Germany is a country that is smaller than Montana, bigger than Wyoming, just to put it in the context of size. It is very densely populated, and it still charges more than 10 percent higher than we do in the United States, and they are competitive internationally, globally. The German postal service is doing business in the United States, competing with Fed Ex, our postal service, and UPS. It is an extraordinary resource that I think is worthy of consideration of what we've got and how we do it.

Mr. Speaker, as I stated from the outset, I happen to believe in reform. I believe that we need to do business differently, whether it is how we deal with our farm policy, our military pol-

icy, tax reform, health care. I would hope that in Congress we can return to the days where we actually had regular order and we discussed things like this in committee, that every bill wasn't a partisan vehicle, and when there was give and take and challenging one another in terms of ways it could be done better, and listening to a wide variety of opinions. And I say by all means allow a wide variety of opinions to come forward to talk about the future of the postal service. I think that's healthy. I welcome it. I've spent a lot of time talking to people on the Postal Rate Commission. I've talked to leadership in the management of the postal service, postal employees, people who are customers, and competitors of the postal service. I want to explore these issues.

I'm absolutely convinced that the interests that are involved with the postal service, broadly defined, including its unions and employees, understand that there is going to be more change taking place in the future. That there are some adjustments where there is probably more capacity than we need, there will be changes going forward. We want to be careful and selective about what we do. But I go back to my point about the impact it will have on rural and small town America. I want to be sure that the changes that we undertake don't make great difficulty for people who don't have the access that some of us who live in metropolitan areas have, people who are connected to the Internet and people who have ready access to other resources.

I think it is important that when people are talking about reducing the sixth day of service, that they think about the implications for individuals who depend on that. For many people who work and get packages that are important to them, being able to have them delivered on Saturday is important, and particularly when you look at holidays that go over weekends, the difficulty of delivery of things like medicine is not a trivial question. And the fact that the postal service is in a sense a partner with some of its private sector competitors, cutting back on that service, what it does with those competitor-partners and what it does with people who are marketing through the Internet, through the mail, this needs careful consideration.

It is interesting as people dive into the numbers behind the elimination of Saturday service. You're eliminating 17 percent of the postal capacity and it would only save 2, maybe 3 percent, and there would be costs associated with that. It is kind of interesting. I would like us to think about what it does to the business model, if you're going to eliminate 17 percent of the service and you save a couple percent in operation; particularly, as I mentioned, that we constrain what they

charge and we have an artificial financial barrier with the 75-year pre-funding of health care.

I think it is important for us to respect what we've got, think about the alternatives, and have a discussion where the interests—whether they are direct mail, they are marketing, they are online shopping, they are people in terms of the pharmaceutical industry, senior citizens, rural and small town America—let's get in and talk about this, find out not by declaring war against postal employees, but working with them in a cooperative fashion to find out suggestions that they have in terms of moving forward, and looking at what this tremendous resource that we have, what the value is.

I'm in the State of Oregon, where now all of our ballots are done by direct mail. It is a way to improve efficiency and lower cost for local governments. Broader application of mail-in ballots would improve the security, the efficiency, and cost savings. We have barely scratched the surface of that.

There have been deep concerns, and I note that we had a somber observance today about the death of a couple of our employees, guards who were gunned down on this day in 1998. We've lived through eras where there were concerns about anthrax, about opportunities that some may be involved with bioterrorism. And there have been scares about pandemics. Well, it may well be in our future that there would be great value to having a network that reaches 150 million addresses six times a week with a skilled workforce that can turn that around in a matter of hours.

You don't have to stretch your imagination very far to think of acts of disease or terror where that network may well make a difference. We're finding oftentimes in communities that it's the postal worker who is alert to problems within a family or somebody that is missing and not showing up. They are eyes and ears that do not just volunteer projects but connect people. Let's think about the value of that network before we start to unravel it.

Mr. Speaker, I will conclude where I began. I think everybody whose is privileged to serve in this Chamber needs to think about how we do business differently. I think we need to be open to arguments, questions, evidence, to be able to squeeze more value out of the public dollar, to use the resources to protect the vitality and livability of our communities, and to build partnerships and relationships. And I welcome the discussion that we're having with the postal service in the media and here in Congress. But I would hope, Mr. Speaker, we could do it in a way that is thoughtful and broad-based. I would hope that we would be able to look at what the postal service has provided for 236 years. I would hope that we would think about the value of the

workforce. It's not just over a half-million family wage jobs that makes a big difference, particularly in small town and rural America, but these are people who have a skill set and a distribution across the country which has other values, some of which I have just mentioned, and others we have not explored.

And last but not least, before we make changes, I think we ought to be sure that we know that they are going to get what is advertised because, despite all of the rhetoric, we have the lowest cost, most efficient postal service in the world, moving 40 percent of the traffic, doing it very cost effectively, despite the fact that Congress, in its wisdom, has tied the hands of the postal service, dictated rates, told them what they could close or not close, and changes course repeatedly.

□ 2120

I would hope we could do a better job working with our partners there and the people who depend on it to make this part of an area where we figure out how to do business differently, because I think there are opportunities not only to save money but to take advantage of this resource. I think it ought to be done thoughtfully, I think it ought to be done soon, and I appreciate the opportunity to discuss it here this evening.

I yield back the balance of my time.

#### THE MUSLIM BROTHERHOOD INQUIRY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the Chair recognizes the gentleman from Texas (Mr. GOHMERT) for 30 minutes.

Mr. GOHMERT. Mr. Speaker, there's been a great deal of wailing and gnashing of teeth, it seems lately, in response to a letter that five of us signed to five different inspectors general, five different departments of the U.S. Government. Despite the effort to distract, despite the wild accusations that have come about five separate letters that were quite factual, set out things that were footnoted, documented as true, we were simply asking inspectors general of the different departments if they would investigate about potential Muslim Brotherhood effects within those departments.

I have been amazed. Out of five letters to five different departments, each one of them different, each one of them dealing with facts that were in each particular department, we have been met with this frenzy from some quarters, including some of the mainstream media, to demonize people that are just simply asking questions. Actually, we used to have a mainstream media that would ask questions.

Also, when you look at the fact that in 1995, the defendants charged with in-

volvement in the 1993 first World Trade Center bombing were tried, and as the prosecutor, the Federal prosecutor in that case, a brilliant guy named Andrew McCarthy has set out in one of his articles, we proved, we introduced evidence and proved beyond a reasonable doubt that the intention of these people, these radical Islamist groups, was to bring down this country.

As Andy has properly asked, since we proved beyond a reasonable doubt to a great group of jurors in New York about the effort of these radical Islamists, Islamic jihadists, to bring down America, what's happened since 1995 that all of a sudden this administration says, oh, no, forget what was proved beyond a reasonable doubt to New Yorkers in 1995 and been upheld, you can't believe that? Don't look at the factual evidence behind the curtain, for heaven's sake; just look at what we're telling you, and we're telling you there is no Muslim Brotherhood involvement in America, and there's no Muslim Brotherhood effect or influence in this administration.

But that is deeply troubling because we know from the Holy Land Foundation trial in Dallas, that was well tried in 2008, and convictions on over 100 different charges, and they established, they named defendants, proved beyond a reasonable doubt about the charges of their support for terrorism, and they also named numerous parties as co-conspirators in support of terrorism, and the Justice Department was involved in that, the Attorney General's Office was involved, and they proved beyond a reasonable doubt that there were Muslim Brotherhood groups who were supporting terrorism in America. At least they proved beyond a reasonable doubt the defendants were involved in supporting terrorism, and then basically—it might be deemed or called a preponderance of the evidence—that others who were not indicted, but were named, such as CAIR and ISNA, the Islamic Society of North America, in that case, the evidence was produced to establish that the Islamic Society of North America is the largest Muslim Brotherhood front group in America.

And some of us who simply signed a letter asking questions? Look, how about doing an investigation to see what the influence of the Muslim Brotherhood is in this administration? Because previously, including through the prosecution in November of 2008 of the largest terrorism support allegations in American history, it was established the Muslim Brotherhood is alive and well and having influence in America.

Yet, the Islamic Society of North America's President, Imam Magid, has been a guest at the White House, and, in fact, if someone, I guess because they regularly don't do their homework, were to check, as I have in the



past, I don't know if it's still there, there were a couple of times I checked in the past couple of years, but if you were to check with the White House Web site, you would find that the number two person in the National Security Administration, the Deputy National Security Adviser, Denis McDonough, was giving a speech to a group called ADAMS—I'm sure John Adams appreciated the reference—but ADAMS, the All Dulles Area Muslim Society, and there is the transcript of his speech. I don't know if it's still up. Like I said, it's on the White House Web site. And Denis McDonough, the number two guy, the deputy national security adviser, thanks President Imam Magid, the president of ISNA, the named co-conspirator for supporting terrorism, for the wonderful prayers he gave at the Iftar celebration in the White House the August before, Iftar being the celebration that concludes Ramadan.

So we know the President of the largest, according to evidence in the Holy Land Foundation, the largest Muslim Brotherhood front trial, the president gets invited to the White House to do prayers for their Iftar celebration. And we also know Denis McDonough thanked Iman Magid for the wonderful introduction there at the All Dulles Area Muslim Society.

So it's a little troubling not only that this influence is there, but then when five Members of Congress raise a question, how about an investigation to see what this influence is? Because we know minds are changing, although the evidence has not changed that was introduced in 1995 and 2008.

Our good friend down the Hall, Senator McCain, chastised us. Yet, if you believe quotes, and sometimes you can't, but he was quoted as saying at the beginning of the trouble in Egypt that he was, and he used the word, according to the article, unalterably opposed to any support for the Muslim Brotherhood.

□ 2130

Well, if that was the word then, the word now is altered unalterability because it appears that he sees no problem with what's going forward. If he does, then my apologies if he now objects to any assistance to the Muslim Brotherhood. But it's my impression that he didn't have a problem with this administration's help to Egypt now.

So when we see the things that have gone on—the things that have been introduced and proven in court and the Fifth Circuit saying, no, you cannot strike those names from the pleading because there's sufficient evidence to establish that they were supporting terrorism, so, no, you can't strike those named co-conspirators from the pleadings—and somehow five Members of Congress are the bad guys for saying let's investigate.

What influence has this group had—and I know from back in my questioning of the Secretary of Homeland Security last October, when I was asking if it was true that there were some members of the Muslim Brotherhood who were part of her Countering Violent Extremism Working Group that advises Homeland Security on how to deal with what some of us would call “radical Islamic jihad,” but which Homeland Security now calls “violent extremism”—apparently not wanting to offend people who are wanting to commit radical Islamic jihad on our country. But I asked her in that hearing in October last year about that, and she points out that actually she has another individual in charge of the Countering Violent Extremism Working Group, so she doesn't really know if they have Muslim Brotherhood members as a part of that.

I asked her this question: All right. Are you aware that the president of ISNA, Imam Magid, is a member of that working group. Correct?

Secretary Napolitano: I can't answer that that is an accurate statement.

So she doesn't know whether the president of what's been established in court as the largest Muslim Brotherhood front group in America is part of her advisory group at Homeland Security.

Of course it was interesting in our hearing last week, she also indicated that there had not been a terrorist that had been allowed into the White House with the Egyptian recent group, when we had been reading in the paper that there had—of course, that may not be a good source because they were mainstream papers—but we had been reading that there was a member of a known terrorist group that was allowed into the White House and that he used that platform to lobby for the release of the blind sheik who had assisted in planning the 1993 World Trade Center bombing.

So I thought it might be helpful, Mr. Speaker, tonight to just touch base regarding the timeline that Investors Business Daily sponsored. It was an editorial. It was dated July 19, 2012, posted at 6:46 p.m. eastern time. And it can be found at investors.com, Mr. Speaker. But it's entitled, “How Obama Engineered Mideast Radicalization.” And then it goes through, and after preliminary paragraphs, it just sets out a timeline for things that have happened.

I hope my friends, who have been so quick to condemn and ridicule, and even people who are on committees who should know about these things and should know about the evidence in the Holy Land Foundation trial where Muslim Brotherhood ties were established, and they should know about the proof in 1995 at the World Trade Center first trial of the defendants that did that. I would think they would be wel-

coming, since there are many people who are not aware of what the evidence was in those. They would welcome input from someone as well versed as the prosecutor from the 1995 World Trade Center trial.

So this is from Investors Business Daily, an editorial. It says:

The Obama record: After angry Egyptians pelted her motorcade with shoes chanting “Leave!,” Secretary of State Clinton insisted the U.S. wasn't there to take sides. Too late.

“I want to be clear that the United States is not in the business, in Egypt, of choosing winners and losers, even if we could, which of course we cannot,” Hillary Clinton intoned earlier this week.

Of course, the administration could, and it did, picking and even colluding with the Muslim Brotherhood. And one of its hardliners, Mohammed Morsif, now sits in the presidential palace, where he refused to shake unveiled Clinton's hand.

This administration favored Islamists over secularists and helped them overthrow Hosni Mubarak, the reliable U.S. ally who had outlawed the terrorist Brotherhood and honored the peace pact with Israel for three decades. The Brotherhood, in contrast, has backed Hamas and called for the destruction of Israel.

Now the administration is dealing with the consequences of its misguided king-making. Officials fear the new regime could invite al Qaeda, now run by an Egyptian exile, back into Egypt and open up a front with Israel along the Sinai. Result: more terrorists and higher gas prices.

In fact, it was Hillary's own Department that helped train Brotherhood leaders for the Egyptian elections. Behind the scenes, she and the White House made a calculated decision and took step-by-step actions to effectively sell out Israel and U.S. interests in the Mideast to the Islamists.

The untold story of the “Arab Spring” is that the Obama administration secretly helped bring Islamofascists to power. Consider this timeline:

2009: The Brotherhood's spiritual leader—Sheik Yusuf Qaradawi—writes an open letter to Obama arguing terrorism is a direct response to U.S. foreign policy.

2009: Obama travels to Cairo to deliver apologetic speech to Muslims and infuriates the Mubarak regime by inviting banned Brotherhood leaders to attend. Obama deliberately snubs Mubarak, who was neither present nor mentioned. He also snubs Israel during Mideast trip.

2009: Obama appoints a Brotherhood-tied Islamist—Rashad Hussain—as U.S. envoy to the Organization of the Islamic Conference, which supports the Brotherhood.

The Organization of Islamic Conference, by the way, the OIC, it isn't in the article, but it is composed of 57 states. Fifty-seven Muslim states make up the OIC, and that's what is being referred to there.

2010: State Department lifts visa ban on Tariq Ramadan, suspected terrorist and Egyptian-born grandson of Brotherhood founder Hassan al-Banna.

2010: Hussein meets with Ramadan at American-sponsored conference attended by U.S. and Brotherhood officials.

2010: Hussein meets with the Brotherhood's grand mufti in Egypt.

2010: Obama meets one-on-one with Egypt's foreign minister, Ahmed Aboul Gheit, who later remarks on Nile TV: “The American

President told me in confidence that he is a Muslim.”

2010: The Brotherhood’s supreme guide calls for jihad against the U.S.

2011: Qaradawi calls for “days of rage” against Mubarak and other pro-Western regimes throughout Mideast.

□ 2140

2011: Riots erupt in Cairo’s Tahrir Square. Crowds organized by the Brotherhood demand Mubarak’s ouster, storm buildings.

2011: The White House fails to back long-term ally Mubarak, who flees Cairo.

2011: White House sends intelligence czar, James Clapper, to Capitol Hill to whitewash the Brotherhood’s extremism. Clapper testifies the group is moderate, “largely secular.”

2011: Qaradawi, exiled from Egypt for 30 years, is given a hero’s welcome in Tahrir Square, where he raises the banner of jihad.

2011: Through his State Department office, William Taylor—Clinton’s special coordinator for Middle East transitions and a long-time associate of Brotherhood apologists—gives Brotherhood and other Egyptian Islamists special training to prepare for the post-Mubarak elections.

2011: The Brotherhood wins control of Egyptian Parliament, vows to tear up Egypt’s 30-year peace treaty with Israel and reestablishes ties with Hamas, Hezbollah.

2011: Obama gives Mideast speech demanding Israel relinquish land to Palestinians, while still refusing to visit Israel.

And parenthetically, we know that the administration has now said if we’ll just give him another term, then the next 4 years he will go see Israel.

Back to the article:

2011: Justice Department pulls plug on further prosecution of U.S.-based Brotherhood front groups identified as collaborators in conspiracy to funnel millions to Hamas.

2011: In a shocking first, the State Department formalizes ties with Egypt’s Brotherhood, letting diplomats deal directly with Brotherhood party officials in Cairo.

April 2012: The administration quietly releases \$1.5 billion in foreign aid to the new Egyptian regime.

June 2012: Morsi wins presidency amid widespread reports of electoral fraud and voter intimidation by gun-toting Brotherhood thugs, including blockades of entire streets to prevent Christians from going to the polls. The Obama administration turns a blind eye, recognizes Morsi as victor.

June 2012: In a victory speech, Morsi vows to instate shari’ah law, turning Egypt into an Islamic theocracy, and also promises to free jailed terrorists. He also demands Obama free World Trade Center terrorist and Brotherhood leader, Omar Abdel-Rahman, aka the Blind Sheikh, from U.S. prison.

June 2012: State grants visa to banned Egyptian terrorists who joins a delegation of Brotherhood officials from Egypt. They’re all invited to the White House to meet with Obama’s deputy national security adviser, who listens to their demands for the release of the blind sheik.

By the way, in the hearing last week, when I asked our Secretary of Homeland Security about that incident, widely reported, even the mainstream media was reporting it, that a member of a known terrorist organization was given access to the White House, she indicated that it just wasn’t true, apparently, not knowing the news that was happening just across town from her Department.

In any event, back to the article:

July 2012: Obama invites Morsi to visit the White House this September.

The Muslim Brotherhood’s sudden ascendancy in the Mideast didn’t happen organically. It was helped along by a U.S. President sympathetic to its interests over those of Israel and his own country.

Now, that’s the Investor’s Business Daily editorial from July 19 of 2012.

I was shocked to previously find out that it was not until 2009 that our FBI sent a letter saying they were suspending their relationship, one place it referred, I believe the word “partner” with CAIR, CAIR being a named co-defendant related to Muslim Brotherhood activity and related to support for terrorism abroad.

It referred to the convictions in the 2008 Holy Land Foundation trial and the evidence that was introduced at the trial, but what shocked me is that they waited till after a conviction, when the Justice Department was the one that was gathering this evidence. They’d been gathering it for years.

And I was amazed that they seemed surprised—or whether or not they were surprised, they didn’t do anything to sever ties with CAIR, which seems to be, with the ACLU, the most influential in getting this administration to purge its training documents for the people that are supposed to protect us, of anything that might be considered offensive to someone who was a Muslim Brotherhood member or Islamist.

Now, I’ve visited with Muslims abroad. A man named Massoud, whose brother was assassinated just within 36 hours of 9/11, I consider him a friend. He knows about sacrifice.

The State Department said they simply could not spare the security to get me and anyone else to a meeting with our Muslim friends who have fought with Americans, buried their loved ones like Americans have from fighting in Afghanistan, these are our friends. And I told our State Department, that’s fine; I talked to Massoud, and he’s sending a security vehicle, and I am certainly willing to put my life in his hands because I trust him. He’s a Muslim friend.

I told them I was going, after we finished meeting with our troops. And after we met with our troops, I was advised, we’ve arranged for an American security vehicle to take you, and we have contacted Mr. Massoud to let him know we would get you to the meeting.

We should never be afraid of Muslims, but we should be afraid of Muslim extremists that want to take over our country and destroy our way of life. It is critical that our intelligence, our Justice Department, those who are supposed to be protecting us, even in the White House, that they know the difference between our Muslim friends and those who want to subvert the democracy in America.

I make no apologies for that. I can’t. I took an oath to defend this Constitu-

tion. I can’t apologize for loving America enough that I will recognize those who are Muslim friends and those who are not.

With that, Mr. Speaker, I yield back the balance of my time.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. JACKSON LEE of Texas (at the request of Ms. PELOSI) for today between 1 and 5 p.m. on account of attending a memorial service for her former chief of staff.

Mr. REYES (at the request of Ms. PELOSI) for today on account of medical reasons.

#### SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker’s table and, under the rule, referred as follows:

S. 710. An act to amend the solid Waste Disposal Act to direct the Administrator of the Environmental Protection Agency to establish a hazardous waste electronic manifest system, Committee on Energy and Commerce.

#### ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2527. An act to require the Secretary of the Treasury to mint coins in recognition and celebration of the National Baseball Hall of Fame.

#### ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o’clock and 49 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, July 25, 2012, at 10 a.m. for morning-hour debate.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker’s table and referred as follows:

7031. A letter from the Under Secretary Rural Housing Service, Department of Agriculture, transmitting the Department’s final rule — Single Family Housing Guaranteed Loan Program (RIN: 0575-AC90) received July 9, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7032. A letter from the Administrator, Department of Agriculture, transmitting the Department’s final rule — Tart Cherries Grown in the States of Michigan, et al.; Increasing the Primary Reserve Capacity and Revising Exemption Requirements [Doc. No.: AMS-FV-11-0092; FV12-930-1 FR] received

July 12, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7033. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Avocados Grown in South Florida; Decreased Assessment Rate [Doc. No.: AMS-FV-11-0094; FV12-915-1 IR] received July 12, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7034. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of General Ann E. Dunwoody, United States Army, and her advancement to the grade of general on the retired list; to the Committee on Armed Services.

7035. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the System's final rule — Supervised Securities Holding Company Registration (RIN: 7100-AD81) received July 5, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7036. A letter from the Acting Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Calculation of Maximum Obligation Limitation (RIN: 1505-AC36) received July 9, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7037. A letter from the Counsel for Regulatory and External Affairs, Federal Labor Relations Authority, transmitting the Authority's final rule — Representation Proceedings, Unfair Labor Practice Proceedings, and Miscellaneous and General Requirements received July 5, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7038. A letter from the Director, Directorate of Standards and Guidance, Occupational Safety and Health Administration, transmitting the Administration's final rule — Updating OSHA Standards Based on National Consensus Standards; Head Protection [Docket No.: OSHA-2011-0184] (RIN: 1218-AC65) received July 12, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7039. A letter from the Deputy Director for Policy, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Paying Benefits received June 21, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7040. A letter from the Secretary, Department of Energy, transmitting A report on the Voluntary Commitments to Reduce Industrial Energy Intensity, pursuant to 42 U.S.C. 15811 Public Law 109-58, section 106(f); to the Committee on Energy and Commerce.

7041. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Effective Date of Requirement for Premarket Approval for an Implantable Pacemaker Pulse Generator [Docket No.: FDA-2011-N-0522] received July 9, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7042. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Effective Date of Requirement for Premarket Approval for a Pacemaker Programmer [Docket No.: FDA-2011-N-0526] received July 9, 2012,

pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7043. A letter from the Chief, Policy and Rules Division, Federal Communications Commission, transmitting the Commission's final rule — Amendment of the Commission's Rules to Provide Spectrum for the Operation of Medical Body Area Networks [ET Docket No.: 08-59] received July 10, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7044. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Integration of Variable Energy Resources [Docket No.: RM10-11-000; Order No. 764] received July 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7045. A letter from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act; to the Committee on Foreign Affairs.

7046. A letter from the Senior Vice President and Chief Financial Officer, Federal Home Loan Bank of New York, transmitting the 2011 management report of the Federal Home Loan Bank of New York, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

7047. A letter from the Senior Vice President and Chief Financial Officer, Federal Home Loan Bank of San Francisco, transmitting the 2011 management report and statements on system of internal controls of the Federal Home Loan Bank of San Francisco, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

7048. A letter from the President and Chief Executive Officer, Federal Home Loan Bank of Seattle, transmitting the 2011 management report and statements on the system of internal controls of the Federal Home Loan Bank of Seattle, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

7049. A letter from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting the Administration's final rule — The Interagency Security Classification Appeals Panel (ISCAP) Bylaws, Rules, and Appeal Procedures [NARA-12-0003] (RIN: 3095-AB76) received July 9, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

7050. A letter from the Acting Assistant Secretary, Department of the Interior, transmitting the Department's final rule — Vehicles and Traffic Safety — Bicycles [NPS-WASO-REGS-9886; 2465-SYM] (RIN: 1024-AD97) received July 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7051. A letter from the Secretary, Department of the Interior, transmitting the Department's report entitled "Proposed Final Outer Continental Shelf (OCS) Oil and Gas Leasing Program (PRP) for 2012-2017"; to the Committee on Natural Resources.

7052. A letter from the Director, Administrative Office of the United States Courts, transmitting the Office's report on applications for orders authorizing or approving the interception of wire, oral, or electronic communications and the number of orders and extensions granted or denied during calendar year 2011, pursuant to 18 U.S.C. 2519(3); to the Committee on the Judiciary.

7053. A letter from the Federal Liaison Officer, Department of Commerce, transmitting the Department's final rule — Changes to Implement Miscellaneous Post Patent Provisions of the Leahy-Smith America Invents Act [Docket No.: PTO-P-2011-0072] (RIN: 0651-AC66) received July 9, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7054. A letter from the Federal Liaison Officer, Department of Commerce, transmitting the Department's final rule — Changes to Implement the Preissuance Submissions by Third Parties Provision of the Leahy-Smith America Invents Act [Docket No.: PTO-P-2011-0073] (RIN: 0651-AC67) received July 9, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7055. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of workers from the Feed Materials Production Center (FMPC) in Fernald, Ohio be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

7056. A letter from the Attorney General, Department of Justice, transmitting notification that the Department has determined not to file a petition for a writ of certiorari in *Red Earth LLC et al. v. United States of America et al.*, Nos. 10-3165-CV(L), 10-3191-CV(XAP), 10-3213-CV(XAP), 657 F.3d 138 (2d Cir. Sept. 20, 2011); to the Committee on the Judiciary.

7057. A letter from the Deputy Director, Office of State, Local & Tribal Affairs, Office of National Drug Control Policy, transmitting High Intensity Drug Trafficking Areas (HIDTA) Program Report to Congress, pursuant to Public Law 109-469; to the Committee on the Judiciary.

7058. A letter from the Secretary, Department of Transportation, transmitting the Department's eighth report on the breakdown of the disability-related complaints that U.S. and foreign passenger air carriers operating to and from the U.S. received during 2011; to the Committee on Transportation and Infrastructure.

7059. A letter from the Director of Regulation Policy and Management, Office of the General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — Dependency and Indemnity Compensation Payable to a Surviving Spouse with One or More Children Under Age 18 (RIN: 2900-AO38) received July 9, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

7060. A letter from the Director of Regulation Policy and Management, Office of the General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — Dependency and Indemnity Compensation (DIC) Benefits for Survivors of Former Prisoners of War Rated Totally Disabled at Time of Death (RIN: 2900-AO22) received July 9, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

7061. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's Annual Report On Child Welfare Outcomes 2007-2010, pursuant to Public Law 105-89, section 203(a) (111 Stat. 2127); to the Committee on Ways and Means.

7062. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Treatment of Income from Certain Government Bonds for Purposes of the Passive Foreign Investment Company Rules [Notice

2012-45] received July 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7063. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Applicable Federal Rates — February 2012 (Rev. Rul. 2012-7) received July 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7064. A letter from the Director, Office of Regulations, Social Security Administration, transmitting the Administration's final rule — Extension of Expiration Dates for Several Body System Listings [Docket No.: SSA-2012-0024] (RIN: 0960-AH49) received July 5, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7065. A letter from the Acting Under Secretary and Deputy Secretary, Departments of Defense and Veterans Affairs, transmitting Veterans Affairs and Department of Defense Joint Executive Council Fiscal Year 2011 Annual Report, pursuant to 38 U.S.C. 8111(f); jointly to the Committees on Armed Services and Veterans' Affairs.

7066. A letter from the Inspector General, Department of Health and Human Services, transmitting a report entitled, "Part D Plans Generally Include Drugs Commonly Used by Dual Eligibles: 2012"; jointly to the Committees on Energy and Commerce and Ways and Means.

7067. A letter from the Acting Secretary of Commerce, Department of Commerce, transmitting the annual report on the activities of the Economic Development Administration for Fiscal Year 2011, pursuant to 42 U.S.C. 3217; jointly to the Committees on Transportation and Infrastructure and Financial Services.

7068. A letter from the Assistant Secretary, Department of Defense, transmitting a legislative proposal that the Department requests be enacted during the second session of the 112th Congress; jointly to the Committees on Armed Services, Foreign Affairs, Energy and Commerce, and Intelligence (Permanent Select).

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 1857. A bill for the relief of Bartosz Kumor (Rept. 112-617). Referred to the Private Calendar.

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 824. A bill for the relief of Daniel Wachira (Rept. 112-618). Referred to the Private Calendar.

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 823. A bill for the relief of Maria Carmen Castro Ramirez and J. Refugio Carreno Rojas (Rept. 112-619). Referred to the Private Calendar.

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 794. A bill for the relief of Allan Bolor Kelley (Rept. 112-620). Referred to the Private Calendar.

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 357. A bill for the relief of Corina de Chalup Turcinovic (Rept. 112-621). Referred to the Private Calendar.

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 316. A bill for the relief of Esther Karinge (Rept. 112-622). Referred to the Private Calendar.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. CAMP (for himself, Mr. HERGER, Mr. SAM JOHNSON of Texas, Mr. BRADY of Texas, Mr. RYAN of Wisconsin, Mr. DAVIS of Kentucky, Mr. REICHERT, Mr. BOUSTANY, Mr. ROSKAM, Mr. GERLACH, Mr. PRICE of Georgia, Mr. BUCHANAN, Mr. SCHOCK, Ms. JENKINS, Mr. BERG, Mrs. BLACK, Mr. REED, Mr. TIBERI, Mr. NUNES, Mr. SMITH of Nebraska, Mr. PAULSEN, Mr. MARCHANT, and Mr. DOLD):

H.R. 8. A bill to extend certain tax relief provisions enacted in 2001 and 2003, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS of Washington:

H.R. 6168. A bill to direct the Secretary of the Interior to implement the Proposed Final Outer Continental Shelf Oil & Gas Leasing Program (2012-2017) in accordance with the Outer Continental Shelf Lands Act and other applicable law; to the Committee on Natural Resources.

By Mr. DREIER (for himself, Mr. CAMP, Mr. SESSIONS, Mr. BISHOP of Utah, Mr. WOODALL, Mr. NUGENT, Mr. SCOTT of South Carolina, Mr. WEBSTER, Mr. ROSKAM, Mr. BRADY of Texas, Mr. BERG, Mr. REED, Mr. SMITH of Nebraska, Mr. SCHOCK, Mr. DAVIS of Kentucky, Ms. JENKINS, Mrs. BLACK, Mr. HERGER, Mr. GERLACH, Mr. SAM JOHNSON of Texas, Mr. BOUSTANY, Mr. TIBERI, and Mr. MARCHANT):

H.R. 6169. A bill to provide for expedited consideration of a bill providing for comprehensive tax reform; to the Committee on Rules.

By Mr. CUMMINGS (for himself, Mr. LANDRY, Mr. RAHALL, Mr. LARSEN of Washington, Mr. THOMPSON of Mississippi, Ms. HANABUSA, Mr. RICHMOND, Mr. GRIMM, Mr. BISHOP of New York, and Mrs. MILLER of Michigan):

H.R. 6170. A bill to amend title 46, United States Code, to reinstate provisions requiring that a percentage of aid provided by the Secretary of Agriculture or the Commodity Credit Corporation in the form of certain agricultural commodities or their products must be transported on commercial vessels of the United States, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROONEY (for himself, Mr. BILIRAKIS, Mr. SCHRADER, and Mr. BARBER):

H.R. 6171. A bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to consider the resources of individuals applying for pension that were recently disposed of by the individuals for less than fair market value when determining the eligibility of such individuals for such pension, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MCKINLEY (for himself, Mr. RAHALL, Mr. GRIFFITH of Virginia,

Mr. HOLDEN, Mrs. LUMMIS, Mrs. CAPITO, Mr. JOHNSON of Ohio, Mr. ALTMIRE, Mr. COSTELLO, and Mr. CARDOZA):

H.R. 6172. A bill to prohibit the Administrator of the Environmental Protection Agency from finalizing any rule imposing any standard of performance for carbon dioxide emissions from any existing or new source that is a fossil fuel-fired electric utility generating unit unless and until carbon capture and storage is found to be technologically and economically feasible; to the Committee on Energy and Commerce.

By Mr. NEUGEBAUER (for himself, Mr. SMITH of New Jersey, Mr. AKIN, Mr. LATTA, Mr. HARRIS, Mr. NUNNELEE, Mr. HUELSKAMP, Mr. PEARCE, Mr. LANDRY, Mr. GRIFFIN of Arkansas, Mr. POMPEO, Mr. LAMBORN, Mrs. SCHMIDT, Mr. MARCHANT, Mr. HULTGREN, Mr. LANKFORD, Mr. RENACCI, Mr. HUIZENGA of Michigan, Mr. BROUN of Georgia, Mr. SCALISE, Mr. MICA, Mr. SAM JOHNSON of Texas, Mr. PAUL, Mrs. HARTZLER, Mr. GOHMERT, Mr. FLORES, Mr. BURTON of Indiana, Mr. JONES, Mrs. BLACK, Mr. MILLER of Florida, Mr. BRADY of Texas, Mr. FLEMING, Mr. OLSON, Mrs. ROBY, Mr. CANSECO, and Mr. POE of Texas):

H.R. 6173. A bill to amend the General Education Provisions Act to prohibit Federal education funding for elementary schools and secondary schools that provide on-campus access to abortion providers; to the Committee on Education and the Workforce.

By Mr. CARTER (for himself, Mr. ROSS of Arkansas, Mrs. McMORRIS RODGERS, Mr. BARROW, Mr. RIBBLE, Mr. SMITH of Washington, Mr. CUELLAR, Mr. CALVERT, Mr. SENSENBRENNER, Mr. LONG, Mr. HINOJOSA, Mr. CHABOT, Mr. BARTON of Texas, Mr. BISHOP of Utah, Mr. LUETKEMEYER, Mr. WALBERG, Mr. SCOTT of South Carolina, Mr. LATTA, Mr. DIAZ-BALART, and Mr. HUIZENGA of Michigan):

H.R. 6174. A bill to amend section 403 of the Federal Food, Drug, and Cosmetic Act to improve and clarify certain disclosure requirements for restaurants, similar retail food establishments, and vending machines; to the Committee on Energy and Commerce.

By Mr. KILDEE (for himself, Mr. GRIJALVA, Mr. HINCHEY, Mr. SABLAN, Mr. TONKO, Ms. BORDALLO, Ms. RICHARDSON, Mr. CONYERS, Mr. DAVID SCOTT of Georgia, Ms. NORTON, Mr. LUJAN, Ms. EDWARDS, Mrs. MCCARTHY of New York, Mr. KIND, Ms. HIRONO, and Mr. MARKEY):

H.R. 6175. A bill to authorize studies of certain areas for possible inclusion in the National Park System, and for other purposes; to the Committee on Natural Resources.

By Mr. BOUSTANY (for himself and Mr. PRICE of Georgia):

H.R. 6176. A bill to amend the Social Security Act to permit hospitals to make incentive payments to physicians to promote quality and efficiency; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRALEY of Iowa:

H.R. 6177. A bill to amend the Internal Revenue Code of 1986 to increase the deduction for start-up expenditures for business for 2012

and 2013; to the Committee on Ways and Means.

By Mr. CHABOT (for himself, Mr. CARNAHAN, Mr. WILSON of South Carolina, Mr. CONNOLLY of Virginia, Mr. POE of Texas, Mr. SMITH of Washington, Mr. MCCAUL, and Mr. CRENSHAW):

H.R. 6178. A bill to direct the President to establish an interagency mechanism to coordinate United States development programs and private sector investment activities, and for other purposes; to the Committee on Foreign Affairs.

By Mr. DOGGETT (for himself, Mr. LEVIN, Mr. RANGEL, Mr. STARK, Mr. McDERMOTT, Mr. LEWIS of Georgia, Mr. NEAL, Mr. BECERRA, Mr. LARSON of Connecticut, Mr. BLUMENAUER, Mr. PASCRELL, Ms. BERKLEY, Mr. CROWLEY, Mr. AL GREEN of Texas, Mr. HINOJOSA, Ms. JACKSON LEE of Texas, Mr. GONZALEZ, Mr. CUELLAR, Mr. GENE GREEN of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. VAN HOLLEN, Mr. GARAMENDI, and Mr. KIND):

H.R. 6179. A bill to amend the Internal Revenue Code of 1986 to extend for 1 year the American Opportunity Tax Credit and the disregard of tax refunds for purposes of Federal, and federally-assisted, programs; to the Committee on Ways and Means.

By Mr. NEAL (for himself and Mr. GERLACH):

H.R. 6180. A bill to amend the Internal Revenue Code of 1986 to prevent the alternative minimum tax from effectively repealing the Federal tax exemption for interest on State and local private activity bonds; to the Committee on Ways and Means.

By Mr. NEAL (for himself, Mr. LEVIN, Mr. RANGEL, Mr. STARK, Mr. McDERMOTT, Mr. LEWIS of Georgia, Mr. BECERRA, Mr. DOGGETT, Mr. LARSON of Connecticut, Mr. BLUMENAUER, Mr. PASCRELL, Ms. BERKLEY, and Mr. CROWLEY):

H.R. 6181. A bill to amend the Internal Revenue Code of 1986 to extend certain improvements in the child tax credit and the earned income tax credit, and for other purposes; to the Committee on Ways and Means.

By Mr. LARSON of Connecticut (for himself and Mr. CLAY):

H.J. Res. 115. A joint resolution supporting the establishment of a Presidential Youth Council; to the Committee on Education and the Workforce.

By Mr. PERLMUTTER (for himself, Mr. COFFMAN of Colorado, Ms. DEGETTE, Mr. LAMBORN, Mr. POLIS, Mr. TIPTON, and Mr. GARDNER):

H. Con. Res. 134. Concurrent resolution condemning, in the strongest possible terms, the heinous atrocities that occurred in Aurora, Colorado; to the Committee on Oversight and Government Reform.

By Mr. BRALEY of Iowa:

H. Res. 739. A resolution providing for consideration of the bill (H.R. 6083) to provide for the reform and continuation of agricultural and other programs of the Department of Agriculture through fiscal year 2017, and for other purposes; to the Committee on Rules.

## MEMORIALS

Under clause 4 of rule XXII,

256. The SPEAKER presented a memorial of the Senate of the State of Colorado, relative to Senate Joint Resolution No. 12-003 memorializing the Congress to amend 26

U.S.C. sec. 6033; to the Committee on Ways and Means.

## CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. CAMP:

H.R. 8.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article I of the United States Constitution and Amendment XVI of the United States Constitution.

By Mr. HASTINGS of Washington:

H.R. 6168.

Congress has the power to enact this legislation pursuant to the following:

Article IV, section 3, clause 2

By Mr. DREIER:

H.R. 6169.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to Article I, section 5, clause 2 (relating to the power of each House of Congress to determine the rules of its proceedings).

By Mr. CUMMINGS:

H.R. 6170.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1: "The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States."

And Article I, Section 8, Clause 14: "To make Rules for the Government and Regulation of the land and naval Forces."

By Mr. ROONEY:

H.R. 6171.

Congress has the power to enact this legislation pursuant to the following:

Article 1, section 8. The Congress shall have the power to lay and collect taxes, duties, imposts, and excises, to pay debts and provide for the common defence and general welfare of the United States.

By Mr. MCKINLEY:

H.R. 6172.

Congress has the power to enact this legislation pursuant to the following:

According to Article I, Section 8, Clause 18 of the Constitution: The Congress shall have power to enact this legislation to make all laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. NEUGEBAUER:

H.R. 6173.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8: The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States;

By Mr. CARTER:

H.R. 6174.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the Constitution

The Congress shall have Power \*\*\* To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. KILDEE:

H.R. 6175.

Congress has the power to enact this legislation pursuant to the following:

Under Article I, Section 8, Clause 3 and Article IV, Section 3, Clause 2 of the Constitution.

By Mr. BOUSTANY:

H.R. 6176.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of Section 8 of Article 1 of the Constitution.

Clause 1 of Section 8 of Article 1 of the Constitution.

Clause 18 of Section 8 of Article 1 of the Constitution.

By Mr. BRALEY of Iowa:

H.R. 6177.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 18 of the United States Constitution.

By Mr. CHABOT:

H.R. 6178.

Congress has the power to enact this legislation pursuant to the following:

Article 4, Section 3 of the United States Constitution.

By Mr. DOGGETT:

H.R. 6179.

Congress has the power to enact this legislation pursuant to the following:

Article One, Section 8 and the 16th Amendment of the Constitution.

By Mr. NEAL:

H.R. 6180.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to Clause 1 of Section 8 of Article I and the 16th Amendment to the U.S. Constitution.

By Mr. NEAL:

H.R. 6181.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to Clause 1 of Section 8 of Article I and the 16th Amendment to the U.S. Constitution.

By Mr. LARSON of Connecticut:

H.J. Res. 115.

Congress has the power to enact this legislation pursuant to the following:

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 127: Mr. CHABOT and Mr. MCCAUL.

H.R. 303: Mr. HINOJOSA.

H.R. 308: Mr. TIERNEY and Mr. PERLMUTTER.

H.R. 458: Mr. BRADY of Pennsylvania, Mr. BUTTERFIELD, and Mr. DOYLE.

H.R. 591: Mr. TIERNEY, Mr. SHERMAN, and Mr. LEWIS of Georgia.

H.R. 733: Mr. RICHMOND.

H.R. 831: Mr. HONDA.

H.R. 860: Mrs. BACHMANN and Mrs. BIGGERT.  
H.R. 905: Mr. THORNBERRY and Ms. LINDA T. SANCHEZ of California.  
H.R. 1032: Mr. GOHMERT, Mrs. SCHMIDT, and Mr. GRAVES of Georgia.  
H.R. 1206: Mr. MACK.  
H.R. 1259: Mr. LANCE.  
H.R. 1265: Mr. SMITH of New Jersey and Mr. LIPINSKI.  
H.R. 1283: Mr. FINCHER.  
H.R. 1284: Mr. SCHIFF.  
H.R. 1344: Mr. THOMPSON of California.  
H.R. 1370: Mr. CRENSHAW.  
H.R. 1426: Ms. BERKLEY.  
H.R. 1543: Mr. CICILLINE.  
H.R. 1546: Mr. DAVID SCOTT of Georgia, Mr. BOUSTANY, and Mr. REYES.  
H.R. 1621: Mr. KINZINGER of Illinois, Mr. CRAWFORD, Mr. PAULSEN, Mr. MARCHANT, and Mr. SABLAN.  
H.R. 1639: Mr. LOEBSACK.  
H.R. 1653: Mr. BACHUS and Mr. FLEMING.  
H.R. 1700: Mr. HECK.  
H.R. 1802: Mr. POSEY.  
H.R. 1860: Mr. BOUSTANY and Mr. FILNER.  
H.R. 1955: Mr. HOLT.  
H.R. 1980: Mr. HINCHEY.  
H.R. 2077: Mr. DAVIS of Kentucky, Mr. CANSECO, Mr. RIGELL, and Mr. THOMPSON of Pennsylvania.  
H.R. 2104: Mr. NUNNELEE.  
H.R. 2139: Mr. CLEAVER, Mr. PALLONE, Mr. BARLETTA, and Ms. BONAMICI.  
H.R. 2342: Mr. CLAY.  
H.R. 2364: Ms. SPEIER.  
H.R. 2479: Mr. GERLACH and Mr. DOYLE.  
H.R. 2524: Mr. ANDREWS and Mr. HOLT.  
H.R. 2600: Mr. SCOTT of South Carolina, Ms. HANABUSA, Mr. BISHOP of New York, Ms. HIRONO, and Mr. GOWDY.  
H.R. 2649: Ms. CASTOR of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. NAPOLITANO, and Mr. PLATTS.  
H.R. 2655: Mr. HANNA and Mr. KIND.  
H.R. 2721: Mr. PIERLUISI.  
H.R. 2772: Mr. BISHOP of New York.  
H.R. 2773: Mr. HONDA.  
H.R. 2798: Mr. LYNCH.  
H.R. 2800: Mr. LYNCH.  
H.R. 2954: Mr. GENE GREEN of Texas.  
H.R. 2997: Mrs. MYRICK and Mr. BACHUS.  
H.R. 3000: Mr. CRAWFORD.  
H.R. 3057: Mr. SCHILLING.  
H.R. 3087: Mr. LOEBSACK.  
H.R. 3158: Mr. HULTGREN, Mr. PETERSON, and Mr. FARENTHOLD.  
H.R. 3179: Mr. BROUN of Georgia.  
H.R. 3252: Mr. BISHOP of New York.  
H.R. 3307: Mr. BILBRAY.  
H.R. 3324: Ms. PINGREE of Maine.  
H.R. 3356: Mr. DENHAM and Mr. REED.  
H.R. 3395: Mr. OLSON.

H.R. 3409: Mr. MURPHY of Pennsylvania.  
H.R. 3423: Mr. GIBSON and Mr. GRAVES of Missouri.  
H.R. 3496: Mr. ELLISON.  
H.R. 3497: Mr. RUPPERSBERGER, Mr. RANGEL, and Mr. BILBRAY.  
H.R. 3612: Mr. LARSON of Connecticut and Mr. PALAZZO.  
H.R. 3658: Mr. REHBERG.  
H.R. 3661: Ms. SCHAKOWSKY, Ms. HIRONO, Mr. CARNAHAN, and Mr. HIMES.  
H.R. 3666: Mr. GARAMENDI and Mr. GIBSON.  
H.R. 3704: Mr. LIPINSKI.  
H.R. 3729: Mr. KIND.  
H.R. 3798: Mr. LIPINSKI.  
H.R. 3805: Mr. FINCHER.  
H.R. 3849: Mr. GRAVES of Georgia.  
H.R. 4066: Mr. NUNNELEE.  
H.R. 4070: Mr. MURPHY of Connecticut.  
H.R. 4124: Mr. BRALEY of Iowa.  
H.R. 4157: Mrs. LUMMIS.  
H.R. 4158: Mr. CRAVAACK.  
H.R. 4202: Ms. LEE of California.  
H.R. 4342: Mr. ROGERS of Alabama and Mrs. BIGGERT.  
H.R. 4345: Mr. NUNNELEE.  
H.R. 4373: Mr. CRAWFORD.  
H.R. 4405: Mr. MORAN, Mrs. SCHMIDT, and Mr. NUNES.  
H.R. 4467: Ms. RICHARDSON and Mrs. NAPOLITANO.  
H.R. 4965: Mr. DAVIS of Kentucky and Mr. ROSS of Florida.  
H.R. 5542: Mr. LIPINSKI, Ms. SCHAKOWSKY, and Ms. EDWARDS.  
H.R. 5707: Mr. HINOJOSA.  
H.R. 5729: Ms. HIRONO.  
H.R. 5741: Mr. LUETKEMEYER.  
H.R. 5746: Mr. DOGGETT, Mr. DAVIS of Kentucky, and Mr. PRICE of Georgia.  
H.R. 5796: Mr. HULTGREN.  
H.R. 5817: Mr. GOSAR, Mr. JONES, Mr. HARRIS, Mr. BARLETTA, Mr. SHERMAN, and Mr. MEEKS.  
H.R. 5864: Ms. KAPTUR and Mr. CLARKE of Michigan.  
H.R. 5905: Mr. HOLT, Mr. SCHIFF, Mr. ELLISON, Ms. PINGREE of Maine, Mr. VAN HOLLEN, and Mr. COHEN.  
H.R. 5909: Mr. HASTINGS of Florida, Mr. THOMPSON of Mississippi, Ms. RICHARDSON, and Mr. TOWNS.  
H.R. 5925: Mr. GRAVES of Georgia.  
H.R. 5942: Ms. HAYWORTH.  
H.R. 5969: Mr. FLAKE.  
H.R. 5970: Mr. FLAKE.  
H.R. 6000: Mr. LANKFORD.  
H.R. 6009: Mr. PENCE.  
H.R. 6012: Mr. LIPINSKI.  
H.R. 6025: Mr. CANSECO and Mr. WESTMORELAND.  
H.R. 6033: Ms. PINGREE of Maine.

H.R. 6046: Mr. HONDA, Mr. McDERMOTT, and Mr. ACKERMAN.  
H.R. 6087: Mr. McDERMOTT.  
H.R. 6088: Mr. WESTMORELAND.  
H.R. 6097: Mr. PALAZZO, Ms. JENKINS, and Mr. JOHNSON of Ohio.  
H.R. 6101: Mr. LARSEN of Washington.  
H.R. 6112: Mr. GRAVES of Georgia.  
H.R. 6128: Ms. CHU, Mr. GRIJALVA, Mr. JOHNSON of Georgia, Mrs. NAPOLITANO, Mr. HONDA, Mr. HINOJOSA, and Mr. BACA.  
H.R. 6131: Mr. BASS of New Hampshire and Mr. DINGELL.  
H.R. 6134: Mr. FILNER.  
H.R. 6138: Mr. SIREN, Mr. BLUMENAUER, and Mrs. MALONEY.  
H.R. 6139: Mr. RENACCI.  
H.R. 6140: Mr. ISSA, Mr. MULVANEY, Mr. SMITH of Nebraska, Mr. GINGREY of Georgia, Mr. BUCHANAN, Mr. CHABOT, Mr. KING of Iowa, Mr. BACHUS, Mrs. SCHMIDT, Mr. MURPHY of Pennsylvania, and Mr. BROUN of Georgia.  
H.R. 6148: Mr. GARDNER.  
H.R. 6167: Mr. DONNELLY of Indiana.  
H. Con. Res. 129: Mr. WELCH and Mr. LIPINSKI.  
H. Con. Res. 131: Mr. WAXMAN, Mrs. LOWEY, and Mrs. CHRISTENSEN.  
H. Res. 298: Mr. BUTTERFIELD.  
H. Res. 484: Mr. BERMAN.  
H. Res. 613: Mr. CARNAHAN.  
H. Res. 618: Mr. MILLER of North Carolina.  
H. Res. 652: Mrs. MYRICK and Mr. GONZALEZ.  
H. Res. 694: Mr. CLAY.  
H. Res. 704: Mr. STARK and Mr. WAXMAN.  
H. Res. 713: Mr. AL GREEN of Texas, Mrs. MALONEY, Mr. MILLER of North Carolina, Ms. WOOLSEY, Ms. MOORE, Mr. WELCH, Mr. FILNER, Mr. DINGELL, Ms. EDDIE BERNICE JOHNSON of Texas, and Ms. CASTOR of Florida.

#### CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative HASTINGS of Washington, or a designee, to H.R. 6082, the congressional replacement of President Obama's energy-restricting and job-limiting offshore drilling plan, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

## EXTENSIONS OF REMARKS

RETIREMENT CEREMONY FOR  
MRS. RUTHANNE SLAMKA

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2012

Mr. VISCLOSKY. Mr. Speaker, it is with great pleasure and admiration that I stand before you today to recognize Mrs. Ruthanne Slamka for her many years of service to the National Park Service (NPS), and more specifically, to the Indiana Dunes National Lakeshore. Ruthanne's 40 years of service to the Indiana Dunes National Lakeshore have certainly contributed to the park's success. For her many years of public service and her exceptional dedication to the community of Northwest Indiana, she will be honored at a retirement ceremony on Friday, July 27, 2012.

Indisputably, Ruthanne's tireless devotion to ensuring the success of the park lent itself to the overall growth of the Indiana Dunes National Lakeshore. As you may be aware, the Indiana Dunes National Lakeshore came into being on November 5, 1966. Ruthanne Slamka began her work with the National Park Service on July 23, 1972 and the Indiana Dunes National Lakeshore held a ceremony establishing the park on September 8, 1972.

Much work was needed to acquire land within the park's boundary, and Ruthanne served as the primary contact for hundreds of individuals and families whose property was acquired. Her knowledge of the properties and the complex acquisition process earned her the respect of the owners, other government entities, and the public at large. Further, the meticulous transcripts Ruthanne produced provide an exceptional insight into the park's early years, and serve as an invaluable tool for those interested in the rich history of this extraordinary landmark.

Thanks in part to the effort and professionalism Ruthanne demonstrated during her tenure with the Indiana Dunes National Lakeshore, residents of, and visitors to, Northwest Indiana are able to enjoy the Lake Michigan shoreline as well as the miles of recreational trails and the diverse ecosystem contained within the park's wetlands, prairies, and forests. My constituents and I are indebted to Ruthanne Slamka for her contributions to the only National Park within the First Congressional District.

Although she has committed herself to serving her community through her work with the Indiana Dunes National Lakeshore, Ruthanne's dedication to her family and loved ones is equally impressive. Ruthanne and her husband, Joseph, have been married for more than 40 years.

Mr. Speaker, I respectfully ask that you and my other distinguished colleagues join me in honoring Ruthanne Slamka, and in wishing her well upon her retirement. Her lifetime of

service to the Indiana Dunes National Lakeshore and her unselfish commitment to serving her community is truly admirable, and for this, she is worthy of the highest praise.

## PERSONAL EXPLANATION

HON. DAVID N. CICILLINE

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2012

Mr. CICILLINE. Mr. Speaker, on the Legislative Day of June 8, 2012, upon request of a leave of absence after 11:00 a.m., a series of votes were held. Had I been present for these rollcall votes, I would have casted the following votes:

On agreeing to the Broun (GA) amendment (Roll No. 372)—I vote "No"; On agreeing to the Scalise amendment (Roll No. 373)—I vote "No"; On agreeing to the Moran amendment (Roll No. 374)—I vote "Yes"; On agreeing to the Flake amendment (Roll No. 375)—I vote "No"; On motion to recommit with instructions (Roll No. 376)—I vote "Yes"; On passage (Roll No. 377)—I vote "No"; and On motion that the House instruct conferees (Roll No. 378)—I vote "No."

IN RECOGNITION OF THE CITY OF  
GAINESVILLE BEING NAMED  
"MOST PATRIOTIC SMALL TOWN  
IN AMERICA" BY USA TODAY

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2012

Mr. BURGESS. Mr. Speaker, I rise today to recognize Gainesville, Texas as they were recently named the "Most Patriotic Small Town in America" by USA Today.

Last week, Rand McNally Corporation and USA Today announced the winners of the Best of the Road 2012 contest. This contest is a nationwide search for America's best towns for friendliest people, great scenery, terrific food, patriotic fervor, and just plain fun.

I am proud that Gainesville won the category for most patriotic, not only for its number of monuments and memorials and tremendous display of American flags, but especially for the genuine spirit of its citizens. As a finalist, Gainesville hosted a two day patriotic celebration during the judges' visit to the city which included an old fashioned ice cream social and a tour of the city decked out in its best red, white and blue regalia. In addition, the judges recognized Gainesville's Medal of Honor Host City Program, an annual three day celebration honoring the military veterans awarded our nation's highest military decoration, the Medal of Honor. Also recognized was

Gainesville's unique downtown area with its antique shopping and dining venues situated around the historic Cooke County Courthouse on the square.

Gainesville was established in 1850 through a donation of 40 acres of land by Mary E. Clark. The town was named after General Edmund Pendleton Gaines, a United States General sympathetic to Texas during the state's revolution. After years of battling off Native American attacks, the city persevered and ultimately prospered. Since Gainesville is near Oklahoma's border, Gainesville became a key trading center. Farming and agriculture eventually took over as the town's primary industry, and after oil was discovered nearby, Gainesville was able to prosper even during a period of severe economic turmoil, the Great Depression. Gainesville is home to numerous attractions including Camp Howze Army training camp and the Frank Buck Zoo. Today, the city of Gainesville is still continuing to multiply its population and business community.

It is an honor to have Gainesville, recognized after 30,000 miles and five other cities, as the most patriotic. I am privileged to represent Gainesville, Texas in the U.S. House of Representatives, and I rise to salute them for their patriotism for our country.

LYME DISEASE EXPLODING IN  
U.S., AROUND THE GLOBE

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2012

Mr. SMITH of New Jersey. Mr. Speaker, last week I chaired the first ever congressional hearing examining the global challenges in diagnosing, treating and managing Lyme disease.

My personal commitment to combating Lyme disease is longstanding—going back 20 years when one of the witnesses we had last week, Pat Smith, attended one of my townhall meetings in Wall Township, New Jersey and asked me to get involved. I did.

On September 28, 1993 I offered an amendment to establish a Lyme Disease Program through the Environmental Hygiene Agency of the U.S. Department of the Army. It passed and became law.

On May 5, 1998 I introduced a comprehensive, bipartisan Lyme Disease bill—H.R. 3795 Lyme Disease Initiative Act of 1998—which had at its core, the establishment of a task force—an advisory committee—to comprehensively investigate Lyme with at least four things in mind—detection, improved surveillance and reporting, accurate diagnosis and physician knowledge.

I reintroduced the bill again in 1999, 2001, 2004, 2005, 2007, 2009 and 2011.

I would note parenthetically that that same year, I also introduced a comprehensive law to

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



combat Autism. Despite significant opposition in Congress and at NIH and CDC that paralleled the Lyme bill struggle, it became law in 2000. Last year I authored the Combating Autism Reauthorization Act of 2011 which was signed into law in the Fall—with the support of NIH and CDC. If only we had done the same with Lyme Disease legislation in the late 90s—a missed decade on Lyme.

As I have met scores of patients suffering the devastating effects of Chronic Lyme—who only got well after aggressive treatment by a Lyme-literate physician—I have been dismayed and angered by the unwillingness of some to take a fresh, comprehensive look at this insidious disease.

My current bill—H.R. 2557—simply establishes a Tick-Borne Disease Advisory Committee with the requirement of ensuring diversity of valid scientific opinion—a “broad spectrum of viewpoints”—on the committee.

In Europe, Lyme disease syndromes were described as early as 1883, and by the mid-1930s neurologic manifestations and the association with Ixodes ticks were recognized and known as tick-borne meningoencephalitis.

In the United States, Lyme disease was not recognized until the early 1970s, when a statistically improbable cluster of pediatric arthritis occurred in the region around Lyme, Connecticut. This outbreak was investigated by Allen Steere, MD, and others from Yale and stimulated intense clinical and epidemiologic research. In 1981, Dr. Willy Burgdorfer, an NIH researcher at the Rocky Mountain Laboratories, identified the spiral-shaped bacteria (or spirochetes) causing Lyme disease and made the connection to the deer or black-legged tick, *Ixodes scapularis*.

Lyme disease is the most common vector-borne illness in the U.S. and is also endemic in parts of Europe and Asia, and recently has been confirmed to be endemic in the Amazon region of Brazil. In Europe, the highest rates are in Eastern and Central Europe. Recent surveillance studies have described growing problems in Australia and Canada.

In the U.S., Lyme disease has been reported in 49 states and is most common in the northeastern and north central states, and in Northern California into Oregon. Over 30,000 confirmed cases were reported to the Centers for Disease Control and Prevention, CDC, in 2010, making it the 6th most common reportable disease in the U.S. and the 2nd most reportable in the northeast. CDC has estimated that actual new cases may be 10 times more than the reported number—indicating roughly 300,000 new cases in 2010 alone. About 85,000 cases were reported annually in Europe as of 2006 according to the WHO, but that was recognized as a gross underestimate.

In North America, the only *Borrelia* species to cause Lyme disease is *Borrelia burgdorferi* (or *B. burgdorferi*); in Europe, *B. burgdorferi* and at least four other species of *Borrelia* cause the disease. Different species are associated with different manifestations of disease. There also are numerous strains of *Borrelia*, which may affect the ability to evade the immune system, the ability to invade certain organs or tissues, and the response to antibiotics.

Clinical manifestations of Lyme are usually divided into three stages, although the de-

scriptions of the stages vary. According to the U.S. Army Surveillance System—which may have a greater variety of systems because they have both domestic and international surveillance components—during the first stage, 70 percent of patients display the characteristic erythema migrans (EM). Other symptoms of stage one include profound fatigue, fever, chills, headache, sore throat, sore and aching muscles and joints, and swollen glands.

The second stage is marked by migratory musculoskeletal pain, neurological complications in 10–20 percent of patients, and heart inflammation or heart block in 6 to 10 percent of patients that appear 4 to 6 weeks after infection. Symptoms include severe headache and stiff neck, facial paralysis, weakness and/or pain of the chest or extremities, rarely optic atrophy with blindness and coma. Acrodermatitis Chronica Atrophicans, ACA, is a cutaneous manifestation that may occur during the second stage to several years after disease onset.

The third stage typically involves the onset of arthritis characteristic of rheumatoid arthritis, affecting primarily the knees and other large joints. During this stage, a small percentage of patients also suffer from sleepiness, loss of memory, mood swings, and an inability to concentrate.

Few diseases have aroused such a high level of emotion and controversy among the public, physicians, and researchers than Lyme disease. There are two distinct views of Lyme disease; each cites scientific evidence to support its claims, while outcomes research is limited and conflicting. One view—promoted by the Infectious Diseases Society of America (IDSA)—is that the disease is “hard to catch and easy to cure” and denies the existence of chronic Lyme disease or persistent infection with the Lyme bacteria. Any treatment other than a short course of antibiotics is considered too risky. Patients who do not fit the paradigm may have few options outside of psychiatric evaluation.

The alternative view—promoted by the International Lyme and Associated Diseases Society, ILADS, and also by numerous academic researchers in the U.S. and around the globe—says that the science is too unsettled to be definitive and there can be one or more causes of persistent symptoms after initial treatment in an individual who has been infected with the agent of Lyme disease. These causes include the possibility of persistent infection, or a post-infectious process, or a combination of both. These are not “academic” concerns however because the patients’ health is at stake. Unfortunately, some academic researchers believe some of their colleagues are more interested in winning arguments than moving the science forward.

Three areas central to the controversy are: the quality of diagnostics, post-treatment persistence of *Borrelia*, and available treatment options in light of clinical guidelines.

Current diagnostic tests commonly used do not detect the spirochete that causes Lyme disease, rather, they detect whether the patient has developed antibodies to the pathogen (serological testing). CDC recommends two-tier serological testing, but cautions that the 2-tier system should be used only for sur-

veillance purposes and not for diagnosis. Part of the difficulty in clinically managing suspected Lyme disease is that the CDC protocol is frequently not only used, but required for diagnosis.

A study in the Netherlands of eight commercially available ELISAs and five immunoblots found that they had widely divergent sensitivity and specificity and a very poor concordance, and concluded that “their high variable sensitivity and specificity further puts the much-advocated two-tier testing strategy into question.”

In addition, two of the authors of a July 3, 2007 article on an antibiotic resistance element in *B. burgdorferi*, were Julie Boylan and Frank Gherardini of NIAID’s Rocky Mountain Laboratories, stated that, “It is a multistage disorder that is difficult to diagnose at any stage of the disease as well as being difficult to treat during the later symptoms.”

Dr. Mark Eshoo, the head of new technology at the IBIS Biosciences Division of Abbott Laboratories told us last week of exciting information regarding the development of diagnostic tools that, hopefully, will move us past a lot of the controversy.

IDSA has repeatedly stated that there is no “convincing” evidence that the Lyme *Borrelia* persists after standard antibiotic treatment. “Convincing is clearly a subjective term; however, there is substantial evidence of the persistence of *B. burgdorferi* after treatment with antibiotics. There are numerous documented case studies of persistence in humans after antibiotic treatment, and our witnesses may comment on additional evidence for post-treatment persistence in humans. Additionally, one of our witnesses from last week’s hearing was Dr. Stephen Barthold, one of the top experts in the country, and I am sure in the world, on animal models. Dr. Barthold, described published and yet to be published experimental studies that provide compelling evidence for *B. burgdorferi* persistence following antibiotic treatment in animal model systems and their potential significance for human medicine.

Numerous studies have been conducted of the mechanisms by which *Borrelia* may evade the immune system and antibiotics. Studies have suggested that resistance to antibiotics might be due to formation of different morphological forms of *B. burgdorferi*, including cell wall deficient forms and biofilm-like colonies. Research also indicates that *Borrelia* can exchange genetic material, possibly contributing to its ability to avoid detection by the immune system. Several other distinct technical mechanisms are well known by which *Borrelia* can evade the immune system.

Contrary to known scientific evidence, in a March 21, 2008, letter to Members of Congress, IDSA stated, “Not only is this assertion [the notion that some spirochetes can persist despite conventional treatment courses] microbiologically implausible, there are no convincing published scientific data supporting the existence of chronic Lyme disease.” It is problematic that IDSA would write to Congress trying to discourage support of legislation saying that post treatment persistence is microbiologically implausible.

Additionally, in an article, “A Chronic Appraisal of ‘Chronic Lyme Disease’” published in the October 4, 2007, New England Journal

of Medicine, several IDSA physicians and a CDC colleague made the statement that "Chronic Lyme disease, which is equated with chronic B. burgdorferi infection is a misnomer, . . ."

While this statement has been referred to repeatedly in other correspondence, calling "chronic Lyme" a misnomer does not seem reasonable or supportable since it goes far past expressing uncertainty. It seems clear that the intent of the statement was to firmly slam the door on the notion that there possibly could be chronic Lyme.

The final major area of controversy is the significance of the IDSA's treatment guidelines which directly impact patients and their ability to get treatment. Guidelines should be developed based on the best science, and there has been extreme controversy regarding the restrictive nature of the IDSA guidelines. The guidelines do not allow for the possibility of chronic infection and severely limit physician discretion on treating the disease.

Supporters of the IDSA guidelines point to dangers of the prolonged use of antibiotics and the possibility of treating when an infection has not been established. They also frequently point to alternative therapies which are unproven and may be dangerous; however, such alternative therapies are in the background for many diseases—perhaps most well recognized for cancer. Critics of the guidelines contend that they are based on highly selective science and that guidelines panelists had significant conflicts of interest. A 2009 review of the IDSA guidelines did not result in any changes.

IDSA and supporters place heavy weight on certain clinical trials of Lyme treatments supported by NIH. There has been much controversy of the quality of those trials and their generalizability to broad populations of patients. It is disturbing to the lay bystander that the controversy has ensued for so long without resolution. Certainly there are numerous unknowns about the bacteria and the disease; however, the public questions why the "experts" can't even agree on whether these small numbers of clinical trials are well designed, well executed, and of sufficient power (whether they have a large enough number of patients), and the degree to which they can be generalized to other patient populations.

IDSA supporters have been adamant in the quality of the studies and the validity of their use to guide treatments for broad patient populations. In fact, several other researchers have been highly critical of the studies, pointing to specific perceived deficiencies, such as selection criteria that almost guaranteed failure, not appropriately defining endpoints, and, significantly underpowering the studies. One journal article from the Netherlands states, "The randomized studies that have been performed have been of questionable quality and were heavily underpowered to detect potential effects."

Many who recognize the shortcomings of clinical trials to date, stress the importance of conducting more well-designed treatment studies with a sufficiently large and representative number of patients, and at least some such efforts are underway around the globe. I am pleased that Dr. Raphael Stricker, a practicing physician who sees many Lyme patients, guid-

ed us through some of the vast amount of literature on Lyme disease.

The UK has suffered under a contentious environment among different Lyme disease stakeholders very much like that of the U.S. We are told however that the UK may be making progress in developing a more cooperative environment. I am pleased that Stella Huyshe-Shires, the Chairman of Lyme Disease Action, in the United Kingdom, was able to share with us some of the perspectives on efforts to manage Lyme disease in Europe. I was happy to hear about the collaboration, funded by the National Institute for Health Research, with the Jack Lind Alliance to identify the uncertainties faced during consultations between patients and physicians, to then identify the top unanswered questions about diagnosis and treatment of Lyme, and to prioritize research.

This cooperative approach contrasts with the environment in the U.S. A recommendation regarding Lyme disease made during a May 2005 meeting of CDC's National Center for Infectious Diseases Board of Scientific Counselors, attended by the then President of the IDSA, that CDC should focus on science and not on the concerns of patient groups and that others may need to step in to assist CDC with public interface. Collaboration between the IDSA and government agencies on strategies to deal with the public can be seen in various statements and documents.

The September 2011 article, "Antiscience and ethical concerns associated with the advocacy of Lyme disease" reflects the degree of hostility toward patients, treating physicians and the Lyme charities that were formed to support education and research on behalf of patients.

Wouldn't it be much better if instead of belittling, insulting, and smearing patients, treating physicians and advocates, the authors of that study had asked themselves and posed the question to others "What can we do to better understand and address the needs and concerns of patients, physicians and advocates?"

Two of the witnesses we heard from last week focused on the needs and concerns of patients and the non-profit organizations fighting on their behalf—namely, Mr. Evan White, a former Lyme disease patient, and Ms. Pat Smith, the President of the Lyme Disease Association, who provided their important perspectives. What we should never lose sight of is that the goal of all of our efforts and the science is to help patients regain health.

There are numerous Lyme disease non-profit organizations, some of them less informed than others. To cast a wide net and say that that they are well-intentioned, but ignorant and ill-formed is not an accurate portrayal. Many of them are intelligent, savvy people, who established medical and scientific advisory boards to advise their organizations. Two that I am most familiar with have funded millions of dollars in Lyme disease research, providing grants to a Who's Who of Academic Researchers.

Efforts to discredit research because it was partially funded by Lyme disease charities are therefore disturbing. Such efforts led some researchers to initially submit research studies and to leave off some funding sources. Researchers have also reported that when they have presented research findings to govern-

ment officials or other scientists, there has been more interest in the funding sources than the research itself. Without speculating whether such intimidation is intentional, it is most unfortunate because academic scientists and very critical studies have been, and continue to be, supported by several of the Lyme charities, some of whom have raised millions of dollars and have invested every penny into research.

At the end of their "Antiscience. . . ." tirade, the article's authors state that the public's health will be endangered "unless responsible physicians, scientists, government leaders, and the media firmly stand up for an evidence-base approach to this infection that is based on high-quality scientific studies."

That is a perfect ending for my remarks because that is precisely what the Lyme community wants; however, it will be necessary for the physicians, scientists, government leaders, and media to be discerning—to evaluate the evidence to see if it is based on the best science and to scrutinize the studies and the critiques of those studies to determine whether they are of high quality. We need scientists to speak out in an unfettered way. We need government agencies to show leadership and to forcefully say what we know and what we don't know based on the best available evidence.

Thankfully, we can be confident that science will prevail: research has been progressing—we are greatly increasing knowledge of pathophysiology, and we seem to be on the cusp of breakthroughs in diagnostics that hopefully will solve questions of persistence and active vs. past infection.

I regret that we did not hear from NIH, CDC, nor a representative from the IDSA at last week's hearing. They all were invited, but declined—the IDSA expressing that their potential witness had a scheduling conflict.

I will reissue an invitation to them—and expect they will testify before our subcommittee.

MAC NASH

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2012

Mr. POE of Texas. Mr. Speaker, educators know that preparing students for future challenges is an integral part of the job. Today, I am proud to honor retiring Sabine Pass ISD Superintendent Malcolm "Mac" Nash for putting the entire community on his shoulders and helping to rebuild after Hurricane Ike.

Mac was born in Silsbee, Texas, and spent his early years working the oil fields inherent to Southeast Texas. A decision to change careers into education seemed like a natural choice. He always enjoyed helping others. Mac was Superintendent of West Sabine ISD in Liberty, Texas, before being named to the same position in 2006 at Sabine Pass ISD, a small rural town about three miles from the Gulf of Mexico.

One year earlier, Hurricane Rita made landfall almost directly over Sabine Pass, causing widespread damage across the area. One building endured the brunt of the storm better

than any other in the community and that was the Sabine Pass School, the PreK-12 campus opened in 2002. Even though it sustained millions of dollars in damages, the School survived and gave the community a place to come together.

Mac came on board as the repairs from Rita were nearing completion. Hurricanes Humberto in 2007 and Gustav in August 2008, while not causing much damage, kept the community on its toes ready for anything. They did not have to wait long, as Hurricane Ike formed in early September 2008 before making landfall over Galveston, causing millions of dollars worth of damage to Sabine Pass and billions across the entire Gulf Coast region.

One building stood out among the mud and debris, and that was once again the Sabine Pass School. Mac knew that he had control of the only building in town that could survive almost anything and he made sure that it was used to its fullest capabilities. It was a meeting place, shelter, staging area, and most importantly, the lighthouse in front of the school served as the "Beacon of Hope" to all citizens, a reminder of the fortitude necessary to weather any storm.

Nash knew that the community needed some stability and a feeling of normalcy, so under his leadership, the staff worked tirelessly to prepare the school for a return. The Sabine Pass School reopened in early October, missing only 17 days of instruction. 92 percent of the students were back on the first day. They were not just passing time, either. The School would receive exemplary status from the Texas Education Agency that year.

After a 6-year tenure as Superintendent of the Sabine Pass ISD, Malcolm Nash is stepping down. Because of his courageous leadership, he was named the Region 5 Superintendent of the Year for 2011-12 and is also in the running for the statewide title. Thanks to Mac's leadership, Sabine Pass is a stronger, better place to live.

The Sabine Pass School gets the name of the "Beacon of Hope," but the citizens will never forget the light that Malcolm Nash shined on the entire community.

And that's just the way it is.

IN REMEMBRANCE OF MR. JOHN C. FAKAN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2012

Mr. KUCINICH. Mr. Speaker, I rise today in remembrance of Mr. John C. Fakan, the skipper of the historic USS *COD Submarine Memorial*.

Mr. Fakan was born in Cleveland, Ohio on May 10, 1934. He grew up in Cleveland and attended John Marshal High School. John earned a bachelor's degree in physics from Ohio University, a master's degree in electrical engineering from Colorado State University, and a PhD in systems engineering, also from Colorado State University. Despite his education in the sciences, John had interests in many areas. He served as the president of the

Cleveland Philosophical Society and was a trustee of the Great Lakes Historical Society and the Historic Naval Ships Society.

John led a life full of accomplishments that ranged from working as an aerospace engineer for NASA's Lewis Research Center in Brook Park, Ohio to founding the Medical Data Systems Corporation, located Northeast Ohio. Throughout his career, John helped develop technology used in moon landings and designed quieter jet engines. He also worked on the Great Lakes Very High Frequency Communications System technology that allowed for radio-telephone communication over the Great Lakes.

Most recently, John had been known as the skipper of the USS *COD Submarine Memorial*, a warship that saw battle in both World War II and the Korean War. In 2011, John was awarded the Casper J. Knight, Jr. Award for his work restoring and maintaining the submarine.

I offer my condolences to his wife Helene; children, Stephen, Debra and Sandra; grandchildren, and five siblings. In addition to his family, John will be missed by the many people whose lives he affected in his 78 incredible years.

Mr. Speaker and colleagues, please join me in honoring John C. Fakan, a leader and a role model in the Cleveland community.

NAVY LT. BRAD SNYDER EMBARKS ON HIS NEXT MISSION—OLYMPIC GOLD

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2012

Mr. YOUNG of Florida. Mr. Speaker, I rise to pay tribute to Navy Lt. Brad Snyder, of St. Petersburg, Florida, who I not only have the honor and privilege to represent but who I appointed to the United States Naval Academy.

Lieutenant Snyder is an American hero who lost his eye sight in Afghanistan while carrying out an extremely dangerous mission to protect the lives of his team in the field.

Lieutenant Snyder is emblematic of the American volunteer spirit that is the cornerstone of our Nation's fighting force. As a record setting swimmer at Northeast High School in St. Petersburg, he informed me in 2001 of his desire to attend the United States Naval Academy.

"I believe that to serve my country, and by attending the Naval Academy, I would be making the most of what I have been given by God," Brad wrote to me in his candidate statement. I was proud to nominate Brad in December 2001 and with his appointment, he joined the Class of 2006 in Annapolis during the summer of 2002.

Brad was an outstanding Midshipman. He demonstrated his exceptional leadership skill as the Captain of the Navy Swim Team. His coaches, teammates, and fellow sailors all extolled his exceptional work ethic and amiable, trustworthy behavior.

During his time at Annapolis, Brad learned of the mission of our explosive ordinance disposal, EOD, teams, the fearless men and

women who dismantle explosives and Improvised Explosive Devices, IEDs, to protect Americans in the field, often endangering their own lives in the process. Brad decided that he wanted to volunteer for this dangerous assignment.

Lieutenant Snyder graduated in May 2006 and became an Explosive Ordinance Officer. After a 6 month deployment to Iraq, Lieutenant Snyder was deployed to Afghanistan on April 11, 2011. Despite his father's passing while he was in Afghanistan, Lieutenant Snyder decided to remain on deployment with his team. On September 7, 2011, the front of Lieutenant Snyder's patrol team set off an IED. While providing aid, Lieutenant Snyder stepped on a pressure plate, detonating another unseen IED. The second blast inflicted severe burns and permanently blinded him. While recovering at the Walter Reed National Military Medical Center, Lt. Brad Snyder remained positive and focused on healing.

Less than 2 months after losing his sight, Lieutenant Snyder returned to the swimming pool and swam several hundred meters on his first attempt. He continued to progress and train with the intent to serve his country, this time as a member of the U.S. Paralympics Swim Team.

Just last month, Lieutenant Snyder fulfilled his dream and qualified for the team that will represent the United States in London later this summer.

As I look back over Brad's candidate statement to me 11 years ago, I was struck by one of his life goals. Brad wrote, "Initially it was Olympic gold that I dreamed of, but as reality set in I realized that the military was a more realistic dream. Today I dream that I will be an officer in the best Navy the world has ever seen, and I hope that my contributions to the Navy can help it grow strong."

Mr. Speaker, Lt. Brad Snyder has already achieved one of his goals—to be an officer in the best Navy the world has ever seen and to help it grow strong. He sacrificed his vision to protect his fellow sailors, soldiers, and Marines. It is my hope that my colleagues will join me in saying thank you to Lieutenant Snyder for the steep price he paid to protect our freedom and at the same time to wish him God speed as he sets off to London to achieve his next goal—to bring home gold from the 2012 Paralympics.

When I see the spirit and courage of Lt. Brad Snyder, I am confident that our nation is in good hands with a new generation of leaders who understand the value of service and sacrifice. Our best wishes go out to him that a gold medal may be but one of many great achievements Brad achieves over his lifetime.

CONGRESS OF THE UNITED STATES,  
C.W. BILL YOUNG, HOUSE OF REPRESENTATIVES,

Washington, DC.

CANDIDATE'S STATEMENT

Young men and women who are selected for training at one of our Service Academies receive an outstanding and costly education at the expense of the United States Government. Graduates are normally required to serve at least their five years after graduation. Congressman Young is most anxious to select young men and women who sincerely desire a service career and who fully intend to make it their life's work. Therefore, applicants for appointment to one of the Service

Academies are requested to complete the following:

I, Bradley W. Snyder, a candidate for appointment to one of the United States Service Academies, do hereby certify that my application is motivated primarily by a desire to serve my country as a career officer. I further state that it is my intention, if appointed, to graduate from the Academy and make service in the Armed Forces of the United States my profession and career. I make this statement in good conscience and without mental reservation. Moreover, I want to serve my country as a career officer in the U.S. Navy because: (Please type in space below)

The Naval Academy is one of the best institutions in the world, and has the most potential for development in mind and character. I believe that to serve my country, and by attending the Naval Academy, I would be making the most out of what I have been given by God. As a young child I dreamed that perhaps one day, I could have the chance to represent the great country of the United States and be a part of its world dominance. Initially it was Olympic gold that I dreamed of, but as reality set in I realized that the military was a more realistic dream. Today I dream that I will be an officer in the best Navy the world has ever seen, and I hope that my contribution to the Navy can help it grow stronger,

Signature Bradley W. Snyder Date 09/06/01.

HONORING DR. BEVERLY WADE  
HOGAN

**HON. BENNIE G. THOMPSON**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 24, 2012*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a remarkable public servant, Dr. Beverly Wade Hogan. She was appointed as President of Tougaloo College in May 2002.

Prior to being appointed as President of Tougaloo College in 2002, Dr. Hogan served in many capacities at the College. She was the College's interim president, vice president for Institutional Advancement, founding director of the Owens Health and Wellness Center, and executive assistant to the president. She served for ten years as the commissioner for the Mississippi Workers' Compensation Commission, four years as the executive director of the Governor's Office of Federal-State Programs, nine years as the executive director of the Mental Health Association in Hinds County and the state of Mississippi, respectively. She was once the adjunct instructor in Public Policy at Jackson State University and a frequent guest lecturer at the University of Mississippi and Mississippi State University. Additionally, Dr. Hogan has been involved with employment and educational training programs in Denmark, Sweden, and West Germany in affiliation with the German Marshall Fund. Dr. Hogan has also been a scholar with the Kettering Foundation where her research focus was on Higher Education and Civic Responsibility, in addition to being a participant and presenter in the Oxford Roundtable at Oxford University in Oxford, England.

Dr. Hogan holds the Bachelor of Arts degree in Psychology from Tougaloo College

and a Master's in Public Policy and Administration from Jackson State University. Dr. Hogan has continued her own education by pursuing additional studies at the University of Southern Mississippi and the University of Georgia. Dr. Hogan is currently furthering her education by pursuing her Doctoral Degree in Human Development and Organizational Leadership at Fielding Graduate University. She currently holds an Honorary Doctorate in Humanities from Wiley College in Texas and Rust College in Mississippi. In addition to this, she has also earned numerous certificates in leadership development, organizational management, policy development, health and human resources management, alcohol and drug studies, urban development and administrative law.

Dr. Hogan has also been credited with pioneering programs that have improved the quality of life for many citizens, including but not limited to the founding of the first psychiatric halfway house in Mississippi, establishing the first rape crisis center and shelter for battered women, and initiating the state's Self Employment Demonstration Project to reduce welfare dependency and the Rental Rehabilitation and Low Income Tax Credit Programs to increase the availability of housing for low income families.

As a woman dedicated to her community, Dr. Hogan volunteers and serves on various boards, including the community advisory board for Bancorp South, the Metro Chamber of Commerce, the University Club, and the Board of Visitors for the School of Dentistry at the University of Mississippi. She also serves on the local board for Entergy Mississippi, Sanderson Farm, the Regional Commission on Building Philanthropy, the national board of directors for the United Negro College Fund, the National Association for Equal Opportunity in Higher Education and the Brown University Leadership Alliance. She presently serves as the Chairperson of the Foundation for the Mid-South Board of Directors, and is a founding member and former president of the Central Mississippi Chapter of the National Coalition of 100 Black Women. Dr. Hogan is also a member of Alpha Kappa Alpha Sorority and the Links.

Dr. Hogan is a current member of the Mt. Wade Missionary Baptist Church in Terry, Mississippi and is a regular worshipper at the Union Church of Christ/Woodworth Chapel at Tougaloo College.

She is married to Marvin Hogan and they have two sons, Maurice and Marcellus; two grandsons, Marsei and Tai'Micah; and two granddaughters, Emani and Liyah.

Mr. Speaker, I ask our colleagues to join me in recognizing Dr. Beverly W. Hogan for her dedication to serving others.

#### PERSONAL EXPLANATION

**HON. TIMOTHY V. JOHNSON**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 24, 2012*

Mr. JOHNSON of Illinois. Mr. Speaker, on Monday, July 23, 2012, I was unable to attend votes due to a previously scheduled appoint-

ment. At that time I was in my district meeting with constituents to discuss environmental issues impacting the town of Clinton, IL and DeWitt County, IL.

Had I been present, my votes would have been as follows: for H.R. 2362 and H.R. 3477 I would have voted "yea"; for S. 2039, I would have voted "nay".

#### IN RECOGNITION OF THE REOPENING OF ST. BARBARA CHURCH

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 24, 2012*

Mr. KUCINICH. Mr. Speaker, I rise today in honor of St. Barbara's Church, one of the 11 Cleveland Catholic Diocese parishes that will be reopening this year.

In 2009 it was announced that several of the Cleveland Catholic Diocese's area churches, including St. Barbara's, were to close. However, just months ago, the Vatican overruled this decision and St. Barbara's will be reopening its doors on Sunday, July 22.

St. Barbara's Church originally opened in 1906 on top of a hill south of Big Creek in Cleveland. The building burned down in 1913, and a new one was built on the corner of Denison Avenue and West 15th Street, which was much more accessible for parishioners traveling by foot. In 1925, St. Barbara's Elementary School was established along with a new church building, leaving the old church building to be used as a hall for events. The third church building was torn down and replaced with yet another in 1952, and would remain the primary church building.

In anticipation of the re-opening, parishioners spent the past several weeks restoring the building to its former condition, cleaning the pews and replacing the statues that had been removed after the closing.

Mr. Speaker and colleagues, please join me in recognizing the reopening of St. Barbara's Church, a beloved parish that has returned to the City of Cleveland.

TRIBUTE TO RICHARD KEITH  
SALICK

**HON. BILL POSEY**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 24, 2012*

Mr. POSEY. Mr. Speaker, I rise today to pay tribute to Richard Keith Salick whose recent and sudden passing has left a hole in the hearts of the entire Space Coast community as well as surfing enthusiasts worldwide, lifelong friends, family, and those affected by kidney disease.

Born October 6, 1949, Richard and his twin brother, Phil, learned to surf together in their early teenage years, traveling to exotic surfing hot spots around the world making a name for themselves and eventually both were invited to join Dewey Weber's California-based Surf Team. At that time, Dewey Weber's team had only a limited number of team members from

the East Coast but it also consisted of the top surfers in the world.

As Richard worked his way up the up the ladder, he earned a spot on the United States Surfing Team, was selected to join the World Contest Team and signed a contract with Hobie Surfboards. A short time later, at the age of 23, Richard fell ill and was told he needed a kidney transplant. Aided by his twin brother Phil, who was his first kidney donor, Richard recovered but was told all physical sports were out of the question—including surfing.

After a year of recovery, Richard could no longer ignore his desire to return to competitive surfing. He was the first person to develop an "Ensolite" padding system which he strapped around his abdomen to protect his transplanted kidney and went on to place second in his first competition. Richard continued to win surf contests and proudly displayed one of his trophies at the dialysis unit at Shands Hospital in Gainesville, Florida, inspiring other kidney patients.

Richard continued to surf professionally and was dubbed by Nephrology News as "the First Professional Athlete to Return to Active Competition after a Transplant." Upon retirement in 1980, Salick was ranked the Number 1 surfer on the East Coast in the 24–35 year old division. In 1985 Richard and his brother Phil co-founded the National Kidney Foundation Pro Am Surf Festival raising millions of dollars over the years. This festival is one of the largest charitable surfing events in the world.

"Richard Salick has received many prestigious awards over his lifetime including the "Nancy Katin Award" at the United States Surfing Championships in Huntington Beach, California. This award was given to one competitive surfer each year and voted on by all the worldwide surfing association presidents.

"Rich also built eleven-time world champion surfer Kelly Slater's first surf board in Cocoa Beach.

Over the course of Richard's life, he endured a total of three kidney transplants all donated by his brothers Phil, Chan and Wilson. In January of 2000, Salick was inducted into the Surfing Hall of Fame as an "East Coast Surfing Legend" and was also inducted into the Black Belt Martial Arts Hall of Fame in 2008 along with his son David. Besides being an accomplished surfer, inventor, inspirational speaker, and post transplant athlete, Richard would say that his greatest accomplishment was raising his two sons Philip and David, both world class athletes.

Richard has personified the successes of extreme sports activity post transplant and has served as an inspiration to all he met including transplant patients around the world. He will be missed but his legacy and spirit will live on.

#### INTRODUCTION OF LEGISLATION TO PERMANENTLY EXEMPT TAX- EXEMPT PRIVATE ACTIVITY BONDS FROM THE AMT

#### HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 24, 2012*

Mr. NEAL. Mr. Speaker, I am pleased to come before the House today to introduce leg-

islation with my Republican Ways & Means colleague, JIM GERLACH, that would permanently exempt tax-exempt private activity bonds from the alternative minimum tax. This bill will help spur additional transportation infrastructure investments, reduce borrowing costs for students and create jobs and economic growth.

In 2009, we enacted a two-year AMT exemption that expired at the end of 2010. This provision was extremely successful. From January 2009 to the end of 2010, thanks to this provision, the airport industry sold an unprecedented \$12.7 billion in private activity bonds that were exempt from the AMT, allowing construction projects to flourish and jobs to be created at airports across the country. And I think it's telling that in 2011, after the provision expired, airport issuances fell to \$4.3 billion, which is the lowest amount since 2007.

This exemption also is critical to reducing borrowing cost for students around the country. In Massachusetts, the 2009 PAB-AMT relief resulted in almost 20,000 students receiving low-cost financing for their education. The average student in Massachusetts borrowing \$16,000 for his or her education saved \$1,100 in interest over the life of the loan.

Mr. Speaker, we've seen amazing results by exempting PABs from the AMT and I encourage my colleagues to support this important bill and make this exemption permanent.

#### PERSONAL EXPLANATION

#### HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 24, 2012*

Mr. GONZALEZ. Mr. Speaker, had I been present for the vote on July 17, 2012, I would have voted "yes" on the suspension bill to authorize appropriations for the Department of State for fiscal year 2013 (H.R. 6018). Also, had I been present for the vote on July 17, 2012, I would have voted "yes" on the Insular Areas Act of 2011 (S. 2009), and had I been present for the vote on July 18, 2012, I would have voted "yes" on the Sequestration Transparency Act of 2012 (H.R. 5872).

#### HONORING MEI T. NAKANO

#### HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 24, 2012*

Ms. WOOLSEY. Mr. Speaker, I rise with pride today to honor Mei T. Nakano of Sebastopol, CA. Ms. Nakano has spoken out about her life in a World War II internment camp and has become a powerful advocate for human rights, justice, and world peace.

Born in Colorado in 1924 to Japanese immigrants who farmed there, Ms. Nakano was later interned in a camp in Amache, Colorado, for three years during World War II. She met and married her husband Shiro there and then saw him drafted into the U.S. Military Intelligence Service.

After the war, she raised three children, and, inspired by women's liberation and civil

rights movements, went back to school and earned a Master's Degree in Language and Literature at age 51. According to Mei, "The Japanese American community finally began to claim its history during the 1970s in the form of the liberation movements. Simultaneously, we began to feel the full rights of citizenship and entitlements due us."

After working for several years as an English instructor at Laney College and Diablo Valley College, Ms. Nakano became a partner and editor at Mina Press Publishing. She turned increasingly to free-lance writing and human rights activism, becoming well known for her depictions of the Japanese American experience and the importance of social just and multiculturalism.

One of her seminal books, *Japanese American Women: Three Generations*, first published by Minna Press in 1991 and now in its fifth printing, was hailed as the first of its kind historical survey of Japanese American women from the initial immigrant generation trying to adapt their cultural values to America through later generations who balanced these values with those of the society they were born into. For Mei's generation, the second, the experience of the World War II concentration camps defined everything that followed.

Mei Nakano organized the first Asian American Women's conference in Oakland, in 1992 and continues to speak out movingly and cogently about her beliefs and experiences at high schools, colleges, other institutions, and public events. "The salient point to be made," she says, "is how pernicious and destructive racism is, how anti-human. It can cause people to defer their aspirations, lose hope, and, at times, strike out in anti-social behavior. Others may go down that sinkhole of safety of 'having done well enough . . .'. The issue of injustice because of 'otherness' is not done. It takes vigilance to recognize it, a commitment to be moved to do something about it."

Ms. Nakano has always been very active in her local community. Since 1979, she has been a member of the Executive Board of the Sonoma County Japanese American Citizens League, and she was an organizer of the successful effort to establish the Sonoma County Commission on Human Rights. She served as the Commission's first chair (1992).

In speaking out on the injustices she sees, Mei Nakano also gives us a message of hope: "Finally, I need to say that I rejoice in the fact that we've come a long way here in America regarding the issue of 'otherness,' not the least of which is the extraordinary fact of electing an African American president. For me, the 'foreign-ness' which I felt so starkly in childhood and in my growing years, has gradually dissipated as I find myself tossed in the salad bowl of American society, proud to be in the skin I'm in."

Mr. Speaker, Mei T. Nakano has used the experiences of her life to inspire others and is now enjoying time with her husband of 69 years and her three children as well as her grandchildren and great grandchildren. She is also gardening, reading, responding to requests for writing articles, working on book of short stories, and, of course, speaking out when the need arises. Please join me in honoring this special activist who reminds us of the causes worth fighting for.

## IN RECOGNITION OF THE REOPENING OF ST. PATRICK'S CHURCH

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 24, 2012*

Mr. KUCINICH. Mr. Speaker, I rise today in honor of St. Patrick's Church, one of the 11 Cleveland Catholic Diocese parishes that will be reopening this year.

In 2009 it was announced that several of the Cleveland Catholic Diocese's area churches, including St. Patrick's, were to close. However, just months ago, the Vatican overruled this decision and St. Patrick's will be reopening its doors on Sunday, July 22.

St. Patrick Parish, which was founded on March 17, 1848, is the mother church of 13 parishes on Cleveland's west side. The church was built using sandstone in 1898 and still has its original stained glass windows portraying the saints. The parish grounds also include a Community Center, Rectory, Cemetery, gym, and West Park Catholic Academy's two school buildings.

St. Patrick Parish had served more than 1,110 families in Cleveland's West Park neighborhood before being closed. Upon reopening, the parish anticipates that nearly 80 percent of their former parishioners will return to worship.

Mr. Speaker and colleagues, please join me in recognizing the reopening of St. Patrick's Church, a beloved parish that has returned to the City of Cleveland.

## IN HONOR OF DEVIL PUPS' 50,000 GRADUATES

**HON. ELTON GALLEGLY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 24, 2012*

Mr. GALLEGLY. Mr. Speaker, I rise in honor of Devil Pups Inc. as it celebrates the 50,000 teenagers who have graduated from its program since its inception in 1954.

Mr. Speaker, I am one of those graduates, having completed the program in 1958. I continue to support the program as a member of Devil Pups' Advisory Board. I can personally attest to the program's success in building teenagers' self-confidence and in teaching them to take responsibility for their actions through Devil Pups' Good Citizenship-Physical Development Program.

The program's impetus was the burning of an American flag by a group of teenagers at a Southern California high school in 1953. Aggravated by this activity and the attitudes of the American youth it represented, retired Marine Corps Colonel Duncan Shaw Sr. and a group of retired Marine Corps Reserve Officers asked the Commandant of the Marine Corps to help aid character development in teenage boys and girls and enable them to become healthier and more successful citizens.

The Commandant agreed to help if the former Marines would form a charitable corporation to solicit contributions needed for food, transportation, insurance, and other sus-

tainable items the government is prohibited from paying for.

The next summer, Camp Pendleton Commanding General John T. Selden granted permission for the nonprofit corporation Devil Pups Inc. to bring aboard 1,800 14- to 17-year-old boys. In 1998, Devil Pups welcomed its first platoon of girls into the program. Through the efforts of the active duty and reserve Marines and Devil Pups volunteers, the program has grown into a highly successful annual project. This summer, Devil Pups will graduate its 50,000th pup.

The name "Devil Pups" was conceived after observing that German troops during World War I called U.S. Marines "Devil Dogs" because of their battlefield accomplishments and valor. This success and challenge under stress is a fitting precursor for the name "Devil Pups."

The Devil Pups program is a demanding physical and academic good-citizenship program. The program is more mental than physical, reflecting the whole person concept. The program foundations are intellectual, spiritual, social, and physical.

Because of the limited space and ongoing military activities at Camp Pendleton, the program is only open to teens 14 to 17 years old from California, Nevada, and Arizona. It costs nearly \$500 per teen to put on the program each year, but no teen has ever been asked to pay for the experience and no government funds are expended. The money raised to pay for the 10-day encampment is done through generous grants, fundraisers, and individual contributions.

Mr. Speaker, I am proud to be a Devil Pups graduate and for my continued association with its program. I know my colleagues join me in congratulating Devil Pups Inc. and its volunteers for reaching the 50,000 pup milestone and for their efforts to help shape our youth into confident, healthy, and productive citizens.

## PERSONAL EXPLANATION

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 24, 2012*

Mr. GRAVES of Missouri. Mr. Speaker, on Monday, July 23, I missed a series of rollcall votes. Had I been present, I would have voted "yea" on Nos. 499, 500, and 501.

## CONGRATULATING ROBERT BAUMAN ON HIS RETIREMENT

**HON. BRUCE L. BRALEY**

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 24, 2012*

Mr. BRALEY of Iowa. Mr. Speaker, today I'd like to congratulate Bob Bauman on his long-awaited and well-deserved retirement from the Butler County Rural Electric Cooperative, REC. Bob has served as CEO and General Manager in Allison, Iowa, since 1984, and has been very active in rural development. He was

instrumental in establishing an economic development program at Butler County REC and building a \$1.8 million revolving loan fund for the program. In addition, he was the leader in forming Homeward Inc., a nonprofit housing provider assisting rural Iowans with their housing needs. Homeward has made more than \$10 million in loans in 25 Iowa counties and assisted 1,000 families as they acquire and maintain their homes.

He has served on the Governor's Task Force on Housing, the Iowa Institute of Cooperatives Legislative Committee, and on boards of directors for the Iowa Association of Business and Industry, the Community Vitality Center, the National Rural Utilities Cooperative Finance Corporation, CFC, and the National Cooperative Services Corporation. He's also served on the National Rural Electric Cooperative Association, NRECA, Community and Economic Development Committee, and as chair of the NRECA/CFC Rural Housing Committee.

In March 2012, the Iowa Area Development Group honored Bob with the Silver Shovel Award for outstanding leadership, innovation, and achievement in business and community development.

Calling Bob a leader is an understatement. He has had a tremendous impact on the quality of life of thousands of Iowans, and he has been a good friend and adviser to me. I wish Bob all the best in his next endeavor, and I know his wife, Vicki, and all of their children, are proud of him.

## PERSONAL EXPLANATION

**HON. XAVIER BECERRA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 24, 2012*

Mr. BECERRA. Mr. Speaker, yesterday I was unavoidably detained and missed rollcall votes 499 and 500. If present, I would have voted "nay" on rollcall vote 499 and "nay" on rollcall vote 500.

## RECOGNIZING MR. WILLIAM RASPBERRY

**HON. BENNIE G. THOMPSON**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 24, 2012*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise to honor the honorable Mr. William Raspberry. Mr. Raspberry was born on October 12, 1935 to proud parents Mr. James Lee and Mrs. Willie Mae Raspberry. A native of Okolona, Mississippi, Mr. Raspberry has become a celebrated writer as a result of his commentary on social and political issues.

Mr. Raspberry received his Bachelor's of Science Degree from Indiana Central College, now known as The University of Indianapolis, in 1958. After receiving his degree, he served as a public information officer with the United States Army from 1960 until 1962 at which time he began working at the Washington Post as a teletypist. In 1966, he was named

as a columnist for the Washington Post. As a result to his exemplary contributions in literature, Mr. Raspberry was first nominated for the Pulitzer Prize in 1982 prior to receiving the Pulitzer Prize for Commentary in 1994.

Through his work with the Washington Post, Mr. Raspberry has dictated his strong opinions about the problems in American society. He has been noted for often writing about education, criminal justice, family, and racial matters in America. As a principal opinion on these particular issues, Mr. Raspberry has often been quoted in many different publications and has also been asked to speak at various conferences and seminars.

In addition to providing a weekly column in the Washington Post, Mr. Raspberry has also served in other capacities throughout his lifetime. He served as a journalism instructor at Howard University from 1971–1973; Member of the Board of Advisers, Poynter Institute for Media Studies, 1984; Member of the Board of Visitors, University of Maryland School of Journalism, 1985; television commentator for WTTG, Washington, DC, 1973–1975; Television Discussion Panelist, WRC-TV, Washington, DC, 1974–1975, and a Member of the Pulitzer Prize Board, 1979–1986. As of 2008, Mr. Raspberry has also served as the President of “Baby Steps”, a parent training and empowerment program based in Okolona, Mississippi. He is also the author of *Looking Backward at Us*, a collection of his columns from the 1980s.

Mr. Raspberry has also received honorary degrees from Georgetown University, University of Maryland, and the University of Indianapolis; he received an honorary Doctor of Laws degree from Colby College. He was also the Knight Professor of the Practice of Communications and Journalism at the Sanford Institute of Public Policy at Duke University. During his career, Mr. Raspberry has also served as a member of the National Association of Black Journalists, Capitol Press Club, and Kappa Alpha Psi Fraternity Incorporated.

On November 12, 1966, Mr. Raspberry married Sondra Patricia Dodson and together they had three children, Patricia, Angela, and Mark.

#### IN HONOR OF THE 216TH BIRTHDAY OF THE CITY OF CLEVELAND

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 24, 2012*

Mr. KUCINICH. Mr. Speaker, I rise today in honor of the 216th birthday of the City of Cleveland, Ohio, one of the nation's most storied communities.

Cleveland was officially founded on July 22, 1796 by Moses Cleaveland, a surveyor from Connecticut. Cleveland's location along Lake Erie made it an ideal place to build a new city with its convenient transportation routes and abundant natural resources. The city quickly became a major industrial center, most notably for automobile manufacturing and was the original site of John D. Rockefeller's Standard Oil Company. In 1949, Cleveland was named an All-American city for the first time.

Today, Cleveland is the home to many landmarks and tourist attractions, such as The Rock and Roll Hall of Fame and the various museums located in University Circle. The city has professional baseball, football, and basketball teams with thousands of fans who enjoy cheering them on year-round. Cleveland has also retained and celebrated a wide range of cultural and ethnic groups that have settled in the area over the years.

A celebration is being held on July 22 to recognize the 216-year history of this incredible city. The event will be located at Jacob's Pavilion at Nautica and will feature food truck vendors and the attendance of people from as many as 107 cultural groups.

Mr. Speaker and colleagues, please join me in honoring the City of Cleveland as it celebrates 216 years of history, culture, and a bright future.

#### CONGRATULATING THE ROTARY CLUB OF SUPERIOR, WISCONSIN, ON THE 100TH ANNIVERSARY OF ITS FOUNDING

**HON. SEAN P. DUFFY**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 24, 2012*

Mr. DUFFY. Mr. Speaker, I rise today to ask my colleagues to join me in congratulating the Rotary Club of Superior, Wisconsin, on the celebration of its 100th anniversary.

All of us know how important Rotary Clubs are in each of our districts. In addition to making a tremendous difference locally, Rotary also plays a key role in marshaling incredible resources, internationally, to provide services and to do good throughout the world. The most notable accomplishment of Rotary, of course, is the near eradication of polio, the most dreaded childhood disease of the 20th Century.

The Superior Rotary Club was the 40th chartered in the United States and the first in the great state of Wisconsin, becoming a model for other clubs in the state. Since its establishment in 1912, the Rotary Club of Superior has supported many charitable causes and worked to improve the quality of life in Northwest Wisconsin.

Among many notable accomplishments during its 100 year history, the Superior Rotary launched the Boys Scouts in Superior and provided loans to dairy farmers during tough economic times. More recently, the club has focused locally on fighting another dreaded disease, cancer. The Lake Superior Dragon Boat Festival is now in its 11th year and has contributed hundreds of thousands of hands to fighting this struggle. Additionally, the club reached across the world to Superior's sister city, Ami-Machi, Japan, to mark their centennial anniversary by unveiling the creation of a friendship garden, a three year project.

Congratulations to the Rotary Club of Superior and the Rotarians for 100 years of providing community service to the residents of Northwest Wisconsin. Your contributions are invaluable.

#### A TRIBUTE IN HONOR OF THE LIFE OF ROBERT F. LAUTZE

**HON. ANNA G. ESHOO**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 24, 2012*

Ms. ESHOO. Mr. Speaker, one of the privileges we have in the House is to commemorate the lives of great Americans and the contributions they have made to our communities and our country.

Today, it is an honor to pay tribute to Robert F. Lautze who passed away on May 8, 2012, after a long life of service and celebration. He was a resident of the Bay Area and lived most of his life in San Carlos, California, a community I've represented as a San Mateo County Supervisor and as a Member of Congress.

Rob was eighteen minutes older than his identical twin, Richard, and for years they were known as “Rob and Rich” or the “Lautze brothers.” Prior to World War II, they left their hometown of San Francisco and together became star athletes on the basketball court at Santa Clara University. Thus began a life-long relationship with the University where both Rob and Rich would each serve on the Board of Regents, the Board of Trustees, and as President of the Alumni Association.

During World War II, they joined the Navy, became officers, and served aboard ships in the Pacific. When they returned, they celebrated a double wedding and joined an accounting firm in San Francisco that became Lautze & Lautze. To this day the firm has kept this name even though the brothers retired over twenty years ago.

Many years ago, the Lautzes gave a young college graduate his first job at their firm, and when the new employee thought he might have a vocation in the priesthood, they encouraged him and gave him support. Paul Locatelli became a Jesuit priest, the President of Santa Clara University, and a celebrated American educator. He often said one of the reasons he became a priest was the example and support of Rob and Rich Lautze.

Rob's contributions to the community were numerous—the Kiwanis Club, the Burn Wound Center at St. Francis Hospital, the Hanna Boys Center, the Little Sisters of the Poor, and as a member of the board of the Marianists Province. He was one of the first treasurers of his beloved parish of St. Charles Catholic Church, served in the Knights of Columbus, and coached the boys' basketball team with his brother.

Rob was the proud father of five children: Karen, Mary, Susie, Rob, and Steve. His first wife, Alice, known as “A,” passed away in 1983, after over 35 years of marriage. In 1984, he married fellow parishioner, Patricia Murphy Laute to whom he was married for 28 years, and was the beloved patriarch to Patty's sons and family.

Mr. Speaker, Rob Lautze called life a “simple equation.” He counted his blessings often and out loud. He served so many in so many ways, and at the same time he quietly helped friends and neighbors with personal challenges. He was gentle in spirit, generous, and kind. He loved to laugh and in every picture of him there is a genuine smile—as well as a discreetly held cigar.



Rob Lautze was a beloved member of our community who lived his faith, loved his family, and served his community and his country. We celebrate his life, and I'm proud to honor his memory in the U.S. House of Representatives.

Mr. Speaker, I ask the entire House to join me in expressing our sympathy to the Lautze family. Our nation has lost a beloved citizen who made our community stronger and our country better.

#### CHRIS DODD REAFFIRMS THE NEED FOR FINANCIAL REGULATION

#### HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 24, 2012*

Mr. FRANK of Massachusetts. Mr. Speaker, working with then Senator Chris Dodd on financial reform and other matters from 2007 through 2010, was very rewarding. Senator Dodd's leadership in the Senate in getting a tough, complex regulatory bill past the Senate filibuster, was an extraordinarily impressive achievement. While he has moved on from Congress, Chris Dodd continues to defend the important reforms Congress adopted 2 years ago, and in yesterday's *Politico*, he wrote an important article that refutes the criticism of the bill that comes from a number of sources, primarily those financial industry leaders who behaved irresponsibly and resent the fact that they have diminished opportunities to do so. Because this debate now goes on with people trying to roll back their efforts to provide some stability in our financial system, I ask that Chris Dodd's article be printed here.

[From *POLITICO*, July 22, 2012]

WHY DODD-FRANK IS NECESSARY

(By Former Sen. Chris Dodd)

Wall Street received a long overdue regulatory overhaul two years ago that fundamentally changed the way the financial sector operates and can finally provide the American people with a more secure financial sector.

At the time, I knew that these reforms we devised in Congress would not be popular with those who either had a vested interest in seeing them overturned or believed that a repeal of Dodd-Frank is good politics.

The Wall Street Reform and Consumer Protection Act passed two years ago last Saturday, overcoming many efforts to kill it. Opponents have since spent millions to stall implementation of new financial rules—while attempting to build support for repeal.

Yet 73 percent of Americans support strong oversight of Wall Street and this law's provisions, according to recent polling by Lake Research Partners, and for good reason. Consider the recent revelations that one bank has admitted and others are being investigated for manipulating Libor, the inter-bank loan rate. Another bank suffered a \$6 billion trading loss because of bad actors. These misdeeds and more are making the strongest case for implementing Dodd-Frank.

Opponents of this law will likely continue their efforts to weaken our work. But supporters of these financial reforms must continue to explain why these changes are a

vital part of long-term U.S. economic security.

Critics largely forget that U.S. tax dollars rescued the economy from the brink of collapse in 2008. Putting basic rules in place to prevent a crisis of this magnitude from being repeated was not only responsible—it was essential.

Rep. Barney Frank (D-Mass.) and I worked with both Democrats and Republicans for two years to craft a bill to do just that—using a transparent process to update our financial system for the first time since the 1930s.

This was a fundamental transformation of our regulatory structure, allowing regulators to keep pace with the 21st century's global financial marketplace. The pace of implementation has been slow because the complexities of these problems required careful consideration.

I've always believed that a thoughtful approach is needed to ensure these issues are adequately studied and new rules are implemented correctly. Though it's important that these new regulations be implemented soon, it's far more important that these regulations get it right.

The law that Frank and I—and many other members of Congress—completed two years ago is having a significant effect, providing critical benefits to U.S. consumers.

For decades, regulators focused exclusively on protecting the safety and soundness of the financial system—not consumers. We created a new watchdog—the Consumer Financial Protection Bureau—whose sole focus is to protect consumers from abusive and deceptive financial practices.

Its work is under way with the creation of consumer-friendly mortgage forms and credit card agreements that force lenders to give borrowers a clear and accurate description of their loan terms. The bureau also has the power to crack down on deceptive practices—as revealed last week in the settlement with Capital One, which must send refunds to nearly two million customers. Solutions like this, unimaginable two years ago, are forcing financial institutions to rethink some products they offer and adopt new consumer-friendly practices.

We also established requirements for banks to maintain higher capital levels to better absorb unexpected losses. Those running financial institutions are required to be far more knowledgeable about their firm's everyday dealings. Regulatory agencies must now communicate in real time with one another and watch for problems ahead. Dodd-Frank also prohibits the Federal Reserve from bailing out failing firms and brings more accountability to the \$600 trillion derivatives market.

The bill we passed is by no means perfect. But reversing course now can only weaken the economy and bring back the reckless days of lax regulations—or no regulations—and abusive practices that nearly destroyed the economy.

Our time and energy would be better spent working together to strengthen this law and improve the work we started—responsibly implementing an effective regulatory structure that puts the best interests of the American people above all else.

Chris Dodd, a Democrat who represented Connecticut in the Senate for 30 years, is a co-author of the Dodd-Frank Wall Street Reform and Consumer Protection Act. He retired in 2011 and is now chairman and CEO of the Motion Picture Association of America.

#### OUR UNCONSCIONABLE NATIONAL DEBT

#### HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 24, 2012*

Mr. COFFMAN of Colorado. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was \$10,626,877,048,913.08.

Today, it is \$15,877,234,078,986.00. We've added \$5,250,357,030,072.92 to our debt in just over 3 years. This is debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

#### CONGRATULATING REV. "BOB" XIUQUI FU

#### HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 24, 2012*

Mr. CARTER. Mr. Speaker, I rise today to congratulate Rev. "Bob" Xiuqui Fu on the ten year anniversary of his organization, ChinaAid Association. This Texas-based organization has been at the forefront of the struggle for freedom and rights in China. ChinaAid is doing important work and I hope they will continue to flourish in their next ten years.

In 2002, only six years after migrating to the United States, Rev. Fu founded the ChinaAid Association to promote religious freedom and raise worldwide awareness of the ongoing and unjust persecution of religious believers in China. ChinaAid's goal is to provide for the physical, legal, and spiritual needs of victims of human rights abuses and to be a "voice for the voiceless" in Washington, DC and the capitals of the world.

ChinaAid is not only an effective voice for the voiceless, but is also working to make sure China's human rights defenders are able to speak against injustice. In recent years, ChinaAid has expanded its mission to support legal defense in religious persecution cases, academic research on the rule of law, and the training of human rights defenders.

Rev. Fu knows first-hand what it's like to be persecuted by the Chinese government. In 1989, he was one of the student leaders in Tiananmen Square demonstrating for freedom and democracy. After the bloody crackdown, Bob became a Christian and led a house church while teaching English at the Communist Party School in Beijing. Considered a threat to the Chinese Communist government, Bob and his wife Heidi were imprisoned for "illegal evangelism" causing them to flee from China in 1996. He eventually migrated to the United States with the assistance of members of Congress and then President Bill Clinton.

Pastor Fu is recognized as a leading expert on religious freedom and the rule of law. He regularly testifies before the U.S. Congress and has provided expert testimony before the European Union and the United Nations. Bob has also established a close working relationship with President George W. and Laura Bush, taking the first group of Chinese "house

church" Protestant leaders to meet a sitting President in the White House.

The work of his organization is vital, it is effective, it is bipartisan, and it is necessary. Everyone here in Congress will agree, a future China that respects the freedom of speech, the freedom to worship, and the rule of law will be a critical strategic partner with the United States.

ChinaAid is working to ensure this future and that is why it should be congratulated today on its tenth anniversary.

#### TRIBUTE TO HARRY EISEN

##### HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 24, 2012*

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to a dear friend of mine, Harry Eisen. Harry passed away on Thursday, July 19, 2012 in Norco, California. A Holocaust survivor and longtime businessman in Norco, he was a pillar of the community and will be deeply missed.

Harry was born in May 1917 in Izbica Kujawska, Poland, the son of Yechezkel and Mindel Eisen. His entrepreneurial spirit emerged at the age of 15, when he and a partner ran a meat production plant in Warsaw. He was conscripted as an officer in the Polish cavalry in September 1939 and served honorably as an officer, but was captured by the Nazis in World War II. He worked in a labor camp coal mine before his transfer to the Auschwitz death camp in 1942.

Harry's experiences as a prisoner at Auschwitz were nothing short of horrifying. Harry and his wife Hilda, a Jewish classmate hailing from the same village in Poland, seldom spoke of their imprisonment, but following the opening of the Holocaust Memorial Museum in Washington, D.C. and the growing number of Holocaust deniers, they felt it was their duty to tell their story. Harry described the Holocaust as "going through hell." Every day he saw men, women and children die of starvation and other atrocities committed by Nazi soldiers, and he marched with other prisoners through the woods with rags instead of shoes. Thankfully, he managed to escape as Nazis set fire to the camp in 1944, but not without a reminder of his time there: a tattoo of his prisoner number on his left arm.

After fleeing to the United States in 1948, the Eisens established themselves in Los Angeles despite being penniless and unable to speak English. Harry began working in a butcher shop to save money and purchased his first 100 chickens in Arcadia. He was often seen riding his bicycle around the city selling eggs. Eventually he outgrew the facility in Los Angeles and moved his wife and four children to Norco to establish Norco Egg Ranch, employing over 400 people and owning millions of chickens. It eventually became a major supplier of eggs in North America. Harry sold his business in 2000 to Land-o-Lakes, but continued to work as a consultant while managing his properties in California, Arizona, and Nevada.

According to his daughter Mary Cramer, Harry often said, "There is no place like Amer-

ica." His strength in the face of adversity and his modesty serve as an inspiration to those who believe in the value of hard work and determination. Harry's incredible success from humble beginnings and overcoming the horrors of Nazi occupation is the personification of the American Dream. Harry is survived by his wife of over 60 years Hilda, four children, and eight grandchildren.

Harry will always be remembered for his incredible work ethic, generosity, contributions to the community and love of family. His dedication to his family, work and community is a testament to a life lived well and a legacy that will continue. I extend my condolences to Harry's family and friends; although Harry may be gone, the light and goodness he brought to the world remain and will never be forgotten.

#### THE XIX INTERNATIONAL AIDS CONFERENCE

##### HON. YVETTE D. CLARKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 24, 2012*

Ms. CLARKE of New York. Mr. Speaker, I would like to welcome the XIX International AIDS Conference, AIDS 2012, to Washington, DC this week. This year, for the first time since 1990, the XIX International AIDS Conference is being held in the United States. This conference gives those living with the disease, scientists, doctors, advocates, policymakers and government officials an opportunity to collaborate and share information regarding the various scientific advances in HIV/AIDS treatment and prevention. This year's theme, "Turning the Tide Together," was selected to emphasize "how a global and decisive commitment is crucial to change the course of the epidemic now that science is presenting promising results in HIV treatment and biomedical prevention."

Empirical data indicates over 34 million individuals worldwide have HIV/AIDS. In the United States alone, there are approximately 1.2 million people infected with HIV/AIDS. Of the 1.2 million, approximately half are African-American and only about 13 percent of the United States population.

"Turning the Tide Together" is a call to action. One of the issues that will be addressed at the conference is the racial disparities of the disease. Specifically, conferees will discuss "strengthening the responses to HIV among the diverse populations and communities affected by this disease, to advance the knowledge, implementation and scale up of evidence-informed HIV and AIDS strategies and programs." As of June 2011, there are over 27,000 people living with HIV or AIDS in my congressional district, which is located in central Brooklyn. Of that 27,000, close to 60 percent are Black Americans. Unfortunately, my district has the highest number of newly diagnosed cases in New York City and for a variety of reasons, one of which is lack of access to healthcare. We have the worst post-diagnosis outcomes in New York City.

Given the numbers from my district, I am thrilled that this year's conference is about action. It is about mobilizing everyone and taking

decisive measures—whether it is on a specific health policy or making sure prescription drugs are affordable and accessible to those who need it. Though the HIV/AIDS community still has a long way to go, we have come so far since the beginning of the epidemic in the 1980s. We are at the crossroads of HIV detection and treatment, and at the threshold of preventive measures. Given the emerging scientific breakthroughs, I firmly believe that we will eradicate the HIV/AIDS pandemic through advances in medicine, technology and scientific research—if we work collectively. This international conference is a great stepping stone, providing an opportunity for some of the world's greatest minds to exchange ideas and work towards "turning the tide together."

#### A TRIBUTE TO HONOR STANFORD UNIVERSITY'S WOMEN'S WATER POLO TEAM

##### HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 24, 2012*

Ms. ESHOO. Mr. Speaker, I rise today to congratulate the Stanford University Women's Water Polo Team on winning back-to-back NCAA Women's Division I Water Polo Championships in 2011 and 2012.

The Stanford University Women's Water Polo Team has combined talent and competitive spirit with the highest ideals of good sportsmanship to establish itself as a truly exceptional group. With admirable dedication, the Cardinals worked diligently to achieve the ultimate proficiency in water polo, and as a result, ended their season with a 6-4 victory over the University of Southern California Trojans to earn their second consecutive and third overall NCAA Championship.

The Cardinals went into the tournament after falling 8-7 in overtime to UCLA in the Mountain Pacific Sports Federation tournament championship match. Stanford led UCLA 3-2 after the first quarter and carried a 5-4 advantage at halftime. The team used the loss to rally going into the NCAA tournament, blowing past their competition with a 17-5 victory over Pomona-Pitzer, and a 12-3 victory over UC Irvine in the initial tournament games.

Stanford held a lead over USC throughout most of the championship game 3-2. Neither team led by more than a single goal, and USC's only advantage came when they scored the opening goal. Kaley Dodson and Pallavi Menon both contributed a pair of goals while Kiley Neushul and Kaitlyn Lo are credited with a goal each. More impressively, Menon played with a torn ligament in her elbow. Cardinal Goalie, Kate Baldoni, achieved the high honor of Most Valuable Player of the NCAA tournament. With 15 saves in the championship game and 29 saves in the tournament, Baldoni allowed only 9 goals within the 3 games. This victory marked Stanford's 103rd NCAA championship trophy overall and third in women's water polo.

Going into the season, Stanford was ranked the No. 1 team in both the Collegiate Water Polo Association Varsity Top 20 Preseason Poll and the MPSR's Preseason Coaches Poll.

The Cardinals did not disappoint, finishing the season with a 26–2 record despite the absence of two key players. Both Annika Dries and Melissa Seidemann redshirted this year in order to train for the 2012 Summer Olympics with the U.S. National Team. As both young women return to the team next season, their U.S. National Team teammate Maggie Stefens will join them at Stanford, where the future for this team is exceptionally bright.

Mr. Speaker, I ask the entire House of Representatives to join me in congratulating Coach Josh Tanner, seniors Pallavi Menon, Alyssa Lo, Cassie Churnside, and Monica Coughlan; their teammates Kate Baldoni, Jillian Garton, Alexis Lee, Victoria Kennedy, Kaitlyn Lo, Lexie Ross, Kelsey Suggs, Lizzie Peiros, Kaley Dodson, Emily Dorst, Kiley Neushul, Catherine Carpenter, Cory Dodson, and Ashley Grossman; coaches Susan Ortwein and Kyle Utsumi; and Stanford fans everywhere. Bravo to the Cardinals for a thrilling season, and for demonstrating the highest standards of teamwork and sportsmanship. They have brought added distinction to California's 14th Congressional District and stand out as the best in America.

#### THE 21ST CENTURY POSTAL SERVICE ACT

**HON. EDDIE BERNICE JOHNSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 24, 2012*

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, it has now been nearly three months since the Senate passed its comprehensive postal reform legislation in an effort to address the mounting financial woes of the United States Postal Service. The 21st Century Postal Service Act, as it is known, would allow the USPS to address the growing demands of a modern age of technology, and grant the agency the authority it needs to avoid insolvency without unnecessary cuts to labor.

Yet, the Republican-controlled House still refuses to consider the Senate bill despite this very serious threat to millions of businesses and residential neighborhoods across the country. The Postal Service processed over 167 billion mail pieces in 2011 alone. Further, there are nearly 8.4 million jobs and over \$1 trillion in revenue attributed to the mailing industry. Sitting back idly, or blindly mandating drastic and indiscriminate cuts to essential services, will cause immeasurable harm to our economic recovery.

That is why I have joined my Democratic colleagues in cosponsoring sensible reform in Congress to bolster the Postal Service's operations, and to clear the path for thoughtful ways to restore the USPS to its former prosperity. When there is so much at stake, this is simply not a time to politicize these issues. Sadly, that is what my Republican colleagues in Congress are doing, and that is the cause of this delay.

Mr. Speaker, the Postal Service is an American institution that unites our Nation and provides reliable and inexpensive services to businesses and residents alike. We must rec-

ognize the Postal Service as the American institution that it is, and act swiftly and appropriately to address this issue while there is still time.

FORMER PENNSYLVANIA GOV-  
ERNOR WILLIAM WARREN  
SCRANTON

**HON. LOU BARLETTA**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 24, 2012*

Mr. BARLETTA. Mr. Speaker, I rise today to honor former Pennsylvania Governor William Warren Scranton on the occasion of his 95th birthday.

Born July 19, 1917, in Madison, Conn., William Scranton comes from a long line of public servants, business leaders and philanthropists in northeastern Pennsylvania. The city of Scranton—where his ancestors established companies and served as elected officials—was named in honor of his family.

Governor Scranton and his wife, the former Mary Lowe Chamberlin, recently celebrated their 70th wedding anniversary. The couple raised four children including William Worthington Scranton, who went on to serve as Lieutenant Governor of Pennsylvania.

After graduating from Yale University in 1939, Governor Scranton enlisted in the U.S. Army Air Corps where he served as a pilot during World War II, flying combat supplies to North Africa. After he graduated from Yale Law School, he returned to Scranton, launched a successful legal career and began to make his mark on the community through many civic endeavors. One of his pet projects was turning the Community Chest, forerunner to the United Way, into a countywide organization in Lackawanna County.

His esteemed public service began in 1959 when he was appointed special assistant to the U.S. Secretary of State by President Dwight D. Eisenhower. A year later he beat the political odds and was elected to the U.S. House of Representatives from Pennsylvania's 10th District in a win that President John F. Kennedy called "the political miracle of 1960."

As a freshman member, he emerged as a crusader for the civil rights movement and worked tirelessly for his constituents. He served only one term in Congress because he answered his party's call once again: In 1962 Republican leaders across the Commonwealth urged him to run for governor.

He won the 1962 gubernatorial race, defeating then-Philadelphia Mayor Richardson Dilworth. During his four years in office, Governor Scranton advocated for a strong educational system, continued industrial development in the United States and abroad, and for fiscal responsibility.

Numerous programs were launched under the Scranton administration as the new governor set out to tackle the nation's second-highest unemployment rate, poorly managed state funds, and the decline of the rail, coal and textile industries. He founded a state student loan program for education, instituted the community college system and increased the number of vocational-technical schools.

When he left the Governor's mansion in 1967, Pennsylvania's unemployment rate was below the national average and among the lowest of all states. He pared the expanding welfare rolls by more than 100,000 while creating jobs for those Pennsylvanians.

The Scranton years turned Pennsylvania into one of the most progressive states in the nation: It boasted the biggest highway construction program to date; the creation of the state Department of Community Affairs, first of its kind in the nation; and an assistance program for victims of "Black Lung" disease, the model for the federal program.

After that successful first term, Governor Scranton decided to leave the public arena and spend more time with Mary and their children. It was in those post-gubernatorial years that William Scranton dedicated so much of his time, effort and wealth to the community.

He served as a delegate to the Pennsylvania Constitutional Convention from 1967 to 1968 and helped bring the law of the Keystone State into the 20th Century.

Author James A. Michener, also a delegate to the Pennsylvania Constitutional Convention, credited the success of the convention to "the sagacious leadership given by Bill Scranton, as fine a politician as I would ever know."

Governor Scranton held leadership positions in many community organizations including the Boys Club of Scranton, the University of Scranton's President's Council, the Scranton Chamber of Commerce, and the Geisinger Health System.

Gov. and Mrs. Scranton donated Marworth, their spacious stone estate in the Scranton area, to Geisinger for the establishment of a residential alcohol and chemical addiction treatment center.

After turning down several proposals to run again for public office, Governor Scranton accepted the appointment of his old fraternity brother, President Gerald Ford, in 1976 to serve as the U.S. Ambassador to the United Nations. His ability to promote diplomacy and genuine interest in human rights earned him favor with many nations and promoted a positive world view of the United States.

As a native Pennsylvanian and an elected official who knows all too well how difficult the world of politics and public service can be, I applaud Governor Scranton for his unwavering integrity, and his ability to bridge gaps and find common-sense solutions to pressing problems.

Kingman Brewster, the former president of Yale University, best described Gov. Scranton when he said: "A man for all seasons and for all people."

Mr. Speaker, today, in the winter of his life, Governor Scranton still embodies the traits, ideals, and values which many of us strive to achieve, and I am honored to congratulate him on his many years of dedicated civic service to the community of northeastern Pennsylvania, the Commonwealth, and the country.

IN MEMORY OF ASSOCIATE  
JUSTICE EDWIN FERNANDO BEACH

**HON. ELTON GALLEGLY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 24, 2012*

Mr. GALLEGLY. Mr. Speaker, I rise in memory of my good friend, Edwin Fernando Beach, who passed away on the Fourth of July at the age of 88.

Ed was a Renaissance man. He was a jurist—retiring as an Associate Justice of California's Second District Court of Appeal—an avid horseman, a gymnast, an artist, an aspiring musician, and a mason. He was very active in his adopted hometown of Santa Paula, California. But most of all, he was a devoted husband, father, grandfather, and great-grandfather.

Justice Beach was born in Peru and moved to California with his mother and sister in 1930. He served in the U.S. Army Air Corps during World War II, where he began his love of horses and riding. After the war, he met his first wife, Janet, while they were students at the University of Southern California. After graduating from USC's School of Law in 1950, they moved to the Ventura County community of Santa Paula, where they raised seven children and lived the rest of their lives.

Ed maintained a private practice in Santa Paula until he was elected to the Ventura County Municipal Court. Before he could take his seat at the bench, however, Governor Ronald Reagan appointed him to the county Superior Court. Then, in 1973, Governor Reagan appointed him to the Second District Court of Appeal, which he served until 1987, occasionally also serving the California Supreme Court as a pro-tem.

Janet died in 2000. They had been married 51 years.

During their lives together, Ed was honored by the Ventura County Bar Association in 1989 as the first recipient of the Ben E. Nordman Humanitarian Award, and at various times he served on the boards of trustees of the Santa Paula Memorial Hospital, the Blanchard Community Library, the Santa Paula Historical Society, and the founding boards of the Ventura County Symphony and Santa Clara Valley Bank. He was a member of the Santa Paula Rotary Club, becoming an honorary member on his appointment to the Appellate Court. He frequently rode his chestnut mare, Bonnie, in local parades, often in a Spanish riding costume. His children, all riders, many times accompanied him on their own horses or driving their pony cart.

Ed and Janet were jointly awarded the Santa Paula Chamber of Commerce's Citizen of the Year award. Their home was the site for countless fundraisers, parties, and concerts for local community groups.

In 2001, he married fellow Rotarian Barbara Robinson. Ed's 11 years with Barbara were spent traveling, gardening, and enjoying music and friends. She was at his side when he died at home.

Mr. Speaker, Justice Edwin Fernando Beach was a man of extraordinary integrity, kindness, generosity, friendliness, intellect, and humility. I know my colleagues join me in remembering his great contributions to American society and jurisprudence, and in extending our condolences to his family and many friends.

HONORING G. TORRIE  
JACKSON, JR.

**HON. BENNIE G. THOMPSON**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 24, 2012*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor Mr. G. Torrie Jackson, Jr. He is a native of Jackson, Mississippi, and was born on October 11, 1968 to George T. Jackson, Sr. and the late Emma J. McDonald Jackson.

Mr. Jackson holds a Bachelor's Degree in Political Science and Master's Degree in Education Administration from Jackson State University. Currently, Mr. Jackson is pursuing a Doctoral Degree in Elementary, Middle, and Secondary Education Administration from Mississippi State University.

As an educator, Mr. Jackson taught social studies and coached for 8 years prior to moving on to the Mississippi Department of Education where he worked as an Education Specialist Senior in the Bureau of Evaluation and Enhancement. Administratively, Mr. Jackson served 3 years as Assistant Principal in the Canton Public School District, 2 years as Principal in the Holmes County School District, and 4 years in the Copiah County School District where he currently serves as principal of Crystal Springs High School.

Mr. Jackson's passion for education comes from his parents and grandparents. His parents have dedicated over 60 years to the educational system in their community. Mr. Jackson's motto is, "Education First! Students Always!" His desire is that all students perform to their highest potential and become productive members of society.

He is married to Dr. Debra Mays-Jackson, principal of Forest Hill High School. They live together in Terry, MS, along with their two sons Cameron, 14 years of age and Kendall, 11 years of age. Mr. Jackson has a strong Christian faith and seeks the Lord's guidance in every facet of his life. He believes that if it's God's will anything is possible.

Mr. Jackson is a 24-year member of the U.S. Army Reserve/Mississippi Army National Guard, veteran of Operation Iraq Freedom, and also currently serves as the Executive Officer of the 8th/108th Transportation Battalion in Jackson, Mississippi where he holds the rank of Major. His Civic/Professional Organizations and Honors include: National Association Secondary School Principals, Mississippi Professional Educators, United States Army Officer Association, U.S. Army Commendation

Medal, Global War on Terrorism Medal, and the U.S. Army Achievement Medal of Meritorious Service.

Mr. Speaker, I ask our colleagues to join me in recognizing Mr. G. Torrie Jackson, Jr. for his unwavering dedication to our country and the children of the State of Mississippi.

HONORING GYS JANSEN VAN BEEK

**HON. RAUL R. LABRADOR**

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 24, 2012*

Mr. LABRADOR. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing my constituent, Gys Jansen van Beek for his heroism and service to the United States of America during World War II. Mr. van Beek emigrated from the Netherlands in 1948 and has been a resident in my state of Idaho since 1954.

I pay tribute to those resistance fighters that are now, or have, worked and served in harm's way seeking liberty and freedom. Many men and women have aided the United States in the fight for freedom from oppression during and since World War II; this is homage to one such man. Mr. van Beek was an active member of the Dutch Resistance during World War II. Members of the Dutch Resistance were instrumental in aiding refugees and enemies of the Nazi regime. It has been conservatively estimated that between fifty to sixty thousand individuals were directly involved in resistance activities, with hundreds of thousands more offering assistance.

Tens of thousands of resistance fighters lost their lives as a direct result of their courageous efforts. Capture meant imprisonment, deportation, relocation to concentration camps, and many times certain death. Mr. van Beek aided several British, Canadian and American downed fighter pilots during World War II. One such individual, 1st Lieutenant Howard Moebius, P-51 pilot from Wisconsin, wrote of the experience in his book, "The Valley of the Shadow". Without the efforts of Mr. van Beek, these gentlemen would surely have perished during the war. Mr. van Beek placed himself and his family in danger with his resistance efforts.

Van Beek's courage and determination earned him decorations from the governments of Canada, Great Britain, the Netherlands, and the United States after the war. It is fitting that we honor Mr. van Beek for his service and also be reminded of the many others who assisted in the liberation efforts. We often forget about the Resistance Fighters who sacrificed much in an effort to bring peace and freedom to millions. Acts such as those by Mr. van Beek, provide us all with a model of courage in the face of atrocity. I stand today to convey appreciation to Mr. van Beek for his selfless acts of service to our Nation.

**SENATE—Wednesday, July 25, 2012**

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

**PRAYER**

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O Lord, our God, ever living and ever giving, strengthen us to enter into Your purpose and to bring blessings to our world. Kindle such flames of sacred love within the hearts of our Senators that they will be motivated by their passion to please You. Amid all that is transient and temporal, keep them loyal to the transcendent and determined. May they test their actions by their conscience and by their wisdom of Your word and spirit. Lord, strengthen them in every endeavor, empowering them in all that pertains to that righteousness which exalts a nation. Bind them together in the oneness of a shared commitment to You.

We pray in Your sacred Name. Amen.

**PLEDGE OF ALLEGIANCE**

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, July 25, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

DANIEL K. INOUE,  
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

**RECOGNITION OF THE MAJORITY LEADER**

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

**MIDDLE CLASS TAX CUT ACT—  
MOTION TO PROCEED**

Mr. REID. Madam President, I now move to proceed to Calendar No. 467, the Middle Class Tax Cut Act of 2012.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 467, S. 3412, a bill to amend the Internal Revenue Code of 1986 to provide tax relief to middle class families.

**SCHEDULE**

Mr. REID. Madam President, we are now in the midst of another Republican filibuster. So the time until 2:15 today will be equally divided and controlled between the two leaders or their designees. The Republicans will control the first 30 minutes and the majority will control the second 30 minutes. At 2:15, there will be a cloture vote on the motion to proceed to the Middle Class Tax Cut Act that was just outlined by the clerk.

MEASURE PLACED ON THE CALENDAR—S. 3429

Mr. REID. Madam President, I understand that S. 3429 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title for the second time.

The assistant legislative clerk read as follows:

A bill (S. 3429) to require the Secretary of Veterans Affairs to establish a veterans job corps, and for other purposes.

Mr. REID. Madam President, I would object to any further proceedings with respect to this legislation.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bill will be placed on the calendar.

MIDDLE CLASS TAX CUT ACT OF 2012

Mr. REID. Madam President, for the third time in as many weeks, Republicans are poised to kill a tax cut without ever debating it on the Senate floor.

Two weeks ago, Republicans filibustered legislation to cut taxes for small businesses. Last week, they filibustered a bill to end tax breaks for corporations that ship jobs overseas and cut taxes for companies that move jobs back to America. Now they are filibustering our plan to cut taxes for 114 million middle-class families. Not one of these bills has gotten a debate on the Senate floor. So let's look at what led to this latest Republican filibuster.

Two weeks ago, Senator MCCONNELL came to the Senate floor to ask for two votes, one on the Democratic plan to cut taxes for 98 percent of American families and reduce the deficit by

about \$1 trillion. The other vote he wanted was on the Republican plan to raise taxes by \$1,000 each for 25 million middle-class families while handing out tax breaks to millionaires of \$160,000 each.

That afternoon, I told the minority leader that Democrats were willing to give Republicans what they said they wanted—those two votes. But although it had been only a few short hours since Senator MCCONNELL asked for those two votes, my offer was refused. He said he had to see our proposal first.

It seemed like a thin excuse at the time. He hadn't seen our proposal when he asked for the votes in the first place, but others within his caucus had seen it, and the staff had seen it, of course. But I took the minority leader at his word.

So Democrats produced legislation in legislative form, and we offered once again to vote on our bill and on the Republicans' plan to hike middle-class taxes. Again, they refused the up-or-down votes they had asked for. This time they wanted a third vote now, on a different plan, we are told.

We have President Obama's tax plan before us. I am not going to make up some tax plan of the President that they said they are going to do. We have President Obama's tax plan. We have worked hand in glove with him now for months to come to the body with what we have today. So this third vote is again a charade.

The Presiding Officer has a couple of small children. My children aren't so small anymore. But small children being small children, it is very often they have a bedtime tactic that has been used forever. I am sure the Presiding Officer's children—and I know my kids—when they needed to get to sleep always wanted one more story. They would ask for one more story and then one more story. But parents learned and saw this bedtime story for what it is, a delaying tactic to stave off bedtime.

Americans see the Republicans' hollow request for one more vote, a made-up vote, for what it is, an excuse to put off a simple majority vote on the Democrats' plan to cut taxes for the middle class. Of course, we know why Republicans are filibustering our plan to protect the middle class: They know it would pass if we held an up-or-down majority vote on that today.

Our bill has the support of President Obama, it has the support of the Democratic caucus, and it has the support of the American people. A majority of Americans—including a significant majority of Republicans—agree taxes

should remain low for the middle class and that the top 2 percent should pay their fair share to reduce the deficit. As I said, the majority of Republicans agree. The only place there is no agreement is with the Republicans in Congress. They once again have decided to obstruct rather than to legislate. So the Senate may not even get to debate the merits of our plan to cut taxes for 98 percent of American families.

There is still time for Republicans to reverse course and drop their filibuster. They owe the American people a serious debate on this proposal.

#### CYBERSECURITY

Madam President, I hope my friends on the other side of the aisle will allow us to debate a crucial cybersecurity bill before the end of this month. We hope to have a vote on this as early as tomorrow or the next day.

Cybersecurity—a new word, but there is nothing more important to national security than doing something about cybersecurity. If we do not pass this legislation that is now before the Senate, if we don't do something about this, we are told by the experts it is not a question of if; it is a question of when. This legislation is extremely important.

National security experts from the left, the right, and center say weaknesses in our cyber defenses are among the greatest threats facing our Nation—and some say it is the greatest threat facing our Nation. So Congress must act rapidly to address this issue.

The House and Senate must also act before Congress leaves for the August recess to pass the final version of legislation initiating new Iran sanctions.

This past year, the Senate conference has been hard at work to complete this agreement. I have been clear that I expect the negotiations to conclude soon so we can further tighten these sanctions against Iran. Sanctions are critical. It is a critical tool to help stop Iran's nuclear weapons program and ensuring the security of our ally, the State of Israel.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JOHANNIS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### ORDER OF BUSINESS

Under the previous order, the time until 2:15 p.m. will be equally divided or controlled between the two leaders or their designees, with the Republicans controlling the first 30 minutes

and the majority controlling the second 30 minutes.

Mr. JOHANNIS. Madam President, I come to the floor to discuss a wholly predictable and foreseeable economic disaster. I ask why the Senate continues to waste valuable time while we continue barreling toward a fiscal cliff.

In a little more than 5 months, the current tax rates are scheduled to expire for every single American, resulting in the largest tax increase in history.

It is hard to imagine this massive tax increase is what the President wants. Just 2 years ago, he warned that we absolutely should not raise taxes in a poor economy. Yet today the economy is actually in worse shape.

So what does the President do? He calls for raising taxes on job creators, on small business owners filing as individuals, on investment income, on all those things that actually drive economic prosperity and hiring.

Their favorite talking point claims that all those making more than \$250,000 should just be taxed more. While those families reporting income of more than \$250,000 may only make up about 2 percent of all tax returns, it is these citizens who are the owners of small businesses that employ 25 percent of America's workforce. These are the same small business owners that created two-thirds of the net jobs in the last decade.

I hear from small business owners in Nebraska every day, and they tell me if faced with a more expensive tax bill, they will be forced to cut costs elsewhere.

In fact, according to the global accounting firm Ernst & Young, the Democrats' tax plan would result in 710,000 fewer jobs compared to simply keeping the current rate the same for all Americans.

The economic wreckage resulting from the tax hike doesn't stop there. In the same study, Ernst & Young estimates these reckless policies will drive wages of hardworking Americans down by 1.8 percent.

Furthermore, investment is estimated to decrease 2.4 percent as the tax on dividends increases. Well, what is apparent here? What is apparent is that less investment means less economic activity, which means fewer jobs, and it is really that straightforward. It is really that simple.

The President and the Senate Democrats apparently disagree over just how much to increase our taxes on dividend income. It is one of the few areas where their plans are not in lockstep, but both plans increase the dividend tax rate nonetheless. While their rhetoric continues to lambaste the ultrawealthy, make no mistake, this tax increase will affect the vast majority of the middle class. When examining historical IRS data, it is revealed

that 68 percent of all tax returns showing dividend income are from those Americans with incomes below \$100,000.

While adding insult to injury, the President has proposed to increase taxes on the estate of deceased loved ones as well. My friends on the other side of the aisle not only pick up the President's proposal but they make it worse. Believe it or not, they want to tax even more estates at even higher rates than the President. It is astonishing, and unfortunately this reversal on the death tax will disproportionately impact agricultural States such as Nebraska.

In their opposition to the Democratic bill, the Nebraska Farm Bureau and the Nebraska Cattlemen state that allowing the estate tax exemption to fall to \$1 million would subject the typical full-time farm or ranch to the increased estate tax rate of—get this—55 percent.

Madam President, I ask unanimous consent that the letters from these two groups be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NEBRASKA FARM  
BUREAU FEDERATION,  
Lincoln, NE, July 24, 2012.

Hon. MIKE JOHANNIS,  
Russell Senate Office Building,  
Washington, DC.

DEAR SENATOR JOHANNIS: On behalf of the over 56,000 members of the Nebraska Farm Bureau Federation, I am writing today to inform you that congressional action to extend current tax law is urgently needed to provide stability to our nation's farmers and ranchers. Now is not the time to raise taxes on an industry that is struggling with high production costs and extreme weather uncertainties. Farm Bureau opposes S. 3412, the Middle Class Tax Cut Act because of the tax increase it will impose on our industry.

Estate taxes are especially troublesome for farmers and ranchers. S. 3412 fails to provide any estate tax relief which would allow a \$1 million per person exemption and 55 percent top rate to be reinstated on January 1, 2013. A \$1 million exemption is not high enough to protect a typical farm or ranch able to support a family from estate taxes and, when coupled with a top rate of 55 percent, will make it especially difficult for farm and ranch businesses to transition from one generation to the next.

Capital gains taxes also have a significant impact on farming and ranching, impeding new farmers wanting to enter agriculture and discouraging operations from upgrading and expanding. Extending lower rates for taxpayers making under \$250,000 does not mitigate the damage since the sale of farm assets tends to produce a one-time income surge likely to push a farmer or rancher over the threshold.

Farm Bureau believes that estate taxes should be repealed and capital gains taxes permanently lowered. We support passage of S. 3423, the Tax Hike Prevention Act of 2012, to temporarily extend tax relief for all Americans and to put Congress on a path toward fundamental reform.

Thank you for your consideration of our position and the work you continue to do on behalf of Nebraska agriculture.

Sincerely,

STEPHEN D. NELSON,  
*President.*

NEBRASKA CATTLEMEN,  
*Lincoln, NE, July 24, 2012.*

Hon. Senator MIKE JOHANNIS,  
*Russell Senate Office Building,  
Washington, DC.*

DEAR SENATOR JOHANNIS: On behalf of the members of Nebraska Cattlemen, I write to you to encourage you to support the generational transfer of Nebraska farms and ranches. One of the highest priorities of the men and women who raise Nebraska beef is to ensure that their land, cattle and other business assets are passed on to their children as easily as possible.

It is our understanding that the Senate will be considering a tax bill tomorrow that ignores farmers and ranchers by proposing that the estate tax revert back to pre-2001 levels. These hurdles of a one million dollar exemption and a 55% tax rate will trip farmers and ranchers causing many to fall out of the race of producing quality food.

We encourage you to vote "no" on this detrimental piece of tax language and hold to your commitment to make the estate tax recognize the importance of family agriculture.

Sincerely,

MICHAEL KELSEY,  
*Executive Vice President.*

Mr. JOHANNIS. According to the Tax Policy Center, the Senate Democrats' estate tax plan would hit over 48,000 estates with a \$40.5 billion tax bill compared to an extension of the current rates. While an extension of current estate tax rates is not perfect—I believe it should be repealed permanently—it is far better than putting over 48,000 families, a large percent of them farmers and ranchers on the death tax rolls. I have said over and over again that death should not be a taxable event. Families should not have to sell the family business and lay off their employees to pay Uncle Sam a 55-percent tax rate on the value of the estate.

All of these ill-advised tax policies taken together add up to bad news for our economy and our country, bad news for our workers, and bad news for every American. The National Federation of Independent Business estimates that the tax increases would result in a U.S. economy that is 1.3 percent smaller than it is today, and that is an outcome for which none of us should strive.

So what is the alternative? Just last week the senior Senator from Washington laid out the Democrats' plan if they don't get their way on raising taxes: Hold the economy hostage and go over the fiscal cliff; make sure everybody's taxes go up by the largest amount in the Nation's history; let the \$110 billion sequester for this year strip our military of the resources it needs to keep us safe and impact domestic programs; let the alternative minimum tax wreak havoc on our middle class, with the exemption actually falling below the median household income.

In Nebraska alone, the nonpartisan Congressional Research Service estimates for 2012 there will be over 134,000 potential AMT tax returns compared to 16,000 in 2009. All told, this fiscal cliff will cost us between 3 percent and 5 percent of our entire gross domestic product, trillions of dollars in destroyed wealth, and a CBO-predicted economic recession. That is the plan, and it is astonishing to me that the Democrats would go to these lengths just to raise taxes on our country's economic engine.

My friends on the other side of the aisle will claim that taxes must be raised to address the mammoth deficit. Make no mistake, attacking our deficit should be job No. 1. However, on actual analysis we see that the Democrats' claim is nothing but a mirage. According to the nonpartisan Joint Committee on Taxation, the difference between the Democrats' plan to increase taxes and a simple extension of all the current tax rates is not even enough to cover 5 days of our government spending. It is only three-tenths of 1 percent of our crushing \$16 trillion national debt. This simply is not about our national debt or about deficits; it is about an ideological statement and nothing more.

After today's failed vote on these tax increases, it is my hope that we can get together and practice some common sense. Common sense would tell me, let's not raise taxes in a struggling economy. That used to be the President's position before he was up for reelection. Let's not punish our job creators and small business owners, let's not punish our senior citizens and other savers who rely on dividend income, and let's not hinder passing down family farms and ranches from one generation to the next. Let's extend the current rates for as long as it takes to get to work on comprehensive tax reform and actually solve the problems of our Tax Code. Let's get serious and start working on the business that Americans sent us here to do. A massive tax increase will drive our economy to its knees and bring about another recession. We can't afford that.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

Mr. HELLER. Madam President, I ask unanimous consent that the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HELLER. Madam President, Reagan once joked that if anyone wants to understand Washington, DC, just look at how they designed the roads—it is full of circles. We don't

have too many roundabouts in Nevada, but in Washington, DC, it seems to be part of the culture. Unfortunately, today Washington is going around in circles again. This time it is about whether Congress should raise taxes on small businesses at a time when our economy is struggling to grow.

The sad reality is that we all live in a country with a temporary tax code. Right now there is no certainty for an entrepreneur to start a new endeavor. There is no certainty for a small business that wants to hire a new employee. There is no certainty for businesses to invest in new equipment or in new buildings.

What makes the situation worse is that the American public is now hearing from the majority party that they are willing to take our country off the fiscal cliff, regardless of the economic damage it may cause, by raising taxes, resulting in a smaller economy, fewer jobs, less investment, and lower wages.

President Obama said in 2009:

You don't raise taxes in a recession . . . because that would just suck up, take more demand out of the economy and put businesses in a further hole.

I agreed with that statement in 2009, and I agree with that statement today.

Let me give my colleagues another quote from President Obama after he supported extending all of the tax rates for 2 years in 2010:

The bipartisan framework we have forged on taxes . . . will provide businesses with incentives to invest, grow, and hire.

I supported this bipartisan framework as a Member of the House of Representatives. Yet, today, in a complete 180-degree turn, raising taxes and going over the fiscal cliff seems to be the new economic agenda.

The plan the majority party and the President are offering will cost Nevadans more than 6,000 jobs and will shrink the State's economy by \$1.7 billion. Let me repeat that. The plan of the majority party and this President will cost Nevadans 6,000 jobs and shrink the economy \$1.7 billion. Nationwide, this plan will hurt more than 700,000 jobs. Is this really the economic strategy Washington should be embracing? My home State of Nevada leads the Nation in unemployment at 11.6 percent. We cannot afford to lose another 6,000 jobs.

Divisive, partisan politics does a great disservice to every American who is either out of work or has taken a pay cut. Those who stay up late at night are wondering how they are going to make their mortgage payments, put food on their tables, or clothe their children. While people across our country are struggling to get by, the Senate majority is pushing legislation that will actually hurt job creation.

Congress should do everything within its power to encourage economic growth, and that begins with providing America with tax certainty. It is true



that our current Tax Code is too costly, too complex, and too burdensome. There is no question that the Tax Code is unfair and needs an overhaul. But the best this President and the Senate majority can do is push a tax hike designed for nothing more than perceived campaign sound bites.

Instead of election-year campaign gimmicks, let's have an honest discussion on fundamental tax reform. Last summer I reached out to President Obama to offer to work with him to fundamentally reform the Tax Code in a way that would broaden the tax base by eliminating and closing loopholes and reducing the marginal tax rates both on individuals and businesses. This was an issue I worked on in the House as a member of the Ways and Means Committee and I continue to advocate here in the Senate. Yet here we are today, and instead of debating fundamental tax reform we are taking another show vote on a tax proposal that would raise taxes on small businesses and cost jobs. Again, it will cost Nevada 6,000 jobs.

The Senate was created by our Founding Fathers to be the deliberative body. Yet once again we find ourselves in a situation in which we will be unable to have an open debate on an issue that will affect every single American taxpayer.

The Senate should be debating all tax proposals on a bipartisan basis and working to find consensus on areas to increase American competitiveness. Yet instead of providing our Nation's job creators with clarity and economic certainty, some of my colleagues would rather engage in messaging for a perceived political gain. Raising taxes will do nothing to create jobs in Nevada or this Nation.

As the fiscal cliff draws nearer and nearer, the job growth remains stagnant. Congress should focus on long-term economic solutions that provide businesses the certainty they need to create jobs.

Thank you, Mr. President. I yield the floor and suggest the absence of a quorum.

**THE PRESIDING OFFICER (Mr. BENNETT).** The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

**Mr. McCONNELL.** Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

**THE PRESIDING OFFICER.** Without objection, it is so ordered.

#### RECOGNITION OF THE MINORITY LEADER

The Republican leader is recognized.

#### THE ECONOMY

**Mr. McCONNELL.** Mr. President, for nearly 4 years now, Democratic leaders in Washington have claimed to want what is best for the economy but done just about everything you can think of from a policy perspective to actually undermine the economy.

Whether it is overwhelming businesses with redtape, burdening them

with costly new health care laws or punting on major economic decisions until after the election, Democrats have done everything you would expect of a party more focused on centralizing power in Washington than reviving a weak economy.

And, of course, we have the results to show for it. As a result of the Democrats' policies, we have fewer jobs today than the day the President took office, more signed up for disability assistance last month than got jobs—more people signed up for disability assistance last month than got jobs—and the percentage of Americans who actually can work but are not is at the lowest point literally in decades.

This is the sad legacy of this President's economic policies. And later today we will have a chance to cast a vote for more of the same or for a plan that will help us get off of this hamster wheel we have been on for the past 3½ years.

I am referring, of course, to the very different proposals we will vote on today for dealing with a looming tax hike coming in January: the Republican plan, which gives every American not only the certainty that their income taxes will not go up at the end of the year but that Congress will deliver meaningful tax reform within a year, and the Senate Democratic plan which raises taxes on a million small business owners at a moment when we are counting on them to create jobs, raises taxes on thousands of family farmers and small business owners grieving the loss of a loved one, leaves a middle-class tax hike in place, and reforms absolutely nothing.

We would also like to vote on the President's plan, though it appears our Democratic friends will deny the President his vote.

I will leave it to others to explain the finer points of these plans. But one thing stands out. As I have indicated, the thing that stands out is the Democratic proposal to raise the death tax. This is one of their bright ideas to revive the economy: to raise the death tax. It dramatically lowers the exemption level, so more families actually get hit by it, and dramatically increases the amount of the tax itself. Under their plan, family members who inherit a farm or a ranch would have to write a check for 55 percent—55 percent—of the value of the property and equipment above \$1 million, all but guaranteeing that tens of thousands of small and mid-size family businesses across the country will be broken up and handed over to the government instead of passed on to the next generation.

Look, I know some Democrats will try to justify their vote on this stunningly bad proposal by saying they will deal with the assault on family farms later. Wrong. The Democratic bill we will vote on today, by not addressing

the problem, makes the tax liability for these families even worse. A vote for the Democratic plan is to vote to put these farms and ranches literally out of business. There will be no stand-alone bill signed into law on the death tax, and anyone who says otherwise is not being straight with the American people.

But there is one big difference between our plan and theirs. The most important difference is this: Only ours is aimed at helping the economy; only ours is aimed at helping the economy; only ours is meant to help struggling Americans in the midst of a historic jobs crisis. Theirs is meant to deflect attention from their continued failure to reverse this economic situation.

Throughout this entire debate, not a single Democrat has come forward to claim that raising taxes on job creators will help the economy. Nobody is claiming that because they cannot. The real motives are based on an ideological agenda, not an economic one.

Ordinarily, Republicans would do everything we can to keep a plan as damaging as the Democrats' plan from passing, and the only reason we will not block it today is we know it does not pass constitutional muster and will not become law because it did not originate in the House. If the Democrats were serious, they would proceed to a House-originated revenue bill, as the Constitution requires.

That said, the potential consequences of inaction on this issue are so grave that the American people deserve to know where their elected representatives really stand—truly stand—on this issue.

That is why I am announcing this morning Republicans will allow a simple majority vote—a simple majority vote—on the two proposals I have described, and that is why we are also calling for a simple majority vote on the President's plan. He is the leader of the Democratic Party. He has been calling for a vote on his plan. I for one think we ought to give the President what he is asking for: a vote on his plan.

So what I am saying here this morning is, we will have a simple majority vote on the Senate Democratic plan, on the Republican plan, to make sure no one's income taxes go up at the end of the year, and I would also recommend we have a simple majority vote on the President's plan.

The only way to force people to take a stand is to make sure today's votes truly count. By setting these votes at a 50-vote threshold, nobody on the other side can hide behind a procedural vote while leaving their views on the actual bill itself a mystery—a simple mystery—to the people who sent them here. That is what today's votes are all about: about showing the people who sent us here where we stand.

We owe it to the American people to let them know whether we actually

think it is a good idea to double down on the failed economic policies of the past few years or whether we support a new approach, whether we think it is a good idea to raise taxes on nearly a million business owners at a moment when millions of Americans are struggling to find work or to do no harm and commit to future reform.

Three votes, two visions. Three votes, two visions. The American people should know where we stand, and today they will.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BEGICH). The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair.

Mr. President, I suppose Senator MCCONNELL, the leader, has given a preface as to what I want to say. I think the American people should know where we stand on these important questions. That is why I come to the floor, to indicate that I will vote in favor of proceeding to debate on S. 3412, Senator REID's proposal to amend the Internal Revenue Code of 1986. But if the matter does come to a full discussion and debate on the floor, as I hope it will, I will not vote for it in its current form, and I want to explain why.

I feel strongly that the first thing the American people want us to do is get the economy going again so that the economy is creating jobs. I am convinced the best thing Congress can do to restore economic growth and job creation is to enact a comprehensive, bipartisan plan to balance our budget along the lines of the Bowles-Simpson Commission recommendations.

Unfortunately, S. 3412, which is the so-called middle-class tax cut—which would extend the existing reduced tax rates on couples making less than \$250,000, but would raise taxes on others making more than that—does not represent such a plan. In other words, it is not a bipartisan plan to balance our budget in a way that will create job growth.

Its enactment at this time, in my opinion, would only serve to preclude debate and action on exactly the broader type of reforms we need to fix our broken Federal Government fiscal system. Just imposing across-the-board tax increases for individuals and small businesses that make over \$250,000 a year is neither tax reform nor the balanced deficit reduction agreement our country needs right now.

I do not hesitate, and I will not hesitate, as part of this kind of balanced, bipartisan debt reduction—hopefully, debt elimination—plan to vote to increase the amount of taxes that the wealthiest Americans are paying. But I will not do that as part of a scatter-shot approach. It has to be part of a program that reduces spending, that reforms spending on our entitlement programs—which are the fastest grow-

ing element of our Federal budget—and that reforms our tax system. The bill before us is not such a plan.

I have said over and over that there is plenty of time this year to get a bipartisan, balanced budget program passed in Congress, and that I would vote against both the President's partial repeal of the so-called Bush tax cuts and the Republican plan to extend all the cuts for another year. I think we can do better this year, and I think we must do better. I know that is exactly what our constituents want us to do.

We can cut spending, adopt tax reform, and entitlement reform. While that hope is alive, I am going to vote against both partial measures and proposals to put off the tough decisions about our economic future that our constituents elected us to make. I think both the Democratic plan, which is the subject before us right now in this motion to proceed, and Senator HATCH's plan do not make it. They are partial, and they basically kick the can down the road again without solving our economic problems. Giving the private sector the confidence about our future to invest the trillions of dollars in cash they are sitting on now—which is the only thing that will get our economy growing and creating more jobs; and the private sector businesses will not do that today because they do not know where this government of ours is going—they do not have a sense of certainty and confidence.

So as I said, if for some reason the process that the Senate is facing today changes, and both the Democratic plan to raise taxes on people over \$250,000 comes up for a vote and Senator HATCH's Tax Hike Prevention Act, which extends all the tax cuts for another year, comes up, I will vote against both of them because I do not think they do what our country needs to be done.

There is plenty of time, as I said, left this year to do what we have to do.

Why am I going to vote to proceed to debate on either or both of these if I am opposed to each of them as they are drafted? It is because I think there is nothing more important we could do in this Congress than to begin to confront and debate the challenge of our time, which is to get our Federal Government back in balance, to make the tough decisions that will do that, and thereby get our economy going and creating jobs again.

Debate, yes. Let's not hide from debate. Let's confront it and deal with it as quickly as we can. But these two proposals, in my opinion, do not do what our economy needs to be done.

I will say a final word about the deep hole we are in and about the idea of raising taxes on everybody making more than \$250,000, but raising no taxes on people making less than \$250,000. The truth is we are in a deep hole in

this country. We are heading toward what has now begun to be popularly called the fiscal cliff. The challenge to our government is whether we are going to have the courage, the honesty, the leadership qualities to come together across party lines and protect our economy and our country before we begin to go over the fiscal cliff.

I know that requires us to make difficult decisions. Maybe it is easier for me to say because I am not running for reelection this year, but I honestly believe what the American people would most like us to do is to do what we think is right, to do something that does not seem like conventional politics, to have the guts to enact tax reform, entitlement reform, and cut spending. That is really what they want us to do because that is what they know the country needs us to do.

Let me come back to this \$250,000. I know it is politically appealing, but the truth is to balance our budget again we are going to have to ask most every American to give a little something so our country will grow and everybody will benefit. Sure, the people who are making the most should pay more in revenue, but I think we are at a point where we cannot simply say to what we generally describe as the middle class that they do not have to give anything else. I think that would be wrong. That is not consistent with the revenue system we have now, which is a progressive and fair system. I want to build on that, reform it in some ways to make it more constructive and make it more likely to incentivize growth in our economy. But let's not take anything off the table. Our economy, as precarious as it is, as it faces very uncertain effects from economic troubles in Europe and even in China now, I think we have to be very careful about raising anybody's taxes in the short run; that is, next year.

What we need is a long-term balanced debt reduction program for America. So that is why I will vote to proceed to vote for debate on these subjects we desperately need, but neither the Democratic or Republican approaches do what this country needs. Therefore, if they come to the floor and we have a debate, I will try to amend them with something like the Bowles-Simpson recommendations. If that fails, I will vote against them because we can do better than that, and the American people have a right to expect that we will.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COONS. Mr. President, I rise to speak to the issue on the floor before the Senate, the vote we will take later today on two competing plans for our path forward. As the Presiding Officer and I and all of the Members of this Chamber know, our national debt and our deficit are enormous. They are unsustainable. Last week an array of our colleagues on the other side of the aisle came to the Senate floor one after the other to make exactly that point.

Members of both parties agree excessive debt hurts our competitiveness, that it causes interest rates to rise, and it crowds out critical investments in our country's future. My own experience in the private sector and 6 years of tough budget balancing as a county executive in my home State of Delaware taught me how important it is to have responsible budget processes in place to manage our way through difficult financial times, to create opportunity for our communities while still reducing our deficits and debt.

There is no question that high debt levels lead to lower growth in the long run, and it can restrain or starve or strangle the dreams of our communities, our children, for our future. Our deficit and debt is a ticking time bomb, and everyone—Republicans and Democrats, Independents, economists, experts, working families, small business owners, the American people—knows that we want to and have to deal with it. But the key, in my view, is to deal with this problem responsibly and fairly and in a way that reflects America's best.

Our debt is neither a Republican nor a Democratic problem but a shared and structural problem. It took both parties to get us into this mess, and it will take both parties working together to dig us out. Each Member of this body must take responsibility and look at what is best for the next generation not just for winning the next election.

For my part, I am going to continue to fight for balanced and responsible deficit reduction. If the American people can share in the sacrifice in our cities and counties and States all over this country, as they are already doing in my home State of Delaware, then Republicans and Democrats have to show that we too can come together and find a way to compromise.

It is time we recognize a sobering reality: If we are going to plug the hole in national balance sheets, if we are going to avoid the fate of Europe—and it is a big hole in the bottom of America's balance sheet—while still continuing to invest in our future and in the strength and promise and opportunity of our communities, we have to find a more responsible, more fair balance between spending cuts and revenue increases.

We simply cannot achieve the level of savings we need through spending cuts alone. Drastic cuts, dramatic cuts,

across-the-board cuts violate our very values and will drive down the possibility of recovery and growth in the future. Spending cuts must be a central part of the solution to our budget problem. But the fact is revenue must also play a meaningful role. We need balance. That is the only way to provide the economic certainty necessary to sustain a recovery and, in my view, the only way to sustain investments that are critical for our future.

Let's be clear about some rhetoric we have heard both out in the country and in this Chamber. The United States does not begrudge success. We, as Democrats, in this Chamber do not resent those who have achieved, who have succeeded. In fact, that is the engine that for generations has drawn people from around the world to this country and has pulled people forward: the hopes and dreams of those who see reason to the work in this country because of the promise of opportunity, the very real history of entrepreneurship, of risk taking, and the very great rewards this country provides those who succeed beyond their wildest dreams through hard work, through innovation, through creativity.

No, we do not resent or reject wealth and success in this Chamber or in this country. In fact, we admire it and want to create the groundwork for a whole new generation of Americans to achieve the successes of the last generation. If we are going to do right by the next generation of Bill Gateses or Warren Buffetts, that requires us to find solutions that make our tax system fairer and to prevent burdening the next generation of Americans with a crushing national debt.

President Lyndon Johnson once said:

It is not just enough to open the gates of opportunity, all of our citizens have to have the ability to walk through those gates.

The ability of future Americans to walk through those gates, I believe, requires sustainable investments in our future, in our schools and teachers so our children can compete in the global economy and we can keep improving public education and infrastructure; so our businesses can move their products and ideas as fast as our competitors can on our roads and rails and broadband, in research and development; so America can continue to be a world leader in innovation and scientific breakthroughs.

We all know health care costs are among the greatest drivers of our mounting national deficits and debt. We have two paths forward: One, where we cut and constrain and reduce spending, and another where we invest in basic science and research, where we innovate and where we cure our way out of these challenges. I think this latter way of investing in our schools, our infrastructure, our innovation, and in finding path-breaking cures is more true to the American spirit.

Cuts to essential services and programs are already deep. Although this is not broadly known throughout the country, sacrifices have already been made here, and pennies are already being pinched from programs that, in my view, serve the people who can least afford them.

In my home State of Delaware, due to choices we have made here, we have already seen cuts to critical programs such as heating assistance to low-income families and programs such as the community development block grants. Home programs were cut roughly 30 percent in last year's budget, programs that for so long have supported affordable housing for the disabled, for seniors, and for low-income families.

We must continue to make cuts across the board to move our way toward a sustainable Federal deficit. But cuts alone cannot responsibly make our path forward, and we have seen proposals in the other Chamber that would decimate vital safety net programs such as Medicare and Medicaid, shifting the burden of deficit reduction to our most vulnerable citizens. We need to bring balance back to how we solve these problems. We need to do it in a way that puts a circle of protection around those who are most vulnerable in our society.

In previous generations that served in this Chamber, when they came together and reached the resolutions that solved our country's fiscal problems, in 1983, for example, they put a circle of protection around the most vulnerable Americans. They chose not to slash or cut or eliminate those programs that were focused on the most vulnerable in our society: the disabled, low-income seniors, and children in the earliest stages of life.

I think it is important that we remember those values as we look at the choices we make today and as we come together in the months leading up to the election—and, hopefully, after the election—to craft a solution to our structural problem.

Today on the floor the Senate is considering the other piece of the equation from cuts, revenue. We have a stark choice between us today. We have two plans: a Reid plan and a Hatch plan. We have a Democratic proposal and a Republican proposal. Let me put this in some context that I think has been missing in some of the speeches I have heard on the floor earlier today.

In both cases these are plans that make choices about which of our existing tax cuts, which of the existing tax expenditures we will allow to expire and which we will extend. There is a lot of talk about the coming taxmageddon, about the greatest one-time tax increase in American history. But let's be clear. What we are talking about is tax cuts that were enacted in 2001 and 2003 and other tax cuts that

were enacted in 2009, 2010, and whether they should be extended or whether these temporary tax cuts should be allowed to be that and expire.

We have two starkly different plans. In one, the Republican plan, they extend all of the Bush tax cuts, even for the highest income earners, even on the marginal rates of the highest income earners. The Democratic plan extends and does not allow to expire critical tax cuts: the earned-income tax credit, the tuition tax credit, and the child tax credit that 25 million Americans—the working poor, working families with children—rely on to get through this difficult recession.

The Republican plan allows all three of those to expire, and thus, to use their language, raises taxes on 25 million of the working poor. It should be an obscenity for there to be people who are working full time and get poor in this country. This is a country, as I said before, of opportunity; the place to which millions have come over generations from around the world seeking the opportunity of this country.

Yet, today, and especially in this economy, “working poor” has real meaning, as the rate of poverty has risen to alarming levels, where one in six is poor today, which is the highest since the 1960s. The economic inequality and lack of opportunity and justice for those who are the poorest is at an alarming rate.

We also have, as I said before, a structural challenge before us, a deficit and debt that we must deal with. So the Democratic plan that is on the floor today, which we will vote on today—on whether this body wants to proceed to take a deciding vote on it—would allow the marginal tax rate above \$200,000 for individuals, \$250,000 for couples, to return to the Clinton era.

Let's be clear because I think this is often lost. Under the Democratic tax plan, we would continue tax breaks for all Americans who earn income and for all small businesses that are revenue-earning but just on the first \$200,000 of individual income or \$250,000 of couple income. So even the millionaires and billionaires would continue to get some of the benefit of the tax breaks first enacted in 2001 and 2003. What would be raised is the tax rate on income above \$250,000 per couple. So everybody continues to get some tax advantage, but the excessive—the highest reductions in tax burden on the very wealthiest Americans we would allow to expire.

What would the impact be on our deficit and debt? It would be \$850 billion over 10 years, which, with the interest savings, is nearly \$1 trillion in deficit and debt reduction. These are significant savings. If we ask the wealthiest 2 percent of Americans to take on that burden, to go back to the interest rates on marginal income that they lived through in the Clinton era, what might

that do? It will significantly reduce the deficit and debt and make it possible for us to sustain the earned-income tax credit, the tuition tax credit, and the child tax credit, and, frankly, it will reflect our values.

This recession has brought an alarming rise in the rate of poverty. I believe our faith traditions—and we come from a very broad range of faith traditions—speak to us and challenge us to show our values. As the Vice President, who held the seat in Delaware before me, has so often said, his father once said to him: Show me your budget, and I will show you your values.

Psalms 72 teaches us that to defend the cause of the poor and to give deliverance to the needy is one of our highest callings. It is repeated throughout the books of the Torah and the New Testament—in many faith traditions all across this country. To reject this deliverance to the needy, to reject the circle of protection for the neediest in our society and instead say that we will extend ad infinitum the tax breaks for the wealthiest Americans defies American values and our greatest tradition of creating and sustaining opportunity while protecting the most vulnerable among us.

I think our belief in the American dream and our commitment to basic fairness and responsible problem-solving calls us forward to vote for the Reid plan.

This bill is not a substitute for the comprehensive tax reform our Nation truly needs. We need tax reform that simplifies the Tax Code and closes many unsustainable and costly loopholes while lowering rates and broadening the base. In the current political environment, I believe this bill, to which I hope this body will turn, is the best chance we have at retaining these important tax credits and opportunities for the working poor while bringing some sanity to the rates at the highest end and asking those who benefited the most to contribute to solving our problems.

Last week I got a letter from Judith in Talleyville, Delaware, who wrote my office saying this:

Millionaires and billionaires must be asked to pay their fair share toward economic recovery.

Judith puts her finger on the crux of the issue. If we are going to address our deficit crisis and resolve the hole at the bottom of America's balance sheet in a way that reflects our core values, I believe we must move to and consider and pass the Reid plan in this Senate this day.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, today we are debating the proposal of the Senate Democratic leadership to raise taxes on the American people. Pursuit of this tax hike strategy is clearly being instigated by the President's reelection ef-

forts. I suspect that many of my friends on the other side are very uncomfortable with this strategy. I can think of a number of Senate Democrats whose constituents would be surprised to learn their Senator supports tax increases on small businesses, an increase in the alternative minimum tax, and hikes in the death tax.

With the economy still on the ropes, I think they would be surprised to learn their Senators supported a tax hike strategy that might win some votes but at the risk of sparking a recession. That is what the President wants. We will see if that is what he gets. He has pitched his tax hike plan as a way to be fiscally responsible. That could not be further from the truth. One need only look at the treatment of the House budget by my friends on the other side. That budget received more votes than any other budget considered by the Senate, including the phantom budget advanced by the Senate Democratic caucus. The House budget provided \$180 billion more in deficit reduction than the President's budget for 2013. The House budget's extra deficit reduction of \$180 billion exceeds the differences in deficit impact between the proposal I introduced with my friend and colleague, the Republican leader, and the proposal advanced by my Democratic friends. That is true even if you apply the other side's distorted and misleading accounting of the differences between the two proposals. More on that in a moment.

When we hear our friends on the other side say they must risk going off the fiscal cliff for deficit reduction, consider this: They rejected out-of-hand spending restraints that provided more deficit reduction than is at stake here today.

Not only are the deficit reduction numbers phony, but the President and his Democratic allies in the Senate have repeatedly suggested that they are willing to intentionally drive our economy off what Fed Chairman Ben Bernanke has called the fiscal cliff in order to make a political argument about the top marginal tax rates.

The President thinks he has struck political gold with this argument. He will be able to run for reelection on a platform of raising taxes under the mantle of deficit reduction. Now, this might be politically advantageous, but I doubt it.

I do know that from a fiscal and economic perspective, the President's signature proposal threatens serious damage to our already fragile economy. The President's tax increases on those he deems “the rich” in fact represent a massive tax hike on the small businesses that are necessary for economic and job growth. Moreover, until he gets his way on raising taxes on these small businesses, he is threatening every single American taxpayer with a tax hike.

Like a petulant child, he is insisting that it is his way or the highway. We have had far too much of that. He will get his way on raising taxes on the small businessmen and entrepreneurs—who find no shelter in today's Democratic coalition of unions, lawyers, and government employees—or he will let the current tax relief expire, raising taxes on all Americans. This is the antithesis of statesmanship at a time when our economy requires serious direction. It is the political equivalent of a temper tantrum. I expect that American voters will have about as much patience for this as they would a similar fit from their children. The American people want a grownup in the White House, but on tax policy we appear to be dealing with adolescence.

I have said before that the President's proposal is the policy equivalent of Thelma and Louise intentionally driving their convertible off a cliff. The difference is that there is at least some ambiguity left about the fate of Thelma and Louise. If the President gets his way and either raises taxes on small businesses or denies relief to all American taxpayers, there will be no ambiguity about whom to hold responsible when our economy crashes.

When a liberal Democratic President has lost the New York Times, he has lost America. Even the Times understands what is coming if the President continues to put the pedal to the floor and drive us over the fiscal cliff. The Times wrote that "with the economy having slowed in recent weeks, business leaders and policy makers are growing concerned that the tax increases and government spending cuts set to take effect at year's end have already begun to cause companies to hold back on hiring and investments."

That is 100 percent right. The election is not for another 3 months, and already the President's lack of direction and the threats emanating from Democratic leadership about letting the tax relief expire are leading businesses to slow down. How can businesses plan for next year and how can they make hiring or investment decisions when they have no idea what their tax rates are going to be? They simply can't. And the President and Senate Democratic leadership, with their delay and confusion about how to extend this tax relief, are doing absolutely nothing to inspire confidence in these job creators.

Rather than address the expiration of the 2001 and 2003 bipartisan tax relief, we have been debating campaign commercials masquerading as serious legislation. Last week the Senate wasted its time on yet another piece of legislation that had absolutely no chance of becoming law and zero prospects for creating jobs. It is worth comparing the puny impact of the bill considered last week to the size of the coming tax hikes—tax hikes so large that the

Washington Post has referred to their impending arrival as "taxmageddon."

Referring to this chart, look at the impact of the 20-percent credit versus taxmageddon over the next 10 years. The Bring Jobs Home Act would only cost about \$87 billion. Taxmageddon is going to cost us \$4.538 trillion.

Make no mistake, our small businesses and our economy face an existential threat at the end of 2012. Yet the majority leader schedules votes that generate campaign fodder rather than jobs or lasting economic growth.

Facing a fragile recovery and a weak jobs market, President Obama seems content to sit idly by and allow the scheduled \$4.5 trillion tax hike to occur just to make a populist political argument about the need for the so-called rich to pay what he thinks is their fair share. Congress needs to act now in order to prevent this tax hike on America's families, individuals, and job creators.

Look at this chart again—the difference between the Bring Jobs Home Act and taxmageddon. It is clear that they are driving us off the cliff, and they are willing to do it for political reasons.

It is critically important for our economy and the American people that we act now to extend the bipartisan tax relief originally signed into law by President Bush and extended by President Obama back in 2010.

As you can see on the chart, the tax legislation to-do list, nothing was done on tax extenders, although we are willing to work on that with our committee chairman in the Finance Committee; nothing was done on the AMT patch, but we are willing to work on that in the overall scope of things; and nothing was done on death tax reform. In fact, the suggestion by the Democrats is to increase it so that all the small farms—or many of them—will get hammered with taxes, along with a lot of small businesses. Nothing was done to prevent the 2013 tax hikes. No, no, no, no on everything.

This is the most crucial piece of legislation Congress can address this year. If we allow this tax relief to expire as scheduled, almost every Federal income taxpayer in America will see an increase in their rates. Yet that is what our friends on the other side said they are going to do if they don't get their way—like petulant children. Some will see a rate increase of 9 percent. Others will see a rate increase of as much as 87 percent.

Because the vast majority of small businesses are flowthrough business entities, any increase in tax rates for individuals necessarily means that those small businesses will get hit with a tax increase. This tax increase lands on these small business owners even if they do not take one penny out of their business. That is what the Democrats are going to do to them. They are will-

ing to go off the cliff and do this. Our economy simply cannot afford to take on such a fiscal shock.

It was just in 2010 when the President said the economy was so fragile we needed to carry over the 2001 and 2003 tax cuts.

We are in worse shape today than we were in 2010, but unfortunately—or fortunately—we are in an election year. Unfortunately, the President is playing games with these very serious matters.

Our economy simply cannot afford to take on such a fiscal shock. Economists estimate if these current tax rates are allowed to expire, the economy could contract by approximately 3 percentage points. Considering the first quarter GDP growth was 1.9 percent and that expectations are even lower for the second quarter growth—that will be reported this Friday—going over the fiscal cliff would almost certainly throw us into a recession.

I don't know many economists who would disagree with that. Certainly the Fed doesn't disagree. We are going to go into a recession if the Democrats get their way. We could even slip into recession in the second half of this year, given reluctance of businesses to hire and invest due to fiscal uncertainty.

For the President and others who argue we should raise the top two tax rates in the name of fiscal responsibility, I would just like to point out a few things. The Senate majority leader introduced his tax bill—one that largely mirrors the President's proposal—under the auspices of deficit reduction. It closely adheres to the Democratic talking point that the only thing standing between our deficits and fiscal stability is the current top marginal tax rates. We have heard this argument for a year and a half, with the President and his Democratic allies insisting it is not their out-of-control spending that got us into this mess but the Republicans' refusal to allow for tax hikes on the so-called rich.

That is laughable. This argument sounds nice, but it is belied by the actual facts. According to the Joint Committee on Taxation, an apples-to-apples comparison of the Democrats' tax proposal and the proposal I introduced with my friend the Republican leader shows a difference of \$54.5 billion. The Democrats' bill—which raises the top rates and expands the death tax, while patching the AMT for 1 year—is scored at \$249.7 billion, and the score of my bill—without the 2013 AMT patch—is \$304.2 billion.

So we have a debt that is fast approaching \$16 trillion. Taxes are set to go up by \$4.5 trillion, and Senate Democrats are crowing about their fiscal responsibility, threatening to drive the economy off the cliff, over \$54.5 billion worth of tax relief? I believe this is called missing the forest for the trees. In order to satisfy their urge to redistribute \$54 billion of taxpayer dollars,

they are willing to risk a recession and see taxes go up by \$4.5 trillion.

The President recently claimed we need to raise the top two tax rates because "it's a major driver of our deficits." The numbers show this is plain and simple nonsense. The real difference between the Democratic and Republican plans is only \$54.5 billion—or about 5 percent of the deficit. That represents .34 percent of our national debt. To put it another way: The Democrats' tax hike proposal would only provide enough additional revenue to pay for 5 days of Federal Government spending—5 days of Federal Government spending.

It is also worth noting what exactly the Democrats' refusal to provide 2 years of AMT relief means for their constituents. If Senate Democrats do not patch the AMT in 2013, their AMT will take away over 40 percent of the tax relief they claim to be providing with their bill. This is their prerogative, but I hope the hometown papers in northern Virginia, New Jersey, New York, Florida, and Colorado are paying attention. I hope they are paying close attention to what a lack of AMT relief will mean for middle-income families in those States.

These tax proposals, in the end, have nothing to do with sound tax policy that maximizes economic growth, and they have nothing to do with deficit reduction. They have everything to do with pursuing an antique economic philosophy that is principally concerned with running down the economy's job creators and entrepreneurs.

The explicit tax policy is only the half of it. We learned yesterday from the Congressional Budget Office the true tax bill for ObamaCare is over \$1 trillion. We were promised there wouldn't be any tax increases. It is the biggest fiasco I have seen around here in almost the whole time I have been here. In fact, I can't think of anything bigger.

All the new ObamaCare regulations will cost McDonald's franchisees alone more than \$400 million in health care costs. The President might think Ray Kroc did not build McDonald's, but this is delusional. He might view the small businessman who took a chance and opened those franchises as not especially smart, not responsible for his own success, but this is a view that could only be embraced by an academic and activist who has no experience in the private sector.

The Joint Committee on Taxation tells us that 53 percent of all flowthrough business income in the United States would be subject to the President's proposed tax hikes. Take that, small business. The President is saying: We don't care about you, I guess. I do, and Republicans certainly do.

The President's proposal would take the marginal tax rate on small busi-

nesses from 33 percent and 35 percent to 39.6 percent and 41 percent, respectively. Look at this chart. This is the increase to small business—the top marginal rates. As we can see, it goes up from 33, 35 to 40 and 41 percent. How could that not help but ruin our economy? This is the kind of economic thinking we are putting up with around here, and it is all coming from the White House. Our friends on the other side apparently don't want to take the White House on. It is an increase of 17 to 24 percent on the marginal tax rates for small businesses.

Ernst & Young recently released a study showing these proposed tax hikes—on top of ObamaCare's 3.8 percent tax increase—on dividends, interest and capital gains would reduce our economic output by 1.3 percent. The Ernst & Young study also found that real aftertax wages would fall by 1.8 percent as a result of President Obama's policies.

Not surprisingly, the study noted 54 percent of the entire private sector workforce is employed by flowthrough businesses, such as S corporations and partnerships, the majority of which would see their taxes go up under the President's plan.

That is where the jobs are. What kind of thinking are they willing to accept on the other side of the aisle? It is hard for me to believe. There isn't a person over there I don't care for. It is hard for me to believe they are not willing to stand up to this President and say: Hey, the game is over.

The truth is many of the people targeted by Democrats as wealthy are, in fact, middle-income, small business owners who spent their whole lives building up a business, then selling it and falling into the top bracket just for the year of the sale.

Consider a real-life example provided by the Associated Builders and Contractors. A husband and wife from Pennsylvania who retired to Florida owned an S corporation. In 2009, the couple paid no Federal income tax because they did not have enough taxable income to owe any tax. In 2010, when they sold their business, their adjusted gross income was about \$780,000, and they paid \$170,000 in taxes. If they had not sold their business in 2010, they would have paid no taxes. So the one-time sale of the business, built up over many years, caused these small business owners to be in one of the two top brackets for just 1 year, after years of building their business and then having to sell it and have this catastrophe fall on them.

Yet the President would have the American people believe this couple is part of some rich elite who are refusing to pay their fair share. That is not all or, as Ron Popiel would say: But wait, there is more.

Last week, before the ink was even dry on the Democratic leader's small

business tax hike legislation, the bill was changed to substantially increase—get this—the death tax. Why was that? Because they found there was only \$28 billion difference between the Democratic bill and our bill, and they wanted to find a way to get it up to \$50 billion, which is, as I said, 5 days of spending around here.

It might be hard to believe, but this proposal is even worse than President Obama's. The proposal by the Democratic leader would impose the death tax on 15 times the number of estates than under current tax policy, according to the Joint Committee on Taxation—the nonpartisan Joint Committee on Taxation. It would increase the number of estates hit by the death tax from 3,600 estates to 55,200. According to the Joint Committee on Taxation, 24 times more farming estates would be hit by the Democrats' death tax proposal.

What is going on over there? These are intelligent people—our friends on the other side. How can they possibly live with this?

According to the Joint Committee on Taxation, 24 times more farming estates would be hit by the Democrats' death tax proposal which they wrote in here. I have to believe they just did it so they could raise the difference between the two bills from \$28 billion—3 days' spending by the Federal Government—to a little over \$50 billion—5 days' spending. Let's call it 8 days' spending. The number of small businesses hit by this death tax spike would grow by 13 times.

What would that do to the incentives for people to build small businesses, small businesses that could become big businesses and employ thousands of people? This proposal would subject 2,400 percent more farms and 1,300 percent more small businesses to the death tax.

Farmers work all their lives hoping to leave their farm to their children. They will have to sell the farm to be able to pay the death taxes our friends on the other side have written into this bill. They can't be serious. But they are. I would like to be a fly on the wall when some Members of this body go home and attempt to defend their support for a proposal effectively designed to hobble small businesses and family farms.

The President might think it is no big deal. I am sure he has never been on a farm, other than since he has been President. I am not sure he has ever worked with a small business. He has been a community organizer. That is important, but that doesn't necessarily qualify someone for President. After all, according to the President, those farmers and businessmen were not responsible for their success anyway.

I am going to give the President the benefit of the doubt on that one. I think maybe he misspoke. But I sometimes believe, in the President's view,

he thinks these folks aren't very smart; they owe it all to the bureaucrats stationed at the Departments of Agriculture and Labor and their helpful investment-creating regulations. We all know about those, don't we? The sweat and tears and sacrifice of the families and individuals who create and run small businesses have nothing on the hard work and commitment of the mid-level bureaucrats who make their success possible.

But my guess is that some Members of this body have a slightly more nuanced understanding of the importance of these farms and businesses to their communities, on both sides of the aisle. They have to.

There is a limit to what this President should ask of my Democratic friends, and he is asking way too much. They should stand up and say, We have had it. We are not going to do this.

It seems clear what the agenda of the Senate should be. We should be focused like hawks on preventing Taxmageddon. We should be focused on job creation. Yet instead of addressing these important matters, President Obama and his Democratic allies are spinning their wheels trying to raise taxes on politically unpopular groups. Even the Democrats' treasured Keynesian economics says you do not raise taxes in a weak economy if you want to create more jobs.

The President is devoting his entire reelection campaign toward tax hiking in the name of fairness. We have voted twice on proposals to raise taxes on oil and gas companies for no other reason than that Democratic pollsters found the President's base does not like oil and gas companies. Then a few months ago, we voted on the silly Buffett rule. This was not serious tax policy. It was a statutory talking point—and not a very good one at that. Then there was last week's bill on overseas investment that was little more than a campaign advertisement with cosponsors.

The American people are tired of these political stunts. They are tired of the Senate doing nothing. They are tired of the Senate bringing up bills that aren't going to go anywhere. Every minute Democrats spend playing politics is a minute we fail to prevent the largest tax increase in American history. But instead of working to prevent this massive tax hike on small businesses, the President and the congressional Democratic leadership have doubled down on their tax hike strategy.

Believe it or not, while doubling down on their tax hike strategy, our friends on the other side are pushing the canard that the Hatch-McConnell proposal is a tax hike. Yesterday, one of our colleagues—who I won't name, though he named me—said the following:

Republicans claim not to want to raise taxes, but the Republican tax bill would let

very popular lower and middle-class provisions expire that would cost 25 million Americans an average of \$1,000 each. Under the Republican bill, 12 million families would see an end to the—a smaller child tax credit. Six million families would lose their earned income tax credit and 11 million families would lose their American opportunity tax credit.

A little over 11 years ago, one-fourth of the Democratic caucus supported the bipartisan 2001 relief plan which is the foundation of the policy underlying the Hatch-McConnell bill. At that time, the Joint Committee on Taxation showed that the bill distributed an across-the-board tax cut which made the Tax Code more progressive. The 2003 bill was passed on a narrower bipartisan basis and extended on a broader bipartisan basis in 2004 and 2006—bipartisan. The Joint Committee on Taxation data showed that, against current law, the fiscal cliff my friends are threatening is, not surprisingly, basically the same as it was in 2001, 2003, and 2006.

In other words, the Hatch-McConnell proposal provides across-the-board tax relief benefiting virtually every income tax payer, yielding a tax system that is more progressive than we would face if we went over the fiscal cliff. Let me repeat that.

The Hatch-McConnell proposal provides across-the-board tax relief benefiting virtually every income tax payer, yielding a tax system that is more progressive than what we would face if we went over the fiscal cliff. The Joint Committee on Taxation analysis indicates a similar result today.

To be sure, if you count continuous stimulus checks issued by the government to folks who do not pay income tax as tax cuts, the Democrats' proposal does more of that than the Hatch-McConnell proposal. There is no question about that. But when is it going to end? Is the upper 49 percent going to have to continue to carry everything in this country?

Under Federal budget law, those continuous stimulus checks are counted in the main as spending. I would say to the colleague I referred to a moment ago that if the Democrats want to use that talking point—one at odds with conventional budget accounting—it is a free country. But if Democrats are going to make that strained and tortured charge, then they should also answer for the failure of their bill to patch the AMT for the year they claim to be delivering middle-income tax relief.

Their plan exposes 28 million middle-income families to a stealth tax increase of over \$3,500 per family. So while they claim that our bill raises taxes by cutting stimulus spending, they are mum on the massive tax increase on 28 million American families implicated in their own bill. I think we might have a case here of folks in glass houses throwing stones.

Make no mistake, Taxmageddon is coming. The only good news is that Congress can prevent this historic tax increase from happening. As I mentioned, I have a bill I have introduced with Senator MCCONNELL—S. 3413, the Tax Hike Prevention Act of 2012—which will prevent this historic tax increase and will pave the way for tax reform in 2013. That is where my focus will be until Taxmageddon is averted. I hope my colleagues will join me in preventing this looming tax increase from being imposed on the American people.

Forty of my colleagues on the other side of the aisle voted to temporarily extend this tax relief in 2010, recognizing that we were in financial difficulty—we are in worse difficulty today—and they should do so again. At that time, President Obama said it would be foolish to raise taxes during an economic downturn, and he acted accordingly. I respect him for that. But he is not acting that way now. This is an election year.

Our economy remains weak today. In fact, it is weaker in terms of growth in GDP than it was at the end of 2010, and incoming data clearly point to even more slowing in the economy as uncertainty from the fiscal cliff has begun to strangle hiring and investment. My friends on the other side have got to wake up to these facts. The only thing that appears to have changed is that President Obama has apparently chosen the path of class warfare and is pursuing a politics-driven tax agenda.

I remember days in the past when my friends on the other side would rise up against even their own President when it came to good economics. I hope they will again, but it appears that it is not so today. My hope is my colleagues, who have supported this tax relief in the past, will put the President's shortsighted and self-interested partisanship aside and vote on behalf of their constituents in favor of S. 3413 to extend this tax relief to America's families and small businesses.

For the sake of the more than 12.7 million unemployed Americans, my hope is that we act to prevent the President's campaign drive to malign small businesses and raise their taxes, and that it does not get in the way of sound tax policy and job creation. To put us through this for a difference of a little more than \$50 billion between the two bills is amazing to me. That amounts to about 5 days of Federal spending. And to do this because the President wants it done? Sometimes it is good for this body to stand up and say, Mr. President, you are going too far.

What have I proposed? I proposed that since it is even worse than 2010, when the President thought it was the wise thing to do in a fragile economy that we put over the 2001, 2003 tax cuts for 1 year—1 year—and that we strike out a new force in this Senate and in



the House to do tax reform in that year on a bipartisan basis.

I don't believe that is an unreasonable request, especially under the circumstances that we have seen with the potential of Taxmageddon. I actually believe it would be very wise on the part of all Senators to do exactly that. And wouldn't it be wonderful if we could work together for a change over the next year, knowing that year is devoted to tax reform.

Madam President, I ask unanimous consent to have a letter dated July 25, 2012, from the Associated Builders and Contractors printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ASSOCIATED BUILDERS  
AND CONTRACTORS, INC.,  
Arlington, VA, July 25, 2012.

U.S. SENATE,  
Washington, DC.

DEAR SENATOR: On behalf of Associated Builders and Contractors (ABC), a national association with 74 chapters representing 22,000 merit shop construction and construction-related firms, I am writing to express strong opposition to the Middle Class Tax Cut Act of 2012 (S. 3412), an ill-considered measure that would amount to a massive tax increase on business income, capital investment, and succession.

Per the National Federation of Independent Businesses, 14 percent of small business employers will see a double-digit rate increase under this bill, foisting a large tax hike on nearly one million job creators at the worst possible time. According to a new study by Ernst & Young, these tax increases would cost more than 700,000 American jobs and reduce the economy by 1.3 percent while diminishing wages and capital investment. With roughly 80 percent of commercial contractors paying business income taxes at the individual level, this scenario would disproportionately harm the construction industry.

Worse yet, the resurgent estate tax burden enabled by this bill will harm family businesses across the spectrum. Absent explicit congressional action, uncertain business owners would be faced with an escalated 55 percent rate with a severely diminished \$1 million exemption. According to the National Small Business Association, one-third of all small business owners would be forced to sell outright or liquidate a significant portion of their company to pay this punitive tax. In a capital-intensive industry such as construction, with a large proportion of closely-held and family-owned businesses, a reversion to pre-2001 estate tax levels would be nothing short of disastrous.

Rather than exposing nearly one in seven job creators to a perilous fiscal cliff, Congress must act swiftly to extend current tax policies as a bridge to comprehensive tax reform. The Hatch-McConnell alternative plan would do just that, continuing the 2001 and 2003 rates while abiding by the bipartisan estate tax compromise reached in 2010 and providing for a path to reform the code.

ABC strongly opposes the small business tax hikes contained in S. 3412, and urges a NO vote for cloture on the motion to proceed.

Sincerely,

GEOFFREY BURR,  
Vice President,  
Federal Affairs.

Mr. HATCH. Madam President, I yearn for the day when we can see both sides come together and work together—work together in the best interests of the country.

We know this Presidential election is close. We know they are virtually in a tie right now. Let that play itself out, but let's do what is right here. Let's not hammer small business. Let's not have the biggest tax increase in history. Let's not put this country into a recession—and maybe even a depression. It was irresponsible, in my eyes, for any Democrat or any Republican to say that if you don't give us what we want, we are going to allow Thelma and Louise to go off the cliff. And we are Thelma and Louise in this situation.

We can work together on an economic program that hopefully everybody in this body—or at least the vast majority—can support in a bipartisan way.

I hope we can get through this. I am very concerned about our country and very concerned about the way these types of things are being brought up in this election year.

I will make one last comment. The Senate is not being run like the Senate. We are not going according to the regular order. We are not going through the committees. It is pure politics. I expect a little bit of that, but I don't expect everything to be pure politics. When our side isn't even given a chance in many circumstances to bring up amendments in the greatest deliberative body in the world, you can see why there are some bad feelings around here. And it is all being done to protect some Members here rather than doing what is right for the economy and for our country. We have got to wake up and start doing things in a little better fashion around here. I hope we can.

I hope my colleagues on the other side will accept my suggestion here. It is done in good faith. I believe we can dedicate next year to tax reform, and I believe we can get it done if we work together. I believe we can bring this country out of the morass it is in. And I suspect if my colleagues on the other side will support what I have suggested here today, the economy will start to turn around almost immediately. It seems to me it would be to their benefit in this Presidential election year, even though I don't trust what some have done in the past.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

Mr. BEGICH. Madam President, I am going to deviate for a moment from my prepared comments. I listened to my good friend and colleague from Utah, Senator HATCH. I respect him greatly. As perhaps the only person who actually runs a small business, I wish to comment on a few things and comment on this important piece of legislation we have in front of us.

Small business is defined not by the SBA, which is 500 and below. When I talk to small businesspeople, they wish they had 500 employees. It would be a dream, but it is not a fact. We have to be careful about the numbers, and there are a lot of numbers being thrown around.

There was the story about the gentleman from Florida who sold his business and paid more taxes. I will be corrected if necessary, but when someone sells their small business, they pay capital gains tax, which is about 15 percent. So when they make more money when they sell their business—I have sold several of my small businesses over the years, and if someone doesn't reinvest, they pay a certain rate, and when they reinvest, they can bypass it through an exchange afforded through the Tax Code.

My friend from Utah sits on the Finance Committee. I am guessing the small businessperson had a pretty good rate, 15 points, which isn't bad. Let me also make sure and be very clear, again, there are a lot of numbers thrown around. The bills are very simple. They both cost money. One costs \$930 billion over the next 10 years and one costs \$250 billion. The proposal my friend from Utah suggested costs \$930 billion over 10 years. That is how the Congressional Budget Office scores these things. We can argue if we agree or disagree. It is amazing on days they like the numbers they agree, on days they don't like the numbers they disagree.

The Congressional Budget Office is the Congressional Budget Office. I don't like the group. I like the people. I think they have a black magic box there and come up with numbers. The fact is, those are the numbers. That is the bipartisan organization that is selected by this body jointly to determine these numbers. We can argue over them after the fact. For example, when this extension that my friend talks about over there that in just 1 more year—how many times have we heard that? I have heard it twice since I have been here. It was a 10-year deal when it was first passed that would bring this relief and this growth and this economy beyond our belief. In the last 3½ years, I don't know, the economy crashed. It is recovering now and struggling.

When I came here, they said: We need to extend it for just 2 years to help the economy. So we extended it. I voted to extend them all for 2 years. I am not doing that again. We can't afford it. For 2 years, we had this extension that was supposed to boom the economy. We have had a slow-growth economy. The people growing this economy are the small businesspeople. These are the people who have 25 or less employees. They are the real small businesspeople.

As a matter of fact, this bill—and I heard the number. Again, I ask people

to listen to the numbers and the twisted commentary that everybody gives on both sides. In Alaska, we say it how it is. Here are the facts, and we saw them in the documents, whatever may be presented to us. Ninety-seven percent of the small businesses in this country will not see a tax increase because they are real small businesspeople.

When we walk out of this building and we go down the street for lunch and see the restaurateurs that are operating, there are not 500 employees. There are 10 or 15 employees. I talked to the owner at the Alaska Growth Company today. He has 15 employees. The largest SBA lender, bigger than Wells Fargo, bigger than Key Bank, bigger than all of them, has 15 employees. That is a small business. Those are the people we are talking about.

I respect my friend. He has been a lawyer all his life. I am not a lawyer. No disrespect to lawyers. I am a small businessperson. That is where I made my living, that is where I make my living, and that is where our family makes our living. Let's make sure it is clear what we are talking about.

When the Senator talked about—I can't remember the exact percentage—but 54 percent of these dollars are passed through. He talked about dollars. Yes, because the 3 percent or the employers who have over 25 or 50 employees have huge revenue streams. The small businesspeople in this economy, 97 percent of them make less than \$250,000 net income. That is what we are talking about. I think every small business would love to have net income over \$250,000. They strive for it every day. I know I do in my small business. I hope every day we achieve these numbers. As the public listens carefully to the debate and as the minority leader said earlier today, there is a difference, a clear difference. We cannot afford their bill. The taxpayers cannot afford their bill. It is \$930 billion over the next 10 years, plus interest costs. I heard over and over from the other side, 40 percent of what we borrow is—we have to borrow to pay our bills. Forty percent of everything we pay, we have to borrow. Where are they getting the \$930 billion? Where is that coming from? It costs money, it costs interest, and we don't have it because over the last decade and a half Democrats and Republicans spent like there was no tomorrow. Tomorrow is here.

We have to determine what our priorities are. Despite the fear tactics being laid out, I support small businesses 100 percent. Many bills I presented and supported over the last 3½ years were about protecting and growing our small business. Define a real small business. There are people who have to take their credit cards and figure out how to get capital because banks will not give them the money. They have a dream of an opportunity and people

look at them and say: How much money do you have in the bank? You can mortgage your two homes or one home or you can put everything up that you have as collateral, plus maybe your first born. I have been through this.

My wife started her small business with a small investment out of her retirement funds, her own funds, and a small \$30,000 SBA loan. Just as a side note, I get so frustrated when I hear these ads, everyone is going to exaggerate what they hear and see. I am sure, whatever I say today, in 2 years they will take a couple words and use them against me. I expect that. They will say whatever they want. That is what opponents do in campaigns. It is too bad we can't talk about the issues.

I am not here to defend the President. The President gets to defend himself. That is what he does. I have disagreed with the President more than once. I have disagreed with my national party more than once. His point is when we build a business, there are other elements that help build it.

For my wife's business, it was an SBA loan. I had a vending business. When I had those trucks on the street, those roads were built by a collective group of taxpayers who helped to build those roads. It is a combination of those things. Don't get me wrong. It is the blood, sweat, and tears of small businesses and the people who come up with the dreams and ideas that create these businesses and push it forward.

So I sat here patiently. As I was presiding, I listened. The numbers are simple. One costs more, one costs less. The taxpayers can't afford it. As I said, 2 years ago, I supported the extension because I was told we were going to invest. We were going to grow this economy significantly. We have grown it on the backs of small businesspeople. That is on whom we have grown this economy. That is where the fastest growing population of new employees are coming from.

To my friend on the other side of the aisle, we gave that idea a shot. It didn't perform. I have to say as to Thelma and Louise—a scene I hear about all the time—thank God they were driving an American car. My bet is they landed safely on the other side wherever they went. But the fact is, it was in this body—and I heard the same arguments on the other side: We can't help our auto industry; we can't help them out of what they are struggling with—we took a calculated risk to support those businesses that manufacture and employ people and today they are thriving because this body said we are going to take a risk. Again, Thelma and Louise, thank you for driving an American car.

This is simple. It is about making sure 98 percent of Americans today continue to have tax relief. It is about 97 percent of the businesses continuing

to have tax relief—small businesses. It is important that we do this not only for the economy but for these families who are struggling. There are 300,000 families in Alaska alone who will benefit from this relief.

There is a comment that I think Senator LIEBERMAN said earlier, and I recognize his point. His point is we should have real tax reform. I agree and that is why I sponsored a bill with Senator WYDEN and Senator COATS on real tax reform. We are moving down the path, but we have to keep doing some things here. We have to do some things that keep the economy moving forward in the right direction.

A typical family of four in Alaska, if not without this relief, will pay another \$2,200 a year in taxes. A married couple making \$80,000 with one teenager at home and another in college will see their taxes go up by \$2,250. A couple earning \$130,000 with one child will see their taxes go up \$4,000. I could go on and on. We have choices to make, and they are not going to be fun. Those days are gone. They did that in the last decade and a half when they had all kinds of money to spend. We are in a different situation. We have to make choices of whom we invest in to grow this economy.

I will invest in the small business community, the 97 percent that will continue to receive tax relief under this bill and the 98 percent of Middle America who are working every day to try to make ends meet. These are the folks I am focused on.

I recognize my colleagues on the other side want to again see massive tax reform. We have not had it since the early 1980s. I have not been here since then. I know a lot of these guys have been here a long time and sit on the Finance Committee and other committees. Do it. I am all game for amendments on the floor. I am all game for that. We did it on the farm bill. I believe we had 80 amendments. We had a ton of amendments on the Transportation bill. It doesn't bother me one darn bit. Vote on whatever we need to and move on. Let's move this economy forward and keep moving forward on the legislation that is critical.

Let me end on one point. I respect my colleagues on the other side. We agree many times and sometimes we disagree. Today we disagree on this issue. We don't have the money. We have to limit where we can put our resources and target them in the best way we can.

As I said, I voted a couple years ago for this extension on everything and more layoffs occurred in these big companies and certain things happened that didn't show the economy growth. One thing did happen. Small businesses did grow. For the first time in 5 years, home prices reported last week are up. New home starts are up for the first time in many months. Why are those

up? Because the small business community and Middle America are starting to put money into those areas. That is important because that will grow this economy and grow it beyond our belief over the next decade, plus.

But for us to say we can still have the train moving at the speed we were moving at before the crash, we can't do it. We can't extend these tax rates for everyone. They want us to give a little, so we are asking the top 2 percent to give a little bit. At the end of the year, my guess is we are not going to extend the payroll tax. We can't afford it, so that means people on the other end will have to give a little bit. As my friend Senator LIEBERMAN said, everyone needs to give a little bit. Yes, we are going to do that.

From my end, I see the give and take and tough decisions that are necessary. That is what we were elected for, and that is why we are here. To keep business as usual and say: Just for 1 more year, we will do tax reform someday, well, that day is here. There is no tomorrow, and we have to make tough calls. So why not give the relief to the real 97 percent of small businesses?

Again, I have to clarify. I have a sub S. I have an LLC. I understand this. One comment my friend said was even if the owner didn't take a dime—I have a small business where I didn't take a dime. My LLC made money. I paid not corporate, but I paid a passthrough through me because I get a sub S, which is a combination of corporations.

The point is everyone needs to give a little to make it happen and make it work. Today we are asking one group to give a little but making sure the bulk of our economy continues to move forward. We want to make sure the 300,000 Alaskans whom I see on a regular basis still get the relief; for the small businesses that are creating jobs and creating a dream where they have to put a max on their charge cards to build the businesses because they can't get capital from the banks, or spending time cashing out their retirement because they believe in their dreams, that this might be their opportunity, these are the people I want to support.

So, again, I appreciate the time. I wish we had more than what happens when we come down, we speak, we leave; we come down, we speak, we leave. There is no real give-and-take. I wish my friend from Utah was still here. We could have a great conversation about the data he used. But here is one simple point: One costs about \$1 trillion, one costs about \$150 billion. We can afford the lower cost option which protects 98 percent of the people in this country, giving them relief, and 97 percent of our small businesses.

Thank you, Madam President. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

Mr. FRANKEN. Madam President, I wish to thank the Senator from North

Dakota, Mr. HOEVEN, for his courtesy of allowing me to speak now so that I may take the Chair and listen to his speech.

I rise today to urge my colleagues to support our economic recovery, endorse fiscal responsibility, and bolster the middle class by voting to extend tax cuts on income up to \$250,000.

Minnesotans are still struggling, and we need to act now so people making under \$250,000 can keep their tax cuts. Middle-class families need every bit of help they can get. At the same time, we need to make sure the richest 2 percent of Americans are paying their fair share so we can pay down the deficit. It would be irresponsible not to.

Thanks to the policies of the Recovery Act, we emerged from one of the worst recessions in generations and actually stopped it from becoming the second Great Depression. That being said, too many working families are still struggling to find work, pay their rents or their mortgages, find affordable childcare, and send their kids to college. By extending tax cuts to these families, we will be putting money in their pockets and, in turn, they will likely go out and spend that money in their communities, at their local small businesses, and further bolster recovery.

My colleagues on the other side of the aisle look at this a bit differently. They have put forward a proposal that would extend tax cuts on income over \$250,000 for a year as well, which would cost us over \$800 billion in revenue over 10 years. They argue if we let taxes go up on the richest 2 percent of Americans, we are inviting another recession and we are stifling growth. They can make that claim over and over, but there is no evidence of this. It would be more helpful to examine the facts and what recent history has taught us.

First, it is essential to clarify who exactly would get a tax cut under the Democratic proposal. Luckily, the answer is easy: essentially everyone. If we pass the bill proposed by the majority leader and extend the tax cuts on the first \$250,000 of income, everyone who currently pays income taxes will get a tax cut extension.

If a person makes \$50,000, our bill preserves that person's entire tax cut. If a person makes \$100,000, this bill preserves their entire tax cut. If a person makes \$250,000, it preserves the person's entire tax cut, and their tax cut is also a lot bigger than the guy making \$50,000 or \$100,000. That might not be clear from some of the rhetoric we have been hearing lately, but it is true.

People making over \$250,000 would still get a tax cut worth thousands of dollars, and it would be larger than anybody else's tax cut. The only portion of their taxes that would increase—or it would stay the same as under the law we have now, which is to not extend the Bush tax cuts—would be

on any additional income above \$250,000. If a person makes \$250,000 plus \$1, that person pays 39.6 percent on that extra \$1. That is a difference of 4.6 cents, a little less than a nickel. So for those people under this plan, they get the benefit of thousands and thousands of dollars in tax cuts, minus a nickel.

Secondly, claims that not extending the extra tax breaks for the richest 2 percent will cause harm to the economy are not supported by history. Let's take a look at President Clinton. When he proposed his deficit reduction plan in 1993, every Republican in the House and every Republican in the Senate opposed it. And what was their claim? Their claim was that it would hurt businesses and cause a recession. Every Republican voted against it.

What really happened in the ensuing years? Not only did we have an unprecedented expansion of our economy for 8 years, creating more than 22 million new net jobs at the very tax rate we are talking about now for people over \$250,000, but, at the same time, we turned the biggest deficit in history into the biggest surplus in history. President Clinton handed President George W. Bush a record surplus. So the only time in the last 30 years in which we actually had the budget in balance was after we raised taxes on those at the top—the very level we are talking about now.

Between 1993 and 2001, this country created an unprecedented number of jobs—22.7 million net—and did so while benefiting everyone up and down the economic ladder. Not every individual but every quartile. There was economic growth in every quartile. We witnessed a decrease in the number of Americans in poverty, and we saw the creation of more millionaires and billionaires than ever before. President Clinton's deficit reduction plan not only reduced the deficit as planned, it eliminated it entirely. So not only did we create all that prosperity, President Clinton then handed off a record surplus. I think this needs to be said. He handed off a record surplus to incoming President George W. Bush.

In fact, when President Bush took office, we were on track to completely pay off our national debt with \$5 trillion of surpluses projected over the next 10 years. In other words, we would have zeroed out our national debt last year—zero, no debt. But he cut taxes in 2001, and he cut taxes in 2003, after we went to war—unprecedented in our Nation's history.

The decision before us today is a fundamental one: Should we extend these tax cuts on income up to \$250,000, preserving tax cuts for everyone, with the largest tax cuts going to those with incomes of \$250,000 or more—they would get the largest tax cuts—or should we ask the richest 2 percent to pay their fair share, to pay 4.6 percent extra on income over \$250,000, which has been

shown historically to create jobs? It poses a question about choices: We can choose to do the economically responsible thing or we can choose to provide additional tax cuts for people who least need them.

When everyone pays their fair share, our Nation can get back on a path to fiscal responsibility and, at the same time, invest in quality education, in infrastructure, in R&D for high-tech industries. These are the things which create prosperity. We can create good jobs in our manufacturing sector and other emerging industries.

In fact, investing in the middle class is a win for everyone. The buying power of the middle class is what sustains our economy, makes it grow. Our economy doesn't grow from the top down. If our experience over the last 30 years teaches us anything, it is that. It grows from the middle class out. President Clinton understood that and so does President Obama.

I have friends who have been very successful in the business world. I have enormous respect for them and what they have accomplished, and I do for almost every American who has been successful in building their businesses. There are some people who have taken some shortcuts and maybe don't deserve our approval, but they are a very small fraction. We honor, we celebrate people who have been successful.

This is what my friends who have been successful tell me. They say when the middle class is strong—when they have customers—they grow their businesses and can make more money. Believe me—I have had friends tell me exactly this—they would rather pay a 39.6-percent marginal rate on \$2 million of income than pay 35 percent on \$1 million of income. That is the difference between a booming economy and a stagnant one. How many times have we heard that the deficit is what is hurting our economy? We are talking about a difference of almost \$900 billion to get our deficit under control. All this is just common sense. It is common sense and taking a little bit of a look at history over the last 30 years. Policies that support and grow the middle class benefit everyone and increase prosperity all along the economic spectrum.

So, in the end, we have a big decision to make today. Do we stand for our economic recovery and for middle-class families and for addressing the budget deficit with the Democratic proposal or do we continue to give extra tax breaks to the richest 2 percent of Americans instead of extending improvements in the child tax credit and earned-income tax credit affecting more than 13 million working families while adding hundreds of billions of dollars to the deficit?

Let's be clear. The Republican plan would raise taxes on 13 million middle-class and working-class families and

get rid of the expanded earned-income tax credit to people who are working so we can pay for tax cuts for millionaires and billionaires. I hope we can show the American people that common sense still prevails in the Senate by acting in unison across the aisle to do what is responsible.

I urge all of my colleagues to extend the middle-class tax cuts and to vote for the majority leader's bill.

Thank you, Madam President. I thank my colleague from North Dakota, Senator HOEVEN.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. HOEVEN. Madam President, I rise to speak on the need for progrowth tax reform rather than a tax increase.

President Obama has proposed raising taxes. He says that we should raise income taxes on individuals and small businesses, that we should raise capital gains taxes on investments, and that we should raise the estate tax, meaning raise the death tax on American families.

For example, take the estate tax. You have a farmer. Right now, if he wants to pass his farm on to the next generation, for any value over \$5 million, he has to pay the estate tax. Generally, families may be able to do that. They may be able to borrow the dollars required and pass the family farm on to the next generation. But under this proposal, that changes. Instead of paying the estate tax on anything over \$5 million, now that farm family would have to pay the estate tax on anything over \$1 million. So think about a farmer in my home State of North Dakota or maybe in Minnesota or anywhere else throughout the Midwest. How do they pass on that family farm when they are going to have to pay taxes on any value over \$1 million? So now they are looking at a situation where they are going to have to sell that farm rather than have their children continue farming an operation that may have been in that family for generations. That is a real problem for our farmers, for small businesses, and for families across this great country, and it certainly is not going to help our economy. In fact, it will hurt our economy.

The President himself has said that we cannot raise taxes in a recession. He has said repeatedly that doing so would hurt the economy and would, in fact, hurt job creation.

So let's review our situation right now. Our situation right now is that we have 8.2 percent unemployment. We have more than 41 months in which unemployment has been above 8 percent. We have 13 million people out of work, and we have another 10 million people who are underemployed. So you are talking about 23 million people in this country who are either unemployed or underemployed.

Middle-class income, since this administration has taken office, has declined on average from approximately \$55,000 to \$50,000.

Food stamps use. Food stamp recipients have increased from 32 million recipients, when this administration started in office, to 46 million food stamp recipients today.

Home values have dropped on average from \$169,000 to \$148,000.

Economic growth. Economic growth in this recovery is the weakest of any recovery since World War II. For the last quarter, our growth was 1.9 percent versus the prior quarter—1.9 percent.

Job creation last month: 80,000 jobs. But it takes 150,000 jobs gained every month just to hold even with our population growth, just to start reducing that 8.2-percent unemployment rate.

Those are the facts. They speak for themselves. You can draw your own conclusion.

The President's approach to our economy is making it worse. His failure to join with us in extending the current tax rates and engage in progrowth tax reform rather than raising taxes is sitting on our economy like a big wet blanket. But we can change that, and we can change that right now. We do it by extending the current tax rates, the tax rates that have been in effect for 10 years—not raising them but extending the current tax rates for a year—by engaging in comprehensive, progrowth tax reform, and also, of course, by getting control of our spending. Business investment and economic activity would respond immediately.

Look at the latest information from the Congressional Budget Office. The CBO projects that the economy will contract—will contract—by a 1.3-percent annual rate for the first 6 months of next year if the fiscal cliff is not addressed, meaning the current tax rates, which go up at the end of the year unless we address this, an increase in taxes and the sequestration.

Now, if those things are addressed with the approach we have put forward, instead of an overall one-half percent of growth next year, you are looking at 4.4-percent growth for our economy. Those are the CBO's statistics. Think of the difference—think of the difference—that would make for those 13 million people who are looking for a job. It just stands to reason because business needs certainty to invest, to grow, and to hire people, not higher taxes. With legal, tax, and regulatory certainty, businesses in this country would invest and grow.

Right now, there is more private capital on the sidelines than at any other time in the history of our country. Private investment capital that businesses would otherwise invest and get this economy growing and get people back to work is sidelined because of

the regulatory burden, because of the government spending and the deficit and because of plans like this to raise taxes. It is that situation which is sidelining private investment and private capital. That means slow economic growth. That means higher unemployment. That means more people without jobs. That means less revenue to reduce our deficit and our debt.

So clearly raising taxes is not the way to go. But President Obama says: Now, wait a minute, everybody needs to pay their fair share. Right? You hear him say that all the time: Everyone needs to pay their fair share. Well, of course everyone needs to pay their fair share, but the way to do it is with progrowth tax reform and closing loopholes. That is exactly what we have proposed, not raising taxes on more than 1 million small businesses in this country—the very job creators in this country—as the President has proposed.

Let's take a look at tax rates for just a minute. We talk about this all the time. Let's take look at these tax rates. According to the National Taxpayers Union, for the tax year 2009, the top 5 percent of taxpayers paid almost 60 percent of the taxes. One more time. The top 5 percent of taxpayers paid almost 60 percent of all the income taxes paid. The top 10 percent paid 70 percent of all income taxes, and the top 50 percent paid 98 percent. The top 50 percent of taxpayers paid 98 percent of all income taxes.

So what we are proposing is progrowth tax reform, closing loopholes. Let's extend the current tax rates for 1 year and set up a process to pass comprehensive, progrowth tax reform that lowers rates, that closes loopholes, that is fair, that is simpler, and that will generate revenue from economic growth rather than higher taxes. The reality is that, along with controlling government spending, is the only way we are going to balance our budget, that is the only way we are going to get on top of our deficit and debt, and that is the only way we are going to get these 13 million people back to work. Because that is how this American economy works—when we stimulate that private investment, that entrepreneurial activity of small businesses across this country that has made our economy the envy of the world.

To be successful, this effort has to be bipartisan. We have to join together in a bipartisan way to make it happen. So let's get started. Let's give small businesses in this country the legal, tax, and regulatory certainty, the business climate, the environment they need to encourage private investment and innovation and job creation. That is the American way. That is the real American success story. We can do it, we need to get started, and we need to make it happen now.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Virginia.

Mr. WEBB. Mr. President, I would like to take some time at this point to talk about some events in Asia. I think we all need to be paying very close attention to them. Before I do that, I would like to clarify my position on the vote we are going to be taking this afternoon.

First, I wish to emphasize that I agree with all those comments that have been made by my Democratic colleagues about needing to keep these tax cuts in place for our lower income workers, our middle class; I just happen to believe we need to keep them in place for everyone who is making their income through what we call ordinary earned income.

Earned income, ordinary earned income, is the strongest indicator that a person in this country is actually accumulating wealth, which is the American dream, and it is not necessarily that you have wealth—whatever the amount may happen to be. Passive income, which is income from capital gains, such as investment in stocks or dividends, is one of the best indicators that you actually have accumulated a certain amount of wealth—you have enough money to set aside and invest it.

So my long belief has been that if we are going to raise taxes on income, in addition to these other things we have been talking about with respect to tax loopholes and subsidies and those sorts of things, we really ought to be doing so in the fairest place, and the fairest place is from passive income, not ordinary earned income. I have said since the day I announced for the U.S. Senate years ago that I will not vote to raise taxes on ordinary income of any amount. I gave a rather detailed set of floor remarks several months ago about this issue.

I would like to share this particular chart with my colleagues today before I begin speaking on the situation in the South China Sea. This shows sources of income for the top 0.1 percent. We keep talking about these people at the top who are not paying their fair share. Well, two-thirds of the money that is being made by the top 0.1 percent in this country—that is 140,000 taxpayers—is being made from passive income. It is being made from capital gains and dividends, which are taxed at a much lower rate than ordinary income—right now, 15 percent.

So in addition to fixing the larger Tax Code, I would like to say again to my colleagues that this is the area where we really should have the courage to make some decisions.

I was reading an article in the Economist—this week's edition—pointing out that American profits, corporate profits as a percentage of GDP, are actually higher now than they were at the

high point before our economic crisis. In other words, corporate profits have gone up to a point where they are now about 15 percent of our GDP at the same time our wages have stagnated and gone down. They made one point in here where they said there is an irony that a high share of GDP for profits automatically results in a low share for wages. Why? Because the people who are making the money by running these companies—the executives—are selling their stocks, their stock options, taking the lower percentage on capital gains in order to make their money.

So I am not going to vote for raising taxes on ordinary earned income. But, again, I will renew my suggestion to this body that we take a good, hard look at this because this situation is creating the greatest disparity among our people.

#### SOUTH CHINA SEA

Mr. President, for many years, since well before I came to the Senate, I have had the pleasure to work and travel inside East Asia in many different capacities—as a marine in Okinawa and Vietnam, as a journalist, as a government official, as a guest of different governments, as a filmmaker, as a business consultant.

What we have been able to do, I think, in the last 5 or 6 years in order to refocus our country's interest on this vital part of the world is one of the great success stories of our foreign policy. But at the same time, we have to always be mindful that the presence of the United States in Southeast Asia is the guarantor of stability in this region.

If you look up here at the Korean Peninsula, you will see that for centuries there has been a cycle where the power centers have shifted among Japan, Russia, and China. This is the only place in the world where the geographical and power interests of those three countries intersect, and they intersect, with the Korean Peninsula being right in the middle of it.

We saw earlier, actually in the middle of last century, what happened when Japan became too aggressive in this part of the world. The Japanese fought Russia in the early 1900s. They defeated them. This is when they moved into Korea, occupied Korea, moved into China.

This resulted in our involvement in the Second World War. And since the Second World War, our presence has been the guarantor of stability. We have seen blowups, the Korean war when we fought China in addition to North Korea, the Vietnam war, in which I fought. But generally the long-term observers of this region, people such as Minister Mentor Lee Kuan Yew of Singapore, will say that the presence of the United States in this region has allowed economic systems to grow and governmental systems to modernize.

We have been the great guarantor of stability.

The difficulty we have been facing in the past 10 to 12 years has been how to deal with the economic and international growth of China in this region. Before China's expansion, when I was in the Pentagon in the 1980s, we had seen the reemergence of the Soviet Union. When I was in the Pentagon at that time, on any given day Russia's dream of having warm-water ports in the Pacific had been realized, to where they would have about 20 to 25 ships in Cam Ranh Bay, Vietnam, at the end of the Vietnam war. But for the past 10 to 12 years, the challenge has been for us to develop the right sort of relationship with China so we can acknowledge their growth as a nation but maintain the stability that is so vital in this part of the world.

The last few years have been very troublesome. There have been a number of issues out here in the South China Sea that for a long time our military leaders assumed were simply tactical engagements where Chinese naval vessels and fishing vessels would be involved in spats with the Philippines off the coast of Vietnam. But it became very clear—and also in the Senkaku Islands near Japan.

It became very clear after a while, though, that what we are seeing are sovereignty issues. People were talking for many years about solving the situation in Taiwan, the sovereignty issue in Taiwan. It was clear—I was speaking about this for many years—that there are many other sovereignty issues once Taiwan is resolved: the Senkaku Islands, which Japan and China both claim, the Paracels, which China and Vietnam both claim, the Spratlys, which are claimed by five different countries, including China, Vietnam, and the Philippines.

So we started seeing a resurgence of incidents that became military confrontations over the past couple of years. Our Secretary of State and this administration were very clear 2 years ago, almost to the day, that these situations were not simply Asian situations, that they were in the vital interests of the United States to be resolved peacefully and multilaterally.

We have been struggling on the Foreign Relations Committee to try to pass the Law of the Sea Treaty where these sorts of incidents—which, by the way, are more than security incidents, they involve potentially an enormous amount of wealth in this part of the world. We have had a very difficult time getting a Law of the Sea Treaty passed where most of the countries around the world recognize the basic principles of how to resolve these international issues through multilateral involvement.

In the absence of a Law of the Sea Treaty, and, I think, with the resurgence of the Chinese—a certain faction

of the Chinese tied to their military, China has become more and more aggressive. This past month has been very troublesome. On June 21, China's State Council approved the establishment of what they call the Sansha City Prefectural Zone. This is literally the creation from nowhere of a governmental body in an area that is claimed also by Vietnam.

Unilaterally on Friday, July 13, because of disagreements over how to characterize the South China Sea situation, ASEAN—the Association of East Asian Nations, a 10-nation body, which has been very forthcoming in trying to solve these problems—failed to issue a communique about the South China Sea issues, a multilateral solution of the South China Sea issues.

On July 22, the Central Military Commission of China announced the deployment of a garrison of soldiers to the islands in this area. The garrison will likely be placed in the Paracel Islands right here, as I said, claimed by Vietnam, within the exclusive economic zone of Vietnam.

July 23, China officially began implementing this decision. It announced that 45 legislators are now to govern the approximately 1,000 people who are occupying these islands. They have elected a mayor and a vice mayor. They have announced that a 15-member standing committee will be running the prefecture. They have announced that this city they are creating will administer more than 200 islands, sandbanks, reefs, covering 2 million square kilometers of water.

In other words, they have created a governmental system out of nothing. They have populated with a garrison an island that is in contest in terms of sovereignty, and they have announced that this governing body will administer this entire area in the South China Sea.

China has refused to resolve these issues in a multilateral forum. They claim these issues will only be resolved bilaterally, one nation to another. Why? Because they can dominate any nation in this region. This is a violation, quite arguably, of international law. It is contrary to China's own statements about their willingness to work with ASEAN, to try to develop some sort of code of conduct. This is very troubling. I would urge the State Department to clarify this situation with China and also with our body immediately.

I yield the floor.

Mr. ROBERTS. Mr. President, I rise to share my concerns over the proposed changes in the estate and gift tax provisions of the current Tax Code that will be considered within hours on the floor.

Similar to much of the Tax Code, the estate and gift tax provisions are terribly complex, costly to comply with, and have very serious negative con-

sequences. These negative consequences disproportionately harm farmers and ranchers and worry their lenders.

Visiting with farmers and stockmen today—livestock producers—one had better stand back. They are upset, they are frustrated, they are angry, they are concerned, and they are worried.

All across farm country, we are suffering from a severe drought—which is a real emergency, historic in scope and damage, particularly for our livestock industry. Congress should respond. At the same time, they are facing a farm bill that is in limbo, regulations that defy any commonsense cost-benefit yardstick, and no farmer or their lender can plan in this environment. In farm country, there is no certainty.

But just to split the shingle, now we have proposed changes to the current estate tax—the infamous death tax—all based on a select few in Washington deciding who is wealthy, what is a fair share people should pay in a tax and how they should pay that tax, playing again with the politics of envy and class warfare. I think we ought to quit this business. The classic example is that under current law, the Federal estate tax is set at 35 percent on estates over \$5 million.

If nothing is changed, on January 1, 2013—or if Senators vote for a particular version of the two tax bills we are going to be considering in just about 1½ hours—if nothing is changed, the estate tax exemption will drop from \$5 million to \$1 million and the estate tax rate will jump from 35 percent to 55 percent.

If we do not act to extend the current death tax structure—I would like to eliminate it; I would like to repeal it but at least extend it—the Joint Committee on Taxation reports that over 10 years, the number of small businesses subject to the death tax will increase from about 1,800 folks to 23,700, and the number of farming estates subject to the death tax would increase from about 900 farmers and ranchers to 25,200. That is more than 20 times additional farming estates that would be hit with this massive death tax hike, a 2,000-percent increase.

It is not just farmers and ranchers who would be affected. Nine times more small businesses would be hit with this massive death tax—a 900-percent increase. Twelve times more taxable estates would be hit—a 1,200-percent increase. While I support permanently repealing the death tax, if we cannot achieve that goal, how we structure this tax in particular has immediate real-world implications for folks in Kansas and across the country.

The looming 2013 change to the estate tax law would be a huge disservice to agriculture because it is a land-based, capital-intensive industry with few options for paying estate taxes when they come due.



The current state of our economy, coupled with the uncertain nature of estate tax liabilities, makes it tremendously difficult for family-owned farms and ranches to make any sound business decisions. They are on the sidelines of our economy. They are not on the economic playing field. Again, there is no certainty.

Obviously, raising the estate tax burden will strike a blow to farm and ranch operations trying to transition from one generation to the next. A \$1 million exemption sounds like a lot. To some people in this Chamber—and obviously to some people within this administration—at \$1 million a person is rich, they are wealthy, with no consideration as to what the personal situation is for that individual, but somebody just determining what a fair share is and then taking from that individual and redistributing to those whom they think deserve it.

But a \$1 million exemption is not high enough to protect a typical farm or ranch able to support a family. When coupled with a top rate of 55 percent, that is going to be especially difficult, if not impossible, for farms and ranches and businesses to pass on their wherewithal to the next generation.

Yet our Nation's estate tax policy is in direct conflict with the desire to preserve and protect our Nation's family-owned farms and ranches. Individuals, family partnerships, and family corporations own 98 percent of our Nation's 2 million farms and ranches. When estate taxes on an agriculture business exceed cash or other liquid assets, many surviving family partners will be forced to sell land, buildings or equipment needed to keep their businesses operating.

With 85 percent of farm and ranch assets illiquid, producers have few options when it comes to generating cash to pay the estate tax. Recent increases in agricultural land values—on average, 25 percent from 2010 to 2011—have greatly expanded the number of farms and ranches that now top the estate tax exemption. How on Earth can farmers, ranchers, and small businesses even plan for this?

In order to keep farm or ranch businesses operating after the death of the owner, families must plan for the estate tax. But under the majority party bill we will vote on shortly, many more farmers and ranchers will face increased filing, paperwork, and other hassles in planning for succession, not to mention lawyers, CPAs, and estate planners. In fact, if we don't extend the current estate tax, estates required to file paperwork with the IRS rise from about 8,600 to 107,500. That is a lot of time and cost that could be avoided.

The planning costs associated with this tax are not only a drain on business resources but also take money away from the day-to-day operations and investing in the business. Even

with planning, uncertain tax law combined with changing land values and family situations make it impossible to guarantee that an estate plan will protect the family farm or ranch. This not only can cripple a farm or ranch operation, but it hurts all throughout our rural communities, up and down Main Street, every business that agriculture supports.

The death tax is one of the worst offenders in bringing real complexity to the Tax Code, and I believe it is one of the most distortive provisions in our system.

Some believe and will point out that the estate tax is an instrument of social justice; that it is designed to limit wealth accumulation and to spread that wealth around, something I think that is contrary to what this country is all about.

Why do you work? You work hard to make a difference, and you work hard because you enjoy the work and hopefully you get paid for it—and, hopefully you get paid for it enough that you can at least have enough wherewithal so your kids and their kids can continue that kind of endeavor if they so choose. But some people say we want to spread that wealth around.

Even if someone holds what I consider a socialistic view—a tough word; it is a pejorative, I know, but I think that applies here—the estate tax, which distorts no end of economic decisions, isn't the most efficient method to redistribute wealth. If you are a wealth redistributor, if you will, in this body, clearly taxpayers facing the death tax respond to the tax by cutting back on investments, consuming more of the capital and other assets that could be passed on to build businesses.

So the disincentives the death tax creates in the end lead to lower growth, fewer jobs, and less savings. How do we redistribute that? There is nothing to redistribute. In a troubled economy, this forced outcome does not make sense.

Being able to plan for the future is critical. The current uncertainty leads to the repeated provisions of wills and trusts, which burdens taxpayers and advisers alike. I don't care what farm organization I am talking to, what commodity group, what small business group, wherever I go in my State of Kansas—and I think it is the same in regard to other States that Members are privileged to represent—over and over, I have been asked again what Congress will do with these provisions: What should a rancher do? How can they pass farms on to their children?

I have even been asked, for planning purposes—I am not making this up—if this is a good year to die. That is astounding, if not outrageous. It may be a good year to die because this egregious change is going nowhere.

These two bills we are considering in just a few moments are not going any-

where. We will vote in a little while, but they are both subject to a point of order—not having originated in the House, they will be blue-slipped. That is a fancy word, a parliamentary word, saying they are going nowhere because bills on taxes have to originate in the House. Talk about a real income redistribution—a nothing burger. That is what we are considering. But it is indicative of what is being considered in this Chamber and indicative of what we have to take care of in true tax reform.

Folks in Kansas should not have to make such important decisions on a tax law that is changing all the time. We need to repeal or permanently reset the death tax. If this tax cannot be repealed, it needs to be set in stone—hopefully, not a gravestone—and at a rate and in a manner that provides certainty.

While it is important to permanently eliminate this very punitive tax, until this can be accomplished, Congress should at least extend the current \$5 million exemption, indexing it to reflect land values and continuing the spousal transfer and maintaining the top 35-percent tax rate.

We pay taxes all of our lives. It just doesn't make sense to be taxed again when we die.

I suggest the absence of a quorum, although I note that my colleague from Illinois is perhaps ready to speak. I will be happy to yield back any time I have.

The PRESIDING OFFICER (UDALL of New Mexico). The Senator from Illinois.

Mr. DURBIN. Mr. President, in a short time we are going to vote on a tax measure that gives the Senate a very clear choice, and here is the choice: At the end of this year, a whole battery of tax cuts that were enacted into law years ago will expire, on December 31. The question is, What is going to happen next? If we do nothing, a very good thing will happen but also a very bad thing will happen. The good thing is that if the taxes go up on virtually all Americans for 10 years, we will reduce our deficit by \$5 trillion—more than any group has been able to suggest or come up with a plan to achieve in any of the meetings in which we have been involved. That is \$5 trillion in deficit reduction. It is an amazing reduction. There is another side to the ledger. On the other side of the ledger it says: If we start taxing families now while this economy is in recovery, it is going to slow down the recovery. Well, that is natural. People have less money to spend, and many working families living paycheck to paycheck will face a new hardship they don't have today. They reduced their spending, the economy contracts, and we see this recession hang on with high unemployment and businesses failing.

So it really is a very Faustian choice, a difficult choice—reduce the deficit dramatically, on one hand, by letting



all the tax cuts expire but risk going into a deeper recession and maybe repeating what happened a few years ago, which devastated our economy.

The President said: Let's try to strike the right balance. When all of the tax cuts expire on December 31, let's focus on restoring the tax cuts for that portion of American families and workers who need a helping hand to continue. But let's not go all the way. Let's not restore the tax cuts for those in the highest income categories.

So the President says: We can have both. If we follow my plan, we will reduce the budget deficit because we don't give tax cuts to the wealthiest, and we will still help working families, and we will keep the economy moving forward.

He tries to strike that balance. The balance he strikes is that everyone will get a tax cut on the first \$250,000 of income, even millionaires, but not beyond that.

The Republicans have a different approach. They will offer an amendment—extend all the tax cuts for everyone to the highest levels of income, well beyond \$250,000, not just to the 98 percent of the Americans who make \$250,000 or less but 100 percent, everybody. Well, their approach, by extending those tax cuts, will mean no deficit reduction. In fact, their approach would add about \$900 billion to the deficit compared to the President's approach. So they are really basically throwing a bucket of red ink on this conversation and saying: We are prepared to add \$900 billion to the deficit so that the top 2 percent of wage earners can get a tax break.

That isn't all. The Republican approach, which will be offered by Senator HATCH, the ranking Republican on the Senate Finance Committee, goes a step further. I don't understand this part of it. He wants to extend the tax cuts to the highest income categories, but then he very carefully excises or eliminates some of the basic tax breaks working families use.

Let me be specific. The Hatch-McConnell bill does not extend the earned-income tax credit, child tax credit provisions, and as a result here is what happens: The Hatch provision, which protects the wealthiest in America by saving their tax cut, would increase the tax on 11 million working families in America who currently are able to deduct the college tuition expenses for their kids. So while the wealthiest in America will get a break all the way through with the Hatch-McConnell Republican approach, 11 million American families will find their tax bills going up if they have kids in college.

What kind of message is that? Here the students are struggling to get through school, families are incurring debt, and we create a tax benefit to help those families get through, but

the Republicans say: No, we are going to raise the taxes on 11 million working families.

That is not all. They also raise the taxes on 6 million other families, working families with three or more children, by \$800 each on a change they refused to make on the earned-income tax credit and then turn around—and I think this is one of the worst—and increase the taxes on families with children. The child tax credit currently in the law allows a break for families with kids, a helping hand, because kids can be expensive. This is part of the Tax Code that helps these families.

So about 25 million American families will see their taxes go up with the Hatch-McConnell Republican tax approach that protects those at the highest level of income categories. I don't think that is sensible.

I have spent a lot of time in the last couple of years talking about this deficit. It is serious. I guess I come from the Democratic side of the spectrum, the left side of the spectrum. That is what my values reflect, and that is what my voting record reflects. But I will say this: This Democratic Senator understands that deficits are for real. We cannot continue to borrow 40 cents of every dollar we spend, even for the programs I love, let alone the programs I am not so crazy about. So we have to reduce spending, but we can't balance the budget with millions of Americans out of work. We need to get this economy growing, moving forward, and creating jobs.

People who are working and paying taxes make this a strong country and start to solve some of our deficit problems just by virtue of the fact that they are working, paying their taxes, and raising their families. So when it comes to these tax cuts, let me say that I am passionate about making certain working families get the break they need.

Pew Trust did a survey last year. Here is what they asked working families across America: If you had a family emergency and you needed \$2,000 in 30 days, could you get it? Could you come up with \$2,000 if there was a major car repair or a pretty routine trip to the hospital or to a doctor's office? That can run to \$2,000 in a hurry if you have a broken arm. Consider the possibilities. So they asked all the working families how many of them could come up with \$2,000 in 30 days. The answer was half of the working families. That means the other half can't. It tells us how close to the edge many people are living.

That is why the President's proposal—the Democratic proposal here—that gives the tax cuts and tax breaks to the working families makes a difference. Ninety-eight percent of Americans will benefit from the President's approach; 2 percent will pay more. I think 2 percent will pay their fair share.

The Republican approach means, for a person making \$1 million in a year—and just some quick math: that is \$20,000 a week in income—it would give them a \$250,000 annual tax break. Come on. At this moment in time, when we are dealing with the deficit and calling on Congress for more spending cuts and saying we have to get it together as a nation, \$250,000 a year in additional tax cuts for millionaires? I don't get it. I don't begrudge them their wealth. This country is based on successful people who have led us in business and so many other endeavors. But I also think those people, when you talk to them, are darned appreciative to live in this country and willing to help it move forward.

Then they make the argument that, well, wait a minute, if we raise taxes on people making \$1 million a year, we are going to hit a lot of the "business creators." Well, we looked at that. Ninety-seven percent of small business owners are exempt if we draw the line at \$250,000 of income. I will concede that there are professional corporations and S corps, investment fund managers, some accountants, some lawyers, and some doctors who may be job creators. I don't doubt that. But are we really asking a great sacrifice from someone making \$1 million a year not to get a tax break to the full extent they did before?

I think what we understand is that if we are going to help the middle-class and working families in America and if we are going to move the economy forward, we need a sensible tax policy.

I happen to be of the school that maybe not all the Democrats agree with. On the Simpson-Bowles Commission, I was the one who said that the only way to deficit reduction is to put everything on the table, including the programs that I think are critically important for America's future.

Medicare makes a difference in the lives of 40 million-plus Americans, and I want it to be there. I know it is going to run out of money in 11 years. Think about that. If we don't do a thing here and if we get caught in political gridlock, the Medicare Program that 40 million-plus Americans depend on is going to run out of money. What excuse are we going to come up with? There is no excuse. We need to sit down, look at this program, make sure that works, and make sure it is affordable for seniors. We have to do it sooner rather than later.

We hear so much about Social Security. Let's get the facts out. For at least the next 22 years, Social Security is going to make every promised payment to every retiree in America, with a cost-of-living adjustment, no questions asked. We can't say that about many, if any, Federal programs. But in the 23rd year, we will be in trouble. We will have a dropoff in revenue in the Social Security trust fund, and the

payments would have to be cut about 30 percent.

If you are wealthy in retirement—and some people are—your Social Security check is like a little extra dividend, but for some people, it really determines whether they are going to get by for another month, and a 30-percent cut is unacceptable.

We need to look at Social Security. It doesn't add a penny to the deficit, but the Social Security trust fund needs to be stronger longer. We need a bipartisan approach to this. We did it 50 years ago, and we can do it now. We need to sit down and make sure it works. We shouldn't decide that this is out of bounds. That is something we need to consider.

It won't be voted on today, neither Medicare nor Social Security. We are just dealing with the tax side of this conversation. I happen to believe all of these things need to be discussed. When it comes to taxes, we are pretty basic on that. I want to make sure working families have a tax code that helps them.

Think about this for a second. Last week we had a bill on the floor of the Senate, and here is what it said. Currently the Tax Code creates incentives and rewards American businesses that want to ship jobs overseas. American businesses that want to outsource and ship jobs overseas, the Tax Code says, we will give you a break. They will pay less taxes if they send jobs away. That makes no sense at all. Why would we reward the export of American jobs? Why would we provide for the deductibility of moving expenses and other expenses related to moving their business out of America and hiring people in another country?

So last week Senator DEBBIE STABENOW of Michigan and Senator SHERROD BROWN of Ohio came to the Senate floor and said: Let's eliminate the tax incentive to move jobs overseas, and let's turn it around. Let's create a tax incentive for businesses that want to bring jobs back to America. Sounds right to me, doesn't it, that we are creating jobs in this country and discouraging them from going overseas? In the end, we had all the Democrats voting for it and only 4 out of the 47 Republicans voting for it. That is not enough to break the Republican filibuster.

When we talk about a tax code, I not only want to help working families, I want to provide an incentive and reward for those good, home-based American corporations that are trying to keep good-paying jobs right here in the United States of America. Honest to goodness, if we want to walk into a store, pick up a product, flip it over, and see "Made in the U.S.A.," we better wake up.

Currently what is going on is unacceptable. This notion on the Republican side of the aisle that we shouldn't get in the way of business when they

want to make their decisions, I may not argue with that premise, but I don't think we ought to incentivize it, subsidize it, provide something in the Tax Code to encourage it, particularly when it costs American jobs. But last week, only 4—4—of the 47 Republicans would join us in that effort, so we came up short. This week, we have to get it right when it comes to our Tax Code in the future and tax cuts for the families across America.

One of the things that has worried me greatly as I consider the challenges facing families is their inability to provide for their kids the way they want to. I think we all know the expenses of raising children. We all know what families face when the kids are off to college and we know some of the challenges they face after college. We have come up with an approach which I think is sensible: a child tax credit for the young kids; a deduction of college education expenses for those who made it to that level of education; and then part of what some call derisively ObamaCare, which says that families can keep their kids on their own family health insurance until those young men and women reach the age of 26. That makes sense. How many young people coming out of college today struggle to find a job and, if they find one, struggle to find a job with health care benefits?

I can tell my colleagues that many times I would call my daughter or son after they got out of college and ask them about health insurance, and my daughter used to say, Dad, I don't need that now. I will get it later. I feel fine. Well, she never knew and I didn't know what tomorrow would bring.

So if we are going to give peace of mind to families, let's make sure we think along the spectrum, along the continuum. Why would the Republican proposal today want to raise taxes on families with children, raise taxes on some 15 million families across America, including those with kids? If they can find room for a tax break for the wealthiest, shouldn't they be able to include those families with kids? They may not be the wealthiest, but they are, in many cases, the neediest, and they are, in many cases, the most important for our future. Yet the Republican approach—the Hatch approach—is going to raise taxes on middle-income families with children. That is something we should never allow to occur.

Let me say, this should be a simple vote for everyone in the Senate, across the political spectrum. We ought to agree on two things. First, we need to cut taxes for middle-income and working families. Second, we should be responsible stewards of the Federal budget and not leave a mountain of debt for our kids. Giving tax breaks to the wealthiest people and adding \$900 billion to our national debt is not responsible.

Let's take this vote and show the American people we stand with them and their values. We stand for cutting middle-class taxes and putting our debt on a sustainable path to recovery.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CARDIN). Without objection, it is so ordered.

Mr. REID. Mr. President, I now ask unanimous consent that at 4 p.m. the cloture motion with respect to the motion to proceed to S. 3412 be withdrawn; the Senate adopt the motion to proceed to S. 3412, a bill extending the 2001, 2003, and 2009 tax cuts for 98 percent of Americans and 90 percent of all small businesses; that the only amendment in order to the bill be a substitute amendment offered by Senators MCCONNELL and HATCH, which is identical to the text of S. 3413; that the amendment not be divisible; that the time until 4 p.m. be equally divided between the two leaders or their designees prior to a vote on the McConnell-Hatch amendment; that upon disposition of the McConnell-Hatch amendment, the Senate proceed to vote on passage of the bill, as amended, if amended; that there be no motions, points of order, or amendments in order to the amendment or the bill; that there be 2 minutes equally divided between the votes; finally, that when the Senate receives a companion bill from the House providing for the extension of tax cuts, as designated by the majority leader, it be in order for the majority leader to proceed to its immediate consideration; strike all after the enacting clause and insert the text of S. 3412 as passed by the Senate in lieu thereof; that the House bill, as amended, be read a third time, a statutory pay-go statement be read, if needed, and the bill, as amended, be passed with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Mr. President, reserving the right to object, I ask unanimous consent that the request be modified to strike the last paragraph and, further, that it also be in order for a second amendment, the text of which will be at the desk and is the President's small business tax hike; further, that it be considered under the same terms of my amendment, and that after the vote on that amendment the Senate proceed to a vote on the McConnell-Hatch amendment as the original request provided for.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object, the President's bill

is the one that is before this body that I asked unanimous consent on. We have a Statement of Administration Policy. It is the President's bill. So I respectfully object to my friend's suggested modifications.

The PRESIDING OFFICER. Objection is heard to the modification.

Is there objection to the original request by the majority leader?

Mr. REID. Mr. President, my friend is objecting to the last paragraph in my request. He has asked consent to add a third provision. I have objected to the third provision. He has objected to the last paragraph. I would be willing to renew my consent minus the last paragraph which begins "finally" and ends with the word "debate."

The PRESIDING OFFICER. Is there objection to the new unanimous consent request?

Without objection, it is so ordered.

Mr. REID. Mr. President, the vote will occur at 4 o'clock today on these two amendments. I appreciate very much the Republican leader allowing us to arrive at the point where we are. I would tell everyone that the time until 4 o'clock is evenly divided, approximately an hour for each side.

I ask unanimous consent that if there are quorum calls between now and 4 o'clock the time be equally divided between the two sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COATS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Indiana is recognized.

Mr. COATS. Mr. President, I wish to talk about two things here briefly and also yield to my colleague for some remarks. First of all, while it is beyond our jurisdiction here, and perhaps it is a little bit out of line for me to talk about this, I am urging the Congress, specifically in this case the House of Representatives, to follow this body in passing the farm bill.

I do so for a number of reasons. Even though I had some problems with the farm bill, and I fully understand the issue, there are those who believe those policies that directly affect agriculture are being subordinated to a bill which incorporates about 80 percent of that bill for Federal food assistance. These are nutrition issues which, of course, are related to agriculture.

By the same token, it is a Federal program that is significantly different than what the farm bill is designed to accomplish. So about 20 percent of that bill affects the farmers in our area, the other 80 percent goes to a Federal wel-

fare type of program for providing food stamps and other nutrition assistance.

I am hoping that the House, particularly in light of the fact we are suffering a significant drought, probably the worst drought since 1950 according to the weather records, and getting worse all the time—the temperatures have been in the low hundreds all across the Midwest, the bread basket of America, where we produce most of our grain and feedstock.

The cornfields and soybean fields and other pastures are burning up with blazing sun in the hundreds of degrees every day and no water falling from the sky. This drought is seriously impacting my State, but also a number of Midwestern States and especially the States that produce the bulk of our agricultural products. This affects not only needed crops to provide feedstock, but also that support our ethanol program and a number of other programs. It is a dire situation.

I am hoping the House can resolve its issues and move forward. There are a number of provisions in this farm bill that provide relief to farmers and ranchers suffering from this drought. Those are expired. So it is important that we pass this bill, that we get it passed by both Houses of Congress and into conference, resolved and signed by the President.

I am urging my colleagues in the House, where I once served, to help with this by moving forward on this farm bill.

The other point I want to make is that we are about to face—we just learned from our leadership, we are about to enter into a short amount of debate before we vote on a motion to address taxes. This also directly affects our agriculture community and we will explain why. But I wish to yield to my colleague here from Mississippi for some comments in this regard.

Mr. WICKER. I appreciate what my friend said about the drought. Much of my State at the last minute escaped it, but I happened to be in the State of Missouri in the past few days and saw the terrible drought conditions there.

I cannot think of a worse time, with our farm community being devastated by this drought, to talk about a huge tax increase on our agriculture community, particularly in the form of the estate tax. I just learned a remarkable thing. I would ask my colleagues if this is the state of the bill we will now be voting on at 4 this afternoon.

The result of this legislation would be to take the estate tax back up to 55 percent on all of the value of an estate over \$1 million. This would be a devastating tax increase. I honestly do not believe the American people understand that this is the effect of the legislation our friends on the majority side have brought forward. But if this bill is passed the way it is currently configured, that would be the result.

We would go back to the old law, 55-percent tax on all, the value of these southern and midwestern farms, of any small business across the country, would go up to 55 percent over values of \$1 million. It is an unthinkable result. I frankly would not be surprised if the phones across the street in our offices are ringing off the wall at this result.

I ask my friend from South Dakota if I have misunderstood the effect of this legislation.

Mr. THUNE. Mr. President, if I might respond to my colleagues from Mississippi and from Indiana, the Senator from Mississippi is absolutely right. The proposal we will vote on as presented by the Democrats today would allow the death tax exemption to go back to \$1 million, that is the pre-2001 level, and apply a 55-percent tax rate on top of that.

To give you an example of how that might work in a State such as mine, I represent South Dakota. The average size farm in my State is a little under 1,400 acres.

And if you look at the average value per acre of land and multiply it by the size of the average farm, you are talking about an average farm of between \$2 million and \$2.5 million in value. You could be talking about—and this is average, and we have a lot of farms that will be impacted more significantly than this. But you will be subjecting about \$1.5 million of that farm's value to a 55-percent tax rate; and 84 percent of the value of farm assets, according to USDA, is in real estate. They are land rich but cash poor.

What happens? When the IRS comes calling after somebody passes away and says: Your farm is worth this amount, we are going to assess a 55-percent tax, they will say: We cannot pay that. We have it in land but not cash. So they have to sell land, assets, and equipment to pay the IRS. Here we are trying to promote the intergenerational transfer of farms and ranches as part of the tradition and backbone of our economy, and this is the absolute opposite of what we ought to be encouraging. We want policies that encourage the situation that family farms and ranches stay in the family.

Having a confiscatory tax like this that would apply a 55-percent tax to assets above \$1 million will have a crushing impact on farms and ranches in my State and, I submit, to other States.

Mr. WICKER. If the Senator will yield for a moment, this has also the same effect on mom-and-pops, family businesses that may have been in a family for generations. We are going to impose a 55-percent confiscatory tax on them.

I am just speechless that this bill has now gotten to the point where it brings us back to the earlier punitive estate tax rates.

Mr. THUNE. If I might say to my colleague from Mississippi and to the Senator from Indiana, to put this into perspective, the proposal in the Democratic bill, which would take the exemption back down to \$1 million and raise the top rate to 55 percent, would apply to 24 times the numbers of farms and ranches as does current law. In other words, it increases by 24 times the number of family farms and ranches that would be impacted by the estate tax relative to where we are under current law.

As the Senator from Mississippi pointed out, lots of mom-and-pop businesses—13 times the number of small businesses—would now be subject to the death tax as is the case with current law. So if we look at the impact of this, certainly on farm and ranch country—and I see that Senator MORAN is here, who represents a lot of farmers and ranchers very much like those in my State of South Dakota—this is profoundly impactful. It would have a very negative impact on farm and ranch country—and I also argue, as the Senator from Mississippi pointed out—and on a lot of mom-and-pop small businesses.

Mr. COATS. I thank my colleagues for joining in on this. They made the point that I think outlines the fact that many of us are stunned with the proposal being brought forward for a vote today to proceed on this bill, which if passed, will put a 55-percent tax, when one dies, on all the work and all the profits and all of the investments they have made throughout their lifetime, which they have paid taxes on over and over and over. The government cannot ever seem to get enough. The Senate Democrats are now proposing to raise the death tax from 35 percent, the current level, to 55 percent.

Let me personalize this for a moment. We have some very close friends who, throughout generations, have been handing the farm down from one generation to another. They have suffered through the hard times, the droughts, the hail storms, the tornadoes, and they have also benefited from the good times when the rains have come and the soil was good and the yield was good. Yet right now they are suffering in a way they have not in more than a half century with this drought that is unrelenting all across the Midwest in this country. It takes in almost the entire Farm Belt of the Midwest and Upper Midwest, where most of our grain and products are grown.

At a time like this, to bring forth a piece of legislation that basically says not only are you being nailed by the weather—and we, obviously, cannot do anything about that except provide some basic form of financial relief to get through this particular time; and that is what I talked about earlier—but

we are going to nail you with a tax that, when you die, will basically prevent you from passing on your business or your farm to the next generation.

As I said, to personalize it, we have some dear friends—more than one couple. I have also talked to people throughout Indiana where the pride in holding their ground as part of their extended family, covering more than one and two generations, and the work they have put in, in order to preserve that hand-down to their children and to their grandchildren now goes up in flames because when they die, if their farm is valued at more than \$1 million, they are imposed with a 55-percent tax on the value of everything over \$1 million.

People say they are millionaires. No, they are not. They are sitting on property that might be valued at that, but they might be losing money. For sure, this year, they are not going to make any money because they have had to plow their corn under because it hasn't gotten the rain and moisture it needs and it will not grow. We don't yet know the extent of this disaster, but to preserve that within the families and hope for better years to come, that will not happen because, as the Senator from South Dakota said, they are going to have to value their land—the IRS will value their land at a price that the only way they can pay for that is to sell their assets.

Why in the world would they do that at a time of economic turmoil and cause a drift back essentially into recession? This country is not in good economic shape. Compared to Europe, we are in better shape, but if you look at the numbers, they are not trending the right way. Why at a time like this would you walk onto the floor of the United States Senate and put up a bill that will raise taxes on people who are already suffering from 35 percent to 55 percent? How high does it have to go? How many taxes have to be imposed on the American people before they say that is enough? They are saying: Clean up your spending process in Washington so we don't have to pay so much in taxes to cover all you are doing there.

My colleagues would like to continue to respond. I want to turn to my colleague.

Mr. WICKER. If I may, I will make one point. I know my friend from Kansas also wants to join in.

This could only hurt job creation among small businesspeople and small farmers. I can't imagine why they want to do this. We have had 42 months of unemployment at over 8 percent, the longest period in peacetime and modern history. To put this tax on farms that create jobs and small businesses that create jobs, which is where most of our new jobs come from, is just unthinkable. I cannot imagine that it would do anything, if it were signed

into law as the President wants to do, other than make that 8.2 percent unemployment rate go even higher.

Mr. COATS. Mr. President, I now turn to my colleague from Kansas, and I tell him about one of the families very close to us—my wife grew up with her lifetime friend, who married a farm boy from Kansas. They ran a farm near Norton, KS. We speak with them regularly. Even though we are city people, we have learned from them the sacrifice that goes into maintaining a farm, the suffering that occurs from the whims of the weather, the prices of the crops. We see them struggle and struggle, and this obviously will not be a good year. But this is a farm that has been passed down to the third generation now. They own a lot of land.

As the Senator knows, Kansas has a lot of land. And they didn't get the rainfall we did. I know this is a situation that ends the dream that has been passed down from generation to generation because on the death of the current owners of the farm, the tax on that would force them to sell their land.

Mr. MORAN. Mr. President, I thank the Senator from Indiana for yielding. Yesterday, in Norton, KS, the temperature was 118. I read the story where they just watched the thermometer go up degree by degree, and it has now been more than a month in which the temperatures in our State have exceeded 100 degrees. Certainly, it has been more than a month in which we have had little or no rainfall in most places across the State.

The drought is real, and it puts people in a different mood. There is always optimism on a farm, optimism on a ranch. My small business men and women in Kansas are optimistic that when they get up and go to work every day, it will be a better day at the end of the day, and tomorrow will be better than today, and next month will be better than this month. I can tell you, with the weather pattern we have had in the Midwest this summer the optimism begins to disappear.

Today we have come to learn just one more thing that is now going to be oppressive to farmers and ranchers and small business men and women in Kansas and across the country. We started this year with a discussion about something the Department of Labor did—the proposed rules to prohibit restricting a young person from working on a family farm. We have had a series of regulations from the EPA and others that make it so difficult for a small businessperson or a farmer to succeed. Now we learn today the proposal that we are going to revert back to days gone by in which a \$1 million estate will be subject to a marginal tax rate of 55 percent.

It has been a series of things in the last year from this administration and this Congress that send a message to

farmers and ranchers in Kansas and small business men and women in our State and across the country that their value, their work ethic, their efforts will not be rewarded. Not only will they not be rewarded, but we will discourage them. We will not reward the work they do each day, the work they are optimistic about.

The Senator from Indiana is so correct in this sense. Every farmer and rancher I know, at the end of the day their goal is to see that they have done work that day not only to feed, clothe, and provide energy to the world, but to see that they have a farming operation, a ranching operation that is of the nature that it can be passed on to the next generation of Kansas farmers and ranchers. It is the sense of satisfaction that comes in a farmer's life when the son and daughter who follow them have that ability.

Nothing is easy in agriculture, and there is not a thing any day that is easy on a farm or ranch across the country. With our weather patterns and soil conditions, it takes a lot of drive, effort, stamina, and discipline to survive. Much of the day is spent trying to survive. Here we see a series of things as we arrive today and discover that we want to increase the tax on those people who work hard every day and whose goal it is to tell their sons and daughters: I have a farm or ranch that can be yours someday, and you can take over where I left off.

Why is that important? That is traditionally and historically how farming has occurred. It is passed down from great-grandparents to grandparents to parents to children to grandchildren, and there is pride and satisfaction that comes from that.

We are here today to make certain the Federal Government doesn't create one more obstacle toward that goal of making certain the next generation of Kansans has the opportunity to work to earn a living and feed the world on their own family farm or ranch. It is so surprising to me that there would be anyone who believes these individuals, these business operations, farms or small businesses, ought to be singled out and treated in a way that discourages them from accomplishing that American dream of passing that farm and ranch on to their kids and grandkids. I hope our colleagues see the light and understand how important this is in rural America. And not only is it important in rural America, but what happens in our part of the country determines whether we have the ability to provide food and fiber for the country and the globe.

Mr. COATS. Mr. President, whether it is the family my wife grew up with and knew or the one in Posey County, IN, who brought their neighbors together for a meeting a few months ago or whether it is a family or business owner or small businesses across the

State of Indiana that I have talked to repeatedly, they basically say: I resent being called rich by the President, who said they need to pay more in taxes. We have been working our tails off for generations, and we have been paying our taxes faithfully for the profits we made—the years we have made profits. Yet we are being classified as some type of an elite group that is not paying their fair share. We can look back and we read statistics, such as 47 percent of Americans aren't paying any income taxes, while we are out there creating jobs, building a business—with sometimes good years, sometimes bad years—over a lifetime. There is value added to that business, but that value is in machines, it is in buildings and land, in terms of farmers. Yet that gets evaluated when we die at a level which means we can't pass it on. We can't afford to pass it on to other generations and we have to sell it. The Federal Government, having taxed us all our life on the profits we have made—the income taxes, the Social Security contributions, the Medicare contributions, the sales taxes, the personal property taxes, the car taxes, the boat taxes, if one has a boat, the excise taxes, the liquor taxes, the beer tax, the sales tax and on and on and on it goes—it is not just the income tax we are being taxed on. There is not a tax that government doesn't like or want to impose on the American people.

Why would anyone, of either party, at a time of economic distress—when the United States is the only country struggling to stay ahead and perhaps lead the world back into economic growth, at a time when we are seeing signs of a potential double-dip recession facing us, and the news in the last few days has been dramatically bad—want to bring a bill to the floor of the Senate that says you are not paying enough if you own a small business or if you own a farm. You are not paying enough, so we think 55 percent is a fair rate—55 percent if you die, after you have paid taxes all your life to a Federal Government which is bloated and duplicative.

The bureaucracy here is out of control. Congress hasn't lived up to its responsibility to take any kind of sensible fiscal measures that will get us back on track in terms of battling our budget and not spending more than we take in. Throughout all the efforts that have taken place throughout 2011, and some in 2012, we still have not come up with a program, with a budget arrangement which will put us on the path to fiscal health. Yet what is the response from the other side? The response is: Let's impose another tax. So at 4 o'clock today, Members are going to come down and vote in terms of whether they want to impose a 55-percent death tax on people who are already being taxed to death.

I will yield the floor, but then I am sure my colleagues will want to ask for their own recognition.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, I think we have about one-half hour left; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. THUNE. Mr. President, I ask unanimous consent that I be able to enter into a colloquy with my colleagues for the remainder of that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THUNE. Mr. President, I first want to thank the Senator from Indiana for his very astute observations about the impact of these taxes on hard-working men and women in this country. I would say to my colleague from North Dakota, who is now here, and the Senator from Kansas—both of whom represent very rural States—this is not an issue that is inconsequential. A lot of people think people who have \$1 million in assets are rich. But as I said earlier, in most farm and ranch operations, 80 percent of the value of that is in real estate. So they may be land rich but cash poor.

When we talk about imposing a tax of this size on hard-working farmers and ranchers in this country, we are getting at the very heart, as the Senator from Kansas pointed out, of their ability to transfer that farm or ranch operation to the next generation. That is what is at stake.

The Senator from North Dakota is here, and the farmland in North Dakota is similar to what we have in South Dakota, except they have energy. They found oil in a few places in North Dakota, which drives those land values up even higher. We would like to see some of that in South Dakota, but in either of the Dakotas or in Kansas we have seen land values going up in the past few years and it takes a bigger operation to make it work to survive in modern agriculture. So the size of these operations, in many cases, exceeds by multiples the million-dollar exemption that would be allowed by the Democratic proposal, and everything above that, as was said, would be taxed at 55 percent, which would be absolutely disastrous for American agriculture today, and that is on top of the other taxes.

This proposal also raises taxes on about 1 million small businesses that employ about 25 percent of the American workforce. It raises taxes on capital gains and dividends and then it puts this death tax back into place with the million-dollar exemption. As I said earlier, if we look at the number of people who would be subject to and covered by the death tax today, this proposal would increase those people subject to whom the death tax would apply by 24 times—a 2,400-percent increase in the number of people who

would be subject to the death tax, according to the Joint Committee on Taxation. That is the group that studies these issues and that looks at the impact of tax policy. According to the Joint Committee on Taxation, 24 times more farmers and ranchers would be subject to the death tax than are subject to it today and 13 times more small businesses. That is the scale of the proposal the Democrats have put forward.

I would say to my colleague from North Dakota, my neighbor, that I assume, as he talks to farmers and ranchers in his State, he gets the same sort of feedback I do in visiting with people in South Dakota; that is, they are very concerned about what would be a huge tax increase, so to speak, when someone passes on and tries to pass that operation on to the next generation.

Mr. HOEVEN. That is exactly right. I am pleased to be here with my esteemed colleague from South Dakota as well as my esteemed colleague from Kansas. I wish to commend Senator COATS from Indiana for the strong and important points he made here as part of this discussion on the Senate floor. This vote we will have on the Tax Code and its impact on farming and small businesses across this country is certainly important.

But Senator COATS also made a very important point a few minutes ago; that is, we already have farmers and ranchers—our producers—in a situation where they face difficult times because of the drought. So I join him in calling on our House colleagues to act on the farm bill. I think it is very important we pass a farm bill, as we have in the Senate.

I had an opportunity to work on that farm bill with Senator THUNE of South Dakota and others. We passed a good package in the Senate. The House Ag Committee has passed a good farm package as well. We need that to pass the House, get it into conference, and get a farm bill done for our producers. I think that is incredibly important always because good farm policy benefits every American. We have the highest quality, lowest cost food supply in the world thanks to our farmers and ranchers. Particularly now, with our farmers throughout the country looking at this drought, it is very important they know we have a sound farm program in place for now and for the future.

As regards this vote in the Senate today, whether it is the good Senator from Indiana, from Kansas, from South Dakota or others, this is incredibly important. We are looking at a bill that is essentially a plan put forward by President Obama that will raise income taxes, that will raise taxes on capital gains, and that will raise the estate tax.

I was on the floor this morning, as others have been, talking about the impact that those tax increases will have

on small business when we have 8.2 percent unemployment. We have had 8 percent unemployment for more than 40 straight months. To a large degree, people are focused on the increase in the income tax and its impact on small business, but the impact from the estate tax—from the death tax—is a big deal, and people need to understand what the ramifications are if that estate tax is increased.

We understand it very well in our States because of the case we are making right here. Look at how this affects our farmers and ranchers. We are talking about going from a situation where when a farmer or rancher, looking to pass on that farm or ranch right now, is taxed, from an estate tax standpoint, on the amount above \$5 million and then it is set at a 35-percent rate. But the plan being put forward today—and being put forward essentially by the President and by the other side of the aisle—would change that to go back to anything over \$1 million would be subject to the estate tax and then would be taxed at a 55-percent rate. So just do the math; right?

That is the point the good Senators from South Dakota and Kansas and others have been making. It doesn't work. It just doesn't work. In other words, that family can't borrow enough money to pay off the estate tax and keep the farm because they can't afford to pay back that level of debt. The farming operation will not sustain it. The ranching operation will not sustain it. You can't borrow that much money to try to keep the farm in the family because you can't afford to pay the debt. As a business enterprise, it can't service the debt. So what happens? The only alternative is to sell the farm.

So we have farmers who have been farming for generations—their father, their grandfather, grandmother, mother, relatives all the way back—and now their kids are farming with them. Their children are involved in that farming enterprise, and they want to continue farming, but that is not going to happen because they are not going to be able to afford the estate tax. So this is exactly what we are talking about when we talk about how raising taxes will have a detrimental impact on our economy.

We have talked about this in terms of small business and we have talked about it in terms of the income tax and the ramifications on capital gains tax, but I think this demonstrates how clearly it truly has an impact across this country on all small businesses because I think all of us, from our States and from many other States, know these farm families. We know this is not just a job or a vocation, it is a way of life, and it is a way of life these families have been counting on.

I wish to make one further point before I turn the floor over to my es-

teemed colleague; that is, these farm families or any other small business, when we look at the estate tax, we have to keep in mind they are passing assets, but throughout their entire life they have been paying taxes. They have been paying income tax, sales tax, property tax. They have been paying taxes all the way along. So it is not as if they are just handing this stuff on to the next generation without paying taxes because they are not paying a death tax. They have been paying taxes on it all their lives and not just one or two taxes but multiple taxes. So this property has been taxed their entire life. They have worked their entire lives to pay those taxes and would now face a death tax that would force them to sell their business. That is not right.

You know what. It is not right if it is a farm or a ranch or, frankly, any other kind of small business in this country because this country is about small business. That is the backbone of our economy. It is the economy of this country, and that is exactly what we are dealing with.

That is why we put forward an option—and we encourage our colleagues to support this option—that will continue the current tax rates, that will not raise tax rates, and then we will work on extending those current tax rates for 1 year while we engage in progrowth tax reform. We close loopholes and we get more revenue from economic growth, from a growing, more vibrant economy that puts people back to work rather than raising taxes.

With that, I yield the floor for my esteemed colleague from South Dakota.

Mr. THUNE. I appreciate the remarks of my colleague from North Dakota who understands this issue very well, representing a State that is composed largely of family farms and ranches and small businesses. It is similar to my State of South Dakota, similar to Senator MORAN's State of Kansas. We share not only a lot of commonalities in terms of how we make our living but also in the kind of hard-working people who are the backbone, as my colleague said, of our country.

There is a work ethic among people involved in working the land, people who are involved in agriculture, that we hope gets rewarded. One of the ways that gets rewarded is when someone works very hard all their life—and that is very true in agriculture. There are very few jobs in agriculture that are easy. It is a hard way to make a living. The men and women who are involved in production agriculture have, in my view, among the best work ethic in the country, and we want to see that hard work rewarded. One of the ways we hope that gets rewarded is when it comes time to pass that operation on, to allow that operation to be handed off to the next generation so they, too, can benefit from that hard work and build that enterprise and grow the family farm in a way that is good for our

economy generally and certainly good for the economy in places such as North Dakota, South Dakota, and Kansas.

That is why a proposal such as this is so devastating, because you are subjecting 24 times more farms and ranches in this country to the death tax than are currently exposed to it under current law.

This is a dramatic increase in the number of folks who would be impacted by the death tax—obviously a significant increase in the amount people are going to be forced to pay when the time comes. I think at a time when we are facing unemployment now for 41 consecutive months over 8 percent, some 23 million Americans either unemployed or underemployed, and some Americans have been unemployed for a longer period of time, one thing we don't need in the middle of this kind of economy is a big fat tax increase.

That is what the Democratic proposal does—not just on the estate tax but also the marginal income tax rates going up on small businesses on January 1. There will be almost 1 million businesses impacted by higher rates, which employ 25 percent of the workforce in this country, as well as increasing taxes on investment, on capital gains, and dividends.

A big fat tax increase in the middle of a very fragile economy is the wrong prescription. I would hope, as the Senator from North Dakota suggested, that our colleagues on both sides will support the alternative we will put forward which will extend the rates for all Americans, so not any American is faced with higher taxes come January 1 of this year. I think it would be devastating for our economy to do that. Certainly it would be devastating to the family farms and ranches in places such as the Midwest.

I know my colleague from Kansas understands very well, because he represents the same kind of people we do in the Dakotas. They are hard working. All they want to know is that they have an opportunity to be able to benefit from that hard work and hopefully pass it on to the next generation when the time comes.

Mr. MORAN. Mr. President, I am pleased the Senator from North Dakota joined us, because I think he made a very valid point, something I should have explained better. It is not just the fear of having to pay more taxes, but it is the reality you don't have the income to pay the tax, therefore requiring the sale of the assets—the sale of the farm machinery and equipment, the sale of the land, the sale of the cattle.

While no one wants to pay more taxes, in this case it is even more onerous in that you have value to assets. You have some wealth in the land and the equipment and the cattle, but never the sufficient income to pay the

tax. Therefore, the sale of those assets is required to pay the tax man; and, therefore, you don't have those assets I was talking about earlier to pass on to your children and grandchildren.

This is not just about: I already pay enough taxes; I don't want to pay any more; I can't afford any more. This is the reality: I don't have the ability at all to come up with the income, unless, as the Senator from North Dakota says, I go to the bank and borrow the money. But then I don't have the cashflow to repay the loan, and therefore I sell the property.

This comes at a time when many Kansans—farmers and others—would complain about how business and agriculture keep getting bigger and bigger. The reality is we would love to have those farming operations, that family-sized farming scale that is so important to the cultural and economic vitality of communities across Kansas and across America. But because we have laws such as the estate tax, we sell those assets to bigger entities that can better afford it, and we reduce the number of family farms that most of us believe are so important to who we are as Americans, and certainly so important to the economy and the cultural nature of rural America.

I have heard the discussion here on the floor today about the farm bill. I know my colleagues, the Senator from South Dakota and the Senator from North Dakota, have encouraged passage of a farm bill by the entire Congress. But this farm bill, let me remind you, is a reduction in farm bill spending only on the side of production agriculture, of family farms across Kansas—a reduction in the amount of money available under the farm bill of \$23 billion.

Farmers in Kansas tell me they are willing to take their so-called hit to help reduce the country's fiscal condition. We are willing to take the \$23 billion out of farm programs, but don't do other things to us that eliminate or reduce our ability to earn a living.

So here comes Congress, a few weeks after we pass a farm bill reducing the amount of money available for farm programs by \$23 billion, saying, Oh, let's do something else damaging to agriculture, to farmers and ranchers. Let's impose an estate tax in which the threshold is \$1 million and the marginal rate is 55 percent.

So it goes back, contrary to what farmers say, which is: We will take our hit; we will contribute to getting this country's fiscal house back in order, but let us have the opportunity under a free enterprise system to succeed. And now we have one more handicap, one more hurdle to accomplishing that.

I was on the Senate floor yesterday talking about this issue and particularly talking about a tax system. We need dramatic reform in our Tax Code. The idea that we would be extending

the current tax law for the foreseeable future, this Congress, this President ought to be serious about scrapping the Tax Code and starting over with something much different. I spoke yesterday in favor of the fair tax. But regardless of what the conclusion is, we ought to have a simpler, fairer, more understandable Tax Code. We ought to have the circumstance in which most taxpayers don't have to seek professional advice to figure out what it is they owe or to spend their whole time as a farmer or rancher or a business person trying to figure out, What do I do today that will have a positive or negative consequence upon the tax bill at the end of the year?

We Americans spend a huge amount of time and a significant amount of money in which we pay professionals to advise us how to avoid paying taxes. We desperately need a whole new Tax Code that is fairer, simpler, much more straightforward and understandable, so that we spend our time growing the economy, as compared to spending our time trying to figure out how to manipulate the Tax Code and, in the process, lose our individual liberties and freedoms because we are all about trying to make certain that we comply with the Tax Code as compared to determining what is in the best interest of us as citizens, us as individuals, as family members, and us as business owners.

So while it is important that we point out the onerous nature of the estate tax and what is about to happen here in a vote in about an hour, we ought to remind ourselves that there is a much more important goal than this Congress and this President have been willing to address, and that is, scrap this Code and get something that makes sense to the American people that is understandable, affordable, and that pays the necessary amounts to fund those programs required for us to be a successful country.

I yield for the Senator from South Dakota.

Mr. THUNE. I thank the Senator from Kansas. I too look forward to working with him on fundamental tax reform, because that is what we need to do to get the economy turning around. I think you will see tremendous economic growth. I think you would see our economy unleashed if we would reform our Tax Code in a way that broadens the tax base and lowers the rates. The Senator from Kansas talked about the fair tax—certainly another proposal out there that many people support. But in any event, we do need a fundamental tax reform. And it would be nice if, when we do that, we do away with the death tax completely.

With that being said, what is being proposed here today, as we have all pointed out, is something that in many cases in places such as Kansas and South Dakota—and our colleague, the



Senator from Wyoming, Senator BARRASSO, is now here, who represents a rural State, a State where you have a lot of folks with big expanses of land. There are many people in agriculture who are land rich and cash poor.

The Senator from Kansas pointed out that when you have an operation that exceeds that \$1 million threshold that is being proposed in the Democratic tax plan and then everything above that in terms of the value of your assets is taxed at that top marginal rate of 55 percent, then you are in many cases having to sell pieces of your operation in order to pay the IRS—or, worse yet, going to the bank to borrow money, in which case you may not be able to repay it.

But this creates all kinds of problems for people who are involved in the day-to-day production of agriculture when it comes to keeping that operation in the family.

I appreciate the observations of the Senator from Kansas and his insights based upon his experience and the people he represents. I too look forward to the day when we are debating fundamental tax reform. But until that comes, we shouldn't be raising taxes. We shouldn't be raising taxes in this type of an economy where we have as many people unemployed as we do, and we have sluggish economic growth. And we certainly shouldn't be punishing family farmers and ranchers and small business people with what is a punitive death tax proposal coming out of the Democrats in the plan we are about to vote on at 4:00.

I yield to my colleague from Wyoming who is here, again, representing a State much like mine and much like the Senator from Kansas, who has a lot of people who would be impacted by this Draconian tax.

Mr. BARRASSO. Mr. President, to follow up on that, clearly in the great State of Wyoming there are lots of farmers and lots of ranchers. It is our heritage, it is our economy, it is our future.

Many people—we talked a little bit about that—to keep these operations going actually have a job in town so they can make enough money to help pay the mortgage and keep things going. But the price of land continues to go up, and on paper they have quite a bit of resources. So to think that we are in the next hour going to vote on a proposal by the Democrats to bring back the death tax is something that should be a surprise to all Americans. It is to farmers and ranchers and all small business owners.

I think of the movie theater owner in Casper I have known for over 20 years. I have operated on him, fixed his ankle when he broke it. He started with one small theater. He was the guy taking tickets, making the popcorn. Other people near him helped out and made it all work. He expanded to a second

movie theater, and then again and again. He built the buildings, he built the business. He made it work. He was there early. He was there late. He was there with a broom.

But when I hear the President say, If you have a business, you didn't build it; someone else did, I ask the President to come to Casper, WY, to meet the business owners there, meet the guy who has a dry cleaners, meet the florist, meet the person with the car wash, meet this owner of the movie theaters, and then go around the community and the outskirts of the area to take a look at rural Wyoming, at the ranchers and farmers, and hear their stories, hear of their life's work, hear about what they have put together.

To see a proposal on the floor of the Senate that says, We don't care what you did, how hard you worked, what the impact is going to be on leaving this legacy to your family, we are going to bring back the death tax and we are coming for you. It is something that people back home, in all of rural America—and I would think in many places around the country—would find shocking, astonishing, and very sad as a commentary of what role Washington and government is trying to impose upon their lives, to take these levels of taxation to much higher levels where the death tax hits at \$1 million and 55 percent at that level, from where we are now, where it is at \$5 million and indexed for inflation because we see inflation and a maximum of 35 percent. I am astonished that people would actually consider voting for that. But yet that is what the Senate majority leader has been proposing, and that is what we are going to vote on within the next hour.

It is interesting. I was driving through the Hot Springs County, Thermopolis, WY, area a couple of years ago talking to a farmer. He said, You know, I could fight the weather or I could fight the government, but I couldn't fight both. And he got out of it.

A lot of families haven't gotten out, and they continue. Now, once again, the heavy hand of government comes with this crushing blow in wanting to raise this sort of tax on families all across the country, on people who have built their own businesses. In spite of what the President may say, these are the people who made this happen.

After the President's comments last week, I was in Thermopolis for a class reunion over the weekend. They have all the different classes come together for a big picnic and cookout in the park. My mother-in-law is a member of a class that graduated quite a few years ago. It was her reunion as well. We were talking about the family bakery that she had worked at as a little girl. The family actually lived above the bakery. They got their food from the bakery because they ate what

didn't get sold. They worked every day. She talked about her father working so very early in the morning, through the day. For lunch she walked home from school to be able to eat at the bakery. That is a family who built that business.

We talked about it, and I asked, Well, who else worked there? She started to run through the names of the people in the family who built and contributed to this bakery business called the Wigwam in Thermopolis, WY. She talked about Sonny who had worked there. There are a lot of businesses and a lot of farms and a lot of ranches—I see my friend and colleague from Kansas here—where there was a Sonny who worked on that farm or on that ranch.

Who else worked there in the bakery? Well, Shorty worked there too. I think every community has a Shorty who worked in a business that made something happen.

I said: Who else? She said: Sandy. I know there is a Sandy in every community. Yet the President thinks they didn't do anything.

Who else? Smokey. We have all these different names of people in the family who made this business, helped to put it together, and built it. Those are the people who made this business. Those are the people the President seems to have forgotten or never met in the first place. Those are the people who built the businesses of this country. It wasn't somebody else; it was them. It was parents who got up early and worked hard. Their kids worked there too. Everyone in the family participated. Everyone contributed. Every community in this country has someone like that.

Now to see the Democrats coming forth with a proposal that says: You may have built a business—well, they may not believe that family actually built the business—and we just want to tax you more when the person who really put the sweat equity into it dies. The family maybe ends up having to sell, as we heard from the Senators from Kansas, North Dakota, and South Dakota. Why? A lot of it is because this institution can't control the spending, so they are always looking for new ways to tax other people.

The problem is not that we are taxed too little; it is that we spend too much in this institution. Congress spends too much, and the President always seems to find another way to spend more money. That is what we see, ways to continue to find money and then spend, borrow, and grow government bigger and bigger. That is not what built this country. That is not what made this country great. It was the families with ranches, farms, and small businesses all across this country who put in hard work, dedication, and commitment to getting up early in the morning, working all day long and well into the evening.

I ask my friend and colleague from Kansas, I am sure the Senator can think of families and picture those families where folks actually got up before sunrise and worked through the end of the day and after the sun went down to building something, to make something of themselves and their family, and to contribute to the community. Now we see government with its heavy hand coming to say: The death tax is here. We want to raise the death tax, and we are coming for you.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from Kansas.

Mr. MORAN. Mr. President, I certainly thank the Senator from Wyoming for his comments. Those of us who had the privilege of growing up in small town America know those names the Senator from Wyoming indicated. It is one of the advantages of that small town life.

Every day we see those families who own a business or have a farm or ranch. We know who they are. We know who works there, we know what jobs are created by that business or that farm, and we have the understanding of how important that is in the community if there is going to be jobs in our town. It is that small businessperson who gets up early, works late, does whatever is necessary to make sure they are a success in that business. Sometimes they are successful and sometimes they are not. Every day they fight the fight to make certain they put food on their family's table, they have the ability to save for their children's education, for that better life, and save for their own retirement.

Again, just like we talked about the farmers and ranchers who are willing to forgo things from Washington, DC, to help contribute to getting our debt under control, get our fiscal house back in order, make America what we know it can be—they are willing to forgo those things that Washington seems to want to give us. All they ask is, Please don't put more burdens on us. Don't make it more difficult for us to succeed.

We see the example today where the Democrats' tax proposal creates a huge burden on a huge sector of this economy and on people who are so important to us as to whether we are going to have jobs created and the opportunity for every American to pursue the American dream.

Mr. BARRASSO. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. I ask unanimous consent that the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I would ask unanimous consent that I be recognized for 2 minutes followed by Senator CARDIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I think it is important to simplify what is going on with these two proposals, the Republican proposal and the Democratic proposal. So I am going to attempt to do that. We have two packages of tax cuts. The Democratic package gives everyone a tax break on their income tax for the first \$250,000 of income. So everybody gets that tax break. The main difference is that under the Republican plan, they give more to incomes above \$250,000, where we say everybody gets a tax break up to \$250,000, and after that we go back to the tax rates of Bill Clinton when we created 23 million jobs, balanced the budget, and created a surplus.

Now, in order to do this, the Republicans don't do some of the things we do for the middle class, which is an extension of the tuition tax credit and a generous child tax credit. So that is the difference. Their package costs \$50 billion more. If we figure we do this over 10 years, we can do the math. That comes to \$500 billion. But let's just take it to 1 year. The \$50 billion cost of their package, if we didn't go that way and supported the Democratic package, we could use that to either reduce the deficit or to soften the sequester.

We have people running all over television saying we are ruining the country with this sequestration. The Republicans came up and supported that idea of automatic spending cuts. We can take the \$50 billion if the upper income would pay their fair share and cut the automatic spending cuts in half.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I thank, first of all, my colleague from California, Senator BOXER. I happened to be on the Senate floor and listened to my Republican colleagues as they were talking about the estate tax. I think we have to clarify what this legislation is all about that we will be voting on in a few minutes. It is an effort to fully protect about 98 percent of Americans from the uncertainty as to whether their income tax will go up on January 1. That is what this bill is about. There are a lot of other problems we have, including the fiscal cliff we have been talking about.

I understand the concerns we have with the estate tax. We have a problem with the physician reimbursement under Medicare. We have problems with the sequestration orders and the impact it would have on all of our agencies whether it is national security or the domestic budget. We have concerns about extending tax provisions for the energy sector of our economy. We have the uncertainty of whether we will extend the unemployment insurance additional benefits. All of those are legitimate concerns.

I hope the Republicans and Democrats will come together to deal with the deficit. That is what we should do. I can tell everyone I have been one of those Senators meeting with Republicans, meeting with my Democratic colleagues, and that is what we want to do. We want to give predictability to the American people about a credible plan to deal with our deficit.

I was proud to be one of the Democrats on the Budget Committee in the Senate. The Presiding Officer helped to say let's use the Simpson-Bowles model to try to get a bipartisan agreement on a budget document much earlier this year so we could come forward with a credible plan to deal with the deficit. We are now just a few weeks away when Congress is likely to go out of session for the November elections. We have heard in the House they are talking about leaving the third week of September. So what we are trying to do—and this is a pretty simple bill—is to say for the overwhelming majority, 98 percent, let's at least give the certainty to the people of our country so they know on January 1 their tax rates will not go up. Why do we want to do that? Because predictability gives confidence. Confidence allows people and consumers to buy and helps to grow our economy. That is why we do it.

Sure, it is frustrating we can't deal with everything right now. We want to deal with everything, but we are not going to be able to come to that political agreement. Can't we at least come to the agreement to protect the vast majority of the taxpayers of this country?

The bill we will be voting on very shortly says we would not let the personal income tax rates go up for those whose incomes are up to \$250,000. As Senator BOXER pointed out, every income-tax payer gets the advantage of it. If you make \$1 million, you get the lower tax rates on the first \$250,000. That way everyone gets the advantage.

We also protect the refundable child tax credit because we know American families depend upon that refundable tax credit. I want to thank the majority leader for putting this into the bill. That is part of a family's planning process to know whether they can buy consumer goods. We included that in the legislation that we will have a chance to vote on. We included the American opportunity tax credit. The Presiding Officer is very involved in that. That is to help families afford college education.

I was at a university meeting over the weekend and looked at the debt that our college graduates are inheriting as they go through college. Well, we extend in this bill the help we give to working families to be able to afford a college education for their children, which helps to build this great Nation. It helps to make us more competitive.

We have also included in the legislation the small business expenses because we want to give predictability to small businesses to go out and buy capital assets so they can turn around and help our economy grow.

So I just wanted to point out some pretty simple choices. Do we believe we should give the predictability that I think everybody agrees on? Why can't we keep the bill simple and get it done? My Republican colleagues want to find some way to be able to vote no to help the overwhelming majority of the people in this country.

I will say this again. If you make \$1 million, you are going to get \$6,000 of relief under this bill. Isn't that enough? Then let's come together and hopefully use the remainder of this year or early next year to get a credible plan and get our deficit under control. Let's give confidence to the American people so we will not face that fiscal cliff, and we will get our job done. The purpose of this is to create jobs. We need to create more jobs in our country.

I wish to share with my colleagues this photograph that was taken. I will ask my colleagues where they think this photograph took place, with many people sewing and manufacturing clothing. We can see the U.S. flag there. The next question is, When do my colleagues think this photograph was taken? The 1920s? The 1930s? I remember growing up in Baltimore and seeing all of the different clothing manufacturers located in my city. So perhaps this is a historic photograph. It is not. It was just recently taken in Westminster, MD. It is the English American Tailoring Company, with 380 jobs, producing the finest suits in the world.

I show this photograph to demonstrate that we can succeed in manufacturing in America. In the last 28 months, we have seen an increase of 500,000 jobs in manufacturing in America. That is the largest growth since 1995 in our country. We have to fight for the jobs and keep our jobs here in America.

I had a chance to talk with English American Tailoring Company union employees. They are happy not because they are happy to have a job—everyone is happy to have a job—they know they have a good job in a company that cares about them, and they take pride in what they are making. Make it in America. In Maryland, in the United States, we have a company that makes the best custom suits in the world because they are American made and because they have the best technology and the best quality of any company in the world.

Let me tell my colleagues something else that might surprise them. They had a 15-percent increase in sales this year. They added an additional 50 employees this year. They are now mak-

ing plans to break ground on a training facility in Westminster, MD. They have confidence in their ability to produce the right product for America and to create the jobs and keep the jobs here.

We have done this over and over in America. I know my colleagues have taken the floor to talk about the auto manufacturing industry, with the best sales in 5 years. Chrysler's sales have increased 34 percent; General Motors is up 12 percent; Ford is up 5 percent; 10,000 new jobs at Ford Motor Company; 4,000 coming from Mexico back to the United States. Make it in America. Our U.S. auto manufacturers are making it in America. We can create more jobs if we just create the right climate.

We need to help small business. I agree that is where most of the job growth will take place. That is where most of the new innovation comes from. So why don't we take up sensible legislation that the majority leader talked about that would reward small companies that are creating more jobs by giving tax credits? I am also proud of a provision in that bill to increase surety bonds for small companies so they can compete. That is what we should be doing.

We need trade policies. I want to give another bit of good news. I see Senator NELSON is on the floor, and he was instrumental in the citrus trust fund. But we have the wool trust fund and the cotton trust fund also approved by the Senate Finance Committee. Why is that important for this contract we have here? This company, English American Tailoring, makes quality suits, but they have to import the wool because the wool is not available in America. Here is what happens. The tariff today on that wool coming into America is higher than the finished suit, if it was imported into America, which encourages manufacturing outside of America. That makes absolutely no sense at all. That is why we have a wool trust fund—to correct this inverted tariff so that we can make it competitive to manufacture in America. That is why we have it. I am proud that by a unanimous vote, we are recommending that from the Senate Finance Committee. I hope we can find the cooperation on this floor to get that done.

I also want to make sure that the citrus industry in Florida is taken care of, so we take care of the citrus trust fund and the cotton trust fund. Shirts are manufactured today—my friend from New Jersey, Senator MENENDEZ, helped on this, and Senator SCHUMER helped a great deal with the wool trust fund. We make cotton shirts in New Jersey. We can make those shirts because we can manufacture more efficiently than other countries, but we can't have an inverted tariff. We can't afford to make it more expensive to manufacture than import. That is what that is about. These are commonsense policies.

We need tax policies that make sense. Senator STABENOW has been working hard on the Bring Jobs Home Act so that we actually reward companies that bring their jobs back to America and we don't allow taxpayers to foot the bill for those who want to take their jobs overseas.

The bottom line is that we can make it in America. We can make it in America. We are doing that in Maryland, and we are doing it throughout the country. We need sensible policies.

We also need the confidence of consumers about the take-home pay they are going to have in order to be able to buy the suits manufactured by English American Tailoring or other companies in our community or to buy a car manufactured here in America. They want to do that, but they need the confidence.

So don't complicate the bill we are going to be voting on in 1 hour. Don't make it that difficult. It is a pretty simple bill. It says whether we are going to fully protect 98 percent of Americans from seeing their tax rates go up and their paychecks go down on January 1 and help every American, regardless of their income, with the first \$250,000 of taxable income.

I hope we will then make a commitment, Democrats and Republicans, to put aside our partisan differences and listen to each other and come up with a credible plan that answers not just the issues—the only issue raised by my Republican colleagues, which is the estate tax—but also answers the questions of our physicians for Medicare and answers the problems of our people who depend upon government, the sequestration orders. Let's get it together and get all of that done, but let's not let the traditional partisan differences stop us from protecting 98 percent of Americans, so that companies such as English American Tailoring can continue to expand and create more jobs here in America to help our economy grow because people will be willing to buy the suits, knowing there is some confidence in the Tax Code that allows them to plan for their future.

I urge my colleagues to support the efforts we are going to vote on in a few moments.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

#### VIOLENCE AGAINST WOMEN ACT

Mr. LEAHY. Mr. President, I know we are soon going to be voting on other matters, and I see the distinguished senior Senator from Florida, who wishes to speak, so I will not take long. However, there is one area I don't want people to forget about; that is, the Violence Against Women Act.

Eight months ago Senator CRAPO and I joined together to introduce the Leahy-Crapo Violence Against Women Reauthorization Act of 2011. We decided to put victims first, not politics

first. So we set aside any partisan differences the two of us might have. We did this so we could tell the Senate that even though we come from entirely different political philosophies, we are united on the need to protect victims. At a time when we hear people say this body is deeply divided, an overwhelming majority of the Senate, Republicans and Democrats alike, joined us in that effort, and we passed this commonsense legislation with a remarkable 68 votes. That is a rare feat in the Senate today and it sent a clear message—stopping domestic and sexual violence. There are some who say we couldn't get 51 votes to say the Sun rises in the east. We got 68 votes to protect victims. We sent a clear message that stopping domestic violence is a priority and we will stand together to protect all victims from these devastating crimes.

Most of us here hoped the House Republicans would follow our demonstration of bipartisanship. We gave them an excellent bill and a chance to quickly take it up and pass it. Instead, unfortunately, they put politics first. They drafted a new bill, and they are within their right to do that, but here is what they did. They intentionally stripped out protections for some of the most vulnerable victims, including immigrants, LGBT victims, and Native women. They took out the key provisions to make campuses and public housing safer. They rejected the input of law enforcement and victims' services professionals who tell us these protections are desperately needed to save lives. In other words, they said: If you have two victims who are subjected to the same kind of abuse, we might protect this one, but by law we won't protect this one. I can tell my colleagues that there is no one in law enforcement in this country, no matter what their political background, who wants to be put in that position. They believe that a victim is a victim is a victim, and they want to protect all of them.

In fact, it was so obvious that the acts of some of these House Republicans were too much even for some of their own party. Nearly two dozen House Republicans, including the chair of the crime victims caucus, stood up and voted against this restrictive House bill.

We can talk about numbers and all of those things, but I wish those who came up with this restrictive House bill could have been with me last Thursday to hear from Laura Dunn, a courageous survivor of campus sexual assault who told us of her own horrendous experience. She said: I come before you to tell you about this because I want you to include the Senate provisions the House stripped out. She made an impassioned plea for that and for Congress to do all it can to protect all students on campus from the kind of unspeakable violence she encoun-

tered—the kind of violence that I pray my daughter and my granddaughters will never have to face.

More than 200 survivors of campus violence at 176 colleges and universities came forward publicly and joined her in an open letter to Congress calling for the immediate passage of this critical legislation. I ask unanimous consent that a copy of the letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL TASK FORCE TO END SEXUAL AND DOMESTIC VIOLENCE AGAINST WOMEN,

*Washington, DC, July 20, 2012.*

U.S. SENATE,  
*Washington, DC.*

HOUSE OF REPRESENTATIVES,  
*Washington, DC.*

DEAR SENATOR/REPRESENTATIVE: We, the undersigned survivors of violence committed on college and university campuses nationwide and the families of those who did not survive this violence, call upon every Member of Congress to pass the Violence Against Women Act (VAWA) Reauthorization before the end of September. Furthermore, the final VAWA must contain comprehensive campus provisions including the Campus SaVE Act and the Campus Safety Act.

Each of us has been dramatically affected by at least one of the four crimes that have become a silent epidemic on college campuses: stalking, sexual assault, dating violence and/or domestic violence. We have been the victims of this violence. We have family members who have been killed on campus as part of the commission of these crimes. We have family members who might not have been killed if their colleges and universities had been fully and responsibly addressing stalking, sexual assault, and dating violence through well structured campus systems for prevention, intervention, victim support and perpetrator accountability.

And we are not alone: 13.1% of college women report having been stalked during the school year; one in five college women report having been sexually assaulted; 70% of all victims of intimate partner violence in the US experience the first incidents of abuse before they reach the age of 25.

There are more than 4,700 colleges and universities in the United States with a total enrollment of over 20 million students. This is a population in crisis that cannot and will not be ignored.

The Violence Against Women Act (VAWA), enacted in 1994, recognized the insidious and pervasive nature of domestic violence, dating violence, sexual assault, and stalking. In every reauthorization of the Act, Congress has worked carefully to craft improved, enhanced, and accountable programs and services, as well as coordinated community responses, with the goal of providing comprehensive, effective and cost saving responses to these crimes. VAWA's reauthorization must build upon its successes and continue progress towards ending the violence. VAWA must reach all victims and perpetrators of domestic violence, dating violence, sexual assault and stalking in every community and on every college campus.

The Grants to Reduce Violent Crimes Against Women on Campus program helps institutions of higher education adopt a comprehensive response to domestic violence, dating violence, sexual assault and

stalking. First authorized in 1999, this very small program has had a dramatic impact on the institutions of higher education lucky enough to get one of these grants (approximately 20-22 colleges per year). It is essential to reauthorize the Campus Grants Program in VAWA, yet it is unacceptable for this to continue to be the only piece of VAWA addressing the overwhelming need.

The Campus Sexual Violence Elimination (SaVE) Act, introduced independently in both chambers and passed as part of S. 1925 in the Senate-passed VAWA, is a crucial step forward. It will address sexual violence, dating violence, and stalking at institutions of higher education and increase awareness and prevention of these acts of violence by requiring transparency of information, systemic, campus-wide policies and procedures to address these crimes, prevention programs, and assistance for victims.

The Campus Safety Act, introduced independently in both chambers and passed as part of H.R. 4970 in the House-passed VAWA, is also essential. It will establish a National Center for Campus Public Safety that will provide a centralized, government operated entity to promote proactive approaches to campus safety through the development of best practices, research, and training opportunities.

Both the House and the Senate passed bills earlier this year to reauthorize VAWA. It is clear that the vast majority of Congress supports a reauthorization of the Violence Against Women Act with key improvements. But as we watch the clock ticking on the 112th Congress, we are painfully aware of the devastating blow to the young people in our colleges and universities that will occur if Congress fails to pass a final VAWA.

We are the voices of the unimaginable pain and suffering occurring every day on our college campuses. We are the voices of those young people whose safety continues to be at such great risk. We are the voices of those who are still too unsafe to speak out about the violence they experienced. We are the voices of those who have tragically died senseless deaths when their lives were just beginning.

We will not wait! Get VAWA done now.

We call upon each and every Senator and Congressperson to prioritize the Reauthorization of the Violence Against Women Act and the safety and well-being of the young people we are all relying on to carry our nation forward. We implore you not to let us or them down.

Mr. LEAHY. Now the House Republican leadership is hiding behind a procedural technicality as an excuse to avoid debate on the Senate bill. That is nonsense. We all know the Speaker of the House could waive the technicality, called a blue slip and allow the House to have an up-or-down vote on the bipartisan Senate bill at any time. He could do it this afternoon.

I have been consistently calling for House action on this legislation since we passed it overwhelmingly 3 months ago. In fact, last month Senator MURKOWSKI and I wrote a bipartisan letter to Speaker BOEHNER. We asked him to allow an up-or-down vote. Last Thursday five House Republicans followed suit. They called on Speaker BOEHNER and Majority Leader CANTOR to take up the Senate-passed bill and resolve the blue slip problem.

The Speaker's hands are not tied in this matter. He has to stop choosing to hold up the bill and instead choose to let these efforts to pass the bill go forward. A New York Times editorial earlier this week entitled "Delay on Domestic Violence" put it well:

Mr. Boehner's leadership could break the logjam—but that, of course, would also require his Republican colleagues to drop their . . . opposition to stronger protections for all victims of abuse.

I ask unanimous consent that both letters and the editorial be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, July 23, 2012]

#### DELAY ON DOMESTIC VIOLENCE

With Congress just days away from its August break, House Republicans have to decide which is more important: protecting victims of domestic violence or advancing the harsh antigay and anti-immigrant sentiments of some on their party's far right. At the moment, harshness is winning.

At issue is reauthorizing the Violence Against Women Act, the landmark 1994 law central to the nation's efforts against domestic violence, sexual assault and stalking.

In May, 15 Senate Republicans joined with the chamber's Democratic majority to approve a strong reauthorization bill. Instead of embracing the Senate's good work, House Republicans passed their own regressive version, ignoring President Obama's veto threat. The bill did not include new protections for gay, immigrant, American Indian and student victims contained in the Senate measure. It also rolled back protections for immigrant women, including for undocumented immigrants who report abuse and cooperate with law enforcement.

Negotiations on a final bill are in limbo. Complicating matters, there is a procedural glitch. The Senate bill imposes a fee to pay for special visas that go to immigrant victims of domestic abuse. This runs afoul of the rule that revenue-raising measures must begin in the House. Mr. Boehner's leadership could break the logjam—but that, of course, would also require his Republican colleagues to drop their narrow-minded opposition to stronger protections for all victims of abuse.

Unless something changes, Republicans will bear responsibility for blocking renewal of a popular, lifesaving initiative. This seems an odd way to cultivate moderate voters, especially women, going into the fall campaign.

U.S. SENATE,

Washington, DC, June 12, 2012.

Hon. JOHN BOEHNER,  
Speaker of the House of Representatives,  
U.S. Capitol, Washington, DC.

DEAR MR. SPEAKER: Saving the lives of victims of domestic violence should be above politics. Yet politics seem to have gotten in the way of House passage of the bipartisan Senate Violence Against Women (VAWA) Reauthorization Act, a bill to strengthen law enforcement's response to domestic violence that cleared the Senate on April 26th with a strong bipartisan vote. In the time since the Senate passed its bill, over 1.5 million Americans have become victims of rape, physical violence, or stalking by an intimate partner. We cannot afford to let another day go by. We urge you to swiftly allow for an up-or-down vote in the House on the Senate's bipartisan VAWA Reauthorization Act.

Since being enacted in 1994, VAWA has developed a long track record of protecting women and reducing the incidence of domestic violence by providing critical support to law enforcement and services for victims. Each previous reauthorization substantially improved the way VAWA addressed the changing needs of domestic violence victims by addressing challenges facing older victims, victims with disabilities, and other underserved groups. The Senate's bipartisan VAWA Reauthorization Act continues this tradition by placing greater emphasis on training for law enforcement and forensic response to sexual assault, and by strengthening protections for all victims regardless of where they live, their race, religion, gender, or sexual orientation. These changes were included at the recommendation of professionals from all over the country who work with victims every day.

We should not let politics pick and choose which victims of abuse to help and which to ignore. However, this fundamental principle is not reflected in the House version of VAWA reauthorization legislation, which disregarded the input from professionals and would eliminate Senate language that ensures universal protection for LGBT victims who currently face obstacles to accessing VAWA's life-saving services, make it more difficult for local law enforcement to help immigrant victims of domestic violence, and fails to match the Senate's effort to address the epidemic of domestic violence on tribal lands.

Although significant progress has been made, domestic violence and sexual assault remain serious challenges. Every day, abusive partners kill three women, and for every victim killed there are nine more who narrowly escape. It would be unacceptable to step away from our commitment to stopping violence and abuse, and from seeking justice for victims, by undermining VAWA's protections.

The delay of the VAWA Reauthorization Act has real consequences for these and future victims, and should not be allowed to continue. VAWA was enacted and reauthorized with broad bipartisan support, and this year's reauthorization is endorsed by over 500 state and local organizations, and 47 attorneys general. We are concerned that unnecessary political and procedural posturing is breaking the bipartisan consensus on an issue that should rise above such considerations, and is creating an unconscionable delay that further threatens victims of violence. We urge you to honor VAWA's bipartisan history and affirm the House's commitment to combating domestic violence by having an up or down vote on the Senate's VAWA Reauthorization Act.

Sincerely,

PATRICK LEAHY,  
U.S. Senator.  
LISA MURKOWSKI,  
U.S. Senator.

U.S. CONGRESS,  
Washington, DC, July 19, 2012.

Hon. JOHN BOEHNER,  
Office of the Speaker, The Capitol,  
Washington, DC.  
Hon. ERIC CANTOR,  
Office of the Majority Leader, The Capitol,  
Washington, DC.

DEAR SPEAKER BOEHNER AND MAJORITY LEADER CANTOR: As strong supporters of a bipartisan approach to the Violence Against Women Act (VAWA) reauthorization, we thank you for your efforts to secure timely House consideration of this issue. We strongly

urge you to work diligently with the Senate to solve the blue slip problem as effectively as you did with the Transportation Bill and quickly craft a bicameral compromise on VAWA reauthorization that includes the following provisions:

1. Concurrent jurisdiction for tribal crimes—Because of the significant backlog of crimes occurring on tribal lands, federal courts have limited resources to pursue all but the most serious violations. As a result, most sexual assaults and domestic incidents that occur on native lands go unpunished. Allowing our tribal court systems to prosecute these crimes would help to ensure that justice is served and prevent the spread of domestic violence in native communities.

2. Protections for LGBT populations—Under current law, all victims of domestic violence are entitled to VAWA services. However, in some communities, services remain unavailable to LGBT individuals simply because of their sexual orientation or gender identity. LGBT-inclusive language would simply clarify the law to ensure that all domestic violence victims have access to the support offered by VAWA.

3. Eliminate disincentives for reporting crime among immigrants—The House proposal provides temporary shelter for victims who report domestic crimes, but it maintains the long-term threat of deportation for immigrant victims who come forward. No one should be discouraged from bringing an abuser to the attention of law enforcement. While the Department of Justice confirms that the U-Visa program is not subject to significant fraud, we stand ready to work with concerned Members on improving accountability within the system to ensure that Congress can monitor its effectiveness.

4. Improve safety on college campuses—The Senate requires more transparency of information, more prevention programs, and improved assistance for victims of domestic violence, dating violence, sexual assault, and stalking on college campuses. The House proposal supports a Campus Safety Resource Center that would be able to support colleges and universities with best practices and guidance to address violence on campus better. Both of these provisions are critical improvements to protect students on campus.

We urge you to make VAWA reauthorization a significant priority during the rest of the 112th Congress and ensure that the aforementioned provisions are included in the final reauthorization bill.

Sincerely,

JUDY BIGGERT,  
ILEANA ROS-LEHTINEN,  
ROBERT J. DOLD,  
TODD R. PLATTS,  
DAVID RIVERA.

Mr. LEAHY. Mr. President, victims shouldn't be forced to wait any longer. The problems and barriers facing victims of domestic and sexual violence are too serious for Congress to delay. I think of my home State of Vermont and the very small State that it is, but more than 50 percent of homicides are related to domestic violence—50 percent. That is simply unacceptable. We know how to identify these cases early. We know how to intervene. We know how to stop these needless deaths. The Senate-passed bill includes important new tools for law enforcement in communities all over Vermont and every other State to do just that. But until the House Republican leadership stops

playing games, those resources will not reach the people who need them now and lives will be lost.

Enough is enough. Let's stop this fiction of saying we will stand together to protect this victim but not this other victim, as though somebody who has been victimized, somebody who has faced this violence should be treated differently. It is time to put aside the politics. We need to stop picking and choosing which victims of abuse get help and which are ignored. We will not find a single police officer who has gone to a scene of domestic violence or abuse who will tell us: Well, I don't want to catch the person who did this, but the person who did this, we will go after them. No. Police officers want to protect us all. That is what the Leahy-Crapo bill does. This is to protect us all. So I hope the House will take up and vote on the bipartisan Senate bill because our bill protects all victims. Domestic and sexual violence knows no political party. Its victims are Republicans and Democrats and Independents. They are rich and poor. They are gay and straight. They are immigrant and citizen alike. A victim is a victim. Helping these victims, all these victims—whether they are from Vermont, California, Alaska, Iowa, Oregon, Florida, or anywhere else—that has to be our goal because their lives depend upon it.

Mr. President, we live a privileged life in this Senate, just as the House Members do. They are not facing this kind of abuse. But the lives of millions of Americans do face it. Their lives are depending upon us not to play partisan games but to give law enforcement and all the various organizations that help prevent abuse the tools they need. We have done that in the Senate. It is time for the House to act.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, in the midst of all of this tax debate and the partisan wrangling and the gridlock that has ensued—and today we will have another couple of tax votes, and, again, real progress will be stalled—I would like to offer a bipartisan thought that will lead to a solution. As a matter of fact, I think there are over 50 Senators of the 100-Senator body who agree that deficit reduction can be done, and done in a comprehensive way. I think partisan politics, all mixed up in election-year politics of a Presidential election, is getting in the way, and I think that is what we are going to see being played out this afternoon on the floor of the Senate.

What would that solution be? Well, if our target is that we want to reduce the deficit over a 10-year period by at least \$4 trillion—that was clearly where the Simpson-Bowles Commission was going; that was clearly where the

Gang of 6, which morphed into 45 of us who last summer stood and had a press conference and talked about \$4 trillion-plus in deficit reduction, was going—if that is what our goal is, and as others have spoken out here, if we could get that kind of deficit reduction agreement for a 10-year period, what we would have is a shot of confidence into the economy, and we would see this economic engine start to roar more to life, other than the gradual economic recovery we are seeing—indeed, a recovery of 27 straight months of private sector job growth, but albeit a slow economic recovery.

If over 50 of us were to come together and strike that agreement, indeed, that is what we would have, and the stock market would take off, the bank lending would take off, the credit ratings would go up, and all of the incidental things that would flow from that.

You know what. At the end of the year that is what we are going to have to do, and most every reasonable Senator knows that. That is why there are a number of Senators on this side and that side of the aisle who have spoken the same message.

What is that message?

No. 1, that we have to have some spending cuts, but if we are doing \$4 trillion-plus, we cannot do it all with spending cuts. We have to have revenue produced.

How do we get the revenue? What over 50 Senators in this body would agree to is we reform the Tax Code in a comprehensive way by starting to eliminate some of the tax preferences, otherwise known as tax loopholes, tax deductions, tax credits, that have ballooned out of control.

The last time I voted for tax reform I was a young Congressman and President Reagan was President. It was 1986. When we reformed the Tax Code back then, the tax expenditures for a 10-year period were worth about \$2 trillion to \$3 trillion. Do you know, that has ballooned now to over \$14 trillion over a 10-year period, just in tax preferences—that is individual tax preference items for different special interests—which means revenue is not coming in. As a matter of fact, there is more going out in tax preferences than there actually is coming in each year in individual income tax.

Well, if we reform it in the way that a lot of us are talking about, then we take that revenue and we do two things with it: No. 1, we simplify the Tax Code and we lower everybody's tax rates—individual income tax rates, as well as corporate income tax rates—and we take the rest of the revenue and pay down the annual deficit.

Now, that is fairly common sense, and it is fairly simple. Of course, to get in and comprehensively reform the Tax Code is going to be quite a task, and the committee that is designated to make the first cut at it would be the

Finance Committee, of which I have the privilege of being a member.

We have heard similar statements by a number of Republican Senators. We will continue to hear statements from other Democrats—such as me—about what I just said. And we will hear that because the commonsense people know that is what it is going to take to get our budgetary house in order.

But we are not there. We are in the middle of a partisan war, all wound up in the crucible of an election year for President, and as a result we are going to have two tax votes today that do not pass.

The Republican version of the tax cut is going to be all of the Bush tax cuts from 2001 and 2003. They stay in effect for all levels of income. Oh, by the way, in their bill, they say to make up for that \$405 billion that will not go into the Treasury as a result of the continuation of the Bush tax cuts—in 1 year, \$405 billion—we cannot do anything with revenue. So they are going to prohibit what half of the Senate knows ultimately is the solution to this problem. That is one version.

The other version is what is being brought forth by the majority leader, which is, give the tax cuts for everybody, including the top 2 percent. But the top 2 percent—above \$250,000 adjusted gross income on a joint return—that tax rate will go up a little over 4 percent just on the income above the \$250,000 adjusted gross income, not on the income underneath, for which everybody continues to have the continued tax rate. In that same proposal, 97 percent of the small businesses will not get any kind of tax increase. Likewise, if they are a subchapter S corporation, they will have the same benefits of the tax cut up to that level of \$250,000.

We heard comment out here about, oh, we have to keep the exemptions on the estate tax up, which I certainly agree with. Well, in this version the majority leader is going to offer, it has no provisions in it on raising the estate tax.

What would be my preference? I am going to vote for the majority leader's proposal, but my preference is that we would take that tax cut up to the level of adjusted gross income of \$1 million on a joint return, which would mean far less than 1 percent of the people in this country would be affected by a 4-percent increase in that income above \$1 million.

That is my preference. That is what I voted on a year ago. But that is not the choice before us today. So I have no choice but to vote as I just indicated. But at the end of the day, this is not going to solve the problem. It is going to be more political posturing all the way up to the November election. Then in a lameduck session we are going to get down to work. We are going to let common sense and bipartisanship operate, and we are going to solve this deficit problem.



Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I very much appreciate the cogent remarks, sensible remarks of my colleague from Florida. He has fought long and hard for the middle class in terms of taxes, and I very much appreciate his hard work on this issue. The citizens of Florida should be proud of him.

I rise today, of course, also to talk about the upcoming Senate vote on the middle-class tax cuts.

For weeks, Senate Democrats have been asking our friends on the other side of the aisle to allow this debate on taxes to happen. Leader REID has repeatedly offered to have a simple up-or-down vote on both the Democratic and Republican proposals. Time after time, minority leader MITCH MCCONNELL has declined.

But, fortunately, that has now changed. Senator MCCONNELL has, after weeks of delay, relented and decided he is not going to filibuster our middle-class tax cut bill. That is very good news for the country. The most important thing we can do for the economy right now is to provide certainty to the middle class that their taxes are not going up.

I believe there are two reasons Senator MCCONNELL finally decided to allow this to happen.

First, forcing his entire caucus to filibuster this legislation would have been politically disastrous for them. It would have prevented any debate or amendments on the Democratic tax cut legislation, meaning the Republicans would not have been able to offer their amendments to extend tax cuts for those millionaires and billionaires. In other words, a filibuster would have meant there would have been only a single vote on middle-class tax cuts on the Democratic proposal and that almost all Republicans would then have been on record against them. So it is easy to see why that would have been uncomfortable for them.

Second, I truly believe some of my friends on the other side of the aisle have truly looked at the Democratic proposal and realized that voting for it is the right thing to do. I believe Senator MCCONNELL would have not been able to stop them from voting yes.

Faced with widespread concern in his caucus, I believe Senator MCCONNELL decided an abrupt about-face was in his best interest. So the Senate is about to speak. We are going to pass a bill that will ensure taxes do not go up for the 98 percent of Americans who earn less than \$250,000 a year. We are going to defeat a proposal that would spend almost \$1 trillion providing additional cuts for the richest 2 percent and at the same time allowing tax breaks used by 25 million middle-class families to expire.

Included in that is something very important to me; that is, the \$2,500

credit middle-class families get to help defray the cost of tuition. To not allow that to move forward, whether in this bill, the extenders bill or another bill would be very bad policy, hurt the middle class, and hurt the future of America.

We are doing it. I hope everyone will join us in supporting the Democratic bill which has that provision to provide tuition relief, tax relief to help middle-class families defray the cost of tuition.

Once the Democratic proposal passes the Senate, it will be sent to the House. I am sure Speaker BOEHNER does not appreciate the uncomfortable position Senate Democrats and Republicans have put him in. Make no mistake about it, Senator MCCONNELL, to save his caucus from a disastrous vote against the middle-class tax extension, has had to put the Speaker in a box.

The Speaker knows if he puts this bill on the floor, his Members will have trouble voting against it. So they have decided to put out an argument that they should not bring it up because of a blue-slip issue. While it is true that revenue vehicles have to originate in the House, this is a problem that could be easily remedied. In fact, Senator REID tried to do it by unanimous consent earlier today, but unfortunately the minority leader blocked it.

When it comes to blue-slip issues, where there is a will, there is a way. House Republicans have passed two landmark revenue bills this Congress after the Senate passed them—the highway bill and the FAA bill. Senate Republicans have joined Democrats in passing legislation in the Senate this Congress despite potential blue-slip issues, the Violence Against Women Act and the ethanol excise tax credit repeal, for example.

But if House Republicans insist on blocking our middle-class tax cuts and using the blue-slip issue as an excuse, that is a debate we are willing to have. That is a debate we welcome. Because, for once, we have broken the vice that Republicans have had on tax issues for 30 years. They have always conflated tax cuts for the middle class and tax cuts for the very wealthy. But this bill breaks that vice and allows us to support middle-class tax cuts without—without—giving tax cuts to the very wealthiest among us who, A, will not bump up the economy because they do not spend a large proportion of that high income, and, B, could go to deficit reduction.

I know lots of very wealthy people who say: I do not mind paying more taxes if the money would go to deficit reduction. Our bill allows exactly that to happen. So Democrats are going to be happy to bring the argument to the American people and ask them whether they think obscure procedural rules which the Republican Party in the House has ignored time and time again

are now reason enough to let over 100 million families face a tax hike of \$1,600 a year.

The Senate is about to pass the only tax cut bill that has a chance of becoming law. No one thinks it is a good idea to raise taxes on the middle class. No one. We can disagree about whether the very wealthiest in society should also get a tax break, but we all agree the middle class should get one. So why hold one hostage for the other?

The Senate supports middle-class tax breaks. The President supports middle-class tax breaks. The House supports middle-class tax breaks. Democrats support middle-class tax breaks. Republicans support middle-class tax breaks. Instead of fighting over whether the wealthiest in society should also get a tax break, why do we not pass this now, give real relief to the middle class, and have the other debate later?

Middle-class Americans who do not want to see their taxes go up support what we are doing. The House should act immediately so the President can sign this bill into law.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. How much time remains on each side?

The PRESIDING OFFICER. There is 9 minutes on the majority side.

Mrs. BOXER. How much on the minority side?

The PRESIDING OFFICER. No time remains.

Mrs. BOXER. Mr. President, I yield 2 minutes of our time to Senator HATCH.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. I wish to thank my friend from California for her kindness and for her graciousness in allowing me this little bit of time to make final remarks with regard to this bill that Senator MCCONNELL and I have filed.

We are going to be taking two votes on a critical issue in a few moments. Action on the fiscal cliff is long overdue. Before we vote, I would like to make three points. First, it has been suggested that the Hatch-McConnell bill fails to extend the earned-income tax credit and child tax credit provisions. This is utterly false. The Hatch-McConnell bill extends these provisions as they were originally agreed to in 2001, and that agreement actually doubled the child tax credit. Democrats are complaining that our bill does not extend the stimulus provisions that expanded these provisions even further and made them more refundable.

Democrats sold the stimulus bill as being “timely, temporary, and targeted.” Now they are holding up tax relief for nearly every income taxpayer unless these stimulus provisions that are mostly spending through the Tax Code are extended yet again.

Second, the Democratic proposal includes a significant increase in the



death tax. The number of death tax filers will increase under their bill by 11 times. This is what they are proposing: 98,300 new filers will now have to fill out estate tax forms, get appraisals, deals with the IRS, and get all this done within 9 months of the death of a loved one. That is the equivalent of one entire midsized American city being forced to deal with the death tax every year.

Third, the Democratic bill is a massive tax increase on small business job creators. It would subject 53 percent of all flowthrough business income in the United States to higher taxes. There is a compromise here.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HATCH. I ask unanimous consent for an additional 30 seconds, with an equivalent time for the other side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. There is a compromise here; it is the Hatch-McConnell bill. Our economy needs relief, businesses and families need certainty, and all we are proposing is extending current tax law for 1 more year so we can dedicate that year to do tax reform.

By contrast, the Democratic bill offers nothing but more uncertainty and tax increases on job creators. Let's face it, we are talking about 940,000 small businesses that will be drastically affected by this. Many of those provide jobs in our society and will continue to do so if we do not clobber them with the Democratic approach.

Mr. AKAKA. Mr. President, I rise today in strong support of S. 3412, the Middle Class Tax Cut Act, which would act on President Barack Obama's proposal to restore our economy and control our deficit by immediately extending the current tax rates for American families making less than \$250,000 a year and asking our Nation's top 2 percent of income earners to pay their fair share.

As we continue to work to enact policies that move our economy forward, it is important that we protect the middle class from having to pay higher taxes—which will happen if Congress does nothing before January 1, 2013. In Hawaii, this means 500,000 families would pay an average of \$1,600 more in taxes in 2013 alone, which they cannot afford. My colleagues and I are working to reduce the national debt; however, at this point in our economic recovery, we cannot allow the vast majority of Americans—the middle class—to shoulder this burden alone. They have always been and remain the backbone of our economy and our country.

Most of us here in the Senate, on both sides of the aisle, as well as our colleagues in the House, can agree that we should maintain the current income tax rates for 98 percent of Americans. With that in mind, my colleagues on the left have been trying to work with

the rest of the Senate to get this sensible legislation passed. However, some Members in this Chamber refuse to come together to pass the tax extensions that we all agree on. We need to take action now. Hard-working American families should not have to worry about their taxes increasing as they budget for housing, food, and other necessities for the coming year.

To cut our deficit, we must ask the wealthiest Americans to pay their fair share. That means closing tax loopholes for corporations and not extending the tax cut for millionaires and billionaires. Yet some Members of the Senate continue to oppose this bill in hopes of including an extension of tax breaks for the wealthiest Americans. These tax breaks for the wealthy were originally intended to be temporary measures, enacted during a time when our Nation had substantial annual surpluses. However, we must acknowledge our current economic situation and respond by asking the wealthiest Americans to pay their fair share.

This country was founded on the principles of fairness and responsibility. This bill would help restore those fundamentals to our tax system. I urge my colleagues to consider all of their constituents when voting on this bill and support it for the 98 percent of Americans who need our action today.

The PRESIDING OFFICER. The Senator from California.

Mr. MCCONNELL. Would the Senator yield for a moment? I am going to use my leader time. But I am happy to defer to the Senator from California first.

Mrs. BOXER. Whatever is more convenient for the minority leader. If the minority leader wishes to speak now, I will defer and take my 8 minutes later.

Mr. MCCONNELL. Mr. President, I will let the Senator from California go ahead.

Mrs. BOXER. Thank you, very much. Let me say that this is a very important debate. When we look at the two plans, the Republican tax cut plan versus the Democratic tax cut plan, what we see is one is for the middle class; that is, the Democratic plan. One is for our middle-class families. It includes tuition tax credits, and an enhanced child tax credit. It is very important that we do that.

The other is a giveaway to the millionaires and the billionaires. It is amazing to me that it is not enough for my Republican friends to give everyone a tax break in this Nation of ours up to the first \$250,000 of income and then say after that we are going to go to the tax rates of Bill Clinton.

In those years, unlike the Bush years, we created 23 million jobs, and we created surpluses as far as the eye could see. But my Republican friends want to go backward to the Bush years, to the trickle-down years. Here is the problem. They do it on the backs of the middle class.

They claim our plan will hurt small business owners. Let me be clear. Ninety-seven percent of small business owners earn less than \$250,000 a year. So all that talk about job creators is nothing but talk. It is nothing but a smoke-screen for the highest earners in America. Here is another problem. The Republican plan adds \$930 billion to the deficit over 10 years. It is a problem. In 1 year, the first year, it is a \$50 billion add-on to the deficit.

I have heard my Republican colleagues cry about sequestration. They do not want it, even though they agreed to it when we made our deal around the debt ceiling. Let's remember that. They did not want to give an increase to the debt ceiling. They held everybody hostage. We lost our credit rating. Even Ronald Reagan said: Never play with the debt ceiling. They played with it. They played a game with it.

Then, to get out of it, they said: OK. We will sequester if we do not have the debt deal. Now they are crying about sequester. Guess what. If we do the Democratic deal, we save \$50 billion. We could cut that sequester in half. But oh, no, they want to do tax breaks for the wealthy few.

This is the deal. Look at this chart. This is Robin Hood in reverse—this is Robin Hood in reverse. The wealthiest among us get back \$160,000 a year under the Republican plan. Let me repeat that. The wealthiest taxpayers in America will get back \$160,000 a year under the Republican plan while the middle class gets harmed.

They lose \$1,100 a year for their tax credits on the tuition tax credit. They lose \$800 a year from an enhanced child tax credit, \$500 a year from enhanced earned-income tax credit. So our families lose money, our middle-class families, while the wealthiest among us gets this enormous tax break and the deficit goes up and the debt goes up.

When my colleague Senator HATCH says the Hatch-McConnell compromise is good, it is not a compromise. It is going right back to the problem that led us to this situation in the first place. It is going right back to the same policies of George W. Bush. Remember when George W. Bush became President? We had surpluses as far as the eye could see. Then he gave these tax breaks to the top 1 percent. By the way, this \$160,000, that is the millionaires' tax break. They want to give tax breaks to the multimillionaires, to the billionaires, to the multibillionaires. They put no cap on the tax cuts whatsoever. Someone can earn \$100 billion, they want to give them a tax break.

There is a cost. There is a cost to the Treasury. There is a cost to the debt. There is a cost to the deficit. There is a cost to fairness. There is a cost to the middle class. I think the American people have weighed in on this one. They believe that to give a tax break to the

first \$250,000 of everybody's income is fair because then the people above that can pay a little more, the same rates they paid when Bill Clinton was President. We need to go back to those days when we created 23 million jobs and when we not only balanced the budget but we created surpluses as far as the eye could see.

The question is, who are you fighting for? Are you fighting for the people who make a billion dollars a year? That is who the Republicans fight for. They get so emotional about it. Or are you fighting for the middle class, the heart and soul of America—the people who live in my towns, the people who live in towns across this Nation, the people who get up every day and put one foot in front of the other and work hard, the people who are trying to raise their families, the people who want us to be fiscally responsible, not have a tax cut that causes huge deficits? We have been there. Trickle-down doesn't work; giving to the top doesn't work. It has brought us the worst recession since the Great Depression.

Vote for the Democrats' plan and against the Republican plan, and do what our President said, which is get this country moving forward again.

I yield the floor.

THE PRESIDING OFFICER (Ms. KLOBUCHAR). The Republican leader.

Mr. McCONNELL. Madam President, I am going to proceed for a few moments on my leader time.

THE PRESIDING OFFICER. The Senator has that right.

Mr. McCONNELL. Madam President, the vote we are about to take on the Democratic plan to raise taxes is interesting for a few reasons. First, it is a revenue measure that didn't originate in the House, so it has no chance whatsoever of becoming law.

Second, it is the perfect example of what you get when you put politics over the people who sent you here. If the Democrats truly believed what the President has been saying out on the stump, they would vote on his plan. But as the vote tally will show, they can barely muster 50 votes on their own plan, let alone his. So for the entire President's talk about supporting a balanced approach to taxes, he evidently can't even get 50 votes for his plan in a Democratic-controlled Senate when we all know he would need 60 votes to get it to his desk.

Instead of voting on the President's plan, our Democratic friends have cobbled together the only thing they could come up with that would muster more than 50 votes—a purely political exercise, and a total waste of time.

But to be honest, I can't imagine why they would want to vote for either one, since both proposals raise taxes on about a million business owners, and both raise taxes on investment, at a time when the economy is in paralysis.

Here is the Democratic plan for the economy: We will get this thing going

again—by raising taxes. Let's take more money out of small business and send it to Washington; that is how we will create jobs, they say. Let us create jobs instead of the small business owners out in America. After all, they don't create jobs anyway; of course, Washington creates jobs.

If you are looking for the legislative equivalent of the President's now famous view that "you didn't build that," this is it.

They don't think you deserve to keep what you have earned because you are not responsible for earning it. They don't think you are entitled to keep what you have earned because, after all, you weren't even responsible for earning it; they are.

That is the message Democrats are sending with today's votes, that you are not responsible for your success; Washington is. So give us your money, and we will handle it for you. That is their tax plan. That is their plan for the economy and for jobs.

Fortunately for the American people, there is another approach. Next week, House Republicans will pass a bill that drew broad bipartisan support in this body 19 months ago, and it would draw broad bipartisan support today if Democrats were more concerned about what is best for creating jobs than they were in centralizing power right here in Washington and pleasing their liberal base.

The Republican proposal is to do no harm and to commit to the kind of serious tax reform we all know we need. That is the vote Senate Republicans are proud to take today and House Republicans will take next week. It is the plan Senate Democrats—and the President—would support if they were serious about jobs.

The Democratic plan is to raise taxes on nearly a million business owners and, in a notable departure from the President, threaten tens of thousands of family farms and ranches with a death tax of 55 percent at the end of the year. That is their plan. That is their idea of economic stimulus. That is the bill they would rather vote on than the President's proposal. And it is absolutely the last thing we need right now.

The good news is that this new, convoluted Democratic bill will never make it to the President's desk. It will never make it. The bad news is they will also vote down the one tax plan that should make it to his desk.

We can do better than this. It is time for the Democrats to work with us on rewarding success and not punishing it.

I yield the floor.

THE PRESIDING OFFICER. Under the previous order, the cloture motion is withdrawn and the motion to proceed to S. 3412 is agreed to.

#### MIDDLE CLASS TAX CUT ACT

The PRESIDING OFFICER. The clerk will state the bill by title.

The bill clerk read as follows:

A bill (S. 3412) to amend the Internal Revenue Code of 1986 to provide tax relief to middle-class families.

THE PRESIDING OFFICER. The Senator from Utah.

AMENDMENT NO. 2573

Mr. HATCH. Madam President, I call up amendment No. 2573 and ask for its immediate consideration.

THE PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Utah [Mr. HATCH], for himself and Mr. McCONNELL, proposes an amendment numbered 2573.

The amendment is as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Tax Hike Prevention Act of 2012".

#### SEC. 2. TEMPORARY EXTENSION OF 2001 TAX RELIEF.

(a) IN GENERAL.—Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by striking "December 31, 2012" both places it appears and inserting "December 31, 2013".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the enactment of the Economic Growth and Tax Relief Reconciliation Act of 2001.

#### SEC. 3. TEMPORARY EXTENSION OF 2003 TAX RELIEF.

(a) IN GENERAL.—Section 303 of the Jobs and Growth Tax Relief Reconciliation Act of 2003 is amended by striking "December 31, 2012" and inserting "December 31, 2013".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the enactment of the Jobs and Growth Tax Relief Reconciliation Act of 2003.

#### SEC. 4. ALTERNATIVE MINIMUM TAX RELIEF.

(a) TEMPORARY EXTENSION OF INCREASED ALTERNATIVE MINIMUM TAX EXEMPTION AMOUNT.—

(1) IN GENERAL.—Paragraph (1) of section 55(d) of the Internal Revenue Code of 1986 is amended—

(A) by striking "\$72,450" and all that follows through "2011" in subparagraph (A) and inserting "\$78,750 in the case of taxable years beginning in 2012 and \$79,850 in the case of taxable years beginning in 2013", and

(B) by striking "\$47,450" and all that follows through "2011" in subparagraph (B) and inserting "\$50,600 in the case of taxable years beginning in 2012 and \$51,150 in the case of taxable years beginning in 2013".

(b) TEMPORARY EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF FOR NONREFUNDABLE PERSONAL CREDITS.—

(1) IN GENERAL.—Paragraph (2) of section 26(a) of the Internal Revenue Code of 1986 is amended—

(A) by striking "or 2011" and inserting "2011, 2012, or 2013", and

(B) by striking "2011" in the heading thereof and inserting "2013".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2011.

#### SEC. 5. EXTENSION OF INCREASED EXPENSING LIMITATIONS AND TREATMENT OF CERTAIN REAL PROPERTY AS SECTION 179 PROPERTY.

(a) IN GENERAL.—

(1) DOLLAR LIMITATION.—Section 179(b)(1) of the Internal Revenue Code of 1986 is amended—

(A) by striking “2010 or 2011,” in subparagraph (B) and inserting “2010, 2011, 2012, or 2013, and”;

(B) by striking subparagraph (C),

(C) by redesignating subparagraph (D) as subparagraph (C), and

(D) in subparagraph (C), as so redesignated, by striking “2012” and inserting “2013”.

(2) REDUCTION IN LIMITATION.—Section 179(b)(2) of such Code is amended—

(A) by striking “2010 or 2011,” in subparagraph (B) and inserting “2010, 2011, 2012, or 2013, and”;

(B) by striking subparagraph (C),

(C) by redesignating subparagraph (D) as subparagraph (C), and

(D) in subparagraph (C), as so redesignated, by striking “2012” and inserting “2013”.

(3) CONFORMING AMENDMENT.—Subsection (b) of section 179 of such Code is amended by striking paragraph (6).

(b) COMPUTER SOFTWARE.—Section 179(d)(1)(A)(ii) of the Internal Revenue Code of 1986 is amended by striking “2013” and inserting “2014”.

(c) ELECTION.—Section 179(c)(2) of the Internal Revenue Code of 1986 is amended by striking “2013” and inserting “2014”.

(d) SPECIAL RULES FOR TREATMENT OF QUALIFIED REAL PROPERTY.—

(1) IN GENERAL.—Section 179(f)(1) of the Internal Revenue Code of 1986 is amended by striking “2010 or 2011” and inserting “2010, 2011, 2012, or 2013”.

(2) CARRYOVER LIMITATION.—

(A) IN GENERAL.—Section 179(f)(4) of such Code is amended by striking “2011” each place it appears and inserting “2013”.

(B) CONFORMING AMENDMENT.—The heading for subparagraph (C) of section 179(f)(4) of such Code is amended by striking “2010” and inserting “2010, 2011 AND 2012”.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2011.

## SEC. 6. INSTRUCTIONS FOR TAX REFORM.

(a) IN GENERAL.—The Senate Committee on Finance shall report legislation not later than 12 months after the date of the enactment of this Act that consists of changes in laws within its jurisdiction which meet the requirements of subsection (b).

(b) REQUIREMENTS.—Legislation meets the requirements of this subsection if the legislation—

(1) simplifies the Internal Revenue Code of 1986 by reducing the number of tax preferences and reducing individual tax rates proportionally, with the highest individual tax rate significantly below 35 percent;

(2) permanently repeals the alternative minimum tax;

(3) is projected, when compared to the current tax policy baseline, to be revenue neutral or result in revenue losses;

(4) has a dynamic effect which is projected to stimulate economic growth and lead to increased revenue;

(5) applies any increased revenue from stimulated economic growth to additional rate reductions and does not permit any such increased revenue to be used for additional Federal spending;

(6) retains a progressive tax code; and

(7) provides for revenue-neutral reform of the taxation of corporations and businesses by—

(A) providing a top tax rate on corporations of no more than 25 percent; and

(B) implementing a competitive territorial tax system.

Mr. HATCH. Madam President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The VICE PRESIDENT. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 45, nays 54, as follows:

[Rollcall Vote No. 183 Leg.]

YEAS—45

Alexander	Graham	Moran
Ayotte	Grassley	Murkowski
Barrasso	Hatch	Paul
Blunt	Heller	Portman
Boozman	Hoeven	Pryor
Burr	Hutchinson	Risch
Chambliss	Inhofe	Roberts
Coats	Isakson	Rubio
Coburn	Johanns	Sessions
Cochran	Johnson (WI)	Shelby
Corker	Kyl	Snowe
Cornyn	Lee	Thune
Crapo	Lugar	Toomey
DeMint	McCain	Vitter
Enzi	McConnell	Wicker

NAYS—54

Akaka	Franken	Mikulski
Baucus	Gillibrand	Murray
Begich	Hagan	Nelson (NE)
Bennet	Harkin	Nelson (FL)
Bingaman	Inouye	Reed
Blumenthal	Johnson (SD)	Reid
Boxer	Kerry	Rockefeller
Brown (MA)	Klobuchar	Sanders
Brown (OH)	Kohl	Schumer
Cantwell	Landrieu	Shaheen
Cardin	Lautenberg	Stabenow
Carper	Leahy	Tester
Casey	Levin	Udall (CO)
Collins	Lieberman	Udall (NM)
Conrad	Manchin	Warner
Coons	McCaskey	Webb
Durbin	Menendez	Whitehouse
Feinstein	Merkley	Wyden

NOT VOTING—1

Kirk

The amendment (No. 2573) was rejected.

The VICE PRESIDENT. The majority leader.

Mr. REID. Mr. President, the Republicans' tax hike on the middle class has just been defeated. Their plan would have raised taxes by about \$1,000 for 25 million middle-class families while giving millionaires an average of a \$160,000 tax break. So let's look at that. Their bill would have raised taxes on 25 million middle-class families by about \$1,000 a year, and it would have given millionaires a \$160,000 tax break. Those numbers are staggering. Their bill would have raised taxes on parents trying to pay for college, on families—especially large families—with children. So it is no wonder a majority of Senators opposed that legislation.

In just a short time there will be a bill that will pass cut taxes for 98 percent of Americans, including every

middle-class taxpayer and more than 97 percent of small businesses. This plan, proposed by President Obama, would cut taxes for 114 million American families. Theirs raises taxes for 25 million middle-class families. This is the only bill that has a chance of becoming law, so it is the only plan that would actually give a middle-class family the security of avoiding their fiscal cliff. The House should take up this legislation and pass it.

President Obama believes we must keep taxes low for 98 percent of Americans. Democrats agree. So do the majority of Americans. A majority of Americans, including a majority of Republicans, around this country believe taxes should remain low for the middle class but the top 2 percent should pay their fair share to reduce the debt. The bill the Senate is about to pass respects the will of the American people, including a majority of Republicans in America outside the Halls of this Congress. Republican Members of Congress disagree with a majority of Republicans.

The President, of course, has said he will sign the bill immediately. But now Republicans are threatening to hide behind yet another arcane procedural maneuver to stall this crucial legislation, and this will get the attention of the American people. They are threatening to do something called blue slip this because revenue-raising resolutions must be originated in the House of Representatives. But my Republican colleagues have very short memories. Senate Republicans are all too happy to bypass the procedural hoop when it suits their purposes. They are willing to go around it when it is time to reauthorize the FAA. They were willing to sidestep it when we passed the Violence Against Women Act. We did that here in the Senate. They were willing to dodge it when we passed the Transportation bill that was so important to this country. But now their excuse for stalling a tax cut for 98 percent of the American people is an old procedural trick that the American people do not understand, and rightfully so.

If Republicans in the House fail to act on this bill, taxes will rise by \$2,200 for the typical middle-class family of four. That is \$2,200 less to spend on gas, groceries, rent, and life in general for these people. This tax hike on ordinary families couldn't come at a worse time—just as our economy is doing its utmost to get back on its feet.

Republicans should not force middle-class families off their fiscal cliff to protect more wasteful giveaways to millionaires and billionaires—an average of \$160,000 a year per millionaire. Democrats believe this country can't afford more budget-busting giveaways for the top 2 percent of earners. Again, Republicans in America agree with us. It is only here in the Senate that the Republicans don't agree. But that is a

debate we are willing to have, and the House Republicans need not hold tax cuts for the middle class hostage in order to have that debate. They can and should pass our middle-class tax cuts immediately.

Once we give middle-class families security, we can spend the next 5 months debating whether wealthy families need more tax breaks. We know how the American people feel—just like we do.

The VICE PRESIDENT. The Republican leader.

Mr. McCONNELL. Mr. President, first let me welcome the Vice President here today, our good friend who served for so many years in the Senate.

It reminds me of the negotiation he and I conducted in December of 2010. I got a call from the Vice President one day, and he said: The President thought we ought to talk about the possibility of extending the current tax rates for everyone because the economy is not doing very well, and the worst thing we could do would be to raise taxes on anyone in the middle of this economic situation.

I said: Mr. Vice President, I think that is something we would be interested in.

So the Vice President and I negotiated for a period of time and agreed that because the economy was not doing well in December 2010, we ought to extend the current tax rates for everyone.

I can remember the signing ceremony. I was there. The majority leader was not. The Speaker of the House was not. The President made a speech in signing an extension of the current tax rates for everyone that I could have made myself. Forty Members of the Senate on the Democratic side voted for it.

Today, my colleagues, the economy is growing slower than it was in December of 2010. So we know this is not about the economy; we know this is about the election. We all know there is an election going on. There is politics from time to time practiced here in the Senate. I am not offended by that. But I think what the American people would like to hear from us is a response to the economic situation.

This proposal guarantees that taxes will go up on roughly 1 million of our most successful small businesses. Over 50 percent of small business income—25 percent of the workforce—will be affected by it. It guarantees that taxes will go up on capital gains, on dividends, which provide the income for a huge number of our senior citizens. This is a uniquely bad idea. It may poll well, as my friend the majority leader indicated, but, of course, the fact that he needed to mention that illustrates the point that this is more about the election than it is about the economy.

So I would predict there will probably be bipartisan opposition to this

proposal. I am sure a few arms have been twisted in order to get the result. The Vice President is at a disadvantage: he can't speak, being an occupant of the chair. But in this particular instance, he is actually better not to because he would have the dilemma of trying to explain the difference between the economic situation the country confronts today and the condition the country confronted in December of 2010 when the economy was doing better. So be grateful, I say to my friend the Vice President. This is a debate I don't think you would want to lead.

With that, my colleagues and friends, I urge a "no" vote on this very, very bad idea for the U.S. economy.

The VICE PRESIDENT. The majority leader.

Mr. REID. Mr. President, in 2010 the country was staring at what had taken place the prior 8 years—8 million jobs lost. What has happened in the years since 2010 that my friend the Republican leader talks about? This administration has created 4.5 million jobs. We haven't filled the hole we lost during the 8 years of the prior President, but we have made some progress. We all acknowledge we need to do more, but don't ever compare today with 2010.

First of all, everyone understands, all you folks who love to give tax cuts to the millionaires, our bill does that also. The first \$250,000 they make is treated just like a middle-class family.

I would also point everyone to this. I have talked about the Republicans around the country supporting this legislation. Of course they do. They know the deficit needs to be handled, and they know that about \$1 trillion is what our legislation will do to fill the hole of the debt.

But also, people who are in this great country of ours who have done so well understand that they are supposed to contribute more. They know that. My friend doesn't like to hear polls, but let me give him another one. Sixty-five percent of these really rich people are willing to pay more taxes. Again, the people who are unwilling to do this are people who signed a pledge for this person, Grover Norquist. And remember, there was a little vacillating about a month ago, so he came up here and had somebody renew their vows with him.

So we are on the side of the angels; we are on the side of the American people because this legislation that is going to pass is what is good for the American people. And I ask that we have that vote now.

Mr. McCONNELL addressed the Chair.

Mr. REID. Remember, I always get the last word.

Mr. McCONNELL. Let me briefly add that I listened carefully to what my friend the majority leader said. He once again was making it clear this is about the campaign. It is about the campaign and not about the economy.

But if you listen carefully to the rhetoric, what he is saying here is that these million businesses didn't create this success; that we somehow need to take this money because we will spend it better on their behalf.

Now, I know my colleague is going to get the last word, and that is fine. I am happy for him to have it. But the fact is this: The economy is in worse shape today than it was in December of 2010—worse shape today. The growth rate is slower. The President signed this bill, advocated its passage back then because the economy didn't need to get hit with a big tax increase. The growth rate is slower today. The economic situation remains largely the same. The worst we could do in the middle of this economic condition is to pass this tax increase.

Now my friend the majority leader can have the last word, and then we will be happy to go to a vote.

The VICE PRESIDENT. The majority leader.

Mr. REID. Mr. President, they may have different newspapers in Kentucky than I read. I get my Nevada clips every day. I try to read some papers from back home. We have now 28 months of job growth in the private sector, 20 months in a row. That is pretty good.

This legislation is about the debt. It is about the debt. We have to do something about the debt, and we have tried mightily to do that. We have tried mightily.

We had the Conrad-Judd Gregg legislation. Seven people who are Republican Senators who cosponsored that wouldn't vote for it and allow me to get it on the floor because they had adopted the Republican leader's philosophy that the most important thing we can do is defeat President Obama for reelection. Then we went to Bowles-Simpson, which was a program we put together when we couldn't get that legislation. That was so good, by two of our best financial minds in the Senate, Judd Gregg and KENT CONRAD. And Bowles-Simpson didn't make it. Then we had a series of talks with the President and the Speaker. Always, we could never quite get it done. Why? Even though my friend and I care about him, JOHN BOEHNER said, I want to do big things, not little things. One of the little things he couldn't do is get his caucus to agree to just a little bit of revenue so we could have a deal, the grand bargain. Then we tried the BIDEN talks. The majority leader in the House of Representatives walked out on those talks. Then we had the supercommittee, and about 1 week before, by statute, PATTY MURRAY and her troops were supposed to offer the legislation, I got a letter signed by virtually every Republican Senator saying: No thanks. Grover wins again. No revenues.

This is about our country, about doing something about a debt. It will

contribute about \$1 trillion to the debt. That is not bad.

The VICE PRESIDENT. The Republican leader.

Mr. MCCONNELL. Mr. President, I heard my good friend the majority leader say this is about the deficit. This will produce enough revenue to operate the government for about 1 week. This would produce about enough revenue to operate the government for about 1 week.

This is not about the deficit or the debt, this is about the campaign. We all know there is a campaign going on, but why don't we do serious legislating here? No budget, no appropriation bills, no DOD authorization bill. When are we going to actually pass things in the Senate?

This is a uniquely bad idea for the economy. The good news that I can say to the American people is that it isn't going to happen today. It ought not to happen anytime. This is part of the fiscal cliff we are facing at the end of the year. The Chairman of the Fed is concerned about it, the Congressional Budget Office, which Republicans certainly don't run, is concerned about it. We have heard talk on the other side that we should have Thelma and Louise economics and just drive the country right off the cliff. We all get in the car and go right off the cliff together and see what it is like.

The American people know a campaign is going on, but why don't we in here try to do something important for the country now. The campaign will take care of itself. This is not a serious piece of legislation because it is not going anywhere, and thank goodness it is not going anywhere because it would be bad for the economy and the single worst thing we could do to the country.

The VICE PRESIDENT. The majority leader.

Mr. REID. Mr. President, required reading for decades now has been George Orwell. College students read it now just like I did when I was in college. George Orwell came to the conclusion that we have arrived at a time where up is down and down is up, and that is what my friend, the Republican leader, has done. If there were ever a statement Orwellian, it is his.

We haven't done the appropriations bill. Stop and think just 1 minute. Does the minority leader think 85 filibusters had anything to do with that? Eighty-five filibusters. We haven't done a budget. That is poppycock. We have one. We did it, and my Republican friends—I appreciate it—voted with us. We have our numbers right now. We could have done every appropriations bill. Chairman INOUE marked them up. We can't do them because we have to overcome 85 filibusters.

For my friend to say, let's do something important, please—is this bill we are going to pass important? You bet it is. He said it would only pay for the

government for 1 week or whatever the number was. Over 10 years, it is \$1 trillion. Over 1 year, it is \$100 billion. Even in Las Vegas that is not chump change.

I wish we would vote now.

The VICE PRESIDENT. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The VICE PRESIDENT. The question is on the passage of S. 3412.

Mr. MCCONNELL. I ask for the yeas and nays.

The VICE PRESIDENT. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The VICE PRESIDENT. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 48, as follows:

[Rollcall Vote No. 184 Leg.]

#### YEAS—51

Akaka	Gillibrand	Murray
Baucus	Hagan	Nelson (NE)
Begich	Harkin	Nelson (FL)
Bennet	Inouye	Pryor
Bingaman	Johnson (SD)	Reed
Blumenthal	Kerry	Reid
Boxer	Klobuchar	Rockefeller
Brown (OH)	Kohl	Sanders
Cantwell	Landrieu	Schumer
Cardin	Lautenberg	Shaheen
Carper	Leahy	Stabenow
Casey	Levin	Tester
Conrad	Manchin	Udall (CO)
Coons	McCaskill	Udall (NM)
Durbin	Menendez	Warner
Feinstein	Merkley	Whitehouse
Franken	Mikulski	Wyden

#### NAYS—48

Alexander	Enzi	McConnell
Ayotte	Graham	Moran
Barrasso	Grassley	Murkowski
Blunt	Hatch	Paul
Boozman	Heller	Portman
Brown (MA)	Hoeven	Risch
Burr	Hutchison	Roberts
Chambliss	Inhofe	Rubio
Coats	Isakson	Sessions
Coburn	Johanns	Shelby
Cochran	Johnson (WI)	Snowe
Collins	Kyl	Thune
Corker	Lee	Toomey
Cornyn	Lieberman	Vitter
Crapo	Lugar	Webb
DeMint	McCain	Wicker

#### NOT VOTING—1

Kirk

The bill (S. 3412) was passed, as follows:

#### S. 3412

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the “Middle Class Tax Cut Act”.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a

section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; etc.

#### TITLE I—TEMPORARY EXTENSION OF TAX RELIEF

Sec. 101. Temporary extension of 2001 tax relief.

Sec. 102. Temporary extension of 2003 tax relief.

Sec. 103. Temporary extension of 2010 tax relief.

Sec. 104. Temporary extension of election to expense certain depreciable business assets.

#### TITLE II—ALTERNATIVE MINIMUM TAX RELIEF

Sec. 201. Temporary extension of increased alternative minimum tax exemption amount.

Sec. 202. Temporary extension of alternative minimum tax relief for non-refundable personal credits.

#### TITLE III—BUDGETARY EFFECTS

Sec. 301. Budgetary effects.

#### TITLE I—TEMPORARY EXTENSION OF TAX RELIEF

##### SEC. 101. TEMPORARY EXTENSION OF 2001 TAX RELIEF.

(a) TEMPORARY EXTENSION.—

(1) IN GENERAL.—Section 901(a)(1) of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by striking “December 31, 2012” and inserting “December 31, 2013”.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect as if included in the enactment of the Economic Growth and Tax Relief Reconciliation Act of 2001.

(b) APPLICATION TO CERTAIN HIGH-INCOME TAXPAYERS.—

(1) INCOME TAX RATES.—

(A) TREATMENT OF 25- AND 28-PERCENT RATE BRACKETS.—Paragraph (2) of section 1(i) is amended to read as follows:

“(2) 25- AND 28-PERCENT RATE BRACKETS.—The tables under subsections (a), (b), (c), (d), and (e) shall be applied—

“(A) by substituting ‘25%’ for ‘28%’ each place it appears (before the application of subparagraph (B)), and

“(B) by substituting ‘28%’ for ‘31%’ each place it appears.”.

(B) 33-PERCENT RATE BRACKET.—Subsection (i) of section 1 is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

“(3) 33-PERCENT RATE BRACKET.—

“(A) IN GENERAL.—In the case of taxable years beginning after December 31, 2012—

“(i) the rate of tax under subsections (a), (b), (c), and (d) on a taxpayer's taxable income in the fourth rate bracket shall be 33 percent to the extent such income does not exceed an amount equal to the excess of—

“(I) the applicable amount, over

“(II) the dollar amount at which such bracket begins, and

“(ii) the 36 percent rate of tax under such subsections shall apply only to the taxpayer's taxable income in such bracket in excess of the amount to which clause (i) applies.

“(B) APPLICABLE AMOUNT.—For purposes of this paragraph, the term ‘applicable amount’ means the excess of—

“(i) the applicable threshold, over

“(ii) the sum of the following amounts in effect for the taxable year:

“(I) the basic standard deduction (within the meaning of section 63(c)(2)), and

“(II) the exemption amount (within the meaning of section 151(d)(1) (or, in the case of subsection (a), 2 such exemption amounts)).

“(C) APPLICABLE THRESHOLD.—For purposes of this paragraph, the term ‘applicable threshold’ means—

“(i) \$250,000 in the case of subsection (a),

“(ii) \$225,000 in the case of subsection (b),

“(iii) \$200,000 in the case of subsections (c), and

“(iv)  $\frac{1}{2}$  the amount applicable under clause (i) after adjustment, if any, under subparagraph (E) in the case of subsection (d).

“(D) FOURTH RATE BRACKET.—For purposes of this paragraph, the term ‘fourth rate bracket’ means the bracket which would (determined without regard to this paragraph) be the 36-percent rate bracket.

“(E) INFLATION ADJUSTMENT.—For purposes of this paragraph, with respect to taxable years beginning in calendar years after 2012, each of the dollar amounts under clauses (i), (ii), and (iii) of subparagraph (C) shall be adjusted in the same manner as under paragraph (1)(C), except that subsection (f)(3)(B) shall be applied by substituting ‘2008’ for ‘1992’.”

(2) PHASEOUT OF PERSONAL EXEMPTIONS AND ITEMIZED DEDUCTIONS.—

(A) OVERALL LIMITATION ON ITEMIZED DEDUCTIONS.—Section 68 is amended—

(i) by striking “the applicable amount” the first place it appears in subsection (a) and inserting “the applicable threshold in effect under section 1(i)(3)”;

(ii) by striking “the applicable amount” in subsection (a)(1) and inserting “such applicable threshold”;

(iii) by striking subsection (b) and redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively, and

(iv) by striking subsections (f) and (g).

(B) PHASEOUT OF DEDUCTIONS FOR PERSONAL EXEMPTIONS.—

(i) IN GENERAL.—Paragraph (3) of section 151(d) is amended—

(I) by striking “the threshold amount” in subparagraphs (A) and (B) and inserting “the applicable threshold in effect under section 1(i)(3)”;

(II) by striking subparagraph (C) and redesignating subparagraph (D) as subparagraph (C), and

(III) by striking subparagraphs (E) and (F).

(ii) CONFORMING AMENDMENTS.—Paragraph (4) of section 151(d) is amended—

(I) by striking subparagraph (B),

(II) by redesignating clauses (i) and (ii) of subparagraph (A) as subparagraphs (A) and (B), respectively, and by indenting such subparagraphs (as so redesignated) accordingly, and

(III) by striking all that precedes “in a calendar year after 1989,” and inserting the following:

“(4) INFLATION ADJUSTMENT.—In the case of any taxable year beginning”

(c) EFFECTIVE DATE.—Except as otherwise provided, the amendments made by this section shall apply to taxable years beginning after December 31, 2012.

(d) APPLICATION OF EGTRRA SUNSET.—Each amendment made by subsection (b) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 to the same extent and in the same manner as if such amendment was included in title I of such Act.

#### SEC. 102. TEMPORARY EXTENSION OF 2003 TAX RELIEF.

(a) EXTENSION.—

(1) IN GENERAL.—Section 303 of the Jobs and Growth Tax Relief Reconciliation Act of 2003 is amended by striking “December 31, 2012” and inserting “December 31, 2013”.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect as if included in the enactment of the Jobs and Growth Tax Relief Reconciliation Act of 2003.

(b) 20-PERCENT CAPITAL GAINS RATE FOR CERTAIN HIGH INCOME INDIVIDUALS.—

(1) IN GENERAL.—Paragraph (1) of section 1(h) is amended by striking subparagraph (C), by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F) and by inserting after subparagraph (B) the following new subparagraphs:

“(C) 15 percent of the lesser of—

“(i) so much of the adjusted net capital gain (or, if less, taxable income) as exceeds the amount on which a tax is determined under subparagraph (B), or

“(ii) the excess (if any) of—

“(I) the amount of taxable income which would (without regard to this paragraph) be taxed at a rate below 36 percent, over

“(II) the sum of the amounts on which a tax is determined under subparagraphs (A) and (B),

“(D) 20 percent of the adjusted net capital gain (or, if less, taxable income) in excess of the sum of the amounts on which tax is determined under subparagraphs (B) and (C).”

(2) MINIMUM TAX.—Paragraph (3) of section 55(b) is amended by striking subparagraph (C), by redesignating subparagraph (D) as subparagraph (E), and by inserting after subparagraph (B) the following new subparagraphs:

“(C) 15 percent of the lesser of—

“(i) so much of the adjusted net capital gain (or, if less, taxable excess) as exceeds the amount on which tax is determined under subparagraph (B), or

“(ii) the excess described in section 1(h)(1)(C)(ii), plus

“(D) 20 percent of the adjusted net capital gain (or, if less, taxable excess) in excess of the sum of the amounts on which tax is determined under subparagraphs (B) and (C), plus”.

(c) CONFORMING AMENDMENTS.—

(1) The following provisions are each amended by striking “15 percent” and inserting “20 percent”:

(A) Section 531.

(B) Section 541.

(C) Section 1445(e)(1).

(D) The second sentence of section 7518(g)(6)(A).

(E) Section 53511(f)(2) of title 46, United States Code.

(2) Sections 1(h)(1)(B) and 55(b)(3)(B) are each amended by striking “5 percent (0 percent in the case of taxable years beginning after 2007)” and inserting “0 percent”.

(3) Section 1445(e)(6) is amended by striking “15 percent (20 percent in the case of taxable years beginning after December 31, 2010)” and inserting “20 percent”.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided, the amendments made by subsections (b) and (c) shall apply to taxable years beginning after December 31, 2012.

(2) WITHHOLDING.—The amendments made by paragraphs (1)(C) and (3) of subsection (c) shall apply to amounts paid on or after January 1, 2013.

(e) APPLICATION OF JGTRRA SUNSET.—Each amendment made by subsections (b) and (c) shall be subject to section 303 of the Jobs and Growth Tax Relief Reconciliation Act of 2003 to the same extent and in the

same manner as if such amendment was included in title III of such Act.

#### SEC. 103. TEMPORARY EXTENSION OF 2010 TAX RELIEF.

(a) AMERICAN OPPORTUNITY TAX CREDIT.—

(1) IN GENERAL.—Section 25A(i) is amended by striking “or 2012” and inserting “2012, or 2013”.

(2) TREATMENT OF POSSESSIONS.—Section 1004(c)(1) of division B of the American Recovery and Reinvestment Tax Act of 2009 is amended by striking “and 2012” each place it appears and inserting “2012, and 2013”.

(b) CHILD TAX CREDIT.—Section 24(d)(4) is amended—

(1) by striking “AND 2012” in the heading and inserting “2012, AND 2013”, and

(2) by striking “or 2012” and inserting “2012, or 2013”.

(c) EARNED INCOME TAX CREDIT.—Section 32(b)(3) is amended—

(1) by striking “AND 2012” in the heading and inserting “2012, AND 2013”, and

(2) by striking “or 2012” and inserting “2012, or 2013”.

(d) TEMPORARY EXTENSION OF RULE DISREGARDING REFUNDS IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.—Subsection (b) of section 6409 is amended by striking “December 31, 2012” and inserting “December 31, 2013”.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2012.

(2) RULE DISREGARDING REFUNDS IN THE ADMINISTRATION OF CERTAIN PROGRAMS.—The amendment made by subsection (d) shall apply to amounts received after December 31, 2012.

#### SEC. 104. TEMPORARY EXTENSION OF ELECTION TO EXPENSE CERTAIN DEPRECIABLE BUSINESS ASSETS.

(a) IN GENERAL.—

(1) DOLLAR LIMITATION.—Section 179(b)(1) is amended—

(A) by striking “and” at the end of subparagraph (C),

(B) by redesignating subparagraph (D) as subparagraph (E),

(C) by inserting after subparagraph (C) the following new subparagraph:

“(D) \$250,000 in the case of taxable years beginning in 2013, and”, and

(D) in subparagraph (E), as so redesignated, by striking “2012” and inserting “2013”.

(2) REDUCTION IN LIMITATION.—Section 179(b)(2) is amended—

(A) by striking “and” at the end of subparagraph (C),

(B) by redesignating subparagraph (D) as subparagraph (E),

(C) by inserting after subparagraph (C) the following new subparagraph:

“(D) \$800,000 in the case of taxable years beginning in 2013, and”, and

(D) in subparagraph (E), as so redesignated, by striking “2012” and inserting “2013”.

(b) COMPUTER SOFTWARE.—Section 179(d)(1)(A)(ii) is amended by striking “2013” and inserting “2014”.

(c) ELECTION.—Section 179(c)(2) is amended by striking “2013” and inserting “2014”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2012.

#### TITLE II—ALTERNATIVE MINIMUM TAX RELIEF

#### SEC. 201. TEMPORARY EXTENSION OF INCREASED ALTERNATIVE MINIMUM TAX EXEMPTION AMOUNT.

(a) IN GENERAL.—Paragraph (1) of section 55(d) is amended—



(1) by striking “\$72,450” and all that follows through “2011” in subparagraph (A) and inserting “\$78,750 in the case of taxable years beginning in 2012”, and

(2) by striking “\$47,450” and all that follows through “2011” in subparagraph (B) and inserting “\$50,600 in the case of taxable years beginning in 2012”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2011.

**SEC. 202. TEMPORARY EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF FOR NONREFUNDABLE PERSONAL CREDITS.**

(a) **IN GENERAL.**—Paragraph (2) of section 26(a) is amended—

(1) by striking “or 2011” and inserting “2011, or 2012”, and

(2) by striking “2011” in the heading thereof and inserting “2012”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2011.

**TITLE III—BUDGETARY EFFECTS**

**SEC. 301. BUDGETARY EFFECTS.**

(a) **PAYGO SCORECARD.**—The budgetary effects of this Act shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

(b) **SENATE PAYGO SCORECARD.**—The budgetary effects of this Act shall not be entered on any PAYGO scorecard maintained for purposes of section 201 of S. Con. Res. 21 (110th Congress).

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. KLOBUCHAR. Mr. President, I rise today in support of the Middle Class Tax Relief Act. This afternoon, I voted for legislation that would have extended the middle-class tax cuts through 2013.

In Minnesota, 2 million families and small businesses will see their Federal income taxes increase by an average of \$1,600 unless the middle-class tax cuts are extended. Instead of waiting until the eleventh hour, this legislation would have provided certainty for families and small businesses that their already squeezed budgets won't have to be trimmed further in the coming year.

I would like to make clear that extending the middle-class tax cuts is just the first step. There is a growing majority here that favors comprehensive tax reform that would simplify the Tax Code, broaden the base, and lower tax rates. Passing the middle-class tax cuts today would give us time to reach consensus on the details of reform that would streamline our Tax Code, pay down our debt, and ensure the United States remains competitive.

We also must take action on the estate tax. If Congress does nothing, the exemption would drop to \$1 million and the rate would rise to 55 percent. This is not an acceptable outcome and would hurt farmers and small businesses in Minnesota who have worked hard to build a legacy they can pass on

to their children and grandchildren. In the past we have come together to pass compromise levels that don't harm farmers and small business owners, while still being mindful of our deficit. I will work to ensure it happens again.

Mr. BENNET. Mr. President, I rise to talk briefly about the estate tax and Colorado's agricultural community and small businesses. While I voted in favor of the Middle Class Tax Cut Act, I do not believe that this legislation represents an end to the tax reform debate in Washington. In particular, it is important that we find a bipartisan and responsible path forward on the estate tax that provides the necessary certainty for businesses and families across Colorado. This is vital for Colorado's economy. I am committed to working with my colleagues in Congress to establish an estate tax policy that works for small businesses, family farms and ranches, and all Coloradans.

**CYBERSECURITY ACT OF 2012—  
MOTION TO PROCEED**

Mr. REID. I now move to proceed to Calendar No. 470, S. 3414.

The VICE PRESIDENT. The clerk will report.

The bill clerk read as follows:

Motion to proceed to Calendar No. 470, S. 3414, a bill to enhance the security and resiliency of the cyber and communications infrastructure of the United States.

**CLOTURE MOTION**

Mr. REID. Mr. President, I have a cloture motion which has been filed at the desk and I ask that it be reported.

The VICE PRESIDENT. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

**CLOTURE MOTION**

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to calendar No. 470, S. 3414, a bill to enhance the security and resiliency of the cyber and communications infrastructure of the United States.

Harry Reid, Joseph I. Lieberman, John D. Rockefeller IV, Dianne Feinstein, Sheldon Whitehouse, Barbara A. Mikulski, Barbara Boxer, Jeff Bingaman, Patty Murray, Max Baucus, Charles E. Schumer, Bill Nelson, Christopher A. Coons, Tom Udall, Carl Levin, Mark R. Warner, Ben Nelson.

Mr. REID. Mr. President, I now ask unanimous consent that the mandatory quorum under rule XXII be waived.

The VICE PRESIDENT. Without objection, it is so ordered.

**HONORING SENATOR LEAHY AND SENATOR  
LUGAR**

Mr. REID. Mr. President, I rise with great pleasure to honor my colleagues, Senator PATRICK LEAHY of Vermont and DICK LUGAR of Indiana, as they reach a milestone in their careers.

They each cast a momentous vote just a short time ago. For Senator LEAHY, the vote just cast is his 14,000th rollcall vote. For Senator LUGAR—it is interesting that it is the same day and 1,000 votes apart—it is his 13,000th. These two fine men and dedicated Senators share the milestone purely by coincidence.

I applaud PAT LEAHY, my dear friend, who has always possessed a great drive to serve. Maybe it was growing up across from the State House in Montpelier that put the idea in his head from such a young age.

After graduating from Georgetown University Law School, PAT served 8 years as State's attorney for Vermont before coming to the Senate. He continues to exercise his fine legal mind as chairman of the Senate Judiciary Committee. Senator LEAHY has also led the fight against landmines, as well as numerous landmark pieces of legislation on which he has been the leader.

PAT is loved by the people of Vermont. His intellect and his oratorical skills, his boldness, and his persuasiveness are all overshadowed by one thing—by his teammate Marcelle. Marcelle is clearly his greatest asset.

I also commend my colleague Senator LUGAR on reaching his milestone of his 13,000th vote. Senator LUGAR is a fifth-generation Hoosier, a proud Navy veteran, and the longest serving Member of Congress in Indiana history. He is also a bit of an overachiever, graduating first in both his high school and college classes, and going on to become a Rhodes Scholar at Oxford.

As ranking member of the Foreign Relations Committee and past chairman of the committee, having served with the Presiding Officer for decades, he has dedicated his time in the Senate to reducing the threat of nuclear, chemical, and biological weapons.

It has been my distinct pleasure to watch both of these fine Senators work tirelessly on behalf of the United States. I congratulate both of them on their service and on reaching this impressive milestone.

The VICE PRESIDENT. The Republican leader.

Mr. McCONNELL. Mr. President, as the majority leader has indicated, two legislative milestones have been reached in the Senate today by two dedicated and long-serving Senators who happen to be from different sides of the aisle. I pay tribute to the senior Senator from Vermont, Mr. LEAHY, for casting his 14,000th vote, and to the senior Senator from Indiana, Mr. LUGAR, for casting his 13,000th vote.

To put these milestones in perspective:

Senator LEAHY, a Member of the Senate since 1975, ranks sixth on the all-time rollcall vote list, most recently passing former Senator Pete Domenici. Senator LUGAR, who was first elected to the Senate 2 years later, in 1976,



ranks tenth on the all-time list and most recently passed our former colleague and current occupant of the chair, Vice President JOE BIDEN. This is not only a remarkable accomplishment of longevity for both men, it is also an opportunity for their colleagues to honor them for their decades of service to the people of Indiana and of Vermont.

Senator LEAHY isn't just the second most senior Senator in this body, he is also the chairman of the Judiciary Committee and a senior member of the Agriculture and Appropriations Committees. PAT and I got to know each other pretty well, alternating as chairman and ranking member of the Foreign Operations Subcommittee of Appropriations for over a decade. Somehow he finds time to also be an amateur photographer and to have a blossoming movie career. I have no doubt he gives most of the credit, of course, to Marcelle, his wife, with whom he will be celebrating a far more important milestone in the next month, their 50th wedding anniversary. So congratulations to PAT on both counts.

As for our friend Senator DICK LUGAR, I have known him going back to my first Senate campaign. He is the longest serving Member of Congress in Indiana history and one of America's most widely respected voices on foreign policy. In a career filled with many achievements and milestones, Senator LUGAR's leadership on the Nunn-Lugar Cooperative Threat Reduction Program is, in my opinion, his greatest and most lasting achievement with the American people—not only for the American people and for the security of this country, but for the promotion of peace throughout the world. Because of Senator LUGAR's work, thousands of nuclear warheads have been dismantled and the world is, indeed, a safer place.

Like Senator LEAHY, I know Senator LUGAR would say none of this would have been possible without the love and support of his wife of 55 years, Charlene. So I congratulate them both on this milestone and I join my colleagues in once again paying tribute to our two colleagues and this signature achievement.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BENNET). The Senator from Vermont.

Mr. SANDERS. Mr. President, I rise to congratulate my longtime friend and colleague from Vermont, Senator PATRICK LEAHY, on the occasion of his 14,000th vote. That is a lot of votes. In the long history of our Republic, only six Senators have achieved that milestone before him.

Born in Montpelier, VT, our State's capital, educated at St. Michael's High School in Montpelier, St. Michael's College in Colchester, VT, and Georgetown University Law School, Senator LEAHY was first elected to the Senate

in 1974—the first and, to this date, only Democrat elected to the Senate from Vermont. I remember that campaign very well because I was in it, and PAT LEAHY got a lot more votes than I did.

Before assuming the office of U.S. Senator, PAT LEAHY gained a national reputation for law enforcement during his 8 years as State's attorney in Chittenden County—the State's largest county.

Over his 3½ decades here in the Senate, PATRICK LEAHY has many remarkable achievements. Let me just mention a few.

Cognizant of the suffering and tragedy that landmines cause for civilian populations, PATRICK LEAHY has led, in this body and, in fact, the entire U.S. Government, the campaign to end the production and use of antipersonnel landmines. Many lives and limbs have been saved as a result of Senator LEAHY's efforts.

With similar commitment and passion, as chair of the Senate Judiciary Committee, PATRICK LEAHY has led the effort to insist on fairness at the Department of Justice, to support free speech and a free press, and to require and maintain openness and transparency in government. At a time of major infringements on privacy rights in this country from both the private sector and the government, PAT LEAHY has been a strong champion of civil liberties and the Constitution of the United States.

Senator LEAHY, reflecting Vermont's very strong consciousness regarding the need to preserve our environment, has for many years been a champion of environmental protection and has been named over and over one of the top environmental legislators by the Nation's foremost conservation organizations. He has been, as Vermonters well know, a special champion in preserving the high quality of water in Lake Champlain, our beautiful lake, perhaps the most valuable natural resource we have in our State.

Today, I congratulate, on behalf of the people of the State of Vermont, Senator PATRICK LEAHY on the occasion of his 14,000th vote and look forward to working with him as closely in the future as we have worked in the past.

Mr. DURBIN. Mr. President, I want to add my voice to the well-deserved chorus of congratulations for our colleague and friend from Vermont.

Senator PATRICK LEAHY is the last remaining member of a historic class in the U.S. Senate, the class of 1974, better known as the "Watergate babies." And he has been making history ever since.

Casting 14,000 votes in the Senate is kind of like joining the 3,000 Hit Club in baseball. It is an achievement many dream of but few actually reach.

More important than the number of votes Senator LEAHY has cast, how-

ever, is the wisdom and courage of his voting record.

It has been my privilege to serve on the Senate Judiciary Committee for more than 15 years. During that time Senator LEAHY has been either our committee chairman or its ranking member.

I have the greatest respect for PATRICK LEAHY's fidelity to the rule of law and his determined efforts to safeguard the independence and integrity of America's Federal courts. He is a champion of human rights at home and abroad.

I congratulate him on this milestone. As an old friend of his might say, just keep truckin' on.

Mr. President, I also want to congratulate another friend and colleague, Senator RICHARD LUGAR from Indiana.

Senator LUGAR knows that wisdom is not the exclusive property of any one political party.

He bases his political decisions not on polls or the passions of the day but on what his conscience and his own careful study tells him is right.

Two years ago, DICK LUGAR joined me in asking the President not to deport young people who were brought to this country at a young age by their parents.

When the DREAM Act was on the Senate floor a year and a half ago, Senator LUGAR was one of three Republicans who voted in support.

He coauthored the Nunn-Lugar Cooperative Threat Reduction Act—one of the most visionary and courageous bipartisan achievements in recent time.

His work on the Global Fund has helped the United States meet its commitment to the single most powerful tool in the fight against AIDS, tuberculosis and malaria.

Senator LUGAR has served six terms in the Senate, and he will be missed.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I want to thank, of course, the majority leader and the Republican leader, friends with whom I have served for years—and we have always been friends—for their kind words.

I want to thank my colleague from Vermont, another dear friend. Our careers have paralleled in many areas—from the time he was the mayor of our largest city, to being our lone Representative in the House of Representatives, to now being my partner here in the Senate.

Of course, as to my dear friend DICK LUGAR, we have worked together so many times. We alternated between being the chair and ranking member of the Senate Agriculture Committee. He did a great deal on the environment, passed an organic farm bill, did so many things, all the time when he was doing his invaluable work to protect our Nation against nuclear weapons.

Mr. President, I value the Senate. I love the Senate. It has been a major

part of my life. But I was glad to hear both leaders mention the true love of my life, my wife of nearly 50 years. There is nothing I have accomplished throughout my whole public career that I could have done without Marcelle's help. Not only has she raised three wonderful children and is helping to raise five wonderful grandchildren, every single day I have been a better person because of her. When we first started the race for the Senate in 1974, few people said I could win. Marcelle and I campaigned together. She always said I could. And we did.

None of us know how long we might be in the Senate, but I have valued every single moment here, and I will value every single moment as long as I am here.

I am glad Marcelle is here. She is joined by my dear and valuable friend PETER WELCH, our Congressman from Vermont, and his wife Margaret, but also so many members of my staff. I feel that I have been blessed with the finest staff any Senator has ever had. Again, they are the ones every day who, if I look good and do something well on this floor, I give the credit. I joke that I am a constitutional impediment to them totally running everything. But thank goodness they are there. I will speak more about this at another time.

But it is a special feeling to be here with my friend DICK LUGAR, to hear the kind words of my friend and colleague BERNIE SANDERS, to know that the other Member of our delegation—we are a huge delegation; all three Members—PETER WELCH is here. But especially I acknowledge Marcelle and Kevin, Alicia, and Mark, and their families. How wonderful it is to be here.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, what a pleasure it is to be with my colleague PAT LEAHY on this very special day. It was a great coincidence that the 13,000th vote and the 14,000th vote should occur this afternoon, but what a joyous moment to be with my friend on this experience.

I once again thank the leader MITCH MCCONNELL of our party and HARRY REID the majority leader of the Senate for their very generous remarks about both PAT and me.

I join PAT in extolling the virtues of those who have made such a difference in our lives. My wife Charlene, our 4 sons, our 13 grandchildren, our great-grandchildren—these are very precious people who have made such a difference in my life and made it possible for me to have good health and spirits throughout all this time and to enjoy thoroughly this experience.

I would just add to the remarks of my colleague that tomorrow we hope to have a little celebration in the Agriculture Committee room.

Long ago, at the beginning of our careers, PAT and I were situated at the end of the long table that stretched the length of the Agriculture Committee room. Our chairman, Herman Talmadge of Georgia, was at one end with Senator Jim Eastland of Mississippi. I am not certain what the rules of the Senate were at that time, but I recall that frequently both were enveloped in smoke at the end of the room, and it seemed to me that they were, in fact, developing whatever the policy was going to be and making decisions. As a matter of fact, sometimes they simply arose, and PAT and I were left to ponder really what had occurred.

So it was appropriate that our two portraits should be put at the end of the table, at the entry to the Agriculture Committee room, where we once sat as the most junior members and eventually ascended to the chairmanship, having great experiences together in farm policy and the ability to help feed the world.

I am grateful, likewise, for Vice President BIDEN's presence today because he was a wonderful partner in the Foreign Relations Committee for so many years. I was not aware that the Vice President would be in the chair. I told him I was somewhat embarrassed because my 13,000th vote finally eclipsed his votes, and he ranks now 11th. JOE was aware of that. He had in the chair today the rankings 1 through 11. So we are sort of all situated and still love each other in the process.

I thank all Senators for the honor that has been accorded for this opportunity to address the body. This has been a great experience of my life, and this has been a very special moment.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. MORAN. Mr. President, I ask unanimous consent to address the Senate as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORAN. Mr. President, first of all, I congratulate my colleagues, Senator LEAHY and Senator LUGAR, for their achievement and thank them for their service to the country.

I also appreciate the willingness of Senator COLLINS and Senator LIEBERMAN to allow me to speak for a few minutes before we return to the business at hand—legislation regarding cybersecurity.

#### USDA EMPLOYEE NEWSLETTER

I want to point out to my colleagues—and perhaps to the Department of Agriculture—something I saw today that caught my attention. In fact, it is amazing to me, this development.

This is the Department of Agriculture's—the USDA—employee newsletter I hold in my hand. In that newsletter, it says the following—it has a

section in the newsletter that says "Food Services Update." Well, the Department of Agriculture, which, in my view, has a serious and significant responsibility to promote agriculture, says this in their own newsletter:

One simple way to reduce your environmental impact while dining at our cafeterias is to participate in the "Meatless Monday".

...

"Meatless Monday."

This effort . . . encourages people not to eat meat on Mondays. . . .

How will going meatless one day of the week help the environment? The production of meat, especially beef (and dairy as well) has a large environmental impact. According to the U.N.—

"According to the U.N."—

animal agriculture is a major source of greenhouse gases and climate change. It also wastes resources. It takes 7,000 kg of grain to make 1,000 kg of beef. In addition, beef production requires a lot of water, fertilizer, fossil fuels, and pesticides. In addition there are many health concerns related to the excessive consumption of meat. While a vegetarian diet could have a beneficial impact on a person's health and the environment, many people are not ready to make that commitment. Because Meatless Monday involves only one day a week, it is a small change that could produce big results.

Our own Department of Agriculture, again, at least from my perspective—and we ought to look at what the mission of the Department Agriculture is, and I think it will reflect what I am saying—is to promote agriculture, to help those who every day go to work to produce food, fiber, and fuel for this country and the world. Yet our own Department of Agriculture is encouraging people not to eat meat and indicates—from these statements, again, from their newsletter—that "the USDA Headquarters Food Operations are a high profile opportunity to demonstrate USDA's commitment to USDA mission and initiatives."

So it would not surprise me if what you see is that the Department of Agriculture somehow loses this newsletter. But it is posted on their Web site, and I would encourage Secretary Vilsack and the officials at the Department of Agriculture to rethink their role in discouraging something that is so vital to the U.S. economy and something so important to the Kansas economy.

We are a beef-producing State, and it generates significant revenue for Kansas farmers and ranchers and is one of the items that improve our balance of trade, as we export meat and beef around the world. Yet our own Department of Agriculture encourages people not to consume meat.

I think I will have more to say about this topic, but for the moment, in light of the kindness that was extended to me by the Senators, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank my friend from Kansas. Normally, when you yield the floor to a

colleague in the Senate, you are not sure how long they are going to speak. So he not only kept his word to speak for less than 3 minutes, he proved that he continues to have some lingering holdover reflexes from his service in the House of Representatives, where they always speak shorter than we do.

Mr. President, what is the pending business?

THE PRESIDING OFFICER. The motion to proceed to S. 3414.

Mr. LIEBERMAN. I thank the Chair.

Mr. President, I rise to support that motion to proceed to S. 3414, which is the Cybersecurity Act of 2012, and I do so with the hope and request that all of our colleagues will vote yes on this motion to proceed so we can begin what I think is a crucial debate about how best to protect our national and economic security in this wired world where threats increasingly—and thefts—come not from land, sea, or sky, but from invisible strings of ones and zeros traveling through cyberspace.

This bill has been a long time in coming to the floor. A lot of work has been done on it. But I must say, I have a sense of confidence, certainly, about the inclination of the overwhelming majority of Members of the Senate to vote to proceed to this matter because I think everyone in the Chamber understands what we are dealing with is not a problem that is speculative or theoretical.

Anybody who has spent any time not even studying the classified materials on this but just reading the newspaper, following the media, knows that America is daily under constant cyber attack and cyber theft. The commander of Cyber Command, GEN Keith Alexander, said recently in a speech that cyber theft represented the largest transfer of wealth in human history.

That is stealing of industrial secrets and moving money from bank accounts. I believe he said it was as if we were having our future stolen from us. It is all happening over cyberspace. Obviously, enemies—both nation states, nonstate actors such as terrorist groups, organized criminal gangs, and just plain hackers—are finding ways to penetrate the cyber systems on which our society depends, the cyber systems that control critical infrastructure: electric grid, transportation system, the whole financial system, the dams that hold back water, et cetera, et cetera.

This bill is not a solution in search of a problem. It is a problem that is real and cries out for the solution this bill would provide. There are some controversial parts of the bill. There has been some spirited debate both in committee and in the public media about it. There is a competing bill introduced by some of our colleagues called SECURE IT.

But I want to report to the Chamber and to the public that there was a sig-

nificant breakthrough today where the lead cosponsors of our bill, Senators COLLINS, ROCKEFELLER, FEINSTEIN, CARPER, and I met with the lead cosponsors of the other bill, Senators CHAMBLISS, MCCAIN, and HUTCHISON, along with a group of Senators led by Senator KYL and Senator SHELDON WHITEHOUSE, who, along with Senator COONS, Senator MIKULSKI, Senator COATS, and others who have been working very hard to create common ground because they recognize the urgency of this challenge.

Well, this is good news. We got a motion to proceed, which, in the current schedule, will come up on Friday. I think it would send a message of real encouragement to the public that we can still get together across party lines on matters of urgent national security if we adopted that motion to proceed overwhelmingly, particularly now that we are engaged in dialogue with the leaders of these main bills and people trying to bridge gaps that began to meet today. We will meet again tomorrow morning. So I think we have a process going that can lead us to a very significant national security accomplishment.

I am going to yield at this time to Senator ROCKEFELLER, the chair of the Commerce Committee, whose committee produced a bill of its own. He worked very closely with Senator COLLINS and me to blend our bills. We did. Senator FEINSTEIN came along with her chairmanship of the Intelligence Committee of the Senate, did some tremendous work on the information-sharing provision, title VII of the bill before us.

I know Senator ROCKEFELLER has another engagement which he has to go to. So I am going to yield to him for his opening statement. Then Senator COLLINS, who, as always, for all these years, has been just the most steadfast, constructive, sturdy, reliable, creative partner in working on this bill. It gives me confidence that together we will see it to success next week. So I will now yield to the distinguished senior Senator from West Virginia, who is a real expert on this subject and has contributed enormously to the bill that is pending before the Senate now.

Mr. ROCKEFELLER. My dear colleague, I would feel better if the Senator from Maine spoke before I did.

THE PRESIDING OFFICER. (Mr. WHITEHOUSE.) The Senator from Maine.

Ms. COLLINS. Mr. President, that is very kind of the Senator from West Virginia. My statement is quite lengthy. So if the Senator from West Virginia, in light of his commitment, would like to precede me, I would be more than happy to have him do so. I would encourage him to go ahead. Then the Senator from Connecticut has graciously said he would allow me to go next. We are all so nice around here.

THE PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I wish all negotiations proceeded with such comity. For those of us who have lived long enough, we have seen, obviously, enormous transition. We are in a totally new age.

Today, as we begin our debate, over 200 billion e-mails will be sent around the world to every continent. Google, a company that really is just 10 years old, will process over 1 billion searches and stream more than 2 billion videos today. And in the next minute, about 36,000 tweets will be posted on Twitter. So we are now connected as we never have been before.

Here in the United States we have been the leader in both its development and adoption of the initial structure. Actually, it is interesting because it was created by our own government. The open nature of the Internet can be traced back to our initial decision in the government to relinquish control of what we had invented, so to speak. So to this day our Nation remains a leader in using the Internet's innovation and growth.

In just over a decade, we have digitized and networked our entire economy and our entire way of life. Every one of our most critical systems now relies upon these interconnected networks: power grids, transportation systems, gas pipelines, telecommunications. They all rely on networks to function. They all rely on the Internet. Yet the ramifications of this new era remain poorly understood by many; frankly, by most.

History teaches us that disruptive technological advancements can bring about both opportunities and also dangers. We cannot let our exuberance blind us from this simple truth. We cannot ignore the part of the equation in this happy adventure of ours that is unpleasant. This is it. These technological advances can compromise our national security and indeed are already doing so.

The connectivity brought about by the Internet and the new ability to access anything, combined with our decision as a country to put everything we hold dear on the Internet, means we are now vulnerable in ways that were unfathomable just a few years ago. Yes, we rushed to digitize and connect every aspect of the American economy and way of life. We have spent little time focusing on what this actually means with respect to our security. We have left ourselves extraordinarily vulnerable.

The consequences, as pointed out by the Senator from Connecticut, are devastating. Our intellectual property is our greatest asset as a nation. It is our greatest advantage in the world. It is currently being pilfered and stolen because it is connected to the Internet and therefore is insecure.

Well, we did not think about that, did we? Experts have called this, as the

Senator from Connecticut said, the greatest transfer of wealth in the history of the world. That is a dramatic statement, but it is just an absolute terrifying fact—terrifying fact.

Our most important personal information, including our credit card numbers, our financial data is now accessible via the Internet and is stolen through data breaches that occur all the time.

Most importantly, our critical infrastructure: water facilities and gas pipelines to our electric power grid and communications networks are now vulnerable to cyber attacks, and they are happening. Many of those systems were designed before the Internet. In fact, virtually all of these systems were designed before the Internet came about, and were never intended to be connected to a network. Yet they are. Therefore, they are insecure.

If these systems are exploited via cyber vulnerabilities, lives could be lost. Yes, there is lots of other things that could happen before that, but this has the potential to be far greater than even the tragedy of 9/11.

In recent months we have learned that hackers penetrated the networks of companies that control our Nation's pipelines—gas pipelines. There have been attempts to penetrate the networks of companies that run nuclear power plants. Last year, a foreign computer hacker showed that he could access the control systems of a water facility in Texas with ease. He accomplished this task in minutes at a computer thousands of miles away.

Our critical infrastructure is being targeted, and it is vulnerable. The major general of our National Guard, James Hoyer, recently shared a frightening story with me. He was talking about his work on cybersecurity. He said in West Virginia, he learned that a critical infrastructure facility in the State—critical infrastructure facility; that means a really important one—its engineers were being allowed to operate control systems on their home computers. How naive. But who would know? Who would have guessed?

The Internet and what it has done for our country is unparalleled, but everything we have accomplished in this Internet age is now vulnerable and, in starker terms, undoable. We have built a castle in the sand and the tide is approaching. Our systems are too fragile, too critical, and too vulnerable. It is a recipe for disaster. It is time to do something about it before it is too late.

We have all known about the seriousness of our cyber situation for years. Our national security experts know it. Our law enforcement experts know it. And there is a bipartisan agreement that something needs to be done. But that does not tell us a lot, to make that statement in the Senate. In my capacity both as the chairman of the Commerce Committee and former

chairman of the Senate Intelligence Committee, and still on that committee, I have become very familiar with the threat posed by cybersecurity. I have been working with my colleagues to address it.

For the past 3 years, a number of us have been working with both Republican and Democratic Senators to find common ground on these issues so we can have a bill to get control of this. We have held hearings, we have held markups, we have held countless meetings with the private sector and interest groups. It is an endless, endless process, and the staff does four times as much.

We have been very patient in working to find a compromise. Now is the time to make that compromise happen. It will not happen today; it could happen in the next several days. We know what we need to do, I do believe. So here is what we know right now: The Federal Government needs to do a better job of protecting its own networks.

Companies control most of our Nation's critical infrastructure, and they need to do a better job of eliminating cyber vulnerabilities in their systems. There are no clear lines in the authorities and responsibilities in the Federal Government for cybersecurity, which will cause confusion in the event of a cyber catastrophe.

The private sector and the Federal Government need to be able to share information about cyber threats. Over the last year, the committees of jurisdiction in the Senate have worked together. The committees have worked together to finalize legislation that addresses each of those concerns.

Senators LIEBERMAN, FEINSTEIN, COLLINS, and I have made it a priority, as well as others, to finish this work together and with a broader group. We believe every Member of this body will be able to support some kind of legislation. We have put legislation before the Senate, but it is subject to change. In fact, it may be in the process of changing in a good sense because we held a long meeting this morning. We are going to have another one tomorrow, perhaps on a daily basis.

The basic thing we have done is that we took a more regulated approach. In other words, we have to do this. This is what we should do. At one level we should do it.

We have taken that away, and we have made it much more voluntary. We made it a voluntary approach. Some say that is worse than no bill at all, to which I reply, no, if we incent people properly with a voluntary approach, the pressure to do something is greater, particularly if they have to submit to audits as to the standards of work they are doing to protect themselves.

There are a variety of ways to do this. We could have a council—a DHS council that would decide what the standards should be. There was talk

this morning about having a convening session called by NIST, National Institute of Science and Technology—which is very good at this stuff—convene the private sector and have those two work out a system. NIST has no regulatory authority, so they could let them come up with their suggestions. Then there was an idea that maybe DHS could look at that and certify it, stamp it with approval, on basic critical infrastructure. Of course, we would have to pick out which was the critical infrastructure because there is lots of it. Which one would be subject to special regard is something we would still have to work out.

This bill, however it works so far, and I think in the future, is bipartisan. There is some sort of tribulation about let's let bygones be bygones, we have all given up and compromised, to which my point of view is some of us have been working on this for a very long time, and we have been joined by others with good ideas. But don't close off the past or the future.

The bill will be bipartisan. It will incorporate the good ideas and suggestions that have been made by many colleagues. We have settled on a plan that creates no new bureaucracy. However that plan forms, it will have no new bureaucracies or heavy-handed regulation. That is already understood. It is premised on companies taking responsibility for securing their own networks, with government assistance where necessary. This bill represents a compromise, and it is time to move forward with it.

I think, in closing, back to the year 2000 and 2001. I was on the Intelligence Committee at the time of 9/11. The fact is, we get reports on all this which never surfaced, but we know the facts. There were signs of people moving around the country, and they weren't just sort of haphazardly moving around. In San Diego, a certain safe house there would appear and people were coming and going from there. Then there was the FBI office in Minneapolis and the Moussaoui case, and the FBI office in Minneapolis reported to the FBI Osama bin Laden office—and perhaps that didn't happen.

We all knew something was new and that the world was getting different. We knew the danger could come upon us. Our intelligence and national security leadership took these matters very seriously. However, they did not take it seriously enough, nor did we. So then it was too late and 9/11 happened, and the world changed forever.

Today, we have a new set of warnings flashing before us with a wide range of challenges to our security and safety and we once again face a choice: Act now and put in place safeguards to protect this country and our people or act later when it is too late. Obviously, the conclusion is we must act now.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, first, let me thank the Senator from West Virginia for his comments. He has worked so hard on this issue for many years but, in particular, the past 3 years, as he and the chair of the Senate Intelligence Committee, Senator FEINSTEIN, have worked with Senator LIEBERMAN and me.

I rise this evening to urge our colleagues to vote to begin the debate on the Cyber Security Act of 2012. Senator LIEBERMAN and I have introduced this bill along with our colleagues Senator ROCKEFELLER, Senator FEINSTEIN, and Senator CARPER. It has been a great pleasure to work with all of them—and work we have—in numerous sessions over literally a period of years, as we have attempted to merge the bills that were reported by the Commerce Committee and the Homeland Security Committee.

Of course, it is always a great pleasure to once again work with my dear friend the chairman of the Homeland Security Committee, Senator LIEBERMAN, as we bring forth yet another bipartisan bill to the Chamber for its consideration.

FBI Director Robert Mueller has warned that the cyber threat will soon equal or surpass the threat from terrorism. He has argued that we should be addressing the cyber threat with the same kind of intensity we have applied to the terrorist threat. This vital legislation would provide the Federal Government and the private sector with the tools needed to help protect our country from the growing cyber threat. It would promote information sharing, improve the security of the Federal Government's own networks, enhance research and development programs and, most important of all, it would help to better secure our Nation's most critical infrastructure from cyber attack. These are the powerplants, the pipelines, the water treatment facilities, the electrical grid, the transportation systems, and the financial networks upon which Americans rely each and every day.

The fact is the computerized industrial controls that open and close the valves and switches in our infrastructure are particularly vulnerable to cyber attack. Indeed, the Internet is under constant siege on all fronts by nations such as China, Russia, and Iran, by transnational criminals, by terrorist groups, by activists, and by persistent hackers. That is why our Nation's top national security and homeland security leaders from the current and former administrations have urged us to take legislative action to address this unacceptable risk to both our national security and our economic prosperity.

Earlier this year, Defense Secretary Leon Panetta described our bill as "es-

sential to addressing our Nation's critical infrastructure and network cyber security vulnerabilities, both of which pose serious national and economic security risks to our Nation."

Just last month, the Secretary reiterated his call for Congress to pass our bill and stress the potential for a cyber attack to cripple our critical infrastructure in a way that would virtually paralyze this country.

The Director of National Intelligence, James Clapper, has also sounded the alarm. He has described the cyber threat as a "profound threat to this country, to its future, its economy and its very being."

The warnings have not been confined to officials in the Obama administration. Former national security officials, including Michael Chertoff, Michael McConnell, Paul Wolfowitz, Michael Hayden have written that the cyber threat "is imminent and . . . represents one of the most serious challenges to our national security since the onset of the nuclear age sixty years ago." They have urged us to protect the "infrastructure that controls our electricity, water and sewer, nuclear plants, communications backbone, energy pipelines, and financial networks" with appropriate cyber security standards.

Similarly, in a letter to our colleague, Senator JOHN MCCAIN, GEN Keith Alexander, the commander of U.S. Cyber Command and the Director of the National Security Agency, wrote:

Given DOD reliance on certain core critical infrastructure to execute its mission, as well as the importance of the Nation's critical infrastructure to our national and economic security overall, legislation is also needed to ensure that infrastructure is sufficiently hardened and resilient.

The threats to our infrastructure are not hypothetical; they are already occurring. For example, while many of the details are classified, we know multiple natural gas pipeline companies have been the target of a sophisticated cyber intrusion campaign that has been ongoing since December of last year.

The cyber threat to our critical infrastructure is also escalating in its frequency and severity. According to DHS's Industrial Control Systems Cyber Emergency Response Team, last year, almost 200 cyber intrusions were reported by critical infrastructure owners and operators. That is nearly a 400-percent increase from the previous year, and these are only the intrusions that have been reported to the Department of Homeland Security. Many go unreported and, even worse, many owners are not even aware their systems have been compromised.

What would a successful cyber attack on our critical infrastructure look like? We have just seen recently what a serious storm that leaves more than 1

million people without power can cause: the loss of life, the blow to economic activity, the hardship for the elderly, the nonworking traffic lights that resulted in accidents. Multiply that impact many times over if there were a sustained cyber attack that deliberately knocked out our electric grid.

The threat is not just to our national security but also to our economic edge, to our competitiveness. The rampant cyber theft targeting the United States by countries such as China has led to the "greatest transfer of wealth in history," according to General Alexander. You have heard many of us use his quote. Let me give some specifics of his estimates. He believes American companies have lost about \$250 billion a year through intellectual property theft, \$114 billion to theft through cyber crime, and another \$274 billion in downtime the thefts have caused.

In their op-ed earlier this year, former DNI McConnell, former Homeland Security Secretary Chertoff, and former Deputy Secretary of Defense Bill Lynn warned that the cost of cyber espionage and theft "easily means billions of dollars and millions of jobs." The threat of a cyber attack doesn't just go to our national security, critical though that is. It also directly is a threat to America's ability to compete, to our economic edge.

In recent years, a growing number of U.S. firms, including sophisticated firms such as Google, Adobe, Lockheed Martin, RSA, Sony, NASDAQ, and many others have been hacked by malicious actors. Earlier this month, the security firm McAfee released a report on a highly sophisticated cyber intrusion dubbed "Operation High Roller," which has attempted to steal more than \$78 million in fraudulent financial transfers at at least 60 different financial institutions.

Trade associations have been attacked too. The Chamber of Commerce was the victim of a cyber attack for many months, blissfully unaware until informed by the FBI that its membership data was being stolen. The evidence of our cybersecurity vulnerability is overwhelming. It compels us to act.

Yesterday 18 experts in national security strongly endorsed the revised legislation we have introduced. The Aspen Homeland Security Group, made up of officials from both Republican and Democratic administrations and chaired by former Secretary Chertoff and former Congresswoman Jane Harman, urged the Senate to adopt a program of voluntary cybersecurity standards and strong positive incentives for critical infrastructure to implement those standards. This group called for action on our bill, saying:

The country is already being hurt by foreign cyber intrusions, and the possibility of a devastating cyber attack is real. Congress must act now.

Mr. President, you have heard some Members of this body say that somehow this process has been rushed or the bill inadequately considered. Nothing could be further from the truth. Since 2005—7 years ago—our Homeland Security and Governmental Affairs Committee alone has held 10 hearings on cybersecurity. Other Senate committees have also held hearings, for a total of 25 hearings since 2009, not to mention numerous briefings the Presiding Officer and Senator MIKULSKI of Maryland have helped to convene—classified briefings—for any Member to attend.

In 2010, Chairman LIEBERMAN, Senator CARPER, and I introduced our cybersecurity bill, which was reported by our committee later that same year. As I indicated, we have been working with Chairman ROCKEFELLER to merge our bill with legislation he has championed, which was reported by the Commerce Committee. We have also worked very closely with Senator FEINSTEIN, an expert on information sharing.

The bill we are urging our colleagues to proceed to today is the product of these efforts. It also incorporates substantial changes based on the feedback from the private sector, our colleagues, and the administration.

This new bill is a good-faith effort to address the concerns raised by Members on both sides of the aisle by establishing a framework that relies upon the expertise of government and the innovation of the private sector. It improves privacy protections that Americans expect from their government.

It also reflects many concepts proposed by Senators KYL, WHITEHOUSE—the Presiding Officer—BLUNT, COATS, GRAHAM, MIKULSKI, BLUMENTHAL, and COONS. We have revised our bill in a very substantial way. We have abandoned the approach—which I still believe to be a good idea—of mandatory standards and, instead, have adopted a voluntary approach to standards. This is a significant change from our initial bill, and it was one that was promoted by Senator KYL's and Senator WHITEHOUSE's group.

The new version encourages owners of critical infrastructure to voluntarily adopt the cybersecurity practices in exchange for various incentives for entities complying with these best practices. This was also one of the primary recommendations of the House Republican Cybersecurity Task Force.

These incentives include liability protection against punitive damages. I, for one, am open to making that a more robust liability protection. They include the opportunity to receive expedited security clearances, eligibility for prioritized technical assistance from the government, and access to timely cyber threat information held by the government.

These major changes from the approach we initially proposed dem-

onstrate our willingness to adopt alternatives recommended in good faith by our colleagues, and we are still open to changes to the bill.

Our bill also includes strong information-sharing provisions that promote voluntary information sharing within the private sector and the government, while ensuring that privacy and civil liberties are protected. And again, we incorporated some suggestions from the Democratic side of the aisle to strengthen these provisions.

To be sure, more information sharing is essential to improving our understanding of the risks and threats. But let us be clear: More information sharing, while absolutely essential, is not sufficient to ensure our Nation's vital, critical infrastructure is protected. If you survey the vast majority of experts in this field, they will tell you that to pass a bill that only provides for more information sharing does not begin to accomplish the job that must be done to better secure our Nation from this threat.

With 85 percent of our Nation's critical infrastructure owned by the private sector, government obviously must work with the private sector. Our bill—both our original bill and our revised bill—has always envisioned a partnership between government and the private sector. We have a very stringent definition of what constitutes covered critical infrastructure. It is infrastructure whose disruption could result in truly catastrophic consequences.

What do I mean by that? I am talking about mass casualties or mass evacuations or severe degradation of our national security or a serious blow to our economy. That is the kind of disruption we are talking about. Obviously those who have claimed that every company or every part of our infrastructure is going to be considered as critical infrastructure have not read the definition in our bill.

But here is more evidence of why we must act. A study done in 2011 by the computer security firm McAfee and CSIS revealed that approximately 40 percent of the companies surveyed—the critical infrastructure companies—were not regularly patching and updating their software, despite the fact these safeguards are among the most basic and widely known cybersecurity risk mitigation practices. We have even found reports where companies haven't bothered to change the default password that came with the industrial control software. In many cases, the control devices used to operate our Nation's most critical infrastructure are inherently insecure.

A Washington Post special report last month noted that security researchers found six out of seven control system devices are "riddled with hardware and software flaws," and that "some included back doors that en-

abled hackers to download passwords or sidestep security completely."

Another front-page story in the Post earlier this month highlighted the fact that as technological advances have allowed everyone from plant managers to hospital nurses to control their systems remotely via the Internet, these vital systems have become even more vulnerable to cyber attacks. To prove the point, the story described how a security researcher was able to easily steal passwords from a provider that connects millions of these systems to the Internet.

These examples illustrate that far too many critical infrastructure owners are not taking even the most basic measures to protect their systems, and this is simply dangerous and unacceptable to the security of our country. These basic practices need not be expensive. In most cases, they are not expensive. And I will tell you, they are a lot less costly than the consequences of a breach, not to mention a major cyber attack.

A recent report by Verizon, the Secret Service, and other international law enforcement agencies analyzed 855 data breaches and found that 96 were not difficult to pull off and 97 percent of them could have been prevented through fairly simple and inexpensive means.

The point is, we must act, and we must act now. We cannot afford to wait for a cyber 9/11 before taking action on this legislation.

In all the years I have been working to identify vulnerabilities facing our country in the area of homeland security, I cannot identify another area where I believe the threat is greater and that we have done less.

I urge my colleagues to listen to the wisdom of former Homeland Security Secretary Michael Chertoff and former NSA Chief General Hayden. They wrote the following:

We carry the burden of knowing that 9/11 might have been averted with the intelligence that existed at the time. We do not want to be in the same position again when "cyber 9/11" hits—it is not a question of "whether" this will happen; it is a question of "when."

And this time all the dots have been connected. This time we know that attacks are occurring against our Internet systems and cyber systems each and every day. This time the warnings from all across the board are loud and clear. I urge our colleagues to heed these warnings and to support the motion to proceed to the cybersecurity bill.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank my dear friend, the ranking member on the Homeland Security Committee, for her excellent and thoughtful statement. I thank Senator ROCKEFELLER, the chair of the Commerce Committee, for his compelling



statement on behalf of proceeding and, of course, on behalf of the underlying bill. I think these two statements set the table for the debate that will follow in the next several days.

Within the next day or two, certainly no later than Friday, we will vote on the motion to proceed to the Cybersecurity Act of 2012. I appeal to our colleagues to come together across party lines and vote to proceed, as a way of saying that we recognize exactly what Senator ROCKEFELLER and Senator COLLINS have said: We have a problem here. We are vulnerable to cyber attack. It is not just speculative. We are being attacked. We are being robbed every day through cyberspace. And we are not adequately defended. It is as simple as that.

Part of the problem, as my colleagues have said, in the challenge is that 80 to 85 percent of our critical infrastructure in this country is privately owned. That is the American way. That is the way it ought to be. But that privately owned infrastructure is vulnerable now to attack by our enemies, and we have to work together—public and private owners, Republicans and Democrats, liberals and conservatives, Americans all—to figure out a way to say to the private owners of critical cyber infrastructure, You have got to do more to protect our security, to protect our prosperity. And that is what this bill is all about.

My colleagues have described the challenge, the inadequacy of the current defenses, the work that has been done on our bill, the compromises that have been made all along the way. I thank the Presiding Officer, the Senator from Rhode Island, Senator WHITEHOUSE, and Senator KYL from Arizona and the others who worked on a bipartisan basis to help us find common ground.

This question of cybersecurity is, again, a test of whether this great deliberative body still has the capability to come together and solve our Nation's most serious problems.

We had a couple of votes today. I suppose some people could say they were show votes. I took them seriously. But they all involved the terrible fiscal shape our country is in, \$16 trillion in national debt. Earlier in my life I couldn't believe we could come to this point. And why have we? Because we haven't been willing to make tough decisions. We haven't been willing to work across party lines to do some things that might be politically controversial to fix a problem we have. So the problem gets tougher and tougher to fix. This is another one.

Usually, even in the most partisan and ideologically rigid times, when it comes to our national security we put our party labels aside and our party loyalties aside, and we have acted based on our loyalty to our country—to the oath of office we took to protect

and defend not our ideology or our party but to protect and defend the Constitution of the United States, our freedom. That is as much in jeopardy from cyber attack as any other source of threat to our country.

I appreciate the opening statements that have been made. I am actually very optimistic about the vote on the motion to proceed that will occur in the next day or two, and I am increasingly hopeful we are going to pass, before we break for August, a strong cybersecurity bill. It is not going to be the bill Senator COLLINS, Senator ROCKEFELLER, Senator FEINSTEIN, and I started out with. We have compromised along the way.

I have in my office in a very prominent place a picture of two of Connecticut's representatives to the Constitutional Convention, Sherman and Ellsworth. I have it there because these two were the creators, the source of the so-called Connecticut Compromise. Some people erroneously refer to it as the Great Compromise. The correct title is the Connecticut Compromise. This was the conflict between the States that had a lot of population and the smaller States, how were they going to be represented in this new Congress. Sherman and Ellsworth came up with a great compromise: We will have one body—the Senate—where every State has two representatives, and another body—the House—where you are represented by population.

I always like to say to people, the very institution we are privileged to be Members of was created as a result of a compromise. Generally speaking, in this Congress—which represents 310 million people, extraordinarily diverse in every way—you can't succeed here, we can't get things done if people say, I must get 100 percent of what I want on this bill or I am going to vote against it.

That is the way we have felt and that is why we have compromised, particularly because of the urgency of the cyber threat, which is real, present, and growing.

Senator COLLINS and I have felt very strongly, we want to get something started. It can't just be anything, it has to be real. S. 3414 is real. It will be effective. The standards are no longer mandatory, but there are enough incentives in here. And the very fact that there will be standards, private sector generated but approved by a governmental body, I think will create tremendous inducements—yes, maybe even pressure—on CEOs and private operators of critical cyber infrastructure to adopt those standards and implement them in their business or else, God forbid, in case of attack, they will be subject to enormous, probably a corporation-ending, liability.

I am very encouraged, thanks again to a lot of good work done by a lot of people, that we have started today, the

lead sponsors of the other bill, SECURE IT, the lead sponsors of this bill, the Cybersecurity Act of 2012, and the group that has been working so hard, a bipartisan group, to bring us together. We did come together today. We are going to meet again tomorrow morning, and I think we are involved in a collaborative process that will not only lead to the passage of cybersecurity legislation this year that will be effective to protect our national security and prosperity but will in its way prove to the American people that we are still capable here in the Senate of coming together across party lines to fix a problem—in this case, to protect our great country.

With that, and knowing we will be back tomorrow, I yield the floor.

**THE PRESIDING OFFICER.** The Senator from Minnesota.

**Mr. FRANKEN.** Mr. President, I plan to speak on cybersecurity tomorrow. I thank Chairman LIEBERMAN, Chairman ROCKEFELLER, Chairman FEINSTEIN, and Senator COLLINS for their work on this very important issue, and also all the other Senators who have worked so hard on this, including the Presiding Officer.

I ask unanimous consent to speak this evening as in morning business.

**THE PRESIDING OFFICER.** Without objection, it is so ordered.

**REMEMBERING THE VICTIMS OF AURORA, CO**

**Mr. FRANKEN.** Mr. President, I rise today to talk about loss. I know I speak for all Minnesotans when I say how shocked and saddened we have been by the loss of life in Colorado. Our hearts go out to the families and friends of those who died, and to those who were wounded in that massacre. Anyone who has watched reports can only feel outrage or profound sadness.

So many of those who died were so young. A number died so heroically, shielding a loved one from the madman's bullets. So much grief, so much suffering is unspeakable. The one hopeful lesson we can draw from this tragedy comes from the stories of courage and selflessness we have heard about those who were in the theater, the first responders, and the outpouring from the community of Aurora and the rest of the Nation.

Minnesota unfortunately has also seen its share of senseless violence. It is something no State is immune to. Hopefully, out of this tragedy we can draw lessons that will make these kinds of tragedies far less common.

**REMEMBERING TOM DAVIS**

Today I come to the floor to talk about a personal loss to me and to so many of his friends and family and fans—a Minnesotan who brought so much laughter and so much joy to his fellow Minnesotans and to millions and millions of Americans. My friend Tom Davis died last Thursday after he was diagnosed 3 years ago with cancer.

I had the privilege to be Tom's comedy partner and best friend for over 20



years. We started working together in high school in Minnesota and did standup together for years, and were among two of the original writers for "Saturday Night Live."

I spoke with Tom's mom Jean last Thursday, not long after Tom died. She told me how fondly she remembered the laughter that came from the basement when Tom and I started writing together in high school over 40 years ago. That is what I remember about Tom, his laughter.

I last saw Tom about 2 weeks ago at his home in Hudson, NY. Dan Aykroyd, who collaborated so often with Tom, was there too with his wife Donna and Tom's wife Mimi. We laughed and laughed.

Tom's humor was always sardonic, and as you might expect, it was a little more sardonic that day than usual. But his humor also had a sweetness about it. We laughed. But Tom told us that he was ready to go. He faced death with great humor and courage.

Tom created laughter. The obituary cited Tom's body of work—some of it. He and Dan Aykroyd created the Coneheads. Tom was the key collaborator with Bill Murray on Nick the Lounge Singer, and on and on and on. This started an outpouring of blogging on the Internet—people writing about Tom and the laughs he brought them. I was happy to see him get his due. People called him an original. He was. They called him a brilliant comedian. He was.

Since last Thursday, I have been hearing from our friends and colleagues, how Tom's voice was unique, how so often his stuff came seemingly from out of nowhere, how Tom had come up with the biggest laugh of the season in the rewrite of this sketch or that one or how Tom had been the first to nail Ed McMahon's attitude when he and I did Khomeini the Magnificent, and how Tom was such a loyal and generous friend.

People would always ask me and Tom what our favorite moment was from "Saturday Night Live." We worked on so many sketches that it was impossible to single anything out. Both of us would always say our favorite memory was rolling on the floor—the 17th floor at 30 Rock—rolling on the floor, laughing at 2:00 in the morning or 3:00 in the morning at something that someone wrote or at a character someone had just invented. This was that moment of creation. There was the laugh at whatever it was that one of us had come up with, combined with the joy that you knew you had something.

This is your job. Woody Allen once said that writing comedy is either easy or impossible. When it is impossible, it can be agony. When it is easy, when you are laughing and rolling on the floor—literally, when Danny, Billy, Belushi, Gilda, Dana Carvey, Jim Downey, Conan O'Brien, or Steve Martin or

any of the many hilarious people whom we had the privilege to work with would come up with something that made us explode with laughter and roll there on the 17th floor, that was just pure joy.

Tom was an improvisational genius. The first public stage we performed at was Dudley Riggs' Brave New Workshop in Minneapolis. Dudley's was essentially the Minneapolis version of Second City, based on the same improvisational techniques. When Tom and I were in high school, we did standup there. But while I went off to college, Tom joined the company at Dudley's, and when I came back, I saw that he had mastered improv and mastered it hilariously.

Now, as a writing team, Tom and I brought different strengths to our craft. Sometimes we would get stuck, and Tom would find an object. The third year of SNL, Tom and I were watching TV, and we saw Julia Child cut herself while doing a cooking segment on, I believe, the "Today Show." So we wrote a sketch that Danny performed brilliantly that is now known as "Julia Child Bleeding to Death." The sketch worked so well that when they installed the Julia Child exhibit at the National Museum of American History, in addition to her TV kitchen set—I believe this was at her insistence because she loved it so much—they included a monitor with the sketch of her bleeding to death on "Saturday Night Live."

When Tom and I were writing the sketch, we could not find an ending, and Tom found an object—the phone. The phone hanging on the wall of Julia Child's cooking set. I don't actually think there was one; Tom just found it. That is something improv artists do when they are on the stage, they find objects to work with. So Danny, as Julia Child in the sketch, is spurting blood, and Julia is trying everything to explain how to make a tourniquet out of a chicken bone and a dish towel or how to use chicken liver as a natural coagulant, and nothing is working. She is losing blood. So, in desperation, she sees the phone on the wall, and turning to it, she says, "Always have the emergency number written down on the phone. Oh, it isn't. Well, I know it. It's 911." She dials 9-1-1 and realizes it is a prop phone and throws it down sort of in disgust and starts to get woozy and rambles on about eating chopped chicken liver on Ritz crackers as a child. Finally she collapses, and as she is about to die, she says, "Save the liver."

It was a tour de force by Danny. When I was with Danny and Tom a couple of weeks ago, we started talking about this somehow, and Danny says he remembers me there under the counter pumping the blood. Only I wasn't the one pumping the blood; it was Tom. I remember that was some-

thing of a union issue because that is a special effect, pumping blood, pumping the blood to get exactly the right pressure so that Danny could release the spurts at precisely the right time.

Now, every once in a while, the special effects guy or the sound effects guy would let a writer do the effects because it was all about the comedic timing. Also, they liked Tom. Everybody liked Tom. The special effects guy knew that Tom knew exactly what to do, and it was all about teamwork with Danny, who was also controlling the spurting when Tom was controlling the pressure. Man, it was hilarious.

Now, this is live TV. We did hundreds and hundreds of sketches together, a lot of stuff that was just so stupid that it was funny. We just had so much fun. Tom and I toured together all over the country. I told Senator MIKE JOHANNIS, my colleague and friend from Nebraska, that Tom and I played Chadron State twice. And last week we had a witness in Judiciary whom Senator SESSIONS introduced from Anniston, AL, where Tom and I played. We did a gig to six students in Huron, SD, because they booked us by mistake during spring break and there were just six students there. There were five members of the basketball team who couldn't afford to go back east for the break. The sixth guy had been grounded because he had gotten caught smoking pot freshman year and they wouldn't let him leave campus except during summer vacation. I think this was his junior year. I think Tom and I played 45 States.

When we flew, we always booked ourselves in aisle seats across from each other, C and D seats, so we could talk to each other. Tom would always get on first and find our row, and if there was a pretty girl in the middle seat of one side, he would sit next to her, and I would sit next to the fat, sweaty guy in the mesh shirt, which, by the way, I think should not be allowed on planes. I plan to introduce legislation on that.

This went on for years. Tom would board first, get to a row, and take the aisle seat next to an attractive woman or quiet-looking, slender man, and I would sit next to the large loud guy who looked like he wanted to talk through the entire flight. I thought, what a coincidence, Tom's aisle seat is always next to the more desirable seatmate. Finally I checked my ticket stub, and I saw that Tom had taken my seat. That is when I realized he had been doing this for years. He said: Yeah, I was just waiting for you to figure it out. Now, I really had to blame myself. Tom had played me, and it was my fault for being a kind of trusting idiot.

Tom saved my butt on occasion. We used to go camping and fishing up in the Boundary Waters of the wilderness area between northern Minnesota and Canada. Tom was expert with a canoe,

and I wasn't. I really wasn't. Once, we went up there in October. It was kind of cold, but we were catching a lot of walleye and having a great time. There were three of us—me, Tom, and our friend Jeff Frederick. We had put in for just one canoe.

On the third evening I decided to fish from this point near our campsite on this island. I cast out and got my line caught in something, so I decided to go out alone in the canoe and untangle the line. So I am paddling out, and I get caught in this current and start getting carried away from the island where we were camped on, and I start calling for help. Now, we are in the Quetico wilderness in Canada in October. We had not seen another human being in the 3 days we had been there. So Tom and Jeff come running and yelling and cursing at me because if I didn't make it back with the canoe, they were pretty much stuck on this island for the winter, and I am probably dead because I have no gear, nothing, just the paddle, which isn't doing me any good at this point. This is where Tom's improvisational skills came in really handy because he talked me back. He was screaming and cursing, but he talked me out of the current that was carrying me away to my certain death, and I was able to circle back and get to the point—exhausted but so relieved. Maybe that is why I cut him some slack when he played me on the aisle seats years later.

Now, speaking of cold, Tom and I were huge Vikings fans. We would go to the old Metropolitan Stadium during the Bud Grant years when Grant would not allow heaters on the side lines even when it was below zero. I once asked Bud Grant why he did that, and he said: There are certain things people can do when they are cold.

Tom and I were there on a very cold winter afternoon at the Vikings-Cowboys playoff game, the one where Roger Staubach threw the Hail Mary that Drew Pearson pushed off on and caught for a touchdown—and he did push off. Senator HUTCHISON and Senator CORNYN need to go back to the videotape. Drew Pearson pushed off. It was offensive pass interference, and the Vikings should have won that game and gone to the Super Bowl. That is how I saw it, that is how Tom saw it, and that is how the fan who threw the whiskey bottle from the bleachers and knocked the ref out saw it. Tom and I both saw the bottle glinting in the cold winter Sun as it arced from the bleachers. We were stunned when it hit the ref right in the forehead. That was not Minnesota nice.

Tom and I suffered through four Super Bowl losses and through last season. As sick as he was, Tom watched our Vikings and complained bitterly to me on the phone later on Sunday.

Tom and I went to a lot of Grateful Dead shows together—more than even

Senator LEAHY. Tom and I went to a lot of New Year's Eve Dead shows. This year I went up to New York to celebrate New Year's with Tom and Mimi at their home. We knew this would probably be his last, and at midnight we turned on the Dead and we danced.

Now, unlike me, Tom became an accomplished guitarist, and he could sit in with rock or blues bands. Tom was a terrible student in high school, but the fact is he was a renaissance man. He loved to read history, philosophy, and fiction. He devoted a lot of his last years to his art, sculpting solely from found objects from the creek that ran by his house in upstate New York.

Tom was an original. Some time ago, Tom and I talked about writing something for this occasion, but about a year or so ago he wrote a piece for a literary magazine that, to me, said what needed to be said. It was Tom and his take on what he was facing. It is called "The Dark Side of Death." I decided to read from it, with a few edits for the Senate floor, and I ask that the piece in its entirety, with some other edits, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 1.)

Mr. FRANKEN. "The Dark Side of Death" by Tom Davis.

The good news: my chemotherapy is working and I'm still buying green bananas. I've lost about 50 pounds. (I need to lose 49.) . . . False hope is my enemy, also self pity, which went out the window when I saw children with cancer. I try to embrace the inevitable with whatever grace I can muster, and find the joy in each day. I've always been good at that, but now I'm getting really good at that.

I wake up in the morning, delighted to be waking up, read, write, feed the birds, watch sports on TV, accepting the fact that in the foreseeable future I will be a dead person. I want to remind you that dead people are people too. There are good dead people and bad dead people. Some of my best friends are dead people. Dead people have fought in every war. We are all going to try it sometime.

Fortunately for me, I have always enjoyed mystery and solitude.

Many people in my situation say, "It's been my worst and best year." If that sounds like a cliché, you don't have cancer. On the plus side, I am grateful to have gained real, not just intellectual empathy. I was prepared to go through life without having suffered, and I was doing a good job of it. Now I know what it's like to starve. And to accept "that over which I have no control," I had to turn inward. People from all over my life are reconnecting with me, and I've tried to take responsibility for my deeds, good and bad.

I think I've finally grown up.

It is odd to have so much time to orchestrate the process of my own death. I'm improvising. I've never done this before, so far as I know. Ironically, I will probably outlive one or two people to whom I've already said goodbye. My life has been rife with irony; why stop now?

As an old-school Malthusian liberal, I've always believed that the source of all mankind's problems is overpopulation. I'm finally going to do something about it.

Tom faced death with humor and courage.

Rest in peace.

EXHIBIT 1

THE DARK SIDE OF DEATH

(By Tom Davis).

The good news: my chemotherapy is working and I'm still buying green bananas.

The bad news: two years ago, before we knew it as MDD (Michael Douglas Disease), I was diagnosed with tonsorial squamous cell carcinoma, a/k/a head and neck cancer. After surgery, I elected to go with radiation therapy sans complementary chemo, which was probably a big mistake. The malignancy unexpectedly spread to the bones of my pelvis and lower spine, where it has been munching away without thought of its host's well-being. It's now described as "exotic and aggressive," but it's getting its cancerous ass kicked by taxotere, a drug that imitates the chemistry of the European Yew tree. Made in China, of course. I'll be using it, or a related drug "for the rest of my life," which could be as long as two more high-quality-of-life years. I'd be thrilled with that.

There are side effects, the two weirdest being a "recall effect," in which radiation sores reappear, and neuropathy in my fingernails, which are in the unpleasant process of falling off. Ow. I've lost hair from all over my body. With only a little bit of white fluff on my head, I visited my mother, who suffers from Alzheimer's disease in Minneapolis.

"Now I want you to take all your medicine and your hair will grow back," she said cheerfully. "I think you look a little like that bird Woodstock in Peanuts." I'll take that; better than Uncle Fester.

My old comedy partner (Senator) Al Franken, volunteered to draw my hair back on with a magic marker, which would be funny for about two days. We're planning to write something for him to read once I de-animate, the final Franken and Davis piece. We'll see. Typically, we would wait until the last minute.

I've lost about 50 pounds. (I needed to lose 49.) It's great to wear jeans from the 70s, although I remember making a few people laugh when I said I would save them in case I got cancer. Once, in the early eighties, Franken and Davis appeared on the David Letterman Show as "The Comedy Team that Weighs the Same," a piece so stupid it was really funny. We dressed in bathrobes and Speedos for the final weigh-in on a huge scale. David asked if any other comedy team had weighed the same, and I said "Laurel and Hardy, but only near the end of Ollie's life," which got a good groan laugh. Maybe I tempted fate a little too often.

My grocer at the Claverack Market, Ted the Elder, recently asked if I had heard that there are two stages in life: "youth," and "you look great." Wish I'd thought of that.

Several close friends have asked if I was aware of alternative medicines, therapies, protocols, doctors, clinics, and books. One offered personal testimony. His colon cancer was supposed to have killed him several years ago. He attributes his survival to an exclusive diet of blueberry smoothies.

My fear is not death; my fear is spending my last years slurping blueberry, whey and soy powder shakes in a rock star hospital in Houston, surrounded by strangers. No.

False hope is my enemy, also self pity, which went out the window when I saw children with cancer. I try to embrace the inevitable with whatever grace I can muster, and find the joy in each day. I've always been good at that, but now I'm getting really good at it.

I wake up in the morning, delighted to be waking up, read, write, feed the birds, watch sports on TV, accepting the fact that in the foreseeable future I will be a dead person. I want to remind you that dead people are people too. There are good dead people and bad dead people. Some of my best friends are dead people. Dead people have fought in every war. We're all going to try it sometime.

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Many people in my situation say, "It's been my worst and best year." If that sounds like a cliché, you don't have cancer. On the plus side, I am grateful to have gained real, not just intellectual empathy. I was prepared to go through life without having suffered, and I was doing a good job of it. Now I know what it's like to starve. And to accept "that over which I have no control," I had to turn inward. People from all over my life are reconnecting with me, and I've tried to take responsibility for my deeds, good and bad. As my friend Timothy Leary said in his book, *Death by Design*, "Even if you've been a complete slob your whole life, if you can end the last act with panache, that's what they'll remember."

I think I've finally grown up.

It is odd to have so much time to orchestrate the process of my own death. I'm improvising. I've never done this before, so far as I know. Ironically, I probably will outlive one or two people to whom I've already said goodbye. My life has been rife with irony; why stop now?

As an old-school Malthusian liberal, I've always believed that the source of all mankind's problems is overpopulation. I'm finally going to do something about it.

**THE PRESIDING OFFICER.** The Senator from Iowa.

#### THE FARM BILL

**Mr. GRASSLEY.** Mr. President, the Senate passed a farm bill a few weeks ago—a pretty good farm bill. The House Agriculture Committee has reported out of its committee a farm bill, and now the discussion of whether we have a farm bill is a decision to be made by the leadership of the House, of whether a farm bill should come up. So I wish to speak about the necessity of a farm and nutrition bill being passed.

It is called a farm and nutrition bill because about 80 percent of a farm bill's expenditures are related to the food stamp program. If we can get this bill completed and to the President's desk, it will be the eighth farm bill I have had a chance to participate in.

Every 5 years or so, Congress debates, changes, argues over, and ultimately passes a farm and nutrition bill—not always of that title but pretty much of that content. This time should be no different. We need to get the job done. I understand there are folks who want to see more cuts here or there, and there are folks who want to spend more here or there. Those are very important discussions to have. We should have a healthy debate on how to tweak, reform, and reshape the policies in the bill, whether it is in regard to programs affecting farmers or the portion of the bill that receives the overwhelming share of the dollars, as I said, the nutrition title.

We had those debates in the Senate Agriculture Committee. We had those debates on the Senate floor. The House Agriculture Committee has had those debates. Now I hope their product can be brought up on the Senate floor. In fact, I am more than happy to debate these various issues with some of my friends on the House Agriculture Committee—why setting high target prices, as they did, is the wrong direction for Congress to take and how the House should adopt the payment limit reforms the Senate has embraced, provisions of the farm bill in the Senate that I got included. I am sure many on the House Agriculture Committee would be more than happy to debate with me the merits of having a more balanced approach to where we find savings in the bill by taking an equal portion from the nutrition title and the farm-related titles. We should find more savings for sure than what is contained in the Senate-passed farm bill, including saving more out of the nutrition title, as the House Agriculture Committee has been able to do.

But the fact is we have to keep moving the ball forward, regardless of how we feel about all these separate parts of a farm bill. We need to get to finality. We have a drought gripping this Nation and that is going to be tough on Americans. It is going to affect every American, not just the 2 percent of the people who are farmers, because it is going to cause food prices to go up. But the drought has drawn into focus just how important our farmers are to our food supply.

Americans enjoy a safe and abundant food supply. That is because of the hard work and dedication of so many farming families throughout our country. Sometimes weather conditions or other events outside farmers' control can make it difficult to keep farming. Farmers aren't looking for a handout, but when faced with conditions such as a near-historic drought, many farmers may need assistance to get through. Men and women go into farming for all sorts of reasons, but at the heart of farming is the desire to be successful at producing an abundant crop to feed the Nation and the world.

Farmers have many tools to manage their risks so they can keep producing food. They have adopted advanced technology such as drought-resistant crops. Farmers buy crop insurance. In my State of Iowa, about 92 percent of the farmers have crop insurance. Livestock farmers help animals manage heat by building climate-controlled buildings. But when faced with weather conditions such as we are currently dealing with, even the best laid plans may not keep the farming operation afloat. That is where the Federal Government comes in. We help provide a safety net.

Let me say just how that drought affects crops. I just read in the news-

paper something put out by some government agency that said about 55 percent of the landmass of the United States is in a drought condition right now. In my State of Iowa and many other Midwestern States, on an average of about 22 years, we face drought situations that are catastrophic for crops. Actually, the last one was in 1988, so now we are having one in my State of Iowa and that is 24 years. But, on average, it happens about that long. So we see the need for something that is beyond farmers' control. We can't do anything if it doesn't rain when it is supposed to rain, and right now is one of those most important times when crops need rain. So why do we provide the safety net? Because the American people understand how important the production of food is to our food supply and farmers doing that production.

It is a matter of national security. It has been said we are only nine meals away from a revolution. If people were without food, this argument goes, they would do whatever it takes to get food for themselves and their families. It has only been 3 years, I believe, in some places in the world where they had riots that were national problems—not just local problems but national problems—because of a shortage of rice. That is a staple in many countries; I suppose particularly of Asia. So we have to have a stable food supply if we are not going to have social upheaval.

The need for food can also be illustrated by looking at military history. In other words, a food supply is very important for our national security. It may be a joke, but Napoleon supposedly said "an army marches on its stomachs." But we also know from modern history, if we consider World War II on this very day, 60 or 70 years after World War II, why the Japanese and the Germans protect their farmers so much with safety nets of various sorts. Because they know what it was like during wartime not to have adequate food as a part of national security. A well-fed military is one ready to fight and to defend.

There is nothing more basic than making sure the Nation's food supply is secure, whether it is to prevent social upheaval or for our national security or maybe for a lot of other reasons. In order to have stability in our food system, we need to have the safety net available to assist farmers through the tough times so they can keep producing food.

I have not always agreed with the policies set in each and every farm bill Congress has passed—of the eight I have been involved in. In fact, there have been times in which I voted against individual farm bills because I didn't agree with the policy being set. However, I support, to a large extent, what we accomplished in the Senate-passed farm bill last month. Obviously,

I didn't agree with everything, particularly with the lack of savings we captured from the nutrition title. But, for the most part, we passed a bill that embraced real reform in the farm program that still provides an effective safety net.

Whether it is the Senate bill that cut back \$23 billion from the present farm program or whether it is the House bill that seems to cut back \$35 billion, I will bet this is the only piece of legislation that can possibly get to the President's desk this year that is going to save money rather than if it had just been simply extended. I would think people who want to set a record of fiscal conservatism for the upcoming election would be very anxious to take up a bill the Congressional Budget Office says saves either \$23 billion or \$35 billion.

So I say mostly to the other body, because right now that is where the action is and where we hope it will take place, we should not delay any longer. The farm bill is too important to all Americans to leave it in limbo. We need to get a farm bill to the President. The farm bill is approximately 80 percent nutrition programs. Most of the people who benefit are not farmers. Then, the other 20 percent is a safety net for farmers but also for all the programs the Department of Agriculture administers.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

Mr. WHITEHOUSE. Mr. President, before I go into the closing business, let me say I had the pleasure of presiding in this body during the remarks that were just made by the distinguished chairman of the Homeland Security Committee, Senator LIEBERMAN of Connecticut, the distinguished ranking member of that committee, Senator COLLINS of Maine, and the distinguished chairman of the Commerce Committee and, until recently, chairman of the Intelligence Committee, Senator ROCKEFELLER of West Virginia.

I simply want, briefly, to add my voice to theirs and echo the three points they emphasized: One, we absolutely must take action on cybersecurity; two, it is a genuine and undeniable matter of our American national security; and, three, we cannot claim to have done the job, we cannot claim to even have attempted the job seriously if we do not address the question of the critical infrastructure on which American life and our economy depend that is in private hands and, therefore,

cannot be protected under the existing regime in place protecting our government and military networks. We have to solve that problem. Anything that does not solve that problem is a clear failure of our duty, as national security experts from Republican and Democratic administrations alike have very clearly explained.

#### MORNING BUSINESS

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### REMEMBERING SALLY RIDE

Mrs. BOXER. Mr. President, I know that you and all of our colleagues will want to join me today in paying tribute to Dr. Sally Ride, the first American woman to fly in space, who died peacefully on Monday at her home in San Diego, CA. Sally Ride was 61 years old.

Dr. Ride was a physicist, an astronaut, a science writer, and the president and CEO of Sally Ride Science, a nonprofit company dedicated to realizing her lifelong passion for motivating young people to stick with their interests in science and to consider pursuing careers in science, technology, engineering, and math.

Sally Ride was born and grew up in Encino, CA. As a young girl, she was encouraged by her parents to pursue her two passionate interests: science and sports. At Stanford University, she studied physics, astrophysics, and English literature while becoming the school's number one women's tennis player. When asked what had made her choose science over tennis, she joked, "A bad forehead."

In 1977, as she was about to complete her Ph.D. in physics, Sally read that NASA was looking for astronauts and, for the first time, was allowing women to apply. From a group of 8,000 applicants, NASA selected 29 men and 6 women—including Sally Ride—as astronaut candidates in January 1978. The following year, she qualified for assignment on a space shuttle flight crew.

On June 18, 1983, Sally Ride made history as the first American woman in space, part of a 147-hour mission aboard the shuttle *Challenger*. She later said, "The thing that I'll remember most about the flight is that it was fun. In fact, I'm sure it was the most fun I'll ever have in my life."

Sally Ride's historic space flight riveted the Nation and made her a household name—a symbol of women's ability to break barriers and achieve any goal, no matter how lofty. She imme-

diately understood and appreciated her place in history, crediting the women's movement of the 1970s with paving her way into the space program.

Dr. Ride made another space flight in 1984 and was preparing for a third when the *Challenger* exploded shortly after takeoff on January 28, 1986. She served on the Presidential commission investigating the *Challenger* tragedy and worked at NASA headquarters as special assistant to the administrator before retiring from NASA in 1987.

After serving as a science fellow at Stanford's Center for International Security and Arms Control, Dr. Ride joined the faculty at the University of California, San Diego as a physics professor and director of the California Space Institute.

In 2001 she founded Sally Ride Science to create educational programs that entertain, engage, and inspire young people. She served on the President's Committee of Advisors on Science and Technology, the National Research Council's Space Studies Board, and the boards of the Congressional Office of Technology Assessment, the Carnegie Institution of Washington, and the NCAA Foundation.

Sally Ride pushed the limits of knowledge, courage, and accomplishment for all Americans, especially for girls and young women. As a pioneer in the final frontier of space, she showed millions of American girls that there was truly no limit on what they can do or where they can go.

On behalf of the people of California, who have been so moved and inspired by Sally Ride's life and legacy, I send my deepest appreciation and condolences to her partner of 27 years, Tam O'Shaughnessy; her mother, Joyce; her sister, Bear; her niece, Caitlin; and her nephew, Whitney.

#### CHRISTENING OF THE USS SOMERSET

Mr. TOOMEY. Mr. President, this Saturday, July 28, 2012, the U.S. Navy will perform a christening ceremony in New Orleans for the future USS *Somerset*. The USS *Somerset* is a special ship, bearing the name of the Southwest Pennsylvania county where United Airlines Flight 93 crashed on September 11, 2001.

On that infamous day, a group of defiant and determined Americans challenged a group of al-Qaida hijackers hell bent on crashing the plane into the U.S. Capitol, the White House, or another sensitive DC-area target. The terrorists' goal was not achieved, thanks to the bravery of the Americans onboard. We will never forget their actions in the face of horror.

The USS *Somerset* will serve as an ongoing emblem of their heroism as it races to the aid of our friends and defends American liberty against our

foes. This ship also embodies the American spirit local Pennsylvanians demonstrated shortly after the crash, when they raised the Stars and Stripes atop a dragline near the crash site as an unforgettable symbol of our country's resolve during a time of national sorrow.

Wherever the USS *Somerset* goes, so will a piece of southwest Pennsylvania. The bow of the ship includes steel from the dragline adjacent to the crash site in Stonycreek Township, where it was a silent witness to an indelible act of American courage and strength in defiance of those who would do us harm.

I wish the U.S. Navy and the future crew of the USS *Somerset* safe travels and successful missions defending America and freedom worldwide.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO DR. NEOSHA A. MACKAY

• Mr. BLUNT. Mr. President, today I wish to honor Neosha A. Mackey, who retired earlier this summer as dean of university libraries at Missouri State University after 27 years of service. During her years of dedicated service, Mackey oversaw the expansion of the Meyer Library to meet the needs of the academic community with improved access to local archives, manuscripts and photographs. The MSU library system also improved its access to other research materials with a Special Collections and Archives section available to internet users that was previously only accessible to view at the MSU Library.

Mackey started at Missouri State as the head of reference in 1985. Later she served as associate dean of library services, 1987–2009; acting dean, 1993–1995, and was appointed dean of library services in 2009.

During her tenure, the library enhanced services with a \$28 million addition and renovation project. Mackey has also been a presence in the classroom teaching both undergraduate and graduate level courses while monitoring budgets and coordinating personnel matters. As Missouri State reached out to establish programs and classes for students in China, Mackey and her husband John took a leadership role in the development of those programs.

Mackey also directed an expansion of the Meyer Library's local archives and collections with a loan agreement to house, preserve, and provide access to manuscripts and photographs owned by The History Museum for Springfield-Greene County. The History Museum holds a comprehensive collection of photographs and personal documents capturing decades of history and changing cultures in Springfield and Greene Counties. The new campus location promises improved access for re-

searchers and the general public as well as a safer climate- and temperature-controlled location for these priceless archives.

Before arriving at Missouri State, Mackey was at the Ohio State University from 1978–1985 as personnel librarian and head of the home economics library. She served as assistant to the dean, 1975–1977, and as head of the Parish Business Library, 1970–1975, at the University of New Mexico. Mackey has a bachelor of arts in economics and a master's in library science from the University of Oklahoma and an MBA from the University of New Mexico.

Mackey's achievements and her personal commitment to excellence have guided the Missouri State Library program to a place of national prominence. I thank her for her efforts and wish her well in her well-deserved retirement.●

##### 2012 OLYMPIC GAMES

• Mr. SANDERS. Mr. President, I rise today to commend three Vermonters who will be representing the United States in the Olympic Games in London. One hundred years ago Albert Gutterson of Springfield, VT, won Olympic Gold in the broad jump. This year, Lea Davison, Trevor Moore and Andrew Wheating are the latest in a long line of Vermonters to compete in the world's most prestigious athletic competition.

Lea Davison won the first mountain bike race she ever entered when she was 17 years old. A native of Jericho, VT, Lea competed in cross country and was a Division I alpine ski racer at Middlebury College before becoming the youngest woman to join the professional mountain biking tour. Lea has become one of the dominant forces in professional women's mountain biking but still takes time to give back to the community, running a summer camp for girls from Vermont who are interested in cycling.

Trevor Moore began sailing with his father and brother at a very young age. When he moved to North Pomfret, VT, as a teenager his passion for competition led him to play for Woodstock Union High's tennis and soccer teams. At Hobart College, Trevor was an accomplished sailor and a three-time All American, in addition to being named the 2007 College Sailor of the Year. He will be competing with Erik Storck in the 49er category in London.

London will mark Andrew Wheating's second Olympic Games. He competed for the track team in the 800 meter race at the Beijing Olympics in 2008. Andrew is originally from Norwich, VT. Recruited by the University of Oregon, he was the NCAA champion in the 800 meters in 2009 and 2010 and in the 1600 meters in 2010. Andrew is renowned for his ability to come from behind in races and will be competing in the 1600 meters in London.

Vermont is proud of Lea, Trevor, and Andrew, and I and the citizens of my State wish them the best of luck at the 2012 Olympic Games.●

##### TRIBUTE TO DEREK MILES

• Mr. THUNE. Mr. President, today I wish to recognize Derek Miles of Tea, SD, who will compete in the 2012 Summer Olympic Games taking place in London, England. This will be his third consecutive trip to the Summer Olympic Games. Derek has a long history of success as a pole vaulter, including three U.S. National Championships, 10 years ranked in the top 10 in the U.S.—4 of which he has been ranked No. 1, and 6 years ranked in the top five in the world.

Derek is currently working as an assistant pole vault and jumps coach at the University of South Dakota where he graduated from in 1996 as a four-time NCAA Division II All-American with a bachelor's degree in history. Derek also earned his master's in athletic administration at the University of South Dakota in 1998 and was inducted into the Henry Heider Coyote Sports Hall of Fame in 2006. In addition to his personal accomplishments, Derek has coached multiple conference champions and organized the Miles Pole Vault Summit bringing the world's best pole vaulters to Vermillion, SD, in 2007.

Derek should be very proud of all his accomplishments. On behalf of the State of South Dakota, I am pleased to say congratulations on another Olympic qualification. We are very proud and wish you the best of luck.●

##### RECOGNIZING KENNESAW STATE UNIVERSITY

• Mr. ISAKSON. Mr. President, today I wish to acknowledge Kennesaw State University's annual Homelessness Awareness Week during the week of October 8–13, 2012, in my home State of Georgia.

I appreciate that Kennesaw State University coordinates activities throughout the month of October to raise awareness about homeless individuals in our society with events such as Homelessness Awareness Week. The designation of Homelessness Awareness Week will help to increase our knowledge and understanding of those living without shelter and food. The activities during this week will also educate Georgians on how to address and combat this unfortunate problem in our State. Ending homelessness is critical to upholding the vitality of families and sense of community in the State of Georgia. Groups, organizations, and institutions such as Kennesaw State University work to address this growing problem. I support and applaud their efforts and urge all citizens to become more knowledgeable about this problem and seek out ways to help alleviate

this problem and its effects in our communities.●

#### TRIBUTE TO ED WALKER

● Mr. WARNER. The town of Big Lick was first established in 1852 and eventually became the city of Roanoke in 1884. Since its early days as a railroad hub, Roanoke has been an economic and cultural focal point for the western part of Virginia. Today, the New York Times recognized Ed Walker for his efforts in revitalizing Roanoke. For more than 10 years, Ed has worked to improve Roanoke by investing in historic structures and renovating them for residence, dining, and entertainment. Ed's work led to the creation of cultural programs, founded an innovative music center for young adults, and revitalized a once derelict downtown street.

Ed's investment in the community paid off. The hundredfold increase in downtown residents supported the opening of dozens of new businesses and increased demand for cultural attractions. By bringing residents and businesses closer together, Ed's projects have helped spur the Roanoke economy and brought new energy to the city.

Thanks to Ed's work, Roanoke serves as a model to similar communities across the Commonwealth. Roanoke was recognized recently as one of "America's Most Livable Communities" by the nonprofit Partners for Livable Communities. Ed created the CityWorks (X)po to bring together entrepreneurs, advocates, and developers from across the country to share ideas about renewing and improving cities such as Roanoke.

I would like to congratulate Ed Walker on his achievements and thank him for making the city of Roanoke a better place to work and live. I would ask unanimous consent that today's New York Times article be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, July 25, 2012]

VIRGINIA DEVELOPER IS ON A MISSION TO  
REVIVE HIS TOWN

(By Melena Ryzik)

ROANOKE, VA.—The Kirk Avenue Music Hall, a four-year-old club named for its downtown block here, offers an unexpected perk to its performers: an apartment. For a night or so, before or after gracing the stage, artists stay at no charge in a loft a block away, signing the guest book with notes of gratitude.

"We don't have money, we don't have fame, so hospitality is really critical," said Ed Walker, the club's landlord and a founder.

It is hard to miss Mr. Walker's brand of hospitality on Kirk Avenue. He owns nine of its storefronts, turning what was a forlorn block not long ago into a social destination. The music hall doubles as a microcinema and event space. There is Lucky, a restaurant run by a touring rock band that de-

cided to stay put, and Freckles, a cafe and vintage shop with monthly craft nights, whose owner called Mr. Walker the town's Jimmy Stewart, a favorite son and guiding light.

It is hard to miss Mr. Walker in many corners of Roanoke, a valley town of 97,000 about four hours from Washington. Ringed by the Blue Ridge Mountains and for generations a successful rail hub, it now has a median income of about \$35,000 and is trying to reinvent itself for a different economy: a medical school opened in 2010, and a bike shop is planning to move into the massive old transportation museum.

And Mr. Walker, 44, a former outsider-art dealer and a third-generation lawyer from a prominent local family, has emerged as a commercial developer with an unusual civic conscience. In less than a decade, he has bought more than a dozen disused historic buildings, renovated them and enticed people to live in them.

Thanks to Mr. Walker and other developers who followed suit, Roanoke's downtown has a livelier pulse, with nearly 1,200 residents this year, where once there were fewer than 10. Mr. Walker has made his spaces welcoming, handpicking chefs for restaurants and furnishing a pocket park with his children's swing sets. Coming attractions include a rock climbing gym.

With his wife, Katherine, and two young sons, he lives downtown himself and evangelizes about it to any visitor. Last fall he started what will be an annual conference in Roanoke, CityWorks (X)po, billed as exploring "big ideas for small cities."

"People think this is too good to be true," said Chris Morrill, the city manager. "You have this developer who knows the finances, knows the law, knows how to do these historic renovations and is really committed to the community. It's real."

Mr. Morrill added: "When folks from other communities come in here and I show them some of the stuff that's Ed's doing, they're like, 'How can we clone this guy and bring him back to our community?'"

Mr. Walker's conference is intended to share his blueprint for urban redevelopment, a field known as placemaking; he will study it at Harvard's Graduate School of Design this year, with a prestigious Loeb fellowship. But many towns already have their own version of Ed Walker, said Bruce Katz, a vice president at the Brookings Institution and founding director of the Brookings Metropolitan Policy Program, which focuses on cities. "This is happening across the country," Mr. Katz said.

"What you're seeing is a group of vanguard developers and vanguard businesspeople who basically spot a trend and then double down or triple down with their own resources" to buy property cheap, collaborating with like-minded leaders "on the placemaking agenda," he said.

Examples abound: Mr. Katz pointed to changes in Buffalo and Detroit and plans by Tony Hsieh, the Zappos tycoon, to remake Las Vegas. "It has been one or two people in particular cities taking the risk," he said.

"There's a profit motive for sure, but these are people committed to place," Mr. Katz added. "This is no longer an idea or an aspiration. It's an out-and-out trend."

In Roanoke, it started in 2002, when Mr. Walker began redeveloping Kirk Avenue. His first major residential renovation opened downtown in 2006, with million-dollar condominiums.

Old-guard Roanokers were quickly convinced that downtown was livable when Mr.

Walker sold one of the first to Warner Dalhouse, a retired bank chairman, and his wife, Barbara, who use it as a Southern pied-à-terre. At 4,800 square feet, it is larger than their lake house nearby. "We wanted it to look like a New York loft, and it does," Mr. Dalhouse said.

Mr. Walker's company converted an old cotton mill and a department store into apartments, some at the low end of market rates and some at the top. The next units will be in a former ice house on the Roanoke River, where the city's first waterfront restaurant will open.

Last year, after a \$20 million renovation, the company reopened the Patrick Henry, once one of Roanoke's grandest hotels; its disrepair had taken a toll on civic pride. Now it once again has an elegant lobby, complete with a bar. Some of its 132 apartments are leased by a nearby nursing school for its students.

The building also houses the Music Place, an FM radio station that Mr. Walker bought last year just before it was forced to change formats. With its mix of indie, country and folk—and thrice-weekly interviews with community leaders—it fit with his notion to give Roanoke the feel of, as he grinningly puts it, a funky college town.

The radio station is just breaking even. The conference lost money, but Mr. Walker will hold it again—it "succeeded on a human level," he said. Otherwise, he is adamant that his projects must serve the bottom line.

He is keen to talk financing—Virginia has generous tax credits for historic renovation, so he helped get a landmark designation for the Wasena neighborhood, where his river project is—in hopes that it will teach others to follow in his footsteps as social entrepreneurs. "Roanoke is a really good small-city laboratory," he said.

Mayor David Bowers praised Mr. Walker but said the city still had economic, educational and tourism challenges. "We're not the destination that we should be," he said.

Even downtown, all is not rosy. Studio Roanoke, a nonprofit black box theater, closed this month because of a lack of money. ("It's not even bare bones," Melora Kordos, its artistic director, told The Roanoke Times. "We're just a couple of femurs.") And there are other signs of struggle, especially in areas that ring the city center, like south-east Roanoke.

Jason Garnett, a former projectionist and theater manager who programs Shadowbox, the movie night at Kirk Avenue Music Hall, makes ends meet with a job as an audio-visual coordinator at a local college.

"I can't afford to live downtown," said Mr. Garnett, a 36-year-old father of two. Still, he and his friends are committed to staying, starting even more community-run art spaces. "We're trying to make Roanoke cool," he said.

There are indications that it is working. Since 2009, 25 restaurants have opened across 10 blocks downtown, many serving farm-to-table fare, bolstered by a long-running farmer's market. A glossy monthly devoted to the art scene, Via Noke Magazine, began publishing in June. There is an adult kickball league. It adds up to the kind of do-it-yourself creative change that Mr. Walker, a sometime skateboarder whose ethos is more Joe Strummer than Jane Jacobs, advocates.

For Mr. Morrill, the city manager, the developments have already had an impact on the town's psyche. "Roanoke has this inferiority complex," he said. "People would say, 'We could've been Charlotte if we'd had a bigger airport, or Greensboro or Asheville.'"



And Ed helped them realize, Roanoke is a pretty good place."

He added: "People aren't talking about what we're not anymore. Now they're talking about what we are. And that's a huge shift."●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

#### MESSAGE FROM THE HOUSE

At 2:26 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4157. An act to prohibit the Secretary of Labor from reissuing or issuing a rule substantially similar to a certain proposed rule under the Fair Labor Standards Act of 1938 relating to child labor.

#### ENROLLED BILL SIGNED

At 7:04 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 1335. An act to amend title 49, United States Code, to provide rights for pilots, and for other purposes.

#### MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4157. An act to prohibit the Secretary of Labor from reissuing or issuing a rule substantially similar to a certain proposed rule under the Fair Labor Standards Act of 1938 relating to child labor; to the Committee on Health, Education, Labor, and Pensions.

#### MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 3429. A bill to require the Secretary of Veterans Affairs to establish a veterans jobs corps, and for other purposes.

#### PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-106. A Concurrent resolution adopted by the Legislature of the State of Utah expressing concerns over portions of the National Defense Authorization Act for Fiscal Year 2012; to the Committee on Armed Services

#### SENATE CONCURRENT RESOLUTION No. 11

Whereas, the Congress of the United States passed the National Defense Authorization Act for Fiscal Year 2012 ("2012 NDAA") on December 15, 2011;

Whereas, the President of the United States of America signed the 2012 NDAA into law on December 31, 2011;

Whereas, Section 1021 of the 2012 NDAA affirms the authority of the Armed Forces of the United States to detain covered persons pending disposition under the law of war and defines covered persons to include persons associated with the attacks on September 11, 2001 or members and supporters of al-Qaeda, the Taliban, or other associated forces that are engaged in hostilities against the United States;

Whereas, Section 1022 of the 2012 NDAA requires that members of al-Qaeda captured in the course of hostilities be detained in military custody pending disposition under the laws of war, except that it is not a requirement to detain a citizen of the United States or lawful resident alien of the United States on the basis of conduct taking place within the United States;

Whereas, there is disagreement about the impacts of Sections 1021 and 1022 of the 2012 NDAA;

Whereas, the United States Constitution and the Utah Constitution provide for due process and a speedy trial;

Whereas, the indefinite military detention of a citizen in the United States without charge or trial violates the right to be free from deprivation of life, liberty, or property without due process of law guaranteed by the United States Constitution, Amendment V and Utah Constitution, Article I, Section 14; and

Whereas, it is indisputable that the threat of terrorism is real and that the full force of appropriate and constitutional law must be used to defeat this threat; however, winning the war against terror cannot come at the great expense of mitigating basic, fundamental, constitutional rights: Now, therefore, be it

*Resolved*, That the Legislature of the State of Utah, the Governor concurring therein, reaffirms our rights guaranteed by the United States Constitution and the Utah Constitution, and urges the United States Congress to clarify, or repeal if found necessary, Sections 1021 and 1022 of the 2012 NDAA to ensure protection of the rights guaranteed by the United States Constitution and the Utah Constitution; *be it further*

*Resolved*, That a copy of this resolution should be sent to the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, and to the members of Utah's congressional delegation.

POM-107. A concurrent resolution adopted by the Legislature of the State of Utah expressing support for interconnection of the seven Salt Lake County and Summit County ski resorts; to the Committee on Commerce, Science, and Transportation.

#### SENATE CONCURRENT RESOLUTION No. 10

Whereas, tourism is one of Utah's major "export industries" that sells services or products to destination visitors and brings money into the state to support our local

economy and provide jobs for current and future Utahns;

Whereas, over 20 million people visited the state of Utah in 2010, spending over \$6.5 billion, or 5.5% of Utah's gross domestic product, contributing over \$840 million in state and local taxes, and sustaining as much as 10% of the jobs in the state;

Whereas, the ski and snowboard industry is a major contributor to Utah's tourism industry, contributing over \$1.2 billion to the state's economy as a result of over 4 million skier days, and growth in the ski and snowboard industry will bring additional spending, revenue, and jobs to the state;

Whereas, tourists who ski or snowboard in Utah spend money on lift tickets, equipment rentals, hotels, restaurants, car rentals, and other matters, and this money circulates through the economy, supporting over 20,000 local jobs;

Whereas, the seven ski resorts in Summit County and Salt Lake County are all located in close proximity to one another, offering the opportunity to connect these resorts, an opportunity that leading competing winter tourism states do not have;

Whereas, connecting the ski resorts in Summit County and Salt Lake County will create a skiing experience unavailable anywhere else in North America and reposition Utah's ski and snowboard experience to be even more competitive and attractive relative to other states, leading to increased tourist visitation and spending, which will in turn lead to an increase in revenue and jobs;

Whereas, it is recognized that Big and Little Cottonwood Canyons are critical watersheds from which more than 500,000 Utah residents, businesses, and visitors throughout Salt Lake County receive their drinking water, and that best management practices would be required in any potential resort connections;

Whereas, the balance of multiple uses in the Wasatch Mountains, including developed recreation, such as skiing and picnicking, and dispersed recreation, such as hiking, mountain biking, and back country skiing, are highly valued by residents, visitors, and businesses in Utah and contribute significantly to the state's economy and quality of life;

Whereas, the roads to ski areas in Summit County and Salt Lake County are congested during certain times of the year, and studies should be conducted by numerous federal, state, local, and private sector entities to comprehensively evaluate alternatives to solve transportation problems;

Whereas, connecting the ski resorts in Summit County and Salt Lake County will improve access to the ski resorts and allow the unique opportunity of skiing at multiple resorts in a single day;

Whereas, connecting the ski resorts in Summit County and Salt Lake County is an issue of state concern because the connection will cross county boundaries, have a tremendously positive impact on the state economy, and may contribute positively to state roadways and airsheds;

Whereas, connecting ski resorts will allow the winter sports industry to grow while making the most efficient and sustainable use of ski terrain, roads, facilities, and parking lots;

Whereas, connecting the ski resorts in Summit County and Salt Lake County may require review and approval of permits by Summit County, Salt Lake County, Salt Lake City, Park City, the town of Alta, and the United States Forest Service;



Whereas, the public will be engaged in meaningful and balanced ways in any potential decision-making processes regarding resort interconnections, and these processes will be open and transparent;

Whereas, many skiers drive from Summit County to ski in the Cottonwood Canyons, or from one Cottonwood Canyon resort to ski in Summit County or at another Cottonwood Canyon resort, contributing to congestion on canyon roads;

Whereas, connecting the ski resorts in Summit County and Salt Lake County will decrease traffic on congested canyon roads and lead to cleaner air and water by reducing automobile-related pollution, and provide emergency evacuation options for Big and Little Cottonwood canyons;

Whereas, the 1988 Governor's Task Force on Interconnect concluded that interconnecting the Wasatch ski resorts "would provide a substantial boost to Utah's ski industry and have a positive influence on the state's economy"; and

Whereas, the Wasatch Mountains Inter-Resort Transportation Study, completed by Mountainland Association of Governments in 1990, found that connecting the Wasatch resorts "hold[s] the promise of substantial public benefits in the form of reductions in automobile traffic on congested canyon roadways, watershed and environmental pollution abatement, increased slow-season occupancy of existing facilities, and the potential for future economic expansion": Now, therefore, be it

*Resolved*, That the Legislature of the state of Utah, the Governor concurring therein, support connecting the seven ski resorts in Summit County and Salt Lake County with an inter-resort transportation system based on sound research and balanced public input, and careful evaluation of its impact on transportation, the economy, job creation, the environment, multiple uses, and visitor experience; and be it further

*Resolved*, That the Legislature and Governor encourage Summit County, Salt Lake County, Salt Lake City, Park City, the town of Alta, and the United States Forest Service to fairly consider the benefits of connecting the various resorts and expeditiously approve a low-impact inter-resort transportation system based on appropriate analysis and balanced public input; and be it further

*Resolved*, That a copy of this resolution be sent to the Summit County Council, the Summit County Manager, the mayor of Park City, the Park City Council, the Salt Lake County Council, the town of Alta, the Mayor of Salt Lake County, the Salt Lake City Council, the Mayor of Salt Lake City, the Chief of the National Forest Service, the Uinta-Wasatch-Cache National Forest Supervisor, the Speaker of the United States House of Representatives, the Majority Leader of the United States Senate, and all members of the Utah Congressional Delegation.

POM-108. A joint resolution adopted by the Legislature of the State of Utah petitioning the federal government to transfer title of public lands to the state of Utah; to the Committee on Energy and Natural Resources.

#### HOUSE JOINT RESOLUTION NO. 3

Whereas, in 1780, the United States Congress resolved that "the unappropriated lands that may be ceded or relinquished to the United States, by any particular states, pursuant to the recommendation of Congress of the 6 day of September last, shall be granted and disposed of for the common ben-

efit of all the United States that shall be members of the federal union, and be settled and formed into distinct republican states, which shall become members of the federal union, and have the same rights of sovereignty, freedom and independence, as the other states: . . . and that upon such cession being made by any State and approved and accepted by Congress, the United States shall guaranty the remaining territory of the said States respectively. (Resolution of Congress, October 10, 1780)";

Whereas, the territorial and public lands of the United States are dealt with in Article IV, section 3, clause 2 of the United States Constitution, referred to as the Property Clause, which states, "The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States.";

Whereas, with this clause, the Constitutional Convention agreed that the Constitution would maintain the "statu quo" that had been established with respect to the federal territorial lands being disposed of only to create new states with the same rights of sovereignty, freedom, and independence as the original states;

Whereas, under these express terms of trust, the land claiming states, over time, ceded their western land to their confederated union and retained their claims that the confederated government dispose of such lands only to create new states "and for no other use or purpose whatsoever" and apply the net proceeds of any sales of such lands only for the purpose of paying down the public debt;

Whereas, with respect to the disposition of the federal territorial lands, the Northwest Ordinance of July 13, 1787, provides, "The legislatures of those districts or new States, shall never interfere with the primary disposal of the soil by the United States in Congress assembled, nor with any regulations Congress may find necessary for securing the title in such soil to the bona fide purchasers";

Whereas, by resolution in 1790, the United States Congress declared "That the proceeds of sales which shall be made of lands in the Western territory, now belonging or that may hereafter belong to the United States, shall be, and are hereby appropriated towards sinking or discharging the debts for the payment whereof the United States now are, or by virtue of this act may be holden, and shall be applied solely to that use, until the said debt shall be fully satisfied";

Whereas, the intent of the founding fathers to eventually extinguish title to all public lands was reaffirmed by President Andrew Jackson in a message to the United States Senate on December 4, 1833, where he explained the reasons he vetoed a bill entitled "An act to appropriate for a limited time the proceeds of the sales of the public lands of the United States and for granting lands to certain States": "I do not doubt that it is the real interest of each and all the States in the Union, and particularly of the new States, that the price of these lands shall be reduced and graduated, and that after they have been offered for a certain number of years the refuse remaining unsold shall be abandoned to the States and the machinery of our land system entirely withdrawn. It can not be supposed the compacts intended that the United States should retain forever a title to lands within the States which are of no value, and no doubt is entertained that the general interest would be best promoted by surrendering such lands to the States";

Whereas, in 1828, United States Supreme Court Chief Justice John Marshall, in *American Ins. Co. v. 356 Bales of Cotton*, 26 U.S. 511 (1828), confirmed that no provision in the Constitution authorized the federal government to indefinitely exercise control over western public lands beyond the duty to manage these lands pending the disposal of the lands to create new states when he said, "At the time the Constitution was formed, the limits of the territory over which it was to operate were generally defined and recognised (sic). These limits consisted in part, of organized states, and in part of territories, the absolute property and dependencies of the United States. These states, this territory, and future states to be admitted into the Union, are the sole objects of the Constitution; there is no express provision whatever made in the Constitution for the acquisition or government of territories beyond those Limits.";

Whereas, in 1833, referring to these land cession compacts which arose from the original 1780 congressional resolution, President Andrew Jackson stated, "These solemn compacts, invited by Congress in a resolution declaring the purposes to which the proceeds of these lands should be applied, originating before the constitution, and forming the basis on which it was made, bound the United States to a particular course of policy in relation to them by ties as strong as can be invented to secure the faith of nations" (Land bill veto, December 5, 1833);

Whereas, the United States Supreme Court, in *State of Texas v. White*, 74 U.S. 700 (1868), clarified that a state, by definition, includes a defined sovereign territory, stating that "State," in the constitutional context, is "a political community of free citizens, occupying a territory of defined boundaries, and organized under a government sanctioned and limited by a written constitution, and established by the consent of the governed", and added, "This is undoubtedly the fundamental idea upon which the republican institutions of our own country are established";

Whereas, in *Shively v. Bowlby*, 152 U.S. 1 (1894), the United States Supreme Court confirmed that all federal territories, regardless of how acquired, are held in trust to create new states on an equal footing with the original states when it stated, "Upon the acquisition of a Territory by the United States, whether by cession from one of the States, or by treaty with a foreign country, or by discovery and settlement, the same title and dominion passed to the United States, for the benefit of the whole people, and in trust for the several States to be ultimately created out of the Territory.";

Whereas, the United States Supreme Court has affirmed that the federal government must honor its trust obligation to extinguish title to the public lands for the sovereignty of the new state to be complete, stating once "the United States shall have fully executed these trusts, the municipal sovereignty of the new states will be complete, throughout their respective borders, and they, and the original states, will be upon an equal footing, in all respects. . . ." (*Pollard v. Hagan*, 44 U.S. 212 (1845));

Whereas, the enabling acts of the new states west of the original colonies established the terms upon which all such states were admitted into the union, and contained the same promise to all new states that the federal government would extinguish title to all public lands lying within their respective borders;

Whereas, the United States Supreme Court looks upon the enabling acts which create

new states as “solemn compacts” and “bilateral (two-way) agreements” to be performed “in a timely fashion”;

Whereas, under Section 3 of Utah’s Enabling Act, Utah agreed to the same solemn compacts as states preceding in statehood, that until the title to unappropriated public lands lying within the state’s boundaries “shall have been extinguished by the United States, the same shall be and remain subject to the disposition of the United States, and said Indian lands shall remain under the absolute jurisdiction and control of the Congress of the United States; . . . that no taxes shall be imposed by the State on lands or property therein belonging to or which may hereafter be purchased by the United States or reserved for its use”;

Whereas, the trust obligation of the federal government to timely extinguish title of all public lands lying within the boundaries of the state of Utah is made even more clear in Section 9 of Utah’s Enabling Act as follows: “That five per centum of the proceeds of the sales of public lands lying within said State, which shall be sold by the United States subsequent to the admission of said State into the Union, after deducting all the expenses incident to the same shall be paid to the said State, to be used as a Permanent Fund, the interest of which only shall be expended for the support of the common schools within said State”;

Whereas, the federal government confirmed its trust obligation to timely extinguish title to all public lands lying within the boundaries of the state of Utah by and through the 1934 Taylor Grazing Act, which declared that the act was established “In order to promote the highest use of the public lands pending its final disposal”;

Whereas, in 1976, after nearly 200 years of trust history regarding the obligation of Congress to extinguish title of western lands to create new states and use the proceeds to discharge its public debts, the United States Congress purported to unilaterally change this solemn promise by and through the Federal Land Policy Management Act (FLPMA), which provides, in part, “The Congress declares that it is the policy of the United States that the public lands be retained in Federal ownership, unless . . . it is determined that disposal of a particular parcel will serve the federal interest”;

Whereas, at the time of Utah’s Enabling Act the course and practice of the United States Congress with all prior states admitted to the union had been to fully extinguish title, within a reasonable time, to all lands within the boundaries of such states, except for those Indian lands, or lands otherwise expressly reserved to the exclusive jurisdiction of the United States;

Whereas, the state of Utah did not, and could not have, contemplated or bargained for the United States failing or refusing to abide by its solemn promise to extinguish title to all lands within its defined boundaries within a reasonable time such that the state of Utah and its permanent fund for its common schools could never realize the bargained-for benefit of the deployment, taxation, or economic benefit of all the lands within its defined boundaries;

Whereas, from 1780 forward the federal government only held bare legal title to the western public lands in the nature of a trustee in trust with the solemn obligation to timely extinguish title to such lands to create new states and to use the proceeds to pay the public debt;

Whereas, the federal government complied with its promise and solemn obligation to

imminently transfer title of public lands lying within the boundaries of all states to the eastern edge of the state of Colorado and also with the state of Hawaii;

Whereas, by the terms of Utah’s Enabling Act, Utah suspended its sovereign right to eventually tax the public lands within its borders, pending final disposition of the public lands;

Whereas, the federal government has repeatedly and persistently failed to honor its promises and has refused to abide by the terms of its preexisting solemn obligations to imminently extinguish title to all public lands;

Whereas, had Congress honored its promise to Utah to timely extinguish title to all public lands within Utah’s boundaries, Utah would have had sovereign control over lands within its borders;

Whereas, Congress, by and through FLPMA, unilaterally altered its duty in 1976 to extinguish title to all public lands within Utah’s borders by committing to a policy of retention and a process of comprehensive land management and planning coordinated between the federal government, the states, and local governing bodies for access, multiple use, and sustained yield of the public lands;

Whereas, despite the fact that the federal government had not divested all public lands within Utah’s borders by 1976, this did not alleviate the federal government from its duty to extinguish title and divest itself of federal ownership of remaining public land in Utah by ceding such land directly to the state as it did with other states;

Whereas, since the passage of FLPMA, the federal government has engaged in a persistent pattern and course of conduct in direct violation of the letter and spirit of FLPMA through an abject disregard of local resource management plans, failure and refusal to coordinate and cooperate with the state and local governments, unilateral and oppressive land control edicts to the severe and extreme detriment of the state and its ability to adequately fund education, provide essential government services, secure economic opportunities for wage earners and Utah business, and ensure a stable prosperous future;

Whereas, under the United States Constitution, the American states reorganized to form a more perfect union, yielding up certain portions of their sovereign powers to the elected officers of the government of their union, yet retaining the residuum of sovereignty for the purpose of independent internal self governance;

Whereas, by compact between the original states, territorial lands were divided into “suitable extents of territory” and upon attaining a certain population, were to be admitted into the union upon “an equal footing” as members possessing “the same rights of sovereignty, freedom and independence” as the original states;

Whereas, the federal trust respecting public lands obligates the United States, through their agent, Congress, to extinguish both their government jurisdiction and their title on the public lands that are held in trust by the United States for the states in which they are located;

Whereas, the state and federal partnership of public lands management has been eroded by an oppressive and over-reaching federal management agenda that has adversely impacted the sovereignty and the economies of the state of Utah and local governments;

Whereas, federal land-management actions, even when applied exclusively to fed-

eral lands, directly impact the ability of the state of Utah to manage its school trust lands in accordance with the mandate of the Utah Enabling Act and to meet its obligation to the beneficiaries of the trust;

Whereas, Utah has been substantially damaged in its ability to provide funding for education and the common good of the state and to serve a sustainable, vibrant economy into the future because the federal government has unduly retained control of nearly two-thirds of the lands lying within Utah’s borders;

Whereas, Utah consistently ranks highest among all the states in class size and lowest in the nation in per pupil spending for education;

Whereas, had the federal government disposed of the land in or about 1896, Utah would have, from that point forward, generated substantial tax revenues and revenues from the sustainable managed use of its natural resources to the benefit of its public schools and to the common good of the state and nation;

Whereas, the federal government gives Utah less than half of the net proceeds of mineral lease revenues and severance taxes generated from the lands within Utah’s borders;

Whereas, Utah has been substantially damaged in mineral lease revenues and severance taxes in that, had the federal government extinguished title to all public lands, Utah would realize 100% of the mineral lease revenues and severance taxes from the lands;

Whereas, the Bureau of Land Management’s (BLM) failure to act affirmatively on definitive allocation decisions of multiple use activities in resource management plans has created uncertainty in the future of public land use in Utah and has caused capital to flee the state;

Whereas, during the process of finalizing the most recent six Resource Management Plans, the BLM refused to consider state and local government acknowledgments of R.S. 2477 rights-of-way or other evidence of the existence of R.S. 2477 rights-of-way in the Grand Staircase Escalante National Monument;

Whereas, the BLM has demonstrated a chronic inability to handle the proliferation of wild horses and burros on the public lands, to the detriment of the rangeland resource;

Whereas, the United States Army Corps of Engineers is proposing to extend its jurisdiction to regulate the waters of the United States to areas traditionally dry, except during severe weather events, in violation of the common definition of jurisdictional waters;

Whereas, in 1996, the president of the United States abused the intent of the Antiquities Act by the creation of the Grand Staircase Escalante National Monument without any consultation with the state and local authorities or citizens;

Whereas, the United States Fish and Wildlife Service is making decisions concerning various species on BLM lands under the provisions of the Endangered Species Act without serious consideration of state wildlife management activities and protection designed to prevent the need for a listing, or recognizing the ability to delist a species, thereby affecting the economic vitality of the state and local region;

Whereas, the BLM has not authorized all necessary rangeland improvement projects involving the removal of pinyon-juniper and other climax vegetation, thereby reducing the biological diversity of the range, reducing riparian viability and water quality, and reducing the availability of forage for both livestock and wildlife;

Whereas, Utah initially supported placing into reserve the six National Forests in Utah—Ashley, Fishlake, Manti La-Sal, Dixie, Uinta, and Wasatch-Cache, because Utah was promised this action would preserve the forest lands as watersheds and for agricultural use—namely timber and other wood products, and grazing;

Whereas, this vision and promise of agricultural production on the forest lands is the reason that the United States Forest Service was made part of the United States Department of Agriculture as opposed to the Department of the Interior;

Whereas, the promise of preservation for agricultural use has been broken by the current and recent administrations;

Whereas, logging, timber, and wood products operations on Utah's National Forests have come to a virtual standstill, resulting in forests that are choked with old growth monocultures, loss of aspen diversity, loss of habitat, and a threat to community watersheds due to insect infestation and catastrophic fire;

Whereas, these conditions are the result of a failure to properly manage the forest lands for their intended use, which is responsible and sustained timber production, watersheds, and grazing;

Whereas, the only remedy for federal government breaches of Utah's Enabling Act Compact and breaches to the spirit and letter of the promises of FLPMA is for the state of Utah to take back title and management responsibility of federally-managed public lands, which would restore the promises in the solemn compact made at statehood;

Whereas, under Article I, Section 8, Clause 17 of the United States Constitution, the federal government is only constitutionally authorized to exercise jurisdiction over and above bare right and title over lands that are "purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings";

Whereas, the United States Supreme Court affirmed that the federal government only holds lands as a mere "ordinary proprietor" and cannot exert jurisdictional dominion and control over public lands without the consent of the state Legislature, stating "Where lands are acquired without such consent, the possession of the United States, unless political jurisdiction be ceded to them in some other way, is simply that of an ordinary proprietor (emphasis added). The property in that case, unless used as a means to carry out the purposes of the government, is subject to the legislative authority and control of the states equally with the property of private individuals." (Ft. Leavenworth R. Co. v. Lowe, 114 U.S. 525 (1885));

Whereas, in a unanimous 2009 decision, the United States Supreme Court, in *Hawaii v. Office of Hawaiian Affairs*, 556 U.S. 163 (2009), affirmed that Congress has no right to change the promises it made to a state's Enabling Act, stating, "... [a subsequent act of Congress] would raise grave constitutional concerns if it purported to 'cloud' Hawaii's title to its sovereign lands more than three decades after the State's admission to the Union. . . . [T]he consequences of admission are instantaneous, and it ignores the uniquely sovereign character of that event . . . to suggest that subsequent events somehow can diminish what has already been bestowed'. And that proposition applies a fortiori [with even greater force] where virtually all of the State's public lands. . . are at stake" (emphasis added, citation omitted);

Whereas, citizens of the state of Utah have a love of the land and have demonstrated responsible stewardship of lands within state jurisdiction;

Whereas, the state of Utah is willing to sponsor, evaluate, and advance the locally driven efforts in a more efficient manner than the federal government, to the benefit of all users, including recreation, conservation, and the responsible and sustainable management of Utah's natural resources;

Whereas, the state of Utah has a proven regulatory structure to manage public lands for multiple use and sustainable yield;

Whereas, the United States Congress disposed of lands within the boundaries of the states of Tennessee and Hawaii directly to those states;

Whereas, because of the entanglements and rights arising over the 116 years that the federal government has failed to honor its promise to timely extinguish title to public lands and because of the federal government's breach of Utah's Enabling Act and breach of FLPMA, among other promises made, and the damages resulting from such breaches, the United States Congress should imminently transfer title to all public lands lying within the State of Utah directly to the State of Utah, as it did with Hawaii and Tennessee;

Whereas, the Legislature of the state of Utah, upon transfer of title by the federal government of the public lands directly to the state, intends to cede the national park land to the federal government on condition that the lands permanently remain national park lands, that they not be sold, transferred, left in disrepair, or conveyed to any party other than the state of Utah;

Whereas, the Legislature of the state of Utah, upon transfer of title by the federal government of the public lands directly to the state, intends to cede to the federal government all lands currently designated as part of the National Wilderness Preservation System pursuant to the Wilderness Act of 1964;

Whereas, in order to effectively address the accumulated entanglements and expectations over Utah's public lands, including open space, access, multiple use, and the management of sustainable yields of Utah's natural resources, a Utah Public Lands Commission should be formed to review and manage multiple use of the public lands and to determine, through a public process, the extent to which public land may be sold, if any; and

Whereas, to the extent that the Public Lands Commission determines through a public process that any such land should be sold to private owners, that 5% of the net proceeds should be paid to the permanent fund for Utah's public schools, and 95% of the net proceeds should be paid to the federal government to pay down the federal debt: Now, therefore, be it

*Resolved* that in order to provide a fair, justified, and equitable remedy for the federal government's past and continuing breaches of its solemn promises to the State of Utah as set forth in this resolution and to provide for the sufficient and necessary funding of Utah's public education system, the Legislature of the state of Utah demands that the federal government imminently transfer title to all of the public lands within Utah's borders directly to the state of Utah. Be it further

*Resolved*, that the Legislature of the state of Utah urges the United States Congress in the most strenuous terms to engage in good faith communication, cooperation, coordina-

tion, and consultation with the state of Utah regarding the transfer of public lands directly to the state of Utah. Be it further

*Resolved*, that, upon transfer of the public lands directly to the state of Utah, the Legislature intends to affirmatively cede the national park lands to the federal government, under Article I, Section 8, Clause 17 of the United States Constitution, on condition that the lands permanently remain national park lands, that they not be sold, transferred, left in substantial disrepair, or conveyed to any party other than the state of Utah. Be it further

*Resolved*, that, upon transfer of the public lands directly to the state of Utah, the Legislature intends to affirmatively cede to the federal government all lands currently designated as part of the National Wilderness Preservation System pursuant to the Wilderness Act of 1964. Be it further

*Resolved*, that the Legislature calls for the creation of a Utah Public Lands Commission to review and manage access, open space, sustainable yields, and the multiple use of the public lands and to determine, through a public process, the extent to which public land may be sold. Be it further

*Resolved*, that, to the extent that the Public Lands Commission determines through a public process that any such land should be sold to private owners, that 5% of the net proceeds should be paid to the permanent fund for the public schools, and 95% should be paid to the Bureau of the Public Debt to pay down the federal debt. Be it further

*Resolved*, that copies of this resolution be sent to the United States Department of the Interior, the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, the members of Utah's congressional delegation, and the Governors, Senate Presidents, and Speakers of the House of the 49 other states.

POM-109. A concurrent resolution adopted by the Legislature of the State of Utah expressing support for new technologies and facilities that allow for, and enhance the production and value of, Uintah Black Wax in the Uintah Basin; to the Committee on Energy and Natural Resources.

#### SENATE CONCURRENT RESOLUTION No. 8

Whereas, the United States is seeking energy development opportunities;

Whereas, using natural resources from all possible energy producing sources is integral to economic growth;

Whereas, within the Uintah Basin of the state of Utah, there is an abundance of crude oil commonly referred to as Black and Yellow Wax crude;

Whereas, geological estimates put the potential of this resource on equal footing with the largest oil developments in the United States;

Whereas, on average, the United States imports from foreign sources more than half of all oil sold in America;

Whereas, a significant amount of imported oil comes from countries and regions hostile to the interests of the United States;

Whereas, conservative estimates indicate that there is more recoverable oil on federal lands in the United States than in Saudi Arabia, a major source of imported oil;

Whereas, a significant amount of the oil in the Uintah Basin is found beneath tribal lands;

Whereas, the Ute Indian Tribes receive significant compensation from oil production on tribal lands;

Whereas, the United States Treasury receives significant revenues from severance

taxes paid from oil extraction on federal and tribal lands;

Whereas, the state of Utah receives significant revenues from severance taxes paid from oil extraction on lands within the state;

Whereas, the Utah School and Institutional Trust Lands (SITLA) receives significant revenues from oil extracted on SITLA lands in the Uintah Basin;

Whereas, the economies of the counties in the Uintah Basin depend upon the oil and gas industry;

Whereas, the major producers of oil in the Uintah Basin are actively pursuing opportunities to increase production;

Whereas, because of the molecular nature of the wax crude in the Uintah Basin, the refineries in North Salt Lake are currently the only viable market for producers of the wax crude;

Whereas, an oil upgrading facility could change the molecular structure of the wax crude to liquefy it and allow the wax to be delivered to market via pipeline;

Whereas, an oil upgrading facility in the Uintah Basin would allow for increased production of the wax crude in the Uintah Basin, to the benefit of all Utahns; and

Whereas, private companies are willing and anxious to build an oil upgrading facility on private land in the Uintah Basin: Now, therefore, be it

*Resolved*, That the Legislature of the state of Utah, the Governor concurring therein, supports and encourages new technologies and facilities that allow for, and enhance the production and value of, Uintah Black Wax: be it further

*Resolved*, That the Legislature and the Governor urge that the development of an oil upgrading facility in the Uintah Basin, through the cooperation and consideration of local, state, and federal officials, be conducted in a manner that is prudent, ethical, and lawful: and be it further

*Resolved*, That a copy of this resolution be sent to the United States Secretary of the Interior, the Utah Petroleum Association, the Utah Department of Natural Resources, the Public Service Commission, and the members of Utah's congressional delegation.

POM-110. A memorial adopted by the Legislature of the State of Florida urging Congress to direct the United States Fish and Wildlife Service to reconsider the proposed rule to designate Kings Bay as a manatee refuge and in lieu of the rule partner with the state and local governments in seeking joint long-term solutions to manatee protection; to the Committee on Energy and Natural Resources.

#### HOUSE MEMORIAL NO. 611

Whereas, the United States Fish and Wildlife Service established the Crystal River National Wildlife Refuge in 1983 to provide protection and sanctuary for the endangered West Indian manatee within portions of Kings Bay in Crystal River, and

Whereas, the rules currently in effect within the refuge have resulted in a significant increase in manatee population as evidenced by monitoring, sound science, and local data, and

Whereas, the United States Fish and Wildlife Service has proposed a rule to designate all of Kings Bay as a manatee refuge, and

Whereas, adoption of the proposed rule will have a significant adverse impact on the tourism industry, which is a critical part of the Crystal River economy, at a time when its local economy is already seriously weakened by challenges within the national economy, and

Whereas, adoption of the proposed rule will also have a significant adverse impact on the riparian rights of property owners adjacent to Kings Bay and the connecting waterways, and

Whereas, prohibiting the use of any portion of Kings Bay for recreational boating activities, such as swimming, kayaking, and water skiing, will force such activities into the channel of Crystal River, subjecting participants to significant risks associated with sharing the channel with commercial fishing boats and other large watercraft, and

Whereas, there are viable alternatives to the proposed rule, such as increased enforcement of the rules currently in effect, which would accomplish the desired outcome of a reduced incidence rate of manatee injury or death without unduly restricting public use of Kings Bay, a water body that has historically served as the heart of the Crystal River community, and

Whereas, the City Council of the City of Crystal River and the Board of County Commissioners of Citrus County passed unanimous resolutions requesting that the United States Fish and Wildlife Service reconsider the proposed rule, and

Whereas, adoption of the proposed rule without a proper review of the impact on the City of Crystal River and the surrounding communities would be arbitrary and capricious: Now, therefore, be it

*Resolved*, by the Legislature of the State of Florida: That the Congress of the United States is urged to direct the United States Fish and Wildlife Service to reconsider the proposed rule to designate Kings Bay as a manatee refuge and in lieu of the rule partner with the state and local governments in seeking joint long-term solutions to manatee protection; and be it further

*Resolved*, That copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

POM-111. A concurrent resolution adopted by the Legislature of the State of Utah urging Congress to delegate the regulation of hydraulic fracturing to the states; to the Committee on Environment and Public Works.

#### SENATE CONCURRENT RESOLUTION NO. 12

Whereas, hydraulic fracturing, a mechanical method of increasing the permeability of rock, thus increasing the amount of oil or gas produced from the rock, has greatly enhanced oil and gas production in Utah;

Whereas, oil and gas production increases have led to growth in employment and economic development as well as promotion of energy independence for the United States;

Whereas, the state of Utah, through the Division of Oil, Gas, and Mining and the Department of Environmental Quality, have proven more than capable of regulating oil and gas recovery processes and ensuring the safety of workers while protecting the environment; and

Whereas, the state is best situated to closely monitor oil and gas drilling and fracturing operations to ensure that they are conducted in an environmentally sound manner: Now, therefore, be it

*Resolved*, That the Legislature of the state of Utah, the Governor concurring therein, urges the Congress of the United States to clearly delegate responsibility for the regulation of hydraulic fracturing to the states; and be it further

*Resolved*, That a copy of this resolution be sent to the United States Secretary of the Interior, the Utah Division of Oil, Gas, and Mining, and the members of Utah's congressional delegation.

POM-112. A joint resolution adopted by the Legislature of the State of Maine urging the President of the United States and the United States Congress to enact the Social Security Fairness Act of 2011; to the Committee on Finance.

#### JOINT RESOLUTION

Whereas, under current federal law, an individual who receives a Social Security benefit and a public retirement benefit derived from employment not covered under Social Security is subject to a reduction in the individual's Social Security benefit; and

Whereas, these laws, known as the Government Pension Offset and the Windfall Elimination Provision, greatly affect public employees and the Government Pension Offset requires a reduction in the spousal benefit received under Social Security equal to 2/3 of the surviving spouse's benefit under another government pension plan even though the spousal benefit was fully earned; and

Whereas, the Windfall Elimination Provision reduces the Social Security benefit of a person who is also receiving a pension from a public employer that does not participate in Social Security; and

Whereas, the Government Pension Offset and the Windfall Elimination Provision are particularly burdensome on the finances of low-income and moderate-income public service workers such as school teachers, clerical workers and school cafeteria employees; and

Whereas, the Government Pension Offset and the Windfall Elimination Provision both unfairly reduce benefits for those public employees and their spouses whose careers cross the line between the private and public sectors; and

Whereas, since many lower-paying public service jobs are held by women, both the Government Pension Offset and the Windfall Elimination Provision have a disproportionately adverse effect on women; and

Whereas, in some cases, additional support in the form of income, housing, heating and prescription drug assistance and other safety net assistance from state and local governments is needed to make up for the reductions imposed at the federal level; and

Whereas, other participants in Social Security do not have their benefits reduced in this manner; and

Whereas, to participate or not to participate in Social Security in public sector employment is a decision of employers, even though both the Government Pension Offset and the Windfall Elimination Provision directly punish employees and their spouses; and

Whereas, although the Government Pension Offset was enacted in 1977 and the Windfall Elimination Provision was enacted in 1983, many of the benefits in dispute had been paid into Social Security prior to the enactment of those laws; and

Whereas, H.R. 1332, the Social Security Fairness Act of 2011, a bipartisan bill introduced in the United States House of Representatives, would repeal these 2 unfair federal pension offsets, which penalize so many people in Maine and the rest of the Nation; now, therefore, be it

*Resolved*: That We, your Memorialists, respectfully urge and request that the President of the United States and the United States Congress work together to enact the

Social Security Fairness Act of 2011, permitting retention of a combined public pension and Social Security benefit with no applied reductions; and be it further

*Resolved*: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Barack H. Obama, President of the United States; the President of the United States Senate; the Speaker of the United States House of Representatives; and each Member of the Maine Congressional Delegation.

POM-113. A joint memorial adopted by the Legislature of the State of Colorado memorializing Congress to modify certain reporting procedures for small nonprofit organizations to require the Internal Revenue Service to adequately notify such organizations of the procedures and to allow such organizations to remedy reporting deficiencies; to the Committee on Finance.

#### SENATE JOINT MEMORIAL NO. 12-003

Whereas, in 2004, the United States Senate Finance Committee issued a white paper proposing reforms to federal oversight of nonprofit organizations; and

Whereas, Senator Charles Grassley, Chair of the Senate Finance Committee, encouraged formation of a panel of nonprofit leaders to examine these issues in the white paper and submit recommendations to Congress; and

Whereas, in 2005, the Panel on the Nonprofit Sector (panel) issued a "Report to Congress and the Nonprofit Sector on Governance, Transparency, and Accountability"; and

Whereas, as part of its report, the panel recommended that small nonprofit organizations be required to file an annual notice with the Internal Revenue Service. The report also recommended that the Internal Revenue Service should have the authority, "[a]fter an appropriate phase-in period, . . . to suspend the tax-exempt status of organizations that fail to file the required notification form for three consecutive years"; and

Whereas, the panel recommended the annual notice because it ". . . will assist the IRS in providing more accurate information to the public about organizations eligible to receive tax-deductible contributions"; and

Whereas, in 2006, Congress adopted the "Pension Protection Act of 26" (act), which was based in part on the panel's recommendations; and

Whereas, section 1223 of the act, codified at 2006 U.S.C. sec. 6033, created new and unfamiliar annual filing requirements for many small nonprofit organizations by requiring those organizations to annually file Form 990-N, also known as the e-Postcard; and

Whereas, the act requires that an affected organization's tax-exempt status "be considered revoked" rather than "suspended" after failing to file the e-Postcard for three consecutive years; and

Whereas, although the Internal Revenue Service sent an initial mailing in 2007 and has since developed other resources to alert these affected nonprofit organizations of the new filing requirements, nonprofit organizations with outdated contact information with the Internal Revenue Service did not receive these notices, and many others were not sufficiently aware of how to comply with their new reporting duties; and

Whereas, based on some constituent conversations with Internal Revenue Service representatives and contrary to statements on the Internal Revenue Service's web site, the Internal Revenue Service does not send reminder notices to organizations that do

not file their e-Postcards on time and only notifies affected organizations after such revocation has occurred; and

Whereas, approximately 400,000 nonprofit organizations across the United States, including thousands of organizations in Colorado, many of which have annual budgets of less than \$25,000, have had their tax-exempt status automatically revoked by the Internal Revenue Service for failing to file an annual notice for three consecutive years. Although many of these organizations no longer do business, many other organizations continue to operate and could have successfully maintained their tax-exempt status if they had received more timely notice of the impending revocation; and

Whereas, although the Internal Revenue Service allows revoked organizations to apply for retroactive reinstatement of their tax-exempt status, the application process is burdensome and costly for these nonprofit organizations; Now, therefore, be it

*Resolved by the Senate of the Sixty-eighth General Assembly of the State of Colorado, the House of Representatives concurring herein,*

That we, the members of the Colorado General Assembly, hereby memorialize the United States Congress to amend 26 U.S.C. sec. 6033 so that:

(1) The Internal Revenue Service is required to send timely notification to remind small nonprofit organizations when they have not filed the e-Postcard on time and to inform them of any impending revocation or other action affecting their tax-exempt status due to their failure to file an annual notice for three consecutive years; and

(2) The Internal Revenue Service is required to suspend, not revoke, the tax-exempt status of any nonprofit organization that fails to file for three consecutive years so that a nonprofit organization's tax-exempt status may be simply and retroactively restored without the organization being required to reapply for a determination of tax-exempt status; and be it further

*Resolved*, That copies of this Joint Memorial be sent to each member of Colorado's congressional delegation, Speaker of the United States House of Representatives John Boehner, Senate Majority Leader Harry Reid, Secretary of the United States Senate Nancy Erickson, Clerk of the United States House of Representatives Karen L. Haas, and Treasury Secretary Timothy Geithner.

POM-114. A joint resolution adopted by the Legislature of the State of Utah urging the United States Congress to pass legislation for the fair and constitutional collection of state sales tax by both in-state and remote sellers; to the Committee on Finance.

#### HOUSE JOINT RESOLUTION NO. 14

Whereas, United States Supreme Court decisions in *National Bellas Hess v. Department of Revenue*, 386 U.S. 753 (1967) and *Quill Corp. v. N.D.*, 504 U.S. 298 (1992), have ruled that the Commerce Clause of the United States Constitution denies states the authority to require the collection of sales and use taxes by remote sellers that have no physical presence in the taxing state;

Whereas, the United States Supreme Court also declared in the *Quill v. North Dakota* decision that Congress could exercise its authority under the Commerce Clause of the United States Constitution to decide "whether, when, and to what extent" the states may require sales and use tax collection on remote sales;

Whereas, states and localities that use sales and use taxes as a revenue source may not collect revenue from some portion of remote sales commerce;

Whereas, since 1999, various state legislators, governors, local elected officials, state tax administrators, and representatives of the private sector have worked together as a Streamlined Sales Tax Project and Governing Board to develop a streamlined sales and use tax system currently adopted in some form in 24 states;

Whereas, between 2001 and 2002, 40 states enacted legislation expressing their intent to simplify the states' sales and use tax collection systems, and to participate in discussions to allow for the collection of states' sales and use taxes;

Whereas, the actions of these states arguably provide some justification for Congress to enact legislation to allow states to require remote sellers to collect the states' sales and use tax;

Whereas, any federal legislation should be fair to both in-state and remote sellers, whether such legislation requires sales and use taxes to be collected on a point-of-sales or point-of-delivery basis;

Whereas, Congress, in considering federal legislation, should consider the following principles: 1) state-provided or state-certified tax collection and remittance software that is simple to implement and maintain; 2) immunity from civil liability for retailers utilizing state-provided or state-certified software in tax collection and remittance; 3) tax audit accountability to a single state tax audit authority; 4) elimination of interstate tax complexity by streamlining taxable good categories; 5) adoption of a meaningful small business exception so that small businesses that sell remotely are not adversely affected by the legislation; and 6) fair compensation to the tax-collecting retailer;

Whereas, the Utah State Legislature and some of its sister legislatures in other states have acknowledged the complexities of the current sales and use tax system, have formulated varied alternative collection systems, and have shown the political will to make changes in their respective sales and use tax systems;

Whereas, the enactment of legislation by Congress and the President that allows states to require remote sellers to collect the states' sales and use taxes, will facilitate the states' ability to enforce their current laws for collecting sales and use taxes on remote sales;

Whereas, requiring remote sellers to collect the sales and use taxes may broaden Utah's sales tax base and potentially enable the Utah State Legislature to lower sales and use tax rates; and

Whereas, empowering states to collect sales and use taxes on in-state and remote sales is consistent with the 10th Amendment to the United States Constitution and is a states' rights issue: Now, therefore, be it

*Resolved*, That the Utah State Legislature urges the United States House of Representatives and the United States Senate to pass, without delay, and the President of the United States to sign, federal legislation that provides for the fair and constitutional collection of state sales and use taxes; and be it further

*Resolved*, That the Legislature of the state of Utah urges that, in passing such legislation, Congress consider the following principles: 1) state-provided or state-certified tax collection and remittance software that is simple to implement and maintain; 2) immunity from civil liability for retailers utilizing state-provided or state-certified software in tax collection and remittance; 3) tax audit accountability to a single state tax audit authority; 4) elimination of interstate

tax complexity by streamlining taxable good categories; 5) adoption of a meaningful small business exception so that small businesses that sell remotely are not adversely affected by the legislation; and 6) fair compensation to the tax-collecting retailer; and be it further

*Resolved*, That the Legislature of the state of Utah, recognizing that such legislation may not include all of these principles, declares that Congress's passage of the legislation will help create consistent standards for retailers forced to collect state sales and use taxes whether on a point-of-delivery basis or a point-of-sale basis, thus leveling the playing field between in-state and remote sellers; and be it further

*Resolved*, That this resolution be sent to the President of the United States, the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, and to the members of Utah's congressional delegation.

POM-115. A joint resolution adopted by the Legislature of the State of Utah supporting Social Security reform measures; to the Committee on Finance.

#### SENATE JOINT RESOLUTION NO. 13

Whereas, Social Security is the largest single item in the federal budget;

Whereas, in fiscal year 2011, the federal government spent \$730 billion on Social Security, or 20% of the total \$3.6 trillion federal budget;

Whereas, over the next 75 years, Social Security's unfunded liability is \$6.5 trillion;

Whereas, Social Security has been running a deficit since 2010 and will be incurring annual deficits permanently unless the system is reformed;

Whereas, opponents of Social Security reform argue that Social Security has a \$2.6 trillion trust fund that is backed by the full faith and credit of the United States Government, but these government bonds are simply obligations that the federal government owes itself, so redeeming these Treasury IOU's requires the federal government to cut spending elsewhere, raise taxes, issue more debt to the public, or monetize debt through the Federal Reserve;

Whereas, reform opponents have also falsely claimed that Social Security has not added a single penny to the deficit because Social Security is legally prohibited from deficit spending, but Social Security is now operating at a deficit on a cash basis;

Whereas, while reform opponents counter that the Social Security Trust Fund paid \$118 billion in interest in 2010 and about \$115 billion in interest in 2011, but these payments are not real money, but are accounting mechanisms that transfer phantom money from one government account to another;

Whereas, the Congressional Budget Office projects federal government non-interest spending to reach 25% of the Gross Domestic Product in 2035;

Whereas, including interest, federal spending will reach 34% of the Gross Domestic Product;

Whereas, since these levels are not sustainable, Congress must slow the growth in federal spending;

Whereas, Representative Jason Chaffetz has announced his proposals for Social Security reform that he plans to introduce as legislation in the United States Congress;

Whereas, the proposed reform implements longevity indexing by increasing normal retirement age from 67 for those born in 1960, to 68 for those born in 1966, and to 69 for those born in 1972;

Whereas, in years after 1972, the normal retirement age is increased one month every two years, while keeping early retirement age unchanged at 62;

Whereas, the proposed reform changes the cost of living allowance calculation from the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) to chained CPI-W which is a more accurate representation of inflation;

Whereas, the proposed reform adds an additional bend point at the 50th percentile for calculating the primary insurance amount;

Whereas, for workers with lifetime earnings above the 50th percentile, the primary insurance amount grows across generations by a combination of the CPI-W growth and average wage growth instead of just average wage growth;

Whereas, change begins for newly eligible retirees in 2016 and ends in 2055;

Whereas, the proposed reform increases the number of years from 35 to 40 that are included for calculation of Average Indexed monthly earnings by adding one additional computational year for those becoming eligible in 2012, 2014, 2016, 2018, and 2020;

Whereas, the proposed reform indexes the special minimum benefit to wages instead of CPI beginning in 2012;

Whereas, in 2011, the special minimum benefits were \$791 per month for 30 years of coverage and \$394 per month for 20 years of coverage;

Whereas, the proposed reform allows for five years of child care to be included as creditable coverage if not already creditable;

Whereas, the proposed reform increases benefits by 5% for beneficiaries starting at age 85;

Whereas, the proposed reform implements an annual means test that reduces the benefit up to 50% for couples earning more than \$360,000 in the most recent tax year;

Whereas, total Social Security benefits would continue to grow but at a slower rate, allowing the system to avoid insolvency;

Whereas, the vast majority of retirees, particularly those with average or below average lifetime earnings, would receive a larger check than they are getting today;

Whereas, some will actually receive an increase over what they would be getting without reform;

Whereas, using current benefits as a baseline and adjusting these benefits for inflation, middle and lower income retirees in future years will get essentially the same or better benefits than current retirees; and

Whereas, these measures must be taken very soon in order for the Social Security system to avoid an otherwise inevitable collapse: Now, therefore, be it

*Resolved*, That the Legislature of the state of Utah expresses support for the Social Security reform measures proposed by Congressman Jason Chaffetz, and be it further

*Resolved*, That a copy of this resolution be sent to the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, the Social Security Administration, and to the members of Utah's congressional delegation.

POM-116. A joint resolution adopted by the Legislature of the State of Utah urging the Obama Administration to support Taiwan's meaningful participation in the United Nations as an observer; to the Committee on Foreign Relations.

#### SENATE JOINT RESOLUTION NO. 2

Whereas, in May 2009, Taiwan's inclusion in the World Health Organization raised the possibility for Taiwan to be meaningfully in-

involved in other United Nations' agencies, programs, and conventions;

Whereas, the Taipei Flight Information Region, under the jurisdiction of the Government of Taiwan, covers an airspace of 176,000 square nautical miles and provides air traffic control services to over 1,350,000 flights annually;

Whereas, Taiwan Taoyuan International Airport is recognized as the world's 8th largest airport by international cargo volume and number of international passengers;

Whereas, exclusion from the International Civil Aviation Organization (ICAO) since 1971 has impeded the efforts of the Government of Taiwan to maintain civil aviation practice that comports with evolving international standards due to its inability to contact the ICAO for up-to-date information on aviation standards and norms in a timely manner;

Whereas, the exclusion of Taiwan from the ICAO has prevented the ICAO from developing a truly global strategy to address security threats based on effective international cooperation; and

Whereas, ICAO rules and existing practices have allowed for the meaningful participation of noncontracting nations, as well as other bodies, in its meetings and activities by granting observer status: Now, therefore, be it

*Resolved*, That the Legislature of the state of Utah urges the Obama Administration to support Taiwan's meaningful participation as an observer in the United Nations' specialized agencies, programs, and conventions; and be it further

*Resolved*, That a copy of this resolution be sent to the president of the United States, the government of Taiwan, and the members of Utah's congressional delegation.

POM-117. A resolution adopted by the Senate of the State of Rhode Island urging the United States Congress to fully fund the Workforce Investment Act (WIA); to the Committee on Health, Education, Labor, and Pensions.

#### SENATE RESOLUTION NO. 2303

Whereas, The United States Congress is considering an appropriations bill that would significantly cut funding to federal workforce programs including the Adult, Dislocated Worker, and Youth programs authorized under the Workforce Investment Act (WIA); and

Whereas, WIA is the major funding source for the employment and training programs in the states, including education, placement, and business support services; and

Whereas, WIA appropriations help fund Rhode Island's comprehensive One-Stop Career Centers, local Workforce Investment Boards, contextualized training, innovative industry partnerships, and a myriad of other services designed to improve the skill level and work preparedness of Rhode Island's workforce; and

Whereas, Programs funded by WIA provide a valuable service to our business community by helping to provide a 21st century skilled workforce that is designed to meet the needs of Rhode Island employers who are struggling to recover from the recent recession; and

Whereas, Over the past two years, the Department of Labor and Training estimates that WIA programs have assisted over 33,600 Rhode Islanders in their efforts to obtain new skills and secure employment; and

Whereas, A significant reduction in federal WIA funding would devastate the workforce development system in Rhode Island, resulting in fewer training and retraining opportunities for unemployed job seekers, reducing

funds for valuable on-the-job training, reducing funding for the state's Rapid Response layoff aversion program, reducing the number of work experience and career exploration programs for vulnerable at-risk youth, and hindering the development and enhancement of a workforce that can compete in the global economy: Now, therefore be it

*Resolved*, That this Senate of the State of Rhode Island and Providence Plantations hereby strongly urges and implores Congress to fully fund the Workforce Investment Act, the cornerstone of the state workforce system that provides vital services to the unemployed, underemployed, and employers as they try to rebound from the recent recession; and be it further

*Resolved*, That the Secretary of State be and he hereby is authorized and directed to transmit duly certified copies of this resolution to the President of the United States Senate, to the Speaker of the United States House of Representatives, to the Honorable Jack Reed and Sheldon Whitehouse, United States Senators, and to the Honorable James R. Langevin and David N. Cicilline, United States Representatives.

POM-118. A joint resolution adopted by the Legislature of the State of Utah recognizing pregnancy care centers and expressing support for their efforts on behalf of those facing unplanned pregnancies; to the Committee on Health, Education, Labor, and Pensions.

#### SENATE JOINT RESOLUTION NO. 21

Whereas, the life-affirming impact of pregnancy care centers on the women, men, children, and communities they serve is considerable and growing;

Whereas, pregnancy care centers serve women in Utah and across the United States with integrity and compassion;

Whereas, more than 2,500 pregnancy care centers across the United States provide comprehensive care to women and men in relation to unplanned pregnancies, including resources to meet their physical, psychological, emotional, and spiritual needs;

Whereas, pregnancy care centers offer women free, confidential, and compassionate services, including pregnancy tests, peer counseling, 24-hour telephone hotlines, childbirth and parenting classes, and referrals to community, health care, and other supportive services;

Whereas, many medical pregnancy care centers offer ultrasounds and other medical services;

Whereas, many pregnancy care centers provide information on adoption and adoption referrals to pregnant women;

Whereas, pregnancy care centers encourage women to make positive life choices by equipping them with complete and accurate information regarding their pregnancy options and the development of their unborn children;

Whereas, pregnancy care centers provide women with compassionate and confidential peer counseling in a nonjudgmental manner regardless of their pregnancy outcomes;

Whereas, pregnancy care centers provide important support and resources for women who choose childbirth over abortion;

Whereas, pregnancy care centers ensure that women are receiving prenatal information and services that lead to the birth of healthy infants;

Whereas, many pregnancy care centers provide grief assistance for women and men who regret the loss of their children from past choices they have made;

Whereas, many pregnancy care centers work to prevent unplanned pregnancies by teaching effective abstinence education in public schools;

Whereas, both federal and state governments are increasingly recognizing the valuable services of pregnancy care centers through the designation of public funds for such organizations;

Whereas, pregnancy care centers operate primarily through reliance on the voluntary donations and time of individuals who are committed to caring for the needs of women and promoting and protecting life; and

Whereas, pregnancy care centers provide full disclosure, in both their advertisements and direct contact with women, of the types of services they provide: Now, therefore, be it

*Resolved*, That the Legislature of the state of Utah expresses strong support for pregnancy care centers for their unique, positive contributions to the individual lives of women, men, and babies—both born and unborn; and be it further

*Resolved*, That the Legislature recognizes the compassionate work of tens of thousands of volunteers and paid staff at pregnancy care centers in Utah and across the United States; and be it further

*Resolved*, That the Legislature of the state of Utah strongly encourages the United States Congress and other federal and government agencies to grant pregnancy care centers assistance for medical equipment and abstinence education in a manner that does not compromise the mission or religious integrity of these organizations; and be it further

*Resolved*, That the Legislature of the state of Utah expresses disapproval of the actions of any national, state, or local groups attempting to prevent pregnancy care centers from effectively serving women and men in relation to unplanned pregnancies; and be it further

*Resolved*, That a copy of this resolution be sent to each pregnancy care center in Utah, the President of the United States, the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, and to the members of Utah's congressional delegation.

POM-119. A concurrent resolution adopted by the Legislature of the State of Utah urging Congress to continue the Navajo Electrification Demonstration Project and fund it so that the entire Navajo Nation may receive electricity; to the Committee on Indian Affairs.

#### HOUSE CONCURRENT RESOLUTION

Whereas, the Navajo Electrification Demonstration Project was created by the United States Congress and extended to provide funding for the rural electrification of homes on the Navajo Nation Reservation that are not currently being served;

Whereas, under the original law, Navajo Electrification Demonstration Project funding was authorized at an annual level of \$15,000,000 for five years;

Whereas, to date, only \$14,500,000, including a fiscal year 2011 allocation \$1,750,000, has been appropriated to the Navajo Tribal Utility Authority out of the original congressional authorization of \$75,000,000;

Whereas, the Navajo Electrification Demonstration Project expands traditional sources of power and implements renewable energy sources and other advanced electric power technologies;

Whereas, the funds are funneled through the United States Department of Energy and

disbursed as grants to the Navajo Nation to provide electricity to approximately 18,000 homes on the Navajo reservation that currently lack this basic service;

Whereas, the act also authorized the United States Department of Energy to provide technical support to the Navajo Nation in the use of advanced power technologies; and

Whereas, despite the passage of laws creating the Navajo Electrification Demonstration Project, Congress must act to appropriate the funds in order for the money to be distributed to the project: Now, therefore, be it

*Resolved*, That the Legislature of the state of Utah, the Governor concurring therein, urges the United States Congress to reauthorize and continue the Navajo Electrification Demonstration Project; and be it further

*Resolved*, That the Legislature and the Governor urge the United States Congress to fund the Navajo Electrification Demonstration Project to provide the necessary funding of \$15,000,000 per year for five years, so that the basic necessity of electricity can become available to the entire Navajo Nation; and be it further

*Resolved*, That a copy of this resolution be sent to the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, the Navajo Nation, and to the members of Utah's congressional delegation.

POM-120. A concurrent resolution adopted by the Legislature of the State of Utah urging the United States Congress to quickly pass legislation to establish a new management structure to protect the ability of Utah Navajo residents in San Juan County to receive the benefit of Navajo Trust Fund money; to the Committee on Indian Affairs.

#### HOUSE CONCURRENT RESOLUTION NO. 12

Whereas, the United States Congress, in 1933 and again in 1968, authorized the state of Utah to receive 37.5% of the royalties from the production of mineral leases on that portion of the Navajo Reservation in Utah, to be expended for the benefit of the Navajo residents of San Juan County, Utah;

Whereas, oil and gas was discovered in commercial quantities within the boundaries of the Utah portion of the Navajo Reservation in the mid-1950's, and production has continued until the current day;

Whereas, the state of Utah has managed the royalty receipts for the health, education, and welfare of Utah Navajos since that time;

Whereas, the state of Utah managed the funds for many years through a state governmental entity known as the Navajo Trust Fund (Fund);

Whereas, the state of Utah indicated its desire to resign as trustee of the fund in the 2008 General Session of the Utah Legislature in order to allow the Utah Navajo residents of San Juan County the ability to manage the royalty receipts themselves;

Whereas, the Navajo Trust Fund was repealed, effective June 30, 2008, and authority to manage the funds was transferred to the Department of Administrative Services, which created the Utah Navajo Royalties Holding Fund to manage expenditures until a successor management entity could be Congressionally authorized;

Whereas, the Navajo Trust Fund was required to decline any further projects for approval after the statutorily created May 2008 cut-off date, except for applications for assisting new Navajo students with their secondary education expenses;



Whereas, the Utah Navajo Royalties Holding Fund has been winding down expenditures from the activities of the Navajo Trust Fund by completing projects authorized before the May 2008 cut-off date, and by assisting students;

Whereas, the authority to expend funds for any project authorized before the cut-off date in May 2008 expired January 1, 2012, except for new students, which authority expires at the end of June 2012;

Whereas, the Utah Navajo Royalties Holding Fund will begin the process of accounting for all assets of the Fund in preparation for an efficient transfer to the expected Congressionally authorized successor management entity;

Whereas, the State of Utah desires to turn the funds over to a successor management entity as soon as feasible in order to allow the Navajo residents of Utah to manage the funds for their own benefit;

Whereas, Utah Navajos have a great need for expenditure of the royalty receipts for secondary education, housing, power lines, water lines, healthcare, and the creation of jobs, among other pressing needs;

Whereas, Utah's Congressional delegation has been asked to sponsor and advance legislation through the United States Congress designating a successor management entity; and

Whereas, this legislation has not advanced through Congress to this point, and action does not appear imminent: Now, therefore, be it

*Resolved*, That the Legislature of the state of Utah, the Governor concurring therein, urges the United States Congress to quickly pass legislation establishing a successor management structure that protects the ability of the Utah Navajo residents of San Juan County to receive the benefit of Navajo Trust Fund money; and be it further

*Resolved*, That the Legislature and the Governor urge the United States Congress to expedite the required transfer of assets so that Utah's Navajo residents may again receive the benefit of these funds; and be it further

*Resolved*, That a copy of this resolution be sent to the Speaker of the United States House of Representatives, the Majority Leader of the United States Senate, the Chair of the United States House of Representatives' Natural Resources Committee's Subcommittee on Indian and Alaska Native American Affairs, the Chair of the United States Senate Committee on Indian Affairs, and to the members of Utah's congressional delegation.

POM-121. A concurrent resolution adopted by the Legislature of the State of Utah recognizing the remarkable courage and honor displayed by the men and women in law enforcement and the risks they take to keep their communities safe; to the Committee on the Judiciary.

#### HOUSE CONCURRENT RESOLUTION NO. 4

Whereas, on January 4, 2012, Agent Jared Daniel Francom of the Ogden Police Department, serving on the Weber-Morgan Narcotics Strike Force, was fatally wounded serving a search warrant on a residence in Ogden, Utah;

Whereas, Officer Michael Rounkles, Agent Kasey Burrell, and Agent Shawn Grogan of the Ogden Police Department were also wounded in the shooting;

Whereas, Agent Nate Hutchinson, a sergeant in the Weber County Sheriff's Office was also wounded in the shooting;

Whereas, Agent Jason Vanderwarf of the Roy Police Department was also injured in the shooting;

Whereas, the officers on the Weber-Morgan Narcotics Task Force acted quickly and bravely to subdue the suspect, preventing further injury and loss of life;

Whereas, Officer Michael Rounkles, responding to the scene in the course of his patrol duties, displayed incredible courage above and beyond the call of duty in his efforts to rescue and defend the agents of the Task Force who had come under fire;

Whereas, Agent Jared Daniel Francom served with the Ogden Police Department for eight years;

Whereas, Agent Jared Daniel Francom served his community with honor and distinction;

Whereas, Utah has come together to mourn and honor Agent Jared Daniel Francom, with an estimated 4,000 people attending his funeral on January 11, 2012, in Ogden, Utah; and

Whereas, the injury or loss of any police officer is a reminder of the risks taken by all the men and women of law enforcement on behalf of their communities: Now, therefore, be it

*Resolved*, That the Legislature of the state of Utah, the Governor concurring therein, recognizes and honors the sacrifice of Agent Jared Daniel Francom; and be it further

*Resolved*, That the Legislature and the Governor extend their deepest condolences to the family and friends of Agent Jared Daniel Francom; and be it further

*Resolved*, That the Legislature and the Governor express their wishes that Ogden Police Officers Michael Rounkles, Kasey Burrell, and Shawn Grogan will have a full and speedy recovery; and be it further

*Resolved*, That the Legislature and the Governor express their wishes that Agent Nate Hutchinson, sergeant in the Weber County Sheriff's Office, and Roy Police Officer Agent Jason Vanderwarf will have a full and speedy recovery; and be it further

*Resolved*, That the Legislature and the Governor recognize the remarkable courage and honor displayed by the men and women in law enforcement and the risks they take to keep their communities safe; and be it further

*Resolved*, That a copy of this resolution be sent to the family of Agent Daniel Francom; to Ogden Police Officers Michael Rounkles, Kasey Burrell, and Shawn Grogan; to Agent Nate Hutchinson, sergeant in the Weber County Sheriff's Office; to Roy Police Officer Agent Jason Vanderwarf; to the Ogden City Police Department; to the Weber County Sheriff's Office; to the Roy Police Department; and to the members of Utah's congressional delegation.

POM-122. A memorial adopted by the Legislature of the State of Florida urging Congress to propose to the states an amendment to the Constitution of the United States that would limit the consecutive terms of office which a member of the United States Senate or the United States House of Representatives may serve; to the Committee on the Judiciary.

#### HOUSE MEMORIAL NO. 83

Whereas, Article V of the Constitution of the United States authorizes Congress to propose amendments to the Constitution which shall become valid when ratified by the states; and

Whereas, a continuous and growing concern has been expressed that the best interests of this nation will be served by limiting the terms of members of Congress, a concern expressed by the founding fathers, incorporated into the Articles of Confederation,

attempted through legislation adopted by state legislatures, and documented in recent media polls: Now, therefore, be it

*Resolved by the Legislature of the State of Florida*, That the Florida Legislature respectfully petitions the Congress of the United States to propose to the states an amendment to the Constitution of the United States to limit the number of consecutive terms which a person may serve in the United States Senate or the United States House of Representatives; and be it further

*Resolved*, That copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

POM-123. A resolution adopted by the Senate of the State of Rhode Island memorializing the Congress of the United States to take immediate action to make the Republic of Poland eligible for the United States Department of State's Visa Waiver Program; to the Committee on the Judiciary.

#### SENATE RESOLUTION NO. 2063

Whereas, The Republic of Poland is a free, democratic, and independent nation; and

Whereas, The Republic of Poland is an integral member of the European Union and the North Atlantic Treaty Organization; and

Whereas, The Republic of Poland has been and continues to be a proven, indispensable, loyal friend and ally of the United States in the global campaign against terrorism in Iraq, Afghanistan, and elsewhere; and

Whereas, All citizens of the nations constituting the European Union enjoy travel to the United States visa-free as provided by the Visa Waiver Program of the United States Department of State, except for the citizens of Poland, Bulgaria, Cyprus, Malta, and Romania; and

Whereas, The state legislatures of Massachusetts (May 2004), New Jersey (October 2004), Vermont (January 2005), Pennsylvania (April 2005), Connecticut and Maine (May 2005), Nebraska, New York, and Ohio (June 2005), Michigan (June 2006), Arizona (April 2007), Illinois (October 2007), and Massachusetts again (July 2010) passed Visa Waiver for Poland Resolutions in response to their American citizens of Polish descent; and

Whereas, Among the nearly ten million Americans of Polish descent in the nation, the 46,707 Americans of Polish descent in Rhode Island also are disappointed and dismayed that Poland, the nation that provided America with the services of Thaddeus Kosciuszko, who engineered the victory at Saratoga and designed the fortifications at West Point and Casimir Pulaski, the "father of the United States Calvary" during our "Glorious Cause" in the War for Independence from Great Britain, is currently excluded from our nation's Visa Waiver Program; Now, therefore be it

*Resolved*, That this Senate of the State of Rhode Island and Providence Plantations hereby respectfully urges the Congress and the President of the United States to take immediate action to make the Republic of Poland eligible for the United States Department of State's Visa Waiver Program; and be it further

*Resolved*, The Secretary of State be and he hereby is authorized and directed to transmit duly certified copies of this resolution to the clerk of House of Representatives, the President of the United States, the United States Secretary of State, the Secretary of

Homeland Security, the Presiding Officers of each chamber of the United States Congress, the members of the Rhode Island Congressional Delegation, and to His Excellency Robert Kupiecki, Ambassador of the Republic of Poland to the United States.

POM-124. A concurrent resolution adopted by the Legislature of the State of Utah expressing support for the establishment of a fund for the assistance of families of fallen police officers in Utah; to the Committee on the Judiciary.

#### SENATE CONCURRENT RESOLUTION NO. 1

Whereas, the Utah 1033 Foundation is named for the police radio code for an officer in trouble;

Whereas, this non-profit foundation was established with private donations and is sustained through a combination of continuing donations, corporate donors, institutional grant funding, and fundraising events;

Whereas, the primary purpose of the 1033 Foundation is to help the families of slain police officers in Utah;

Whereas, the day after the death of a police officer in the line of duty, someone from the Foundation will visit the widow or widower and deliver a \$25,000 check;

Whereas, eventually, the Foundation hopes to have an endowment to provide college scholarships for the children of living and deceased Utah police officers;

Whereas, it is also hoped that in the future it will be possible to extend the Foundation's service to include the families of fallen firefighters;

Whereas, the fund began as an idea of Tore and Mona Steen, residents of Park City;

Whereas, a native of Norway, Tore received a scholarship after serving in that nation's air force and moved to the United States to attend college;

Whereas, Tore enjoyed great success in the banking and financial industries, and while living in New York, he was involved in advisory capacities with the departments of police, corrections, and housing;

Whereas, as a result of these experiences, and after being invited to ride with two New York City police officers who were called to a domestic dispute, Tore realized, in a small but very real and personal way, what dangers police officers can face every day;

Whereas, many years later, the husband of Mona's daughter's former college roommate, a Colorado Springs police detective, was slain while trying to apprehend a suspect wanted for attempted murder;

Whereas, these brushes with the tragedy and devastation brought to the families of officers killed in the line of duty drove the Steens to form the 1033 Foundation;

Whereas, their efforts continue with the help of many others, including Wade Carpenter, Park City Police Chief; the Law Firm of Van Cott, Bagley, Cornwall & McCarthy, P.C.; and Zions Bank;

Whereas, the 1033 Foundation has made it easy for individuals and organizations to donate to the fund by going to [utah1033.org](http://utah1033.org); and

Whereas, by providing financial and, eventually, scholarship assistance, the 1033 Foundation hopes to provide a means to lift some of the crushing burdens upon the families of Utah's police officers killed in the line of duty: Now, therefore, be it

*Resolved*, That the Legislature of the state of Utah, the Governor concurring therein, expresses support for the efforts of the 1033 Foundation to assist the families of fallen police officers in Utah in their moments of greatest need; and be it further

*Resolved*, That the Legislature and the Governor express appreciation to Tore and Mona Steen, who saw a need and became personally invested in serving the families of slain police officers in Utah, and wish them well in their continuing efforts to serve the citizens of Utah; and be it further

*Resolved*, That the Legislature and the Governor express appreciation to those who have participated in the efforts of the 1033 Foundation and made donations to help those in need; and be it further

*Resolved*, That a copy of this resolution be sent to Tore and Mona Steen; Park City Police Chief Wade Carpenter; the Law Firm of Van Cott, Bagley, Cornwall & McCarthy; Zions Bank President Scott Anderson; Park City Mayor Dana Williams; Summit County Sheriff Dave Edmunds; KPMG Salt Lake City; Utah Department of Public Safety Director Lance Davenport; Colonel Danny Fuhr of the Utah Highway Patrol; the Utah Chiefs of Police Association; the Utah Sheriffs Association; the Utah Peace Officers Association; the Utah Highway Patrol; Utah Fraternal Order of Police; Howard Wallack; and the members of Utah's congressional delegation.

POM-125. A joint resolution adopted by the Legislature of the State of California calling on the United States Congress to pass the Violence Against Women Act of 2011; to the Committee on the Judiciary.

#### SENATE JOINT RESOLUTION NO. 20

Whereas, The Violence Against Women Act (VAWA) was developed with the input of advocates from around the country and from all walks of life, and addresses the real and most important needs of victims of domestic violence, sexual assault, dating violence, and stalking. VAWA is responsive, streamlined, and constitutionally and fiscally sound, while providing strong accountability measures and appropriate federal government oversight; and

Whereas, VAWA represents the voices of women and their families, and the voices of victims, survivors, and advocates; and

Whereas, VAWA was first enacted in 1994, and has been the centerpiece of the federal government's efforts to stamp out domestic and sexual violence. Critical programs authorized under VAWA include support for victim services, transitional housing, and legal assistance; and

Whereas, Domestic violence, sexual assault, dating violence, and stalking, once considered private matters to be dealt with behind closed doors, have been brought out of the darkness; and

Whereas, VAWA has been successful because it has had consistently strong, bipartisan support for nearly two decades; and

Whereas, The Violence Against Women Reauthorization Act of 2011 will provide a five-year reauthorization for VAWA programs, and reduce authorized funding levels by more than \$144 million, or 19 percent, from the law's 2005 authorization; and

Whereas, While annual rates of domestic violence have dropped more than 50 percent, domestic violence remains a serious issue. Every day in the United States, three women are killed by abusive husbands and partners. In California in 2010, there were 166,361 domestic violence calls, including more than 65,000 that involved a weapon; and

Whereas, The Violence Against Women Reauthorization Act of 2011 includes several updates and improvements to the law, including the following:

(a) An emphasis on the need to effectively respond to sexual assault crime by adding

new purpose areas and a 25 percent set-aside in the STOP (Services, Training, Officers, and Prosecutors) Violence Against Women Formula Grant Program (STOP Program) and the Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program.

(b) Improvements in tools to prevent domestic violence homicides by training law enforcement, victim service providers, and court personnel to identify and manage high-risk offenders and connecting high-risk victims to crisis intervention services.

(c) Improvements in responses to the high rate of violence against women in tribal communities by strengthening concurrent tribal criminal jurisdiction over perpetrators who assault Indian spouses and dating partners in Indian countries.

(d) Measures to strengthen housing protections for victims by applying existing housing protections to nine additional federal housing programs.

(e) Measures to promote accountability to ensure that federal funds are used for their intended purposes.

(f) Consolidation of programs and reductions in authorization levels to address fiscal concerns, and renewed focus on programs that have been most successful.

(g) Technical corrections to update definitions throughout the law to provide uniformity and continuity; and

Whereas, There is a need to maintain services for victims and families at the local, state, and federal levels. Reauthorization would allow existing programs to continue uninterrupted, and would provide for the development of new initiatives to address key areas of concern. These initiatives include the following:

(a) Addressing the high rates of domestic violence, dating violence, and sexual assault among women 16 to 24 years of age, inclusive, by combating tolerant youth attitudes toward violence.

(b) Improving the response to sexual assault with best practices, training, and communication tools for law enforcement, as well as health care and legal professionals.

(c) Preventing domestic violence homicides through enhanced training for law enforcement, advocates, and others who interact with those at risk. A growing number of experts agree that these homicides are predictable, and therefore preventable, if we know the warning signs: Now, therefore, be it

*Resolved by the Senate and the Assembly of the State of California, jointly*, That the Legislature calls on the United States Congress to pass the Violence Against Women Reauthorization Act of 2011, Senate Bill No. 1925 authored by Senators Leahy and Crapo, and ensure the sustainability of vital programs designed to keep women and families safe from violence and abuse; and be it further

*Resolved*, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, the Majority Leader of the Senate, each Senator and Representative from California in the Congress of the United States, and to the author for appropriate distribution.

POM-126. A concurrent resolution adopted by the Legislature of the State of Louisiana memorializing the United States Congress to take such actions as are necessary to prevent the retirement of A-10 aircraft assigned to the 917th Fighter Group, based at Barksdale Air Force Base; to the Committee on Armed Services.

## HOUSE CONCURRENT RESOLUTION NO. 115

Whereas, established in 1932, the Barksdale Air Force Base (AFB), a United States Air Force Base located approximately 4.72 miles east-southeast of Bossier City, Louisiana, is named for World War I aviator and test pilot 2nd Lieutenant Eugene Hoy Barksdale (1896–1926); and

Whereas, Barksdale Air Force Base has proudly served Arkansas, Louisiana, and Texas for more than sixty-seven years and is home to the 2d Bomb Wing, 2d Mission Support Group, 2d Operations Group, 2d Maintenance Group, the 2d Medical Group, 8th Air Force Museum, and the Air Force Reserve's 917th Wing; and

Whereas, in December 1999, the 917th Wing received the Air Force outstanding Unit Award, for winning the Chief of Staff Team Excellence Award and Secretary of Defense Award for Self-Inspection Tracking System. The award noted the unit's sponsorship of the Starbase program, which creates interest for local children in math, science, and technology by using an aviation theme; and

Whereas, Barksdale Air Force Base has grown into a major source of revenue and employment for the region by providing jobs for nearly ten thousand military and civilian employees and in 2006, under Base Realignment and Closure (BRAC), the 917th Wing gained eight A-10 aircraft and a number of full-time and part-time employment positions; and

Whereas, as part of a wide-ranging plan to reduce its total aircraft inventory, the Obama administration intends to propose in the 2013 budget request, the elimination of twenty-four A-10 aircraft that comprise the Air Force Reserve's 917th Fighter Group at Barksdale Air Force Base; and

Whereas, the Air Force plans to rebalance its overall ratio of regular, reserve, and Air National Guard forces at about sixty installations in thirty-three states and retire two hundred twenty-seven aircraft to support a new defense strategy known as the "Air Force Strategy and Structure Overview"; and

Whereas, for nearly eighty years the 917th Wing at Barksdale Air Force Base and the Shreveport-Bossier community have enjoyed a strong partnership, which provides jobs to the community and programs for the local children, and the elimination of the A-10 aircraft will have an adverse effect on not only the economy but the community as well. Therefore, be it

*Resolved*, That the Legislature of Louisiana does hereby memorialize congress to take such actions as are necessary to oppose the elimination of A-10 aircraft assigned to the 917th Fighter Group, based at Barksdale Air Force Base; and be it further

*Resolved*, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM-127. A joint resolution adopted by the Legislature of the State of California urging the United States Congress to immediately enact the Achieving a Better Life Experience Act of 2011; to the Committee on Finance.

## SENATE JOINT RESOLUTION NO. 18

Whereas, Many families are searching for a way to plan for the future of a child with developmental disabilities, which are costly to society and to families; and

Whereas, The Achieving a Better Life Experience Act of 2011 (ABLE Act), proposed in H.R. 3423 and S. 1872 and currently debated

by Congress, would create disability savings accounts for individuals with developmental or other disabilities and their families, as a way to save for future needs with funds that could accrue interest tax free; and

Whereas, The ABLE Act would give individuals with developmental or other disabilities and their families an option for saving for their future financial needs in a way that supports their unique situation and makes it more feasible to live full and productive lives in their communities; and

Whereas, While many families are currently able to save for the educational needs of children through "529" college tuition plans, these plans do not fit the needs of children with developmental or other disabilities; and

Whereas, Many families recognize that loved ones with developmental or other disabilities may live for many decades beyond the ability of the parents or other family members to provide financial assistance and support; and

Whereas, Many families also want to ensure the financial security of family members who have the level of disability required for Medicaid eligibility, but for now, are managing to function without the use of those benefits and state resources; and

Whereas, The ABLE Act would create a savings fund for those with developmental or other disabilities that could be drawn upon for a variety of essential expenses, including medical and dental care, education and employment training and support, assistive technology, housing and transportation, personal support services, and other expenses for life necessities; and

Whereas, Savings accounts opened under the ABLE Act would provide substantial flexibility to meet the specific needs of the individual, with a broad array of allowable expenses and no age limitations so that these funds can be used whenever they are needed; and

Whereas, The flexibility in expenses would also allow families to save with confidence even though they cannot always predict how independent their child will become: Now, therefore, be it

*Resolved by the Senate and the Assembly of the State of California, jointly*, That the Legislature urges the President and the Congress of the United States to immediately enact the Achieving a Better Life Experience Act of 2011 (ABLE Act); and be it further

*Resolved*, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the President pro Tempore of the United States Senate, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the author for appropriate distribution.

POM-128. A resolution adopted by the Odessa Chamber of Commerce, Odessa, Texas, in support of retaining top foreign students earning degrees in the fields of science, technology, engineering and mathematics (STEM) from American Universities; to the Committee on the Judiciary.

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

\*Sean Sullivan, of Connecticut, to be a Member of the Defense Nuclear Facilities

Safety Board for a term expiring October 18, 2015.

Air Force nomination of Colonel Edward E. Metzgar, to be Brigadier General.

Air Force nomination of Col. Russ A. Walz, to be Brigadier General.

\*Air Force nomination of Gen. Mark A. Welsh III, to be General.

Air Force nomination of Brig. Gen. Timothy M. Ray, to be Major General.

Air Force nomination of Lt. Gen. Paul J. Selva, to be General.

Air Force nomination of Maj. Gen. Joseph L. Lengyel, to be Lieutenant General.

Air Force nomination of Brig. Gen. Howard D. Stendahl, to be Major General.

Army nomination of Brig. Gen. Lawrence W. Brock, to be Major General.

Army nomination of Brig. Gen. Reynold N. Hoover, to be Major General.

Army nomination of Maj. Gen. James O. Barclay III, to be Lieutenant General.

Army nomination of Lt. Gen. Donald M. Campbell, Jr., to be Lieutenant General.

\*Army nomination of Lt. Gen. Frank J. Grass, to be General.

Army nomination of Maj. Gen. David R. Hogg, to be Lieutenant General.

Army nomination of Gen. Joyce L. Stevens, to be Major General.

Navy nomination of Vice Adm. Allen G. Myers, to be Vice Admiral.

Navy nominations beginning with Captain John D. Alexander and ending with Captain Ricky L. Williamson, which nominations were received by the Senate and appeared in the Congressional Record on May 8, 2012.

Navy nomination of Vice Adm. John M. Richardson, to be Admiral.

Navy nomination of Rear Adm. David A. Dunaway, to be Vice Admiral.

\*Marine Corps nomination of Lt. Gen. John F. Kelly, to be General.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning with Jolene A. Ainsworth and ending with David C. Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record on April 23, 2012.

Air Force nominations beginning with Uchenna L. Umeh and ending with Daniel X. Choi, which nominations were received by the Senate and appeared in the Congressional Record on June 25, 2012.

Air Force nominations beginning with Catherine M. Fahling and ending with Le T. Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record on June 25, 2012.

Air Force nominations beginning with Sean J. Hislop and ending with Lucas P. Neff, which nominations were received by the Senate and appeared in the Congressional Record on July 17, 2012.

Army nomination of Karen A. Baldi, to be Colonel.

Army nomination of Christopher W. Soika, to be Colonel.

Army nomination of Luis A. Riveraberrios, to be Colonel.

Army nomination of Kimon A. Nicolaides, to be Colonel.

Army nominations beginning with Penny P. Kalua and ending with Joseph A. Trinidad, which nominations were received by the Senate and appeared in the Congressional Record on June 25, 2012.

Army nominations beginning with Chad S. Abbey and ending with Jared K. Zotz, which nominations were received by the Senate and appeared in the Congressional Record on July 17, 2012.

Army nominations beginning with Jeffrey E. Aycock and ending with Eric W. Young, which nominations were received by the Senate and appeared in the Congressional Record on July 17, 2012.

Army nominations beginning with Brent A. Beckley and ending with Stephen J. Ward, which nominations were received by the Senate and appeared in the Congressional Record on July 17, 2012.

Army nomination of Brian J. Eastridge, to be Colonel.

Navy nominations beginning with Joel A. Ahlgrim and ending with Mark L. Woodbridge, which nominations were received by the Senate and appeared in the Congressional Record on July 11, 2012.

Navy nominations beginning with John E. Bissell and ending with Stephen S. Yune, which nominations were received by the Senate and appeared in the Congressional Record on July 11, 2012.

Navy nominations beginning with Robert L. Anderson II and ending with Carol B. Zwiebach, which nominations were received by the Senate and appeared in the Congressional Record on July 11, 2012.

Navy nominations beginning with Marc S. Brewen and ending with Dustin E. Wallace, which nominations were received by the Senate and appeared in the Congressional Record on July 11, 2012.

Navy nominations beginning with Lucelina B. Badura and ending with William A. Young, which nominations were received by the Senate and appeared in the Congressional Record on July 11, 2012.

Navy nominations beginning with Jason W. Adams and ending with Shawn M. Triggs, which nominations were received by the Senate and appeared in the Congressional Record on July 11, 2012.

Navy nominations beginning with David L. Cline and ending with David S. Yang, which nominations were received by the Senate and appeared in the Congressional Record on July 11, 2012.

Navy nominations beginning with Emily Z. Allen and ending with Jonathan P. Witham, which nominations were received by the Senate and appeared in the Congressional Record on July 11, 2012.

By Mrs. BOXER for the Committee on Environment and Public Works.

\*Major General John Peabody, United States Army, to be a Member and President of the Mississippi River Commission.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first

and second times by unanimous consent, and referred as indicated:

By Mrs. SHAHEEN (for herself and Ms. COLLINS):

S. 3430. A bill to amend the Public Health Service Act to foster more effective implementation and coordination of clinical care for people with pre-diabetes and diabetes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WHITEHOUSE (for himself and Mr. HATCH):

S. 3431. A bill to amend the Controlled Substances Act to more effectively regulate anabolic steroids; to the Committee on the Judiciary.

By Mr. NELSON of Florida (for himself and Mr. COBURN):

S. 3432. A bill to prevent identity theft and tax fraud; to the Committee on Finance.

By Ms. SNOWE (for herself and Mr. WARNER):

S. 3433. A bill to require a radio spectrum inventory of bands managed by the Federal Communications Commission and the National Telecommunications & Information Administration; to the Committee on Commerce, Science, and Transportation.

By Mr. PORTMAN (for himself, Mr. TESTER, Mr. BOOZMAN, Mr. COATS, Mr. BARRASSO, Mr. LEE, Mr. MCCAIN, Mr. ENZI, Mr. HOEVEN, Mr. CORNYN, Mr. COBURN, Mr. WICKER, Mr. RISCH, Mr. BURR, Mr. CRAPO, Mr. ISAKSON, Mr. GRASSLEY, Mr. HATCH, Mrs. HUTCHISON, Mr. JOHNSON of Wisconsin, Mr. MCCONNELL, and Mr. TOOMEY):

S. 3434. A bill to amend title 31, United States Code, to provide for automatic continuing resolutions; to the Committee on Appropriations.

By Mrs. GILLIBRAND:

S. 3435. A bill to designate the facility of the United States Postal Service located at 26 East Genesee Street in Baldwinsville, New York, as the "Corporal Kyle Schneider Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

By Mr. FRANKEN (for himself, Mrs. MURRAY, and Mr. SANDERS):

S. 3436. A bill to amend the Child Care and Development Block Grant Act of 1990 to improve the quality of infant and toddler care; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CASEY:

S. 3437. A bill to amend the Natural Gas Act to provide assistance to States to carry out initiatives to promote the use of natural gas as a transportation fuel and public and private investment in natural gas vehicles and transportation infrastructure; to the Committee on Energy and Natural Resources.

By Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. WEBB, Ms. LANDRIEU, Mr. INHOFE, Mr. WARNER, Mr. BARRASSO, and Mr. BEGICH):

S. 3438. A bill to require the Secretary of the Interior to implement the Proposed Final Outer Continental Shelf Oil and Gas Leasing Program: 2012-2017 and conduct additional oil and gas lease sales to promote offshore energy development in the United States for a more secure energy future, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. SNOWE (for herself and Mr. WARNER):

S. 3439. A bill to amend title 40, United States Code, to direct the Administrator of General Services to install Wi-Fi hotspots

and wireless neutral host systems in all Federal buildings in order to improve in-building wireless communications coverage and commercial network capacity by offloading wireless traffic onto wireline broadband networks; to the Committee on Environment and Public Works.

By Mrs. MCCASKILL (for herself, Mr. PRYOR, and Mr. TESTER):

S. 3440. A bill to extend estate and gift tax rules for 1 year; to the Committee on Finance.

By Mr. MCCAIN (for himself, Mr. NELSON of Florida, and Mrs. FEINSTEIN):

S. 3441. A bill to provide for the transfer of excess Department of Defense aircraft to the Forest Service for wildfire suppression activities, and for other purposes; to the Committee on Armed Services.

By Ms. LANDRIEU:

S. 3442. A bill to provide tax incentives for small businesses, improve programs of the Small Business Administration, and for other purposes; to the Committee on Finance.

By Mr. ROCKEFELLER (for himself, Mr. HARKIN, Mrs. MURRAY, and Mr. MANCHIN):

S. 3443. A bill to improve compliance with mine and occupational safety and health laws, empower workers to raise safety concerns, prevent future mine and other workplace tragedies, and establish rights of families of victims of workplace accidents, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HATCH (for himself and Mr. CORNYN):

S. Con. Res. 54. A concurrent resolution stating that it is the policy of the United States to oppose the sale, shipment, performance of maintenance, refurbishment, modification, repair, and upgrade of any military equipment from or by the Russian Federation to or for the Syrian Arab Republic; to the Committee on Foreign Relations.

#### ADDITIONAL COSPONSORS

S. 202

At the request of Mr. PAUL, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 202, a bill to require a full audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks by the Comptroller General of the United States before the end of 2012, and for other purposes.

S. 752

At the request of Mrs. FEINSTEIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 752, a bill to establish a comprehensive interagency response to reduce lung cancer mortality in a timely manner.

S. 847

At the request of Mr. LAUTENBERG, the names of the Senator from Montana (Mr. BAUCUS) and the Senator from New Mexico (Mr. UDALL) were added as cosponsors of S. 847, a bill to

amend the Toxic Substances Control Act to ensure that risks from chemicals are adequately understood and managed, and for other purposes.

S. 881

At the request of Ms. LANDRIEU, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 881, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide substantive rights to consumers under such agreements, and for other purposes.

S. 1215

At the request of Mr. KERRY, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 1215, a bill to provide for the exchange of land located in the Lowell National Historical Park, and for other purposes.

S. 1258

At the request of Mr. MENENDEZ, the name of the Senator from Connecticut (Mrs. BLUMENTHAL) was added as a cosponsor of S. 1258, a bill to provide for comprehensive immigration reform, and for other purposes.

S. 1299

At the request of Mr. MORAN, the names of the Senator from Texas (Mr. CORNYN), the Senator from Washington (Mrs. MURRAY), the Senator from Colorado (Mr. UDALL), the Senator from Florida (Mr. RUBIO), the Senator from Delaware (Mr. CARPER) and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of S. 1299, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Lions Clubs International.

S. 1685

At the request of Mr. WEBB, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1685, a bill to amend the Internal Revenue Code of 1986 to allow rehabilitation expenditures for public school buildings to qualify for rehabilitation credit.

S. 1728

At the request of Mr. BROWN of Massachusetts, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Indiana (Mr. COATS) were added as cosponsors of S. 1728, a bill to amend title 18, United States Code, to establish a criminal offense relating to fraudulent claims about military service.

S. 1872

At the request of Mr. CASEY, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Texas (Mrs. HUTCHISON) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 1872, a bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of ABLE ac-

counts established under State programs for the care of family members with disabilities, and for other purposes.

S. 1884

At the request of Mr. DURBIN, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1884, a bill to provide States with incentives to require elementary schools and secondary schools to maintain, and permit school personnel to administer, epinephrine at schools.

S. 1935

At the request of Mr. REID, his name was added as a cosponsor of S. 1935, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the 75th anniversary of the establishment of the March of Dimes Foundation.

At the request of Mrs. HAGAN, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 1935, *supra*.

S. 2172

At the request of Ms. SNOWE, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 2172, a bill to remove the limit on the anticipated award price for contracts awarded under the procurement program for women-owned small business concerns, and for other purposes.

S. 2205

At the request of Mr. MORAN, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 2205, a bill to prohibit funding to negotiate a United Nations Arms Trade Treaty that restricts the Second Amendment rights of United States citizens.

S. 2215

At the request of Mr. DURBIN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2215, a bill to create jobs in the United States by increasing United States exports to Africa by at least 200 percent in real dollar value within 10 years, and for other purposes.

S. 2297

At the request of Mr. MANCHIN, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 2297, a bill to amend the Controlled Substances Act to make any substance containing hydrocodone a schedule II drug.

S. 2342

At the request of Mr. TESTER, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2342, a bill to reform the National Association of Registered Agents and Brokers, and for other purposes.

S. 2347

At the request of Mr. CARDIN, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from

Tennessee (Mr. ALEXANDER) were added as cosponsors of S. 2347, a bill to amend title XVIII of the Social Security Act to ensure the continued access of Medicare beneficiaries to diagnostic imaging services.

S. 2374

At the request of Mr. BINGAMAN, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 2374, a bill to amend the Helium Act to ensure the expedient and responsible draw-down of the Federal Helium Reserve in a manner that protects the interests of private industry, the scientific, medical, and industrial communities, commercial users, and Federal agencies, and for other purposes.

S. 3204

At the request of Mr. JOHANNIS, the names of the Senator from Kentucky (Mr. MCCONNELL), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Iowa (Mr. GRASSLEY), the Senator from Louisiana (Mr. VITTER), the Senator from Utah (Mr. HATCH), the Senator from Wisconsin (Mr. JOHNSON), the Senator from Oklahoma (Mr. COBURN), the Senator from Alabama (Mr. SESSIONS), the Senator from Indiana (Mr. COATS), the Senator from Kentucky (Mr. PAUL), the Senator from South Carolina (Mr. DEMINT), the Senator from Kansas (Mr. ROBERTS) and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of S. 3204, a bill to address fee disclosure requirements under the Electronic Fund Transfer Act, and for other purposes.

S. 3244

At the request of Mr. FRANKEN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 3244, a bill to amend the Higher Education Opportunity Act to add disclosure requirements to the institution financial aid offer form and to amend the Higher Education Act of 1965 to make such form mandatory.

S. 3313

At the request of Mrs. MURRAY, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 3313, a bill to amend title 38, United States Code, to improve the assistance provided by the Department of Veterans Affairs to women veterans, to improve health care furnished by the Department, and for other purposes.

S. 3381

At the request of Mr. DURBIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 3381, a bill to amend title 11, United States Code, to improve protections for employees and retirees in business bankruptcies.

S. 3394

At the request of Mr. JOHNSON of South Dakota, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 3394, a bill to address fee disclosure requirements under the

Electronic Fund Transfer Act, to amend the Federal Deposit Insurance Act with respect to information provided to the Bureau of Consumer Financial Protection, and for other purposes.

S. 3395

At the request of Mr. MERKLEY, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 3395, a bill to amend the Federal Crop Insurance Act to extend certain supplemental agricultural disaster assistance programs.

S. 3397

At the request of Mr. HATCH, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 3397, a bill to prohibit waivers relating to compliance with the work requirements for the program of block grants to States for temporary assistance for needy families, and for other purposes.

S. 3409

At the request of Mr. LEE, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 3409, a bill to address the forest health, public safety, and wildlife habitat threat presented by the risk of wildfire, including catastrophic wildfire, on National Forest System land and public land managed by the Bureau of Land Management by requiring the Secretary of Agriculture and the Secretary of the Interior to expedite forest management projects relating to hazardous fuels reduction, forest health, and economic development, and for other purposes.

S. 3428

At the request of Mr. CARDIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 3428, a bill to amend the Clean Air Act to partially waive the renewable fuel standard when corn inventories are low.

S. 3429

At the request of Mr. NELSON of Florida, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 3429, a bill to require the Secretary of Veterans Affairs to establish a veterans jobs corps, and for other purposes.

S. CON. RES. 50

At the request of Mr. RUBIO, the names of the Senator from Kansas (Mr. MORAN), the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from South Dakota (Mr. THUNE) were added as cosponsors of S. Con. Res. 50, a concurrent resolution expressing the sense of Congress regarding actions to preserve and advance the multistakeholder governance model under which the Internet has thrived.

S. RES. 525

At the request of Mr. NELSON of Florida, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the

Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. Res. 525, a resolution honoring the life and legacy of Oswaldo Paya Sardinias.

AMENDMENT NO. 2569

At the request of Mrs. HUTCHISON, the names of the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of amendment No. 2569 intended to be proposed to S. 3412, a bill to amend the Internal Revenue Code of 1986 to provide tax relief to middle-class families.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WHITEHOUSE (for himself and Mr. HATCH):

S. 3431. A bill to amend the Controlled Substances Act to more effectively regulate anabolic steroids; to the Committee on the Judiciary.

Mr. WHITEHOUSE. Mr. President, today I am pleased to join Senator HATCH in introducing the bipartisan Designer Anabolic Steroid Control Act of 2012. This measure will help keep American children and families safe from dangerous designer drugs that masquerade as healthy dietary supplements. This legislation is based on Senator Specter's work in the previous Congress, and I thank him for his leadership on this issue.

Doctors and scientists have long recognized the health hazards of non-medical use of anabolic steroids. For that reason, Congress has previously acted to ensure that these drugs are listed as controlled substances. Nonetheless, according to investigative reporting and Congressional testimony, a loophole in current law allows for designer anabolic steroids to easily be found on the Internet, in gyms, and even in retail stores.

Designer steroids are produced by reverse engineering existing illegal steroids and then slightly modifying the chemical composition, so that the resulting product is not on the Drug Enforcement Administration's, DEA, list of controlled substances. When taken by consumers, designer steroids can cause serious medical consequences, including liver injury and increased risk of heart attack and stroke. They may also lead to psychological effects such as aggression, hostility, and addiction.

These designer products can be even more dangerous than traditional steroids because they are often untested, produced from overseas raw materials, and manufactured without quality controls. As one witness testified at a Crime Subcommittee hearing in the last Congress, "all it takes to cash in on the storefront steroid craze is a credit card to import raw products from China or India where most of the raw ingredients come from, the ability to pour powders into a bottle or pill

and a printer to create shiny, glossy labels."

The unscrupulous actors responsible for manufacturing and selling these products often market them with misleading and inaccurate labels. That can cause consumers who are looking for a healthy supplement—not just elite athletes, but also high school students, law enforcement personnel, and mainstream Americans—to be deceived into taking these dangerous products.

Loopholes in existing law allow these dangerous designer steroids to evade regulation. Under current law, in order to classify new substances as steroids, the DEA must complete a burdensome and time-consuming series of chemical and pharmacological testing. As a DEA official testified before Congress: "in the time that it takes DEA to administratively schedule an anabolic steroid used in a dietary supplement product, several new products can enter the market to take the place of those products."

The Designer Anabolic Steroid Control Act of 2012 would quickly protect consumers from these dangerous products. First, it would immediately place 27 known designer anabolic steroids on the list of controlled substances. Second, it would grant the DEA authority to temporarily schedule new designer steroids on the controlled substances list, so that if bad actors develop new variations, these products can be removed from the market. Third, it would create new penalties for importing, manufacturing, or distributing anabolic steroids under false labels.

Senator HATCH and I have worked closely with a range of consumer and industry organizations to ensure that this legislation would not interfere with consumers' access to legitimate dietary supplements. I am pleased that the measure has been endorsed by the United States Anti-Doping Agency, the Alliance for Natural Health, the Council for Responsible Nutrition, the American Herbal Products Association, the Natural Products Association, the Consumer Health Products Association, and the United Natural Products Alliance.

I thank these organizations for their support, and look forward to working with them, with Senator HATCH, and with colleagues from both sides of the aisle to enact this common sense measure into law.

Mr. President, I ask unanimous consent that letters of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD as follows:

AMERICAN HERBAL PRODUCTS  
ASSOCIATION,  
*Silver Spring, MD, July 23, 2012.*

Hon. ORRIN HATCH,  
*U.S. Senate,  
Washington, DC.*  
Hon. SHELDON WHITEHOUSE,  
*U.S. Senate,  
Washington, DC.*

DEAR SENATORS HATCH AND WHITEHOUSE:  
This letter is to communicate to you the support of the American Herbal Products Association (AHPA) for your pending legislation, the Designer Anabolic Steroid Control Act of 2012. AHPA recognizes the need to more effectively regulate anabolic steroids, as this bill's amendment of the Controlled Substances Act would do. The expanded controls on these substances that would be implemented by your legislation would protect consumers by better ensuring that these are not misrepresented as legitimate dietary supplements, when clearly they are not.

Please do not hesitate to contact me if there is anything that AHPA and its members can do to assist in the passage of this important legislation.

Sincerely,

MICHAEL MCGUFFIN,  
*President.*

NATURAL PRODUCTS ASSOCIATION,  
*Washington, DC, July 23, 2012.*

Hon. ORRIN HATCH,  
*U.S. Senate,  
Washington, DC.*

SENATOR HATCH, I write today on behalf of the Natural Products Association (NPA) to thank you for introducing the Designer Anabolic Steroid Control Act of 2012 (DASCA). As the leading representative of the dietary supplement industry with over 1,900 members, including suppliers and retailers of vitamins and other dietary supplements, NPA works to ensure that consumers have access to safe dietary supplements. We believe that this bill will make the marketplace safer.

Our support for this legislation demonstrates NPA's commitment to removing anabolic steroids, which are not dietary ingredients, from the market. NPA has worked in conjunction with the FDA to bring attention to spiked products masquerading as dietary supplements. This bill helps protect consumers who believe they are purchasing "legal" supplements but may suffer health effects from steroid use.

Even with the passage of the Anabolic Steroid Control Act of 2004, the Drug Enforcement Administration (DEA) has removed very few substances. The DEA has to follow a strict set of testing standards to schedule a substance and remove it from the market. This process can take up to three years to complete; but while this process is taking place, the products remain on the market. This bill gives the DEA the power to temporarily remove products from the market while testing is completed, giving them the ability to stay ahead of the individuals who are creating these designer drugs.

Thank you for introducing this important legislation and your tireless work on behalf of the dietary supplement industry.

Regards,

JOHN SHAW,  
*NPA Executive Director and CEO.*

COUNCIL FOR RESPONSIBLE NUTRITION,  
*July 20, 2012.*

Re Designer Anabolic Steroid Control Act (DASCA).

Hon. ORRIN HATCH,  
*U.S. Senate,  
Washington, DC.*  
Hon. SHELDON WHITEHOUSE,  
*U.S. Senate,  
Washington, DC.*

DEAR SENATORS HATCH AND WHITEHOUSE:  
On behalf of the Council for Responsible Nutrition (CRN) and its members, I am writing to express our support for the Designer Anabolic Steroid Control Act (DASCA). We want to thank you both for your commitment to providing the Drug Enforcement Administration (DEA) with new authority to place designer anabolic steroids on the Controlled Substance Schedules more expeditiously and providing that agency with new tools to quickly respond when new anabolic substances are introduced. This legislation will provide DEA with new enforcement tools to prosecute irresponsible and disreputable companies that develop and market anabolic steroids as products labeled as dietary supplements. Your efforts in this regard are laudable, and CRN stands in support of your legislation.

Misbranded products that contain designer anabolic steroids present serious health risks to consumers, particularly young men who are unaware of the dangers of anabolic steroid use. Maintaining the trust of consumers in the safety and benefit of dietary supplements is essential to preserving a vibrant market for legitimate dietary supplements. Currently, unscrupulous companies can design these illicit substances and illegally introduce them into the dietary supplement marketplace before DEA can demonstrate their anabolic effects and declare them controlled substances under the present law. We believe DASCA's provisions will go a long way to help DEA more quickly identify and restrict new designer anabolic steroids by declaring them to be "controlled substances." It will allow DEA to target substances whose chemical structures mimic other anabolic steroids and whose manufacturers and marketers promote their anabolic or muscle-building effects. This legislation will assuage concerns of Americans who use sports supplements, and foster an even greater working relationship between FDA, DEA and responsible, mainstream industry. DASCA is strong step forward, adding teeth to prevention and enforcement efforts in the battle against steroid abuse.

CRN understands that you intend to request this legislation be referred to the Senate Judiciary Committee, whose jurisdiction traditionally handles DEA and controlled substance issues. We hope the committee will give the legislation expedient and thoughtful consideration on its way to passage by the full Senate, and are eager to work with your office to ensure that the Judiciary Committee understands the concerns of industry and consumers that have led to this bill. CRN stands ready to work with you and all of Congress to deliver a strong bill to the President.

Please don't hesitate to contact me or Mike Greene on my staff at 202-204-7690 or [mgreene@crnusa.org](mailto:mgreene@crnusa.org) if CRN may be of any assistance in your endeavors.

Best regards,

STEVE MISTER,  
*President and CEO.*

UNITED NATURAL PRODUCTS ALLIANCE,  
*Salt Lake City, UT, July 23, 2012.*

Hon. SHELDON WHITEHOUSE,  
Hon. ORRIN HATCH,  
*U.S. Senate,  
Washington, DC.*

DEAR SENATORS WHITEHOUSE AND HATCH:  
Thank you for your considerable efforts to draft the "Designer Anabolic Steroid Control Act of 2012" and to close loopholes that might allow continued sale of anabolic steroids, steroid lookalikes or steroid precursors—all of which are a significant threat to public health. We greatly commend your work.

The United Natural Products Alliance has appreciated the opportunity to work with you in developing this bill. As you know, sale of the products it would address are a significant concern to our members who believe, quite simply, these products should be outlawed.

We have reviewed your most recent legislation and wanted to advise you we are completely in support of the goals of this legislation. We do have minor drafting concerns, which have been shared with your staff, and we appreciate their commitment to address these issues as the legislation moves forward.

Thank you again for your work on this important issue.

Kind regards,

LOREN ISRAELSEN,  
*Executive Director.*

CONSUMERS HEALTHCARE  
PRODUCTS ASSOCIATION,  
*Washington, DC, July 23, 2012.*

Hon. SHELDON WHITEHOUSE,  
*Senate Committee on the Judiciary,  
Washington, DC.*  
Hon. ORRIN HATCH,  
*Senate Committee on the Judiciary,  
Washington, DC.*

DEAR SENATORS WHITEHOUSE AND HATCH:  
On behalf of the more than 200 members of the Consumer Healthcare Products Association, the 131-year-old trade association representing the leading U.S. manufacturers and distributors of over-the-counter (OTC) medicines and dietary supplements, thank you for sponsoring the Designer Anabolic Steroid Control Act (DASCA).

This important legislation would designate additional chemicals as anabolic steroids, and increase the penalties for violators of anabolic steroid labeling laws, specifically those rogue supplement manufacturers that "spike" their products with anabolic steroids and attempt to pass them off as dietary supplements. We applaud introduction of this legislation to further protect the public health of our citizens, and pledge to work closely with you and your staff to advance this bill.

Please do not hesitate to call on us if you need any assistance, and thank you, again, for your leadership on this important issue.

Sincerely,

SCOTT M. MELVILLE,  
*President and CEO.*

ALLIANCE FOR NATURAL HEALTH USA,  
*Washington, DC, July 23, 2012.*

Hon. ORRIN HATCH,  
*United States Senate,  
Washington, DC.*

DEAR SENATOR HATCH: The Alliance for Natural Health USA strongly supports the Designer Anabolic Steroid Control Act (DASCA) of 2012. Not only are anabolic steroids masquerading as nutritional supplements illegal, they also risk the health of



those who use them, and tarnish the reputation of the dietary supplement industry. The harm from these steroid-tainted supplements is real. Health risks include serious liver injury, stroke, kidney failure, and pulmonary embolism.

It is clear that the complex and cumbersome regulatory system has failed to stop designer anabolic steroids. We understand that your bill closes the loopholes in laws that currently allow the creation and easy distribution of anabolic steroids masquerading as dietary supplements.

We are thankful for the opportunity to discuss the bill with your staff, and support its passage.

Sincerely,

GRETCHEN DUBEAU,  
*Executive and Legal Director.*

UNITED STATES ANTI-DOPING AGENCY,  
*Colorado Springs, CO, July 23, 2012.*

Senator ORRIN G. HATCH,  
*Hart Senate Office Building,*  
*Washington, DC.*

Senator SHELDON WHITEHOUSE,  
*Hart Senate Office Building,*  
*Washington, DC.*

DEAR SENATOR HATCH AND SENATOR WHITEHOUSE: On behalf of the United States Anti-Doping Agency ("USADA"), I am writing to express our full support for the Designer Anabolic Control Steroid Act of 2012. As the Congressionally recognized independent anti-doping agency for the U.S. Olympic, Paralympic and Pan American movement, USADA represents literally millions of participants including athletes, coaches and sports organizers who want to ensure sport in this country continues to be a teacher of life lessons for participants at all ages, is safe and drug free and that clean athletes can compete and win without having to resort to using dangerous performance enhancing drugs.

As we have seen over the last few years the current law regulating dietary supplements has been exploited by rogue manufacturers who have produced and sold products masquerading as otherwise safe and legitimate dietary supplements that are not but are in fact illegal products containing steroids and other prohibited performance enhancing drugs. This legislation is important to USADA and our mission in order to close this loophole and ensure these fly-by-night operations cannot easily and without risk continue to produce these products.

We greatly appreciate your efforts in drafting and introducing the Designer Anabolic Steroid Control Act of 2012 and look forward to assisting you in any way possible to achieve its passage into law at the earliest opportunity.

Sincerely,

TRAVIS T. TYGART,  
*Chief Executive Officer.*

Mr. HATCH. Mr. President, I am pleased to cosponsor the Designer Anabolic Steroid Control Act of 2012, DASCA, introduced by Senator WHITEHOUSE. The use of anabolic steroids or dietary supplements that contain designer steroids may trigger numerous adverse health effects, and thus Congress has passed legislation over the years to address these chemicals.

The Drug Enforcement Agency, DEA, continues to investigate and uncover dietary supplement products that contain either controlled anabolic steroids or designer steroids that are struc-

turally similar to testosterone. In the time that it takes the DEA to administratively schedule an anabolic steroid used in a dietary supplement product, several new products can enter the market to take its place. Certain individuals have taken advantage of this lengthy DEA administrative process by continuing to create and market new derivative products by substituting and altering the testosterone molecule and then marketing them as "dietary supplements." Very often, these new formulations have not been adequately tested.

I worked in the previous Congress on legislation to address this issue and continued that work with Senator WHITEHOUSE to develop a bill that would amend the Controlled Substances Act to expand the list of substances defined as anabolic steroids, and authorize the Attorney General to issue a temporary order adding a drug or substance to the list of anabolic steroids. The bill would also create new criminal and civil penalties for importing, manufacturing, or selling any product containing an anabolic steroid unless it bears a label clearly identifying the chemicals contained in the product.

This bill is supported by American Herbal Products Association, AHPA, Natural Products Association, NPA, Council for Responsible Nutrition, CRN, United Natural Products Alliance, UNPA, Consumer Healthcare Products Association, CHPA, Alliance for Natural Health, ANH, and the U.S. Anti-Doping Agency, USADA.

By Ms. SNOWE (for herself and Mr. WARNER):

S. 3433. A bill to require a radio spectrum inventory of bands managed by the Federal Communications Commission and the National Telecommunications & Information Administration; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today, along with Senator WARNER, to reintroduce the Radio Spectrum Inventory Act. Simply put, in order to make more spectrum available to meet the growing demand for wireless broadband and other radio-based services, decision makers at the FCC, NTIA, and Congress must have a clear, detailed, up-to-date understanding of how spectrum is currently being used and by whom—data essential to sound policy decisions.

Specifically, the Radio Spectrum Inventory Act directs the National Telecommunications and Information Administration, NTIA, the Federal Communications Commission, FCC, with assistance from the Office of Science and Technology, to create a comprehensive and accurate inventory of each spectrum band, at a minimum, between 300 Megahertz to 6.5 Gigahertz. The information collected would in-

clude the licenses assigned in that band, number and type of end-user devices deployed, amount of deployed infrastructure, type of missions and activities supported in the band, as well as any relevant unlicensed end-user devices operating in the band. This information is fundamental to constructing a comprehensive framework for spectrum policy.

The Radio Spectrum Inventory Act also provides more transparency related to spectrum use by creating a centralized website or portal that would include relevant spectrum and license information accessible by the public. Given that radio spectrum is a public good, we are obligated to provide the public more clarity and accountability on how it is being utilized by both Federal and non-Federal licensees. But let me be clear, given the sensitive nature of some spectrum assignments and allocations, this bill makes the appropriate disclosure exceptions for spectrum utilized or reserved for national security and public safety activities.

A comprehensive inventory is a critical step in reforming our spectrum policy and management. The FCC manages over 2 million active licenses and NTIA administers more than 450,000 frequency assignments. And while I appreciate the FCC's effort in conducting a "baseline" inventory and NTIA's evaluation—both the fast track and ten year plan—I do not believe they are sufficient substitutes to conducting a full inventory since those efforts were limited in scope and seemingly didn't capture or make available more detailed data on spectrum use.

In addition, there has been a growing call for a comprehensive spectrum inventory from Members of Congress, former FCC officials, and industry—even the House Energy & Commerce Committee bipartisan Federal Spectrum Working Group requested what amounts to a complete inventory of Federal frequency assignments between 300 MHz and 3 GHz. But if we are to examine Federal use, we must also look at non-Federal use in order to gain a truly comprehensive picture and understanding of the heterogeneous spectrum ecosystem.

The ultimate goals this legislation sets the path towards achieving are to implement more efficient use of spectrum and to locate additional spectrum to meet the future demands of all spectrum users—commercial, Federal, and military. A comprehensive inventory would yield a significant amount more of data that would be extremely useful for conducting measurements, implementing more robust management, and developing greater strategic planning of spectrum resources.

With the enactment of P.L. 112-96 earlier this year, Congress took a notable but incremental step in an effort to free up additional spectrum to meet

the growing demand of wireless broadband. As I have stated before, I believe more can and must be done to meet the future needs of all spectrum users and properly address existing spectrum challenges. This includes a comprehensive spectrum inventory, more strategic and longterm planning of spectrum resources, and greater collaboration between the FCC and NTIA. In addition, we must also continually promote more investment in infrastructure and foster greater technical innovation. That is why I sincerely hope that my colleagues join Senator WARNER and me in supporting this critical legislation and continuing our focus on implementing spectrum reform.

By Ms. SNOWE (for herself and Mr. WARNER):

S. 3439. A bill to amend title 40, United States Code, to direct the Administrator of General Services to install Wi-Fi hotspots and wireless neutral host systems in all Federal buildings in order to improve in-building wireless communications coverage and commercial network capacity by offloading wireless traffic onto wireline broadband networks; to the Committee on Environment and Public Works.

Ms. SNOWE. Mr. President, I rise today, along with Senator WARNER, to reintroduce pro-consumer wireless legislation, which will improve wireless coverage indoors. Specifically, the Federal Wi-Net Act would require the installation of small wireless base stations, such as femtocells or similar technologies, and Wi-Fi hot-spots in all publicly accessible Federal buildings to improve wireless coverage and network capacity.

Over the past several years, there has been growing concern about a looming spectrum crisis given the significant growth in the wireless industry. Currently, there are more than 331 million wireless subscribers in the U.S., and American consumers used more than 2.3 trillion minutes in 2010—that is more than 6.4 billion minutes per day. And while the foundation for wireless services has been voice communication, more subscribers are utilizing it for broadband. According to Cisco, global mobile data traffic grew 159 percent in 2010, nearly tripling for the third year in a row. That growth is only expected to continue—there is expected to be over seven billion mobile devices globally by 2015 producing more than six exabytes per month. To put it in context, all the words ever spoken by human beings would equate to five exabytes worth of data.

To meet this growing demand, a multi-faceted solution is required that includes fostering technological advancement and more robust spectrum management. Technologies, such as femtocells, distributed antenna system, DAS, and Wi-Fi hotspots, will

help alleviate growing wireless demand by offloading that traffic onto wireline broadband networks. The Chairman of the Federal Communications Commission recently announced plans to open a proceeding on utilizing small cells in the 3.5 GHz band. And a recent spectrum report by the President's Council of Advisors on Science and Technology, PCAST, highlighted how reducing cell sizes of wireless networks to femtocell or Wi-Fi ranges could provide 400 times as much aggregate network capacity than current macro cells network topologies.

To that point, the need is there—approximately 40 percent of cell phone calls are made indoors and more than 26 percent of U.S. households have “cut-the-cord,” relying solely on cell phones to make voice calls. On the data side, Cisco's Virtual Network Index reports approximately 60 percent of mobile Internet use is done inside—either at home or at work. Consumers are also utilizing Wi-Fi more frequently—more than 80 percent of smartphone users prefer Wi-Fi connections over cellular for mobile data usage, and approximately 75 percent of tablet users use Wi-Fi connections only. In addition, several new tablets, such as the Microsoft Surface, Google Nexus 7, and Samsung Galaxy Tab, were introduced as Wi-Fi only versions.

As the FCC's National Broadband Plan highlights, most smartphones sold today have Wi-Fi capabilities to take advantage of the growing ubiquity of Wi-Fi routers and devices. According to a May 2011 report from comScore, approximately 48 percent of all iPhone traffic was transported over Wi-Fi/LAN networks. So installing more mini-base stations, such as femtocells, DAS, and Wi-Fi hotspots will improve indoor coverage and wireless network capacity. It will also increase battery life of phones and tablets since the indoor signal will be stronger so devices will use less power.

The increasing importance of wireless communications and broadband has a direct correlation to our nation's competitiveness, economy, and national security and therefore demands we make the appropriate changes to current spectrum policy and management to avert a spectrum crisis and continue to realize the boundless benefits of spectrum-based services. Congress has taken some steps but more must be done. That is why I sincerely hope that my colleagues join Senator WARNER and me in supporting this important legislation.

By Ms. LANDRIEU:

S. 3442. A bill to provide tax incentives for small businesses, improve programs of the Small Business Administration, and for other purposes; to the Committee on Finance.

Ms. LANDRIEU. Mr. President, I come to the floor today to discuss the

importance of small businesses in the United States. It cannot be stated enough that small businesses are the economic engines of our country. Small businesses also represent the essence of the American Dream. They are creators of new jobs and innovative technologies. In fact, over the last 15 years, businesses employing less than 500 people have created 93 percent of all new jobs and employed 58.6 million workers. Businesses employing less than 20 people alone employed 21.3 million workers. In my home state of Louisiana, small businesses make up about 98 percent of businesses. As Chair of the Senate Committee on Small Business and Entrepreneurship, I remain focused on the needs of these small businesses. That is why I am here today to introduce a bill that I believe will help spur job creation among small businesses.

As you know, right now our country is still mired in an historic economic downturn. This economic downturn is disproportionately affecting small businesses and, in turn, stifling opportunities for them to generate economic growth for the country. Sadly, since November 2008 80 percent of the job losses have come from small businesses. 2.16 million jobs were lost in the private sector from July to February 2008—nearly half from businesses with less than 50 employees. While corporate layoffs get the headlines, small business layoffs increase the headlines. Ten jobs lost here and five jobs there add up. These are the job losses that hurt our economy, our communities and our families.

With this in mind, I was proud to lead Congressional efforts to enact the Small Business Jobs Act of 2010, Public Law 111-240. President Obama signed this legislation into law on September 27, 2010. This legislation focused on the three “C’s” important to small businesses: Capital, Contracting, and Counseling. 332 community banks in 47 states have received \$4.01 billion in funding from the Small Business Lending Fund in the bill, which is \$9.3 billion in leverage potential for small businesses. Furthermore, a total of 54 states/territories applied for funding through the Small Business State Credit Initiative Program to support State-run small business lending programs. Approximately, \$1.3 billion for 47 states and territories has been approved. Lastly, \$30 million of Round 1 of State Trade and Export, STEP, export grant funding was awarded in the Fall 2011 to 52 states and territories to promote small business exports. To date, the Small Business Jobs Act has provided an important boost to small businesses looking to get credit or open new markets overseas.

Given the importance of small businesses to our economy, I believe that there is no better time than now for Congress to build off the success of the

Small Business Jobs Act. But the key question is how to best assist our country's 28 million small businesses? This is complicated because Federal law defines a small business as "those having 500 employees or less." They may all fit under the same broad category of small business, but they are not all the same. So it makes no sense for the Federal government or Congress to have a "one size fits all" policy for helping them grow. We must put a special focus on maximizing strategies to help those small firms that have the capacity to grow in the near term.

The approach I have taken is to focus on the entrepreneurial ecosystems in our communities. This is because an ecosystem is defined as "a system formed by the interaction of a community of organisms with their environment." I am particularly interested in the relationship between entrepreneurs, the current environment for entrepreneurship, and how we can make them more robust. In my view strengthening these ecosystems is an avenue to spur small business growth, create jobs, and grow our economy.

Babson College, one of the country's top colleges for undergraduate/graduate entrepreneurship programs, has looked into what makes up an entrepreneurial ecosystem. Babson has identified the "six domains" of any entrepreneurial ecosystem: a conducive culture that rewards innovation, creativity and experimentation; enabling policies and leadership that provide regulatory and capital support; availability of appropriate finance, including micro-loans, private equity and public capital; quality human capital that include both skilled and unskilled workers from at home and abroad; venture-friendly markets for products by creating distribution channels and entrepreneurship networks; and a range of institutional and infrastructural supports, including incubation centers and legal and accounting advisers.

Building off this research and with feedback from other stakeholders, late last year my committee began preparations to conduct a series of roundtables on strengthening the entrepreneurial ecosystem for small businesses. The goal of these roundtables, which were conducted between February and April 2012, was to take the ideas that come out of these discussions and use them as the foundation for a major piece of legislation to support the entrepreneurial ecosystem. The first roundtable on February 1, 2012, was entitled "Developing and Strengthening High-Growth Entrepreneurship." This roundtable set the stage for our discussions by exploring the recent success of high-growth firms in job creation and why it is so important that we replicate that success. The second roundtable was on March 22, 2012, and was entitled "A Spotlight on Small Business Investment Companies and Their

Role in the Entrepreneurship Ecosystem." That roundtable looked at how we could enhance an already successful program that gets capital into the hands of America's job creators. The last roundtable was on April 18, 2012, and was entitled "Perspectives from the Entrepreneurial Ecosystem: Creating Jobs and Growing Businesses through Entrepreneurship." That roundtable discussed how different stakeholders in the entrepreneurial ecosystem are creating new entrepreneurs and growing businesses. It brought together key stakeholders from different levels of an entrepreneurial ecosystem: universities and entrepreneurship programs, Federal and local officials, investors, private sector accelerators, mentors, and successful entrepreneurs.

As a result of these three roundtables, my committee received almost 60 specific policy recommendations from the 41 participants. Some of these recommendations fell under the jurisdictions of other Senate committees, while other proposals had a significant cost associated with them or lacked the strong bipartisan support necessary to move them forward in the Senate. After further consulting with my colleagues on the committee, I was able to identify our own six "domains" of proposals to focus our efforts on: Tax and Finance; Access to Capital; Access to Global Markets; Access to Mentoring, Education and Strategic Partnerships; Access to Government Contracting; and Transparency, Accountability, and Effectiveness. These domains form the six titles of the *Success Ultimately Comes from Capital, Contracting, Education, Strategic Partnerships, and Smart Regulations, SUCCESS, Act of 2012*.

First, Title I of the *SUCCESS Act* provides almost \$12 billion in tax incentives to assist small businesses. All five tax provisions within the *SUCCESS Act* were based on parts of legislation, S. 2050, that was introduced in January by Senator SNOWE and myself. S. 2050, the *Small Business Tax Extenders Act*, reflects the work of many of my Senate colleagues, including Senators SNOWE, KERRY, MERKLEY, CARDIN, ISAKSON, and SHAHEEN.

Section 102 of the *SUCCESS Act* extends the 100 percent exclusion from tax the gain on the sale of qualified small businesses, QSB, stock that non-corporate taxpayers purchase in 2012 and 2013 and hold for 5 years. Qualifying small business stock is stock of C-corporation whose gross assets do not exceed \$50 million, including the proceeds received from the issuance of the stock, and who meets a specific active business requirement. The amount of gain eligible for the exclusion is limited to the greater of ten times the taxpayer's basis in the stock or \$10 million of gain from stock in that corporation. Until 2009, non-corporate taxpayers

were allowed to exclude 50 percent of the gain from the sale of stock of QSB if the taxpayers held the stock for 5 years. The Recovery Act of 2009 increased the 50 percent exclusion to 75 percent and the *Small Business Jobs Act* and subsequent legislation increased and extended the exclusion to 100 percent through 2011. However, as of January 1, 2012, the 100 percent exclusion has reverted to 50 percent and startup investments are no longer entitled to preferential capital gains treatment.

Senator KERRY, a senior member of my committee as well as the Finance Committee, has been a leader in the Senate in getting this provision extended in previous Congresses. I also note that this proposal has bipartisan and White House support. President Obama has repeatedly called on Congress to make permanent the 100 percent capital gains exclusion and included this proposal in his *Startup America Legislative Agenda*. Senators MORAN, WARNER, COONS and RUBIO have all called for making this provision permanent and included a version of this provision in S. 3217, the *Startup Act 2.0* that was introduced in May. According to a Kauffman Foundation paper published earlier this year, the 100 percent exclusion "boosts the after-tax returns on such investments in startups and should induce substantial levels of new investments in startup firms." They further estimate that making this provision permanent would increase risky investments by conservatively 50 percent more than overall cost of the provision.

Section 103 of the bill extends the increased deduction for business start-up expenditures in 2012 and 2013 from \$5,000 to \$10,000, subject to a \$60,000 threshold. Under current law, taxpayers can elect to deduct up to \$5,000 of "start-up expenditures" in the taxable year in which they start a trade or business. The \$5,000 is reduced—but not below zero—by the amount by which start-up costs exceed \$50,000. Examples of startup costs include studies of potential markets, products, labor markets, or transportation systems; advertisements for the opening of a new business; compensation for consultants and employees undergoing training and their instructors; and travel for the purpose of securing suppliers, distributors, and customers.

The *Small Business Jobs Act* temporarily increased the amount of start-up expenditures entrepreneurs could deduct from their taxes in 2010 from \$5,000 to \$10,000, with a phase-out threshold of \$60,000. We need to bring this provision back to aid our small businesses.

I note that there is also support within this chamber and from the White House for this proposal. As part of his *Startup America Legislative Agenda*, President Obama has called for making

permanent the increased deduction for start-up expenditures. Senator MERKLEY successfully fought for the initial increase in deduction to be included in the Small Business Jobs Act. Over the past several years, this proposal has been repeatedly endorsed by the National Association for the Self-Employed and the National Federation of Independent Businesses, NFIB. Furthermore, according to a Kauffman Foundation survey, on average, new firms inject about \$80,000 into their business during the first year of operation. The vast majority of small business owners—between 80 percent and 90 percent—also invest significant amounts of their own money into their businesses. These budding enterprises are also more dependent on personal capital at startup than after they become established businesses. Doubling the deduction for start-up costs puts cash in the hands of small businesses owners who need it most—those who are just getting started. According to estimates from Third Way, a non-partisan group, this proposal would help the more than 600,000 Americans who start their own business every year.

Under current law, when a corporation becomes an S-Corporation, it is required to hold its business assets for 10 years or pay punitive taxes. This 10-year holding period is too long and ties up assets that could be sold to raise capital. In 2010, Congress reduced this holding period to 5 years to better match business planning cycles. Section 104 of my bill will extend the 5-year holding period for 2012 and 2013, costing \$251 million over 10 years. As with other provisions in the SUCCESS Act, this provision has bipartisan support. Senator CARDIN has fought to make this proposal permanent. Senators SNOWE, VITTER, and ROBERTS have also been long-time supporters and are co-sponsors of legislation introduced by Senator CARDIN to make this provision permanent. By granting this extension, we will give the more than 4 million S-Corporations in the U.S. the flexibility they need to raise capital.

Section 105 would allow sole proprietorships, partnerships and non-publicly traded corporations with less than \$50M in average gross annual receipts for the prior 3 years, to carryback unused general business credits earned in 2012 and 2013 for 5 previous years. Under current law, if a business has no tax liability in its current tax year, it may carry the general business tax credit back to the previous tax year to offset taxes paid in the previous year and obtain a refund. If the current credit exceeds taxes paid in the previous year, the remaining credit may be carried forward for 20 years, without interest, and used to offset tax liability in future years. The general business credit is limited to the difference between the regular tax liability of a

business and the greater of its tentative minimum tax or 25 percent of regular tax liability in excess of \$25,000. The general business tax credit is comprised of several different tax credits including the R&D tax credit, energy credits, the Low-Income Housing Tax Credit and the Work Opportunity Tax Credit.

This extension would provide tax refunds to businesses that were previously healthy but are currently running losses. It would improve the effectiveness of business credits that are intended to expand investment and employment, in the case of the Work Opportunity Tax Credit. It would also allow businesses greater immediate benefit from credits designed to encourage specific types of economic activity, such as hiring disadvantaged workers or investments in renewable energy. By providing businesses with greater opportunity to claim business credits, the provisions would also give an infusion of cash to businesses, which might promote investment. This could be particularly important if businesses have trouble borrowing because of financial market problems.

Section 106 of the SUCCESS Act extends a generous Section 179 provision that allows small businesses to immediately write-off up to \$500,000, up from \$250,000, for tangible personal property and up to \$250,000 for improvements to leasehold property and retail property.

Under the Small Business Jobs Act and other subsequent legislation, for taxable years beginning in 2010 and 2011, small businesses could write-off for capital expenditures for “qualifying Sec. 179 property” up to \$500,000 and the phase-out threshold has been increased to \$2,000,000. These thresholds were up from prior law thresholds of \$25,000/\$200,000. In addition, for the first time, the Small Business Jobs Act allowed taxpayers to expense \$250,000 of the cost of improvements to real property including qualified restaurant property and qualified retail property. To qualify for the section 179 deduction, property must have been acquired for use in the trade or business. Examples of qualifying property include machinery and equipment; property contained in or attached to a building, other than structural components, such as refrigerators, grocery store counters, office equipment, printing presses, testing equipment, and signs; gasoline storage tanks and pumps at retail service stations; livestock, including horses, cattle, hogs, sheep, goats, and mink and other furbearing animals.

Extending the enhanced Section 179 deduction has bipartisan Senate support, White House support, and industry support. The President supports extending Section 179. My colleague Senator SNOWE is a strong supporter of the enhanced Section 179 provision that allows businesses to expense improve-

ments to restaurant and retail property. She developed this particular proposal in connection with her work on the Small Business Jobs Act. Finally, 26 National business groups such as the NFIB, the U.S. Chamber of Commerce, the National Association of Homebuilders, and the National Association of the Self-Employed endorsed extending Section 179 and including expensing for real property improvements in a May 21, 2012 letter to Congress.

The next title of the SUCCESS Act focuses on improving access to capital for small businesses. In particular, Subtitle A under Title II was previously introduced as S. 3253, the Expanding Access to Capital for Entrepreneurial Leaders, EXCEL, Act. It provides necessary and timely enhancements to the Small Business Investment Company, SBIC, program. SBICs are government backed and regulated private equity funds which invest in U.S. small businesses. The SBIC program was created in 1958 by then Senator Lyndon Johnson and Senator William Fulbright, and signed into law by President Eisenhower. During a Senate hearing on the creation of the program, Senator Joseph Clark said the legislation is “necessary to increase the availability of long-term credit and equity capital for small businesses.”

Since 1958, SBICs have invested \$56 billion in over 100,000 small businesses. The core debenture program operates at no cost to taxpayers. SBIC success stories include: Apple Computer, Callaway Golf, Costco, Outback Steakhouse, Jenny Craig, Annie’s food company, and Center Rock of Berlin, PA, the manufacturers of the drill bit that saved the Chilean miners in October 2010.

The SBIC program has seen strong growth in the past few years. For example, the program grew 50 percent in fiscal year 2011 alone. However, the authorization level has not been permanently raised since 2003. To continue fulfilling the intent of the original legislation, it is time to make some improvements. The Landrieu-Snowe EXCEL Act has two main components. First, it raises the statutory cap for the SBIC Program from \$3 billion to \$4 billion. Second, it increases the amount of leverage by SBIC licensees under common control from \$225 million to \$350 million “Family of Funds”. The components of this provision were also included in the President’s Start-up America legislative package.

Subtitle B of Title II was originally introduced as S. 2364 by Senators SNOWE, LANDRIEU, ISAKSON and SHAHEEN. The 504 loan program is a long-term financing tool for economic development that provides small businesses with long-term, fixed-rate loans to help them acquire major fixed assets and real estate for expansion or modernization. The Small Business Jobs Act allowed small businesses to use the 504

loan program to refinance certain qualifying existing debt for two years, but the SBA did not promulgate regulations to implement the refinancing provision until February 17, 2012.

This subtitle would extend for a year and a half a provision allowing small business owners to use Small Business Administration, SBA, 504 loans to refinance existing commercial mortgages. Extending the 504 refinancing program is a common-sense way to help small businesses and create jobs. By allowing small businesses to refinance qualified commercial real estate debt, this program lowers their monthly mortgage payments at no cost to taxpayers. That's right, this provision has zero subsidy cost. At a time when we are still facing high unemployment, this extension is one of many things that we should be doing to put more capital in the hands of America's job creators.

Subtitle C of Title II is a new proposal introduced for the first time as part of the SUCCESS Act. SBA currently releases some information publicly about SBA lending activity, but it is almost impossible to find and comprehend if you are not an SBA lending professional. If a small business, mayor, or governor wants to determine SBA lending activity in their area, they lack the ability to do so easily.

This subtitle would require the SBA to post a user friendly Lender Activity Index on the SBA website. Users will immediately be able to access the following data for any given bank: name of bank, number of SBA loans each bank made, total dollar amount of SBA loans of each bank, zip code of bank activity, not where every single loan was made, but a list of every zip code where the bank has made an SBA loan, industries lent to, hospitality, manufacturing, service, software, etc., stage of business cycle, new, or existing business, and business specific information, i.e. Women Owned Businesses, Minority Owned Businesses, or Veteran Owned Businesses. Data will be available for the year to date and users will be able to compare to 3 previous fiscal years. Both quarterly and annual data will be included.

Title III of the SUCCESS Act focuses on promoting exports from small businesses. The Small Business Jobs Act made major changes to the international trade work done by the SBA. Now that those provisions have been in place for several years, there are additional refinements and direction needed. I would like to specifically thank Senators SHAHEEN and AYOTTE for their bipartisan export contributions to this effort. The export provisions of Title III are taken from S. 3218, their Small Business Growth Act of 2012, as well as S. 3277, the Go Global Act of 2012 that Senator SHAHEEN and I authored this year.

95 percent of the world's customers are located outside of the borders of

the United States, and in the last twelve months we have exported more than \$2 trillion of goods and services to these consumers. Yet only 1 percent of our approximately 28 million small businesses export. Our agencies need to be working together to ensure our small businesses have the resources they need to expand their customer base and be part of the more than \$180 billion in exports that the United States sends around the world each month.

This title aids our small business exporters by addressing federal government coordination, resources for rural businesses, and export control education. It establishes, in Section 306, an interagency task force of SBA, the Department of Agriculture (USDA), the Export-Import Bank, and the Overseas Private Investment Corporation on export financing to review, improve, and increase collaboration on current finance programs. Then, to further coordination, Section 307(a) begins a cross training program with SBA and USDA to inform their respective export finance specialists more about each other's programs. Our small businesses face enough challenges—we should be bringing our resources to them. In Section 304, this bill requires SBA, in coordination with other agencies, to do at least one export outreach event per year in each state. Section 307(b) also aids our rural small businesses by posting a list of rural lenders who participate in SBA and USDA loan programs and a list of rural small businesses counseling and technical assistance resources. Jobs created by exports pay, on average, 15 to 20 percent more than jobs created by goods and services sold in the United States. This bill will continue to support entrepreneurs who want to create and grow these employment opportunities for all Americans.

Title IV of the bill focuses on promoting small business access to mentoring, education and strategic partnerships. Subtitle A of this title was originally introduced by Senator SNOWE and I as S. 3198, the Strengthening Resources for America's Entrepreneurs Act of 2012. The SBA Office of Entrepreneurial Development, OED, oversees a network of programs and services that support the training and counseling needs of small business. According to the SBA, OED helps hundreds of thousands of small business clients start, grow and compete in global markets by providing quality training, counseling and access to resources. SBA delivers these services through non-profit, college and university, and community-based organization resource partners. Through its network of over 1,000 resource partners across the country, OED programs include Small Business Development Centers, SBDCs, Women's Business Centers, SCORE, and Entrepreneurship Education. However, it is currently dif-

ficult to track effectiveness and ensure our resources are being used in the best ways possible. To solve this challenge, this subtitle has four primary components. First, it requires the SBA to coordinate and make consistent data collection and outcome metrics for Entrepreneurial Development programs. Second, it increases planning for utilizing Entrepreneurial Development programs to create jobs. Third, it increases coordination between Entrepreneurial Development programs and Resource Partners at the national level. Finally, it increases accountability measures and reports to Congress regarding the effectiveness of Entrepreneurial Development programs.

Subtitle B of the bill comes from S. 3197, the Women's Small Business Ownership Act which was sponsored by Senator SNOWE and myself. This subtitle is focused on the SBA Women's Business Center (WBC) program. The WBC program was established in 1988 and implemented through the SBA's Office of Women's Business Ownership. It provides quality counseling and training services to all entrepreneurs, primarily women, especially those who are socially and economically disadvantaged. Through a network of over 100 non-profit organizations, WBCs help more than 150,000 clients annually to start and grow small firms in the local area in which they serve and to stimulate economic growth. Subtitle B reauthorizes the WBC program through Fiscal Year 2015 and makes improvements to the program, including a Government Accountability Office review of Women's Business Center program performance as compared with other SBA Entrepreneurial Development programs.

Subtitle C of the SUCCESS Act is Senator SNOWE's Strengthening America's Small Business Development Centers Act. Small Business Development Centers (SBDCs) are considered to be the backbone of the SBA's Office of Entrepreneurial Development efforts, and are the largest of the agency's OED programs. SBDCs are the university based resource partners that provide counseling and training needs for more than 600,000 business clients annually. From 2007 to 2008, the counseling and technical assistance services they offered led to the creation of 58,501 new jobs, at a cost of \$3,462 per job. Additionally, they estimate that their counseling services helped to save 88,889 jobs. This subtitle would reauthorize SBDC program at the current \$135 million authorization level through fiscal year 15. Beyond reauthorizing the SBDC program, this provision also encourages SBDCs to improve outreach and communications to universities, community colleges, and junior colleges and allows the SBA Administrator to authorize out-of-state SBDCs to provide assistance in declared disaster areas.

Subtitle D of Title IV was originally introduced as S. 3281 by Senators SNOWE, KERRY, and COBURN. This subtitle repeals Federal authorization of the National Veterans Business Development Corporation, TVC, eliminating an ineffective government program. The National Veterans Business Development Corporation, also known as The Veterans Corporation or simply TVC, has been ineffective and controversial since its inception as part of the Veterans Entrepreneurship and Small Business Development Act, P.L. 106-50, in 1999. In December of 2008, former Small Business Committee Chairman KERRY and Ranking Member SNOWE investigated TVC, and issued a report detailing the organization's blatant mismanagement and wasting of taxpayers' dollars. Since the issuing of the Small Business Committee's report, Congress has appropriated no further funding for TVC, and the Small Business Administration has incorporated the Veteran Business Resource Centers, VBRCs, that TVC previously funded into its existing network of Veteran Business Outreach Centers, VBOCs. At present, TVC still exists as an organization, and it is still technically federally chartered. At the same time, it receives no Federal funds, has no Department or Agency oversight. It is time for it to be eliminated.

Title V of the SUCCESS Act focuses on promoting Federal government contracting opportunities for small businesses. Section 511 under Subtitle A of Title V was originally introduced by Senators CARDIN, LANDRIEU and SNOWE as S. 2187, the Small Business Administration Surety Bond Increase Act. The SBA administers a surety bond guarantee program, designed to encourage sureties to issue bonds when they would otherwise determine that a small business presents an unacceptable degree of risk. Under the program, SBA may guarantee bid, performance, and payment bonds for individual contracts of \$2 million or less for small businesses that cannot obtain surety bonds through regular commercial channels. In the American Recovery & Reinvestment Act of 2009, Senator CARDIN was able to temporarily increase the size of SBA surety bond guarantee from \$2 million to \$5 million. Section 511 would make that permanent. It would ensure that small businesses have the means to the secure the necessary surety bonding to compete for contracts during the economic downturn.

Subtitle B of Title V was originally introduced by Senators SNOWE, LANDRIEU, ENZI, BROWN, MERKLEY, CANTWELL and eight other senators as S. 633, the Small Business Contracting Fraud Prevention Act. Fraud in small business contracting programs has starkly increased over the years. Recently we have all read about instances where

large businesses misrepresent their size and status to receive the benefits of SBA programs designed for small businesses. Firms that engage in this activity have long been subject to civil and/or criminal penalties under various laws and government-wide policies.

The provisions in Subtitle B provide the SBA Inspector General with enhanced tools to eliminate fraud in small business contracting programs by: imposing greater penalties for fraud; requiring that firms be debarred for five years if they misrepresent their status as veteran-owned for purposes of programs under the act; and requiring the SBA to submit annual reports to Congress on the number of persons debarred or suspended from government contracting, or considered for debarment or suspension from government contracting, for violations of the bill. This will deter fraud in government small business contracting and will keep Congress in the loop on small business fraud issues.

Subtitle C under Title V was originally introduced by Senators SNOWE, LANDRIEU, GILLIBRAND and seven other senators as S. 2172, the Fairness in Women-Owned Small Business Contracting Act. Currently, the Women-Owned Small Business, WOSB, contracting program caps contract awards to woman-owned businesses at \$4 million for goods/services and \$6.5 million for manufacturing. In addition, sole-source contract awards under the program are prohibited. In other words, this program has limits that no other contracting program has.

The provisions in Subtitle C would remove the contract award price limits for women-owned small businesses, create a provision allowing sole-source contract awards to WOSBs, direct the SBA to periodically conduct a study to identify any U.S. industry in which women are underrepresented, and every five years report the study results to Congress. From these improvements, more contracting opportunities will emerge for women-owned businesses in the Federal marketplace.

Subtitle D of the Title V of the SUCCESS originated with our colleagues in the House of Representatives as H.R. 3851, the Small Business Champion Act. The Small Business Act established an Office of Small and Disadvantaged Business, OSDBU, within all major Federal Executive Agencies. The OSDBU is the primary advocate within each Agency responsible for promoting the maximum use of all small business programs within the Federal contracting process. The OSDBU is tasked with ensuring that each Federal agency and their large prime vendors comply with federal laws, regulations, and policies to include small businesses as sources for goods and services, both as prime contractors and subcontractors. Approximately 35 Federal Agencies have fully functioning OSDBU offices.

In an effort to assist agencies with meeting contracting goals, Subtitle D makes three major modifications to OSDBU offices. First, it elevates the OSDBU Director at each agency to the Senior Executive Service, SES, rank. Second, it prohibits combining the duties of the OSDBU Director with unrelated duties. Finally, it requires that agencies consult with the OSDBU office on decisions to insure work performed by small businesses. I would note that the House of Representatives Committee on Small Business approved H.R. 3851 by voice vote on March 7, 2012.

The final title of the SUCCESS Act is focused on improving Federal Government transparency, accountability, and effectiveness. A key component of this title is a result of the work of my colleague Senator HAGAN from North Carolina. In particular, Subtitle A of Title VI is based upon Senator HAGAN's legislation, S. 3194, the Small Business Common Application Act of 2012.

Whether it is applying for a grant, seeking technical assistance, or bidding on a contract, small businesses face a dizzying array of paperwork when interacting with the Federal government. As a result, many small businesses avoid Federal programs altogether, missing out on potentially lucrative business opportunities. Senator HAGAN's bill aims to streamline assistance for small businesses facing layers of paperwork when they apply for a grant, seek technical assistance or bid on a contract from the Federal government.

Furthermore, according to a 2010 study from the SBA Office of Advocacy, it costs small businesses with 20 employees or less more than \$10,500 per employee to comply with Federal regulations. When compared to their larger counterparts, it costs small firms over \$2,800—or approximately 36 percent more—for each employee.

Subtitle A builds off provisions in S. 3194 by establishing an Executive Committee of 12 Federal agency representatives, headed by the SBA Administrator, to review the feasibility of establishing a Small Business Common Application. This Executive Committee would then provide recommendations to the Executive Branch and Congress within 270 days on establishing a common application and web portal for small businesses.

The small business "common app" would function much like the one that students complete to apply to multiple colleges and universities simultaneously. It would ensure that small businesses across the country can concentrate on growing and creating jobs—not wasting time, filling out mountains of repetitive paperwork.

Lastly, I recognize that it is important to provide sufficient oversight of the programs and assistance authorized in this bill. Subtitle B of Title VI



would authorize a GAO review of the bill—including whether programs receive necessary funding, have been successfully implemented, and are promoting job creation among small businesses. This report would go to the House and Senate Small Business Committees not later than 2 years after the date of enactment.

In closing, I would like to reiterate that the SUCCESS Act is a combination of numerous bipartisan bills that have been introduced this Congress. So these proposals are neither new nor untested—they are ready for prime time. On July 12, 2012 the Senate voted on the SUCCESS Act as part of Senate Amendment 2521 to S. 2237, the Small Business Jobs and Tax Relief Act of 2012. Although the amendment came up short of the 60 votes needed to end debate, Senate Amendment 2521 did receive a strong 57 bipartisan votes. My Republican colleagues Senators SNOWE, COLLINS, VITTER, SCOTT BROWN, and HELLER all voted in support of the amendment. I thank them for joining with us to try to move this legislation forward in the Senate. It is my understanding that some of my Republican colleagues may have voted for the amendment if it did not contain the underlying provisions from S. 2237. Procedurally, it was necessary to include these provisions to ensure a vote on the SUCCESS Act. However, recognizing these concerns, our bill that is being introduced today only includes Subtitle B of Senate Amendment 2521—the bipartisan SUCCESS Act provisions. I hope that additional colleagues from both sides of the aisle will now support the SUCCESS Act, especially as we are only a few votes short of being able to move it forward here in the Senate.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3442

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Success Ultimately Comes from Capital, Contracting, Education, Strategic Partnerships, and Smart Regulations Act of 2012” or the “SUCCESS Act of 2012”.

#### SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.

#### TITLE I—SMALL BUSINESS TAX EXTENDERS

- Sec. 101. References.
- Sec. 102. Extension of temporary exclusion of 100 percent of gain on certain small business stock.
- Sec. 103. Extension of increased amount allowed as a deduction for start-up expenditures.

- Sec. 104. Extension of reduction in recognition period for built-in gains tax.
- Sec. 105. Extension of 5-year carryback of general business credits of eligible small businesses.
- Sec. 106. Extension of increased expensing limitations and treatment of certain real property as section 179 property.

#### TITLE II—ACCESS TO CAPITAL

##### Subtitle A—Expanding Access to Capital for Entrepreneurial Leaders

- Sec. 211. Short title.
- Sec. 212. Program authorization.
- Sec. 213. Family of funds.
- Sec. 214. Adjustment for inflation.
- Sec. 215. Public availability of information.
- Sec. 216. Authorized uses of licensing fees.
- Sec. 217. Sense of Congress.

##### Subtitle B—Low-Interest Refinancing

- Sec. 221. Low-interest refinancing under the local development business loan program.

##### Subtitle C—SBA Lender Activity Index

- Sec. 231. SBA lender activity index.

#### TITLE III—ACCESS TO GLOBAL MARKETS

- Sec. 301. Short title.
- Sec. 302. Report on improvements to Export.gov as a single window for export information.
- Sec. 303. Report on developing a single window for information about export control compliance.
- Sec. 304. Promotion of exporting.
- Sec. 305. Export control education.
- Sec. 306. Small Business Inter-Agency Task Force on Export Financing.
- Sec. 307. Promotion of exports by rural small businesses.
- Sec. 308. Registry of export management and export trading companies.
- Sec. 309. Reverse trade missions.
- Sec. 310. State Trade and Export Promotion Grant Program.
- Sec. 311. Promotion of interagency details.
- Sec. 312. Annual export strategy.

#### TITLE IV—ACCESS TO MENTORING, EDUCATION, AND STRATEGIC PARTNERSHIPS

##### Subtitle A—Measuring the Effectiveness of Resource Partners

- Sec. 411. Expanding entrepreneurship.

##### Subtitle B—Women’s Small Business Ownership

- Sec. 421. Short title.
- Sec. 422. Definition.
- Sec. 423. Office of Women’s Business Ownership.
- Sec. 424. Women’s Business Center Program.
- Sec. 425. Study and report on economic issues facing women’s business centers.
- Sec. 426. Study and report on oversight of women’s business centers.

##### Subtitle C—Strengthening America’s Small Business Development Centers

- Sec. 431. Institutions of higher education.
- Sec. 432. Updating funding levels for small business development centers.
- Sec. 433. Assistance to out-of-state small businesses.
- Sec. 434. Termination of small business development center defense economic transition assistance.
- Sec. 435. National Small Business Development Center Advisory Board.
- Sec. 436. Repeal of Paul D. Coverdell drug-free workplace program.

##### Subtitle D—Terminating the National Veterans Business Development Corporation

- Sec. 441. National Veterans Business Development Corporation.

#### TITLE V—ACCESS TO GOVERNMENT CONTRACTING

##### Subtitle A—Bonds

- Sec. 511. Removal of sunset dates for certain provisions of the Small Business Investment Act of 1958.

##### Subtitle B—Small Business Contracting Fraud Prevention

- Sec. 521. Short title.
- Sec. 522. Definitions.
- Sec. 523. Fraud deterrence at the Small Business Administration.
- Sec. 524. Veterans integrity in contracting.
- Sec. 525. Section 8(a) program improvements.
- Sec. 526. HUBZone improvements.
- Sec. 527. Annual report on suspension, debarment, and prosecution.

##### Subtitle C—Fairness in Women-Owned Small Business Contracting

- Sec. 531. Short title.
- Sec. 532. Procurement program for women-owned small business concerns.
- Sec. 533. Study and report on representation of women.

##### Subtitle D—Small Business Champion

- Sec. 541. Short title.
- Sec. 542. Offices of Small and Disadvantaged Business Utilization.
- Sec. 543. Small Business Procurement Advisory Council.

#### TITLE VI—TRANSPARENCY, ACCOUNTABILITY, AND EFFECTIVENESS

##### Subtitle A—Small Business Common Application

- Sec. 611. Definitions.
- Sec. 612. Sense of Congress.
- Sec. 613. Executive Committee On a Small Business Common Application.
- Sec. 614. Authorization of appropriations.

##### Subtitle B—Government Accountability Office Review

- Sec. 621. Government Accountability Office review.

#### TITLE I—SMALL BUSINESS TAX EXTENDERS

##### SEC. 101. REFERENCES.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

##### SEC. 102. EXTENSION OF TEMPORARY EXCLUSION OF 100 PERCENT OF GAIN ON CERTAIN SMALL BUSINESS STOCK.

(a) IN GENERAL.—Paragraph (4) of section 1202(a) is amended—

- (1) by striking “January 1, 2012” and inserting “January 1, 2014”, and
- (2) by striking “AND 2011” and inserting “, 2011, 2012, AND 2013” in the heading thereof.

(b) TECHNICAL AMENDMENTS.—

(1) SPECIAL RULE FOR 2009 AND CERTAIN PERIOD IN 2010.—Paragraph (3) of section 1202(a) is amended by adding at the end the following new flush sentence:

“In the case of any stock which would be described in the preceding sentence (but for this sentence), the acquisition date for purposes of this subsection shall be the first day on which such stock was held by the taxpayer determined after the application of section 1223.”.

(2) 100 PERCENT EXCLUSION.—Paragraph (4) of section 1202(a) is amended by adding at the end the following new flush sentence:

“In the case of any stock which would be described in the preceding sentence (but for



this sentence), the acquisition date for purposes of this subsection shall be the first day on which such stock was held by the taxpayer determined after the application of section 1223.”

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsection (a) shall apply to stock acquired after December 31, 2011.

(2) SUBSECTION (b)(1).—The amendment made by subsection (b)(1) shall take effect as if included in section 1241(a) of division B of the American Recovery and Reinvestment Act of 2009.

(3) SUBSECTION (b)(2).—The amendment made by subsection (b)(2) shall take effect as if included in section 2011(a) of the Creating Small Business Jobs Act of 2010.

#### SEC. 103. EXTENSION OF INCREASED AMOUNT ALLOWED AS A DEDUCTION FOR START-UP EXPENDITURES.

(a) IN GENERAL.—Paragraph (3) of section 195(b) is amended—

(1) by inserting “, 2012, or 2013” after “2010”, and

(2) by inserting “2012, AND 2013” in the heading thereof.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2011.

#### SEC. 104. EXTENSION OF REDUCTION IN RECOGNITION PERIOD FOR BUILT-IN GAINS TAX.

(a) IN GENERAL.—Paragraph (7) of section 1374(d) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D), and

(2) by inserting after subparagraph (B) the following new subparagraph:

“(C) SPECIAL RULE FOR 2012 AND 2013.—For dispositions of property in taxable years beginning in 2012 or 2013, subparagraphs (A) and (D) shall be applied by substituting ‘5-year’ for ‘10-year’.”

(b) TECHNICAL AMENDMENT.—Subparagraph (B) of section 1374(d)(2) is amended by inserting “described in subparagraph (A)” after “, for any taxable year”.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 2011.

#### SEC. 105. EXTENSION OF 5-YEAR CARRYBACK OF GENERAL BUSINESS CREDITS OF ELIGIBLE SMALL BUSINESSES.

(a) IN GENERAL.—Subparagraph (A) of section 39(a)(4) is amended by inserting “or in taxable years beginning in 2012, or 2013” after “2010”.

(b) TECHNICAL AMENDMENT.—Section 38(c)(5)(B) is amended—

(1) by striking “the sum of”, and

(2) by inserting “for any taxable year to which subparagraph (A) applies” after “or (4)”.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to credits determined in taxable years beginning after December 31, 2011.

(2) TECHNICAL AMENDMENTS.—The amendments made by subsection (b) shall take effect as if included in section 2013(a) of the Creating Small Business Jobs Act of 2010.

#### SEC. 106. EXTENSION OF INCREASED EXPENSING LIMITATIONS AND TREATMENT OF CERTAIN REAL PROPERTY AS SECTION 179 PROPERTY.

(a) IN GENERAL.—

(1) DOLLAR LIMITATION.—Section 179(b)(1) is amended—

(A) by striking “and” at the end of subparagraph (C),

(B) by redesignating subparagraph (D) as subparagraph (E),

(C) by inserting after subparagraph (C) the following new subparagraph:

“(D) \$500,000 in the case of taxable years beginning in 2013, and”, and

(D) in subparagraph (E), as so redesignated, by striking “2012” and inserting “2013”.

(2) REDUCTION IN LIMITATION.—Section 179(b)(2) is amended—

(A) by striking “and” at the end of subparagraph (C),

(B) by redesignating subparagraph (D) as subparagraph (E),

(C) by inserting after subparagraph (C) the following new subparagraph:

“(D) \$2,000,000 in the case of taxable years beginning in 2013, and”, and

(D) in subparagraph (E), as so redesignated, by striking “2012” and inserting “2013”.

(b) COMPUTER SOFTWARE.—Section 179(d)(1)(A)(ii) is amended by striking “2013” and inserting “2014”.

(c) ELECTION.—Section 179(c)(2) is amended by striking “2013” and inserting “2014”.

(d) SPECIAL RULES FOR TREATMENT OF QUALIFIED REAL PROPERTY.—

(1) IN GENERAL.—Section 179(f)(1) is amended by striking “2010 or 2011” and inserting “2010, 2011, or 2013”.

(2) CARRYOVER LIMITATION.—Section 179(f)(4) is amended by striking subparagraphs (A) through (C) and inserting the following:

“(A) IN GENERAL.—Notwithstanding subsection (b)(3)(B)—

“(i) no amount attributable to qualified real property placed in service in any taxable year beginning in 2010 or 2011 may be carried over to any taxable year beginning after 2011, and

“(ii) no amount attributable to qualified real property placed in service in any taxable year beginning in 2013 may be carried over to any taxable year beginning after 2013.

“(B) TREATMENT OF DISALLOWED AMOUNTS.—Except as provided in subparagraph (C)—

“(i) TAXABLE YEARS BEGINNING AFTER 2011.—To the extent that any amount is not allowed to be carried over to a taxable year beginning after 2011 by reason of subparagraph (A)(i), this title shall be applied as if no election under this section had been made with respect to such amount.

“(ii) TAXABLE YEARS BEGINNING AFTER 2013.—To the extent that any amount is not allowed to be carried over to a taxable year beginning after 2013 by reason of subparagraph (A)(ii), this title shall be applied as if no election under this section had been made with respect to such amount.

“(C) AMOUNTS CARRIED OVER FROM CERTAIN TAXABLE YEARS.—

“(i) AMOUNTS CARRIED OVER FROM 2010.—If subparagraph (B)(i) applies to any amount (or portion of an amount) which is carried over from a taxable year other than the taxpayer’s last taxable year beginning in 2011, such amount (or portion of an amount) shall be treated for purposes of this title as attributable to property placed in service on the first day of the taxpayer’s last taxable year beginning in 2011.

“(ii) AMOUNTS CARRIED OVER FROM 2013.—If subparagraph (B)(ii) applies to any amount (or portion of an amount) which is carried over from a taxable year other than the taxpayer’s last taxable year beginning in 2013, such amount (or portion of an amount) shall be treated for purposes of this title as attributable to property placed in service on the first day of the taxpayer’s last taxable year beginning in 2013.”

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2012.

### TITLE II—ACCESS TO CAPITAL

#### Subtitle A—Expanding Access to Capital for Entrepreneurial Leaders

##### SEC. 211. SHORT TITLE.

This subtitle may be cited as the “EXCEL Act of 2012”.

##### SEC. 212. PROGRAM AUTHORIZATION.

Section 303(b) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)) is amended, in the matter preceding paragraph (1), in the first sentence, by inserting after “issued by such companies” the following: “, in a total amount that does not exceed \$4,000,000,000 each fiscal year (adjusted annually to reflect increases in the Consumer Price Index established by the Bureau of Labor Statistics of the Department of Labor)”.

##### SEC. 213. FAMILY OF FUNDS.

Section 303(b)(2)(B) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)(2)(B)) is amended by striking “\$225,000,000” and inserting “\$350,000,000”.

##### SEC. 214. ADJUSTMENT FOR INFLATION.

Section 303(b)(2) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)(2)) is amended by adding at the end the following:

“(E) ADJUSTMENTS.—

“(i) IN GENERAL.—The dollar amounts in subparagraph (A)(ii), subparagraph (B), and subparagraph (C)(ii)(I) shall be adjusted annually to reflect increases in the Consumer Price Index established by the Bureau of Labor Statistics of the Department of Labor (in this subparagraph referred to as the ‘CPI’).

“(ii) APPLICABILITY.—The adjustments required by clause (i)—

“(I) with respect to dollar amounts in subparagraphs (A)(ii) and (C)(ii)(I) shall initially reflect increases in the CPI during the period beginning on the effective date of section 505 of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 156) through the date of enactment of this subparagraph and annually thereafter;

“(II) with respect to dollar amounts in subparagraph (B) shall reflect increases in the CPI annually on and after the date of enactment of this subparagraph.”

##### SEC. 215. PUBLIC AVAILABILITY OF INFORMATION.

Section 303 of the Small Business Investment Act of 1958 (15 U.S.C. 683) is amended by adding at the end the following:

“(1) ACCESS TO FUND INFORMATION.—Annually, the Administrator shall make public on its website the following information with respect to each small business investment company:

“(1) The amount of capital deployed since fund inception.

“(2) The amount of leverage drawn since fund inception.

“(3) The number of investments since fund inception.

“(4) The number of businesses receiving capital since fund inception.

“(5) Industry sectors receiving investment since fund inception.

“(6) The amount of leverage principal repaid by the small business investment company since fund inception.

“(7) A basic description of investment strategy.”

##### SEC. 216. AUTHORIZED USES OF LICENSING FEES.

Section 301 of the Small Business Investment Act of 1958 (15 U.S.C. 681) is amended—

(1) by redesignating subsection (e) as subsection (d); and

(2) in subsection (d)(2)(B), as so redesignated, by inserting before the period at the end the following: “and other small business investment company program needs”.

#### SEC. 217. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) small business investment companies would benefit from partnerships with community banks and other lenders, and should work with community banks and other lenders, to ensure that if community banks and other lenders deny an application by a small business concern for a loan, the community banks or other lenders will refer the small business concern to small business investment companies; and

(2) the Administrator of the Small Business Administration (in this Act referred to as the “Administrator”) should—

(A) increase outreach to community banks and other lenders to encourage community banks and other lenders to invest in small business investment companies;

(B) use the Internet to make publicly available in a timely manner which small business investment companies are actively soliciting investments and making investments in small business concerns;

(C) partner with governors, mayors, States, and municipalities to increase outreach by small business investment companies to underserved and rural areas; and

(D) continue to make changes to the webpage for the small business investment company program, to make the webpage—

(i) a more prominent part of the website of the Administration; and

(ii) more user-friendly.

#### Subtitle B—Low-Interest Refinancing

#### SEC. 221. LOW-INTEREST REFINANCING UNDER THE LOCAL DEVELOPMENT BUSINESS LOAN PROGRAM.

Section 1122(b) of the Small Business Jobs Act of 2010 (15 U.S.C. 696 note) is amended by striking “2 years” and inserting “on the date that is 3 years and 6 months”.

#### Subtitle C—SBA Lender Activity Index

#### SEC. 231. SBA LENDER ACTIVITY INDEX.

Section 4 of the Small Business Act (15 U.S.C. 633) is amended by adding at the end the following:

“(g) SBA LENDER ACTIVITY INDEX.—

“(1) DEFINITION.—In this subsection, the term ‘covered loan’ means a loan made or debenture issued under this Act or the Small Business Investment Act of 1958 (15 U.S.C. 661 et seq.) by a private individual or entity.

“(2) REQUIREMENT.—Not later than 6 months after the date of enactment of this subsection, the Administrator shall make publicly available on the website of the Administration a user-friendly database of information relating to lenders making covered loans (to be known as the ‘Lender Activity Index’).

“(3) DATA INCLUDED.—

“(A) IN GENERAL.—The database made available under paragraph (2) shall include, for each lender making a covered loan—

“(i) the name of the lender;

“(ii) the number of covered loans made by the lender;

“(iii) the total dollar amount of covered loans made by the lender;

“(iv) a list of each ZIP code in which a recipient of a covered loan made by the lender is located;

“(v) a list of the industries of the recipients to which the lender made a covered loan;

“(vi) whether the covered loan is for an existing business or a new business;

“(vii) the number and total dollar amount of covered loans made by the lender to—

“(I) small business concerns owned and controlled by women;

“(II) socially and economically disadvantaged small business concerns (as defined in section 8(a)(4)(A)); and

“(III) small business concerns owned and controlled by veterans; and

“(viii) whether the covered loan was made under section 7(a) or under the program to provide financing to small business concerns through guarantees of loans under title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.).

“(B) INCORPORATION OF DATA.—The Administrator shall—

“(i) include in the database made available under paragraph (2) information relating to covered loans made during fiscal years 2009, 2010, 2011, and 2012; and

“(ii) incorporate information relating to covered loans on an ongoing basis.

“(C) PERIOD OF DATA AVAILABILITY.—The Administrator shall retain information relating to a covered loan in the database made available under paragraph (2) until not earlier than the end of the third fiscal year beginning after the fiscal year during which the covered loan was made.”.

#### TITLE III—ACCESS TO GLOBAL MARKETS

#### SEC. 301. SHORT TITLE.

This title may be cited as the “Small Business Export Growth Act of 2012”.

#### SEC. 302. REPORT ON IMPROVEMENTS TO EXPORT.GOV AS A SINGLE WINDOW FOR EXPORT INFORMATION.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Director of International Trade of the Small Business Administration shall, after consultation with the entities specified in subsection (b), submit to the Committee on Small Business and Entrepreneurship and the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Small Business and the Committee on Foreign Affairs of the House of Representatives a report that includes the recommendations of the Director for improving the experience provided by the website Export.gov (or a successor website) as—

(1) a comprehensive resource for information about exporting articles from the United States; and

(2) a single website for exporters to submit all information required by the Federal Government with respect to the exportation of articles from the United States.

(b) ENTITIES SPECIFIED.—The entities specified in this subsection are—

(1) small business concerns (as defined in section 3 of the Small Business Act (15 U.S.C. 632)) that are exporters; and

(2) the President’s Export Council, State agencies with responsibility for export promotion or export financing, district export councils, and trade associations.

#### SEC. 303. REPORT ON DEVELOPING A SINGLE WINDOW FOR INFORMATION ABOUT EXPORT CONTROL COMPLIANCE.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Chief Counsel for Advocacy of the Small Business Administration shall submit to the appropriate congressional committees a report assessing the benefits of developing a website to serve as—

(1) a comprehensive resource for complying with and information about the export control laws and regulations of the United States; and

(2) a single website for exporters to submit all information required by the Federal Government with respect to export controls.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term

“appropriate congressional committees” means—

(1) the Committee on Commerce, Science, and Transportation, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Small Business and Entrepreneurship of the Senate; and

(2) the Committee on Energy and Commerce, the Committee on Foreign Affairs, and the Committee on Small Business of the House of Representatives.

#### SEC. 304. PROMOTION OF EXPORTING.

Section 22(c)(11) of the Small Business Act (15 U.S.C. 649(c)(11)) is amended by inserting “, which shall include conducting not fewer than 1 outreach event each fiscal year in each State that promotes exporting as a business development opportunity for small business concerns” before the semicolon.

#### SEC. 305. EXPORT CONTROL EDUCATION.

Section 22 of the Small Business Act (15 U.S.C. 649) is amended—

(1) by redesignating subsection (1) as subsection (n); and

(2) by inserting after subsection (k) the following:

“(l) EXPORT CONTROL EDUCATION.—The Associate Administrator shall ensure that all programs of the Administration to support exporting by small business concerns place a priority on educating small business concerns about Federal export control regulations.”.

#### SEC. 306. SMALL BUSINESS INTER-AGENCY TASK FORCE ON EXPORT FINANCING.

The Administrator, in consultation with the Secretary of Agriculture, the President of the Export-Import Bank of the United States, and the President of the Overseas Private Investment Corporation shall jointly establish a Small Business Inter-Agency Task Force on Export Financing to—

(1) review and improve Federal export finance programs for small business concerns; and

(2) coordinate the activities of the Federal Government to assist small business concerns seeking to export.

#### SEC. 307. PROMOTION OF EXPORTS BY RURAL SMALL BUSINESSES.

(a) SMALL BUSINESS ADMINISTRATION-UNITED STATES DEPARTMENT OF AGRICULTURE INTERAGENCY COORDINATION.—

(1) EXPORT FINANCING PROGRAMS.—In coordination with the Secretary of Agriculture, the Administrator shall develop a program to cross-train export finance specialists and personnel from the Office of International Trade of the Administration on the export financing programs of the Department of Agriculture and the Foreign Agricultural Service.

(2) EXPORT ASSISTANCE AND BUSINESS COUNSELING PROGRAMS.—In coordination with the Secretary of Agriculture and the Foreign Agricultural Service, the Administrator shall develop a program to cross-train export finance specialists, personnel from the Office of International Trade of the Administration, Small Business Development Centers, women’s business centers, the Service Corps of Retired Executives authorized by section 8(b)(1) of the Small Business Act (15 U.S.C. 637(b)(1)), Export Assistance Centers, and other resource partners of the Administration on the export assistance and business counseling programs of the Department of Agriculture.

(b) REPORT ON LENDERS.—Section 7(a)(16)(F) of the Small Business Act (15 U.S.C. 636(a)(16)(F)) is amended—

(1) in clause (i)—

(A) by redesignating subclauses (I) through (III) as items (aa) through (cc), respectively, and adjusting the margins accordingly;

(B) by striking “list, have made” and inserting the following: “list—  
“(I) have made”;

(C) in item (cc), as so redesignated, by striking the period at the end and inserting “; and”;

(D) by adding at the end the following:

“(II) were located in a rural area, as that term is defined in section 1393(a)(2) of the Internal Revenue Code of 1986, or a nonmetropolitan statistical area and have made—  
“(aa) loans guaranteed by the Administration; or

“(bb) loans through the programs offered by the United States Department of Agriculture or the Foreign Agricultural Service.”; and

(2) in clause (ii)(II), by inserting “and by resource partners of the Administration” after “the Administration”.

(c) COOPERATION WITH SMALL BUSINESS DEVELOPMENT CENTERS.—Section 21(c)(3)(M) of the Small Business Act (15 U.S.C. 648(c)(3)(M)) is amended by inserting after “the Department of Commerce,” the following: “the Department of Agriculture.”

(d) LIST OF RURAL EXPORT ASSISTANCE RESOURCES.—Section 22(c)(7) of the Small Business Act (15 U.S.C. 649(c)(7)) is amended—

(1) in subparagraph (C), by striking “and” at the end;

(2) by redesignating subparagraph (D) as subparagraph (E); and

(3) by inserting after subparagraph (C) the following:

“(D) publishing an annual list of relevant resources and programs of the district and regional offices of the Administration, other Federal agencies, the small business development center network, Export Assistance Centers, the network of women’s business centers, chapters of the Service Corps of Retired Executives, State and local export promotion programs, and partners in the private sector, that—

“(i) are administered or offered by entities located in rural or nonmetropolitan statistical areas; and

“(ii) offer export assistance or business counseling services to rural small businesses concerns; and”.

#### SEC. 308. REGISTRY OF EXPORT MANAGEMENT AND EXPORT TRADING COMPANIES.

(a) COORDINATION WITH EXPORT MANAGEMENT COMPANIES AND EXPORT TRADING COMPANIES.—Not later than 1 year after the date of enactment of this Act, the Administrator shall establish a program to register export management companies, as that term is defined by the Department of Commerce, and export trading companies, as that term is defined in section 103 of the Export Trading Company Act of 1982 (15 U.S.C. 4002).

(b) REQUIREMENTS.—The program established under subsection (a) shall—

(1) be similar to the program of the Administration for registering franchise companies, as in effect on the date of enactment of this Act; and

(2) require that a list of the export management companies and export trading companies that register under the program, categorized by the type of product exported by the company, be made available on the website of the Administration.

#### SEC. 309. REVERSE TRADE MISSIONS.

Section 22(c) of the Small Business Act (15 U.S.C. 649(c)) is amended—

(1) in paragraph (12), by striking “and” at the end;

(2) in paragraph (13), by striking the period at the end and inserting “; and”;

(3) by adding at the end the following:

“(14) in coordination with other relevant Federal agencies, encourage the participa-

tion of employees and resource partners of the Administration in reverse trade missions hosted or sponsored by the Federal Government.”.

#### SEC. 310. STATE TRADE AND EXPORT PROMOTION GRANT PROGRAM.

Section 1207(a)(5) of the Small Business Jobs Act of 2010 (15 U.S.C. 649b note) is amended by inserting after “Guam,” the following: “the Commonwealth of the Northern Mariana Islands.”.

#### SEC. 311. PROMOTION OF INTERAGENCY DETAILS.

It is the sense of Congress that the Administrator should periodically detail staff of the Administration to other Federal agencies that are members of the Trade Promotion Coordinating Committee, to facilitate the cross training of the staff of the Administration on the export assistance programs of such other agencies.

#### SEC. 312. ANNUAL EXPORT STRATEGY.

Section 22 of the Small Business Act (15 U.S.C. 649), as amended by section 305 of this Act, is amended by adding at the end the following:

“(m) SMALL BUSINESS TRADE STRATEGY.—

“(1) DEVELOPMENT OF SMALL BUSINESS TRADE STRATEGY.—The Associate Administrator shall develop and maintain a small business trade strategy that is included in the report on the governmentwide strategic plan for Federal trade promotion required to be submitted to Congress by the Trade Promotion Coordinating Committee under section 2312(f)(1) of the Export Enhancement Act of 1988 (15 U.S.C. 4727(f)(1)) that includes, at a minimum—

“(A) strategies to increase export opportunities for small business concerns, including a specific strategy to increase opportunities for small business concerns that are new to exporting;

“(B) recommendations to increase the competitiveness in the global economy of small business concerns in the United States that are part of industries in which small business concerns account for a high proportion of participating businesses;

“(C) recommendations to protect small business concerns from unfair trade practices, including intellectual property violations;

“(D) recommendations for strategies to promote and facilitate opportunities in the foreign markets that are most accessible for small business concerns that are new to exporting; and

“(E) strategies to expand the representation of small business concerns in the formation and implementation of United States trade policy.

“(2) ANNUAL REPORT TO CONGRESS.—At the beginning of each fiscal year, the Associate Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the small business trade strategy required under paragraph (1), which shall contain, at a minimum—

“(A) a description of each strategy and recommendation described in paragraph (1);

“(B) specific policies and objectives, together with timelines for the implementation of such policies and objectives; and

“(C) a description of the progress of the Administration in implementing the strategies and recommendations contained in the report submitted for the preceding fiscal year.”.

### TITLE IV—ACCESS TO MENTORING, EDUCATION, AND STRATEGIC PARTNERSHIPS

#### Subtitle A—Measuring the Effectiveness of Resource Partners

##### SEC. 411. EXPANDING ENTREPRENEURSHIP.

Section 4 of the Small Business Act (15 U.S.C. 633), as amended by this Act, is amended by adding at the end the following:

“(h) MANAGEMENT AND DIRECTION.—

“(1) PLAN FOR ENTREPRENEURIAL DEVELOPMENT AND JOB CREATION STRATEGY.—

“(A) PLAN REQUIRED.—The Administrator, in consultation with a representative from each entrepreneurial development program of the Administration, shall develop and submit to Congress a plan for using the entrepreneurial development programs of the Administration to create jobs during fiscal years 2013 and 2014.

“(B) CONTENTS OF PLAN.—The plan required under subparagraph (A) shall—

“(i) include the plan of the Administrator for using existing programs, including small business development centers, women’s business centers, the Service Corps of Retired Executives authorized by section 8(b)(1), Veterans Business Outreach Centers, and programs of the Office of Native American Affairs, to create jobs;

“(ii) identify a strategy for each region of the Administration to use programs of the Administration to create or retain jobs in the region; and

“(iii) establish performance measures and criteria, including goals for job creation, job retention, and job retraining, to evaluate the success of the plan.

“(2) DATA COLLECTION PROCESS.—

“(A) IN GENERAL.—The Administrator shall, after notice and opportunity for comment, promulgate a rule to develop and implement a consistent data collection process for the entrepreneurial development programs.

“(B) CONTENTS.—The data collection process developed under subparagraph (A) shall collect data relating to job creation and performance and any other data determined appropriate by the Administrator.

“(3) COORDINATION AND ALIGNMENT OF SBA ENTREPRENEURIAL DEVELOPMENT PROGRAMS.—The Administrator, in consultation with other Federal departments and agencies as the Administrator determines is appropriate, shall submit an annual report to Congress describing opportunities to foster coordination of, limit duplication among, and improve program delivery for Federal entrepreneurial development programs.

“(4) DATABASE OF ENTREPRENEURIAL DEVELOPMENT SERVICE PROVIDERS.—

“(A) ESTABLISHMENT.—After providing a period of 60 days for public comment, the Administrator shall—

“(i) establish a database of providers of entrepreneurial development services; and

“(ii) make the database available through the website of the Administration.

“(B) SEARCHABILITY.—The database established under subparagraph (A) shall be searchable by industry, geographic location, and service required.

“(5) COMMUNITY SPECIALIST.—

“(A) DESIGNATION.—The Administrator shall designate not fewer than 1 staff member in each district office of the Administration as a community specialist whose full-time responsibility is working with local providers of entrepreneurial development services to increase coordination with Federal entrepreneurial development programs.

“(B) PERFORMANCE.—The Administrator shall develop benchmarks for measuring the

performance of community specialists under this paragraph.”.

**Subtitle B—Women’s Small Business Ownership**

**SEC. 421. SHORT TITLE.**

This subtitle may be cited as the “Women’s Small Business Ownership Act of 2012”.

**SEC. 422. DEFINITION.**

In this subtitle, the term “Administrator” means the Administrator of the Small Business Administration.

**SEC. 423. OFFICE OF WOMEN’S BUSINESS OWNERSHIP.**

(a) IN GENERAL.—Section 29(g) of the Small Business Act (15 U.S.C. 656(g)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (B)—

(i) in clause (i), by striking “in the areas” and all that follows through the end of subclause (I), and inserting the following: “to address issues concerning the management, operations, manufacturing, technology, finance, retail and product sales, international trade, Government contracting, and other disciplines required for—

“(I) starting, operating, and increasing the business of a small business concern;”; and

(ii) in clause (ii), by striking “Women’s Business Center program” each place that term appears and inserting “women’s business center program”; and

(B) in subparagraph (C), by inserting before the period at the end the following: “, the National Women’s Business Council, and any association of women’s business centers”; and

(2) by adding at the end the following:

“(3) TRAINING.—The Administrator may provide annual programmatic and financial examination training for women’s business ownership representatives and district office technical representatives of the Administration to enable representatives to carry out their responsibilities.

“(4) PROGRAM AND TRANSPARENCY IMPROVEMENTS.—The Administrator shall maximize the transparency of the women’s business center financial assistance proposal process and the programmatic and financial examination process by—

“(A) providing public notice of any announcement for financial assistance under subsection (b) or a grant under subsection (I) not later than the end of the first quarter of each fiscal year;

“(B) in the announcement described in subparagraph (A), outlining award and program evaluation criteria and describing the weighting of the criteria for financial assistance under subsection (b) and grants under subsection (I);

“(C) minimizing paperwork and reporting requirements for applicants for and recipients of financial assistance under this section;

“(D) standardizing the programmatic and financial examination process; and

“(E) providing to each women’s business center, not later than 60 days after the completion of a site visit to the women’s business center (whether conducted for an audit, performance review, or other reason), a copy of any site visit reports or evaluation reports prepared by district office technical representatives or officers or employees of the Administration.”.

(b) CHANGE OF TITLE.—

(1) IN GENERAL.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended—

(A) in subsection (a)—

(i) by striking paragraphs (1) and (4);

(ii) by redesignating paragraphs (2) and (3) as paragraphs (4) and (5), respectively; and

(iii) by inserting before paragraph (4), as so redesignated, the following:

“(2) the term ‘Director’ means the Director of the Office of Women’s Business Ownership established under subsection (g);”;

(B) by striking “Assistant Administrator” each place that term appears and inserting “Director”; and

(C) in subsection (g)(2), in the paragraph heading, by striking “ASSISTANT ADMINISTRATOR” and inserting “DIRECTOR”.

(2) WOMEN’S BUSINESS OWNERSHIP ACT OF 1988.—Title IV of the Women’s Business Ownership Act of 1988 (15 U.S.C. 7101 et seq.) is amended—

(A) in section 403(a)(2)(B), by striking “Assistant Administrator” and inserting “Director”; and

(B) in section 405, by striking “Assistant Administrator” and inserting “Director”; and

(C) in section 406(c), by striking “Assistant Administrator” and inserting “Director”.

**SEC. 424. WOMEN’S BUSINESS CENTER PROGRAM.**

(a) WOMEN’S BUSINESS CENTER FINANCIAL ASSISTANCE.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended—

(1) in subsection (a), as amended by section 423(b) of this Act—

(A) by inserting before paragraph (2) the following:

“(1) the term ‘association of women’s business centers’ means an organization—

“(A) that represents not less than 51 percent of the women’s business centers that participate in a program under this section; and

“(B) whose primary purpose is to represent women’s business centers;”; and

(B) by inserting after paragraph (2) the following:

“(3) the term ‘eligible entity’ means—

“(A) a private nonprofit organization;

“(B) a State, regional, or local economic development organization;

“(C) a development, credit, or finance corporation chartered by a State;

“(D) a junior or community college, as defined in section 312(f) of the Higher Education Act of 1965 (20 U.S.C. 1058(f)); or

“(E) any combination of entities listed in subparagraphs (A) through (D);”; and

(C) by adding after paragraph (5) the following:

“(6) the term ‘women’s business center’ means a project conducted by an eligible entity under this section.”;

(2) in subsection (b)—

(A) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), and adjusting the margins accordingly;

(B) by striking “The Administration” and all that follows through “5-year projects” and inserting the following:

“(1) IN GENERAL.—The Administration may provide financial assistance to an eligible entity to conduct a project under this section”; and

(C) by striking “The projects shall” and inserting the following:

“(2) USE OF FUNDS.—The project shall be designed to provide training and counseling that meets the needs of women, especially socially and economically disadvantaged women, and shall”; and

(D) by adding at the end the following:

“(3) AMOUNT OF FINANCIAL ASSISTANCE.—

“(A) IN GENERAL.—The Administrator may award financial assistance under this subsection of not less than \$100,000 and not more than \$150,000 per year.

“(B) LOWER AMOUNT.—The Administrator may award financial assistance under this subsection to a recipient in an amount that is less than \$100,000 if the Administrator de-

termines that the recipient is unable to make a non-Federal contribution of \$100,000 or more, as required under subsection (c).

“(C) EQUAL ALLOCATIONS.—If the Administration has insufficient funds to provide financial assistance of not less than \$100,000 for each recipient of financial assistance under this subsection in any fiscal year, the Administrator shall provide an equal amount of financial assistance to each recipient in the fiscal year, unless a recipient requests a lower amount than the allocated amount.

“(4) CONSULTATION WITH ASSOCIATIONS OF WOMEN’S BUSINESS CENTERS.—The Administrator shall consult with each association of women’s business centers to develop—

“(A) a training program for the staff of women’s business centers and the Administration; and

“(B) recommendations to improve the policies and procedures for governing the general operations and administration of the women’s business center program, including grant program improvements under subsection (g)(4).”; and

(3) in subsection (c)—

(A) in paragraph (1) by striking “the recipient organization” and inserting “an eligible entity”; and

(B) in paragraph (3), in the second sentence, by striking “a recipient organization” and inserting “an eligible entity”; and

(C) in paragraph (4)—

(i) by striking “recipient of assistance” and inserting “eligible entity”; and

(ii) by striking “such organization” and inserting “the eligible entity”; and

(iii) by striking “recipient” and inserting “eligible entity”; and

(D) in paragraph (5)—

(i) in subparagraph (A), by striking “a recipient organization” and inserting “an eligible entity”; and

(ii) by striking “the recipient organization” each place it appears and inserting “the eligible entity”; and

(E) by adding at end the following:

“(6) SEPARATION OF PROJECT AND FUNDS.—An eligible entity shall—

“(A) carry out a project under this section separately from other projects, if any, of the eligible entity; and

“(B) separately maintain and account for any financial assistance under this section.”;

(4) in subsection (e)—

(A) by striking “applicant organization” and inserting “eligible entity”; and

(B) by striking “a recipient organization” and inserting “an eligible entity”; and

(C) by striking “site”; and

(5) by striking subsection (f) and inserting the following:

“(f) APPLICATIONS AND CRITERIA FOR INITIAL FINANCIAL ASSISTANCE.—

“(1) APPLICATION.—Each eligible entity desiring financial assistance under subsection (b) shall submit to the Administrator an application that contains—

“(A) a certification that the eligible entity—

“(i) has designated an executive director or program manager, who may be compensated using financial assistance under subsection (b) or other sources, to manage the center on a full-time basis;

“(ii) as a condition of receiving financial assistance under subsection (b), agrees—

“(I) to receive a site visit by the Administrator as part of the final selection process;

“(II) to undergo an annual programmatic and financial examination; and

“(III) to the maximum extent practicable, to remedy any problems identified pursuant to the site visit or examination under subclause (I) or (II); and

“(iii) meets the accounting and reporting requirements established by the Director of the Office of Management and Budget;

“(B) information demonstrating that the eligible entity has the ability and resources to meet the needs of the market to be served by the women’s business center for which financial assistance under subsection (b) is sought, including the ability to obtain the non-Federal contribution required under subsection (c);

“(C) information relating to the assistance to be provided by the women’s business center for which financial assistance under subsection (b) is sought in the area in which the women’s business center is located;

“(D) information demonstrating the experience and effectiveness of the eligible entity in—

“(i) conducting financial, management, and marketing assistance programs, as described in subsection (b)(2), which are designed to teach or upgrade the business skills of women who are business owners or potential business owners;

“(ii) providing training and services to a representative number of women who are socially and economically disadvantaged; and

“(iii) working with resource partners of the Administration and other entities, such as universities; and

“(E) a 5-year plan that describes the ability of the women’s business center for which financial assistance is sought—

“(i) to serve women who are business owners or potential business owners by conducting training and counseling activities; and

“(ii) to provide training and services to a representative number of women who are socially and economically disadvantaged.

“(2) ADDITIONAL INFORMATION.—The Administrator shall make any request for additional information from an organization applying for financial assistance under subsection (b) that was not requested in the original announcement in writing.

“(3) REVIEW AND APPROVAL OF APPLICATIONS FOR INITIAL FINANCIAL ASSISTANCE.—

“(A) IN GENERAL.—The Administrator shall—

“(i) review each application submitted under paragraph (1), based on the information described in such paragraph and the criteria set forth under subparagraph (B) of this paragraph; and

“(ii) to the extent practicable, as part of the final selection process, conduct a site visit to each women’s business center for which financial assistance under subsection (b) is sought.

“(B) SELECTION CRITERIA.—

“(i) IN GENERAL.—The Administrator shall evaluate applicants for financial assistance under subsection (b) in accordance with selection criteria that are—

“(I) established before the date on which applicants are required to submit the applications;

“(II) stated in terms of relative importance; and

“(III) publicly available and stated in each solicitation for applications for financial assistance under subsection (b) made by the Administrator.

“(ii) REQUIRED CRITERIA.—The selection criteria for financial assistance under subsection (b) shall include—

“(I) the experience of the applicant in conducting programs or ongoing efforts designed to teach or enhance the business skills of women who are business owners or potential business owners;

“(II) the ability of the applicant to begin a project within a minimum amount of time;

“(III) the ability of the applicant to provide training and services to a representative number of women who are socially and economically disadvantaged; and

“(IV) the location for the women’s business center proposed by the applicant, including whether the applicant is located in a State in which there is not a women’s business center receiving funding from the Administration.

“(C) PROXIMITY.—If the principal place of business of an applicant for financial assistance under subsection (b) is located less than 50 miles from the principal place of business of a women’s business center that received funds under this section on or before the date of the application, the applicant shall not be eligible for the financial assistance, unless the applicant submits a detailed written justification of the need for an additional center in the area in which the applicant is located.

“(D) RECORD RETENTION.—The Administrator shall maintain a copy of each application submitted under this subsection for not less than 7 years.”; and

(6) in subsection (m)—

(A) by striking paragraph (3) and inserting the following:

“(3) APPLICATION AND APPROVAL FOR RENEWAL GRANTS.—

“(A) SOLICITATION OF APPLICATIONS.—The Administrator shall solicit applications and award grants under this subsection for the first fiscal year beginning after the date of enactment of the Women’s Small Business Ownership Act of 2012, and every third fiscal year thereafter.

“(B) CONTENTS OF APPLICATION.—Each eligible entity desiring a grant under this subsection shall submit to the Administrator an application that contains—

“(i) a certification that the applicant—

“(I) is an eligible entity;

“(II) has designated a full-time executive director or program manager to manage the women’s business center operated by the applicant; and

“(III) as a condition of receiving a grant under this subsection, agrees—

“(aa) to receive a site visit as part of the final selection process;

“(bb) to submit, for the 2 full fiscal years before the date on which the application is submitted, annual programmatic and financial examination reports or certified copies of the compliance supplemental audits under OMB Circular A-133 of the applicant; and

“(cc) to remedy any problem identified pursuant to the site visit or examination under item (aa) or (bb);

“(ii) information demonstrating that the applicant has the ability and resources to meet the needs of the market to be served by the women’s business center for which a grant under this subsection is sought, including the ability to obtain the non-Federal contribution required under paragraph (4)(C);

“(iii) information relating to assistance to be provided by the women’s business center in the area served by the women’s business center for which a grant under this subsection is sought;

“(iv) information demonstrating that the applicant has worked with resource partners of the Administration and other entities;

“(v) a 3-year plan that describes the ability of the women’s business center for which a grant under this subsection is sought—

“(I) to serve women who are business owners or potential business owners by conducting training and counseling activities; and

“(II) to provide training and services to a representative number of women who are socially and economically disadvantaged; and

“(vi) any additional information that the Administrator may reasonably require.

“(C) REVIEW AND APPROVAL OF APPLICATIONS FOR GRANTS.—

“(i) IN GENERAL.—The Administrator shall—

“(I) review each application submitted under subparagraph (B), based on the information described in such subparagraph and the criteria set forth under clause (ii) of this subparagraph; and

“(II) whenever practicable, as part of the final selection process, conduct a site visit to each women’s business center for which a grant under this subsection is sought.

“(ii) SELECTION CRITERIA.—

“(I) IN GENERAL.—The Administrator shall evaluate applicants for grants under this subsection in accordance with selection criteria that are—

“(aa) established before the date on which applicants are required to submit the applications;

“(bb) stated in terms of relative importance; and

“(cc) publicly available and stated in each solicitation for applications for grants under this subsection made by the Administrator.

“(II) REQUIRED CRITERIA.—The selection criteria for a grant under this subsection shall include—

“(aa) the total number of entrepreneurs served by the applicant;

“(bb) the total number of new startup companies assisted by the applicant;

“(cc) the percentage of clients of the applicant that are socially or economically disadvantaged; and

“(dd) the percentage of individuals in the community served by the applicant who are socially or economically disadvantaged.

“(iii) CONDITIONS FOR CONTINUED FUNDING.—In determining whether to make a grant under this subsection, the Administrator—

“(I) shall consider the results of the most recent evaluation of the women’s business center for which a grant under this subsection is sought, and, to a lesser extent, previous evaluations; and

“(II) may withhold a grant under this subsection, if the Administrator determines that the applicant has failed to provide the information required to be provided under this paragraph, or the information provided by the applicant is inadequate.

“(D) NOTIFICATION.—Not later than 60 days after the date of each deadline to submit applications, the Administrator shall approve or deny any application under this paragraph and notify the applicant for each such application of the approval or denial.

“(E) RECORD RETENTION.—The Administrator shall maintain a copy of each application submitted under this paragraph for not less than 7 years.”; and

(B) by striking paragraph (5) and inserting the following:

“(5) AWARD TO PREVIOUS RECIPIENTS.—There shall be no limitation on the number of times the Administrator may award a grant to an applicant under this subsection.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended—

(A) in subsection (h)(2), by striking “to award a contract (as a sustainability grant) under subsection (l) or”;

(B) in subsection (j)(1), by striking “The Administration” and inserting “Not later

than November 1 of each year, the Administrator”;

(C) in subsection (k)—

(i) by striking paragraphs (1), (2), and (4);

(ii) by redesignating paragraph (3) as paragraph (4); and

(iii) by inserting before paragraph (4), as so redesignated, the following:

“(1) IN GENERAL.—There are authorized to be appropriated to the Administration to carry out this section, to remain available until expended, \$14,500,000 for each of fiscal years 2013, 2014, and 2015.

“(2) USE OF FUNDS.—Amounts made available under this subsection may only be used for grant awards and may not be used for costs incurred by the Administration in connection with the management and administration of the program under this section.

“(3) CONTINUING GRANT AND COOPERATIVE AGREEMENT AUTHORITY.—

“(A) PROMPT DISBURSEMENT.—Upon receiving funds to carry out this section for a fiscal year, the Administrator shall, to the extent practicable, promptly reimburse funds to any women’s business center awarded financial assistance under this section if the center meets the eligibility requirements under this section.

“(B) SUSPENSION OR TERMINATION.—If the Administrator has entered into a grant or cooperative agreement with a women’s business center under this section, the Administrator may not suspend or terminate the grant or cooperative agreement, unless the Administrator—

“(i) provides the women’s business center with written notification setting forth the reasons for that action; and

“(ii) affords the women’s business center an opportunity for a hearing, appeal, or other administrative proceeding under chapter 5 of title 5, United States Code.”;

(D) in subsection (m)—

(i) in paragraph (2), by striking “subsection (b) or (1)” and inserting “this subsection or subsection (b)”;

(ii) in paragraph (4)(D), by striking “or subsection (1)”;

(E) by redesignating subsections (m) and (n), as amended by this Act, as subsections (1) and (m), respectively.

(2) PROSPECTIVE REPEAL.—Section 1401(c)(2) of the Small Business Jobs Act of 2010 (15 U.S.C. 636 note) is amended—

(A) in subparagraph (A), by striking “and” at the end;

(B) in subparagraph (B), by striking the period at the end and inserting “; and”;

(C) by adding at the end the following:

“(C) by redesignating paragraph (6), as added by section 424(a)(3)(E) of the Women’s Small Business Ownership Act of 2012, as paragraph (5).”.

(c) EFFECT ON EXISTING GRANTS.—

(1) TERMS AND CONDITIONS.—A nonprofit organization receiving a grant under section 29(m) of the Small Business Act (15 U.S.C. 656(m)), as in effect on the day before the date of enactment of this Act, shall continue to receive the grant under the terms and conditions in effect for the grant on the day before the date of enactment of this Act, except that the nonprofit organization may not apply for a renewal of the grant under section 29(m)(5) of the Small Business Act (15 U.S.C. 656(m)(5)), as in effect on the day before the date of enactment of this Act.

(2) LENGTH OF RENEWAL GRANT.—The Administrator may award a grant under section 29(1) of the Small Business Act, as so redesignated by subsection (b)(1)(E) of this section, to a nonprofit organization receiving a grant under section 29(m) of the Small Business

Act (15 U.S.C. 656(m)), as in effect on the day before the date of enactment of this Act, for the period—

(A) beginning on the day after the last day of the grant agreement under such section 29(m); and

(B) ending at the end of the third fiscal year beginning after the date of enactment of this Act.

#### SEC. 425. STUDY AND REPORT ON ECONOMIC ISSUES FACING WOMEN’S BUSINESS CENTERS.

(a) STUDY.—The Comptroller General of the United States shall conduct a broad study of the unique economic issues facing women’s business centers located in covered areas to identify—

(1) the difficulties such centers face in raising non-Federal funds;

(2) the difficulties such centers face in competing for financial assistance, non-Federal funds, or other types of assistance;

(3) the difficulties such centers face in writing grant proposals; and

(4) other difficulties such centers face because of the economy in the type of covered area in which such centers are located.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to Congress a report containing the results of the study under subsection (a), which shall include recommendations, if any, regarding how to—

(1) address the unique difficulties women’s business centers located in covered areas face because of the type of covered area in which such centers are located;

(2) expand the presence of, and increase the services provided by, women’s business centers located in covered areas; and

(3) best use technology and other resources to better serve women business owners located in covered areas.

(c) DEFINITION OF COVERED AREA.—In this section, the term “covered area” means—

(1) any State that is predominantly rural, as determined by the Administrator;

(2) any State that is predominantly urban, as determined by the Administrator; and

(3) any State or territory that is an island.

#### SEC. 426. STUDY AND REPORT ON OVERSIGHT OF WOMEN’S BUSINESS CENTERS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study of the oversight of women’s business centers by the Administrator, which shall include—

(1) an analysis of the coordination by the Administrator of the activities of women’s business centers with the activities of small business development centers, the Service Corps of Retired Executives, and Veterans Business Outreach Centers;

(2) a comparison of the types of individuals and small business concerns served by women’s business centers and the types of individuals and small business concerns served by small business development centers, the Service Corps of Retired Executives, and Veterans Business Outreach Centers; and

(3) an analysis of performance data for women’s business centers that evaluates how well women’s business centers are carrying out the mission of women’s business centers and serving individuals and small business concerns.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to Congress a report containing the results of the study under subsection (a), which shall include recommendations, if any, for eliminating the duplication of services provided by women’s business centers, small business development centers, the Service Corps of Retired Execu-

tives, and Veterans Business Outreach Centers.

#### Subtitle C—Strengthening America’s Small Business Development Centers

##### SEC. 431. INSTITUTIONS OF HIGHER EDUCATION.

Section 21 of the Small Business Act (15 U.S.C. 648) is amended—

(1) in subsection (a)(1), by striking “: *Provided*, That” and all that follows through “on such date.” and inserting the following: “. On and after December 31, 2013, the Administrator may only make a grant under this paragraph to an applicant that is an institution of higher education, as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), that is accredited (and not merely in preaccreditation status) by a nationally recognized accrediting agency or association recognized by the Secretary of Education for such purpose in accordance with section 496 of that Act (20 U.S.C. 1099b).”; and

(2) in subsection (c)(3)(K), by inserting “public and private institutions of higher education (including universities, community colleges, and junior colleges),” before “local and regional private consultants”.

##### SEC. 432. UPDATING FUNDING LEVELS FOR SMALL BUSINESS DEVELOPMENT CENTERS.

(a) MINIMUM FUNDING LEVELS.—Section 21(a)(4)(C) of the Small Business Act (15 U.S.C. 648(a)(4)(C)) is amended—

(1) in clause (iii)—

(A) by striking “\$90,000,000” each place that term appears and inserting “\$98,500,000”;

(B) by striking “\$81,500,000” each place that term appears and inserting “\$90,000,000”;

(C) by striking “\$500,000” each place that term appears and inserting “\$600,000”;

(2) in clause (v)(II), by striking “if the usage” and all that follows through the end of the subclause and inserting a period; and

(3) in clause (v), by striking subclause (I) and inserting the following:

“(I) IN GENERAL.—Of the amounts made available in any fiscal year to carry out this section—

“(aa) not more than \$50,000 may be used by the Administration to pay the expenses enumerated in subparagraph (B) of section 20(a)(1);

“(bb) not more than \$500,000 may be used by the Administration to pay the expenses enumerated in subparagraph (C) of section 20(a)(1); and

“(cc) not more than \$250,000 may be used by the Administration to pay the expenses enumerated in subparagraph (D) of section 20(a)(1).”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 21(a)(4)(C)(vii) of the Small Business Act (15 U.S.C. 648(a)(4)(C)(vii)) is amended to read as follows:

“(vii) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subparagraph—

“(I) \$135,000,000 for fiscal year 2013;

“(II) \$135,000,000 for fiscal year 2014; and

“(III) \$135,000,000 for fiscal year 2015.”.

##### SEC. 433. ASSISTANCE TO OUT-OF-STATE SMALL BUSINESSES.

Section 21(b)(3) of the Small Business Act (15 U.S.C. 648(b)(3)) is amended—

(1) by striking “(3) At the discretion” and inserting the following:

“(3) ASSISTANCE TO OUT-OF-STATE SMALL BUSINESSES.—

“(A) IN GENERAL.—At the discretion”; and

(2) by adding at the end the following:

“(B) DISASTER RECOVERY ASSISTANCE.—



“(i) IN GENERAL.—At the discretion of the Administrator, the Administrator may authorize a small business development center to provide assistance, as described in subsection (c), to small business concerns located outside of the State, without regard to geographic proximity, if the small business concerns are located in an area for which the President has declared a major disaster under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), during the period of the declaration.

“(ii) CONTINUITY OF SERVICES.—A small business development center that provides counselors to an area described in clause (i) shall, to the maximum extent practicable, ensure continuity of services in any State in which the small business development center otherwise provides services.

“(iii) ACCESS TO DISASTER RECOVERY FACILITIES.—For purposes of this subparagraph, the Administrator shall, to the maximum extent practicable, permit the personnel of a small business development center to use any site or facility designated by the Administrator for use to provide disaster recovery assistance.”.

#### SEC. 434. TERMINATION OF SMALL BUSINESS DEVELOPMENT CENTER DEFENSE ECONOMIC TRANSITION ASSISTANCE.

(a) IN GENERAL.—Section 21(c)(3) of the Small Business Act (15 U.S.C. 648(c)(3)) is amended—

(1) by striking subparagraph (G); and  
(2) by redesignating subparagraphs (H) through (T) as subparagraphs (G) through (S), respectively.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 21(a) of the Small Business Act (15 U.S.C. 648(a)) is amended—

(1) in paragraph (4)(C)(vi), by striking “or (c)(3)(G)”;

(2) in paragraph (6), by striking “subparagraphs (B) through (G) of subsection (c)(3)” and inserting “subparagraphs (B) through (F) of subsection (c)(3)”.

(c) EXISTING GRANTS.—Nothing in this section shall affect any grant made to a small business development center before the date of enactment of this Act under section 21(c)(3)(G) of the Small Business Act (15 U.S.C. 648(c)(3)(G)), as in effect on the day before the date of enactment of this Act, and any such grant shall be subject to such section 21(c)(3)(G), as in effect on the day before the date of enactment of this Act.

#### SEC. 435. NATIONAL SMALL BUSINESS DEVELOPMENT CENTER ADVISORY BOARD.

(a) IN GENERAL.—Section 21(i)(1) of the Small Business Act (15 U.S.C. 648(i)(1)) is amended—

(1) in the first sentence, by striking “nine members” and inserting “10 members”;

(2) in the second sentence, by striking “six” and inserting “the members who are not from universities or their affiliates”;

(3) by striking the third sentence; and  
(4) in the fourth sentence—

(A) by striking “Succeeding Boards” and inserting “The members of the Board”; and  
(B) by inserting “not less than” before “one-third”.

(b) INCUMBENTS.—An individual serving as a member of the National Small Business Development Center Advisory Board on the date of enactment of this Act may continue to serve on the Board until the end of the term of the member under section 21(i)(1) of the Small Business Act (15 U.S.C. 648(i)(1)), as in effect on the day before such date of enactment.

#### SEC. 436. REPEAL OF PAUL D. COVERDELL DRUG-FREE WORKPLACE PROGRAM.

Section 27 of the Small Business Act (15 U.S.C. 654) is repealed.

#### Subtitle D—Terminating the National Veterans Business Development Corporation SEC. 441. NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION.

(a) IN GENERAL.—The Small Business Act (15 U.S.C. 631 et seq.) is amended by striking section 33 (15 U.S.C. 657c).

(b) CORPORATION.—On and after the date of enactment of this Act, the National Veterans Business Development Corporation and any successor thereto may not represent that the corporation is federally chartered or in any other manner authorized by the Federal Government.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) SMALL BUSINESS ACT.—The Small Business Act (15 U.S.C. 631 et seq.), as amended by this section, is amended—

(A) by redesignating sections 34 through 45 as sections 33 through 44, respectively;

(B) in section 9(k)(1)(D) (15 U.S.C. 638(k)(1)(D)), by striking “section 34(d)” and inserting “section 33(d)”;

(C) in section 33 (15 U.S.C. 657d), as so redesignated—

(i) by striking “section 35” each place it appears and inserting “section 34”;

(ii) in subsection (a)—  
(I) in paragraph (2), by striking “section 35(c)(2)(B)” and inserting “section 34(c)(2)(B)”;

(II) in paragraph (4), by striking “section 35(c)(2)” and inserting “section 34(c)(2)”;

(III) in paragraph (5), by striking “section 35(c)” and inserting “section 34(c)”;

(iv) in subsection (h)(2), by striking “section 35(d)” and inserting “section 34(d)”;

(D) in section 34 (15 U.S.C. 657e), as so redesignated—

(i) by striking “section 34” each place it appears and inserting “section 33”;

(ii) in subsection (c)(1), by striking section “34(c)(1)(E)(ii)” and inserting section “33(c)(1)(E)(ii)”;

(E) in section 36(d) (15 U.S.C. 657i(d)), as so redesignated, by striking “section 43” and inserting “section 42”;

(F) in section 39(d) (15 U.S.C. 657l(d)), as so redesignated, by striking “section 43” and inserting “section 42”;

(G) in section 40(b) (15 U.S.C. 657m(b)), as so redesignated, by striking “section 43” and inserting “section 42”.

(2) TITLE 10.—Section 1142(b)(13) of title 10, United States Code, is amended by striking “and the National Veterans Business Development Corporation”.

(3) TITLE 38.—Section 3452(h) of title 38, United States Code, is amended by striking “any of the” and all that follows and inserting “any small business development center described in section 21 of the Small Business Act (15 U.S.C. 648), insofar as such center offers, sponsors, or cosponsors an entrepreneurship course, as that term is defined in section 3675(c)(2).”.

(4) FOOD, CONSERVATION, AND ENERGY ACT OF 2008.—Section 12072(c)(2) of the Food, Conservation, and Energy Act of 2008 (15 U.S.C. 636g(c)(2)) is amended by striking “section 43 of the Small Business Act, as added by this Act” and inserting “section 42 of the Small Business Act (15 U.S.C. 657o)”.

(5) VETERANS ENTREPRENEURSHIP AND SMALL BUSINESS DEVELOPMENT ACT OF 1999.—Section 203(c)(5) of the Veterans Entrepreneurship and Small Business Development Act of 1999 (15 U.S.C. 657b note) is amended by striking “In cooperation with the Na-

tional Veterans Business Development Corporation, develop” and inserting “Develop”.

#### TITLE V—ACCESS TO GOVERNMENT CONTRACTING

##### Subtitle A—Bonds

#### SEC. 511. REMOVAL OF SUNSET DATES FOR CERTAIN PROVISIONS OF THE SMALL BUSINESS INVESTMENT ACT OF 1958.

(a) MAXIMUM BOND AMOUNT.—Section 411(a)(1) of the Small Business Investment Act of 1958 (15 U.S.C. 694b(a)(1)) is amended by striking “does not exceed” and all that follows and inserting “does not exceed \$5,000,000.”.

(b) DENIAL OF LIABILITY.—Section 411(e)(2) of the Small Business Investment Act of 1958 (15 U.S.C. 694b(e)(2)) is amended by striking “bonds exceeds” and all that follows and inserting “bonds exceeds \$5,000,000.”.

##### Subtitle B—Small Business Contracting Fraud Prevention

#### SEC. 521. SHORT TITLE.

This subtitle may be cited as the “Small Business Contracting Fraud Prevention Act of 2012”.

#### SEC. 522. DEFINITIONS.

In this subtitle—

(1) the term “8(a) program” means the program under section 8(a) of the Small Business Act (15 U.S.C. 637(a));

(2) the terms “Administration” and “Administrator” mean the Small Business Administration and the Administrator thereof, respectively;

(3) the terms “HUBZone” and “HUBZone small business concern” and “HUBZone map” have the meanings given those terms in section 3(p) of the Small Business Act (15 U.S.C. 632(p)), as amended by this Act; and

(4) the term “recertification” means a determination by the Administrator that a business concern that was previously determined to be a qualified HUBZone small business concern is a qualified HUBZone small business concern under section 3(p)(5) of the Small Business Act (15 U.S.C. 632(p)(5)).

#### SEC. 523. FRAUD DETERRENCE AT THE SMALL BUSINESS ADMINISTRATION.

Section 16 of the Small Business Act (15 U.S.C. 645) is amended—

(1) in subsection (d)—  
(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking “Whoever” and all that follows through “oneself or another” and inserting the following: “A person shall be subject to the penalties and remedies described in paragraph (2) if the person misrepresents the status of any concern or person as a small business concern, a qualified HUBZone small business concern, a small business concern owned and controlled by socially and economically disadvantaged individuals, a small business concern owned and controlled by women, or a small business concern owned and controlled by service-disabled veterans, in order to obtain for any person”;

(ii) by amending subparagraph (A) to read as follows:

“(A) prime contract, subcontract, grant, or cooperative agreement to be awarded under subsection (a) or (m) of section 8, or section 9, 15, 31, or 35;”;

(iii) by striking subparagraph (B);

(iv) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively; and

(v) in subparagraph (C), as so redesignated, by striking “, shall be” and all that follows and inserting a period;

(B) in paragraph (2)—

(i) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(ii) by striking “, shall be” and all that follows and inserting a period;

(B) in paragraph (2)—

(i) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and



(ii) by inserting after subparagraph (B) the following:

“(C) be subject to the civil remedies under subchapter III of chapter 37 of title 31, United States Code (commonly known as the ‘False Claims Act’);” and

(C) by adding at the end the following:

“(3)(A) In the case of a violation of paragraph (1)(A) or subsection (g) or (h), for purposes of a proceeding described in subparagraph (A) or (C) of paragraph (2), the amount of the loss to the Federal Government or the damages sustained by the Federal Government, as applicable, shall be an amount equal to the amount that the Federal Government paid to the person that received a contract, grant, or cooperative agreement described in paragraph (1)(A), (g), or (h), respectively.

“(B) In the case of a violation of subparagraph (B) or (C) of paragraph (1), for the purpose of a proceeding described in subparagraph (A) or (C) of paragraph (2), the amount of the loss to the Federal Government or the damages sustained by the Federal Government, as applicable, shall be an amount equal to the portion of any payment by the Federal Government under a prime contract that was used for a subcontract described in subparagraph (B) or (C) of paragraph (1), respectively.

“(C) In a proceeding described in subparagraph (A) or (B), no credit shall be applied against any loss or damages to the Federal Government for the fair market value of the property or services provided to the Federal Government.”;

(2) by striking subsection (e) and inserting the following:

“(e) Any representation of the status of any concern or person as a small business concern, a HUBZone small business concern, a small business concern owned and controlled by socially and economically disadvantaged individuals, a small business concern owned and controlled by women, or a small business concern owned and controlled by service-disabled veterans, in order to obtain any prime contract, subcontract, grant, or cooperative agreement described in subsection (d)(1) shall be made in writing or through the Online Representations and Certifications Application process required under section 4.1201 of the Federal Acquisition Regulation, or any successor thereto.”; and

(3) by adding at the end the following:

“(g) A person shall be subject to the penalties and remedies described in subsection (d)(2) if the person misrepresents the status of any concern or person as a small business concern, a qualified HUBZone small business concern, a small business concern owned and controlled by socially and economically disadvantaged individuals, a small business concern owned and controlled by women, or a small business concern owned and controlled by service-disabled veterans—

“(1) in order to allow any person to participate in any program of the Administration; or

“(2) in relation to a protest of a contract award or proposed contract award made under regulations issued by the Administration.

“(h)(1) A person that submits a request for payment on a contract or subcontract that is awarded under subsection (a) or (m) of section 8, or section 9, 15, 31, or 35, shall be deemed to have submitted a certification that the person complied with regulations issued by the Administration governing the percentage of work that the person is required to perform on the contract or sub-

contract, unless the person states, in writing, that the person did not comply with the regulations.

“(2) A person shall be subject to the penalties and remedies described in subsection (d)(2) if the person—

“(A) uses the services of a business other than the business awarded the contract or subcontract to perform a greater percentage of work under a contract than is permitted by regulations issued by the Administration; or

“(B) willfully participates in a scheme to circumvent regulations issued by the Administration governing the percentage of work that a contractor is required to perform on a contract.”.

#### **SEC. 524. VETERANS INTEGRITY IN CONTRACTING.**

(a) **DEFINITION.**—Section 3(q)(1) of the Small Business Act (15 U.S.C. 632(q)(1)) is amended by striking “means a veteran” and all that follows and inserting the following: “means—

“(A) a veteran with a service-connected disability rated by the Secretary of Veterans Affairs as zero percent or more disabling; or

“(B) a former member of the Armed Forces who is retired, separated, or placed on the temporary disability retired list for physical disability under chapter 61 of title 10, United States Code.”.

(b) **VETERANS CONTRACTING.**—Section 4 of the Small Business Act (15 U.S.C. 633), as amended by this Act, is amended by adding at the end the following:

“(i) **VETERAN STATUS.**—

“(1) **IN GENERAL.**—A business concern seeking status as a small business concern owned and controlled by service-disabled veterans shall—

“(A) submit an annual certification indicating that the business concern is a small business concern owned and controlled by service-disabled veterans by means of the Online Representations and Certifications Application process required under section 4.1201 of the Federal Acquisition Regulation, or any successor thereto; and

“(B) register with—

“(i) the Central Contractor Registration database maintained under subpart 4.11 of the Federal Acquisition Regulation, or any successor thereto; and

“(ii) the VetBiz database of the Department of Veterans Affairs, or any successor thereto.

“(2) **VERIFICATION OF STATUS.**—

“(A) **VETERANS AFFAIRS.**—The Secretary of Veterans Affairs shall determine whether a business concern registered with the VetBiz database of the Department of Veterans Affairs, or any successor thereto, as a small business concern owned and controlled by veterans or a small business concern owned and controlled by service-disabled veterans is owned and controlled by a veteran or a service-disabled veteran, as the case may be.

“(B) **FEDERAL AGENCIES GENERALLY.**—The head of each Federal agency shall—

“(i) for a sole source contract awarded to a small business concern owned and controlled by service-disabled veterans or a contract awarded with competition restricted to small business concerns owned and controlled by service-disabled veterans under section 35, determine whether a business concern submitting a proposal for the contract is a small business concern owned and controlled by service-disabled veterans; and

“(ii) use the VetBiz database of the Department of Veterans Affairs, or any successor thereto, in determining whether a business concern is a small business concern owned and controlled by service-disabled veterans.

“(3) **DEBARMENT AND SUSPENSION.**—If the Administrator determines that a business concern knowingly and willfully misrepresented that the business concern is a small business concern owned and controlled by service-disabled veterans, the Administrator may debar or suspend the business concern from contracting with the United States.”.

(c) **INTEGRATION OF DATABASES.**—The Administrator for Federal Procurement Policy and the Secretary of Veterans Affairs shall ensure that data is shared on an ongoing basis between the VetBiz database of the Department of Veterans Affairs and the Central Contractor Registration database maintained under subpart 4.11 of the Federal Acquisition Regulation.

(d) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—The amendment made by subsection (b) and the requirements under subsection (c) shall take effect on the date on which the Secretary of Veterans Affairs (referred to in this subsection as the “Secretary”) publishes in the Federal Register a determination that the Department of Veterans Affairs has the necessary resources and capacity to carry out the additional responsibility of determining whether small business concerns registered with the VetBiz database of the Department of Veterans Affairs are owned and controlled by a veteran or a service-disabled veteran, as the case may be, in accordance with subsection (i) of section 4 of the Small Business Act (15 U.S.C. 633), as added by subsection (b).

(2) **TIMELINE.**—If the Secretary determines that the Secretary is not able to publish the determination under paragraph (1) before the date that is 1 year after the date of enactment of this Act, the Secretary shall, not later than 1 year after the date of enactment of this Act, submit a report containing an estimate of the date on which the Secretary will publish the determination under paragraph (1) to the Committee on Small Business and Entrepreneurship and the Committee on Veterans’ Affairs of the Senate and the Committee on Small Business and the Committee on Veterans’ Affairs of the House of Representatives.

#### **SEC. 525. SECTION 8(a) PROGRAM IMPROVEMENTS.**

(a) **REVIEW OF EFFECTIVENESS.**—Section 8(a) of the Small Business Act (15 U.S.C. 637(a)) is amended by adding at the end the following:

“(22) Not later than 3 years after the date of enactment of this paragraph, and every 3 years thereafter, the Comptroller General of the United States shall—

“(A) conduct an evaluation of the effectiveness of the program under this subsection, including an examination of—

“(i) the number and size of contracts applied for, as compared to the number received by, small business concerns after successfully completing the program;

“(ii) the percentage of small business concerns that continue to operate during the 3-year period beginning on the date on which the small business concerns successfully complete the program;

“(iii) whether the business of small business concerns increases during the 3-year period beginning on the date on which the small business concerns successfully complete the program; and

“(iv) the number of training sessions offered under the program; and

“(B) submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding each evaluation under subparagraph (A).”.

(b) OTHER IMPROVEMENTS.—In order to improve the 8(a) program, the Administrator shall—

(1) not later than 90 days after the date of enactment of this Act, begin to—

(A) evaluate the feasibility of—

(i) using additional third-party data sources;

(ii) making unannounced visits of sites that are selected randomly or using risk-based criteria;

(iii) using fraud detection tools, including data-mining techniques; and

(iv) conducting financial and analytical training for the business opportunity specialists of the Administration;

(B) evaluate the feasibility and advisability of amending regulations applicable to the 8(a) program to require that calculations of the adjusted net worth or total assets of an individual include assets held by the spouse of the individual; and

(C) develop a more consistent enforcement strategy that includes the suspension or debarment of contractors that knowingly make misrepresentations in order to qualify for the 8(a) program; and

(2) not later than 1 year after the date on which the Comptroller General submits the report under section 8(a)(22)(B) of the Small Business Act, as added by subsection (c), issue, in final form, proposed regulations of the Administration that—

(A) determine the economic disadvantage of a participant in the 8(a) program based on the income and asset levels of the participant at the time of application and annual recertification for the 8(a) program; and

(B) limit the ability of a small business concern to participate in the 8(a) program if an immediate family member of an owner of the small business concern is, or has been, a participant in the 8(a) program, in the same industry.

#### SEC. 526. HUBZONE IMPROVEMENTS.

(a) PURPOSE.—The purpose of this section is to reform and improve the HUBZone program of the Administration.

(b) IN GENERAL.—The Administrator shall—

(1) ensure the HUBZone map is—

(A) accurate and up-to-date; and

(B) revised as new data is made available to maintain the accuracy and currency of the HUBZone map;

(2) implement policies for ensuring that only HUBZone small business concerns determined to be qualified under section 3(p)(5) of the Small Business Act (15 U.S.C. 632(p)(5)) are participating in the HUBZone program, including through the appropriate use of technology to control costs and maximize, among other benefits, uniformity, completeness, simplicity, and efficiency;

(3) submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding any application to be designated as a HUBZone small business concern or for recertification for which the Administrator has not made a determination as of the date that is 60 days after the date on which the application was submitted or initiated, which shall include a plan and timetable for ensuring the timely processing of the applications; and

(4) develop measures and implement plans to assess the effectiveness of the HUBZone program that—

(A) require the identification of a baseline point in time to allow the assessment of economic development under the HUBZone program, including creating additional jobs; and

(B) take into account—

(i) the economic characteristics of the HUBZone; and

(ii) contracts being counted under multiple socioeconomic subcategories.

(c) EMPLOYMENT PERCENTAGE.—Section 3(p) of the Small Business Act (15 U.S.C. 632(p)) is amended—

(1) in paragraph (5), by adding at the end the following:

“(E) EMPLOYMENT PERCENTAGE DURING INTERIM PERIOD.—

“(i) DEFINITION.—In this subparagraph, the term ‘interim period’ means the period beginning on the date on which the Administrator determines that a HUBZone small business concern is qualified under subparagraph (A) and ending on the day before the date on which a contract under the HUBZone program for which the HUBZone small business concern submits a bid is awarded.

“(ii) INTERIM PERIOD.—During the interim period, the Administrator may not determine that the HUBZone small business is not qualified under subparagraph (A) based on a failure to meet the applicable employment percentage under subparagraph (A)(i)(I), unless the HUBZone small business concern—

“(I) has not attempted to maintain the applicable employment percentage under subparagraph (A)(i)(I); or

“(II) does not meet the applicable employment percentage—

“(aa) on the date on which the HUBZone small business concern submits a bid for a contract under the HUBZone program; or

“(bb) on the date on which the HUBZone small business concern is awarded a contract under the HUBZone program.”; and

(2) by adding at the end the following:

“(8) HUBZONE PROGRAM.—The term ‘HUBZone program’ means the program established under section 31.

“(9) HUBZONE MAP.—The term ‘HUBZone map’ means the map used by the Administration to identify HUBZones.”.

(d) REDESIGNATED AREAS.—Section 3(p)(4)(C)(i) of the Small Business Act (15 U.S.C. 632(p)(4)(C)(i)) is amended to read as follows:

“(i) 3 years after the first date on which the Administrator publishes a HUBZone map that is based on the results from the 2010 decennial census; or”.

#### SEC. 527. ANNUAL REPORT ON SUSPENSION, DEBARMENT, AND PROSECUTION.

The Administrator shall submit an annual report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives that contains—

(1) the number of debarments from participation in programs of the Administration issued by the Administrator during the 1-year period preceding the date of the report, including—

(A) the number of debarments that were based on a conviction; and

(B) the number of debarments that were fact-based and did not involve a conviction;

(2) the number of suspensions from participation in programs of the Administration issued by the Administrator during the 1-year period preceding the date of the report, including—

(A) the number of suspensions issued that were based upon indictments; and

(B) the number of suspensions issued that were fact-based and did not involve an indictment;

(3) the number of suspension and debarments issued by the Administrator during the 1-year period preceding the date of the report that were based upon referrals

from offices of the Administration, other than the Office of Inspector General;

(4) the number of suspension and debarments issued by the Administrator during the 1-year period preceding the date of the report based upon referrals from the Office of Inspector General; and

(5) the number of persons that the Administrator declined to debar or suspend after a referral described in paragraph (8), and the reason for each such decision.

#### Subtitle C—Fairness in Women-Owned Small Business Contracting

##### SEC. 531. SHORT TITLE.

This subtitle may be cited as the “Fairness in Women-Owned Small Business Contracting Act of 2012”.

##### SEC. 532. PROCUREMENT PROGRAM FOR WOMEN-OWNED SMALL BUSINESS CONCERNS.

Section 8(m) of the Small Business Act (15 U.S.C. 637(m)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by striking “who are economically disadvantaged”;

(B) in subparagraph (C), by striking “paragraph (3)” and inserting “paragraph (4)”;

(C) by striking subparagraph (D); and

(D) by redesignating subparagraphs (E) and (F) as subparagraphs (D) and (E), respectively; and

(2) by adding at the end the following:

“(7) SOLE SOURCE CONTRACTS.—A contracting officer may award a sole source contract under this subsection to a small business concern owned and controlled by women under the same conditions as a sole source contract may be awarded to a qualified HUBZone small business concern under section 31(b)(2)(A).”.

##### SEC. 533. STUDY AND REPORT ON REPRESENTATION OF WOMEN.

Section 29 of the Small Business Act (15 U.S.C. 656), as amended by section 424 of this Act, is amended by adding at the end the following:

“(n) STUDY AND REPORT ON REPRESENTATION OF WOMEN.—

“(1) STUDY.—The Administrator shall periodically conduct a study to identify any United States industry, as defined under the North American Industry Classification System, in which women are underrepresented.

“(2) REPORT.—Not later than 5 years after the date of enactment of this subsection, and every 5 years thereafter, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the results of each study under paragraph (1) conducted during the 5-year period ending on the date of the report.”.

#### Subtitle D—Small Business Champion

##### SEC. 541. SHORT TITLE.

This subtitle may be cited as the “Small Business Champion Act of 2012”.

##### SEC. 542. OFFICES OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION.

(a) APPOINTMENT AND POSITION OF DIRECTOR.—Section 15(k)(2) of the Small Business Act (15 U.S.C. 644(k)(2)) is amended by striking “such agency,” and inserting “such agency to a position that is a Senior Executive Service position (as such term is defined under section 3132(a) of title 5, United States Code), except that, for any agency in which the positions of Chief Acquisition Officer and senior procurement executive (as such terms are defined under section 43(a) of this Act) are not Senior Executive Service positions, the Director of Small and Disadvantaged Business Utilization may be appointed to a

position compensated at not less than the minimum rate of basic pay payable for grade GS-15 of the General Schedule under section 5332 of such title (including comparability payments under section 5304 of such title);".

(b) PERFORMANCE APPRAISALS.—Section 15(k)(3) of the Small Business Act (15 U.S.C. 644(k)(3)) is amended—

(1) by striking "be responsible only to, and report directly to, the head" and inserting "shall be responsible only to (including with respect to performance appraisals), and report directly and exclusively to, the head"; and

(2) by striking "be responsible only to, and report directly to, such Secretary" and inserting "be responsible only to (including with respect to performance appraisals), and report directly and exclusively to, such Secretary".

(c) SMALL BUSINESS TECHNICAL ADVISERS.—Section 15(k)(8)(B) of the Small Business Act (15 U.S.C. 644(k)(8)(B)) is amended by striking "and 15 of this Act," and inserting "15, and 43 of this Act;".

(d) ADDITIONAL REQUIREMENTS.—Section 15(k) of the Small Business Act (15 U.S.C. 644(k)) is amended by inserting after paragraph (10) the following:

"(11) shall review and advise such action on any decision to convert an activity performed by a small business concern to an activity performed by a Federal employee;

"(12) shall provide to the Chief Acquisition Officer and senior procurement executive of such agency advice and comments on acquisition strategies, market research, and justifications related to section 43 of this Act;

"(13) may provide training to small business concerns and contract specialists, except that such training may only be provided to the extent that the training does not interfere with the Director carrying out other responsibilities under this subsection;

"(14) shall carry out exclusively the duties enumerated in this Act, and shall, while the Director, not hold any other title, position, or responsibility, except as necessary to carry out responsibilities under this subsection;

"(15) shall submit, each fiscal year, to the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate a report describing—

"(A) the training provided by the Director under paragraph (13) in the most recently completed fiscal year;

"(B) the percentage of the budget of the Director used for such training in the most recently completed fiscal year; and

"(C) the percentage of the budget of the Director used for travel in the most recently completed fiscal year; and

"(16) shall have not less than 10 years of relevant procurement experience.".

(e) TECHNICAL AMENDMENTS.—Section 15(k) of the Small Business Act (15 U.S.C. 644(k)), as amended by subsection (d), is further amended—

(1) in the matter preceding paragraph (1) by striking "who shall" and inserting "who";

(2) in paragraph (1)—

(A) by striking "be known" and inserting "shall be known"; and

(B) by striking "such agency," and inserting "such agency;";

(3) in paragraph (2) by striking "be appointed by" and inserting "shall be appointed by";

(4) in paragraph (3)—

(A) by striking "director" and inserting "Director"; and

(B) by striking "Secretary's designee," and inserting "Secretary's designee;";

(5) in paragraph (4)—

(A) by striking "be responsible" and inserting "shall be responsible"; and

(B) by striking "such agency," and inserting "such agency;";

(6) in paragraph (5) by striking "identify proposed" and inserting "shall identify proposed";

(7) in paragraph (6) by striking "assist small" and inserting "shall assist small";

(8) in paragraph (7)—

(A) by striking "have supervisory" and inserting "shall have supervisory"; and

(B) by striking "this Act," and inserting "this Act;";

(9) in paragraph (8)—

(A) by striking "assign a" and inserting "shall assign a"; and

(B) by striking "the activity, and" and inserting "the activity; and";

(10) in paragraph (9)—

(A) by striking "cooperate, and" and inserting "shall cooperate, and"; and

(B) by striking "subsection, and" and inserting "subsection;"; and

(11) in paragraph (10)—

(A) by striking "make recommendations" and inserting "shall make recommendations";

(B) by striking "subsection (a), or section" and inserting "subsection (a), section";

(C) by striking "Act or section 2323" and inserting "Act, or section 2323";

(D) by striking "Code. Such recommendations shall" and inserting "Code, which shall"; and

(E) by striking "contract file." and inserting "contract file;".

#### SEC. 543. SMALL BUSINESS PROCUREMENT ADVISORY COUNCIL.

(a) DUTIES.—Section 7104(b) of the Federal Acquisition Streamlining Act of 1994 (15 U.S.C. 644 note) is amended—

(1) in paragraph (1) by striking "and" at the end;

(2) in paragraph (2) by striking "authorities." and inserting "authorities;"; and

(3) by adding at the end the following:

"(3) to conduct reviews of each Office of Small and Disadvantaged Business Utilization established under section 15(k) of the Small Business Act (15 U.S.C. 644(k)) to determine the compliance of each Office with requirements under such section;

"(4) to identify best practices for maximizing small business utilization in Federal contracting that may be implemented by Federal agencies having procurement powers; and

"(5) to submit, annually, to the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate a report describing—

"(A) the comments submitted under paragraph (2) during the 1-year period ending on the date on which the report is submitted, including any outcomes related to the comments;

"(B) the results of reviews conducted under paragraph (3) during such 1-year period; and

"(C) best practices identified under paragraph (4) during such 1-year period.".

(b) MEMBERSHIP.—Section 7104(c) of the Federal Acquisition Streamlining Act of 1994 (15 U.S.C. 644 note) is amended by striking "(established under section 15(k) of the Small Business Act (15 U.S.C. 644(k)))".

(c) CHAIRMAN.—Section 7104(d) of the Federal Acquisition Streamlining Act of 1994 (15 U.S.C. 644 note) is amended by inserting after "Small Business Administration" the

following: "(or the designee of the Administrator)".

#### TITLE VI—TRANSPARENCY, ACCOUNTABILITY, AND EFFECTIVENESS Subtitle A—Small Business Common Application

##### SEC. 611. DEFINITIONS.

In this subtitle—

(1) the terms "Administration" and "Administrator" mean the Small Business Administration and the Administrator thereof, respectively;

(2) the term "Executive agency" has the meaning given that term under section 105 of title 5, United States Code;

(3) the term "Executive Committee" means the Executive Committee on a Small Business Common Application established under section 613(a);

(4) the term "small business concern" has the meaning given that term under section 3 of the Small Business Act (15 U.S.C. 632);

##### SEC. 612. SENSE OF CONGRESS.

It is the sense of Congress that Executive agencies should—

(1) reduce paperwork burdens on small business concerns pursuant to section 3501 of title 44, United States Code;

(2) maximize the ability of small business concerns to use common applications, where practicable, and use consolidated web portals to interact with Executive agencies;

(3) maintain high standards for data privacy and security;

(4) increase the degree and ease of information sharing and coordination among programs serving small business concerns that are carried out by Executive agencies, including State and local offices of Executive agencies; and

(5) minimize redundancy in the administration of programs that can utilize common applications, where practicable, and consolidated web portals.

##### SEC. 613. EXECUTIVE COMMITTEE ON A SMALL BUSINESS COMMON APPLICATION.

(a) ESTABLISHMENT.—There is established in the Administration an Executive Committee on a Small Business Common Application, which shall make recommendations regarding the establishment, if practicable, of a small business common application and web portal.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The members of the Executive Committee shall consist of—

(A) the Administrator;

(B) the Assistant Secretary of Commerce for Economic Development; and

(C) 1 senior officer or employee having policy and technical expertise appointed by each of—

(i) the Administrator of the General Services Administration;

(ii) the Director of the National Institutes of Health;

(iii) the Director of the National Science Foundation;

(iv) the President of the Export-Import Bank;

(v) the Secretary of Agriculture;

(vi) the Secretary of Defense;

(vii) the Secretary of Health and Human Services;

(viii) the Secretary of Labor;

(ix) the Secretary of State;

(x) the Secretary of the Treasury; and

(xi) the Secretary of Veterans Affairs.

(2) CHAIRPERSON.—The Administrator shall serve as chairperson of the Executive Committee.

(3) PERIOD OF APPOINTMENT.—Members of the Executive Committee shall be appointed for a term of 1 year.

(4) **VACANCIES.**—A vacancy in the Executive Committee shall be filled in the same manner as the original appointment, not later than 30 days after the date on which the vacancy occurs.

(c) **MEETINGS.**—

(1) **IN GENERAL.**—The Executive Committee shall meet at the call of the chairperson of the Executive Committee.

(2) **QUORUM.**—A majority of the members of the Executive Committee shall constitute a quorum.

(3) **FIRST MEETING.**—The first meeting of the Executive Committee shall take place not later than 30 days after the date of enactment of this subtitle.

(4) **PUBLIC MEETING.**—The Executive Committee shall hold at least 1 public meeting before the date described in subsection (d)(1) to receive comments from small business concerns and other interested parties.

(d) **DUTIES.**—

(1) **RECOMMENDATIONS.**—Not later than 270 days after the date of enactment of this Act, upon a vote of the majority of members of the Executive Committee then serving, the Executive Committee shall submit to the Administrator recommendations relating to the feasibility of establishing a small business common application and web portal in order to meet the goals described in section 612.

(2) **TRANSMISSION TO EXECUTIVE AGENCIES.**—The Executive Committee shall transmit to each Executive agency a complete copy of the recommendations submitted under paragraph (1).

(3) **TRANSMISSION TO CONGRESS.**—The Executive Committee shall transmit to each relevant committee of Congress a complete copy of the recommendations submitted under paragraph (1).

(4) **RECOMMENDATIONS BY EXECUTIVE AGENCIES.**—Not later than 30 days after the date on which the Executive Committee transmits recommendations to the Executive agency under paragraph (2), each Executive agency that provides Federal assistance to small business concerns shall submit to Congress recommendations, if any, for legislative changes necessary for the Executive agency to carry out the recommendations under paragraph (1).

(e) **PERSONNEL MATTERS.**—

(1) **COMPENSATION OF MEMBERS.**—The members of the Executive Committee shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) **DETAIL OF EMPLOYEES.**—The Administrator may detail to the Executive Committee any employee of the Economic Development Administration, and such detail shall be without interruption or loss of civil service status or privilege.

(f) **FEDERAL ADVISORY COMMITTEE ACT.**—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the Executive Committee.

**SEC. 614. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to the Administrator such sums as may be necessary to carry out this subtitle.

**Subtitle B—Government Accountability  
Office Review**

**SEC. 621. GOVERNMENT ACCOUNTABILITY OFFICE REVIEW.**

Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives that evaluates the status of

the programs authorized under this Act and the amendments made by this Act, including the extent to which such programs have been funded and implemented and have contributed to promoting job creation among small business concerns.

**SUBMITTED RESOLUTIONS**

**SENATE CONCURRENT RESOLUTION 54—STATING THAT IT IS THE POLICY OF THE UNITED STATES TO OPPOSE THE SALE, SHIPMENT, PERFORMANCE OF MAINTENANCE, REFURBISHMENT, MODIFICATION, REPAIR, AND UPGRADE OF ANY MILITARY EQUIPMENT FROM OR BY THE RUSSIAN FEDERATION TO OR FOR THE SYRIAN ARAB REPUBLIC**

Mr. HATCH (for himself and Mr. CORNYN) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

**S. CON. RES. 54**

Whereas the General Director of Rosoboroneexport, the largest Russian arms exporter, recently announced that his company was transferring anti-aircraft and anti-ship missile systems to Syria;

Whereas the Government of the Russian Federation has announced the deployment of 11 warships, including amphibious ships designed to carry naval infantry, to the eastern Mediterranean, and it is expected that some of those ships will dock at the Syrian port of Tartus;

Whereas Secretary of State Hillary Clinton recently stated, “What can every nation and group represented here do? . . . I ask you to reach out to Russia and China, and to not only urge but demand that they get off the sidelines and begin to support the legitimate aspirations of the Syrian people.”;

Whereas Secretary of State Clinton further stated on July 17, 2012, “[O]ur commitment is to try to get Russia to cooperate. So we want the rest of the world to put pressure on Russia . . . as long as he [Bashar al-Assad] has Russia uncertain about whether or not to side against him in any more dramatic way that it already has, he [Assad] feels like he can keep going.”;

Whereas the Government of the Russian Federation recently refurbished at least three Syrian Mi-25 helicopters; and

Whereas the Government of the Russian Federation has taken a tentative positive step of expounding a new policy that it will not enter into new arms agreements with the Government of the Syrian Arab Republic: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That it is the policy of the United States—*

(1) to oppose the sale, shipment, performance of maintenance, refurbishment, modification, repair, or upgrade of any military equipment, including parts that can be used in military equipment, from or by the Government of the Russian Federation to or for the Government of the Syrian Arab Republic; and

(2) to oppose any effort by the Government of the Russian Federation to increase, maintain, or sustain the military readiness and or military capabilities of the Government of the Syrian Arab Republic.

**AMENDMENTS SUBMITTED AND PROPOSED**

SA 2573. Mr. HATCH (for himself, Mr. MCCONNELL, Mr. JOHANNES, Mr. ROBERTS, Mr. BURR, Mr. THUNE, Mr. CORNYN, Mr. KYL, Mr. BOOZMAN, Mr. BLUNT, Mr. RUBIO, Mr. MCCAIN, Mr. GRASSLEY, Mr. BARRASSO, Mr. KIRK, Mrs. HUTCHISON, Mr. HOEVEN, Mr. SHELBY, and Mr. ISAKSON) proposed an amendment to the bill S. 3412, to amend the Internal Revenue Code of 1986 to provide tax relief to middle-class families.

SA 2574. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table.

SA 2575. Mr. LAUTENBERG (for himself, Mrs. BOXER, Mr. REED, Mr. MENENDEZ, Mrs. GILLIBRAND, Mr. SCHUMER, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2576. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2577. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2578. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2579. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2580. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

**TEXT OF AMENDMENTS**

**SA 2573.** Mr. HATCH (for himself, Mr. MCCONNELL, Mr. JOHANNES, Mr. ROBERTS, Mr. BURR, Mr. THUNE, Mr. CORNYN, Mr. KYL, Mr. BOOZMAN, Mr. BLUNT, Mr. RUBIO, Mr. MCCAIN, Mr. GRASSLEY, Mr. BARRASSO, Mr. KIRK, Mrs. HUTCHISON, Mr. HOEVEN, Mr. SHELBY, and Mr. ISAKSON) proposed an amendment to the bill S. 3412, to amend the Internal Revenue Code of 1986 to provide tax relief to middle-class families; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Tax Hike Prevention Act of 2012”.

**SEC. 2. TEMPORARY EXTENSION OF 2001 TAX RELIEF.**

(a) **IN GENERAL.**—Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by striking “December 31, 2012” both places it appears and inserting “December 31, 2013”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall take effect as if included in the enactment of the Economic Growth and Tax Relief Reconciliation Act of 2001.

**SEC. 3. TEMPORARY EXTENSION OF 2003 TAX RELIEF.**

(a) **IN GENERAL.**—Section 303 of the Jobs and Growth Tax Relief Reconciliation Act of 2003 is amended by striking “December 31, 2012” and inserting “December 31, 2013”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall take effect as if included in the enactment of the Jobs and Growth Tax Relief Reconciliation Act of 2003.

#### SEC. 4. ALTERNATIVE MINIMUM TAX RELIEF.

(a) **TEMPORARY EXTENSION OF INCREASED ALTERNATIVE MINIMUM TAX EXEMPTION AMOUNT.**—

(1) **IN GENERAL.**—Paragraph (1) of section 55(d) of the Internal Revenue Code of 1986 is amended—

(A) by striking “\$72,450” and all that follows through “2011” in subparagraph (A) and inserting “\$78,750 in the case of taxable years beginning in 2012 and \$79,850 in the case of taxable years beginning in 2013”, and

(B) by striking “\$47,450” and all that follows through “2011” in subparagraph (B) and inserting “\$50,600 in the case of taxable years beginning in 2012 and \$51,150 in the case of taxable years beginning in 2013”.

(b) **TEMPORARY EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF FOR NONREFUNDABLE PERSONAL CREDITS.**—

(1) **IN GENERAL.**—Paragraph (2) of section 26(a) of the Internal Revenue Code of 1986 is amended—

(A) by striking “or 2011” and inserting “2011, 2012, or 2013”, and

(B) by striking “2011” in the heading thereof and inserting “2013”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2011.

#### SEC. 5. EXTENSION OF INCREASED EXPENSING LIMITATIONS AND TREATMENT OF CERTAIN REAL PROPERTY AS SECTION 179 PROPERTY.

(a) **IN GENERAL.**—

(1) **DOLLAR LIMITATION.**—Section 179(b)(1) of the Internal Revenue Code of 1986 is amended—

(A) by striking “2010 or 2011,” in subparagraph (B) and inserting “2010, 2011, 2012, or 2013, and”,

(B) by striking subparagraph (C),

(C) by redesignating subparagraph (D) as subparagraph (C), and

(D) in subparagraph (C), as so redesignated, by striking “2012” and inserting “2013”.

(2) **REDUCTION IN LIMITATION.**—Section 179(b)(2) of such Code is amended—

(A) by striking “2010 or 2011,” in subparagraph (B) and inserting “2010, 2011, 2012, or 2013, and”,

(B) by striking subparagraph (C),

(C) by redesignating subparagraph (D) as subparagraph (C), and

(D) in subparagraph (C), as so redesignated, by striking “2012” and inserting “2013”.

(3) **CONFORMING AMENDMENT.**—Subsection (b) of section 179 of such Code is amended by striking paragraph (6).

(b) **COMPUTER SOFTWARE.**—Section 179(d)(1)(A)(ii) of the Internal Revenue Code of 1986 is amended by striking “2013” and inserting “2014”.

(c) **ELECTION.**—Section 179(c)(2) of the Internal Revenue Code of 1986 is amended by striking “2013” and inserting “2014”.

(d) **SPECIAL RULES FOR TREATMENT OF QUALIFIED REAL PROPERTY.**—

(1) **IN GENERAL.**—Section 179(f)(1) of the Internal Revenue Code of 1986 is amended by striking “2010 or 2011” and inserting “2010, 2011, 2012, or 2013”.

(2) **CARRYOVER LIMITATION.**—

(A) **IN GENERAL.**—Section 179(f)(4) of such Code is amended by striking “2011” each place it appears and inserting “2013”.

(B) **CONFORMING AMENDMENT.**—The heading for subparagraph (C) of section 179(f)(4) of such Code is amended by striking “2010” and inserting “2010, 2011 AND 2012”.

(e) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2011.

#### SEC. 6. INSTRUCTIONS FOR TAX REFORM.

(a) **IN GENERAL.**—The Senate Committee on Finance shall report legislation not later than 12 months after the date of the enactment of this Act that consists of changes in laws within its jurisdiction which meet the requirements of subsection (b).

(b) **REQUIREMENTS.**—Legislation meets the requirements of this subsection if the legislation—

(1) simplifies the Internal Revenue Code of 1986 by reducing the number of tax preferences and reducing individual tax rates proportionally, with the highest individual tax rate significantly below 35 percent;

(2) permanently repeals the alternative minimum tax;

(3) is projected, when compared to the current tax policy baseline, to be revenue neutral or result in revenue losses;

(4) has a dynamic effect which is projected to stimulate economic growth and lead to increased revenue;

(5) applies any increased revenue from stimulated economic growth to additional rate reductions and does not permit any such increased revenue to be used for additional Federal spending;

(6) retains a progressive tax code; and

(7) provides for revenue-neutral reform of the taxation of corporations and businesses by—

(A) providing a top tax rate on corporations of no more than 25 percent; and

(B) implementing a competitive territorial tax system.

**SA 2574.** Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

#### TITLE VIII—MISCELLANEOUS

##### SEC. 801. COMPLIANCE WITH OR VIOLATION OF ENVIRONMENTAL LAWS WHILE UNDER EMERGENCY ORDER.

(a) **IN GENERAL.**—Section 202(c) of the Federal Power Act (16 U.S.C. 824a(c)) is amended—

(1) by striking “(c) During” and inserting the following:

“(c) **TEMPORARY CONNECTION AND EXCHANGE OF FACILITIES DURING EMERGENCY.**—

“(1) **IN GENERAL.**—During”; and

(2) by adding at the end the following:

“(2) **COMPLIANCE WITH OR VIOLATION OF ENVIRONMENTAL LAWS WHILE UNDER EMERGENCY ORDER.**—

“(A) **IN GENERAL.**—If an order issued under this subsection may result in a conflict with a requirement of any Federal, State, or local environmental law or regulation, the Commission shall ensure that the order—

“(i) requires generation, delivery, interchange, or transmission of electric energy only during hours necessary to meet the emergency and serve the public interest; and

“(ii) to the maximum extent practicable, is consistent with any applicable Federal, State, or local environmental law or regulation and minimizes any adverse environmental impacts.

“(B) **EFFECT OF COMPLIANCE WITH EMERGENCY ORDERS.**—To the extent any omission or action taken by a party that is necessary to comply with an order issued under this subsection (including any omission or action

taken to voluntarily comply with the order) results in noncompliance with, or causes the party to not comply with, any Federal, State, or local environmental law or regulation, the omission or action shall not be considered a violation of the environmental law or regulation, or subject the party to any requirement, civil or criminal liability, or a citizen suit under the environmental law or regulation.

“(C) **TERM OF EMERGENCY ORDERS.**—Subject to subparagraph (D), an order issued under this subsection that may result in a conflict with a requirement of any Federal, State, or local environmental law or regulation shall expire not later than 90 days after the order is issued.

“(D) **RENEWAL OR REISSUANCE OF EMERGENCY ORDERS.**—

“(i) **IN GENERAL.**—The Commission may renew or reissue the order pursuant to this subsection for subsequent periods, not to exceed 90 days for each period, as the Commission determines necessary to meet the emergency and serve the public interest.

“(ii) **ADMINISTRATION.**—In renewing or reissuing an order under clause (i), the Commission shall—

“(I) consult with the primary Federal agency with expertise in the environmental interest protected by the law or regulation; and

“(II) include in the renewed or reissued order such conditions as the Federal agency determines necessary to minimize any adverse environmental impacts to the maximum extent practicable.

“(iii) **PUBLIC AVAILABILITY OF CONDITIONS.**—The conditions, if any, submitted by the Federal agency shall be made available to the public.

“(iv) **EXCLUSION OF CONDITIONS.**—The Commission may exclude a condition from the renewed or reissued order if the Commission—

“(I) determines that the condition would prevent the order from adequately addressing the emergency necessitating the order; and

“(II) provides in the order, or otherwise makes publicly available, an explanation of the determination.”.

(b) **TEMPORARY CONNECTION OR CONSTRUCTION BY MUNICIPALITIES.**—Section 202(d) of the Federal Power Act (16 U.S.C. 824a(d)) is amended by inserting “or municipality” before “engaged in the transmission or sale of electric energy”.

**SA 2575.** Mr. LAUTENBERG (for himself, Mrs. BOXER, Mr. REED, Mr. MENENDEZ, Mrs. GILLIBRAND, Mr. SCHUMER, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following

##### SEC. \_\_\_\_ PROHIBITION ON TRANSFER OR POSSESSION OF LARGE CAPACITY AMMUNITION FEEDING DEVICES.

(a) **DEFINITION.**—Section 921(a) of title 18, United States Code, is amended by inserting after paragraph (29) the following:

“(30) The term ‘large capacity ammunition feeding device’—

“(A) means a magazine, belt, drum, feed strip, or similar device that has a capacity of, or that can be readily restored or converted to accept, more than 10 rounds of ammunition; but

“(B) does not include an attached tubular device designed to accept, and capable of operating only with, .22 caliber rimfire ammunition.”.

(b) PROHIBITIONS.—Section 922 of such title is amended by inserting after subsection (u) the following:

“(v)(1)(A)(i) Except as provided in clause (ii), it shall be unlawful for a person to transfer or possess a large capacity ammunition feeding device.

“(ii) Clause (i) shall not apply to the possession of a large capacity ammunition feeding device otherwise lawfully possessed within the United States on or before the date of the enactment of this subsection.

“(B) It shall be unlawful for any person to import or bring into the United States a large capacity ammunition feeding device.

“(2) Paragraph (1) shall not apply to—

“(A) a manufacture for, transfer to, or possession by the United States or a department or agency of the United States or a State or a department, agency, or political subdivision of a State, or a transfer to or possession by a law enforcement officer employed by such an entity for purposes of law enforcement (whether on or off duty);

“(B) a transfer to a licensee under title I of the Atomic Energy Act of 1954 for purposes of establishing and maintaining an on-site physical protection system and security organization required by Federal law, or possession by an employee or contractor of such a licensee on-site for such purposes or off-site for purposes of licensee-authorized training or transportation of nuclear materials;

“(C) the possession, by an individual who is retired from service with a law enforcement agency and is not otherwise prohibited from receiving ammunition, of a large capacity ammunition feeding device transferred to the individual by the agency upon that retirement; or

“(D) a manufacture, transfer, or possession of a large capacity ammunition feeding device by a licensed manufacturer or licensed importer for the purposes of testing or experimentation authorized by the Attorney General.”.

(c) PENALTIES.—Section 924(a) of such title is amended by adding at the end the following:

“(8) Whoever knowingly violates section 922(v) shall be fined under this title, imprisoned not more than 10 years, or both.”.

(d) IDENTIFICATION MARKINGS.—Section 923(i) of such title is amended by adding at the end the following: “A large capacity ammunition feeding device manufactured after the date of the enactment of this sentence shall be identified by a serial number that clearly shows that the device was manufactured after such date of enactment, and such other identification as the Attorney General may by regulation prescribe.”.

**SA 2576.** Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

Beginning on page 109, strike line 4 and all that follows through page 110, line 6, and insert the following:

(d) CYBERSECURITY MODELING AND TEST BEDS.—

(1) REVIEW.—Not later than 1 year after the date of enactment of this Act, the Director shall conduct a review of cybersecurity test

beds in existence on the date of enactment of this Act to inform the program established under paragraph (2).

(2) ESTABLISHMENT OF PROGRAM.—

(A) IN GENERAL.—The Director of the National Science Foundation, the Secretary, and the Secretary of Commerce shall establish a program for the appropriate Federal agencies to award grants to institutions of higher education or research and development non-profit institutions to establish cybersecurity test beds capable of realistic modeling of real-time cyber attacks and defenses. The test beds shall work to enhance the security of public systems and focus on enhancing the security of critical private sector systems such as those in the finance, energy, and other sectors.

(B) REQUIREMENTS.—

(i) SIZE OF TEST BEDS.—The test beds established under the program established under subparagraph (A) shall be sufficiently large in order to model the scale and complexity of real world networks and environments.

(ii) USE OF EXISTING TEST BEDS.—The test bed program established under subparagraph (A) shall build upon and expand test beds and cyber attack simulation, experiment, and distributed gaming tools developed by the Under Secretary of Homeland Security for Science and Technology prior to the date of enactment of this Act.

(3) PURPOSES.—The purposes of the program established under paragraph (2) shall be to—

(A) support the rapid development of new cybersecurity defenses, techniques, and processes by improving understanding and assessing the latest technologies in a real-world environment; and

(B) to improve understanding among private sector partners of the risk, magnitude, and consequences of cyber attacks.

**SA 2577.** Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the end, add the following:

#### TITLE VIII—DATA SECURITY

##### SEC. 801. DEFINITIONS.

In this title, the following definitions shall apply:

(1) BUSINESS ENTITY.—The term “business entity” means any organization, corporation, trust, partnership, sole proprietorship, unincorporated association, or venture established to make a profit, or nonprofit.

(2) PERSONALLY IDENTIFIABLE INFORMATION.—The term “personally identifiable information” means any information, or compilation of information, in electronic or digital form that is a means of identification, as defined by section 1028(d)(7) of title 18, United States Code.

(3) SENSITIVE PERSONALLY IDENTIFIABLE INFORMATION.—The term “sensitive personally identifiable information” means any information or compilation of information, in electronic or digital form that includes the following:

(A) An individual’s first and last name or first initial and last name in combination with any 2 of the following data elements:

(i) Home address or telephone number.

(ii) Mother’s maiden name.

(iii) Month, day, and year of birth.

(B) A non-truncated social security number, driver’s license number, passport number, or alien registration number or other

government-issued unique identification number.

(C) Unique biometric data such as a finger print, voice print, a retina or iris image, or any other unique physical representation.

(D) A unique account identifier, including a financial account number or credit or debit card number, electronic identification number, user name, or routing code.

(E) Any combination of the following data elements:

(i) An individual’s first and last name or first initial and last name.

(ii) A unique account identifier, including a financial account number or credit or debit card number, electronic identification number, user name, or routing code.

(iii) Any security code, access code, or password, or source code that could be used to generate such codes or passwords.

(4) SERVICE PROVIDER.—The term “service provider” means a business entity that provides electronic data transmission, routing, intermediate and transient storage, or connections to its system or network, where the business entity providing such services does not select or modify the content of the electronic data, is not the sender or the intended recipient of the data, and the business entity transmits, routes, stores, or provides connections for personal information in a manner that personal information is undifferentiated from other types of data that such business entity transmits, routes, stores, or provides connections. Any such business entity shall be treated as a service provider under this title only to the extent that it is engaged in the provision of such transmission, routing, intermediate and transient storage or connections.

##### SEC. 802. PURPOSE AND APPLICABILITY OF DATA PRIVACY AND SECURITY PROGRAM.

(a) PURPOSE.—The purpose of this title is to ensure standards for developing and implementing administrative, technical, and physical safeguards to protect the security of sensitive personally identifiable information.

(b) APPLICABILITY.—A business entity engaging in interstate commerce that involves collecting, accessing, transmitting, using, storing, or disposing of sensitive personally identifiable information in electronic or digital form on 10,000 or more United States persons is subject to the requirements for a data privacy and security program under section 803 for protecting sensitive personally identifiable information.

(c) LIMITATIONS.—Notwithstanding any other obligation under this title, this title does not apply to the following:

(1) FINANCIAL INSTITUTIONS.—Financial institutions—

(A) subject to the data security requirements and standards under section 501(b) of the Gramm-Leach-Bliley Act (15 U.S.C. 6801(b)); and

(B) subject to the jurisdiction of an agency or authority described in section 505(a) of the Gramm-Leach-Bliley Act (15 U.S.C. 6805(a)).

(2) HIPAA REGULATED ENTITIES.—

(A) COVERED ENTITIES.—Covered entities subject to the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1301 et seq.), including the data security requirements and implementing regulations of that Act.

(B) BUSINESS ENTITIES.—A Business entity shall be deemed in compliance with this title if the business entity—

(i) is acting as a business associate, as that term is defined under the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1301 et seq.) and is in compliance

with the requirements imposed under that Act and implementing regulations promulgated under that Act; and

(ii) is subject to, and currently in compliance, with the privacy and data security requirements under sections 13401 and 13404 of division A of the American Reinvestment and Recovery Act of 2009 (42 U.S.C. 17931 and 17934) and implementing regulations promulgated under such sections.

(3) **SERVICE PROVIDERS.**—A service provider for any electronic communication by a third-party, to the extent that the service provider is exclusively engaged in the transmission, routing, or temporary, intermediate, or transient storage of that communication.

(4) **PUBLIC RECORDS.**—Public records not otherwise subject to a confidentiality or nondisclosure requirement, or information obtained from a public record, including information obtained from a news report or periodical.

(d) **SAFE HARBORS.**—

(1) **IN GENERAL.**—A business entity shall be deemed in compliance with the privacy and security program requirements under section 803 if the business entity complies with or provides protection equal to industry standards or standards widely accepted as an effective industry practice, as identified by the Federal Trade Commission, that are applicable to the type of sensitive personally identifiable information involved in the ordinary course of business of such business entity.

(2) **LIMITATION.**—Nothing in this subsection shall be construed to permit, and nothing does permit, the Federal Trade Commission to issue regulations requiring, or according greater legal status to, the implementation of or application of a specific technology or technological specifications for meeting the requirements of this title.

#### **SEC. 803. REQUIREMENTS FOR A PERSONAL DATA PRIVACY AND SECURITY PROGRAM.**

(a) **PERSONAL DATA PRIVACY AND SECURITY PROGRAM.**—A business entity subject to this title shall comply with the following safeguards and any other administrative, technical, or physical safeguards identified by the Federal Trade Commission in a rule-making process pursuant to section 553 of title 5, United States Code, for the protection of sensitive personally identifiable information:

(1) **SCOPE.**—A business entity shall implement a comprehensive personal data privacy and security program that includes administrative, technical, and physical safeguards appropriate to the size and complexity of the business entity and the nature and scope of its activities.

(2) **DESIGN.**—The personal data privacy and security program shall be designed to—

(A) ensure the privacy, security, and confidentiality of sensitive personally identifiable information;

(B) protect against any anticipated vulnerabilities to the privacy, security, or integrity of sensitive personally identifying information; and

(C) protect against unauthorized access to use of sensitive personally identifying information that could create a significant risk of harm or fraud to any individual.

(3) **RISK ASSESSMENT.**—A business entity shall—

(A) identify reasonably foreseeable internal and external vulnerabilities that could result in unauthorized access, disclosure, use, or alteration of sensitive personally identifiable information or systems containing sensitive personally identifiable information;

(B) assess the likelihood of and potential damage from unauthorized access, disclosure, use, or alteration of sensitive personally identifiable information;

(C) assess the sufficiency of its policies, technologies, and safeguards in place to control and minimize risks from unauthorized access, disclosure, use, or alteration of sensitive personally identifiable information; and

(D) assess the vulnerability of sensitive personally identifiable information during destruction and disposal of such information, including through the disposal or retirement of hardware.

(4) **RISK MANAGEMENT AND CONTROL.**—Each business entity shall—

(A) design its personal data privacy and security program to control the risks identified under paragraph (3);

(B) adopt measures commensurate with the sensitivity of the data as well as the size, complexity, and scope of the activities of the business entity that—

(i) control access to systems and facilities containing sensitive personally identifiable information, including controls to authenticate and permit access only to authorized individuals;

(ii) detect, record, and preserve information relevant to actual and attempted fraudulent, unlawful, or unauthorized access, disclosure, use, or alteration of sensitive personally identifiable information, including by employees and other individuals otherwise authorized to have access;

(iii) protect sensitive personally identifiable information during use, transmission, storage, and disposal by encryption, redaction, or access controls that are widely accepted as an effective industry practice or industry standard, or other reasonable means (including as directed for disposal of records under section 628 of the Fair Credit Reporting Act (15 U.S.C. 1681w) and the implementing regulations of such Act as set forth in section 682 of title 16, Code of Federal Regulations);

(iv) ensure that sensitive personally identifiable information is properly destroyed and disposed of, including during the destruction of computers, diskettes, and other electronic media that contain sensitive personally identifiable information;

(v) trace access to records containing sensitive personally identifiable information so that the business entity can determine who accessed or acquired such sensitive personally identifiable information pertaining to specific individuals; and

(vi) ensure that no third party or customer of the business entity is authorized to access or acquire sensitive personally identifiable information without the business entity first performing sufficient due diligence to ascertain, with reasonable certainty, that such information is being sought for a valid legal purpose; and

(C) establish a plan and procedures for minimizing the amount of sensitive personally identifiable information maintained by such business entity, which shall provide for the retention of sensitive personally identifiable information only as reasonably needed for the business purposes of such business entity or as necessary to comply with any legal obligation.

(b) **TRAINING.**—Each business entity subject to this title shall take steps to ensure employee training and supervision for implementation of the data security program of the business entity.

(c) **VULNERABILITY TESTING.**—

(1) **IN GENERAL.**—Each business entity subject to this title shall take steps to ensure

regular testing of key controls, systems, and procedures of the personal data privacy and security program to detect, prevent, and respond to attacks or intrusions, or other system failures.

(2) **FREQUENCY.**—The frequency and nature of the tests required under paragraph (1) shall be determined by the risk assessment of the business entity under subsection (a)(3).

(d) **RELATIONSHIP TO CERTAIN PROVIDERS OF SERVICES.**—In the event a business entity subject to this title engages a person or entity not subject to this title (other than a service provider) to receive sensitive personally identifiable information in performing services or functions (other than the services or functions provided by a service provider) on behalf of and under the instruction of such business entity, such business entity shall—

(1) exercise appropriate due diligence in selecting the person or entity for responsibilities related to sensitive personally identifiable information, and take reasonable steps to select and retain a person or entity that is capable of maintaining appropriate safeguards for the security, privacy, and integrity of the sensitive personally identifiable information at issue; and

(2) require the person or entity by contract to implement and maintain appropriate measures designed to meet the objectives and requirements governing entities subject to this section.

(e) **PERIODIC ASSESSMENT AND PERSONAL DATA PRIVACY AND SECURITY MODERNIZATION.**—Each business entity subject to this title shall on a regular basis monitor, evaluate, and adjust, as appropriate its data privacy and security program in light of any relevant changes in—

(1) technology;

(2) the sensitivity of personally identifiable information;

(3) internal or external threats to personally identifiable information; and

(4) the changing business arrangements of the business entity, such as—

(A) mergers and acquisitions;

(B) alliances and joint ventures;

(C) outsourcing arrangements;

(D) bankruptcy; and

(E) changes to sensitive personally identifiable information systems.

(f) **IMPLEMENTATION TIMELINE.**—Not later than 1 year after the date of enactment of this title, a business entity subject to the provisions of this title shall implement a data privacy and security program pursuant to this title.

#### **SEC. 804. ENFORCEMENT.**

(a) **CIVIL PENALTIES.**—

(1) **IN GENERAL.**—Any business entity that violates the provisions of section 803 shall be subject to civil penalties of not more than \$5,000 per violation per day while such a violation exists, with a maximum of \$500,000 per violation.

(2) **INTENTIONAL OR WILLFUL VIOLATION.**—A business entity that intentionally or willfully violates the provisions of section 803 shall be subject to additional penalties in the amount of \$5,000 per violation per day while such a violation exists, with a maximum of an additional \$500,000 per violation.

(3) **PENALTY LIMITS.**—

(A) **IN GENERAL.**—Notwithstanding any other provision of law, the total sum of civil penalties assessed against a business entity for all violations of the provisions of this title resulting from the same or related acts or omissions shall not exceed \$500,000, unless such conduct is found to be willful or intentional.



(B) DETERMINATIONS.—The determination of whether a violation of a provision of this title has occurred, and if so, the amount of the penalty to be imposed, if any, shall be made by the court sitting as the finder of fact. The determination of whether a violation of a provision of this title was willful or intentional, and if so, the amount of the additional penalty to be imposed, if any, shall be made by the court sitting as the finder of fact.

(C) ADDITIONAL PENALTY LIMIT.—If a court determines under subparagraph (B) that a violation of a provision of this title was willful or intentional and imposes an additional penalty, the court may not impose an additional penalty in an amount that exceeds \$500,000.

(4) EQUITABLE RELIEF.—A business entity engaged in interstate commerce that violates a provision of this title may be enjoined from further violations by a United States district court.

(5) OTHER RIGHTS AND REMEDIES.—The rights and remedies available under this section are cumulative and shall not affect any other rights and remedies available under law.

(b) FEDERAL TRADE COMMISSION AUTHORITY.—Any business entity shall have the provisions of this title enforced against it by the Federal Trade Commission.

(c) STATE ENFORCEMENT.—

(1) CIVIL ACTIONS.—In any case in which the attorney general of a State or any State or local law enforcement agency authorized by the State attorney general or by State statute to prosecute violations of consumer protection law, has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by the acts or practices of a business entity that violate this title, the State may bring a civil action on behalf of the residents of that State in a district court of the United States of appropriate jurisdiction to—

(A) enjoin that act or practice;

(B) enforce compliance with this title; or

(C) obtain civil penalties of not more than \$5,000 per violation per day while such violations persist, up to a maximum of \$500,000 per violation.

(2) PENALTY LIMITS.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the total sum of civil penalties assessed against a business entity for all violations of the provisions of this title resulting from the same or related acts or omissions shall not exceed \$500,000, unless such conduct is found to be willful or intentional.

(B) DETERMINATIONS.—The determination of whether a violation of a provision of this title has occurred, and if so, the amount of the penalty to be imposed, if any, shall be made by the court sitting as the finder of fact. The determination of whether a violation of a provision of this title was willful or intentional, and if so, the amount of the additional penalty to be imposed, if any, shall be made by the court sitting as the finder of fact.

(C) ADDITIONAL PENALTY LIMIT.—If a court determines under subparagraph (B) that a violation of a provision of this title was willful or intentional and imposes an additional penalty, the court may not impose an additional penalty in an amount that exceeds \$500,000.

(3) NOTICE.—

(A) IN GENERAL.—Before filing an action under this subsection, the attorney general of the State involved shall provide to the Federal Trade Commission—

(i) a written notice of that action; and

(ii) a copy of the complaint for that action.

(B) EXCEPTION.—Subparagraph (A) shall not apply with respect to the filing of an action by an attorney general of a State under this subsection, if the attorney general of a State determines that it is not feasible to provide the notice described in this subparagraph before the filing of the action.

(C) NOTIFICATION WHEN PRACTICABLE.—In an action described under subparagraph (B), the attorney general of a State shall provide the written notice and the copy of the complaint to the Federal Trade Commission as soon after the filing of the complaint as practicable.

(4) FEDERAL TRADE COMMISSION AUTHORITY.—Upon receiving notice under paragraph (3), the Federal Trade Commission shall have the right to—

(A) move to stay the action, pending the final disposition of a pending Federal proceeding or action as described in paragraph (5);

(B) intervene in an action brought under paragraph (1); and

(C) file petitions for appeal.

(5) PENDING PROCEEDINGS.—If the Federal Trade Commission initiates a Federal civil action for a violation of this title, or any regulations thereunder, no attorney general of a State may bring an action for a violation of this title that resulted from the same or related acts or omissions against a defendant named in the Federal civil action initiated by the Federal Trade Commission.

(6) RULE OF CONSTRUCTION.—For purposes of bringing any civil action under paragraph (1) nothing in this title shall be construed to prevent an attorney general of a State from exercising the powers conferred on the attorney general by the laws of that State to—

(A) conduct investigations;

(B) administer oaths and affirmations; or

(C) compel the attendance of witnesses or the production of documentary and other evidence.

(7) VENUE; SERVICE OF PROCESS.—

(A) VENUE.—Any action brought under this subsection may be brought in the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

(B) SERVICE OF PROCESS.—In an action brought under this subsection, process may be served in any district in which the defendant—

(i) is an inhabitant; or

(ii) may be found.

(d) NO PRIVATE CAUSE OF ACTION.—Nothing in this title establishes a private cause of action against a business entity for violation of any provision of this title.

#### SEC. 805. RELATION TO OTHER LAWS.

(a) IN GENERAL.—No State may require any business entity subject to this title to comply with any requirements with respect to administrative, technical, and physical safeguards for the protection of personal information.

(b) LIMITATIONS.—Nothing in this title shall be construed to modify, limit, or supersede the operation of the Gramm-Leach-Bliley Act or its implementing regulations, including those adopted or enforced by States.

**SA 2578.** Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the end, add the following:

#### **DIVISION — DATA BREACHES**

##### **SECTION 1. SHORT TITLE.**

This division may be cited as the “Personal Data Privacy and Security Act of 2012”.

##### **SEC. 2. FINDINGS.**

Congress finds that—

(1) databases of personally identifiable information are increasingly prime targets of hackers, identity thieves, rogue employees, and other criminals, including organized and sophisticated criminal operations;

(2) identity theft is a serious threat to the Nation’s economic stability, national security, homeland security, cybersecurity, the development of e-commerce, and the privacy rights of Americans;

(3) security breaches are a serious threat to consumer confidence, homeland security, national security, e-commerce, and economic stability;

(4) it is important for business entities that own, use, or license personally identifiable information to adopt reasonable procedures to ensure the security, privacy, and confidentiality of that personally identifiable information;

(5) individuals whose personal information has been compromised or who have been victims of identity theft should receive the necessary information and assistance to mitigate their damages and to restore the integrity of their personal information and identities;

(6) data misuse and use of inaccurate data have the potential to cause serious or irreparable harm to an individual’s livelihood, privacy, and liberty and undermine efficient and effective business and government operations;

(7) government access to commercial data can potentially improve safety, law enforcement, and national security; and

(8) because government use of commercial data containing personal information potentially affects individual privacy, and law enforcement and national security operations, there is a need for Congress to exercise oversight over government use of commercial data.

##### **SEC. 3. DEFINITIONS.**

In this division, the following definitions shall apply:

(1) AFFILIATE.—The term “affiliate” means persons related by common ownership or by corporate control.

(2) AGENCY.—The term “agency” has the same meaning given such term in section 551 of title 5, United States Code.

(3) BUSINESS ENTITY.—The term “business entity” means any organization, corporation, trust, partnership, sole proprietorship, unincorporated association, or venture established to make a profit, or nonprofit.

(4) DATA SYSTEM COMMUNICATION INFORMATION.—The term “data system communication information” means dialing, routing, addressing, or signaling information that identifies the origin, direction, destination, processing, transmission, or termination of each communication initiated, attempted, or received.

(5) DESIGNATED ENTITY.—The term “designated entity” means the Federal Government entity designated by the Secretary of Homeland Security under section 206(a).

(6) ENCRYPTION.—The term “encryption”—  
(A) means the protection of data in electronic form, in storage or in transit, using an encryption technology that has been generally accepted by experts in the field of information security that renders such data

indecipherable in the absence of associated cryptographic keys necessary to enable decryption of such data; and

(B) includes appropriate management and safeguards of such cryptographic keys so as to protect the integrity of the encryption.

(7) **IDENTITY THEFT.**—The term “identity theft” means a violation of section 1028(a)(7) of title 18, United States Code.

(8) **PERSONALLY IDENTIFIABLE INFORMATION.**—The term “personally identifiable information” means any information, or compilation of information, in electronic or digital form that is a means of identification, as defined by section 1028(d)(7) of title 18, United States Code.

(9) **PUBLIC RECORD SOURCE.**—The term “public record source” means the Congress, any agency, any State or local government agency, the government of the District of Columbia and governments of the territories or possessions of the United States, and Federal, State or local courts, courts martial and military commissions, that maintain personally identifiable information in records available to the public.

(10) **SECURITY BREACH.**—

(A) **IN GENERAL.**—The term “security breach” means compromise of the security, confidentiality, or integrity of, or the loss of, computerized data that result in, or that there is a reasonable basis to conclude has resulted in—

(i) the unauthorized acquisition of sensitive personally identifiable information; and

(ii) access to sensitive personally identifiable information that is for an unauthorized purpose, or in excess of authorization.

(B) **EXCLUSION.**—The term “security breach” does not include—

(i) a good faith acquisition of sensitive personally identifiable information by a business entity or agency, or an employee or agent of a business entity or agency, if the sensitive personally identifiable information is not subject to further unauthorized disclosure;

(ii) the release of a public record not otherwise subject to confidentiality or nondisclosure requirements or the release of information obtained from a public record, including information obtained from a news report or periodical; or

(iii) any lawfully authorized investigative, protective, or intelligence activity of a law enforcement or intelligence agency of the United States, a State, or a political subdivision of a State.

(11) **SENSITIVE PERSONALLY IDENTIFIABLE INFORMATION.**—The term “sensitive personally identifiable information” means any information or compilation of information, in electronic or digital form that includes the following:

(A) An individual’s first and last name or first initial and last name in combination with any two of the following data elements:

(i) Home address or telephone number.

(ii) Mother’s maiden name.

(iii) Month, day, and year of birth.

(B) A non-truncated social security number, driver’s license number, passport number, or alien registration number or other government-issued unique identification number.

(C) Unique biometric data such as a finger print, voice print, a retina or iris image, or any other unique physical representation.

(D) A unique account identifier, including a financial account number or credit or debit card number, electronic identification number, user name, or routing code.

(E) Any combination of the following data elements:

(i) An individual’s first and last name or first initial and last name.

(ii) A unique account identifier, including a financial account number or credit or debit card number, electronic identification number, user name, or routing code.

(iii) Any security code, access code, or password, or source code that could be used to generate such codes or passwords.

(12) **SERVICE PROVIDER.**—The term “service provider” means a business entity that provides electronic data transmission, routing, intermediate and transient storage, or connections to its system or network, where the business entity providing such services does not select or modify the content of the electronic data, is not the sender or the intended recipient of the data, and the business entity transmits, routes, stores, or provides connections for personal information in a manner that personal information is undifferentiated from other types of data that such business entity transmits, routes, stores, or provides connections. Any such business entity shall be treated as a service provider under this division only to the extent that it is engaged in the provision of such transmission, routing, intermediate and transient storage or connections.

## TITLE I—CONCEALMENT OF SECURITY BREACHES

### SEC. 101. CONCEALMENT OF SECURITY BREACHES INVOLVING SENSITIVE PERSONALLY IDENTIFIABLE INFORMATION.

(a) **IN GENERAL.**—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

#### “§ 1041. Concealment of security breaches involving sensitive personally identifiable information

“(a) **IN GENERAL.**—Whoever, having knowledge of a security breach and of the fact that notice of such security breach is required under title II of the Personal Data Privacy and Security Act of 2012, intentionally and willfully conceals the fact of such security breach, shall, in the event that such security breach results in economic harm to any individual in the amount of \$1,000 or more, be fined under this title or imprisoned for not more than 5 years, or both.

“(b) **PERSON DEFINED.**—For purposes of subsection (a), the term ‘person’ has the same meaning as in section 1030(e)(12) of title 18, United States Code.

“(c) **NOTICE REQUIREMENT.**—Any person seeking an exemption under section 202(b) of the Personal Data Privacy and Security Act of 2012 shall be immune from prosecution under this section if the Federal Trade Commission does not indicate, in writing, that such notice be given under section 202(b)(1)(C) of such Act.”.

(b) **CONFORMING AND TECHNICAL AMENDMENTS.**—The table of sections for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

“1041. Concealment of security breaches involving sensitive personally identifiable information.”.

(c) **ENFORCEMENT AUTHORITY.**—

(1) **IN GENERAL.**—The United States Secret Service and Federal Bureau of Investigation shall have the authority to investigate offenses under this section.

(2) **NONEXCLUSIVITY.**—The authority granted in paragraph (1) shall not be exclusive of any existing authority held by any other Federal agency.

## TITLE II—SECURITY BREACH NOTIFICATION

### SEC. 201. NOTICE TO INDIVIDUALS.

(a) **IN GENERAL.**—Any agency, or business entity engaged in interstate commerce, other than a service provider, that uses, accesses, transmits, stores, disposes of or collects sensitive personally identifiable information shall, following the discovery of a security breach of such information, notify any resident of the United States whose sensitive personally identifiable information has been, or is reasonably believed to have been, accessed, or acquired.

(b) **OBLIGATION OF OWNER OR LICENSEE.**—

(1) **NOTICE TO OWNER OR LICENSEE.**—Any agency, or business entity engaged in interstate commerce, that uses, accesses, transmits, stores, disposes of, or collects sensitive personally identifiable information that the agency or business entity does not own or license shall notify the owner or licensee of the information following the discovery of a security breach involving such information.

(2) **NOTICE BY OWNER, LICENSEE, OR OTHER DESIGNATED THIRD PARTY.**—Nothing in this title shall prevent or abrogate an agreement between an agency or business entity required to give notice under this section and a designated third party, including an owner or licensee of the sensitive personally identifiable information subject to the security breach, to provide the notifications required under subsection (a).

(3) **BUSINESS ENTITY RELIEVED FROM GIVING NOTICE.**—A business entity obligated to give notice under subsection (a) shall be relieved of such obligation if an owner or licensee of the sensitive personally identifiable information subject to the security breach, or other designated third party, provides such notification.

(4) **SERVICE PROVIDERS.**—If a service provider becomes aware of a security breach of data in electronic form containing sensitive personal information that is owned or possessed by another business entity that connects to or uses a system or network provided by the service provider for the purpose of transmitting, routing, or providing intermediate or transient storage of such data, the service provider shall be required to notify the business entity who initiated such connection, transmission, routing, or storage of the security breach if the business entity can be reasonably identified. Upon receiving such notification from a service provider, the business entity shall be required to provide the notification required under subsection (a).

(c) **TIMELINESS OF NOTIFICATION.**—

(1) **IN GENERAL.**—All notifications required under this section shall be made without unreasonable delay following the discovery by the agency or business entity of a security breach.

(2) **REASONABLE DELAY.**—

(A) **IN GENERAL.**—Reasonable delay under this subsection may include any time necessary to determine the scope of the security breach, prevent further disclosures, conduct the risk assessment described in section 202(b)(1)(A), and restore the reasonable integrity of the data system and provide notice to law enforcement when required.

(B) **EXTENSION.**—

(i) **IN GENERAL.**—Except as provided in section 202, delay of notification shall not exceed 60 days following the discovery of the security breach, unless the business entity or agency request an extension of time and the Federal Trade Commission determines in writing that additional time is reasonably

necessary to determine the scope of the security breach, prevent further disclosures, conduct the risk assessment, restore the reasonable integrity of the data system, or to provide notice to the entity designated by the Secretary of Homeland Security pursuant to section 206.

(ii) **APPROVAL OF REQUEST.**—If the Federal Trade Commission approves the request for delay, the agency or business entity may delay the time period for notification for additional periods of up to 30 days.

(3) **BURDEN OF PRODUCTION.**—The agency, business entity, owner, or licensee required to provide notice under this title shall, upon the request of the Attorney General or the Federal Trade Commission provide records or other evidence of the notifications required under this title, including to the extent applicable, the reasons for any delay of notification.

(d) **DELAY OF NOTIFICATION AUTHORIZED FOR LAW ENFORCEMENT OR NATIONAL SECURITY PURPOSES.**—

(1) **IN GENERAL.**—If the United States Secret Service or the Federal Bureau of Investigation determines that the notification required under this section would impede a criminal investigation, or national security activity, such notification shall be delayed upon written notice from the United States Secret Service or the Federal Bureau of Investigation to the agency or business entity that experienced the breach. The notification from the United States Secret Service or the Federal Bureau of Investigation shall specify in writing the period of delay requested for law enforcement or national security purposes.

(2) **EXTENDED DELAY OF NOTIFICATION.**—If the notification required under subsection (a) is delayed pursuant to paragraph (1), an agency or business entity shall give notice 30 days after the day such law enforcement or national security delay was invoked unless a Federal law enforcement or intelligence agency provides written notification that further delay is necessary.

(3) **LAW ENFORCEMENT IMMUNITY.**—No nonconstitutional cause of action shall lie in any court against any agency for acts relating to the delay of notification for law enforcement or national security purposes under this title.

(e) **LIMITATIONS.**—Notwithstanding any other obligation under this title, this title does not apply to the following:

(1) **FINANCIAL INSTITUTIONS.**—Financial institutions—

(A) subject to the data security requirements and standards under section 501(b) of the Gramm-Leach-Bliley Act (15 U.S.C. 6801(b)); and

(B) subject to the jurisdiction of an agency or authority described in section 505(a) of the Gramm-Leach-Bliley Act (15 U.S.C. 6805(a)).

(2) **HIPAA REGULATED ENTITIES.**—

(A) **COVERED ENTITIES.**—Covered entities subject to the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1301 et seq.), including the data security requirements and implementing regulations of that Act.

(B) **BUSINESS ENTITIES.**—A business entity shall be deemed in compliance with this division if the business entity—

(i) (I) is acting as a covered entity and as a business associate, as those terms are defined under the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1301 et seq.) and is in compliance with the requirements imposed under that Act and implementing regulations promulgated under that Act; and

(II) is subject to, and currently in compliance, with the data breach notification, privacy and data security requirements under the Health Information Technology for Economic and Clinical Health (HITECH) Act, (42 U.S.C. 17932) and implementing regulations promulgated thereunder; or

(ii) is acting as a vendor of personal health records and third party service provider, subject to the Health Information Technology for Economic and Clinical Health (HITECH) Act (42 U.S.C. 17937), including the data breach notification requirements and implementing regulations of that Act.

#### SEC. 202. EXEMPTIONS.

(a) **EXEMPTION FOR NATIONAL SECURITY AND LAW ENFORCEMENT.**—

(1) **IN GENERAL.**—Section 201 shall not apply to an agency or business entity if—

(A) the United States Secret Service or the Federal Bureau of Investigation determines that notification of the security breach could be expected to reveal sensitive sources and methods or similarly impede the ability of the Government to conduct law enforcement investigations; or

(B) the Federal Bureau of Investigation determines that notification of the security breach could be expected to cause damage to the national security.

(2) **IMMUNITY.**—No nonconstitutional cause of action shall lie in any court against any Federal agency for acts relating to the exemption from notification for law enforcement or national security purposes under this title.

(b) **SAFE HARBOR.**—

(1) **IN GENERAL.**—An agency or business entity shall be exempt from the notice requirements under section 201, if—

(A) a risk assessment conducted by the agency or business entity concludes that, based upon the information available, there is no significant risk that a security breach has resulted in, or will result in, identity theft, economic loss or harm, or physical harm to the individuals whose sensitive personally identifiable information was subject to the security breach;

(B) without unreasonable delay, but not later than 45 days after the discovery of a security breach, unless extended by the Federal Trade Commission, the agency or business entity notifies the Federal Trade Commission, in writing, of—

(i) the results of the risk assessment; and

(ii) its decision to invoke the risk assessment exemption; and

(C) the Federal Trade Commission does not indicate, in writing, within 10 business days from receipt of the decision, that notice should be given.

(2) **REBUTTABLE PRESUMPTIONS.**—For purposes of paragraph (1)—

(A) the encryption of sensitive personally identifiable information described in paragraph (1)(A) shall establish a rebuttable presumption that no significant risk exists; and

(B) the rendering of sensitive personally identifiable information described in paragraph (1)(A) unusable, unreadable, or indecipherable through data security technology or methodology that is generally accepted by experts in the field of information security, such as redaction or access controls shall establish a rebuttable presumption that no significant risk exists.

(3) **VIOLATION.**—It shall be a violation of this section to—

(A) fail to conduct the risk assessment in a reasonable manner, or according to standards generally accepted by experts in the field of information security; or

(B) submit the results of a risk assessment that contains fraudulent or deliberately misleading information.

(c) **FINANCIAL FRAUD PREVENTION EXEMPTION.**—

(1) **IN GENERAL.**—A business entity will be exempt from the notice requirement under section 201 if the business entity utilizes or participates in a security program that—

(A) effectively blocks the use of the sensitive personally identifiable information to initiate unauthorized financial transactions before they are charged to the account of the individual; and

(B) provides for notice to affected individuals after a security breach that has resulted in fraud or unauthorized transactions.

(2) **LIMITATION.**—The exemption in paragraph (1) does not apply if the information subject to the security breach includes an individual's first and last name, or any other type of sensitive personally identifiable information as defined in section 3, unless that information is only a credit card number or credit card security code.

#### SEC. 203. METHODS OF NOTICE.

An agency or business entity shall be in compliance with section 201 if it provides the following:

(1) **INDIVIDUAL NOTICE.**—Notice to individuals by 1 of the following means:

(A) Written notification to the last known home mailing address of the individual in the records of the agency or business entity.

(B) Telephone notice to the individual personally.

(C) E-mail notice, if the individual has consented to receive such notice and the notice is consistent with the provisions permitting electronic transmission of notices under section 101 of the Electronic Signatures in Global and National Commerce Act (15 U.S.C. 7001).

(2) **MEDIA NOTICE.**—Notice to major media outlets serving a State or jurisdiction, if the number of residents of such State whose sensitive personally identifiable information was, or is reasonably believed to have been, accessed or acquired by an unauthorized person exceeds 5,000.

#### SEC. 204. CONTENT OF NOTIFICATION.

(a) **IN GENERAL.**—Regardless of the method by which notice is provided to individuals under section 203, such notice shall include, to the extent possible—

(1) a description of the categories of sensitive personally identifiable information that was, or is reasonably believed to have been, accessed or acquired by an unauthorized person;

(2) a toll-free number—

(A) that the individual may use to contact the agency or business entity, or the agent of the agency or business entity; and

(B) from which the individual may learn what types of sensitive personally identifiable information the agency or business entity maintained about that individual; and

(3) the toll-free contact telephone numbers and addresses for the major credit reporting agencies.

(b) **ADDITIONAL CONTENT.**—Notwithstanding section 209, a State may require that a notice under subsection (a) shall also include information regarding victim protection assistance provided for by that State.

(c) **DIRECT BUSINESS RELATIONSHIP.**—Regardless of whether a business entity, agency, or a designated third party provides the notice required pursuant to section 201(b), such notice shall include the name of the business entity or agency that has a direct relationship with the individual being notified.

**SEC. 205. COORDINATION OF NOTIFICATION WITH CREDIT REPORTING AGENCIES.**

If an agency or business entity is required to provide notification to more than 5,000 individuals under section 201(a), the agency or business entity shall also notify all consumer reporting agencies that compile and maintain files on consumers on a nationwide basis (as defined in section 603(p) of the Fair Credit Reporting Act (15 U.S.C. 1681a(p)) of the timing and distribution of the notices. Such notice shall be given to the consumer credit reporting agencies without unreasonable delay and, if it will not delay notice to the affected individuals, prior to the distribution of notices to the affected individuals.

**SEC. 206. NOTICE TO LAW ENFORCEMENT.**

(a) DESIGNATION OF GOVERNMENT ENTITY TO RECEIVE NOTICE.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of Homeland Security shall designate a Federal Government entity to receive the notices required under section 201 and this section, and any other reports and information about information security incidents, threats, and vulnerabilities.

(2) RESPONSIBILITIES OF THE DESIGNATED ENTITY.—The designated entity shall—

(A) be responsible for promptly providing the information that it receives to the United States Secret Service and the Federal Bureau of Investigation, and to the Federal Trade Commission for civil law enforcement purposes; and

(B) provide the information described in subparagraph (A) as appropriate to other Federal agencies for law enforcement, national security, or data security purposes.

(b) NOTICE.—Any business entity or agency shall notify the designated entity of the fact that a security breach has occurred if—

(1) the number of individuals whose sensitive personally identifying information was, or is reasonably believed to have been accessed or acquired by an unauthorized person exceeds 5,000;

(2) the security breach involves a database, networked or integrated databases, or other data system containing the sensitive personally identifiable information of more than 500,000 individuals nationwide;

(3) the security breach involves databases owned by the Federal Government; or

(4) the security breach involves primarily sensitive personally identifiable information of individuals known to the agency or business entity to be employees and contractors of the Federal Government involved in national security or law enforcement.

(c) FTC RULEMAKING AND REVIEW OF THRESHOLDS.—Not later 1 year after the date of the enactment of this Act, the Federal Trade Commission, in consultation with the Attorney General of the United States and the Secretary of Homeland Security, shall promulgate regulations regarding the reports required under subsection (a). The Federal Trade Commission, in consultation with the Attorney General and the Secretary of Homeland Security, after notice and the opportunity for public comment, and in a manner consistent with this section, shall promulgate regulations, as necessary, under section 553 of title 5, United States Code, to adjust the thresholds for notice to law enforcement and national security authorities under subsection (a) and to facilitate the purposes of this section.

(d) TIMING.—The notice required under subsection (a) shall be provided as promptly as possible, but such notice must be provided

either 72 hours before notice is provided to an individual pursuant to section 201, or not later than 10 days after the business entity or agency discovers the security breach or discovers that the nature of the security breach requires notice to law enforcement under this section, whichever occurs first.

**SEC. 207. ENFORCEMENT.**

(a) IN GENERAL.—The Attorney General of the United States and the Federal Trade Commission may enforce civil violations of section 201.

(b) CIVIL ACTIONS BY THE ATTORNEY GENERAL OF THE UNITED STATES.—

(1) IN GENERAL.—The Attorney General may bring a civil action in the appropriate United States district court against any business entity that engages in conduct constituting a violation of this title and, upon proof of such conduct by a preponderance of the evidence, such business entity shall be subject to a civil penalty of not more than \$11,000 per day per security breach.

(2) PENALTY LIMITATION.—Notwithstanding any other provision of law, the total amount of the civil penalty assessed against a business entity for conduct involving the same or related acts or omissions that results in a violation of this title may not exceed \$1,000,000.

(3) DETERMINATIONS.—The determination of whether a violation of a provision of this title has occurred, and if so, the amount of the penalty to be imposed, if any, shall be made by the court sitting as the finder of fact. The determination of whether a violation of a provision of this title was willful or intentional, and if so, the amount of the additional penalty to be imposed, if any, shall be made by the court sitting as the finder of fact.

(4) ADDITIONAL PENALTY LIMIT.—If a court determines under paragraph (3) that a violation of a provision of this title was willful or intentional and imposes an additional penalty, the court may not impose an additional penalty in an amount that exceeds \$1,000,000.

(c) INJUNCTIVE ACTIONS BY THE ATTORNEY GENERAL.—

(1) IN GENERAL.—If it appears that a business entity has engaged, or is engaged, in any act or practice constituting a violation of this title, the Attorney General may petition an appropriate district court of the United States for an order—

(A) enjoining such act or practice; or

(B) enforcing compliance with this title.

(2) ISSUANCE OF ORDER.—A court may issue an order under paragraph (1), if the court finds that the conduct in question constitutes a violation of this title.

(d) CIVIL ACTIONS BY THE FEDERAL TRADE COMMISSION.—

(1) IN GENERAL.—Compliance with the requirements imposed under this title may be enforced under the Federal Trade Commission Act (15 U.S.C. 41 et seq.) by the Federal Trade Commission with respect to business entities subject to this division. All of the functions and powers of the Federal Trade Commission under the Federal Trade Commission Act are available to the Federal Trade Commission to enforce compliance by any person with the requirements imposed under this title.

(2) PENALTY LIMITATION.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the total sum of civil penalties assessed against a business entity for all violations of the provisions of this title resulting from the same or related acts or omissions may not exceed \$1,000,000, unless such conduct is found to be willful or intentional.

(B) DETERMINATIONS.—The determination of whether a violation of a provision of this title has occurred, and if so, the amount of the penalty to be imposed, if any, shall be made by the court sitting as the finder of fact. The determination of whether a violation of a provision of this title was willful or intentional, and if so, the amount of the additional penalty to be imposed, if any, shall be made by the court sitting as the finder of fact.

(C) ADDITIONAL PENALTY LIMIT.—If a court determines under subparagraph (B) that a violation of a provision of this title was willful or intentional and imposes an additional penalty, the court may not impose an additional penalty in an amount that exceeds \$1,000,000.

(3) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—For the purpose of the exercise by the Federal Trade Commission of its functions and powers under the Federal Trade Commission Act, a violation of any requirement or prohibition imposed under this title shall constitute an unfair or deceptive act or practice in commerce in violation of a regulation under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)) regarding unfair or deceptive acts or practices and shall be subject to enforcement by the Federal Trade Commission under that Act with respect to any business entity, irrespective of whether that business entity is engaged in commerce or meets any other jurisdictional tests in the Federal Trade Commission Act.

(e) COORDINATION OF ENFORCEMENT.—

(1) IN GENERAL.—Before opening an investigation, the Federal Trade Commission shall consult with the Attorney General.

(2) LIMITATION.—The Federal Trade Commission may initiate investigations under this subsection unless the Attorney General determines that such an investigation would impede an ongoing criminal investigation or national security activity.

(3) COORDINATION AGREEMENT.—

(A) IN GENERAL.—In order to avoid conflicts and promote consistency regarding the enforcement and litigation of matters under this division, not later than 180 days after the enactment of this Act, the Attorney General and the Commission shall enter into an agreement for coordination regarding the enforcement of this division.

(B) REQUIREMENT.—The coordination agreement entered into under subparagraph (A) shall include provisions to ensure that parallel investigations and proceedings under this section are conducted in a manner that avoids conflicts and does not impede the ability of the Attorney General to prosecute violations of Federal criminal laws.

(4) COORDINATION WITH THE FCC.—If an enforcement action under this division relates to customer proprietary network information, the Federal Trade Commission shall coordinate the enforcement action with the Federal Communications Commission.

(f) RULEMAKING.—The Federal Trade Commission may, in consultation with the Attorney General, issue such other regulations as it determines to be necessary to carry out this title. All regulations promulgated under this division shall be issued in accordance with section 553 of title 5, United States Code. Where regulations relate to customer proprietary network information, the promulgation of such regulations will be coordinated with the Federal Communications Commission.

(g) OTHER RIGHTS AND REMEDIES.—The rights and remedies available under this title are cumulative and shall not affect any

other rights and remedies available under law.

(h) **FRAUD ALERT.**—Section 605A(b)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681c-1(b)(1)) is amended by inserting “, or evidence that the consumer has received notice that the consumer’s financial information has or may have been compromised,” after “identity theft report”.

**SEC. 208. ENFORCEMENT BY STATE ATTORNEYS GENERAL.**

(a) **IN GENERAL.**—

(1) **CIVIL ACTIONS.**—In any case in which the attorney general of a State or any State or local law enforcement agency authorized by the State attorney general or by State statute to prosecute violations of consumer protection law, has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by the engagement of a business entity in a practice that is prohibited under this title, the State or the State or local law enforcement agency on behalf of the residents of the agency’s jurisdiction, may bring a civil action on behalf of the residents of the State or jurisdiction in a district court of the United States of appropriate jurisdiction to—

(A) enjoin that practice;

(B) enforce compliance with this title; or

(C) civil penalties of not more than \$11,000 per day per security breach up to a maximum of \$1,000,000 per violation, unless such conduct is found to be willful or intentional.

(2) **PENALTY LIMITATION.**—

(A) **IN GENERAL.**—Notwithstanding any other provision of law, the total sum of civil penalties assessed against a business entity for all violations of the provisions of this title resulting from the same or related acts or omissions may not exceed \$1,000,000, unless such conduct is found to be willful or intentional.

(B) **DETERMINATIONS.**—The determination of whether a violation of a provision of this title has occurred, and if so, the amount of the penalty to be imposed, if any, shall be made by the court sitting as the finder of fact. The determination of whether a violation of a provision of this title was willful or intentional, and if so, the amount of the additional penalty to be imposed, if any, shall be made by the court sitting as the finder of fact.

(C) **ADDITIONAL PENALTY LIMIT.**—If a court determines under subparagraph (B) that a violation of a provision of this title was willful or intentional and imposes an additional penalty, the court may not impose an additional penalty in an amount that exceeds \$1,000,000.

(3) **NOTICE.**—

(A) **IN GENERAL.**—Before filing an action under paragraph (1), the attorney general of the State involved shall provide to the Attorney General of the United States—

(i) written notice of the action; and

(ii) a copy of the complaint for the action.

(B) **EXEMPTION.**—

(i) **IN GENERAL.**—Subparagraph (A) shall not apply with respect to the filing of an action by an attorney general of a State under this title, if the State attorney general determines that it is not feasible to provide the notice described in such subparagraph before the filing of the action.

(ii) **NOTIFICATION.**—In an action described in clause (i), the attorney general of a State shall provide notice and a copy of the complaint to the Attorney General at the time the State attorney general files the action.

(b) **FEDERAL PROCEEDINGS.**—Upon receiving notice under subsection (a)(3), the Attorney General shall have the right to—

(1) move to stay the action, pending the final disposition of a pending Federal proceeding or action;

(2) initiate an action in the appropriate United States district court under section 207 and move to consolidate all pending actions, including State actions, in such court;

(3) intervene in an action brought under subsection (a)(1); and

(4) file petitions for appeal.

(c) **PENDING PROCEEDINGS.**—If the Attorney General or the Federal Trade Commission initiate a criminal proceeding or civil action for a violation of a provision of this title, or any regulations thereunder, no attorney general of a State may bring an action for a violation of a provision of this title against a defendant named in the Federal criminal proceeding or civil action.

(d) **CONSTRUCTION.**—For purposes of bringing any civil action under subsection (a), nothing in this title regarding notification shall be construed to prevent an attorney general of a State from exercising the powers conferred on such attorney general by the laws of that State to—

(1) conduct investigations;

(2) administer oaths or affirmations; or

(3) compel the attendance of witnesses or the production of documentary and other evidence.

(e) **VENUE; SERVICE OF PROCESS.**—

(1) **VENUE.**—Any action brought under subsection (a) may be brought in—

(A) the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code; or

(B) another court of competent jurisdiction.

(2) **SERVICE OF PROCESS.**—In an action brought under subsection (a), process may be served in any district in which the defendant—

(A) is an inhabitant; or

(B) may be found.

(f) **NO PRIVATE CAUSE OF ACTION.**—Nothing in this title establishes a private cause of action against a business entity for violation of any provision of this title.

**SEC. 209. EFFECT ON FEDERAL AND STATE LAW.**

For any entity, or agency that is subject to this title, the provisions of this title shall supersede any other provision of Federal law, or any provisions of the law of any State, relating to notification of a security breach, except as provided in section 204(b). Nothing in this title shall be construed to modify, limit, or supersede the operation of the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et seq.) or its implementing regulations, including those regulations adopted or enforced by States, the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1301 et seq.) or its implementing regulations, or the Health Information Technology for Economic and Clinical Health Act (42 U.S.C. 17937) or its implementing regulations.

**SEC. 210. REPORTING ON EXEMPTIONS.**

(a) **FTC REPORT.**—Not later than 18 months after the date of enactment of this Act, and upon request by Congress thereafter, the Federal Trade Commission shall submit a report to Congress on the number and nature of the security breaches described in the notices filed by those business entities invoking the risk assessment exemption under section 202(b) and their response to such notices.

(b) **LAW ENFORCEMENT REPORT.**—

(1) **IN GENERAL.**—Not later than 18 months after the date of enactment of this Act, and upon the request by Congress thereafter, the

United States Secret Service and Federal Bureau of Investigation shall submit a report to Congress on the number and nature of security breaches subject to the national security and law enforcement exemptions under section 202(a).

(2) **REQUIREMENT.**—The report required under paragraph (1) shall not include the contents of any risk assessment provided to the United States Secret Service and the Federal Bureau of Investigation under this title.

**SEC. 211. EFFECTIVE DATE.**

This title shall take effect 90 days after the date of enactment of this Act.

**TITLE III—COMPLIANCE WITH STATUTORY PAY-AS-YOU-GO ACT**

**SEC. 301. BUDGET COMPLIANCE.**

The budgetary effects of this division, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this division, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

**SA 2579.** Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the end, insert the following:

**TITLE —CYBER CRIME PROTECTION SECURITY ACT**

**SEC. 01. SHORT TITLE.**

This title may be cited as the “Cyber Crime Protection Security Act”.

**SEC. 02. ORGANIZED CRIMINAL ACTIVITY IN CONNECTION WITH UNAUTHORIZED ACCESS TO PERSONALLY IDENTIFIABLE INFORMATION.**

Section 1961(1) of title 18, United States Code, is amended by inserting “section 1030 (relating to fraud and related activity in connection with computers) if the act is a felony,” before “section 1084”.

**SEC. 03. PENALTIES FOR FRAUD AND RELATED ACTIVITY IN CONNECTION WITH COMPUTERS.**

Section 1030(c) of title 18, United States Code, is amended to read as follows:

“(c) The punishment for an offense under subsection (a) or (b) of this section is—

“(1) a fine under this title or imprisonment for not more than 20 years, or both, in the case of an offense under subsection (a)(1) of this section;

“(2)(A) except as provided in subparagraph (B), a fine under this title or imprisonment for not more than 3 years, or both, in the case of an offense under subsection (a)(2); or

“(B) a fine under this title or imprisonment for not more than ten years, or both, in the case of an offense under paragraph (a)(2) of this section, if—

“(i) the offense was committed for purposes of commercial advantage or private financial gain;

“(ii) the offense was committed in the furtherance of any criminal or tortious act in violation of the Constitution or laws of the United States, or of any State; or

“(iii) the value of the information obtained, or that would have been obtained if the offense was completed, exceeds \$5,000;

“(3) a fine under this title or imprisonment for not more than 1 year, or both, in the case

of an offense under subsection (a)(3) of this section;

“(4) a fine under this title or imprisonment of not more than 20 years, or both, in the case of an offense under subsection (a)(4) of this section;

“(5)(A) except as provided in subparagraph (D), a fine under this title, imprisonment for not more than 20 years, or both, in the case of an offense under subsection (a)(5)(A) of this section, if the offense caused—

“(i) loss to 1 or more persons during any 1-year period (and, for purposes of an investigation, prosecution, or other proceeding brought by the United States only, loss resulting from a related course of conduct affecting 1 or more other protected computers) aggregating at least \$5,000 in value;

“(ii) the modification or impairment, or potential modification or impairment, of the medical examination, diagnosis, treatment, or care of 1 or more individuals;

“(iii) physical injury to any person;

“(iv) a threat to public health or safety;

“(v) damage affecting a computer used by, or on behalf of, an entity of the United States Government in furtherance of the administration of justice, national defense, or national security; or

“(vi) damage affecting 10 or more protected computers during any 1-year period;

“(B) a fine under this title, imprisonment for not more than 10 years, or both, in the case of an offense under subsection (a)(5)(B), if the offense caused a harm provided in clause (i) through (vi) of subparagraph (A) of this subsection;

“(C) if the offender attempts to cause or knowingly or recklessly causes death from conduct in violation of subsection (a)(5)(A), a fine under this title, imprisonment for any term of years or for life, or both; or

“(D) a fine under this title, imprisonment for not more than 1 year, or both, for any other offense under subsection (a)(5);

“(6) a fine under this title or imprisonment for not more than 10 years, or both, in the case of an offense under subsection (a)(6) of this section; or

“(7) a fine under this title or imprisonment for not more than 10 years, or both, in the case of an offense under subsection (a)(7) of this section.”

#### SEC. 04. TRAFFICKING IN PASSWORDS.

Section 1030(a) of title 18, United States Code, is amended by striking paragraph (6) and inserting the following:

“(6) knowingly and with intent to defraud traffics (as defined in section 1029) in—

“(A) any password or similar information or means of access through which a protected computer as defined in subparagraphs (A) and (B) of subsection (e)(2) may be accessed without authorization; or

“(B) any means of access through which a protected computer as defined in subsection (e)(2)(A) may be accessed without authorization.”

#### SEC. 05. CONSPIRACY AND ATTEMPTED COMPUTER FRAUD OFFENSES.

Section 1030(b) of title 18, United States Code, is amended by inserting “for the completed offense” after “punished as provided”.

#### SEC. 06. CRIMINAL AND CIVIL FORFEITURE FOR FRAUD AND RELATED ACTIVITY IN CONNECTION WITH COMPUTERS.

Section 1030 of title 18, United States Code, is amended by striking subsections (i) and (j) and inserting the following:

“(i) CRIMINAL FORFEITURE.—

“(1) The court, in imposing sentence on any person convicted of a violation of this section, or convicted of conspiracy to violate this section, shall order, in addition to any

other sentence imposed and irrespective of any provision of State law, that such person forfeit to the United States—

“(A) such person’s interest in any property, real or personal, that was used, or intended to be used, to commit or facilitate the commission of such violation; and

“(B) any property, real or personal, constituting or derived from any gross proceeds, or any property traceable to such property, that such person obtained, directly or indirectly, as a result of such violation.

“(2) The criminal forfeiture of property under this subsection, including any seizure and disposition of the property, and any related judicial or administrative proceeding, shall be governed by the provisions of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), except subsection (d) of that section.

“(j) CIVIL FORFEITURE.—

“(1) The following shall be subject to forfeiture to the United States and no property right, real or personal, shall exist in them:

“(A) Any property, real or personal, that was used, or intended to be used, to commit or facilitate the commission of any violation of this section, or a conspiracy to violate this section.

“(B) Any property, real or personal, constituting or derived from any gross proceeds obtained directly or indirectly, or any property traceable to such property, as a result of the commission of any violation of this section, or a conspiracy to violate this section.

“(2) Seizures and forfeitures under this subsection shall be governed by the provisions in chapter 46 of title 18, United States Code, relating to civil forfeitures, except that such duties as are imposed on the Secretary of the Treasury under the customs laws described in section 981(d) of title 18, United States Code, shall be performed by such officers, agents and other persons as may be designated for that purpose by the Secretary of Homeland Security or the Attorney General.”

#### SEC. 07. DAMAGE TO CRITICAL INFRASTRUCTURE COMPUTERS.

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by inserting after section 1030 the following:

##### “SEC. 1030A. AGGRAVATED DAMAGE TO A CRITICAL INFRASTRUCTURE COMPUTER.

“(a) DEFINITIONS.—In this section—

“(1) the terms ‘computer’ and ‘damage’ have the meanings given such terms in section 1030; and

“(2) the term ‘critical infrastructure computer’ means a computer that manages or controls systems or assets vital to national defense, national security, national economic security, public health or safety, or any combination of those matters, whether publicly or privately owned or operated, including—

“(A) gas and oil production, storage, and delivery systems;

“(B) water supply systems;

“(C) telecommunication networks;

“(D) electrical power delivery systems;

“(E) finance and banking systems;

“(F) emergency services;

“(G) transportation systems and services; and

“(H) government operations that provide essential services to the public.

“(b) OFFENSE.—It shall be unlawful to, during and in relation to a felony violation of section 1030, intentionally cause or attempt to cause damage to a critical infrastructure computer, and such damage results in (or, in the case of an attempt, would, if completed have resulted in) the substantial impairment—

“(1) of the operation of the critical infrastructure computer; or

“(2) of the critical infrastructure associated with the computer.

“(c) PENALTY.—Any person who violates subsection (b) shall be fined under this title, imprisoned for not less than 3 years nor more than 20 years, or both.

“(d) CONSECUTIVE SENTENCE.—Notwithstanding any other provision of law—

“(1) a court shall not place on probation any person convicted of a violation of this section;

“(2) except as provided in paragraph (4), no term of imprisonment imposed on a person under this section shall run concurrently with any other term of imprisonment, including any term of imprisonment imposed on the person under any other provision of law, including any term of imprisonment imposed for the felony violation section 1030;

“(3) in determining any term of imprisonment to be imposed for a felony violation of section 1030, a court shall not in any way reduce the term to be imposed for such crime so as to compensate for, or otherwise take into account, any separate term of imprisonment imposed or to be imposed for a violation of this section; and

“(4) a term of imprisonment imposed on a person for a violation of this section may, in the discretion of the court, run concurrently, in whole or in part, only with another term of imprisonment that is imposed by the court at the same time on that person for an additional violation of this section, provided that such discretion shall be exercised in accordance with any applicable guidelines and policy statements issued by the United States Sentencing Commission pursuant to section 994 of title 28.”

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 47 of title 18, United States Code, is amended by inserting after the item relating to section 1030 the following:

“Sec. 1030A. Aggravated damage to a critical infrastructure computer.”

#### SEC. 08. LIMITATION ON ACTIONS INVOLVING UNAUTHORIZED USE.

Section 1030(e)(6) of title 18, United States Code, is amended by striking “alter;” and inserting “alter, but does not include access in violation of a contractual obligation or agreement, such as an acceptable use policy or terms of service agreement, with an Internet service provider, Internet website, or non-government employer, if such violation constitutes the sole basis for determining that access to a protected computer is unauthorized;”

**SA 2580.** Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the end, add the following:

#### TITLE VIII—PRIVACY PROTECTIONS Subtitle A—Video Privacy Protection

##### SEC. 821. SHORT TITLE.

This subtitle may be cited as the “Video Privacy Protection Act Amendments Act of 2012”.

##### SEC. 822. VIDEO PRIVACY PROTECTION ACT AMENDMENT.

Section 2710(b)(2) of title 18, United States Code, is amended by striking subparagraph (B) and inserting the following:

“(B) to any person with the informed, written consent (including through an electronic

means using the Internet) of the consumer that—

“(i) is in a form distinct and separate from any form setting forth other legal or financial obligations of the consumer;

“(ii)(I) is given at time the disclosure is sought; or

“(II) is given in advance for a set period of time or until consent is withdrawn by the consumer; and

“(iii) the video tape service provider has provided an opportunity, in a clear and conspicuous manner, for the consumer to withdraw on a case-by-case basis or to withdraw for ongoing disclosures;”.

#### **Subtitle B—Electronic Communications Privacy**

##### **SEC. 841. SHORT TITLE.**

This subtitle may be cited as the “Electronic Communications Privacy Act Amendments Act of 2012”.

##### **SEC. 842. CONFIDENTIALITY OF ELECTRONIC COMMUNICATIONS.**

Section 2702(a)(3) of title 18, United States Code, is amended to read as follows:

“(3) a provider of electronic communication service, or remote computing service to the public shall not knowingly divulge to any governmental entity the contents of any communication described in section 2703(a), or any record or other information pertaining to a subscriber or customer of such service.”.

##### **SEC. 843. ELIMINATION OF 180-DAY RULE; SEARCH WARRANT REQUIREMENT; REQUIRED DISCLOSURE OF CUSTOMER RECORDS.**

(a) IN GENERAL.—Section 2703 of title 18, United States Code, is amended by striking subsections (a), (b), and (c) and inserting the following:

“(a) CONTENTS OF WIRE OR ELECTRONIC COMMUNICATIONS.—A governmental entity may require the disclosure by a provider of electronic communication service, or remote computing service of the contents of a wire or electronic communication that is in electronic storage with or otherwise stored, held, or maintained by the provider if the governmental entity obtains a warrant issued using the procedures described in the Federal Rules of Criminal Procedure (or, in the case of a State court, issued using State warrant procedures) that is issued by a court of competent jurisdiction directing the disclosure.

“(b) NOTICE.—Except as provided in section 2705, not later than 3 days after a governmental entity receives the contents of a wire or electronic communication of a subscriber or customer from a provider of electronic communication service, or remote computing service under subsection (a), the governmental entity shall serve upon, or deliver to by registered or first-class mail, electronic mail, or other means reasonably calculated to be effective, as specified by the court issuing the warrant, the subscriber or customer—

“(1) a copy of the warrant; and

“(2) a notice that includes the information referred to in section 2705(a)(5)(B)(i).

“(c) RECORDS CONCERNING ELECTRONIC COMMUNICATION SERVICE, OR REMOTE COMPUTING SERVICE.—

“(1) IN GENERAL.—Subject to paragraph (2), a governmental entity may require a provider of electronic communication service, or remote computing service to disclose a record or other information pertaining to a subscriber or customer of the provider or service (not including the contents of communications), only if the governmental entity—

“(A) obtains a warrant issued using the procedures described in the Federal Rules of

Criminal Procedure (or, in the case of a State court, issued using State warrant procedures) that is issued by a court of competent jurisdiction directing the disclosure;

“(B) obtains a court order directing the disclosure under subsection (d);

“(C) has the consent of the subscriber or customer to the disclosure; or

“(D) submits a formal written request relevant to a law enforcement investigation concerning telemarketing fraud for the name, address, and place of business of a subscriber or customer of the provider or service that is engaged in telemarketing (as defined in section 2325).

“(2) SUBPOENAS.—A provider of electronic communication service, or remote computing service shall, in response to an administrative subpoena authorized by Federal or State statute or a Federal or State grand jury or trial subpoena, disclose to a governmental entity the—

“(A) name;

“(B) address;

“(C) local and long distance telephone connection records, or records of session times and durations;

“(D) length of service (including start date) and types of service used;

“(E) telephone or instrument number or other subscriber number or identity, including any temporarily assigned network address; and

“(F) means and source of payment for such service (including any credit card or bank account number), of a subscriber or customer of such service.

“(3) NOTICE NOT REQUIRED.—A governmental entity that receives records or information under this subsection is not required to provide notice to a subscriber or customer.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 2703(d) of title 18, United States Code, is amended—

(1) by striking “A court order for disclosure under subsection (b) or (c)” and inserting “A court order for disclosure under subsection (c)”;

(2) by striking “the contents of a wire or electronic communication, or”.

##### **SEC. 844. DELAYED NOTICE.**

Section 2705 of title 18, United States Code, is amended to read as follows:

##### **“§ 2705. Delayed notice**

“(a) DELAY OF NOTIFICATION.—

“(1) IN GENERAL.—A governmental entity that is seeking a warrant under section 2703(a) may include in the application for the warrant a request for an order delaying the notification required under section 2703(a) for a period of not more than 90 days.

“(2) DETERMINATION.—A court shall grant a request for delayed notification made under paragraph (1) if the court determines that there is reason to believe that notification of the existence of the warrant may result in—

“(A) endangering the life or physical safety of an individual;

“(B) flight from prosecution;

“(C) destruction of or tampering with evidence;

“(D) intimidation of potential witnesses; or

“(E) otherwise seriously jeopardizing an investigation or unduly delaying a trial.

“(3) EXTENSION.—Upon request by a governmental entity, a court may grant 1 or more extensions of the delay of notification granted under paragraph (2) of not more than 90 days.

“(4) EXPIRATION OF THE DELAY OF NOTIFICATION.—Upon expiration of the period of delay of notification under paragraph (2) or (3), the

governmental entity shall serve upon, or deliver to by registered or first-class mail, electronic mail or other means reasonably calculated to be effective as specified by the court approving the search warrant, the customer or subscriber—

“(A) a copy of the warrant; and

“(B) notice that informs the customer or subscriber—

“(i) that information maintained for the customer or subscriber by the provider of electronic communication service, or remote computing service named in the process or request was supplied to, or requested by, the governmental entity;

“(ii) of the date on which the warrant was served on the provider and the date on which the information was provided by the provider to the governmental entity;

“(iii) that notification of the customer or subscriber was delayed;

“(iv) the identity of the court authorizing the delay; and

“(v) of the provision of this chapter under which the delay was authorized.

“(b) PRECLUSION OF NOTICE TO SUBJECT OF GOVERNMENTAL ACCESS.—

“(1) IN GENERAL.—A governmental entity that is obtaining the contents of a communication or information or records under section 2703 may apply to a court for an order directing a provider of electronic communication service, or remote computing service to which a warrant, order, subpoena, or other directive under section 2703 is directed not to notify any other person of the existence of the warrant, order, subpoena, or other directive for a period of not more than 90 days.

“(2) DETERMINATION.—A court shall grant a request for an order made under paragraph (1) if the court determines that there is reason to believe that notification of the existence of the warrant, order, subpoena, or other directive may result in—

“(A) endangering the life or physical safety of an individual;

“(B) flight from prosecution;

“(C) destruction of or tampering with evidence;

“(D) intimidation of potential witnesses;

“(E) otherwise seriously jeopardizing an investigation or unduly delaying a trial; or

“(F) endangering national security.

“(3) EXTENSION.—Upon request by a governmental entity, a court may grant 1 or more extensions of an order granted under paragraph (2) of not more than 90 days.”.

#### **NOTICES OF HEARINGS**

##### **COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS**

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in open session on Thursday, July 26, 2012, at 10 a.m. in room SD-430 in the Dirksen Senate Office Building to conduct a hearing entitled “CCDBG Reauthorization: Helping to Meet the Child Care Needs of American Families.”

For further information regarding this meeting, please contact Jessica McNiece of the committee staff at (202) 224-9243.

##### **COMMITTEE ON ENERGY AND NATURAL RESOURCES**

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public



that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Monday, August 6, 2012, at 2 p.m., in Contois Auditorium in the Burlington City Hall, 149 Church Street, Burlington, VT 05401.

The purpose of the hearing is to examine gasoline price and margin dynamics within the State of Vermont.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by e-mail to SymoneGreen@energy.senate.gov.

For further information, please contact Hannah Breul at (202) 224-4756 or Symone Green at (202) 224-1219, or Abigail Campbell at (202) 224-4905.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BEGICH. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on July 25, 2012, at 10 a.m., in room 253 of the Russell Senate Office Building.

The Committee will hold a hearing entitled, "The International Space Station: a Platform for Research, Collaboration, and Discovery."

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BEGICH. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on July 25, 2012, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

The Committee will hold a hearing entitled, "Short-Supply Prescription Drugs: Shining a Light on the Gray Market."

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BEGICH. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on July 25, 2012, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BEGICH. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during

the session of the Senate on July 25, 2012, at 10 a.m. in room SD-406 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON FINANCE

Mr. BEGICH. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on July 25, 2012, at 10 a.m. in room SD-215 of the Dirksen Senate Office Building, to conduct a hearing entitled "Education Tax Incentives and Tax Reform."

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON FOREIGN RELATIONS

Mr. BEGICH. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on July 25, 2012, at 3 p.m., to hold a hearing entitled "Economic Statecraft: Increasing American Jobs Through Greater U.S.-Africa Trade and Investment (S. 2215, The Increasing American Jobs Through Greater Exports to Africa Act of 2012)."

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON THE JUDICIARY

Mr. BEGICH. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on July 25, 2012, at 10 a.m., in room SH-216 of the Hart Senate Office Building, to conduct a hearing entitled "Ensuring Judicial Independence Through Civics Education."

The PRESIDING OFFICER. Without Objection, it is so ordered.

##### SPECIAL COMMITTEE ON AGING

Mr. BEGICH. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on July 25, 2012, at 2 p.m. in room 562 of the Dirksen Senate Office Building to conduct a hearing entitled "Enhancing Women's Retirement Security."

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mr. BEGICH. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on July 25, 2012, at 2:30 p.m. to conduct a hearing entitled "Assessing Grants Management Practices at Federal Agencies."

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PRIVILEGES OF THE FLOOR

Mr. CARDIN. Mr. President, I ask unanimous consent that Elizabeth Eickenberg, from Senator MERKLEY's staff, be granted floor privileges for the remainder of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### FOR THE RELIEF OF SOPURUCHI CHUKWUEKE

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 464, S. 285.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 285) for the relief of Sopuruchi Chukwueke.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment, as follows:

(The part of the bill intended to be inserted is shown in italics.)

S. 285

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. ADJUSTMENT OF STATUS.

(a) IN GENERAL.—Notwithstanding any other provision of law, for the purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Sopuruchi Chukwueke shall be deemed to have been lawfully admitted to, and remained in, the United States, and shall be eligible for adjustment of status to that of an alien lawfully admitted for permanent residence under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) upon filing an application for such adjustment of status.

(b) APPLICATION AND PAYMENT OF FEES.—Subsection (a) shall apply only if the application for adjustment of status is filed with appropriate fees not later than 2 years after the date of the enactment of this Act.

(c) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon the granting of permanent resident status to Sopuruchi Chukwueke, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the birth of Sopuruchi Chukwueke under section 202(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(2)).

(d) DENIAL OF PREFERENTIAL IMMIGRATION TREATMENT FOR CERTAIN RELATIVES.—*The natural parents, brothers, and sisters of Sopuruchi Victor Chukwueke shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).*

Mr. GRASSLEY. Mr. President, I wish to express my support for S. 285, a private relief bill for Sopuruchi "Victor" Chukwueke.

Mr. Chukwueke has a compelling story. He has suffered a serious medical condition, was abandoned by his parents, and was brought to the U.S. at a young age. He has endured several surgeries as a result of his serious medical

condition, and has overcome many barriers to get where he is today.

Despite his personal story and achievements, members of the Judiciary Committee were informed by Immigration and Customs Enforcement that he was an orphan and had no family in the U.S. or in Nigeria, his home country. We were led to believe that he had no family because that is how he represented himself during interviews with Federal agents. We found out later, however, that he still had a mother and father, and six siblings in Nigeria. Upon learning of this discrepancy, I immediately asked Immigration and Customs Enforcement to clear up these conflicting statements, and to provide any other background information or paper in his files, including interview notes to understand the line of questioning that took place between ICE and Mr. Chukwueke. ICE rejected sharing the file with members of the Judiciary Committee. After weeks of a standstill, ICE agreed to show committee staff what was in his alien file. The file was helpful because we could review interview notes, visa applications, pictures, and other notes on Mr. Chukwueke.

Upon completing the review of the file, committee staff held a conference call with Mr. Chukwueke. During that interview, Mr. Chukwueke stated that he told investigators that he believed he was an orphan and that he had no intention of lying. For the record, I ask unanimous consent to have printed in the RECORD a copy of the sworn affidavit that was provided by Mr. Chukwueke to ICE and to members of the Judiciary committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GRASSLEY. The committee reported S. 285 out of committee on July 19. The committee-reported bill includes a provision that prohibits Mr. Chukwueke from using his status to sponsor immediate family for benefits under the Immigration and Nationality Act. The language in my amendment is identical to language used in other private relief bills. Similar language was included in bills in 1999 and 2000. Senator Levin, the sponsor of this private relief bill, supported the amendment.

We always consider private relief bills on a case-by-case basis. In the case of Mr. Chukwueke, we were told that he did not have parents or family in the U.S. or in Nigeria. It turned out that was not the case. Those statements were inaccurate. He says he did not mean to mislead ICE agents about his family, but the fact is that he did. He did not tell the whole truth.

As I said, in previous private relief bills, we have excluded private bill recipients from sponsoring immediate family members. That is not to say that the family members are barred from ever entering the country. It sim-

ply means they cannot use the private bill recipient's special status to provide them a benefit or to gain derivative status.

There are many worthwhile people who want to come or remain in the United States. However, there are bad actors and people who will perpetuate fraud in order to do so. People will go to great lengths to come to the United States. We need to be worried about individuals who will take advantage of our open door policies and manipulate the system to get a benefit. We need to be watchful for potential fraud and abuse of the system.

If S. 285 passes the House and is sent to the President, Mr. Chukwueke may be able to attend medical school in the fall. He has the support of many upstanding individuals, including Senator LEVIN. Mr. Chukwueke is also supported by a number of people in his community. We received letters of recommendation from Wayne State University and the Daughters of Mary Mother of Mercy.

I wish Mr. Chukwueke the best of luck in his future endeavors.

#### EXHIBIT #1

#### AFFIDAVIT OF SOPURUCHI VICTOR CHUKWUEKE

I, Sopuruchi Victor Chukwueke, swear under penalty of perjury that the following is true and accurate to the best of my knowledge and belief:

1. My name is Sopuruchi Victor Chukwueke. I write this statement in support of S.B. 285, a private bill introduced on my behalf by U.S. Senator Carl Levin.

2. I was born in Nigeria on February 10, 1986. During my early childhood, I developed a benign tumor caused by Neurofibromatosis, which grew on my frontal and right facial area, subsequently resulting in a very significant facial deformity.

3. My mother took me to different hospitals for treatment but we were unable to find a facility or surgeon to treat my condition. At some point, she heard of a Catholic nun called Rev. Mother Paul Offiah who ran a handicap (orphanage) center for orphans, abandoned and neglected disabled children. The name of the center is called St. Vincent de Paul Handicap Center located in Umuahia, Abia, Nigeria. My mother took me there, explained the situation to Mother Offiah, and left me. I do not remember how old I was at that point, but I felt abandoned.

4. Rev. Mother Paul Offiah took me in, fed and clothed me and became my sole parental figure, offering both emotional and financial support. My mother kept in contact with Mother Paul Offiah and came a few times to visit me at the center. I spent all my time there and Mother Paul Offiah started making arrangements for me to come to United States for life-saving treatment.

5. Dr. Ian Jackson at Providence Hospital in Michigan agreed to perform the surgery free of charge. Several generous Nigerians assisted with the effort to raise funds to that I could travel to the U.S. for treatment.

6. On August 21, 2001, when I was 15, Mother Offiah brought me to the United States on a B-2 visa and left me in the care of Sister Immaculata Osueke and other nuns in Lansing, Michigan. She then went back to Nigeria. I was authorized to stay in the U.S. until August 29, 2002.

7. My application to Extend/Change Non-immigrant Status was rejected twice, because I could not afford the visa fee at the time. Also, the evidence submitted was signed by a clinical social worker instead of a licensed physician. The delay in filing for the third time was in part because I was having surgery during that time. I had my second major surgery on January 14, 2003. That period was a very difficult and stressful time in my life, because I had to prepare for surgery, undergo the painful surgery and post-operative recovery, and at the same time worry about my visa status. I was just 16 years old at the time.

8. In February 2003, my mother and father signed sworn affidavits to give up their parental rights, so I could be adopted here in the United States.

9. In November 2003, I began to study for the GED at home while receiving treatment for Neurofibromatosis. In January 2004, I took the GED and passed it.

10. A few years later, in 2006, Mother Offiah died of a brain tumor, leaving me with no parental figure in Nigeria who could provide for and support me with my medical condition.

11. In May 2006, I enrolled at the Oakland Community College in Southfield, Michigan. My education was paid for by a Catholic benefactor, Mr. Jerry Burns.

12. In August 2008, I graduated from Oakland Community College with an AA in Science and in September 2008, I transferred to Wayne State University in Detroit, Michigan to pursue a Bachelor's Degree.

13. I had been abandoned by my family in an orphanage in Nigeria, and I felt I have no one to care for me there, especially after Mother Paul Offiah passed away. As I grew up in the United States and received medical treatment for my condition, I realized that my mother knew she could not provide for me and so she had entrusted me to the people who could take care of me. I realized that she had done the right thing at the time, given the circumstances. So I decided to reach out to my family again, especially my mother.

14. Sister Immaculata Osueke reached out to other nuns at the orphanage in Nigeria to get my mother's telephone number, so that I could try to reconnect with my family.

15. I was chosen to give the commencement speech at the Wayne State University graduation in 2011. Dr. Kenneth Honn, my research professor, said that he wanted to bring my mother to witness "her son's graduation." He wrote an invitation letter for my mother to come visit me, but all of the travel arrangements were done by a Wayne State administrator, Mr. Christopher Harris. With the help of Dr. Honn, Mr. Harris, and Senator Levin's letter to the U.S. Consulate in Nigeria, my mother came to visit me at my graduation from Wayne State last year. It was the first time I had seen her in more than ten years. She arrived a few hours before my graduation and returned to Nigeria on May 16, 2011.

16. Since my arrival in Michigan in 2001, I have been in and out of the hospital, and have had seven major surgeries between 2002 and 2011 to remove the Neurofibromatosis and reconstruct my face.

17. In November 2011, I applied and was accepted by the University of Toledo, College of Medicine, conditioned on receiving lawful permanent residence in the United States on or before August 1, 2012.

Respectfully submitted,

*Sopuruchi Victor Chukwueke.*

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the committee-reported amendment be agreed

to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee-reported amendment was agreed to.

The bill (S. 285), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

(The bill will be printed in a future edition of the RECORD.)

#### SEQUESTRATION TRANSPARENCY ACT OF 2012

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar No. 471, H.R. 5872.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5872) to require the President to provide a report detailing the sequester required by the Budget Control Act of 2011 on January 2, 2013.

There being no objection, the Senate proceeded to consider the bill.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5872) was ordered to a third reading, was read the third time, and passed.

#### ORDERS FOR THURSDAY, JULY 26, 2012

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Thursday, July 26; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that the majority leader be recognized, and that the first hour be equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. WHITEHOUSE. Mr. President, today the majority leader filed cloture on the motion to proceed to S. 3414, the Cybersecurity Act of 2012. If no agree-

ment otherwise is reached, that vote would be on Friday. However, we hope to reach an agreement to hold that vote tomorrow.

#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. WHITEHOUSE. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:07 p.m., adjourned until Thursday, July 26, 2012, at 9:30 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

RANEE RAMASWAMY, OF MINNESOTA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2018, VICE MIGUEL CAMPANERIA, TERM EXPIRING.

##### PUBLIC HEALTH SERVICE

THE FOLLOWING CANDIDATES FOR PERSONNEL ACTION IN THE REGULAR CORPS OF THE COMMISSIONED CORPS OF THE U.S. PUBLIC HEALTH SERVICE SUBJECT TO QUALIFICATIONS THEREFORE AS PROVIDED BY LAW AND REGULATIONS:

##### *To be director grade*

DONALD S. AHRENS  
JAMES P. ALEXANDER, JR.  
LAILA H. ALI  
LISA H. ALLEE  
MICHAEL R. ALLEN  
TIMOTHY L. AMBROSE  
JILL D. ANDERSON  
MARK A. ANDERSON  
ROBERT A. ANDERSON  
ARLAN K. ANDREWS  
DONALD C. ANTROBUS  
DOLORES J. ATKINSON  
STEVEN B. AUERBACH  
NANCY J. BALASH  
TECORA D. BALLOM  
DRUE H. BARRETT  
PEGGY A. BARROW  
EDWARD D. BASHAW  
CAROL A. BAXER  
LINDA S. BEDKER  
SILVIA BENINCASO  
REGINA M. BENNETT  
KATHERINE M. BERKHUSEN  
CARYN L. BERN  
DAVID G. BEVERIDGE  
JEFFREY T. BINGHAM  
GEORGE G. BIRD  
KRISTINE M. BISGARD  
AMY S. BLOOM  
ALICE Y. BOUDREAU  
J. R. BOWMAN  
THOMAS I. BOWMAN  
THOMAS B. BREWER  
ANITA L. BRIGHT  
DANIEL W. BROCKMEIER  
GRACIE L. BUMPASS  
WILLIAM BURKHARDT III  
SPENCER D. BURNETT  
MARK E. BURROUGHS  
MARIA T. BURT  
SUSAN E. BURT  
KELLY L. BUTTRICK  
QUIRICO C. CABREDO  
VICTOR M. CACERES  
BRIAN E. CAGLE  
LISA W. CAYOUS  
CHRISTINE E. CHAMBERLAIN  
CLINT R. CHAMBERLIN  
D. W. CHEN  
GAIL J. CHERRY-PEPPERS  
GINA E. COLE  
ROSA I. COLON  
TERRI L. CORNELISON  
INGER K. DAMON  
JON R. DAUGHERTY  
RICKIE R. DAVIS  
JOSEPH L. DESPINS  
DANIELLE DEVONEY  
JAMES E. DICKERT  
MATTHEW N. DIXON  
CIELO C. DOHERTY  
KENNETH L. DOMINGUEZ  
STEPHANIE DONAHOE

SCOTT F. DOWELL  
PEARL J. DRY  
CLARE A. DYKEWICZ  
LORI A. ENEVER  
MARY C. EWING  
ANTHONY E. FIORE  
MARC A. FISCHER  
KENNETH J. FISHER  
EARL S. FORD  
MICHAEL S. FORMAN  
STEPHEN E. FORMANSKI  
KIMBERLEY K. FOX  
MARK R. FREESE  
JEFFREY R. FRITSCH  
TRACI L. GALINSKY  
GLENDA G. GALLAND  
THOMAS P. GAMMARANO  
RANDALL J. GARDNER  
JACINTO J. GARRIDO  
ALEX GARZA  
LAWRENCE J. GASKIN  
JEAN A. GAUNCE  
VERONICA D. GAVIN  
DAVID T. GEORGE  
DAVID W. GEORGE  
MARK D. GERSHMAN  
MARY H.G. GESSAY  
JACQUELINE J. GINDLER  
GARY M. GIVENS  
LOUIS J. GLASS  
ROBERT G. GOOD  
ALYSSE M. GORDON  
HARVEY A. GREENBERG  
MARTA A. GUERRA  
MATTHEW D. HALL  
GAIL A. HAMILTON  
SCOTT A. HAMSTRA  
MARY E. HARDING  
RAFAEL HARPAZ  
BRADLEY K. HARRIS  
GEORGE W. HARTLEY  
JOHN M. HAYES  
BROCKTON J. HEFFLIN  
THOMAS J. HEINTZMAN  
STACEY A. HENNING  
THOMAS A. HILL  
KAREN G. HIRSHFIELD  
TIMOTHY H. HOLTZ  
S. M. HOOPER  
KIMBERLAE A. HOUK  
BRIAN T. HUDSON  
DEBRA A. HURLBURT  
BRADLEY J. HUSBERG  
JAMES H. HYLAND  
MICHAEL F. IADEMARCO  
DELOIS M. JACKSON  
ROBERTA M. JACOBSON  
LAWRENCE H. JACOBY  
PHILIP JARRES  
CHARLES N. JAWORSKI  
MICHAEL S. JENSEN  
DANIEL B. JERNIGAN  
RUTH B. JILES  
MALCOLM B. JOHNS  
JOSEPH L. JOHNSON  
MICHAEL W. JOHNSON  
PAUL H. JOHNSON  
RONALD W. JOHNSON  
MICHAEL D. JONES  
PAUL A. JONES  
RENEE JOSKOW  
GARY C. KEEL  
DAVID S. KESSLER  
HAROLD E. KESSLER  
PETER H. KILMARX  
CHARLES D. KIMSEY, JR.  
ELLEN J. KING  
ALICE D. KNOBEN  
EMILIA H. KOUMANS  
CYNTHIA C. KUNKEL  
MICHAEL R. KVASINSKI  
MARY T. LAWRENCE  
CHARLES W. LEBARON  
JOHN P. LEFFEL  
TANYA J. LEHKY  
ARYEH L. LEVENSON  
LOUIS A. LIGHTNER, JR.  
HENRY LOPEZ, JR.  
VICKIE S. LOVE  
SHARON L. LUDWIG  
SUSAN L. LUKACS  
JIMMY P. MAGNUSON  
GELYNN L. MAJURE  
JEAN R. MAKIE  
CLARITSA MALAVE  
IVY L. MANNING  
KATHLEEN MANYGOATS  
IRENE MARIETTA  
KIPPY G. MARTIN  
MICHAEL T. MARTIN  
ANN M. MCCARTHY  
PATRICK J. MCNEILLY  
PAUL S. MEAD  
KEVIN D. MEEKS  
DEBORAH P. MERKE  
JOANN M. MICAN  
STEPHANIE V. MIDDLETON-WILLIAMS  
FREDERICK W. MILLER  
JEFFERY L. MILLER  
MARK A. MILLER  
ABRAHAM G. MIRANDA  
ABELARDO MONTALVO

JULIETTE MORGAN  
 WILLIAM G. MORNINGSTAR  
 M. P. MURPHY  
 SUZAN H. MURPHY  
 BRENDA J. MURRAY  
 BARBARA B. NAKAI  
 MARY P. NAUGHTON  
 PEDRO O. NAZARIO  
 LAWRENCE M. NELSON  
 SUSAN K. NEURATH  
 DAVID NG  
 NANCY A. NICHOLS  
 GAY E. NORD  
 MICHAEL A. NOSKA  
 REBECCA K. OLIN  
 MARTHA T. OLONE  
 JEANNINE C. OMALLEY  
 ANA M. OSORIO  
 CARMENCITA T. PALMA  
 COLEMAN O. PALMERTREE, JR  
 MARK J. PAPANIA  
 MICHAEL J. PAPANIA  
 BERNARD W. PARKER  
 KAREN L. PARKO  
 SANDRA D. PATTEA  
 KENNETH T. PATTERSON  
 MICHELE L. PEARSON  
 HSIAO P. PENG  
 KATHY A. PERDUE-GREENFIELD  
 PEDRO PEREZ, JR  
 STEPHEN P. PICKARD  
 LYNNE E. PINKERTON  
 CARLOS M. PLASENCIA  
 KATHY M. PONELEIT  
 CINDA L. PORTER  
 MATTHEW J. POWERS  
 PETER M. PRESTON  
 DIANE M. PRINCE  
 JOYCE A. PRINCE  
 KEVIN A. PROHASKA  
 CARLTON T. PYANT  
 CATHY E. QUINTYNE  
 TIMOTHY M. RADTKE  
 MELISSA V. RAEL  
 DORIS RAVENELL-BROWN  
 JOHN T. REDD  
 SUSAN E. REEF  
 LAURIE C. REID  
 DANIEL REYNA  
 LARRY E. RICHARDSON  
 MARIA C. RIOS  
 DAVID E. ROBBINS  
 MICHAEL L. ROBINSON  
 PAUL G. ROBINSON  
 PATRICIA F. RODGERS  
 DONALD L. ROSS  
 JAMES F. SABATINOS  
 MARC A. SAFRAN  
 RAFAEL A. SALAS  
 ROSE SALTCLAH  
 JOSEPH L. SALTER  
 JOSE A. SANCHEZ  
 BEVERLY J. SANDERS  
 JAMES M. SCHAEFFER  
 JOSEPH M. SCHECH  
 TERRY J. SCHLEISMAN  
 EILEEN E. SCHNEIDER  
 PAMELA M. SCHWEITZER  
 ADAM T. SCULLY  
 SARATH B. SENEVIRATNE  
 SHARON L. SHANE  
 REBECCA L. SHEETS  
 JOANNIE C. SHEN  
 DAVID P. SHOULTZ  
 PAUL D. SIEGEL  
 MONICA C. SKARULIS  
 AUBREY C. SMELLEY, JR  
 ANDREW M. SMITH  
 JOHN R. SMITH  
 SHERYL L. SMITH  
 THERESA L. SMITH  
 LYDIA E. SOTO-TORRES  
 BARBARA A. STINSON  
 JEANETTE P. STUBBERUD  
 JAMES L. SUTTON  
 TINA A. TAH  
 DANA R. TAYLOR  
 KELLY M. TAYLOR  
 SIDNEY D. TEMLOCK  
 MARIA D. TERAN-MACIVER  
 MARK R. THOMAS  
 MARVIN L. THOMAS III  
 RICKEY S. THOMPSON  
 JEROME I. TOKARS, JR  
 RICHARD P. TROIANO  
 LINDA M. TRUJILLO  
 SHIRLEY J. TURPIN  
 TIMOTHY M. UYEKI  
 JULIENNE M. VAILLANCOURT  
 CHRIS A. VANBENEDEN  
 HENRY J. VANDYK  
 RONALD C. VARSACI  
 SUSAN A. WANG  
 STEPHEN A. WANK  
 EARL D. WARD, JR  
 BONNIE K. WARNER  
 TODD A. WARREN  
 STEPHEN H. WATERMAN  
 FRANK WEAVER III  
 KONSTANTINE K. WELD  
 CLEMENT J. WELSH  
 ELIZABETH A. WHELAN

KELVIN N. WHITEHEAD  
 CYNTHIA G. WHITNEY  
 KIM M. WILLARD-JELKS  
 STEVEN J. WILLIAMS  
 MICHAEL P. WINKLER  
 STEVEN S. WOLF  
 DEBORAH F. YAPLEE  
 ELISE S. YOUNG  
 RONALD D. ZABROCKI  
 ANDREW J. ZAJAC  
 STEPHANIE ZAZA  
 SHIRLEY A. ZEIGLER  
 KIMBERLY A. ZIETLOW  
 ANTHONY T. ZIMMER  
 ADOLFO ZORRILLA

*To be senior grade*

KARL D. AAGENES  
 MARTA-LOUISE ACKERS  
 RUBEN S. ACUNA  
 CHRISTOPHER M. AGUILAR  
 DARYL L. ALLIS  
 LORRAINE M. ALMO  
 SCOTT M. ANDERSON  
 GLORIA H. ANGELO  
 WENDY S. ANTONOWSKY  
 BORIS R. APONTE  
 PAUL M. ARGUIN  
 DANIEL J. ARONSON  
 JANICE ASHBY  
 KATHLEEN M. ATENCIO  
 LORI J. AUSTIN-HANSBERRY  
 KATHY L. BALASKO  
 CLAIRE L. BANKS  
 MARINNA BANKS-SHIELDS  
 NANCY F. BARTOLINI  
 ROBIN A. BASSETT  
 DALE M. BATES  
 DAHNA L. BATTS  
 DANIEL S. BECK  
 JOSE H. BELARDO  
 JAMES A. BELLAH  
 ELISE M. BELTRAMI  
 VIRGILIO A. BELTRAN  
 THOMAS R. BERRY  
 CHRISTOPHER J. BERSANI  
 ROBERT BIALAS  
 CHRISTOPHER A. BINA  
 ULANA R. BODNAR  
 SUSAN M. BONFIGLIO  
 THOMAS C. BONIN  
 CHERYL A. BORDEN  
 TRACEY C. BOURKE  
 WILLIAM A. BOWER  
 JEAN E. BRADLEY  
 PAUL J. BRADY  
 DONALD L. BRANHAM  
 PAULA A. BRIDGES  
 CAROLE C. BROADNAX  
 KAREN R. BRODER  
 XIOMARA I. BROWN  
 MICHAEL G. BRUCE  
 DEBORAH K. BURKYBILE  
 MARTHA E. BURTON  
 MARK P. BUTTERBRODT  
 RUSSELL L. BYRD  
 KRISTEN L. CADY  
 MARK A. CALKINS  
 DAVID B. CALLAHAN  
 ANTHONY B. CAMPBELL  
 JOHN J. CARDARELLI II  
 ROBERT B. CARLILE IV  
 MICHAEL M. CARTER  
 CHRISTINE G. CASEY  
 MEI L. CASTOR  
 WILLIAM D. CAVANAUGH  
 EDWARD A. CAYOUS  
 ANTHONY J. CHAMBERS, JR  
 DEREK W. CHAMBERS  
 BRUCE A. CHANDLER  
 RONALD F. CHAPMAN  
 TOM M. CHILLER  
 JEFFREY A. CHURCH  
 ELIZABETH C. CLARK  
 DAWN M. CLARY  
 KELLIE J. CLELLAND  
 LISA J. COLPE  
 JAN C. COLTON  
 PAMELA G. CONRAD  
 PIERRE M. COSTELLO  
 THOMAS A. COSTELLO  
 CHARLES M. COTE  
 KIMBERLY A. COUCH  
 JAMES M. COWHER  
 DAVID A. CRAGO  
 AMANDA L. CRAMER  
 PATRICK W. CRANEY  
 ALEXANDER E. CROSBY  
 JOHN J. CROWLEY  
 DANA C. CRUZ  
 LARRY F. CSEH  
 RODNEY W. CUNY  
 MARY L. DAHL  
 SCOTT M. DALLAS  
 BRYAN S. DAWSON  
 RICHARD L. DECKER  
 RONALD L. DEFRANCE  
 CATHERINE M. DENTINGER  
 LISA A. DENZER  
 MARILYN L. DEYKES  
 ALISON R. DION  
 LISA S. DOLAN-BRANTON

EDWARD C. DOO  
 THOMAS L. DOSS  
 CINDY P. DOUGHERTY  
 SHERI L. DOWNING-FUTRELL  
 DEBORAH DOZIER-HALL  
 LYNN M. DUNSON  
 ROBERT T. DVORAK  
 KRISTAL E. DYE  
 CALVIN W. EDWARDS  
 LINDA L. ELLISON-DEJEWSKI  
 DAVID A. ENGELSTAD  
 SUSAN E. ERWIN  
 MARK A. FELTNER  
 DAN FLETCHER III  
 CHERYL A. FORD  
 SAMUEL L. FOSTER  
 BETH F. FRITSCH  
 JANELLE M. FROELICH  
 DAVID M. FRUCHT  
 JEFFREY C. FULTZ  
 BRUCE W. FURNESS  
 TRACI C. GALE  
 SCOTT P. GAUSTAD  
 CHANDAK GHOSH  
 JULIE GILCHRIST  
 VIRGINIA A. GIROUX  
 WILLIAM T. GOING III  
 HUGO GONZALEZ  
 BRANT B. GOODE  
 MICHAEL J. GOODIN  
 SAMI L. GOTTLIEB  
 REUBEN GRANICH  
 DOROTHY R. GRIFFITH  
 WILLIAM R. GRIFFITH  
 MARGARET K. GRISMER  
 REBECCA J. GRIZZLE  
 LISA A. GROHSKOPF  
 EARLENE S. GROSECLOSE  
 ROBERT W. GRUHOT  
 KARLA J. HACKETT  
 RANDALL J. HAIGH  
 DANA L. HALL  
 ELVIRA L. HALL-ROBINSON  
 PAUL W. HAMRA  
 LORI B. HANTON  
 KENNETH R. HARMAN, JR  
 JANETTE L. HARRELL  
 THERESA A. HARRINGTON  
 DANIEL L. HASENFANG  
 JEFFREY E. HAUG  
 CHARLES S. HAYDEN II  
 SHARYN M. HEALY  
 JAMES D. HEFFELFINGER  
 SCOTT M. HELGESON  
 JAMES P. HENDRICKS  
 KAREN A. HENNESSEY  
 DANIEL J. HEWETT  
 KENNY R. HICKS  
 STEVEN P. HIGGINS  
 KERRY A. HILE  
 LISA M. HOGAN  
 MARY C. HOLLISTER  
 DE A. HONAHNIE  
 RICHARD N. HUDON  
 WILLADINE M. HUGHES  
 ROBIN N. HUNTER-BUSKEY  
 THOMAS W. HURST  
 LEONARD HYMAN  
 KYONG M. HYON  
 JOSELYN S. IGNACIO  
 LEE C. JACKSON  
 SHERLENE B. JACQUES  
 SHARON R. JAMES-SCHMIDT  
 DENISE J. JAMIESON  
 EDMUND JEDRY  
 KARYL L. JENNINGS  
 CHARLENE F. JOHNSON  
 ANTOINETTE L. JONES  
 MICHELLE Y. JORDAN-GARNER  
 BECKY L. KAIME  
 LAURIE A. KAMIMOTO  
 ANTHONY G. KATHOL  
 DANIEL M. KAVANAUGH  
 DAWN A. KELLY  
 BETH R. KERNS  
 DUANE M. KILGUS  
 DAVID K. KIM  
 HYE-JOO KIM  
 DEBRA H. KING  
 JANIE M. KIRVIN  
 ROBERT B. KNOWLES  
 KEVIN J. KOLENDA  
 DAVID A. KONIGSTEIN  
 JANE M. KREIS  
 MATTHEW J. KUEHNERT  
 MONICA R. KUENY  
 DIANA M. KUKLINSKI  
 STEVEN A. LABROZZI  
 SANDRA M. LAHI  
 WANDA F. LAMBERT  
 JAMES F. LANDO  
 NANCY E. LAWRENCE  
 MICHELLE K. LEFF  
 RICHARD N. LELAND  
 KELLY B. LESEMAN  
 BRIAN L. LEWELLING  
 BRIAN M. LEWIS  
 LAUREN S. LEWIS  
 SCOTT J. LEWIS  
 DAVID L. LIEBETREU  
 LARRY P. LIM  
 JENNIFER M. LINCOLN

SUSAN A. LIPPOLD  
 ROBERT C. LLOYD, JR.  
 RACHEL E. LOCKER  
 BERNARD N. LONG  
 LAURA J. LUND  
 ROBIN L. LYERLA  
 MICHAEL F. LYNCH  
 ROBIN J. MACGOWAN  
 HOUDA MAHAYNI  
 GUY J. MAHONEY  
 GEORGE J. MAJUS  
 STEPHANIE C. MANGIGIAN  
 MICHELLE L. MARKLEY  
 STEPHANIE E. MARKMAN  
 PATRICK M. MARSHALL, JR.  
 MEHRAN S. MASSOUDI  
 SUSAN Z. MATHEW  
 LISA L. MATHIS  
 MITCHELL V. MATHIS, JR.  
 ERIC L. MATSON  
 TRACY L. MATTHEWS  
 STEVEN D. MAZZELLA  
 WADE B. MCCONNELL  
 SHARON J. MCCOY  
 CAROL L. MCDANIEL  
 KATHLEEN Y. MCDUFFIE  
 JEFFREY W. MCFARLAND  
 JOHN G. MCGILVRAY  
 DAVID J. MCINTYRE  
 JUANITA MENDOZA  
 KATHLEEN J. MERCURE  
 JONATHAN H. MERMIN  
 ANNA L. MILLER  
 YOLANDA D. MITCHELL-LEE  
 KRISTEN L. MOE  
 SUSAN P. MONTGOMERY  
 JACQUELINE P. MORGAN  
 JEFFREY S. MORRIS  
 ELVIRA D. MOSELY  
 JOSHUA A. MOTT  
 KELLY K. MURPHY  
 SUSAN L. MUZA  
 PETER T. NACHOD  
 NARAYAN NAIR  
 CHERYL A. NAMTVEDT  
 MARK A. NASI  
 MICHELE E. NEHREBECKY  
 LUCIENNE D. NELSON  
 BRUCE R. NEWTON  
 TAN T. NGUYEN  
 DEBORAH B. NIXON  
 REBECCA S. NOE  
 SHEILA K. NORRIS  
 KENT W. OFFICER  
 CHIDEHA M. OHUOHA  
 KELTON H. OLIVER  
 DENMAN K. ONDELACY  
 KATHLEEN M. ONEILL  
 MELISSA W. OPSAHL  
 SUSAN M. ORSEGA  
 ELIZABETH M. OSBORNE  
 BEATRICE V. PACHECO  
 JOHN A. PAINTER  
 ALAN G. PARHAM  
 JACQUELINE M. PARKER  
 FARAH M. PARVEZ  
 ANGELA M. PAYNE  
 ERIC D. PAYNE  
 DELREY K. PEARSON  
 EDWARD PEREZ, JR.  
 ANNE M. PERRY  
 ALAN C. PETERSON  
 CHERYL L. PETERSON  
 JENNIFER S. POST  
 KARL R. POWERS  
 LAVERNE PUCKETT  
 TEJASHRI S. PUROHIT-SHETH  
 JOHN QUINN  
 LAURA A. RABE  
 MICHAEL D. RATZLAFF  
 STEVEN K. RAYES  
 LOU A. RECTOR  
 JAMES B. REED  
 MARY E. RETTINO  
 EDECIA A. RICHARDS  
 BRIAN E. RICHMOND  
 GREGORY J. ROBINSON  
 JUDY L. ROSE  
 CYNTHIA L. ROSS  
 KEYSHA L. ROSS  
 MARIANNE P. ROSS  
 LISA D. ROTZ  
 ALEXANDER K. ROWE  
 WILLIAM F. ROWELL  
 JOUHAYNA S. SALIBA  
 JEFFREY C. SALVON-HARMAN  
 ANGELA J. SANCHEZ  
 CARRISSA V. SANCHEZ  
 CHARLENE G. SANDERS  
 MELISSA Z. SANDERS  
 MONA SARAIYA  
 ROBIN G. SCHEPER  
 BARBARA L. SCHOEN  
 JON R. SCHUCHARDT  
 LOIS K. SCHUMACHER  
 TRINH N. SCOTT  
 JAY A. SELIGMAN  
 ROBERT P. SEWELL  
 JAMIE L. SHADDON  
 DIANN SHAFER  
 APRIL P. SHAW  
 DANIEL J. SHINE, JR.

JEFFREY W. SHRIFTER  
 RICHARD SHUMWAY  
 ROBERT V. SIGH  
 ESAN O. SIMON  
 JOSEPH P. SIMON  
 JOHN D. SMART  
 JERRY A. SMITH  
 MARIA-PAZ U. SMITH  
 NICOLE M. SMITH  
 JEREMY SOBEL  
 LILLIAN M. SOLIS  
 STEVEN P. SPARENBERG  
 DENNIS R. SPEARS  
 DORNETTE D. SPELL-LESANE  
 CAROLYN R. STACY  
 TODD M. STANKEWICZ  
 WILLIAM Z. STANLEY  
 MICHAEL M. STEELE  
 EDWARD J. STEIN  
 PAMELA STEWART-KUHN  
 PATRICIA A. STONEROAD  
 MICHAEL A. STOVER  
 WANDA I. SUAREZ  
 ERNEST E. SULLIVENT III  
 MADELINE Y. SUTTON  
 MICHAEL W. SWANN  
 ASTRID L. SZETO  
 JESSILYNN B. TAYLOR  
 JOSEPH J. TEMENAK  
 VANESSA G. THOMAS-WILSON  
 BETSY L. THOMPSON  
 DOUGLAS A. THOROUGHMAN  
 DAVID B. TIBBS  
 LAURA A. TILLMAN  
 DARRALL F. TILLOCK  
 MICHAEL E. TOEDT  
 KAY M. TOMASHEK  
 ROBERT J. TOSATTO  
 SCOTT A. TRAPP  
 TRACEE A. TREADWELL  
 JEFFREY J. TWORZYANSKI  
 KATHLEEN TYLER  
 LYDIA VELAZQUEZ  
 DOMENIC J. VENEZIANO  
 CATHERINE L. VIEWEG  
 PAMELLA K. VODICKA  
 CLAUDIA G. VONHENDRICKS  
 STEVEN M. WACHA  
 CHRISTOPHER R. WALSH  
 JULIE E. WARREN  
 SUSAN R. WARREN  
 CECELIA R. WATSON  
 CHARLES S. WATSON  
 DANIEL C. WEAVER  
 MICHELLE S. WEINBERG  
 LINDA K. WEST  
 SHARON W. WHITE  
 THOMAS C. WHITE  
 DARLA D. WHITFIELD  
 PAUL W. WICKARD  
 CRAIG S. WILKINS  
 JOHNNIE I. WILLIAMS  
 NOVELLA C. WILLIAMS  
 ROBBIN K. WILLIAMS  
 LORI A. WILLINGHURST  
 PHILLIP A. WILSON  
 VALARIE D. WILSON  
 CORY W. WILTON  
 CHERYL A. WISEMAN  
 MITCHELL I. WOLFE  
 TRACY L. WOLFE  
 PAUL A. WONG  
 JULIA M. WOODARD  
 HAWYEE YAN  
 HARRIET L. YEPWA-WAQUIE  
 ANTHONY M. ZECCOLA  
 LINDA J. ZELLER  
 PHILIP J. ZINSE

*To be full grade*

KARON ABE  
 JASON D. ABEL  
 CINDY L. ADAMS  
 HELLEN H. ADCOCK  
 KEITH J. ADCOCK  
 IRENE AHLSTROM  
 TODD D. ALSPACH  
 JODINE C. ANDERSON  
 DAVID E. ARAOJO  
 GLENN R. ARCHAMBAULT  
 ADAM T. ARCHULETA  
 SANDRA L. S. ARETINO  
 JANIS R. ARMENDARIZ  
 NEIL W. AUSTIN  
 CECIL M. AYCOCK  
 MARJORIE BALDO  
 HARVEY J. BALL, JR.  
 REGINALD A. BALLARD  
 STEPHANIE K. BARDACK  
 STACY R. BARLEY  
 JASON E. BARR  
 BRYEN K. BARTGIS  
 ROBIN A. BARTLETT  
 EZRA J. BARZILAY  
 DAVID J. BECKSTEAD  
 JAMES E. BEGEMAN  
 FRANK B. BEHAN  
 CASEY BEHRAVESH  
 MIKE A. BEIERGROHSLEIN  
 CLAYTON M. BELGARDE  
 MICHAEL J. BELGARDE  
 DONNA K. BIAGIONI

WENDY K. BLOCKER  
 WILLIAM D. BODEN  
 BRENT J. BONFIGLIO  
 TESHARA G. BOUIE  
 PHILANTHA M. BOWEN  
 TIMOTHY R. BOWMAN  
 MICHAEL G. BOX  
 REGINA D. BRADLEY  
 SEAN K. BRADLEY  
 TAMMIE B. BRENT-HOWARD  
 KEVIN D. BROOKS  
 JOHNNY P. BROUSSARD  
 BENJAMIN F. BROWN, JR.  
 KELLY D. BROWN  
 TESSA R. BROWN  
 MICHELLE E. BROWN-STEPHENSON  
 LYNN L. BULLARD  
 YOLANDA R. BURKE  
 MELISSA B. BURNS  
 CINDY L. BUTLER  
 MARK A. BYRD  
 CARL D. CECERE III  
 NICHOLE J. CHAMBERLAIN  
 JASON F. CHANCEY  
 JOHN T. CHAPMAN  
 JAMES M. CHAPPLE  
 ROBERT P. CHELBERG  
 ANDREW J. CHEN  
 PETER CHEN  
 JAMES CHENG  
 WANDA D. CHESTNUT  
 IVANNE L. CHIOVOLONI  
 PHILIP M. CHOROSEVIC  
 CATHERINE C. CHOW  
 EUNJUNG E. CHUH  
 JEFFREY A. COADY  
 JANET D. COCHRAN  
 SCOTT A. COLBURN  
 MICHELLE A. COLLEDGE  
 MARK R. COMNICK  
 ELIZABETH D. CONNELL  
 PAMELA M. COOK  
 DEBORAH M. COOKSON  
 JOSEPH M. CREAGER  
 TERE A. CREAGER  
 SEAN T. CREIGHTON  
 KIMBERLY R. CROCKER  
 DAVID A. CROSS  
 ELAINE H. CUNNINGHAM  
 MOLLY P. CURRY  
 SUMMER A. CUTTING  
 ANDRE DAMONZE  
 CRISTEN A. DANDO  
 ALI B. DANNER  
 MICHAEL W. DAVIS  
 JEAN-PIERRE DEBARROS  
 LISA J. DELANEY  
 PAUL L. DEXTER  
 PETER S. DIAK  
 CORNELIUS DIAL  
 MARWAN M. DIB  
 GREGORY R. DILL  
 MICHAEL J. DONALESKI  
 KRISTINA J. DONOHUE  
 KAREN E. DORSE  
 MICHAEL L. DUPREE  
 SAMUEL S. DUTTON  
 TIFFANY H. EDMONDS  
 DEREK T. EHRHARDT  
 JILL R. EICH  
 OLUCHI U. ELEKWACHI  
 STACEY R. EVANS  
 MICHELLE R. EVERETT  
 TRACY L. FARRILL  
 MIKE D. FAZ  
 JUSTIN R. FEOLA  
 ALICE M. FIKE  
 ALYSSA M. FINLAY-VICKERS  
 TRAVIS L. FISHER  
 ARTENSIE R. FLOWERS  
 ALAN R. FOGARTY  
 JONATHAN W. FOGARTY  
 MICHAEL W. FORBES  
 WILLIAM J. FOUST  
 REBECCA A. FOX  
 JAVIER B. FRANCO  
 JENNIFER A. FREDD  
 RENEE H. FUNK  
 ZAKI S. GAD  
 THERESA A. GALLAGHER  
 VIOLETTE G. GANOE  
 CHAD A. GARRETT  
 DARYL K. GARVIN  
 CHERYL L. GARZA  
 JAMES C. GEMELAS  
 JOSEPH S. GOLDING  
 STEPHEN G. GONSALVES  
 LORI A. GOODMAN  
 ROGER A. GOODMAN  
 SUZAN E. GORDON  
 TAMMY L. GRAGG  
 ALTHEA M. GRANT  
 WAYNE K. GRANT  
 ROSS P. GREEN  
 RENMEET GREWAL  
 WEI GUO  
 JOHN M. GUSTO  
 CEDRIC B. GUYTON  
 ANA I. GUZMAN  
 RONALD M. HALL  
 THOMAS D. HAMMACK  
 CANDACE Y. HANDER

STEVEN A. HANKINS  
GREGORY W. HANN  
ROBERT T. HARRIS  
ELIZABETH A. HASTINGS  
CRAIG J. HAUGLAND  
LESLIE B. HAUSMAN  
CAMILLE P. HAWKINS  
GERI L. HAWKS  
JOSEFINE R. HAYNES-BATTLE  
SUZANNE C. HENNIGAN  
LAURI A. HICKS  
RYAN D. HILL  
THOMAS O. HINCHLIFFE  
PATRICK J. HINTZ  
ELIZABETH V. HOBSON-POWELL  
CHARLES G. HOUCK  
MONIKA A. HOUSTOUN  
SALLY H. HU  
LISA M. HUBBARD  
JASON J. HUMBERT  
DWIGHT R. HUMPHERYS  
LORI A. HUNTER  
TANIA A. HURLBUTT  
ALDRIN J. JARANILLA  
MICHAEL A. JHUNG  
HAKSONG JIN  
JOEL A. JOHNSON  
ROSEMARY A. JOHNSON  
TROY L. JOHNSON  
JACQUIN L. JONES  
STEVEN C. JONES  
SUSAN R. JONES  
DELIA S. JONES-MCHORGH  
HUIJEONG A. JUNG  
IBRAHIM KAMARA  
BRYAN K. KAPELLA  
DAVID W. KEENE  
LAURIE A. KELLEY  
APRIL D. KIDD  
KEITH J. KIEDROW  
KAREN F. KILMAN  
BRADLEY S. KING  
NICOLE A. KNIGHT  
MICHAEL J. KOEHMSTEDT  
CORRINNE KULICK  
MICHAEL J. LACKEY  
YVETTE M. LACOUR-DAVIS  
CHRISTOPHER S. LAFFERTY  
BERNETTA L. LANE  
DEMITRIUS H. LATOCHA  
DAVID K. LAU  
JOY E. LEE  
ROBIN R. LEE  
ADAM LEEDS-PERALTA  
SHANI N. LEWINS  
JENNIFER L. LOMBRANO  
JASON G. LOVETT  
KELLY D. LUCAS  
SHERRY L. LULF  
SCARLETT A. LUSK  
DAVID M. MAGNOTTA  
JENNIFER A. MALIA  
JEFFREY J. MALLETTTE  
JOHN T. MALLOS  
SAMANTHA A. MALONEY  
ANDREW D. MARGOLIS  
LINDA B. MARKLE  
ROGER MARTINEZ  
DINO A. MATTORANO  
JOHN D. MAYNARD  
MELANIE M. MAYOR  
JOHN D. MAZORRA  
REBECCA A. MCCAIN-SINGLETON  
DESIREE MCCARTHY-KEITH  
BRIAN M. MCDONOUGH  
LAURALYNN T. MCKERNAN  
SEAN M. MCMAHAN  
CHRISTINA C. MEAD  
JONEE J. MEARNS  
PAUL C. MELSTROM  
MANOJ P. MENON  
STEPHEN A. MIGUELES  
MARK S. MILLER  
DALE P. MISHLER  
AISHA K. MIX  
DAVID G. MOENY  
FRANK MOLINA  
QUENTIN E. MOORE  
STEVE L. MORIN  
ALEXIS MOSQUERA  
JEFFREY T. MOUAKKET  
ALINE M. MOUKHTARA  
DOUGLAS E. MOWELL  
LORRIE L. MURDOCH  
TIMOTHY D. NELLE  
MATTHEW J. NEWLAND  
DIEM-KIEU H. NGO  
BINH T. NGUYEN  
DANIEL K. NGUYEN  
RYAN T. NGUYEN  
KEVIN J. NOLAN  
JAMES A. NOLTE  
RYAN T. NOVAK  
EUN J. OH  
MATTHEW J. OLNES  
BESSIE L. PADILLA  
ELIEZER R. PANGAN  
JAMES D. PAPPAS  
DIANNE C. PARAOAN  
WILLIAM B. PARRISH  
NEEL I. PATEL  
PARAS M. PATEL

PRITI R. PATEL  
TRACIE L. PATTEN  
DEAN B. PEDERSEN  
JACKIE M. PETERMAN  
HUNG P. PHAN  
CHANTAL N. PHILLIPS  
SUSAN P. PIERCE-RICHARDS  
KRISTINE N. PINCKNEY  
STEPHEN R. PIONTKOWSKI  
FRANCES P. PLACIDE  
LORI A. POLLACK  
JENNIFER A. PROCTOR  
JOHN B. PULSIPHER  
KENNETH J. RAMONDO  
MATTHEW W. RASMUSSEN  
MICHAEL C. RAY  
MICHAEL B. REA  
WILLIAM F. REKWARD  
KELLY D. RICHARDS  
JEFFREY D. RICHARDSON  
MADIA RICKS  
PAUL J. RITZ  
MELISSA A. ROBB  
DONNA A. ROBERTS  
PATRICK L. ROMERO  
JACQUIE K. ROTH  
RAUL E. RUBIO  
TIARA R. RUFF  
MARTIN RUIZ-BELTRAN  
SOPHIA L. RUSSELL  
PARMEET S. SAINI  
CLAUDINE M. SAMANIC  
SHERBET L. SAMUELS  
NANCY L. SANDMANN  
KENNETH R. SAY  
SHARON H. SAYDAH  
GREGORY A. SCHERLE  
RYAN R. SCHUPBACH  
TANIA E. SCHUPPIUS  
ANN T. SCHWARTZ  
ERICA G. SCHWARTZ  
MICHAEL D. SCHWARTZ  
CAMERON C. SCOTT  
BRIDGETTE A. SEAGO  
SHERRY L. SECRIST  
JAMES J. SEJVAR  
JAMIE R. SELIGMAN  
HYOSIM SEON-SPADA  
SARAH H. SEUNG  
RANDY L. SEYS  
STANLEY M. SHEPPERSON  
JEFFREY W. SHERMAN  
MICHAEL J. SHIBER  
TOM T. SHIMABUKURO  
DAVID E. SHOFFNER  
DESTROY M. SILLIVAN  
CAROL I. SIMMONS  
DORLYNN L. SIMMONS  
KELLEY M. SIMMS  
JULIE R. SINCLAIR  
DAN M. SMITH  
SPENCER T. SMITH  
JANUETT P. SMITH-GEORGE  
JOANETTE A. SORKIN  
ALICIA R. SOUVIGNIER  
STEPHEN S. SPAULDING  
JACQUELINE C. SRAM  
ADRIANA C. STEGMAN  
MICHAEL J. STROHECKER  
DONNA K. STRONG  
ADAMU A. TAHIRU  
JOAN A. TAPPER  
JEFFREY M. TARRANT  
SHERRY L. TAYLOR  
CHRISTINA L. THOMPSON  
DAVID A. THOMPSON  
JUDITH B. THOMPSON  
SUSAN E. THOMPSON  
VENETTA J. THOMPSON  
VENITA B. THORNTON  
JILL J. TILLMAN  
MICHAEL R. TILUS  
SHEDRICK L. TOUSSAINT  
CECILE M. TOWN  
JENNIFER L. TREDWAY  
AIMEE T. TREFFILETTI  
CHARLES C. TRUNCALE  
THERESA TSOSIE-ROBLEDO  
SARAH E. UNTHANK  
IRIS E. VALENTIN-BON  
JULIE M. VAN-LEUVEN  
LEIRA A. VARGAS-DEL-TORO  
MARGARITA R. VELARDE  
WILLIAM R. WALDRON II  
EMIL P. WANG  
SUSANNAH S. WARGO  
AMY B. WEBB  
RENEE M. WEBB  
MARILYN M. WEEDEN  
THOMAS M. WEISER  
JAMES O. WHITE  
ALCIA A. WILLIAMS  
KAREN C. WILLIAMS  
TRACY S. WILLIAMS  
SHARI L. WINDT  
BRANDON C. WOOD  
JON-MIKEL WOODY  
KATHLEEN A. WOOTEN  
BRIAN R. WREN  
TRACIE L. WRIGHT  
JAMES C. YEE  
SHERRI A. YODER

STEVEN S. YOON  
YON C. YU  
ELIZABETH F. YUAN  
LEO B. ZADECKY  
ARDIS R. ZAH  
LAUREN B. ZAPATA  
MONICA I. ZEBALLOS  
YI ZHANG  
MARYJO ZUNIC

*To be senior assistant grade*

DOLORES G. ADDISON  
ALI S. ALI  
LATASHA A. ALLEN  
QUENTIN B. ALLEN  
LISA L. AMAYA  
DESTINY D. ANDERSON  
HEATHER R. ANDERSON  
KIMBERLY N. ANDREWS  
NISHA O. ANTOINE  
PAULA M. ARANGO  
RICHARD L. ARCHULETA  
JOAN M. ATTRIDGE  
SARA AZIMIBOLOURIAN  
DANIEL A. BAILEY  
TACHEKA M. BAILEY  
OLIN E. BAKKE  
DOUGLAS W. BARBER  
ROD-JIMIL BARRAIS  
SHEILA BARTHELEMY  
STEPHEN C. BARTLETT  
RICHARD J. BASHAY III  
STEPHANIE L. BEGANSKY  
JUSTIN H. BELK  
ISAAC M. BELL  
CHRISTOPHER J. BENSON  
FRANCIS P. BERTULFO  
KENDRA N. BISHOP  
SHANI L. BJERKE  
LACEY K. BLANKENSHIP  
WENDY N. BLAZON  
CHRISTY L. BLISSETT  
KIMBERLEY A. BLOOD  
ALICIA M. BOATRIGT  
JOHN M. BOUSUM  
JESSICA M. BOWERMASTER  
TRAVIS R. BOWSER  
LORI K. BRAATEN  
CASSIDY L. BROWN  
IRMA L. BROWN  
LEONARD C. BROWN  
LESLIE M. BROWN  
NAKISHA L. BROWN  
FLEURETTE P. BROWN-EDISON  
TYLER G. CAMPBELL  
LINDA G. CAPEWELL  
TERRY J. CARNES  
BETH M. CARR  
JAMES P. CARTER  
ROSALIA CASARES  
DAMON A. CATES  
BENJAMIN R. CHADWICK  
DONNA K. CHANEY  
SHIN-YE CHANG  
STEPHEN H. CHANG  
KATIE L. CHAPMAN  
SHAUN T. CHAPMAN  
KAREN CHARLES  
JENNIFER W. CHENG  
HRISTU B. CHEPA  
CHRISTOPHER J. CHEVALIER  
TARA A. CIMAROSSA  
RYAN A. CLAPP  
JULIE M. CLEMENT  
ANGELA S. CLEMONS  
DAVID A. CLOPTON  
LESLIN M. COACHMAN  
TRACEY COLEMAN-RAWLINSON  
JOHN T. COLLINS  
HECTOR J. COLON-TORRES  
DANIEL W. CONANT  
KENT A. CONFORTI  
NICOLE J. CONKLIN  
JEFFREY T. CONNER  
LEAH H. CRISAFI  
JASON D. CULLOP  
JENNIFER N. CURTIS  
JOHNNI H. DANIEL  
JAMILA R. DAVIS  
JASON R. DAVIS  
MICHAEL J. DIMASCIO  
JENNIFER D. DOBSON  
MELANIE L. DRAYTON  
ROBERT P. DREWELLOW  
BIRGIT DYER  
COLE R. DYSINGER  
DAVID C. EARL II  
KAYLENE D. ELLIOTT  
BERTHOLET C. EUGENE  
MARY E. EVANS  
ANGELA B. FALLON  
CHRISTOPHER T. FEHRMAN  
MATHILDA K. FIENKENG  
SCOTT P. FILLERUP  
JOSE R. FINN, JR  
KIEL W. FISHER  
CHRISTOPHER A. FLETCHER  
JONATHAN S. FLITTON  
JASON A. FOOTE  
DEBORAH J. FORCHT  
WILLIAM P. FOURNIER  
DODSON FRANK

KELLY E. FREER  
LINDSAY D. GATRELL  
NATALIE K. GIBSON  
LAURA B. GIERALTOWSKI  
ROBERTO M. GOMEZ  
MELISSA K. GONZALEZ  
PHILIP T. GORZ  
MARK A. GRAY  
MARTIN J. GUARDIA  
CHRISTIAN M. GUESS  
APRIL C. HADDOCK  
KRISTEN J. HARDIN  
ROGER HARGROVE  
STACY M. HARPER  
ADAM C. HARRIS  
SARAH R. HARTNETT  
EUGENE D. HAYES  
VALERIE S. HERRERA  
JOE M. HILL  
RENAE L. HILL  
KENDALL S. HIRANO  
DEBORAH V. HIRST  
KAREN H. HO  
ANGELA M. HODGE  
MITCHEL K. HOLLIDAY  
ALICE A. HOPPER  
SOPHIA HSU  
ADAM E. HUGHES  
KIMBERLY M. HULL  
RENEE D. HUMBERT  
BRIAN C. HUNTER  
DAVID W. HUNTER  
ASHLEIGH A. HUSSEY  
ANGELA F. HUTSON  
KRISTINE E. HYNES  
MATTHEW E. IRELAND  
ANDREA L. JACKSON  
ESTHER S. JARVIS  
MATTHEW C. JOHNS  
BRANDON T. JOHNSON  
SOLVEIG F. JOHNSON  
JULIAN P. JOLLY  
AMBER L. JONES  
LATORIE S. JONES  
JULIET R. JORDAN-JOSEPH  
JEANNETTEE M. JOYNER  
NIKOWA N. KATES  
DAVIDE A. KEKEOCHA  
COLLEEN C. KERR  
KURT J. KESTELOOT  
CHRISTINA B. KHAOKHAM  
KATHLEEN R. KLEMM  
ERIN K. KOERS  
JAMES C. KOHLER  
ROBERT G. KOSKO, JR.  
NICHOLAS J. LAHEY  
NICOLE M. LANGENDERFER  
TYLER G. LANNOME  
BRIAN N. LAPLANT  
CHARLES R. LATIMORE  
SONG Y. LAVALAIS  
CASON J. LEBLANC  
BRIAN M. LEFFERTS  
LISA M. LEOMBRUNI  
THOMAS R. LILES  
KIMBERLY L. LOVE  
SHANNON M. LOWE  
ALFRED J. LUGO  
ELIZABETH A. LYBARGER  
MELINDA L. LYLES  
GARY M. MADMAN  
MELISSA L. MADRONA  
CHRISTINE M. MALONE  
JACOB S. MALOUF  
JON N. MANWARING  
KEITH G. MARIN  
JOHN M. MASTALSKI  
JONATHAN M. MCBRIDE  
STACEY R. MCBRYDE  
ERNEST E. MCGAHEE  
KATIE J. MCKILLIP  
GABRIEL R. MCLEMORE  
STEFEN D. MCMILLAN  
MICHAEL P. MCSHERRY  
KATE R. MIGLIACCIO  
GRIFF E. MILLER  
JAMES S. MILLER  
STEVEN R. MILLER  
CAMILLE Y. MITCHELL  
CHRISTOPHER P. MOCCA  
SHANNA M. MOEDER  
HIDEE L. MOLINA  
LYNDE J. MONSON  
CORY M. MOORE  
PATRICK S. MOORE  
CLINT J. MORRISON  
MATTHEW J. MORRISON  
JESSICA M. MURRER  
CHAYANIN MUSIKASINTHORN  
JULIE A. MYHREN  
ERIN M. NABER  
JOSHUA M. NELSON  
AMY C. NGUYEN  
BIC NGUYEN  
CECILIA P. NGUYEN  
QUYNHUU T. NGUYEN  
ERICA M. NIIHA  
TANESHA C. NOBLES-MCCULLEY  
ANDREW N. NYABWARI  
ERIC K. ODURO  
CHARLES R. OGDEN  
BRIAN P. OLAND

HOLLI J. OLSON  
EBB A. OLWELL  
AARON B. OTIS  
YVETTE M. PACE  
SHARYN E. PARKS  
AMANDA M. PARRIS  
JAI M. PATEL  
MONA G. PATEL  
DEANNA T. PEPPER  
ABBY J. PETERSON  
REGINA Y. PETERSON  
MATTHEW W. PETTIT  
ADARIS PICKETT  
KRISTA K. PIHLAJA  
KARI A. PINSONNEAULT  
ANDREA N. POLSON  
NIKKIA L. POWELL  
JOHNNIE D. PURIFY, JR.  
STEPHEN M. RABE  
THOMAS S. RAISOR  
JENEEN N. RATLIFF  
TODD M. RAZIANO  
SANDRA J. REDSTEER  
MARTIN L. REED  
MAKEVA M. RHODEN  
ARTURO RIOS  
TARA J. RITTER  
FRENITA M. ROBERSON  
LASHONDA J. ROBERSON  
STEVEN A. RODGERS  
KATIE N. ROLLINS  
BELINDA L. ROONEY  
ALISTER A. RUBENSTEIN  
MELINDA RUIZ  
AVENA D. RUSSELL  
MICHELLE SANDOVAL  
GREGORY M. SARCHET  
COREY J. SAWATZKY  
JESSICA L. SCHWARZ  
HOLLY L. SEBASTIAN  
VANESSA B. SEGAY  
DAVID L. SETWYN  
JOANN SHEN  
JAMES G. SIMS  
REBECCA R. SINGLETON  
MARK A. SMALL  
DENA K. SMITH  
KRISTINA F. SMITH  
SARAH-JEAN T. SNYDER  
SUNEE R. SNYDER  
ANN J. SOHN  
DIANA A. SOLANA-SODEINDE  
NARCISSE SOLIZ, JR.  
ADAMS O. SOLOLA  
NICHOLAS D. SPARROW  
JAMES M. SPECKHART  
EVAN F. SPENCER  
TOSCHA R. STANLEY  
RANDY L. STEERS  
JESSICA L. STEINERT  
THERESA D. STENMARK  
BRENT T. STEPHEN  
MARTIN J. STEPHENS  
RACQUEL Y. STEPHENSON  
ALAN M. STEVENS  
ANNA I. STEVENSON  
ANNE M. STOHR  
MEREDITH B. STONE  
LUKE S. STRINGHAM  
DINESH SUKHLALL  
ROBERT M. SULZBACH  
TIFFANY M. TALIAFERRO  
JUDY S. TANUVASA  
JAMIE L. TAPP  
MARTIN D. TAXERA  
CHARLES D. THOMPSON  
ELIZABETH G. THOMPSON  
SARAH K. TRINIDAD  
LINHUA TZENG  
CHINYELUM A. UMEJEI  
IHSAN F. UMRANI  
EDUARDO R. VALDESPINO  
DENISE L. VANMETER  
REBEKAH A. VAN-RAAPHORST  
DIANA VARGAS  
EVANGELINA VASQUEZ-LUEVANO  
LANE N. VAUSE  
THALIA R. VEGA  
DANIEL L. WAGONER  
JOSEPH H. WALKER  
OLDEN WALKER III  
LEAH R. WALKING-BEAR  
PATRICK S. WALLACE  
TINA R. WALTHER  
JEFFERY A. WARD  
JAMES D. WARNER  
MATTHEW T. WASHBURN  
LYNETTE W. WASSON  
KARI R. WATO  
JOHN E. WATTS IV  
ELIJAH M. WEISBERG  
CHAD WHEELER  
DAVID A. WHEELER  
SHERRI A. WHEELER  
HAROLD I. WHITE  
JONATHAN L. WHITEHART  
SCOTT L. WIEGAND, JR.  
KELLI L. WILKINSON  
SCOTT B. WILLIAMS  
LYDIA P. WINTERS  
CHRISTIAN L. WITKOVSKIE  
LEE J. WITTER

MARTA A. WOJAS  
ZACHARY C. WOODWARD  
SARA D. WOODY  
TATYANA A. WORTHY  
ANDREW YANG  
ELLEN E. YARD  
TIMOTHY A. YETT  
LINDA S. ZASKE  
HELEN L. ZHOU

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GARRY E. ALLEN  
JACOBO I. ALMANZA  
JAIME ALTMAN  
OMOBOGIE AMADASU  
ADREE N. ANDERSON  
KENNETH L. ANDERSON  
JESSICA L. ANDRADE  
DAWN M. ARLOTTA  
MEGAN M. ARNDT  
NAOMI ASPAAS  
ANNETTE C. ATOIGUE  
ALINA C. AVILA  
DAVETA L. BAILEY  
DAVID G. BALES  
KYLE J. BARRACKMAN  
OLIVIA C. BARROW  
AMINA BASHIR  
THEDA R. BEDONI  
JENNIFER S. BEHNKE  
DUSTIN M. BERGERSON  
CLARE E. BLAKESLEE  
CHARLES BOFAH-KONADU  
BRITTANY B. BOVENIZER  
APRIL R. BOWEN  
MICHAEL J. BOWENS  
LORI A. BROOKS  
NGOCANH C. BUI  
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JAMIE L. CASS  
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SAOMONY CHEAM  
CYNTHIA N. CHENNAULT  
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ANGELICA M. CHICA  
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TYHIS D. COATES  
RICKY B. COOKSEY, JR.  
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LATRELLE B. COPELAND  
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JOYCE A. DAVIS  
KRISTEN E. DEGENHARD  
TIMOTHY S. DENHERDER  
BENIGNO B. DEVERA  
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KATHLEEN V. FERGUSON  
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LA'TRICE N. FOWLER  
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 SHEILA A. WEAGLE  
 DIANE R. WEIDLEY  
 DARELIS R. WILLIAMS  
 FRANCES A. WILLIAMS  
 GARMAN WILLIAMS, JR.  
 MICHELLE R. WILLIAMS  
 DORETHA M. WILSON  
 CODY D. WOLFF  
 MARCUS F. YAMBOT  
 DAVID A. YOUNG  
 DIAMOND E. ZUCHLINSKI

## HOUSE OF REPRESENTATIVES—Wednesday, July 25, 2012

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. FARENTHOLD).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
July 25, 2012.

I hereby appoint the Honorable BLAKE FARENTHOLD to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
*Speaker of the House of Representatives.*

### MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 17, 2012, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

### END OF LIFE CARE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, our colleague, JIM McDERMOTT, sent each of us a letter with a Time magazine cover article by Joe Klein entitled "How to Die." This article is jarring to many because it's an issue that most would rather not confront. As a result, there's a great deal of unnecessary pain, confusion, and suffering. It masks one of the most important issues in health care, which, despite the manufactured controversy over "death panels," is a rare, sweet spot in the health care debate. It can improve the quality of life, in some cases the length of life, and most importantly we can help people understand their circumstances and get the care that they want. If this happens, the cost of health care will go down even as satisfaction and quality goes up.

For most Americans, the protocols followed by almost every hospital and practitioner will be to give the maximum amount of the most aggressive care in end-of-life situations. Espe-

cially if patients have the money or insurance, they will be hooked up in their final stages of life to be resuscitated, their ribs cracked, and hearts massaged. There will be tubes inserted, chemicals pumped, and defibrillators will shock people, even if they have no awareness of what's going on, other than that they are being tortured.

When people are given the information, resources, and choices, the outcomes are much different. A telling story in *The Wall Street Journal* last February pointed out how doctors die differently. These are people with knowledge and where money is not usually a consideration. They can get any health care they want, but as a group, they regularly choose less intense, aggressive treatment and more palliative care. They are choosing the comfort and consciousness of being with family and friends in awareness over being hooked up in an ICU and struggling in their last minutes.

Doctors have a better quality of life, and it costs less money. Why can't all Americans spend their final days like doctors? The truth is, they can. My legislation—Personalize Your Health Care—was developed with leaders in health care insurance and palliative care. Patients and doctors alike would help make sure that patients and other health care professionals work with patients to help them understand what they're confronting, what their choices are, determine what works best for them and their families, and then make sure that whatever their decision is, that choice will be honored. Over ninety percent of Americans agree that this is the right approach.

There's an interesting little secret here that extreme treatments not only deteriorate your quality of life, but they're no guarantee of giving you more hours to live. Studies have shown that managing the pain perhaps in the hospice, along with the love and company of families in a familiar setting, in some cases actually leads to patients living longer. People can actually enjoy their remaining hours, and there are more remaining hours to enjoy.

If most of us were to script our departure, it would probably be to go quietly in the middle of the night in the comfort of our own bed. The second-best scenario would be to go at home in that same bed surrounded by family and friends, comfortable, and conversing until the end. The least favored option, I suspect, would be semiconscious with tubes in our bodies

in an ICU setting with the institutional hum around and strangers bustling about. Is that anybody's hope for their final memories? Sadly, that's the fate that awaits many people who do not personalize their health care.

I strongly encourage my colleagues to look at this bipartisan legislation, H.R. 1589, and then to do what you can to have a thoughtful and rational conversation about this policy. Let's modernize Medicare to give people the care they want, to find out their choices, and make sure that those choices are respected.

We owe it to the American public, and we owe it to our families and friends to make sure that every American can have the same high quality of life in their final weeks as doctors have.

### HIGH-LEVEL NUCLEAR WASTE

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, on June 6, 2012, I offered an amendment to the Energy and Water appropriations bill to do the final scientific study to certify Yucca Mountain as the repository for high-level nuclear waste in this country, and I was joined by a large bipartisan amount from this Chamber, 326 "yes" votes, which I appreciate my colleagues who supported this amendment.

Among those in the Michigan delegation, which has 15 Members, there were 11 "yes" votes and only four "no" votes. Why is this all important? Because what I've tried to do over the past year and a half is help the educational process in explaining where nuclear waste is in this country and where it should be. We did pass a law back in 1982. I wasn't here then. Many of us were not. Then there were amendments to that law in 1987 that said Yucca Mountain in Nevada would be our repository, a long-term geological repository for high-level nuclear waste.

In Michigan, there are five nuclear power plants. They are all located along the Great Lakes. There's three on Lake Michigan, one on, I think, Lake Erie, right next to large bodies of water. Let's compare one of those, Cook, which has high-level nuclear waste on-site next to Lake Michigan, to where it should be, which is Yucca Mountain.

Currently at Cook, there are 1,433 metric tons of uranium of spent fuel

on-site. At Yucca Mountain, which should be our single repository, there's currently none. Again, we started this in 1982. If it was at Yucca Mountain, it would be stored 1,000 feet underground. At Cook, it's stored aboveground in pools and in casks. If it was at Yucca Mountain, it would be 1,000 feet above the water table. At Cook, the nuclear waste is 19 feet above the water table. At Yucca Mountain, it would be 100 miles from the Colorado River where it is right next to Lake Michigan.

□ 1010

Yucca Mountain is obviously a mountain in a desert. There is no safer place.

So, as I mentioned, in the vote total from my colleagues here on the floor, we addressed this on the floor. We took a vote, 326 out of 425. That's a huge bipartisan majority.

Where do the Senators stand on this position? Well, you have three "yes" votes and one "no" vote. And actually, the "no" vote is a very good friend of mine, a former classmate in the House, Senator STABENOW of Michigan, who has voted against moving that nuclear waste out of her State into a mountain underneath the desert.

And part of this process is, because it is now politicized with the majority leader blocking any movement on this—elections have consequences; they matter—and it's time to educate the public throughout the country about which Senators support moving nuclear waste out of their State to a single repository and who does not. And, unfortunately, my friend Senator STABENOW is on the list as not being helpful.

I also have done this numerous times. I have gone through the whole country and covered all the Senators as far as public statements or actual votes. And as you see, we have 55 Senators who said, yes, let's move this to Yucca Mountain. You would think, oh, that is a simple majority. It should be done. But the Senate operates on interesting rules. They have to have 60. We have 22 who have never taken a position, either "yes" or "no" or any public statement. Some of these have served 5½ years. It's pretty amazing that we have such an important issue pending as this, and the Senate has yet to get on record. If only five of these 22 would say "yes," we could continue to move forward on addressing our nuclear waste issues.

Now, nuclear waste is not just spent nuclear fuel. It's World War II defense waste that might be in Hanford, Washington. It could be scientific waste that might be in Idaho or in Tennessee. And especially after Fukushima Daiichi and the Blue Ribbon Commission, we have to have a single long-term geological repository.

We've gone on record in the House. We passed a law that said it should be Yucca Mountain in Nevada. It's time

for the Senators to get past their leadership and do what's in the best interest of this country and their own individual States.

#### THE SECOND AMENDMENT IS NOT LIMITLESS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. QUIGLEY) for 5 minutes.

Mr. QUIGLEY. Mr. Speaker, 2 nights ago, six people were shot inside of 15 minutes in my home city of Chicago. Seven more victims were killed just last weekend by gunfire, including two 16-year-old boys. In Chicago, this year alone, over 200 people have been killed in shootings. And nationwide, every day, 34 people are killed by guns.

In the hours following the horrific tragedy in Colorado, we paused to reflect and send our prayers to families grieving an unimaginable loss. But now is the time to have a national discussion about how to stem these epidemic levels of gun violence.

I wish this tragedy in Aurora were an isolated incident, but it seems to be part of a recurring pattern: 19 people were shot, and eight were killed in Tucson in 2011; 29 people were shot, and 13 died at Fort Hood in 2009; 21 people were shot, and five were killed at Northern Illinois University in 2008; and 17 people were wounded, while 32 people died at Virginia Tech in 2007.

When will we have enough? When will we stand up and say we may not be able to stop every crime, but we can stop some of them and at least minimize the damage of others?

The gun lobby doesn't want us to have this conversation. First, they accuse anyone who tries to spark a national debate about how to mitigate gun violence with exploiting the deaths of innocent people. Yet no one was accused of exploitation when, after Hurricane Katrina, we discussed how to improve FEMA's emergency response, or after a deadly salmonella outbreak, when we debated how to improve public safety.

After such national tragedies, society should engage in a discussion about how to address and potentially prevent such tragedies from happening again. We might not all agree; but this is a democracy, and this is how public policy is made.

Next, the gun lobby seeks to stymie debate by arguing that guns don't kill people, people kill people. I don't buy this argument. I don't buy that there's nothing we can do to stop criminals and the mentally ill from killing if they want to. Sure, we can't stop them with 100 percent certainty; but we can make it a lot harder for would-be assassins.

We can ensure every gun is purchased after a background check, rather than only 60 percent of guns, as is the current case. And we can reduce the fatal-

ity rate by banning assault rifles and high-capacity magazines that are designed exclusively for killing dozens of people at once.

Finally, the gun lobby tries to argue that any attempt to regulate gun access is an attempt to restrict all gun access. This is simply not true.

There is such a thing as common-sense, middle-ground gun reform, and most gun owners support it. Eighty-one percent of gun owners support requiring a background check on all firearm purchases.

Yet 40 percent of U.S. gun sales are conducted by private sellers who are not required to perform background checks. These private sellers operate at gun shows where anyone can walk in and buy whatever gun they want. Convicted felons, domestic abusers, the severely mentally ill, and even people on the terrorist watch list can—and do—go into gun shows and buy any gun they want.

Ninety percent of all Americans also support strengthening databases to prevent the mentally ill from buying guns. But, sadly, 10 States have still failed to flag a single person as mentally ill in the national background check database, and 17 other States have fewer than 100 people listed as mentally ill. Over 1 million disqualifying mental health records are still missing from the database.

Finally, we must have a conversation about getting assault weapons and high-capacity magazines, machines designed exclusively for killing people, off the streets. When you have a 100-round clip on your gun, you are not protecting your home. You are hunting people.

Let's be clear, this is not about restricting anyone's Second Amendment rights. The Supreme Court has ruled and made clear the right of Americans to own guns. But while reaffirming the Second Amendment, the Court was careful to note that the amendment is not limitless. Justice Scalia explained in *Columbia v. Heller* that "like most rights, the Second Amendment is not unlimited. It is not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose."

Can we stop every shooting? No. But can we reduce their frequency and deadliness? Absolutely. Can we do it while still respecting the Second Amendment? Of this I am certain. But the first step toward keeping dangerous guns out of the hands of dangerous people is to begin the conversation. Let's break the silence, stop the violence, and start that conversation.

#### UNIVERSITY RESEARCH REGULATORY BURDENS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Alabama (Mr. BROOKS) for 5 minutes.

Mr. BROOKS. Mr. Speaker, as chairman of the Science, Space, and Technology Subcommittee on Research and Science Education, I have seen Federal overregulation stifle research universities.

Earlier this year, the National Research Council of the National Academies released its report entitled, "Research Universities and the Future of America: Ten Breakthrough Actions Vital to Our Nation's Prosperity and Security." This report examined Federal regulatory burdens on America's research universities.

On June 27, the Research and Science Education Subcommittee held a hearing on that report and whether regulatory red tape stifles scientific research. I asked our witnesses how we can enhance university scientific research capabilities. Their responses are instructive:

Mr. Chad Holliday, chairman of the National Academies Committee on Research Universities testified:

Federal policymakers and regulators should review the costs and benefits of Federal regulations, eliminating those that are redundant and ineffective, inappropriately applied to the higher education sector, or impose costs that outweigh the benefits to society.

Dr. John Mason, Auburn University associate provost and vice president of research, testified:

A comprehensive review of policies and regulations is perhaps the most important in this report. Streamlining the process, relieving unnecessary and costly administrative burdens, and coordinating research priorities among disparate Federal agencies will invigorate research universities exponentially.

Dr. Jeffrey Seemann, Texas A&M University chief research officer and vice president for research, testified:

Federal agencies and Federal regulators must reduce and/or eliminate unnecessary, overly burdensome, and/or redundant regulatory and reporting obligations for universities and their faculty in order to maximize investments more directly into research priorities and allow faculty time to be optimally utilized.

Dr. Leslie Tolbert, University of Arizona senior vice president for research, testified:

The growing burden of compliance with the increasing numbers and complexity of Federal regulations consumes increasing amounts of time and money, leaving less for more direct support for research.

□ 1020

Finally, Dr. James Siedow, vice provost for research at my alma mater, Duke University, testified that research universities have been subjected to a:

Growing number of research-related compliance regulations that have flowed down from Federal agencies over the past 10 to 15 years. In that regard, the research-related and quality assurance costs to Duke between 2000 and 2010 rose over 300 percent. This perceived piling on of new reporting requirements has led to negative responses on the

part of faculty, who see more and more of their time being committed not to actually carrying out the funded research but to a myriad of mundane administrative duties. The extreme to which some of these regulations have gone of late seems well beyond that needed to accomplish the original regulatory ends.

Consistent with their views, the National Academies recommended:

Reduce or eliminate regulations that increase administrative costs, impede research productivity, and deflect creative energy without substantially improving the research environment.

I asked our witnesses to identify specific regulations to amend or repeal. They are preparing their lists. I look forward to receipt of their recommendations and working to repeal counterproductive red tape that does more harm than good.

According to the National Academies, if we successfully cut wasteful regulations, we:

can reduce administrative costs, enhance productivity, and increase the agility of research institutions. Minimizing administrative and compliance costs will also provide a cost benefit to the Federal Government and to university administrators, faculty, and students by freeing up resources and time to support education and research effort directly. With greater resources and freedom, universities will be better positioned to respond to the needs of their constituents in an increasingly competitive environment.

Mr. Speaker, America's research universities are essential to America's scientific innovation. If we clear the red tape from their path and free them up, they will produce the fundamental research that fosters American exceptionalism and, equally important, results in economic growth and jobs.

#### TRIBUTE TO REVEREND JAMES LIGHTFOOT

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Texas (Ms. JACKSON LEE) for 5 minutes.

Ms. JACKSON LEE of Texas. Mr. Speaker, it saddens me today to rise to pay tribute to the late James Lightfoot, pastor of the Mount Zion Missionary Baptist Church in Houston, Texas, who lost his life just a few days ago.

I am delighted I had the opportunity to visit Pastor Lightfoot and his church on their 44th anniversary. It was an exciting time, and he looked forward to the celebrating of the 44th year of his pastoral leadership of that church, as he started in 1968. I am gratified to salute this distinguished gentleman and distinguished American. He used faith in a way of service not only to his parishioners and to those whom he led as a shepherd, but to those outside those bricks and mortar.

He concentrated on philosophy and ministry. That was his concentration at Southwestern Seminary. He completed a master's in education at Texas

Southern University. He holds a Master of Divinity from Houston Graduate School of Theology, and a Doctorate of Ministries from the Austin Presbyterian Theological Seminary. At Houston Graduate and Austin Presbyterian the emphasis was on the philosophical implications of ministry as it affected the culture of today. He has done advanced training at Texas Southern University and Houston Graduate School of Theology in counseling. He did an internship at Bellaire Columbia General in their Rapha Unit.

He served as a lecturer in church administration in the Central Baptist Convention and teaches pastoral ministry. He was a conferee to the Transitional Church—Church Conference/Southern Baptist Convention. And as well, he was honored to serve as third vice president to the Independent General District Sunday School and BTU.

He was a gentleman that uses faith to be of service. He deals with the philosophical implications of peace and justice, issues for today's church. How important that is when so many people are hurting. In the backdrop of the tragedy of Aurora, it is imperative that our faith leaders are engaged in our community and pray for their deliverance.

I am delighted to say that he also worked with young people. He was a kind spirit. He was a charitable spirit. He was a professor at LeTourneau University—that's how much he cared for young people—where he taught Bible and Family. He was likewise an adjunct professor. He served on the mayor's affirmative action committee. He served as the chairperson of a Black Ministries Committee of the Union Baptist Association. As well, he has served in many civic and community affairs. As I indicated, he always had a summer program for young people who needed a place to come. He always had a smile on his face. He was always joyful. And, of course, he was a wonderful husband to his wonderful and devoted wife.

He had the privilege of speaking to over 20,000 persons in January of 1992, where he spoke to the Baptist General Convention of Texas—Evangelism Division, to an attendance of over 20,000 persons. And in January of 1992, he was guest preacher for the Mississippi Baptist State Evangelism Conference and delivered the Martin Luther King, Jr. Day sermon at the Austin Presbyterian Seminary, his alma mater.

What I would like to say most of all is that, beyond the accolades that he got on the outside, he was an outstanding human being, an outstanding minister, an outstanding civic leader, someone who continued to serve his community even during his time of illness. You never noted a lack of cheerfulness in Reverend Lightfoot. And in the early stages of his illness, I had the opportunity to visit him at home. And

again, what a cheerful, believing person who loved America and served America in his capacity, and that was as a faith leader who believed in all persons, reached beyond his doors, helped build a beautiful new sanctuary on that same street, Homestead, did not move, continued to serve the community, and was known as a light to all.

My sympathies to Velma Mitchell Lightfoot, his wife, and his beautiful children and his eight grandchildren, and being a great-grandfather as well. The diversity of his training has led him to be that light, that servant, that special person. I believe it is appropriate to pay tribute to James Lightfoot who remains, even in death, a light to us all because of the great history and the great legacy he has left.

May God bless him, God bless his service, and I know that he would want me to say that God bless his most wonderful and most great Nation, the United States of America.

Pastor Lightfoot, may you rest in peace.

#### HONORING PAUL RODGERS PIERCE, JR.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia (Mr. WESTMORELAND) for 5 minutes.

Mr. WESTMORELAND. Mr. Speaker, I have come to the floor today to honor Mr. Paul Rodgers Pierce, Jr., for his 25 years of service to the State Theatre of Georgia and the Springer Opera House.

Paul was born on January 19, 1953, in Anniston, Alabama, to Mr. and Mrs. Paul R. Pierce. He attended East Rome High School and graduated from the University of Georgia in 1977. After graduation, he developed his passion for theater through working as an actor, director, designer, and booking manager on a number of national touring productions, such as the American Repertory Theater, Flat Rock Playhouse, and Circuit 21 Playhouse. Following his time on tour, he accepted the position of associate artistic director at the American Repertory Theater under the guidance of Mr. Drexel Riley, who was not only his mentor, but his friend.

Paul's adventures led him across the country when he accepted the position of managing director of Virginia's Wayside Theater, and then as artistic director of the Harbor Playhouse in Corpus Christi, Texas. Thankfully, his travels led him back to Georgia, where he became the artistic director of the Springer Opera House in 1988.

To say Paul was passionate about his job is an understatement. He expanded the artistic mission of the Springer Opera House and took its potential to new heights. Paul created the Springer Theatricals, a national touring company that reaches over 60 American

cities annually. He hired Ron Anderson and created the Springer Theatre Academy that mentors and develops over 16,000 children and families through the year-round character education program. With Paul's additions, the audience of Springer has nearly tripled, and the bar for artistic excellence in the community has been held to a higher standard.

□ 1030

Paul has not only improved the artistic standards in the community, but the physical appearance of the Springer Opera House as well. Paul oversaw the National Historic Landmark Theatre's \$12 million renovation in 1998 and has campaigned for over \$11.5 million for the construction of the McClure Theatre for children's programs and education.

In his 25 years, Paul has helped put the Springer Opera House on the map. In 2008, the Georgia Council for the Arts declared it one of Georgia's top-ranked art institutions. Paul has served on with State Theatre of Georgia as producing artistic director with distinction and dedication and continues to further his mission through the pursuit of selfless innovations to improve the quality of life for the citizens and community of Columbus, Georgia.

I'm proud to stand here today to honor and thank Mr. Paul Rodgers Pierce, Jr., for all he has done for the great State of Georgia, the city of Columbus, and all the children and families he has touched. Paul's devotion and commitment to theater is an inspiration to us all, showing us that with passion and hard work you can make a difference and leave a legacy that will never be forgotten. Thanks, Paul.

#### START WINNING THE WAR ON MILITARY SUICIDE BY ENDING THE WAR IN AFGHANISTAN

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. WOOLSEY) for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, more than 2,000 U.S. troops have been killed in the line of duty in Afghanistan. Unfortunately, that dramatically understates the human cost of this war, a war that is now nearly 11 years old.

A recent Time magazine cover story details the silent killer of our brave servicemembers—the tragically high suicide rate among Iraq and Afghanistan veterans and other members of the service. The article describes how one Army helicopter pilot, who had flown 70 missions in Iraq over 9 months—70 missions over 9 months—waited on the phone for 45 minutes to speak to the Pentagon crisis line when he was in severe distress. The last communication his wife received from him was a text in which he said, “Still on

hold.” Several hours later, she found him in their bedroom with a fatal gunshot wound to the neck.

A second victim, an Army doctor who wasn't deployed to Iraq or Afghanistan, wrote an email to his wife minutes before hanging himself. It read:

Please always tell my children how much I love them, and most importantly, never, ever let them find out how I died.

Mr. Speaker, we can no longer deny the devastating mental health impact of repeated deployments, of continued exposure to explosions, horror, carnage and destruction. Of course, in an institution like the U.S. military that values courage and toughness, there's a reluctance to admit to depression and anxiety.

Sometimes that manifests itself in the worst possible ways. For example, one Army major general wrote an angry diatribe on his blog about the selfishness of troops who killed themselves or were leaving others to “clean up their mess.” He admonished:

Act like an adult, and deal with your real-life problems like the rest of us.

It's about time, Mr. Speaker, that we lost that attitude because we're losing brave Americans at a terrifying clip. In fact, according to the Time article, more soldiers have taken their own lives than have died in Afghanistan. While veterans make up 10 percent of the adult population, they account for 20 percent of the suicides.

We are starting to see more awareness of this problem, thank Heavens. Secretary Panetta says the right things, but it's time to back up rhetoric. It's time to back it up with more resources because the fact is only 4 percent of the Pentagon's medical budget is devoted to mental health, about the same amount that we spend on the Afghan war every day and a half. We spend \$2 billion a year to treat servicemembers suffering from psychological trauma, but we spend \$10 billion a month on the war that is the root of much of that trauma in the first place.

Even if the Afghanistan war ended tomorrow, Mr. Speaker, so much damage is already done. We would still be left with a huge crisis that will require more resolve than we are seemingly prepared to muster. I would expect every Member who has enthusiastically supported this war to just as eagerly support what it takes to fight the suicide epidemic this war has caused. It's time to stop the bleeding to make sure our heroes are removed from the conflict that is inflicting so much damage. We can start winning the war on suicide by ending the war in Afghanistan.

Let's bring our troops home now.

#### NATASHA'S STORY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. POE) for 5 minutes.

Mr. POE of Texas. Mr. Speaker, Natasha's life changed because she was the prey of a sexual predator.

Here's the beginning of her dramatic story:

In 1993, I was violently raped, sodomized and robbed at gunpoint by an unknown assailant. When I escaped and thankfully found myself in my apartment, my roommate insisted that I go to the hospital.

I agreed to wait for an ambulance, even though my first instinct was to take a shower. I'm so grateful today that I made that choice to go to that hospital.

Mr. Speaker, Natasha is one of many victims of this barbaric and dastardly crime. According to information released by the Centers for Disease Control, nearly one in five women in America has been raped at some point in their lives. As both a former prosecutor and a judge in Texas, I was involved with the criminal trials of rape cases for 30 years.

I learned firsthand the devastation that sexual assault victims experience, and I understand and learned that sexual assault does not just physically harm the victim; it harms their entire being both physically, emotionally, and mentally; and the pain sometimes lasts forever. Mr. Speaker, rapists try to steal the soul from their victims, and they try to destroy the self-worth of victims, and sometimes they do.

One of the most critical pieces of evidence for rape trials is the rape kit, a tool that gathers forensic evidence, including DNA evidence, to link the rapist to the crime. But, unfortunately, rape kits often languish in evidence rooms across the United States, some untested for years, some discarded before ever being tested, and some gather dust so long that the statute of limitations on the crime of rape has expired and the criminal can never be prosecuted. This ought not to be.

Mr. Speaker, Natasha's story did not end in that cold hospital examination room. She says further:

Ten years later, in 2003, I received a call from the New York City District Attorney's office. My rape kit, which unbeknownst to me had been sitting on a shelf for almost 10 years, had at last been finally processed. I had long since reconciled the fact that my perpetrator would never be held accountable for his actions. But now there was hope.

After a long trial, Victor Rondon was tried before a jury of his peers in 2008 and was found guilty on all eight counts of violent assault against me. He's in jail now for a long time. The best part for me is that he can never hurt anyone else.

My rape kit sat on a shelf for many years. It was not just a number in a police department. My rape kit was me—a human being. Every rape kit that sits on the shelf somewhere is a human being.

Mr. Speaker, Natasha's story humanizes rape kits ignored in evidence rooms throughout the country. Victims of sexual assault deserve justice, and their perpetrators deserve to be punished by courts and juries in America.

Stories like Natasha's compelled Congresswoman CAROLYN MALONEY from New York and me to introduce the Sexual Assault Forensic Evidence Registry Act, the SAFER Act, in the House, and Senators CORNYN and BENNET to introduce the same bill in the Senate. This bill would allow existing funds to be used to provide grants to States and localities to audit their rape kit backlog and also would call upon the Attorney General to create an Internet-based rape kit registry for sexual assault evidence testing. Estimates of untested rape kits are as high as 400,000 in America according to Human Rights Watch.

□ 1040

According to the DOJ's National Institute of Justice, 43 percent of the Nation's law enforcement agencies don't even have a computerized system to track forensic evidence, either in their inventory or after it is sent to a crime lab. The SAFER Act would allow criminal evidence to be prosecuted and processed, and these do-bads to be held accountable for their dastardly deeds.

Mr. Speaker, the insensitive say there's no money for these exams, these rape kit tests. Well, Congress needs to find the money. Maybe, instead of sending money to foreign countries to help them, keep some of that money in America to help American rape victims like Natasha. Help them get justice. Because, Mr. Speaker, justice is what we do in America.

And that's just the way it is.

#### FEDERAL RESERVE TRANSPARENCY ACT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Tennessee (Mr. DUNCAN) for 5 minutes.

Mr. DUNCAN of Tennessee. Mr. Speaker, later today, we will vote on H.R. 459, the Federal Reserve Transparency Act of 2012. Because this legislation comes to us on the suspension calendar, it will require a two-thirds vote in favor of passage.

I rise today in support of a full audit of the Federal Reserve. I have thought for many years that there's too much secrecy and too much power vested in our Federal Reserve. This is an effort that I first joined in June of 1991, in the 102nd Congress, when I cosponsored a bill introduced by Congressman Phil Crane of Illinois to audit the Federal Reserve.

Even back then, before our most recent major financial recession, Congressman Crane's bill had 56 bipartisan cosponsors. That support has grown over the years, and in the 111th Congress, the last Congress, Congressman RON PAUL's "audit the Fed" bill gathered an overwhelming 320 cosponsors from both parties. Now that support, I believe, is at 270 in this Congress.

Thomas Jefferson was one of our Founding Fathers who was concerned

about putting too much power into a central bank, and he wrote in a letter in 1816 "that banking establishments are more dangerous than standing armies." That was not me; that was Thomas Jefferson.

Listen to what people are saying about this bill today from both ends of the political spectrum.

Matt Kibbe, president and CEO of Freedom Works, said:

Many economists have found that the central bank's loose monetary policy played a major role in the current economic crisis. It is more crucial than ever that the Federal Reserve's monetary decisions be examined. Without a comprehensive audit, we will never know how the Fed is manipulating our money behind closed doors.

The National Taxpayers Union, one of our most respected organizations, said:

American taxpayers deserve to know more about the workings of a government-sanctioned entity whose decisions directly affect their economic livelihood.

Arnold Kling, an author and scholar at the Cato Institute, said:

If an audit were to uncover serious flaws and decisions made by the Fed, it is difficult to see why we are better off remaining ignorant of such flaws.

Journalist and columnist Rick Sanchez said:

For an entity that wields so much power, we know relatively little about the Fed. Would you trust an unknown banker to decide what happens with your paycheck every week? Why do we accept this for our country?

And Brent Budowsky, a very liberal political opinion writer, wrote in support of an audit and said:

In my years of experience in politics, media, and business, I have learned that secrecy is usually the enemy of common sense, fairness, and sound policy.

Another liberal economist, the famous John Maynard Keynes, said this:

There is no subtler, no surer means of overturning the existing basis of society than to debase the currency.

And a very conservative—one of the most respected conservative economists, F.A. Hayek, said this:

When one studies the history of money, one cannot help wondering why people should have put up for so long with governments exercising an exclusive power over 2,000 years that was regularly used to exploit and defraud them.

I have heard over the years, Mr. Speaker, people say that we need to have a Federal Reserve and a Federal Reserve system in order to prevent depressions and recessions. Well, that is certainly a very, very dumb statement to make because the Federal Reserve was created in 1913, and 16 years later, in 1929, we started our greatest depression. I think we have had more recessions and more downturns in the economy since the Federal Reserve was created than we ever had in the entire history of our country before that system was created.

I'm not saying that it is a bad system or that it's wrong to have some type of Federal Reserve system, but it certainly is one that deserves more attention from the Congress. And surely, it is one that has too much secrecy and too much power in this day, and at least the Congress needs to look into it more than it has since that system and that board was created.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 45 minutes a.m.), the House stood in recess.

□ 1200

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

#### PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: We give You thanks, O God, for giving us another day.

As we begin the 15th year since that terrible day, we ask Your blessing once again upon the families of Officer Jacob Chestnut and Detective John Gibson. We ask as well Your protection for the entire Capitol Police corps, who mourn the loss of their brothers in uniform. Thank You for calling them all to their lives of service.

Please hear our prayers for the Members of this assembly upon whom the authority of government is given. Help them to understand the tremendous responsibility they have to represent both their constituencies and the people of this great Nation of ours. This is a great but complex task. Grant them as well the gift of wisdom to sort through what competing interests might exist to work a solution that can best serve all of the American people.

Finally, give each Member peace and equanimity. And give all Americans generosity of heart to understand that governance is not simple, but difficult work, at times requiring sacrifice and forbearance.

May all that is done within the people's House this day be for Your great honor and glory.

Amen.

#### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

#### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from North Carolina (Mr. MCINTYRE) come forward and lead the House in the Pledge of Allegiance.

Mr. MCINTYRE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

#### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

#### HOUSE REPUBLICANS HAVE ACTED, PRESIDENT REMAINS AWOL ON SEQUESTRATION

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, defense sequestration is a very real danger that will threaten our national security, put our brave men and women in uniform at risk, and destroy up to 1 million jobs across our country. Sadly, the President avoids action on this extremely important issue.

House Armed Services Committee Chairman BUCK McKEON has recently been quoted in Politico saying:

We're overdue for guidance from the administration on how they interpret the law and plan to implement sequestration mechanically.

Last May, House Republicans voted to prevent sequestration by passing legislation which replaces these drastic defense cuts while maintaining a strong national defense. Additionally, one week ago today, the House passed the Sequestration Transparency Act with an overwhelming bipartisan vote of 414-2, which holds the administration accountable for these cuts. I urge the President and Senate to act before it's too late and hundreds of thousands of hardworking Americans lose their jobs.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

#### IT'S TIME TO HOLD FEDERAL RESERVE ACCOUNTABLE

(Mr. KUCINICH asked and was given permission to address the House for 1 minute.)

Mr. KUCINICH. On a day Congress will decide whether to audit the Fed, The Washington Post reports that the New York Fed "did not communicate in key meetings with top regulators that British bank Barclays had admitted to Fed staffers that it was rigging LIBOR," the index which sets interest rates worldwide.

The Fed wants to be spared a full audit. They want monetary deliberations private. Then they use that privacy shield to keep irregularities from regulators and from congressional view, exposing investors and consumers to massive losses.

Of course the Fed wants to continue a system where there is no transparency, no accountability, where they can cover up manipulations of markets and interest rates. But should we endorse this system? When things fall apart, who do the banks come to clean up the mess? Congress.

The Fed creates trillions of dollars out of nothing and gives it to banks; Congress is in the dark. The Fed sets the stage for the subprime meltdown; Congress is in the dark. The Fed takes a dive on LIBOR; Congress is in the dark. The Fed doesn't tell regulators what's going on; Congress is in the dark.

It's time to bring the Fed into the sunshine of accountability. Vote for the audit.

#### NIGERIAN TERRORISM

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, I rise today to bring attention to recent attacks by the Boko Haram terrorist group in Nigeria. Attacks in Nigeria's Plateau state on July 7 and 8 left 198 families displaced, 88 people dead, and 187 houses burnt.

On July 8, during the mass funeral for the victims, they were attacked. Two serving members of the National Assembly—Gyan Dantong and Gyang Danfulani—were also killed. Boko Haram took credit for the attacks, stating in their release that Christians "will not know peace again" if they do not accept Islam.

Madam Speaker, these attacks are acts of terrorism performed by a terrorist group against innocent Christians. It's time the State Department labels Boko Haram for what it is—a foreign terrorist organization. We must not be afraid to identify and confront attacks of terrorism wherever they might be.

Our prayers are with the innocent victims as they mourn the loss of their loved ones.

#### FLIGHT SAFETY AND PILOT TRAINING SAFETY REFORMS FROZEN

(Ms. HOCHUL asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HOCHUL. Madam Speaker, on February 12, 2009, Flight 3407 crashed into a house in my district, killing all the passengers and an individual in his



home. Out of that devastation, there was a spirit that actually united this Congress in enacting flight safety and pilot training rules that would have prevented the crash. The families never gave up and are eagerly awaiting the final implementation of those potentially life-saving rules.

Sounds like a happy ending, doesn't it? And yet this week, because the House Rules Committee refused to allow my amendment to protect those specific rules, we are at risk of losing all those hard-fought, bipartisan safety reforms.

With the so-called "Regulatory Freeze Act," these reforms would simply die. Some who voted for them in the past now call them job killing. I call them people saving.

Listen, I know we need to end overburdensome regulations on small business and farmers—I get it. But there's a commonsense way to do it. But to freeze all government regulations—all of them—regardless of the health and safety of our citizens is over the top even for this town. This only proves that Washington is broken and we need to fix it. This country deserves a better Congress.

#### MOUNTAIN HOME BOMB SQUAD GLOBAL WORLD SERIES CHAMPIONSHIP

(Mr. CRAWFORD asked and was given permission to address the House for 1 minute.)

Mr. CRAWFORD. Madam Speaker, I rise today to recognize the Mountain Home AAA 11-year-old baseball team for winning the Global World Series Championship earlier this year.

During the 4-day, 24-team tournament, the Mountain Home Bomb Squad suffered a first round loss, but went on to win six straight games. In the championship game, they defeated the Missouri Wildcats 10-1. This championship is a great source of pride for the entire Mountain Home, Arkansas, community.

I'd like to commend the team manager, Dr. Eric Arrp, and Coaches Tony Dibble and George Sitkowski for their leadership on the 11-and-under Global World Series Championship. Additionally, I would like to recognize players Garrett Steelman, Austin Mize, Clayton McManess, Luke Dibble, Sam Arrp, Bradley Ludwig, Austin Helms, Luke Jackson, Jordan Anderson, Will Sitkowski and Luke Kruse for their leadership as well.

Now that the Bomb Squad has brought a Global World Series trophy home to Mountain Home, I have no doubt that the players will set new, even higher goals to achieve.

Congratulations once again to the Mountain Home Bomb Squad and the entire Mountain Home community for their Global World Series victory.

□ 1210

#### PROTECT THE RIGHT TO VOTE

(Ms. CHU asked and was given permission to address the House for 1 minute.)

Ms. CHU. Few things are as sacred as the right to vote. Generations have fought, bled, and died so that you and I can have a voice in our democracy. This is why we must guard against measures that take this away, like the Chinese Exclusion Act of 1882, which prohibited all Chinese immigrants from becoming naturalized citizens so that they would not be able to vote. It lasted 60 years, until 1943, preventing people who'd lived in this country for decades from exercising their voices.

Laws like this, poll taxes, or literacy tests, should be a thing of the past in America. Every U.S. citizen, no matter what their background, should have access to the polls. But today, State governments across the country are enacting laws making it much harder for as many as 5 million Americans to vote, requiring, for instance, photo IDs for grandmothers who voted for years but no longer drive.

When barely half of Americans vote, we should not be erecting more barriers to democracy. We should be removing obstacles. We must protect the right to vote.

#### WHY FOCUS ON RED TAPE?

(Mr. HULTGREN asked and was given permission to address the House for 1 minute.)

Mr. HULTGREN. Madam Speaker, on Monday I hosted a jobs fair in the western suburbs of Chicago with several of my colleagues. Over 1,500 jobseekers showed up.

I've visited with more than 100 northern Illinois business owners since I entered Congress. In each factory tour and office visit I ask: What would it take for you to create one more job, just to hire one more person? The answer is always the same: Cut red tape.

The reality is 60 to 80 percent of all new jobs come from small businesses. Red tape throws an unfair burden on small businesses and paralyzes job creators. It has led to the least number of business start-ups in decades.

There's a reason we focus so much on rolling back red tape here in the House. It's jobs.

#### GROUP A STREP INFECTIONS

(Mrs. MCCARTHY of New York asked and was given permission to address the House for 1 minute.)

Mrs. MCCARTHY of New York. Madam Speaker, I rise today to raise awareness of group A strep infection. A series of tragic events within my district have brought this pressing health situation to my attention. One of my constituents, Stephen Sweetman, a

dedicated fireman, contacted my office after the deaths of his mother and his 2-year-old son.

Sean died just days after originally presenting with invasive strep A symptoms last February. After flying to New York for Sean's wake, Mr. Sweetman's mother died of group A strep infection just 14 days after her grandson. Both were originally misdiagnosed with a stomach bug.

While medical diagnosis presents enormous challenges, especially for rare diseases, I am deeply concerned with the medical misidentifications which led to these terrible deaths. Recently, several of my colleagues and I sent a letter to the Appropriations Committee asking that we focus on this issue.

I hope that we can come together to raise awareness for group A strep infections.

#### OBAMACARE COSTS—CBO CONFIRMS

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Madam Speaker, the Congressional Budget Office came out with its report yesterday, their latest analysis of the President's health bill, and what it confirms is there are flaws in the law.

CBO reports that this \$1.6 trillion program will cost individuals and businesses \$5 billion more than was initially estimated. CBO says that the health premiums that they already predicted would increase by \$2,100 now will increase even more. CBO estimates that 11 million people who currently have employer-based coverage will simply lose their health plan.

The President said we could keep our coverage, but under the law, employers are dropping coverage, and premiums are simply increasing, which drives up the cost of health care for everyone. And remember, historically, the CBO greatly underestimates their analyses.

We need to repeal this law and replace it with commonsense solutions that simply increase competition in the marketplace and places the consumer, not the government, in charge of health care.

#### GRANT AFFECTED STEEL WORKERS ELIGIBILITY FOR COMPENSATION

(Mr. HIGGINS asked and was given permission to address the House for 1 minute.)

Mr. HIGGINS. Madam Speaker, an alarming number of former employees at Bethlehem Steel in western New York are now suffering from cancer and other diseases due to radiation exposure as a result of having unknowingly worked with and around uranium during the Cold War.

After a multiyear fight, and thanks to the determination of workers and their families, those who were employed at the site from 1949 to 1952 are eligible for \$150,000 in compensation for their injuries. However, the cutoff at 1952 is arbitrary because no serious mitigation was undertaken until 1976.

Madam Speaker, those workers should also be eligible for just compensation. I am working with our Senators to urge the Centers for Disease Control and the National Institute for Occupational Safety and Health to meet with these workers, hear their stories, and finally grant them eligibility for just compensation.

#### LEAD, FOLLOW, OR GET OUT OF THE WAY

(Mr. PALAZZO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALAZZO. Madam Speaker, President Obama's failed economic policies have brought us more than 41 months of consecutive record unemployment. My State of Mississippi and the Nation are starving for jobs. In Mississippi, we like jobs and we want more jobs, not less.

However, this President has been AWOL, absent without leadership, when it comes to protecting and providing for our economic and national security, both of which are under assault by this President and the "do nothing" Democrats in the Senate.

What keeps me up at night is the fear of sequestration. Sequestration, if allowed to go into effect, is irreversible, irresponsible, and will cost America 1 to 2 million jobs. Sequestration will affect every community in every State in the Nation for the worst.

Our economic and national security are symbiotic of one another. We must have a strong economy to provide for our national defense, and a strong military to protect our economy. The American people do not want this administration to harm our economic and national security any more than it already has. Stop sequestration now.

I say to the President, it is time to lead, follow, or get out of the way.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to direct their remarks to the Chair.

#### HONORING THE SERVICE OF DONNA OTTAVIANO

(Mr. CICILLINE asked and was given permission to address the House for 1 minute.)

Mr. CICILLINE. Madam Speaker, I rise today to honor a superb public servant, Dr. Donna Ottaviano, who has served as the Superintendent of Schools for the Town of North Providence since 1981.

Families in North Providence have benefited greatly from Dr. Ottaviano's experience, dedication and, leadership. The entire school district, including faculty, staff, students, and parents, are sad to see her leave.

Access to a quality public education is a cornerstone of ensuring that our country and my home State of Rhode Island will succeed in the years ahead. Making sure our young people have access to the best education possible is critical.

I know that Dr. Ottaviano's vast experience, extraordinary dedication, and professionalism will serve her well in her new position with the East Bay Educational Collaborative and benefit Rhode Island schools from Newport to Woonsocket.

I congratulate Dr. Ottaviano on her new appointment, wish her well, and thank her for her dedicated service.

#### SOUNDING THE ALARM ON SEQUESTRATION

(Mr. RIGELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RIGELL. Madam Speaker, I join my colleagues this morning to sound the alarm of a serious threat facing our country, one that has been addressed by this body and now awaits action by the Senate and the President. It is not an external threat, but one that is totally within our control. Known as sequestration, this sharp severe cut to our defense budget can and must be stopped.

The warnings from the Secretary of Defense and each of our service chiefs must be heeded. The Chief of Naval Operations, Admiral Greenert, described it this way. He said the cuts would do "severe and irreversible damage" to our Navy.

Madam Speaker, where is the President's outrage at this prospect? Where is his leadership in his role as Commander in Chief?

The House passed legislation which would stop the cuts. My amendment to the National Defense Authorization Act requires the Senate to address it head-on.

Madam Speaker, we've led. I truly believe that we've taken action to stop the cuts. The irrefutable truth is that the same is not true of the Senate and the administration.

Now, we have time to do what is right, but that time is short. I call on the President and the Senate to do what is right: to lead, to lead by example, to bring us together as a nation to stop the cuts. We must look to the future and shape the future, not look behind us.

□ 1220

#### JOBS AND TAXES

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Madam Speaker, the American people need a tax plan that will help grow the middle class and create jobs right here in the United States.

The American people want jobs to take care of their families. Sadly, the Republicans are holding the tax breaks for 98 percent of Americans hostage so that they can prevent millionaires and billionaires from paying their fair share of taxes. The Bush tax cuts for the ultra rich have failed to create any new jobs. They must be allowed to expire. Instead of working together on a bipartisan tax plan to strengthen our economy, Republicans are pushing for a plan to balance the budget on the backs of seniors and the middle class and to end Medicare as we know it by turning it into a private voucher system.

Congress must stop protecting billionaires at the expense of Medicare and the middle class. Let's work together. Let's work together on a bipartisan plan that will cut taxes for 98 percent of Americans, that will protect Medicare and that will create jobs right here in the United States.

#### IN RECOGNITION OF CARSON BAIRD

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. THOMPSON of Pennsylvania. Madam Speaker, as cochair of the Career and Technical Education Caucus, I rise to recognize Mr. Carson Baird on his retirement from Penn State University's Learning Factory.

Carson Baird's background in motorsports started in racing while he proudly served in the United States Army. Following his service, he went on to hold the International Motor Sports Association Championship, three manufacturer championships, and three driver championships, having raced in classics such as the 24 hours of Daytona and the 24 hours at LeMans.

Since 1994, Carson Baird has served as supervisor of the Learning Factory, supporting the mission to bring the real world into the classroom by providing engineering students with hands-on experience through industry-sponsored projects. Carson Baird helped oversee an expansion of the Learning Factory that doubled its size, and in 2006, he was part of a team honored with the National Academy of Engineering's Gordon Prize for "Innovations in Engineering Education."

Carson Baird has applied his motorsports background to assist nearly 700 students on 150 projects that span 13

majors and engage students in five colleges.

I commend Mr. Carson Baird on his vision and dedication to tomorrow's engineers, and I wish him the best in his retirement.

#### NATIONAL YOUTH SPORTS WEEK

(Mr. MCINTYRE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCINTYRE. Madam Speaker, as founder of the Congressional Caucus on Youth Sports, I rise to commemorate the National Youth Sports Week we celebrate and to recognize 50 million children who participate in youth sports.

It is fitting this year that National Youth Sports Week falls on the eve of the Summer Olympic Games, because many Olympians, like Andy Roddick, Misty May-Treanor, Ryan Lochte, and Sanya Richards Ross, all began their careers as young athletes. Sports can make a difference in a child's life. Student athletes make better grades, they get in less trouble, and they are less likely to be obese. Sports can build character and teach values like sportsmanship, teamwork, civility, respect, and discipline.

We cannot recognize the players without thanking the coaches and volunteers who mentor these kids, folks like my chief of staff, Dean Mitchell; my pastor, who is here today, Matt Rich, with whom my son Stephen has coached; and all the many others who give their time and their efforts to help our young people.

Not all youth athletes grow up to be Olympians, but youth sports can shape the lives of all of us and make us better citizens, whatever our callings in life. May God grant that none of us are ever too busy to help a child.

And I leave you with a final thought: Go Team USA!

#### THE DARK SPECTER OF SEQUESTRATION

(Mr. WEST asked and was given permission to address the House for 1 minute.)

Mr. WEST. I spent 22 years of Active Duty service in the United States Army. One of the things that seriously concerns me is this dark specter that hangs over our country right now that is called "sequestration."

It would mean that we will hollow out our military force: that we would have the smallest ground force since 1940, the smallest Navy since 1915, the smallest number of fighter aircraft that we've ever had since the creation of the modern United States Air Force.

This morning, at the Army Aviation Caucus breakfast, I sat between two distinguished fliers. One was the commander of the 160th Special Operations

Aviation Regiment. Another was Chief Warrant Officer Ford. Between the two of them, they had almost 40 deployments into combat zones. Also at that breakfast this morning was a former cadet of mine, now Lieutenant Colonel Dave Almquist, a distinguished master aviator in the United States military.

Our men and women are watching us—the men and women who are the best and the brightest that this country can produce. But as well, our enemies are watching us to see what we will do to our United States military. Let us learn the lessons from post-World War I, post-World War II, and post-Korean War. Let's not gut our United States military. Let's own up to our responsibilities in article I, section 8.

#### WE NEED A FARM BILL NOW

(Mr. DONNELLY of Indiana asked and was given permission to address the House for 1 minute.)

Mr. DONNELLY of Indiana. Madam Speaker, I rise today to request the House of Representatives be allowed to vote on the 2012 farm bill. With many of the provisions of the previous farm bill set to expire on September 30 and with only 13 legislative days scheduled between now and then, we cannot afford delay.

Whether it's from Mother Nature or market prices, our farmers face an incredible amount of uncertainty. We cannot allow this Congress to be another cause for concern. Farmers in Indiana and throughout our country don't have time for political games. They have a Nation and a world to feed and an economy that relies on them to be all-star performers and to increase productivity every single year.

Mr. Speaker, bring the farm bill to the floor now. If not, let's stay here through all of August, all of September, all of October, all of November, and all of December until we get this work done. There is no excuse for not having a vote on the farm bill. We need a farm bill now.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind Members that they are to address remarks to the Chair.

#### LET'S WORK TOGETHER TO FIGHT AIDS

(Ms. BONAMICI asked and was given permission to address the House for 1 minute.)

Ms. BONAMICI. This is an important week for the United States as we host the International AIDS Conference for the first time in 22 years.

Decades ago, our country made the shameful decision that no one who is HIV positive could enter our borders. With the President's lifting of that ban and a greater attention to the AIDS

crisis, along with the advent of drugs that help those with HIV live longer, we are approaching what we should have always been—a global leader in the fight against AIDS.

Countless Oregonians have been affected by AIDS. I've personally lost friends to AIDS, and as of June 30, more than 5,600 people in Oregon were living with HIV. It's time to eliminate the stigma associated with HIV/AIDS and to focus on prevention, treatment, and care.

The participants of the conference this week show immense dedication to the fight against HIV and AIDS, both in the U.S. and abroad. Congress should have the same dedication. Funding for prevention and treatment programs is crucial, as is funding for medical research and drug development.

We've come a long way, but there is still a lot of work to do. I urge my colleagues to join me. Speak out. Help to end the stigma. Let's work together to fight AIDS.

#### HAPPY 75TH BIRTHDAY, SPAM

(Mr. WALZ of Minnesota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALZ of Minnesota. I rise today to honor southern Minnesota's own Hormel Foods for its 75 years of producing its world-renowned, iconic product—SPAM.

Entrepreneur George Hormel opened up his meat processing plant in 1891 in Austin, Minnesota, but it was his son Jay who came up with the idea of canned spice ham. Thus, in 1937, SPAM was born. SPAM served an essential role in World War II. Over 100 million pounds of SPAM were sent to the European front to aid the war efforts. After the war, SPAM's popularity soared globally. Over 7 billion cans have been sold.

Since the inception of SPAM, Hormel has always kept its company's roots in southern Minnesota, providing thousands of good-paying jobs and economic stability for middle class folks in Austin. Hormel also has a rich history of giving back. They've partnered with organizations to provide food for malnourished children around the world. In partnership with the University of Minnesota and the Mayo Clinic, they opened the world-renowned Hormel Institute, which gave us Omega-3 and -6 fatty acids in cancer reduction.

SPAM is an important part of our history. It played an essential role in feeding our troops, in creating jobs, and it has become an iconic American product. So, today, I honor Hormel's past, and I look forward to their future. Happy 75th birthday, SPAM.

□ 1230

## EVERYONE GETS A TAX CUT

(Mrs. MALONEY asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY. Madam Speaker, there seems to be some misunderstanding on the other side of the aisle on the tax cuts that the Democrats are now proposing.

Yes, we want to cut taxes for the middle class. We think that it is critical for our economic recovery. We also want to cut taxes for everyone else, including the most fortunate, but only on the first \$250,000 of their earnings. On that portion of their earnings, they will receive the exact same tax cut as the middle class. But if we hope to seriously address the issue of long-term deficits and debt, we can't do it by spending cuts alone.

According to the nonpartisan fact-checking organization FactCheck.org, in 2009 Federal tax rates were the lowest level in 30 years. Let's make one of those hard choices the other side of the aisle likes to talk about. Let's extend the middle class tax breaks, but let the tax cuts for the most fortunate expire and use every bit of that revenue to help pay down the deficit and get our economy moving in the right direction.

## KEEP OUR NATION SAFE

(Mr. ROONEY asked and was given permission to address the House for 1 minute.)

Mr. ROONEY. Madam Speaker, keeping our Nation safe is our most important responsibility under the Constitution as Members of Congress.

When we talk about sequestration, we're really asking are we really going to shirk that responsibility, are we really going to cut national defense and force our country to grow weaker and weaker over the next 10 years. If we don't prevent these massive cuts, we'll be left with our smallest ground forces since 1940, fewest ships since 1915, and our smallest Air Force in our history.

Our Secretary of Defense says these cuts would be devastating and would seriously damage readiness. Does anything else we really do here matter if we knowingly let our defenses down, if we aren't ready to be able to defend ourselves?

If there's wasteful spending in the Pentagon budget that we could cut without impacting national security, then we should do so. I led the fight to kill the extra engine for the F-35 Joint Strike Fighter program, saving taxpayers billions of dollars. The White House doesn't dispute the impact of these cuts, but won't put forward an alternative. The Majority Leader of the Senate won't schedule a vote on the House bill, but won't introduce a plan either. We have to do something to

avoid these massive cuts to keep our country safe.

## DISENFRANCHISING VOTERS

(Mr. ELLISON asked and was given permission to address the House for 1 minute.)

Mr. ELLISON. Madam Speaker, State legislatures all across the country are passing photo ID laws that could strip millions of Americans of their right to vote. Students, communities of color, low-income individuals, and seniors are particularly at risk of being disenfranchised.

As just one example, in March this year, a World War II veteran in Tennessee was denied the right to vote because he did not have an ID that matched his assisted living address. In Minnesota, which is considering a misguided constitutional amendment on photo ID, 215,000 registered voters don't have a driver's license or ID card with a current address on it; and if it passes, it will disenfranchise all of them.

Why put these hundreds of thousands of voters at risk? Proponents claim fraud, but there's not any fraud. Voter fraud is already illegal, and the number of confirmed cases is insignificant statistically. There are only a tiny number of cases. For this, we're going to disfranchise literally millions of people?

## CANCER FREE LABEL ACT

(Mr. DEUTCH asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mr. DEUTCH. Madam Speaker, we all know that wearing sunscreen, quitting smoking, or steering clear of asbestos can reduce our cancer risk. Yet, carcinogens are all around us, and exposure to these cancer-causing agents can be found in everyday products and in the food we eat.

For the most part, consumers are kept in the dark with no way to know for sure whether the makeup they use or the food they eat contains known carcinogens. It's time to help consumers choose safer products for themselves and for their loved ones. That's why today I'm introducing the Cancer Free Label Act. My bill will give companies the chance to market to consumers the fact that the products that they make are free of carcinogens.

Just as consumers refused to buy baby products laden with BPA and nearly wiped this chemical from the shelves, the Cancer Free Label Act will use market-driven forces to drive change. By passing the Cancer Free Label Act, we can give families across America the opportunity to avoid cancer-causing agents. And by promoting healthier choices, we will even be able to save lives.

## DOMESTIC TERRORISM

(Mr. MORAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN. Madam Speaker, I appreciate the moment of silence that we extended the victims of the Aurora, Colorado, massacre yesterday. But the more telling silence is this body's refusal to address the issue of gun control. As a result, a comparable number of Americans will be killed by firearms every day. There are 10,000 homicides by firearms in America every year, 19 times the number of firearm deaths in all civilized countries combined.

Today is the anniversary of the shooting deaths of two of our Capitol policemen. We responded to those killings with remorse and even more heartfelt condolences after our colleague Gabby was shot, but 60 more multiple murders have been committed since then.

Thirty-two innocent students at Virginia Tech were massacred, and Virginia's legislative body actually weakened the State's gun control laws, suggesting that the fault was with the students because they weren't carrying firearms themselves. A similar comment was made by a Member of this body after the Aurora killings that there should have been a shootout in that darkened theater.

This is domestic terrorism, Madam Speaker. We ought to stop being so soft on such crime. If this shooting had been committed by foreign terrorists, we'd send the marines out after them, but foreign terrorists don't buy their weapons from dealers who are members of the NRA.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. EMERSON). The Chair would like to remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings is in violation of the rules of the House.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Any record vote on the postponed question will be taken later.

## PRESIDENT OBAMA'S PROPOSED 2012-2017 OFFSHORE DRILLING LEASE SALE PLAN ACT

Mr. HASTINGS of Washington. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6168) to direct the Secretary of the Interior to

implement the Proposed Final Outer Continental Shelf Oil & Gas Leasing Program (2012–2017) in accordance with the Outer Continental Shelf Lands Act and other applicable law.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6168

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “President Obama’s Proposed 2012–2017 Offshore Drilling Lease Sale Plan Act”.

**SEC. 2. DEFINITIONS.**

In this Act:

(1) OCS PLANNING AREA.—Any reference to an “OCS Planning Area” means such Outer Continental Shelf Planning Area as specified by the Department of the Interior as of January 1, 2012.

(2) PROPOSED OIL AND GAS LEASING PROGRAM (2012–2017).—The term “Proposed Final Outer Continental Shelf Oil & Gas Leasing Program (2012–2017)” means such plan as transmitted to the Speaker of the House and President of the Senate on June 28, 2012.

**SEC. 3. REQUIREMENT TO IMPLEMENT PROPOSED OIL AND GAS LEASING PROGRAM (2012–2017).**

The Secretary of the Interior shall implement the Proposed Final Outer Continental Shelf Oil & Gas Leasing Program (2012–2017) in accordance with the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.), other applicable law, and the schedule established by such proposed program for conducting oil and gas lease sales in OCS Planning Areas in specified years as set forth in the following table:

Proposed Final Program for 2012–2017 Lease Sale Schedule Sale No.	Area	Year
229	Western Gulf of Mexico .....	2012
227	Central Gulf of Mexico .....	2013
233	Western Gulf of Mexico .....	2013
225	Eastern Gulf of Mexico .....	2014
231	Central Gulf of Mexico .....	2014
238	Western Gulf of Mexico .....	2014
235	Central Gulf of Mexico .....	2015
246	Western Gulf of Mexico .....	2015
226	Eastern Gulf of Mexico .....	2016
241	Central Gulf of Mexico .....	2016
237	Chukchi Sea .....	2016
248	Western Gulf of Mexico .....	2016
244	Cook Inlet .....	2016
247	Central Gulf of Mexico .....	2017
242	Beaufort Sea .....	2017

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentlewoman from Massachusetts (Ms. TSONGAS) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

**GENERAL LEAVE**

Mr. HASTINGS of Washington. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. Madam Speaker, I yield myself such time as I may consume.

The bill we are now considering, H.R. 6168, is a very simple bill. It would implement President Obama’s proposed offshore drilling lease plan for the years 2012 to 2017.

Late yesterday, the House debated H.R. 6082, the Congressional Replacement of President Obama’s Energy Restricting and Job-Limiting Offshore Drilling Plan. These bills contain two distinctly different offshore drilling plans, and the House will have an opportunity to choose which one allows for more American energy production and more American job creation, and which one continues to lock up America’s resources.

This debate is occurring during the 60-day mandatory review period provided for under section 18 of the Outer Continental Shelf Lands Act, which requires a President to submit his proposed plan to Congress for review. He must submit it to Congress before it can take effect. This 60-day clock started ticking on June 28 when President Obama’s plan was submitted to the House and to the Senate.

Madam Speaker, I am the official sponsor of this bill to implement President Obama’s plan. I introduced this bill with the specific purpose of allowing the people’s House to officially go on record as either endorsing the President’s plan or registering its opposition to it.

□ 1240

Now, while I’m the bill’s sponsor, I am going to vote against this bill. I oppose the President’s plan. It’s a giant step backwards for American energy production and for job creation.

Madam Speaker, President Obama likes to give speeches claiming support for offshore drilling; however, I have observed his actions while in office are 180 degrees different than his rhetoric.

When President Obama was sworn into office in January 2009, nearly all of our offshore areas were newly open to American energy production. This was the result of the public outrage in the summer of 2008 over \$4 gasoline prices that resulted in the Federal Government lifting the two moratoria that blocked energy production off both the Atlantic and the Pacific coasts. The will of the American people was clear: For the sake of family budgets, for small businesses, and for our economy, we must produce more American energy in America to lessen our dependence on hostile foreign sources.

So when President Obama took office, there was an offshore energy plan to conduct lease sales in new areas that were no longer under the moratoria. Instead of seizing this opportunity to vastly increase American energy production, the President tossed that plan aside and delayed and canceled these sales, including a sale scheduled for 2011 that would open a section offshore of the Commonwealth of Virginia.

The Obama administration has spent the last 3½ years slowly writing a plan that takes our country backwards, a plan that effectively reimposes the drilling moratoria that were lifted in 2008. The President’s proposed plan keeps 85 percent of our offshore areas off-limits to energy production. The Atlantic coast, the Pacific coast, and parts of the Arctic are all kept under lock and key under his plan.

His plan absolutely opens no new areas for drilling. As an example, after delaying the Virginia lease sale in 2011, the President doesn’t even include it in his proposed plan. Under President Obama, then, the absolute earliest that the Virginia lease sale could happen is 2017. That’s 6 years after it was scheduled to take place.

In total, the President’s proposed plan only includes 15 lease sales. According to the nonpartisan Congressional Research Service, this means that this President has the distinction of offering the lowest number of lease sales over a 5-year plan since this program began, since this legislation establishing the review. Madam Speaker, that’s worse than even Jimmy Carter’s record.

During the several hours of debate yesterday, there was little defense of the President’s limited and weak offshore plan. In fact, a great deal of time was expended by the other side trying to change the subject, rather than endorse or defend the President’s offshore plan. I think that shows just how out of touch and unacceptable this plan really is.

Today we will hear the deliberately misleading claim that the President’s proposed plan opens 75 percent of the known offshore resources. That is simply not true, Madam Speaker. It was meant to provide political cover for a failed record on offshore drilling. The cold hard facts are the President is effectively reimposing a moratorium on 85 percent of our potential resources offshore of America’s coasts.

An attempt might be made to claim that the bill doesn’t represent the President’s plan. Madam Speaker, it couldn’t be more black-and-white. This bill exactly replicates the offshore lease sales scheduled in the President’s proposed plan, both by location and by the sale year. H.R. 6168 is the President’s plan.

Now, just last week, Secretary of the Interior Salazar wrote that President Obama’s offshore plan is what the “American people have asked for.” In reality, the American people want increased American energy production and new and more American jobs. The President’s proposed plan fails to deliver on both, American energy production and American jobs.

So by voting against this bill—which I will do, even though I am the sponsor of it—Members of Congress can stand up for the American people and reject

the President's no-new-drilling, no-new-jobs plan.

We can and we must do better. And that is precisely why we had the debate, and we will have a vote later on today on H.R. 6082, the House plan.

So with that, Madam Speaker, I reserve the balance of my time.

Ms. TSONGAS. Madam Speaker, I yield myself such time as I may consume.

I would like to thank our ranking member, Mr. MARKEY of Massachusetts, for his forceful advocacy on this issue.

I rise today in strong support of H.R. 6168, legislation that would support the President's proposed Offshore Drilling Lease Sale Plan for 2012–2017. This plan, which has been developed over the past few years with extensive public input, is a responsible way to increase domestic production of oil and gas while still protecting our delicate and vital ocean environment.

Contrary to Republican claims that the plan would restrict domestic production and hurt jobs, the President's proposed plan would actually open 75 percent of offshore oil and gas resources to development. Where there are resources, the land is being opened—75 percent. In fact, domestic production of oil is at an 18-year high, and gas production is at an all-time high under President Obama.

At the same time that the President's plan includes new leasing, it also protects many of our most important ocean environments from drilling, such as Georges Bank and other vital fishing areas off the coast of my State, Massachusetts. Georges Bank is a valuable public resource that has been central to our region's rich cultural heritage, economy, and identity.

For years, these waters have been at the heart of the New England fishing industry and have historically been one of the country's most productive fishing grounds. Income from Massachusetts fisheries has been valued at approximately \$350 million annually, and Georges Bank is a key part of this marine ecosystem. Allowing oil and gas drilling on Georges Bank would threaten to destroy these rich fishing grounds and could have a devastating effect on the Massachusetts economy.

But the benefits of the President's responsible plan go well beyond just protecting Massachusetts. This plan would also protect Bristol Bay in Alaska from drilling. Bristol Bay, as many know, is one of Alaska's most pristine fishing grounds and the source of much of the salmon that we consume here in the United States.

The decision to keep these areas off-limits was based on local recommendations and a lack of infrastructure and oil spill preparedness. If we open this fishing ground to oil drilling, the impact could be felt across our country.

The Republican plan would also require just one environmental review

for every new lease offered in the Atlantic, Pacific, or Bristol Bay, without taking into account the uniqueness of each of these locations. While I certainly understand the desire to streamline these reviews, requiring one blanket review for the entire country is not the answer.

The harsh climate of Alaska is infinitely different than that of the Gulf of Mexico or the Gulf of Maine. It is important to know the conditions of each site before drilling is started or we could face another disaster like the 2010 BP Deepwater Horizon spill from which the Gulf Coast States are still recovering.

So I call upon my colleagues to support the President's responsible offshore leasing plan and vote in favor of H.R. 6168. Our support of the President's plan is support for the fishermen in Massachusetts and throughout the United States.

I reserve the balance of my time.

□ 1250

Mr. HASTINGS of Washington. Madam Speaker, I am very pleased to yield 3 minutes to the gentleman from Colorado (Mr. LAMBORN), a member of the Natural Resources Committee and a subcommittee chairman.

Mr. LAMBORN. Madam Speaker, this bill we are considering under suspension simply codifies President Obama's offshore drilling plan for the next 5 years. It's a simple bill and a simple vote: What do you choose for America's future?

The Congressional Replacement Plan we debated yesterday will harness America's vast offshore resources in both existing and new areas in a responsible way. Our plan is the right plan to keep the United States competitive and to develop the resources that American families and American businesses need. It will generate more revenue for the taxpayers, more energy, and more jobs.

What does the Obama plan under this suspension vote have to offer? No new areas for energy development and the lowest number of lease sales in the history of the 5-year program, according to Congressional Research Service. Is that really the plan you think is best to move our Nation forward and generate high-paying jobs?

Look at this bar graph. This shows what was going on under President Jimmy Carter 30 years ago. This 5-year plan program has been going for more than 30 years, and the 15 lease sales you see at the end of the graph is the lowest in the history of the 5-year program. If you remember, during Jimmy Carter's administration, we had gasoline shortages. You could go to the gas station and buy gas if your license plate ended in an odd or even number, depending on the day of the week. We should not have the lowest number of lease sales in the history of our country.

The Obama 5-year plan is the you-cannot-build-it plan; you cannot build new infrastructure for energy. It tells the people of Virginia that they cannot build new rigs and explore new areas of the Outer Continental Shelf regardless of the bipartisan support of the Governor, Senators, and Representatives of Virginia. The President's plan says you cannot build anything new, essentially reinstating a moratorium on the Pacific and Atlantic Outer Continental Shelf. The President's plan locks up 85 percent of our Nation's nearly 2 billion acres of Outer Continental Shelf resources.

Production on Federal lands, according to the Energy Information Administration, is down under the Obama administration.

I heard something earlier about natural gas production is up. That's on private lands primarily because of fracking.

We need to get Federal lands producing again, and the Obama 5-year plan is not the plan to do that. The Congressional Replacement Plan is. We should vote for more American energy and vote for more American jobs. So vote against this suspension bill and vote in favor of the Congressional Replacement Plan.

Ms. TSONGAS. Madam Speaker, the number of lease sales don't translate into more drilling on these leases necessarily. Oil companies already hold leases in the Gulf of Mexico that are sitting idle that contain nearly 18 billion barrels of oil, according to the Interior Department. Oil companies should begin drilling on those leases before asking to threaten Massachusetts and other coastal States with new drilling.

Now I yield such time as he may consume to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN. Madam Speaker, I thank my friend and colleague from Massachusetts.

Madam Speaker, I support President Obama's proposed offshore drilling lease plan. I will vote for it, but I suspect that it will garner little support, and that's the reason why it was scheduled for consideration today. But unlike the Republican majority in the House who favor drilling above all else, Interior Secretary Salazar and President Obama are acting more responsibly in a balanced fashion.

Their 5-year leasing plan attempts to balance the full range of public and private interests. Their 5-year leasing plan attempts to ensure that our coastal waters will continue to be a shared public resource. They were never meant to be the exclusive domain of the oil and gas industry.

Introducing drilling in new areas, as the gentleman from Washington State's bill would do, will disrupt established industries like commercial fishing and beach tourism. There is no

question about that. And there is no need to rush forward and open our entire coast to drilling when 75 percent of our offshore oil and gas resources are already available for drilling. In fact, more oil is in production today under the Obama administration than at any time during the last 14 years. And more of the public's lands and waters have been leased for drilling today than at any previous time in American history.

Onshore, oil companies hold leases on more than 73 million acres of the public's land, though they choose to keep 45 million of those acres inactive.

Offshore, more than 37 million acres of the Outer Continental Shelf have been offered for lease, although the oil industry has bid on less than 10 percent of these new available leases. As of June 1 of this year, there were 1,980 rotary drilling rigs operating on U.S. lands and waters, more than all other countries combined.

Now, the President's plan does open up areas in the Beaufort and Chukchi Seas off Alaska's northern coast to oil and gas development. I do have strong misgivings that adequate safeguards have been established to respond to a future oil spill disaster in these seas because drilling will be done in a harsh environment in a remote area where disaster response capabilities are extremely limited and could be compromised by severe weather conditions, which in fact are the norm up there.

But I am in strong agreement that the 2012-2017 plan excludes lease sale 220 that covers waters in the Mid-Atlantic, especially off the coast of Virginia. In addition to commercial fishing interests and tourism, lease sale 220 threatens military readiness, our national security interests, and it intersects shipping lanes for the Atlantic's two busiest commercial ports—Hampton Roads and Baltimore. The U.S. Atlantic fleet is based at the Norfolk Naval Base and operates in these very same waters that the President wants to protect. He wisely proposes simply postponing oil and gas development primarily for that purpose.

According to a report issued by the Office of the Deputy Secretary of Defense for Readiness, there should be no lease sales in 72 percent of the proposed 220 lease area since it is in conflict with live ordnance, air surface missile/bomb and gunnery exercises, shipboard qualification trials, carrier qualifications, and follow-on testing and evaluation. An additional 5 percent would interfere with aerial operations and shouldn't host permanent surface structures.

In summary, 78 percent of proposed lease sale 220 that the President wisely postpones would be in areas that conflict with our national security needs; and a good deal of the remaining 22 percent would be within the shipping lanes to the ports of Hampton Roads and Baltimore.

Madam Speaker, our coastal waters are a shared resource that host a number of competing and sometimes incompatible uses. In the interest of the oil and gas industry, and to perpetuate a myth that somehow we can drill our way to lower gasoline prices and energy independence, the Republican majority is demonstrating a disregard for our other economic interests and the livelihood of millions of Americans employed in the fishing and tourism and national security sectors. Their livelihood is needlessly placed at risk in a drilling-above-all-else policy.

So I encourage my colleagues to support the President's balanced legislation and reject the other drilling bill that is on the floor today. The President is trying to do the right thing, and he should be supported. The other bill will have unintended, unforeseen, but inevitably adverse consequences to our economy.

Mr. HASTINGS of Washington. Madam Speaker, I am very pleased to yield 3 minutes to the gentleman from Louisiana (Mr. LANDRY), a Representative of a coastal State and a very important member of the Natural Resources Committee.

Mr. LANDRY. Madam Speaker, the rhetoric here just does not meet the facts. Our energy policy in this country has continued to fail us because we have spent money in areas that are getting us no results. We know that to lower costs for all Americans, we must lower their energy bills. We know that the cheapest form of energy out there is oil and gas; and yet the President puts out a bare-bones policy, yet claims to want to create jobs.

The lowest unemployment rate in this country exists in North Dakota, and the reason that unemployment is so low there is because they understand that drilling equals jobs. Now, let's see what's going on up in the Dakotas, because if we would believe what the gentlemen and ladies across the aisle would lead us to believe, that the areas that we would like to open up do not contain any resources, then they would believe, as the USGS believed in 2002, that the Marcellus shale in the Pennsylvania area only contained about 2 trillion cubic feet of gas.

□ 1300

Well, today, through the hard work of Americans and private industry, we have realized that there are 84 trillion cubic feet of natural gas. In the Gulf of Mexico in the 1980s, there was an assessment that believed that only 6.25 billion barrels of oil was located in the gulf, but yet today, 15.5 billion barrels have been produced.

Now, the problem is that it takes a while for private industry to recognize where these resources are, to be able to find them, to explore for them and then to determine how much is in the ground. And so that takes time. So

what the President does is he takes those properties, those Federal lands, those Federal properties, off the table. It doesn't allow those companies to go out and explore to determine whether or not we can actually be energy independent, which everyone here on both sides of the aisle continues to come up to these microphones and claim they want.

Well, we can do that. And all we're asking in our plan is that we allow these properties to be surveyed and looked at and be made available.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HASTINGS of Washington. I yield the gentleman an additional 2 minutes.

Mr. LANDRY. Make these properties available so that private industry can come in to determine the amount of reserves that can be extracted out of the ground and given to Americans to reduce their overall energy consumption.

So, Madam Speaker, I will tell you that what the President does is fails the American people when it comes to creating jobs and lowering the cost of energy not only at the gas pump, but in their electric bills, in the manufacturing centers around this country and in the steel mills. In every sector of this country that uses energy, the failure for us to tap into our resources and to review and get a solid assessment on the amount of resources available to the American people is being missed here.

So I certainly hope that Members would reject the President's plan and take up our plan, which is going to expand the amount of Federal properties available to explore for oil and gas and lower the cost and create jobs for all Americans.

The SPEAKER pro tempore. Without objection, the gentleman from Massachusetts will control the time.

There was no objection.

Mr. MARKEY. Thank you, Madam Speaker, and I yield myself such time as I may consume.

Madam Speaker, yesterday, the majority brought to the floor a bill that would replace the Interior Department's 5-year offshore drilling plan. Today, the majority is bringing a bill to the floor that would require the Interior Department to conduct the offshore drilling plan it is already doing.

Now why would we be taking up a bill to replace the plan yesterday and a bill to implement the plan today? Is it because the majority is having buyer's remorse about their own bill that would put drilling rigs off of the beaches of California, the beaches of Maine, New Hampshire, Massachusetts, Connecticut, New York, New Jersey, Delaware, Maryland, and Virginia? Are they having remorse putting all those rigs out there off the beaches with no new safety procedures adopted post the BP spill? Overnight, have they had



some regret, conscience stricken, perhaps that's not a good idea?

That would be a very hopeful sign, I think, for all of us who care about the environment, care about safety and care about protecting the beaches and the fishing industries of our country.

Or is it because they were so compelled by arguments that the Democrats made during the debate on the floor yesterday that they now intend to reverse their position and actually support President Obama's offshore drilling plan that makes 75 percent of all of our oil and gas resources available for drilling while protecting the east and west coasts?

I don't think so, because I am quite certain that the chairman of the committee intends to vote against his own bill here today and that the only reason the majority is bringing this bill up is to defeat it. It appears that the majority's dislike of President Obama is so great and so overwhelming that they are about to actually vote against more oil and gas drilling offshore even in an era where President Obama has already demonstrated his commitment to drilling. There are more rigs out drilling now in the United States than all the rest of the world combined. We're at an 18-year high in production of oil in the United States. You have to go all the way back to 1993 to find a day where there was more oil being produced on a daily basis than today. We have reduced our oil dependence—that is, how much we have to import from overseas—from 57 percent when George Bush was President just 4 years ago down to only 45 percent during the Obama administration.

Thank you, President Obama. Thank you for the fantastic job you're doing in reducing our dependency upon imported oil. That is something that did not happen during President Bush's years in office. And that's quite a record, isn't it, that we're at an 18-year high for oil development? We're at a point where we've reduced our dependence on imported oil from 57 percent down to 45 percent just in 3½ years since President Obama was sworn in. We have more rigs than the whole rest of the world combined drilling for oil here in the United States. That is quite a record, and we thank you, President Obama, for your excellent job.

But we know what the Republican majority is trying to do here today. They're trying to re-message here that somehow or other President Obama hasn't done a historically good job. The majority is about to make their own history here—rewrite history. They are so bent on voting against President Obama that they are going to actually oppose policy they hold most dear—more drilling. We appear to have found the one thing that can stop the majority from voting for drilling over and over again. This would be like Red Sox fans rooting against the Red Sox just

because they signed Derek Jeter. All of a sudden, they would want to not support them any longer. And the majority is putting this bill on the suspension calendar today even though we know they have no intention of supporting it.

So why are we here? Why are we wasting the time of this House when there are so many other pressing issues facing the Nation? We should be focusing on creating jobs for our constituents, on passing a farm bill that helps farmers who are being harmed by drought and taking action on a spending and tax plan to avert going off the fiscal cliff of sequestration. But are we doing any of those things? No, we are not.

The majority is not only asking us to suspend the rules to pass this bill, they are asking us to suspend reality. They are asking us to suspend the reality that President Obama has reduced our dependence on oil from 57 percent down to 45 percent, that we are at an 18-year high in oil production in our country, and that we have 50 percent more floating drilling rigs operating in the Gulf of Mexico than we did before the BP spill.

Let me say that again: There are 50 percent more floating drilling rigs operating in the Gulf of Mexico than before the BP spill, and we have more drilling going on than the whole rest of the world combined. The reality is that President Obama is about "all of the above." That's his energy plan.

What the Republicans do is they just keep bringing out things that really make the oil industry happy but towards the goal of killing the wind industry and killing the solar industry, because they're doing nothing for those industries. And that agenda is, oh, so clear. It's transparently clear what this agenda is.

□ 1310

We actually support an "aye" vote on the President's plan and a "no" vote on the Republican plan. We should not be drilling off of the beaches of our country when 75 percent of all the oil and gas resources have been made available and the oil industry hasn't even begun in a significant way to capture all those opportunities.

At this point, I reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Speaker, I am very pleased to yield 1 additional minute to the gentleman from Louisiana (Mr. LANDRY).

Mr. LANDRY. Madam Speaker, I just wanted to take a moment to discuss with my good friend from Massachusetts some of the statistics that he was laying out for the American people here on the floor.

The problem is that we are lacking the demand for energy right now because people are out of work. Because of high unemployment, people are not

driving back and forth. That means they're not utilizing gasoline or energy. So, he's right; the amount of oil that we're having to import today has been reduced because people are out of work.

Now, what happens if—and this is a big "if"—we can crank this economy back up and we can do what everyone here wants to do, and that is to create jobs? Well, the problem is that, if we start cranking this economy up and we don't have a solid energy policy in place, gasoline prices are going to rise and we're going to end up back in a recession.

So I would like the gentleman from Massachusetts to join me in saying, You know what? We're going to put the country on a sustainable path. We're going to ensure that when Americans get the jobs that we're going to help create here, we're going to make sure that the economy can continue.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HASTINGS of Washington. I yield the gentleman an additional 30 seconds.

Mr. LANDRY. We're going to ensure that that economic expansion is going to last a long, long time.

So again, I would urge the gentleman to reject the President's plan. Join us. Give private industry an opportunity to see what is out there. Once and for all, remove the shackles that America has chained to OPEC and let us be truly energy independent.

Mr. MARKEY. Madam Speaker, I yield myself such time as I may consume.

All you have to know about the political nature of this bill—and the next bill that we're going to be voting on that allows for drilling off of the beaches of Massachusetts and southern California and Maine and Maryland, New Jersey, without new safety safeguards being put in place—is that they kind of pick a whole bunch of States that are on the Atlantic Ocean and the Pacific Ocean, but they leave out one State.

Now, why did they leave out that State? I wonder why they left out Florida. Why isn't Florida on the list? Why did they exclude that one State out of their systematic goal of increasing energy independence and compromising, if necessary, the beaches of all of these other States in the advancement of that goal to help Exxon Mobile and BP and Shell drill off of our coastline? Why don't they want to drill off of Miami Beach? Why don't they want to drill off of Jacksonville's beaches? Why don't they include Florida? Hmm. Ah, Gore v. Bush. Florida could decide the Presidential race. Ah. Oh, the Republican convention is in Florida this year? Oh. They don't want 1 million people coming to protest the drilling off of the beaches of Florida? Oh. That makes a lot of sense. That's a good justification for excluding Florida, but

not Massachusetts, not Maine, not Maryland, not Virginia. But Florida, they're out.

So all you have to know about the blatant political nature of these bills is that they're intended to embarrass President Obama, just as he has proven he is a historically successful President in increasing oil production in America. He has reduced oil dependence on overseas sources from 57 percent down to 45 percent—something George Bush never did. In fact, it spiked to 57 percent under his watch over 8 years. That's a long time to get something done on that front—and he now has 50 percent more rigs in the Gulf of Mexico. So this is really all about politics: 131 votes out here to help the oil and gas industry, no votes out here to help the wind and solar industry.

And the story line continues, even up to the point where they exclude Florida. I mean, it's so nakedly obvious what is happening here in terms of the political nature of what the Republicans are doing on this subject. But please, for the sake of the country, can we get to an all-of-the-above strategy? Can we get to something that actually has you saying positively what you're going to do about the renewable energy that we have in our country that can make it possible for us to say to OPEC, totally, that we don't need your oil any more than we need your sand? Can we actually say that? Can we agree upon that, that it's a common goal and we can find a way of giving the incentives to the wind and solar industry in the same way you do, over and over again, want to give to the oil and gas industry?

Please, let's work together, as a common goal, as a country, to accomplish that goal. Let's not just favor oil and gas. Let's have an agenda that includes all of the above. Because today is just another repetition of the same syndrome that has an ancestor worship at the altar of oil and gas that plagued us in the 20th century but can be alleviated, if we put together a plan to exploit all of our domestic resources, in the 21st century. The agenda of the majority is sadly lacking in that area.

I urge an "aye" vote on this suspension vote.

Mr. HASTINGS of Washington. Madam Speaker, I yield myself the balance of my time.

First of all, I want to tell my good friend from Massachusetts that I was hoping he would thank me for introducing the bill because now he has an opportunity to vote for the President's plan. I already mentioned that I was going to vote against it. I was very forthright. But now the gentleman does have an opportunity to vote for the President's plan, so I wish that he had thanked me for that.

But I want to say this, Madam Speaker: We already know that Americans want to be less dependent on for-

eign energy. The Republican plan obviously does that. Americans also want to have parts of the economy start growing. Energy production is a way to jump-start our economy with good American jobs. So those are all givens.

But the rhetoric sometimes coming from the other side is: Why are some areas emphasized and some areas are not? Because we use a very, very novel approach to where we should sell leases and explore for oil, and that is, very simply, where we think the resources are, and then people will bid on that and take a chance and see if there are resources. If there are, they will drill, and the Federal Treasury and the American people benefit.

A good case of that, by the way, Madam Speaker, is in southern California, because reference has been made several times to southern California, and specifically to Santa Barbara, California, the Santa Barbara Channel.

Now, the State Lands Commission says that there are 1,200 natural occurring seeps in the Santa Barbara Channel, and it's estimated that coming out of these naturally occurring seeps in the Santa Barbara Channel is 55,000 barrels a year—each year. Experts have concluded that that amount of seep could be translated into enough fuel to fuel the energy for Santa Barbara County for 7½ years. Now, that is a lot of oil.

We believe the opportunity ought to be to go—again, with the novel approach—where the oil is. So that's why our approach says, okay, let's open up all these areas. Let's allow the private sector to ascertain if they want to pay somebody for a lease to develop those resources.

□ 1320

That is in essence what this debate is about.

And finally, let me conclude this way, Mr. Speaker. The fact is that the President's plan reinstates the moratorium that existed going up to 2008. The American people demanded that be lifted with \$4 gasoline, but this essentially reinstates that.

I think that's the wrong policy. So we'll have an opportunity today to vote on two proposals: one that does increase American energy and creates American jobs, or one that maintains the status quo. In fact, it doesn't even do that. It goes back and reestablishes the moratorium and locks up 85 percent of our resources.

So I urge a "no" vote on this suspension bill, and a "yes" vote on the subsequent bill that we debated yesterday, H.R. 6082.

With that, I yield back the balance of my time.

Mr. BLUMENAUER. Madam Speaker, I voted for H.R. 6168, President Obama's Proposed 2012–2017 Offshore Drilling Lease Sale Plan Act. I emphasize that this is a qualified

support. The President's plan maintains important protections for the Pacific Coast, the Atlantic Coast, and Bristol Bay. It is far better than the Republican alternative, which would open most of the American coastline to drilling, and which would eliminate important environmental safeguards in the process.

Should Congress move forward with the President's proposal, it should do so with care, ensuring sufficient protection throughout the process. In particular, I am concerned about the potential permitting in Alaska. The President's proposal does require additional research and comprehensive analysis before approval of any project in Alaska, I underscore the need to have a full understanding of the impacts of drilling on the Alaskan ecosystems before moving forward. Appropriate safeguards must be in place and I look forward to working with the administration to ensure that we move forward with projects only after being confident that they do not pose a threat to the environment, ecosystems, or existing local economies in the area.

Our biggest priority should be reducing our dependence on fossil fuels, regardless of whether or not those fuels are obtained domestically or internationally. I will continue to work with my colleagues to support policies that support clean energy production and energy efficiency.

Mr. HOLT. Madam Speaker, today we are considering the so-called President Obama's Proposed 2012–2017 Offshore Drilling Lease Sale Plan Act (H.R. 6168).

This legislation, to require the Department of the Interior to conduct the very offshore drilling plan they are already set to implement, has been rushed to floor just so that the majority could vote against it in a political stunt. Even the sponsor of this bill will oppose it.

Although I have serious concerns with the DOI's plan to hold lease sales in the Arctic, where spill response capabilities are virtually nonexistent and the merits of opening this pristine environment to drilling remain unclear, the DOI's five-year plan stands in stark contrast to the House Republican plan for offshore oil and gas development.

The Republican plan amounts to yet another attempt to open up nearly every last piece of our public lands to drilling and hand even more giveaways to Big Oil. It is important to note that the President's plan does not provide for oil and gas lease sales off of the coast of New Jersey.

For these reasons, I will vote for H.R. 6168. But I want the RECORD to reflect that my vote for this bill is not an endorsement of expanded drilling in the Arctic or seismic exploration off of the coast of New Jersey. I strongly oppose drilling off of the coast of New Jersey and in the Mid-Atlantic and I offered an amendment to the bill we are considering to prevent any new drilling in that region.

Along with my Democratic colleagues on the Natural Resources Committee, I have offered bills to implement the safety recommendations of the National Commission on the Deepwater Horizon Oil Spill and to establish a fee on inactive leases as an incentive for oil companies to begin producing on the lands they already hold—of course, applying up-to-date environmental and safety lessons. I also introduced the Big Oil Bailout Prevention Act to make

sure that oil companies pay the full cost of damages resulting from future oil spills.

We should be considering these important reform bill not political stunts designed to let the majority pat themselves on the back about what a good job they are doing to promote the development of the natural resources that belong to all Americans.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, H.R. 6168.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

# CONGRESSIONAL REPLACEMENT OF PRESIDENT OBAMA'S ENERGY-RESTRICTING AND JOBLIMITING OFFSHORE DRILLING PLAN

## GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and add extraneous material on H.R. 6082.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 738 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 6082.

Will the gentlewoman from Missouri (Mrs. EMERSON) kindly retake the Chair.

□ 1322

## IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 6082) to officially replace, within the 60-day Congressional review period under the Outer Continental Shelf Lands Act, President Obama's Proposed Final Outer Continental Shelf Oil & Gas Leasing Program (2012-2017) with a congressional plan that will conduct additional oil and natural gas lease sales to promote offshore energy development, job creation, and increased domestic energy production to ensure a more secure energy future in the United States, and for other purposes, with Mrs. EMERSON (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Tuesday, July 24, 2012, a request for a recorded vote on amendment No. 8 printed in part C of House Report 112-616 by the gentleman from Florida (Mr. HASTINGS) had been postponed.

Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in part C of House Report 112-616 on which further proceedings were postponed, in the following order:

Amendment No. 2 by Mr. HOLT of New Jersey.

Amendment No. 4 by Mr. MARKEY of Massachusetts.

Amendment No. 5 by Mr. MARKEY of Massachusetts.

Amendment No. 6 by Mr. HOLT of New Jersey.

Amendment No. 7 by Mr. HASTINGS of Florida.

Amendment No. 8 by Mr. HASTINGS of Florida.

The Chair will reduce to 2 minutes the minimum time for any electronic vote after the first vote in this series.

## AMENDMENT NO. 2 OFFERED BY MR. HOLT

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. HOLT) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 163, noes 253, not voting 15, as follows:

[Roll No. 504]

AYES—163

Ackerman	Cleaver	Hahn
Andrews	Clyburn	Hanabusa
Baca	Cohen	Hastings (FL)
Baldwin	Connolly (VA)	Heinrich
Barber	Conyers	Higgins
Bass (NH)	Cooper	Himes
Becerra	Courtney	Hinchey
Berkley	Crowley	Hochul
Berman	Cummings	Holden
Bishop (NY)	Davis (CA)	Holt
Blumenauer	Davis (IL)	Israel
Bonamici	DeFazio	Johnson (GA)
Boswell	DeGette	Johnson (IL)
Brady (PA)	DeLauro	Johnson, E. B.
Braley (IA)	Deutch	Jones
Brown (FL)	Dicks	Kaptur
Buchanan	Dingell	Keating
Butterfield	Doggett	Kildee
Capps	Dold	Kind
Capuano	Doyle	Kissell
Carnahan	Edwards	Kucinich
Carney	Ellison	Langevin
Carson (IN)	Eshoo	Larson (CT)
Castor (FL)	Farr	Lee (CA)
Chandler	Fattah	Levin
Chu	Filner	Lewis (GA)
Cicilline	Frank (MA)	Lipinski
Clarke (MI)	Fudge	LoBiondo
Clarke (NY)	Grijalva	Loeback
Clay	Gutierrez	Lofgren, Zoe

Lujan	Polis	Sherman
Lynch	Price (NC)	Sires
Maloney	Quigley	Slaughter
Markey	Rahall	Smith (NJ)
Matsui	Rangel	Smith (WA)
McCarthy (NY)	Reichert	Stark
McCollum	Reyes	Sutton
McGovern	Richardson	Thompson (CA)
McNerney	Rothman (NJ)	Thompson (MS)
Michaud	Roybal-Allard	Tierney
Miller (NC)	Ruppersberger	Tonko
Miller, George	Rush	Towns
Moore	Ryan (OH)	Tsongas
Moran	Sánchez, Linda	Van Hollen
Murphy (CT)	T.	Velázquez
Napolitano	Sanchez, Loretta	Visclosky
Neal	Sarbanes	Walz (MN)
Olver	Schakowsky	Wasserman
Pallone	Schiff	Schultz
Pascarella	Schrader	Waters
Pastor (AZ)	Schwartz	Watt
Pelosi	Scott (VA)	Waxman
Perlmutter	Scott, David	Welch
Peters	Serrano	Wilson (FL)
Pingree (ME)	Sewell	Yarmuth

## NOES—253

Adams	Emerson	Latham
Aderholt	Farenthold	LaTourette
Akin	Fincher	Latta
Alexander	Fitzpatrick	Lewis (CA)
Altmire	Flake	Long
Amash	Fleischmann	Lowe
Amodei	Fleming	Lucas
Austria	Flores	Luetkemeyer
Bachmann	Forbes	Lummis
Bachus	Fortenberry	Lungren, Daniel
Barletta	Fox	E.
Barrow	Franks (AZ)	Mack
Bartlett	Frelinghuysen	Manzullo
Barton (TX)	Galleghy	Marchant
Bass (CA)	Gardner	Marino
Benish	Garrett	Matheson
Berg	Gerlach	McCarthy (CA)
Biggart	Gibbs	McCaul
Bilbray	Gibson	McClintock
Bilirakis	Gingrey (GA)	McHenry
Bishop (GA)	Gohmert	McIntyre
Bishop (UT)	Gonzalez	McKeon
Black	Goodlatte	McKinley
Blackburn	Gosar	McMorris
Bonner	Gowdy	Rodgers
Bono Mack	Granger	Meehan
Boren	Graves (MO)	Mica
Boustany	Green, Al	Miller (FL)
Brady (TX)	Green, Gene	Miller (MI)
Brooks	Griffin (AR)	Miller, Gary
Broun (GA)	Griffith (VA)	Mulvaney
Bucshon	Grimm	Murphy (PA)
Buerkle	Guinta	Myrick
Burgess	Guthrie	Neugebauer
Burton (IN)	Hall	Noem
Calvert	Hanna	Nugent
Camp	Harper	Nunes
Campbell	Harris	Nunnelee
Canseco	Hartzler	Olson
Cantor	Hastings (WA)	Owens
Capito	Hayworth	Palazzo
Cardoza	Heck	Paul
Carter	Hensarling	Paulsen
Cassidy	Herger	Pearce
Chabot	Herrera Beutler	Pence
Chaffetz	Honda	Peterson
Coble	Huelskamp	Petri
Coffman (CO)	Huizenga (MI)	Pitts
Cole	Hultgren	Platts
Conaway	Hunter	Poe (TX)
Costello	Hurt	Pompeo
Cravaack	Issa	Posey
Crawford	Jenkins	Price (GA)
Crenshaw	Johnson (OH)	Quayle
Critz	Johnson, Sam	Reed
Cuellar	Jordan	Rehberg
Culberson	Kelly	Renacci
Davis (KY)	King (IA)	Ribble
Denham	King (NY)	Rigell
Dent	Kingston	Rivera
DesJarlais	Kinzinger (IL)	Roby
Diaz-Balart	Kline	Roe (TN)
Donnelly (IN)	Labrador	Rogers (AL)
Dreier	Lamborn	Rogers (KY)
Duffy	Lance	Rogers (MI)
Duncan (SC)	Landry	Rohrabacher
Duncan (TN)	Lankford	Rokita
Ellmers	Larsen (WA)	Rooney

Ros-Lehtinen	Shuler	Upton	Fortenberry	Matsui	Sánchez, Linda	Miller, Gary	Rivera	Smith (NE)
Roskam	Shuster	Walberg	Frank (MA)	McCarthy (NY)	T.	Mulvaney	Roby	Smith (TX)
Ross (AR)	Simpson	Walden	Fudge	McCollum	Sanchez, Loretta	Murphy (PA)	Roe (TN)	Southerland
Ross (FL)	Smith (NE)	Walsh (IL)	Gibson	McGovern	Sarbanes	Myrick	Rogers (AL)	Stearns
Royce	Smith (TX)	Webster	McIntyre	Schakowsky	Neugebauer	Rogers (KY)	Rogers (MI)	Stutzman
Runyan	Southerland	West	Hahn	Schiff	Noem	Rogers (MI)	Sullivan	Terry
Ryan (WI)	Speier	Westmoreland	Hanabusa	Schwartz	Nugent	Rohrabacher	Rokita	Thompson (PA)
Scalise	Stearns	Whitfield	Hastings (FL)	Scott (VA)	Nunes	Ros-Lehtinen	Roskam	Thornberry
Schilling	Stutzman	Wilson (SC)	Higgins	Scott, David	Nunnelee	Olson	Ross (AR)	Tiberi
Schmidt	Sullivan	Wittman	Hinchey	Serrano	Palazzo	Ross (FL)	Royce	Tipton
Schock	Terry	Wolf	Hochul	Sherman	Paul	Ross (FL)	Runyan	Turner (NY)
Schweikert	Thompson (PA)	Womack	Holt	Sires	Paulsen	Royce	Pence	Turner (OH)
Scott (SC)	Thornberry	Woodall	Honda	Smith (NJ)	Pearce	Runyan	Perlmutter	Upton
Scott, Austin	Tiberi	Yoder	Israel	Smith (WA)	Pence	Ryan (OH)	Peterson	Visclosky
Sensenbrenner	Tipton	Young (AK)	Johnson (GA)	Stark	Perlmutter	Ryan (WI)	Petri	Walberg
Sessions	Turner (NY)	Young (FL)	Johnson, E. B.	Sutton	Peterson	Scalise	Pitts	Walden
Shimkus	Turner (OH)	Young (IN)	Jones	Thompson (CA)	Platts	Schilling	Price (GA)	Walsh (IL)

## NOT VOTING—15

Costa	Hoyer	Nadler
Engel	Jackson (IL)	Richmond
Garamendi	Jackson Lee	Stivers
Graves (GA)	(TX)	Woolsey
Hinojosa	McDermott	
Hirono	Meeks	

□ 1347

Messrs. WALDEN, ROSS of Florida, CARDOZA, and GARY G. MILLER of California changed their vote from “aye” to “no.”

Messrs. DOGGETT and BASS of New Hampshire changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mrs. LOWEY. Mr. Speaker, during rollcall vote No. 504 on H.R. 6082, I mistakenly recorded my vote as “no” when I should have voted “yes.”

AMENDMENT NO. 4 OFFERED BY MR. MARKEY

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 158, noes 262, not voting 11, as follows:

[Roll No. 505]

## AYES—158

Ackerman	Capps	Crowley
Andrews	Capuano	Cummings
Baca	Carnahan	Davis (CA)
Baldwin	Carney	Davis (IL)
Barber	Carson (IN)	DeFazio
Barrow	Castor (FL)	DeGette
Bass (CA)	Chandler	DeLauro
Becerra	Chu	Deutch
Berkley	Cicilline	Dicks
Berman	Clarke (MI)	Doggett
Bishop (GA)	Clarke (NY)	Edwards
Bishop (NY)	Clay	Ellison
Blumenauer	Cleaver	Engel
Bonamici	Clyburn	Eshoo
Boswell	Cohen	Farr
Brady (PA)	Connolly (VA)	Fattah
Braley (IA)	Conyers	Filner
Brown (FL)	Costello	Fitzpatrick

Adams	Cuellar	Hensarling
Aderholt	Culberson	Herger
Akin	Davis (KY)	Herrera Beutler
Alexander	Denham	Himes
Altmire	Dent	Holden
Amash	DesJarlais	Hoyer
Amodei	Diaz-Balart	Huelskamp
Austria	Dingell	Huizenga (MI)
Bachmann	Dold	Hultgren
Bachus	Donnelly (IN)	Hunter
Barletta	Doyle	Hurt
Bartlett	Dreier	Issa
Barton (TX)	Duffy	Jenkins
Bass (NH)	Duncan (SC)	Johnson (IL)
Benishek	Duncan (TN)	Johnson (OH)
Berg	Ellmers	Johnson, Sam
Biggert	Emerson	Jordan
Blibray	Farenthold	Kelly
Bilirakis	Fincher	King (IA)
Bishop (UT)	Flake	King (NY)
Black	Fleischmann	Kingston
Blackburn	Fleming	Kinzinger (IL)
Bonner	Flores	Kline
Bono Mack	Forbes	Labrador
Boren	Fox	Lamborn
Boustany	Franks (AZ)	Lance
Brady (TX)	Frelinghuysen	Landry
Brooks	Gallegly	Lankford
Broun (GA)	Gardner	Larsen (WA)
Buchanan	Garrett	Latham
Bucshon	Gerlach	LaTourette
Buerkle	Gibbs	Latta
Burgess	Gingrey (GA)	Lewis (CA)
Burton (IN)	Gohmert	Long
Butterfield	Gonzalez	Lucas
Calvert	Goodlatte	Luetkemeyer
Camp	Gosar	Lujan
Campbell	Gowdy	Lummis
Canseco	Granger	Lungren, Daniel
Cantor	Graves (GA)	E.
Capito	Graves (MO)	Mack
Cardoza	Green, Al	Manzullo
Carter	Green, Gene	Marchant
Cassidy	Griffin (AR)	Marino
Chabot	Griffith (VA)	Matheson
Chaffetz	Grimm	McCarthy (CA)
Coble	Guinta	McCaul
Coffman (CO)	Guthrie	McClintock
Cole	Hall	McHenry
Conaway	Hanna	McKeon
Cooper	Harper	McKinley
Costa	Harris	McMorris
Courtney	Hartzler	Rodgers
Cravack	Hastings (WA)	Meehan
Crawford	Hayworth	Mica
Crenshaw	Heck	Miller (FL)
Critz	Heinrich	Miller (MI)

## NOES—262

## NOT VOTING—11

Garamendi	Jackson (IL)	Richmond
Grijalva	Jackson Lee	Rooney
Hinojosa	(TX)	Speier
Hirono	McDermott	Stivers

□ 1352

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. ROONEY. Madam Chair, on rollcall No. 505, I was unavoidably detained. Had I been present, I would have voted “no.”

AMENDMENT NO. 5 OFFERED BY MR. MARKEY

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 189, noes 232, not voting 10, as follows:

[Roll No. 506]

## AYES—189

Ackerman	Braley (IA)	Clay
Altmire	Brown (FL)	Cleaver
Andrews	Buchanan	Clyburn
Baca	Butterfield	Cohen
Baldwin	Capps	Connolly (VA)
Barber	Capuano	Conyers
Bass (CA)	Cardoza	Cooper
Becerra	Carnahan	Costello
Berkley	Carney	Courtney
Berman	Carson (IN)	Crowley
Bilbray	Castor (FL)	Cuellar
Bishop (NY)	Chandler	Cummings
Blumenauer	Chu	Davis (CA)
Bonamici	Cicilline	Davis (IL)
Boswell	Clarke (MI)	DeFazio
Brady (PA)	Clarke (NY)	DeGette

DeLauro	Kucinich	Reyes	Marino	Poe (TX)	Sessions	Clarke (MI)	Israel	Polis
Dent	Lance	Richardson	Matheson	Pompeo	Shinkus	Clarke (NY)	Johnson (GA)	Price (NC)
Deutch	Langevin	Ros-Lehtinen	McCarthy (CA)	Posey	Shuster	Clay	Johnson, E. B.	Quigley
Dicks	Larsen (WA)	Rothman (NJ)	McCaul	Price (GA)	Simpson	Cleaver	Jones	Rahall
Dingell	Larson (CT)	Roybal-Allard	McClintock	Quayle	Smith (NE)	Clyburn	Kaptur	Rangel
Doggett	Lee (CA)	Ruppersberger	McHenry	Reed	Smith (TX)	Cohen	Keating	Reyes
Dold	Levin	Rush	McKeon	Rehberg	Southerland	Connolly (VA)	Kildee	Richardson
Donnelly (IN)	Lewis (GA)	Ryan (OH)	McKinley	Renacci	Stearns	Conyers	Kind	Rothman (NJ)
Doyle	Lipinski	Sánchez, Linda T.	McMorris	Ribble	Stutzman	Cooper	Kissell	Roybal-Allard
Edwards	LoBiondo	Sanchez, Loretta T.	Rodgers	Rigell	Sullivan	Costello	Kucinich	Ruppersberger
Ellison	Loeb sack	Sanchez, Loretta T.	Meehan	Rivera	Terry	Courtney	Langevin	Ryan (OH)
Engel	Lofgren, Zoe	Sarbanes	Mica	Roby	Thompson (PA)	Crowley	Larsen (WA)	Sánchez, Linda T.
Eshoo	Lowey	Schakowsky	Miller (FL)	Roe (TN)	Thornberry	Cummings	Larson (CT)	Lee (CA)
Farr	Luján	Schiff	Miller (MI)	Rogers (AL)	Tiberi	Davis (CA)	Lee (CA)	Sanchez, Loretta
Fattah	Lynch	Schrader	Miller, Gary	Rogers (KY)	Tipton	Davis (IL)	Levin	Sarbanes
Filner	Maloney	Schwartz	Mulvaney	Rogers (MI)	Turner (NY)	DeFazio	Lewis (GA)	Schakowsky
Fitzpatrick	Markey	Murphy (PA)	Rohrabacher	Rogers (MI)	Turner (OH)	DeGette	Lipinski	Schiff
Frank (MA)	Matsui	Myrick	Rokita	Rooney	Upton	DeLauro	LoBiondo	Schrader
Fudge	McCarthy (NY)	Neugebauer	Roskam	Roskam	Walberg	Dent	Loeb sack	Schwartz
Gibson	McCollum	Noem	Ross (AR)	Ross (AR)	Walden	Deutch	Lofgren, Zoe	Scott (VA)
Gonzalez	McGovern	Nugent	Ross (FL)	Ross (FL)	Walsh (IL)	Dicks	Lowey	Scott, David
Green, Al	McIntyre	Nunes	Royce	Royce	Webster	Dingell	Luján	Serrano
Green, Gene	McNerney	Nunnelee	Runyan	Runyan	West	Doggett	Lynch	Sewell
Grijalva	Meeks	Olson	Ryan (WI)	Ryan (WI)	Westmoreland	Doyle	Maloney	Sherman
Gutierrez	Michaud	Palazzo	Scalise	Scalise	Whitfield	Edwards	Marky	Sires
Hahn	Miller (NC)	Paul	Schilling	Schilling	Wilson (SC)	Ellison	Matsui	Slaughter
Hanabusa	Miller, George	Paulsen	Schmidt	Schmidt	Wittman	Engel	McCarthy (NY)	Smith (NJ)
Hanna	Moore	Pearce	Schock	Schweikert	Wolf	Eshoo	McCollum	Smith (WA)
Hastings (FL)	Moran	Pence	Schweikert	Scott (SC)	Womack	Farr	McDermott	Speier
Heinrich	Murphy (CT)	Peterson	Petri	Scott, Austin	Woodall	Fattah	McGovern	Stark
Higgins	Nadler	Thompson (CA)	Pitts	Sensenbrenner	Yoder	Filner	McNerney	Sutton
Himes	Napolitano	Thompson (MS)	Platts		Young (AK)	Fitzpatrick	Meeks	Thompson (CA)
Hinchey	Neal	Tierney			Young (IN)	Fortenberry	Michaud	Thompson (MS)
Hochul	Oliver	Tonko				Frank (MA)	Miller (NC)	Tierney
Holden	Owens	Towns				Fudge	Miller, George	Tonko
Holt	Pallone	Van Hollen	Garamendi	Jackson Lee	Stivers	Gibson	Moore	Towns
Honda	Pascarell	Velázquez	Hinojosa	(TX)	Tsongas	Grijalva	Moran	Tsongas
Hoyer	Pastor (AZ)	Visclosky	Hirono	McDermott	Waters	Gutierrez	Murphy (CT)	Van Hollen
Israel	Pelosi	Walz (MN)	Jackson (IL)	Richmond		Hahn	Nadler	Visclosky
Johnson (GA)	Perlmutter	Wasserman				Hanabusa	Napolitano	Walz (MN)
Johnson (IL)	Peters	Schultz				Hastings (FL)	Neal	Wasserman
Johnson, E. B.	Pingree (ME)	Watt				Heinrich	Oliver	Schultz
Jones	Polis	Waxman				Higgins	Owens	Waters
Kaptur	Price (NC)	Welch				Himes	Pallone	Watt
Keating	Quigley	Wilson (FL)				Hinchey	Pascarell	Waxman
Kildee	Rahall	Woolsey				Hinojosa	Pastor (AZ)	Welch
Kind	Rangel	Yarmuth				Hochul	Pelosi	Wilson (FL)
Kissell	Reichert	Young (FL)				Holden	Perlmutter	Woolsey
						Holt	Peters	Yarmuth
						Honda	Pingree (ME)	Young (FL)
						Hoyer	Platts	

## NOES—232

Adams	Cole	Guinta
Aderholt	Conaway	Guthrie
Akin	Costa	Hall
Alexander	Cravaack	Harper
Amash	Crawford	Harris
Amodei	Crenshaw	Hartzler
Austria	Critz	Hastings (WA)
Bachmann	Culberson	Hayworth
Bachus	Davis (KY)	Heck
Barletta	Denham	Hensarling
Barrow	DesJarlais	Herger
Bartlett	Diaz-Balart	Herrera Beutler
Barton (TX)	Dreier	Huelskamp
Bass (NH)	Duffy	Huizenga (MI)
Benishkek	Duncan (SC)	Hultgren
Berg	Duncan (TN)	Hunter
Biggert	Ellmers	Hurt
Bilirakis	Emerson	Issa
Bishop (GA)	Farenthold	Jenkins
Bishop (UT)	Fincher	Johnson (OH)
Black	Flake	Johnson, Sam
Blackburn	Fleischmann	Jordan
Bonner	Fleming	Kelly
Bono Mack	Flores	King (IA)
Boren	Forbes	King (NY)
Boustany	Fortenberry	Kingston
Brady (TX)	Fox	Kinzie (IL)
Brooks	Franks (AZ)	Kline
Broun (GA)	Frelinghuysen	Labrador
Bucshon	Gallegly	Lamborn
Buerkle	Gardner	Landry
Burgess	Garrett	Lankford
Burton (IN)	Gerlach	Latham
Calvert	Gibbs	LaTourette
Camp	Gingrey (GA)	Latta
Campbell	Gohmert	Lewis (CA)
Canseco	Goodlatte	Long
Cantor	Gosar	Lucas
Capito	Gowdy	Luetkemeyer
Carter	Granger	Lummis
Cassidy	Graves (GA)	Lungren, Daniel
Chabot	Graves (MO)	E.
Chaffetz	Griffin (AR)	Mack
Coble	Griffith (VA)	Manzullo
Coffman (CO)	Grimm	Marchant

## NOT VOTING—10

□ 1355

So the amendment was rejected.

The result of the vote was announced as above recorded.

## PERSONAL EXPLANATION

Mr. McDERMOTT. Mr. Chairman, on rollcall Nos. 504, 505, 506, I missed these rollcalls because I was giving Awards at the HIV AID convention to the Red Ribbon Awardees for UN AID.

Had I been present, I would have voted "yes" on all 3.

## AMENDMENT NO. 6 OFFERED BY MR. HOLT

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. HOLT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 177, noes 247, not voting 7, as follows:

[Roll No. 507]

## AYES—177

Ackerman	Bishop (NY)	Capps
Andrews	Blumenauer	Capuano
Baca	Bonamici	Cardoza
Baldwin	Boswell	Carnahan
Barber	Brady (PA)	Carney
Bass (CA)	Brayley (IA)	Carson (IN)
Beceerra	Brown (FL)	Castor (FL)
Berkley	Buchanan	Chu
Berman	Butterfield	Cicilline

Adams	Cassidy	Gingrey (GA)
Aderholt	Chabot	Gohmert
Akin	Chaffetz	Gonzalez
Alexander	Chandler	Goodlatte
Altmire	Coble	Gosar
Amash	Coffman (CO)	Gowdy
Amodei	Cole	Granger
Austria	Conaway	Graves (GA)
Bachmann	Costa	Graves (MO)
Bachus	Cravaack	Green, Al
Barletta	Crawford	Green, Gene
Barrow	Crenshaw	Griffin (AR)
Bartlett	Critz	Griffith (VA)
Barton (TX)	Cuellar	Grimm
Bass (NH)	Culberson	Guinta
Benishkek	Davis (KY)	Guthrie
Berg	Denham	Hall
Biggert	DesJarlais	Hanna
Bilbray	Diaz-Balart	Harper
Bilirakis	Dold	Harris
Bishop (GA)	Donnelly (IN)	Hartzler
Bishop (UT)	Dreier	Hastings (WA)
Black	Duffy	Hayworth
Blackburn	Duncan (SC)	Heck
Bonner	Duncan (TN)	Hensarling
Bono Mack	Ellmers	Herger
Boren	Emerson	Herrera Beutler
Boustany	Farenthold	Huelskamp
Brady (TX)	Fincher	Huizenga (MI)
Brooks	Flake	Hultgren
Broun (GA)	Fleischmann	Hunter
Bucshon	Fleming	Hurt
Buerkle	Flores	Issa
Burgess	Forbes	Jenkins
Burton (IN)	Fox	Johnson (IL)
Calvert	Franks (AZ)	Johnson (OH)
Camp	Frelinghuysen	Johnson, Sam
Campbell	Gallegly	Jordan
Canseco	Gardner	Kelly
Cantor	Garrett	King (IA)
Capito	Gerlach	King (NY)
Carter	Gibbs	Kingston

Kinzingler (IL)	Nugent	Schilling	Crowley	Kind	Roybal-Allard	Lucas	Pence	Scott, Austin
Kline	Nunes	Schmidt	Cuellar	Kucinich	Ruppersberger	Luetkemeyer	Peterson	Sensenbrenner
Labrador	Nunnelee	Schock	Cummings	Lumgin	Rush	Lummis	Petri	Sessions
Lamborn	Olson	Schweikert	Davis (CA)	Larson (CT)	Sánchez, Linda	Lungren, Daniel	Pitts	Shimkus
Lance	Palazzo	Scott (SC)	Davis (IL)	Lee (CA)	T.	E.	Platts	Shuster
Landry	Paul	Scott, Austin	DeFazio	Levin	Sanchez, Loretta	Lynch	Poe (TX)	Simpson
Lankford	Paulsen	Sensenbrenner	DeGette	Lewis (GA)	Sarbanes	Mack	Polis	Smith (NE)
Latham	Pearce	Sessions	DeLauro	Loebsack	Schakowsky	Manzullo	Pompeo	Smith (NJ)
LaTourette	Pence	Shimkus	Deutch	Lofgren, Zoe	Schiff	Marchant	Posey	Smith (TX)
Latta	Peterson	Shuler	Dicks	Lowe	Schrader	Marino	Price (GA)	Smith (WA)
Lewis (CA)	Petri	Shuster	Doggett	Luján	Schwartz	Matheson	Quayle	Southerland
Long	Pitts	Simpson	Doyle	Maloney	Scott (VA)	McCarthy (CA)	Reed	Stearns
Lucas	Poe (TX)	Smith (NE)	Edwards	Markey	Scott, David	McCaul	Rehberg	Stutzman
Luetkemeyer	Pompeo	Smith (TX)	Ellison	Matsui	Serrano	McClintock	Reichert	Sullivan
Lummis	Posey	Southerland	Engel	McCarthy (NY)	Sewell	McHenry	Renacci	Terry
Lungren, Daniel	Price (GA)	Stearns	Eshoo	McCollum	Sherman	McIntyre	Ribble	Thompson (PA)
E.	Quayle	Stutzman	Farr	McDermott	Shuler	McKeon	Rigell	Thornberry
Mack	Reed	Sullivan	Fattah	McGovern	Sires	McKinley	Rivera	Tiberti
Manzullo	Rehberg	Terry	Finer	McNerney	Slaughter	McMorris	Roby	Tipton
Marchant	Reichert	Thompson (PA)	Frank (MA)	McNerney	Speier	Rodgers	Roe (TN)	Turner (NY)
Marino	Renacci	Thornberry	Fudge	Meeks	Stark	Meehan	Rogers (AL)	Turner (OH)
Matheson	Ribble	Tiberti	Gibson	Michaud	Sutton	Mica	Rogers (KY)	Turner (OH)
McCarthy (CA)	Rigell	Tipton	Gonzalez	Miller (NC)	Thompson (CA)	Miller (FL)	Rogers (MI)	Upton
McCaul	Rivera	Turner (NY)	Grijalva	Moore	Thompson (MS)	Miller (MI)	Rohrabacher	Walberg
McClintock	Roby	Turner (OH)	Gutierrez	Moran	Thierney	Miller, George	Rokita	Walden
McHenry	Roe (TN)	Upton	Hahn	Murphy (CT)	Tonko	Mulvaney	Rooney	Walsh (IL)
McIntyre	Rogers (AL)	Walberg	Hanabusa	Nadler	Townes	Murphy (PA)	Ros-Lehtinen	Webster
McKeon	Rogers (KY)	Walden	Hastings (FL)	Napolitano	Tsongas	Myrick	Roskam	West
McKinley	Rogers (MI)	Walsh (IL)	Heinrich	Neal	Van Hollen	Neugebauer	Ross (AR)	Westmoreland
McMorris	Rohrabacher	Webster	Higgins	Oliver	Velázquez	Noem	Ross (FL)	Whitfield
Rodgers	Rokita	West	Himes	Pallone	Visclosky	Nugent	Royce	Wilson (SC)
Meehan	Rooney	Westmoreland	Pascarell	Pascarell	Walz (MN)	Nunes	Runyan	Wittman
Mica	Ros-Lehtinen	Whitfield	Pastor (AZ)	Pelosi	Wasserman	Olson	Ryan (OH)	Wolf
Miller (FL)	Roskam	Wilson (SC)	Perlmutter	Peters	Schultz	OWens	Ryan (WI)	Womack
Miller (MI)	Ross (AR)	Wittman	Pingree (ME)	Quigley	Waters	Palazzo	Scalise	Woodall
Miller, Gary	Ross (FL)	Wolf	Price (NC)	Rahall	Watt	Paul	Schilling	Yoder
Mulvaney	Royce	Womack	Quigley	Rangel	Welch	Paulsen	Schmidt	Young (AK)
Murphy (PA)	Runyan	Woodall	Rahall	Reyes	Wilson (FL)	Pearce	Schock	Young (FL)
Myrick	Rush	Yoder	Johnson (GA)	Richardson	Woolsey	Akin	Schweikert	Young (IN)
Neugebauer	Ryan (WI)	Young (AK)	Johnson, E. B.	Rothman (NJ)	Yarmuth	Garamendi	Scott (SC)	
Noem	Scalise	Young (IN)	Kaptur			Hirono		
			Keating					
			Kildee					

## NOT VOTING—7

Garamendi	Jackson Lee	Stivers
Hirono	(TX)	Velázquez
Jackson (IL)	Richmond	

□ 1359

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 7 OFFERED BY MR. HASTINGS  
OF FLORIDA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. HASTINGS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 158, noes 266, not voting 7, as follows:

[Roll No. 508]

## AYES—158

Ackerman	Bonamici	Castor (FL)
Andrews	Boswell	Chandler
Baca	Brady (PA)	Chu
Baldwin	Brady (IA)	Cicilline
Barber	Brown (FL)	Clarke (MI)
Bass (CA)	Butterfield	Clarke (NY)
Becerra	Capps	Clay
Berkley	Capuano	Cleaver
Berman	Carnahan	Clyburn
Bishop (NY)	Carney	Conyers
Blumenauer	Carson (IN)	Courtney

## NOES—266

Adams	Conaway	Green, Gene
Aderholt	Connolly (VA)	Griffin (AR)
Alexander	Cooper	Griffith (VA)
Altmire	Costa	Grimm
Amash	Costello	Guinta
Amodei	Cravack	Guthrie
Austria	Crawford	Hall
Bachmann	Crenshaw	Hanna
Bachus	Critz	Harper
Barletta	Culberson	Harris
Barrow	Davis (KY)	Hartzler
Bartlett	Denham	Hastings (WA)
Barton (TX)	Dent	Hayworth
Bass (NH)	DesJarlais	Heck
Benishak	Diaz-Balart	Hensarling
Berg	Dingell	Herger
Biggart	Dold	Herrera Beutler
Bilbray	Donnelly (IN)	Hinojosa
Bilirakis	Dreier	Huelskamp
Bishop (GA)	Duffy	Huizenga (MI)
Bishop (UT)	Duncan (SC)	Hultgren
Black	Duncan (TN)	Hunter
Blackburn	Ellmers	Hurt
Bonner	Emerson	Issa
Bono Mack	Farenthold	Jenkins
Boren	Fincher	Johnson (IL)
Boustany	Fitzpatrick	Johnson (OH)
Brady (TX)	Flake	Johnson, Sam
Brooks	Fleischmann	Jones
Broun (GA)	Fleming	Jordan
Buchanan	Flores	Kelly
Bucshon	Forbes	King (IA)
Buerkle	Fortenberry	King (NY)
Burgess	Fox	Kingston
Burton (IN)	Franks (AZ)	Kinzingler (IL)
Calvert	Frelinghuysen	Kissell
Camp	Gallegly	Kline
Campbell	Gardner	Labrador
Canseco	Garrett	Lamborn
Cantor	Gerlach	Lance
Capito	Gibbs	Landry
Cardoza	Gingrey (GA)	Lankford
Carter	Gohmert	Larsen (WA)
Cassidy	Goodlatte	Latham
Chabot	Gosar	LaTourette
Chaffetz	Gowdy	Latta
Coble	Granger	Lewis (CA)
Coffman (CO)	Graves (GA)	Lipinski
Cohen	Graves (MO)	LoBiondo
Cole	Green, Al	Long

## NOT VOTING—7

Akin	Jackson (IL)	Richmond
Garamendi	Jackson Lee	Stivers
Hirono	(TX)	

□ 1403

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 8 OFFERED BY MR. HASTINGS  
OF FLORIDA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. HASTINGS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 150, noes 275, not voting 6, as follows:

[Roll No. 509]

## AYES—150

Ackerman	Brady (PA)	Cicilline
Andrews	Brady (IA)	Clarke (MI)
Baca	Brown (FL)	Clarke (NY)
Baldwin	Butterfield	Clay
Barber	Capps	Cleaver
Bass (CA)	Capuano	Clyburn
Becerra	Carnahan	Conyers
Berkley	Carney	Cooper
Berman	Carson (IN)	Courtney
Bishop (NY)	Castor (FL)	Crowley
Blumenauer	Chandler	Cuellar
Bonamici	Chu	Cummings

Davis (CA)  
 Davis (IL)  
 DeFazio  
 DeGette  
 DeLauro  
 Deutch  
 Dicks  
 Doggett  
 Doyle  
 Edwards  
 Ellison  
 Engel  
 Eshoo  
 Farr  
 Fattah  
 Filner  
 Frank (MA)  
 Fudge  
 Gibson  
 Grijalva  
 Gutierrez  
 Hahn  
 Hanabusa  
 Hastings (FL)  
 Heinrich  
 Higgins  
 Himes  
 Hinchey  
 Holt  
 Honda  
 Hoyer  
 Israel  
 Johnson (GA)  
 Johnson, E. B.  
 Kaptur  
 Keating  
 Kildee  
 Kind  
 Kucinich

Langevin  
 Larson (CT)  
 Lee (CA)  
 Levin  
 Lewis (GA)  
 Loeback  
 Lofgren, Zoe  
 Lowey  
 Lujan  
 Maloney  
 Markey  
 Matsui  
 McCarthy (NY)  
 McCollum  
 McDermott  
 McGovern  
 McNeerney  
 Meeks  
 Michaud  
 Miller (NC)  
 Moore  
 Moran  
 Murphy (CT)  
 Nadler  
 Napolitano  
 Neal  
 Olver  
 Pallone  
 Pascarell  
 Pastor (AZ)  
 Pelosi  
 Peters  
 Pingree (ME)  
 Price (NC)  
 Quigley  
 Rangel  
 Reyes  
 Richardson  
 Rothman (NJ)

Raybal-Allard  
 Ruppersberger  
 Rush  
 Sánchez, Linda  
 T.  
 Sanchez, Loretta  
 Sarbanes  
 Schakowsky  
 Schiff  
 Schrader  
 Schwartz  
 Scott (VA)  
 Scott, David  
 Serrano  
 Sewell  
 Sherman  
 Sires  
 Slaughter  
 Speier  
 Stark  
 Thompson (CA)  
 Thompson (MS)  
 Tonko  
 Towns  
 Tsongas  
 Van Hollen  
 Velázquez  
 Visclosky  
 Walz (MN)  
 Wasserman  
 Schults  
 Waters  
 Watt  
 Waxman  
 Welch  
 Wilson (FL)  
 Woolsey  
 Yarmuth

Marchant  
 Marino  
 Matheson  
 McCarthy (CA)  
 McCaul  
 McClintock  
 McHenry  
 McIntyre  
 McKeon  
 McKinley  
 McMorris  
 Rodgers  
 Meehan  
 Mica  
 Miller (FL)  
 Miller (MI)  
 Miller, Gary  
 Miller, George  
 Mulvaney  
 Murphy (PA)  
 Myrick  
 Neugebauer  
 Noem  
 Nugent  
 Nunes  
 Nunnelee  
 Olson  
 Owens  
 Palazzo  
 Paul  
 Paulsen  
 Pearce  
 Pence  
 Perlmutter  
 Peterson  
 Petri  
 Pitts  
 Platts  
 Poe (TX)

Polis  
 Pompeo  
 Posey  
 Price (GA)  
 Quayle  
 Rahall  
 Reed  
 Rehberg  
 Reichert  
 Renacci  
 Ribble  
 Rigell  
 Rivera  
 Roby  
 Roe (TN)  
 Rogers (AL)  
 Rogers (KY)  
 Rogers (MI)  
 Rohrabacher  
 Rokita  
 Rooney  
 Ros-Lehtinen  
 Roskam  
 Ross (AR)  
 Ross (FL)  
 Royce  
 Runyan  
 Ryan (OH)  
 Ryan (WI)  
 Scalise  
 Schilling  
 Schmidt  
 Schock  
 Schweikert  
 Scott (SC)  
 Scott, Austin  
 Sensenbrenner  
 Sessions  
 Shimkus

Shuler  
 Shuster  
 Simpson  
 Smith (NE)  
 Smith (NJ)  
 Smith (TX)  
 Smith (WA)  
 Southerland  
 Stearns  
 Stutzman  
 Sullivan  
 Sutton  
 Terry  
 Thompson (PA)  
 Thornberry  
 Tiberi  
 Tierney  
 Tipton  
 Turner (NY)  
 Turner (OH)  
 Upton  
 Walberg  
 Walden  
 Walsh (IL)  
 Webster  
 West  
 Westmoreland  
 Whitfield  
 Wilson (SC)  
 Wittman  
 Wolf  
 Womack  
 Woodall  
 Yoder  
 Young (AK)  
 Young (FL)  
 Young (IN)

ported from the Committee of the Whole?

If not, the question is on the amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

□ 1410

#### MOTION TO RECOMMIT

Ms. SLAUGHTER. Madam Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Ms. SLAUGHTER. In its present form, I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Ms. Slaughter moves to recommit the bill H.R. 6082 to the Committee on Natural Resources with instructions to report the same back to the House forthwith with the following amendment:

Add at the end the following:

#### SEC. \_\_\_\_ . PROHIBITION ON ISSUANCE OF LEASES WITH RESPECT TO IRAN AND SYRIA.

No lease may be issued under this Act to any person (including any successor, assign, affiliate, member, or joint venturer with an ownership interest in any property or project any portion of which is owned by such person) that is in violation of—

(1) the Iran Sanctions Act of 1996 (50 U.S.C. 1701 note) or the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8501 et seq.); or

(2) the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003 (22 U.S.C. 2151 note).

The SPEAKER pro tempore. The gentlewoman from New York is recognized for 5 minutes.

Ms. SLAUGHTER. Madam Speaker, I rise to introduce a final amendment to today's bill.

The amendment is simple in its wording but powerful in its purpose. My amendment simply states that no company that violates the Iran Sanctions Act or the Syria Accountability Act will be allowed to profit from the oil leases in today's bill. The amendment will help to ensure that no company that helps to prop up these oppressive and destabilizing regimes can benefit from today's legislation.

Currently, the United States Government is imposing sanctions on 13 companies who maintain essential business dealings with Iran. In addition, the threat of sanctions is hanging over other companies that continue to do business there. In total, more than 16 oil companies remain "active" in Iran. These companies are defying the international community and helping to empower an Iranian regime that exports terrorism around the world, seeks nuclear weapons capability, and

#### NOES—275

Adams  
 Aderholt  
 Akin  
 Alexander  
 Altmire  
 Amash  
 Amodei  
 Austria  
 Bachmann  
 Bachus  
 Barletta  
 Barrow  
 Bartlett  
 Barton (TX)  
 Bass (NH)  
 Benishke  
 Berg  
 Biggert  
 Bilbray  
 Bilirakis  
 Bishop (GA)  
 Bishop (UT)  
 Black  
 Blackburn  
 Bonner  
 Bono Mack  
 Boren  
 Boswell  
 Boustany  
 Brady (TX)  
 Brooks  
 Broun (GA)  
 Buchanan  
 Bucshon  
 Buerkle  
 Burgess  
 Burton (IN)  
 Calvert  
 Camp  
 Campbell  
 Canseco  
 Cantor  
 Capito  
 Cardoza  
 Carter  
 Cassidy  
 Chabot  
 Chaffetz  
 Coble  
 Coffman (CO)  
 Cohen  
 Cole  
 Conaway  
 Connolly (VA)

Costa  
 Costello  
 Cravaack  
 Crawford  
 Crenshaw  
 Critz  
 Culberson  
 Davis (KY)  
 Denham  
 Dent  
 DesJarlais  
 Diaz-Balart  
 Dingell  
 Dold  
 Donnelly (IN)  
 Dreier  
 Duffy  
 Duncan (SC)  
 Duncan (TN)  
 Ellmers  
 Emerson  
 Farenthold  
 Fincher  
 Fitzpatrick  
 Flake  
 Fleischmann  
 Fleming  
 Flores  
 Forbes  
 Fortenberry  
 Foss  
 Franks (AZ)  
 Frelinghuysen  
 Gallegly  
 Gardner  
 Garrett  
 Gerlach  
 Gibbs  
 Gingrey (GA)  
 Gohmert  
 Gonzalez  
 Goodlatte  
 Gosar  
 Gowdy  
 Granger  
 Graves (GA)  
 Graves (MO)  
 Green, Al  
 Green, Gene  
 Griffin (AR)  
 Griffith (VA)  
 Grimm  
 Guinta  
 Guthrie

Hall  
 Hanna  
 Harper  
 Harris  
 Hartzler  
 Hastings (WA)  
 Hayworth  
 Heck  
 Hensarling  
 Herger  
 Herrera Beutler  
 Hinojosa  
 Hochul  
 Holden  
 Huelskamp  
 Huizenga (MI)  
 Hultgren  
 Hunter  
 Hurt  
 Issa  
 Jenkins  
 Johnson (IL)  
 Johnson (OH)  
 Johnson, Sam  
 Jones  
 Jordan  
 Kelly  
 King (IA)  
 King (NY)  
 Kingston  
 Kinzinger (IL)  
 Kissell  
 Kline  
 Labrador  
 Lamborn  
 Lance  
 Landry  
 Lankford  
 Larsen (WA)  
 Latham  
 LaTourette  
 Latta  
 Lewis (CA)  
 Lipinski  
 LoBiondo  
 Long  
 Lucas  
 Luetkemeyer  
 Lummis  
 Lungren, Daniel  
 E.  
 Lynch  
 Mack  
 Manzullo

Garamendi  
 Hirono  
 Jackson (IL)

#### NOT VOTING—6

Jackson Lee  
 (TX)  
 Richmond

□ 1407

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIR. The question is on the amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. MILLER of Michigan) having assumed the chair, Mrs. EMERSON, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 6082) to officially replace, within the 60-day Congressional review period under the Outer Continental Shelf Lands Act, President Obama's Proposed Final Outer Continental Shelf Oil & Gas Leasing Program (2012-2017) with a congressional plan that will conduct additional oil and natural gas lease sales to promote offshore energy development, job creation, and increased domestic energy production to ensure a more secure energy future in the United States, and for other purposes, and, pursuant to House Resolution 738, she reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment re-



threatens the security of the entire Middle East—especially our ally and friend, Israel.

With the threat from Iran continuing to grow, it is vital that Congress respond with prudent and effective action. My amendment will help to isolate Iran, promote stability in the Middle East, and protect Israel.

With regard to Syria, existing sanctions are already helping increase the pressure on the murderous regime of President Assad. Thanks to the sanctions, Syrian oil production had dropped by 60,000 barrels per day by 2011 as companies cut ties with the government and exited the country. Despite this pressure, more action is needed, and my amendment will be a responsible next step to ensure that nothing in this bill will empower President Assad's continued war against the Syrian people.

Madam Speaker, for the last 2 years, we have put the needs of special interests, especially Big Oil, before the needs of our country, our people, and our allies. Over the last 2 years, the majority has voted more than 140 times to benefit Big Oil, and today should not be another one. Instead of passing the bill to create jobs, we've proposed yet another bill to serve Big Oil interests.

If we're going to move forward with such a giveaway, it is vital that they ensure that no profit derived from today's legislation goes to prop up nations who would harm our national security interests or those of our ally, Israel. It is up to this Congress on both sides of this aisle: Will we sacrifice the interests of Israel and the Syrian people by passing legislation that could benefit two of the most oppressive and destabilizing regimes in the world, or are we going to stand with our friend and ally, Israel, and protect the people of Syria?

With both the Iranian and Syrian regimes threatening our allies and thousands of innocent people in the Middle East, I believe it's high time the United States Congress moves to further protect Israel and the people of Syria.

Once again, if my amendment is adopted, the House will proceed to final passage of the bill. I urge all of my colleagues to support this important amendment today—and it is an important amendment—and put our national interests before the wishes of Big Oil.

I yield back the balance of my time.

Mr. HASTINGS of Washington. Madam Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. Madam Speaker, this is not a foreign policy bill. This is a bill about American jobs and American energy. And these subjects that are brought up in this motion to recommit are covered in other areas, as they should be. For ex-

ample, the Iranian issue is covered in standalone bills, as it properly should be. But this continues to be an attempt of the other side to change the subject away from American energy and American jobs.

The President is talking about American energy, and I have said on a number of occasions that the President likes to give speeches, but virtually every time when he does on offshore energy, his actions are 180 degrees from his rhetoric. So this bill that we have under consideration today, H.R. 6082, challenges the President to live up to his rhetoric.

In his speeches, the President says, "Yes, we can," "hope and change," "move forward," "believe in America." Well, to those who say that the House and the Senate should not act on a 60-day review of the President's plan, I say, "Yes, we can."

□ 1420

Let's just not hope for better, let's move the country forward. Let's change President Obama's plan to a real pro-energy, pro-jobs offshore plan that truly believes in America. Oppose this motion to recommit, vote for the bill, and vote against the suspension.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Ms. SLAUGHTER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of H.R. 6082, if ordered; and suspension of the rules and passage of H.R. 6168 and H.R. 459.

The vote was taken by electronic device, and there were—yeas 179, nays 240, not voting 12, as follows:

[Roll No. 510]

YEAS—179

Ackerman	Capuano	Davis (IL)
Altmire	Cardoza	DeFazio
Andrews	Carnahan	DeGette
Baca	Carney	DeLauro
Baldwin	Carson (IN)	Deutch
Barber	Castor (FL)	Dicks
Barrow	Chandler	Doggett
Bass (CA)	Chu	Donnelly (IN)
Becerra	Cicilline	Doyle
Berkley	Clarke (MI)	Edwards
Berman	Clarke (NY)	Ellison
Bishop (GA)	Clay	Engel
Bishop (NY)	Cleaver	Eshoo
Blumenauer	Clyburn	Farr
Bonamici	Cohen	Fattah
Boren	Connolly (VA)	Filner
Boswell	Cooper	Frank (MA)
Brady (PA)	Costa	Fudge
Bralley (IA)	Courtney	Gonzalez
Brown (FL)	Crowley	Green, Al
Butterfield	Cuellar	Green, Gene
Capps	Davis (CA)	Grijalva

Gutierrez	McDermott	Sanchez, Loretta
Hahn	McGovern	Sarbanes
Hanabusa	McIntyre	Schakowsky
Hastings (FL)	McNerney	Schiff
Heinrich	Meeks	Schrader
Higgins	Michaud	Schwartz
Himes	Miller (NC)	Scott (VA)
Hinchey	Miller, George	Scott, David
Hinojosa	Moore	Serrano
Hochul	Moran	Sewell
Holden	Murphy (CT)	Sherman
Holt	Nadler	Shuler
Honda	Napolitano	Sires
Hoyer	Neal	Slaughter
Israel	Oliver	Smith (WA)
Johnson (GA)	Owens	Speier
Johnson, E. B.	Pallone	Stark
Kaptur	Pascarell	Sutton
Keating	Pastor (AZ)	Thompson (CA)
Kildee	Pelosi	Thompson (MS)
Kind	Perlmutter	Thompson
Kissell	Peters	Tierney
Langevin	Peterson	Tonko
Larsen (WA)	Pingree (ME)	Towns
Larson (CT)	Polis	Tsongas
Lee (CA)	Price (NC)	Van Hollen
Levin	Quigley	Velázquez
Lewis (GA)	Rahall	Visclosky
Lipinski	Rangel	Walz (MN)
Loeb sack	Reyes	Wasserman
Lofgren, Zoe	Richardson	Schultz
Lowey	Ross (AR)	Waters
Lujan	Rothman (NJ)	Watt
Lynch	Roybal-Allard	Waxman
Maloney	Ruppersberger	Welch
Markey	Rush	Wilson (FL)
Matheson	Ryan (OH)	Woolsey
Matsui	Sánchez, Linda	Yarmuth
McCollum	T.	

NAYS—240

Adams	Diaz-Balart	Hurt
Aderholt	Dold	Issa
Akin	Dreier	Jenkins
Alexander	Duffy	Johnson (IL)
Amash	Duncan (SC)	Johnson (OH)
Amodeli	Duncan (TN)	Johnson, Sam
Austria	Ellmers	Jones
Bachmann	Emerson	Jordan
Bachus	Farenthold	Kelly
Barletta	Fincher	King (IA)
Bartlett	Fitzpatrick	King (NY)
Barton (TX)	Flake	Kingston
Bass (NH)	Fleischmann	Kinzinger (IL)
Benishek	Fleming	Kline
Berg	Flores	Kucinich
Biggart	Forbes	Labrador
Bilbray	Fortenberry	Lamborn
Bilirakis	Fox	Lance
Bishop (UT)	Franks (AZ)	Landry
Black	Frelinghuysen	Lankford
Blackburn	Galleghy	Latham
Bonner	Gardner	LaTourette
Bono Mack	Garrett	Latta
Boustany	Gerlach	Lewis (CA)
Brady (TX)	Gibbs	LoBiondo
Brooks	Gibson	Long
Broun (GA)	Gingrey (GA)	Lucas
Buchanan	Gohmert	Luetkemeyer
Bucshon	Goodlatte	Lummis
Buerkle	Gosar	Lungren, Daniel
Burgess	Gowdy	E.
Burton (IN)	Granger	Mack
Calvert	Graves (GA)	Manzullo
Camp	Graves (MO)	Marchant
Campbell	Griffin (AR)	Marino
Canseco	Griffith (VA)	McCarthy (CA)
Cantor	Grimm	McCauley
Capito	Guinta	McClintock
Carter	Guthrie	McHenry
Cassidy	Hall	McKeon
Chabot	Hanna	McKinley
Chaffetz	Harper	McMorris
Coble	Harris	Rodgers
Coffman (CO)	Hartzler	Meehan
Cole	Hastings (WA)	Mica
Conaway	Hayworth	Miller (FL)
Cravaack	Heck	Miller (MI)
Crawford	Hensarling	Miller, Gary
Crenshaw	Herger	Mulvaney
Culberson	Herrera Beutler	Murphy (PA)
Davis (KY)	Huelskamp	Myrick
Denham	Huizenga (MI)	Neugebauer
Dent	Hultgren	Noem
DesJarlais	Hunter	Nugent

Nunes  
Nunnelee  
Olson  
Palazzo  
Paul  
Paulsen  
Pearce  
Pence  
Petri  
Pitts  
Platts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Quayle  
Reed  
Rehberg  
Reichert  
Renacci  
Ribble  
Rigell  
Rivera  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)

## NOT VOTING—12

Conyers  
Costello  
Critz  
Cummings  
Dingell

## □ 1436

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

## RECORDED VOTE

Mr. MARKEY. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 253, noes 170, not voting 8, as follows:

## [Roll No. 511]

## AYES—253

Adams  
Aderholt  
Akin  
Alexander  
Altmire  
Amash  
Amodi  
Austria  
Baca  
Bachmann  
Bachus  
Bartletta  
Barrow  
Bartlett  
Barton (TX)  
Benishak  
Berg  
Biggart  
Bilirakis  
Bishop (GA)  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Bono Mack  
Boren  
Boswell  
Boustany  
Brady (TX)  
Brooks  
Broun (GA)  
Buchanan

Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Rossa (FL)  
Royce  
Runyan  
Ryan (WI)  
Scalise  
Schilling  
Schmidt  
Schock  
Schweikert  
Scott (SC)  
Scott, Austin  
Sensenbrenner  
Sessions  
Shimkus  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southernland  
Stearns

McCarthy (NY)  
Richmond  
Stivers

Stutzman  
Sullivan  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner (NY)  
Turner (OH)  
Upton  
Walberg  
Walden  
Walsh (IL)  
Webster  
West  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Young (AK)  
Young (FL)  
Young (IN)

Graves (MO)  
Green, Al  
Green, Gene  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guinta  
Guthrie  
Hall  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Hayworth  
Heck  
Hensarling  
Herger  
Herrera Beutler  
Hochul  
Holden  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Issa  
Jenkins  
Johnson (OH)  
Johnson, Sam  
Jordan  
Kelly  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kline  
Labrador  
Lamborn  
Landry  
Lankford  
Latham  
LaTourette  
Latta  
Lewis (CA)  
Loebach  
Long  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Mack

## ACKERMAN

Andrews  
Baldwin  
Barber  
Bass (CA)  
Bass (NH)  
Becerra  
Berkley  
Berman  
Bilbray  
Bishop (NY)  
Blumenauer  
Bonamici  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Butterfield  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Castor (FL)  
Chu  
Cicilline  
Clarke (MI)  
Clarke (NY)  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly (VA)  
Conyers  
Courtney  
Crowley  
Cummings  
Gosar  
Gowdy  
Granger  
Graves (GA)

## NOES—170

DeGette  
DeLauro  
Deutch  
Dicks  
Dingell  
Doggett  
Doyle  
Edwards  
Ellison  
Engel  
Eshoo  
Farr  
Fattah  
Filner  
Frank (MA)  
Frelinghuysen  
Fudge  
Gonzalez  
Grijalva  
Gutierrez  
Hahn  
Hanabusa  
Hastings (FL)  
Heinrich  
Higgins  
Himes  
Hincey  
Hinojosa  
Holt  
Honda  
Hoyer  
Israel  
Johnson (GA)  
Johnson (IL)  
Johnson, E. B.  
Jones  
Kaptur  
Keating  
Kildee  
Kind

Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (AR)  
Ross (FL)  
Royce  
Ryan (WI)  
Scalise  
Schilling  
Schmidt  
Schock  
Schweikert  
Miller (MI)  
Miller, Gary  
Mulvaney  
Murphy (PA)  
Myrick  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Owens  
Palazzo  
Paul  
Paulsen  
Pearce  
Pence  
Peterson  
Petri  
Pitts  
Platts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Quayle  
Rahall  
Reed  
Rehberg  
Reichert  
Renacci  
Ribble  
Rigell  
Rivera  
Roby  
Roe (TN)  
Rogers (AL)

Kissell  
Kucinich  
Lance  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis (GA)  
Lipinski  
LoBiondo  
Lofgren, Zoe  
Lowey  
Lujan  
Lynch  
Maloney  
Markey  
Matsui  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McNerney  
Meeks  
Michaud  
Miller (NC)  
Miller, George  
Moore  
Moran  
Murphy (CT)  
Nadler  
Napolitano  
Neal  
Olver  
Pallone  
Pascarella  
Pastor (AZ)  
Pelosi  
Perlmutter  
Peters

Pingree (ME)  
Polis  
Price (NC)  
Quigley  
Rangel  
Reyes  
Richardson  
Rothman (NJ)  
Roybal-Allard  
Runyan  
Ruppersberger  
Rush  
Ryan (OH)  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky

## NOT VOTING—8

Buerkle  
Garamendi  
Hirono

Jackson (IL)  
Jackson Lee  
(TX)

Richmond  
Sessions  
Stivers

## □ 1442

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

# PRESIDENT OBAMA'S PROPOSED 2012-2017 OFFSHORE DRILLING LEASE SALE PLAN ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 6168) to direct the Secretary of the Interior to implement the Proposed Final Outer Continental Shelf Oil & Gas Leasing Program (2012-2017) in accordance with the Outer Continental Shelf Lands Act and other applicable law, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 164, nays 261, not voting 6, as follows:

## [Roll No. 512]

## YEAS—164

Ackerman  
Andrews  
Baca  
Baldwin  
Barber  
Bass (CA)  
Becerra  
Berkley  
Berman  
Bishop (NY)  
Blumenauer  
Bonamici  
Boswell  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Butterfield  
Capps  
Capuano  
Carnahan  
Carney  
Carson (IN)  
Castor (FL)  
Chandler  
Chu  
Cicilline  
Clarke (MI)

Clarke (NY)  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly (VA)  
Conyers  
Cooper  
Costello  
Courtney  
Crowley  
Cuellar  
Cummings  
Davis (CA)  
Davis (IL)  
DeFazio  
DeGette  
DeLauro  
Deutch  
Dicks  
Dingell  
Doggett  
Doyle  
Edwards  
Engel  
Eshoo

Farr  
Frank (MA)  
Fudge  
Gonzalez  
Green, Al  
Green, Gene  
Grijalva  
Gutierrez  
Hahn  
Hanabusa  
Hastings (FL)  
Heinrich  
Higgins  
Himes  
Hincey  
Hinojosa  
Holt  
Honda  
Hoyer  
Israel  
Johnson (GA)  
Johnson (IL)  
Johnson, E. B.  
Kaptur  
Keating  
Kildee  
Kind

Kissell  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis (GA)  
Lipinski  
Loeb sack  
Lofgren, Zoe  
Lowey  
Luján  
Lynch  
Maloney  
Markey  
Matsui  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McNerney  
Meeks  
Michaud  
Miller (NC)  
Miller, George  
Moore  
Moran  
Murphy (CT)  
Nadler

Napolitano  
Neal  
Oliver  
Pastor (AZ)  
Pelosi  
Perlmutter  
Peters  
Pingree (ME)  
Polis  
Price (NC)  
Rangel  
Reyes  
Richardson  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schrader  
Schwartz  
Scott, David  
Serrano  
Sewell

Sherman  
Shuler  
Sires  
Slaughter  
Smith (WA)  
Speier  
Stark  
Sutton  
Thompson (CA)  
Thompson (MS)  
Tierney  
Tonko  
Towns  
Tsongas  
Van Hollen  
Velázquez  
Visclosky  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Welch  
Wilson (FL)  
Woolsey  
Yarmuth

Posey  
Price (GA)  
Quayle  
Quigley  
Rahall  
Reed  
Rehberg  
Reichert  
Renacci  
Ribble  
Rigell  
Rivera  
Robby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (AR)  
Ross (FL)

Royce  
Runyan  
Ryan (WI)  
Scalise  
Schilling  
Schmidt  
Schock  
Schweikert  
Scott (SC)  
Scott (VA)  
Scott, Austin  
Sensenbrenner  
Sessions  
Shinkus  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southerland  
Stearns  
Stutzman  
Sullivan  
Terry

Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner (NY)  
Turner (OH)  
Upton  
Walberg  
Walden  
Walsh (IL)  
Webster  
West  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Young (AK)  
Young (FL)  
Young (IN)

## NOT VOTING—6

Garamendi  
Hirono  
Jackson (IL)

Jackson Lee  
(TX)  
Richmond

Stivers

□ 1450

Messrs. HURT, BURTON of Indiana, and BARTLETT changed their vote from “yea” to “nay.”

So (two-thirds not being in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

FEDERAL RESERVE  
TRANSPARENCY ACT OF 2012

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 459) to require a full audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks by the Comptroller General of the United States before the end of 2012, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ISSA) that the House suspend the rules and pass the bill, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 327, nays 98, not voting 6, as follows:

[Roll No. 513]

YEAS—327

Adams  
Aderholt  
Akin  
Alexander  
Altmire  
Amash  
Amodei  
Austria  
Bachmann  
Bachus  
Baldwin  
Barber  
Barletta  
Barrow  
Bartlett  
Barton (TX)  
Bass (NH)  
Benishek

Dreier  
Duffy  
Duncan (SC)  
Duncan (TN)  
Ellmers  
Emerson  
Farenthold  
Fattah  
Filner  
Fincher  
Fitzpatrick  
Flake  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foxy  
Frank (AZ)  
Frelinghuysen  
Gallely  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Gohmert  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guinta  
Guthrie  
Hall  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Hayworth  
Heck  
Hensarling  
Herger  
Herrera Beutler  
Hochul  
Holden  
Huelskamp  
Hui zenga (MI)  
Hultgren  
Hunter  
Hurt  
Issa  
Jenkins  
Johnson (OH)  
Johnson, Sam  
Jones  
Jordan  
Kelly

Berg  
Berkley  
Berman  
Biggart  
Bilbray  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Bono Mack  
Boren  
Boswell  
Boustany  
Brady (TX)  
Braley (IA)  
Brooks

Brown (GA)  
Buchanan  
Bucshon  
Buerkle  
Burgess  
Burton (IN)  
Calvert  
Camp  
Campbell  
Canseco  
Cantor  
Capito  
Carter  
Cassidy  
Chabot  
Chaffetz  
Chandler  
Cicilline

Clarke (MI)  
Clarke (NY)  
Clay  
Coble  
Coffman (CO)  
Cohen  
Cole  
Conaway  
Connolly (VA)  
Costa  
Costello  
Courtney  
Cravaack  
Crawford  
Crenshaw  
Critz  
Cuellar  
Culberson  
Davis (KY)  
DeFazio  
Denham  
Dent  
DesJarlais  
Diaz-Balart  
Doggett  
Dold  
Donnelly (IN)  
Doyle  
Dreier  
Duffy  
Duncan (SC)  
Duncan (TN)  
Ellmers  
Emerson  
Farenthold  
Farr  
Filner  
Fincher  
Fitzpatrick  
Flake  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Gohmert  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Green, Al  
Green, Gene  
Griffin (AR)  
Griffith (VA)  
Grijalva  
Grimm  
Guinta  
Guthrie  
Hahn  
Hall  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Hayworth  
Heck  
Heinrich  
Hensarling  
Herger  
Herrera Beutler  
Higgins  
Hinojosa  
Hochul  
Holden  
Honda  
Huelskamp  
Hui zenga (MI)  
Hultgren

Hunter  
Hurt  
Issa  
Jenkins  
Johnson (IL)  
Johnson (OH)  
Johnson, Sam  
Jones  
Jordan  
Kelly  
Kildee  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kissell  
Kline  
Kucinich  
Labrador  
Lamborn  
Lance  
Landry  
Langevin  
Lankford  
Latham  
LaTourette  
Latta  
Lewis (CA)  
Lipinski  
LoBiondo  
Loeb sack  
Lofgren, Zoe  
Long  
Lucas  
Luetkemeyer  
Luján  
Lummis  
Lungren, Daniel  
E.  
Lynch  
Mack  
Manzullo  
Marchant  
Marino  
Matheson  
McCarthy (CA)  
McCarthy (NY)  
McCaul  
McClintock  
McGovern  
McHenry  
McIntyre  
McKeon  
McKinley  
McMorris  
Rodgers  
McNerney  
Meehan  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Moran  
Mulvaney  
Murphy (CT)  
Murphy (PA)  
Myrick  
Nadler  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Owens  
Palazzo  
Pascarell  
Pastor (AZ)  
Paul  
Paulsen  
Pearce  
Pence  
Perlmutter  
Peterson  
Petri  
Pingree (ME)  
Pitts  
Platts  
Poe (TX)  
Pollis

Pompeo  
Posey  
Price (GA)  
Quayle  
Quigley  
Rahall  
Reed  
Rehberg  
Reichert  
Renacci  
Ribble  
Richardson  
Rigell  
Rivera  
Robby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (AR)  
Ross (FL)  
Royce  
Runyan  
Ruppersberger  
Ryan (WI)  
Sanchez, Loretta  
Schiff  
Schilling  
Schmidt  
Schock  
Schrader  
Schweikert  
Scott (SC)  
Scott (VA)  
Scott, Austin  
Scott, David  
Sensenbrenner  
Sessions  
Sherman  
Shinkus  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Southerland  
Speier  
Stearns  
Stutzman  
Sullivan  
Sutton  
Terry  
Thompson (CA)  
Thompson (PA)  
Thornberry  
Tiberi  
Tierney  
Tipton  
Tonko  
Tsongas  
Turner (OH)  
Upton  
Visclosky  
Walberg  
Walden  
Walsh (IL)  
Walz (MN)  
Waters  
Webster  
Welch  
West  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yarmuth  
Yoder  
Young (AK)  
Young (FL)  
Young (IN)

NAYS—98

Ackerman  
Andrews

Bass (CA)  
Becerra

Blumenauer  
Bonamici

Brady (PA)	Hanabusa	Peters
Brown (FL)	Hastings (FL)	Price (NC)
Butterfield	Himes	Rangel
Capps	Hinchey	Reyes
Capuano	Holt	Rothman (NJ)
Cardoza	Hoyer	Roybal-Allard
Carney	Israel	Rush
Carson (IN)	Johnson (GA)	Ryan (OH)
Castor (FL)	Johnson, E. B.	Sánchez, Linda
Chu	Kaptur	T.
Cleaver	Keating	Sarbanes
Clyburn	Kind	Schakowsky
Conyers	Larsen (WA)	Schwartz
Cooper	Larson (CT)	Serrano
Crowley	Lee (CA)	Sewell
Cummings	Levin	Shuler
Davis (CA)	Lewis (GA)	Sires
Davis (IL)	Lowey	Slaughter
DeGette	Maloney	Stark
DeLauro	Markey	Thompson (MS)
Deutch	Matsui	Towns
Dicks	McCollum	Turner (NY)
Dingell	McDermott	Meeks
Edwards	Meeks	Van Hollen
Ellison	Miller (NC)	Velázquez
Engel	Miller, George	Wasserman
Eshoo	Moore	Schultz
Fattah	Napolitano	Watt
Frank (MA)	Neal	Waxman
Fudge	Olver	Wilson (FL)
Gonzalez	Pallone	Woolsey
Gutierrez	Pelosi	

## NOT VOTING—6

Garamendi	Jackson Lee	Stivers
Hirono	(TX)	
Jackson (IL)	Richmond	

□ 1458

Ms. CLARKE of New York changed her vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: “A bill to require a full audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks by the Comptroller General of the United States, and for other purposes.”

A motion to reconsider was laid on the table.

Stated against:

Ms. WATERS. Mr. Speaker, during the vote for H.R. 459, the Federal Reserve Transparency Act, I voted “yes” for this legislation. This was not my intent. I intended to vote “no.” I strongly believe that the Federal Reserve should remain an independent central bank that is free from political influence; therefore, I would like the record to reflect that my vote in favor of this legislation was in error, and that I would have voted against it.

# COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. WOODALL) laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, July 25, 2012.

Hon. JOHN A. BOEHNER,  
The Speaker, House of Representatives,  
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following mes-

sage from the Secretary of the Senate on July 25, 2012 at 11:33 a.m.:

That the Senate passed S. 2090.

Appointments:

State and Local Law Enforcement Congressional Badge of Bravery Board.

Federal Law Enforcement Congressional Badge of Bravery Board.

Public Safety Officer Medal of Valor Review Board.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

## RED TAPE REDUCTION AND SMALL BUSINESS JOB CREATION ACT

### GENERAL LEAVE

Mr. ISSA. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 4078.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 738 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 4078.

The Chair appoints the gentlewoman from Michigan (Mrs. MILLER) to preside over the Committee of the Whole.

□ 1500

### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 4078) to provide that no agency may take any significant regulatory action until the unemployment rate is equal to or less than 6.0 percent, with Mrs. MILLER of Michigan in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

General debate shall be confined to the bill and shall not exceed 2 hours equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary and the chair and ranking minority member of the Committee on Oversight and Government Reform.

The gentleman from Texas (Mr. SMITH), the gentleman from Michigan (Mr. CONYERS), the gentleman from California (Mr. ISSA), and the gentleman from Virginia (Mr. CONNOLLY) each will control 30 minutes.

The Chair recognizes the gentleman from California.

Mr. ISSA. Madam Chair, I yield myself 2 minutes.

Job creation is, rightfully, at the top of Americans' agenda. Americans know that as long as the unemployment rate stays high, wages are stagnant and more than 12.7 million Americans seek jobs they cannot find. More than 42

percent, or nearly 6 million, of those Americans have been unemployed for more than 6 months.

Madam Chair, the verdict is in: the President's stimulus plan has failed. While costing over \$1 trillion and still counting, those jobs that were created were short, and they too are disappearing. Ultimately, small business will create the engine going forward.

Today's bill, in fact, is designed specifically to give confidence to America's business creators, ones that we have heard from on the committee for more than 18 months, the opportunity to take a breath, evaluate what is the lay of the land, and go forward with the business plan, no longer worrying that out of the blue will come major regulatory changes, ones that were unforeseen just a little while ago, that ultimately change their plans, change their ability to make a profit.

Whether it's the President's ACA or ObamaCare or smaller \$100 million, \$200 million, \$1 billion new regulations, this uncertainty has put dollars on the sidelines. Today, through more than seven different elements of the titles of the bill, our effort will be to ensure that we do not propose without serious consideration new regulations.

The President himself, while producing more than 106 major rules costing more than \$46 billion, has said, We may be overregulated. His own chief spokesperson, Mr. Sunstein, has said that, in fact, regulations can cost jobs.

So, Madam Chairwoman, it is extremely important that we understand that we must have regulatory certainty, something we will only have by the passage of today's bill.

I reserve the balance of my time.

Mr. CONNOLLY of Virginia. Madam Chairman, I yield myself such time as I may consume.

Whether serving as a staff member on the Senate Foreign Relations Committee years ago or as chairman of the Board of Supervisors in Fairfax County or now, as a Member of Congress, a constant principle of my own public service career has been a deep suspicion of political legislation that employs arbitrary across-the-board mechanisms that make for good talking points but terrible policy. Such messaging bills make a mockery of the legislative process, and, unfortunately, H.R. 4078 is just such a bill.

To understand the absurdity of this bill, consider the proposal to ban any new regulations based on the Nation's unemployment rate. Actually with the typo in the bill, it's the “employment” rate. But for starters, there is little or no evidence correlating regulation to private sector hiring. However, there is considerable evidence showing that blocking important health and safety regulations will have a negative effect on all seniors, children, veterans, consumers—not to mention the private sector itself.

As written, the legislation prohibits any new regulatory actions until the “employment” rate falls to 6 percent, meaning unemployment would have to reach 94 percent before agencies could issue new regulations. The effect of that language, coming from a crowd that was just a few years ago talking about “read the bill,” means we would never update Medicare payment rates for doctors, bank lending protections for families, or food safety protections for consumers. No doubt, our Republican colleagues intended for this moratorium to apply until “unemployment” falls to 6 percent, which would still block regulation for the foreseeable future.

What is absurd about their premise is that the Department of Labor, for example, would be able to update the exposure safety standards to adequately protect the health of workers exposed to beryllium, a toxic substance linked to lung cancer and other chronic and fatal diseases, based on a 0.1 percent swing in the unemployment rate.

The same would be true for implementation of the Veterans’ Benefits Act, bipartisan legislation that passed in the last Congress with no opposition. Under this bill, when the unemployment rate is 6 percent, the Department of Veterans Affairs would be able to take “significant regulatory action,” meaning implementation of the enhanced disability compensation benefits provisions for veterans experiencing difficulty using prostheses, for example, after the loss of limbs, or veterans in need of extensive care because of post-traumatic stress syndrome. However, if the unemployment rate is 0.1 percent higher, just 6.1 percent instead of 6 percent, H.R. 4078—the bill we’re debating right now—would prohibit the Veterans Administration from improving care for those veterans.

Think about that: in voting for this bill, Members are endorsing a world view that a 0.1 percent swing in unemployment ought to determine whether the Federal Government can issue rules that benefit veterans with catastrophic injuries, updating Medicare payments for doctors, assisting students with loan debt, or providing families peace of mind that the peanut butter in their pantry will not poison their children. Any law that results in such absurd outcomes is deeply flawed and misguided far beyond the typo. In fact, the bill, as written, would even prevent those rules that would save money from being implemented.

Whether one advocates for smart regulation or passionately hates all regulations, surely we can all agree that the bizarre, capricious, and unjust outcomes that H.R. 4078—this bill—would lead to are the hallmarks of careless policy based on ideology, not on good public policy, not on good governance. Indeed, as former Republican Congress-

man Sherwood Boehlert of New York stated in a recent op-ed piece in *The New York Times*, I believe, on H.R. 4078, he said, it is “difficult to exaggerate the sweep and destructiveness of the House bill.” That was from a Republican former colleague in this body.

I would remind my Republican colleagues that one of the first executive orders issued by President Obama requires agencies to ensure that their regulations are, indeed, cost-effective. Of course that doesn’t fit their narrative. Neither does it fit the fact that the Obama administration has actually issued fewer final rule regulations than the Bush administration did in its first term.

I urge my colleagues to join me in restoring sanity to the policymaking process in this House by opposing this extreme measure.

I reserve the balance of my time.

Mr. ISSA. Madam Chair, I trust the gentleman from Virginia is well aware that the typographical error in the bill under consideration was, in fact, a mistake done by professional staff. And although unanimous consents are not permitted in the Committee of the Whole, I would ask the gentleman from Virginia if he would be willing—or let me rephrase that—if he would not object to a unanimous consent in the House to make a correction in what was clearly a typographical error made by nonpartisan professional staff at the Leg Counsel’s office.

Mr. CONNOLLY of Virginia. Is the gentleman yielding to me for an answer?

Mr. ISSA. Yes, I am.

Mr. CONNOLLY of Virginia. Madam Chairman, this Member will reserve the right to object at the appropriate time.

Mr. ISSA. Reclaiming my time, nothing could be more insincere than to pick on professional staff on a typographical error.

If we have to go to the Rules Committee, I guess we will. But I am really sorry to see that kind of an attitude on what the gentleman and all of us know was simply a typographical error.

□ 1510

With that, I yield 5 minutes to the gentleman from Wisconsin (Mr. RIBBLE).

Mr. CONNOLLY of Virginia. Madam Chairman, matter of personal privilege.

Did this Member hear the chairman, the distinguished chairman of the Oversight and Government Reform Committee, characterize a Member as insincere?

The CHAIR. The Chair cannot interpret as a matter of personal privilege remarks that were made in debate.

Mr. CONNOLLY of Virginia. I’m not asking for interpretation, Madam Chairman. I’m asking whether he in fact said it.

The CHAIR. That is a matter for debate between Members.

Mr. CONNOLLY of Virginia. I would ask the Chair to caution all Members about personal characterizations of Members on the floor of the House.

The CHAIR. The gentleman from California is recognized.

Mr. ISSA. I thank the Chair. I meant nothing other than I was shocked that the gentleman would say that he would reserve time on what was clearly a typographical error.

With that, I yield 5 minutes to the gentleman from Wisconsin (Mr. RIBBLE).

Mr. RIBBLE. Madam Chair, I rise today in support of this legislation which includes the Midnight Rule Relief Act that I authored earlier this year.

I would like to take just a moment as a former small business owner to talk a little bit about the impact of regulations because we will hear from our colleagues on the other side that there is no evidence that regulations affect hiring, it doesn’t affect start-ups, that if we do these things that the whole environment is going to go down the hill, the whole country is going to end here because of the fact that the Federal Government can’t control every minutia of our lives.

Now I would say this, Madam Chair, that I believe rather than a big government, I believe in a big, free individual. I think a little bit, as I tell my story today about my father who started our roofing company in 1958, there were fewer rules of the road then. There were rules of the road, for sure. There were certainly rules put in place. Since that time, there have been thousands and thousands and thousands. There has been a lot of discussion in this Chamber about the gap between the rich and the poor and how the middle class is getting squeezed. I just wonder if we ever think that the middle class is getting squeezed, but they’re getting squeezed by their government. They’re not getting squeezed by rich people; they’re not getting squeezed out of it by opportunity. They’re getting squeezed out of it by a government that no longer lets them pursue the American Dream. Sometimes I feel that the other side wants them to pursue their dream, that our government wants to dictate what the dream ought to be for American citizens.

My father had his own dream. He was a milkman in the 1950s after he came home from World War II as a U.S. marine. He had six sons and later adopted two girls. I’m the youngest of eight. There were many, many times in my life, when my father, as he tried to not just make a better dream for himself, not just to live out his hopes and dreams and aspirations, but to build a better future for me and my family, for my children and for my grandchildren as he started our family business. I

wonder if today he could even do it. He had no money. He was delivering milk at the time, one of the lowest paid jobs out there at the time in 1956.

He put an ad in the paper and tried to find work, and he decided that he would go into the roofing business. And through pure grit and determination and hard work, he started his own company. He was able to do that because all of the barriers that had been put in place by this overreaching government weren't there. He had a customer of ours—his, actually, because I was just a child—tell him he ought to name the company Security Roofing because they felt secure in his hands. That customer was well aware of the fact that my father was providing a service for them that they were willing to transact money for. And it was a fair transaction of goods. And if my father had cheated them, his reputation would have went down, and he wouldn't have been able to sustain himself. He built his company on fairness. He built his company on honesty and integrity, and the government wasn't in the way.

And now today, imagine some unemployed worker thinking about starting his own landscaping business, his own roofing company, a young college graduate, a young woman who wants to be a beautician and start her own beauty shop. We have this complex maze of rules and regulations and licensures and all these things that we think have made life better, but have taken freedom and have crossed the American Dream.

That's what this bill is about. It's about for a moment in time, it's about incentivizing this government to remove the barriers and obstacles, to get them out of the way and say to the American people, there will be no more for a period of time until unemployment reaches this level, 6 percent. We're not taking away rules. We're just saying you can rely that there won't be new ones for a time.

Also, this bill will stop the President of the United States, both Republicans and Democrats, from doing a lame duck session, whether they have been fired or extended in their careers, to not promulgate a bunch of rules and regulations during a lame duck session. We've seen a massive increase of rules and regulations during that period of time—17 percent in the 3 months following an election where parties change hands.

The number of major rules issued during Bill Clinton's midnight period totaled 3½ times more than the average number issued during the same calendar period in the other years in President Clinton's second term. President Bush wasn't much better. His was 2½ times more.

So to solve this problem, this bill would simply say to the President of the United States, for 90 days you can't do it. I support this bill, Madam Chairman.

Mr. CONNOLLY of Virginia. Madam Chairman, I wish my friend's characterization of the bill were accurate; but, sadly, I think what this bill does is cripple the ability of the government to protect the American public across a broad swath of policy areas that certainly matter to the average American.

I am now pleased to yield 2 minutes to the gentlelady from New York (Mrs. MALONEY).

Mrs. MALONEY. I thank the gentleman for yielding and for his leadership.

Madam Chair, this is a terrible bill. This shortsighted legislation affects every corner of our government and keeps Federal agencies from issuing rules critical to our economy and health and safety of Americans. It sets a ridiculous arbitrary benchmark of a 6 percent unemployment rate before an agency can issue rules.

For example, I think it goes in the opposite direction of making the Securities and Exchange Commission more efficient and more effective for the American people. The bill could place extremely high procedural barriers in the agency's way as it seeks to enact all of the rules as directed in financial reform with a limited budget.

With this bill, my colleagues across the aisle seem to somehow believe that the final years of the prior administration were just a rousing success, that the near collapse of our financial system never happened, that the outrageous abuses that we saw in the mortgage lending industry never occurred, and that the abuses in consumer lending that the Federal Reserve labeled as unfair and deceptive were just business as usual. But we know that those things actually happened and that they crippled our economy.

It was in response to events of 2008 that we gave agencies like the SEC tools that they had been lacking to monitor the financial system and to protect our overall economy. And now, right in the middle of implementation of these critical reforms, my friends on the other side of the aisle want to forget that all of this happened and want to put barriers in front of implementing the reforms.

I believe that the language in this bill would basically cripple the SEC. Even as SEC budgets are being slashed, their bill requires the Commission to expend more in the way of resources on economic analysis and places additional procedural barriers in the Agency's way.

I urge a "no" vote on this bill. I urge everyone to vote "no." It is a death knell of commonsense reform. It would stop reform.

□ 1520

Mr. ISSA. It is amazing that we are hearing that the world will come to an end if we slow down new regulations.

With that, I yield 2 minutes to the gentlelady from North Carolina (Ms. FOXF).

Ms. FOXF. Madam Chairman, I want to thank the gentleman from California for yielding time.

I rise today in support of the regulatory reform package before us today and in particular title IV of H.R. 4078, the Red Tape Reduction and Small Business Job Creation Act, which embodies my bill, H.R. 373, the Unfunded Mandates Information and Transparency Act.

My bill represents the first comprehensive reform modernizing the bipartisan Unfunded Mandates Reform Act since its inception in 1995. This bill is supported by State government advocates, including the National Council of State Legislatures, which, in a letter to Subcommittee Chairman Lankford, stated that:

UMRA has enduring shortcomings that your amendment corrects. In particular, expanding the scope of reporting requirements to include new conditions of grant aid is essential. NCSL's members repeatedly point to this exclusion in the underlying statute as one of the law's major flaws.

This bill responds to those concerns by allowing a committee chairman or ranking member to request that the Congressional Budget Office perform an assessment comparing the authorized level of funding in a bill or resolution to the prospective costs of carrying out any changes to a condition of Federal assistance being imposed on any respective participating State, local or tribal government.

The purpose of this provision is to highlight costs the Federal Government is passing along to State and local governments that would otherwise remain hidden but are borne by taxpayers regardless of which governmental entity is taxing them. This provision represents just one of the many reasons I urge my colleagues to support this legislation.

Mr. CONNOLLY of Virginia. Madam Chairman, I yield 2 minutes to the gentleman from Missouri, my friend, Mr. CLAY.

Mr. CLAY. Madam Chair, I thank the gentleman for yielding.

The majority's plan to stop national safeguards will harm real Americans. Regulations affect real people, not just balance sheets. When we look at the cost of regulations, we have to examine more than cold dollar amounts. We also have to look at the benefits. We have to look at the real lives saved and at the real catastrophic injuries prevented. We have to look at the real American families who live healthier, happier, and safer lives because of Federal regulations, regulations that protect them in their homes, regulations that protect them at their jobs, and regulations that protect them in their communities, places of worship, the roads they drive on, the stores where they shop, the schools where their children learn, and the parks where they play.

The majority's plan will have real negative consequences on the economy and on the health and safety of all Americans, especially those among us who need the most help. The majority's plan would prevent HUD from updating their housing subsidy rates, and more families would be without a place to live. Worker safety will be jeopardized because the majority's plan would block workplace regulations. Children will be put at greater risk because the majority's plan would prevent the Federal Government from protecting them.

Madam Chair, we need to work together to create jobs and protect American families, and we don't have to choose between the two.

Mr. ISSA. I trust the gentleman from Missouri is aware that last year, out of over 3,000 regulations coming out of the administration, no more than 66 would have even qualified for this moratorium.

With that, I yield 3 minutes to the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. Madam Chairman, I rise today in strong support for H.R. 4078, the Regulatory Freeze for Jobs Act.

I applaud the work of my colleagues to combat the growing stranglehold that needless government regulation is having on job creation and on economic growth. Today's bill will put an end to the "regulate first" attitude that pervades the Obama administration.

Contrary to popular belief, this legislation does not prohibit regulators from moving forward with new regulations, but it does require a Presidential or congressional waiver to do so. This simple, prudent check on the power of bureaucrats will ensure that regulations must be justified before they are enacted and that less burdensome alternatives are considered first.

Beyond just slowing the pace of regulations, H.R. 4078 also contains language that will substantially reform the way two of our independent agencies develop rules for financial institutions. I am pleased that the Red Tape Reduction and Regulatory Reform Act would finally require the Commodity Futures Trading Commission to perform a comprehensive cost-benefit analysis for each rule that they propose.

One of the most important steps in any regulatory process must be an effort to accurately quantify the costs and the benefits of a proposed action. This is the foundation of good rulemaking. Despite this, the CFTC has consistently stated that their obligation under the law is to only "consider" the cost and benefits of proposals. I believe that we can do better, and they must do better. Today's legislation is simple and straightforward. It would extend the same requirements for cost-benefit analysis to the CFTC

that the President has already asked every other executive branch agency to fall under.

During the Dodd-Frank rulemaking process, the CFTC has rarely tried to estimate the cost of compliance. At times, "consideration" included vague statements like "the costs could be significant." At other times, costs were dramatically underestimated. In one particular instance, industry groups calculated that the cost of compliance with a proposed rule was 63 times greater than the CFTC's guess.

Accurately assessing compliance costs is one-half of the equation. The other half, of equal importance, is capturing the benefits of a new rule. Regulators must quantify what good the rule does. It is not simply good enough to regulate because the authority exists. There must also be tangible benefits for market participants that outweigh the costs of the imposed rules.

Requiring cost-benefit analysis is a bipartisan step toward better governance. Exact language now contained in H.R. 4078 passed out of the Agriculture Committee unanimously in January. Last year, President Obama was right to demand that the executive agencies be held to a higher standard of analysis. Today, there's no reason why we should not require the same from the CFTC.

H.R. 4078 will strengthen the rulemaking process at CFTC and it will result in better rules and a safer marketplace. This small mandate on the economists and lawyers at the CFTC will ensure that the burdens placed on large businesses and small are justified in the real world, not just in the pages of the Federal Register.

It's also important to note that the bill is prospective—it will not hinder or delay the current proposed rules already making their way through the process. As well, title VII of H.R. 4078 is consistent and complementary to previously House-passed cost-benefit analysis.

I urge my colleagues to support passage of H.R. 4078.

Mr. CUMMINGS. Madam Chair, may I inquire how much time remains on each side?

The CHAIR. The gentleman from Maryland has 22 minutes remaining. The gentleman from California has 17 minutes remaining.

Mr. CUMMINGS. Madam Chair, I yield myself such time as I may consume.

I rise in strong opposition to this dangerous and extreme piece of legislation. This bill would prevent federal agencies from issuing regulations that protect the health and safety of all Americans. Do not be fooled. This bill will not create jobs, and this bill will not make the government better. This bill is intended to stop the Federal Government from issuing regulations until the unemployment rate reaches 6 percent or less.

The standard is indeed arbitrary, and it absolutely makes no sense. But the bill itself is so poorly drafted that, in fact, the moratorium would be in effect until unemployment actually reaches 94 percent. The bill accidentally refers to the "employment" rate instead of the "unemployment" rate.

Even if this bill were drafted properly, it would be extremely misguided. For example, the Food and Drug Administration would be prevented from issuing a rule ensuring that infant formula is safe for babies to drink. Why should the safety of baby formula depend on the national unemployment rate? Of course, it should not. But the FDA would be banned from issuing a rule it now is considering to protect babies like 10-day-old Avery Cornett, who died last year after he drank infant formula contaminated with a dangerous bacteria.

I offered an amendment to this bill that would have allowed agencies to protect the health and safety of children, but the House Republicans refused to allow it.

□ 1530

Under this bill, the Department of Health and Human Services would be blocked from issuing routine updates to payment rates for doctors who treat seniors under the Medicare program. This would result in hospitals having to lay off workers—not creating jobs.

I offered an amendment that would have allowed the Department to protect the health and safety of seniors. The House Republicans refused to allow that one, too.

Under this bill, the Department of Defense and the Department of Veterans Affairs would be blocked from issuing regulations to protect the health and safety of our troops serving overseas and our Nation's veterans. For example, the VA could be blocked from issuing a rule it is now considering to help veterans suffering from traumatic brain injuries. And we have seen so much pain with regard to our veterans.

When we considered this bill during the Oversight Committee's markup, Congressman YARMUTH offered an amendment to allow the VA to protect the health and safety of veterans. This amendment was adopted on a bipartisan vote. Even our chairman, Mr. ISSA, supported it in committee, yet mysteriously it was stripped from the bill before it came to the floor. Representative YARMUTH tried to offer that same amendment at the Rules Committee, but the House Republicans refused to allow it.

The House Republicans have refused to allow debate on amendments to protect children, to protect seniors, and to protect our Nation's servicemembers and veterans. They even removed the language that was adopted on a bipartisan basis.



This bill is based on a false premise. The proponents argue that regulations kill jobs. This myth has been widely discredited by economists on both sides of the aisle.

Congress should be taking a balanced approach to reviewing regulations, just as President Obama has done. The President has focused on helping small businesses by identifying regulations that are inefficient and unnecessarily burdensome. The bill takes the opposite approach by freezing all significant regulations regardless of how critical they are to the health and safety of our people.

Former Congressman Sherwood Boehlert, a Republican, wrote an op-ed last week, titled, "GOP Right Wing Is Serious About Disabling Government." Congressman Boehlert cut right to the heart of the bill. Keep in mind, this is one of our Republican colleagues, former colleagues. Here's what he wrote:

If one wants to fully appreciate the stranglehold the right wing has on the Republican congressional agenda and its intended dangers, one need look no further than the bill the House plans to consider next week—talking about this bill—which would shut down the entire regulatory system.

I wish that that description was hyperbole, but sadly it is not. Indeed, it would be difficult to exaggerate the sweeping destructiveness of this House bill.

I agree with Congressman Boehlert; this is an extremely irresponsible bill. I urge all our Members to vote against it, and I reserve the balance of my time.

Mr. ISSA. There you go again. We're shutting down the entire regulatory system because 66 out of 3,000 regulations would be affected by this bill before us today. In just last year, 66 out of 3,000, that's shutting it down.

With that, I yield 2 minutes to the distinguished gentleman from Texas (Mr. HALL).

Mr. HALL. Madam Chair, I, of course, rise in support of H.R. 4078, the Regulatory Freeze for Job Acts of 2012, which seeks to eliminate needless red tape and puts Americans back to work. I also thank and am proud of DARRELL ISSA and LAMAR SMITH for the handling of this bill.

The Committee on Science, Space, and Technology has explored regulatory hurdles being put up by a number of agencies, and we've seen a massive expansion of red tape under this administration. Much of it has come from the Environmental Protection Agency, where too many of the environmental regulations put forward have been based on secret science, hidden data, and predetermined outcomes—and some just outright phony.

EPA appears to be hostile toward economic growth and job creation. For example, EPA's Cross-State Air Pollution Rule added Texas in at the last

minute and threatened hundreds of jobs in my district and electric reliability across my State.

One amendment to be offered to H.R. 4078, while well-intentioned, may have the unintended effect of driving agencies to make policy decisions without considering scientific information.

While science almost never provides one specific answer to a policy decision, sound science should be used to inform the ultimate decision-maker. Science can tell you how the world is, not how the world should be.

Eliminating other considerations, whether they be moral or ethical, leaves some scientists and unelected bureaucrats in charge.

At a time, Madam Chair, when many American families are struggling, H.R. 4078 eliminates red tape, reduces costs, and improves the environment for small businesses and job creators by getting Washington out of the way.

Mr. CUMMINGS. Madam Chair, I yield 3½ minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. I thank the gentleman. I thank him for his great work on this bill.

Despite the best efforts of Republicans in Congress, our Nation has actually made significant progress over the last several years protecting the health and the well-being of Americans.

Democrats have passed legislation ensuring that Wall Street plays by the rules. They can't continue to turn it into a casino where the rich clean up on the way up and the poor get cleaned out on the way down.

Democrats modernized food safety laws so that Americans can feel secure in the knowledge that the food we put on the dinner table won't make our families sick.

Democrats passed legislation to protect the privacy of Americans' sensitive health information.

But all of these laws are still in the process of being implemented. That's what's bothering the Republicans here today and all of their supporters across the country. They cannot go fully into effect to work for the American people until those regulations are finalized. Republicans are determined to keep these vital health, safety, and consumer protections from reaching the finish line to offer protection for ordinary families.

GOP used to stand for "Grand Old Party." Now GOP stands for "Gut Our Protections."

I released a report today, called, "Protection Rejection: GOP Abandons Consumer, Health, and Safety Measures"—across the board. It describes the safeguards that would be jeopardized under this misguided legislation.

If you're a wounded veteran needing home care, it will be harder for your family to take time off work to care for you. Family members were going—

finally—to be able to take up to 26 weeks of job-protected leave to care for a wounded veteran back from Iraq and Afghanistan, but the implementation of this new law will be stopped cold by this coldhearted Republican bill.

The bill prevents new fuel economy standards, increasing our dangerous dependence on foreign oil, forcing families to pay more at the pump, rather than a law that backs out 4.3 million barrels of oil a day from OPEC, telling them that we don't need their oil any more than we need their sand. They're saying stop those regulations from going into effect.

And as we approach the 2-year anniversary of the worst environmental disaster in the history of our country, the BP oil spill, this misguided Republican bill would stop new safety standards for the blowout preventers on drilling rigs that could prevent future spills. This makes no sense. The safety of the American people should be put above the special interests that want to stop all of these regulations.

The Republicans say this is about cutting red tape, but it's really nothing more than a red herring, a desperate attempt to distract from the GOP's abject failure to spur job creation in this country. There are so many red herrings out here we might as well put an aquarium here to deal with all of them that the Republican Party is throwing out here on this bill.

We must not allow this Republican regulatory freeze bill to set consumer protections back to the ice age. There's simply too much progress at stake.

The CHAIR. The time of the gentleman has expired.

Mr. CUMMINGS. I yield the gentleman 1 additional minute.

Mr. MARKEY. Hundreds of regulations are going to be taken off the books right now. And over the life of this bill, thousands of regulations that would have protected the health, the safety, the consumer interests across our country will be wiped off the books.

□ 1540

This is a wholesale destruction of the protections that ordinary people need against wealthy corporations taking advantage of them in their homes, in their neighborhoods. And so, ladies and gentlemen, there has not been a more important bill that comes out this year of this Congress onto the House floor.

All of you have access to this report I'm putting out here today, "Protection Rejection: GOP Abandons Consumer Health and Safety Measures." It's on my Web site. If you want to understand the full damage that's going to be done across all of these areas, from Dodd-Frank to health care, to food safety, to privacy protections for families across our country, vote "no" on this bill.

Mr. ISSA. Madam Chair, it is now my honor to yield 2 minutes to the distinguished gentleman from Oklahoma, (Mr. LANKFORD).

Mr. LANKFORD. Madam Chair, apparently the other side assumes most Americans are corrupt; they're corrupt people who cannot be trusted, and they must be babysat at each moment. Company leaders, company owners, many company employees, city and State leaders have to be supervised at every single moment, because if we don't have a Federal bureaucrat standing over the top of them, goodness knows what they'll do.

Well, I happen to trust the American people. The people that I live around and that I work around and that I meet as Americans are great people who drink that water, who eat that food, who interact with their neighbors in an honorable way. And when someone violates and does something criminal, they should be treated in a criminal way.

Most Americans are greathearted people that just want to do what's right, and they're just trying to figure out every day what the Federal Government is doing to them, rather than what the Federal Government is doing for them.

This bill begins to deal with limiting the regulations so each and every day Americans don't have to wake up and worry about what the Federal Government did to them last night while they were sleeping.

Let me give you an example of that. In Oklahoma, we're asking the question, What authority does a special interest group have over our State government?

In January of 2009, several environmental groups sued the EPA to force them to review the regional haze standards. The EPA had wide latitude in its response, but it chose to settle with the environmental groups in a private agreement, just the environmental groups and some individuals from the EPA. That private agreement created a way for the Federal Government to take from the States the right to enforce regional haze requirements. The original law clearly gave the authority to the States, not the EPA and the Federal Government to realize regional haze.

Let me give you an example. This is in my own State in Oklahoma. Regional haze is not a health issue. It is not a health issue. The way the law is written, it's only a visibility issue. It has nothing to do with health issues. So our own State has a State implementation plan.

On one side of this is the picture of our State implementation plan, what it would look like with our restrictions. The other side is the Federal implementation plan, well over \$1 billion additional in costs.

No one could step up here with confidence and tell me which one's which.

The CHAIR. The time of the gentleman has expired.

Mr. ISSA. Madam Chair, I yield the gentleman an additional 30 seconds.

Mr. LANKFORD. This is what happens when the EPA makes a private agreement, overshoots a State agreement, and says we're going to go in and step in and take over: over \$1 billion of additional costs to the ratepayers in Oklahoma, with no difference in the two, other than who controls it.

This is an issue where there is no public-comment period, no stakeholder involvement, nothing. It is time to resolve how we do our regulations and to make sure stakeholders that are affected are also at the table helping make the decisions on how things will be affected for the good of our country as a whole.

Mr. CUMMINGS. Madam Chair, I yield 3 minutes to the gentleman from Massachusetts (Mr. FRANK), the ranking member of the Financial Services Committee.

Mr. FRANK of Massachusetts. Madam Chair, this is an example of the Republican majority's taste for legislative exotica.

We have a very strange bill that no one expects to go anywhere. They do expect to make some people happy by pretending that they're going to be making oil here. This is in lieu of real legislation.

This is the group that could not have this House pass a transportation bill. The House passed the transportation bill by a legislative maneuver of the kind they used to denounce. It was made part of an overall omnibus package. There was never any chance to amend it, and it came out of a conference committee.

This is a group that can't pass an agriculture bill. We face problems in the agricultural area; and because they are so split over what to do, that committee's brought out a bill, and it's not coming forward. They are unable to do the regular legislative business, so we get this.

Now, what this says is that no rules that have been promulgated of any significance are going to be going forward.

I will not debate the gentleman from Oklahoma about haze. I am no expert about it. But that's the problem. This is not a bill that deals with rules in one area and one area of expertise. It does everything. So let me talk about one area I am familiar with.

The gentleman from Oklahoma says we're saying that you need a Federal regulator looking over the shoulders of every American. No, not every American; but I'm close to thinking of every American who runs a large financial institution, yeah. Of the people who lied about LIBOR, of the people at Capitol One who cheated consumers.

Now, I am glad we have a consumer bureau that stepped in to protect the Americans there. It's not every Amer-

ican who's corrupt; it is too many in the financial area.

We passed financial reform. I know some of the Republicans don't like it. I read in the paper today, well, Mr. Romney says he's going to repeal it, but the House Republicans say, oh, no, we can't. So instead of repealing it in a head-on way or amending it in a head-on way, they want to stop the rules.

What this bill would do, if it ever became law, would be to say "no" to the Volcker rule. No, let's not differentiate as to what kind of activities are legitimate for a bank to do or not. If an American bank that's got deposit insurance wants to speculate and lose billions of dollars in derivative trades, let them be.

This bill will stop us in a number of other areas with regard to derivatives, speculation where we want to put limits on what the nonusers of oil can buy so we can drive up the price.

The notion that the American people are crying out for an end to regulation is not congruent with anything I have read or heard about the financial area. And I am on the Financial Services Committee. I've worked on that.

This bill would fully apply here. It would prevent us from going forward with any of the pending rules in the financial reform bill.

Now, they've taken awhile. They're complicated. Many of them are done. Most of them will be done soon. This is an effort to re-deregulate derivatives, re-deregulate financial irresponsibility without standing up and saying so.

The CHAIR. The time of the gentleman has expired.

Mr. CUMMINGS. I yield the gentleman an additional 30 seconds.

Mr. FRANK of Massachusetts. I thank the gentleman.

This is an effort to do re-deregulation by stealth. If they don't want to regulate derivatives, if they think speculation's a good thing, then let's bring up a bill. After all, this isn't the agriculture bill. You don't have to be afraid of splitting your membership by trying to do it.

This ought to be straightforward. Instead, they want to do it by stealth. They want to end our effort to bring regulation to the financial industry.

And, yes, I would say to the gentleman from Oklahoma, when it comes to the people who have been running the large financial institutions, we do need more regulation, not less; and I believe the American people understand that and do not want to see the people who brought this terrible recession of 2008 from that financial irresponsibility set free of any restraint.

Mr. ISSA. Madam Chair, pursuant to the unanimous consent made in the House, I will insert the staff report from the Committee on Oversight and Government Reform entitled, "Continued Oversight of Regulatory Impediment to Job Creation," the result of

over 30 separate field hearings and hearings by the committee, and the work of countless hundreds of job creators around the country who have participated.

HOUSE OF REPRESENTATIVES  
COMMITTEE ON OVERSIGHT AND  
GOVERNMENT REFORM

DARRELL ISSA (CA-49), *Chairman*

STAFF REPORT

July 19, 2012

CONTINUING OVERSIGHT OF REGULATORY IMPEDIMENTS TO JOB CREATION: JOB CREATORS STILL BURIED BY RED TAPE

SUMMARY

Rules and red tape imposed by the federal government choke economic expansion and job growth, according to job creators themselves. Despite hearing this message loud and clear, regulations implemented during the Obama Administration have moved aggressively in the opposite direction—the regulatory state continues to grow, adding billions of dollars in compliance costs to businesses and job creators. These costs will ultimately be paid by consumers.

Although Obama Administration officials frequently proclaim it has issued fewer regulations than its predecessors, analysis by the Committee on Oversight and Government Reform reaches a far different conclusion: the Obama Administration has issued far more of the most expensive group of regulations with a higher overall economic cost.

The aggressive march of the regulatory state has been the subject of an ongoing, multiyear examination by the Committee. This staff report expands on earlier Committee work and documents how the regulatory state is proliferating with dire consequences for the economy, and how federal regulations continue to impede job growth and business expansion.

From 2010 to 2011, the number of final rules issued by federal agencies rose from 3,573 to 3,807—a 6.5 percent increase. During that same time frame, the number of proposed rules that will be finalized increased 18.8 percent. The published regulatory burden for 2012 could exceed \$105 billion, according to the American Action Forum, headed by a former director of the Congressional Budget Office. Since January 1, the federal government has imposed \$56.6 billion in compliance costs and more than 114 million annual paperwork burden hours.

Beyond this “routine” rulemaking, the number of rules with significant costs is on the rise. Analysis from the Heritage Foundation indicates that the Obama Administration issued 106 new rules in its first three years that collectively cost taxpayers more than \$46 billion annually—four times the number of “major” regulations and five times the cost of rules issued in the prior administration’s first three years.

Workers and job creators confirm that the oppressive regulatory red tape environment continues to hinder improvement. A recent Gallup poll found that nearly half of small businesses are not hiring because they are worried about new government regulations. Forty-four percent of likely voters say they believe regulations from the Environmental Protection Agency (EPA) hurt the economy.

Research conducted by The Winston Group found that 53 percent of voters say federal regulations are one of the major reasons the economy is struggling; 59 percent think that cutting regulations is vital to improving the economy, and 52 percent indicate that stopping new regulations would free employers

to begin hiring. According to the National Federation of Independent Business, the issue of regulation and red tape is one of the single most important problems for small businesses.

These views are held not just by poll respondents or business group members—senior Obama Administration officials have spoken out on the need to actively address regulatory impacts on job creation and economic growth.

The White House has praised the Committee for pointing out deficiencies in its approach to regulations. Office of Information and Regulatory Affairs (OIRA) Administrator Cass Sunstein said “I’m especially grateful to you Mr. Chairman and to the committee as a whole for its constructive and important work on this issue over the past months. It’s very significant to try to get regulation in a place where it’s helpful to the economic recovery.”

The OIRA Administrator has also said that expensive regulations can “increase prices, reduce wages, and increase unemployment (and hence poverty).”

OIRA’s 2012 Draft Report to Congress on Federal Regulations concedes that “regulations . . . can place undue burdens on companies, consumers, and workers, and may cause growth and overall productivity to slow.” It also notes that “evidence suggests that domestic environmental regulation has led some U.S. based multinationals to invest in other nations (especially in the domain of manufacturing), and in that sense, such regulation may have an adverse effect on domestic growth.”

Finally, OIRA agrees that “regulations can also impose significant costs on businesses, potentially damaging economic competition and capital investment,” if not carefully designed.

This staff report examines three types of regulations (energy and environmental, labor, and financial services), and looks at both current and new/proposed rules, their costs and impacts on job creators. It concludes that until the government addresses the overwhelming cost, scope and impact of the ever-expanding regulatory state, it is not in a position to aid job creators and spur economic recovery. Moreover, the staff report suggests that until these regulations are addressed, high unemployment and slow economic growth will persist.

KEY FINDINGS

From 2010 to 2011, the number of final rules issued by federal agencies rose from 3,573 to 3,807—a 6.5 percent increase. During that same time frame, the number of proposed rules increased 18.8 percent.

The published regulatory burden for 2012 could exceed \$105 billion, according to the American Action Forum, headed by a former director of the Congressional Budget Office.

Analysis from the Heritage Foundation indicates that the Obama Administration issued 106 new rules in its first three years that collectively cost taxpayers more than \$46 billion annually—four times the number of “major” regulations and five times the cost of rules issued in the prior administration’s first three years.

In the past decade, the number of economically significant rules in the pipeline—those that could cost \$100 million or more annually—has increased by more than 137 percent.

Over 40 EPA regulations cited by job creators as barriers to growth and expansion in the Committee’s February 2011 staff report remain a problem.

The Boiler Maximum Achievable Control Technology (MACT) rule proposed in 2010

will cost job creators up to \$15 billion in regulatory compliance costs. A similar “Utility” MACT rule would cost providers \$9.6 billion annually and result in the shutdown of 25 percent of U.S. power generating units.

EPA’s proposal to regulate coal combustion residuals (“coal ash”) usurps states’ previous role and exerts unprecedented federal control over the utility industry. More than half of the complaints received from business and industry groups expressed concern last year, while half of the complaints are new. Compliance costs range from \$78–110 billion over the next 20 years while job loss estimates range from 39,000, under a low estimate, to 316,000, under a high estimate.

EPA’s E15 ethanol rule “places consumers and vehicle manufacturers at significant risk” but is proceeding despite these concerns. EPA estimates industry compliance at \$3.64 million per year but also notes that half of existing retail outlets are incompatible with the fuel, and would need to purchase and install new equipment.

Proposed fuel economy standards will increase the cost of new vehicles by at least \$4,000 per vehicle while delivering less than half that amount in fuel savings and could result in the loss of as many as 220,000 automotive jobs.

Tier 3 gasoline standards proposed by EPA would impose a total economic cost of approximately \$8 billion on the industry and raise the cost of gasoline by six to nine cents per gallon for consumers.

Rules attributed to the Dodd-Frank Act will grow from 36 implemented today to roughly 400 required under the act. Rules governing “conflict minerals” such as gold, tin, tantalum and tungsten will cost the industry \$71 million per year and impact as many as 5,000 companies. The National Association of Manufacturers estimates true compliance costs for the rule to be \$9–16 billion.

A U.S. Chamber of Commerce/Business Roundtable survey notes that those impacted by a proposed “end user” rule effecting derivatives would have to sideline up to \$6.7 billion in working capital and cost 100,000 jobs.

The National Labor Relations Board’s “notice posting rule” promoting unionization in the workplace will cost employers an estimated \$386.4 million and in the words of one industry organization, “could set a disturbing precedent and chill job creation.”

The Committee is publishing this staff report to tell the American people directly what job creators say is the true cost and impact of the Obama Administration’s regulatory agenda.

For additional information please visit: <http://oversight.house.gov/wp-content/uploads/2012/07/staff-Report-FINAL.pdf>.

I yield 2 minutes to the gentlewoman from New York (Ms. BUEKLE).

Ms. BUEKLE. Madam Chair, I stand here today in strong support of H.R. 4078, the Red Tape Reduction and Small Business Creation Act, which takes important steps and strides to provide our businesses and our small businesses throughout this country with some certainty, the certainty that they so desperately need.

Every time I’m home in my district, I hear from my constituents, my small business owners. They want to know when is this deluge of regulations out of Washington going to end. And that’s what this bill addresses today.

□ 1550

It's such a harsh reminder that this administration's policies are not working.

Rather than looking ahead, our small businesses and our job creators are ducking and hiding behind the myriad, the deluge of mandates and regulations that so restrict their growth. This uncertainty that these regulations create is the enemy of growth, and it's why our economy does not move forward, and it's why it is so stagnant.

This year, the Federal Register has reached nearly 42,000 pages with regulations that cost our American businesses \$56.6 billion and that result in 114 million hours of paperwork. That's why our economy is not growing. They cannot even deal with the deluge of regulations coming out of Washington.

Why should an owner of a supermarket in upstate New York spend his time dealing with the 15,000 pages of regulations from the Affordable Care Act rather than paying attention to the inventory in his grocery store?

Simply put, Madam Chair, Washington's attitude toward the private sector is discouraging. It's time for Congress to reverse the trend and to let America's job creators know that we stand beside them rather than in front of them, blocking their progress and their growth.

Mr. CUMMINGS. Madam Chair, I yield 3 minutes to the distinguished ranking member of the Energy and Commerce Committee, the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Madam Chair, I rise in opposition to this bill.

All year, the House Republicans have brought extreme bills to this floor to repeal commonsense safeguards. In fact, we have voted over 280 times this Congress to repeal or undermine landmark environmental laws like the Clean Air Act and the Clean Water Act. That's not what the American people want.

The legislation we are debating today takes this assault to a new level. It halts virtually all regulation until unemployment drops below 6 percent. I don't see it. We are going to have an unprecedented attack on critical public health, safety and economic protections? We are going to let the marketplace solve all problems?

This bill would undermine Medicare by preventing the issuance of updated reimbursement rates and by denying hospitals and clinics hundreds of millions of dollars in Medicare payments—because these are regulations as well. It would jeopardize the food supply by blocking produce safety rules that would prevent contaminated food from showing up on our local grocery store shelves. It would stop broadly supported tailpipe rules for cars and trucks that will save consumers money, slash pollution, and cut our dependence on oil. It would block rules to

ensure health care quality and raise the bar for provider performance.

According to the Congressional Budget Office, this legislation could even delay incentive auctions of spectrum by the FCC. These auctions would raise billions of dollars to build out the public safety communications system. This is a clear example of how this bill will kill jobs, not create them, and increase, not reduce, the deficit.

Madam Chair, a lot of regulations are important and a lot of regulations create jobs, but we hear over and over again, Oh, we can't burden the job creators with regulations. When we put regulations in place, it's for a reason. There is a reason that we ought to let the regulations go forward and not stop them all as this bill would do. The reasons are to protect public health and safety. The reasons are to have a Medicare system that is up to date. The reasons are to make sure that our financial institutions have rules that apply to them and that we don't let them make the decisions on their own. They may be job creators, but they were job destroyers in 2008.

Republicans say they want to cut red tape, but this legislation does not cut red tape. It makes the rest of the government just like the House of Representatives—dysfunctional and unresponsive to the Nation's pressing problems. I urge my colleagues to vote against this bill. I urge the American people to watch carefully who votes for it.

Mr. ISSA. Madam Chair, I now yield 2 minutes to the gentleman from Arizona, Dr. GOSAR.

Mr. GOSAR. Madam Chair, as a business owner, this is what I get when I hear, The government is here to help us. Look at this red tape. Wow. That's what a small business has to put up with just to create a business. That's why I rise today in support of H.R. 4078, the Red Tape Reduction and Small Business Job Creation Act of 2012.

A recent report released from Gallup suggests that 46 percent of all small business owners have put a freeze on new hiring because they are worried about regulations and costs. Clearly, sensible solutions and reforms are needed. This bill will allow small businesses to be free of the burdensome yoke of government regulation. For far too long, stifling bureaucracy and meddlesome mandates have stagnated job growth. Red tape has tied the hands and the feet of employers and entrepreneurs alike.

Look at the maze. These binds which constrict the free flow of labor and capital will be cut by this bill, which simply states that any new major Federal regulations costing over \$100 million may not be implemented until the unemployment rate falls to 6 percent. This will save an estimated \$22.1 billion.

Just as important, the upside down roller coaster that our small businesses

and entrepreneurs have been on for the past few years can finally stop. Americans looking to start businesses, expand their business facilities, or hire more workers can plan for the future and put our economy back on a path to prosperity.

As a small business owner for 25 years, I am acutely aware of the way in which restrictive regulations and rules can hold a business owner hostage. Let's free the private sector from this captivity. I urge a "yes" vote on the Red Tape Reduction and Small Business Job Creation Act.

Mr. CUMMINGS. Madam Chair, may I inquire as to how much time both sides have.

The CHAIR. The gentleman from Maryland has 6 minutes remaining. The gentleman from California has 9 minutes remaining.

Mr. CUMMINGS. I yield 2½ minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Thank you very much, Mr. CUMMINGS, Mr. ISSA, and Members of the House.

I've read this bill. There is something about it that we really need to understand, and that is that we just got through having a debate about the Federal Reserve. One of the reasons the Fed should be audited is that it is not fulfilling its responsibility for bringing about employment in this country.

Now, this bill exempts the Federal Reserve. Think about it. We say we want to bring unemployment down to 6 percent. The Fed, if you look at the Board of Governors' report, has basically jettisoned the whole idea about bringing unemployment down. Right now, they're establishing what I would call a new threshold of 5 to 6 percent unemployment. So, if our friends are successful with their bill, we won't have jobs, and we won't have regulations either.

Hello? Read the report.

I mean, we ought to be investigating why has the Fed stepped back from its job creation, and why are we exempting them from a bill in which we are actually taking the pressure off them for job creation.

Now, look, we should be creating jobs. No question about it. I have a bill, H.R. 2990, that puts the Fed under Treasury and that let's the government spend money into circulation and create millions of jobs. Put America back to work. Prime the pump of the economy, a full employment economy. It goes way past Humphrey-Hawkins. Get America back to work. America needs to get back to work.

If that's what my friends on the other side of the aisle are saying, we're together on that. America has to get back to work—but we're going to get back to work while having water that's not safe to drink? Air that's not safe to breathe? We're going to get back to work by having products that you

don't know your pets can consume? Are we going to get back to work by having to worry about, when we go to various salad bars, if it's something we can consume and whether or not there are proper food inspections? Are we going to get America back to work by not checking on airplane safety?

Is that how we get America back to work?

Come on. Whether you're a Democrat or a Republican, there are certain regulations that are absolutely fundamental to running an organized society. I understand wedge issues—this is a political climate—but let's not mix up this mutual concern that we have about creating jobs in this country by trying to score some points by saying, well, there are regulations that are bad.

I'm sure there are regulations that don't work. I'm not somebody who believes that government has the solution to everything. I know better than that. I've been here for 16 years. I understand that much. Yet I know one other thing, which is, when you take a broad approach in trying to knock out regulations, you're looking for trouble. You're going to create trouble. That's what this does. So I am urging a "no" vote, and I'll have more to say on an amendment that I have.

□ 1600

Mr. ISSA. Mr. Chairman, it's now my honor to yield 2 minutes to the gentleman from New Hampshire (Mr. GUINTA).

Mr. GUINTA. I thank the chairman for yielding the time.

Mr. Chairman, I add my voice to calling for the passage of H.R. 4078, the Red Tape Reduction and Small Business Job Creation Act.

One of the key provisions of this bill is title III, the Sunshine for Regulatory Decrees and Settlements Act. Certain environmental advocacy groups sue Federal agencies to issue regulations, and then agencies settle these lawsuits behind closed doors, which is also known as "sue and settle." Only after a settlement has been agreed to does the public have any chance to provide any comment. This is a pointless exercise because the damage has already been done. More troubling, these settlements often allow advocacy groups and agencies to effectively dictate major policy on their own by circumventing the protections that exist for public participation in a regulatory system.

This provision, the Sunshine for Regulatory Decrees and Settlements Act of 2012, promotes openness and transparency in the regulatory process, and it does that by requiring agencies to notify the public of these lawsuits before they're settled and giving the public meaningful voice in the process.

As Chairman ISSA knows from the field hearing he held on Great Bay in my district in the State of New Hamp-

shire, my constituents and small businesses are facing this very issue. Communities, small businesses, and New Hampshire families are facing massive tax increases because outside organizations with political agendas are forcing the EPA into a sue or settle situation, costing Granite Staters on the seacoast hundreds of millions of dollars. This has been done behind closed doors without the community being at the table as a full negotiating partner, and this is wrong.

We all want the Great Bay to be clean and to be protected, but sue and settle is not the way. In the end, the actions of a few politically driven organizations are costing small businesses and hurting New Hampshire families in an already difficult economy.

Chairman ISSA, I want to thank you for coming to New Hampshire to shed light on this problem. For these reasons, I urge all Members to support this bill.

Mr. CUMMINGS. Mr. Chairman, may I ask how much time is remaining?

The Acting CHAIR (Mr. LATOURETTE). The gentleman from Maryland has 3½ minutes remaining.

Mr. CUMMINGS. Mr. Chairman, I yield myself such time as I may consume.

I just want to clear up something. It has been said that this would affect matters that would likely have an annual cost to the economy of over \$100,000 or more, in other words, those that would be subject to the bill. But the piece that is left out on page 8 of the bill—and this is very crucial. It says:

Or if OMB determines—or adversely affect—that is, legislation rules, proposed rules—that would adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, small entities or State, local, or tribal governments or communities.

And, of course, the bill goes on to say that OMB may make a determination, but if there is an entity that is agreed, they can always go to court. It's not accurate to say that it's just limited to those types of regulations that would affect the economy to the tune of \$100 million. It actually affects a whole lot more than that.

With that, I continue to reserve the balance of my time.

Mr. ISSA. Mr. Chairman, hopefully the gentleman would note that the language he just quoted is from the President's executive order. It's not some sort of pocket information, but, in fact, something the President of the United States felt was a reasonable set of language.

With that, I yield 1 minute to the gentleman from Texas (Mr. FARENTHOLD).

Mr. FARENTHOLD. Thank you, Chairman ISSA.

Most Congressmen call their district staff workers caseworkers. I call my

district workers red tape cutters, because that's what they do. Unfortunately, we have to have a job like that because government red tape is so thick. A lot of what our caseworkers do is for veterans and Social Security recipients, but they also help our small businesses.

When I'm back home, I hear time and time again from businesses about how the government is getting in the way of creating jobs, and if we would just tell them what to do and let them do it and quit changing the rules midstream, they would do it. That's what this bill does, it tells the government: Stop. Don't change the rules midstream until our economy is back on track. It's a jobs bill, and it's an opportunity to give our businesses the opportunity to get people hired.

This Congress has been tireless in our pursuit of creating jobs by eliminating senseless and expensive government regulation. I'm confident this bill will pass the House, and I hope it has better luck than some of the other bills that we've passed, like the REINS Act, that also deals with regulation, when it gets across the Capitol and to the Senate.

We have got to get these bipartisan jobs bills passed and signed into law. Americans know we have to cut the unemployment rate. To do that, we're going to have to cut the red tape.

Mr. CUMMINGS. I continue to reserve the balance of my time.

Mr. ISSA. I now yield 2 minutes to the gentleman from Virginia (Mr. HURT).

Mr. HURT. I thank the chairman for yielding, and I thank him for his leadership on this issue.

I rise today in support of this legislation that will save this country billions of dollars and create thousands of much-needed jobs.

Mr. Chairman, "red tape" is a word we hear all too often in Washington, but when you get back to places like Danville, Virginia, and talk with the people who are stuck in it, you gain a new perspective on what Federal regulations mean to everyone outside of the beltway.

As the Federal Government continues to grow in size and scope, our Main Street businesses continue to struggle. The President tells us that the private sector is doing just fine. The President tells us that if you've got a business, you didn't build it. But the President has not told us how he plans to help our small business owners grow and create the jobs our local communities need.

Our Nation has faced over 8 percent unemployment for more than 3 years. We're being crushed under a rapidly accumulating \$16 trillion debt, and both of these things have everything to do with the policies set forth in Washington that grow the Federal Government and strangle our Main Street businesses.

Where others will not lead, the House will. That's why we remain focused on adopting legislation like the bill we consider today, legislation that will remove the Federal Government as a barrier to job creation. This package of bills will lead us to responsible regulations and ensure that the economic impacts of Federal regulations are accounted for. Most importantly, it will give our small business owners across central and south Virginia the ability to hire and expand their businesses at a time when many are closing their doors.

This legislation is the kind this country needs to turn the corner from a struggling economy to the America that we have known for generations, a country of limited government and unlimited opportunity. I urge my colleagues to support this bill.

Mr. CUMMINGS. Mr. Chairman, may I inquire as to whether or not the gentleman has other speakers?

Mr. ISSA. I am prepared to close.

Mr. CUMMINGS. I yield myself such time as I may consume.

Mr. Chairman, I would just like to say, in closing, that the debate today proves that this bill is an extreme attack on the regulatory system.

Republicans have put critical protections on the line by proposing to shut down the regulatory process with a bill that was ill-conceived from the start and that was cobbled together so quickly it is riddled with flaws that render it unworkable.

I might also say that one of the things that I've said over and over again, and I think the position has been—I know it's the position of the President—that we must have balance with regard to regulations. I think that Mr. WAXMAN and certainly Mr. FRANK were absolutely right. It's not a question of distrust. It's a question of making sure that we have regulations in place to protect the safety and welfare of our citizens, and we don't need to look too far.

When I look at my district and I see the many people who lost so much because of what happened on Wall Street and what happened just recently with regard to the banks, the fact is that regulation is needed. If any committee has had evidence of it, it is our committee, Oversight and Government Reform.

We've heard no evidence today that regulations kill jobs. We've heard no evidence that regulations hurt our economy. We've heard countless examples of how regulations can improve the health and safety of Americans and save lives. It is so very important that we keep in mind that balance that I talked about.

It's also important that we keep in mind what this President has done. President Obama has made sure that he has taken a careful look at those rules, those regulations that were un-

necessary. He has put forth less regulations than either former President Bush. He has slowed down the process of approving regulations. I think, clearly, he is headed in the right direction as to what I just said about a balanced approach.

□ 1610

So I hope the American people understand that this legislation is not advancing their interests. I repeatedly said that the majority is forcing a false choice. We do not have to choose between creating jobs and protecting the health and safety of American families. We can and must do both. This legislation does neither, and I urge all our Members to vote against it.

With that, Mr. Speaker, I yield back the balance of my time.

Mr. ISSA. I yield myself such time as I may consume.

I never thought I would hear former Chairman WAXMAN speak in terms of how dysfunctional Congress is, how we just don't operate and can't be trusted; but, clearly, I heard him say that today.

I still believe in the institution that all of us belong to. In living up to our responsibility, Congress has the responsibility to pass laws; and it has an absolute obligation to oversee the administration of those laws. The executive branch, or administrative branch, actually, only has the right to create regulations and executive orders to support the laws that have been created.

For too long, we have abrogated our responsibility. Former Chairman WAXMAN apparently would like to continue doing that, in what he said of our low rating and essentially repeating it.

Until the unemployment rate reaches 6 percent, taking back just less than 66 out of 3,000 regulations last year and making them accountable either to fall into emergency requirements into specific categories of essential harm or to come to Congress would seem to be a small task.

I have no doubt that if the shoe were on the other foot and President Bush was still in office and the Democrats were still in charge, that this bill would look more favorable to them. But that's not what we should be here deciding, who it favors or disfavors. When this bill becomes law, it will, in fact, become law for the future for Democrats and Republican Members alike.

The elimination of the "midnight regulations" that for so long have been abused by Presidents of both parties, H.R. 4607 absolutely is long overdue. President George W. Bush rushed excess amounts to close before he left. President Obama will, undoubtedly, do the same. That's wrong. It's simply wrong. And we know is. And we know that often, as this bill says, these are regulations that aren't heard before

the election and are concluded in those 75 days before departure.

It's wrong. We know we need to stop it. We shouldn't abrogate our responsibility. And the Members on the other side will suddenly decide, I'm sure, this is a better idea, should Mitt Romney be elected in the fall.

This bill is supported by the Chamber of Commerce, Associated Builders & Contractors, the Small Business & Entrepreneurship Council, and the National Federation of Independent Businesses.

The fact is, this is about simply saying not that we're going to stop 3,000 regulations, but that we're going to slow and evaluate more carefully the 66 largest of them by this administration last year.

During debate, the administration was essentially lauded for having passed fewer regulations in numbers than President George W. Bush. I checked that during debate. That's true. But that's because President George W. Bush did regulatory changes to eliminate regulations, and those scored. When you actually look at the cost of regulations under this administration, the cost is dramatically higher.

I will share with my colleagues on the other side of the aisle that cost is not just dollars and cents, that you have to look at all the benefits. But for too long, we've had "sue and settle." We've had the ability for these determinations to be made without that due process of looking at both sides.

So today, as we move this bill, I clearly appreciate the fact that the men and women of my committee—the staff, the hardworking people who never get seen in front of the camera, who, in fact, have worked through 30 hearings, through countless interviews with job creators—have made sure that the right things are in this bill for the right reason.

I urge passage, and I yield back the balance of my time.

The Acting CHAIR. The gentleman from Texas is recognized.

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, America's economic recovery remains sluggish, with the national unemployment rate above 8 percent for over 40 months. The President promised that his \$800 billion spending bill would keep unemployment under 8 percent. Instead, the spending bill only added to the deficit, which has doubled under this administration.

More than 12 million Americans are out of work, 700,000 more than when President Obama took office; and the median income of American families has dropped too.

The President's economic policies have failed, and his regulatory policies have made the economy worse. A recent Gallup poll found that among the



85 percent of U.S. small businesses that are not hiring, nearly half cited “being worried about new government regulations” as the reason.

President Obama has turned America into a regulation Nation. A Heritage Foundation study found that in his first 3 years in office, President Obama implemented 106 major rules that imposed \$46 billion in additional annual regulatory costs on the private sector. That’s a new record.

The President promised in his 2011 State of the Union address to fix “rules that put an unnecessary burden on businesses,” but he has gone in the opposite direction. We need to encourage businesses to expand, not tie them up with red tape.

Today, Congress continues to fight the constricting red tape that comes from Washington by offering commonsense solutions that deserve bipartisan support. And that’s what we do today.

Members of the Judiciary Committee introduced three of the titles in the Red Tape Reduction and Small Business Job Creation Act. Mr. GRIFFIN’s Regulatory Freeze for Jobs Act gives small businesses a much-needed break from new regulations that cost the economy \$100 million or more until the unemployment rate stabilizes at 6 percent.

The Freeze Act is narrowly tailored to stop unnecessary economically significant regulations. It contains reasonable exceptions, such as health and safety, criminal or civil rights laws, trade agreements, and national security. The Freeze Act gives job creators confidence about future regulatory conditions, which will encourage them to make the investments that will jump-start our economy.

The RAPID Act, introduced by the gentleman from Florida (Mr. ROSS), helps to create jobs as it streamlines the Federal environmental review and permitting process. It draws upon established definitions and concepts from existing regulations and even from the administration’s own recommendations.

Employers and investors can’t move forward without necessary permits and without confidence in the process. The RAPID Act establishes reasonable, predictable deadlines for agencies to complete the permit review process and for lawsuits to be filed afterwards.

The Sunshine for Regulatory Decrees and Settlements Act, introduced by the gentleman from Arizona (Mr. QUAYLE), ends the abuse of consent decrees and settlements to require more regulations.

For many years, regulatory advocates and agencies have used consent decrees and settlements to establish new rules in secrecy, outside the regular rule-making procedures that provide for transparency and public participation. The “sue and settle” approach has enabled agencies to impose

higher costs and avoid accountability since they can claim “the court made us do it.”

Mr. QUAYLE’s legislation makes sure that the public and those affected by regulations have a say in these decrees and settlements. It also requires greater judicial scrutiny and helps to prevent an outgoing administration from unfairly setting its successor’s agenda through consent decrees. These and all of the titles of the Red Tape Reduction and Small Business Job Creation Act provide needed relief to small businesses.

Economic growth depends on job creators, not Federal regulators. This legislation frees up businesses to spend more, invest more, and produce more in order to create more jobs for American workers. I urge my colleagues to support this commonsense bill.

Mr. Chairman, I reserve the balance of my time.

□ 1620

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Could I begin by asking the distinguished chairman of the House Judiciary Committee this following inquiry: Is it not true that the United States of America has less regulation than almost any other industrialized country in the Western Hemisphere?

I am pleased to yield to the gentleman from Texas to respond.

Mr. SMITH of Texas. I have no idea whether we have more or fewer regulations than other countries. I do know this: we have far more regulations today than we had 3 years ago. And I also know that the Obama administration has set a new record in the number of expensive, unnecessary regulations that it has suggested and implemented.

I thank the gentleman for yielding.

Mr. CONYERS. Well, the gentleman is welcome. His answer is no, he doesn’t know. And I’m going to, in the course of this debate, try to share with him the fact that other industrialized nations have far more regulations than us, just to put things into some kind of relative proportion.

Members of the House of Representatives, Joseph Stiglitz has talked about the subject of regulation. Here is something that he had to say about it that I think will set us in the right frame of mind to examine dispassionately the principle that is under examination this afternoon. He said this:

The subject of regulation has been one of the most contentious, with critics arguing that regulations interfere with the efficiency of the market, and advocates arguing that well-designed regulation not only makes markets more efficient, but also helps to ensure the market outcome is more equitable. Interestingly, as the economy plunges into a slowdown, if not a recession, with more than 2 million Americans expected to lose their homes, there is a growing consensus there was a need for more government regulation.

If it is the case that better regulations could have prevented or even mitigated the downturn, the country and the world will be paying a heavy price for the failure to regulate adequately, and the social costs are no less grave, as hundreds of thousands of Americans will not only have lost their homes, but their lifetime savings as well.

And so the measure before us, H.R. 4078, by stopping or delaying rules from going into effect, seriously jeopardizes the safety and the soundness of our Nation’s economy and our society generally.

Another fundamental problem with this proposal is that it myopically focuses on the cost of regulations while largely ignoring their overwhelming benefits. So this measure, with its misleadingly short title, will not result in creating jobs for one simple reason: there is no credible evidence establishing that regulations have any substantive impact on job creation.

With that, Mr. Chairman, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I yield 4 minutes to the gentleman from North Carolina (Mr. COBLE), a senior member of the Judiciary Committee and the chairman of the Courts, Commercial and Administrative Law Subcommittee.

Mr. COBLE. Mr. Chairman, I thank the distinguished chairman from Texas for having yielded, and I rise in support of H.R. 4078.

I have the honor and privilege of serving as the chairman of the Judiciary Subcommittee on Courts, Commercial and Administrative Law, which among other things has jurisdiction over the Administrative Procedures Act. Our subcommittee has spent an enormous amount of time and energy reviewing proposals to refine the manner in which our Federal Government formulates and implements regulations. I have encountered two philosophies on improving our regulatory system. One philosophy is we routinely review and improve regulations, while others advocate that the Federal Government should issue yet more regulations.

It appears to me that the Obama administration has embraced the latter philosophy because red tape has been flying fast and furious during his tenure. His administration has proposed regulations that are expected to exceed \$100 million at the rate of 125 every 2 years. Currently, there are 24 major rules in the pipeline for review by the Office of Information and Regulatory Affairs. The results have been telling. During the first 26 months of the Obama administration, our Federal Government has added \$40 billion of annual regulatory cost to our economy, and this year the Federal Register already exceeds 40,000 pages.

In the transportation arena, new DOT passenger protection regulations are estimated by the American Aviation Institute to cost \$1.7 billion annually. In total, there are 10 new Federal



aviation regulations that will cost \$4 billion annually. Although they will produce no significant benefit to the traveling public, they certainly and inevitably will be passed along in the form of fees, reduced services, or increased prices.

Since 2008, the combined budget of regulatory agencies has ballooned 16 percent, topping \$54 billion. During the same time, employment at the agencies grew 13 percent while our economy only grew by 5 percent and the number of private sector jobs shrunk by 5.6 percent.

The scene is ominous, and I think it reflects what has happened to our economy, but I also do not believe that the situation is hopeless. The need for regulatory reform has been emulated by every administration since President Ronald Reagan, but efforts have not been successful. Enacting H.R. 4078 will be a step in the right direction.

Several titles of this legislation which were approved by the Judiciary Committee will implement immediate relief.

The original provisions of H.R. 4078, the Regulatory Freeze Act, could reportedly save our economy \$22.1 billion and save thousands of jobs without jeopardizing our safety.

H.R. 3862, the Sunshine for Regulatory Decrees and Settlements Act, will end the practice of special interests using consent decrees to bypass the regulatory process and imposing their will and priorities on affected communities.

H.R. 4377, the RAPID Act, will help end the permitting logjam that has stifled development investment without diminishing a single environmental standard or protection.

Regulations that are narrowly tailored, effective, and routinely reviewed can make our society safer and our economy stronger, but when they are ineffective or inefficient, our security is jeopardized, and so is our economy.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

I direct an inquiry to the distinguished gentleman from North Carolina (Mr. COBLE) to ask him if he is aware of the fact that the Obama administration has accomplished and accumulated net benefits of regulations in the last 3 fiscal years that exceed \$91 billion?

□ 1630

This comes from the Office of Management and Budget, and it's more than 25 times the net benefits of regulations issued by the Bush administration for a comparable period of time.

I would yield to the distinguished gentleman for a response.

Mr. COBLE. No, I was not aware of that. But job creators need some certainty about the regulatory forecast to make the kind of investments that will create jobs. The Freeze Act is carefully

drafted to only freeze those regulations that cost the economy \$100 million or more. Thus, a regulation that has \$100 million in benefits would not be frozen by the bill.

Mr. CONYERS. Are you telling me that the freeze will be helpful to creating jobs? Are you telling me in response to my question that the freeze will be helpful to create jobs?

I yield to the gentleman.

Mr. COBLE. Yes, I am telling you that.

Mr. CONYERS. But do you accept the Office of Management and Budget's findings that the benefits of regulations by the current administration in the last 3 fiscal years exceeded \$91 billion?

Mr. COBLE. Well, I don't know that, but if you will permit me, I will yield to the chairman for that.

Mr. CONYERS. You may not. You're not able to yield because I yielded to you. So you don't know?

Mr. SMITH of Texas. If the gentleman would yield to me, I would be happy to try to respond.

Mr. CONYERS. Well, I just wanted to ask the gentleman. I didn't mean to make this as prolonged as it has become, but I don't think his response of a freeze was an adequate response to my question.

Mr. COBLE. I was not aware of the questions you put to me. I can neither embrace nor reject that.

Mr. CONYERS. I thank the gentleman for his attempted response.

I would now like to yield 2 minutes to the gentlewoman from upstate New York, Ms. KATHY HOCHUL, who serves with great distinction on the Armed Services Committee.

Ms. HOCHUL. I thank the gentleman for yielding.

On February 12, 2009, Flight 3407 crashed into a house in my district, killing all the passengers and an individual in his home. Out of that devastation arose a spirit that actually united this Congress in enacting flight safety and pilot training rules that would have prevented the crash. The families never gave up, coming to talk to Members of Congress over 50 times over 3 years, and they are eagerly awaiting the final implementation of potentially lifesaving rules. It sounds like a happy ending, doesn't it?

Yet, this week, because the House Rules Committee refused to allow my amendment to protect those specific rules, we are at risk of losing all those hard-fought, bipartisan safety reforms. With the so-called Regulatory Freeze Act, these reforms would simply die. So those who voted for them in the past are now calling them job killing? Well, I call them people saving.

Listen, I know we need to end overburdensome regulations, and I voted against many of them, the ones that hurt our farmers and small businesses. I hear about that in upstate New York.

But there's a commonsense way to do it. But to freeze all government regulations, all of them, regardless of the health and safety of our citizens is over the top, even for this town.

Flight safety rules are just one example. The bill would also block benefits for disabled and homeless veterans, it would hurt seniors, and it would eliminate rules that ensured taxpayer dollars are used for goods made in America. This only proves that Washington is broken and we need to fix it.

I urge my colleagues to vote "no" on this senseless regulation and this rule.

Mr. SMITH of Texas. Mr. Chairman, I yield myself 30 seconds to respond to a question that the gentleman from Michigan posed a few minutes ago.

Mr. Chairman, I'd like to include for the RECORD an article from earlier this year that appeared in *The Economist* magazine. This is a magazine that is one of the oldest, most respected sources of news and analysis, and it is favorably disposed toward the Obama administration. But it published an article detailing how the Obama administration systematically manipulates the cost-benefit analysis in agency rule-making.

This manipulation deliberately inflates benefits and minimizes the cost, the article says. The *Economist* goes so far as to call the administration's cost-benefit analysis "highly suspect" and "subject to the whims of the people in power."

[From the *Economist*, Feb. 18, 2012]

MEASURING THE IMPACT OF REGULATION  
THE RULE OF MORE—RULE-MAKING IS BEING MADE TO LOOK MORE BENEFICIAL UNDER BARACK OBAMA

WASHINGTON, DC: In December Barack Obama trumpeted a new standard for mercury emissions from power plants. The rule, he boasted, would prevent thousands of premature deaths, heart attacks and asthma cases. The Environmental Protection Agency (EPA) reckoned these benefits were worth up to \$90 billion a year, far above their \$10 billion-a-year cost. Mr. Obama took a swipe at past administrations for not implementing this "common-sense, cost-effective standard".

A casual listener would have assumed that all these benefits came from reduced mercury. In fact, reduced mercury explained none of the purported future reduction in deaths, heart attacks and asthma, and less than 0.01% of the monetary benefits. Instead, almost all the benefits came from concomitant reductions in a pollutant that was not the principal target of the rule: namely, fine particles.

The minutiae of how regulators calculate benefits may seem arcane, but matters a lot. When businesses complain that Mr. Obama has burdened them with costly new rules, his advisers respond that those costs are more than justified by even higher benefits. His Office of Information and Regulatory Affairs (OIRA), which vets the red tape spewing out of the federal apparatus, reckons the "net benefit" of the rules passed in 2009–10 is greater than in the first two years of the administrations of either George Bush junior or Bill Clinton.

But those calculations have been criticised for resting on assumptions that yield higher

benefits and lower costs. One of these assumptions is the generous use of ancillary benefits, or “co-benefits”, such as reductions in fine particles as a result of a rule targeting mercury.

Mr. Obama’s advisers note that co-benefits have long been included in regulatory cost-benefit analysis. The logic is sound. For instance, someone may cycle to work principally to save money on fuel, parking or bus fares, but also to get more exercise. Both sorts of benefit should be counted.

The controversy arises from the overwhelming role that co-benefits play in assessing Mr. Obama’s rule-making. Fully two-thirds of the benefits of economically significant final rules reviewed by OIRA in 2010 were thanks to reductions in fine particles brought about by regulations that were actually aimed at something else, according to Susan Dudley of George Washington University, who served in OIRA under George Bush (see chart). That is double the share of co-benefits reported in Mr. Bush’s last year in office in 2008.

If reducing fine particles is so beneficial, it would surely be more transparent and efficient to target them directly. As it happens, federal standards for fine-particle concentrations already exist. But the EPA routinely claims additional benefits from reducing those concentrations well below levels the current law considers safe. That is dubious: a lack of data makes it much harder to know the effects of such low concentrations.

Another criticism of the Obama administration’s approach is its heavy reliance on “private benefits”. Economists typically justify regulation when private market participants, such as buyers and sellers of electricity, generate costs—such as pollution—that the rest of society has to bear. But fuel and energy-efficiency regulations are now being justified not by such social benefits, but by private benefits like reduced spending on fuel and electricity.

Private benefits have long been used in cost-benefit analysis but Ms. Dudley’s data show that, like co-benefits, their importance has grown dramatically under Mr. Obama. Ted Gayer of the Brookings Institution notes that private benefits such as reduced fuel consumption and shorter refuelling times account for 90% of the \$388 billion in lifetime benefits claimed for last year’s new fuel-economy standards for cars and light trucks. They also account for 92% and 70% of the benefits of new energy-efficiency standards for washing machines and refrigerators respectively.

The values placed on such private benefits are highly suspect. If consumers were really better off with more efficient cars or appliances, they would buy them without a prod from government. The fact that they don’t means they put little value on money saved in the future, or simply prefer other features more. Mr. Obama’s OIRA notes that a growing body of research argues that consumers don’t always make rational choices; Mr. Gayer counters that regulators do not make appropriate use of that research in their calculations.

Under Mr. Obama, rule-makers’ assumptions not only enhance the benefits of rules but also reduce the costs. John Graham of Indiana University, who ran OIRA under Mr. Bush, cites the new fuel-economy standards as an example. They assume that electric cars have no carbon emissions, although the electricity they use probably came from coal. They also assume less of a “rebound effect”—the tendency of people to drive more when their cars get better mileage—than was the case under Mr. Bush.

Mr. Bush’s administration was sometimes accused of the opposite bias: understating benefits and overstating costs. At one point his EPA considered assigning a lower value to reducing the risk of death for elderly people since they had fewer years left to live; it eventually backed down. Mr. Obama’s EPA has considered raising the value of cutting the risk of death by cancer on the ground that it is a more horrifying way to die than others.

More consistent cost-benefit analysis would reduce such controversies. Michael Greenstone of the Hamilton Project, a liberal-leaning research group, thinks that could be done through the creation of a non-partisan congressional oversight body using the best evidence available to vet regulations, much as the Congressional Budget Office vets fiscal policy. It would also re-evaluate old regulations to see if the original analysis behind them was still valid. Rule-making would still require judgment, but it would be less subject to the whims of the people in power.

Mr. Chairman, I yield 4 minutes to the gentleman from Arkansas (Mr. GRIFFIN), a member of the Judiciary Committee and the sponsor of the legislation we consider today.

Mr. GRIFFIN of Arkansas. Mr. Chairman, first of all, I would like to say that the idea that this bill will stop good, reasonable, commonsense, and much-needed regulations is nonsense. It simply requires Congress to have a role. And after all, Congress is the body that authorizes laws and regulations in the first place. That just makes sense. The complications that so many complain about, I call checks and balances.

I rise in support of H.R. 4078, the Red Tape Reduction and Small Business Job Creation Act. This bill would freeze significant regulations, those costing the economy \$100 million or more, until nationwide unemployment falls to 6 percent or below.

Many of my friends on the other side say there’s no connection between excessive and overly burdensome regulation and job creation. They must have been asking their favorite economist and not talking to actual job creators. Even President Obama disagrees.

In a January 2011 Wall Street Journal op-ed, President Obama wrote:

Sometimes, those rules have gotten out of balance, placing unreasonable burdens on business—burdens that have stifled innovation and have a chilling effect on growth and jobs.

He has at least given lip service to the problem.

Small businesses like Razor Chemical, a manufacturer of environmentally friendly cleaning supplies in North Little Rock, Arkansas, bear the brunt of regulatory compliance costs. According to the government’s Small Business Administration, complying with current Federal regulations already costs at least \$1.75 trillion every year, adding more than \$10,000 in overhead per small business employee—which is 30 percent higher than the regulatory costs facing large firms.

Half of all private sector employees in the United States are employed by a

small business job creator—exactly the type of folks who are getting hampered by the Obama administration’s aggressive regulatory agenda. In its first 3 years, the Obama administration created 120 new major regulations, costing Americans more than \$46 billion each year. That’s more than four times the number and five times the cost of major regulations created by the Bush administration in its first 3 years.

As the lead sponsor of this bill, I made sure it carefully targets the most harmful regulations while making exceptions for Federal rules necessary for national security, trade agreements, enforcement of criminal and civil rights laws, and imminent threats to health or safety.

It also includes a provision allowing the President to seek congressional approval for other regulations that he thinks are absolutely critical. And, in fact, with that waiver, you can pretty much pass any regulation as long as Congress agrees.

In his State of the Union address, President Obama admitted, “There’s no question that some regulations are outdated, unnecessary or too costly.”

If there’s no question about the problem, he should embrace the House’s solution.

Mr. CONYERS. Mr. Chairman, I yield myself as much time as I may consume to ask the distinguished member of the Judiciary Committee, Mr. TIM GRIFFIN of Arkansas, if he is aware that the President, as he’s correctly stated, supports regulation as a general principle but that he opposes very strongly H.R. 4078, the Regulatory Freeze for Jobs Act of 2012?

I would yield to the gentleman for a response.

□ 1640

Mr. GRIFFIN of Arkansas. Well, I thank the gentleman.

First of all, I don’t know anyone who’s antiregulation. It’s the excessive and overly burdensome regulations that are the problems.

I have a 2-year-old baby, John, and a 4-year-old, Mary Katherine. I want clean air and clean water for them.

I understand the need for reasonable, commonsense regulations, but that’s not what we’re talking about here, with all due respect.

Mr. CONYERS. Well, if I could interrupt the gentleman, this is not about what your opinion is or mine. I’m asking you about the President’s opinion.

The President, as you quite accurately said, is supportive of regulation, but he is specifically opposed to this regulation, and I would like to quote to you exactly what he said about H.R. 4078:

The bill would undermine critical public health and safety protections, introduce needless complexity and uncertainty in agency decisionmaking, and interfere with agency performance of statutory mandates.

Now, I yield 2 minutes to the gentleman from North Carolina (Mr. MILLER), an outstanding member of the Financial Services Committee.

Mr. MILLER of North Carolina. Mr. Chairman, the astronomical estimates we hear on the cost of regulation assume that no business would ever do anything that any regulation requires unless there was a regulation requiring them to do it.

The truth is that most businesses really want to do the right thing. Most businesses try to have a safe workplace. Most businesses try not to pollute the air and pollute the water and release toxic chemicals that are going to affect public health. Most businesses want to have safe products. They don't want to produce baby formulas that are going to hurt infants. Those folks do the right things.

The other folks who don't want to do that and would save a little bit of money by not doing anything that common decency requires, in addition to regulations, they hire lobbyists and they make campaign contributions. Those are the folks that we need regulations for.

Mr. Chairman, most Americans don't know what this bill really does. They don't know what a "freeze on significant regulations" really means without a long explanation, and a reporter who's trying to get air time to talk about this bill or print space is not going to have much luck. This bill is just too in the weeds, and Republicans obviously think that there is public safety in the weeds.

If Republicans were to try to bring a bill to the floor that openly repealed the Wall Street Reform Act, the Clean Water Act, the Food and Safety Act, and on and on, that bill would get some attention. This bill does much the same thing as repealing those acts but without being honest about it. They would have to explain themselves to their constituents if they just up and repealed those laws. Instead, Republicans are speaking in political gobbledegook. They don't tell folks what this bill is really doing. It's like adults who spell out words so their children won't know what they're talking about. Their constituents, Republicans hope, will not know what "red tape reduction" means, really. It sounds good, but the effect is to undo all of the protections that we depend upon from our government.

Mr. SMITH of Texas. Mr. Chairman, I yield 4 minutes to the gentleman from Florida (Mr. ROSS), who is a member of the Judiciary Committee and a sponsor of the RAPID Act, which is a part of this legislation.

Mr. ROSS of Florida. Mr. Chairman, our country is in the midst of the worst economic crisis since the Great Depression. Much of the blame lies here in Washington where living beyond our means and micromanaging the econ-

omy is, to quote some in this town, "just the way Washington works."

Well, Mr. Chairman, Washington doesn't work. Any business that has tried to break ground and build something knows what I'm talking about: dozens of Federal agencies representing varied interests competing against each other while special interest groups wait in the wings to hold projects hostage for ransom.

Mr. Chairman, allow me to sum up what our permitting process should be.

Our Federal permitting and review processes must provide a transparent, consistent, and predictable path for both project sponsors and affected communities. They must ensure that agencies set and adhere to timelines and schedules for completion of reviews, set clear permitting performance goals, and track progress against those goals. They must encourage early collaboration among agencies, project sponsors, and affected stakeholders in order to incorporate and address their interests and minimize delays.

What I just read is verbatim from a March 2012 executive order by President Barack Obama, and I agree with the President 100 percent.

Mr. Chairman, we achieve these goals of the President in H.R. 4078, and it could not come soon enough for those looking for work. A March 2011 study conducted by the United States Chamber of Commerce identified some 351 projects that are being stymied by the current regulatory review process; 1.9 million jobs are on hold, \$1.1 trillion economic impact to this country.

These jobs are not CEOs or jet-setters. These jobs are miners. They're machinists. They're blue collar workers. I know because I've watched this happen in my community where 200 jobs were lost because, after 7 years and 14 Federal, State, and local agencies went through a permitting process, a company then, 1 month later, was shut down in their project because some environmental group went to a very lenient judge and shut them down, moms and dads wondering where their mortgage payment and supper would come from. They wondered why an environmental activist group—that I can tell you does not represent the interest of my district—could put them out of work.

Make no mistake, Mr. Chairman, these projects are halted because businesses that will invest billions in a project cannot do so without some idea of certainty.

Some say this legislation will allow corporations to harm our clean air and clean water. I say to that: Nonsense. This part of my legislation merely says that all parties, from environmental groups to government agencies, must be at the table sharing concerns and offering remedies from the start. It says that the process has a time limit and that government must meet those time limits. It says that, if you don't get in at the beginning, you can't come in

after years of hard work and remediation and use a sympathetic judge to shut it down.

This is not an academic exercise either. This same process was used in 2005 when the House voted 412-8 to impose the SAFETEA-LU program, which provided the same detailed streamlining procedures that have now reduced the permitting process under NEPA in transportation highway construction from 73 months to 37 months.

Mr. Chairman, the process is broken. This legislation presents solutions that are eminently sensible and immediately effective. For these reasons, I urge my colleagues to support this bill and give millions of our fellow citizens a hope for a better future.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

I'd just like the distinguished gentleman from Florida (Mr. ROSS) to know that later on I'm going to introduce over 60 outstanding leaders, economists, and organizational heads that take a completely different view from the distinguished gentleman from Florida, and I'd like him to examine those documents.

I am pleased to yield such time as he may consume to the former chairman of the Education and Labor Committee from California, GEORGE MILLER.

Mr. GEORGE MILLER of California. I thank the gentleman for yielding.

Mr. Chairman, the bill before us today is nothing more than a cynical attempt to put the profits of well-connected special interests above the interests of working families and middle class Americans. But this is nothing new. In this House, ideology prevails over bipartisanship, the powerful over the middle class families, politics over job creation, and brinksmanship over cooperation.

Congress has paid the price in its approval ratings, but low approval ratings do not compare to the damage that this sort of politics inflicts upon the American people and our economy. Indeed, our Nation's working families are paying the price.

There was a chance for the House to put working people first by allowing the full debate and vote on a number of amendments filed by Democrats that would have put people first. Unfortunately, the House Republican leadership blocked many of these amendments from being considered for this legislation.

One amendment would have ensured that "Buy America" provisions could be implemented. Another amendment would have facilitated job protection and family leave for military families.

□ 1650

Another would have insured that Federal contractors recruit and employ veterans.

Another amendment would have allowed health and safety officials to

continue their efforts to better protect the Nation's miners from black lung disease. The facts are indisputable. Black lung is on the rise again, and some mine operators are exploiting loopholes and obsolete rules to evade compliance. The present system is badly broken, and the improvements are desperately needed.

It's time to move forward with modern protections based upon years of careful scientific study. Blocking efforts by the Mine Safety and Health Administration to modernize miner protections will only cost the lives, careers, and family income of those who go underground every day to provide the energy that this country needs.

Mr. Chairman, this bill puts the lives and the well-being of working people in serious peril. It threatens the effort to protect American jobs. It's not what the American people sent us here to do.

It is well past time to put these transparently political efforts behind us and work together to re-energize the economy, to grow and to strengthen the middle class. And I urge my colleagues to vote against this very special interest bill.

Mr. SMITH of Texas. Mr. Chairman, I yield 4 minutes to the gentleman from Arizona (Mr. QUAYLE), a member of the Judiciary Committee and the sponsor of the Sunshine for Regulatory Decrees and Settlements Act, which is a part of this legislation.

Mr. QUAYLE. Mr. Chairman, I rise in support of the Red Tape Reduction and Small Business Jobs Creation Act.

Now, time and time again, when I talk to small business owners in my district, they say that the number one challenge holding them back from expanding their business and hiring more workers is uncertainty in regulation and taxation.

The current pro-regulatory administration has issued nearly four times the number of regulations as the previous administration. The administration's own numbers show that U.S. businesses spent over 8.8 billion hours complying with Federal paperwork requirements. To put this into perspective, this is equal to 1 million years of filling out government paperwork.

Mr. Chairman, one of these costly regulations that the EPA is currently imposing is the Regional Haze Rule that could close down power plants across the country, all for aesthetics. This regulation affects the Navajo generating station in Arizona, which could cost \$1.1 billion in initial compliance costs, hundreds of Arizona jobs, and cost \$90 million a year, increasing the cost of electricity and water across the State of Arizona.

And what does \$90 million a year get us?

Well, according to the administration's own study, they found inconclusive evidence that these regulations would improve visibility at all.

Across the country, pro-regulatory environment groups are suing the EPA and forcing these haze requirements through settlement and consent decrees. In my home State of Arizona, the EPA entered into a consent decree with nine environmental groups, including the Sierra Club and the Environmental Defense Fund, which will affect the emission control technology at coal-fired power plants throughout the State.

Regulations have costly and job-killing implications, and it is important that the rulemaking process is not written behind closed doors by activist groups and regulatory agencies.

I am pleased that a bill that I have sponsored is included in this package, H.R. 3862, the Sunshine for Regulatory Decrees and Settlements Act. This legislation provides transparency to these sue-and-settle agreements and consent decrees, which are used by activist groups to dictate regulations behind closed doors, and often contrary to congressional intent, if an agency misses a statutory deadline.

My bill ensures that interested parties will have an opportunity to provide comments and requires courts to consider the impact on States and tribes. Additionally, my bill makes it easier for future administrations to modify consent decrees as circumstances and facts dictate.

This legislation is increasingly necessary as more statutory deadlines slip due to the large number of rulemakings that were mandated during the previous Congress, notably in ObamaCare and Dodd-Frank.

I urge my colleagues to support this pro-growth bill.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Ms. VELÁZQUEZ), the ranking member of the Small Business Committee.

Ms. VELÁZQUEZ. I thank the ranking member for yielding.

I rise in opposition to this ill-conceived measure which will do nothing to promote small business growth. Small businesses everywhere need help. They require affordable credit and greater demand for their services. Yet today we are focused on legislation that does nothing to address these challenges and, instead, pushes an extreme agenda.

Despite what some assert, regulation is not among entrepreneurs' top concerns. In fact, surveys note that 85 percent of small business owners believe regulation is necessary. And I have with me a survey that was conducted last February by the American Sustainable Business Council, and I will enter this survey into the RECORD.

#### OPINION POLLING: THE ECONOMIC STATE OF SMALL BUSINESS

[Feb. 2012]

(By the American Sustainable Business Council, Main Street Alliance, and Small Business Majority)

#### SUMMARY

In January and February 2012, the American Sustainable Business Council, Main Street Alliance and Small Business Majority released polling that asked small employers across the country about key issues impacting the small business community. These included access to credit; proposals in the American Jobs Act to boost the economy; regulations; taxes; and money in politics. Respondents were politically diverse: 50% identified as Republican, 32% as Democrat and 15% as independent.

The poll found nine in 10 small business owners have a negative view of the role money plays in politics. The results showed 90% of small business owners see the availability of credit as a problem for small business and they strongly favor increasing the lending authority of community banks and credit unions. We also learned that entrepreneurs support current proposals being debated in Congress that aim to boost the economy and create jobs, particularly investments in infrastructure.

The polling revealed that consumer demand—not regulation—is small business owners' greatest concern. In fact, 86% see regulation as a necessary part of a modern economy and three-quarters believe it is necessary to level the playing field between small and large businesses. Lastly, 90% of small business owners believe large corporations use loopholes to avoid taxes that small businesses have to pay, and three-quarters say their own business suffers because of it.

Below are the extended main findings of the poll.

#### METHODOLOGY

The poll reflects an Internet survey of 500 small business owners across the country, conducted by Lake Research. It has a margin of error of +/-4.4%. The survey was conducted between December 8, 2011 and January 4, 2012. Researchers used a random sample of small business owners obtained from Harris Interactive, with additional samples from InfoUSA.

#### MONEY IN POLITICS

Polling results that revealed small business owners' attitudes toward money in politics and the Citizens United decision were released on Jan. 18.

Small business owners view the Citizens United decision as bad for small business: 66% of those surveyed said the two-year-old ruling that gives corporations unlimited spending power in elections is bad for small businesses. Only 9% said it was good for small business.

Small business owners have a negative view of the role money plays in politics overall: 88% of respondents view the role money plays in politics negatively; 68% view it very negatively.

#### ACCESS TO CREDIT AND PROPOSALS TO BOOST THE ECONOMY

Poll results that revealed small business owners' attitudes toward credit availability were released on Jan. 26, 2012 in conjunction with results showing their views on proposals in the American Jobs Act.

Small business owners say access to credit is a problem: 90% of respondents agree the availability of small business loans is a problem, and 60% have faced difficulty themselves when trying to obtain loans that would grow their businesses.

Small business owners agree it is harder now to obtain loans: 61% of respondents say it is harder now than it was four years ago to get a loan.

Small business owners support making it easier for community banks and credit unions to lend more: 90% of owners support making it easier for community banks and credit unions to lend to small businesses, and more than three-quarters, or 77%, support creating incentives for community banks to lend more. By more than a 2:1 ratio, respondents support increasing credit unions' lending cap from 12.25% to 27.5% of a credit union's assets.

Support for reforming and regulating credit cards is extremely high among small business owners: 82% support tighter credit card regulations, such as clearer disclosure of terms and caps on interest rates, including 47% who strongly support these regulations; 52% of entrepreneurs have used credit cards to help finance their own business.

Respondents favor reducing collateral requirements: 60% of small business owners support reducing collateral requirements so loans can become more accessible.

The housing and mortgage crisis has harmed consumer demand for small businesses: Almost three-quarters of small business owners, or 73%, feel their business has been hurt by a drop in consumer demand stemming from the housing and mortgage meltdown.

Small business owners believe reducing the principal on underwater mortgages will boost spending: 57% of respondents agree reducing the principal on underwater mortgages to the current market value would boost consumer spending, helping small businesses regain their vigor through increased profits.

Small business owners strongly support investment in infrastructure: 69% favor investing \$50 billion in infrastructure projects that would create jobs.

Entrepreneurs favor creating a nationwide wireless network: 59% of those surveyed are in support of creating this kind of network and expanding access to high-speed wireless services.

#### REGULATIONS

Polling results that revealed small business owners' attitudes toward government regulations were released on Feb. 1, 2012.

Weak demand is small business owners' biggest problem: 34% of respondents said weak demand is their biggest problem, while 15% cited the cost of health coverage and other benefits. Only 14% said it is the level of government regulation. The level of taxes came in fourth place with 12% and competition with larger companies garnered 10%.

Small business owners believe eliminating incentives to move jobs overseas would do the most to create jobs: 24% of small business owners said eliminating incentives for employers to move jobs overseas would do the most to create jobs, and 14% called for tax cuts. Thirteen percent of respondents said increasing consumer purchasing would be the biggest job creator and 12% believe jobs lie in improving infrastructure like roads and bridges. Only 10% of respondents said reducing regulation would do the most to create jobs.

Small business owners see regulations as a necessary part of a modern economy and believe they can live with them if they're fair and reasonable: 86% of small business owners agree some regulation of business is necessary for a modern economy, and 93% of them agree their business can live with some regulation if it is fair, manageable and reasonable.

Small businesses believe some regulations are needed to level the playing field with big business and that enforcement should be just as tough on large corporations as it is on small businesses: 78% of respondents said some regulations are important to protect small businesses from unfair competition and to level the playing field with big businesses. Additionally, 95% believe the enforcement of regulations should be at least as tough on large corporations as it is on small businesses. Another 76% of respondents believe regulations on the books should be enforced.

Respondents feel strongly that specific regulations play an important role: 78% believe policies are needed to hold health insurance companies accountable so they don't increase insurance rates by excessive amounts; 84% support policies that ensure food safety for businesses and customers that buy or sell food products and 80% support disclosure and regulation of toxic materials.

Small business owners support clean energy policies: 79% of small business owners support having clean air and water in their community in order to keep their family, employees and customers healthy, and 61% support standards that move the country towards energy efficiency and clean energy.

Small business owners believe in streamlining the process for regulatory compliance and documentation: 73% of respondents believe we should allow for one-stop electronic filing of government paperwork.

#### TAXES

Polling results that revealed small business owners' attitudes toward taxes were released on Feb. 6.

Small business owners overwhelmingly believe big corporations use loopholes to avoid taxes that small businesses have to pay: a sweeping 90% believe this to be true; 92% say big corporations' use of such loopholes is a problem.

Nine out of 10 small business owners say U.S. multinational corporations using accounting loopholes to shift their U.S. profits to offshore subsidiaries to avoid taxes is a problem: 91% of respondents agreed it is a problem, with 55% saying it is a very serious problem.

Majority of small business owners say their business is harmed when big corporations use loopholes to avoid taxes: Three-quarters of respondents agree that their small business is harmed when loopholes allow big corporations to avoid taxes. More than one-third say it harms their business a lot.

Small business owners say big corporations are not paying their fair share of taxes: 67% believe big corporations pay less than their fair share of taxes. An even bigger majority, 73%, says multinational corporations pay less than their fair share.

Small business owners say households making more than \$1 million a year pay less than their fair share in taxes: 58% of owners say households whose annual income exceeds \$1 million pay less than their fair share.

Small business owners support a higher tax rate for individuals earning more than \$1 million a year: 57% of respondents agree that individuals earning more than \$1 million a year should pay a higher tax rate on the income over \$1 million. Only one small business owner out of 500 polled reported their annual household income to be more than \$1 million.

Four out of five small business owners disapprove of the "carried interest" loophole that gives hedge fund managers a big break on their taxes: 81% of small business owners

favor hedge fund managers paying taxes at the ordinary income tax rate, with a top bracket rate currently set at 35%, rather than the 15% capital gains rate—with 61% strongly supporting this change.

A majority of small business owners believe Congress should let tax cuts expire on taxable household income exceeding \$250,000 a year: 51% of respondents believe Congress should let tax cuts on taxable household income exceeding \$250,000 a year expire (40% said they should be extended).

#### ABOUT THE ORGANIZATIONS

##### *American Sustainable Business Council*

The American Sustainable Business Council is a network of business organizations representing over 100,000 companies and 200,000 business leaders. ASBC advocates for public policies that meet the realities of the 21st century global economy including strategic investments in workforce and infrastructure; standards and safeguards that promote innovation, prevent abuse and protect critical resources; and a new sustainable economic model that fosters a growing, economically-secure middle class. [www.asbcouncil.org](http://www.asbcouncil.org)

##### *Main Street Alliance*

The Main Street Alliance is a national network of small business coalitions. MSA creates opportunities for small business owners to speak for themselves to advance public policies that benefit business owners, their employees, and the communities they serve. Making health reform work for small businesses is a top priority of the MSA network and its state coalitions. [www.Mainstreetalliance.org](http://www.Mainstreetalliance.org)

##### *Small Business Majority*

Small Business Majority is a national non-partisan small business advocacy organization, founded and run by small business owners, and focused on solving the biggest problems facing America's 28 million small businesses. We conduct extensive opinion and economic research and work with small business owners, policy experts and elected officials nationwide to bring small business voices to the public policy table. [www.smallbusinessmajority.org](http://www.smallbusinessmajority.org)

This survey says that eight out of 10 think regulations have a role to play in leveling the playing field between small businesses and larger competitors that seek an unfair advantage.

Even surveys by the U.S. Chamber of Commerce and the National Federation of Independent Businesses, who, themselves are vehemently against regulation, they find that small businesses rank economic uncertainty and poor sales, respectively, as the most important concerns, not regulation.

There are a number of proposals that this House could pass to generate demand for small company services and empower them to hire. Tax credits for new employees, expanding payroll tax cuts, and extending tax cuts for working families all come to mind.

Let's reject this legislation and move on to a real small business jobs act.

Mr. SMITH of Texas. Mr. Chairman, I am happy to yield 1 minute to the gentleman from Virginia (Mr. CANTOR), the distinguished majority leader.

Mr. CANTOR. I thank the gentleman from Texas.

Mr. Chairman, I rise in support of legislation before us that will cut red

tape and spur small business job creation. Small businesses create the majority of new jobs in this country; but over the last 3 years, there's been a 23 percent decline in new business start-ups.

The President says he wants to help grow small businesses; but, frankly, his actions have not matched his rhetoric. Recently, the President attacked hard-earned success, telling small businessmen and -women and entrepreneurs that if you've got a business, you didn't build it. Well, it's pretty clear that the President doesn't get it.

Since the President took office, his administration has had under review more than 400 regulations that cost the economy \$100 million; and small businesses are facing annual regulatory costs that add up to \$10,000 per employee.

If you're a small business owner, this is just part of the maze of the regulatory red tape you're facing today. And where do we get the information for this chart? From President Obama's administration's own Web sites at SBA and the IRS.

The president of a trucking company in Ashland, Virginia, in my district, says that constant regulatory changes by the EPA have caused the prices for his operation to go up. These rising costs have, frankly, made it more difficult for him to plan for the future, difficult for him to operate in the present and, frankly, have just made it plain too hard.

We are voting today on cuts to red tape so we can empower small business owners like the one in Ashland to start growing again. Our legislation freezes costly new regulations until national unemployment drops to 6 percent or lower.

Further, we give small businesses the ability to intervene before government agencies agree to legal settlements that result in more onerous regulation.

□ 1700

The bill also increases the transparency for Federal agencies that have been operating outside the purview of regulatory review, such as the Obama administration's National Labor Relations Board.

Mr. Chairman, we know that, just this year, thousands of pages of red tape have been published, imposing billions in new compliance costs on businesses. Under this bill, we will require all agencies to perform the thorough cost-benefit analyses of proposed regulations. In other words, agencies must finally ask the question of whether and how their proposed actions will affect job creation and our economy. Federal regulation must become smarter and less harmful to our economy.

Mr. Chairman, we know small businesses are built because of the men and women who take risks, work hard, and invest capital in new ideas. Because

it's just too hard for these small business owners to operate, we've brought this bill forward, and that is why I urge my colleagues to support the passage of this legislation.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

I would like to just remark on the words of the distinguished speaker on the Republican side by saying that another Republican has a completely different point of view, who was the former chairman of the House Committee on Science, and was so for over 5 years. He is Sherwood Boehlert, and many of us remember him fondly.

He says that it would be "difficult to exaggerate the sweep and destructiveness of the House bill." He is referring to H.R. 4078.

The legislation might as well just directly order the agencies that were created to protect the public to close up shop.

Then he goes on to say:

There is no indication that this bill would aid job growth. Indeed, by blocking rules needed to make the economy run more smoothly, the bill could harm our economic prospects for years to come.

So I present to you a point of view of the Republican leader of the House of Representatives, a distinguished Republican and former chairman of the Committee on Science in 2001 and 2006.

I now yield such time as she may desire to the gentlelady from California (Ms. ESHOO).

Ms. ESHOO. To the distinguished ranking member and my good friend, thank you for yielding time to me.

Mr. Chairman, I am very troubled about this bill. Instead of considering legislation that would create jobs and stimulate economic growth, the House is going to take up and vote on a bill that does the exact opposite. In fact, it has the enormous potential of delaying the implementation of new spectrum and public safety law.

Now, I don't know if you vetted your own effort, so to speak, but it was not all that long ago—it was earlier this year—that Congress passed and the President signed into law landmark legislation that implements a key recommendation of the 9/11 Commission. The legislation also made more spectrum available for mobile broadband services. This was the last recommendation that the 9/11 Commission had made.

Congress finally made good on that recommendation, which was to establish a nationwide interoperable public safety network. Why? Because on that fateful day in New York, when police and fire went into those Twin Towers, their communications systems did not allow them to communicate with each other, to talk to each other. We finally, on a bipartisan basis, resolved that.

Also, at the time of the passage of that legislation, Mr. Chairman, we all praised it. We described the billions of dollars in new investment as well as

the hundreds of thousands of jobs that would be created as a result of the legislation, calling it an economic game changer.

The nonpartisan Congressional Budget Office's analysis of the bill that you dragged to the floor today, H.R. 4078, which is what we are considering, suggests that this legislation could delay this critical investment and the job creation that comes with it.

My rhetorical question to the majority is: Do you even know what you're doing? I don't think the left hand knows what the right hand is doing.

Now, I offered an amendment at the Rules Committee, which was not made in order, that would have exempted the legislation I'm referring to: that any agency rulemaking that creates jobs or protects public safety, including the provisions of the Middle Class Tax Relief and Job Creation Act of 2012 that pay for the creation of a nationwide public safety broadband network through voluntary spectrum incentive auctions, be exempt. That was not made in order.

So all I can do is come to the floor and use the voice that my constituents have entrusted to me to stand up for things that really make sense for our country, bipartisan legislation, which your legislation today really screws up—in plain English. With the auction of this prime spectrum expected to raise over \$25 billion, the passage of this legislation, H.R. 4078, will not only delay access to this critical revenue, but on top of that, you've brought to the floor really bad policy.

That's why I urge my colleagues to vote "no" on the final passage of this legislation, because it messes up the good work that we were able to bring forward with, really, I think, a political advertising message. This is not serious legislation. What is serious about it is the damage that it will do to legislation that, on a bipartisan basis, we worked so hard on to make law. This essentially comes behind it as the wrecking crew.

Mr. SMITH of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Nevada (Mr. AMODEI), who is a member of the Judiciary Committee.

Mr. AMODEI. Thank you, Mr. Chairman, for the time.

I find it interesting that we are sitting here having a discussion about regulations in this context. I believe that it is the regulations that are the by-product of this process that we engage in here. It's called "legislation."

The regulatory process is not the fourth branch of government that has no accountability to anyone and that can basically do whatever the heck it darn well pleases. The agencies that we are talking about here today, none of which exist in the Constitution, were created by this Congress, which means, if we created you, we can darn well talk about the regulations that you provided.



When I hear words like “ideology,” “cynicism,” “really bad policy,” what is the danger in predictability, for instance, in the timing of the regulatory process?

There is nothing in this legislation which changes the substance of agency discretion in how they go about their business. What we are talking about here is the process, the process by which you go to provide some predictability and stability to those people who are trying to talk about investing capital, hiring workers and things like that.

I urge your support. I thank Mr. GRIFFIN and Mr. ROSS for their efforts in this area.

Mr. CONYERS. I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I yield 1½ minutes to the gentleman from New York (Mr. REED), who is a member of the Ways and Means Committee.

Mr. REED. I thank the gentleman, my former chairman on Judiciary, for yielding the time to me.

I rise today in support of H.R. 4078, Mr. Chairman, and I am standing behind 2-weeks’ worth of regulatory material produced in the Federal Register, which is the official record keeper of regulations here in Washington, D.C.

□ 1710

This represents the issue that we are talking about, Mr. Chairman. We need to stop sending this regulatory burden to our job creators back in the districts, back on the frontline that are creating the jobs of today and tomorrow.

I believe there is a clear distinction between the two philosophies that are on display this afternoon in this Chamber. The other side is standing up for regulation, standing up for Big Government. I’ve come here as a firm believer in the private sector and small business America. We will stand for them day in and day out. Mr. Chairman, this pile of material, this pile of regulations is not good for our job creators. We can do better. We must do better for our children and grandchildren.

With that, I ask support for H.R. 4078 and the corresponding long-term fix, the REINS Act, which will go a long way to taking care of this problem in perpetuity.

Mr. CONYERS. Mr. Chairman, I continue to reserve the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. GARRETT), who is the vice chairman of the Budget Committee.

Mr. GARRETT. I thank the gentleman for yielding.

Mr. Chairman, I rise today in support of H.R. 4078, the Regulatory Freeze for Jobs Act. At a time when new regulation after new regulation is being pro-

posed by the Obama administration, it is critical that we restore some semblance of order to the regulatory process and ensure that our Nation’s small businesses do not continue down in a sea of red tape.

I thank Congressman GRIFFIN, Chairman SMITH, Chairman ISSA, Leader CANTOR, and the Rules Committee for including the SEC Regulatory Accountability Act as part of title VI of this legislation. This legislation subjects the SEC to the President’s executive order. What that does is require enhanced cost-benefit analysis requirements, as well as require a review of existing regulations.

Title VI will enhance the SEC existing cost-benefit analysis requirements by requiring the commission to first clearly identify a problem that would be addressed before issuing any new rules and to require that the cost-benefit analysis be performed by the SEC’s chief economist.

While the SEC already has certain cost-benefit requirements relative to rulemaking, recent court decisions have simply vacated or remanded several of these rules and have specifically pointed out deficiencies in the Commission’s use of cost-benefit analysis. For example, recently the SEC Inspector General issued a report that expressed several concerns he had about the quality of the SEC’s cost-benefit analysis. It found absolutely none of the rulemaking it examined attempted to quantify either benefits or costs, other than information and collection costs. This bill now will ensure that the benefits of any rulemaking outweigh the costs, and that both new and existing regulations are accountable, consistent, written in plain language, and simply easy to understand.

Title VI also will require the SEC to assess the costs and benefits of available regulatory alternatives, including the alternative of simply not regulating, and choose the approach that maximizes the benefits.

Under the bill, the SEC shall also evaluate whether a proposed regulation is inconsistent, whether it is incompatible, or duplicates other Federal regulation, as well. Because some regulations have been politicized in the past, this bill will require that the examinations be done by the Commission’s chief economist.

These are really just commonsense reforms and are appropriate, especially given the fact that the Commission continues to struggle with this issue. For instance, the D.C. Court of Appeals, which vacated the Commission’s proxy access rule, stated: “The commission acted arbitrarily and capriciously for having failed once again to adequately assess the economic effects of a new rule” and also “inconsistently and opportunistically framed costs and benefits of the rule.”

Mr. Chairman, this bill also includes a new section adopted by the sub-

committee to provide a clearer post-implementation assessment of all new regulations so that these post-implementation cost-benefit analyses, in addition to pre-implementation, will be done correctly.

Finally, it’s a commonsense approach, and it’s a pragmatic approach to a rulemaking process. I support the underlying legislation.

Mr. CONYERS. Mr. Chairman, how much time is remaining?

The Acting CHAIR. The gentleman from Michigan has 5½ minutes, and the gentleman from Texas has 5 minutes remaining.

Mr. CONYERS. At this time, I yield as much time as he may consume to the distinguished gentleman from Atlanta, Georgia, Mr. HANK JOHNSON, a member of the Judiciary Committee.

Mr. JOHNSON of Georgia. Mr. Chairman, I rise today in opposition to H.R. 4078, the so-called Red Tape Reduction and Small Business Job Creation Act.

This mother of all anti-regulation bills is actually a repackaging of a noxious potpourri of previously introduced bills that would make it virtually impossible for the executive branch and its agencies to protect the American public. This bill would block the issuance of regulations regardless of how vital they are to safeguarding the public’s health. They want to eliminate regulations that keep our workers safe and which would rein in the excesses of Wall Street.

Why? So that they can please their crony capitalist brothers, the Koch brothers, and also their crony capitalist friends in the U.S. Chamber of Commerce. They want to keep them happy.

Instead of creating jobs, the Tea Party Republicans are assaulting the very regulations that ensure that we have clean air to breathe and clean water to drink; regulations that protect our children from unsafe products like toys, like clothing and bedding, baby food, regulations that protect seniors from adulterated medicines and unsafe substances that they use.

They essentially want to create so many barriers and obstacles to the promulgation of regulations that it’s virtually impossible to do so. They want to keep these Federal agencies from doing their job, which is to protect the health, safety, and well-being of this country.

This isn’t red tape reduction, folks. This is a philosophy of putting profits over people. The House is in session for 6 more days prior to our August break. After that, we have maybe about 10 legislative days left before the end of the year. What have we accomplished in this Congress? Bills like this. And we’ve voted to rescind and repeal ObamaCare over and over again. We’re now up to number 34 votes on that.

What do we have pending here? We have the Bush tax cuts, which we all



agree that we should keep in place for the middle class; but because we don't agree to extend them for the Koch brothers and the other crony capitalists that this party represents, they're not willing to get that done. They don't want to do the payroll tax cuts, the tax extenders, the AMT patch, unemployment benefits, the doc fix, and sequestration. All of this remains to be wrapped up within the next 10 days or so, plus 6, the next 2 weeks of legislative activity.

So to think that this legislation would be effective in bringing reasonable regulations through this Congress, is absurd.

□ 1720

We should be creating jobs legislatively. We should be helping veterans adjust to civilian life. We should be taking measures to impact the ongoing taking of homes of individuals in foreclosure. There is so much that we should be doing instead of appeasing our crony capitalist friends. So I urge my colleagues to oppose this fundamentally flawed bill.

Mr. SMITH of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. WOODALL), who is a member of the Rules Committee.

Mr. WOODALL. I thank the chairman for yielding.

I am pleased to come to the floor after my colleague from Georgia. He and I share a common border and we share a lot of common ground, but I have to tell you, Mr. Chairman, he could not be more wrong today. Because this bill does one thing, and it does one thing only, and that is to say that whatever it is that the people's House decides, whatever it is that the people's Congress decides and sends to the executive branch for implementation, that it come right back here at the end, if it's that big. If it's over \$100 million, if it's that big, it come right back here so that we confirm that they got it right.

Now, as I listened to my friend's words, Mr. Chairman, I might believe this is something a Republican Congress was doing to a Democratic administration. But I daresay, what is so important about the work the chairman is doing is this isn't about a Republican House and a Democratic administration. This is about good oversight for a Republican House and a Republican administration, and this is about good oversight for a Democratic House and a Democratic administration.

I will say to my friend, Mr. Chairman, he is absolutely right about all the work we have left to get done this year, but the oversight that we do, the oversight is so important. And I would say, Mr. Chairman, I believe my friends on the Democratic side of the aisle fell short in that respect over a Democratic administration, and I am certain that

my friends on the Republican side of the aisle fell short on that during a Republican administration.

The chairman is giving us an opportunity to change that, and change that in statute, and I hope that my friend from Georgia is going to join me in that effort.

I would be happy to yield to the gentleman.

Mr. JOHNSON of Georgia. I thank the gentleman.

I really enjoy the fact that we share a common border, and we have worked together to try to traverse that border and come to a consensus on issues that affect the people of our districts. And I think that's exactly what this Congress should be about but, unfortunately, due to an obstructionist strategy, we've not been successful.

The Acting CHAIR. The time of the gentleman from Georgia has expired.

The gentleman from Michigan has 45 seconds remaining.

Mr. CONYERS. I yield the 45 seconds to the gentleman from Georgia.

Mr. JOHNSON of Georgia. I thank the gentleman.

Mr. Chairman, there is absolutely no way, with the many regulations that need to be promulgated and put into effect, that we would be able to do that here in Congress instead of letting the stakeholders, the business community, and the regulatory agencies work things out. There's no way that we're going to be able to handle that in Congress.

Mr. WOODALL. Will the gentleman yield?

Mr. JOHNSON of Georgia. I yield to the gentleman from Georgia.

Mr. WOODALL. I say to my friend that the children we share across our common border, there is not one regulation that this Congress would send to the executive branch that you and I would not come together and pass for the benefit of those children.

Mr. JOHNSON of Georgia. Reclaiming my time, what about Wall Street regulations? We would not be able to come to an agreement on that.

The Acting CHAIR. All time controlled by the gentleman from Michigan has expired.

The gentleman from Texas has 3 minutes remaining.

Mr. SMITH of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona (Mr. FLAKE), who is a member of the Appropriations Committee.

Mr. FLAKE. I thank the gentleman for yielding.

I rise in support of this act. This legislation would provide important regulatory reforms, and it couldn't come at a better time for the economy. In particular, I am pleased to support my colleague from Arizona, Congressman QUAYLE's Sunshine for Regulatory Decrees and Settlements Act that is included in this legislation.

In the West, we have seen the EPA adopt what appears to be a con-

templated strategy with respect to the implementation of the Clean Air Act regional haze requirements that includes ignoring submitted State plans addressing air quality issues, inviting lawsuits from nongovernmental organizations, and then agreeing to consent decrees that result in Federal intervention.

While this "sue and settle" strategy raises a host of issues, in this instance, it tramples on States' prerogatives, and it flies in the face of Congress' explicit intent to let the States lead when it comes to air quality decisions.

In Arizona, for example, EPA has previously flatly ignored the State's plan for dealing with regional haze. They have instead agreed to a consent decree without even consulting ADEQ, the Arizona Department of Environmental Quality, that would result in a federally driven and needlessly costly outcome that will not be beneficial to Arizona's residents. While Arizona has sued to be allowed to intervene and is appealing the consent decree, it is likely this scenario would have been more beneficial to Arizonans had this legislation been in place.

I urge my colleagues to support this legislation and, in doing so, support Congress' intent that the States lead when it comes to air quality planning.

Mr. SMITH Texas. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, job creation is the key to economic recovery. But overregulation kills jobs and burdens small businesses, which are America's main job generators.

The Red Tape Reduction and Small Business Job Creation Act offers many commonsense, bipartisan solutions to the problem of overregulation. Like the Regulatory Flexibility Improvements Act, the Regulatory Accountability Act, and the REINS Act, the bill before us today offers more commonsense, bipartisan solutions to protect small businesses from even more wasteful job-killing regulations and red tape.

Mr. Chairman, I urge my colleagues to support this legislation. I look forward to its passage and yield back the balance of my time.

Mr. PALAZZO. Mr. Chair, H.R. 4078 would help to rein in the nontransparent and undemocratic activities of this Administration. There is one agency that personifies runaway regulations: the EPA.

I'd like to highlight a backdoor power grab being pursued by EPA that demonstrates the need for this bill. As a member of the Science Committee, I'm concerned that this Agency is trying to expand its power under the guise of "sustainability." Without any legal authority or input from Congress, EPA has committed to "incorporate sustainability principles into [their] policies, regulations, and actions," has signed MOUs with DOD and the Army on sustainability, and has spent untold taxpayer dollars on UN conferences in Brazil and multiple National Academy of Sciences reports on this topic.

What is sustainability? That's a good question, and apparently it means whatever EPA wants it to mean. For example, one EPA website on this topic lists 16 different definitions of "sustainability." Based on the track record of this Agency and this Administration, I fear that this new policy is designed to expand federal power to enact more billion dollar regulations without the consent of Congress.

This bill will help control arbitrary and cumbersome federal regulations on job creators in my district in south Mississippi.

Mr. TOWNS. Mr. Chair, I rise in strong opposition to H.R. 4078, which would prohibit agencies from issuing significant rules until the unemployment rate falls below 6%.

Similar to many of my colleagues on both sides of the aisle, I support a comprehensive review of federal regulations to make them more effective and efficient. I am, however, strongly opposed to any measure which will prevent the government from exercising its rule making power and in turn jeopardize the health and safety of the American people.

H.R. 4078 is based on the falsehood that regulations kill jobs. The Oversight Committee has held 28 hearings this Congress, touting this absurd theory in spite of an abundance of evidence to the contrary. Regulations have been found to have little overall impact on job creation. In many cases, regulations have had a positive impact on job growth.

To continue to tie regulations to job growth is arbitrary and misleading to the American people. This bill asks the public to choose between saving their lives through the enactment of regulations that will protect their health and safety—and saving a job which may or may not be created because of the regulation.

In other words, people are being asked to choose a job over their very lives. It is wrong to ask anyone to do this. It is worse than wrong—in fact, it is criminal—to ask people to make this choice when my colleagues on the other side of the aisle know that the probability of losing a job because of regulation is just an illusion.

H.R. 4078 puts the interests of business before the interests of people. The Chairman of this Committee sent hundreds of letters to groups representing industry, asking them which regulations they would like to see repealed. Many of the corporations that submitted responses to the Committee have had skyrocketing profits over the past several years, and they are looking to this Congress to put even more profits into their pockets by passage of this bill.

These are the same companies that are cutting jobs and sending American jobs overseas—not because of any regulation, but simply because they want cheaper labor to increase their profit margin. The presence or absence of a regulation will not stop them from outsourcing American jobs.

Mr. Chair, I refuse to take part in any measure that places profits before people. I refuse to sanction any legislation that requires the government to consult with business interests before a rule reaches the public for debate. Industry has shown that it will always choose a pathway to higher profit regardless of the impact of a measure on the health and well-being of people.

It is not difficult to imagine the destruction H.R. 4078 will bring on important safeguards to the public health and safety if it is passed.

I urge my colleagues to join me in opposing any curtailment of the government's ability to regulate the health and safety of the American People by voting no on H.R. 4078.

Mr. LARSEN of Washington. Mr. Chair, I rise today in opposition to H.R. 4078, which would cut critical regulations not with a scalpel but, like many have said, with a nuclear bomb. The transportation authorization bill, MAP-21, which this body passed with a widely bipartisan vote, included many important safety and efficiency regulations, but my amendment to exempt them was not made in order.

If signed into law, this bill would pull the emergency brake and stop safety regulations which were just enacted. One important regulation this bill would block is the installation of seatbelts in motorcoaches. The National Highway Traffic Safety Administration believes these seatbelts could reduce the risk of fatalities in rollover crashes by 77 percent. Safety improvements like these will help prevent all too common transportation disasters, like the motorcoach crash in 2007 which killed 7 members of the Bluffton University baseball team in Ohio.

This is just a single example of the critical regulations that H.R. 4078 would halt indiscriminately. I urge the House to reject this bill.

Mr. VAN HOLLEN. Mr. Chair, this legislation is an amalgam of seven dangerously misguided bills designed to shut down a breath-taking number of safeguards and protections citizens rely on—from the quality of health care seniors receive to the safety of infant formula babies drink to the benefits our veterans have earned. As former Republican Congressman Sherry Boehlert has warned: "It's difficult to exaggerate the sweep and destructiveness of . . . (this) . . . bill."

The core of H.R. 4078 proposes to freeze most regulatory action until the nation's unemployment rate hits 6 percent—as if the quality of seniors' health care, the safety of infant formula or the availability of veterans' benefits should depend on where the nation's unemployment rate is. Another provision of H.R. 4078 would block so called "midnight rules" issued in the final days of an outgoing administration—without any apparent recognition that the offshore drilling bill the majority brought to the floor of the House just yesterday was itself largely proposed as a "midnight" regulation in the final days of the Bush Administration. Still other provisions in H.R. 4078 would tie up the Securities and Exchange Commission and the Commodity Futures Trading Commission with additional paperwork, thereby diverting already scarce resources from other critical functions, like ensuring transparency and accountability in our financial markets.

Mr. Chair, I am not opposed to regulatory reform. Where a regulation is truly wasteful, unnecessary or duplicative, we should fix it or get rid of it. But, like the comedy of errors surrounding the numerous typos leading up to consideration of this bill, H.R. 4078 is a poorly conceived, hastily thrown together mess. The American people deserve better.

Ms. HIRONO. Mr. Chair, the House considered H.R. 4078, the Regulatory Freeze for Jobs Act. Like the REINS Act and other similar legislation this chamber has considered—and I have opposed—the Regulatory Freeze

for Jobs Act (H.R. 4078) would prevent federal agencies from developing and implementing regulations that protect public health, consumers, and our environment.

One of the majority's primary arguments for this bill is that regulations kill jobs by making it hard for businesses to do what they need to do to succeed. In the current economy, this sounds plausible. Unfortunately, the facts and data do not support this claim.

Since 2007 the Bureau of Labor Statistics (BLS) has asked businesses that have laid off large numbers of workers what caused them to make such layoffs. According to the BLS's survey data government regulations contributed to only 0.2 percent of layoffs in 2009, 2010 and through the first half of 2011.

Instead, the BLS found that the number one reason companies made mass layoffs was because of reduced demand for their products or services from consumers.

Surveys conducted by the American Sustainable Business Council, the Main Street Alliance, and the Small Business Majority also found that lack of demand is the primary challenge facing businesses today—not regulations.

One of the other arguments the majority has advanced to support their claim that regulations hurt the economy is that there will be "unintended consequences." Again, this sounds plausible given the state of our economy. But again, this assertion does not hold up against the facts.

Take, for example, the Clean Air Act and the regulations that resulted from the law. In 1990, Congress passed the Clean Air Act Amendments on a strong bipartisan basis. Despite concerns raised by industry over the cost of the rules mandated by the law, the decade following its enactment was a great time U.S. businesses. The economy created 21 million jobs, and we had the longest period of sustained economic growth in national history.

In fact, since passage of the initial Clean Air Act over 40 years ago, our economy has grown by over 200 percent. At the same time, we have improved the nation's air quality and the health of the American people by reducing toxic and health threatening air pollutants by 60 percent. The estimated economic benefits from lower health care costs, less illness and premature death, and increased worker productivity of the Clean Air Act are expected to reach the \$2 trillion mark in 2020. This exceeds the projected costs of implementing the regulations by more than 30 to 1.

We can also look at the recent financial crisis as a cautionary tale of the "unintended consequences" of not having appropriate safeguards put in place.

In 1994 Congress gave the Federal Reserve authority to regulate subprime and other high risk mortgages. It took them until 2008 to do anything with that authority. Unfortunately, 2008 was too late to prevent the housing bubble that popped and set off a financial crisis that cost American families \$6.5 trillion in household wealth, millions of jobs, and required significant resources from the federal government to address.

Even former Federal Reserve Chairman Alan Greenspan admitted to the House Oversight and Government Affairs Committee in 2008 that he'd been wrong about the housing bubble and should have done more.

These stories illustrate the importance of responsible environmental and consumer protections to a strong economy, strong communities, and healthy families. Yet none of this information or experience seems to have had any impact on the majority.

In fact, the bill today would likely delay regulations like the mercury and air toxics rule. According to estimates, each year that we delay implementing this rule means 17,000 premature deaths, 120,000 cases of asthma, 12,200 hospital and emergency room visits for respiratory and cardiovascular disease, and 850,000 days of missed work and school due to illness.

In addition, every year approximately 1.2 million people get sick, 7,125 people are hospitalized, and 134 people die from foodborne illnesses attributed to contaminated produce. Enacting this bill would halt progress on implementing the Food Safety Modernization Act to reduce these contaminations and protect our families.

The Regulatory Freeze for Jobs Act would arbitrarily freeze all regulations until unemployment is below 6 percent, prevent regulations from being developed and implemented during presidential transitions, expose regulations to court challenges that will increase uncertainty, and make other changes to procedures for developing and implementing regulations.

These changes would primarily accomplish one thing—undermining the government's ability to do its job efficiently and cost effectively.

The Congressional Budget Office (CBO) found that these changes would freeze routine updates to programs like payment rates for services to Medicare patients. This would have a negative impact on doctors and seniors.

CBO also estimates that the legislation "would have a significant effect on direct spending" because laws could not be implemented properly—unnecessarily increasing the deficit.

H.R. 4078 would also give regulated industries the ability to influence rules behind closed doors by requiring that agencies consult with private industry stakeholders before proposed rules are made available for public comment. The changes made under this bill would also allow regulations to be challenged and delayed, increasing uncertainty for businesses and the economy—which seems to run counter to the majority's primary argument for the bill in the first place.

This bill also ignores the work that the Obama Administration has been engaged in to review current regulations in order to eliminate outdated, obsolete, and ineffective rules. The President placed a premium on getting feedback on this effort from the public—including the business community. As a result paperwork burdens, unnecessary or outdated rules, and barriers to exporting and other job creating activities have been or will be eliminated. These changes are projected to save taxpayers billions in the coming years.

Now is not the time to put the brakes on this effort, which has been open, transparent and appropriately balances the need for responsible safeguards for consumers, the environment, and public health with the need for a strong and growing economy.

The Acting CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

In lieu of the amendments in the nature of a substitute recommended by the Committees on the Judiciary and Oversight and Government Reform, printed in the bill, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 112-28, modified by the amendment printed in part A of House Report 112-616, is adopted and the bill, as amended, shall be considered as the original bill for the purpose of further amendment under the 5-minute rule and shall be considered as read.

The text of the bill, as amended, is as follows:

#### H.R. 4078

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Red Tape Reduction and Small Business Job Creation Act".*

#### SEC. 2. TABLE OF CONTENTS.

*The table of contents for this Act is as follows:*

*Sec. 1. Short title.*

*Sec. 2. Table of contents.*

#### TITLE I—REGULATORY FREEZE FOR JOBS

*Sec. 101. Short title.*

*Sec. 102. Moratorium on significant regulatory actions.*

*Sec. 103. Waivers and exceptions.*

*Sec. 104. Judicial review.*

*Sec. 105. Definitions.*

#### TITLE II—MIDNIGHT RULE RELIEF

*Sec. 201. Short title.*

*Sec. 202. Moratorium on midnight rules.*

*Sec. 203. Special rule on statutory, regulatory, and judicial deadlines.*

*Sec. 204. Exception.*

*Sec. 205. Definitions.*

#### TITLE III—REGULATORY DECREES AND SETTLEMENTS

*Sec. 301. Short title.*

*Sec. 302. Consent decree and settlement reform.*

*Sec. 303. Motions to modify consent decrees.*

*Sec. 304. Effective date.*

#### TITLE IV—UNFUNDED MANDATES INFORMATION AND TRANSPARENCY

*Sec. 401. Short title.*

*Sec. 402. Purpose.*

*Sec. 403. Providing for Congressional Budget Office studies on policies involving changes in conditions of grant aid.*

*Sec. 404. Clarifying the definition of direct costs to reflect Congressional Budget Office practice.*

*Sec. 405. Expanding the scope of reporting requirements to include regulations imposed by independent regulatory agencies.*

*Sec. 406. Amendments to replace Office of Management and Budget with Office of Information and Regulatory Affairs.*

*Sec. 407. Applying substantive point of order to private sector mandates.*

*Sec. 408. Regulatory process and principles.*

*Sec. 409. Expanding the scope of statements to accompany significant regulatory actions.*

*Sec. 410. Enhanced stakeholder consultation.*

*Sec. 411. New authorities and responsibilities for Office of Information and Regulatory Affairs.*

*Sec. 412. Retrospective analysis of existing Federal regulations.*

*Sec. 413. Expansion of judicial review.*

#### TITLE V—IMPROVED COORDINATION OF AGENCY ACTIONS ON ENVIRONMENTAL DOCUMENTS

*Sec. 501. Short title.*

*Sec. 502. Coordination of agency administrative operations for efficient decision-making.*

#### TITLE VI—SECURITIES AND EXCHANGE COMMISSION REGULATORY ACCOUNTABILITY

*Sec. 601. Short title.*

*Sec. 602. Consideration by the Securities and Exchange Commission of the costs and benefits of its regulations and certain other agency actions.*

*Sec. 603. Sense of Congress Relating to Other Regulatory Entities.*

#### TITLE VII—CONSIDERATION BY COMMODITY FUTURES TRADING COMMISSION OF CERTAIN COSTS AND BENEFITS

*Sec. 701. Consideration by the Commodity Futures Trading Commission of the costs and benefits of its regulations and orders.*

#### TITLE I—REGULATORY FREEZE FOR JOBS

##### SEC. 101. SHORT TITLE.

*This title may be cited as the "Regulatory Freeze for Jobs Act of 2012".*

##### SEC. 102. MORATORIUM ON SIGNIFICANT REGULATORY ACTIONS.

(a) **MORATORIUM.**—An agency may not take any significant regulatory action during the period beginning on the date of the enactment of this Act and ending on the date that the Secretary of Labor submits the report under subsection (b).

(b) **DETERMINATION.**—The Secretary of Labor shall submit a report to the Director of the Office of Management and Budget when the Secretary determines that the Bureau of Labor Statistics average of monthly employment rates for any quarter beginning after the date of the enactment of this Act is equal to or less than 6.0 percent.

##### SEC. 103. WAIVERS AND EXCEPTIONS.

(a) **IN GENERAL.**—Notwithstanding any other provision of this title, an agency may take a significant regulatory action only in accordance with subsection (b), (c), or (d) during the period described in section 102(a).

(b) **PRESIDENTIAL WAIVER.**—An agency may take a significant regulatory action if the President determines by Executive Order that the significant regulatory action is—

(1) necessary because of an imminent threat to health or safety or other emergency;

(2) necessary for the enforcement of criminal or civil rights laws;

(3) necessary for the national security of the United States; or

(4) issued pursuant to any statute implementing an international trade agreement.

(c) **DEREGULATORY EXCEPTION.**—An agency may take a significant regulatory action if the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget certifies in writing that the significant regulatory action is limited to repealing an existing rule.

(d) **CONGRESSIONAL WAIVERS.**—

(1) **SUBMISSION.**—For any significant regulatory action not eligible for a Presidential waiver pursuant to subsection (b), the President may submit a written request to Congress for a waiver of the application of section 102 for such action.

(2) **CONTENTS.**—A submission by the President under this subsection shall—

(A) identify the significant regulatory action and the scope of the requested waiver;

(B) describe all the reasons the significant regulatory action is necessary to protect the public health, safety, or welfare; and

(C) include an explanation of why the significant regulatory action is ineligible for a Presidential waiver under subsection (b).

(3) CONGRESSIONAL ACTION.—Congress shall give expeditious consideration and take appropriate legislative action with respect to any submission by the President under this subsection.

#### SEC. 104. JUDICIAL REVIEW.

(a) REVIEW.—Any party adversely affected or aggrieved by any rule or guidance resulting from a regulatory action taken in violation of this title is entitled to judicial review in accordance with chapter 7 of title 5, United States Code. Any determination by either the President or the Secretary of Labor under this title shall be subject to judicial review under such chapter.

(b) JURISDICTION.—Each court having jurisdiction to review any rule or guidance resulting from a significant regulatory action for compliance with any other provision of law shall have jurisdiction to review all claims under this title.

(c) RELIEF.—In granting any relief in any civil action under this section, the court shall order the agency to take corrective action consistent with this title and chapter 7 of title 5, United States Code, including remanding the rule or guidance resulting from the significant regulatory action to the agency and enjoining the application or enforcement of that rule or guidance, unless the court finds by a preponderance of the evidence that application or enforcement is required to protect against an imminent and serious threat to the national security of the United States.

(d) REASONABLE ATTORNEY'S FEES FOR SMALL BUSINESSES.—The court shall award reasonable attorney's fees and costs to a substantially prevailing small business in any civil action arising under this title. A small business may qualify as substantially prevailing even without obtaining a final judgment in its favor if the agency that took the significant regulatory action changes its position after the civil action is filed.

(e) LIMITATION ON COMMENCING CIVIL ACTION.—A party may seek and obtain judicial review during the 1-year period beginning on the date of the challenged agency action or within 90 days after an enforcement action or notice thereof, except that where another provision of law requires that a civil action be commenced before the expiration of that 1-year period, such lesser period shall apply.

(f) SMALL BUSINESS DEFINED.—In this section, the term "small business" means any business, including an unincorporated business or a sole proprietorship, that employs not more than 500 employees or that has a net worth of less than \$7,000,000 on the date a civil action arising under this title is filed.

#### SEC. 105. DEFINITIONS.

In this title:

(1) AGENCY.—The term "agency" has the meaning given that term under section 551 of title 5, United States Code, except that such term does not include—

(A) the Board of Governors of the Federal Reserve System;

(B) the Federal Open Market Committee; or

(C) the United States Postal Service.

(2) REGULATORY ACTION.—The term "regulatory action" means any substantive action by an agency that promulgates or is expected to lead to the promulgation of a final rule or regulation, including a notice of inquiry, an advance notice of proposed rulemaking, and a notice of proposed rulemaking.

(3) RULE.—The term "rule" has the meaning given that term under section 551 of title 5, United States Code.

(4) SIGNIFICANT REGULATORY ACTION.—The term "significant regulatory action" means any

regulatory action that is likely to result in a rule or guidance that the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget finds is likely to have an annual cost to the economy of \$100,000,000 or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, small entities, or State, local, or tribal governments or communities.

(5) SMALL ENTITY.—The term "small entity" has the meaning given that term under section 601(6) of title 5, United States Code.

### TITLE II—MIDNIGHT RULE RELIEF

#### SEC. 201. SHORT TITLE.

This title may be cited as the "Midnight Rule Relief Act of 2012".

#### SEC. 202. MORATORIUM ON MIDNIGHT RULES.

Except as provided under sections 203 and 204, during the moratorium period, an agency may not propose or finalize any midnight rule that the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget finds is likely to result in an annual cost to the economy of \$100,000,000 or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, small entities, or State, local, or tribal governments or communities.

#### SEC. 203. SPECIAL RULE ON STATUTORY, REGULATORY, AND JUDICIAL DEADLINES.

(a) IN GENERAL.—Section 202 shall not apply with respect to any deadline—

(1) for, relating to, or involving any midnight rule;

(2) that was established before the beginning of the moratorium period; and

(3) that is required to be taken during the moratorium period.

(b) PUBLICATION OF DEADLINES.—Not later than 30 days after the beginning of a moratorium period, the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget shall identify and publish in the Federal Register a list of deadlines covered by subsection (a).

#### SEC. 204. EXCEPTION.

(a) EMERGENCY EXCEPTION.—Section 202 shall not apply to a midnight rule if the President determines that the midnight rule is—

(1) necessary because of an imminent threat to health or safety or other emergency;

(2) necessary for the enforcement of criminal or civil rights laws;

(3) necessary for the national security of the United States; or

(4) issued pursuant to any statute implementing an international trade agreement.

(b) DEREGULATORY EXCEPTION.—Section 202 shall not apply to a midnight rule that the Administrator of the Office of Information and Regulatory Affairs within the Office of Management and Budget certifies in writing is limited to repealing an existing rule.

(c) NOTICE OF EXCEPTIONS.—Not later than 30 days after a determination under subsection (a) or a certification is made under subsection (b), the head of the relevant agency shall publish in the Federal Register any midnight rule excluded from the moratorium period due to an exception under this section.

#### SEC. 205. DEFINITIONS.

In this title:

(1) AGENCY.—The term "agency" has the meaning given that term under section 551 of title 5, United States Code, except that such term does not include—

(A) the Board of Governors of the Federal Reserve System;

(B) the Federal Open Market Committee; or

(C) the United States Postal Service.

(2) DEADLINE.—The term "deadline" means any date certain for fulfilling any obligation or exercising any authority established by or under any Federal statute or rule, or by or under any court order implementing any Federal statute, regulation, or rule.

(3) MORATORIUM PERIOD.—The term "moratorium period" means the day after the day referred to in section 1 of title 3, United States Code, through January 20 of the following year, in which a President is not serving a consecutive term.

(4) MIDNIGHT RULE.—The term "midnight rule" means an agency statement of general applicability and future effect, issued during the moratorium period, that is intended to have the force and effect of law and is designed—

(A) to implement, interpret, or prescribe law or policy; or

(B) to describe the procedure or practice requirements of an agency.

(5) RULE.—The term "rule" has the meaning given that term under section 551 of title 5, United States Code.

(6) SMALL ENTITY.—The term "small entity" has the meaning given that term under section 601(6) of title 5, United States Code.

### TITLE III—REGULATORY DECREES AND SETTLEMENTS

#### SEC. 301. SHORT TITLE.

This title may be cited as the "Sunshine for Regulatory Decrees and Settlements Act of 2012".

#### SEC. 302. CONSENT DECREE AND SETTLEMENT REFORM.

(a) APPLICATION.—The provisions of this section apply in the case of—

(1) a consent decree or settlement agreement in an action to compel agency action alleged to be unlawfully withheld or unreasonably delayed that pertains to a regulatory action that affects the rights of private parties other than the plaintiff or the rights of State, local or Tribal government entities—

(A) brought under chapter 7 of title 5, United States Code; or

(B) brought under any other statute authorizing such an action; and

(2) any other consent decree or settlement agreement that requires agency action that pertains to a regulatory action that affects the rights of private parties other than the plaintiff or the rights of State, local or Tribal government entities.

(b) IN GENERAL.—In the case of an action to be resolved by a consent decree or a settlement agreement described in paragraph (1), the following shall apply:

(1) The complaint in the action, the consent decree or settlement agreement, the statutory basis for the consent decree or settlement agreement and its terms, and any award of attorneys' fees or costs shall be published, including electronically, in a readily accessible manner by the defendant agency.

(2) Until the conclusion of an opportunity for affected parties to intervene in the action, a party may not file with the court a motion for a consent decree or to dismiss the case pursuant to a settlement agreement.

(3) In considering a motion to intervene by any party that would be affected by the agency action in dispute, the court shall presume, subject to rebuttal, that the interests of that party would not be represented adequately by the current parties to the action. In considering a motion to intervene filed by a State, local or Tribal government entity, the court shall take due account of whether the movant—

(A) administers jointly with the defendant agency the statutory provisions that give rise to the regulatory duty alleged in the complaint; or

(B) administers State, local or Tribal regulatory authority that would be preempted by the

defendant agency's discharge of the regulatory duty alleged in the complaint.

(4) If the court grants a motion to intervene in the action, the court shall include the plaintiff, the defendant agency, and the intervenors in settlement discussions. Settlement efforts conducted shall be pursuant to a court's mediation or alternative dispute resolution program, or by a district judge, magistrate judge, or special master, as determined by the assigned judge.

(5) The defendant agency shall publish in the Federal Register and by electronic means any proposed consent decree or settlement agreement for no fewer than 60 days of public comment before filing it with the court, including a statement of the statutory basis for the proposed consent decree or settlement agreement and its terms, allowing comment on any issue related to the matters alleged in the complaint or addressed or affected by the consent decree or settlement agreement.

(6) The defendant agency shall—

(A) respond to public comments received under paragraph (5); and

(B) when moving that the court enter the consent decree or for dismissal pursuant to the settlement agreement—

(i) inform the court of the statutory basis for the proposed consent decree or settlement agreement and its terms;

(ii) submit to the court a summary of the public comments and agency responses;

(iii) certify the index to the administrative record of the notice and comment proceeding to the court; and

(iv) make that record fully accessible to the court.

(7) The court shall include in the judicial record the full administrative record, the index to which was certified by the agency under paragraph (6).

(8) If the consent decree or settlement agreement requires an agency action by a date certain, the agency shall, when moving for entry of the consent decree or dismissal based on the settlement agreement—

(A) inform the court of any uncompleted mandatory duties to take regulatory action that the decree or agreement does not address;

(B) how the decree or agreement, if approved, would affect the discharge of those duties; and

(C) why the decree's or agreement's effects on the order in which the agency discharges its mandatory duties is in the public interest.

(9) The court shall presume, subject to rebuttal, that it is proper to allow amicus participation by any party who filed public comments on the consent decree or settlement agreement during the court's consideration of a motion to enter the decree or dismiss the case on the basis of the agreement.

(10) The court shall ensure that the proposed consent decree or settlement agreement allows sufficient time and procedure for the agency to comply with chapter 5 of title 5, United States Code, and other applicable statutes that govern rule making and, unless contrary to the public interest, the provisions of any executive orders that govern rule making.

(11) The defendant agency may, at its discretion, hold a public hearing pursuant to notice in the Federal Register and by electronic means, on whether to enter into the consent decree or settlement agreement. If such a hearing is held, then, in accordance with paragraph (6), the agency shall submit to the court a summary of the proceedings and the certified index to the hearing record, full access to the hearing record shall be given to the court, and the full hearing record shall be included in the judicial record.

(12) The Attorney General, in cases litigated by the Department of Justice, or the head of the defendant Federal agency, in cases litigated independently by that agency, shall certify to

the court his or her approval of any proposed consent decree or settlement agreement that contains any of the following terms—

(A) in the case of a consent decree, terms that—

(i) convert into mandatory duties the otherwise discretionary authorities of an agency to propose, promulgate, revise or amend regulations;

(ii) commit the agency to expend funds that Congress has not appropriated and that have not been budgeted for the action in question, or commit an agency to seek a particular appropriation or budget authorization;

(iii) divest the agency of discretion committed to it by Congress or the Constitution, whether such discretionary power was granted to respond to changing circumstances, to make policy or managerial choices, or to protect the rights of third parties; or

(iv) otherwise afford relief that the court could not enter on its own authority upon a final judgment in the litigation; or

(B) in the case of a settlement agreement, terms that—

(i) interfere with the agency's authority to revise, amend, or issue rules through the procedures set forth in chapter 5 of title 5, United States Code, or any other statute or executive order prescribing rule making procedures for rule makings that are the subject of the settlement agreement;

(ii) commit the agency to expend funds that Congress has not appropriated and that have not been budgeted for the action in question; or

(iii) provide a remedy for the agency's failure to comply with the terms of the settlement agreement other than the revival of the action resolved by the settlement agreement, if the agreement commits the agency to exercise its discretion in a particular way and such discretionary power was committed to the agency by Congress or the Constitution to respond to changing circumstances, to make policy or managerial choices, or to protect the rights of third parties.

(C) ANNUAL REPORTS.—Each agency shall submit an annual report to Congress on the number, identity, and content of complaints, consent decrees, and settlement agreements described in paragraph (1) for that year, the statutory basis for each consent decree or settlement agreement and its terms, and any awards of attorneys fees or costs in actions resolved by such decrees or agreements.

#### SEC. 303. MOTIONS TO MODIFY CONSENT DECREES.

When a defendant agency moves the court to modify a previously entered consent decree described under section 302 and the basis of the motion is that the terms of the decree are no longer fully in the public interest due to the agency's obligations to fulfill other duties or due to changed facts and circumstances, the court shall review the motion and the consent decree *de novo*.

#### SEC. 304. EFFECTIVE DATE.

The provisions of this title apply to any covered consent decree or settlement agreement proposed to a court after the date of enactment of this title.

### TITLE IV—UNFUNDED MANDATES INFORMATION AND TRANSPARENCY

#### SEC. 401. SHORT TITLE.

This title may be cited as the “Unfunded Mandates Information and Transparency Act of 2012”.

#### SEC. 402. PURPOSE.

The purpose of this title is—

(1) to improve the quality of the deliberations of Congress with respect to proposed Federal mandates by—

(A) providing Congress and the public with more complete information about the effects of such mandates; and

(B) ensuring that Congress acts on such mandates only after focused deliberation on their effects; and

(2) to enhance the ability of Congress and the public to identify Federal mandates that may impose undue harm on consumers, workers, employers, small businesses, and State, local, and tribal governments.

#### SEC. 403. PROVIDING FOR CONGRESSIONAL BUDGET OFFICE STUDIES ON POLICIES INVOLVING CHANGES IN CONDITIONS OF GRANT AID.

Section 202(g) of the Congressional Budget Act of 1974 (2 U.S.C. 602(g)) is amended by adding at the end the following new paragraph:

“(3) ADDITIONAL STUDIES.—At the request of any Chairman or ranking member of the minority of a Committee of the Senate or the House of Representatives, the Director shall conduct an assessment comparing the authorized level of funding in a bill or resolution to the prospective costs of carrying out any changes to a condition of Federal assistance being imposed on State, local, or tribal governments participating in the Federal assistance program concerned or, in the case of a bill or joint resolution that authorizes such sums as are necessary, an assessment of an estimated level of funding compared to such costs.”.

#### SEC. 404. CLARIFYING THE DEFINITION OF DIRECT COSTS TO REFLECT CONGRESSIONAL BUDGET OFFICE PRACTICE.

Section 421(3) of the Congressional Budget Act of 1974 (2 U.S.C. 658(3)(A)(i)) is amended—

(1) in subparagraph (A)(i), by inserting “incur or” before “be required”; and

(2) in subparagraph (B), by inserting after “to spend” the following: “or could forgo in profits, including costs passed on to consumers or other entities taking into account, to the extent practicable, behavioral changes.”.

#### SEC. 405. EXPANDING THE SCOPE OF REPORTING REQUIREMENTS TO INCLUDE REGULATIONS IMPOSED BY INDEPENDENT REGULATORY AGENCIES.

Paragraph (1) of section 421 of the Congressional Budget Act of 1974 (2 U.S.C. 658) is amended by striking “, but does not include independent regulatory agencies” and inserting “, except it does not include the Board of Governors of the Federal Reserve System or the Federal Open Market Committee”.

#### SEC. 406. AMENDMENTS TO REPLACE OFFICE OF MANAGEMENT AND BUDGET WITH OFFICE OF INFORMATION AND REGULATORY AFFAIRS.

The Unfunded Mandates Reform Act of 1995 (Public Law 104-4; 2 U.S.C. 1511 et seq.) is amended—

(1) in section 103(c) (2 U.S.C. 1511(c))—

(A) in the subsection heading, by striking “OFFICE OF MANAGEMENT AND BUDGET” and inserting “OFFICE OF INFORMATION AND REGULATORY AFFAIRS”; and

(B) by striking “Director of the Office of Management and Budget” and inserting “Administrator of the Office of Information and Regulatory Affairs”;

(2) in section 205(c) (2 U.S.C. 1535(c))—

(A) in the subsection heading, by striking “OMB”; and

(B) by striking “Director of the Office of Management and Budget” and inserting “Administrator of the Office of Information and Regulatory Affairs”;

(3) in section 206 (2 U.S.C. 1536), by striking “Director of the Office of Management and Budget” and inserting “Administrator of the Office of Information and Regulatory Affairs”.

#### SEC. 407. APPLYING SUBSTANTIVE POINT OF ORDER TO PRIVATE SECTOR MANDATES.

Section 425(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 658d(a)(2)) is amended—

(1) by striking “Federal intergovernmental mandates” and inserting “Federal mandates”; and

(2) by inserting “or 424(b)(1)” after “section 424(a)(1)”.

**SEC. 408. REGULATORY PROCESS AND PRINCIPLES.**

Section 201 of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531) is amended to read as follows:

**“SEC. 201. REGULATORY PROCESS AND PRINCIPLES.**

“(a) *IN GENERAL.*—Each agency shall, unless otherwise expressly prohibited by law, assess the effects of Federal regulatory actions on State, local, and tribal governments and the private sector (other than to the extent that such regulatory actions incorporate requirements specifically set forth in law) in accordance with the following principles:

“(1) Each agency shall identify the problem that it intends to address (including, if applicable, the failures of private markets or public institutions that warrant new agency action) as well as assess the significance of that problem.

“(2) Each agency shall examine whether existing regulations (or other law) have created, or contributed to, the problem that a new regulation is intended to correct and whether those regulations (or other law) should be modified to achieve the intended goal of regulation more effectively.

“(3) Each agency shall identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public.

“(4) If an agency determines that a regulation is the best available method of achieving the regulatory objective, it shall design its regulations in the most cost-effective manner to achieve the regulatory objective. In doing so, each agency shall consider incentives for innovation, consistency, predictability, the costs of enforcement and compliance (to the government, regulated entities, and the public), flexibility, distributive impacts, and equity.

“(5) Each agency shall assess both the costs and the benefits of the intended regulation and, recognizing that some costs and benefits are difficult to quantify, propose or adopt a regulation, unless expressly prohibited by law, only upon a reasoned determination that the benefits of the intended regulation justify its costs.

“(6) Each agency shall base its decisions on the best reasonably obtainable scientific, technical, economic, and other information concerning the need for, and consequences of, the intended regulation.

“(7) Each agency shall identify and assess alternative forms of regulation and shall, to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt.

“(8) Each agency shall avoid regulations that are inconsistent, incompatible, or duplicative with its other regulations or those of other Federal agencies.

“(9) Each agency shall tailor its regulations to minimize the costs of the cumulative impact of regulations.

“(10) Each agency shall draft its regulations to be simple and easy to understand, with the goal of minimizing the potential for uncertainty and litigation arising from such uncertainty.

“(b) *REGULATORY ACTION DEFINED.*—In this section, the term ‘regulatory action’ means any substantive action by an agency (normally published in the Federal Register) that promulgates or is expected to lead to the promulgation of a final rule or regulation, including advance notices of proposed rulemaking and notices of proposed rulemaking.”.

**SEC. 409. EXPANDING THE SCOPE OF STATEMENTS TO ACCOMPANY SIGNIFICANT REGULATORY ACTIONS.**

(a) *IN GENERAL.*—Subsection (a) of section 202 of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1532) is amended to read as follows:

“(a) *IN GENERAL.*—Unless otherwise expressly prohibited by law, before promulgating any general notice of proposed rulemaking or any final rule, or within six months after promulgating any final rule that was not preceded by a general notice of proposed rulemaking, if the proposed rulemaking or final rule includes a Federal mandate that may result in an annual effect on State, local, or tribal governments, or to the private sector, in the aggregate of \$100,000,000 or more in any 1 year, the agency shall prepare a written statement containing the following:

“(1) The text of the draft proposed rulemaking or final rule, together with a reasonably detailed description of the need for the proposed rulemaking or final rule and an explanation of how the proposed rulemaking or final rule will meet that need.

“(2) An assessment of the potential costs and benefits of the proposed rulemaking or final rule, including an explanation of the manner in which the proposed rulemaking or final rule is consistent with a statutory requirement and avoids undue interference with State, local, and tribal governments in the exercise of their governmental functions.

“(3) A qualitative and quantitative assessment, including the underlying analysis, of benefits anticipated from the proposed rulemaking or final rule (such as the promotion of the efficient functioning of the economy and private markets, the enhancement of health and safety, the protection of the natural environment, and the elimination or reduction of discrimination or bias).

“(4) A qualitative and quantitative assessment, including the underlying analysis, of costs anticipated from the proposed rulemaking or final rule (such as the direct costs both to the Government in administering the final rule and to businesses and others in complying with the final rule, and any adverse effects on the efficient functioning of the economy, private markets (including productivity, employment, and international competitiveness), health, safety, and the natural environment);

“(5) Estimates by the agency, if and to the extent that the agency determines that accurate estimates are reasonably feasible, of—

“(A) the future compliance costs of the Federal mandate; and

“(B) any disproportionate budgetary effects of the Federal mandate upon any particular regions of the nation or particular State, local, or tribal governments, urban or rural or other types of communities, or particular segments of the private sector.

“(6)(A) A detailed description of the extent of the agency’s prior consultation with the private sector and elected representatives (under section 204) of the affected State, local, and tribal governments.

“(B) A detailed summary of the comments and concerns that were presented by the private sector and State, local, or tribal governments either orally or in writing to the agency.

“(C) A detailed summary of the agency’s evaluation of those comments and concerns.

“(7) A detailed summary of how the agency complied with each of the regulatory principles described in section 201.”.

(b) *REQUIREMENT FOR DETAILED SUMMARY.*—Subsection (b) of section 202 of such Act is amended by inserting “detailed” before “summary”.

**SEC. 410. ENHANCED STAKEHOLDER CONSULTATION.**

Section 204 of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1534) is amended—

(1) in the section heading, by inserting “**AND PRIVATE SECTOR**” before “**INPUT**”;

(2) in subsection (a)—

(A) by inserting “, and impacted parties within the private sector (including small business),” after “on their behalf”;

(B) by striking “Federal intergovernmental mandates” and inserting “Federal mandates”; and

(3) by amending subsection (c) to read as follows:

“(c) *GUIDELINES.*—For appropriate implementation of subsections (a) and (b) consistent with applicable laws and regulations, the following guidelines shall be followed:

“(1) Consultations shall take place as early as possible, before issuance of a notice of proposed rulemaking, continue through the final rule stage, and be integrated explicitly into the rule-making process.

“(2) Agencies shall consult with a wide variety of State, local, and tribal officials and impacted parties within the private sector (including small businesses). Geographic, political, and other factors that may differentiate varying points of view should be considered.

“(3) Agencies should estimate benefits and costs to assist with these consultations. The scope of the consultation should reflect the cost and significance of the Federal mandate being considered.

“(4) Agencies shall, to the extent practicable—

“(A) seek out the views of State, local, and tribal governments, and impacted parties within the private sector (including small business), on costs, benefits, and risks; and

“(B) solicit ideas about alternative methods of compliance and potential flexibilities, and input on whether the Federal regulation will harmonize with and not duplicate similar laws in other levels of government.

“(5) Consultations shall address the cumulative impact of regulations on the affected entities.

“(6) Agencies may accept electronic submissions of comments by relevant parties but may not use those comments as the sole method of satisfying the guidelines in this subsection.”.

**SEC. 411. NEW AUTHORITIES AND RESPONSIBILITIES FOR OFFICE OF INFORMATION AND REGULATORY AFFAIRS.**

Section 208 of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1538) is amended to read as follows:

**“SEC. 208. OFFICE OF INFORMATION AND REGULATORY AFFAIRS RESPONSIBILITIES.**

“(a) *IN GENERAL.*—The Administrator of the Office of Information and Regulatory Affairs shall provide meaningful guidance and oversight so that each agency’s regulations for which a written statement is required under section 202 are consistent with the principles and requirements of this title, as well as other applicable laws, and do not conflict with the policies or actions of another agency. If the Administrator determines that an agency’s regulations for which a written statement is required under section 202 do not comply with such principles and requirements, are not consistent with other applicable laws, or conflict with the policies or actions of another agency, the Administrator shall identify areas of non-compliance, notify the agency, and request that the agency comply before the agency finalizes the regulation concerned.

“(b) *ANNUAL STATEMENTS TO CONGRESS ON AGENCY COMPLIANCE.*—The Director of the Office of Information and Regulatory Affairs annually shall submit to Congress, including the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives, a written report detailing compliance by each agency with the requirements of this title that relate to regulations



for which a written statement is required by section 202, including activities undertaken at the request of the Director to improve compliance, during the preceding reporting period. The report shall also contain an appendix detailing compliance by each agency with section 204.”

**SEC. 412. RETROSPECTIVE ANALYSIS OF EXISTING FEDERAL REGULATIONS.**

The Unfunded Mandates Reform Act of 1995 (Public Law 104-4; 2 U.S.C. 1511 et seq.) is amended—

(1) by redesignating section 209 as section 210; and

(2) by inserting after section 208 the following new section 209:

**“SEC. 209. RETROSPECTIVE ANALYSIS OF EXISTING FEDERAL REGULATIONS.**

“(a) **REQUIREMENT.**—At the request of the chairman or ranking minority member of a standing or select committee of the House of Representatives or the Senate, an agency shall conduct a retrospective analysis of an existing Federal regulation promulgated by an agency.

“(b) **REPORT.**—Each agency conducting a retrospective analysis of existing Federal regulations pursuant to subsection (a) shall submit to the chairman of the relevant committee, Congress, and the Comptroller General a report containing, with respect to each Federal regulation covered by the analysis—

“(1) a copy of the Federal regulation;

“(2) the continued need for the Federal regulation;

“(3) the nature of comments or complaints received concerning the Federal regulation from the public since the Federal regulation was promulgated;

“(4) the extent to which the Federal regulation overlaps, duplicates, or conflicts with other Federal regulations, and, to the extent feasible, with State and local governmental rules;

“(5) the degree to which technology, economic conditions, or other factors have changed in the area affected by the Federal regulation;

“(6) a complete analysis of the retrospective direct costs and benefits of the Federal regulation that considers studies done outside the Federal Government (if any) estimating such costs or benefits; and

“(7) any litigation history challenging the Federal regulation.”

**SEC. 413. EXPANSION OF JUDICIAL REVIEW.**

Section 401(a) of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1571(a)) is amended—

(1) in paragraphs (1) and (2)(A)—

(A) by striking “sections 202 and 203(a)(1) and (2)” each place it appears and inserting “sections 201, 202, 203(a)(1) and (2), and 205(a) and (b)”; and

(B) by striking “only” each place it appears; (2) in paragraph (2)(B), by striking “section 202” and all that follows through the period at the end and inserting the following: “section 202, prepare the written plan under section 203(a)(1) and (2), or comply with section 205(a) and (b), a court may compel the agency to prepare such written statement, prepare such written plan, or comply with such section.”; and

(3) in paragraph (3), by striking “written statement or plan is required” and all that follows through “shall not” and inserting the following: “written statement under section 202, a written plan under section 203(a)(1) and (2), or compliance with sections 201 and 205(a) and (b) is required, the inadequacy or failure to prepare such statement (including the inadequacy or failure to prepare any estimate, analysis, statement, or description), to prepare such written plan, or to comply with such section may”.

**TITLE V—IMPROVED COORDINATION OF AGENCY ACTIONS ON ENVIRONMENTAL DOCUMENTS**

**SEC. 501. SHORT TITLE.**

This title may be cited as the “Responsibly And Professionally Invigorating Development Act of 2012” or as the “RAPID Act”.

**SEC. 502. COORDINATION OF AGENCY ADMINISTRATIVE OPERATIONS FOR EFFICIENT DECISIONMAKING.**

(a) **IN GENERAL.**—Part I of chapter 5 of title 5, United States Code, is amended by inserting after subchapter II the following:

**“SUBCHAPTER IIA—INTERAGENCY COORDINATION REGARDING PERMITTING**

**“§560. Coordination of agency administrative operations for efficient decisionmaking**

“(a) **CONGRESSIONAL DECLARATION OF PURPOSE.**—The purpose of this subchapter is to establish a framework and procedures to streamline, increase the efficiency of, and enhance coordination of agency administration of the regulatory review, environmental decisionmaking, and permitting process for projects undertaken, reviewed, or funded by Federal agencies. This subchapter will ensure that agencies administer the regulatory process in a manner that is efficient so that citizens are not burdened with regulatory excuses and time delays.

“(b) **DEFINITIONS.**—For purposes of this subchapter, the term—

“(1) ‘agency’ means any agency, department, or other unit of Federal, State, local, or Indian tribal government;

“(2) ‘category of projects’ means 2 or more projects related by project type, potential environmental impacts, geographic location, or another similar project feature or characteristic;

“(3) ‘environmental assessment’ means a concise public document for which a Federal agency is responsible that serves to—

“(A) briefly provide sufficient evidence and analysis for determining whether to prepare an environmental impact statement or a finding of no significant impact;

“(B) aid an agency’s compliance with NEPA when no environmental impact statement is necessary; and

“(C) facilitate preparation of an environmental impact statement when one is necessary;

“(4) ‘environmental impact statement’ means the detailed statement of significant environmental impacts required to be prepared under NEPA;

“(5) ‘environmental review’ means the Federal agency procedures for preparing an environmental impact statement, environmental assessment, categorical exclusion, or other document under NEPA;

“(6) ‘environmental decisionmaking process’ means the Federal agency procedures for undertaking and completion of any environmental permit, decision, approval, review, or study under any Federal law other than NEPA for a project subject to an environmental review;

“(7) ‘environmental document’ means an environmental assessment or environmental impact statement, and includes any supplemental document or document prepared pursuant to a court order;

“(8) ‘finding of no significant impact’ means a document by a Federal agency briefly presenting the reasons why a project, not otherwise subject to a categorical exclusion, will not have a significant effect on the human environment and for which an environmental impact statement therefore will not be prepared;

“(9) ‘lead agency’ means the Federal agency preparing or responsible for preparing the environmental document;

“(10) ‘NEPA’ means the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

“(11) ‘project’ means major Federal actions that are construction activities undertaken with Federal funds or that are construction activities that require approval by a permit or regulatory decision issued by a Federal agency;

“(12) ‘project sponsor’ means the agency or other entity, including any private or public-private entity, that seeks approval for a project

or is otherwise responsible for undertaking a project; and

“(13) ‘record of decision’ means a document prepared by a lead agency under NEPA following an environmental impact statement that states the lead agency’s decision, identifies the alternatives considered by the agency in reaching its decision and states whether all practicable means to avoid or minimize environmental harm from the alternative selected have been adopted, and if not, why they were not adopted.

“(c) **PREPARATION OF ENVIRONMENTAL DOCUMENTS.**—Upon the request of the lead agency, the project sponsor shall be authorized to prepare any document for purposes of an environmental review required in support of any project or approval by the lead agency if the lead agency furnishes oversight in such preparation and independently evaluates such document and the document is approved and adopted by the lead agency prior to taking any action or making any approval based on such document.

“(d) **ADOPTION AND USE OF DOCUMENTS.**—

“(1) **DOCUMENTS PREPARED UNDER NEPA.**—

“(A) Not more than 1 environmental impact statement and 1 environmental assessment shall be prepared under NEPA for a project (except for supplemental environmental documents prepared under NEPA or environmental documents prepared pursuant to a court order), and, except as otherwise provided by law, the lead agency shall prepare the environmental impact statement or environmental assessment. After the lead agency issues a record of decision, no Federal agency responsible for making any approval for that project may rely on a document other than the environmental document prepared by the lead agency.

“(B) Upon the request of a project sponsor, a lead agency may adopt, use, or rely upon secondary and cumulative impact analyses included in any environmental document prepared under NEPA for projects in the same geographic area where the secondary and cumulative impact analyses provide information and data that pertains to the NEPA decision for the project under review.

“(2) **STATE ENVIRONMENTAL DOCUMENTS; SUPPLEMENTAL DOCUMENTS.**—

“(A) Upon the request of a project sponsor, a lead agency may adopt a document that has been prepared for a project under State laws and procedures as the environmental impact statement or environmental assessment for the project, provided that the State laws and procedures under which the document was prepared provide environmental protection and opportunities for public involvement that are substantially equivalent to NEPA.

“(B) An environmental document adopted under subparagraph (A) is deemed to satisfy the lead agency’s obligation under NEPA to prepare an environmental impact statement or environmental assessment.

“(C) In the case of a document described in subparagraph (A), during the period after preparation of the document but before its adoption by the lead agency, the lead agency shall prepare and publish a supplement to that document if the lead agency determines that—

“(i) a significant change has been made to the project that is relevant for purposes of environmental review of the project; or

“(ii) there have been significant changes in circumstances or availability of information relevant to the environmental review for the project.

“(D) If the agency prepares and publishes a supplemental document under subparagraph (C), the lead agency may solicit comments from agencies and the public on the supplemental document for a period of not more than 45 days beginning on the date of the publication of the supplement.



“(E) A lead agency shall issue its record of decision or finding of no significant impact, as appropriate, based upon the document adopted under subparagraph (A), and any supplements thereto.

“(3) CONTEMPORANEOUS PROJECTS.—If the lead agency determines that there is a reasonable likelihood that the project will have similar environmental impacts as a similar project in geographical proximity to the project, and that similar project was subject to environmental review or similar State procedures within the 5 year period immediately preceding the date that the lead agency makes that determination, the lead agency may adopt the environmental document that resulted from that environmental review or similar State procedure. The lead agency may adopt such an environmental document, if it is prepared under State laws and procedures only upon making a favorable determination on such environmental document pursuant to paragraph (2)(A).

“(e) PARTICIPATING AGENCIES.—

“(1) IN GENERAL.—The lead agency shall be responsible for inviting and designating participating agencies in accordance with this subsection. The lead agency shall provide the invitation or notice of the designation in writing.

“(2) FEDERAL PARTICIPATING AGENCIES.—Any Federal agency that is required to adopt the environmental document of the lead agency for a project shall be designated as a participating agency and shall collaborate on the preparation of the environmental document, unless the Federal agency informs the lead agency, in writing, by a time specified by the lead agency in the designation of the Federal agency that the Federal agency—

“(A) has no jurisdiction or authority with respect to the project;

“(B) has no expertise or information relevant to the project; and

“(C) does not intend to submit comments on the project.

“(3) INVITATION.—The lead agency shall identify, as early as practicable in the environmental review for a project, any agencies other than an agency described in paragraph (2) that may have an interest in the project, including, where appropriate, Governors of affected States, and heads of appropriate tribal and local (including county) governments, and shall invite such identified agencies and officials to become participating agencies in the environmental review for the project. The invitation shall set a deadline of 30 days for responses to be submitted, which may only be extended by the lead agency for good cause shown. Any agency that fails to respond prior to the deadline shall be deemed to have declined the invitation.

“(4) EFFECT OF DECLINING PARTICIPATING AGENCY INVITATION.—Any agency that declines a designation or invitation by the lead agency to be a participating agency shall be precluded from submitting comments on any document prepared under NEPA for that project or taking any measures to oppose, based on the environmental review, any permit, license, or approval related to that project.

“(5) EFFECT OF DESIGNATION.—Designation as a participating agency under this subsection does not imply that the participating agency—

“(A) supports a proposed project; or

“(B) has any jurisdiction over, or special expertise with respect to evaluation of, the project.

“(6) COOPERATING AGENCY.—A participating agency may also be designated by a lead agency as a ‘cooperating agency’ under the regulations contained in part 1500 of title 40, Code of Federal Regulations, as in effect on January 1, 2011. Designation as a cooperating agency shall have no effect on designation as participating agency. No agency that is not a participating agency may be designated as a cooperating agency.

“(7) CONCURRENT REVIEWS.—Each Federal agency shall—

“(A) carry out obligations of the Federal agency under other applicable law concurrently and in conjunction with the review required under NEPA; and

“(B) in accordance with the rules made by the Council on Environmental Quality pursuant to subsection (n)(1), make and carry out such rules, policies, and procedures as may be reasonably necessary to enable the agency to ensure completion of the environmental review and environmental decisionmaking process in a timely, coordinated, and environmentally responsible manner.

“(8) COMMENTS.—Each participating agency shall limit its comments on a project to areas that are within the authority and expertise of such participating agency. Each participating agency shall identify in such comments the statutory authority of the participating agency pertaining to the subject matter of its comments. The lead agency shall not act upon, respond to or include in any document prepared under NEPA, any comment submitted by a participating agency that concerns matters that are outside of the authority and expertise of the commenting participating agency.

“(f) PROJECT INITIATION REQUEST.—

“(1) NOTICE.—A project sponsor shall provide the Federal agency responsible for undertaking a project with notice of the initiation of the project by providing a description of the proposed project, the general location of the proposed project, and a statement of any Federal approvals anticipated to be necessary for the proposed project, for the purpose of informing the Federal agency that the environmental review should be initiated.

“(2) LEAD AGENCY INITIATION.—The agency receiving a project initiation notice under paragraph (1) shall promptly identify the lead agency for the project, and the lead agency shall initiate the environmental review within a period of 45 days after receiving the notice required by paragraph (1) by inviting or designating agencies to become participating agencies, or, where the lead agency determines that no participating agencies are required for the project, by taking such other actions that are reasonable and necessary to initiate the environmental review.

“(g) ALTERNATIVES ANALYSIS.—

“(1) PARTICIPATION.—As early as practicable during the environmental review, but no later than during scoping for a project requiring the preparation of an environmental impact statement, the lead agency shall provide an opportunity for involvement by cooperating agencies in determining the range of alternatives to be considered for a project.

“(2) RANGE OF ALTERNATIVES.—Following participation under paragraph (1), the lead agency shall determine the range of alternatives for consideration in any document which the lead agency is responsible for preparing for the project, subject to the following limitations:

“(A) NO EVALUATION OF CERTAIN ALTERNATIVES.—No Federal agency shall evaluate any alternative that was identified but not carried forward for detailed evaluation in an environmental document or evaluated and not selected in any environmental document prepared under NEPA for the same project.

“(B) ONLY FEASIBLE ALTERNATIVES EVALUATED.—Where a project is being constructed, managed, funded, or undertaken by a project sponsor that is not a Federal agency, Federal agencies shall only be required to evaluate alternatives that the project sponsor could feasibly undertake, consistent with the purpose of and the need for the project, including alternatives that can be undertaken by the project sponsor and that are technically and economically feasible.

“(3) METHODOLOGIES.—

“(A) IN GENERAL.—The lead agency shall determine, in collaboration with cooperating agencies at appropriate times during the environmental review, the methodologies to be used and the level of detail required in the analysis of each alternative for a project. The lead agency shall include in the environmental document a description of the methodologies used and how the methodologies were selected.

“(B) NO EVALUATION OF INAPPROPRIATE ALTERNATIVES.—When a lead agency determines that an alternative does not meet the purpose and need for a project, that alternative is not required to be evaluated in detail in an environmental document.

“(4) PREFERRED ALTERNATIVE.—At the discretion of the lead agency, the preferred alternative for a project, after being identified, may be developed to a higher level of detail than other alternatives in order to facilitate the development of mitigation measures or concurrent compliance with other applicable laws if the lead agency determines that the development of such higher level of detail will not prevent the lead agency from making an impartial decision as to whether to accept another alternative which is being considered in the environmental review.

“(5) EMPLOYMENT ANALYSIS.—The evaluation of each alternative in an environmental impact statement or an environmental assessment shall identify the potential effects of the alternative on employment, including potential short-term and long-term employment increases and reductions and shifts in employment.

“(h) COORDINATION AND SCHEDULING.—

“(1) COORDINATION PLAN.—

“(A) IN GENERAL.—The lead agency shall establish and implement a plan for coordinating public and agency participation in and comment on the environmental review for a project or category of projects to facilitate the expeditious resolution of the environmental review.

“(B) SCHEDULE.—

“(i) IN GENERAL.—The lead agency shall establish as part of the coordination plan for a project, after consultation with each participating agency and, where applicable, the project sponsor, a schedule for completion of the environmental review. The schedule shall include deadlines, consistent with subsection (i), for decisions under any other Federal laws (including the issuance or denial of a permit or license) relating to the project that is covered by the schedule.

“(ii) FACTORS FOR CONSIDERATION.—In establishing the schedule, the lead agency shall consider factors such as—

“(I) the responsibilities of participating agencies under applicable laws;

“(II) resources available to the participating agencies;

“(III) overall size and complexity of the project;

“(IV) overall schedule for and cost of the project;

“(V) the sensitivity of the natural and historic resources that could be affected by the project; and

“(VI) the extent to which similar projects in geographic proximity were recently subject to environmental review or similar State procedures.

“(iii) COMPLIANCE WITH THE SCHEDULE.—

“(I) All participating agencies shall comply with the time periods established in the schedule or with any modified time periods, where the lead agency modifies the schedule pursuant to subparagraph (D).

“(II) The lead agency shall disregard and shall not respond to or include in any document prepared under NEPA, any comment or information submitted or any finding made by a participating agency that is outside of the time period established in the schedule or modification

pursuant to subparagraph (D) for that agency's comment, submission or finding.

"(III) If a participating agency fails to object in writing to a lead agency decision, finding or request for concurrence within the time period established under law or by the lead agency, the agency shall be deemed to have concurred in the decision, finding or request.

"(C) CONSISTENCY WITH OTHER TIME PERIODS.—A schedule under subparagraph (B) shall be consistent with any other relevant time periods established under Federal law.

"(D) MODIFICATION.—The lead agency may—

"(i) lengthen a schedule established under subparagraph (B) for good cause; and

"(ii) shorten a schedule only with the concurrence of the cooperating agencies.

"(E) DISSEMINATION.—A copy of a schedule under subparagraph (B), and of any modifications to the schedule, shall be—

"(i) provided within 15 days of completion or modification of such schedule to all participating agencies and to the project sponsor; and

"(ii) made available to the public.

"(F) ROLES AND RESPONSIBILITY OF LEAD AGENCY.—With respect to the environmental review for any project, the lead agency shall have authority and responsibility to take such actions as are necessary and proper, within the authority of the lead agency, to facilitate the expeditious resolution of the environmental review for the project.

"(i) DEADLINES.—The following deadlines shall apply to any project subject to review under NEPA and any decision under any Federal law relating to such project (including the issuance or denial of a permit or license or any required finding):

"(1) ENVIRONMENTAL REVIEW DEADLINES.—The lead agency shall complete the environmental review within the following deadlines:

"(A) ENVIRONMENTAL IMPACT STATEMENT PROJECTS.—For projects requiring preparation of an environmental impact statement—

"(i) the lead agency shall issue an environmental impact statement within 2 years after the earlier of the date the lead agency receives the project initiation request or a Notice of Intent to Prepare an Environmental Impact Statement is published in the Federal Register; and

"(ii) in circumstances where the lead agency has prepared an environmental assessment and determined that an environmental impact statement will be required, the lead agency shall issue the environmental impact statement within 2 years after the date of publication of the Notice of Intent to Prepare an Environmental Impact Statement in the Federal Register.

"(B) ENVIRONMENTAL ASSESSMENT PROJECTS.—For projects requiring preparation of an environmental assessment, the lead agency shall issue a finding of no significant impact or publish a Notice of Intent to Prepare an Environmental Impact Statement in the Federal Register within 1 year after the earlier of the date the lead agency receives the project initiation request, makes a decision to prepare an environmental assessment, or sends out participating agency invitations.

"(2) EXTENSIONS.—

"(A) REQUIREMENTS.—The environmental review deadlines may be extended only if—

"(i) a different deadline is established by agreement of the lead agency, the project sponsor, and all participating agencies; or

"(ii) the deadline is extended by the lead agency for good cause.

"(B) LIMITATION.—The environmental review shall not be extended by more than 1 year for a project requiring preparation of an environmental impact statement or by more than 180 days for a project requiring preparation of an environmental assessment.

"(3) ENVIRONMENTAL REVIEW COMMENTS.—

"(A) COMMENTS ON DRAFT ENVIRONMENTAL IMPACT STATEMENT.—For comments by agencies and the public on a draft environmental impact statement, the lead agency shall establish a comment period of not more than 60 days after publication in the Federal Register of notice of the date of public availability of such document, unless—

"(i) a different deadline is established by agreement of the lead agency, the project sponsor, and all participating agencies; or

"(ii) the deadline is extended by the lead agency for good cause.

"(B) OTHER COMMENTS.—For all other comment periods for agency or public comments in the environmental review process, the lead agency shall establish a comment period of no more than 30 days from availability of the materials on which comment is requested, unless—

"(i) a different deadline is established by agreement of the lead agency, the project sponsor, and all participating agencies; or

"(ii) the deadline is extended by the lead agency for good cause.

"(4) DEADLINES FOR DECISIONS UNDER OTHER LAWS.—Notwithstanding any other provision of law, in any case in which a decision under any other Federal law relating to the undertaking of a project being reviewed under NEPA (including the issuance or denial of a permit or license) is required to be made, the following deadlines shall apply:

"(A) DECISIONS PRIOR TO RECORD OF DECISION OR FINDING OF NO SIGNIFICANT IMPACT.—If a Federal agency is required to approve, or otherwise to act upon, a permit, license, or other similar application for approval related to a project prior to the record of decision or finding of no significant impact, such Federal agency shall approve or otherwise act not later than the end of a 90 day period beginning—

"(i) after all other relevant agency review related to the project is complete; and

"(ii) after the lead agency publishes a notice of the availability of the final environmental impact statement or issuance of other final environmental documents, or no later than such other date that is otherwise required by law, whichever event occurs first.

"(B) OTHER DECISIONS.—With regard to any approval or other action related to a project by a Federal agency that is not subject to subparagraph (A), each Federal agency shall approve or otherwise act not later than the end of a period of 180 days beginning—

"(i) after all other relevant agency review related to the project is complete; and

"(ii) after the lead agency issues the record of decision or finding of no significant impact, unless a different deadline is established by agreement of the Federal agency, lead agency, and the project sponsor, where applicable, or the deadline is extended by the Federal agency for good cause, provided that such extension shall not extend beyond a period that is 1 year after the lead agency issues the record of decision or finding of no significant impact.

"(C) FAILURE TO ACT.—In the event that any Federal agency fails to approve, or otherwise to act upon, a permit, license, or other similar application for approval related to a project within the applicable deadline described in subparagraph (A) or (B), the permit, license, or other similar application shall be deemed approved by such agency and the agency shall take action in accordance with such approval within 30 days of the applicable deadline described in subparagraph (A) or (B).

"(D) FINAL AGENCY ACTION.—Any approval under subparagraph (C) is deemed to be final agency action, and may not be reversed by any agency. In any action under chapter 7 seeking review of such a final agency action, the court may not set aside such agency action by reason

of that agency action having occurred under this paragraph.

"(j) ISSUE IDENTIFICATION AND RESOLUTION.—

"(1) COOPERATION.—The lead agency and the participating agencies shall work cooperatively in accordance with this section to identify and resolve issues that could delay completion of the environmental review or could result in denial of any approvals required for the project under applicable laws.

"(2) LEAD AGENCY RESPONSIBILITIES.—The lead agency shall make information available to the participating agencies as early as practicable in the environmental review regarding the environmental, historic, and socioeconomic resources located within the project area and the general locations of the alternatives under consideration. Such information may be based on existing data sources, including geographic information systems mapping.

"(3) PARTICIPATING AGENCY RESPONSIBILITIES.—Based on information received from the lead agency, participating agencies shall identify, as early as practicable, any issues of concern regarding the project's potential environmental, historic, or socioeconomic impacts. In this paragraph, issues of concern include any issues that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the project.

"(4) ISSUE RESOLUTION.—

"(A) MEETING OF PARTICIPATING AGENCIES.—

At any time upon request of a project sponsor, the lead agency shall promptly convene a meeting with the relevant participating agencies and the project sponsor, to resolve issues that could delay completion of the environmental review or could result in denial of any approvals required for the project under applicable laws.

"(B) NOTICE THAT RESOLUTION CANNOT BE ACHIEVED.—If a resolution cannot be achieved within 30 days following such a meeting and a determination by the lead agency that all information necessary to resolve the issue has been obtained, the lead agency shall notify the heads of all participating agencies, the project sponsor, and the Council on Environmental Quality for further proceedings in accordance with section 204 of NEPA, and shall publish such notification in the Federal Register.

"(k) REPORT TO CONGRESS.—The head of each Federal agency shall report annually to Congress—

"(1) the projects for which the agency initiated preparation of an environmental impact statement or environmental assessment;

"(2) the projects for which the agency issued a record of decision or finding of no significant impact and the length of time it took the agency to complete the environmental review for each such project;

"(3) the filing of any lawsuits against the agency seeking judicial review of a permit, license, or approval issued by the agency for an action subject to NEPA, including the date the complaint was filed, the court in which the complaint was filed, and a summary of the claims for which judicial review was sought; and

"(4) the resolution of any lawsuits against the agency that sought judicial review of a permit, license, or approval issued by the agency for an action subject to NEPA.

"(l) LIMITATIONS ON CLAIMS.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, a claim arising under Federal law seeking judicial review of a permit, license, or approval issued by a Federal agency for an action subject to NEPA shall be barred unless—

"(A) in the case of a claim pertaining to a project for which an environmental review was conducted and an opportunity for comment was provided, the claim is filed by a party that submitted a comment during the environmental review on the issue on which the party seeks judicial review, and such comment was sufficiently

detailed to put the lead agency on notice of the issue upon which the party seeks judicial review; and

“(B) filed within 180 days after publication of a notice in the Federal Register announcing that the permit, license, or approval is final pursuant to the law under which the agency action is taken, unless a shorter time is specified in the Federal law pursuant to which judicial review is allowed.

“(2) NEW INFORMATION.—The preparation of a supplemental environmental impact statement, when required, is deemed a separate final agency action and the deadline for filing a claim for judicial review of such action shall be 180 days after the date of publication of a notice in the Federal Register announcing the record of decision for such action. Any claim challenging agency action on the basis of information in a supplemental environmental impact statement shall be limited to challenges on the basis of that information.

“(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to create a right to judicial review or place any limit on filing a claim that a person has violated the terms of a permit, license, or approval.

“(m) CATEGORIES OF PROJECTS.—The authorities granted under this subchapter may be exercised for an individual project or a category of projects.

“(n) EFFECTIVE DATE.—The requirements of this subchapter shall apply only to environmental reviews and environmental decision-making processes initiated after the date of enactment of this subchapter.

“(o) APPLICABILITY.—Except as provided in subsection (p), this subchapter applies, according to the provisions thereof, to all projects for which a Federal agency is required to undertake an environmental review or make a decision under an environmental law for a project for which a Federal agency is undertaking an environmental review.

“(p) SAVINGS CLAUSE.—Nothing in this section shall be construed to supersede, amend, or modify sections 134, 135, 139, 325, 326, and 327 of title 23, United States Code, sections 5303 and 5304 of title 49, United States Code, or subtitle C of title I of division A of the Moving Ahead for Progress in the 21st Century Act and the amendments made by such subtitle (Public Law 112-141).”

(b) TECHNICAL AMENDMENT.—The table of sections for chapter 5 of title 5, United States Code, is amended by inserting after the item relating to subchapter II the following:

“SUBCHAPTER IIA—INTERAGENCY COORDINATION REGARDING PERMITTING

“560. Coordination of agency administrative operations for efficient decisionmaking.”.

(c) REGULATIONS.—

(1) COUNCIL ON ENVIRONMENTAL QUALITY.—Not later than 180 days after the date of enactment of this title, the Council on Environmental Quality shall amend the regulations contained in part 1500 of title 40, Code of Federal Regulations, to implement the provisions of this title and the amendments made by this title, and shall by rule designate States with laws and procedures that satisfy the criteria under section 560(d)(2)(A) of title 5, United States Code.

(2) FEDERAL AGENCIES.—Not later than 120 days after the date that the Council on Environmental Quality amends the regulations contained in part 1500 of title 40, Code of Federal Regulations, to implement the provisions of this title and the amendments made by this title, each Federal agency with regulations implementing the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall amend such regulations to implement the provisions of this subchapter.

**TITLE VI—SECURITIES AND EXCHANGE COMMISSION REGULATORY ACCOUNTABILITY**

**SEC. 601. SHORT TITLE.**

This title may be cited as the “SEC Regulatory Accountability Act”.

**SEC. 602. CONSIDERATION BY THE SECURITIES AND EXCHANGE COMMISSION OF THE COSTS AND BENEFITS OF ITS REGULATIONS AND CERTAIN OTHER AGENCY ACTIONS.**

Section 23 of the Securities Exchange Act of 1934 (15 U.S.C. 78w) is amended by adding at the end the following:

“(e) CONSIDERATION OF COSTS AND BENEFITS.—

“(1) IN GENERAL.—Before issuing a regulation under the securities laws, as defined in section 3(a), the Commission shall—

“(A) clearly identify the nature and source of the problem that the proposed regulation is designed to address, as well as assess the significance of that problem, to enable assessment of whether any new regulation is warranted;

“(B) utilize the Chief Economist to assess the costs and benefits, both qualitative and quantitative, of the intended regulation and propose or adopt a regulation only on a reasoned determination that the benefits of the intended regulation justify the costs of the regulation;

“(C) identify and assess available alternatives to the regulation that were considered, including modification of an existing regulation, together with an explanation of why the regulation meets the regulatory objectives more effectively than the alternatives; and

“(D) ensure that any regulation is accessible, consistent, written in plain language, and easy to understand and shall measure, and seek to improve, the actual results of regulatory requirements.

“(2) CONSIDERATIONS AND ACTIONS.—

“(A) REQUIRED ACTIONS.—In deciding whether and how to regulate, the Commission shall assess the costs and benefits of available regulatory alternatives, including the alternative of not regulating, and choose the approach that maximizes net benefits. Specifically, the Commission shall—

“(i) consistent with the requirements of section 3(f) (15 U.S.C. 78c(f)), section 2(b) of the Securities Act of 1933 (15 U.S.C. 77b(b)), section 202(c) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-2(c)), and section 2(c) of the Investment Company Act of 1940 (15 U.S.C. 80a-2(c)), consider whether the rulemaking will promote efficiency, competition, and capital formation;

“(ii) evaluate whether, consistent with obtaining regulatory objectives, the regulation is tailored to impose the least burden on society, including market participants, individuals, businesses of differing sizes, and other entities (including State and local governmental entities), taking into account, to the extent practicable, the cumulative costs of regulations; and

“(iii) evaluate whether the regulation is inconsistent, incompatible, or duplicative of other Federal regulations.

“(B) ADDITIONAL CONSIDERATIONS.—In addition, in making a reasoned determination of the costs and benefits of a potential regulation, the Commission shall, to the extent that each is relevant to the particular proposed regulation, take into consideration the impact of the regulation on—

“(i) investor choice;

“(ii) market liquidity in the securities markets; and

“(iii) small businesses

“(3) EXPLANATION AND COMMENTS.—The Commission shall explain in its final rule the nature of comments that it received, including those from the industry or consumer groups concerning the potential costs or benefits of the pro-

posed rule or proposed rule change, and shall provide a response to those comments in its final rule, including an explanation of any changes that were made in response to those comments and the reasons that the Commission did not incorporate those industry group concerns related to the potential costs or benefits in the final rule.

“(4) REVIEW OF EXISTING REGULATIONS.—Not later than 1 year after the date of enactment of the SEC Regulatory Accountability Act, and every 5 years thereafter, the Commission shall review its regulations to determine whether any such regulations are outmoded, ineffective, insufficient, or excessively burdensome, and shall modify, streamline, expand, or repeal them in accordance with such review.

“(5) POST-ADOPTION IMPACT ASSESSMENT.—

“(A) IN GENERAL.—Whenever the Commission adopts or amends a regulation designated as a ‘major rule’ within the meaning of section 804(2) of title 5, United States Code, it shall state, in its adopting release, the following:

“(i) The purposes and intended consequences of the regulation.

“(ii) Appropriate post-implementation quantitative and qualitative metrics to measure the economic impact of the regulation and to measure the extent to which the regulation has accomplished the stated purposes.

“(iii) The assessment plan that will be used, consistent with the requirements of subparagraph (B) and under the supervision of the Chief Economist of the Commission, to assess whether the regulation has achieved the stated purposes.

“(iv) Any unintended or negative consequences that the Commission foresees may result from the regulation.

“(B) REQUIREMENTS OF ASSESSMENT PLAN AND REPORT.—

“(i) REQUIREMENTS OF PLAN.—The assessment plan required under this paragraph shall consider the costs, benefits, and intended and unintended consequences of the regulation. The plan shall specify the data to be collected, the methods for collection and analysis of the data and a date for completion of the assessment.

“(ii) SUBMISSION AND PUBLICATION OF REPORT.—The Chief Economist shall submit the completed assessment report to the Commission no later than 2 years after the publication of the adopting release, unless the Commission, at the request of the Chief Economist, has published at least 90 days before such date a notice in the Federal Register extending the date and providing specific reasons why an extension is necessary. Within 7 days after submission to the Commission of the final assessment report, it shall be published in the Federal Register for notice and comment. Any material modification of the plan, as necessary to assess unforeseen aspects or consequences of the regulation, shall be promptly published in the Federal Register for notice and comment.

“(iii) DATA COLLECTION NOT SUBJECT TO NOTICE AND COMMENT REQUIREMENTS.—If the Commission has published its assessment plan for notice and comment, specifying the data to be collected and method of collection, at least 30 days prior to adoption of a final regulation or amendment, such collection of data shall not be subject to the notice and comment requirements in section 3506(c) of title 44, United States Code (commonly referred to as the Paperwork Reduction Act). Any material modifications of the plan that require collection of data not previously published for notice and comment shall also be exempt from such requirements if the Commission has published notice for comment in the Federal Register of the additional data to be collected, at least 30 days prior to initiation of data collection.

“(iv) FINAL ACTION.—Not later than 180 days after publication of the assessment report in the

Federal Register, the Commission shall issue for notice and comment a proposal to amend or rescind the regulation, or publish a notice that the Commission has determined that no action will be taken on the regulation. Such a notice will be deemed a final agency action.

“(6) COVERED REGULATIONS AND OTHER AGENCY ACTIONS.—Solely as used in this subsection, the term ‘regulation’—

“(A) means an agency statement of general applicability and future effect that is designed to implement, interpret, or prescribe law or policy or to describe the procedure or practice requirements of an agency, including rules, orders of general applicability, interpretive releases, and other statements of general applicability that the agency intends to have the force and effect of law; and

“(B) does not include—

“(i) a regulation issued in accordance with the formal rulemaking provisions of section 556 or 557 of title 5, United States Code;

“(ii) a regulation that is limited to agency organization, management, or personnel matters;

“(iii) a regulation promulgated pursuant to statutory authority that expressly prohibits compliance with this provision; and

“(iv) a regulation that is certified by the agency to be an emergency action, if such certification is published in the Federal Register.”.

#### SEC. 603. SENSE OF CONGRESS RELATING TO OTHER REGULATORY ENTITIES

It is the sense of the Congress that other regulatory entities, including the Public Company Accounting Oversight Board, the Municipal Securities Rulemaking Board, and any national securities association registered under section 15A of the Securities Exchange Act of 1934 (15 U.S.C. 78o-3) should also follow the requirements of section 23(e) of such Act, as added by this title.

#### TITLE VII—CONSIDERATION BY COMMODITY FUTURES TRADING COMMISSION OF CERTAIN COSTS AND BENEFITS

##### SEC. 701. CONSIDERATION BY THE COMMODITY FUTURES TRADING COMMISSION OF THE COSTS AND BENEFITS OF ITS REGULATIONS AND ORDERS.

Section 15(a) of the Commodity Exchange Act (7 U.S.C. 19(a)) is amended by striking paragraphs (1) and (2) and inserting the following:

“(1) IN GENERAL.—Before promulgating a regulation under this Act or issuing an order (except as provided in paragraph (3)), the Commission, through the Office of the Chief Economist, shall assess the costs and benefits, both qualitative and quantitative, of the intended regulation and propose or adopt a regulation only on a reasoned determination that the benefits of the intended regulation justify the costs of the intended regulation (recognizing that some benefits and costs are difficult to quantify). It must measure, and seek to improve, the actual results of regulatory requirements.

“(2) CONSIDERATIONS.—In making a reasoned determination of the costs and the benefits, the Commission shall evaluate—

“(A) considerations of protection of market participants and the public;

“(B) considerations of the efficiency, competitiveness, and financial integrity of futures and swaps markets;

“(C) considerations of the impact on market liquidity in the futures and swaps markets;

“(D) considerations of price discovery;

“(E) considerations of sound risk management practices;

“(F) available alternatives to direct regulation;

“(G) the degree and nature of the risks posed by various activities within the scope of its jurisdiction;

“(H) whether, consistent with obtaining regulatory objectives, the regulation is tailored to

impose the least burden on society, including market participants, individuals, businesses of differing sizes, and other entities (including small communities and governmental entities), taking into account, to the extent practicable, the cumulative costs of regulations;

“(I) whether the regulation is inconsistent, incompatible, or duplicative of other Federal regulations;

“(J) whether, in choosing among alternative regulatory approaches, those approaches maximize net benefits (including potential economic, environmental, and other benefits, distributive impacts, and equity); and

“(K) other public interest considerations.”.

The Acting CHAIR. No further amendment to the bill, as amended, shall be in order except those printed in part B of House Report 112-616. Each such further amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

##### AMENDMENT NO. 1 OFFERED BY MR. HASTINGS OF FLORIDA

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in part B of House Report 112-616.

Mr. HASTINGS of Florida. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 3, line 18, strike “or (d)” and insert the following: “(d), or (e)”.

Page 5, insert after line 7 the following:

(e) SIGNIFICANT REGULATORY ACTIONS ENSURING SAFE DRINKING WATER.—The moratorium in section 102(a) shall not apply to any significant regulatory action that is intended to ensure that drinking water is safe to drink.

Page 10, insert after line 13 the following and redesignate provisions accordingly:

(c) SAFE DRINKING WATER EXCEPTION.—Section 202 shall not apply to a midnight rule that is intended to ensure that drinking water is safe to drink.

Page 20, insert after line 12 the following:

##### SEC. 305. EXCEPTION FOR SAFE DRINKING WATER.

The provisions of this title do not apply to any consent decree or settlement agreement pertaining to a regulatory action that is intended to ensure that drinking water is safe to drink.

The Acting CHAIR. Pursuant to House Resolution 738, the gentleman from Florida (Mr. HASTINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. HASTINGS of Florida. Mr. Chairman, I am pleased to introduce this amendment to help ensure clean drinking water. This measure amends H.R. 4078, the Regulatory Freeze for Jobs Act, by exempting from the moratorium regulations that ensure drinking water is safe.

Safe drinking water is essential to public health. There is a long and terrible history of polluters dumping all manner of toxins into rivers, streams, and other sources of drinking water. Aside from the environmental destruction, it costs an enormous amount to effectively clean such sources once they have been polluted. It costs even more to provide the necessary medical care for persons made sick by exposure to polluted water.

We cannot afford to weaken or delay critical agency actions designed to ensure the continued enforcement and regulation of clean water rules.

□ 1730

This is not about creating jobs. Polluting water doesn't create more jobs, but it does negatively impact public health. We must remain vigilant in protecting our water supplies, and I urge my colleagues to vote in favor of this amendment.

I reserve the balance of my time.

Mr. GRIFFIN of Arkansas. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. GRIFFIN of Arkansas. I oppose this amendment because it is unnecessary and weakens the important reforms made by the bill. This administration has been issuing a torrent of the most expensive regulations, each of which cost the economy over \$100 million. According to a study by The Heritage Foundation, President Obama already has adopted 106 regulations that add \$46 billion in annual regulatory costs to the private sector, and nearly \$11 billion in one-time implementation cost.

By contrast, in his first 3 years in office, President Bush adopted 28 major regulations costing the private sector \$8 billion annually.

The bill is designed only to prevent unnecessary regulations. Titles I and II have reasonable exceptions for the President to allow regulations necessary because of an “imminent threat to health or safety or other emergency.” And the congressional waiver provision of title I allows the President to authorize regulations during the moratorium period with the permission of Congress. Regulations that the President wants enacted simply have to go through Congress. Balance of power.

Title III prevents agencies from using litigation with special interest groups to force more regulations on the economy without sufficient transparency, public participation, and judicial scrutiny. For too long, agencies have used consent decrees and settlement agreements as cover to promulgate regulations with less time for review of cost and benefits, alternatives, and public comment. This is yet another way that agencies impose unnecessary and ill-

considered regulations on the public. It should be stopped.

For these reasons, I oppose the amendment, and I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Chairman, I yield myself the balance of my time in light of the fact that I don't think anyone else is going to speak on this amendment.

I clearly understand my colleague's position as set forth. One thing I cannot abide and offer by way of constructive criticism is the fact that all over this Nation too often we find that polluters cause our streams, rivers, and waters to be damaged. I'm a fifth-generation Floridian, and I heard the gentleman in the Rules Committee and on the floor today speaking pridefully, and rightfully, about his children. I've seen the damage in Florida, and I have seen much of the damage that has been done around the Nation. While it is true that the legislation as offered would allow for the President to come to Congress for approval, by the time Congress gets through doing anything, the pollution that we are trying to avoid may very well have overtaken us.

We have a very fragile ecosystem in our country and, as it pertains to water, it would just be absurd for us not to be able to address it immediately.

I'm pleased to yield such time as he will consume to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. I thank the author of this amendment because it highlights the dangers of this bill. And surely if there is anything that we prioritize in our whole ecosystem is the value and importance of clean water over profits, and I am astounded that anyone would oppose the amendment, frankly.

Mr. HASTINGS of Florida. With that, Mr. Chairman, I yield back the balance of my time.

Mr. GRIFFIN of Arkansas. Mr. Chairman, I yield myself such time as I may consume.

I would just like to make it clear, again, that any regulations that are needed, that the gentleman from Florida feels are needed, that the President feels are needed, those can be enacted under this law. It simply requires Congress to play a role. I have no doubt that the President opposes this bill. I understand that he doesn't want to share his regulatory power with this body. I'm sure a lot of Presidents might feel that way. But it is all about separation of powers and sharing power and allowing this body to have a say.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. HASTINGS).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. HASTINGS of Florida. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. JOHNSON OF GEORGIA

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in part B of House Report 112-616.

Mr. JOHNSON of Georgia. Mr. Chairman, I rise as the designee of Congressman CONYERS on this amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 3, line 18, strike "or (d)" and insert the following: "(d), or (e)".

Page 5, insert after line 7 the following:

(e) EXCEPTION FOR REGULATORY ACTIONS PERTAINING TO PRIVACY.—An agency may take a significant regulatory action if the significant regulatory action pertains to privacy.

Page 10, insert after line 13 the following and redesignate provisions accordingly:

(c) PRIVACY EXCEPTION.—Section 202 shall not apply to a midnight rule if the midnight rule pertains to privacy.

Page 19, insert after line 25 the following:

(d) EXCEPTION.—This section shall not apply in the case of any consent decree or settlement agreement in an action to compel agency action pertaining to privacy.

The Acting CHAIR. Pursuant to House Resolution 738, the gentleman from Georgia (Mr. JOHNSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. JOHNSON of Georgia. Mr. Chairman, my amendment would amend the bill's definition of "significant regulatory action" to exclude any regulation or guidance that is intended to protect the privacy of Americans.

With the increasing opportunities for governmental and private organizations to obtain, maintain, and disseminate sensitive, private information on citizens, it is critical that we not prevent or delay the implementation of government regulations designed to protect the privacy of this information for several reasons.

First, the government routinely collects almost every type of personal information about individuals and stores it in its databases. It may maintain this information for stated periods of time or permanently, and the government may share it with State agencies under certain circumstances.

The concern, Mr. Chairman, is that such information has itself become a commodity with financial value, subject to abuse by those who seek to sell it for financial gain or for criminal purposes, such as identity theft.

Unfortunately, several Federal agencies, such as the Veterans Administration, have lost the personal information of millions of Americans. For example, in 2006, the personal information for more than 26 million veterans

and 2.2 million current military servicemembers was stolen from a Department of Veterans Affairs employee's home after he had taken the data home without authorization.

Second, thanks to the largely unfettered use of Social Security numbers and the availability of other personally identifiable information through technological advances, data security breaches appear to be occurring with greater frequency, in government and the private sector. In both of those arenas, we see these data breaches occurring. In turn, identity theft has swiftly evolved into one of the most prolific crimes in the United States. Unregulated, those who have it would seek to sell it and abuse it. And there are businesses which exist for the purpose of collecting as much personal information as possible about individuals so that they can put together profiles that they can then sell.

Finally, the protection of Americans' privacy is not a Democratic or Republican issue. Indeed, it is one of the few that those on opposite ends of the political spectrum have long embraced.

□ 1740

Who can dispute the need to protect the privacy of patients' health information? The Department of Health and Human Services has been tasked by Congress to implement new regulations to give patients more control over their own health records. In addition, HHS is proposing new rules to protect Americans from discrimination based on their genetic information. Yet, H.R. 4078 would stop these regulations from going into effect because the bill has only limited exceptions that would be generally inapplicable to privacy protection regulations.

Likewise, the bill's waiver provisions are generally unworkable. My amendment corrects this shortcoming by including in the bill an exception for regulations that protect the privacy of Americans.

I reserve the balance of my time.

Mr. GRIFFIN of Arkansas. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. GRIFFIN of Arkansas. I yield 2 minutes to the gentlewoman from California (Mrs. BONO MACK).

Mrs. BONO MACK. I thank the gentleman for yielding.

I rise in strong opposition to this amendment offered relating to privacy regulations, midnight privacy rules, and consent decrees. At a time when many of us are fighting attempts by the United Nations to regulate the Internet, lo and behold, some in Congress would have us do the exact opposite. The Conyers amendment would open the door for new, burdensome, and potentially job-killing regulations on the Internet. We don't need the United

States stifling Internet freedom any more than Russia, China, or India.

As chairman of the subcommittee with primary jurisdiction over this issue, I've convened multiple hearings on online privacy and had countless conversations with stakeholders. And there is one thing that absolutely everyone agrees on: don't mess up a great thing.

E-commerce continues to flourish, creating jobs for millions of Americans and providing a tremendous boost to an otherwise stagnant economy. This amendment could put all of that success in jeopardy, stifling future innovation and growth.

I'd like to remind my colleagues that an agency could still promulgate rules on privacy so long as they are not considered "significant" as defined in the bill. But what we don't need is a system where dueling bureaucrats, the FTC and the FCC, impose conflicting and confusing rules for consumers.

While the amendment sounds as if it is narrowly tailored to exempt privacy regulations from the interim prohibitions on new regulations and midnight rules, the term "privacy" is nonetheless undefined. That's the very definition of "loophole" and opens the back door to government intervention and regulation.

Soon, the House will consider my legislation telling the United Nations, Russia, China and others to keep their hands off the Internet. Today, let's tell the United States that very same thing.

Mr. JOHNSON of Georgia. Mr. Chairman, this amendment is not designed to pave the way for any specific regulation. It is intended generally to prevent the delay in issuing regulations that will protect the privacy of our citizens. Privacy considerations should be at the forefront of our concerns, not treated as secondary inconvenience. Whether or not a specific issue is one ripe for regulation is properly considered as part of the regulatory process, which carefully considers all interests.

To delay privacy regulations, as this bill would do, is to short-circuit the appropriately careful issuance of regulations needed to keep the personal behavior and personal information of our citizens safe from unwanted surveillance or exploitation.

I yield back the balance of my time.

Mr. GRIFFIN of Arkansas. Mr. Chairman, I yield myself the balance of my time.

The Acting CHAIR. The gentleman is recognized for 3 minutes.

Mr. GRIFFIN of Arkansas. I oppose this amendment, Mr. Chairman, because it is unnecessary. Titles I and II of the bill, the regulatory freeze and midnight rules titles, apply only to those regulations that are most costly to the economy, costing \$100 million or more. Unfortunately, these are the kinds of rules that the Obama adminis-

tration is issuing at a much faster rate than the previous administration.

Under President Bush, the Office of Information and Regulatory Affairs' bi-annual regulatory agenda on average reported 77 economically significant regulations in the proposed and final stages of the rulemaking process. By comparison, President Obama's bi-annual average is 124.

I would also note that President Obama's Office of Information and Regulatory Affairs has not yet issued the spring 2012 regulatory agenda, although judging by the weather alone, I would say that spring is well behind us.

This can only add to the regulatory uncertainty that discourages job creation. It is no wonder, then, that a Gallup Poll found that small businessowners cite complying with government regulations as their most important problem. The Federal Government needs to slow down on issuing the most costly regulations until the economy has a chance to recover or until this body approves regulations forwarded to it. Even if a regulation related to privacy met the \$100 million threshold for titles I and II, I am confident that the bill's reasonable waiver procedures would allow any necessary privacy regulation to move forward. There is no reason that regulations related to privacy should be exempt from the reforms to consent decree abuse contained in title III. For these reasons, I oppose this amendment and yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. JOHNSON).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. JOHNSON of Georgia. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. KUCINICH

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in part B of House Report 112-616.

Mr. KUCINICH. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 3, line 18, strike "or (d)" and insert "(d), or (e)".

Page 5, after line 7, insert the following new subsection:

(e) EXCEPTION FOR LIMITING OIL SPECULATION.—The prohibition in section 102(a) shall not apply to any significant regulatory action specifically aimed at limiting oil speculation.

The Acting CHAIR. Pursuant to House Resolution 738, the gentleman from Ohio (Mr. KUCINICH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. KUCINICH. Mr. Chairman, I offer a sensible amendment to improve this bill.

My amendment exempts from the moratorium any significant regulatory action that is specifically aimed at limiting speculation in the oil markets. Now, think of a gas pump this way: if you look at a gas pump, it's got that nozzle like that—it is actually a holdup device. Every time our constituents pull up to the pump and say "fill it up," the oil companies are saying "stick 'em up." That's what's happening.

So, do we really want to tell these speculators in oil markets that we don't have any interest in stopping their speculation? Do we really want this bill to do that? Because if we do that, what we are, in effect, causing is, we're giving the oil companies carte blanche to steal from our constituents. I am sure my friends on the other side of the aisle don't want that to happen, which is why I brought this amendment forward to help you.

Today, financial speculators have overwhelmed commodity markets and have driven out bona fide market participants who seek to reduce the risk of their investment by making offsetting investments. Excessive speculation in oil markets has come about as a result of the financialization of commodity markets. Financialization means that the prices of a commodity like oil are being set not by supply and demand but by financial concerns and by manipulation. Financialization has increased volatility, increased prices in the futures market and needlessly inflated the price all of our constituents pay at the pump—stick 'em up—and pay for products like heating oil.

Now, let's not forget that the financial crisis of 2008 was caused, in part, by commodity swaps, most of which are oil swaps. In July of 2008, traders pushed the price of a barrel of oil to a record \$145. The wild price fluctuation was not caused simply by changes in supply or demand or by events in the Middle East. There was a worldwide recession in 2008. Weak economies usually mean weaker demand for oil. But thanks to Wall Street, that's not the case. They find a way to make a profit at the expense of consumers and businesses.

For decades, bona fide commercial hedgers made up about 70 percent of the commodities market activity, with speculators making up the other 30 percent. Now the speculators make up about 70 percent of the activity, and commercial hedgers are 30 percent.

□ 1750

Do we really want to provide an opportunity for these speculators to cause our constituents to have to stick 'em up again?



Mr. CONYERS. Will the gentleman yield?

Mr. KUCINICH. Mr. Chairman, could I ask how much time I have remaining?

The Acting CHAIR. The gentleman has 2 minutes and 45 seconds remaining.

Mr. KUCINICH. Okay. I will yield 45 seconds to my friend.

Mr. CONYERS. I may not need that much time.

But this is the most important provision in this bill—if we can persuade our colleagues to accept it—because we've all been victims of this rising gas price and then they miraculously come down a little bit, and then they start going back up again and then they come down.

I congratulate the gentleman from Ohio (Mr. KUCINICH) for introducing the amendment, and I'm proud, along with him, to support consumers across this country.

I thank the gentleman.

Mr. KUCINICH. I thank the gentleman. How much more time would you like? I thank you sincerely.

The New England Fuel Institute published a list of 100 studies—100 studies, my friends—showing the impact of commodity speculation. This is entitled, "Evidence on the Negative Impact of Commodity Speculation by Academics, Analysts and Public Institutions." These studies show the harms of unchecked financial speculation on all commodity markets, not just oil. And though my amendment is focused on retaining the power of our regulatory agencies to address oil speculation, the fact is that excessive speculation hampers the proper function of all derivative markets, not just energy markets.

Today, the average price of gas in America is about \$3.50 a gallon—higher than it ought to be—and that's because of excessive speculation.

[June 14, 2012]

#### EVIDENCE ON THE NEGATIVE IMPACT OF COMMODITY SPECULATION BY ACADEMICS, ANALYSTS AND PUBLIC INSTITUTIONS

(Compiled by Markus Henn)

1) Adämmer, Philipp/Bohl, Martin T./Stephan, Patrick M. (University of Munster) (2011): Speculative Bubbles in Agricultural Prices: "The empirical evidence is favorable for speculative bubbles in the corn and wheat price over the last decade."

2) Agriculture and food policy centre (Texas University) (2008): The effects of ethanol on Texas food and feed: "Speculative fund activities in futures markets have led to more money in the markets and more volatility. Increased price volatility has encouraged wider trading limits. The end result has been the loss of the ability to use futures markets for price risk management due to the inability to finance margin requirements."

3) Algieri, Bernardina (Zentrum für Entwicklungsforschung Bonn) (2012): Price Volatility, Speculation and Excessive Speculation in Commodity Markets: Sheep or Shepherd Behaviour? "... this study shows that excessive speculation drives price vola-

tility, and that often bilateral relationships exist between price volatility and speculation. (...) excessive speculation has driven price volatility for maize, rice, soybeans, and wheat in particular time frames, but the relationships are not always overlapping for all the considered commodities."

4) Aliber, Robert Z. (University of Chicago) (2008): Oil Rally Topped Dot-Com Craze in Speculators' Mania (Bloomberg article): "You've got speculation in a lot of commodities and that seems to be driving up the price. (...) Movements are dominated by momentum players who predict price changes from Wednesday to Friday on the basis of the price change from Monday to Wednesday."

5) Baffes, John (The World Bank)/Haniotis, Tassos (European Commission) (2010): Placing the 2006/08 Commodities Boom into Perspective. World Bank Research Working Paper 5371: "We conjecture that index fund activity (one type of "speculative" activity among the many that the literature refers to) played a key role during the 2008 price spike. Biofuels played some role too, but much less than initially thought. And we find no evidence that alleged stronger demand by emerging economies had any effect on world prices."

6) Bass, Hans H. (Univ. Bremen) (2011): Finanzmärkte als Hungerverursacher? Studie für Welthungerhilfe e.V.: "Das Engagement der Kapitalanleger auf den Getreidemärkten führte nach unseren Berechnungen in den Jahren 2007 bis 2009 im Jahresdurchschnitt zu einem Spielraum für Preisniveauerhöhungen von bis zu 15 Prozent."

7) Basu, Parantap/Gavin, William T. (Federal Reserve Bank of St. Louis) (2011): What explains the Growth in Commodity Derivatives? "Banks argue that they need to use commodity derivatives to help customers manage risks. This may be true, but the recent experience in commodity futures did not reduce risks but exacerbated them just at the wrong time."

8) Berg, Ann (former CME trader and director, now FAO advisor) (2010): Agricultural Futures: Strengthening market signals for global price discover. Paper to the FAO's Committee on Commodity Problems Extraordinary meeting: "... over 150 years of futures trading history demonstrates that position limits are necessary in commodities of finite supply to curb excessive speculation and hoarding."

9) Berg, Ann (former CME trader and director, now FAO advisor) (2011): The rise of commodity speculation: from villainous to venerable: "Structural changes in global commodity markets have greatly contributed to rising prices and increased price variability. These fundamental trends toward higher prices have been a key lure for increased speculative activity on the major futures exchanges."

10) Bicchetti, David/Maystre, Nicolas (2012) (UNCTAD): The synchronized and long-lasting structural change on commodity markets: evidence from high frequency data: "we document a synchronized structural break, characterized by a departure from zero, which starts in the course of 2008 and continues thereafter. This is consistent with the idea that recent financial innovations on commodity futures exchanges, in particular the high frequency trading activities and algorithm strategies have an impact on these correlations."

11) Büyüksahin, Bahattin (IEA)/Robe, Michel A. (American University) (2010): Speculators, Commodities and Cross-Market

Linkages: "We then show that the correlations between the returns on investable commodity and equity indices increase amid greater participation by speculators generally and hedge funds especially."

12) Chevalier, Jean-Marie (ed.) (Ministère de l'Economie, de l'Industrie et de l'Emploi) (2010): RaDDort du groupe de travail sur la volatilité des prix du pétrole: "On peut raisonnablement avancer en conclusion que le jeu de certains acteurs financiers a pu amplifier les mouvements à la hausse ou à la baisse des cours, augmentant à volatilité naturelle des prix du pétrole..."

13) Cooke, Bryce/Robles, Miguel (IFPRI) (2009): Recent Food Prices Movements. A Time Series Analysis: "Overall, our empirical analysis mainly provides evidence that financial activity in futures markets and proxies for speculation can help explain the observed change in food prices; any other explanation is not well supported by our time series analysis."

14) Cooper, Marc (Consumer Federation of America) (2011): Excessive Speculation and Oil Price Shock Recessions: A Case of Wall Street "Déjà vu all over again": "the paper shows that excessive speculation, not market fundamentals caused the spike in oil prices. The movement of trading and prices in the three years since the speculative bubble in oil burst in 2008 provides even stronger evidence that excessive speculation is a major problem that afflicts the oil market and the economy."

15) Deutsche Bank Research (2009): Do speculators drive crude oil prices? Dispersion in beliefs as price determinants. Research Notes 32: "The econometric estimates can reject the null hypotheses that the dispersion in beliefs of speculators has no influence on the crude oil price and its volatility. Both the Granger causality tests and the distributed lag models, which also include lagged regressors that measure the dispersion in beliefs of speculators, confirm moreover the role of speculation as a precursor to price movements."

16) Dicker, Dan (former NYMEX trader) (2011): "I wrote Oil's Endless Bid to show how the treatment of oil as a stock by investors, far more than any number of globally significant competing factors, causes the dramatically higher prices that we've seen in recent years. I've witnessed seismic changes to the oil markets during my many years as a trader, and it's the everyday consumer who shoulders the burden."

17) Du, Xiaodong/Yu, Cindy L./Hayes, Dermott J. (Iowa State University) (2009). Speculation and Volatility Spillover in the Crude Oil and Agricultural Commodity Markets: A Bayesian.

Evidence on the Negative Impact of Commodity Speculation by Academics, Analysts and Public Institutions—14 June 2012—markus.henn@weed-online.org Analysis. Working Paper No. 09-WP 491, 2009: "Speculation, scalping, and petroleum inventories are found to be important in explaining oil price variation."

18) Eckaus, R.S. (MIT) (2008): The Oil Price Really Is A Speculative Bubble. "Since there is no reason based on current and expected supply and demand that justifies the current price of oil, what is left? The oil price is a speculative bubble."

19) Einloth, James T. (FDIC) (2009): Speculation and Recent Volatility in the Price of Oil: "The paper finds the evidence inconsistent with speculation having played a major role in the rise of price to \$100 per barrel in March 2008. However, the evidence suggests that speculation did play a role in its subsequent rise to \$140."



20) Evans, Tim (Citigroup energy analyst) (2008): *The Official Demise of the Oil Bubble* (Wall Street Article): "This is a market that is basically returning to the price level of a year ago which it arguably should never have left. (...) We pumped up a big bubble, expanded it to an impressive dimension, and now it is popped and we have bubble gum in our hair."

21) Frenk, David (Better Markets Inc.) (2010): Review of Irwin and Sanders 2010 OECD report: 1) The statistical methods applied are completely inappropriate for the data used. 2) The study is contradicted by the findings of other studies that apply more appropriate statistical methods to the same data. 3) The overall analysis is superficial and easily refuted by looking at some basic facts."

22) Frenk, David/Turbeville, Wallace C. (Better Markets Inc.) (2011): *Commodity Index Traders and the Boom/Bust Cycle in Commodities Prices*: "We find strong evidence that the CIT Roll Cycle systematically distorts forward commodities futures price curves towards a contango state, which is likely to contribute to speculative 'boom/bust' cycles by changing the incentives of producers and consumers of storable commodities, and also by sending misleading and non-fundamental, price signals to the market."

23) Gheit, Fadel/Katzenberg, Daniel (2008) (Oppenheimer & Co.): *Surviving lower oil prices*: "The investment banks that hyped oil prices using voodoo economics have suddenly reversed their position and now expect much lower oil prices. They helped cause excessive speculation, create the oil bubble, and contributed to the global financial crisis. They have changed their tune in exchange for a government bailout, not because of changes in market fundamentals."

24) Gilbert, Christopher (Trento University) (2010): *How to understand high food prices*: "By investing across the entire range of commodity futures, index-based investors appear to have inflated food commodity prices."

25) Gilbert, Christopher (Trento University) (2010): *Speculative Influences on Commodity Futures Prices*: "The results ... indicate that index-based investment in commodity futures may have been responsible for a significant and bubblelike increase of energy and non-ferrous metals prices, although the estimated impact on agricultural prices is smaller."

26) Ghosh, Jayati (Jawaharlar Nehru University) (2010): *Commodity speculation and the food crisis*: "Thus international commodity markets increasingly began to develop many of the features of financial markets, in that they became prone to information asymmetries and associated tendencies to be led by a small number of large players. Far from being 'efficient markets' in the sense hoped for by mainstream theory, they allowed for inherently 'wrong' signalling devices to become very effective in determining and manipulating market behaviour. The result was the excessive price volatility that has been displayed by important commodities over the recent period—not only the food grains and crops mentioned here, but also minerals and oil."

27) *Global Hunger Index 2011* (IFPRI, Welthungerhilfe, Concern Worldwide) (2011): "Price increases and volatility have arisen for three main reasons: increasing use of food crops for biofuels, extreme weather events and climate change, and increased volume of trading in commodity futures markets."

28) Goldman Sachs (2011): *Global Energy Weekly March 2011*: "We estimate that each million barrels of net speculative length tends to add 8–10 cents to the price of a barrel of oil."

29) Greenberger, Michael (University of Maryland) (2010): *The Relationship of Unregulated Excessive Speculation to Oil Market Price Volatility*. Paper for the International Energy Forum: "When speculators make up too large a share of the futures market, they have the potential to upset the healthy tension between consumers and producers and resulting adherence of prices to market fundamentals. The resulting volatility makes it more difficult for commercial consumers and producers to successfully hedge risk, because prices do not reflect market fundamentals, and so they abandon the futures market and risk shifting—thereby further destabilizing the price discovery influence of these markets."

30) Hamilton, James (Department of Economics, UC San Diego) (2009) *Causes and Consequences of the Oil Shock of 2007–08*: "With hindsight, it is hard to deny that the price rose too high in July 2008, and that this miscalculation was influenced in part by the flow of investment dollars into commodity futures contracts."

31) Henderson, Brian J. (George Washington University)/Pearson, Neil D./Wang, Li (2012) (University of Illinois at Urbana-Champaign): *New Evidence on the Financialization of Commodity Markets*: "This paper examines the price impact of commodity investments on the commodities futures markets using a novel dataset of Commodity-Linked Notes (CLNs). CLN issuers hedge their liabilities by taking long positions in the underlying commodity futures on the pricing dates. These hedging trades are plausibly exogenous to the contemporaneous and subsequent price movements, allowing us to identify the price impact of the hedging trades. We find that these hedging trades cause significant price changes in the underlying futures markets, and therefore provide direct evidence of the impact of 'financial' trades on commodity futures prices."

32) House of Commons Select Committee on Science & Technology of the United Kingdom (2011). "While the debate on the relative importance of the multiple factors influencing commodities prices is still open, it is clear that price movements across different commodity markets have become more closely related and that commodities markets have become more closely linked to financial markets."

33) Hunt, Simon (Simon Hunt Strategic Services) (2011): "Slowly, the truth on whether the global copper market is really tight is coming out. It illustrates just how large an involvement the financial institutions have become to the copper industry. It shows, too, that by throwing money at a market, prices can be driven higher. In the process, however, the delicate balance between supply and the industry's requirements for a basic material used to produce a range of essential products is destroyed. In short, copper is becoming a financial asset in place of its historic role as an industrial metal."

34) Inamura, Yasunari/Kimata, Tomonori/Takeshi, Kimura/Muto, Takashi (Bank of Japan) (2011): *Recent Surge in Global Commodity Prices—Impact of financialization of commodities and globally accommodative monetary conditions*. Bank of Japan Review March 2011: "While the strong increase in commodity prices has been driven by global

economic growth propelled by emerging economies, speculative investment flows into commodity markets have amplified the intensity of the price surge. (...) global commodity markets have become more sensitive to portfolio rebalancing by financial investors, which has made commodity markets more correlated with other asset markets, including major equity markets."

35) Institute for Agriculture and Trade Policy (2009): *Betting Against Food Security: Futures Market Speculation*. Trade and Global Governance Programme Paper: "A large share of the commodity exchange price volatility resides not so much in supply and demand of the commodity traded as in the fund formulas for buying and selling the bundled futures contracts."

36) International Monetary Fund (2008): *Regional Economic Outlook: Middle East and Central Asia*: "In summary, it appears that speculation has played a significant role in the run-up in oil prices as the U.S. dollar has weakened and investors have looked for a hedge in oil futures (and gold)."

37) Jalali-Naini, Ali bin Ibrahim (Economic Research Forum Cairo) (2009): *The Impact of Financial Markets on the Price of Oil and Volatility: Developments since 2007*: "Causality tests indicate that changes in speculative positions—resulting from the entry and exit of non-commercials—can generate price volatility. When used in conjunction with a number of other variables, including commercial stocks and product prices to explain variations in the price of oil, the speculative length in the futures market has a positive and significant coefficient."

38) Jickling, Mark/Austin, Andrew D. (Congressional Research Service) (2011): *Hedge Funds Speculation and Oil Prices*: "A statistically significant correlation is evident between changes in positions held by 'money managers' (a category of speculators that includes hedge funds) and the price of oil. In other words, during weeks when money managers have been net buyers of oil futures and options (or increased the size of their long positions), the price has tended to rise. Price falls, conversely, have tended to coincide with reductions in money managers' long positions."

39) Jouyet, Jean-Pierre (President de l'Autorité des marchés financiers)/de Boissieu, Christian (President du Conseil d'analyse économique)/Guillon, Serge (Contrôleur général économique et financier) (2010): *Rapport d'étape—Prévenir et gérer l'instabilité des marchés agricoles*: "Les marchés agricoles sont confrontés à une mondialisation et à une financiarisation qui influencent leur fonctionnement. La volatilité naturelle des prix qui caractérise ces marchés est amplifiée par de nouveaux facteurs et notamment par une spéculation excessive."

40) Juvenal, Luciana/Ivan, Petrella (Federal Reserve Bank of St. Louis) (2011): *Speculation in the Oil Market*: "We find that the increase in oil prices in the last decade is mainly due to the strength of global demand, consistent with previous studies. However, financial speculation significantly contributed to the oil price increase between 2004 and 2008."

41) Kaufmann, Robert (Boston University) (2010): *The role of market fundamentals and speculation in recent price changes for crude oil*: "I hypothesize that the price spike and collapse of 2007–2008 are driven by both changes in both market fundamentals and speculative pressures."

42) Kawamoto, Takuji/Kimura, Takeshi/Morishita, Kentaro/Higashi, Masato (Bank of

Japan (2011): What has caused the surge in global commodity prices and strengthened cross-market linkage?: “Moreover, we find quantitative evidence that an increase in cross-market linkage between commodity and stock markets was caused by the markets’ increased comovements due to large fluctuations in the global economy during the financial crisis as well as by the ‘financialization of commodities,’ that is, financial investors are increasingly treating commodities as an investment asset class.”

43) Kemp, John (Reuters) (2008): Crisis remakes the commodity business: “It does not alter the fact most of the upsurge in futures and options turnover on commodity exchanges and in OTC markets over the last five years has come from investment-related rather than trade-related business.”

44) Khan, Mohsin S. (Petersen Institute) (2009): The 2008 Oil Price “Bubble”: “While market fundamentals obviously played a role in the general run-up in the oil prices from 2003 on, it is fair to conclude by looking at a variety of indicators that speculation drove an oil price bubble in the first half of 2008. Absent speculative activities, the oil price would probably have been in the \$80 to \$90 a barrel range.”

45) Korzenik, Jeffrey (CIO, Caturano Wealth Management) (2009): Fundamental Misperceptions in the Speculation Debate: “‘Overspeculation’ or ‘excessive speculation’ exists when speculators become primary drivers of price. When this happens, commodities are no longer efficiently allocated—if prices are driven below the point where commercial supply and demand meet, shortages result.”

46) Krugman, Paul (Columbia University) (2009): Oil speculation: “Last year I was skeptical about claims that speculation was central to the price rise, because what I considered the essential signature of a speculative price rise . . . just wasn’t showing. This time, however, oil inventories are bulging, with huge amounts held in offshore tankers as well as in conventional storage. So this time there’s no question: speculation has been driving prices up.”

47) Lagi, Marco/Bar-Yam, Yavni/Bertrand, Karla Z./Bar-Yam, Yaneer (New England Complex Systems Institute, Cambridge MA) (2011): The Food Crises A Quantitative Model of Food Prices Including Speculators and Ethanol Conversion: “The two sharp peaks in 2007/2008 and 2010/2011 are specifically due to investor speculation, while an underlying upward trend is due to increasing demand from ethanol conversion. The model includes investor trend following as well as shifting between commodities, equities and bonds to take advantage of increased expected returns. Claims that speculators cannot influence grain prices are shown to be invalid by direct analysis of price setting practices of granaries.” and the UPDATE from February 2012: “we extend the food prices model to January 2012, without modifying the model but simply continuing its dynamics. The agreement is still precise, validating both the descriptive and predictive abilities of the analysis.”

48) Lines, Thomas (commodity consultant) (2010): Speculation in food commodity markets: “These are the main problems that are caused by long-only index trading: It pushes prices up, irrespective of the market situation. It disrupts the rolling over of futures contracts when the nearest month expires.”

49) Lombardi, Marco J./Van Robays, Ine (ECB) (2011): Do financial investors destabilize the oil price?: “We find that financial investors in the futures market can de-

stabilize oil spot prices, although only in the short run. Moreover, financial activity appears to have exacerbated the volatility in the oil market over the past decade, particularly in 2007–2008. However, shocks to oil demand and supply remain the main drivers of oil price swings.”

50) Luciani, Giacomo (Gulf Research Center Foundation) (2009): From Price Taker to Price Maker? Saudi Arabia and the World Oil Market: “The inflow of liquidity, the increasing role played by the futures market (paper barrels) over the spot (wet barrels), and the proliferation of derivatives which encourage betting on price changes rather than on the absolute level of prices all contribute to worsen the situation, amplifying price oscillations.”

51) Masters, Michael W. (Masters Capital) (2009): Testimony before the Commodities Futures Trading Commission: “In summary, passive investors compete with physical commodity consumers and make it much more difficult for them to hedge. (. . .) They provide no benefits whatsoever to the markets because they consume liquidity. And most importantly, they drive up commodity prices, which hurts everybody on the planet.”

52) Masters, Michael W. (Masters Capital)/White, Adam K. (White Knight Research) (2008): How institutional investors are driving up food and energy prices: “Unfortunately, this price discovery function of the commodities futures markets is breaking down. With the advent of financial futures, the important distinctions between commodities futures and financial futures were lost to regulators. Excessive speculation gradually became synonymous with manipulation, and speculative position limits were raised or effectively eliminated because they were not deemed necessary to prevent manipulation.”

53) Mayer, Jörg (2009): The Growing Interdependence between Financial and Commodity Markets. UNCTAD Discussion Paper 195: “The increasing importance of financial investment in commodity trading appears to have caused commodity futures exchanges to function in such a way that prices may deviate, at least in the short run, quite far from levels that would reliably reflect fundamental supply and demand factors. Financial investment weakens the traditional mechanisms that would prevent prices from moving away from levels determined by fundamental supply and demand factors—efficient absorption of information and physical adjustment of markets. This weakening increases the proneness of commodity prices to overshooting and heightens the risk of speculative bubbles occurring.”

54) Medlock, Kenneth B./Jaffe, Amy M. (Rice University) (2009): Who is in the Oil Futures Market and How Has It Changed?: “. . . trading strategies of some financial players in oil appears to be influencing the correlation between the value of the U.S. dollar and the price of oil. (. . .) We also find that the correlation between movements in oil prices and the value of the dollar against the trade-weighted index of the currencies of foreign countries has increased to 0.82 (a significant measure) for the period between 2001 and the present day, compared to a previously insignificant correlation of only 0.08 between 1986 and 2000.”

55) Miller, Marcus (University of Warwick) (2011) Interview with Al-Jazeera. “A disturbing amount of price increases, I fear, is being driven by speculative activity. Bets [on future price rises or declines] can become self-fulfilling if you are big enough to affect the market.”

56) Morse, E. (former Lehman Brothers chief energy economist) (2008): Oil Dotcom. Research Note: “Fundamental changes cannot explain sudden, severe price or curve movements. (. . .) Our conclusion from this study is that we are seeing the classic ingredients of an asset bubble.”

57) Mou, Yiquan (Columbia University) (2010): Limits to Arbitrage and Commodity Index Investment: Frontrunning the Goldman Roll: “This paper focuses on the unique rolling activity of commodity index investors in the commodity futures markets and shows that the price impact due to this rolling activity is both statistically and economically significant.”

58) Müller, Dirk (Finanzethos) (2011): Unschuldsmysmen, Wie die Nahrungsmittelspekulation den Hunger anheizt: “Wie die folgende Analyse zeigt, ist der zentrale Einfluss der Spekulation auf die Preisentwicklung bei Grundnahrungsmitteln in Entwicklungsländern kaum zu leugnen.”

59) Naylor, Rosamund L./Falcon, Walter P. (Stanford) (2010). Food Security in an Era of Economic Volatility: “Uncertainty surrounding exchange rates and macro policies added to price misperceptions, as did flurries of speculative activity in organized futures markets. Events since 2005—including the most recent period of price variability in 2010—underscore the point that uncertainty and expectations can be as important as or even more important than actual changes in grain demand and supply in driving price variability.”

60) Newell, J. (Probability Analytics Research) (2008): Commodity Speculation’s “Smoking Gun”: “Real market forces in these diverse markets are largely independent of one another, and therefore price changes should be essentially uncorrelated. This was clearly true historically: from 1984 through 1999 average correlation between all commodities was only 7%. In the last 12 months this average rose to 64%. Correlation with the GSCI was 23% historically, and rose to 76% in the last year. Index speculation has swamped real market forces.”

61) Nissanke, Machiko (University of London) (2010): Commodity Markets and Excess Volatility. Sources and Strategies to Reduce Adverse Development Impacts. Paper presented at the CFC Conference in Brussels December 2010: “It can be argued that asset prices, including commodity prices, traded globally are largely influenced by market liquidity cycles in global finance. From this particular perspective, we can have a plausible narrative of the recent episode of commodity price cycle. (. . .) Clearly, trading activities in world commodity markets have undergone some fundamental change, as the links between activities in commodity and financial markets has further intensified.”

62) Ortiz, Isabel/Chai, Jingqiang/Cummins, Matthew (2011): Escalating Food Prices—the threat to poor households and policies to safeguard a Recovery for All. Unicef Social and Economic working paper. “Such activities [trading futures contracts for speculative gains] have contributed to excessive fluctuations in food commodity futures prices and distorted signals for expected prices. By doing so, speculation impedes practical hedging strategies and imposes significant unanticipated costs and undue burden on food farmers, processors and distributors, potentially contributing to unwarranted changes in local food costs.”

63) Petzel, Todd E. (Offit Capital Advisors) (2009): Testimony before the CFTC: “I believe these investors in aggregate have had a material impact on price levels, price spreads and the level of inventories being held.”

64) Phillips, Peter C. B. (Yale University)/Yu, Jun (Singapore University) (2010): *Dating the Timeline of Financial Bubbles During the Subprime Crisis*: "a bubble first emerged in the equity market during mid-1995 lasting to the end of 2000, followed by a bubble in the real estate market between September 2000 and June 2007 and in the mortgage market between August 2005 and July 2007. After the subprime crisis erupted, the phenomenon migrated selectively into the commodity market and the foreign exchange market, creating bubbles which subsequently burst at the end of 2008, just as the effects on the real economy and economic growth became manifest."

65) Pollin, Robert/Heintz, James (University of Massachusetts)(2011): *How Wall Street Speculation is Driving Up Gasoline Prices Today*: "A major additional factor is the rapid growth in large-scale speculative trading around oil prices through the oil commodities futures market. Indeed, we estimate that, without the influence of large-scale speculative trading on oil in the commodities futures market, the average price of gasoline at the pump in May would have been \$3.13 rather than \$3.96."

66) Ray, Darryl E/Schaffer, Harwood D. (University of Tennessee) (2010): *Index funds and the 2006–2008 run-up in agricultural commodity prices*: "the fundamentals and/or expectations in the energy and mineral markets rein supreme—grains are along for the ride with little-to-no regard to what is happening in the grain sector. Worries during the period about the availability of oil drove up the price of crude, which caused index funds to rebalance their portfolios by making additional purchases of the other commodities to maintain the specified balance. Since the resulting price increases in agricultural commodities had virtually nothing to do with their market conditions, the record level of activity in the futures market by index funds would seem to make index funds a logical source of possible price overshooting."

67) Robles, Miguel/Torero, Maximo/Braun, Joachim von (IFPRI) (2009): *When speculation matters*. IFPRI Issue Brief 57: "Changes in supply and demand fundamentals cannot fully explain the recent drastic increase in food prices. Rising expectations, speculation, hoarding, and hysteria also played a role in the increasing level and volatility of food prices."

68) Roubini, Nouriel (New York University) (2009): *The risk of a double-dip recession is rising* (Financial Times Article): "Another reason to fear a double-dip recession is that oil, energy and food prices are now rising faster than economic fundamentals warrant, and could be driven higher by excessive liquidity chasing assets and by speculative demand."

69) Sachs, Jeffrey D. (Columbia University) (2008): *Corn Futures Spark Riots as Speculators Take Trading to Limit* (Bloomberg article): "The fact that prices soared and then they came down so much really does suggest that there was a speculative element to it."

70) Schulmeister, Stephan (Vienna University) (2009): *Trading Practices and Price Dynamics in Commodity Markets*. Study commissioned by the Austrian Federal Ministry of Finance and the Austrian Federal Ministry of Economics and Labour: "Based on the 'bullishness' in commodity derivatives markets, short-term oriented speculators reacted much stronger to news in line with the expectation of rising prices than to news which contradicted the 'market mood'. Hence, they put more money into long posi-

tions than into short positions and held long positions longer than short positions. Due to this trading behavior, upward commodity price runs lasted longer in recent years than downward runs causing prices to rise in a stepwise process. Commodity price runs were lengthened by the use of trend-following trading systems of technical analysis. These systems try to exploit price runs by producing buy (sell) signals in the early stage of an upward (downward) run. The aggregate trading signals then feed back upon commodity prices."

71) Schumann, Harald (2011): *Die Hungermacher. Wie Deutsche Bank, Goldman Sachs & Co. auf Kosten der Armsten mit Lebensmitteln spekulieren*. "Die verantwortlichen Manager der Finanzbranche argumentieren, es gebe keine Beweise dafür, dass Finanzinvestoren auf den Rohstoffmärkten einen mehr als nur kurzfristigen Einfluss auf das Preisniveau haben. Diese Behauptung ist nicht haltbar. Für den Rohölmarkt ist dieser Zusammenhang sogar unter den Fachleuten der Finanzbranche selbst nicht mehr umstritten."

72) Schutter, Olivier de (UN Special Rapporteur on the Right to Food) (2010): *Food commodities speculation and food price crises: Regulation to reduce the risks of financial volatility*: "The global food price crisis that occurred between 2007 and 2008, and which affects many developing countries to this day, had a number of causes. The initial causes related to market fundamentals, including the supply and demand for food commodities, transportation and storage costs, and an increase in the price of agricultural inputs. However, a significant portion of the increases in price and volatility of essential food commodities can only be explained by the emergence of a speculative bubble."

73) Shiller, Robert J. (Yale University) (2008): *Commodity Prices Tumble* (New York Times article): "Commodities followed the euphoria cycle that we had along with housing."

74) Silvennoinen Annastiina (Queensland University) / Thorp, Susan (Sydney University) (2010): *Financialization crisis and commodity correlation dynamics*: We observe higher and more variable correlations between commodity futures and stock returns from mid-sample, with many series showing a structural break in the conditional correlation processes from the late 1990s."

75) Singleton, Kenneth J. (Stanford University) (2010): *The 2008 Boom/Bust in Oil Prices*: "In my view, while spot-market supply and demand pressures were influential factors in the behavior of oil prices, so were participation in oil futures markets by hedge funds, long-term passive investors, and other traders in energy derivatives."

76) Singleton, Kenneth J. (Stanford University) (2011): *Investor Flows And The 2008 Boom/Bust in Oil Prices*: "I present new evidence that there was an economically and statistically significant effect of investor flows on futures prices . . . The intermediate-term growth rates of index positions and managed-money spread positions had the largest impacts on futures prices."

77) Soros, George (2008): *Interview with Stem*: "Speculators create the bubble that lies above everything. Their expectations, their gambling on futures help drive up prices, and their business distorts prices, which is especially true for commodities. It is like hoarding food in the midst of a famine, only to make profits on rising prices. That should not be possible."

78) Tanaka, Nobuo (head International Energy Agency) (2009): *IEA says speculation*

amplifying oil prices moves (Reuters article): "Our analysis shows that the fundamentals are deciding the direction of the price while these funds or speculations . . . are amplifying the movement."

79) Tang, Ke (Princeton University) / Xiong, Wei (Renmin University) (2011): *Index Investment and The Financialization of Commodities*. "This paper finds that concurrent with the rapid growing index investment in commodities markets since early 2000s, futures prices of different commodities in the U.S. became increasingly correlated with each other and this trend was significantly more pronounced for commodities in the two popular GSCI and DJUBS commodity indices. This finding reflects a financialization process of commodities markets and helps explain the synchronized price boom and bust of a broad set of seemingly unrelated commodities in the U.S. in 2006–2008. In contrast, such commodity price comovements were absent in China, which refutes growing commodity demands from emerging economies as the driver."

80) Timmer, C. Peter (FAO) (2009): *Peter Timmer: Peter Timmer: Did Speculation Affect World Rice Prices?* "Speculative money seems to surge in and out of commodity markets, strongly linking financial variables with commodity prices during some time periods. But these periods are often short and the relationships disappear entirely for long periods of time."

81) Trostle, Ronald (2008): *Global Agricultural Supply and Demand: Factors Contributing to the Recent Increase in Food Commodity Prices*. USDA Economic Research Service: "It is unclear to what extent the effect these new investor interests had on prices and the underlying supply and demand relationships for agricultural products. However, computerized trend-following trading practices employed by many of these funds may have increased the short-term volatility of agricultural prices."

82) Tudor Jones, Paul (Tudor Investment Corporation) (2010): *Price Limits: A Return to Patience and Rationality in U.S. Markets*. Speech to the CME Global Financial Leadership Conference, October 18, 2010: "Every exchange traded instrument including all securities, futures, options and any other form of derivatives should have some form of a price limit. And this is all the more urgently needed now that electronic execution dominates trading."

83) Turbeville, Wallace C. (former Goldman Sachs vice-president) *Critique of Irwin and Sanders 2010 OECD report* (2010): "The issue is so important that scepticism of conventional beliefs, not faith in the perfection of free markets, is appropriate for any study of the issue."

84) United Nations Conference on Trade and Development (UNCTAD) (2009): *Trade and Development Report*. Chapter II—*The Financialization of Commodity Markets*: "The financialization of commodity futures trading has made commodity markets even more prone to behavioural overshooting. There are an increasing number of market participants, sometimes with very large positions, that do not trade based on fundamental supply and demand relationships in commodity markets, but, who nonetheless, influence commodity price developments."

85) United Nations Conference on Trade and Development (UNCTAD) (2009): *The global economic crisis: Systemic failures and multilateral remedies*. "The evidence to support the view that the recent wide fluctuations of commodity prices have been driven by the financialization of commodity markets far beyond the equilibrium prices is

credible. Various studies find that financial investors have accelerated and amplified price movements at least for some commodities and some periods of time. ( . . . ) The strongest evidence is found in the high correlation between commodity prices and the prices on other markets that are clearly dominated by speculative activity.”

86) United Nations Conference on Trade and Development (UNCTAD) (2011): *Price Formation in Financialized Commodity Markets: the Role of Information*. “Due to the increased participation of financial players in those markets, the nature of information that drives commodity price formation has changed. Contrary to the assumptions of the efficient market hypothesis (EMH), the majority of market participants do not base their trading decisions purely on the fundamentals of supply and demand; they also consider aspects which are related to other markets or to portfolio diversification. This introduces spurious price signals to the market.”

87) United Nations Commission of Experts on Reforms of the International and Monetary System (2009): Report: “In the period before the outbreak of the crisis, inflation spread from financial asset prices to petroleum, food, and other commodities, partly as a result of their becoming financial asset classes subject to financial investment and speculation.”

88) United Nations Food and Agricultural Organisation (FAO) (2010): Final report of the committee on commodity problems: Extraordinary joint intersessional meeting of the intergovernmental group (IGG) on grains and the intergovernmental group on rice: “Unexpected crop failure in some major exporting countries followed by national responses and speculative behaviour rather than global market fundamentals, have been amongst the main factors behind the recent escalation of world prices and the prevailing high price volatility.”

89) United Nations Food and Agricultural Organisation (FAO) (2010). *Price Volatility in Agricultural Markets. Economic and Social Perspectives Policy Brief 12*. December 2010. “Financial firms are progressively investing in commodity derivatives as a portfolio hedge since returns in the commodity sector seem uncorrelated with returns to other assets. While this ‘financialisation of commodities’ is generally not viewed as the source of price turbulence, evidence suggests that trading in futures markets may have amplified volatility in the short term.”

90) United Nations Food and Agricultural Organisation (FAO), IFAD, IMF, OECD, UNCTAD, WFP, The World Bank, The WTO, IFPRI, UN HLTF (2011): *Price Volatility in Food and Agricultural Markets: Policy Responses*: “While analysts argue about whether financial speculation has been a major factor, most agree that increased participation by non-commercial actors such as index funds, swap dealers and money managers in financial markets probably acted to amplify short term price swings and could have contributed to the formation of price bubbles in some situations.”

91) United Nations High Level Task Force on the global food security crisis (2008): “The impact of speculation in futures and commodity markets on food prices has also highlighted the importance of appropriate regulatory measures to ensure that on-going integration of financial markets provides the basis for increased benefits, rather than risks, for the poor.”

92) United States Senate, Permanent Subcommittee on Investigations (2007): *Exces-*

*sive Speculation in the Natural Gas Market*: “Amaranth’s 2006 positions in the natural gas market constituted excessive speculation. ( . . . ) Purchasers of natural gas during the summer of 2006 for delivery in the following winter months paid inflated prices due to Amaranth’s speculative trading.”

93) United States Senate, Permanent Subcommittee on Investigations (2009): *Excessive Speculation in the Wheat Market* “This Report concludes there is significant and persuasive evidence that one of the major reasons for the recent market problems is the unusually high level of speculation in the Chicago wheat futures market due to purchases of futures contracts by index traders offsetting sales of commodity index instruments.”

94) United States Senate, Permanent Subcommittee on Investigations (2006): *The Role of Market Speculation in Rising Oil and Gas Prices*: “The large purchases of crude oil futures contracts by speculators have, in effect, created an additional demand for oil, driving up the price of oil to be delivered in the future in the same manner that additional demand for the immediate delivery of a physical barrel of oil drives up the price on the spot market.”

95) Urbanchuk, John M. (Cardno ENTRIX) (2011): *Speculation and the Commodity Markets*: “A careful examination of activity by non-commercial and index traders (i.e. speculators) in the corn futures market in the context of supply and demand fundamentals strongly suggests that speculation is a major factor behind the sharp increase in both the level and volatility of corn prices this year.”

96) Van der Molen, Maarten (University of Utrecht) (2009): *Speculators invading the commodity markets: a case study of coffee*: “Various analyses were performed to investigate these effects [i.e. effects that index speculators have on the futures market]. The results indicate that index speculators frustrated the futures market in the period between 2005 and 2008. This conclusion is based on the following indications: fundamentals have a lower impact on the price, the volume of index speculators has increased and their ability to influence the futures market has increased.”

97) Vansteenkiste, Isabel (ECB) (2011): *What is driving oil price futures? Fundamentals versus Speculation*: “We find that for the earlier part of our sample (up to 2004) that fundamentals have been the key driving force behind oil price movements. Thereafter, trend chasing patterns appear to be better in capturing the developments in oil futures markets.”

98) Von Braun, Joachim (Bonn University) (2010). *Time to regulate volatile food markets* (Financial Times article): “The setting of prices at the main international commodity exchanges was significantly influenced by speculation that boosted prices. Not only are food and energy markets linked, but also food and financial markets have become intertwined—in short, the ‘financialisation’ of food trade. There are increasing indications that some financial capital is shifting from speculation on housing and complex derivatives to commodities, including food.”

99) Woolley, Paul (former fund manager. York University/London School of Economics) (2010). *Why are financial markets so inefficient and exploitative—and a suggested remedy*. “Before the middle of the last decade the prices of individual commodities could be explained by the supply and demand from producers and consumers. With the flood of passive and active investment funds

going into commodities from 2005 onwards, prices have been increasingly driven by fund inflows rather than fundamental factors. Prices no longer provide a reliable signal to producers or consumers. More damagingly, commodity prices have a direct impact on consumer price indices and the role of central banks in controlling inflation is made doubly difficult now that commodity prices are subject to volatile fund flows from investors.”

100) Wray, Randall L. (University of Missouri-Kansas City) (2008) *The Commodities Market Bubble—Money Manager Capitalism and the Financialization of Commodities*. Public Policy Brief No 96. The Levy Economics Institute of Bard College: “There is adequate evidence that financialization is a big part of the problem, and there is sufficient cause for policymakers to intervene with sensible constraints and oversight to reduce the influence of managed money in these markets.”

So with that, I reserve the balance of my time.

Mr. CONAWAY. Mr. Chairman, I rise in opposition to the gentleman’s amendment.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. CONAWAY. I rise today to oppose the gentleman’s amendment.

This amendment, which exempts any regulation aimed at limiting oil speculation from the provisions of this bill, is no doubt well-intentioned. No one in this body should be willing to settle for any market manipulation or illegal trading activities. Indeed, the Federal Government already has a robust and effective enforcement effort. In an April 2011 letter to Senator MARIA CANTWELL, the Federal Trade Commission wrote:

The Commission established a number of processes to identify, investigate, and, if warranted, prosecute illegal behavior in the energy industry using our full array of enforcement tools. After review, Bureau of Competition staff determined that none of the complaints involved conduct that violated the market manipulation rules.

In fact, CFTC Chairman Mike Dunn summarized it in a January 13, 2011, statement during the open meeting on the proposed rule. He said:

To date, CFTC staff has been unable to find any reliable economic analysis to support either the conclusion that excessive speculation is affecting the markets we regulate or that position limits will prevent excessive speculation.

Indeed, study after study has shown that excessive speculation has not been the problem that my colleague would argue. Instead, almost every instance of high prices can be traced back to market fundamentals and an imbalance in supply and demand.

But today’s amendment, though, isn’t really about excessive speculation. If it were, we would also be talking about the speculators who have brought the natural gas markets to an all-time low, betting that our newfound abundance of natural gas cannot all be used. Instead, today’s amendment is about finding fault. It’s about

finding a scapegoat for the problem of high gas prices that have been plaguing all of our constituents.

While I can sympathize with the gentleman's desire to know who is responsible, the truth is the high price of oil is a problem of our own making. Policy decisions that were made years ago—failing to open new areas of production, boutique fuel mandates, and slow-walking new infrastructure—all contribute to today's pain at the pump.

Compounding these regulatory burdens is a growing long-term supply problem. While we have experienced recent production gains, that may not be enough to offset the demands of an expanding global economy. As China, India, and others continue to industrialize, and as the United States shakes off its economic downturn, we will again see pressure on production to keep pace with demand.

Over the past 3 years, oil producers in America have invested in new drilling technology and set off a production boom in places like North Dakota, Pennsylvania, and in my home State, my hometown in the Permian Basin area. This investment has led to 3 straight years of increasing domestic production on private lands, adding an additional 120,000 barrels of oil a day in production last year alone.

If prices are too high, we should not castigate producers and/or investors; we should open access to more supplies. If it is worth it, Americans will produce more oil and bring down prices.

Efforts to blunt market signals by introducing regulations that make it harder to trade commodities may provide a temporary reprieve from high prices, but it will come at a cost. In the long term, artificially lowered prices like this may lead to less investment and ultimate supply shortages. The better way to fight high prices is to increase supply. Just as the natural gas markets have plummeted to 10-year lows, oil prices will respond to increasing production.

I urge my colleagues to oppose the amendment and not to waste any more taxpayer dollars on finding blame for Congress' failure to act.

I yield back the balance of my time.

Mr. KUCINICH. I just want to say to my friend that if the Commodity Futures Trading Commission isn't really sure of the impact of speculation, I have 100 different studies here—100. And if you would like, if you have a budget for copy, we'll be glad to bring it over to the CFTC so they can see that speculation is undermining markets and undermining consumers.

Also, none other than Goldman Sachs did a study on the impact of speculation. If you translate their study, our constituents are paying a 56-cent-per-gallon increase on the price at the pump for speculation. Stick 'em up? No. We have to make sure that we hold

the speculators to an accountability, and particularly in oil markets.

I ask everyone to support this amendment, something we should be able to agree on on a bipartisan basis. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Ohio (Mr. KUCINICH).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. KUCINICH. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. WELCH

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in part B of House Report 112-616.

Mr. WELCH. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. Is the gentleman a designee of Mr. LIPINSKI of Illinois?

Mr. WELCH. Yes.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 3, line 18, strike "or (d)" and insert the following: "(d), or (e)".

Page 5, insert after line 7 the following:

(e) SIGNIFICANT REGULATORY ACTIONS PROMOTING ENERGY EFFICIENCY.—An agency may take any significant regulatory action that is intended to promote energy efficiency.

Page 10, insert after line 13 the following and redesignate provisions accordingly:

(c) PROMOTION OF ENERGY EFFICIENCY EXCEPTION.—Section 202 shall not apply to a midnight rule that is intended to promote energy efficiency.

Page 20, insert after line 12 the following:

**SEC. 305. EXCEPTION FOR PROMOTION OF ENERGY EFFICIENCY.**

The provisions of this title do not apply to any consent decree or settlement agreement pertaining to a regulatory action that is intended to promote energy efficiency.

The Acting CHAIR. Pursuant to House Resolution 738, the gentleman from Vermont (Mr. WELCH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Vermont.

Mr. WELCH. Mr. Chairman, I want to preface my remarks by two things: number one, not all regulations are good. It's a fair and appropriate question to examine whether regulations are useful or harmful. But second, not all regulations are bad. They can be useful, particularly in the area of energy efficiency.

Now, Mr. Chairman, we're having a very contentious debate about energy policy, but we've found one area where there is common agreement, and that's less is more. Any time, whatever your fuel choice is—whether it's coal, nuclear, oil, solar, wind—using less means you save money. That's a good thing.

Regulations can play a very constructive role in helping those of us

who participate in the economy as individuals and as businesses to save money. My amendment would exempt from this overbroad bill rules that would prohibit energy efficiency-saving regulations.

Let me give a very good example of something that would happen detrimental to the economy if this bill is not amended.

Fuel standards were established in November. They have not yet gone into effect and would be prohibited from going into effect. The fuel economy standards for model years 2017 to 2025 will carry our vehicle fleet to an average fuel economy of 54.5 miles per gallon. The consumers support this and, my friends, the industry supports this. The car industry supports this. And one of the reasons they do is, if you have a rule that applies to all our manufacturers, that's the rule that they will manufacture their cars to.

□ 1800

So you won't have gaming of this to try to get some short-term advantage at the expense of the consumer, at the expense of a competitor.

So energy efficiency is something that can help us save money. It can help the economy be more efficient. And in order to achieve the goal of energy efficiency, regulations, reasonably enacted, are absolutely essential to achieving that goal.

Mr. Chairman, I urge this body to adopt the amendment and improve this bill.

I reserve the balance of my time.

Mr. GRIFFIN of Arkansas. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. GRIFFIN of Arkansas. Mr. Chairman, one of the things that I've been saying repeatedly when the other amendments were debated I will repeat: the bill that we have before us has ample exceptions for regulatory action. And, in fact, it has a catch-all waiver that will allow the President of the United States to seek approval of regulations, but he'll have to work with Congress on them. After all, we're the ones that authorize the laws, the bills; and we should be authorizing and approving regulations.

There's no limit to which ones. The regulations addressed by this amendment would certainly be fertile ground for the President to forward to Congress for approval. So there are ample exceptions and waivers.

And I would also point out that, as I indicated earlier, I'm not anti-regulation. It's the excessive and overly burdensome regulations that we are concerned with. We need reasonable regulation, commonsense regulation. But the problem is the system, the regulatory system, has gotten out of control.

So there are ample ways to deal with the issue addressed here under the bill, and I believe this amendment is unnecessary, and I oppose it.

I yield back the balance of my time.

Mr. WELCH. May I inquire as to how much time I have.

The Acting CHAIR. The gentleman from Vermont has 2½ minutes remaining.

Mr. WELCH. Mr. Chairman, two things: number one, we can't have a comprehensive, one-size-fits-all bill that applies to regulations. It requires some judgment. That means that there are some regulations that are good, some are bad.

The gentleman, I think, is defending a bill that essentially has, as its proposition, all regulations, by definition, are detrimental to the economy, when that's not even close to accurate.

Second, I appreciate the gentleman's description of a waiver process that gives, unfortunately, a theoretical way to resolve a situation, but it's not a practical remedy. It requires congressional action.

And here's, Mr. Chairman, where I think we've got to get real with ourselves, and we've got to get real with the American people. The idea that we can agree on a disputed regulation would suggest that we could have agreed on student loan interest rates, that we could have agreed on the debt ceiling, that we could have agreed on a grand bargain. All of these issues that are enormously contentious and consequential for the American people, we have sharp divisions.

And I'm not asserting who's right or wrong in this. I'm saying that all of us have to acknowledge the obvious and, that is, that Congress is pretty close to dysfunctional. Things that have to be addressed are being neglected.

So this notion that when it comes to the car mileage standard, we'll be able to come into Congress and do a Kumbaya and all of us get together and reach agreement on one thing when, on everything else, the simplest of things we can't reach agreement, is not being direct and straightforward with ourselves or with the American people.

Let's carve out an exception to this bill so that when this economy and our consumers and businesses can benefit by energy efficiency, which our industry supports, which our people and consumers support, we allow them to do that.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Vermont (Mr. WELCH).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. WELCH. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by

the gentleman from Vermont will be postponed.

AMENDMENT NO. 5 OFFERED BY MR. MARKEY

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in part B of House Report 112-616.

Mr. MARKEY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 3, line 18, strike "or (d)" and insert "(d), or (e)".

Page 5, after line 7, insert the following new subsection:

(e) ADDITIONAL EXCEPTION.—An agency may take a significant regulatory action if such action would protect the public from extreme weather events, including drought, flooding, and catastrophic wildfire.

Page 10, after line 4, insert the following new paragraph:

(3) necessary to protect the public from extreme weather events, including drought, flooding, and catastrophic wildfire;

Page 10, line 5, strike "(3)" and insert "(4)".

Page 10, line 7, strike "(4)" and insert "(5)".

The Acting CHAIR. Pursuant to House Resolution 738, the gentleman from Massachusetts (Mr. MARKEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. MARKEY. Mr. Chairman, I yield myself, at this point, 2 minutes, and it's just to lay out how simple this amendment is.

It would ensure that the government could act to protect the public from extreme weather, including drought, flooding, and catastrophic wildfire.

The Republican bill on the floor today is so broadly and badly written, who knows what could fall through the holes it blasts in America's safety net.

Given the record-breaking extreme weather events our country has experienced in the last few years, it cannot risk tying the helping hands of government when it comes to dealing with droughts and floods and wildfires and extreme events.

Mr. WELCH was just talking about these fuel economy standards that lift our fuel economy standards to 54.5 miles per gallon by the year 2026. Well, that's a message to OPEC that we don't need their oil anymore than we need their sand. But it's also a message that we can reduce the amount of greenhouse gases we're sending up into the atmosphere in a dramatic way.

And do you know who's complying with that? Do you know who said they support it? The auto industry of the United States of America.

So it's not that we're doing anything that's radical. The radical activity is coming from the majority, from the Republican Party, that just has an aversion to anything that is put on the books as regulation, even if it helps

America's safety, helps America's climate, helps America's foreign policy to back out imported oil. And that's really what's very troubling here today.

I reserve the balance of my time.

Mr. GRIFFIN of Arkansas. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. GRIFFIN of Arkansas. Mr. Chairman, this amendment is, like the others, unnecessary. And as it is drafted, it seems to suggest that the Federal Government can somehow regulate the weather.

Titles I and II of this bill were carefully drafted to block only those unnecessary, most costly regulations, those that cost the economy \$100 million or more. The bill contains reasonable exceptions for the President to issue a regulation, for example, that is "necessary because of an imminent threat to health or safety or other emergency" or one that is "necessary for the national security of the United States."

The bill also contains a congressional waiver exception whereby the President can make any other necessary regulation with the permission of Congress.

King Canute famously demonstrated many centuries ago that the weather does not respect executive fiat. Although the Federal Government cannot control the weather by regulation, it can issue regulations to help Americans cope with the effects of extreme weather.

I believe the exceptions already in this bill would cover regulations related to the extreme weather events suggested by the gentleman from Massachusetts' amendment. For these reasons, I oppose this amendment.

I reserve the balance of my time.

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH. I thank the gentleman.

So is the question this, that we're supposed to do literally nothing about extreme weather? Are we supposed to pretend that we don't have extreme weather?

We've had the worst drought, the hottest 12-month period in the history of keeping records since 1895. You can go throughout the entire country and see almost everywhere now the effects of extreme weather.

In our State of Vermont, Mr. Chair, last August 28, Tropical Storm Irene dumped an immense amount of water and did the worst damage since 1927. We didn't used to have storms like that.

We also are starting to have a threat to our maple trees, from which come the best maple syrup in the country, in the world.

Mr. Chairman, extreme weather is real. It's serious. And our response is to put our heads in the sand.



I support this amendment.

□ 1810

The Acting CHAIR. The Chair would advise the gentleman from Vermont that the best maple syrup comes from Chardon, Ohio.

Mr. GRIFFIN of Arkansas. I yield back the balance of my time.

Mr. MARKEY. Would the Chair be able to give a recapitulation of the time remaining?

The Acting CHAIR. The gentleman from Massachusetts has 2 minutes and 15 seconds remaining.

Mr. MARKEY. Corn is shriveling. Pastures are dying. More than 1,000 counties in 29 States are eligible for drought disaster assistance. Increased food prices from droughts act like an extreme weather food tax on every single American. Even if the drought is not in your neighborhood, you will feel the pain at the checkout counter. Even if the heat wave has broken in your State, your cupboard may be emptier as you have to make hard choices at the grocery store. Even if the storm skips your town, the disruptions will be felt all the way to your dinner plate. Many of our Western forests are also extremely dry. Wildfire has already burned millions of acres this summer. Tens of thousand of people have had to evacuate. Hundreds of homes have been destroyed. Lives have been lost.

We also know that increasing carbon pollution increases the risk of extreme weather. We all buy flood and fire insurance for our homes. This amendment is the flood and fire insurance for America from the disaster, the disaster that is this Republican legislation.

On the other side of this spectrum, parts of Minnesota and Florida experienced devastating flooding in June. The rain from Tropical Storm Debby caused Florida to have its wettest June ever. All of this occurred during the hottest 12-month period for the lower 48 States since record-keeping began in 1895, and it follows 2011, when America experienced a record 14 extreme weather disasters that each caused \$1 billion or more of damage.

Clearly, extreme weather is a threat to the safety and the security of the American people and the economy, but this Republican bill could smother the government's ability to prepare for a response to extreme weather events. This amendment would make sure that the government's regulatory fire blanket is ready for emergencies. The risk of extreme weather is not going away. In fact, it is increasing. Mark Twain once complained that everybody talks about the weather, but nobody does anything about it. Well, now we are with this amendment.

By pumping carbon into the air, we are changing the climate, raising the temperature, increasing the risk of extreme weather. The Republicans just don't accept science. Vote "aye" on the Markey amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. MARKEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts will be postponed.

#### ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in Part B of House Report 112-616 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. HASTINGS of Florida.

Amendment No. 2 by Mr. JOHNSON of Georgia.

Amendment No. 3 by Mr. KUCINICH of Ohio.

Amendment No. 4 by Mr. WELCH of Vermont.

Amendment No. 5 by Mr. MARKEY of Massachusetts.

The Chair will reduce to 2 minutes the minimum time for any electronic vote after the first vote in this series.

#### AMENDMENT NO. 1 OFFERED BY MR. HASTINGS OF FLORIDA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. HASTINGS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

#### RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 188, noes 231, not voting 12, as follows:

[Roll No. 514]

AYES—188

Ackerman  
Altmire  
Andrews  
Baca  
Baldwin  
Barber  
Bass (CA)  
Becerra  
Berkley  
Berman  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Bonamici  
Boswell  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Butterfield  
Capps  
Capuano  
Cardoza

Carnahan  
Carney  
Carson (IN)  
Castor (FL)  
Chandler  
Chu  
Cicilline  
Clarke (MI)  
Clarke (NY)  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly (VA)  
Conyers  
Cooper  
Costello  
Courtney  
Critz  
Crowley  
Cuellar

Cummings  
Davis (CA)  
Davis (IL)  
DeFazio  
DeGette  
DeLauro  
Dent  
Deutch  
Dingell  
Doggett  
Dold  
Donnelly (IN)  
Doyle  
Edwards  
Ellison  
Engel  
Eshoo  
Farr  
Fattah  
Filner  
Fitzpatrick  
Fortenberry

Frank (MA)  
Fudge  
Gerlach  
Gibson  
Gonzalez  
Green, Al  
Green, Gene  
Grijalva  
Gutierrez  
Hahn  
Hanabusa  
Hastings (FL)  
Heinrich  
Higgins  
Himes  
Hinchey  
Hinojosa  
Hochul  
Holt  
Honda  
Hoyer  
Israel  
Johnson (GA)  
Johnson (IL)  
Johnson, E. B.  
Kaptur  
Keating  
Kildee  
Kind  
Kissell  
Kucinich  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis (GA)  
Lipinski  
LoBiondo  
Loeb sack  
Lofgren, Zoe  
Lowey

Lujan  
Lynch  
Maloney  
Markey  
Matsui  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McIntyre  
McNerney  
Meehan  
Meeks  
Michaud  
Miller (NC)  
Miller, George  
Moore  
Moran  
Murphy (CT)  
Nadler  
Napolitano  
Neal  
Oliver  
Pallone  
Pascarell  
Pastor (AZ)  
Pelosi  
Perlmutter  
Peters  
Pingree (ME)  
Platts  
Polis  
Price (NC)  
Quigley  
Rangel  
Reichert  
Richardson  
Rothman (NJ)  
Roybal-Allard  
Runyan  
Ruppersberger  
Rush

Ryan (OH)  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schrader  
Schwartz  
Scott (VA)  
Scott, David  
Serrano  
Sewell  
Sherman  
Sires  
Slaughter  
Smith (WA)  
Speier  
Stark  
Thompson (CA)  
Thompson (MS)  
Tierney  
Tipton  
Tonko  
Towns  
Tsongas  
Van Hollen  
Velázquez  
Visclosky  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Welch  
Wilson (FL)  
Woolsey  
Yarmuth  
Young (FL)

#### NOES—231

Adams  
Aderholt  
Akin  
Alexander  
Amash  
Amodei  
Austria  
Bachmann  
Bachus  
Barletta  
Barrow  
Bartlett  
Barton (TX)  
Bass (NH)  
Benishek  
Berg  
Biggart  
Billbray  
Bilirakis  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Bono Mack  
Boren  
Boustany  
Brady (TX)  
Brooks  
Broun (GA)  
Buchanan  
Bucshon  
Buerkle  
Burgess  
Burton (IN)  
Calvert  
Camp  
Campbell  
Canseco  
Cantor  
Capito  
Carter  
Cassidy  
Chabot  
Chaffetz  
Coble  
Coffman (CO)  
Cole  
Conaway  
Cravaack  
Crawford  
Crenshaw

Davis (KY)  
Denham  
DesJarlais  
Diaz-Balart  
Dreier  
Duffy  
Duncan (SC)  
Duncan (TN)  
Ellmers  
Emerson  
Farenthold  
Fincher  
Flake  
Fleischmann  
Fleming  
Flores  
Forbes  
Fox  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Gardner  
Garrett  
Gibbs  
Gingrey (GA)  
Gohmert  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guinta  
Guthrie  
Hall  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Hayworth  
Heck  
Hensarling  
Herger  
Herrera Beutler  
Holden  
Huelskamp  
Huizenga (MI)

Hultgren  
Hunter  
Hurt  
Issa  
Jenkins  
Johnson (OH)  
Johnson, Sam  
Jones  
Jordan  
Kelly  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kline  
Labrador  
Lamborn  
Lance  
Landry  
Lankford  
Latham  
LaTourette  
Latta  
Long  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Mack  
Manzullo  
Marchant  
Marino  
Matheson  
McCarthy (CA)  
McCaul  
McClintock  
McHenry  
McKeon  
McKinley  
McMorris  
Rodgers  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mulvaney  
Murphy (PA)  
Myrick  
Neugebauer  
Nugent



Nunes	Rogers (KY)	Southerland	Davis (CA)	Larson (MA)	Rothman (NJ)	Manzullo	Platts	Sessions
Nunnelee	Rogers (MI)	Stearns	Davis (IL)	Lee (CA)	Roybal-Allard	Marchant	Poe (TX)	Shimkus
Olson	Rohrabacher	Stutzman	DeFazio	Levin	Ruppersberger	Marino	Pompeo	Shuler
Owens	Rokita	Sullivan	DeGette	Lewis (GA)	Rush	Matheson	Posey	Shuster
Palazzo	Rooney	Terry	DeLauro	Lipinski	Ryan (OH)	McCarthy (CA)	Price (GA)	Simpson
Paul	Ros-Lehtinen	Thompson (PA)	Deutch	Loeb	Sánchez, Linda	McCaul	Quayle	Smith (NE)
Paulsen	Roskam	Thornberry	Dingell	Lofgren, Zoe	T.	McHenry	Rahall	Smith (NJ)
Pearce	Ross (AR)	Tiberi	Doggett	Lowey	Sanchez, Loretta	McIntyre	Reed	Smith (TX)
Pence	Ross (FL)	Turner (NY)	Donnelly (IN)	Lujan	Sarbanes	McKeon	Rehberg	Southerland
Peterson	Royce	Turner (OH)	Doyle	Lynch	Schakowsky	McKinley	Renacci	Stutzman
Petri	Ryan (WI)	Upton	Edwards	Maloney	Schiff	McMorris	Ribble	Sullivan
Pitts	Scalise	Walberg	Ellison	Markey	Schrader	Rodgers	Rigell	Terry
Poe (TX)	Schilling	Walden	Engel	Matsui	Schwartz	Meehan	Rivera	Thompson (MS)
Pompeo	Schmidt	Walsh (IL)	Eshoo	McCarthy (NY)	Scott (VA)	Meeks	Roby	Thompson (PA)
Posey	Schock	Webster	Farr	McClintock	Scott, David	Mica	Roe (TN)	Thornberry
Price (GA)	Schweikert	West	Fattah	McCollum	Serrano	Miller (FL)	Rogers (AL)	Tiberi
Quayle	Scott (SC)	Westmoreland	Filner	McDermott	Sewell	Miller (MI)	Rogers (KY)	Tipton
Rahall	Scott, Austin	Whitfield	Frank (MA)	McGovern	Sherman	Miller, Gary	Rogers (MI)	Turner (NY)
Reed	Sensenbrenner	Wilson (SC)	Gonzalez	McNerney	Sires	Mulvaney	Rohrabacher	Turner (OH)
Rehberg	Sessions	Wittman	Grijalva	Miller (NC)	Slaughter	Murphy (PA)	Rokita	Upton
Renacci	Shimkus	Wolf	Gutierrez	Miller, George	Smith (WA)	Myrick	Ros-Lehtinen	Walberg
Ribble	Shuler	Womack	Hahn	Moore	Speier	Noem	Roskam	Walden
Rigell	Shuster	Woodall	Hanabusa	Moran	Stark	Nugent	Ross (AR)	Walsh (IL)
Rivera	Simpson	Yoder	Hastings (FL)	Murphy (CT)	Thompson (CA)	Nunes	Ross (FL)	Webster
Roby	Smith (NE)	Young (AK)	Heinrich	Nadler	Tierney	Nunnelee	Royce	West
Roe (TN)	Smith (NJ)	Young (IN)	Higgins	Napolitano	Tonko	Olson	Runyan	Westmoreland
Rogers (AL)	Smith (TX)		Himes	Neal	Towns	Owens	Ryan (WI)	Whitfield
			Hinchev	Oliver	Tsongas	Palazzo	Scalise	Wittman
			Hinojosa	Pallone	Van Hollen	Paul	Schilling	Wolf
			Hochul	Pascarella	Velázquez	Paulsen	Schmidt	Womack
			Holt	Pastor (AZ)	Visclosky	Pearce	Schock	Woodall
			Honda	Pelosi	Walz (MN)	Pence	Schweikert	Yoder
			Hoyer	Perlmutter	Wasserman	Peterson	Scott (SC)	Young (AK)
			Israel	Peters	Schultz	Petri	Scott, Austin	Young (FL)
			Johnson (GA)	Pingree (ME)	Waters	Pitts	Sensenbrenner	Young (IN)
			Kaptur	Polis	Watt			
			Keating	Price (NC)	Waxman			
			Kildee	Quigley	Welch			
			Kind	Rangel	Wilson (FL)			
			Kucinich	Reichert	Woolsey			
			Langevin	Richardson	Yarmuth			
			Larsen (WA)					

## NOT VOTING—12

Culberson	Jackson Lee	Richmond
Dicks	(TX)	Stivers
Garamendi	Lewis (CA)	Sutton
Hirono	Noem	
Jackson (IL)	Reyes	

□ 1839

Messrs. RYAN of Wisconsin, CAMPBELL, COBLE, FLAKE, GRIFFITH of Virginia, BARTLETT, and SMITH of Nebraska changed their vote from “aye” to “no.”

Messrs. TIPTON, TOWNS, BISHOP of Georgia, McDERMOTT, PLATTS, and MEEHAN changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MR. JOHNSON OF GEORGIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. JOHNSON) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 159, noes 259, not voting 13, as follows:

[Roll No. 515]

## AYES—159

Ackerman	Brady (PA)	Clarke (NY)
Andrews	Braley (IA)	Cohen
Baca	Capps	Connolly (VA)
Baldwin	Capuano	Conyers
Barber	Cardoza	Cooper
Bass (CA)	Carnahan	Costa
Becerra	Carney	Costello
Berkley	Carson (IN)	Courtney
Berman	Castor (FL)	Critz
Blumenauer	Chu	Crowley
Bonamici	Cicilline	Cuellar
Boswell	Clarke (MI)	Cummings

## NOES—259

Adams	Clyburn	Grimm
Aderholt	Coble	Guinta
Akin	Coffman (CO)	Guthrie
Alexander	Cole	Hall
Altmire	Conaway	Hanna
Amash	Cravack	Harper
Amodei	Crawford	Harris
Austria	Crenshaw	Hartzler
Bachmann	Davis (KY)	Hastings (WA)
Bachus	Denham	Hayworth
Barletta	Dent	Heck
Barrow	DesJarlais	Hensarling
Bartlett	Heger	Herrera
Barton (TX)	Dold	Herrera Beutler
Bass (NH)	Dreier	Holden
Benish	Duffy	Huelskamp
Berg	Duncan (SC)	Huizenga (MI)
Biggart	Duncan (TN)	Hultgren
Bilbray	Ellmers	Hunter
Bilirakis	Emerson	Hurt
Bishop (GA)	Farenthold	Issa
Bishop (UT)	Fincher	Jenkins
Black	Fitzpatrick	Johnson (IL)
Blackburn	Flake	Johnson (OH)
Bonner	Fleischmann	Johnson, E. B.
Bono Mack	Fleming	Johnson, Sam
Boren	Flores	Jones
Boustany	Forbes	Jordan
Brady (TX)	Fortenberry	Kelly
Brooks	Fox	King (IA)
Broun (GA)	Franks (AZ)	King (NY)
Brown (FL)	Frelinghuysen	Kingston
Buchanan	Fudge	Kinzie (IL)
Bucshon	Gallegly	Kissell
Buerkle	Gardner	Kline
Burgess	Garrett	Labrador
Burton (IN)	Gerlach	Lamborn
Butterfield	Gibbs	Lance
Calvert	Gibson	Landry
Camp	Gingrey (GA)	Lankford
Campbell	Gohmert	Latham
Canneco	Goodlatte	LaTourette
Cantor	Gosar	Latta
Capito	Gowdy	LoBiondo
Carter	Granger	Long
Cassidy	Graves (GA)	Lucas
Chabot	Graves (MO)	Luetkemeyer
Chaffetz	Green, Al	Lummis
Chandler	Green, Gene	Lungren, Daniel
Clay	Griffin (AR)	E.
Cleaver	Griffith (VA)	Mack

## NOT VOTING—13

Bishop (NY)	Jackson (IL)	Richmond
Culberson	Jackson Lee	Stearns
Dicks	(TX)	Stivers
Garamendi	Lewis (CA)	Sutton
Hirono	Reyes	

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (Mr. SIMPSON) (during the vote). There is 1 minute remaining.

□ 1843

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. STEARNS. Mr. Chair, on rollcall No. 515 I was unavoidably detained. Had I been present, I would have voted “no.”

## AMENDMENT NO. 3 OFFERED BY MR. KUCINICH

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. KUCINICH) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 173, noes 245, not voting 13, as follows:

[Roll No. 516]

## AYES—173

Ackerman	Baldwin	Berkley
Altmire	Barber	Berman
Andrews	Bass (CA)	Bilbray
Baca	Becerra	Blumenauer

Bonamici	Grijalva	Pallone	Johnson, Sam	Noem	Schmidt	Capps	Heinrich	Pastor (AZ)
Boswell	Gutierrez	Pascrell	Jordan	Nugent	Schock	Capuano	Higgins	Pelosi
Brady (PA)	Hahn	Pastor (AZ)	Kelly	Nunes	Schrader	Cardoza	Himes	Perlmutter
Braley (IA)	Hanabusa	Pelosi	King (IA)	Nunnelee	Schweikert	Carnahan	Hinchey	Peters
Brown (FL)	Hastings (FL)	Perlmutter	King (NY)	Olson	Scott (SC)	Carney	Hinojosa	Pingree (ME)
Butterfield	Heinrich	Peters	Kingston	Owens	Scott, Austin	Carson (IN)	Hochul	Polis
Capps	Higgins	Pingree (ME)	Kinzinger (IL)	Palazzo	Sensenbrenner	Castor (FL)	Holt	Price (NC)
Capuano	Himes	Polis	Kline	Paul	Sessions	Chandler	Honda	Quigley
Cardoza	Hinchey	Price (NC)	Labrador	Paulsen	Shimkus	Chu	Hoyer	Rangel
Carnahan	Hinojosa	Quigley	Lamborn	Pearce	Shuler	Cicilline	Israel	Richardson
Carney	Hochul	Rangel	Lance	Pence	Shuster	Clarke (MI)	Johnson (GA)	Rothman (NJ)
Carson (IN)	Holt	Richardson	Landry	Peterson	Simpson	Clarke (NY)	Johnson (IL)	Roybal-Allard
Castor (FL)	Honda	Rothman (NJ)	Lankford	Petri	Smith (NE)	Clay	Johnson, E. B.	Ruppersberger
Chandler	Hoyer	Roybal-Allard	Latham	Pitts	Smith (NJ)	Cleaver	Jones	Rush
Chu	Israel	Ruppersberger	LaTourette	Platts	Smith (TX)	Clyburn	Kaptur	Ryan (OH)
Cicilline	Johnson (GA)	Rush	Latta	Poe (TX)	Southerland	Cohen	Keating	Sánchez, Linda
Clarke (MI)	Johnson, E. B.	Ryan (OH)	Long	Pompeo	Stearns	Connolly (VA)	Kildee	T.
Clarke (NY)	Jones	Sánchez, Linda	Lucas	Posey	Stutzman	Conyers	Kind	Sanchez, Loretta
Clay	Kaptur	T.	Luetkemeyer	Price (GA)	Sullivan	Cooper	Kissell	Sarbanes
Cleaver	Keating	Sanchez, Loretta	Lummis	Quayle	Terry	Costa	Kucinich	Schakowsky
Clyburn	Kildee	Sarbanes	Lungren, Daniel	Rahall	Reed	Costello	Langevin	Schiff
Cohen	Kind	Schakowsky	E.	Rehberg	Thompson (PA)	Courtney	Larsen (WA)	Schrader
Connolly (VA)	Kissell	Schiff	Mack	Reichert	Thornberry	Critz	Lee (CA)	Schwartz
Conyers	Kucinich	Schwartz	Manzullo	Renacci	Tipton	Crowley	Levin	Scott (VA)
Costa	Langevin	Scott (VA)	Marchant	Ribble	Turner (NY)	Cuellar	Lewis (GA)	Scott, David
Costello	Larsen (WA)	Scott, David	Marino	Rigell	Turner (OH)	Cummings	Lipinski	Serrano
Courtney	Larson (CT)	Serrano	Matheson	Rivera	Upton	Davis (CA)	Loeb sack	Sewell
Critz	Lee (CA)	Sewell	McCarthy (CA)	Roby	Walberg	Davis (IL)	Sherman	Sherman
Crowley	Levin	Sherman	McCaul	Roe (TN)	Walden	DeFazio	Sires	Sires
Cummings	Lewis (GA)	Sires	McClintock	Rogers (AL)	Walsh (IL)	DeGette	Slaughter	Slaughter
Davis (CA)	Lipinski	Slaughte	McHenry	Rogers (KY)	Webster	DeLauro	Smith (WA)	Smith (WA)
Davis (IL)	LoBiondo	Smith (WA)	McIntyre	Rogers (MI)	West	Dingell	Speier	Speier
DeFazio	Loeb sack	Speier	McKeon	Rohrabacher	Westmoreland	Markey	Stark	Stark
DeGette	Lofgren, Zoe	Stark	McKinley	Rokita	Whitfield	Matsui	Thompson (CA)	Thompson (CA)
DeLauro	Lowe	Thompson (CA)	McMorris	Rooney	Wilson (SC)	McCarthy (NY)	Thompson (MS)	Thompson (MS)
Deutch	Lujan	Thompson (MS)	Rodgers	Meehan	Wittman	Doyle	Tierney	Tierney
Dingell	Maloney	Tierney	Mica	Miller (FL)	Wolf	Edwards	Tonko	Tonko
Doggett	Markey	Towns	Miller (MI)	Miller (FL)	Womack	Engel	Towns	Towns
Donnelly (IN)	Matsui	Tsongas	Miller (MI)	Mulvaney	Woodall	Eshoo	Tsongas	Tsongas
Doyle	McCarthy (NY)	Van Hollen	Murphy (PA)	Myrick	Yoder	Farr	Van Hollen	Van Hollen
Edwards	McCollum	Velázquez	Neugebauer	Schilling	Young (AK)	Fattah	Velázquez	Velázquez
Ellison	McDermott	Walz (MN)			Young (FL)	Filner	Visclosky	Visclosky
Engel	McGovern	Wasserman			Young (IN)	Frank (MA)	Walz (MN)	Walz (MN)
Eshoo	McNerney	Schultz				Fudge	Wasserman	Wasserman
Farr	Meeks	Schultz				Gonzalez	Murphy (CT)	Murphy (CT)
Fattah	Michaud	Nadler				Green, Al	Nadler	Nadler
Filner	Miller (NC)	Miller, George				Green, Gene	Napolitano	Napolitano
Fitzpatrick	Moore	Moran				Grijalva	Neal	Neal
Fortenberry	Moran	Murphy (CT)				Gutierrez	Olver	Olver
Frank (MA)	Murphy (CT)	Nadler				Hahn	Owens	Owens
Fudge	Nadler	Napolitano				Hanabusa	Pallone	Pallone
Gibson	Napolitano	Neal				Hastings (FL)	Pascrell	Pascrell
Gonzalez	Neal	Olver						
Green, Al								
Green, Gene								

## NOT VOTING—13

□ 1847

So the amendment was rejected.

The result of the vote was announced as above recorded.

## AMENDMENT NO. 4 OFFERED BY MR. WELCH

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Vermont (Mr. WELCH) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 174, noes 242, not voting 15, as follows:

[Roll No. 517]

## AYES—174

Adams	Cantor	Gardner	Ackerman	Bass (CA)	Bonamici
Aderholt	Garrett	Garrett	Altmire	Becerra	Boswell
Akin	Carter	Gerlach	Andrews	Berkley	Brady (PA)
Alexander	Cassidy	Gibbs	Baca	Berman	Braley (IA)
Amash	Chabot	Gingrey (GA)	Baldwin	Bilbray	Brown (FL)
Amodei	Chaffetz	Gohmert	Barber	Blumenauer	Butterfield
Austria	Coble	Goodlatte			
Bachmann	Coffman (CO)	Gosar			
Bachus	Cole	Gowdy			
Barletta	Conaway	Granger			
Barrow	Cooper	Graves (GA)			
Bartlett	Cravaack	Graves (MO)			
Barton (TX)	Crawford	Griffin (AR)			
Bass (NH)	Crenshaw	Griffith (VA)			
Benishkek	Cuellar	Grimm			
Berg	Davis (KY)	Guinta			
Biggert	Denham	Guthrie			
Bilirakis	Dent	Hall			
Bishop (GA)	DesJarlais	Hanna			
Bishop (UT)	Diaz-Balart	Harper			
Black	Dold	Harris			
Blackburn	Dreier	Hartzler			
Bonner	Duffy	Hastings (WA)			
Bono Mack	Duncan (SC)	Hayworth			
Boren	Duncan (TN)	Heck			
Boustany	Ellmers	Hensarling			
Brady (TX)	Emerson	Herger			
Brooks	Farenthold	Herrera Beutler			
Broun (GA)	Fincher	Holden			
Buchanan	Flake	Huelskamp			
Bucshon	Fleischmann	Huizenga (MI)			
Buerkle	Fleming	Hultgren			
Burgess	Flores	Hunter			
Burton (IN)	Forbes	Hurt			
Calvert	Fox	Issa			
Camp	Franks (AZ)	Jenkins			
Campbell	Frelinghuysen	Johnson (IL)			
Canseco	Gallegly	Johnson (OH)			

## NOES—242

Adams	Cassidy	Gingrey (GA)
Aderholt	Chabot	Gohmert
Alexander	Chaffetz	Goodlatte
Amash	Coble	Gosar
Amodei	Coffman (CO)	Gowdy
Austria	Cole	Granger
Bachmann	Conaway	Graves (GA)
Bachus	Cravaack	Graves (MO)
Barletta	Crawford	Griffin (AR)
Barrow	Crenshaw	Griffith (VA)
Bartlett	Davis (KY)	Grimm
Barton (TX)	Denham	Guinta
Bass (NH)	Dent	Guthrie
Benishkek	DesJarlais	Hall
Berg	Diaz-Balart	Hanna
Biggert	Dold	Harper
Bilirakis	Dreier	Harris
Bishop (GA)	Duffy	Hartzler
Bishop (UT)	Duncan (SC)	Hastings (WA)
Black	Duncan (TN)	Hayworth
Blackburn	Ellmers	Heck
Bonner	Emerson	Hensarling
Bono Mack	Farenthold	Herger
Boren	Fincher	Holden
Boustany	Fitzpatrick	Huelskamp
Brady (TX)	Flake	Huizenga (MI)
Brooks	Fleischmann	Hultgren
Broun (GA)	Fleming	Hunter
Buchanan	Flores	Hurt
Bucshon	Forbes	Issa
Buerkle	Fortenberry	Jenkins
Burgess	Fox	Johnson (OH)
Burton (IN)	Franks (AZ)	Johnson, Sam
Calvert	Frelinghuysen	Jordan
Camp	Gallegly	Kelly
Campbell	Gardner	King (IA)
Canseco	Garrett	King (NY)
Cantor	Gerlach	Kingston
Capito	Gibbs	Kinzinger (IL)
Carter	Gibson	Kline

Labrador	Olson	Schweikert	Castor (FL)	Hinojosa	Peters	Lance	Palazzo	Schweikert
Lamborn	Palazzo	Scott (SC)	Chandler	Hochul	Pingree (ME)	Landry	Paul	Scott (SC)
Lance	Paul	Scott, Austin	Chu	Holt	Platts	Lankford	Paulsen	Scott, Austin
Landry	Paulsen	Sensenbrenner	Cicilline	Honda	Polis	Latham	Pearce	Sensenbrenner
Lankford	Pearce	Sessions	Clarke (MI)	Hoyer	Price (NC)	LaTourette	Pence	Sessions
Latham	Pence	Shimkus	Clarke (NY)	Israel	Quigley	Latta	Peterson	Shimkus
LaTourette	Peterson	Shuler	Clay	Johnson (GA)	Rangel	LoBiondo	Petri	Shuler
Latta	Petri	Shuster	Cleaver	Johnson (IL)	Reichert	Long	Pitts	Shuster
LoBiondo	Pitts	Simpson	Clyburn	Johnson, E. B.	Richardson	Lucas	Poe (TX)	Simpson
Long	Platts	Smith (NE)	Cohen	Jones	Rothman (NJ)	Luetkemeyer	Pompeo	Smith (NE)
Lucas	Poe (TX)	Smith (NJ)	Connolly (VA)	Kaptur	Roybal-Allard	Lummis	Posey	Smith (NJ)
Luetkemeyer	Pompeo	Smith (TX)	Conyers	Keating	Ruppersberger	Lungren, Daniel	Price (GA)	Smith (TX)
Lummis	Posey	Southerland	Cooper	Kildee	Rush	E.	Quayle	Southerland
Lungren, Daniel	Price (GA)	Stearns	Costa	Kind	Ryan (OH)	Mack	Rahall	Stearns
E.	Quayle	Stutzman	Costello	Kissell	Sánchez, Linda	Manzullo	Reed	Stutzman
Mack	Rahall	Sullivan	Courtney	Kucinich	T.	Marchant	Rehberg	Sullivan
Manzullo	Reed	Terry	Critz	Langevin	Sanchez, Loretta	Marino	Renacci	Terry
Marchant	Rehberg	Thompson (PA)	Crowley	Larsen (WA)	Sarbanes	Matheson	Ribble	Thompson (PA)
Marino	Reichert	Thornberry	Cuellar	Larson (CT)	Schakowsky	McCarthy (CA)	Rigell	Thornberry
Matheson	Renacci	Tiberi	Cummings	Lee (CA)	Schiff	McCaul	Rivera	Tiberi
McCarthy (CA)	Ribble	Tipton	Davis (CA)	Levin	Schwartz	McClintock	Roby	Turner (NY)
McCaul	Rigell	Turner (NY)	Davis (IL)	Lipinski	Scott (VA)	McHenry	Roe (TN)	Turner (OH)
McClintock	Rivera	Turner (OH)	DeFazio	Loebsack	Scott, David	McKeon	Rogers (AL)	Upton
McHenry	Roby	Upton	DeGette	Lofgren, Zoe	Serrano	McKinley	Rogers (KY)	Walberg
McIntyre	Roe (TN)	Walberg	DeLauro	Lowe	Sewell	McMorris	Rogers (MI)	Walden
McKeon	Rogers (AL)	Walden	Deutch	Lujan	Sherman	Rodgers	Rohrabacher	Walsh (IL)
McKinley	Rogers (KY)	Walsh (IL)	Dingell	Lynch	Sires	Meehan	Rokita	Webster
McMorris	Rogers (MI)	Webster	Doggett	Maloney	Slaughter	Mica	Rooney	West
Rodgers	Rohrabacher	West	Donnelly (IN)	Markey	Smith (WA)	Miller (FL)	Ros-Lehtinen	Westmoreland
Meehan	Rokita	Westmoreland	Doyle	Matsui	Speier	Miller (MI)	Roskam	Whitfield
Mica	Rooney	Whitfield	Edwards	McCarthy (NY)	Stark	Miller, Gary	Ross (AR)	Wilson (SC)
Miller (FL)	Ros-Lehtinen	Wilson (SC)	Ellison	McCollum	Thompson (CA)	Mulvaney	Ross (FL)	Wittman
Miller (MI)	Roskam	Wittman	Engel	McDermott	Thompson (MS)	Murphy (PA)	Royce	Wolf
Miller, Gary	Ross (AR)	Wolf	Eshoo	McGovern	Tierney	Myrick	Runyan	Womack
Mulvaney	Ross (FL)	Womack	Farr	McIntyre	Tipton	Neugebauer	Ryan (WI)	Woodall
Murphy (PA)	Royce	Woodall	Fattah	McNerney	Tonko	Noem	Scalise	Yoder
Myrick	Runyan	Yoder	Filner	Michael	Towns	Nugent	Schilling	Young (AK)
Neugebauer	Ryan (WI)	Young (AK)	Frank (MA)	Miller (NC)	Tsongas	Nunes	Schmidt	Young (FL)
Noem	Scalise	Young (FL)	Fudge	Miller, George	Van Hollen	Nunnelee	Schock	Young (IN)
Nugent	Schilling	Young (IN)	Gibson	Moore	Velázquez	Olson	Schrader	
Nunes	Schmidt		Gonzalez	Moran	Visclosky			
Nunnelee	Schock		Green, Al	Murphy (CT)	Walz (MN)			
			Green, Gene	Nadler	Wasserman			
			Grijalva	Napolitano	Schultz			
			Gutierrez	Neal	Waters			
			Hahn	Oliver	Watt			
			Hanabusa	Owens	Waxman			
			Hastings (FL)	Pallone	Welch			
			Heinrich	Pascrell	Wilson (FL)			
			Higgins	Pastor (AZ)	Woolsey			
			Himes	Pelosi	Yarmuth			
			Hinchee	Perlmutter				

## NOT VOTING—15

Akin	Hirono	Reyes
Bishop (NY)	Jackson (IL)	Richmond
Culberson	Jackson Lee	Stivers
Dicks	(TX)	Sutton
Garamendi	Lewis (CA)	
Herrera Beutler	Meeks	

## □ 1851

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MR. MARKEY

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 177, noes 240, not voting 14, as follows:

[Roll No. 518]

## AYES—177

Ackerman	Berkley	Buchanan
Altmire	Berman	Butterfield
Andrews	Blumenauer	Capps
Baca	Bonamici	Capuano
Baldwin	Boswell	Cardoza
Barber	Brady (PA)	Carnahan
Bass (CA)	Braley (IA)	Carney
Becerra	Brown (FL)	Carson (IN)

## NOES—240

Adams	Cassidy	Goodlatte
Aderholt	Chabot	Gosar
Akin	Chaffetz	Govdy
Alexander	Coble	Granger
Amash	Coffman (CO)	Graves (GA)
Amodei	Cole	Graves (MO)
Austria	Conaway	Griffin (AR)
Bachmann	Cravaack	Griffith (VA)
Bachus	Crawford	Grimm
Barletta	Crenshaw	Guinta
Barrow	Davis (KY)	Guthrie
Bartlett	Denham	Hall
Barton (TX)	Dent	Hanna
Bass (NH)	DesJarlais	Harper
Benishek	Diaz-Balart	Harris
Berg	Dold	Hartzler
Biggart	Dreier	Hastings (WA)
Bilbray	Duffy	Hayworth
Bilirakis	Duncan (SC)	Heck
Bishop (GA)	Duncan (TN)	Hensarling
Bishop (UT)	Ellmers	Herger
Black	Emerson	Herrera Beutler
Blackburn	Farenthold	Holden
Bonner	Fincher	Huelskamp
Bono Mack	Fitzpatrick	Huizenga (MI)
Boren	Flake	Hultgren
Boustany	Fleischmann	Hunter
Brady (TX)	Fleming	Hurt
Brooks	Flores	Issa
Broun (GA)	Forbes	Jenkins
Bucshon	Fortenberry	Johnson (OH)
Buerkle	Fox	Johnson, Sam
Burgess	Franks (AZ)	Jordan
Burton (IN)	Frelinghuysen	Kelly
Calvert	Gallagher	King (IA)
Camp	Gardner	King (NY)
Campbell	Garrett	Kingston
Canseco	Gerlach	Kinzinger (IL)
Cantor	Gibbs	Kline
Capito	Gingrey (GA)	Labrador
Carter	Gohmert	Lamborn

## NOT VOTING—14

Bishop (NY)	Jackson (IL)	Meeks
Culberson	Jackson Lee	Reyes
Dicks	(TX)	Richmond
Garamendi	Lewis (CA)	Stivers
Hirono	Lewis (GA)	Sutton

## □ 1855

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. GRIFFIN of Arkansas. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GINGREY of Georgia) having assumed the chair, Mr. SIMPSON, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 4078) to provide that no agency may take any significant regulatory action until the unemployment rate is equal to or less than 6.0 percent, had come to no resolution thereon.

# REPORT ON RESOLUTION PROVIDING FOR FURTHER CONSIDERATION OF H.R. 4078, RED TAPE REDUCTION AND SMALL BUSINESS JOB CREATION ACT

Ms. FOXX, from the Committee on Rules, submitted a privileged report (Rept. No. 112-623) on the resolution (H. Res. 741) providing for further consideration of the bill (H.R. 4078) to provide that no agency may take any significant regulatory action until the unemployment rate is equal to or less than 6.0 percent, which was referred to the

House Calendar and ordered to be printed.

**MAKING IN ORDER CONSIDERATION OF HOUSE CONCURRENT RESOLUTION 134, CONDEMNING THE ATROCITIES THAT OCCURRED IN AURORA, COLORADO**

Ms. FOXX. Mr. Speaker, I ask unanimous consent that it be in order at any time to consider House Concurrent Resolution 134 in the House; that the concurrent resolution be considered as read; and that the previous question be considered as ordered on the concurrent resolution and preamble to adoption without intervening motion or demand for division of the question except 30 minutes of debate equally divided and controlled by Representative COFFMAN of Colorado and Representative PERLMUTTER of Colorado or their respective designees.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

**HOOR OF MEETING ON TOMORROW**

Ms. FOXX. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

**RED TAPE REDUCTION AND SMALL BUSINESS JOB CREATION ACT**

The SPEAKER pro tempore. Pursuant to House Resolution 738 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 4078.

Will the gentlewoman from Missouri (Mrs. HARTZLER) kindly take the chair.

□ 1900

**IN THE COMMITTEE OF THE WHOLE**

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 4078) to provide that no agency may take any significant regulatory action until the unemployment rate is equal to or less than 6.0 percent, with Mrs. HARTZLER (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, amendment No. 5 printed in House Report 112-616 offered by the gentleman from Massachusetts (Mr. MARKEY) had been disposed of.

**AMENDMENT NO. 6 OFFERED BY MR. WATT**

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in part B of House Report 112-616.

Mr. WATT. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 3, line 18, strike "or (d)" and insert the following: "(d), or (e)".

Page 5, insert after line 7 the following:

(e) EXCEPTION FOR REGULATORY ACTIONS PERTAINING TO CERTAIN INTELLECTUAL PROPERTY RULES.—An agency may take a significant regulatory action if the significant regulatory action is a regulatory action by the United States Patent and Trademark Office that will help streamline the application processes for patents and trademarks, including rules implementing the micro entity provision of the Leahy-Smith America Invents Act.

Page 10, insert after line 13 the following and redesignate provisions accordingly:

(c) INTELLECTUAL PROPERTY EXCEPTION.—Section 202 shall not apply to a midnight rule if the midnight rule is a rule made by the United States Patent and Trademark Office that will help streamline the application processes for patents and trademarks, including regulations implementing the micro entity provision of the Leahy-Smith America Invents Act.

Page 19, insert after line 25 the following:

(d) EXCEPTION.—This section shall not apply in the case of any consent decree or settlement agreement in an action to compel agency action by the United States Patent and Trademark Office that will help streamline the application processes for patents and trademarks, including regulations implementing the micro entity provision of the Leahy-Smith America Invents Act.

The Acting CHAIR. Pursuant to House Resolution 738, the gentleman from North Carolina (Mr. WATT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. WATT. Madam Chair, I yield myself such time as I may consume.

Madam Chair, after 6 long years of negotiation, thoughtful consideration, and bipartisan cooperation, we passed a patent reform bill which was signed into law on September 16, 2011, by President Obama. At the time the bill was passed, Speaker BOEHNER said:

Modernizing our patent system for America's innovators and job creators is an important part of the Republican Jobs Plan. This bipartisan measure reflects our commitment to find common ground with the President on removing barriers to private sector job growth, and I am pleased to see it signed into law.

Under the America Invents Act, we the Congress, Republicans and Democrats, directed the United States Patent and Trademark Office to issue 20 implementing rules. Of the 20 implementing rules, seven have already been implemented, nine have been noticed, and four are under development. Under this bill that we are considering today, that entire process would be stopped in its tracks.

Among the most troubling aspects of stopping the rulemaking process in this case is a rule that would be specifi-

cally designed to assist micro entities in securing patents for their inventions. It's a law that says, once the rule is adopted by the Patent and Trademark Office, micro entities will get a 75 percent reduction in the filing fees that they have applicable to them.

The Director of the Patent and Trademark Office has said:

The new micro entity provision in the America Invents Act makes our patent system more accessible for smaller innovators by entitling them to a 75 percent discount on patent fees. By paying discounted patent fees as micro entities, smaller innovators can access the patent system to move their ideas into the marketplace.

Although the micro entity definition became effective September 16 when the President signed the bill into law—the date of enactment of the patent reform bill—the discount is not available to these small entities until these rules are passed, and this bill would make it impossible for us to adopt the rules.

I reserve the balance of my time.

Mr. GRIFFIN of Arkansas. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. GRIFFIN of Arkansas. Madam Chair, I first would like to say I supported the America Invents Act, supported it in committee, and I've got great news for you and great news for me, and that is I don't see any evidence that the rules to which you referred would total \$100 million in impact and meet that threshold. I just don't believe that's the case. So this amendment is unnecessary. Even if they do meet that threshold, there are several ways that they could be brought to Congress for approval.

The amendment, like so many others offered here tonight, seeks to carve out one set of regulations while leaving all the other regulations under the bill. Surely folks have their favorite regulations that they want to save and defend, and like a number of other carve-out amendments, this one is just not necessary. Titles I and II of the bill, for example, already exempt regulations, as I indicated, that will not impose \$100 million in cost on the economy.

Surely the regulations this amendment seeks to protect, those that will streamline patent application processes, will save the economy money, not impose more cost. There is, thus, no need to worry that they will be affected by these titles of the bill.

Meanwhile, title III of the bill imposes balanced improvements in transparency, public participation, and judicial review for regulatory consent decrees and settlements. It will not prevent the Patent and Trademark Office from settling regulatory suits by consent decree or settlement. For these reasons, I oppose the amendment.

I reserve the balance of my time.

Mr. WATT. Madam Chair, I yield myself such time as I may consume.

Let me get this straight. We have passed a bill on a bipartisan basis that directs that rules be written, and then we want, when the rules are written, to have it come back to Congress so that we can approve those rules. Tell me, first of all, what sense that makes.

Second of all, the gentleman obviously is not aware of some of the corporations that have started off as micro enterprises if he does not believe that this measures up to his \$100 million, or whatever the threshold is. Let me read him some of the companies that started off as micro enterprises.

What about Google or Apple or Instagram or Microsoft or Facebook, a whole litany of people that, were this 75 percent reduction in fees not in effect, might have been discouraged from ever even applying for a patent. So this notion that this doesn't add up to \$100 million, or whatever this threshold is, is just false.

The notion that we would tell the administration to adopt a set of rules and then say, okay, we're going to micro-manage you and you've got to come back over here so we can cross your T's and dot your I's in a noncontroversial way like this and delay the process of innovation in our country is just nonsensical.

I yield back the balance of my time.

Mr. GRIFFIN of Arkansas. While I appreciate the passion of the gentleman from North Carolina, it doesn't change the fact that it's very unlikely that the impact on the economy would be \$100 million or more. That has nothing to do with the sales of the company. It has to do with the impact of the regulation on the economy.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from North Carolina (Mr. WATT).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. WATT. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from North Carolina will be postponed.

□ 1910

AMENDMENT NO. 7 OFFERED BY MR. LOEBSACK

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in part B of House Report 112-616.

Mr. LOEBSACK. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 3, line 18, strike "or (d)" and insert "(d), or (e)".

Page 5, after line 7, insert the following new subsection:

(e) CONSUMER PROTECTION FROM HIGH FUELS PRICES EXCEPTION.—An agency may

take a significant regulatory action if such action would have the effect of lowering the price of oil or the wholesale or retail price of oil, gasoline, diesel, or other motor fuels.

Page 10, after line 4, insert the following new paragraph:

(3) likely to result in lower oil prices or lower wholesale or retail prices for oil, gasoline, diesel, or other motor fuels;

The Acting CHAIR. Pursuant to House Resolution 738, the gentleman from Iowa (Mr. LOEBSACK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. LOEBSACK. Madam Chairman, I yield myself as much time as I may consume.

Madam Chairman, I wish to offer this amendment to provide the opportunity to lower the price of gas and oil. The purpose of my amendment is very simple: it's to ensure that our constituents are not disadvantaged by blindly holding up actions that potentially lower oil and gas prices. It will allow significant actions to move forward that would lower prices for gasoline, diesel, oil or other motor fuels.

We know that some regulations can be problematic when they aren't crafted carefully, with broad input and consideration for effects on the ground. We all know that and we all agree with that.

In fact, I've supported legislation in the past to give small businesses a bigger role in crafting regulations that affect them, and I am a member of the bipartisan Congressional Regulatory Review Caucus.

But we also know that there are some regulations that can protect public health, make our economy function more smoothly, and provide opportunity for all Americans to succeed. And as we struggle to recover from the worst recession since the Great Depression, there are families across the country making hard decisions about whether to put food on the table, clothes on their back, or gas in the car. Middle class folks we all know have been hurt disproportionately by higher gas prices, and that's why this amendment, I believe, is so important.

I think it would be irresponsible to pass legislation that would actually have the opposite effect, potentially, of its intention in a number of areas, gas prices being one of them.

Rural Americans, like those in my home State of Iowa, are more likely to have older vehicles, especially trucks, and farmers and others in rural areas need trucks. That is their mode of transportation.

Rural residents also—I think it's unknown to a lot of folks who live in urban areas—on average, drive 3,000 miles per year more than their urban counterparts, a disparity particularly evident when considering commutes to work.

My amendment will ensure that actions taken that would lower gas, oil,

or other motor fuels, the prices of these commodities, can move forward and save money for all Americans and for Iowa families. If there is an action that could lower gas prices, I would think that we can all agree that it should move forward to benefit families and businesses and farmers who are struggling just to make ends meet.

If this legislation under consideration were already in effect, no significant actions could have been taken this year to lower oil and gas prices during a time of record costs, and we all had conversations about that on this floor earlier this year.

I've pushed for initiatives to utilize more American-produced energy, but as our Nation continues to be dependent on foreign sources, American families' costs at the pump continues to be subject to the fluctuations of speculators and manipulation. And we've already heard from some Members previously about that issue.

I think we need to be focusing our attention on becoming more energy independent through a variety of energy sources. We need an all-of-the-above approach to domestic energy production. There's no doubt about that. And ensuring that actions to move forward that would lower oil or gas prices in the U.S. is part of an all-of-the-above approach where we need to be looking at all options.

I truly hope that my colleagues will support what is truly a commonsense amendment, I believe, and I urge my colleagues to ensure that our hands are not tied by this legislation and to take actions to lower gas prices. I think we can improve this bill, and I think this amendment will do that.

I reserve the balance of my time.

Mr. FARENTHOLD. I claim time in opposition.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. FARENTHOLD. I rise in opposition to this amendment which would provide an exception for regulations that attempt to manipulate the price of oil, gas, and other fuels.

As I was listening to my colleague from across the aisle, I was struck by the fact that he didn't actually mention any possible regulations that could do that. I also would like to point out that our hands, as Congress, are not tied. This bill ties the hands of regulators.

If he is able to come up with a good idea to lower fuel prices, he can bring it to Congress, we can pass it, the Senate can pass it, and the President can sign it, just the way the Founding Fathers intended.

Just to be clear, I also want to point out that nothing in H.R. 4078 prevents the administration from taking any number of actions that would increase the supply of domestic oil and gas and lower the price of gasoline at the pump. The passage of this amendment,

however, would do nothing to lower the price at the pump.

Now, I realize this amendment seems to preserve the option to impose price controls. That's the only thing I could think of that it could do. We learned back in the 1970s that price control does nothing but lead to shortage and lines at the gasoline pump. There's absolutely no reason we need to return to the failed policies of the Carter administration.

Now, if the current administration were truly interested in providing relief at the pump, there are any number of actions they could do to increase the supply of oil and gasoline and lower the price at the pump. But the Obama administration's done little to tap into vast domestic resources that would increase the supply of American oil.

Rather, under President Obama, permitting and leasing on Federal land is actually down. Alas, the President has also vetoed or is opposed to the Keystone pipeline, which would have connected not only Canadian oil to refineries in the South but would have also have connected the new finds in North Dakota in the Bakken shale sands.

Canadian sands production is expected to double to 3 million barrels a day between 2010 and 2020, and domestic oil production will increase by as much as 20 percent. The lack of a Keystone XL-like pipeline means slower, less reliable, and less safe forms of transportation that will continue to necessitate transporting domestic oil from North Dakota by much more expensive and much less safe means of truck and rail, rather than pipelines.

Lowering the cost of that transportation would lower the cost of that crude oil and would lower the cost of gasoline at the pump. As a matter of fact, a barrel of North Dakota Sweet sells for \$62. That's lower than the international price of oil, predominantly because of the additional transportation costs necessary to bring it down to be refined in the refineries that are currently set up in this country.

If this Bakken oil were made available to the rest of the country we would see an economic boom. We would see lower prices for gasoline at the pump. We would see more jobs in America. The east coast, in particular, needs this oil and this gas made available to bring costs down.

Bakken may lead to some price relief there. But it will also open Canadian oil. We talk about energy independence, but realistically, North America is the energy unit that we should be looking at for providing our source. As we tap resources throughout the United States, Canada, and Mexico, we are going to be able to become energy independent much more rapidly than anyone ever thought as these new technologies develop to let us reach oil and gas deposits that we never, even 10 years ago, thought was possible.

I was talking to a geologist just recently when I attended a field hearing in North Dakota, and he told me, when he was in school, they always considered shale to be the source and would never be able to tap it. But technology has proved that wrong. And, in fact, even with our current technology, we're only getting a small percentage of the actual oil trapped in that shale.

I'm confident that, as our technology develops, that is going to become more and more available, and this is going to take care of it.

But what we know is what's running up the price of oil and gas is excessive government regulation. And if we can put a hold on government regulation, so our businesses can know what they have to do to comply with those regulations, and not have the goalposts moved in the middle of the game, we'll have new refining infrastructure built, we'll have new factories built, we'll have new jobs created, and we will get to an unemployment rate of 6 percent a whole lot faster, I think, than anybody is predicting.

This bill is a rational step to put the brakes on an oppressive government that is stifling job creation. And carving holes in it and creating loopholes, like this amendment would do, only weakens that and will slow our path to recovery. So I urge my colleagues to defeat this amendment.

I yield back the balance of my time.

□ 1920

Mr. LOEBACK. Madam Chair, how much time is remaining on my side?

The Acting CHAIR. The gentleman from Iowa has 1½ minutes remaining.

Mr. LOEBACK. I don't know where to begin. I don't have enough time to respond to everything that was said by my colleague on the other side of the aisle.

What I will say at the outset is that this has nothing to do with the Carter administration, that it has nothing to do with any previous regulations, that it has nothing to do with cost control. This is a very simple amendment. I think, if one reads the amendment, one will find that there is absolutely nothing in the amendment that is feared by the gentleman from the other side of the aisle. It's that simple.

In fact, it's this kind of debate, if we want to call it that, that is something that is very upsetting to the American people at this time and is something I hear in Iowa all the time. We've got to have a rational debate that is based on fact. There is nothing in this amendment whatsoever that the gentleman referred to. The amendment, itself, because it is so simple and because it is open-ended, would allow for many of the very same things that the gentleman on the other side of the aisle suggests that we ought to do and that I may very well be open to doing myself.

I think that's what's important about this amendment. It's simple. It's open. In fact, it allows for the very kinds of things that he mentioned to go forward. If this amendment is adopted, I think it would vastly improve the underlying bill along the lines that the gentleman, himself, argued.

With that, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Iowa (Mr. LOEBACK).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. LOEBACK. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Iowa will be postponed.

AMENDMENT NO. 8 OFFERED BY MS. RICHARDSON

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in part B of House Report 112-616.

Ms. RICHARDSON. Madam Chairwoman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 3, after line 26, insert the following new paragraph:

(3) necessary to properly implement the provisions of (and amendments made by) the Patient Protection and Affordable Care Act (Public Law 111-148) and the provisions of (and amendments made by) title I and subtitle B of title II of the Health Care and Education Reconciliation Act of 2010 (Public Law 111-152);

The Acting CHAIR. Pursuant to House Resolution 738, the gentlewoman from California (Ms. RICHARDSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. RICHARDSON. I would like to extend a thanks to Chairman SMITH and to Ranking Member CONYERS for having their hard work brought to fruition here with this legislation.

Madam Chairwoman, the Richardson amendment would allow the government to take significant regulatory action if and when the monthly national unemployment rate is above 6 percent, thereby allowing for the action and proper implementation of the Patient Protection and Affordable Care Act and the health provisions of the Health Care and Education Reconciliation Act of 2010.

The sponsors of H.R. 4078 suggest the legislation will promote job growth. I argue that the Affordable Care Act, when fully implemented, will promote job growth, support economic growth and spur deficit reduction in our economy in terms of the deficit that we

currently are experiencing. My amendment is intended to ensure that adequate health care through the Affordable Care Act can be fully implemented.

Because so many Americans rely on their employers to have access to health care, high levels of unemployment can leave many of our U.S. citizens uninsured and underinsured. When the monthly unemployment rate is above 6 percent, something this Nation has unfortunately incurred for approximately 2 years now, that is the very time, I would argue, that our government was created to assist U.S. citizens and all of those who obviously need health care. A strong economy needs healthy workers.

There is a common and persistent misconception that the Patient Protection and Affordable Care Act will pose an undue burden on small businesses and will limit job creation, but this is absolutely untrue. Rather, the Affordable Care Act offers \$40 billion in tax credits for small businesses to help pay for employee health insurance coverage. In 2011, this tax credit was used to pay for the coverage of over 2 million uninsured Americans. In my home district, the 37th Congressional District of California, 510 small businesses have already received this tax credit to maintain or expand the health insurance coverage for their employees.

The Affordable Care Act also establishes health insurance exchanges in which small business owners and employees can pool their buying power to shop for affordable plans. Beginning in 2014, all the plans offered in these exchanges will have guaranteed sets of minimum benefits to ensure that small businesses are not faced with gaps in coverage or fine print restrictions, which are documented problems that have plagued recipients in the past.

Despite the unfounded claims that this bill will raise taxes for everyday Americans, the Affordable Care Act will bring a significant and immediate savings to the middle class at a time when we need it most.

With that, I reserve the balance of my time.

Mr. GRIFFIN of Arkansas. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. GRIFFIN of Arkansas. Madam Chair, this amendment would exempt regulations to implement ObamaCare, the President's health care law, from the regulatory freeze.

Fear and uncertainty among job creators of the coming regulatory tidal wave to implement ObamaCare is certainly holding back our economic recovery. The Congressional Budget Office projects that ObamaCare will cost over \$1.1 trillion. For American small businesses that are already struggling to stay afloat, this is a staggering burden.

If you want to know what small businesses think about the bill that is before us, I will tell you that, in Arkansas, they support it, but they certainly do not support ObamaCare. I would also point out, Madam Chair, that the NFIB, the premier small business organization in America, supports the bill.

It is estimated that ObamaCare will require nearly 160 new boards, bureaus, bureaucracies, and commissions. Overall, the Federal Government will issue, roughly, 10,000 pages of new regulations to implement the so-called "health care reform." Yet this amendment would exempt these regulations from title I of the Regulatory Freeze for Jobs Act.

At a time when we should be working to repeal ObamaCare and to replace it with patient-centered health care reform, this amendment simply makes no sense. I would also point out, Madam Chair, that if there are regulations that the Obama administration wants to see proceed through the process, they can certainly send them to Congress and see if we will approve them. We can take a look at them, see if they make sense, see if they do what they intend, and see if it's right for the country.

For these reasons, I oppose this amendment.

I reserve the balance of my time.

Ms. RICHARDSON. Madam Chairwoman, how much time do I have remaining?

The Acting CHAIR. The gentlewoman from California has 2¼ minutes remaining.

Ms. RICHARDSON. I am convinced that President Obama does care, but today, I am here to talk about the Patient Protection and Affordable Care Act.

Regarding that act, I think it's important to note that this amendment is not simply a blanket exemption; rather, it deals with the time when unemployment exceeds 6 percent. For those American people—many of whom I represent, who have struggled through no fault of their own to be able to gain employment—this is a significant exemption that is needed.

Madam Chairwoman, when we look at the implementation of the Patient Protection and Affordable Care Act, it passed this body in Congress; it passed the body in the Senate; it was signed into law; and now it has been upheld by the Supreme Court of the United States. Health care reform is finally here to stay, and the time has come for us to commit ourselves and our attention and our efforts in this Congress to wholeheartedly supporting its enactment. Where changes and revisions and improvements need to be made, we have an opportunity to do so.

The Richardson amendment I bring forward today does not obligate additional funds to address health care reform. It would simply give the Federal

Government the freedom—the freedom that we all believe in—to pursue all available options in the future, especially in the greatest times of need. My amendment ensures that the Patient Protection and Affordable Care Act is implemented without adding time and cost-consuming procedural burdens.

I urge my colleagues to join me in supporting Richardson amendment No. 8 and to reaffirm this Nation's commitment to providing the basic necessity. Certainly, I think that equates to the level of the right to the pursuit of happiness, which is what America was built on.

With that, I yield back the balance of my time.

Mr. GRIFFIN of Arkansas. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Ms. RICHARDSON).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Ms. RICHARDSON. Madam Chairwoman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California will be postponed.

□ 1930

AMENDMENT NO. 9 OFFERED BY MS. RICHARDSON

The Acting CHAIR. It is now in order to consider amendment No. 9 printed in part B of House Report 112-616.

Ms. RICHARDSON. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 3, after line 26, insert the following new paragraph (and redesignate succeeding paragraphs accordingly):

(3) necessary to carry out the Fair Credit Reporting Act;

The Acting CHAIR. Pursuant to House Resolution 738, the gentlewoman from California (Ms. RICHARDSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. RICHARDSON. Madam Chairwoman, the Richardson amendment simply improves the bill by allowing for necessary regulations to be promulgated when the monthly national unemployment rate is above 6 percent in order to protect consumers against unintended consequences that they might suffer under the Fair Credit Reporting Act.

This amendment promotes job growth by ensuring small businesses have fair and accurate credit scores to obtain competitive interest loans. This amendment enables the appropriate Federal agencies, such as the Federal Reserve, the Federal Trade Commission, and the Consumer Financial Protection Bureau, to issue regulations



necessary to protect consumers and to promote small businesses.

The Fair Credit Reporting Act, also known as FCRA, is an important piece of legislation that protects the accuracy, fairness, and the privacy of information collected at credit bureaus. It gives consumers the right to view and challenge the information in their respective credit reports. Although this legislation was originally passed well over 40 years ago, this issue has remained in the forefront of public consciousness, and in 2003 we had provisions that were added to deal with identity theft.

The Fair Credit Reporting Act requires that consumer reporting agencies, also known as CRAs, ensure that they provide up-to-date information and remove negative information after 10 years. These requirements mandated by the Fair Credit Reporting Act provide entrepreneurs with fair credit scores and enable them to seek competitive loans to start or expand small businesses.

There are 28.6 million small businesses in the United States, and small businesses create two out of every three jobs in this country. In the State of California that I represent, small businesses employ more than 50 percent of the State's 16 million workers and represent 90 percent of the job growth for higher income.

With that, Madam Chair, I reserve the balance of my time.

Mr. MCHENRY. Madam Chair, I rise in opposition.

The Acting CHAIR. The gentleman from North Carolina is recognized for 5 minutes.

Mr. MCHENRY. Madam Chair, I yield myself such time as I may consume.

I would say to my colleagues that the Fair Credit Reporting Act should not be singled out for special treatment.

This bill is about creating jobs; and the American people know, as we know, and as rational people looking at the process of regulation know, that higher regulation out of Washington means lower job growth. In particular, what this amendment would do is further constrict access to credit. Furthermore, this bill does not inhibit any individual from getting their free credit report or from having access to their credit report.

What this bill prevents, however, is an agency like the CFPB, which is a very powerful agency with an unconfirmed director. The President went around the process that the Senate has outlined for Senate confirmation. It's a very controversial appointment. They've taken these powers, and they can write very costly and expensive rules. Those costly rules inhibit credit opportunity for Americans, if not done correctly. We've seen some actions already out of this agency that raise great concerns that it's going to be very costly to small banks and to small businesses.

Let's avoid that. Let's reject this amendment. Let's create jobs by passing this bill.

With that, I reserve the balance of my time.

Ms. RICHARDSON. Madam Chair, how much time do I have remaining?

The Acting CHAIR. The gentlewoman from California has 3 minutes remaining.

Ms. RICHARDSON. Madam Chair, in relation to the comments that have been made, I'd like to speak to why the fair credit reporting agencies would be exempted in this particular amendment.

When you consider that we're national representatives—and rational legislators do know, I would say, and I think small business owners are aware, that without capital, without the ability to have appropriate credit scores and not to be able to extend that, not to be able to get appropriate capital to have your business to be successful, there are no jobs. There is no thriving economy. That's why, in fact, this Agency should be exempted.

The statistics are clear: small businesses are the key to our economic recovery and our continued growth. Relieving the financial burdens of small businesses stabilizes the uncertainty and encourages critical job growth. Entrepreneurs and small businesses are the engines of innovation and economic growth, and the small businesses in my district are at the forefront of that innovation.

It would be wrong and counterproductive to limit the Federal Government's ability to support small businesses when they need it most. I urge my colleagues to join me in supporting Richardson Amendment No. 9 and reaffirming our commitment and this Nation's commitment that when businesses need the assistance, when they, in fact, can qualify for the assistance, that improper reporting or old reporting certainly shouldn't hinder their ability to have that vibrant business.

With that, I yield back the balance of my time.

Mr. MCHENRY. Madam Chair, I would say in closing that the Fair Credit Reporting Act should not be singled out for special treatment, nor should the Consumer Financial Protection Bureau be singled out for special treatment. We should not treat the CFPB rulemaking powers differently than any other Federal agency dealt with under this legislation before us.

Let me also say to my colleagues that it's very important to note that law enforcement actions will continue. Bad actors can continue to be rooted out, regardless of this legislation. That power is still given to the CFPB and other law enforcing agencies across the government. Furthermore, consumers will continue to have access to their credit reports, and this amendment

doesn't address a consumer's ability to get that credit report.

Furthermore, let's create jobs by eliminating regulations that inhibit job growth. Let's roll back this uncertainty and give the American people a level of certainty and some expectation of the regulatory framework they have to work under. That's the way we help small businesses be able to take that risk, be able to get that access to credit so they can create jobs, and maybe even keep the doors open and the lights on.

With that, I urge my colleagues to reject this amendment and pass the underlying bill.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Ms. RICHARDSON).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. RICHARDSON. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California will be postponed.

AMENDMENT NO. 10 OFFERED BY MR. CONNOLLY OF VIRGINIA

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in part B of House Report 112-616.

Mr. CONNOLLY of Virginia. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 5, strike lines 4 through 7 and insert the following:

(3) CONGRESSIONAL ACTION.—With respect to any submission by the President under this subsection—

(A) Congress shall give expeditious consideration to the submission by taking appropriate action not later than the end of a 7-day period beginning on the date on which the submission is received; and

(B) in the case that Congress fails to act upon the submission during such period, section 102(a) shall not apply.

The Acting CHAIR. Pursuant to House Resolution 738, the gentleman from Virginia (Mr. CONNOLLY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. CONNOLLY of Virginia. Madam Chairman, my simple amendment would clarify the congressional procedure for acting on the President's written congressional waiver request as provided for in the bill.

Based on their remarks today, it appears my friends on the other side of the aisle view the availability of congressional waivers as sufficient to ensure commonsense, popular safeguards such as rules benefiting veterans with

catastrophic injuries, assisting students with loan debt, or providing families with peace of mind that the peanut butter their children eat will not poison them.

□ 1940

So they are not blocked by this bill's arbitrary across-the-board moratorium action on significant rulemaking actions because there is a waiver provision.

Yet for all of the emphasis on the importance of these congressional waivers, this bill, H.R. 4078, only provides vague, unclear guidance concerning how such actions would proceed on the President's waiver requests. H.R. 4078 only specifies that Congress shall give each submission by the President "expeditious consideration" and take "appropriate legislative action" without defining these terms in statute. Anyone who has watched this 112th Congress here in the House knows that they shouldn't put undue faith in terms like "expeditious consideration."

Republican claims to the contrary notwithstanding, as currently written, the congressional waiver provisions seem designed to spur effective talking points, not exactly an efficient process for considering Presidential submissions.

My simple amendment ensures that if the President requests a necessary and urgent waiver, such as the flexibility for the Department of Labor to issue a rule protecting coal miners from black lung disease, expeditious consideration shall not take longer than 1 week. This simple amendment takes no position on the wisdom of the given waiver request. It simply requires the Congress, whether it decides to approve or disapprove a President's request, to do so within 7 days.

As the numerous amendments filed by my colleagues demonstrate, the majority of the President's waiver requests will address noncontroversial, yet critically important, rules that protect our Nation's veterans, families, workers, environment, and economy. By supporting this perfecting amendment, Members will ensure that no American is endangered because of congressional inaction.

I reserve the balance of my time.

Mr. GRIFFIN of Arkansas. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. GRIFFIN of Arkansas. As I have said with regard to the other amendments that we have discussed here tonight, Madam Chair, there are several exemptions in the bill, and there is also the waiver, as the gentleman from Virginia has discussed.

Now, before I get to the waiver, I would like to point out that, unless I'm missing something, I think that the safety of peanut butter that I and my 2-year-old and my 4-year-old eat—I like

crunchy; they like creamy—I think it's already regulated. And if it's not, we certainly make provision for that to happen. I, like the gentleman from Virginia, want to make sure people are protected. I happen to also be a veteran, and I certainly want to see veterans taken care of.

I want to make it clear that our bill does not go back and repeal regulations that are finalized and in place. What it does is it says, let's take a deep breath; let's have a time-out; and let's allow the many small businesses and other job creators in this country an opportunity to catch up.

We've heard a lot about small businesses tonight. And I will point out once again that the premier small business organization in this country is the NFIB, and they support the bill.

Now, with regard to the gentleman from Virginia's amendment, the Regulatory Freeze for Jobs Act will put a moratorium on unnecessary regulations that will cost the economy \$100 million or more until the economy recovers. But even the administration admits that regulations can kill jobs and hinder economic growth, although this doesn't seem to have prevented them from issuing more and more of these most costly regulations.

Title I of the bill is carefully drafted to allow the President to issue certain necessary regulations during the moratorium period, such as regulations that implement trade agreements, for national security, for criminal and civil rights laws, the enforcement of those laws, and for an imminent threat to health or safety or other emergency. For any necessary regulation not covered by one of these exceptions, we have the congressional waiver that the gentleman from Virginia referred to. Under it, the President can ask permission for Congress to make the regulation, to approve it. This is entirely appropriate, since the Constitution vests in Congress "all legislative powers."

But this amendment could totally undermine the moratorium by allowing the President to swamp Congress with waiver requests. If Congress doesn't act on each request within 7 days—and the amendment doesn't specify whether this is calendar, session, or legislative days—then the waiver is deemed granted. With its track record of dramatically increasing the regulatory burden on the economy, this administration has shown that it cannot be trusted not to abuse the process this amendment would create. For these reasons, I oppose the amendment.

I reserve the balance of my time.

Mr. CONNOLLY of Virginia. May I inquire of the Chair how much time is left on this side.

The Acting CHAIR. The gentleman from Virginia has 2½ minutes remaining.

Mr. CONNOLLY of Virginia. I yield 2 minutes to the gentleman from Mary-

land (Mr. CUMMINGS), the distinguished ranking member of the Oversight and Government Reform Committee.

Mr. CUMMINGS. Madam Chair, I support the amendment offered by Mr. CONNOLLY.

The congressional waiver provision in this underlying bill is a farce. It requires the President to ask Congress its permission to issue a regulation and then wait for both Houses of Congress to approve the waiver. Give me a break. That could take months in the best case, but the more likely scenario is that it would never happen at all—and everybody knows that.

By adopting this amendment, we can ensure that the President can truly issue regulations when needed. Under this amendment, the waiver provision in the underlying bill will be changed so that if Congress doesn't act within 7 days on a waiver request submitted to it by the President, the waiver would be granted.

Let me be clear: under this amendment, Congress would still have the opportunity to object to a regulation when necessary. This amendment simply ensures that Congress' failure to act doesn't prevent the President from issuing needed regulations.

The majority claims that the congressional waiver provision in the underlying bill will ensure that the President can still issue important regulations. If the majority really intends to give the President that flexibility, they will adopt this amendment.

I hope my colleagues will join me in supporting this amendment.

Mr. GRIFFIN of Arkansas. I would just point out, Madam Chair, that the part of the bill that the gentleman from Maryland calls "a farce," the Founding Fathers might refer to it as "balance of powers." And that's what we're trying to do here, allow Congress to share in the process since we are the source of all legislative power. That is just another reason that I oppose this amendment.

I reserve the balance of my time.

Mr. CONNOLLY of Virginia. Of course I know my friend from Arkansas knows his history. That was the whole battle of Federalist versus anti-Federalist. The Federalists won out. That's how the Constitution of the United States got adopted, a more powerful government to help the union of the States.

Madam Chairman, I will close by simply noting the irony of opposing any kind of finite time limit. The very organization cited by my friend from Arkansas, NFIB, screams the loudest about uncertainty. Yet here we are, going to have expeditious consideration that could take weeks or months here in this body, and we're not going to put a finite time limit to give them the predictability and the certainty that they say they want. I think it's the minimum required in this legislation if we really mean to effectuate change.

I yield back the balance of my time.  
Mr. GRIFFIN of Arkansas. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. CONNOLLY).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. CONNOLLY of Virginia. Madam Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

#### AMENDMENT NO. 11 OFFERED BY MR. POSEY

The Acting CHAIR. It is now in order to consider amendment No. 11 printed in part B of House Report 112-616.

Mr. POSEY. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 6, line 14, insert after the period the following: "Such award shall be paid out of the administrative budget of the office in the agency that took the challenged agency action."

The Acting CHAIR. Pursuant to House Resolution 738, the gentleman from Florida (Mr. POSEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. POSEY. Madam Chair, I yield myself such time as I may consume.

Madam Chair, today in Washington, bureaucrats are able to craft and enforce rules that cost our economy billions of dollars while remaining aloof to the consequences of their actions. There remains a disconnect between those who write these rules in the comfort of the Beltway, generating reams of red tape, and the actions taken by the courts or Congress to delay or roll back those same rules.

When a regulator has overreached, they have wrongfully robbed American citizens of their benefits, of their labor, and their means of productivity. Today there is really no penalty for those who overreach. I believe regulators should be more prudent and measured when drafting and issuing rules and regulations.

□ 1950

My amendment simply calls agency bureaucrats to account when they exceed their delegated authority.

Section 104 of the underlying bill permits a court to award reasonable attorney's fees and costs to a small business when they prevail in a suit against an agency that has exceeded their statutory regulatory authority.

My amendment takes this a step further by requiring any attorney's fees and costs be paid out of the administrative budget of the particular office

that is found to have exceeded that authority. I believe this will give regulators greater pause before they issue regulations and will cause them to double-check to make sure that they are on solid ground. When an agency overreaches, what they are fundamentally doing is denying an American citizen their right to pursue opportunity, create jobs, or enjoy the benefits of their labor.

In a sense, they are basically robbing someone of their opportunity. Outside of the regulatory environment, when someone takes property that belongs to someone else, there are criminal sanctions if we catch them doing it. In the regulatory environment, however, the best that an American citizen can expect from the Federal Government is "I'm sorry," and that's at best.

We change that in this bill. With the adoption of my amendment, we change that for the particular regulators that exceed their authority. If adopted, this amendment will give more certainty to the regulatory process, and it will ensure regulators are more prudent when drafting regulations. We make sure that any damages are not paid out of the agency slush fund but, rather, out of the administrative budget of the offending office. That brings personal and government accountability to the regulatory process, something that's desperately needed. Now they will have some skin in the game, so to speak.

I urge my colleagues to support this good amendment, and I reserve the balance of my time.

Mr. NADLER. Madam Chair, I rise to claim the time in opposition.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. NADLER. I strongly oppose the Posey amendment because it makes even worse an already deeply problematic provision.

Under title I of this bill, a court is required to award attorney's fees and costs to a "substantially prevailing small business" in any civil action to challenge an agency's compliance with the moratorium. That provision further states that a small business can be substantially prevailing in the meaning of the bill even in the absence of a final judgment in its favor "if the agency that took the significant regulatory action changes its position after the civil action is filed."

There are two problems with this. First, it doesn't matter if the agency's change in position had absolutely nothing to do with the civil action. A court would still have to award attorney's fees to a small business that challenges an agency's compliance with the moratorium in court, even if the change in policy had nothing to do with the lawsuit.

Bad as this provision already is, the Posey amendment makes it worse by requiring that any award of attorney's

fees and costs be taken out of the defendant agency's budget. Agencies are already straining under diminishing financial and staff resources, thanks in no small part to the budget priorities of this House during this Congress. Further debilitating agencies by taking fee awards out of their budgets—even under circumstances when their change in position had nothing to do with the underlying lawsuit—further damages agencies' ability to do what Congress tasked them with doing, namely, protecting public health and safety.

What this amendment says is, if an agency has a regulation which, in its judgment, it must issue to protect the public health and safety and a small business sues to stop that, and even if the small business doesn't prevail, if there is any change in the agency's position, and even if that change in position has nothing to do with the subject of the lawsuit by the small business, it must pay attorney's fees. And, under this amendment, it must pay attorney's fees out of its own budget. That is dangerous because it will debilitate the agencies that we task with protecting the public health and safety.

Second of all, it is self-defeating. If you are the agency and you know if you are going to change your position in any way you're going to have to pay the attorney's fees out of your own budget, better don't change. Fight the lawsuit. Don't give in. Fight the small business because you may win; while, if you change your position in any way, if you compromise, if you say, you know, they don't have that great of a case but we can accommodate them by making a small change—no, then you have to pay attorney's fees out of our own budget. So don't accommodate them. Don't compromise with them. Don't make the change. Fight them to the bitter end. That doesn't help the small business, and it certainly doesn't help the American people who need these agencies to police the marketplace and to protect the public health and safety. So it defeats its own purpose. It is just wrong on so many levels.

I reserve the balance of my time.

Mr. POSEY. Madam Chair, how much time do I have?

The Acting CHAIR. The gentleman has 2 minutes remaining.

Mr. POSEY. I yield 1 minute to the gentleman from Arkansas (Mr. GRIFFIN).

Mr. GRIFFIN of Arkansas. Madam Chair, I rise in support of this amendment. If an agency improperly makes a regulation during the moratorium period, as written, the Freeze Act would allow a small business that successfully challenges the action to collect attorney's fees. The gentleman from Florida's amendment would strengthen this provision by ensuring that any attorney's fees awarded under title I come out of the agency's budget and

not from the general Federal Treasury through, for example, the judgment fund. If an office or agency defies the law and tries to make a regulation that should be subject to the Freeze Act, then that particular office or agency should bear the consequences of forcing a small business to go to court to vindicate its rights.

For these reasons, I support the amendment.

Mr. NADLER. How much time do I have remaining?

The Acting CHAIR. The gentleman has 2 minutes remaining.

Mr. NADLER. Madam Chair, I yield myself such time as I may consume.

Again, we oppose the bill to start with because we shouldn't have a moratorium on rules that are intended to protect the public health and safety that may be necessary.

But second of all, this amendment is self-defeating because if a small business sues the agency, two things. Number one, let's assume that the agency thinks that the small business' suit has some merit, not enough to win the case, but some merit. Under this amendment, the agency cannot compromise, cannot say, You're right; we'll make this change, because the moment it makes a change, even a minor change, then it is no longer the prevailing party. The small business, under the definition of the bill, is the prevailing party and will get attorney's fees, and the attorney's fees come out of the budget—maybe the small budget—of the agency. So rather than yielding in any way, rather than compromising with the small business, fight them. Fight them tooth and nail. That's what this amendment says to the agency. It is, on its own terms, silly and self-defeating, and I urge its defeat.

I yield back the balance of my time.

Mr. POSEY. Let me tell anyone who may not have ever seen a war with an agency over agency rules before, they dig in and they fight to the death anyway, whether it's coming out of their budget or not. I've seen them lose at three levels with a private citizen and go after them yet a fourth time because their pockets are bottomless and they hope they can break the back of a citizen like that.

You know, what makes this country unique is we believe we get our rights from God. We believe in inalienable human rights here, and we give rights to government. Government doesn't give us rights. We give rights to our government. And we're charged with administering the rights that were given to our government here in Congress. And we give the administration, we give the agencies the right to write rules, specific rules. We don't allow them, without our authority and beyond the scope of their authority, to abuse citizens, to steal their productivity, their labor, and the benefits

that they've worked hard for. And that's what the agencies have done. We have asked them not to do it. They've reformed the Administrative Procedures Act a number of times. The agencies just don't get the message. They see it as their goal and their destiny to be the boss.

Congress is supposed to have dominion over the bureaucrats, and this is one of the ways that we're going to enforce that dominion. We don't let the fox run the henhouse.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. POSEY).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. POSEY. I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

□ 2000

AMENDMENT NO. 12 OFFERED BY MR. NADLER

The Acting CHAIR. It is now in order to consider amendment No. 12 printed in part B of House Report 112-616.

Mr. NADLER. Madam Chair, I have an amendment at the desk made in order under the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 8, line 2, insert after "guidance" the following: "(other than a rule or guidance regarding the safety of a civilian nuclear power plant)".

Page 19, after line 25, insert the following new subsection:

(d) EXCEPTION.—The provisions of this title shall not apply in the case of a consent decree or settlement agreement pertaining to a civilian nuclear power plant.

Page 65, line 17, strike "section (p)" and insert "sections (p) and (q)".

Page 66, after line 5, insert the following: "(q) EXCEPTION FOR CERTAIN PROJECTS.—This subchapter does not apply in the case of any project that pertains to the safety of a civilian nuclear power plant.".

The Acting CHAIR. Pursuant to House Resolution 738, the gentleman from New York (Mr. NADLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. NADLER. Madam Chair, I yield myself 4½ minutes.

Madam Chair, I rise in support of my amendment, which would exempt rules to protect nuclear power plant safety from titles I, III, and V of the bill.

It is rare that the premise of an entire week of legislative work on the House floor is wrong, but, here we are here. We are told this is "regulatory week," during which House Republicans are supposedly working to see that the yoke of oppressive govern-

ment regulation is thrown off and the American entrepreneur is freed to grow his or her business and increase jobs. In thinking about this view, I am reminded of a famous line in Shakespeare's *MacBeth*, "It is a tale told by an idiot, full of sound and fury, signifying nothing."

We have heard, and will continue to hear, a lot of sound and fury this week on the House floor, but just like all the other regulatory bills the House has passed this year, what we pass this week will die in the Senate as well. So all of that talk will signify nothing. Like health care repeal, on which we have taken 33 votes, this, too, is a tremendous waste of time.

More importantly, there is no evidence to support the position that overregulation is the major cause of our slow economic growth and high unemployment rate. According to the Economic Policy Institute, "economy-wide studies do not find a significant decline in employment from regulatory policies."

The real culprit of our slow growth and high unemployment is reduced aggregate demand. Do not just take my word for it—this is what economists and business are saying. The Wall Street Journal surveyed dozens of economists last July, and it found that the "main reason U.S. companies are reluctant to step up hiring is scant demand."

The National Federation of Independent Business found that when business owners with declining sales were asked the cause, 45 percent said declining sales. Only 10 percent said higher taxes and regulations.

If all of this is true, why are we here making it harder for the government to enact protective rules and regulations to protect the public health and safety?

Bruce Bartlett, a senior policy analyst in the Reagan and George H.W. Bush administrations, suggests an answer. He has said:

Regulatory uncertainty is a canard invented by Republicans that allows them to use current economic problems to pursue an agenda supported by the business community year in and year out. In other words, it is a simple case of political opportunism, not a serious effort to deal with high unemployment.

Let us look at what the bill that this canard has brought us would do. To me, it seems like Frankenstein. It's put together from various different pieces that do not fit together, and it is very frightening. For example, the underlying bill would block all and any major efforts to protect public health, safety, the environment and so on until the unemployment rate falls below the arbitrary figure of 6 percent; and the bill would impose needless costs on the government and make protecting health and welfare that much more difficult by putting impediments to agreeing to consent decrees and settlements. What all this means is that the

most potentially dangerous industries, like nuclear power, the safety of the American public would be put at serious risk by this bill.

My amendment would attempt to make this Frankenstein bill slightly less of a horror show by exempting the issue of nuclear power plant safety from three sections of the bill.

The dangers of nuclear power are well known. One accident can doom millions of people. Because of the almost unimaginable disaster that could happen at a nuclear power plant, regulations to prevent accidents or meltdowns in advance are critically important. The underlying bill would make it harder for the Nuclear Regulatory Commission to adopt such rules or policies, thereby putting millions of lives at risk.

Hampering the ability of the NRC to require safety measures like those necessary to prevent a meltdown in the event of an earthquake or an act of terrorism could be devastating. My amendment would free the NRC from the burdens of this bill and allow it to promulgate those rules and regulations necessary to protect us from the disaster of a nuclear catastrophe such as those that occurred at Chernobyl in Russia or at Fukushima in Japan.

I urge everyone to approve the amendment, and I reserve the balance of my time.

Mr. ROSS of Florida. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. ROSS of Florida. Madam Chair, this amendment would unnecessarily exempt regulations from title I and consent decrees and settlement agreements contained in title III. Title I already contains adequate exceptions for necessary covered regulations. Agencies do not yet need another loophole to make regulations by consent decree or settlement agreement.

As to title V, the part of the bill that was formerly known as the Responsibly and Professionally Invigorating Development Act, also known as the RAPID Act, this amendment would block needed construction projects from breaking ground.

Unemployment is stuck above 8 percent and millions of Americans are looking for work. The March 2011 Project No Project study identified 351 energy projects, including nuclear projects, that, if approved, could generate \$1.1 trillion for the economy and 1.9 million jobs.

I appreciate that the gentleman is concerned about the safety of nuclear power, but this act does not require agencies to approve or deny any particular project or permit application, nor would any agency ever act on a permit application before all of the relevant review and analysis has been completed; rather, the act establishes a reasonable timetable for agencies to

follow when conducting environmental review and making permitting decisions. This will give job creators and investors confidence that the process will not drag on indefinitely.

The act is consistent with the administration's own guidance and rhetoric and with the President's Jobs Council's recommendations. It builds upon bipartisan legislation that passed the 109th Congress, which has dramatically reduced the time it takes to prepare environmental impact statements for transportation projects. In short, the road to economic recovery runs through permit streamlining.

For these reasons, I oppose the amendment, and I reserve the balance of my time.

Mr. NADLER. Madam Chair, how much time do I have remaining?

The Acting CHAIR. The gentleman has 1 minute remaining.

Mr. NADLER. Madam Chair, first of all, we're dealing with nuclear regulatory authority, with nuclear power plants, and we're not dealing with small businesses. We are dealing with very large businesses. Secondly, we're dealing with permits for construction or modification of a nuclear power plant.

Because of the disaster at Fukushima, hopefully, we learned from experience, it may very well be that the Nuclear Regulatory Commission will want to put out new regulations or modify old ones in light of what we have learned from what the Japanese didn't do right, and this would say that they could not promulgate any such regulation as long as unemployment is above 6 percent. As long as unemployment is above 6 percent, we must continue to risk all of our lives. That makes no sense.

Second of all, yes, we want to do environmental streamlining. Well, what this bill says—and this would apply to this, too—is that if an environmental impact statement takes longer than a certain number of days, forget about it. But it's the sponsor, not the Nuclear Regulatory Agency, the sponsor that controls the timing of the EIS.

So if you've got a terrible project which you know is an environmental disaster, all you have to do, under this bill, is to slow-walk the EIS because you control it, and then you don't have to worry about any environmental consequences. That's backwards, it's upside down, and it risks the public safety.

I urge the adoption of this amendment, and I yield back the balance of my time.

Mr. ROSS of Florida. Madam Chair, let's look at this. If the sponsoring agency decides to hold back and there is a presumption or approval, who better to have the onus of having to prove that it should not be built than those who fail to act as opposed to those who are ready to act?

The one thing that we found out is that the regulatory environment is so burdensome that whatever recovery our country attempts to pursue right now is being strangled. Polls show it. A Gallup poll on February 15 of 2012 among 85 percent of U.S. small business owners who are not hiring, nearly 46 percent of these cited being worried about new government regulations. Small business owners cite complying with government regulations as their most important problem.

It is overwhelming that we have placed in the hands of bureaucratic agencies unaccountable authority that is strangling the business recovery of this country. This bill as it is, without this amendment, will allow for the streamlining and 4½ years of the permitting process, and the permitting process will allow us to invest private capital to create private sector jobs.

With that, I urge opposition to this amendment and yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. NADLER).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. NADLER. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

AMENDMENT NO. 13 OFFERED BY MR. MCKINLEY

The Acting CHAIR. It is now in order to consider amendment No. 13 printed in part B of House Report 112-616.

Mr. MCKINLEY. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 8, line 5, strike "\$100,000,000" and insert "\$50,000,000".

Page 8, line 25, strike "\$100,000,000" and insert "\$50,000,000".

Page 27, line 18, strike "\$100,000,000" and insert "\$50,000,000".

The Acting CHAIR. Pursuant to House Resolution 738, the gentleman from West Virginia (Mr. MCKINLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from West Virginia.

□ 2010

Mr. MCKINLEY. Madam Chairman, I rise today to offer an amendment that will add more clarity and accountability to the regulatory process.

Under this bill, Congress will require additional analysis and reporting on all government regulations affecting the economy by \$100 million or more annually. This amendment simply reduces this threshold of \$100 million to \$50 million.

In FY 2011, nearly 4,000 rules were published in the Federal Register; only 83 of these rules were classified as having an annual effect on the economy of \$100 million or more. This represents only 2.1 percent of all the rules published. Thus far in 2012, 2,071 rules have been published, and 51 of these have been projected to have an annual effect on the economy of \$100 million or more, equating to just 2.4 percent.

According to the Small Business Administration, the cumulative burden of regulations exceeds more than \$1 trillion annually on our economy, costing more than \$10,000 per household. Regulations are clearly impacting our economy by this astounding \$1 trillion amount each year, and nearly 98 percent of these rules have virtually no economic analysis or oversight.

We have more than 23 million Americans underemployed or unemployed. This political maneuvering in rule-making has to stop. The American people sent us here to improve the economy and help them get back to work, but not to allow the promulgation of more questionable, job-hindering regulations.

When I served in the West Virginia legislature in the eighties and early nineties, no regulations were adopted until the legislature approved them—not just a few here and there, but every single regulation came before the legislature for approval, significant or otherwise.

Not conducting analysis and reports on nearly 98 percent of all government agencies' proposed regulations confounds and confronts our job creators with potentially excessive and burdensome rules.

Madam Chairman, as a reminder, in 1995, Congress passed the Job Creation and Wage Enhancement Act, which dealt with lowering the regulatory threshold from \$100 million to \$50 million, just as this amendment would do today. That bill passed the House by a vote of 277-141, including many Members who are present here today.

Madam Chairman, I reserve the balance of my time.

Mr. CUMMINGS. Madam Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Maryland is recognized for 5 minutes.

Mr. CUMMINGS. I yield myself such time as I may consume.

I strongly oppose the amendment offered by the gentleman from West Virginia (Mr. MCKINLEY), which would make a very dangerous bill even more devastating to the American people. If implemented, this amendment would broaden the scope of this legislation to impede the issuance of even more rules than are impeded by the underlying bill itself.

By lowering the threshold at which a "significant regulatory action" is measured from rules that have an an-

nual cost to the economy of \$100 million or more to just \$50 million or more, the legislation would prevent the implementation of important rules whose benefits far outweigh their costs.

One of the things that we do not zero in on with regard to this legislation overall—and we saw it in our committee—is the cost-benefit analysis. I think it's very, very significant, when you think about the fact that there are certain regs which save lives, many which protect our constituents with regard to their pocketbooks, all kinds of things. Sometimes when you just look at the cost of a business coming in and complaining, as opposed to balancing it with regard to benefits, sometimes I think things get out of balance.

The amendment clearly illustrates why Cass Sunstein believes a moratorium on the issuance of regulations is such a bad idea. As he stated at an Oversight Committee hearing last September, he said:

A moratorium would not be a scalpel or a machete, it would be more like a nuclear bomb, in the sense that it would prevent regulations that cost very little, and have very significant economic or public health benefits.

This amendment only increases the size of the bomb we are dropping.

Just one example of a pending regulation that would be halted by this amendment is the Securities and Exchange Commission's proposed rule implementing a section of the Dodd-Frank Act to reduce the purchase of "conflict minerals"—minerals whose sale by combatants in the Democrat Republic of Congo is known to fund the human rights abuses perpetrated by these combatants.

Dodd-Frank requires the SEC to issue a rule directing publicly held companies to disclose whether any of four metals—gold, tantalum, tungsten or tin—used in the products they produce came from Central Africa, where trade in these commodities has funded years of civil war. The SEC issued a proposed rule in December 2010, but has delayed finalizing the rule in response to fierce business opposition and business lobbying. This proposed rule is estimated to cost industry \$71 million per year.

The benefits of this rule cannot be quantified, simply cannot. By ensuring that publicly traded companies in the United States track the supply chain of minerals and disclose whether their purchases are financing armed groups responsible for committing atrocities—killing people, rapes, hurting people—this proposed rule will save lives and help prevent sexual and gender-based violence. Adopting this amendment would prohibit the issuance of this regulation intended to help quell international violence and help end a humanitarian crisis.

We simply cannot put financial profit, as I said a few minutes ago, above

our moral obligation to protect the most vulnerable among us. So, ladies and gentlemen, I urge Members to oppose this incredibly dangerous amendment, and I reserve the balance of my time.

Mr. MCKINLEY. Again, Madam Chairman, I just respectfully disagree with the comments made, recognizing, again, that this House has already spoken on this matter of reducing it from 100 to 50.

The real issue here is whether or not we want to have 98 percent of the rules that are being promulgated to go without oversight and review. It's time that we get this under control and allow more of our people to get back to work.

I reserve the balance of my time.

Mr. CUMMINGS. Madam Chair, I hope that the body will vote against this amendment.

I yield back the balance of my time.

Mr. MCKINLEY. Madam Chairwoman, I just encourage my colleagues to support this amendment and, once it's adopted, to support the piece of legislation that's so needed.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from West Virginia (Mr. MCKINLEY).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. MCKINLEY. Madam Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from West Virginia will be postponed.

#### AMENDMENT NO. 14 OFFERED BY MR. SCHWEIKERT

The Acting CHAIR. It is now in order to consider amendment No. 14 printed in part B of House Report 112-616.

Mr. SCHWEIKERT. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 8, line 10, insert after the period the following: "In determining the annual cost to the economy under this paragraph, the Administrator shall take into account any expected change in revenue of businesses that will be caused by such regulatory action, as well as any change in revenue of businesses that has already taken place as businesses prepare for the implementation of the regulatory action."

The Acting CHAIR. Pursuant to House Resolution 738, the gentleman from Arizona (Mr. SCHWEIKERT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

□ 2020

Mr. SCHWEIKERT. Madam Chairman, my amendment hopefully is deemed to be somewhat simple, as this

piece of legislation moves forward, trying to make sure that definition of cost from the regulatory environment, is properly, shall we say, a proper box is built for it. So the amendment in many ways is very simple.

The costs to organizations, a business, a business concern—as rules are being promulgated, that business is spending money to get into compliance. Those costs should also be calculated and put into the cost to the economy calculation.

Secondly, as the calculations are being built, it should also—the calculations should take a look at what it did to the revenues of organizations, because those revenues are what are used to hire people, to grow, to expand the economy and, actually, ultimately, expand the tax base.

So the amendment's very simple. It basically says, as the calculations are being made for cost of regulations, okay, let's actually add them up in a fashion where we actually acquire the real cost.

Madam Chairman, I reserve the balance of my time.

Mr. CUMMINGS. Madam Chair, I rise to claim time in opposition.

The Acting CHAIR (Ms. HAYWORTH). The gentleman from Maryland is recognized for 5 minutes.

Mr. CUMMINGS. I yield myself such time as I may consume.

I strongly oppose the amendment offered by the gentleman from Arizona (Mr. SCHWEIKERT), which would make an already ambiguous bill even harder to implement. The amendment proposes to define the term “annual cost to the economy” as including “any expected change in revenue of businesses” caused by such regulation, including any change in revenue as a result of preparing for the implementation of the regulation.

Imagine the consequences of this amendment. If it would cost a business any additional funds to ensure that baby formula does not contain toxic substances, that business could block a regulation requiring those safety measures. Is that really how we want to run our country?

The truth is that businesses routinely blame regulations for costs they already incur. For example, power companies routinely blame the EPA for the fact that high-cost coal plants struggle to compete in today's market with lower-cost natural gas plants. Despite the fact that many of these coal plants are shut down because they are uncompetitive, some repeatedly blame EPA regulations for forcing their closings.

The intention of this amendment appears to be to give businesses a veto over any regulation they oppose just by claiming that it's implementation somehow affects their bottom line. Since it would be virtually impossibility for OMB to confirm or deny such claims, they would be irrefutable.

Now, I do believe that the cost of regulations imposed on industry should be one of many factors considered when we compare the overall costs and benefits of a rule. But these costs should not be the overriding factor to be considered, as this amendment would require.

The amendment is just another example of the misguided effort to put business' profits before the health and safety of the American people. Therefore, I urge Members to oppose this unworkable and harmful amendment.

I reserve the balance of my time.

Mr. SCHWEIKERT. Reclaiming my time, Madam Chairman, and I appreciate the gentleman from Maryland's comments. But he hit one part there, and that is you do believe that the costs to industry, to business, to job creators should be calculated. It's just the debate here is how they should be weighted and how ultimately, I assume, how they should be documented.

All I'm trying to accomplish here with this amendment is a couple of very simple mechanics, those costs that go into the preparatory to be in compliance with the newly promulgated rule should be calculated, and that the calculation of the cost in the net revenues, gross revenues, to a job-creating industry should also be part of that calculation.

And part of this was the bill is—I obviously fully support it, but I thought actually creating a little tighter definition of many of the types of costs that happen in a regulatory environment. I mean, obviously we will have a separation on the view of does it stymie regulation.

I'm from the view that I truly believe one of the great hindrances to economic growth, to job growth in this country is the substantial growth of our regulatory environment.

Okay, if we're going to run legislation that says regulations that exceed a certain cost, you know, are held till employment reaches a certain level, why not make sure we're calculating those appropriately?

Madam Chairman, with that, I reserve the balance of my time.

Mr. CUMMINGS. Madam Chair, I stand on my arguments, and I yield back the balance of my time.

Mr. SCHWEIKERT. Madam Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. SCHWEIKERT).

The amendment was agreed to.

AMENDMENT NO. 15 OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

The Acting CHAIR. It is now in order to consider amendment No. 15 printed in part B of House Report 112-616.

Mr. GEORGE MILLER of California. Madam Chair, I seek to offer an amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 8, line 10, insert after the period the following: “Such term does not include a rule that would prevent or reduce deaths or injuries caused by explosions and fires related to the ignition of combustible dusts in the workplace.”.

Page 10, after line 13, insert the following:

(c) ADDITIONAL EXCEPTION.—Section 202 shall not apply to a rule that would prevent or reduce deaths or injuries caused by explosions and fires related to the ignition of combustible dusts in the workplace.

Page 10, line 14, strike “(c)” and insert “(d)”.

The Acting CHAIR. Pursuant to House Resolution 738, the gentleman from California (Mr. GEORGE MILLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. GEORGE MILLER of California. Madam Chair, my amendment would allow the Occupational Health and Safety Administration to continue efforts to prevent combustible dust and fire explosions in the workplace. Combustible dust explosions threaten lives, limbs, jobs and property across this country. And it's abundantly clear that Federal regulatory action is needed, but the bill before us today threatens to block that action.

Beginning in 2003, the Chemical Safety Board investigated three major explosions caused by combustible dust in North Carolina, Kentucky and Indiana, where 14 workers lost their lives. As part of its investigation, the board identified hundreds of other combustible dust fires and explosions, causing at least 119 fatalities and 718 injuries over 15 years. The board recommended that OSHA issue rules to protect against these hazards because the existing OSHA protections were inadequate.

The investigators were not alone. Family members have also asked that action be taken.

Tammy Miser of Kentucky testified before Congress how her brother, Shawn Boone, was killed in a metal dust fire in an aluminum wheel plant in Huntington, Indiana, in 2003.

She told us how Shawn suffered from this horrific event. She said that Shawn did not die instantly. He laid on the smoldering floor after the explosion while aluminum dust burned through his flesh and muscle tissue. His breaths burned his internal organs as the blast took his eyesight.

Shawn was still conscious and asking for help when the ambulance took him. He lived for a number of hours before he finally succumbed to his injuries.

Shawn wasn't the first to die at work this way, and he hasn't been the last.

It's been more than 4 years since the Imperial Sugar explosion in Georgia. That explosion killed 13 workers. It



caused hundreds of millions of dollars in damage. The tragedy was the result of unchecked accumulation of sugar dust that ignited and caused a chain of explosions, and Port Wentworth sugar refinery was leveled.

These workplace explosions have not stopped. There have been 23 major combustible dust fires or explosions that have killed 15 and injured 35 since that Imperial Sugar explosion in Georgia.

The response of OSHA has been to begin the development of a rule to reduce the risk of combustible dust explosions. That rule should be allowed to go forward, and this bill threatens the opportunity of that bill to go forward.

I reserve the balance of my time.

□ 2030

Mr. LANKFORD. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Oklahoma is recognized for 5 minutes.

Mr. LANKFORD. While I can certainly, certainly empathize and have tremendous compassion for the families involved and for the individuals involved in this, OSHA has been working through this rule since 2009. It has been in the advanced rulemaking phase for a very long time. The struggle they have is this large one-size-fits-all approach. Even under the passage of this particular bill, OSHA has some great options.

Option No. 1 for them: to narrow their rulemaking. They're doing a large one-size-fits-all to try to cover all types of dust, all types of factories, all types of places. If they were to narrow their rule to specific types of places, they would be well under the \$100 million limit.

The second rule they have is very clear: that this bill, itself, already sets in an exemption for health and safety. Clearly, this would be within those guidelines of health and safety. The President could do an executive order and pass that and then allow them to move forward, or he could come back to Congress.

The thought that only the folks at OSHA are compassionate about issues like this fails even the most modest of tests. Obviously, people who are within Congress are also compassionate to the needs here. If a regulation comes that deals with a problem in a commonsense manner that can function, certainly Congress would be able to approve that, and certainly a President is going to have tremendous compassion for the health and safety of individuals if they're able to come up with a regulation that clearly deals with this.

So, while I have tremendous compassion for these families and look forward to OSHA's completing what they have been stalling on for 3 years, this bill already deals with this, and this exception is not needed in addition to this.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. So, as for these workers who work in these dangerous conditions around all kinds of dust that explode on a moment's notice—without any notice, in fact—they should rely on the idea that we would all be compassionate here.

The subcommittee that reported this legislation asked people in the industry, and they immediately targeted this standard.

This won't be about the compassion of Members of Congress. This will be about the interests and the lobbying by the special interests to keep this dust standard from going into effect. It will not meet the requirement of imminent danger because it happens all the time. We have about 18 of these a year. It happens all the time. People are killed all of the time in different settings and with different dust. This isn't about one size fits all. This is about dust that explodes and kills people and burns them to death on the job. It destroys the workplace, and in some cases it's never rebuilt and the jobs are never brought back. In other cases, as in one of these cases, the employer is now saying, Give us this dust standard. Give us this dust standard.

The workers in this country have a right to rely on the law to protect them, not on some notion of this committee or of this Congress' sense of compassion and of whether it will be invoked on that given day or not against the lobbying efforts by these industries.

It's about the law that protects workers and their families—workers who get up and go to work every day, whose families hope they get to come home at night, but it doesn't happen for a lot of workers. In these industries with combustible dust, it happens over and over and over again. They get killed on the job. I've been here a long time working on combustible dust. Let me tell you, the industry doesn't say, Ah, gee, we've killed enough people. Let's all just kind of hold hands and see if we can come up with something.

It's complicated. You must do it right. It's based upon science. It's based upon research so that you can isolate the dust so the explosions don't happen.

But this legislation suggested by the committee notices in the committee that this is one of the regulations that they would target. They can use the old conundrum "one size fits all." Do you know what? If you're working around combustible dust, you want the dust that you have taken care of. So maybe we can whittle it down. We'll take care of some of the dust but not all of the dust because we can get under the \$100 million rule.

What are you talking about? These are the lives of the American people. These are the lives of working people. This is an interesting notion you have.

It just doesn't fit in the workplace. It just doesn't fit in the daily lives of these people who are threatened by these horrible, horrible, horrific incidents that take place usually through no fault of the workers. Other decisions were made about not keeping the plant clean. Other decisions were made about not installing equipment that could mitigate this under the old standards.

That's the reason we need the law, the reason the workers in this country need the law—not some expression of compassion late at night in an empty Chamber of Congress. Tell them to rely on that, that one night in an empty Chamber of Congress the proponent of the legislation said, We'll be compassionate when this comes to the floor. We understand this. We'll grant you a waiver. We'll figure it out.

The Acting CHAIR. The time of the gentleman has expired.

Mr. GEORGE MILLER of California.

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The Acting CHAIR. The time of the gentleman has expired.

The gentleman from Oklahoma is recognized.

Mr. LANKFORD. How unfortunate to have the implication that Members of Congress, including myself—I have workers in my district who live with this same thing—would not have compassion for people in our districts. OSHA has not completed this regulation. They have delayed this. They've had multiple options. They need to complete their work. There is a work safety issue that's here.

As it is currently, the bill stands up strong for worker safety. It allows any exception for worker safety currently in this bill. So, while exceptions are pursued to add additional things into this bill, the bill, itself, already contains those things.

With that, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. GEORGE MILLER).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. GEORGE MILLER of California. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 16 OFFERED BY MS. WOOLSEY

The Acting CHAIR. It is now in order to consider amendment No. 16 printed in part B of House Report 112-616.

Ms. WOOLSEY. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 8, line 10, insert after the period the following: "Such term does not include a

rule that would prevent or reduce the number of workers suffering electrocutions or other fatalities associated with working on high voltage transmission and distribution lines.”.

Page 10, after line 13, insert the following:  
(c) ADDITIONAL EXCEPTION.—Section 202 shall not apply to a rule that would prevent or reduce the number of workers suffering electrocutions or other fatalities associated with working on high voltage transmission and distribution lines.

Page 10, line 14, strike “(c)” and insert “(d)”.

The Acting CHAIR. Pursuant to House Resolution 738, the gentlewoman from California (Ms. WOOLSEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. WOOLSEY. Madam Chair, I rise today to offer an amendment to titles I and II of H.R. 4078.

My amendment would exempt a proposed worker safety rule from the “regulatory freeze” and the prohibition on so-called “midnight rules.” This OSHA rule would update 40-year-old protections for those working around high-voltage transmission and distribution lines and equipment, which would bring them into the 21st century. If this amendment is not adopted, Madam Chair, many workers will be needlessly electrocuted or burned from electrical hazards—at least until unemployment drops to 6 percent.

Are we really going to make workers wait until the jobless rate is 6 percent before getting protections for workers against burns from high-voltage electric arcs that run as hot as 35,000 degrees? If we are, they will be waiting a long time, because this Republican majority shows absolutely no interest in passing a jobs bill.

Is it fair, Madam Chair, to make these workers wait for 6 percent unemployment before their employers have to assess and provide safe minimum distances from high-voltage lines? Is it morally defensible to make workers wait for a full economic recovery before they get simple protections like rubber-insulated sleeves so that their arms aren’t blown apart from having contact with high-voltage wires?

Certainly not.

Unless the bill sponsor is aware of some new scientific discovery, 35,000 degrees feels just as hot no matter how many Americans are out of work. Shock at 14,000 volts of electricity does the same damage whether unemployment is 8 percent or 6 percent. Yet this bill seems to assume lethal hazards are somehow less lethal during tougher economic times. Even worse, this bill implies that preventable electrocutions are somehow acceptable whenever unemployment is high.

□ 2040

This is irresponsible, if not unethical.

With that, I reserve the balance of my time.

Mr. LANKFORD. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Oklahoma is recognized for 5 minutes.

Mr. LANKFORD. I thank my colleague for bringing this up, but this again is something that is obviously dealt with already in the text of the bill. As we anticipated, there would be issues like this. On page 3, line 23 of the bill, it actually states the President has the ability, by executive order, in dealing with any significant regulatory action to go ahead and waive this, if it’s necessary, because of an imminent threat to health or safety or other emergency.

This is already dealt with in the bill itself. While we do need to be able to deal with this, and obviously the vast majority of electricity providers are very attentive to their workers, including the companies that are in my district, and take great pride in how they care for the health and safety of the workers that are on those lines and that are out there in very dangerous situations, it is a very important thing to them. We have the ability already within this bill to be able to address that. For that reason, I would oppose this.

With that, I reserve the balance of my time.

Ms. WOOLSEY. Madam Chair, each year, 74 electrical workers covered under this rule are killed on the job. Another 444 are severely injured. OSHA is authorized to regulate a hazard when the risk of fatality is more than 1 in a 1,000. The fatality rate for workers covered under this OSHA rule is 14 times that level. Full compliance would eliminate 79 percent of these fatalities and injuries.

Madam Chair, the one-size-fits-all approach of this bill will block a commonsense, cost-effective rule that produces an estimated \$4 in benefits for every dollar in cost. OSHA’s proposed update would provide an estimated \$100 million in savings every single year.

While the authors of this bill argue that the President can seek a waiver from Congress to allow the rule, I’m not buying it. As we saw with the so-called “comma bill” proposed by Mr. SENSENBRENNER a number of years ago, it took three sessions of Congress just to fix a harmless typo. We all know that when a special interest wants to stop something around here, there are countless ways to win. If this bill is not amended, Madam Chair, Congress will be sentencing scores of workers every year to preventable electrocutions and to burns.

I ask for adoption of this amendment, and I reserve the balance of my time.

Mr. LANKFORD. Madam Chair, one quick statement.

This particular rule is unique in a lot of our conversation because it’s al-

ready gone through the process. Currently, the OIRA office has, in fact, had it for the last 30 days. They could issue this at any point. This is right at that point that it’s going to be released. It wouldn’t even fall underneath this bill. Obviously, we pass this bill tonight, we send it over to the Senate, it works through the process. OIRA can release this at any point that they choose to.

While I again have tremendous compassion for the workers that are on the lines, and I have tremendous respect for electric companies around the country and how they take care of their workers, this particular rule has already gone through the process, it already sits in OIRA, and it would not apply to them. With that and also with the knowledge that we have the extraordinary built in for safety, I would choose to oppose this and continue to do that.

With that, I yield back the balance of my time.

Ms. WOOLSEY. Madam Chair, the gentleman from the other side of the aisle is not correct on this. If the President signed the bill, the regulation would be stopped.

In closing, Madam Chair, the adoption of my amendment will save the lives of Americans who work in some of the most dangerous conditions imaginable. It is ridiculous and it’s downright cruel to tell these men and women who risk electrocution every day that OSHA will only step in to help them when the jobless rate reaches some arbitrary level. Whether unemployment is 6 or 8 or 10 percent, whether the economy is strong or weak, we need to protect our workers.

I ask for Members to support my amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Ms. WOOLSEY).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Ms. WOOLSEY. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California will be postponed.

It is now in order to consider amendment No. 17 printed in part B of the House Report 112–616.

AMENDMENT NO. 18 OFFERED BY MS. WATERS

The Acting CHAIR. It is now in order to consider amendment No. 18 printed in part B of House Report 112–616.

Ms. WATERS. I have an amendment at the desk that is made in order under the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 67, line 24, strike “shall—” and insert “shall, subject to appropriations made specifically for such purpose pursuant to paragraph (7)—”.

Page 69, line 3, insert “, subject to appropriations made specifically for such purpose pursuant to paragraph (7),” after “shall”.

Page 71, line 7, insert “, subject to appropriations made specifically for such purpose pursuant to paragraph (7),” after “shall”.

Page 75, line 22, strike the close quotation mark and following period and after such line insert the following:

“(7) AUTHORIZATION OF APPROPRIATIONS.—

“(A) IN GENERAL.—There is authorized to be appropriated to carry out this subsection such sums as may be necessary for fiscal year 2013.

“(B) COVERED EXPENSES.—Funds appropriated pursuant to this paragraph shall be for any costs incurred by the Commission in carrying out the requirements of this subsection, including any costs of litigation related to the requirements of this subsection.”.

Page 77, line 4, strike “shall” and insert “shall, subject to appropriations made specifically for such purpose pursuant to paragraph (3),”.

Page 77, line 15, insert “, subject to appropriations made specifically for such purpose pursuant to paragraph (3),” after “shall”.

Page 78, line 22, strike the close quotation mark and following period and after such line insert the following:

“(3) AUTHORIZATION OF APPROPRIATIONS.—

“(A) IN GENERAL.—There is authorized to be appropriated to carry out this subsection such sums as may be necessary for fiscal year 2013.

“(B) COVERED EXPENSES.—Funds appropriated pursuant to this paragraph shall be for any costs incurred by the Commission in carrying out the requirements of this subsection, including any costs of litigation related to the requirements of this subsection.”.

The Acting CHAIR. Pursuant to House Resolution 738, the gentlewoman from California (Ms. WATERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. WATERS. Madam Chair, my amendment authorizes such appropriations as may be necessary to allow our financial regulators to carry out the activities required under title VI and VII of this legislation. The purpose of the amendment is that if we're having our regulators undertake new and perhaps even duplicative economic analysis functions, we should provide them with the resources to do so.

Madam Chairman, we know that the majority has tried to shortchange our Federal regulators in terms of appropriations, particularly when we contrast their funding with the new responsibility entrusted to them after the financial crisis. Let's consider the SEC, one of the cops on the beat for Wall Street.

This agency is tasked with enforcing our securities laws. They protect investors and make sure firms are held to account when they create toxic financial instruments. The fiscal year 2013 Republican budget proposal calls for

funding the SEC at almost \$200 million less than what the President has requested and what the Senate Appropriations Committee has provided in their funding bill. This is just another part of an onslaught of cuts to the SEC's budget that Republicans have proposed and that we've been fighting against over the last few years.

The SEC's funding has been erratic. After significant increases in the early half of the decade, the agency was forced to reduce staff. During this period of inconsistent funding, trading volume more than doubled. Since 2003, the number of investment advisers has grown by roughly 50 percent and funds that they manage have increased nearly 55 percent. The SEC's 3,800 employees currently oversee approximately 35,000 entities, including thousands of investment advisers, mutual funds, broker/dealers, and public companies.

With all this responsibility, my colleagues on the other side of the aisle want to spread the commission even thinner with new duplicative cost-benefit requirements that open the agency up to constant litigation, and they want to do this while at the same time refusing to devote additional resources to the agency. The result is that the SEC would be forced to divert resources away from other key functions of the commission, including, perhaps, prosecuting wrongdoers who violate our security laws.

Madam Chair, I reserve the balance of my time.

□ 2050

Mr. SCHWEIKERT. Madam Chairman, I rise in opposition to the amendment.

The SPEAKER pro tempore. The gentleman from Arizona is recognized for 5 minutes.

Mr. SCHWEIKERT. And to my friend from California, she has always been a passionate and very articulate in the battle for resources for the regulators.

But I'm going to stand here in opposition to this amendment for a couple of very simple reasons. One, this is already the job they're supposed to be doing with the money they have, this cost-benefit analysis. And we can talk about that further.

But also, as you work through the amendment, I have great concern for the law of unintended consequences, and that is, in a weird way, subsidizing and incentivizing bad cost-benefit analysis. In the amendment, it basically says, if you end up in litigation over your cost-benefit analysis, there should be an appropriation, an unspecified amount of money that the appropriators should send you for that litigation. So if you do a really bad job in your cost-benefit analysis and you get sued, you actually get more money that is supposed to be appropriated to you.

The sort of constant thing I focus on a lot is that law of unintended con-

sequences of, does it actually create an incentive to draw down more cash for the agency, for the litigation? And the way you get to the litigation is the quality of the work that was done in the cost-benefit analysis.

So there are two primary issues: A, this is what the agencies are supposed to be doing; and B, in the design of the amendment, I actually have a concern that ultimately, it may incentivize the very thing we're trying to stop.

And with that, Madam Chairwoman, I reserve the balance of my time.

Ms. WATERS. Madam Chair, my amendment also addresses title VII of the bill, which relates to the Commodity Futures Trading Commission. The CFTC is the cop on the beat that we tasked to regulate much of the derivatives market under the Wall Street Reform Act. And the CFTC is the agency that cracked down on Barclays when they manipulated a key interest rate benchmark, the LIBOR, in order to benefit their derivatives trade.

This bill also imposes new cost-benefit requirements on the CFTC. While the requirements on this agency aren't as onerous as the ones imposed on the SEC, I think it is inappropriate to spread the CFTC any thinner when Republicans have proposed to cut the CFTC's funding by 12 percent relative to last year and 40 percent relative to what the Senate provided.

As CFTC Chairman Gary Gensler said last month, the result of proposed House funding cuts “is to effectively put the interests of Wall Street ahead of those of the American public by significantly underfunding the agency Congress tasked to oversee derivatives—the same complex financial instruments that helped contribute to the most significant economic downturn since the Great Depression.”

Finally, I disagree with the claim that more cost-benefit analyses can solve every regulatory question we face. In fact, I think that these economic analyses often offer a false sense of precision and fail to capture things that aren't easily quantifiable, things like avoiding the next financial crisis and protecting overall market integrity.

I would urge my colleagues to support my amendment, which makes compliance with the new requirements under the underlying bill contingent on them receiving sufficient appropriations to carry out these functions.

I reserve the balance of my time.

Mr. SCHWEIKERT. My two arguments still stand. But there is one other point. And I actually have a little bit of information here.

According to the inspector general of the CFTC, the commission regularly employs a “stripped down” type of cost-benefit analysis that has “proved perilous for financial market regulators.” In the past, they've used a stripped-down methodology.

So in many ways, what we're doing here in the overall legislation is saying, here's the box, you are supposed to be doing this, it's already part of your budget. And as I spoke earlier, in the design of the amendment, I have a fear of the unintended consequences that you are almost incentivizing; that when the litigation happens, the agency actually ends up getting more money.

And with that, Madam Chairwoman, I yield back the balance of my time.

Ms. WATERS. In closing, this bill adds duplicative new rules. SEC is already held to account on cost-benefit analysis. Proxy access was overturned. The bill opened CFTC up to new industry lawsuits.

I would ask for an "aye" vote on my amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Ms. WATERS).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. WATERS. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California will be postponed.

AMENDMENT NO. 19 OFFERED BY MR. FITZPATRICK

The Acting CHAIR. It is now in order to consider amendment No. 19 printed in part B of House Report 112-616.

Mr. FITZPATRICK. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 71, line 12, add at the end the following: "In reviewing any regulation (including, notwithstanding paragraph (6), a regulation issued in accordance with formal rule-making provisions) that subjects issuers with a public float of \$250,000,000 or less to the attestation and reporting requirements of section 404(b) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7262(b)), the Commission shall specifically take into account the large burden of such regulation when compared to the benefit of such regulation."

The Acting CHAIR. Pursuant to House Resolution 738, the gentleman from Pennsylvania (Mr. FITZPATRICK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. FITZPATRICK. Madam Chair, the amendment I'm offering tonight would require the SEC, when reviewing regulations, to consider the burden of applying section 404(b) of Sarbanes-Oxley to companies with a public float of less than \$250 million. Simply put, this amendment requires regulators to consider the cost of a specific regulation which hinders job creation in my district and across the Nation.

Section 404(b) requires audits of a public company's internal controls. While this sounds innocuous, the cost of external audits can be staggering. Those costs are exponentially more burdensome on smaller companies. Currently, the law extends the auditing requirement to any company with a public float of \$75 million or more, and that number has been widely criticized as too low and adds an extremely costly burden on small and growing companies.

Recognizing that burden on emerging growth companies, the House overwhelmingly passed, as part of the JOBS Act, an exemption from 404(b) for companies with up to \$1 billion in revenue for 5 years after their initial public offering.

This amendment would merely require the SEC to consider the burden of section 404(b) when reviewing their regulations and would not change current law. This amendment would apply to all companies and would not discriminate based on when a company issued their IPO.

Congress and the SEC have appropriately recognized that all companies are not the same, and smaller companies should be exempt from certain regulations. This amendment asks that the SEC consider these costs on smaller companies.

If companies are priced out of being able to go public, it restricts capital formation and job creation. For those companies that still choose to go public, resources that could otherwise be used to hire and grow are being sucked away by unproductive compliance costs.

Madam Chair, Synergy Pharmaceuticals is a New York-based company that does their entire R&D in Doylestown Borough in my district. They have 10 employees in their Doylestown research facility and 10 employees in New York. These are good-paying jobs, but by most definitions, this is a small company. In fact, their market capitalization exceeds even the increased threshold of \$250 million that this bill references, which is why some have advocated exempting companies with a public float as high as \$500 million or \$1 billion.

I reached out to their chief scientific officer and their chief financial officer to discuss this issue with them, and their comments were very instructive. I heard that 404(b) was one of the most significant regulatory burdens they face. In their words, "It hurts."

It was not the direct costs of external audits or the person they had to hire internally to deal with these requirements but the time that was spent and the efforts that were wasted. According to them, hours and even days worth of time was spent finding ways to document and justify their procedures for something as menial as where the checkbook was kept.

What would they do with the extra money if they didn't have to spend it on compliance? The answer I got was that there is no question it would go directly into research and development.

I ask my colleagues, where is this money more productively used: in documenting how the checkbook is stored at night or hiring research assistants in communities like Doylestown and in New York?

Madam Chairman, entrepreneurial companies like Synergy are those we are counting on to create wealth and jobs and restore America's vibrant economy. Their story is not unique, particularly in industries like biotechnology. This Congress recognized the importance of decreasing the regulatory burden on small and emerging companies in a strong bipartisan manner just a few months ago with the JOBS Act. This amendment is an extension of that effort, and I encourage my colleagues to support it.

I reserve the balance of my time.

Mr. FRANK of Massachusetts. I rise in opposition, Madam Chair.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

□ 2100

Mr. FRANK of Massachusetts. Madam Chair, I yield myself 3 minutes.

This is an effort to exempt companies under \$250 million. Now the JOBS Act, which was recently passed with broad support, said that a start-up company for its first 5 years would be exempt from this. This now would do away with that 5-year restriction without having had the kind of committee consideration that it seems to me it ought to have. It does it in this way, and I differ with my colleague from Pennsylvania when he says that it doesn't change the law. If it didn't change the law, they wouldn't offer it. He's not up here at 9 p.m. just to get exercise. It changes the law in a very significant way and sets a very bad precedent.

The underlying legislation to which this would be an amendment requires a cost-benefit analysis. This cooks the books. This is not content to let it be an unbiased cost-benefit analysis; but it says, it instructs the SEC to take into account the heavy burdens—and let me get the exact words—the large burden of such regulation. In other words, it's an effort to tip the scales of the very cost-benefit analysis.

And we know that, by the way, as to intent because the original version of this amendment was just a straight exemption of 250. But for parliamentary reasons, because that's not this committee's jurisdiction, it had to be redone. So if the gentleman really wanted to just exempt everybody under 250 from Sarbanes-Oxley forever, as opposed to a 5-year exemption for a start-up, he had to amend it.

So he amended it in a way, as I said, that unfortunately impugns the integrity of the cost-benefit analysis because it puts a thumb on the scales. It says, oh, the cost-benefit analysis here should take into account the large burden. Well, it is already supposed to do it. Adding this is an instruction to the SEC essentially to find that they should be exempt.

We have had a rash of Chinese companies buying small American companies and converting them and people investing in them and getting taken. And the problem is that Chinese accounting is very opaque. What this bill would do is to prevent the United States authorities from applying Sarbanes-Oxley to protect those investors.

I don't doubt that there is a very good company—I agree there is a very good company in his district, although he says it is above the limit. But you can't legislate for just one good company. This is part of this nostalgia for a time when we had no regulation.

Sarbanes-Oxley has improved the integrity of our capital markets. It has improved the confidence of investors. We did exempt small start-ups, so for the first 5 years as a start-up, up to \$250 million, they didn't have to do this. This says, in effect, by instructing the SEC to find that the cost outweighs the benefit no matter what, this gives a permanent exemption *de facto* for companies up to 250, which would include people who might be scamming, in the case of the Chinese companies. And as I said, it sets a bad precedent.

If we are going to have cost-benefit analysis, and I think that can be overdone, let's have it in an honest and open way. Let's not put the thumb in the scales, as this does, by instructing the SEC, in effect, to find that the cost always outweighs it.

I reserve the balance of my time.

Mr. FITZPATRICK. Madam Chair, I yield the balance of my time to the gentleman from Tennessee (Mr. FINCHER).

Mr. FINCHER. Madam Chair, I rise in strong support of Mr. FITZPATRICK's amendment.

Madam Chair, unemployed Americans are crying out for more jobs, urging Congress to review rules and regulations that stifle innovation, economic growth, and job creation. Overly burdensome regulations are hurting business expansion, which is why we are debating this bill this evening. Overly burdensome regulations is also why I introduced H.R. 3213, the Small Company Job Growth and Regulatory Relief Act, to expand Sarbanes-Oxley 404(b) exemptions for companies with a public float of less than \$350 million.

Supporters of increasing the current \$75 million exemptions from Sarbanes-Oxley 404(b) for small companies would save duplicative audit costs, which hinder many companies from going

public. Going public provides opportunities for companies to raise needed capital in order to expand, reinvest, and create jobs.

Providing a permanent exemption for Sarbanes-Oxley for companies with a public float of \$250 million or less just makes good sense. I strongly encourage my colleagues to support this amendment.

Mr. FRANK of Massachusetts. I guess I am in a position of being disagreeable to some of my friends on the committee. The gentleman from Tennessee cited the company that's about to go public, but they're already exempted.

The jobs bill that we passed and was signed into law exempts start-ups for the first 5 years until they go public, so this has no relevance to the start-ups.

It has relevance to companies that have been in existence for more than 5 years as public companies. Again, we have got an exemption already for the first 5 years. And it says, in effect, don't give us this unbiased cost-benefit analysis. We'll tell you what cost-benefit analysis does.

And as to IPOs, I will insert into the RECORD an article by Mr. Davidoff in the *The New York Times* talking about the advantages we have in IPOs these days; how the soccer team from England came here to do an IPO because our corporate governance laws are more favorable to them in allowing different classes of stock.

I'm sorry to see this continuing repudiation of the legacy of George W. Bush. I know he's not going to come to the convention. But, gee, everything's being torn down. George Bush signed Sarbanes-Oxley. Oxley, by the way, is Mike Oxley, my predecessor as chairman of our committee. George Bush was very proud of Sarbanes-Oxley. It's an accounting requirement, and what this does is to take another chunk out of that regulation.

Now, maybe we hear different people. My friends say the American people are crying out for an end of regulation. Every indication I have of public opinion is that people are tired of irresponsibility by a few, not everybody, but they are tired of people being scammed. And, in fact, the notion that what we need in the financial area is less regulation is an odd one. It comes from people, I guess, who just slept through the last few years, didn't see the crisis we had because Sarbanes-Oxley, of course, itself came about after Enron.

So I would align myself with President Bush. I think he got this one right. I think Mike Oxley got this one right. Yes, for start-ups and for people about to go public, they have a \$250 million exemption. But to give a permanent exemption to companies at \$250 million and above is a mistake. And don't, please, start monkeying with cost-benefit analysis.

I yield back the balance of my time.

[From the *New York Times*, July 10, 2012]

IN MANCHESTER UNITED'S I.P.O., A  
REFERENCE FOR AMERICAN RULES  
(By Steven M. Davidoff)

Manchester United, the English soccer team with an adoring fan base in Europe and Asia, is filing to go public in the United States.

But the initial public offering is not a reflection of Americans' increasing love of soccer. Instead, it is a reflection of American regulators' light touch.

I'm not kidding. The United States, which has long been criticized for its harsh rules surrounding I.P.O.'s, is now the place where foreign companies go to avoid regulation.

Manchester United may be the world's most popular soccer club, with 659 million fans according to the team's own estimates. In 2005, the American businessman Malcolm Glazer and his family bought control of the team, loading it up with hundreds of millions of dollars in debt. Now, the company is selling shares to raise money and reduce its debt, which stands at about \$655 million.

But the Glazers do not want to give up voting control since, among other reasons, Manchester United fans appear eager to buy back the team from the still-unpopular family. In 2010, a prominent group of Manchester United fans were said to have tried to form a consortium to repurchase the club. The Glazers have uniformly given the same response: the team is not for sale. Now, the Glazers are venue-shopping for their stock.

They passed over the Hong Kong Stock Exchange because it would not give the team a waiver to allow two classes of shares, with different voting rights. The London Stock Exchange also does not allow such share structures, perhaps the reason this natural home was skipped over by the Glazers.

Manchester United declined to comment for this article.

The Singapore Exchange seemed more amenable to the Glazers' plan to list Manchester United and keep control through a dual-class structure. But after the exchange delayed final signoff on the dual-class shares and the Asian markets cooled, the Singapore plans were derailed, according to an article in Reuters.

The soccer team has recently found a home for its stock in the United States. Manchester United filed the papers this month for its initial public offering on the New York Stock Exchange, and the Glazers are taking advantage of the country's willingness to be more flexible when it comes to shareholder rights. Manchester United is proposing a corporate structure that would give the Glazers shares with 10 votes apiece. Public investors would receive one vote for each share.

While the Securities and Exchange Commission tried to ban this type of dual-class voting stock in the 1980s, a federal appeals court struck down the rules. Since then, the structure has become increasingly common. Facebook, LinkedIn and Google all have dual-class shares. The *New York Times* also has a dual-class voting structure. In 2011, 28 offerings featured dual-class structures that gave greater voting rights to certain shareholders, according to the research firm Dealogic.

The Manchester United offering is a case study in how the American markets have evolved toward deregulation in the past decade.

The company is a beneficiary of the newly enacted Jumpstart Our Business Start-Ups Act, known as the JOBS Act, designed to help private companies raise capital and go

public. Although the team was founded in 1878, the JOBS Act classifies Manchester United as an emerging growth company since it has less than \$1 billion in revenue. As such, the company, which is incorporated in the Cayman Islands, does not face the same hurdles as American businesses.

The JOBS Act builds on earlier efforts by the S.E.C. to loosen the rules governing I.P.O.'s of foreign companies. Under pressure from stock exchanges and other market players, the agency has exempted foreign issuers like Manchester United from large parts of American securities laws.

Manchester United will not need to file quarterly reports, report material events, file proxy statements or disclose extensive compensation information, all of which American companies must do. Under a different S.E.C. rule adopted in 2008, Manchester United also does not need to report financials under the generally accepted accounting principles used in the United States, but can instead rely on international financial reporting standards.

Because Manchester United will be a controlled company, it does not need to follow the New York Stock Exchange rules adopted in 2003 that require a public company to have a board composed mainly of independent directors. The board of Manchester United will have four directors, two of Malcolm Glazer's sons and two executives of the company.

The legal environment, which investment bankers and lawyers have long argued deterred I.P.O.'s, also appears to be more conducive. This may be because securities litigation reforms put in place by Congress and the Supreme Court have meant fewer cases in recent years. Even after the financial crisis, only 16 companies on the Standard & Poor's 500 were subject to this type of litigation in 2011, the lowest number since 2000, according to the Stanford Securities Class Action Clearinghouse.

It's all a bit unsettling.

After the enactment of the Sarbanes-Oxley Act in 2002, critics claimed that the new regulation was driving away foreign companies, although at least one academic study rebutted this claim. But as regulators have slowly loosened the rules, the American markets are attracting foreign issuers seeking watered-down rules.

This does not mean that this deregulation is wrongheaded.

The JOBS Act and other initiatives may not have been designed to attract the likes of Manchester United, but such I.P.O.'s do provide work for investment bankers, lawyers and the exchanges. They also build up American prestige by bringing well-known foreign companies to the United States.

At the same time, the deregulation effort means lower compliance costs for businesses. Presumably, that extra money can be invested, bolstering the economy.

The question is whether deregulation is worth the price.

I have little sympathy for investors who buy Manchester United shares. The risks are mainly disclosed.

The bigger question is whether lowering the bar for foreign issuers will come back to haunt the American markets.

Even before the JOBS Act, Chinese companies took advantage of new S.E.C. rules and started going public en masse in the United States. While some of the I.P.O.'s have worked out, there are now more than 100 newly public Chinese companies facing accusations of fraud by either investors or regulators.

The risk is that American exchanges will become more like London's Alternative In-

vestment Market, a lightly regulated stock exchange that has fostered some spectacular flops. If so, investors may lose faith in American markets, and the United States may end up sacrificing long-term stature for short-term gain.

Either way, the next time someone calls the American markets overregulated, you might want to point them to the Manchester United I.P.O.—and remind them that the English soccer club came to the United States to avoid more burdensome foreign rules.

This post has been revised to reflect the following correction:

Correction: July 12, 2012.

The Deal Professor column on Wednesday, about the soccer team Manchester United's public offering in the United States, misstated the year that the Sarbanes-Oxley Act was enacted. It was 2002, not 2001.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. FITZPATRICK).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. FRANK of Massachusetts. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Pennsylvania will be postponed.

AMENDMENT NO. 20 OFFERED BY MR. POSEY

The Acting CHAIR. It is now in order to consider amendment No. 20 printed in part B of House Report 112-616.

Mr. POSEY. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add at the end of title VI the following (and conform the table of contents accordingly):

#### SEC. 604. INTERPRETIVE GUIDANCE NULL AND VOID.

Notwithstanding any other provision of law, no interpretive guidance issued by the Securities and Exchange Commission on or after the effective date of this Act relating to "Commission Guidance Regarding Disclosure Related to Climate Change", affecting parts 211, 231, and 249 of title 17, Code of Federal Regulations (as described in Commission Release Nos. 33-9106; 34-61469; FR-82), or any successor thereto, may take effect, and such guidance shall have no force or effect with respect to any person on or after February 2, 2010.

#### SEC. 605. OTHER SEC ACTION PROHIBITED.

(a) FURTHER GUIDANCE RELATED TO CLIMATE CHANGE.—The Commission may not issue any interpretive guidance with respect to disclosures related to climate change on or after the effective date of this Act.

(b) VOLUNTARY SUBMISSIONS.—The Commission may not issue any interpretive guidance that would establish any requirements with respect to the content of or format for any disclosures related to climate change voluntarily submitted by any entity to the Commission on or after the effective date of this Act.

(c) CIVIL AND ADMINISTRATIVE ACTIONS.—No civil or administrative action or proceeding

pertaining to disclosures related to climate change may be initiated by the Commission on or after the date of the enactment of this Act and any such actions or proceedings pending on such date shall be terminated.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as to—

(1) prohibit the Commission from issuing interpretive guidance with respect to disclosures related to non-anthropogenic or natural climate variability observed over comparable time periods; or

(2) terminate an administrative action or proceeding pertaining to such disclosures.

The Acting CHAIR. Pursuant to House Resolution 738, the gentleman from Florida (Mr. POSEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. POSEY. Madam Chair, I yield myself such time as I may consume.

Madam Chair, my amendment stops the Securities and Exchange Commission from pursuing an agenda on climate change and keeps its focus, instead, on its core mission of protecting investors.

In recent years, we've seen the Madoff and Stanford Ponzi schemes bilk people out of over \$70 billion. Many of these victims live in our districts. They are shocked and outraged that such a travesty could happen.

One would think that after such embarrassments, the SEC would do whatever it could to focus its finite resources on stopping the next Ponzi scheme. At the very minimum, it would make sense for the SEC to appear to get serious in safeguarding the public from fraud and corruption.

However, early in 2010, the SEC issued an interpretative guidance for companies to disclose the impact global climate change might have on their businesses. The SEC published this controversial guidance over the objections of dissenting commissioners. This was done without direction from Congress and outside the traditional rule-making process.

There are no laws in the United States explicitly addressing climate change. The guidance is inappropriate considering the SEC has bigger priorities.

I don't have to tell my colleagues that climate change is a controversial and an unresolved issue. From a securities perspective especially, climate change information on a disclosure is highly speculative, and dubious at best. If allowed to proceed, it invites all kinds of compliance costs and confusion down the road. And guess who will ultimately pay all those costs? Our constituents, the American public.

□ 2110

Importantly, my amendment does not stop companies from mentioning bona fide weather and environmental risks in disclosures. And if a company really wants to weigh in climate change for some reason, they're free to



volunteer that information. It just keeps the SEC focused on what they're supposed to be doing, and that is protecting people and not forcing unrelated agendas down their throats.

I urge my colleagues to support the amendment and reserve the balance of my time.

Mr. CUMMINGS. Madam Chairman, I rise to claim time in opposition.

The Acting CHAIR. The gentleman from Maryland is recognized for 5 minutes.

Mr. CUMMINGS. I yield myself such time as I may consume.

Madam Chairman, Federal securities law requires financial disclosures by public companies for the benefit of shareholders and investors. The Securities and Exchange Commission provides detailed guidance on how to interpret and comply with these disclosure requirements, which are intended to ensure that potential investors fully understand a security before they purchase it.

The SEC recently provided guidance on existing rules that require companies to disclose the impact that business or legal developments related to climate change could have on a company's bottom line. They want investors to know about this.

These disclosures help investors understand how climate change affects a company's operations and their potential investments in the company. This amendment seeks to prevent this guidance from taking place. It seeks to keep investors in the dark.

Rules discussed in the SEC's guidance are clearly needed, and the SEC's guidance will help publicly traded companies understand how key areas of climate change—such as new legislation or international accords—could affect what they need to disclose to the public. This guidance is also intended to help companies explain how the physical impacts of climate change could affect their performance.

In issuing this guidance, the SEC did not opine on the science of climate change. The guidance seeks to help companies assess the possibility that events related to climate change may materially affect their bottom lines and trigger public disclosure requirements. This guidance is prudent and serves to benefit both the investor and the company.

Ironically, with this amendment, my friends on the other side of the aisle who proclaim the value of transparency are acting to hurt investors by denying them important information. This amendment would also harm Wall Street by preventing the SEC from issuing clear guidance to help publicly traded firms understand what they need to disclose on this topic to ensure full compliance with the law. It provides them certainty.

So I urge my colleagues to oppose this amendment, and I reserve the balance of my time.

Mr. POSEY. Madam Chair, how much time do I have remaining?

The Acting CHAIR. The gentleman from Florida has 3 minutes remaining.

Mr. POSEY. The gentleman's points about disclosure are on point. They simply don't apply to what this amendment does. It does not deny required disclosure of risks. Let me be clear, thousands and thousands of American families were devastated by Madoff, by Stanford, MF Global and the like. People lost their homes, people lost their cars, people lost their children's education funds, and people lost their life-long retirement savings. I could go on and on forever, but we have a limited amount of time.

The job of the SEC is to protect those people. The job of the SEC is to protect honest people from dishonest corporations and persons. It's not to impose other agendas on the American public. It's not to talk about the environmental stewardship of corporations. If a corporation dealing with securities does not disclose a significant environmental risk, then they're going to be liable for that failure to disclose. But it's not the SEC's job to talk about their stewardship.

The SEC knew for a decade—a decade—a full 10 years—over 10 years—that Madoff was stealing from people; and they refused to take any action for over a decade, and over \$70 billion evaporated. People's lives were devastated. People died. People died. There are dead people because of what Madoff did. And the SEC didn't lift a finger. They were too busy doing other things.

Now, here we intend to put SEC back on the job and focus on what they're supposed to do: protect honest people from dishonest people.

I reserve the balance of my time.

Mr. CUMMINGS. When we had the SEC come before our committee, I made it very clear that I thought more could have been done with regard to Madoff, and I think it was extremely unfortunate what happened. But, again, that does not mean that we shouldn't provide clarity over all subjects which may affect investors. And that's what we're talking about here.

I'm going to rely on my argument, but I'm going to also yield to my good friend, Mr. FRANK from Massachusetts.

Mr. FRANK of Massachusetts. I thank the gentleman for yielding.

The gentleman says the SEC wasn't on the Madoff thing for many years. That's true. I have to say that, while I supported the Bush administration on Sarbanes-Oxley, I am critical of their administration of the SEC. For almost all of that time, we had an SEC that was not inclined to enforce. And I do not think the current SEC, under a very good chairman, Mary Schapiro, with a much more vigorous approach ought to be taxed for the failures that were ideologically driven by the previous SEC.

So I don't think it is valid to say, well, because they didn't catch Madoff—the SEC during the Bush administration reflected an unfortunate philosophy of non-regulation, of ceding to the company more autonomy than they should have, and it is not a good basis on which to legislate going forward.

I thank the gentleman for yielding.

Mr. CUMMINGS. I reserve the balance of my time.

Mr. POSEY. Madam Chair, how much time do I have remaining?

The Acting CHAIR. The gentleman from Florida has 1 minute remaining.

Mr. POSEY. I have endured about all I care to, and I think a large percentage of the people in this Chamber and a lot of people in this country have endured about all the finger-pointing and blame that they can endure. I don't care who shot John. I don't care who was in charge of the SEC before. The point of this bill is to keep the SEC focused on protecting investors.

I reserve the balance of my time.

Mr. CUMMINGS. Madam Chair, how much do I have remaining?

The Acting CHAIR. The gentleman from Maryland has 1 minute remaining.

Mr. CUMMINGS. I yield 30 seconds to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. First of all, a large percentage of the people in this room would be too; but, secondly, the fact is that the gentleman from Florida is who started pointing fingers. When I talked about who was in charge of the SEC, all of a sudden he is above any criticism. But he's the one who impugned the SEC. He's the one who said that the SEC sat and did nothing under Madoff. So, if you're going to accuse the agency, then it becomes relevant as to who was running it. I didn't raise the issue of who was to blame and who was at fault. I was simply responding to my committee colleague from Florida.

I thank the gentleman.

Mr. POSEY. Very poetic, but it's off point.

The amendment wants SEC to focus on protecting honest people from dishonest corporations and people, nothing more, nothing less, and nothing else.

I reserve the balance of my time.

Mr. CUMMINGS. Let me be clear, the SEC has the responsibility to disclose the information that investors need, and this is one of those areas. We want to protect investors with everything we have. I think this amendment flies in the face of that, and I would hope that the body would vote against the amendment.

I yield back the balance of my time.

Mr. POSEY. Madam Chairman, I appreciate the comments; and, once again, I implore my colleagues to support this good amendment to keep the SEC on task.



Their job is to protect investors from dishonest people and dishonest corporations; and with the passage of this amendment, we will do that.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. POSEY).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. CUMMINGS. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

□ 2120

AMENDMENT NO. 21 OFFERED BY MRS. MALONEY

The Acting CHAIR. It is now in order to consider amendment No. 21 printed in part B of House Report 112-616.

Mrs. MALONEY. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 76, after line 14, insert the following new section (and conform the table of contents accordingly):

**SEC. 604. EFFECTIVE DATE.**

This title, and the amendments made by this title, shall not take effect until the date on which the Chairman of the Securities and Exchange Commission certifies to the Congress that implementing the provisions of this title, and the amendments made by this title, will not divert resources from the Commission's mission to protect investors, maintain fair, orderly, and efficient markets, and facilitate capital formation.

The Acting CHAIR. Pursuant to House Resolution 738, the gentlewoman from New York (Mrs. MALONEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York.

Mrs. MALONEY. Madam Chair, I yield myself such time as I may consume.

My amendment concerns title VI of the bill and the enhanced cost-benefit analysis that it requires. The amendment very simply requires that title VI of the underlying bill needs to basically get in line behind all the critical and previously assigned responsibilities Congress has given to the SEC to keep consumers, investors, and our financial system safe.

My amendment would require the Chair of the SEC to certify that the Commission can perform its core mission of protecting investors and do the job it was created to do—safely maintain efficient markets and promote access to capital—before it diverts any of its resources to carry out the new requirements of title VI in this bill.

The financial reforms we enacted 2 years ago gave the SEC critical new tools to oversee a multitrillion-dollar

market and to help ensure that we do not get ourselves into another financial crisis. And the reforms we previously enacted require the SEC to conduct extensive rulemakings and to complete a number of critical reports.

Unfortunately, this Congress has chosen to underfund the SEC and hamper its ability to provide the required oversight of the financial industry. The SEC is now facing a \$195 million shortfall this year alone. They are also operating on a budget that is a 12 percent cut from what the President requested.

The SEC needs every dollar it now gets just to carry out its core mission: to protect investors, to implement Dodd-Frank, and to provide enforcement. I do not believe that it would be responsible on the part of this Congress to require that already strained resources be diverted from the SEC's core mission in order to comply with the new burdens of this title.

The Congressional Budget Office has made it quite clear that additional resources would have to be used to carry out the provisions of this title. Imposing these new and severe burdens on the SEC's cost-benefit analysis process would ensure that the SEC would be hard-pressed to carry out its fundamental regulatory functions. The SEC would have difficulty protecting investors even when it has identified harmful practices.

The SEC is already required to conduct a cost-benefit analysis, and recent court cases prove that, if the process has been insufficient, the SEC must start over.

Last year, for example, the SEC proposed a rule on proxy access to give shareholders more of a say into the activities of companies. The Court of Appeals for the District of Columbia very directly stated that their cost-benefit analysis had been inadequate. That represents a very real and a very effective existing check on the SEC's authority. But title VI of this bill will effectively shut down the SEC's rule-making process altogether by requiring significant resources be directed to burdensome new requirements.

So I believe that before we hobble an agency that keeps consumers, investors, and our financial sector safe, it would be wise to require that the Chair of the SEC must certify that it will still be able to carry out its core mission before this provision can go into effect—also, because we already have a cost-benefit analysis.

In the wake of all the cost, the pain, and the dislocation of the Great Recession, we should not now cripple the SEC's ability to do its real job, that of protecting investors and our financial markets.

I urge my colleagues to support this amendment, and I reserve the balance of my time.

Mr. SCHWEIKERT. Madam Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Arizona is recognized for 5 minutes.

Mr. SCHWEIKERT. To my friend from New York, this is sometimes one of those amusing moments you get where we're both referring to the same litigation as part of our arguments against my side and for her amendment and somewhat making the point that, in that proxy rule litigation, demonstrating that the SEC actually didn't do the proper job. And actually, that's what the court stood up and told them.

One of the reasons—and maybe this is just the classic fundamental different view of what the Agency should be doing to ultimately protect investors and the economy and working towards capital formation—is you would think the Chairman of the SEC, instead of moving this to the bottom of the ranking, it would be at the very, very top. You would think, actually, in many ways you'd want to rewrite this amendment, at least from my view, flip it, saying one of the very first things the Chairman of the SEC does is come in and say, Hey, we did an appropriate, detailed cost-benefit analysis for this new rule and regulation, and here's the impact it has on the economy; here's the impact it has on job creation.

If we stand here repeatedly and say how much we care about jobs and economic growth, I would think that would be the order you would want to be pursuing. In many ways, this amendment—actually, not in many ways, it's what the amendment does—it actually does just the reverse. It lowers that to the bottom of that ranking.

With that, Madam Chairman, I reserve the balance of my time.

Mrs. MALONEY. May I inquire how much time remains on both sides?

The Acting CHAIR. Each side has 30 seconds remaining.

Mrs. MALONEY. In response to my friend on the other side of the aisle, regulations did not cause the Great Recession; it did not cause the loss of jobs. What caused the loss of jobs was the lack of regulation and the lack of enforcement, and certainly large swaths of the economy that were not regulated at all that brought on the Great Recession.

It was the regulations that Dodd-Frank has put in place, and restoring the strength to the SEC to protect investors and to protect our economy, and putting hurdles and additional expenses in front of the SEC when they don't even have the money to enforce the new laws and things they have to do. They're very overburdened. So this is a reasonable amendment, and I urge its passage.

I yield back the balance of my time.

Mr. SCHWEIKERT. Madam Chairwoman, just one quick comment I'll throw in there.

I'm part of the belief system that one of the great burdens right now in economic growth and to sort of that next generation of what's the next world of jobs that will be coming into our economy—how are we going to form the capital, how are we going to see what our future looks like—is actually, in many ways, what we're debating here. I do believe the massive growth in the regulatory environment over the last couple of years is stymying that next generation.

There is one point I also want to make. Think of the last decade. I'm doing this somewhat from memory, but I think a decade ago the SEC's budget was about \$300 million. Today, I believe it's \$1.35 billion. So it's up \$1.05 billion in 10 years, to give you some sense of how much massive increase has been moved into the regulatory body.

With that, Madam Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from New York (Mrs. MALONEY).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mrs. MALONEY. Madam Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from New York will be postponed.

AMENDMENT NO. 22 OFFERED BY MR. MANZULLO

The Acting CHAIR. It is now in order to consider amendment No. 22 printed in part B of House Report 112-616.

Mr. MANZULLO. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add at the end of the bill the following:

**TITLE VIII—ENSURING HIGH STANDARDS FOR AGENCY USE OF SCIENTIFIC INFORMATION**

**SEC. 801. REQUIREMENT FOR FINAL GUIDELINES.**

(a) IN GENERAL.—Not later than January 1, 2013, each Federal agency shall have in effect guidelines for ensuring and maximizing the quality, objectivity, utility, and integrity of scientific information relied upon by such agency.

(b) CONTENT OF GUIDELINES.—The guidelines described in subsection (a), with respect to a Federal agency, shall ensure that—

(1) when scientific information is considered by the agency in policy decisions—

(A) the information is subject to well-established scientific processes, including peer review where appropriate;

(B) the agency appropriately applies the scientific information to the policy decision;

(C) except for information that is protected from disclosure by law or administrative practice, the agency makes available to the public the scientific information considered by the agency;

(D) the agency gives greatest weight to information that is based on experimental, em-

pirical, quantifiable, and reproducible data that is developed in accordance with well-established scientific processes; and

(E) with respect to any proposed rule issued by the agency, such agency follows procedures that include, to the extent feasible and permitted by law, an opportunity for public comment on all relevant scientific findings;

(2) the agency has procedures in place to make policy decisions only on the basis of the best reasonably obtainable scientific, technical, economic, and other evidence and information concerning the need for, consequences of, and alternatives to the decision; and

(3) the agency has in place procedures to identify and address instances in which the integrity of scientific information considered by the agency may have been compromised, including instances in which such information may have been the product of a scientific process that was compromised.

(c) APPROVAL NEEDED FOR POLICY DECISIONS TO TAKE EFFECT.—No policy decision issued after January 1, 2013, by an agency subject to this section may take effect prior to such date that the agency has in effect guidelines under subsection (a) that have been approved by the Director of the Office of Science and Technology Policy.

(d) POLICY DECISIONS NOT IN COMPLIANCE.—A policy decision of an agency that does not comply with guidelines approved under subsection (c) shall be deemed to be arbitrary, capricious, an abuse of discretion, and otherwise not in accordance with law.

(e) DEFINITIONS.—For purposes of this section:

(1) AGENCY.—The term “agency” has the meaning given such term in section 551(1) of title 5, United States Code.

(2) POLICY DECISION.—The term “policy decision” means, with respect to an agency, an agency action as defined in section 551(13) of title 5, United States Code, (other than an adjudication, as defined in section 551(7) of such title), and includes—

(A) the listing, labeling, or other identification of a substance, product, or activity as hazardous or creating risk to human health, safety, or the environment; and

(B) agency guidance.

(3) AGENCY GUIDANCE.—The term “agency guidance” means an agency statement of general applicability and future effect, other than a regulatory action, that sets forth a policy on a statutory, regulatory, or technical issue or on an interpretation of a statutory or regulatory issue.

The Acting CHAIR. Pursuant to House Resolution 738, the gentleman from Illinois (Mr. MANZULLO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

□ 2130

Mr. MANZULLO. Madam Chair, I yield myself 2 minutes.

Today I'm offering a commonsense, bipartisan amendment to H.R. 4078 with my good friend from North Carolina, MIKE MCINTYRE. This amendment would codify some of the administration's own policies regarding scientific integrity.

In March of 2009, President Obama announced a new policy on scientific integrity. This amendment requires agencies to follow their own scientific integrity guidelines.

It's important to consider that the nature of Federal regulations has been changing, with more and more decisions being made without developing formal, final agency actions. Instead, we see more and more major policy changes being made through the issuance of guidelines of the development of agency listings. The agencies will tell affected private parties that these guidelines or listings are not really regulations because they're not final actions. But the impact in the marketplace sure can be pretty final.

The Manzullo-McIntyre amendment codifies the requirement that the Director of OSTP require each agency to develop guidelines to maximize the quality, objectivity, utility, and integrity of scientific information used by Federal agencies.

The amendment requires appropriate peer review, the disclosure of scientific studies used in making decisions, and an opportunity for stakeholder input. It also requires Federal agencies to give the greatest weight to information based upon reproducible data that is developed in accordance with the scientific method.

Further, it deems agency actions that do not follow such procedures to be arbitrary and subject to challenge by affected stakeholders. I would hope that my colleagues consider this amendment as an objective, bipartisan attempt at improving the regulatory process.

I reserve the balance of my time.

Mr. CUMMINGS. I rise to claim time in opposition to the amendment.

The Acting CHAIR. The gentleman from Maryland is recognized for 5 minutes.

Mr. CUMMINGS. On first read, Madam Chair, this amendment may sound like a good idea. However, it's true effect would be to put the Director of the Office of Science and Technology Policy in charge of deciding whether any agency in the entire executive branch can make policy decisions.

The amendment says that no policy decision issued by any agency after the end of this year can take effect until that agency's guidelines on scientific integrity have been approved by the Director of the Office of Science and Technology Policy.

I agree that agencies should have strong guidelines on scientific integrity. In fact, agencies are already required to have such guidelines in place under a memo issued by President Obama. However, it's not realistic to expect that the Office of Science and Technology Policy could approve guidelines for every agency by January 1, 2013.

The amendment would undermine the integrity of science in the Federal Government by jeopardizing the ability of agencies to use our best science to protect Americans' health and safety. Specifically, the amendment would

block any “listing, labeling, or other identification of a substance, product, or activity as hazardous, or creating risk to human health, safety or the environment.”

Under this amendment, for example, the FDA could not alert the public about a defective drug, the Department of Homeland Security could not implement safety measures to screen for terrorists, and the Nuclear Regulatory Commission could not recommend an evacuation zone if there was a nuclear accident.

This amendment, I’m sure, is well-intentioned, but the way it has been drafted makes it dangerous. I urge my colleagues to vote against it.

I reserve the balance of my time.

Mr. MANZULLO. I yield 2 minutes to the gentleman from North Carolina (Mr. MCINTYRE).

Mr. MCINTYRE. Madam Chairman, I rise to speak in favor of the amendment that Congressman MANZULLO and I have introduced to improve H.R. 4078, the Red Tape Reduction and Small Business Job Creation Act.

Our amendment would make a sensible and needed adjustment to our Nation’s regulatory policy by requiring that Federal agencies develop guidelines to maximize the quality and integrity of scientific information used in the regulatory process. This is a goal not only supported by many Members of Congress from both sides of the aisle, but also by the administration.

In March of 2009, the President issued a memorandum directing the Office of Science and Technology to require Federal departments and agencies to develop procedures for restoring scientific integrity to government decision-making.

At the beginning of last year, the President issued Executive Order 13563, which stated that each agency “shall ensure the objectivity of any scientific and technological information and process used to support the agency’s regulatory actions.”

Our amendment, which is based on bipartisan legislation that Congressman MANZULLO and I introduced earlier this year, builds on the President’s action, has bipartisan support, and codifies the requirement that the Director of the Office of Science and Technology compel each Federal agency to develop guidelines regarding the scientific information used by Federal agencies.

Additionally, this amendment would clarify that scientific information be supported by peer review, when appropriate, ensure that scientific studies used in decision-making be disclosed to the public, and require an opportunity for stakeholder input. This is just common sense.

It requires Federal agencies to give the greatest weight to information based on reproducible data that is developed in accordance with the scientific method.

Finally, this would provide grounds for any agency’s actions that violate these integrity guidelines, that they have to be deemed arbitrary and subject to challenge by the affected stakeholders. This commonsense amendment requires maximizing the quality and integrity of scientific information used in the regulatory process, and I encourage my colleagues to adopt this bipartisan amendment.

Mr. CUMMINGS. I continue to reserve the balance of my time.

Mr. MANZULLO. How much time do I have?

The Acting CHAIR. The gentleman has 1 minute remaining.

Mr. MANZULLO. I yield that 1 minute to the gentleman from Tennessee (Mr. FINCHER).

Mr. FINCHER. Madam Chairman, I rise in strong support of Mr. MANZULLO’s amendment, which urges the Federal Government to develop scientific integrity policies when a Federal agency implements a rule or regulation. Science should be at the heart of Federal agency decision-making.

Right now, the pork producers in my State and others in agriculture are fighting the FDA’s concerns regarding antibiotic use in animals when there is no scientific evidence behind those concerns. This is why I had originally introduced House Resolution 98 last year, which would send a bipartisan, commonsense message to the Food and Drug Administration to rely on scientific fact in its development of rules and regulations.

Mr. MANZULLO’s amendment goes further, guiding all agencies on a path towards scientific integrity, not just the FDA.

I would like to remind my colleagues that Americans are constantly facing the challenge of widespread and needless interventions in their life. Why let this continue through our agencies’ misuse of science?

I urge my colleagues to support the Manzullo amendment.

Mr. CUMMINGS. Madam Chairman, after hearing the arguments of the other side, I’m going to rest on what I’ve already said. I think I’ve made it abundantly clear why this is not an appropriate amendment.

With that, I hope that the House will vote against it. I yield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chair, I rise in reluctant opposition to the amendment offered by the gentleman from Illinois, Mr. MANZULLO. I say reluctant, because although I am opposed to this particular amendment, I very much support the idea of ensuring that our agencies in the Federal government utilize the best available science when engaged in their activities. On its face, that would appear to be the subject of this amendment. However, the language in this amendment goes further than that, and its broad reach troubles me for several reasons.

Under this amendment, all Federal agencies would have to adopt guidelines on scientific in-

tegrity and have those guidelines approved by the Director of the Office of Science and Technology Policy, “OSTP”. Agencies could not make policy decisions unless the OSTP Director has approved their guidelines. In addition, subsection (d) of the amendment states that any policy decisions an agency makes which do not comply with the approved guidelines “shall be deemed to be arbitrary, capricious, an abuse of discretion, and otherwise not in accordance with law.”

I am very concerned that the language in this amendment could give rise to a new cause of action against Federal agencies in their regulatory process. A longstanding principle of regulatory law is that agencies must show that their regulatory actions are not “arbitrary and capricious” or courts will overturn those actions. This amendment creates a new and separate cause of action against regulatory agencies who veer from their guidelines in the formulation of a regulation. This is an unnecessary addition to the legal weaponry available to challenge agency regulations since the current law already provides that agencies are prohibited from making “arbitrary and capricious” regulatory decisions. I do not understand why we would purposely increase our courts’ load of regulatory litigation for no discernible substantive benefit.

Furthermore, the amendment does not limit these restrictions to regulatory actions. All “policy decisions,” specifically including “agency guidance,” are subject to this requirement. “Agency guidance” could include the posting of information on an agency website or the issuance of disaster warnings. It is troubling that we would potentially be creating a new legal cause of action against agencies for putting agency guidance on their websites. It’s even more troubling that we would prohibit agencies from making disaster warnings until those agencies’ scientific integrity guidelines are approved by the Director of OSTP.

Clearly, these new impositions on the Federal agencies are not without cost. However, what is the real benefit here? Early on, the Obama administration issued an order to all Federal agencies to adopt scientific integrity policies. OSTP oversaw this process, and Federal agencies now have scientific integrity policies in place. What additional benefit does this amendment provide over what the administration has already completed? Moreover, the Federal government already has well established procedures in place to ensure Federal regulations are only issued after careful review of the scientific evidence. It’s hard to imagine this amendment provides any benefits to this process that would outweigh the dangers and costs I just identified.

Finally, I want to express my discomfort with placing the OSTP and the President’s science advisor in a regulatory oversight role. The President of the United States needs sound scientific advice from a trusted and competent advisor. OSTP was created to provide that advice to the President. This is an office that has typically maintained bipartisan support over the years. I would hate for that support to erode because we’ve placed inappropriate responsibilities on that office. I would also note that OSTP’s annual budget is relatively modest and the office is already stretched thin carrying out its current duties. This amendment

provides no funding for the newly mandated duties, and it is unclear how OSTP is supposed to fund these new responsibilities.

I do think it is important that the Federal government use the best available science when it does its work. Unfortunately, for the reasons I've outlined, I don't think this amendment is the way to achieve that goal, and I must oppose the amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. MANZULLO).

The amendment was agreed to.

AMENDMENT NO. 23 OFFERED BY MRS. LUMMIS

The Acting CHAIR. It is now in order to consider amendment No. 23 printed in part B of House Report 112-616.

Mrs. LUMMIS. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add after title VII the following new title (and conform the table of contents accordingly):

**TITLE VIII—TRACKING THE COST TO TAXPAYERS OF FEDERAL LITIGATION**

**SEC. 801. SHORT TITLE.**

This title may be cited as the "Tracking the Cost to Taxpayers of Federal Litigation Act".

**SEC. 802. MODIFICATION OF EQUAL ACCESS TO JUSTICE PROVISIONS.**

(a) AGENCY PROCEEDINGS.—Section 504 of title 5, United States Code, is amended—

(1) in subsection (c)(1), by striking "United States Code"; and

(2) by striking subsections (e) and (f) and inserting the following:

"(e)(1) The Chairman of the Administrative Conference of the United States, after consultation with the Chief Counsel for Advocacy of the Small Business Administration, shall report annually to the Congress on the amount of fees and other expenses awarded during the preceding fiscal year pursuant to this section. The report shall describe the number, nature, and amount of the awards, the claims involved in the controversy, and any other relevant information that may aid the Congress in evaluating the scope and impact of such awards. Each agency shall provide the Chairman in a timely manner all information necessary for the Chairman to comply with the requirements of this subsection. The report shall be made available to the public online.

"(2)(A) The report required by paragraph (1) shall account for all payments of fees and other expenses awarded under this section that are made pursuant to a settlement agreement, regardless of whether the settlement agreement is sealed or otherwise subject to nondisclosure provisions, except that any version of the report made available to the public may not reveal any information the disclosure of which is contrary to the national security of the United States.

"(B) The disclosure of fees and other expenses required under subparagraph (A) does not affect any other information that is subject to nondisclosure provisions in the settlement agreement.

"(f) The Chairman of the Administrative Conference shall create and maintain online a searchable database containing the following information with respect to each award of fees and other expenses under this section:

"(1) The name of each party to whom the award was made.

"(2) The name of each counsel of record representing each party to whom the award was made.

"(3) The agency to which the application for the award was made.

"(4) The name of each counsel of record representing the agency to which the application for the award was made.

"(5) The name of each administrative law judge, and the name of any other agency employee serving in an adjudicative role, in the adversary adjudication that is the subject of the application for the award.

"(6) The amount of the award.

"(7) The names and hourly rates of each expert witness for whose services the award was made under the application.

"(8) The basis for the finding that the position of the agency concerned was not substantially justified.

"(g) The online searchable database described in subsection (f) may not reveal any information the disclosure of which is prohibited by law or court order, or the disclosure of which is contrary to the national security of the United States."

(b) COURT CASES.—Section 2412(d) of title 28, United States Code, is amended by adding at the end the following:

"(5)(A) The Chairman of the Administrative Conference of the United States shall report annually to the Congress on the amount of fees and other expenses awarded during the preceding fiscal year pursuant to this subsection. The report shall describe the number, nature, and amount of the awards, the claims involved in each controversy, and any other relevant information which may aid the Congress in evaluating the scope and impact of such awards. Each agency shall provide the Chairman with such information as is necessary for the Chairman to comply with the requirements of this paragraph. The report shall be made available to the public online.

"(B)(i) The report required by subparagraph (A) shall account for all payments of fees and other expenses awarded under this subsection that are made pursuant to a settlement agreement, regardless of whether the settlement agreement is sealed or otherwise subject to nondisclosure provisions, except that any version of the report made available to the public may not reveal any information the disclosure of which is contrary to the national security of the United States.

"(ii) The disclosure of fees and other expenses required under clause (i) does not affect any other information that is subject to nondisclosure provisions in the settlement agreement.

"(C) The Chairman of the Administrative Conference shall include and clearly identify in the annual report under subparagraph (A), for each case in which an award of fees and other expenses is included in the report—

"(i) any amounts paid from section 1304 of title 31 for a judgment in the case;

"(ii) the amount of the award of fees and other expenses; and

"(iii) the statute under which the plaintiff filed suit.

"(6) The Chairman of the Administrative Conference shall create and maintain online a searchable database containing the following information with respect to each award of fees and other expenses under this subsection:

"(A) The name of each party to whom the award was made.

"(B) The name of each counsel of record representing each party to whom the award was made.

"(C) The agency involved in the case.

"(D) The name of each counsel of record representing the agency involved in the case.

"(E) The name of each judge in the case, and the court in which the case was heard.

"(F) The amount of the award.

"(G) The names and hourly rates of each expert witness for whose services the award was made.

"(H) The basis for the finding that the position of the agency concerned was not substantially justified.

"(7) The online searchable database described in paragraph (6) may not reveal any information the disclosure of which is prohibited by law or court order, or the disclosure of which is contrary to the national security of the United States.

"(8) The Attorney General of the United States shall provide to the Chairman of the Administrative Conference of the United States in a timely manner all information necessary for the Chairman to carry out the Chairman's responsibilities under this subsection."

(c) CLERICAL AMENDMENT.—Section 2412(e) of title 28, United States Code, is amended by striking "of section 2412 of title 28, United States Code," and inserting "of this section".

The Acting CHAIR. Pursuant to House Resolution 738, the gentlewoman from Wyoming (Mrs. LUMMIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Wyoming.

□ 2140

Mrs. LUMMIS. Madam Chairman, I have two amendments made in order under this rule. I will offer this amendment. However, thanks to those I've been working with across the aisle, I intend not to offer my second amendment.

Thank you, Mrs. MALONEY.

The Equal Access to Justice Act, or EAJA, was originally passed in 1980 by a Congress concerned that everyday citizens could not afford to challenge the Federal Government in court when they had been wronged by government regulations. As originally designed, EAJA would reimburse small businesses, seniors and veterans for successfully challenging the Federal Government in court when no other law provided for that reimbursement.

It was a good idea then, and it remains a good idea today. For 15 years, the law has worked mostly as intended; but over time, cracks in the system have formed. In updating EAJA, it has become necessary to repair those cracks and to ensure EAJA's viability into the future. Three issues need to be resolved:

First, we need to ensure that our Nation's veterans, seniors, and small businesses have access to qualified attorneys. Right now, EAJA puts up unnecessary roadblocks to these legitimate users;

Second, we need to close loopholes that have allowed EAJA to be exploited by those dissatisfied with the reimbursements provided for them in the Nation's environmental laws;

Finally, we must reinstate tracking and reporting requirements so that Congress and every American has an accurate accounting of how much taxpayer money we spend to reimburse attorneys.

All three of those issues are addressed in H.R. 1996, the Government Litigation Savings Act; but this amendment, the one we are debating right now, only addresses the third issue—the transparency gap in EAJA.

As the recently released GAO report made clear, there is a severe lack of information on these payments. While we don't need that data to know exactly what has been happening with EAJA in recent years, going forward we need robust tracking as a management tool to ensure that EAJA works as intended. The tracking and reporting of EAJA payments is the part of the Government Litigation Savings Act that has broad agreement.

I greatly appreciate the work that the chairman of the Judiciary Committee and the ranking member of the Judiciary Committee have put into this issue. We've come a long way on this, and the bill has benefited from constructive input from both sides of the aisle. We must continue to work together on providing a fair market rate for lawyers who represent veterans, seniors and small businesses, as well as on instituting a reasonable eligibility standard. Both of these issues require further deliberation, and I am hopeful that the chairman and ranking member will commit to working with me to further update EAJA as I am committed to working with them.

In the meantime, let's pass this transparency amendment, which is the third leg of the three-pronged need to address the EAJA issues. This is the one on which we all agree, this third issue of transparency.

Madam Chairman, I reserve the balance of my time.

Mrs. MALONEY. I rise in support of the gentlelady's amendment.

The Acting CHAIR. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Mrs. MALONEY. Thank you, Madam Chair.

This is one of two amendments that Mrs. LUMMIS has submitted. She has indicated that she will not be offering her other amendment, and we are very pleased as we had some serious concerns about that amendment.

This amendment I am supporting, though, would require Federal agencies to gather valuable data, and it would require the Administrative Conference of the United States to issue a report based on that data. This report would help taxpayers and Congress determine where taxpayer funds flow under the Equal Access to Justice Act.

This amendment has merit. We should have mechanisms in place to

track where taxpayer money goes, and the reports this amendment requires will help Congress conduct more thorough oversight over Federal agencies.

There are still some concerns that some have raised about the extent to which the data will be made public. This data could include names of Social Security claimants and veterans who bring claims under EAJA, and this may have a chilling effect on those claimants.

We are willing to work with Mrs. LUMMIS to address these concerns. Mrs. LUMMIS, herself, has raised more specific concerns with how EAJA has been used and urges Congress to amend the act. The committee held a hearing and marked up her bill. The reported bill contained several needed improvements to address many of our concerns on this side of the aisle. We thank her for working with us on these changes. The bill still needs some more work, and we will continue to work with her to address all of our concerns. I urge my colleagues to support this amendment.

I yield back the balance of my time. Mrs. LUMMIS. I thank the gentlelady from New York.

Madam Chairman, I wish to yield the balance of my time to the gentleman from Oklahoma (Mr. LANKFORD).

Mr. LANKFORD. I rise in support of this amendment as well. I am grateful for the bipartisan cooperation and for getting a chance to find more transparency as well as how the Equal Access to Justice Act of 1980 is being implemented. Unfortunately, it seems that some special interest groups, particularly some environmental groups, of late are abusing EAJA. They're financing lawsuits to advance a special agenda.

This amendment does shine light on who is receiving attorneys' fees under EAJA by revising and improving EAJA's reporting requirements, which have not been revised in many years. American taxpayers do deserve to know how their money is being spent by the Federal Government, regardless of what the interest group is and where it is coming from, and to know to what extent the financing is being used to advance any kind of ideology.

For these reasons, I do support this amendment, and I am grateful for the bipartisan support.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Wyoming (Mrs. LUMMIS).

The amendment was agreed to.

The Acting CHAIR. The Chair understands that amendment No. 24 will not be offered.

AMENDMENT NO. 25 OFFERED BY MR. POSEY

The Acting CHAIR. It is now in order to consider amendment No. 25 printed in part B of House Report 112-616.

Mr. POSEY. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 8, line 10, after the period insert the following:

If meeting that definition, such term includes any requirement by the Secretary of the Treasury, except to the extent provided in Treasury Regulations as in effect on February 21, 2011, that a payor of interest make an information return in the case of interest—

(1) which is described in section 871(i)(2)(A) of the Internal Revenue Code of 1986, and

(2) which is paid—

(A) to a nonresident alien, and

(B) on a deposit maintained at an office within the United States.

The Acting CHAIR. Pursuant to House Resolution 738, the gentleman from Florida (Mr. POSEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. POSEY. Madam Chair, I yield myself such time as I may consume.

The Florida International Bankers Association has reported to me that, over the past several months, they have seen as much as \$300 million leaving United States banks for overseas banks.

Why is this money leaving the United States, and what can we do to stop the hemorrhaging?

The adoption of this amendment will stop the hemorrhaging of hundreds of millions of dollars—soon to be billions of dollars if this amendment is not adopted. This is according to the studies on earlier, scaled-back proposals by the Internal Revenue Service.

For nearly 100 years, the United States has had in place a policy that encourages foreigners to put their money in our banks in the United States. We have told them that the United States is a welcoming and safe place for their deposits. Earlier this year, apparently clueless about the financial conditions we were in as a Nation, the IRS finalized a new rule to take effect in January 2013 that basically sends the message to law-abiding foreign depositors that U.S. banks don't want their money. Under this rule, the United States would no longer provide these law-abiding depositors with the confidentiality that they've had and that they need.

The new IRS rules would impose cumbersome new reporting requirements for law-abiding foreign depositors and for foreign depositors who live in nations where corruption is rampant. They will simply withdraw their money from the United States institutions and put their money to work in other nations around the world. This is bad for the United States economy.

There has been strong bipartisan opposition to the IRS proposal. The entire Florida delegation—all 25 members, every Republican and every Democrat—wrote the Treasury last year,

asking them to withdraw the regulation. Bipartisan letters have gone to the Internal Revenue Service urging them to withdraw the regulation, and bipartisan legislation has been filed in the House and in the Senate to stop the regulation.

Each day Congress refuses to act, deposits are leaving the United States for Singapore, Panama, the Bahamas, the Cayman Islands, and elsewhere. This money will not return to the United States once it leaves. Most importantly for our communities, this capital will not be available to our small businesses and families when they need it to build in America. The new regulation will harm the U.S. economy, and we must stop its implementation.

□ 2150

Ironically, this same regulation from the IRS was rejected about 8 years ago when the bureaucrats at the IRS thought it was a good idea then. A strong bipartisan effort in Congress led to the IRS withdrawal of the rule, and we must do that again today.

If you share my commitment to economic recovery and believe that the United States should be a welcoming place for foreign depositors who want to put their money to work in the United States, then I urge you to join in support of this amendment. Please vote "yes."

I reserve the balance of my time.

Mr. FRANK of Massachusetts. Madam Chair, I rise to oppose the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. FRANK of Massachusetts. Madam Chair, I yield myself 2 minutes.

I understand that the banks in America don't like this because they would like to continue to be a place where people can come from other countries or send their money from other countries and not have it reported back home. The problem is that in America, we suffer a much greater loss right now from Americans who evade their taxes. Most Americans don't. But taxes being parked in the Cayman Islands, which was just mentioned and elsewhere, are a problem. We passed in 2010 a bill to try and get money owed to the United States paid to the United States. That requires the cooperation of other governments.

Members are aware of the negotiations with Switzerland and other tax havens. What this says is: we the United States want you to help us collect taxes owed to us, but we won't do the same. It is the tax evaders' bill of rights. The gentleman from Florida says they're law abiding citizens. Most of them probably are. How does he know they all are? Why do people in the Cayman Islands want to put money in American banks? Maybe they are perfectly good reasons. Maybe they want to come visit their money some day.

The fact is that people who send money to other countries include people who evade taxes. What this says to the United States is we basically are going to have to abandon the effort to collect taxes owed to us in foreign countries because we are telling the foreign countries we will not cooperate with them. We have tax treaties that we're pursuing. This basically aborts that.

Americans who want to send their money elsewhere and not pay taxes, they like this idea. With regard to the American banks, people have said they'll send their money elsewhere. The notion that we should compete in a race to the bottom, the notion that we should match other countries in an absence of rules is a philosophy that gets us in trouble. I believe that if we work hard, we will get a number of countries that will work with us on this. That's the essential point.

If Members favor a vigorous effort by the United States Government to recover taxes owed to us from elsewhere, they should reject this amendment.

I reserve the balance of my time.

Mr. POSEY. Madam Chair, how much time do I have remaining?

The Acting CHAIR. The gentleman from Florida has 2 minutes remaining.

Mr. POSEY. This is not just about banks. This is about jobs, this is about mortgages, this is about the economy, and this is about our communities prospering. Information can be shared today on a case-by-case basis. If the IRS suggests to you otherwise, it's just not true.

There's a common misperception. Let's not forget how fortunate we are to live in the United States of America. Too often, too many people forget this, it seems. We live under a stable government and a relatively stable economy compared to some of the other countries we receive deposits from. Many nonresident deposits come from countries where the governments themselves are very unstable, where their personal security or their property are major concerns. It's very probable that the depositor's personal bank account information could be leaked to unauthorized persons in their home country—to governments, criminals, or terrorist groups—which could make the depositors and their families targets of extortion, kidnappings, and other potentially fatal criminal activities. Imagine living with that over your shoulder every day.

Assurance from the IRS bureaucrats that your information is safe won't calm those fears. Our Pentagon has been hacked. I asked the Secretary of the Treasury if we would stand personally liable for any breaches that would cause a loss of life or harm to people whose information was betrayed. They said they would not be willing to do that.

With that, I reserve the balance of my time.

Mr. FRANK of Massachusetts. I yield myself the balance of my time.

The Acting CHAIR. The gentleman is recognized for 3 minutes.

Mr. FRANK of Massachusetts. In fact, we suffer more from taxes evaded in the U.S., I believe, than the money we have here. The point, however, is—and I will submit the comments from the Department of the Treasury—we will not be sending this to countries with which we don't have a tax treaty. There are strong statutory and regulatory requirements that prevent this information from being sent to countries that abuse it.

Maybe Members think that's not strong enough. If the gentleman from Florida would like to submit legislation to strengthen those statutory requirements to make it clear that some countries qualify and some don't—for example, I'm informed Venezuela today would not qualify for obvious reasons, because of the brutal, corrupt nature of that government.

So the question is, because some governments would abuse it, should we protect every tax evader who wants to use the United States as a haven from having their money reported, at the price of not getting cooperation ourselves? That doesn't mean everybody puts their money here as a tax evader. If you're not a tax evader, then there's no problem with having this reported. As far as the Pentagon being hacked, yeah, people have been hacked. If the IRS was going to be hacked, a lot more would have happened.

The fact is that the security of tax returns in America is one of the best things about our government. Administrations of both parties from time immemorial have protected the security of tax returns. We have a very good record as a government. We shouldn't just denigrate it with no basis in protecting the integrity of tax returns. People have filed tax returns and have had great privacy in them. This is the central point, because some of the banks would like to get this money and not care whether people are tax evaders or not.

The gentleman says we can do it case by case. That's an impossible task, case by case to decide. Then the IRS becomes more intrusive. Do you want to do a frisk of each individual to decide whether he or she has his returns done? Case by case is the way you destroy privacy.

Here's the fundamental point. We are making efforts to collect taxes owed to us by people who have hidden the money elsewhere, and we know that's been a problem. This would make it impossible to do that with any efficiency. As I said, there are very clear statements of policy against sending this information to Venezuela, against sending it to other places where it wouldn't be secure. This is the question: Are we going to allow American



standards, in trying to impose taxes that are legitimately owed here, to be eroded by other countries?

The gentleman mentioned the Cayman Islands. I don't want the Cayman Islands to set the standard for American tax collection. The gentleman mentioned that the Cayman Islanders are sending money here. I don't want the Cayman Islanders and their desire to get shelter to be setting the standard for American tax collection practices, for the need of America to do the right thing.

Those people who are lawfully investing money will not be frightened by this, and America's ability to get taxes owed to us would be destroyed by this amendment.

#### DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 31

[TD 9584]

RIN 1545-BJ01

Guidance on Reporting Interest Paid to Nonresident Aliens

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations regarding the reporting requirements for interest that relates to deposits maintained at U.S. offices of certain financial institutions and is paid to certain nonresident alien individuals. These regulations will affect commercial banks, savings institutions, credit unions, securities brokerages, and insurance companies that pay interest on deposits.

#### Background

On January 7, 2011, the Treasury Department and the IRS published a notice of proposed rulemaking (REG 146097-09) (the 2011 proposed regulations) in the Federal Register (76 FR 1105, corrected by 76 FR 2852, 76 FR 20595, and 76 FR 22064) under section 6049 of the Internal Revenue Code (Code). The 2011 proposed regulations withdrew proposed regulations that had been issued on August 2, 2002 (67 FR 50386) (the 2002 proposed regulations). The 2002 proposed regulations would have required reporting of interest payments to nonresident alien individuals that are residents of certain specified countries. The 2011 proposed regulations provide that payments of interest aggregating \$10 or more on a deposit maintained at a U.S. office of a financial institution and paid to any nonresident alien individual are subject to information reporting.

Written comments were received by the Treasury Department and the IRS response to the 2011 proposed regulations. A public hearing on the 2011 proposed regulations was held on May 18, 2011, at which further comments were received. All comments were considered and are available for public inspection at <http://www.regulations.gov> or upon request. After consideration of the written comments and the comments provided at the public hearing, the 2011 proposed regulations are adopted as revised by this Treasury decision.

#### Explanation and Summary of Comments Objectives of This Regulatory Action

The reporting required by these regulations is essential to the U.S. Government's efforts to combat offshore tax evasion for several reasons. First it ensures that the IRS can, in appropriate circumstances, exchange information relating to tax enforcement

with other jurisdictions. In order to ensure that U.S. taxpayers cannot evade U.S. tax by hiding income and assets offshore, the United States must be able to obtain information from other countries regarding income earned and assets held in those countries by U.S. taxpayers. Under present law, the measures available to assist the United States in obtaining this information include both treaty relationships and statutory provisions. The effectiveness of these measures depends significantly, however, on the United States' ability to reciprocate.

The United States has constructed an expansive network of international agreements, including income tax or other conventions and bilateral agreements relating to the exchange of tax information (collectively referred to as information exchange agreements), which provide for the exchange of information related to tax enforcement under appropriate circumstances. These information exchange relationships are based on cooperation and reciprocity. A jurisdiction's willingness to share information with the IRS to combat offshore tax evasion by U.S. taxpayers depends, in large part, on the ability of the IRS to exchange information that will assist that jurisdiction in combating offshore tax evasion by its own residents. These regulations, by requiring reporting of deposit interest to the IRS, will ensure that the IRS is in a position to exchange such information reciprocally with a treaty partner when it is appropriate to do so.

Second, in 2010, Congress supplemented the established network of information exchange agreements by enacting, as part of the Hiring Incentives to Restore Employment Act of 2010 (Pub. L. 111-147), provisions commonly known as the Foreign Account Tax Compliance Act (FATCA) that require overseas financial institutions to identify U.S. accounts and report information (including interest payments) about those accounts to the IRS. In many cases, however, the implementation of FATCA will require the cooperation of foreign governments in order to overcome legal impediments to reporting by their resident financial institutions. Like the United States, those foreign governments are keenly interested in addressing offshore tax evasion by their own residents and need tax information from other jurisdictions, including the United States, to support their efforts. These regulations will facilitate intergovernmental cooperation on FATCA implementation by better enabling the IRS, in appropriate circumstances, to reciprocate by exchanging information with foreign governments for tax administration purposes.

Finally, the reporting of information required by these regulations will also directly enhance U.S. tax compliance by making it more difficult for U.S. taxpayers with U.S. deposits to falsely claim to be nonresidents in order to avoid U.S. taxation on their deposit interest income.

#### International Standard for Transparency and Information Exchange

Under the international standard for transparency and exchange of information, which is reflected in the Organisation for Economic Cooperation and Development (OECD) Model Agreement on Exchange of Information on Tax Matters, the OECD Model Tax Convention, and the United Nations Model Double Tax Convention between Developed and Developing Countries, exchange of tax information cannot be limited by domestic bank secrecy laws or the absence of a specific domestic tax interest in the information to be

exchanged. Accordingly, under this global standard a country cannot refuse to share tax information based on domestic laws that do not require banks to share the information. In addition, under the global standard, a country cannot opt out of information exchange based on the fact that the country does not itself need the information to enforce its own tax rules. Thus, even countries that do not impose income taxes, and therefore do not have tax enforcement concerns, have entered into information exchange agreements to provide information about the accounts of nonresidents.

#### Comments Regarding Confidentiality and Improper Use of Information

Some comments on the 2011 proposed regulations expressed concerns that the information required to be reported under those regulations might be misused. For example, comments expressed concern that deposit interest information may be shared with a country that does not have laws in place to protect the confidentiality of the information exchanged or that would use the information for purposes other than the enforcement of its tax laws. These comments further suggested that these concerns could affect nonresident alien investors' decisions about the location of their deposits.

The Treasury Department and the IRS believe that the concerns raised by the comments are addressed by existing legal limitations and administrative safeguards governing tax information exchange. As discussed herein, information reported pursuant to these regulations will be exchanged only with foreign governments with which the United States has an agreement providing for the exchange and when certain additional requirements are satisfied. Even when such an agreement exists, the IRS is not compelled to exchange information, including information collected pursuant to these regulations, if there is concern regarding the use of the information or other factors exist that would make exchange inappropriate.

First, information reported pursuant to these regulations is return information under section 6103. Section 6103 imposes strict confidentiality rules with respect to all return information. Moreover, section 6103(k)(4) allows the IRS to exchange return information with a foreign government only to the extent provided in, and subject to the terms and conditions of an information exchange agreement. Thus, the IRS can share the information reported under these regulations only with foreign governments with which the United States has an information exchange agreement. Absent such an agreement, the IRS is statutorily barred from sharing return information with another country, and these regulations cannot and do not change that rule.

Second, consistent with established international standards, all of the information exchange agreements to which the United States is a party require that the information exchanged under the agreement be treated and protected as secret by the foreign government. In addition, information exchange agreements generally prohibit foreign governments from using any information exchanged under such an agreement for any purpose other than the purpose of administering, collection and enforcing the taxes covered by the agreement. Accordingly, under these agreements, neither country is permitted to release the information shared under the agreement or use it for any other law enforcement purposes.

Third, consistent with the international standard for information exchange and



United States law, the United States will not enter into an information exchange agreement unless the Treasury Department and the IRS are satisfied that the foreign government has strict confidentiality protections. Specifically, prior to entering into an information exchange agreement with another jurisdiction, the Treasury Department and the IRS closely review the foreign jurisdiction's legal framework for maintaining the confidentiality of taxpayer information. In order to conclude an information exchange agreement with another country, the Treasury Department and the IRS must be satisfied that the foreign jurisdiction has the necessary legal safeguards in place to protect exchanged information and that adequate penalties apply to any breach of that confidentiality.

Finally, even if an information exchange agreement is in effect, the IRS will not exchange information on deposit interest or otherwise with a country if the IRS determines that the country is not complying with its obligations under the agreement to protect the confidentiality of information and to use the information solely for collecting and enforcing taxes covered by the agreement. The IRS also will not exchange any return information with a country that does not impose tax on the income being reported because the information could not be used for the enforcement of tax laws within that country.

In addition, the IRS has options regarding the appropriate form of exchange. For example, the IRS might exchange information with another jurisdiction only upon specific request. In the case of specific exchange requests, the IRS evaluates the requesting country's current practices with respect to information confidentiality. The IRS also requires the requesting country to explain the intended permitted use of the information and justify the relevance of that information to the permitted use. Alternatively, in appropriate circumstances, the IRS might exchange certain information on an automatic basis. The IRS currently exchanges deposit interest information on an automatic basis with only one jurisdiction (Canada). The IRS will not enter into a new automatic exchange relationship with a jurisdiction unless it has reviewed the country's policies and practices and has determined that such an exchange relationship is appropriate. Further, the IRS generally will not enter into an automatic exchange relationship with respect to the information collected under these regulations unless the other jurisdiction is willing and able to reciprocate effectively.

The Treasury Department and the IRS believe that the legal and administrative safeguards described in the preceding paragraphs regarding the use of information collected under these regulations should adequately address the concerns identified by the comments and, therefore, these regulations should not significantly impact the investment and savings decisions of the vast majority of nonresidents who are aware of and understand these safeguards and existing law and practice. Nevertheless, to enhance awareness and further address concerns, these final regulations revise the 2011 proposed regulations to require reporting only in the case of interest paid to a nonresident alien individual resident in a country with which the United States has in effect an information exchange agreement pursuant to which the United States agrees to provide, as well as receive, information and under which the competent authority is the Secretary of the Treasury or his delegate.

For this purpose, the Treasury Department and the IRS will publish a Revenue Procedure contemporaneously with these final regulations specifically identifying the countries with which the United States has in force such an information exchange agreement. The Revenue Procedure will be updated as appropriate. With respect to any calendar year, payors will only be required to report interest on deposits maintained at an office within the United States and paid to a nonresident alien individual who is a resident of a country identified in the Revenue Procedure as of December 31 of the prior calendar year as being a country with which the United States has in effect such an information exchange agreement. To address any potential burden associated with reporting on this basis, the final regulations provide that for any year for which the information return under §1.6049-4(b)(5) is required, a payor may elect to report interest payments to all nonresident alien individuals.

As previously discussed, the identification of a country as having an information exchange agreement with the United States does not necessarily mean that the information collected under these regulations will be reported to such foreign jurisdiction. As an additional measure to further increase awareness among concerned nonresidents regarding the IRS' use of information collected under these regulations, the Revenue Procedure also will include a second list identifying the countries with which the Treasury Department and the IRS have determined that it is appropriate to have an automatic exchange relationship with respect to the information collected under these regulations. This determination will be made only after further assessment of a country's confidentiality laws and practices and the extent to which the country is willing and able to reciprocate.

In addition, in response to comments, and given the information exchange practices described in the preceding paragraphs and the information that will be available in the Revenue Procedure, these final regulations eliminate the requirement in the 2011 proposed regulations for financial institutions to include in the information statement provided to nonresident alien individuals a statement informing the individual that the information may be furnished to the government of the country where the recipient resides. In addition, these final regulations clarify that a payor or middleman may rely on the permanent residence address provided on a valid Form W-8BEN, "Beneficial Owners Certificate of Foreign Status for U.S. Tax Withholding", for purposes of determining the country of residence of a nonresident alien to whom reportable interest is paid unless the payor or middleman knows or has reason to know that such documentation of the country of residence is unreliable or incorrect. The final regulations also modify §31.3406(g)-1 of the proposed regulations to clarify that, consistent with the backup withholding rules generally, a payment of interest described in §1.6049-8(a) is not subject to withholding under section 3406 if the payor may treat the payee as a foreign person, without regard to whether the payor reported such interest (although a payor may be subject to penalties if it fails to report as required). As under the prior regulations requiring the reporting of interest paid to Canadian nonresident alien individuals, the final regulations define interest subject to reporting to mean interest paid on deposits as defined under section 871(i)(2)(A) (including deposits with persons carrying on a

banking business deposits with certain savings institutions, and certain amounts held by insurance companies under agreements to pay interest thereon).

The Acting CHAIR. The time of the gentleman from Massachusetts has expired. The gentleman from Florida has 30 seconds remaining.

Mr. POSEY. I don't know how many deadbeat taxpayers are in Venezuela or Cuba or Iran, but I think it's ludicrous to think that we would want to put American investments in other countries. We're looking at, according to the Mercatus Center at George Mason, a possible capital flight of \$88 billion, and this is opposed to maybe, at the high side estimating, we'll recover \$800 million from tax cheats, hopefully. That's just not a good percentage. That's not a good investment. That's bad business in any sense of the word.

I urge my colleagues to vote in favor of a good commonsense bill that will help our economy recover and help America stay strong.

Mr. HINOJOSA. Madam Chair, I rise today in support of the Amendment offered by my esteemed colleague from Florida, Mr. POSEY (#25). His Amendment would ensure that the rule recently approved by the Internal Revenue Service requiring that interest payments on foreign deposits be reported to the IRS would not move forward. This is extremely important to the region which I represent, deep South Texas. Our community banks and local economies benefit from investments and deposits from non-residents, and would be harmed by the serious loss of capital caused by these depositors fleeing our communities. Many of these depositors have chosen to bank in the United States because of the stability of our financial institution system. If this ruling goes into effect, and these deposits evaporate, the capacity of these banks to invest in the local economies diminishes.

A Mercatus Center 2004 study of a similar rule projected that \$88 billion of capital would exit United States banks if the rule were to take effect. At a time of extreme economic fragility, we need this capital to stay on our shores. Additionally, many foreign depositors have chosen to bank in the United States for security reasons; their home countries may be politically unstable, and they fear that personal financial information released by the United States may fall into the wrong hands, making them a target.

Lastly, the Internal Revenue Service has exceeded its authority. Foreigners do not pay taxes on interest earned on deposits, so there is no reason for these deposits to be reported to the IRS. Congress intended to attract capital to the United States by allowing these deposits to go interest-free; to force these depositors to report will run contrary to this original intent.

I urge all my colleagues to support this Amendment that will prevent much-needed capital from fleeing the American economy.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. POSEY).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. FRANK of Massachusetts. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

□ 2200

Mr. LANKFORD. Madam Chair, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. POSEY) having assumed the chair, Ms. HAYWORTH, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 4078) to provide that no agency may take any significant regulatory action until the unemployment rate is equal to or less than 6.0 percent, had come to no resolution thereon.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CULBERSON (at the request of Mr. CANTOR) for today after 5 p.m. on account of a personal matter.

Ms. JACKSON LEE of Texas (at the request of Ms. PELOSI) for today after 1 p.m. through July 26 on account of completing her ongoing medical treatment in Houston, Texas.

#### SENATE ENROLLED BILL SIGNED

The Speaker announced his signature to an enrolled bill of the Senate of the following title:

S. 1335. An act to amend title 49, United States Code, to provide rights for pilots, and for other purposes.

#### ADJOURNMENT

Mr. LANKFORD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 1 minute p.m.), under its previous order, the House adjourned until tomorrow, Thursday, July 26, 2012, at 9 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

7069. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — *Pasteuria* spp. (*Rotylenchulus reniformis* nematode)-Pr3; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2010-0805; FRL-9353-5] received July 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7070. A letter from the Director, Regulatory Management Division, Environmental

Protection Agency, transmitting the Agency's final rule — Synchronizing the Expiration Dates of the Pesticide Applicator Certificate with the Underlying State or Tribal Certificate [EPA-HQ-OPP-2011-0049; FRL-9334-4] (RIN: 2070-AJ00) received July 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7071. A letter from the Secretary, Department of Defense, transmitting the Department's report on the policies and practices of the Navy for naming vessels of the Navy; to the Committee on Armed Services.

7072. A letter from the Under Secretary, Department of Defense, transmitting request of an extension to deliver the report on the current and future military strategy of Iran; to the Committee on Armed Services.

7073. A letter from the Principal Deputy, Department of Defense, transmitting a letter authorizing Brigadier General Richard M. Clark, United States Air Force, to wear the insignia of the grade of major general; to the Committee on Armed Services.

7074. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Thomas J. Owen, United States Air Force, and his advancement on the retired list in the grade of lieutenant general; to the Committee on Armed Services.

7075. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to the Socialist Republic of Vietnam pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

7076. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Extension of Interim Final Temporary Rule on Retail Foreign Exchange Transactions [Release No.: 34-67405; File No. S7-30-11] (RIN: 3235-AL19) received July 21, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7077. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's "Major" final rule — Further Definition of "Swap", "Security-Based Swap", and "Security-Based Swap Agreement"; Mixed Swaps; Security-Based Swap Agreement Recordingkeeping [Release No.: 33-9338; 34-67453; File No. S7-16-11] (RIN: 3235-AK65) received July 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7078. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's "Major" final rule — Consolidated Audit Trail [Release No.: 34-67457; File No. S7-11-10] (RIN: 3235-AK51) received July 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7079. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Regional Haze State Implementation Plan [EPA-R03-OAR-2010-0002; FRL-9695-5] received July 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7080. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Illinois; Regional Haze [EPA-R05-OAR-2011-0598; FRL-9683-6] received July 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7081. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Regional Haze State Implementation Plan [EPA-R03-OAR-2012-0144; FRL-9695-4] received July 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7082. A letter from the Director, Defense Security Cooperation Agency, transmitting a notice of proposed lease with the Government of Canada (Transmittal No. 06-12) pursuant to Section 62(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7083. A letter from the Acting Secretary, Department of Commerce, transmitting a certification of export to China; to the Committee on Foreign Affairs.

7084. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, as amended, certification regarding the proposed transfer of major defense equipment (Transmittal No. RSAT-12-2917); to the Committee on Foreign Affairs.

7085. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, as amended, certification regarding the proposed transfer of major defense equipment (Transmittal No. RSAT-12-2990); to the Committee on Foreign Affairs.

7086. A letter from the Auditor, Office of the District of Columbia Auditor, transmitting copy of the report entitled "District of Columbia Agencies' Compliance with Small Business Enterprise Expenditure Goals through the 2nd Quarter of Fiscal Year 2012", pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

7087. A letter from the Executive Director, Access Board, transmitting the Board's annual report for FY 2011 prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

7088. A letter from the Management Analyst, Department of Agriculture, transmitting the Department's "Major" final rule — Special Areas; Roadless Area Conservation; Applicability to the National Forests in Colorado (RIN: 0596-AC74) received July 12, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7089. A letter from the Acting Assistant Secretary, Indian Affairs, Department of the Interior, transmitting the annual report on the Contract Support Costs of Self-Determination Awards, pursuant to Public Law 93-638, section 106(c); to the Committee on Natural Resources.

7090. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Closure of the Delmarva Access Area [Docket No.: 120330235-2014-01] (RIN: 0648-BC04) received July 16, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7091. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric

Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Exempted Fishery for the Southern New England Skate Bait Trawl Fishery [Docket No.: 110901554-2178-02] (RIN: 0648-BB35) received July 16, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7092. A letter from the Director, Administrative Office of the United States Courts, transmitting a report on applications for delayed-notice search warrants and extensions during fiscal year 2011; to the Committee on the Judiciary.

7093. A letter from the Federal Liaison Officer, Department of Commerce, transmitting the Department's "Major" final rule — Changes to Implement the Supplemental Examination Provisions of the Leahy-Smith America Invents Act and to Revise Reexamination Fees [Docket No.: PTO-P-2011-0075] (RIN: 0651-AC69) received June 23, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7094. A letter from the Federal Liaison Officer, Department of Commerce, transmitting the Department's "Major" final rule — Transitional Program for Covered Business Method Patents-Definitions of Covered Business Method Patent and Technological Invention [Docket No.: PTO-P-2011-0087] (RIN: 0651-AC75) received July 23, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7095. A letter from the Federal Liaison Officer, Department of Commerce, transmitting the Department's "Major" final rule — Changes to Implement Inter Partes Review Proceedings, Post-Grant Review Proceedings, and Transitional Program for Covered Business Method Patents [Docket No.: PTO-P-2011-0083] (RIN: 0651-AC71) received June 23, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7096. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting the Department's quarterly report from the Office of Privacy and Civil Liberties for the second, third, and fourth quarters of FY 2011 and for the first and second quarters of FY 2012; to the Committee on the Judiciary.

7097. A letter from the General Counsel, National Tropical Botanical Garden, transmitting a letter informing of a delay in the submission of the annual audit; to the Committee on the Judiciary.

7098. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Effective Date for the Water Quality Standards for the State of Florida's Lakes and Flowing Waters [EPA-HQ-OW-2009-0596; FRL-9691-3] (RIN: 2040-AF41) received July 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. FOXX: Committee on Rules. House Resolution 741. Resolution providing for further consideration of the bill (H.R. 4078) to provide that no agency may take any significant regulatory action until the unemployment rate is equal to or less than 6.0 percent

(Rept. 112-623). Referred to the House Calendar.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. THOMPSON of California (for himself, Mr. LEVIN, Mr. RANGEL, Mr. STARK, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Mr. NEAL, Mr. BECERRA, Mr. DOGGETT, Mr. LARSON of Connecticut, Mr. BLUMENAUER, Mr. KIND, Mr. PASCRELL, Ms. BERKLEY, and Mr. CROWLEY):

H.R. 6182. A bill to amend the Internal Revenue Code of 1986 to extend and expand the credit for qualifying advanced energy projects, and for other purposes; to the Committee on Ways and Means.

By Mr. CONYERS (for himself, Mr. JOHNSON of Georgia, and Mr. SCOTT of Virginia):

H.R. 6183. A bill to protect cyber privacy, and for other purposes; to the Committee on the Judiciary.

By Mr. AMODEI:

H.R. 6184. A bill to quitclaim surface rights to certain Federal land under the jurisdiction of the Bureau of Land Management in Virginia City, Nevada, to Storey County, Nevada, to resolve conflicting ownership and title claims, and for other purposes; to the Committee on Natural Resources.

By Mrs. ADAMS (for herself, Mr. SENBRENNER, Mr. SCOTT of Virginia, Mr. COBLE, Mr. JOHNSON of Georgia, Mr. POE of Texas, Mr. NADLER, Mr. GOWDY, and Mr. AMODEI):

H.R. 6185. A bill to improve security at State and local courthouses; to the Committee on the Judiciary, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MOORE (for herself, Mr. BACHUS, Ms. WATERS, and Mrs. BIGGERT):

H.R. 6186. A bill to require a study of voluntary community-based flood insurance options and how such options could be incorporated into the national flood insurance program, and for other purposes; to the Committee on Financial Services.

By Mr. HIMES (for himself and Ms. LEE of California):

H.R. 6187. A bill to establish a research program under the Congressionally Directed Medical Research Program of the Department of Defense to discover a cure for HIV/AIDS; to the Committee on Armed Services, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARNAHAN (for himself, Mr. HONDA, Mr. RANGEL, Ms. WOOLSEY, Mr. KISSELL, Mr. FILNER, Ms. NORTON, and Mr. MCGOVERN):

H.R. 6188. A bill to amend title 38, United States Code, to grant family of members of the uniformed services temporary annual leave during the deployment of such members, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CONYERS (for himself and Mr. SMITH of Texas):

H.R. 6189. A bill to eliminate unnecessary reporting requirements for unfunded programs under the Office of Justice Programs; to the Committee on the Judiciary.

By Mr. BURGESS (for himself, Mr. ROSS of Arkansas, Mr. BARTON of Texas, Mr. PITTS, Mr. CARTER, and Mr. MATHESON):

H.R. 6190. A bill to direct the Administrator of the Environmental Protection Agency to allow for the distribution, sale, and consumption in the United States of remaining inventories of over-the-counter CFC epinephrine inhalers; to the Committee on Energy and Commerce.

By Mr. DEUTCH:

H.R. 6191. A bill to establish programs in the executive branch to permit the labeling of certain products that do not contain any carcinogens as "Cancer-Free", and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. EMERSON:

H.R. 6192. A bill to extend certain of the supplemental agricultural disaster assistance programs through fiscal year 2012 and to continue to fund such assistance through the Agricultural Disaster Relief Trust Fund; to the Committee on Agriculture, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANK of Massachusetts:

H.R. 6193. A bill to extend the special immigrant religious professionals program; to the Committee on the Judiciary.

By Mr. GINGREY of Georgia (for himself, Mr. LUCAS, Mr. WHITFIELD, Mr. WALDEN, Mr. TERRY, Mr. SOUTHERLAND, Mr. ROONEY, Mrs. SCHMIDT, Mrs. ELLMERS, Mr. CONAWAY, Mr. COSTA, and Mr. BISHOP of Georgia):

H.R. 6194. A bill to ensure the viability and competitiveness of the United States agricultural sector; to the Committee on Energy and Commerce.

By Mr. KING of New York (for himself, Mr. RANGEL, Mr. MORAN, and Mr. FARR):

H.R. 6195. A bill to combat illegal gun trafficking, and for other purposes; to the Committee on the Judiciary.

By Mr. KING of New York (for himself, Mr. TURNER of New York, and Mr. BURTON of Indiana):

H.R. 6196. A bill to eliminate the backlog in performing DNA analyses of DNA samples collected from convicted child sex offenders, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DANIEL E. LUNGREN of California:

H.R. 6197. A bill to amend the Federal Election Campaign Act of 1971 to eliminate certain contribution limitations, to require political committees to post information on contributions received by the committees on the websites of such committees, and for other purposes; to the Committee on House Administration.

By Mrs. MALONEY (for herself and Mr. KUCINICH):

H.R. 6198. A bill to protect the civil rights of victims of gender-motivated violence and to promote public safety, health, and regulate activities affecting interstate commerce by creating employer liability for negligent conduct that results in an individual's committing a gender-motivated crime of violence against another individual on premises controlled by the employer, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POE of Texas (for himself, Mr. GARRETT, Mr. HUIZENGA of Michigan, Mr. PITTS, Mr. GOHMERT, Mr. WILSON of South Carolina, Mr. RIBBLE, Mr. RIGELL, Mrs. LUMMIS, Mr. ROE of Tennessee, Mr. CULBERSON, Mr. DESJARLAIS, Mr. WALBERG, Mr. STUTZMAN, Mr. GRAVES of Georgia, Mr. MULVANEY, Mr. DUNCAN of South Carolina, Mr. GOWDY, Mr. JORDAN, Mr. BURTON of Indiana, Mr. ROSS of Florida, Mr. BURGESS, Mr. SOUTHERLAND, and Mr. CAMPBELL):

H.R. 6199. A bill to provide for limitations on the domestic use of drones in investigating regulatory and criminal offenses, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARKEY (for himself, Mr. FRANK of Massachusetts, Mr. JONES, Mr. COURTNEY, and Mr. KEATING):

H.R. 6200. A bill to strengthen Federal consumer protection and product traceability with respect to commercially marketed seafood, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Agriculture, Ways and Means, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MCCARTHY of New York (for herself, Mr. KING of New York, Mr. BISHOP of New York, Mr. ISRAEL, and Mr. ACKERMAN):

H.R. 6201. A bill to authorize the Secretary of the Interior to conduct a study of alternatives for commemorating Long Island's aviation history, including a determination of the suitability and feasibility of designating parts of the study area as a unit of the National Park System, and for other purposes; to the Committee on Natural Resources.

By Mr. McDERMOTT (for himself, Ms. LEE of California, Mr. HONDA, Mr. RANGEL, and Mr. STARK):

H.R. 6202. A bill to amend the Internal Revenue Code of 1986 to establish the Coal Mitigation Trust Fund funded by the imposition of a tax on the extraction of coal, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MEEHAN (for himself, Mr. BARLETTA, Mr. GERLACH, Mr. NUGENT, and Mr. TIBERI):

H.R. 6203. A bill to require each owner of a dwelling unit assisted under the section 8

rental assistance voucher program to remain current with respect to local property and school taxes and to authorize a public housing agency to use such rental assistance amounts to pay such tax debt of such an owner, and for other purposes; to the Committee on Financial Services.

By Ms. WATERS (for herself, Mr. FRANK of Massachusetts, and Mr. CAPUANO):

H.R. 6204. A bill to amend the Investment Advisers Act of 1940 to require certain investment advisers to pay fees to help cover the costs of inspecting and examining investment advisers under such Act; to the Committee on Financial Services.

By Mrs. ROBY:

H.J. Res. 116. A joint resolution proposing an amendment to the Constitution of the United States which requires (except during time of war and subject to suspension by Congress) that the total amount of money expended by the United States during any fiscal year not exceed the amount of certain revenue received by the United States during such fiscal year and not exceed 20 percent of the gross domestic product of the United States during the previous calendar year; to the Committee on the Judiciary.

By Mr. PETERS (for himself, Mr. JONES, and Ms. RICHARDSON):

H. Res. 740. A resolution expressing support for the designation of March 13 as "K-9 Veterans Day", in order to recognize the service and improve the treatment of military working dogs; to the Committee on Armed Services.

## CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. THOMPSON of California:

H.R. 6182.

Congress has the power to enact this legislation pursuant to the following:

The Congress enacts this bill pursuant to Sections 7 & 8 of Article I of the United States Constitution and Amendment XVI of the United States Constitution.

By Mr. CONYERS:

H.R. 6183.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3.

By Mr. AMODEI:

H.R. 6184.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to make rules for the government and regulation of the land and naval forces, as enumerated in Article I, Section 8, Clause 14 of the United States Constitution.

By Mrs. ADAMS:

H.R. 6185.

Congress has the power to enact this legislation pursuant to the following:

The authority to enact this bill is derived from, but may not be limited to, Article I, Section 8, Clause 3 of the United States Constitution.

By Ms. MOORE:

H.R. 6186.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8.

By Mr. HIMES:

H.R. 6187.

Congress has the power to enact this legislation pursuant to the following:

Article I of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Mr. CARNAHAN:

H.R. 6188.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 1. "All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and a House of Representatives."

By Mr. CONYERS:

H.R. 6189.

Congress has the power to enact this legislation pursuant to the following:

U.S. Constitution, Article I, Section 8, Clause 18.

By Mr. BURGESS:

H.R. 6190.

Congress has the power to enact this legislation pursuant to the following:

The attached legislation falls within Congress' authority to regulate interstate commerce as found in Article I, Section 8, clause 3 of the U.S. Constitution, which provides the authority for the Congress to "To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes." The epinephrine inhalers at issue in the attached legislation are regulated by the federal Food and Drug Administration (FDA), and the propellant at issue is regulated by the Environmental Protection Agency. The product further falls within the subject matter of an international treaty known as the Montreal Protocol on Substances that Deplete the Ozone Layer, of which the U.S. is a signatory.

By Mr. DEUTCH:

H.R. 6191.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, Section 8, Clause 3 of the United States Constitution, which grants Congress the power to regulate commerce among the several States.

By Mrs. EMERSON:

H.R. 6192.

Congress has the power to enact this legislation pursuant to the following:

The ability to regulate interstate commerce pursuant to Article I, Section 8, Clause 3.

By Mr. FRANK of Massachusetts:

H.R. 6193.

Congress has the power to enact this legislation pursuant to the following:

clause 3 of section 8 of article I of the Constitution; clause 18 of section 8 of article I of the Constitution; section 5 of Amendment XIV to the Constitution.

By Mr. GINGREY of Georgia:

H.R. 6194.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 that states, "To regulate Commerce with foreign Nations, and among the several States, and with Indian Tribes"

By Mr. KING of New York:

H.R. 6195.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1:

The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises,

to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. KING of New York:

H.R. 6196.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1:

The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. DANIEL E. LUNGREN of California:

H.R. 6197.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 4 of the U.S. Constitution, which grants Congress the authority to make laws governing the time, place, and manner of holding Federal elections.

By Mrs. MALONEY:

H.R. 6198.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3

The Congress shall have Power to to regulate Commerce with foreign Nations, and among the several States, and with Indian Tribes.

By Mr. POE of Texas:

H.R. 6199.

Congress has the power to enact this legislation pursuant to the following:

The Fourth Amendment to the United States Constitution.

By Mr. MARKEY:

H.R. 6200.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8.

By Mrs. MCCARTHY of New York:

H.R. 6201.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the powers granted to the Congress by Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. McDERMOTT:

H.R. 6202.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article 1 of the United States Constitution

By Mr. MEEHAN:

H.R. 6203.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to Article I, Section 8, Clause 1.

By Ms. WATERS:

H.R. 6204.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

The Congress shall have Power \* \* \* To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mrs. ROBY:

H.J. Res. 116.

Congress has the power to enact this legislation pursuant to the following:

Article 5:

"The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution,

or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate."

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 127: Mr. GOSAR, Mr. SCHWEIKERT, and Mr. JORDAN.

H.R. 178: Mr. BARBER.

H.R. 181: Ms. BONAMICI, Mr. HINOJOSA, and Mr. BARBER.

H.R. 186: Mr. HINOJOSA.

H.R. 210: Mr. ANDREWS.

H.R. 288: Mr. GRIJALVA.

H.R. 360: Mr. CHABOT.

H.R. 374: Mr. MICA.

H.R. 458: Mr. TONKO, Mr. SMITH of Washington, Mr. NADLER, Mr. COURTNEY, Ms. SCHWARTZ, Ms. CHU, Mr. DEUTCH, Mr. CAPUANO, Mr. PASCRELL, Ms. PINGREE of Maine, Ms. HAHN, Ms. LORETTA SANCHEZ of California, Mr. FARR, Mr. SABLAN, Mr. DINGELL, Mr. PETERS, and Mr. CLEAVER.

H.R. 733: Mr. SCHRADER.

H.R. 816: Mrs. MYRICK.

H.R. 835: Mr. RIVERA.

H.R. 1092: Ms. BONAMICI and Mr. HINOJOSA.

H.R. 1265: Mr. LATOURETTE and Mr. NEUGEBAUER.

H.R. 1322: Mr. MCINTYRE, Mr. CLAY, and Mr. FILNER.

H.R. 1370: Mr. BARROW and Mr. SENSENBRENNER.

H.R. 1489: Mr. BLUMENAUER.

H.R. 1506: Mr. MARKEY.

H.R. 1546: Mr. SESSIONS.

H.R. 1549: Mr. RIVERA.

H.R. 1639: Mr. PASCRELL.

H.R. 1648: Mr. LIPINSKI.

H.R. 1675: Mr. BACA.

H.R. 1775: Mr. FLORES, Mr. CULBERSON, and Mr. GERLACH.

H.R. 1956: Mr. MILLER of Florida.

H.R. 1984: Ms. DEGETTE.

H.R. 2016: Mr. BUTTERFIELD, Mr. CLAY, Mr. CROWLEY, Mr. BOSWELL, Mr. NADLER, Mr. COURTNEY, Ms. SCHWARTZ, and Mr. SABLAN.

H.R. 2108: Mr. BILBRAY.

H.R. 2168: Mr. JOHNSON of Illinois.

H.R. 2198: Mr. LATOURETTE.

H.R. 2221: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BARTLETT, and Ms. HAYWORTH.

H.R. 2310: Mr. BISHOP of New York and Mr. CLAY.

H.R. 2335: Mr. ROKITA.

H.R. 2404: Mr. DOLD.

H.R. 2479: Ms. PINGREE of Maine.

H.R. 2481: Ms. MCCOLLUM.

H.R. 2524: Mr. DAVIS of Illinois and Mr. GRIMM.

H.R. 2541: Mr. LANDRY.

H.R. 2545: Mr. LOEBSACK.

H.R. 2554: Mr. MARKEY.

H.R. 2622: Mr. SENSENBRENNER.

H.R. 2637: Mr. DOGGETT.

H.R. 2672: Mr. KIND.

H.R. 2695: Mr. LOEBSACK and Mr. GIBSON.

H.R. 2730: Mr. TOWNS.

H.R. 2794: Mr. CLEAVER and Mr. DOGGETT.

H.R. 2985: Mr. HERGER.

H.R. 3036: Mr. MEEKS.

H.R. 3102: Mr. GRIJALVA.

H.R. 3308: Mr. GOSAR.

H.R. 3316: Mr. CLAY.

H.R. 3337: Mr. BOSWELL.

H.R. 3423: Mr. BUTTERFIELD.

H.R. 3432: Mr. ROTHMAN of New Jersey.

H.R. 3461: Mr. ALEXANDER.

H.R. 3506: Mr. HOLT.

H.R. 3594: Mr. AUSTIN SCOTT of Georgia and Mr. LoBIONDO.

H.R. 3803: Mr. LoBIONDO and Mr. TIPTON.

H.R. 4103: Mr. FARR and Mr. ROTHMAN of New Jersey.

H.R. 4160: Mr. RIGELL.

H.R. 4215: Mr. LIPINSKI.

H.R. 4221: Mr. ELLISON.

H.R. 4373: Mr. WITTMAN.

H.R. 4385: Mrs. LUMMIS, Mr. RIGELL, Mr. RIBBLE, Mr. BRADY of Texas, Mr. DESJARLAIS, and Mr. HECK.

H.R. 5186: Mr. WATT.

H.R. 5684: Mr. CARNEY, Mr. RICHMOND, and Mr. YARMUTH.

H.R. 5707: Mr. FILNER.

H.R. 5741: Mr. RIGELL and Mrs. BONO MACK.

H.R. 5742: Mr. MICHAUD.

H.R. 5796: Mr. DENT and Mr. MURPHY of Connecticut.

H.R. 5822: Mr. BURTON of Indiana.

H.R. 5879: Mr. FORTENBERRY.

H.R. 5943: Mr. HINOJOSA and Mr. OLVER.

H.R. 5959: Mr. FILNER.

H.R. 5961: Mr. HASTINGS of Washington and Mr. JONES.

H.R. 6012: Mr. BILBRAY.

H.R. 6047: Mr. DUNCAN of Tennessee.

H.R. 6066: Mr. LANCE.

H.R. 6088: Mr. GOODLATTE.

H.R. 6112: Mr. DUNCAN of Tennessee.

H.R. 6120: Mr. GRIJALVA.

H.R. 6124: Ms. HOCHUL.

H.R. 6136: Mr. GIBSON.

H.R. 6138: Mr. FILNER, Ms. EDDIE BERNICE JOHNSON of Texas, and Ms. ROYBAL-ALLARD.

H.R. 6140: Mr. LATTA, Mr. STEARNS, Mr. CANSECO, Mr. BISHOP of Utah, and Mr. CRAVAACK.

H.R. 6147: Mr. KLINE, Mr. DANIEL E. LUNGREN of California, and Mr. GALLEGLY.

H.R. 6149: Mr. RYAN of Ohio, Mr. CRITZ, Mr. GENE GREEN of Texas, and Mr. CONYERS.

H.R. 6150: Ms. SPEIER, Ms. RICHARDSON, Mr. GRIJALVA, Mr. RANGEL, Ms. NORTON, Mr. BRADY of Pennsylvania, and Ms. DeLAURO.

H.R. 6156: Mr. GRIMM, Mr. MULVANEY, Mr. BOUSTANY, and Mr. ROKITA.

H.R. 6164: Mr. BROUN of Georgia, Mr. FLAKE, Mrs. MILLER of Michigan, Mrs. MYRICK, and Mrs. BLACK.

H.R. 6175: Ms. SPEIER.

H.J. Res. 112: Mr. AMASH, Mr. DUNCAN of Tennessee, Mrs. BLACK, and Mr. WESTMORELAND.

H. Con. Res. 107: Mr. MICHAUD.

H. Con. Res. 116: Ms. KAPTUR, Mr. JOHNSON of Ohio, and Mr. FORTENBERRY.

H. Res. 111: Mr. CLEAVER, Ms. WILSON of Florida, and Mrs. NOEM.

H. Res. 506: Ms. SPEIER.

H. Res. 623: Mr. HERGER.

H. Res. 725: Mr. THOMPSON of Mississippi, Mr. JOHNSON of Georgia, and Mr. FARR.

H. Res. 729: Mrs. MCCARTHY of New York, Mrs. LOWEY, and Mr. STARK.

## EXTENSIONS OF REMARKS

REMEMBERING ARMY NATIONAL  
GUARD SPECIALIST SERGIO  
EDUARDO PEREZ

**HON. PETER J. VISCLOSKY**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2012*

Mr. VISCLOSKY. Mr. Speaker, it is with immense sadness and great respect that I rise to remember Army National Guard Specialist Sergio Eduardo Perez for his bravery and willingness to fight for his country. Specialist Perez was a member of the Indiana National Guard 713th Engineer Company, headquartered in Valparaiso, Indiana. While Specialist Perez was on a route clearance patrol in Kandahar Province, Afghanistan, he was killed in an attack that involved rocket-propelled grenade fire and small arms fire. His sacrifice will forever be remembered by those he fought to protect.

A native of East Chicago, Indiana, Sergio graduated from Lake Central High School in 2010. Sergio's high school principal recalls that Sergio was a quiet, reserved young man and a hard worker. His classmates speak of his kindness, respect, and willingness to help others. Shortly after graduating, Specialist Perez joined the National Guard, and his company mobilized at the end of September 2011. Sergio is remembered by friends as an all-around great guy who made a strong impression on those who knew him. According to loved ones, Sergio was a person who genuinely cared about everyone around him. He had a gentle spirit and a deep devotion to his family. In Sergio's own words, "It takes a lot to make me mad, and when I am, I can't be mad for long. I get along with almost everyone. I work way more than I should and I'm starting to realize how short life is." For his remarkable courage and selfless commitment to the Army, Specialist Perez is worthy of the highest praise. His life was taken from us far too soon. He will be greatly missed and forever cherished by those who loved him.

Specialist Perez leaves behind a beloved host of family and friends. He is survived by his adoring parents: Sergio E. Perez, Sr. and Veronica Orozco. Sergio also leaves to cherish his memory three loving sisters: Candice Perez, Andrea Jimenez, and Karyme Jimenez, and his half brother, Axel Perez Martinez. He will be greatly missed by his maternal grandparents, Alicia and Charles Orozco, and his paternal grandparents, Severo and Ramona Perez. Specialist Perez also leaves behind many other dear friends and family members, as well as a grateful, yet deeply saddened community.

Mr. Speaker, at this time, I ask that you and my distinguished colleagues join me in honoring a fallen hero, United States Army National Guard Specialist, Sergio E. Perez. Specialist Perez sacrificed his life in service to his

country, and his passing comes as a great loss to our nation, which has once again been shaken by the realities of war. Specialist Perez will forever remain a hero in the eyes of his family, his community, and his country. Thus, let us never forget the sacrifice he made to preserve the ideals of freedom and democracy.

### PERSONAL EXPLANATION

**HON. BARBARA LEE**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2012*

Ms. LEE of California. Mr. Speaker, I was not present for rollcall votes 499–503. Had I been able to vote, I would have voted "no" on No. 499, "no" on No. 500, "yes" on No. 501, "no" on No. 502, and "no" on No. 503.

### RECOGNIZING THE 302ND AIRLIFT WING'S REDEDICATION OF THE SUMIT 38 MEMORIAL

**HON. DOUG LAMBORN**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2012*

Mr. LAMBORN. Mr. Speaker, I rise today to recognize the rededication of the 302nd Airlift Wing's SUMIT 38 memorial.

On Saturday, May 13, 1995 a C–130 with call sign SUMIT 38 assigned to the Air Force Reserve Command's 302nd Airlift Wing based at Peterson Air Force Base, Colorado, crashed near Bliss, Idaho. SUMIT 38 had flown 15 support personnel to Boise, Idaho for firefighting training and crashed during its return flight to Colorado. Six Air Force Reservists lost their lives that day.

Lieutenant Colonel Robert R. Buckhout, 1st Lieutenant Lance Dougherty, Captain Geoff Boyd, Chief Master Sergeant Jimmie D. Vail, Master Sergeant Jay Kemp and Staff Sergeant Michael L. Scheideman perished in the crash. The men and women of the 302nd Airlift Wing, their families and the community will continue to mourn the loss.

Let us always remember the crew of SUMIT 38, and never forget the sacrifice they made in the service of our Nation. On Saturday, August 4, 2012, the 302nd Airlift Wing will rededicate the memorial to the fallen crew at Peterson Air Force Base in its new location. The memorial will become the centerpiece of the new Total Force Integration C–130 squadron operations facility.

I ask the Members of Congress to join me in remembering and honoring the crew of SUMIT 38.

RECOGNIZING THE NAMING AND  
GROUNDBREAKING OF THE MI-  
CHAEL N. CASTLE TRAIL AT THE  
C&D CANAL

**HON. JOHN C. CARNEY, JR.**

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2012*

Mr. CARNEY. Mr. Speaker, earlier this month, the Delaware delegation recognized the vision and tireless efforts of former Congressman Mike Castle of Delaware to develop a recreational trail along the Chesapeake and Delaware (or C&D) Canal by breaking ground for construction of the trail.

The C&D Canal, managed by the Philadelphia District of the Army Corps of Engineers, has been in operation since 1829. Today, it is one of the busiest working waterways in the world, with over 25,000 vessels passing through it each year. The canal is a critical commercial waterway serving the Ports of Wilmington, Baltimore, and Philadelphia. The C&D Canal is bordered by a 16-mile stretch of flat, uninterrupted land, perfect for a trail, and surrounded by more than 7,500 acres of public land, creating a unique and safe environment for recreationists. In 2004, Congressman Castle saw these assets as an ideal opportunity to enhance the canal's existing resources by adding a recreational trail.

Under Congressman Castle's leadership, a working group was formed in 2004 with representatives from the State of Delaware, New Castle County, the Army Corps, Delaware City, Chesapeake City, the State of Maryland, and recreation groups. In 2005 and 2006, public workshops were held to solicit ideas and comments from local residents regarding potential recreational uses along the C&D Canal. In March 2006, a concept plan was completed by the working group, recommending the creation of a recreational trail along the canal to be used by walkers, joggers, cyclists, and equestrians. In 2007, design work for the trail began and environmental assessments were completed, and in 2009 trail design was completed.

Congressman Castle was instrumental in obtaining resources for the trail. In addition to supporting efforts to acquire state and local funding, he also secured a total of \$2.2 million in Public Lands Highways Discretionary awards in fiscal years 2008, 2009, and 2010 from the Federal Highway Administration to go toward planning and construction of the trail.

Congressman Castle's vision and years of work to build a trail along the C&D Canal was not forgotten when he left office. Recognizing the tremendous benefits that could be realized by the trail, the delegation picked up the project where Castle left off. Since then, the delegation has worked with the Federal Highway Administration, the State of Delaware, New Castle County, the recreation community,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

and others to reinvigorate the working group and secure additional funding to build the first phase of the recreational trail along the banks of the Chesapeake and Delaware Canal.

The recreational trail along the C&D Canal will provide a common link to communities across the States of Delaware and Maryland from Chesapeake City to Delaware City. It will create a safe and inviting recreational opportunity along the canal and will bring families and other groups to hike, bicycle, jog, skate, or ride horseback along the trail. Local business, including restaurants and shops, will reap the benefits of this increased tourism to the area. The C&D Canal trail will also support healthy lifestyles through outdoor recreation. The trail will improve safety along the canal and increase the appeal and land value of residential developments in the area. The C&D canal recreation trail will be an attractive asset for the Middletown, Odessa and Townsend region that will draw new residents to the area.

Congressman Castle long ago embraced the notion that the C&D Canal is like an emerald necklace draped across the northern portion of our beautiful state, and we are so very pleased that this jewel will be named after our dear friend.

On July 9, the Delaware Department of Transportation broke ground on Phase I of the recreational trail. This first phase will complete approximately nine miles of the trail from Delaware City to just beyond Summit Marina in Delaware, including the construction of two trail heads, parking areas, and comfort stations.

Honoring Congressman Mike Castle's long-time support of recreational and commuter-oriented greenways and trails in Delaware and across the nation, as well as his vision, leadership, and steadfast support of the Chesapeake and Delaware Canal trail, the Delaware delegation hereby dedicates the trail to him, and officially recognizes the name as the "Michael N. Castle Trail at the C&D Canal."

#### CELEBRATING THE 175TH ANNIVERSARY OF MT. VERNON BAPTIST CHURCH

#### HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2012*

Mr. ALEXANDER. Mr. Speaker, I rise today in celebration of the 175th anniversary of Mt. Vernon Baptist Church in West Monroe, LA.

The church began when a small band of early settlers in southwest Ouachita Parish established a place of worship. These pioneers initially held services in homes, and it is believed the first building of the Mt. Vernon Baptist Church was a simple one-room log house. While the building has changed many times over the past century to accommodate the ever-growing membership, the church has continued to provide spiritual guidance to the Ouachita Parish community since its inception. Today, the sanctuary comfortably seats 600, and the average Sunday school attendance is over 400.

I ask my colleagues to join me in honoring Mt. Vernon Baptist Church for its dedication to

providing a steadfast place of worship. Countless Sunday morning services, baptisms, and weddings have been held there, and I am confident it will be a strong source of Christian love, comfort and fellowship for well over the next 100 years.

#### IN RECOGNITION OF SANDRA UPTAGRAFFT PARTICIPATING IN THE 2012 OLYMPICS

#### HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2012*

Mr. ROGERS of Alabama. Mr. Speaker, I ask for the House's attention today to recognize Sandra Uptagrafft. Sandra will participate in the 2012 Olympics in London.

Uptagrafft, of Phenix City, Alabama, is a Petty Officer 1st Class in the United States Navy Reserves. This will be her first time as an Olympic athlete when she shoots in the women's 25m sport pistol and 10m air pistol events.

Uptagrafft's husband, Eric, will also be participating in the 2012 London Olympics. The couple will celebrate their anniversary while in London on August 5th.

Mr. Speaker, I offer my congratulations to Sandra and best wishes to her and her husband in the Olympics and a happy anniversary.

#### THE ADVANTAGES OF HEALTH SAVINGS ACCOUNTS

#### HON. LARRY BUCSHON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2012*

Mr. BUCSHON. Mr. Speaker, I rise today to highlight some innovative health care programs being implemented by Applied Extrusion Technologies in Terre Haute, Indiana. AET Films is a leading supplier of specialized oriented polypropylene films in North America.

In 2005, while being faced with ever increasing insurance premiums, they chose to take the path less traveled, empowering their employees through a high deductible health plan coupled with a health savings account. Over time they further implemented healthy employee incentives and education programs to help employees make better consumer-driven health decisions. The results of these programs have been irrevocable, as AET Films has seen near 0 percent premiums increases since implementation.

With the Supreme Court's recent ruling, and our vote this week to repeal the Affordable Care Act in its entirety for the 4th time, it is important to understand the creative steps being taken in the private sector that lower health care costs, and incentivize better health outcomes—all without government control or interference. I commend AET for their innovation, and encourage the Senate and the President to join the House in repealing the Affordable Care Act, which dismantles innovative programs pursued by AET Films and job cre-

ators across the United States, and replace it with private sector reforms that lessen the cost of health care for all Americans.

#### RECOGNIZING CAPTAIN DOUGLAS S. BORREBACH

#### HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2012*

Mrs. LOWEY. Mr. Speaker, I rise today to recognize Captain Douglas S. Borrebach of the Joint Improvised Explosive Device Defeat Organization (JIEDDO), who will be departing after four years of outstanding service. Originally from the 18th congressional district, which I represent, Captain Borrebach's significant contributions at JIEDDO have contributed to tremendous success in countering the threat of improvised explosive devices.

Upon Captain Borrebach's arrival to JIEDDO in June 2008, his actions significantly contributed to resource planning, programming, budgeting and execution management to maximize JIEDDO's investments in the Joint Warfighter Counter-Improvised Explosive Device (C-IED) capabilities. A financial management expert and trusted steward of our taxpayer dollars, Captain Borrebach was critical in developing programmatic estimates, with JIEDDO managing a \$10 billion budget for C-IED requirements.

After nearly three years as JIEDDO's Comptroller, Captain Borrebach was handpicked to lead the Requirements and Resources Directorate at JIEDDO in April 2011, a testament to his keen analytical capabilities and ability to identify current and future resourcing opportunities. The confluence of his superb leadership, operational background, and expert knowledge in acquisition and financial management was instrumental in fulfilling one hundred percent of Combatant Command Counter-IED Joint Urgent Operational Need Statements. Over the past four years his efforts to collaborate with academia, industry, and the whole of government has led to the development and validation of critical C-IED solutions ahead of the threat.

As a father of a West Point Cadet from the Class of 2013, Captain Borrebach has worked tirelessly to improve the protection of those Soldiers, Sailors, Airmen and Marines downrange as if they were his own. Over his tenure, he has contributed significantly to the improvement of the IED found and clear rate and correspondingly has helped prevent casualties and loss of life.

I am proud to share in the celebration of Captain Borrebach's remarkable accomplishments that have served this nation well in Afghanistan and Iraq. As he departs for his alma-mater, the United States Naval Academy, for his final assignment in his thirty-year career, I ask my colleagues to recognize his leadership and distinguished service.



CONGRATULATING JORDAN  
BRITTON, MISSOURI TRACK AND  
FIELD STATE CHAMPION

**HON. BILLY LONG**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2012*

Mr. LONG. Mr. Speaker, I rise today to congratulate Hollister High School's Jordan Britton for winning the Long Jump and the Triple Jump State Titles at the Class 2 Missouri Track and Field Championships.

Jordan worked hard throughout the season to achieve his state championship titles. After districts he was ranked first in Long Jump. Upon reaching the state competition Jordan found himself struggling to match his previous best jumps. With help from Head Coach Tucker Pierce and Jump Coach Greg Brown, Jordan was able to recover and found himself in fourth place before his second to last jump. It was then that Jordan put forward his best performance with a leap of 21 feet and 10 inches, which was just enough to give him the top prize in the Class 2 finals.

Jordan also took the Triple Jump with a leap of 43 feet and 6 inches, gaining his second title at the state championship. Having entered the state competition in third place, Jordan knew he would have to jump a personal best to even medal. Competing against the number one seed in the final, Jordan overcame a 43 foot leap to secure first place by 6 inches, again giving his best performance in the second to last jump.

The Hollister School District as well as the track and field staff are proud to have such a fine young man representing their school. He truly represents his family, school and the state of Missouri in a positive manner.

I urge my colleagues to join me in congratulating Jordan on his State Track and Field Championship Titles.

**CANCER-FREE LABEL ACT**

**HON. THEODORE E. DEUTCH**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2012*

Mr. DEUTCH. Mr. Speaker, exposure to cancer-causing agents increases every American's risk of cancer, and they are found in everyday products and in the environment.

Since only 5% of cancer is caused by genetic factors, people can reduce their risk of getting cancer by the other 95% of causes by reducing their exposure to carcinogens.

We all know that we can reduce our risk of getting cancer by wearing sunscreen, quitting smoking, and steering clear of asbestos. But what about everyday products? Which make-up has carcinogens? Which pesticides? Which air fresheners, carpet cleaners, flea collars, and yes, food items, increase your family's risk of cancer? Which baby shampoos?

The reality is consumers do not know. Even if our constituents memorized the list of known and probable carcinogens, many substances in consumer products remain hidden. Words like "fragrance" and "artificial flavoring" are

used in place of specific ingredients to protect companies' trade secrets, and they should. But there is no denying that this protection makes it harder for consumers to make fully informed choices.

And even if known carcinogens were not part of a product's ingredient list, certain manufacturing or storage practices can result in the introduction of carcinogens into a product, which then can pass into your body.

Today, I am introducing legislation called the "Cancer-Free Label Act." Under this bill, manufacturers who would like to market their products as being completely free of all known carcinogens would be allowed to seek a "cancer-free" label. By submitting a confidential application to be evaluated by the agency that regulates their specific product, a manufacturer could provide consumers assurance that the product is free of known carcinogens without having to divulge valuable trade secrets. The voluntary application would protect manufacturers' hard-earned intellectual property and could not be used by any agency of government for any reason other than determining the product's "cancer-free" status.

The application would simply include a full list of substances and a demonstrated adherence to best carcinogen-avoidance practices in manufacture, storage, and transportation. In addition, this program would not mandate any new bureaucracy to evaluate carcinogens; it simply creates a process for agencies to compare ingredients lists against existing government lists of known and probable carcinogens.

Unlike other well-intentioned efforts to get carcinogens out of consumer products, this legislation would not rely on mandates or bans. If a manufacturer does not choose to apply, there is no penalty. The labeling program is 100% voluntary. It would simply harness the power of the free market, enabling consumers to choose safer products for themselves and their families. We all remember the most recent example of this—it was consumer selection, not government intervention, that got BPA out of baby products.

I urge my colleagues to pass this market-driven legislation and give consumers and families across America the power to opt-out of cancer-causing substances in everyday products.

**COMMEMORATING THE 38TH ANNIVERSARY OF THE TURKISH OCCUPATION OF CYPRUS**

**HON. SHELLY BERKLEY**

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2012*

Ms. BERKLEY. Mr. Speaker, I rise to call my colleagues' attention to the 38th anniversary of Turkey's unlawful and tragic invasion of Cyprus. Turkey's occupation, which began on July 20, 1974, left thousands of innocent Greek Cypriot civilians without their homes, their land, and their families. It is crucial for us to commemorate this unfortunate situation and assist the people of Cyprus in reaching a solution.

Many of the Cypriot generation who suffered the invasion have not lived to see justice or a

resolution to this conflict. Although many of the survivors have had the opportunity to return to their homes on the northern side of the island, it was only to discover them occupied by Turkish settlers.

Only Turkey recognizes the occupied northern side of the country as a Turkish Cypriot state, but it does not even provide a valid standard of living to their own citizens. This was made evident through the recent demonstrations by Turkish Cypriots who have displayed their own dissatisfaction with the Turkish occupation. More recently, Turkey has threatened the use of force to stop Texas-based Noble Energy from drilling for oil and gas off the shores of Cyprus and to blacklist any businesses that work with Cyprus for natural resource extraction.

Meanwhile, the Turkish government has begun to sow instability throughout its region. Turkey recognizes the terrorist Hamas government in Gaza and even received its leader in the Turkish parliament earlier this year—disturbing hypocrisy from a state that receives US support for its own fight against terrorism. Turkey also demands that Israel end its naval blockade of Gaza, despite the deadly security threat Hamas poses to Israel. Turkey's repeated, flagrant criticism of Israel is particularly troubling and potentially destabilizing.

Turkey continues to deny the Armenian Genocide during which 1.5 million Armenians perished and has threatened punitive measures against the United States if Congress recognizes this tragic event. Since 1993, Turkey has maintained a destabilizing blockade of Armenia.

The time has come for Turks to end their threats and denials, withdraw their troops, and return the territory that is not rightfully theirs. That way, the Cypriots—and the Cypriots alone—can make the decisions affecting their future.

**A TRIBUTE TO MASTER POLICE  
OFFICER JEREMIAH GOODSON**

**HON. MIKE MCINTYRE**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2012*

Mr. MCINTYRE. Mr. Speaker, I rise today to pay tribute to Master Police Officer Jeremiah Goodson of Lumberton, North Carolina, had his life taken from him while protecting his community on July 17, 2012. Officer Goodson had served on the City of Lumberton Police Department since 2006, and is the first Lumberton Police officer to be killed in the line of duty in 76 years. Officer Goodson will be remembered by all those whose lives he touched as the finest example of bravery, honor, and public service.

Officer Goodson, a native of Lumberton, worked selflessly to make a positive difference in his community. In addition to his service with the Lumberton Police Department, Officer Goodson was also a member of the police force's Gang Unit and served as a Resource Officer at Lumberton High School. Officer Goodson's colleagues at the Police Department spoke of Goodson as a personable officer and a great person who never met a

stranger. Students at Lumberton High School recall Goodson as a good, loving, gentle person who will be remembered for doing his work diligently and cheerfully.

Over his lifetime, Officer Goodson earned countless friends because of his readiness with a lighthearted joke or kind word. Because of his six years of service with the police department and his friendly personality, Officer Goodson had one of the most respected and recognizable faces in his community.

He was so widely admired within his community that the celebration of his life was held at Lumberton High School to better serve the huge amount of people attending to honor and remember him. The outpouring of grief from the Lumberton community is a testament to a life well-lived, and one that ended too soon.

Above all, Officer Goodson will be missed by his family and friends. He was the son of Bettie and Jerry Goodson, a brother to Isis and Joshua Goodson, the loving husband of Lametria Goodson and father to their children, Jurnee Amiah Goodson, Tyrin Hueston, and Josiah Malachi Goodson. Though their sorrow must run deep, we hope they may take comfort in knowing that this man is a hero to his community and he will rest in peace with his Savior. May God bless his family, and may we always keep in remembrance the life of Master Police Officer Jeremiah Goodson.

#### PERSONAL EXPLANATION

### HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2012*

Ms. SCHAKOWSKY. Mr. Speaker, on roll-call No. 503 had I been present, I would have voted "no."

#### RECOGNIZING PATRICK VAN GRINSVEN

### HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2012*

Mr. QUIGLEY. Mr. Speaker, I rise today in recognition of Patrick Van Grinsven, a vital member of my staff for over the past 3 years.

Friday, July 20th was Pat's last day serving the people of the Illinois Fifth Congressional District. He has served with distinction since June 2008 when he joined the staff of my predecessor in office, the Honorable Rahm Emanuel. In April 2009, after I was sworn in, Pat joined my staff as a Legislative Correspondent and now departs as a Legislative Assistant.

Pat began his career in public service when he became an intern in the office of his hometown Congressman, the Honorable Rahm Emanuel. Pat quickly moved up and in late 2008 he was promoted to Staff Assistant. After Congressman Emanuel left to become President Obama's Chief of Staff and I was elected as his successor, Pat joined my office as a Legislative Correspondent to continue serving the Fifth District. Pat managed all my con-

stituent correspondence—an exceptionally difficult task amidst the controversy of the 111th Congress. In 2010, I promoted Pat to Legislative Assistant and since then he has handled some of my highest priority issues including transportation, veterans, postal, and labor. As the longest-tenured staff member serving the Fifth District in Washington, DC, Pat will be sorely missed.

It has been a pleasure to work with Pat over the past 3 years. He is passionate and serious about his work and he has a great sense of humor, an underrated trait in Congress. As a native Chicagoan, Pat is an ardent supporter of the Cubs, Bulls, Blackhawks, and Bears. We will also miss his devotion to soccer or, as I like to call it, weed hockey.

Mr. Speaker, I wish Pat the best of luck as he begins a master's program at the School of Advanced International Studies at the Johns Hopkins University. I thank him for his service to the Illinois Fifth Congressional District.

#### SEMINOLE HIGH SCHOOL CELEBRATES ITS 50TH ANNIVERSARY

### HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2012*

Mr. YOUNG of Florida. Mr. Speaker, it is with great pleasure that I rise to join with the students, faculty, staff and past graduates of Seminole High School in celebrating its 50th anniversary.

Located in Seminole, Florida, Seminole High is an institution with students who excel, not only in the classroom, but in the arts and sports as well. It was established in 1962 to meet the pressing need for a high school in the rapidly growing Seminole area. Now, 50 remarkable years later, this comprehensive public school, that I have the privilege of representing, has quite a history, which would not be possible without the hard work and dedication of the students, teachers, and faculty alike, who have devoted their time and energy into making Seminole High School what it is today.

Home to several National Merit Scholars and the three-time winner of the "St. Petersburg Times' All Sports Award" for best athletic programs in the Tampa Bay area, it is no wonder that Seminole High is a seven-time winner of the Florida Department of Education's Five Star School Award, which is presented to schools that have "shown evidence of exemplary community involvement." Seminole High School's academic record also has received special attention as it exceeds the state average with a higher graduation rate than most other schools, not only in its district, but in the entire State of Florida.

With such a gifted student body, this school has many famous alumni ranging from professional football players, Olympic swimmers, a Miss America, and my wife, Beverly. The Seminole Warhawk marching band has performed in famous events such as the Macy's Thanksgiving Day Parade in New York City, as well as the Rose Bowl Parade, which they are due to participate in for the second time this New Year's Day.

With half a century of history and a record of sterling accomplishments, it is no surprise that Seminole High School has progressed from what was once only a simple two-building complex in the 1960s, to a superior academic and athletic high school that it is today. It is due to the extraordinary faculty, and of course, the talented student body that has allowed Seminole High School to excel for 50 years. Certainly, Seminole High has much to be proud of and I look forward to seeing what successes they will achieve over the next 50 years.

#### IN MEMORIAM AND REMEMBRANCE OF SYLVIA WOODS

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2012*

Mr. RANGEL. Mr. Speaker, it is with great sadness, but also great pride, that I rise today to share a few words about Sylvia Woods, founder of Sylvia's Restaurant in Harlem, who passed away on Thursday, July 19, 2012. Ms. Woods was a local hero and a world renowned restaurateur, but also a dear personal friend; her death marks a devastating loss to Harlem and the greater New York City community, and she will be sorely missed. On behalf of the Harlem community, my wife Alma and I extend our sincere and heartfelt support, love, and sympathy to Ms. Sylvia's entire family.

Ms. Sylvia was an exceptional woman whose extraordinary work ethic and wonderful character should serve as a model for all Americans. Her life epitomized the American dream. Growing up on a farm in Hemingway, South Carolina, she began working in the field as a young girl and then made her way to New York in search of opportunity. After working as a teenager in a Queens hat factory for several years, she began working as a waitress at a luncheonette in Harlem.

This would mark the beginning of her fortuitous journey to the center of Harlem society. Ms. Sylvia would eventually purchase that luncheonette and, with hard work and patience, transform the small restaurant into a commercial empire boasting a catering service, banquet hall, and a nationally distributed line of prepared foods. Her farm to fame journey should remind us all of the great opportunity this country represents, and the hard work necessary to achieve it.

But Ms. Sylvia's success was as much a result of her charming personality as it was of her work ethic. She was a dynamic, warm, and kind woman who greeted every customer with a friendly and inviting smile. Her incredible hospitality and personable nature were symbolic of Harlem's rich communal character, and for that she was beloved. Her energetic personality attracted local and national politicians, international celebrities, tourists, and ordinary neighborhood residents, and created an environment so comfortable that it naturally became the social center of our community.

I want to thank Ms. Sylvia for her decades of service to our community, and for the many personal memories that I will cherish forever.

Thank you for creating such a special, magical place at the soul of Harlem. Nothing can replace you, but your legacy will live on forever in our hearts.

Mr. Speaker, I ask that you and my distinguished colleagues join me in mourning Ms. Sylvia Woods' passing. It is my hope that her example will serve as a testament that, with hard work and genuine character, we can achieve our greatest dreams.

ELEANOR LOGAN, LONDON 2012  
OLYMPIC ATHLETE

**HON. CHELLIE PINGREE**

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2012*

Ms. PINGREE of Maine. Mr. Speaker, I am pleased to highlight the outstanding accomplishments of a young woman from Maine's First District.

Eleanor Logan has been rowing since 2003. She has shown true dedication to the sport in her training and competition, and has won numerous awards for her rowing, both nationally and internationally. After winning gold in the 8-person shell at the 2008 Beijing Olympics, she set her sights on completing her undergraduate degree from Stanford University while also training for the 2012 U.S. Olympic Team. And now, within weeks, she will be representing our nation in the London Olympics.

I'm very proud to highlight Eleanor's success. She is a shining example of what can be accomplished with opportunity and commitment. Successfully balancing education and training, she has worked tremendously hard to achieve her Olympic dreams.

As Eleanor continues on her journey as an athlete and a leader, she is enabling Maine to shine on the international stage, as well.

Go Team USA!

HONORING DEBRA MALINA, PRESIDENT OF THE AMERICAN ASSOCIATION OF NURSE ANESTHETISTS

**HON. JANICE D. SCHAKOWSKY**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2012*

Ms. SCHAKOWSKY. Mr. Speaker, today I rise to pay tribute to Debra Malina, CRNA, DNSc, MBA. Ms. Malina will soon complete her year as national president of the American Association of Nurse Anesthetists (AANA). I am very pleased that Ms. Malina was tapped as the 2011–2012 President of this prestigious national organization.

Founded in 1931, the AANA is the professional organization that represents more than 44,000 practicing Certified Registered Nurse Anesthetists (CRNAs) and Student Nurse Anesthetists who will become CRNAs. CRNAs are advanced practice registered nurses who administer approximately 32 million anesthetics to patients each year. They work in every setting in which anesthesia is delivered, including hospital surgical suites and obstet-

rical delivery rooms, ambulatory surgical centers, and the offices of dentists, podiatrists, and all types of specialty surgeons. They also provide acute and chronic pain management services to patients in need of such care. CRNAs provide anesthesia for all types of surgical cases and, in some states, are the sole anesthesia providers in 100% of rural hospitals, ensuring that these facilities can offer their communities obstetrical, surgical, and trauma stabilization services.

The American Association of Nurse Anesthetists is headquartered in my district, and President Malina has served the association extremely well and helped to improve health care for all Americans. A CRNA for 15 years, Ms. Malina received her doctorate in nursing science from the University of Tennessee in Memphis, Tennessee, and her master's degree in business administration from Madison University in Gulfport, Mississippi. Additionally, she earned her master's degree in anesthesiology from Barry University in Miami Shores, Florida and a bachelor's degree in nursing from Florida International University in Miami.

In addition to her current service as AANA President, Ms. Malina has held various leadership positions in the AANA, including President-elect, Treasurer, Region 2 Director, and member of the Finance Committee. Ms. Malina has also served as the AANA Association Management Services director. In addition, she is a former president of the Tennessee Association of Nurse Anesthetists and has served on numerous committees on the state and national levels. She was also an advanced practice nursing member of the Tennessee Board of Nursing.

Adding to her professional accomplishments, Ms. Malina has effectively used her experience in education and CRNA practice to inform the public about the safety, value and cost-effectiveness of CRNA care. During her AANA Presidency, Ms. Malina has played important roles in advocating for the practice of nurse anesthesia and its patients before Medicare and other federal agencies and with members of the Congress of the United States. She has worked tirelessly to promote the facts that CRNAs help make healthcare work better and cost less.

Let me give just two examples of her leadership. The Institute of Medicine reports that 100 million Americans suffer from chronic intractable pain, which costs more than two-thirds of a trillion dollars each year in medical and economic costs. Ms. Malina has demonstrated leadership in urging Medicare to restore direct reimbursement for pain management services provided by CRNAs—a move that will improve care for patients and reduce unnecessary costs. Ms. Malina and her national organization were also crucial in supporting provisions included in the recently-enacted Food and Drug Administration user fee reauthorization to combat critical shortages of anesthesia and other drugs.

Mr. Speaker, I rise to ask my colleagues to join me today in recognizing the outgoing President of the American Association of Nurse Anesthetists, Ms. Debra Malina, CRNA, DNSc, MBA, for her notable career and outstanding achievements.

SOUTHERN PINES IS AN ALL-AMERICA CITY

**HON. HOWARD COBLE**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2012*

Mr. COBLE. Mr. Speaker, we are excited to report that a city in the Sixth District of North Carolina has been nationally cited for its efforts to promote literacy. This is a prime example of where hard work pays off for Southern Pines, North Carolina. The plan to improve reading through the resources of a coalition of business, government and civic leaders has resulted in Southern Pines being named as an All-America City.

Due to Southern Pines' development of a sensible and sustainable plan to increase grade-level reading proficiency by the end of the third grade, the National Civic League presented Southern Pines with the prestigious All-America City award on July 2, 2012, during the Grade-Level Reading Communities Network Conference and All-America City Award celebration. Southern Pines Library Director Lynn Thompson and her husband Bob Howell, Boys and Girls Club Executive Director Caroline Eddy, as well as PineStraw Magazine's Cos Barnes, accepted the award while representing Southern Pines during the conference in Denver.

With the efforts of leaders in the community such as The Country Bookshop, Southern Pines Public Library, and Boys and Girls Club expanding their summer reading programs, they have renewed the enthusiasm for elementary literacy. "I think the award recognizes what a great community this is to live in," Mayor David McNeill told The Pilot. "I congratulate everyone who has worked so hard on this project, but the kids are the real winners. The efforts that they will put forth to improve their reading skills will benefit them for a lifetime."

Deserving thanks and credit for their hard work and effort towards elementary literacy include Southern Pines Public Library, Boys and Girls Clubs of Sandhills, Moore County Chamber of Commerce, Moore County Literacy Council, Moore County NAACP, Partners for Children and Families, Sandhills Children's Center, and United Way of Moore County. Also deserving recognition for this prestigious award is Southern Pines Town Manager Reagan Parsons.

On behalf of the citizens of the Sixth District of North Carolina, we congratulate Southern Pines for being named as an All-America City. The city called its campaign, "Southern Pines Grows Great Leaders," and we are thrilled that the National Civic League agrees with us that Southern Pines is a great place to learn and live.

OUR UNCONSCIONABLE NATIONAL DEBT

**HON. MIKE COFFMAN**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2012*

Mr. COFFMAN of Colorado. Mr. Speaker, on January 20, 2009, the day President

Obama took office, the national debt was \$10,626,877,048,913.08.

Today, it is \$15,882,491,122,065.69. We've added \$5,255,614,073,152.61 to our debt in just over 3 years. This is debt our Nation, our economy, and our children could have avoided with a balanced budget amendment.

IN RECOGNITION OF ERIC  
UPTAGRAFFT PARTICIPATING IN  
THE 2012 OLYMPICS

**HON. MIKE ROGERS**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2012*

Mr. ROGERS of Alabama. Mr. Speaker, I ask for the House's attention today to recognize Sgt. 1st Class Eric Uptagrafft. Eric will participate in the 2012 Olympics in London.

Uptagrafft, of Phenix City, Alabama, is the rifle instructor for the U.S. Army Marksman Unit. He competed in the 1996 Atlanta Olympics finishing 30th. Uptagrafft spent seven years engineering a new rifle with gunsmiths and through the U.S. Army Marksman Unit's custom firearms unit.

Uptagrafft's wife, Sandra, will also be participating in the 2012 London Olympics. The couple will celebrate their anniversary while in London on August 5th.

Mr. Speaker, I offer my congratulations to Eric and best wishes to him and his wife in the Olympics and a happy anniversary.

SHINING STARS

**HON. TED POE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2012*

Mr. POE of Texas. Mr. Speaker, last month I had the honor and the privilege to be among our community's proudest at the Kingwood Fallen Heroes Memorial Golf Tournament. Folks teed off to honor three of our local fallen heroes from the Kingwood community: Sergeant William Meeuwssen, Lance Corporal Luke Yepsen and Sergeant Brandon Bury. The money raised at the tournament goes back to veterans through the local Houston Area Chapter of the Blue Star Moms as well as several other military related organizations. This was the first year friends and family organized a golf tournament and they were able to raise \$80,000; donating \$30,000 to our local Blue Star moms. What a way to give back to those who have sacrificed so much—including the Blue Star mom.

The Blue Star Mothers Organization began as a Veteran Service Organization to provide care packages to military serving overseas and offer assistance to their families here at home. In 1960, the United States Congress chartered the Blue Star Mothers of America as a Veterans Service Organization and they have dutifully kept this organization going strong by supporting families awaiting their child's safe return or consoling those whose sons or daughters who gave their lives for our freedom.

All mothers have that special sparkle about them when they talk about their children, but there is something different in the twinkle when you talk to a mother whose child has gone off to war. One of the toughest parts of being your Congressman is to talk to moms and dads that have lost a child in action. It is a grief I cannot fully relate to and one we all pray we never know. But their courage and their understanding of their child's sacrifice is powerful and inspiring. Every Blue Star mother knows that in a split second their lives can change forever and their Blue Star banner can turn to Gold.

During World War I, if a son had gone off to war in the War to End All Wars, as it was called, a banner was hung in front of the home in the window for each son in the military. This banner had a blue star in the center of it. If the son was killed, a gold star was superimposed over the blue one.

This concept was created by Grace Seibold on Christmas Eve 1918 upon learning that her aviator son was killed in aerial combat in France. Ms. Seibold directed her grief and sorrow to helping the wounded in local D.C. hospitals and formed the Gold Star Mothers to give support for other such moms.

During World War II, my Grandmother Poe hung such a banner with a blue star in the front window of her home in the country. My dad went off to war when he was just 18. When my grandmother died, it was one of the few items she had saved. That banner never had to have a gold star placed on it because my dad returned safely. These banners have been carried throughout all of America's wars since World War I.

As a father of four, I can think of nothing worse than to lose one of my children. No parent wants their son or daughter killed in unknown foreign lands. No parent wants their child to predecease them and no parent wants their child to die in their youth. But it happens, and the grief can only be understood by other such parents.

Mothers are special, particularly the mothers of those who wear the American uniform. It seems to me the strongest bond in all of creation is the bond between a mother and her child. The good Lord made it that way on purpose, and when that bond is broken by the loss of a child, that wound just never heals.

One out of every ten people in the military is from the State of Texas. Roughly 10 percent of the total killed in Iraq and Afghanistan has been Texans. Yet sons and daughters throughout America, and especially Texas, continue to join our military knowing that they will no doubt go into the desert of the sun and the valley of the gun, and they leave behind their parents, their mothers.

So as we show honor and respect to America's children who serve, let us show American compassion and ultimate gratitude for the mothers of those troops who display the Blue and Gold Star sacrifice from their windows. And the next time we pass a house with one of these stars maybe we should stop and say a prayer and say "thank you" because of that special mother who gave that child for the rest of us.

And that's just the way it is.

IN RECOGNITION OF THE REOPENING OF ST. JAMES CHURCH

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2012*

Mr. KUCINICH. Mr. Speaker, I rise today in honor of St. James' Church, one of the 11 Cleveland Catholic Diocese parishes that will be reopening this year.

In 2009 it was announced that several of the Cleveland Catholic Diocese's area churches, including St. Barbara's, were to close. However, just months ago, the Vatican overruled this decision and St. James' will be reopening its doors on Wednesday, July 25, 2012.

St. James Church was founded in 1908 as the founding parish for the cities of Lakewood and Rocky River. For more than a century, St. James has been a house of worship and gathering for the Catholic residents of Lakewood, Ohio.

After Bishop Lennon's 2009 announcement parishioners gathered together and formed Friends of Saint James/Save Saint James in an effort to stop the closing of their church. The members of Friends of Saint James/Save Saint James are committed to the preservation of Saint James as a parish and an architecturally significant structure in the City of Lakewood. They have dedicated themselves to the development of a long range financial plan for capital improvements and maintenance of the church and its programs.

Mr. Speaker and colleagues, please join me in recognizing the reopening of St. James' Church, a beloved parish that has returned to the City of Lakewood.

HONORING DR. JOHN EVANS ATTA  
MILLS

**HON. CORRINE BROWN**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2012*

Ms. BROWN of Florida. Mr. Speaker, I rise today in remembrance of Dr. John Evans Atta Mills, President of the Republic of Ghana. I was saddened to hear about the untimely death of President Mills. My thoughts, prayers and condolences go to his wife, Ernestina Naadu, son, Samuel Kofi Atta Mills and the people of Ghana. The world has lost a leader, visionary and champion for democracy.

President Mills pledged his life to education and the betterment of his beloved Ghana. He was born in July 1944 in the Western Region of Ghana. He was a master student who began his schooling at the revered Achimota Secondary School in Accra. He later went on to earn his bachelors and law degrees from the University of Ghana at Legon in 1967. Upon the completion of his PhD in African and Oriental Studies from the University of London, President Mills was selected as a Fulbright Scholar at Stanford University School of Law.

After setting a strong foundation he returned home to educate and impart his lessons on

the youth. President Mills dedicated nearly 25 years to higher academia as a professor in numerous areas such as law, tax and African studies. He was passionate about teaching and politics. First serving in the capacity of Vice President from 1997 through 2001, Dr. Mills was sworn in as President and Commander in Chief of the Republic of Ghana in January of 2009.

I join with President Obama and various world leaders as we remember President Mills, who was often referred to as a calm politician and gentle giant. In 2009, President Obama and the First Family traveled to Ghana in his first presidential visit to Sub-Saharan Africa. President Obama praised President Mills for making Ghana a "good news story" that had good democratic credentials. Under the leadership of President Mills, the United States and Ghana deepened our partnership in the promotion of good governance and economic development.

President John Evan Atta Mills is credited with leading Ghana through a period of stability and economic growth in the midst of unforeseen global circumstances. He is quoted as saying "Every leader has a period of service". Though his service has come to an unexpected end, as we reflect upon his life and legacy, we can appreciate his tireless efforts that have come to fruition. A shining star in West Africa, Ghana was and still remains a trailblazing nation for the region and continent, with its strong tradition of democracy. Epitomizing humility in leadership, President Mills was a calming and stabilizing force for not only his people but the continent as a whole.

HONORING MAYOR BETTY ANN  
MATTHIES

HON. HENRY CUELLAR  
OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2012*

Mr. CUELLAR. Mr. Speaker, I rise today to recognize the retiring Mayor of the City of Seguin in Texas, Betty Ann Matthies. She was elected Mayor of the City of Seguin in 2004 and is ending her tenure in 2012. Her tireless efforts have improved the community and served to better the development and progress for the City of Seguin.

Mayor Matthies was born in Guadalupe County, Texas on September 23, 1934. She graduated from Seguin High School in 1953 and pursued her higher education degree at the University of Texas at Austin. Mayor Matthies graduated from Seton School of Nursing in Austin, Texas three years after graduating high school. As a registered nurse she was employed at the Nix Hospital for five years as an Operating Room Registered Nurse. By 1961, she moved to Seguin where she worked at the Guadalupe Valley Hospital until 2004—serving the patients and health care community for 41 years. As Director of Nursing, she was promoted to Associate Administrator by 1978, the same year she received her certificate in Health Care Administration from Trinity University in San Antonio.

By 2000, Matthies was elected to the Seguin City Council and re-elected for a four

year term in 2002. After resigning from her council position she was elected as Mayor in 2004 and is currently on her second term in office, which expires in November 2012. I had the pleasure of working with the Mayor on various projects, such as securing over \$850,000 in federal funding on landscape improvements throughout Seguin on Interstate Highway 10, US 90 and SH 123. The transportation improvement project started in 2009 and is nearly complete.

Along with helping the city in her work as Mayor, she was active in the community as serving on the Seguin Area Chamber of Commerce, Hispanic Chamber of Commerce and American Legion Auxiliary. She was also a member of the First United Methodist Church and Seguin Shakespeare Club. Mayor Matthies was married to her late husband C.H. Matthies Jr. in 1957 until his passing in 2000. C. Henry Matthies III, Elizabeth Kelly and Wesley Matthies are their children.

Mr. Speaker, I am honored to recognize Ms. Betty Ann Matthies, retiring Mayor of the City of Seguin. Her years of dedication and commitment to our community have truly impacted the quality of lives for the people of the city.

PERSONAL EXPLANATION

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2012*

Mr. GEORGE MILLER of California. Mr. Speaker, on July 23, 2012, I was in California attending to family obligations. Had I been present, I would have voted as follows:

On rollcall vote No. 499, I would have voted "nay."

On rollcall vote No. 500, I would have voted "nay."

On rollcall vote No. 501, I would have voted "yea."

RECOGNIZING THE SERVICE OF  
CAPTAIN STANTON E. COPE IN  
THE UNITED STATES NAVY

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2012*

Mr. BURTON of Indiana. Mr. Speaker, I have the distinct privilege of rising to honor an outstanding Hoosier for his patriotism and military service. CAPT Stanton E. Cope served with honor in the United States Navy from 1989–2012, where he served in the Medical Service Corps as entomologist for 20 years.

Captain Stanton Elijah Cope was born January 5, 1954 in Huntington, Indiana. In 1976, he graduated from Swarthmore College in Pennsylvania with a B.A. degree in Biology and received a Master of Science degree in Entomology from the University of Delaware in 1981. In 1988, he completed his Doctorate in Public Health at the University of California, Los Angeles, and was commissioned in the United States Navy.

Captain Cope's first assignment, in 1989, was to the Navy Disease Vector Ecology and

Control Center, Jacksonville, Florida, where he served as the Head of the Operations Department. In June 1992, he reported to the Naval Medical Research Unit No. 3, Cairo, Egypt, where he served as Head, Medical Zoology Division and Head, Risk Assessment Branch. In July 1994, Captain Cope reported to the Navy Environmental and Preventive Medicine Unit No. 6, Pearl Harbor, Hawaii, as Assistant Head, Department of Entomology and became Head in August 1995. He also served as Special Assistant to the Officer in Charge for Operational Issues. In August 1997, he reported to the Navy Environmental Health Center in Norfolk, Virginia as Entomology Department Head. In January 2000, he was selected to be Executive Assistant to the Assistant Chief for Operational Medicine and Fleet Support, Bureau of Medicine and Surgery, Washington, DC. Captain Cope served as the Executive Officer, Naval Institute for Dental and Biomedical Research, Great Lakes, Illinois from September 2001–August 2004, at which time he fleeted up to Commanding Officer. He also served as the Surgeon General's Specialty Leader for Navy Entomology August 2002–May 2004. In August 2006, Captain Cope reported to the Armed Forces Pest Management Board as Research Liaison Officer. In August 2008 he took over as Director.

During his tenure as the Director, Captain Cope distinguished himself by superior service. He organized his workforce into three divisions: Operations, Research and Information Services, aligning the AFPMB to increase efficiency and enhance direct warfighter support. He was directly responsible for superior improvements to installation pest management and insect-borne disease prevention programs resulting in increased readiness and warfighter protection. During this period, he demonstrated the highest levels of leadership, initiative and dedication to duty. As a result, his leadership of DoD pest management received international recognition for contributions to the global public health community for their work on the President's Malaria Initiative (PMI).

Furthermore, in support of U.S. allies, Captain Cope reestablished liaison with North Atlantic Treaty Organization (NATO) counterparts to foster effective and efficient multinational medical entomology, preventive medicine and pest management collaborations during contingency operations. Through NATO's Force Health Protection Working Group, he secured updates in the U.S. section to Standardization Agreement 2048, Chemical Methods of Insect and Rodent Control, which provided NATO members with information on pesticides that the U.S. may use during NATO operations.

Captain Cope's passion stayed with him after he left the service, as he maintains membership in the American Society of Tropical Medicine and Hygiene, the American Mosquito Control Association and the Society for Vector Ecology. He is currently serving as the Director of the AMCA, Mid-Atlantic Region and serves on the board of Armed Forces Pest Management in Silver Spring, MD. In addition, he has presented at meetings, authored or co-authored over 70 scientific publications and holds an Adjunct Assistant Professorship at the Uniformed Services University of the Health Sciences.

Captain Cope is married to infectious disease epidemiologist Amyanne N. Keswani of St. Peter, Minnesota. They have a daughter, Kemmer Keswani and a son, Stanton Elijah.

I ask all of my colleagues to join me now to thank Captain Stanton E. Cope for his service and sacrifices for our country.

### 13TH DISTRICT CONGRESSIONAL FIRE AND RESCUE AND EMS AWARDS (CFREA)

#### HON. VERN BUCHANAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2012

Mr. BUCHANAN. Mr. Speaker, I rise today to recognize fire and rescue and EMS personnel who have provided distinguished service to the people of Florida's 13th Congressional District.

As first responders, fire departments and emergency medical service teams are summoned on short notice to serve their respective communities. Oftentimes, they arrive at scenes of great adversity and trauma, to which they reliably bring strength and composure. These brave men and women spend hundreds of hours in training so that they are prepared when they get 'the call'.

This year, I established the 13th District Congressional Fire and Rescue and EMS Awards to honor officers, departments, and units for outstanding achievement.

On behalf of the people of Florida's 13th District, it is my privilege to congratulate the following winners, who were selected by an independent committee comprised of a cross section of current and retired fire and rescue personnel living in the district.

Lieutenant Timothy Geer of the Bradenton Fire Department received the Career Service Award.

The Englewood Area Fire Control District received the Community Safety Awareness Campaign Award.

Captain Tom Sousa of the West Manatee Fire Rescue District received the Career Service Award.

Training Officer Timothy Hyden of the East Manatee Fire Rescue District received the Career Service Award.

Firefighter Deborah Schuster of the Sarasota County Fire Department posthumously received the Dedication and Professionalism Award.

I offer my sincerest appreciation for the service and dedication of these exceptional individuals. I thank the fire departments that made such worthy nominations and the panel that reviewed them.

These awards truly are a necessary reminder of the men and women who risk their safety on a daily basis, bound to their duty to ensure our own.

### PERSONAL EXPLANATION

#### HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2012

Mr. SMITH of Washington. Mr. Speaker, on Monday, July 23 and Tuesday, July 24, 2012,

I was unable to be present for recorded votes. Had I been present, I would have voted:

"No" on vote No. 499 (on the motion to suspend the rules and pass H.R. 2362, as amended);

"No" on vote No. 500 (on the motion to suspend the rules and pass S. 2039);

"Aye" on vote No. 501 (on the motion to suspend the rules and pass H.R. 3477);

"No" on vote No. 502 (on ordering the previous question on H. Res. 738); and

"No" on vote No. 503 (on agreeing to the resolution H. Res. 738).

### HONORING UNITED STATES MA- RINE CAPTAINS MARK SILVERS AND SEAN GOBIN

#### HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2012

Mr. MICHAUD. Mr. Speaker, I rise today to honor U.S. Marine Captains Mark Silvers and Sean Gobin for their tremendous efforts on behalf of our nation's wounded warriors.

Everyday our men and women in uniform place themselves at great personal risk in order to defend our nation's freedom and security. Captain Silvers and Captain Gobin are two such heroes who decided to continue serving their fellow soldiers after their tours had ended. Moved by the number of service members returning home from Iraq and Afghanistan with debilitating injuries, the two men pledged their efforts to improve the lives of our nation's wounded warriors.

On March 15, 2012, Captain Silvers and Captain Gobin commenced a 2,180 mile hike of the Appalachian Trail to raise funds and awareness of the debilitating injuries our soldiers have suffered while in service to our country. Their journey will come to an end next week at the summit of Mount Katahdin in Baxter State Park. As they travelled through 14 states, Captain Silvers and Gobin have hosted a number of fundraisers at separate VFW posts on behalf of Operation Military Embrace; a nonprofit that advocates on behalf of wounded servicemembers. All of the proceeds from these events will be used to purchase adaptive vehicles for veterans who have sustained multiple amputations in the course of their service in Iraq or Afghanistan.

These men have set a remarkable example for what it means to serve our country. Operation Military Embrace and Warrior Hike remind us all of our enduring responsibility to honor and care for those who have sacrificed so much in defense of our freedom. As the Ranking Member on the Health Subcommittee of the House Committee on Veterans' Affairs, I am pleased to join the chorus of congratulations celebrating the completion of these men's impressive journey.

Mr. Speaker, please join me in recognizing Captain Silvers and Captain Gobin on achieving so much on behalf of our wounded veterans.

### INTRODUCTION SAFETY AND FRAUD ENFORCEMENT FOR SEA- FOOD ACT

#### HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2012

Mr. MARKEY. Mr. Speaker, in my home state of Massachusetts, commercial fishermen take pride in the product they bring to the dock. Whether they harvest cod, lobster, or scallops, these hardworking Americans provide consumers with superior quality seafood. Unfortunately, getting a fair price for this seafood has become a challenge. Competition from low quality imported fish and shellfish drives down prices, especially when these imports are passed off on consumers as higher value species.

Unfortunately, this occurs far too frequently. Last fall, an investigation by the Boston Globe found that 48 percent of the seafood it sampled from grocery stores and restaurants in the Boston area was not the species that was advertised. Subsequent investigations in Los Angeles and Miami this year produced similar results. These shocking revelations of seafood fraud have exposed a severe shortcoming in the ability of our nation to ensure the integrity of seafood products offered for sale, especially the 85 percent of those products that come from abroad.

In addition to problems with seafood fraud uncovered by these recent reports, the U.S. Government Accountability Office (GAO) reported last year that we are doing a terrible job ensuring that seafood imported into this country is safe for people to consume. GAO found that the U.S. Food and Drug Administration (FDA), which is responsible for ensuring seafood safety, inspects only 2 percent of seafood shipments, and that failure to coordinate with the National Oceanic and Atmospheric Administration's (NOAA) Seafood Inspection Service has led to hundreds of redundant inspections. This unnecessary duplication of effort is unacceptable, especially as difficult fiscal circumstances have squeezed the budgets of both agencies.

The Safety And Fraud Enforcement for Seafood Act, or SAFE Seafood Act—which I am introducing today along with Mr. FRANK and Mr. KEATING of Massachusetts, Mr. JONES of North Carolina, and Mr. COURTNEY of Connecticut—addresses the seafood safety problem by ensuring that FDA and NOAA work together to maximize the frequency and effectiveness of seafood inspections, and to prevent unsafe seafood from entering the United States. In addition, it combats seafood fraud by requiring that information such as harvest location, production method, and species name of the seafood stays with that product from sea to sale. The SAFE Seafood Act accomplishes these goals by holding violators accountable with fines and import restrictions if they don't play by the rules.

American consumers have an expectation that the seafood they buy for their families is, in fact, the seafood that is advertised, and that it is safe for them to eat. Similarly, American fishermen, who comply with the most rigorous conservation and quality control standards

anywhere in the world, should know they are competing on a level playing field, and not being undercut by an inferior foreign product. Fraudulent and unsafe seafood takes money from consumers and puts their health at risk. The SAFE Seafood Act is an important step toward reducing seafood fraud and increasing seafood safety. We owe it to American families and fishermen to address these problems immediately.

#### PUBLIC BROADCASTING FUNDING

### HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2012*

Mr. YOUNG of Alaska. Mr. Speaker, I understand that these are tough budget times and we have to make a lot of cuts if we're going to balance the budget. However, I also believe that we have to make every possible effort to retain adequate levels of funding for public broadcasting.

This March, I signed letters to two Appropriations Subcommittees in an attempt to protect funding for public broadcasting. For decades, the Corporation for Public Broadcasting (CPB) has aired educational programs and helped our children to learn to read, to understand basic math, and to engage in the study of science. It would be a shame to deny the next generation beneficial programs like Reading Rainbow, Sesame Street, and Bill Nye the Science Guy because of budget problems.

Public broadcasting is more than education though. Even as newspapers are sputtering, trying to compete with the internet, 38 million people still listen to National Public Radio (NPR) every week. In Alaska, many communities rely on public broadcasting. The majority of our state can be described as remote and many Alaskans get their news exclusively from a single radio or television station. Fourteen stations, nearly half of those in Alaska, are critically dependent on federal funding and would likely close their doors if they lost that money. This would effectively strand numerous Alaskan communities, leaving them cut off from any form of news or even emergency communications.

I support the Corporation for Public Broadcasting, National Public Radio, and the Public Telecommunications Facilities Program. Funding these programs is not just good for the country, it is vital.

#### THE TRUE COST OF COAL ACT OF 2012

### HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2012*

Mr. McDERMOTT. Mr. Speaker, I rise today to introduce the True Cost of Coal Act of 2012 that protects the American taxpayer from bearing the costs of transporting coal for private companies to sell. If you were to listen to the coal companies, you would hear them decry the decline in domestic coal consumption. And

while it is true that our domestic appetite for coal is waning, much of the rest of the world is still hungry for it.

U.S. coal producers and suppliers are considering the construction of up to 9 coal export terminals in Washington and Oregon. These terminals will have a combined annual export capacity of 170 million tons of coal. To put this in perspective, the U.S. exported just 26 million tons of coal in 2011. This sharp increase in coal exports will be transported primarily through Oregon and my home State of Washington. Without question, this staggering increase will have serious implications on the Northwest's environment, safety, commerce, and public health.

But what does it take to ship 170 million tons of coal through the Pacific Northwest annually? We're talking about a 1.5 mile long train packed with coal travelling thousands of times a year next to pristine waterfronts and through cities along the Puget Sound—each train spewing up to 500 pounds of toxic coal dust into the environment while increasing traffic on already congested rail tracks. These trains will run straight through the heart of my district, the city of Seattle, wreaking havoc on people's health, the environment, commerce and shipping, and traffic. All of these costs will be endured for the sake of transporting coal that we get no benefit from.

And who will pay for this added cost? Without legislation like this, the taxpayers will pay the costs of mitigating the negative impacts of coal. As traffic increases, and public health risks are exacerbated, coal companies will continue to reap the profits of cheap coal, mined from public lands, and remain largely free from responsibility for any of the negative impacts. This means that States and local governments will need to raise taxes to pay for the additional crossings, the environmental cleanup, and increased health costs. It is time we opened our eyes to the true cost of coal.

This legislation would impose a 10 dollar per ton excise tax on all extracted coal. This money will go to mitigating the negative impacts of coal transportation, and ensure the true cost of coal is paid for by the responsible parties, and not the taxpayers. The money is allocated to the affected States, who are in the best position to determine how best to use their funds.

Make no mistake, these coal exports are not about jobs, they are about profits. The U.S. Energy Information Agency (EIA) estimates that it costs about \$20 per ton to ship coal mined from the Powder River Basin to the Pacific Northwest. The EIA also has data that shows the average price per ton of coal exports is \$148 per ton. I cannot emphasize enough that none of the profits will go to helping the affected communities.

It's time we shine a light on the true cost of coal and protect the American taxpayer from the negative impacts of transporting coal through our States. I have dedicated my career to keeping Washington and the Northwest a place where the environment, public health and efficient transportation do not get trumped by narrow interests. In 1980, I led the successful "Don't Waste Washington" initiative, to keep Washington from becoming the country's nuclear waste dumping ground, and 30 years later I remain just as committed to keeping it that way.

#### IN REMEMBRANCE OF WILLIAM A. SILVERMAN

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2012*

Mr. KUCINICH. Mr. Speaker, I rise today in remembrance of publicist, William A. Silverman.

Born in Toledo, Ohio, Bill was the son of an editor at the Cleveland News. Upon graduating from Centre College of Kentucky and the University of Madrid, he wrote for the Army's Stars and Stripes publication during the Korean War. He also spent five years covering the police beat, and worked for several different public relations firms before opening his own firm, Silverman and Co.

In the 1960s, Bill worked on the mayoral campaigns of Ralph Perk and Seth Taft; his work on Taft's campaign earned him a public relations position with Mayor Stokes and a grant from the nonprofit Greater Cleveland Associated Foundation. Soon after beginning work with Stokes, Silverman opened the Silverman and Co. public relations firm in downtown Cleveland, OH. Together with Stokes, he helped pass a clean water bond issue, and created Cleveland: NOW!

Throughout the years, Silverman and Co. grew and opened branches in Toledo, Columbus, and Charleston, West Virginia. By 1996, the PR firm was the third largest in the region and ranked 40th in the country. Throughout Silverman's career, some of his clients included Blue Cross; Don King; BBC Industries; Mayor George Voinovich; and Democratic Council President George Forbes. After more than 30 years in business, Bill retired and the firm closed in 1997 and 1998 respectively.

I offer my condolences to his wife, Sandy; children, Alexander, Beth Ann, Frances, William, Jeffrey, and Jenny; and sixteen grandchildren.

Mr. Speaker and colleagues, please join me in honoring the life and accomplishments of Mr. William A. Silverman.

#### IN RECOGNITION OF ARETHA THURMOND PARTICIPATING IN THE 2012 OLYMPICS

### HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2012*

Mr. ROGERS of Alabama. Mr. Speaker, I ask for the House's attention today to recognize Aretha Thurmond. Aretha will participate in the 2012 Olympics in London.

Thurmond, of Opelika, Alabama, qualified for her fourth Olympic team, becoming 16th U.S. woman to do so. Aretha is known as one of the most consistent American throwers over the past decade.

In 2007, she returned to compete only 18 days after giving birth to her son, Devon Theopolis. Thurmond will be participating in the 2012 London Olympics discus throw.

Mr. Speaker, I offer my congratulations to Aretha and best wishes in the Olympics.



**PRESIDENT OBAMA'S PROPOSED  
OFFSHORE DRILLING LEASE  
SALE PLAN**

**HON. JIM McDERMOTT**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2012*

Mr. McDERMOTT. Mr. Speaker, I rise today to discuss today's vote on the bill to approve and implement the Obama administration's offshore drilling plan. Holding this vote today was a political stunt by the Republican majority—nothing more. No committees have reviewed the plan, and it was brought to the floor without any consideration.

The Obama Administration's plan would supplant the Bush Administration's plan which is currently in place and I voted for the bill today, not wanting to play political games with our environment. Despite any reservations I have with the details of the Obama Administration's plan, the current administration correctly excluded lease sales in the Atlantic, Pacific or North Aleutian Basin. The Republicans offered an alternative plan that would, without question, cause significant harm to the environment. Voting yes today on this better package was the right thing to do.

Protecting our environment is not a game. Today I voted to move us forward from the terrible environmental policies of the previous administration, and I will continue to advocate and vote for stronger environmental protections.

**RECOGNITION OF THE FIRST  
LADY'S VISIT TO BIRMINGHAM,  
AL ON WEDNESDAY JULY 18, 2012**

**HON. TERRI A. SEWELL**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2012*

Ms. SEWELL. Mr. Speaker, I rise today in recognition of the visit by First Lady Michelle Obama to Camp Noah at the McAlpine Recreation Center in Birmingham, Alabama on Wednesday July 18, 2012.

I wish to express my heartfelt appreciation and gratitude to my dear friend and our First Lady, Michelle Obama, who traveled a long way last week to honor her commitment to return to Alabama to see our recovery efforts from the devastating tornadoes of April 27, 2011. President Obama and the First Lady visited Alabama two days after the storms to witness first-hand the destruction. They promised federal assistance and that we would not be forgotten. On July 18, 2012, the First Lady held true to her promise to return to Alabama to see our recovery and rebuilding progress.

We will never forget the tremendous losses suffered by the April tornadoes which claimed the lives of 253 Alabamians. Yet out of that devastation, we found hope and showed great resilience in working together to rebuild our communities. The First Lady's visit gave us the opportunity to show our progress as she witnessed the healing spirit of the children affected by the tornadoes.

During her visit to Birmingham, First Lady Michelle Obama surprised a crowd of nearly

100 kids, grades first through sixth, at McAlpine Recreation Center participating in Camp Noah. The summer camp is sponsored by Ascension Lutheran Church in Huntsville, AL and is part of a national project designed to help kids heal from their disaster experience through music, life-skill training and arts and crafts.

The First Lady greeted the children with a smile and words of encouragement. She graciously took the time to hug each and every one of the children. The kids' excitement and joy when the First Lady entered the room was exhilarating. Their expressions and comments said it all. Kiara Cherry remarked, "Oh my God! The First Lady is at the McAlpine—I am so excited!" She added that meeting the First Lady was on her list of things to do before she turned 15 and now she could check it off her list. Devonte Harris, 12, of Forestdale, agreed, saying, "I'm just really happy right now." Lastly, Rakya Holmes, 8, whose godmother's home was destroyed in the storms, noted "She smelled good, and I love her." These reactions by the children at Camp Noah expressed our sheer excitement and gratitude to the First Lady. The faces of the children were priceless. The First Lady's visit was a life-changing event for the kids and a morale boost for our community.

It takes tremendous coordination, hard work and organization to make a visit by the First Lady of the United States a reality. The fact that our First Lady Michelle Obama would take the time to visit with us in a tornado affected community in Birmingham is a real testament to her dedication and commitment to helping us overcome this disaster.

I want to commend the City of Birmingham, the extraordinary staff of McAlpine Recreation Center and Camp Noah, as well as UAB's MHRC Healthy Happy Kids program for making the First Lady's visit a huge success. As the Representative of the 7th Congressional District of Alabama, I was extremely proud of all of the efforts made by our community working together to leave a lasting impression on the First Lady. The excitement and joy on the children's faces at Camp Noah made it all worthwhile. Thank you First Lady Michelle Obama!

**SUPPORTING A MOMENT OF SI-  
LENCE DURING THE 2012 OLYM-  
PIC OPENING DAY TO COMMEMO-  
RATE THOSE KILLED IN THE MU-  
NICH MASSACRE**

**HON. CHARLES B. RANGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2012*

Mr. RANGEL. Mr. Speaker, I rise in support of Amb. Ido Aharoni, Consul General of Israel in New York, who will meet with New York City's Jewish and other community leaders and elected officials on Friday morning to honor the 11 Israeli Olympians who were killed by a terrorist group during the 1972 Munich games.

As the new Olympians march in the opening ceremonies of the 2012 games, these community groups and elected leaders will gather to-

gether for their own minute of silence, hearing the firsthand account of 1972 Israeli Olympian Avi Melamed. The Munich Massacre, as it has come to be known, occurred during the 1972 Summer Olympics in Munich, Bavaria in southern West Germany, when members of the Israeli Olympic team were taken hostage and eventually killed by the Palestinian terrorist group Black September. Eleven Israeli athletes and coaches and a West German police officer were killed.

On this 40th anniversary of the horrendous act of terror, we are not only reminded of the importance of our special relationship with Israel but also of the existence of evil in this world.

Recently, we witnessed another terrorist attack on an Israeli tour bus in Bulgaria that left at least 7 dead and more than 20 wounded. These kinds of attacks against innocent people are horrifying and reprehensible. Such violence targeting people for their ethnicity, nationality or religion has absolutely no place in our world.

Whenever and wherever we witness the taking of innocent lives for whatever reason, the voices of the concerned people must be heard. While terrorist attacks on the people of Israel were once viewed as a regional problem, today we know that the entire world is no longer safe from the warped minds of those who have no regard for the lives of children and people who do no harm. We must fight against those who choose to recklessly use the fear of terrorism against innocent victims to achieve their own evil political objectives. We must remain vigilant and outspoken.

So I join the New York community this Friday as we come together to condemn such acts of terrorism and to commemorate the 40th anniversary of the massacre in Munich. Whether or not the International Olympic Committee agrees to pay tribute to the fallen, we will observe a moment of silence to pray for the victims and their loved ones.

**38TH YEAR COMMEMORATION OF  
INVASION AND OCCUPATION OF  
CYPRUS**

**HON. JOHN P. SARBANES**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2012*

Mr. SARBANES. Mr. Speaker, I rise today to mark the 38th year of Turkey's invasion, occupation and colonization of the Republic of Cyprus.

On July 1, Cyprus assumed the six-month presidency of the European Union. Turkey, an EU candidate country, refuses to recognize the Cypriot presidency and has acted to "freeze" its communications with the EU. While Turkey refuses to recognize Cyprus, the international community has repeatedly called upon Turkey to withdraw from its occupation of the island republic.

In 1974, Turkey invaded the island citing its purported authority to intervene under the Treaty of Guarantee, a treaty meant to guarantee the independence, sovereignty, constitution and territorial integrity of Cyprus. Turkey asserts that the Constitution of Cyprus is "null

and void," yet it justifies its invasion and decades' long occupation of Cyprus upon the Treaty of Guarantee, a treaty which obligates Turkey as a guarantor power to uphold the Cypriot Constitution and preserve the country's independence and territorial integrity.

During Turkey's 38 year occupation of the northern third of Cyprus, it has engaged in the systematic destruction of the island's Hellenic, Christian and Turkish Cypriot heritage. Turkey is extinguishing the voice of the Turkish Cypriots, the community that co-existed with Greek-Cypriots for nearly 500 years until Turkey invaded and forcibly divided the two communities. Turkey's treatment of the indigenous peoples of Cyprus betrays a broader impulse which is manifest in discrimination against Christian and other minorities in territories under its control. Turkey's conduct is so egregious that this year the U.S. Commission on International Religious Freedom designated it as "a country of particular concern."

Turkey, a nation of nearly 80 million people, has with each passing day altered the cultural heritage and demographics of Cyprus, a country of 1 million people. In 1974, Greek Cypriots numbered 506,000 and Turkish Cypriots numbered 118,000. Since then, Turkey has engaged in a radical alteration of the island's demographics. Turkey has resettled nearly 200,000 mainland Turks and garrisoned 45,000 Turkish soldiers in the occupied areas. Turkey's forced colonization of the occupied areas is eradicating the native Turkish Cypriot community and supplanting it with a Turkish community whose culture and national consciousness is foreign to the indigenous and unique Greco-Turkish culture of Cyprus.

The presence of Turkish troops is justified by the pretext that Turkey is protecting Turkish Cypriots. Yet 58,000 Turkish Cypriots voluntarily carry Republic of Cyprus passports, Turkish Cypriots utilize health care facilities and other services in the Republic of Cyprus, and more than 18 million crossings over the green line have occurred without incident. The reality is that each day Turkish Cypriots are forced by the presence of 45,000 Turkish troops to idly watch as their culture and identity is overtaken by mainland Turkish colonialists.

Recent discoveries of natural gas off the coasts of Cyprus and Israel have seen these two democracies engage in a cooperative and productive manner for the development of the only Western, democratically controlled energy source in the region. Where Israel and Cyprus have conducted themselves as peaceful democracies, Turkey is using its presence in occupied Cyprus to challenge Israeli interests in the region. It was not so long ago that Turkey held itself out as an ally of Israel.

Cyprus is the canvas that reveals the true face of Turkey—occupier, colonizer and foe of Western democratic values. It is time for this Chamber and the United States to stand with the people of Cyprus and demand that Turkey withdraw its troops and "cease and desist" from its unlawful colonization of this small and peaceful country.

#### HONORING THE LEADERSHIP ALLIANCE ON ITS 20TH ANNIVERSARY

**HON. MAZIE K. HIRONO**

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2012*

Ms. HIRONO. Mr. Speaker, today I commemorate the 20th anniversary of the Leadership Alliance. The Leadership Alliance, established in 1992, is a national academic consortium of leading research universities and minority serving institutions with the mission to develop underrepresented students into outstanding leaders and role models in academia, business, and the public sector.

Through an organized program of research, networking and mentorship at various critical transitions along the entire academic training pathway, the Leadership Alliance prepares young scientists and scholars from underrepresented and underserved populations for graduate training and professional apprenticeships. Leadership Alliance faculty mentors provide high quality, cutting-edge research experiences in all academic disciplines at the nation's most competitive graduate training institutions and share insights into the nature of academic careers.

Chaminade University, located in Honolulu, Oahu, has been a member institution of the Leadership Alliance since 2007. In the past five years, 16 students have participated in the Summer Research Early Identification Program—performing research at Brown, Harvard, Tufts, Yale, and other universities.

Nearly 70 percent of Leadership Alliance early identification students enroll into a graduate level program and, of that 70 percent, 25 percent enroll into PhD programs. Chaminade students have had transformative summer research experiences, encouraging their pursuit of graduate degrees, particularly in the fields of science, technology, engineering, and math (STEM).

One Chaminade student, Natasha Flores, was able to do research at Yale University. Since graduating, she has conducted cancer research at the National Cancer Institute and has just completed her second year in a Cancer Biology Ph.D. Program at Stanford University. Joseph Tillotson, a 2011 Chaminade graduate, completed two summers of research through the Leadership Alliance and will be beginning Ph.D. studies in Pharmacology and Toxicology at the University of Arizona this fall.

Leadership Alliance Doctoral Scholars are diversifying the academy at research-intensive institutions and are engaging in career positions in government and industry.

Congratulations to the Leadership Alliance on two decades of committed service to supporting a diverse and competitive research and scholarly workforce in the United States.

HONORING MRS. GLORIA LANGSTON OF ROCHESTER, NEW YORK

**HON. LOUISE McINTOSH SLAUGHTER**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2012*

Ms. SLAUGHTER. Mr. Speaker, today I rise to honor a constituent in my district who, along with her late husband and family, has made a positive impact in the Rochester, New York area. I am profoundly appreciative of this monumental opportunity to pay homage to Mrs. Gloria Langston.

In July 1960, Mrs. Langston, along with her now-deceased husband, Andrew, relocated from the State of Georgia to Rochester, New York. From the time Gloria and Andrew Langston arrived in Rochester until today, the Langston family has made positive and substantial contributions to the Rochester area.

Among their many extraordinary contributions, perhaps one of their most transformational is the establishment of the Monroe County Broadcasting Company and the subsequent birth of WDKX-FM radio station. WDKX is named in honor of Frederick Douglass, Martin Luther King, Jr. and Malcolm X, and the Monroe County Broadcasting Company was the first ever African American corporation to apply for a frequency with the Federal Communications Commission.

WDKX-FM began its service to the Rochester community on April 6, 1974, and today—38 years later—the station continues its service to our community, 24 hours a day and seven days a week. It is the only independently owned and operated commercial radio station in Rochester, New York.

Gloria Langston has an unwavering commitment to uplifting and enhancing the Rochester community, and she exudes a deep sense of community awareness and pride. These admirable characteristics are reflected in the management and staff of WDKX-FM radio. The station is far more than a source of entertainment. It is an invaluable community partner; one that promotes philanthropy for good causes, provides information to enhance health and wellness and provides platforms and opportunities for Rochester area residents to learn about important community activities and initiatives that improve our quality of life.

Because of the countless contributions Mrs. Gloria Langston has brought to Rochester, it is my great pleasure to salute her today. It can be truthfully said that Rochester, New York is a better place because Gloria Langston has walked among us.

100TH ANNIVERSARY OF IBEW LOCAL 110

**HON. BETTY McCOLLUM**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2012*

Ms. McCOLLUM. Mr. Speaker, today I rise to honor the 100th anniversary of the International Brotherhood of Electrical Workers (IBEW) Local Union 110 in Saint Paul, Minnesota, and the hundreds of working families the union represents.

IBEW Local 110 has earned an honored place in the Minnesota labor tradition. From the earliest days of the union, even before its formal charter on July 29, 1912, Minnesota electrical workers began banding together to form an organization that would help protect workers and their families. These efforts provided a voice for workers and began the roots of a new local union.

Membership in the new Local 110 proved valuable for workers and their families. The union set a standard for all workers in our state and provided much needed resources for safety, skills training, fair wages and retirement security. This support became even stronger through Local 110's decision to affiliate with the allied unions of the Saint Paul Building Trades Council.

Times were at once exciting and challenging for early Minnesota electrical workers. From 1910 to 1913, sixty of their fellow brothers died due to illness and accidents caused by frequently dangerous work environments. In order to combat the alarmingly high number of deaths within the industry, Local 110 began its first apprenticeship program to educate its members, and made sure that they were properly protected in the field. During June of 1913, the first test for those members that worked with electricity was held, and all members were required to take the examination. Through the efforts of the local union, every member passed the test.

International Brotherhood of Electrical Workers Local 110 has always made sure their members were given the highest standard of care and consideration. Today, this band of brothers now includes sisters too. Local 110 has grown to represent 2100 members in 13 counties of Minnesota. The union remains focused on creating positive relationships between workers and their employees as well as elevating the standards within the industry.

Mr. Speaker, I am pleased to submit this extension of remarks to honor the members and families of the International Brotherhood of Electrical Workers Local Union 110 on the occasion of the 100th anniversary of this proud union.

#### PERSONAL EXPLANATION

#### HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2012

Mr. PETERS. Mr. Speaker, on Monday, July 23, 2012 I unfortunately missed two votes due to a delay in my flight to Washington, DC. Had I been present I would have opposed both bills.

H.R. 2362, the Indian Tribal Trade and Investment Demonstration Project Act of 2011 benefits one particular country, and is redundant to H.R. 205 the HEARTH Act which has passed both the House and Senate and is waiting to be signed by the President. S. 2039 would undermine an important policy in place to protect federal taxpayer dollars and prevent wasteful spending. While I was not able to cast my vote against these bills, had I been present I would have voted "no." I was happy to see that both were defeated.

#### INTRODUCTION OF THE GIVE WORKPLACE GENDER VIOLENCE VICTIMS THEIR DAY IN COURT ACT OF 2012

#### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2012

Mrs. MALONEY. Mr. Speaker, when at work, most employees feel safe from violent behavior; however, violence in the workplace is not uncommon. The Bureau of Justice Statistics estimates that in 2008, 12,633 rapes and sexual assaults occurred while U.S. employees were working or on duty. When sexual violence happens at the workplace, women are often traumatized again when learning that the remedy is workers compensation. This downgrades the crime to an 'on-the-job occurrence' and prevents victims from suing employers when the crime occurred due to lack of safeguards and protections by employers.

Workers compensation systems were designed to create accident-free workplaces and allow employees hurt on the job to receive payment for medical expenses and lost wages. Using workers compensation as a way for employers to avoid lawsuits stemming from their own negligence is offensive to victims of this terrible crime. When sexual violence occurs on the job, employers should not be allowed to hide behind a system intended to compensate for job-related accidents. This is why I am reintroducing the Give Workplace Gender Violence Victims Their Day in Court Act, which will prevent employers from invoking workers compensation when employer negligence results in the sexual assault and rape of an employee. This bill will help empower victims of workplace sexual assault to have their day in court instead of being subject to the exclusive remedy of workers compensation.

Rape is not an accident and should never be regarded as an everyday, regular occurrence on the job. This legislation will enable victims and encourage employers to create a work environment free of sexual violence and send the message, loud and clear, that rape is not all in a day's work.

#### SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks

section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, July 26, 2012 may be found in the Daily Digest of today's RECORD.

#### MEETINGS SCHEDULED

JULY 31

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the Consumer Financial Protection Bureau (CFPB), focusing on a review of the semi-annual report to Congress.

SD-538

Energy and Natural Resources

To hold hearings to examine S. 3385, to authorize the Secretary of the Interior to use designated funding to pay for construction of authorized rural water projects.

SD-366

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine the state of Federal privacy and data security law.

SD-628

2:15 p.m.

Foreign Relations

Western Hemisphere, Peace Corps and Global Narcotics Affairs Subcommittee

To hold hearings to examine doing business in Latin America, focusing on positive trends but serious challenges.

SD-419

2:30 p.m.

Commerce, Science, and Transportation

Business meeting to consider pending calendar business.

SR-253

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH-219

AUGUST 1

9 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine MF Global, focusing on accountability in the futures markets.

SR-328A

10 a.m.

Environment and Public Works

To hold hearings to examine an update on the latest climate change science and local adaptation measures.

SD-406

Banking, Housing, and Urban Affairs

Housing, Transportation and Community Development Subcommittee

To hold hearings to examine streamlining and strengthening Housing and Urban Development's (HUD) rental housing assistance programs.

SD-538

Judiciary

To hold hearings to examine rising prison costs, focusing on restricting budgets and crime prevention options.

SD-226

10:30 a.m.

Finance

To hold hearings to examine the taxation of business entities, focusing on tax reform.

SD-215

2:30 p.m.	Foreign Relations	AUGUST 2
Commerce, Science, and Transportation	European Affairs Subcommittee	
To hold hearings to examine market-	To hold hearings to examine the future	2:30 p.m.
place fairness, focusing on leveling the	of the eurozone, focusing on the out-	Intelligence
playing field for small businesses.	look and lessons.	To hold closed hearings to examine cer-
		tain intelligence matters.
SR-253	SD-419	SH-219

**HOUSE OF REPRESENTATIVES—Thursday, July 26, 2012**

The House met at 9 a.m. and was called to order by the Speaker.

**PRAYER**

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:

We give You thanks, O God, for giving us another day. Please help us to use it well.

We ask Your blessing upon this assembly and upon all to whom the authority of government is given. Help them to meet their responsibilities during these days, to attend to the immediate needs and concerns of the moment, all the while, enlightened by the majesty of Your creation and Your eternal Spirit.

We give You thanks that we all can know and share the fruits of Your Spirit, especially in this time, the virtue of tolerance and reconciliation, of justice and righteousness, of goodwill and understanding, of patience and loving care for others.

Watch over this House and cause Your blessing to be upon each Member, that they might serve all the people with sincerity and truth.

May all that is done within the people's House this day be for Your greater honor and glory.

Amen.

**THE JOURNAL**

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

**PLEDGE OF ALLEGIANCE**

The SPEAKER. Will the gentleman from Ohio (Mr. JOHNSON) come forward and lead the House in the Pledge of Allegiance.

Mr. JOHNSON of Ohio led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**ANNOUNCEMENT BY THE SPEAKER**

The SPEAKER. The Chair will entertain up to 5 requests for 1-minute speeches on each side of the aisle.

**SEQUESTRATION**

(Mr. WITTMAN asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. WITTMAN. Mr. Speaker, Congress faces looming deadlines at the end of this year, set to take effect in the first days of 2013. Just as we ring in a new year with a renewed sense of optimism, if Congress does not act, looming defense cuts will cripple our military and this Nation.

Our military will be forced to cut an additional 10 percent from its budgets; an additional 10 percent of resources supporting our troops deployed overseas, fighting for our freedoms; an additional 10 percent of budgets supporting new technologies, training, and ships already lacking maintenance and which are behind schedule; an additional 10 percent of our national security.

While the House passed, and I proudly supported, legislation in May to avert these cuts, action is still needed by the Senate and the administration.

Why does Congress continue to wait? Why does Congress procrastinate on an issue so pressing and so important to this Nation? Who will answer the call?

Leaving this issue to the last minute is irresponsible, and failure is not an option. I urge the leaders of this Nation to stop the delay.

**REMEMBERING 11 ISRAELI OLYMPIANS**

(Mr. ENGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENGEL. Mr. Speaker, in 1972, Palestinian terrorists broke into the Israeli Olympic compound and murdered, in cold blood, 11 Israeli athletes.

In the 40 years since, shamefully, the International Olympic Committee has refused to have a minute of silence to commemorate these 11 martyrs. They have rejected it time and time again. And tomorrow, the Olympic Games are starting in London, and they have rejected it again, shamefully.

So I will use the rest of my 1-minute to do a moment of silence for the 11 Israeli athletes who lost their lives at the 1972 Olympic Games.

**FILIPINO VETERANS DAY ANNIVERSARY**

(Mr. HECK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HECK. Mr. Speaker, 71 years ago today, President Roosevelt inducted

over 40,000 Filipino troops into the United States Army to counter the Japanese threat. Following the occupation of the Philippines, thousands more Filipinos would join the resistance as recognized guerrilla forces working in cooperation with the U.S. Army. However, due to the Rescissions Act of 1946, the service and sacrifice of these brave Filipino veterans would go unrecognized by the U.S. Government for the next 63 years.

Congress finally acknowledged the dedicated service of these veterans when it established the Filipino Veterans Equity Compensation Fund in 2009. Although meager in comparison to the benefits these veterans earned, this compensation fund provided the recognition they deserved. Yet today, bureaucratic roadblocks continue to prevent nearly 4,000 of these aging World War II veterans from collecting the benefits they are due.

Five of these gentlemen pictured here reside in my district. They range in age from 83 to 100 years old. Regrettably, two others recently passed away. Many more will pass without ever obtaining the recognition they deserve if this body does not act to remove the barriers preventing these veterans from receiving the benefits they have earned.

Mr. Speaker, I urge my colleagues to join me in fighting to ensure these honorable World War II veterans are appropriately recognized.

**MOMENT OF SILENCE FOR THE 1972 ISRAELI OLYMPIANS**

(Mrs. LOWEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. LOWEY. Mr. Speaker, I will use my time to observe a minute of silence for the Munich 11 who lost their lives at the 1972 Olympic Games.

Thank you.

**EXCESSIVE FEDERAL REGULATIONS**

(Mr. JOHNSON of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSON of Ohio. Mr. Speaker, take a look at this. Take a look at the regulatory red tape that's strangling America's small businesses, our job creators. Every time I travel up and down the Ohio River, businesses, both large and small, tell me that new regulations and the threat of more are

keeping them from hiring and expanding.

Unemployment has been above 8 percent for the past 41 months, and America's job creators are speaking loud and clear that they want certainty. They want to grow and expand. And as a small business owner myself, I know firsthand the destructive burden of excessive regulation.

Today this House will take an important step toward freeing America's job creators from these excessive regulations. The Red Tape Reduction and Small Business Job Creation Act puts a stop to President Obama's unchecked power to issue costly and job-killing regulations on a whim. I encourage my colleagues to stand with me in supporting this legislation that will empower job creators to put America back to work.

#### RECOGNIZING LONG JUMP OLYMPIAN GEORGE KITCHENS, JR.

(Mr. BARROW asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARROW. Mr. Speaker, I rise today to recognize George Kitchens, Jr., from Augusta, Georgia, who will be representing our State and our Nation at the London Olympic Games beginning tomorrow. George will be making his very first Olympic appearance in the men's long jump. A former Clemson Tiger All-American athlete, George will be the first member of the Tigers long jump team to advance to the Olympic Games.

The American Olympic team is made up of 530 men and women. For the first time in history, this Olympic team will feature more female athletes than male athletes. Of the 302 medal events at the Olympic Games, the United States will be represented at 246.

We look forward to watching George win the gold when the men's long jump team takes the spotlight on Friday, August 3. I know I speak for all of my colleagues in wishing our American Olympic team the best of luck in London.

□ 0910

#### CONDEMNING ALEXANDER LUKASHENKO

(Mr. TURNER of New York asked and was given permission to address the House for 1 minute.)

Mr. TURNER of New York. Mr. Speaker, I rise today to express my concern that Alexander Lukashenko, president of Belarus, continues to rule over Europe's last dictatorship. Despite continued promises of reform, Lukashenko continues to deny the people of Belarus their basic freedoms and human rights, and runs the country as a authoritarian dictatorship.

In fact, after Mr. Lukashenko's fraudulent election in 2010, 700 political opponents and activists were arrested during demonstrations. This is just one example of the type of persecution the people of Belarus have been subjected to in these past 18 years. Lukashenko's total disregard for the people he swore to protect is appalling, alarming, and should not be tolerated.

I'm here today to draw attention to this matter and publicly condemn Lukashenko and his regime for their continuing oppression of the people of Belarus, and offer my support for the country's civilians and pro-democracy forces.

#### AMERICA NEEDS A FARM BILL NOW

(Mr. WALZ of Minnesota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALZ of Minnesota. Mr. Speaker, I rise today with a very simple message from rural America: we need a farm bill, and we need it now. With the current farm bill set to expire at the end of September, it is crucial that we continue to provide certainty to one of the few bright spots in our economy over the past decade. It is all the more crucial to our farmers that we do this as they are staring at cracked, dried-out soil resulting from one of the worst droughts in modern history.

The newspaper Politico looked back 50 years—longer than I've been alive—and found that never before has a farm bill been this close to being passed and been blocked by House leadership. This is absolutely unacceptable.

Southern Minnesotans can't afford to deal with the uncertainty that follows out-of-date policy extensions or lame duck sessions. Lame, for sure.

Don't kick the can down the road. The Senate has passed a bill. The 2012 farm bill passed out of committee on July 12 with a bipartisan vote of 35-11, saving \$36 billion for the taxpayers.

My farmers in southern Minnesota are up before dawn working until after dark. We are leaving at noon today. We have 17 days between now and November 6 to work here in Washington. That is so unacceptable. No one will agree to that. Pass the farm bill. Pass it now.

#### U.N. ARMS TREATY VIOLATES U.S. CONSTITUTION

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, the draft of the U.N. Arms Trade Treaty called ATT is an attempt by Third World countries to control guns worldwide, including personal firearms in the United States. Under the section of "scope," the treaty indicates that the covered items include small arms and

light weapons. The language is so broad that nations are expected to track all weapons movements from the time they are manufactured until their destruction. The language is vague so that the treaty could be interpreted to restrict the ability of the U.S. to help arm its allies, like Taiwan and Israel.

The treaty presents a clear and present danger to the Second Amendment of the U.S. Constitution. It allows the U.N. to steal our liberty. It is unbelievable that this administration is even considering signing this document. The Senate should never approve it if the President signs onto it. The President should ignore the treaty because he took an oath to the U.S. Constitution, not to the U.N. charter.

And that's just the way it is.

#### CONDEMNING ANTI-SAFETY LEGISLATION

(Mr. HIGGINS asked and was given permission to address the House for 1 minute.)

Mr. HIGGINS. Mr. Speaker, today the House will vote on legislation to block all new Federal regulations. I'm concerned that this bill would damage our ability to improve aviation safety, which the bipartisan western New York delegation has long promoted.

We fought alongside the families of Flight 3407, who lost loved ones in a preventable air crash near Buffalo. Due to their passion and dedication, Congress passed historic aviation safety reforms 2 years ago. But this bill would prevent many of those reforms from becoming reality.

Our colleague, KATHY HOCHUL attempted to offer an amendment to protect these reforms from this moratorium. Inexplicably, the Rules Committee blocked her amendment. These reforms have the support of both parties, but now partisan politics is getting in the way of lifesaving regulations. I urge the defeat of this anti-safety legislation.

#### CONDEMNING THE ATROCITIES THAT OCCURRED IN AURORA, COLORADO

Mr. PERLMUTTER. Mr. Speaker, pursuant to the order of the House of July 25, 2012, I call up the concurrent resolution (H. Con. Res. 134) condemning, in the strongest possible terms, the heinous atrocities that occurred in Aurora, Colorado, and ask for its immediate consideration.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

#### H. CON. RES. 134

Whereas, on July 20, 2012, an armed gunman opened fire at a movie theater in Aurora, Colorado, killing 12 and wounding 58 others;

Whereas many individuals at the theater selflessly sought to aid and protect others above their own safety;

Whereas the Aurora Police Department and the Aurora Fire Department quickly and bravely acted to prevent the additional loss of life; and

Whereas local, State, and Federal law enforcement, firefighter, and medical service professionals performed their duties with utmost skill and coordination: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring), That Congress—*

(1) condemns, in the strongest possible terms, the heinous atrocities that occurred in Aurora, Colorado;

(2) offers its condolences to the families, friends, and loved ones of those who were killed in the attack and expresses its hope for the rapid and complete recovery of the wounded;

(3) applauds the hard work and dedication exhibited by the hundreds of local, State, and Federal officials and the others who offered their support and assistance; and

(4) honors the resilience of the community of the City of Aurora and the State of Colorado in the face of such adversity.

The SPEAKER pro tempore (Mr. WOMACK). Pursuant to the order of the House of Wednesday, July 25, 2012, the gentleman from Colorado (Mr. COFFMAN) and the gentleman from Colorado (Mr. PERLMUTTER) each will control 15 minutes.

The Chair recognizes the gentleman from Colorado (Mr. COFFMAN).

Mr. COFFMAN of Colorado. Mr. Speaker, we can never explain nor fully comprehend evil, but last Friday we were reminded of its existence. The face of evil emerged when a cold blooded, calculating mass murderer trapped unsuspecting movie patrons packed in a darkened theater in my hometown of Aurora, Colorado.

Today, on the floor of the United States House of Representatives, we pause to again remember the victims of this horrendous crime and to honor the courage of so many who put their own lives at risk to limit the carnage.

The victims who lost their lives in the early morning hours of last Friday are: Veronica Moser, age 6; Alex Teves, age 24; Jessica Ghawi, age 24; Alex Sullivan, age 27; Matt McQuinn, age 27; Micayla Medek, age 23; John Larimer, age 27; A.J. Boik, age 18; Rebecca Wingo, age 32; John Blunk, age 26; Jesse Childress, age 29; Gordon Cowden, age 51.

Aurora is a proud suburban community, mostly of working class and middle class families, who share basic American values, the values of hard work, and of faith in God, and of family.

My family came to Aurora, Colorado, in 1964 when my father, a career soldier, was sent to Fort Bliss Army Medical Center for his last assignment in the U.S. Army. Back then, Aurora was just a small town surrounded by three military bases. In the 1970s, Aurora transitioned away from being a military town, although it still has an Air Force base. Aurora has grown to become the third-largest city in the State of Colorado, with a population of

over 300,000 residents. Aurora has also grown to become the most racially and ethnically diverse city in the State of Colorado.

Aurora has received the "All-American City Award" by the National League of Cities in recognition of being a community whose citizens work together to identify and tackle community-wide challenges and for having achieved uncommon results. A couple of weeks ago, I was at a meeting with the Aurora Board of Realtors where Mayor Steve Hogan was speaking. He proudly informed the audience that Aurora was ranked as the eighth-safest city of its size in the country.

□ 0920

No doubt we are still in shock and trying to understand why this happened to our community.

The theater where so many lost their lives and where so many were injured lies in the heart of our city. The vacant ground beside the theater has been designated by our city's planners to be the future site of the City Center.

Aurora will never be the same after this horrific act of evil that occurred last week, but the citizens of Aurora are caring and resilient, and a long process of healing has already begun. We will stand together and come back stronger than before this attack.

When I think of all the victims of this tragedy and how much our community has suffered, I am reminded by a refrain from a hymn that I have often sung in church:

And He will raise you up on eagle's wings,  
Bear you on the breath of dawn,  
Make you to shine like the sun,  
And hold you in the palm of His hand.

Mr. Speaker, I reserve the balance of my time.

Mr. PERLMUTTER. Mr. Speaker, thank you for the opportunity the other day for us to have a moment of silence. I know it was important to the members of our delegation as well as to the people of our community in Aurora, Colorado, and the whole metropolitan area.

I had a chance to speak on Tuesday. I have a number of things to say, but I know each of us in our delegation bears a heavy heart as a result of all this, and I would like others to be able to share some of their thoughts.

With that, I yield 2 minutes to my friend from Boulder, Mr. POLIS.

Mr. POLIS. I want to thank my colleague, Mr. PERLMUTTER from Colorado, not only for bringing forward this resolution, but for spending time with those affected in the aftermath of this. I'd also like to thank President Obama for immediately changing his plans and coming to Colorado to express, on behalf of our Nation, grief and provide what comfort he could to the victims and their families.

I think one thing that's important for Americans to understand is Aurora

is a community just like yours. My district is several miles from Aurora, but I've been to movies myself in Aurora. I drive through it frequently on the way to the airport.

This could be anywhere. It's a safe community. It's a community of loving families. It's a growing city. And the tragedy that occurred could have been at any one of our neighborhood theaters.

Going to the movie theater, an expression of innocent joy, something that people have grown up with for generations, the magic of the silver screen and lives torn apart, not only those who lost their lives tragically, not only those who were injured, some of whom remain in the hospital, but all the others that were terrified, scared in the other theater, in the other movie theaters that night, in the community at large, this was, in many ways, a crime against innocence and a crime against enjoyment and diversion. People turn to movies, turn to entertainment for a moment's respite, a moment's entertainment from their daily lives, and this tragic end really represents an end of innocence for so many people that were affected.

But so, too, we've seen many great heroes rise to the occasion: the courageous responders, the community of Aurora, Mayor Hogan, the families of those affected, and our criminal justice system. We all come together in difficult times. We all come together, and together with the love, respect, and support from American families across the country, the victims' families know that they're not alone, and that's important.

Mr. COFFMAN of Colorado. Mr. Speaker, I'd like to yield 4 minutes to the gentleman from Colorado (Mr. TIPTON).

Mr. TIPTON. I thank the gentleman for yielding.

Mr. Speaker, I think that we all struggle to be able to find words to be able to address a flash point in time in the city of Aurora to where we saw the absolute worst of humanity in the senseless slaughter of innocent people. But we also saw the best of humanity as people rose to be able to protect their loved ones, as we saw emergency service personnel rush to the scene to be able to operate in the hospitals where doctors and nurses fought valiantly to be able to preserve life.

As we look back on that day, we can't help but be reminded that too many lives were cut short, and chapters that were yet to be written needlessly and mindlessly were cut off.

The hearts of all Coloradans and, in fact, what we've seen demonstrated on this floor I think speaks to the heart of this country, as people rose as one to be able to express their empathy and their concern. We saw neighbors and strangers reaching out and helping hands all praying for that opportunity



and ability to be able to find the right words, if there could ever be such words, to offer some modicum of comfort to those who suffered such a tragic loss.

This is a date that certainly our State and the people of Aurora will never forget. It has touched each and every one of our hearts, and you can not help but condemn, obviously, the act. But each one of us, I think, this day and for days, weeks, months, and years to come, will continue to offer up prayers for those who lost their lives, for the families that were affected, and our thanks, our thanks for those who showed such love and concern, and for all the emergency service personnel who were there to defend people who just were out for a good evening.

Mr. Speaker, I applaud this resolution and this Colorado delegation's standing together today to be able to express this and thank this House for the support that they've shown, as well, for the people of Colorado.

Mr. PERLMUTTER. Mr. Speaker, I'd like to yield 3 minutes to DIANA DEGETTE, my friend from Denver, who had a number of constituents in the movie theater that evening.

Ms. DEGETTE. Mr. Speaker, I'd like to thank my dear friend and colleague, ED PERLMUTTER, for yielding to me.

This is a difficult week for all of us in Colorado.

There were two movie theaters in the Denver metro area that were showing this premiere at midnight last Thursday night. So there were people from all over the community in that theater there with their families and their friends, almost the entire employees of a restaurant in Colorado. They went to have a fun evening on a summer night. And tragedy, of course, struck that night unexpectedly to everybody.

I've been overwhelmed, as we all have in the delegation, by the support of the community for all of the victims of the shooting and their families.

□ 0930

The way the communities have come together—Aurora and Denver and Inglewood and all of the communities—has been a blessed thing to see for all of us.

No one can make sense of a tragedy like this, and the stories of heroism are still coming out every day. The stories of miracles—babies born just a day or two after in the same hospital where the father lies in a coma. Yet while we hear all of these stories of heroism and while we hear all of the stories of first responders rushing to the scene and helping within 90 seconds, in our heart we say: How can this happen and what can we do?

I did have a number of constituents in that theater, some who were just injured, some who were in the nearby theaters who will be scarred psychologically forever by this, a close friend

of my daughter, and others. I had at least three constituents who were killed by this terrible crime. The little girl, Veronica Moser, age 6—whose mother, Ashley, lies in critical condition—Jessica Ghawi and Alex Teves. Our prayers and thoughts go out to all of them and their families.

It's wonderful to see my friends from the delegation here, the entire House delegation from Colorado. We consider ourselves to be close allies, although we often disagree on different issues.

I just want to say something to all of my colleagues and to everyone in this House, Mr. Speaker. We have now had, as of today, 25 moments of silence as respects victims of gun violence since the Columbine shooting. I was here for that too. We had two moments of silence just the other day, one for Aurora and one for the anniversary of the Capitol police officer who was killed 10 years ago today.

So we can have our debates, we can have our discussions, we can mourn for the victims, which is appropriate this week; but it is our challenge, as leaders of our State and leaders of our country, to go on from today and to say: What can we seriously do as a Nation to make sure that no tragedy of this scope or horror ever happens in this country again?

Mr. COFFMAN of Colorado. Mr. Speaker, I yield 3 minutes to the gentleman from Colorado (Mr. LAMBORN).

Mr. LAMBORN. Mr. Speaker, I want to thank Representative MIKE COFFMAN and Representative ED PERLMUTTER for leading this time this morning.

Mr. Speaker, the fact that the entire delegation—bipartisan delegation—is here is just a small reflection of how the people of Colorado are coming together and the people of Aurora are coming together after this senseless tragedy.

We've heard a lot of stories of bravery, both on the parts of the first responders and the parts of everyday citizens. I want to tell a story of one of the victims.

I'd like to share the story of Caleb Medley. Caleb is from the small town of Florence, just south of Colorado Springs. Today, Caleb lies in a medically induced coma after being shot in the face. In the days since that horrific shooting, his wife, Katie, has given birth to their first child, Hugo.

Caleb spent his teen years in Florence; and after graduating from high school, he married his high school sweetheart, Katie. He went to work at a local grocery store. Like most people, he and Katie have big plans and dreams for their lives. From the time he was in eighth grade, Caleb has wanted to be a standup comedian. Katie wants to work in veterinarian medicine. The young couple moved to the Denver suburb of Aurora to pursue their dreams.

On July 18, just 2 days before the shooting, Caleb appeared at the Comedy Works and did well enough to advance to the next round. And he and his wife, Katie, were looking forward to their baby's birth a few days later. But before little Hugo could be born, Caleb and Katie made the fateful decision to go out one last night before becoming parents. According to a Web site that Caleb's family has posted, the two stood anxiously in line that night. They spent too much on popcorn and soda. They endured the movie trailers, and they watched the beginning of the movie. That's when evil struck. Evil came to them through a man that opened fire in that movie theater.

Katie and baby Hugo made it out uninjured, but Caleb was struck in the face by gunfire. Caleb has lost his right eye, has some brain damage, and doctors have put him in a medically induced coma.

So, Mr. Speaker, I ask that the people of America would be praying for Caleb and his family. We are pulling for you, Caleb, and for all the victims of this senseless tragedy.

Mr. PERLMUTTER. I thank my friend DOUG for describing in detail one of these injuries.

I'd like to introduce, Mr. Speaker, if I could, for the RECORD some brief biographical information of each of the victims who was killed: John Blunk, Alexander Jonathan "AJ" Boik, Jesse Childress, Gordon Cowden, Jessica Ghawi, John Larimer, Micayla Medek, Veronica Moser, Alex Sullivan, Alex Teves, and Rebecca Wingo, because I want our RECORD in this Congress to have their names and some information about them. And I appreciate you talking about somebody specifically.

These are hard moments for all of us. These are good people, and some very bad things happened to some very good people. But I want to talk about some of the positive aspects that came out of this dreadful night.

Thirteen years ago—DIANA DEGETTE mentioned Columbine—on the southwest side of my district I have Columbine, on the northeast side of my district I have this theater. Colorado is a good place. I mean, all of us love where we come from. We've had some violent incidents that have taken our innocence, as Mr. POLIS has said. We heal from these things, but you're never quite the same. You're never quite the same. But one of the positive aspects of that terrible incident 13 years ago at Columbine High School was that our law enforcement, our first responders, our police, our firefighters, our medical teams learned some real lessons.

We have, in the Aurora area, a community college called Aurora Community College, where we have gone through a number of exercises to deal with a mass casualty incident such as this, where the police, the fire, law enforcement agencies from across our

communities—Denver, Adams, Arapahoe Counties—work together with the CU Medical School to address these kinds of incidents, and the chief of police, Dan Oates, who deserves a higher place in heaven for the way he has managed this terrible time on behalf of law enforcement. They've prepared and prepared and prepared. Unbelievably, this terrible tragedy happened, but because of that preparation, because of what we had gone through before and the terrible lessons we learned, lives were saved. There's no question about it; lives were saved that otherwise would have been lost.

I want to applaud, again, the Aurora police, the Aurora firefighters, the medical teams—casualties were taken to six or seven different hospitals in our area—but they all did an outstanding job. The dispatchers, can you imagine all the 911 calls that came in that night. We want to thank them.

We want to thank the FBI. Jim Yacone, who is our bureau chief, was outstanding on behalf of the Federal response to deal both with the shootings that occurred in the theater and the elaborate booby trap that was set in this apartment—that I drive by at least once a week—right across from the University of Colorado. This is something that we will heal from, but we will never be the same.

And I just want to thank the Aurora schools, which provided a place of safety for all of these individuals to go at the time of this incident.

□ 0940

I want to thank the ministerial alliance. As Mr. COFFMAN said, this is a community of great faith, and our churches and our synagogues have responded in a tremendous fashion to the sorrow that we all feel.

There are many stories, some beautiful ones. The President shared one.

Before I go further, Mr. Speaker, can I inquire as to the time on both sides, because I know I have a couple of other speakers that would like to speak.

The SPEAKER pro tempore. The gentleman from Colorado (Mr. PERLMUTTER) has 4½ minutes. The gentleman from Colorado (Mr. COFFMAN) has 4 minutes remaining.

Mr. PERLMUTTER. I would just mention the story, and this is one that I'm so proud of people from Colorado. There were two young women in the back of the theater when the gentleman came in and threw a tear gas canister across the theater. And the taller of the two noticed that it really was something other than a smoke bomb and a stunt, and she stood up to warn people, and she was shot in the neck immediately.

Blood started to spurt out. Her smaller friend pulled her down, compressed that wound, and the older one said something, or the one who'd been shot said something like you need to

leave, you need to get out of here. And her friend said, I'm not leaving without you, and continued to press.

The police responded very quickly, but it probably seemed like an eternity. But the young lady who was shot in the neck is on the mend and is going to recover fully, and her friend, basically, saved her life, and the quick actions of the police and the fire department.

So despite these terrible losses that we've suffered, and there are so many heartbreaking stories, there are some heartwarming stories as well.

With that, I reserve the balance of my time.

#### JULY 20, 2012 AURORA THEATER SHOOTING VICTIMS

REBECCA WINGO, 32

Steve Hernandez wrote, "I lost my daughter yesterday to a mad man, my grief right now is inconsolable, I hear she died instantly, without pain, however the pain is unbearable." Friends said Saturday that Wingo's parents also posted a message about Wingo's death on Wingo's own Facebook page. That page shows a picture of two young girls. A friend, Gail Riffle, brought two teddy bears, one pink and one white, to the memorial site near the movie theater for Wingo's daughters, as well as roses for Wingo's parents. "Everybody is hurting right now," Riffle said. "She was a gentle, sweet, beautiful soul." Rebecca Wingo listed Joe's Crab Shack as her employer on Facebook, and a manager at the restaurant in Aurora confirmed Wingo worked there. He deferred comment to the restaurant's corporate office, which is closed on Saturday. Rebecca Wingo had been enrolled at the Community College of Aurora since fall 2009 and had been working toward an associate of arts degree.

#### MEMORIAL SERVICE INFORMATION

Funeral: Friday, July 27, 2012—TBD.

JON BLUNK, 26

Jon Blunk, 26, was shot to death in the Aurora Theater while trying to protect his girlfriend, Jansen Young. Jon Blunk went to Proctor Hug High School in Reno. After his 2004 high school graduation, he enlisted in the Navy and served aboard the USS Nimitz in San Diego. Blunk left the Navy and moved to Colorado in 2009. He had been working at a hardware store at the time of the theater shooting.

#### MEMORIAL SERVICE INFORMATION

Funeral: Friday, August 3, 2012—1:00 pm PDT, Mountain View Mortuary, 425 Stoker Avenue, Reno, NV 89503.

Note: Full military funeral and burial.

The viewing which will only be attended by family and not advertised will be on Thursday, August 2nd from 11 am–5 pm.

ALEXANDER JONATHAN "AJ" BOIK, 18

AJ Boik was being remembered Saturday as a talented and kind man who enjoyed baseball, making pottery and music. Boik's plans included attending Rocky Mountain College of Art and Design in the fall. His family said his dream was to become an art teacher and open his own studio. "AJ Boik was a wonderful, handsome and loving 18-year-old young man with a warm and loving heart," the family said in a statement. Survived by mother Theresa Hoover; father Jon Boik; brother Wil Boik; grandparents Bill & Sue Hoover, Cora Lou Tarrant and Emil

Boik; numerous aunts, uncles, cousins and friends.

#### MEMORIAL SERVICE INFORMATION

Visitation: Thurs., 1:00–5:30 pm, Horan & McConaty Family Chapel, 11150 E. Dartmouth Ave., Aurora.

Funeral: Friday, July 27, 2012—10 am MDT, Queen of Peace Catholic Church, 13120 E. Kentucky Ave, Aurora.

Memorial Donations suggested to the A.J. Boik Memorial Fund, c/o Wells Fargo Bank. Share condolences at HoranCares.com.

JESSE CHILDRESS, 29

Jesse Childress, 29, Air Force Reservist, lived in Thornton, CO. Jesse worked as a cyber systems operator and was on active duty at Buckley Air Force Base. He loved sports and comic books, friends say. Nearly every day of the week, Jesse Childress spent his evenings playing sports with friends. Monday it was softball. Tuesday it was bowling. Another night, it was flag football.

The base released a statement Saturday: "This tragic event has affected everybody here at Buckley Air Force Base and our local community friends and neighbors," base commander Col. Daniel Dant said in a statement. "We are deeply saddened by the loss of each and every loved one." According to the Air Force Reserve Command, Childress worked as a cyber systems operator and was currently on active duty.

#### MEMORIAL SERVICE INFORMATION

Funeral: Saturday, July 28, 2012—12:00 pm MDT—Base Chapel, Buckley Air Force Base—Aurora, CO.

Following the funeral, there will be a procession to Ft. Logan where the interment will take place at 3:00 pm MDT. There are also plans in works for a reception back at the base (not sure if at the chapel or LDC at this time) somewhere around 5:00 pm–6:00 pm MDT, no firm plans are in place yet.

GORDON W. COWDEN, 51

Gordon Ware Cowden was born on November 17, 1960 in Waco, Texas. Father of Kristian, Weston, Brooke and Cierra; son of George and Mollie; brother of Graves, George (Shirley), Gaylynn (Ken) Kendall. He is also survived by the mother of his children Melisa. Cowden is the son of former Texas State Representative George M. Cowden, according to the Austin Statesman. Cowden had taken his two teenage children to the theater the night of the shooting. The teenagers escaped unharmed.

Gordon W. Cowden, 51 of Aurora, Colorado, was the oldest of the victims killed.

His family released this statement: "Loving father, outdoorsman and small business owner, Cowden was a true Texas gentleman that loved life and his family. A quick witted world traveler with a keen sense of humor, he will be remembered for his devotion to his children and for always trying his best to do the right thing, no matter the obstacle."

#### MEMORIAL SERVICE INFORMATION

Funeral: Wednesday, July 25, 2012—11 am MDT, Pathways Church, 1595 Pearl Street, Denver, CO.

Please share memories at HoranCares.com.

JESSICA GHAWI, 24

Jessica Ghawi was an up-and-coming sportscaster who loved hockey. Jessica Ghawi, 24, grew up a hockey fan in football-crazed Texas. She followed that passion to Colorado to forge a career in sports journalism. It probably took her to Toronto, where she walked out of a shopping-mall

food court moments before a gunman shot seven people. Writing as Jessica Redfield in a June 5 blog entry, she described how the experience reminded her "how blessed I am for each second I am given."

#### MEMORIAL SERVICE INFORMATION

Funeral: Saturday, July 28, 2012—10 am CDT, Community Bible Forever New Church, 2477 North Loop 1604 East, San Antonio, TX.

Church staffers said they do not have any information on whether the event will be open to the public. They plan an announcement with more details by Wednesday.

JOHN LARIMER, 27

Petty Officer Third Class John Thomas Larimer was among those killed in the attack at an Aurora movie theater. Larimer, 27, joined the Navy in June 2011 and was a cryptology technician third class. For the past year, he had been stationed at the U.S. Fleet Cyber Command station at Buckley Air Force Base in Aurora. "I am incredibly saddened by the loss of Petty Officer John Larimer," Cmdr. Jeffrey Jakuboski, Larimer's commanding officer, said in a statement. "He was an outstanding shipmate. A valued member of our Navy team, he will be missed by all who knew him." Larimer was from Crystal Lake, Ill., a suburb of Chicago. He wanted to be deployed for two simple reasons: He wanted to protect his country, and he wanted to save others from danger and harm.

#### MEMORIAL SERVICE INFORMATION

The family of the Navy Intelligence officer is planning a public visitation from 3 to 9 p.m. July 27 at the Davenport Family Funeral Home in Crystal Lake, Ill.

His funeral and burial will be private.

MATT MCQUINN, 27

As a gunman calmly walked up the aisle of the Aurora movie theater Friday firing at moviegoers, McQuinn dove on top of Samantha Yowler. Her brother Nick Yowler, 32, also tried to shield her, said Robert L. Scott, attorney for both the McQuinn and Yowler families. Samantha Yowler, 27, was shot in the knee. Her brother escaped without injury. But McQuinn, from St. Paris, Ohio, was not as fortunate. Matt McQuinn graduated from Vandalia-Butler High School in 2004. He met Yowler while the two were working at a Target store in Springfield, according to the Dayton Daily News. In November, the couple transferred to a Target store in Denver, joining Yowler's brother who had lived in Colorado for the past few years.

#### MEMORIAL SERVICE INFORMATION

Visitation: Friday, July 27, 2012—2-4 pm & 6-8 pm EDT, Maiden Lane Church of God, 1201 Maiden Lane Springfield, OH 45504.

Funeral: Saturday, July 28th—10 am EDT, Maiden Lane Church of God, 1201 Maiden Lane Springfield, OH 45504.

His burial will be at Lawrenceville Cemetery in Clark County.

MICAYLA MEDEK, 23

On her Facebook page, Micayla Medek, 23, identified herself as a Subway sandwich artist. A graduate of William C. Hinkley High School in Aurora, she said she was a member of the class of 2015 of the Community College of Aurora. "I'm a simple independent girl who's just trying to get her life together while still having fun," she wrote. She is survived by her parents, Greg and Rena; brother, Shane; sister, Amanda; grandparents, Laurin and Marlene Knobbe; grandmother,

Caroline Medek; and numerous other relatives and friends.

#### MEMORIAL SERVICE INFORMATION

Visitation: Wednesday, July 25, 2012 from 2 pm to 9 pm MDT, Newcomer Funeral Home & Crematory, 190 N. Potomac, Aurora, CO.

Funeral: Thursday, July 26, 2012—11 am MDT, New Hope Baptist Church, 3701 Colorado Blvd., Denver, CO.

VERONICA MOSER, 6

Veronica Moser will always be six years old. The "vibrant, excitable" blond-haired, blue-eyed little girl, who was bragging four days ago about learning how to swim, was one of the 12 people who died in the Aurora theater shooting. Ashley Moser, Veronica's mother, remains in critical condition at Aurora Medical Center. The 25-year-old was shot in the neck, and doctors are unable to remove the bullet. Moser also suffered a gunshot wound in the abdomen. She passes in and out of consciousness, Dalton said, and does not yet know that her daughter has died. Doctors said that Moser, who has recently accepted to medical school, will hopefully recover with some use of her hands, Dalton said.

#### MEMORIAL SERVICE INFORMATION

No details as of 7/25/12.

ALEX SULLIVAN, 27

Alex Sullivan, 27, was celebrating his birthday with co-workers from Red Robin restaurant at the midnight showing of "The Dark Knight" when he was killed. Sullivan was also about to celebrate his one-year wedding anniversary. "The Sullivan family lost a cherished member of their family today," a release from the family said. "Alex was smart, funny, and above all loved dearly by his friends and family."

Tina Desautels from APWU let us know Alex Sullivan, is the son of a postal worker in Aurora—Tom Sullivan.

#### MEMORIAL SERVICE INFORMATION

Visitation (Public): Thursday, July 26, 2012 from 12 pm to 4 pm MDT at The Heartlight Center, 11150 E. Dartmouth Avenue, Aurora, CO.

Funeral: Friday, July 27, 2012—TBD.

ALEX TEVES, 24

Shooting victim Alex Teves, 24, recently earned his master's degree in counseling psychology from the University of Denver. A friend, identified only as Caitlin on Twitter, posted messages on the social media network early Friday from the Century 16 theater, and wrote on Twitter early Saturday that Teves was, "One of the best men I ever knew. The world isn't as good a place without him." She also described Teves as a fan of the University of Arizona and Spider-Man. A University of Denver spokeswoman said Teves, from Phoenix, Ariz., graduated in June. An official notice of Teves' death will be sent to the University of Denver community later Saturday. Teves' personal Facebook page lists him as a 2010 graduate of the University of Arizona, and a 2006 graduate of Desert Vista High School in Phoenix.

#### MEMORIAL SERVICE INFORMATION

The Teves family is planning to hold memorial services in Arizona and New Jersey, however more specific details have not yet been released.

Mr. COFFMAN of Colorado. Mr. Speaker, I too rise in support of Mr. PERLMUTTER's comments in relationship to our own Aurora Police Depart-

ment, as well as all the other law enforcement entities that have helped in this terrible tragedy.

I now yield as much time as he may consume to the gentleman from Colorado (Mr. GARDNER).

Mr. GARDNER. I thank the gentleman from Aurora for yielding time to share today, and thank the gentleman from Colorado (Mr. PERLMUTTER) for your leadership and your comfort and encouraging words during an incredible tragedy.

And to the President, thank you for sharing your love with Colorado, as well as to Governor Hickenlooper for the leadership that he has provided throughout this past week.

This Chamber has seen its incredible days of victories, of celebrations, of great triumphs for this country. And today we discuss a resolution that talks about one of our Nation's great tragedies. And so we join together as a delegation to talk about an event that we, in Colorado, know we will not let remain a tragedy, but will turn into remembrance of those who are good in our State and our country.

We oftentimes in Colorado forget because of the great beauty of our State that sometimes the hearts of all people don't match that beauty. But as we sat at the prayer vigil this past Sunday and looked out as the rays of sun broke through the clouds, on the choir, on the many people of faith who had gathered, we know that this one dark moment in history will be matched by far greater light. And it's our obligation to make sure that that indeed happens.

As a father, I can't imagine the great loss of families and friends, the victims of this horrendous crime. And our hearts, our prayers, our thoughts go with them as we build a stronger community going forward.

The many people of faith who have prayed, the people in this body who have shared their prayers and thoughts with the community of Colorado remind me of a passage in the book of Matthew, where Jesus went out onto the lake in the middle of a storm with his disciples, and he looked out upon the stormy waters and he said, peace be still. And we ask that those who are troubled, those whose hearts are yet to heal, we ask for the peace that we all so desperately need.

Mr. PERLMUTTER. Mr. Speaker, I yield 1 minute to the leader, the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank Mr. PERLMUTTER for yielding, and I'm very sad to join my colleagues in expressing the deepest sympathies of the House of Representatives to the families and loved ones of the victims in Aurora, Colorado, and to the entire community as it grapples with its grief.

My colleagues have spoken very movingly from the standpoint of faith; and, hopefully, that faith will be a comfort to those who are affected.

As you know, Mr. Speaker, when we learned of this tragedy, the President ordered flags to be flown at half staff for 1 week to commemorate the tragedy that Aurora, these individual families, and our country had suffered. That was done as a mark of respect for the 12 innocent victims of the senseless violence and for all who were affected.

Of the victims who were murdered, and that's just the word that day, the vast majority were very young people. The one, Gordon Cowden, was a father in his fifties—well, that seems young to me; the others were very young—whose last words to his daughters were to tell them he loved them.

Each of them has a story that deserves to be told. Each was beloved. Each left home with a different expectation of what would happen that evening, and so did the rest of the country.

Several died protecting their loved ones, including John Blunk, Alex Teves and Matt McQuinn. Alex Sullivan was about to celebrate his 1-year wedding anniversary, and that was the celebration, going out to the movies.

A.J. Boik had just graduated from high school. Jessica Ghawi dreamed of being a sports journalist. Micayla Medek and Rebecca Wingo were pursuing their futures at community college.

Two victims, Jesse Childress and John Larimer, were Active Duty military personnel. They signed up to risk their lives for our country to protect our freedom. Who could have ever thought that they would lose their lives going to the movies?

And as a child, Veronica Moser will now forever be remembered as the 6-year-old. What a sad tragedy.

Most of us here in this body are parents and grandparents, and in STENY's case, a great-grandparent, and every person knows the feeling of sending a child off to a movie with their friends, the excitement of an opening night, and then the worry when the minutes tick by and someone hasn't come home.

It is with heavy hearts that we send our thoughts and prayers to the many grieving today, and we continue to pray—thank you for taking us down that path; we continue to pray for the healing of those who survived, both their physical pain and their emotional scars. That's probably the hardest.

We send our gratitude to our first responders. Within minutes, when minutes counted, when seconds counted, they responded with bravery and with professionalism.

In the words of this resolution, the Congress “honors the resilience of the community of the City of Aurora and the State of Colorado in the face of such adversity.”

May you feel the support and love and prayers of our Nation. May those tragically taken from us be honored

and remembered. May time heal our grief.

I hope it is a comfort to those who are affected by this tragedy, who lost loved ones, or have injuries in their families, that so many people throughout the world mourn their loss and are praying for them at this sad time.

□ 0950

#### GENERAL LEAVE

Mr. COFFMAN of Colorado. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on House Concurrent Resolution 134.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. PERLMUTTER. Mr. Speaker, I again inquire about the balance of time.

The SPEAKER pro tempore. The gentleman from Colorado (Mr. PERLMUTTER) has 2½ minutes remaining.

Mr. PERLMUTTER. I yield 2 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the gentleman from Colorado, who has been so involved and so eloquent in expressing the grief that his constituents share, as have been all the Members from Colorado on either side of the aisle who have come together to share this grief.

Mr. Speaker, when tragedy of this kind strikes, our hearts go out to those whose lives were cut short and to those who lost loved ones. In the aftermath of this shooting, we have seen both an outpouring of love and support for the victims and their families and a quickness to point out what might have been done differently. That is our nature as Americans—always seeking answers, searching for corrective action, for a measure of logic amid the irrational.

But the first question we ought to ask and is already being asked is: How can we draw closer as a community? Not just the community of Aurora, but the community of Americans.

As President Obama said on Friday:

If there's anything to take away from this tragedy, it's the reminder that life is very fragile. And what matters at the end of the day is not the small things; ultimately, it's how we choose to treat one another and how we love one another.

I would add it is also how we commit to live with one another as neighbors.

We may not share the same faith or politics or philosophy, but we do share a fundamental belief that our people should feel safe in our theaters and malls and schools, in their homes and on the streets—wherever they go. And, today, we share the pain of the people of Aurora.

But we also share in the hope that the city whose name is the “dawn” will find in our sympathy and prayers the

comfort it needs during this dark hour to begin the process of healing and to believe again in a brighter tomorrow.

Mr. PERLMUTTER. I would just like to end, Mr. Speaker, by thanking my friends—and they are my friends—and colleagues from Colorado.

From all of us, Aurora and everybody who has been so affected by this senseless act, we are praying for you. We love you.

This act actually affected people from one coast to the other. A lot of people from all over the Nation were there. In fact, at the time, from a nearby military base, there were 53 members of our military—Army, Navy, Air Force, and Marines—who were in that theater that night. This is something that touches us all, something that we will all remember. We will heal. Let's hope and pray something like this doesn't happen again.

With that, I yield back the balance of my time.

THE SENSE TO FIND . . .  
(By Albert Carey Caswell)

The . . .  
The sense to find . . .  
As now we so ask why?  
So ask why?  
All in our hearts and minds . . .  
Hearts and minds!  
As the tears we find . . .  
We find!  
All because of this most evil crime . . .  
For all of those most precious lost lives . . .  
Lost lives!  
And for all of those injured who must now so  
rebuild their lives!  
The tears we find!  
As all of those smiles so come to mind . . .  
And all of that pain these families must now  
so carry until the end of time!  
Of all of those lost loved ones and their most  
precious lost lives!  
Precious lives!  
As it's here we so ask why?  
Ask why?  
For where does the answer lie?  
So lie!  
All in that old age question, that rhyme!  
Of Good versus Evil, as old as mankind!  
Goodness . . . Evil . . . Darkness . . . Light!  
This battle, this endless fight!  
To bring the light!  
As we so ask why?  
Ask why?  
All in your hearts this night!  
Take these words of hope to but bring the  
light!  
That still, the darkness is but no match for  
The Light!  
For The Light!  
For hope and love, will ever so rise above all  
of this blight!  
This blight!  
Let not all in your pain and heartache, let  
not escape!  
The strength to so find!  
For hate is hard!  
It makes me cry!  
When, I see those tears in your families'  
eyes!  
As we so try to the sense to find . . .  
To find!  
But, take comfort all in your hearts and  
minds . . .  
Hearts and minds!  
All in your souls now so very deep down in-  
side!

As up to Heaven, all of these twelve innocent souls have now so taken flight!  
Taken flight!  
To Heaven find, to become Angels with our Lord on high!  
As all in our Lord's arms they now so lie!  
This very night!  
As from your most swollen eyes the tears you now so cry!  
So wipe!  
So find the sense to find!  
And say a prayer for all of them,  
and all of those, and their loved ones who now so cry!  
So cry!  
Whose pain shall not so die!  
So die!  
And somehow find the strength,  
all in what their short lives so meant!  
All in the hope and light,  
that over evil . . . the goodness so burns bright!  
Burns bright!  
To the sense to find,  
upon this very night!  
The sense to find!  
As we lay their sacred bodies so down to rest!  
Amen!

Mr. COFFMAN of Colorado. Mr. Speaker, I yield back the balance of my time.

Mrs. CAPPS. Mr. Speaker, I rise in support of H. Con. Res. 134 and in support of the greater Denver community in the wake of the Aurora, Colorado tragedy.

Twelve lives have been lost, 58 injured, and countless others affected by the shooting in Aurora, Colorado on July 20, 2012.

This horrible crime reminds us that our time here is short, and that while we cannot always prevent senseless acts of violence, families, friends and neighbors can come together as a community to honor those we have lost, celebrate those who are still with us, and resolve to do all we can to prevent future violence.

The Aurora community has exemplified this spirit of resiliency in the wake of tragedy, and is truly an inspiration for all of us.

While we know not every senseless act of violence can be avoided, we can—and must—work every day to treat each other with decency and genuine respect.

And I hope that this act of violence will not just sit on a page in our history books, but be a catalyst for the important conversations we have avoided all too long.

There is more that we can do to protect our families and communities from gun violence.

There is more that we can do to support our mental health care systems—both to avert future violence and to support those who are touched by it.

And there is more that we can do to create a culture of tolerance and understanding.

We stand together across our nation, knowing we are not grieving alone, and that others share our outrage at violent actions and violent rhetoric.

As the Denver community heals from this senseless tragedy, please know that you are in the thoughts and prayers of all Americans.

Mr. HOLT. Mr. Speaker, I rise in strong support of H. Con. Res. 134 to condemn in the strongest possible terms the heinous atrocities that occurred in Aurora, Colorado.

But future generations will condemn us if sole response to this massacre is the passage of this resolution.

As we watch the news from Colorado with horror and sympathy for the families, we should remember that each day more than 80 Americans are killed by gunfire, unnecessary tragedies. Arguments that gun safety legislation won't help the situation seem to me illogical or blindly ideological.

Earlier this week we held a moment of silence for the victims and their families. I hope Congress does not remain silent about the many things we can do to try to prevent such tragedies from occurring in the future. We must increase our attention to mental health issues, we must support our local first responders with the tools and resources they need, and we must implement real and sensible gun control measures.

Mr. CONAWAY. Mr. Speaker, I rise today to condemn the unspeakable acts that were carried out in a movie theater in Aurora, Colorado, on July 20, 2012.

I offer condolences on behalf of myself and the people of Texas District 11 to the innocent men, women, and children and their families who were victims of this cowardly act.

While the pain and anguish continues, the people of Aurora should know they are not alone in this time of suffering. The hearts, thoughts, and prayers of the people of Texas are with them.

The Lord's words can provide comfort in times of tragedy. I am reminded of Psalms 34, which says, "The Lord is close to the broken-hearted and saves those who are crushed in spirit." It is my fervent prayer that the Lord will be a constant comfort to the victims and families and that he will hold them close to him as he begins to heal their wounds in body and spirit.

May the Lord bless them with comfort in the face of senseless tragedy and peace in the face of unanswerable questions.

Mr. VAN HOLLEN. Mr. Speaker, today I rise to join my colleagues in honoring and remembering all of the victims of the tragic shootings in an Aurora, Colorado movie theater last Friday, July 20, 2012, and to condemn the senseless and abhorrent violence that took their lives or left them wounded. The victims' friends and families can count on the unyielding support of their fellow Americans as we come together to mourn the loss and heal the wounds caused by the heinous acts of that day.

We must also recognize the heroic efforts made by those inside the theater to protect others. Their courage, along with the quick and decisive actions of the hundreds of first responders, law enforcement officials, and hospital workers, undoubtedly saved lives. I join my colleagues in offering my thoughts and our prayers to those touched by this horrible event.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to the order of the House of Wednesday, July 25, 2012, the previous question is ordered.

The question is on the concurrent resolution.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

#### MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 5872. An act to require the President to provide a report detailing the sequester required by the Budget Control Act of 2011 on January 2, 2013.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 285. An act for the relief of Sopuruchi Chukwueke.

#### RED TAPE REDUCTION AND SMALL BUSINESS JOB CREATION ACT

Ms. FOXX. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 741 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 741

*Resolved*, That during further consideration of the bill (H.R. 4078) to provide that no agency may take any significant regulatory action until the unemployment rate is equal to or less than 6.0 percent, as amended, pursuant to House Resolution 783, the further amendment printed in section 2 of this resolution shall be considered as adopted in the House and in the Committee of the Whole.

SEC. 2. The amendment referred to in the first section of this resolution is as follows: In section 102(b), strike "employment" and insert "unemployment".

The SPEAKER pro tempore. The gentlewoman from North Carolina is recognized for 1 hour.

#### AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MS. FOXX

Ms. FOXX. Mr. Speaker, I ask unanimous consent that the resolution be amended by the amendment I have placed at the desk.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Strike all after the resolving clause and insert the following:

That during further consideration of the bill (H.R. 4078) to provide that no agency may take any significant regulatory action until the unemployment rate is equal to or less than 6.0 percent, as amended, pursuant to House Resolution 738, the further amendment printed in section 2 of this resolution shall be considered as adopted in the House and in the Committee of the Whole.

SEC. 2. The amendment referred to in the first section of this resolution is as follows: In section 102(b), strike "employment" and insert "unemployment".

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from North Carolina?

Mr. FRANK of Massachusetts. Mr. Speaker, reserving the right to object, I think we should have an explanation here. The Clerk read the technical language; but as I understand it, what happened was that the bill that we

were voting on yesterday and will vote on today has an error and gets “employment” and “unemployment” confused and that this is a bill that would correct the error in the bill that we debated yesterday.

So I wonder, why do we now need a unanimous consent? Are we correcting the correction? It's the old Latin phrase “*Quis custodiet ipsos custodes?*” which means, “Who guards the guardians?” I guess the question today is, Who corrects the correctors?

I would yield to the gentlewoman from North Carolina if she would explain why we had to get a bill to make a correction and why we now have to have a unanimous consent to probably correct the correction. What is the error? I guess I should ask, What is the error of the day? We know what yesterday's error was. What's today's error?

I yield to the gentlewoman.

Ms. FOXX. Mr. Speaker, if I might respond to the gentleman from Massachusetts, I appreciate his asking the question because it gives us an opportunity to do a mea culpa. That's my ability to quote Latin this morning in response to the gentleman from Massachusetts.

Yes, there was a very minor error in the rule that was passed the day before yesterday, which was that two letters—the letter “U” and the letter “N”—were left off of one word.

□ 1000

Mr. FRANK of Massachusetts. Reclaiming my time to say, if that's the case, if the letters “U” and “N” were left out, knowing the animosity on that side to the U.N., I can understand why psychologically that would have happened.

I yield again to the gentlewoman.

Ms. FOXX. Then in preparing the correction for that, inadvertently two numbers were reversed in the number for the resolution.

I don't have a Latin quote from Murphy's law, but I would say that it appears as though, in the attempt to make one correction, unfortunately, another mistake was made. It was purely clerical errors, no nefarious intent.

We would like to move on in as expeditious a fashion as we possibly can because we know we and our colleagues are looking forward to a weekend of work at home, and we would like to move along and get this accomplished so we can get to the important work, the underlying bill.

Mr. FRANK of Massachusetts. Mr. Speaker, proceeding on my reservation, I appreciate the gentlewoman's mea culpa. She wasn't here at the time. I would note that it is my predecessor, the late Reverend Robert Drinan, S.J., who was better than I at responding to mea culpas. I won't be able wholly to deal with that.

I do think this is more than simply a double error. It's a matter of haste. I

would take exception to the gentlewoman saying, well, it's important that we get this done right away. I think, frankly, the problem has been in these past couple of years, and to some extent before, we haven't met frequently enough. I understand people would like to get back to the districts they represent, but I think that this is emblematic of not having enough time to deal with things.

We are going to be voting, I think, on 20-something amendments today, important amendments on an important bill, that were debated for 10 minutes each late into yesterday evening, no proper airing of very controversial subjects. Indeed, I think this is what happens when you try to do too much too soon.

People on the other side were critical of some of the legislation we passed. The financial reform bill, they said it was too encompassing. But it went through a much more thorough process than this very controversial, even more comprehensive bill that we're dealing with today. The bill that we're dealing with today deals with every single subject that comes before this Congress because it would put severe restrictions on the adoption of regulations about financial reform, about health, about the environment, about occupational safety, about transportation safety.

Yes, it is a problem when you try to do too much too soon. I do not impute any nefarious intent. Let me say under the House rules, you can't impute nefarious intent, even if you think there is some, and I don't think there is any. So for two reasons, I don't impute that. But it does seem to me that this is an example of a flawed legislative process. We're doing this bill, which is kind of a big message bill.

I know there's a lot of criticism on the other side of the United States Senate, but the Senate passed an agricultural bill. This House isn't even going to take one up, a very important agricultural bill. The Senate passed a transportation bill. This House had to go along with a conference without any chance to deliberate on it. The Senate passed a postal reform bill to keep the postal service going, and this House can't take it up.

When we can't do the basic legislation that we should do and we do one of these broad message bills that's overly comprehensive and then we make mistakes, I think it's worth some notice.

Mr. ANDREWS. Will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to my colleague from New Jersey.

Mr. ANDREWS. I thank the gentleman and the gentlelady.

If I could speak on the gentleman's reservation, obviously there is no nefarious intent. There's no question about that. I would like the House to understand where we are procedurally.

It's my understanding that the House, yesterday, spent the better part of the day debating a bill which said that regulation should not take effect until unemployment hits 94 percent. Is that the gentleman's understanding?

Mr. FRANK of Massachusetts. Apparently, that is what was in the bill. They said it was a typo, that the letters “U” and “N” were left out. I will say there is certain equality here. The day before yesterday, the mistake was letters, and today it's numbers. I suppose tomorrow it will be astrological signs.

I yield to the gentleman.

Mr. ANDREWS. I would assume that that flows from the fact that people didn't read the bill, because we debated yesterday for most of the day on a bill that erroneously said “regulations can't take effect until unemployment hits 94 percent.” The intention evidently was “until employment hits 94 percent.”

Then it's my understanding that we find ourselves at the present moment in a situation where the correcting rule that would have fixed the word “unemployment” to be “employment,” itself, has an error in it, that it refers to another bill by reference; is that correct?

And I yield to the gentlelady from North Carolina.

Mr. FRANK of Massachusetts. It's my time. If the gentleman wants me to yield, I will yield.

First, I would note that the error was in the first substantive page. This was not buried somewhere deep in the bill. Just to reinforce the point that a lot of people didn't read the bill, that error was very much in the early part.

Mr. ANDREWS. If the gentleman would yield, my understanding is it was in the fourth paragraph of the bill.

Mr. FRANK of Massachusetts. Of the first substantive one.

If the gentleman wants me to, I would yield to the gentlewoman from North Carolina.

Ms. FOXX. Mr. Speaker, we are all human beings. How ironic it is that our colleagues were here just a few minutes ago on the floor discussing the tragedy in Aurora, Colorado. That was as great an example of what great human beings and how bipartisan we can be in this Chamber. It's as great a bipartisan effort as I've seen in a long time. We know what to do as caring human beings, what to say in such situations. It's such a great example of how this body can operate. That group was given 40 minutes to talk about a great tragedy.

Now we're engaging in a gotcha situation over an insignificant issue for which we take the responsibility. I'm frankly embarrassed that the tenor of the conversation is going in this direction after the wonderful bipartisan effort we just saw on this floor. A mistake was made, and then in attempting to correct the mistake, an extraordinarily minor other mistake was made.



I would appeal to my colleagues on the other side of the aisle to say: We are human beings. We know how to forgive mistakes. Neither of these mistakes was made by a Member. We're quite willing to overlook mistakes like this in the past. I think in the spirit of comity, in the spirit that was established on this floor this morning, we should move on, get to the work that the American people sent us here for, and understand, as was quoted this morning by one of our colleagues, "our time is very precious." Don't waste it by playing gotcha games. Think about what we discussed earlier.

Mr. POLIS and I will debate this rule, and we'll do it in a spirit of comity. That's the way I think we should be operating. Yes, we made a mistake. Yes, a second mistake was made. We acknowledge that. We accept it. Now we'd like to get on to the people's work.

Mr. FRANK of Massachusetts. First, as with regards to the tragedy, of course we all come together. But the fact that we can celebrate tragedy does not mean that we put aside, in a democratic body, our legitimate differences. This is not simply a small mistake, but it is a small mistake in a bill that is about as partisan as it gets.

To make a plea for bipartisanship with this excessively partisan bill that is being put through in such a procedurally inappropriate fashion with major concerns about every aspect of the Federal Government, given 10 minutes of debate at 9 o'clock and 10 o'clock at night to be voted on, no, that's a mistake.

□ 1010

Secondly, as the gentleman from New Jersey and I have pointed out, it is not simply that a mistake was made, but it's a mistake that would easily have been caught earlier if people had read the bill.

And I stress this because when we did some of the other legislation—financial reform, health care—there was constant repetition of the argument on the Republican side "You haven't read the bill. Nobody's read the bill." Well, you haven't read this bill, apparently, Mr. Speaker. At least not very many people have read it.

And blaming the staff, I never like to do that, because the staff prepares things, but Members sign off on it.

So, yes, we will proceed to this debate, but we are talking here about an indication, an overly broad bill given too little time for consideration. People on the other side—Members, apparently, didn't read it. And that is not a small point. It is symptomatic of where we are.

I will yield briefly to my friend from New Jersey.

Mr. ANDREWS. I thank my friend for yielding.

I agree completely with the gentleman that human mistakes are made,

but that is not what this is about. And certainly the House should review—

Ms. FOXX. Mr. Speaker, I withdraw my unanimous consent request.

The SPEAKER pro tempore (Mr. BASS of New Hampshire). The request is withdrawn.

The gentlewoman from North Carolina is recognized for 1 hour.

Ms. FOXX. For the purpose of debate only, Mr. Speaker, I yield the customary 30 minutes to the gentleman from Colorado (Mr. POLIS), pending which I yield myself such time as I may consume.

During consideration of this resolution, all time yielded is for the purpose of debate only.

#### GENERAL LEAVE

Ms. FOXX. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Ms. FOXX. To quote Rules Committee Chairman DREIER, "We are here playing out the 21st century version of the great Shakespearean play 'Much Ado About Nothing.'"

House Resolution 741 provides for the adoption of the amendment referred to in the resolution which would correct the technical error in H.R. 4078, the Red Tape Reduction and Small Business Job Creation Act.

It's very unfortunate that I must present this rule to the House today. The reason we are here is due to a typographical error. This innocent mistake could have been quickly and easily corrected through a unanimous consent agreement, but, tragically, the Democrat minority could not resist this opportunity to attempt to score political points.

Not a day goes by that I don't hear from constituents disheartened by the rigid partisanship emanating from Washington, D.C. This week, we had an opportunity to demonstrate the kind of cooperation the American people are craving without in any way compromising our principles. It's a shame that the Democrats missed this opportunity, choosing, instead, to force this exercise in futility, tying up this House unnecessarily.

There's not much more that needs to be said on this issue at this point, Mr. Speaker, and I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I thank the gentlelady for the time.

The bill before us here, referencing H.R. 783, is the Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2011. It is a bipartisan bill, sponsored by the gentlemen from Virginia, Mr. MORAN, ROB WITTMAN, BOBBY SCOTT, and GERRY CONNOLLY.

My party did intend to withdraw the objection and allow the change to pro-

ceed. Unfortunately, absent any change, we are still talking about a change to the Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2011.

This act extends Federal recognition to several tribes in Virginia and establishes their relationship with the Federal Government. The tribes that it establishes are the Chickahominy Tribe, the Chickahominy Indian Tribe-Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, the Monacan Indian Nation, and the Nansemond Indian Tribe.

This makes members of those tribes who apply and enroll eligible for services and benefits provided by the Federal Government to federally recognized Indian tribes. It also requires the Secretary of the Interior to take the specified lands into trust for the benefit of those tribes.

This bill does have bipartisan support, and I think it's a good thing that we're taking up a bipartisan bill. We were willing to, again, withdraw our objection and allow a change to be made. The only problem now with the discussion of this bill is that the corresponding change indicated in the resolution doesn't really make sense, as applied to this bill. Again, this is a bill that establishes several tribes, and yet a corresponding change is being made to the definition of the unemployment rate, which I can't find in the bill.

So I would like to ask my colleague, Ms. FOXX, where in the bill is the reference to the unemployment rate that is being changed in this resolution?

Ms. FOXX. I believe that the Murphy's law that was operating on our side of the aisle has skipped over, and the gentleman is referencing the wrong bill.

Mr. POLIS. Reclaiming my time, this is the bill that is referenced in the resolution that the Clerk read. I heard that. And I am here ready to discuss the Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2011, but I can't find the corresponding change that this resolution makes.

I just would like to ask the gentlelady, where in the bill is the unemployment reference in this Thomasina Indian Tribes recognition bill?

Ms. FOXX. I believe, again, that the gentleman is referencing the wrong bill. We are dealing with House Resolution 741 at this point, and I believe the gentleman is on the wrong bill.

Mr. POLIS. Reclaiming my time, if I can ask the Clerk to read the current resolution before us.

The SPEAKER pro tempore. Without objection, the Clerk will report the resolution.

There was no objection.

The Clerk read the resolution.

Ms. FOXX. Mr. Speaker, I think by having the Reading Clerk read this, we can see, as I said before, that, unfortunately, it appears that the mistakes



have gone over to the other side of the aisle. As the gentleman would see, he was quoting the wrong resolution. We are dealing with changes to House Resolution 783.

Mr. POLIS. Reclaiming my time, again, looking at the THOMAS registry, H.R. 783 is called the Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act.

Ms. FOXX. Mr. Speaker—

The SPEAKER pro tempore. The gentleman from Colorado controls the time.

Mr. POLIS. But let us get on to it.

Again, the corresponding change does not exist in the spirit of bipartisanship. I was informed that my party was willing to withdraw their objection to a change that would have made a proper reference in this resolution to a corresponding bill that made sense.

Absent that, the change does not make sense. I think it speaks to, again, the broader issue of: Why the great rush on a bill that is not an emergency bill by any sense of the word?

There are critical bills we face that we need to move quickly on. My goodness, the Senate just passed the middle class tax cut. If the House doesn't pass a corresponding middle class tax cut, taxes will increase for tens of millions of American families on January 1. There should be, likewise, some urgency around reining in our budget deficit and balancing the budget. Likewise, there should be some degree of urgency about creating jobs and ending the recession, putting people back to work.

Here we have a bill, H.R. 4078, which, of course, is referenced under either version—the corrected or noncorrected version of this particular resolution—that is not a bipartisan bill. It's a bill that, in Judiciary Committee, did not have any Democratic support.

□ 1020

It is a bill that the President has indicated he does not support. It is a bill that we have no indication from the Senate that they would proceed with or pass. And I fail to understand the urgency of moving forward so fast that we don't only make—that there is not only a mistake that was made in the original bill, but there is also a mistake apparently that was made in the correcting resolution, and there seems to be some uncertainty about whether we are even talking about a change to this bill or a Virginia tribe bill or an unemployment definition.

And again, I would fully understand that if this was an emergency situation that required this body to move forward on behalf of our Nation. If this was a last-minute deal and something was expiring at midnight, we would need to immediately correct that and move forward. And I don't think there would be any games from either side because that's for the importance of

the country. But that's not the situation that we are facing here today.

Now the American people, unfortunately, have grown to expect inefficiency and ineffectiveness from the House of Representatives. But this set of errors, this comedy of errors here today, is really just icing on the cake.

The Republicans have put together a partisan, omnibus bill that they later find out had a typo. Then there was an effort to correct the typo, an effort that our side was willing to allow to move forward after briefly discussing. And then inexplicably, the Republicans decided not to correct the mistake. And now it is unclear whether we are talking about a tribal recognition bill or a nonexistent bill, a bill that has not been introduced. If there is no H. Res. 783, we are referencing a nonexistent bill, unless it references H.R. 783 from a previous session. But in any event, these matters need to be corrected before we can proceed in any manner. This is an example of how the House of Representatives is run of late.

There are many bipartisan, job-creating ideas that we can take up and we should take up on behalf of the country.

Instead, we have a partisan approach that lacks bipartisan support, an innocent error made in the bill, another innocent error made in correcting the error to the bill. And that leaves us in a quandary, frankly, because we are discussing a fix to a nonexistent bill that it is hard to debate or talk about because how can one be for or against a change to a nonexistent bill. And that puts all of us in a very difficult situation.

I'm sure, Mr. Speaker, the American public, even more so, the dismay that they show at this Congress, is only doubled and tripled, just throwing up their arms and saying, How are you even talking about a bill that makes reference to and changes a nonexistent bill which may or may not be a Virginia tribal bill, an underlying bill that is a partisan bill that confuses employment with unemployment?

So that's where we are, Mr. Speaker. We'll get through this together. We'll move forward as a country, but we can do better.

I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I just have to point out to my colleague across the aisle that he has added a whole act to this comedy of errors, a whole act.

I know that my colleague in his orientation must have learned the difference between bills and resolutions. Even though our staff attempted to help him and his staff understand this and save an embarrassment, we are not dealing with a House bill; we're dealing with House Resolution 783, which my colleague said does not exist. It is a resolution, House resolution. That is different, Mr. Speaker, from a House bill, which is an H.R., has an H.R. num-

ber. So, unfortunately, again my colleague has compounded the situation.

Mr. Speaker, I would like to take my colleague's offer—I hope he will fulfill his comment that they won't object to our getting this matter straight and moving on this morning so that we can get to the other business of the House. And with that, I reserve the balance of my time.

Mr. POLIS. Prior to yielding to the gentlelady from Connecticut, I just want to ask the gentlelady from North Carolina, what is House Resolution 783? We're having trouble locating it.

I yield to the gentlelady.

Ms. FOXX. That does not exist, Mr. Speaker.

Mr. POLIS. Reclaiming my time, again, in the absence of an actual House Resolution 783, I thought perhaps it was an erroneous reference to H.R. 783. Again, it is unclear what we are debating, but I know that we have somebody here who wants to debate an important topic that is critical to the country.

I am happy to yield 3 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, instead of debating whether we are going to have a resolution to fix a resolution or a resolution to fix a bill, what I want to urge is that what we do, that this House take up the middle class tax relief package that the Senate passed yesterday. So I rise to urge the House majority to bring to the floor the middle class tax cut that was passed in the Senate yesterday.

Let me just take a quote from The Washington Post yesterday, the headline: "Republicans want to raise taxes on the poor. Why?"

The tax cut plan passed yesterday by the Democrats in the Senate and supported by the President would provide tax cuts to 98 percent of Americans and 97 percent of small businesses in this country. Failure to pass this bill would mean 114 million middle class families would see their taxes increase, including 1.4 million in my State of Connecticut.

Yet, the House majority appears intent on holding these middle class tax cuts hostage to further tax cuts for the wealthiest people in this Nation. In fact, the House majority's reverse Robin Hood tax plan, which failed in the Senate yesterday, would raise taxes on middle class and working families in order to pay for even more breaks for the wealthiest Americans.

The majority's tax plan is unconscionable. In order to pay for an over \$160,000 tax break for millionaires, it would allow tax cuts to expire for 13 million working families and raise taxes on the most vulnerable households in America.

The Republican proposal would significantly weaken the child tax credit,

leaving nearly 9 million families to lose an average of \$854, with a family with one full-time minimum wage earner and two children seeing their credit drop far more drastically, from \$1,812 to \$267. As a result, the families of 2 million children would be pushed back into poverty.

In addition, the Republican proposal would weaken the earned income tax credit, which supports low-income working families. This credit kept 8.3 million people out of poverty last year. The proposal would also prevent millions of families from getting help to pay for college through the American Opportunity Tax Credit. And all to pay for more tax breaks for the wealthiest families in this country.

This tax plan reveals the true colors of this House majority. They say they do not want to raise taxes on Americans in this economy, but their actions here speak louder than their rhetoric.

Again, a quote from an article yesterday in *The New York Times*:

Senate Republicans will press this week to extend tax cuts for affluent families scheduled to expire January 1, but the same Republican tax plan would allow a series of tax cuts for the working poor and the middle class to end next year.

□ 1030

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. POLIS. I yield the gentlewoman an additional 30 seconds.

Ms. DELAURO. There is a better way forward. Let's take up the bill that was passed by the Senate, a bill that provides continued tax relief for the vast majority of American families. Let's not hurt working class families with children who are struggling to get by in order to support tax breaks for the wealthiest few. Let's have this House majority bring up the Senate-passed middle class tax plan. Support tax relief for middle class and working families, and I thank the gentleman.

Ms. FOXX. Mr. Speaker, I would like to inquire of my colleague if he believes that his side, in keeping with the theme of Shakespeare, has extracted their pound of flesh this morning? If so, we are ready to close.

Mr. POLIS. We have one remaining speaker.

Ms. FOXX. I will reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I ask unanimous consent to insert the text of the amendment in the RECORD, along with extraneous material, immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. POLIS. If we defeat the previous question, I will offer an amendment to the rule to make in order an amendment which proposes that Congress will not adjourn until the President signs middle class tax cuts into law.

With that, I would like to yield 3 minutes to the gentleman from New York (Mr. TONKO).

Mr. TONKO. Mr. Speaker, I thank the gentleman from Colorado for yielding time.

I would hope that the order of business on this floor is guided by priorities, the most essential priorities that are calling for this body to respond to the people of this great Nation, and in these difficult economic times to do it with a degree of urgency. But what is our order of business here today on the floor? Fixing a typo. That's what we're doing here this morning. We're fixing a typo in an election-year driven, politically motivated bill. But we are really wasting time and playing games. You see, our families and businesses are calling out for compromise, for confidence and for certainty. And this body has utterly failed to answer that call.

Just yesterday, the other Chamber passed a bill to guarantee the current tax rate for our middle class. If this bill fails to pass, taxes will go up on nearly everyone in this country.

But instead of passing the Senate bill, an extension of tax rates that nearly every single Member of this body supports, our order of business is an attempt to pass a rule on the underlying bill for a second time. Why? So that we can continue to hold the extension of middle class tax cuts hostage to enable the richest amongst us to get another Bush-era style tax handout.

Make no mistake. There is but a single roadblock in the way for the middle class right now—and that's the majority in this House. The other Chamber passed a bill. The President said he will sign that bill. And if just one of every 10 Republicans in this body stands with our side of the aisle, we can ensure certainty and confidence for our middle class.

Instead, it looks like we are heading down the road of yet another manufactured crisis. From government shutdowns to debt ceiling debacles to highway bill holdups, this body has consistently fallen short over the past year and a half.

So let's quit these games on the underlying bill. This is about more than a typo. It's about priorities, and it's about values. And right now, we must prioritize middle class tax cuts and provide the certainty and predictability that our American families so desperately deserve and need.

Ms. FOXX. I will continue to reserve, Mr. Speaker, the balance of my time.

Mr. POLIS. I yield myself such time as I may consume.

Mr. Speaker, I didn't like this underlying bill in its original form. I voted against several components of it on Judiciary Committee, and it's a lost opportunity because there was real opportunity to do bipartisan regulatory reform. Both parties agree with

streamlining government processes, reducing red tape, and helping important projects move forward, but that was the path not taken.

Unfortunately, this body is moving forward in a different way now. With the underlying flaw in the bill, I would imagine it would have very little support from either side of the aisle—namely, prohibiting agencies from promulgating regulation until employment reached, or unemployment, reached 94 percent, which is nonsensical. But even this new bill now, this correction to the bill, which corrects a nonexistent House Resolution 783, which, it has been indicated, needs to be changed. And there was an effort to do that, which was inexplicably withdrawn. No one from my party indicated that they planned to object; they simply reserved the right to object and find out what exactly was going on.

We have found out what is going on. Apparently, the Republicans need to change the resolution that is referenced in H. Res. 741. And I hope they do so. At the very least, then, this bill, while bad policy, will not be nonsensical as it is now, referencing a nonexistent bill. But consideration of all of this is the equivalent of fiddling while Rome burns.

Consideration of this rule and this bill and the change to the bill and the change to the rule that changed the bill is all a major time sink while the country has real needs, like a middle class tax cut, like investing in infrastructure and like creating jobs.

The only thing preventing tax cuts for 98 percent of Americans and 97 percent of small businesses from going into effect now is this House of Representatives. We should not hold these tax cuts hostage to a change to a bill and a change to a rule that changes a bill that doesn't exist. No—a change to a rule to a bill. Well, that's where we are today in the U.S. House of Representatives, Mr. Speaker. Frankly, Mr. Speaker, this country deserves better. I cannot support this wasteful rule or bill.

I urge a "no" vote on the rule and the underlying bill, and I yield back the balance of my time.

Ms. FOXX. Mr. Speaker, I yield myself the balance of my time.

We're faced here today with trying to correct a couple of very minor errors that have occurred. But my colleague wants us to violate the Constitution by bringing forth a bill from the Senate which the Constitution clearly says is the responsibility of the House, and legislation related to taxes must begin in the House, so I find it a little unsettling that our colleagues have urged us to take up a bill that they know would violate the Constitution. All we're dealing with here are, again, some very minor clerical errors.

Mistakes happen. As silly and as embarrassing they are, but adults take responsibility for their mistakes, and

that's what we're doing here. At the end of the day, we'll still pass a bill to cut down on a bloated bureaucracy and to allow small businesses to flourish.

AMENDMENT OFFERED BY MS. FOXX

Ms. FOXX. With that, Mr. Speaker, I move to amend the resolution with the amendment I have placed at the desk.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 5, strike "783" and insert "738".

The material previously referred to by Mr. POLIS is as follows:

AN AMENDMENT TO H. RES. 741 OFFERED BY  
MR. POLIS OF COLORADO

At the end, add the following new sections:  
SEC. 2. It shall not be in order to consider a concurrent resolution providing for adjournment or adjournment sine die unless the House has been notified that the President has signed a bill to extend for one year certain expired or expiring tax provisions that apply to middle-income taxpayers with income below \$250,000 for married couples filing jointly, and below \$200,000 for single filers, including, but not limited to, marginal rate reductions, capital gains and dividend rate preferences, alternative minimum tax relief, marriage penalty relief, and expanded tax relief for working families with children and college students.

SEC. 3. Following consideration of the amendments printed in part B of House Report 112-616 pursuant to House Resolution 738, there shall be pending in the Committee of the Whole an amendment described in section 4 as though it were printed as the last amendment in such part. That amendment shall be debatable for one hour equally divided and controlled by a proponent and an opponent.

SEC. 4. The amendment referred to in section 3 is an amendment proposing to add at the end of H.R. 4078 the text of S. 3412 as approved by the Senate on July 25, 2012.

(The information contained herein was provided by the Republican Minority on multiple occasions throughout the 110th and 111th Congresses.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT  
IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's *Precedents of the House of Representatives* (VI, 308-311), describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry,

asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: "Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

In Deschler's *Procedure in the U.S. House of Representatives*, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. FOXX. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the amendment and on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question on the amendment and on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. POLIS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adoption of the amendment and adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 235, nays 183, not voting 13, as follows:

[Roll No. 519]

YEAS—235

Adams	Gowdy	Olson
Aderholt	Granger	Palazzo
Alexander	Graves (GA)	Paul
Amash	Graves (MO)	Paulsen
Amodei	Griffin (AR)	Pearce
Austria	Griffith (VA)	Pence
Bachmann	Grimm	Petri
Bachus	Guinta	Pitts
Barletta	Guthrie	Platts
Bartlett	Hall	Poe (TX)
Barton (TX)	Hanna	Pompeo
Bass (NH)	Harper	Posey
Benishek	Harris	Price (GA)
Berg	Hartzler	Quayle
Biggert	Hastings (WA)	Reed
Billbray	Hayworth	Rehberg
Bilirakis	Heck	Reichert
Black	Hensarling	Renacci
Blackburn	Herger	Ribble
Bonner	Herrera Beutler	Rigell
Bono Mack	Huelskamp	Rivera
Boren	Huizenga (MI)	Roby
Boustany	Hultgren	Roe (TN)
Brady (TX)	Hunter	Rogers (AL)
Brooks	Hurt	Rogers (KY)
Broun (GA)	Issa	Rogers (MI)
Buchanan	Jenkins	Rohrabacher
Bucshon	Johnson (IL)	Rokita
Buerkle	Johnson (OH)	Rooney
Burgess	Johnson, Sam	Ros-Lehtinen
Burton (IN)	Jones	Roskam
Calvert	Jordan	Ross (FL)
Camp	Kelly	Royce
Campbell	King (IA)	Runyan
Canseco	King (NY)	Ryan (WI)
Cantor	Kingston	Scalise
Capito	Kinzinger (IL)	Schilling
Carter	Kline	Schmidt
Cassidy	Labrador	Schock
Chabot	Lamborn	Schweikert
Chaffetz	Lance	Scott (SC)
Coble	Landry	Scott, Austin
Coffman (CO)	Lankford	Sensenbrenner
Cole	Latham	Sessions
Conaway	LaTourette	Shimkus
Cravaack	Latta	Shuler
Crawford	Lewis (CA)	Shuster
Crenshaw	LoBiondo	Simpson
Davis (KY)	Long	Smith (NE)
Denham	Lucas	Smith (NJ)
Dent	Luetkemeyer	Smith (TX)
DesJarlais	Lummis	Southerland
Diaz-Balart	Lungren, Daniel	Stearns
Dold	E.	Stutzman
Dreier	Mack	Sullivan
Duffy	Manzullo	Terry
Duncan (SC)	Marchant	Thompson (PA)
Duncan (TN)	Marino	Thornberry
Ellmers	Matheson	Tiberi
Emerson	McCarthy (CA)	Tipton
Farenthold	McCauley	Turner (NY)
Fincher	McClintock	Turner (OH)
Fitzpatrick	McHenry	Upton
Flake	McKinley	Walberg
Fleischmann	McMorris	Walden
Fleming	Rodgers	Walsh (IL)
Flores	Meehan	Webster
Forbes	Mica	West
Foxx	Miller (FL)	Westmoreland
Franks (AZ)	Miller (MI)	Whitfield
Gallegly	Miller, Gary	Wilson (SC)
Gardner	Mulvaney	Wittman
Gerlach	Murphy (PA)	Wolf
Gibbs	Myrick	Womack
Gibson	Neugebauer	Woodall
Gingrey (GA)	Noem	Yoder
Gohmert	Nugent	Young (AK)
Goodlatte	Nunes	Young (FL)
Gosar	Nunnelee	Young (IN)

NAYS—183

Altmire	Bishop (NY)	Carney
Andrews	Blumenauer	Carson (IN)
Baca	Bonamici	Castor (FL)
Baldwin	Boswell	Chandler
Barber	Brady (PA)	Chu
Barrow	Braley (IA)	Cicilline
Bass (CA)	Brown (FL)	Clarke (MI)
Becerra	Butterfield	Clarke (NY)
Berkley	Capps	Clay
Berman	Capuano	Cleaver
Bishop (GA)	Carnahan	Clyburn

Cohen	Israel	Quigley
Connolly (VA)	Johnson (GA)	Rahall
Conyers	Johnson, E. B.	Rangel
Cooper	Kaptur	Reyes
Costa	Kildee	Richardson
Costello	Kind	Richmond
Courtney	Kissell	Ross (AR)
Critz	Kucinich	Rothman (NJ)
Crowley	Langevin	Roybal-Allard
Cuellar	Larsen (WA)	Ruppersberger
Cummings	Larson (CT)	Rush
Davis (CA)	Lee (CA)	Ryan (OH)
Davis (IL)	Levin	Sánchez, Linda
DeFazio	Lewis (GA)	T.
DeGette	Lipinski	Sanchez, Loretta
DeLauro	Loeb sack	Sarbanes
Deutch	Lofgren, Zoe	Schakowsky
Dicks	Lowey	Schiff
Dingell	Lujan	Schrader
Doggett	Lynch	Schwartz
Donnelly (IN)	Maloney	Scott (VA)
Doyle	Markey	Scott, David
Edwards	Matsui	Serrano
Ellison	McCarthy (NY)	Sewell
Engel	McCollum	Sherman
Eshoo	McDermott	Sires
Farr	McGovern	Slaughter
Fattah	McIntyre	Smith (WA)
Filner	McKeon	Speier
Frank (MA)	McNerney	Stark
Frelinghuysen	Michaud	Sutton
Fudge	Miller (NC)	Thompson (CA)
Garamendi	Miller, George	Thompson (MS)
Gonzalez	Moore	Tierney
Green, Al	Moran	Tonko
Green, Gene	Murphy (CT)	Towns
Grijalva	Nadler	Tsongas
Gutierrez	Napolitano	Van Hollen
Hahn	Neal	Velázquez
Hanabusa	Olver	Visclosky
Hastings (FL)	Owens	Walz (MN)
Heinrich	Pallone	Wasserman
Higgins	Pascarell	Schultz
Himes	Pastor (AZ)	Waters
Hinche y	Pelosi	Watt
Hinojosa	Perlmutter	Waxman
Hochul	Peters	Welch
Holden	Peterson	Wilson (FL)
Holt	Pingree (ME)	Woolsey
Honda	Polis	Yarmuth
Hoyer	Price (NC)	

## NOT VOTING—13

Ackerman	Fortenberry	Jackson Lee
Akin	Garrett	(TX)
Bishop (UT)	Hirono	Keating
Cardoza	Jackson (IL)	Meeks
Culberson		Stivers

## □ 1104

Ms. McCOLLUM and Ms. WOOLSEY changed their vote from “yea” to “nay.”

Messrs. HUELSKAMP, GRIFFIN of Arkansas, DREIER, LUETKEMEYER, NUNNELEE, Mrs. EMERSON, and Mr. KING of Iowa changed their vote from “nay” to “yea.”

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the resolution, as amended.

The resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 738 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 4078.

Will the gentleman from Idaho (Mr. SIMPSON) kindly take the chair.

## □ 1106

## IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 4078) to provide that no agency may take any significant regulatory action until the unemployment rate is equal to or less than 6.0 percent, with Mr. SIMPSON (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Wednesday, July 25, 2012, a request for a recorded vote on amendment No. 25 printed in part B of House Report 112–616 by the gentleman from Florida (Mr. POSEY) had been postponed.

Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in part B of House Report 112–616 on which further proceedings were postponed, in the following order:

Amendment No. 6 by Mr. WATT of North Carolina.

Amendment No. 7 by Mr. LOEB SACK of Iowa.

Amendment No. 8 by Ms. RICHARDSON of California.

Amendment No. 9 by Ms. RICHARDSON of California.

Amendment No. 10 by Mr. CONNOLLY of Virginia.

Amendment No. 11 by Mr. POSEY of Florida.

Amendment No. 12 by Mr. NADLER of New York.

Amendment No. 13 by Mr. MCKINLEY of West Virginia.

Amendment No. 15 by Mr. GEORGE MILLER of California.

Amendment No. 16 by Ms. WOOLSEY of California.

Amendment No. 18 by Ms. WATERS of California.

Amendment No. 19 by Mr. FITZPATRICK of Pennsylvania.

Amendment No. 20 by Mr. POSEY of Florida.

Amendment No. 21 by Mrs. MALONEY of New York.

Amendment No. 25 by Mr. POSEY of Florida.

The Chair will reduce to 2 minutes the minimum time for any electronic vote after the first vote in this series.

## AMENDMENT NO. 6 OFFERED BY MR. WATT

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from North Carolina (Mr. WATT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 177, noes 244, not voting 10, as follows:

## [Roll No. 520]

## AYES—177

Altmire	Filner	Owens
Andrews	Frank (MA)	Pallone
Baca	Fudge	Pascarell
Baldwin	Garamendi	Pastor (AZ)
Barber	Gonzalez	Pelosi
Bass (CA)	Green, Al	Perlmutter
Becerra	Green, Gene	Peters
Berkley	Grijalva	Pingree (ME)
Berman	Gutierrez	Polis
Bishop (GA)	Hahn	Price (NC)
Bishop (NY)	Hanabusa	Quigley
Blumenauer	Hastings (FL)	Rangel
Bonamici	Heinrich	Reyes
Boswell	Higgins	Richardson
Brady (PA)	Himes	Richmond
Braley (IA)	Hinche y	Rothman (NJ)
Brown (FL)	Hinojosa	Roybal-Allard
Butterfield	Hochul	Ruppersberger
Capps	Holden	Rush
Capuano	Holt	Ryan (OH)
Carnahan	Honda	Sánchez, Linda
Carney	Hoyer	T.
Carson (IN)	Israel	Sanchez, Loretta
Castor (FL)	Johnson (GA)	Sarbanes
Chandler	Johnson, E. B.	Schakowsky
Chu	Kaptur	Schiff
Cicilline	Keating	Schrader
Clarke (MI)	Kildee	Schwartz
Clarke (NY)	Kind	Scott (VA)
Clay	Kissell	Scott, David
Cleaver	Langevin	Serrano
Clyburn	Larsen (WA)	Sewell
Cohen	Larson (CT)	Sherman
Connolly (VA)	Lee (CA)	Shuler
Conyers	Levin	Sires
Cooper	Lewis (GA)	Slaughter
Costa	Lipinski	Smith (WA)
Costello	Loeb sack	Speier
Courtney	Lofgren, Zoe	Stark
Critz	Lowey	Sutton
Crowley	Lujan	Thompson (CA)
Cuellar	Lynch	Thompson (MS)
Cummings	Maloney	Tierney
Davis (CA)	Markey	Tonko
Davis (IL)	Matsui	Towns
DeFazio	McCarthy (NY)	Tsongas
DeGette	McCollum	Van Hollen
DeLauro	McDermott	Velázquez
Deutch	McGovern	Visclosky
Dicks	McIntyre	Walz (MN)
Dingell	McNerney	Wasserman
Doggett	Michaud	Schultz
Donnelly (IN)	Miller (NC)	Waters
Doyle	Miller, George	Watt
Edwards	Moore	Waxman
Ellison	Moran	Welch
Engel	Nadler	Wilson (FL)
Eshoo	Napolitano	Woolsey
Farr	Neal	Yarmuth
Fattah	Olver	

## NOES—244

Adams	Brooks	Dent
Aderholt	Broun (GA)	DesJarlais
Alexander	Buchanan	Diaz-Balart
Amash	Bucshon	Dold
Amodei	Buerkle	Dreier
Austria	Burgess	Duffy
Bachmann	Burton (IN)	Duncan (SC)
Bachus	Calvert	Duncan (TN)
Barletta	Camp	Elmiers
Barrow	Campbell	Emerson
Bartlett	Canseco	Farenthold
Barton (TX)	Cantor	Fincher
Bass (NH)	Capito	Fitzpatrick
Benishek	Carter	Flake
Berg	Cassidy	Fleischmann
Biggart	Chabot	Fleming
Billray	Chaffetz	Flores
Bilirakis	Coble	Forbes
Bishop (UT)	Coffman (CO)	Fortenberry
Black	Cole	Foxx
Blackburn	Conaway	Franks (AZ)
Bonner	Cravaack	Frelinghuysen
Bono Mack	Crawford	Galleghy
Boren	Crenshaw	Gardner
Boustany	Davis (KY)	Garrett
Brady (TX)	Denham	Gerlach

Gibbs  
Gibson  
Gingrey (GA)  
Gohmert  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guinta  
Guthrie  
Hall  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Hayworth  
Heck  
Hensarling  
Herger  
Herrera Beutler  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Issa  
Jenkins  
Johnson (IL)  
Johnson (OH)  
Johnson, Sam  
Jones  
Jordan  
Kelly  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kline  
Kucinich  
Labrador  
Lamborn  
Lance  
Landry  
Lankford  
Latham  
LaTourette  
Latta  
Lewis (CA)  
LoBiondo  
Long

## NOT VOTING—10

Ackerman  
Akin  
Cardoza  
Culberson

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
There are 2 minutes remaining.

□ 1123

Mr. SHULER changed his vote from  
“no” to “aye.”

So the amendment was rejected.

The result of the vote was announced  
as above recorded.

## AMENDMENT NO. 7 OFFERED BY MR. LOEBSACK

The Acting CHAIR. The unfinished  
business is the demand for a recorded  
vote on the amendment offered by the  
gentleman from Iowa (Mr. LOEBSACK)  
on which further proceedings were  
postponed and on which the noes pre-  
vailed by voice vote.

The Clerk will redesignate the  
amendment.

The Clerk redesignated the amend-  
ment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote  
has been demanded.

A recorded vote was ordered.

Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (AR)  
Ross (FL)  
Royce  
Runyan  
Ryan (WI)  
Scalise  
Schilling  
Schmidt  
Schock  
Schweikert  
Scott (SC)  
Scott, Austin  
Sensenbrenner  
Sessions  
Shimkus  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southernland  
Stearns  
Stutzman  
Sullivan  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner (NY)  
Turner (OH)  
Upton  
Walberg  
Walden  
Walsh (IL)  
Webster  
West  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Young (AK)  
Young (FL)  
Young (IN)

## NOT VOTING—10

Hirono  
Jackson (IL)  
Jackson Lee  
Meeks  
Murphy (CT)  
Stivers

The Acting CHAIR. This will be a 2-  
minute vote.

The vote was taken by electronic de-  
vice, and there were—ayes 177, noes 238,  
not voting 16, as follows:

[Roll No. 521]

## AYES—177

Altmire  
Andrews  
Baca  
Baldwin  
Barber  
Bass (CA)  
Becerra  
Berkley  
Berman  
Bishop (NY)  
Blumenauer  
Bonamici  
Boswell  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Butterfield  
Capps  
Capuano  
Carnahan  
Carney  
Carson (IN)  
Castor (FL)  
Chandler  
Chu  
Cicilline  
Clarke (MI)  
Clarke (NY)  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Critz  
Crowley  
Cuellar  
Cummings  
Lujan (CA)  
Davis (IL)  
DeFazio  
DeGette  
DeLauro  
Deutch  
Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Doyle  
Edwards  
Ellison  
Engel  
Eshoo  
Farr  
Fattah  
Filner

## NOES—238

Adams  
Aderholt  
Alexander  
Amash  
Amodei  
Austria  
Bachmann  
Bachus  
Barletta  
Barrow  
Bartlett  
Barton (TX)  
Bass (NH)  
Benishek  
Berg  
Biggert  
Bilbray  
Bilirakis  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Bono Mack  
Boren

Frank (MA)  
Fudge  
Garamendi  
Gibson  
Gonzalez  
Green, Al  
Green, Gene  
Grijalva  
Gutierrez  
Hahn  
Hanabusa  
Hastings (FL)  
Heinrich  
Higgins  
Himes  
Hinchey  
Hinojosa  
Hochul  
Holden  
Holt  
Honda  
Hoyer  
Israel  
Johnson (GA)  
Johnson, E. B.  
Jones  
Kaptur  
Keating  
Kildee  
Kind  
Kissell  
Kucinich  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis (GA)  
Lipinski  
Loebach  
Lofgren, Zoe  
Lowey  
Lujan  
Lynch  
Maloney  
Markey  
Matsui  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McNerney  
Michaud  
Miller (NC)  
Miller, George  
Moore  
Moran  
Nadler  
Napolitano  
Neal

Franks (AZ)  
Frelinghuysen  
Gallegly  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gingrey (GA)  
Gohmert  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guinta  
Guthrie  
Hall  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Hayworth  
Heck  
Hensarling  
Herger  
Herrera Beutler  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Issa  
Jenkins  
Johnson (IL)  
Johnson (OH)  
Johnson, Sam  
Jordan  
Kelly  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kline  
Labrador  
Lamborn  
Lance  
Landry  
Lankford  
Latham  
LaTourette  
Latta

Lewis (CA)  
LoBiondo  
Long  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
Mack  
Manzullo  
Marchant  
Marino  
Matheson  
McCarthy (CA)  
McCaul  
McClintock  
McHenry  
McKeon  
McKinley  
McMorris  
Meehan  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mulvaney  
Murphy (PA)  
Myrick  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Palazzo  
Palazzo  
Paul  
Paulsen  
Pearce  
Pence  
Peterson  
Petri  
Pitts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Quayle  
Reed  
Rehberg  
Reichert  
Renacci  
Ribble  
Rigell  
Rivera  
Roby

## NOT VOTING—16

Ackerman  
Akin  
Bishop (GA)  
Cardoza  
Culberson  
Hirono

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
There are 30 seconds remaining.

□ 1126

So the amendment was rejected.

The result of the vote was announced  
as above recorded.

Stated for:

Mr. MCINTYRE. Mr. Chair, during rollcall  
vote No. 521 on July 26, 2012, I was unavoid-  
ably detained. Had I been present, I would  
have voted “aye.”

## AMENDMENT NO. 8 OFFERED BY MS. RICHARDSON

The Acting CHAIR. The unfinished  
business is the demand for a recorded  
vote on the amendment offered by the  
gentlewoman from California (Ms.  
RICHARDSON) on which further pro-  
ceedings were postponed and on which  
the noes prevailed by voice vote.

The Clerk will redesignate the  
amendment.

The Clerk redesignated the amend-  
ment.

Crawford  
Crenshaw  
Davis (KY)  
Denham  
Dent  
DesJarlais  
Diaz-Balart  
Dold  
Dreier  
Duffy  
Duncan (SC)  
Duncan (TN)  
Ellmers  
Emerson  
Farenthold  
Fincher  
Fitzpatrick  
Flake  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foxy

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 170, noes 247, not voting 14, as follows:

[Roll No. 522]

AYES—170

Altmire	Filner	Olver
Andrews	Frank (MA)	Owens
Baca	Fudge	Pallone
Baldwin	Garamendi	Pascarell
Barber	Gonzalez	Pastor (AZ)
Becerra	Green, Al	Pelosi
Berkley	Green, Gene	Perlmutter
Berman	Grijalva	Peters
Bishop (GA)	Gutierrez	Pingree (ME)
Bishop (NY)	Hahn	Polis
Blumenauer	Hanabusa	Price (NC)
Bonamici	Hastings (FL)	Quigley
Boswell	Heinrich	Rangel
Brady (PA)	Higgins	Reyes
Braley (IA)	Himes	Richardson
Brown (FL)	Hinchey	Richmond
Butterfield	Hinojosa	Rothman (NJ)
Capps	Hochul	Roybal-Allard
Capuano	Holden	Ruppersberger
Carnahan	Holt	Rush
Carney	Honda	Ryan (OH)
Carson (IN)	Hoyer	Sanchez, Loretta
Castor (FL)	Israel	Sarbanes
Chu	Johnson (GA)	Schakowsky
Cicilline	Johnson, E. B.	Schiff
Clarke (MI)	Kaptur	Schwartz
Clarke (NY)	Keating	Scott (VA)
Clay	Kildee	Scott, David
Cleaver	Kind	Serrano
Clyburn	Kucinich	Sewell
Cohen	Langevin	Sherman
Connolly (VA)	Larsen (WA)	Sires
Conyers	Larson (CT)	Slaughter
Cooper	Lee (CA)	Smith (WA)
Costa	Levin	Speier
Costello	Lewis (GA)	Stark
Courtney	Loeb sack	Sutton
Critz	Lofgren, Zoe	Thompson (CA)
Crowley	Lowey	Thompson (MS)
Cuellar	Lujan	Tierney
Cummings	Lynch	Tonko
Davis (CA)	Maloney	Towns
DeFazio	Markey	Tsongas
DeGette	Matsui	Van Hollen
DeLauro	McCarthy (NY)	Velázquez
Deutch	McCollum	Visclosky
Dicks	McDermott	Walz (MN)
Dingell	McGovern	Wasserman
Doggett	McNerney	Schultz
Donnelly (IN)	Michaud	Waters
Doyle	Miller (NC)	Watt
Edwards	Miller, George	Waxman
Ellison	Moore	Welch
Engel	Moran	Wilson (FL)
Eshoo	Nadler	Woodall
Farr	Napolitano	Woolsey
Fattah	Neal	Yarmuth

NOES—247

Adams	Bono Mack	Coffman (CO)
Aderholt	Boren	Cole
Alexander	Boustany	Conaway
Amash	Brooks	Cravaack
Amodel	Broun (GA)	Crawford
Austria	Buchanan	Crenshaw
Bachmann	Bucshon	Davis (KY)
Bachus	Buerkle	Denham
Barletta	Burgess	Dent
Barrow	Burton (IN)	DesJarlais
Bartlett	Calvert	Diaz-Balart
Barton (TX)	Camp	Dold
Bass (NH)	Campbell	Dreier
Benishkek	Canseco	Duffy
Berg	Cantor	Duncan (SC)
Biggert	Capito	Duncan (TN)
Bilbray	Carter	Elmiers
Bilirakis	Cassidy	Emerson
Bishop (UT)	Chabot	Farenthold
Black	Chaffetz	Fincher
Blackburn	Chandler	Fitzpatrick
Bonner	Coble	Flake

Fleischmann	Latham
Fleming	LaTourette
Flores	Latta
Forbes	Lewis (CA)
Fortenberry	Lipinski
Fox	LoBiondo
Franks (AZ)	Long
Frelinghuysen	Lucas
Gallegly	Luetkemeyer
Gardner	Lummis
Garrett	Lungren, Daniel
Gerlach	E.
Gibbs	Mack
Gibson	Manzullo
Gingrey (GA)	Marchant
Gohmert	Marino
Goodlatte	Matheson
Gosar	McCarthy (CA)
Govdy	McCauley
Granger	McClintock
Graves (GA)	McHenry
Graves (MO)	McIntyre
Griffin (AR)	McKeon
Griffith (VA)	McKinley
Grimm	McMorris
Guinta	Rodgers
Guthrie	Meehan
Hall	Mica
Hanna	Miller (FL)
Harper	Miller (MI)
Harris	Miller, Gary
Hartzler	Mulvaney
Hastings (WA)	Murphy (PA)
Hayworth	Murphy
Heck	Neugebauer
Hensarling	Noem
Herger	Nugent
Herrera Beutler	Nunes
Huelskamp	Nunnelee
Huizenga (MI)	Olson
Hultgren	Palazzo
Hunter	Paul
Hurt	Paulsen
Issa	Pearce
Jenkins	Pence
Johnson (IL)	Peterson
Johnson (OH)	Petri
Johnson, Sam	Pitts
Jones	Poe (TX)
Jordan	Pompeo
Kelly	Posey
King (IA)	Price (GA)
King (NY)	Quayle
Kingston	Rahall
Kinzie (IL)	Reed
Kissell	Rehberg
Kline	Reichert
Labrador	Renacci
Lamborn	Ribble
Lance	Riggle
Landry	Rivera
Lankford	Roby

## NOT VOTING—14

Ackerman	Davis (IL)	Murphy (CT)
Akin	Hirono	Platts
Bass (CA)	Jackson (IL)	Stivers
Brady (TX)	Jackson Lee	
Cardoza	(TX)	
Culberson	Meeks	

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1130

So the amendment was rejected.

The result of the vote was announced as above recorded.

## AMENDMENT NO. 9 OFFERED BY MS. RICHARDSON

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Ms. RICHARDSON) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 173, noes 246, not voting 12, as follows:

[Roll No. 523]

AYES—173

Altmire	Filner	Olver
Andrews	Frank (MA)	Owens
Baca	Fudge	Pallone
Baldwin	Garamendi	Pascarell
Barber	Gonzalez	Pastor (AZ)
Becerra	Green, Al	Pelosi
Berkley	Green, Gene	Perlmutter
Berman	Grijalva	Peters
Bishop (GA)	Gutierrez	Pingree (ME)
Bishop (NY)	Hahn	Polis
Blumenauer	Hanabusa	Price (NC)
Bonamici	Hastings (FL)	Quigley
Boswell	Heinrich	Reyes
Brady (PA)	Higgins	Richardson
Braley (IA)	Himes	Richmond
Brown (FL)	Hinchey	Rothman (NJ)
Butterfield	Hinojosa	Roybal-Allard
Capps	Hochul	Ruppersberger
Capuano	Holden	Rush
Carnahan	Holt	Ryan (OH)
Carney	Honda	Sanchez, Linda
Carson (IN)	Hoyer	T.
Castor (FL)	Israel	Sanchez, Loretta
Chandler	Johnson (GA)	Sarbanes
Chu	Johnson, E. B.	Schakowsky
Cicilline	Kaptur	Schiff
Clarke (MI)	Keating	Schwartz
Clarke (NY)	Kildee	Scott (VA)
Clay	Kind	Scott, David
Cleaver	Kissell	Serrano
Clyburn	Kucinich	Sewell
Cohen	Langevin	Sherman
Connolly (VA)	Larsen (WA)	Sires
Conyers	Larson (CT)	Slaughter
Cooper	Lee (CA)	Smith (WA)
Costa	Levin	Speier
Costello	Lewis (GA)	Stark
Courtney	Lipinski	Sutton
Critz	Loeb sack	Thompson (CA)
Crowley	Lofgren, Zoe	Thompson (MS)
Cuellar	Lowey	Tierney
Cummings	Lujan	Tonko
Davis (CA)	Lynch	Towns
DeFazio	Maloney	Tsongas
DeGette	Markey	Van Hollen
DeLauro	Matsui	Velázquez
Deutch	McCarthy (NY)	Visclosky
Dicks	McCollum	Walz (MN)
Dingell	McDermott	Wasserman
Doggett	McGovern	Schultz
Donnelly (IN)	Michaud	Waters
Doyle	Miller (NC)	Watt
Edwards	Miller, George	Waxman
Ellison	Moore	Welch
Engel	Moran	Wilson (FL)
Eshoo	Nadler	Woolsey
Farr	Napolitano	Yarmuth
Fattah	Neal	

NOES—246

Adams	Blackburn	Cassidy
Aderholt	Bonner	Chabot
Alexander	Bono Mack	Chaffetz
Amash	Boren	Coble
Amodel	Boustany	Coffman (CO)
Austria	Brady (TX)	Cole
Bachmann	Brooks	Conaway
Bachus	Broun (GA)	Cravaack
Barletta	Buchanan	Crawford
Barrow	Bucshon	Crenshaw
Bartlett	Buerkle	Davis (KY)
Barton (TX)	Burgess	Denham
Bass (NH)	Burton (IN)	Dent
Benishkek	Calvert	DesJarlais
Berg	Camp	Diaz-Balart
Biggert	Campbell	Dold
Bilbray	Canseco	Dreier
Bilirakis	Cantor	Duffy
Bishop (UT)	Capito	Duncan (SC)
Black	Carter	Duncan (TN)

Ellmers  
Emerson  
Farenthold  
Fincher  
Fitzpatrick  
Flake  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Gohmert  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guinta  
Guthrie  
Hall  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Hayworth  
Heck  
Hensarling  
Herger  
Herrera Beutler  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Issa  
Jenkins  
Johnson (IL)  
Johnson (OH)  
Johnson, Sam  
Jones  
Jordan  
Kelly  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kline  
Labrador

Lamborn  
Lance  
Landry  
Lankford  
Latham  
LaTourette  
Latta  
Lewis (CA)  
LoBiondo  
Long  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Mack  
Manzullo  
Marchant  
Marino  
Matheson  
McCarthy (CA)  
McCaul  
McClintock  
McHenry  
McIntyre  
McKeon  
McKinley  
McMorris  
Rodgers  
Meehan  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mulvaney  
Murphy (PA)  
Myrick  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Palazzo  
Paul  
Paulsen  
Pearce  
Pence  
Peterson  
Petri  
Pitts  
Platts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Quayle  
Rahall  
Reed  
Rehberg  
Reichert  
Renacci  
Ribble

## NOT VOTING—12

Ackerman  
Akin  
Bass (CA)  
Cardoza  
Culberson

Hirono  
Jackson (IL)  
Jackson Lee  
(TX)  
Meeks

Murphy (CT)  
Rangel  
Stivers

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
There is 1 minute remaining.

□ 1133

So the amendment was rejected.

The result of the vote was announced  
as above recorded.

AMENDMENT NO. 10 OFFERED BY MR. CONNOLLY  
OF VIRGINIA

The Acting CHAIR. The unfinished  
business is the demand for a recorded  
vote on the amendment offered by the  
gentleman from Virginia (Mr. CON-  
NOLLY) on which further proceedings  
were postponed and on which the noes  
prevailed by voice vote.

The Clerk will redesignate the  
amendment.

The Clerk redesignated the amend-  
ment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote  
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-  
minute vote.

The vote was taken by electronic de-  
vice, and there were—ayes 179, noes 234,  
not voting 18, as follows:

[Roll No. 524]

## AYES—179

Altmire  
Andrews  
Baca  
Baldwin  
Barber  
Bass (CA)  
Becerra  
Berkley  
Berman  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Bonamici  
Boren  
Boswell  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Butterfield  
Capps  
Capuano  
Carney  
Carson (IN)  
Castor (FL)  
Chandler  
Chu  
Ciocline  
Clarke (MI)  
Clarke (NY)  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Critz  
Crowley  
Cuellar  
Cummings  
Davis (CA)  
DeFazio  
DeGette  
DeLauro  
Deutch  
Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Doyle  
Edwards  
Ellison  
Engel  
Eshoo  
Farr  
Fattah  
Filner  
Frank (MA)

Fudge  
Garamendi  
Gibson  
Gonzalez  
Green, Al  
Green, Gene  
Grijalva  
Gutierrez  
Hahn  
Hanabusa  
Hastings (FL)  
Heinrich  
Higgins  
Himes  
Reyes  
Hinchey  
Hinojosa  
Hochul  
Holden  
Holt  
Honda  
Hoyer  
Israel  
Johnson (GA)  
Johnson (IL)  
Johnson, E. B.  
Kaptur  
Keating  
Kildee  
Kind  
Kissell  
Kucinich  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Shuler  
Levin  
Lewis (GA)  
Lipinski  
Loebsock  
Loftgren, Zoe  
Lowey  
Lujan  
Lynch  
Maloney  
Markey  
Matheson  
Matsui  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McNerney  
Michaud  
Miller (NC)  
Miller, George  
Moore  
Moran  
Nadler  
Napolitano  
Neal  
Olver

Owens  
Pallone  
Pascrell  
Pastor (AZ)  
Pelosi  
Perlmutter  
Peters  
Pingree (ME)  
Polis  
Price (NC)  
Quigley  
Rahall  
Rangel  
Reyes  
Richardson  
Rigell  
Ross (AR)  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schiff  
Schwartz  
Scott (VA)  
Scott, David  
Serrano  
Sewell  
Sherman  
Shuler  
Sires  
Slaughter  
Smith (WA)  
Speier  
Stark  
Sutton  
Thompson (CA)  
Thompson (MS)  
Tierney  
Tonko  
Townes  
Tsongas  
Van Hollen  
Velázquez  
Visclosky  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Welch  
Wilson (FL)  
Woolsey  
Yarmuth

## NOES—234

Adams  
Aderholt  
Alexander  
Amash  
Amodei  
Austria  
Bachmann  
Barletta  
Barrow  
Bartlett  
Barton (TX)  
Bass (NH)  
Benishke  
Berg  
Biggart

Bilbray  
Bilirakis  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Bono Mack  
Boustany  
Brady (TX)  
Brooks  
Broun (GA)  
Buchanan  
Bucshon  
Buerkle  
Burgess

Burton (IN)  
Calvert  
Camp  
Campbell  
Canneco  
Cantor  
Capito  
Carter  
Cassidy  
Chabot  
Chaffetz  
Coble  
Coffman (CO)  
Cole  
Conaway

Cravaack  
Crawford  
Crenshaw  
Davis (KY)  
Denham  
Dent  
DesJarlais  
Diaz-Balart  
Dold  
Dreier  
Duffy  
Duncan (TN)  
Ellmers  
Emerson  
Farenthold  
Fincher  
Fitzpatrick  
Flake  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gingrey (GA)  
Gohmert  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guinta  
Guthrie  
Hall  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Hayworth  
Heck  
Hensarling  
Herger  
Herrera Beutler  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Issa  
Jenkins  
Johnson (OH)  
Johnson, Sam

Jones  
Jordan  
Kelly  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kline  
Klabador  
Lamborn  
Lance  
Landry  
Lankford  
Latham  
LaTourette  
Latta  
Lewis (CA)  
LoBiondo  
Long  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Manzullo  
Marino  
McCarthy (CA)  
McCaul  
McClintock  
McHenry  
McIntyre  
McKeon  
McKinley  
McMorris  
Rodgers  
Meehan  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mulvaney  
Murphy (PA)  
Myrick  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Palazzo  
Paul  
Paulsen  
Pearce  
Pence  
Peterson  
Petri  
Pitts  
Platts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Quayle  
Reed

Rehberg  
Reichert  
Renacci  
Ribble  
Rivera  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
LaTourette  
Latta  
Lewis (CA)  
LoBiondo  
Long  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Manzullo  
Marino  
McCarthy (CA)  
McCaul  
McClintock  
McHenry  
McIntyre  
McKeon  
McKinley  
McMorris  
Rodgers  
Meehan  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mulvaney  
Murphy (PA)  
Myrick  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Palazzo  
Paul  
Paulsen  
Pearce  
Pence  
Peterson  
Petri  
Pitts  
Platts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Quayle  
Reed

## NOT VOTING—18

Ackerman  
Akin  
Bachus  
Cardoza  
Carnahan  
Culberson  
Davis (IL)

Duncan (SC)  
Hirono  
Jackson (IL)  
Jackson Lee  
(TX)  
Mack  
Marchant

Meeks  
Murphy (CT)  
Richmond  
Schakowsky  
Stivers

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
There is 1 minute remaining.

□ 1136

So the amendment was rejected.

The result of the vote was announced  
as above recorded.

## AMENDMENT NO. 11 OFFERED BY MR. POSEY

The Acting CHAIR. The unfinished  
business is the demand for a recorded  
vote on the amendment offered by the  
gentleman from Florida (Mr. POSEY) on  
which further proceedings were post-  
poned and on which the noes prevailed  
by voice vote.

The Clerk will redesignate the  
amendment.



The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 248, noes 171, not voting 12, as follows:

[Roll No. 525]

## AYES—248

Adams	Gardner	Mica
Aderholt	Garrett	Miller (FL)
Alexander	Gerlach	Miller (MI)
Altmire	Gibbs	Miller, Gary
Amash	Gibson	Mulvaney
Amodei	Gingrey (GA)	Murphy (PA)
Austria	Gohmert	Myrick
Bachmann	Goodlatte	Neugebauer
Barletta	Gosar	Noem
Barrow	Gowdy	Nugent
Bartlett	Granger	Nunes
Barton (TX)	Graves (GA)	Nunnelee
Bass (CA)	Graves (MO)	Olson
Benishkek	Green, Gene	Owens
Berg	Griffin (AR)	Palazzo
Bilbray	Griffith (VA)	Pastor (AZ)
Bilirakis	Grimm	Paul
Bishop (UT)	Guinta	Paulsen
Black	Guthrie	Pearce
Blackburn	Hall	Pence
Bonner	Hanna	Peterson
Bono Mack	Harper	Petri
Boren	Harris	Pitts
Boswell	Hartzler	Platts
Boustany	Hastings (WA)	Poe (TX)
Brady (TX)	Hayworth	Pompeo
Brooks	Heck	Posey
Broun (GA)	Hensarling	Price (GA)
Buchanan	Herger	Quayle
Buchanon	Herrera Beutler	Rahall
Buerkle	Holden	Reed
Burgess	Huelskamp	Rehberg
Burton (IN)	Huizenga (MI)	Reichert
Calvert	Hultgren	Renacci
Camp	Hunter	Ribble
Campbell	Hurt	Rigell
Canseco	Issa	Rivera
Cantor	Jenkins	Roby
Capito	Johnson (OH)	Roe (TN)
Carter	Johnson, Sam	Rogers (AL)
Cassidy	Jones	Rogers (KY)
Chabot	Jordan	Rogers (MI)
Chaffetz	Kelly	Rohrabacher
Chandler	King (IA)	Rokita
Coble	King (NY)	Rooney
Coffman (CO)	Kingston	Ros-Lehtinen
Cole	Kinzinger (IL)	Roskam
Conaway	Kline	Ross (AR)
Costa	Labrador	Ross (FL)
Cravaack	Lamborn	Royce
Crawford	Lance	Runyan
Crenshaw	Landry	Ryan (WI)
Cuellar	Lankford	Scalise
Davis (KY)	Latham	Schilling
Denham	LaTourette	Schmidt
Dent	Latta	Schock
DesJarlais	Lewis (CA)	Schweikert
Diaz-Balart	LoBiondo	Scott (SC)
Dold	Loebach	Scott, Austin
Dreier	Lucas	Sensenbrenner
Duffy	Luetkemeyer	Sessions
Duncan (SC)	Lummis	Shimkus
Duncan (TN)	Lungren, Daniel	Shuster
Ellmers	E.	Simpson
Emerson	Manzullo	Smith (NE)
Farenthold	Marchant	Smith (NJ)
Fincher	Marino	Smith (TX)
Fitzpatrick	Matheson	Southerland
Flake	McCarthy (CA)	Stearns
Fleischmann	McCaul	Stutzman
Fleming	McClintock	Sullivan
Flores	McHenry	Terry
Forbes	McIntyre	Thompson (PA)
Fortenberry	McKeon	Thornberry
Fox	McKinley	Tiberi
Franks (AZ)	McMorris	Tipton
Frelinghuysen	Rodgers	Turner (NY)
Galleghy	Meehan	Turner (OH)

Upton  
Walberg  
Walden  
Walsh (IL)  
Webster  
West

## NOES—171

Andrews	Fudge
Baca	Garamendi
Bachus	Gonzalez
Baldwin	Green, Al
Barber	Grijalva
Bass (NH)	Gutierrez
Becerra	Hahn
Berkley	Hanabusa
Berman	Hastings (FL)
Biggert	Heinrich
Bishop (GA)	Higgins
Bishop (NY)	Himes
Blumenauer	Hinchey
Bonamici	Hinojosa
Brady (PA)	Hochul
Braley (IA)	Holt
Brown (FL)	Honda
Butterfield	Hoyer
Casper	Israel
Capuano	Johnson (GA)
Carnahan	Johnson (IL)
Carney	Johnson, E. B.
Carson (IN)	Kaptur
Castor (FL)	Keating
Chu	Kildee
Cicilline	Kind
Clarke (MI)	Kissell
Clarke (NY)	Kucinich
Clay	Langevin
Cleaver	Larsen (WA)
Clyburn	Larson (CT)
Cohen	Lee (CA)
Connolly (VA)	Levin
Conyers	Lewis (GA)
Cooper	Lipinski
Costello	Lofgren, Zoe
Courtney	Long
Critz	Lowe
Crowley	Lujan
Cummings	Lynch
Davis (CA)	Maloney
DeFazio	Markey
DeGette	Matsui
DeLauro	McCarthy (NY)
Deutch	McCollum
Dicks	McDermott
Dingell	McGovern
Doggett	McNerney
Donnelly (IN)	Michaud
Doyle	Miller (NC)
Edwards	Miller, George
Ellison	Moore
Engel	Moran
Eshoo	Nadler
Farr	Napolitano
Fattah	Neal
Filner	Oliver
Frank (MA)	Pallone

## NOT VOTING—12

Ackerman	Hirono	Meeks
Akin	Jackson (IL)	Murphy (CT)
Cardoza	Jackson Lee	Stivers
Culberson	(TX)	
Davis (IL)	Mack	

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1141

Mr. LUETKEMEYER changed his vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. BACHUS. Mr. Chair, on rollcall No. 525, I inadvertently voted “no” when I intended to vote “aye.”

AMENDMENT NO. 12 OFFERED BY MR. NADLER

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the

gentleman from New York (Mr. NADLER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 176, noes 243, not voting 12, as follows:

[Roll No. 526]

## AYES—176

Andrews	Fudge	Pascarella
Baca	Garamendi	Pastor (AZ)
Baldwin	Gerlach	Pelosi
Barber	Gibson	Perlmutter
Bass (CA)	Gonzalez	Peters
Becerra	Green, Al	Pingree (ME)
Berkley	Grijalva	Platts
Berman	Gutierrez	Polis
Bishop (GA)	Hahn	Price (NC)
Bishop (NY)	Hanabusa	Quigley
Blumenauer	Hastings (FL)	Rangel
Bonamici	Hayworth	Reichert
Boswell	Heinrich	Reyes
Brady (PA)	Higgins	Richardson
Braley (IA)	Himes	Richmond
Brown (FL)	Hinchey	Rothman (NJ)
Butterfield	Hinojosa	Roybal-Allard
Capps	Hochul	Ruppersberger
Capuano	Holt	Rush
Carnahan	Honda	Ryan (OH)
Carney	Hoyer	Sanchez, Linda
Carson (IN)	Johnson (GA)	T.
Castor (FL)	Johnson (IL)	Sanchez, Loretta
Chandler	Johnson, E. B.	Sarbanes
Chu	Jones	Schakowsky
Cicilline	Keating	Schiff
Clarke (MI)	Kildee	Schrader
Clarke (NY)	Kind	Schwartz
Clay	Kissell	Scott (VA)
Cleaver	Kucinich	Scott, David
Clyburn	Langevin	Serrano
Cohen	Larsen (WA)	Sewell
Connolly (VA)	Larson (CT)	Sherman
Conyers	Lee (CA)	Sires
Cooper	Levin	Slaughter
Courtney	Lewis (GA)	Smith (WA)
Critz	Loebach	Speier
Crowley	Lofgren, Zoe	Stark
Cuellar	Lowe	Sutton
Cummings	Lujan	Thompson (CA)
Davis (CA)	Lynch	Thompson (MS)
DeFazio	Maloney	Tierney
DeGette	Markey	Tonko
DeLauro	Matsui	Townes
Dent	McCarthy (NY)	Tsongas
Deutch	McCollum	Van Hollen
Dicks	McDermott	Velazquez
Dingell	McGovern	Visclosky
Doggett	McIntyre	Walz (MN)
Donnelly (IN)	McNerney	Wasserman
Doyle	Michaud	Schultz
Edwards	Miller (NC)	Waters
Ellison	Miller, George	Watt
Engel	Moore	Waxman
Eshoo	Moran	Welch
Farr	Nadler	Wilson (FL)
Fattah	Napolitano	Woolsey
Filner	Neal	Yarmuth
Fitzpatrick	Oliver	
Frank (MA)	Pallone	

## NOES—243

Adams	Bachus	Biggert
Aderholt	Barletta	Bilbray
Alexander	Barrow	Bilirakis
Altmire	Bartlett	Bishop (UT)
Amash	Barton (TX)	Black
Amodei	Bass (NH)	Blackburn
Austria	Benishkek	Bonner
Bachmann	Berg	Bono Mack

Boren Hastings (WA) Petri  
 Boustany Heck Pitts  
 Brady (TX) Hensarling Poe (TX)  
 Brooks Herger Pompeo  
 Broun (GA) Herrera Beutler Posey  
 Buchanan Holden Price (GA)  
 Buehshon Huelskamp Quayle  
 Buerkle Huizenga (MI) Rahall  
 Burgess Hultgren Reed  
 Burton (IN) Hunter Rehberg  
 Calvert Hurt Renacci  
 Camp Israel Ribble  
 Campbell Issa Rigell  
 Canseco Jenkins Rivera  
 Cantor Johnson (OH) Roby  
 Capito Johnson, Sam Roe (TN)  
 Carter Jordan Rogers (AL)  
 Cassidy Kaptur Rogers (KY)  
 Chabot Kelly Rogers (MI)  
 Chaffetz King (IA) Rohrabacher  
 Coble King (NY) Rokita  
 Coffman (CO) Kingston Rooney  
 Cole Kinzinger (IL) Ros-Lehtinen  
 Conaway Kline Roskam  
 Costa Labrador Ross (AR)  
 Costello Lamborn Ross (FL)  
 Cravaack Lance Royce  
 Crawford Landry Runyan  
 Crenshaw Lankford Ryan (WI)  
 Davis (KY) Latham Scalise  
 Denham LaTourette Schilling  
 DesJarlais Latta Schmidt  
 Diaz-Balart Lewis (CA) Schock  
 Dold Lipinski Schweikert  
 Dreier LoBiondo Scott (SC)  
 Duffy Long Scott, Austin  
 Duncan (SC) Lucas Sensenbrenner  
 Duncan (TN) Luetkemeyer Sessions  
 Ellmers Lummis Shimkus  
 Emerson Lungren, Daniel Shuler  
 Farenthold E. Shuster  
 Fincher Manzullo Simpson  
 Flake Marchant Smith (NE)  
 Fleischmann Marino Smith (NJ)  
 Fleming Matheson Smith (TX)  
 Flores McCarthy (CA) Southerland  
 Forbes McCaul Stearns  
 Fortenberry McClintock Stutzman  
 Foxx McHenry Sullivan  
 Franks (AZ) McKeon Terry  
 Frelinghuysen McKinley Thompson (PA)  
 Gallegly McMorris Thornberry  
 Gardner Rodgers Tiberi  
 Garrett Meehan Tipton  
 Gibbs Mica Turner (NY)  
 Gingrey (GA) Miller (FL) Turner (OH)  
 Gohmert Miller (MI) Upton  
 Goodlatte Miller, Gary Walberg  
 Gosar Mulvaney Walden  
 Gowdy Murphy (PA) Walsh (IL)  
 Granger Myrick Webster  
 Graves (GA) Neugebauer West  
 Graves (MO) Noem Westmoreland  
 Green, Gene Nugent Whitfield  
 Griffin (AR) Nunes Wilson (SC)  
 Griffith (VA) Nunnelee Wittman  
 Grimm Olson Wolf  
 Guinta Owens Womack  
 Guthrie Palazzo Woodall  
 Hall Paul Yoder  
 Hanna Paulsen Yoder  
 Harper Pearce Young (AK)  
 Harris Pence Young (FL)  
 Hartzler Peterson Young (IN)

## NOT VOTING—12

Ackerman Hirono Meeks  
 Akin Jackson (IL) Murphy (CT)  
 Cardoza Jackson Lee Stivers  
 Culberson (TX)  
 Davis (IL) Mack

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
 There is 1 minute remaining.

□ 1145

So the amendment was rejected.  
 The result of the vote was announced  
 as above recorded.

## AMENDMENT NO. 13 OFFERED BY MR. MCKINLEY

The Acting CHAIR. The unfinished  
 business is the demand for a recorded

vote on the amendment offered by the  
 gentleman from West Virginia (Mr.  
 MCKINLEY) on which further pro-  
 ceedings were postponed and on which  
 the ayes prevailed by voice vote.

The Clerk will redesignate the  
 amendment.

The Clerk redesignated the amend-  
 ment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote  
 has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-  
 minute vote.

The vote was taken by electronic de-  
 vice, and there were—ayes 240, noes 178,  
 not voting 13, as follows:

[Roll No. 527]

## AYES—240

Adams Forbes Matheson  
 Aderholt Fortenberry McCarthy (CA)  
 Alexander Franks (AZ) McCaul  
 Amash Frelinghuysen McClintock  
 Amodei Gallegly McHenry  
 Austria Gardner McIntyre  
 Bachmann Garrett McKeon  
 Bachus Gerlach McKinley  
 Barletta Gibbs McMorris  
 Barrow Gingrey (GA) Rodgers  
 Bartlett Gohmert Meehan  
 Barton (TX) Goodlatte Mica  
 Benishek Gosar Miller (FL)  
 Berg Gowdy Miller (MI)  
 Biggert Granger Miller, Gary  
 Bilirakis Graves (GA) Mulvaney  
 Bishop (UT) Graves (MO) Murphy (PA)  
 Black Green, Gene Myrick  
 Blackburn Griffin (AR) Neugebauer  
 Bonner Griffith (VA) Noem  
 Bono Mack Grimm Nugent  
 Boren Guinta Nunes  
 Boustany Guthrie Nunnelee  
 Brady (TX) Hall Olson  
 Brooks Hanna Palazzo  
 Broun (GA) Harper Paul  
 Buchanan Harris Paulsen  
 Buehshon Hartzler Pearce  
 Buerkle Hastings (WA) Pence  
 Burgess Heck Petri  
 Burton (IN) Pitts Hensarling  
 Calvert Herger Platts  
 Camp Herrera Beutler Poe (TX)  
 Campbell Huelskamp Pompeo  
 Canseco Huizenga (MI) Posey  
 Cantor Hultgren Price (GA)  
 Capito Hunter Quayle  
 Carter Hurt Rahall  
 Cassidy Issa Reed  
 Chabot Jenkins Rehberg  
 Chaffetz Johnson (OH) Reichert  
 Coble Johnson, Sam Renacci  
 Coffman (CO) Jones Ribble  
 Cole Jordan Rigell  
 Conaway Kaptur Rivera  
 Costello Kelly Roby  
 Cravaack King (IA) Roe (TN)  
 Crawford King (NY) Rogers (AL)  
 Crenshaw Kingston Rogers (KY)  
 Cuellar Kinzinger (IL) Rogers (MI)  
 Davis (KY) Kissell Rohrabacher  
 Denham Kline Rokita  
 Dent Labrador Rooney  
 DesJarlais Lamborn Ros-Lehtinen  
 Diaz-Balart Lance Roskam  
 Donnelly (IN) Landry Ross (AR)  
 Dreier Lankford Ross (FL)  
 Duffy Latham Royce  
 Duncan (SC) Latta Runyan  
 Duncan (TN) Lewis (CA) Ryan (WI)  
 Ellmers Long Scalise  
 Emerson Luetkemeyer Schilling  
 Farenthold Lummis Schmidt  
 Fincher Lungren, Daniel Schmitt  
 Fitzpatrick E. Schweikert  
 Flake Lynch Scott (SC)  
 Flake Manzullo Scott, Austin  
 Fleischmann Marchant Sensenbrenner  
 Fleming Marino Sessions

Sherman Thompson (PA)  
 Shimkus Thornberry  
 Shuster Tiberi  
 Simpson Tipton  
 Smith (NE) Turner (NY)  
 Smith (NJ) Turner (OH)  
 Smith (TX) Upton  
 Southerland Walberg  
 Stearns Walden  
 Stutzman Walsh (IL)  
 Sullivan Webster  
 Terry West

## NOES—178

Altmire Foxx Neal  
 Andrews Frank (MA) Oliver  
 Baca Fudge Owens  
 Baldwin Garamendi Pallone  
 Barber Gibson Pascarelli  
 Bass (CA) Gonzalez Pastor (AZ)  
 Bass (NH) Green, Al Pelosi  
 Becerra Grijalva Perlmutter  
 Berkley Gutierrez Peters  
 Berman Hahn Peterson  
 Bilbray Hanabusa Pingree (ME)  
 Bishop (GA) Hastings (FL) Polis  
 Bishop (NY) Hayworth Price (NC)  
 Blumenauer Heinrich Quigley  
 Bonamici Higgins Rangel  
 Boswell Himes Reyes  
 Brady (PA) Hinchey Richardson  
 Braley (IA) Hinojosa Richmond  
 Brown (FL) Hochul Rothman (NJ)  
 Butterfield Holden Roybal-Allard  
 Capps Holt Ruppersberger  
 Capuano Honda Rush  
 Carnahan Hoyer Ryan (OH)  
 Carney Israel Sánchez, Linda  
 Carson (IN) Johnson (GA) T.  
 Castor (FL) Johnson (IL) Sanchez, Loretta  
 Chandler Johnson, E. B. Sarbanes  
 Chu Keating Schakowsky  
 Cicilline Kildee Schiff  
 Clarke (MI) Kind Schrader  
 Clarke (NY) Kucinich Schwartz  
 Clay Langevin Scott (VA)  
 Cleaver Larsen (WA) Scott, David  
 Clyburn Larson (CT) Serrano  
 Cohen LaTourette Sewell  
 Connolly (VA) Lee (CA) Shuler  
 Conyers Levin Sires  
 Cooper Lewis (GA) Slaughter  
 Costa Lipinski Smith (WA)  
 Courtney LoBiondo Speier  
 Critz Loeb sack Stark  
 Crowley Lofgren, Zoe Sutton  
 Cummings Lowey Thompson (CA)  
 Davis (CA) Lucas Thompson (MS)  
 DeFazio Luján Tierney  
 DeGette Maloney Tonko  
 DeLauro Markey Towns  
 Deutch Matsui Tsongas  
 Dicks McCarthy (NY) Van Hollen  
 Dingell McCollum Velázquez  
 Doggett McDermott Visclosky  
 Dold McGovern Walz (MN)  
 Doyle McNeerney Wasserman  
 Edwards Michael Schultz  
 Ellison Miller (NC) Waters  
 Engel Miller, George Watt  
 Eshoo Moore Welch  
 Farr Moran Wilson (FL)  
 Fattah Nadler Woolsey  
 Filner Napolitano Yarmuth

## NOT VOTING—13

Ackerman Hirono Meeks  
 Akin Jackson (IL) Murphy (CT)  
 Cardoza Jackson Lee Stivers  
 Culberson (TX)  
 Davis (IL) Mack Waxman

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
 There is 1 minute remaining.

□ 1148

So the amendment was agreed to.  
 The result of the vote was announced  
 as above recorded.

AMENDMENT NO. 15 OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. GEORGE MILLER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

#### RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 174, noes 239, not voting 18, as follows:

[Roll No. 528]

#### AYES—174

Altmire	Fudge	Pascarell
Andrews	Garamendi	Pastor (AZ)
Baca	Gibson	Pelosi
Baldwin	Gonzalez	Perlmutter
Barber	Green, Al	Peters
Barrow	Green, Gene	Pingree (ME)
Becerra	Grijalva	Polis
Berkley	Hahn	Price (NC)
Berman	Hanabusa	Quigley
Bishop (GA)	Hastings (FL)	Rahall
Bishop (NY)	Heinrich	Rangel
Blumenauer	Higgins	Reichert
Bonamici	Himes	Reyes
Boswell	Hinche	Richardson
Brady (PA)	Hinojosa	Richmond
Braley (IA)	Hochul	Ross (AR)
Brown (FL)	Holden	Rothman (NJ)
Butterfield	Holt	Royal-Allard
Capps	Honda	Ruppersberger
Capuano	Hoyer	Rush
Carnahan	Israel	Sánchez, Linda T.
Carney	Johnson (GA)	Sanchez, Loretta
Carson (IN)	Johnson, E. B.	Sarbanes
Castor (FL)	Kaptur	Schakowsky
Chandler	Keating	Schiff
Chu	Kildee	Schrader
Cicilline	Kind	Fleming
Clarke (MI)	Kissell	Flores
Clarke (NY)	Kucinich	Forbes
Clay	Langevin	Fortenberry
Cleaver	Larsen (WA)	Meehan
Clyburn	Larson (CT)	Mica
Cohen	Lee (CA)	Michaud
Connolly (VA)	Levin	Miller (FL)
Conyers	Lewis (GA)	Miller (MI)
Cooper	Lipinski	Miller, Gary
Costello	Loeb sack	Mulvaney
Courtney	Lofgren, Zoe	Murphy (PA)
Critz	Lowey	Myrick
Crowley	Luján	Neugebauer
Cuellar	Lynch	Noem
Cummings	Maloney	Nugent
Davis (CA)	Markey	Nunes
DeFazio	Matsui	Nunnelee
DeGette	McCarthy (NY)	Olson
DeLauro	McCollum	Owens
Deutch	McDermott	Palazzo
Dicks	McGovern	
Dingell	McIntyre	
Doggett	McNerney	
Donnelly (IN)	Miller (NC)	
Doyle	Miller, George	
Edwards	Moore	
Ellison	Moran	
Engel	Nadler	
Eshoo	Napolitano	
Farr	Neal	
Filner	Oliver	
Frank (MA)	Pallone	

#### NOES—239

Adams	Amash	Bachmann
Aderholt	Amodei	Bachus
Alexander	Austria	Barletta

Bartlett	Griffin (AR)	Paul
Barton (TX)	Griffith (VA)	Paulsen
Bass (NH)	Grimm	Pearce
Benishak	Guinta	Pence
Berg	Guthrie	Peterson
Biggart	Hall	Petri
Bilbray	Hanna	Pitts
Bilirakis	Harper	Platts
Bishop (UT)	Harris	Poe (TX)
Black	Hartzler	Pompeo
Blackburn	Hastings (WA)	Posey
Bonner	Hayworth	Price (GA)
Bono Mack	Heck	Quayle
Boren	Hensarling	Reed
Boustany	Herger	Rehberg
Brady (TX)	Herrera Beutler	Renacci
Brooks	Huelskamp	Ribble
Broun (GA)	Huizenga (MI)	Rigell
Buchanan	Hultgren	Rivera
Bucshon	Hunter	Roby
Buerkle	Hurt	Roe (TN)
Burgess	Issa	Rogers (AL)
Burton (IN)	Jenkins	Rogers (KY)
Calvert	Johnson (IL)	Rohrabacher
Camp	Johnson (OH)	Rokita
Campbell	Johnson, Sam	Rooney
Canseco	Jones	Ros-Lehtinen
Cantor	Jordan	Roskam
Capito	Kelly	Ross (AR)
Carter	King (IA)	Ross (FL)
Cassidy	King (NY)	Royce
Chabot	Kingston	Runyan
Chaffetz	Kinzinger (IL)	Ryan (WI)
Coble	Kline	Scalise
Coffman (CO)	Labrador	Schilling
Cole	Lamborn	Schmidt
Conaway	Lance	Schock
Costa	Landry	Schweikert
Cravaack	Lankford	Scott (SC)
Crawford	Latham	Scott, Austin
Crenshaw	LaTourette	Sensenbrenner
Davis (KY)	Latta	Sessions
Denham	Lewis (CA)	Shimkus
Dent	LoBiondo	Shuler
DesJarlais	Long	Shuster
Diaz-Balart	Lucas	Simpson
Dold	Luetkemeyer	Smith (NE)
Dreier	Lummis	Smith (NJ)
Duffy	Lungren, Daniel E.	Smith (TX)
Duncan (SC)	Manzullo	Southerland
Duncan (TN)	Marino	Stearns
Ellmers	Matheson	Stutzman
Emerson	McCarthy (CA)	Terry
Farenthold	McCauley	Thompson (PA)
Fincher	McClintock	Thornberry
Fitzpatrick	McHenry	Tiberi
Flake	McKeon	Tipton
Fleischmann	McKinley	Turner (NY)
Fleming	McMorris	Turner (OH)
Flores	Rodgers	Upton
Forbes	Meehan	Walberg
Fortenberry	Mica	Walden
Fox	Michaud	Walsh (IL)
Franks (AZ)	Miller (FL)	Webster
Frelinghuysen	Miller (MI)	West
Galleghy	Miller, Gary	Westmoreland
Gardner	Mulvaney	Whitfield
Garrett	Murphy (PA)	Wilson (SC)
Gerlach	Myrick	Wittman
Gibbs	Neugebauer	Wolf
Gingrey (GA)	Noem	Womack
Gohmert	Nugent	Woodall
Goodlatte	Nunes	Yoder
Gosar	Nunnelee	Young (AK)
Gowdy	Olson	Young (FL)
Granger	Owens	Young (IN)
Graves (GA)	Palazzo	
Graves (MO)		

#### NOT VOTING—18

Ackerman	Gutierrez	Meeks
Akin	Hirono	Murphy (CT)
Bass (CA)	Jackson (IL)	Rogers (MI)
Cardoza	Jackson Lee	Stivers
Culberson	(TX)	Sullivan
Davis (IL)	Mack	
Fattah	Marchant	

ANNOUNCEMENT BY THE ACTING CHAIR  
The Acting CHAIR (during the vote).  
There is 1 minute remaining.

The result of the vote was announced as above recorded.

AMENDMENT NO. 16 OFFERED BY MS. WOOLSEY

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Ms. WOOLSEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

#### RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 178, noes 236, not voting 17, as follows:

[Roll No. 529]

#### AYES—178

Altmire	Gibson	Pallone
Andrews	Gonzalez	Pastor (AZ)
Baca	Green, Al	Pelosi
Baldwin	Green, Gene	Perlmutter
Barber	Grijalva	Peters
Bass (CA)	Gutierrez	Pingree (ME)
Becerra	Hahn	Polis
Berkley	Hanabusa	Price (NC)
Berman	Hastings (FL)	Quigley
Bishop (GA)	Heinrich	Rahall
Bishop (NY)	Higgins	Rangel
Blumenauer	Himes	Reichert
Bonamici	Hinche	Reyes
Boswell	Hinojosa	Richardson
Brady (PA)	Hochul	Richmond
Braley (IA)	Holden	Ross (AR)
Brown (FL)	Holt	Rothman (NJ)
Butterfield	Honda	Royal-Allard
Capps	Hoyer	Runyan
Capuano	Israel	Ruppersberger
Carnahan	Johnson (GA)	Rush
Carnahan	Johnson (IL)	Ryan (OH)
Carson (IN)	Johnson, E. B.	Sánchez, Linda T.
Castor (FL)	Kaptur	Sanchez, Loretta
Chandler	Keating	Sarbanes
Chu	Kildee	Schakowsky
Cicilline	Kind	Schiff
Clarke (MI)	Kissell	Schrader
Clarke (NY)	Kucinich	Schwartz
Clay	Langevin	Scott (VA)
Cleaver	Larsen (WA)	Scott, David
Clyburn	Larson (CT)	Serrano
Cohen	Lee (CA)	Sewell
Connolly (VA)	Levin	Sherman
Conyers	Lipinski	Sires
Cooper	LoBiondo	Slaughter
Costello	Loeb sack	Smith (WA)
Critz	Lofgren, Zoe	Speier
Crowley	Lowey	Stark
Cuellar	Luján	Sutton
Cummings	Lynch	Thompson (CA)
Davis (CA)	Maloney	Thompson (MS)
DeFazio	Markey	Tierney
DeGette	Matsui	Tonko
DeLauro	McCarthy (NY)	Towns
Dicks	McCollum	Tsongas
Dingell	McDermott	Van Hollen
Doggett	McGovern	Velázquez
Donnelly (IN)	McIntyre	Visclosky
Doyle	McNerney	Walz (MN)
Edwards	Michaud	Wasserman
Ellison	Miller (NC)	Schultz
Engel	Miller, George	Waters
Eshoo	Moore	Watt
Farr	Moran	Waxman
Filner	Nadler	Welch
Frank (MA)	Napolitano	Wilson (FL)
Fudge	Neal	Woolsey
Garamendi	Oliver	Yarmuth

## NOES—236

Adams	Gohmert	Olson
Aderholt	Goodlatte	Owens
Alexander	Gosar	Palazzo
Amash	Gowdy	Paul
Amodei	Granger	Paulsen
Austria	Graves (GA)	Pearce
Bachmann	Graves (MO)	Pence
Bachus	Griffin (AR)	Peterson
Barletta	Griffith (VA)	Petri
Barrow	Grimm	Pitts
Bartlett	Guinta	Platts
Barton (TX)	Guthrie	Poe (TX)
Bass (NH)	Hall	Pompeo
Benishek	Hanna	Posey
Berg	Harper	Price (GA)
Biggert	Harris	Quayle
Bilbray	Hartzler	Reed
Bilirakis	Hastings (WA)	Rehberg
Black	Hayworth	Renacci
Blackburn	Heck	Ribble
Bonner	Hensarling	Rigell
Bono Mack	Herger	Rivera
Boren	Herrera Beutler	Roby
Boustany	Huelskamp	Roe (TN)
Brady (TX)	Huizenga (MI)	Rogers (AL)
Brooks	Hultgren	Rogers (KY)
Broun (GA)	Hunter	Rogers (MI)
Buchanan	Hurt	Rohrabacher
Bucshon	Issa	Rokita
Buerkle	Jenkins	Rooney
Burgess	Johnson (OH)	Ros-Lehtinen
Burton (IN)	Johnson, Sam	Roskam
Calvert	Jones	Ross (FL)
Camp	Jordan	Royce
Campbell	Kelly	Ryan (WI)
Canseco	King (IA)	Scalise
Cantor	King (NY)	Schilling
Capito	Kingston	Schmidt
Carter	Kinzinger (IL)	Schock
Cassidy	Kline	Schweikert
Chabot	Labrador	Scott (SC)
Chaffetz	Lamborn	Scott, Austin
Coble	Lance	Sensenbrenner
Coffman (CO)	Landry	Sessions
Cole	Lankford	Shimkus
Conaway	Latham	Shuler
Costa	LaTourette	Shuster
Cravaack	Latta	Simpson
Crawford	Lewis (CA)	Smith (NE)
Crenshaw	Long	Smith (NJ)
Davis (KY)	Lucas	Southerland
Denham	Luetkemeyer	Stearns
Dent	Lummis	Stutzman
DesJarlais	Lungren, Daniel	Sullivan
Diaz-Balart	E.	Thompson (PA)
Dold	Manzullo	Thornberry
Dreier	Marchant	Tipton
Duffy	Marino	Turner (NY)
Duncan (SC)	Matheson	Turner (OH)
Duncan (TN)	McCarthy (CA)	Upton
Ellmers	McCaul	Walberg
Emerson	McClintock	Walden
Farenthold	McHenry	Walsh (IL)
Fincher	McKeon	Webster
Fitzpatrick	McKinley	West
Flake	McMorris	Westmoreland
Fleischmann	Rodgers	Whitfield
Fleming	Meehan	Wilson (SC)
Flores	Mica	Wittman
Forbes	Miller (FL)	Wolf
Fortenberry	Miller (MI)	Woodall
Fox	Miller, Gary	Yoder
Franks (AZ)	Mulvaney	Young (AK)
Frelinghuysen	Murphy (PA)	Young (FL)
Gallely	Myrick	Young (IN)
Gardner	Neugebauer	
Garrett	Noem	
Gerlach	Nugent	
Gibbs	Nunes	
Gingrey (GA)	Nunnelee	

## NOT VOTING—17

Ackerman	Davis (IL)	Mack
Akin	Fattah	Meeks
Bishop (UT)	Hirono	Murphy (CT)
Cardoza	Jackson (IL)	Pascarell
Courtney	Jackson Lee	Smith (TX)
Culberson	(TX)	Stivers

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
There is 1 minute remaining.

## □ 1155

So the amendment was rejected.  
The result of the vote was announced  
as above recorded.

## AMENDMENT NO. 18 OFFERED BY MS. WATERS

The Acting CHAIR. The unfinished  
business is the demand for a recorded  
vote on the amendment offered by the  
gentlewoman from California (Ms.  
WATERS) on which further proceedings  
were postponed and on which the noes  
prevailed by voice vote.

The Clerk will redesignate the  
amendment.

The Clerk redesignated the amend-  
ment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote  
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-  
minute vote.

The vote was taken by electronic de-  
vice, and there were—ayes 171, noes 247,  
not voting 13, as follows:

## [Roll No. 530]

## AYES—171

Andrews	Fudge	Pallone
Baca	Garamendi	Pascarell
Baldwin	Gonzalez	Pastor (AZ)
Barber	Green, Al	Pelosi
Bass (CA)	Grijalva	Perlmutter
Becerra	Gutierrez	Peters
Berkley	Hahn	Pingree (ME)
Berman	Hanabusa	Polis
Bishop (GA)	Hastings (FL)	Price (NC)
Bishop (NY)	Heinrich	Quigley
Higgins		Rahall
Himes		Rangel
Hinchey		Reyes
Hinojosa		Richardson
Holden		Rhodes
Holt		Rothman (NJ)
Honda		Roybal-Allard
Hoyer		Ruppersberger
Israel		Rush
Johnson (GA)		Ryan (OH)
Johnson, E. B.		Sanchez, Linda
Jones		T.
Kaptur		Sanchez, Loretta
Keating		Sarbanes
Kildee		Schakowsky
Kind		Schiff
Kissell		Schwartz
Kucinich		Scott (VA)
Langevin		Scott, David
Larsen (WA)		Serrano
Larson (CT)		Sewell
Lee (CA)		Sherman
Levin		Sires
Lewis (GA)		Slaughter
Lipinski		Smith (WA)
Loebach		Speier
Lofgren, Zoe		Stark
Lowey		Sutton
Lujan		Thompson (CA)
Lynch		Thompson (MS)
Maloney		Tierney
Markey		Tonko
Matsui		Towns
McCarthy (NY)		Tsongas
McCollum		Van Hollen
McDermott		Velázquez
McGovern		Visclosky
McNerney		Walz (MN)
Michaud		Wasserman
Miller (NC)		Schultz
Miller, George		Waters
Moore		Watt
Moran		Waxman
Nadler		Welch
Napolitano		Wilson (FL)
Neal		Woolsey
Oliver		Yarmuth
Owens		

## NOES—247

Adams	Gohmert	Nunnelee
Aderholt	Goodlatte	Olson
Alexander	Gosar	Palazzo
Altmire	Gowdy	Paul
Amash	Granger	Paulsen
Amodei	Graves (GA)	Pearce
Austria	Graves (MO)	Pence
Bachmann	Green, Gene	Peterson
Bachus	Griffin (AR)	Petri
Barletta	Griffith (VA)	Pitts
Barrow	Grimm	Platts
Bartlett	Guinta	Poe (TX)
Barton (TX)	Guthrie	Pompeo
Bass (NH)	Hall	Posey
Benishek	Hanna	Price (GA)
Berg	Harper	Quayle
Biggert	Harris	Reed
Bilbray	Hartzler	Rehberg
Bilirakis	Hastings (WA)	Reichert
Bishop (UT)	Hayworth	Renacci
Black	Heck	Ribble
Blackburn	Hensarling	Rigell
Bonner	Herger	Rivera
Bono Mack	Herrera Beutler	Roby
Boren	Hochul	Roe (TN)
Boustany	Huelskamp	Rogers (AL)
Brady (TX)	Huizenga (MI)	Rogers (KY)
Brooks	Hultgren	Rogers (MI)
Broun (GA)	Hunter	Rohrabacher
Buchanan	Hurt	Rokita
Bucshon	Issa	Rooney
Buerkle	Jenkins	Ros-Lehtinen
Burgess	Johnson (IL)	Roskam
Burton (IN)	Johnson (OH)	Ross (AR)
Calvert	Johnson, Sam	Ross (FL)
Camp	Jordan	Royce
Campbell	Kelly	Runyan
Canseco	King (IA)	Ryan (WI)
Cantor	King (NY)	Scalise
Capito	Kingston	Schilling
Carter	Kinzinger (IL)	Schmidt
Cassidy	Kline	Schock
Chabot	Labrador	Schrader
Chaffetz	Lamborn	Schweikert
Chandler	Lance	Scott (SC)
Coble	Landry	Scott, Austin
Coffman (CO)	Lankford	Sensenbrenner
Cole	Latham	Sessions
Conaway	LaTourette	Shimkus
Cravaack	Latta	Shuler
Crawford	Lewis (CA)	Shuster
Crenshaw	LoBiondo	Simpson
Davis (KY)	Long	Smith (NE)
Denham	Lucas	Smith (NJ)
Dent	Luetkemeyer	Smith (TX)
DesJarlais	Lummis	Southerland
Diaz-Balart	Lungren, Daniel	Stearns
Dold	E.	Stutzman
Dreier	Manzullo	Sullivan
Duffy	Marchant	Terry
Duncan (SC)	Marino	Thompson (PA)
Duncan (TN)	Matheson	Thornberry
Ellmers	McCarthy (CA)	Tipton
Emerson	McCaul	Turner (NY)
Farenthold	McClintock	Turner (OH)
Fincher	McHenry	Upton
Fitzpatrick	McIntyre	Walberg
Flake	McKeon	Walden
Fleischmann	McKinley	Walsh (IL)
Fleming	McMorris	Webster
Flores	Rodgers	West
Forbes	Meehan	Westmoreland
Fortenberry	Mica	Whitfield
Fox	Miller (FL)	Wilson (SC)
Franks (AZ)	Miller (MI)	Wittman
Frelinghuysen	Miller, Gary	Wolf
Gallely	Mulvaney	Woodall
Gardner	Murphy (PA)	Yoder
Garrett	Myrick	Young (AK)
Gerlach	Neugebauer	Young (FL)
Gibbs	Noem	Young (IN)
Gibson	Nugent	
Gingrey (GA)	Nunes	

## NOT VOTING—13

Ackerman	Fattah	Mack
Akin	Hirono	Meeks
Cardoza	Jackson (IL)	Murphy (CT)
Culberson	Jackson Lee	Stivers
Davis (IL)	(TX)	

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
There is 1 minute remaining.

□ 1158

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 19 OFFERED BY MR. FITZPATRICK

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Pennsylvania (Mr. FITZPATRICK) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 251, noes 166, not voting 14, as follows:

[Roll No. 531]

AYES—251

Adams	Duffy	Jones
Aderholt	Duncan (SC)	Jordan
Alexander	Duncan (TN)	Kelly
Amash	Ellmers	Kind
Amodei	Emerson	King (IA)
Austria	Farenthold	King (NY)
Bachmann	Fincher	Kingston
Bachus	Fitzpatrick	Kinzing (IL)
Barletta	Flake	Kissell
Barrow	Fleischmann	Kline
Bartlett	Fleming	Labrador
Barton (TX)	Flores	Lamborn
Benishkek	Forbes	Lance
Berg	Fortenberry	Landry
Biggart	Fox	Lankford
Bilbray	Franks (AZ)	Latham
Bilirakis	Frelinghuysen	LaTourette
Bishop (UT)	Gallegly	Latta
Black	Gardner	Lewis (CA)
Blackburn	Garrett	LoBiondo
Bonner	Gerlach	Loebach
Bono Mack	Gibbs	Long
Boren	Gibson	Lucas
Boswell	Gingrey (GA)	Luetkemeyer
Boustany	Gohmert	Lummis
Brooks	Goodlatte	Lungren, Daniel
Broun (GA)	Gosar	E.
Buchanan	Gowdy	Manzullo
Buena	Granger	Marchant
Buerkle	Graves (GA)	Marino
Burgess	Graves (MO)	Matheson
Burton (IN)	Griffin (AR)	McCarthy (CA)
Calvert	Griffith (VA)	McCaul
Camp	Grimm	McClintock
Canseco	Guinta	McHenry
Cantor	Guthrie	McIntyre
Capito	Hall	McKeon
Carter	Hanna	McKinley
Cassidy	Harper	McMorris
Chabot	Harris	Rodgers
Chaffetz	Hartzler	Meehan
Coble	Hastings (WA)	Mica
Coffman (CO)	Hayworth	Miller (FL)
Cole	Heck	Miller (MI)
Conaway	Hensarling	Miller, Gary
Connolly (VA)	Herger	Mulvaney
Cravaack	Herrera Beutler	Murphy (PA)
Crawford	Holden	Myrick
Crenshaw	Huelskamp	Neugebauer
Critz	Huizenga (MI)	Noem
Cueellar	Hultgren	Nugent
Davis (KY)	Hunter	Nunes
Denham	Hurt	Nunnelee
Dent	Issa	Olson
DesJarlais	Jenkins	Owens
Diaz-Balart	Johnson (IL)	Palazzo
Dold	Johnson (OH)	Paul
Dreier	Johnson, Sam	Paulsen

Pearce  
Pence  
Peterson  
Petri  
Pitts  
Platts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Quayle  
Rahall  
Reed  
Rehberg  
Reichert  
Renacci  
Ribble  
Rigell  
Rivera  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney

Ros-Lehtinen  
Roskam  
Ross (AR)  
Ross (FL)  
Royce  
Runyan  
Ryan (WI)  
Scalise  
Schilling  
Schmidt  
Schock  
Schrader  
Schweikert  
Scott (SC)  
Scott, Austin  
Sensenbrenner  
Serrano  
Sessions  
Shimkus  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southerland  
Stearns  
Stutzman

Sullivan  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner (NY)  
Turner (OH)  
Upton  
Walberg  
Walden  
Walsh (IL)  
Webster  
West  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Young (AK)  
Young (FL)  
Young (IN)

NOES—166

Altmire  
Andrews  
Baca  
Baldwin  
Barber  
Bass (CA)  
Bass (NH)  
Becerra  
Berkley  
Berman  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Bonamici  
Brady (PA)  
Brady (TX)  
Braley (IA)  
Brown (FL)  
Butterfield  
Campbell  
Capps  
Capuano  
Carnahan  
Carney  
Carson (IN)  
Castor (FL)  
Chandler  
Chu  
Cicilline  
Clarke (MI)  
Clarke (NY)  
Clay  
Clever  
Clyburn  
Cohen  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Crowley  
Cummings  
Davis (CA)  
DeFazio  
DeGette  
DeLauro  
Deutch  
Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Doyle  
Edwards  
Ellison  
Engel  
Eshoo

Farr  
Filner  
Frank (MA)  
Fudge  
Garamendi  
Gonzalez  
Green, Al  
Green, Gene  
Grijalva  
Gutierrez  
Hahn  
Hanabusa  
Hastings (FL)  
Heinrich  
Higgins  
Himes  
Hinchee  
Hinojosa  
Hochul  
Holt  
Honda  
Hoyer  
Israel  
Johnson (GA)  
Johnson, E. B.  
Kaptur  
Keating  
Kildee  
Kucinich  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis (GA)  
Lipinski  
Loftgren, Zoe  
Lowey  
Luján  
Lynch  
Maloney  
Markey  
Matsui  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McNerney  
Michaud  
Miller (NC)  
Miller, George  
Moore  
Moran  
Nadler  
Napolitano  
Neal

Oliver  
Pallone  
Pascarella  
Pastor (AZ)  
Pelosi  
Perlmutter  
Peters  
Pingree (ME)  
Polis  
Price (NC)  
Quigley  
Rangel  
Reyes  
Richardson  
Richmond  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schwartz  
Scott (VA)  
Scott, David  
Sewell  
Sherman  
Shuler  
Sires  
Slaughter  
Smith (WA)  
Speier  
Stark  
Sutton  
Thompson (CA)  
Thompson (MS)  
Tierney  
Tonko  
Towns  
Tsongas  
Van Hollen  
Velázquez  
Visclosky  
Walz (MN)  
Wasserman  
Schultz  
Watt  
Waxman  
Welch  
Wilson (FL)  
Woolsey  
Yarmuth

NOT VOTING—14

Ackerman  
Akin  
Cardoza  
Culberson  
Davis (IL)

Mack  
Meeks  
Murphy (CT)  
Stivers  
Waters

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
There is 1 minute remaining.

□ 1201

Ms. BERKLEY changed her vote from “aye” to “no.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 20 OFFERED BY MR. POSEY

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. POSEY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 245, noes 171, not voting 15, as follows:

[Roll No. 532]

AYES—245

Adams	Davis (KY)	Herger
Aderholt	Denham	Herrera Beutler
Alexander	Dent	Holden
Altmire	DesJarlais	Huelskamp
Amodei	Diaz-Balart	Huizenga (MI)
Austria	Dold	Hultgren
Bachmann	Dreier	Hunter
Bachus	Duffy	Hurt
Barletta	Duncan (SC)	Issa
Barrow	Duncan (TN)	Jenkins
Bartlett	Ellmers	Johnson (OH)
Barton (TX)	Emerson	Johnson, Sam
Benishkek	Farenthold	Jones
Berg	Fincher	Jordan
Biggart	Fitzpatrick	Kelly
Bilbray	Flake	King (IA)
Bilirakis	Fleischmann	King (NY)
Bishop (GA)	Fleming	Kingston
Bishop (UT)	Flores	Kinzing (IL)
Black	Forbes	Kissell
Blackburn	Fortenberry	Kline
Bonner	Fox	Labrador
Bono Mack	Franks (AZ)	Lamborn
Boren	Frelinghuysen	Lance
Boustany	Gallegly	Landry
Brooks	Gardner	Lankford
Broun (GA)	Garrett	Latham
Buchanan	Gerlach	LaTourette
Buena	Gibbs	Latta
Buerkle	Gingrey (GA)	Lewis (CA)
Burgess	Gohmert	LoBiondo
Burton (IN)	Goodlatte	Long
Calvert	Gosar	Lucas
Camp	Gowdy	Luetkemeyer
Canseco	Granger	Lummis
Cantor	Graves (GA)	Lungren, Daniel
Cole	Graves (MO)	E.
Conaway	Green, Gene	Manzullo
Connolly (VA)	Griffin (AR)	Marchant
Cravaack	Griffith (VA)	Marino
Crawford	Grimm	Matheson
Crenshaw	Guinta	McCarthy (CA)
Critz	Guthrie	McCaul
Cueellar	Hall	McClintock
Davis (KY)	Hanna	McHenry
Denham	Harper	McIntyre
Dent	Harris	McKeon
DesJarlais	Hartzler	McKinley
Diaz-Balart	Hastings (WA)	McMorris
Dold	Hayworth	Rodgers
Dreier	Heck	Meehan
	Hensarling	Mica

Miller (FL)  
Miller (MI)  
Miller, Gary  
Mulvaney  
Murphy (PA)  
Myrick  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Palazzo  
Paul  
Paulsen  
Pearce  
Pence  
Petri  
Pingree (ME)  
Pitts  
Platts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Quayle  
Rahall  
Reed  
Rehberg  
Renacci  
Ribble

Rigell  
Rivera  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (AR)  
Ross (FL)  
Royce  
Runyan  
Ryan (WI)  
Scalise  
Schilling  
Schmidt  
Schock  
Schweikert  
Scott (SC)  
Scott, Austin  
Sensenbrenner  
Sessions  
Shimkus  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)

Smith (TX)  
Southernland  
Stearns  
Stutzman  
Sullivan  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner (NY)  
Turner (OH)  
Upton  
Walberg  
Walden  
Walsh (IL)  
Webster  
West  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Young (AK)  
Young (FL)  
Young (IN)

## NOES—171

Amash  
Andrews  
Baca  
Baldwin  
Barber  
Bass (CA)  
Bass (NH)  
Becerra  
Berkley  
Berman  
Bishop (NY)  
Blumenauer  
Bonamici  
Boswell  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Butterfield  
Capps  
Capuano  
Carnahan  
Carney  
Carson (IN)  
Castor (FL)  
Chandler  
Chu  
Cicilline  
Clarke (MI)  
Clarke (NY)  
Clay  
Clever  
Clyburn  
Cohen  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Courtney  
Crowley  
Cuellar  
Cummins  
Davis (CA)  
DeFazio  
DeGette  
DeLauro  
Deutsch  
Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Doyle  
Edwards  
Ellison  
Engel  
Eshoo  
Farr  
Filner  
Frank (MA)

Fudge  
Garamendi  
Gibson  
Gonzalez  
Green, Al  
Grijalva  
Gutierrez  
Hahn  
Hanabusa  
Hastings (FL)  
Heinrich  
Higgins  
Himes  
Hinchey  
Hinojosa  
Hochul  
Holt  
Honda  
Hoyer  
Israel  
Johnson (GA)  
Johnson (IL)  
Johnson, E. B.  
Kaptur  
Keating  
Kildee  
Kind  
Kucinich  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis (GA)  
Lipinski  
Loeb sack  
Lofgren, Zoe  
Lowey  
Luján  
Lynch  
Maloney  
Markey  
Matsui  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McNerney  
Michaud  
Miller, George  
Moore  
Moran  
Nadler  
Napolitano  
Neal  
Oliver  
Owens  
Pallone

Pascarell  
Pastor (AZ)  
Pelosi  
Perlmutter  
Peters  
Peterson  
Polis  
Price (NC)  
Quigley  
Rangel  
Reichert  
Reyes  
Richardson  
Richmond  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schradler  
Schwartz  
Scott (VA)  
Scott, David  
Serrano  
Sewell  
Sherman  
Shuler  
Sires  
Slaughter  
Smith (WA)  
Speier  
Stark  
Sutton  
Thompson (CA)  
Thompson (MS)  
Tierney  
Tonko  
Towns  
Tsongas  
Van Hollen  
Velázquez  
Visclosky  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Welch  
Wilson (FL)  
Woolsey  
Yarmuth

## NOT VOTING—15

Ackerman  
Akin

Cardoza  
Culberson

Davis (IL)  
Fattah

Hirono  
Jackson (IL)  
Jackson Lee  
(TX)

Mack  
Meeks  
Miller (NC)  
Murphy (CT)

Rothman (NJ)  
Stivers

Sherman  
Sires  
Slaughter  
Smith (WA)  
Speier  
Stark  
Sutton  
Thompson (CA)  
Thompson (MS)

Tierney  
Tonko  
Towns  
Tsongas  
Van Hollen  
Velázquez  
Visclosky  
Walz (MN)

Wasserman  
Schultz  
Watt  
Waxman  
Welch  
Wilson (FL)  
Woolsey  
Yarmuth

ANNOUNCEMENT BY THE ACTING CHAIR  
The Acting CHAIR (during the vote).  
There is 1 minute remaining.

□ 1204

So the amendment was agreed to.  
The result of the vote was announced  
as above recorded.

AMENDMENT NO. 21 OFFERED BY MRS. MALONEY  
The Acting CHAIR. The unfinished  
business is the demand for a recorded  
vote on the amendment offered by the  
gentlewoman from New York (Mrs.  
MALONEY) on which further pro-  
ceedings were postponed and on which  
the noes prevailed by voice vote.  
The Clerk will redesignate the  
amendment.  
The Clerk redesignated the amend-  
ment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote  
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-  
minute vote.

The vote was taken by electronic de-  
vice, and there were—ayes 173, noes 243,  
not voting 15, as follows:

[Roll No. 533]

## AYES—173

Altmire  
Andrews  
Baca  
Baldwin  
Barber  
Bass (CA)  
Becerra  
Berkley  
Berman  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Bonamici  
Boswell  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Capps  
Capuano  
Carnahan  
Carney  
Carson (IN)  
Castor (FL)  
Chandler  
Chu  
Cicilline  
Clarke (MI)  
Clarke (NY)  
Clay  
Clever  
Clyburn  
Cohen  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Critz  
Crowley  
Cuellar  
Cummings  
Davis (CA)  
DeFazio  
DeGette  
DeLauro  
Deutsch  
Dicks  
Dingell  
Doggett

Donnelly (IN)  
Doyle  
Edwards  
Ellison  
Engel  
Eshoo  
Farr  
Filner  
Frank (MA)

Luján  
Lynch  
Maloney  
Markey  
Matsui  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McNerney  
Michaud  
Miller (NC)  
Miller, George  
Moore  
Moran  
Nadler  
Napolitano  
Neal  
Oliver  
Pallone  
Pascarell  
Pastor (AZ)  
Pelosi  
Perlmutter  
Peters  
Pingree (ME)  
Polis  
Price (NC)  
Quigley  
Rangel  
Reyes  
Richardson  
Richmond  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Lee (CA)  
Levin  
Lewis (GA)  
Lipinski  
Loeb sack  
Lofgren, Zoe  
Lowey

Adams  
Aderholt  
Alexander  
Amash  
Amodei  
Austria  
Bachmann  
Bachus  
Barletta  
Barrow  
Bartlett  
Barton (TX)  
Bass (NH)  
Benishek  
Berg  
Biggart  
Bilbray  
Bilirakis  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Bono Mack  
Boren  
Boustany  
Brady (TX)  
Brooks  
Broun (GA)  
Buchanan  
Bucshon  
Buerkle  
Burgess  
Burton (IN)  
Calvert  
Camp  
Campbell  
Canseco  
Cantor  
Capito  
Carter  
Cassidy  
Chabot  
Chaffetz  
Coble  
Coffman (CO)  
Cole  
Conaway  
Cravaack  
Crawford  
Crenshaw  
Davis (KY)  
Denham  
Dent  
DesJarlais  
Diaz-Balart  
Dold  
Dreier  
Duffy  
Duncan (SC)  
Duncan (TN)  
Ellmers  
Emerson  
Farenthold  
Fincher  
Fitzpatrick  
Flake  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gingrey (GA)  
Gohmert  
Goodlatte

Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guintha  
Guthrie  
Hall  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Hayworth  
Heck  
Hensarling  
Herger  
Herrera Beutler  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Issa  
Jenkins  
Johnson (IL)  
Johnson (OH)  
Johnson, Sam  
Jordan  
Kelly  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kline  
Labrador  
Lamborn  
Lance  
Landry  
Lankford  
Latham  
LaTourette  
Latta  
Lewis (CA)  
LoBiondo  
Long  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Manzullo  
Marchant  
Marino  
Matheson  
McCarthy (CA)  
McCaul  
McClintock  
McHenry  
McKeon  
McKinley  
McMorris  
Rodgers  
Meehan  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mulvaney  
Murphy (PA)  
Myrick  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Owens  
Palazzo

Paul  
Paulsen  
Pearce  
Pence  
Peterson  
Petri  
Pitts  
Platts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Quayle  
Rahall  
Reed  
Rehberg  
Reichert  
Renacci  
Ribble  
Rigell  
Rivera  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (AR)  
Ross (FL)  
Royce  
Runyan  
Ryan (WI)  
Scalise  
Schilling  
Schmidt  
Schock  
Schradler  
Schweikert  
Scott (SC)  
Scott, Austin  
Sensenbrenner  
Sessions  
Shimkus  
Shuler  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southernland  
Stearns  
Stutzman  
Sullivan  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner (NY)  
Turner (OH)  
Upton  
Walberg  
Walden  
Walsh (IL)  
Webster  
West  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Young (AK)  
Young (FL)  
Young (IN)

## NOT VOTING—15

Ackerman	Fattah	Meeks
Akin	Hirono	Murphy (CT)
Butterfield	Jackson (IL)	Stivers
Cardoza	Jackson Lee	Waters
Culberson	(TX)	
Davis (IL)	Mack	

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
There is 1 minute remaining.

## □ 1208

So the amendment was rejected.

The result of the vote was announced  
as above recorded.

## AMENDMENT NO. 25 OFFERED BY MR. POSEY

The Acting CHAIR. The unfinished  
business is the demand for a recorded  
vote on the amendment offered by the  
gentleman from Florida (Mr. POSEY) on  
which further proceedings were post-  
poned and on which the ayes prevailed  
by voice vote.

The Clerk will redesignate the  
amendment.

The Clerk redesignated the amend-  
ment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote  
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-  
minute vote.

The vote was taken by electronic de-  
vice, and there were—ayes 251, noes 165,  
not voting 15, as follows:

[Roll No. 534]

## AYES—251

Adams	Cravaack	Griffith (VA)
Aderholt	Crawford	Grimm
Alexander	Creshaw	Guinta
Amash	Cuellar	Guthrie
Amodei	Davis (KY)	Hall
Austria	Denham	Hanna
Bachmann	Dent	Harper
Bachus	DesJarlais	Harris
Barletta	Deutch	Hartzler
Bartlett	Diaz-Balart	Hastings (FL)
Barton (TX)	Dold	Hastings (WA)
Benishek	Donnelly (IN)	Hayworth
Berg	Dreier	Heck
Biggert	Duffy	Hensarling
Bilbray	Duncan (SC)	Herger
Bilirakis	Duncan (TN)	Herrera Beutler
Bishop (UT)	Ellmers	Himes
Black	Emerson	Hinojosa
Blackburn	Farenthold	Huelskamp
Bonner	Fincher	Huizenga (MI)
Bono Mack	Fitzpatrick	Hultgren
Boren	Flake	Hunter
Boustany	Fleischmann	Hurt
Brady (TX)	Fleming	Issa
Brooks	Flores	Jenkins
Buchanan	Forbes	Johnson (IL)
Bucshon	Fortenberry	Johnson (OH)
Buerkle	Fox	Johnson, Sam
Burgess	Franks (AZ)	Jones
Burton (IN)	Frelinghuysen	Jordan
Calvert	Galleghy	Kelly
Camp	Gardner	King (IA)
Campbell	Garrett	King (NY)
Canseco	Gerlach	Kingston
Cantor	Gibbs	Kinzinger (IL)
Capito	Gibson	Kissell
Carter	Gingrey (GA)	Kline
Cassidy	Gohmert	Labrador
Castor (FL)	Goodlatte	Lamborn
Chabot	Gosar	Lance
Chaffetz	Gowdy	Landry
Chandler	Granger	Lankford
Coble	Graves (GA)	Latham
Coffman (CO)	Graves (MO)	Latta
Cole	Green, Al	Lewis (CA)
Conaway	Griffin (AR)	LoBiondo

Long	Petri	Sensenbrenner
Lucas	Pitts	Sessions
Luetkemeyer	Platts	Shimkus
Lummis	Poe (TX)	Shuster
Lungren, Daniel	Pompeo	Simpson
E.	Posey	Smith (NE)
Manzullo	Price (GA)	Smith (NJ)
Marchant	Quayle	Smith (TX)
Marino	Rahall	Southerland
Matheson	Reed	Stearns
McCarthy (CA)	Rehberg	Stutzman
McCaul	Reichert	Sullivan
McClintock	Renacci	Terry
McHenry	Ribble	Thompson (PA)
McIntyre	Rigell	Thornberry
McKeon	Rivera	Tiberi
McKinley	Roby	Tipton
McMorris	Roe (TN)	Turner (NY)
Rodgers	Rogers (AL)	Turner (OH)
Meehan	Rogers (KY)	Upton
Mica	Rogers (MI)	Walberg
Miller (FL)	Rohrabacher	Walden
Miller (MI)	Rokita	Walsh (IL)
Miller, Gary	Rooney	Wasserman
Mulvaney	Ros-Lehtinen	Schultz
Murphy (PA)	Roskam	Webster
Myrick	Ross (AR)	West
Neugebauer	Ross (FL)	Westmoreland
Noem	Royce	Whitfield
Nugent	Runyan	Wilson (SC)
Nunes	Ryan (WI)	Wittman
Nunnelee	Scalise	Wolf
Olson	Schilling	Womack
Owens	Schmidt	Woodall
Palazzo	Schock	Yoder
Paul	Schrader	Young (AK)
Paulsen	Schweikert	Young (FL)
Pearce	Scott (SC)	Young (IN)
Pence	Scott, Austin	

## NOES—165

Altmire	Farr	Napolitano
Andrews	Filner	Neal
Baca	Frank (MA)	Oliver
Baldwin	Fudge	Pallone
Barber	Garamendi	Pascarell
Barrow	Gonzalez	Pastor (AZ)
Bass (CA)	Green, Gene	Pelosi
Bass (NH)	Grijalva	Perlmutter
Becerra	Gutierrez	Peters
Berkley	Hahn	Peterson
Berman	Hanabusa	Pingree (ME)
Bishop (GA)	Heinrich	Polis
Bishop (NY)	Higgins	Price (NC)
Blumenauer	Hinchey	Quigley
Bonamici	Hochul	Rangel
Boswell	Holden	Reyes
Brady (PA)	Holt	Richardson
Braley (IA)	Honda	Richmond
Broun (GA)	Hoyer	Rothman (NJ)
Brown (FL)	Israel	Roybal-Allard
Capps	Johnson (GA)	Ruppersberger
Capuano	Johnson, E. B.	Rush
Carnahan	Kaptur	Ryan (OH)
Carney	Keating	Sánchez, Linda
Carson (IN)	Kildee	T.
Chu	Kind	Sanchez, Loretta
Cicilline	Kucinich	Sarbanes
Clarke (MI)	Langevin	Schakowsky
Clarke (NY)	Larsen (WA)	Schiff
Clay	Larson (CT)	Schwartz
Cleaver	LaTourette	Scott (VA)
Clyburn	Lee (CA)	Scott, David
Cohen	Levin	Serrano
Connolly (VA)	Lewis (GA)	Sewell
Conyers	Lipinski	Sherman
Cooper	Loeb	Shuler
Costa	Loeb	Sires
Costello	Lofgren, Zoe	Slaughter
Courtney	Lujan	Smith (WA)
Critz	Lynch	Speier
Crowley	Maloney	Stark
Cummings	Markey	Sutton
Davis (CA)	Matsui	Thompson (CA)
DeFazio	McCarthy (NY)	Thompson (MS)
DeGette	McCollum	Tierney
DeLauro	McDermott	Tonko
Dicks	McGovern	Towns
Dingell	McNerney	Tsongas
Doggett	Michaud	Van Hollen
Doyle	Miller (NC)	Velázquez
Edwards	Miller, George	Visclosky
Ellison	Moore	Walz (MN)
Engel	Moran	
Eshoo	Nadler	

## NOT VOTING—15

Ackerman	Fattah	Meeks
Akin	Hirono	Murphy (CT)
Butterfield	Jackson (IL)	Stivers
Cardoza	Jackson Lee	Waters
Culberson	(TX)	
Davis (IL)	Mack	

## □ 1212

So the amendment was agreed to.

The result of the vote was announced  
as above recorded.

The Acting CHAIR (Mr. GINGREY of  
Georgia). There being no further  
amendments, under the rule, the Com-  
mittee rises.

Accordingly, the Committee rose;  
and the Speaker pro tempore (Mr.  
SIMPSON) having assumed the chair,  
Mr. GINGREY of Georgia, Acting Chair  
of the Committee of the Whole House  
on the state of the Union, reported that  
that Committee, having had under con-  
sideration the bill (H.R. 4078) to pro-  
vide that no agency may take any sig-  
nificant regulatory action until the un-  
employment rate is equal to or less  
than 6.0 percent, and, pursuant to  
House Resolution 738, he reported the  
bill, as amended by that resolution and  
House Resolution 741, back to the  
House with sundry further amend-  
ments adopted in the Committee of the  
Whole.

The SPEAKER pro tempore. Under  
the rule, the previous question is or-  
dered.

Is a separate vote demanded on any  
further amendment reported from the  
Committee of the Whole? If not, the  
Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The  
question is on the engrossment and  
third reading of the bill.

The bill was ordered to be engrossed  
and read a third time, and was read the  
third time.

## MOTION TO RECOMMIT

Ms. SUTTON. Mr. Speaker, I have a  
motion to recommit at the desk.

The SPEAKER pro tempore. Is the  
gentlewoman opposed to the bill?

Ms. SUTTON. I am opposed in its  
current form.

The SPEAKER pro tempore. The  
Clerk will report the motion to recom-  
mit.

The Clerk read as follows:

Ms. Sutton moves to recommit the bill  
H.R. 4078 to the Committee on Oversight and  
Government Reform with instructions to re-  
port the same back to the House forthwith,  
with the following amendment:

Add, at the end of the bill, the following:

## TITLE VIII—MISCELLANEOUS

**SEC. 801. EXEMPTION FOR DISCLOSURE OF OFF-  
SHORE BANK ACCOUNTS, MIDDLE  
INCOME TAX RELIEF, AND PROTEC-  
TIONS FOR CONSUMERS.**

Notwithstanding any other provision of  
this Act, nothing in this Act or the amend-  
ments made by this Act shall impose any  
limitation on agency action that would—

(1) require the disclosure of a foreign finan-  
cial account, including a bank account;



(2) implement tax cuts for middle class American families;

(3) protect against Asian Carp and other invasive species;

(4) ensure the safety of prescription drugs; or

(5) provide foreclosure relief and curb predatory practices by bank and non-bank subprime lenders.

The SPEAKER pro tempore. The gentlewoman from Ohio is recognized for 5 minutes in support of her motion.

Ms. SUTTON. Mr. Speaker, at the outset, I want to be clear that this final amendment does not kill the underlying bill. It only improves it. So regardless of whether you intend to vote for the legislation or against it, you will have the opportunity to do so today.

In a little more than a week, we will be getting back to our districts for the August work period. Some of us will have the opportunity to sit down with seniors to talk about the issues that affect them. Some will visit job sites or national parks. Regardless of where you go, there are basic protections that ensure the safety and the security of the people you'll meet with.

If you represent a district with a high foreclosure rate, there are commonsense protections that stand between your constituents and predatory subprime lenders. If you represent a district that borders one of our Great Lakes, like I do, there are basic protections that aim to keep invasive species, like Asian carp, out of our Great Lakes, protections that not only preserve and protect our natural species but thousands of jobs and the futures of the people from Illinois to New York. If you represent a district that has even one senior, as we all do, there are critical protections to ensure that their prescription drugs are safe and that the care they get must be safe as well.

In a week, we will all face our constituents, constituents who rely on these protections to stay safe, to stay healthy, and to hold onto their share of the American Dream. What this motion to recommit does is to allow us to recommit ourselves to those essential protections for the people whom we serve.

It ensures, while middle class Americans are paying their fair share and are playing by the rules, that those at the very top can't simply hide their money away in foreign bank accounts, because those who do well in America should do well by America. It also ensures that we have the protections we need to protect the financial futures of our middle class families and that we have cuts for them, for the middle class families—those who really need it.

It ensures that those protections that hold invasive species at bay, while allowing future generations to enjoy America's environmental wonders, will be upheld. It ensures that our prescription drugs for our mothers and fathers, our sons and daughters, and our grand-

children are safe and that home ownership is still the American Dream, not a subprime nightmare.

If you vote for this final amendment to the bill today, you will be able to honestly tell your constituents that you have voted to protect them, to protect their families, and to protect their futures.

Mr. Speaker, the days left in this Congress are quickly coming to an end. What we have here is an opportunity to accomplish what our constituents sent us here to do nearly 2 years ago—to put politics aside and to put our neighbors first. For the good of our country, let us join together in this moment to pass these commonsense protections.

I encourage my colleagues to vote "yes" on this commonsense, balanced final amendment to the bill. Then we can immediately vote on final passage.

I yield back the balance of my time.

□ 1220

Mr. KELLY. Mr. Speaker, I rise in strong opposition to this motion.

The SPEAKER pro tempore. Is the gentleman opposed to the motion?

Mr. KELLY. Yes.

The SPEAKER pro tempore. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. KELLY. Mr. Speaker, in 2011, we came to this House for one reason, and it was a motion to recommit. We recommitted to the people of the United States that we were going to change the way business was done in this town. This motion to recommit is a joke. This is ridiculous.

Let me tell you about what it's like to be in the real world and not inside the Beltway. I operate a business that my father started back in 1953, after being a parts picker in a General Motors warehouse, going to fight the war, and coming back home. I called our body shop manager today, Jason Sholes. He's been with me for 26 years. I said to Jason, "I need to know the cost of tape, Jason." He goes, "What are you talking about, MIKE?" I said, "In our body shop, when people wreck their car and bring their car in, I know we have to use a lot of tape." He said, "Oh, my goodness. Has the cost of tape gone crazy. We use two types of tape, MIKE. We use green tape. Green tape is the tape we use when we have to use water on a job, and we have to make sure that the tape sticks, and that's up to \$4 a roll."

I said, "Tell me about the other tape." He said, "The other tape is yellow tape." I said, "Tell me about the yellow tape." He said, "That's when we're going to paint a car, and we don't have to use the green tape. The yellow tape is a little less expensive. It's only \$2 a roll. But, MIKE, I've got to tell you that we're spending \$160 a month on tape, and it's really making me wonder about whether I'm doing the right thing."

I said, "Jason, we're spending about \$2,000 a year on green and yellow tape?" He said, "Yes, we are." I said, "Jason, do you know what the cost of red tape is?" He goes, "I have no idea. We don't use red tape." I said, "Yes, we do. It's \$1.75 trillion." That's the cost of red tape.

I called my friend Don Shamey at NexTier Bank. I said, "Don, we've known each other since we were kids. Our wives know each other, and our kids grew up together. We do a lot of things together. I've done business with you for 40 years. You're right across the street from me. Don, tell me about the new regulations." He said, "MIKE, if you take a look at it, there's 1,100 pages now that are the definition of whether you're a qualified borrower or not." I said, "It only took 1,100 pages for the government to determine what the definition of a qualified borrower is? Are you kidding me? Do you mean to sit here and say that you are serious?"

We renovated a ballpark in my hometown with a guy named Tom Burnatowski, a veteran. It took us a couple of million dollars to renovate our ballpark. The day we were going to open up, I got a call at the dealership where he said, "MIKE, could you come down." I said, "Why? What's going on." He said, "We're having trouble with the occupancy permit." I went down to see. I said, "What's the problem?" He said, "Come into the men's room. Let me show you what the problem is." I said, "You know, we have 1,500 people that want to come and see the opening ball game." He said, "But we've got a major problem. The mirrors in the restroom are a quarter of an inch too low. So you can't possibly open that ballpark."

You want to know the price of regulation? You want to talk about the thousands and thousands of pages that we put on the backs of the job creators? You want to talk about creating jobs in America? When you want to see a Nation that doesn't want to participate but wants to dominate in the world market, then let them rise. Take the heavy boot off the throat of America's job creators and let them breathe.

The jobs we are talking about are not red jobs or blue jobs; they're red, white, and blue jobs. They are not Democrat jobs or Republican jobs or independent jobs or libertarian jobs; they are American jobs. If you want this country to thrive and not just survive, then please start playing the game by the rules and stop this ridiculous mockery of what it is that we do here in this town. We are so out of touch with the American people.

Do you know what all this does? It adds layer, after layer of cost, and that cost is ultimately paid for by the American consumer. You want to have more revenues? Then let the tide rise for all boats. Let us be able to not only survive, but to thrive.

This is not a left or right issue, this is an American issue. I urge my colleagues on both sides of the aisle to rise today and vote for H.R. 4078. Let's let America get back to work.

With that, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Ms. SUTTON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 181, nays 234, not voting 16, as follows:

[Roll No. 535]

YEAS—181

Altmire	Eshoo	Miller, George
Andrews	Farr	Moore
Baca	Fattah	Moran
Baldwin	Filner	Nadler
Barber	Frank (MA)	Napolitano
Barrow	Fudge	Neal
Bass (CA)	Garamendi	Olver
Becerra	Gonzalez	Pallone
Berkley	Green, Al	Pascarella
Berman	Green, Gene	Pastor (AZ)
Bishop (GA)	Grijalva	Pelosi
Bishop (NY)	Gutierrez	Perlmutter
Blumenauer	Hahn	Peters
Bonamici	Hanabusa	Peterson
Boren	Hastings (FL)	Pingree (ME)
Boswell	Heinrich	Polis
Brady (PA)	Higgins	Price (NC)
Braley (IA)	Himes	Quigley
Brown (FL)	Hinche	Rahall
Butterfield	Hinojosa	Rangel
Capps	Hochul	Reyes
Capuano	Holden	Richardson
Carnahan	Holt	Richmond
Carney	Honda	Ross (AR)
Carson (IN)	Hoyer	Rothman (NJ)
Castor (FL)	Israel	Roybal-Allard
Chandler	Johnson (GA)	Ruppersberger
Chu	Johnson, E. B.	Rush
Ciilline	Jones	Ryan (OH)
Clarke (MI)	Kaptur	Sánchez, Linda
Clarke (NY)	Kildee	T.
Clay	Kind	Sanchez, Loretta
Cleaver	Kissell	Sarbanes
Clyburn	Kucinich	Schakowsky
Cohen	Langevin	Schiff
Connolly (VA)	Larsen (WA)	Schrader
Conyers	Larson (CT)	Schwartz
Cooper	Lee (CA)	Scott (VA)
Costa	Levin	Scott, David
Costello	Lewis (GA)	Serrano
Courtney	Lipinski	Sherman
Critz	Loeb	Shuler
Crowley	Lofgren, Zoe	Sires
Cuellar	Lowe	Slaughter
Cummings	Lujan	Smith (WA)
Davis (CA)	Lynch	Speier
DeFazio	Maloney	Stark
DeGette	Markey	Sutton
DeLauro	Matheson	Thompson (CA)
Deutch	Matsui	Thompson (MS)
Dicks	McCarthy (NY)	Tierney
Dingell	McCollum	Tonko
Doggett	McDermott	Towns
Donnelly (IN)	McGovern	Tsongas
Doyle	McIntyre	Van Hollen
Edwards	McNerney	Velázquez
Ellison	Michaud	Visclosky
Engel	Miller (NC)	Walz (MN)

Wasserman  
Schultz  
Waters

Watt  
Waxman  
Welch

Wilson (FL)  
Woolsey  
Yarmuth

NAYS—234

Adams	Goodlatte
Aderholt	Gosar
Alexander	Gowdy
Amash	Granger
Amodei	Graves (GA)
Austria	Graves (MO)
Bachmann	Griffin (AR)
Bachus	Griffith (VA)
Barletta	Grimm
Bartlett	Guinta
Barton (TX)	Guthrie
Bass (NH)	Hall
Benishke	Hanna
Berg	Harper
Biggart	Harris
Bilirakis	Hartzler
Bishop (UT)	Hastings (WA)
Black	Hayworth
Blackburn	Heck
Bonner	Hensarling
Bono Mack	Herger
Boustany	Herrera Beutler
Brady (TX)	Huelskamp
Brooks	Huizenga (MI)
Broun (GA)	Hultgren
Buchanan	Hunter
Bucshon	Hurt
Buerkle	Issa
Burgess	Jenkins
Burton (IN)	Johnson (IL)
Calvert	Johnson (OH)
Camp	Johnson, Sam
Campbell	Jordan
Canseco	Kelly
Cantor	King (IA)
Capito	King (NY)
Carter	Kinzie
Cassidy	Kinzie (IL)
Chabot	Kline
Chaffetz	Labrador
Coble	Lamborn
Coffman (CO)	Lance
Cole	Landry
Conaway	Lankford
Cravaack	Latham
Crawford	LaTourette
Crenshaw	Latta
Davis (KY)	Lewis (CA)
Denham	LoBiondo
Dent	Long
DesJarlais	Lucas
Diaz-Balart	Luetkemeyer
Dold	Lummis
Dreier	Lungren, Daniel
Duffy	E.
Duncan (SC)	Manzullo
Duncan (TN)	Marchant
Ellmers	Marino
Emerson	McCarthy (CA)
Farenthold	McCaul
Fincher	McClintock
Fitzpatrick	McHenry
Flake	McKeon
Fleischmann	McKinley
Fleming	McMorris
Flores	Rodgers
Forbes	Meehan
Fortenberry	Mica
Fox	Miller (FL)
Franks (AZ)	Miller (MI)
Frelinghuysen	Miller, Gary
Gallely	Mulvaney
Gardner	Murphy (PA)
Garrett	Myrick
Gerlach	Neugebauer
Gibbs	Noem
Gibson	Nugent
Gingrey (GA)	Nunes
Gohmert	Nunnelee
	Olson

NOT VOTING—16

Ackerman	Hirono	Meeks
Akin	Jackson (IL)	Murphy (CT)
Blibray	Jackson Lee	Myrick
Cardoza	(TX)	Sewell
Culberson	Keating	Stivers
Davis (IL)	Mack	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining.

□ 1242

Mr. GUTIERREZ changed his vote from “nay” to “yea.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

RECORDED VOTE

Mr. CUMMINGS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 245, nays 172, not voting 14, as follows:

[Roll No. 536]

AYES—245

Adams	Ellmers	Kinzie (IL)
Aderholt	Emerson	Kissell
Alexander	Farenthold	Kline
Amash	Fincher	Labrador
Amodei	Fitzpatrick	Lamborn
Austria	Flake	Lance
Bachmann	Fleischmann	Landry
Bachus	Fleming	Lankford
Barletta	Flores	Latham
Barrow	Forbes	LaTourette
Bartlett	Fortenberry	Latta
Barton (TX)	Fox	Lewis (CA)
Benishke	Franks (AZ)	LoBiondo
Berg	Frelinghuysen	Long
Biggart	Gallely	Lucas
Bilirakis	Gardner	Luetkemeyer
Bishop (UT)	Garrett	Lummis
Black	Gerlach	Lungren, Daniel
Blackburn	Gibbs	E.
Bonner	Gibson	Manzullo
Bono Mack	Gingrey (GA)	Marchant
Boren	Gohmert	Marino
Boustany	Goodlatte	Matheson
Brady (TX)	Gosar	McCarthy (CA)
Brooks	Gowdy	McCaul
Broun (GA)	Granger	McClintock
Buchanan	Graves (GA)	McHenry
Bucshon	Graves (MO)	McIntyre
Buerkle	Griffin (AR)	McKeon
Burgess	Griffith (VA)	McKinley
Burton (IN)	Grimm	McMorris
Calvert	Guinta	Rodgers
Camp	Guthrie	Meehan
Campbell	Hall	Mica
Canseco	Hanna	Miller (FL)
Cantor	Harper	Miller (MI)
Capito	Harris	Miller, Gary
Carter	Hartzler	Mulvaney
Cassidy	Hastings (WA)	Murphy (PA)
Chabot	Hayworth	Myrick
Chaffetz	Heck	Neugebauer
Chandler	Hensarling	Noem
Coble	Herger	Nugent
Cole	Herrera Beutler	Nunes
Conaway	Huelskamp	Nunnelee
Costa	Huizenga (MI)	Olson
Costello	Hultgren	Owens
Cravaack	Hunter	Palazzo
Crawford	Hurt	Paul
Crenshaw	Issa	Paulsen
Cuellar	Jenkins	Pearce
Davis (KY)	Johnson (IL)	Pence
Denham	Johnson (OH)	Peterson
Dent	Johnson, Sam	Petri
DesJarlais	Jones	Pitts
Diaz-Balart	Jordan	Platts
Dreier	Kelly	Poe (TX)
Duffy	King (IA)	Pompeo
Duncan (SC)	King (NY)	Posey
Duncan (TN)	Kingston	Price (GA)

Quayle  
Rahall  
Reed  
Rehberg  
Reichert  
Renacci  
Ribble  
Rigell  
Rivera  
Robby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (AR)  
Ross (FL)  
Royce  
Runyan

Ryan (WI)  
Scalise  
Schilling  
Schmidt  
Schock  
Schweikert  
Scott (SC)  
Scott, Austin  
Sensenbrenner  
Sessions  
Shimkus  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southernland  
Stearns  
Stutzman  
Sullivan  
Terry  
Thompson (PA)  
Thornberry

Tiberi  
Tipton  
Turner (NY)  
Turner (OH)  
Upton  
Walberg  
Walden  
Walsh (IL)  
Webster  
West  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Young (AK)  
Young (FL)  
Young (IN)

□ 1250

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. AKIN. Mr. Speaker, on rollcall Nos. 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, and 536, I was delayed and unable to vote. Had I been present I would have voted "aye" on rollcall No. 519, "no" on rollcall No. 520, "no" on rollcall No. 521, "no" on rollcall No. 522, "no" on rollcall No. 523, "no" on rollcall No. 524, "aye" on rollcall No. 525, "no" on rollcall No. 526, "aye" on rollcall No. 527, "no" on rollcall No. 528, "no" on rollcall No. 529, "no" on rollcall No. 530, "aye" on rollcall No. 531, "aye" on rollcall No. 532, "no" on rollcall No. 533, "aye" on rollcall No. 534, "no" on rollcall No. 535 and "aye" on rollcall No. 536.

PERMISSION FOR MEMBER TO BE  
CONSIDERED AS FIRST SPONSOR  
OF H.R. 3703

Mr. SMITH of Washington. Mr. Speaker, I ask unanimous consent that I may hereafter be considered to be the first sponsor of H.R. 3703, a bill originally introduced by Representative Inslee of Washington, for the purposes of adding cosponsors and requesting reprintings pursuant to clause 7 of rule XII.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

## LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I yield to my friend, the majority leader, for the purpose of inquiring about the schedule for the coming week.

Mr. CANTOR. I thank the gentleman from Maryland, the Democratic whip, for yielding.

Mr. Speaker, on Monday the House will meet in pro forma session, but no votes are expected. On Tuesday the House will meet at noon for morning-hour and 2 p.m. for legislative business. Votes will be postponed until 6:30 p.m. On Wednesday and Thursday the House will meet at 10 a.m. for morning-hour and noon for legislative business. On Friday the House will meet at 9 a.m. for legislative business. Last votes of the week are expected no later than 3 p.m.

Mr. Speaker, the House will consider a number of suspensions on Tuesday and Wednesday, a complete list of which will be announced by the close of business tomorrow.

In addition, the House will consider two bills under a rule to stop the tax hikes and provide for comprehensive

tax reform: H.R. 8, the Job Protection and Recession Prevention Act, sponsored by Chairman DAVE CAMP; and H.R. 6169, the Pathway to Job Creation through a Simpler, Fairer Tax Code Act, sponsored by Chairman DAVID DREIER. Together, these bills will ensure that no American faces a tax hike on January 1, while providing our small business men and women with the certainty to grow and create jobs.

Finally, Mr. Speaker, the House may consider legislation related to programs and disaster assistance under the expiring farm bill legislation.

I thank the gentleman.

Mr. HOYER. I thank the gentleman for that information.

As the gentleman knows, he was unable to have the colloquy last week, and so Mr. ROSKAM and I talked about the schedule. Last week, the chief deputy majority whip mentioned that we would be voting on the tax bill, as you have done, and he also mentioned that we would be given the opportunity to offer a substitute amendment on the floor of our choosing.

Is that still the plan of the majority so that we'll be able to offer that legislation? I yield to my friend.

Mr. CANTOR. Mr. Speaker, I didn't understand the gentleman's question, if he would please clarify.

Mr. HOYER. My question is: Last week we had a colloquy, and Mr. ROSKAM indicated that we would be able to offer an amendment, not just an MTR—we discussed that—but an amendment to the bill. Now, we weren't precise whether it was in the form of a substitute or an amendment. But in either event, I'm asking, Mr. Majority Leader, whether that is still the case and whether or not such amendment will be obviously protected under the rule for such waivers as may be necessary for the piece of legislation that Mr. ROSKAM referred to?

Mr. CANTOR. Again, without having been privy to the conversation between the gentleman from Illinois and my friend from Maryland, I can say that the minority will be afforded the opportunity to offer the President's tax plan—not just as a motion to recommend, but certainly as a stand-alone amendment, as well.

Mr. HOYER. Let me be more precise, then, because I'm not sure whether or not the definition of the President's plan—in his weekly press conference just a few hours ago, or maybe just a few minutes ago, Mr. BOEHNER was asked if we would be allowed to vote on the Senate tax bill, to which he responded:

If our Democrat colleagues want to offer the President's plan in the Senate, then we are more than happy to give them a vote.

He said that just a few minutes ago. Our intention will probably be to offer the bill that has now passed the Senate, which will protect middle class taxpayers from any tax increase, as I

## NOES—172

Altmire  
Andrews  
Baca  
Baldwin  
Barber  
Bass (CA)  
Bass (NH)  
Becerra  
Berkley  
Berman  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Bonamici  
Boswell  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Butterfield  
Capps  
Capuano  
Carnahan  
Carney  
Carson (IN)  
Castor (FL)  
Chu  
Cicilline  
Clarke (MI)  
Clarke (NY)  
Clay  
Clever  
Clyburn  
Cohen  
Connolly (VA)  
Conyers  
Cooper  
Courtney  
Critz  
Culkin  
Crowley  
Cummings  
Davis (CA)  
DeFazio  
DeGette  
DeLauro  
Deutch  
Dicks  
Dingell  
Doggett  
Dold  
Donnelly (IN)  
Doyle  
Edwards  
Ellison  
Engel  
Eshoo  
Farr  
Fattah  
Filner

Frank (MA)  
Fudge  
Garamendi  
Gonzalez  
Green, Al  
Green, Gene  
Grijalva  
Gutierrez  
Hahn  
Hanabusa  
Hastings (FL)  
Heinrich  
Higgins  
Himes  
Hinchey  
Hinojosa  
Hochul  
Holden  
Holt  
Honda  
Hoyer  
Israel  
Johnson (GA)  
Johnson, E. B.  
Kaptur  
Keating  
Kildee  
Kind  
Kucinich  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis (GA)  
Lipinski  
Loebach  
Lofgren, Zoe  
Lowey  
Lujan  
Lynch  
Maloney  
Marky  
Matsui  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McNerney  
Michaud  
Miller (NC)  
Miller, George  
Moore  
Moran  
Nadler  
Napolitano  
Neal  
Oliver

Pallone  
Pascarelli  
Pastor (AZ)  
Pelosi  
Perlmuter  
Peters  
Pingree (ME)  
Polis  
Price (NC)  
Quigley  
Rangel  
Reyes  
Richardson  
Richmond  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schradler  
Schwartz  
Scott (VA)  
Scott, David  
Serrano  
Sewell  
Sherman  
Shuler  
Sires  
Slaughter  
Smith (WA)  
Speier  
Stark  
Sutton  
Thompson (CA)  
Thompson (MS)  
Tierney  
Tonko  
Towns  
Tsongas  
Van Hollen  
Velázquez  
Visclosky  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Welch  
Wilson (FL)  
Woolsey  
Yarmuth

## NOT VOTING—14

Ackerman  
Akin  
Bilbray  
Cardoza  
Coffman (CO)  
Culberson

Davis (IL)  
Hirono  
Jackson (IL)  
Jackson Lee  
(TX)  
Mack

Meeks  
Murphy (CT)  
Stivers

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining.

think your party, Mr. Leader, and my party agree on.

Mr. Speaker, I would hope that we would be able to offer that alternative on the floor with such protections as would be necessary consistent with what Speaker BOEHNER has said.

I yield to my friend.

Mr. CANTOR. Mr. Speaker, I say to the gentleman, again, it is our intention to allow the minority to offer as a motion to recommit or as a stand-alone amendment the President's plan. Obviously, we'll have to see what is being offered, but that is the intention, consistent with the Speaker's remarks publicly today.

Mr. HOYER. Mr. Speaker, I would hope that we would not parse words.

Mr. Leader, we have had some discussions on this, and the majority party, when it was the minority party running for office, said that we're going to have open, full debate. Mr. BOEHNER has said in the Pledge to America that that's what you wanted to do. Now you keep parsing your words.

I will tell you the President's plan. The President's plan currently is the bill that passed the Senate just a few hours ago, yesterday. That's the President's plan, I tell my friend. And if, in fact, Mr. BOEHNER's words are to be interpreted as something other than that, he says:

If our Democratic colleagues want to offer the President's plan in the Senate—

Now, obviously, we can't offer our plan in the Senate. We're House Members. So my presumption is, Mr. Leader, that that means, if we want to offer the Senate plan, which is now the President's plan, I tell my friend—

—we're more than happy to give them a vote.

I hope that is accurate. I hope that we can have a full and open debate on that issue. But I hope that the Republican side of the aisle, Mr. Speaker, does not choose the amendment that we are to offer. Let us choose it, I tell my friend. And I would hope that we could clarify that so that we would know, and the American people would know, that we have a plan now passed by the Senate, and we have a plan also that was defeated in the United States Senate.

I don't know whether your side intends to offer exactly the plan that was defeated in the United States Senate, but it is a plan that the President of the United States, as the leader knows, has said he won't sign.

So what I ask my friend, respectfully, so that we know what to prepare for and we know that it will be made in order, that consistent with what the clear meaning of this statement that Mr. BOEHNER made just a few hours ago is, that we would be given the opportunity to offer the Senate-passed plan and would have a vote on that plan either in the form of an amendment or a substitute?

I yield to my friend.

Mr. CANTOR. Mr. Speaker, I will say back to the gentleman, we do expect, and our intention is, to allow your tax hike to be made in order. I don't understand, Mr. Speaker, how many more times I have to say that. The Speaker has always represented that we were going to work towards an open process.

I would remind the gentleman that when his party was last in the majority and considered the extension of expiring rates in 2010 that his party made in order just one amendment to H.R. 4853, for their own Member, Mr. LEVIN, not for the Republicans, because we were not offered a single amendment.

□ 1300

We weren't even offered a motion to recommit. In fact, the Pelosi-led Congress denied us a motion to recommit on 47 separate occasions.

So I would say to the gentleman again, the Speaker has been consistent throughout. We intend to continue to strive towards an open process. We intend to offer you a motion to recommit, a stand-alone amendment, if you want to offer a tax hike twice. That is our intention, yes, Mr. Speaker.

Mr. HOYER. I thank the gentleman. And I will interpret that, Mr. Speaker, as indicating that if we choose to offer as an amendment the bill that passed the Senate—which ensures that there will be no tax increase on 98 percent of Americans—that we will be allowed to offer that bill and it will be protected under the rule, and such waivers as are necessary will be extended. That's how I interpret that. If I am wrong, perhaps the majority leader can correct me. But I don't want to parse words or lead to confusion.

The gentleman knows what the Senate bill is. I know what the Senate bill is. And it is, at this point in time, our intention to offer that Senate bill as an amendment to the bill that's offered on this floor. So I would hope that our understanding is that, consistent again—and I want to say consistent with the Speaker's comments—that that will be allowed.

I want to say to the gentleman as well, I think he is appropriate in referencing the past, and I'm pleased that he is not following such precedents.

Mr. CANTOR. I appreciate that, Mr. Speaker. I'd say to the gentleman, thank you for that note.

I know the gentleman is continuing to express his support for the President's plan. As the gentleman knows, our colleagues on the Republican side of the aisle in the Senate feel strongly, as we do over here in the House, that the President's tax plan, as was demonstrated recently by a nonpartisan study, will cost the economy over 700,000 jobs. It will reduce economic output. The gentleman knows our position on that. And we intend to, again, allow for that vote to occur and look

forward to a robust debate that will ensue.

Mr. HOYER. I thank the gentleman. I think that clarifies it. He and I both look forward to that robust debate. We will clearly differ, Mr. Speaker, on the impact of that vote. But there will be no dispute that it will ensure that 98 percent of Americans, every working family—every working family, 100 percent—will not pay any additional taxes on the first \$250,000 of their income, which we think gives confidence to people, gives confidence to the economy, and we think is an appropriate step to take. So I appreciate and look forward to that debate, which I think is an important one for the American people.

I would also like to ask the gentleman, with respect to the farm bill, he mentions in his comments that there may be some vote on the farm bill. The Senate passed a bipartisan farm bill, as the gentleman knows. It saves very substantial monies, will contribute to a reduction of the deficit. Can the gentleman tell me whether or not the House-passed farm bill will be brought to the floor or whether some alternative will be brought to the floor?

And I yield to my friend.

Mr. CANTOR. Mr. Speaker, I'd say to the gentleman that we're continuing to work with Chairman LUCAS and our Members to determine the best way forward.

I would say to the gentleman that the Senate bill he refers to does not have a majority of support in the House, and actually would ask the gentleman if he would respond to the question whether he supports the House farm bill.

Mr. HOYER. I do not support the House farm bill, but as the gentleman knows, the ranking Democrat does support that farm bill. So as the gentleman likes to observe on many occasions, it does have bipartisan support.

He asked for my personal opinion, Mr. Speaker, and I've given him my personal opinion. But that bill itself will save substantial dollars and bring down the deficit—not as much as the Senate bill, but it will have a positive effect on the deficit itself. In either event, however, we have some real distress in farm country, very substantial drought, in great need of making sure that there's some way to assist those farmers who, through no fault of their own, but through the fault or the result of weather conditions—lack of rain—are in distress. So we believe that something ought to be brought to the floor that will, A, not exacerbate the deficit, and, B, help the farmer.

I yield to my friend if he has anything additional.

Mr. CANTOR. Mr. Speaker, I'd say to the gentleman, I'm glad to hear that the gentleman would like to support an effort to address the need for drought

assistance and perhaps other programs that have or will expire, and look forward to perhaps his support if that's where we end up next week, allowing for that vote to occur, along with his support.

Mr. HOYER. I thank the gentleman. Hopefully, we can agree on how to do that, again, without making the deficit worse and adding to that and hopefully helping farmers at the same time.

Let me ask the gentleman, there are two very important bills that were passed, one in the Senate—again, with an overwhelmingly bipartisan vote, and here, with not an overwhelmingly bipartisan vote—in the Violence Against Women Act, a very, very important subject. There was a very significant 62-37 vote in the Senate. Excuse me, that's not the exact figure. That's on the postal bill, which I'll ask you about in a second. It was 68-31—even more bipartisan than the postal reform bill—back on April 26, some months ago, with 15 Senate Republicans joining in favor. I don't see that on the schedule. I don't know whether the gentleman believes there's a possibility that we'll be able to pass that before the election.

I yield to my friend.

Mr. CANTOR. Mr. Speaker, I respond to the gentleman and say that, as he knows, the Senate bill is unconstitutional because it contains a revenue measure in it. So we are unable to get to conference with the Senate. I think that I, as well as the Speaker, have indicated that we support going to conference with the Senate. They need to produce a bill so that we can go to conference and effect a passage of that very important legislation to allow for relief monies to get to the victims that that bill and legislation is designed to protect.

Mr. HOYER. I thank the gentleman.

Of course, the gentleman knows that that would be a very simple cure to simply drop the Senate bill, which has overwhelming bipartisan support, into an H.R. bill, a House bill, and that would cure that deficiency. I agree with the gentleman, I think that's well known. But that's a technical issue. If we have agreement in both the House and the Senate, put that in a House bill and pass it. So I think that we can act on it.

I yield to my friend.

Mr. CANTOR. Well, Mr. Speaker, I think the gentleman knows the Senate bill can't pass the House.

We're trying to produce results for the people and particularly for the victims that need that assistance in that bill, and believe that this, our bill, the VAWA bill that passed the House, can pass the Senate. And again, I would say that the Senate bill is unconstitutional and it can't pass the House.

So it seems to me that the best way forward is for the Senate to agree to the bill, which pretty much extends ex-

isting legislation, with some minor changes, so that the victims of abuse needing the assistance can actually receive that assistance.

Mr. HOYER. I thank the gentleman for those comments, Mr. Speaker.

Mr. Speaker, as the gentleman well knows, the House bill excluded a large number of people from protection, a large number of people who are the victims of domestic violence from protection, as contrasted with the Senate bill, which was designed to ensure protection of all people who were subject to domestic abuse and designed to encourage people to make complaints against those who abuse them without fear of adverse consequences to them so that we could get abusers dealt with in a proper way.

□ 1310

And again, I would say to my friend, Mr. Speaker, that over two-thirds of the United States Senate, with an overwhelming number of Republicans as well voting for the Senate bill because they believed it was inclusive. And of course every woman Member of the Senate, Republican and Democrat, who probably have greater insight into domestic abuse than perhaps some of us males and male colleagues have.

So I would hope that we could focus on trying to reach agreement which we did not have in the House, as the gentleman knows. We had not an overwhelming bipartisan support in this House at all on the bill that was passed. So I would hope that we could compromise, cure the technical difficulty that the bill, the Senate bill passes, because, the gentleman's right, it has a fee in there, it has to initiate in the House.

But the gentleman also knows if that's included in the House bill, that that defect would be cured and we could pass it.

I would yield to my friend if he wants to make any additional comment on that bill.

Mr. CANTOR. I would respond to the gentleman by saying there are many women Members of our conference that are cosponsors of that bill, and I know of at least one, if not more, who've been subject to domestic abuse, and feel that our bill does provide the necessary protections for everyone who is subject to domestic abuse, and feel that the bill does address the concerns the gentleman raises.

And in the business of trying to produce results rather than to dwell on where there are differences, if those individuals who sponsored the bill and who have, unfortunately, had experience in domestic abuse, as well as law enforcement, if that is the case, certainly, those individuals would know about it more than the gentleman or I. I think we ought to go about passing this bill and allow for the Senate to go ahead and do so, so the victims of do-

mestic abuse can actually receive the protections and assistance they deserve.

Mr. HOYER. I thank the gentleman for his comment.

As I interpret that, Mr. Speaker, pass the House bill or no bill. Pass the House bill that had 23 Republicans voting against it. Pass the House bill, and reject a Senate bill that has 68 United States Senators, a large number.

Mr. CANTOR. Will the gentleman yield?

Mr. HOYER. Certainly.

Mr. CANTOR. I said to the gentleman, we really do want to go to the conference with the Senate. Okay? And so it's not pass the Senate bill or no bill.

We want to go to conference with the Senate, Mr. Speaker. I've said that. So I do take exception to the gentleman's remarks.

Mr. HOYER. Let me then, reclaiming my time—I'm pleased to withdraw that assertion. But in the comments, I want to make it clear, Mr. Speaker, that I do not share the majority leader's opinion that the House bill covers all people. As a matter of fact, I think that's inaccurate and incorrect. We disagree on our facts there, our analysis of the bill.

What we don't disagree on, however, because the facts are clear that we have a bill that overwhelmingly passed in the Senate. I'm fully prepared to work with a conference, as the majority leader is, and work with him in a conference to get a bill out of the conference.

I'm hopeful, Mr. Leader, that in light of the fact that in this House the bill passed 222-205, with 23 Republicans voting "no" on the bill, that we not only have bipartisan opposition, but we have bipartisan support of the Senate bill.

Let me go on to another bill that I think is very important because the postal department is facing real stress. It's somewhat ironic that we are, in a Congress that has too often lamented the fact that the Senate couldn't act on things, when they do act, and when they do act in a bipartisan fashion, it seems we can't act.

The postal bill has now been passed by a vote of 62 votes in favor, another bipartisan vote of the postal bill, and I'm wondering whether or not the gentleman has any idea whether we might either go to conference or bring a bill out on the House floor that I know has been passed out of committee, so that this bill can get to conference in a timely fashion so that the Post Office, which is facing, obviously, default on some of its obligations, would be made whole.

I yield to my friend.

Mr. CANTOR. I'd say to the gentleman, the Senate postal bill does not have majority support in the House, and we are continuing to work with Chairman Issa to ensure that there

isn't an incident of default on the part of the Post Office. I think that the Postal Service has indicated that there is no risk of that in the short-term, and we're going to continue to address that to ensure that that does not happen; all the while, trying to address the overall issues, as the gentleman knows, that the Postal Service has in trying to get its fiscal house in order.

Mr. HOYER. I thank the gentleman.

Lastly, on a note on which we have great agreement between the majority leader and I, which is not always the case, as people observe, I'm sure: Iran sanctions.

Both the majority leader and I, Mr. Speaker, want to see that bill pass before the August break. And I would inquire of the majority leader his view of the status of that issue at this point in time.

Mr. CANTOR. Mr. Speaker, I would tell the gentleman, I know that our staffs have been working very diligently on this trying to iron out the differences with the other body and am very hopeful that we can get this done prior to the August recess.

Mr. HOYER. I look forward, Mr. Speaker, to working with the majority leader toward that end over the next 7, 8 days.

I yield back the balance of my time.

#### ADJOURNMENT TO MONDAY, JULY 30, 2012

Mr. CANTOR. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday next.

The SPEAKER pro tempore (Mr. POE of Texas). Is there objection to the request of the gentleman from Virginia?

There was no objection.

#### THE RED TAPE REDUCTION AND SMALL BUSINESS JOB CREATION ACT

(Mr. ROKITA asked and was given permission to address the House for 1 minute.)

Mr. ROKITA. Mr. Speaker, I rise today in strong support of the Red Tape Reduction and Small Business Job Creation Act. Time and again I hear from my constituents that they want to hire more workers, but they don't know what regulation is going to be coming down the pike next.

Congress does not spend enough time fulfilling its constitutional responsibility of overseeing the executive branch. This is why, a little more than a year ago, in partnership with the Indiana Chamber of Commerce, we started Indiana's Red Tape Rollback Program to listen to Hoosiers, take their regulatory concerns to Washington, and get results.

This, Mr. Speaker is our annual report. This is a page from that report, about 26 pages long.

Regulatory burdens are equal opportunity. They don't affect one industry or type of people. Regulatory burdens hurt agriculture, transportation, and even our home health care workers, who fear they won't be able to care for their clients. They hurt everybody.

I'm pleased that we have achieved a victory in 20 of our cases, and we will continue charging forward. I will continue to talk about the harm of over-regulation and what it does to our economy. I will continue to advocate for a limited government, and I will continue to roll back the red tape.

You can get the report at [rokita.house.gov](http://rokita.house.gov).

#### THE CHRISTENING OF THE USS "SOMERSET"

(Mr. SHUSTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHUSTER. Mr. Speaker, I rise today to highlight another milestone in the continuing efforts to honor the heroics of the 40 heroes aboard United Flight 93 on September 11, 2001.

On July 28, the USS *Somerset* will be christened. The *Somerset* is named in honor of the passengers and crew of United Airlines Flight 93, and *Somerset* is the county in Pennsylvania in which United Flight 93 went down.

The 680-foot, 105-foot wide LPD transport dock ship is used to transport and land U.S. Marines, and also support amphibious assaults by our U.S. Special Forces.

Located on the property near the crash site were two draglines, machinery used in coal-stripping operations. In the days following the crash, a huge American flag was hoisted on top of one of the draglines, and the flag stood as a constant reminder of the sacrifices of the heroes of Flight 93.

In honor of the passengers and crew of Flight 93, the 22-ton bucket of one of the draglines was melted and cast into the ship's bow stern. In addition, the USS *Somerset*'s mast will also contain a time capsule.

The USS *Somerset*, a bold representation of America's military strength, is a fitting tribute to the 40 ordinary Americans who took a stand against the enemies of free society and represent the best aspects of the American spirit. Their actions prevented further loss of life and disruption of some of the most recognizable symbols of freedom and democracy in the world.

Mr. Speaker, following is my statement in its entirety:

I rise today to highlight another milestone in the continuing efforts to honor the heroics of the 40 heroes aboard United Flight 93 on September 11, 2001.

On July 28, the USS *Somerset* will be christened at the Avondale shipyard outside of New Orleans, Louisiana. The *Somerset* is named in honor of the passengers and crew

of United Airlines Flight 93, whose courageous actions prevented terrorist hijackers from reaching their intended target in Washington, DC on September 11, 2001. *Somerset* is the county in Pennsylvania in which United Flight 93 crashed.

This 684-foot, 105-foot-wide LPD transport dock ship is used to transport and land U.S. Marines. LPD ships have supported amphibious assaults for special operations forces, expeditionary warfare missions, and humanitarian missions throughout the first half of the 21st century.

The final resting area of the 40 heroes who decided to fight back against the terrorists on that fateful day was an abandoned coal strip mine.

Located on the property near the crash site were two draglines once used in coal stripping. In the days following the crash, a huge American flag was hoisted to the top of one of the draglines. The flag stood as a constant reminder of the sacrifices and love of country shown by the Flight 93 heroes.

In honor of the passengers and crew of Flight 93, the 22-ton bucket of one of the draglines was melted and cast into the *Somerset*'s bow stern. In addition, USS *Somerset*'s mast also will contain a time capsule that includes such items as a bottle of Meyersdale maple syrup, a Flight 93 10th-anniversary commemorative pin and a *Somerset* Borough bicentennial marble.

The USS *Somerset*, a bold representation of America's military strength and humanitarianism, is a fitting tribute to the 40 ordinary Americans who took a stand against the enemies of a free society and represent the best aspects of the American spirit. Their actions prevented further loss of life and the destruction of the most recognized symbols of freedom and democracy in the world.

□ 1320

#### TERRORIST ORGANIZATIONS TO VISIT UNITED STATES

The SPEAKER pro tempore (Mr. HECK). Under the Speaker's announced policy of January 5, 2011, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes as the designee of the majority leader.

Mr. GOHMERT. Thank you, Mr. Speaker.

There is nothing like being vilified to get your senses acutely attuned. We had a hearing in Judiciary last week—on July 19, actually—in which Secretary of Homeland Security Janet Napolitano appeared. During the exchange that I had with Secretary Napolitano, I said these words. They're from the transcript:

And this administration seems to have a hard time recognizing members of terrorist groups who are allowed into the White House. You're aware of that happening, aren't you?

Secretary Napolitano: Absolutely not.

This week, apparently, somebody brought her back into the loop when she testified before PETE KING's committee. There are a couple of articles

here about it that are rather interesting. One is from The Hill, by Jordy Yager, apparently posted today, July 26:

Homeland Security Secretary Janet Napolitano told lawmakers on Wednesday that a member of an Egyptian militant group labeled by the United States as a terrorist organization was vetted by three U.S. agencies before visiting the White House. Napolitano said the State Department, the Department of Homeland Security and the Secret Service all thoroughly examined the Egyptian man, Hani Nour Eldin, before his visit to Washington, D.C., where he met with Members of Congress and senior administration officials.

Then there is a quote in the article from Secretary Napolitano that says:

“As we move forward, we are going to continue to have visitors to this country that the State Department and others feel are useful to bring to the country, to have discussions moving forward, who say they’re members of a political party that in the past has been so designated.”

Another quote:

“He was vetted before he got a visa against all known terrorists and other databases for derogatory information. None was found. As he entered the United States, we, too, vetted him against all of our holdings, including terrorists and information from a variety of sources, and no derogatory information was found. Before he entered the White House, he was vetted a third time by the Secret Service. No derogatory information was found. So then we can have some confidence that this was not a security breach in that sense.”

Napolitano said she knew “of no such intention” by U.S. officials to release Abdel-Rahman, the Blind Sheikh.

Chairman King said, “The administration, whether it’s this administration or another administration, may feel that some of these people can be dealt with, can be worked with, but if that’s to be done, to me, it would seem it would have to be an open process, a transparent process, where Congress and the people would know who was being let into this country.”

Napolitano, according to the article, conceded that King made a “fair point” and that she would look into whether efforts were taken to notify Members of Congress.

It’s a little pesky detail. There do happen to be laws on the books that were apparently ignored in that process.

The problem is, when the Secretary of Homeland Security says there is no derogatory information, when the information we have indicates he is a member of a group that we have named as a terrorist organization, then it would seem that the obvious thing would be the fact that he is a member of a known terrorist organization, which would, to most of us, or at least to many of us, be considered derogatory information. The fact that we can’t dig up minute details of specific acts of misconduct, nonetheless, should not be necessary when someone is a known member of a terrorist organization, an organization designated by this government to be “terrorist.” It’s an amazing thing.

But then we’re told in an article by Joel Gehrke from The Washington Examiner on July 25:

Department of Homeland Security Secretary Janet Napolitano told Congress today to expect more members of designated foreign terrorist organizations to visit the United States.

“I think you are right in pointing out that as we move forward we are going to continue to have visitors to this country that the State Department and others feel are useful to bring to the country to have discussions moving forward who say they are members of the political party that in the past have been so designated,” Napolitano told House Homeland Security Committee Chairman Pete King during a committee hearing this morning.

Napolitano was defending the decision to host Hani Nour Eldin—a member of Egyptian Parliament elected on the political party platform of the Islamic Group, which the State Department has designated a foreign terrorist organization—at the White House.

Just as a reminder, Mr. Speaker, in our hearing, I said these words:

This administration seems to have a hard time recognizing members of terrorist groups who are allowed in the White House. You’re aware of that happening, aren’t you?

Her answer: Absolutely not.

So the evidence seems to be pretty clear. He was a member of a known terrorist group. He was allowed into the White House, but the answer by the Secretary of Homeland Security to that happening was: Absolutely not.

She didn’t say that we had vetted him many times and that, even though he was a member of what we in the State Department had designated as a terrorist organization, we still thought he was safe. She said it just absolutely did not happen. Absolutely not.

The article goes on from The Washington Examiner:

“I think we have to add more nuance to that,” she said, when King mentioned that Eldin is part of a designated foreign terrorist organization. “We have to know what the group was. Is it now a political party that is running the government of a country that has strong ties to the United States?” She added that he went through three stages of vetting, and “everyone who looked at this person felt confident that he was not a security risk to the White House or to the United States.”

King charged the Obama administration with violating a law in hosting Eldin at the White House. “It appears as if the law was not complied with in that he did not apply for a waiver, and Congress was not notified, which is also required. It does not appear that either the letter or the spirit of the law was complied with.”

When King reiterated that complaint about the process by which Eldin was allowed into the country, Napolitano conceded, “On the process, that’s a fair point to make.”

There is a reason we have laws, and you would hope that someone who is a Cabinet official in the top position of our Homeland Security would think that it is important to comply with the law.

□ 1330

Just as we’ve seen massive amounts of money go to places that have leaders who say they want to eliminate Israel and the United States, we see this kind of conduct from this administration.

And I have reporters asking me if I want to apologize for five separate letters that were written to five separate inspectors general of five different departments with different facts pertaining to that department in each letter, and the facts in the letter are true. The simple question was not an accusation or allegation, because it’s pretty obvious there is influence by the Muslim Brotherhood in America. The question is: How much influence is there, and where is it coming from? It is an amazing thing to see all of this transpire.

Obviously, it’s great fun and sport to attack a messenger that is not liked by certain people in the media, but what we keep seeing that is amazing and that is happening with what was once the proud tradition of journalism in America is our national security being sacrificed on the altar of political correctness. Why isn’t the mainstream media making a big deal about a Secretary of Homeland Security who one week says, Absolutely not, it was not a member of a known terrorist organization that got in the White House, and a week later she admits, It did happen, but we properly vetted him three different times?

I hear about what apparently is being grossly overlooked also that I get as I speak to Muslims in other parts of the world who are our friends, who have fought with us, who have buried family members and loved ones because they want to live in freedom like we do. They don’t want a strict group like the Taliban dictating their lives. They’re moderate Muslims who want to live in peace. What they keep bringing home to me is what this administration misses entirely. When the President of the United States, when the leaders of this country, this administration, meet with members of known terrorist organizations and will not meet with our Muslim friends who have fought with us instead of against us from other parts of the world, the message has a chilling effect on our friends wanting to continue to be our friends because it appears to be the most dangerous place in the world to be, in the category of “friends” with the United States, because it means this administration is one step away from abandoning them in favor of ties and relationships with groups that we know have been terrorist organizations.

It’s not just the meeting with. It’s not just a danger or lack of danger of someone coming into the White House. Of course they can check them with the metal detectors to make sure they’re not carrying anything. It goes beyond that. It devastates our friends.



It destroys hope around the world for people who are hoping that we'll stand up as we once have, not for the Muslim Brotherhood who want an international caliphate which includes the United States and the United States to be added to the 57 Muslim states that comprise the OIC; it's what we're doing to our friends.

I hope and pray that people in the mainstream media will get past the enjoyment of vilifying and trying to destroy the messenger and look at the message, that they'll get beyond the lazy tactics of calling someone, getting with someone and saying, "What's your opinion about these allegations?" and getting a response of, "Well, gee, we don't think there is anything to them," instead of digging the facts out and presenting them as the once proud journalist tradition was here in America. There are still journalists doing it, but I hope that that practice will be extended. We're hurting ourselves, but unfortunately we also hurt our friends when we do that.

Mr. Speaker, for those who say there is no evidence of any Muslim Brotherhood influence in America, I would urge them to go back and review the evidence in the convictions of the Holy Land Foundation trial obtained in November of 2008 before this administration began embracing the named co-conspirators like CAIR and ISNA, when they were named as coconspirators of supporting terrorism. I would hope they would go back to the 1995 trial where Andrew McCarthy did a stellar job, and the Clinton administration awarded him for his incredible work in proving that there are people in America who want to establish shari'a law as the law of the land and subvert our Constitution. He proved it beyond a reasonable doubt among some wonderful New York citizens in New York City.

And as Andrew McCarthy has asked: "What's happened since 1995 to make that evidence no longer true?" It was true then; it's true today.

With that, I yield back the balance of my time.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CULBERSON (at the request of Mr. CANTOR) for today on account of personal reasons.

#### SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 285. An act for the relief of Sopuruchi Chukwueke; to the Committee on the Judiciary.

#### BILL PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reported that on July 25, 2012, she presented to the President of the United States, for his approval, the following bill.

H.R. 2527. To require the Secretary of the Treasury to mint coins in recognition and celebration of the National Baseball Hall of Fame.

#### ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 39 minutes p.m.), under its previous order, the House adjourned until Monday, July 30, 2012, at 2 p.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

7099. A letter from the Attorney, Office of the General Counsel, Bureau of Consumer Financial Protection, transmitting the Bureau's final rule — State Official Notification Rule [Docket No.: CFPB-2011-0005] (RIN: 3170-AA02) received July 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7100. A letter from the Attorney, Office of the General Counsel, Bureau of Consumer Financial Protection, transmitting the Bureau's final rule — Equal Access to Justice Act Implementation Rule [Docket No.: CFPB-2012-0020] (RIN: 3170-AA27) received July 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7101. A letter from the Attorney, Office of the General Counsel, Bureau of Consumer Financial Protection, transmitting the Bureau's final rule — Rules Relating to Investigations [Docket No.: CFPB-2011-0007] (RIN: 3170-AA03) received July 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7102. A letter from the Attorney, Office of the General Counsel, Bureau of Consumer Financial Protection, transmitting the Bureau's final rule — Rules of Practice for Adjudication Proceedings [Docket No.: CFPB-2011-0006] (RIN: 3170-AA05) received July 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7103. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Process for Submissions for Review of Security-Based Swaps for Mandatory Clearing and Notice Filing Requirements for Clearing Agencies; Technical Amendments to Rule 19b-4 and Form 19b-4 Applicable to All Self-Regulatory Organizations [Release No.: 34-67286; File No. S7-44-10] (RIN: 3235-AK87) received July 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7104. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Northeast Multispecies, Monkfish, Atlantic Sea Scallop; Amendment 17 [Docket

No.: 110901552-1021-01] (RIN: 0648-BB34) received July 16, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7105. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Temporary Rule To Delay Start Date of 2012-2013 South Atlantic Black Sea Bass Commercial Fishing Season [Docket No.: 120501426-2426-01] (RIN: 0648-BB98) received June 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7106. A letter from the Acting Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Comprehensive Ecosystem-Based Amendment 2 for the South Atlantic Region; Correction [Docket No.: 110831547-2425-03] (RIN: 0648-BB26) received July 16, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7107. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting the 2011 Annual Report of the National Institute of Justice (NIJ); to the Committee on the Judiciary.

7108. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting the Fiscal Year 2011 Report to the Congress on U.S. Government Receivables and Debt Collection Activities of Federal Agencies; to the Committee on the Judiciary.

7109. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Services B.V. Airplanes [Docket No.: FAA-2012-0141; Directorate Identifier 2011-NM-092-AD; Amendment 39-17054; AD 2012-10-05] (RIN: 2120-AA64) received July 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7110. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Airplanes [Docket No.: FAA-2012-0109; Directorate Identifier 2010-NM-244-AD; Amendment 39-17067; AD 2012-11-04] (RIN: 2120-AA64) received July 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7111. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2011-1320; Directorate Identifier 2011-NM-208-AD; Amendment 39-17066; AD 2012-11-03] (RIN: 2120-AA64) received July 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7112. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter Deutschland GMBH Helicopters [Docket No.: FAA-2012-0101; Directorate Identifier 2010-SW-042-AD; Amendment 39-17046; AD 2012-09-11] (RIN: 2120-AA64) received July 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7113. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE SYSTEMS (Operations) Limited Airplanes [Docket No.: FAA-2012-

0188; Directorate Identifier 2011-NM-120-AD; Amendment 39-17079; AD 2012-11-15] (RIN: 2120-AA64) received July 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7114. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Airplanes [Docket No.: FAA-2012-0293; Directorate Identifier 2012-NM-034-AD; Amendment 39-17081; AD 2012-12-02] (RIN: 2120-AA64) received July 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7115. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc (RR) Turbofan Engines [Docket No.: FAA-2007-28059; Directorate Identifier 2007-NE-13-AD; Amendment 39-17061; AD 2012-10-12] (RIN: 2120-AA64) received July 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7116. A letter from the Federal Register Liaison Officer, Department of the Treasury, transmitting the Department's final rule — Implementation of Statutory Amendments Requiring the Qualification of Manufacturers and Importers of Processed Tobacco and Other Amendments Related to Permit Requirements, and the Expanded Definition of Roll-Your-Own Tobacco [Docket No.: TTB-2009-0002; T.D. TTB-104; Re: T.D. TTB-78, Notice No. 95 and Notice No. 98; T.D. TTB-80; T.D. TTB-81 and Notice No. 99] (RIN: 1513-AB72) received July 5, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7117. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Notice requirements under section 101(j) of ERISA for funding-related benefit limitations in single-employer defined benefit pension plans [Notice 2012-46] received July 16, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7118. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Update for Weighted Average Interest Rates, Yield Curves, and Segment Rates [Notice 2012-47] received July 16, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LUNGREN, DANIEL E. of California: Committee on House Administration. H.R. 6122. A bill to revise the authority of the Librarian of Congress to accept gifts and bequests on behalf of the Library, and for other purposes (Rept. 112-624). Referred to the Committee of the Whole House on the state of the Union.

Mr. LUNGREN, DANIEL E. of California: Committee on House Administration. H.R. 1402. A bill to authorize the Architect of the Capitol to establish battery recharging stations for privately owned vehicles in parking areas under the jurisdiction of the House of Representatives at no net cost to the Federal Government; with an amendment (Rept. 112-625). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 3641. A bill to establish Pinnacles National Park in the State of California as a unit of the National Park System, and for other purposes; with an amendment (Rept. 112-626). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 4606. A bill to authorize the issuance of right-of-way permits for natural gas pipelines in Glacier National Park, and for other purposes; with an amendment (Rept. 112-627). Referred to the Committee of the Whole House on the state of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. NUGENT:

H.R. 6205. A bill to amend the Internal Revenue Code of 1986 to prevent identity theft and tax fraud, and for other purposes; to the Committee on Ways and Means.

By Mr. NEAL (for himself, Mr. RANGEL, Mr. CROWLEY, Mr. LEVIN, Mr. STARK, Mr. McDERMOTT, Mr. LEWIS of Georgia, Mr. BECERRA, Mr. DOGGETT, Mr. THOMPSON of California, Mr. LARSON of Connecticut, Mr. BLUMENAUER, Mr. KIND, Mr. PASCRELL, and Ms. BERKLEY):

H.R. 6206. A bill to amend the Internal Revenue Code of 1986 to permanently extend the tax treatment for certain build America bonds, and for other purposes; to the Committee on Ways and Means.

By Ms. SLAUGHTER (for herself, Mr. HINCHEY, Mr. GRIJALVA, and Ms. CHU):

H.R. 6207. A bill to provide for the establishment of the Task Force on Environmental Health Risks and Safety Risks to Children; to the Committee on Energy and Commerce.

By Mr. FARENTHOLD:

H.R. 6208. A bill to temporarily limit the authority of the Secretary of the Interior to require or authorize the removal or movement of offshore oil and gas facilities; to the Committee on Natural Resources.

By Mr. MARCHANT (for himself and Mr. CUELLAR):

H.R. 6209. A bill to amend the Internal Revenue Code of 1986 to allow qualified scholarship funding corporations to access tax-exempt financing for alternative private student loans; to the Committee on Ways and Means.

By Mr. CONYERS (for himself and Mr. CHAFFETZ):

H.R. 6210. A bill to amend the Immigration and Nationality Act to provide for additional immigrant visas for certain entrepreneurs and job creators, and for other purposes; to the Committee on the Judiciary.

By Mr. GEORGE MILLER of California (for himself, Mr. HOLT, Mr. TIERNEY, Mr. GRIJALVA, Ms. FUDGE, Ms. SCHAKOWSKY, Mr. HINCHEY, Mr. LARSON of Connecticut, Mr. KILDEE, Mr. KUCINICH, Ms. CHU, Ms. EDWARDS, Ms. NORTON, Ms. MOORE, Mr. MCGOVERN, Ms. WOOLSEY, Mr. ELLISON, Mr. SERRANO, Ms. MCCOLLUM, Mr. ANDREWS, Mr. TOWNS, Mr. BRADY of Pennsylvania, Mr. McDERMOTT, Ms. LEE of California, Mr. CONYERS, Mr. RANGEL, Ms. ESHOO, Mr. FRANK of

Massachusetts, Mr. BLUMENAUER, Ms. PINGREE of Maine, Mr. AL GREEN of Texas, Mr. STARK, Mr. FILNER, Mr. COHEN, Mrs. MALONEY, Mrs. NAPOLITANO, Mr. WELCH, Ms. LINDA T. SANCHEZ of California, Mr. MARKEY, Mr. FARR, Mr. HONDA, Mr. OLVER, Mrs. DAVIS of California, Mr. MEEKS, Ms. SEWELL, Ms. DELAURO, Ms. BROWN of Florida, Ms. BERKLEY, Ms. BASS of California, Mr. ROTHMAN of New Jersey, Mr. GUTIERREZ, Mr. DINGELL, Mr. NEAL, Ms. VELÁZQUEZ, Mr. BECERRA, Mr. SARBANES, Mr. MORAN, Mr. CLARKE of Michigan, Ms. DEGETTE, Ms. CASTOR of Florida, Mr. HASTINGS of Florida, Mr. CAPUANO, Mr. PALLONE, Ms. ZOE LOFGREN of California, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FATTAH, Mr. LEVIN, Mr. DEFAZIO, Mr. HIGGINS, Mr. PASTOR of Arizona, Mr. CUMMINGS, Mr. HOLDEN, Mr. BUTTERFIELD, Ms. RICHARDSON, Mr. KEATING, Mr. CLAY, Mr. LYNCH, Mr. SMITH of Washington, Mr. CARNAHAN, Ms. BALDWIN, Ms. KAPTUR, Mr. DAVIS of Illinois, Ms. ROYBAL-ALLARD, Mr. LEWIS of Georgia, Ms. TSONGAS, Mr. JOHNSON of Georgia, Mr. CICILLINE, Ms. SCHWARTZ, Ms. HAHN, Mr. SCHIFF, Mr. LANGEVIN, Ms. CLARKE of New York, Mr. PASCRELL, Mr. SHERMAN, Mr. DEUTCH, Mr. MURPHY of Connecticut, Mr. CLEAVER, Ms. MATSUI, Mrs. CHRISTENSEN, Ms. WILSON of Florida, Mr. WAXMAN, Ms. WATERS, Mr. RYAN of Ohio, Mr. LOEBSACK, and Mr. BERMAN):

H.R. 6211. A bill to amend the Fair Labor Standards Act of 1938 to provide for increases in the minimum wage consistent with inflation, and for other purposes; to the Committee on Education and the Workforce.

By Mr. KIND (for himself and Mr. LEWIS of Georgia):

H.R. 6212. A bill to amend the Internal Revenue Code of 1986 to make qualified biogas property eligible for the energy credit and to permit new clean renewable energy bonds to finance qualified biogas property; to the Committee on Ways and Means.

By Mr. UPTON (for himself, Mr. STEARNS, Mr. PITTS, Mr. TERRY, Mr. STIVERS, Mr. LATHAM, Mr. SCOTT of South Carolina, Mr. GINGREY of Georgia, Mrs. ELLMERS, Mr. LANCE, Mr. ROGERS of Michigan, Mr. WHITFIELD, Mr. BURGESS, Mr. SULLIVAN, Mrs. BLACKBURN, Mr. POMPEO, Mrs. MYRICK, Mr. HARPER, Mr. FLAKE, and Mr. OLSON):

H.R. 6213. A bill to limit further taxpayer exposure from the loan guarantee program established under title XVII of the Energy Policy Act of 2005; to the Committee on Energy and Commerce, and in addition to the Committee on Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARTON of Texas (for himself and Mr. STEARNS):

H.R. 6214. A bill to limit the number and pay of individuals serving as special consultants, fellows, or other employees pursuant to subsection (f) or (g) of section 207 of the Public Health Service Act, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SMITH of Texas:

H.R. 6215. A bill to amend the Trademark Act of 1946 to correct an error in the provisions relating to remedies for dilution; to the Committee on the Judiciary.

By Mr. GARAMENDI (for himself, Mrs. NAPOLITANO, Ms. SUTTON, and Mr. GRIJALVA):

H.R. 6216. A bill to strengthen Buy America requirements applicable to airports, highways, high-speed rail, trains, and transit, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. GARAMENDI (for himself, Mr. CONYERS, Mr. KILDEE, Mr. HINCHEY, and Mr. LIPINSKI):

H.R. 6217. A bill to require 85 percent domestic content in green technologies purchased by Federal agencies or by States with Federal funds and in property eligible for the renewable energy production or investment tax credits; to the Committee on Oversight and Government Reform, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BUECKLE (for herself, Mrs. MALONEY, Ms. LEE of California, Mr. KING of New York, Mr. HANNA, Mr. RANGEL, Mrs. DAVIS of California, Mr. TURNER of New York, Ms. CHU, Mrs. EMERSON, Mr. MARINO, Mr. WOLF, Mr. SMITH of New Jersey, and Mr. KELLY):

H.R. 6218. A bill to provide for the establishment of the Autoimmune Diseases Interdepartmental Coordinating Committee, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CARTER:

H.R. 6219. A bill to amend the Endangered Species Act of 1973 to halt the premature proposed listing of 4 central Texas salamander species resulting from a settlement agreement, and to take into account extensive, ongoing State and local conservation efforts; to the Committee on Natural Resources.

By Mr. CLARKE of Michigan:

H.R. 6220. A bill to prohibit an employer from inquiring whether an applicant for employment has been convicted of a criminal offense, except in certain circumstances; to the Committee on Education and the Workforce, and in addition to the Committees on House Administration, Oversight and Government Reform, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. CLARKE of New York (for herself and Mr. DANIEL E. LUNGREN of California):

H.R. 6221. A bill to amend the Homeland Security Act of 2002 to require the Secretary of Homeland Security to research, identify, and evaluate cybersecurity risks to critical infrastructure, and for other purposes; to the Committee on Homeland Security.

By Ms. DELAURO (for herself and Mr. LARSON of Connecticut):

H.R. 6222. A bill to amend the Clean Air Act with respect to the sulfur fuel content of heating oil; to the Committee on Energy and Commerce.

By Mr. DENT:

H.R. 6223. A bill to amend section 1059(e) of the National Defense Authorization Act for Fiscal Year 2006 to clarify that a period of employment abroad by the Chief of Mission or United States Armed Forces as a trans-

lator, interpreter, or in an executive level security position is to be counted as a period of residence and physical presence in the United States for purposes of qualifying for naturalization if at least a portion of such period was spent in Iraq or Afghanistan, and for other purposes; to the Committee on the Judiciary.

By Mr. AUSTIN SCOTT of Georgia:

H.R. 6224. A bill to amend title 44 of the United States Code, to provide for the suspension of fines under certain circumstances for first-time paperwork violations by small entities, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WALBERG:

H.R. 6225. A bill to amend the Internal Revenue Code of 1986 to provide for economic growth and personal financial liberty, and for other purposes; to the Committee on Ways and Means.

By Mr. WELCH (for himself and Mr. RENACCI):

H.R. 6226. A bill to amend the Internal Revenue Code of 1986 to extend the nonbusiness energy property credit to include the insulation component of insulated siding; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska:

H.R. 6227. A bill to authorize the establishment of a Niblack mining area road corridor in the State of Alaska, and for other purposes; to the Committee on Natural Resources.

By Ms. RICHARDSON (for herself, Ms. JACKSON LEE of Texas, Mr. CAMP, Ms. MCCOLLUM, Mr. PASCRELL, and Mrs. MYRICK):

H. Res. 742. A resolution condemning the Government of the Russian Federation for providing weapons to the regime of President Bashar al-Assad of Syria; to the Committee on Foreign Affairs.

By Mr. BARLETTA (for himself, Mr. KELLY, Mr. MARINO, Mr. ROE of Tennessee, Mr. RAHALL, Mr. CRITZ, Mr. MEHMAN, Mr. PITTS, Mr. STIVERS, Mr. BACHUS, Mr. ROGERS of Kentucky, Mrs. CAPITO, Mr. DENT, Mr. THOMPSON of Pennsylvania, Mr. PLATTS, Mr. JOHNSON of Ohio, Mr. MCKINLEY, Mr. SHUSTER, Mr. YOUNG of Alaska, Mr. GERLACH, Mr. HOLDEN, Mr. MURPHY of Pennsylvania, Mr. DOYLE, Mr. BARTLETT, Mr. FITZPATRICK, Mr. SCHILLING, Mr. FLEISCHMANN, Mr. RYAN of Ohio, Mr. GARDNER, Mr. GRIMM, Mr. CHABOT, and Mr. COSTELLO):

H. Res. 743. A resolution expressing the sense of Congress that the United States Postal Service should issue a commemorative stamp honoring the Nation's coal miners; to the Committee on Oversight and Government Reform.

By Mr. TIERNEY (for himself and Mr. GEORGE MILLER of California):

H. Res. 744. A resolution recognizing the 75th anniversary of the enactment of the National Apprenticeship Act of 1937 and supporting the goals and ideals of National Registered Apprenticeship Month; to the Committee on Education and the Workforce.

## CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representa-

tives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. NUGENT:

H.R. 6205.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the U.S. Constitution gives Congress the authority to lay and collect taxes and duties. With this authority comes the inherent duty to protect these funds from fraud and theft so that they are used for their constitutional purpose—to pay the debts and provide for the general welfare of our nation.

By Mr. NEAL:

H.R. 6206.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

“The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.”

Sixteenth Amendment

“The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.”

By Ms. SLAUGHTER:

H.R. 6207.

Congress has the power to enact this legislation pursuant to the following:

Art. I, Sec. 8, cl. 1

Art. I, Sec. 8, cl. 18

By Mr. FARENTHOLD:

H.R. 6208.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clauses 1 and 3 of the Constitution

By Mr. MARCHANT:

H.R. 6209.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1. The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. CONYERS:

H.R. 6210.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 4 of the Constitution.

By Mr. GEORGE MILLER of California:

H.R. 6211.

Congress has the power to enact this legislation pursuant to the following:

Article I, §8, Clause 3

By Mr. KIND:

H.R. 6212.

Congress has the power to enact this legislation pursuant to the following:

Article I Section 8.

By Mr. UPTON:

H.R. 6213.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. BARTON of Texas:

H.R. 6214.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 18 of the United States Constitution.

By Mr. SMITH of Texas:

H.R. 6215.

Congress has the power to enact this legislation pursuant to the following: clause 8 of section 8 of Article I of the Constitution.

By Mr. GARAMENDI:

H.R. 6216.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mr. GARAMENDI:

H.R. 6217.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Ms. BUERKLE:

H.R. 6218.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 ("The Congress shall have Power . . . To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof").

By Mr. CARTER:

H.R. 6219.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the Constitution

The Congress shall have Power . . . To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

And:

Article I, Section 8, Clause 18 of the Constitution

The Congress shall have Power . . . To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. CLARKE of Michigan:

H.R. 6220.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the United States Constitution.

By Ms. CLARKE of New York:

H.R. 6221.

Congress has the power to enact this legislation pursuant to the following:

The U.S. Constitution including Article 1, Section 8.

By Ms. DELAURO:

H.R. 6222.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clauses 3 and 18 of the United States Constitution.

By Mr. DENT:

H.R. 6223.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8.

By Mr. AUSTIN SCOTT of Georgia:

H.R. 6224.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the United States Constitution: To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. WALBERG:

H.R. 6225.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article I of the United States Constitution and Amendment XVI of the United States Constitution.

By Mr. WELCH:

H.R. 6226.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18: The Congress shall have Power To . . . make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. YOUNG of Alaska:

H.R. 6227.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3, Clause 2

### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 8: Mr. GRAVES of Missouri, Mr. GRIFFIN of Arkansas, Mr. CRENSHAW, and Mr. KLINE.

H.R. 36: Ms. LORETTA SANCHEZ of California.

H.R. 87: Mr. SCHWEIKERT and Mr. QUAYLE.

H.R. 139: Mr. PALLONE.

H.R. 529: Mr. SCHILLING.

H.R. 683: Ms. WILSON of Florida.

H.R. 942: Mr. LOEBSACK and Mr. CRITZ.

H.R. 998: Mr. THOMPSON of California.

H.R. 1084: Mr. OLVER.

H.R. 1106: Mr. HASTINGS of Florida, Mr. BUTTERFIELD, Ms. BASS of California, and Mr. CLAY.

H.R. 1116: Mr. THOMPSON of California.

H.R. 1244: Mr. PETRI.

H.R. 1344: Mr. KISSELL.

H.R. 1370: Mr. WHITFIELD.

H.R. 1394: Ms. SCHAKOWSKY, Mr. BRADY of Pennsylvania, Mr. COHEN, and Mr. CUMMINGS.

H.R. 1519: Mr. CHANDLER.

H.R. 1672: Mr. BENISHEK, Ms. MCCOLLUM, Ms. RICHARDSON, and Mr. MCKEON.

H.R. 1775: Mr. CHABOT, Mr. YOUNG of Alaska, Mr. HUIZENGA of Michigan, and Mr. BISHOP of Georgia.

H.R. 2028: Mr. COURTNEY.

H.R. 2033: Mr. McDERMOTT.

H.R. 2040: Mr. WOLF, Mr. GOODLATTE, Mr. ROSS of Florida, Mr. HUIZENGA of Michigan, and Mr. RIGELL.

H.R. 2139: Mrs. CHRISTENSEN, Mr. FRELINGHUYSEN, Mr. HUNTER, Mrs. LOWEY, and Mr. STUTZMAN.

H.R. 2355: Mr. SCALISE.

H.R. 2359: Ms. NORTON, Mr. KILDEE, and Ms. RICHARDSON.

H.R. 2382: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. KIND.

H.R. 2437: Mr. SCHILLING.

H.R. 2481: Mr. CONYERS.

H.R. 2547: Ms. LEE of California and Mr. MICHAUD.

H.R. 2697: Ms. NORTON and Mr. PLATTS.

H.R. 2705: Mr. REYES.

H.R. 3030: Ms. SPEIER.

H.R. 3067: Mr. ROSS of Florida.

H.R. 3158: Mr. CRAVAACK.

H.R. 3159: Mr. SCALISE.

H.R. 3429: Mr. CARTER.

H.R. 3458: Mr. FORTENBERRY.

H.R. 3510: Mr. SCHIFF.

H.R. 3594: Mr. HULTGREN.

H.R. 3608: Mr. SCALISE.

H.R. 3612: Mrs. NOEM.

H.R. 3627: Mr. GRIFFITH of Virginia, Mr. KING of New York, and Mr. WHITFIELD.

H.R. 3643: Mrs. HARTZLER, Mrs. LUMMIS, Mr. ROE of Tennessee, and Mr. HERGER.

H.R. 3705: Mr. MCINTYRE.

H.R. 3721: Mr. MICHAUD.

H.R. 3798: Mr. ANDREWS, Ms. JACKSON LEE of Texas, and Ms. CASTOR of Florida.

H.R. 3806: Mr. BARTLETT.

H.R. 3828: Mr. HARRIS.

H.R. 3861: Mr. PETERS, Mr. KILDEE, and Mr. LEVIN.

H.R. 3866: Mr. WATT.

H.R. 4011: Mr. SHERMAN.

H.R. 4062: Mr. DREIER.

H.R. 4122: Mr. RANGEL and Mr. CARSON of Indiana.

H.R. 4169: Mrs. NAPOLITANO and Mr. LARSON of Connecticut.

H.R. 4173: Mr. JOHNSON of Georgia.

H.R. 4287: Mr. SHULER and Mr. HOLT.

H.R. 4305: Mr. LATOURETTE and Mr. SCHOCK.

H.R. 4373: Mr. LATHAM and Mr. CONYERS.

H.R. 4403: Mr. SCALISE.

H.R. 4405: Mr. DOLD, Mr. TIBERI, Mr. WALSH of Illinois, Mr. PAULSEN, Mr. WEST, Mr. GALLEGLY, and Ms. PINGREE of Maine.

H.R. 4818: Mr. DAVID SCOTT of Georgia.

H.R. 5796: Mr. COFFMAN of Colorado and Mr. SOUTHERLAND.

H.R. 5846: Mr. HUIZENGA of Michigan and Mr. HULTGREN.

H.R. 5864: Ms. HIRONO.

H.R. 5907: Ms. CHU.

H.R. 5943: Mr. MARINO and Mr. CANSECO.

H.R. 5944: Mr. POLIS, Mr. TOWNS, and Mr. CARSON of Indiana.

H.R. 6028: Mr. KEATING.

H.R. 6075: Mr. BISHOP of Utah and Mr. HULTGREN.

H.R. 6128: Ms. ZOE LOFGREN of California and Mr. CONYERS.

H.R. 6138: Mr. GUTIERREZ and Mr. MCGOVERN.

H.R. 6147: Mr. CALVERT.

H.R. 6149: Ms. PINGREE of Maine, Mr. MCGOVERN, and Ms. SUTTON.

H.R. 6150: Mr. SABLAN, Mr. HINCHEY, Mr. NADLER, and Mr. TOWNS.

H.R. 6151: Mrs. CAPITO, Mr. DAVIS of Kentucky, Mr. WITTMAN, and Mr. YOUNG of Alaska.

H.R. 6159: Ms. RICHARDSON, Ms. CLARKE of New York, Mr. KEATING, Mr. CUELLAR, Ms. HAHN, Mr. REYES, Ms. HANABUSA, Mr. ISRAEL, Ms. BROWN of Florida, and Mr. MARKEY.

H.R. 6165: Mr. MILLER of Florida and Mr. JONES.

H.R. 6169: Mr. GRAVES of Missouri.

H.R. 6170: Ms. BROWN of Florida, Mr. DEFALZIO, Mrs. ELLMERS, Mr. CONNOLLY of Virginia, and Mr. LATOURETTE.

H.R. 6174: Mr. ROSS of Florida.

H.R. 6175: Mr. DINGELL.

H.J. Res. 111: Mr. GARAMENDI, Mr. CICILLINE, and Mr. PETERSON.

H. Con. Res. 21: Mr. CLAY.

H. Res. 459: Mr. SCALISE.

H. Res. 663: Mr. DOLD and Ms. FUDGE.

H. Res. 672: Mrs. MALONEY.

H. Res. 676: Mr. GRIMM and Ms. BERKLEY.

H. Res. 716: Mr. SCALISE.

H. Res. 722: Mr. McDERMOTT.

H. Res. 725: Mr. LOEBSACK.

H. Res. 734: Ms. RICHARDSON, Mr. McDERMOTT, and Mr. MORAN.

H. Res. 735: Mr. GOSAR.

DISCHARGE PETITIONS—  
ADDITIONS OR DELETIONS

Petition 4 by Mr. VAN HOLLEN on H.R.  
4010: Sheila Jackson Lee, Dennis J. Kucinich,  
and Walter B. Jones.

The following Members added their  
names to the following discharge peti-  
tion:

## SENATE—Thursday, July 26, 2012

The Senate met at 9:30 a.m. and was called to order by the Honorable MICHAEL F. BENNET, a Senator from the State of Colorado.

### PRAYER

The PRESIDING OFFICER. Today's guest Chaplain, Rev. John Fuller, senior pastor of Prairie Lakes Church in Cedar Falls, IA, will lead the Senate in prayer.

The guest Chaplain offered the following prayer:

Let us pray.

God of all nations and all peoples, we come before You on this day acknowledging You as the sovereign Lord of this Nation and of the whole world.

Father, it is a privilege to pray for these lawmakers, knowing that You hear and respond to the prayers of Your people. I pray for these women and men, whom You have put in this position, that they would be filled with Your wisdom to make wise choices and decisions as they lead this country. I pray that this body will be courageous, that they wouldn't be led by fear or their own personal desires but they would have the courage to lead with conviction that comes from You. Give these Senators strength to lead well through difficult times, that they would be strengthened in their inner being by a power that only comes from You.

And, Father, I pray for a spirit of humility that recognizes that others are more important than we are and that You have plans that are greater than ours; that, Father, we would lead with humble and gracious hearts.

We pray all this in Jesus's Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable MICHAEL F. BENNET led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, July 26, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable MICHAEL F. BENNET, a Senator from the State of Colorado, to perform the duties of the Chair.

DANIEL K. INOUE,  
President pro tempore.

Mr. BENNET thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### CYBERSECURITY ACT—MOTION TO PROCEED

Mr. REID. Mr. President, I now move to proceed to Calendar No. 470, S. 3414, a bill to enhance the security and resiliency of the cyber and communications infrastructure of the United States.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 470, S. 3414, a bill to enhance the security and resiliency of the cyber and communications infrastructure of the United States.

Mr. REID. Mr. President, I would now yield to the senior Senator from the State of Iowa, Mr. GRASSLEY.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

PASTOR JOHN FULLER

Mr. GRASSLEY. Mr. President, it is my privilege to introduce Pastor John Fuller to my fellow Senators, and I thank Pastor Fuller for opening the Senate with prayer. It is my privilege to highlight my home pastor and church.

Pastor Fuller and his wife Kay are visiting the Nation's Capital this week.

Since 1998 Pastor Fuller has been the senior pastor at Prairie Lakes Church in Cedar Falls, IA. Pastor Fuller is a native of Iowa. He was born in Onawa and grew up in Sloan. His family moved to Sheridan, WY, when he was in the eighth grade. He graduated from high school in Sheridan. He played both high school and college football. He is to this day obviously a die-hard Broncos fan. You won't know that, but I sure know it. He is a 1986 graduate of the University of Sioux Falls and a 1990 graduate of Denver Seminary with a master's of divinity degree.

He was an associate and preaching pastor at First Baptist Church in Forest City, IA, before coming to Cedar Falls in 1998, to Prairie Lakes Church, and has been senior pastor. I have been worshipping at Prairie Lakes Church for 58 years come this August 29. The church has changed its name and increased its congregation over the

years, but its heart has remained the same and very constant.

In 1855 a small group known as the Baptist Society started this church. In 1862 it became the First Baptist Church. The first 45 years that I worshipped at First Baptist Church, at various times the congregation numbered 200 to 300 people. Under Pastor Fuller's leadership, the number of worshipers has grown to about 2,000, with worship centers in Osage, Waterloo, and soon in Grennell, IA, besides the main campus in Cedar Falls, IA. In 2005 a new building was constructed, and the name of the congregation then became Prairie Lakes Church.

The worship service is very informal. That has changed in the 58 years I have attended there, but the service has always been Christ-centered, and that has not changed. Prairie Lakes Church is multigenerational, with an extraordinary vision for the future. Worship services are heartfelt, creative, practical, Bible-based, and here to serve Christ and here to serve all—those who just stepped over the faith line as well as those who have been longtime followers of Jesus Christ.

Prairie Lakes Church is affiliated with the Baptist General Conference. Prairie Lakes Church is all about loving God, loving people, and influencing the world. Everyone is invited to worship with us—including anybody here in Washington, DC—through streaming online at [prairielakeschurch.org](http://prairielakeschurch.org).

In closing, I would remind all, according to the Scriptures, in Corinthians, we are all called to be ambassadors of Christ, and that is how I see Pastor Fuller.

I am also grateful to Pastor Fuller for his leadership and faithfulness to this congregation. After 58 years, in my looking back, I know God's word has been preached faithfully at this congregation. Pastor Fuller has contributed significantly during his tenure and continues to do so.

This is what Pastor Fuller had to say about our church:

There are a lot of good churches around the valley. We're lucky to have that. I think people get attracted here because we just stick with the Bible. We're authentic. We're invitational, and we try to keep things simple.

These attributes have attracted many, and I believe they will continue to attract many more and the church will continue to grow.

Lastly, I pray that God will continue to shine His light through Pastor Fuller, his family, and the Prairie Lakes congregation. It is my privilege once again to introduce Pastor Fuller to this Senate.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, I appreciate my friend's remarks about his pastor. They were very well thought out, and I appreciate them very much.

SCHEDULE

Mr. REID. Mr. President, the first hour here today will be equally divided and controlled between the two leaders or their designees. The majority will control the first half and the Republicans the final half.

I filed cloture last night on a motion to proceed to the cybersecurity bill. I hope we can reach an agreement to have that cloture vote sometime today. If not, we will have it tomorrow.

When a major storm ripped through the Mid-Atlantic region last month, it left millions of people without power—I repeat, millions of people. I was at my home here in Washington, which is different from my home in Searchlight, NV. In Searchlight, the wind blows a lot, so you can hear the wind. It is kind of pleasant for me. But the wind we heard at our home in Washington was not pleasant. At 9:30 or 10:00 at night, it was loud and it was abusive and it was, quite frankly, a little scary.

Our power was not affected, but that wasn't the case for millions of other people. Residents of Maryland, Virginia, West Virginia, Ohio, and the District of Columbia soon realized how quickly a major power outage can alter life as we know it. I talked to Senator MANCHIN of West Virginia, and a week later power was still out in large parts of West Virginia. He said it was the worst storm they have ever known in West Virginia.

This power outage altered life as people knew it here in the entire eastern part of the United States. The blackout was devastating to many families and many businesses. But it was also minor compared to the devastation that malicious cyber terrorists could wreak with a single keystroke. I repeat, as damaging and frightening as this storm was, we could have a malicious cyber attack by terrorists that would be far more devastating than this violent storm. Cyber attackers could all too easily shut down the electric grid for the entire east coast, the west coast, and the middle part of our country. Any one attack could leave dozens of major cities and tens of millions of Americans without power. We know, because we were shown in a room here in the Capitol, how an attack could take place and what damage it would do, so we know this is not just make-believe.

Without ATMs or debit card readers, commerce would immediately grind to a halt. My daughter, who lives here in the DC area, lost power when the storm hit. They waited for a number of hours, and then they took all the food out of their freezer, they gave away what

they could, and they threw the rest away. And that was the way it was all over. Their power was out for about a week, and it made it very difficult. They are fortunate enough to have a basement, and the heat wasn't oppressive down there.

Without refrigeration, food would rot on the shelves, the freezers would have to be emptied, and people could actually go hungry. Without gas pumps, transportation arteries would clog with abandoned vehicles. Without cell phones or computers, whole regions of the country would be cut off from communication and families would be unable to reach each other. Without air-conditioning and without lifesaving technology and the service of hospitals and nursing homes, the elderly and sick would become much sicker and die. Most major hospitals have backup power, but it is only for a limited amount of time. It depends on how much fuel they can store, and that is very limited.

The devastation is really unimaginable, but we have heard these ominous scenarios before. What many Americans haven't considered is that the same power grids that supply cities and towns, stores and gas stations, cell towers and heart monitors also power every military base in our country. About 99 percent of electricity used to power military installations comes from outside the bases. Nellis Air Force Base, one of the largest in the world of its type, has some solar energy there that they have developed, but over 90 percent of their power, in spite of that, comes from outside the base, and more than 85 percent of that power is provided by the same electric utilities that power homes and businesses and schools in the civilian world. So a cyber attack that took out a civilian power grid would also soon cripple our Nation's military—very soon.

Although bases would be prepared to weather a short power outage with backup diesel generators, within hours, not days, fuel supplies would run out. Command and control centers would go dark. Radar systems that detect air threats to our country would shut down. Communication between commanders and their troops would go silent. And many weapons systems would be left without either fuel or electric power.

Much of what we do militarily is now done by computers and done very remotely. It is no secret that the drones that operate for our country all over the world are not operated from Pakistan, Afghanistan, or Somalia, they are operated from a base 35 miles outside Las Vegas. That is all done with electricity. So in a few short hours or days, the mightiest military in the world would be left scrambling to maintain base functions.

That is why our top national security officials—including the Chairman of

the Joint Chiefs, the Director of the National Security Agency, the Secretary of Defense, and the CIA Director—have said that the kind of malicious cyber attack I have just described is among the most urgent threats to our country. In fact, they have said that unless we do something and do it soon, it is not a question of if, it is only a question of when.

There have already been cyber attacks on our nuclear infrastructure, our Defense Department's most advanced weapons, the NASDAQ stock exchange, and most major corporations. These are just a few of the things that have already been attacked by cyber.

Senator MCCONNELL and I recently received a letter from a bipartisan group of former national security officials, including six former Bush and Obama administration officials, that presented the danger in stark terms:

We carry the burden of knowing that 9/11 might have been averted with the intelligence that existed at the time. We do not want to be in the same position again when "cyber 9/11" hits—it is not a question of whether this will happen; it is only a question of "when."

That is what they said, not me. The group said the threat of cyber attack "represents the most serious challenge to our national security since the onset of the nuclear age sixty years ago."

The bill before this body, proposed by a coalition of Democrats and Republicans—including Chairman LIEBERMAN and ranking member COLLINS—is an excellent piece of legislation endorsed by many members of the national security community.

In my view, it is not strong enough, but it is a tremendous step forward, and I admire the work they have done. I know some of my colleagues have suggestions on how to improve this legislation. I have a few of my own. There is plenty of room for good ideas. Some of them are already on the table. It is my intention for Senators to have an opportunity to have a robust debate on these proposals. Let's stick with what this bill is all about and let's have as many amendments as people feel is appropriate.

The national security experts agree we can't afford to waste more time. The question is not whether we should act but whether we will act in time.

As I mentioned at the start, we are scheduled to have this vote an hour after we come in tomorrow. I am working with Senator MCCONNELL now to try to arrange a time, perhaps even today. My goal is to get on the bill. I hope we can get on the bill. It would be terrible for our country if we are not on the bill. I would like to get on the bill and have Senators LIEBERMAN, COLLINS, ROCKEFELLER, FEINSTEIN, and the other committees that are involved come up with a list of amendments as we have done so well on a number of



the bills we have worked through. When we come back next week, let's start doing some legislating and have some robust debate, get some of these amendments disposed of, and pass this bill on to the House.

The House has done their bill. We can go to conference and get something done. It would be very important for our country.

#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

#### THE ECONOMY

Mr. MCCONNELL. Mr. President, yesterday our Democratic friends took a vote that says a lot about the way they view the world. After nearly 4 years of spending and debt, millions of Americans are still struggling amidst the slowest recovery in modern times, and the economy is flat on its back. Our friends on the other side think a great way to go forward is to raise taxes. Under the guise of pretending to care about the deficit, Democrats are pushing an ideological goal of a symbolic tax increase that would not even fund the government for 1 week. The vote we had yesterday—with all but two of the Democrats on board—allegedly doing something about the deficit wouldn't fund government for 1 week.

They are not even pretending to care about the economy. They have sort of given up on the argument that this is about the economy. We know that because 2 years ago the Democrats agreed the higher taxes they are now fighting for would hurt the economy.

Let's look at the economy then and the economy now. At a time when economic growth was 3½ percent, back in December of 2010, 40 Democrats voted to keep rates where they were on the grounds that it was the best thing to do for jobs. In December 2010, 40 Democrats voted to keep the tax rates where they were because it was the best thing for jobs. Yet now when the growth rate is 2 percent—it was 3½ percent then, it is 2 percent now—and 13 million Americans are still out of work, they are voting to slam nearly 1 million businesses with a tax increase. Maybe they are expecting the GDP numbers tomorrow to be 3½ percent. We will see.

That is one of two things, either our Democratic friends don't even care about the economy and jobs anymore and are just embracing Thelma-and-Louise economics—let's take everybody off the cliff and hope people support them for some other reason—or their economic world view is so far outside the mainstream of everyone else who has looked at the situation that they think 2 percent growth and 13 million Americans unemployed is good enough. Maybe they think that is as good as we can do. That is where this ideological crusade of theirs is taking them, right in that direction. I just hope for the sake of a struggling Amer-

ican economy that some of them soon see how misguided an approach this is.

Let me repeat, 2 years ago in December of 2010, when the economy was growing at a rate of 3½ percent, 40 of our Democratic colleagues, the President, the Vice President, me, and the Speaker agreed to extend the current tax rates for 2 years because it would be good for jobs.

Just yesterday, with two exceptions, every Democrat voted to raise taxes on 1 million businesses when the growth rate—the GDP increased rate—is 2 percent and 13 million Americans are looking for work. That is not a prescription for the economy; that is an ideological crusade. That is not about America's jobs; that is about the election 4 months from now.

I yield the floor.

#### RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. MANCHIN). Under the previous order, the leadership time is reserved.

#### ORDER OF BUSINESS

Under the previous order, the following hour will be equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

The Senator from Colorado.

#### PRODUCTION TAX CREDIT

Mr. UDALL of Colorado. Mr. President, I rise to speak on the floor of the Senate again this morning to urge my colleagues to vote to extend the production tax credit for wind energy. It is also known as the production tax credit. I know the Presiding Officer's home State of West Virginia has a robust wind energy sector as well. I look forward to coming to the floor and talking about the Presiding Officer's State in the future.

The reason I am talking about the production tax credit is it is set to expire at the end of this year, and it will cost citizens in my State and the rest of the Nation their jobs. We cannot let this happen. Tens of thousands of vital jobs are dependent on the wind industry all across our great country.

As I have mentioned, I come to the Senate floor on a daily basis and I highlight a State and talk about what the production tax credit has done to encourage economic growth in that State. Today, I wish to talk about the great State of Illinois, the land of Lincoln, where the wind industry is thriving. Illinois is an impressive example of how wind resources can be harnessed and put to good use creating jobs and supporting local communities.

Overall, Illinois has the fourth largest installed wind capacity in the United States, with over 600,000 homes powered by the wind. If fully utilized, the wind energy resource in Illinois could provide 525 percent of the State's current electricity needs. That is truly a staggering amount of electricity for the fifth largest State in the Nation.

In 2011, Illinois was second only to California in the number of new wind energy projects completed, and they installed more wind turbines there than any other State in the country. Clearly, Illinois recognizes the economic potential wind energy holds for the future, as many other States have.

Just last week in Illinois, Invenenergy announced it completed construction of the Bishop Hill wind energy facility in Henry County. That is up in the northwestern part of Illinois, near Davenport, IA. The project covers 22,000 acres of farmland and includes over 100 wind turbines and can power 60,000 homes. The Bishop Hill project is clearly a huge investment in Illinois and our Nation's clean energy future. But the economic power of wind energy has been equally impressive. The wind energy there supports 7,000 jobs, it contributes close to \$19 million every year in property taxes to local communities, and Illinois led our Nation in 2011 with over 400 new wind turbines installed.

Just this month, Illinois State University released a report that estimates that the 23 largest wind farms in Illinois will contribute roughly \$5.8 billion to the local economies over the lifetime of these projects. The construction of these wind farms generated over 19,000 jobs that cut paychecks totaling over \$1 billion for workers. These are good-paying, high-skill jobs that we are proud to have in our country and that American workers are proud to have and it is one part of the overall wind energy story.

For example, the Odell Grade School, in Odell, IL, has a much needed project underway that will expand the school and make it more energy efficient. While this project is expensive, it will be paid for, in part, by payments from local wind farms. Wind energy is supporting a better education for Odell's youth without increasing taxes to the local residents.

This is not unique to Illinois. It is happening all across our country. I have no doubt the people of Odell would agree with me that extending the PTC is a commonsense proposal. However, without Congress extending the production tax credit, our country and the wind industry literally face impending disaster. In fact, many wind energy manufacturers and producers have already been preparing for the end of the PTC by backing off their investments in many of these communities such as Odell and by announcing future layoffs of thousands of workers. It is just flatout unacceptable that we in the Congress would let this happen.

I think everyone understands where I am heading. This is a serious issue that needs attention now—not next month, not in the fall, not in the lameduck session but now. The wind industry will not wait for us to extend the PTC at

some date in the future. They have already begun to scale back their operations and move overseas. Further inaction is unacceptable. China is stepping into the breach and literally taking our jobs overseas. Other countries are prepared to do the same. For us in Congress to miss this opportunity to not only preserve jobs but put in place policy that would create thousands of good-paying jobs because of election-year gridlock is flatout unacceptable. If we don't act, our people in our States will suffer.

I come to the floor every day to implore my colleagues to extend the wind production tax credit as soon as possible. The PTC equals jobs. We ought to pass it as soon as possible. I will be back next week to continue discussing the wind Production Tax Credit and urge us to be bold, take up this issue and extend the wind production tax credit. It is about American jobs. It is about maintaining our leading position in the world when it comes to clean energy development.

I yield the floor and note the absence of a quorum.

Mrs. MURRAY. If the Senator could abstain from the quorum, please.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Washington.

#### VIOLENCE AGAINST WOMEN ACT

Mrs. MURRAY. Mr. President, I come to the Senate floor today in order to continue the efforts started right here earlier this week, efforts by the women of the Senate and the men who support the Violence Against Women Act to bring a simple, straightforward message to our friends in the House of Representatives: Stop the games and pass the inclusive, bipartisan Senate VAWA bill without delay.

The Violence Against Women Act is a bill that has successfully helped provide lifesaving assistance to hundreds of thousands of women and families. It is a bill that passed the Senate 3 months ago today by a vote of 68 to 31. It is a bill that has consistently included bipartisan provisions to address those who are not being protected by it each and every time it has been reauthorized. But here we are, back on the Senate floor, urging support for a bill that should not be controversial.

Just as we did on Tuesday, just as we are doing today, and just as we are going to continue to do in the coming weeks, we will be making sure this message resonates loudly and clearly both in Washington, DC, and back in our home States because we are not going to back down—not while there are thousands of women across our country who are excluded from the current law. In fact, for Native and immigrant women and LGBT individuals, every moment our inclusive legislation to reauthorize the Violence Against Women Act is delayed is another moment they are left without the re-

sources and protection they deserve in this country.

The numbers are staggering: 1 in 3 Native American women will be raped in their lifetimes—1 in 3. And 2 in 5 of them are victims of domestic violence, and they are killed at 10 times the rate of the national average. These shocking statistics are not isolated to one group of women; 25 to 35 percent of women in the LGBT community experience domestic violence in their relationships, and 3 in 4 abused immigrant women never enter the process to obtain legal status, even though they were eligible, because their abuser husbands never filed their paperwork.

This should make it perfectly clear to our colleagues in the other Chamber that their current inaction has a real impact on the lives of women across America affected by violence, women such as Deborah Parker. Deborah is the vice chairman of the Tulalip Tribe in my home State of Washington.

Deborah was repeatedly abused starting at a very young age by a nontribal man who lived on a reservation. Not until after the abuse stopped—some time around when she was in the fourth grade—did Deborah realize she was not the only child suffering at the hands of that same assailant. At least a dozen other young girls had fallen victim to that man—a man who was never arrested for his crimes, never brought to justice, and still walks free today, all because he committed these heinous acts on the reservation. As someone who is not a member of a tribe, it is an unfortunate reality that he is unlikely to ever be held liable for his crimes.

Reauthorizing an inclusive VAWA is a matter of fairness. Deborah's experience and the experience of other victims of that man do not represent an isolated incident. For the narrow set of domestic violence crimes laid out in VAWA, tribal governments should be able to hold accountable defendants who have a strong tie to the tribal community.

I was very glad to see Republican Congresswoman JUDY BIGGERT and several of her Republican colleagues echo those sentiments last week. They sent a letter to Speaker BOEHNER and Leader CANTOR. These Republican Members explicitly called on their party leadership to end this gridlock and accept the "Senate-endorsed provisions that would protect all victims of domestic violence, including college students, LGBT individuals, Native Americans and immigrants."

So today I am here to urge Speaker BOEHNER to listen to the members of his own caucus and join us in taking a major step to uphold our government's promise to protect its people, people such as Maribel and Maria, two more constituents who come from my home State of Washington.

As a transgender woman, Maribel has been subject to random acts of violence

by family and boyfriends and strangers. She has been mugged and attacked on the street. She has suffered broken bones and cuts and bruises. She has been raped, and she was left for dead. What Maribel said to me was deeply concerning. She said:

Not once have the police ever conducted an investigation, much less shown any concern for me. Rather my experience with law enforcement is one of harassment and abuse. I have been ostracized by family and friends . . . in fact it is most of my first memories.

She experiences hate daily from those who think she has no place in our society.

Then there is Maria. Shortly after their wedding, Maria's husband became a different man, she said. His abuse ranged from emotional to physical, and on two separate occasions he held a knife to Maria's throat threatening to kill her. He constantly threatened Maria with deportation back to Jamaica. Eventually, he refused to attend the interview with immigration authorities necessary for her to obtain a green card. Her application was denied for lack of attendance. She was angry and scared, but she found the courage to ask her husband for a divorce. In response, he raped her. Maria moved out of the house though her husband repeatedly tracked her down and assaulted her. To save her own life, Maria fled to Seattle with her two young children.

It does not have to be this way. I was so proud to have been serving in the Senate in 1994 when we first passed the Violence Against Women Act. Since we took that historic step, VAWA has been a great success in coordinating victims' advocates and social service providers, and law enforcement professionals to meet the immediate challenges of combating domestic violence. Along with its bipartisan support, it has received praise from law enforcement officers and prosecutors, judges, victim service providers, faith leaders, health care professionals, advocates, and survivors.

The Violence Against Women Act has broad support for one reason: It works. Where a person lives, their immigration status, who they love should not determine whether perpetrators of domestic violence are brought to justice. These women cannot afford any further delay—not on this bill.

Mr. WYDEN. Mr. President, would the Senator yield for a question.

Mrs. MURRAY. I would be happy to yield for a question.

Mr. WYDEN. I think the Senator from Washington has made an extraordinary presentation in terms of outlining the facts of the abuse women face. Having done a series of forums around my home State—as my colleague knows, in our part of the country in Washington and in Oregon where there are many small communities of 10,000, 15,000 people, it is my experience—and I would be interested in getting the assessment of our colleague

since she has been a leader on this—that without the Violence Against Women Act, it is my understanding that women in rural areas who face the kind of brutal treatment my colleague described would literally have nowhere to turn, so that the Violence Against Women Act for women in rural areas in particular is sort of the last line of defense for them.

Mrs. MURRAY. The Senator from Oregon is absolutely correct. If a woman has been beaten and abused and believes she is a victim of violence with nowhere to turn, especially in a rural community where everyone knows everyone and a person doesn't know who to turn to, there is no place to go. The Violence Against Women Act provides the support of law enforcement officers and advocates so a person can get out of a very abusive situation.

Mr. WYDEN. I am going to listen to the rest of my colleague's remarks, and I will have my own. But I just want to thank the Senator from Washington for her leadership. This is such an important issue. It is not about dollars and cents, and it is not about politics. It is about doing what is right for combating violence, and I commend my colleague.

Mrs. MURRAY. I thank my colleague from Oregon. I know he is going to speak in just a few minutes, but I know he has spent a great deal of time traveling around his State and listening to these women and he knows personally from their stories how important it is that we cannot continue to delay this bill over something called a blue slip. It is not about a blue slip. It is about doing what is right.

We have overcome the blue slip issue time and time again for issues such as FAA and Transportation bills and many other pieces of legislation because it is the will of the body to do so. So to tell a woman in Oregon or Washington State that this bill can't happen because of a blue slip is ridiculous. They have been told they can't get help for a lot tougher reasons. Let's not let a blue slip be what comes between them and the support they need.

In fact, I say to my colleague from Oregon and all of my colleagues that on Tuesday the New York Times ran an editorial that gets to the heart of it. They said:

House Republicans have to decide which is more important: Protecting victims of domestic violence or advancing the harsh antigay and anti-immigrant sentiments of some on their party's far right. At the moment, harshness is winning.

The editorial also echoed our sentiments that it does not have to be this way. It pointed out:

In May, 15 Senate Republicans joined with the chamber's Democratic majority to approve a strong reauthorization bill.

It ends with what we all know it will take to move this legislation forward: leadership from Congressman BOEHNER.

So today we are on the Senate floor to make this effort and to call for the same thing: leadership.

It is time for Speaker BOEHNER to look past ideology and partisan politics. It is time for him to hear the stories of women across America who have not had the protection of this bill and to make a major step forward which will assure that a woman, no matter where she lives or who she is, will have the protections this great country can offer.

So I thank my colleague from Oregon for his real passion and understanding on this issue and for taking the time to hear from women and men who have been impacted.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I wish to follow on the very important remarks made by our colleague, Senator MURRAY. As a result of the debate we have had in Washington, DC, I knew there was a significant problem, but until we held these forums across our State—we essentially went into every corner of Oregon—it really didn't come home to me how serious a problem this is.

I wish to highlight for a moment or two this point I got into with Senator MURRAY with respect to rural areas, some of the stories. For example, I was told about a woman in central Oregon who essentially, faced with a very abusive relationship, spent the evening trying to hide out in ditches in the community. She would just run from ditch to ditch. Of course, a person gets pretty banged up and bruised when they do something like that, but she hid out in ditches through the night in order to avoid her abuser.

But then it came to morning time and she wanted to get out. She wanted to get to the Safety Net program, which is a wonderful shelter in her area. But the fact was the only way to get out was to ask for a ride from the one person who had a vehicle in the community, and that was the person who abused her in the first place. So, literally, in a rural community—and I heard this account just recently—she had nowhere to turn. That is why I characterize the Violence Against Women Act as—especially for rural women—the last line of defense between them and the abuser.

In another community—I know my colleague, the Presiding Officer, will identify with this, and I enjoyed going to West Virginia and the like—in a rural community in the eastern part of our State, it was described to me that there was no transportation out of the community. There was no transportation at all. The woman involved was going to literally have to stay there and face continual abuse. The one vehicle in the community was a fishing shuttle.

I am sure the Senator from West Virginia identifies with that. It is some-

thing we have in our rural communities—a vehicle that takes folks fishing.

The owner of the fishing shuttle said: I am going to be the one to take this woman to safety. I don't need to be reimbursed. I don't need to have some kind of government program or something. I am going to do it because it is right.

That is how that woman in a rural community escaped her abuser. She got out. She got free. She was able to shake out of the clutches of the abuser because the fellow who owned the fishing shuttle stuck up for her.

But I think this is Senator MURRAY's point: I do not think we can accept that all across the country we are going to have fishing shuttles available in order to rescue women who are subject to this kind of abuse. I think that is pretty farfetched, and the good hearts of Oregonians came through in that particular situation, but we have to reenact this program.

The fact is, Mr. President and colleagues, this has been the law of the land for more than a decade. There has not been a shred of partisanship in it. It is not about ideology. It is about protecting women from brutality. I had thought, frankly, we had gotten over some of the arguments against this legislation that had been trotted out in the past.

For example, it was often said in the past: Well, maybe these abuse cases are not abuse. Maybe they are just kind of family matters. They are going to get settled when the family kind of calms down. Maybe somebody got upset about something, and then in a day or so everything is going to go back to normal.

That is not the case. This is about repeated instances of violence, repeated instances of violence you cannot slough off as a family difference of opinion. It is a crime. It is brutal violence. That is why we need this legislation, and we need it reauthorized.

I think it is also especially important, given some of the budget cuts we have seen that are particularly hitting small communities like a wrecking ball. For example, in Josephine County—a rural part of our State—they are in the position where, when a subpoena goes out, they essentially do not have the resources to follow it up. In other words, the subpoena is used to, in effect, set in motion the law enforcement process to bring the abuser to justice, and I was told by the key law enforcement officials in Josephine County—in a community forum I held in Medford, OR, for folks from the southwestern part of the State—that they literally do not have the resources to follow up on how to ensure that abuser is brought to justice.

I would make a couple of additional points. I see colleagues on the floor waiting to speak.

I also want to talk about the costs that are associated with this. You have

two kinds of costs. First, you have direct health care costs that stem from the violence you see perpetrated against women, and then also you have costs in terms of lost productivity. At a time when we are getting hit very hard by unemployment—and we know we are in a productivity race with Asia and India and China and other countries—we cannot afford the costs, the health care costs of the violence against women that ends up having women land in hospital emergency rooms and the like, nor can we allow this lost productivity at a time when we are pushing so hard to create more good-paying jobs.

The protection that is offered through the Violence Against Women Act saves my home State of Oregon now millions of dollars through its key provisions. Safety from domestic violence would save Oregon more than \$35 million per year in direct health care costs. Our State loses approximately \$9.3 million per year in lost productivity from paid work as a result of domestic violence. The fact is, the preventive services offered by the Violence Against Women Act saves money, as does the very important work that is done by victim services.

The study of 278 victims in my home town of Portland who received domestic violence and housing assistance found that those services resulted in more than \$610,000 in savings during the first 6 months. So there are savings in terms of assistance, whether it is housing or counseling. Emergency medical care utilization is reduced as a result of emergency services, safety net services being available. Whether it is one measure or another, from a financial standpoint, reauthorizing the violence against women legislation makes sense.

But at the end of the day, while the financial savings are substantial, it seems to me the Violence Against Women Act is about restoring dignity to women who have been abused in our country. No woman in the United States should be subject to the kind of physical abuse I have documented in cases coming from Oregon and that Senator MURRAY has described this morning. They strip our people—women in this country—of their dignity and their confidence and their ability, after they shake free from their abuser, to get on and have the kind of productive life they want for themselves and their family.

Ultimately, this is about dignity. It is about doing what is right. This legislation has been on the books for more than a decade. There is no reason—none whatever—that this legislation is not passed overwhelmingly on a bipartisan, bicameral basis. I am going to do everything I can here on the floor of the Senate talking with colleagues on both sides of the aisle to make sure this legislation is reauthorized. Be-

cause what I saw during these community forums in my home State, from small towns across Oregon, should not happen in my State, it should not happen anywhere, because it is not right, and the Senate can take action to stop it.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

#### PASSING APPROPRIATIONS BILLS

Mr. BOOZMAN. Mr. President, there has been a lot of talk about the dangers of raising taxes during a recession. President Obama famously said in 2009: “You don’t raise taxes in a recession.” Our economy is certainly worse now than it was then. But that did not stop the Senate majority from pushing through a tax increase on our small business owners yesterday.

We need to get our fiscal house in order, and that starts with budgeting in a responsible manner. Washington’s primary problem is not a revenue problem. Washington’s primary problem is a spending problem, and the Senate majority’s actions have exacerbated that problem.

The Senate has failed to pass a budget for the past 3 years. Meanwhile, our country is facing record deficits and an ever-increasing debt. This is the fifth straight year that Washington’s excessive spending has led to a trillion-dollar deficit. It now sits at a jaw-dropping \$15.9 trillion. The Senate majority’s only answer to this crisis is to raise taxes on our job creators during a time while our country has an unemployment rate of over 8 percent.

Along with failing to produce a budget, the Senate majority leader is now backtracking on a pledge to enact every individual appropriations bill this year. Needless to say, I am disappointed. In fact, I think it is safe to say our entire caucus is disappointed.

It was not too long ago that I was down here on the floor praising the majority leader in his efforts and those who would have us go forward and enact our individual appropriations bills. We believed we had a good-faith agreement to move these bills, to make the effort to function the way this body was established to work, to do our job and pass all of the appropriations bills so that the government operates on a budget the way every Arkansan does.

Now the majority is telling us this is not going to happen. Determining how we spend hard-earned taxpayer dollars is a basic responsibility of Congress. We know tough choices have to be made in these appropriations bills, but moving forward is the right direction. The trend of continuing resolutions and giant omnibus appropriations bills has to stop.

Enacting all appropriations bills in regular order would be an important step to reducing government spending. It would help balance our budget while

investing in programs Americans have come to rely on.

Moving forward on these bills would return the Senate to its proper function and provide a framework of spending so the American people can see and understand where their hard-earned money is going. Most importantly, it would help us back away from the fiscal cliff we are hanging on to.

Here is the reality: We borrow around 40 cents of every \$1 we spend. We are running record-breaking deficits every year. The average American family does not have the luxury to live by this sort of budgeting. If you tried to run your household, your business this way, the bank would cut you off. It is time we apply that lesson to Washington.

We are at a crossroads in our country. If we continue down the path we are going, we risk going in the direction of Greece, Ireland, Portugal, and now Spain—each facing economic crises that have pushed them to the brink of default.

If Congress continues the reckless spending, rather than crafting an immediate solution to this crisis, our actions will inevitably lead to an economic collapse. We cannot keep kicking the can down the road, which is exactly what we are doing by passing continuing resolutions and omnibuses after continuing resolutions and omnibuses. It goes on and on.

Each one of us in this Chamber owes it to the American people to work together to help our country today and build a path of success for the future. Our Founding Fathers laid the foundation that allows the Senate to function effectively and efficiently, but it does require us working together.

The American people are tired of the finger pointing that has stalled much of the work they have sent us here to do. That starts with trying to enact all of the appropriations bills through a regular process each year. I sincerely hope the Senate majority leader reconsiders the decision to cancel consideration of the appropriations bills, again, so we can get back to a normal budgeting process, get back to a normal method, an efficient method, a very transparent method, so the American people can see where their taxpayer dollars are going.

With that, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. Mr. President, I assume we are out of morning business.

The PRESIDING OFFICER. The Senate is on the motion to proceed to S. 3414.

UNANIMOUS CONSENT REQUEST—S. 3326

Mr. COBURN. Mr. President, I have a unanimous consent request.

I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3326; that the Coburn amendment at the desk be agreed to, the bill, as amended, be read a third time and passed; that when the Senate receives the House companion bill to S. 3326, as determined by the majority and the Republican leaders, the Senate proceed to its immediate consideration; that all after the enacting clause be stricken, and the text of S. 3326, as passed by the Senate, be inserted in lieu thereof; that the bill be read a third time and passed; that a statutory pay-go statement be read, if needed, and passed with no amendments in order prior to passage, the motions to reconsider be considered made and laid upon the table with no intervening action or debate, and any statements related to the bill be printed in the RECORD at the appropriate place, as if read.

The PRESIDING OFFICER. Is there objection?

The Senator from Montana.

Mr. BAUCUS. Mr. President, I reserve the right to object and would like to make a statement.

I am basically opposed to the Senator's request, and let me explain why. The Finance Committee considered this bill last week, and we passed it out of committee by a voice vote without a single amendment being offered. Nobody on the committee offered an amendment. I think we cannot and should not delay the passage now. It passed unanimously, no amendments offered, and now is not the time to delay.

This bill is fully offset. How? By extending customs user fees and corporate timing shift. This is not the first time we have used the corporate timing shift as an offset. I have a list—a very long list—of the many times when this body has used this very same provision and very same offset. In fact, it has been used multiple times since 2005 in trade bills and lots of other bills, so there is much precedent.

I, nonetheless, understand Senator COBURN now has concerns about the offset, and I am willing to work with him to find alternate offsets in future trade measures. We need to move forward on this bill in its entirety as soon as possible. We can't pick and choose to move forward on component parts while leaving others to linger. There are real consequences for delay.

This bill extends provisions of the African Growth and Opportunity Act—otherwise known as AGOA—trade preference program that would otherwise expire in September. Without swift passage of this bill, U.S. retailers do

not have the certainty they need to place orders with African apparel manufacturers. Not only are these U.S. companies struggling to make the best decisions for their companies, but a substantial drop in orders has caused devastating job losses in Africa. The job losses are occurring why? Because of the uncertainty as to whether this provision will be extended. Right now the Senator from Oklahoma suggests we don't proceed.

Another provision of this bill closes a loophole in the Dominican Republic-Central American-United States Free Trade Agreement that will save almost 2,000 yarn-spinning jobs in North Carolina and in South Carolina. And the Burma sanctions provision expires today. These provisions are all necessary parts of the delicate compromise we negotiated in advance with the House and that the Senate Finance Committee approved. Ways and Means Chairman CAMP in the House and Ranking Member LEVIN in the House have made it equally clear they will not pass this bill in the House without the AGOA provisions included. So the House will not pass these provisions if the Senator is successful.

I, therefore, urge my colleagues to pass S. 3326 as it passed from the Finance Committee, quickly and without amendment. For those reasons, I must object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Oklahoma.

Mr. COBURN. Mr. President, short memories are just that. In my opening statement in the Finance Committee on this bill, I made it very clear I opposed the pay-for in this bill. I had two amendments to offer. They were not offered because the chairman had assured me beforehand that he would object and rule them nongermane, even though they were not nongermane. As a matter of fact, we had offered what the Obama administration had already offered in terms of trade duplication—a \$200 million pay-for that the administration supports.

So let's talk about what is really going on here. We are a country that is \$15.8 trillion in debt. We have a process that is not open, really, to the consideration of addressing real pay-fors for a real bill that I agree needs to pass. I have no objection to the underlying policies in any of the three components in this bill, but there is a process we continue to practice which has our country bankrupt. That process is the following: We are going to spend \$200 million over the next 3 years, and then we are going to take 10 years to pay for it.

We have \$350 billion in waste, fraud, and duplication in the Federal Government that we have done nothing about as a Senate. Not one thing have we done to address the issues that are wasting the hard-earned money of the

taxpayers of this country. So when we have a small bill and administration concurrence on something that should be eliminated, and yet we would rather not do that but just kick the can down the road, we are failing the American people.

I have a great deal of respect for the chairman of our committee, but it seems to me that my conversations with the Speaker and Mr. CANTOR and Mr. CAMP in the House are much different than his. As a matter of fact, if we were to divide this, they would divide theirs and pass them both back over here, and we could do the same. What I have offered is to separate out these two from the AGOA package. I am for that. I just think we ought to pay for it.

What I have offered, and I offer to do now if the chairman splits it, is to have 30 minutes on the floor to explain why I want to pay for the AGOA, then have a vote, and let it go. But we will not even do that. So not only do we not want to address the problems, we don't even want to have a debate and an opportunity to stand up and say whether we are for cutting wasteful spending, which even the administration is for. That is what is offered.

So now we stand here, with Burma sanctions going to expire. I am going to tell you, I am not moving. I will object to any unanimous consent request that doesn't have a real pay-for for the \$200 million for this bill out of real spending in the next 1 or 2 or 3 years, which is exactly what we offered to put forward in committee and what we have offered to negotiate. I am not going to be a part of kicking the can down the road again. I am not going to be a part of playing gimmicks where we ask corporations to overpay their taxes so we can get around the 1974 Budget Act and pay-go and essentially be dishonest with the American people about what we are doing.

I understand I am not the chairman of the Finance Committee, but I am a member. And I am a Member of this body. Since I had no right in committee to offer an offset because they were ruled—they were going to be ruled nongermane, which they weren't, and now, consequently, we want to ram this through on a timed basis, I am not going to agree to that happening.

So we need to start acting like grownups in terms of our debt and not kick the can down the road 10 years, and that is what we are doing. We are going to use 10 years to pay for something we are going to spend over 3, just like we did on the highway bill, just like we violated pay-go, just like we violated the budget agreement we just agreed to last August. Now we are going to continue to do the same thing.

I have the greatest respect for my chairman. He has been here a long time. He knows a lot about these issues. I agree they need to happen, but

they do not need to happen on the backs of taxpayers 10 years from now. We need to pay for what we are doing now.

That is the whole point of this exercise. I want us to be able to have certainty. I want us to have the Burma sanctions continued. I want us to do the right thing. But I want us to do it in the right way, and we are not. So that is where I stand.

I would defer to the chairman for his comments.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I very much understand the frustration of the Senator from Oklahoma, and I understand his reasons for objecting. In a perfect world, I might be sympathetic with his reasons, but this is not the perfect world. This is a world where we try to do our best to do our work and get legislation passed.

I personally don't have a problem with the Senator's suggestion that we could set 30 minutes aside and vote on his amendment as an alternate way to pay. I think the Senator understands this bill is fully paid for already. It is just the Senator would like it paid for in a different way.

The problem I have in trying to arrange all this and put it together is I can't control other Senators. Other Senators may object to the Senator's provision. They may have their own bills. In fact, I can think of two or three right now who would very much take advantage of a process where the Senator from Oklahoma strips out the bill and offers his own pay-for because they would say: Oh gosh, this is now an opportunity for me to offer mine. That is what they will say to themselves, and then we are really stuck because the Burma provisions expire, as the Senator knows, today. We can't dally. We can't wait. The AGOA provision expires at the end of September.

Now, one could say: Well, wait until the end of September. Unfortunately, a lot of American companies are uncertain whether we are going to extend past the September 30 date, and they are laying off people. Lots of job losses are already occurring as a consequence of the uncertainty. So my job, in putting together these several bills—including PNTR for Russia—in the committee was to talk to Senators and try to find an accommodation where we could get it passed.

I totally agree with the Senator on his main point; namely, how much fraud and waste there is and that it should be addressed and how important it is to get the debt down. As the Senator knows, yesterday, in committee, we talked about ways to address the so-called fiscal cliff, the very beginnings of the Finance Committee's finding solutions to the debt and some kind of grand bargain in the form of tax reform.

The Senator is correct. He did file amendments with alternative offsets, and I did state the amendments would be ruled nongermane. That is true. In my judgment, they were not germane. And he did suggest at that time that he wanted to offer an amendment on the Senate floor. As I said, I am not personally opposed to having a vote on the Senator's amendment as long as there is a limited time of debate. But I do think and believe others will object, and they will want to have their provisions passed. I just believe at this point it makes sense to proceed with AGOA, the DR-CAFTA bill, and the Burma bill, and deal with how we do offsets at a future date, not right now because it just gums up too much else.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, what the chairman said is this bill is paid for. I would put forward to the American public that if they went to Wendy's this afternoon and said: Give me a double cheeseburger; and, oh, by the way, over the next 10 years I am going to pay for it, most Americans would not say it is paid for.

What we are doing with this bill is taking custom user fees in the years 2021, 2020, 2019, and all the way down to pay for this bill. That is the problem. We will never solve our other problems until we get out of the mindset of saying because of the rules, we can stretch out the payment and call it paid for.

This bill isn't paid for. It is going to be paid for by the people who import things 10 years from now, not now. That is the whole point. That is why we have a \$1.3 trillion deficit this year. That is why we have at least 2 to 3 million people unemployed in this country—because of our debt. So the question is, Is there a point in time when we are going to stop paying for things in the future and pay for them now? That is my objection.

I am fully open to passing this bill if somebody will just pay for it this year. If we are not going to pay for it this year, then we are not going to pass a bill by unanimous consent.

I will tell you, nobody else operates this way. Nobody rationalizes that you can pay—and the other thing, this is just \$200 million. To everybody outside of Washington that is one ton of money. Here it is peanuts. To say we can't pay for something worth \$200 million in a bill to do this, right now, to start the self-discipline of paying for it, it just says we are not worthy of being here if we would not do that.

So I would love to work out a solution, but there is a time and place where we have to change the direction of how we operate. For me, this is the bill that now says to me we are going to start paying for things. And if we can't pay for a \$200 million pay-for in the same year, or at least the same 3 years we are going to actually spend it,

then we are just not going to pass bills with my help.

I am not speaking for just TOM COBURN. The vast majority of Americans want us to pay for things by cutting wasteful spending. The fact that we are going to take custom user fees over 10 years to pay for this is ludicrous. Nobody in the rest of the economy can go out and say: Oh, by the way, I want to consume it now, but I will pay for it 10 years from now—interest free. It doesn't work that way, and we ought not to be doing it.

The chairman has my utmost respect. He has a tough job, I know that, of trying to do that. I will continue to try to work on solutions for this problem, but I am not moving from a position that we are going to pay for the things in the year in which we count them.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BROWN of Ohio). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, may I ask what the pending business is now?

The PRESIDING OFFICER. The motion to proceed on S. 3414.

Mr. LIEBERMAN. Mr. President, I rise to speak on the motion to proceed to S. 3414, which is the Cybersecurity Act of 2012.

This cloture motion has been filed that will ripen sometime tomorrow, but I think it is the hope of Members on both sides of the aisle that we can proceed to vote on the motion to proceed today. I am hopeful colleagues on both sides of the aisle will vote to proceed, because although there continues to be some disagreement about the content of this bill and different approaches taken, I don't think there is any Member of the Senate who doesn't appreciate the fact that our country is currently under cyber attack every day, our businesses are victims of cyber theft every day, with the consequential loss of billions of dollars' worth of investments and, I would say, tens of thousands of jobs going elsewhere.

So this bill is not a solution in search of a problem; it is an attempt to solve a problem. Although there may be differences still on different components of the bill, I hope everybody will join together in at least saying: Let's proceed to the debate, and let's see if we can reach a conclusion before we leave for the August break next week.

I will report in this regard that this morning there was a second meeting held of those who have been most active in supporting different legislation



that deals with the cyber threat to America. Senator COLLINS and I, Senator FEINSTEIN, Senator ROCKEFELLER, Senator CARPER—who introduced the pending matter, the Cybersecurity Act of 2012—Senators HUTCHISON and CHAMBLISS were there today, Senator COATS—who introduced the so-called SECURE IT Act—and then a group of peacemakers-bridge builders, Senators KYL and WHITEHOUSE, Senator GRAHAM, Senator COONS, Senator BLUMENTHAL, and Senator COATS, again, who sits in two of the three groups, which makes him a superbridge builder.

It was a very good, substantive discussion, in which we were all fleshing out the details of the various proposals. We are seeing some areas where I think we feel we have a real opportunity to agree and some areas where it may be more difficult, but we haven't given up. But overall, I would say this process has been very encouraging. Basically, all the leading parties in the Senate and all the Senators are around the same table talking, which is very constructive to have happen. I appreciate that. To me, it is more reason to vote to proceed.

I wish to begin by thanking the aforementioned Senators COLLINS, ROCKEFELLER, FEINSTEIN, and CARPER, who joined me in sponsoring S. 3414, which I wish to talk about a bit now in this opening statement.

I also wish to thank the majority leader, Senator REID, for seeing the cyber threat to America in all its urgency and reality last year, urging Senator COLLINS and me to go forward and work on legislation, to work across party lines to get a bill out and now to thank Senator REID for keeping his commitment to bring this bill to the floor, even though, as always, there are clearly other important issues vying for this body's attention. But, to me, there is none more important to America's security and prosperity than this topic, which is cybersecurity and the cybersecurity bill that is now pending.

I would like to make three points in my remarks to my colleagues.

First is that the danger of cyber attacks against the United States is clear, present, and growing, with enemies ranging from rival nations to cyber terrorists, to organized crime gangs, to rogue hackers sitting at computers almost anywhere around the world. The pending matter, S. 3414, Cybersecurity Act of 2012, responds directly and effectively to this danger.

Second, this bill has been a long time in coming. In this regard, I note a letter sent out by the U.S. Chamber of Commerce overnight that, I must say, I found very disappointing overall because, if I may state it affirmatively, it doesn't embrace the same spirit I see Members of the Senate embracing; that although we have different positions, we can't afford to be inflexible. We can't be closed to compromise because

of the urgency of the threat to our country and because of the general principle that has not been as evident in the Senate and Congress generally as it should be in recent years; that we never get anything done unless there is some compromise. I am not talking about compromise of principle. But if we go into every negotiation saying, I will only accept 100 percent of what I want, ultimately we are not going to get anything, if we can get 80 percent, 75 percent, 60 percent—particularly when we are dealing with a threat to the security of the United States and our prosperity as real as the cyber threat.

I hope our friends at the Chamber will reconsider the tone of their opposition and come to the table to talk with us about their concerns and see if we can't reach common ground because there is a larger national interest at stake than represented by any particular group or any individual Senator or their point of view.

In their letter of July 25, 2012, signed by R. Bruce Josten, executive VP for government affairs of the U.S. Chamber of Commerce, the Chamber says that:

... S. 3414, the "Cybersecurity Act of 2012," which has been rushed to the floor without a legislative hearing or markup. The bill was introduced just last week and remains a moving target; new and modified provisions of the bill are expected to be released in the coming days.

If they are, it is going to be a result of the give-and-take compromise that leads to legislation that is going on now. But I wish to respond to the idea that this came out of nowhere.

This bill has been a long time in coming. As a matter of fact, I went back and looked at the records. I attended my first hearing on cybersecurity as a member of the former Senate Governmental Affairs Committee—the predecessor to the current Homeland Security Governmental Affairs Committee—under the leadership of then-Chairman Fred Thompson. That was back in 1998, 14 years ago. I have been concerned ever since about the growing threat of cyber attack.

Along with my dear friend and colleague on the committee, Senator COLLINS, our committee has held multiple hearings on cybersecurity; that is, the new Homeland Security and Governmental Affairs Committee, and we weren't alone. There have been numerous hearings over the past several years and markups by multiple committees in both the Senate—many held by our colleagues Senator ROCKEFELLER and Senator FEINSTEIN in the Commerce and Senate Intel Committees—as well as in the House. Those deliberations and discussions were informed by numerous government and private sector studies on the dangers that lurk in cyberspace.

So this bill didn't come out of nowhere. We reported a bill out of our

committee, with a lot of hearings and an open markup. We began, at the majority leader's direction, to negotiate with the other committees, particularly Commerce and Intel. We reached agreement, which is essentially what this bill is.

Incidentally, we then altered this bill—Senators COLLINS, FEINSTEIN, ROCKEFELLER, and I, in response to the bipartisan Kyl-Whitehouse group recommendations—to make it nonmandatory but still significant. So this bill has been aired and worked on and is ready for action.

But more to the point, the Senate needs to act. That is why it is so important we adopt the motion to proceed, because this threat is real, dangerous, and growing every day.

Third, this bill, S. 3414, is the result of bipartisan compromise. It is both bipartisan and it is the result of compromise. We cosponsors, as I mentioned, gave up some elements we thought were important that we had in our original bill. Given the cyber threat, we actually thought it was more important to move forward with a bill that will significantly strengthen our cybersecurity, even though it doesn't do everything we want it to do and thought should be done.

We didn't want to lose the chance to pass cyber legislation this year that could prevent a cyber 9/11 attack against the United States before it happens, instead of rushing in the midst of mayhem back to the Senate and House to adopt cybersecurity legislation after we suffer a major attack.

As I said, we have incorporated ideas from Senators WHITEHOUSE, KYL, and the other Members whom we were working with quite diligently to help us find common ground. I wish to explicitly and enthusiastically thank them for their efforts.

We have heard and responded to Senators DURBIN, FRANKEN, WYDEN, and others, and advocacy groups across the political spectrum from left to right, who have pressed for greater protections for privacy, personal privacy in this bill. We have made substantial changes designed to address concerns from stakeholders and colleagues.

I am confident we can work through more issues as we debate the bill on the floor. But the main point here, if I may use quite a familiar expression around here with a slightly unique follow-on phrase, I hope: If in our quest for cybersecurity legislation we allow the perfect to be the enemy of the good, we are going to end up allowing our enemies to destroy a lot that is good in the United States of America. We have to act together for the good of the Nation, get the debate started and bring amendments to the floor for an up-or-down vote.

Let me stress at this point that Senator REID, the majority leader, has been quite clear that his desire, his intention is to have the process be an



open amendment process so long as the amendments are germane and relevant to the topic of the bill, cybersecurity, not just open to any amendment about any subject.

I want to go back over these three points and talk about them in a bit more detail. Let me start with the reality of the threat. I want to read from a letter sent to us recently by some of our Nation's most experienced security leaders from both Republican and Democratic administrations. Here is a letter to the majority and minority leader, signed by former Bush administration Secretary of Homeland Security Michael Chertoff; former Bush administration Director of National Intelligence ADM Mike McConnell; former Bush Deputy Defense Secretary Paul Wolfowitz; former NSA and CIA Director General Michael Hayden; former vice chair of the Joint Chiefs of Staff Marine Gen. Jim Cartwright; and former Deputy Defense Secretary William Lynn. I quote from the letter. It is quite an impressive group, clearly bipartisan—nonpartisan.

We write to urge you to bring cybersecurity legislation to the floor as soon as possible. Given the time left in this legislative session and the upcoming election this fall, we are concerned that the window of opportunity to pass legislation that is in our view critically necessary to protect our national and economic security is quickly disappearing.

These security leaders went on to say:

Infrastructure that controls our electricity, water and sewer, nuclear plants, communications backbone, energy pipelines and financial networks must be required to meet appropriate cybersecurity standards. We carry the burden of knowing—

It is really chilling.

We carry the burden of knowing that 9/11 might have been averted with the intelligence that existed at the time. We do not want to be in the same position again when “cyber 9/11” hits—it is not a question of whether it will happen—but when.

That is not a statement from a Member of the Senate or an advocate on one side or the other. These are proven national security leaders who have worked in administrations of both political parties. “It is not a question of whether a cyberattack will happen,” they say, “but when.”

Many others have issued similar warnings. Secretary of Defense Panetta has said the next Pearl Harbor-like attack against America will be launched from cyberspace.

Chairman of the Joint Chiefs of Staff Gen. Martin Dempsey has warned: “A cyberattack could stop our society in its tracks.”

Just this month, National Security Agency Cybercommand Chief Gen. Keith Alexander blamed cyber attacks for: “The greatest transfer of wealth in history.”

General Alexander estimated that American companies lose about \$250

billion a year through intellectual property theft through cyberspace; \$114 billion to theft through cyber crime; and another \$224 billion in downtime the thefts caused.

We talk a lot here in the Senate these days, as we must, about how we protect American jobs. It turns out that in creating more cybersecurity in our country we are also going to protect tens of thousands of jobs which otherwise are going to end up elsewhere in the world because they will have stolen the industrial secrets that lead to the new industries that create those jobs.

General Alexander concluded this part of the statement he made by saying: “. . . this is our future disappearing before us.”

Cyber attack.

These fears are not speculative. Let me go through a recent op-ed in the Wall Street Journal that President Obama wrote.

In a future conflict, an adversary unable to match our military supremacy on the battlefield might seek to exploit our computer vulnerabilities here at home. Taking down vital banking systems could trigger a financial crisis. The lack of clean water or functioning hospitals could spark a public health emergency. And as we have seen in past blackouts—

Which were caused by natural disasters, for instance—

the loss of electricity can bring businesses, cities and entire regions to a standstill.

These fears are not speculative. They are not theoretical. They are based on existing facts and existing vulnerabilities. Consider, if you will, this recent story in the Washington Post that detailed how a young man living an ocean away used his computer to hack into the control panel of a small town water utility in Texas. It took him just 10 minutes and required no special tools or training. The utility had no idea of what had happened until the hacker posted screen shots of his exploit online as a warning of how vulnerable all of us are. Imagine if terrorists decided to target a string of small utilities across the United States and either cut off fresh water or dumped raw sewage into our lakes, rivers, and streams. We would have an environmental and economic disaster on our hands. But this is a real possibility.

This brings me to my second point. We need to act and act now. The challenge of cybersecurity has been studied for a long time and there is no need for more studies or hearings or delay, as the Chamber letter requests. I went back to the Congressional Research Service. According to a report that they issued, in the 112th Congress alone there have been 38 hearings and 4 markups in the House and 33 hearings in the Senate on cybersecurity.

In the 112th Congress, the Judiciary Committee also held a markup on the Personal Data and Privacy Security

Act and in previous Congresses the Senate has held markups on cybersecurity legislation in five separate committees under regular order, all of which is included in the bill that is pending before us today.

Since 2005, the Senate Homeland Security Committee alone has held 10 hearings with 48 witnesses testifying and took questions over a total of 18 hours. Look at the bill's cosponsors. S. 3414: Senators COLLINS and I, along with Senators FEINSTEIN and ROCKEFELLER, have held numerous hearings, forums, and cybersecurity demonstrations for Members and staff. All these hearings and briefings were further informed by, according to the CRS, a total of 60 governmental reports totaling 2,624 pages produced by the GAO, the Department of Defense, the OMB, the Department of Energy, and other Federal agencies. This doesn't count the many more reports from the private sector—computer security firms such as SEMANTEC and think tanks and academic institutions such as MIT and the Center for Strategic and International Studies.

This matter is ready for action. I go back to a 1936 book Winston Churchill wrote, “When England Slept.” Not “Why England Slept” but “When England Slept”. He asked his colleagues in the Parliament who were refusing at that time to act decisively to counter the rise of German military power despite its clear threat to Europe—Churchill said: “What will you know in a few weeks about this matter that you do not know now . . . and have been not been told any time in the last six months?”

I think the same can be said now. That is why I think it is so important to adopt the motion to proceed and get something done before we leave Washington for the August break.

Finally, in the interest of moving forward, my cosponsors and I, as I indicated earlier, have made a major compromise in the bill we are bringing to the floor in terms of how we deal with critical cyber infrastructure. Here again, we are talking not about small businesses around America, we are talking about powerplants, energy pipelines, water systems, financial systems that we all depend on for our banking, water—sewer systems, for instance—that if sabotaged or commandeered in a cyber attack could lead to catastrophic deaths and economic and environmental losses.

In our original bill, Senators COLLINS, FEINSTEIN, ROCKEFELLER, and I called for mandatory cyber safety standards for all critical infrastructure after those standards were developed in consultation with the private sector. We did not think this was a unique or onerous requirement but our responsibility in carrying out our constitutional oath to provide for the common defense. Since antiquity, as a matter of

fact long before the American Constitution, societies have chosen to adopt safety standards to protect their citizens, particularly safety standards for physical structures starting with the homes we live in, but also our offices, factories, and critical infrastructure such as powerplants and dams. Today we call these building codes. Can you imagine if there were no building codes, the danger that people would take when they walked in our office buildings or factories or apartment houses or residences?

I cannot resist saying these building codes in some sense are as old as the Bible. Here I go to Deuteronomy 22:8 which says:

When you build a new house, you shall build a parapet for your roof, so you shall not bring the guilt of blood upon your house if anyone should fall from it.

There is direct relevance in a very different context from the Biblical context to what we are trying to do here, which is to build a kind of parapet around our cyber systems so we do not bring the guilt of blood on us because somebody has attacked through those cyber systems.

The reason we have done this over antiquity in the physical world is obvious. If one of our homes catches fire because of the wiring not up to code or it happens in an apartment building or an office building, the people in it are endangered, obviously, but also the lives and homes of our neighbors, the community are in danger as well. Numerous bipartisan national security experts have been in total agreement that mandatory requirements are needed to protect our national and economic security from the ever-rising risk of cyber attacks.

But it was this provision, seen in the context of regulation of business while we were seeing it as homeland security, protecting homeland security, that was the most controversial in our compromise bill and drew the most criticism. To be more specific about it, it threatened to prevent passage of any cybersecurity legislation this year which, for the sponsors of this bill, was simply an unacceptable result.

Following the rule that no matter how deeply one believes in the rightness of a provision in a bill, we agreed to change it because there is so much else that is critically important in our bill that will protect America's cybersecurity. So we withdrew the mandatory provision and created all the standards for performance of how the most critical infrastructure, cyber structure, would protect itself. But then we left it voluntary; however, we did create some incentives. Let me be clear that the decision is to be what we all want it to be, which is as a result of a collaborative, cooperative effort that businesses that operate the most critical cyber structure, such as, electrical systems, water systems, transpor-

tation, finance, communications, will want to comply.

Under our revised bill, private industry, which incidentally owns as much as 85 percent of the Nation's critical infrastructure—that is the American way, and that is great. But when that 80 to 85 percent of our critical infrastructure can well and probably will be the target of not just theft but attacks by enemies of the United States, we have to work together to prevent that.

In our bill we give the private sector the opportunity to develop a set of cybersecurity practices which will then be reviewed by the new National Cybersecurity Council that our bill creates. It will be chaired by the Secretary of Homeland Security and made up of representatives of the Department of Defense, Commerce, Justice, and the intelligence community, and presumably the Director of National Intelligence. This National Cybersecurity Council will review the standards agreed upon by the private sector and decide whether they are adequate to provide the necessary level of cybersecurity for the American people.

Owners of critical infrastructure will then have a decision to make. Do they want to essentially opt into the system or do they want to not do so? That is up to them under the bill as is put before them because it is voluntary. If they opt in—and this is what we hope will be an incentive—they will be entitled to receive some benefits, the most significant of which will be immunity from certain forms of liability in case of a cyber attack. We also offer expedited security clearances and prioritize technical assistance from our government on cyber questions from those critical covered cyber-infrastructure companies that opt into the system.

I think our colleague from Rhode Island, Senator WHITEHOUSE, has a very good metaphor for what we are trying to do. As he said, we are trying to build Fort Cybersecurity where we essentially become part of a system that provides greatly enhanced protection from cyber attack and cyber theft, but we are not compelling anybody to come into Fort Cybersecurity. We are encouraging them to do so, and we are giving them some incentives to do so. Of course, we hope that sound and wise administrators of those companies and forces of the marketplace will encourage them to make a decision to come into Fort Cybersecurity.

Finally, our bill contains information-sharing provisions, which I think most people who have looked at the threat of cyber attack and cyber theft think are very important. These provisions will allow the private sector and government to share threat information between each other and among themselves. In other words, one private company can share information about an attack with another private company to see if the attack is part of a broader pattern.

For instance, they can talk about where it may be coming from to raise their cyber defenses against it, and to do so without fear of—well, for instance, any trust action by the State or Federal Government. Also, very often companies that believe they have been a victim of cyber attack will go to the Federal Government, the Department of Homeland Security, or the National Security Administration for help; however, a lot of them don't. Part of the reason for that is they fear, among other things, they may compromise the privacy of their records. Others, quite frankly, don't want to admit they have been attacked. This is a real problem. I will come back to that in just a moment.

We give protection from liability for companies that share their information with the government. Yet there were many individual Senators and many people from outside groups who are focused on privacy who were concerned that in doing this we were opening up a method by which parts of our Federal Government could basically violate privacy restrictions, take personal information off of the information shared by a private company with the government, and they be the victim of some kind of public intrusion or even law enforcement.

So I think we negotiated a good series of agreements on this which, one, will ensure that companies who share cybersecurity information with the government give it directly to civilian agencies and not to military agencies. That was a concern people had.

Second, we ensure that information shared under the program be reasonably necessary and described as a cybersecurity threat. In other words, not just wantonly share it because some of this is private information.

Third, we restrict the government's use of information it receives under the cyber information-sharing authority so that it can be used only for actual cybersecurity purposes and to prosecute cyber crimes with two exceptions broadly agreed on: One is that the information can be used to protect people from imminent threat of death or physical harm; and, two, to protect children from serious threats of one sort or another.

Next, we would require annual reports from the Justice Department, Homeland Security, the defense and intelligence community, and inspectors general to describe what information has been received in the previous year, such as, who got it and what was done with it. Finally, we allow individuals to sue our government if the government intentionally or willfully violates the law; that is to say, the law relating to these privacy protections.

I am very pleased by these changes we made. I want to say this loudly and

clearly: This bill is about cybersecurity. But in trying to elevate our cybersecurity, we didn't want to compromise people's privacy or their freedom. So what I have just read was intended to assure that this bill, as best we could, would not compromise privacy or freedom rights.

Then I took this set of compromises to the most important people in our government who are focused on cybersecurity—the Department of Homeland Security, the National Security Agency, the FBI—and they all said, I am pleased to say, these privacy protections will not inhibit their ability to protect America's cybersecurity. They can live with these without the slightest diminishing of their focus, which understandably is not privacy but it is cybersecurity. They said these amendments to our original bill don't inhibit what they are doing.

I conclude by, again, urging my colleagues to vote, presumably today, yes on the motion to proceed so we can get the debate started, so we can continue to work to achieve common ground and a meeting of the minds and enact this piece of crucial national and economic and security legislation in this session of Congress.

I thank the Chair, and I yield the floor.

**THE PRESIDING OFFICER.** The senior Senator from Texas.

**Mrs. HUTCHISON.** Mr. President, I have listened to the distinguished Senator and chairman of the Homeland Security Committee and the presentation of the bill that I assume will be voted on today. I appreciate very much that we have had the meetings. There are really two bills that have been introduced: the Lieberman-Collins, bill with their cosponsors, and then I have introduced legislation called the SECURE IT Act along with Senators MCCAIN, CHAMBLISS, GRASSLEY, MURKOWSKI, COATS, JOHNSON, and BURR. These are eight ranking members of committees and subcommittees who have jurisdiction over cybersecurity, and we differ in a major way from the bill that is before us that is cosponsored by the Chair and ranking member of the Homeland Security Committee. All the other ranking members of the committees that have jurisdiction, are in disagreement with their approach.

Now, the good news is we have been meeting to try to begin to work out the differences and see if we can move forward. Our bill, the SECURE IT bill, will be introduced as an amendment in the nature of a substitute if, in fact, we take up the bill today.

I would agree with what Senator LIEBERMAN said right off the bat in that I believe, as long as we have an open amendment process, we will vote to move to the bill. I don't think anyone in our group or anyone with whom I have talked wants to hold up dealing with cybersecurity. We know Amer-

ica's systems could be under threat, and some have been hacked into already. There are terrorists who seek to sabotage networks. There are people who want access to proprietary information and intellectual property. We need to protect our systems and our country against those attacks, which is why as long as we have an amendment process and we are not shut out from discussing this, we will vote to move forward to the bill.

This bill was not marked up in committee. It did have a lot of hearings in committee. Since it wasn't marked up, amendments were not able to be introduced and discussed and voted on, which makes it harder, as we all know, when we come to the floor with a bill where there are major disagreements. We have not had the capability for the committee to take up the amendments and vote on them. That is why I think we need to have the open amendment process and why we do want to move forward on the good faith that it will be open.

Now, our bill, the SECURE IT Act, is centered on consensus items. It sets aside the controversial provisions that are of questionable need, and it is also one that we believe we can work with the House on to pass and send to the President. The bill we have would greatly improve information sharing to and from and with the government with other private sector industries in the same field, and we think that is the most important step we could all take on a fairly quick basis to start the process of getting more security throughout our systems.

We must also ensure that the entities and government and industry share information back and forth. It has to be a two-way street. Obviously, if an industry is going to share information about potential threats, if they see risks or they see problems in a system, it must get information from the government agencies that are doing the intelligence gathering on a quick basis.

Our bill also dramatically improves cybersecurity for Federal agencies themselves. It does update the rules that govern cybersecurity, and it requires any government contractor to inform their agency clients if their clients' systems are under a significant risk or attack. We think that is reasonable as a part of a government contracting requirement.

Today antitrust laws and liability concerns inhibit private companies from exchanging the information that is necessary to defend against and respond to cyber threats. If a company is going to be encouraged to share information with a competitor about cyber threats, they have to know they are not going to be then hit with an antitrust lawsuit. I think that is pretty clear. So our bill does address that. We make it very clear there are antitrust immunities as well as most certainly

immunity from a lawsuit if they provide information on a voluntary basis. If they are sued, and they have acted in accordance with our bill, then they would have protection from liability for a lawsuit on cyber attack. So those are the things we do that I think will open up the information sharing, which is the way we believe it is important as the next step.

It is also very important that we have the safeguards for privacy. I do believe the underlying bill certainly protects privacy, and so does our substitute. We have safeguards that protect the privacy and civil liberties of all Americans while we preserve the right to ensure that we try to protect America in general from attack from the outside.

We also in our bill improve the security of Federal information systems and facilitate the prosecution of cyber crime. We want to beef up protections against criminals who are hacking in, as well as potential terrorists who might, in order to be able to prosecute against cyber crime as a disincentive to break the law.

Finally, our legislation has broad industry support. The businesses in the private sector that know their systems best and that fight every day to protect their systems and networks believe SECURE IT is the best way to go. We believe that with the cooperation of the business community, without having a big regulatory morass, is the way we are going to get the most cooperation from the people who are running the networks and systems.

I have letters of endorsement from the U.S. Chamber of Commerce, the National Association of Manufacturers, the American Fuel and Petrochemical Manufacturers, the American Petroleum Institute, U.S. Telecom, National Retail Federation, the Internet Security Alliance, and I ask unanimous consent that these letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CHAMBER OF COMMERCE OF THE  
UNITED STATES OF AMERICA,  
Washington, DC, June 29, 2012.

Hon. JOHN MCCAIN,

*U.S. Senate,*

*Washington, DC.*

Hon. KAY BAILEY HUTCHISON,

*U.S. Senate,*

*Washington, DC.*

DEAR SENATORS MCCAIN AND HUTCHISON: The U.S. Chamber of Commerce, the world's largest business federation representing the interests of more than three million businesses and organizations of every size, sector, and region, supports S. 3342, the "SECURE IT Act of 2012." This bill would dramatically help the United States improve its cybersecurity posture and serve as a catalyst for greater sharing of targeted cyber threat information between the government and the private sector.

The Chamber agrees that the right path forward is for the public and private sectors

to work together in solving mutual challenges, increasing real-time cyber threat information sharing between and among the public and private sectors, and fostering the development and deployment of innovative cybersecurity technologies. This path provides the best opportunity of staying ahead of fast-paced cyber threats.

The Chamber also agrees that Congress should not layer additional cybersecurity regulations on the business community. New compliance mandates would automatically drive up costs and misallocate business resources in a tough economy without necessarily increasing security. Critical infrastructure owners and operators already devote significant resources toward protecting and making their information systems more resilient because it is in their overwhelming interest to do so and good for the country.

Another positive aspect of S. 3342 is that it would leverage existing information-sharing and analysis organizations and incorporate lessons learned from pilot programs undertaken by critical infrastructure sectors. Both offer complementary, demonstrated models to enable the government to share cyber threat information with the private sector in a trusted, constructive, and actionable manner without creating burdensome regulatory mandates or new bureaucracies.

S. 3342 would also provide businesses the much-needed certainty that threat and vulnerability information shared with the government would be provided safe harbor and not lead to frivolous lawsuits, would be exempt from public disclosure, and would not be used by officials to regulate other activities. The Chamber welcomes your efforts to make certain that the information-sharing processes in your bill include necessary privacy and civil liberties protections, such as tightening the definition of cyber threat information.

The Chamber appreciates your efforts to address an array of industry concerns. As the SECURE IT Act progresses, we look forward to working with you to tailor the scope of information that certain entities in the private sector could be required to provide a government agency or department under statute.

Equally, we want to ensure that government entities continue to acquire the most innovative and secure technology products and services under provisions of S. 3342 related to reforming the Federal Information Security Management Act. Federal officials who manage agencies' information security programs should leverage industry-led, globally accepted standards for security assurance during the acquisition process. Added language stipulating that the bill would not convey any new regulatory authority to agencies or departments is a step in the right direction.

The Chamber believes that your bill highlights the notion that Congress should focus on enacting legislation that would truly improve the sharing of actionable and targeted information between public and private entities in order to defeat our mutual adversaries—not layering additional regulations on the business community. We appreciate your commitment to a nonregulatory approach to bolstering collective security; it is one that the Chamber strongly supports.

Sincerely,

R. BRUCE JOSTEN.

NATIONAL ASSOCIATION OF  
MANUFACTURERS,  
Washington, DC, March 26, 2012.

Hon. JOHN MCCAIN,

*U.S. Senate,  
Washington, DC.*

Hon. KAY BAILEY HUTCHISON,  
*U.S. Senate,  
Washington DC.*

DEAR SENATOR MCCAIN AND SENATOR HUTCHISON: On behalf of the 12,000 members of the National Association of Manufacturers (NAM), the largest manufacturing association in the United States representing manufacturers in every industrial sector and in all 50 states, I am writing to express the NAM's support for S. 2151, the Strengthening and Enhancing Cybersecurity by Using Research, Education, Information, and Technology Act or "SECURE IT" Act.

Manufacturers through their comprehensive and connected relationships with customers, vendors, suppliers, and governments are entrusted with vast amounts of data. They hold the responsibility of securing this data, the networks on which it runs, and the facilities and machinery they control at the highest priority level. Manufacturers know the economic security of the United States is directly related to our cybersecurity.

The NAM supports the government sharing timely and actionable threat and vulnerability information with the private sector. We also support the creation of a voluntary framework that allows companies to share information with the government and with each other without creating new liabilities.

NAM member companies also support allowing the private sector to continue developing appropriate general and industry-specific best practices in collaboration with the Federal government for improved security. Encouraging manufacturers to adopt industry-standard best practices through incentives is the best way to ensure innovation while addressing the evolving threats to our nation's security. In contrast, mandates on the use of specific technologies or standards and imposing a prescriptive regulatory framework would unduly inhibit innovation.

The SECURE IT Act addresses these issues important to manufacturers. The bill would allow for voluntary information sharing across the cyber community and protect information owners from liability stemming from those actions. It would also help secure government networks, increase the penalties for cybercrime, and prioritize cybersecurity research using existing government dollars. The SECURE IT Act does this without creating a new and unnecessary regulatory burden on manufacturers.

The NAM and all manufacturers remain intensely committed to working with Congress to secure our cyberinfrastructure from harm. We look forward to thoughtful discussions and examination by all the Committees with jurisdiction on this issue to ensure that any legislation that moves forward mitigates the cyber threat facing our nation.

Sincerely,

BRIAN J. RAYMOND,  
*Director, Technology Policy.*

AMERICAN FUEL & PETROCHEMICAL  
MANUFACTURERS,  
Washington, DC, March 13, 2012.

Re AFPM supports the Strengthening and Enhancing Cybersecurity by Using Research, Education, Information, and Technology (SECURE IT) Act.

Hon. HARRY REID,  
*Senate Majority Leader,  
U.S. Senate, Washington, DC.*  
Hon. MITCH MCCONNELL,  
*Senate Republican Leader,  
U.S. Senate, Washington, DC.*

DEAR SENATORS REID AND MCCONNELL: AFPM, the American Fuel and Petrochemical Manufacturers (formerly National Petrochemical & Refiners Association), writes today to express its support for S. 2151, the "Strengthening and Enhancing Cybersecurity by Using Research, Education, Information, and Technology (SECURE IT) Act of 2012" introduced by Senators McCain, Hutchison, Grassley, Chambliss, Murkowski, and Coats. This important legislation breaks down current barriers to information sharing to ensure greater security without interfering in the ability of private-sector businesses to protect their own IT systems.

AFPM is a trade association representing high-tech American manufacturers of virtually the entire U.S. supply of gasoline, diesel, jet fuel, other fuels and home heating oil, as well as the petrochemicals used as building blocks for thousands of products vital to everyday life. Protection of our members' Information Technology (IT) and Industrial Control Systems (ICS) are critical to the fuel and petrochemical manufacturing process.

The SECURE IT Act opens avenues to foster greater information sharing between the private sector, non-federal government agencies, and Federal cybersecurity centers, allowing private companies to voluntarily share information without concern of antitrust and liability violations. Instead of creating a massive regulatory regime under the Department of Homeland Security, this legislation recognizes the proactive role the refining and petrochemical industries have taken to protect our facilities. The sharing of information among companies, as well as with the federal government, will improve our preparedness for an attack and better educate our companies' employees on the various threats facing all critical infrastructures.

AFPM's members remain concerned over alternative approaches to cybersecurity that would create an environment focused simply of compliance with bureaucratic government regulation, rather than on actual security. Because cyber threats and crimes are always changing, establishing a one size fits all regulatory framework for our facilities could create more vulnerabilities and has the potential to make existing cybersecurity protections significantly less effective.

Cybersecurity is critical to protecting refineries and petrochemical facilities. Breaking down the barriers to information sharing will ensure our security and provide our facilities with timely information to better protect our systems against attack. AFPM believes that the SECURE IT Act will make America and its IT and ICS systems more secure and urges your support for this legislation.

Sincerely,

CHARLES T. DREVNA,  
*President, AFPM.*

API,

*Washington, DC, March 7, 2012.*

Hon. HARRY REID,  
Senate Majority Leader, U.S. Senate,  
Washington, DC.

Hon. MITCH MCCONNELL,  
Senate Republican Leader,  
U.S. Senate, Washington, DC.

DEAR SENATORS REID AND MCCONNELL: We are writing to express our support for S. 2151 "SECURE IT Act of 2012", which was recently introduced by Senators McCain, Hutchison, Chambliss, Grassley, Murkowski, Coats, Burr and Ron Johnson. The American Petroleum Institute is the national trade organization representing nearly 500 companies involved in all aspects of the domestic oil and natural gas industry.

We appreciate the balanced and carefully crafted approach taken in S. 2151, using and improving upon sector-based cybersecurity processes and partnerships already in progress, and working toward increased collaboration between government and industry rather than imposing additional and unworkable regulations. For example, the sharing of timely and actionable information on cyber threats, vulnerabilities and mitigation procedures will help companies improve their detection, prevention, mitigation and response capabilities. Continuing to improve valuable information sharing, both between a company and the government and among companies within industry sectors, is an effective tool in advancing our nation's cybersecurity.

We remain concerned that alternative legislative approaches under consideration could have unintended consequences on business and industry, including the diversion of resources away from activities that will reduce or mitigate risks associated with daily cyber threats in order to comply with mandates that would soon be outdated.

Cyber threats change rapidly. API believes the proposed path to improved information sharing will encourage the public and private sectors to work together to reduce risk and promote investment in new technologies to keep industry cyber systems secure. Legislation must enhance, rather than impede, innovative processes and encourage advancements in new cyber risk assessment and mitigation measures.

API recognizes the leadership of the "SECURE IT Act" sponsors in addressing our nation's cyber security challenges. We appreciate the continued commitment to offer valuable solutions on this complex issue and look forward to working together in the days and weeks ahead.

Sincerely,

MARTY DURBIN,  
*Executive Vice President.*

NATIONAL RETAIL FEDERATION,  
*Washington, DC, June 27, 2012.*

Hon. JOHN S. MCCAIN,  
U.S. Senate, Russell Senate Office Building,  
Washington, DC.

DEAR SENATOR MCCAIN: The National Retail Federation strongly supports your efforts to craft effective cybersecurity legislation to protect our nation's critical infrastructure from cyber-attacks and we appreciate and applaud your introduction today, June 27, of S. 3342, the Strengthening and Enhancing Cybersecurity by Using Research, Education, Information, and Technology Act of 2012 (the "SECURE IT Act"). In your efforts to develop a bipartisan bill for Senate floor consideration, we urge you and your co-sponsors to ensure that all provisions of the bill support the overall purpose of protecting

our critical infrastructure and are not expanded to include unrelated or unvetted amendments, such as data breach and commercial privacy legislation.

As the world's largest retail trade association and the voice of retail worldwide, NRF represents retailers of all types and sizes, including chain restaurants and industry partners, from the United States and more than 45 countries abroad. Retailers operate more than 3.6 million U.S. establishments that support one in four U.S. jobs—42 million working Americans. Contributing \$2.5 trillion to annual GDP, retail is a daily barometer for the nation's economy. NRF's Retail Means Jobs campaign emphasizes the economic importance of retail and encourages policymakers to support a Jobs, Innovation and Consumer Value Agenda aimed at boosting economic growth and job creation.

The SECURE IT Act advances the important goal of facilitating cooperative information sharing about cyber threats between the government and private sector, a key component of cybersecurity legislation we support. The goals underlying cybersecurity legislation and provisions in data breach notification legislation are fundamentally contradictory. The cybersecurity proposals encourage information sharing by limiting companies' liability for that sharing. On the other hand, some proposed breach notification bills either penalize companies for sharing news of a breach, by imposing onerous credit monitoring obligations, or impose lesser civil penalties for failing to disclose a breach in the first instance. Juxtaposing these contrasting proposals would place businesses in a precarious position when their systems are attacked by cyber criminals. Thoughtful examination and comparison of the SECURE IT Act with proposed data breach legislation reveal that they are not properly aligned.

A similar case exists with respect to commercial privacy legislation called for by the Obama Administration in its Privacy and Innovation Blueprint and by the Federal Trade Commission in its final privacy report. Comprehensive consumer privacy legislation, which has not been vetted by any committees of jurisdiction in the Senate, attached to the SECURE IT Act, flies in the face of the deliberative process that this sensitive topic deserves.

Congress must strike the careful balance between consumers' privacy interests and the provision of goods and services over the Internet that the average American consumer expects in this e-commerce economy. That type of careful deliberation, we fear, may not take place on the Senate floor at this time. Furthermore, these commercial privacy provisions are unrelated to the core purposes of cybersecurity legislation, and Congress has ample time to fully consider the positions and concerns of all stakeholders in a separate and unrushed legislative process.

NRF is supportive of your efforts to create a cybersecurity bill that is based on fully vetted concepts that will aid in protecting our nation's most critical infrastructure but that is not encumbered with conflicting amendments addressing data breach notification or insufficiently examined new privacy regimes. NRF looks forward to working with you on this legislation moving forward.

Sincerely,

DAVID FRENCH,  
*Senior Vice President, Government Relations.*

Mrs. HUTCHISON. Mr. President, our bill also allows for a true collaborative effort.

The reason we are not supporting the bill that is on the floor today is because we believe it does not do the priorities that we can pass, and it does increase the mandates and the regulatory overkill, in our opinion, that will keep our companies from being able to move forward on an expedited basis to start protecting our systems.

A priority of mine throughout this process has been that we help the private sector combat cyber attacks by breaking down the barriers to sharing information. If we could take that one step, we would be a long way toward ensuring that we are increasing the security of all Americans. The bill before us will actually undermine current information sharing between the government and the private sector. That bill's information-sharing title is a step backward because it slows the transfer of critical information to our intelligence agencies, and there is not sufficient protection from antitrust. In addition, there is no consensus in the Senate to grant the Department of Homeland Security broad new authority to impose burdensome regulations on the private sector.

While I am pleased our colleagues who are cosponsoring the bill that is before us have made an effort to move away from direct regulation of our Nation's systems, it has a long way to go. While their bill allows the private sector to propose standards that are described as voluntary, the bill actually empowers Federal agencies to make these voluntary standards mandatory. If an agency does not make the standards mandatory, it would have to report to Congress why it had failed to do so. That is a pretty big incentive for mandates to start being put on with regulations that will be required.

I believe there is a way forward. If the Senate takes the well-reasoned and broadly supported provisions of the SECURE IT bill and puts them with a voluntary and industry-driven critical infrastructure protection title, we could pass a Senate bill with overwhelming support.

The key to reaching consensus has five parts:

The cybersecurity standards must be developed by the private sector and must be truly voluntary. The relationship between government and the private sector in this area must be cooperative, not adversarial and not regulatory.

The National Institute for Standards and Technology should be the convening authority for the private sector standard-setting process. The government can have a role in ensuring the standards are sufficient, and it should, but it can't establish a regulatory regime that will lengthen and hamper the efforts to open information sharing.

Companies—and here is the incentive for the companies to do exactly what

we are asking them to do—companies that adopt the voluntary standards must receive robust and straightforward protections from liability as well as necessary antitrust and Freedom of Information Act exemptions. If a company is going to turn over its proprietary information to the government, it must be protected from freedom of information requests from the government that then would take its private proprietary information public.

As in the SECURE IT Act, the information-sharing title must be strong and encourage the private sector to share information, and it must encourage the government to share with the private sector. It cannot cut out those with the most expertise in the area, meaning the national security agencies should not have to be subservient to the Department of Homeland Security.

In addition, a 5-year sunset would allow Congress to revisit the act and make needed changes. FISA has certainly shown that with a sunset, it allows the flexibility to adapt to new issues that arise and stay current in its processes to deal with cybersecurity. We believe a 5-year sunset would be the right amount of time to get this going, set things in place, see what works, and see what needs to be adjusted.

I am hopeful my colleagues and I can come to a compromise on this critical issue. We want a strong cybersecurity bill. We want one that can pass both Houses. The five points I have laid out could get us to a bill that will significantly take the steps to improve our Nation's cybersecurity.

I wish to read a couple of excerpts from the Heritage Foundation's views of the bill that is before us today:

Cybersecurity legislation will likely be taken up by the Senate tomorrow.

This was written yesterday.

Regrettably, the idea that we just need to do something about cybersecurity seems to be trumping the view that we need to do it right.

The Cybersecurity Act of 2012, authored by Senators Lieberman and Collins, seeks to solve our cybersecurity ills but only threatens to make the situation worse.

The "voluntary" nature of the CSA's standards is also questionable. Any voluntary standard is one step away from mandatory, and Senator Lieberman has already indicated that if the standards aren't voluntarily used, he would push to make them mandatory.

Even more concerning, section 103(g) of the CSA gives current regulators the power to make these "voluntary" standards mandatory.

It specifically authorizes that action.

If a regulator doesn't mandate the standards, the regulatory agency will have to report to Congress why it didn't do so.

Again, there is strong encouragement to just make the standards mandatory and avoid a congressional inquisition.

Finally, the Heritage Foundation goes on to say:

Finally, the sharing and analysis of cybersecurity threat information was weakened

by confining cybersecurity information exchanges to civilian organizations. Though in an ideal world the Department of Homeland Security would have the capability to lead our cybersecurity efforts, it currently lacks those capabilities and needs to lean on more capable organizations such as the National Security Agency. The recent changes, however, give DHS more responsibility than it is likely able to handle.

So we will certainly move forward with the understanding that we will have the ability to offer amendments and try to make this a workable bill. It is certain that because the committee was not able to mark up the bill, we have to have the amendments to try to perfect it.

I would very much like to take the first step forward in cybersecurity, which is why, assuming we have the right to amend, I will support going to the legislation so that we can start the amendment process next week. I think the people who are cosponsors of my legislation, along with Senator MCCAIN, Senator CHAMBLISS, Senator GRASSLEY, Senator BURR, Senator MURKOWSKI, Senator COATS, and Senator JOHNSON, want to make sure we do this right. As the Heritage Foundation has so aptly said, we don't want a big, new regulatory scheme that is not going to be successful in our efforts to improve the cybersecurity safeguards in our system.

We are the ranking members of all but one of the relevant committees. We know this area. We deal with the agencies that deal with cybersecurity and all of the national security in our country. We know what can work, we know what we have a chance to pass, and we know how to take the first step forward without another big regulatory overreach, as we have seen happen in the last 3½ years in this administration. We hope to work with the majority, with the Lieberman-Collins bill, and come up with something that everyone will feel is the right step forward. We would like to have a bill that will get a large number of votes rather than a very lopsided vote against it.

I appreciate very much that we are now beginning to discuss this. I am appreciative that we have had several meetings with all of the sides that have been put forward as having concerns with the bill that is on the floor as well as its sponsors. I hope we can keep working toward a solution that will protect America and do it in the right way.

Thank you, Mr. President. I yield the floor.

THE PRESIDING OFFICER. The senior Senator from Arizona.

Mr. MCCAIN. I thank the Chair. I ask unanimous consent to take 5 minutes in morning business and then speak on the pending legislation.

THE PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

TRIBUTE TO AMBASSADOR RYAN CROCKER

Mr. MCCAIN. Mr. President, I would note that I saw my friend Senator LIEBERMAN on the floor a second ago, and I know he joins with me in this statement.

I wish to take a few minutes to pay tribute to Ambassador Ryan Crocker, who ended his tour this week as the U.S. Chief of Mission in Kabul, Afghanistan.

As some of my colleagues may know, Ambassador Crocker's health has unfortunately been poor, so he is returning to receive some much needed care. But what my colleagues may not know is that Ambassador Crocker's health has been poor for some time and the people who care about him most—his family, his friends and colleagues in the Foreign Service, and our Secretary of State herself—told Ambassador Crocker long ago that he needed to leave his post and that he needed to get away from the long days and long nights of too much stress and not enough sleep. They told him to come home for his own sake.

Eventually, Ambassador Crocker relented, but still he was only going to leave on his own terms. He said that America asks the best of our country—our men and women in uniform and their many civilian partners who work and sacrifice shoulder to shoulder with our troops in the field—to serve in Afghanistan for 1 year. Ambassador Crocker said he would expect no less of himself, and do no less, whatever the cost. So for the past few months, Ambassador Crocker has fought through persistent pain and discomfort to finish out his 1-year in Kabul, doing everything that is asked of him—and more. On Tuesday, that year came to an end, and Ambassador Crocker came home to receive the care he desperately needs.

This is a remarkable story, but it is only surprising to those who do not know Ryan Crocker. For those of us who have had the pleasure and the honor of coming to know Ryan well, this latest story is not at all surprising. It is actually quite in keeping with the character and the actions of this superb, decent, and selfless man—a man whom I would call, without question or hesitation, the most excellent Foreign Service officer and one of the finest public servants I have ever known.

For the past 41 years, ever since he was a junior diplomat serving in prerevolution Iran, Ryan Crocker has consistently answered the call to serve in the most challenging, the most difficult, but also the most important posts in the world. They were the places, as it turned out, where America needed Ryan Crocker the most, and he has always served with distinction.

He was a young officer in Lebanon when our Embassy was bombed, and Ryan Crocker helped to pull his colleagues from the rubble and then got



back to work. He was one of the first civilians into Afghanistan and Iraq after the recent wars, helping to reestablish our diplomatic presence in both countries after decades. He returned to Iraq during the surge and, as General Petraeus tells everyone, was absolutely indispensable in turning around our war effort, even as his life was constantly in danger from the rockets that smashed into his office in Baghdad and, perhaps more threatening, his own relentless work ethic, which literally almost killed him.

Many Presidents, Republicans and Democrats alike, have had the wisdom to appoint Ryan Crocker as their Ambassador to six different countries—Lebanon, Kuwait, Syria, Pakistan, Iraq, and finally Afghanistan.

Ambassador Crocker has been just as indispensable in Kabul as he has everywhere else in his career, from enhancing our relationship with President Karzai and the people of Afghanistan, to negotiating and concluding the Strategic Partnership Agreement with Afghanistan, to being the dedicated partner every hour of every day of GEN John Allen and all of our men and women serving in harm's way.

In my many years and my many travels, I have had the pleasure and honor of meeting and getting to know many of our career diplomats, and I am continually impressed by their high quality and tough-mindedness, their patriotism and love of their country, their constant willingness to serve and the many quiet sacrifices they make. But of all of these remarkable men and women, never have I met a Foreign Service officer more outstanding or more committed to our country than Ryan Crocker.

The one comfort I take in Ryan's departure from Afghanistan is that he remains an abiding inspiration to his fellow diplomats, who revere him and hold him in the highest regard and wish to model themselves and their careers after his life and service. America will be a better and safer place because of this, thanks to Ryan Crocker.

Mr. President, I rise today to oppose the Cybersecurity Act of 2012 because it would do very little to improve our country's national security. In fact, in its present form, I believe the bill before us would do more harm to our country's economy and expand the size and influence of the Federal Government—specifically, the Department of Homeland Security—than anything else.

But before I begin my critique of the Cybersecurity Act, I would like to reaffirm my sincere respect for the lead sponsor of this bill—both sponsors, actually, both Senators LIEBERMAN and COLLINS. Although I disagree, whatever criticisms I may have with the legislation should not be interpreted as an attack on the sponsors of the bill but, rather, on the process by which the bill

being debated today arrived before us and its public policy implications.

Consider this for a moment: If we pass this bill in its present form, which I hope we will not, we will have handed over one of the most technologically complex aspects of our national security to an agency with an abysmal track record, the Department of Homeland Security. The problems at DHS are too numerous to list here today, but I think I speak for many when I question the logic of putting this agency in charge of sensitive national security matters. They cannot even screen airline passengers without constant controversy. And do not forget that this is the same outfit in charge of the Chemical Facility Anti-Terrorism Standards Program, or CFATS, which was described in a recent report as “at measurable risk,” beset by deep-seated problems such as wasteful spending and a largely unqualified workforce that lacks “professionalism.” I for one am not willing to take such a broad leap of faith and entrust this complex area of our national security and so many vibrant parts of our economy to this ineffective, bloated government agency.

The poor quality of the bill before us is a direct reflection of the lack of a thorough and transparent committee process. Had this bill been subjected to the proper process, my colleagues and I and the American public would have a much better understanding of the real implications of this undertaking. Unfortunately, this bill has not been the subject of one hearing, a single markup, or a whiff of regular legislative procedure.

Our Nation's cybersecurity is critical, and the issue is deserving of the regular order and the full attention and input of every Member of this body. I urge the majority leader to allow a full, fair, and open amendment process if cloture is invoked on the motion to proceed.

All of us should recognize the importance of cybersecurity. Time and again we have heard from experts about the importance of maximizing our Nation's ability to effectively prevent and respond to cyber threats. We have all listened to accounts of cyber espionage originating from countries such as China, organized criminals in Russia, and the depth of the threat from Iran in the aftermath of the Stuxnet leaks originating from the current administration. Unfortunately, this bill would do little to minimize those threats or generally improve our current cybersecurity posture.

The reason for this bill's general inadequacy is that rather than using a liability protection framework to enter into cooperative relationships with the private sector, which happens to own 80 to 90 percent of the critical cyber infrastructure in this country, this bill chooses to take an adversarial approach, with government mandates and inadequate liability protections.

Further, this bill includes unnecessary items that our government cannot afford and makes no mention of what the additional programs will cost. For instance, I am sure some of us have fond childhood memories of going to or taking part in a talent show, but to include talent show provisions in this bill is ridiculous. Title IV of this bill authorizes 9th to 12th grade cyber talent shows and cyber summer programs for kindergartners to seniors in high school—again, ridiculous, especially considering that the majority leader deemed this bill more important than the National Defense Authorization Act.

While I have criticisms with every title of this bill, I will limit my comments today to title I, which regulates critical infrastructure, and title VII, which concerns information sharing among the government and the private sector. In my view, these titles, along with weighing how much this bill, which lacks a CBO score—we do not even know how much it is going to cost—will ultimately cost and how it will dramatically increase the size of the Federal Government, are the most important aspects we can discuss.

With respect to the first title, title I, the proponents of the Cybersecurity Act would have you believe this bill authorizes the private sector to generate their own standards, that those standards are voluntary, and that the bill establishes a “public-private partnership.” Unfortunately, I disagree with each of those characterizations. As the bill is currently written, the government and not the private sector would have the final say on what standards look like and the private sector would be forced to comply. While my colleagues might suggest that section 103 states that the private sector proposes “voluntary” cybersecurity practices to the government, I call your attention to the following provision in section 103, which states the government would then decide whether and how to “amend” or “add” to those cybersecurity practices. Additionally, there is no recourse for the private sector to challenge the government's actions.

Soon after the government's takeover of the development of cybersecurity standards, any notion of the standards being “voluntary” evaporates. Section 103 clearly states: “A Federal agency with responsibilities for regulating the security of critical infrastructure may adopt the cybersecurity practices as mandatory requirements.” That is the language of the bill. What is being portrayed as “voluntary” proposals would soon become mandatory requirements.

Unfortunately, the conversion from voluntary to mandatory does not stop there. Shockingly, under this bill, if an agency does not adopt mandatory cybersecurity practices, it must explain why it chose not to do so. That is right.



Under this bill, if a regulatory agency chooses not to mandate the “voluntary” practices, it must explain itself—as if it must be doing something contrary to the final objective. If this provision does not reveal the true regulatory intent of the proponents of this bill, nothing does.

Section 105 brings home this point by stating: “Nothing in this title shall be construed to limit the ability of a Federal agency with responsibilities for regulating the security of critical infrastructure from requiring that the cybersecurity practices developed under section 103 be met.” I would very much commend my colleagues to read that provision of the bill. All you have to do is read it. The regulatory result of these standards could not be clearer.

Moving on to title VII, which deals with the flow of information between the government and the private sector, the current bill is a step in the wrong direction. Specifically, the bill would make us less safe by failing to place the agencies with the most expertise and that are the most capable of protecting us on the same footing as other entities within the Federal Government. It strikes me as counterintuitive to prevent the institutions most capable of protecting the United States from a cyber attack and leave us reliant on agencies with far less capabilities.

Because this bill fails to equitably incentivize the voluntary sharing of information with all of the Federal Government's cyber defense assets, it does a great disservice to our national security. In cyber war, where speed and reaction times are essential to success, real-time responses are essential. The bill language states that information should be shared in “as close to real time as possible.” That may sound nice, but it will not get the job done.

We all agree that the threat we face in the cyber domain is among the most significant challenges of the 21st century. It is reckless and irresponsible to rebuild the very stovepipes and information-sharing barriers that the 9/11 Commission attributed as responsible for one of our greatest intelligence failures.

Because of my opposition to this bill and the lack of a regular legislative process, I have joined with Senators CHAMBLISS, HUTCHISON, GRASSLEY, MURKOWSKI, BURR, JOHNSON of Wisconsin, and COATS in offering an alternative cybersecurity bill. The fundamental difference in our alternative approach is that we aim to enter into a truly cooperative relationship with the entire private sector through voluntary information sharing rather than an adversarial one with the threat of mandates. Our bill, which also addresses reforming how the government protects its own assets, sets penalties for cyber crimes, refocuses government research toward cybersecurity, and

provides a commonsense path forward to improve our Nation's cybersecurity defenses with no new spending. We believe that by improving information sharing among the private sector and the government, updating our Criminal Code to reflect the threat cyber criminals pose, reforming the Federal Information Security Management Act, and focusing Federal investments in cybersecurity, our Nation will be better able to defend itself against cyber attacks.

Even though we do not offer talent shows or summer camps in our bill, it has the support of the industries that themselves are under attack. Before I close, I would like to leave with you a final point which gets to the heart of why we are having this debate. In our country, unlike other countries around the globe, the private sector owns 80 to 90 percent of the critical cyber infrastructure.

This is a fact in which we should all take great pride. After all, it speaks to the essence of American entrepreneurialism and our spirit of individualism. The companies that own these systems are large and small, they employ men and women everywhere, and their influence reaches every State, every congressional district, and about every corner of our country. While we all agree we are involved in a serious national security discussion, we must not forget to weigh the economic realities of this debate too.

I caution all my colleagues to tread very carefully because I am deeply concerned we are on the cusp of granting the Federal Government broad authorities and influence over one of the most vibrant and innovative sectors of our economy. The technology sector and the use of the Internet by American companies to innovate and improve the customer experience are deeply threatened by the heavy and too often clumsy hand of government.

As we confront the security challenges of an innovative economy, we must be careful not to undermine the economy itself. It is well known that we continue to have discussions amongst various parties: Senator KYL, Senator WHITEHOUSE, Senator LIEBERMAN, Senator COLLINS. Sometimes the crowd is large, sometimes it is not so large. I think we have made some progress. I think there is a better understanding of both of the different proposals that are before us. I do believe it is important, I do believe it is very important that businesses large and small in the United States of America, whether they be the utility companies or whether they be the most high-tech sectors, be represented in these discussions. We have tried to do that.

I believe we can make progress. I believe we can reach an agreement. I also know we have had several meetings and have not had extremely measurable progress. But I am committed to

doing everything I can to see we reach that agreement before we conclude the consideration of this legislation.

I would also like to point out to my colleagues that I have had numerous conversations with my friends on the other side of the Capitol. They find this legislation in its present form unacceptable. I would hope we would also consider the fact that we need to get a final bill, not just one passed by the Senate.

I yield the floor.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Illinois.

Mr. DURBIN. Madam President, consider these ominous words:

To the loved ones of the victims who are here in this room . . . to those who are watching on television, your government failed you. Those who you entrusted with protecting you failed you. And I failed you. We tried hard, but that doesn't matter, because we failed.

Those are not my words. They contain a sentiment I hope none of us ever has to convey to the American people. Those are the words of Richard Clarke, the senior White House official who was in charge of counterterrorism efforts in the previous administration when the September 11 terrorist attacks occurred.

Mr. Clarke's testimony before the 9/11 Commission was apologetic, remorseful and tragic because he knew, he knew like no one else, our government had failed, failed to act on repeated warnings. This failure led to 9/11 and the largest loss of life on American soil at the hands of a foreign enemy since December 7, 1941, at Pearl Harbor.

Today, the national alarm security bells are ringing once again. This time, however, the enemy is not in a terrorist training camp learning how to make an explosive device or commandeer an aircraft. The enemy is not trying to sneak its way into the United States. The enemy we face does not need to hijack an airplane in order to wreck the American economy and to cause widespread loss of life. The only tool this enemy needs is a computer and access to the Internet.

The threat our Nation faces from a cyber attack will soon equal or surpass the threat from any terrorism that has consumed our attention so much since September 11. That is not my assessment. That is the assessment of the Director of the Federal Bureau of Investigation, Robert Mueller. In fact, he is not alone. There is an overwhelming bipartisan consensus among officials in the intelligence, defense, and national security community that America is incredibly vulnerable to a cyber attack that can be launched at any moment from anywhere in the world.

Michael Hayden, the former Director of the National Security Agency, Michael Chertoff, the former Secretary of Homeland Security who served under

President George W. Bush, agreed. They and many other officials have joined the current Secretary of Homeland Security, Janet Napolitano, the current Director of the National Security Agency, GEN Keith Alexander, and others in warnings as follows: The cyber threat is imminent to America. It poses as serious a challenge to our national security as the introduction of nuclear weapons in the global debate 60 years ago.

The experts are sounding the alarm, telling us to take action now to prevent a catastrophic cyber attack that could cripple our Nation's economy, cause widespread loss of life, sadly send our economy into free fall. When the Cybersecurity Act of 2012 comes up for a vote, the Senate will have an opportunity to take action on this critical bill that will enhance our national security. In light of these warnings from the experts, the least we can do in the Senate is to vote to open the debate on this critically important bill.

I wish to thank its sponsors: Senator LIEBERMAN, the chairman of the subcommittee, Senator COLLINS, the ranking member, Senator FEINSTEIN of the Intelligence Committee, Senator ROCKEFELLER on the Commerce Committee. They have put a lot of time and effort into this important piece of legislation. They have worked together on a bipartisan basis. They have listened to a wide range of comments, including a few I have offered, and I am pleased the revised Cybersecurity Act of 2012 incorporates many suggestions.

It will help make America safe by enhancing our Nation's ability to prevent, mitigate, and rapidly respond to cyber attacks. The bill contains important provisions for securing our Nation's critical infrastructure. Every day, without thinking about it, we rely on powerplants, pipelines, electric power grids, water treatment facilities, transportation systems, and financial networks to work, to live, to travel, to do so many things we take for granted.

All those critical systems are increasingly vulnerable to cyber attack from our enemies. Last year, there was a 400-percent increase in cyber attacks reported by the owners of critical infrastructure, according to the Department of Homeland Security. That increase does not even account for the many attacks that went unreported.

We do not think twice about it, but this infrastructure is the backbone of America's economy and our way of life. This bill has provisions that will help minimize our vulnerability and shore up our defenses. The bill also includes a new framework for voluntary information sharing so government agencies and private companies can improve their mutual understanding of cyber threats and vulnerabilities and develop good practices to keep us safe.

I thought it was worth doing a few months ago to call together a dozen

major corporations in Chicago and across Illinois that I thought, with the advice of some people who were experts, might be vulnerable to cyber attack. I asked those experts in a closed setting, outside the press, what Congress could do to help them secure their infrastructure at their business and networks from cyber attacks.

The answer from each and every one of them was the same: We need to be able to share information on cyber threats with the government and other private entities. We need to receive information from them in order to know what they have done to effectively prevent and mitigate attacks.

Estimates are that 85 percent of America's critical infrastructure is owned by the private sector. Since we depend so much on the private sector for our critical infrastructure, the lines of communication between government and the private sector must be open. If we share best practices, the result could be to make us a secure nation.

Let me say as well, I have the highest regard for my friend and colleague Senator JOHN MCCAIN of Arizona. Senator MCCAIN's life story is a story of patriotism and commitment to America. He understands the military far better than I ever will, having served and spent so many years working on the House Armed Services Committee. But I take exception to one of his statements earlier, at least what I consider to be the message of that statement, about how we have to be extremely careful in how we engage the private sector in keeping America safe from cyber attack.

I believe we should be open, transparent, and we should be respectful of the important resources and capacity of the private sector. But I think back 70 years now to what happened in London, when there was a blitzkrieg, and the decision was made by the British Government to appeal to every business, every home, every family, every individual to turn out the lights, because if the lights were on, those bombers from Germany knew where the targets could be found. It was a national effort to protect a nation. Should it have been a voluntary effort? Should we have had a big town meeting and said: Some of you can leave your lights on if you like, if you think it might be an inconvenience.

There comes a moment when it comes to national defense when we need to appeal to a higher level in protecting America. My experience has been that the private sector is right there. They are as anxious to protect this country as anyone. They are as anxious to protect individuals, families, even their own businesses. So this notion that somehow we are adversarial in protecting America with the private sector I do not think is the case.

In fact, Senator COLLINS is here representing the other side of the aisle. I

know it is not the case. She and I have worked together. I have been very respectful of the efforts she and Senator LIEBERMAN put into rewriting the rules for our intelligence community. They did it in a thoughtful and balanced way. This bill does too.

Are there amendments we might take? Of course. This is not perfect. No product of legislation is. But I have to say I believe the private sector will be our ally, our friend, our partner in making America safe. This should not be a fight to the finish as to whether it is government or the private sector which will prevail. Ultimately, America has to prevail.

Let me say a word about one part of this bill that I played a small role in addressing. Even though the threat in cyberspace is new and emerging, it calls to the forefront a familiar attention which we witnessed in Washington; on the one hand a mutually shared goal of protecting our country, on the other hand an important obligation to safeguard constitutionally protected rights to privacy and civil liberties.

It is this tension that led us to a conversation about some provisions and trying to find the right balance. The Cybersecurity Act of 2012 is not perfect, but it effectively strikes that balance between national security and individual liberty. The bill will enhance our national security and still do it in a way that is far superior to some of the alternatives that will be offered on the floor.

CISPA, the cybersecurity act that was passed by the House of Representatives, and SECURE IT, the alternative approach that has been introduced in the Senate, do not meet this standard, by my estimation. I wish to thank Senator COLLINS, Senator LIEBERMAN, and all those engaged in this conversation but special thanks to my colleague Senator FRANKEN because he is chair of the Privacy Subcommittee of our Senate Judiciary Committee.

We joined together with some colleagues: Senators COONS, BLUMENTHAL, SANDERS, and AKAKA. We asked the sponsors of the legislation to work with us and they did. The revised bill now requires that the government cybersecurity exchange, to which private companies can send threat indicators, must be operated by civilian agencies. I think that is smart.

The cybersecurity threat indicator could be a sensitive, personal communication, such as an e-mail from a spouse or private message on a social media site. As a result of our efforts, no longer can personal communications be indiscriminately sent directly to the NSA or CIA. The people who work at these agencies are fine, dedicated public servants, but these agencies are often shrouded in secrecy. I learned that as a member of the Senate Intelligence Committee.

To have the appropriate oversight, we ask that the first line of review be with a civilian agency subject to congressional oversight. This does not mean our intelligence and defense agencies will never be able to apply their experience and expertise to analyze and mitigate cyber threats. They should not be the first recipients, but the bill requires—and I think it is entirely appropriate—relevant cyber threat information can be shared by these agencies in real time. Waste no time doing it. Send it to the agencies if there is any perceived threat to America's security.

The revised bill no longer provides immunity for companies that violate the privacy rights of Americans in a knowing, intentional, or grossly negligent way—not simple negligence but things that go over that line dramatically.

I can support providing immunity for companies to share cybersecurity threats with the government, as long as they take adequate precautions and follow commonsense rules established in the bill.

The revised bill enables law enforcement entities to receive information about cyber crimes from cybersecurity exchanges without first going to court to obtain a warrant. To ensure these exchanges are not used to circumvent the Constitution and they do not create a perpetual warrantless wiretap, the bill requires law enforcement to only use information from the exchanges to stop cyber crimes, prevent imminent death or bodily harm to adults or prevent exploitation of minors.

The revised bill now requires that the rules for how the government will use and protect the private information it receives must be in place before companies begin sending information to the new cybersecurity exchanges. That makes sense. To be sure that government agencies follow the rules for using and protecting private information, the revised bill gives individuals the authority to hold the government accountable for privacy violations.

To ensure transparency and accountability, the revised bill requires recurring, independent oversight by the inspector general and the Privacy and Civil Liberties Oversight Board.

These are commonsense reforms. Senator LIEBERMAN spoke to the Democratic Senate caucus luncheon the other day and addressed these directly. He said he took these changes to those who were in charge of our cybersecurity and said to them: Give me an honest, candid assessment. If you think this ties our hands in protecting America, tell me right now. They reviewed them carefully, debated them, and came back and said: No, these are things we can live with and work with. That is the kind of approval we are looking for from those who have this awesome responsibility.

So as a result, this bill will have my support, because I think it keeps America safe from a threat which many Americans don't even know about but could literally take or change our lives in a heartbeat. It also has the support of many progressive groups from the left and center and right. It is an indication to me we have struck the right balance.

I thank those who helped us reach this point. As with any piece of substantial legislation, there is going to be disagreement. Senator MCCAIN expressed some areas of concern. That is what debate and amendments are all about. Let's move this bill forward this afternoon. Let's entertain relevant, germane amendments. Let's take this as seriously as the threat is serious to the United States. That, to me, is the right way to go.

Again, I thank Senator COLLINS personally and all the others who made this bill a reality in bringing it to the floor for our consideration.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Madam President, I want to rise very briefly—I know there are a number of Members who are seeking recognition—to thank my friend and colleague from Illinois for his statement today. He has worked very hard on this bill. I know it is an issue he cares deeply about, and I very much appreciate his taking the time to come to the floor and to urge Members to vote for the motion to proceed to the debate on this absolutely vital piece of legislation.

I must say I was disappointed to hear some of the comments made on the Senate floor today in opposition to this bill. The fact is both Republican and Democratic officials have, with very few exceptions, endorsed the framework of this bill and urged us to move forward. In fact, they have warned us repeatedly in saying the only question is when a major cyber attack will occur. Not whether it will occur, but when it will occur. We have letter after letter, statement after statement from national and homeland security experts, representing both President Bush's administration and the current administration, urging us to act.

Indeed, yesterday the Aspen Institute Homeland Security Group put out a statement, stating the following:

The Aspen Homeland Security Group strongly urges the U.S. Senate to vote this week to take up S. 3414, the cyber-security bill, for debate on the Floor.

The statement goes on to say:

We urge the Senate to adopt a program of voluntary cyber-security standards and strong positive incentives for critical infrastructure operators to implement those standards. The country is already being hurt by foreign cyber-intrusions, and the possibility of a devastating cyber-attack is real. Congress must act now.

This letter is signed by officials from the previous administration, such as

Charles Allen, Stewart Baker, Michael Leiter, and Michael Chertoff. There are numerous representatives of past administrations and individuals who are renowned for their expertise. How can we ignore their warning that we must act, that it is urgent, and that we must have voluntary standards for critical infrastructure—infrastructure that, if it were attacked, would result in mass casualties, mass evacuations, a severe blow to our economy, or a serious degradation of our national security?

That is the definition of the core critical infrastructure we want to cover and to help make more secure through a partnership with the private sector. And it has to be a partnership because 85 percent of critical infrastructure is owned by the private sector. We have worked hard to alter our bill to take suggestions from the private sector, from our colleagues, from the administration, and from experts across the philosophical range to improve our bill.

I heard a Member saying this morning that somehow we are going to be hurting the high-tech sector of our society. Well, that is not what Cisco and Oracle think—certainly two of the leading businesses in the high-tech sector. This morning they wrote to us, the chief sponsors of the bill—Chairman LIEBERMAN, Chairman ROCKEFELLER, Chairman FEINSTEIN, myself, and Senator CARPER—and I want to read a brief excerpt from their letter. They said:

... we appreciate your efforts to craft legislation that addresses the important issue of cybersecurity by supporting American industry in its efforts to continue to be the world's leading innovators.

The fact is, it is American businesses that are being robbed of billions of dollars every year due to cyber intrusions from foreign governments, from transnational criminals, and from hackers. This is a threat not only to our national security but to our economic prosperity.

That is why the letter from Cisco and Oracle goes on to say:

We praise your continued recognition of the importance of these objectives through the provisions of S. 3414.

They say they support those provisions. Continuing to read from the letter:

We also commend your commitment to ensuring that the IT industry maintains the ability to drive innovation and security into technologies and the network.

So the idea we heard this morning on the Senate floor that somehow we are going to bring innovation in America to a standstill or hurt this important sector of our economy is not supported by a reading of our bill, and it is certainly contradicted by the letter we received from Cisco and Oracle, leading companies in the high-tech sector.

Finally, I would point out they thank us for our outreach, our willingness to engage in an exhaustive process around

this issue set, and to consider and to respond to the views of America's technology sector. That is what we have done. That is what we are continuing to do with our colleagues on both sides of the aisle who bring varying views to this issue. But what we cannot do is to fail to act when the warnings are so constant and alarming about the threats to our Nation, to our economy, and to our way of life.

Madam President, I ask unanimous consent to have printed in the RECORD the statement from the Aspen Institute Homeland Security Group as well as the July 26 letter from Cisco and Oracle.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JULY 24, 2012.

STATEMENT OF THE ASPEN HOMELAND  
SECURITY GROUP

The Aspen Homeland Security Group strongly urges the U.S. Senate to vote this week to take up S. 3414, the cyber-security bill, for debate on the floor. We urge the Senate to adopt a program of voluntary cybersecurity standards and strong positive incentives for critical infrastructure operators to implement those standards. The country is already being hurt by foreign cyber-intrusions, and the possibility of a devastating cyber-attack is real. Congress must act now.

Charles E. Allen; Stewart A. Baker; Richard Ben-Veniste; Peter Bergen; Michael Chertoff; P.J. Crowley; Clark K. Ervin; Jane Harman; Michael V. Hayden; Michael Leiter; James M. Loy; Paul McHale; John McLaughlin; Philip Mudd; Eric T. Olson; Guy Swan, III; Juan Zarate; Philip Zelikow.

JULY 26, 2012.

Hon. JOSEPH I. LIEBERMAN,  
*Chairman, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Washington, DC.*

Hon. SUSAN M. COLLINS,  
*Ranking Member, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Washington, DC.*

Hon. JOHN D. ROCKEFELLER,  
*Chairman, Committee on Commerce, Science and Transportation, U.S. Senate, Washington, DC.*

Hon. DIANNE FEINSTEIN,  
*Chairman, Select Committee on Intelligence, U.S. Senate, Washington, DC.*

Hon. THOMAS R. CARPER,  
*U.S. Senator, Washington, DC.*

DEAR SENATORS LIEBERMAN, COLLINS, ROCKEFELLER, FEINSTEIN AND CARPER: As two of the industry-leading companies providing information technology across the nation and the world, we appreciate your efforts to craft legislation that addresses the important issue of cybersecurity by supporting American industry in its efforts to continue to be the world's leading innovators. This matter deserves the continuing attention of industry, the Congress and the Administration, and we commend you for having constructively engaged stakeholders throughout this process.

As you know, effective cybersecurity must be driven by an IT industry that is free to drive innovation and security and maintain world leadership in the creation of secure systems. Effective cybersecurity depends on

our having the ability to drive innovation globally—it is our core value. We have long advocated a cybersecurity approach based on the importance of real information sharing that can help protect important assets. We thank you for your leadership in recognizing that any cybersecurity legislation must incorporate iron-clad protections to ensure American industry remains the world's leader in the creation and production of information technology, and to make certain that legislation maintains and protects industry's ability and opportunity to drive innovation and security in technologies across global networks.

We praise your continued recognition of the importance of these objectives through the provisions of S. 3414, the Cybersecurity Act of 2012. The provisions regarding the designation of critical cyber infrastructure, the specifics of cybersecurity practices, and the treatment of the security of the supply chain demonstrate your continued recognition of these core principles, and we support them. Wherever the important cyber debate takes this legislation, these core principles should be promoted and preserved. We believe these provisions as written capture that principle and believe it is in the interest of cybersecurity and critical infrastructure that they remain explicit. We also commend your commitment to ensuring that the IT industry maintains the ability to drive innovation and security into technologies and the network. Further, we appreciate the recognition that more needs to be done in advancing innovation through increased research and development, and in raising awareness and education, and importantly on increasing global law enforcement.

By explicitly maintaining these principles and provisions, your legislation proposes a number of tools that will enhance the nation's cybersecurity, without interfering with the innovation and development processes of the American IT industry. Ultimately, the ability of the tech industry to continue to innovate will provide the best defense against cyber attacks and data breaches.

We also note the shift toward a voluntary framework for critical cyber infrastructure in the new bill, and commend and support the great strides you have made toward that goal. We look forward to continuing to work with you on this issue.

We thank you for your outreach, willingness to engage in an exhaustive process around this issue set, and to consider and respond to the views of America's technology sector. We look forward to working with you and others in the Congress to continue the public-private collaboration and to make sure that what results continues to meet our common goals.

Sincerely,

BLAIR CHRISTIE,  
*Senior Vice President and Chief  
Marketing Officer, Government Affairs,  
Cisco Systems, Inc.*  
KENNETH GLUECK,  
*Senior Vice President, Office of the CEO  
Oracle Corporation.*

Ms. COLLINS. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. FRANKEN. Madam President, I rise today to talk about our Nation's defenses against cyber attacks, and I wish to commend the Senator from Maine for her leadership. She is the ranking member, of course, on the

Committee on Homeland Security and Governmental Affairs. I wish also to commend all three chairs, Senators LIEBERMAN, FEINSTEIN, and ROCKEFELLER, for their work.

As I said, I rise today to talk about our Nation's defense against cyber attacks and how our Nation needs to respond to those threats which affect our national security, our economic security, and our privacy.

News reports and experts confirm our Nation's critical infrastructure, such as our water systems, our power grid and so forth, are vulnerable to attacks from hackers and foreign governments. Every few weeks we hear about yet another breach—Yahoo and Gmail, Citibank, Bank of America, Sony PlayStation. Millions of people have had their names, passwords, credit card information or health information compromised.

It isn't just our national security or economic well-being that is being threatened by these attacks, it is the Internet itself. If you want to use Facebook or a cloud-based e-mail provider to communicate with your friends and loved ones, you need to know that your private communications won't be exposed by hackers. If you want to use the Internet to spread new ideas or fight for democracy, you need to know your work won't be disrupted by hackers or repressive regimes.

Unfortunately, it is hard to write a good cybersecurity bill, because when you try to make it easier for the government or Internet companies to detect and stop the work of hackers or other bad actors, you often end up making it easier—or very easy—for those same entities to snoop in on the lives of innocent Americans.

Until recently, every major cybersecurity bill on the table would have done too much to immunize and expand the authority of the government and industry and far too little to protect our privacy and civil liberties. These bills would make it too easy for companies to hand over your e-mails and other private information to the government—even to the military. Setting aside the fourth amendment, these bills would allow almost all of that information to go to law enforcement. And these bills do far too little to hold these companies and the government accountable for their mistakes.

A few months ago, I teamed up with Senators DURBIN, WYDEN, SANDERS, COONS, BLUMENTHAL, and AKAKA to try to address this situation. We worked with privacy and civil liberties groups on the left, the right, and the center to come up with a package of proposals. We worked with the ACLU, the Electronic Frontier Foundation, and the Center for Democracy and Technology, which are traditionally associated with progressives; we worked with the Constitution Project, which is a bipartisan

centrist think tank; and we worked with TechFreedom and the Competitive Enterprise Institute, which are conservative libertarian organizations.

Together, we approached Chairman LIEBERMAN, Ranking Member COLLINS, Chairman ROCKEFELLER, and Chairman FEINSTEIN, and proposed a package of amendments to the information-sharing title of the Cybersecurity Act of 2012.

The information-sharing title is the part of the bill that will make it easier for companies to share critical information about cyber attacks with each other and with the government. These Senators engaged with us earnestly and in good faith. After a lot of hard work and a lot of conversations, the sponsors made a series of changes to the bill that are major, unequivocal victories for privacy and civil liberties.

The bill is still not perfect, from my point of view, but I can say with confidence that when it comes to protecting both our cybersecurity and our civil liberties, the Cybersecurity Act of 2012 is the only game in town.

I want to take a moment to explain the changes made to the information-sharing title, and compare how the Cybersecurity Act now stacks up with its rival bills, the Cyber Intelligence Sharing and Protection Act, or CISPA, which recently passed the House, and the SECURE IT Act, which has been introduced here in the Senate.

First of all, I agree we need to make it easier for companies to share time-sensitive information with experts in the government. But the cyber threat information that companies are sharing often comes from private, sensitive communications, like our e-mails. And so the gatekeeper of any information shared under these proposals should never be the military. It should never be the NSA. The men and women of the NSA are patriots and they are undoubtedly skilled and knowledgeable. But as Senator DURBIN said, that institution is too shrouded in secrecy. And—he didn't say but as I will say—it has too dark a history of spying on innocent Americans to be trusted with this responsibility under any administration.

Under the new, revised Cybersecurity Act of 2012, the one that will soon be before us on the floor, companies can use the authorities in the bill to give cyber threat information only to civilian agencies. That is a critical protection for civil liberties, and it is a protection that CISPA and the SECURE IT Act do not have. I want to be very clear. An America with CISPA and an America with the SECURE IT Act is an America where your e-mails can be shared directly, immediately, and with impunity, with the NSA.

Second, any cybersecurity bill should focus on just that—cybersecurity. It should not be a back door for warrantless wiretaps or information entirely unrelated to cyber attacks. In

other words, once a company gives the government cyber threat information, the government shouldn't be able to say, Hey, this e-mail doesn't have a virus, but it does say that Michael is late on his taxes; I am going to send that to the IRS.

Under the Cybersecurity Act of 2012, once a cyber exchange gets information, it can give that information to law enforcement only to prosecute or stop a cyber crime or to stop serious imminent harm to adults or serious harm to minors. CISPA actually has similar protections, but SECURE IT allows a far broader range of disclosures to law enforcement. Here in the Senate, the Cybersecurity Act is the proposal that does the most to respect the spirit and letter of the fourth amendment.

Third, a cybersecurity bill should make it easier for a company to share information with experts in the government. But it has to hold companies that abuse that authority accountable for their actions. Both CISPA and the SECURE IT Act give companies immunity for knowing violations of your privacy. Under CISPA and the SECURE IT Act, if a company's CEO knows for a fact that his engineers are sending every one of your e-mails to the NSA, there is nothing you can do about it. That is not an exaggeration. Thanks to the changes I have pushed for—along with Senators DURBIN, WYDEN, COONS, SANDERS, BLUMENTHAL, and AKAKA—the Cybersecurity Act does not protect companies that violate your privacy intentionally, knowingly, or with gross negligence.

Fourth, and finally, a cybersecurity bill should also hold the government accountable for its actions. Under both CISPA and the SECURE IT Act, companies can start giving the Federal Government your private information well before the government actually has privacy rules in place for how to handle that information.

Under the SECURE IT Act, the government has total immunity from lawsuits arising out of its cybersecurity operations—total immunity for the government. The SECURE IT Act also lacks any regular independent oversight of the Federal Government's actions under these new authorities. The Cybersecurity Act of 2012 now has all three of these protections. Under this bill, privacy rules have to be in place on the first day companies start giving the government information. People can sue the government when it abuses its authority. And there will be recurrent, independent oversight by both the Privacy and Civil Liberties Oversight Board and inspectors general.

These are just the four main categories of changes that the sponsors of the Cybersecurity Act have adopted. There are other changes, too, that I won't go into now.

Before I close, I want to elaborate on one way I do think we need to improve

the Cybersecurity Act to better protect privacy. The sponsors of the bill have rightly adopted several critical protections. I hope they will accept at least one more amendment that I think is very important. I will talk about my amendment more on another occasion, but for now I want to flag it for my colleagues.

For decades, Federal law has given Internet service providers and other companies the right to monitor their systems to protect themselves and their customers from cybersecurity threats. They also have the right to deploy what are called countermeasures to protect their systems against those threats. So these companies have the right to monitor and protect themselves; but at the same time, Federal law prevents them from abusing those rights. If an ISP starts randomly picking customers and reading their e-mails, their customers—and the government—can take them to court, and the ISP can't throw its hands up and plead cybersecurity.

This is why, when the President of the United States brought together all of the Federal agencies to craft a bill that would comprehensively protect our cybersecurity, that proposal included a new authority for companies to disclose information to the government but contained no new authority for companies to monitor e-mail or deploy countermeasures. When the administration's lawyers were asked why that was, they said that doing so would have been duplicative—duplicative—because the companies already have those rights.

Right now, the Cybersecurity Act and the President's proposal are not in line with each other, because unlike the President's proposal, the Cybersecurity Act does give ISPs and other companies a brand new right to monitor communications and to deploy countermeasures. That right is very broad—so broad that if a company uses that power negligently to snoop in on your e-mail or damage your computer, they will be immune from any lawsuit. I plan to offer an amendment to delete these new monitoring and countermeasures authorities and bring this bill in line with the President's proposal. I hope my colleagues here in the Senate will join me in passing this amendment. Seven of my colleagues have already indicated they will cosponsor this amendment.

But I want to end on a high note. I don't want my amendment to cloud my central message here, so I will repeat what I said earlier. The Cybersecurity Act is not perfect, but when it comes to striking a balance between cybersecurity and privacy and civil liberties, it is the only game in town. It is far more protective of our rights than either CISPA or the SECURE IT Act. I thank the sponsors of the Cybersecurity Act for taking this high road, and

I urge my colleagues to vote to proceed to the bill so we can have a good, full debate on it.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. COONS. Madam President, I am honored to be able to join the Senator from Minnesota in speaking today in support of all the Members of this body voting to proceed to the consideration of the important cybersecurity bill to which he and Senator DURBIN have spoken.

Today we have an opportunity to celebrate progress—very real, very concrete, and very important progress—in the legislative efforts to make America both more secure and yet retain our core constitutional freedoms: the protections of privacy that Americans have held dear from the very beginning of this Republic.

As I have said before on this floor, taking action to protect our Nation from the very real and urgent threat of cyber attack is of paramount importance, something so urgent that it deserves our undivided attention. But so is protecting the privacy rights of law-abiding American citizens.

As we work together toward this commonsense, compromise piece of legislation the Senate should consider in coming days, I fought hard, along with several colleagues, to ensure we maintain the right balance between privacy and security. That balance is essential. Compromising our liberty would be as dangerous as compromising our safety. But thanks to the hard work of so many of my colleagues—in particular Senator DURBIN, Senator FRANKEN, Senator BLUMENTHAL, Senator MERKLEY, Senator SANDERS, and others—we found that appropriate balance in this legislation that is before us.

The changes we have made to the original text and to the House-passed version have significantly strengthened privacy rights. That is why I say we can celebrate real progress here today.

I long thought it was the privacy issues that would be the rock on which this ship would flounder, that the critical and unaddressed privacy issues in CIPA and SECURE IT, spoken to by Senator FRANKEN, would be issues that would prevent me from supporting cybersecurity legislation in this session of Congress. But we have made remarkable progress. Let me briefly review a few of the areas where that progress has been made.

We made sure companies cannot pry into the private online activities of everyday Americans in the name of national security. I want to mention one more improvement.

In addition to those mentioned by Senator FRANKEN just before me concerning legal immunities contained in this bill, this bill appropriately gives companies the authority to share cyber threat-related information with each

other and the government, without which we can't know what the rapidly emerging significant national cyber threats are. It also gives them immunity from suit if they do so. So if companies share with each other real-time cyber threat information, they cannot be sued. But prior versions of this bill might have provided bad actors with immunity against all privacy laws. So instead, we added tough provisions to ensure if a company acts recklessly or willfully to violate the law and the online privacy of its customers, they will be held accountable. This legislation now, in my view, strikes an appropriate balance between empowering companies and providing them certainty, as well as maintaining the privacy rights of Americans and their customers.

In this new, better, stronger legislation, it is no longer the case that companies can share your data and violate your privacy because you interact with them online. If that had remained in this bill, I would have expected millions of Americans to mobilize to stop this legislation. But we are here today as a group of Senators to announce that real progress has been made, and we are comfortable with and support this legislation from a privacy perspective.

I urge my colleagues, when we take up this vote later this afternoon, to vote to proceed to the bill and to allow us a full and robust debate on this cybersecurity legislation.

Getting to this new and improved legislation was a team effort, and special credit is due to Senators LIEBERMAN and COLLINS for leading the way, for being willing to find common ground on challenging issues. There was also a great deal of work done by my senior Senator TOM CARPER and by Senators FEINSTEIN and ROCKEFELLER who chair committees and were also essential to making such great progress.

One of the aspects of cybersecurity and the threat to our country that keeps me up at night is that it is constantly evolving. Our enemies are smart, they are capable, and they are fast. That means our cyber defenses have to be flexible, adaptable, and regularly evaluated in order to keep up.

One good thing about the House version of this legislation is that it includes a sunset provision requiring that in 5 years, this body once again must take a hard and serious look at cybersecurity threats, and update or change our defense as needed, and ensure that privacy protections have been fully observed.

That is not just good strategy, it is good sense. Think about the capabilities of your computer, your cell phone 5 years ago compared to today. The pace of change is faster online than ever before, and we need the kind of legislative process that allows us to review our work and ensure not only that

we stay ahead of the curve in defending our country but we continue to strike the right balance between privacy and security.

That is why, similar to Senator FRANKEN before me, I intend to introduce an amendment on the floor—which I hope will earn consideration by this body and the support of my colleagues—to take the sunset provision of our House counterparts and match that in the Senate in this bill. It is the right thing to do to help keep us safe and to help our military leaders and cybersecurity experts stay one step ahead of those who would wish us harm.

In closing, I thank Senator WHITEHOUSE, who has been an important part of two different teams working on this bill. Senators KYL and WHITEHOUSE led a team that worked hard on critical infrastructure. I wish to thank Senator BLUMENTHAL of Connecticut, who participated in the privacy side work and in the critical infrastructure work. Now we are speaking to title VII, to the information-sharing provision of the bill and the dramatic and real progress that has been made in addressing the balance between security and privacy.

There has also been great progress made, in my view, in addressing the issues of critical infrastructure, and I invite Senator BLUMENTHAL of Connecticut, who has contributed so well to both these efforts, to address the Chamber at this time.

I yield the floor.

The PRESIDING OFFICER (Mrs. McCASKILL). The Senator from Connecticut.

Mr. BLUMENTHAL. Madam President, I thank my very distinguished and effective colleague from Delaware for his great work as part of a team that has sought to enhance the protections of privacy in this bill. His perspective as a local official, as a constitutional expert, as someone who cares deeply about privacy and civil liberties, has been invaluable to this effort. He too has participated in the critical infrastructure team which both of us have been privileged to join with Senators WHITEHOUSE and KYL, who have been so enormously helpful in this effort. I join him as well in thanking our colleagues Senators AKAKA, DURBIN, FRANKEN, SANDERS, and WYDEN for their very important efforts to protect privacy and civil liberties in the information-sharing title of the cybersecurity act.

We have truly worked as a team and, in many ways, a bipartisan team in forging this legislation. Of course, we have followed the lead of Senators LIEBERMAN and COLLINS who have been at the forefront of this effort, as well as Senators ROCKEFELLER, FEINSTEIN, and CARPER, who deserve our appreciation for drafting the bill, shepherding it through committee, and bringing a



modified version to the floor where now we have the historic opportunity to move forward. I am here to urge my colleagues, in fact, to move forward and vote to proceed to the bill later today.

We have made good progress on this legislation. I am optimistic that we will pass a cybersecurity bill in the very near future—as we must for all the reasons that have been articulated by myself and others. This Nation is under attack. It is under cyber attack. Literally, every day our defense industrial base, our military systems, and our private industry are under attack by nations and by hackers, both sophisticated and unsophisticated, abroad and at home. We must make sure we provide the tools and the resources, legal resources and authority to stop that attack, to deter it, to defeat it, to make sure our country is defended against it effectively and comprehensively.

The nature of defending against cyber attack involves information sharing. There is no way around that basic fact that information about the attacks—the sources, the objects and targets, the times—all the details are, in essence, the power to defend. Information is power when it comes to defending against cyber attack. Yet we also know that information, when shared, can also be abused. Some of the most tragic chapters of our Nation's history have involved snooping, spying, surveilling, and then sharing of information that is inappropriate and unnecessary and sometimes illegal.

We know also that one of our core constitutional protections is, in fact, the right to privacy. It is enshrined in our Constitution. It dates from our founding. It is integral to the fabric of the rule of law. We resisted and rejected the rule of the British, in part, because they had no respect for the privacy of the colonials. That basic value has inspired the rule of law since.

There is a saying—I believe it is a Latin saying—that in war, law is the first casualty. We are in a cyber war, but our constitutional law cannot be a casualty. Our right to privacy and civil liberties must be protected.

Information sharing must involve the right information shared with the right people and officials for the right purposes. There must be red lines and red lights. There must be consequences if those red lines or red lights are disregarded or dismissed.

This bill meets those basic requirements. It is enforceable and it must be enforced. In fact, I will offer an amendment to increase the enforceability and enforcement of these basic protections by increasing the penalties for violating these basic protections. The trust and confidence of our Nation in the rule of law depends on our getting it right: information sharing with the right information to the right people and for the right purposes.

The kinds of modifications contained in this bill are critically important. They are in sharp contrast to the House-approved version of CISPA, which utterly fails to protect civil liberties and privacy rights in sufficient degree. Unlike past versions, this measure establishes unequivocal civilian control of cybersecurity information exchanges. Unlike past versions, this bill bars companies from using cybersecurity as a pretext for violating FCC net neutrality rules. Unlike other versions, this bill bars companies from using cybersecurity as a pretext for violating other guarantees, and it allows citizens to hold companies accountable and take them to court for knowingly or grossly negligent violations of the information-sharing provisions of this bill.

Equally important, it enables them to hold the U.S. Government and other public officials responsible and take them to court if they violate the privacy guarantees in this bill.

A private company receiving someone's private information while monitoring for cyber threat should protect that information. It is a public trust and a public responsibility. This act protects Americans' privacy by requiring companies that obtain that kind of information—some of it medical or financial of the most confidential and private nature—through monitoring, to protect that information.

This measure also imposes restrictions on the use of shared information for law enforcement purposes. The government can only provide information to law enforcement if it relates to a cyber crime or a serious threat to public safety; that is, physical safety—bodily harm. Law enforcement can only use information to prosecute or stop cyber attacks to prevent that kind of imminent and immediate harm to a person or a child.

There are other protections—some of them have been mentioned by Senators FRANKEN and COONS before me—that I will support. For example, Senator FRANKEN mentioned that his amendment would eliminate new authorities in the bill to monitor communications or operate countermeasures. Senator COONS mentioned a 5-year sunset on the use of information sharing under this measure to help guard against unforeseen consequences of the legislation and ensure that congressional oversight occurs on a regular and foreseeable basis. Other measures which I consider important would require Federal agencies that suffer a data breach to notify affected individuals and allow those individuals to recover damages and require the creation of a new office in the Office of Management and Budget, that of Chief Privacy Officer.

I support these amendments and I support also increasing the penalties in the event that government or companies violate the protections in this statute.

We have indeed made progress. There is more to do. I hope more progress will be made. I foresee passage of a cybersecurity measure that is desperately and direly needed in this country—not at some point in the future but now. As others before me have said on this floor and as I have said before, cybersecurity is national security and we must protect our national security while at the same time retaining the reason, our fundamental rights and civil liberties, that we want to protect our Nation and its constitutional values.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MORAN. Madame President, I ask that the order for the quorum call be rescinded and that I may speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator may speak as in morning business.

#### MEATLESS MONDAY

Mr. MORAN. Madam President, yesterday I was on the Senate floor, and I had the opportunity to highlight a development at the Department of Agriculture. We learned yesterday afternoon that the Department of Agriculture, in an employee newsletter, was promoting something called Meatless Mondays. The Department of Agriculture newsletter offered encouragement for its employees and I assume others who might see the newsletter—even tourists who visit Washington, DC, and eat at the Department of Agriculture cafeteria—to participate in Meatless Monday. It indicates the desirability of reducing the consumption of meat and dairy products. I found that very startling and surprising. Never in my life would I expect the Department of Agriculture, which I always presumed is the farmers' and ranchers' friend, to be promoting the idea that it is a bad idea to eat the products of farms and ranches across Kansas and our Nation. Yet that is what we saw and read yesterday.

The Department of Agriculture newsletter said that "beef production requires a lot of water, fertilizer, fossil fuels, and pesticides. In addition, there are many health concerns related to excessive consumption of meat." Those are the words of the Department of Agriculture newsletter. I am pleased to report that in asking Secretary Vilsack to reconsider what the Department had said and was promoting, they have done that and they have apparently removed the promotion from their newsletter and from their Web site. That is a positive development, and so I appreciate that happening.

It is amazing to me, unfortunately, that this is just one of many circumstances in which we see administration agencies and departments on



the side of something that those of us who believe strongly in traditional family agriculture across the country believe is very important. One would expect in this case that the Department of Agriculture would promote the consumption of meat. In fact, within the Department of Agriculture, we have the Secretary saying in his mission statement that he is about increasing and expanding domestic and foreign markets for beef and meat products. We have the U.S. beef board, organized and monitored by the Department of Agriculture, whose job it is to promote agricultural products. Many of us in Congress try to encourage the sale of agricultural products, particularly meat and beef products, to South Korea and China. We have debated on the Senate floor the value of trade agreements, most recently with Colombia, South Korea, and Panama, because we believe in the opportunity for American producers to sell their products around the globe. Yet we saw at least some at USDA who have the view that we need to discourage the consumption of meat for environmental and health reasons.

Particularly troublesome is the fact that the Department of Agriculture was citing the United Nations as a reason that we ought to discourage the consumption of beef for environmental reasons. Our Department of Agriculture positions ought to be based upon sound science, not some U.N. study.

Beef is an important and vital component of the Kansas economy. We are the second largest beef-producing State in the country. The economic impact to our country is around \$44 billion. Beef exports in 2011 were over \$4.08 billion. This matters to us greatly.

This is happening at a time in which to the cattle producers across the Midwest, including in the State of the President today, the drought is so damaging.

It is also happening at a time in which we have been having the debate about the farm bill. My farmers in Kansas will often say: I know we need to do something about reducing spending. We have to get the deficit under control.

In fact, the farm bill we passed in the Senate has a reduction in the farm bill spending of \$23 billion. No one likes to see something that is important to them go away, but if this farm bill becomes legislation and direct payments leave, the safety net for producers across our country will be less. Yet farmers and ranchers say: We have a responsibility as American citizens to give these things up, to reduce the spending that comes our way, but please don't do anything that is damaging to us as far as our ability to earn a living in the free market, in the real world.

So when we see something like this from the Department of Agriculture

discouraging the use of meat products—and, again, at a time in which the temperatures across my State have been over 100 degrees for more than a month. We had a record high of 118 degrees. Perhaps that is a record high on the globe. It certainly is in the United States. In Norton, KS, it was 118 degrees. Rain is so scarce, we spend a lot of time in our State down on our knees praying for moisture and we spend a lot of time looking up to the skies hoping for moisture. We need to make sure that what we do in this Congress and what the Obama administration does is not something that diminishes the chances for the survival of family farms in the United States, certainly at home in Kansas and around rural America.

If this was just an isolated instance, perhaps the point has been made and the words have been withdrawn, but I remember we started a year ago with a Department of Labor that concluded that we need to regulate the use of 14- and 15-year-olds on family farms. That was a real misunderstanding of how production agriculture and family farms work. Agriculture is a family operation, and yet we had the Department of Labor suggesting that someone 15 years old should perhaps not be able to work on their own family's farm. I remember just 6 months or so ago, I was on the Senate floor worried about a Department of Agriculture forum on animal safety that was being organized by the Humane Society. Again, my farmers and ranchers would say—particularly in a time of drought and where the safety net provided by the farm bill is going to become less—please don't do anything that is harmful to us, that reduces the chance for us to succeed.

In this regulatory environment in which we find ourselves, we need to take the steps that promote agriculture, not do things that diminish the opportunity for a farmer or rancher to earn a living in the free market.

Yesterday we had a debate about estate taxes and the consequences to family agriculture across the country, and again, at a time in which the drought is so prevalent, circumstances so difficult, the Tax Code matters greatly and the ability to pass a family farm from one generation to the next is critical. It is so much about agriculture in States such as mine that when our farmers and ranchers don't succeed, the success of the communities in which they live and raise their kids greatly diminishes. This is a way of life for us, and we need to make certain we have a Department of Agriculture that is promoting our farmers and ranchers and their success.

I was on the Senate floor yesterday with the Senator from Wyoming. We had a conversation about the drought, the estate taxes, and the farm bill. I am interested if the Senator from Wyom-

ing has any further thoughts. I know he is a leader in the Western Caucus. As Members of the Senate, we are in the process of writing Secretary Vilsack in regard to the promotion of Meatless Monday. There are those who have a different view about what their menus should be and what they want to see on the menu, and that is fine with me. That is a personal decision. But the Department of Agriculture ought to be supportive of the people who produce the food, fiber, and energy for our country each and every day. They get up at sunrise and go to bed after sunset because they are out there trying to make a living on family farms across the country.

I yield for the Senator from Wyoming.

Mr. BARRASSO. Madam President, never in my life would I expect to see the U.S. Department of Agriculture come out against farming, ranching, agriculture, and its products.

I was talking to a radio station this morning in Afton, WY. They were astonished. They had not heard the news of this yet, and they are now fully aware of it. They are grateful to the Senator from Kansas because one of those involved actually had heard the Senator on the floor last night talking about Meatless Mondays and then the USDA linking ranching and farming to climate change. It is not just cattle or beef producers—and beef is clearly the No. 1 cash crop for Wyoming—but the USDA has gone after dairy products, such as milk and cheese, as part of a climate change issue.

So this does seem to be an assault against a way of life, a significant part of our country's heritage, as well as our economic future. We see this assault on our products through the Department of Agriculture. We see it as an assault on family values of young families working together, as we have seen with the Department of Labor. And now yesterday, with a vote on this Senate floor, there was an attack by a reinstitution of the death tax. People are trying to keep a family operation within the family, a ranch or a farm, all across rural America. These small businesses in communities all across the country are finding that it is going to be much more difficult, under what the Democrats voted for yesterday, to keep their ranches and farms in the family.

I know farmers and ranchers in Wyoming where a member of the family works in town just to make the money to pay the expenses of keeping the operation of the farm or the ranch going. They know full well that under the Democratic proposal, if someone were to die, once that becomes the case, their chances of being able to hold on to that operation are reduced to almost nothing. Bringing back the costs of the death tax to the levels of the Clinton administration, anything over \$1 million in assessed value would be taxed at

55 percent. The only solution for many is to sell.

There are three specific attacks: the death tax attack, the Meatless Monday attack, and the attack on children helping out on the family or neighbor farm or ranch. There are values that they learn through the FFA. All of those things make me wonder in what direction the country is heading. I guess that is no surprise when only one in three Americans all across the country think the country is heading in the right direction.

I am happy to join my colleague from Kansas who came to the Senate floor yesterday to bring this to the attention of the Senate. He and I are working together to now address the Secretary of Agriculture to make sure that something like this doesn't happen again and to make sure that the Secretary does insist that farmers and ranchers across this country—and the products that they make and should be promoted by the Department of Agriculture—receive the proper honor that is deserved by them for what they do to continue to put food on the table and continue to bring forth the values from those who built this great country.

I thank my friend and colleague, the Senator from Kansas, for bringing this to the attention of the Nation.

Mr. MORAN. Madam President, just to conclude my remarks, I would indicate that my family and I will be eating more beef, not less. I would urge Americans to respond in that way. It is an opportunity for us to support the cattlemen and the livestock producers of our country at a time when they are selling their herds because the drought is so severe that there is no grass and no feed to feed the cattle. As a result, the market is depressed and prices are lower because there are so many sales occurring. We can help our livestock producers, our farm and ranch families in the country, by having a hamburger or steak. Let's go back to that traditional American meal of "let's eat beef." The front of my truck at home says "Eat Beef," and I would encourage Kansans and Americans to do so at this time when our livestock producers, due to the drought, are struggling so greatly.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### A SECOND OPINION

Mr. BARRASSO. Madam President, I come to the floor today, as I do week after week since the health care law was passed, to give a doctor's second opinion about the health care law that I believe is bad for patients, bad for the providers, the nurses and the doctors who take care of those patients, and terrible for the American taxpayers.

I come to the floor today reminding myself and the Senate of some promises the President made during the health care debate. The President had a couple of key promises. The first was he stated that health insurance premiums would go down. The second promise he made was that if a person likes their insurance plan, they can keep it.

The President actually reiterated the second point after the Supreme Court issued its decision regarding the health care law a few weeks ago. From the East Room of the White House, the President proclaimed:

If you're one of the 250 million Americans who already have health insurance, you will keep your health insurance.

Perhaps the President does not know that his health care law has already forced many colleges and universities to stop offering their student health plans or perhaps the President is unaware that one can no longer purchase a child-only health insurance policy in many States, including my home State of Wyoming.

Apparently, the President has not spoken to businesses across the country that must actually deal with the ramifications of his health care law. I speak with business owners around Wyoming every weekend as I travel around the State, and the people with whom I speak believe the law will increase the cost of their insurance, increase the cost of their care, and make it more difficult for them to provide insurance for their employees.

Now we have a new study—a report that has come out from the Deloitte consulting firm—and it has spoken to businesses all across the country about the law. The results were compiled in their 2012 survey of employers. In this report, the company did random surveys of 560 companies with 50 or more employees. These results are only from companies that currently offer health insurance to their employees.

So what are the results? Well, the results are not encouraging. They found that approximately 1 in 10 employers is considering dropping the health coverage they currently supply to their employees over the next few years. Specifically, they found that 9 percent of companies expect to drop their insurance coverage, while another 10 percent of respondents said they weren't sure about how they would proceed. The survey revealed that small businesses—those with between 50 and 100 workers—are going to be hit especially hard by this new health care law.

Thirteen percent of the businesses in this category stated they would drop their insurance coverage in the next 1 to 3 years. Thirteen percent of all of those small businesses with between 50 and 100 employees plan to drop their insurance within 1 to 3 years.

Keep in mind that the nonpartisan Congressional Budget Office did some

evaluations and thought that only 7 percent of workers would lose their employer-provided health insurance starting in 2014 because the President, looking straight into the camera straight from the White House, said, "If you like what you have, you can keep it."

Companies also made it clear that how implementation of the health care law moves forward would impact their decisions. How so? Here is an example: Approximately one-third of the companies stated they might decide to stop offering health insurance if they find that the law passed by the Democrats in this Senate, along partisan lines—if these companies find that the health insurance under the law and required by the law requires them to offer more generous benefits than they currently provide, they are likely—one-third—to discontinue providing health insurance.

Why is that? Well, it is because the President's health care law actually mandates what kind of insurance companies must give to their employees. This is what is called the essential health benefits package or, as most Americans refer to it, government-approved insurance. It may not be the insurance you want or the insurance you like; it may not be the insurance you need or it may not be the insurance you can afford. No matter how we look at it, the President and those who supported this law say they know better than American consumers, American workers, and people in need of insurance.

So instead of allowing businesses and workers to decide what kind of insurance they need, the health care law empowers Federal bureaucrats to make this decision.

In an article that recently appeared in the Wall Street Journal, the chief financial officer of McDonald's stated that he thought implementing the health care law could cost his company more than \$400 million a year. So businesses that decide they can't afford to offer this government-approved insurance are going to be forced to pay a penalty.

How big is the penalty? That is a legitimate question. The Supreme Court says it is a tax—a tax. So they are going to have to pay a tax. So for companies with over 50 employees, they will have to pay, starting at \$2,000 per worker. That sounds like a lot of money, but keep this in mind: In 2011 the Kaiser Family Foundation found that the average cost of employer-provided health insurance for families was over \$15,000. So they can decide: Do they pay the government \$2,000, that tax, or do they pay \$15,000 for the insurance? This means many companies would have a sizable financial incentive to simply drop the insurance.

So then what happens? What happens to these folks who previously had the insurance the President said they could

keep? Of course, we all know they can't because, once again, the President misled the American people—I believe intentionally. Well, then these employees who were dropped would have to enroll in a government-run exchange. So what happens in the exchange? Well, many of these individuals would qualify for subsidies from the Federal Government to help them purchase insurance—subsidies from the Federal Government to help them pay for insurance that they were previously getting at work, but now because of the health care law they can't get it anymore.

So who is going to end up subsidizing this? The American taxpayers are now going to be paying for the health insurance instead of the employer. This is not only going to cause many Americans to lose their health insurance, but it will also make the \$1 trillion health care law even more expensive than the Congressional Budget Office said this past week.

Many businesses surveyed stated they do not intend on dumping the health insurance plans, but they said something else. They said they are not going to stop providing it. Instead, employers are saying to workers: If you want to keep this, you are going to have to pick up the additional cost of your insurance coverage, and you are going to have to do it by helping to pay higher copays, higher deductibles, or participating and contributing to the higher premiums we are going to have to pay.

So for those Americans lucky enough to keep their employer-provided coverage, they will now be paying more money for that privilege. This means employees have essentially two alternatives under this health care law. Either they will lose their employer-provided coverage or they will be facing higher insurance premiums.

For over 150 million Americans who receive their insurance through their employer, neither of these choices is a good one. It didn't have to be this way. That is why I remain committed to repealing the President's health care law and replacing it with patient-centered reforms that will allow patients to get the care they need from a doctor they choose at lower cost.

Thank you, Madam President. I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Madam President, I ask unanimous consent to speak in morning business for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. KLOBUCHAR. I am here to talk about two very different subjects, two very different bills. One is the farm bill, and one is the Violence Against Women Act. Both bills are stuck over in the House of Representatives, and both bills should pass. Both bills received significant bipartisan support in

the Senate. I am simply asking my colleagues in the other body to get their job done and to get these bills passed.

#### THE FARM BILL

I will start with the farm bill. Minnesota is fifth in the country for agriculture. It means a lot to our State, it means a lot to the rural areas, but it is also tied to our metropolitan area with our farm businesses, with our food producers, and it is clearly tied in with the rest of the country. This spring's talk of a bin-busting crop has burned away under the extreme summer heat. Farmers and ranchers across the country are experiencing what the U.S. Department of Agriculture is calling the most widespread drought we have seen in decades.

With nearly 90 percent of the corn and soybean crops being grown in areas impacted by the drought, the crop losses are being felt not just by our grain farmers but also are driving up feed prices for our livestock, poultry, and dairy producers. As we well know, dairy producers have already come off some very difficult years.

Higher feed costs for cattle, pork, poultry and dairy impact all Americans at the grocery store. Yesterday the USDA estimated that consumers could expect to pay 3 to 4 percent more for groceries next year at this point.

While some people might think that food magically appears on their tables or in their grocery stores, in Minnesota we know food is produced every day by our farmers. Farmers stand behind each General Mills box of Cheerios or every Jennie-O turkey on the dinner table. That is why when I travel our State I am always reminded of the critical role farming plays in our State's economy and in our country's economy. It has, in fact, been one of the brightest spots. Minnesotans in rural communities and larger cities all benefit from a strong farm economy that provides jobs at farms, mills, processing plants, and equipment manufacturers.

While Congress can't do anything about the lack of rain, we shouldn't make this disaster worse by delaying the passage of the farm bill, which gives farmers and ranchers the assistance they need to help weather this disaster and the certainty they need to make plans for next year and the year after and the year after that. The fact that the 2008 farm bill was a 5-year time period was key to the stability in the rural areas. It was key so farmers could plan ahead. It made a difference during the downturn. We need to do that same thing again.

I think it is a mistake for the House leadership to delay further action on the farm bill. These bills are never easy, but in the Senate we were able to work through 70 amendments before passing the bipartisan farm bill with a strong 64-to-35 vote. Maybe they should do the same.

As part of our responsibility to do more with fewer resources, this bill includes over \$23 billion in cuts over the 2008 farm bill. We eliminated direct payments, further focused farm payments on our family farmers, and worked to eliminate fraud and waste through the farm bill to ensure these programs are efficient and targeted.

President Eisenhower was famously quoted as saying this:

Farming looks mighty easy when your plow is a pencil and you're a thousand miles from the corn field.

I fear that some in Washington have taken that same position and are content with kicking the can down the road and leaving rural America in the lurch. Well, those of us in the Senate who supported this bill—Democrats and Republicans—were not content with putting our heads in the sand. We weren't content with just letting the crops burn out in the fields. We wanted to get something done.

There are those in the House, such as Representative COLLIN PETERSON of Minnesota, who are trying valiantly to get this farm bill through the House. We must let them do this.

The Senate passed the 5-year farm bill because it is important. It is important because it strengthens the crop insurance program, it funds livestock disaster programs for this year, and continues the program through the end of the farm bill. It ensures that the programs farmers use to get help through tough times, such as the emergency financing credit program or disaster grazing authorities, will be continued with unbroken service.

The farm bill also includes two of my amendments that will help farmers get through these tough times. The first amendment reduces the cost of accessing crop insurance by 10 percent for beginning farmers. This is critical because beginning farmers are less able to afford crop insurance protection and are under greater financial stress because of the drought.

The second amendment eliminates the penalty for beginning farmers that graze livestock on CRP land. This will help beginning ranchers struggling with high feed prices and will also benefit all livestock producers by freeing up the corn to be fed to other animals.

Secretary Vilsack is working at the USDA to help producers with this drought. Under his leadership, the USDA has streamlined the disaster declaration process, reducing the time it takes to start getting help for impacted counties by 40 percent. They reduced the interest rate for emergency loans, as well as reduced the penalty for producers grazing livestock on conservation reserve program acres from 25 down to 10 percent.

While these are important steps, they in no way replace the help farmers in this country will get from this farm bill. We all know it is not just a farm

bill, it is a food bill. Only 14 percent of this that we look at is farm programs. The rest are conservation programs. The rest are important school programs. This is a farm bill for the country not just the rural areas. But we can see—anyone who drives through Wisconsin, anyone who drives through Indiana or Missouri or Iowa can see—firsthand why we need this safety net for our farmers, why we need this safety net for our country.

We plead with the House to get this done, to follow the leadership of COLLIN PETERSON and those of us in the Senate who, on a bipartisan basis, got this farm bill done. They need to take it to the floor.

#### VIOLENCE AGAINST WOMEN ACT

Madam President, as I mentioned, there is a second bill that has also been hung up, a bipartisan bill that received significant support in the Senate—in fact, it got the support of every single woman Senator in this body, Democrat and Republican—and that is the Violence Against Women Act.

Here in the Senate we passed that reauthorization bill in April on a bipartisan 68-to-31 vote. Getting to that point was a tough road. It was not always clear we were going to pass the bill. Just like the two reauthorizations from 2000 and 2006, our bill strengthens current law and provides solutions to problems we have learned more about since the Violence Against Women Act was first passed in 1994. Ever since then, this bill has been able to get through both Houses on a bipartisan basis without significant controversy.

We do not want to go back in time. We do not want to go back to a time when we treated women who were victims of domestic violence like they were not really victims, like it was something they should just expect to happen. We do not want to turn back on the great strides we have made.

One of the improvements in this current bill focuses on a particularly underserved community: women living in tribal areas. We have a number of reservations in Minnesota, and it is a heartbreaking reality that Native American women experience rates of domestic violence and sexual assault that are much higher than the national average.

Our committee, the Judiciary Committee on which I serve, worked closely with the Indian Affairs Committee to come up with some commonsense solutions to the horrific levels of domestic violence and sexual assault in tribal areas.

One of the problems on tribal lands is that currently tribal courts do not have jurisdiction over non-Indian defendants who abuse their Indian spouses on Indian lands, even though more than 50 percent of Native women are married to non-Indians.

The bipartisan Senate bill addresses this problem by allowing tribal courts

to prosecute non-Indians in a narrow set of cases that meet three specific criteria: the crime must have occurred in Indian Country; the crime must be a domestic violence offense, and the non-Indian defendant must live or work in Indian Country.

That is the way we get these cases prosecuted. I do not think we believe the Federal courts are going to come in and handle all these domestic violence cases. This is the pragmatic solution that protects these Native American women.

As we were considering the Violence Against Women Act on the Senate floor, many of us had to work very hard to get the message out there that VAWA was and always has been a bipartisan bill—one that law enforcement and State and local governments strongly support.

Throughout this entire process, under the leadership of Senator LEAHY and Republican Senator CRAPO, who did this bill together from the beginning, I have found it very helpful that whenever I needed to tell people why we needed to pass a reauthorization bill, I could point to the great work that my State is doing to combat domestic violence.

There is the legacy of Paul and Sheila Wellstone, who were there at the beginning ushering this bill through in 1994.

Minnesota is the home to many nationally recognized programs.

The Hennepin County Domestic Abuse Service Center that I was honored to be in charge of during my 8 years as county attorney in Hennepin County is a nationally recognized center. We opened one of the first shelters in the country in 1974, and the city of Duluth was the first city to require its police officers to make arrests in domestic violence cases.

I have learned about a unique domestic violence court that Stearns County—that is the area around St. Cloud—has implemented using money from VAWA grants. The partnership, which involves trained people from all levels of the criminal justice system, has allowed 58 percent of the victim participants to separate from their abusers.

Washington County relies on cutting-edge research to provide direction for officers to take appropriate action when responding to domestic violence calls. It is the only program of its kind in the entire country.

These are the kinds of innovative initiatives from law enforcement that are especially critical to combating violence and are directly a result of the Domestic Violence Against Women Act that we have worked so hard to pass in past years in this Congress.

I want to stress just how crucial it is that we get this bill signed into law. We have made a lot of progress over the years, and we have been able to work together across the aisle to build

on VAWA's successes. But we should not just send any bill to the President. As you know, the House has passed its own reauthorization of VAWA, which, unfortunately, does not include many of the improvements the Senate bill includes, including the one I mentioned on tribal courts. It also rolls back some of the important improvements that have been made to VAWA in the past.

I am hopeful we will be able to iron out these differences as we move forward, but I strongly believe the improvements that were included in the Senate bill should remain a part of the bill that gets sent to the President. I hope our colleagues in the House will follow suit with the Senate on this domestic violence bill, pass a bipartisan bill, get this done, and get it done soon. It simply is not that hard. Just look into the eyes of a domestic violence victim, look into the eyes of the children, and you know it is not that hard.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Madam President, I just want to make a very brief comment primarily for the benefit of our Republican colleagues who have been inquiring about whether we would have, and when we would have, a vote to invoke cloture to proceed to the cybersecurity legislation.

I am hopeful we can do that very soon. From my perspective, it would be wise for us to move forward, to go to the bill, and see if we can work things out. There have been discussions between various groups who are interested in the subject. They are now all talking to each other, which is a very good sign because it is amazing how, when Senators get together and talk to each other, sometimes we can actually accomplish things in a bipartisan way.

So my hope is that we can do that. If it turns out it does not work out, we can always vote no at the end of the day. But I believe we should go forward, that we should get on the bill, and, therefore, I intend to support cloture on the motion to proceed to the cybersecurity legislation.

I thank my colleagues for yielding.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Madam President, I appreciate the courtesy of my colleague from Maryland, and I promise I am going to be just no more than 10 minutes.

#### TAX HIKES AND SMALL BUSINESS

Two years ago, Members of both parties in this Chamber recognized that America's economic recovery was fragile, too fragile to absorb a tax increase. Since then, obviously, my colleagues across the aisle have changed their minds and experienced a change of heart.

Yesterday the Senate voted to raise taxes. I have been amused by some of the headlines I have read that say the

Senate voted to cut taxes, which is false. The Senate did not vote to cut taxes; the Senate voted to maintain the tax rates that have been in existence for 12 years for a certain class of taxpayers, while raising taxes on everyone else.

I cannot explain the logic behind this vote. I can only assume it is some election-year calculus designed to galvanize the political base of our friends across the aisle. It most definitely is not good economics, and it is not good for job creation.

For 3 years, it is no secret America has been living through the weakest economic recovery since the Great Depression. We know from history, from economics, and from common sense that the last thing you want to do amid persistently slow economic growth is to dramatically raise taxes on income and investment. If you want more economic activity, if you want growth, then you do not burden it further. You relieve those burdens, which allows it to flourish and grow, which creates prosperity and jobs. Yet our friends across the aisle just voted to raise taxes on nearly 1 million American businesses.

Many American businesses do not operate as a corporation. They operate as a sole proprietorship, a partnership—in other words, a mom-and-pop operation—or even as a subchapter S or some other legal entity, which causes business income to be paid on individual tax returns not on a separate corporate tax return.

The bottom line is, when we raise taxes on people in the top tax brackets, we inevitably are going to capture, in this instance, 1 million different individuals paying business income on an individual tax return, which is bad for the economy, bad for jobs.

We should make no mistake about it: Given our anemic growth rates, given the ongoing debt crisis in Europe, and given the economic slowdown in China and other emerging market countries, raising taxes on so many job creators could easily tip the U.S. economy back into recession. If we take yesterday's vote to increase taxes on so many small businesses together with the unwillingness to deal with the single largest tax increase in American history—which will occur on December 31, 2012, and is something that has been called taxmageddon, when virtually all the tax provisions in the code will expire, the ones passed 12 years ago—if we combine that huge tax increase with the sequestration, \$1.2 trillion, which comes disproportionately out of defense spending, without exception the economists I have talked to say we will be in a recession.

Why is it that our colleagues across the aisle are willing to risk putting America back into recession just to raise taxes? I cannot understand that, unless they have taken some kind of

poll, done some sort of focus group that has laid out some strategy which is not readily apparent to most people.

So the idea that this tax increase would solve our fiscal problem is laughable. As my good friend, the Republican leader, said yesterday, the additional revenue generated by the taxes that our Democratic friends voted for yesterday “[wouldn’t] even fund the government for a week.” A week—and that is before we consider the harmful impact on the economy and jobs.

Whenever I talk to business owners back home in Texas, they express utter bewilderment as to why Members of Congress would want to raise taxes during the current economic environment. Don't our friends across the aisle realize how many small businesses are struggling to stay afloat? Don't they realize that our Byzantine Tax Code and misguided regulations are already strangling job creation? Don't they realize our national unemployment rate has been stuck at more than 8 percent for 41 consecutive months?

No one here wants to see another recession, but apparently some are willing to risk a recession by putting ideology ahead of sound economic policy. After last night's vote, I thought of all the Texas entrepreneurs—more than 400 of them—who have contacted my office, sending their personal, inspiring American success stories. These stories remind us that the American dream is still alive, and it is inextricably intertwined with our free enterprise system. It is not a gift from government. It is what people earn as a result of hard work and the opportunities given to them in this great country.

These stories remind us the American dream is not dependent upon government assistance. It is not about taxing certain people to pay for ideologically driven government projects like Solyndra. It is about offering all Americans the opportunity to earn their success and achieve their dreams.

My office has received literally hundreds of entrepreneurial success stories from Texas, stories such as that of Gary Murray, a Vietnam veteran who came home from the war after three tours as a marine in Vietnam, who spent two decades working at IBM and then launched his own fencing club—a fencing club. For more than a quarter century, Gary's Round Rock Fencing Club has been training young Texans and producing world-class talent, including two Olympians, one world champion, and eight national champions. It is a remarkable story about someone deciding this is what they wanted to do, this is where their passion lies, making the most of it, and creating opportunities for other people.

Gary started the Round Rock Fencing Club with his own money, without any financial support from the government. What he achieved, he achieved on his own. His story is a testament to

hard work and human creativity. As Gary puts it: “The only support I ever got was from my wife and family.”

There are many other business owners like Gary Murray all across Texas and all across this great country.

Before my colleagues advocate higher taxes on these businesses, perhaps they should spend some time talking to the job creators and small business people and the entrepreneurs about the myriad challenges and obstacles government places in their way because of high taxes and overregulation. I suspect my colleagues might learn something.

I yield the floor.

The PRESIDING OFFICER (Mr. SANDERS). The Senator from Maryland.

AFFORDABLE CARE ACT

Mr. CARDIN. Madam President, I have taken the floor before to talk about the health care reform bill, to comment on the Supreme Court decision, which I believe history will show was clearly the right decision. It was the right decision on the law giving the Congress the power to legislate in an area where there is a national need, as the legislature did in the 1930s with Social Security and in the 1960s with Medicare.

The health reform proposals that were adopted by Congress are within the purview of the legislative branch of government. The Supreme Court upheld that right in that decision. I also said it was the right decision because it allows us to move forward on a path toward universal coverage, where all Americans are guaranteed access to affordable health care. America will now join all of the other industrial nations of the world to say health care is a right, not a privilege.

The legislation that was passed, the health reform bill, has already helped American families. Let me talk about an area—I could talk about many—about what it has done in protecting our consumers against the practices, the arbitrary practices of health insurance companies. We already are seeing that it is in effect where families are being able to take advantage of the fact there are no longer any lifetime caps on health insurance policies. By 2014, we will eliminate annual caps on benefits on health insurance plans. We already have seen for our children the elimination of preexisting conditions, so our children can get policies without having restrictions on what is covered and what is not covered. By 2014 we will see that the preexisting conditions for everyone will no longer be an obstacle to full insurance coverage. That is particularly important for women, where we know at times they have been held to a preexisting condition because of a pregnancy or being the victim of domestic violence.

We have seen discrimination in premiums against women. That no longer will be the case. I could talk about

many Marylanders who are happy today because they can stay on their parents' insurance policies—the fact that they are over the age of 21. They can now stay on that policy until age 26.

I want to talk about one other aspect of this law that may not be quite as familiar to our constituents. This provision will take effect on August 1, but we already are seeing the benefits. What I am talking about is the 80-20 rule, where health insurance companies must give value for the premium dollar to the beneficiary. At least 80 percent of the dollars we pay for premiums must go for benefits.

Let me share with you a letter I received from one of my constituents. She wrote:

I recently had a pleasant surprise. . . . two checks from my health care [insurer] that were rebates on premiums paid. I am someone who has to buy individual health coverage and have been doing so for the last 8 years. The premiums are high and the deductible is high—so I am essentially paying a high price for catastrophic coverage while still paying for individual doctor visits, prescriptions, etc. It is frustrating, but the choices are limited and expensive for individual coverage, and you don't really know how good your coverage is because you don't use it unless you have a major medical event. My premiums go up every year despite the fact that I don't file claims. This month I received a check in the amount of \$139 from my current [insurer] and over \$300 from a previous [insurer]. Both checks were rebates as a result of the new health care act.

I did not realize it, but the act requires insurance companies to use 80% of the premiums they collect on health care costs. . . . and neither of them hit that percentage and were thus required to provide a refund. Wonderful! The bill is so complicated that I do not understand a great deal of it—but am very pleased with this aspect which seems to go a long way in helping keep health care costs reasonable and prevent consumers from being gouged. . . . So thanks to the Senator and all who helped with this health care act.

I bring this to my colleagues' attention, because there are going to be millions of American who are going to be getting rebate checks, and some are going to start scratching their heads, wondering where it is coming from. They are going to be saying: Gee, I guess I made a mistake in the premiums I paid. They are returning them. They are getting those checks because of the passage of the health reform bill, and the provision in the health reform bill that requires insurance companies to give value for the premium dollars we pay.

That protection is now the law of the land. Thanks to the acts of Congress and President Obama, and the Supreme Court upholding the law, those rebates are going to be received. The number of people in the country is 12.8 million Americans who are going to get rebate checks worth about \$1.1 billion. Average rebate: \$151. That is real money for people who are struggling with their health care needs.

I am proud that in the State of Maryland, there is going to be \$27 million made available to 141,000 Marylanders, with an average rebate of \$340 for those who get rebates in my State. Let me break this down a little bit further. In the individual market, like the person I received the letter from, the rebates for the people in Maryland will actually average a higher amount. They will average \$496. I think that speaks to the fact that insurance companies have hedged their bets in the individual market. They tell us that, you know, we have got to charge a lot more because we do not know what we are getting, when in reality they are making a lot more money in the individual market.

So for the people of Maryland, 38,000 of them are going to get, on average, close to \$500 in rebates thanks to the passage of the Affordable Care Act, thanks to the passage of health reform, and thanks to the Supreme Court upholding our right to do it.

The same thing is true in the small group markets where we find that there will be 3.3 million Americans getting rebate checks who are in the small group markets. These are the markets, of course, in which again the options were not as great, more difficult, because of insurance carriers not being as anxious to insure people in small group markets as they are in the larger markets.

The average rebate per family will be \$174. In Maryland that number again is higher, \$310 for the 13,000 people in Maryland. It also applies to those in the large group markets. These are the large plans. They also are going to see rebates because the insurance carriers charged excessive fees. And they are going to get premium dollar rebates. Some 5.3 million Americans in these large plans will see rebates that average \$135. In my State of Maryland, it will be 89,000 people, with rebates averaging \$268 a family. These are 1-year numbers. These continue every year. So let me tell the people of Maryland and the people of this country what you can expect. You might get a check that will be delivered to you in the mail. It will be a rebate check. That is as a result of the passage of the health reform bill. You might also see a deposit into the account that automatically pays for your health premiums, because the insurance carrier can make a direct deposit into the accounts which are paying for these premiums.

It is possible you might find a reduction in future premiums. They can use it to reduce your future premiums, but they have to let you know that, so you realize you are getting the rebate, but it is being applied against future premiums. Or if the employer is paying the premiums, the rebates will go to the employer, but the employer must use it to benefit your plan. They cannot use it for themselves. It is used to

help again the beneficiary. You will get notice of that.

My purpose again is to make it clear that you would not have gotten these rebates but for the protections that are in the Affordable Care Act. I know my colleague from Vermont and I have been on the floor many times pointing out that all Americans, not just those who do not have insurance today, not just those who might have been discriminated against because of pre-existing conditions, not only that 24-year-old who is now on her parent's policy, but all Americans have benefited from the Affordable Care Act, the protections that are in it.

Now millions who thought they were being treated unfairly by their insurance companies are going to be able to get rebates because of excessive premiums. The rule works in combination with another provision of the law that requires rate review to ensure premium increases are reasonable. In other words, we have put into the law protections against unreasonable increases in your premiums. Insurance companies are now required to justify any premium increases of 10 percent or higher. Most States now have the authority to determine whether these increases are excessive, while HHS reviews rates in States that do not operate under effective rate review programs.

That is how federalism should work. States have an opportunity to act. If they do not have adequate review, we have national backup and protection to make sure the rate reviews are being handled in the appropriate way. So as our constituents start to get the benefits—another benefit of the health reform bill, and there are many more that are starting to take effect, and we will hear about some more of those next week, on August 1—I wanted my constituents of Maryland and my friends around the Nation to know we have provided that you get value for the premium dollar you pay for your health insurance.

We back that up with enforcement, so if there are excessive premiums being charged, the insurance carriers must rebate those premiums to you. Millions of Americans will get the benefit, starting now. We are pleased that this type of protection is in the Affordable Care Act.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative proceeded to call the roll.

Ms. STABENOW. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE FARM BILL

Ms. STABENOW. Mr. President, I wish to take a few moments to update folks about what is happening as it relates to the very important effort to

pass a 5-year farm bill for our country—for our ranchers, for our farmers, for those who care deeply about nutrition and conservation policy for the country.

We have somewhere between 16 and 20 million people who work in this country because of agriculture—the farm bill and food policy—and I am very proud of all the work we did together to pass a bipartisan farm bill. In doing that, we sent a very strong message on a number of fronts that we were committed to economic certainty for our growers. We said we understand the need to have long-term policies in place, and we also sent a message about disaster assistance.

I have spoken on the floor before, as my colleagues have, about the very serious situation happening all across our country as it relates to livestock and the broad question now of drought in every region of the country. We also have had areas, in addition to drought in Michigan and other places, where food growers have been hit with an early warming and then a freeze again. So we have had multiple reasons to care about short-term disaster assistance, and I am very proud the bill we passed includes a very good livestock disaster assistance program available for this year which will be very helpful for our livestock producers.

We also added provisions for fruit growers that will help those who don't have access to any crop insurance. That will not only include this year, but we looked to the future by putting in new options on crop insurance, new tools for the risk management agency to develop with growers, with commodity groups across the country crop insurance for the future. So as we see these kinds of weather disasters, they will have more certainty because there will be better coverage and broader kinds of coverage for crop insurance for all commodities, which we don't have today.

We definitely need to pass a farm bill. We need the House to pass a farm bill both for long-term policy but also for disaster assistance right now, and we know this is an opportunity to achieve deficit reduction. The only bipartisan effort we have had on deficit reduction on the Senate floor—and I would argue probably bipartisanship on the House floor as well—has been through the farm bill, with \$23 billion in deficit reduction, with major reforms, changes in policy, and eliminating four different subsidies that are there when growers don't need them or for things they don't plant anymore and replacing that with a risk-based, market-based system for when farmers truly do need us, as they do now.

So there is a whole range of things we have done—reforms and strengthening conservation efforts in our country, focusing on the right policies around nutrition, around local food

systems and so on—and all that is in jeopardy at the moment because the House, rather than bringing to the floor the bill passed out of the House committee, which, even though it is different and I would argue doesn't have all the reforms we have and takes a little different approach on commodities and so on, it is a bill we can work with to come to final agreement on between the House and the Senate. But instead of bringing that to the floor, getting it done, we are now hearing discussions about just passing some kind of a disaster assistance program.

Certainly, we need to do that. We have already passed it and we can strengthen it as we move forward to a conference committee and I would support doing that as well. But instead of having a full 5-year farm bill policy, they are talking about kicking the can down the road one more time. That seems to be a very popular strategy around here. It is not one the public wants us to use. They want to extend the farm bill for another year, with no deficit reduction, no reform, no certainty for farmers, and with policies extended another year that don't work for a lot of industries and then just do some disaster assistance. I think that would be a disaster.

I know we have colleagues on both sides of the aisle—and I am grateful for the leadership of the chairman and ranking member in the House for their advocacy and leadership—who want to get this done, but we need to know the House leadership will allow that to happen so we can get real reform, deficit reduction, and the kinds of policies we need in place that will solve problems and provide the safety net all our farmers need. If we end up in a situation with just an extension, what happens? As our distinguished Presiding Officer knows, it would keep in place for another year a dairy policy that doesn't work.

I remember, in 2009, sitting around the table and talking about what was happening to dairy farmers—folks going out of business, losing their farms because of policies that didn't work. Now the House is talking about extending those policies for another year rather than adopting the changes and the reforms we have put in place that would help dairy farmers all across the country. They are talking about an extension that would eliminate about half the support for fruit and vegetable growers that we put in place. In the last farm bill, I was proud to offer that, and we strengthened that in this farm bill. It is one of the largest areas of commodities, groups of commodities, in the country. So that would not be continued.

There are a number of things that, frankly, would not be continued or available, and there are a number of things that would continue that are bad policy. So if we have a 1-year ex-

tension, we are continuing something we rejected and that everybody on both sides of the aisle in the House and Senate said they didn't want to do, which is direct payments going to farmers, government payments, regardless of whether the prices are high or low, in good times or bad times, and continuing even on things that aren't grown anymore. We all said that makes no sense.

We all said, instead, that we wanted to move to a risk-based system and have a strong safety net there when farmers and ranchers need us, to strengthen crop insurance and make sure farmers have skin in the game; that they are sharing in the cost on crop insurance.

But none of that happens with a simple 1-year extension. We continue things we have all said are not good policy, that cost taxpayers money, and that we shouldn't be spending our money on at a time of huge deficits; that we should not have those kinds of subsidies in place. We eliminated four of those, with \$15 billion in savings alone in the commodity title. All that would go away under what the House is talking about. We would be continuing things people have said were bad policy. Everyone talks about reforms and changes, but this would continue the old ways.

We eliminated about 100 different programs, duplication, and things that do not work anymore—redundancy, whatever it is. About 100 different programs we eliminated in what we passed. They would all continue—every single one of them—for another year if we just do a 1-year extension.

Let me just say in conclusion that I encourage House colleagues to join with us. We can have differences in what our commodity title looks like, and I respect those differences. We can work those out if we have the opportunity to negotiate in good faith and get things done. We will do that. We can have differences in what should happen in the nutrition title, but we should not be saying to farmers and growers that we are going to walk away from them and put in place another kick-the-can-down-the-road strategy that keeps bad policy or no policy going, no deficit reduction, and puts us in a situation where, frankly, 1 year from now it is tougher and it is a bigger mess than ever, with our growers trying to go to the bank, trying to figure out what they are going to do when planting season comes and making decisions, all the while looking at us and asking: What happened here? Why did you do this?

We did our job in the Senate on a strong bipartisan basis. It was a lot of hard work. We spent a lot of time here. We need to complete the job. If our House colleagues will come together with us; if the Speaker, the leadership in the House, will decide to give us a



vehicle with which to do that, I am very confident we can get the job done. I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, for the information of my colleagues, I know the Senate majority leader is in discussions with the Republican leader, and I know the hope is we can soon have the vote on a motion to proceed to S. 3414. But as yet I have not been informed there has been the necessary meeting of minds. I hope it will be soon, and I hope everyone will support it.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HOEVEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. HOEVEN pertaining to the introduction of S. 3445 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. HOEVEN. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. SHAHEEN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Madam President, I ask unanimous consent that the call of the quorum be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### THE ECONOMY

Mr. SANDERS. Madam President, there has been a lot of talk about one of the major issues we as a nation are going to have to deal with, and certainly the Presidential candidates will be talking about it during the next few months, and that is that we have a \$16 trillion national debt and we have a \$1 trillion deficit. I think all Americans understand this is a very important issue, and it is something we as a nation are going to have to grapple with.

How we deal with the deficit and the national debt is certainly one of the most important and interesting issues we are going to have to address.

What I find interesting is that when we talk about the deficit and the national debt, there seems to be, among some of my colleagues, collective amnesia. It is as if this debt and deficit popped up yesterday and we have no understanding of how we got to where we are today.

I would like to take a moment to remind some of my friends that back in January of 2001—not so many years ago—when President Bill Clinton left office, this country was not running a

deficit, it was running a very significant surplus of some \$236 billion. That is a very significant surplus. As a matter of fact, in 2001 the Congressional Budget Office projected that we would have Federal budget surpluses totaling \$5.6 trillion from 2002 to 2011. In other words, when Clinton left office there was a very significant surplus, and the projection was that surplus was going to go up and up. What happened? Well, that is a question we need a little bit of time to discuss.

I find it interesting that there is no context for deficit reduction. Let me suggest that, in fact, some of the people who come down to this floor and talk the loudest about the deficit and the national debt are precisely those same people who caused the national debt of \$16 trillion and a deficit of over \$1 trillion.

How did we get to where we are today from the time when Clinton left office and we had a significant surplus? No. 1, many of our deficit hawks who are coming down to the Senate floor telling us about all the programs we have to cut for the middle class, working families, our children, and the elderly, are real deficit hawks. My goodness. When it came to the war in Iraq, many of us voted against it since it didn't make a whole lot of sense. We also noted that our deficit hawk friends went to war—I believe for the first time in the history of America—and forgot they would have to pay for that war. I think some of us might hold a little bit of doubt in some of the comments of our friends about their real sincerity and concern about deficit reduction when they went to a war in Iraq which will end up—after we take care of the last veteran wounded in that war 80 years from now or whenever—costing probably \$3 trillion.

Well, if you spend \$3 trillion to go to war, forget to pay for it, and then come to the Senate floor and tell us how concerned you are about the deficit and the national debt, some of us are saying: Well, maybe that is not the case. Where were their concerns about the deficit when they went to war when we had a deficit hawk President named George W. Bush? So that is one of the major reasons we are running a \$1 trillion deficit right now.

The second reason is—and you don't have to have a Ph.D. in economics to understand it—that if in the middle of a war they decide to give huge tax breaks, including \$1 trillion over a 10-year period to the top 2 percent, the billionaires and millionaires, so \$1 trillion is not coming into the Federal Government, that adds to the deficit. I ask my Republican friends where was their concern about the deficit and the national debt when they gave \$1 trillion in tax breaks to millionaires and billionaires?

The third point I wish to make is that we are in the middle of a horrendous recession. Unemployment is sky

high and underemployment is sky high. People have lost homes and their life savings. People are hurting. This recession was caused by the efforts—and I must confess, not just a Republican effort but also a Democratic effort—and the bipartisan desire to deregulate Wall Street because people believed that if we deregulate Wall Street and allow insurance companies to merge with commercial banks and investor banks and we do away with Glass-Steagall, my goodness, those folks on Wall Street—honest people with great integrity—would just create wealth for all Americans. That is what Alan Greenspan, Robert Rubin, and all these guys were telling us. I was a member of the Financial Services Committee in the House and never believed that for one moment. It never made an iota of sense to me. Anyway, these guys fought for deregulation. We had deregulation, and as a result of the greed, recklessness, and illegal behavior on Wall Street, we were plunged into the terrible recession we are in now.

One of the points that are very rarely made on the Senate floor is that today, at 15.2 percent as a percentage of GDP, revenue is the lowest in more than 60 years. So it is easy for people to come to the Senate floor and say we have to cut, cut, cut. They forget to tell us that as a result of the Wall Street-caused recession, at 15.2 percent, revenue is the lowest as a percentage of GDP in more than 60 years. That is an issue we have to deal with.

You know what, we don't increase our revenue when we give more tax breaks to billionaires. We don't increase our revenue when we say that at a time when we have tripled military spending since 1997, maybe we need even more for the military. That is not a way to reduce the deficit.

Now, what do my Republican friends and some Democrats say? Well, they come to the Senate floor and suddenly—after going to war without paying for it, after giving huge tax breaks to the rich, after deregulating Wall Street—realize we have a deficit problem, and they are very concerned about this deficit problem. They come to the Senate floor and say: The only way we can go forward is to cut Social Security. Social Security is funded independently. It hasn't added one nickel to the deficit, but we are going to cut Social Security anyway. We are going to cut Medicare, we are going to cut Medicaid, we are going to cut Pell grants, we are going to cut education, and we are going to cut environmental protection. That is deficit reduction.

Are we going to ask millionaires and billionaires, who are doing phenomenally well, whose effective tax rate is the lowest in decades, to pay one nickel more in taxes? No, we can't do that, but we can cut Social Security, Medicare, Medicaid, education, and every

program that the children, seniors, and working families of this country depend upon.

Now, to add insult to injury in terms of this movement supported by big-money interests that have so much influence over what goes on here in Congress, it is important to look at the playing field of the American economy today to understand what is going on. Are the people on top really hurting and suffering? Are large corporations today really struggling under onerous corporate taxes? The answer is, obviously not.

We don't talk about it enough, and too few people even mention it, but I do, and I will continue. It is important today to understand that the United States has the most unequal distribution of wealth and income since the 1920s and the most unequal distribution of wealth and income of any major country on Earth. Why is that important? It is important to know that. Before we cut Social Security, Medicare, Medicaid, education, and the ability of working-class kids to go to college, we have to know the condition of how people are doing today. The middle class today is shrinking and poverty is increasing. When we cut food stamps and Medicaid, we are going to hurt a whole lot of people, and in some cases very tragically.

Just last week a member of my staff went to southwest Virginia, and she spent the day at a program in which thousands of people in that area were lining up to get dental and health care because they didn't have any health insurance. There are 45,000 Americans who will die this year because they don't have health insurance and can't get to a doctor in time. There are people who say: Let's cut Medicaid. There are people all over this country who can't find a dentist. There are children who are suffering from dental decay. Let's cut Medicaid. Well, I don't think so.

If we look at the country, the middle class is shrinking, people are hurting, but people on top are doing phenomenally well. Very few people talk about it. I am going to talk about it. In the last study we have seen in terms of income distribution in this country—and that is what happened between 2009 between and 2010—93 percent of all new income created over that year went to the top 1 percent. I will say it again. Ninety-three percent of all new income in that year went to the top 1 percent. The bottom 99 percent had the privilege of sharing the remaining 7 percent. Yet, when we ask the people on top to maybe pay a little bit more in taxes, oh my goodness, there are lobbyists all over Capitol Hill saying: We can't afford to. We are down to our last \$50 billion. We just can't afford another nickel in taxes. We need that money now. Thanks to Citizens United, we can pump that money into political campaigns.

One family who is worth \$50 billion is going to put \$400 million into the campaign. Another guy who is worth \$20 billion can't pay more in taxes, but he does have hundreds of millions to pour into political campaigns.

In terms of distribution of wealth, which is a different category of costs than distribution of income, we have an incredible situation. I hope people understand what is going on in this country, where one family—one family, the Walton family, of Wal-Mart—now owns more wealth at \$89 billion than the bottom 40 percent of the American people. One family owns more wealth than the bottom 40 percent. Do we know what some folks want to do here? They want to repeal the entire estate tax and give that family a very substantial tax break, because owning \$89 billion is obviously not enough. They are struggling. We have to give them a tax break while we cut Social Security, Medicare, and Medicaid. If that makes any sense to the American people, I would be very surprised, and it does not make sense to the American people.

According to a February 2011 Washington Post poll, while more than 70 percent of Americans oppose cutting Social Security and Medicare, 81 percent supported a surtax on millionaires to reduce the deficit. My guess is if we go to New Hampshire, Maine, or any other State in America and we say to people, we have a deficit problem and the choice is between cutting Social Security or asking millionaires and billionaires to pay more in taxes, there is, in my view, no State in America—no State in this country, no matter how red it may be—where people will say: Cut Social Security and Medicare and Medicaid, but don't raise taxes on millionaires and billionaires. I don't believe that is true anywhere in America.

Today, the top 1 percent owns 40 percent of the wealth of our Nation while the bottom 60 percent owns less than 2 percent. The top 1 percent owns 40 percent; the bottom 60 percent owns less than 2 percent, and there are Members of this Senate coming to the floor and saying we are going to punish the bottom 60 percent and we are going to give more to the people on top.

There was a study that recently came out that talks about the ability of billionaires and corporations to use tax havens. What we know—and I am a member of the Budget Committee—is that millionaires and billionaires and corporations in this country are avoiding paying about \$100 billion every single year by using tax havens in the Cayman Islands, in Bermuda, Panama, and other countries. Maybe, just maybe, before we cut Social Security and Medicare, we might want to pass legislation to make those people start paying their fair share in taxes and do away with those tax havens.

Let me conclude by saying we are in a pivotal moment in American history. If we as a Nation do not get our act together, in my view, we will move even more rapidly in the direction of an oligarchy, where we will have a few people on the top with incredible wealth controlling not only our economy but also, through Citizens United, the political life of this country. We are seeing that playing out right here on the floor of the Senate, with people who are turning their backs on working families and the middle class, and at a time when the wealthiest people are doing phenomenally well, fighting for more tax breaks for people who absolutely don't need them.

I hope the American people pay rapt attention to this debate, and I hope the American people get involved in this debate, because if they do not, mark my words, within 4 months, a handful of people, supported by corporate America and the big money interests, are going to bring down to this floor a deficit reduction proposal which will cut Social Security, Medicare, Medicaid, and give more tax breaks to the wealthiest people in this country. It will have virtually all Republican support. It will have some Democratic support. If we don't aggressively oppose this approach, that is exactly what will happen.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, I appreciate my friend yielding, my dear friend from Vermont.

#### EXECUTIVE SESSION

#### NOMINATION OF ROBERT E. BACHARACH TO BE UNITED STATES CIRCUIT JUDGE FOR THE TENTH CIRCUIT

Mr. REID. I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 759, the nomination of Robert E. Bacharach, of Oklahoma.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the nomination. The assistant bill clerk read the nomination of Robert E. Bacharach, of Oklahoma, to be United States Circuit Judge for the Tenth Circuit.

#### CLOTURE MOTION

Mr. REID. Madam President, I send a cloture motion to the desk with respect to this nomination.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant bill clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the

Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Robert E. Bacharach, of Oklahoma, to be United States Circuit Judge for the 10th Circuit.

Harry Reid, Patrick J. Leahy, Thomas R. Carper, Tom Udall, Robert Menendez, Kirsten E. Gillibrand, Dianne Feinstein, Kent Conrad, Christopher A. Coons, Herb Kohl, Amy Klobuchar, Jack Reed, Ron Wyden, Richard J. Durbin, Jeff Merkley, Richard Blumenthal, Sherrod Brown.

Mr. REID. I ask unanimous consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### LEGISLATIVE SESSION

Mr. REID. I ask unanimous consent that the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CYBERSECURITY ACT OF 2012— MOTION TO PROCEED—Continued

Mr. REID. I ask unanimous consent that at 3:30 p.m. today, the Senate proceed to vote on the motion to proceed—or what we can do, we will start the vote at 3:25; and if somebody is going to be a bit late, we will protect them on that.

So I ask unanimous consent we start voting at 3:25 p.m. today on the motion to proceed to S. 3414, the cybersecurity bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I meant that request to be 3:22 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. All for my friend from Louisiana.

#### CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant bill clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to calendar No. 470, S. 3414, a bill to enhance the security and resiliency of the cyber and communications infrastructure of the United States.

Harry Reid, Joseph I. Lieberman, John D. Rockefeller IV, Dianne Feinstein, Sheldon Whitehouse, Barbara A. Mikulski, Barbara Boxer, Jeff Bingaman, Patty Murray, Max Baucus, Charles E. Schumer, Bill Nelson, Christopher A. Coons, Tom Udall, Carl Levin, Mark R. Warner, Ben Nelson.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to

proceed to S. 3414, a bill to enhance the security and resiliency of the cyber and communications infrastructure in the United States, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. CONRAD) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. DEMINT), the Senator from Oklahoma (Mr. INHOFE), the Senator from Illinois (Mr. KIRK), and the Senator from Utah (Mr. LEE).

Further, if present and voting, the Senator from South Carolina (Mr. DEMINT) would have voted "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 84, nays 11, as follows:

[Rollcall Vote No. 185 Leg.]

#### YEAS—84

Akaka	Franken	Mikulski
Alexander	Gillibrand	Murkowski
Ayotte	Graham	Murray
Begich	Grassley	Nelson (NE)
Bennet	Hagan	Nelson (FL)
Bingaman	Harkin	Portman
Blumenthal	Hatch	Pryor
Blunt	Hoeven	Reed
Boozman	Hutchison	Reid
Boxer	Inouye	Risch
Brown (MA)	Isakson	Rockefeller
Brown (OH)	Johnson (SD)	Sanders
Burr	Kerry	Schumer
Cantwell	Klobuchar	Sessions
Cardin	Kohl	Shaheen
Carper	Kyl	Shelby
Casey	Landrieu	Snowe
Chambliss	Lautenberg	Stabenow
Coats	Leahy	Thune
Coburn	Levin	Toomey
Cochran	Lieberman	Udall (CO)
Collins	Lugar	Udall (NM)
Coons	Manchin	Vitter
Corker	McCain	Warner
Cornyn	McCaskill	Webb
Crapo	McConnell	Whitehouse
Durbin	Menendez	Wicker
Feinstein	Merkley	Wyden

#### NAYS—11

Barrasso	Johanns	Roberts
Baucus	Johnson (WI)	Rubio
Enzi	Moran	Tester
Heller	Paul	

#### NOT VOTING—5

Conrad	Inhofe	Lee
DeMint	Kirk	

The PRESIDING OFFICER. On this vote, the yeas are 84, the nays are 11. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I will yield to the leader. I thank him, too, for that resounding vote, which seems to me not that the debate is over but the debate is going to begin, and an overwhelming majority of the Members of the Senate want to adopt cybersecurity legisla-

Mrs. McCASKILL. Mr. President, I come to the floor today to express my concerns about S. 3414, the Cybersecurity Act of 2012. Like many of my colleagues, I voted today to allow the Senate to fully debate and consider amendments to this bill, but I want to make it clear that I have some significant concerns about this legislation and unless improvements are made, I cannot support the legislation in its current form.

At the outset, let me just say, I do firmly believe that the Congress should take action to address our Nation's vulnerability to cyber threats. A cyber attack on our critical infrastructure, whether it be our energy grid, a regional water supply, or our financial markets, could significantly harm our economy, our national security, and our way of life. However, the legislation before us today still needs significant improvement before it can become the law of the land.

I have heard from many in Missouri, including many companies operating or associated with the types of critical infrastructure that will be subject to the provisions of this legislation. They have raised concerns that, as currently structured, S. 3414 would create redundant oversight structures and add additional standards. Moreover, the bill may have the effect of creating a new Federal system that these entities will have to comply with even though many already work within well-established systems related to developing security standards and responding to cyber threats. I cannot support legislation that creates new and duplicative systems that will impact Missouri businesses in a negative way. While addressing the critical national security aspects of improving our Nation's defenses against and ability to respond to cyber attacks, cybersecurity legislation must improve the regulatory scheme and streamline processes for businesses, not the opposite.

Additionally, the carrot-and-stick approach that is created by the current bill would limit the sharing of cyber threat information, in a protected fashion, to those private entities which are participating in the voluntary cybersecurity program the bill would create. Those in the program would have to adopt specific standards and in return would receive relevant real-time cyber threat information. Those not accepting those standards and entering the program would not receive the protections of the program and would be limited in the cyber threat information they receive. Given that sharing such information could potentially thwart a cyber attack, it seems absurd that such information would go unshared because a particular entity was not a participant in the voluntary system. Such a provision inhibits the very type of information sharing we are trying to promote in order to enhance cyber security. In this respect, the carrot-and-

stick approach simply does not make sense.

I also remain concerned with the scope of responsibility this legislation provides to the Department of Homeland Security. As we have found throughout the history of DHS, it has relied heavily upon a contract workforce in order to satisfy its mission. At this time, the Department does not have the necessary expertise it will need to guide a multi-agency, multi-sector council in evaluating whether or not proposed cybersecurity standards are sufficient to address the evolving nature of cyber threats. The decision to place DHS in such a critical role leadership role in regards to many aspects of the cybersecurity scheme proposed by this legislation needs to be revisited.

I have other concerns with this legislation, but these are my chief concerns. I am pleased that both of the Senate's leaders have indicated that this legislation will be subject to a robust amendment process. I look forward to evaluating the amendments brought forward to this legislation, and I am hopeful that the amendments will improve the bill enough so that I can support it. If not, I will oppose the legislation and send it back to the committee process, where more work can be undertaken to generate an acceptable piece of cybersecurity legislation. Whether now or in the future, the Senate does need to pass legislation. But it must be legislation that is well crafted, balanced, and workable for the businesses that will operate under its scheme.

I yield the floor.

The PRESIDING OFFICER. The Republican leader.

UNANIMOUS CONSENT REQUEST—H.R. 9

Mr. MCCONNELL. Madam President, shortly I am going to be asking unanimous consent to pass the annual Burma sanctions bill that we have renewed about this time every year for the last decade. The bill was reported out of the Finance Committee on a voice vote last week along with a package of other unrelated measures as part of S. 3326.

Some of my colleagues have some concerns about those other sections. This is unrelated to the Burmese Freedom and Democracy Act. As I indicated, on behalf of my colleagues I have offered—in fact, what I have done in discussions off the floor is offer to find a time to set up a vote on S. 3326 on behalf of my colleagues.

I believe a vote is the best way to resolve the impasse surrounding this bill. However, our friends on the other side have as yet not agreed to that. So in the absence of a vote on the larger bill, I think the best way to proceed is for the Senate to go ahead and pass this important and noncontroversial foreign policy measure today.

This is a very timely issue. These sanctions actually expire today. If we

do not act now to extend them, I do not know when the Senate will have a chance to address this important issue. Consideration of this year's Burmese Freedom and Democracy Act comes amidst historic changes that are occurring on the ground in Burma. Aung San Suu Kyi, long a political prisoner of the country, is now actually a member of the Parliament.

The National League for Democracy, once a completely banned organization, now actively participates in political life in Burma. For these reasons and others, the administration, which I support, has taken a number of actions to acknowledge the impressive reforms that President Thein Sein and his government have instituted thus far. The United States has responded by sending an ambassador to Burma. That is the first time we have had an ambassador there in two decades.

The administration also largely waived the investment ban and financial restrictions permitting U.S. businesses to begin investing in that country. However, significant challenges in Burma still lie ahead. Ongoing violence in the Kachin State and the sectarian tensions in the Arakan State reflect a long-term challenge confronting the country related to national reconciliation.

Hundreds of political prisoners remain behind bars. The constitution still has a number of totally undemocratic elements. And the regime's relationship with North Korea, especially when it comes to arms sales with Pyongyang, remains an issue of grave concern to us.

Sanctions with respect to Burma should be renewed in order to provide the administration with the flexibility it needs to encourage continued reforms in that country, to encourage the government to tackle these remaining tough issues. Failure to renew the sanctions could undermine the administration's diplomatic efforts in Burma, which I support, and could send the wrong signal to the Burmese Government that they have done all they need to do. But where are we?

Therefore, the only way I see getting this resolved in time to keep the sanctions from expiring today is for the Senate to go ahead and pass this, and ask the House to pick it up and pass it as soon as they return next week. Hopefully, we can resolve this extremely important issue that other Members have with other sections of S. 3326, completely unrelated to the effort to renew Burma sanctions, and pass those other important trade priorities next week.

In the meantime, this is a terrible message for us to be sending. This is an extremely big issue. It may sound like a small issue; it is a big issue in Burma. Secretary Clinton has been there, I have been there, Senator MCCAIN has been there, and Senator

COLLINS. Senator FEINSTEIN has been active on this issue. This is no small matter in a country that we have been hoping would move in the direction of reform, and finally is.

I know there is always a debate about whether sanctions have made a difference. When I was in Burma in January, in addition to meeting with Suu Kyi I was also meeting with government officials. Every single one of the government officials brought up the sanctions. It convinced me that they must have made a difference. Now, because of the changes that have occurred, the administration and I, who have been involved in this issue for two decades, are in total agreement about the way to handle it, which is to renew the sanctions after which the administration will waive a substantial number of them as a further indication that the sanctions remain there, although not currently operative, because of the changes that have occurred in the country. So I think it is a big mistake to have this important foreign policy matter attached to and stymied by, apparently, differences over other unrelated parts of the measure.

Therefore, I ask unanimous consent that the Finance Committee be discharged from further consideration of H.R. 9; provided further that the Senate proceed to its immediate consideration; all after the enacting clause be stricken and the text of section 3 of H.R. 3326 be inserted in lieu thereof.

For the information of Senators, as I indicated, the Burma sanctions language expires today. This would avoid that.

So I finally ask unanimous consent that the bill be read a third time, passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER (Mr. BLUMENTHAL). The Senator from Montana.

Mr. BAUCUS. Mr. President, reserving the right to object, I very much appreciate and admire the efforts of the Senator from Kentucky to keep proposing sanctions on Burma. In fact, the Senator will remember that 3 or 4 months ago I went out of my way to praise the Senator when he stood up for Burma. In fact, he may remember his press office called my office to say thank you. Gosh, Senator BAUCUS thanked the leader, and I meant it. I very much admire the effort and the way the Senator has undertaken to maintain these sanctions.

We are all very proud of Aung San Suu Kyi for winning the Nobel Prize, in London, when she visited Europe not long ago. I remember watching her on television. She has done so much for her country and stood so much for the people of Burma. It is astounding. I have not had the privilege of meeting her personally, but I have watched her from afar and with great admiration

and not only would thank her but again thank the Senator for his efforts.

One can say the other matters are unrelated, but one could also say the Burma issue is riding along with the AGOA bill. There are thousands of African women who have lost their jobs because we have not acted on the AGOA bill, and they tend to be single moms—thousands—because they can't get orders to sell in the United States. Consequently, jobs in the United States now are in jeopardy because the AGOA bill has not been extended.

It is true the AGOA bill does not expire until the end of September. That is true. However, as a practical matter, these women have lost their jobs already because American companies are not taking orders from African countries that are providing the apparel that are otherwise provided for under the AGOA bill. It is a huge issue for those African women who have lost their jobs as well as a lot of American companies that are in jeopardy because they can't receive the apparel from the African companies if this is not extended.

I might say, too, the DR-CAFTA bill is similar. That puts in jeopardy a lot of jobs in South Carolina and North Carolina. So in a certain sense it is a jobs bill. Both these bills are important. They are very important. This package was put together and agreed to by Senators on the committee, Republicans and Democrats both. It was agreed to by leadership offices, both sides. We worked hard, as the leader often does, to get consensus around here. So this was the thought, to put the bills together, and all Republicans agreed.

There was one Senator who said he had a problem with one of the pay-fors, and, frankly, it is a pay-for this body has adopted many times. That Senator himself has voted for this pay-for many times. It just seems to me, if we break up the package, then the package is broken and it puts in jeopardy those other provisions because Senators will want to offer amendments. The Senator from Kentucky well knows, once we start going down that road, things get hung up around here; the main point being these are both very important bills, and the other main point being it was agreed to. This package was agreed to all the way around, and I think at this point it does not make sense to break it up.

So I object.

The PRESIDING OFFICER. The Republican leader.

Mr. McCONNELL. Mr. President, if I may, I believe the Burma sanctions bill has been renewed without additional matters attached to it for some 10 years now on an annual basis. I am perplexed as to why this year it was turned into a package.

I agree with the distinguished chairman of the Finance Committee that it

was agreed to. But there is a dispute between the chairman of the Finance Committee and another member of the Finance Committee who is on the floor, and Senator COBURN can speak for himself. I might say, I don't have a dog in that fight. As far as I am concerned, that is another matter. No matter how important that may be, I doubt a failure to pass the other measure, which doesn't expire until September, creates a major potential foreign policy problem which could well be created by the Burma sanctions bill expiring later today.

I will not argue the rest of the bill is important or unimportant. I frankly don't know much about the rest of the bill. I do know something about the Burma sanctions bill, having offered the original bill 10 years ago and having been on the floor as we renewed it annually during that period, and I am pretty confident this will be perceived in Burma as a problem. It seems to me it is a completely avoidable problem.

As to the rest of it, the Senator from Oklahoma is here and he can speak for himself, so I defer to him and to the chairman of the Finance Committee to discuss the balance of the bill. But it would have been my hope, had the chairman of the Finance Committee not objected, since it was cleared on my side—and it was cleared on my side, regardless of previous understandings about putting the package together, by the ranking member of the Finance Committee, Senator HATCH, and by Senator COBURN—to split the Burma sanctions bill off and pass it free-standing today on a voice vote.

So with respect to the consent agreement I offered, which was objected to, I want to make sure everybody understands there were no objections to it on the Republican side of the aisle.

The PRESIDING OFFICER. Objection is heard to the request of the Republican leader.

The Senator from Montana.

Mr. BAUCUS. Mr. President, I do not want to belabor the point. The Obama administration is opposed to splitting the package apart. They are in favor of keeping the package as it is, and I think for good reason because the administration favors both Burma as well as AGOA and DR-CAFTA. That is the reason. They are both very important. It is for that reason I think it makes sense.

The Senator is correct. It is very easy to resolve this thing by proceeding with Burma and AGOA. But if the leader wants to keep talking, I am more than willing, over the next week, to see if there is another resolution to work this out.

The PRESIDING OFFICER. The Republican leader.

Mr. McCONNELL. Mr. President, I would just ask a question of the Senator. What I hear is that the Democratic administration and Democratic

Senators are opposed to passing the Burma sanctions bill today free-standing? Is that what I hear the chairman of the Finance Committee saying?

Mr. BAUCUS. That is not what the Senator heard me say.

Mr. McCONNELL. Then why did the Senator object to the request?

Mr. BAUCUS. Because the administration and I want them both.

Mr. McCONNELL. But the Senator can't get them both unless he can work this out with my good friend, the Senator from Oklahoma, who is on the floor and who may want to address this matter.

Mr. BAUCUS. I am more than willing to sit down and try to work this out, but at this point I think any attempt to split them out is to jeopardize the AGOA bill, and as I mentioned earlier, there are already thousands of women who have lost their jobs in Africa because of our delay in passing AGOA.

The PRESIDING OFFICER. The Republican leader.

Mr. McCONNELL. Let me make sure I understand where we are. The consent agreement to pass the Burma sanctions bill today, before it expires, is clear on this side of the aisle—clear. The chairman of the Finance Committee has announced, to my surprise, that the administration does not favor allowing Burma sanctions to pass today because it is attached to something related to other matters.

So make no mistake about it, we have, for the first time in the history of this issue, turned it into a partisan matter. We have spoken with one voice in America relating to Burma, under administrations of both parties and Senates of both parties. Yet today, for the first time, we have a partisan split over an issue about which America ought to be speaking with one voice.

I basically have said all I have to say. I do want to hear from Senator COBURN. I know he has strong feelings about the other part of the measure about which I am basically not familiar.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, first of all, I would like to say I support all three of these measures, in terms of their passing. What I don't support is continuing the habit that has put this country \$16 trillion in debt.

To clarify, as a member of the Finance Committee, if one reads my opening statement at that hearing, in that markup, I objected to this bill on the basis of pay-fors. I offered two separate amendments that, on the floor, everybody would agree are germane because the money to pay for the \$200 million comes out of trade areas. Yet they were rejected as nongermane by the chairman. So they weren't offered because he said he would reject them. So to create the impression there was no objection to the pay-for in this bill

and that everybody agreed is inaccurate, to say the least.

I called Senator COONS of Delaware, who is interested in this, and I called Senator BAUCUS when this came up, and I told him I have a plan so we can get this all done this week. I was willing to lose a vote on the amendment to have an opportunity to offer the amendment and give my side of the story by splitting these two so the House could pass it. The House has now gone home. Burma sanctions are no longer available to be passed, except if we were to do something extraordinary with the House, which I understand from the Speaker can happen. So Burma sanctions could happen this week.

But I wish to go back to the more important point. Regardless of whether I voted for something in the past, using the type of pay-for that is in this bill is what I call the Wimpy mechanism: Wimpy drives up to Wendy's and orders a hamburger, and when he gets around to the window he says: Don't worry about it, I will be back in 10 days to pay for it. What we have done is use custom user fees over 10 years to collect enough money to pay for \$200 million.

With the waste that is in this government, for us to use a 10-year pay-for on something that will be expended over 3 years means we are not capable of addressing the much bigger issues in front of our country. If we can't find \$200 million in a \$3.6 trillion budget, we are unqualified to be here.

What I would say to my friends and my colleague on the Senate Finance Committee is that somebody has to start saying no. I would remind everyone of a lecture I got from Senator Pete Domenici on a land bill about 2 years ago. He said: We have always done it that way. I said: You know what, you are right, and that is why we are in trouble. So the financing mechanism on this bill denies the situation we are in and charges out over 10 years custom user fees to pay for it.

No other American business, no other company, no other family gets that kind of luxury, especially when they are in debt at 105 percent of their GDP. If we look at where we are, the average American, what we can say is that we are taking in \$53,000, we are spending \$73,000, and what we actually owe is \$380,000. We can't keep doing that. That is how it would relate to the individual family in this country.

The objection was not on the bills. There was no lack of effort on my part to reach out and solve this problem before now and now the minority leader has offered a way to solve the problem on the sanctions for Burma and it is objected to. So not only do we not get to offer amendments in committee, we do not get to offer amendments on the floor. The one thing we need to accomplish today we are not going to accom-

plish because we don't want to allow amendments.

Because we want to keep doing it the way we have always done it. And the way we have always done it has bankrupted our country and stolen from our children and grandchildren. It is not acceptable anymore.

That is the truth. Everything else is the game that Washington plays. And I will tell my colleagues, I am still willing to work on this. I have a commitment to the Senator from Delaware that next week, if this comes up, I will be the first to offer that amendment and get it out of the way, taking a very short period of time with the Senate. But I want a recorded vote of the Senators in this body that they want to steal the customs user fees for 10 years for just a \$200 million pay-for. If that is what you really want to do, then vote that way. But go out and defend it instead of taking something this administration has recommended we cut—which is what I am using to pay for it, something this administration has recommended to pay for it—and vote against what your own President says—here is something we need to eliminate.

I don't get it. The American people don't get it. No wonder we have a 9-percent approval rating.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. COONS. Mr. President, I appreciate the opportunity to briefly contribute what I can to this debate.

One of the great honors, as the Presiding Officer knows, in being a freshman is the opportunity to preside. I had the opportunity to preside when the Republican leader came to the floor and spoke to Burma sanctions. So I just wanted to say to the Republican leader that because of that speech, I have familiarized myself with the issue of Burma sanctions that he spoke to earlier. I do think it is important that we move to it. I do think it is important to move forward on it.

But the Republican leader made the comment earlier that he doesn't much understand the other part of the bill, which is AGOA, the African Growth and Opportunity Act. I choose to stand briefly to speak to that because I am the chair of the African Affairs Subcommittee of the Senate Foreign Relations Committee.

Senator ISAKSON and I joined with Congresswoman BASS and Congressman SMITH in twice receiving dozens of Ambassadors from across the continent 3 months ago and 9 months ago as they expressed their grave concern about the thousands of mostly women all across the continent who are losing their jobs as we delay.

The AGOA reauthorization expires in September, and I am grateful for Chairman BAUCUS and for his vigorous pursuit of renewal in a timely fashion.

AGOA needs to be renewed promptly, not in September. In part, I believe this is why the administration has insisted on holding together Burma sanctions and this AGOA reauthorization—it is because of the urgency of getting AGOA reauthorized.

It dates back to the Clinton administration. It was first signed into law a dozen years ago. I think it has real importance for our view in Africa, for how the United States is viewed in Africa, for our bilateral relations with more than a dozen countries. I would be happy to answer questions about it.

But we have three different issues here: the concerns the Senator from Oklahoma has raised about the pay-for, and I respect his concerns about budget and budgetary discipline and dealing with our deficit; the concerns the Republican leader has raised about Burma and about sanctions and about our ongoing role as a global leader in pressing for the liberation of people and process in Burma; and the concerns many other Senators and I have shared about timely reauthorization of the African Growth and Opportunity Act. Unfortunately, the three of them intersect in a way that today is preventing us from moving forward.

It is my hope that the Republican leader, the chairman of the Finance Committee, the Senator from Oklahoma, and I can sit down and craft some responsible compromise that allows this to move forward because, if my understanding is correct, it is the concerns of the Senator from Oklahoma that are preventing us from moving forward at this point, and it is the administration's concerns that are preventing breaking apart the Burma sanctions and AGOA sanctions. And there is a third provision relating to CAFTA, if I am not mistaken. So if we could work together in a way that finds a responsible path forward, it is still possible.

There is bipartisan support in the House for the passage of this package. In fact, I believe they were prepared to pass it by unanimous consent earlier this week and only hesitated to proceed because they heard there was a hold here in the Senate.

I would like to work together in a way that can demonstrate to the people of Burma, to the people of Africa, and to the people around the world that this greatest deliberative body on Earth can still work out issues of this scale in a timely fashion. So I offer my willingness to work together to find a path forward either tonight or in the week ahead.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I don't mean to belabor the issue. I see the Republican leader has left the floor. I have just a couple of points.

One, I don't want the impression to be left here that this is a partisan matter. I don't want the impression to be left here that one party favors Burma sanctions and the other doesn't, and the same with respect to AGOA provisions. The fact is, these are both totally bipartisan. Both political parties favor these measures. It is just a matter of working out a way to pass them.

The Senator from Delaware has made a very good point, so let's see if we can work things out within the next couple or 3 days.

The Senator from Oklahoma makes a very valid point, too; that is, sometimes we pay for measures around here with measures that take several years to actually pay for. It is a common practice around here. And to say we have done it once does not necessarily mean it is right.

But I say to my good friend from Oklahoma, who has voted for this kind of measure 11 times, by my count, and once even on the Burma bill, that when we work over the next several weeks and next several months on resolving the fiscal cliff and tax reform, it will be a good opportunity to find ways to reduce our budget deficits, both spending and revenue, and an opportunity to address it in a way that does not do violence to them and that respects the concept the Senator from Oklahoma was mentioning. He has mentioned a concept that applies not just with respect to customs user fees but for a lot of tax provisions around here, and I think it is something we should talk about and figure out how we want to handle it. But in the meantime, I just suggest that—let's keep talking. There are a few days left here before we leave for the August recess.

I thank my colleagues for working together to try to find a solution.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

GUOR MARIAL AND THE 2012 OLYMPICS

Mrs. SHAHEEN. Mr. President, tomorrow the attention of the world will turn to London as we witness the opening of the 2012 Summer Olympics. Over 10,000 athletes representing 204 nations from around the world will be competing in hundreds of sporting events at the games of the 30th Olympiad. Here in the United States, we will be cheering on the 529 U.S. athletes as they look to bring home the gold for the United States of America. The Olympics no doubt will have countless stories of triumph and disappointment, competition and camaraderie.

I rise today to share the remarkable story of one particular athlete who will be competing this year. His story is one of inspiring triumph of character and spirit. But until just days ago, this Olympian had no flag to compete under. This story is about a talented young runner named Guor Marial whose mere survival in southern Sudan

defied the odds. Having escaped the bloodshed and violence in war-torn Sudan, Guor found his way to my home State of New Hampshire as a teenage refugee. Who could have imagined that in just over a decade, Guor would be applying for U.S. citizenship and traveling to London to compete in the Olympic marathon?

Guor was born in a town in what is now part of the fledgling country of South Sudan. Many of his family and friends, including his brother, were killed at the hands of Sudanese security forces. Many more died of starvation or disease brought on by the violence and unspeakable crimes committed by these Sudanese forces.

Before escaping Sudan, Guor was a victim of violence on numerous occasions. As a child, he was kidnapped from his hometown and enslaved as a laborer before eventually finding a way to escape and return to his family. Guor was severely beaten by the Sudanese police and had to spend days in a hospital to recover. Finally, he was able to flee to neighboring Egypt and eventually to the peace and safety of New Hampshire as a refugee seeking asylum.

Guor arrived in my home State of New Hampshire in 2001, almost exactly 11 years ago. He remembers that day well and still considers New Hampshire his home. He lived in Concord, the State capital, moving in with the families of his friends, teammates, and his cross-country coach for 2 years in order to graduate from high school. The contrast between Guor's former life and his new life is stark. In Sudan, he was running in fear for his life. In New Hampshire, he was running for the joy of athletic competition and to be part of a team.

Amazingly, in only his second official marathon, Guor ran fast enough to qualify for the 2012 London Olympics. Given his unique situation, however, it looked as if the bureaucracy would triumph over his bravery and that Guor might not be able to compete because according to the rules of the International Olympic Committee, permanent residents of a country are not permitted to compete on that country's team. As a result, Guor can't compete under the American flag because he is not yet a full citizen. In addition, Guor can't run for the newly recognized country of South Sudan because it is such a new country, it doesn't yet have an official Olympic committee.

The International Olympic Committee suggested that Guor compete as a member of the Sudanese team, and the Sudanese Government extended him an invitation. But Guor rightfully refused, explaining that running for Sudan "would be a disappointment and an embarrassment to me and the people of South Sudan who died for freedom, including my brother." Guor was not comfortable running on behalf of

the country that tortured and murdered so many of his family members. That solution would have been cruel and unacceptable.

Fortunately, after some pressure by Refugees International and other friends of Guor who wrote to the International Olympic Committee on his behalf, we received the great news this week that the IOC executive board has decided to make an exception for Guor. He will run in the marathon as an independent Olympic athlete under the great Olympic flag. I want to thank the International Olympic Committee for this very appropriate ruling. In addition, I want to thank the U.S. Olympic Committee, the U.S. Department of State, and the other friends of Guor who worked so hard to make his participation possible.

As he runs under that five-ringed flag, long a symbol of hope for peace in our world, Guor will run with the support of his family, his New Hampshire supporters, Americans everywhere, and his new country, South Sudan. I have a feeling that such support might help him run even faster.

We are so proud of Guor in New Hampshire and proud that in the United States someone who has lived through such tragedy and adversity can start a new life and rise to such incredible heights.

Scott Hamilton, an American Olympic gold medalist, once said, "Most other competitions are individual competitions. But the Olympic games is something that belongs to everybody." No matter the outcome in London, the story of Guor Marial and the adversity he has overcome belongs to everyone. Win or lose, he will stand as a lasting inspiration for people around the globe and as a tribute to the greatness that is the United States of America. I look forward to welcoming Guor home from the Olympics as a winner, regardless of the outcome of the marathon.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

COLORADO DROUGHT

Mr. BENNET. Mr. President, I am here tonight on a different topic than the Senator from New Hampshire, but I wish to congratulate her on her fine work here. I know she doesn't need or wouldn't want me to say that, but the people of New Hampshire are so lucky to be represented by her. And this is exactly why—a reminder that our Olympic athletes are about to start, I hope, winning gold medals. I suspect they will win the most in this summer's Olympics. We are looking forward to that.

The Senator mentioned marathons, which brought to mind what I want to talk about tonight, which is the farm bill—an elegant segue from one marathon to another. I want to talk about it in the context of the severe drought that is facing Colorado and all of rural



America, and I want to acknowledge the administration's ongoing efforts to provide Coloradans with disaster relief during this difficult summer of fires and drought.

We need to pass a 5-year farm bill as quickly as possible to address the challenges we are seeing in farm country. We have done the work to get an agreement on the Senate bill. In fact, we passed the 5-year farm bill in this Senate. It was a strong, bipartisan bill. I would like to thank the Senator from Michigan, DEBBIE STABENOW, and the ranking member of the committee for their incredible leadership in working together, both side of the aisle, never in a partisan way, to produce among other things the only bipartisan deficit reduction that any committee, House or Senate, has produced in this Congress—\$24 billion of deficit reduction that has been agreed to by Republicans and Democrats. It ends direct payments to producers, which is one of the most substantial reforms we have seen in agriculture policy in a long time, and it strengthens the conservation title of the farm bill, which is very important to my State and to the West.

Colorado has a \$40 billion agriculture sector that extends to all corners of our State. Farming and ranching are two things we do extremely well. The Senator from Iowa is here tonight, and his farmers do it extremely well in Iowa as well.

Producers in Colorado and nationwide are experiencing the worst drought in 50 years. While Colorado is certainly no stranger to water challenges, this year's growing season has been particularly tough—to put it mildly.

According to the U.S. Drought Monitor, nearly our entire State is designated as an extreme drought area. This designation means we are experiencing major damage to crops and pastureland, as well as widespread water shortages. While this designation tells us a lot, we only need to ask the farmers and ranchers about how the dry conditions are threatening their operations.

I met recently with a group of corn growers from eastern Colorado. Take a look at what these farmers are up against. This is Steve Scott's cornfield 18 miles southeast of Burlington, CO, a town of 4,200 people near the Kansas border. This crop—and many others in the region—has withered under long stretches of high temperatures with little or no precipitation to help.

The Department of Agriculture reports that 50 percent of Colorado's corn production is in either poor or very poor condition. The drought has also taken a significant toll on our cattle producers. Colorado is one of America's top beef producers. Right now 75 percent of pastureland in Colorado, approximately 900,000 acres—and I am not sure how that measures up to the Pre-

siding Officer's State, but it is pretty close to that size—is rated as either poor or very poor in condition. Dry pasture and feed shortages have led ranchers to liquidate their herds early, well before they have realized their full size and value.

The Greeley, CO, auction producers' barn is seeing double the sales activity right now as compared to the same time last year because ranchers are selling their cattle below full weight and maturity. They are losing anywhere from \$200 to \$400 a head.

Next week Carl Hansen of Livermore, CO, is selling 160 of his steers and 90 heifers. On average, each animal will be sold 150 pounds underweight due to the drought conditions. If beef is selling at \$1.50 a pound, that is \$56,000—actually a little more than that—of lost revenue for Carl Hansen and his family.

The consequences of this drought extend well beyond farm country. The damage to our farms and ranches affect other sectors of the economy—from transportation to energy, from banking to retail. We all know there is nothing Congress can do to stop the drought or prevent the next one from coming, but what we can do is give our farmers and ranchers the tools they need to manage this drought and plan for the future by passing a 5-year farm bill.

We hear a lot about uncertainty in these two Chambers. I can't imagine a set of circumstances creating more uncertainty in a difficult situation than that.

Now we hear that the House leadership is planning a 1-year punt on this whole conversation, one more expression that Washington, DC, has become the land of flickering lights, providing very little opportunity for people to be able to plan and have predictability.

What is wrong with the Senate-passed bipartisan farm bill that had the support of 64 Senators? Sixty-four Senators, Democrats and Republicans. Some people voted against it because they didn't think it was adequate to their region, but this was not a partisan vote. Neither the majority nor the minority vote was a partisan vote. This was the Senate operating as the Senate is meant to operate.

A 5-year bill provides our agriculture community with much needed certainty and predictability, but now it is being held up in the House by politics. Let's be clear: No one is pretending that the farm bill can correct bad weather. Our producers are not waiting on the farm bill to do what they do best. Colorado will continue innovating and increasing productivity, but the last thing on Earth they need is to have Washington's unfinished business hanging around their necks.

A 5-year farm bill will provide producers with a set of tools for managing through this drought and planning for the future. The 1-year bill being discussed over in the House by the leader-

ship doesn't recognize—or is unwilling to recognize—the agriculture community's need to do long-term planning.

Among many other important provisions, the Senate farm bill contains revamped risk management programs like crop insurance, which is what I heard was needed by our farmers, and improvements farmers requested to help manage a severe drought exactly like the one we are going through right now. This is the point of that provision. A 1-year bill doesn't have any of those provisions.

Corn farmers on Colorado's eastern plains could lose 40 percent or more of their revenue this season. We need these reforms and the predictability of the Senate bill. Our bill also contains permanent disaster programs that provide responsible assistance to producers in need. Some of these programs, such as the livestock disaster program, expired in September 2011, almost a year ago. If Congress takes the easy way out and does a 1-year extension, our livestock producers will get no relief—none. This means no disaster assistance for ranchers whose pasture is too dry to feed their cattle.

Who is going to explain to the people selling at the Greeley auction barn why this is not a priority for our Congress in the middle of the worst drought in decades?

The House Agriculture Committee passed a 5-year farm bill with a strong bipartisan 35-to-11 vote. Again, this is not the partisan dysfunctionality we talked about for so many months on this floor. We have two bipartisan bills: One was passed out of committee on the House side with broad bipartisan support, and one was passed on the Senate floor with broad bipartisan support. It is not surprising that I am not the only person who is calling for a long-term extension—a 5-year extension. There are 79 House Members, including 41 Republicans, who wrote to the Speaker last week asking him to bring the long-term farm bill to the floor.

Mr. President, I ask unanimous consent that the letter signed by 79 House Members be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,  
Washington, DC, July 20, 2012.

DEAR SPEAKER BOEHNER, MAJORITY LEADER CANTOR, DEMOCRATIC LEADER PELOSI, AND DEMOCRATIC WHIP HOYER: Many current farm bill policies expire on September 30, 2012. The House Agriculture Committee passed H.R. 6083, the Federal Agriculture Reform and Risk Management (FARRM) Act, or the 2012 Farm Bill, on July 12th with a strong bipartisan vote of 35-11. While by no means perfect, this farm bill is needed for producers and those who rely on sound agriculture policy and nutrition programs during difficult economic times.

The House Agriculture Committee has done its work and we now ask that you make time on the floor of the House to consider

this legislation, so that it can be debated, conferenced, and ultimately passed into law, before the current bill expires. We need to continue to tell the American success story of agriculture and work to ensure we have strong policies in place so that producers can continue to provide an abundant, affordable and safe food supply.

We all share the goal of giving small businesses certainty in these challenging economic times. Agriculture supports nearly 16 million jobs nationwide and over 45 million people are helped each year by the nutrition programs in the farm bill. We have a tremendous opportunity to set the course of farm and nutrition policy for another five years while continuing to maintain and support these jobs nationwide.

The message from our constituents and rural America is clear: we need a farm bill now. We ask that you bring a farm bill up before the August District Work Period so that the House will have the opportunity to work its will. We ask that you make this legislation a priority of the House as it is critically important to rural and urban Americans alike.

We appreciate your consideration of this request and look forward to working with you to advance the FARRM Act.

Mr. BENNET. They wrote:

The message from our constituents and rural America is clear: we need a farm bill now. We ask that you bring a farm bill up before the August District Work Period.

They went on to say:

We ask that you make this legislation a priority of the House as it is critically important to rural and urban Americans alike.

Representative RICK BERG, a Republican from North Dakota, took to the floor last week and said:

Now is the time for the House to act, the time for the farm bill now.

JO ANN EMERSON, a Republican Congresswoman from Missouri, told reporters that "there are problems with my farmers who need to make planning decisions."

We are seeing that exact same uncertainty plaguing our farmers and ranchers in Colorado. Yet here we are again. We have seen this before in Washington. We are pretty good at starting conversations, but we are not very good at finishing them. We are kicking the can down the road once again, but this is the farm bill, which is a bipartisan effort that rarely, if ever, has been used as a political football around this place.

Three days ago David Rogers wrote an article, which I think accurately describes our dilemma. It was in *Politico*.

Mr. President, I ask unanimous consent that this article also be printed in the *RECORD*.

There being no objection, the material was ordered to be printed in the *RECORD*, as follows:

[From *Politico*, July 23, 2012]

CONGRESS DELAYS FARM BILL AS DROUGHT SPREADS

(By David Rogers)

To understand how far this Congress will go to kick the proverbial can down the road, consider the farm bill—yes, the farm bill.

In the midst of a severe drought, the House Republican leaders are proposing to walk

away from farm states and decades of precedent by not calling up the new five-year plan before the current law expires Sept. 30.

Whatever its flaws, the bill promises \$35 billion in 10-year savings from exactly the type of mandatory spending that Congress promised to tackle in last summer's debt accord. But rather than disrupt its political messaging, the GOP would put it all at risk by delaying action until after the November elections.

There's little institutional memory left in the Capitol—or perspective on the accumulation of cans rolling down the road these days. But the farm bill delay is new ground for any Congress.

Never before in modern times has a farm bill reported from the House Agriculture Committee been so blocked. *POLITICO* looked back at 50 years of farm bills and found nothing like this. There have been long debates, often torturous negotiations with the Senate and a famous meltdown in 1995 when the House Agriculture Committee couldn't produce a bill. But no House farm bill, once out of committee, has been kept off the floor while its deadline passes.

If pushed into November's lame-duck session, farmers will join Medicare physicians whose pay will be running out, idled workers worried about jobless benefits, and very likely, millions of families faced with expiring tax breaks.

For all the backslapping over the recent transportation bill, that measure expires in just 15 months. The Democratic Senate no longer even tries to do 12-month appropriations bills. Already in mid-July—when the floor used to be humming—the "smart money" is plotting a stop-gap continuing resolution to get to November or beyond.

Such a CR was once treated as a backstop by the Appropriations committees. Now the practice is so prevalent in all areas of government that the letters might stand for "Congress Retreats."

"It's to the point where you almost think you should vote against extensions because they are extensions," Rep. George Miller (D-Calif.) told *POLITICO*. "If you were looking at the United States from outside, you look and you say, 'What are these people? Fools?'"

Elections do matter, and there's some logic to letting the voters reshuffle the deck before tackling tough issues. But that's not what's happening here.

The presidential campaigns are already being criticized for lacking all substance. But whoever wins, neither President Barack Obama nor Mitt Romney has shown any appetite for this debate—or even knowledge of farm issues.

The Senate has already approved its farm bill; even if Republicans were to win control in November, the GOP's majority will be so narrow that Democrats will be able to block wholesale changes. In the House, the only certainty about a lame duck is there will be even more unhappy people hanging around.

No, the real reason for Speaker John Boehner (R-Ohio) to delay the farm bill is not because there will be better answers after the election. It's because he doesn't like the answers he sees before.

The farm bill came out of the House Agriculture Committee on a strong bipartisan 35-11 vote July 12. Nearly a year after the August debt accords—and eight months after the November collapse of the deficit supercommittee—it is the closest this Congress has come to enacting real deficit reduction from mandatory spending.

But it's not perfect, and Boehner's Republicans are split regionally and ideologically,

with the right demanding still greater savings and a more free-market approach to agriculture policy.

Given Democratic concerns over the depth of the food stamp cuts already made, Boehner says there are not 218 votes for passage. Rather than wrestle with this problem, it's easier to run out the clock with symbolic anti-red tape, anti-tax votes on which the GOP is more united.

Senate Democrats have kicked their share of cans as well. First no spring budget resolution. Then no summer appropriations debate. All under the watch of a majority leader—Sen. Harry Reid (D-Nev.)—who served for years on the Senate Appropriations Committee.

Yet there's something bigger about the farm bill.

Perhaps because it is a five-year event and so fundamental to one bright spot in the economy. Or maybe it's the pounding drought across the country that gives pause. Farmers live by nature's calendar, not continuing resolutions. And by failing to act, Congress can seem even more detached from the real lives of everyday people.

Changes in the Washington press foster this detachment. Major newspapers are more prone to editorials than real reporting on the debate. Regional papers, once the backbone of farm coverage, have closed their bureaus. In the new Capitol trend, some of the most experienced agriculture reporters report to clients—not the public.

The biggest irony may be Boehner himself. The speaker, after all, spent his early years on the Agriculture Committee and prides himself on being a "regular order" and pro-chairman leader. He chastises Obama regularly for doing precisely this: kicking the can down the road.

As if to remind him, Rep. Rick Berg (R-N.D.), a Boehner favorite now running for the Senate, took to the floor Thursday just minutes after the speaker had again ducked farm bill questions at his weekly news conference.

"Now is the time for the House to act," Berg told his colleagues. "The time for the farm bill is now."

The biggest Republican divisions are also where the greatest savings lie: the commodity and nutrition titles.

Both the House and Senate put an end to direct cash payments to farmers, a long-demanded reform saving about \$5 billion a year. The dispute is over how much of that money is reinvested in new subsidies—and where.

The Senate bet heavily on a new shallow-loss revenue-protection program geared to Midwest corn and soybean producers. The House whittles this down to make room for more of a traditional countercyclical program that protects against deep losses but is keyed to government-set target prices—a taboo for free-market types.

Southern rice, peanut and wheat producers stand to do far better under the House approach, but the two bills appear to lunge in opposite regional directions. Corn and soybean growers can almost lock in profits in the early years of the Senate plan. At the same time, the House cotton package costs nearly 20 percent more than what was already viewed as a rich Senate deal. And a \$14 per hundredweight target price for rice is higher than what many other crops got, when measured against government data for production costs.

The 13 Southern states are the backbone of the House GOP's majority, contributing 102 votes or more than 40 percent of the conference. This is also where the lines are

clearest, not just for crops but also food-stamp savings.

House Agriculture Committee Chairman Frank Lucas (R-Okla.) and the committee's ranking Democrat, Minnesota Rep. Collin Peterson, had hoped to thread this needle by offering a new national eligibility standard for the nutrition program somewhat to the right of Texas's food stamp rules. But for the majority of Southern states, it meant a modest increase from 130 percent to 140 percent of poverty as the high-end income cap—and so it ran aground in the committee.

Peterson, refusing to be discouraged, has plunged back into the fray, trying to find some compromise on food stamps and still hoping that Boehner will relent on moving the farm bill this summer.

"Collin is a CPA by training. He's a numbers guy. He's very focused as a Blue Dog about the budgetary consequences of our actions," Lucas told POLITICO. "I think he's basically on the right track as he's described it to me. The question really comes down to: will we wind up with floor time?"

And himself?

The morning after his late night markup, Lucas sought out Boehner and Majority Leader Eric Cantor (R-Va.) face to face. "They thanked me, smiled at me and left it at that," Lucas said.

He himself is worried—like Republicans in the Senate—that simply passing a short-term extension of the current farm law will not be an easy matter in September. Having spent the better part of a year saying direct payments must end, will Congress want to extend them?

"I'm trying to maintain a good solid working relationship with my leadership," Lucas smiles. "I'm trying to be a positive advocate for why I believe our bipartisan bill deserves floor time."

"I've alerted staff to be ready to go on a moment's notice, and I will also tell you there are external events that could impact the situation. If this drought continues in the West and Midwest, it could drive members to want to see some action."

Mr. BENNET. To quote Mr. Rogers:

Never before in modern times has a farm bill reported from the House Agriculture Committee been so blocked.

Never before in modern times. I suspect it is true in ancient times as well, but it has certainly been true in modern times. Rogers tells us that he "looked back at 50 years of farm bills and found nothing like this." He continues:

Farmers live by nature's calendar, not continuing resolutions.

I could never have said it so eloquently myself. He also said:

And by failing to act, Congress can seem even more detached from the real lives of everyday people.

I would not have thought it was possible that this place could seem more detached from the everyday lives of the American people than it already appears to be. We found a way of doing that, and that is by failing to pass this bipartisan farm bill through the Congress in a timely way that is essential for people who are suffering through this kind of drought.

I think Mr. Rogers' observation is exactly right, and I have been on this floor many times before saying the

people at home in Colorado—Republicans, Democrats, and Independents—don't identify with the cartoon of a conversation that we are having in Washington, DC, right now. I can't think of a clearer example than the failure to act on this bipartisan piece of legislation. This is legislation that would immediately help people all across our country, all across America, who are struggling today.

Mr. President, think for just a moment about our farmers in Colorado and rural communities just like our communities all across this wonderful country. Our farmers and ranchers are experiencing the worst drought in over half a century. Who is going to look in the eyes of our farmers in Middle America and tell them our dysfunctional politics will prevent this bill from moving forward?

Who is going to tell Steve Scott and Carl Hansen that this bill isn't going to be a priority in the Congress, that we are just going to take our recess and go home for a month not having passed this bipartisan piece of legislation, the only manifestation and example of bipartisan deficit reduction in either the House or the Senate in this entire Congress?

I implore the House to figure out how to come to its senses and pass a 5-year bill along the lines of the bill that was passed out of their committee, and then together we can have a conference and decide how we are going to move this bill forward on behalf of farmers and ranchers all across my State and the United States of America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I didn't come to the floor to speak about the farm bill because I did that yesterday. I want to assure the Senator from Colorado that I listened to everything he said, and I agree with him. That was my plea in maybe a little broader context yesterday in asking that the House of Representatives take up the bill. Also, the House brags, legitimately so, about being fiscally conservative, so I agree with what the Senator from Colorado said. This may be the only opportunity—presumably the only opportunity—to pass a farm bill or any bill that saves money from previous programs of previous years. I compliment the Senator from Colorado.

FREEDOM OF SPEECH

Mr. President, I come to the floor to discuss what I consider a disturbing trend that is occurring in this country. A vicious attack is underway on the right to freedom of speech that is protected by the first amendment. It needs to be highlighted, and hopefully it will stop. Free speech is one of the most important rights that Americans enjoy.

Speech on public issues is the way democracy discusses and debates the important questions of the day. Many

great political movements in this country's history depended upon this first amendment right, freedom of speech. Even when Martin Luther King was jailed and his supporters subjected to violence, free speech enabled him to change the views and practices of an entire nation. Today too many government officials seek to shut up people who disagree with them rather than debate those people and debate those issues.

There have been a series of recent incidents to which I want to refer. Consider recently that the Senate Committee on the Judiciary in the past month has held two hearings that prove my point. A hearing was held on a bill that would criminalize supposedly deceptive statements in advance of elections. It would allow the government to criminalize political speech based on its content. It would risk government selectively choosing to prosecute its political opponents. It would allow political candidates to make accusations against their political opponents. So it would chill candidates from speaking.

A few days after our hearing, the Supreme Court's ruling in the Alvarez case confirmed all the free speech problems with that bill. But even after that decision, the Justice Department, to my disappointment, issued a letter in support of the bill. That letter made no mention of any first amendment considerations. I have heard no indication that the committee will not mark up this bill which represents a grave threat to freedom of speech.

This week, the Judiciary Committee's Subcommittee on the Constitution held a hearing on the legislative responses to the Citizens United case. In that decision, the Supreme Court ruled that the first amendment's free speech guarantee protects the rights of corporations and unions to make independent expenditures in support of candidates or on any particular policy issue that they want to speak out on. The ruling has no effect on campaign contributions. There are proposals in this body to amend the Bill of Rights, the first amendment, for the very first time, to allow the government to limit how much candidates can spend on speech and, therefore, the amount of speech that the government will permit. And there are proposed constitutional amendments to prevent corporations and labor unions from spending in elections. To me, this is very serious business that we ought to be raising a red flag about.

It is worth remembering what rule the Obama administration asked the Supreme Court to adopt in Citizens United. The Justice Department argued that the government should be able to ban books that contained even one sentence that expressly advocated the election or defeat of a candidate if those books were published or distributed by a corporation or a union. This

administration argued in favor of banning books. In light of the practice of totalitarian regimes of the 20th century, this administration's position on free speech is very astonishing. The Supreme Court quite rightly rejected the argument of the administration on that particular point.

It reminded the news media, which is organized in corporate form for the most part, that the exemption from campaign finance laws is by statute, and one which Congress could remove at any time, threatening freedom of the press. If that were to happen and the Constitution were to allow restrictions on corporate independent expenditures, the guarantee of freedom of the press would be as threatened as freedom of speech.

Then there is another situation, and this deals with the restaurant chain of Chick-fil-A. The owner of that chain is a Christian who has spoken in favor of the value of traditional marriage. The chain has not discriminated against anyone so far as has been reported. The restaurant seeks to expand in Boston and Chicago where presumably it would create new jobs, and in order to get there, it has to meet the permit requirements. However, Mayor Menino of Boston wrote a letter to the company president. He said that because of the owner's "prejudice statements," there would be no place in Boston for the discrimination the company represented. The mayor notified the property owners where the restaurant was to open of his views.

In Chicago, an alderman seeks to deny Chick-fil-A from opening in his ward for the same reason. It is reported that President Obama's former Chief of Staff, now Chicago Mayor Rahm Emanuel, is sympathetic to the alderman's point of view.

Once again, this is a gross violation of first amendment free speech. Government cannot deny a benefit to someone because it disagrees with the applicant's views. This is the fundamental principle of our constitutional democracy.

Voicing support for traditional marriage is not discrimination. That speech is not hate speech. Even if it were, the first amendment protects speech that is unpopular with the government. There is no constitutional speech code that allows banning a hate speech any more than government can ban speech in books.

Finally, the Alvarez decision a few weeks ago affects another first amendment issue pending before this body right now. In the Alvarez case, the Supreme Court struck down the Stolen Valor Act which criminalizes lies concerning winning military medals. It did so on free speech grounds. I know many of my colleagues desire to pass a new law that will accomplish that goal, and if that law is constitutional, I will probably join them in that effort.

Two bills on this subject are now pending in the Senate. Senator BROWN of Massachusetts introduced the first bill and then Senator WEBB did so after the Alvarez decision. There have been efforts to pass both bills by voice vote.

When the Republicans were asked to move the Webb bill, we were told that all Democrats supported the bill. This is a problem. The Webb bill is clearly unconstitutional based upon the Alvarez decision. It criminalizes some lies about medals that the Supreme Court says Congress cannot criminalize.

For instance, it would prohibit lies in campaigns and in employment, even when those lies would not produce the tangible, material benefit that is necessary to punish them. Yet no Democrat objected to passing the bill without debate. Of course, Republicans could not agree to such a request.

Since he did not have the benefit of the Supreme Court decision when Senator BROWN wrote the bill, right now, because of the decision, and he didn't know about it, Senator BROWN's bill is also unconstitutional. The difference between his bill and Senator WEBB's bill, however, is that Senator BROWN now has a substitute amendment that seems to address the problem in a fully constitutional way. But although Democrats want to pass without debate a clearly unconstitutional bill, somehow they object to a clearly constitutional Brown bill.

These games should stop. I am sure all the Members of this body should be willing to support a single constitutional bill that would reenact the prohibition on lying about whether one is entitled to certain military medals.

In short, this country is facing a disturbing increase in government actions that violate the freedom of speech. That is a vital right of our democracy.

Anyone can stand up for speech with which they agree. The test for government officials and the test for free speech is whether they will allow speech with which they might disagree. They may criticize speech, debate the speech, and seek to change minds. But shutting people up, denying them benefits, passing bills that would put people in jail for exercising free speech rights—these are never allowable under our Constitution. It is time for elected officials to pay greater heed to the oath to support the Constitution.

REPORT BY FORMER FBI DIRECTOR WILLIAM WEBSTER ON FORT HOOD ATTACK

Recently, former FBI Director William Webster was asked to investigate how the FBI performed regarding the attack at Fort Hood by MAJ Nidal Hasan.

Major Hasan's attack killed 12 U.S. soldiers, a Defense Department employee, and wounded 42 others. Following the attack, the FBI conducted an internal review and determined that it had information on Major Hasan prior to that attack. As a result, the

FBI Director asked Judge Webster to conduct an independent review and investigation of the FBI's handling of the matter. In short, Judge Webster's commission found that the FBI made mistakes that resulted from a number of problems—some operational, some technological.

Some of these mistakes are extremely concerning given that they are basic management failures. For example, the unclassified report states:

Many agents and most [task force officers] did not receive training on [FBI computer systems] and other FBI databases until after the FBI's internal investigation of the Fort Hood shootings.

This is clearly unacceptable.

Other problems highlighted include failing to issue Intelligence Information Reports on Major Hasan to the Defense Department; confusion about which FBI office was investigating the lead; failure to interview Major Hasan; along with information technology limitations.

All in all, the Webster report paints a disturbing picture of the FBI. It shows lack of training, failure to follow leads, and continued computer problems. These are the types of problems that, quite frankly, we thought were corrected following the terrorist attacks of 9/11.

Ultimately, Judge Webster issued 18 recommendations for the FBI to implement to prevent future problems such as these. The FBI agreed with these recommendations and has stated they will take action to implement those recommendations.

That is good news, of course. The FBI must implement these recommendations and do it immediately. However, we have a duty to make sure the FBI implements these recommendations and holds people accountable—in fact, hold the FBI accountable—if they don't. The FBI's failure in this case is inexcusable and shakes public confidence in the FBI's ability to combat homegrown terrorism. Basic management problems and investigative failures can't happen, particularly if national security is at stake. If failures of this magnitude occur on high profile national security cases, it makes one wonder what the FBI is doing on other investigations.

Those responsible for these failures should be held accountable. I intend to follow up with Director Mueller to determine what action was taken against those people who didn't do the job in the right and correct way.

JUSTICE DEPARTMENT INSPECTOR GENERAL REPORT

One more report that can't go ignored is a report released this morning by the Justice Department Office of Inspector General. This report examined improper hiring practices within the Justice Department's Justice Management Division. Shockingly, the inspector general found the Justice Department employees openly and flagrantly violated Federal law.

Let me repeat that these employees violated Federal law and the Department of Justice regulations prohibiting employment of relatives, granting illegal preferences in employment, conflict of interest, and misuse of position. Further, employees who were interviewed by the Office of Inspector General were also found to have made false statements to investigators.

This is an example of the Justice Department run wild. It is troubling to me how employees within the Department colluded and schemed to hire one another's relatives in order to avoid rules against nepotism. It is inexcusable, and I can assure my colleagues that we will be looking into this matter.

This wasn't a one-time event, by the way. In fact, the Office of Inspector General pointed out that similar problems existed in 2008. Despite what the Department called "aggressive action" to stop this type of behavior back in 2008, it appears nothing has changed.

At the very least, the Attorney General needs to hold these employees accountable with more than just disciplinary action. Laws were broken and false statements were made. The Department can't simply sweep this under the rug. Employees need to be punished because in this town, if heads don't roll, nothing changes.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island

#### CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, I return to the floor today to give voice once again to the issue I feel will most significantly define this generation of leadership in the United States and around the globe. I rise to discuss the notable, evident changes taking place in our Earth's climate, the relationship between our own activities and the change and the rate of change being observed, and our, so far, forsaken responsibility to address climate change head on and with purpose.

Last month, representatives from world governments, the private sector, NGOs, and other major stakeholders gathered in Rio de Janeiro, Brazil, for the United Nations Conference on Sustainable Development. Marking the 20th anniversary of the 1992 Earth Summit in Rio, this year's conference was nicknamed "Rio+20."

So-called sustainable development principles consist of a set of principles and strategies that, when acted upon by the global community, will balance strong economic growth, expansion of just civic and government structures, and environmental protection. Another way to view sustainable development is in the balance of the needs of the present with those of future generations through the fair use of resources.

As Secretary of State Hillary Rodham Clinton said:

In the 21st century, the only viable development is sustainable development. The only

way to deliver lasting progress for everyone is by preserving our resources and protecting our common environment.

One positive aspect of this Rio+20 conference was discussion of the power of economic forces in promoting sustainability. The official Outcome Document adopted by the conference participants entitled "The Future We Want" highlights the role of private companies, the private sector—and their close collaboration with governments—in driving sustainable development. It reads in part:

We acknowledge that the implementation of sustainable development will depend on active engagement of both the public and private sectors. We recognize that the active participation of the private sector can contribute to the achievement of sustainable development, including through the important tool of public-private partnerships.

A number of Rio+20's corporate participants have stepped forward to accept this challenge. Many of those global businesses are recognizing that greening their operations is not just good for the environment, it is good for their business as well.

Dell, for example, has committed to reducing its worldwide facilities' greenhouse gas emissions 40 percent by 2015. Dell is a computer technology corporation based in Texas that ranks 44th on the Fortune 500 and employs over 106,000 people. I doubt they made that decision rashly.

Bank of America, based in Charlotte, NC, is number 13 on the 2012 Fortune 500 list and was the first bank to offer coast-to-coast operations in the United States. They have committed \$50 billion over 10 years to finance Energy Efficiency, Renewable Energy and Energy Access, and other activities that advance the low-carbon economy.

Marriott has displayed both internal and external efforts by committing to build 10 Fairfield by Marriott hotels constructed to sustainable building standards; as well, pledging \$500,000 to help preserve 1.4 million acres of rainforest in the Juma Reserve in the state of Amazonas, Brazil. Marriott ranks first on the Fortune 500 list in the category of the hotel-casinos-resorts industry.

Microsoft has committed to going completely carbon neutral, and will be factoring the costs of carbon output into the company's business operations in over 100 countries.

These companies are just a few examples from the effort that is being undertaken in the private sector to meet our responsibilities to address climate change. As leaders in government, we must recognize that the private sector will not, however, be able to halt climate change on its own. But these commitments do signify that action on climate change does not need to come at the expense of economic growth.

Governments can—and must—provide incentives for sustainable production and consumption. Indeed, the

Rio+20 Outcome Document goes on to say: "We support national regulatory and policy frameworks that enable business and industry to advance sustainable development initiatives taking into account the importance of corporate social responsibility."

As leaders in the public sector, we have the capacity to establish those effective incentives that can leverage billions in private sector investment into sustainable products and services that support environmental and social improvements. The constructive role that government can play is being recognized not just in capitals around the world but in boardrooms around the world.

Yet, unfortunately, here in Washington, the special interests that deny carbon pollution causes global temperatures to rise, that deny melting icecaps destabilize our climate so that, for instance, regions face extreme drought—as the Senator from Colorado discussed earlier—or outsized precipitation events—that we have seen in my home State of Rhode Island—those special interests in Washington still have a strong hold, and they pretend the jury is still out on climate changes caused by carbon pollution. This is, to be perfectly blunt about it, an outright falsehood.

The fact that carbon dioxide in the atmosphere absorbs heat from the Sun was discovered at the time of the Civil War—1863. Mr. President, 1863 was when the Irish scientist John Tyndall determined that carbon dioxide and also water vapor trapped more heat in the atmosphere as their concentrations increased.

The 1955 textbook, "Our Astonishing Atmosphere"—from the year I was born—notes that "Nearly a century ago"—in 1955—"the scientist John Tyndall suggested that a fall in the atmospheric carbon dioxide could allow the earth to cool, whereas a rise in carbon dioxide would make it warmer."

So this is not something new. This is not something unusual or extraordinary. This is solidly established science.

In the early 1900s, it became clear that changes in the amount of carbon dioxide in the atmosphere can account for significant increases and decreases in the Earth's annual average temperatures, and that carbon dioxide, released primarily by the burning of coal, would contribute to these changes. Again, this is not new stuff. These are well-established scientific principles.

Let's look at the changes we observe in our changing planet. Over the last 800,000 years, until very recently, the atmosphere has stayed within a bandwidth of 170 to 300 parts per million of carbon dioxide—170 to 300 parts per million. That has been the range for 8,000 centuries. By the way, that is a measurement, not a theory. Scientists measure historic carbon dioxide concentrations by locating trapped air

bubbles in the ice of ancient glaciers. So we know by measurement over time what the range has been of our carbon dioxide concentration.

What else do we know? Well, we know since the Industrial Revolution, we have burned carbon-rich fuels in measurable and ever-increasing amounts, and that we are now up to 7 to 8 gigatons each year going into our atmosphere. A gigaton, by the way, is a billion—with a “B”—metric tons. Releasing all this carbon into the atmosphere has, predictably, increased the carbon concentration in our atmosphere. That should not be a difficult proposition, that when you are dumping 7 to 8 billion metric tons of carbon into the atmosphere every year, it raises the concentration of carbon in the atmosphere.

We now measure those carbon concentrations in the atmosphere. We measure them climbing. Again, this is a measurement, not a theory. The present concentration exceeds 390 parts per million. Mr. President, 8,000 centuries between 170 to 300 parts per million, and now we are out over that range, as far as 390 parts per million. In the Arctic, we have actually clipped over into 400 parts per million.

Here is what the Christian Science Monitor said about this:

The Arctic is the leading indicator in global warming, both in carbon dioxide in the air and effects, said Pieter Tans, a senior NOAA scientist.

The Arctic is our leading indicator in global warming, both in terms of the carbon dioxide concentration in the air and the effects of that carbon dioxide concentration.

“This is the first time the entire Arctic is that high,” he said.

Tans called reaching the 400 number “depressing,” and [his colleague Jim] Butler—

Who is the global monitoring director at the National Oceanic and Atmospheric Administration’s Earth System Research Lab in Boulder, CO—

said it was “a troubling milestone.”

“It’s an important threshold,” said Carnegie Institution ecologist Chris Field, a scientist who helps lead the Nobel Prize-winning Intergovernmental Panel on Climate Change. “It is an indication that we’re in a different world.”

“It is an indication that we’re in a different world.”

In this article, they make the same point I made a moment ago. I quote the article:

It’s been at least 800,000 years—probably more—since Earth saw carbon dioxide levels in the 400s, Butler and other climate scientists said.

So another thing we do pretty regularly around here in business, in the military, in science, is plotting trajectories. It is something that, frankly, scientists, businesspeople, and military folks do every day. There is nothing new here.

When you plot the trajectory for our carbon concentration, the trajectory

for our carbon pollution predicts 688 parts per million in the year 2095 and 1,097 parts per million in the year 2195. Mr. President, 688 parts per million in the year 2095, when for 8,000 centuries it has been between 170 and 300 parts per million. So 8,000 centuries at 170 to 300 parts per million, and by the end of this century: 688 parts per million.

To put that 800,000-year figure in perspective, mankind has engaged in agriculture for maybe 10,000 years, maybe a little more. Mr. President, 800,000 years ago, it is not clear we had yet figured out how to make a fire. Millions of years ago goes back into geologic time. Those carbon concentrations—688 parts per million, 1,097 parts per million—those are carbon concentrations that we have not seen in millions of years on the surface of the Earth. And we are headed for them in just a century and a half—two centuries.

As Tyndall determined at the time of the Civil War, increasing carbon concentrations will absorb more of the Sun’s heat and raise global temperatures, and experience around the world is proving that is taking place in front of our faces in undeniable ways.

We think often of climate change as happening to our atmosphere, and we think of its effects on our lands because we are land-based creatures. But let me talk for a moment about our oceans.

In April of this year, a group of scientific experts came together to discuss the current state of our oceans. Their workshop report stated this:

Human actions have resulted in warming and acidification of the oceans and are now causing increased hypoxia.

Hypoxia is when there is not enough oxygen trapped in the ocean to sustain life of the creatures that live in the ocean.

Studies of the Earth’s past indicate that these are the three symptoms—

Warming, acidification and increased hypoxia—

associated with each of previous five mass extinctions on Earth.

We experienced two mass ocean extinctions 55 million years ago and 251 million years ago. Last year, a paleobiologist at Brown University, whose name is Jessica Whiteside, published a study demonstrating that it took 8 million years after that earlier extinction—the one 251 million years ago—it took 8 million years after that for plant and animal diversity to return to preextinction levels. So that was a pretty heavy-duty wipeout if it took 8 millions years to recover.

Here is the tough part. In the lead-up to these past mass ocean extinctions, scientists have estimated that the Earth was emitting carbon into the atmosphere at a rate of 2.2 gigatons per year for the earlier extinction, and somewhere between 1 and 2 gigatons per year for the second extinction over several thousand years.

Remember how much are we releasing now—7 to 8 gigatons a year. So 2.2 and somewhere between 1 and 2 were the levels that led to those mass extinctions in geologic time, and we are now at 7 to 8 gigatons a year.

As the group of Oxford scientists noted, both of these estimates, the ones for how much was being released in those geologic times, are dwarfed in comparison to today’s emission. Our oceans are indeed changing before our very eyes, and anyone who spends time on the oceans or who studies the oceans knows this. The oceans are rising. The oceans are swept by more violent storms. The oceans are getting more acid, affecting already the creatures at the bottom of the food chain, upon which ocean life depends.

It is very hard for a creature to succeed in an environment in which it is becoming soluble. That is what is happening as our oceans acidify, and the small basic creatures at the very bottom of the food chain that live by making their shells can no longer make shells successfully because the water is too acidic.

In the Arctic, we see unprecedented icemelt. The caps are shrinking. Every day it seems we hear about a new record being broken, a new loss of ice cover in the Arctic. In the tropics, we see coral dying. In some places, 80 percent of the coral is gone. I have been to places I can remember live and lively coral reefs, and now we go back and the coral is still there, but it is dead. It is like an abandoned building. Fish can swim around in it, but it is not the fountain of life that a coral reef is supposed to be.

There is a garbage gyre in the Pacific that is estimated to be larger than the size of the State of Texas in which enormous amounts of the plastics we discard are being swept and floating.

We have whales that are poisoned to the point where if they come ashore in Rhode Island on a summer day, if they are hurt or get washed ashore because they are injured, we often end up with whale cadavers in the summers on our coast. When that happens, it is reasonably likely that whale is toxic waste; that if we towed the body back out to the ocean to let it sink and let nature take its course, we would be violating our clean water laws by disposing of toxic waste. If we cranked that whale’s body up into the back of a truck and took it to the town dump and chucked it, we would be violating the hazardous waste disposal laws of the State of Rhode Island because we have put so much poison into the ocean that creatures such as whales that live at the top of the food chain have now become so infiltrated with these poisons that they are now swimming toxic waste.

Around here we like to think pretty highly of ourselves. But the laws of physics, the laws of chemistry, the laws of science, these are laws of nature. These are laws of God’s Earth. We



can repeal some laws around here; we cannot repeal those. Senators are used to our opinions mattering around here. These laws are not affected by our opinions. For these laws of nature, because we can neither repeal them nor influence them, we bear a duty of stewardship, of responsibility to future generations to see and respond to the facts that are before our faces and to see and respond to those facts according to nature's laws.

There is no lobbyist so powerful, there is no secret special interest so wealthy that it can change the operation of those laws. What they have done is to change the operation of our laws, inhibited our ability to meet our duty to respond to the laws of our God-given Earth. We do indeed bear a duty to make the right decisions for our children and grandchildren and our God-given Earth. Right now we are failing, shamefully failing, in that duty. We are deluded if we think that somehow we will be spared the plain and foreseeable consequences of our failure to act. Some may hope they will find a wizard's hat and wand with which to wish all this away. That is not rational thinking. If we have a simple obligation to our children and to future generations, it is to be rational human beings and to make rational decisions based on the evidence and the laws of nature. These laws of nature are known. Earth's message to us is clear. Our failure is blameworthy. Its consequences are profound, and the costs will be very high.

I see the distinguished Senator from Alaska who actually brought a wonderful scientist from the University of Alaska who gave one of the better presentations on ocean acidification that I have ever seen as part of our Oceans Caucus.

I yield the floor to Senator MURKOWSKI.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Alaska.

EPA

Ms. MURKOWSKI. Mr. President, I have had an opportunity to listen to a few moments of the comments from my colleague from Rhode Island. I clearly share his passion and concern for the oceans. We have been working together as the cochairmen of the Oceans Caucus in the Senate and have had the opportunity to learn from one another on both ends of the country about the significant responsibilities we have, also the great challenges we have, whether it is ocean acidification, whether it is the opportunities we have to ensure that we are good stewards of our water, our land, our air.

It is a challenge I think we face on a daily basis. But I think as we rise to meet these challenges, we recognize that oftentimes within the laws that we have put in place to provide for that level of protection, for that level of oversight and that stewardship, that

we may encounter conflict, conflict with the obligation we also have to ensure that the people we represent have an opportunity for good jobs, for a livelihood in a region they call home, that there is a level of balance that we find between our obligation to care for the land, the air, the water, as well as caring for one another.

It is in that vein that I would like to address my comments this afternoon. I would like to speak about certain aspects of what we see within the Environmental Protection Agency and speak specifically to an issue that is unfolding in my State of Alaska. Clearly, the EPA has important responsibilities to set and also enforce environmental standards. I think we would all agree with that. In the 40 years since EPA was established, our Nation has made dramatic progress in restoring and preserving our environmental resources. I am grateful. I am proud to live in a nation with high environmental standards for the benefit of the land and for the people.

But the process for setting Federal environmental standards, I would suggest, is broken. We are seeing things present themselves not only in my State but around the country. We see in Alaska, day in and day out, that things are not working perhaps as they were designed. So many Alaskans feel the EPA does not "get" Alaska.

But the challenges I think we see up North are just examples of many of the problems we see repeated all over the Nation. I would suggest that what we need to see is balance, balance restored at the EPA. There has always been a recognition that the EPA must go about its work in a balanced way.

Back in 1970, there was a memo called the Ash memo, and it listed the origin of the EPA. They stated it this way:

Sound environmental administration must reconcile divergent interests and serve the total public constituency. It must appreciate and take fully into account competing social and economic claims.

In recent years, EPA has not adequately, let alone fully, taken into account these so-called competing claims such as the genuine welfare of our people and their economic needs. EPA says—and I have had many a conversation with Administrator Jackson in person and before committee, where the statements are made that there is a concern about environmental justice for communities that are historically underrepresented in EPA decision-making. The fact is, many of these communities are very frequently the ones that bear the brunt of regressive increases in, for instance in my State, energy and in living costs that are caused by some of these rules we are facing.

When I go home, when I meet with people from around the country, I hear more complaints, more concerns ex-

pressed about the EPA than any other Federal agency, bar none. Again and again, I am told the benefits of many of the EPA requirements are uncertain at best but that the cost of the regulations are very real, and they are detrimental to the human welfare.

Today, EPA often seems too eager to impose requirements that are dubious in their health or their environmental benefits but whose main effect may be to penalize or to perhaps even stop commerce or development. So restoring an appropriate equilibrium is vital if we want to have a healthy people, if we want to have a healthy economy.

Today, I would like to speak to one example from my State. There is as it relates to ECA. ECA is a reference to the Emissions Control Area. The EPA was a major proponent of including the ocean off southern and southeastern Alaska in an international emissions control area. This was an effort to reduce emissions from marine vessels through lowering sulfur standards within the fuel.

The purpose of the emissions control areas is to require ships—which, to be very fair, certainly have significant emissions—to do their part to curb pollution. This is absolutely reasonable. The problem we are seeing up north is that EPA never gathered any air modeling data to support the claim that we have a problem from ships that travel up to Alaska. There has been no air modeling data whatsoever. We have requested. There has been none. Moreover, one of the proposals advanced to work with the EPA—and we need to be working with our agencies, as we need our agencies to be working with us—was an offer for an equivalent method to comply with the ECA requirements in North America. We are the only State in the country that is not accessible by road. Folks come and visit us by air and they come in by ship in the summertime. Tourism is big business in Alaska. In Juneau, the ships that are tied up at the docks are utilizing shoreside services so there are no emissions when they are in the community. So one of the proposals that was out there—this equivalency method—would essentially ask for a tradeoff. If we have cruise ships emitting nothing when they are in dock or at shore, offset that against those that would be emitted from vessels out at sea, essentially an averaging. That was rejected by the EPA.

What has made this particularly disconcerting for many Alaskans is that in the EPA's justification they cite a U.S. Forest Service study that purportedly found some evidence that emissions from cruise ships in southeast Alaska could impact the lichen in the mountains above Juneau. We can see the mountains up here in this chart. They are pretty high. There is lichen up on the top. It is kind of a short, mossy, green plant. The report went on



to worry that if we have impacted lichen growth in Juneau, it could somehow or other harm the caribou.

Never mind the link that lichen and cruise ship emissions may be very tenuous, there is a bigger problem with EPA's reasoning, and anybody from Alaska would know the problem, which is there are no caribou in Juneau, AK. There are no caribou anywhere in southeastern Alaska. Everyone has seen my pictures before. Alaska is a pretty big State. If we are sitting in Juneau, AK, the caribou herd this report was apparently concerned about is over 1,000 miles away. There are about 1,000 miles between Juneau and where the southern Alaska Peninsula caribou herd cited in the EPA study live—1,000 miles. It would be as if we would make the assertion a cruise ship sitting in Miami might somehow affect the food supply for bears up in the Pocono Mountains north of Philadelphia, PA.

I think we need to look at this and recognize we have a pretty flawed study to begin with, if the suggestion is we need to ensure there are no emissions coming from a cruise ship in Juneau because that is going to impact the lichen which will impact the caribou that don't happen to live anywhere near Juneau—no closer than 1,000 miles away. So applying these new fuel standards to save the lichen in Juneau to feed caribou 1,000 miles from here will mean vessels plying the waters of southeast and south central Alaska—whether they are freight vessels that move just about all our goods or cruise ships that are the lifeblood of our tourist economy—will have to meet the requirement they now burn low-sulfur diesel at levels suggested that are, perhaps, not attainable.

The question I think is fair to ask is: What is the problem with requiring these cruise ships and these vessels bringing goods north to Alaska to meet these standards? What is the problem with this requirement?

The problem is while these ECA requirements may not have a measurable positive effect on human health—or caribou food, for that matter—they will have a material impact on our cost of living. Look at the State of Alaska and the way we get our materials in, the way we get our foodstuffs, our hardware, our lumber. It comes to us over the water. There is some, yes, that comes in by airplane, but guaranteed that is going to cost much more. There are some that can come up from the lower 48 across through Canada and into Alaska that way. But if we want to talk about increased emissions, that is surely one way to do it, to put it on a truck and haul it all the way up here.

So much of our goods come to the State by water. About 85 percent of the goods that come to the State of Alaska come into the Port of Anchorage, which is sitting right there.

What we see with these ECA regs is that ships coming out of a port such as

Los Angeles or Long Beach—where my colleague from California hails from, and she is here on the floor now—have hundreds of ships coming in and out every day, but they are not subject to this same emissions control area. They only need to burn this expensive low-sulfur fuel for a very short time until they are out of the ECA. The problem is, when traveling along Alaska's coast to bring those goods up to our State, you are in an area where our air is pretty clean—our air is very pristine—but the entire voyage is within this ECA region. It is all within this emissions control area. So throughout that entire journey they are required to burn the lower sulfur, more expensive fuel.

If this were just going to result in an increase in cost to the cruise lines or to the freight haulers that come up to the State, that might be one thing, but I think we recognize the economic reality that every dime that is added to the cost of doing business in Alaska is ultimately going to be a dime passed on and shared by consumers.

The State of Alaska recently cited an estimate that these new requirements will increase the shipping costs to the State of Alaska by 8 percent. One might say: Eight percent, that is not that bad. We can live with that. But the problem we face is that in 2015, just around the corner, we will see an even higher standard these vessels will be held to. At that point in time, the suggestion is that costs could be increased by as much as 25 percent. That may be on the high margin, but let's say somewhere between 8 and 25 percent. Again, almost every commodity consumed in our State is transported either by ship or by ship and plane, with the cost of freight adding a significant increase to every item out there.

We are already one of the most expensive places to live in America, and rural Alaska is even more expensive. I check on a weekly basis to find out what Alaskans are paying for their fuel, whether it is in the city of Anchorage or up in Fairbanks or out in Kwethluk or in the villages. I monitor that regularly to see how our villages are faring. In Kotzebue, for instance, this week they are paying about \$7.15 for a gallon of gas. I asked that we put a link on our Web site to get some pricing on what we are seeing in our communities as it relates to foodstuffs, things you and I would use in our home here. Here is a package most of us recognize. A 10-pound bag of sugar in Kwethluk is going for \$17.25. There is no other store in Kwethluk, other than the Native store, so it is not as if they can go to the Safeway and comparison shop. It is not as if they can get in their car and drive to the city or go to Costco. It just doesn't happen. There are no roads in and out of Kwethluk. You might be able to take an airplane.

A gallon of whole milk costs \$30 in Ambler, that is if you can find whole

milk or any kind of fresh milk. As a mom who has boys who go through laundry, I am always looking to see what people are paying for laundry detergent. In Venetie, a 100-ounce bottle of Tide goes for \$43.50. I had my interns do a little price comparison on Tide. Powdered Tide, 56 ounces, in Anchorage we are paying \$9.98. That is a little higher than here in Washington. Washington is about nine bucks. But in Angoon that same box of Tide is \$18.33. In Barrow it is \$22. In McGrath it is \$21. In Bethel it is \$21.

So when we talk about increasing the prices in Alaska by 8 percent, 10 percent, 12 percent, possibly 25 percent and you are a mom buying a box of Tide and you are already paying \$43, believe me, 8 percent starts to add up real quick. When you are trying to buy a bag of sugar so you can make the food, put up the jam for the winter, and you are paying \$17.25 in Kwethluk, I think it is fair to say we are paying attention to what happens when there are cost increases.

EPA mandated low-sulfur fuel is estimated to add \$100 million in additional cost to the summer cruise traffic in Alaska. So one might say, if you can afford the price of a cruise, that is not that big of a deal. You increase the price of the ticket and people will live. But what happens is that puts Alaska at a competitive disadvantage when we are talking about where these businesses are going to operate. Fourteen percent of all employment in the State is directly tied to the tourism industry. So if the cruise lines can't fully pass on these increased costs, what they are going to do is move their ships. They will take them to other parts of the world where air quality standards are different, and we will have the loss of seasonal visitors. The money they bring to southeastern Alaska is a huge part of the local economy and also to year-round institutions. In Juneau, our regional hospital is actually able to provide for a higher standard of care, in part, because of the high influx of patients it serves during the summertime.

I would suggest the EPA's one-size-fits-all approach to environmental regulation doesn't always work. We can't quite shoehorn that into in all situations, and we need to be aware of that. Again, when we talk about the concept of environmental justice, we need to make sure when regulations and rules are imposed, we are not hurting the most vulnerable. I would suggest the people in Kwethluk, who are looking at the impact of these regulations and what it is going to mean to them and their village, they are asking: How do we survive? How do we live? The answer isn't for them to move to Washington, DC. That is not the answer. We need to get back to balance.

What is happening now is the State of Alaska has sued the EPA Administrator in Federal Court to stop the new

requirements from taking effect. Given the immediacy of the threat these requirements pose to my State, I think the State's move to advance the litigation was the right one. But we shouldn't have to sue our own government in order to get balanced regulation.

Administrator Lisa Jackson has recently acknowledged that applying ECA to Alaska has posed a problem. She recognized that. Unfortunately, we haven't seen anything more beyond those words, and we are still no closer to a solution. These new requirements are set to take effect next week, the initial threshold. I have been raising this issue with EPA for several years, but again we are still working and we have not yet resolved it. I have called on the President himself to marshal the State Department to see if ECA can be amended or some other relief can be found to eliminate at least this one burden.

This is something that is touching Alaskans in a very immediate and a very direct way. Again, we want to ensure our air is clean, that our water is clean. We want to be the good custodians and stewards of our land, and we are. But we need to be able to work with our Federal regulators. I have asked the Administrator and I have asked the President to work with us on this.

TED STEVENS DAY

Mr. President, I know my colleague from California is here to speak, but I would like the indulgence of the body for just 2 more minutes to speak on a little bit of a happy occasion.

TED STEVENS DAY

Mr. President, the day after tomorrow, on Saturday, Alaskans are going to be celebrating Ted Stevens Day. As I travel around the State, whether I am in Fairbanks or down on the Kenai River or up in Bethel, down in Ketchikan, everywhere I go, I am reminded of my good friend and a friend to so many in this body, Senator Ted Stevens.

It was nearly 2 years ago now that we lost Uncle Ted to the tragic plane crash in southwest Alaska. But as tragic as that was, I always stop to remember that that tragedy struck while Ted was doing what he loved to do most, which was enjoying Alaska's great outdoors and going fishing, just being outdoors. His passion for Alaska's unique wilderness, his love for fishing, and his immense affection for the outdoors really embodies the spirit we are now advancing in Ted Stevens Day, and the motto of this day is "Get Out and Play."

On the fourth Saturday of July, we join together to celebrate the life and the legacy of a man who was really dedicated to public service, whether it was his days as a pilot in World War II, to the four decades he served with us here in the Senate.

He began working in Alaska long before statehood. When he came here to Washington, DC, to represent us in the Senate, he began a battle for our State that lasted for 40 years. He fought for roads, for buildings, and for infrastructure that new, young States need, as well as many of the programs that are in place today that continue on. He worked to transform not only Alaska but really the rest of the country as well.

It is somewhat coincidental that this Ted Stevens Day coincides with the beginning of the 2012 summer Olympic games in London. So as Alaskans get together to get out and play this weekend under the midnight sun, there are going to be 530 American athletes who will begin to embark on a 17-day Olympic journey Senator Stevens helped to pioneer. It is because of legislation he championed that the Olympic movement in the United States exists as it does today.

Back in 1978, he fought for the passage of the Olympic and Amateur Sports Act. This was later renamed the "Ted Stevens Olympic and Amateur Sports Act" in his honor and declared the U.S. Olympic Committee the centralized body of all Olympic activities in the country and ultimately led to the creation of national governing bodies responsible for the oversight of each individual Olympic sport—a structure that is still in place now. He really was so much an inspiration to the progress and to the development of the Olympic movement here in the United States. Earlier this month, the U.S. Olympic Committee honored Senator Stevens as a special contributor in the Class of 2012 U.S. Olympic Hall of Fame.

We all know Senator Stevens was also a huge proponent of title IX. I think he would be very proud that for the first time in American history, Team USA is comprised of more women than men. I think that would give him a smile. But this feat was made possible by the landmark legislation passed 40 years ago that opened gymnasium doors and leveled the playing field for women and girls across the country.

In Alaska, we very often say that Ted Stevens was larger than life. Today, in discussing this and bringing this up, we recognize that on Saturday we are going to continue a tradition of remembering a man who loved Alaska with a passion. As we go out and bike and hike and fish, I think many will share good memories of an amazing Alaskan, an amazing man, and truly an amazing American.

I thank the Presiding Officer for the opportunity to speak a few minutes about a subject which should, hopefully, bring a smile to many of us.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I wish to speak on the Cybersecurity Act

of 2012. I assume that bill is in order and on the floor.

The PRESIDING OFFICER. The motion to proceed is pending.

Mrs. FEINSTEIN. Mr. President, I come to the floor as the chairman of the Intelligence Committee to, in my own way, indicate the seriousness of the job we are about to begin. I know there is controversy. I know there are differences of opinion. But what people have to understand is that we have breach after breach now, and they have become far more numerous, much more sophisticated, and much more insidious in recent years.

I want to give a number of examples of what is happening out there in the real world, and let me begin by going back to 2008, when the Pentagon's classified military computer networks suffered a "significant compromise." That is according to former Deputy Secretary Bill Lynn in 2010. These breaches are usually classified at the time they happen; therefore, people don't know about them. So all I am going to do is run through unclassified breaches, and even that is beyond comprehension. Former Secretary Lynn also detailed that foreign hackers stole 24,000 U.S. military files in a single attack on a defense contractor in March 2011.

In the 5 months from October 2011 through February 2012, over 50,000 cyber attacks were reported on private and governmental networks, with 86 of those attacks taking place on critical infrastructure networks. Now, that is according to the bipartisan Policy Center's Cybersecurity Task Force. Fifty thousand incidents were the ones that were reported to the Department of Homeland Security, so they represent only a small fraction of the cyber attacks carried out against the United States.

In December 2011, press reports revealed that the networks of the U.S. Chamber of Commerce were completely penetrated for more than a year by hackers. The hackers apparently had access to everything in Chamber computers, including member company communications and industry positions on U.S. trade policies.

In March 2011, NASA's Inspector General reported that cyber attacks successfully compromised NASA computers. In one attack, intruders stole 150 user credentials that could be used to gain unauthorized access to NASA systems.

Another attack at the Jet Propulsion Laboratory that involved China-based Internet Protocol addresses let the intruders gain full access to key JPL systems and sensitive user accounts.

Forty-eight companies in the chemical, defense, and other industries were penetrated during 2011 for at least 6 months by a hacker looking for intellectual property. The cybersecurity company Symantec attributes some of

these attacks to computers in Hebei, China.

It became worldwide news when Google alleged in April of 2011 that China had compromised hundreds of Gmail passwords for e-mail accounts of prominent people, including senior U.S. officials.

On March 17, 2011, RSA publicly disclosed that it had detected a very sophisticated cyber attack on its systems in an attempt to obtain data that would compromise RSA's authenticated log-in technology. The data acquired was then used in an attempt to penetrate Lockheed Martin's networks.

Between March 2010 and April 2011, the FBI identified 20 incidents in which the online banking credentials of small to medium-sized U.S. businesses were compromised and used to initiate wire transfers to Chinese economic and trade companies. As of April 2011, the total attempted fraud amounts to approximately \$20 million, and the actual victim losses are \$11 million.

In October 2010, hackers penetrated the systems of NASDAQ, which sparked concerns about the severity of the cyber threat facing the financial industry.

In January 2011, a hacker extracted \$6.7 million from South Africa's Postbank over the New Year's holiday.

In January 2011, hackers penetrated the European Union's carbon trading market, which allows organizations to buy and sell their carbon emissions quotas, and stole more than \$7 million in credits, forcing the market to shut down temporarily.

An international computer-crime ring, broken up in October 2010, siphoned about \$70 million in a hacking operation targeting bank accounts of small businesses, municipalities, and churches, according to the FBI.

In November 2008, hackers breached networks at Royal Bank of Scotland's WorldPay, allowing them to clone 100 ATM cards and withdraw over \$9 million from machines in 49 cities.

In December 2008, retail giant TJX was hacked. The one hacker captured and convicted, named Maksym Yastremskiy, is said to have made \$11 million from the hack.

In August 2008, computer networks in Georgia were hacked by unknown foreign intruders, most likely at the behest of the Russian Government because they were coordinated with Russian military actions against Georgia.

In May 2007, Estonian Government networks were harassed by a denial-of-service attack by unknown foreign intruders, most likely again at the behest of the Russian Government because they were part of the worst dispute between the two countries since the collapse of the Soviet Union.

So, as you can see from some of the examples above, for years now, the United States and other countries have been at the receiving end of multiple,

concerted efforts by nation-states and non-state actors to hack into our networks. These bad actors are infiltrating our communications, accessing our secrets, and sapping our economic health by stealing intellectual property. They may also be building a capability, if necessary in the future, to wage cyber war. We may not even know until the attack has been launched.

These attacks are sophisticated, and involve hacking techniques that we unfortunately now see quite often. Cyber attacks can come in the form of viruses and worms, malicious backdoors, logic bombs, and denial-of-service attacks, just to name a few.

A groundbreaking unclassified report from November of last year published by the Intelligence Community said cyber intrusions against U.S. companies cost billions of dollars annually. The report named China and Russia as aggressive cyber thieves.

On China, the report said: "Chinese actors are the world's most active and persistent perpetrators of economic espionage." We know that sophisticated attacks from China against financial and technology companies, such as Google, resulted in property theft on a massive scale. Billions of dollars of trade secrets, technology, and intellectual property are being siphoned each year from the United States to benefit the economies of China and other countries.

On Russia, the report said: "Russia's intelligence services are conducting a range of activities to collect economic information and technology from U.S. targets." I can assure everyone that the classified assessments are far more descriptive and far more devastating.

The examples above are bad enough, but cyber threats are evolving, and I am very concerned that the next wave will come in the form of crippling intrusions against the computers that control powerplants, dams, transportation hubs, and financial networks in these United States.

We have already seen the use of cyber attacks in warfare, when hackers inside Russia reportedly took down the command and control systems in Estonia in 2007. That was 5 years ago, roughly a lifetime in the realm of cyber attack capability.

Senior national security experts from across the political spectrum have sounded the alarm about this threat. For Example, Leon Panetta, at his confirmation hearing to be Secretary of Defense, said:

The next Pearl Harbor we confront could very well be a cyber attack that cripples our power system, our grid, our security systems, our financial systems, our governmental systems.

Bob Mueller, Director of the FBI, testified before the Senate Intelligence Committee that "the cyber threat, which cuts across all programs, will be

the number one threat to our country." We are dealing with the No. 1 threat to the country.

I am pleased to be an original cosponsor of the Cybersecurity Act of 2012 with Senators LIEBERMAN, COLLINS, ROCKEFELLER, and CARPER. I wish to thank them for their tireless work on this legislation over the past several years.

This act has seven titles. Each of them addresses a key gap in our Nation's cyber laws. I wish to take a moment to describe the critical infrastructure provisions in Title I, but I wish to focus most of my remarks on the information-sharing part of the bill, which makes up Title VII.

Title I covers Critical Infrastructure Protection, which means protecting the public and private infrastructure that underpin our economy and our way of life—a big deal. A cyber attack against these networks could open a dam, crash our financial system, or disable the electric grid. It could stop all planes and interrupt the FAA—on and on and on.

Although some critical infrastructure companies have taken action to protect their networks, too many of them have not. It appears that market forces are insufficient for many critical infrastructure companies to adopt adequate cybersecurity practices. Thus, Title I of this bill would create strong incentives for companies to work with the Federal Government to establish standards for critical infrastructure protection.

Let me be candid. Even though the bill makes cybersecurity standards voluntary, I know many Senators still resist this idea. I do not. I would have preferred that this bill include its original critical infrastructure provisions, which would have mandated baseline standards for cybersecurity. But I recognize we have to compromise. I recognize this legislation is a necessary first step to provide some security, and that compromise to the voluntary measures in this bill was necessary. So we have done it. I hope if and when we see a major cyber attack against the power grid, or Wall Street, or a major dam, we won't see this compromise as a mistake.

Other Senators have spoken at length about critical infrastructure and other parts of the bill, so let me move to Title VII, regarding information sharing. This is the part the Intelligence Committee has had something to do with. This title—at least 40 pages of the bill—covers authorities and protections for sharing information about threats to cybersecurity. The information-sharing title addresses one of the main problems I heard from both the private sector and the government about existing laws and business practices when it comes to cyber: that private sector companies and the government know a lot about the cyber attacks against their networks, but this

information is so stovepiped that no one is as well protected as they could be if the information were shared. That, I believe, is fact.

As the Bipartisan Policy Center's Cyber Security Task Force recently found:

Despite general agreement that we need to do it, cyber information sharing is not meeting our needs today.

Title VII addresses this problem. It reduces the legal barriers that hamper a private entity's ability to work with others and the Federal Government to share cybersecurity threat information.

How do we do this? What does that title do specifically? First, it explicitly authorizes companies to monitor and defend their own networks.

Many companies monitor and defend their own networks today in order to protect themselves and their customers. But we have heard from numerous companies that the law in this area is unclear, and that sometimes it is less risky, from a liability perspective, for them to allow attacks to happen than to take additional steps to defend themselves. Can you imagine that? So we make the law clear by giving companies explicit authority to monitor and defend their own networks.

Secondly, the bill authorizes the sharing of cyber threat information among private companies. There have been concerns that anti-trust laws prevent companies from cooperating on cyber defense. This bill, in section 702, clearly says:

Notwithstanding any other provision of law, any private entity may disclose lawfully obtained cybersecurity threat indicators to any other private entity in accordance with this section.

Third, the bill authorizes the government, which will largely mean (in practice) the Intelligence Community—I hope the DNI—to share classified information about cyber threats with appropriately cleared organizations outside of the government.

Traditionally, only government employees and contractors have been eligible to receive security clearances, and therefore to gain access to national secrets. To put it another way, those with a valid “need to know” most security secrets are within the government.

That isn't true, though, for cybersecurity. In this case, we cannot restrict classified information tightly within government—the companies that underpin our Nation's economy and way of life have a “need to know” about the nature of cyber attacks so they can better secure their systems.

It is not sufficient for the government to be able to defend itself against an attack. It is also necessary for companies such as Google, or an institution such as NASDAQ, to be able to protect themselves and to use all pos-

sible defenses that we can help provide to them.

Under this bill, companies are able to qualify to receive classified information. They will be certified and then able to obtain classified information about what cyber threats to look out for.

Fourth, the bill establishes a system through which any private sector entity—whether a power utility, a defense contractor, a telecom company, or others—can share cyber threat information with the government.

When it comes to cyber, information sharing must be a two-way street. Oftentimes, the private sector has important information about cyber intrusions that the government doesn't possess. After all, the private sector is the one on the frontlines of incoming cyber assault, so companies are often best able to understand the attack.

The private sector should be able to share that information with the government so that the government can protect itself and fulfill its responsibility to warn others about the threat. So let me describe how this bill allows for and encourages that information sharing, and most importantly, let me describe the liability protections that companies receive for doing so.

The Secretary of Homeland Security, in consultation with the Attorney General, the Secretary of Defense, and the Director of National Intelligence, would designate one or more Federal cybersecurity exchanges. We envision that these exchanges would be an existing entity, such as one of the existing Federal cybersecurity centers.

Private companies would share cyber threat information with these exchanges directly. These exchanges must be civilian entities, which is important to a number of Senators. They will have procedures in place to share that information as quickly as possible with other parts of the government. The information is protected from disclosure under the Freedom of Information Act. It cannot be used in a regulatory enforcement action.

This exchange would serve as a focal point for information sharing with the government. Having a single focal point would establish a single point of contact for the private sector. Otherwise we would have chaos. Some people want multiple points. It is difficult to do and still maintain the security that is necessary.

We think this approach solves the problem. Having a single focal point is also more efficient for the government. It would help eliminate stovepipes, because right now there are dozens of different parts of the government receiving information from the private sector about cyber threats they are encountering. It is all over the map. It would also make privacy and civil liberties oversight easier, which I know interests you, Mr. President. I will describe that in a moment.

Finally, it should save taxpayers money, because it is more efficient to manage—and that has to be a concern—and oversee the operation of one entity versus many entities.

Let me now describe the all-important liability protections that are such a critical part of this.

Section 706 of the bill provides liability protection for the voluntary sharing of cyber threat information with the Federal exchange.

The bill reads:

No civil or criminal cause of action shall lie or be maintained in any Federal or State court against any entity [that means a company] acting as authorized by this title, and any such action shall be dismissed promptly for . . . the voluntary disclosure of a lawfully obtained cybersecurity threat indicator to a cybersecurity exchange.

That is section 706(a). It is clear as a bell. In other words, a company is immune from lawsuit over sharing cyber threat information with a Federal exchange. The same immunity applies to the following: companies that monitor their own networks; cybersecurity companies that share threat information with their customers; companies that share information with a critical infrastructure owner or operator; and companies that share threat information with other companies, as long as they also share that information with the Federal exchange within a reasonable time. This “reasonable, good faith” defense is also available for the use of defensive countermeasures.

If a company shared information in a way other than the five ways I have just mentioned, it still receives a legal defense under this bill from suit if the company can make a reasonable, good-faith showing that the information-sharing provisions permitted that sharing.

Further, no civil or criminal cause of action can be brought against a company, an officer, an employee, or an agency of a company for the reasonable failure to act on information received through information-sharing mechanisms set up by this bill.

Basically—and this is important; please listen—the only way anyone participating in the information-sharing system can be held liable is if they were found to have knowingly violated a provision of the bill or acted in gross negligence.

So there are very strong liability protections for anyone who shares information about cyber threats—which is completely voluntary—under this bill.

Now, what information will be shared with the exchange? Information that should be shared includes—but is not limited to—malware threat signatures, known malicious Internet Protocol, or IP, addresses, and immediate cyber attack incident details.

The exchanges would be able to share this information in as close to real time as possible over networks. That is

the only way for the private sector and the government to stay a step ahead of our cyber adversaries.

What kind of information can they share? We define this information in our bill as “cybersecurity threat indicators.” We define this term to include only information that is “reasonably necessary” to describe the technical attributes of cyber attacks. This is not a license for the government to take in and distribute private citizens’ information. Rather, it is narrowly tailored to cover information that relates specifically to a cyber attack.

In addition to narrowly defining what information can be shared with an exchange, our bill also requires the Federal Government to adopt a very robust privacy and civil liberties oversight regime for information shared under this title. There are multiple layers of oversight from different parts of the Executive Branch, including the Department of Justice, the independent Privacy and Civil Liberties Oversight Board, as well as the Congress. I wish to direct Members to the privacy and civil liberties protections on pages 185 through 192 of this bill for the litany of procedures, reviews, and reports that are required.

We have worked closely with several Senators, including the Presiding Officer, Senator FRANKEN, and Senators DURBIN, COONS, AKAKA, BLUMENTHAL, and SANDERS on these protections, and I really thank them all for their efforts in that regard. I think my colleagues have really helped the bill become a better bill.

I would also be remiss if I didn’t show my great appreciation of the work and leadership of the majority leader for his unrelenting focus on getting this bill to the floor and making time to have this debate. It is infinitely better having this debate now rather than after a major cyber attack. My greatest worry is that we wouldn’t pass something.

The perfect cannot be the enemy of the good. This legislation is unprecedented. It will take some steps. We will find other steps we will need to take. We will need to come back to it and come back to it because technology is moving so quickly.

I think this is as important a bill as I have seen in my 20 years in the Senate. I know what is out there. I know what some other countries are doing. I know what some bad actors are doing. The time has come to protect ourselves and take some action.

I hope we will have the support, and I urge my colleagues to vote for this bill.

Mr. President, I yield the floor and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HONORING AMBASSADORS TO PAKISTAN AND AFGHANISTAN

Mr. BLUMENTHAL. Mr. President, I am here today to express my sincere appreciation and thanks and admiration to a number of our distinguished Foreign Service officers who were similarly lauded by Senator MCCAIN earlier today. I heard his remarks, and I wish to be associated with them.

I wish to express my thanks to three very brave and able men who have served this country under the most demanding and difficult conditions, requiring huge personal courage as well as insight and strong action. They are Ryan Crocker, who has served as Ambassador to Afghanistan; his deputy who will replace him shortly, James Cunningham; and our Ambassador to Pakistan, Cameron Munter. What they share and what they have given us in these two critical posts is the best of our Nation’s public service and foreign service.

I had occasion to meet both Ambassador Crocker and Ambassador Cunningham on a number of visits to Afghanistan and to be briefed by both of them, so I know personally how extraordinarily honest and forthright they are in the insight and intelligence they give to congressional visitors. And many of us have been among those visitors and many of us have met with them, so I know others have had that experience as well. I know them both to be extremely capable and intelligent, thoughtful, and insightful. They understand the complexities of this region, and they have succeeded in maintaining strong relationships with our partners in Afghanistan and Pakistan to the extent they were able to do so amid the most complex and challenging circumstances.

Somehow, in between all of the challenges they faced on the ground day to day, they also welcomed congressional visitors with extraordinary grace and graciousness and generosity. I was proud to be one of them in visiting both Pakistan and Afghanistan.

I wish to recognize particularly the efforts of Ambassador Munter in addressing the supply chain of IED—improvised explosive device—ingredients, the fertilizer and other chemicals that compose the roadside bombs that have literally caused more than half of our Nation’s casualties in Afghanistan. Those ingredients are smuggled, sometimes in broad daylight, across the border from Pakistan. He has worked hard and made a valuable contribution in challenging the Government of Pakistan to do better, and to confront the threat and to ensure interagency coordination between the Department of State and the Department of Defense

in confronting and attacking the IED network. He has written to me personally, and I thank him for his commitment to a cause that others have also made a priority, including Dr. Ashton Carter, presently Deputy Secretary of Defense. Together, we worked on this issue and made progress, but so much more must be done to stop the flow of IED bomb-making material across the border which does such horrific, destructive damage to our troops. One need only visit the Bethesda Naval Center to see it firsthand. Our hearts go out to the young men—principally men—and women and their families who are victims of these bombs. Thank you to Ambassador Munter for making it a priority.

I thank Ambassador Crocker likewise for working on this problem as he led the Embassy in Kabul through profoundly and deeply challenging times. When we here in Washington revise our policy toward Afghanistan and as we go through those revisions now, he has adopted and he has carried out policies, and he has served well our national interests, even in the midst of change and challenge.

I welcome Deputy Ambassador Cunningham to his new post. I have worked and been briefed by him. I, in fact, stayed with him in the Embassy. I have seen his keen insight, his quiet, understated manner, and his strength and will.

Indeed, all of these men are men of intellect, but they are also men of action, committed to delivering results to the Nation. They are men of loyalty and courage.

I will just finish on this note. Nobody should underestimate the courage that is required to serve in these positions. Anyone who has visited these countries knows the threat of physical danger is ever-present not only to the brave men and women who serve in uniform in our Armed Forces but to our diplomats who every day put their lives on the line to serve us. So I thank not only them but the thousands of men and women who have served with them in Afghanistan, in Pakistan, and in other countries, at postings in places whose names most Americans can barely pronounce. They have demonstrated the kind of bravery that Ambassadors Crocker, Munter, and Cunningham have every day. They deserve our thanks and our good wishes as they leave their present posts—as Ambassador Crocker retires—and our good wishes for continued success for the sake of their lives and for the sake of our Nation.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

GUNS IN AMERICA

Mr. SCHUMER. Mr. President, I, like everyone else in America, have followed the terrible tragedy in Aurora, CO. Just awful. I was particularly moved when I read in one of our local papers the bios of the 12 who had died. So many of them were young, in the prime of life, in their late teens and early twenties. So many of them were brave, protecting others—a child, a girlfriend, a friend. I was so upset on reading this, seeing these people's lives snuffed out, just as they had great futures ahead of them—for nothing.

It was the same kind of feeling I had after the World Trade Center—of course, magnified by much more because so many more people died, and I actually knew some of the people who died. But the same senseless killing of innocent people occurred.

Of course, in the days after the tragedy, and as the dust settled—it will never settle for the families whom my heart goes out to—we began our usual discussion about guns in America, and there were many voices on all different sides.

As somebody who has been very involved in these issues, I gave it some thought and wanted to share with my colleagues and with my constituents and my country some thoughts about this.

The question that comes up is: Can we do anything about guns in society? Of course, many would ask: Should we do anything about guns in society? Even the very thoughtful and erudite member of my own party, the Governor of Colorado, said a ban on weapons would not have stopped this tragedy from occurring, in all likelihood.

So I wish to share some of my thoughts briefly.

The bottom line is, maybe we can come together once and for all on the issue of guns if each side gave some. I have thought about this for a while.

As you know, Mr. President, I was the House author—the leader, of course, was my colleague from California—of the assault weapons ban. I am even prouder of the Brady law, where I was probably the leader, and that has saved so many lives.

So the question is: When we were able to pass those kinds of groundbreaking laws, why are we so paralyzed now?

Part of the reason—and this has not been mentioned—is that crime has actually decreased dramatically in America for a whole lot of reasons. I probably do not share the views of some of my colleagues on this side of the aisle as to why it happened. I am a pretty-tough-on-crime guy. But when crime went down, the broad middle that wanted to do whatever it took to stop crime—I remember how it ravaged my city—stopped caring as much because

they were safer. That is logical. So they sort of exited the field. Law enforcement, which had been some of our best allies in supporting the assault weapons ban and the Brady law, sort of left the debate. The debate was simply left to those who cared the most, a very small number on the side of more active laws against gun control and a much larger number on the side of those who were opposed.

I know you read in the newspapers: the power of money and the NRA. I have to say this, as somebody who has opposed the NRA and has been written up regularly in their magazines in not the most flattering way, the NRA's main strength is because they have 2, 3, 4 million people who care passionately about this issue, who may not care about other issues, and who are mobilized at the drop of a hat. So when there is a bill on the floor of the Senate which a majority of Americans may support—a majority of Americans support the ban on assault weapons—even people in my State like New York hear much more from the people who are opposed to the assault weapons ban than the people who are for it. Now, 20 years ago, that would not have happened, again, because I think, more than any other reason, crime was so ravaging our communities that average folks would call and complain and worry about too many guns in society, which I think there still are now.

In any case, given that situation, which exists, that the activists, the people who care about this issue the most—not the majority of people—are on the side of no limitations or few limitations on guns, how can we address that balance?

I think there can be a balance. Those on my side who believe strongly in some controls on guns have to acknowledge that there is a right to bear arms. It perplexed many in the pro-gun movement how liberals would read the first, third, fourth, fifth, sixth amendments as broadly as possible, but when it came to the second amendment, they saw it through a pinhole—it only related to militias, which, frankly, is a narrow, narrow, narrow reading of the second amendment.

There were many back then in the 1980s and 1990s in the pro-gun control movement who basically felt there was no right to bear arms. I think in part, because of that, those on the other side of the issue became kind of extreme themselves. Their worry was that the real goal of the left was not simply to have rational, if you will, laws that might limit the use of guns—what guns could be had, how many clips, who could have them; criminals, the mentally infirm—but, rather, that was just a smokescreen to get rid of guns. And there was enough evidence back in the 1980s and 1990s that people actually wanted to do that.

So if you look at the ads from the NRA and the groups even farther over,

the gun owners of America, their basic complaint is that the CHUCK SCHUMERS of the world want to take away your gun, even if it is the hunting rifle your Uncle Willie gave you when you were 14.

I think it would be very important for those of us who are for gun control—some rational laws on guns—to make it clear once and for all that is not our goal, to make it clear that the belief is that the second amendment does matter, that there is a right to bear arms, just like there is a right to free speech and others, and if you are an average, normal American citizen, you have the right to bear arms.

I think if the people who are pro-gun and from the more rural areas, and different than Brooklyn, the city I am from, were convinced that there was a broad consensus even in the pro-gun control movement that there was a right to bear arms, they might get off their haunches a little bit. I think that is important for this part of the compromise. So the Heller decision, which basically said that—and now is the law of the land, but was not until a few years ago—should not be something that is opposed by those who are for rational laws on guns.

I saw that even the Brady organization, that I have worked very closely with—Jim and Sarah Brady helped us pass the assault weapons ban and the Brady law; I have worked with them closely and have known them for decades—but even the Brady organization, which in the past had not had that position, is now beginning to embrace it. I think that is for the good, and I think people should know that.

Once we establish that it is in the Constitution, it is part of the American way of life—even though some do not like that—but once we establish that basic paradigm: that no one wants to abolish guns for everybody or only allow a limited few to have them under the most limited circumstances—this is on a national level—then maybe we can begin the other side of the dialog.

The other side of the dialog is, once you know no one is going to take away your gun, if you are not a felon—your shotgun that you like to go hunting with or a sidearm if you are a store owner in a crime-ridden area—we can then say to those on the other side: OK. We understand that it is unfair to read the second amendment so narrowly and read all the other amendments so broadly, and you have seen us as doing that. But, in response, we would say, and I would say, that no amendment is absolute, and whether it is in reaction to what happened in the 1980s and the 1990s or because of fanaticism, or for maybe fundraising reasons, it seems that too many on the pro-gun side believe the second amendment is as absolute, or more absolute, than all the other amendments. They are taking

the converse position to what I mentioned before—the left seeing the second amendment as minuscule, but the right seeing the second amendment as broader than every other amendment.

Certainly, the right believes in antipornography laws. That is a limitation on the first amendment. Certainly, most people in America believe what—I think it was Oliver Wendell Holmes or Louis D. Brandeis who said: You cannot falsely scream “fire” in a crowded theater. That, too, was a limitation on the first amendment.

Every amendment is a balancing test. That is what the Constitution has said.

No amendment is absolute or our society would be tied in a complete knot. And so we say to our colleagues, this is not a partisan issue completely. There are some Republicans who are for gun control and some Democrats who oppose it completely. It seems to be more of a regional issue than almost an ideological issue. But we would say to our colleagues from the pro-gun side of things, look, there is a right to bear arms. We are not trying to take guns away from people we do not have any reason to take them away from. But you have to then admit that you cannot be so rigid, so doctrinaire that there should be no limitation on the second amendment.

The Brady law is a reasonable limitation on the second amendment, saying that felons or the mentally infirm or spousal abusers should not have a gun. The Heller decision acknowledged that those kinds of reasonable limitations did not violate the second amendment, just as the Court has recognized they are limitations that do not violate the first amendment, all because it is a balancing test.

So I would argue—and we can all find the balance in different ways—not only is the Brady law a reasonable limitation on the second amendment, it is not interfering with the average person's right to bear arms, but neither are the assault weapons. I know there was an argument between my colleague from California, with whom I agree, and my colleague from Wisconsin, with whom I do not agree: An AR-15 is used for hunting. But I have heard people say you should be able to buy a bazooka or a tank. My view is, the assault weapons ban that was passed, which was a rather modest bill, was less important in saving lives than the Brady law by many degrees. But I would argue it is a reasonable thing to do. A limitation that says you should not be able to buy a magazine that holds 1,000 rounds, that is a reasonable thing to do. Rules that say we should be able to trace where a gun originated so we can find those who are violating some of these limitations such as the Brady law—gun shops that do not check your background even though they are required to by law—is a reasonable thing

to do. Again, we can debate where to draw the line of reasonableness.

But we might, might, might—and I do not want to be too optimistic here, having years and years of having gone through this—but we might be able to come to an agreement in the middle where we say, yes, there is a right to bear arms, and, yes, there can be reasonable limitations on the second amendment just as there can be on others.

That is the place I suggest we try to go. Maybe, maybe, we can break through the hard ideological lines that have been drawn on this issue. Maybe, maybe, maybe we can tell those who are at the extremes on the far right and the far left that we disagree with you. And maybe, maybe, maybe we could pass some laws that might, might, might stop some of the unnecessary tragedies that have occurred, or, at the very least, when you have someone who is mentally infirm, such as the shooter in Aurora, limit the damage they are able to do. Maybe.

But I would suggest the place to start here is for us to admit there is a right to bear arms, admit the Heller decision has a place in the Constitution, just like decisions that supported the other amendments, and at the same time say that does not mean that right is absolute. That is just a suggestion. I have been thinking about this since I read those horrible articles about those young men and women being killed. I would welcome comments, particularly from my colleagues on the other side of this issue, whether they be Democrat or Republican, on those thoughts.

Just as we have fought over and over and over again on so many issues, and we have gotten into our corners—there may be none that we have gotten into our corners on more than on gun control. Maybe it is time, as on those other issues, to come out of the corners and try, people of good will, who will disagree and come from different parts of the country with different needs, maybe there is a way we can come together and try and try to break through the logjam and make the country a better place.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. SCHUMER. Mr. President, I ask unanimous consent the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### 19TH INTERNATIONAL AIDS CONFERENCE

Mr. DURBIN. Mr. President, I am proud that the 19th biennial International AIDS conference is being held in the Nation's Capital after 22 years of being held abroad.

President Obama was instrumental in bringing the conference back to the United States by announcing in October 2009 that the United States would lift its entry restriction on people living with HIV.

The United States has been the leader in combating the scourge of HIV/AIDS, and it is fitting that this significant meeting of the best and brightest scientists, philanthropists, activists, government leaders, and people living with HIV/AIDS is taking place in Washington, DC.

It is made even more symbolic by the fact that Washington, DC, has the highest rate of AIDS than any city in the Nation.

As we look to “Turn the Tide Together,” as the theme of the conference indicates, we must continue to support a number of long-term strategies both at home and around the world, building on the successes we have seen in the past few decades.

Significant scientific breakthroughs have been made this year alone, and we can see investments we have made to fight HIV/AIDS beginning to pay off.

The National Institutes of Health, for example, released a study last fall on the HPTN 052 clinical trial that showed that if newly infected individuals started antiretroviral treatment when their immune systems are relatively healthy, they are 96 percent less likely to transmit the virus to their uninfected partner.

Others report that the cost of treating HIV is four times less than previously thought. And now more than ever, scientists believe that an effective HIV vaccine is within reach.

These are amazing breakthroughs and could reflect the beginning of the end as we work toward an AIDS-free generation.

This past year new infection rates and AIDS deaths decreased. Twenty percent more people had access to antiretroviral therapy worldwide in 2011 than they did in 2010.

These numbers don't appear out of thin air—they correlate to increased investments from the United States and the Global Fund. This is a time when we must continue funding our investments to fight HIV/AIDS.

But let's talk about how we have achieved these amazing results.

President Bush was instrumental in establishing PEPFAR. The President's Emergency Plan For AIDS Relief was initially a \$15 billion commitment over 5 years to fight the AIDS pandemic.



Today, PEPFAR is one of the largest health initiatives ever established by a single country and remains critical to saving millions of lives.

PEPFAR is a strongly bipartisan program, and since its inception, it has directly supported nearly 13 million people with access to care and services.

As of 2011, the United States supported lifesaving antiretroviral treatment for more than 3.9 million men, women, and children worldwide.

PEPFAR counseled 9.8 million pregnant women to test them for HIV/AIDS, allowing more than 200,000 babies to be born AIDS-free.

Another key ally in the fight against AIDS is the Global Fund.

The Global Fund was established in 2002 as a public-private partnership, requiring the buy-in of grant recipient countries. These participants must commit to continuing the program and serving its people after the Global Fund grant expires.

This novel approach has proved wildly successful. To date, the Global Fund has supported more than 1,000 programs in 151 countries and provided AIDS treatment to over 3 million people.

The United States must continue to be a leading supporter of the Global Fund.

The generosity of the American people has improved and saved lives, stemmed the spread of HIV/AIDS, and provided medicine, hospitals, and clinics to those who are infected.

Together, PEPFAR and the Global Fund have built health care systems where none existed before and allowed individuals infected with HIV/AIDS to dream of a future.

These programs also ensure that the countries we are working in play a part in helping their own people survive and thrive.

While we have made significant progress in combating HIV/AIDS, we cannot be complacent.

Here in the Nation's Capital, the AIDS rate is higher than in some Sub-Saharan African countries, and infection rates are even growing in some demographics.

In Illinois, 37,000 individuals are living with AIDS, with 80 percent of them residing in Chicago.

Internationally, the gains that we have made could easily be lost; the increase of infections in Southeast Asia, Russia, and the Ukraine—places that have historically had low infection rates is alarming.

If we lose our focus or if international donors stop contributing to key programs, we lose out on the momentum built in recent years to combat this disease.

That is why it is good that this administration continues to push for an AIDS-free generation.

Secretary Clinton announced three new efforts during this week's con-

ference: \$15 million in implementation research to identify specific interventions, \$20 million for a challenge fund to support country-led efforts to expand services, and \$2 million through the Robert Carr Civil Society Network Fund to bolster civil society groups.

Secretary Clinton also noted: "Creating an AIDS-free generation takes more than the right tools, as important as they are. Ultimately, it's about people—the people who have the most to contribute to this goal and the most to gain from it." She is right.

Creating an AIDS-free generation is about working together to help save and improve lives. It is about supporting the individuals and communities that have already made great inroads in addressing this epidemic.

By reaffirming our leadership to initiatives such as PEPFAR and the Global Fund, which support these individuals and communities, we can continue to make a difference. Only then can we truly wish to usher in an AIDS-free generation.

#### OUR SHARED COMMITMENT TO FIGHT HIV/AIDS

Mr. CARDIN. Mr. President, today I rise to discuss the HIV/AIDS epidemic, the tremendous progress we have made thus far, and the need to do even more if we are going to stop this devastating disease in its tracks.

The fight against HIV/AIDS has been a long one. In more than 30 years, approximately 26 million people have died from AIDS, and there are still an astounding 7,000 new infections every day. But our commitment to combating this disease is making important strides.

In the past decade, new HIV infections fell 20 percent, thanks in large part to the lifesaving antiretroviral treatment we and our partners are making available in every corner of the world that AIDS touches.

We know that relatively healthy people with HIV who receive early treatment with antiretroviral drugs are 96 percent less likely to pass on the virus to their uninfected partners. So treating these individuals not only allows them to live their lives in dignity but is also an important key to prevention.

In my home State of Maryland, the Jhpiego program has spent decades addressing the HIV/AIDS epidemic in South America, Africa, Europe and Asia. Jhpiego has made enormous strides in prevention of mother-to-child transmission, increasing counseling and testing and providing greater access to antiretroviral drugs.

Jhpiego has integrated HIV/AIDS services with tuberculosis, cervical cancer, malaria in pregnancy, family planning and maternal and child health services, to address the problem of co-infection among HIV/AIDS patients and to reach as many people as pos-

sible. These integrated services represent the future of our health assistance. We have learned from programs like Jhpiego's what our best practices should be so that we are innovators in prevention, care, and treatment.

I am pleased that Jhpiego and groups like it from across the globe are coming together for this week's AIDS 2012 conference in Washington, DC. This conference is the largest gathering of professionals working in the field of HIV in the world and will bring together more than 20,000 people from more than 120 countries all working together to create a blueprint for combating HIV/AIDS. I can only imagine the exciting new synergies that will develop when so many innovative, committed individuals are in the same room.

Among the presenters are luminaries from the public, private, and multilateral sectors such as President Bill Clinton, U.S. Secretary of State Hillary Rodham Clinton, and former U.S. First Lady Laura Bush, Her Highness Mette-Marit, Crown Princess of Norway, World Bank President Jim Yong Kim, UNAIDS Executive Director Michel Sidibé, Sir Elton John, Whoopi Goldberg, and Bill Gates.

This is the first time the United States has hosted the conference in two decades, and I believe it is the right moment for us to be showcasing our strong bipartisan effort to bring the AIDS epidemic to an end.

The United States has long been a leader in the global fight against HIV/AIDS. As chairman of the Senate Foreign Relations Subcommittee on International Development Assistance, I am proud to note that from 2004 to 2010 the United States spent more than \$26 billion on bilateral funding to fight AIDS. From my experience leading this subcommittee, I know that dedicated government experts from an array of U.S. agencies are involved in the fight, as are thousands of nonprofits and community organizations.

Yet despite the progress that the numbers and statistics tell us, the story on the ground is still heartbreaking, and now is not the time to rest on our laurels. International anti-AIDS funding has not increased significantly since 2008. In places like the Congo, for example, doctors are only able to supply antiretroviral drugs to 15 percent of the people who need them. Globally, just 8 million of the 15 million treatment-eligible patients in AIDS-ravaged poor regions of the world are getting antiretroviral drugs.

We must do better. We must do better to improve the lives of people living with HIV/AIDS, and we must do better to save the lives of their loved ones.

Some experts believe that "fatigue and forgetting" are two of the reasons we have not reached more people. Though we have been working on treating this disease for decades, we still

have an overwhelming number of infections to treat.

But the good news is that scientists now believe we have the tools to make serious progress in the fight against AIDS. Scientific advances over the last year have been remarkable, and we can't afford to abandon the fight and to lose momentum now.

In a recent Washington Post article, Michel Sidibe, Executive Director of UNAIDS, the Joint United Nations Program on HIV and AIDS, said, "The previous generation fought for treatment, our generation must fight for a cure."

I am proud that in just the last year, the National Institutes of Health has increased spending on cure-related research by \$56 million. This is a step in the right direction, and I want to see us do more. I stand with the entire HIV/AIDS medical community in renewing the call to prevent, treat, and cure HIV/AIDS. Let's use the opportunity of this historic gathering to renew our call to work on creating an AIDS-free generation.

#### 2012 OLYMPICS GAMES

Mr. DURBIN. Mr. President, tomorrow evening, hundreds of athletes from across the world will gather in London for the opening ceremonies of the 2012 Summer Olympic games.

Among those marching in the Parade of Nations will be 20 athletes from Illinois.

Making his Olympic debut in the 100-meter butterfly is Tyler McGill, a native of Champaign. After turning in the second-fastest time in the world this year at the U.S. Olympic trials, Tyler will be swimming for a spot at the top of the podium in London.

Lake Forest native and Northwestern Wildcat Matt Grevers is already an Olympic Gold-medalist as a member of the two winning relay teams in Beijing. This year, he'll be swimming for individual Gold—and maybe a world record—in the 100-meter backstroke.

As the son of an All-American, swimming is in Conor Dwyer's blood. After achieving personal bests in every event in which he competed at the trials, the Winnetka native will compete in the 400-meter freestyle as well as a relay at his first Olympic games.

Star diver Christina Loukas was born in Riverwoods, where she began swimming and diving at an early age. Although she moved away from Illinois after high school, Christina remained a Cubs fan and returns to Chicago often.

Chatham's Kelci Bryant will join Christina on the women's diving team as she competes in the 3-meter synchronized diving event. Already a two-time NCAA champion, this will also be Kelci's second Olympics.

Algonquin runner Evan Jager won four Illinois State titles in cross-country and track, but he will be competing

in a relatively new sport for him—the steeplechase—at this year's Olympics. He qualified for the team after just a few years training for the grueling event.

Chicago's track and field star Wallace Spearmon, Jr., will be looking for vindication this year in the men's 200-meters—a high-pressured sprint that will include many of the fastest runners of all time.

Dawn Harper, who hails from my own hometown of East St. Louis, will be defending her 2008 Olympic Gold Medal in the 100-meter hurdles in London. She won in Beijing in a thrilling upset and with a personal best time, making her the one to beat in this year's games.

Member of the Fighting Illini and All-American Gia Lewis-Smithwood made her first international team in 2011 after competing in the discus for 11 years. She remained in Champaign after graduating, where she not only trains but also volunteers at the nearby YWCA and with Parkland Community College.

Competing in the men's discus event will be Lance Brooks, a New Berlin high school graduate who attended Decatur's Millikin University, where he played for the men's basketball team.

Growing up in Itasca, Sarah Zelenka tried swimming, soccer, volleyball, and basketball. But it wasn't until she went to college that this naturally gifted athlete found her sport: rowing. She has since won gold at the Rowing World Cup and World Championships and will be looking to add an Olympic medal to that collection in London.

Rowing twins Grant and Ross James have competed next to each other their entire lives and share their biggest fan—their mom. After Ross captured the final seat on the eight-man boat going to London, the twins learned that they had fulfilled their lifelong dream of competing next to each other at the Olympics.

At 6 feet 9 inches, Sean Rooney is a natural for the sport of volleyball. He was named Illinois' Player of the Year in 2001 when he led his high school team, Wheaton-Warrenville South, to an Illinois State championship. He competed in his first Olympics in Beijing, where he helped Team USA to a gold medal. He will help them defend that title this year.

Bob Willis grew up in Chicago and learned to sail on beautiful Lake Michigan. After qualifying for the Olympic games, he returned briefly to Chicago before leaving for London, where "the first water [his] Olympic board touched was Lake Michigan water."

Greco-Roman wrestler Ellis Coleman grew up in Chicago's Humboldt Park and joined the wrestling team as a way to stay out of trouble in a rough neighborhood. His signature move is an impressive leap called the Flying Squirrel, which he may employ as he wres-

ties to win Olympic Gold this year in London.

Growing up in Naperville, Candace Parker was a devoted Chicago Bulls fan. So it wasn't surprising when she began to play basketball herself, leading her high school team to multiple Illinois State championships and becoming the first female high school player to dunk a basketball in a sanctioned game. She has been a member of the USA Basketball Women's National Team since 2009 and helped win Gold for the United States at the Beijing Olympics.

Swin Cash will join her on the women's basketball team. Swin was drafted into the WNBA after leading her college team to an undefeated 39 to 0 season and her second national championship. She now plays for the Chicago Sky.

Born and raised in Springfield, basketball swingman Andre Iguodala will represent the United States on the 2012 Dream Team, or Dream Team Three. His jersey number is now retired at Lanphier High School, where he was both a star student and athlete.

Star defender on the women's soccer team, Amy LePeilbet grew up in Crystal Lake. Her high school coach at Prairie Ridge remembers her not only for her athleticism but for her work ethic and persistence. She will compete as a member of the U.S. women's soccer team in London.

Each of these athletes has arrived in London as a result of years of perseverance and hard work. They have woken up in the dark for early morning practices and endured aching muscles and sore limbs. They have arrived early and stayed late, spending hours at the gym, on the field, or in the pool training for this moment and their Olympic dream.

I congratulate the athletes from Illinois and every athlete representing his or her country at these Olympic games. I look forward to watching them over the coming weeks as they compete for Olympic Gold.

#### 2012 OLYMPIC GAMES

Mr. BLUMENTHAL. Mr. President, I am honored on the opening day of the 2012 London Olympics to congratulate our U.S. Olympic and Paralympic Teams. Proudly, 14 of our top Olympian athletes hail from Connecticut, including 6 women, who played for our legendary University of Connecticut women's teams and will represent our State and Nation as members of the U.S. women's basketball team.

These athletes will make history on a global stage, representing the United States and sharing personal stories that fuel their drive to win. They have this momentous opportunity and responsibility because they have worked hard, demonstrated unrelenting character and integrity, and believed in the power of athletic excellence to bring our nation and the world together.

Six extraordinary UConn alumni will compete as members of the 2012 U.S. women's basketball team: Sue Bird, Swin Cash, Tina Charles, Asjha Jones, Maya Moore, and Diana Taurasi. All six players brought UConn teams to national championships during their college careers. The head coach of the U.S. Olympic team, Geno Auriemma, has led the University of Connecticut teams through many exciting seasons while serving as a tremendous role model and mentor. Both Asjha Jones and Tina Charles currently live in Uncasville and play for the Connecticut Sun. Although the others may no longer list Connecticut as their formal residence, these players remain a part of our lives.

Charlie Cole, Ken Jurkowski, Nick LaCava, Sara Hendershot, and Sarah Trowbridge will compete in London as members of our U.S. rowing team. Mr. Cole grew up in New Canaan, CT, and attended New Canaan High School and Yale University where he rowed for the heavyweight team. He has received many national and international titles, including most recently winning the pair at the 2012 National Selection Regatta number 1 and finishing fourth in the four at the 2011 World Rowing Championships. He has been named USRowing's 2011 Athlete of the Year.

Mr. Jurkowski was raised in New Fairfield and attended New Fairfield High School and Cornell University, where he walked onto the team his freshman year, competed all 4 years, and graduated with a degree in biological engineering. He has also served as a volunteer assistant coach for the University of Texas women's rowing team. In London, he will compete in the single sculls event an event that he placed 11th in during the 2008 Beijing games.

Mr. LaCava is from Weston, CT, and attended Phillips Exeter Academy and Columbia University. Among other distinctions, he placed fifth in the lightweight eight at the 2011 World Rowing Championships and placed first at the lightweight eight at the 2011 Head of the Charles Regatta. In London, he will compete in the men's lightweight four.

Ms. Hendershot grew up in West Simsbury Connecticut, only starting to row in 2003 as a high school freshman. Already by 2004 and again in 2005, she won the open eight at the USRowing National Championships. She rowed for Princeton University and graduated in 2010. She will compete in the Women's Pair in London with Sarah Zelenka of Illinois.

Ms. Trowbridge was born in Washington, DC, and is a member of the Potomac Boat Club. She was raised in Guilford, CT, and attended Guilford High School. She rowed at University of Michigan on a scholarship. Most recently among her international and national results, she finished ninth in the double sculls at the 2011 World Rowing Championships and won the double

sculls at the 2011 National Selection Regatta No. 2. She cites her parents, coaches, teammates, and Olympic hero, Nadia Comaneci, as inspirations. She will compete in the Women's Double Sculls event.

Craig Kinsley and Donn Cabral will represent the United States in track and field. Hailing from Fairfield, CT, Mr. Kinsley brings his experience at high jump and javelin at Fairfield Preparatory High School and Brown University to the international arena. He won the NCAA title in the javelin event in 2010 and in the same year was named Academic All-American and Northeast Region Field Athlete of the Year by the U.S. Track and Field and Cross Country Coaches Association. At Brown University, he studied geology and economics.

Mr. Cabral was born and raised in Glastonbury, CT. He attended Princeton University, where he received All-American titles in track and field and cross country, and in 2012 won the NCAA title and set the U.S. collegiate record in the steeplechase event. He will compete in the Men's 3000M steeplechase this Olympic games.

Rob Crane will hit the water in sailing. Born in Stamford and raised in Darien, he went on to attend the Holderness School and Hobart College. He continues a family legacy of sailing, joining the ranks of his mother and father, who won world and North American championships, respectively. In 2011, he finished 14th in the International Sailing Association and Federal's Sailing World Championships. This Olympics, he will participate in the men's singlehanded laser dinghy sailing event.

In addition to the successes of these 14 accomplished and inspiring athletes, I wish to recognize all around the world poised to participate in the USA Paralympics. Guided by the U.S. Olympic Committee's Paralympic Military, Veteran, and Community Program, State and local communities have developed important programs to enable individuals with physical or visual disabilities to participate and compete in sports. The growing prevalence of community level sports clubs, such as the paralympic sports clubs, offers disabled Americans the opportunity to come together as a community, share their love of sports, and rally around each other.

Our American competitors are inspirational to athletes and nonathletes of all generations. Athletics and sportsmanship connect us, reaching the core of our humanity. They represent our hopes, dreams, and aspirations. They serve as national and international diplomats, working together as a team to best represent our country. Along with my Senate colleagues, I wish our athletes from Connecticut and around the Nation the best of luck and thank them for their incredible public service as leaders during these Olympic games.

## EXTENSION OF THE FISA AMENDMENTS ACT

Mr. LEAHY. Last week, the Judiciary Committee considered S. 3276, a bill reauthorizing the surveillance provisions of the FISA Amendments Act of 2008, which is set to expire at the end of this year. The Director of National Intelligence and the Attorney General have both stated that reauthorization of these important national security authorities is the "top legislative priority of the Intelligence Community."

After the Senate Select Committee on Intelligence reported its reauthorization bill, I asked for a sequential referral. Senator GRASSLEY joined me in that request. It was for a limited time and had we not completed our markup last Thursday, time might well have expired for this committee to act on it. I was surprised last week and since to be criticized for seeking to improve the bill within its four corners. I thought that was why we sought the sequential referral, in order to consider and improve the bill where we could.

I worked with Senator FEINSTEIN, the chair of the Select Committee on Intelligence. We came to an understanding and she supported the substitute amendment I offered to shorten the sunset and add more accountability and oversight protections. I thank her for that. I am always willing to work with the Senator from California, who is so diligent in her efforts on the Intelligence Committee. We reached a good compromise and agreement.

I had circulated the core of my amendment, to shorten the sunset, back on July 11, before the bill was to be considered. At the request of Republican members of the Judiciary Committee, the bill was held over. I protected their right to do so under our rules. We finally proceeded to the bill last Thursday, July 19. Despite the delay, no Republicans spoke to me about any potential amendments to the bill.

Instead, the evening before the delayed markup, for the first time, Republican offices circulated scores of amendments. It is unfortunate that there have been mischaracterizations of our committee process. Contrary to the statements of some on the other side, no one was precluded from offering an amendment. In fact, a number were offered by Republican Senators. The committee proceeded to vote on Senator KYL's amendment, for example, to create a new material support of terrorism offense in title 18, and rejected it after Senator FEINSTEIN argued against including it on this important measure, despite her support for the substance of the amendment. We proceeded to vote on Senator LEE's amendment, which was about FISA surveillance, and it, too, was defeated. So despite the misstatements to the contrary, the committee proceeded to consider and reject amendments.

There came a point during our initial 2-hour markup when Senator FEINSTEIN urged that amendments about matters not involving the FISA Amendments Act extension be considered on other vehicles at other times, and moved to table amendments. Those motions prevailed. We have had such motions before and sometimes they succeed.

After 2 hours, as Republican Senators left, we lost a quorum and had to reconvene to vote on reporting the bill as amended to the Senate. I thank those Senators from both sides of the aisle who reconvened. The committee voted to report the measure and was able to do so within the short timeframe of our sequential referral.

The FISA Amendments Act legislation is a top priority of the administration and our intelligence community. We have all acknowledged that. The ranking member acknowledged that it is "a program vital to our national security." A number of Republicans proclaimed last week that they were ready to expedite consideration of the measure and would not offer amendments. Then, when the committee adopted the June 2015 sunset date instead of one of the 2017 dates in other versions of the bill, they changed position and sought to use it as a vehicle for extraneous matters and to offer a number of riders to it that were rejected. I do not understand that logic and why the change in the sunset date or the addition of oversight provisions should change the character of the bill or its importance to our national security. The bill is needed to continue the authority to conduct electronic surveillance of non-U.S. persons overseas under certain procedures approved by the FISA Court.

The Justice Department and DNI have told us:

[It] is vital in keeping the Nation safe. It provides information about the plans and identities of terrorists, allowing us to glimpse inside terrorist organizations and obtain information about how those groups function and receive support. In addition, it lets us collect information about the intentions and capabilities of weapons proliferators and other foreign adversaries who threaten the United States. Failure to reauthorize Section 702 would result in a loss of significant intelligence and impede the ability of the intelligence community to respond quickly to new threats and intelligence opportunities.

The committee agreed with Senator FEINSTEIN when she asked us not to open the bill up to "extraneous amendments." As it was, the committee considered half a dozen amendments offered by Republican Senators. I appreciated Senator KYL volunteering to have his staff convene a meeting to consider amendments to our terrorist statutes that he does not think will be controversial.

Notably, the vast majority of the amendments filed and offered by the Republicans would not have changed or

added a single word to either the underlying bill or the underlying statute. Senator LEE's amendment was the only Republican amendment that dealt in any way with the relevant FISA authorities. That amendment received an up-or-down vote by the committee, and most Republican members voted against it.

Once it became clear that the Republican Senators intended to offer a series of extraneous amendments, Senator FEINSTEIN moved to table amendments that were not germane to her bill. She has that right. I protect the rights of all members of the committee, Republicans and Democrats. Four such amendments were tabled, but notably they were tabled by a vote of the full committee, not simply through a ruling by the chairman or my making up rules, as Republican chairmen have done in the past. Indeed, although a motion to table is typically not subject to debate, I asked the committee's indulgence to permit such discussion. No Senator was cut off from offering amendments or engaging in debate.

It is telling that the two amendments that Senator GRASSLEY offered during the committee's consideration of the FISA Amendments Act had absolutely no connection whatsoever with the provisions of title VII of FISA. The first amendment that Senator GRASSLEY offered would have added the death penalty as a punishment to certain crimes involving weapons of mass destruction. The second amendment that he offered would have required a Department of Justice Inspector General audit of criminal wiretap applications from 2009 to 2010. This amendment may be important to Senator GRASSLEY in the context of the Fast and Furious controversy, but it certainly is not relevant to the FISA Amendments Act. Senator FEINSTEIN moved to table both amendments and the motion carried each time.

Let us be accurate, Republican members of the committee were afforded the opportunity to offer amendments, even ones outside the scope of the legislation. The committee has a process, and we followed that process.

I understand that Republican Senators are disappointed that they were not able to use the FISA Amendments Act legislation as a vehicle to carry other legislation. I am disappointed that, as with so many good bills the committee has reported, there was so little Republican support for a measure that everyone concedes is vital to our national security. Like the Violence Against Women Reauthorization Act, which received no Republican vote on this committee; and the Second Chance Act, which received no Republican votes on this committee after a number of Republican amendments were considered and even though it had been a program strongly supported by Re-

publicans historically; the FISA Amendments Act Sunsets Extension Act was not supported by a single Republican Senator on this committee.

Let me remind Senators, again, that the Director of National Intelligence and the Attorney General have emphasized that the reauthorization of the FISA Amendments Act is the intelligence community's "top legislative priority." I encourage any Senator who has not yet done so to review the classified information that the administration has provided to Congress about the implementation of the FISA Amendments Act. This is a measure that requires serious debate and swift action not partisan bickering or baseless accusations. I sincerely hope that we can set aside the election year posturing and press ahead with consideration of this important national security measure. The American people deserve no less.

#### FAA SUNSETS EXTENSION ACT

Ms. KLOBUCHAR. Mr. President, on July 19, the Judiciary Committee considered legislation to reauthorize the title VII provisions of the Foreign Intelligence Surveillance Act. These surveillance authorities are vital to our national security, and it is imperative that they be reauthorized before they expire at the end of this year. The reauthorization bill is narrow in scope, and many amendments were proposed at the committee markup that had little or nothing to do with the reauthorization of FISA. As I stated during the markup, I may have supported or been open to working out a compromise on several of the amendments in other contexts. However, I voted in opposition to all of the extraneous amendments offered because I felt their adoption would threaten the timely passage of the FISA reauthorization bill. That is not a risk I was willing to take.

In particular, as for Senator KYL's amendment to criminalize certain behavior that would reward past terrorist acts and Senator GRASSLEY's amendment to impose the death penalty on terrorists who use weapons of mass destruction, I want to make clear that I strongly oppose the funding of terrorism and I believe that terrorists should be subject to the death penalty. I support the objectives of both of these amendments, but I was concerned that their adoption by the committee could delay or prevent passage of the FISA reauthorization bill. I am prepared to work with Senator KYL and Senator GRASSLEY to address these important issues at a more appropriate time going forward.

I hope that these amendments and others are raised in the appropriate context so they can be adequately addressed.

TRIBUTE TO COLONEL PAUL W.  
BRICKER

Mr. LEVIN. Mr. President, our men and women in uniform sacrifice much to keep our Nation strong and free. They are well-trained, extraordinarily capable and are some of our country's best and brightest. It is with this in mind that I recognize COL Paul W. Bricker as he retires from the United States Army this week. Colonel Bricker has served our country in uniform for more than a quarter of a century, and I am honored to congratulate him on a long and distinguished military career.

COL Paul W. Bricker has served as the Chief of the Army's Senate Liaison Division since May 2011. As a member of the Secretary of the Army's Office of Legislative Liaison, Colonel Bricker was responsible for advising Army senior leadership on legislative and congressional issues, as well as assisting Senators and our staff on Army matters. It is in this capacity that my Armed Services Committee staff and I have worked closely with Colonel Bricker. Throughout his tenure, he has consistently provided important technical expertise and useful insight on the issues, challenges and opportunities that face our soldiers and their families and has exemplified the highest level of professionalism. I also benefited from Colonel Bricker's organizational diligence and military insights on a number of congressional delegation trips over the past year, including to Afghanistan, Pakistan, Turkey and NATO. The success of these trips were due in large part to Colonel Bricker's careful preparation and adaptability in making course corrections on the fly, often literally.

Colonel Bricker has strong Michigan roots. He is a native of northern Michigan and a proud graduate of Michigan State University, where, upon graduation, he was commissioned as a second lieutenant of Aviation. Colonel Bricker has served in a variety of tactical and operational assignments from platoon to corps level in airborne, air assault, light infantry, and motorized units in the United States, Afghanistan, Iraq, and South Korea. He has commanded in combat with the 82nd Airborne Division at both the battalion and brigade level. Additionally, in 2007, he served as the 82nd Airborne Division's Rear Detachment Commander, and from 2005–2006, as the Chief of Aviation for the Multi National Corps-Iraq.

From 2008 to 2010, Colonel Bricker commanded the 82nd Airborne Division's Combat Aviation Brigade and led them to war on short notice as part of the Afghanistan surge. He assumed no-notice responsibility for the DoD Consequence Management Response Force Aviation Brigade while simultaneously executing Department of the Army Pilot Reset. Once in Afghanistan, his brigade supported more than 40,000 coa-

lition troops in Regional Command-South with lift, reconnaissance, MEDEVAC, and attack aviation. They executed the largest air assault in our nation's history without error or incident, a testament to his exceptional leadership. Colonel Bricker's brigade was commended by the ISAF Joint Command Deputy Commander for his exceptional maintenance and safety record under the most trying combat conditions.

We know that our military personnel don't shoulder the stress and sacrifice of military service alone, and Colonel Bricker is no exception. His wife, Katie, and their three children, Jacob, Jesse and Sophia, have proudly stood by his side, sacrificing time with their husband and father while he fulfills his military commitments.

As he retires, Colonel Bricker leaves behind an impressive record of military service and his counsel, professionalism and expertise will surely be missed. Throughout his service to our Nation, Colonel Bricker has been a shining example for the people of Michigan and the United States, and for this, we offer him our heartfelt thanks. I know my colleagues join me in wishing Colonel Bricker and his family all the best as he begins the next chapter in his life.

22ND ANNIVERSARY OF THE  
AMERICANS WITH DISABILITIES  
ACT

Mr. HARKIN. Mr. President, July 26, 1990—22 years ago today was a great day in our Nation's history. When President George Herbert Walker Bush signed the Americans with Disabilities Act, we could see the future before us, full of possibility and opportunity for people with disabilities. It was one of the proudest days of my legislative career.

The Americans with Disabilities Act is one of the landmark civil rights laws of the 20th century—a long-overdue emancipation proclamation for Americans with disabilities. The ADA has played a huge role in making our country more accessible, in raising the expectations of people with disabilities about what they can hope to achieve at work and in life, and in inspiring the world to view disability issues through the lens of equality and opportunity.

In these times, it is valuable to remember that passage of the original Americans with Disabilities Act was a robustly bipartisan effort. As chief sponsor of the ADA in the Senate, I worked very closely with Senator Bob Dole and others on both sides of the aisle. We received invaluable support from President George Herbert Walker Bush and key members of his administration, including White House Counsel Boyden Gray, Attorney General Dick Thornburgh, and Transportation Secretary Sam Skinner. Other Members of

Congress also played critical roles in passing the ADA first and foremost, Senator Ted Kennedy; but also Senator ORRIN HATCH, and Representatives Tony Coelho, STENY HOYER, Major Owens, and Steve Bartlett.

Before the ADA, life was very different for folks with disabilities in Iowa and across the country. Being an American with a disability meant not being able to ride on a bus because there was no lift, not being able to attend a concert or ball game because there was no accessible seating, and not being able to cross the street in a wheelchair because there were no curb cuts. In short, it meant not being able to work or participate in community life. Discrimination was both commonplace and accepted.

Since then, we have seen amazing progress. The ADA literally transformed the American landscape by requiring that architectural and communications barriers be removed and replaced with accessible features such as ramps, lifts, curb cuts, widening doorways, and closed captioning. More importantly, the ADA gave millions of Americans the opportunity to participate in their communities. We have made substantial progress in advancing the four goals of the ADA—equality of opportunity, full participation, independent living, and economic self-sufficiency.

But despite this progress, we still have more work to do. Last month marked the 13th anniversary of the U.S. Supreme Court's decision in *Olmstead v. L.C.*, which held that the ADA requires that people with significant disabilities be given a meaningful opportunity to live and remain in their communities, with the appropriate supports and services, rather than having to live in an institution or nursing home in order to receive the services they need. Yet too many people with significant disabilities still do not have access to these home and community-based long-term services and supports—and we must do more. Last month, following a hearing I chaired to assess the progress we have made on this issue in the various States, I sent a letter to the Governor of each State with information about the variety of new tools available through the Medicaid Program to make it easier to provide community-based services, including the Community First Choice Option and the Money Follows the Person Program. I asked each Governor to let me know by September 7 what they are doing within their State to ensure that the promise of the ADA and *Olmstead* is being met.

We have made significant progress in the last 22 years in making sure that public transportation options, such as buses, are fully accessible to people with disabilities. But we have not made similar progress on the accessibility of taxicabs. During the past year, there

have been major advances in New York City on this issue, and I commend Governor Cuomo and the disability advocates. However, we still have a lot of work to do here in Washington, DC, and in other major metropolitan areas of this country. When I was in London last year, every taxicab was accessible to people with disabilities, through universal design. There is no reason that we cannot work toward this same goal here in the United States.

Yet the most critical challenge we still need to address is the persistently low employment rates among Americans with disabilities.

More than two-thirds of working-age adults with disabilities are not part of the labor force. This is shameful, and we need to do better.

Sometimes a picture is more powerful than any words, so I ask you to look at the chart that I have here. This chart compares the labor force participation rates of working-age Americans in the general population, with the participation rates among women, African Americans, Latinos, and people with disabilities between 1990 and 2011.

Less than 35 percent of American adults with disabilities were in the workforce when we passed the ADA in 1990, and less than 20 percent of this population was in the workforce in 2011. Although our country continues to have employment gaps for women, African Americans, and Latinos, the gap for workers with disabilities is many times the gap for these other groups.

The other noteworthy trend this chart shows is that workers with disabilities often don't benefit even when our economy is doing well. Between 1994 and 2000 and between 2005 and 2007 you can see that while labor participation rates went up for other groups, they were either flat or declining for workers with disabilities.

Since the passage of the ADA we have not made a lot of progress on increasing the employment rate of people with disabilities. This was partly due to the confusion about the requirements of the ADA's employment provisions caused by the U.S. Supreme Court's decisions in the Sutton trilogy in 1999 and the Toyota case in 2002. But in 2008, we passed the ADA Amendments Act which once and for all clarified the definition of "disability" and started the clock anew on our efforts to increase employment opportunities for people with disabilities.

But I believe our country is on the verge of major progress on the issue of disability employment. I released a report last week calling on the country to finally make this issue a national priority, because I believe in my heart that we can make substantial progress in the next 3 years. A copy of that report, entitled "Unfinished Business: Making Employment of People with Disabilities a National Priority," is

available on the HELP Committee Web site.

I think we are on the cusp of making real progress on this issue for a number of reasons.

First, we have a new generation of young adults with disabilities who grew up since the passage of the ADA, sometimes referred to as the "ADA Generation." These young people have high expectations for themselves. This generation sees disability as a natural part of human experience and does not carry the fears, myths, and stereotypes that lowered expectations for individuals with disabilities in earlier generations.

Along with the ADA generation, we have hundreds of thousands of returning soldiers from Iraq and Afghanistan who do not want their visible and invisible war injuries to prevent them from having a career and supporting their families. These veterans are demonstrating their leadership in our civilian workforce just as they did in service to our country.

In part, to seize on these demographic advantages, I worked with the U.S. Chamber of Commerce to set a goal last year that we increase the size of the disability labor force by over 20 percent by 2015. With the leadership of people with disabilities, the Chamber of Commerce, along with elected officials and businesses like Walgreens and Lowes who have also made this a priority, I think we are at a real tipping point.

In particular, Walgreens has been a leader in employing people with disabilities. I attended a CEO Summit on disability employment at Walgreens' distribution center in Windsor, CT, last month, and saw firsthand how Walgreens built a distribution center designed for a diverse workforce, a distribution center with about half of its employees being people with disabilities, a distribution center that is just as productive as the other Walgreens distribution centers, and is in fact outperforming all of Walgreens' other distribution centers on key indicators like time away from work, turnover, and workplace safety.

Today I hosted a roundtable with many different stakeholders, including Members of the House and Senate on a bipartisan basis, Federal and State government officials, people with disabilities, business leaders, and foundations—all committed to increasing employment opportunities for people with disabilities in competitive employment.

If all of us—Members of Congress, business leaders, employers, and people with disabilities—work together, I believe that we can meet the goal of 1 million new workers with disabilities—and ensure that all individuals with disabilities have real opportunities for employment that meet their goals, interests, and high expectations.

So as we celebrate the anniversary of this great civil rights law, we take time to remember the remarkable progress that we have made in the past 22 years, as well as the progress that we will continue to make—including today.

Today, the Senate Foreign Relations Committee marked up the Convention on the Rights of Persons with Disabilities, CRPD, and approved the treaty on a bipartisan vote of 13 to 6. This brings us one step closer to bringing the convention before the full Senate. I would like to thank my colleague, Chairman KERRY, for considering this convention in such a timely manner, and also Senator MCCAIN for his commitment to this issue. I am proud to support the convention's goal to ensure that people with disabilities have the same rights and opportunities as everyone else.

Americans with disabilities already enjoy these rights at home. However, U.S. citizens with disabilities, including our veterans, frequently face barriers when they travel, conduct business, study, or reside overseas. Ratification of the convention would underscore the enduring U.S. commitment to disability rights and enhance the ability of the United States to promote these rights overseas.

American ratification of the convention would not require us to change any U.S. laws, and the amendments adopted today in committee make this abundantly, explicitly clear. The ADA and disability rights issues have always enjoyed bipartisan support, and passage of the Convention on the Rights of Persons with Disabilities should as well. I am pleased to note the convention is supported by former Senator Dole, the U.S. Chamber of Commerce, 21 veterans groups and countless disability rights advocates.

On July 26, 1990, when he signed ADA into law, President George Herbert Walker Bush spoke with great eloquence. And I will never forget his final words before taking up his pen. He said, "Let the shameful wall of exclusion finally come tumbling down."

Mr. President, today, that wall is indeed falling. And we must join together, on a bipartisan basis, to continue this progress.

#### VA AND NIH JOINT PARKINSON'S DISEASE RESEARCH

Mrs. MURRAY. Mr. President, as chairman of the Senate Committee on Veterans' Affairs, I would like to take a moment to recognize the Department of Veterans Affairs and the National Institutes of Health, NIH, for their research into an innovative surgery that has demonstrated success in improving the stability of muscle movement for veterans with Parkinson's disease. VA and NIH's joint research collaboration



regarding deep brain stimulation therapy has furthered the medical community's understanding of Parkinson's disease and will be incredibly valuable to doctors and Parkinson's patients throughout the world.

For many individuals, medication alone is insufficient when it comes to dealing with neurological diseases such as Parkinson's disease. VA and NIH conducted research into an alternative treatment option known as deep brain stimulation therapy to test the long-term outcomes of the treatment. Deep brain stimulation therapy is a surgical procedure that implants electrodes into specific stimulation sites within the brain. These electrodes are then able to send electrical pulses to areas of the brain that controls movement and motor control and helps mitigate the symptoms of Parkinson's disease as well as reduce some of the side effects caused by medication. Thanks to deep brain stimulation therapy, thousands of individuals suffering from Parkinson's disease have experienced a dramatic improvement in their quality of life.

Since deep brain stimulation therapy was approved by the Food and Drug Administration, FDA, as a therapy for Parkinson's disease in the late 1990s, there has been an ongoing debate about which stimulation sites within the brain provide the best and most durable treatment outcomes and how long those results last. To better understand the role that stimulation sites play in deep brain stimulation therapy, VA and NIH conducted a 3-year clinical trial. The trial ultimately found that the benefits gained from deep brain stimulation therapy remained after 3 years and the benefits from the surgery were not dependent by which stimulation site was selected for implantation.

This is the type of research that is crucial to providing the care that our Nation's veterans need and deserve. Thanks to the hard work of VA and NIH researchers, the 40,000 veterans living with Parkinson's disease whom VA cares for along with Parkinson's patients across the world will be better equipped to make informed decisions about their treatment options.

In closing, I commend VA and NIH for their efforts to combat a disease that affects so many of America's veterans.

#### TRIBUTE TO AMBASSADOR L. BRUCE LAINGEN

Mr. BARRASSO. Mr. President, I rise today to honor an accomplished diplomat and distinguished public servant, Ambassador L. Bruce Laingen. On August 6, Bruce will celebrate his 90th birthday. I want to take this momentous occasion to reflect on his contributions and efforts in support of our Nation. Despite the personal sacrifice, Bruce honorably served the United

States with expert skill and dedication throughout his long career.

Bruce was born and raised on a farm in southern Minnesota. He joined the U.S. Navy, and served our Nation during World War II. Bruce received his officer training at Wellesley College in 1943, and attended the University of Dubuque in Iowa for general Naval training. He was a commissioned officer in the Naval Supply Corps. Bruce served in the Pacific with amphibious forces in the Philippine campaigns. After World War II, Bruce graduated from St. Olaf College in Minnesota in 1947. He went on to further his education at the University of Minnesota, where he received a Master's degree in International Relations in 1949.

As a result of his passion and interest in what was happening across the globe, Bruce dedicated 38 years to the Foreign Service. He joined the Foreign Service in 1949, and served this Nation across the world in Germany, Iran, Pakistan, and Afghanistan. The United States was very fortunate to have Bruce serve as U.S. Ambassador to Malta from 1977 to 1979.

In June 1979, Bruce returned to Iran to serve as the U.S. Charge d'Affaires in the wake of the Iranian revolution. Within a few months of his arrival, a group of demonstrators took over the U.S. Embassy in Tehran. The students and militants were protesting the United States' relationship with the government of Iran and the Shah's entry into the United States on humanitarian grounds. On November 4, 1979, Bruce was taken hostage along with more than 60 other Americans. For a total of 444 days, he and 51 other Americans were held hostage in Iran. Throughout the entire ordeal, he worked diligently to protect the hostages and resolve the crisis. He showed true professionalism and strength. In his book *Yellow Ribbon: The Secret Journal of Bruce Laingen*, Bruce describes his personal perspective and thoughts about the events that took place over those 444 days.

Shortly after Bruce's capture, his wife Penelope "Penne" Laingen tied a yellow ribbon around an oak tree on their lawn in Maryland to symbolize her hope for a safe return for her husband and all of the hostages. Penne encouraged others to show their support and determination to be reunited with their loved ones through the use of yellow ribbons. The original yellow ribbon was later donated to the Library of Congress. It is because of her efforts that Penne is credited with founding the yellow ribbon campaign during the Iran hostage crisis.

After his release, Bruce became the Vice President of the National Defense University until he retired from the Foreign Service in 1987. He went on to be the Executive Director of the National Commission on Public Service from 1987 until 1990. Between 1991 and

2006, Bruce was President of the American Academy of Diplomacy.

Bruce continued to share his expertise and knowledge through his efforts on several distinguished Boards of Directors including No Greater Love, A Presidential Classroom for Young Americans, the Mercersburg Academy in Pennsylvania, and the National Defense University Foundation. I had the honor of working with Bruce on the Board of Directors of the Presidential Classroom. He has been a strong advocate for this wonderful program, which encourages students to learn about how their government works and aspire to leadership through public service.

Bruce has received many honors as a result of his brave service to our Nation. He was awarded the Department of State's Award for Valor, the Department of Defense's Distinguished Public Service Medal, the Presidential Meritorious Award, and the Foreign Service Cup.

I am grateful for his willingness to serve our Nation and provide strong leadership in implementing the foreign policy goals of the United States. Bruce, Penne, and their three sons Bill, Chip, and Jim have given so much to our Nation.

#### CROWDFUNDING

Mr. MERKLEY. Mr. President, I rise today to discuss an issue that I and many of my colleagues are very excited about: crowdfunding, which allows startups and small businesses to harness the power of the Internet to pool investments from ordinary Americans intrigued by their ideas. These ideas can range from revolutionary new technologies to simple projects that can improve communities in need.

If crowdfunding is going to take off, this new market needs to inspire confidence in both investors and small businesses. That is why in December of 2011, I introduced S. 1970 with Senators MICHAEL BENNET and MARY LANDRIEU and in March of this year the bipartisan, compromise crowdfunding amendment with Senators MICHAEL BENNET and SCOTT BROWN. That amendment passed the Senate by a vote of 64 to 35 and was included in the JOBS Act, which passed the Senate and the House of Representatives and was signed into law by President Obama in April of this year.

In putting this legislation together, I was guided by two goals: 1, enabling this market to work for startups and small businesses and 2, protecting ordinary investors from fraud and deception. Fortunately, in many cases, these goals are aligned. The long-term ability for companies to efficiently raise capital will depend on investors' confidence in the reliability of the marketplace. I believe that the legislation we produced sets the right framework for this marketplace to meet both



goals. But, for success to be achieved, this framework must be filled in with smart, effective rules and consistent, conscientious oversight by the Securities and Exchange Commission, SEC, a professional and independent self-regulatory organization, and the State securities regulators.

The SEC is currently in the early stages of the rulemaking process required under the law. I seek to offer these comments today to add to the creative thinking going into that process. I explore several ways in which the law is designed to provide a streamlined and simplified crowdfunding process, as well as provide critical investor protections. I will touch on funding portal regulation, national securities association membership, target amounts, disclosures, accountability, aggregate caps, advertising and promotion, the relationship of crowdfunding to other capital raising, the public review period, the role of State securities regulators, and on-going review and adjustment.

The law provides two regulatory options for firms seeking to provide crowdfunding services. A crowdfunding company under the “funding portal” option benefits from streamlined regulatory treatment but must be a neutral platform towards investors. Alternatively, a firm can register as a broker-dealer, in which case it can, through its website or otherwise, provide a broader range of investment guidance to investors. These two options provide a solid foundation for a crowdfunding marketplace with a range of business models.

Because both intermediary vehicles will be repeat players in the crowdfunding marketplace, the rules governing their activities are of paramount importance to the success of the marketplace. Registered broker-dealers are subject to a well-established set of regulations. The registered funding portal structure is, however, a new, streamlined approach. As such, attention should be given to how it can fulfill its promise of a streamlined regulatory approach while also providing the appropriate level of investor protection, as set forth in the law and otherwise.

The CROWDFUND Act is designed so that funding portals will be subject to fewer regulatory requirements than broker-dealers because they will do fewer things than broker-dealers. Among other limits, the law prohibits funding portals from engaging in solicitation, making recommendations, and providing investment advice. Relative passivity and neutrality, especially with respect to the investing public, are touchstones of the funding portal streamlined treatment. The SEC will, of course, have to establish boundaries, and I encourage the Commission to consider several points:

Provided that funding portals are not subject to financial incentives that

would cause them to favor certain companies or otherwise create a conflict of interest, funding portals should be able to exclude prospective issuers from their platform, whether that exclusion is based on the size of the offering, the type of security being offered, the industry of the business, the subjective quality of the issuer, the amount that the issuer would charge for its securities, e.g., the pricing of shares based on an evaluation of the company’s potential, or the interest rate on a debt security given a certain risk profile of the issuer as analyzed by the funding portal, or almost any other reason, including at the discretion of the platform. In short, a funding portal should not be forced, directly or indirectly, to conduct a crowdfunding offering of an issuer it does not have faith in or on terms it does not believe should be made available to its customers.

Subject to such limits as the SEC determines necessary for the protection of investors and the crowdfunding issuers, funding portals should be able to provide, or make available through service providers, services to assist entrepreneurs utilizing crowdfunding, including, for example, providing basic standardized templates, models, and checklists. Enabling them to help small businesses construct simple, standard deal structures will facilitate quality, low-cost offerings. If necessary, streamlined oversight of these may be appropriate, for example, by the relevant national securities association.

Funding portals should be able to highlight for investors, such as through searches, requested email alerts, or profile “matches,” issuers according to objective criteria for example, geographic, industry, trending, or not trending, amount an investor wants to pay for a security, or interest rate desired, or randomly.

Funding portals should be able to provide relevant factual information from third parties. For example, in the context of the sale of debt securities, this could be information from credit bureaus regarding the creditworthiness of issuers and their backers.

It is important to remember that nothing in the CROWDFUND Act prevents or limits a person independent of the funding portal from providing recommendations or investment advice to their clients. For example, Community Development Financial Institutions, CDFIs, with their mission-driven mandate and economic empowerment experience, may offer valuable insight for investors seeking to identify healthy, community-based investments.

Some have argued that discretion-based curation, such as highlighting certain companies on a home page for all investors, is important to the success of crowdfunding. However, the activity also comes very close to the line of making recommendations or pro-

viding investment advice, which are not permitted owing to the reduced duties that funding portals have compared to broker-dealers. Some of the CROWDFUND Act’s streamlining was precisely to enable small companies to successfully raise capital at modest cost, but some of those duties are also important investor protections. The SEC should carefully weigh these concerns and adopt practical, easy-to-manage solutions that facilitate successful crowdfunding for company, investor, and platform.

For example, it should be carefully considered whether organizing of the presentation of companies on the homepage facilitates success, especially by less sophisticated users, and so should be permitted. Of course, the funding portal should not match specific investors with specific companies and must not be compensated in a way that would cause them to favor certain companies or otherwise create a conflict of interest.

Indeed, some argue that discretion-based curation is essential to prevent fraudsters from gaming an objective system. On the other hand, some vigorously context this point and identify it as creating a serious risk for pump-and-dump schemes. One of the reasons I feel regulatory supervision of this space is so important—and fought for it so vigorously during the CROWDFUND Act debate—is because of the professional expertise regulators bring to addressing difficult technical issues. In short, I urge the SEC and the relevant national securities association to consider competing views like these carefully. It should be remembered that crowdfunding comes with a number of investor protections, including the aggregate cap, and so may provide some space for modest experimentation, especially when done in partnership with investor protection advocates and industry participants acting in good faith, and with adjustments made based on actual performance and measurable data.

The SEC is and should feel fully empowered by the law to take actions to protect investors and this is essential, especially at the early stages, when reputational risk to the crowdfunding market is very high. At the same time, I encourage it to approach this marketplace with a spirit of smart, careful experimentation and regular review and adjustment.

In addition, I encourage the SEC to move swiftly to address potential concerns about timing for the registration of potential funding portals so that they can be ready to go when crowdfunding goes live.

The legislation requires firms offering crowdfunding services to join a national securities association registered with the SEC, also known as a self-regulatory organization, SRO. The vision of the SRO as a genuine regulatory entity owes much to the leadership of

SEC Chairman William O. Douglas, the “sheriff of Wall Street” during the Great Depression, who believed the SEC had a duty to establish strong regulation in the public interest but that Wall Street itself was well positioned—and should be obligated—to participate in the maintenance of high standards of conduct. Accordingly, any such association must be strictly independent and thoroughly professional, with a strong mandate to operate in the highest forms of public interest and for the protection of investors.

The legislation does not foreclose funding portals from developing their own association. After consulting with the SEC and the Financial Industry Regulatory Authority, FINRA, they may indeed decide such an association would better serve their goals of a professional, independent, high-quality SRO. Setting up an SRO is not easy, though, and it may also make practical sense for funding portals to tap into the architecture already present in FINRA. To facilitate that, I encourage FINRA to work with new funding portals to keep bureaucracy, paperwork, and fees to a minimum, and to ensure funding portals can meaningfully participate in FINRA governance.

Moreover, I urge FINRA to act quickly and in close coordination with the SEC to address potential timing concerns that may exist with respect to the relationship between registration and membership of funding portals and the effective date of crowdfunding. Prospective funding portals should not be disadvantaged in their ability to compete in the initial stages of the crowdfunding marketplace.

The law says companies can only access investor funds once they have raised an amount “equal to or greater than” their target amount. The goal of this provision is to ensure that disclosures provided are connected to the target amount—and any higher amount—while also enabling companies which attract more interest than they had expected to obtain the additional funds raised. For example, if an issuer sets its target amount at \$50,000 and discloses that it needs the \$50,000 for a set of ovens for a vegan bakery, if it only raises \$35,000, an investor would have no way of knowing what the company would do with the money—and this is not permitted. However, if the issuer discloses it would buy a small oven if it raised \$50,000 and a higher-capacity oven if it raised \$70,000, then that would give investors confidence that funds raised and distributed would go to their disclosed use. In short, the disclosures should be tied to the target amounts being raised, and issuers should provide some level of disclosure for how they will use funds above some reasonable percentage beyond their original target.

The law puts in place aggregate caps on an individual’s crowdfunding invest-

ments in a given year. Without aggregate caps, someone could in theory max out a per-company investment in a single company and then repeat that bet ten, a hundred, or a thousand times, perhaps unintentionally wiping out their entire savings. The challenge is that crowdfunding is a new framework to provide small companies, including many start-ups, opportunities to raise capital. The risks that are present in this space are not amenable to ordinary means of mitigation through diversification. Angel and venture capital funds, whose mission is to invest in the start-up sector, tend to invest in perhaps one out of one hundred opportunities presented and assume that ninety-five percent of investments will fail entirely. Their profits commonly emerge out of only a handful of big winners. Even with the investor education mandated under the law, ordinary investors might not fully appreciate these risks. Aggregate caps can help address this problem.

Because caps scale up as investors can bear greater risk, an important investor protection is the cap—\$2000, to be adjusted for inflation—for persons of lower income. One way to ensure that the investor protection inherent in the scaled approach is meaningfully implemented might be to only require persons seeking to qualify for the higher investment amounts make showing regarding their income, but then make that showing slightly higher than simply “checking a box.” This approach could protect less sophisticated investors from opting into the higher limits accidentally or due to potentially misleading promptings from a less scrupulous intermediary, while retaining ease of use for the majority of participants utilizing the default amount of \$2000.

Some have expressed concern about how to implement the aggregate amounts across platforms. A data sharing regime is one way to do that, but the SEC might also consider whether to pair it with a presumption that ordinary investors that remain within an amount below the default aggregate, for example \$500, on any one platform are also presumed compliant across other unaffiliated platforms. This streamlining may be particularly useful for those seeking to make small investments and for those that want to engage in community-based crowdfunding, including those serving the CDFI community.

As the market develops, the SEC should carefully evaluate how these caps are working from perspectives of investors, issuers, and intermediaries.

The bipartisan Senate approach to crowdfunding provides critical disclosures that should help investors make intelligent investment choices. These include core financial information, basics about the business of the issuer, information about major owners, and

other key basics any investor needs to know before investing. Disclosures should be designed specifically for the crowdfunding market, enabling start-ups and small businesses to present basic, accurate information appropriate to the amount of money being put at risk by each investor and raised overall by the issuer.

With respect to financial information, the law allows companies raising smaller amounts of money to provide financial information appropriate to the amount of capital being raised—but all companies must provide something. If, for example, an issuer wants to raise \$90,000 to develop a prototype project but it is a new company without any previous revenue, that is fine—under the law, it just has to, for example, certify that the company has not yet filed tax returns and provide a CEO-certified set of financial statements displaying the appropriate zeroes. I want this process to work for all kinds of startups and be reasonably tailored to the amount of capital being raised.

The law mandates strong disclosures about capital structure and risks of dilution. Crowdfunding is available for both equity and debt securities, but the more complex the security or capital structure is, the greater the need is for strong disclosure. The goal with the strong disclosure mandate in the law to push issuers towards easy-to-understand, investor-friendly approaches, while also permitting more complex approaches if the appropriate disclosures are made. It was envisioned that the SEC might even adopt safe harbors for simple, investor-friendly structures. It may wish to convene an advisory committee specifically designed to evaluate these issues, as well as also to seek input from the Office of the Investor Advocate.

The legislation also provides for annual reports by issuers to investors. This should be a similarly streamlined approach that allows startups and small businesses to provide basic information to investors about business performance and future prospects, as well as other basic, relevant information that may be important for investor decision-making—e.g., related party transactions and conflicts of interest.

We urge the SEC to consult with the advisory committee noted above, as well as market participants and investors to develop a properly tailored approach. Consumer testing may be a useful tool as well, and the SEC should not be shy about adjusting its approach based on how they work in the marketplace.

When selling securities to the public, companies and the key players involved have a special obligation to provide truthful information. When they do not, the law properly holds them accountable. This is an essential civil right that has long been a critical tool ensuring U.S. markets are the deepest

and most reliable capital markets in the world.

Here too, the law seeks to adopt a fair, practical approach. The CROWDFUND Act sets forth a “due diligence” standard for accountability, which is essentially a “do your homework” standard. This is a standard that was reached after considerable bipartisan effort as well as consultation with legal experts, and I believe it is and can be workable and effective for this marketplace.

The promise of crowdfunding is that centralized platforms and social media can allow the “wisdom of the crowd” to help direct capital to deserving start-ups and small businesses in a cost-effective, efficient manner that provides fair returns. Critical to the success of the venture is the reliability of the information and commentary presented. While the Internet can be a tremendous tool for transparency, that is not always the case. The CROWDFUND Act seeks to provide a reliable, transparent marketplace by centralizing information about the offering on a registered intermediary that maintains strong standards.

Off-platform advertising is limited to pointing the public to the registered intermediary. Whether on or off the intermediary, persons paid or financially incentivized to promote—including officers, directors, and 20 percent shareholders—must clearly disclose themselves each and every time they engage in a promotional activity. Furthermore, the limitation on off-platform advertising is intended to prohibit issuers—including officers, directors, and 20 percent shareholders—from promoting or paying promoters to express opinions outside the platform that would go beyond pointing the public to the funding portal. Such paid testimonials and manufactured excitement would represent a prohibited form of off-site advertising if those disclosures were not present. Whether on or off the platform, paid advertising must clearly be disclosed as such. In short, the investor deserves a transparent medium for making healthy decisions.

These limits will help to ensure that ordinary investors can rely on the information they encounter online and accurately gauge a company’s level of public support, while also helping to ensure that honest startups can compete for investors without hiring armies of paid promoters or engaging in manipulative tactics.

Another important issue the SEC will need to address is the relationship of crowdfunding to other capital raisings, and in particular to Regulation D offerings. This is a difficult issue, especially as Regulation D’s restrictions on general solicitation have been loosened by Title II of the JOBS Act. I believe that careful study and attention needs to be paid to how the

two should interact in various contexts, including with respect to integration.

Although crowdfunding is a public offering, it is unlike other public offerings, and, absent evidence of problems, most likely should be able to proceed parallel to a Regulation D private offering, provided the appropriate protections are put in place—and the SEC adjusts them as necessary based on their performance in the real world. It is critical, though, that the now-looser solicitation rules for a post-JOBS Act Regulation D offering not be permitted to undermine the centralized transparency protections of crowdfunding’s restrictions on advertising. One solution could be to provide a safe harbor from integration rules only where the Regulation D offering followed the pre-JOBS Act approach on Regulation D. Naturally, the Regulation D offering and the crowdfunding offering would have to provide the same information to investors.

With respect to subsequent offerings, crowdfunding should be flexible enough to fit into the start-up ecosystem, and the SEC should carefully investigate this question. However, crowdfunding investors will likely face a higher risk of unfair dilution than ordinary angel investors. The disclosures mandated in the CROWDFUND Act should be helpful. But, should issuers seek to engage in private offerings within only a short period after a crowdfunding, which would normally not be permitted under Regulation D, the SEC should consider whether it can be possible for these offerings can proceed if they are especially protective of investors along the lines of how an angel investor might protect himself or herself from unfair dilution or other problems arising from near-term subsequent offerings.

This may require the SEC to adopt approaches more substantive than is normally the case. For example, dilution might only be permitted to the same or lesser extent than the directors, officers, and major shareholders, or the crowd would have to be bought out at a profit disclosed in the original offering. Again, for the success of the crowdfunding marketplace, the SEC should ensure that crowdfunding fits into the start-up ecosystem but should do so in a way that ensures crowdfunding investors are treated fairly.

Similar issues may arise with respect to other corporate governance matters and relationships with other aspects of securities law, such as managing the large number of investors in a crowd-funded company. In these instances, the SEC should look to find ways to ensure that investors are properly protected—in many instances, by ensuring that they are aligned with the interests of the directors, officers, and major shareholders—while also being practical and ensuring that crowdfunding can function within the start-up ecosystem.

Two important investor protections in the CROWDFUND Act are the public review period and withdrawal rights. They are designed to allow investors the chance to carefully consider offerings, permitting the “wisdom of the crowd” to develop, rather than perhaps just the “excitement of the crowd.”

The public review period commences upon the date 21 days prior to when the securities are “sold” to any investor. This means that when the offering is made available to the public—“potential investors”—to consider investing: i.e., it is put up on the platform which is the point at which information is made available to regulators and is also the point when a notice filing is made with the relevant state securities regulator the public has 21 days to review it. At the end of that, the offering can close and the securities can be “sold” to investors. The 21-day period does not reset for each and every potential investor who might look at the offering—which is why the language specifically says “potential investors.” For example, when a potential investor considers investing on the seventeenth day the offering has been up on the platform, the offering can still close four days later whether that person invests or not.

The SEC must also provide appropriate ways for investors to cancel commitments to invest.

The law envisions an important role for State securities regulators. The State securities regulators are the “50 cops on the beat” that have time and again proven crucial for policing smaller offerings, such as those envisioned under crowdfunding.

One way the law has been designed to empower them is through the 21-day public review period for all offerings. When combined with the notice filings to the State securities regulator of the principal place of business of the issuers—and States where more than 50 percent of investors are located—and the anti-fraud authority preserved for them, the 21-day public review period is designed to provide the State securities regulators with practical ability to assist in policing the marketplace.

In addition, State securities regulators have examination and enforcement power for funding portals headquartered in their states. Although they will be limited to enforcing federal rules, this oversight authority is an important tool, especially for smaller crowdfunding portals that may emerge in particular states. Of course, oversight should be coordinated with the SEC and the relevant national securities association to the greatest extent possible.

I also encourage the SEC and the relevant national securities association to work closely with state regulators in crafting the rules and learning from their on-the-ground experience.

We have also heard recently from the CDFI community with ideas about how

crowdfunding can support their work bringing growth and job creation to underserved communities. CDFIs are lenders and partners to businesses in underserved communities. They tend to obtain low rates of return on mission-driven investments, and frequently encounter financing gaps that might be filled through mission-driven crowdfunding—much the way such investing occurs in certain segments of the non-security-based crowdfunding universe today.

I believe that the overall structure of our bill offers CDFI's powerful tools to support their job-creation work, while protecting ordinary investors from undue risk of fraud and loss. In addition, some in the CDFI community have suggested to us that because of the types of businesses CDFI's work with, the types of low returns that might be derived, and the particular financing gaps that might be filled through crowdfunding, that mission-driven, CDFI-supported crowdfunding may yield better results for investors and positive job creation for communities if the rules reflect the particular work they do. Suggestions include ensuring crowdfunding can fill the financing gap for projects supported by federally-regulated, 501(c)3 CDFIs, a clarification to ensure that CDFIs and issuers can make sure investors understand the mission and charitable aspects of investments, and fast treatment from the SEC and FINRA related to registration and membership.

The SEC should be receptive to concepts CDFIs may bring that could aid in accomplishing the job-creating goals of the legislation, while protecting investors. It should consult with CDFI's and the CDFI Fund at the Treasury Department on how best to maximize the social and jobs potential for investing through crowdfunding and CDFI's.

Although it was not included in the final legislation for procedural reasons, I would encourage the SEC and the relevant national securities association to engage in regular reviews and reports regarding developments in the crowdfunding marketplace, including thorough coordination and consultation with State securities regulators. Should problems arise, these authorities should act quickly, including use of their full rulemaking and enforcement authorities. Crowdfunding holds great potential, but it is also experimental and presents risks. For it to succeed long-term, it will require careful oversight, especially during the early stages.

I also urge the SEC and the relevant national securities association to speed the publication of final rules. Crowdfunding cannot get started until rules fill out the framework to make the law effective.

I believe the features outlined above are essential if crowdfunding is going to succeed. Success should be judged

both on returns to and satisfaction of investors, and the growth and development of new and exciting companies. I am excited about the potential of this new market, but also cognizant of its risks. It won't be without its hiccups in the short run, but done properly, I believe this framework has the potential over the long run to help millions of new startups get the funding they need to grow their businesses and create jobs, and provide investors with opportunities for meaningful returns and community involvement.

I wish to extend my heartfelt thanks to the hard work and cooperation of my fellow senators, especially MICHAEL BENNET, MARY LANDRIEU, and SCOTT BROWN. I would also like to acknowledge the hard work of our staffs, who did so much to get the original legislative idea into law in strong, responsible form.

#### CONGRATULATING OLIVIA CULPO, MISS USA

Mr. REED. Mr. President, today I congratulate Olivia Culpo of my own hometown, Cranston, RI, for being crowned Miss USA on June 3, 2012, in Las Vegas, NV. She is the first titleholder from our State.

A native Rhode Islander, Olivia attended St. Mary Academy-Bay View and graduated with high honors. She is currently a sophomore at Boston University and has been on the dean's list every semester. Olivia is also an accomplished cellist who has performed with the Rhode Island Philharmonic Pops Orchestra, the Boston Symphony Orchestra, the Rhode Island Philharmonic Youth Orchestra, the Rhode Island Philharmonic Chamber Ensemble, the Bay View Orchestra, and the Rhode Island All-State Orchestra.

I had the pleasure of meeting Olivia recently when she came to Capitol Hill to passionately advocate for ovarian cancer prevention. Olivia is an impressive and intelligent young woman, and I appreciated the opportunity to discuss this and other issues with her.

Rhode Island is very proud that such a talented young woman is representing our State. We look forward to continuing to see Olivia serve as a positive role model both during and beyond her reign as Miss USA, and wish her the best of luck when she represents the United States at the Miss Universe pageant in December. Once again, I offer my sincerest congratulations to Olivia Culpo for being the first Rhode Islander to be crowned Miss USA.

Mr. WHITEHOUSE. Mr. President, I rise today to recognize Rhode Island native Olivia Culpo for her recent win of the Miss USA title. Miss Culpo is the first Rhode Islander to win the Miss USA competition, and my fellow Rhode Islanders and I couldn't be happier for her. We offer her our heartfelt congratulations.

A Cranston native, 20-year-old Olivia is the middle child of Peter and Susan Culpo. As a parent myself, I would especially like to extend my congratulations to Peter and Susan, who I know must be extremely proud of their daughter's accomplishment.

Olivia sets a great example for all Rhode Island children, graduating from Rhode Island's own St. Mary's Academy Bay View as a member of the National Honor Society. She currently attends Boston University in neighboring Massachusetts, where she has made the dean's list every semester.

In addition to excelling in her academic studies, Miss Culpo is a talented and dedicated musician. With two musicians for parents, Olivia was encouraged to pursue her love for music at a young age. She took cello lessons from second grade on, and has since performed with the Rhode Island Philharmonic Youth Orchestra, RI Philharmonic Chamber Ensemble, Bay View Orchestra, and Rhode Island All-State Orchestra. She has also had the distinct honor of performing with the Boston Symphony Hall in Boston and Carnegie Hall in New York City, and completed a tour of England in 2010. Most recently, Olivia performed with the Boston Accompanietta.

Olivia will spend her yearlong reign as Miss USA giving back to the community by raising awareness about breast and ovarian cancer, and by working closely with organizations fighting to find cures for these devastating diseases.

I would like to thank Miss Culpo for being a great representative for the State of Rhode Island in the Miss USA pageant, and again offer my congratulations to her and her family on her incredible win.

#### ADDITIONAL STATEMENTS

##### RECOGNIZING KATRINA COBB

• Mr. BARRASSO. Mr. President, I wish to take the opportunity to express my appreciation to Katrina Cobb for her hard work as an intern in my Casper office. I recognize her efforts and contributions to my office as well as to the State of Wyoming.

Katrina is a native of Mills, WY and a graduate of Booker High School. She currently attends the University of Wyoming where she is majoring in economics and minoring in psychology. She has demonstrated a strong work ethic which has made her an invaluable asset to our office. The quality of her work is reflected in her great efforts over the last several months.

I wish to thank Katrina for the dedication she has shown while working for me and my staff. It was a pleasure to have her as part of our team. I know she will have continued success with all of her future endeavors. I wish her all my best on her next journey.●

## RECOGNIZING KELLY CURUCHET

• Mr. BARRASSO. Mr. President, I wish to take the opportunity to express my appreciation to Kelly Curuchet for her hard work as an intern for the U.S. Senate Republican Policy Committee. I recognize her efforts and contributions to my office.

Kelly is a native of Kaycee, WY, and a graduate of Kaycee High School. She recently graduated from the University of Wyoming, where she majored in business administration and minored in professional writing. She has demonstrated a strong work ethic, which has made her an invaluable asset to the U.S. Senate Republican Policy Committee. The quality of her work is reflected in her great efforts over the last several months.

I want to thank Kelly for the dedication she has shown while working for me and my staff. It was a pleasure to have her as part of our team. I know she will have continued success with all of her future endeavors. I wish her all my best on her next journey.●

## RECOGNIZING ANA KATZ

• Mr. BARRASSO. Mr. President, I wish to take the opportunity to express my appreciation to Ana Katz for her hard work as an intern in my Casper office. I recognize her efforts and contributions to my office as well as to the State of Wyoming.

Ana is a native of Casper, WY, and a graduate of Kelly Walsh High School. She currently attends the University of California, San Diego, where she is majoring in political science and history and minoring in environmental studies. She has demonstrated a strong work ethic, which has made her an invaluable asset to our office. The quality of her work is reflected in her great efforts over the last several months.

I want to thank Ana for the dedication she has shown while working for me and my staff. It was a pleasure to have her as part of our team. I know she will have continued success with all of her future endeavors. I wish her all my best on her next journey.●

## RECOGNIZING KAISER MOCK

• Mr. BARRASSO. Mr. President, I wish to take the opportunity to express my appreciation to Kaiser Mock for his hard work as an intern in my Washington, D.C. office. I recognize his efforts and contributions to my office as well as to the State of Wyoming.

Kaiser is a native of Gillette, WY, and a graduate of Campbell County High School. He is a student at Michigan State University where he is majoring in Accounting. He has demonstrated a strong work ethic, which has made him an invaluable asset to our office. The quality of his work is reflected in his great efforts over the last several months.

I want to thank Kaiser for the dedication he has shown while working for me and my staff. It was a pleasure to have him as part of our team. I know he will have continued success with all of his future endeavors. I wish him all my best on his next journey.●

## RECOGNIZING BEN NELSON

• Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Ben Nelson for his hard work as an intern in my Washington, D.C. office. I recognize his efforts and contributions to my office as well as the State of Wyoming.

Ben is a native of Torrington, WY and a graduate of Torrington High School. He recently studied Interdisciplinary Studies at Eastern Wyoming College and will soon be a student at the University of Wyoming, where he will major in Political Science. He has demonstrated a strong work ethic, which has made him an invaluable asset to our office. The quality of his work is reflected in his great efforts over the last several months.

I thank Ben for the dedication he has shown while working for me and my staff. It was a pleasure to have him as part of our team. I know he will have continued success with all of his future endeavors. I wish him all my best on his next journey.●

## RECOGNIZING SHAWNA PRAEUNER

• Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Shawna Praeuner for her hard work as an intern in my Cheyenne office. I recognize her efforts and contributions to my office as well as to the State of Wyoming.

Shawna is a native of Newcastle, WY and a graduate of Newcastle High School. She recently graduated from the University of Wyoming, where she is majored in Agricultural Communications and Marketing. She has demonstrated a strong work ethic, which has made her an invaluable asset to our office. The quality of her work is reflected in her great efforts over the last several months.

I thank Shawna for the dedication she has shown while working for me and my staff. It was a pleasure to have her as part of our team. I know she will have continued success with all of her future endeavors. I wish her all my best on her next journey.●

## RECOGNIZING CHARLIE ROLLINO

• Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Charlie Rollino for his hard work as an intern for the U.S. Senate Republican Policy Committee. I recognize his efforts and contributions to my office.

Charlie is from Lander, WY and a graduate of Mother of Divine Grace High School. He is a student at Christendom College where he is majoring in History and Political Science. He has demonstrated a strong work ethic, which has made him an invaluable asset to the U.S. Senate Republican Policy Committee. The quality of his work is reflected in his great efforts over the last several months.

I thank Charlie for the dedication he has shown while working for me and my staff. It was a pleasure to have him as part of our team. I know he will have continued success with all of his future endeavors. I wish him all my best on his next journey.●

## RECOGNIZING BRIANNA STRAUB

• Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Brianna Straub for her hard work as an intern in my Sheridan office. I recognize her efforts and contributions to my office as well as to the State of Wyoming.

Brianna is a native of Kaycee, WY and a graduate of Kaycee High School. She currently attends the University of Wyoming, where she is majoring in communications. She has demonstrated a strong work ethic, which has made her an invaluable asset to our office. The quality of her work is reflected in her great efforts over the last several months.

I thank Brianna for the dedication she has shown while working for me and my staff. It was a pleasure to have her as part of our team. I know she will have continued success with all of her future endeavors. I wish her all my best on her next journey.●

## RECOGNIZING THOMAS SULLIVAN

• Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Thomas Sullivan for his hard work as an intern in my Washington, D.C. office. I recognize his efforts and contributions to my office.

Thomas is a native of Laramie, WY where he was homeschooled. He graduated from the University of Northern Colorado where he majored in business administration and accounting. He has demonstrated a strong work ethic, which has made him an invaluable asset to our office. The quality of his work is reflected in his great efforts over the last several months.

I thank Thomas for the dedication he has shown while working for me and my staff. It was a pleasure to have him as part of our team. I know he will have continued success with all of his future endeavors. I wish him all my best on his next journey.●

## RECOGNIZING DAVID WISE

• Mr. BARRASSO. Mr. President, I would like to take the opportunity to

express my appreciation to David Wise for his hard work as an intern in the Senate Committee on Indian Affairs. I recognize his efforts and contributions to my office as well as to the State of Wyoming.

David is a native of McLean, VA and graduated from Langley High School. He attends Clemson University where he is majoring in political science. He has demonstrated a strong work ethic, which has made him an invaluable asset to the Senate Committee on Indian Affairs. The quality of his work is reflected in his great efforts over the last several months.

I want to thank David for the dedication he has shown while working for me and my staff. It was a pleasure to have him as part of our team. I know he will have continued success with all of his future endeavors. I wish him all my best on his next journey.●

#### RECOGNIZING NATALYA WOLFLEY

● Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Natalya Wolfley for her hard work as an intern in the Senate Committee on Indian Affairs. I recognize her efforts and contributions to my office as well as to the State of Wyoming.

Natalya is a native of Etna, WY, and a graduate of Star Valley High School. She currently attends the University of Wyoming, where she is majoring in international relations and minoring in international business and Chinese. She has demonstrated a strong work ethic, which has made her an invaluable asset to the Senate Committee on Indian Affairs. The quality of her work is reflected in her great efforts over the last several months.

I want to thank Natalya for the dedication she has shown while working for me and my staff. It was a pleasure to have her as part of our team. I know she will have continued success with all of her future endeavors. I wish her all my best on her next journey.●

#### TRIBUTE TO MAJOR GENERAL HUGH BROOMALL

● Mr. COONS. Mr. President, it is with great pleasure that I pay tribute to MAJ General Hugh Broomall. After spending nearly 38 years serving Delaware and our Nation with the Delaware National Guard, General Broomall is retiring. He will leave behind an organization he helped to strengthen and a legacy of service that will not soon be forgotten. A native of Wilmington, DE, General Broomall's military career began when he enlisted in the Delaware Air National Guard, where he went on to receive a commission in 1974. General Broomall became an air intelligence officer and deployed worldwide in support of exercises and contingencies. Most recently, General

Broomall served as the special assistant to the Director of the Air National Guard, where he was responsible for strategy development, State and Federal liaison, interagency coordination, and special studies supporting the 106,000 Air National Guard members nationwide.

General Broomall's impact is not limited to Delaware. When asked about General Broomall, LTG Bud Wyatt said, "his multi-dimensional experience, both civilian and military, makes him an outstanding asset to the Nation. His tireless work with the military, private industry and the Hill during critical budget times, directly contributed to keeping the Air National Guard ready, relevant and reliable to serve both our state and federal military requirements well into the future. He is an outstanding American."

I couldn't agree more. And so, I congratulate Hugh Broomall for his years of exemplary service and countless contributions to the Delaware National Guard, as well as the national military community, the people of Delaware and the country that he loves. General Broomall is an exemplary citizen, and on behalf of all Delawareans I would like to thank him and his family for their many sacrifices during his 38 years of service and wish him well in his retirement.●

#### TRIBUTE TO SYLVIA WOODS

● Mrs. GILLIBRAND. Mr. President, I wish to pay tribute to Sylvia Woods, the "Queen of Soul Food" and a New York icon whose eponymous restaurant for decades served as a home away from home for scores of Harlem residents, New Yorkers, Presidents, dignitaries, celebrities, and visitors from all over the world.

As we commemorate the 50th anniversary of Sylvia's Restaurant, we celebrate the life and legacy of Sylvia Woods. Ms. Woods' big heart, entrepreneurial spirit, and extraordinary strength exemplified the vibrancy of the Harlem community she helped bring together.

Ms. Woods was born in Hemingway, SC, in 1926. In 1954, she worked as a waitress at Johnson's Luncheonette in Harlem. Her mother helped Ms. Woods pursue her dreams by mortgaging the farm in South Carolina where Sylvia was born. Ms. Woods and her late husband Herbert used the \$18,000 borrowed from her mother to buy the luncheonette in 1962 and founded the namesake restaurant.

Ms. Woods' dream became an instant reality when people from all over the world flocked to 126th Street and Lenox Avenue to taste Sylvia's world-famous comfort food, including mouthwatering fried chicken, collard greens, and peach cobbler. Ms. Woods purchased six lots which took up nearly one city block on Lenox Avenue be-

tween 126th and 127th Streets, setting in motion the growth of the legendary soul food establishment. She ran the business until she retired at age 80 and had overseen its expansion to seat more than 450 people.

Her famed eatery not only became a center of globally-renowned cuisine, but it also became a special meeting place for African-American leaders. I fondly remember Sylvia's being one of the first places I visited with Rev. Al Sharpton in 2009 as Senator. I, along with countless others, deeply felt the love, life, and history of this iconic institution.

Ms. Woods cared deeply about the community she loved and found ways to give back to her beloved Harlem. The Woods family created the Sylvia and Herbert Woods Scholarship Endowment Foundation in 2001 to provide scholarships to Harlem youth.

Ms. Woods undoubtedly made an indelible impact on our great city and Nation. The landmark restaurant she created will continue to thrive for future generations of New York City families. Ms. Woods' legacy, accomplishments, and endearing spirit will live on in Harlem and around the world.●

#### TRIBUTE TO THE DISABILITY RIGHTS MOVEMENT

● Mr. HARKIN. Mr. President, the National Constitution Center in Philadelphia, which opened on July 4, 2003, is the first and only nonprofit, non-partisan institution devoted to the world's oldest and most respected framework for democratic government: the Constitution of the United States. Located on historic Independence Mall, the center is many things: an interactive museum, a national town hall, and a civic hub for millions of visitors from around the world. It inspires active citizenship by shining a spotlight on our great constitutional principles, ideals, and freedoms.

This Saturday, the center's main exhibition, which is called "The Story of We the People," is inaugurating an important new addition: the wheelchair used by disability-rights advocate Justin Dart, Jr., when he was present alongside President George H.W. Bush at the signing of the Americans with Disabilities Act on July 26, 1990. Mr. Dart used that wheelchair on countless other occasions as he advocated for passage of the Americans with Disabilities Act and to secure for people with disabilities the civil rights that all Americans hold sacred.

This wonderful new addition to the National Constitution Center will serve as a symbol of freedom for all Americans. The wheelchair will remind visitors of the visionary leadership and inspired advocacy of Justin Dart, Jr., and the courageous struggle of all those in the disability rights movement who

fought to pass the ADA, one of the great civil rights laws of the 20th century, often referred to as the Emancipation Proclamation for people with disabilities.

Twenty-two years ago today, as President Bush signed the ADA into law, he said: "Let the shameful wall of exclusion finally come tumbling down." I was present at that White House ceremony, and I vividly remember the joy and pride on Justin Dart's face as he sat aside the President. As of this Saturday, visitors to the National Constitution Center, when they view Justin Dart's wheelchair and accompanying photos, will be able to relive that great moment and milestone in our Nation's history.●

#### CONGRATULATING CLARISSA MARTINS

● Mr. HELLER. Mr. President, today I wish to congratulate one of Nevada's own, Clarissa Martins. Clarissa is a student at the University of Nevada, Reno, who was recently awarded the 2012 Thomas J. Bardos Award for her participation in cancer and nutrition research. Presented by the American Association of Cancer Research, this prestigious award recognizes and encourages young science students to pursue the field of cancer research. I am proud to honor Clarissa for her commitment to the scientific community in addressing a deadly disease that affects thousands of Nevadans each year.

For UNR senior, Clarissa, the devastating impact of cancer hit home when her mother lost her battle with pancreatic cancer in 2009. Inspired by her mother, Clarissa began researching the intricacies of this fatal disease. She is currently working on a UNR research project to determine rates of breast and lung cancer.

As someone whose family has been touched by cancer, I am humbled by Clarissa's efforts to study the second most common cause of death in America. Cancer is one of our most pressing health concerns in this country. Over 1.6 million new cancer cases will be diagnosed this year, and more than half a million Americans will lose their lives to this disease. In order for our country to be better prepared to combat this devastating disease, we must continue to research and provide better oncology care.

I am proud that such an ambitious student calls Nevada home, and that she has remained committed to fighting this deadly disease. I wish Clarissa continued success and the best of luck in her future academic endeavors. Today, I ask my colleagues to join me in congratulating her on this great accomplishment.●

#### 2012 OLYMPIC GAMES

● Mr. INHOFE. Mr. President, this Friday marks the beginning of the 2012 London Olympic Games. Every 4 years, our national pride is displayed as we join our family and friends to cheer on Team USA. In this summer's London Games, the 530-member U.S. team will compete in 25 sports that span 246 medal events. Individuals and families make so many sacrifices just to have the opportunity to be a part of these competitions every 4 years. Rigorous physical challenges, early morning workouts, and total commitment are hallmarks of Olympians. Support of family and friends are also key to the success of these athletes.

Several of the team members have ties to my home State of Oklahoma. Many basketball players have Oklahoma ties—Blake Griffin, James Harden, Kevin Durant, and Russell Westbrook are all members of the USA basketball team. Many of us have followed Griffin's career from his early days, even before he was a University of Oklahoma Sooner. Then, of course Durant, Westbrook, and Harden are members of the Oklahoma City Thunder team that captivated our State and drew us together on their amazing journey through the NBA playoffs this past season.

All eyes will be on the Team USA's rowing team as they compete for a medal. Anthony Fahden of Oklahoma City, Will Newell of Oklahoma City, Tom Peszek of Oklahoma City, Nick LaCava of Oklahoma City, and Robin Prendes of Oklahoma City, will compete in rowing events.

Our State has a rich wrestling heritage. Three wrestlers, one from Oklahoma State University and two from the University of Oklahoma, will represent our Nation and State. Cowboy Coleman Scott and Sooners Jared Frayer and Sam Hazewinkel will continue that tradition in London as they hit the mat for Team USA.

Oklahoma will also be represented during the track and field events. Tia Brooks, a shot putter residing in Norman, secured a spot on the Olympic team with a big second throw at the U.S. trials. Brittany Borman, a javelin thrower also residing in Norman, secured first place and a spot on the U.S. team on her final throw at U.S. trials.

In gymnastics, Norman resident Jake Dalton will regale audiences on the vault and floor exercises. Meanwhile, in the pool, Mary Killman, who was born in Ada, will compete in solo, duet, and team synchronized swimming.

My wife Kay and I and our 20 kids and grandchildren will be watching these individuals and the entire U.S. Olympic team during the London Games, and we wish them every success as they make our State and our entire Nation proud.●

#### MOUNTAIN STATE SECURITY FELLOWSHIP

● Mr. MANCHIN. Mr. President, I rise today to recognize the thousands of West Virginians who have chosen to serve this great Nation as members of our military. West Virginia is one of the most patriotic States in the Nation, and we are humbled by the sacrifice of 39 brave West Virginians who gave their lives in Iraq and Afghanistan.

Throughout the generations, thousands of brave men and women gave us our freedom; they deserve the best we can give them in return.

In recognition of these values and the service of all West Virginians, today I am launching the Mountain State National Security Fellowship.

While working on Capitol Hill or in my State offices, selected fellows will use the skills and experience gained while serving in our armed services to assist my office with military and veterans-related issues. They will also personally represent the West Virginia veteran community and embody the values of all who served, including those who made the ultimate sacrifice for their country.

This is our next generation of leaders, and this fellowship will help encourage them to develop their interest in public service. Fellows will gain a firsthand understanding of how we help our constituents by staying connected to their lives and serving their needs. Our office will benefit from a service-member's perspective on the problems we are trying to solve.

This fellowship is a small but important step in a much larger national problem. Veterans face the highest unemployment levels of almost any group of people in our economy, and that is wrong. We need to do more to match our veterans with available jobs in their communities.

As cofounder of the Congressional Veterans Jobs Caucus, I have joined with many colleagues from both parties to focus on the problem of veterans' unemployment. As we draw down from the Middle East, veterans will be returning to our communities and trying to build new lives with their families, and we should do everything we can to put their incredible skills to good use.

In my own office, we employ four veterans, and they are the most dedicated, trained, committed kind of employees imaginable. I am so appreciative to have that quality of a workforce in my office.

As a nation, we fly the flag and we proudly display yellow ribbons, but if you really want to say thank you to someone who was willing to sacrifice and give their all, you hire a veteran. They are well trained, disciplined, and ready to go to work.

That is the drive behind our jobs caucus, our "I Hire Veterans" project, and



this fellowship program. It is easy to talk the talk, but you have to walk the walk, and this fellowship is one way for us to do so.

I want to say thank you to all West Virginia veterans and their families and that it will be an honor to work with you as Mountain State National Security Fellows.●

#### RECOGNIZING COZY HARBOR SEAFOOD

● Ms. SNOWE. Mr. President, with over 220 miles of beautiful Atlantic coastline, my home State knows the benefits and the rigors of living off the water. The very mention of Maine will evoke, for many, the pristine natural beauty and rugged terrain of our rocky coast. Hand in hand with these romantic images is that of hard-working fishermen, whose relationship with Maine's waters is key to maintaining a thriving seafood market so characteristic of our State. I rise to recognize a small business whose dedication to producing and marketing a quality product epitomizes the entrepreneurial spirit so characteristic of Maine.

From its founding in 1980, Cozy Harbor Seafood of Portland, ME has striven to provide a consistently high-quality product to consumers both local and abroad with a recent expansion into the European markets. Specializing in processing and distributing lobster, fresh fish, and frozen seafood for supermarkets, seafood wholesalers, and restaurants, Cozy Harbor is aggressively seeking new venues and opportunities to expand through participation in seafood expositions, as seen through its recent involvement at the European Seafood Exposition and the upcoming Asian Seafood Show and China Fisheries Show later this year.

The seafood industry in Maine is more than a profession; it is a lifestyle. The passion, love, and dedication shown by those in my home State to producing a quality product not only reaps its benefits in the ledger books, it is also a major contributing factor in the development of the tradition and reputation of excellence that Maine seafood has come to be known for worldwide. Through programs such as the Gulf of Maine Responsibly Harvested Program, the sustainability of the fishing industry is further developed. Cozy Harbor also participates in the Trace Register which records the product's origin for consumers to view online, has been recognized internationally for high-quality product, and has received the British Retail Consortium's certification grade A level for food safety. These efforts not only increase quality standards, they ensure that the fishing industry is viable for generations to come.

Like many small businesses in Maine, Cozy Harbor is steadfast in serving the local community and giv-

ing back to the area. Its devotion is illustrated by its donation of approximately 500 lobsters to the Bike MS: Great Maine Getaway sponsored annually by the National MS Society's New England chapter, which supports multiple sclerosis research and programs in the New England area.

Cozy Harbor exhibits the ingenuity, commitment to quality, and dedication to competing in an ever-growing market that is so characteristic of entrepreneurs in Maine. I commend Cozy Harbor on its success and offer my best wishes for the future.●

#### TRIBUTE TO ARVID "BUTCH" HILLER

● Mr. TESTER. Mr. President, I rise to honor a fellow Montanan today as he retires from a long and distinguished career in the water utility business after 41 years. Arvid "Butch" Hiller retires from the Mountain Water Company in Missoula, where he is the general manager.

Butch Hiller was raised in Missoula. He spent 10 years supplying water to his community through Montana Power and 32 years when it became the Mountain Water Company. In other words, Mountain Water has never run a day without Butch Hiller contributing to its mission. His distinguished career at Mountain Water included recognition by his profession, including the Distinguished Public Service Award from the American Water Works Association in 2005. His contributions to the Missoula community and the State of Montana are numerous, including service on the Missoula Rotary Club, the Missoula and the Montana Chambers of Commerce, the Montana Power Business Information Panel, and the Montana Ambassadors.

Butch has said one of the keys to his success has been to hire people who were better and smarter to help him do what he alone could not do. He also said he tried to give people the freedom to achieve success and to learn from their mistakes.

Mr. President, water is our most basic resource. Butch Hiller spent a career as a caretaker of that precious resource. As he and his wife Lynn begin their retirement and continue to enjoy their four children and five grandchildren, I would like to join with other Montana residents and thank Butch for his stewardship of our Montana water and the many contributions he has made to our community.●

#### OAHE DAM

● Mr. THUNE. Mr. President, today I wish to recognize the 50th anniversary of construction of the Oahe Dam.

In December 1944, President Franklin D. Roosevelt approved the Flood Control Act. This set into motion the construction of several dams across South

Dakota. Construction on the Oahe Dam commenced in 1948 and was completed in 1962. In August of 1962, President John F. Kennedy dedicated the dam located in central South Dakota on the Missouri River. The dam was a massive endeavor for the U.S. Army Corps of Engineers, standing 245 feet tall with an earth fill volume of 92 million cubic yards and a concrete fill volume of 1,122,000 yards. The reservoir stretches 231 miles to Bismarck, ND. The Oahe Dam is the 14th largest manmade reservoir in the world.

Oahe Dam is beneficial not only to South Dakota but throughout the Midwest. The powerplant on the dam is the largest producer of energy on the Missouri River. North Dakota, South Dakota, Nebraska, Minnesota, and Montana receive power produced by the Oahe Dam. Local farmers and ranchers benefit from the irrigation that is provided from the reservoir.

I would like to recognize the efforts of all those who have contributed to the construction and maintenance of the Oahe Dam. It has become one of South Dakota's greatest resources.●

#### RECOGNIZING GROSSENBURG IMPLEMENT

● Mr. THUNE. Mr. President, today I wish to recognize the 75th anniversary of Grossenburg Implement. The company was founded during the Great Depression in 1937 by Charles Jacob Grossenburg in Tripp County, SD. The demand for two-cylinder tractors during World War II led to the company's success and prosperity. Since then, Grossenburg Implement has stayed true to their mission statement "to provide the best product at a reasonable price and with the highest level of service." Along with products from John Deere, Grossenburg sold Oldsmobile and Cadillac automobiles. Throughout the years, the Grossenburg family remained dedicated to quality service and continued success.

Charlie, son of Barry and Marilyn Grossenburg, represents the fourth generation of the family business and is now the vice president. In 1998, Grossenburg Implement continued its success by adding a combine shop in Winner and subsequently an overhead crane to the shop in 2005. In 2009, the company also celebrated the opening of another combine shop in Pierre. Most recently in 2012, the company expanded their business by purchasing Northeast Equipment, Inc. in Nebraska. Today, the company has grown from one store to a projected \$150 million company.

I would like to congratulate the Grossenburg family and the employees of Grossenburg Implement for 75 years of success and wish them a prosperous future.●

## MESSAGES FROM THE HOUSE

## ENROLLED BILL SIGNED

The President pro tempore (Mr. INOUE) announced that on today, July 26, 2012, he had signed the following enrolled bill, previously signed by the Speaker of the House:

S. 1335. An act to amend title 49, United States Code, to provide rights for pilots, and for other purposes.

At 1:32 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 459. An act to require a full audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks by the Comptroller General of the United States, and for other purposes.

H.R. 6082. An act to officially replace, within the 60-day Congressional review period under the Outer Continental Shelf Lands Act, President Obama's Proposed Final Outer Continental Shelf Oil & Gas Leasing Program (2012-2017) with a congressional plan that will conduct additional oil and natural gas lease sales to promote offshore energy development, job creation, and increased domestic energy production to ensure a more secure energy future in the United States, and for other purposes.

At 6:04 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 134. Concurrent resolution condemning, in the strongest possible terms, the heinous atrocities that occurred in Aurora, Colorado.

## ENROLLED BILL SIGNED

The message further announced that the Speaker has signed the following enrolled bill:

H.R. 5872. An act to require the President to provide a report detailing the sequester required by the Budget Control Act of 2011 on January 2, 2013.

The enrolled bill was subsequently signed by the President pro tempore (Mr. INOUE).

## MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 6082. An act to officially replace, within the 60-day Congressional review period under the Outer Continental Shelf Lands Act, President Obama's Proposed Final Outer Continental Shelf Oil & Gas Leasing Program (2012-2017) with a Congressional plan that will conduct additional oil and natural gas lease sales to promote offshore energy development, job creation, and increased domestic energy production to ensure a more secure energy future in the United States, and for other purposes.

## ENROLLED BILL PRESENTED

The Secretary of the Senate announced that on today, July 26, 2012,

she had presented to the President of the United States the following enrolled bill:

S. 1335. An act to amend title 49, United States Code, to provide rights for pilots, and for other purposes.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-6935. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Significant New Use Rules on Certain Chemical Substances" (FRL No. 9354-2) received in the Office of the President of the Senate on July 19, 2012; to the Committee on Environment and Public Works.

EC-6936. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Significant New Use Rules on a Certain Chemical Substance; Removal of Significant New Use Rules" (FRL No. 9356-1) received in the Office of the President of the Senate on July 19, 2012; to the Committee on Environment and Public Works.

EC-6937. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Virginia; Removal of Administrative Requirements from the Regulation for the Control of Motor Vehicle Emissions in Northern Virginia" (FRL No. 9702-4) received in the Office of the President of the Senate on July 19, 2012; to the Committee on Environment and Public Works.

EC-6938. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Wisconsin; Redesignation of the Milwaukee-Racine Area to Attainment for 1997 8-hour Ozone Standard" (FRL No. 9702-9) received in the Office of the President of the Senate on July 19, 2012; to the Committee on Environment and Public Works.

EC-6939. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland; Offset Lithographic Printing and Letterpress Printing Regulations" (FRL No. 9702-2) received in the Office of the President of the Senate on July 19, 2012; to the Committee on Environment and Public Works.

EC-6940. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Tennessee; 110(a) (1) and (2) Infrastructure Requirements for the 1997 8-Hour Ozone National Ambient Air Quality Standards" (FRL No. 9699-5) received in the Office of the President of the Senate on July 19, 2012; to the Committee on Environment and Public Works.

EC-6941. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Agency, transmitting, pursuant to law, the report of a rule entitled "Receipts-Based, Small Business Size Standard" (RIN3150-AJ14) received in the Office of the President of the Senate on July 18, 2012; to the Committee on Environment and Public Works.

EC-6942. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the C-111 Spreader Canal Western project in Miami-Dade County, Florida; to the Committee on Environment and Public Works.

EC-6943. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Technical Corrections" (RIN3150-AJ16) received in the Office of the President of the Senate on July 18, 2012; to the Committee on Environment and Public Works.

EC-6944. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Communication with Transport Vehicles" (Regulatory Guide 5.32) received in the Office of the President of the Senate on July 18, 2012; to the Committee on Environment and Public Works.

EC-6945. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Issuing Final Guidance That Issues a New Branch Technical Position BTP 8-8—(Emergency Diesel Generators) and Off Site Power Sources Allowed Outage Time Extensions" (Publication of Revision 4 to SRP Section 8.1) received in the Office of the President of the Senate on July 18, 2012; to the Committee on Environment and Public Works.

EC-6946. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Regulations Under Section 367(d) applicable to certain outbound asset reorganizations" (Notice 2012-39) received in the Office of the President of the Senate on July 19, 2012; to the Committee on Finance.

EC-6947. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Tribal Economic Development Bonds" (Notice 2012-48) received in the Office of the President of the Senate on July 19, 2012; to the Committee on Finance.

EC-6948. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, the semiannual report on the continued compliance of Azerbaijan, Kazakhstan, Moldova, the Russian Federation, Tajikistan, and Uzbekistan with the 1974 Trade Act's freedom of emigration provisions, as required under the Jackson-Vanik Amendment; to the Committee on Finance.

EC-6949. A communication from the Chairman of the United States International Trade Commission, transmitting, pursuant to law, a report entitled "The Year in Trade 2011"; to the Committee on Finance.

EC-6950. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, notice of proposed permanent transfer of significant military equipment pursuant to section 3(d) of

the Arms Export Control Act (Transmittal No. RSAT-12-2990); to the Committee on Foreign Relations.

EC-6951. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, notice of proposed permanent transfer of significant military equipment pursuant to section 3(d) of the Arms Export Control Act (Transmittal No. RSAT-12-2917); to the Committee on Foreign Relations.

EC-6952. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act (Transmittal No. DDTC 12-080); to the Committee on Foreign Relations.

EC-6953. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act (Transmittal No. DDTC 12-084); to the Committee on Foreign Relations.

EC-6954. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act (Transmittal No. DDTC 12-078); to the Committee on Foreign Relations.

EC-6955. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act (Transmittal No. DDTC 12-038); to the Committee on Foreign Relations.

EC-6956. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act (Transmittal No. DDTC 12-048); to the Committee on Foreign Relations.

EC-6957. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act (Transmittal No. DDTC 12-086); to the Committee on Foreign Relations.

EC-6958. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act (Transmittal No. DDTC 12-049); to the Committee on Foreign Relations.

EC-6959. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(d) of the Arms Export Control Act (Transmittal No. DDTC 12-068); to the Committee on Foreign Relations.

EC-6960. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act (Transmittal No. DDTC 12-065); to the Committee on Foreign Relations.

EC-6961. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Indirect Food Additives: Polymers" (Docket No. FDA-2012-F-0031) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-6962. A communication from the Senior Procurement Executive/Deputy Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Small Entity Compliance Guide" (FAC 2005-60) received in the Office of the President of the Senate on July 24, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-6963. A communication from the Senior Procurement Executive/Deputy Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Introduction" (FAC 2005-60) received in the Office of the President of the Senate on July 24, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-6964. A communication from the Senior Procurement Executive/Deputy Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Technical Amendments" (FAC 2005-60) received in the Office of the President of the Senate on July 24, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-6965. A communication from the Senior Procurement Executive/Deputy Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; DARPA-New Mexico Tax Agreement" ((RIN9000-AM290) (FAC 2005-60)) received in the Office of the President of the Senate on July 24, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-6966. A communication from the Senior Procurement Executive/Deputy Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Clarification of Standards for Computer Generation of Forms" ((RIN9000-AM15) (FAC 2005-60)) received in the Office of the President of the Senate on July 24, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-6967. A communication from the Senior Procurement Executive/Deputy Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Extension of Sunset Date for Protests of Task and Delivery Orders" ((RIN9000-AM26) (FAC 2005-60)) received in the Office of the President of the Senate on July 24, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-6968. A communication from the Senior Procurement Executive/Deputy Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Payments Under Time-and-Materials and Labor-Hour Contracts" ((RIN9000-AM01) (FAC 2005-60)) received in the Office of the President of the Senate on July 24, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-6969. A communication from the Senior Procurement Executive/Deputy Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule en-

titled "Federal Acquisition Regulation; Reporting Executive Compensation and First-Tier Subcontract Awards" ((RIN9000-AL66) (FAC 2005-60)) received in the Office of the President of the Senate on July 24, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-6970. A communication from the Presiding Governor of the Broadcasting Board of Governors, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of October 1, 2011 through March 31, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-6971. A communication from the Executive Director, United States Access Board, transmitting, pursuant to law, the Board's annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Homeland Security and Governmental Affairs.

EC-6972. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the Department of Justice's fiscal year 2011 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Homeland Security and Governmental Affairs.

EC-6973. A communication from the Director, Office of Diversity Management and Equal Opportunity, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a compilation of fiscal year 2012 reports from the Department of Defense Components relative to the implementation of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Homeland Security and Governmental Affairs.

EC-6974. A communication from the Chairman of the National Transportation Safety Board, transmitting, pursuant to law, a report relative to the activities performed by the agency that are not inherently governmental functions; to the Committee on Homeland Security and Governmental Affairs.

EC-6975. A communication from the Chairman of the Board of Governors, U.S. Postal Service, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report and the Postal Service management response to the report for the period of October 1, 2011 through March 31, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-6976. A communication from the Acting Chairman of the Federal Deposit Insurance Corporation, transmitting, pursuant to law, the Federal Deposit Insurance Corporation's 2012 Annual Performance Plan; to the Committee on Homeland Security and Governmental Affairs.

EC-6977. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, "Sufficiency Certification for the Washington Convention and Sports Authority's (Trading as Events DC) Projected Revenues and Excess Reserve to Meet Projected Operating and Debt Service Expenditures and Reserve Requirements for Fiscal Year 2013"; to the Committee on Homeland Security and Governmental Affairs.

EC-6978. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, the Department's Fiscal Year 2011 annual report relative to the Notification and

Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Homeland Security and Governmental Affairs.

EC-6979. A communication from the Clerk of Court, United States Court of Appeals for the Seventh Circuit, transmitting an opinion of the United States Court of Appeals for the Seventh Circuit; to the Committee on the Judiciary.

EC-6980. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, an annual report of the Review Panel on Prison Rape; to the Committee on the Judiciary.

EC-6981. A communication from the Federal Liaison Officer, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Rules of Practice for Trials before the Patent Trial and Appeal Board and Judicial Review of Patent Trial and Appeal Board Decisions" (RIN0651-AC70) received in the Office of the President of the Senate on July 23, 2012; to the Committee on the Judiciary.

EC-6982. A communication from the Federal Liaison Officer, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Changes to Implement the Inventor's Oath or Declaration Provisions of the Leahy-Smith America Invents Act" (RIN0651-AC68) received in the Office of the President of the Senate on July 23, 2012; to the Committee on the Judiciary.

EC-6983. A communication from the Federal Liaison Officer, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Transitional Program for Covered Business Method Patents—Definitions of Covered Business Method Patent and Technological Invention" (RIN0651-AC75) received in the Office of the President of the Senate on July 23, 2012; to the Committee on the Judiciary.

EC-6984. A communication from the Federal Liaison Officer, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Changes to Implement the Supplemental Examination Provisions of the Leahy-Smith America Invents Act and to Revise Reexamination Fees" (RIN0651-AC69) received in the Office of the President of the Senate on July 23, 2012; to the Committee on the Judiciary.

EC-6985. A communication from the Federal Liaison Officer, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Changes to Implement Inter Partes Review Proceedings, Post-Grant Review Proceedings, and Transitional Program for Covered Business Methods Patents" (RIN0651-AC71) received in the Office of the President of the Senate on July 23, 2012; to the Committee on the Judiciary.

EC-6986. A communication from the Librarian of Congress, transmitting, pursuant to law, the annual report on the activities of the Library of Congress for fiscal year 2011; to the Committee on Rules and Administration.

EC-6987. A communication from the Deputy General Counsel, Office of Financial Assistance, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "7(a) Loan Program; Eligible Passive Companies" (RIN3245-AG48) received in the Office of the President of the Senate on July 24, 2012; to the Committee on Small Business and Entrepreneurship.

EC-6988. A communication from the Deputy General Counsel, Office of Investment and Innovation, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "Small Business Investment Companies—Early Stage SBICs" (RIN3245-AG32) received in the Office of the President of the Senate on July 18, 2012; to the Committee on Small Business and Entrepreneurship.

EC-6989. A communication from the Deputy General Counsel, Office of Investment and Innovation, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "Small Business Investment Companies—Energy Saving Qualified Investments" (RIN3245-AF86) received in the Office of the President of the Senate on July 18, 2012; to the Committee on Small Business and Entrepreneurship.

EC-6990. A communication from the Deputy General Counsel, Office of Investment and Innovation, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "Small Business Investment Companies—Conflicts of Interest and Investment of Idle Funds" (RIN3245-AF56) received in the Office of the President of the Senate on July 18, 2012; to the Committee on Small Business and Entrepreneurship.

EC-6991. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Titanium Dioxide; Exemption from the Requirement of a Tolerance" (FRL No. 9354-6) received in the Office of the President of the Senate on July 25, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6992. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pyrimethanil; Pesticide Tolerances" (FRL No. 9354-7) received in the Office of the President of the Senate on July 25, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6993. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Acetamiprid; Pesticide Tolerances" (FRL No. 9354-8) received in the Office of the President of the Senate on July 25, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6994. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to a violation of the Antideficiency Act that occurred in the Maritime Administration's (MARAD) Operations and Training account (69 1750); to the Committee on Appropriations.

EC-6995. A communication from the Principal Deputy Under Secretary of Defense (Personnel and Readiness), transmitting the report of four (4) officers authorized to wear the insignia of the grade of rear admiral and rear admiral (lower half) as indicated, in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-6996. A communication from the Attorney, Office of the General Counsel, Bureau of Consumer Financial Protection, transmitting, pursuant to law, the report of a rule entitled "Defining Larger Participants of the Consumer Reporting Market" (RIN3170-AA00) (Docket No. CFPB-2012-0005) received in the Office of the President of the Senate on July 25, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-6997. A communication from the Attorney, Office of the General Counsel, Bureau of Consumer Financial Protection, transmitting, pursuant to law, the report of a rule entitled "Confidential Treatment of Privileged Information" ((RIN3170-AA20) (Docket No. CFPB-2012-0010)) received in the Office of the President of the Senate on July 25, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-6998. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64) (Docket No. FEMA-2012-0003)) received in the Office of the President of the Senate on July 25, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-6999. A communication from the Comptroller of the Currency, transmitting, pursuant to law, a report relative to Section 322(k) of the Dodd-Frank Wall Street Reform and Consumer Protection Act; to the Committee on Banking, Housing, and Urban Affairs.

EC-7000. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report relative to the Financial Stability Oversight Council's study of the feasibility, benefits, costs, and structure of a contingent capital requirement for nonbank financial companies; to the Committee on Banking, Housing, and Urban Affairs.

EC-7001. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the Financial Stability Oversight Council's annual report to Congress on the activities of the Council; to the Committee on Banking, Housing, and Urban Affairs.

EC-7002. A communication from the Senior Vice President and Chief Financial Officer, Federal Home Loan Bank of New York, transmitting, pursuant to law, the Bank's 2011 Management Report; to the Committee on Banking, Housing, and Urban Affairs.

EC-7003. A communication from the Principal Deputy Under Secretary of Defense (Personnel and Readiness), transmitting the report of an officer authorized to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

#### EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. KERRY for the Committee on Foreign Relations.

\*Gene Allan Cretz, of New York, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Ghana.

Nominee: Gene Allan Cretz.

Post: Ambassador to Ghana.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None. 0
2. Spouse: None. 0
3. Children and Spouses: None. 0
4. Parents: None. 0
5. Grandparents: None. 0

6. Brothers and Spouses: None. 0  
7. Sisters and Spouses: None. 0

\*Deborah Ruth Malac, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Liberia.

Nominee: Deborah Ruth Malac.

Post: Liberia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: \$150.00, 06/20/2008, Friends of Mark Warner.

2. Spouse: \$35.00, 02/18/2009, Democratic National Committee; \$35.00, 03/19/2009, Democratic National Committee.

3. Children and Spouses: Nicholas Stefan Olson: \$107.07, 11/03/2008, Obama Victory Fund; \$30.00, 11/05/2008, Obama Victory Fund. Gregory Michael Olson: None. Katharine Elaine Olson: None.

4. Parents: Barry Forrest Malac and Marian Bartak Malac: \$25.00, 01/10/2008, Georgia Republican Party; \$20.00, 01/22/2008, Union County (GA) Republican Women; \$15.00, 06/07/2008, Republican National Committee; \$10.00, 08/14/2008, RNC Victory 2008; \$20.00, 1/17/2008, Republican National Committee; \$20.00, 01/23/2009, Union County (GA) Republican Women; \$10.00, 07/15/2009, Georgia Republican Party; \$10.00, 09/28/2009, Republican National Committee; \$15.00, 10/21/2009, Republican National Committee; \$20.00, 01/23/2010, Union County (GA) Republican Women; \$20.00, 04/17/2010, Republican National Committee; \$15.00, 10/06/2010, National Republican Congressional Committee; \$15.00, 10/30/2010, National Republican Committee; \$15.00, 04/04/2011, National Republican Congressional Committee; \$25.00, 06/21/2011, Union County (GA) Republican Women; \$15.00, 11/02/2011, National Republican Congressional Committee.

5. Grandparents: Rev. Joseph Paul Bartak—deceased; Minnie Polk Bartak—deceased; Rev. Gustav Malac—deceased; Antonie Malac—deceased.

6. Brothers and Spouses: Roy David Malac and Carolyn Malac: None; Timothy Alan Malac and Theresa Malac: None.

7. Sisters and Spouses: None.

\*Thomas Hart Armbruster, of New York, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of the Marshall Islands.

Nominee: Thomas Hart Armbruster.

Post: Chief of Mission Marshall Islands.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: None.

3. Children and Spouses: Son: Bryan Christopher Armbruster: None. Daughter: Kalia Chandler Armbruster: \$20, 2010, Obama for America.

4. Parents: Father: Robert John Armbruster: None. Mother: Nancy Elizabeth Armbruster: \$20, 2010, Obama for America.

5. Grandparents: None.

6. Brothers and Spouses: Brother: Christopher Ian Armbruster: \$40, 2010, Obama for America. Spouse: Carol Benson: None.

7. Sisters and Spouses: None.

\*David Bruce Wharton, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Zimbabwe.

Nominee: David Bruce Wharton.

Post: Zimbabwe.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: \$25, 5/25/08, "Obama for America"; \$50, 7/4/08, "Obama for America"; \$50, 10/15/08, "Obama for America"; \$25, 6/30/11, "Obama for America"; \$25, 9/14/11, "Obama for America"; \$50, 12/20/11, "Gerry Connolly for Congress."

2. Spouse: \$25, 6/25/08, "Obama for America"; \$25, 10/15/08, "Obama for America"; \$25, 2/14/12, "Obama for America"; \$25, 05/08/12, "Gerry Connolly for Congress."

3. Children and Spouses: None.

4. Parents: CM Wharton, Approx \$200 06/08 to 04/12, "Obama for America."

5. Grandparents: None.

6. Brothers and Spouses: None.

7. Sisters and Spouses: None.

\*Greta Christine Holtz, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Sultanate of Oman.

Nominee: Greta C. Holtz.

Post: Oman.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: Francisco Cosio-Marron. None.

3. Children and Spouses: Victoria Cosio-Marron: None; Alexandra Cosio-Marron: None; Anthony Cosio-Marron: None.

4. Parents: Frederick C. Holtz, Jr.: None; Clarice C. Holtz: None.

5. Grandparents: Carlos W. Campbell: None; Alice M. Campbell: None; Frederick C. Holtz: None; Margaret N. Holtz: None.

6. Brothers and Spouses: Frederick C. Holtz: None; Denise Holtz: None.

7. Sisters and Spouses: Carla E. Holtz: None.

\*Alexander Mark Laskaris, of Maryland, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Guinea.

Nominee: Alexander M. Laskaris.

Post: Republic of Guinea.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: N/A.

3. Children and Spouses: N/A.

4. Parents: Gus C.A. Laskaris—deceased, None; Evelyn Laskaris: None.

5. Grandparents: Anthony & Katherine Xanthopoulos—deceased, None; Arisitidis & Eleni Laskaris, deceased; None.

6. Brothers and Spouses: Anthony Laskaris: \$50, 2008, Democratic National Cmte; \$50, 2009, Democratic National Cmte; \$50, 2010, Democratic National Cmte; \$50, 2011, Democratic National Cmte; \$50, 2012, Democratic National Cmte.

Gus A. Laskaris: None.

7. Sisters and Spouses: Maria Laskaris: \$100, 2008, Hillary Clinton for President.

\*Marcie B. Ries, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Career-Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Bulgaria.

Nominee: Marcie B. Ries.

Post: Ambassador to the Republic of Bulgaria.

Nominated: May 24, 2012.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: \$250, 6/1/2011, Elizabeth Esty.

3. Children and Spouses: Alexander, none; Meredith, none.

4. Parents: Mona Berman: \$75, 2008, Dem Natl Comm; \$50, 2009, DNC; \$75, 2010, DNC; \$50, 2010, Emily's List.

5. Grandparents: Deceased.

6. Brothers and Spouses: None.

7. Sisters and Spouses: Laura Jane Berman, none.

\*John M. Koenig, of Washington, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cyprus.

Nominee: John M. Koenig.

Post: Ambassador to the Republic of Cyprus.

Nominated: June 6, 2012.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: \$250.00, 10-05-2008, Obama for America.

2. Spouse: Natalie, none.

3. Children and Spouses: Theodore—single, none; Alexander—single, none.

4. Parents: Theodore Koenig, Janet Koenig—deceased, none.

5. Grandparents: Gerald Crowe—deceased, none; Bernice Crowe—deceased, none; John F. Koenig—deceased, none; Martha Koenig—deceased, none.

6. Brothers and Spouses: N/A.

7. Sisters and Spouses: Kathryn Emrick: \$100.00, 09-19-2008, Obama for America; \$50.00, 11-01-2008, Obama for America; Max Emrick: \$50.00, 10-30-2011, Maria Cantwell; Lisa Koenig, none; Matthew Baker, none.

\*Michael David Kirby, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Serbia.

Nominee: Michael D. Kirby.

Post: Ambassador to the Republic of Serbia.

Nominated: June 14, 2012.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: \$40, 2010, Congressman Gerry Connelly.

2. Spouse: Sara Powelson Kirby, none.

3. Children and Spouses: Katherine Van Nest Kirby—daughter, none; Enrique Plaza Garcia—her husband, none; Elizabeth Marie Kirby—daughter, none.

4. Parents: Dolores Marie Kirby: \$50, 2007, 2008, & 2009, DNC; \$200, 2008, Obama for America; Richard Norman Kirby—deceased.

5. Grandparents: Charles and Marie Senkfor—both deceased; James P. and Marie Kirby—both deceased.

6. Brothers and Spouses: Charles J. Kirby: \$100, 2008, MoveOn.org; \$100, 2008, Obama for America; Christie Kramer (his spouse), none; Richard A. Kirby and his spouse Beth-ann Roth, none.

7. Sisters and Spouses: Lynn Marie Kirby and her spouse Stephen Rogers, none.

Mr. KERRY. Mr. President, for the Committee on Foreign Relations I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Foreign Service nominations beginning with Narendran Channugam and ending with Jana S. Wooden, which nominations were received by the Senate and appeared in the Congressional Record on June 7, 2012.

Foreign Service nominations beginning with Thomas J. Brennan and ending with Thomas Pepe, which nominations were received by the Senate and appeared in the Congressional Record on June 20, 2012.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BROWN of Ohio:

S. 3444. A bill to require that textile and apparel articles acquired for use by execu-

tive agencies be manufactured from articles, materials, or supplies entirely grown, produced, or manufactured in the United States; to the Committee on Homeland Security and Governmental Affairs.

By Mr. HOEVEN (for himself, Mr. MCCONNELL, Ms. MURKOWSKI, Mr. BARRASSO, Mr. CORNYN, Mr. VITTER, Mr. THUNE, Mr. BLUNT, Mr. WICKER, Mrs. HUTCHISON, Mr. BURR, Mr. HELLER, Mr. RISCH, Mr. COATS, Mr. PORTMAN, Mr. KYL, Mr. SESSIONS, Mr. SHELBY, Mr. INHOFE, Mr. COCHRAN, Mr. MCCAIN, Mr. ISAKSON, Mr. CRAPO, Mr. ENZI, Mr. ROBERTS, Mr. BOOZMAN, Mr. COBURN, Mr. JOHNSON of Wisconsin, Mr. CHAMBLISS, Mr. JOHANNES, and Mr. LUGAR):

S. 3445. A bill to approve the Keystone XL Pipeline, to provide for the development of a plan to increase oil and gas exploration, development, and production under oil and gas leases of Federal land, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CORNYN:

S. 3446. A bill to amend the Endangered Species Act of 1973 to halt the premature proposed listing of 4 central Texas salamander species resulting from a settlement agreement, and to take into account extensive ongoing State and local conservation efforts; to the Committee on Environment and Public Works.

By Mr. FRANKEN (for himself and Ms. KLOBUCHAR):

S. 3447. A bill to amend the Employee Retirement Income Security Act of 1974 to permit access to certain disability benefits without penalty; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. HAGAN (for herself and Mr. BURR):

S. 3448. A bill to direct the Secretary of the Interior to enter into an agreement to provide for management of the free-roaming wild horses in and around the Currituck National Wildlife Refuge; to the Committee on Environment and Public Works.

By Ms. STABENOW (for herself and Mr. GRAHAM):

S. 3449. A bill to prohibit purchases by the Federal Government of Chinese goods and services until the People's Republic of China becomes a party to the Agreement on Government Procurement, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. COATS (for himself, Mr. BARRASSO, Mr. ENZI, Mr. INHOFE, Mr. HOEVEN, Mr. LEE, Mr. COCHRAN, Mr. COBURN, Mr. RISCH, Mr. CRAPO, Mr. PAUL, Mr. MCCONNELL, Mr. HATCH, Mr. SESSIONS, Mr. WICKER, Mr. BOOZMAN, Mr. MCCAIN, Mr. BURR, Mr. ISAKSON, and Mr. CHAMBLISS):

S. 3450. A bill to limit the authority of the Secretary of the Interior to issue regulations before December 31, 2013, under the Surface Mining Control and Reclamation Act of 1977; to the Committee on Energy and Natural Resources.

By Mr. BEGICH:

S. 3451. A bill to exempt certain air taxi services from taxes on transportation by air; to the Committee on Finance.

By Mr. DURBIN (for himself, Mrs. BOXER, Mr. MERKLEY, and Mr. WHITEHOUSE):

S. 3452. A bill to amend the Truth in Lending Act to establish a national usury rate for consumer credit transactions; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HARKIN (for himself, Ms. MIKULSKI, Mrs. MURRAY, Mr. SANDERS, Mr. MERKLEY, Mr. FRANKEN, Mr. BLUMENTHAL, Mr. LEAHY, Mr. AKAKA, Mrs. BOXER, Mr. WYDEN, Mr. DURBIN, Mr. SCHUMER, Mr. LAUTENBERG, Mr. BROWN of Ohio, and Mrs. GILLIBRAND):

S. 3453. A bill to provide for an increase in the Federal minimum wage; to the Committee on Health, Education, Labor, and Pensions.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KERRY (for himself, Mr. CHAMBLISS, Mr. INOUE, Mr. WYDEN, Mr. AKAKA, and Mr. CARDIN):

S. Res. 529. A resolution recognizing that the occurrence of prostate cancer in African-American men has reached epidemic proportions and urging Federal agencies to address that health crisis by supporting education, awareness outreach, and research specifically focused on how prostate cancer affects African-American men; considered and agreed to.

By Mrs. MURRAY (for herself, Mr. HARKIN, Mr. JOHNSON of Wisconsin, Mr. KOHL, Mr. BLUMENTHAL, Mr. PRYOR, and Ms. CANTWELL):

S. Res. 530. A resolution designating the month of August 2012 as "National Registered Apprenticeship Month"; considered and agreed to.

By Ms. KLOBUCHAR (for herself, Mr. HATCH, Mr. BENNET, Mr. ISAKSON, Mr. DURBIN, and Mr. MERKLEY):

S. Res. 531. A resolution commemorating the success of Team USA in the past 25 Olympic Games and supporting Team USA in the 2012 Olympic and Paralympic Games; considered and agreed to.

By Mr. NELSON of Florida (for himself, Mr. RUBIO, Mr. DURBIN, Mr. LEAHY, Ms. CANTWELL, Mr. LAUTENBERG, Mr. SESSIONS, Mr. ENZI, Mr. CARDIN, Ms. MIKULSKI, Ms. LANDRIEU, and Mr. KOHL):

S. Res. 532. A resolution expressing support for the XIX International AIDS Conference and the sense of the Senate that continued commitment by the United States to HIV/AIDS research, prevention, and treatment programs is crucial to protecting global health; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 195

At the request of Mr. ROCKEFELLER, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 195, a bill to reinstate Federal matching of State spending of child support incentive payments.

S. 1173

At the request of Mr. WYDEN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1173, a bill to amend title XVIII of the Social Security Act to modernize payments for ambulatory surgical centers under the Medicare program.



S. 1299

At the request of Mr. MORAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1299, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Lions Clubs International.

S. 1454

At the request of Mr. DURBIN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1454, a bill to amend title XVIII of the Social Security Act to provide for extended months of Medicare coverage of immunosuppressive drugs for kidney transplant patients and other renal dialysis provisions.

S. 1935

At the request of Mrs. HAGAN, the names of the Senator from Wisconsin (Mr. KOHL), the Senator from Colorado (Mr. BENNET), the Senator from Washington (Mrs. MURRAY), the Senator from Pennsylvania (Mr. CASEY), the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Nevada (Mr. HELLER) were added as cosponsors of S. 1935, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the 75th anniversary of the establishment of the March of Dimes Foundation.

S. 1990

At the request of Mr. LIEBERMAN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1990, a bill to require the Transportation Security Administration to comply with the Uniformed Services Employment and Reemployment Rights Act.

S. 2055

At the request of Mr. SHELBY, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 2055, a bill to amend the Federal Deposit Insurance Act with respect to the protection of certain information.

S. 2078

At the request of Mr. MENENDEZ, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 2078, a bill to enable Federal and State chartered banks and thrifts to meet the credit needs of the Nation's home builders, and to provide liquidity and ensure stable credit for meeting the Nation's need for new homes.

S. 2094

At the request of Mr. BROWN of Ohio, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2094, a bill to amend the Federal Water Pollution Control Act to update a program to provide assistance for the planning, design, and construction of treatment works to intercept, transport, control, or treat municipal combined sewer overflows and sanitary sewer overflows, and to require the Ad-

ministrator of the Environmental Protection Agency to update certain guidance used to develop and determine the financial capability of communities to implement clean water infrastructure programs.

S. 2268

At the request of Mrs. GILLIBRAND, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2268, a bill to ensure that all items offered for sale in any gift shop of the National Park Service or of the National Archives and Records Administration are produced in the United States, and for other purposes.

S. 2472

At the request of Mr. CASEY, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 2472, a bill to provide for the issuance and sale of a semipostal by the United States Postal Service for research and demonstration projects relating to autism spectrum disorders.

S. 3204

At the request of Mr. JOHANNIS, the names of the Senator from Alabama (Mr. SHELBY) and the Senator from New Hampshire (Ms. AYOTTE) were added as cosponsors of S. 3204, a bill to address fee disclosure requirements under the Electronic Fund Transfer Act, and for other purposes.

S. 3239

At the request of Mrs. FEINSTEIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 3239, a bill to provide for a uniform national standard for the housing and treatment of egg-laying hens, and for other purposes.

S. 3326

At the request of Mr. JOHANNIS, his name was added as a cosponsor of S. 3326, a bill to amend the African Growth and Opportunity Act to extend the third-country fabric program and to add South Sudan to the list of countries eligible for designation under that Act, to make technical corrections to the Harmonized Tariff Schedule of the United States relating to the textile and apparel rules of origin for the Dominican Republic—Central America—United States Free Trade Agreement, to approve the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

S. 3428

At the request of Mr. CARDIN, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 3428, a bill to amend the Clean Air Act to partially waive the renewable fuel standard when corn inventories are low.

S. 3436

At the request of Mr. FRANKEN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 3436, a bill to amend the Child Care and Development Block Grant Act of 1990

to improve the quality of infant and toddler care.

S. 3442

At the request of Ms. LANDRIEU, the names of the Senator from Oregon (Mr. MERKLEY), the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from New York (Mrs. GILLIBRAND), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from California (Mrs. BOXER), the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 3442, a bill to provide tax incentives for small businesses, improve programs of the Small Business Administration, and for other purposes.

S.J. RES. 39

At the request of Mr. CARDIN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S.J. Res. 39, a joint resolution removing the deadline for the ratification of the equal rights amendment.

S. CON. RES. 48

At the request of Mr. LEAHY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. Con. Res. 48, a concurrent resolution recognizing 375 years of service of the National Guard and affirming congressional support for a permanent Operational Reserve as a component of the Armed Forces.

S. RES. 176

At the request of Ms. MIKULSKI, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. Res. 176, a resolution expressing the sense of the Senate that the United States Postal Service should issue a semipostal stamp to support medical research relating to Alzheimer's disease.

#### STATEMENTS ON INTRODUCED BUS AND JOINT RESOLUTIONS

By Mr. HOEVEN (for himself, Mr. MCCONNELL, Ms. MURKOWSKI, Mr. BARASSO, Mr. CORNYN, Mr. VITTER, Mr. THUNE, Mr. BLUNT, Mr. WICKER, Mrs. HUTCHISON, Mr. BURR, Mr. HELLER, Mr. RISCH, Mr. COATS, Mr. PORTMAN, Mr. KYL, Mr. SESSIONS, Mr. SHELBY, Mr. INHOFE, Mr. COCHRAN, Mr. MCCAIN, Mr. ISAKSON, Mr. CRAPO, Mr. ENZI, Mr. ROBERTS, Mr. BOOZMAN, Mr. COBURN, Mr. JOHNSON, of Wisconsin, Mr. CHAMBLISS, Mr. JOHANNIS, and Mr. LUGAR):

S. 3445. A bill to approve the Keystone XL Pipeline, to provide for the development of a plan to increase oil and gas exploration, development, and production under oil and gas leases of Federal land, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. HOEVEN. Mr. President, I rise to discuss this comprehensive plan for energy security for our Nation.

When I say "energy security," I mean producing more energy than we



consume. I believe, with this approach, within 5 to 7 years we can truly be a nation that is energy secure. Again, I mean producing more energy than we consume. This comprehensive plan for energy security is about truly producing all our energy resources in this country.

Many of these bills in this package of Energy bills have already been passed by the House that we are introducing now in the Senate, as well as additional legislation—ideas that Senators have put forward that were adding to it as well.

The approach is similar to the approach we have taken in North Dakota over the last decade. My home State of North Dakota has developed all its energy resources—both traditional and renewable—in a vigorous way over the last decade, and we are now an energy powerhouse for the Nation. We can see what we are doing in oil and gas, but we are doing a tremendous amount in all other forms of energy as well—both traditional and renewable. It is because we worked in a very inclusive way to include everybody's ideas in building a comprehensive energy plan that we call Empower ND—Empower North Dakota.

There was no one person who came up this whole comprehensive plan or with all the ideas, but we reached out to everyone—all the different energy sectors—and said: Let's collaborate, let's work together, let's pass a comprehensive energy plan, and then let's keep improving it. Let's make it a process rather than a one-time product and keep adding ideas and bringing forth items that will help us spur and drive our energy development in the State, ideas that will create the kind of business climate that will truly empower private investment—private investment that will deploy the new technologies that not only produce more energy but do it with sound environmental stewardship. That is exactly what is happening in North Dakota, and that is exactly what need to do at the national level.

This Domestic Energy and Jobs Act clearly demonstrates that we have an energy plan and that we are ready to go and that we are coordinating with our colleagues in the House as well. Right now there are 30 sponsors for this legislation, including the Republican leadership, as well as the energy leaders.

It also is a plan which has reached out to what the House calls their HEAT team—which stands for House Energy Action Team. Representative MCCARTHY and others, certainly FRED UPTON, who is head of their Energy and Commerce Committee, Representative HASTINGS, and others who are truly energy leaders in the House—people whom I have worked with on things such as the Keystone Pipeline, Representative TERRY and Representative CONNIE MACK and others.

This is about getting people involved in an inclusive way and putting in place an energy policy that truly serves this Nation and empowers private investment. We see how important that is now.

We have hundreds of billions of investment dollars waiting to be invested in producing more energy, more jobs, and more security for our country. This approach will empower private investment to develop all our energy resources. It does things such as reduce the regulatory burden, streamlines permitting—both onshore and offshore—and helps us develop vital infrastructure such as the Keystone Pipeline. It develops our resources on public lands, including our renewables, and setting realistic goals with a market-based approach, not picking winners or losers, and preserving multiple use on our public lands throughout this country. It would put in a freeze and require a study of rules that are driving up our gasoline prices.

It also includes a bill from Senator MURKOWSKI. It directs the U.S. Geological Survey to establish an inventory of critical minerals in the United States and to set policies to help us develop those minerals.

What is the impact? The U.S. Chamber of Commerce, in March of 2011, undertook a study. In that study, they looked and determined there are more than 350 energy projects that are being held up because of an inability to get permitted or a regulatory burden or other hurdles and roadblocks. In that study, they determined that if these energy projects—again, more than 350 energy projects—could be green-lighted, it would \$1.1 trillion in additional gross domestic product and 1.9 million jobs a year—1.9 million jobs a year just in the construction phase for those energy projects.

So this legislation isn't just about energy for our country. It is about energy. It is about a comprehensive approach—more than 13 different pieces of legislation, many of which have already passed the House. It is about a comprehensive approach to get development of our energy resources underway in a big way. But it is about job creation. It is about economic growth. It is about economic growth that will help us get the 13 million-plus people who are currently unemployed back to work. It is about economic growth that will help us generate revenue to reduce our deficit and our debt, and it truly is about national security.

Look what is going on right now in the Middle East. Look what is going on in Syria, in Iran, in Egypt with the rise of the Muslim Brotherhood. Look at the instability. Yet we still depend on oil from the Middle East and places such as Venezuela. There is no need for that. We can produce our own energy and more. It is an interconnected world. We all know that.

So when I talk about energy security, I mean producing more energy than we consume. That is what I mean by energy security. Of course, when there is an increased supply, what happens? It helps bring prices down. Think of the impact that has for families and for our economy.

Just recently, in the last few days, a company called CNOOC out of China—which is essentially a Chinese Government-owned company—offered \$15 billion to buy Nexen, a major Canadian oil company—\$15 billion. Why did they do that? To buy energy resources in Canada, so China would own energy resources in Canada.

As you know, I have been down on the floor many times, and I have worked very hard to get the Keystone Pipeline approved because if we don't produce and get that oil from Canada, somebody else will, and China is working to do just that.

So after the administration held up the Keystone XL Pipeline, what happened? Canadian Prime Minister Harper went to China. There, he met with Chairman Wu and the other energy leaders in China and they signed an MOU or MOA, a memorandum of understanding/memorandum of agreement.

In it, what did they say? They said China and Canada are going to cooperate on developing resources, energy resources in Canada. Of course, that energy then goes to China.

The question we have to ask is are we going to work with our closest friend and ally, Canada, to develop things such as the Keystone XL Pipeline so oil will come from Canada to the United States rather than going to China.

Or are we in this country going to be in a position where we have to buy our oil back from the Chinese? I know how the Americans want that question answered. That is what I am talking about. We need to be developing these energy resources in this country, and together with our closest friend and ally, Canada, we can do it.

There is another important point to be made here. I know there are some opponents of developing the Canadian oil sands concerned about CO<sub>2</sub> emissions. But here are some things they have to think about. Already you can see China coming in, working with Canada to develop those resources. So those resources are going to be developed. The question is, is that oil going to China or is it going to come to the United States?

The point is this: By building pipelines, we not only bring it to the United States but we empower investment in the Canadian oil sands that will help us produce more energy but do it with better environmental stewardship. Eighty percent of the new development in the Canadian oil sands is what is called "in situ," which means drilling instead of the excavation. That means lower CO<sub>2</sub> emissions, that means

emissions very much in line with what we produce now in the United States with our conventional drilling.

We have an opportunity, an incredible opportunity. We need to seize it with both hands. As I say, we can be energy secure in this country within 5 years. I think when people look at what is going on in the Middle East, when they see our soldiers over there, when they see the instability that is being created by regimes like Syria or Iran, when they see what is going on in countries like Egypt and they understand there could be an event that closes the Strait of Hormuz, they understand what that would mean for oil prices and energy prices in this country.

We do not want to be dependent on that situation, which means it is time to act. This is not about spending money; this is about generating jobs and generating revenue that will help us reduce our deficit, that will put our people to work, that will unleash the private investment, the entrepreneurship, the ingenuity of the American people to truly propel our Nation forward, to propel our economy forward, and to make us safer and more secure. The time has come to act. The House passed much of this plan with bipartisan support. We need to do the same in the Senate.

This is not the end of the story. This is an important part, the foundation, if you will, of building the right energy story for our country. We can do it and I urge my colleagues to join me in this effort.

By Mr. DURBIN (for himself, Mrs. BOXER, Mr. MERKLEY, and Mr. WHITEHOUSE):

S. 3452. A bill to amend the Truth in Lending Act to establish a national usury rate for consumer credit transactions; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DURBIN. Mr. President, as our economy continues to recover, families across America are still facing financial hardships. Our priority to help working families must persevere, and we must protect them from future financial harm.

Some have compared today's predatory lending practices to the subprime lending that caused the financial crisis in 2008. We need to free our financial system from these abuses and prevent consumers from never-ending debt traps.

Today I am introducing the Protecting Consumers from Unreasonable Credit Rates Act to protect consumers from aggressive predatory lending practices. The bill caps annualized interest rates on consumer credit at 36 percent.

Consumers spend over \$30 billion every year on predatory payday loans, high-cost overdraft loans, and other forms of credit. Imagine if a portion of

that \$300 billion ten-year cost of credit could be redirected towards buying American goods and services.

In an era that has called for trillions of taxpayer dollars to bail out banks and jumpstart economic demand, this proposal costs the taxpayers nothing. In fact, in the case of payday lending, it could potentially save billions of dollars in fees and interest paid by the 12 million American taxpayers who use these products annually.

The Protecting Consumers from Unreasonable Credit Rates Act would establish a new federal annualized Fee and Interest Rate calculation—the FAIR—and institute a 36 percent cap for all types of consumer credit.

In 2006, Congress enacted a Federal 36 percent annualized usury cap for certain credit products marketed to military servicemembers and their families, which curbed payday, car title, and other forms of credit around military bases. My bill would provide the same protections for all Americans.

Although I hope to gain widespread support for this bill from responsible lenders, I understand that some of the financial service firms in this country will be uneasy with a broad bill establishing a high interest rate cap.

There are those that will claim it is not possible to create a profitable, small-dollar, short-term loan with APR capped at 36 percent and consumer protections. However, there are financial institutions that currently offer access to quick credit through products with consumer protections and interest less than 36 percent. I hope with the introduction of this bill we can open an honest conversation about consumer credit rates and how it impacts American families.

I would first start by asking what services these firms provide that can justify charging customers over 36 percent in annual interest. How do lenders in my home state of Illinois justify charging annual rates over 400 percent? In my opinion, there is no justification.

Consider 66 year-old Rosa Mobley, who lives on Social Security and a small pension.

The Chicago Tribune reports that Ms. Mobley took out a car title loan—a type of payday loan in which the borrowers put up their cars as collateral—for \$1,000. Ms. Mobley was charged 300 percent interest.

She wound up paying more than \$4,000 over 28 months and at the time of the report was struggling just to get by.

This bill would require that all fees and finance charges be included in the new usury rate calculation and would require all lending to conform to the limit, thereby eliminating the many loopholes that have allowed these predatory practices to flourish.

It would not preempt stronger state laws, it would allow states' attorneys general to help enforce this new rate

cap, and it would provide for strong civil penalties to deter lender violations.

The Protecting Consumers from Unreasonable Credit Rates Act would eliminate predatory lenders, as well as would help borrowers make smarter choices.

The Truth in Lending Act was enacted over 40 years ago to help consumers compare the costs of borrowing when buying a home, a car, or other items by establishing a standard Annual Percentage Rate that all lenders should advertise.

My first mentor in politics, the late Senator Paul Douglas from my home state of Illinois, said all the way back in 1963 that too often lenders:

compound the camouflaging of credit by loading on all sorts of extraneous fees, such as exorbitant fees for credit life insurance, excessive fees for credit investigation, and all sorts of loan processing fees which rightfully should be included in the percentage rate statement so that any percentage rate quoted is meaningless and deceptive.

That was before anyone had ever heard of "subprime lending."

Unfortunately, as the use of credit has exploded and as the complexity of the credit products offered by lenders has become mind-boggling, Congress and the Federal Reserve have taken several actions since the passage of Truth in Lending to weaken the APR as a tool for comparison shopping. Today, many fees can be excluded from the rate that is given to borrowers. The APR no longer gives consumers the convenient and accurate information it once did.

This bill would give consumers a way to accurately compare credit options, by requiring that the new FAIR calculation be disclosed both for open-end credit plans such as credit cards and for closed-end credit such as mortgages and payday loans.

On a related note, I commend my colleague, Senator JEFF MERKLEY of Oregon, who introduced the SAFE Lending Act of 2012 earlier this week. I am proud to be an original cosponsor of the bill. The bill would require better compliance among lenders within existing laws and provide new enforcement measures for offshore lenders or those who claim the right to tribal sovereign immunity. These provisions, along with further consumer protections offered within his bill, offer much-needed lending reforms.

Various Federal and State loopholes allow unscrupulous lenders to charge struggling consumers 400 percent annual interest for payday loans on average, 300 percent annual interest for car title loans, up to 3500 percent annual interest for bank overdraft loans, and triple-digit rates for online installment loans.

As Congress continues to address economic challenges facing our nation, I urge my colleagues to also consider simple solutions to help working families make ends meet. We can help give

more money to American consumers today without borrowing money that must be repaid tomorrow. Let's start by eliminating some of the worst abuses in lending by establishing a reasonable fee and interest rate cap.

I urge my colleagues to support the Protecting Consumers from Unreasonable Credit Rates Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3452

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Protecting Consumers from Unreasonable Credit Rates Act of 2012".

#### SEC. 2. FINDINGS.

Congress finds that—

(1) attempts have been made to prohibit usurious interest rates in America since colonial times;

(2) at the Federal level, in 2006, Congress enacted a Federal 36 percent annualized usury cap for service members and their families for covered credit products, as defined by the Department of Defense, which curbed payday, car title, and tax refund lending around military bases;

(3) notwithstanding such attempts to curb predatory lending, high-cost lending persists in all 50 States due to loopholes in State laws, safe harbor laws for specific forms of credit, and the exportation of unregulated interest rates permitted by preemption;

(4) due to the lack of a comprehensive Federal usury cap, consumers annually pay approximately \$23,700,000,000 for high-cost overdraft loans, as much as \$8,100,000,000 for storefront and online payday loans, and additional amounts in unreported revenues from bank direct deposit advance loans and high-cost online installment loans;

(5) cash-strapped consumers pay on average 400 percent annual interest for payday loans, 300 percent annual interest for car title loans, up to 3,500 percent for bank overdraft loans, and triple-digit rates for online installment loans;

(6) a national maximum interest rate that includes all forms of fees and closes all loopholes is necessary to eliminate such predatory lending; and

(7) alternatives to predatory lending that encourage small dollar loans with minimal or no fees, installment payment schedules, and affordable repayment periods should be encouraged.

#### SEC. 3. NATIONAL MAXIMUM INTEREST RATE.

The Truth in Lending Act (15 U.S.C. 1601 et seq.) is amended by adding at the end the following:

##### "SEC. 141. MAXIMUM RATES OF INTEREST.

"(a) IN GENERAL.—Notwithstanding any other provision of law, no creditor may make an extension of credit to a consumer with respect to which the fee and interest rate, as defined in subsection (b), exceeds 36 percent.

"(b) FEE AND INTEREST RATE DEFINED.—

"(1) IN GENERAL.—For purposes of this section, the fee and interest rate includes all charges payable, directly or indirectly, incident to, ancillary to, or as a condition of the extension of credit, including—

"(A) any payment compensating a creditor or prospective creditor for—

"(i) an extension of credit or making available a line of credit, such as fees connected with credit extension or availability such as numerical periodic rates, annual fees, cash advance fees, and membership fees; or

"(ii) any fees for default or breach by a borrower of a condition upon which credit was extended, such as late fees, creditor-imposed not sufficient funds fees charged when a borrower tenders payment on a debt with a check drawn on insufficient funds, overdraft fees, and over limit fees;

"(B) all fees which constitute a finance charge, as defined by rules of the Bureau in accordance with this title;

"(C) credit insurance premiums, whether optional or required; and

"(D) all charges and costs for ancillary products sold in connection with or incidental to the credit transaction.

"(2) TOLERANCES.—

"(A) IN GENERAL.—With respect to a credit obligation that is payable in at least 3 fully amortizing installments over at least 90 days, the term 'fee and interest rate' does not include—

"(i) application or participation fees that in total do not exceed the greater of \$30 or, if there is a limit to the credit line, 5 percent of the credit limit, up to \$120, if—

"(I) such fees are excludable from the finance charge pursuant to section 106 and regulations issued thereunder;

"(II) such fees cover all credit extended or renewed by the creditor for 12 months; and

"(III) the minimum amount of credit extended or available on a credit line is equal to \$300 or more;

"(ii) a late fee charged as authorized by State law and by the agreement that does not exceed either \$20 per late payment or \$20 per month; or

"(iii) a creditor-imposed not sufficient funds fee charged when a borrower tenders payment on a debt with a check drawn on insufficient funds that does not exceed \$15.

"(B) ADJUSTMENTS FOR INFLATION.—The Bureau may adjust the amounts of the tolerances established under this paragraph for inflation over time, consistent with the primary goals of protecting consumers and ensuring that the 36 percent fee and interest rate limitation is not circumvented.

"(c) CALCULATIONS.—

"(1) OPEN END CREDIT PLANS.—For an open end credit plan—

"(A) the fee and interest rate shall be calculated each month, based upon the sum of all fees and finance charges described in subsection (b) charged by the creditor during the preceding 1-year period, divided by the average daily balance; and

"(B) if the credit account has been open less than 1 year, the fee and interest rate shall be calculated based upon the total of all fees and finance charges described in subsection (b)(1) charged by the creditor since the plan was opened, divided by the average daily balance, and multiplied by the quotient of 12 divided by the number of full months that the credit plan has been in existence.

"(2) OTHER CREDIT PLANS.—For purposes of this section, in calculating the fee and interest rate, the Bureau shall require the method of calculation of annual percentage rate specified in section 107(a)(1), except that the amount referred to in that section 107(a)(1) as the 'finance charge' shall include all fees, charges, and payments described in subsection (b)(1) of this section.

"(3) ADJUSTMENTS AUTHORIZED.—The Bureau may make adjustments to the calculations in paragraphs (1) and (2), but the pri-

mary goals of such adjustment shall be to protect consumers and to ensure that the 36 percent fee and interest rate limitation is not circumvented.

"(d) DEFINITION OF CREDITOR.—As used in this section, the term 'creditor' has the same meaning as in section 702(e) of the Equal Credit Opportunity Act (15 U.S.C. 1691a(e)).

"(e) NO EXEMPTIONS PERMITTED.—The exemption authority of the Bureau under section 105 shall not apply to the rates established under this section or the disclosure requirements under section 127(b)(6).

"(f) DISCLOSURE OF FEE AND INTEREST RATE FOR CREDIT OTHER THAN OPEN END CREDIT PLANS.—In addition to the disclosure requirements under section 127(b)(6), the Bureau may prescribe regulations requiring disclosure of the fee and interest rate established under this section.

"(g) RELATION TO STATE LAW.—Nothing in this section may be construed to preempt any provision of State law that provides greater protection to consumers than is provided in this section.

"(h) CIVIL LIABILITY AND ENFORCEMENT.—In addition to remedies available to the consumer under section 130(a), any payment compensating a creditor or prospective creditor, to the extent that such payment is a transaction made in violation of this section, shall be null and void, and not enforceable by any party in any court or alternative dispute resolution forum, and the creditor or any subsequent holder of the obligation shall promptly return to the consumer any principal, interest, charges, and fees, and any security interest associated with such transaction. Notwithstanding any statute of limitations or repose, a violation of this section may be raised as a matter of defense by recoupment or setoff to an action to collect such debt or repossess related security at any time.

"(i) VIOLATIONS.—Any person that violates this section, or seeks to enforce an agreement made in violation of this section, shall be subject to, for each such violation, 1 year in prison and a fine in an amount equal to the greater of—

"(1) 3 times the amount of the total accrued debt associated with the subject transaction; or

"(2) \$50,000.

"(j) STATE ATTORNEYS GENERAL.—An action to enforce this section may be brought by the appropriate State attorney general in any United States district court or any other court of competent jurisdiction within 3 years from the date of the violation, and such attorney general may obtain injunctive relief."

#### SEC. 4. DISCLOSURE OF FEE AND INTEREST RATE FOR OPEN END CREDIT PLANS.

Section 127(b)(6) of the Truth in Lending Act (15 U.S.C. 1637(b)(6)) is amended by striking "the total finance charge expressed" and all that follows through the end of the paragraph and inserting "the fee and interest rate, displayed as 'FAIR', established under section 141."

By Mr. HARKIN (for himself, Ms. MIKULSKI, Mrs. MURRAY, Mr. SANDERS, Mr. MERKLEY, Mr. FRANKEN, Mr. BLUMENTHAL, Mr. LEAHY, Mr. AKAKA, Mrs. BOXER, Mr. WYDEN, Mr. DURBIN, Mr. SCHUMER, Mr. LAUTENBERG, Mr. BROWN of Ohio, and Mrs. GILLIBRAND);

S. 3453. A bill to provide for an increase in the Federal minimum wage;

to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, I have come to the floor many times over the past couple of years to talk about the decline of the American Dream. The American Dream is supposed to be about building a better life. If you work hard and play by the rules, you should be able to support your family, join the middle class, and provide a brighter future for your children. Unfortunately, this dream is nothing more than an illusion for millions of hardworking people who are trying to get by working in low-wage jobs. They are working hard and playing by the rules, but they face declining wages, declining opportunities, and declining economic security. Even working full-time, all year round, they can't make ends meet, much less join the middle class. That is not what America is supposed to be about.

That is why today I am introducing legislation that has one of the simplest and most effective policy solutions for shoring up the wages and financial security of our nation's low-wage workers. My bill, the Fair Minimum Wage Act of 2012, will raise the minimum wage. I would like to recognize my colleague in the House of Representatives, Ranking Member on the Education and Workforce Committee, GEORGE MILLER, who is joining me in this effort.

My bill will do three things: First, it will raise the minimum wage to \$9.80 per hour in three steps over the course of 2 years. Second, it will link the minimum wage in the future to increases in the cost of living, through the Consumer Price Index, so that low-wage workers no longer fall further and further behind. Third, for the first time in more than 20 years, it will raise the minimum wage for tipped workers, from a paltry \$2.13 per hour to a level that is 70 percent of the full minimum wage, or around \$6.85 per hour. This will be a gradual change, accomplished over 5 years, that will give businesses time to adjust while providing more fairness for hardworking people who work in tipped industries.

This bill and these raises are long overdue. We all know that working Americans' paychecks have been stagnant for decades. But the situation is even worse for minimum wage workers. Today the minimum wage lags far behind its historic levels. It hasn't kept up with any other indicator in our economy, not with costs, or average wages, or our still rapid growth in productivity.

At its peak value in 1968, the minimum wage was worth more than \$10.50 in today's dollars. That means that the minimum wage has lost 31 percent of its buying power since the late 1960s. How can we possibly allow this to be? Costs have been rising in real terms, on everything from food and rent to big-ticket items like health care and a col-

lege education. But Congress has let the minimum wage languish. The low-end wage workers in our society simply cannot afford this.

Even if we measured the minimum wage against other indicators in our economy, it has not kept up. The minimum wage used to be more than half of average wages; now it is barely a third. In the 1960s and 1970s, the minimum wage kept a family of three above the poverty line, 20 percent above it in 1968. But today, the minimum wage lags behind the poverty line by 16 percent. And let's not forget that the poverty line is a woefully inadequate measure of what families really need by any realistic measure. Who in this chamber could support two children on \$18,000 per year, which is the official poverty line? Yet the minimum wage only pays \$15,000 a year to someone working full-time who never takes a single day off all year. My bill will raise the minimum wage to about \$20,000 per year, and it will maintain the wage at a level that keeps up with rising costs.

While workers are working longer and harder than ever, their paychecks don't reflect that contribution. If the minimum wage had kept up with productivity growth since 1968, it would be nearly \$22 an hour this year; even if it had kept up with just one-quarter of productivity growth, it would be \$12.25 per hour. So while companies have reaped the benefits of all this productivity growth, the people who actually do the work have seen none of its value. It has all gone to executive management and shareholders. It has gone to profits, not the people who do the work.

There will be tens of millions of people in this country who will benefit from this legislation. Twenty-eight million workers will get a raise, either directly by the legislation, or indirectly through the "trickle up" effects of a higher wage floor—that is more than a fifth of our workforce that will be impacted. Among them, more than half are women, and more than four in ten are people of color—both of these groups are overrepresented in low-wage work. They are the ones who care for our children and elders, who clean our offices and factories, who serve us food, who keep our economic engine running. These are some of the hardest jobs and hardest workers, and yet their pay is simply paltry. We will never have fair wages for women or greater racial equality if the minimum wage is not a just and fair minimum wage.

The families of these 28 million workers will also benefit. More than 21 million children have parents who will get a raise. This will be so meaningful to these families. After all, children represent more than a third of poor Americans. Nearly half of children, 44 percent, are poor or low-income, and even among families with parents

working full-time year-round, nearly three in ten children are poor or low-income. This is largely because wages are much too low to support a family.

Yet wages aren't low because our economy can't afford them. No. Our economic growth is going to profits, not to workers. Inequality is at the highest level we've seen since the eve of the Great Depression. CEOs are raking in millions—even if their companies are not performing well—while low-wage workers are barely able to put food on the table, and even then it is often with the help of food stamps. Last year, the average CEO earned nearly \$13 million. That was after a 23 percent raise in 2010 and a 14 percent raise in 2011. Minimum wage workers had no raises in those years. But CEOs are getting \$13 million a year. That is more than \$6,200 an hour. A CEO earns more before lunch on his first day of work than a minimum wage worker earns in an entire year.

Some people will criticize this measure, saying it will force businesses to lay off workers, and that workers will actually be hurt by getting a raise. History proves that these assertions are simply wrong. We know from decades of rigorous research that minimum wage raises along the lines of what I am proposing do not have negative jobs effects—and if there are any effects on jobs, they are small, but positive effects. This goes for teenagers, too; study after study confirms minimum wage raises do not cause teenage unemployment.

Indeed, businesses are helped when their workers get a raise because raising the minimum wage acts like a stimulus. Businesses will reap more in sales when their customers have more money in their pockets, and they will save money through increased productivity and morale and reduced turnover. My bill will put an extra \$40 billion in the hands of low-wage workers and their families. We know that these workers don't have much if any room for savings—they will go out and spend it, and this will benefit the local businesses in their communities. Indeed, this extra spending power will boost GDP by more than \$25 billion and add 100,000 jobs, as increased economic activity ripples through the economy.

Businesses will also save from reduced turnover cost, since turnover rates fall when workers earn more money. It can cost thousands of dollars to recruit, hire, and train new employees, even for low-skill jobs. Of course all businesses would have the same minimum wage, meaning no business would be any worse off than a competitor. A raise in the minimum wage would also reduce competitive disadvantage faced by businesses that already pay a higher wage. These businesses should be rewarded, not punished for paying fair wages.

We must also look at what is happening in our economy. We are becoming a low-wage economy. Low-wage jobs are growing faster than middle- or high-wage jobs. Over the next decade, the Bureau of Labor Statistics estimates that 7 of the 10 occupations with the largest job growth will be low-wage jobs. With so much of our economy moving to the low end of the wage scale, we must ensure that those wages are adequate.

It is long past time to establish a fair minimum wage in our country. It is good for families, good for business and good for our economy. Most importantly, it is the right thing to do. People who work hard for a living should not have to live in poverty. I am proud to introduce this bill today, to raise the minimum wage, and to help tens of millions of workers and their families.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3453

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Fair Minimum Wage Act of 2012”.

#### SEC. 2. MINIMUM WAGE INCREASES.

##### (a) MINIMUM WAGE.—

(1) IN GENERAL.—Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

“(1) except as otherwise provided in this section, not less than—

“(A) \$8.10 an hour, beginning on the first day of the third month that begins after the date of enactment of the Fair Minimum Wage Act of 2012 Act;

“(B) \$8.95 an hour, beginning 1 year after that first day;

“(C) \$9.80 an hour, beginning 2 years after that first day; and

“(D) beginning on the date that is 3 years after that first day, and annually thereafter, the amount determined by the Secretary pursuant to subsection (h);”.

(2) DETERMINATION BASED ON INCREASE IN THE CONSUMER PRICE INDEX.—Section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) is amended by adding at the end the following:

“(h)(1) Each year, by not later than the date that is 90 days before a new minimum wage determined under subsection (a)(1)(D) is to take effect, the Secretary shall determine the minimum wage to be in effect pursuant to this subsection for the subsequent 1-year period. The wage determined pursuant to this subsection for a year shall be—

“(A) not less than the amount in effect under subsection (a)(1) on the date of such determination;

“(B) increased from such amount by the annual percentage increase in the Consumer Price Index for Urban Wage Earners and Clerical Workers (United States city average, all items, not seasonally adjusted), or its successor publication, as determined by the Bureau of Labor Statistics; and

“(C) rounded to the nearest multiple of \$0.05.

“(2) In calculating the annual percentage increase in the Consumer Price Index for

purposes of paragraph (1)(B), the Secretary shall compare such Consumer Price Index for the most recent month, quarter, or year available (as selected by the Secretary prior to the first year for which a minimum wage is in effect pursuant to this subsection) with the Consumer Price Index for the same month in the preceding year, the same quarter in the preceding year, or the preceding year, respectively.”.

(b) BASE MINIMUM WAGE FOR TIPPED EMPLOYEES.—Section 3(m)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(m)(1)) is amended to read as follows:

“(1) the cash wage paid such employee, which for purposes of such determination shall be not less than—

“(A) for the 1-year period beginning on the first day of the third month that begins after the date of enactment of the Fair Minimum Wage Act of 2012, \$3.00 an hour;

“(B) for each succeeding 1-year period until the hourly wage under this paragraph equals 70 percent of the wage in effect under section 6(a)(1) for such period, an hourly wage equal to the amount determined under this paragraph for the preceding year, increased by the lesser of—

“(i) \$0.85; or

“(ii) the amount necessary for the wage in effect under this paragraph to equal 70 percent of the wage in effect under section 6(a)(1) for such period, rounded to the nearest multiple of \$0.05; and

“(C) for each succeeding 1-year period after the year in which the hourly wage under this paragraph first equals 70 percent of the wage in effect under section 6(a)(1) for the same period, the amount necessary to ensure that the wage in effect under this paragraph remains equal to 70 percent of the wage in effect under section 6(a)(1), rounded to the nearest multiple of \$0.05; and”.

(c) PUBLICATION OF NOTICE.—Section 6 of the Fair Labor Standards Act of 1938 (as amended by subsection (a)) (29 U.S.C. 206) is further amended by adding at the end the following:

“(i) Not later than 60 days prior to the effective date of any increase in the minimum wage determined under subsection (h) or required for tipped employees in accordance with subparagraph (B) or (C) of section 3(m)(1), as amended by the Fair Minimum Wage Act of 2012, the Secretary shall publish in the Federal Register and on the website of the Department of Labor a notice announcing the adjusted required wage.”.

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on the first day of the third month that begins after the date of enactment of this Act.

### SUBMITTED RESOLUTIONS

SENATE RESOLUTION 529—RECOGNIZING THAT THE OCCURRENCE OF PROSTATE CANCER IN AFRICAN-AMERICAN MEN HAS REACHED EPIDEMIC PROPORTIONS AND URGING FEDERAL AGENCIES TO ADDRESS THAT HEALTH CRISIS BY SUPPORTING EDUCATION, AWARENESS OUTREACH, AND RESEARCH SPECIFICALLY FOCUSED ON HOW PROSTATE CANCER AFFECTS AFRICAN-AMERICAN MEN

Mr. KERRY (for himself, Mr. CHAMBLISS, Mr. INOUE, Mr. WYDEN, Mr.

AKAKA, and Mr. CARDIN) submitted the following resolution; which was considered and agreed to:

S. RES. 529

Whereas the incidence of prostate cancer in African-American men is more than one and a half times higher than in any other racial or ethnic group in the United States;

Whereas African-American men have the highest mortality rate of any ethnic and racial group in the United States, dying at a rate that is approximately two and a half times higher than other ethnic and racial groups;

Whereas that rate of mortality represents the largest disparity of mortality rates in any of the major cancers;

Whereas prostate cancer can be cured with early detection and the proper treatment, regardless of the ethnic or racial group of the cancer patient;

Whereas African Americans are more likely to be diagnosed at an earlier age and at a later stage of cancer progression than all other ethnic and racial groups, leading to lower cure rates and lower chances of survival;

Whereas, for patients diagnosed early, studies show a 5-year survival rate of nearly 100 percent, but the survival rate drops significantly to 28 percent for patients diagnosed in late stages; and

Whereas recent genomics research has increased the ability to identify men at high risk for aggressive prostate cancer: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes that prostate cancer has created a health crisis for African-American men;

(2) recognizes the importance of health coverage and access to care, as well as promoting informed decisionmaking between men and their doctors, taking into consideration the known risks and potential benefits of screening and treatment options for prostate cancer;

(3) urges Federal agencies to support—

(A) research to address and attempt to end the health crisis created by prostate cancer;

(B) efforts relating to education, awareness, and early detection at the grassroots level to end that health crisis; and

(C) the Office of Minority Health of the Department of Health and Human Services in focusing on improving health and healthcare outcomes for African Americans at an elevated risk of prostate cancer; and

(4) urges investment by Federal agencies in research focusing on the improvement of early detection and treatment of prostate cancer, such as the use of—

(A) biomarkers to accurately distinguish indolent forms of prostate cancer from lethal forms; and

(B) advanced imaging tools to ensure the best level of individualized patient care.

SENATE RESOLUTION 530—DESIGNATING THE MONTH OF AUGUST 2012 AS “NATIONAL REGISTERED APPRENTICESHIP MONTH”

Mrs. MURRAY (for herself, Mr. HARKIN, Mr. JOHNSON of Wisconsin, Mr. KOHL, Mr. BLUMENTHAL, Mr. PRYOR, and Ms. CANTWELL) submitted the following resolution; which was considered and agreed to:

S. RES. 530

Whereas 2012 marks the 75th anniversary of the enactment of the Act of August 16, 1937

(29 U.S.C. 50 et seq.) (commonly known as the "National Apprenticeship Act"), which established the national registered apprenticeship system;

Whereas the State of Wisconsin created the first State registered apprenticeship system in 1911;

Whereas the Act of August 16, 1937 (29 U.S.C. 50 et seq.) (commonly known as the "National Apprenticeship Act") established a comprehensive system of partnerships among employers, labor organizations, educational institutions, and Federal and State governments, which has shaped skill training for succeeding generations of United States workers;

Whereas for 75 years, the national registered apprenticeship system has provided state of the art training using an model known as "earn while you learn" that offers a pathway to the middle class and a sustainable career for millions of workers in the United States;

Whereas the national registered apprenticeship system has grown to include approximately 24,000 programs across the United States, providing education and training for apprentices in emerging and high-growth sectors, such as information technology and health care, as well as in traditional industries;

Whereas the national registered apprenticeship system leverages approximately \$1,000,000,000 in private investment, reflecting the strong commitment of the sponsors of the system, which include industry associations, individual employers, and labor-management partnerships;

Whereas the national registered apprenticeship system is an important post-secondary pathway for United States workers, offering a combination of academic and technical instruction with paid, on-the-job training, resulting in a nationally and industry-recognized occupational credential that ensures higher earnings for apprentices and a highly skilled workforce for United States businesses;

Whereas the national registered apprenticeship system has continually modernized and developed innovative training approaches to meet the workforce needs of industry and address the evolving challenges of staying competitive in the global economy;

Whereas the national registered apprenticeship system of the 21st century, as envisioned by the Advisory Committee on Apprenticeship of the Secretary of Labor and administered as a partnership between the Federal Government and State apprenticeship programs, is positioned to produce the highly skilled workers the United States economy needs now and in the future; and

Whereas the celebration of National Registered Apprenticeship Month—

(1) honors the industries that use the registered apprenticeship model;

(2) encourages other industries that could benefit from the registered apprenticeship model to train United States workers using the model; and

(3) recognizes the role the national registered apprenticeship system has played in preparing United States workers for jobs with family-sustaining wages: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates August 2012, as "National Registered Apprenticeship Month";

(2) celebrates the 101st anniversary of the enactment of the first State registered apprenticeship law; and

(3) celebrates the 75th anniversary of the enactment of the Act of August 16, 1937 (29

U.S.C. 50 et seq.) (commonly known as the "National Apprenticeship Act").

#### SENATE RESOLUTION 531—COMMEMORATING THE SUCCESS OF TEAM USA IN THE PAST 25 OLYMPIC GAMES AND SUPPORTING TEAM USA IN THE 2012 OLYMPIC AND PARALYMPIC GAMES

Ms. KLOBUCHAR (for herself, Mr. HATCH, Mr. BENNET, Mr. ISAKSON, Mr. DURBIN, and Mr. MERKLEY) submitted the following resolution; which was considered and agreed to:

##### S. RES. 531

Whereas, for over 100 years, the Olympic Movement has built a more peaceful and better world by educating young people through amateur athletics, bringing together athletes from many countries in friendly competition, and forging new relationships bound by friendship, solidarity, and fair play;

Whereas the 2012 Olympic Games will take place in London, England from July 27, 2012 to August 12, 2012, and the 2012 Paralympic Games will take place from August 29, 2012 to September 9, 2012;

Whereas, at the 2012 Olympic Games, over 200 nations will compete in over 300 events, and Team USA will compete in 246 events;

Whereas, at the 2012 Olympic Games, over 200 nations will compete in 39 disciplines, and Team USA will compete in 38 of those disciplines;

Whereas 529 Olympians and over 245 Paralympians will compete on behalf of Team USA in London, England;

Whereas Team USA has won 934 gold medals, 730 silver medals, and 643 bronze medals, totaling 2,307 medals over the past 25 Olympic Games;

Whereas the people of the United States stand united in respect and admiration for the members of the United States Olympic and Paralympic teams, and the athletic accomplishments, sportsmanship, and dedication to excellence of the teams;

Whereas the many accomplishments of the United States Olympic and Paralympic teams would not have been possible without the hard work and dedication of many others, including the United States Olympic Committee and the many administrators, coaches, and family members who provided critical support to the athletes;

Whereas the Nation takes great pride in the qualities of commitment to excellence, grace under pressure, and good will toward other competitors exhibited by the athletes of Team USA; and

Whereas the Olympic Movement celebrates competition, fair play, and the pursuit of dreams: Now, therefore, be it

*Resolved*, That the Senate—

(1) applauds all of the athletes and coaches of Team USA and their families who support them;

(2) supports the athletes of Team USA in their endeavors at the 2012 Olympic and Paralympic Games held in London, England;

(3) thanks all of the members of the United States Olympics Committee for their unwavering support of the athletes of Team USA; and

(4) supports the goals and ideals of the Olympic Games.

#### SENATE RESOLUTION 532—EXPRESSING SUPPORT FOR THE XIX INTERNATIONAL AIDS CONFERENCE AND THE SENSE OF THE SENATE THAT CONTINUED COMMITMENT BY THE UNITED STATES TO HIV/AIDS RESEARCH, PREVENTION, AND TREATMENT PROGRAMS IS CRUCIAL TO PROTECTING GLOBAL HEALTH

Mr. NELSON of Florida (for himself, Mr. RUBIO, Mr. DURBIN, Mr. LEAHY, Mr. CANTWELL, Mr. LAUTENBERG, Mr. SESSIONS, Mr. ENZI, Mr. CARDIN, Ms. MIKULSKI, Ms. LANDRIEU, and Mr. KOHL) submitted the following resolution; which was considered and agreed to:

##### S. RES. 532

Whereas, according to UNAIDS, the Joint United Nations Programme on HIV/AIDS, there are approximately 33,400,000 people living with HIV worldwide, and nearly 30,000,000 people have died of AIDS since the first cases were reported in 1981;

Whereas, in the United States, more than 1,000,000 people are living with HIV and approximately 50,000 people become newly infected with the virus each year;

Whereas, according to the Centers for Disease Control and Prevention, 1 in 5 individuals living with HIV is unaware of the infection, underscoring the need for greater education about HIV/AIDS and access to testing;

Whereas societal stigma remains a significant challenge to addressing HIV/AIDS;

Whereas the United States is heavily engaged in both international and domestic efforts to address the HIV/AIDS pandemic, including—

(1) the United States President's Emergency Plan for AIDS Relief (commonly known as "PEPFAR");

(2) the Global Fund to Fight AIDS, Tuberculosis, and Malaria;

(3) title XXIV of the Public Health Service Act (42 U.S.C. 300dd et seq.) (originally enacted as part of the Ryan White Comprehensive AIDS Resources Emergency Act of 1990 (Public Law 101-381; 104 Stat. 576));

(4) State AIDS Drug Assistance Programs;

(5) the Housing Opportunities for Persons with AIDS program of the Department of Housing and Urban Development; and

(6) AIDS research at the National Institutes of Health and other agencies;

Whereas, since 1985, the now biennial International AIDS Conference has brought together leading scientists, public health experts, policymakers, community leaders, and individuals living with HIV/AIDS from around the world to enhance the global response to HIV/AIDS, evaluate recent scientific developments, share knowledge, and facilitate a collective strategy to combat the HIV/AIDS pandemic;

Whereas, in 2008, Congress passed and the President signed into law the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008 (Public Law 110-293; 122 Stat. 2918);

Whereas taxpayers in the United States have paid more than \$45,000,000,000 through PEPFAR and the Global Fund to Fight AIDS, Tuberculosis, and Malaria, which have enjoyed broad bipartisan support in Congress;

Whereas, 25 years after the III International AIDS Conference was held in Washington, D.C., the XIX International AIDS Conference (referred to in this preamble as



“AIDS 2012”) will take place from July 22, 2012, through July 27, 2012, at the Walter E. Washington Convention Center, in Washington, D.C.;

Whereas AIDS 2012, organized by the International AIDS Society, is expected to convene more than 20,000 delegates, including 2,000 journalists, from nearly 200 countries;

Whereas the theme of AIDS 2012, “Turning the Tide Together”, embodies the promise and urgency of utilizing recent scientific advances in HIV/AIDS treatment and biomedical prevention, continuing research for an HIV vaccine and cure, and increasing effective, evidence-based interventions in key settings to change the course of the HIV/AIDS crisis;

Whereas AIDS 2012 seeks to engage governments, nongovernmental organizations, policymakers, the scientific community, the private sector, civil society, faith-based organizations, the media, and people living with HIV/AIDS to more effectively address regional, national, and local responses to HIV/AIDS around the world and overcome barriers that limit access to preventative care, treatment, and other services; and

Whereas AIDS 2012 is a tremendous opportunity to strengthen the role of the United States in global HIV/AIDS initiatives within the context of significant global economic challenges, reenergize the response to the domestic epidemic, and focus particular attention on the devastating impact of HIV/AIDS that continues in the United States: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the XIX International AIDS Conference and the goal of renewing awareness of, and commitment to, addressing the HIV/AIDS crisis in the United States and abroad;

(2) recognizes that continued HIV/AIDS research, prevention, and treatment programs are crucial to improving global health;

(3) understands that the key to overcoming HIV/AIDS includes efforts to formulate sound public health policy, protect human rights, address the needs of women and girls, direct effective programming toward the populations at the highest risk of infection, ensure accountability, and combat stigma, poverty, and other social challenges related to HIV/AIDS;

(4) seeks to work with all stakeholders—

(A) to prevent the transmission of HIV;

(B) to increase access to testing, treatment, and care;

(C) to improve health outcomes for all people living with HIV/AIDS; and

(D) to foster greater scientific and programmatic collaborations around the world to translate scientific advances and apply best practices to international efforts to end HIV/AIDS;

(5) commits to supporting a stronger global response to HIV/AIDS, protecting the rights of people living with HIV/AIDS, and working to create an “AIDS-free generation”; and

(6) encourages the ongoing development in the public and private sectors of innovative therapies and advances in clinical treatment for HIV/AIDS, including—

(A) new and improved biomedical and behavioral prevention strategies;

(B) safer and more affordable, accessible, and effective treatment regimens for infected individuals; and

(C) research for an HIV vaccine and cure.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 2581. Mrs. HUTCHISON (for herself, Mr. MCCAIN, Mr. CHAMBLISS, Mr. GRASSLEY, Ms. MURKOWSKI, Mr. COATS, Mr. BURR, and Mr. JOHNSON of Wisconsin) submitted an amendment intended to be proposed by her to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table.

SA 2582. Mrs. HUTCHISON (for herself, Mr. MCCAIN, Mr. CHAMBLISS, Mr. GRASSLEY, Ms. MURKOWSKI, Mr. COATS, Mr. BURR, and Mr. JOHNSON of Wisconsin) submitted an amendment intended to be proposed by her to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2583. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2584. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2585. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2586. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2587. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2588. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2589. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2590. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2591. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2592. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2593. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2594. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2595. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2596. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2597. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2598. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2599. Mr. MCCAIN submitted an amendment intended to be proposed by him to the

bill S. 3414, supra; which was ordered to lie on the table.

SA 2600. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2601. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2602. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2603. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2604. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2605. Mr. MCCAIN (for himself, Mrs. HUTCHISON, Mr. CHAMBLISS, Mr. GRASSLEY, Ms. MURKOWSKI, Mr. COATS, Mr. BURR, and Mr. JOHNSON of Wisconsin) submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2606. Mr. MCCAIN (for himself, Mrs. HUTCHISON, Mr. CHAMBLISS, Mr. GRASSLEY, Ms. MURKOWSKI, Mr. COATS, Mr. BURR, and Mr. JOHNSON of Wisconsin) submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2607. Mr. MCCAIN (for himself, Mrs. HUTCHISON, Mr. CHAMBLISS, Mr. GRASSLEY, Ms. MURKOWSKI, Mr. COATS, Mr. BURR, and Mr. JOHNSON of Wisconsin) submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2608. Mr. MCCAIN (for himself, Mrs. HUTCHISON, Mr. CHAMBLISS, Mr. GRASSLEY, Ms. MURKOWSKI, Mr. COATS, Mr. BURR, and Mr. JOHNSON of Wisconsin) submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2609. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2610. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2611. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2612. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2613. Mrs. HUTCHISON (for herself, Mr. MCCAIN, Mr. CHAMBLISS, Mr. GRASSLEY, Ms. MURKOWSKI, Mr. COATS, Mr. BURR, and Mr. JOHNSON of Wisconsin) submitted an amendment intended to be proposed by her to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2614. Mrs. HUTCHISON (for herself, Mr. MCCAIN, Mr. CHAMBLISS, Mr. GRASSLEY, Ms. MURKOWSKI, Mr. COATS, Mr. BURR, and Mr. JOHNSON of Wisconsin) submitted an amendment intended to be proposed by her to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2615. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 3414, supra; which was ordered to lie on the table.



SA 2616. Mrs. SHAHEEN (for herself and Mr. PORTMAN) submitted an amendment intended to be proposed by her to the bill S. 3414, *supra*; which was ordered to lie on the table.

SA 2617. Mr. COONS (for himself, Mr. WYDEN, Mr. AKAKA, Mr. FRANKEN, Mr. UDALL of New Mexico, and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill S. 3414, *supra*; which was ordered to lie on the table.

SA 2618. Mr. AKAKA (for himself, Mr. BLUMENTHAL, Mr. COONS, Mr. FRANKEN, Mr. SANDERS, Mr. UDALL of New Mexico, and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 3414, *supra*; which was ordered to lie on the table.

SA 2619. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3414, *supra*; which was ordered to lie on the table.

SA 2620. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill S. 3414, *supra*; which was ordered to lie on the table.

### TEXT OF AMENDMENTS

**SA 2581.** Mrs. HUTCHISON (for herself, Mr. MCCAIN, Mr. CHAMBLISS, Mr. GRASSLEY, Ms. MURKOWSKI, Mr. COATS, Mr. BURR, and Mr. JOHNSON of Wisconsin) submitted an amendment intended to be proposed by her to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Strengthening and Enhancing Cybersecurity by Using Research, Education, Information, and Technology Act of 2012” or “SECURE IT”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

#### TITLE I—FACILITATING SHARING OF CYBER THREAT INFORMATION

Sec. 101. Definitions.

Sec. 102. Authorization to share cyber threat information.

Sec. 103. Information sharing by the Federal government.

Sec. 104. Construction.

Sec. 105. Report on implementation.

Sec. 106. Inspector General review.

Sec. 107. Technical amendments.

Sec. 108. Access to classified information.

#### TITLE II—COORDINATION OF FEDERAL INFORMATION SECURITY POLICY

Sec. 201. Coordination of Federal information security policy.

Sec. 202. Management of information technology.

Sec. 203. No new funding.

Sec. 204. Technical and conforming amendments.

Sec. 205. Clarification of authorities.

#### TITLE III—CRIMINAL PENALTIES

Sec. 301. Penalties for fraud and related activity in connection with computers.

Sec. 302. Trafficking in passwords.

Sec. 303. Conspiracy and attempted computer fraud offenses.

Sec. 304. Criminal and civil forfeiture for fraud and related activity in connection with computers.

Sec. 305. Damage to critical infrastructure computers.

Sec. 306. Limitation on actions involving unauthorized use.

Sec. 307. No new funding.

#### TITLE IV—CYBERSECURITY RESEARCH AND DEVELOPMENT

Sec. 401. National High-Performance Computing Program planning and coordination.

Sec. 402. Research in areas of national importance.

Sec. 403. Program improvements.

Sec. 404. Improving education of networking and information technology, including high performance computing.

Sec. 405. Conforming and technical amendments to the High-Performance Computing Act of 1991.

Sec. 406. Federal cyber scholarship-for-service program.

Sec. 407. Study and analysis of certification and training of information infrastructure professionals.

Sec. 408. International cybersecurity technical standards.

Sec. 409. Identity management research and development.

Sec. 410. Federal cybersecurity research and development.

#### TITLE I—FACILITATING SHARING OF CYBER THREAT INFORMATION

##### SEC. 101. DEFINITIONS.

In this title:

(1) **AGENCY.**—The term “agency” has the meaning given the term in section 3502 of title 44, United States Code.

(2) **ANTITRUST LAWS.**—The term “antitrust laws” —

(A) has the meaning given the term in section 1(a) of the Clayton Act (15 U.S.C. 12(a));

(B) includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent that section 5 of that Act applies to unfair methods of competition; and

(C) includes any State law that has the same intent and effect as the laws under subparagraphs (A) and (B).

(3) **COUNTERMEASURE.**—The term “countermeasure” means an automated or a manual action with defensive intent to mitigate cyber threats.

(4) **CYBER THREAT INFORMATION.**—The term “cyber threat information” means information that indicates or describes—

(A) a technical or operation vulnerability or a cyber threat mitigation measure;

(B) an action or operation to mitigate a cyber threat;

(C) malicious reconnaissance, including anomalous patterns of network activity that appear to be transmitted for the purpose of gathering technical information related to a cybersecurity threat;

(D) a method of defeating a technical control;

(E) a method of defeating an operational control;

(F) network activity or protocols known to be associated with a malicious cyber actor or that signify malicious cyber intent;

(G) a method of causing a user with legitimate access to an information system or information that is stored on, processed by, or transiting an information system to inadvertently enable the defeat of a technical or operational control;

(H) any other attribute of a cybersecurity threat or cyber defense information that would foster situational awareness of the United States cybersecurity posture, if disclosure of such attribute or information is not otherwise prohibited by law;

(I) the actual or potential harm caused by a cyber incident, including information exfiltrated when it is necessary in order to identify or describe a cybersecurity threat; or

(J) any combination of subparagraphs (A) through (I).

(5) **CYBERSECURITY CENTER.**—The term “cybersecurity center” means the Department of Defense Cyber Crime Center, the Intelligence Community Incident Response Center, the United States Cyber Command Joint Operations Center, the National Cyber Investigative Joint Task Force, the National Security Agency/Central Security Service Threat Operations Center, the National Cybersecurity and Communications Integration Center, and any successor center.

(6) **CYBERSECURITY SYSTEM.**—The term “cybersecurity system” means a system designed or employed to ensure the integrity, confidentiality, or availability of, or to safeguard, a system or network, including measures intended to protect a system or network from—

(A) efforts to degrade, disrupt, or destroy such system or network; or

(B) theft or misappropriations of private or government information, intellectual property, or personally identifiable information.

(7) **ENTITY.**—

(A) **IN GENERAL.**—The term “entity” means any private entity, non-Federal government agency or department, or State, tribal, or local government agency or department (including an officer, employee, or agent thereof).

(B) **INCLUSIONS.**—The term “entity” includes a government agency or department (including an officer, employee, or agent thereof) of the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and any other territory or possession of the United States.

(8) **FEDERAL INFORMATION SYSTEM.**—The term “Federal information system” means an information system of a Federal department or agency used or operated by an executive agency, by a contractor of an executive agency, or by another organization on behalf of an executive agency.

(9) **INFORMATION SECURITY.**—The term “information security” means protecting information and information systems from disruption or unauthorized access, use, disclosure, modification, or destruction in order to provide—

(A) integrity, by guarding against improper information modification or destruction, including by ensuring information non-repudiation and authenticity;

(B) confidentiality, by preserving authorized restrictions on access and disclosure, including means for protecting personal privacy and proprietary information; or

(C) availability, by ensuring timely and reliable access to and use of information.

(10) **INFORMATION SYSTEM.**—The term “information system” has the meaning given the term in section 3502 of title 44, United States Code.

(11) **LOCAL GOVERNMENT.**—The term “local government” means any borough, city, county, parish, town, township, village, or other general purpose political subdivision of a State.

(12) **MALICIOUS RECONNAISSANCE.**—The term “malicious reconnaissance” means a method for actively probing or passively monitoring an information system for the purpose of discerning technical vulnerabilities of the information system, if such method is associated with a known or suspected cybersecurity threat.

(13) **OPERATIONAL CONTROL.**—The term “operational control” means a security control for an information system that primarily is implemented and executed by people.

(14) **OPERATIONAL VULNERABILITY.**—The term “operational vulnerability” means any attribute of policy, process, or procedure that could enable or facilitate the defeat of an operational control.

(15) **PRIVATE ENTITY.**—The term “private entity” means any individual or any private group, organization, or corporation, including an officer, employee, or agent thereof.

(16) **SIGNIFICANT CYBER INCIDENT.**—The term “significant cyber incident” means a cyber incident resulting in, or an attempted cyber incident that, if successful, would have resulted in—

(A) the exfiltration from a Federal information system of data that is essential to the operation of the Federal information system; or

(B) an incident in which an operational or technical control essential to the security or operation of a Federal information system was defeated.

(17) **TECHNICAL CONTROL.**—The term “technical control” means a hardware or software restriction on, or audit of, access or use of an information system or information that is stored on, processed by, or transiting an information system that is intended to ensure the confidentiality, integrity, or availability of that system.

(18) **TECHNICAL VULNERABILITY.**—The term “technical vulnerability” means any attribute of hardware or software that could enable or facilitate the defeat of a technical control.

(19) **TRIBAL.**—The term “tribal” has the meaning given the term “Indian tribe” in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

## **SEC. 102. AUTHORIZATION TO SHARE CYBER THREAT INFORMATION.**

### **(a) VOLUNTARY DISCLOSURE.**

(1) **PRIVATE ENTITIES.**—Notwithstanding any other provision of law, a private entity may, for the purpose of preventing, investigating, or otherwise mitigating threats to information security, on its own networks, or as authorized by another entity, on such entity’s networks, employ countermeasures and use cybersecurity systems in order to obtain, identify, or otherwise possess cyber threat information.

(2) **ENTITIES.**—Notwithstanding any other provision of law, an entity may disclose cyber threat information to—

(A) a cybersecurity center; or

(B) any other entity in order to assist with preventing, investigating, or otherwise mitigating threats to information security.

(3) **INFORMATION SECURITY PROVIDERS.**—If the cyber threat information described in paragraph (1) is obtained, identified, or otherwise possessed in the course of providing information security products or services under contract to another entity, that entity shall be given, at any time prior to disclosure of such information, a reasonable opportunity to authorize or prevent such disclosure, to request anonymization of such information, or to request that reasonable efforts be made to safeguard such information that identifies specific persons from unauthorized access or disclosure.

(b) **SIGNIFICANT CYBER INCIDENTS INVOLVING FEDERAL INFORMATION SYSTEMS.**—

(1) **IN GENERAL.**—An entity providing electronic communication services, remote computing services, or information security

services to a Federal department or agency shall inform the Federal department or agency of a significant cyber incident involving the Federal information system of that Federal department or agency that—

(A) is directly known to the entity as a result of providing such services;

(B) is directly related to the provision of such services by the entity; and

(C) as determined by the entity, has impeded or will impede the performance of a critical mission of the Federal department or agency.

(2) **ADVANCE COORDINATION.**—A Federal department or agency receiving the services described in paragraph (1) shall coordinate in advance with an entity described in paragraph (1) to develop the parameters of any information that may be provided under paragraph (1), including clarification of the type of significant cyber incident that will impede the performance of a critical mission of the Federal department or agency.

(3) **REPORT.**—A Federal department or agency shall report information provided under this subsection to a cybersecurity center.

(4) **CONSTRUCTION.**—Any information provided to a cybersecurity center under paragraph (3) shall be treated in the same manner as information provided to a cybersecurity center under subsection (a).

(c) **INFORMATION SHARED WITH OR PROVIDED TO A CYBERSECURITY CENTER.**—Cyber threat information provided to a cybersecurity center under this section—

(1) may be disclosed to, retained by, and used by, consistent with otherwise applicable Federal law, any Federal agency or department, component, officer, employee, or agent of the Federal government for a cybersecurity purpose, a national security purpose, or in order to prevent, investigate, or prosecute any of the offenses listed in section 2516 of title 18, United States Code, and such information shall not be disclosed to, retained by, or used by any Federal agency or department for any use not permitted under this paragraph;

(2) may, with the prior written consent of the entity submitting such information, be disclosed to and used by a State, tribal, or local government or government agency for the purpose of protecting information systems, or in furtherance of preventing, investigating, or prosecuting a criminal act, except that if the need for immediate disclosure prevents obtaining written consent, such consent may be provided orally with subsequent documentation of such consent;

(3) shall be considered the commercial, financial, or proprietary information of the entity providing such information to the Federal government and any disclosure outside the Federal government may only be made upon the prior written consent by such entity and shall not constitute a waiver of any applicable privilege or protection provided by law, except that if the need for immediate disclosure prevents obtaining written consent, such consent may be provided orally with subsequent documentation of such consent;

(4) shall be deemed voluntarily shared information and exempt from disclosure under section 552 of title 5, United States Code, and any State, tribal, or local law requiring disclosure of information or records;

(5) shall be, without discretion, withheld from the public under section 552(b)(3)(B) of title 5, United States Code, and any State, tribal, or local law requiring disclosure of information or records;

(6) shall not be subject to the rules of any Federal agency or department or any judi-

cial doctrine regarding ex parte communications with a decision-making official;

(7) shall not, if subsequently provided to a State, tribal, or local government or government agency, otherwise be disclosed or distributed to any entity by such State, tribal, or local government or government agency without the prior written consent of the entity submitting such information, notwithstanding any State, tribal, or local law requiring disclosure of information or records, except that if the need for immediate disclosure prevents obtaining written consent, such consent may be provided orally with subsequent documentation of such consent; and

(8) shall not be directly used by any Federal, State, tribal, or local department or agency to regulate the lawful activities of an entity, including activities relating to obtaining, identifying, or otherwise possessing cyber threat information, except that the procedures required to be developed and implemented under this title shall not be considered regulations within the meaning of this paragraph.

(d) **PROCEDURES RELATING TO INFORMATION SHARING WITH A CYBERSECURITY CENTER.**—Not later than 60 days after the date of enactment of this Act, the heads of each department or agency containing a cybersecurity center shall jointly develop, promulgate, and submit to Congress procedures to ensure that cyber threat information shared with or provided to—

(1) a cybersecurity center under this section—

(A) may be submitted to a cybersecurity center by an entity, to the greatest extent possible, through a uniform, publicly available process or format that is easily accessible on the website of such cybersecurity center, and that includes the ability to provide relevant details about the cyber threat information and written consent to any subsequent disclosures authorized by this paragraph;

(B) shall immediately be further shared with each cybersecurity center in order to prevent, investigate, or otherwise mitigate threats to information security across the Federal government;

(C) is handled by the Federal government in a reasonable manner, including consideration of the need to protect the privacy and civil liberties of individuals through anonymization or other appropriate methods, while fully accomplishing the objectives of this title, and the Federal government may undertake efforts consistent with this subparagraph to limit the impact on privacy and civil liberties of the sharing of cyber threat information with the Federal government; and

(D) except as provided in this section, shall only be used, disclosed, or handled in accordance with the provisions of subsection (c); and

(2) a Federal agency or department under subsection (b) is provided immediately to a cybersecurity center in order to prevent, investigate, or otherwise mitigate threats to information security across the Federal government.

(e) **INFORMATION SHARED BETWEEN ENTITIES.**—

(1) **IN GENERAL.**—An entity sharing cyber threat information with another entity under this title may restrict the use or sharing of such information by such other entity.

(2) **FURTHER SHARING.**—Cyber threat information shared by any entity with another entity under this title—

(A) shall only be further shared in accordance with any restrictions placed on the

sharing of such information by the entity authorizing such sharing, such as appropriate anonymization of such information; and

(B) may not be used by any entity to gain an unfair competitive advantage to the detriment of the entity authorizing the sharing of such information, except that the conduct described in paragraph (3) shall not constitute unfair competitive conduct.

(3) INFORMATION SHARED WITH STATE, TRIBAL, OR LOCAL GOVERNMENT OR GOVERNMENT AGENCY.—Cyber threat information shared with a State, tribal, or local government or government agency under this title—

(A) may, with the prior written consent of the entity sharing such information, be disclosed to and used by a State, tribal, or local government or government agency for the purpose of protecting information systems, or in furtherance of preventing, investigating, or prosecuting a criminal act, except if the need for immediate disclosure prevents obtaining written consent, consent may be provided orally with subsequent documentation of the consent;

(B) shall be deemed voluntarily shared information and exempt from disclosure under any State, tribal, or local law requiring disclosure of information or records;

(C) shall not be disclosed or distributed to any entity by the State, tribal, or local government or government agency without the prior written consent of the entity submitting such information, notwithstanding any State, tribal, or local law requiring disclosure of information or records, except if the need for immediate disclosure prevents obtaining written consent, consent may be provided orally with subsequent documentation of the consent; and

(D) shall not be directly used by any State, tribal, or local department or agency to regulate the lawful activities of an entity, including activities relating to obtaining, identifying, or otherwise possessing cyber threat information, except that the procedures required to be developed and implemented under this title shall not be considered regulations within the meaning of this subparagraph.

(4) ANTITRUST EXEMPTION.—The exchange or provision of cyber threat information or assistance between 2 or more private entities under this title shall not be considered a violation of any provision of antitrust laws if exchanged or provided in order to assist with—

(A) facilitating the prevention, investigation, or mitigation of threats to information security; or

(B) communicating or disclosing of cyber threat information to help prevent, investigate or otherwise mitigate the effects of a threat to information security.

(5) NO RIGHT OR BENEFIT.—The provision of cyber threat information to an entity under this section shall not create a right or a benefit to similar information by such entity or any other entity.

(f) FEDERAL PREEMPTION.—

(1) IN GENERAL.—This section supersedes any statute or other law of a State or political subdivision of a State that restricts or otherwise expressly regulates an activity authorized under this section.

(2) STATE LAW ENFORCEMENT.—Nothing in this section shall be construed to supersede any statute or other law of a State or political subdivision of a State concerning the use of authorized law enforcement techniques.

(3) PUBLIC DISCLOSURE.—No information shared with or provided to a State, tribal, or

local government or government agency pursuant to this section shall be made publicly available pursuant to any State, tribal, or local law requiring disclosure of information or records.

(g) CIVIL AND CRIMINAL LIABILITY.—

(1) GENERAL PROTECTIONS.—

(A) PRIVATE ENTITIES.—No cause of action shall lie or be maintained in any court against any private entity for—

(i) the use of countermeasures and cybersecurity systems as authorized by this title;

(ii) the use, receipt, or disclosure of any cyber threat information as authorized by this title; or

(iii) the subsequent actions or inactions of any lawful recipient of cyber threat information provided by such private entity.

(B) ENTITIES.—No cause of action shall lie or be maintained in any court against any entity for—

(i) the use, receipt, or disclosure of any cyber threat information as authorized by this title; or

(ii) the subsequent actions or inactions of any lawful recipient of cyber threat information provided by such entity.

(2) CONSTRUCTION.—Nothing in this subsection shall be construed as creating any immunity against, or otherwise affecting, any action brought by the Federal government, or any agency or department thereof, to enforce any law, executive order, or procedure governing the appropriate handling, disclosure, and use of classified information.

(h) OTHERWISE LAWFUL DISCLOSURES.—Nothing in this section shall be construed to limit or prohibit otherwise lawful disclosures of communications, records, or other information by a private entity to any other governmental or private entity not covered under this section.

(i) WHISTLEBLOWER PROTECTION.—Nothing in this Act shall be construed to preempt or preclude any employee from exercising rights currently provided under any whistleblower law, rule, or regulation.

(j) RELATIONSHIP TO OTHER LAWS.—The submission of cyber threat information under this section to a cybersecurity center shall not affect any requirement under any other provision of law for an entity to provide information to the Federal government.

#### SEC. 103. INFORMATION SHARING BY THE FEDERAL GOVERNMENT.

(a) CLASSIFIED INFORMATION.—

(1) PROCEDURES.—Consistent with the protection of intelligence sources and methods, and as otherwise determined appropriate, the Director of National Intelligence and the Secretary of Defense, in consultation with the heads of the appropriate Federal departments or agencies, shall develop and promulgate procedures to facilitate and promote—

(A) the immediate sharing, through the cybersecurity centers, of classified cyber threat information in the possession of the Federal government with appropriately cleared representatives of any appropriate entity; and

(B) the declassification and immediate sharing, through the cybersecurity centers, with any entity or, if appropriate, public availability of cyber threat information in the possession of the Federal government;

(2) HANDLING OF CLASSIFIED INFORMATION.—The procedures developed under paragraph (1) shall ensure that each entity receiving classified cyber threat information pursuant to this section has acknowledged in writing the ongoing obligation to comply with all laws, executive orders, and procedures concerning the appropriate handling, disclosure, or use of classified information.

(b) UNCLASSIFIED CYBER THREAT INFORMATION.—The heads of each department or agency containing a cybersecurity center shall jointly develop and promulgate procedures that ensure that, consistent with the provisions of this section, unclassified, including controlled unclassified, cyber threat information in the possession of the Federal government—

(1) is shared, through the cybersecurity centers, in an immediate and adequate manner with appropriate entities; and

(2) if appropriate, is made publicly available.

(c) DEVELOPMENT OF PROCEDURES.—

(1) IN GENERAL.—The procedures developed under this section shall incorporate, to the greatest extent possible, existing processes utilized by sector specific information sharing and analysis centers.

(2) COORDINATION WITH ENTITIES.—In developing the procedures required under this section, the Director of National Intelligence and the heads of each department or agency containing a cybersecurity center shall coordinate with appropriate entities to ensure that protocols are implemented that will facilitate and promote the sharing of cyber threat information by the Federal government.

(d) ADDITIONAL RESPONSIBILITIES OF CYBERSECURITY CENTERS.—Consistent with section 102, a cybersecurity center shall—

(1) facilitate information sharing, interaction, and collaboration among and between cybersecurity centers and—

(A) other Federal entities;

(B) any entity; and

(C) international partners, in consultation with the Secretary of State;

(2) disseminate timely and actionable cybersecurity threat, vulnerability, mitigation, and warning information, including alerts, advisories, indicators, signatures, and mitigation and response measures, to improve the security and protection of information systems; and

(3) coordinate with other Federal entities, as appropriate, to integrate information from across the Federal government to provide situational awareness of the cybersecurity posture of the United States.

(e) SHARING WITHIN THE FEDERAL GOVERNMENT.—The heads of appropriate Federal departments and agencies shall ensure that cyber threat information in the possession of such Federal departments or agencies that relates to the prevention, investigation, or mitigation of threats to information security across the Federal government is shared effectively with the cybersecurity centers.

(f) SUBMISSION TO CONGRESS.—Not later than 60 days after the date of enactment of this Act, the Director of National Intelligence, in coordination with the appropriate head of a department or an agency containing a cybersecurity center, shall submit the procedures required by this section to Congress.

#### SEC. 104. CONSTRUCTION.

(a) INFORMATION SHARING RELATIONSHIPS.—Nothing in this title shall be construed—

(1) to limit or modify an existing information sharing relationship;

(2) to prohibit a new information sharing relationship;

(3) to require a new information sharing relationship between any entity and the Federal government, except as specified under section 102(b); or

(4) to modify the authority of a department or agency of the Federal government to protect sources and methods and the national security of the United States.

(b) **ANTI-TASKING RESTRICTION.**—Nothing in this title shall be construed to permit the Federal government—

(1) to require an entity to share information with the Federal government, except as expressly provided under section 102(b); or

(2) to condition the sharing of cyber threat information with an entity on such entity's provision of cyber threat information to the Federal government.

(c) **NO LIABILITY FOR NON-PARTICIPATION.**—Nothing in this title shall be construed to subject any entity to liability for choosing not to engage in the voluntary activities authorized under this title.

(d) **USE AND RETENTION OF INFORMATION.**—Nothing in this title shall be construed to authorize, or to modify any existing authority of, a department or agency of the Federal government to retain or use any information shared under section 102 for any use other than a use permitted under subsection 102(c)(1).

(e) **NO NEW FUNDING.**—An applicable Federal agency shall carry out the provisions of this title with existing facilities and funds otherwise available, through such means as the head of the agency considers appropriate.

#### **SEC. 105. REPORT ON IMPLEMENTATION.**

(a) **CONTENT OF REPORT.**—Not later than 1 year after the date of enactment of this Act, and biennially thereafter, the heads of each department or agency containing a cybersecurity center shall jointly submit, in coordination with the privacy and civil liberties officials of such departments or agencies and the Privacy and Civil Liberties Oversight Board, a detailed report to Congress concerning the implementation of this title, including—

(1) an assessment of the sufficiency of the procedures developed under section 103 of this Act in ensuring that cyber threat information in the possession of the Federal government is provided in an immediate and adequate manner to appropriate entities or, if appropriate, is made publicly available;

(2) an assessment of whether information has been appropriately classified and an accounting of the number of security clearances authorized by the Federal government for purposes of this title;

(3) a review of the type of cyber threat information shared with a cybersecurity center under section 102 of this Act, including whether such information meets the definition of cyber threat information under section 101, the degree to which such information may impact the privacy and civil liberties of individuals, any appropriate metrics to determine any impact of the sharing of such information with the Federal government on privacy and civil liberties, and the adequacy of any steps taken to reduce such impact;

(4) a review of actions taken by the Federal government based on information provided to a cybersecurity center under section 102 of this Act, including the appropriateness of any subsequent use under section 102(c)(1) of this Act and whether there was inappropriate stovepiping within the Federal government of any such information;

(5) a description of any violations of the requirements of this title by the Federal government;

(6) a classified list of entities that received classified information from the Federal government under section 103 of this Act and a description of any indication that such information may not have been appropriately handled;

(7) a summary of any breach of information security, if known, attributable to a

specific failure by any entity or the Federal government to act on cyber threat information in the possession of such entity or the Federal government that resulted in substantial economic harm or injury to a specific entity or the Federal government; and

(8) any recommendation for improvements or modifications to the authorities under this title.

(b) **FORM OF REPORT.**—The report under subsection (a) shall be submitted in unclassified form, but shall include a classified annex.

#### **SEC. 106. INSPECTOR GENERAL REVIEW.**

(a) **IN GENERAL.**—The Council of the Inspectors General on Integrity and Efficiency are authorized to review compliance by the cybersecurity centers, and by any Federal department or agency receiving cyber threat information from such cybersecurity centers, with the procedures required under section 102 of this Act.

(b) **SCOPE OF REVIEW.**—The review under subsection (a) shall consider whether the Federal government has handled such cyber threat information in a reasonable manner, including consideration of the need to protect the privacy and civil liberties of individuals through anonymization or other appropriate methods, while fully accomplishing the objectives of this title.

(c) **REPORT TO CONGRESS.**—Each review conducted under this section shall be provided to Congress not later than 30 days after the date of completion of the review.

#### **SEC. 107. TECHNICAL AMENDMENTS.**

Section 552(b) of title 5, United States Code, is amended—

(1) in paragraph (8), by striking “or”;

(2) in paragraph (9), by striking “wells.” and inserting “wells; or”;

(3) by adding at the end the following:

“(10) information shared with or provided to a cybersecurity center under section 102 of title I of the Strengthening and Enhancing Cybersecurity by Using Research, Education, Information, and Technology Act of 2012.”.

#### **SEC. 108. ACCESS TO CLASSIFIED INFORMATION.**

(a) **AUTHORIZATION REQUIRED.**—No person shall be provided with access to classified information (as defined in section 6.1 of Executive Order 13526 (50 U.S.C. 435 note; relating to classified national security information)) relating to cyber security threats or cyber security vulnerabilities under this title without the appropriate security clearances.

(b) **SECURITY CLEARANCES.**—The appropriate Federal agencies or departments shall, consistent with applicable procedures and requirements, and if otherwise deemed appropriate, assist an individual in timely obtaining an appropriate security clearance where such individual has been determined to be eligible for such clearance and has a need-to-know (as defined in section 6.1 of that Executive Order) classified information to carry out this title.

### **TITLE II—COORDINATION OF FEDERAL INFORMATION SECURITY POLICY**

#### **SEC. 201. COORDINATION OF FEDERAL INFORMATION SECURITY POLICY.**

(a) **IN GENERAL.**—Chapter 35 of title 44, United States Code, is amended by striking subchapters II and III and inserting the following:

#### **“SUBCHAPTER II—INFORMATION SECURITY**

##### **“§ 3551. Purposes**

“The purposes of this subchapter are—

“(1) to provide a comprehensive framework for ensuring the effectiveness of information security controls over information resources that support Federal operations and assets;

“(2) to recognize the highly networked nature of the current Federal computing environment and provide effective government-wide management of policies, directives, standards, and guidelines, as well as effective and nimble oversight of and response to information security risks, including coordination of information security efforts throughout the Federal civilian, national security, and law enforcement communities;

“(3) to provide for development and maintenance of controls required to protect agency information and information systems and contribute to the overall improvement of agency information security posture;

“(4) to provide for the development of tools and methods to assess and respond to real-time situational risk for Federal information system operations and assets; and

“(5) to provide a mechanism for improving agency information security programs through continuous monitoring of agency information systems and streamlined reporting requirements rather than overly prescriptive manual reporting.

##### **“§ 3552. Definitions**

“In this subchapter:

“(1) **ADEQUATE SECURITY.**—The term ‘adequate security’ means security commensurate with the risk and magnitude of the harm resulting from the unauthorized access to or loss, misuse, destruction, or modification of information.

“(2) **AGENCY.**—The term ‘agency’ has the meaning given the term in section 3502 of title 44.

“(3) **CYBERSECURITY CENTER.**—The term ‘cybersecurity center’ means the Department of Defense Cyber Crime Center, the Intelligence Community Incident Response Center, the United States Cyber Command Joint Operations Center, the National Cyber Investigative Joint Task Force, the National Security Agency/Central Security Service Threat Operations Center, the National Cybersecurity and Communications Integration Center, and any successor center.

“(4) **CYBER THREAT INFORMATION.**—The term ‘cyber threat information’ means information that indicates or describes—

“(A) a technical or operation vulnerability or a cyber threat mitigation measure;

“(B) an action or operation to mitigate a cyber threat;

“(C) malicious reconnaissance, including anomalous patterns of network activity that appear to be transmitted for the purpose of gathering technical information related to a cybersecurity threat;

“(D) a method of defeating a technical control;

“(E) a method of defeating an operational control;

“(F) network activity or protocols known to be associated with a malicious cyber actor or that signify malicious cyber intent;

“(G) a method of causing a user with legitimate access to an information system or information that is stored on, processed by, or transiting an information system to inadvertently enable the defeat of a technical or operational control;

“(H) any other attribute of a cybersecurity threat or cyber defense information that would foster situational awareness of the United States cybersecurity posture, if disclosure of such attribute or information is not otherwise prohibited by law;

“(I) the actual or potential harm caused by a cyber incident, including information exfiltrated when it is necessary in order to identify or describe a cybersecurity threat; or

“(J) any combination of subparagraphs (A) through (I).

“(5) DIRECTOR.—The term ‘Director’ means the Director of the Office of Management and Budget unless otherwise specified.

“(6) ENVIRONMENT OF OPERATION.—The term ‘environment of operation’ means the information system and environment in which those systems operate, including changing threats, vulnerabilities, technologies, and missions and business practices.

“(7) FEDERAL INFORMATION SYSTEM.—The term ‘Federal information system’ means an information system used or operated by an executive agency, by a contractor of an executive agency, or by another organization on behalf of an executive agency.

“(8) INCIDENT.—The term ‘incident’ means an occurrence that—

“(A) actually or imminently jeopardizes the integrity, confidentiality, or availability of an information system or the information that system controls, processes, stores, or transmits; or

“(B) constitutes a violation of law or an imminent threat of violation of a law, a security policy, a security procedure, or an acceptable use policy.

“(9) INFORMATION RESOURCES.—The term ‘information resources’ has the meaning given the term in section 3502 of title 44.

“(10) INFORMATION SECURITY.—The term ‘information security’ means protecting information and information systems from disruption or unauthorized access, use, disclosure, modification, or destruction in order to provide—

“(A) integrity, by guarding against improper information modification or destruction, including by ensuring information non-repudiation and authenticity;

“(B) confidentiality, by preserving authorized restrictions on access and disclosure, including means for protecting personal privacy and proprietary information; or

“(C) availability, by ensuring timely and reliable access to and use of information.

“(11) INFORMATION SYSTEM.—The term ‘information system’ has the meaning given the term in section 3502 of title 44.

“(12) INFORMATION TECHNOLOGY.—The term ‘information technology’ has the meaning given the term in section 11101 of title 40.

“(13) MALICIOUS RECONNAISSANCE.—The term ‘malicious reconnaissance’ means a method for actively probing or passively monitoring an information system for the purpose of discerning technical vulnerabilities of the information system, if such method is associated with a known or suspected cybersecurity threat.

“(14) NATIONAL SECURITY SYSTEM.—

“(A) IN GENERAL.—The term ‘national security system’ means any information system (including any telecommunications system) used or operated by an agency or by a contractor of an agency, or other organization on behalf of an agency—

“(i) the function, operation, or use of which—

“(I) involves intelligence activities;

“(II) involves cryptologic activities related to national security;

“(III) involves command and control of military forces;

“(IV) involves equipment that is an integral part of a weapon or weapons system; or

“(V) subject to subparagraph (B), is critical to the direct fulfillment of military or intelligence missions; or

“(ii) is protected at all times by procedures established for information that have been specifically authorized under criteria estab-

lished by an Executive Order or an Act of Congress to be kept classified in the interest of national defense or foreign policy.

“(B) LIMITATION.—Subparagraph (A)(i)(V) does not include a system that is to be used for routine administrative and business applications (including payroll, finance, logistics, and personnel management applications).

“(15) OPERATIONAL CONTROL.—The term ‘operational control’ means a security control for an information system that primarily is implemented and executed by people.

“(16) PERSON.—The term ‘person’ has the meaning given the term in section 3502 of title 44.

“(17) SECRETARY.—The term ‘Secretary’ means the Secretary of Commerce unless otherwise specified.

“(18) SECURITY CONTROL.—The term ‘security control’ means the management, operational, and technical controls, including safeguards or countermeasures, prescribed for an information system to protect the confidentiality, integrity, and availability of the system and its information.

“(19) SIGNIFICANT CYBER INCIDENT.—The term ‘significant cyber incident’ means a cyber incident resulting in, or an attempted cyber incident that, if successful, would have resulted in—

“(A) the exfiltration from a Federal information system of data that is essential to the operation of the Federal information system; or

“(B) an incident in which an operational or technical control essential to the security or operation of a Federal information system was defeated.

“(20) TECHNICAL CONTROL.—The term ‘technical control’ means a hardware or software restriction on, or audit of, access or use of an information system or information that is stored on, processed by, or transiting an information system that is intended to ensure the confidentiality, integrity, or availability of that system.

#### “§ 3553. Federal information security authority and coordination

“(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Homeland Security, shall—

“(1) issue compulsory and binding policies and directives governing agency information security operations, and require implementation of such policies and directives, including—

“(A) policies and directives consistent with the standards and guidelines promulgated under section 11331 of title 40 to identify and provide information security protections prioritized and commensurate with the risk and impact resulting from the unauthorized access, use, disclosure, disruption, modification, or destruction of—

“(i) information collected or maintained by or on behalf of an agency; or

“(ii) information systems used or operated by an agency or by a contractor of an agency or other organization on behalf of an agency;

“(B) minimum operational requirements for Federal Government to protect agency information systems and provide common situational awareness across all agency information systems;

“(C) reporting requirements, consistent with relevant law, regarding information security incidents and cyber threat information;

“(D) requirements for agencywide information security programs;

“(E) performance requirements and metrics for the security of agency information systems;

“(F) training requirements to ensure that agencies are able to fully and timely comply with the policies and directives issued by the Secretary under this subchapter;

“(G) training requirements regarding privacy, civil rights, and civil liberties, and information oversight for agency information security personnel;

“(H) requirements for the annual reports to the Secretary under section 3554(d);

“(I) any other information security operations or information security requirements as determined by the Secretary in coordination with relevant agency heads; and

“(J) coordinating the development of standards and guidelines under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3) with agencies and offices operating or exercising control of national security systems (including the National Security Agency) to assure, to the maximum extent feasible, that such standards and guidelines are complementary with standards and guidelines developed for national security systems;

“(2) review the agencywide information security programs under section 3554; and

“(3) designate an individual or an entity at each cybersecurity center, among other responsibilities—

“(A) to receive reports and information about information security incidents, cyber threat information, and deterioration of security control affecting agency information systems; and

“(B) to act on or share the information under subparagraph (A) in accordance with this subchapter.

“(b) CONSIDERATIONS.—When issuing policies and directives under subsection (a), the Secretary shall consider any applicable standards or guidelines developed by the National Institute of Standards and Technology under section 11331 of title 40.

“(c) LIMITATION OF AUTHORITY.—The authorities of the Secretary under this section shall not apply to national security systems. Information security policies, directives, standards and guidelines for national security systems shall be overseen as directed by the President and, in accordance with that direction, carried out under the authority of the heads of agencies that operate or exercise authority over such national security systems.

“(d) STATUTORY CONSTRUCTION.—Nothing in this subchapter shall be construed to alter or amend any law regarding the authority of any head of an agency over such agency.

#### “§ 3554. Agency responsibilities

“(a) IN GENERAL.—The head of each agency shall—

“(1) be responsible for—

“(A) complying with the policies and directives issued under section 3553;

“(B) providing information security protections commensurate with the risk resulting from unauthorized access, use, disclosure, disruption, modification, or destruction of—

“(i) information collected or maintained by the agency or by a contractor of an agency or other organization on behalf of an agency; and

“(ii) information systems used or operated by an agency or by a contractor of an agency or other organization on behalf of an agency;

“(C) complying with the requirements of this subchapter, including—

“(i) information security standards and guidelines promulgated under section 11331 of title 40;

“(ii) for any national security systems operated or controlled by that agency, information security policies, directives, standards and guidelines issued as directed by the President; and

“(iii) for any non-national security systems operated or controlled by that agency, information security policies, directives, standards and guidelines issued under section 3553;

“(D) ensuring that information security management processes are integrated with agency strategic and operational planning processes;

“(E) reporting and sharing, for an agency operating or exercising control of a national security system, information about information security incidents, cyber threat information, and deterioration of security controls to the individual or entity designated at each cybersecurity center and to other appropriate entities consistent with policies and directives for national security systems issued as directed by the President; and

“(F) reporting and sharing, for those agencies operating or exercising control of non-national security systems, information about information security incidents, cyber threat information, and deterioration of security controls to the individual or entity designated at each cybersecurity center and to other appropriate entities consistent with policies and directives for non-national security systems as prescribed under section 3553(a), including information to assist the entity designated under section 3555(a) with the ongoing security analysis under section 3555;

“(2) ensure that each senior agency official provides information security for the information and information systems that support the operations and assets under the senior agency official's control, including by—

“(A) assessing the risk and impact that could result from the unauthorized access, use, disclosure, disruption, modification, or destruction of such information or information systems;

“(B) determining the level of information security appropriate to protect such information and information systems in accordance with policies and directives issued under section 3553(a), and standards and guidelines promulgated under section 11331 of title 40 for information security classifications and related requirements;

“(C) implementing policies, procedures, and capabilities to reduce risks to an acceptable level in a cost-effective manner;

“(D) actively monitoring the effective implementation of information security controls and techniques; and

“(E) reporting information about information security incidents, cyber threat information, and deterioration of security controls in a timely and adequate manner to the entity designated under section 3553(a)(3) in accordance with paragraph (1);

“(3) assess and maintain the resiliency of information technology systems critical to agency mission and operations;

“(4) designate the agency Inspector General (or an independent entity selected in consultation with the Director and the Council of Inspectors General on Integrity and Efficiency if the agency does not have an Inspector General) to conduct the annual independent evaluation required under section 3556, and allow the agency Inspector General to contract with an independent entity to perform such evaluation;

“(5) delegate to the Chief Information Officer or equivalent (or to a senior agency official who reports to the Chief Information Officer or equivalent)—

“(A) the authority and primary responsibility to implement an agencywide information security program; and

“(B) the authority to provide information security for the information collected and maintained by the agency (or by a contractor, other agency, or other source on behalf of the agency) and for the information systems that support the operations, assets, and mission of the agency (including any information system provided or managed by a contractor, other agency, or other source on behalf of the agency);

“(6) delegate to the appropriate agency official (who is responsible for a particular agency system or subsystem) the responsibility to ensure and enforce compliance with all requirements of the agency's agencywide information security program in coordination with the Chief Information Officer or equivalent (or the senior agency official who reports to the Chief Information Officer or equivalent) under paragraph (5);

“(7) ensure that an agency has trained personnel who have obtained any necessary security clearances to permit them to assist the agency in complying with this subchapter;

“(8) ensure that the Chief Information Officer or equivalent (or the senior agency official who reports to the Chief Information Officer or equivalent) under paragraph (5), in coordination with other senior agency officials, reports to the agency head on the effectiveness of the agencywide information security program, including the progress of any remedial actions; and

“(9) ensure that the Chief Information Officer or equivalent (or the senior agency official who reports to the Chief Information Officer or equivalent) under paragraph (5) has the necessary qualifications to administer the functions described in this subchapter and has information security duties as a primary duty of that official.

“(b) CHIEF INFORMATION OFFICERS.—Each Chief Information Officer or equivalent (or the senior agency official who reports to the Chief Information Officer or equivalent) under subsection (a)(5) shall—

“(1) establish and maintain an enterprise security operations capability that on a continuous basis—

“(A) detects, reports, contains, mitigates, and responds to information security incidents that impair adequate security of the agency's information or information system in a timely manner and in accordance with the policies and directives under section 3553; and

“(B) reports any information security incident under subparagraph (A) to the entity designated under section 3555;

“(2) develop, maintain, and oversee an agencywide information security program;

“(3) develop, maintain, and oversee information security policies, procedures, and control techniques to address applicable requirements, including requirements under section 3553 of this title and section 11331 of title 40; and

“(4) train and oversee the agency personnel who have significant responsibility for information security with respect to that responsibility.

“(c) AGENCYWIDE INFORMATION SECURITY PROGRAMS.—

“(1) IN GENERAL.—Each agencywide information security program under subsection (b)(2) shall include—

“(A) relevant security risk assessments, including technical assessments and others related to the acquisition process;

“(B) security testing commensurate with risk and impact;

“(C) mitigation of deterioration of security controls commensurate with risk and impact;

“(D) risk-based continuous monitoring and threat assessment of the operational status and security of agency information systems to enable evaluation of the effectiveness of and compliance with information security policies, procedures, and practices, including a relevant and appropriate selection of security controls of information systems identified in the inventory under section 3505(c);

“(E) operation of appropriate technical capabilities in order to detect, mitigate, report, and respond to information security incidents, cyber threat information, and deterioration of security controls in a manner that is consistent with the policies and directives under section 3553, including—

“(i) mitigating risks associated with such information security incidents;

“(ii) notifying and consulting with the entity designated under section 3555; and

“(iii) notifying and consulting with, as appropriate—

“(I) law enforcement and the relevant Office of the Inspector General; and

“(II) any other entity, in accordance with law and as directed by the President;

“(F) a process to ensure that remedial action is taken to address any deficiencies in the information security policies, procedures, and practices of the agency; and

“(G) a plan and procedures to ensure the continuity of operations for information systems that support the operations and assets of the agency.

“(2) RISK MANAGEMENT STRATEGIES.—Each agencywide information security program under subsection (b)(2) shall include the development and maintenance of a risk management strategy for information security. The risk management strategy shall include—

“(A) consideration of information security incidents, cyber threat information, and deterioration of security controls; and

“(B) consideration of the consequences that could result from the unauthorized access, use, disclosure, disruption, modification, or destruction of information and information systems that support the operations and assets of the agency, including any information system provided or managed by a contractor, other agency, or other source on behalf of the agency;

“(3) POLICIES AND PROCEDURES.—Each agencywide information security program under subsection (b)(2) shall include policies and procedures that—

“(A) are based on the risk management strategy under paragraph (2);

“(B) reduce information security risks to an acceptable level in a cost-effective manner;

“(C) ensure that cost-effective and adequate information security is addressed as part of the acquisition and ongoing management of each agency information system; and

“(D) ensure compliance with—

“(i) this subchapter; and

“(ii) any other applicable requirements.

“(4) TRAINING REQUIREMENTS.—Each agencywide information security program under subsection (b)(2) shall include information security, privacy, civil rights, civil liberties, and information oversight training that meets any applicable requirements under section 3553. The training shall inform each information security personnel that has access to agency information systems (including contractors and other users of information systems that support the operations and assets of the agency) of—

“(A) the information security risks associated with the information security personnel’s activities; and

“(B) the individual’s responsibility to comply with the agency policies and procedures that reduce the risks under subparagraph (A).

“(d) ANNUAL REPORT.—Each agency shall submit a report annually to the Secretary of Homeland Security on its agencywide information security program and information systems.

**“§ 3555. Multiagency ongoing threat assessment**

“(a) IMPLEMENTATION.—The Director of the Office of Management and Budget, in coordination with the Secretary of Homeland Security, shall designate an entity to implement ongoing security analysis concerning agency information systems—

“(1) based on cyber threat information;

“(2) based on agency information system and environment of operation changes, including—

“(A) an ongoing evaluation of the information system security controls; and

“(B) the security state, risk level, and environment of operation of an agency information system, including—

“(i) a change in risk level due to a new cyber threat;

“(ii) a change resulting from a new technology;

“(iii) a change resulting from the agency’s mission; and

“(iv) a change resulting from the business practice; and

“(3) using automated processes to the maximum extent possible—

“(A) to increase information system security;

“(B) to reduce paper-based reporting requirements; and

“(C) to maintain timely and actionable knowledge of the state of the information system security.

“(b) STANDARDS.—The National Institute of Standards and Technology may promulgate standards, in coordination with the Secretary of Homeland Security, to assist an agency with its duties under this section.

“(c) COMPLIANCE.—The head of each appropriate department and agency shall be responsible for ensuring compliance and implementing necessary procedures to comply with this section. The head of each appropriate department and agency, in consultation with the Director of the Office of Management and Budget and the Secretary of Homeland Security, shall—

“(1) monitor compliance under this section;

“(2) develop a timeline and implement for the department or agency—

“(A) adoption of any technology, system, or method that facilitates continuous monitoring and threat assessments of an agency information system;

“(B) adoption or updating of any technology, system, or method that prevents, detects, or remediates a significant cyber incident to a Federal information system of the department or agency that has impeded, or is reasonably likely to impede, the performance of a critical mission of the department or agency; and

“(C) adoption of any technology, system, or method that satisfies a requirement under this section.

“(d) LIMITATION OF AUTHORITY.—The authorities of the Director of the Office of Management and Budget and of the Secretary of Homeland Security under this section shall not apply to national security systems.

“(e) REPORT.—Not later than 6 months after the date of enactment of the Strengthening and Enhancing Cybersecurity by Using Research, Education, Information, and Technology Act of 2012, the Government Accountability Office shall issue a report evaluating each agency’s status toward implementing this section.

**“§ 3556. Independent evaluations**

“(a) IN GENERAL.—The Council of the Inspectors General on Integrity and Efficiency, in consultation with the Director and the Secretary of Homeland Security, the Secretary of Commerce, and the Secretary of Defense, shall issue and maintain criteria for the timely, cost-effective, risk-based, and independent evaluation of each agencywide information security program (and practices) to determine the effectiveness of the agencywide information security program (and practices). The criteria shall include measures to assess any conflicts of interest in the performance of the evaluation and whether the agencywide information security program includes appropriate safeguards against disclosure of information where such disclosure may adversely affect information security.

“(b) ANNUAL INDEPENDENT EVALUATIONS.—Each agency shall perform an annual independent evaluation of its agencywide information security program (and practices) in accordance with the criteria under subsection (a).

“(c) DISTRIBUTION OF REPORTS.—Not later than 30 days after receiving an independent evaluation under subsection (b), each agency head shall transmit a copy of the independent evaluation to the Secretary of Homeland Security, the Secretary of Commerce, and the Secretary of Defense.

“(d) NATIONAL SECURITY SYSTEMS.—Evaluations involving national security systems shall be conducted as directed by President.

**“§ 3557. National security systems.**

“The head of each agency operating or exercising control of a national security system shall be responsible for ensuring that the agency—

“(1) provides information security protections commensurate with the risk and magnitude of the harm resulting from the unauthorized access, use, disclosure, disruption, modification, or destruction of the information contained in such system; and

“(2) implements information security policies and practices as required by standards and guidelines for national security systems, issued in accordance with law and as directed by the President.”.

(b) SAVINGS PROVISIONS.—

(1) POLICY AND COMPLIANCE GUIDANCE.—Policy and compliance guidance issued by the Director before the date of enactment of this Act under section 3543(a)(1) of title 44, United States Code (as in effect on the day before the date of enactment of this Act), shall continue in effect, according to its terms, until modified, terminated, superseded, or repealed pursuant to section 3553(a)(1) of title 44, United States Code.

(2) STANDARDS AND GUIDELINES.—Standards and guidelines issued by the Secretary of Commerce or by the Director before the date of enactment of this Act under section 11331(a)(1) of title 40, United States Code, (as in effect on the day before the date of enactment of this Act) shall continue in effect, according to their terms, until modified, terminated, superseded, or repealed pursuant to section 11331(a)(1) of title 40, United States Code, as amended by this Act.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) CHAPTER ANALYSIS.—The chapter analysis for chapter 35 of title 44, United States Code, is amended—

(A) by striking the items relating to sections 3531 through 3538;

(B) by striking the items relating to sections 3541 through 3549; and

(C) by inserting the following:

“3551. Purposes.

“3552. Definitions.

“3553. Federal information security authority and coordination.

“3554. Agency responsibilities.

“3555. Multiagency ongoing threat assessment.

“3556. Independent evaluations.

“3557. National security systems.”.

(2) OTHER REFERENCES.—

(A) Section 1001(c)(1)(A) of the Homeland Security Act of 2002 (6 U.S.C. 511(1)(A)) is amended by striking “section 3532(3)” and inserting “section 3552”.

(B) Section 2222(j)(5) of title 10, United States Code, is amended by striking “section 3542(b)(2)” and inserting “section 3552”.

(C) Section 2223(c)(3) of title 10, United States Code, is amended, by striking “section 3542(b)(2)” and inserting “section 3552”.

(D) Section 2315 of title 10, United States Code, is amended by striking “section 3542(b)(2)” and inserting “section 3552”.

(E) Section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3) is amended—

(i) in subsection (a)(2), by striking “section 3532(b)(2)” and inserting “section 3552”;

(ii) in subsection (c)(3), by striking “Director of the Office of Management and Budget” and inserting “Secretary of Commerce”;

(iii) in subsection (d)(1), by striking “Director of the Office of Management and Budget” and inserting “Secretary of Commerce”;

(iv) in subsection (d)(8) by striking “Director of the Office of Management and Budget” and inserting “Secretary of Commerce”;

(v) in subsection (d)(8), by striking “submitted to the Director” and inserting “submitted to the Secretary”;

(vi) in subsection (e)(2), by striking “section 3532(1) of such title” and inserting “section 3552 of title 44”; and

(vii) in subsection (e)(5), by striking “section 3532(b)(2) of such title” and inserting “section 3552 of title 44”.

(F) Section 8(d)(1) of the Cyber Security Research and Development Act (15 U.S.C. 7406(d)(1)) is amended by striking “section 3534(b)” and inserting “section 3554(b)(2)”.

**SEC. 202. MANAGEMENT OF INFORMATION TECHNOLOGY.**

(a) IN GENERAL.—Section 11331 of title 40, United States Code, is amended to read as follows:

**“§ 11331. Responsibilities for Federal information systems standards**

“(a) STANDARDS AND GUIDELINES.—

“(1) AUTHORITY TO PRESCRIBE.—Except as provided under paragraph (2), the Secretary of Commerce shall prescribe standards and guidelines pertaining to Federal information systems—

“(A) in consultation with the Secretary of Homeland Security; and

“(B) on the basis of standards and guidelines developed by the National Institute of Standards and Technology under paragraphs (2) and (3) of section 20(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3(a)(2) and (a)(3)).



“(2) NATIONAL SECURITY SYSTEMS.—Standards and guidelines for national security systems shall be developed, prescribed, enforced, and overseen as otherwise authorized by law and as directed by the President.

“(b) MANDATORY STANDARDS AND GUIDELINES.—

“(1) AUTHORITY TO MAKE MANDATORY STANDARDS AND GUIDELINES.—The Secretary of Commerce shall make standards and guidelines under subsection (a)(1) compulsory and binding to the extent determined necessary by the Secretary of Commerce to improve the efficiency of operation or security of Federal information systems.

“(2) REQUIRED MANDATORY STANDARDS AND GUIDELINES.—

“(A) IN GENERAL.—Standards and guidelines under subsection (a)(1) shall include information security standards that—

“(i) provide minimum information security requirements as determined under section 20(b) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3(b)); and

“(ii) are otherwise necessary to improve the security of Federal information and information systems.

“(B) BINDING EFFECT.—Information security standards under subparagraph (A) shall be compulsory and binding.

“(c) EXERCISE OF AUTHORITY.—To ensure fiscal and policy consistency, the Secretary of Commerce shall exercise the authority conferred by this section subject to direction by the President and in coordination with the Director.

“(d) APPLICATION OF MORE STRINGENT STANDARDS AND GUIDELINES.—The head of an executive agency may employ standards for the cost-effective information security for information systems within or under the supervision of that agency that are more stringent than the standards and guidelines the Secretary of Commerce prescribes under this section if the more stringent standards and guidelines—

“(1) contain at least the applicable standards and guidelines made compulsory and binding by the Secretary of Commerce; and

“(2) are otherwise consistent with the policies, directives, and implementation memoranda issued under section 3553(a) of title 44.

“(e) DECISIONS ON PROMULGATION OF STANDARDS AND GUIDELINES.—The decision by the Secretary of Commerce regarding the promulgation of any standard or guideline under this section shall occur not later than 6 months after the date of submission of the proposed standard to the Secretary of Commerce by the National Institute of Standards and Technology under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3).

“(f) NOTICE AND COMMENT.—A decision by the Secretary of Commerce to significantly modify, or not promulgate, a proposed standard submitted to the Secretary by the National Institute of Standards and Technology under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3) shall be made after the public is given an opportunity to comment on the Secretary’s proposed decision.

“(g) DEFINITIONS.—In this section:

“(1) FEDERAL INFORMATION SYSTEM.—The term ‘Federal information system’ has the meaning given the term in section 3552 of title 44.

“(2) INFORMATION SECURITY.—The term ‘information security’ has the meaning given the term in section 3552 of title 44.

“(3) NATIONAL SECURITY SYSTEM.—The term ‘national security system’ has the meaning given the term in section 3552 of title 44.”

#### SEC. 203. NO NEW FUNDING.

An applicable Federal agency shall carry out the provisions of this title with existing facilities and funds otherwise available, through such means as the head of the agency considers appropriate.

#### SEC. 204. TECHNICAL AND CONFORMING AMENDMENTS.

Section 21(b) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–4(b)) is amended—

(1) in paragraph (2), by striking “and the Director of the Office of Management and Budget” and inserting “, the Secretary of Commerce, and the Secretary of Homeland Security”; and

(2) in paragraph (3), by inserting “, the Secretary of Homeland Security,” after “the Secretary of Commerce”.

#### SEC. 205. CLARIFICATION OF AUTHORITIES.

Nothing in this title shall be construed to convey any new regulatory authority to any government entity implementing or complying with any provision of this title.

#### TITLE III—CRIMINAL PENALTIES

##### SEC. 301. PENALTIES FOR FRAUD AND RELATED ACTIVITY IN CONNECTION WITH COMPUTERS.

Section 1030(c) of title 18, United States Code, is amended to read as follows:

“(c) The punishment for an offense under subsection (a) or (b) of this section is—

“(1) a fine under this title or imprisonment for not more than 20 years, or both, in the case of an offense under subsection (a)(1) of this section;

“(2)(A) except as provided in subparagraph (B), a fine under this title or imprisonment for not more than 3 years, or both, in the case of an offense under subsection (a)(2); or

“(B) a fine under this title or imprisonment for not more than ten years, or both, in the case of an offense under subsection (a)(2) of this section, if—

“(i) the offense was committed for purposes of commercial advantage or private financial gain;

“(ii) the offense was committed in the furtherance of any criminal or tortious act in violation of the Constitution or laws of the United States, or of any State; or

“(iii) the value of the information obtained, or that would have been obtained if the offense was completed, exceeds \$5,000;

“(3) a fine under this title or imprisonment for not more than 10 years, or both, in the case of an offense under subsection (a)(3) of this section;

“(4) a fine under this title or imprisonment for not more than 20 years, or both, in the case of an offense under subsection (a)(4) of this section;

“(5)(A) except as provided in subparagraph (C), a fine under this title, imprisonment for not more than 20 years, or both, in the case of an offense under subsection (a)(5)(A) of this section, if the offense caused—

“(i) loss to 1 or more persons during any 1-year period (and, for purposes of an investigation, prosecution, or other proceeding brought by the United States only, loss resulting from a related course of conduct affecting 1 or more other protected computers) aggregating at least \$5,000 in value;

“(ii) the modification or impairment, or potential modification or impairment, of the medical examination, diagnosis, treatment, or care of 1 or more individuals;

“(iii) physical injury to any person;

“(iv) a threat to public health or safety;

“(v) damage affecting a computer used by, or on behalf of, an entity of the United States Government in furtherance of the administration of justice, national defense, or national security; or

“(vi) damage affecting 10 or more protected computers during any 1-year period;

“(B) a fine under this title, imprisonment for not more than 20 years, or both, in the case of an offense under subsection (a)(5)(B), if the offense caused a harm provided in clause (i) through (vi) of subparagraph (A) of this subsection;

“(C) if the offender attempts to cause or knowingly or recklessly causes death from conduct in violation of subsection (a)(5)(A), a fine under this title, imprisonment for any term of years or for life, or both;

“(D) a fine under this title, imprisonment for not more than 10 years, or both, for any other offense under subsection (a)(5);

“(E) a fine under this title or imprisonment for not more than 10 years, or both, in the case of an offense under subsection (a)(6) of this section; or

“(F) a fine under this title or imprisonment for not more than 10 years, or both, in the case of an offense under subsection (a)(7) of this section.”

##### SEC. 302. TRAFFICKING IN PASSWORDS.

Section 1030(a)(6) of title 18, United States Code, is amended to read as follows:

“(6) knowingly and with intent to defraud traffics (as defined in section 1029) in any password or similar information or means of access through which a protected computer (as defined in subparagraphs (A) and (B) of subsection (e)(2)) may be accessed without authorization.”

##### SEC. 303. CONSPIRACY AND ATTEMPTED COMPUTER FRAUD OFFENSES.

Section 1030(b) of title 18, United States Code, is amended by inserting “as if for the completed offense” after “punished as provided”.

##### SEC. 304. CRIMINAL AND CIVIL FORFEITURE FOR FRAUD AND RELATED ACTIVITY IN CONNECTION WITH COMPUTERS.

Section 1030 of title 18, United States Code, is amended by striking subsections (i) and (j) and inserting the following:

“(i) CRIMINAL FORFEITURE.—

“(1) The court, in imposing sentence on any person convicted of a violation of this section, or convicted of conspiracy to violate this section, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person forfeit to the United States—

“(A) such persons interest in any property, real or personal, that was used, or intended to be used, to commit or facilitate the commission of such violation; and

“(B) any property, real or personal, constituting or derived from any gross proceeds, or any property traceable to such property, that such person obtained, directly or indirectly, as a result of such violation.

“(2) The criminal forfeiture of property under this subsection, including any seizure and disposition of the property, and any related judicial or administrative proceeding, shall be governed by the provisions of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), except subsection (d) of that section.

“(j) CIVIL FORFEITURE.—

“(1) The following shall be subject to forfeiture to the United States and no property right, real or personal, shall exist in them:

“(A) Any property, real or personal, that was used, or intended to be used, to commit or facilitate the commission of any violation of this section, or a conspiracy to violate this section.

“(B) Any property, real or personal, constituting or derived from any gross proceeds obtained directly or indirectly, or any property traceable to such property, as a result of the

commission of any violation of this section, or a conspiracy to violate this section.

“(2) Seizures and forfeitures under this subsection shall be governed by the provisions in chapter 46 relating to civil forfeitures, except that such duties as are imposed on the Secretary of the Treasury under the customs laws described in section 981(d) shall be performed by such officers, agents and other persons as may be designated for that purpose by the Secretary of Homeland Security or the Attorney General.”.

**SEC. 305. DAMAGE TO CRITICAL INFRASTRUCTURE COMPUTERS.**

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by inserting after section 1030 the following:

**“§ 1030A. Aggravated damage to a critical infrastructure computer**

“(a) DEFINITIONS.—In this section—

“(1) the term ‘computer’ has the meaning given the term in section 1030;

“(2) the term ‘critical infrastructure computer’ means a computer that manages or controls systems or assets vital to national defense, national security, national economic security, public health or safety, or any combination of those matters, whether publicly or privately owned or operated, including—

“(A) oil and gas production, storage, conversion, and delivery systems;

“(B) water supply systems;

“(C) telecommunication networks;

“(D) electrical power generation and delivery systems;

“(E) finance and banking systems;

“(F) emergency services;

“(G) transportation systems and services; and

“(H) government operations that provide essential services to the public; and

“(3) the term ‘damage’ has the meaning given the term in section 1030.

“(b) OFFENSE.—It shall be unlawful, during and in relation to a felony violation of section 1030, to knowingly cause or attempt to cause damage to a critical infrastructure computer if the damage results in (or, in the case of an attempt, if completed, would have resulted in) the substantial impairment—

“(1) of the operation of the critical infrastructure computer; or

“(2) of the critical infrastructure associated with the computer.

“(c) PENALTY.—Any person who violates subsection (b) shall be—

“(1) fined under this title;

“(2) imprisoned for not less than 3 years but not more than 20 years; or

“(3) penalized under paragraphs (1) and (2).

“(d) CONSECUTIVE SENTENCE.—Notwithstanding any other provision of law—

“(1) a court shall not place on probation any person convicted of a violation of this section;

“(2) except as provided in paragraph (4), no term of imprisonment imposed on a person under this section shall run concurrently with any other term of imprisonment, including any term of imprisonment imposed on the person under any other provision of law, including any term of imprisonment imposed for a felony violation of section 1030;

“(3) in determining any term of imprisonment to be imposed for a felony violation of section 1030, a court shall not in any way reduce the term to be imposed for such crime so as to compensate for, or otherwise take into account, any separate term of imprisonment imposed or to be imposed for a violation of this section; and

“(4) a term of imprisonment imposed on a person for a violation of this section may, in

the discretion of the court, run concurrently, in whole or in part, only with another term of imprisonment that is imposed by the court at the same time on that person for an additional violation of this section, provided that such discretion shall be exercised in accordance with any applicable guidelines and policy statements issued by the United States Sentencing Commission pursuant to section 994 of title 28.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The chapter analysis for chapter 47 of title 18, United States Code, is amended by inserting after the item relating to section 1030 the following:

“1030A. Aggravated damage to a critical infrastructure computer.”.

**SEC. 306. LIMITATION ON ACTIONS INVOLVING UNAUTHORIZED USE.**

Section 1030(e)(6) of title 18, United States Code, is amended by striking “alter,” and inserting “alter, but does not include access in violation of a contractual obligation or agreement, such as an acceptable use policy or terms of service agreement, with an Internet service provider, Internet website, or non-government employer, if such violation constitutes the sole basis for determining that access to a protected computer is unauthorized.”.

**SEC. 307. NO NEW FUNDING.**

An applicable Federal agency shall carry out the provisions of this title with existing facilities and funds otherwise available, through such means as the head of the agency considers appropriate.

**TITLE IV—CYBERSECURITY RESEARCH AND DEVELOPMENT**

**SEC. 401. NATIONAL HIGH-PERFORMANCE COMPUTING PROGRAM PLANNING AND COORDINATION.**

(a) GOALS AND PRIORITIES.—Section 101 of the High-Performance Computing Act of 1991 (15 U.S.C. 5511) is amended by adding at the end the following:

“(d) GOALS AND PRIORITIES.—The goals and priorities for Federal high-performance computing research, development, networking, and other activities under subsection (a)(2)(A) shall include—

“(1) encouraging and supporting mechanisms for interdisciplinary research and development in networking and information technology, including—

“(A) through collaborations across agencies;

“(B) through collaborations across Program Component Areas;

“(C) through collaborations with industry;

“(D) through collaborations with institutions of higher education;

“(E) through collaborations with Federal laboratories (as defined in section 4 of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3703)); and

“(F) through collaborations with international organizations;

“(2) addressing national, multi-agency, multi-faceted challenges of national importance; and

“(3) fostering the transfer of research and development results into new technologies and applications for the benefit of society.”.

(b) DEVELOPMENT OF STRATEGIC PLAN.—Section 101 of the High-Performance Computing Act of 1991 (15 U.S.C. 5511) is amended by adding at the end the following:

“(e) STRATEGIC PLAN.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Strengthening and Enhancing Cybersecurity by Using Research, Education, Information, and Technology Act of 2012, the agencies under sub-

section (a)(3)(B), working through the National Science and Technology Council and with the assistance of the Office of Science and Technology Policy shall develop a 5-year strategic plan to guide the activities under subsection (a)(1).

“(2) CONTENTS.—The strategic plan shall specify—

“(A) the near-term objectives for the Program;

“(B) the long-term objectives for the Program;

“(C) the anticipated time frame for achieving the near-term objectives;

“(D) the metrics that will be used to assess any progress made toward achieving the near-term objectives and the long-term objectives; and

“(E) how the Program will achieve the goals and priorities under subsection (d).

“(3) IMPLEMENTATION ROADMAP.—

“(A) IN GENERAL.—The agencies under subsection (a)(3)(B) shall develop and annually update an implementation roadmap for the strategic plan.

“(B) REQUIREMENTS.—The information in the implementation roadmap shall be coordinated with the database under section 102(c) and the annual report under section 101(a)(3). The implementation roadmap shall—

“(i) specify the role of each Federal agency in carrying out or sponsoring research and development to meet the research objectives of the strategic plan, including a description of how progress toward the research objectives will be evaluated, with consideration of any relevant recommendations of the advisory committee;

“(ii) specify the funding allocated to each major research objective of the strategic plan and the source of funding by agency for the current fiscal year; and

“(iii) estimate the funding required for each major research objective of the strategic plan for the next 3 fiscal years.

“(4) RECOMMENDATIONS.—The agencies under subsection (a)(3)(B) shall take into consideration when developing the strategic plan under paragraph (1) the recommendations of—

“(A) the advisory committee under subsection (b); and

“(B) the stakeholders under section 102(a)(3).

“(5) REPORT TO CONGRESS.—The Director of the Office of Science and Technology Policy shall transmit the strategic plan under this subsection, including the implementation roadmap and any updates under paragraph (3), to—

“(A) the advisory committee under subsection (b);

“(B) the Committee on Commerce, Science, and Transportation of the Senate; and

“(C) the Committee on Science and Technology of the House of Representatives.”.

(c) PERIODIC REVIEWS.—Section 101 of the High-Performance Computing Act of 1991 (15 U.S.C. 5511) is amended by adding at the end the following:

“(f) PERIODIC REVIEWS.—The agencies under subsection (a)(3)(B) shall—

“(1) periodically assess the contents and funding levels of the Program Component Areas and restructure the Program when warranted, taking into consideration any relevant recommendations of the advisory committee under subsection (b); and

“(2) ensure that the Program includes national, multi-agency, multi-faceted research and development activities, including activities described in section 104.”.

(d) ADDITIONAL RESPONSIBILITIES OF DIRECTOR.—Section 101(a)(2) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(a)(2)) is amended—

(1) by redesignating subparagraphs (E) and (F) as subparagraphs (G) and (H), respectively; and

(2) by inserting after subparagraph (D) the following:

“(E) encourage and monitor the efforts of the agencies participating in the Program to allocate the level of resources and management attention necessary—

“(i) to ensure that the strategic plan under subsection (e) is developed and executed effectively; and

“(ii) to ensure that the objectives of the Program are met;

“(F) working with the Office of Management and Budget and in coordination with the creation of the database under section 102(c), direct the Office of Science and Technology Policy and the agencies participating in the Program to establish a mechanism (consistent with existing law) to track all ongoing and completed research and development projects and associated funding.”.

(e) ADVISORY COMMITTEE.—Section 101(b) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(b)) is amended—

(1) in paragraph (1)—

(A) by inserting after the first sentence the following: “The co-chairs of the advisory committee shall meet the qualifications of committee members and may be members of the Presidents Council of Advisors on Science and Technology.”; and

(B) by striking “high-performance” in subparagraph (D) and inserting “high-end”; and

(2) by amending paragraph (2) to read as follows:

“(2) In addition to the duties under paragraph (1), the advisory committee shall conduct periodic evaluations of the funding, management, coordination, implementation, and activities of the Program. The advisory committee shall report its findings and recommendations not less frequently than once every 3 fiscal years to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives. The report shall be submitted in conjunction with the update of the strategic plan.”.

(f) REPORT.—Section 101(a)(3) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(a)(3)) is amended—

(1) in subparagraph (C)—

(A) by striking “is submitted,” and inserting “is submitted, the levels for the previous fiscal year,”; and

(B) by striking “each Program Component Area” and inserting “each Program Component Area and each research area supported in accordance with section 104.”;

(2) in subparagraph (D)—

(A) by striking “each Program Component Area,” and inserting “each Program Component Area and each research area supported in accordance with section 104.”;

(B) by striking “is submitted,” and inserting “is submitted, the levels for the previous fiscal year,”; and

(C) by striking “and” after the semicolon;

(3) by redesignating subparagraph (E) as subparagraph (G); and

(4) by inserting after subparagraph (D) the following:

“(E) include a description of how the objectives for each Program Component Area, and the objectives for activities that involve multiple Program Component Areas, relate to the objectives of the Program identified in the strategic plan under subsection (e);

“(F) include—

“(i) a description of the funding required by the Office of Science and Technology Policy to perform the functions under subsections (a) and (c) of section 102 for the next fiscal year by category of activity;

“(ii) a description of the funding required by the Office of Science and Technology Policy to perform the functions under subsections (a) and (c) of section 102 for the current fiscal year by category of activity; and

“(iii) the amount of funding provided for the Office of Science and Technology Policy for the current fiscal year by each agency participating in the Program; and”.

(g) DEFINITIONS.—Section 4 of the High-Performance Computing Act of 1991 (15 U.S.C. 5503) is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(2) by redesignating paragraph (3) as paragraph (6);

(3) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively;

(4) by inserting before paragraph (2), as redesignated, the following:

“(1) ‘cyber-physical systems’ means physical or engineered systems whose networking and information technology functions and physical elements are deeply integrated and are actively connected to the physical world through sensors, actuators, or other means to perform monitoring and control functions.”;

(5) in paragraph (3), as redesignated, by striking “high-performance computing” and inserting “networking and information technology”;

(6) in paragraph (6), as redesignated—

(A) by striking “high-performance computing” and inserting “networking and information technology”; and

(B) by striking “supercomputer” and inserting “high-end computing”;

(7) in paragraph (5), by striking “network referred to as” and all that follows through the semicolon and inserting “network, including advanced computer networks of Federal agencies and departments”; and

(8) in paragraph (7), as redesignated, by striking “National High-Performance Computing Program” and inserting “networking and information technology research and development program”.

#### SEC. 402. RESEARCH IN AREAS OF NATIONAL IMPORTANCE.

(a) RESEARCH IN AREAS OF NATIONAL IMPORTANCE.—Title I of the High-Performance Computing Act of 1991 (15 U.S.C. 5511 et seq.) is amended by adding at the end the following:

#### “SEC. 104. RESEARCH IN AREAS OF NATIONAL IMPORTANCE.

“(a) IN GENERAL.—The Program shall encourage agencies under section 101(a)(3)(B) to support, maintain, and improve national, multi-agency, multi-faceted, research and development activities in networking and information technology directed toward application areas that have the potential for significant contributions to national economic competitiveness and for other significant societal benefits.

“(b) TECHNICAL SOLUTIONS.—An activity under subsection (a) shall be designed to advance the development of research discoveries by demonstrating technical solutions to important problems in areas including—

“(1) cybersecurity;

“(2) health care;

“(3) energy management and low-power systems and devices;

“(4) transportation, including surface and air transportation;

“(5) cyber-physical systems;

“(6) large-scale data analysis and modeling of physical phenomena;

“(7) large scale data analysis and modeling of behavioral phenomena;

“(8) supply chain quality and security; and

“(9) privacy protection and protected disclosure of confidential data.

“(c) RECOMMENDATIONS.—The advisory committee under section 101(b) shall make recommendations to the Program for candidate research and development areas for support under this section.

“(d) CHARACTERISTICS.—

“(1) IN GENERAL.—Research and development activities under this section—

“(A) shall include projects selected on the basis of applications for support through a competitive, merit-based process;

“(B) shall leverage, when possible, Federal investments through collaboration with related State initiatives;

“(C) shall include a plan for fostering the transfer of research discoveries and the results of technology demonstration activities, including from institutions of higher education and Federal laboratories, to industry for commercial development;

“(D) shall involve collaborations among researchers in institutions of higher education and industry; and

“(E) may involve collaborations among nonprofit research institutions and Federal laboratories, as appropriate.

“(2) COST-SHARING.—In selecting applications for support, the agencies under section 101(a)(3)(B) shall give special consideration to projects that include cost sharing from non-Federal sources.

“(3) MULTIDISCIPLINARY RESEARCH CENTERS.—Research and development activities under this section shall be supported through multidisciplinary research centers, including Federal laboratories, that are organized to investigate basic research questions and carry out technology demonstration activities in areas described in subsection (a). Research may be carried out through existing multidisciplinary centers, including those authorized under section 7024(b)(2) of the America COMPETES Act (42 U.S.C. 1862o–10(2)).”.

(b) CYBER-PHYSICAL SYSTEMS.—Section 101(a)(1) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(a)(1)) is amended—

(1) in subparagraph (H), by striking “and” after the semicolon;

(2) in subparagraph (I), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(J) provide for increased understanding of the scientific principles of cyber-physical systems and improve the methods available for the design, development, and operation of cyber-physical systems that are characterized by high reliability, safety, and security; and

“(K) provide for research and development on human-computer interactions, visualization, and big data.”.

(c) TASK FORCE.—Title I of the High-Performance Computing Act of 1991 (15 U.S.C. 5511 et seq.), as amended by section 402(a) of this Act, is amended by adding at the end the following:

#### “SEC. 105. TASK FORCE.

“(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment the Strengthening and Enhancing Cybersecurity by Using Research, Education, Information, and Technology Act of 2012, the Director of the Office of Science and Technology Policy under section 102 shall convene a task force

to explore mechanisms for carrying out collaborative research and development activities for cyber-physical systems (including the related technologies required to enable these systems) through a consortium or other appropriate entity with participants from institutions of higher education, Federal laboratories, and industry.

“(b) FUNCTIONS.—The task force shall—

“(1) develop options for a collaborative model and an organizational structure for such entity under which the joint research and development activities could be planned, managed, and conducted effectively, including mechanisms for the allocation of resources among the participants in such entity for support of such activities;

“(2) propose a process for developing a research and development agenda for such entity, including guidelines to ensure an appropriate scope of work focused on nationally significant challenges and requiring collaboration and to ensure the development of related scientific and technological milestones;

“(3) define the roles and responsibilities for the participants from institutions of higher education, Federal laboratories, and industry in such entity;

“(4) propose guidelines for assigning intellectual property rights and for transferring research results to the private sector; and

“(5) make recommendations for how such entity could be funded from Federal, State, and non-governmental sources.

“(c) COMPOSITION.—In establishing the task force under subsection (a), the Director of the Office of Science and Technology Policy shall appoint an equal number of individuals from institutions of higher education and from industry with knowledge and expertise in cyber-physical systems, and may appoint not more than 2 individuals from Federal laboratories.

“(d) REPORT.—Not later than 1 year after the date of enactment of the Strengthening and Enhancing Cybersecurity by Using Research, Education, Information, and Technology Act of 2012, the Director of the Office of Science and Technology Policy shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives a report describing the findings and recommendations of the task force.

“(e) TERMINATION.—The task force shall terminate upon transmittal of the report required under subsection (d).

“(f) COMPENSATION AND EXPENSES.—Members of the task force shall serve without compensation.”.

#### SEC. 403. PROGRAM IMPROVEMENTS.

Section 102 of the High-Performance Computing Act of 1991 (15 U.S.C. 5512) is amended to read as follows:

##### “SEC. 102. PROGRAM IMPROVEMENTS.

“(a) FUNCTIONS.—The Director of the Office of Science and Technology Policy shall continue—

“(1) to provide technical and administrative support to—

“(A) the agencies participating in planning and implementing the Program, including support needed to develop the strategic plan under section 101(e); and

“(B) the advisory committee under section 101(b);

“(2) to serve as the primary point of contact on Federal networking and information technology activities for government agencies, academia, industry, professional societies, State computing and networking technology programs, interested citizen groups,

and others to exchange technical and programmatic information;

“(3) to solicit input and recommendations from a wide range of stakeholders during the development of each strategic plan under section 101(e) by convening at least 1 workshop with invitees from academia, industry, Federal laboratories, and other relevant organizations and institutions;

“(4) to conduct public outreach, including the dissemination of the advisory committee's findings and recommendations, as appropriate;

“(5) to promote access to and early application of the technologies, innovations, and expertise derived from Program activities to agency missions and systems across the Federal Government and to United States industry;

“(6) to ensure accurate and detailed budget reporting of networking and information technology research and development investment; and

“(7) to encourage agencies participating in the Program to use existing programs and resources to strengthen networking and information technology education and training, and increase participation in such fields, including by women and underrepresented minorities.

“(b) SOURCE OF FUNDING.—

“(1) IN GENERAL.—The functions under this section shall be supported by funds from each agency participating in the Program.

“(2) SPECIFICATIONS.—The portion of the total budget of the Office of Science and Technology Policy that is provided by each agency participating in the Program for each fiscal year shall be in the same proportion as each agency's share of the total budget for the Program for the previous fiscal year, as specified in the database under section 102(c).

“(c) DATABASE.—

“(1) IN GENERAL.—The Director of the Office of Science and Technology Policy shall develop and maintain a database of projects funded by each agency for the fiscal year for each Program Component Area.

“(2) PUBLIC ACCESSIBILITY.—The Director of the Office of Science and Technology Policy shall make the database accessible to the public.

“(3) DATABASE CONTENTS.—The database shall include, for each project in the database—

“(A) a description of the project;

“(B) each agency, industry, institution of higher education, Federal laboratory, or international institution involved in the project;

“(C) the source funding of the project (set forth by agency);

“(D) the funding history of the project; and

“(E) whether the project has been completed.”.

#### SEC. 404. IMPROVING EDUCATION OF NETWORKING AND INFORMATION TECHNOLOGY, INCLUDING HIGH PERFORMANCE COMPUTING.

Section 201(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5521(a)) is amended—

(1) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively; and

(2) by inserting after paragraph (1) the following:

“(2) the National Science Foundation shall use its existing programs, in collaboration with other agencies, as appropriate, to improve the teaching and learning of networking and information technology at all levels of education and to increase participa-

tion in networking and information technology fields;”.

#### SEC. 405. CONFORMING AND TECHNICAL AMENDMENTS TO THE HIGH-PERFORMANCE COMPUTING ACT OF 1991.

(a) SECTION 3.—Section 3 of the High-Performance Computing Act of 1991 (15 U.S.C. 5502) is amended—

(1) in the matter preceding paragraph (1), by striking “high-performance computing” and inserting “networking and information technology”;;

(2) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking “high-performance computing” and inserting “networking and information technology”;;

(B) in subparagraphs (A), (F), and (G), by striking “high-performance computing” each place it appears and inserting “networking and information technology”; and

(C) in subparagraph (H), by striking “high-performance” and inserting “high-end”; and

(3) in paragraph (2)—

(A) by striking “high-performance computing and” and inserting “networking and information technology, and”; and

(B) by striking “high-performance computing network” and inserting “networking and information technology”.

(b) TITLE HEADING.—The heading of title I of the High-Performance Computing Act of 1991 (105 Stat. 1595) is amended by striking “HIGH-PERFORMANCE COMPUTING” and inserting “NETWORKING AND INFORMATION TECHNOLOGY”.

(c) SECTION 101.—Section 101 of the High-Performance Computing Act of 1991 (15 U.S.C. 5511) is amended—

(1) in the section heading, by striking “HIGH-PERFORMANCE COMPUTING” and inserting “NETWORKING AND INFORMATION TECHNOLOGY RESEARCH AND DEVELOPMENT”;;

(2) in subsection (a)—

(A) in the subsection heading, by striking “NATIONAL HIGH-PERFORMANCE COMPUTING” and inserting “NETWORKING AND INFORMATION TECHNOLOGY RESEARCH AND DEVELOPMENT”;;

(B) in paragraph (1)—

(i) by striking “National High-Performance Computing Program” and inserting “networking and information technology research and development program”;;

(ii) in subparagraph (A), by striking “high-performance computing, including networking” and inserting “networking and information technology”;;

(iii) in subparagraphs (B) and (G), by striking “high-performance” each place it appears and inserting “high-end”; and

(iv) in subparagraph (C), by striking “high-performance computing and networking” and inserting “high-end computing, distributed, and networking”; and

(C) in paragraph (2)—

(i) in subparagraphs (A) and (C)—

(I) by striking “high-performance computing” each place it appears and inserting “networking and information technology”; and

(II) by striking “development, networking,” each place it appears and inserting “development;”;

(ii) in subparagraphs (G) and (H), as redesignated by section 401(d) of this Act, by striking “high-performance” each place it appears and inserting “high-end”;;

(3) in subsection (b)(1), in the matter preceding subparagraph (A), by striking “high-performance computing” each place it appears and inserting “networking and information technology”; and

(4) in subsection (c)(1)(A), by striking “high-performance computing” and inserting “networking and information technology”.

(d) SECTION 201.—Section 201(a)(1) of the High-Performance Computing Act of 1991 (15 U.S.C. 5521(a)(1)) is amended by striking “high-performance computing and advanced high-speed computer networking” and inserting “networking and information technology research and development”.

(e) SECTION 202.—Section 202(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5522(a)) is amended by striking “high-performance computing” and inserting “networking and information technology”.

(f) SECTION 203.—Section 203(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5523(a)) is amended—

(1) in paragraph (1), by striking “high-performance computing and networking” and inserting “networking and information technology”; and

(2) in paragraph (2)(A), by striking “high-performance” and inserting “high-end”.

(g) SECTION 204.—Section 204 of the High-Performance Computing Act of 1991 (15 U.S.C. 5524) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (A), by striking “high-performance computing systems and networks” and inserting “networking and information technology systems and capabilities”;

(B) in subparagraph (B), by striking “interoperability of high-performance computing systems in networks and for common user interfaces to systems” and inserting “interoperability and usability of networking and information technology systems”; and

(C) in subparagraph (C), by striking “high-performance computing” and inserting “networking and information technology”; and

(2) in subsection (b)—

(A) by striking “HIGH-PERFORMANCE COMPUTING AND NETWORK” in the heading and inserting “NETWORKING AND INFORMATION TECHNOLOGY”; and

(B) by striking “sensitive”.

(h) SECTION 205.—Section 205(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5525(a)) is amended by striking “computational” and inserting “networking and information technology”.

(i) SECTION 206.—Section 206(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5526(a)) is amended by striking “computational research” and inserting “networking and information technology research”.

(j) SECTION 207.—Section 207 of the High-Performance Computing Act of 1991 (15 U.S.C. 5527) is amended by striking “high-performance computing” and inserting “networking and information technology”.

(k) SECTION 208.—Section 208 of the High-Performance Computing Act of 1991 (15 U.S.C. 5528) is amended—

(1) in the section heading, by striking “HIGH-PERFORMANCE COMPUTING” and inserting “NETWORKING AND INFORMATION TECHNOLOGY”; and

(2) in subsection (a)—

(A) in paragraph (1), by striking “High-performance computing and associated” and inserting “Networking and information”;

(B) in paragraph (2), by striking “high-performance computing” and inserting “networking and information technologies”;

(C) in paragraph (3), by striking “high-performance” and inserting “high-end”;

(D) in paragraph (4), by striking “high-performance computers and associated” and inserting “networking and information”; and

(E) in paragraph (5), by striking “high-performance computing and associated” and inserting “networking and information”.

#### SEC. 406. FEDERAL CYBER SCHOLARSHIP-FOR-SERVICE PROGRAM.

(a) IN GENERAL.—The Director of the National Science Foundation, in coordination with the Secretary of Homeland Security, shall carry out a Federal cyber scholarship-for-service program to recruit and train the next generation of information technology professionals and security managers to meet the needs of the cybersecurity mission for the Federal government.

(b) PROGRAM DESCRIPTION AND COMPONENTS.—The program shall—

(1) annually assess the workforce needs of the Federal government for cybersecurity professionals, including network engineers, software engineers, and other experts in order to determine how many scholarships should be awarded annually to ensure that the workforce needs following graduation match the number of scholarships awarded;

(2) provide scholarships for up to 1,000 students per year in their pursuit of undergraduate or graduate degrees in the cybersecurity field, in an amount that may include coverage for full tuition, fees, and a stipend;

(3) require each scholarship recipient, as a condition of receiving a scholarship under the program, to serve in a Federal information technology workforce for a period equal to one and one-half times each year, or partial year, of scholarship received, in addition to an internship in the cybersecurity field, if applicable, following graduation;

(4) provide a procedure for the National Science Foundation or a Federal agency, consistent with regulations of the Office of Personnel Management, to request and fund a security clearance for a scholarship recipient, including providing for clearance during a summer internship and upon graduation; and

(5) provide opportunities for students to receive temporary appointments for meaningful employment in the Federal information technology workforce during school vacation periods and for internships.

(c) HIRING AUTHORITY.—

(1) IN GENERAL.—For purposes of any law or regulation governing the appointment of an individual in the Federal civil service, upon the successful completion of the student's studies, a student receiving a scholarship under the program may—

(A) be hired under section 213.3102(r) of title 5, Code of Federal Regulations; and

(B) be exempt from competitive service.

(2) COMPETITIVE SERVICE.—Upon satisfactory fulfillment of the service term under paragraph (1), an individual may be converted to a competitive service position without competition if the individual meets the requirements for that position.

(d) ELIGIBILITY.—The eligibility requirements for a scholarship under this section shall include that a scholarship applicant—

(1) be a citizen of the United States;

(2) be eligible to be granted a security clearance;

(3) maintain a grade point average of 3.2 or above on a 4.0 scale for undergraduate study or a 3.5 or above on a 4.0 scale for postgraduate study;

(4) demonstrate a commitment to a career in improving the security of the information infrastructure; and

(5) has demonstrated a level of proficiency in math or computer sciences.

(e) FAILURE TO COMPLETE SERVICE OBLIGATION.—

(1) IN GENERAL.—A scholarship recipient under this section shall be liable to the

United States under paragraph (2) if the scholarship recipient—

(A) fails to maintain an acceptable level of academic standing in the educational institution in which the individual is enrolled, as determined by the Director;

(B) is dismissed from such educational institution for disciplinary reasons;

(C) withdraws from the program for which the award was made before the completion of such program;

(D) declares that the individual does not intend to fulfill the service obligation under this section;

(E) fails to fulfill the service obligation of the individual under this section; or

(F) loses a security clearance or becomes ineligible for a security clearance.

(2) REPAYMENT AMOUNTS.—

(A) LESS THAN 1 YEAR OF SERVICE.—If a circumstance under paragraph (1) occurs before the completion of 1 year of a service obligation under this section, the total amount of awards received by the individual under this section shall be repaid.

(B) ONE OR MORE YEARS OF SERVICE.—If a circumstance described in subparagraph (D) or (E) of paragraph (1) occurs after the completion of 1 year of a service obligation under this section, the total amount of scholarship awards received by the individual under this section, reduced by the ratio of the number of years of service completed divided by the number of years of service required, shall be repaid.

(f) EVALUATION AND REPORT.—The Director of the National Science Foundation shall—

(1) evaluate the success of recruiting individuals for scholarships under this section and of hiring and retaining those individuals in the public sector workforce, including the annual cost and an assessment of how the program actually improves the Federal workforce; and

(2) periodically report the findings under paragraph (1) to Congress.

(g) AUTHORIZATION OF APPROPRIATIONS.—From amounts made available under section 503 of the America COMPETES Reauthorization Act of 2010 (124 Stat. 4005), the Secretary may use funds to carry out the requirements of this section for fiscal years 2012 through 2013.

#### SEC. 407. STUDY AND ANALYSIS OF CERTIFICATION AND TRAINING OF INFORMATION INFRASTRUCTURE PROFESSIONALS.

(a) STUDY.—The President shall enter into an agreement with the National Academies to conduct a comprehensive study of government, academic, and private-sector accreditation, training, and certification programs for personnel working in information infrastructure. The agreement shall require the National Academies to consult with sector coordinating councils and relevant governmental agencies, regulatory entities, and nongovernmental organizations in the course of the study.

(b) SCOPE.—The study shall include—

(1) an evaluation of the body of knowledge and various skills that specific categories of personnel working in information infrastructure should possess in order to secure information systems;

(2) an assessment of whether existing government, academic, and private-sector accreditation, training, and certification programs provide the body of knowledge and various skills described in paragraph (1);

(3) an analysis of any barriers to the Federal Government recruiting and hiring cybersecurity talent, including barriers relating to compensation, the hiring process, job classification, and hiring flexibility; and

(4) an analysis of the sources and availability of cybersecurity talent, a comparison of the skills and expertise sought by the Federal Government and the private sector, an examination of the current and future capacity of United States institutions of higher education, including community colleges, to provide current and future cybersecurity professionals, through education and training activities, with those skills sought by the Federal Government, State and local entities, and the private sector.

(c) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the National Academies shall submit to the President and Congress a report on the results of the study. The report shall include—

(1) findings regarding the state of information infrastructure accreditation, training, and certification programs, including specific areas of deficiency and demonstrable progress; and

(2) recommendations for the improvement of information infrastructure accreditation, training, and certification programs.

#### **SEC. 408. INTERNATIONAL CYBERSECURITY TECHNICAL STANDARDS.**

(a) **IN GENERAL.**—The Director of the National Institute of Standards and Technology, in coordination with appropriate Federal authorities, shall—

(1) as appropriate, ensure coordination of Federal agencies engaged in the development of international technical standards related to information system security; and

(2) not later than 1 year after the date of enactment of this Act, develop and transmit to Congress a plan for ensuring such Federal agency coordination.

(b) **CONSULTATION WITH THE PRIVATE SECTOR.**—In carrying out the activities under subsection (a)(1), the Director shall ensure consultation with appropriate private sector stakeholders.

#### **SEC. 409. IDENTITY MANAGEMENT RESEARCH AND DEVELOPMENT.**

The Director of the National Institute of Standards and Technology shall continue a program to support the development of technical standards, metrology, testbeds, and conformance criteria, taking into account appropriate user concerns—

(1) to improve interoperability among identity management technologies;

(2) to strengthen authentication methods of identity management systems;

(3) to improve privacy protection in identity management systems, including health information technology systems, through authentication and security protocols; and

(4) to improve the usability of identity management systems.

#### **SEC. 410. FEDERAL CYBERSECURITY RESEARCH AND DEVELOPMENT.**

(a) **NATIONAL SCIENCE FOUNDATION COMPUTER AND NETWORK SECURITY RESEARCH GRANT AREAS.**—Section 4(a)(1) of the Cyber Security Research and Development Act (15 U.S.C. 7403(a)(1)) is amended—

(1) in subparagraph (H), by striking “and” after the semicolon;

(2) in subparagraph (I), by striking “property,” and inserting “property;”; and

(3) by adding at the end the following:

“(J) secure fundamental protocols that are at the heart of inter-network communications and data exchange;

“(K) system security that addresses the building of secure systems from trusted and untrusted components;

“(L) monitoring and detection; and

“(M) resiliency and rapid recovery methods.”.

(b) **NATIONAL SCIENCE FOUNDATION COMPUTER AND NETWORK SECURITY GRANTS.**—Sec-

tion 4(a)(3) of the Cyber Security Research and Development Act (15 U.S.C. 7403(a)(3)) is amended—

(1) in subparagraph (D), by striking “and”;  
(2) in subparagraph (E), by striking “2007.” and inserting “2007;”; and

(3) by adding at the end the following:

“(F) such funds from amounts made available under section 503 of the America COMPETES Reauthorization Act of 2010 (124 Stat. 4005), as the Secretary finds necessary to carry out the requirements of this subsection for fiscal years 2012 through 2013.”.

(c) **COMPUTER AND NETWORK SECURITY CENTERS.**—Section 4(b)(7) of the Cyber Security Research and Development Act (15 U.S.C. 7403(b)(7)) is amended—

(1) in subparagraph (D), by striking “and”;  
(2) in subparagraph (E), by striking “2007.” and inserting “2007;”; and

(3) by adding at the end the following:

“(F) such funds from amounts made available under section 503 of the America COMPETES Reauthorization Act of 2010 (124 Stat. 4005), as the Secretary finds necessary to carry out the requirements of this subsection for fiscal years 2012 through 2013.”.

(d) **COMPUTER AND NETWORK SECURITY CAPACITY BUILDING GRANTS.**—Section 5(a)(6) of the Cyber Security Research and Development Act (15 U.S.C. 7404(a)(6)) is amended—

(1) in subparagraph (D), by striking “and”;  
(2) in subparagraph (E), by striking “2007.” and inserting “2007;”; and

(3) by adding at the end the following:

“(F) such funds from amounts made available under section 503 of the America COMPETES Reauthorization Act of 2010 (124 Stat. 4005), as the Secretary finds necessary to carry out the requirements of this subsection for fiscal years 2012 through 2013.”.

(e) **SCIENTIFIC AND ADVANCED TECHNOLOGY ACT GRANTS.**—Section 5(b)(2) of the Cyber Security Research and Development Act (15 U.S.C. 7404(b)(2)) is amended—

(1) in subparagraph (D), by striking “and”;  
(2) in subparagraph (E), by striking “2007.” and inserting “2007;”; and

(3) by adding at the end the following:

“(F) such funds from amounts made available under section 503 of the America COMPETES Reauthorization Act of 2010 (124 Stat. 4005), as the Secretary finds necessary to carry out the requirements of this subsection for fiscal years 2012 through 2013.”.

(f) **GRADUATE TRAINEESHIPS IN COMPUTER AND NETWORK SECURITY RESEARCH.**—Section 5(c)(7) of the Cyber Security Research and Development Act (15 U.S.C. 7404(c)(7)) is amended—

(1) in subparagraph (D), by striking “and”;  
(2) in subparagraph (E), by striking “2007.” and inserting “2007;”; and

(3) by adding at the end the following:

“(F) such funds from amounts made available under section 503 of the America COMPETES Reauthorization Act of 2010 (124 Stat. 4005), as the Secretary finds necessary to carry out the requirements of this subsection for fiscal years 2012 through 2013.”.

**SA 2582.** Mrs. HUTCHISON (for herself, Mr. MCCAIN, Mr. CHAMBLISS, Mr. GRASSLEY, Ms. MURKOWSKI, Mr. COATS, Mr. BURR, and Mr. JOHNSON of Wisconsin) submitted an amendment intended to be proposed by her to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

Beginning on page 1, strike line 3 and all that follows through page 211, line 6 and insert the following:

#### **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “Strengthening and Enhancing Cybersecurity by Using Research, Education, Information, and Technology Act of 2012” or “SECURE IT”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

#### **TITLE I—FACILITATING SHARING OF CYBER THREAT INFORMATION**

Sec. 101. Definitions.

Sec. 102. Authorization to share cyber threat information.

Sec. 103. Information sharing by the Federal government.

Sec. 104. Construction.

Sec. 105. Report on implementation.

Sec. 106. Inspector General review.

Sec. 107. Technical amendments.

Sec. 108. Access to classified information.

#### **TITLE II—COORDINATION OF FEDERAL INFORMATION SECURITY POLICY**

Sec. 201. Coordination of Federal information security policy.

Sec. 202. Management of information technology.

Sec. 203. No new funding.

Sec. 204. Technical and conforming amendments.

Sec. 205. Clarification of authorities.

#### **TITLE III—CRIMINAL PENALTIES**

Sec. 301. Penalties for fraud and related activity in connection with computers.

Sec. 302. Trafficking in passwords.

Sec. 303. Conspiracy and attempted computer fraud offenses.

Sec. 304. Criminal and civil forfeiture for fraud and related activity in connection with computers.

Sec. 305. Damage to critical infrastructure computers.

Sec. 306. Limitation on actions involving unauthorized use.

Sec. 307. No new funding.

#### **TITLE IV—CYBERSECURITY RESEARCH AND DEVELOPMENT**

Sec. 401. National High-Performance Computing Program planning and coordination.

Sec. 402. Research in areas of national importance.

Sec. 403. Program improvements.

Sec. 404. Improving education of networking and information technology, including high performance computing.

Sec. 405. Conforming and technical amendments to the High-Performance Computing Act of 1991.

Sec. 406. Federal cyber scholarship-for-service program.

Sec. 407. Study and analysis of certification and training of information infrastructure professionals.

Sec. 408. International cybersecurity technical standards.

Sec. 409. Identity management research and development.

Sec. 410. Federal cybersecurity research and development.

#### **TITLE I—FACILITATING SHARING OF CYBER THREAT INFORMATION**

##### **SEC. 101. DEFINITIONS.**

In this title:

(1) **AGENCY.**—The term “agency” has the meaning given the term in section 3502 of title 44, United States Code.

(2) **ANTITRUST LAWS.**—The term “antitrust laws” —

(A) has the meaning given the term in section 1(a) of the Clayton Act (15 U.S.C. 12(a));

(B) includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent that section 5 of that Act applies to unfair methods of competition; and

(C) includes any State law that has the same intent and effect as the laws under subparagraphs (A) and (B).

(3) **COUNTERMEASURE.**—The term “countermeasure” means an automated or a manual action with defensive intent to mitigate cyber threats.

(4) **CYBER THREAT INFORMATION.**—The term “cyber threat information” means information that indicates or describes—

(A) a technical or operation vulnerability or a cyber threat mitigation measure;

(B) an action or operation to mitigate a cyber threat;

(C) malicious reconnaissance, including anomalous patterns of network activity that appear to be transmitted for the purpose of gathering technical information related to a cybersecurity threat;

(D) a method of defeating a technical control;

(E) a method of defeating an operational control;

(F) network activity or protocols known to be associated with a malicious cyber actor or that signify malicious cyber intent;

(G) a method of causing a user with legitimate access to an information system or information that is stored on, processed by, or transiting an information system to inadvertently enable the defeat of a technical or operational control;

(H) any other attribute of a cybersecurity threat or cyber defense information that would foster situational awareness of the United States cybersecurity posture, if disclosure of such attribute or information is not otherwise prohibited by law;

(I) the actual or potential harm caused by a cyber incident, including information exfiltrated when it is necessary in order to identify or describe a cybersecurity threat; or

(J) any combination of subparagraphs (A) through (I).

(5) **CYBERSECURITY CENTER.**—The term “cybersecurity center” means the Department of Defense Cyber Crime Center, the Intelligence Community Incident Response Center, the United States Cyber Command Joint Operations Center, the National Cyber Investigative Joint Task Force, the National Security Agency/Central Security Service Threat Operations Center, the National Cybersecurity and Communications Integration Center, and any successor center.

(6) **CYBERSECURITY SYSTEM.**—The term “cybersecurity system” means a system designed or employed to ensure the integrity, confidentiality, or availability of, or to safeguard, a system or network, including measures intended to protect a system or network from—

(A) efforts to degrade, disrupt, or destroy such system or network; or

(B) theft or misappropriations of private or government information, intellectual property, or personally identifiable information.

(7) **ENTITY.**—

(A) **IN GENERAL.**—The term “entity” means any private entity, non-Federal government agency or department, or State, tribal, or local government agency or department (including an officer, employee, or agent thereof).

(B) **INCLUSIONS.**—The term “entity” includes a government agency or department

(including an officer, employee, or agent thereof) of the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and any other territory or possession of the United States.

(8) **FEDERAL INFORMATION SYSTEM.**—The term “Federal information system” means an information system of a Federal department or agency used or operated by an executive agency, by a contractor of an executive agency, or by another organization on behalf of an executive agency.

(9) **INFORMATION SECURITY.**—The term “information security” means protecting information and information systems from disruption or unauthorized access, use, disclosure, modification, or destruction in order to provide—

(A) integrity, by guarding against improper information modification or destruction, including by ensuring information non-repudiation and authenticity;

(B) confidentiality, by preserving authorized restrictions on access and disclosure, including means for protecting personal privacy and proprietary information; or

(C) availability, by ensuring timely and reliable access to and use of information.

(10) **INFORMATION SYSTEM.**—The term “information system” has the meaning given the term in section 3502 of title 44, United States Code.

(11) **LOCAL GOVERNMENT.**—The term “local government” means any borough, city, county, parish, town, township, village, or other general purpose political subdivision of a State.

(12) **MALICIOUS RECONNAISSANCE.**—The term “malicious reconnaissance” means a method for actively probing or passively monitoring an information system for the purpose of discerning technical vulnerabilities of the information system, if such method is associated with a known or suspected cybersecurity threat.

(13) **OPERATIONAL CONTROL.**—The term “operational control” means a security control for an information system that primarily is implemented and executed by people.

(14) **OPERATIONAL VULNERABILITY.**—The term “operational vulnerability” means any attribute of policy, process, or procedure that could enable or facilitate the defeat of an operational control.

(15) **PRIVATE ENTITY.**—The term “private entity” means any individual or any private group, organization, or corporation, including an officer, employee, or agent thereof.

(16) **SIGNIFICANT CYBER INCIDENT.**—The term “significant cyber incident” means a cyber incident resulting in, or an attempted cyber incident that, if successful, would have resulted in—

(A) the exfiltration from a Federal information system of data that is essential to the operation of the Federal information system; or

(B) an incident in which an operational or technical control essential to the security or operation of a Federal information system was defeated.

(17) **TECHNICAL CONTROL.**—The term “technical control” means a hardware or software restriction on, or audit of, access or use of an information system or information that is stored on, processed by, or transiting an information system that is intended to ensure the confidentiality, integrity, or availability of that system.

(18) **TECHNICAL VULNERABILITY.**—The term “technical vulnerability” means any attribute of hardware or software that could

enable or facilitate the defeat of a technical control.

(19) **TRIBAL.**—The term “tribal” has the meaning given the term “Indian tribe” in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

## SEC. 102. AUTHORIZATION TO SHARE CYBER THREAT INFORMATION.

(a) **VOLUNTARY DISCLOSURE.**—

(1) **PRIVATE ENTITIES.**—Notwithstanding any other provision of law, a private entity may, for the purpose of preventing, investigating, or otherwise mitigating threats to information security, on its own networks, or as authorized by another entity, on such entity’s networks, employ countermeasures and use cybersecurity systems in order to obtain, identify, or otherwise possess cyber threat information.

(2) **ENTITIES.**—Notwithstanding any other provision of law, an entity may disclose cyber threat information to—

(A) a cybersecurity center; or

(B) any other entity in order to assist with preventing, investigating, or otherwise mitigating threats to information security.

(3) **INFORMATION SECURITY PROVIDERS.**—If the cyber threat information described in paragraph (1) is obtained, identified, or otherwise possessed in the course of providing information security products or services under contract to another entity, that entity shall be given, at any time prior to disclosure of such information, a reasonable opportunity to authorize or prevent such disclosure, to request anonymization of such information, or to request that reasonable efforts be made to safeguard such information that identifies specific persons from unauthorized access or disclosure.

(b) **SIGNIFICANT CYBER INCIDENTS INVOLVING FEDERAL INFORMATION SYSTEMS.**—

(1) **IN GENERAL.**—An entity providing electronic communication services, remote computing services, or information security services to a Federal department or agency shall inform the Federal department or agency of a significant cyber incident involving the Federal information system of that Federal department or agency that—

(A) is directly known to the entity as a result of providing such services;

(B) is directly related to the provision of such services by the entity; and

(C) as determined by the entity, has impeded or will impede the performance of a critical mission of the Federal department or agency.

(2) **ADVANCE COORDINATION.**—A Federal department or agency receiving the services described in paragraph (1) shall coordinate in advance with an entity described in paragraph (1) to develop the parameters of any information that may be provided under paragraph (1), including clarification of the type of significant cyber incident that will impede the performance of a critical mission of the Federal department or agency.

(3) **REPORT.**—A Federal department or agency shall report information provided under this subsection to a cybersecurity center.

(4) **CONSTRUCTION.**—Any information provided to a cybersecurity center under paragraph (3) shall be treated in the same manner as information provided to a cybersecurity center under subsection (a).

(c) **INFORMATION SHARED WITH OR PROVIDED TO A CYBERSECURITY CENTER.**—Cyber threat information provided to a cybersecurity center under this section—

(1) may be disclosed to, retained by, and used by, consistent with otherwise applicable



Federal law, any Federal agency or department, component, officer, employee, or agent of the Federal government for a cybersecurity purpose, a national security purpose, or in order to prevent, investigate, or prosecute any of the offenses listed in section 2516 of title 18, United States Code, and such information shall not be disclosed to, retained by, or used by any Federal agency or department for any use not permitted under this paragraph;

(2) may, with the prior written consent of the entity submitting such information, be disclosed to and used by a State, tribal, or local government or government agency for the purpose of protecting information systems, or in furtherance of preventing, investigating, or prosecuting a criminal act, except that if the need for immediate disclosure prevents obtaining written consent, such consent may be provided orally with subsequent documentation of such consent;

(3) shall be considered the commercial, financial, or proprietary information of the entity providing such information to the Federal government and any disclosure outside the Federal government may only be made upon the prior written consent by such entity and shall not constitute a waiver of any applicable privilege or protection provided by law, except that if the need for immediate disclosure prevents obtaining written consent, such consent may be provided orally with subsequent documentation of such consent;

(4) shall be deemed voluntarily shared information and exempt from disclosure under section 552 of title 5, United States Code, and any State, tribal, or local law requiring disclosure of information or records;

(5) shall be, without discretion, withheld from the public under section 552(b)(3)(B) of title 5, United States Code, and any State, tribal, or local law requiring disclosure of information or records;

(6) shall not be subject to the rules of any Federal agency or department or any judicial doctrine regarding *ex parte* communications with a decision-making official;

(7) shall not, if subsequently provided to a State, tribal, or local government or government agency, otherwise be disclosed or distributed to any entity by such State, tribal, or local government or government agency without the prior written consent of the entity submitting such information, notwithstanding any State, tribal, or local law requiring disclosure of information or records, except that if the need for immediate disclosure prevents obtaining written consent, such consent may be provided orally with subsequent documentation of such consent; and

(8) shall not be directly used by any Federal, State, tribal, or local department or agency to regulate the lawful activities of an entity, including activities relating to obtaining, identifying, or otherwise possessing cyber threat information, except that the procedures required to be developed and implemented under this title shall not be considered regulations within the meaning of this paragraph.

(d) PROCEDURES RELATING TO INFORMATION SHARING WITH A CYBERSECURITY CENTER.—Not later than 60 days after the date of enactment of this Act, the heads of each department or agency containing a cybersecurity center shall jointly develop, promulgate, and submit to Congress procedures to ensure that cyber threat information shared with or provided to—

(1) a cybersecurity center under this section—

(A) may be submitted to a cybersecurity center by an entity, to the greatest extent possible, through a uniform, publicly available process or format that is easily accessible on the website of such cybersecurity center, and that includes the ability to provide relevant details about the cyber threat information and written consent to any subsequent disclosures authorized by this paragraph;

(B) shall immediately be further shared with each cybersecurity center in order to prevent, investigate, or otherwise mitigate threats to information security across the Federal government;

(C) is handled by the Federal government in a reasonable manner, including consideration of the need to protect the privacy and civil liberties of individuals through anonymization or other appropriate methods, while fully accomplishing the objectives of this title, and the Federal government may undertake efforts consistent with this subparagraph to limit the impact on privacy and civil liberties of the sharing of cyber threat information with the Federal government; and

(D) except as provided in this section, shall only be used, disclosed, or handled in accordance with the provisions of subsection (c); and

(2) a Federal agency or department under subsection (b) is provided immediately to a cybersecurity center in order to prevent, investigate, or otherwise mitigate threats to information security across the Federal government.

(e) INFORMATION SHARED BETWEEN ENTITIES.—

(1) IN GENERAL.—An entity sharing cyber threat information with another entity under this title may restrict the use or sharing of such information by such other entity.

(2) FURTHER SHARING.—Cyber threat information shared by any entity with another entity under this title—

(A) shall only be further shared in accordance with any restrictions placed on the sharing of such information by the entity authorizing such sharing, such as appropriate anonymization of such information; and

(B) may not be used by any entity to gain an unfair competitive advantage to the detriment of the entity authorizing the sharing of such information, except that the conduct described in paragraph (3) shall not constitute unfair competitive conduct.

(3) INFORMATION SHARED WITH STATE, TRIBAL, OR LOCAL GOVERNMENT OR GOVERNMENT AGENCY.—Cyber threat information shared with a State, tribal, or local government or government agency under this title—

(A) may, with the prior written consent of the entity sharing such information, be disclosed to and used by a State, tribal, or local government or government agency for the purpose of protecting information systems, or in furtherance of preventing, investigating, or prosecuting a criminal act, except if the need for immediate disclosure prevents obtaining written consent, consent may be provided orally with subsequent documentation of the consent;

(B) shall be deemed voluntarily shared information and exempt from disclosure under any State, tribal, or local law requiring disclosure of information or records;

(C) shall not be disclosed or distributed to any entity by the State, tribal, or local government or government agency without the prior written consent of the entity submitting such information, notwithstanding any State, tribal, or local law requiring disclo-

sure of information or records, except if the need for immediate disclosure prevents obtaining written consent, consent may be provided orally with subsequent documentation of the consent; and

(D) shall not be directly used by any State, tribal, or local department or agency to regulate the lawful activities of an entity, including activities relating to obtaining, identifying, or otherwise possessing cyber threat information, except that the procedures required to be developed and implemented under this title shall not be considered regulations within the meaning of this subparagraph.

(4) ANTITRUST EXEMPTION.—The exchange or provision of cyber threat information or assistance between 2 or more private entities under this title shall not be considered a violation of any provision of antitrust laws if exchanged or provided in order to assist with—

(A) facilitating the prevention, investigation, or mitigation of threats to information security; or

(B) communicating or disclosing of cyber threat information to help prevent, investigate or otherwise mitigate the effects of a threat to information security.

(5) NO RIGHT OR BENEFIT.—The provision of cyber threat information to an entity under this section shall not create a right or a benefit to similar information by such entity or any other entity.

(f) FEDERAL PREEMPTION.—

(1) IN GENERAL.—This section supersedes any statute or other law of a State or political subdivision of a State that restricts or otherwise expressly regulates an activity authorized under this section.

(2) STATE LAW ENFORCEMENT.—Nothing in this section shall be construed to supersede any statute or other law of a State or political subdivision of a State concerning the use of authorized law enforcement techniques.

(3) PUBLIC DISCLOSURE.—No information shared with or provided to a State, tribal, or local government or government agency pursuant to this section shall be made publicly available pursuant to any State, tribal, or local law requiring disclosure of information or records.

(g) CIVIL AND CRIMINAL LIABILITY.—

(1) GENERAL PROTECTIONS.—

(A) PRIVATE ENTITIES.—No cause of action shall lie or be maintained in any court against any private entity for—

(i) the use of countermeasures and cybersecurity systems as authorized by this title;

(ii) the use, receipt, or disclosure of any cyber threat information as authorized by this title; or

(iii) the subsequent actions or inactions of any lawful recipient of cyber threat information provided by such private entity.

(B) ENTITIES.—No cause of action shall lie or be maintained in any court against any entity for—

(i) the use, receipt, or disclosure of any cyber threat information as authorized by this title; or

(ii) the subsequent actions or inactions of any lawful recipient of cyber threat information provided by such entity.

(2) CONSTRUCTION.—Nothing in this subsection shall be construed as creating any immunity against, or otherwise affecting, any action brought by the Federal government, or any agency or department thereof, to enforce any law, executive order, or procedure governing the appropriate handling, disclosure, and use of classified information.

(h) OTHERWISE LAWFUL DISCLOSURES.—Nothing in this section shall be construed to

limit or prohibit otherwise lawful disclosures of communications, records, or other information by a private entity to any other governmental or private entity not covered under this section.

(i) **WHISTLEBLOWER PROTECTION.**—Nothing in this Act shall be construed to preempt or preclude any employee from exercising rights currently provided under any whistleblower law, rule, or regulation.

(j) **RELATIONSHIP TO OTHER LAWS.**—The submission of cyber threat information under this section to a cybersecurity center shall not affect any requirement under any other provision of law for an entity to provide information to the Federal government.

#### **SEC. 103. INFORMATION SHARING BY THE FEDERAL GOVERNMENT.**

(a) **CLASSIFIED INFORMATION.**—

(1) **PROCEDURES.**—Consistent with the protection of intelligence sources and methods, and as otherwise determined appropriate, the Director of National Intelligence and the Secretary of Defense, in consultation with the heads of the appropriate Federal departments or agencies, shall develop and promulgate procedures to facilitate and promote—

(A) the immediate sharing, through the cybersecurity centers, of classified cyber threat information in the possession of the Federal government with appropriately cleared representatives of any appropriate entity; and

(B) the declassification and immediate sharing, through the cybersecurity centers, with any entity or, if appropriate, public availability of cyber threat information in the possession of the Federal government;

(2) **HANDLING OF CLASSIFIED INFORMATION.**—The procedures developed under paragraph (1) shall ensure that each entity receiving classified cyber threat information pursuant to this section has acknowledged in writing the ongoing obligation to comply with all laws, executive orders, and procedures concerning the appropriate handling, disclosure, or use of classified information.

(b) **UNCLASSIFIED CYBER THREAT INFORMATION.**—The heads of each department or agency containing a cybersecurity center shall jointly develop and promulgate procedures that ensure that, consistent with the provisions of this section, unclassified, including controlled unclassified, cyber threat information in the possession of the Federal government—

(1) is shared, through the cybersecurity centers, in an immediate and adequate manner with appropriate entities; and

(2) if appropriate, is made publicly available.

(c) **DEVELOPMENT OF PROCEDURES.**—

(1) **IN GENERAL.**—The procedures developed under this section shall incorporate, to the greatest extent possible, existing processes utilized by sector specific information sharing and analysis centers.

(2) **COORDINATION WITH ENTITIES.**—In developing the procedures required under this section, the Director of National Intelligence and the heads of each department or agency containing a cybersecurity center shall coordinate with appropriate entities to ensure that protocols are implemented that will facilitate and promote the sharing of cyber threat information by the Federal government.

(d) **ADDITIONAL RESPONSIBILITIES OF CYBERSECURITY CENTERS.**—Consistent with section 102, a cybersecurity center shall—

(1) facilitate information sharing, interaction, and collaboration among and between cybersecurity centers and—

(A) other Federal entities;

(B) any entity; and

(C) international partners, in consultation with the Secretary of State;

(2) disseminate timely and actionable cybersecurity threat, vulnerability, mitigation, and warning information, including alerts, advisories, indicators, signatures, and mitigation and response measures, to improve the security and protection of information systems; and

(3) coordinate with other Federal entities, as appropriate, to integrate information from across the Federal government to provide situational awareness of the cybersecurity posture of the United States.

(e) **SHARING WITHIN THE FEDERAL GOVERNMENT.**—The heads of appropriate Federal departments and agencies shall ensure that cyber threat information in the possession of such Federal departments or agencies that relates to the prevention, investigation, or mitigation of threats to information security across the Federal government is shared effectively with the cybersecurity centers.

(f) **SUBMISSION TO CONGRESS.**—Not later than 60 days after the date of enactment of this Act, the Director of National Intelligence, in coordination with the appropriate head of a department or an agency containing a cybersecurity center, shall submit the procedures required by this section to Congress.

#### **SEC. 104. CONSTRUCTION.**

(a) **INFORMATION SHARING RELATIONSHIPS.**—Nothing in this title shall be construed—

(1) to limit or modify an existing information sharing relationship;

(2) to prohibit a new information sharing relationship;

(3) to require a new information sharing relationship between any entity and the Federal government, except as specified under section 102(b); or

(4) to modify the authority of a department or agency of the Federal government to protect sources and methods and the national security of the United States.

(b) **ANTI-TASKING RESTRICTION.**—Nothing in this title shall be construed to permit the Federal government—

(1) to require an entity to share information with the Federal government, except as expressly provided under section 102(b); or

(2) to condition the sharing of cyber threat information with an entity on such entity's provision of cyber threat information to the Federal government.

(c) **NO LIABILITY FOR NON-PARTICIPATION.**—Nothing in this title shall be construed to subject any entity to liability for choosing not to engage in the voluntary activities authorized under this title.

(d) **USE AND RETENTION OF INFORMATION.**—Nothing in this title shall be construed to authorize, or to modify any existing authority of, a department or agency of the Federal government to retain or use any information shared under section 102 for any use other than a use permitted under subsection 102(c)(1).

(e) **NO NEW FUNDING.**—An applicable Federal agency shall carry out the provisions of this title with existing facilities and funds otherwise available, through such means as the head of the agency considers appropriate.

#### **SEC. 105. REPORT ON IMPLEMENTATION.**

(a) **CONTENT OF REPORT.**—Not later than 1 year after the date of enactment of this Act, and biennially thereafter, the heads of each department or agency containing a cybersecurity center shall jointly submit, in coordination with the privacy and civil liberties officials of such departments or agencies and the Privacy and Civil Liberties Oversight

Board, a detailed report to Congress concerning the implementation of this title, including—

(1) an assessment of the sufficiency of the procedures developed under section 103 of this Act in ensuring that cyber threat information in the possession of the Federal government is provided in an immediate and adequate manner to appropriate entities or, if appropriate, is made publicly available;

(2) an assessment of whether information has been appropriately classified and an accounting of the number of security clearances authorized by the Federal government for purposes of this title;

(3) a review of the type of cyber threat information shared with a cybersecurity center under section 102 of this Act, including whether such information meets the definition of cyber threat information under section 101, the degree to which such information may impact the privacy and civil liberties of individuals, any appropriate metrics to determine any impact of the sharing of such information with the Federal government on privacy and civil liberties, and the adequacy of any steps taken to reduce such impact;

(4) a review of actions taken by the Federal government based on information provided to a cybersecurity center under section 102 of this Act, including the appropriateness of any subsequent use under section 102(c)(1) of this Act and whether there was inappropriate stovepiping within the Federal government of any such information;

(5) a description of any violations of the requirements of this title by the Federal government;

(6) a classified list of entities that received classified information from the Federal government under section 103 of this Act and a description of any indication that such information may not have been appropriately handled;

(7) a summary of any breach of information security, if known, attributable to a specific failure by any entity or the Federal government to act on cyber threat information in the possession of such entity or the Federal government that resulted in substantial economic harm or injury to a specific entity or the Federal government; and

(8) any recommendation for improvements or modifications to the authorities under this title.

(b) **FORM OF REPORT.**—The report under subsection (a) shall be submitted in unclassified form, but shall include a classified annex.

#### **SEC. 106. INSPECTOR GENERAL REVIEW.**

(a) **IN GENERAL.**—The Council of the Inspectors General on Integrity and Efficiency are authorized to review compliance by the cybersecurity centers, and by any Federal department or agency receiving cyber threat information from such cybersecurity centers, with the procedures required under section 102 of this Act.

(b) **SCOPE OF REVIEW.**—The review under subsection (a) shall consider whether the Federal government has handled such cyber threat information in a reasonable manner, including consideration of the need to protect the privacy and civil liberties of individuals through anonymization or other appropriate methods, while fully accomplishing the objectives of this title.

(c) **REPORT TO CONGRESS.**—Each review conducted under this section shall be provided to Congress not later than 30 days after the date of completion of the review.

#### **SEC. 107. TECHNICAL AMENDMENTS.**

Section 552(b) of title 5, United States Code, is amended—

- (1) in paragraph (8), by striking “or”;
- (2) in paragraph (9), by striking “wells,” and inserting “wells; or”;
- (3) by adding at the end the following:

“(10) information shared with or provided to a cybersecurity center under section 102 of title I of the Strengthening and Enhancing Cybersecurity by Using Research, Education, Information, and Technology Act of 2012.”

#### SEC. 108. ACCESS TO CLASSIFIED INFORMATION.

(a) AUTHORIZATION REQUIRED.—No person shall be provided with access to classified information (as defined in section 6.1 of Executive Order 13526 (50 U.S.C. 435 note; relating to classified national security information)) relating to cyber security threats or cyber security vulnerabilities under this title without the appropriate security clearances.

(b) SECURITY CLEARANCES.—The appropriate Federal agencies or departments shall, consistent with applicable procedures and requirements, and if otherwise deemed appropriate, assist an individual in timely obtaining an appropriate security clearance where such individual has been determined to be eligible for such clearance and has a need-to-know (as defined in section 6.1 of that Executive Order) classified information to carry out this title.

### TITLE II—COORDINATION OF FEDERAL INFORMATION SECURITY POLICY

#### SEC. 201. COORDINATION OF FEDERAL INFORMATION SECURITY POLICY.

(a) IN GENERAL.—Chapter 35 of title 44, United States Code, is amended by striking subchapters II and III and inserting the following:

#### “SUBCHAPTER II—INFORMATION SECURITY

##### “§ 3551. Purposes

“The purposes of this subchapter are—

“(1) to provide a comprehensive framework for ensuring the effectiveness of information security controls over information resources that support Federal operations and assets;

“(2) to recognize the highly networked nature of the current Federal computing environment and provide effective government-wide management of policies, directives, standards, and guidelines, as well as effective and nimble oversight of and response to information security risks, including coordination of information security efforts throughout the Federal civilian, national security, and law enforcement communities;

“(3) to provide for development and maintenance of controls required to protect agency information and information systems and contribute to the overall improvement of agency information security posture;

“(4) to provide for the development of tools and methods to assess and respond to real-time situational risk for Federal information system operations and assets; and

“(5) to provide a mechanism for improving agency information security programs through continuous monitoring of agency information systems and streamlined reporting requirements rather than overly prescriptive manual reporting.

##### “§ 3552. Definitions

“In this subchapter:

“(1) ADEQUATE SECURITY.—The term ‘adequate security’ means security commensurate with the risk and magnitude of the harm resulting from the unauthorized access to or loss, misuse, destruction, or modification of information.

“(2) AGENCY.—The term ‘agency’ has the meaning given the term in section 3502 of title 44.

“(3) CYBERSECURITY CENTER.—The term ‘cybersecurity center’ means the Depart-

ment of Defense Cyber Crime Center, the Intelligence Community Incident Response Center, the United States Cyber Command Joint Operations Center, the National Cyber Investigative Joint Task Force, the National Security Agency/Central Security Service Threat Operations Center, the National Cybersecurity and Communications Integration Center, and any successor center.

“(4) CYBER THREAT INFORMATION.—The term ‘cyber threat information’ means information that indicates or describes—

“(A) a technical or operation vulnerability or a cyber threat mitigation measure;

“(B) an action or operation to mitigate a cyber threat;

“(C) malicious reconnaissance, including anomalous patterns of network activity that appear to be transmitted for the purpose of gathering technical information related to a cybersecurity threat;

“(D) a method of defeating a technical control;

“(E) a method of defeating an operational control;

“(F) network activity or protocols known to be associated with a malicious cyber actor or that signify malicious cyber intent;

“(G) a method of causing a user with legitimate access to an information system or information that is stored on, processed by, or transiting an information system to inadvertently enable the defeat of a technical or operational control;

“(H) any other attribute of a cybersecurity threat or cyber defense information that would foster situational awareness of the United States cybersecurity posture, if disclosure of such attribute or information is not otherwise prohibited by law;

“(I) the actual or potential harm caused by a cyber incident, including information exfiltrated when it is necessary in order to identify or describe a cybersecurity threat; or

“(J) any combination of subparagraphs (A) through (I).

“(5) DIRECTOR.—The term ‘Director’ means the Director of the Office of Management and Budget unless otherwise specified.

“(6) ENVIRONMENT OF OPERATION.—The term ‘environment of operation’ means the information system and environment in which those systems operate, including changing threats, vulnerabilities, technologies, and missions and business practices.

“(7) FEDERAL INFORMATION SYSTEM.—The term ‘Federal information system’ means an information system used or operated by an executive agency, by a contractor of an executive agency, or by another organization on behalf of an executive agency.

“(8) INCIDENT.—The term ‘incident’ means an occurrence that—

“(A) actually or imminently jeopardizes the integrity, confidentiality, or availability of an information system or the information that system controls, processes, stores, or transmits; or

“(B) constitutes a violation of law or an imminent threat of violation of a law, a security policy, a security procedure, or an acceptable use policy.

“(9) INFORMATION RESOURCES.—The term ‘information resources’ has the meaning given the term in section 3502 of title 44.

“(10) INFORMATION SECURITY.—The term ‘information security’ means protecting information and information systems from disruption or unauthorized access, use, disclosure, modification, or destruction in order to provide—

“(A) integrity, by guarding against improper information modification or destruc-

tion, including by ensuring information non-repudiation and authenticity;

“(B) confidentiality, by preserving authorized restrictions on access and disclosure, including means for protecting personal privacy and proprietary information; or

“(C) availability, by ensuring timely and reliable access to and use of information.

“(11) INFORMATION SYSTEM.—The term ‘information system’ has the meaning given the term in section 3502 of title 44.

“(12) INFORMATION TECHNOLOGY.—The term ‘information technology’ has the meaning given the term in section 11101 of title 40.

“(13) MALICIOUS RECONNAISSANCE.—The term ‘malicious reconnaissance’ means a method for actively probing or passively monitoring an information system for the purpose of discerning technical vulnerabilities of the information system, if such method is associated with a known or suspected cybersecurity threat.

“(14) NATIONAL SECURITY SYSTEM.—

“(A) IN GENERAL.—The term ‘national security system’ means any information system (including any telecommunications system) used or operated by an agency or by a contractor of an agency, or other organization on behalf of an agency—

“(i) the function, operation, or use of which—

“(I) involves intelligence activities;

“(II) involves cryptologic activities related to national security;

“(III) involves command and control of military forces;

“(IV) involves equipment that is an integral part of a weapon or weapons system; or

“(V) subject to subparagraph (B), is critical to the direct fulfillment of military or intelligence missions; or

“(ii) is protected at all times by procedures established for information that have been specifically authorized under criteria established by an Executive Order or an Act of Congress to be kept classified in the interest of national defense or foreign policy.

“(B) LIMITATION.—Subparagraph (A)(i)(V) does not include a system that is to be used for routine administrative and business applications (including payroll, finance, logistics, and personnel management applications).

“(15) OPERATIONAL CONTROL.—The term ‘operational control’ means a security control for an information system that primarily is implemented and executed by people.

“(16) PERSON.—The term ‘person’ has the meaning given the term in section 3502 of title 44.

“(17) SECRETARY.—The term ‘Secretary’ means the Secretary of Commerce unless otherwise specified.

“(18) SECURITY CONTROL.—The term ‘security control’ means the management, operational, and technical controls, including safeguards or countermeasures, prescribed for an information system to protect the confidentiality, integrity, and availability of the system and its information.

“(19) SIGNIFICANT CYBER INCIDENT.—The term ‘significant cyber incident’ means a cyber incident resulting in, or an attempted cyber incident that, if successful, would have resulted in—

“(A) the exfiltration from a Federal information system of data that is essential to the operation of the Federal information system; or

“(B) an incident in which an operational or technical control essential to the security or operation of a Federal information system was defeated.

“(20) TECHNICAL CONTROL.—The term ‘technical control’ means a hardware or software restriction on, or audit of, access or use of an information system or information that is stored on, processed by, or transiting an information system that is intended to ensure the confidentiality, integrity, or availability of that system.

**“§ 3553. Federal information security authority and coordination**

“(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Homeland Security, shall—

“(1) issue compulsory and binding policies and directives governing agency information security operations, and require implementation of such policies and directives, including—

“(A) policies and directives consistent with the standards and guidelines promulgated under section 11331 of title 40 to identify and provide information security protections prioritized and commensurate with the risk and impact resulting from the unauthorized access, use, disclosure, disruption, modification, or destruction of—

“(i) information collected or maintained by or on behalf of an agency; or

“(ii) information systems used or operated by an agency or by a contractor of an agency or other organization on behalf of an agency;

“(B) minimum operational requirements for Federal Government to protect agency information systems and provide common situational awareness across all agency information systems;

“(C) reporting requirements, consistent with relevant law, regarding information security incidents and cyber threat information;

“(D) requirements for agencywide information security programs;

“(E) performance requirements and metrics for the security of agency information systems;

“(F) training requirements to ensure that agencies are able to fully and timely comply with the policies and directives issued by the Secretary under this subchapter;

“(G) training requirements regarding privacy, civil rights, and civil liberties, and information oversight for agency information security personnel;

“(H) requirements for the annual reports to the Secretary under section 3554(d);

“(I) any other information security operations or information security requirements as determined by the Secretary in coordination with relevant agency heads; and

“(J) coordinating the development of standards and guidelines under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3) with agencies and offices operating or exercising control of national security systems (including the National Security Agency) to assure, to the maximum extent feasible, that such standards and guidelines are complementary with standards and guidelines developed for national security systems;

“(2) review the agencywide information security programs under section 3554; and

“(3) designate an individual or an entity at each cybersecurity center, among other responsibilities—

“(A) to receive reports and information about information security incidents, cyber threat information, and deterioration of security control affecting agency information systems; and

“(B) to act on or share the information under subparagraph (A) in accordance with this subchapter.

“(b) CONSIDERATIONS.—When issuing policies and directives under subsection (a), the Secretary shall consider any applicable standards or guidelines developed by the National Institute of Standards and Technology under section 11331 of title 40.

“(c) LIMITATION OF AUTHORITY.—The authorities of the Secretary under this section shall not apply to national security systems. Information security policies, directives, standards and guidelines for national security systems shall be overseen as directed by the President and, in accordance with that direction, carried out under the authority of the heads of agencies that operate or exercise authority over such national security systems.

“(d) STATUTORY CONSTRUCTION.—Nothing in this subchapter shall be construed to alter or amend any law regarding the authority of any head of an agency over such agency.

**“§ 3554. Agency responsibilities**

“(a) IN GENERAL.—The head of each agency shall—

“(1) be responsible for—

“(A) complying with the policies and directives issued under section 3553;

“(B) providing information security protections commensurate with the risk resulting from unauthorized access, use, disclosure, disruption, modification, or destruction of—

“(i) information collected or maintained by the agency or by a contractor of an agency or other organization on behalf of an agency; and

“(ii) information systems used or operated by an agency or by a contractor of an agency or other organization on behalf of an agency;

“(C) complying with the requirements of this subchapter, including—

“(i) information security standards and guidelines promulgated under section 11331 of title 40;

“(ii) for any national security systems operated or controlled by that agency, information security policies, directives, standards and guidelines issued as directed by the President; and

“(iii) for any non-national security systems operated or controlled by that agency, information security policies, directives, standards and guidelines issued under section 3553;

“(D) ensuring that information security management processes are integrated with agency strategic and operational planning processes;

“(E) reporting and sharing, for an agency operating or exercising control of a national security system, information about information security incidents, cyber threat information, and deterioration of security controls to the individual or entity designated at each cybersecurity center and to other appropriate entities consistent with policies and directives for national security systems issued as directed by the President; and

“(F) reporting and sharing, for those agencies operating or exercising control of non-national security systems, information about information security incidents, cyber threat information, and deterioration of security controls to the individual or entity designated at each cybersecurity center and to other appropriate entities consistent with policies and directives for non-national security systems as prescribed under section 3553(a), including information to assist the entity designated under section 3555(a) with the ongoing security analysis under section 3555;

“(2) ensure that each senior agency official provides information security for the infor-

mation and information systems that support the operations and assets under the senior agency official's control, including by—

“(A) assessing the risk and impact that could result from the unauthorized access, use, disclosure, disruption, modification, or destruction of such information or information systems;

“(B) determining the level of information security appropriate to protect such information and information systems in accordance with policies and directives issued under section 3553(a), and standards and guidelines promulgated under section 11331 of title 40 for information security classifications and related requirements;

“(C) implementing policies, procedures, and capabilities to reduce risks to an acceptable level in a cost-effective manner;

“(D) actively monitoring the effective implementation of information security controls and techniques; and

“(E) reporting information about information security incidents, cyber threat information, and deterioration of security controls in a timely and adequate manner to the entity designated under section 3553(a)(3) in accordance with paragraph (1);

“(3) assess and maintain the resiliency of information technology systems critical to agency mission and operations;

“(4) designate the agency Inspector General (or an independent entity selected in consultation with the Director and the Council of Inspectors General on Integrity and Efficiency if the agency does not have an Inspector General) to conduct the annual independent evaluation required under section 3556, and allow the agency Inspector General to contract with an independent entity to perform such evaluation;

“(5) delegate to the Chief Information Officer or equivalent (or to a senior agency official who reports to the Chief Information Officer or equivalent)—

“(A) the authority and primary responsibility to implement an agencywide information security program; and

“(B) the authority to provide information security for the information collected and maintained by the agency (or by a contractor, other agency, or other source on behalf of the agency) and for the information systems that support the operations, assets, and mission of the agency (including any information system provided or managed by a contractor, other agency, or other source on behalf of the agency);

“(6) delegate to the appropriate agency official (who is responsible for a particular agency system or subsystem) the responsibility to ensure and enforce compliance with all requirements of the agency's agencywide information security program in coordination with the Chief Information Officer or equivalent (or the senior agency official who reports to the Chief Information Officer or equivalent) under paragraph (5);

“(7) ensure that an agency has trained personnel who have obtained any necessary security clearances to permit them to assist the agency in complying with this subchapter;

“(8) ensure that the Chief Information Officer or equivalent (or the senior agency official who reports to the Chief Information Officer or equivalent) under paragraph (5), in coordination with other senior agency officials, reports to the agency head on the effectiveness of the agencywide information security program, including the progress of any remedial actions; and

“(9) ensure that the Chief Information Officer or equivalent (or the senior agency official who reports to the Chief Information Officer or equivalent) under paragraph (5) has the necessary qualifications to administer the functions described in this subchapter and has information security duties as a primary duty of that official.

“(b) CHIEF INFORMATION OFFICERS.—Each Chief Information Officer or equivalent (or the senior agency official who reports to the Chief Information Officer or equivalent) under subsection (a)(5) shall—

“(1) establish and maintain an enterprise security operations capability that on a continuous basis—

“(A) detects, reports, contains, mitigates, and responds to information security incidents that impair adequate security of the agency’s information or information system in a timely manner and in accordance with the policies and directives under section 3553; and

“(B) reports any information security incident under subparagraph (A) to the entity designated under section 3555;

“(2) develop, maintain, and oversee an agencywide information security program;

“(3) develop, maintain, and oversee information security policies, procedures, and control techniques to address applicable requirements, including requirements under section 3553 of this title and section 11331 of title 40; and

“(4) train and oversee the agency personnel who have significant responsibility for information security with respect to that responsibility.

“(c) AGENCYWIDE INFORMATION SECURITY PROGRAMS.—

“(1) IN GENERAL.—Each agencywide information security program under subsection (b)(2) shall include—

“(A) relevant security risk assessments, including technical assessments and others related to the acquisition process;

“(B) security testing commensurate with risk and impact;

“(C) mitigation of deterioration of security controls commensurate with risk and impact;

“(D) risk-based continuous monitoring and threat assessment of the operational status and security of agency information systems to enable evaluation of the effectiveness of and compliance with information security policies, procedures, and practices, including a relevant and appropriate selection of security controls of information systems identified in the inventory under section 3505(c);

“(E) operation of appropriate technical capabilities in order to detect, mitigate, report, and respond to information security incidents, cyber threat information, and deterioration of security controls in a manner that is consistent with the policies and directives under section 3553, including—

“(i) mitigating risks associated with such information security incidents;

“(ii) notifying and consulting with the entity designated under section 3555; and

“(iii) notifying and consulting with, as appropriate—

“(I) law enforcement and the relevant Office of the Inspector General; and

“(II) any other entity, in accordance with law and as directed by the President;

“(F) a process to ensure that remedial action is taken to address any deficiencies in the information security policies, procedures, and practices of the agency; and

“(G) a plan and procedures to ensure the continuity of operations for information systems that support the operations and assets of the agency.

“(2) RISK MANAGEMENT STRATEGIES.—Each agencywide information security program under subsection (b)(2) shall include the development and maintenance of a risk management strategy for information security. The risk management strategy shall include—

“(A) consideration of information security incidents, cyber threat information, and deterioration of security controls; and

“(B) consideration of the consequences that could result from the unauthorized access, use, disclosure, disruption, modification, or destruction of information and information systems that support the operations and assets of the agency, including any information system provided or managed by a contractor, other agency, or other source on behalf of the agency;

“(3) POLICIES AND PROCEDURES.—Each agencywide information security program under subsection (b)(2) shall include policies and procedures that—

“(A) are based on the risk management strategy under paragraph (2);

“(B) reduce information security risks to an acceptable level in a cost-effective manner;

“(C) ensure that cost-effective and adequate information security is addressed as part of the acquisition and ongoing management of each agency information system; and

“(D) ensure compliance with—

“(i) this subchapter; and

“(ii) any other applicable requirements.

“(4) TRAINING REQUIREMENTS.—Each agencywide information security program under subsection (b)(2) shall include information security, privacy, civil rights, civil liberties, and information oversight training that meets any applicable requirements under section 3553. The training shall inform each information security personnel that has access to agency information systems (including contractors and other users of information systems that support the operations and assets of the agency) of—

“(A) the information security risks associated with the information security personnel’s activities; and

“(B) the individual’s responsibility to comply with the agency policies and procedures that reduce the risks under subparagraph (A).

“(d) ANNUAL REPORT.—Each agency shall submit a report annually to the Secretary of Homeland Security on its agencywide information security program and information systems.

#### “§ 3555. Multiagency ongoing threat assessment

“(a) IMPLEMENTATION.—The Director of the Office of Management and Budget, in coordination with the Secretary of Homeland Security, shall designate an entity to implement ongoing security analysis concerning agency information systems—

“(1) based on cyber threat information;

“(2) based on agency information system and environment of operation changes, including—

“(A) an ongoing evaluation of the information system security controls; and

“(B) the security state, risk level, and environment of operation of an agency information system, including—

“(i) a change in risk level due to a new cyber threat;

“(ii) a change resulting from a new technology;

“(iii) a change resulting from the agency’s mission; and

“(iv) a change resulting from the business practice; and

“(3) using automated processes to the maximum extent possible—

“(A) to increase information system security;

“(B) to reduce paper-based reporting requirements; and

“(C) to maintain timely and actionable knowledge of the state of the information system security.

“(b) STANDARDS.—The National Institute of Standards and Technology may promulgate standards, in coordination with the Secretary of Homeland Security, to assist an agency with its duties under this section.

“(c) COMPLIANCE.—The head of each appropriate department and agency shall be responsible for ensuring compliance and implementing necessary procedures to comply with this section. The head of each appropriate department and agency, in consultation with the Director of the Office of Management and Budget and the Secretary of Homeland Security, shall—

“(1) monitor compliance under this section;

“(2) develop a timeline and implement for the department or agency—

“(A) adoption of any technology, system, or method that facilitates continuous monitoring and threat assessments of an agency information system;

“(B) adoption or updating of any technology, system, or method that prevents, detects, or remediates a significant cyber incident to a Federal information system of the department or agency that has impeded, or is reasonably likely to impede, the performance of a critical mission of the department or agency; and

“(C) adoption of any technology, system, or method that satisfies a requirement under this section.

“(d) LIMITATION OF AUTHORITY.—The authorities of the Director of the Office of Management and Budget and of the Secretary of Homeland Security under this section shall not apply to national security systems.

“(e) REPORT.—Not later than 6 months after the date of enactment of the Strengthening and Enhancing Cybersecurity by Using Research, Education, Information, and Technology Act of 2012, the Government Accountability Office shall issue a report evaluating each agency’s status toward implementing this section.

#### “§ 3556. Independent evaluations

“(a) IN GENERAL.—The Council of the Inspectors General on Integrity and Efficiency, in consultation with the Director and the Secretary of Homeland Security, the Secretary of Commerce, and the Secretary of Defense, shall issue and maintain criteria for the timely, cost-effective, risk-based, and independent evaluation of each agencywide information security program (and practices) to determine the effectiveness of the agencywide information security program (and practices). The criteria shall include measures to assess any conflicts of interest in the performance of the evaluation and whether the agencywide information security program includes appropriate safeguards against disclosure of information where such disclosure may adversely affect information security.

“(b) ANNUAL INDEPENDENT EVALUATIONS.—Each agency shall perform an annual independent evaluation of its agencywide information security program (and practices) in accordance with the criteria under subsection (a).

“(c) DISTRIBUTION OF REPORTS.—Not later than 30 days after receiving an independent

evaluation under subsection (b), each agency head shall transmit a copy of the independent evaluation to the Secretary of Homeland Security, the Secretary of Commerce, and the Secretary of Defense.

“(d) NATIONAL SECURITY SYSTEMS.—Evaluations involving national security systems shall be conducted as directed by President.

**“§ 3557. National security systems.**

“The head of each agency operating or exercising control of a national security system shall be responsible for ensuring that the agency—

“(1) provides information security protections commensurate with the risk and magnitude of the harm resulting from the unauthorized access, use, disclosure, disruption, modification, or destruction of the information contained in such system; and

“(2) implements information security policies and practices as required by standards and guidelines for national security systems, issued in accordance with law and as directed by the President.”.

(b) SAVINGS PROVISIONS.—

(1) POLICY AND COMPLIANCE GUIDANCE.—Policy and compliance guidance issued by the Director before the date of enactment of this Act under section 3543(a)(1) of title 44, United States Code (as in effect on the day before the date of enactment of this Act), shall continue in effect, according to its terms, until modified, terminated, superseded, or repealed pursuant to section 3553(a)(1) of title 44, United States Code.

(2) STANDARDS AND GUIDELINES.—Standards and guidelines issued by the Secretary of Commerce or by the Director before the date of enactment of this Act under section 11331(a)(1) of title 40, United States Code, (as in effect on the day before the date of enactment of this Act) shall continue in effect, according to their terms, until modified, terminated, superseded, or repealed pursuant to section 11331(a)(1) of title 40, United States Code, as amended by this Act.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) CHAPTER ANALYSIS.—The chapter analysis for chapter 35 of title 44, United States Code, is amended—

(A) by striking the items relating to sections 3531 through 3538;

(B) by striking the items relating to sections 3541 through 3549; and

(C) by inserting the following:

“3551. Purposes.

“3552. Definitions.

“3553. Federal information security authority and coordination.

“3554. Agency responsibilities.

“3555. Multiagency ongoing threat assessment.

“3556. Independent evaluations.

“3557. National security systems.”.

(2) OTHER REFERENCES.—

(A) Section 1001(c)(1)(A) of the Homeland Security Act of 2002 (6 U.S.C. 511(1)(A)) is amended by striking “section 3532(3)” and inserting “section 3552”.

(B) Section 2222(j)(5) of title 10, United States Code, is amended by striking “section 3542(b)(2)” and inserting “section 3552”.

(C) Section 2223(c)(3) of title 10, United States Code, is amended, by striking “section 3542(b)(2)” and inserting “section 3552”.

(D) Section 2315 of title 10, United States Code, is amended by striking “section 3542(b)(2)” and inserting “section 3552”.

(E) Section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3) is amended—

(i) in subsection (a)(2), by striking “section 3532(b)(2)” and inserting “section 3552”;

(ii) in subsection (c)(3), by striking “Director of the Office of Management and Budget” and inserting “Secretary of Commerce”;

(iii) in subsection (d)(1), by striking “Director of the Office of Management and Budget” and inserting “Secretary of Commerce”;

(iv) in subsection (d)(8) by striking “Director of the Office of Management and Budget” and inserting “Secretary of Commerce”;

(v) in subsection (d)(8), by striking “submitted to the Director” and inserting “submitted to the Secretary”;

(vi) in subsection (e)(2), by striking “section 3532(1) of such title” and inserting “section 3552 of title 44”; and

(vii) in subsection (e)(5), by striking “section 3532(b)(2) of such title” and inserting “section 3552 of title 44”.

(F) Section 8(d)(1) of the Cyber Security Research and Development Act (15 U.S.C. 7406(d)(1)) is amended by striking “section 3534(b)” and inserting “section 3554(b)(2)”.

**SEC. 202. MANAGEMENT OF INFORMATION TECHNOLOGY.**

(a) IN GENERAL.—Section 11331 of title 40, United States Code, is amended to read as follows:

**“§ 11331. Responsibilities for Federal information systems standards**

“(a) STANDARDS AND GUIDELINES.—

“(1) AUTHORITY TO PRESCRIBE.—Except as provided under paragraph (2), the Secretary of Commerce shall prescribe standards and guidelines pertaining to Federal information systems—

“(A) in consultation with the Secretary of Homeland Security; and

“(B) on the basis of standards and guidelines developed by the National Institute of Standards and Technology under paragraphs (2) and (3) of section 20(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3(a)(2) and (a)(3)).

“(2) NATIONAL SECURITY SYSTEMS.—Standards and guidelines for national security systems shall be developed, prescribed, enforced, and overseen as otherwise authorized by law and as directed by the President.

“(b) MANDATORY STANDARDS AND GUIDELINES.—

“(1) AUTHORITY TO MAKE MANDATORY STANDARDS AND GUIDELINES.—The Secretary of Commerce shall make standards and guidelines under subsection (a)(1) compulsory and binding to the extent determined necessary by the Secretary of Commerce to improve the efficiency of operation or security of Federal information systems.

“(2) REQUIRED MANDATORY STANDARDS AND GUIDELINES.—

“(A) IN GENERAL.—Standards and guidelines under subsection (a)(1) shall include information security standards that—

“(i) provide minimum information security requirements as determined under section 20(b) of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3(b)); and

“(ii) are otherwise necessary to improve the security of Federal information and information systems.

“(B) BINDING EFFECT.—Information security standards under subparagraph (A) shall be compulsory and binding.

“(c) EXERCISE OF AUTHORITY.—To ensure fiscal and policy consistency, the Secretary of Commerce shall exercise the authority conferred by this section subject to direction by the President and in coordination with the Director.

“(d) APPLICATION OF MORE STRINGENT STANDARDS AND GUIDELINES.—The head of an executive agency may employ standards for the cost-effective information security for

information systems within or under the supervision of that agency that are more stringent than the standards and guidelines the Secretary of Commerce prescribes under this section if the more stringent standards and guidelines—

“(1) contain at least the applicable standards and guidelines made compulsory and binding by the Secretary of Commerce; and

“(2) are otherwise consistent with the policies, directives, and implementation memoranda issued under section 3553(a) of title 44.

“(e) DECISIONS ON PROMULGATION OF STANDARDS AND GUIDELINES.—The decision by the Secretary of Commerce regarding the promulgation of any standard or guideline under this section shall occur not later than 6 months after the date of submission of the proposed standard to the Secretary of Commerce by the National Institute of Standards and Technology under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3).

“(f) NOTICE AND COMMENT.—A decision by the Secretary of Commerce to significantly modify, or not promulgate, a proposed standard submitted to the Secretary by the National Institute of Standards and Technology under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3) shall be made after the public is given an opportunity to comment on the Secretary’s proposed decision.

“(g) DEFINITIONS.—In this section:

“(1) FEDERAL INFORMATION SYSTEM.—The term ‘Federal information system’ has the meaning given the term in section 3552 of title 44.

“(2) INFORMATION SECURITY.—The term ‘information security’ has the meaning given the term in section 3552 of title 44.

“(3) NATIONAL SECURITY SYSTEM.—The term ‘national security system’ has the meaning given the term in section 3552 of title 44.”.

**SEC. 203. NO NEW FUNDING.**

An applicable Federal agency shall carry out the provisions of this title with existing facilities and funds otherwise available, through such means as the head of the agency considers appropriate.

**SEC. 204. TECHNICAL AND CONFORMING AMENDMENTS.**

Section 21(b) of the National Institute of Standards and Technology Act (15 U.S.C. 278g-4(b)) is amended—

(1) in paragraph (2), by striking “and the Director of the Office of Management and Budget” and inserting “, the Secretary of Commerce, and the Secretary of Homeland Security”; and

(2) in paragraph (3), by inserting “, the Secretary of Homeland Security,” after “the Secretary of Commerce”.

**SEC. 205. CLARIFICATION OF AUTHORITIES.**

Nothing in this title shall be construed to convey any new regulatory authority to any government entity implementing or complying with any provision of this title.

**TITLE III—CRIMINAL PENALTIES**

**SEC. 301. PENALTIES FOR FRAUD AND RELATED ACTIVITY IN CONNECTION WITH COMPUTERS.**

Section 1030(c) of title 18, United States Code, is amended to read as follows:

“(c) The punishment for an offense under subsection (a) or (b) of this section is—

“(1) a fine under this title or imprisonment for not more than 20 years, or both, in the case of an offense under subsection (a)(1) of this section;

“(2)(A) except as provided in subparagraph (B), a fine under this title or imprisonment for not more than 3 years, or both, in the case of an offense under subsection (a)(2); or

“(B) a fine under this title or imprisonment for not more than ten years, or both, in the case of an offense under subsection (a)(2) of this section, if—

“(i) the offense was committed for purposes of commercial advantage or private financial gain;

“(ii) the offense was committed in the furtherance of any criminal or tortious act in violation of the Constitution or laws of the United States, or of any State; or

“(iii) the value of the information obtained, or that would have been obtained if the offense was completed, exceeds \$5,000;

“(3) a fine under this title or imprisonment for not more than 10 years, or both, in the case of an offense under subsection (a)(3) of this section;

“(4) a fine under this title or imprisonment of not more than 20 years, or both, in the case of an offense under subsection (a)(4) of this section;

“(5)(A) except as provided in subparagraph (C), a fine under this title, imprisonment for not more than 20 years, or both, in the case of an offense under subsection (a)(5)(A) of this section, if the offense caused—

“(i) loss to 1 or more persons during any 1-year period (and, for purposes of an investigation, prosecution, or other proceeding brought by the United States only, loss resulting from a related course of conduct affecting 1 or more other protected computers) aggregating at least \$5,000 in value;

“(ii) the modification or impairment, or potential modification or impairment, of the medical examination, diagnosis, treatment, or care of 1 or more individuals;

“(iii) physical injury to any person;

“(iv) a threat to public health or safety;

“(v) damage affecting a computer used by, or on behalf of, an entity of the United States Government in furtherance of the administration of justice, national defense, or national security; or

“(vi) damage affecting 10 or more protected computers during any 1-year period;

“(B) a fine under this title, imprisonment for not more than 20 years, or both, in the case of an offense under subsection (a)(5)(B), if the offense caused a harm provided in clause (i) through (vi) of subparagraph (A) of this subsection;

“(C) if the offender attempts to cause or knowingly or recklessly causes death from conduct in violation of subsection (a)(5)(A), a fine under this title, imprisonment for any term of years or for life, or both;

“(D) a fine under this title, imprisonment for not more than 10 years, or both, for any other offense under subsection (a)(5);

“(E) a fine under this title or imprisonment for not more than 10 years, or both, in the case of an offense under subsection (a)(6) of this section; or

“(F) a fine under this title or imprisonment for not more than 10 years, or both, in the case of an offense under subsection (a)(7) of this section.”

#### SEC. 302. TRAFFICKING IN PASSWORDS.

Section 1030(a)(6) of title 18, United States Code, is amended to read as follows:

“(6) knowingly and with intent to defraud traffics (as defined in section 1029) in any password or similar information or means of access through which a protected computer (as defined in subparagraphs (A) and (B) of subsection (e)(2)) may be accessed without authorization.”

#### SEC. 303. CONSPIRACY AND ATTEMPTED COMPUTER FRAUD OFFENSES.

Section 1030(b) of title 18, United States Code, is amended by inserting “as if for the completed offense” after “punished as provided”.

#### SEC. 304. CRIMINAL AND CIVIL FORFEITURE FOR FRAUD AND RELATED ACTIVITY IN CONNECTION WITH COMPUTERS.

Section 1030 of title 18, United States Code, is amended by striking subsections (i) and (j) and inserting the following:

“(i) CRIMINAL FORFEITURE.—

“(1) The court, in imposing sentence on any person convicted of a violation of this section, or convicted of conspiracy to violate this section, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person forfeit to the United States—

“(A) such persons interest in any property, real or personal, that was used, or intended to be used, to commit or facilitate the commission of such violation; and

“(B) any property, real or personal, constituting or derived from any gross proceeds, or any property traceable to such property, that such person obtained, directly or indirectly, as a result of such violation.

“(2) The criminal forfeiture of property under this subsection, including any seizure and disposition of the property, and any related judicial or administrative proceeding, shall be governed by the provisions of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), except subsection (d) of that section.

“(j) CIVIL FORFEITURE.—

“(1) The following shall be subject to forfeiture to the United States and no property right, real or personal, shall exist in them:

“(A) Any property, real or personal, that was used, or intended to be used, to commit or facilitate the commission of any violation of this section, or a conspiracy to violate this section.

“(B) Any property, real or personal, constituting or derived from any gross proceeds obtained directly or indirectly, or any property traceable to such property, as a result of the commission of any violation of this section, or a conspiracy to violate this section.

“(2) Seizures and forfeitures under this subsection shall be governed by the provisions in chapter 46 relating to civil forfeitures, except that such duties as are imposed on the Secretary of the Treasury under the customs laws described in section 981(d) shall be performed by such officers, agents and other persons as may be designated for that purpose by the Secretary of Homeland Security or the Attorney General.”

#### SEC. 305. DAMAGE TO CRITICAL INFRASTRUCTURE COMPUTERS.

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by inserting after section 1030 the following:

“§ 1030A. Aggravated damage to a critical infrastructure computer

“(a) DEFINITIONS.—In this section—

“(1) the term ‘computer’ has the meaning given the term in section 1030;

“(2) the term ‘critical infrastructure computer’ means a computer that manages or controls systems or assets vital to national defense, national security, national economic security, public health or safety, or any combination of those matters, whether publicly or privately owned or operated, including—

“(A) oil and gas production, storage, conversion, and delivery systems;

“(B) water supply systems;

“(C) telecommunication networks;

“(D) electrical power generation and delivery systems;

“(E) finance and banking systems;

“(F) emergency services;

“(G) transportation systems and services; and

“(H) government operations that provide essential services to the public; and

“(3) the term ‘damage’ has the meaning given the term in section 1030.

“(b) OFFENSE.—It shall be unlawful, during and in relation to a felony violation of section 1030, to knowingly cause or attempt to cause damage to a critical infrastructure computer if the damage results in (or, in the case of an attempt, if completed, would have resulted in) the substantial impairment—

“(1) of the operation of the critical infrastructure computer; or

“(2) of the critical infrastructure associated with the computer.

“(c) PENALTY.—Any person who violates subsection (b) shall be—

“(1) fined under this title;

“(2) imprisoned for not less than 3 years but not more than 20 years; or

“(3) penalized under paragraphs (1) and (2).

“(d) CONSECUTIVE SENTENCE.—Notwithstanding any other provision of law—

“(1) a court shall not place on probation any person convicted of a violation of this section;

“(2) except as provided in paragraph (4), no term of imprisonment imposed on a person under this section shall run concurrently with any other term of imprisonment, including any term of imprisonment imposed on the person under any other provision of law, including any term of imprisonment imposed for a felony violation of section 1030;

“(3) in determining any term of imprisonment to be imposed for a felony violation of section 1030, a court shall not in any way reduce the term to be imposed for such crime so as to compensate for, or otherwise take into account, any separate term of imprisonment imposed or to be imposed for a violation of this section; and

“(4) a term of imprisonment imposed on a person for a violation of this section may, in the discretion of the court, run concurrently, in whole or in part, only with another term of imprisonment that is imposed by the court at the same time on that person for an additional violation of this section, provided that such discretion shall be exercised in accordance with any applicable guidelines and policy statements issued by the United States Sentencing Commission pursuant to section 994 of title 28.”

(b) TECHNICAL AND CONFORMING AMENDMENT.—The chapter analysis for chapter 47 of title 18, United States Code, is amended by inserting after the item relating to section 1030 the following:

“1030A. Aggravated damage to a critical infrastructure computer.”

#### SEC. 306. LIMITATION ON ACTIONS INVOLVING UNAUTHORIZED USE.

Section 1030(e)(6) of title 18, United States Code, is amended by striking “alter;” and inserting “alter, but does not include access in violation of a contractual obligation or agreement, such as an acceptable use policy or terms of service agreement, with an Internet service provider, Internet website, or non-government employer, if such violation constitutes the sole basis for determining that access to a protected computer is unauthorized;”.

#### SEC. 307. NO NEW FUNDING.

An applicable Federal agency shall carry out the provisions of this title with existing facilities and funds otherwise available, through such means as the head of the agency considers appropriate.



# **TITLE IV—CYBERSECURITY RESEARCH AND DEVELOPMENT**

## **SEC. 401. NATIONAL HIGH-PERFORMANCE COMPUTING PROGRAM PLANNING AND COORDINATION.**

(a) **GOALS AND PRIORITIES.**—Section 101 of the High-Performance Computing Act of 1991 (15 U.S.C. 5511) is amended by adding at the end the following:

“(d) **GOALS AND PRIORITIES.**—The goals and priorities for Federal high-performance computing research, development, networking, and other activities under subsection (a)(2)(A) shall include—

“(1) encouraging and supporting mechanisms for interdisciplinary research and development in networking and information technology, including—

“(A) through collaborations across agencies;

“(B) through collaborations across Program Component Areas;

“(C) through collaborations with industry;

“(D) through collaborations with institutions of higher education;

“(E) through collaborations with Federal laboratories (as defined in section 4 of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3703)); and

“(F) through collaborations with international organizations;

“(2) addressing national, multi-agency, multi-faceted challenges of national importance; and

“(3) fostering the transfer of research and development results into new technologies and applications for the benefit of society.”.

(b) **DEVELOPMENT OF STRATEGIC PLAN.**—Section 101 of the High-Performance Computing Act of 1991 (15 U.S.C. 5511) is amended by adding at the end the following:

“(e) **STRATEGIC PLAN.**—

“(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of the Strengthening and Enhancing Cybersecurity by Using Research, Education, Information, and Technology Act of 2012, the agencies under subsection (a)(3)(B), working through the National Science and Technology Council and with the assistance of the Office of Science and Technology Policy shall develop a 5-year strategic plan to guide the activities under subsection (a)(1).

“(2) **CONTENTS.**—The strategic plan shall specify—

“(A) the near-term objectives for the Program;

“(B) the long-term objectives for the Program;

“(C) the anticipated time frame for achieving the near-term objectives;

“(D) the metrics that will be used to assess any progress made toward achieving the near-term objectives and the long-term objectives; and

“(E) how the Program will achieve the goals and priorities under subsection (d).

“(3) **IMPLEMENTATION ROADMAP.**—

“(A) **IN GENERAL.**—The agencies under subsection (a)(3)(B) shall develop and annually update an implementation roadmap for the strategic plan.

“(B) **REQUIREMENTS.**—The information in the implementation roadmap shall be coordinated with the database under section 102(c) and the annual report under section 101(a)(3). The implementation roadmap shall—

“(i) specify the role of each Federal agency in carrying out or sponsoring research and development to meet the research objectives of the strategic plan, including a description of how progress toward the research objectives will be evaluated, with consideration of any relevant recommendations of the advisory committee;

“(ii) specify the funding allocated to each major research objective of the strategic plan and the source of funding by agency for the current fiscal year; and

“(iii) estimate the funding required for each major research objective of the strategic plan for the next 3 fiscal years.

“(4) **RECOMMENDATIONS.**—The agencies under subsection (a)(3)(B) shall take into consideration when developing the strategic plan under paragraph (1) the recommendations of—

“(A) the advisory committee under subsection (b); and

“(B) the stakeholders under section 102(a)(3).

“(5) **REPORT TO CONGRESS.**—The Director of the Office of Science and Technology Policy shall transmit the strategic plan under this subsection, including the implementation roadmap and any updates under paragraph (3), to—

“(A) the advisory committee under subsection (b);

“(B) the Committee on Commerce, Science, and Transportation of the Senate; and

“(C) the Committee on Science and Technology of the House of Representatives.”.

(c) **PERIODIC REVIEWS.**—Section 101 of the High-Performance Computing Act of 1991 (15 U.S.C. 5511) is amended by adding at the end the following:

“(f) **PERIODIC REVIEWS.**—The agencies under subsection (a)(3)(B) shall—

“(1) periodically assess the contents and funding levels of the Program Component Areas and restructure the Program when warranted, taking into consideration any relevant recommendations of the advisory committee under subsection (b); and

“(2) ensure that the Program includes national, multi-agency, multi-faceted research and development activities, including activities described in section 104.”.

(d) **ADDITIONAL RESPONSIBILITIES OF DIRECTOR.**—Section 101(a)(2) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(a)(2)) is amended—

(1) by redesignating subparagraphs (E) and (F) as subparagraphs (G) and (H), respectively; and

(2) by inserting after subparagraph (D) the following:

“(E) encourage and monitor the efforts of the agencies participating in the Program to allocate the level of resources and management attention necessary—

“(i) to ensure that the strategic plan under subsection (e) is developed and executed effectively; and

“(ii) to ensure that the objectives of the Program are met;

“(F) working with the Office of Management and Budget and in coordination with the creation of the database under section 102(c), direct the Office of Science and Technology Policy and the agencies participating in the Program to establish a mechanism (consistent with existing law) to track all ongoing and completed research and development projects and associated funding.”.

(e) **ADVISORY COMMITTEE.**—Section 101(b) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(b)) is amended—

(1) in paragraph (1)—

(A) by inserting after the first sentence the following: “The co-chairs of the advisory committee shall meet the qualifications of committee members and may be members of the Presidents Council of Advisors on Science and Technology.”; and

(B) by striking “high-performance” in subparagraph (D) and inserting “high-end”; and

(2) by amending paragraph (2) to read as follows:

“(2) In addition to the duties under paragraph (1), the advisory committee shall conduct periodic evaluations of the funding, management, coordination, implementation, and activities of the Program. The advisory committee shall report its findings and recommendations not less frequently than once every 3 fiscal years to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives. The report shall be submitted in conjunction with the update of the strategic plan.”.

(f) **REPORT.**—Section 101(a)(3) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(a)(3)) is amended—

(1) in subparagraph (C)—

(A) by striking “is submitted,” and inserting “is submitted, the levels for the previous fiscal year.”; and

(B) by striking “each Program Component Area” and inserting “each Program Component Area and each research area supported in accordance with section 104”;

(2) in subparagraph (D)—

(A) by striking “each Program Component Area,” and inserting “each Program Component Area and each research area supported in accordance with section 104.”;

(B) by striking “is submitted,” and inserting “is submitted, the levels for the previous fiscal year.”; and

(C) by striking “and” after the semicolon;

(3) by redesignating subparagraph (E) as subparagraph (G); and

(4) by inserting after subparagraph (D) the following:

“(E) include a description of how the objectives for each Program Component Area, and the objectives for activities that involve multiple Program Component Areas, relate to the objectives of the Program identified in the strategic plan under subsection (e);

“(F) include—

“(i) a description of the funding required by the Office of Science and Technology Policy to perform the functions under subsections (a) and (c) of section 102 for the next fiscal year by category of activity;

“(ii) a description of the funding required by the Office of Science and Technology Policy to perform the functions under subsections (a) and (c) of section 102 for the current fiscal year by category of activity; and

“(iii) the amount of funding provided for the Office of Science and Technology Policy for the current fiscal year by each agency participating in the Program; and”.

(g) **DEFINITIONS.**—Section 4 of the High-Performance Computing Act of 1991 (15 U.S.C. 5503) is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(2) by redesignating paragraph (3) as paragraph (6);

(3) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively;

(4) by inserting before paragraph (2), as redesignated, the following:

“(1) ‘cyber-physical systems’ means physical or engineered systems whose networking and information technology functions and physical elements are deeply integrated and are actively connected to the physical world through sensors, actuators, or other means to perform monitoring and control functions.”;

(5) in paragraph (3), as redesignated, by striking “high-performance computing” and inserting “networking and information technology”;

(6) in paragraph (6), as redesignated—

(A) by striking “high-performance computing” and inserting “networking and information technology”; and

(B) by striking “supercomputer” and inserting “high-end computing”;

(7) in paragraph (5), by striking “network referred to as” and all that follows through the semicolon and inserting “network, including advanced computer networks of Federal agencies and departments”; and

(8) in paragraph (7), as redesignated, by striking “National High-Performance Computing Program” and inserting “networking and information technology research and development program”.

**SEC. 402. RESEARCH IN AREAS OF NATIONAL IMPORTANCE.**

(a) RESEARCH IN AREAS OF NATIONAL IMPORTANCE.—Title I of the High-Performance Computing Act of 1991 (15 U.S.C. 5511 et seq.) is amended by adding at the end the following:

**“SEC. 104. RESEARCH IN AREAS OF NATIONAL IMPORTANCE.**

“(a) IN GENERAL.—The Program shall encourage agencies under section 101(a)(3)(B) to support, maintain, and improve national, multi-agency, multi-faceted, research and development activities in networking and information technology directed toward application areas that have the potential for significant contributions to national economic competitiveness and for other significant societal benefits.

“(b) TECHNICAL SOLUTIONS.—An activity under subsection (a) shall be designed to advance the development of research discoveries by demonstrating technical solutions to important problems in areas including—

“(1) cybersecurity;

“(2) health care;

“(3) energy management and low-power systems and devices;

“(4) transportation, including surface and air transportation;

“(5) cyber-physical systems;

“(6) large-scale data analysis and modeling of physical phenomena;

“(7) large scale data analysis and modeling of behavioral phenomena;

“(8) supply chain quality and security; and

“(9) privacy protection and protected disclosure of confidential data.

“(c) RECOMMENDATIONS.—The advisory committee under section 101(b) shall make recommendations to the Program for candidate research and development areas for support under this section.

“(d) CHARACTERISTICS.—

“(1) IN GENERAL.—Research and development activities under this section—

“(A) shall include projects selected on the basis of applications for support through a competitive, merit-based process;

“(B) shall leverage, when possible, Federal investments through collaboration with related State initiatives;

“(C) shall include a plan for fostering the transfer of research discoveries and the results of technology demonstration activities, including from institutions of higher education and Federal laboratories, to industry for commercial development;

“(D) shall involve collaborations among researchers in institutions of higher education and industry; and

“(E) may involve collaborations among nonprofit research institutions and Federal laboratories, as appropriate.

“(2) COST-SHARING.—In selecting applications for support, the agencies under section 101(a)(3)(B) shall give special consideration to projects that include cost sharing from non-Federal sources.

“(3) MULTIDISCIPLINARY RESEARCH CENTERS.—Research and development activities under this section shall be supported through multidisciplinary research centers, including Federal laboratories, that are organized to investigate basic research questions and carry out technology demonstration activities in areas described in subsection (a). Research may be carried out through existing multidisciplinary centers, including those authorized under section 7024(b)(2) of the America COMPETES Act (42 U.S.C. 1862o–10(2)).”.

(b) CYBER-PHYSICAL SYSTEMS.—Section 101(a)(1) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(a)(1)) is amended—

(1) in subparagraph (H), by striking “and” after the semicolon;

(2) in subparagraph (I), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(J) provide for increased understanding of the scientific principles of cyber-physical systems and improve the methods available for the design, development, and operation of cyber-physical systems that are characterized by high reliability, safety, and security; and

“(K) provide for research and development on human-computer interactions, visualization, and big data.”.

(c) TASK FORCE.—Title I of the High-Performance Computing Act of 1991 (15 U.S.C. 5511 et seq.), as amended by section 402(a) of this Act, is amended by adding at the end the following:

**“SEC. 105. TASK FORCE.**

“(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment the Strengthening and Enhancing Cybersecurity by Using Research, Education, Information, and Technology Act of 2012, the Director of the Office of Science and Technology Policy under section 102 shall convene a task force to explore mechanisms for carrying out collaborative research and development activities for cyber-physical systems (including the related technologies required to enable these systems) through a consortium or other appropriate entity with participants from institutions of higher education, Federal laboratories, and industry.

“(b) FUNCTIONS.—The task force shall—

“(1) develop options for a collaborative model and an organizational structure for such entity under which the joint research and development activities could be planned, managed, and conducted effectively, including mechanisms for the allocation of resources among the participants in such entity for support of such activities;

“(2) propose a process for developing a research and development agenda for such entity, including guidelines to ensure an appropriate scope of work focused on nationally significant challenges and requiring collaboration and to ensure the development of related scientific and technological milestones;

“(3) define the roles and responsibilities for the participants from institutions of higher education, Federal laboratories, and industry in such entity;

“(4) propose guidelines for assigning intellectual property rights and for transferring research results to the private sector; and

“(5) make recommendations for how such entity could be funded from Federal, State, and non-governmental sources.

“(c) COMPOSITION.—In establishing the task force under subsection (a), the Director of the Office of Science and Technology Policy shall appoint an equal number of individuals

from institutions of higher education and from industry with knowledge and expertise in cyber-physical systems, and may appoint not more than 2 individuals from Federal laboratories.

“(d) REPORT.—Not later than 1 year after the date of enactment of the Strengthening and Enhancing Cybersecurity by Using Research, Education, Information, and Technology Act of 2012, the Director of the Office of Science and Technology Policy shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives a report describing the findings and recommendations of the task force.

“(e) TERMINATION.—The task force shall terminate upon transmittal of the report required under subsection (d).

“(f) COMPENSATION AND EXPENSES.—Members of the task force shall serve without compensation.”.

**SEC. 403. PROGRAM IMPROVEMENTS.**

Section 102 of the High-Performance Computing Act of 1991 (15 U.S.C. 5512) is amended to read as follows:

**“SEC. 102. PROGRAM IMPROVEMENTS.**

“(a) FUNCTIONS.—The Director of the Office of Science and Technology Policy shall continue—

“(1) to provide technical and administrative support to—

“(A) the agencies participating in planning and implementing the Program, including support needed to develop the strategic plan under section 101(e); and

“(B) the advisory committee under section 101(b);

“(2) to serve as the primary point of contact on Federal networking and information technology activities for government agencies, academia, industry, professional societies, State computing and networking technology programs, interested citizen groups, and others to exchange technical and programmatic information;

“(3) to solicit input and recommendations from a wide range of stakeholders during the development of each strategic plan under section 101(e) by convening at least 1 workshop with invitees from academia, industry, Federal laboratories, and other relevant organizations and institutions;

“(4) to conduct public outreach, including the dissemination of the advisory committee’s findings and recommendations, as appropriate;

“(5) to promote access to and early application of the technologies, innovations, and expertise derived from Program activities to agency missions and systems across the Federal Government and to United States industry;

“(6) to ensure accurate and detailed budget reporting of networking and information technology research and development investment; and

“(7) to encourage agencies participating in the Program to use existing programs and resources to strengthen networking and information technology education and training, and increase participation in such fields, including by women and underrepresented minorities.

“(b) SOURCE OF FUNDING.—

“(1) IN GENERAL.—The functions under this section shall be supported by funds from each agency participating in the Program.

“(2) SPECIFICATIONS.—The portion of the total budget of the Office of Science and Technology Policy that is provided by each agency participating in the Program for each fiscal year shall be in the same proportion as

each agency's share of the total budget for the Program for the previous fiscal year, as specified in the database under section 102(c).

“(c) DATABASE.—

“(1) IN GENERAL.—The Director of the Office of Science and Technology Policy shall develop and maintain a database of projects funded by each agency for the fiscal year for each Program Component Area.

“(2) PUBLIC ACCESSIBILITY.—The Director of the Office of Science and Technology Policy shall make the database accessible to the public.

“(3) DATABASE CONTENTS.—The database shall include, for each project in the database—

“(A) a description of the project;

“(B) each agency, industry, institution of higher education, Federal laboratory, or international institution involved in the project;

“(C) the source funding of the project (set forth by agency);

“(D) the funding history of the project; and

“(E) whether the project has been completed.”.

#### SEC. 404. IMPROVING EDUCATION OF NETWORKING AND INFORMATION TECHNOLOGY, INCLUDING HIGH PERFORMANCE COMPUTING.

Section 201(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5521(a)) is amended—

(1) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively; and

(2) by inserting after paragraph (1) the following:

“(2) the National Science Foundation shall use its existing programs, in collaboration with other agencies, as appropriate, to improve the teaching and learning of networking and information technology at all levels of education and to increase participation in networking and information technology fields;”.

#### SEC. 405. CONFIRMING AND TECHNICAL AMENDMENTS TO THE HIGH-PERFORMANCE COMPUTING ACT OF 1991.

(a) SECTION 3.—Section 3 of the High-Performance Computing Act of 1991 (15 U.S.C. 5502) is amended—

(1) in the matter preceding paragraph (1), by striking “high-performance computing” and inserting “networking and information technology”;;

(2) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking “high-performance computing” and inserting “networking and information technology”;;

(B) in subparagraphs (A), (F), and (G), by striking “high-performance computing” each place it appears and inserting “networking and information technology”; and

(C) in subparagraph (H), by striking “high-performance” and inserting “high-end”; and

(3) in paragraph (2)—

(A) by striking “high-performance computing and” and inserting “networking and information technology, and”; and

(B) by striking “high-performance computing network” and inserting “networking and information technology”.

(b) TITLE HEADING.—The heading of title I of the High-Performance Computing Act of 1991 (105 Stat. 1595) is amended by striking “HIGH-PERFORMANCE COMPUTING” and inserting “NETWORKING AND INFORMATION TECHNOLOGY”.

(c) SECTION 101.—Section 101 of the High-Performance Computing Act of 1991 (15 U.S.C. 5511) is amended—

(1) in the section heading, by striking “HIGH-PERFORMANCE COMPUTING” and inserting “NETWORKING AND INFORMATION TECHNOLOGY RESEARCH AND DEVELOPMENT”;

(2) in subsection (a)—

(A) in the subsection heading, by striking “NATIONAL HIGH-PERFORMANCE COMPUTING” and inserting “NETWORKING AND INFORMATION TECHNOLOGY RESEARCH AND DEVELOPMENT”;

(B) in paragraph (1)—

(i) by striking “National High-Performance Computing Program” and inserting “networking and information technology research and development program”;

(ii) in subparagraph (A), by striking “high-performance computing, including networking” and inserting “networking and information technology”;;

(iii) in subparagraphs (B) and (G), by striking “high-performance” each place it appears and inserting “high-end”; and

(iv) in subparagraph (C), by striking “high-performance computing and networking” and inserting “high-end computing, distributed, and networking”; and

(C) in paragraph (2)—

(i) in subparagraphs (A) and (C)—

(I) by striking “high-performance computing” each place it appears and inserting “networking and information technology”; and

(II) by striking “development, networking,” each place it appears and inserting “development,”; and

(ii) in subparagraphs (G) and (H), as redesignated by section 401(d) of this Act, by striking “high-performance” each place it appears and inserting “high-end”;;

(3) in subsection (b)(1), in the matter preceding subparagraph (A), by striking “high-performance computing” each place it appears and inserting “networking and information technology”; and

(4) in subsection (c)(1)(A), by striking “high-performance computing” and inserting “networking and information technology”.

(d) SECTION 201.—Section 201(a)(1) of the High-Performance Computing Act of 1991 (15 U.S.C. 5521(a)(1)) is amended by striking “high-performance computing and advanced high-speed computer networking” and inserting “networking and information technology research and development”.

(e) SECTION 202.—Section 202(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5522(a)) is amended by striking “high-performance computing” and inserting “networking and information technology”.

(f) SECTION 203.—Section 203(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5523(a)) is amended—

(1) in paragraph (1), by striking “high-performance computing and networking” and inserting “networking and information technology”; and

(2) in paragraph (2)(A), by striking “high-performance” and inserting “high-end”.

(g) SECTION 204.—Section 204 of the High-Performance Computing Act of 1991 (15 U.S.C. 5524) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (A), by striking “high-performance computing systems and networks” and inserting “networking and information technology systems and capabilities”;;

(B) in subparagraph (B), by striking “interoperability of high-performance computing systems in networks and for common user interfaces to systems” and inserting “interoperability and usability of networking and information technology systems”; and

(C) in subparagraph (C), by striking “high-performance computing” and inserting “networking and information technology”; and

(2) in subsection (b)—

(A) by striking “HIGH-PERFORMANCE COMPUTING AND NETWORK” in the heading and inserting “NETWORKING AND INFORMATION TECHNOLOGY”; and

(B) by striking “sensitive”.

(h) SECTION 205.—Section 205(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5525(a)) is amended by striking “computational” and inserting “networking and information technology”.

(i) SECTION 206.—Section 206(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5526(a)) is amended by striking “computational research” and inserting “networking and information technology research”.

(j) SECTION 207.—Section 207 of the High-Performance Computing Act of 1991 (15 U.S.C. 5527) is amended by striking “high-performance computing” and inserting “networking and information technology”.

(k) SECTION 208.—Section 208 of the High-Performance Computing Act of 1991 (15 U.S.C. 5528) is amended—

(1) in the section heading, by striking “HIGH-PERFORMANCE COMPUTING” and inserting “NETWORKING AND INFORMATION TECHNOLOGY”; and

(2) in subsection (a)—

(A) in paragraph (1), by striking “High-performance computing and associated” and inserting “Networking and information”;;

(B) in paragraph (2), by striking “high-performance computing” and inserting “networking and information technologies”;;

(C) in paragraph (3), by striking “high-performance” and inserting “high-end”;;

(D) in paragraph (4), by striking “high-performance computers and associated” and inserting “networking and information”; and

(E) in paragraph (5), by striking “high-performance computing and associated” and inserting “networking and information”.

#### SEC. 406. FEDERAL CYBER SCHOLARSHIP-FOR-SERVICE PROGRAM.

(a) IN GENERAL.—The Director of the National Science Foundation, in coordination with the Secretary of Homeland Security, shall carry out a Federal cyber scholarship-for-service program to recruit and train the next generation of information technology professionals and security managers to meet the needs of the cybersecurity mission for the Federal government.

(b) PROGRAM DESCRIPTION AND COMPONENTS.—The program shall—

(1) annually assess the workforce needs of the Federal government for cybersecurity professionals, including network engineers, software engineers, and other experts in order to determine how many scholarships should be awarded annually to ensure that the workforce needs following graduation match the number of scholarships awarded;

(2) provide scholarships for up to 1,000 students per year in their pursuit of undergraduate or graduate degrees in the cybersecurity field, in an amount that may include coverage for full tuition, fees, and a stipend;

(3) require each scholarship recipient, as a condition of receiving a scholarship under the program, to serve in a Federal information technology workforce for a period equal to one and one-half times each year, or partial year, of scholarship received, in addition to an internship in the cybersecurity field, if applicable, following graduation;

(4) provide a procedure for the National Science Foundation or a Federal agency, consistent with regulations of the Office of

Personnel Management, to request and fund a security clearance for a scholarship recipient, including providing for clearance during a summer internship and upon graduation; and

(5) provide opportunities for students to receive temporary appointments for meaningful employment in the Federal information technology workforce during school vacation periods and for internships.

(c) **HIRING AUTHORITY.**—

(1) **IN GENERAL.**—For purposes of any law or regulation governing the appointment of an individual in the Federal civil service, upon the successful completion of the student's studies, a student receiving a scholarship under the program may—

(A) be hired under section 213.3102(r) of title 5, Code of Federal Regulations; and

(B) be exempt from competitive service.

(2) **COMPETITIVE SERVICE.**—Upon satisfactory fulfillment of the service term under paragraph (1), an individual may be converted to a competitive service position without competition if the individual meets the requirements for that position.

(d) **ELIGIBILITY.**—The eligibility requirements for a scholarship under this section shall include that a scholarship applicant—

(1) be a citizen of the United States;

(2) be eligible to be granted a security clearance;

(3) maintain a grade point average of 3.2 or above on a 4.0 scale for undergraduate study or a 3.5 or above on a 4.0 scale for postgraduate study;

(4) demonstrate a commitment to a career in improving the security of the information infrastructure; and

(5) has demonstrated a level of proficiency in math or computer sciences.

(e) **FAILURE TO COMPLETE SERVICE OBLIGATION.**—

(1) **IN GENERAL.**—A scholarship recipient under this section shall be liable to the United States under paragraph (2) if the scholarship recipient—

(A) fails to maintain an acceptable level of academic standing in the educational institution in which the individual is enrolled, as determined by the Director;

(B) is dismissed from such educational institution for disciplinary reasons;

(C) withdraws from the program for which the award was made before the completion of such program;

(D) declares that the individual does not intend to fulfill the service obligation under this section;

(E) fails to fulfill the service obligation of the individual under this section; or

(F) loses a security clearance or becomes ineligible for a security clearance.

(2) **REPAYMENT AMOUNTS.**—

(A) **LESS THAN 1 YEAR OF SERVICE.**—If a circumstance under paragraph (1) occurs before the completion of 1 year of a service obligation under this section, the total amount of awards received by the individual under this section shall be repaid.

(B) **ONE OR MORE YEARS OF SERVICE.**—If a circumstance described in subparagraph (D) or (E) of paragraph (1) occurs after the completion of 1 year of a service obligation under this section, the total amount of scholarship awards received by the individual under this section, reduced by the ratio of the number of years of service completed divided by the number of years of service required, shall be repaid.

(f) **EVALUATION AND REPORT.**—The Director of the National Science Foundation shall—

(1) evaluate the success of recruiting individuals for scholarships under this section

and of hiring and retaining those individuals in the public sector workforce, including the annual cost and an assessment of how the program actually improves the Federal workforce; and

(2) periodically report the findings under paragraph (1) to Congress.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—From amounts made available under section 503 of the America COMPETES Reauthorization Act of 2010 (124 Stat. 4005), the Secretary may use funds to carry out the requirements of this section for fiscal years 2012 through 2013.

**SEC. 407. STUDY AND ANALYSIS OF CERTIFICATION AND TRAINING OF INFORMATION INFRASTRUCTURE PROFESSIONALS.**

(a) **STUDY.**—The President shall enter into an agreement with the National Academies to conduct a comprehensive study of government, academic, and private-sector accreditation, training, and certification programs for personnel working in information infrastructure. The agreement shall require the National Academies to consult with sector coordinating councils and relevant governmental agencies, regulatory entities, and nongovernmental organizations in the course of the study.

(b) **SCOPE.**—The study shall include—

(1) an evaluation of the body of knowledge and various skills that specific categories of personnel working in information infrastructure should possess in order to secure information systems;

(2) an assessment of whether existing government, academic, and private-sector accreditation, training, and certification programs provide the body of knowledge and various skills described in paragraph (1);

(3) an analysis of any barriers to the Federal Government recruiting and hiring cybersecurity talent, including barriers relating to compensation, the hiring process, job classification, and hiring flexibility; and

(4) an analysis of the sources and availability of cybersecurity talent, a comparison of the skills and expertise sought by the Federal Government and the private sector, an examination of the current and future capacity of United States institutions of higher education, including community colleges, to provide current and future cybersecurity professionals, through education and training activities, with those skills sought by the Federal Government, State and local entities, and the private sector.

(c) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the National Academies shall submit to the President and Congress a report on the results of the study. The report shall include—

(1) findings regarding the state of information infrastructure accreditation, training, and certification programs, including specific areas of deficiency and demonstrable progress; and

(2) recommendations for the improvement of information infrastructure accreditation, training, and certification programs.

**SEC. 408. INTERNATIONAL CYBERSECURITY TECHNICAL STANDARDS.**

(a) **IN GENERAL.**—The Director of the National Institute of Standards and Technology, in coordination with appropriate Federal authorities, shall—

(1) as appropriate, ensure coordination of Federal agencies engaged in the development of international technical standards related to information system security; and

(2) not later than 1 year after the date of enactment of this Act, develop and transmit to Congress a plan for ensuring such Federal agency coordination.

(b) **CONSULTATION WITH THE PRIVATE SECTOR.**—In carrying out the activities under subsection (a)(1), the Director shall ensure consultation with appropriate private sector stakeholders.

**SEC. 409. IDENTITY MANAGEMENT RESEARCH AND DEVELOPMENT.**

The Director of the National Institute of Standards and Technology shall continue a program to support the development of technical standards, metrology, testbeds, and conformance criteria, taking into account appropriate user concerns—

(1) to improve interoperability among identity management technologies;

(2) to strengthen authentication methods of identity management systems;

(3) to improve privacy protection in identity management systems, including health information technology systems, through authentication and security protocols; and

(4) to improve the usability of identity management systems.

**SEC. 410. FEDERAL CYBERSECURITY RESEARCH AND DEVELOPMENT.**

(a) **NATIONAL SCIENCE FOUNDATION COMPUTER AND NETWORK SECURITY RESEARCH GRANT AREAS.**—Section 4(a)(1) of the Cyber Security Research and Development Act (15 U.S.C. 7403(a)(1)) is amended—

(1) in subparagraph (H), by striking “and” after the semicolon;

(2) in subparagraph (I), by striking “property.” and inserting “property;”; and

(3) by adding at the end the following:

“(J) secure fundamental protocols that are at the heart of inter-network communications and data exchange;

“(K) system security that addresses the building of secure systems from trusted and untrusted components;

“(L) monitoring and detection; and

“(M) resiliency and rapid recovery methods.”.

(b) **NATIONAL SCIENCE FOUNDATION COMPUTER AND NETWORK SECURITY GRANTS.**—Section 4(a)(3) of the Cyber Security Research and Development Act (15 U.S.C. 7403(a)(3)) is amended—

(1) in subparagraph (D), by striking “and”; and

(2) in subparagraph (E), by striking “2007.” and inserting “2007;”; and

(3) by adding at the end the following:

“(F) such funds from amounts made available under section 503 of the America COMPETES Reauthorization Act of 2010 (124 Stat. 4005), as the Secretary finds necessary to carry out the requirements of this subsection for fiscal years 2012 through 2013.”.

(c) **COMPUTER AND NETWORK SECURITY CENTERS.**—Section 4(b)(7) of the Cyber Security Research and Development Act (15 U.S.C. 7403(b)(7)) is amended—

(1) in subparagraph (D), by striking “and”; and

(2) in subparagraph (E), by striking “2007.” and inserting “2007;”; and

(3) by adding at the end the following:

“(F) such funds from amounts made available under section 503 of the America COMPETES Reauthorization Act of 2010 (124 Stat. 4005), as the Secretary finds necessary to carry out the requirements of this subsection for fiscal years 2012 through 2013.”.

(d) **COMPUTER AND NETWORK SECURITY CAPACITY BUILDING GRANTS.**—Section 5(a)(6) of the Cyber Security Research and Development Act (15 U.S.C. 7404(a)(6)) is amended—

(1) in subparagraph (D), by striking “and”; and

(2) in subparagraph (E), by striking “2007.” and inserting “2007;”; and

(3) by adding at the end the following:

“(F) such funds from amounts made available under section 503 of the America COMPETES Reauthorization Act of 2010 (124 Stat.

4005), as the Secretary finds necessary to carry out the requirements of this subsection for fiscal years 2012 through 2013.”.

(e) SCIENTIFIC AND ADVANCED TECHNOLOGY ACT GRANTS.—Section 5(b)(2) of the Cyber Security Research and Development Act (15 U.S.C. 7404(b)(2)) is amended—

(1) in subparagraph (D), by striking “and”;

(2) in subparagraph (E), by striking “2007.” and inserting “2007.”; and

(3) by adding at the end the following:

“(F) such funds from amounts made available under section 503 of the America COMPETES Reauthorization Act of 2010 (124 Stat. 4005), as the Secretary finds necessary to carry out the requirements of this subsection for fiscal years 2012 through 2013.”.

(f) GRADUATE TRAINEESHIPS IN COMPUTER AND NETWORK SECURITY RESEARCH.—Section 5(c)(7) of the Cyber Security Research and Development Act (15 U.S.C. 7404(c)(7)) is amended—

(1) in subparagraph (D), by striking “and”;

(2) in subparagraph (E), by striking “2007.” and inserting “2007.”; and

(3) by adding at the end the following:

“(F) such funds from amounts made available under section 503 of the America COMPETES Reauthorization Act of 2010 (124 Stat. 4005), as the Secretary finds necessary to carry out the requirements of this subsection for fiscal years 2012 through 2013.”.

**SA 2583.** Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

Beginning on page 192, strike line 11 and all that follows through page 193, line 22.

**SA 2584.** Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 18, strike line 16 and all that follows through page 19, line 2, and insert the following:

(5) LIMITATION.—The Council may not identify critical infrastructure as a category of critical cyber infrastructure under this section based solely on activities protected by the first amendment to the Constitution of the United States.

**SA 2585.** Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the end, add the following:

#### TITLE VIII—CRIMINAL PENALTIES

##### SEC. 801. PENALTIES FOR FRAUD AND RELATED ACTIVITY IN CONNECTION WITH COMPUTERS.

Section 1030(c) of title 18, United States Code, is amended to read as follows:

“(c) The punishment for an offense under subsection (a) or (b) of this section is—

“(1) a fine under this title or imprisonment for not more than 20 years, or both, in the case of an offense under subsection (a)(1) of this section;

“(2)(A) except as provided in subparagraph (B), a fine under this title or imprisonment

for not more than 3 years, or both, in the case of an offense under subsection (a)(2); or

“(B) a fine under this title or imprisonment for not more than ten years, or both, in the case of an offense under subsection (a)(2) of this section, if—

“(i) the offense was committed for purposes of commercial advantage or private financial gain;

“(ii) the offense was committed in the furtherance of any criminal or tortious act in violation of the Constitution or laws of the United States, or of any State; or

“(iii) the value of the information obtained, or that would have been obtained if the offense was completed, exceeds \$5,000;

“(3) a fine under this title or imprisonment for not more than 10 years, or both, in the case of an offense under subsection (a)(3) of this section;

“(4) a fine under this title or imprisonment of not more than 20 years, or both, in the case of an offense under subsection (a)(4) of this section; and

“(5)(A) except as provided in subparagraph (C), a fine under this title, imprisonment for not more than 20 years, or both, in the case of an offense under subsection (a)(5)(A) of this section, if the offense caused—

“(i) loss to 1 or more persons during any 1-year period (and, for purposes of an investigation, prosecution, or other proceeding brought by the United States only, loss resulting from a related course of conduct affecting 1 or more other protected computers) aggregating at least \$5,000 in value;

“(ii) the modification or impairment, or potential modification or impairment, of the medical examination, diagnosis, treatment, or care of 1 or more individuals;

“(iii) physical injury to any person;

“(iv) a threat to public health or safety;

“(v) damage affecting a computer used by, or on behalf of, an entity of the United States Government in furtherance of the administration of justice, national defense, or national security; or

“(vi) damage affecting 10 or more protected computers during any 1-year period;

“(B) a fine under this title, imprisonment for not more than 20 years, or both, in the case of an offense under subsection (a)(5)(B), if the offense caused a harm described in clause (i) through (vi) of subparagraph (A) of this subsection;

“(C) if the offender attempts to cause or knowingly or recklessly causes death from conduct in violation of subsection (a)(5)(A), a fine under this title, imprisonment for any term of years or for life, or both;

“(D) a fine under this title, imprisonment for not more than 10 years, or both, for any other offense under subsection (a)(5);

“(E) a fine under this title or imprisonment for not more than 10 years, or both, in the case of an offense under subsection (a)(6) of this section; or

“(F) a fine under this title or imprisonment for not more than 10 years, or both, in the case of an offense under subsection (a)(7) of this section.”.

##### SEC. 802. TRAFFICKING IN PASSWORDS.

Section 1030(a)(6) of title 18, United States Code, is amended to read as follows:

“(6) knowingly and with intent to defraud traffics (as defined in section 1029) in any password or similar information or means of access through which a protected computer (as defined in subparagraphs (A) and (B) of subsection (e)(2)) may be accessed without authorization; or”.

##### SEC. 803. CONSPIRACY AND ATTEMPTED COMPUTER FRAUD OFFENSES.

Section 1030(b) of title 18, United States Code, is amended by inserting “as if for the

completed offense” after “punished as provided”.

##### SEC. 804. CRIMINAL AND CIVIL FORFEITURE FOR FRAUD AND RELATED ACTIVITY IN CONNECTION WITH COMPUTERS.

Section 1030 of title 18, United States Code, is amended by striking subsections (i) and (j) and inserting the following:

“(i) CRIMINAL FORFEITURE.—

“(1) The court, in imposing sentence on any person convicted of a violation of this section, or convicted of conspiracy to violate this section, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person forfeit to the United States—

“(A) such person’s interest in any property, real or personal, that was used, or intended to be used, to commit or facilitate the commission of such violation; and

“(B) any property, real or personal, constituting or derived from any gross proceeds, or any property traceable to such property, that such person obtained, directly or indirectly, as a result of such violation.

“(2) The criminal forfeiture of property under this subsection, including any seizure and disposition of the property, and any related judicial or administrative proceeding, shall be governed by the provisions of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), except subsection (d) of that section.

“(j) CIVIL FORFEITURE.—

“(1) The following shall be subject to forfeiture to the United States and no property right, real or personal, shall exist in them:

“(A) Any property, real or personal, that was used, or intended to be used, to commit or facilitate the commission of any violation of this section, or a conspiracy to violate this section.

“(B) Any property, real or personal, constituting or derived from any gross proceeds obtained directly or indirectly, or any property traceable to such property, as a result of the commission of any violation of this section, or a conspiracy to violate this section.

“(2) Seizures and forfeitures under this subsection shall be governed by the provisions in chapter 46 relating to civil forfeitures, except that such duties as are imposed on the Secretary of the Treasury under the customs laws described in section 981(d) shall be performed by such officers, agents and other persons as may be designated for that purpose by the Secretary of Homeland Security or the Attorney General.”.

##### SEC. 805. DAMAGE TO CRITICAL INFRASTRUCTURE COMPUTERS.

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by inserting after section 1030 the following:

##### “§ 1030A. Aggravated damage to a critical infrastructure computer

“(a) DEFINITIONS.—In this section—

“(1) the term ‘computer’ has the meaning given the term in section 1030;

“(2) the term ‘critical infrastructure computer’ means a computer that manages or controls systems or assets vital to national defense, national security, national economic security, public health or safety, or any combination of those matters, whether publicly or privately owned or operated, including—

“(A) oil and gas production, storage, conversion, and delivery systems;

“(B) water supply systems;

“(C) telecommunication networks;

“(D) electrical power generation and delivery systems;

“(E) finance and banking systems;

“(F) emergency services;

“(G) transportation systems and services; and

“(H) government operations that provide essential services to the public; and

“(3) the term ‘damage’ has the meaning given the term in section 1030.

“(b) OFFENSE.—It shall be unlawful, during and in relation to a felony violation of section 1030, to knowingly cause or attempt to cause damage to a critical infrastructure computer if the damage results in (or, in the case of an attempt, if completed, would have resulted in) the substantial impairment—

“(1) of the operation of the critical infrastructure computer; or

“(2) of the critical infrastructure associated with the computer.

“(c) PENALTY.—Any person who violates subsection (b) shall be fined under this title, imprisoned for not less than 3 years but not more than 20 years, or both.

“(d) CONSECUTIVE SENTENCE.—Notwithstanding any other provision of law—

“(1) a court shall not place on probation any person convicted of a violation of this section;

“(2) except as provided in paragraph (4), no term of imprisonment imposed on a person under this section shall run concurrently with any other term of imprisonment, including any term of imprisonment imposed on the person under any other provision of law, including any term of imprisonment imposed for a felony violation of section 1030;

“(3) in determining any term of imprisonment to be imposed for a felony violation of section 1030, a court shall not in any way reduce the term to be imposed for such crime so as to compensate for, or otherwise take into account, any separate term of imprisonment imposed or to be imposed for a violation of this section; and

“(4) a term of imprisonment imposed on a person for a violation of this section may, in the discretion of the court, run concurrently, in whole or in part, only with another term of imprisonment that is imposed by the court at the same time on that person for an additional violation of this section, provided that such discretion shall be exercised in accordance with any applicable guidelines and policy statements issued by the United States Sentencing Commission pursuant to section 994 of title 28.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The chapter analysis for chapter 47 of title 18, United States Code, is amended by inserting after the item relating to section 1030 the following:

“1030A. Aggravated damage to a critical infrastructure computer.”.

#### SEC. 806. LIMITATION ON ACTIONS INVOLVING UNAUTHORIZED USE.

Section 1030(e)(6) of title 18, United States Code, is amended by striking “alter;” and inserting “alter, but does not include access in violation of a contractual obligation or agreement, such as an acceptable use policy or terms of service agreement, with an Internet service provider, Internet website, or non-government employer, if such violation constitutes the sole basis for determining that access to a protected computer is unauthorized;”.

#### SEC. 807. NO NEW FUNDING.

An applicable Federal agency shall carry out the provisions of this title with existing facilities and funds otherwise available, through such means as the head of the agency considers appropriate.

**SA 2586.** Mr. McCain submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the

security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 22, strike lines 8 through 18.

**SA 2587.** Mr. McCain submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 30, after line 24, add the following:

(C) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to establish a civil cause of action, or a presumption of negligence in a civil action, against an owner that does not participate in the Voluntary Cybersecurity Program for Critical Infrastructure established under this section.

**SA 2588.** Mr. McCain submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 22, line 10, strike “fails” and all that follows through line 18 and insert “chooses not to propose to the Council cybersecurity practices under subsection (a), not later than 180 days after the date of enactment of this Act the sector coordinating council shall submit a report to the Council explaining why it chose not to propose cybersecurity practices.”.

**SA 2589.** Mr. McCain submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 30, line 8, after “106” insert the following: “and may not be used for other regulatory purposes by the Federal Government or a State or local government”.

**SA 2590.** Mr. McCain submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 21, strike line 8 and all that follows through page 22, line 7, and insert the following:

(B) review relevant regulations or compulsory standards or guidelines; and

(C) review cybersecurity practices proposed under subsection (a) to ensure sufficient protection against cyber risks.

(2) ADOPTION.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Council shall—

(i) adopt any cybersecurity practices proposed under subsection (a) that adequately remediate or mitigate identified cyber risks and any associated consequences identified through an assessment conducted under section 102(a); and

(ii) conduct a cost-benefit analysis in accordance with Executive Order 13563 (5 U.S.C. 601 note; relating to improving regulation

and regulatory review), including sections 1 and 3 of such Executive Order.

**SA 2591.** Mr. McCain submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 16, line 8, after “mechanism” insert “, under which it shall be unlawful for the Federal Government to compel participation,”.

**SA 2592.** Mr. McCain submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

Strike title IV.

**SA 2593.** Mr. McCain submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 10, line 12, after “shall” insert the following: “designate a Federal agency subject to full congressional oversight to”.

**SA 2594.** Mr. McCain submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 20, line 2, after “paragraph (1).” insert the following: “If Congress passes a resolution of disapproval of the identification of a category of critical infrastructure as critical cyber infrastructure, the category shall be removed from the list of identified categories of critical cyber infrastructure and may not be identified as a category of critical cyber infrastructure during the 2 year period beginning on the date on which Congress passes the resolution of disapproval.”.

**SA 2595.** Mr. McCain submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 23, strike line 22 and all that follows through page 24, line 13, and insert the following:

critical infrastructure may not adopt the cybersecurity practices as mandatory requirements.

(B) RULE OF CONSTRUCTION.—Nothing in

**SA 2596.** Mr. McCain submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 13, line 11, insert “In addition, any authority of a Federal agency under another



provision of law to compel owners or operators to provide information to the Federal Government may not be used in furtherance of this Act." after the period.

**SA 2597.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

Strike title I.

**SA 2598.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 16, line 21, strike "and".

On page 16, line 23, strike the period and insert "; and".

On page 16, between lines 23 and 24, insert the following:

(H) submit to the President and the appropriate congressional committees a report, which may be in classified or unclassified form, explaining the methodologies use to identify and results of the identification of categories of critical cyber infrastructure.

**SA 2599.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 24, strike lines 3 through 12 and insert the following:

adopted the cybersecurity practices as mandatory requirements, the Federal agency shall submit to the appropriate congressional committees a report on the reasons the Federal agency did so, including an explanation of how the Federal agency conducted a detailed cost-benefit analysis in accordance with Executive Order 13563 (5 U.S.C. 601 note; relating to improving regulation and regulatory review), including sections 1 and 3 of such Executive Order.

**SA 2600.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

Beginning on page 18, strike line 18 and all that follows through page 19, line 2, and insert the following: "under this section critical infrastructure based solely on activities protected by the first amendment to the Constitution of the United States."

**SA 2601.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 34, strike lines 3 through 19 and insert the following:

(1) provide additional authority for any sector-specific agency or any Federal agency

that is not a sector-specific agency with responsibilities for regulating the security of critical infrastructure to establish standards or other cybersecurity measures that are applicable to the security of critical infrastructure not otherwise authorized by law;

(2) limit or restrict the authority of the Department, or any other Federal agency, under any other provision of law; or

(3) permit any owner (including a certified owner) to fail to comply with any other law or regulation, unless specifically authorized.

**SA 2602.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 173, beginning on line 14, strike "The Secretary of Homeland Security, in consultation with" and insert "The President, in consultation with the Secretary,".

On page 173, line 19, strike "civilian".

On page 174, line 11, strike "CIVILIAN".

On page 174, beginning on line 13, strike "The Secretary, in consultation with" and insert "The President, in consultation with the Secretary,".

On page 174, line 16, strike "civilian".

On page 174, beginning on line 21, strike "civilian".

On page 177, line 2, strike "civilian".

On page 177, line 6, strike "CIVILIAN".

On page 177, beginning on line 8, strike "the Secretary, in consultation with" and insert "the President, in consultation with the Secretary,".

On page 177, line 11, strike "civilian".

On page 177, line 23, strike "the Secretary" and insert "the President".

On page 178, line 21, strike "The Secretary" and insert "The President".

On page 179, beginning on line 6, strike "The Secretary, in coordination with the Director of National Intelligence, the Attorney General, and the Secretary of Defense," and insert "The President".

On page 183, beginning on line 15, strike "the Secretary and approved by the Attorney General" and insert "the President".

On page 184, beginning on line 19, strike "The Secretary, in consultation with privacy and civil liberties experts," and insert "The President, in consultation with privacy and civil liberties experts, the Secretary,".

On page 186, strike lines 16 through 22.

On page 186, line 24, strike "The Secretary" and insert "The President".

On page 187, beginning on line 10, strike "The Secretary and the Attorney General" and insert "The President, in consultation with the Secretary and the Attorney General,".

On page 187, beginning on line 20, strike "the Secretary and approved by the Attorney General" and insert "the President".

On page 187, beginning on line 23, strike "the Attorney General" and insert "the President".

On page 188, line 1, strike "the Attorney General" and insert "the President".

On page 188, line 3, strike "the Attorney General" and insert "the President".

On page 202, beginning on line 21, strike "the Secretary, the Director of National Intelligence, the Attorney General, and the Secretary of Defense shall jointly" and insert "the President, in consultation with the Secretary, the Director of National Intelligence, the Attorney General, and the Secretary of Defense, shall".

**SA 2603.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 173, beginning on line 14, strike "The Secretary of Homeland Security, in consultation with" and insert "The President, in consultation with the Secretary,".

On page 173, line 19, strike "civilian".

On page 174, line 11, strike "CIVILIAN".

On page 174, beginning on line 13, strike "The Secretary, in consultation with" and insert "The President, in consultation with the Secretary,".

On page 174, line 16, strike "civilian".

On page 174, beginning on line 21, strike "civilian".

On page 177, line 2, strike "civilian".

On page 177, line 6, strike "CIVILIAN".

On page 177, beginning on line 8, strike "the Secretary, in consultation with" and insert "the President, in consultation with the Secretary,".

On page 177, line 11, strike "civilian".

On page 177, line 23, strike "the Secretary" and insert "the President".

On page 178, line 21, strike "The Secretary" and insert "The President".

On page 179, beginning on line 6, strike "The Secretary, in coordination with the Director of National Intelligence, the Attorney General, and the Secretary of Defense," and insert "The President".

On page 183, beginning on line 15, strike "the Secretary and approved by the Attorney General" and insert "the President".

On page 184, beginning on line 19, strike "The Secretary, in consultation with privacy and civil liberties experts," and insert "The President, in consultation with privacy and civil liberties experts, the Secretary,".

On page 186, strike lines 16 through 22.

On page 186, line 24, strike "The Secretary" and insert "The President".

On page 187, beginning on line 10, strike "The Secretary and the Attorney General" and insert "The President, in consultation with the Secretary and the Attorney General,".

On page 187, beginning on line 20, strike "the Secretary and approved by the Attorney General" and insert "the President".

On page 187, beginning on line 23, strike "the Attorney General" and insert "the President".

On page 188, line 1, strike "the Attorney General" and insert "the President".

On page 188, line 3, strike "the Attorney General" and insert "the President".

On page 199, strike lines 12 through 17.

On page 202, beginning on line 21, strike "the Secretary, the Director of National Intelligence, the Attorney General, and the Secretary of Defense shall jointly" and insert "the President, in consultation with the Secretary, the Director of National Intelligence, the Attorney General, and the Secretary of Defense, shall".

**SA 2604.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

**SEC. 111. SUNSET.**

This title is repealed effective on the date that is 4 years after the date of enactment of this Act.



**SA 2605.** Mr. MCCAIN (for himself, Mrs. HUTCHISON, Mr. CHAMBLISS, Mr. GRASSLEY, Ms. MURKOWSKI, Mr. COATS, Mr. BURR, and Mr. JOHNSON of Wisconsin) submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “Strengthening and Enhancing Cybersecurity by Using Research, Education, Information, and Technology Act of 2012” or “SECURE IT”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

**TITLE I—FACILITATING SHARING OF CYBER THREAT INFORMATION**

Sec. 101. Definitions.

Sec. 102. Authorization to share cyber threat information.

Sec. 103. Information sharing by the Federal government.

Sec. 104. Construction.

Sec. 105. Report on implementation.

Sec. 106. Inspector General review.

Sec. 107. Technical amendments.

Sec. 108. Access to classified information.

**TITLE II—COORDINATION OF FEDERAL INFORMATION SECURITY POLICY**

Sec. 201. Coordination of Federal information security policy.

Sec. 202. Management of information technology.

Sec. 203. No new funding.

Sec. 204. Technical and conforming amendments.

Sec. 205. Clarification of authorities.

**TITLE III—CRIMINAL PENALTIES**

Sec. 301. Penalties for fraud and related activity in connection with computers.

Sec. 302. Trafficking in passwords.

Sec. 303. Conspiracy and attempted computer fraud offenses.

Sec. 304. Criminal and civil forfeiture for fraud and related activity in connection with computers.

Sec. 305. Damage to critical infrastructure computers.

Sec. 306. Limitation on actions involving unauthorized use.

Sec. 307. No new funding.

**TITLE IV—CYBERSECURITY RESEARCH AND DEVELOPMENT**

Sec. 401. National High-Performance Computing Program planning and coordination.

Sec. 402. Research in areas of national importance.

Sec. 403. Program improvements.

Sec. 404. Improving education of networking and information technology, including high performance computing.

Sec. 405. Conforming and technical amendments to the High-Performance Computing Act of 1991.

Sec. 406. Federal cyber scholarship-for-service program.

Sec. 407. Study and analysis of certification and training of information infrastructure professionals.

Sec. 408. International cybersecurity technical standards.

Sec. 409. Identity management research and development.

Sec. 410. Federal cybersecurity research and development.

**TITLE I—FACILITATING SHARING OF CYBER THREAT INFORMATION**

**SEC. 101. DEFINITIONS.**

In this title:

(1) **AGENCY.**—The term “agency” has the meaning given the term in section 3502 of title 44, United States Code.

(2) **ANTITRUST LAWS.**—The term “antitrust laws”—

(A) has the meaning given the term in section 1(a) of the Clayton Act (15 U.S.C. 12(a));

(B) includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent that section 5 of that Act applies to unfair methods of competition; and

(C) includes any State law that has the same intent and effect as the laws under subparagraphs (A) and (B).

(3) **COUNTERMEASURE.**—The term “countermeasure” means an automated or a manual action with defensive intent to mitigate cyber threats.

(4) **CYBER THREAT INFORMATION.**—The term “cyber threat information” means information that indicates or describes—

(A) a technical or operation vulnerability or a cyber threat mitigation measure;

(B) an action or operation to mitigate a cyber threat;

(C) malicious reconnaissance, including anomalous patterns of network activity that appear to be transmitted for the purpose of gathering technical information related to a cybersecurity threat;

(D) a method of defeating a technical control;

(E) a method of defeating an operational control;

(F) network activity or protocols known to be associated with a malicious cyber actor or that signify malicious cyber intent;

(G) a method of causing a user with legitimate access to an information system or information that is stored on, processed by, or transiting an information system to inadvertently enable the defeat of a technical or operational control;

(H) any other attribute of a cybersecurity threat or cyber defense information that would foster situational awareness of the United States cybersecurity posture, if disclosure of such attribute or information is not otherwise prohibited by law;

(I) the actual or potential harm caused by a cyber incident, including information exfiltrated when it is necessary in order to identify or describe a cybersecurity threat; or

(J) any combination of subparagraphs (A) through (I).

(5) **CYBERSECURITY CENTER.**—The term “cybersecurity center” means the Department of Defense Cyber Crime Center, the Intelligence Community Incident Response Center, the United States Cyber Command Joint Operations Center, the National Cyber Investigative Joint Task Force, the National Security Agency/Central Security Service Threat Operations Center, the National Cybersecurity and Communications Integration Center, and any successor center.

(6) **CYBERSECURITY SYSTEM.**—The term “cybersecurity system” means a system designed or employed to ensure the integrity, confidentiality, or availability of, or to safeguard, a system or network, including measures intended to protect a system or network from—

(A) efforts to degrade, disrupt, or destroy such system or network; or

(B) theft or misappropriations of private or government information, intellectual property, or personally identifiable information.

(7) **ENTITY.**—

(A) **IN GENERAL.**—The term “entity” means any private entity, non-Federal government agency or department, or State, tribal, or local government agency or department (including an officer, employee, or agent thereof).

(B) **INCLUSIONS.**—The term “entity” includes a government agency or department (including an officer, employee, or agent thereof) of the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and any other territory or possession of the United States.

(8) **FEDERAL INFORMATION SYSTEM.**—The term “Federal information system” means an information system of a Federal department or agency used or operated by an executive agency, by a contractor of an executive agency, or by another organization on behalf of an executive agency.

(9) **INFORMATION SECURITY.**—The term “information security” means protecting information and information systems from disruption or unauthorized access, use, disclosure, modification, or destruction in order to provide—

(A) integrity, by guarding against improper information modification or destruction, including by ensuring information non-repudiation and authenticity;

(B) confidentiality, by preserving authorized restrictions on access and disclosure, including means for protecting personal privacy and proprietary information; or

(C) availability, by ensuring timely and reliable access to and use of information.

(10) **INFORMATION SYSTEM.**—The term “information system” has the meaning given the term in section 3502 of title 44, United States Code.

(11) **LOCAL GOVERNMENT.**—The term “local government” means any borough, city, county, parish, town, township, village, or other general purpose political subdivision of a State.

(12) **MALICIOUS RECONNAISSANCE.**—The term “malicious reconnaissance” means a method for actively probing or passively monitoring an information system for the purpose of discerning technical vulnerabilities of the information system, if such method is associated with a known or suspected cybersecurity threat.

(13) **OPERATIONAL CONTROL.**—The term “operational control” means a security control for an information system that primarily is implemented and executed by people.

(14) **OPERATIONAL VULNERABILITY.**—The term “operational vulnerability” means any attribute of policy, process, or procedure that could enable or facilitate the defeat of an operational control.

(15) **PRIVATE ENTITY.**—The term “private entity” means any individual or any private group, organization, or corporation, including an officer, employee, or agent thereof.

(16) **SIGNIFICANT CYBER INCIDENT.**—The term “significant cyber incident” means a cyber incident resulting in, or an attempted cyber incident that, if successful, would have resulted in—

(A) the exfiltration from a Federal information system of data that is essential to the operation of the Federal information system; or

(B) an incident in which an operational or technical control essential to the security or operation of a Federal information system was defeated.

(17) **TECHNICAL CONTROL.**—The term “technical control” means a hardware or software restriction on, or audit of, access or use of an information system or information that is stored on, processed by, or transiting an information system that is intended to ensure the confidentiality, integrity, or availability of that system.

(18) **TECHNICAL VULNERABILITY.**—The term “technical vulnerability” means any attribute of hardware or software that could enable or facilitate the defeat of a technical control.

(19) **TRIBAL.**—The term “tribal” has the meaning given the term “Indian tribe” in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

## **SEC. 102. AUTHORIZATION TO SHARE CYBER THREAT INFORMATION.**

### **(a) VOLUNTARY DISCLOSURE.—**

(1) **PRIVATE ENTITIES.**—Notwithstanding any other provision of law, a private entity may, for the purpose of preventing, investigating, or otherwise mitigating threats to information security, on its own networks, or as authorized by another entity, on such entity’s networks, employ countermeasures and use cybersecurity systems in order to obtain, identify, or otherwise possess cyber threat information.

(2) **ENTITIES.**—Notwithstanding any other provision of law, an entity may disclose cyber threat information to—

(A) a cybersecurity center; or

(B) any other entity in order to assist with preventing, investigating, or otherwise mitigating threats to information security.

(3) **INFORMATION SECURITY PROVIDERS.**—If the cyber threat information described in paragraph (1) is obtained, identified, or otherwise possessed in the course of providing information security products or services under contract to another entity, that entity shall be given, at any time prior to disclosure of such information, a reasonable opportunity to authorize or prevent such disclosure, to request anonymization of such information, or to request that reasonable efforts be made to safeguard such information that identifies specific persons from unauthorized access or disclosure.

### **(b) SIGNIFICANT CYBER INCIDENTS INVOLVING FEDERAL INFORMATION SYSTEMS.—**

(1) **IN GENERAL.**—An entity providing electronic communication services, remote computing services, or information security services to a Federal department or agency shall inform the Federal department or agency of a significant cyber incident involving the Federal information system of that Federal department or agency that—

(A) is directly known to the entity as a result of providing such services;

(B) is directly related to the provision of such services by the entity; and

(C) as determined by the entity, has impeded or will impede the performance of a critical mission of the Federal department or agency.

(2) **ADVANCE COORDINATION.**—A Federal department or agency receiving the services described in paragraph (1) shall coordinate in advance with an entity described in paragraph (1) to develop the parameters of any information that may be provided under paragraph (1), including clarification of the type of significant cyber incident that will impede the performance of a critical mission of the Federal department or agency.

(3) **REPORT.**—A Federal department or agency shall report information provided under this subsection to a cybersecurity center.

(4) **CONSTRUCTION.**—Any information provided to a cybersecurity center under paragraph (3) shall be treated in the same manner as information provided to a cybersecurity center under subsection (a).

(c) **INFORMATION SHARED WITH OR PROVIDED TO A CYBERSECURITY CENTER.**—Cyber threat information provided to a cybersecurity center under this section—

(1) may be disclosed to, retained by, and used by, consistent with otherwise applicable Federal law, any Federal agency or department, component, officer, employee, or agent of the Federal government for a cybersecurity purpose, a national security purpose, or in order to prevent, investigate, or prosecute any of the offenses listed in section 2516 of title 18, United States Code, and such information shall not be disclosed to, retained by, or used by any Federal agency or department for any use not permitted under this paragraph;

(2) may, with the prior written consent of the entity submitting such information, be disclosed to and used by a State, tribal, or local government or government agency for the purpose of protecting information systems, or in furtherance of preventing, investigating, or prosecuting a criminal act, except that if the need for immediate disclosure prevents obtaining written consent, such consent may be provided orally with subsequent documentation of such consent;

(3) shall be considered the commercial, financial, or proprietary information of the entity providing such information to the Federal government and any disclosure outside the Federal government may only be made upon the prior written consent by such entity and shall not constitute a waiver of any applicable privilege or protection provided by law, except that if the need for immediate disclosure prevents obtaining written consent, such consent may be provided orally with subsequent documentation of such consent;

(4) shall be deemed voluntarily shared information and exempt from disclosure under section 552 of title 5, United States Code, and any State, tribal, or local law requiring disclosure of information or records;

(5) shall be, without discretion, withheld from the public under section 552(b)(3)(B) of title 5, United States Code, and any State, tribal, or local law requiring disclosure of information or records;

(6) shall not be subject to the rules of any Federal agency or department or any judicial doctrine regarding ex parte communications with a decision-making official;

(7) shall not, if subsequently provided to a State, tribal, or local government or government agency, otherwise be disclosed or distributed to any entity by such State, tribal, or local government or government agency without the prior written consent of the entity submitting such information, notwithstanding any State, tribal, or local law requiring disclosure of information or records, except that if the need for immediate disclosure prevents obtaining written consent, such consent may be provided orally with subsequent documentation of such consent; and

(8) shall not be directly used by any Federal, State, tribal, or local department or agency to regulate the lawful activities of an entity, including activities relating to obtaining, identifying, or otherwise possessing cyber threat information, except that the procedures required to be developed and implemented under this title shall not be considered regulations within the meaning of this paragraph.

(d) **PROCEDURES RELATING TO INFORMATION SHARING WITH A CYBERSECURITY CENTER.**—Not later than 60 days after the date of enactment of this Act, the heads of each department or agency containing a cybersecurity center shall jointly develop, promulgate, and submit to Congress procedures to ensure that cyber threat information shared with or provided to—

(1) a cybersecurity center under this section—

(A) may be submitted to a cybersecurity center by an entity, to the greatest extent possible, through a uniform, publicly available process or format that is easily accessible on the website of such cybersecurity center, and that includes the ability to provide relevant details about the cyber threat information and written consent to any subsequent disclosures authorized by this paragraph;

(B) shall immediately be further shared with each cybersecurity center in order to prevent, investigate, or otherwise mitigate threats to information security across the Federal government;

(C) is handled by the Federal government in a reasonable manner, including consideration of the need to protect the privacy and civil liberties of individuals through anonymization or other appropriate methods, while fully accomplishing the objectives of this title, and the Federal government may undertake efforts consistent with this subparagraph to limit the impact on privacy and civil liberties of the sharing of cyber threat information with the Federal government; and

(D) except as provided in this section, shall only be used, disclosed, or handled in accordance with the provisions of subsection (c); and

(2) a Federal agency or department under subsection (b) is provided immediately to a cybersecurity center in order to prevent, investigate, or otherwise mitigate threats to information security across the Federal government.

### **(e) INFORMATION SHARED BETWEEN ENTITIES.—**

(1) **IN GENERAL.**—An entity sharing cyber threat information with another entity under this title may restrict the use or sharing of such information by such other entity.

(2) **FURTHER SHARING.**—Cyber threat information shared by any entity with another entity under this title—

(A) shall only be further shared in accordance with any restrictions placed on the sharing of such information by the entity authorizing such sharing, such as appropriate anonymization of such information; and

(B) may not be used by any entity to gain an unfair competitive advantage to the detriment of the entity authorizing the sharing of such information, except that the conduct described in paragraph (3) shall not constitute unfair competitive conduct.

(3) **INFORMATION SHARED WITH STATE, TRIBAL, OR LOCAL GOVERNMENT OR GOVERNMENT AGENCY.**—Cyber threat information shared with a State, tribal, or local government or government agency under this title—

(A) may, with the prior written consent of the entity sharing such information, be disclosed to and used by a State, tribal, or local government or government agency for the purpose of protecting information systems, or in furtherance of preventing, investigating, or prosecuting a criminal act, except if the need for immediate disclosure prevents obtaining written consent, consent may be provided orally with subsequent documentation of the consent;

(B) shall be deemed voluntarily shared information and exempt from disclosure under any State, tribal, or local law requiring disclosure of information or records;

(C) shall not be disclosed or distributed to any entity by the State, tribal, or local government or government agency without the prior written consent of the entity submitting such information, notwithstanding any State, tribal, or local law requiring disclosure of information or records, except if the need for immediate disclosure prevents obtaining written consent, consent may be provided orally with subsequent documentation of the consent; and

(D) shall not be directly used by any State, tribal, or local department or agency to regulate the lawful activities of an entity, including activities relating to obtaining, identifying, or otherwise possessing cyber threat information, except that the procedures required to be developed and implemented under this title shall not be considered regulations within the meaning of this subparagraph.

(4) **ANTITRUST EXEMPTION.**—The exchange or provision of cyber threat information or assistance between 2 or more private entities under this title shall not be considered a violation of any provision of antitrust laws if exchanged or provided in order to assist with—

(A) facilitating the prevention, investigation, or mitigation of threats to information security; or

(B) communicating or disclosing of cyber threat information to help prevent, investigate or otherwise mitigate the effects of a threat to information security.

(5) **NO RIGHT OR BENEFIT.**—The provision of cyber threat information to an entity under this section shall not create a right or a benefit to similar information by such entity or any other entity.

(f) **FEDERAL PREEMPTION.**—

(1) **IN GENERAL.**—This section supersedes any statute or other law of a State or political subdivision of a State that restricts or otherwise expressly regulates an activity authorized under this section.

(2) **STATE LAW ENFORCEMENT.**—Nothing in this section shall be construed to supersede any statute or other law of a State or political subdivision of a State concerning the use of authorized law enforcement techniques.

(3) **PUBLIC DISCLOSURE.**—No information shared with or provided to a State, tribal, or local government or government agency pursuant to this section shall be made publicly available pursuant to any State, tribal, or local law requiring disclosure of information or records.

(g) **CIVIL AND CRIMINAL LIABILITY.**—

(1) **GENERAL PROTECTIONS.**—

(A) **PRIVATE ENTITIES.**—No cause of action shall lie or be maintained in any court against any private entity for—

(i) the use of countermeasures and cybersecurity systems as authorized by this title;

(ii) the use, receipt, or disclosure of any cyber threat information as authorized by this title; or

(iii) the subsequent actions or inactions of any lawful recipient of cyber threat information provided by such private entity.

(B) **ENTITIES.**—No cause of action shall lie or be maintained in any court against any entity for—

(i) the use, receipt, or disclosure of any cyber threat information as authorized by this title; or

(ii) the subsequent actions or inactions of any lawful recipient of cyber threat information provided by such entity.

(2) **CONSTRUCTION.**—Nothing in this subsection shall be construed as creating any immunity against, or otherwise affecting, any action brought by the Federal government, or any agency or department thereof, to enforce any law, executive order, or procedure governing the appropriate handling, disclosure, and use of classified information.

(h) **OTHERWISE LAWFUL DISCLOSURES.**—Nothing in this section shall be construed to limit or prohibit otherwise lawful disclosures of communications, records, or other information by a private entity to any other governmental or private entity not covered under this section.

(i) **WHISTLEBLOWER PROTECTION.**—Nothing in this Act shall be construed to preempt or preclude any employee from exercising rights currently provided under any whistleblower law, rule, or regulation.

(j) **RELATIONSHIP TO OTHER LAWS.**—The submission of cyber threat information under this section to a cybersecurity center shall not affect any requirement under any other provision of law for an entity to provide information to the Federal government.

#### **SEC. 103. INFORMATION SHARING BY THE FEDERAL GOVERNMENT.**

(a) **CLASSIFIED INFORMATION.**—

(1) **PROCEDURES.**—Consistent with the protection of intelligence sources and methods, and as otherwise determined appropriate, the Director of National Intelligence and the Secretary of Defense, in consultation with the heads of the appropriate Federal departments or agencies, shall develop and promulgate procedures to facilitate and promote—

(A) the immediate sharing, through the cybersecurity centers, of classified cyber threat information in the possession of the Federal government with appropriately cleared representatives of any appropriate entity; and

(B) the declassification and immediate sharing, through the cybersecurity centers, with any entity or, if appropriate, public availability of cyber threat information in the possession of the Federal government;

(2) **HANDLING OF CLASSIFIED INFORMATION.**—The procedures developed under paragraph (1) shall ensure that each entity receiving classified cyber threat information pursuant to this section has acknowledged in writing the ongoing obligation to comply with all laws, executive orders, and procedures concerning the appropriate handling, disclosure, or use of classified information.

(b) **UNCLASSIFIED CYBER THREAT INFORMATION.**—The heads of each department or agency containing a cybersecurity center shall jointly develop and promulgate procedures that ensure that, consistent with the provisions of this section, unclassified, including controlled unclassified, cyber threat information in the possession of the Federal government—

(1) is shared, through the cybersecurity centers, in an immediate and adequate manner with appropriate entities; and

(2) if appropriate, is made publicly available.

(c) **DEVELOPMENT OF PROCEDURES.**—

(1) **IN GENERAL.**—The procedures developed under this section shall incorporate, to the greatest extent possible, existing processes utilized by sector specific information sharing and analysis centers.

(2) **COORDINATION WITH ENTITIES.**—In developing the procedures required under this section, the Director of National Intelligence and the heads of each department or agency containing a cybersecurity center shall coordinate with appropriate entities to ensure that protocols are implemented that will fa-

cilitate and promote the sharing of cyber threat information by the Federal government.

(d) **ADDITIONAL RESPONSIBILITIES OF CYBERSECURITY CENTERS.**—Consistent with section 102, a cybersecurity center shall—

(1) facilitate information sharing, interaction, and collaboration among and between cybersecurity centers and—

(A) other Federal entities;

(B) any entity; and

(C) international partners, in consultation with the Secretary of State;

(2) disseminate timely and actionable cybersecurity threat, vulnerability, mitigation, and warning information, including alerts, advisories, indicators, signatures, and mitigation and response measures, to improve the security and protection of information systems; and

(3) coordinate with other Federal entities, as appropriate, to integrate information from across the Federal government to provide situational awareness of the cybersecurity posture of the United States.

(e) **SHARING WITHIN THE FEDERAL GOVERNMENT.**—The heads of appropriate Federal departments and agencies shall ensure that cyber threat information in the possession of such Federal departments or agencies that relates to the prevention, investigation, or mitigation of threats to information security across the Federal government is shared effectively with the cybersecurity centers.

(f) **SUBMISSION TO CONGRESS.**—Not later than 60 days after the date of enactment of this Act, the Director of National Intelligence, in coordination with the appropriate head of a department or an agency containing a cybersecurity center, shall submit the procedures required by this section to Congress.

#### **SEC. 104. CONSTRUCTION.**

(a) **INFORMATION SHARING RELATIONSHIPS.**—Nothing in this title shall be construed—

(1) to limit or modify an existing information sharing relationship;

(2) to prohibit a new information sharing relationship;

(3) to require a new information sharing relationship between any entity and the Federal government, except as specified under section 102(b); or

(4) to modify the authority of a department or agency of the Federal government to protect sources and methods and the national security of the United States.

(b) **ANTI-TASKING RESTRICTION.**—Nothing in this title shall be construed to permit the Federal government—

(1) to require an entity to share information with the Federal government, except as expressly provided under section 102(b); or

(2) to condition the sharing of cyber threat information with an entity on such entity's provision of cyber threat information to the Federal government.

(c) **NO LIABILITY FOR NON-PARTICIPATION.**—Nothing in this title shall be construed to subject any entity to liability for choosing not to engage in the voluntary activities authorized under this title.

(d) **USE AND RETENTION OF INFORMATION.**—Nothing in this title shall be construed to authorize, or to modify any existing authority of, a department or agency of the Federal government to retain or use any information shared under section 102 for any use other than a use permitted under subsection 102(c)(1).

(e) **NO NEW FUNDING.**—An applicable Federal agency shall carry out the provisions of this title with existing facilities and funds otherwise available, through such means as the head of the agency considers appropriate.

**SEC. 105. REPORT ON IMPLEMENTATION.**

(a) **CONTENT OF REPORT.**—Not later than 1 year after the date of enactment of this Act, and biennially thereafter, the heads of each department or agency containing a cybersecurity center shall jointly submit, in coordination with the privacy and civil liberties officials of such departments or agencies and the Privacy and Civil Liberties Oversight Board, a detailed report to Congress concerning the implementation of this title, including—

(1) an assessment of the sufficiency of the procedures developed under section 103 of this Act in ensuring that cyber threat information in the possession of the Federal government is provided in an immediate and adequate manner to appropriate entities or, if appropriate, is made publicly available;

(2) an assessment of whether information has been appropriately classified and an accounting of the number of security clearances authorized by the Federal government for purposes of this title;

(3) a review of the type of cyber threat information shared with a cybersecurity center under section 102 of this Act, including whether such information meets the definition of cyber threat information under section 101, the degree to which such information may impact the privacy and civil liberties of individuals, any appropriate metrics to determine any impact of the sharing of such information with the Federal government on privacy and civil liberties, and the adequacy of any steps taken to reduce such impact;

(4) a review of actions taken by the Federal government based on information provided to a cybersecurity center under section 102 of this Act, including the appropriateness of any subsequent use under section 102(c)(1) of this Act and whether there was inappropriate stovepiping within the Federal government of any such information;

(5) a description of any violations of the requirements of this title by the Federal government;

(6) a classified list of entities that received classified information from the Federal government under section 103 of this Act and a description of any indication that such information may not have been appropriately handled;

(7) a summary of any breach of information security, if known, attributable to a specific failure by any entity or the Federal government to act on cyber threat information in the possession of such entity or the Federal government that resulted in substantial economic harm or injury to a specific entity or the Federal government; and

(8) any recommendation for improvements or modifications to the authorities under this title.

(b) **FORM OF REPORT.**—The report under subsection (a) shall be submitted in unclassified form, but shall include a classified annex.

**SEC. 106. INSPECTOR GENERAL REVIEW.**

(a) **IN GENERAL.**—The Council of the Inspectors General on Integrity and Efficiency are authorized to review compliance by the cybersecurity centers, and by any Federal department or agency receiving cyber threat information from such cybersecurity centers, with the procedures required under section 102 of this Act.

(b) **SCOPE OF REVIEW.**—The review under subsection (a) shall consider whether the Federal government has handled such cyber threat information in a reasonable manner, including consideration of the need to protect the privacy and civil liberties of individ-

uals through anonymization or other appropriate methods, while fully accomplishing the objectives of this title.

(c) **REPORT TO CONGRESS.**—Each review conducted under this section shall be provided to Congress not later than 30 days after the date of completion of the review.

**SEC. 107. TECHNICAL AMENDMENTS.**

Section 552(b) of title 5, United States Code, is amended—

(1) in paragraph (8), by striking “or”;

(2) in paragraph (9), by striking “wells,” and inserting “wells; or”; and

(3) by adding at the end the following:

“(10) information shared with or provided to a cybersecurity center under section 102 of title I of the Strengthening and Enhancing Cybersecurity by Using Research, Education, Information, and Technology Act of 2012.”.

**SEC. 108. ACCESS TO CLASSIFIED INFORMATION.**

(a) **AUTHORIZATION REQUIRED.**—No person shall be provided with access to classified information (as defined in section 6.1 of Executive Order 13526 (50 U.S.C. 435 note; relating to classified national security information)) relating to cyber security threats or cyber security vulnerabilities under this title without the appropriate security clearances.

(b) **SECURITY CLEARANCES.**—The appropriate Federal agencies or departments shall, consistent with applicable procedures and requirements, and if otherwise deemed appropriate, assist an individual in timely obtaining an appropriate security clearance where such individual has been determined to be eligible for such clearance and has a need-to-know (as defined in section 6.1 of that Executive Order) classified information to carry out this title.

**TITLE II—COORDINATION OF FEDERAL INFORMATION SECURITY POLICY****SEC. 201. COORDINATION OF FEDERAL INFORMATION SECURITY POLICY.**

(a) **IN GENERAL.**—Chapter 35 of title 44, United States Code, is amended by striking subchapters II and III and inserting the following:

**“SUBCHAPTER II—INFORMATION SECURITY****“§ 3551. Purposes**

“The purposes of this subchapter are—

“(1) to provide a comprehensive framework for ensuring the effectiveness of information security controls over information resources that support Federal operations and assets;

“(2) to recognize the highly networked nature of the current Federal computing environment and provide effective government-wide management of policies, directives, standards, and guidelines, as well as effective and nimble oversight of and response to information security risks, including coordination of information security efforts throughout the Federal civilian, national security, and law enforcement communities;

“(3) to provide for development and maintenance of controls required to protect agency information and information systems and contribute to the overall improvement of agency information security posture;

“(4) to provide for the development of tools and methods to assess and respond to real-time situational risk for Federal information system operations and assets; and

“(5) to provide a mechanism for improving agency information security programs through continuous monitoring of agency information systems and streamlined reporting requirements rather than overly prescriptive manual reporting.

**“§ 3552. Definitions**

“In this subchapter:

“(1) **ADEQUATE SECURITY.**—The term ‘adequate security’ means security commensurate with the risk and magnitude of the harm resulting from the unauthorized access to or loss, misuse, destruction, or modification of information.

“(2) **AGENCY.**—The term ‘agency’ has the meaning given the term in section 3502 of title 44.

“(3) **CYBERSECURITY CENTER.**—The term ‘cybersecurity center’ means the Department of Defense Cyber Crime Center, the Intelligence Community Incident Response Center, the United States Cyber Command Joint Operations Center, the National Cyber Investigative Joint Task Force, the National Security Agency/Central Security Service Threat Operations Center, the National Cybersecurity and Communications Integration Center, and any successor center.

“(4) **CYBER THREAT INFORMATION.**—The term ‘cyber threat information’ means information that indicates or describes—

“(A) a technical or operation vulnerability or a cyber threat mitigation measure;

“(B) an action or operation to mitigate a cyber threat;

“(C) malicious reconnaissance, including anomalous patterns of network activity that appear to be transmitted for the purpose of gathering technical information related to a cybersecurity threat;

“(D) a method of defeating a technical control;

“(E) a method of defeating an operational control;

“(F) network activity or protocols known to be associated with a malicious cyber actor or that signify malicious cyber intent;

“(G) a method of causing a user with legitimate access to an information system or information that is stored on, processed by, or transiting an information system to inadvertently enable the defeat of a technical or operational control;

“(H) any other attribute of a cybersecurity threat or cyber defense information that would foster situational awareness of the United States cybersecurity posture, if disclosure of such attribute or information is not otherwise prohibited by law;

“(I) the actual or potential harm caused by a cyber incident, including information exfiltrated when it is necessary in order to identify or describe a cybersecurity threat; or

“(J) any combination of subparagraphs (A) through (I).

“(5) **DIRECTOR.**—The term ‘Director’ means the Director of the Office of Management and Budget unless otherwise specified.

“(6) **ENVIRONMENT OF OPERATION.**—The term ‘environment of operation’ means the information system and environment in which those systems operate, including changing threats, vulnerabilities, technologies, and missions and business practices.

“(7) **FEDERAL INFORMATION SYSTEM.**—The term ‘Federal information system’ means an information system used or operated by an executive agency, by a contractor of an executive agency, or by another organization on behalf of an executive agency.

“(8) **INCIDENT.**—The term ‘incident’ means an occurrence that—

“(A) actually or imminently jeopardizes the integrity, confidentiality, or availability of an information system or the information that system controls, processes, stores, or transmits; or

“(B) constitutes a violation of law or an imminent threat of violation of a law, a security policy, a security procedure, or an acceptable use policy.

“(9) INFORMATION RESOURCES.—The term ‘information resources’ has the meaning given the term in section 3502 of title 44.

“(10) INFORMATION SECURITY.—The term ‘information security’ means protecting information and information systems from disruption or unauthorized access, use, disclosure, modification, or destruction in order to provide—

“(A) integrity, by guarding against improper information modification or destruction, including by ensuring information non-repudiation and authenticity;

“(B) confidentiality, by preserving authorized restrictions on access and disclosure, including means for protecting personal privacy and proprietary information; or

“(C) availability, by ensuring timely and reliable access to and use of information.

“(11) INFORMATION SYSTEM.—The term ‘information system’ has the meaning given the term in section 3502 of title 44.

“(12) INFORMATION TECHNOLOGY.—The term ‘information technology’ has the meaning given the term in section 11101 of title 40.

“(13) MALICIOUS RECONNAISSANCE.—The term ‘malicious reconnaissance’ means a method for actively probing or passively monitoring an information system for the purpose of discerning technical vulnerabilities of the information system, if such method is associated with a known or suspected cybersecurity threat.

“(14) NATIONAL SECURITY SYSTEM.—

“(A) IN GENERAL.—The term ‘national security system’ means any information system (including any telecommunications system) used or operated by an agency or by a contractor of an agency, or other organization on behalf of an agency—

“(i) the function, operation, or use of which—

“(I) involves intelligence activities;

“(II) involves cryptologic activities related to national security;

“(III) involves command and control of military forces;

“(IV) involves equipment that is an integral part of a weapon or weapons system; or

“(V) subject to subparagraph (B), is critical to the direct fulfillment of military or intelligence missions; or

“(ii) is protected at all times by procedures established for information that have been specifically authorized under criteria established by an Executive Order or an Act of Congress to be kept classified in the interest of national defense or foreign policy.

“(B) LIMITATION.—Subparagraph (A)(i)(V) does not include a system that is to be used for routine administrative and business applications (including payroll, finance, logistics, and personnel management applications).

“(15) OPERATIONAL CONTROL.—The term ‘operational control’ means a security control for an information system that primarily is implemented and executed by people.

“(16) PERSON.—The term ‘person’ has the meaning given the term in section 3502 of title 44.

“(17) SECRETARY.—The term ‘Secretary’ means the Secretary of Commerce unless otherwise specified.

“(18) SECURITY CONTROL.—The term ‘security control’ means the management, operational, and technical controls, including safeguards or countermeasures, prescribed for an information system to protect the confidentiality, integrity, and availability of the system and its information.

“(19) SIGNIFICANT CYBER INCIDENT.—The term ‘significant cyber incident’ means a

cyber incident resulting in, or an attempted cyber incident that, if successful, would have resulted in—

“(A) the exfiltration from a Federal information system of data that is essential to the operation of the Federal information system; or

“(B) an incident in which an operational or technical control essential to the security or operation of a Federal information system was defeated.

“(20) TECHNICAL CONTROL.—The term ‘technical control’ means a hardware or software restriction on, or audit of, access or use of an information system or information that is stored on, processed by, or transiting an information system that is intended to ensure the confidentiality, integrity, or availability of that system.

#### “§ 3553. Federal information security authority and coordination

“(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Homeland Security, shall—

“(1) issue compulsory and binding policies and directives governing agency information security operations, and require implementation of such policies and directives, including—

“(A) policies and directives consistent with the standards and guidelines promulgated under section 11331 of title 40 to identify and provide information security protections prioritized and commensurate with the risk and impact resulting from the unauthorized access, use, disclosure, disruption, modification, or destruction of—

“(i) information collected or maintained by or on behalf of an agency; or

“(ii) information systems used or operated by an agency or by a contractor of an agency or other organization on behalf of an agency;

“(B) minimum operational requirements for Federal Government to protect agency information systems and provide common situational awareness across all agency information systems;

“(C) reporting requirements, consistent with relevant law, regarding information security incidents and cyber threat information;

“(D) requirements for agencywide information security programs;

“(E) performance requirements and metrics for the security of agency information systems;

“(F) training requirements to ensure that agencies are able to fully and timely comply with the policies and directives issued by the Secretary under this subchapter;

“(G) training requirements regarding privacy, civil rights, and civil liberties, and information oversight for agency information security personnel;

“(H) requirements for the annual reports to the Secretary under section 3554(d);

“(I) any other information security operations or information security requirements as determined by the Secretary in coordination with relevant agency heads; and

“(J) coordinating the development of standards and guidelines under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3) with agencies and offices operating or exercising control of national security systems (including the National Security Agency) to assure, to the maximum extent feasible, that such standards and guidelines are complementary with standards and guidelines developed for national security systems;

“(2) review the agencywide information security programs under section 3554; and

“(3) designate an individual or an entity at each cybersecurity center, among other responsibilities—

“(A) to receive reports and information about information security incidents, cyber threat information, and deterioration of security control affecting agency information systems; and

“(B) to act on or share the information under subparagraph (A) in accordance with this subchapter.

“(b) CONSIDERATIONS.—When issuing policies and directives under subsection (a), the Secretary shall consider any applicable standards or guidelines developed by the National Institute of Standards and Technology under section 11331 of title 40.

“(c) LIMITATION OF AUTHORITY.—The authorities of the Secretary under this section shall not apply to national security systems. Information security policies, directives, standards and guidelines for national security systems shall be overseen as directed by the President and, in accordance with that direction, carried out under the authority of the heads of agencies that operate or exercise authority over such national security systems.

“(d) STATUTORY CONSTRUCTION.—Nothing in this subchapter shall be construed to alter or amend any law regarding the authority of any head of an agency over such agency.

#### “§ 3554. Agency responsibilities

“(a) IN GENERAL.—The head of each agency shall—

“(1) be responsible for—

“(A) complying with the policies and directives issued under section 3553;

“(B) providing information security protections commensurate with the risk resulting from unauthorized access, use, disclosure, disruption, modification, or destruction of—

“(i) information collected or maintained by the agency or by a contractor of an agency or other organization on behalf of an agency; and

“(ii) information systems used or operated by an agency or by a contractor of an agency or other organization on behalf of an agency;

“(C) complying with the requirements of this subchapter, including—

“(i) information security standards and guidelines promulgated under section 11331 of title 40;

“(ii) for any national security systems operated or controlled by that agency, information security policies, directives, standards and guidelines issued as directed by the President; and

“(iii) for any non-national security systems operated or controlled by that agency, information security policies, directives, standards and guidelines issued under section 3553;

“(D) ensuring that information security management processes are integrated with agency strategic and operational planning processes;

“(E) reporting and sharing, for an agency operating or exercising control of a national security system, information about information security incidents, cyber threat information, and deterioration of security controls to the individual or entity designated at each cybersecurity center and to other appropriate entities consistent with policies and directives for national security systems issued as directed by the President; and

“(F) reporting and sharing, for those agencies operating or exercising control of non-national security systems, information about information security incidents, cyber threat information, and deterioration of security controls to the individual or entity

designated at each cybersecurity center and to other appropriate entities consistent with policies and directives for non-national security systems as prescribed under section 3553(a), including information to assist the entity designated under section 3555(a) with the ongoing security analysis under section 3555;

“(2) ensure that each senior agency official provides information security for the information and information systems that support the operations and assets under the senior agency official’s control, including by—

“(A) assessing the risk and impact that could result from the unauthorized access, use, disclosure, disruption, modification, or destruction of such information or information systems;

“(B) determining the level of information security appropriate to protect such information and information systems in accordance with policies and directives issued under section 3553(a), and standards and guidelines promulgated under section 11331 of title 40 for information security classifications and related requirements;

“(C) implementing policies, procedures, and capabilities to reduce risks to an acceptable level in a cost-effective manner;

“(D) actively monitoring the effective implementation of information security controls and techniques; and

“(E) reporting information about information security incidents, cyber threat information, and deterioration of security controls in a timely and adequate manner to the entity designated under section 3553(a)(3) in accordance with paragraph (1);

“(3) assess and maintain the resiliency of information technology systems critical to agency mission and operations;

“(4) designate the agency Inspector General (or an independent entity selected in consultation with the Director and the Council of Inspectors General on Integrity and Efficiency if the agency does not have an Inspector General) to conduct the annual independent evaluation required under section 3556, and allow the agency Inspector General to contract with an independent entity to perform such evaluation;

“(5) delegate to the Chief Information Officer or equivalent (or to a senior agency official who reports to the Chief Information Officer or equivalent)—

“(A) the authority and primary responsibility to implement an agencywide information security program; and

“(B) the authority to provide information security for the information collected and maintained by the agency (or by a contractor, other agency, or other source on behalf of the agency) and for the information systems that support the operations, assets, and mission of the agency (including any information system provided or managed by a contractor, other agency, or other source on behalf of the agency);

“(6) delegate to the appropriate agency official (who is responsible for a particular agency system or subsystem) the responsibility to ensure and enforce compliance with all requirements of the agency’s agencywide information security program in coordination with the Chief Information Officer or equivalent (or the senior agency official who reports to the Chief Information Officer or equivalent) under paragraph (5);

“(7) ensure that an agency has trained personnel who have obtained any necessary security clearances to permit them to assist the agency in complying with this subchapter;

“(8) ensure that the Chief Information Officer or equivalent (or the senior agency official

who reports to the Chief Information Officer or equivalent) under paragraph (5), in coordination with other senior agency officials, reports to the agency head on the effectiveness of the agencywide information security program, including the progress of any remedial actions; and

“(9) ensure that the Chief Information Officer or equivalent (or the senior agency official who reports to the Chief Information Officer or equivalent) under paragraph (5) has the necessary qualifications to administer the functions described in this subchapter and has information security duties as a primary duty of that official.

“(b) CHIEF INFORMATION OFFICERS.—Each Chief Information Officer or equivalent (or the senior agency official who reports to the Chief Information Officer or equivalent) under subsection (a)(5) shall—

“(1) establish and maintain an enterprise security operations capability that on a continuous basis—

“(A) detects, reports, contains, mitigates, and responds to information security incidents that impair adequate security of the agency’s information or information system in a timely manner and in accordance with the policies and directives under section 3553; and

“(B) reports any information security incident under subparagraph (A) to the entity designated under section 3555;

“(2) develop, maintain, and oversee an agencywide information security program;

“(3) develop, maintain, and oversee information security policies, procedures, and control techniques to address applicable requirements, including requirements under section 3553 of this title and section 11331 of title 40; and

“(4) train and oversee the agency personnel who have significant responsibility for information security with respect to that responsibility.

“(c) AGENCYWIDE INFORMATION SECURITY PROGRAMS.—

“(1) IN GENERAL.—Each agencywide information security program under subsection (b)(2) shall include—

“(A) relevant security risk assessments, including technical assessments and others related to the acquisition process;

“(B) security testing commensurate with risk and impact;

“(C) mitigation of deterioration of security controls commensurate with risk and impact;

“(D) risk-based continuous monitoring and threat assessment of the operational status and security of agency information systems to enable evaluation of the effectiveness of and compliance with information security policies, procedures, and practices, including a relevant and appropriate selection of security controls of information systems identified in the inventory under section 3505(c);

“(E) operation of appropriate technical capabilities in order to detect, mitigate, report, and respond to information security incidents, cyber threat information, and deterioration of security controls in a manner that is consistent with the policies and directives under section 3553, including—

“(i) mitigating risks associated with such information security incidents;

“(ii) notifying and consulting with the entity designated under section 3555; and

“(iii) notifying and consulting with, as appropriate—

“(I) law enforcement and the relevant Office of the Inspector General; and

“(II) any other entity, in accordance with law and as directed by the President;

“(F) a process to ensure that remedial action is taken to address any deficiencies in the information security policies, procedures, and practices of the agency; and

“(G) a plan and procedures to ensure the continuity of operations for information systems that support the operations and assets of the agency.

“(2) RISK MANAGEMENT STRATEGIES.—Each agencywide information security program under subsection (b)(2) shall include the development and maintenance of a risk management strategy for information security. The risk management strategy shall include—

“(A) consideration of information security incidents, cyber threat information, and deterioration of security controls; and

“(B) consideration of the consequences that could result from the unauthorized access, use, disclosure, disruption, modification, or destruction of information and information systems that support the operations and assets of the agency, including any information system provided or managed by a contractor, other agency, or other source on behalf of the agency;

“(3) POLICIES AND PROCEDURES.—Each agencywide information security program under subsection (b)(2) shall include policies and procedures that—

“(A) are based on the risk management strategy under paragraph (2);

“(B) reduce information security risks to an acceptable level in a cost-effective manner;

“(C) ensure that cost-effective and adequate information security is addressed as part of the acquisition and ongoing management of each agency information system; and

“(D) ensure compliance with—

“(i) this subchapter; and

“(ii) any other applicable requirements.

“(4) TRAINING REQUIREMENTS.—Each agencywide information security program under subsection (b)(2) shall include information security, privacy, civil rights, civil liberties, and information oversight training that meets any applicable requirements under section 3553. The training shall inform each information security personnel that has access to agency information systems (including contractors and other users of information systems that support the operations and assets of the agency) of—

“(A) the information security risks associated with the information security personnel’s activities; and

“(B) the individual’s responsibility to comply with the agency policies and procedures that reduce the risks under subparagraph (A).

“(d) ANNUAL REPORT.—Each agency shall submit a report annually to the Secretary of Homeland Security on its agencywide information security program and information systems.

#### “§3555. Multiagency ongoing threat assessment

“(a) IMPLEMENTATION.—The Director of the Office of Management and Budget, in coordination with the Secretary of Homeland Security, shall designate an entity to implement ongoing security analysis concerning agency information systems—

“(1) based on cyber threat information;

“(2) based on agency information system and environment of operation changes, including—

“(A) an ongoing evaluation of the information system security controls; and

“(B) the security state, risk level, and environment of operation of an agency information system, including—

“(i) a change in risk level due to a new cyber threat;

“(ii) a change resulting from a new technology;

“(iii) a change resulting from the agency’s mission; and

“(iv) a change resulting from the business practice; and

“(3) using automated processes to the maximum extent possible—

“(A) to increase information system security;

“(B) to reduce paper-based reporting requirements; and

“(C) to maintain timely and actionable knowledge of the state of the information system security.

“(b) STANDARDS.—The National Institute of Standards and Technology may promulgate standards, in coordination with the Secretary of Homeland Security, to assist an agency with its duties under this section.

“(c) COMPLIANCE.—The head of each appropriate department and agency shall be responsible for ensuring compliance and implementing necessary procedures to comply with this section. The head of each appropriate department and agency, in consultation with the Director of the Office of Management and Budget and the Secretary of Homeland Security, shall—

“(1) monitor compliance under this section;

“(2) develop a timeline and implement for the department or agency—

“(A) adoption of any technology, system, or method that facilitates continuous monitoring and threat assessments of an agency information system;

“(B) adoption or updating of any technology, system, or method that prevents, detects, or remediates a significant cyber incident to a Federal information system of the department or agency that has impeded, or is reasonably likely to impede, the performance of a critical mission of the department or agency; and

“(C) adoption of any technology, system, or method that satisfies a requirement under this section.

“(d) LIMITATION OF AUTHORITY.—The authorities of the Director of the Office of Management and Budget and of the Secretary of Homeland Security under this section shall not apply to national security systems.

“(e) REPORT.—Not later than 6 months after the date of enactment of the Strengthening and Enhancing Cybersecurity by Using Research, Education, Information, and Technology Act of 2012, the Government Accountability Office shall issue a report evaluating each agency’s status toward implementing this section.

#### “§ 3556. Independent evaluations

“(a) IN GENERAL.—The Council of the Inspectors General on Integrity and Efficiency, in consultation with the Director and the Secretary of Homeland Security, the Secretary of Commerce, and the Secretary of Defense, shall issue and maintain criteria for the timely, cost-effective, risk-based, and independent evaluation of each agencywide information security program (and practices) to determine the effectiveness of the agencywide information security program (and practices). The criteria shall include measures to assess any conflicts of interest in the performance of the evaluation and whether the agencywide information security program includes appropriate safeguards against disclosure of information where such

disclosure may adversely affect information security.

“(b) ANNUAL INDEPENDENT EVALUATIONS.—Each agency shall perform an annual independent evaluation of its agencywide information security program (and practices) in accordance with the criteria under subsection (a).

“(c) DISTRIBUTION OF REPORTS.—Not later than 30 days after receiving an independent evaluation under subsection (b), each agency head shall transmit a copy of the independent evaluation to the Secretary of Homeland Security, the Secretary of Commerce, and the Secretary of Defense.

“(d) NATIONAL SECURITY SYSTEMS.—Evaluations involving national security systems shall be conducted as directed by President.

#### “§ 3557. National security systems.

“The head of each agency operating or exercising control of a national security system shall be responsible for ensuring that the agency—

“(1) provides information security protections commensurate with the risk and magnitude of the harm resulting from the unauthorized access, use, disclosure, disruption, modification, or destruction of the information contained in such system; and

“(2) implements information security policies and practices as required by standards and guidelines for national security systems, issued in accordance with law and as directed by the President.”.

(b) SAVINGS PROVISIONS.—

(1) POLICY AND COMPLIANCE GUIDANCE.—Policy and compliance guidance issued by the Director before the date of enactment of this Act under section 3543(a)(1) of title 44, United States Code (as in effect on the day before the date of enactment of this Act), shall continue in effect, according to its terms, until modified, terminated, superseded, or repealed pursuant to section 3553(a)(1) of title 44, United States Code.

(2) STANDARDS AND GUIDELINES.—Standards and guidelines issued by the Secretary of Commerce or by the Director before the date of enactment of this Act under section 11331(a)(1) of title 40, United States Code, (as in effect on the day before the date of enactment of this Act) shall continue in effect, according to their terms, until modified, terminated, superseded, or repealed pursuant to section 11331(a)(1) of title 40, United States Code, as amended by this Act.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) CHAPTER ANALYSIS.—The chapter analysis for chapter 35 of title 44, United States Code, is amended—

(A) by striking the items relating to sections 3531 through 3538;

(B) by striking the items relating to sections 3541 through 3549; and

(C) by inserting the following:

“3551. Purposes.

“3552. Definitions.

“3553. Federal information security authority and coordination.

“3554. Agency responsibilities.

“3555. Multiagency ongoing threat assessment.

“3556. Independent evaluations.

“3557. National security systems.”.

(2) OTHER REFERENCES.—

(A) Section 1001(c)(1)(A) of the Homeland Security Act of 2002 (6 U.S.C. 511(1)(A)) is amended by striking “section 3532(3)” and inserting “section 3552”.

(B) Section 2222(j)(5) of title 10, United States Code, is amended by striking “section 3542(b)(2)” and inserting “section 3552”.

(C) Section 2223(c)(3) of title 10, United States Code, is amended, by striking “section 3542(b)(2)” and inserting “section 3552”.

(D) Section 2315 of title 10, United States Code, is amended by striking “section 3542(b)(2)” and inserting “section 3552”.

(E) Section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3) is amended—

(i) in subsection (a)(2), by striking “section 3532(b)(2)” and inserting “section 3552”;

(ii) in subsection (c)(3), by striking “Director of the Office of Management and Budget” and inserting “Secretary of Commerce”;

(iii) in subsection (d)(1), by striking “Director of the Office of Management and Budget” and inserting “Secretary of Commerce”;

(iv) in subsection (d)(8) by striking “Director of the Office of Management and Budget” and inserting “Secretary of Commerce”;

(v) in subsection (d)(8), by striking “submitted to the Director” and inserting “submitted to the Secretary”;

(vi) in subsection (e)(2), by striking “section 3532(1) of such title” and inserting “section 3552 of title 44”; and

(vii) in subsection (e)(5), by striking “section 3532(b)(2) of such title” and inserting “section 3552 of title 44”.

(F) Section 8(d)(1) of the Cyber Security Research and Development Act (15 U.S.C. 7406(d)(1)) is amended by striking “section 3534(b)” and inserting “section 3554(b)(2)”.

#### SEC. 202. MANAGEMENT OF INFORMATION TECHNOLOGY.

(a) IN GENERAL.—Section 11331 of title 40, United States Code, is amended to read as follows:

##### “§ 11331. Responsibilities for Federal information systems standards

“(a) STANDARDS AND GUIDELINES.—

“(1) AUTHORITY TO PRESCRIBE.—Except as provided under paragraph (2), the Secretary of Commerce shall prescribe standards and guidelines pertaining to Federal information systems—

“(A) in consultation with the Secretary of Homeland Security; and

“(B) on the basis of standards and guidelines developed by the National Institute of Standards and Technology under paragraphs (2) and (3) of section 20(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3(a)(2) and (a)(3)).

“(2) NATIONAL SECURITY SYSTEMS.—Standards and guidelines for national security systems shall be developed, prescribed, enforced, and overseen as otherwise authorized by law and as directed by the President.

“(b) MANDATORY STANDARDS AND GUIDELINES.—

“(1) AUTHORITY TO MAKE MANDATORY STANDARDS AND GUIDELINES.—The Secretary of Commerce shall make standards and guidelines under subsection (a)(1) compulsory and binding to the extent determined necessary by the Secretary of Commerce to improve the efficiency of operation or security of Federal information systems.

“(2) REQUIRED MANDATORY STANDARDS AND GUIDELINES.—

“(A) IN GENERAL.—Standards and guidelines under subsection (a)(1) shall include information security standards that—

“(i) provide minimum information security requirements as determined under section 20(b) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3(b)); and

“(ii) are otherwise necessary to improve the security of Federal information and information systems.



“(B) BINDING EFFECT.—Information security standards under subparagraph (A) shall be compulsory and binding.

“(c) EXERCISE OF AUTHORITY.—To ensure fiscal and policy consistency, the Secretary of Commerce shall exercise the authority conferred by this section subject to direction by the President and in coordination with the Director.

“(d) APPLICATION OF MORE STRINGENT STANDARDS AND GUIDELINES.—The head of an executive agency may employ standards for the cost-effective information security for information systems within or under the supervision of that agency that are more stringent than the standards and guidelines the Secretary of Commerce prescribes under this section if the more stringent standards and guidelines—

“(1) contain at least the applicable standards and guidelines made compulsory and binding by the Secretary of Commerce; and

“(2) are otherwise consistent with the policies, directives, and implementation memoranda issued under section 3553(a) of title 44.

“(e) DECISIONS ON PROMULGATION OF STANDARDS AND GUIDELINES.—The decision by the Secretary of Commerce regarding the promulgation of any standard or guideline under this section shall occur not later than 6 months after the date of submission of the proposed standard to the Secretary of Commerce by the National Institute of Standards and Technology under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3).

“(f) NOTICE AND COMMENT.—A decision by the Secretary of Commerce to significantly modify, or not promulgate, a proposed standard submitted to the Secretary by the National Institute of Standards and Technology under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3) shall be made after the public is given an opportunity to comment on the Secretary's proposed decision.

“(g) DEFINITIONS.—In this section:

“(1) FEDERAL INFORMATION SYSTEM.—The term ‘Federal information system’ has the meaning given the term in section 3552 of title 44.

“(2) INFORMATION SECURITY.—The term ‘information security’ has the meaning given the term in section 3552 of title 44.

“(3) NATIONAL SECURITY SYSTEM.—The term ‘national security system’ has the meaning given the term in section 3552 of title 44.”.

#### SEC. 203. NO NEW FUNDING.

An applicable Federal agency shall carry out the provisions of this title with existing facilities and funds otherwise available, through such means as the head of the agency considers appropriate.

#### SEC. 204. TECHNICAL AND CONFORMING AMENDMENTS.

Section 21(b) of the National Institute of Standards and Technology Act (15 U.S.C. 278g-4(b)) is amended—

(1) in paragraph (2), by striking “and the Director of the Office of Management and Budget” and inserting “, the Secretary of Commerce, and the Secretary of Homeland Security”; and

(2) in paragraph (3), by inserting “, the Secretary of Homeland Security,” after “the Secretary of Commerce”.

#### SEC. 205. CLARIFICATION OF AUTHORITIES.

Nothing in this title shall be construed to convey any new regulatory authority to any government entity implementing or complying with any provision of this title.

### TITLE III—CRIMINAL PENALTIES

#### SEC. 301. PENALTIES FOR FRAUD AND RELATED ACTIVITY IN CONNECTION WITH COMPUTERS.

Section 1030(c) of title 18, United States Code, is amended to read as follows:

“(c) The punishment for an offense under subsection (a) or (b) of this section is—

“(1) a fine under this title or imprisonment for not more than 20 years, or both, in the case of an offense under subsection (a)(1) of this section;

“(2)(A) except as provided in subparagraph (B), a fine under this title or imprisonment for not more than 3 years, or both, in the case of an offense under subsection (a)(2); or

“(B) a fine under this title or imprisonment for not more than ten years, or both, in the case of an offense under subsection (a)(2) of this section, if—

“(i) the offense was committed for purposes of commercial advantage or private financial gain;

“(ii) the offense was committed in the furtherance of any criminal or tortious act in violation of the Constitution or laws of the United States, or of any State; or

“(iii) the value of the information obtained, or that would have been obtained if the offense was completed, exceeds \$5,000;

“(3) a fine under this title or imprisonment for not more than 10 years, or both, in the case of an offense under subsection (a)(3) of this section;

“(4) a fine under this title or imprisonment for not more than 20 years, or both, in the case of an offense under subsection (a)(4) of this section;

“(5)(A) except as provided in subparagraph (C), a fine under this title, imprisonment for not more than 20 years, or both, in the case of an offense under subsection (a)(5)(A) of this section, if the offense caused—

“(i) loss to 1 or more persons during any 1-year period (and, for purposes of an investigation, prosecution, or other proceeding brought by the United States only, loss resulting from a related course of conduct affecting 1 or more other protected computers) aggregating at least \$5,000 in value;

“(ii) the modification or impairment, or potential modification or impairment, of the medical examination, diagnosis, treatment, or care of 1 or more individuals;

“(iii) physical injury to any person;

“(iv) a threat to public health or safety;

“(v) damage affecting a computer used by, or on behalf of, an entity of the United States Government in furtherance of the administration of justice, national defense, or national security; or

“(vi) damage affecting 10 or more protected computers during any 1-year period;

“(B) a fine under this title, imprisonment for not more than 20 years, or both, in the case of an offense under subsection (a)(5)(B), if the offense caused a harm provided in clause (i) through (vi) of subparagraph (A) of this subsection;

“(C) if the offender attempts to cause or knowingly or recklessly causes death from conduct in violation of subsection (a)(5)(A), a fine under this title, imprisonment for any term of years or for life, or both;

“(D) a fine under this title, imprisonment for not more than 10 years, or both, for any other offense under subsection (a)(5);

“(E) a fine under this title or imprisonment for not more than 10 years, or both, in the case of an offense under subsection (a)(6) of this section; or

“(F) a fine under this title or imprisonment for not more than 10 years, or both, in the case of an offense under subsection (a)(7) of this section.”.

#### SEC. 302. TRAFFICKING IN PASSWORDS.

Section 1030(a)(6) of title 18, United States Code, is amended to read as follows:

“(6) knowingly and with intent to defraud traffics (as defined in section 1029) in any password or similar information or means of access through which a protected computer (as defined in subparagraphs (A) and (B) of subsection (e)(2)) may be accessed without authorization.”.

#### SEC. 303. CONSPIRACY AND ATTEMPTED COMPUTER FRAUD OFFENSES.

Section 1030(b) of title 18, United States Code, is amended by inserting “as if for the completed offense” after “punished as provided”.

#### SEC. 304. CRIMINAL AND CIVIL FORFEITURE FOR FRAUD AND RELATED ACTIVITY IN CONNECTION WITH COMPUTERS.

Section 1030 of title 18, United States Code, is amended by striking subsections (i) and (j) and inserting the following:

“(i) CRIMINAL FORFEITURE.—

“(1) The court, in imposing sentence on any person convicted of a violation of this section, or convicted of conspiracy to violate this section, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person forfeit to the United States—

“(A) such person's interest in any property, real or personal, that was used, or intended to be used, to commit or facilitate the commission of such violation; and

“(B) any property, real or personal, constituting or derived from any gross proceeds, or any property traceable to such property, that such person obtained, directly or indirectly, as a result of such violation.

“(2) The criminal forfeiture of property under this subsection, including any seizure and disposition of the property, and any related judicial or administrative proceeding, shall be governed by the provisions of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), except subsection (d) of that section.

“(j) CIVIL FORFEITURE.—

“(1) The following shall be subject to forfeiture to the United States and no property right, real or personal, shall exist in them:

“(A) Any property, real or personal, that was used, or intended to be used, to commit or facilitate the commission of any violation of this section, or a conspiracy to violate this section.

“(B) Any property, real or personal, constituting or derived from any gross proceeds obtained directly or indirectly, or any property traceable to such property, as a result of the commission of any violation of this section, or a conspiracy to violate this section.

“(2) Seizures and forfeitures under this subsection shall be governed by the provisions in chapter 46 relating to civil forfeitures, except that such duties as are imposed on the Secretary of the Treasury under the customs laws described in section 981(d) shall be performed by such officers, agents and other persons as may be designated for that purpose by the Secretary of Homeland Security or the Attorney General.”.

#### SEC. 305. DAMAGE TO CRITICAL INFRASTRUCTURE COMPUTERS.

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by inserting after section 1030 the following:

##### “§ 1030A. Aggravated damage to a critical infrastructure computer

“(a) DEFINITIONS.—In this section—

“(1) the term ‘computer’ has the meaning given the term in section 1030;

“(2) the term ‘critical infrastructure computer’ means a computer that manages or

controls systems or assets vital to national defense, national security, national economic security, public health or safety, or any combination of those matters, whether publicly or privately owned or operated, including—

- “(A) oil and gas production, storage, conversion, and delivery systems;
- “(B) water supply systems;
- “(C) telecommunication networks;
- “(D) electrical power generation and delivery systems;
- “(E) finance and banking systems;
- “(F) emergency services;
- “(G) transportation systems and services; and

“(H) government operations that provide essential services to the public; and

“(3) the term ‘damage’ has the meaning given the term in section 1030.

“(b) OFFENSE.—It shall be unlawful, during and in relation to a felony violation of section 1030, to knowingly cause or attempt to cause damage to a critical infrastructure computer if the damage results in (or, in the case of an attempt, if completed, would have resulted in) the substantial impairment—

“(1) of the operation of the critical infrastructure computer; or

“(2) of the critical infrastructure associated with the computer.

“(c) PENALTY.—Any person who violates subsection (b) shall be—

“(1) fined under this title;

“(2) imprisoned for not less than 3 years but not more than 20 years; or

“(3) penalized under paragraphs (1) and (2).

“(d) CONSECUTIVE SENTENCE.—Notwithstanding any other provision of law—

“(1) a court shall not place on probation any person convicted of a violation of this section;

“(2) except as provided in paragraph (4), no term of imprisonment imposed on a person under this section shall run concurrently with any other term of imprisonment, including any term of imprisonment imposed on the person under any other provision of law, including any term of imprisonment imposed for a felony violation of section 1030;

“(3) in determining any term of imprisonment to be imposed for a felony violation of section 1030, a court shall not in any way reduce the term to be imposed for such crime so as to compensate for, or otherwise take into account, any separate term of imprisonment imposed or to be imposed for a violation of this section; and

“(4) a term of imprisonment imposed on a person for a violation of this section may, in the discretion of the court, run concurrently, in whole or in part, only with another term of imprisonment that is imposed by the court at the same time on that person for an additional violation of this section, provided that such discretion shall be exercised in accordance with any applicable guidelines and policy statements issued by the United States Sentencing Commission pursuant to section 994 of title 28.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The chapter analysis for chapter 47 of title 18, United States Code, is amended by inserting after the item relating to section 1030 the following:

“1030A. Aggravated damage to a critical infrastructure computer.”.

#### SEC. 306. LIMITATION ON ACTIONS INVOLVING UNAUTHORIZED USE.

Section 1030(e)(6) of title 18, United States Code, is amended by striking “alter;” and inserting “alter, but does not include access in violation of a contractual obligation or agreement, such as an acceptable use policy

or terms of service agreement, with an Internet service provider, Internet website, or non-government employer, if such violation constitutes the sole basis for determining that access to a protected computer is unauthorized;”.

#### SEC. 307. NO NEW FUNDING.

An applicable Federal agency shall carry out the provisions of this title with existing facilities and funds otherwise available, through such means as the head of the agency considers appropriate.

### TITLE IV—CYBERSECURITY RESEARCH AND DEVELOPMENT

#### SEC. 401. NATIONAL HIGH-PERFORMANCE COMPUTING PROGRAM PLANNING AND COORDINATION.

(a) GOALS AND PRIORITIES.—Section 101 of the High-Performance Computing Act of 1991 (15 U.S.C. 5511) is amended by adding at the end the following:

“(d) GOALS AND PRIORITIES.—The goals and priorities for Federal high-performance computing research, development, networking, and other activities under subsection (a)(2)(A) shall include—

“(1) encouraging and supporting mechanisms for interdisciplinary research and development in networking and information technology, including—

“(A) through collaborations across agencies;

“(B) through collaborations across Program Component Areas;

“(C) through collaborations with industry;

“(D) through collaborations with institutions of higher education;

“(E) through collaborations with Federal laboratories (as defined in section 4 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3703)); and

“(F) through collaborations with international organizations;

“(2) addressing national, multi-agency, multi-faceted challenges of national importance; and

“(3) fostering the transfer of research and development results into new technologies and applications for the benefit of society.”.

(b) DEVELOPMENT OF STRATEGIC PLAN.—Section 101 of the High-Performance Computing Act of 1991 (15 U.S.C. 5511) is amended by adding at the end the following:

“(e) STRATEGIC PLAN.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Strengthening and Enhancing Cybersecurity by Using Research, Education, Information, and Technology Act of 2012, the agencies under subsection (a)(3)(B), working through the National Science and Technology Council and with the assistance of the Office of Science and Technology Policy shall develop a 5-year strategic plan to guide the activities under subsection (a)(1).

“(2) CONTENTS.—The strategic plan shall specify—

“(A) the near-term objectives for the Program;

“(B) the long-term objectives for the Program;

“(C) the anticipated time frame for achieving the near-term objectives;

“(D) the metrics that will be used to assess any progress made toward achieving the near-term objectives and the long-term objectives; and

“(E) how the Program will achieve the goals and priorities under subsection (d).

“(3) IMPLEMENTATION ROADMAP.—

“(A) IN GENERAL.—The agencies under subsection (a)(3)(B) shall develop and annually update an implementation roadmap for the strategic plan.

“(B) REQUIREMENTS.—The information in the implementation roadmap shall be coordinated with the database under section 102(c) and the annual report under section 101(a)(3). The implementation roadmap shall—

“(i) specify the role of each Federal agency in carrying out or sponsoring research and development to meet the research objectives of the strategic plan, including a description of how progress toward the research objectives will be evaluated, with consideration of any relevant recommendations of the advisory committee;

“(ii) specify the funding allocated to each major research objective of the strategic plan and the source of funding by agency for the current fiscal year; and

“(iii) estimate the funding required for each major research objective of the strategic plan for the next 3 fiscal years.

“(4) RECOMMENDATIONS.—The agencies under subsection (a)(3)(B) shall take into consideration when developing the strategic plan under paragraph (1) the recommendations of—

“(A) the advisory committee under subsection (b); and

“(B) the stakeholders under section 102(a)(3).

“(5) REPORT TO CONGRESS.—The Director of the Office of Science and Technology Policy shall transmit the strategic plan under this subsection, including the implementation roadmap and any updates under paragraph (3), to—

“(A) the advisory committee under subsection (b);

“(B) the Committee on Commerce, Science, and Transportation of the Senate; and

“(C) the Committee on Science and Technology of the House of Representatives.”.

(c) PERIODIC REVIEWS.—Section 101 of the High-Performance Computing Act of 1991 (15 U.S.C. 5511) is amended by adding at the end the following:

“(f) PERIODIC REVIEWS.—The agencies under subsection (a)(3)(B) shall—

“(1) periodically assess the contents and funding levels of the Program Component Areas and restructure the Program when warranted, taking into consideration any relevant recommendations of the advisory committee under subsection (b); and

“(2) ensure that the Program includes national, multi-agency, multi-faceted research and development activities, including activities described in section 104.”.

(d) ADDITIONAL RESPONSIBILITIES OF DIRECTOR.—Section 101(a)(2) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(a)(2)) is amended—

(1) by redesignating subparagraphs (E) and (F) as subparagraphs (G) and (H), respectively; and

(2) by inserting after subparagraph (D) the following:

“(E) encourage and monitor the efforts of the agencies participating in the Program to allocate the level of resources and management attention necessary—

“(i) to ensure that the strategic plan under subsection (e) is developed and executed effectively; and

“(ii) to ensure that the objectives of the Program are met;

“(F) working with the Office of Management and Budget and in coordination with the creation of the database under section 102(c), direct the Office of Science and Technology Policy and the agencies participating in the Program to establish a mechanism (consistent with existing law) to track all ongoing and completed research and development projects and associated funding;”.

(e) **ADVISORY COMMITTEE.**—Section 101(b) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(b)) is amended—

(1) in paragraph (1)—

(A) by inserting after the first sentence the following: “The co-chairs of the advisory committee shall meet the qualifications of committee members and may be members of the Presidents Council of Advisors on Science and Technology.”; and

(B) by striking “high-performance” in subparagraph (D) and inserting “high-end”; and

(2) by amending paragraph (2) to read as follows:

“(2) In addition to the duties under paragraph (1), the advisory committee shall conduct periodic evaluations of the funding, management, coordination, implementation, and activities of the Program. The advisory committee shall report its findings and recommendations not less frequently than once every 3 fiscal years to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives. The report shall be submitted in conjunction with the update of the strategic plan.”.

(f) **REPORT.**—Section 101(a)(3) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(a)(3)) is amended—

(1) in subparagraph (C)—

(A) by striking “is submitted,” and inserting “is submitted, the levels for the previous fiscal year.”; and

(B) by striking “each Program Component Area” and inserting “each Program Component Area and each research area supported in accordance with section 104”;

(2) in subparagraph (D)—

(A) by striking “each Program Component Area,” and inserting “each Program Component Area and each research area supported in accordance with section 104.”;

(B) by striking “is submitted,” and inserting “is submitted, the levels for the previous fiscal year.”; and

(C) by striking “and” after the semicolon;

(3) by redesignating subparagraph (E) as subparagraph (G); and

(4) by inserting after subparagraph (D) the following:

“(E) include a description of how the objectives for each Program Component Area, and the objectives for activities that involve multiple Program Component Areas, relate to the objectives of the Program identified in the strategic plan under subsection (e);

“(F) include—

“(i) a description of the funding required by the Office of Science and Technology Policy to perform the functions under subsections (a) and (c) of section 102 for the next fiscal year by category of activity;

“(ii) a description of the funding required by the Office of Science and Technology Policy to perform the functions under subsections (a) and (c) of section 102 for the current fiscal year by category of activity; and

“(iii) the amount of funding provided for the Office of Science and Technology Policy for the current fiscal year by each agency participating in the Program; and”.

(g) **DEFINITIONS.**—Section 4 of the High-Performance Computing Act of 1991 (15 U.S.C. 5503) is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(2) by redesignating paragraph (3) as paragraph (6);

(3) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively;

(4) by inserting before paragraph (2), as redesignated, the following:

“(1) ‘cyber-physical systems’ means physical or engineered systems whose networking and information technology functions and physical elements are deeply integrated and are actively connected to the physical world through sensors, actuators, or other means to perform monitoring and control functions.”;

(5) in paragraph (3), as redesignated, by striking “high-performance computing” and inserting “networking and information technology”;

(6) in paragraph (6), as redesignated—

(A) by striking “high-performance computing” and inserting “networking and information technology”; and

(B) by striking “supercomputer” and inserting “high-end computing”;

(7) in paragraph (5), by striking “network referred to as” and all that follows through the semicolon and inserting “network, including advanced computer networks of Federal agencies and departments”; and

(8) in paragraph (7), as redesignated, by striking “National High-Performance Computing Program” and inserting “networking and information technology research and development program”.

#### **SEC. 402. RESEARCH IN AREAS OF NATIONAL IMPORTANCE.**

(a) **RESEARCH IN AREAS OF NATIONAL IMPORTANCE.**—Title I of the High-Performance Computing Act of 1991 (15 U.S.C. 5511 et seq.) is amended by adding at the end the following:

#### **“SEC. 104. RESEARCH IN AREAS OF NATIONAL IMPORTANCE.**

“(a) **IN GENERAL.**—The Program shall encourage agencies under section 101(a)(3)(B) to support, maintain, and improve national, multi-agency, multi-faceted, research and development activities in networking and information technology directed toward application areas that have the potential for significant contributions to national economic competitiveness and for other significant societal benefits.

“(b) **TECHNICAL SOLUTIONS.**—An activity under subsection (a) shall be designed to advance the development of research discoveries by demonstrating technical solutions to important problems in areas including—

“(1) cybersecurity;

“(2) health care;

“(3) energy management and low-power systems and devices;

“(4) transportation, including surface and air transportation;

“(5) cyber-physical systems;

“(6) large-scale data analysis and modeling of physical phenomena;

“(7) large scale data analysis and modeling of behavioral phenomena;

“(8) supply chain quality and security; and

“(9) privacy protection and protected disclosure of confidential data.

“(c) **RECOMMENDATIONS.**—The advisory committee under section 101(b) shall make recommendations to the Program for candidate research and development areas for support under this section.

“(d) **CHARACTERISTICS.**—

“(1) **IN GENERAL.**—Research and development activities under this section—

“(A) shall include projects selected on the basis of applications for support through a competitive, merit-based process;

“(B) shall leverage, when possible, Federal investments through collaboration with related State initiatives;

“(C) shall include a plan for fostering the transfer of research discoveries and the results of technology demonstration activities, including from institutions of higher edu-

cation and Federal laboratories, to industry for commercial development;

“(D) shall involve collaborations among researchers in institutions of higher education and industry; and

“(E) may involve collaborations among nonprofit research institutions and Federal laboratories, as appropriate.

“(2) **COST-SHARING.**—In selecting applications for support, the agencies under section 101(a)(3)(B) shall give special consideration to projects that include cost sharing from non-Federal sources.

“(3) **MULTIDISCIPLINARY RESEARCH CENTERS.**—Research and development activities under this section shall be supported through multidisciplinary research centers, including Federal laboratories, that are organized to investigate basic research questions and carry out technology demonstration activities in areas described in subsection (a). Research may be carried out through existing multidisciplinary centers, including those authorized under section 7024(b)(2) of the America COMPETES Act (42 U.S.C. 1862o–10(2)).”.

(b) **CYBER-PHYSICAL SYSTEMS.**—Section 101(a)(1) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(a)(1)) is amended—

(1) in subparagraph (H), by striking “and” after the semicolon;

(2) in subparagraph (I), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(J) provide for increased understanding of the scientific principles of cyber-physical systems and improve the methods available for the design, development, and operation of cyber-physical systems that are characterized by high reliability, safety, and security; and

“(K) provide for research and development on human-computer interactions, visualization, and big data.”.

(c) **TASK FORCE.**—Title I of the High-Performance Computing Act of 1991 (15 U.S.C. 5511 et seq.), as amended by section 402(a) of this Act, is amended by adding at the end the following:

#### **“SEC. 105. TASK FORCE.**

“(a) **ESTABLISHMENT.**—Not later than 180 days after the date of enactment the Strengthening and Enhancing Cybersecurity by Using Research, Education, Information, and Technology Act of 2012, the Director of the Office of Science and Technology Policy under section 102 shall convene a task force to explore mechanisms for carrying out collaborative research and development activities for cyber-physical systems (including the related technologies required to enable these systems) through a consortium or other appropriate entity with participants from institutions of higher education, Federal laboratories, and industry.

“(b) **FUNCTIONS.**—The task force shall—

“(1) develop options for a collaborative model and an organizational structure for such entity under which the joint research and development activities could be planned, managed, and conducted effectively, including mechanisms for the allocation of resources among the participants in such entity for support of such activities;

“(2) propose a process for developing a research and development agenda for such entity, including guidelines to ensure an appropriate scope of work focused on nationally significant challenges and requiring collaboration and to ensure the development of related scientific and technological milestones;

“(3) define the roles and responsibilities for the participants from institutions of higher

education, Federal laboratories, and industry in such entity;

“(4) propose guidelines for assigning intellectual property rights and for transferring research results to the private sector; and

“(5) make recommendations for how such entity could be funded from Federal, State, and non-governmental sources.

“(c) COMPOSITION.—In establishing the task force under subsection (a), the Director of the Office of Science and Technology Policy shall appoint an equal number of individuals from institutions of higher education and from industry with knowledge and expertise in cyber-physical systems, and may appoint not more than 2 individuals from Federal laboratories.

“(d) REPORT.—Not later than 1 year after the date of enactment of the Strengthening and Enhancing Cybersecurity by Using Research, Education, Information, and Technology Act of 2012, the Director of the Office of Science and Technology Policy shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives a report describing the findings and recommendations of the task force.

“(e) TERMINATION.—The task force shall terminate upon transmittal of the report required under subsection (d).

“(f) COMPENSATION AND EXPENSES.—Members of the task force shall serve without compensation.”.

#### SEC. 403. PROGRAM IMPROVEMENTS.

Section 102 of the High-Performance Computing Act of 1991 (15 U.S.C. 5512) is amended to read as follows:

##### “SEC. 102. PROGRAM IMPROVEMENTS.

“(a) FUNCTIONS.—The Director of the Office of Science and Technology Policy shall continue—

“(1) to provide technical and administrative support to—

“(A) the agencies participating in planning and implementing the Program, including support needed to develop the strategic plan under section 101(e); and

“(B) the advisory committee under section 101(b);

**SA 2606.** Mr. MCCAIN (for himself, Mrs. HUTCHISON, Mr. CHAMBLISS, Mr. GRASSLEY, Ms. MURKOWSKI, Mr. COATS, Mr. BURR, and Mr. JOHNSON of Wisconsin) submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

Beginning on page 1, strike line 3 and all that follows through page 211, line 6 and insert the following:

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Strengthening and Enhancing Cybersecurity by Using Research, Education, Information, and Technology Act of 2012” or “SECURE IT”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

#### TITLE I—FACILITATING SHARING OF CYBER THREAT INFORMATION

Sec. 101. Definitions.

Sec. 102. Authorization to share cyber threat information.

Sec. 103. Information sharing by the Federal government.

Sec. 104. Construction.

Sec. 105. Report on implementation.

Sec. 106. Inspector General review.

Sec. 107. Technical amendments.

Sec. 108. Access to classified information.

#### TITLE II—COORDINATION OF FEDERAL INFORMATION SECURITY POLICY

Sec. 201. Coordination of Federal information security policy.

Sec. 202. Management of information technology.

Sec. 203. No new funding.

Sec. 204. Technical and conforming amendments.

Sec. 205. Clarification of authorities.

#### TITLE III—CRIMINAL PENALTIES

Sec. 301. Penalties for fraud and related activity in connection with computers.

Sec. 302. Trafficking in passwords.

Sec. 303. Conspiracy and attempted computer fraud offenses.

Sec. 304. Criminal and civil forfeiture for fraud and related activity in connection with computers.

Sec. 305. Damage to critical infrastructure computers.

Sec. 306. Limitation on actions involving unauthorized use.

Sec. 307. No new funding.

#### TITLE IV—CYBERSECURITY RESEARCH AND DEVELOPMENT

Sec. 401. National High-Performance Computing Program planning and coordination.

Sec. 402. Research in areas of national importance.

Sec. 403. Program improvements.

Sec. 404. Improving education of networking and information technology, including high performance computing.

Sec. 405. Conforming and technical amendments to the High-Performance Computing Act of 1991.

Sec. 406. Federal cyber scholarship-for-service program.

Sec. 407. Study and analysis of certification and training of information infrastructure professionals.

Sec. 408. International cybersecurity technical standards.

Sec. 409. Identity management research and development.

Sec. 410. Federal cybersecurity research and development.

#### TITLE I—FACILITATING SHARING OF CYBER THREAT INFORMATION

##### SEC. 101. DEFINITIONS.

In this title:

(1) AGENCY.—The term “agency” has the meaning given the term in section 3502 of title 44, United States Code.

(2) ANTITRUST LAWS.—The term “antitrust laws”—

(A) has the meaning given the term in section 1(a) of the Clayton Act (15 U.S.C. 12(a));

(B) includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent that section 5 of that Act applies to unfair methods of competition; and

(C) includes any State law that has the same intent and effect as the laws under subparagraphs (A) and (B).

(3) COUNTERMEASURE.—The term “countermeasure” means an automated or a manual action with defensive intent to mitigate cyber threats.

(4) CYBER THREAT INFORMATION.—The term “cyber threat information” means information that indicates or describes—

(A) a technical or operation vulnerability or a cyber threat mitigation measure;

(B) an action or operation to mitigate a cyber threat;

(C) malicious reconnaissance, including anomalous patterns of network activity that appear to be transmitted for the purpose of gathering technical information related to a cybersecurity threat;

(D) a method of defeating a technical control;

(E) a method of defeating an operational control;

(F) network activity or protocols known to be associated with a malicious cyber actor or that signify malicious cyber intent;

(G) a method of causing a user with legitimate access to an information system or information that is stored on, processed by, or transiting an information system to inadvertently enable the defeat of a technical or operational control;

(H) any other attribute of a cybersecurity threat or cyber defense information that would foster situational awareness of the United States cybersecurity posture, if disclosure of such attribute or information is not otherwise prohibited by law;

(I) the actual or potential harm caused by a cyber incident, including information exfiltrated when it is necessary in order to identify or describe a cybersecurity threat; or

(J) any combination of subparagraphs (A) through (I).

(5) CYBERSECURITY CENTER.—The term “cybersecurity center” means the Department of Defense Cyber Crime Center, the Intelligence Community Incident Response Center, the United States Cyber Command Joint Operations Center, the National Cyber Investigative Joint Task Force, the National Security Agency/Central Security Service Threat Operations Center, the National Cybersecurity and Communications Integration Center, and any successor center.

(6) CYBERSECURITY SYSTEM.—The term “cybersecurity system” means a system designed or employed to ensure the integrity, confidentiality, or availability of, or to safeguard, a system or network, including measures intended to protect a system or network from—

(A) efforts to degrade, disrupt, or destroy such system or network; or

(B) theft or misappropriations of private or government information, intellectual property, or personally identifiable information.

(7) ENTITY.—

(A) IN GENERAL.—The term “entity” means any private entity, non-Federal government agency or department, or State, tribal, or local government agency or department (including an officer, employee, or agent thereof).

(B) INCLUSIONS.—The term “entity” includes a government agency or department (including an officer, employee, or agent thereof) of the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and any other territory or possession of the United States.

(8) FEDERAL INFORMATION SYSTEM.—The term “Federal information system” means an information system of a Federal department or agency used or operated by an executive agency, by a contractor of an executive agency, or by another organization on behalf of an executive agency.

(9) INFORMATION SECURITY.—The term “information security” means protecting information and information systems from disruption or unauthorized access, use, disclosure, modification, or destruction in order to provide—

(A) integrity, by guarding against improper information modification or destruction, including by ensuring information non-repudiation and authenticity;

(B) confidentiality, by preserving authorized restrictions on access and disclosure, including means for protecting personal privacy and proprietary information; or

(C) availability, by ensuring timely and reliable access to and use of information.

(10) INFORMATION SYSTEM.—The term “information system” has the meaning given the term in section 3502 of title 44, United States Code.

(11) LOCAL GOVERNMENT.—The term “local government” means any borough, city, county, parish, town, township, village, or other general purpose political subdivision of a State.

(12) MALICIOUS RECONNAISSANCE.—The term “malicious reconnaissance” means a method for actively probing or passively monitoring an information system for the purpose of discerning technical vulnerabilities of the information system, if such method is associated with a known or suspected cybersecurity threat.

(13) OPERATIONAL CONTROL.—The term “operational control” means a security control for an information system that primarily is implemented and executed by people.

(14) OPERATIONAL VULNERABILITY.—The term “operational vulnerability” means any attribute of policy, process, or procedure that could enable or facilitate the defeat of an operational control.

(15) PRIVATE ENTITY.—The term “private entity” means any individual or any private group, organization, or corporation, including an officer, employee, or agent thereof.

(16) SIGNIFICANT CYBER INCIDENT.—The term “significant cyber incident” means a cyber incident resulting in, or an attempted cyber incident that, if successful, would have resulted in—

(A) the exfiltration from a Federal information system of data that is essential to the operation of the Federal information system; or

(B) an incident in which an operational or technical control essential to the security or operation of a Federal information system was defeated.

(17) TECHNICAL CONTROL.—The term “technical control” means a hardware or software restriction on, or audit of, access or use of an information system or information that is stored on, processed by, or transiting an information system that is intended to ensure the confidentiality, integrity, or availability of that system.

(18) TECHNICAL VULNERABILITY.—The term “technical vulnerability” means any attribute of hardware or software that could enable or facilitate the defeat of a technical control.

(19) TRIBAL.—The term “tribal” has the meaning given the term “Indian tribe” in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

## SEC. 102. AUTHORIZATION TO SHARE CYBER THREAT INFORMATION.

### (a) VOLUNTARY DISCLOSURE.—

(1) PRIVATE ENTITIES.—Notwithstanding any other provision of law, a private entity may, for the purpose of preventing, investigating, or otherwise mitigating threats to information security, on its own networks, or as authorized by another entity, on such entity’s networks, employ countermeasures and use cybersecurity systems in order to obtain, identify, or otherwise possess cyber threat information.

(2) ENTITIES.—Notwithstanding any other provision of law, an entity may disclose cyber threat information to—

(A) a cybersecurity center; or

(B) any other entity in order to assist with preventing, investigating, or otherwise mitigating threats to information security.

(3) INFORMATION SECURITY PROVIDERS.—If the cyber threat information described in paragraph (1) is obtained, identified, or otherwise possessed in the course of providing information security products or services under contract to another entity, that entity shall be given, at any time prior to disclosure of such information, a reasonable opportunity to authorize or prevent such disclosure, to request anonymization of such information, or to request that reasonable efforts be made to safeguard such information that identifies specific persons from unauthorized access or disclosure.

### (b) SIGNIFICANT CYBER INCIDENTS INVOLVING FEDERAL INFORMATION SYSTEMS.—

(1) IN GENERAL.—An entity providing electronic communication services, remote computing services, or information security services to a Federal department or agency shall inform the Federal department or agency of a significant cyber incident involving the Federal information system of that Federal department or agency that—

(A) is directly known to the entity as a result of providing such services;

(B) is directly related to the provision of such services by the entity; and

(C) as determined by the entity, has impeded or will impede the performance of a critical mission of the Federal department or agency.

(2) ADVANCE COORDINATION.—A Federal department or agency receiving the services described in paragraph (1) shall coordinate in advance with an entity described in paragraph (1) to develop the parameters of any information that may be provided under paragraph (1), including clarification of the type of significant cyber incident that will impede the performance of a critical mission of the Federal department or agency.

(3) REPORT.—A Federal department or agency shall report information provided under this subsection to a cybersecurity center.

(4) CONSTRUCTION.—Any information provided to a cybersecurity center under paragraph (3) shall be treated in the same manner as information provided to a cybersecurity center under subsection (a).

(c) INFORMATION SHARED WITH OR PROVIDED TO A CYBERSECURITY CENTER.—Cyber threat information provided to a cybersecurity center under this section—

(1) may be disclosed to, retained by, and used by, consistent with otherwise applicable Federal law, any Federal agency or department, component, officer, employee, or agent of the Federal government for a cybersecurity purpose, a national security purpose, or in order to prevent, investigate, or prosecute any of the offenses listed in section 2516 of title 18, United States Code, and such information shall not be disclosed to, retained by, or used by any Federal agency or department for any use not permitted under this paragraph;

(2) may, with the prior written consent of the entity submitting such information, be disclosed to and used by a State, tribal, or local government or government agency for the purpose of protecting information systems, or in furtherance of preventing, investigating, or prosecuting a criminal act, except that if the need for immediate disclosure prevents obtaining written consent,

such consent may be provided orally with subsequent documentation of such consent;

(3) shall be considered the commercial, financial, or proprietary information of the entity providing such information to the Federal government and any disclosure outside the Federal government may only be made upon the prior written consent by such entity and shall not constitute a waiver of any applicable privilege or protection provided by law, except that if the need for immediate disclosure prevents obtaining written consent, such consent may be provided orally with subsequent documentation of such consent;

(4) shall be deemed voluntarily shared information and exempt from disclosure under section 552 of title 5, United States Code, and any State, tribal, or local law requiring disclosure of information or records;

(5) shall be, without discretion, withheld from the public under section 552(b)(3)(B) of title 5, United States Code, and any State, tribal, or local law requiring disclosure of information or records;

(6) shall not be subject to the rules of any Federal agency or department or any judicial doctrine regarding *ex parte* communications with a decision-making official;

(7) shall not, if subsequently provided to a State, tribal, or local government or government agency, otherwise be disclosed or distributed to any entity by such State, tribal, or local government or government agency without the prior written consent of the entity submitting such information, notwithstanding any State, tribal, or local law requiring disclosure of information or records, except that if the need for immediate disclosure prevents obtaining written consent, such consent may be provided orally with subsequent documentation of such consent; and

(8) shall not be directly used by any Federal, State, tribal, or local department or agency to regulate the lawful activities of an entity, including activities relating to obtaining, identifying, or otherwise possessing cyber threat information, except that the procedures required to be developed and implemented under this title shall not be considered regulations within the meaning of this paragraph.

(d) PROCEDURES RELATING TO INFORMATION SHARING WITH A CYBERSECURITY CENTER.—Not later than 60 days after the date of enactment of this Act, the heads of each department or agency containing a cybersecurity center shall jointly develop, promulgate, and submit to Congress procedures to ensure that cyber threat information shared with or provided to—

(1) a cybersecurity center under this section—

(A) may be submitted to a cybersecurity center by an entity, to the greatest extent possible, through a uniform, publicly available process or format that is easily accessible on the website of such cybersecurity center, and that includes the ability to provide relevant details about the cyber threat information and written consent to any subsequent disclosures authorized by this paragraph;

(B) shall immediately be further shared with each cybersecurity center in order to prevent, investigate, or otherwise mitigate threats to information security across the Federal government;

(C) is handled by the Federal government in a reasonable manner, including consideration of the need to protect the privacy and civil liberties of individuals through anonymization or other appropriate methods, while fully accomplishing the objectives

of this title, and the Federal government may undertake efforts consistent with this subparagraph to limit the impact on privacy and civil liberties of the sharing of cyber threat information with the Federal government; and

(D) except as provided in this section, shall only be used, disclosed, or handled in accordance with the provisions of subsection (c); and

(2) a Federal agency or department under subsection (b) is provided immediately to a cybersecurity center in order to prevent, investigate, or otherwise mitigate threats to information security across the Federal government.

(e) INFORMATION SHARED BETWEEN ENTITIES.—

(1) IN GENERAL.—An entity sharing cyber threat information with another entity under this title may restrict the use or sharing of such information by such other entity.

(2) FURTHER SHARING.—Cyber threat information shared by any entity with another entity under this title—

(A) shall only be further shared in accordance with any restrictions placed on the sharing of such information by the entity authorizing such sharing, such as appropriate anonymization of such information; and

(B) may not be used by any entity to gain an unfair competitive advantage to the detriment of the entity authorizing the sharing of such information, except that the conduct described in paragraph (3) shall not constitute unfair competitive conduct.

(3) INFORMATION SHARED WITH STATE, TRIBAL, OR LOCAL GOVERNMENT OR GOVERNMENT AGENCY.—Cyber threat information shared with a State, tribal, or local government or government agency under this title—

(A) may, with the prior written consent of the entity sharing such information, be disclosed to and used by a State, tribal, or local government or government agency for the purpose of protecting information systems, or in furtherance of preventing, investigating, or prosecuting a criminal act, except if the need for immediate disclosure prevents obtaining written consent, consent may be provided orally with subsequent documentation of the consent;

(B) shall be deemed voluntarily shared information and exempt from disclosure under any State, tribal, or local law requiring disclosure of information or records;

(C) shall not be disclosed or distributed to any entity by the State, tribal, or local government or government agency without the prior written consent of the entity submitting such information, notwithstanding any State, tribal, or local law requiring disclosure of information or records, except if the need for immediate disclosure prevents obtaining written consent, consent may be provided orally with subsequent documentation of the consent; and

(D) shall not be directly used by any State, tribal, or local department or agency to regulate the lawful activities of an entity, including activities relating to obtaining, identifying, or otherwise possessing cyber threat information, except that the procedures required to be developed and implemented under this title shall not be considered regulations within the meaning of this subparagraph.

(4) ANTITRUST EXEMPTION.—The exchange or provision of cyber threat information or assistance between 2 or more private entities under this title shall not be considered a violation of any provision of antitrust laws if exchanged or provided in order to assist with—

(A) facilitating the prevention, investigation, or mitigation of threats to information security; or

(B) communicating or disclosing of cyber threat information to help prevent, investigate or otherwise mitigate the effects of a threat to information security.

(5) NO RIGHT OR BENEFIT.—The provision of cyber threat information to an entity under this section shall not create a right or a benefit to similar information by such entity or any other entity.

(f) FEDERAL PREEMPTION.—

(1) IN GENERAL.—This section supersedes any statute or other law of a State or political subdivision of a State that restricts or otherwise expressly regulates an activity authorized under this section.

(2) STATE LAW ENFORCEMENT.—Nothing in this section shall be construed to supersede any statute or other law of a State or political subdivision of a State concerning the use of authorized law enforcement techniques.

(3) PUBLIC DISCLOSURE.—No information shared with or provided to a State, tribal, or local government or government agency pursuant to this section shall be made publicly available pursuant to any State, tribal, or local law requiring disclosure of information or records.

(g) CIVIL AND CRIMINAL LIABILITY.—

(1) GENERAL PROTECTIONS.—

(A) PRIVATE ENTITIES.—No cause of action shall lie or be maintained in any court against any private entity for—

(i) the use of countermeasures and cybersecurity systems as authorized by this title;

(ii) the use, receipt, or disclosure of any cyber threat information as authorized by this title; or

(iii) the subsequent actions or inactions of any lawful recipient of cyber threat information provided by such private entity.

(B) ENTITIES.—No cause of action shall lie or be maintained in any court against any entity for—

(i) the use, receipt, or disclosure of any cyber threat information as authorized by this title; or

(ii) the subsequent actions or inactions of any lawful recipient of cyber threat information provided by such entity.

(2) CONSTRUCTION.—Nothing in this subsection shall be construed as creating any immunity against, or otherwise affecting, any action brought by the Federal government, or any agency or department thereof, to enforce any law, executive order, or procedure governing the appropriate handling, disclosure, and use of classified information.

(h) OTHERWISE LAWFUL DISCLOSURES.—Nothing in this section shall be construed to limit or prohibit otherwise lawful disclosures of communications, records, or other information by a private entity to any other governmental or private entity not covered under this section.

(i) WHISTLEBLOWER PROTECTION.—Nothing in this Act shall be construed to preempt or preclude any employee from exercising rights currently provided under any whistleblower law, rule, or regulation.

(j) RELATIONSHIP TO OTHER LAWS.—The submission of cyber threat information under this section to a cybersecurity center shall not affect any requirement under any other provision of law for an entity to provide information to the Federal government.

#### SEC. 103. INFORMATION SHARING BY THE FEDERAL GOVERNMENT.

(a) CLASSIFIED INFORMATION.—

(1) PROCEDURES.—Consistent with the protection of intelligence sources and methods,

and as otherwise determined appropriate, the Director of National Intelligence and the Secretary of Defense, in consultation with the heads of the appropriate Federal departments or agencies, shall develop and promulgate procedures to facilitate and promote—

(A) the immediate sharing, through the cybersecurity centers, of classified cyber threat information in the possession of the Federal government with appropriately cleared representatives of any appropriate entity; and

(B) the declassification and immediate sharing, through the cybersecurity centers, with any entity or, if appropriate, public availability of cyber threat information in the possession of the Federal government;

(2) HANDLING OF CLASSIFIED INFORMATION.—The procedures developed under paragraph (1) shall ensure that each entity receiving classified cyber threat information pursuant to this section has acknowledged in writing the ongoing obligation to comply with all laws, executive orders, and procedures concerning the appropriate handling, disclosure, or use of classified information.

(b) UNCLASSIFIED CYBER THREAT INFORMATION.—The heads of each department or agency containing a cybersecurity center shall jointly develop and promulgate procedures that ensure that, consistent with the provisions of this section, unclassified, including controlled unclassified, cyber threat information in the possession of the Federal government—

(1) is shared, through the cybersecurity centers, in an immediate and adequate manner with appropriate entities; and

(2) if appropriate, is made publicly available.

(c) DEVELOPMENT OF PROCEDURES.—

(1) IN GENERAL.—The procedures developed under this section shall incorporate, to the greatest extent possible, existing processes utilized by sector specific information sharing and analysis centers.

(2) COORDINATION WITH ENTITIES.—In developing the procedures required under this section, the Director of National Intelligence and the heads of each department or agency containing a cybersecurity center shall coordinate with appropriate entities to ensure that protocols are implemented that will facilitate and promote the sharing of cyber threat information by the Federal government.

(d) ADDITIONAL RESPONSIBILITIES OF CYBERSECURITY CENTERS.—Consistent with section 102, a cybersecurity center shall—

(1) facilitate information sharing, interaction, and collaboration among and between cybersecurity centers and—

(A) other Federal entities;

(B) any entity; and

(C) international partners, in consultation with the Secretary of State;

(2) disseminate timely and actionable cybersecurity threat, vulnerability, mitigation, and warning information, including alerts, advisories, indicators, signatures, and mitigation and response measures, to improve the security and protection of information systems; and

(3) coordinate with other Federal entities, as appropriate, to integrate information from across the Federal government to provide situational awareness of the cybersecurity posture of the United States.

(e) SHARING WITHIN THE FEDERAL GOVERNMENT.—The heads of appropriate Federal departments and agencies shall ensure that cyber threat information in the possession of such Federal departments or agencies that relates to the prevention, investigation, or

mitigation of threats to information security across the Federal government is shared effectively with the cybersecurity centers.

(f) **SUBMISSION TO CONGRESS.**—Not later than 60 days after the date of enactment of this Act, the Director of National Intelligence, in coordination with the appropriate head of a department or an agency containing a cybersecurity center, shall submit the procedures required by this section to Congress.

#### SEC. 104. CONSTRUCTION.

(a) **INFORMATION SHARING RELATIONSHIPS.**—Nothing in this title shall be construed—

(1) to limit or modify an existing information sharing relationship;

(2) to prohibit a new information sharing relationship;

(3) to require a new information sharing relationship between any entity and the Federal government, except as specified under section 102(b); or

(4) to modify the authority of a department or agency of the Federal government to protect sources and methods and the national security of the United States.

(b) **ANTI-TASKING RESTRICTION.**—Nothing in this title shall be construed to permit the Federal government—

(1) to require an entity to share information with the Federal government, except as expressly provided under section 102(b); or

(2) to condition the sharing of cyber threat information with an entity on such entity's provision of cyber threat information to the Federal government.

(c) **NO LIABILITY FOR NON-PARTICIPATION.**—Nothing in this title shall be construed to subject any entity to liability for choosing not to engage in the voluntary activities authorized under this title.

(d) **USE AND RETENTION OF INFORMATION.**—Nothing in this title shall be construed to authorize, or to modify any existing authority of, a department or agency of the Federal government to retain or use any information shared under section 102 for any use other than a use permitted under subsection 102(c)(1).

(e) **NO NEW FUNDING.**—An applicable Federal agency shall carry out the provisions of this title with existing facilities and funds otherwise available, through such means as the head of the agency considers appropriate.

#### SEC. 105. REPORT ON IMPLEMENTATION.

(a) **CONTENT OF REPORT.**—Not later than 1 year after the date of enactment of this Act, and biennially thereafter, the heads of each department or agency containing a cybersecurity center shall jointly submit, in coordination with the privacy and civil liberties officials of such departments or agencies and the Privacy and Civil Liberties Oversight Board, a detailed report to Congress concerning the implementation of this title, including—

(1) an assessment of the sufficiency of the procedures developed under section 103 of this Act in ensuring that cyber threat information in the possession of the Federal government is provided in an immediate and adequate manner to appropriate entities or, if appropriate, is made publicly available;

(2) an assessment of whether information has been appropriately classified and an accounting of the number of security clearances authorized by the Federal government for purposes of this title;

(3) a review of the type of cyber threat information shared with a cybersecurity center under section 102 of this Act, including whether such information meets the definition of cyber threat information under section 101, the degree to which such informa-

tion may impact the privacy and civil liberties of individuals, any appropriate metrics to determine any impact of the sharing of such information with the Federal government on privacy and civil liberties, and the adequacy of any steps taken to reduce such impact;

(4) a review of actions taken by the Federal government based on information provided to a cybersecurity center under section 102 of this Act, including the appropriateness of any subsequent use under section 102(c)(1) of this Act and whether there was inappropriate stovepiping within the Federal government of any such information;

(5) a description of any violations of the requirements of this title by the Federal government;

(6) a classified list of entities that received classified information from the Federal government under section 103 of this Act and a description of any indication that such information may not have been appropriately handled;

(7) a summary of any breach of information security, if known, attributable to a specific failure by any entity or the Federal government to act on cyber threat information in the possession of such entity or the Federal government that resulted in substantial economic harm or injury to a specific entity or the Federal government; and

(8) any recommendation for improvements or modifications to the authorities under this title.

(b) **FORM OF REPORT.**—The report under subsection (a) shall be submitted in unclassified form, but shall include a classified annex.

#### SEC. 106. INSPECTOR GENERAL REVIEW.

(a) **IN GENERAL.**—The Council of the Inspectors General on Integrity and Efficiency are authorized to review compliance by the cybersecurity centers, and by any Federal department or agency receiving cyber threat information from such cybersecurity centers, with the procedures required under section 102 of this Act.

(b) **SCOPE OF REVIEW.**—The review under subsection (a) shall consider whether the Federal government has handled such cyber threat information in a reasonable manner, including consideration of the need to protect the privacy and civil liberties of individuals through anonymization or other appropriate methods, while fully accomplishing the objectives of this title.

(c) **REPORT TO CONGRESS.**—Each review conducted under this section shall be provided to Congress not later than 30 days after the date of completion of the review.

#### SEC. 107. TECHNICAL AMENDMENTS.

Section 552(b) of title 5, United States Code, is amended—

(1) in paragraph (8), by striking “or”;

(2) in paragraph (9), by striking “wells.”

and inserting “wells; or”;

(3) by adding at the end the following:

“(10) information shared with or provided to a cybersecurity center under section 102 of title I of the Strengthening and Enhancing Cybersecurity by Using Research, Education, Information, and Technology Act of 2012.”.

#### SEC. 108. ACCESS TO CLASSIFIED INFORMATION.

(a) **AUTHORIZATION REQUIRED.**—No person shall be provided with access to classified information (as defined in section 6.1 of Executive Order 13526 (50 U.S.C. 435 note; relating to classified national security information)) relating to cyber security threats or cyber security vulnerabilities under this title without the appropriate security clearances.

(b) **SECURITY CLEARANCES.**—The appropriate Federal agencies or departments

shall, consistent with applicable procedures and requirements, and if otherwise deemed appropriate, assist an individual in timely obtaining an appropriate security clearance where such individual has been determined to be eligible for such clearance and has a need-to-know (as defined in section 6.1 of that Executive Order) classified information to carry out this title.

### TITLE II—COORDINATION OF FEDERAL INFORMATION SECURITY POLICY

#### SEC. 201. COORDINATION OF FEDERAL INFORMATION SECURITY POLICY.

(a) **IN GENERAL.**—Chapter 35 of title 44, United States Code, is amended by striking subchapters II and III and inserting the following:

#### “SUBCHAPTER II—INFORMATION SECURITY

##### “§ 3551. Purposes

“The purposes of this subchapter are—

“(1) to provide a comprehensive framework for ensuring the effectiveness of information security controls over information resources that support Federal operations and assets;

“(2) to recognize the highly networked nature of the current Federal computing environment and provide effective government-wide management of policies, directives, standards, and guidelines, as well as effective and nimble oversight of and response to information security risks, including coordination of information security efforts throughout the Federal civilian, national security, and law enforcement communities;

“(3) to provide for development and maintenance of controls required to protect agency information and information systems and contribute to the overall improvement of agency information security posture;

“(4) to provide for the development of tools and methods to assess and respond to real-time situational risk for Federal information system operations and assets; and

“(5) to provide a mechanism for improving agency information security programs through continuous monitoring of agency information systems and streamlined reporting requirements rather than overly prescriptive manual reporting.

##### “§ 3552. Definitions

“In this subchapter:

“(1) **ADEQUATE SECURITY.**—The term ‘adequate security’ means security commensurate with the risk and magnitude of the harm resulting from the unauthorized access to or loss, misuse, destruction, or modification of information.

“(2) **AGENCY.**—The term ‘agency’ has the meaning given the term in section 3502 of title 44.

“(3) **CYBERSECURITY CENTER.**—The term ‘cybersecurity center’ means the Department of Defense Cyber Crime Center, the Intelligence Community Incident Response Center, the United States Cyber Command Joint Operations Center, the National Cyber Investigative Joint Task Force, the National Security Agency/Central Security Service Threat Operations Center, the National Cybersecurity and Communications Integration Center, and any successor center.

“(4) **CYBER THREAT INFORMATION.**—The term ‘cyber threat information’ means information that indicates or describes—

“(A) a technical or operation vulnerability or a cyber threat mitigation measure;

“(B) an action or operation to mitigate a cyber threat;

“(C) malicious reconnaissance, including anomalous patterns of network activity that appear to be transmitted for the purpose of gathering technical information related to a cybersecurity threat;



“(D) a method of defeating a technical control;

“(E) a method of defeating an operational control;

“(F) network activity or protocols known to be associated with a malicious cyber actor or that signify malicious cyber intent;

“(G) a method of causing a user with legitimate access to an information system or information that is stored on, processed by, or transiting an information system to inadvertently enable the defeat of a technical or operational control;

“(H) any other attribute of a cybersecurity threat or cyber defense information that would foster situational awareness of the United States cybersecurity posture, if disclosure of such attribute or information is not otherwise prohibited by law;

“(I) the actual or potential harm caused by a cyber incident, including information exfiltrated when it is necessary in order to identify or describe a cybersecurity threat; or

“(J) any combination of subparagraphs (A) through (I).

“(5) DIRECTOR.—The term ‘Director’ means the Director of the Office of Management and Budget unless otherwise specified.

“(6) ENVIRONMENT OF OPERATION.—The term ‘environment of operation’ means the information system and environment in which those systems operate, including changing threats, vulnerabilities, technologies, and missions and business practices.

“(7) FEDERAL INFORMATION SYSTEM.—The term ‘Federal information system’ means an information system used or operated by an executive agency, by a contractor of an executive agency, or by another organization on behalf of an executive agency.

“(8) INCIDENT.—The term ‘incident’ means an occurrence that—

“(A) actually or imminently jeopardizes the integrity, confidentiality, or availability of an information system or the information that system controls, processes, stores, or transmits; or

“(B) constitutes a violation of law or an imminent threat of violation of a law, a security policy, a security procedure, or an acceptable use policy.

“(9) INFORMATION RESOURCES.—The term ‘information resources’ has the meaning given the term in section 3502 of title 44.

“(10) INFORMATION SECURITY.—The term ‘information security’ means protecting information and information systems from disruption or unauthorized access, use, disclosure, modification, or destruction in order to provide—

“(A) integrity, by guarding against improper information modification or destruction, including by ensuring information non-repudiation and authenticity;

“(B) confidentiality, by preserving authorized restrictions on access and disclosure, including means for protecting personal privacy and proprietary information; or

“(C) availability, by ensuring timely and reliable access to and use of information.

“(11) INFORMATION SYSTEM.—The term ‘information system’ has the meaning given the term in section 3502 of title 44.

“(12) INFORMATION TECHNOLOGY.—The term ‘information technology’ has the meaning given the term in section 11101 of title 40.

“(13) MALICIOUS RECONNAISSANCE.—The term ‘malicious reconnaissance’ means a method for actively probing or passively monitoring an information system for the purpose of discerning technical vulnerabilities of the information system, if

such method is associated with a known or suspected cybersecurity threat.

“(14) NATIONAL SECURITY SYSTEM.—

“(A) IN GENERAL.—The term ‘national security system’ means any information system (including any telecommunications system) used or operated by an agency or by a contractor of an agency, or other organization on behalf of an agency—

“(i) the function, operation, or use of which—

“(I) involves intelligence activities;

“(II) involves cryptologic activities related to national security;

“(III) involves command and control of military forces;

“(IV) involves equipment that is an integral part of a weapon or weapons system; or

“(V) subject to subparagraph (B), is critical to the direct fulfillment of military or intelligence missions; or

“(ii) is protected at all times by procedures established for information that have been specifically authorized under criteria established by an Executive Order or an Act of Congress to be kept classified in the interest of national defense or foreign policy.

“(B) LIMITATION.—Subparagraph (A)(i)(V) does not include a system that is to be used for routine administrative and business applications (including payroll, finance, logistics, and personnel management applications).

“(15) OPERATIONAL CONTROL.—The term ‘operational control’ means a security control for an information system that primarily is implemented and executed by people.

“(16) PERSON.—The term ‘person’ has the meaning given the term in section 3502 of title 44.

“(17) SECRETARY.—The term ‘Secretary’ means the Secretary of Commerce unless otherwise specified.

“(18) SECURITY CONTROL.—The term ‘security control’ means the management, operational, and technical controls, including safeguards or countermeasures, prescribed for an information system to protect the confidentiality, integrity, and availability of the system and its information.

“(19) SIGNIFICANT CYBER INCIDENT.—The term ‘significant cyber incident’ means a cyber incident resulting in, or an attempted cyber incident that, if successful, would have resulted in—

“(A) the exfiltration from a Federal information system of data that is essential to the operation of the Federal information system; or

“(B) an incident in which an operational or technical control essential to the security or operation of a Federal information system was defeated.

“(20) TECHNICAL CONTROL.—The term ‘technical control’ means a hardware or software restriction on, or audit of, access or use of an information system or information that is stored on, processed by, or transiting an information system that is intended to ensure the confidentiality, integrity, or availability of that system.

#### “§ 3553. Federal information security authority and coordination

“(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Homeland Security, shall—

“(1) issue compulsory and binding policies and directives governing agency information security operations, and require implementation of such policies and directives, including—

“(A) policies and directives consistent with the standards and guidelines promulgated

under section 11331 of title 40 to identify and provide information security protections prioritized and commensurate with the risk and impact resulting from the unauthorized access, use, disclosure, disruption, modification, or destruction of—

“(i) information collected or maintained by or on behalf of an agency; or

“(ii) information systems used or operated by an agency or by a contractor of an agency or other organization on behalf of an agency;

“(B) minimum operational requirements for Federal Government to protect agency information systems and provide common situational awareness across all agency information systems;

“(C) reporting requirements, consistent with relevant law, regarding information security incidents and cyber threat information;

“(D) requirements for agencywide information security programs;

“(E) performance requirements and metrics for the security of agency information systems;

“(F) training requirements to ensure that agencies are able to fully and timely comply with the policies and directives issued by the Secretary under this subchapter;

“(G) training requirements regarding privacy, civil rights, and civil liberties, and information oversight for agency information security personnel;

“(H) requirements for the annual reports to the Secretary under section 3554(d);

“(I) any other information security operations or information security requirements as determined by the Secretary in coordination with relevant agency heads; and

“(J) coordinating the development of standards and guidelines under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3) with agencies and offices operating or exercising control of national security systems (including the National Security Agency) to assure, to the maximum extent feasible, that such standards and guidelines are complementary with standards and guidelines developed for national security systems;

“(2) review the agencywide information security programs under section 3554; and

“(3) designate an individual or an entity at each cybersecurity center, among other responsibilities—

“(A) to receive reports and information about information security incidents, cyber threat information, and deterioration of security control affecting agency information systems; and

“(B) to act on or share the information under subparagraph (A) in accordance with this subchapter.

“(b) CONSIDERATIONS.—When issuing policies and directives under subsection (a), the Secretary shall consider any applicable standards or guidelines developed by the National Institute of Standards and Technology under section 11331 of title 40.

“(c) LIMITATION OF AUTHORITY.—The authorities of the Secretary under this section shall not apply to national security systems. Information security policies, directives, standards and guidelines for national security systems shall be overseen as directed by the President and, in accordance with that direction, carried out under the authority of the heads of agencies that operate or exercise authority over such national security systems.

“(d) STATUTORY CONSTRUCTION.—Nothing in this subchapter shall be construed to alter or amend any law regarding the authority of any head of an agency over such agency.

**“§ 3554. Agency responsibilities**

“(a) IN GENERAL.—The head of each agency shall—

“(1) be responsible for—

“(A) complying with the policies and directives issued under section 3553;

“(B) providing information security protections commensurate with the risk resulting from unauthorized access, use, disclosure, disruption, modification, or destruction of—

“(i) information collected or maintained by the agency or by a contractor of an agency or other organization on behalf of an agency; and

“(ii) information systems used or operated by an agency or by a contractor of an agency or other organization on behalf of an agency;

“(C) complying with the requirements of this subchapter, including—

“(i) information security standards and guidelines promulgated under section 11331 of title 40;

“(ii) for any national security systems operated or controlled by that agency, information security policies, directives, standards and guidelines issued as directed by the President; and

“(iii) for any non-national security systems operated or controlled by that agency, information security policies, directives, standards and guidelines issued under section 3553;

“(D) ensuring that information security management processes are integrated with agency strategic and operational planning processes;

“(E) reporting and sharing, for an agency operating or exercising control of a national security system, information about information security incidents, cyber threat information, and deterioration of security controls to the individual or entity designated at each cybersecurity center and to other appropriate entities consistent with policies and directives for national security systems issued as directed by the President; and

“(F) reporting and sharing, for those agencies operating or exercising control of non-national security systems, information about information security incidents, cyber threat information, and deterioration of security controls to the individual or entity designated at each cybersecurity center and to other appropriate entities consistent with policies and directives for non-national security systems as prescribed under section 3553(a), including information to assist the entity designated under section 3555(a) with the ongoing security analysis under section 3555;

“(2) ensure that each senior agency official provides information security for the information and information systems that support the operations and assets under the senior agency official’s control, including by—

“(A) assessing the risk and impact that could result from the unauthorized access, use, disclosure, disruption, modification, or destruction of such information or information systems;

“(B) determining the level of information security appropriate to protect such information and information systems in accordance with policies and directives issued under section 3553(a), and standards and guidelines promulgated under section 11331 of title 40 for information security classifications and related requirements;

“(C) implementing policies, procedures, and capabilities to reduce risks to an acceptable level in a cost-effective manner;

“(D) actively monitoring the effective implementation of information security controls and techniques; and

“(E) reporting information about information security incidents, cyber threat information, and deterioration of security controls in a timely and adequate manner to the entity designated under section 3553(a)(3) in accordance with paragraph (1);

“(3) assess and maintain the resiliency of information technology systems critical to agency mission and operations;

“(4) designate the agency Inspector General (or an independent entity selected in consultation with the Director and the Council of Inspectors General on Integrity and Efficiency if the agency does not have an Inspector General) to conduct the annual independent evaluation required under section 3556, and allow the agency Inspector General to contract with an independent entity to perform such evaluation;

“(5) delegate to the Chief Information Officer or equivalent (or to a senior agency official who reports to the Chief Information Officer or equivalent)—

“(A) the authority and primary responsibility to implement an agencywide information security program; and

“(B) the authority to provide information security for the information collected and maintained by the agency (or by a contractor, other agency, or other source on behalf of the agency) and for the information systems that support the operations, assets, and mission of the agency (including any information system provided or managed by a contractor, other agency, or other source on behalf of the agency);

“(6) delegate to the appropriate agency official (who is responsible for a particular agency system or subsystem) the responsibility to ensure and enforce compliance with all requirements of the agency’s agencywide information security program in coordination with the Chief Information Officer or equivalent (or the senior agency official who reports to the Chief Information Officer or equivalent) under paragraph (5);

“(7) ensure that an agency has trained personnel who have obtained any necessary security clearances to permit them to assist the agency in complying with this subchapter;

“(8) ensure that the Chief Information Officer or equivalent (or the senior agency official who reports to the Chief Information Officer or equivalent) under paragraph (5), in coordination with other senior agency officials, reports to the agency head on the effectiveness of the agencywide information security program, including the progress of any remedial actions; and

“(9) ensure that the Chief Information Officer or equivalent (or the senior agency official who reports to the Chief Information Officer or equivalent) under paragraph (5) has the necessary qualifications to administer the functions described in this subchapter and has information security duties as a primary duty of that official.

“(b) CHIEF INFORMATION OFFICERS.—Each Chief Information Officer or equivalent (or the senior agency official who reports to the Chief Information Officer or equivalent) under subsection (a)(5) shall—

“(1) establish and maintain an enterprise security operations capability that on a continuous basis—

“(A) detects, reports, contains, mitigates, and responds to information security incidents that impair adequate security of the agency’s information or information system in a timely manner and in accordance with

the policies and directives under section 3553; and

“(B) reports any information security incident under subparagraph (A) to the entity designated under section 3555;

“(2) develop, maintain, and oversee an agencywide information security program;

“(3) develop, maintain, and oversee information security policies, procedures, and control techniques to address applicable requirements, including requirements under section 3553 of this title and section 11331 of title 40; and

“(4) train and oversee the agency personnel who have significant responsibility for information security with respect to that responsibility.

“(c) AGENCYWIDE INFORMATION SECURITY PROGRAMS.—

“(1) IN GENERAL.—Each agencywide information security program under subsection (b)(2) shall include—

“(A) relevant security risk assessments, including technical assessments and others related to the acquisition process;

“(B) security testing commensurate with risk and impact;

“(C) mitigation of deterioration of security controls commensurate with risk and impact;

“(D) risk-based continuous monitoring and threat assessment of the operational status and security of agency information systems to enable evaluation of the effectiveness of and compliance with information security policies, procedures, and practices, including a relevant and appropriate selection of security controls of information systems identified in the inventory under section 3505(c);

“(E) operation of appropriate technical capabilities in order to detect, mitigate, report, and respond to information security incidents, cyber threat information, and deterioration of security controls in a manner that is consistent with the policies and directives under section 3553, including—

“(i) mitigating risks associated with such information security incidents;

“(ii) notifying and consulting with the entity designated under section 3555; and

“(iii) notifying and consulting with, as appropriate—

“(I) law enforcement and the relevant Office of the Inspector General; and

“(II) any other entity, in accordance with law and as directed by the President;

“(F) a process to ensure that remedial action is taken to address any deficiencies in the information security policies, procedures, and practices of the agency; and

“(G) a plan and procedures to ensure the continuity of operations for information systems that support the operations and assets of the agency.

“(2) RISK MANAGEMENT STRATEGIES.—Each agencywide information security program under subsection (b)(2) shall include the development and maintenance of a risk management strategy for information security. The risk management strategy shall include—

“(A) consideration of information security incidents, cyber threat information, and deterioration of security controls; and

“(B) consideration of the consequences that could result from the unauthorized access, use, disclosure, disruption, modification, or destruction of information and information systems that support the operations and assets of the agency, including any information system provided or managed by a contractor, other agency, or other source on behalf of the agency;

“(3) POLICIES AND PROCEDURES.—Each agencywide information security program under

subsection (b)(2) shall include policies and procedures that—

“(A) are based on the risk management strategy under paragraph (2);

“(B) reduce information security risks to an acceptable level in a cost-effective manner;

“(C) ensure that cost-effective and adequate information security is addressed as part of the acquisition and ongoing management of each agency information system; and

“(D) ensure compliance with—

“(i) this subchapter; and

“(ii) any other applicable requirements.

“(4) **TRAINING REQUIREMENTS.**—Each agencywide information security program under subsection (b)(2) shall include information security, privacy, civil rights, civil liberties, and information oversight training that meets any applicable requirements under section 3553. The training shall inform each information security personnel that has access to agency information systems (including contractors and other users of information systems that support the operations and assets of the agency) of—

“(A) the information security risks associated with the information security personnel’s activities; and

“(B) the individual’s responsibility to comply with the agency policies and procedures that reduce the risks under subparagraph (A).

“(d) **ANNUAL REPORT.**—Each agency shall submit a report annually to the Secretary of Homeland Security on its agencywide information security program and information systems.

**“§ 3555. Multiagency ongoing threat assessment**

“(a) **IMPLEMENTATION.**—The Director of the Office of Management and Budget, in coordination with the Secretary of Homeland Security, shall designate an entity to implement ongoing security analysis concerning agency information systems—

“(1) based on cyber threat information;

“(2) based on agency information system and environment of operation changes, including—

“(A) an ongoing evaluation of the information system security controls; and

“(B) the security state, risk level, and environment of operation of an agency information system, including—

“(i) a change in risk level due to a new cyber threat;

“(ii) a change resulting from a new technology;

“(iii) a change resulting from the agency’s mission; and

“(iv) a change resulting from the business practice; and

“(3) using automated processes to the maximum extent possible—

“(A) to increase information system security;

“(B) to reduce paper-based reporting requirements; and

“(C) to maintain timely and actionable knowledge of the state of the information system security.

“(b) **STANDARDS.**—The National Institute of Standards and Technology may promulgate standards, in coordination with the Secretary of Homeland Security, to assist an agency with its duties under this section.

“(c) **COMPLIANCE.**—The head of each appropriate department and agency shall be responsible for ensuring compliance and implementing necessary procedures to comply with this section. The head of each appropriate department and agency, in consulta-

tion with the Director of the Office of Management and Budget and the Secretary of Homeland Security, shall—

“(1) monitor compliance under this section;

“(2) develop a timeline and implement for the department or agency—

“(A) adoption of any technology, system, or method that facilitates continuous monitoring and threat assessments of an agency information system;

“(B) adoption or updating of any technology, system, or method that prevents, detects, or remediates a significant cyber incident to a Federal information system of the department or agency that has impeded, or is reasonably likely to impede, the performance of a critical mission of the department or agency; and

“(C) adoption of any technology, system, or method that satisfies a requirement under this section.

“(d) **LIMITATION OF AUTHORITY.**—The authorities of the Director of the Office of Management and Budget and of the Secretary of Homeland Security under this section shall not apply to national security systems.

“(e) **REPORT.**—Not later than 6 months after the date of enactment of the Strengthening and Enhancing Cybersecurity by Using Research, Education, Information, and Technology Act of 2012, the Government Accountability Office shall issue a report evaluating each agency’s status toward implementing this section.

**“§ 3556. Independent evaluations**

“(a) **IN GENERAL.**—The Council of the Inspectors General on Integrity and Efficiency, in consultation with the Director and the Secretary of Homeland Security, the Secretary of Commerce, and the Secretary of Defense, shall issue and maintain criteria for the timely, cost-effective, risk-based, and independent evaluation of each agencywide information security program (and practices) to determine the effectiveness of the agencywide information security program (and practices). The criteria shall include measures to assess any conflicts of interest in the performance of the evaluation and whether the agencywide information security program includes appropriate safeguards against disclosure of information where such disclosure may adversely affect information security.

“(b) **ANNUAL INDEPENDENT EVALUATIONS.**—Each agency shall perform an annual independent evaluation of its agencywide information security program (and practices) in accordance with the criteria under subsection (a).

“(c) **DISTRIBUTION OF REPORTS.**—Not later than 30 days after receiving an independent evaluation under subsection (b), each agency head shall transmit a copy of the independent evaluation to the Secretary of Homeland Security, the Secretary of Commerce, and the Secretary of Defense.

“(d) **NATIONAL SECURITY SYSTEMS.**—Evaluations involving national security systems shall be conducted as directed by President.

**“§ 3557. National security systems.**

“The head of each agency operating or exercising control of a national security system shall be responsible for ensuring that the agency—

“(1) provides information security protections commensurate with the risk and magnitude of the harm resulting from the unauthorized access, use, disclosure, disruption, modification, or destruction of the information contained in such system; and

“(2) implements information security policies and practices as required by standards

and guidelines for national security systems, issued in accordance with law and as directed by the President.”.

**(b) SAVINGS PROVISIONS.—**

(1) **POLICY AND COMPLIANCE GUIDANCE.**—Policy and compliance guidance issued by the Director before the date of enactment of this Act under section 3543(a)(1) of title 44, United States Code (as in effect on the day before the date of enactment of this Act), shall continue in effect, according to its terms, until modified, terminated, superseded, or repealed pursuant to section 3553(a)(1) of title 44, United States Code.

(2) **STANDARDS AND GUIDELINES.**—Standards and guidelines issued by the Secretary of Commerce or by the Director before the date of enactment of this Act under section 11331(a)(1) of title 40, United States Code, (as in effect on the day before the date of enactment of this Act) shall continue in effect, according to their terms, until modified, terminated, superseded, or repealed pursuant to section 11331(a)(1) of title 40, United States Code, as amended by this Act.

**(c) TECHNICAL AND CONFORMING AMENDMENTS.—**

(1) **CHAPTER ANALYSIS.**—The chapter analysis for chapter 35 of title 44, United States Code, is amended—

(A) by striking the items relating to sections 3531 through 3538;

(B) by striking the items relating to sections 3541 through 3549; and

(C) by inserting the following:

“3551. Purposes.

“3552. Definitions.

“3553. Federal information security authority and coordination.

“3554. Agency responsibilities.

“3555. Multiagency ongoing threat assessment.

“3556. Independent evaluations.

“3557. National security systems.”.

**(2) OTHER REFERENCES.—**

(A) Section 1001(c)(1)(A) of the Homeland Security Act of 2002 (6 U.S.C. 5111(A)) is amended by striking “section 3532(3)” and inserting “section 3552”.

(B) Section 2222(j)(5) of title 10, United States Code, is amended by striking “section 3542(b)(2)” and inserting “section 3552”.

(C) Section 2223(c)(3) of title 10, United States Code, is amended, by striking “section 3542(b)(2)” and inserting “section 3552”.

(D) Section 2315 of title 10, United States Code, is amended by striking “section 3542(b)(2)” and inserting “section 3552”.

(E) Section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3) is amended—

(i) in subsection (a)(2), by striking “section 3532(b)(2)” and inserting “section 3552”;

(ii) in subsection (c)(3), by striking “Director of the Office of Management and Budget” and inserting “Secretary of Commerce”;

(iii) in subsection (d)(1), by striking “Director of the Office of Management and Budget” and inserting “Secretary of Commerce”;

(iv) in subsection (d)(8) by striking “Director of the Office of Management and Budget” and inserting “Secretary of Commerce”;

(v) in subsection (d)(8), by striking “submitted to the Director” and inserting “submitted to the Secretary”;

(vi) in subsection (e)(2), by striking “section 3532(1) of such title” and inserting “section 3552 of title 44”; and

(vii) in subsection (e)(5), by striking “section 3532(b)(2) of such title” and inserting “section 3552 of title 44”.

(F) Section 8(d)(1) of the Cyber Security Research and Development Act (15 U.S.C.

7406(d)(1)) is amended by striking “section 3534(b)” and inserting “section 3554(b)(2)”.

## SEC. 202. MANAGEMENT OF INFORMATION TECHNOLOGY.

(a) IN GENERAL.—Section 11331 of title 40, United States Code, is amended to read as follows:

### “§ 11331. Responsibilities for Federal information systems standards

“(a) STANDARDS AND GUIDELINES.—

“(1) AUTHORITY TO PRESCRIBE.—Except as provided under paragraph (2), the Secretary of Commerce shall prescribe standards and guidelines pertaining to Federal information systems—

“(A) in consultation with the Secretary of Homeland Security; and

“(B) on the basis of standards and guidelines developed by the National Institute of Standards and Technology under paragraphs (2) and (3) of section 20(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3(a)(2) and (a)(3)).

“(2) NATIONAL SECURITY SYSTEMS.—Standards and guidelines for national security systems shall be developed, prescribed, enforced, and overseen as otherwise authorized by law and as directed by the President.

“(b) MANDATORY STANDARDS AND GUIDELINES.—

“(1) AUTHORITY TO MAKE MANDATORY STANDARDS AND GUIDELINES.—The Secretary of Commerce shall make standards and guidelines under subsection (a)(1) compulsory and binding to the extent determined necessary by the Secretary of Commerce to improve the efficiency of operation or security of Federal information systems.

“(2) REQUIRED MANDATORY STANDARDS AND GUIDELINES.—

“(A) IN GENERAL.—Standards and guidelines under subsection (a)(1) shall include information security standards that—

“(i) provide minimum information security requirements as determined under section 20(b) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3(b)); and

“(ii) are otherwise necessary to improve the security of Federal information and information systems.

“(B) BINDING EFFECT.—Information security standards under subparagraph (A) shall be compulsory and binding.

“(C) EXERCISE OF AUTHORITY.—To ensure fiscal and policy consistency, the Secretary of Commerce shall exercise the authority conferred by this section subject to direction by the President and in coordination with the Director.

“(d) APPLICATION OF MORE STRINGENT STANDARDS AND GUIDELINES.—The head of an executive agency may employ standards for the cost-effective information security for information systems within or under the supervision of that agency that are more stringent than the standards and guidelines the Secretary of Commerce prescribes under this section if the more stringent standards and guidelines—

“(1) contain at least the applicable standards and guidelines made compulsory and binding by the Secretary of Commerce; and

“(2) are otherwise consistent with the policies, directives, and implementation memoranda issued under section 3553(a) of title 44.

“(e) DECISIONS ON PROMULGATION OF STANDARDS AND GUIDELINES.—The decision by the Secretary of Commerce regarding the promulgation of any standard or guideline under this section shall occur not later than 6 months after the date of submission of the proposed standard to the Secretary of Commerce by the National Institute of Standards and Technology under section 20 of the Na-

tional Institute of Standards and Technology Act (15 U.S.C. 278g–3).

“(f) NOTICE AND COMMENT.—A decision by the Secretary of Commerce to significantly modify, or not promulgate, a proposed standard submitted to the Secretary by the National Institute of Standards and Technology under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3) shall be made after the public is given an opportunity to comment on the Secretary’s proposed decision.

“(g) DEFINITIONS.—In this section:

“(1) FEDERAL INFORMATION SYSTEM.—The term ‘Federal information system’ has the meaning given the term in section 3552 of title 44.

“(2) INFORMATION SECURITY.—The term ‘information security’ has the meaning given the term in section 3552 of title 44.

“(3) NATIONAL SECURITY SYSTEM.—The term ‘national security system’ has the meaning given the term in section 3552 of title 44.”.

## SEC. 203. NO NEW FUNDING.

An applicable Federal agency shall carry out the provisions of this title with existing facilities and funds otherwise available, through such means as the head of the agency considers appropriate.

## SEC. 204. TECHNICAL AND CONFORMING AMENDMENTS.

Section 21(b) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–4(b)) is amended—

(1) in paragraph (2), by striking “and the Director of the Office of Management and Budget” and inserting “, the Secretary of Commerce, and the Secretary of Homeland Security”; and

(2) in paragraph (3), by inserting “, the Secretary of Homeland Security,” after “the Secretary of Commerce”.

## SEC. 205. CLARIFICATION OF AUTHORITIES.

Nothing in this title shall be construed to convey any new regulatory authority to any government entity implementing or complying with any provision of this title.

## TITLE III—CRIMINAL PENALTIES

### SEC. 301. PENALTIES FOR FRAUD AND RELATED ACTIVITY IN CONNECTION WITH COMPUTERS.

Section 1030(c) of title 18, United States Code, is amended to read as follows:

“(c) The punishment for an offense under subsection (a) or (b) of this section is—

“(1) a fine under this title or imprisonment for not more than 20 years, or both, in the case of an offense under subsection (a)(1) of this section;

“(2)(A) except as provided in subparagraph (B), a fine under this title or imprisonment for not more than 3 years, or both, in the case of an offense under subsection (a)(2); or

“(B) a fine under this title or imprisonment for not more than ten years, or both, in the case of an offense under subsection (a)(2) of this section, if—

“(i) the offense was committed for purposes of commercial advantage or private financial gain;

“(ii) the offense was committed in the furtherance of any criminal or tortious act in violation of the Constitution or laws of the United States, or of any State; or

“(iii) the value of the information obtained, or that would have been obtained if the offense was completed, exceeds \$5,000;

“(3) a fine under this title or imprisonment for not more than 10 years, or both, in the case of an offense under subsection (a)(3) of this section;

“(4) a fine under this title or imprisonment for not more than 20 years, or both, in the

case of an offense under subsection (a)(4) of this section;

“(5)(A) except as provided in subparagraph (C), a fine under this title, imprisonment for not more than 20 years, or both, in the case of an offense under subsection (a)(5)(A) of this section, if the offense caused—

“(i) loss to 1 or more persons during any 1-year period (and, for purposes of an investigation, prosecution, or other proceeding brought by the United States only, loss resulting from a related course of conduct affecting 1 or more other protected computers) aggregating at least \$5,000 in value;

“(ii) the modification or impairment, or potential modification or impairment, of the medical examination, diagnosis, treatment, or care of 1 or more individuals;

“(iii) physical injury to any person;

“(iv) a threat to public health or safety;

“(v) damage affecting a computer used by, or on behalf of, an entity of the United States Government in furtherance of the administration of justice, national defense, or national security; or

“(vi) damage affecting 10 or more protected computers during any 1-year period;

“(B) a fine under this title, imprisonment for not more than 20 years, or both, in the case of an offense under subsection (a)(5)(B), if the offense caused a harm provided in clause (i) through (vi) of subparagraph (A) of this subsection;

“(C) if the offender attempts to cause or knowingly or recklessly causes death from conduct in violation of subsection (a)(5)(A), a fine under this title, imprisonment for any term of years or for life, or both;

“(D) a fine under this title, imprisonment for not more than 10 years, or both, for any other offense under subsection (a)(5);

“(E) a fine under this title or imprisonment for not more than 10 years, or both, in the case of an offense under subsection (a)(6) of this section; or

“(F) a fine under this title or imprisonment for not more than 10 years, or both, in the case of an offense under subsection (a)(7) of this section.”.

## SEC. 302. TRAFFICKING IN PASSWORDS.

Section 1030(a)(6) of title 18, United States Code, is amended to read as follows:

“(6) knowingly and with intent to defraud traffics (as defined in section 1029) in any password or similar information or means of access through which a protected computer (as defined in subparagraphs (A) and (B) of subsection (e)(2)) may be accessed without authorization.”.

## SEC. 303. CONSPIRACY AND ATTEMPTED COMPUTER FRAUD OFFENSES.

Section 1030(b) of title 18, United States Code, is amended by inserting “as if for the completed offense” after “punished as provided”.

## SEC. 304. CRIMINAL AND CIVIL FORFEITURE FOR FRAUD AND RELATED ACTIVITY IN CONNECTION WITH COMPUTERS.

Section 1030 of title 18, United States Code, is amended by striking subsections (i) and (j) and inserting the following:

“(i) CRIMINAL FORFEITURE.—

“(1) The court, in imposing sentence on any person convicted of a violation of this section, or convicted of conspiracy to violate this section, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person forfeit to the United States—

“(A) such persons interest in any property, real or personal, that was used, or intended to be used, to commit or facilitate the commission of such violation; and

“(B) any property, real or personal, constituting or derived from any gross proceeds, or

any property traceable to such property, that such person obtained, directly or indirectly, as a result of such violation.

“(2) The criminal forfeiture of property under this subsection, including any seizure and disposition of the property, and any related judicial or administrative proceeding, shall be governed by the provisions of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), except subsection (d) of that section.

“(j) CIVIL FORFEITURE.—

“(1) The following shall be subject to forfeiture to the United States and no property right, real or personal, shall exist in them:

“(A) Any property, real or personal, that was used, or intended to be used, to commit or facilitate the commission of any violation of this section, or a conspiracy to violate this section.

“(B) Any property, real or personal, constituting or derived from any gross proceeds obtained directly or indirectly, or any property traceable to such property, as a result of the commission of any violation of this section, or a conspiracy to violate this section.

“(2) Seizures and forfeitures under this subsection shall be governed by the provisions in chapter 46 relating to civil forfeitures, except that such duties as are imposed on the Secretary of the Treasury under the customs laws described in section 981(d) shall be performed by such officers, agents and other persons as may be designated for that purpose by the Secretary of Homeland Security or the Attorney General.”.

#### **SEC. 305. DAMAGE TO CRITICAL INFRASTRUCTURE COMPUTERS.**

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by inserting after section 1030 the following:

##### **“§ 1030A. Aggravated damage to a critical infrastructure computer**

“(a) DEFINITIONS.—In this section—

“(1) the term ‘computer’ has the meaning given the term in section 1030;

“(2) the term ‘critical infrastructure computer’ means a computer that manages or controls systems or assets vital to national defense, national security, national economic security, public health or safety, or any combination of those matters, whether publicly or privately owned or operated, including—

“(A) oil and gas production, storage, conversion, and delivery systems;

“(B) water supply systems;

“(C) telecommunication networks;

“(D) electrical power generation and delivery systems;

“(E) finance and banking systems;

“(F) emergency services;

“(G) transportation systems and services; and

“(H) government operations that provide essential services to the public; and

“(3) the term ‘damage’ has the meaning given the term in section 1030.

“(b) OFFENSE.—It shall be unlawful, during and in relation to a felony violation of section 1030, to knowingly cause or attempt to cause damage to a critical infrastructure computer if the damage results in (or, in the case of an attempt, if completed, would have resulted in) the substantial impairment—

“(1) of the operation of the critical infrastructure computer; or

“(2) of the critical infrastructure associated with the computer.

“(c) PENALTY.—Any person who violates subsection (b) shall be—

“(1) fined under this title;

“(2) imprisoned for not less than 3 years but not more than 20 years; or

“(3) penalized under paragraphs (1) and (2).

“(d) CONSECUTIVE SENTENCE.—Notwithstanding any other provision of law—

“(1) a court shall not place on probation any person convicted of a violation of this section;

“(2) except as provided in paragraph (4), no term of imprisonment imposed on a person under this section shall run concurrently with any other term of imprisonment, including any term of imprisonment imposed on the person under any other provision of law, including any term of imprisonment imposed for a felony violation of section 1030;

“(3) in determining any term of imprisonment to be imposed for a felony violation of section 1030, a court shall not in any way reduce the term to be imposed for such crime so as to compensate for, or otherwise take into account, any separate term of imprisonment imposed or to be imposed for a violation of this section; and

“(4) a term of imprisonment imposed on a person for a violation of this section may, in the discretion of the court, run concurrently, in whole or in part, only with another term of imprisonment that is imposed by the court at the same time on that person for an additional violation of this section, provided that such discretion shall be exercised in accordance with any applicable guidelines and policy statements issued by the United States Sentencing Commission pursuant to section 994 of title 28.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The chapter analysis for chapter 47 of title 18, United States Code, is amended by inserting after the item relating to section 1030 the following:

“1030A. Aggravated damage to a critical infrastructure computer.”.

#### **SEC. 306. LIMITATION ON ACTIONS INVOLVING UNAUTHORIZED USE.**

Section 1030(e)(6) of title 18, United States Code, is amended by striking “alter,” and inserting “alter, but does not include access in violation of a contractual obligation or agreement, such as an acceptable use policy or terms of service agreement, with an Internet service provider, Internet website, or non-government employer, if such violation constitutes the sole basis for determining that access to a protected computer is unauthorized.”.

#### **SEC. 307. NO NEW FUNDING.**

An applicable Federal agency shall carry out the provisions of this title with existing facilities and funds otherwise available, through such means as the head of the agency considers appropriate.

### **TITLE IV—CYBERSECURITY RESEARCH AND DEVELOPMENT**

#### **SEC. 401. NATIONAL HIGH-PERFORMANCE COMPUTING PROGRAM PLANNING AND COORDINATION.**

(a) GOALS AND PRIORITIES.—Section 101 of the High-Performance Computing Act of 1991 (15 U.S.C. 5511) is amended by adding at the end the following:

“(d) GOALS AND PRIORITIES.—The goals and priorities for Federal high-performance computing research, development, networking, and other activities under subsection (a)(2)(A) shall include—

“(1) encouraging and supporting mechanisms for interdisciplinary research and development in networking and information technology, including—

“(A) through collaborations across agencies;

“(B) through collaborations across Program Component Areas;

“(C) through collaborations with industry;

“(D) through collaborations with institutions of higher education;

“(E) through collaborations with Federal laboratories (as defined in section 4 of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3703)); and

“(F) through collaborations with international organizations;

“(2) addressing national, multi-agency, multi-faceted challenges of national importance; and

“(3) fostering the transfer of research and development results into new technologies and applications for the benefit of society.”.

(b) DEVELOPMENT OF STRATEGIC PLAN.—Section 101 of the High-Performance Computing Act of 1991 (15 U.S.C. 5511) is amended by adding at the end the following:

“(e) STRATEGIC PLAN.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Strengthening and Enhancing Cybersecurity by Using Research, Education, Information, and Technology Act of 2012, the agencies under subsection (a)(3)(B), working through the National Science and Technology Council and with the assistance of the Office of Science and Technology Policy shall develop a 5-year strategic plan to guide the activities under subsection (a)(1).

“(2) CONTENTS.—The strategic plan shall specify—

“(A) the near-term objectives for the Program;

“(B) the long-term objectives for the Program;

“(C) the anticipated time frame for achieving the near-term objectives;

“(D) the metrics that will be used to assess any progress made toward achieving the near-term objectives and the long-term objectives; and

“(E) how the Program will achieve the goals and priorities under subsection (d).

“(3) IMPLEMENTATION ROADMAP.—

“(A) IN GENERAL.—The agencies under subsection (a)(3)(B) shall develop and annually update an implementation roadmap for the strategic plan.

“(B) REQUIREMENTS.—The information in the implementation roadmap shall be coordinated with the database under section 102(c) and the annual report under section 101(a)(3). The implementation roadmap shall—

“(i) specify the role of each Federal agency in carrying out or sponsoring research and development to meet the research objectives of the strategic plan, including a description of how progress toward the research objectives will be evaluated, with consideration of any relevant recommendations of the advisory committee;

“(ii) specify the funding allocated to each major research objective of the strategic plan and the source of funding by agency for the current fiscal year; and

“(iii) estimate the funding required for each major research objective of the strategic plan for the next 3 fiscal years.

“(4) RECOMMENDATIONS.—The agencies under subsection (a)(3)(B) shall take into consideration when developing the strategic plan under paragraph (1) the recommendations of—

“(A) the advisory committee under subsection (b); and

“(B) the stakeholders under section 102(a)(3).

“(5) REPORT TO CONGRESS.—The Director of the Office of Science and Technology Policy shall transmit the strategic plan under this subsection, including the implementation roadmap and any updates under paragraph (3), to—

“(A) the advisory committee under subsection (b);

“(B) the Committee on Commerce, Science, and Transportation of the Senate; and

“(C) the Committee on Science and Technology of the House of Representatives.”.

(c) PERIODIC REVIEWS.—Section 101 of the High-Performance Computing Act of 1991 (15 U.S.C. 5511) is amended by adding at the end the following:

“(f) PERIODIC REVIEWS.—The agencies under subsection (a)(3)(B) shall—

“(1) periodically assess the contents and funding levels of the Program Component Areas and restructure the Program when warranted, taking into consideration any relevant recommendations of the advisory committee under subsection (b); and

“(2) ensure that the Program includes national, multi-agency, multi-faceted research and development activities, including activities described in section 104.”.

(d) ADDITIONAL RESPONSIBILITIES OF DIRECTOR.—Section 101(a)(2) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(a)(2)) is amended—

(1) by redesignating subparagraphs (E) and (F) as subparagraphs (G) and (H), respectively; and

(2) by inserting after subparagraph (D) the following:

“(E) encourage and monitor the efforts of the agencies participating in the Program to allocate the level of resources and management attention necessary—

“(i) to ensure that the strategic plan under subsection (e) is developed and executed effectively; and

“(ii) to ensure that the objectives of the Program are met;

“(F) working with the Office of Management and Budget and in coordination with the creation of the database under section 102(c), direct the Office of Science and Technology Policy and the agencies participating in the Program to establish a mechanism (consistent with existing law) to track all ongoing and completed research and development projects and associated funding;”.

(e) ADVISORY COMMITTEE.—Section 101(b) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(b)) is amended—

(1) in paragraph (1)—

(A) by inserting after the first sentence the following: “The co-chairs of the advisory committee shall meet the qualifications of committee members and may be members of the Presidents Council of Advisors on Science and Technology.”; and

(B) by striking “high-performance” in subparagraph (D) and inserting “high-end”; and

(2) by amending paragraph (2) to read as follows:

“(2) In addition to the duties under paragraph (1), the advisory committee shall conduct periodic evaluations of the funding, management, coordination, implementation, and activities of the Program. The advisory committee shall report its findings and recommendations not less frequently than once every 3 fiscal years to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives. The report shall be submitted in conjunction with the update of the strategic plan.”.

(f) REPORT.—Section 101(a)(3) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(a)(3)) is amended—

(1) in subparagraph (C)—

(A) by striking “is submitted,” and inserting “is submitted, the levels for the previous fiscal year,”; and

(B) by striking “each Program Component Area” and inserting “each Program Component Area and each research area supported in accordance with section 104”;

(2) in subparagraph (D)—

(A) by striking “each Program Component Area,” and inserting “each Program Component Area and each research area supported in accordance with section 104,”;

(B) by striking “is submitted,” and inserting “is submitted, the levels for the previous fiscal year,”; and

(C) by striking “and” after the semicolon;

(3) by redesignating subparagraph (E) as subparagraph (G); and

(4) by inserting after subparagraph (D) the following:

“(E) include a description of how the objectives for each Program Component Area, and the objectives for activities that involve multiple Program Component Areas, relate to the objectives of the Program identified in the strategic plan under subsection (e);

“(F) include—

“(i) a description of the funding required by the Office of Science and Technology Policy to perform the functions under subsections (a) and (c) of section 102 for the next fiscal year by category of activity;

“(ii) a description of the funding required by the Office of Science and Technology Policy to perform the functions under subsections (a) and (c) of section 102 for the current fiscal year by category of activity; and

“(iii) the amount of funding provided for the Office of Science and Technology Policy for the current fiscal year by each agency participating in the Program; and”.

(g) DEFINITIONS.—Section 4 of the High-Performance Computing Act of 1991 (15 U.S.C. 5503) is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(2) by redesignating paragraph (3) as paragraph (6);

(3) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively;

(4) by inserting before paragraph (2), as redesignated, the following:

“(1) ‘cyber-physical systems’ means physical or engineered systems whose networking and information technology functions and physical elements are deeply integrated and are actively connected to the physical world through sensors, actuators, or other means to perform monitoring and control functions;”;

(5) in paragraph (3), as redesignated, by striking “high-performance computing” and inserting “networking and information technology”;

(6) in paragraph (6), as redesignated—

(A) by striking “high-performance computing” and inserting “networking and information technology”; and

(B) by striking “supercomputer” and inserting “high-end computing”;

(7) in paragraph (5), by striking “network referred to as” and all that follows through the semicolon and inserting “network, including advanced computer networks of Federal agencies and departments”; and

(8) in paragraph (7), as redesignated, by striking “National High-Performance Computing Program” and inserting “networking and information technology research and development program”.

#### SEC. 402. RESEARCH IN AREAS OF NATIONAL IMPORTANCE.

(a) RESEARCH IN AREAS OF NATIONAL IMPORTANCE.—Title I of the High-Performance Computing Act of 1991 (15 U.S.C. 5511 et seq.) is amended by adding at the end the following:

#### “SEC. 104. RESEARCH IN AREAS OF NATIONAL IMPORTANCE.

“(a) IN GENERAL.—The Program shall encourage agencies under section 101(a)(3)(B) to support, maintain, and improve national, multi-agency, multi-faceted, research and development activities in networking and information technology directed toward application areas that have the potential for significant contributions to national economic competitiveness and for other significant societal benefits.

“(b) TECHNICAL SOLUTIONS.—An activity under subsection (a) shall be designed to advance the development of research discoveries by demonstrating technical solutions to important problems in areas including—

“(1) cybersecurity;

“(2) health care;

“(3) energy management and low-power systems and devices;

“(4) transportation, including surface and air transportation;

“(5) cyber-physical systems;

“(6) large-scale data analysis and modeling of physical phenomena;

“(7) large scale data analysis and modeling of behavioral phenomena;

“(8) supply chain quality and security; and

“(9) privacy protection and protected disclosure of confidential data.

“(c) RECOMMENDATIONS.—The advisory committee under section 101(b) shall make recommendations to the Program for candidate research and development areas for support under this section.

“(d) CHARACTERISTICS.—

“(1) IN GENERAL.—Research and development activities under this section—

“(A) shall include projects selected on the basis of applications for support through a competitive, merit-based process;

“(B) shall leverage, when possible, Federal investments through collaboration with related State initiatives;

“(C) shall include a plan for fostering the transfer of research discoveries and the results of technology demonstration activities, including from institutions of higher education and Federal laboratories, to industry for commercial development;

“(D) shall involve collaborations among researchers in institutions of higher education and industry; and

“(E) may involve collaborations among nonprofit research institutions and Federal laboratories, as appropriate.

“(2) COST-SHARING.—In selecting applications for support, the agencies under section 101(a)(3)(B) shall give special consideration to projects that include cost sharing from non-Federal sources.

“(3) MULTIDISCIPLINARY RESEARCH CENTERS.—Research and development activities under this section shall be supported through multidisciplinary research centers, including Federal laboratories, that are organized to investigate basic research questions and carry out technology demonstration activities in areas described in subsection (a). Research may be carried out through existing multidisciplinary centers, including those authorized under section 7024(b)(2) of the America COMPETES Act (42 U.S.C. 1862o–10(2)).”.

(b) CYBER-PHYSICAL SYSTEMS.—Section 101(a)(1) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(a)(1)) is amended—

(1) in subparagraph (H), by striking “and” after the semicolon;

(2) in subparagraph (I), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(J) provide for increased understanding of the scientific principles of cyber-physical systems and improve the methods available for the design, development, and operation of cyber-physical systems that are characterized by high reliability, safety, and security; and

“(K) provide for research and development on human-computer interactions, visualization, and big data.”.

(c) **TASK FORCE.**—Title I of the High-Performance Computing Act of 1991 (15 U.S.C. 5511 et seq.), as amended by section 402(a) of this Act, is amended by adding at the end the following:

**“SEC. 105. TASK FORCE.**

“(a) **ESTABLISHMENT.**—Not later than 180 days after the date of enactment the Strengthening and Enhancing Cybersecurity by Using Research, Education, Information, and Technology Act of 2012, the Director of the Office of Science and Technology Policy under section 102 shall convene a task force to explore mechanisms for carrying out collaborative research and development activities for cyber-physical systems (including the related technologies required to enable these systems) through a consortium or other appropriate entity with participants from institutions of higher education, Federal laboratories, and industry.

“(b) **FUNCTIONS.**—The task force shall—

“(1) develop options for a collaborative model and an organizational structure for such entity under which the joint research and development activities could be planned, managed, and conducted effectively, including mechanisms for the allocation of resources among the participants in such entity for support of such activities;

“(2) propose a process for developing a research and development agenda for such entity, including guidelines to ensure an appropriate scope of work focused on nationally significant challenges and requiring collaboration and to ensure the development of related scientific and technological milestones;

“(3) define the roles and responsibilities for the participants from institutions of higher education, Federal laboratories, and industry in such entity;

“(4) propose guidelines for assigning intellectual property rights and for transferring research results to the private sector; and

“(5) make recommendations for how such entity could be funded from Federal, State, and non-governmental sources.

“(c) **COMPOSITION.**—In establishing the task force under subsection (a), the Director of the Office of Science and Technology Policy shall appoint an equal number of individuals from institutions of higher education and from industry with knowledge and expertise in cyber-physical systems, and may appoint not more than 2 individuals from Federal laboratories.

“(d) **REPORT.**—Not later than 1 year after the date of enactment of the Strengthening and Enhancing Cybersecurity by Using Research, Education, Information, and Technology Act of 2012, the Director of the Office of Science and Technology Policy shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives a report describing the findings and recommendations of the task force.

“(e) **TERMINATION.**—The task force shall terminate upon transmittal of the report required under subsection (d).

“(f) **COMPENSATION AND EXPENSES.**—Members of the task force shall serve without compensation.”.

**SEC. 403. PROGRAM IMPROVEMENTS.**

Section 102 of the High-Performance Computing Act of 1991 (15 U.S.C. 5512) is amended to read as follows:

**“SEC. 102. PROGRAM IMPROVEMENTS.**

“(a) **FUNCTIONS.**—The Director of the Office of Science and Technology Policy shall continue—

“(1) to provide technical and administrative support to—

“(A) the agencies participating in planning and implementing the Program, including support needed to develop the strategic plan under section 101(e); and

“(B) the advisory committee under section 101(b);

“(2) to serve as the primary point of contact on Federal networking and information technology activities for government agencies, academia, industry, professional societies, State computing and networking technology programs, interested citizen groups, and others to exchange technical and programmatic information;

“(3) to solicit input and recommendations from a wide range of stakeholders during the development of each strategic plan under section 101(e) by convening at least 1 workshop with invitees from academia, industry, Federal laboratories, and other relevant organizations and institutions;

“(4) to conduct public outreach, including the dissemination of the advisory committee’s findings and recommendations, as appropriate;

“(5) to promote access to and early application of the technologies, innovations, and expertise derived from Program activities to agency missions and systems across the Federal Government and to United States industry;

“(6) to ensure accurate and detailed budget reporting of networking and information technology research and development investment; and

“(7) to encourage agencies participating in the Program to use existing programs and resources to strengthen networking and information technology education and training, and increase participation in such fields, including by women and underrepresented minorities.

“(b) **SOURCE OF FUNDING.**—

“(1) **IN GENERAL.**—The functions under this section shall be supported by funds from each agency participating in the Program.

“(2) **SPECIFICATIONS.**—The portion of the total budget of the Office of Science and Technology Policy that is provided by each agency participating in the Program for each fiscal year shall be in the same proportion as each agency’s share of the total budget for the Program for the previous fiscal year, as specified in the database under section 102(c).

“(c) **DATABASE.**—

“(1) **IN GENERAL.**—The Director of the Office of Science and Technology Policy shall develop and maintain a database of projects funded by each agency for the fiscal year for each Program Component Area.

“(2) **PUBLIC ACCESSIBILITY.**—The Director of the Office of Science and Technology Policy shall make the database accessible to the public.

“(3) **DATABASE CONTENTS.**—The database shall include, for each project in the database—

“(A) a description of the project;

“(B) each agency, industry, institution of higher education, Federal laboratory, or international institution involved in the project;

“(C) the source funding of the project (set forth by agency);

“(D) the funding history of the project; and

“(E) whether the project has been completed.”.

**SEC. 404. IMPROVING EDUCATION OF NETWORKING AND INFORMATION TECHNOLOGY, INCLUDING HIGH PERFORMANCE COMPUTING.**

Section 201(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5521(a)) is amended—

(1) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively; and

(2) by inserting after paragraph (1) the following:

“(2) the National Science Foundation shall use its existing programs, in collaboration with other agencies, as appropriate, to improve the teaching and learning of networking and information technology at all levels of education and to increase participation in networking and information technology fields;”.

**SEC. 405. CONFORMING AND TECHNICAL AMENDMENTS TO THE HIGH-PERFORMANCE COMPUTING ACT OF 1991.**

(a) **SECTION 3.**—Section 3 of the High-Performance Computing Act of 1991 (15 U.S.C. 5502) is amended—

(1) in the matter preceding paragraph (1), by striking “high-performance computing” and inserting “networking and information technology”;;

(2) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking “high-performance computing” and inserting “networking and information technology”;;

(B) in subparagraphs (A), (F), and (G), by striking “high-performance computing” each place it appears and inserting “networking and information technology”; and

(C) in subparagraph (H), by striking “high-performance” and inserting “high-end”; and

(3) in paragraph (2)—

(A) by striking “high-performance computing and” and inserting “networking and information technology, and”; and

(B) by striking “high-performance computing network” and inserting “networking and information technology”.

(b) **TITLE HEADING.**—The heading of title I of the High-Performance Computing Act of 1991 (105 Stat. 1595) is amended by striking “**HIGH-PERFORMANCE COMPUTING**” and inserting “**NETWORKING AND INFORMATION TECHNOLOGY**”.

(c) **SECTION 101.**—Section 101 of the High-Performance Computing Act of 1991 (15 U.S.C. 5511) is amended—

(1) in the section heading, by striking “**HIGH-PERFORMANCE COMPUTING**” and inserting “**NETWORKING AND INFORMATION TECHNOLOGY RESEARCH AND DEVELOPMENT**”;;

(2) in subsection (a)—

(A) in the subsection heading, by striking “**NATIONAL HIGH-PERFORMANCE COMPUTING**” and inserting “**NETWORKING AND INFORMATION TECHNOLOGY RESEARCH AND DEVELOPMENT**”;;

(B) in paragraph (1)—

(i) by striking “National High-Performance Computing Program” and inserting “networking and information technology research and development program”;;

(ii) in subparagraph (A), by striking “high-performance computing, including networking” and inserting “networking and information technology”;;

(iii) in subparagraphs (B) and (G), by striking “high-performance” each place it appears and inserting “high-end”; and

(iv) in subparagraph (C), by striking “high-performance computing and networking” and inserting “high-end computing, distributed, and networking”; and



(C) in paragraph (2)—

(i) in subparagraphs (A) and (C)—

(I) by striking “high-performance computing” each place it appears and inserting “networking and information technology”; and

(II) by striking “development, networking,” each place it appears and inserting “development,”; and

(ii) in subparagraphs (G) and (H), as redesignated by section 401(d) of this Act, by striking “high-performance” each place it appears and inserting “high-end”;

(3) in subsection (b)(1), in the matter preceding subparagraph (A), by striking “high-performance computing” each place it appears and inserting “networking and information technology”; and

(4) in subsection (c)(1)(A), by striking “high-performance computing” and inserting “networking and information technology”.

(d) SECTION 201.—Section 201(a)(1) of the High-Performance Computing Act of 1991 (15 U.S.C. 5521(a)(1)) is amended by striking “high-performance computing and advanced high-speed computer networking” and inserting “networking and information technology research and development”.

(e) SECTION 202.—Section 202(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5522(a)) is amended by striking “high-performance computing” and inserting “networking and information technology”.

(f) SECTION 203.—Section 203(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5523(a)) is amended—

(1) in paragraph (1), by striking “high-performance computing and networking” and inserting “networking and information technology”; and

(2) in paragraph (2)(A), by striking “high-performance” and inserting “high-end”.

(g) SECTION 204.—Section 204 of the High-Performance Computing Act of 1991 (15 U.S.C. 5524) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (A), by striking “high-performance computing systems and networks” and inserting “networking and information technology systems and capabilities”;

(B) in subparagraph (B), by striking “interoperability of high-performance computing systems in networks and for common user interfaces to systems” and inserting “interoperability and usability of networking and information technology systems”; and

(C) in subparagraph (C), by striking “high-performance computing” and inserting “networking and information technology”; and

(2) in subsection (b)—

(A) by striking “HIGH-PERFORMANCE COMPUTING AND NETWORK” in the heading and inserting “NETWORKING AND INFORMATION TECHNOLOGY”; and

(B) by striking “sensitive”.

(h) SECTION 205.—Section 205(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5525(a)) is amended by striking “computational” and inserting “networking and information technology”.

(i) SECTION 206.—Section 206(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5526(a)) is amended by striking “computational research” and inserting “networking and information technology research”.

(j) SECTION 207.—Section 207 of the High-Performance Computing Act of 1991 (15 U.S.C. 5527) is amended by striking “high-performance computing” and inserting “networking and information technology”.

(k) SECTION 208.—Section 208 of the High-Performance Computing Act of 1991 (15 U.S.C. 5528) is amended—

(1) in the section heading, by striking “HIGH-PERFORMANCE COMPUTING” and inserting “NETWORKING AND INFORMATION TECHNOLOGY”; and

(2) in subsection (a)—

(A) in paragraph (1), by striking “High-performance computing and associated” and inserting “Networking and information”;

(B) in paragraph (2), by striking “high-performance computing” and inserting “networking and information technologies”;

(C) in paragraph (3), by striking “high-performance” and inserting “high-end”;

(D) in paragraph (4), by striking “high-performance computers and associated” and inserting “networking and information”; and

(E) in paragraph (5), by striking “high-performance computing and associated” and inserting “networking and information”.

#### SEC. 406. FEDERAL CYBER SCHOLARSHIP-FOR-SERVICE PROGRAM.

(a) IN GENERAL.—The Director of the National Science Foundation, in coordination with the Secretary of Homeland Security, shall carry out a Federal cyber scholarship-for-service program to recruit and train the next generation of information technology professionals and security managers to meet the needs of the cybersecurity mission for the Federal government.

(b) PROGRAM DESCRIPTION AND COMPONENTS.—The program shall—

(1) annually assess the workforce needs of the Federal government for cybersecurity professionals, including network engineers, software engineers, and other experts in order to determine how many scholarships should be awarded annually to ensure that the workforce needs following graduation match the number of scholarships awarded;

(2) provide scholarships for up to 1,000 students per year in their pursuit of undergraduate or graduate degrees in the cybersecurity field, in an amount that may include coverage for full tuition, fees, and a stipend;

(3) require each scholarship recipient, as a condition of receiving a scholarship under the program, to serve in a Federal information technology workforce for a period equal to one and one-half times each year, or partial year, of scholarship received, in addition to an internship in the cybersecurity field, if applicable, following graduation;

(4) provide a procedure for the National Science Foundation or a Federal agency, consistent with regulations of the Office of Personnel Management, to request and fund a security clearance for a scholarship recipient, including providing for clearance during a summer internship and upon graduation; and

(5) provide opportunities for students to receive temporary appointments for meaningful employment in the Federal information technology workforce during school vacation periods and for internships.

(c) HIRING AUTHORITY.—

(1) IN GENERAL.—For purposes of any law or regulation governing the appointment of an individual in the Federal civil service, upon the successful completion of the student's studies, a student receiving a scholarship under the program may—

(A) be hired under section 213.3102(r) of title 5, Code of Federal Regulations; and

(B) be exempt from competitive service.

(2) COMPETITIVE SERVICE.—Upon satisfactory fulfillment of the service term under paragraph (1), an individual may be converted to a competitive service position without competition if the individual meets the requirements for that position.

(d) ELIGIBILITY.—The eligibility requirements for a scholarship under this section shall include that a scholarship applicant—

(1) be a citizen of the United States;

(2) be eligible to be granted a security clearance;

(3) maintain a grade point average of 3.2 or above on a 4.0 scale for undergraduate study or a 3.5 or above on a 4.0 scale for postgraduate study;

(4) demonstrate a commitment to a career in improving the security of the information infrastructure; and

(5) has demonstrated a level of proficiency in math or computer sciences.

(e) FAILURE TO COMPLETE SERVICE OBLIGATION.—

(1) IN GENERAL.—A scholarship recipient under this section shall be liable to the United States under paragraph (2) if the scholarship recipient—

(A) fails to maintain an acceptable level of academic standing in the educational institution in which the individual is enrolled, as determined by the Director;

(B) is dismissed from such educational institution for disciplinary reasons;

(C) withdraws from the program for which the award was made before the completion of such program;

(D) declares that the individual does not intend to fulfill the service obligation under this section;

(E) fails to fulfill the service obligation of the individual under this section; or

(F) loses a security clearance or becomes ineligible for a security clearance.

(2) REPAYMENT AMOUNTS.—

(A) LESS THAN 1 YEAR OF SERVICE.—If a circumstance under paragraph (1) occurs before the completion of 1 year of a service obligation under this section, the total amount of awards received by the individual under this section shall be repaid.

(B) ONE OR MORE YEARS OF SERVICE.—If a circumstance described in subparagraph (D) or (E) of paragraph (1) occurs after the completion of 1 year of a service obligation under this section, the total amount of scholarship awards received by the individual under this section, reduced by the ratio of the number of years of service completed divided by the number of years of service required, shall be repaid.

(f) EVALUATION AND REPORT.—The Director of the National Science Foundation shall—

(1) evaluate the success of recruiting individuals for scholarships under this section and of hiring and retaining those individuals in the public sector workforce, including the annual cost and an assessment of how the program actually improves the Federal workforce; and

(2) periodically report the findings under paragraph (1) to Congress.

(g) AUTHORIZATION OF APPROPRIATIONS.—From amounts made available under section 503 of the America COMPETES Reauthorization Act of 2010 (124 Stat. 4005), the Secretary may use funds to carry out the requirements of this section for fiscal years 2012 through 2013.

#### SEC. 407. STUDY AND ANALYSIS OF CERTIFICATION AND TRAINING OF INFORMATION INFRASTRUCTURE PROFESSIONALS.

(a) STUDY.—The President shall enter into an agreement with the National Academies to conduct a comprehensive study of government, academic, and private-sector accreditation, training, and certification programs for personnel working in information infrastructure. The agreement shall require the National Academies to consult with sector coordinating councils and relevant governmental agencies, regulatory entities, and nongovernmental organizations in the course of the study.

(b) SCOPE.—The study shall include—

(1) an evaluation of the body of knowledge and various skills that specific categories of personnel working in information infrastructure should possess in order to secure information systems;

(2) an assessment of whether existing government, academic, and private-sector accreditation, training, and certification programs provide the body of knowledge and various skills described in paragraph (1);

(3) an analysis of any barriers to the Federal Government recruiting and hiring cybersecurity talent, including barriers relating to compensation, the hiring process, job classification, and hiring flexibility; and

(4) an analysis of the sources and availability of cybersecurity talent, a comparison of the skills and expertise sought by the Federal Government and the private sector, an examination of the current and future capacity of United States institutions of higher education, including community colleges, to provide current and future cybersecurity professionals, through education and training activities, with those skills sought by the Federal Government, State and local entities, and the private sector.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the National Academies shall submit to the President and Congress a report on the results of the study. The report shall include—

(1) findings regarding the state of information infrastructure accreditation, training, and certification programs, including specific areas of deficiency and demonstrable progress; and

(2) recommendations for the improvement of information infrastructure accreditation, training, and certification programs.

#### SEC. 408. INTERNATIONAL CYBERSECURITY TECHNICAL STANDARDS.

(a) IN GENERAL.—The Director of the National Institute of Standards and Technology, in coordination with appropriate Federal authorities, shall—

(1) as appropriate, ensure coordination of Federal agencies engaged in the development of international technical standards related to information system security; and

(2) not later than 1 year after the date of enactment of this Act, develop and transmit to Congress a plan for ensuring such Federal agency coordination.

(b) CONSULTATION WITH THE PRIVATE SECTOR.—In carrying out the activities under subsection (a)(1), the Director shall ensure consultation with appropriate private sector stakeholders.

#### SEC. 409. IDENTITY MANAGEMENT RESEARCH AND DEVELOPMENT.

The Director of the National Institute of Standards and Technology shall continue a program to support the development of technical standards, metrology, testbeds, and conformance criteria, taking into account appropriate user concerns—

(1) to improve interoperability among identity management technologies;

(2) to strengthen authentication methods of identity management systems;

(3) to improve privacy protection in identity management systems, including health information technology systems, through authentication and security protocols; and

(4) to improve the usability of identity management systems.

#### SEC. 410. FEDERAL CYBERSECURITY RESEARCH AND DEVELOPMENT.

(a) NATIONAL SCIENCE FOUNDATION COMPUTER AND NETWORK SECURITY RESEARCH GRANT AREAS.—Section 4(a)(1) of the Cyber Security Research and Development Act (15 U.S.C. 7403(a)(1)) is amended—

(1) in subparagraph (H), by striking “and” after the semicolon;

(2) in subparagraph (I), by striking “property.” and inserting “property.”; and

(3) by adding at the end the following:

“(J) secure fundamental protocols that are at the heart of inter-network communications and data exchange;

“(K) system security that addresses the building of secure systems from trusted and untrusted components;

“(L) monitoring and detection; and

“(M) resiliency and rapid recovery methods.”.

(b) NATIONAL SCIENCE FOUNDATION COMPUTER AND NETWORK SECURITY GRANTS.—Section 4(a)(3) of the Cyber Security Research and Development Act (15 U.S.C. 7403(a)(3)) is amended—

(1) in subparagraph (D), by striking “and”;

(2) in subparagraph (E), by striking “2007.” and inserting “2007.”; and

(3) by adding at the end the following:

“(F) such funds from amounts made available under section 503 of the America COMPETES Reauthorization Act of 2010 (124 Stat. 4005), as the Secretary finds necessary to carry out the requirements of this subsection for fiscal years 2012 through 2013.”.

(c) COMPUTER AND NETWORK SECURITY CENTERS.—Section 4(b)(7) of the Cyber Security Research and Development Act (15 U.S.C. 7403(b)(7)) is amended—

(1) in subparagraph (D), by striking “and”;

(2) in subparagraph (E), by striking “2007.” and inserting “2007.”; and

(3) by adding at the end the following:

“(F) such funds from amounts made available under section 503 of the America COMPETES Reauthorization Act of 2010 (124 Stat. 4005), as the Secretary finds necessary to carry out the requirements of this subsection for fiscal years 2012 through 2013.”.

(d) COMPUTER AND NETWORK SECURITY CAPACITY BUILDING GRANTS.—Section 5(a)(6) of the Cyber Security Research and Development Act (15 U.S.C. 7404(a)(6)) is amended—

(1) in subparagraph (D), by striking “and”;

(2) in subparagraph (E), by striking “2007.” and inserting “2007.”; and

(3) by adding at the end the following:

“(F) such funds from amounts made available under section 503 of the America COMPETES Reauthorization Act of 2010 (124 Stat. 4005), as the Secretary finds necessary to carry out the requirements of this subsection for fiscal years 2012 through 2013.”.

(e) SCIENTIFIC AND ADVANCED TECHNOLOGY ACT GRANTS.—Section 5(b)(2) of the Cyber Security Research and Development Act (15 U.S.C. 7404(b)(2)) is amended—

(1) in subparagraph (D), by striking “and”;

(2) in subparagraph (E), by striking “2007.” and inserting “2007.”; and

(3) by adding at the end the following:

“(F) such funds from amounts made available under section 503 of the America COMPETES Reauthorization Act of 2010 (124 Stat. 4005), as the Secretary finds necessary to carry out the requirements of this subsection for fiscal years 2012 through 2013.”.

(f) GRADUATE TRAINEESHIPS IN COMPUTER AND NETWORK SECURITY RESEARCH.—Section 5(c)(7) of the Cyber Security Research and Development Act (15 U.S.C. 7404(c)(7)) is amended—

(1) in subparagraph (D), by striking “and”;

(2) in subparagraph (E), by striking “2007.” and inserting “2007.”; and

(3) by adding at the end the following:

“(F) such funds from amounts made available under section 503 of the America COMPETES Reauthorization Act of 2010 (124 Stat. 4005), as the Secretary finds necessary to

carry out the requirements of this subsection for fiscal years 2012 through 2013.”.

**SA 2607.** Mr. MCCAIN (for himself, Mrs. HUTCHISON, Mr. CHAMBLISS, Mr. GRASSLEY, Ms. MURKOWSKI, Mr. COATS, Mr. BURR, and Mr. JOHNSON of Wisconsin) submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

Beginning on page 1, strike line 3 and all that follows through page 211, line 6 and insert the following:

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Strengthening and Enhancing Cybersecurity by Using Research, Education, Information, and Technology Act of 2012” or “SECURE IT”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

#### TITLE I—FACILITATING SHARING OF CYBER THREAT INFORMATION

Sec. 101. Definitions.

Sec. 102. Authorization to share cyber threat information.

Sec. 103. Information sharing by the Federal government.

Sec. 104. Construction.

Sec. 105. Report on implementation.

Sec. 106. Inspector General review.

Sec. 107. Technical amendments.

Sec. 108. Access to classified information.

#### TITLE II—COORDINATION OF FEDERAL INFORMATION SECURITY POLICY

Sec. 201. Coordination of Federal information security policy.

Sec. 202. Management of information technology.

Sec. 203. No new funding.

Sec. 204. Technical and conforming amendments.

Sec. 205. Clarification of authorities.

#### TITLE III—CRIMINAL PENALTIES

Sec. 301. Penalties for fraud and related activity in connection with computers.

Sec. 302. Trafficking in passwords.

Sec. 303. Conspiracy and attempted computer fraud offenses.

Sec. 304. Criminal and civil forfeiture for fraud and related activity in connection with computers.

Sec. 305. Damage to critical infrastructure computers.

Sec. 306. Limitation on actions involving unauthorized use.

Sec. 307. No new funding.

#### TITLE IV—CYBERSECURITY RESEARCH AND DEVELOPMENT

Sec. 401. National High-Performance Computing Program planning and coordination.

Sec. 402. Research in areas of national importance.

Sec. 403. Program improvements.

Sec. 404. Improving education of networking and information technology, including high performance computing.

Sec. 405. Conforming and technical amendments to the High-Performance Computing Act of 1991.

Sec. 406. Federal cyber scholarship-for-service program.

Sec. 407. Study and analysis of certification and training of information infrastructure professionals.

Sec. 408. International cybersecurity technical standards.

Sec. 409. Identity management research and development.

Sec. 410. Federal cybersecurity research and development.

# **TITLE I—FACILITATING SHARING OF CYBER THREAT INFORMATION**

## **SEC. 101. DEFINITIONS.**

In this title:

(1) **AGENCY.**—The term “agency” has the meaning given the term in section 3502 of title 44, United States Code.

(2) **ANTITRUST LAWS.**—The term “antitrust laws”—

(A) has the meaning given the term in section 1(a) of the Clayton Act (15 U.S.C. 12(a));

(B) includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent that section 5 of that Act applies to unfair methods of competition; and

(C) includes any State law that has the same intent and effect as the laws under subparagraphs (A) and (B).

(3) **COUNTERMEASURE.**—The term “countermeasure” means an automated or a manual action with defensive intent to mitigate cyber threats.

(4) **CYBER THREAT INFORMATION.**—The term “cyber threat information” means information that indicates or describes—

(A) a technical or operation vulnerability or a cyber threat mitigation measure;

(B) an action or operation to mitigate a cyber threat;

(C) malicious reconnaissance, including anomalous patterns of network activity that appear to be transmitted for the purpose of gathering technical information related to a cybersecurity threat;

(D) a method of defeating a technical control;

(E) a method of defeating an operational control;

(F) network activity or protocols known to be associated with a malicious cyber actor or that signify malicious cyber intent;

(G) a method of causing a user with legitimate access to an information system or information that is stored on, processed by, or transiting an information system to inadvertently enable the defeat of a technical or operational control;

(H) any other attribute of a cybersecurity threat or cyber defense information that would foster situational awareness of the United States cybersecurity posture, if disclosure of such attribute or information is not otherwise prohibited by law;

(I) the actual or potential harm caused by a cyber incident, including information exfiltrated when it is necessary in order to identify or describe a cybersecurity threat; or

(J) any combination of subparagraphs (A) through (I).

(5) **CYBERSECURITY CENTER.**—The term “cybersecurity center” means the Department of Defense Cyber Crime Center, the Intelligence Community Incident Response Center, the United States Cyber Command Joint Operations Center, the National Cyber Investigative Joint Task Force, the National Security Agency/Central Security Service Threat Operations Center, the National Cybersecurity and Communications Integration Center, and any successor center.

(6) **CYBERSECURITY SYSTEM.**—The term “cybersecurity system” means a system designed or employed to ensure the integrity, confidentiality, or availability of, or to safe-

guard, a system or network, including measures intended to protect a system or network from—

(A) efforts to degrade, disrupt, or destroy such system or network; or

(B) theft or misappropriations of private or government information, intellectual property, or personally identifiable information.

(7) **ENTITY.**—

(A) **IN GENERAL.**—The term “entity” means any private entity, non-Federal government agency or department, or State, tribal, or local government agency or department (including an officer, employee, or agent thereof).

(B) **INCLUSIONS.**—The term “entity” includes a government agency or department (including an officer, employee, or agent thereof) of the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and any other territory or possession of the United States.

(8) **FEDERAL INFORMATION SYSTEM.**—The term “Federal information system” means an information system of a Federal department or agency used or operated by an executive agency, by a contractor of an executive agency, or by another organization on behalf of an executive agency.

(9) **INFORMATION SECURITY.**—The term “information security” means protecting information and information systems from disruption or unauthorized access, use, disclosure, modification, or destruction in order to provide—

(A) integrity, by guarding against improper information modification or destruction, including by ensuring information non-repudiation and authenticity;

(B) confidentiality, by preserving authorized restrictions on access and disclosure, including means for protecting personal privacy and proprietary information; or

(C) availability, by ensuring timely and reliable access to and use of information.

(10) **INFORMATION SYSTEM.**—The term “information system” has the meaning given the term in section 3502 of title 44, United States Code.

(11) **LOCAL GOVERNMENT.**—The term “local government” means any borough, city, county, parish, town, township, village, or other general purpose political subdivision of a State.

(12) **MALICIOUS RECONNAISSANCE.**—The term “malicious reconnaissance” means a method for actively probing or passively monitoring an information system for the purpose of discerning technical vulnerabilities of the information system, if such method is associated with a known or suspected cybersecurity threat.

(13) **OPERATIONAL CONTROL.**—The term “operational control” means a security control for an information system that primarily is implemented and executed by people.

(14) **OPERATIONAL VULNERABILITY.**—The term “operational vulnerability” means any attribute of policy, process, or procedure that could enable or facilitate the defeat of an operational control.

(15) **PRIVATE ENTITY.**—The term “private entity” means any individual or any private group, organization, or corporation, including an officer, employee, or agent thereof.

(16) **SIGNIFICANT CYBER INCIDENT.**—The term “significant cyber incident” means a cyber incident resulting in, or an attempted cyber incident that, if successful, would have resulted in—

(A) the exfiltration from a Federal information system of data that is essential to

the operation of the Federal information system; or

(B) an incident in which an operational or technical control essential to the security or operation of a Federal information system was defeated.

(17) **TECHNICAL CONTROL.**—The term “technical control” means a hardware or software restriction on, or audit of, access or use of an information system or information that is stored on, processed by, or transiting an information system that is intended to ensure the confidentiality, integrity, or availability of that system.

(18) **TECHNICAL VULNERABILITY.**—The term “technical vulnerability” means any attribute of hardware or software that could enable or facilitate the defeat of a technical control.

(19) **TRIBAL.**—The term “tribal” has the meaning given the term “Indian tribe” in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

## **SEC. 102. AUTHORIZATION TO SHARE CYBER THREAT INFORMATION.**

(a) **VOLUNTARY DISCLOSURE.**—

(1) **PRIVATE ENTITIES.**—Notwithstanding any other provision of law, a private entity may, for the purpose of preventing, investigating, or otherwise mitigating threats to information security, on its own networks, or as authorized by another entity, on such entity’s networks, employ countermeasures and use cybersecurity systems in order to obtain, identify, or otherwise possess cyber threat information.

(2) **ENTITIES.**—Notwithstanding any other provision of law, an entity may disclose cyber threat information to—

(A) a cybersecurity center; or

(B) any other entity in order to assist with preventing, investigating, or otherwise mitigating threats to information security.

(3) **INFORMATION SECURITY PROVIDERS.**—If the cyber threat information described in paragraph (1) is obtained, identified, or otherwise possessed in the course of providing information security products or services under contract to another entity, that entity shall be given, at any time prior to disclosure of such information, a reasonable opportunity to authorize or prevent such disclosure, to request anonymization of such information, or to request that reasonable efforts be made to safeguard such information that identifies specific persons from unauthorized access or disclosure.

(b) **SIGNIFICANT CYBER INCIDENTS INVOLVING FEDERAL INFORMATION SYSTEMS.**—

(1) **IN GENERAL.**—An entity providing electronic communication services, remote computing services, or information security services to a Federal department or agency shall inform the Federal department or agency of a significant cyber incident involving the Federal information system of that Federal department or agency that—

(A) is directly known to the entity as a result of providing such services;

(B) is directly related to the provision of such services by the entity; and

(C) as determined by the entity, has impeded or will impede the performance of a critical mission of the Federal department or agency.

(2) **ADVANCE COORDINATION.**—A Federal department or agency receiving the services described in paragraph (1) shall coordinate in advance with an entity described in paragraph (1) to develop the parameters of any information that may be provided under paragraph (1), including clarification of the type of significant cyber incident that will

impede the performance of a critical mission of the Federal department or agency.

(3) **REPORT.**—A Federal department or agency shall report information provided under this subsection to a cybersecurity center.

(4) **CONSTRUCTION.**—Any information provided to a cybersecurity center under paragraph (3) shall be treated in the same manner as information provided to a cybersecurity center under subsection (a).

(c) **INFORMATION SHARED WITH OR PROVIDED TO A CYBERSECURITY CENTER.**—Cyber threat information provided to a cybersecurity center under this section—

(1) may be disclosed to, retained by, and used by, consistent with otherwise applicable Federal law, any Federal agency or department, component, officer, employee, or agent of the Federal government for a cybersecurity purpose, a national security purpose, or in order to prevent, investigate, or prosecute any of the offenses listed in section 2516 of title 18, United States Code, and such information shall not be disclosed to, retained by, or used by any Federal agency or department for any use not permitted under this paragraph;

(2) may, with the prior written consent of the entity submitting such information, be disclosed to and used by a State, tribal, or local government or government agency for the purpose of protecting information systems, or in furtherance of preventing, investigating, or prosecuting a criminal act, except that if the need for immediate disclosure prevents obtaining written consent, such consent may be provided orally with subsequent documentation of such consent;

(3) shall be considered the commercial, financial, or proprietary information of the entity providing such information to the Federal government and any disclosure outside the Federal government may only be made upon the prior written consent by such entity and shall not constitute a waiver of any applicable privilege or protection provided by law, except that if the need for immediate disclosure prevents obtaining written consent, such consent may be provided orally with subsequent documentation of such consent;

(4) shall be deemed voluntarily shared information and exempt from disclosure under section 552 of title 5, United States Code, and any State, tribal, or local law requiring disclosure of information or records;

(5) shall be, without discretion, withheld from the public under section 552(b)(3)(B) of title 5, United States Code, and any State, tribal, or local law requiring disclosure of information or records;

(6) shall not be subject to the rules of any Federal agency or department or any judicial doctrine regarding ex parte communications with a decision-making official;

(7) shall not, if subsequently provided to a State, tribal, or local government or government agency, otherwise be disclosed or distributed to any entity by such State, tribal, or local government or government agency without the prior written consent of the entity submitting such information, notwithstanding any State, tribal, or local law requiring disclosure of information or records, except that if the need for immediate disclosure prevents obtaining written consent, such consent may be provided orally with subsequent documentation of such consent; and

(8) shall not be directly used by any Federal, State, tribal, or local department or agency to regulate the lawful activities of an entity, including activities relating to ob-

taining, identifying, or otherwise possessing cyber threat information, except that the procedures required to be developed and implemented under this title shall not be considered regulations within the meaning of this paragraph.

(d) **PROCEDURES RELATING TO INFORMATION SHARING WITH A CYBERSECURITY CENTER.**—Not later than 60 days after the date of enactment of this Act, the heads of each department or agency containing a cybersecurity center shall jointly develop, promulgate, and submit to Congress procedures to ensure that cyber threat information shared with or provided to—

(1) a cybersecurity center under this section—

(A) may be submitted to a cybersecurity center by an entity, to the greatest extent possible, through a uniform, publicly available process or format that is easily accessible on the website of such cybersecurity center, and that includes the ability to provide relevant details about the cyber threat information and written consent to any subsequent disclosures authorized by this paragraph;

(B) shall immediately be further shared with each cybersecurity center in order to prevent, investigate, or otherwise mitigate threats to information security across the Federal government;

(C) is handled by the Federal government in a reasonable manner, including consideration of the need to protect the privacy and civil liberties of individuals through anonymization or other appropriate methods, while fully accomplishing the objectives of this title, and the Federal government may undertake efforts consistent with this subparagraph to limit the impact on privacy and civil liberties of the sharing of cyber threat information with the Federal government; and

(D) except as provided in this section, shall only be used, disclosed, or handled in accordance with the provisions of subsection (c); and

(2) a Federal agency or department under subsection (b) is provided immediately to a cybersecurity center in order to prevent, investigate, or otherwise mitigate threats to information security across the Federal government.

(e) **INFORMATION SHARED BETWEEN ENTITIES.**—

(1) **IN GENERAL.**—An entity sharing cyber threat information with another entity under this title may restrict the use or sharing of such information by such other entity.

(2) **FURTHER SHARING.**—Cyber threat information shared by any entity with another entity under this title—

(A) shall only be further shared in accordance with any restrictions placed on the sharing of such information by the entity authorizing such sharing, such as appropriate anonymization of such information; and

(B) may not be used by any entity to gain an unfair competitive advantage to the detriment of the entity authorizing the sharing of such information, except that the conduct described in paragraph (3) shall not constitute unfair competitive conduct.

(3) **INFORMATION SHARED WITH STATE, TRIBAL, OR LOCAL GOVERNMENT OR GOVERNMENT AGENCY.**—Cyber threat information shared with a State, tribal, or local government or government agency under this title—

(A) may, with the prior written consent of the entity sharing such information, be disclosed to and used by a State, tribal, or local government or government agency for the

purpose of protecting information systems, or in furtherance of preventing, investigating, or prosecuting a criminal act, except if the need for immediate disclosure prevents obtaining written consent, consent may be provided orally with subsequent documentation of the consent;

(B) shall be deemed voluntarily shared information and exempt from disclosure under any State, tribal, or local law requiring disclosure of information or records;

(C) shall not be disclosed or distributed to any entity by the State, tribal, or local government or government agency without the prior written consent of the entity submitting such information, notwithstanding any State, tribal, or local law requiring disclosure of information or records, except if the need for immediate disclosure prevents obtaining written consent, consent may be provided orally with subsequent documentation of the consent; and

(D) shall not be directly used by any State, tribal, or local department or agency to regulate the lawful activities of an entity, including activities relating to obtaining, identifying, or otherwise possessing cyber threat information, except that the procedures required to be developed and implemented under this title shall not be considered regulations within the meaning of this subparagraph.

(4) **ANTITRUST EXEMPTION.**—The exchange or provision of cyber threat information or assistance between 2 or more private entities under this title shall not be considered a violation of any provision of antitrust laws if exchanged or provided in order to assist with—

(A) facilitating the prevention, investigation, or mitigation of threats to information security; or

(B) communicating or disclosing of cyber threat information to help prevent, investigate or otherwise mitigate the effects of a threat to information security.

(5) **NO RIGHT OR BENEFIT.**—The provision of cyber threat information to an entity under this section shall not create a right or a benefit to similar information by such entity or any other entity.

(f) **FEDERAL PREEMPTION.**—

(1) **IN GENERAL.**—This section supersedes any statute or other law of a State or political subdivision of a State that restricts or otherwise expressly regulates an activity authorized under this section.

(2) **STATE LAW ENFORCEMENT.**—Nothing in this section shall be construed to supersede any statute or other law of a State or political subdivision of a State concerning the use of authorized law enforcement techniques.

(3) **PUBLIC DISCLOSURE.**—No information shared with or provided to a State, tribal, or local government or government agency pursuant to this section shall be made publicly available pursuant to any State, tribal, or local law requiring disclosure of information or records.

(g) **CIVIL AND CRIMINAL LIABILITY.**—

(1) **GENERAL PROTECTIONS.**—

(A) **PRIVATE ENTITIES.**—No cause of action shall lie or be maintained in any court against any private entity for—

(i) the use of countermeasures and cybersecurity systems as authorized by this title;

(ii) the use, receipt, or disclosure of any cyber threat information as authorized by this title; or

(iii) the subsequent actions or inactions of any lawful recipient of cyber threat information provided by such private entity.

(B) ENTITIES.—No cause of action shall lie or be maintained in any court against any entity for—

(i) the use, receipt, or disclosure of any cyber threat information as authorized by this title; or

(ii) the subsequent actions or inactions of any lawful recipient of cyber threat information provided by such entity.

(2) CONSTRUCTION.—Nothing in this subsection shall be construed as creating any immunity against, or otherwise affecting, any action brought by the Federal government, or any agency or department thereof, to enforce any law, executive order, or procedure governing the appropriate handling, disclosure, and use of classified information.

(h) OTHERWISE LAWFUL DISCLOSURES.—Nothing in this section shall be construed to limit or prohibit otherwise lawful disclosures of communications, records, or other information by a private entity to any other governmental or private entity not covered under this section.

(i) WHISTLEBLOWER PROTECTION.—Nothing in this Act shall be construed to preempt or preclude any employee from exercising rights currently provided under any whistleblower law, rule, or regulation.

(j) RELATIONSHIP TO OTHER LAWS.—The submission of cyber threat information under this section to a cybersecurity center shall not affect any requirement under any other provision of law for an entity to provide information to the Federal government.

#### SEC. 103. INFORMATION SHARING BY THE FEDERAL GOVERNMENT.

(a) CLASSIFIED INFORMATION.—

(1) PROCEDURES.—Consistent with the protection of intelligence sources and methods, and as otherwise determined appropriate, the Director of National Intelligence and the Secretary of Defense, in consultation with the heads of the appropriate Federal departments or agencies, shall develop and promulgate procedures to facilitate and promote—

(A) the immediate sharing, through the cybersecurity centers, of classified cyber threat information in the possession of the Federal government with appropriately cleared representatives of any appropriate entity; and

(B) the declassification and immediate sharing, through the cybersecurity centers, with any entity or, if appropriate, public availability of cyber threat information in the possession of the Federal government;

(2) HANDLING OF CLASSIFIED INFORMATION.—The procedures developed under paragraph (1) shall ensure that each entity receiving classified cyber threat information pursuant to this section has acknowledged in writing the ongoing obligation to comply with all laws, executive orders, and procedures concerning the appropriate handling, disclosure, or use of classified information.

(b) UNCLASSIFIED CYBER THREAT INFORMATION.—The heads of each department or agency containing a cybersecurity center shall jointly develop and promulgate procedures that ensure that, consistent with the provisions of this section, unclassified, including controlled unclassified, cyber threat information in the possession of the Federal government—

(1) is shared, through the cybersecurity centers, in an immediate and adequate manner with appropriate entities; and

(2) if appropriate, is made publicly available.

(c) DEVELOPMENT OF PROCEDURES.—

(1) IN GENERAL.—The procedures developed under this section shall incorporate, to the greatest extent possible, existing processes

utilized by sector specific information sharing and analysis centers.

(2) COORDINATION WITH ENTITIES.—In developing the procedures required under this section, the Director of National Intelligence and the heads of each department or agency containing a cybersecurity center shall coordinate with appropriate entities to ensure that protocols are implemented that will facilitate and promote the sharing of cyber threat information by the Federal government.

(d) ADDITIONAL RESPONSIBILITIES OF CYBERSECURITY CENTERS.—Consistent with section 102, a cybersecurity center shall—

(1) facilitate information sharing, interaction, and collaboration among and between cybersecurity centers and—

(A) other Federal entities;

(B) any entity; and

(C) international partners, in consultation with the Secretary of State;

(2) disseminate timely and actionable cybersecurity threat, vulnerability, mitigation, and warning information, including alerts, advisories, indicators, signatures, and mitigation and response measures, to improve the security and protection of information systems; and

(3) coordinate with other Federal entities, as appropriate, to integrate information from across the Federal government to provide situational awareness of the cybersecurity posture of the United States.

(e) SHARING WITHIN THE FEDERAL GOVERNMENT.—The heads of appropriate Federal departments and agencies shall ensure that cyber threat information in the possession of such Federal departments or agencies that relates to the prevention, investigation, or mitigation of threats to information security across the Federal government is shared effectively with the cybersecurity centers.

(f) SUBMISSION TO CONGRESS.—Not later than 60 days after the date of enactment of this Act, the Director of National Intelligence, in coordination with the appropriate head of a department or an agency containing a cybersecurity center, shall submit the procedures required by this section to Congress.

#### SEC. 104. CONSTRUCTION.

(a) INFORMATION SHARING RELATIONSHIPS.—Nothing in this title shall be construed—

(1) to limit or modify an existing information sharing relationship;

(2) to prohibit a new information sharing relationship;

(3) to require a new information sharing relationship between any entity and the Federal government, except as specified under section 102(b); or

(4) to modify the authority of a department or agency of the Federal government to protect sources and methods and the national security of the United States.

(b) ANTI-TASKING RESTRICTION.—Nothing in this title shall be construed to permit the Federal government—

(1) to require an entity to share information with the Federal government, except as expressly provided under section 102(b); or

(2) to condition the sharing of cyber threat information with an entity on such entity's provision of cyber threat information to the Federal government.

(c) NO LIABILITY FOR NON-PARTICIPATION.—Nothing in this title shall be construed to subject any entity to liability for choosing not to engage in the voluntary activities authorized under this title.

(d) USE AND RETENTION OF INFORMATION.—Nothing in this title shall be construed to authorize, or to modify any existing author-

ity of, a department or agency of the Federal government to retain or use any information shared under section 102 for any use other than a use permitted under subsection 102(c)(1).

(e) NO NEW FUNDING.—An applicable Federal agency shall carry out the provisions of this title with existing facilities and funds otherwise available, through such means as the head of the agency considers appropriate.

#### SEC. 105. REPORT ON IMPLEMENTATION.

(a) CONTENT OF REPORT.—Not later than 1 year after the date of enactment of this Act, and biennially thereafter, the heads of each department or agency containing a cybersecurity center shall jointly submit, in coordination with the privacy and civil liberties officials of such departments or agencies and the Privacy and Civil Liberties Oversight Board, a detailed report to Congress concerning the implementation of this title, including—

(1) an assessment of the sufficiency of the procedures developed under section 103 of this Act in ensuring that cyber threat information in the possession of the Federal government is provided in an immediate and adequate manner to appropriate entities or, if appropriate, is made publicly available;

(2) an assessment of whether information has been appropriately classified and an accounting of the number of security clearances authorized by the Federal government for purposes of this title;

(3) a review of the type of cyber threat information shared with a cybersecurity center under section 102 of this Act, including whether such information meets the definition of cyber threat information under section 101, the degree to which such information may impact the privacy and civil liberties of individuals, any appropriate metrics to determine any impact of the sharing of such information with the Federal government on privacy and civil liberties, and the adequacy of any steps taken to reduce such impact;

(4) a review of actions taken by the Federal government based on information provided to a cybersecurity center under section 102 of this Act, including the appropriateness of any subsequent use under section 102(c)(1) of this Act and whether there was inappropriate stovepiping within the Federal government of any such information;

(5) a description of any violations of the requirements of this title by the Federal government;

(6) a classified list of entities that received classified information from the Federal government under section 103 of this Act and a description of any indication that such information may not have been appropriately handled;

(7) a summary of any breach of information security, if known, attributable to a specific failure by any entity or the Federal government to act on cyber threat information in the possession of such entity or the Federal government that resulted in substantial economic harm or injury to a specific entity or the Federal government; and

(8) any recommendation for improvements or modifications to the authorities under this title.

(b) FORM OF REPORT.—The report under subsection (a) shall be submitted in unclassified form, but shall include a classified annex.

#### SEC. 106. INSPECTOR GENERAL REVIEW.

(a) IN GENERAL.—The Council of the Inspectors General on Integrity and Efficiency are authorized to review compliance by the cybersecurity centers, and by any Federal

department or agency receiving cyber threat information from such cybersecurity centers, with the procedures required under section 102 of this Act.

(b) **SCOPE OF REVIEW.**—The review under subsection (a) shall consider whether the Federal government has handled such cyber threat information in a reasonable manner, including consideration of the need to protect the privacy and civil liberties of individuals through anonymization or other appropriate methods, while fully accomplishing the objectives of this title.

(c) **REPORT TO CONGRESS.**—Each review conducted under this section shall be provided to Congress not later than 30 days after the date of completion of the review.

#### SEC. 107. TECHNICAL AMENDMENTS.

Section 552(b) of title 5, United States Code, is amended—

- (1) in paragraph (8), by striking “or”;
- (2) in paragraph (9), by striking “wells,” and inserting “wells; or”; and
- (3) by adding at the end the following:

“(10) information shared with or provided to a cybersecurity center under section 102 of title I of the Strengthening and Enhancing Cybersecurity by Using Research, Education, Information, and Technology Act of 2012.”

#### SEC. 108. ACCESS TO CLASSIFIED INFORMATION.

(a) **AUTHORIZATION REQUIRED.**—No person shall be provided with access to classified information (as defined in section 6.1 of Executive Order 13526 (50 U.S.C. 435 note; relating to classified national security information)) relating to cyber security threats or cyber security vulnerabilities under this title without the appropriate security clearances.

(b) **SECURITY CLEARANCES.**—The appropriate Federal agencies or departments shall, consistent with applicable procedures and requirements, and if otherwise deemed appropriate, assist an individual in timely obtaining an appropriate security clearance where such individual has been determined to be eligible for such clearance and has a need-to-know (as defined in section 6.1 of that Executive Order) classified information to carry out this title.

### TITLE II—COORDINATION OF FEDERAL INFORMATION SECURITY POLICY

#### SEC. 201. COORDINATION OF FEDERAL INFORMATION SECURITY POLICY.

(a) **IN GENERAL.**—Chapter 35 of title 44, United States Code, is amended by striking subparagraphs II and III and inserting the following:

##### “SUBCHAPTER II—INFORMATION SECURITY

#### “§ 3551. Purposes

“The purposes of this subchapter are—

“(1) to provide a comprehensive framework for ensuring the effectiveness of information security controls over information resources that support Federal operations and assets;

“(2) to recognize the highly networked nature of the current Federal computing environment and provide effective government-wide management of policies, directives, standards, and guidelines, as well as effective and nimble oversight of and response to information security risks, including coordination of information security efforts throughout the Federal civilian, national security, and law enforcement communities;

“(3) to provide for development and maintenance of controls required to protect agency information and information systems and contribute to the overall improvement of agency information security posture;

“(4) to provide for the development of tools and methods to assess and respond to real-time situational risk for Federal information system operations and assets; and

“(5) to provide a mechanism for improving agency information security programs through continuous monitoring of agency information systems and streamlined reporting requirements rather than overly prescriptive manual reporting.

#### “§ 3552. Definitions

“In this subchapter:

“(1) **ADEQUATE SECURITY.**—The term ‘adequate security’ means security commensurate with the risk and magnitude of the harm resulting from the unauthorized access to or loss, misuse, destruction, or modification of information.

“(2) **AGENCY.**—The term ‘agency’ has the meaning given the term in section 3502 of title 44.

“(3) **CYBERSECURITY CENTER.**—The term ‘cybersecurity center’ means the Department of Defense Cyber Crime Center, the Intelligence Community Incident Response Center, the United States Cyber Command Joint Operations Center, the National Cyber Investigative Joint Task Force, the National Security Agency/Central Security Service Threat Operations Center, the National Cybersecurity and Communications Integration Center, and any successor center.

“(4) **CYBER THREAT INFORMATION.**—The term ‘cyber threat information’ means information that indicates or describes—

“(A) a technical or operation vulnerability or a cyber threat mitigation measure;

“(B) an action or operation to mitigate a cyber threat;

“(C) malicious reconnaissance, including anomalous patterns of network activity that appear to be transmitted for the purpose of gathering technical information related to a cybersecurity threat;

“(D) a method of defeating a technical control;

“(E) a method of defeating an operational control;

“(F) network activity or protocols known to be associated with a malicious cyber actor or that signify malicious cyber intent;

“(G) a method of causing a user with legitimate access to an information system or information that is stored on, processed by, or transiting an information system to inadvertently enable the defeat of a technical or operational control;

“(H) any other attribute of a cybersecurity threat or cyber defense information that would foster situational awareness of the United States cybersecurity posture, if disclosure of such attribute or information is not otherwise prohibited by law;

“(I) the actual or potential harm caused by a cyber incident, including information exfiltrated when it is necessary in order to identify or describe a cybersecurity threat; or

“(J) any combination of subparagraphs (A) through (I).

“(5) **DIRECTOR.**—The term ‘Director’ means the Director of the Office of Management and Budget unless otherwise specified.

“(6) **ENVIRONMENT OF OPERATION.**—The term ‘environment of operation’ means the information system and environment in which those systems operate, including changing threats, vulnerabilities, technologies, and missions and business practices.

“(7) **FEDERAL INFORMATION SYSTEM.**—The term ‘Federal information system’ means an information system used or operated by an executive agency, by a contractor of an executive agency, or by another organization on behalf of an executive agency.

“(8) **INCIDENT.**—The term ‘incident’ means an occurrence that—

“(A) actually or imminently jeopardizes the integrity, confidentiality, or availability of an information system or the information that system controls, processes, stores, or transmits; or

“(B) constitutes a violation of law or an imminent threat of violation of a law, a security policy, a security procedure, or an acceptable use policy.

“(9) **INFORMATION RESOURCES.**—The term ‘information resources’ has the meaning given the term in section 3502 of title 44.

“(10) **INFORMATION SECURITY.**—The term ‘information security’ means protecting information and information systems from disruption or unauthorized access, use, disclosure, modification, or destruction in order to provide—

“(A) integrity, by guarding against improper information modification or destruction, including by ensuring information non-repudiation and authenticity;

“(B) confidentiality, by preserving authorized restrictions on access and disclosure, including means for protecting personal privacy and proprietary information; or

“(C) availability, by ensuring timely and reliable access to and use of information.

“(11) **INFORMATION SYSTEM.**—The term ‘information system’ has the meaning given the term in section 3502 of title 44.

“(12) **INFORMATION TECHNOLOGY.**—The term ‘information technology’ has the meaning given the term in section 11101 of title 40.

“(13) **MALICIOUS RECONNAISSANCE.**—The term ‘malicious reconnaissance’ means a method for actively probing or passively monitoring an information system for the purpose of discerning technical vulnerabilities of the information system, if such method is associated with a known or suspected cybersecurity threat.

“(14) **NATIONAL SECURITY SYSTEM.**—

“(A) **IN GENERAL.**—The term ‘national security system’ means any information system (including any telecommunications system) used or operated by an agency or by a contractor of an agency, or other organization on behalf of an agency—

“(i) the function, operation, or use of which—

“(I) involves intelligence activities;

“(II) involves cryptologic activities related to national security;

“(III) involves command and control of military forces;

“(IV) involves equipment that is an integral part of a weapon or weapons system; or

“(V) subject to subparagraph (B), is critical to the direct fulfillment of military or intelligence missions; or

“(ii) is protected at all times by procedures established for information that have been specifically authorized under criteria established by an Executive Order or an Act of Congress to be kept classified in the interest of national defense or foreign policy.

“(B) **LIMITATION.**—Subparagraph (A)(i)(V) does not include a system that is to be used for routine administrative and business applications (including payroll, finance, logistics, and personnel management applications).

“(15) **OPERATIONAL CONTROL.**—The term ‘operational control’ means a security control for an information system that primarily is implemented and executed by people.

“(16) **PERSON.**—The term ‘person’ has the meaning given the term in section 3502 of title 44.

“(17) **SECRETARY.**—The term ‘Secretary’ means the Secretary of Commerce unless otherwise specified.

“(18) SECURITY CONTROL.—The term ‘security control’ means the management, operational, and technical controls, including safeguards or countermeasures, prescribed for an information system to protect the confidentiality, integrity, and availability of the system and its information.

“(19) SIGNIFICANT CYBER INCIDENT.—The term ‘significant cyber incident’ means a cyber incident resulting in, or an attempted cyber incident that, if successful, would have resulted in—

“(A) the exfiltration from a Federal information system of data that is essential to the operation of the Federal information system; or

“(B) an incident in which an operational or technical control essential to the security or operation of a Federal information system was defeated.

“(20) TECHNICAL CONTROL.—The term ‘technical control’ means a hardware or software restriction on, or audit of, access or use of an information system or information that is stored on, processed by, or transiting an information system that is intended to ensure the confidentiality, integrity, or availability of that system.

**“§ 3553. Federal information security authority and coordination**

“(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Homeland Security, shall—

“(1) issue compulsory and binding policies and directives governing agency information security operations, and require implementation of such policies and directives, including—

“(A) policies and directives consistent with the standards and guidelines promulgated under section 11331 of title 40 to identify and provide information security protections prioritized and commensurate with the risk and impact resulting from the unauthorized access, use, disclosure, disruption, modification, or destruction of—

“(i) information collected or maintained by or on behalf of an agency; or

“(ii) information systems used or operated by an agency or by a contractor of an agency or other organization on behalf of an agency;

“(B) minimum operational requirements for Federal Government to protect agency information systems and provide common situational awareness across all agency information systems;

“(C) reporting requirements, consistent with relevant law, regarding information security incidents and cyber threat information;

“(D) requirements for agencywide information security programs;

“(E) performance requirements and metrics for the security of agency information systems;

“(F) training requirements to ensure that agencies are able to fully and timely comply with the policies and directives issued by the Secretary under this subchapter;

“(G) training requirements regarding privacy, civil rights, and civil liberties, and information oversight for agency information security personnel;

“(H) requirements for the annual reports to the Secretary under section 3554(d);

“(I) any other information security operations or information security requirements as determined by the Secretary in coordination with relevant agency heads; and

“(J) coordinating the development of standards and guidelines under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3) with agencies and offices operating or exercising con-

trol of national security systems (including the National Security Agency) to assure, to the maximum extent feasible, that such standards and guidelines are complementary with standards and guidelines developed for national security systems;

“(2) review the agencywide information security programs under section 3554; and

“(3) designate an individual or an entity at each cybersecurity center, among other responsibilities—

“(A) to receive reports and information about information security incidents, cyber threat information, and deterioration of security control affecting agency information systems; and

“(B) to act on or share the information under subparagraph (A) in accordance with this subchapter.

“(b) CONSIDERATIONS.—When issuing policies and directives under subsection (a), the Secretary shall consider any applicable standards or guidelines developed by the National Institute of Standards and Technology under section 11331 of title 40.

“(c) LIMITATION OF AUTHORITY.—The authorities of the Secretary under this section shall not apply to national security systems. Information security policies, directives, standards and guidelines for national security systems shall be overseen as directed by the President and, in accordance with that direction, carried out under the authority of the heads of agencies that operate or exercise authority over such national security systems.

“(d) STATUTORY CONSTRUCTION.—Nothing in this subchapter shall be construed to alter or amend any law regarding the authority of any head of an agency over such agency.

**“§ 3554. Agency responsibilities**

“(a) IN GENERAL.—The head of each agency shall—

“(1) be responsible for—

“(A) complying with the policies and directives issued under section 3553;

“(B) providing information security protections commensurate with the risk resulting from unauthorized access, use, disclosure, disruption, modification, or destruction of—

“(i) information collected or maintained by the agency or by a contractor of an agency or other organization on behalf of an agency; and

“(ii) information systems used or operated by an agency or by a contractor of an agency or other organization on behalf of an agency;

“(C) complying with the requirements of this subchapter, including—

“(i) information security standards and guidelines promulgated under section 11331 of title 40;

“(ii) for any national security systems operated or controlled by that agency, information security policies, directives, standards and guidelines issued as directed by the President; and

“(iii) for any non-national security systems operated or controlled by that agency, information security policies, directives, standards and guidelines issued under section 3553;

“(D) ensuring that information security management processes are integrated with agency strategic and operational planning processes;

“(E) reporting and sharing, for an agency operating or exercising control of a national security system, information about information security incidents, cyber threat information, and deterioration of security controls to the individual or entity designated at each cybersecurity center and to other ap-

propriate entities consistent with policies and directives for national security systems issued as directed by the President; and

“(F) reporting and sharing, for those agencies operating or exercising control of non-national security systems, information about information security incidents, cyber threat information, and deterioration of security controls to the individual or entity designated at each cybersecurity center and to other appropriate entities consistent with policies and directives for non-national security systems as prescribed under section 3553(a), including information to assist the entity designated under section 3555(a) with the ongoing security analysis under section 3555;

“(2) ensure that each senior agency official provides information security for the information and information systems that support the operations and assets under the senior agency official's control, including by—

“(A) assessing the risk and impact that could result from the unauthorized access, use, disclosure, disruption, modification, or destruction of such information or information systems;

“(B) determining the level of information security appropriate to protect such information and information systems in accordance with policies and directives issued under section 3553(a), and standards and guidelines promulgated under section 11331 of title 40 for information security classifications and related requirements;

“(C) implementing policies, procedures, and capabilities to reduce risks to an acceptable level in a cost-effective manner;

“(D) actively monitoring the effective implementation of information security controls and techniques; and

“(E) reporting information about information security incidents, cyber threat information, and deterioration of security controls in a timely and adequate manner to the entity designated under section 3553(a)(3) in accordance with paragraph (1);

“(3) assess and maintain the resiliency of information technology systems critical to agency mission and operations;

“(4) designate the agency Inspector General (or an independent entity selected in consultation with the Director and the Council of Inspectors General on Integrity and Efficiency if the agency does not have an Inspector General) to conduct the annual independent evaluation required under section 3556, and allow the agency Inspector General to contract with an independent entity to perform such evaluation;

“(5) delegate to the Chief Information Officer or equivalent (or to a senior agency official who reports to the Chief Information Officer or equivalent)—

“(A) the authority and primary responsibility to implement an agencywide information security program; and

“(B) the authority to provide information security for the information collected and maintained by the agency (or by a contractor, other agency, or other source on behalf of the agency) and for the information systems that support the operations, assets, and mission of the agency (including any information system provided or managed by a contractor, other agency, or other source on behalf of the agency);

“(6) delegate to the appropriate agency official (who is responsible for a particular agency system or subsystem) the responsibility to ensure and enforce compliance with all requirements of the agency's agencywide information security program in coordination with the Chief Information Officer or



equivalent (or the senior agency official who reports to the Chief Information Officer or equivalent) under paragraph (5);

“(7) ensure that an agency has trained personnel who have obtained any necessary security clearances to permit them to assist the agency in complying with this subchapter;

“(8) ensure that the Chief Information Officer or equivalent (or the senior agency official who reports to the Chief Information Officer or equivalent) under paragraph (5), in coordination with other senior agency officials, reports to the agency head on the effectiveness of the agencywide information security program, including the progress of any remedial actions; and

“(9) ensure that the Chief Information Officer or equivalent (or the senior agency official who reports to the Chief Information Officer or equivalent) under paragraph (5) has the necessary qualifications to administer the functions described in this subchapter and has information security duties as a primary duty of that official.

“(b) CHIEF INFORMATION OFFICERS.—Each Chief Information Officer or equivalent (or the senior agency official who reports to the Chief Information Officer or equivalent) under subsection (a)(5) shall—

“(1) establish and maintain an enterprise security operations capability that on a continuous basis—

“(A) detects, reports, contains, mitigates, and responds to information security incidents that impair adequate security of the agency’s information or information system in a timely manner and in accordance with the policies and directives under section 3553; and

“(B) reports any information security incident under subparagraph (A) to the entity designated under section 3555;

“(2) develop, maintain, and oversee an agencywide information security program;

“(3) develop, maintain, and oversee information security policies, procedures, and control techniques to address applicable requirements, including requirements under section 3553 of this title and section 11331 of title 40; and

“(4) train and oversee the agency personnel who have significant responsibility for information security with respect to that responsibility.

“(c) AGENCYWIDE INFORMATION SECURITY PROGRAMS.—

“(1) IN GENERAL.—Each agencywide information security program under subsection (b)(2) shall include—

“(A) relevant security risk assessments, including technical assessments and others related to the acquisition process;

“(B) security testing commensurate with risk and impact;

“(C) mitigation of deterioration of security controls commensurate with risk and impact;

“(D) risk-based continuous monitoring and threat assessment of the operational status and security of agency information systems to enable evaluation of the effectiveness of and compliance with information security policies, procedures, and practices, including a relevant and appropriate selection of security controls of information systems identified in the inventory under section 3505(c);

“(E) operation of appropriate technical capabilities in order to detect, mitigate, report, and respond to information security incidents, cyber threat information, and deterioration of security controls in a manner that is consistent with the policies and directives under section 3553, including—

“(i) mitigating risks associated with such information security incidents;

“(ii) notifying and consulting with the entity designated under section 3555; and

“(iii) notifying and consulting with, as appropriate—

“(I) law enforcement and the relevant Office of the Inspector General; and

“(II) any other entity, in accordance with law and as directed by the President;

“(F) a process to ensure that remedial action is taken to address any deficiencies in the information security policies, procedures, and practices of the agency; and

“(G) a plan and procedures to ensure the continuity of operations for information systems that support the operations and assets of the agency.

“(2) RISK MANAGEMENT STRATEGIES.—Each agencywide information security program under subsection (b)(2) shall include the development and maintenance of a risk management strategy for information security. The risk management strategy shall include—

“(A) consideration of information security incidents, cyber threat information, and deterioration of security controls; and

“(B) consideration of the consequences that could result from the unauthorized access, use, disclosure, disruption, modification, or destruction of information and information systems that support the operations and assets of the agency, including any information system provided or managed by a contractor, other agency, or other source on behalf of the agency;

“(3) POLICIES AND PROCEDURES.—Each agencywide information security program under subsection (b)(2) shall include policies and procedures based—

“(A) are based on the risk management strategy under paragraph (2);

“(B) reduce information security risks to an acceptable level in a cost-effective manner;

“(C) ensure that cost-effective and adequate information security is addressed as part of the acquisition and ongoing management of each agency information system; and

“(D) ensure compliance with—

“(i) this subchapter; and

“(ii) any other applicable requirements.

“(4) TRAINING REQUIREMENTS.—Each agencywide information security program under subsection (b)(2) shall include information security, privacy, civil rights, civil liberties, and information oversight training that meets any applicable requirements under section 3553. The training shall inform each information security personnel that has access to agency information systems (including contractors and other users of information systems that support the operations and assets of the agency) of—

“(A) the information security risks associated with the information security personnel’s activities; and

“(B) the individual’s responsibility to comply with the agency policies and procedures that reduce the risks under subparagraph (A).

“(d) ANNUAL REPORT.—Each agency shall submit a report annually to the Secretary of Homeland Security on its agencywide information security program and information systems.

“§ 3555. Multiagency ongoing threat assessment

“(a) IMPLEMENTATION.—The Director of the Office of Management and Budget, in coordination with the Secretary of Homeland Security, shall designate an entity to implement

ongoing security analysis concerning agency information systems—

“(1) based on cyber threat information;

“(2) based on agency information system and environment of operation changes, including—

“(A) an ongoing evaluation of the information system security controls; and

“(B) the security state, risk level, and environment of operation of an agency information system, including—

“(i) a change in risk level due to a new cyber threat;

“(ii) a change resulting from a new technology;

“(iii) a change resulting from the agency’s mission; and

“(iv) a change resulting from the business practice; and

“(3) using automated processes to the maximum extent possible—

“(A) to increase information system security;

“(B) to reduce paper-based reporting requirements; and

“(C) to maintain timely and actionable knowledge of the state of the information system security.

“(b) STANDARDS.—The National Institute of Standards and Technology may promulgate standards, in coordination with the Secretary of Homeland Security, to assist an agency with its duties under this section.

“(c) COMPLIANCE.—The head of each appropriate department and agency shall be responsible for ensuring compliance and implementing necessary procedures to comply with this section. The head of each appropriate department and agency, in consultation with the Director of the Office of Management and Budget and the Secretary of Homeland Security, shall—

“(1) monitor compliance under this section;

“(2) develop a timeline and implement for the department or agency—

“(A) adoption of any technology, system, or method that facilitates continuous monitoring and threat assessments of an agency information system;

“(B) adoption or updating of any technology, system, or method that prevents, detects, or remediates a significant cyber incident to a Federal information system of the department or agency that has impeded, or is reasonably likely to impede, the performance of a critical mission of the department or agency; and

“(C) adoption of any technology, system, or method that satisfies a requirement under this section.

“(d) LIMITATION OF AUTHORITY.—The authorities of the Director of the Office of Management and Budget and of the Secretary of Homeland Security under this section shall not apply to national security systems.

“(e) REPORT.—Not later than 6 months after the date of enactment of the Strengthening and Enhancing Cybersecurity by Using Research, Education, Information, and Technology Act of 2012, the Government Accountability Office shall issue a report evaluating each agency’s status toward implementing this section.

#### “§ 3556. Independent evaluations

“(a) IN GENERAL.—The Council of the Inspectors General on Integrity and Efficiency, in consultation with the Director and the Secretary of Homeland Security, the Secretary of Commerce, and the Secretary of Defense, shall issue and maintain criteria for the timely, cost-effective, risk-based, and independent evaluation of each agencywide information security program (and practices) to determine the effectiveness of the

agencywide information security program (and practices). The criteria shall include measures to assess any conflicts of interest in the performance of the evaluation and whether the agencywide information security program includes appropriate safeguards against disclosure of information where such disclosure may adversely affect information security.

“(b) ANNUAL INDEPENDENT EVALUATIONS.—Each agency shall perform an annual independent evaluation of its agencywide information security program (and practices) in accordance with the criteria under subsection (a).

“(c) DISTRIBUTION OF REPORTS.—Not later than 30 days after receiving an independent evaluation under subsection (b), each agency head shall transmit a copy of the independent evaluation to the Secretary of Homeland Security, the Secretary of Commerce, and the Secretary of Defense.

“(d) NATIONAL SECURITY SYSTEMS.—Evaluations involving national security systems shall be conducted as directed by President.”

**“§ 3557. National security systems.**

“The head of each agency operating or exercising control of a national security system shall be responsible for ensuring that the agency—

“(1) provides information security protections commensurate with the risk and magnitude of the harm resulting from the unauthorized access, use, disclosure, disruption, modification, or destruction of the information contained in such system; and

“(2) implements information security policies and practices as required by standards and guidelines for national security systems, issued in accordance with law and as directed by the President.”

(b) SAVINGS PROVISIONS.—

(1) POLICY AND COMPLIANCE GUIDANCE.—Policy and compliance guidance issued by the Director before the date of enactment of this Act under section 3543(a)(1) of title 44, United States Code (as in effect on the day before the date of enactment of this Act), shall continue in effect, according to its terms, until modified, terminated, superseded, or repealed pursuant to section 3553(a)(1) of title 44, United States Code.

(2) STANDARDS AND GUIDELINES.—Standards and guidelines issued by the Secretary of Commerce or by the Director before the date of enactment of this Act under section 11331(a)(1) of title 40, United States Code, (as in effect on the day before the date of enactment of this Act) shall continue in effect, according to their terms, until modified, terminated, superseded, or repealed pursuant to section 11331(a)(1) of title 40, United States Code, as amended by this Act.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) CHAPTER ANALYSIS.—The chapter analysis for chapter 35 of title 44, United States Code, is amended—

(A) by striking the items relating to sections 3531 through 3538;

(B) by striking the items relating to sections 3541 through 3549; and

(C) by inserting the following:

“3551. Purposes.

“3552. Definitions.

“3553. Federal information security authority and coordination.

“3554. Agency responsibilities.

“3555. Multiagency ongoing threat assessment.

“3556. Independent evaluations.

“3557. National security systems.”

(2) OTHER REFERENCES.—

(A) Section 1001(c)(1)(A) of the Homeland Security Act of 2002 (6 U.S.C. 511(1)(A)) is

amended by striking “section 3532(3)” and inserting “section 3552”.

(B) Section 2222(j)(5) of title 10, United States Code, is amended by striking “section 3542(b)(2)” and inserting “section 3552”.

(C) Section 2223(c)(3) of title 10, United States Code, is amended, by striking “section 3542(b)(2)” and inserting “section 3552”.

(D) Section 2315 of title 10, United States Code, is amended by striking “section 3542(b)(2)” and inserting “section 3552”.

(E) Section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3) is amended—

(i) in subsection (a)(2), by striking “section 3532(b)(2)” and inserting “section 3552”;

(ii) in subsection (c)(3), by striking “Director of the Office of Management and Budget” and inserting “Secretary of Commerce”;

(iii) in subsection (d)(1), by striking “Director of the Office of Management and Budget” and inserting “Secretary of Commerce”;

(iv) in subsection (d)(8) by striking “Director of the Office of Management and Budget” and inserting “Secretary of Commerce”;

(v) in subsection (d)(8), by striking “submitted to the Director” and inserting “submitted to the Secretary”;

(vi) in subsection (e)(2), by striking “section 3532(1) of such title” and inserting “section 3552 of title 44”; and

(vii) in subsection (e)(5), by striking “section 3532(b)(2) of such title” and inserting “section 3552 of title 44”.

(F) Section 8(d)(1) of the Cyber Security Research and Development Act (15 U.S.C. 7406(d)(1)) is amended by striking “section 3534(b)” and inserting “section 3554(b)(2)”.

**SEC. 202. MANAGEMENT OF INFORMATION TECHNOLOGY.**

(a) IN GENERAL.—Section 11331 of title 40, United States Code, is amended to read as follows:

**“§ 11331. Responsibilities for Federal information systems standards**

“(a) STANDARDS AND GUIDELINES.—

“(1) AUTHORITY TO PRESCRIBE.—Except as provided under paragraph (2), the Secretary of Commerce shall prescribe standards and guidelines pertaining to Federal information systems—

“(A) in consultation with the Secretary of Homeland Security; and

“(B) on the basis of standards and guidelines developed by the National Institute of Standards and Technology under paragraphs (2) and (3) of section 20(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3(a)(2) and (a)(3)).

“(2) NATIONAL SECURITY SYSTEMS.—Standards and guidelines for national security systems shall be developed, prescribed, enforced, and overseen as otherwise authorized by law and as directed by the President.

“(b) MANDATORY STANDARDS AND GUIDELINES.—

“(1) AUTHORITY TO MAKE MANDATORY STANDARDS AND GUIDELINES.—The Secretary of Commerce shall make standards and guidelines under subsection (a)(1) compulsory and binding to the extent determined necessary by the Secretary of Commerce to improve the efficiency of operation or security of Federal information systems.

“(2) REQUIRED MANDATORY STANDARDS AND GUIDELINES.—

“(A) IN GENERAL.—Standards and guidelines under subsection (a)(1) shall include information security standards that—

“(i) provide minimum information security requirements as determined under section 20(b) of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3(b)); and

“(ii) are otherwise necessary to improve the security of Federal information and information systems.

“(B) BINDING EFFECT.—Information security standards under subparagraph (A) shall be compulsory and binding.

“(c) EXERCISE OF AUTHORITY.—To ensure fiscal and policy consistency, the Secretary of Commerce shall exercise the authority conferred by this section subject to direction by the President and in coordination with the Director.

“(d) APPLICATION OF MORE STRINGENT STANDARDS AND GUIDELINES.—The head of an executive agency may exercise standards for the cost-effective information security for information systems within or under the supervision of that agency that are more stringent than the standards and guidelines the Secretary of Commerce prescribes under this section if the more stringent standards and guidelines—

“(1) contain at least the applicable standards and guidelines made compulsory and binding by the Secretary of Commerce; and

“(2) are otherwise consistent with the policies, directives, and implementation memoranda issued under section 3553(a) of title 44.

“(e) DECISIONS ON PROMULGATION OF STANDARDS AND GUIDELINES.—The decision by the Secretary of Commerce regarding the promulgation of any standard or guideline under this section shall occur not later than 6 months after the date of submission of the proposed standard to the Secretary of Commerce by the National Institute of Standards and Technology under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3).

“(f) NOTICE AND COMMENT.—A decision by the Secretary of Commerce to significantly modify, or not promulgate, a proposed standard submitted to the Secretary by the National Institute of Standards and Technology under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3) shall be made after the public is given an opportunity to comment on the Secretary’s proposed decision.

“(g) DEFINITIONS.—In this section:

“(1) FEDERAL INFORMATION SYSTEM.—The term ‘Federal information system’ has the meaning given the term in section 3552 of title 44.

“(2) INFORMATION SECURITY.—The term ‘information security’ has the meaning given the term in section 3552 of title 44.

“(3) NATIONAL SECURITY SYSTEM.—The term ‘national security system’ has the meaning given the term in section 3552 of title 44.”

**SEC. 203. NO NEW FUNDING.**

An applicable Federal agency shall carry out the provisions of this title with existing facilities and funds otherwise available, through such means as the head of the agency considers appropriate.

**SEC. 204. TECHNICAL AND CONFORMING AMENDMENTS.**

Section 21(b) of the National Institute of Standards and Technology Act (15 U.S.C. 278g-4(b)) is amended—

(1) in paragraph (2), by striking “and the Director of the Office of Management and Budget” and inserting “, the Secretary of Commerce, and the Secretary of Homeland Security”; and

(2) in paragraph (3), by inserting “, the Secretary of Homeland Security,” after “the Secretary of Commerce”.

**SEC. 205. CLARIFICATION OF AUTHORITIES.**

Nothing in this title shall be construed to convey any new regulatory authority to any government entity implementing or complying with any provision of this title.

**TITLE III—CRIMINAL PENALTIES****SEC. 301. PENALTIES FOR FRAUD AND RELATED ACTIVITY IN CONNECTION WITH COMPUTERS.**

Section 1030(c) of title 18, United States Code, is amended to read as follows:

“(c) The punishment for an offense under subsection (a) or (b) of this section is—

“(1) a fine under this title or imprisonment for not more than 20 years, or both, in the case of an offense under subsection (a)(1) of this section;

“(2)(A) except as provided in subparagraph (B), a fine under this title or imprisonment for not more than 3 years, or both, in the case of an offense under subsection (a)(2); or

“(B) a fine under this title or imprisonment for not more than ten years, or both, in the case of an offense under subsection (a)(2) of this section, if—

“(i) the offense was committed for purposes of commercial advantage or private financial gain;

“(ii) the offense was committed in the furtherance of any criminal or tortious act in violation of the Constitution or laws of the United States, or of any State; or

“(iii) the value of the information obtained, or that would have been obtained if the offense was completed, exceeds \$5,000;

“(3) a fine under this title or imprisonment for not more than 10 years, or both, in the case of an offense under subsection (a)(3) of this section;

“(4) a fine under this title or imprisonment of not more than 20 years, or both, in the case of an offense under subsection (a)(4) of this section;

“(5)(A) except as provided in subparagraph (C), a fine under this title, imprisonment for not more than 20 years, or both, in the case of an offense under subsection (a)(5)(A) of this section, if the offense caused—

“(i) loss to 1 or more persons during any 1-year period (and, for purposes of an investigation, prosecution, or other proceeding brought by the United States only, loss resulting from a related course of conduct affecting 1 or more other protected computers) aggregating at least \$5,000 in value;

“(ii) the modification or impairment, or potential modification or impairment, of the medical examination, diagnosis, treatment, or care of 1 or more individuals;

“(iii) physical injury to any person;

“(iv) a threat to public health or safety;

“(v) damage affecting a computer used by, or on behalf of, an entity of the United States Government in furtherance of the administration of justice, national defense, or national security; or

“(vi) damage affecting 10 or more protected computers during any 1-year period;

“(B) a fine under this title, imprisonment for not more than 20 years, or both, in the case of an offense under subsection (a)(5)(B), if the offense caused a harm provided in clause (i) through (vi) of subparagraph (A) of this subsection;

“(C) if the offender attempts to cause or knowingly or recklessly causes death from conduct in violation of subsection (a)(5)(A), a fine under this title, imprisonment for any term of years or for life, or both;

“(D) a fine under this title, imprisonment for not more than 10 years, or both, for any other offense under subsection (a)(5);

“(E) a fine under this title or imprisonment for not more than 10 years, or both, in the case of an offense under subsection (a)(6) of this section; or

“(F) a fine under this title or imprisonment for not more than 10 years, or both, in the case of an offense under subsection (a)(7) of this section.”.

**SEC. 302. TRAFFICKING IN PASSWORDS.**

Section 1030(a)(6) of title 18, United States Code, is amended to read as follows:

“(6) knowingly and with intent to defraud traffics (as defined in section 1029) in any password or similar information or means of access through which a protected computer (as defined in subparagraphs (A) and (B) of subsection (e)(2)) may be accessed without authorization.”.

**SEC. 303. CONSPIRACY AND ATTEMPTED COMPUTER FRAUD OFFENSES.**

Section 1030(b) of title 18, United States Code, is amended by inserting “as if for the completed offense” after “punished as provided”.

**SEC. 304. CRIMINAL AND CIVIL FORFEITURE FOR FRAUD AND RELATED ACTIVITY IN CONNECTION WITH COMPUTERS.**

Section 1030 of title 18, United States Code, is amended by striking subsections (i) and (j) and inserting the following:

“(i) CRIMINAL FORFEITURE.—

“(1) The court, in imposing sentence on any person convicted of a violation of this section, or convicted of conspiracy to violate this section, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person forfeit to the United States—

“(A) such persons interest in any property, real or personal, that was used, or intended to be used, to commit or facilitate the commission of such violation; and

“(B) any property, real or personal, constituting or derived from any gross proceeds, or any property traceable to such property, that such person obtained, directly or indirectly, as a result of such violation.

“(2) The criminal forfeiture of property under this subsection, including any seizure and disposition of the property, and any related judicial or administrative proceeding, shall be governed by the provisions of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), except subsection (d) of that section.

“(j) CIVIL FORFEITURE.—

“(1) The following shall be subject to forfeiture to the United States and no property right, real or personal, shall exist in them:

“(A) Any property, real or personal, that was used, or intended to be used, to commit or facilitate the commission of any violation of this section, or a conspiracy to violate this section.

“(B) Any property, real or personal, constituting or derived from any gross proceeds obtained directly or indirectly, or any property traceable to such property, as a result of the commission of any violation of this section, or a conspiracy to violate this section.

“(2) Seizures and forfeitures under this subsection shall be governed by the provisions in chapter 46 relating to civil forfeitures, except that such duties as are imposed on the Secretary of the Treasury under the customs laws described in section 981(d) shall be performed by such officers, agents and other persons as may be designated for that purpose by the Secretary of Homeland Security or the Attorney General.”.

**SEC. 305. DAMAGE TO CRITICAL INFRASTRUCTURE COMPUTERS.**

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by inserting after section 1030 the following:

“§ 1030A. Aggravated damage to a critical infrastructure computer

“(a) DEFINITIONS.—In this section—

“(1) the term ‘computer’ has the meaning given the term in section 1030;

“(2) the term ‘critical infrastructure computer’ means a computer that manages or

controls systems or assets vital to national defense, national security, national economic security, public health or safety, or any combination of those matters, whether publicly or privately owned or operated, including—

“(A) oil and gas production, storage, conversion, and delivery systems;

“(B) water supply systems;

“(C) telecommunication networks;

“(D) electrical power generation and delivery systems;

“(E) finance and banking systems;

“(F) emergency services;

“(G) transportation systems and services; and

“(H) government operations that provide essential services to the public; and

“(3) the term ‘damage’ has the meaning given the term in section 1030.

“(b) OFFENSE.—It shall be unlawful, during and in relation to a felony violation of section 1030, to knowingly cause or attempt to cause damage to a critical infrastructure computer if the damage results in (or, in the case of an attempt, if completed, would have resulted in) the substantial impairment—

“(1) of the operation of the critical infrastructure computer; or

“(2) of the critical infrastructure associated with the computer.

“(c) PENALTY.—Any person who violates subsection (b) shall be—

“(1) fined under this title;

“(2) imprisoned for not less than 3 years but not more than 20 years; or

“(3) penalized under paragraphs (1) and (2).

“(d) CONSECUTIVE SENTENCE.—Notwithstanding any other provision of law—

“(1) a court shall not place on probation any person convicted of a violation of this section;

“(2) except as provided in paragraph (4), no term of imprisonment imposed on a person under this section shall run concurrently with any other term of imprisonment, including any term of imprisonment imposed on the person under any other provision of law, including any term of imprisonment imposed for a felony violation of section 1030;

“(3) in determining any term of imprisonment to be imposed for a felony violation of section 1030, a court shall not in any way reduce the term to be imposed for such crime so as to compensate for, or otherwise take into account, any separate term of imprisonment imposed or to be imposed for a violation of this section; and

“(4) a term of imprisonment imposed on a person for a violation of this section may, in the discretion of the court, run concurrently, in whole or in part, only with another term of imprisonment that is imposed by the court at the same time on that person for an additional violation of this section, provided that such discretion shall be exercised in accordance with any applicable guidelines and policy statements issued by the United States Sentencing Commission pursuant to section 994 of title 28.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The chapter analysis for chapter 47 of title 18, United States Code, is amended by inserting after the item relating to section 1030 the following:

“1030A. Aggravated damage to a critical infrastructure computer.”.

**SEC. 306. LIMITATION ON ACTIONS INVOLVING UNAUTHORIZED USE.**

Section 1030(e)(6) of title 18, United States Code, is amended by striking “alter;” and inserting “alter, but does not include access in violation of a contractual obligation or agreement, such as an acceptable use policy

or terms of service agreement, with an Internet service provider, Internet website, or non-government employer, if such violation constitutes the sole basis for determining that access to a protected computer is unauthorized.”

#### SEC. 307. NO NEW FUNDING.

An applicable Federal agency shall carry out the provisions of this title with existing facilities and funds otherwise available, through such means as the head of the agency considers appropriate.

### TITLE IV—CYBERSECURITY RESEARCH AND DEVELOPMENT

#### SEC. 401. NATIONAL HIGH-PERFORMANCE COMPUTING PROGRAM PLANNING AND COORDINATION.

(a) GOALS AND PRIORITIES.—Section 101 of the High-Performance Computing Act of 1991 (15 U.S.C. 5511) is amended by adding at the end the following:

“(d) GOALS AND PRIORITIES.—The goals and priorities for Federal high-performance computing research, development, networking, and other activities under subsection (a)(2)(A) shall include—

“(1) encouraging and supporting mechanisms for interdisciplinary research and development in networking and information technology, including—

“(A) through collaborations across agencies;

“(B) through collaborations across Program Component Areas;

“(C) through collaborations with industry;

“(D) through collaborations with institutions of higher education;

“(E) through collaborations with Federal laboratories (as defined in section 4 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3703)); and

“(F) through collaborations with international organizations;

“(2) addressing national, multi-agency, multi-faceted challenges of national importance; and

“(3) fostering the transfer of research and development results into new technologies and applications for the benefit of society.”.

(b) DEVELOPMENT OF STRATEGIC PLAN.—Section 101 of the High-Performance Computing Act of 1991 (15 U.S.C. 5511) is amended by adding at the end the following:

“(e) STRATEGIC PLAN.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Strengthening and Enhancing Cybersecurity by Using Research, Education, Information, and Technology Act of 2012, the agencies under subsection (a)(3)(B), working through the National Science and Technology Council and with the assistance of the Office of Science and Technology Policy shall develop a 5-year strategic plan to guide the activities under subsection (a)(1).

“(2) CONTENTS.—The strategic plan shall specify—

“(A) the near-term objectives for the Program;

“(B) the long-term objectives for the Program;

“(C) the anticipated time frame for achieving the near-term objectives;

“(D) the metrics that will be used to assess any progress made toward achieving the near-term objectives and the long-term objectives; and

“(E) how the Program will achieve the goals and priorities under subsection (d).

“(3) IMPLEMENTATION ROADMAP.—

“(A) IN GENERAL.—The agencies under subsection (a)(3)(B) shall develop and annually update an implementation roadmap for the strategic plan.

“(B) REQUIREMENTS.—The information in the implementation roadmap shall be coordinated with the database under section 102(c) and the annual report under section 101(a)(3). The implementation roadmap shall—

“(i) specify the role of each Federal agency in carrying out or sponsoring research and development to meet the research objectives of the strategic plan, including a description of how progress toward the research objectives will be evaluated, with consideration of any relevant recommendations of the advisory committee;

“(ii) specify the funding allocated to each major research objective of the strategic plan and the source of funding by agency for the current fiscal year; and

“(iii) estimate the funding required for each major research objective of the strategic plan for the next 3 fiscal years.

“(4) RECOMMENDATIONS.—The agencies under subsection (a)(3)(B) shall take into consideration when developing the strategic plan under paragraph (1) the recommendations of—

“(A) the advisory committee under subsection (b); and

“(B) the stakeholders under section 102(a)(3).

“(5) REPORT TO CONGRESS.—The Director of the Office of Science and Technology Policy shall transmit the strategic plan under this subsection, including the implementation roadmap and any updates under paragraph (3), to—

“(A) the advisory committee under subsection (b);

“(B) the Committee on Commerce, Science, and Transportation of the Senate; and

“(C) the Committee on Science and Technology of the House of Representatives.”.

(c) PERIODIC REVIEWS.—Section 101 of the High-Performance Computing Act of 1991 (15 U.S.C. 5511) is amended by adding at the end the following:

“(f) PERIODIC REVIEWS.—The agencies under subsection (a)(3)(B) shall—

“(1) periodically assess the contents and funding levels of the Program Component Areas and restructure the Program when warranted, taking into consideration any relevant recommendations of the advisory committee under subsection (b); and

“(2) ensure that the Program includes national, multi-agency, multi-faceted research and development activities, including activities described in section 104.”.

(d) ADDITIONAL RESPONSIBILITIES OF DIRECTOR.—Section 101(a)(2) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(a)(2)) is amended—

(1) by redesignating subparagraphs (E) and (F) as subparagraphs (G) and (H), respectively; and

(2) by inserting after subparagraph (D) the following:

“(E) encourage and monitor the efforts of the agencies participating in the Program to allocate the level of resources and management attention necessary—

“(i) to ensure that the strategic plan under subsection (e) is developed and executed effectively; and

“(ii) to ensure that the objectives of the Program are met;

“(F) working with the Office of Management and Budget and in coordination with the creation of the database under section 102(c), direct the Office of Science and Technology Policy and the agencies participating in the Program to establish a mechanism (consistent with existing law) to track all ongoing and completed research and development projects and associated funding;”.

(e) ADVISORY COMMITTEE.—Section 101(b) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(b)) is amended—

(1) in paragraph (1)—

(A) by inserting after the first sentence the following: “The co-chairs of the advisory committee shall meet the qualifications of committee members and may be members of the Presidents Council of Advisors on Science and Technology.”; and

(B) by striking “high-performance” in subparagraph (D) and inserting “high-end”; and

(2) by amending paragraph (2) to read as follows:

“(2) In addition to the duties under paragraph (1), the advisory committee shall conduct periodic evaluations of the funding, management, coordination, implementation, and activities of the Program. The advisory committee shall report its findings and recommendations not less frequently than once every 3 fiscal years to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives. The report shall be submitted in conjunction with the update of the strategic plan.”.

(f) REPORT.—Section 101(a)(3) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(a)(3)) is amended—

(1) in subparagraph (C)—

(A) by striking “is submitted,” and inserting “is submitted, the levels for the previous fiscal year;” and

(B) by striking “each Program Component Area” and inserting “each Program Component Area and each research area supported in accordance with section 104”;

(2) in subparagraph (D)—

(A) by striking “each Program Component Area,” and inserting “each Program Component Area and each research area supported in accordance with section 104.”;

(B) by striking “is submitted,” and inserting “is submitted, the levels for the previous fiscal year;” and

(C) by striking “and” after the semicolon;

(3) by redesignating subparagraph (E) as subparagraph (G); and

(4) by inserting after subparagraph (D) the following:

“(E) include a description of how the objectives for each Program Component Area, and the objectives for activities that involve multiple Program Component Areas, relate to the objectives of the Program identified in the strategic plan under subsection (e);

“(F) include—

“(i) a description of the funding required by the Office of Science and Technology Policy to perform the functions under subsections (a) and (c) of section 102 for the next fiscal year by category of activity;

“(ii) a description of the funding required by the Office of Science and Technology Policy to perform the functions under subsections (a) and (c) of section 102 for the current fiscal year by category of activity; and

“(iii) the amount of funding provided for the Office of Science and Technology Policy for the current fiscal year by each agency participating in the Program; and”.

(g) DEFINITIONS.—Section 4 of the High-Performance Computing Act of 1991 (15 U.S.C. 5503) is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(2) by redesignating paragraph (3) as paragraph (6);

(3) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively;

(4) by inserting before paragraph (2), as redesignated, the following:

“(1) ‘cyber-physical systems’ means physical or engineered systems whose networking and information technology functions and physical elements are deeply integrated and are actively connected to the physical world through sensors, actuators, or other means to perform monitoring and control functions;”;

(5) in paragraph (3), as redesignated, by striking “high-performance computing” and inserting “networking and information technology”;

(6) in paragraph (6), as redesignated—

(A) by striking “high-performance computing” and inserting “networking and information technology”; and

(B) by striking “supercomputer” and inserting “high-end computing”;

(7) in paragraph (5), by striking “network referred to as” and all that follows through the semicolon and inserting “network, including advanced computer networks of Federal agencies and departments”; and

(8) in paragraph (7), as redesignated, by striking “National High-Performance Computing Program” and inserting “networking and information technology research and development program”.

#### **SEC. 402. RESEARCH IN AREAS OF NATIONAL IMPORTANCE.**

(a) RESEARCH IN AREAS OF NATIONAL IMPORTANCE.—Title I of the High-Performance Computing Act of 1991 (15 U.S.C. 5511 et seq.) is amended by adding at the end the following:

#### **“SEC. 104. RESEARCH IN AREAS OF NATIONAL IMPORTANCE.**

“(a) IN GENERAL.—The Program shall encourage agencies under section 101(a)(3)(B) to support, maintain, and improve national, multi-agency, multi-faceted, research and development activities in networking and information technology directed toward application areas that have the potential for significant contributions to national economic competitiveness and for other significant societal benefits.

“(b) TECHNICAL SOLUTIONS.—An activity under subsection (a) shall be designed to advance the development of research discoveries by demonstrating technical solutions to important problems in areas including—

“(1) cybersecurity;

“(2) health care;

“(3) energy management and low-power systems and devices;

“(4) transportation, including surface and air transportation;

“(5) cyber-physical systems;

“(6) large-scale data analysis and modeling of physical phenomena;

“(7) large scale data analysis and modeling of behavioral phenomena;

“(8) supply chain quality and security; and

“(9) privacy protection and protected disclosure of confidential data.

“(c) RECOMMENDATIONS.—The advisory committee under section 101(b) shall make recommendations to the Program for candidate research and development areas for support under this section.

“(d) CHARACTERISTICS.—

“(1) IN GENERAL.—Research and development activities under this section—

“(A) shall include projects selected on the basis of applications for support through a competitive, merit-based process;

“(B) shall leverage, when possible, Federal investments through collaboration with related State initiatives;

“(C) shall include a plan for fostering the transfer of research discoveries and the results of technology demonstration activities, including from institutions of higher edu-

cation and Federal laboratories, to industry for commercial development;

“(D) shall involve collaborations among researchers in institutions of higher education and industry; and

“(E) may involve collaborations among nonprofit research institutions and Federal laboratories, as appropriate.

“(2) COST-SHARING.—In selecting applications for support, the agencies under section 101(a)(3)(B) shall give special consideration to projects that include cost sharing from non-Federal sources.

“(3) MULTIDISCIPLINARY RESEARCH CENTERS.—Research and development activities under this section shall be supported through multidisciplinary research centers, including Federal laboratories, that are organized to investigate basic research questions and carry out technology demonstration activities in areas described in subsection (a). Research may be carried out through existing multidisciplinary centers, including those authorized under section 7024(b)(2) of the America COMPETES Act (42 U.S.C. 1862o–10(2)).”.

(b) CYBER-PHYSICAL SYSTEMS.—Section 101(a)(1) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(a)(1)) is amended—

(1) in subparagraph (H), by striking “and” after the semicolon;

(2) in subparagraph (I), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(J) provide for increased understanding of the scientific principles of cyber-physical systems and improve the methods available for the design, development, and operation of cyber-physical systems that are characterized by high reliability, safety, and security; and

“(K) provide for research and development on human-computer interactions, visualization, and big data.”.

(c) TASK FORCE.—Title I of the High-Performance Computing Act of 1991 (15 U.S.C. 5511 et seq.), as amended by section 402(a) of this Act, is amended by adding at the end the following:

#### **“SEC. 105. TASK FORCE.**

“(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of the Strengthening and Enhancing Cybersecurity by Using Research, Education, Information, and Technology Act of 2012, the Director of the Office of Science and Technology Policy under section 102 shall convene a task force to explore mechanisms for carrying out collaborative research and development activities for cyber-physical systems (including the related technologies required to enable these systems) through a consortium or other appropriate entity with participants from institutions of higher education, Federal laboratories, and industry.

“(b) FUNCTIONS.—The task force shall—

“(1) develop options for a collaborative model and an organizational structure for such entity under which the joint research and development activities could be planned, managed, and conducted effectively, including mechanisms for the allocation of resources among the participants in such entity for support of such activities;

“(2) propose a process for developing a research and development agenda for such entity, including guidelines to ensure an appropriate scope of work focused on nationally significant challenges and requiring collaboration and to ensure the development of related scientific and technological milestones;

“(3) define the roles and responsibilities for the participants from institutions of higher

education, Federal laboratories, and industry in such entity;

“(4) propose guidelines for assigning intellectual property rights and for transferring research results to the private sector; and

“(5) make recommendations for how such entity could be funded from Federal, State, and non-governmental sources.

“(c) COMPOSITION.—In establishing the task force under subsection (a), the Director of the Office of Science and Technology Policy shall appoint an equal number of individuals from institutions of higher education and from industry with knowledge and expertise in cyber-physical systems, and may appoint not more than 2 individuals from Federal laboratories.

“(d) REPORT.—Not later than 1 year after the date of enactment of the Strengthening and Enhancing Cybersecurity by Using Research, Education, Information, and Technology Act of 2012, the Director of the Office of Science and Technology Policy shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives a report describing the findings and recommendations of the task force.

“(e) TERMINATION.—The task force shall terminate upon transmittal of the report required under subsection (d).

“(f) COMPENSATION AND EXPENSES.—Members of the task force shall serve without compensation.”.

#### **SEC. 403. PROGRAM IMPROVEMENTS.**

Section 102 of the High-Performance Computing Act of 1991 (15 U.S.C. 5512) is amended to read as follows:

#### **“SEC. 102. PROGRAM IMPROVEMENTS.**

“(a) FUNCTIONS.—The Director of the Office of Science and Technology Policy shall continue—

“(1) to provide technical and administrative support to—

“(A) the agencies participating in planning and implementing the Program, including support needed to develop the strategic plan under section 101(e); and

“(B) the advisory committee under section 101(b);

“(2) to serve as the primary point of contact on Federal networking and information technology activities for government agencies, academia, industry, professional societies, State computing and networking technology programs, interested citizen groups, and others to exchange technical and programmatic information;

“(3) to solicit input and recommendations from a wide range of stakeholders during the development of each strategic plan under section 101(e) by convening at least 1 workshop with invitees from academia, industry, Federal laboratories, and other relevant organizations and institutions;

“(4) to conduct public outreach, including the dissemination of the advisory committee's findings and recommendations, as appropriate;

“(5) to promote access to and early application of the technologies, innovations, and expertise derived from Program activities to agency missions and systems across the Federal Government and to United States industry;

“(6) to ensure accurate and detailed budget reporting of networking and information technology research and development investment; and

“(7) to encourage agencies participating in the Program to use existing programs and resources to strengthen networking and information technology education and training, and increase participation in such fields,

including by women and underrepresented minorities.

“(b) SOURCE OF FUNDING.—

“(1) IN GENERAL.—The functions under this section shall be supported by funds from each agency participating in the Program.

“(2) SPECIFICATIONS.—The portion of the total budget of the Office of Science and Technology Policy that is provided by each agency participating in the Program for each fiscal year shall be in the same proportion as each agency's share of the total budget for the Program for the previous fiscal year, as specified in the database under section 102(c).

“(c) DATABASE.—

“(1) IN GENERAL.—The Director of the Office of Science and Technology Policy shall develop and maintain a database of projects funded by each agency for the fiscal year for each Program Component Area.

“(2) PUBLIC ACCESSIBILITY.—The Director of the Office of Science and Technology Policy shall make the database accessible to the public.

“(3) DATABASE CONTENTS.—The database shall include, for each project in the database—

“(A) a description of the project;

“(B) each agency, industry, institution of higher education, Federal laboratory, or international institution involved in the project;

“(C) the source funding of the project (set forth by agency);

“(D) the funding history of the project; and

“(E) whether the project has been completed.”.

**SEC. 404. IMPROVING EDUCATION OF NETWORKING AND INFORMATION TECHNOLOGY, INCLUDING HIGH PERFORMANCE COMPUTING.**

Section 201(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5521(a)) is amended—

(1) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively; and

(2) by inserting after paragraph (1) the following:

“(2) the National Science Foundation shall use its existing programs, in collaboration with other agencies, as appropriate, to improve the teaching and learning of networking and information technology at all levels of education and to increase participation in networking and information technology fields;”.

**SEC. 405. CONFORMING AND TECHNICAL AMENDMENTS TO THE HIGH-PERFORMANCE COMPUTING ACT OF 1991.**

(a) SECTION 3.—Section 3 of the High-Performance Computing Act of 1991 (15 U.S.C. 5502) is amended—

(1) in the matter preceding paragraph (1), by striking “high-performance computing” and inserting “networking and information technology”; and

(2) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking “high-performance computing” and inserting “networking and information technology”; and

(B) in subparagraphs (A), (F), and (G), by striking “high-performance computing” each place it appears and inserting “networking and information technology”; and

(C) in subparagraph (H), by striking “high-performance” and inserting “high-end”; and

(3) in paragraph (2)—

(A) by striking “high-performance computing and” and inserting “networking and information technology, and”; and

(B) by striking “high-performance computing network” and inserting “networking and information technology”.

(b) TITLE HEADING.—The heading of title I of the High-Performance Computing Act of 1991 (105 Stat. 1595) is amended by striking “**HIGH-PERFORMANCE COMPUTING**” and inserting “**NETWORKING AND INFORMATION TECHNOLOGY**”.

(c) SECTION 101.—Section 101 of the High-Performance Computing Act of 1991 (15 U.S.C. 5511) is amended—

(1) in the section heading, by striking “**HIGH-PERFORMANCE COMPUTING**” and inserting “**NETWORKING AND INFORMATION TECHNOLOGY RESEARCH AND DEVELOPMENT**”; and

(2) in subsection (a)—

(A) in the subsection heading, by striking “**NATIONAL HIGH-PERFORMANCE COMPUTING**” and inserting “**NETWORKING AND INFORMATION TECHNOLOGY RESEARCH AND DEVELOPMENT**”; and

(B) in paragraph (1)—

(i) by striking “National High-Performance Computing Program” and inserting “networking and information technology research and development program”; and

(ii) in subparagraph (A), by striking “high-performance computing, including networking” and inserting “networking and information technology”; and

(iii) in subparagraphs (B) and (G), by striking “high-performance” each place it appears and inserting “high-end”; and

(iv) in subparagraph (C), by striking “high-performance computing and networking” and inserting “high-end computing, distributed, and networking”; and

(C) in paragraph (2)—

(i) in subparagraphs (A) and (C)—

(I) by striking “high-performance computing” each place it appears and inserting “networking and information technology”; and

(II) by striking “development, networking,” each place it appears and inserting “development,”; and

(ii) in subparagraphs (G) and (H), as redesignated by section 401(d) of this Act, by striking “high-performance” each place it appears and inserting “high-end”; and

(3) in subsection (b)(1), in the matter preceding subparagraph (A), by striking “high-performance computing” each place it appears and inserting “networking and information technology”; and

(4) in subsection (c)(1)(A), by striking “high-performance computing” and inserting “networking and information technology”.

(d) SECTION 201.—Section 201(a)(1) of the High-Performance Computing Act of 1991 (15 U.S.C. 5521(a)(1)) is amended by striking “high-performance computing and advanced high-speed computer networking” and inserting “networking and information technology research and development”.

(e) SECTION 202.—Section 202(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5522(a)) is amended by striking “high-performance computing” and inserting “networking and information technology”.

(f) SECTION 203.—Section 203(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5523(a)) is amended—

(1) in paragraph (1), by striking “high-performance computing and networking” and inserting “networking and information technology”; and

(2) in paragraph (2)(A), by striking “high-performance” and inserting “high-end”.

(g) SECTION 204.—Section 204 of the High-Performance Computing Act of 1991 (15 U.S.C. 5524) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (A), by striking “high-performance computing systems and networks” and inserting “networking and information technology systems and capabilities”; and

(B) in subparagraph (B), by striking “interoperability of high-performance computing systems in networks and for common user interfaces to systems” and inserting “interoperability and usability of networking and information technology systems”; and

(C) in subparagraph (C), by striking “high-performance computing” and inserting “networking and information technology”; and

(2) in subsection (b)—

(A) by striking “**HIGH-PERFORMANCE COMPUTING AND NETWORK**” in the heading and inserting “**NETWORKING AND INFORMATION TECHNOLOGY**”; and

(B) by striking “sensitive”.

(h) SECTION 205.—Section 205(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5525(a)) is amended by striking “computational” and inserting “networking and information technology”.

(i) SECTION 206.—Section 206(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5526(a)) is amended by striking “computational research” and inserting “networking and information technology research”.

(j) SECTION 207.—Section 207 of the High-Performance Computing Act of 1991 (15 U.S.C. 5527) is amended by striking “high-performance computing” and inserting “networking and information technology”.

(k) SECTION 208.—Section 208 of the High-Performance Computing Act of 1991 (15 U.S.C. 5528) is amended—

(1) in the section heading, by striking “**HIGH-PERFORMANCE COMPUTING**” and inserting “**NETWORKING AND INFORMATION TECHNOLOGY**”; and

(2) in subsection (a)—

(A) in paragraph (1), by striking “High-performance computing and associated” and inserting “Networking and information”; and

(B) in paragraph (2), by striking “high-performance computing” and inserting “networking and information technologies”; and

(C) in paragraph (3), by striking “high-performance” and inserting “high-end”; and

(D) in paragraph (4), by striking “high-performance computers and associated” and inserting “networking and information”; and

(E) in paragraph (5), by striking “high-performance computing and associated” and inserting “networking and information”.

**SEC. 406. FEDERAL CYBER SCHOLARSHIP-FOR-SERVICE PROGRAM.**

(a) IN GENERAL.—The Director of the National Science Foundation, in coordination with the Secretary of Homeland Security, shall carry out a Federal cyber scholarship-for-service program to recruit and train the next generation of information technology professionals and security managers to meet the needs of the cybersecurity mission for the Federal government.

(b) PROGRAM DESCRIPTION AND COMPONENTS.—The program shall—

(1) annually assess the workforce needs of the Federal government for cybersecurity professionals, including network engineers, software engineers, and other experts in order to determine how many scholarships should be awarded annually to ensure that the workforce needs following graduation match the number of scholarships awarded; and

(2) provide scholarships for up to 1,000 students per year in their pursuit of undergraduate or graduate degrees in the cybersecurity field, in an amount that may include coverage for full tuition, fees, and a stipend;



(3) require each scholarship recipient, as a condition of receiving a scholarship under the program, to serve in a Federal information technology workforce for a period equal to one and one-half times each year, or partial year, of scholarship received, in addition to an internship in the cybersecurity field, if applicable, following graduation;

(4) provide a procedure for the National Science Foundation or a Federal agency, consistent with regulations of the Office of Personnel Management, to request and fund a security clearance for a scholarship recipient, including providing for clearance during a summer internship and upon graduation; and

(5) provide opportunities for students to receive temporary appointments for meaningful employment in the Federal information technology workforce during school vacation periods and for internships.

**(c) HIRING AUTHORITY.—**

(1) **IN GENERAL.**—For purposes of any law or regulation governing the appointment of an individual in the Federal civil service, upon the successful completion of the student's studies, a student receiving a scholarship under the program may—

(A) be hired under section 213.3102(r) of title 5, Code of Federal Regulations; and

(B) be exempt from competitive service.

(2) **COMPETITIVE SERVICE.**—Upon satisfactory fulfillment of the service term under paragraph (1), an individual may be converted to a competitive service position without competition if the individual meets the requirements for that position.

(d) **ELIGIBILITY.**—The eligibility requirements for a scholarship under this section shall include that a scholarship applicant—

(1) be a citizen of the United States;

(2) be eligible to be granted a security clearance;

(3) maintain a grade point average of 3.2 or above on a 4.0 scale for undergraduate study or a 3.5 or above on a 4.0 scale for postgraduate study;

(4) demonstrate a commitment to a career in improving the security of the information infrastructure; and

(5) has demonstrated a level of proficiency in math or computer sciences.

(e) **FAILURE TO COMPLETE SERVICE OBLIGATION.—**

(1) **IN GENERAL.**—A scholarship recipient under this section shall be liable to the United States under paragraph (2) if the scholarship recipient—

(A) fails to maintain an acceptable level of academic standing in the educational institution in which the individual is enrolled, as determined by the Director;

(B) is dismissed from such educational institution for disciplinary reasons;

(C) withdraws from the program for which the award was made before the completion of such program;

(D) declares that the individual does not intend to fulfill the service obligation under this section;

(E) fails to fulfill the service obligation of the individual under this section; or

(F) loses a security clearance or becomes ineligible for a security clearance.

**(2) REPAYMENT AMOUNTS.—**

(A) **LESS THAN 1 YEAR OF SERVICE.**—If a circumstance under paragraph (1) occurs before the completion of 1 year of a service obligation under this section, the total amount of awards received by the individual under this section shall be repaid.

(B) **ONE OR MORE YEARS OF SERVICE.**—If a circumstance described in subparagraph (D) or (E) of paragraph (1) occurs after the com-

pletion of 1 year of a service obligation under this section, the total amount of scholarship awards received by the individual under this section, reduced by the ratio of the number of years of service completed divided by the number of years of service required, shall be repaid.

(f) **EVALUATION AND REPORT.**—The Director of the National Science Foundation shall—

(1) evaluate the success of recruiting individuals for scholarships under this section and of hiring and retaining those individuals in the public sector workforce, including the annual cost and an assessment of how the program actually improves the Federal workforce; and

(2) periodically report the findings under paragraph (1) to Congress.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—From amounts made available under section 503 of the America COMPETES Reauthorization Act of 2010 (124 Stat. 4005), the Director may use funds to carry out the requirements of this section for fiscal years 2012 through 2013.

**SEC. 407. STUDY AND ANALYSIS OF CERTIFICATION AND TRAINING OF INFORMATION INFRASTRUCTURE PROFESSIONALS.**

(a) **STUDY.**—The President shall enter into an agreement with the National Academies to conduct a comprehensive study of government, academic, and private-sector accreditation, training, and certification programs for personnel working in information infrastructure. The agreement shall require the National Academies to consult with sector coordinating councils and relevant governmental agencies, regulatory entities, and nongovernmental organizations in the course of the study.

(b) **SCOPE.**—The study shall include—

(1) an evaluation of the body of knowledge and various skills that specific categories of personnel working in information infrastructure should possess in order to secure information systems;

(2) an assessment of whether existing government, academic, and private-sector accreditation, training, and certification programs provide the body of knowledge and various skills described in paragraph (1);

(3) an analysis of any barriers to the Federal Government recruiting and hiring cybersecurity talent, including barriers relating to compensation, the hiring process, job classification, and hiring flexibility; and

(4) an analysis of the sources and availability of cybersecurity talent, a comparison of the skills and expertise sought by the Federal Government and the private sector, an examination of the current and future capacity of United States institutions of higher education, including community colleges, to provide current and future cybersecurity professionals, through education and training activities, with those skills sought by the Federal Government, State and local entities, and the private sector.

(c) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the National Academies shall submit to the President and Congress a report on the results of the study. The report shall include—

(1) findings regarding the state of information infrastructure accreditation, training, and certification programs, including specific areas of deficiency and demonstrable progress; and

(2) recommendations for the improvement of information infrastructure accreditation, training, and certification programs.

**SEC. 408. INTERNATIONAL CYBERSECURITY TECHNICAL STANDARDS.**

(a) **IN GENERAL.**—The Director of the National Institute of Standards and Tech-

nology, in coordination with appropriate Federal authorities, shall—

(1) as appropriate, ensure coordination of Federal agencies engaged in the development of international technical standards related to information system security; and

(2) not later than 1 year after the date of enactment of this Act, develop and transmit to Congress a plan for ensuring such Federal agency coordination.

(b) **CONSULTATION WITH THE PRIVATE SECTOR.**—In carrying out the activities under subsection (a)(1), the Director shall ensure consultation with appropriate private sector stakeholders.

**SEC. 409. IDENTITY MANAGEMENT RESEARCH AND DEVELOPMENT.**

The Director of the National Institute of Standards and Technology shall continue a program to support the development of technical standards, metrology, testbeds, and conformance criteria, taking into account appropriate user concerns—

(1) to improve interoperability among identity management technologies;

(2) to strengthen authentication methods of identity management systems;

(3) to improve privacy protection in identity management systems, including health information technology systems, through authentication and security protocols; and

(4) to improve the usability of identity management systems.

**SEC. 410. FEDERAL CYBERSECURITY RESEARCH AND DEVELOPMENT.**

(a) **NATIONAL SCIENCE FOUNDATION COMPUTER AND NETWORK SECURITY RESEARCH GRANT AREAS.**—Section 4(a)(1) of the Cyber Security Research and Development Act (15 U.S.C. 7403(a)(1)) is amended—

(1) in subparagraph (H), by striking “and” after the semicolon;

(2) in subparagraph (I), by striking “property.” and inserting “property;”;

(3) by adding at the end the following:

“(J) secure fundamental protocols that are at the heart of inter-network communications and data exchange;

“(K) system security that addresses the building of secure systems from trusted and untrusted components;

“(L) monitoring and detection; and

“(M) resiliency and rapid recovery methods.”.

(b) **NATIONAL SCIENCE FOUNDATION COMPUTER AND NETWORK SECURITY GRANTS.**—Section 4(a)(3) of the Cyber Security Research and Development Act (15 U.S.C. 7403(a)(3)) is amended—

(1) in subparagraph (D), by striking “and”;

(2) in subparagraph (E), by striking “2007.” and inserting “2007;”;

(3) by adding at the end the following:

“(F) such funds from amounts made available under section 503 of the America COMPETES Reauthorization Act of 2010 (124 Stat. 4005), as the Director finds necessary to carry out the requirements of this subsection for fiscal years 2012 through 2013.”.

(c) **COMPUTER AND NETWORK SECURITY CENTERS.**—Section 4(b)(7) of the Cyber Security Research and Development Act (15 U.S.C. 7403(b)(7)) is amended—

(1) in subparagraph (D), by striking “and”;

(2) in subparagraph (E), by striking “2007.” and inserting “2007;”;

(3) by adding at the end the following:

“(F) such funds from amounts made available under section 503 of the America COMPETES Reauthorization Act of 2010 (124 Stat. 4005), as the Director finds necessary to carry out the requirements of this subsection for fiscal years 2012 through 2013.”.

(d) **COMPUTER AND NETWORK SECURITY CAPACITY BUILDING GRANTS.**—Section 5(a)(6) of



the Cyber Security Research and Development Act (15 U.S.C. 7404(a)(6)) is amended—

(1) in subparagraph (D), by striking “and”;

(2) in subparagraph (E), by striking “2007.” and inserting “2007.”; and

(3) by adding at the end the following:

“(F) such funds from amounts made available under section 503 of the America COMPETES Reauthorization Act of 2010 (124 Stat. 4005), as the Director finds necessary to carry out the requirements of this subsection for fiscal years 2012 through 2013.”.

(e) SCIENTIFIC AND ADVANCED TECHNOLOGY ACT GRANTS.—Section 5(b)(2) of the Cyber Security Research and Development Act (15 U.S.C. 7404(b)(2)) is amended—

(1) in subparagraph (D), by striking “and”;

(2) in subparagraph (E), by striking “2007.” and inserting “2007.”; and

(3) by adding at the end the following:

“(F) such funds from amounts made available under section 503 of the America COMPETES Reauthorization Act of 2010 (124 Stat. 4005), as the Director finds necessary to carry out the requirements of this subsection for fiscal years 2012 through 2013.”.

(f) GRADUATE TRAINEESHIPS IN COMPUTER AND NETWORK SECURITY RESEARCH.—Section 5(c)(7) of the Cyber Security Research and Development Act (15 U.S.C. 7404(c)(7)) is amended—

(1) in subparagraph (D), by striking “and”;

(2) in subparagraph (E), by striking “2007.” and inserting “2007.”; and

(3) by adding at the end the following:

“(F) such funds from amounts made available under section 503 of the America COMPETES Reauthorization Act of 2010 (124 Stat. 4005), as the Director finds necessary to carry out the requirements of this subsection for fiscal years 2012 through 2013.”.

**SA 2608.** Mr. MCCAIN (for himself, Mrs. HUTCHISON, Mr. CHAMBLISS, Mr. GRASSLEY, Ms. MURKOWSKI, Mr. COATS, Mr. BURR, and Mr. JOHNSON of Wisconsin) submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

#### **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “Strengthening and Enhancing Cybersecurity by Using Research, Education, Information, and Technology Act of 2012” or “SECURE IT”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

#### **TITLE I—FACILITATING SHARING OF CYBER THREAT INFORMATION**

Sec. 101. Definitions.

Sec. 102. Authorization to share cyber threat information.

Sec. 103. Information sharing by the Federal government.

Sec. 104. Construction.

Sec. 105. Report on implementation.

Sec. 106. Inspector General review.

Sec. 107. Technical amendments.

Sec. 108. Access to classified information.

#### **TITLE II—COORDINATION OF FEDERAL INFORMATION SECURITY POLICY**

Sec. 201. Coordination of Federal information security policy.

Sec. 202. Management of information technology.

Sec. 203. No new funding.

Sec. 204. Technical and conforming amendments.

Sec. 205. Clarification of authorities.

#### **TITLE III—CRIMINAL PENALTIES**

Sec. 301. Penalties for fraud and related activity in connection with computers.

Sec. 302. Trafficking in passwords.

Sec. 303. Conspiracy and attempted computer fraud offenses.

Sec. 304. Criminal and civil forfeiture for fraud and related activity in connection with computers.

Sec. 305. Damage to critical infrastructure computers.

Sec. 306. Limitation on actions involving unauthorized use.

Sec. 307. No new funding.

#### **TITLE IV—CYBERSECURITY RESEARCH AND DEVELOPMENT**

Sec. 401. National High-Performance Computing Program planning and coordination.

Sec. 402. Research in areas of national importance.

Sec. 403. Program improvements.

Sec. 404. Improving education of networking and information technology, including high performance computing.

Sec. 405. Conforming and technical amendments to the High-Performance Computing Act of 1991.

Sec. 406. Federal cyber scholarship-for-service program.

Sec. 407. Study and analysis of certification and training of information infrastructure professionals.

Sec. 408. International cybersecurity technical standards.

Sec. 409. Identity management research and development.

Sec. 410. Federal cybersecurity research and development.

#### **TITLE I—FACILITATING SHARING OF CYBER THREAT INFORMATION**

##### **SEC. 101. DEFINITIONS.**

In this title:

(1) **AGENCY.**—The term “agency” has the meaning given the term in section 3502 of title 44, United States Code.

(2) **ANTITRUST LAWS.**—The term “antitrust laws”—

(A) has the meaning given the term in section 1(a) of the Clayton Act (15 U.S.C. 12(a));

(B) includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent that section 5 of that Act applies to unfair methods of competition; and

(C) includes any State law that has the same intent and effect as the laws under subparagraphs (A) and (B).

(3) **COUNTERMEASURE.**—The term “countermeasure” means an automated or a manual action with defensive intent to mitigate cyber threats.

(4) **CYBER THREAT INFORMATION.**—The term “cyber threat information” means information that indicates or describes—

(A) a technical or operation vulnerability or a cyber threat mitigation measure;

(B) an action or operation to mitigate a cyber threat;

(C) malicious reconnaissance, including anomalous patterns of network activity that appear to be transmitted for the purpose of gathering technical information related to a cybersecurity threat;

(D) a method of defeating a technical control;

(E) a method of defeating an operational control;

(F) network activity or protocols known to be associated with a malicious cyber actor or that signify malicious cyber intent;

(G) a method of causing a user with legitimate access to an information system or information that is stored on, processed by, or transiting an information system to inadvertently enable the defeat of a technical or operational control;

(H) any other attribute of a cybersecurity threat or cyber defense information that would foster situational awareness of the United States cybersecurity posture, if disclosure of such attribute or information is not otherwise prohibited by law;

(I) the actual or potential harm caused by a cyber incident, including information exfiltrated when it is necessary in order to identify or describe a cybersecurity threat; or

(J) any combination of subparagraphs (A) through (I).

(5) **CYBERSECURITY CENTER.**—The term “cybersecurity center” means the Department of Defense Cyber Crime Center, the Intelligence Community Incident Response Center, the United States Cyber Command Joint Operations Center, the National Cyber Investigative Joint Task Force, the National Security Agency/Central Security Service Threat Operations Center, the National Cybersecurity and Communications Integration Center, and any successor center.

(6) **CYBERSECURITY SYSTEM.**—The term “cybersecurity system” means a system designed or employed to ensure the integrity, confidentiality, or availability of, or to safeguard, a system or network, including measures intended to protect a system or network from—

(A) efforts to degrade, disrupt, or destroy such system or network; or

(B) theft or misappropriations of private or government information, intellectual property, or personally identifiable information.

(7) **ENTITY.**—

(A) **IN GENERAL.**—The term “entity” means any private entity, non-Federal government agency or department, or State, tribal, or local government agency or department (including an officer, employee, or agent thereof).

(B) **INCLUSIONS.**—The term “entity” includes a government agency or department (including an officer, employee, or agent thereof) of the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and any other territory or possession of the United States.

(8) **FEDERAL INFORMATION SYSTEM.**—The term “Federal information system” means an information system of a Federal department or agency used or operated by an executive agency, by a contractor of an executive agency, or by another organization on behalf of an executive agency.

(9) **INFORMATION SECURITY.**—The term “information security” means protecting information and information systems from disruption or unauthorized access, use, disclosure, modification, or destruction in order to provide—

(A) integrity, by guarding against improper information modification or destruction, including by ensuring information non-repudiation and authenticity;

(B) confidentiality, by preserving authorized restrictions on access and disclosure, including means for protecting personal privacy and proprietary information; or

(C) availability, by ensuring timely and reliable access to and use of information.

(10) **INFORMATION SYSTEM.**—The term “information system” has the meaning given

the term in section 3502 of title 44, United States Code.

(11) **LOCAL GOVERNMENT.**—The term “local government” means any borough, city, county, parish, town, township, village, or other general purpose political subdivision of a State.

(12) **MALICIOUS RECONNAISSANCE.**—The term “malicious reconnaissance” means a method for actively probing or passively monitoring an information system for the purpose of discerning technical vulnerabilities of the information system, if such method is associated with a known or suspected cybersecurity threat.

(13) **OPERATIONAL CONTROL.**—The term “operational control” means a security control for an information system that primarily is implemented and executed by people.

(14) **OPERATIONAL VULNERABILITY.**—The term “operational vulnerability” means any attribute of policy, process, or procedure that could enable or facilitate the defeat of an operational control.

(15) **PRIVATE ENTITY.**—The term “private entity” means any individual or any private group, organization, or corporation, including an officer, employee, or agent thereof.

(16) **SIGNIFICANT CYBER INCIDENT.**—The term “significant cyber incident” means a cyber incident resulting in, or an attempted cyber incident that, if successful, would have resulted in—

(A) the exfiltration from a Federal information system of data that is essential to the operation of the Federal information system; or

(B) an incident in which an operational or technical control essential to the security or operation of a Federal information system was defeated.

(17) **TECHNICAL CONTROL.**—The term “technical control” means a hardware or software restriction on, or audit of, access or use of an information system or information that is stored on, processed by, or transiting an information system that is intended to ensure the confidentiality, integrity, or availability of that system.

(18) **TECHNICAL VULNERABILITY.**—The term “technical vulnerability” means any attribute of hardware or software that could enable or facilitate the defeat of a technical control.

(19) **TRIBAL.**—The term “tribal” has the meaning given the term “Indian tribe” in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

## **SEC. 102. AUTHORIZATION TO SHARE CYBER THREAT INFORMATION.**

### **(a) VOLUNTARY DISCLOSURE.**

(1) **PRIVATE ENTITIES.**—Notwithstanding any other provision of law, a private entity may, for the purpose of preventing, investigating, or otherwise mitigating threats to information security, on its own networks, or as authorized by another entity, on such entity’s networks, employ countermeasures and use cybersecurity systems in order to obtain, identify, or otherwise possess cyber threat information.

(2) **ENTITIES.**—Notwithstanding any other provision of law, an entity may disclose cyber threat information to—

(A) a cybersecurity center; or

(B) any other entity in order to assist with preventing, investigating, or otherwise mitigating threats to information security.

(3) **INFORMATION SECURITY PROVIDERS.**—If the cyber threat information described in paragraph (1) is obtained, identified, or otherwise possessed in the course of providing

information security products or services under contract to another entity, that entity shall be given, at any time prior to disclosure of such information, a reasonable opportunity to authorize or prevent such disclosure, to request anonymization of such information, or to request that reasonable efforts be made to safeguard such information that identifies specific persons from unauthorized access or disclosure.

### **(b) SIGNIFICANT CYBER INCIDENTS INVOLVING FEDERAL INFORMATION SYSTEMS.**

(1) **IN GENERAL.**—An entity providing electronic communication services, remote computing services, or information security services to a Federal department or agency shall inform the Federal department or agency of a significant cyber incident involving the Federal information system of that Federal department or agency that—

(A) is directly known to the entity as a result of providing such services;

(B) is directly related to the provision of such services by the entity; and

(C) as determined by the entity, has impeded or will impede the performance of a critical mission of the Federal department or agency.

(2) **ADVANCE COORDINATION.**—A Federal department or agency receiving the services described in paragraph (1) shall coordinate in advance with an entity described in paragraph (1) to develop the parameters of any information that may be provided under paragraph (1), including clarification of the type of significant cyber incident that will impede the performance of a critical mission of the Federal department or agency.

(3) **REPORT.**—A Federal department or agency shall report information provided under this subsection to a cybersecurity center.

(4) **CONSTRUCTION.**—Any information provided to a cybersecurity center under paragraph (3) shall be treated in the same manner as information provided to a cybersecurity center under subsection (a).

(c) **INFORMATION SHARED WITH OR PROVIDED TO A CYBERSECURITY CENTER.**—Cyber threat information provided to a cybersecurity center under this section—

(1) may be disclosed to, retained by, and used by, consistent with otherwise applicable Federal law, any Federal agency or department, component, officer, employee, or agent of the Federal government for a cybersecurity purpose, a national security purpose, or in order to prevent, investigate, or prosecute any of the offenses listed in section 2516 of title 18, United States Code, and such information shall not be disclosed to, retained by, or used by any Federal agency or department for any use not permitted under this paragraph;

(2) may, with the prior written consent of the entity submitting such information, be disclosed to and used by a State, tribal, or local government or government agency for the purpose of protecting information systems, or in furtherance of preventing, investigating, or prosecuting a criminal act, except that if the need for immediate disclosure prevents obtaining written consent, such consent may be provided orally with subsequent documentation of such consent;

(3) shall be considered the commercial, financial, or proprietary information of the entity providing such information to the Federal government and any disclosure outside the Federal government may only be made upon the prior written consent by such entity and shall not constitute a waiver of any applicable privilege or protection provided by law, except that if the need for im-

mediate disclosure prevents obtaining written consent, such consent may be provided orally with subsequent documentation of such consent;

(4) shall be deemed voluntarily shared information and exempt from disclosure under section 552 of title 5, United States Code, and any State, tribal, or local law requiring disclosure of information or records;

(5) shall be, without discretion, withheld from the public under section 552(b)(3)(B) of title 5, United States Code, and any State, tribal, or local law requiring disclosure of information or records;

(6) shall not be subject to the rules of any Federal agency or department or any judicial doctrine regarding ex parte communications with a decision-making official;

(7) shall not, if subsequently provided to a State, tribal, or local government or government agency, otherwise be disclosed or distributed to any entity by such State, tribal, or local government or government agency without the prior written consent of the entity submitting such information, notwithstanding any State, tribal, or local law requiring disclosure of information or records, except that if the need for immediate disclosure prevents obtaining written consent, such consent may be provided orally with subsequent documentation of such consent; and

(8) shall not be directly used by any Federal, State, tribal, or local department or agency to regulate the lawful activities of an entity, including activities relating to obtaining, identifying, or otherwise possessing cyber threat information, except that the procedures required to be developed and implemented under this title shall not be considered regulations within the meaning of this paragraph.

(d) **PROCEDURES RELATING TO INFORMATION SHARING WITH A CYBERSECURITY CENTER.**—Not later than 60 days after the date of enactment of this Act, the heads of each department or agency containing a cybersecurity center shall jointly develop, promulgate, and submit to Congress procedures to ensure that cyber threat information shared with or provided to—

(1) a cybersecurity center under this section—

(A) may be submitted to a cybersecurity center by an entity, to the greatest extent possible, through a uniform, publicly available process or format that is easily accessible on the website of such cybersecurity center, and that includes the ability to provide relevant details about the cyber threat information and written consent to any subsequent disclosures authorized by this paragraph;

(B) shall immediately be further shared with each cybersecurity center in order to prevent, investigate, or otherwise mitigate threats to information security across the Federal government;

(C) is handled by the Federal government in a reasonable manner, including consideration of the need to protect the privacy and civil liberties of individuals through anonymization or other appropriate methods, while fully accomplishing the objectives of this title, and the Federal government may undertake efforts consistent with this subparagraph to limit the impact on privacy and civil liberties of the sharing of cyber threat information with the Federal government; and

(D) except as provided in this section, shall only be used, disclosed, or handled in accordance with the provisions of subsection (c); and

(2) a Federal agency or department under subsection (b) is provided immediately to a cybersecurity center in order to prevent, investigate, or otherwise mitigate threats to information security across the Federal government.

(e) INFORMATION SHARED BETWEEN ENTITIES.—

(1) IN GENERAL.—An entity sharing cyber threat information with another entity under this title may restrict the use or sharing of such information by such other entity.

(2) FURTHER SHARING.—Cyber threat information shared by any entity with another entity under this title—

(A) shall only be further shared in accordance with any restrictions placed on the sharing of such information by the entity authorizing such sharing, such as appropriate anonymization of such information; and

(B) may not be used by any entity to gain an unfair competitive advantage to the detriment of the entity authorizing the sharing of such information, except that the conduct described in paragraph (3) shall not constitute unfair competitive conduct.

(3) INFORMATION SHARED WITH STATE, TRIBAL, OR LOCAL GOVERNMENT OR GOVERNMENT AGENCY.—Cyber threat information shared with a State, tribal, or local government or government agency under this title—

(A) may, with the prior written consent of the entity sharing such information, be disclosed to and used by a State, tribal, or local government or government agency for the purpose of protecting information systems, or in furtherance of preventing, investigating, or prosecuting a criminal act, except if the need for immediate disclosure prevents obtaining written consent, consent may be provided orally with subsequent documentation of the consent;

(B) shall be deemed voluntarily shared information and exempt from disclosure under any State, tribal, or local law requiring disclosure of information or records;

(C) shall not be disclosed or distributed to any entity by the State, tribal, or local government or government agency without the prior written consent of the entity submitting such information, notwithstanding any State, tribal, or local law requiring disclosure of information or records, except if the need for immediate disclosure prevents obtaining written consent, consent may be provided orally with subsequent documentation of the consent; and

(D) shall not be directly used by any State, tribal, or local department or agency to regulate the lawful activities of an entity, including activities relating to obtaining, identifying, or otherwise possessing cyber threat information, except that the procedures required to be developed and implemented under this title shall not be considered regulations within the meaning of this subparagraph.

(4) ANTITRUST EXEMPTION.—The exchange or provision of cyber threat information or assistance between 2 or more private entities under this title shall not be considered a violation of any provision of antitrust laws if exchanged or provided in order to assist with—

(A) facilitating the prevention, investigation, or mitigation of threats to information security; or

(B) communicating or disclosing of cyber threat information to help prevent, investigate or otherwise mitigate the effects of a threat to information security.

(5) NO RIGHT OR BENEFIT.—The provision of cyber threat information to an entity under

this section shall not create a right or a benefit to similar information by such entity or any other entity.

(f) FEDERAL PREEMPTION.—

(1) IN GENERAL.—This section supersedes any statute or other law of a State or political subdivision of a State that restricts or otherwise expressly regulates an activity authorized under this section.

(2) STATE LAW ENFORCEMENT.—Nothing in this section shall be construed to supersede any statute or other law of a State or political subdivision of a State concerning the use of authorized law enforcement techniques.

(3) PUBLIC DISCLOSURE.—No information shared with or provided to a State, tribal, or local government or government agency pursuant to this section shall be made publicly available pursuant to any State, tribal, or local law requiring disclosure of information or records.

(g) CIVIL AND CRIMINAL LIABILITY.—

(1) GENERAL PROTECTIONS.—

(A) PRIVATE ENTITIES.—No cause of action shall lie or be maintained in any court against any private entity for—

(i) the use of countermeasures and cybersecurity systems as authorized by this title;

(ii) the use, receipt, or disclosure of any cyber threat information as authorized by this title; or

(iii) the subsequent actions or inactions of any lawful recipient of cyber threat information provided by such private entity.

(B) ENTITIES.—No cause of action shall lie or be maintained in any court against any entity for—

(i) the use, receipt, or disclosure of any cyber threat information as authorized by this title; or

(ii) the subsequent actions or inactions of any lawful recipient of cyber threat information provided by such entity.

(2) CONSTRUCTION.—Nothing in this subsection shall be construed as creating any immunity against, or otherwise affecting, any action brought by the Federal government, or any agency or department thereof, to enforce any law, executive order, or procedure governing the appropriate handling, disclosure, and use of classified information.

(h) OTHERWISE LAWFUL DISCLOSURES.—Nothing in this section shall be construed to limit or prohibit otherwise lawful disclosures of communications, records, or other information by a private entity to any other governmental or private entity not covered under this section.

(i) WHISTLEBLOWER PROTECTION.—Nothing in this Act shall be construed to preempt or preclude any employee from exercising rights currently provided under any whistleblower law, rule, or regulation.

(j) RELATIONSHIP TO OTHER LAWS.—The submission of cyber threat information under this section to a cybersecurity center shall not affect any requirement under any other provision of law for an entity to provide information to the Federal government.

#### SEC. 103. INFORMATION SHARING BY THE FEDERAL GOVERNMENT.

(a) CLASSIFIED INFORMATION.—

(1) PROCEDURES.—Consistent with the protection of intelligence sources and methods, and as otherwise determined appropriate, the Director of National Intelligence and the Secretary of Defense, in consultation with the heads of the appropriate Federal departments or agencies, shall develop and promulgate procedures to facilitate and promote—

(A) the immediate sharing, through the cybersecurity centers, of classified cyber threat information in the possession of the

Federal government with appropriately cleared representatives of any appropriate entity; and

(B) the declassification and immediate sharing, through the cybersecurity centers, with any entity or, if appropriate, public availability of cyber threat information in the possession of the Federal government;

(2) HANDLING OF CLASSIFIED INFORMATION.—The procedures developed under paragraph (1) shall ensure that each entity receiving classified cyber threat information pursuant to this section has acknowledged in writing the ongoing obligation to comply with all laws, executive orders, and procedures concerning the appropriate handling, disclosure, or use of classified information.

(b) UNCLASSIFIED CYBER THREAT INFORMATION.—The heads of each department or agency containing a cybersecurity center shall jointly develop and promulgate procedures that ensure that, consistent with the provisions of this section, unclassified, including controlled unclassified, cyber threat information in the possession of the Federal government—

(1) is shared, through the cybersecurity centers, in an immediate and adequate manner with appropriate entities; and

(2) if appropriate, is made publicly available.

(c) DEVELOPMENT OF PROCEDURES.—

(1) IN GENERAL.—The procedures developed under this section shall incorporate, to the greatest extent possible, existing processes utilized by sector specific information sharing and analysis centers.

(2) COORDINATION WITH ENTITIES.—In developing the procedures required under this section, the Director of National Intelligence and the heads of each department or agency containing a cybersecurity center shall coordinate with appropriate entities to ensure that protocols are implemented that will facilitate and promote the sharing of cyber threat information by the Federal government.

(d) ADDITIONAL RESPONSIBILITIES OF CYBERSECURITY CENTERS.—Consistent with section 102, a cybersecurity center shall—

(1) facilitate information sharing, interaction, and collaboration among and between cybersecurity centers and—

(A) other Federal entities;

(B) any entity; and

(C) international partners, in consultation with the Secretary of State;

(2) disseminate timely and actionable cybersecurity threat, vulnerability, mitigation, and warning information, including alerts, advisories, indicators, signatures, and mitigation and response measures, to improve the security and protection of information systems; and

(3) coordinate with other Federal entities, as appropriate, to integrate information from across the Federal government to provide situational awareness of the cybersecurity posture of the United States.

(e) SHARING WITHIN THE FEDERAL GOVERNMENT.—The heads of appropriate Federal departments and agencies shall ensure that cyber threat information in the possession of such Federal departments or agencies that relates to the prevention, investigation, or mitigation of threats to information security across the Federal government is shared effectively with the cybersecurity centers.

(f) SUBMISSION TO CONGRESS.—Not later than 60 days after the date of enactment of this Act, the Director of National Intelligence, in coordination with the appropriate head of a department or an agency containing a cybersecurity center, shall submit

the procedures required by this section to Congress.

**SEC. 104. CONSTRUCTION.**

(a) INFORMATION SHARING RELATIONSHIPS.—Nothing in this title shall be construed—

(1) to limit or modify an existing information sharing relationship;

(2) to prohibit a new information sharing relationship;

(3) to require a new information sharing relationship between any entity and the Federal government, except as specified under section 102(b); or

(4) to modify the authority of a department or agency of the Federal government to protect sources and methods and the national security of the United States.

(b) ANTI-TASKING RESTRICTION.—Nothing in this title shall be construed to permit the Federal government—

(1) to require an entity to share information with the Federal government, except as expressly provided under section 102(b); or

(2) to condition the sharing of cyber threat information with an entity on such entity's provision of cyber threat information to the Federal government.

(c) NO LIABILITY FOR NON-PARTICIPATION.—Nothing in this title shall be construed to subject any entity to liability for choosing not to engage in the voluntary activities authorized under this title.

(d) USE AND RETENTION OF INFORMATION.—Nothing in this title shall be construed to authorize, or to modify any existing authority of, a department or agency of the Federal government to retain or use any information shared under section 102 for any use other than a use permitted under subsection 102(c)(1).

(e) NO NEW FUNDING.—An applicable Federal agency shall carry out the provisions of this title with existing facilities and funds otherwise available, through such means as the head of the agency considers appropriate.

**SEC. 105. REPORT ON IMPLEMENTATION.**

(a) CONTENT OF REPORT.—Not later than 1 year after the date of enactment of this Act, and biennially thereafter, the heads of each department or agency containing a cybersecurity center shall jointly submit, in coordination with the privacy and civil liberties officials of such departments or agencies and the Privacy and Civil Liberties Oversight Board, a detailed report to Congress concerning the implementation of this title, including—

(1) an assessment of the sufficiency of the procedures developed under section 103 of this Act in ensuring that cyber threat information in the possession of the Federal government is provided in an immediate and adequate manner to appropriate entities or, if appropriate, is made publicly available;

(2) an assessment of whether information has been appropriately classified and an accounting of the number of security clearances authorized by the Federal government for purposes of this title;

(3) a review of the type of cyber threat information shared with a cybersecurity center under section 102 of this Act, including whether such information meets the definition of cyber threat information under section 101, the degree to which such information may impact the privacy and civil liberties of individuals, any appropriate metrics to determine any impact of the sharing of such information with the Federal government on privacy and civil liberties, and the adequacy of any steps taken to reduce such impact;

(4) a review of actions taken by the Federal government based on information provided

to a cybersecurity center under section 102 of this Act, including the appropriateness of any subsequent use under section 102(c)(1) of this Act and whether there was inappropriate stovepiping within the Federal government of any such information;

(5) a description of any violations of the requirements of this title by the Federal government;

(6) a classified list of entities that received classified information from the Federal government under section 103 of this Act and a description of any indication that such information may not have been appropriately handled;

(7) a summary of any breach of information security, if known, attributable to a specific failure by any entity or the Federal government to act on cyber threat information in the possession of such entity or the Federal government that resulted in substantial economic harm or injury to a specific entity or the Federal government; and

(8) any recommendation for improvements or modifications to the authorities under this title.

(b) FORM OF REPORT.—The report under subsection (a) shall be submitted in unclassified form, but shall include a classified annex.

**SEC. 106. INSPECTOR GENERAL REVIEW.**

(a) IN GENERAL.—The Council of the Inspectors General on Integrity and Efficiency are authorized to review compliance by the cybersecurity centers, and by any Federal department or agency receiving cyber threat information from such cybersecurity centers, with the procedures required under section 102 of this Act.

(b) SCOPE OF REVIEW.—The review under subsection (a) shall consider whether the Federal government has handled such cyber threat information in a reasonable manner, including consideration of the need to protect the privacy and civil liberties of individuals through anonymization or other appropriate methods, while fully accomplishing the objectives of this title.

(c) REPORT TO CONGRESS.—Each review conducted under this section shall be provided to Congress not later than 30 days after the date of completion of the review.

**SEC. 107. TECHNICAL AMENDMENTS.**

Section 552(b) of title 5, United States Code, is amended—

(1) in paragraph (8), by striking “or”;

(2) in paragraph (9), by striking “wells.” and inserting “wells; or”; and

(3) by adding at the end the following:

“(10) information shared with or provided to a cybersecurity center under section 102 of title I of the Strengthening and Enhancing Cybersecurity by Using Research, Education, Information, and Technology Act of 2012.”.

**SEC. 108. ACCESS TO CLASSIFIED INFORMATION.**

(a) AUTHORIZATION REQUIRED.—No person shall be provided with access to classified information (as defined in section 6.1 of Executive Order 13526 (50 U.S.C. 435 note; relating to classified national security information)) relating to cyber security threats or cyber security vulnerabilities under this title without the appropriate security clearances.

(b) SECURITY CLEARANCES.—The appropriate Federal agencies or departments shall, consistent with applicable procedures and requirements, and if otherwise deemed appropriate, assist an individual in timely obtaining an appropriate security clearance where such individual has been determined to be eligible for such clearance and has a need-to-know (as defined in section 6.1 of that Executive Order) classified information to carry out this title.

**TITLE II—COORDINATION OF FEDERAL INFORMATION SECURITY POLICY**

**SEC. 201. COORDINATION OF FEDERAL INFORMATION SECURITY POLICY.**

(a) IN GENERAL.—Chapter 35 of title 44, United States Code, is amended by striking subchapters II and III and inserting the following:

**“SUBCHAPTER II—INFORMATION SECURITY**

**“§ 3551. Purposes**

“The purposes of this subchapter are—

“(1) to provide a comprehensive framework for ensuring the effectiveness of information security controls over information resources that support Federal operations and assets;

“(2) to recognize the highly networked nature of the current Federal computing environment and provide effective government-wide management of policies, directives, standards, and guidelines, as well as effective and nimble oversight of and response to information security risks, including coordination of information security efforts throughout the Federal civilian, national security, and law enforcement communities;

“(3) to provide for development and maintenance of controls required to protect agency information and information systems and contribute to the overall improvement of agency information security posture;

“(4) to provide for the development of tools and methods to assess and respond to real-time situational risk for Federal information system operations and assets; and

“(5) to provide a mechanism for improving agency information security programs through continuous monitoring of agency information systems and streamlined reporting requirements rather than overly prescriptive manual reporting.

**“§ 3552. Definitions**

“In this subchapter:

“(1) ADEQUATE SECURITY.—The term ‘adequate security’ means security commensurate with the risk and magnitude of the harm resulting from the unauthorized access to or loss, misuse, destruction, or modification of information.

“(2) AGENCY.—The term ‘agency’ has the meaning given the term in section 3502 of title 44.

“(3) CYBERSECURITY CENTER.—The term ‘cybersecurity center’ means the Department of Defense Cyber Crime Center, the Intelligence Community Incident Response Center, the United States Cyber Command Joint Operations Center, the National Cyber Investigative Joint Task Force, the National Security Agency/Central Security Service Threat Operations Center, the National Cybersecurity and Communications Integration Center, and any successor center.

“(4) CYBER THREAT INFORMATION.—The term ‘cyber threat information’ means information that indicates or describes—

“(A) a technical or operation vulnerability or a cyber threat mitigation measure;

“(B) an action or operation to mitigate a cyber threat;

“(C) malicious reconnaissance, including anomalous patterns of network activity that appear to be transmitted for the purpose of gathering technical information related to a cybersecurity threat;

“(D) a method of defeating a technical control;

“(E) a method of defeating an operational control;

“(F) network activity or protocols known to be associated with a malicious cyber actor or that signify malicious cyber intent;

“(G) a method of causing a user with legitimate access to an information system or

information that is stored on, processed by, or transiting an information system to inadvertently enable the defeat of a technical or operational control;

“(H) any other attribute of a cybersecurity threat or cyber defense information that would foster situational awareness of the United States cybersecurity posture, if disclosure of such attribute or information is not otherwise prohibited by law;

“(I) the actual or potential harm caused by a cyber incident, including information exfiltrated when it is necessary in order to identify or describe a cybersecurity threat; or

“(J) any combination of subparagraphs (A) through (I).

“(5) DIRECTOR.—The term ‘Director’ means the Director of the Office of Management and Budget unless otherwise specified.

“(6) ENVIRONMENT OF OPERATION.—The term ‘environment of operation’ means the information system and environment in which those systems operate, including changing threats, vulnerabilities, technologies, and missions and business practices.

“(7) FEDERAL INFORMATION SYSTEM.—The term ‘Federal information system’ means an information system used or operated by an executive agency, by a contractor of an executive agency, or by another organization on behalf of an executive agency.

“(8) INCIDENT.—The term ‘incident’ means an occurrence that—

“(A) actually or imminently jeopardizes the integrity, confidentiality, or availability of an information system or the information that system controls, processes, stores, or transmits; or

“(B) constitutes a violation of law or an imminent threat of violation of a law, a security policy, a security procedure, or an acceptable use policy.

“(9) INFORMATION RESOURCES.—The term ‘information resources’ has the meaning given the term in section 3502 of title 44.

“(10) INFORMATION SECURITY.—The term ‘information security’ means protecting information and information systems from disruption or unauthorized access, use, disclosure, modification, or destruction in order to provide—

“(A) integrity, by guarding against improper information modification or destruction, including by ensuring information non-repudiation and authenticity;

“(B) confidentiality, by preserving authorized restrictions on access and disclosure, including means for protecting personal privacy and proprietary information; or

“(C) availability, by ensuring timely and reliable access to and use of information.

“(11) INFORMATION SYSTEM.—The term ‘information system’ has the meaning given the term in section 3502 of title 44.

“(12) INFORMATION TECHNOLOGY.—The term ‘information technology’ has the meaning given the term in section 11101 of title 40.

“(13) MALICIOUS RECONNAISSANCE.—The term ‘malicious reconnaissance’ means a method for actively probing or passively monitoring an information system for the purpose of discerning technical vulnerabilities of the information system, if such method is associated with a known or suspected cybersecurity threat.

“(14) NATIONAL SECURITY SYSTEM.—

“(A) IN GENERAL.—The term ‘national security system’ means any information system (including any telecommunications system) used or operated by an agency or by a contractor of an agency, or other organization on behalf of an agency—

“(i) the function, operation, or use of which—

“(I) involves intelligence activities;

“(II) involves cryptologic activities related to national security;

“(III) involves command and control of military forces;

“(IV) involves equipment that is an integral part of a weapon or weapons system; or

“(V) subject to subparagraph (B), is critical to the direct fulfillment of military or intelligence missions; or

“(ii) is protected at all times by procedures established for information that have been specifically authorized under criteria established by an Executive Order or an Act of Congress to be kept classified in the interest of national defense or foreign policy.

“(B) LIMITATION.—Subparagraph (A)(i)(V) does not include a system that is to be used for routine administrative and business applications (including payroll, finance, logistics, and personnel management applications).

“(15) OPERATIONAL CONTROL.—The term ‘operational control’ means a security control for an information system that primarily is implemented and executed by people.

“(16) PERSON.—The term ‘person’ has the meaning given the term in section 3502 of title 44.

“(17) SECRETARY.—The term ‘Secretary’ means the Secretary of Commerce unless otherwise specified.

“(18) SECURITY CONTROL.—The term ‘security control’ means the management, operational, and technical controls, including safeguards or countermeasures, prescribed for an information system to protect the confidentiality, integrity, and availability of the system and its information.

“(19) SIGNIFICANT CYBER INCIDENT.—The term ‘significant cyber incident’ means a cyber incident resulting in, or an attempted cyber incident that, if successful, would have resulted in—

“(A) the exfiltration from a Federal information system of data that is essential to the operation of the Federal information system; or

“(B) an incident in which an operational or technical control essential to the security or operation of a Federal information system was defeated.

“(20) TECHNICAL CONTROL.—The term ‘technical control’ means a hardware or software restriction on, or audit of, access or use of an information system or information that is stored on, processed by, or transiting an information system that is intended to ensure the confidentiality, integrity, or availability of that system.

#### “§ 3553. Federal information security authority and coordination

“(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Homeland Security, shall—

“(1) issue compulsory and binding policies and directives governing agency information security operations, and require implementation of such policies and directives, including—

“(A) policies and directives consistent with the standards and guidelines promulgated under section 11331 of title 40 to identify and provide information security protections prioritized and commensurate with the risk and impact resulting from the unauthorized access, use, disclosure, disruption, modification, or destruction of—

“(i) information collected or maintained by or on behalf of an agency; or

“(ii) information systems used or operated by an agency or by a contractor of an agency or other organization on behalf of an agency;

“(B) minimum operational requirements for Federal Government to protect agency information systems and provide common situational awareness across all agency information systems;

“(C) reporting requirements, consistent with relevant law, regarding information security incidents and cyber threat information;

“(D) requirements for agencywide information security programs;

“(E) performance requirements and metrics for the security of agency information systems;

“(F) training requirements to ensure that agencies are able to fully and timely comply with the policies and directives issued by the Secretary under this subchapter;

“(G) training requirements regarding privacy, civil rights, and civil liberties, and information oversight for agency information security personnel;

“(H) requirements for the annual reports to the Secretary under section 3554(d);

“(I) any other information security operations or information security requirements as determined by the Secretary in coordination with relevant agency heads; and

“(J) coordinating the development of standards and guidelines under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3) with agencies and offices operating or exercising control of national security systems (including the National Security Agency) to assure, to the maximum extent feasible, that such standards and guidelines are complementary with standards and guidelines developed for national security systems;

“(2) review the agencywide information security programs under section 3554; and

“(3) designate an individual or an entity at each cybersecurity center, among other responsibilities—

“(A) to receive reports and information about information security incidents, cyber threat information, and deterioration of security control affecting agency information systems; and

“(B) to act on or share the information under subparagraph (A) in accordance with this subchapter.

“(b) CONSIDERATIONS.—When issuing policies and directives under subsection (a), the Secretary shall consider any applicable standards or guidelines developed by the National Institute of Standards and Technology under section 11331 of title 40.

“(c) LIMITATION OF AUTHORITY.—The authorities of the Secretary under this section shall not apply to national security systems. Information security policies, directives, standards and guidelines for national security systems shall be overseen as directed by the President and, in accordance with that direction, carried out under the authority of the heads of agencies that operate or exercise authority over such national security systems.

“(d) STATUTORY CONSTRUCTION.—Nothing in this subchapter shall be construed to alter or amend any law regarding the authority of any head of an agency over such agency.

#### “§ 3554. Agency responsibilities

“(a) IN GENERAL.—The head of each agency shall—

“(1) be responsible for—

“(A) complying with the policies and directives issued under section 3553;

“(B) providing information security protections commensurate with the risk resulting from unauthorized access, use, disclosure, disruption, modification, or destruction of—

“(i) information collected or maintained by the agency or by a contractor of an agency or other organization on behalf of an agency; and

“(ii) information systems used or operated by an agency or by a contractor of an agency or other organization on behalf of an agency;

“(C) complying with the requirements of this subchapter, including—

“(i) information security standards and guidelines promulgated under section 11331 of title 40;

“(ii) for any national security systems operated or controlled by that agency, information security policies, directives, standards and guidelines issued as directed by the President; and

“(iii) for any non-national security systems operated or controlled by that agency, information security policies, directives, standards and guidelines issued under section 3553;

“(D) ensuring that information security management processes are integrated with agency strategic and operational planning processes;

“(E) reporting and sharing, for an agency operating or exercising control of a national security system, information about information security incidents, cyber threat information, and deterioration of security controls to the individual or entity designated at each cybersecurity center and to other appropriate entities consistent with policies and directives for national security systems issued as directed by the President; and

“(F) reporting and sharing, for those agencies operating or exercising control of non-national security systems, information about information security incidents, cyber threat information, and deterioration of security controls to the individual or entity designated at each cybersecurity center and to other appropriate entities consistent with policies and directives for non-national security systems as prescribed under section 3553(a), including information to assist the entity designated under section 3555(a) with the ongoing security analysis under section 3555;

“(2) ensure that each senior agency official provides information security for the information and information systems that support the operations and assets under the senior agency official's control, including by—

“(A) assessing the risk and impact that could result from the unauthorized access, use, disclosure, disruption, modification, or destruction of such information or information systems;

“(B) determining the level of information security appropriate to protect such information and information systems in accordance with policies and directives issued under section 3553(a), and standards and guidelines promulgated under section 11331 of title 40 for information security classifications and related requirements;

“(C) implementing policies, procedures, and capabilities to reduce risks to an acceptable level in a cost-effective manner;

“(D) actively monitoring the effective implementation of information security controls and techniques; and

“(E) reporting information about information security incidents, cyber threat information, and deterioration of security controls in a timely and adequate manner to the entity designated under section 3553(a)(3) in accordance with paragraph (1);

“(3) assess and maintain the resiliency of information technology systems critical to agency mission and operations;

“(4) designate the agency Inspector General (or an independent entity selected in consultation with the Director and the Council of Inspectors General on Integrity and Efficiency if the agency does not have an Inspector General) to conduct the annual independent evaluation required under section 3556, and allow the agency Inspector General to contract with an independent entity to perform such evaluation;

“(5) delegate to the Chief Information Officer or equivalent (or to a senior agency official who reports to the Chief Information Officer or equivalent)—

“(A) the authority and primary responsibility to implement an agencywide information security program; and

“(B) the authority to provide information security for the information collected and maintained by the agency (or by a contractor, other agency, or other source on behalf of the agency) and for the information systems that support the operations, assets, and mission of the agency (including any information system provided or managed by a contractor, other agency, or other source on behalf of the agency);

“(6) delegate to the appropriate agency official (who is responsible for a particular agency system or subsystem) the responsibility to ensure and enforce compliance with all requirements of the agency's agencywide information security program in coordination with the Chief Information Officer or equivalent (or the senior agency official who reports to the Chief Information Officer or equivalent) under paragraph (5);

“(7) ensure that an agency has trained personnel who have obtained any necessary security clearances to permit them to assist the agency in complying with this subchapter;

“(8) ensure that the Chief Information Officer or equivalent (or the senior agency official who reports to the Chief Information Officer or equivalent) under paragraph (5), in coordination with other senior agency officials, reports to the agency head on the effectiveness of the agencywide information security program, including the progress of any remedial actions; and

“(9) ensure that the Chief Information Officer or equivalent (or the senior agency official who reports to the Chief Information Officer or equivalent) under paragraph (5) has the necessary qualifications to administer the functions described in this subchapter and has information security duties as a primary duty of that official.

“(b) CHIEF INFORMATION OFFICERS.—Each Chief Information Officer or equivalent (or the senior agency official who reports to the Chief Information Officer or equivalent) under subsection (a)(5) shall—

“(1) establish and maintain an enterprise security operations capability that on a continuous basis—

“(A) detects, reports, contains, mitigates, and responds to information security incidents that impair adequate security of the agency's information or information system in a timely manner and in accordance with the policies and directives under section 3553; and

“(B) reports any information security incident under subparagraph (A) to the entity designated under section 3555;

“(2) develop, maintain, and oversee an agencywide information security program;

“(3) develop, maintain, and oversee information security policies, procedures, and

control techniques to address applicable requirements, including requirements under section 3553 of this title and section 11331 of title 40; and

“(4) train and oversee the agency personnel who have significant responsibility for information security with respect to that responsibility.

“(c) AGENCYWIDE INFORMATION SECURITY PROGRAMS.—

“(1) IN GENERAL.—Each agencywide information security program under subsection (b)(2) shall include—

“(A) relevant security risk assessments, including technical assessments and others related to the acquisition process;

“(B) security testing commensurate with risk and impact;

“(C) mitigation of deterioration of security controls commensurate with risk and impact;

“(D) risk-based continuous monitoring and threat assessment of the operational status and security of agency information systems to enable evaluation of the effectiveness of and compliance with information security policies, procedures, and practices, including a relevant and appropriate selection of security controls of information systems identified in the inventory under section 3505(c);

“(E) operation of appropriate technical capabilities in order to detect, mitigate, report, and respond to information security incidents, cyber threat information, and deterioration of security controls in a manner that is consistent with the policies and directives under section 3553, including—

“(i) mitigating risks associated with such information security incidents;

“(ii) notifying and consulting with the entity designated under section 3555; and

“(iii) notifying and consulting with, as appropriate—

“(I) law enforcement and the relevant Office of the Inspector General; and

“(II) any other entity, in accordance with law and as directed by the President;

“(F) a process to ensure that remedial action is taken to address any deficiencies in the information security policies, procedures, and practices of the agency; and

“(G) a plan and procedures to ensure the continuity of operations for information systems that support the operations and assets of the agency.

“(2) RISK MANAGEMENT STRATEGIES.—Each agencywide information security program under subsection (b)(2) shall include the development and maintenance of a risk management strategy for information security. The risk management strategy shall include—

“(A) consideration of information security incidents, cyber threat information, and deterioration of security controls; and

“(B) consideration of the consequences that could result from the unauthorized access, use, disclosure, disruption, modification, or destruction of information and information systems that support the operations and assets of the agency, including any information system provided or managed by a contractor, other agency, or other source on behalf of the agency;

“(3) POLICIES AND PROCEDURES.—Each agencywide information security program under subsection (b)(2) shall include policies and procedures that—

“(A) are based on the risk management strategy under paragraph (2);

“(B) reduce information security risks to an acceptable level in a cost-effective manner;

“(C) ensure that cost-effective and adequate information security is addressed as

part of the acquisition and ongoing management of each agency information system; and

“(D) ensure compliance with—

“(i) this subchapter; and

“(ii) any other applicable requirements.

“(4) TRAINING REQUIREMENTS.—Each agencywide information security program under subsection (b)(2) shall include information security, privacy, civil rights, civil liberties, and information oversight training that meets any applicable requirements under section 3553. The training shall inform each information security personnel that has access to agency information systems (including contractors and other users of information systems that support the operations and assets of the agency) of—

“(A) the information security risks associated with the information security personnel’s activities; and

“(B) the individual’s responsibility to comply with the agency policies and procedures that reduce the risks under subparagraph (A).

“(d) ANNUAL REPORT.—Each agency shall submit a report annually to the Secretary of Homeland Security on its agencywide information security program and information systems.

#### “§ 3555. Multiagency ongoing threat assessment

“(a) IMPLEMENTATION.—The Director of the Office of Management and Budget, in coordination with the Secretary of Homeland Security, shall designate an entity to implement ongoing security analysis concerning agency information systems—

“(1) based on cyber threat information;

“(2) based on agency information system and environment of operation changes, including—

“(A) an ongoing evaluation of the information system security controls; and

“(B) the security state, risk level, and environment of operation of an agency information system, including—

“(i) a change in risk level due to a new cyber threat;

“(ii) a change resulting from a new technology;

“(iii) a change resulting from the agency’s mission; and

“(iv) a change resulting from the business practice; and

“(3) using automated processes to the maximum extent possible—

“(A) to increase information system security;

“(B) to reduce paper-based reporting requirements; and

“(C) to maintain timely and actionable knowledge of the state of the information system security.

“(b) STANDARDS.—The National Institute of Standards and Technology may promulgate standards, in coordination with the Secretary of Homeland Security, to assist an agency with its duties under this section.

“(c) COMPLIANCE.—The head of each appropriate department and agency shall be responsible for ensuring compliance and implementing necessary procedures to comply with this section. The head of each appropriate department and agency, in consultation with the Director of the Office of Management and Budget and the Secretary of Homeland Security, shall—

“(1) monitor compliance under this section;

“(2) develop a timeline and implement for the department or agency—

“(A) adoption of any technology, system, or method that facilitates continuous moni-

toring and threat assessments of an agency information system;

“(B) adoption or updating of any technology, system, or method that prevents, detects, or remediates a significant cyber incident to a Federal information system of the department or agency that has impeded, or is reasonably likely to impede, the performance of a critical mission of the department or agency; and

“(C) adoption of any technology, system, or method that satisfies a requirement under this section.

“(d) LIMITATION OF AUTHORITY.—The authorities of the Director of the Office of Management and Budget and of the Secretary of Homeland Security under this section shall not apply to national security systems.

“(e) REPORT.—Not later than 6 months after the date of enactment of the Strengthening and Enhancing Cybersecurity by Using Research, Education, Information, and Technology Act of 2012, the Government Accountability Office shall issue a report evaluating each agency’s status toward implementing this section.

#### “§ 3556. Independent evaluations

“(a) IN GENERAL.—The Council of the Inspectors General on Integrity and Efficiency, in consultation with the Director and the Secretary of Homeland Security, the Secretary of Commerce, and the Secretary of Defense, shall issue and maintain criteria for the timely, cost-effective, risk-based, and independent evaluation of each agencywide information security program (and practices) to determine the effectiveness of the agencywide information security program (and practices). The criteria shall include measures to assess any conflicts of interest in the performance of the evaluation and whether the agencywide information security program includes appropriate safeguards against disclosure of information where such disclosure may adversely affect information security.

“(b) ANNUAL INDEPENDENT EVALUATIONS.—Each agency shall perform an annual independent evaluation of its agencywide information security program (and practices) in accordance with the criteria under subsection (a).

“(c) DISTRIBUTION OF REPORTS.—Not later than 30 days after receiving an independent evaluation under subsection (b), each agency head shall transmit a copy of the independent evaluation to the Secretary of Homeland Security, the Secretary of Commerce, and the Secretary of Defense.

“(d) NATIONAL SECURITY SYSTEMS.—Evaluations involving national security systems shall be conducted as directed by President.

#### “§ 3557. National security systems.

“The head of each agency operating or exercising control of a national security system shall be responsible for ensuring that the agency—

“(1) provides information security protections commensurate with the risk and magnitude of the harm resulting from the unauthorized access, use, disclosure, disruption, modification, or destruction of the information contained in such system; and

“(2) implements information security policies and practices as required by standards and guidelines for national security systems, issued in accordance with law and as directed by the President.”.

(b) SAVINGS PROVISIONS.—

(1) POLICY AND COMPLIANCE GUIDANCE.—Policy and compliance guidance issued by the Director before the date of enactment of this Act under section 3543(a)(1) of title 44, United

States Code (as in effect on the day before the date of enactment of this Act), shall continue in effect, according to its terms, until modified, terminated, superseded, or repealed pursuant to section 3553(a)(1) of title 44, United States Code.

(2) STANDARDS AND GUIDELINES.—Standards and guidelines issued by the Secretary of Commerce or by the Director before the date of enactment of this Act under section 11331(a)(1) of title 40, United States Code, (as in effect on the day before the date of enactment of this Act) shall continue in effect, according to their terms, until modified, terminated, superseded, or repealed pursuant to section 11331(a)(1) of title 40, United States Code, as amended by this Act.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) CHAPTER ANALYSIS.—The chapter analysis for chapter 35 of title 44, United States Code, is amended—

(A) by striking the items relating to sections 3531 through 3538;

(B) by striking the items relating to sections 3541 through 3549; and

(C) by inserting the following:

“3551. Purposes.

“3552. Definitions.

“3553. Federal information security authority and coordination.

“3554. Agency responsibilities.

“3555. Multiagency ongoing threat assessment.

“3556. Independent evaluations.

“3557. National security systems.”.

(2) OTHER REFERENCES.—

(A) Section 1001(c)(1)(A) of the Homeland Security Act of 2002 (6 U.S.C. 511(1)(A)) is amended by striking “section 3532(3)” and inserting “section 3552”.

(B) Section 2222(j)(5) of title 10, United States Code, is amended by striking “section 3542(b)(2)” and inserting “section 3552”.

(C) Section 2223(c)(3) of title 10, United States Code, is amended, by striking “section 3542(b)(2)” and inserting “section 3552”.

(D) Section 2315 of title 10, United States Code, is amended by striking “section 3542(b)(2)” and inserting “section 3552”.

(E) Section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3) is amended—

(i) in subsection (a)(2), by striking “section 3532(b)(2)” and inserting “section 3552”;

(ii) in subsection (c)(3), by striking “Director of the Office of Management and Budget” and inserting “Secretary of Commerce”;

(iii) in subsection (d)(1), by striking “Director of the Office of Management and Budget” and inserting “Secretary of Commerce”;

(iv) in subsection (d)(8) by striking “Director of the Office of Management and Budget” and inserting “Secretary of Commerce”;

(v) in subsection (d)(8), by striking “submitted to the Director” and inserting “submitted to the Secretary”;

(vi) in subsection (e)(2), by striking “section 3532(1) of such title” and inserting “section 3552 of title 44”; and

(vii) in subsection (e)(5), by striking “section 3532(b)(2) of such title” and inserting “section 3552 of title 44”.

(F) Section 8(d)(1) of the Cyber Security Research and Development Act (15 U.S.C. 7406(d)(1)) is amended by striking “section 3534(b)” and inserting “section 3554(b)(2)”.

#### SEC. 202. MANAGEMENT OF INFORMATION TECHNOLOGY.

(a) IN GENERAL.—Section 11331 of title 40, United States Code, is amended to read as follows:



# “§ 11331. Responsibilities for Federal information systems standards

## “(a) STANDARDS AND GUIDELINES.—

“(1) AUTHORITY TO PRESCRIBE.—Except as provided under paragraph (2), the Secretary of Commerce shall prescribe standards and guidelines pertaining to Federal information systems—

“(A) in consultation with the Secretary of Homeland Security; and

“(B) on the basis of standards and guidelines developed by the National Institute of Standards and Technology under paragraphs (2) and (3) of section 20(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3(a)(2) and (a)(3)).

“(2) NATIONAL SECURITY SYSTEMS.—Standards and guidelines for national security systems shall be developed, prescribed, enforced, and overseen as otherwise authorized by law and as directed by the President.

## “(b) MANDATORY STANDARDS AND GUIDELINES.—

“(1) AUTHORITY TO MAKE MANDATORY STANDARDS AND GUIDELINES.—The Secretary of Commerce shall make standards and guidelines under subsection (a)(1) compulsory and binding to the extent determined necessary by the Secretary of Commerce to improve the efficiency of operation or security of Federal information systems.

“(2) REQUIRED MANDATORY STANDARDS AND GUIDELINES.—

“(A) IN GENERAL.—Standards and guidelines under subsection (a)(1) shall include information security standards that—

“(i) provide minimum information security requirements as determined under section 20(b) of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3(b)); and

“(ii) are otherwise necessary to improve the security of Federal information and information systems.

“(B) BINDING EFFECT.—Information security standards under subparagraph (A) shall be compulsory and binding.

“(c) EXERCISE OF AUTHORITY.—To ensure fiscal and policy consistency, the Secretary of Commerce shall exercise the authority conferred by this section subject to direction by the President and in coordination with the Director.

“(d) APPLICATION OF MORE STRINGENT STANDARDS AND GUIDELINES.—The head of an executive agency may employ standards for the cost-effective information security for information systems within or under the supervision of that agency that are more stringent than the standards and guidelines the Secretary of Commerce prescribes under this section if the more stringent standards and guidelines—

“(1) contain at least the applicable standards and guidelines made compulsory and binding by the Secretary of Commerce; and

“(2) are otherwise consistent with the policies, directives, and implementation memoranda issued under section 3553(a) of title 44.

“(e) DECISIONS ON PROMULGATION OF STANDARDS AND GUIDELINES.—The decision by the Secretary of Commerce regarding the promulgation of any standard or guideline under this section shall occur not later than 6 months after the date of submission of the proposed standard to the Secretary of Commerce by the National Institute of Standards and Technology under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3).

“(f) NOTICE AND COMMENT.—A decision by the Secretary of Commerce to significantly modify, or not promulgate, a proposed standard submitted to the Secretary by the National Institute of Standards and Technology

under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3) shall be made after the public is given an opportunity to comment on the Secretary's proposed decision.

## “(g) DEFINITIONS.—In this section:

“(1) FEDERAL INFORMATION SYSTEM.—The term ‘Federal information system’ has the meaning given the term in section 3552 of title 44.

“(2) INFORMATION SECURITY.—The term ‘information security’ has the meaning given the term in section 3552 of title 44.

“(3) NATIONAL SECURITY SYSTEM.—The term ‘national security system’ has the meaning given the term in section 3552 of title 44.”

## SEC. 203. NO NEW FUNDING.

An applicable Federal agency shall carry out the provisions of this title with existing facilities and funds otherwise available, through such means as the head of the agency considers appropriate.

## SEC. 204. TECHNICAL AND CONFORMING AMENDMENTS.

Section 21(b) of the National Institute of Standards and Technology Act (15 U.S.C. 278g-4(b)) is amended—

(1) in paragraph (2), by striking “and the Director of the Office of Management and Budget” and inserting “, the Secretary of Commerce, and the Secretary of Homeland Security”; and

(2) in paragraph (3), by inserting “, the Secretary of Homeland Security,” after “the Secretary of Commerce”.

## SEC. 205. CLARIFICATION OF AUTHORITIES.

Nothing in this title shall be construed to convey any new regulatory authority to any government entity implementing or complying with any provision of this title.

## TITLE III—CRIMINAL PENALTIES

### SEC. 301. PENALTIES FOR FRAUD AND RELATED ACTIVITY IN CONNECTION WITH COMPUTERS.

Section 1030(c) of title 18, United States Code, is amended to read as follows:

“(c) The punishment for an offense under subsection (a) or (b) of this section is—

“(1) a fine under this title or imprisonment for not more than 20 years, or both, in the case of an offense under subsection (a)(1) of this section;

“(2)(A) except as provided in subparagraph (B), a fine under this title or imprisonment for not more than 3 years, or both, in the case of an offense under subsection (a)(2); or

“(B) a fine under this title or imprisonment for not more than ten years, or both, in the case of an offense under subsection (a)(2) of this section, if—

“(i) the offense was committed for purposes of commercial advantage or private financial gain;

“(ii) the offense was committed in the furtherance of any criminal or tortious act in violation of the Constitution or laws of the United States, or of any State; or

“(iii) the value of the information obtained, or that would have been obtained if the offense was completed, exceeds \$5,000;

“(3) a fine under this title or imprisonment for not more than 10 years, or both, in the case of an offense under subsection (a)(3) of this section;

“(4) a fine under this title or imprisonment of not more than 20 years, or both, in the case of an offense under subsection (a)(4) of this section;

“(5)(A) except as provided in subparagraph (C), a fine under this title, imprisonment for not more than 20 years, or both, in the case of an offense under subsection (a)(5)(A) of this section, if the offense caused—

“(i) loss to 1 or more persons during any 1-year period (and, for purposes of an investigation, prosecution, or other proceeding brought by the United States only, loss resulting from a related course of conduct affecting 1 or more other protected computers) aggregating at least \$5,000 in value;

“(ii) the modification or impairment, or potential modification or impairment, of the medical examination, diagnosis, treatment, or care of 1 or more individuals;

“(iii) physical injury to any person;

“(iv) a threat to public health or safety;

“(v) damage affecting a computer used by, or on behalf of, an entity of the United States Government in furtherance of the administration of justice, national defense, or national security; or

“(vi) damage affecting 10 or more protected computers during any 1-year period;

“(B) a fine under this title, imprisonment for not more than 20 years, or both, in the case of an offense under subsection (a)(5)(B), if the offense caused a harm provided in clause (i) through (vi) of subparagraph (A) of this subsection;

“(C) if the offender attempts to cause or knowingly or recklessly causes death from conduct in violation of subsection (a)(5)(A), a fine under this title, imprisonment for any term of years or for life, or both;

“(D) a fine under this title, imprisonment for not more than 10 years, or both, for any other offense under subsection (a)(5);

“(E) a fine under this title or imprisonment for not more than 10 years, or both, in the case of an offense under subsection (a)(6) of this section; or

“(F) a fine under this title or imprisonment for not more than 10 years, or both, in the case of an offense under subsection (a)(7) of this section.”

### SEC. 302. TRAFFICKING IN PASSWORDS.

Section 1030(a)(6) of title 18, United States Code, is amended to read as follows:

“(6) knowingly and with intent to defraud traffics (as defined in section 1029) in any password or similar information or means of access through which a protected computer (as defined in subparagraphs (A) and (B) of subsection (e)(2)) may be accessed without authorization.”

### SEC. 303. CONSPIRACY AND ATTEMPTED COMPUTER FRAUD OFFENSES.

Section 1030(b) of title 18, United States Code, is amended by inserting “as if for the completed offense” after “punished as provided”.

### SEC. 304. CRIMINAL AND CIVIL FORFEITURE FOR FRAUD AND RELATED ACTIVITY IN CONNECTION WITH COMPUTERS.

Section 1030 of title 18, United States Code, is amended by striking subsections (i) and (j) and inserting the following:

#### “(i) CRIMINAL FORFEITURE.—

“(1) The court, in imposing sentence on any person convicted of a violation of this section, or convicted of conspiracy to violate this section, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person forfeit to the United States—

“(A) such persons interest in any property, real or personal, that was used, or intended to be used, to commit or facilitate the commission of such violation; and

“(B) any property, real or personal, constituting or derived from any gross proceeds, or any property traceable to such property, that such person obtained, directly or indirectly, as a result of such violation.

“(2) The criminal forfeiture of property under this subsection, including any seizure and disposition of the property, and any related judicial or administrative proceeding,

shall be governed by the provisions of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), except subsection (d) of that section.

“(j) CIVIL FORFEITURE.—

“(1) The following shall be subject to forfeiture to the United States and no property right, real or personal, shall exist in them:

“(A) Any property, real or personal, that was used, or intended to be used, to commit or facilitate the commission of any violation of this section, or a conspiracy to violate this section.

“(B) Any property, real or personal, constituting or derived from any gross proceeds obtained directly or indirectly, or any property traceable to such property, as a result of the commission of any violation of this section, or a conspiracy to violate this section.

“(2) Seizures and forfeitures under this subsection shall be governed by the provisions in chapter 46 relating to civil forfeitures, except that such duties as are imposed on the Secretary of the Treasury under the customs laws described in section 981(d) shall be performed by such officers, agents and other persons as may be designated for that purpose by the Secretary of Homeland Security or the Attorney General.”

**SEC. 305. DAMAGE TO CRITICAL INFRASTRUCTURE COMPUTERS.**

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by inserting after section 1030 the following:

**“§ 1030A. Aggravated damage to a critical infrastructure computer**

“(a) DEFINITIONS.—In this section—

“(1) the term ‘computer’ has the meaning given the term in section 1030;

“(2) the term ‘critical infrastructure computer’ means a computer that manages or controls systems or assets vital to national defense, national security, national economic security, public health or safety, or any combination of those matters, whether publicly or privately owned or operated, including—

“(A) oil and gas production, storage, conversion, and delivery systems;

“(B) water supply systems;

“(C) telecommunication networks;

“(D) electrical power generation and delivery systems;

“(E) finance and banking systems;

“(F) emergency services;

“(G) transportation systems and services; and

“(H) government operations that provide essential services to the public; and

“(3) the term ‘damage’ has the meaning given the term in section 1030.

“(b) OFFENSE.—It shall be unlawful, during and in relation to a felony violation of section 1030, to knowingly cause or attempt to cause damage to a critical infrastructure computer if the damage results in (or, in the case of an attempt, if completed, would have resulted in) the substantial impairment—

“(1) of the operation of the critical infrastructure computer; or

“(2) of the critical infrastructure associated with the computer.

“(c) PENALTY.—Any person who violates subsection (b) shall be—

“(1) fined under this title;

“(2) imprisoned for not less than 3 years but not more than 20 years; or

“(3) penalized under paragraphs (1) and (2).

“(d) CONSECUTIVE SENTENCE.—Notwithstanding any other provision of law—

“(1) a court shall not place on probation any person convicted of a violation of this section;

“(2) except as provided in paragraph (4), no term of imprisonment imposed on a person

under this section shall run concurrently with any other term of imprisonment, including any term of imprisonment imposed on the person under any other provision of law, including any term of imprisonment imposed for a felony violation of section 1030;

“(3) in determining any term of imprisonment to be imposed for a felony violation of section 1030, a court shall not in any way reduce the term to be imposed for such crime so as to compensate for, or otherwise take into account, any separate term of imprisonment imposed or to be imposed for a violation of this section; and

“(4) a term of imprisonment imposed on a person for a violation of this section may, in the discretion of the court, run concurrently, in whole or in part, only with another term of imprisonment that is imposed by the court at the same time on that person for an additional violation of this section, provided that such discretion shall be exercised in accordance with any applicable guidelines and policy statements issued by the United States Sentencing Commission pursuant to section 994 of title 28.”

(b) TECHNICAL AND CONFORMING AMENDMENT.—The chapter analysis for chapter 47 of title 18, United States Code, is amended by inserting after the item relating to section 1030 the following:

“1030A. Aggravated damage to a critical infrastructure computer.”

**SEC. 306. LIMITATION ON ACTIONS INVOLVING UNAUTHORIZED USE.**

Section 1030(e)(6) of title 18, United States Code, is amended by striking “alter;” and inserting “alter, but does not include access in violation of a contractual obligation or agreement, such as an acceptable use policy or terms of service agreement, with an Internet service provider, Internet website, or non-government employer, if such violation constitutes the sole basis for determining that access to a protected computer is unauthorized.”

**SEC. 307. NO NEW FUNDING.**

An applicable Federal agency shall carry out the provisions of this title with existing facilities and funds otherwise available, through such means as the head of the agency considers appropriate.

**TITLE IV—CYBERSECURITY RESEARCH AND DEVELOPMENT**

**SEC. 401. NATIONAL HIGH-PERFORMANCE COMPUTING PROGRAM PLANNING AND COORDINATION.**

(a) GOALS AND PRIORITIES.—Section 101 of the High-Performance Computing Act of 1991 (15 U.S.C. 5511) is amended by adding at the end the following:

“(d) GOALS AND PRIORITIES.—The goals and priorities for Federal high-performance computing research, development, networking, and other activities under subsection (a)(2)(A) shall include—

“(1) encouraging and supporting mechanisms for interdisciplinary research and development in networking and information technology, including—

“(A) through collaborations across agencies;

“(B) through collaborations across Program Component Areas;

“(C) through collaborations with industry;

“(D) through collaborations with institutions of higher education;

“(E) through collaborations with Federal laboratories (as defined in section 4 of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3703)); and

“(F) through collaborations with international organizations;

“(2) addressing national, multi-agency, multi-faceted challenges of national importance; and

“(3) fostering the transfer of research and development results into new technologies and applications for the benefit of society.”

(b) DEVELOPMENT OF STRATEGIC PLAN.—Section 101 of the High-Performance Computing Act of 1991 (15 U.S.C. 5511) is amended by adding at the end the following:

“(e) STRATEGIC PLAN.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Strengthening and Enhancing Cybersecurity by Using Research, Education, Information, and Technology Act of 2012, the agencies under subsection (a)(3)(B), working through the National Science and Technology Council and with the assistance of the Office of Science and Technology Policy shall develop a 5-year strategic plan to guide the activities under subsection (a)(1).

“(2) CONTENTS.—The strategic plan shall specify—

“(A) the near-term objectives for the Program;

“(B) the long-term objectives for the Program;

“(C) the anticipated time frame for achieving the near-term objectives;

“(D) the metrics that will be used to assess any progress made toward achieving the near-term objectives and the long-term objectives; and

“(E) how the Program will achieve the goals and priorities under subsection (d).

“(3) IMPLEMENTATION ROADMAP.—

“(A) IN GENERAL.—The agencies under subsection (a)(3)(B) shall develop and annually update an implementation roadmap for the strategic plan.

“(B) REQUIREMENTS.—The information in the implementation roadmap shall be coordinated with the database under section 102(c) and the annual report under section 101(a)(3). The implementation roadmap shall—

“(i) specify the role of each Federal agency in carrying out or sponsoring research and development to meet the research objectives of the strategic plan, including a description of how progress toward the research objectives will be evaluated, with consideration of any relevant recommendations of the advisory committee;

“(ii) specify the funding allocated to each major research objective of the strategic plan and the source of funding by agency for the current fiscal year; and

“(iii) estimate the funding required for each major research objective of the strategic plan for the next 3 fiscal years.

“(4) RECOMMENDATIONS.—The agencies under subsection (a)(3)(B) shall take into consideration when developing the strategic plan under paragraph (1) the recommendations of—

“(A) the advisory committee under subsection (b); and

“(B) the stakeholders under section 102(a)(3).

“(5) REPORT TO CONGRESS.—The Director of the Office of Science and Technology Policy shall transmit the strategic plan under this subsection, including the implementation roadmap and any updates under paragraph (3), to—

“(A) the advisory committee under subsection (b);

“(B) the Committee on Commerce, Science, and Transportation of the Senate; and

“(C) the Committee on Science and Technology of the House of Representatives.”

(c) PERIODIC REVIEWS.—Section 101 of the High-Performance Computing Act of 1991 (15

U.S.C. 5511) is amended by adding at the end the following:

“(f) PERIODIC REVIEWS.—The agencies under subsection (a)(3)(B) shall—

“(1) periodically assess the contents and funding levels of the Program Component Areas and restructure the Program when warranted, taking into consideration any relevant recommendations of the advisory committee under subsection (b); and

“(2) ensure that the Program includes national, multi-agency, multi-faceted research and development activities, including activities described in section 104.”.

(d) ADDITIONAL RESPONSIBILITIES OF DIRECTOR.—Section 101(a)(2) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(a)(2)) is amended—

(1) by redesignating subparagraphs (E) and (F) as subparagraphs (G) and (H), respectively; and

(2) by inserting after subparagraph (D) the following:

“(E) encourage and monitor the efforts of the agencies participating in the Program to allocate the level of resources and management attention necessary—

“(i) to ensure that the strategic plan under subsection (e) is developed and executed effectively; and

“(ii) to ensure that the objectives of the Program are met;

“(F) working with the Office of Management and Budget and in coordination with the creation of the database under section 102(c), direct the Office of Science and Technology Policy and the agencies participating in the Program to establish a mechanism (consistent with existing law) to track all ongoing and completed research and development projects and associated funding.”.

(e) ADVISORY COMMITTEE.—Section 101(b) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(b)) is amended—

(1) in paragraph (1)—

(A) by inserting after the first sentence the following: “The co-chairs of the advisory committee shall meet the qualifications of committee members and may be members of the Presidents Council of Advisors on Science and Technology.”; and

(B) by striking “high-performance” in subparagraph (D) and inserting “high-end”; and

(2) by amending paragraph (2) to read as follows:

“(2) In addition to the duties under paragraph (1), the advisory committee shall conduct periodic evaluations of the funding, management, coordination, implementation, and activities of the Program. The advisory committee shall report its findings and recommendations not less frequently than once every 3 fiscal years to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives. The report shall be submitted in conjunction with the update of the strategic plan.”.

(f) REPORT.—Section 101(a)(3) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(a)(3)) is amended—

(1) in subparagraph (C)—

(A) by striking “is submitted,” and inserting “is submitted, the levels for the previous fiscal year.”; and

(B) by striking “each Program Component Area” and inserting “each Program Component Area and each research area supported in accordance with section 104”;

(2) in subparagraph (D)—

(A) by striking “each Program Component Area,” and inserting “each Program Component Area and each research area supported in accordance with section 104.”;

(B) by striking “is submitted,” and inserting “is submitted, the levels for the previous fiscal year.”; and

(C) by striking “and” after the semicolon; (3) by redesignating subparagraph (E) as subparagraph (G); and

(4) by inserting after subparagraph (D) the following:

“(E) include a description of how the objectives for each Program Component Area, and the objectives for activities that involve multiple Program Component Areas, relate to the objectives of the Program identified in the strategic plan under subsection (e);

“(F) include—

“(i) a description of the funding required by the Office of Science and Technology Policy to perform the functions under subsections (a) and (c) of section 102 for the next fiscal year by category of activity;

“(ii) a description of the funding required by the Office of Science and Technology Policy to perform the functions under subsections (a) and (c) of section 102 for the current fiscal year by category of activity; and

“(iii) the amount of funding provided for the Office of Science and Technology Policy for the current fiscal year by each agency participating in the Program; and”.

(g) DEFINITIONS.—Section 4 of the High-Performance Computing Act of 1991 (15 U.S.C. 5503) is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(2) by redesignating paragraph (3) as paragraph (6);

(3) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively;

(4) by inserting before paragraph (2), as redesignated, the following:

“(1) ‘cyber-physical systems’ means physical or engineered systems whose networking and information technology functions and physical elements are deeply integrated and are actively connected to the physical world through sensors, actuators, or other means to perform monitoring and control functions.”;

(5) in paragraph (3), as redesignated, by striking “high-performance computing” and inserting “networking and information technology”;

(6) in paragraph (6), as redesignated—

(A) by striking “high-performance computing” and inserting “networking and information technology”; and

(B) by striking “supercomputer” and inserting “high-end computing”;

(7) in paragraph (5), by striking “network referred to as” and all that follows through the semicolon and inserting “network, including advanced computer networks of Federal agencies and departments”; and

(8) in paragraph (7), as redesignated, by striking “National High-Performance Computing Program” and inserting “networking and information technology research and development program”.

#### SEC. 402. RESEARCH IN AREAS OF NATIONAL IMPORTANCE.

(a) RESEARCH IN AREAS OF NATIONAL IMPORTANCE.—Title I of the High-Performance Computing Act of 1991 (15 U.S.C. 5511 et seq.) is amended by adding at the end the following:

#### “SEC. 104. RESEARCH IN AREAS OF NATIONAL IMPORTANCE.

“(a) IN GENERAL.—The Program shall encourage agencies under section 101(a)(3)(B) to support, maintain, and improve national, multi-agency, multi-faceted, research and development activities in networking and information technology directed toward application areas that have the potential for sig-

nificant contributions to national economic competitiveness and for other significant societal benefits.

“(b) TECHNICAL SOLUTIONS.—An activity under subsection (a) shall be designed to advance the development of research discoveries by demonstrating technical solutions to important problems in areas including—

“(1) cybersecurity;

“(2) health care;

“(3) energy management and low-power systems and devices;

“(4) transportation, including surface and air transportation;

“(5) cyber-physical systems;

“(6) large-scale data analysis and modeling of physical phenomena;

“(7) large scale data analysis and modeling of behavioral phenomena;

“(8) supply chain quality and security; and

“(9) privacy protection and protected disclosure of confidential data.

“(c) RECOMMENDATIONS.—The advisory committee under section 101(b) shall make recommendations to the Program for candidate research and development areas for support under this section.

“(d) CHARACTERISTICS.—

“(1) IN GENERAL.—Research and development activities under this section—

“(A) shall include projects selected on the basis of applications for support through a competitive, merit-based process;

“(B) shall leverage, when possible, Federal investments through collaboration with related State initiatives;

“(C) shall include a plan for fostering the transfer of research discoveries and the results of technology demonstration activities, including from institutions of higher education and Federal laboratories, to industry for commercial development;

“(D) shall involve collaborations among researchers in institutions of higher education and industry; and

“(E) may involve collaborations among nonprofit research institutions and Federal laboratories, as appropriate.

“(2) COST-SHARING.—In selecting applications for support, the agencies under section 101(a)(3)(B) shall give special consideration to projects that include cost sharing from non-Federal sources.

“(3) MULTIDISCIPLINARY RESEARCH CENTERS.—Research and development activities under this section shall be supported through multidisciplinary research centers, including Federal laboratories, that are organized to investigate basic research questions and carry out technology demonstration activities in areas described in subsection (a). Research may be carried out through existing multidisciplinary centers, including those authorized under section 7024(b)(2) of the America COMPETES Act (42 U.S.C. 1862o–10(2)).”.

(b) CYBER-PHYSICAL SYSTEMS.—Section 101(a)(1) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(a)(1)) is amended—

(1) in subparagraph (H), by striking “and” after the semicolon;

(2) in subparagraph (I), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(J) provide for increased understanding of the scientific principles of cyber-physical systems and improve the methods available for the design, development, and operation of cyber-physical systems that are characterized by high reliability, safety, and security; and

“(K) provide for research and development on human-computer interactions, visualization, and big data.”.

(c) TASK FORCE.—Title I of the High-Performance Computing Act of 1991 (15 U.S.C. 5511 et seq.), as amended by section 402(a) of this Act, is amended by adding at the end the following:

**“SEC. 105. TASK FORCE.**

“(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment the Strengthening and Enhancing Cybersecurity by Using Research, Education, Information, and Technology Act of 2012, the Director of the Office of Science and Technology Policy under section 102 shall convene a task force to explore mechanisms for carrying out collaborative research and development activities for cyber-physical systems (including the related technologies required to enable these systems) through a consortium or other appropriate entity with participants from institutions of higher education, Federal laboratories, and industry.

“(b) FUNCTIONS.—The task force shall—

“(1) develop options for a collaborative model and an organizational structure for such entity under which the joint research and development activities could be planned, managed, and conducted effectively, including mechanisms for the allocation of resources among the participants in such entity for support of such activities;

“(2) propose a process for developing a research and development agenda for such entity, including guidelines to ensure an appropriate scope of work focused on nationally significant challenges and requiring collaboration and to ensure the development of related scientific and technological milestones;

“(3) define the roles and responsibilities for the participants from institutions of higher education, Federal laboratories, and industry in such entity;

“(4) propose guidelines for assigning intellectual property rights and for transferring research results to the private sector; and

“(5) make recommendations for how such entity could be funded from Federal, State, and non-governmental sources.

“(c) COMPOSITION.—In establishing the task force under subsection (a), the Director of the Office of Science and Technology Policy shall appoint an equal number of individuals from institutions of higher education and from industry with knowledge and expertise in cyber-physical systems, and may appoint not more than 2 individuals from Federal laboratories.

“(d) REPORT.—Not later than 1 year after the date of enactment of the Strengthening and Enhancing Cybersecurity by Using Research, Education, Information, and Technology Act of 2012, the Director of the Office of Science and Technology Policy shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives a report describing the findings and recommendations of the task force.

“(e) TERMINATION.—The task force shall terminate upon transmittal of the report required under subsection (d).

“(f) COMPENSATION AND EXPENSES.—Members of the task force shall serve without compensation.”

**SEC. 403. PROGRAM IMPROVEMENTS.**

Section 102 of the High-Performance Computing Act of 1991 (15 U.S.C. 5512) is amended to read as follows:

**“SEC. 102. PROGRAM IMPROVEMENTS.**

“(a) FUNCTIONS.—The Director of the Office of Science and Technology Policy shall continue—

“(1) to provide technical and administrative support to—

“(A) the agencies participating in planning and implementing the Program, including support needed to develop the strategic plan under section 101(e); and

“(B) the advisory committee under section 101(b);

“(2) to serve as the primary point of contact on Federal networking and information technology activities for government agencies, academia, industry, professional societies, State computing and networking technology programs, interested citizen groups, and others to exchange technical and programmatic information;

“(3) to solicit input and recommendations from a wide range of stakeholders during the development of each strategic plan under section 101(e) by convening at least 1 workshop with invitees from academia, industry, Federal laboratories, and other relevant organizations and institutions;

“(4) to conduct public outreach, including the dissemination of the advisory committee's findings and recommendations, as appropriate;

“(5) to promote access to and early application of the technologies, innovations, and expertise derived from Program activities to agency missions and systems across the Federal Government and to United States industry;

“(6) to ensure accurate and detailed budget reporting of networking and information technology research and development investment; and

“(7) to encourage agencies participating in the Program to use existing programs and resources to strengthen networking and information technology education and training, and increase participation in such fields, including by women and underrepresented minorities.

“(b) SOURCE OF FUNDING.—

“(1) IN GENERAL.—The functions under this section shall be supported by funds from each agency participating in the Program.

“(2) SPECIFICATIONS.—The portion of the total budget of the Office of Science and Technology Policy that is provided by each agency participating in the Program for each fiscal year shall be in the same proportion as each agency's share of the total budget for the Program for the previous fiscal year, as specified in the database under section 102(c).

“(c) DATABASE.—

“(1) IN GENERAL.—The Director of the Office of Science and Technology Policy shall develop and maintain a database of projects funded by each agency for the fiscal year for each Program Component Area.

“(2) PUBLIC ACCESSIBILITY.—The Director of the Office of Science and Technology Policy shall make the database accessible to the public.

“(3) DATABASE CONTENTS.—The database shall include, for each project in the database—

“(A) a description of the project;

“(B) each agency, industry, institution of higher education, Federal laboratory, or international institution involved in the project;

“(C) the source funding of the project (set forth by agency);

“(D) the funding history of the project; and

“(E) whether the project has been completed.”

**SEC. 404. IMPROVING EDUCATION OF NETWORKING AND INFORMATION TECHNOLOGY, INCLUDING HIGH PERFORMANCE COMPUTING.**

Section 201(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5521(a)) is amended—

(1) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively; and

(2) by inserting after paragraph (1) the following:

“(2) the National Science Foundation shall use its existing programs, in collaboration with other agencies, as appropriate, to improve the teaching and learning of networking and information technology at all levels of education and to increase participation in networking and information technology fields;”

**SEC. 405. CONFORMING AND TECHNICAL AMENDMENTS TO THE HIGH-PERFORMANCE COMPUTING ACT OF 1991.**

(a) SECTION 3.—Section 3 of the High-Performance Computing Act of 1991 (15 U.S.C. 5502) is amended—

(1) in the matter preceding paragraph (1), by striking “high-performance computing” and inserting “networking and information technology”; and

(2) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking “high-performance computing” and inserting “networking and information technology”; and

(B) in subparagraphs (A), (F), and (G), by striking “high-performance computing” each place it appears and inserting “networking and information technology”; and

(C) in subparagraph (H), by striking “high-performance” and inserting “high-end”; and

(3) in paragraph (2)—

(A) by striking “high-performance computing and” and inserting “networking and information technology, and”; and

(B) by striking “high-performance computing network” and inserting “networking and information technology”.

(b) TITLE HEADING.—The heading of title I of the High-Performance Computing Act of 1991 (105 Stat. 1595) is amended by striking “HIGH-PERFORMANCE COMPUTING” and inserting “NETWORKING AND INFORMATION TECHNOLOGY”.

(c) SECTION 101.—Section 101 of the High-Performance Computing Act of 1991 (15 U.S.C. 5511) is amended—

(1) in the section heading, by striking “HIGH-PERFORMANCE COMPUTING” and inserting “NETWORKING AND INFORMATION TECHNOLOGY RESEARCH AND DEVELOPMENT”; and

(2) in subsection (a)—

(A) in the subsection heading, by striking “NATIONAL HIGH-PERFORMANCE COMPUTING” and inserting “NETWORKING AND INFORMATION TECHNOLOGY RESEARCH AND DEVELOPMENT”; and

(B) in paragraph (1)—

(i) by striking “National High-Performance Computing Program” and inserting “networking and information technology research and development program”; and

(ii) in subparagraph (A), by striking “high-performance computing, including networking” and inserting “networking and information technology”; and

(iii) in subparagraphs (B) and (G), by striking “high-performance” each place it appears and inserting “high-end”; and

(iv) in subparagraph (C), by striking “high-performance computing and networking” and inserting “high-end computing, distributed, and networking”; and

(C) in paragraph (2)—

(i) in subparagraphs (A) and (C)—

(I) by striking “high-performance computing” each place it appears and inserting “networking and information technology”; and

(II) by striking “development, networking,” each place it appears and inserting “development;”;

(ii) in subparagraphs (G) and (H), as redesignated by section 401(d) of this Act, by striking “high-performance” each place it appears and inserting “high-end”;

(3) in subsection (b)(1), in the matter preceding subparagraph (A), by striking “high-performance computing” each place it appears and inserting “networking and information technology”;

(4) in subsection (c)(1)(A), by striking “high-performance computing” and inserting “networking and information technology”.

(d) SECTION 201.—Section 201(a)(1) of the High-Performance Computing Act of 1991 (15 U.S.C. 5521(a)(1)) is amended by striking “high-performance computing and advanced high-speed computer networking” and inserting “networking and information technology research and development”.

(e) SECTION 202.—Section 202(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5522(a)) is amended by striking “high-performance computing” and inserting “networking and information technology”.

(f) SECTION 203.—Section 203(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5523(a)) is amended—

(1) in paragraph (1), by striking “high-performance computing and networking” and inserting “networking and information technology”;

(2) in paragraph (2)(A), by striking “high-performance” and inserting “high-end”.

(g) SECTION 204.—Section 204 of the High-Performance Computing Act of 1991 (15 U.S.C. 5524) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (A), by striking “high-performance computing systems and networks” and inserting “networking and information technology systems and capabilities”;

(B) in subparagraph (B), by striking “interoperability of high-performance computing systems in networks and for common user interfaces to systems” and inserting “interoperability and usability of networking and information technology systems”;

(C) in subparagraph (C), by striking “high-performance computing” and inserting “networking and information technology”;

(2) in subsection (b)—

(A) by striking “HIGH-PERFORMANCE COMPUTING AND NETWORK” in the heading and inserting “NETWORKING AND INFORMATION TECHNOLOGY”;

(B) by striking “sensitive”.

(h) SECTION 205.—Section 205(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5525(a)) is amended by striking “computational” and inserting “networking and information technology”.

(i) SECTION 206.—Section 206(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5526(a)) is amended by striking “computational research” and inserting “networking and information technology research”.

(j) SECTION 207.—Section 207 of the High-Performance Computing Act of 1991 (15 U.S.C. 5527) is amended by striking “high-performance computing” and inserting “networking and information technology”.

(k) SECTION 208.—Section 208 of the High-Performance Computing Act of 1991 (15 U.S.C. 5528) is amended—

(1) in the section heading, by striking “HIGH-PERFORMANCE COMPUTING” and inserting “NETWORKING AND INFORMATION TECHNOLOGY”;

(2) in subsection (a)—

(A) in paragraph (1), by striking “High-performance computing and associated” and inserting “Networking and information”;

(B) in paragraph (2), by striking “high-performance computing” and inserting “networking and information technologies”;

(C) in paragraph (3), by striking “high-performance” and inserting “high-end”;

(D) in paragraph (4), by striking “high-performance computers and associated” and inserting “networking and information”;

(E) in paragraph (5), by striking “high-performance computing and associated” and inserting “networking and information”.

#### SEC. 406. FEDERAL CYBER SCHOLARSHIP-FOR-SERVICE PROGRAM.

(a) IN GENERAL.—The Director of the National Science Foundation, in coordination with the Secretary of Homeland Security, shall carry out a Federal cyber scholarship-for-service program to recruit and train the next generation of information technology professionals and security managers to meet the needs of the cybersecurity mission for the Federal government.

(b) PROGRAM DESCRIPTION AND COMPONENTS.—The program shall—

(1) annually assess the workforce needs of the Federal government for cybersecurity professionals, including network engineers, software engineers, and other experts in order to determine how many scholarships should be awarded annually to ensure that the workforce needs following graduation match the number of scholarships awarded;

(2) provide scholarships for up to 1,000 students per year in their pursuit of undergraduate or graduate degrees in the cybersecurity field, in an amount that may include coverage for full tuition, fees, and a stipend;

(3) require each scholarship recipient, as a condition of receiving a scholarship under the program, to serve in a Federal information technology workforce for a period equal to one and one-half times each year, or partial year, of scholarship received, in addition to an internship in the cybersecurity field, if applicable, following graduation;

(4) provide a procedure for the National Science Foundation or a Federal agency, consistent with regulations of the Office of Personnel Management, to request and fund a security clearance for a scholarship recipient, including providing for clearance during a summer internship and upon graduation;

(5) provide opportunities for students to receive temporary appointments for meaningful employment in the Federal information technology workforce during school vacation periods and for internships.

(c) HIRING AUTHORITY.—

(1) IN GENERAL.—For purposes of any law or regulation governing the appointment of an individual in the Federal civil service, upon the successful completion of the student's studies, a student receiving a scholarship under the program may—

(A) be hired under section 213.3102(r) of title 5, Code of Federal Regulations; and

(B) be exempt from competitive service.

(2) COMPETITIVE SERVICE.—Upon satisfactory fulfillment of the service term under paragraph (1), an individual may be converted to a competitive service position without competition if the individual meets the requirements for that position.

(d) ELIGIBILITY.—The eligibility requirements for a scholarship under this section shall include that a scholarship applicant—

(1) be a citizen of the United States;

(2) be eligible to be granted a security clearance;

(3) maintain a grade point average of 3.2 or above on a 4.0 scale for undergraduate study or a 3.5 or above on a 4.0 scale for postgraduate study;

(4) demonstrate a commitment to a career in improving the security of the information infrastructure; and

(5) has demonstrated a level of proficiency in math or computer sciences.

(e) FAILURE TO COMPLETE SERVICE OBLIGATION.—

(1) IN GENERAL.—A scholarship recipient under this section shall be liable to the United States under paragraph (2) if the scholarship recipient—

(A) fails to maintain an acceptable level of academic standing in the educational institution in which the individual is enrolled, as determined by the Director;

(B) is dismissed from such educational institution for disciplinary reasons;

(C) withdraws from the program for which the award was made before the completion of such program;

(D) declares that the individual does not intend to fulfill the service obligation under this section;

(E) fails to fulfill the service obligation of the individual under this section; or

(F) loses a security clearance or becomes ineligible for a security clearance.

(2) REPAYMENT AMOUNTS.—

(A) LESS THAN 1 YEAR OF SERVICE.—If a circumstance under paragraph (1) occurs before the completion of 1 year of a service obligation under this section, the total amount of awards received by the individual under this section shall be repaid.

(B) ONE OR MORE YEARS OF SERVICE.—If a circumstance described in subparagraph (D) or (E) of paragraph (1) occurs after the completion of 1 year of a service obligation under this section, the total amount of scholarship awards received by the individual under this section, reduced by the ratio of the number of years of service completed divided by the number of years of service required, shall be repaid.

(f) EVALUATION AND REPORT.—The Director of the National Science Foundation shall—

(1) evaluate the success of recruiting individuals for scholarships under this section and of hiring and retaining those individuals in the public sector workforce, including the annual cost and an assessment of how the program actually improves the Federal workforce; and

(2) periodically report the findings under paragraph (1) to Congress.

(g) AUTHORIZATION OF APPROPRIATIONS.—From amounts made available under section 503 of the America COMPETES Reauthorization Act of 2010 (124 Stat. 4005), the Director may use funds to carry out the requirements of this section for fiscal years 2012 through 2013.

#### SEC. 407. STUDY AND ANALYSIS OF CERTIFICATION AND TRAINING OF INFORMATION INFRASTRUCTURE PROFESSIONALS.

(a) STUDY.—The President shall enter into an agreement with the National Academies to conduct a comprehensive study of government, academic, and private-sector accreditation, training, and certification programs for personnel working in information infrastructure. The agreement shall require the National Academies to consult with sector coordinating councils and relevant governmental agencies, regulatory entities, and nongovernmental organizations in the course of the study.

(b) SCOPE.—The study shall include—

(1) an evaluation of the body of knowledge and various skills that specific categories of personnel working in information infrastructure should possess in order to secure information systems;

(2) an assessment of whether existing government, academic, and private-sector accreditation, training, and certification programs provide the body of knowledge and various skills described in paragraph (1);

(3) an analysis of any barriers to the Federal Government recruiting and hiring cybersecurity talent, including barriers relating to compensation, the hiring process, job classification, and hiring flexibility; and

(4) an analysis of the sources and availability of cybersecurity talent, a comparison of the skills and expertise sought by the Federal Government and the private sector, an examination of the current and future capacity of United States institutions of higher education, including community colleges, to provide current and future cybersecurity professionals, through education and training activities, with those skills sought by the Federal Government, State and local entities, and the private sector.

(c) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the National Academies shall submit to the President and Congress a report on the results of the study. The report shall include—

(1) findings regarding the state of information infrastructure accreditation, training, and certification programs, including specific areas of deficiency and demonstrable progress; and

(2) recommendations for the improvement of information infrastructure accreditation, training, and certification programs.

#### **SEC. 408. INTERNATIONAL CYBERSECURITY TECHNICAL STANDARDS.**

(a) **IN GENERAL.**—The Director of the National Institute of Standards and Technology, in coordination with appropriate Federal authorities, shall—

(1) as appropriate, ensure coordination of Federal agencies engaged in the development of international technical standards related to information system security; and

(2) not later than 1 year after the date of enactment of this Act, develop and transmit to Congress a plan for ensuring such Federal agency coordination.

(b) **CONSULTATION WITH THE PRIVATE SECTOR.**—In carrying out the activities under subsection (a)(1), the Director shall ensure consultation with appropriate private sector stakeholders.

#### **SEC. 409. IDENTITY MANAGEMENT RESEARCH AND DEVELOPMENT.**

The Director of the National Institute of Standards and Technology shall continue a program to support the development of technical standards, metrology, testbeds, and conformance criteria, taking into account appropriate user concerns—

(1) to improve interoperability among identity management technologies;

(2) to strengthen authentication methods of identity management systems;

(3) to improve privacy protection in identity management systems, including health information technology systems, through authentication and security protocols; and

(4) to improve the usability of identity management systems.

#### **SEC. 410. FEDERAL CYBERSECURITY RESEARCH AND DEVELOPMENT.**

(a) **NATIONAL SCIENCE FOUNDATION COMPUTER AND NETWORK SECURITY RESEARCH GRANT AREAS.**—Section 4(a)(1) of the Cyber Security Research and Development Act (15 U.S.C. 7403(a)(1)) is amended—

(1) in subparagraph (H), by striking “and” after the semicolon;

(2) in subparagraph (I), by striking “property.” and inserting “property;”; and

(3) by adding at the end the following:

“(J) secure fundamental protocols that are at the heart of inter-network communications and data exchange;

“(K) system security that addresses the building of secure systems from trusted and untrusted components;

“(L) monitoring and detection; and

“(M) resiliency and rapid recovery methods.”.

(b) **NATIONAL SCIENCE FOUNDATION COMPUTER AND NETWORK SECURITY GRANTS.**—Section 4(a)(3) of the Cyber Security Research and Development Act (15 U.S.C. 7403(a)(3)) is amended—

(1) in subparagraph (D), by striking “and”;

(2) in subparagraph (E), by striking “2007.” and inserting “2007;”; and

(3) by adding at the end the following:

“(F) such funds from amounts made available under section 503 of the America COMPETES Reauthorization Act of 2010 (124 Stat. 4005), as the Director finds necessary to carry out the requirements of this subsection for fiscal years 2012 through 2013.”.

(c) **COMPUTER AND NETWORK SECURITY CENTERS.**—Section 4(b)(7) of the Cyber Security Research and Development Act (15 U.S.C. 7403(b)(7)) is amended—

(1) in subparagraph (D), by striking “and”;

(2) in subparagraph (E), by striking “2007.” and inserting “2007;”; and

(3) by adding at the end the following:

“(F) such funds from amounts made available under section 503 of the America COMPETES Reauthorization Act of 2010 (124 Stat. 4005), as the Director finds necessary to carry out the requirements of this subsection for fiscal years 2012 through 2013.”.

(d) **COMPUTER AND NETWORK SECURITY CAPACITY BUILDING GRANTS.**—Section 5(a)(6) of the Cyber Security Research and Development Act (15 U.S.C. 7404(a)(6)) is amended—

(1) in subparagraph (D), by striking “and”;

(2) in subparagraph (E), by striking “2007.” and inserting “2007;”; and

(3) by adding at the end the following:

“(F) such funds from amounts made available under section 503 of the America COMPETES Reauthorization Act of 2010 (124 Stat. 4005), as the Director finds necessary to carry out the requirements of this subsection for fiscal years 2012 through 2013.”.

(e) **SCIENTIFIC AND ADVANCED TECHNOLOGY ACT GRANTS.**—Section 5(b)(2) of the Cyber Security Research and Development Act (15 U.S.C. 7404(b)(2)) is amended—

(1) in subparagraph (D), by striking “and”;

(2) in subparagraph (E), by striking “2007.” and inserting “2007;”; and

(3) by adding at the end the following:

“(F) such funds from amounts made available under section 503 of the America COMPETES Reauthorization Act of 2010 (124 Stat. 4005), as the Director finds necessary to carry out the requirements of this subsection for fiscal years 2012 through 2013.”.

(f) **GRADUATE TRAINEESHIPS IN COMPUTER AND NETWORK SECURITY RESEARCH.**—Section 5(c)(7) of the Cyber Security Research and Development Act (15 U.S.C. 7404(c)(7)) is amended—

(1) in subparagraph (D), by striking “and”;

(2) in subparagraph (E), by striking “2007.” and inserting “2007;”; and

(3) by adding at the end the following:

“(F) such funds from amounts made available under section 503 of the America COMPETES Reauthorization Act of 2010 (124 Stat. 4005), as the Director finds necessary to carry out the requirements of this subsection for fiscal years 2012 through 2013.”.

**SA 2609.** Mr. PAUL submitted an amendment intended to be proposed by

him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### **SEC. \_\_\_\_ . LIMITATION ON FOREIGN ASSISTANCE TO PAKISTAN.**

No amounts may be obligated or expended to provide any direct United States assistance to the Government of Pakistan unless the President certifies to Congress that—

(1) Dr. Shakil Afridi has been released from prison in Pakistan;

(2) any criminal charges brought against Dr. Afridi, including treason, have been dropped; and

(3) if necessary to ensure his freedom, Dr. Afridi has been allowed to leave Pakistan.

**SA 2610.** Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

Beginning on page 106, strike line 8 and all that follows through page 156, line 13, and insert the following:

#### **TITLE III—CYBERSECURITY RESEARCH AND DEVELOPMENT**

#### **SEC. 301. NATIONAL HIGH-PERFORMANCE COMPUTING PROGRAM PLANNING AND COORDINATION.**

(a) **GOALS AND PRIORITIES.**—Section 101 of the High-Performance Computing Act of 1991 (15 U.S.C. 5511) is amended by adding at the end the following:

“(d) **GOALS AND PRIORITIES.**—The goals and priorities for Federal high-performance computing research, development, networking, and other activities under subsection (a)(2)(A) shall include—

“(1) encouraging and supporting mechanisms for interdisciplinary research and development in networking and information technology, including—

“(A) through collaborations across agencies;

“(B) through collaborations across Program Component Areas;

“(C) through collaborations with industry;

“(D) through collaborations with institutions of higher education;

“(E) through collaborations with Federal laboratories (as defined in section 4 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3703)); and

“(F) through collaborations with international organizations;

“(2) addressing national, multi-agency, multi-faceted challenges of national importance; and

“(3) fostering the transfer of research and development results into new technologies and applications for the benefit of society.”.

(b) **DEVELOPMENT OF STRATEGIC PLAN.**—Section 101 of the High-Performance Computing Act of 1991 (15 U.S.C. 5511) is amended by adding at the end the following:

“(e) **STRATEGIC PLAN.**—

“(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of the Cybersecurity Act of 2012, the agencies under subsection (a)(3)(B), working through the National Science and Technology Council and with the assistance of the Office of Science and Technology Policy shall develop a 5-year strategic plan to guide the activities under subsection (a)(1).



“(2) CONTENTS.—The strategic plan shall specify—

“(A) the near-term objectives for the Program;

“(B) the long-term objectives for the Program;

“(C) the anticipated time frame for achieving the near-term objectives;

“(D) the metrics that will be used to assess any progress made toward achieving the near-term objectives and the long-term objectives; and

“(E) how the Program will achieve the goals and priorities under subsection (d).

“(3) IMPLEMENTATION ROADMAP.—

“(A) IN GENERAL.—The agencies under subsection (a)(3)(B) shall develop and annually update an implementation roadmap for the strategic plan.

“(B) REQUIREMENTS.—The information in the implementation roadmap shall be coordinated with the database under section 102(c) and the annual report under section 101(a)(3). The implementation roadmap shall—

“(i) specify the role of each Federal agency in carrying out or sponsoring research and development to meet the research objectives of the strategic plan, including a description of how progress toward the research objectives will be evaluated, with consideration of any relevant recommendations of the advisory committee;

“(ii) specify the funding allocated to each major research objective of the strategic plan and the source of funding by agency for the current fiscal year; and

“(iii) estimate the funding required for each major research objective of the strategic plan for the next 3 fiscal years.

“(4) RECOMMENDATIONS.—The agencies under subsection (a)(3)(B) shall take into consideration when developing the strategic plan under paragraph (1) the recommendations of—

“(A) the advisory committee under subsection (b); and

“(B) the stakeholders under section 102(a)(3).

“(5) REPORT TO CONGRESS.—The Director of the Office of Science and Technology Policy shall transmit the strategic plan under this subsection, including the implementation roadmap and any updates under paragraph (3), to—

“(A) the advisory committee under subsection (b);

“(B) the Committee on Commerce, Science, and Transportation of the Senate; and

“(C) the Committee on Science and Technology of the House of Representatives.”.

(c) PERIODIC REVIEWS.—Section 101 of the High-Performance Computing Act of 1991 (15 U.S.C. 5511) is amended by adding at the end the following:

“(f) PERIODIC REVIEWS.—The agencies under subsection (a)(3)(B) shall—

“(1) periodically assess the contents and funding levels of the Program Component Areas and restructure the Program when warranted, taking into consideration any relevant recommendations of the advisory committee under subsection (b); and

“(2) ensure that the Program includes national, multi-agency, multi-faceted research and development activities, including activities described in section 104.”.

(d) ADDITIONAL RESPONSIBILITIES OF DIRECTOR.—Section 101(a)(2) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(a)(2)) is amended—

(1) by redesignating subparagraphs (E) and (F) as subparagraphs (G) and (H), respectively; and

(2) by inserting after subparagraph (D) the following:

“(E) encourage and monitor the efforts of the agencies participating in the Program to allocate the level of resources and management attention necessary—

“(i) to ensure that the strategic plan under subsection (e) is developed and executed effectively; and

“(ii) to ensure that the objectives of the Program are met;

“(F) working with the Office of Management and Budget and in coordination with the creation of the database under section 102(c), direct the Office of Science and Technology Policy and the agencies participating in the Program to establish a mechanism (consistent with existing law) to track all ongoing and completed research and development projects and associated funding.”.

(e) ADVISORY COMMITTEE.—Section 101(b) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(b)) is amended—

(1) in paragraph (1)—

(A) by inserting after the first sentence the following: “The co-chairs of the advisory committee shall meet the qualifications of committee members and may be members of the Presidents Council of Advisors on Science and Technology.”; and

(B) by striking “high-performance” in subparagraph (D) and inserting “high-end”; and

(2) by amending paragraph (2) to read as follows:

“(2) In addition to the duties under paragraph (1), the advisory committee shall conduct periodic evaluations of the funding, management, coordination, implementation, and activities of the Program. The advisory committee shall report its findings and recommendations not less frequently than once every 3 fiscal years to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives. The report shall be submitted in conjunction with the update of the strategic plan.”.

(f) REPORT.—Section 101(a)(3) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(a)(3)) is amended—

(1) in subparagraph (C)—

(A) by striking “is submitted,” and inserting “is submitted, the levels for the previous fiscal year;”; and

(B) by striking “each Program Component Area” and inserting “each Program Component Area and each research area supported in accordance with section 104.”;

(2) in subparagraph (D)—

(A) by striking “each Program Component Area,” and inserting “each Program Component Area and each research area supported in accordance with section 104.”;

(B) by striking “is submitted,” and inserting “is submitted, the levels for the previous fiscal year;”; and

(C) by striking “and” after the semicolon;

(3) by redesignating subparagraph (E) as subparagraph (G); and

(4) by inserting after subparagraph (D) the following:

“(E) include a description of how the objectives for each Program Component Area, and the objectives for activities that involve multiple Program Component Areas, relate to the objectives of the Program identified in the strategic plan under subsection (e);

“(F) include—

“(i) a description of the funding required by the Office of Science and Technology Policy to perform the functions under subsections (a) and (c) of section 102 for the next fiscal year by category of activity;

“(ii) a description of the funding required by the Office of Science and Technology Policy to perform the functions under subsections (a) and (c) of section 102 for the current fiscal year by category of activity; and

“(iii) the amount of funding provided for the Office of Science and Technology Policy for the current fiscal year by each agency participating in the Program; and”.

(g) DEFINITIONS.—Section 4 of the High-Performance Computing Act of 1991 (15 U.S.C. 5503) is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(2) by redesignating paragraph (3) as paragraph (6);

(3) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively;

(4) by inserting before paragraph (2), as redesignated, the following:

“(1) ‘cyber-physical systems’ means physical or engineered systems whose networking and information technology functions and physical elements are deeply integrated and are actively connected to the physical world through sensors, actuators, or other means to perform monitoring and control functions;”;

(5) in paragraph (3), as redesignated, by striking “high-performance computing” and inserting “networking and information technology”;

(6) in paragraph (6), as redesignated—

(A) by striking “high-performance computing” and inserting “networking and information technology”; and

(B) by striking “supercomputer” and inserting “high-end computing”;;

(7) in paragraph (5), by striking “network referred to as” and all that follows through the semicolon and inserting “network, including advanced computer networks of Federal agencies and departments”; and

(8) in paragraph (7), as redesignated, by striking “National High-Performance Computing Program” and inserting “networking and information technology research and development program”.

## SEC. 302. RESEARCH IN AREAS OF NATIONAL IMPORTANCE.

(a) RESEARCH IN AREAS OF NATIONAL IMPORTANCE.—Title I of the High-Performance Computing Act of 1991 (15 U.S.C. 5511 et seq.) is amended by adding at the end the following:

## “SEC. 104. RESEARCH IN AREAS OF NATIONAL IMPORTANCE.

“(a) IN GENERAL.—The Program shall encourage agencies under section 101(a)(3)(B) to support, maintain, and improve national, multi-agency, multi-faceted, research and development activities in networking and information technology directed toward application areas that have the potential for significant contributions to national economic competitiveness and for other significant societal benefits.

“(b) TECHNICAL SOLUTIONS.—An activity under subsection (a) shall be designed to advance the development of research discoveries by demonstrating technical solutions to important problems in areas including—

“(1) cybersecurity;

“(2) health care;

“(3) energy management and low-power systems and devices;

“(4) transportation, including surface and air transportation;

“(5) cyber-physical systems;

“(6) large-scale data analysis and modeling of physical phenomena;

“(7) large scale data analysis and modeling of behavioral phenomena;

“(8) supply chain quality and security; and



“(9) privacy protection and protected disclosure of confidential data.

“(c) RECOMMENDATIONS.—The advisory committee under section 101(b) shall make recommendations to the Program for candidate research and development areas for support under this section.

“(d) CHARACTERISTICS.—

“(1) IN GENERAL.—Research and development activities under this section—

“(A) shall include projects selected on the basis of applications for support through a competitive, merit-based process;

“(B) shall leverage, when possible, Federal investments through collaboration with related State initiatives;

“(C) shall include a plan for fostering the transfer of research discoveries and the results of technology demonstration activities, including from institutions of higher education and Federal laboratories, to industry for commercial development;

“(D) shall involve collaborations among researchers in institutions of higher education and industry; and

“(E) may involve collaborations among nonprofit research institutions and Federal laboratories, as appropriate.

“(2) COST-SHARING.—In selecting applications for support, the agencies under section 101(a)(3)(B) shall give special consideration to projects that include cost sharing from non-Federal sources.

“(3) MULTIDISCIPLINARY RESEARCH CENTERS.—Research and development activities under this section shall be supported through multidisciplinary research centers, including Federal laboratories, that are organized to investigate basic research questions and carry out technology demonstration activities in areas described in subsection (a). Research may be carried out through existing multidisciplinary centers, including those authorized under section 7024(b)(2) of the America COMPETES Act (42 U.S.C. 1862o–10(2)).”

(b) CYBER-PHYSICAL SYSTEMS.—Section 101(a)(1) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(a)(1)) is amended—

(1) in subparagraph (H), by striking “and” after the semicolon;

(2) in subparagraph (I), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(J) provide for increased understanding of the scientific principles of cyber-physical systems and improve the methods available for the design, development, and operation of cyber-physical systems that are characterized by high reliability, safety, and security; and

“(K) provide for research and development on human-computer interactions, visualization, and big data.”

(c) TASK FORCE.—Title I of the High-Performance Computing Act of 1991 (15 U.S.C. 5511 et seq.), as amended by section 302(a) of this Act, is amended by adding at the end the following:

**“SEC. 105. TASK FORCE.**

“(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment the Cybersecurity Act of 2012, the Director of the Office of Science and Technology Policy under section 102 shall convene a task force to explore mechanisms for carrying out collaborative research and development activities for cyber-physical systems (including the related technologies required to enable these systems) through a consortium or other appropriate entity with participants from institutions of higher education, Federal laboratories, and industry.

“(b) FUNCTIONS.—The task force shall—

“(1) develop options for a collaborative model and an organizational structure for such entity under which the joint research and development activities could be planned, managed, and conducted effectively, including mechanisms for the allocation of resources among the participants in such entity for support of such activities;

“(2) propose a process for developing a research and development agenda for such entity, including guidelines to ensure an appropriate scope of work focused on nationally significant challenges and requiring collaboration and to ensure the development of related scientific and technological milestones;

“(3) define the roles and responsibilities for the participants from institutions of higher education, Federal laboratories, and industry in such entity;

“(4) propose guidelines for assigning intellectual property rights and for transferring research results to the private sector; and

“(5) make recommendations for how such entity could be funded from Federal, State, and non-governmental sources.

“(c) COMPOSITION.—In establishing the task force under subsection (a), the Director of the Office of Science and Technology Policy shall appoint an equal number of individuals from institutions of higher education and from industry with knowledge and expertise in cyber-physical systems, and may appoint not more than 2 individuals from Federal laboratories.

“(d) REPORT.—Not later than 1 year after the date of enactment of the Cybersecurity Act of 2012, the Director of the Office of Science and Technology Policy shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives a report describing the findings and recommendations of the task force.

“(e) TERMINATION.—The task force shall terminate upon transmittal of the report required under subsection (d).

“(f) COMPENSATION AND EXPENSES.—Members of the task force shall serve without compensation.”

**SEC. 303. PROGRAM IMPROVEMENTS.**

Section 102 of the High-Performance Computing Act of 1991 (15 U.S.C. 5512) is amended to read as follows:

**“SEC. 102. PROGRAM IMPROVEMENTS.**

“(a) FUNCTIONS.—The Director of the Office of Science and Technology Policy shall continue—

“(1) to provide technical and administrative support to—

“(A) the agencies participating in planning and implementing the Program, including support needed to develop the strategic plan under section 101(e); and

“(B) the advisory committee under section 101(b);

“(2) to serve as the primary point of contact on Federal networking and information technology activities for government agencies, academia, industry, professional societies, State computing and networking technology programs, interested citizen groups, and others to exchange technical and programmatic information;

“(3) to solicit input and recommendations from a wide range of stakeholders during the development of each strategic plan under section 101(e) by convening at least 1 workshop with invitees from academia, industry, Federal laboratories, and other relevant organizations and institutions;

“(4) to conduct public outreach, including the dissemination of the advisory commit-

tee's findings and recommendations, as appropriate;

“(5) to promote access to and early application of the technologies, innovations, and expertise derived from Program activities to agency missions and systems across the Federal Government and to United States industry;

“(6) to ensure accurate and detailed budget reporting of networking and information technology research and development investment; and

“(7) to encourage agencies participating in the Program to use existing programs and resources to strengthen networking and information technology education and training, and increase participation in such fields, including by women and underrepresented minorities.

“(b) SOURCE OF FUNDING.—

“(1) IN GENERAL.—The functions under this section shall be supported by funds from each agency participating in the Program.

“(2) SPECIFICATIONS.—The portion of the total budget of the Office of Science and Technology Policy that is provided by each agency participating in the Program for each fiscal year shall be in the same proportion as each agency's share of the total budget for the Program for the previous fiscal year, as specified in the database under section 102(c).

“(c) DATABASE.—

“(1) IN GENERAL.—The Director of the Office of Science and Technology Policy shall develop and maintain a database of projects funded by each agency for the fiscal year for each Program Component Area.

“(2) PUBLIC ACCESSIBILITY.—The Director of the Office of Science and Technology Policy shall make the database accessible to the public.

“(3) DATABASE CONTENTS.—The database shall include, for each project in the database—

“(A) a description of the project;

“(B) each agency, industry, institution of higher education, Federal laboratory, or international institution involved in the project;

“(C) the source funding of the project (set forth by agency);

“(D) the funding history of the project; and

“(E) whether the project has been completed.”

**SEC. 304. IMPROVING EDUCATION OF NETWORKING AND INFORMATION TECHNOLOGY, INCLUDING HIGH PERFORMANCE COMPUTING.**

Section 201(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5521(a)) is amended—

(1) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively; and

(2) by inserting after paragraph (1) the following:

“(2) the National Science Foundation shall use its existing programs, in collaboration with other agencies, as appropriate, to improve the teaching and learning of networking and information technology at all levels of education and to increase participation in networking and information technology fields.”

**SEC. 305. CONFORMING AND TECHNICAL AMENDMENTS TO THE HIGH-PERFORMANCE COMPUTING ACT OF 1991.**

(a) SECTION 3.—Section 3 of the High-Performance Computing Act of 1991 (15 U.S.C. 5502) is amended—

(1) in the matter preceding paragraph (1), by striking “high-performance computing” and inserting “networking and information technology”;

(2) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking “high-performance computing” and inserting “networking and information technology”;

(B) in subparagraphs (A), (F), and (G), by striking “high-performance computing” each place it appears and inserting “networking and information technology”;

(C) in subparagraph (H), by striking “high-performance” and inserting “high-end”;

(3) in paragraph (2)—

(A) by striking “high-performance computing and” and inserting “networking and information technology, and”;

(B) by striking “high-performance computing network” and inserting “networking and information technology”.

(b) TITLE HEADING.—The heading of title I of the High-Performance Computing Act of 1991 (105 Stat. 1595) is amended by striking “**HIGH-PERFORMANCE COMPUTING**” and inserting “**NETWORKING AND INFORMATION TECHNOLOGY**”.

(c) SECTION 101.—Section 101 of the High-Performance Computing Act of 1991 (15 U.S.C. 5511) is amended—

(1) in the section heading, by striking “**HIGH-PERFORMANCE COMPUTING**” and inserting “**NETWORKING AND INFORMATION TECHNOLOGY RESEARCH AND DEVELOPMENT**”;

(2) in subsection (a)—

(A) in the subsection heading, by striking “**NATIONAL HIGH-PERFORMANCE COMPUTING**” and inserting “**NETWORKING AND INFORMATION TECHNOLOGY RESEARCH AND DEVELOPMENT**”;

(B) in paragraph (1)—

(i) by striking “National High-Performance Computing Program” and inserting “networking and information technology research and development program”;

(ii) in subparagraph (A), by striking “high-performance computing, including networking” and inserting “networking and information technology”;

(iii) in subparagraphs (B) and (G), by striking “high-performance” each place it appears and inserting “high-end”;

(iv) in subparagraph (C), by striking “high-performance computing and networking” and inserting “high-end computing, distributed, and networking”;

(C) in paragraph (2)—

(i) in subparagraphs (A) and (C)—

(I) by striking “high-performance computing” each place it appears and inserting “networking and information technology”;

(II) by striking “development, networking,” each place it appears and inserting “development,”;

(ii) in subparagraphs (G) and (H), as redesignated by section 301(d) of this Act, by striking “high-performance” each place it appears and inserting “high-end”;

(3) in subsection (b)(1), in the matter preceding subparagraph (A), by striking “high-performance computing” each place it appears and inserting “networking and information technology”;

(4) in subsection (c)(1)(A), by striking “high-performance computing” and inserting “networking and information technology”.

(d) SECTION 201.—Section 201(a)(1) of the High-Performance Computing Act of 1991 (15 U.S.C. 5521(a)(1)) is amended by striking “high-performance computing and advanced high-speed computer networking” and inserting “networking and information technology research and development”.

(e) SECTION 202.—Section 202(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5522(a)) is amended by striking “high-

performance computing” and inserting “networking and information technology”.

(f) SECTION 203.—Section 203(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5523(a)) is amended—

(1) in paragraph (1), by striking “high-performance computing and networking” and inserting “networking and information technology”;

(2) in paragraph (2)(A), by striking “high-performance” and inserting “high-end”.

(g) SECTION 204.—Section 204 of the High-Performance Computing Act of 1991 (15 U.S.C. 5524) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (A), by striking “high-performance computing systems and networks” and inserting “networking and information technology systems and capabilities”;

(B) in subparagraph (B), by striking “interoperability of high-performance computing systems in networks and for common user interfaces to systems” and inserting “interoperability and usability of networking and information technology systems”;

(C) in subparagraph (C), by striking “high-performance computing” and inserting “networking and information technology”;

(2) in subsection (b)—

(A) by striking “**HIGH-PERFORMANCE COMPUTING AND NETWORK**” in the heading and inserting “**NETWORKING AND INFORMATION TECHNOLOGY**”;

(B) by striking “sensitive”.

(h) SECTION 205.—Section 205(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5525(a)) is amended by striking “computational” and inserting “networking and information technology”.

(i) SECTION 206.—Section 206(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5526(a)) is amended by striking “computational research” and inserting “networking and information technology research”.

(j) SECTION 207.—Section 207 of the High-Performance Computing Act of 1991 (15 U.S.C. 5527) is amended by striking “high-performance computing” and inserting “networking and information technology”.

(k) SECTION 208.—Section 208 of the High-Performance Computing Act of 1991 (15 U.S.C. 5528) is amended—

(1) in the section heading, by striking “**HIGH-PERFORMANCE COMPUTING**” and inserting “**NETWORKING AND INFORMATION TECHNOLOGY**”;

(2) in subsection (a)—

(A) in paragraph (1), by striking “High-performance computing and associated” and inserting “Networking and information”;

(B) in paragraph (2), by striking “high-performance computing” and inserting “networking and information technologies”;

(C) in paragraph (3), by striking “high-performance” and inserting “high-end”;

(D) in paragraph (4), by striking “high-performance computers and associated” and inserting “networking and information”;

(E) in paragraph (5), by striking “high-performance computing and associated” and inserting “networking and information”.

#### SEC. 306. FEDERAL CYBER SCHOLARSHIP-FOR-SERVICE PROGRAM.

(a) IN GENERAL.—The Director of the National Science Foundation, in coordination with the Secretary of Homeland Security, shall carry out a Federal cyber scholarship-for-service program to recruit and train the next generation of information technology professionals and security managers to meet the needs of the cybersecurity mission for the Federal government.

(b) PROGRAM DESCRIPTION AND COMPONENTS.—The program shall—

(1) annually assess the workforce needs of the Federal government for cybersecurity professionals, including network engineers, software engineers, and other experts in order to determine how many scholarships should be awarded annually to ensure that the workforce needs following graduation match the number of scholarships awarded;

(2) provide scholarships for up to 1,000 students per year in their pursuit of undergraduate or graduate degrees in the cybersecurity field, in an amount that may include coverage for full tuition, fees, and a stipend;

(3) require each scholarship recipient, as a condition of receiving a scholarship under the program, to serve in a Federal information technology workforce for a period equal to one and one-half times each year, or partial year, of scholarship received, in addition to an internship in the cybersecurity field, if applicable, following graduation;

(4) provide a procedure for the National Science Foundation or a Federal agency, consistent with regulations of the Office of Personnel Management, to request and fund a security clearance for a scholarship recipient, including providing for clearance during a summer internship and upon graduation;

(5) provide opportunities for students to receive temporary appointments for meaningful employment in the Federal information technology workforce during school vacation periods and for internships.

(c) HIRING AUTHORITY.—

(1) IN GENERAL.—For purposes of any law or regulation governing the appointment of an individual in the Federal civil service, upon the successful completion of the student's studies, a student receiving a scholarship under the program may—

(A) be hired under section 213.3102(r) of title 5, Code of Federal Regulations; and

(B) be exempt from competitive service.

(2) COMPETITIVE SERVICE.—Upon satisfactory fulfillment of the service term under paragraph (1), an individual may be converted to a competitive service position without competition if the individual meets the requirements for that position.

(d) ELIGIBILITY.—The eligibility requirements for a scholarship under this section shall include that a scholarship applicant—

(1) be a citizen of the United States;

(2) be eligible to be granted a security clearance;

(3) maintain a grade point average of 3.2 or above on a 4.0 scale for undergraduate study or a 3.5 or above on a 4.0 scale for postgraduate study;

(4) demonstrate a commitment to a career in improving the security of the information infrastructure; and

(5) has demonstrated a level of proficiency in math or computer sciences.

(e) FAILURE TO COMPLETE SERVICE OBLIGATION.—

(1) IN GENERAL.—A scholarship recipient under this section shall be liable to the United States under paragraph (2) if the scholarship recipient—

(A) fails to maintain an acceptable level of academic standing in the educational institution in which the individual is enrolled, as determined by the Director;

(B) is dismissed from such educational institution for disciplinary reasons;

(C) withdraws from the program for which the award was made before the completion of such program;

(D) declares that the individual does not intend to fulfill the service obligation under this section;

(E) fails to fulfill the service obligation of the individual under this section; or

(F) loses a security clearance or becomes ineligible for a security clearance.

(2) REPAYMENT AMOUNTS.—

(A) LESS THAN 1 YEAR OF SERVICE.—If a circumstance under paragraph (1) occurs before the completion of 1 year of a service obligation under this section, the total amount of awards received by the individual under this section shall be repaid.

(B) ONE OR MORE YEARS OF SERVICE.—If a circumstance described in subparagraph (D) or (E) of paragraph (1) occurs after the completion of 1 year of a service obligation under this section, the total amount of scholarship awards received by the individual under this section, reduced by the ratio of the number of years of service completed divided by the number of years of service required, shall be repaid.

(f) EVALUATION AND REPORT.—The Director of the National Science Foundation shall—

(1) evaluate the success of recruiting individuals for scholarships under this section and of hiring and retaining those individuals in the public sector workforce, including the annual cost and an assessment of how the program actually improves the Federal workforce; and

(2) periodically report the findings under paragraph (1) to Congress.

(g) AUTHORIZATION OF APPROPRIATIONS.—From amounts made available under section 503 of the America COMPETES Reauthorization Act of 2010 (124 Stat. 4005), the Director may use funds to carry out the requirements of this section for fiscal years 2012 through 2013.

#### **SEC. 307. STUDY AND ANALYSIS OF CERTIFICATION AND TRAINING OF INFORMATION INFRASTRUCTURE PROFESSIONALS.**

(a) STUDY.—The President shall enter into an agreement with the National Academies to conduct a comprehensive study of government, academic, and private-sector accreditation, training, and certification programs for personnel working in information infrastructure. The agreement shall require the National Academies to consult with sector coordinating councils and relevant governmental agencies, regulatory entities, and nongovernmental organizations in the course of the study.

(b) SCOPE.—The study shall include—

(1) an evaluation of the body of knowledge and various skills that specific categories of personnel working in information infrastructure should possess in order to secure information systems;

(2) an assessment of whether existing government, academic, and private-sector accreditation, training, and certification programs provide the body of knowledge and various skills described in paragraph (1);

(3) an analysis of any barriers to the Federal Government recruiting and hiring cybersecurity talent, including barriers relating to compensation, the hiring process, job classification, and hiring flexibility; and

(4) an analysis of the sources and availability of cybersecurity talent, a comparison of the skills and expertise sought by the Federal Government and the private sector, an examination of the current and future capacity of United States institutions of higher education, including community colleges, to provide current and future cybersecurity professionals, through education and training activities, with those skills sought by the Federal Government, State and local entities, and the private sector.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Na-

tional Academies shall submit to the President and Congress a report on the results of the study. The report shall include—

(1) findings regarding the state of information infrastructure accreditation, training, and certification programs, including specific areas of deficiency and demonstrable progress; and

(2) recommendations for the improvement of information infrastructure accreditation, training, and certification programs.

#### **SEC. 308. INTERNATIONAL CYBERSECURITY TECHNICAL STANDARDS.**

(a) IN GENERAL.—The Director of the National Institute of Standards and Technology, in coordination with appropriate Federal authorities, shall—

(1) as appropriate, ensure coordination of Federal agencies engaged in the development of international technical standards related to information system security; and

(2) not later than 1 year after the date of enactment of this Act, develop and transmit to Congress a plan for ensuring such Federal agency coordination.

(b) CONSULTATION WITH THE PRIVATE SECTOR.—In carrying out the activities under subsection (a)(1), the Director shall ensure consultation with appropriate private sector stakeholders.

#### **SEC. 309. IDENTITY MANAGEMENT RESEARCH AND DEVELOPMENT.**

The Director of the National Institute of Standards and Technology shall continue a program to support the development of technical standards, metrology, testbeds, and conformance criteria, taking into account appropriate user concerns—

(1) to improve interoperability among identity management technologies;

(2) to strengthen authentication methods of identity management systems;

(3) to improve privacy protection in identity management systems, including health information technology systems, through authentication and security protocols; and

(4) to improve the usability of identity management systems.

#### **SEC. 310. FEDERAL CYBERSECURITY RESEARCH AND DEVELOPMENT.**

(a) NATIONAL SCIENCE FOUNDATION COMPUTER AND NETWORK SECURITY RESEARCH GRANT AREAS.—Section 4(a)(1) of the Cyber Security Research and Development Act (15 U.S.C. 7403(a)(1)) is amended—

(1) in subparagraph (H), by striking “and” after the semicolon;

(2) in subparagraph (I), by striking “property.” and inserting “property;”; and

(3) by adding at the end the following: “(J) secure fundamental protocols that are at the heart of inter-network communications and data exchange;

“(K) system security that addresses the building of secure systems from trusted and untrusted components;

“(L) monitoring and detection; and

“(M) resiliency and rapid recovery methods.”.

(b) NATIONAL SCIENCE FOUNDATION COMPUTER AND NETWORK SECURITY GRANTS.—Section 4(a)(3) of the Cyber Security Research and Development Act (15 U.S.C. 7403(a)(3)) is amended—

(1) in subparagraph (D), by striking “and;”

(2) in subparagraph (E), by striking “2007.” and inserting “2007;”; and

(3) by adding at the end the following: “(F) such funds from amounts made available under section 503 of the America COMPETES Reauthorization Act of 2010 (124 Stat. 4005), as the Director finds necessary to carry out the requirements of this subsection for fiscal years 2012 through 2013.”.

(c) COMPUTER AND NETWORK SECURITY CENTERS.—Section 4(b)(7) of the Cyber Security Research and Development Act (15 U.S.C. 7403(b)(7)) is amended—

(1) in subparagraph (D), by striking “and;”

(2) in subparagraph (E), by striking “2007.” and inserting “2007;”; and

(3) by adding at the end the following: “(F) such funds from amounts made available under section 503 of the America COMPETES Reauthorization Act of 2010 (124 Stat. 4005), as the Director finds necessary to carry out the requirements of this subsection for fiscal years 2012 through 2013.”.

(d) COMPUTER AND NETWORK SECURITY CAPACITY BUILDING GRANTS.—Section 5(a)(6) of the Cyber Security Research and Development Act (15 U.S.C. 7404(a)(6)) is amended—

(1) in subparagraph (D), by striking “and;”

(2) in subparagraph (E), by striking “2007.” and inserting “2007;”; and

(3) by adding at the end the following: “(F) such funds from amounts made available under section 503 of the America COMPETES Reauthorization Act of 2010 (124 Stat. 4005), as the Director finds necessary to carry out the requirements of this subsection for fiscal years 2012 through 2013.”.

(e) SCIENTIFIC AND ADVANCED TECHNOLOGY ACT GRANTS.—Section 5(b)(2) of the Cyber Security Research and Development Act (15 U.S.C. 7404(b)(2)) is amended—

(1) in subparagraph (D), by striking “and;”

(2) in subparagraph (E), by striking “2007.” and inserting “2007;”; and

(3) by adding at the end the following: “(F) such funds from amounts made available under section 503 of the America COMPETES Reauthorization Act of 2010 (124 Stat. 4005), as the Director finds necessary to carry out the requirements of this subsection for fiscal years 2012 through 2013.”.

(f) GRADUATE TRAINEESHIPS IN COMPUTER AND NETWORK SECURITY RESEARCH.—Section 5(c)(7) of the Cyber Security Research and Development Act (15 U.S.C. 7404(c)(7)) is amended—

(1) in subparagraph (D), by striking “and;”

(2) in subparagraph (E), by striking “2007.” and inserting “2007;”; and

(3) by adding at the end the following: “(F) such funds from amounts made available under section 503 of the America COMPETES Reauthorization Act of 2010 (124 Stat. 4005), as the Director finds necessary to carry out the requirements of this subsection for fiscal years 2012 through 2013.”.

**SA 2611.** Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

Beginning on page 45, strike line 1 and all that follows through page 87, line 22, and insert the following:

#### **TITLE II—COORDINATION OF FEDERAL INFORMATION SECURITY POLICY**

##### **SEC. 201. COORDINATION OF FEDERAL INFORMATION SECURITY POLICY.**

(a) IN GENERAL.—Chapter 35 of title 44, United States Code, is amended by striking subchapters II and III and inserting the following:

##### **“SUBCHAPTER II—INFORMATION SECURITY**

##### **“§ 3551. Purposes**

“The purposes of this subchapter are—

“(1) to provide a comprehensive framework for ensuring the effectiveness of information

security controls over information resources that support Federal operations and assets;

“(2) to recognize the highly networked nature of the current Federal computing environment and provide effective government-wide management of policies, directives, standards, and guidelines, as well as effective and nimble oversight of and response to information security risks, including coordination of information security efforts throughout the Federal civilian, national security, and law enforcement communities;

“(3) to provide for development and maintenance of controls required to protect agency information and information systems and contribute to the overall improvement of agency information security posture;

“(4) to provide for the development of tools and methods to assess and respond to real-time situational risk for Federal information system operations and assets; and

“(5) to provide a mechanism for improving agency information security programs through continuous monitoring of agency information systems and streamlined reporting requirements rather than overly prescriptive manual reporting.

#### “§ 3552. Definitions

“In this subchapter:

“(1) **ADEQUATE SECURITY.**—The term ‘adequate security’ means security commensurate with the risk and magnitude of the harm resulting from the unauthorized access to or loss, misuse, destruction, or modification of information.

“(2) **AGENCY.**—The term ‘agency’ has the meaning given the term in section 3502 of title 44.

“(3) **CYBERSECURITY CENTER.**—The term ‘cybersecurity center’ means the Department of Defense Cyber Crime Center, the Intelligence Community Incident Response Center, the United States Cyber Command Joint Operations Center, the National Cyber Investigative Joint Task Force, the National Security Agency/Central Security Service Threat Operations Center, the National Cybersecurity and Communications Integration Center, and any successor center.

“(4) **CYBER THREAT INFORMATION.**—The term ‘cyber threat information’ means information that indicates or describes—

“(A) a technical or operation vulnerability or a cyber threat mitigation measure;

“(B) an action or operation to mitigate a cyber threat;

“(C) malicious reconnaissance, including anomalous patterns of network activity that appear to be transmitted for the purpose of gathering technical information related to a cybersecurity threat;

“(D) a method of defeating a technical control;

“(E) a method of defeating an operational control;

“(F) network activity or protocols known to be associated with a malicious cyber actor or that signify malicious cyber intent;

“(G) a method of causing a user with legitimate access to an information system or information that is stored on, processed by, or transiting an information system to inadvertently enable the defeat of a technical or operational control;

“(H) any other attribute of a cybersecurity threat or cyber defense information that would foster situational awareness of the United States cybersecurity posture, if disclosure of such attribute or information is not otherwise prohibited by law;

“(I) the actual or potential harm caused by a cyber incident, including information exfiltrated when it is necessary in order to

identify or describe a cybersecurity threat; or

“(J) any combination of subparagraphs (A) through (I).

“(5) **DIRECTOR.**—The term ‘Director’ means the Director of the Office of Management and Budget unless otherwise specified.

“(6) **ENVIRONMENT OF OPERATION.**—The term ‘environment of operation’ means the information system and environment in which those systems operate, including changing threats, vulnerabilities, technologies, and missions and business practices.

“(7) **FEDERAL INFORMATION SYSTEM.**—The term ‘Federal information system’ means an information system used or operated by an executive agency, by a contractor of an executive agency, or by another organization on behalf of an executive agency.

“(8) **INCIDENT.**—The term ‘incident’ means an occurrence that—

“(A) actually or imminently jeopardizes the integrity, confidentiality, or availability of an information system or the information that system controls, processes, stores, or transmits; or

“(B) constitutes a violation of law or an imminent threat of violation of a law, a security policy, a security procedure, or an acceptable use policy.

“(9) **INFORMATION RESOURCES.**—The term ‘information resources’ has the meaning given the term in section 3502 of title 44.

“(10) **INFORMATION SECURITY.**—The term ‘information security’ means protecting information and information systems from disruption or unauthorized access, use, disclosure, modification, or destruction in order to provide—

“(A) integrity, by guarding against improper information modification or destruction, including by ensuring information non-repudiation and authenticity;

“(B) confidentiality, by preserving authorized restrictions on access and disclosure, including means for protecting personal privacy and proprietary information; or

“(C) availability, by ensuring timely and reliable access to and use of information.

“(11) **INFORMATION SYSTEM.**—The term ‘information system’ has the meaning given the term in section 3502 of title 44.

“(12) **INFORMATION TECHNOLOGY.**—The term ‘information technology’ has the meaning given the term in section 1101 of title 40.

“(13) **MALICIOUS RECONNAISSANCE.**—The term ‘malicious reconnaissance’ means a method for actively probing or passively monitoring an information system for the purpose of discerning technical vulnerabilities of the information system, if such method is associated with a known or suspected cybersecurity threat.

“(14) **NATIONAL SECURITY SYSTEM.**—

“(A) **IN GENERAL.**—The term ‘national security system’ means any information system (including any telecommunications system) used or operated by an agency or by a contractor of an agency, or other organization on behalf of an agency—

“(i) the function, operation, or use of which—

“(I) involves intelligence activities;

“(II) involves cryptologic activities related to national security;

“(III) involves command and control of military forces;

“(IV) involves equipment that is an integral part of a weapon or weapons system; or

“(V) subject to subparagraph (B), is critical to the direct fulfillment of military or intelligence missions; or

“(ii) is protected at all times by procedures established for information that have been

specifically authorized under criteria established by an Executive Order or an Act of Congress to be kept classified in the interest of national defense or foreign policy.

“(B) **LIMITATION.**—Subparagraph (A)(i)(V) does not include a system that is to be used for routine administrative and business applications (including payroll, finance, logistics, and personnel management applications).

“(15) **OPERATIONAL CONTROL.**—The term ‘operational control’ means a security control for an information system that primarily is implemented and executed by people.

“(16) **PERSON.**—The term ‘person’ has the meaning given the term in section 3502 of title 44.

“(17) **SECRETARY.**—The term ‘Secretary’ means the Secretary of Commerce unless otherwise specified.

“(18) **SECURITY CONTROL.**—The term ‘security control’ means the management, operational, and technical controls, including safeguards or countermeasures, prescribed for an information system to protect the confidentiality, integrity, and availability of the system and its information.

“(19) **SIGNIFICANT CYBER INCIDENT.**—The term ‘significant cyber incident’ means a cyber incident resulting in, or an attempted cyber incident that, if successful, would have resulted in—

“(A) the exfiltration from a Federal information system of data that is essential to the operation of the Federal information system; or

“(B) an incident in which an operational or technical control essential to the security or operation of a Federal information system was defeated.

“(20) **TECHNICAL CONTROL.**—The term ‘technical control’ means a hardware or software restriction on, or audit of, access or use of an information system or information that is stored on, processed by, or transiting an information system that is intended to ensure the confidentiality, integrity, or availability of that system.

#### “§ 3553. Federal information security authority and coordination

“(a) **IN GENERAL.**—The Secretary, in consultation with the Secretary of Homeland Security, shall—

“(1) issue compulsory and binding policies and directives governing agency information security operations, and require implementation of such policies and directives, including—

“(A) policies and directives consistent with the standards and guidelines promulgated under section 11331 of title 40 to identify and provide information security protections prioritized and commensurate with the risk and impact resulting from the unauthorized access, use, disclosure, disruption, modification, or destruction of—

“(i) information collected or maintained by or on behalf of an agency; or

“(ii) information systems used or operated by an agency or by a contractor of an agency or other organization on behalf of an agency;

“(B) minimum operational requirements for Federal Government to protect agency information systems and provide common situational awareness across all agency information systems;

“(C) reporting requirements, consistent with relevant law, regarding information security incidents and cyber threat information;

“(D) requirements for agencywide information security programs;

“(E) performance requirements and metrics for the security of agency information systems;

“(F) training requirements to ensure that agencies are able to fully and timely comply with the policies and directives issued by the Secretary under this subchapter;

“(G) training requirements regarding privacy, civil rights, and civil liberties, and information oversight for agency information security personnel;

“(H) requirements for the annual reports to the Secretary under section 3554(d);

“(I) any other information security operations or information security requirements as determined by the Secretary in coordination with relevant agency heads; and

“(J) coordinating the development of standards and guidelines under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3) with agencies and offices operating or exercising control of national security systems (including the National Security Agency) to assure, to the maximum extent feasible, that such standards and guidelines are complementary with standards and guidelines developed for national security systems;

“(2) review the agencywide information security programs under section 3554; and

“(3) designate an individual or an entity at each cybersecurity center, among other responsibilities—

“(A) to receive reports and information about information security incidents, cyber threat information, and deterioration of security control affecting agency information systems; and

“(B) to act on or share the information under subparagraph (A) in accordance with this subchapter.

“(b) CONSIDERATIONS.—When issuing policies and directives under subsection (a), the Secretary shall consider any applicable standards or guidelines developed by the National Institute of Standards and Technology under section 11331 of title 40.

“(c) LIMITATION OF AUTHORITY.—The authorities of the Secretary under this section shall not apply to national security systems. Information security policies, directives, standards and guidelines for national security systems shall be overseen as directed by the President and, in accordance with that direction, carried out under the authority of the heads of agencies that operate or exercise authority over such national security systems.

“(d) STATUTORY CONSTRUCTION.—Nothing in this subchapter shall be construed to alter or amend any law regarding the authority of any head of an agency over such agency.

#### “§ 3554. Agency responsibilities

“(a) IN GENERAL.—The head of each agency shall—

“(1) be responsible for—

“(A) complying with the policies and directives issued under section 3553;

“(B) providing information security protections commensurate with the risk resulting from unauthorized access, use, disclosure, disruption, modification, or destruction of—

“(i) information collected or maintained by the agency or by a contractor of an agency or other organization on behalf of an agency; and

“(ii) information systems used or operated by an agency or by a contractor of an agency or other organization on behalf of an agency;

“(C) complying with the requirements of this subchapter, including—

“(i) information security standards and guidelines promulgated under section 11331 of title 40;

“(ii) for any national security systems operated or controlled by that agency, information security policies, directives, standards and guidelines issued as directed by the President; and

“(iii) for any non-national security systems operated or controlled by that agency, information security policies, directives, standards and guidelines issued under section 3553;

“(D) ensuring that information security management processes are integrated with agency strategic and operational planning processes;

“(E) reporting and sharing, for an agency operating or exercising control of a national security system, information about information security incidents, cyber threat information, and deterioration of security controls to the individual or entity designated at each cybersecurity center and to other appropriate entities consistent with policies and directives for national security systems issued as directed by the President; and

“(F) reporting and sharing, for those agencies operating or exercising control of non-national security systems, information about information security incidents, cyber threat information, and deterioration of security controls to the individual or entity designated at each cybersecurity center and to other appropriate entities consistent with policies and directives for non-national security systems as prescribed under section 3553(a), including information to assist the entity designated under section 3555(a) with the ongoing security analysis under section 3555;

“(2) ensure that each senior agency official provides information security for the information and information systems that support the operations and assets under the senior agency official's control, including by—

“(A) assessing the risk and impact that could result from the unauthorized access, use, disclosure, disruption, modification, or destruction of such information or information systems;

“(B) determining the level of information security appropriate to protect such information and information systems in accordance with policies and directives issued under section 3553(a), and standards and guidelines promulgated under section 11331 of title 40 for information security classifications and related requirements;

“(C) implementing policies, procedures, and capabilities to reduce risks to an acceptable level in a cost-effective manner;

“(D) actively monitoring the effective implementation of information security controls and techniques; and

“(E) reporting information about information security incidents, cyber threat information, and deterioration of security controls in a timely and adequate manner to the entity designated under section 3553(a)(3) in accordance with paragraph (1);

“(3) assess and maintain the resiliency of information technology systems critical to agency mission and operations;

“(4) designate the agency Inspector General (or an independent entity selected in consultation with the Director and the Council of Inspectors General on Integrity and Efficiency if the agency does not have an Inspector General) to conduct the annual independent evaluation required under section 3556, and allow the agency Inspector General to contract with an independent entity to perform such evaluation;

“(5) delegate to the Chief Information Officer or equivalent (or to a senior agency official who reports to the Chief Information Officer or equivalent)—

“(A) the authority and primary responsibility to implement an agencywide information security program; and

“(B) the authority to provide information security for the information collected and maintained by the agency (or by a contractor, other agency, or other source on behalf of the agency) and for the information systems that support the operations, assets, and mission of the agency (including any information system provided or managed by a contractor, other agency, or other source on behalf of the agency);

“(6) delegate to the appropriate agency official (who is responsible for a particular agency system or subsystem) the responsibility to ensure and enforce compliance with all requirements of the agency's agencywide information security program in coordination with the Chief Information Officer or equivalent (or the senior agency official who reports to the Chief Information Officer or equivalent) under paragraph (5);

“(7) ensure that an agency has trained personnel who have obtained any necessary security clearances to permit them to assist the agency in complying with this subchapter;

“(8) ensure that the Chief Information Officer or equivalent (or the senior agency official who reports to the Chief Information Officer or equivalent) under paragraph (5), in coordination with other senior agency officials, reports to the agency head on the effectiveness of the agencywide information security program, including the progress of any remedial actions; and

“(9) ensure that the Chief Information Officer or equivalent (or the senior agency official who reports to the Chief Information Officer or equivalent) under paragraph (5) has the necessary qualifications to administer the functions described in this subchapter and has information security duties as a primary duty of that official.

“(b) CHIEF INFORMATION OFFICERS.—Each Chief Information Officer or equivalent (or the senior agency official who reports to the Chief Information Officer or equivalent) under subsection (a)(5) shall—

“(1) establish and maintain an enterprise security operations capability that on a continuous basis—

“(A) detects, reports, contains, mitigates, and responds to information security incidents that impair adequate security of the agency's information or information system in a timely manner and in accordance with the policies and directives under section 3553; and

“(B) reports any information security incident under subparagraph (A) to the entity designated under section 3555;

“(2) develop, maintain, and oversee an agencywide information security program;

“(3) develop, maintain, and oversee information security policies, procedures, and control techniques to address applicable requirements, including requirements under section 3553 of this title and section 11331 of title 40; and

“(4) train and oversee the agency personnel who have significant responsibility for information security with respect to that responsibility.

“(c) AGENCYWIDE INFORMATION SECURITY PROGRAMS.—

“(1) IN GENERAL.—Each agencywide information security program under subsection (b)(2) shall include—

“(A) relevant security risk assessments, including technical assessments and others related to the acquisition process;

“(B) security testing commensurate with risk and impact;

“(C) mitigation of deterioration of security controls commensurate with risk and impact;

“(D) risk-based continuous monitoring and threat assessment of the operational status and security of agency information systems to enable evaluation of the effectiveness of and compliance with information security policies, procedures, and practices, including a relevant and appropriate selection of security controls of information systems identified in the inventory under section 3505(c);

“(E) operation of appropriate technical capabilities in order to detect, mitigate, report, and respond to information security incidents, cyber threat information, and deterioration of security controls in a manner that is consistent with the policies and directives under section 3553, including—

“(i) mitigating risks associated with such information security incidents;

“(ii) notifying and consulting with the entity designated under section 3555; and

“(iii) notifying and consulting with, as appropriate—

“(I) law enforcement and the relevant Office of the Inspector General; and

“(II) any other entity, in accordance with law and as directed by the President;

“(F) a process to ensure that remedial action is taken to address any deficiencies in the information security policies, procedures, and practices of the agency; and

“(G) a plan and procedures to ensure the continuity of operations for information systems that support the operations and assets of the agency.

“(2) RISK MANAGEMENT STRATEGIES.—Each agencywide information security program under subsection (b)(2) shall include the development and maintenance of a risk management strategy for information security. The risk management strategy shall include—

“(A) consideration of information security incidents, cyber threat information, and deterioration of security controls; and

“(B) consideration of the consequences that could result from the unauthorized access, use, disclosure, disruption, modification, or destruction of information and information systems that support the operations and assets of the agency, including any information system provided or managed by a contractor, other agency, or other source on behalf of the agency;

“(3) POLICIES AND PROCEDURES.—Each agencywide information security program under subsection (b)(2) shall include policies and procedures that—

“(A) are based on the risk management strategy under paragraph (2);

“(B) reduce information security risks to an acceptable level in a cost-effective manner;

“(C) ensure that cost-effective and adequate information security is addressed as part of the acquisition and ongoing management of each agency information system; and

“(D) ensure compliance with—

“(i) this subchapter; and

“(ii) any other applicable requirements.

“(4) TRAINING REQUIREMENTS.—Each agencywide information security program under subsection (b)(2) shall include information security, privacy, civil rights, civil liberties, and information oversight training that meets any applicable requirements under section 3553. The training shall inform each information security personnel that has access to agency information systems (including contractors and other users of information systems that support the operations and assets of the agency) of—

“(A) the information security risks associated with the information security personnel’s activities; and

“(B) the individual’s responsibility to comply with the agency policies and procedures that reduce the risks under subparagraph (A).

“(d) ANNUAL REPORT.—Each agency shall submit a report annually to the Secretary of Homeland Security on its agencywide information security program and information systems.

#### “§ 3555. Multiagency ongoing threat assessment

“(a) IMPLEMENTATION.—The Director of the Office of Management and Budget, in coordination with the Secretary of Homeland Security, shall designate an entity to implement ongoing security analysis concerning agency information systems—

“(1) based on cyber threat information;

“(2) based on agency information system and environment of operation changes, including—

“(A) an ongoing evaluation of the information system security controls; and

“(B) the security state, risk level, and environment of operation of an agency information system, including—

“(i) a change in risk level due to a new cyber threat;

“(ii) a change resulting from a new technology;

“(iii) a change resulting from the agency’s mission; and

“(iv) a change resulting from the business practice; and

“(3) using automated processes to the maximum extent possible—

“(A) to increase information system security;

“(B) to reduce paper-based reporting requirements; and

“(C) to maintain timely and actionable knowledge of the state of the information system security.

“(b) STANDARDS.—The National Institute of Standards and Technology may promulgate standards, in coordination with the Secretary of Homeland Security, to assist an agency with its duties under this section.

“(c) COMPLIANCE.—The head of each appropriate department and agency shall be responsible for ensuring compliance and implementing necessary procedures to comply with this section. The head of each appropriate department and agency, in consultation with the Director of the Office of Management and Budget and the Secretary of Homeland Security, shall—

“(1) monitor compliance under this section;

“(2) develop a timeline and implement for the department or agency—

“(A) adoption of any technology, system, or method that facilitates continuous monitoring and threat assessments of an agency information system;

“(B) adoption or updating of any technology, system, or method that prevents, detects, or remediates a significant cyber incident to a Federal information system of the department or agency that has impeded, or is reasonably likely to impede, the performance of a critical mission of the department or agency; and

“(C) adoption of any technology, system, or method that satisfies a requirement under this section.

“(d) LIMITATION OF AUTHORITY.—The authorities of the Director of the Office of Management and Budget and of the Secretary of Homeland Security under this section shall not apply to national security systems.

“(e) REPORT.—Not later than 6 months after the date of enactment of the Cybersecurity Act of 2012, the Government Accountability Office shall issue a report evaluating each agency’s status toward implementing this section.

#### “§ 3556. Independent evaluations

“(a) IN GENERAL.—The Council of the Inspectors General on Integrity and Efficiency, in consultation with the Director and the Secretary of Homeland Security, the Secretary of Commerce, and the Secretary of Defense, shall issue and maintain criteria for the timely, cost-effective, risk-based, and independent evaluation of each agencywide information security program (and practices) to determine the effectiveness of the agencywide information security program (and practices). The criteria shall include measures to assess any conflicts of interest in the performance of the evaluation and whether the agencywide information security program includes appropriate safeguards against disclosure of information where such disclosure may adversely affect information security.

“(b) ANNUAL INDEPENDENT EVALUATIONS.—Each agency shall perform an annual independent evaluation of its agencywide information security program (and practices) in accordance with the criteria under subsection (a).

“(c) DISTRIBUTION OF REPORTS.—Not later than 30 days after receiving an independent evaluation under subsection (b), each agency head shall transmit a copy of the independent evaluation to the Secretary of Homeland Security, the Secretary of Commerce, and the Secretary of Defense.

“(d) NATIONAL SECURITY SYSTEMS.—Evaluations involving national security systems shall be conducted as directed by President.

#### “§ 3557. National security systems.

“The head of each agency operating or exercising control of a national security system shall be responsible for ensuring that the agency—

“(1) provides information security protections commensurate with the risk and magnitude of the harm resulting from the unauthorized access, use, disclosure, disruption, modification, or destruction of the information contained in such system; and

“(2) implements information security policies and practices as required by standards and guidelines for national security systems, issued in accordance with law and as directed by the President.”

“(b) SAVINGS PROVISIONS.—

(1) POLICY AND COMPLIANCE GUIDANCE.—Policy and compliance guidance issued by the Director before the date of enactment of this Act under section 3543(a)(1) of title 44, United States Code (as in effect on the day before the date of enactment of this Act), shall continue in effect, according to its terms, until modified, terminated, superseded, or repealed pursuant to section 3553(a)(1) of title 44, United States Code.

(2) STANDARDS AND GUIDELINES.—Standards and guidelines issued by the Secretary of Commerce or by the Director before the date of enactment of this Act under section 11331(a)(1) of title 40, United States Code, (as in effect on the day before the date of enactment of this Act) shall continue in effect, according to their terms, until modified, terminated, superseded, or repealed pursuant to section 11331(a)(1) of title 40, United States Code, as amended by this Act.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) CHAPTER ANALYSIS.—The chapter analysis for chapter 35 of title 44, United States Code, is amended—



(A) by striking the items relating to sections 3531 through 3538;

(B) by striking the items relating to sections 3541 through 3549; and

(C) by inserting the following:

“3551. Purposes.

“3552. Definitions.

“3553. Federal information security authority and coordination.

“3554. Agency responsibilities.

“3555. Multiagency ongoing threat assessment.

“3556. Independent evaluations.

“3557. National security systems.”.

(2) OTHER REFERENCES.—

(A) Section 1001(c)(1)(A) of the Homeland Security Act of 2002 (6 U.S.C. 511(1)(A)) is amended by striking “section 3532(3)” and inserting “section 3552”.

(B) Section 2222(j)(5) of title 10, United States Code, is amended by striking “section 3542(b)(2)” and inserting “section 3552”.

(C) Section 2223(c)(3) of title 10, United States Code, is amended, by striking “section 3542(b)(2)” and inserting “section 3552”.

(D) Section 2315 of title 10, United States Code, is amended by striking “section 3542(b)(2)” and inserting “section 3552”.

(E) Section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3) is amended—

(i) in subsection (a)(2), by striking “section 3532(b)(2)” and inserting “section 3552”;

(ii) in subsection (c)(3), by striking “Director of the Office of Management and Budget” and inserting “Secretary of Commerce”;

(iii) in subsection (d)(1), by striking “Director of the Office of Management and Budget” and inserting “Secretary of Commerce”;

(iv) in subsection (d)(8) by striking “Director of the Office of Management and Budget” and inserting “Secretary of Commerce”;

(v) in subsection (d)(8), by striking “submitted to the Director” and inserting “submitted to the Secretary”;

(vi) in subsection (e)(2), by striking “section 3532(1) of such title” and inserting “section 3552 of title 44”; and

(vii) in subsection (e)(5), by striking “section 3532(b)(2) of such title” and inserting “section 3552 of title 44”.

(F) Section 8(d)(1) of the Cyber Security Research and Development Act (15 U.S.C. 7406(d)(1)) is amended by striking “section 3534(b)” and inserting “section 3554(b)(2)”.

## SEC. 202. MANAGEMENT OF INFORMATION TECHNOLOGY.

(a) IN GENERAL.—Section 11331 of title 40, United States Code, is amended to read as follows:

### “§ 11331. Responsibilities for Federal information systems standards

“(a) STANDARDS AND GUIDELINES.—

“(1) AUTHORITY TO PRESCRIBE.—Except as provided under paragraph (2), the Secretary of Commerce shall prescribe standards and guidelines pertaining to Federal information systems—

“(A) in consultation with the Secretary of Homeland Security; and

“(B) on the basis of standards and guidelines developed by the National Institute of Standards and Technology under paragraphs (2) and (3) of section 20(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3(a)(2) and (a)(3)).

“(2) NATIONAL SECURITY SYSTEMS.—Standards and guidelines for national security systems shall be developed, prescribed, enforced, and overseen as otherwise authorized by law and as directed by the President.

“(b) MANDATORY STANDARDS AND GUIDELINES.—

“(1) AUTHORITY TO MAKE MANDATORY STANDARDS AND GUIDELINES.—The Secretary of Commerce shall make standards and guidelines under subsection (a)(1) compulsory and binding to the extent determined necessary by the Secretary of Commerce to improve the efficiency of operation or security of Federal information systems.

“(2) REQUIRED MANDATORY STANDARDS AND GUIDELINES.—

“(A) IN GENERAL.—Standards and guidelines under subsection (a)(1) shall include information security standards that—

“(i) provide minimum information security requirements as determined under section 20(b) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3(b)); and

“(ii) are otherwise necessary to improve the security of Federal information and information systems.

“(B) BINDING EFFECT.—Information security standards under subparagraph (A) shall be compulsory and binding.

“(c) EXERCISE OF AUTHORITY.—To ensure fiscal and policy consistency, the Secretary of Commerce shall exercise the authority conferred by this section subject to direction by the President and in coordination with the Director.

“(d) APPLICATION OF MORE STRINGENT STANDARDS AND GUIDELINES.—The head of an executive agency may employ standards for the cost-effective information security for information systems within or under the supervision of that agency that are more stringent than the standards and guidelines the Secretary of Commerce prescribes under this section if the more stringent standards and guidelines—

“(1) contain at least the applicable standards and guidelines made compulsory and binding by the Secretary of Commerce; and

“(2) are otherwise consistent with the policies, directives, and implementation memoranda issued under section 3553(a) of title 44.

“(e) DECISIONS ON PROMULGATION OF STANDARDS AND GUIDELINES.—The decision by the Secretary of Commerce regarding the promulgation of any standard or guideline under this section shall occur not later than 6 months after the date of submission of the proposed standard to the Secretary of Commerce by the National Institute of Standards and Technology under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3).

“(f) NOTICE AND COMMENT.—A decision by the Secretary of Commerce to significantly modify, or not promulgate, a proposed standard submitted to the Secretary by the National Institute of Standards and Technology under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3) shall be made after the public is given an opportunity to comment on the Secretary’s proposed decision.

“(g) DEFINITIONS.—In this section:

“(1) FEDERAL INFORMATION SYSTEM.—The term ‘Federal information system’ has the meaning given the term in section 3552 of title 44.

“(2) INFORMATION SECURITY.—The term ‘information security’ has the meaning given the term in section 3552 of title 44.

“(3) NATIONAL SECURITY SYSTEM.—The term ‘national security system’ has the meaning given the term in section 3552 of title 44.”.

## SEC. 203. NO NEW FUNDING.

An applicable Federal agency shall carry out the provisions of this title with existing facilities and funds otherwise available, through such means as the head of the agency considers appropriate.

## SEC. 204. TECHNICAL AND CONFORMING AMENDMENTS.

Section 21(b) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–4(b)) is amended—

(1) in paragraph (2), by striking “and the Director of the Office of Management and Budget” and inserting “, the Secretary of Commerce, and the Secretary of Homeland Security”; and

(2) in paragraph (3), by inserting “, the Secretary of Homeland Security,” after “the Secretary of Commerce”.

## SEC. 205. CLARIFICATION OF AUTHORITIES.

Nothing in this title shall be construed to convey any new regulatory authority to any government entity implementing or complying with any provision of this title.

**SA 2612.** Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

Beginning on page 45, strike line 1 and all that follows through the undesignated matter between lines 7 and 8 on page 106, and insert the following:

### TITLE II—COORDINATION OF FEDERAL INFORMATION SECURITY POLICY

## SEC. 201. COORDINATION OF FEDERAL INFORMATION SECURITY POLICY.

(a) IN GENERAL.—Chapter 35 of title 44, United States Code, is amended by striking subchapters II and III and inserting the following:

### “SUBCHAPTER II—INFORMATION SECURITY

#### “§ 3551. Purposes

“The purposes of this subchapter are—

“(1) to provide a comprehensive framework for ensuring the effectiveness of information security controls over information resources that support Federal operations and assets;

“(2) to recognize the highly networked nature of the current Federal computing environment and provide effective government-wide management of policies, directives, standards, and guidelines, as well as effective and nimble oversight of and response to information security risks, including coordination of information security efforts throughout the Federal civilian, national security, and law enforcement communities;

“(3) to provide for development and maintenance of controls required to protect agency information and information systems and contribute to the overall improvement of agency information security posture;

“(4) to provide for the development of tools and methods to assess and respond to real-time situational risk for Federal information system operations and assets; and

“(5) to provide a mechanism for improving agency information security programs through continuous monitoring of agency information systems and streamlined reporting requirements rather than overly prescriptive manual reporting.

#### “§ 3552. Definitions

“In this subchapter:

“(1) ADEQUATE SECURITY.—The term ‘adequate security’ means security commensurate with the risk and magnitude of the harm resulting from the unauthorized access to or loss, misuse, destruction, or modification of information.

“(2) AGENCY.—The term ‘agency’ has the meaning given the term in section 3502 of title 44.



“(3) CYBERSECURITY CENTER.—The term ‘cybersecurity center’ means the Department of Defense Cyber Crime Center, the Intelligence Community Incident Response Center, the United States Cyber Command Joint Operations Center, the National Cyber Investigative Joint Task Force, the National Security Agency/Central Security Service Threat Operations Center, the National Cybersecurity and Communications Integration Center, and any successor center.

“(4) CYBER THREAT INFORMATION.—The term ‘cyber threat information’ means information that indicates or describes—

“(A) a technical or operation vulnerability or a cyber threat mitigation measure;

“(B) an action or operation to mitigate a cyber threat;

“(C) malicious reconnaissance, including anomalous patterns of network activity that appear to be transmitted for the purpose of gathering technical information related to a cybersecurity threat;

“(D) a method of defeating a technical control;

“(E) a method of defeating an operational control;

“(F) network activity or protocols known to be associated with a malicious cyber actor or that signify malicious cyber intent;

“(G) a method of causing a user with legitimate access to an information system or information that is stored on, processed by, or transiting an information system to inadvertently enable the defeat of a technical or operational control;

“(H) any other attribute of a cybersecurity threat or cyber defense information that would foster situational awareness of the United States cybersecurity posture, if disclosure of such attribute or information is not otherwise prohibited by law;

“(I) the actual or potential harm caused by a cyber incident, including information exfiltrated when it is necessary in order to identify or describe a cybersecurity threat; or

“(J) any combination of subparagraphs (A) through (I).

“(5) DIRECTOR.—The term ‘Director’ means the Director of the Office of Management and Budget unless otherwise specified.

“(6) ENVIRONMENT OF OPERATION.—The term ‘environment of operation’ means the information system and environment in which those systems operate, including changing threats, vulnerabilities, technologies, and missions and business practices.

“(7) FEDERAL INFORMATION SYSTEM.—The term ‘Federal information system’ means an information system used or operated by an executive agency, by a contractor of an executive agency, or by another organization on behalf of an executive agency.

“(8) INCIDENT.—The term ‘incident’ means an occurrence that—

“(A) actually or imminently jeopardizes the integrity, confidentiality, or availability of an information system or the information that system controls, processes, stores, or transmits; or

“(B) constitutes a violation of law or an imminent threat of violation of a law, a security policy, a security procedure, or an acceptable use policy.

“(9) INFORMATION RESOURCES.—The term ‘information resources’ has the meaning given the term in section 3502 of title 44.

“(10) INFORMATION SECURITY.—The term ‘information security’ means protecting information and information systems from disruption or unauthorized access, use, disclosure, modification, or destruction in order to provide—

“(A) integrity, by guarding against improper information modification or destruction, including by ensuring information non-repudiation and authenticity;

“(B) confidentiality, by preserving authorized restrictions on access and disclosure, including means for protecting personal privacy and proprietary information; or

“(C) availability, by ensuring timely and reliable access to and use of information.

“(11) INFORMATION SYSTEM.—The term ‘information system’ has the meaning given the term in section 3502 of title 44.

“(12) INFORMATION TECHNOLOGY.—The term ‘information technology’ has the meaning given the term in section 11101 of title 40.

“(13) MALICIOUS RECONNAISSANCE.—The term ‘malicious reconnaissance’ means a method for actively probing or passively monitoring an information system for the purpose of discerning technical vulnerabilities of the information system, if such method is associated with a known or suspected cybersecurity threat.

“(14) NATIONAL SECURITY SYSTEM.—

“(A) IN GENERAL.—The term ‘national security system’ means any information system (including any telecommunications system) used or operated by an agency or by a contractor of an agency, or other organization on behalf of an agency—

“(i) the function, operation, or use of which—

“(I) involves intelligence activities;

“(II) involves cryptologic activities related to national security;

“(III) involves command and control of military forces;

“(IV) involves equipment that is an integral part of a weapon or weapons system; or

“(V) subject to subparagraph (B), is critical to the direct fulfillment of military or intelligence missions; or

“(ii) is protected at all times by procedures established for information that have been specifically authorized under criteria established by an Executive Order or an Act of Congress to be kept classified in the interest of national defense or foreign policy.

“(B) LIMITATION.—Subparagraph (A)(i)(V) does not include a system that is to be used for routine administrative and business applications (including payroll, finance, logistics, and personnel management applications).

“(15) OPERATIONAL CONTROL.—The term ‘operational control’ means a security control for an information system that primarily is implemented and executed by people.

“(16) PERSON.—The term ‘person’ has the meaning given the term in section 3502 of title 44.

“(17) SECRETARY.—The term ‘Secretary’ means the Secretary of Commerce unless otherwise specified.

“(18) SECURITY CONTROL.—The term ‘security control’ means the management, operational, and technical controls, including safeguards or countermeasures, prescribed for an information system to protect the confidentiality, integrity, and availability of the system and its information.

“(19) SIGNIFICANT CYBER INCIDENT.—The term ‘significant cyber incident’ means a cyber incident resulting in, or an attempted cyber incident that, if successful, would have resulted in—

“(A) the exfiltration from a Federal information system of data that is essential to the operation of the Federal information system; or

“(B) an incident in which an operational or technical control essential to the security or

operation of a Federal information system was defeated.

“(20) TECHNICAL CONTROL.—The term ‘technical control’ means a hardware or software restriction on, or audit of, access or use of an information system or information that is stored on, processed by, or transiting an information system that is intended to ensure the confidentiality, integrity, or availability of that system.

#### “§ 3553. Federal information security authority and coordination

“(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Homeland Security, shall—

“(1) issue compulsory and binding policies and directives governing agency information security operations, and require implementation of such policies and directives, including—

“(A) policies and directives consistent with the standards and guidelines promulgated under section 11331 of title 40 to identify and provide information security protections prioritized and commensurate with the risk and impact resulting from the unauthorized access, use, disclosure, disruption, modification, or destruction of—

“(i) information collected or maintained by or on behalf of an agency; or

“(ii) information systems used or operated by an agency or by a contractor of an agency or other organization on behalf of an agency;

“(B) minimum operational requirements for Federal Government to protect agency information systems and provide common situational awareness across all agency information systems;

“(C) reporting requirements, consistent with relevant law, regarding information security incidents and cyber threat information;

“(D) requirements for agencywide information security programs;

“(E) performance requirements and metrics for the security of agency information systems;

“(F) training requirements to ensure that agencies are able to fully and timely comply with the policies and directives issued by the Secretary under this subchapter;

“(G) training requirements regarding privacy, civil rights, and civil liberties, and information oversight for agency information security personnel;

“(H) requirements for the annual reports to the Secretary under section 3554(d);

“(I) any other information security operations or information security requirements as determined by the Secretary in coordination with relevant agency heads; and

“(J) coordinating the development of standards and guidelines under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3) with agencies and offices operating or exercising control of national security systems (including the National Security Agency) to assure, to the maximum extent feasible, that such standards and guidelines are complementary with standards and guidelines developed for national security systems;

“(2) review the agencywide information security programs under section 3554; and

“(3) designate an individual or an entity at each cybersecurity center, among other responsibilities—

“(A) to receive reports and information about information security incidents, cyber threat information, and deterioration of security control affecting agency information systems; and

“(B) to act on or share the information under subparagraph (A) in accordance with this subchapter.

“(b) CONSIDERATIONS.—When issuing policies and directives under subsection (a), the Secretary shall consider any applicable standards or guidelines developed by the National Institute of Standards and Technology under section 11331 of title 40.

“(c) LIMITATION OF AUTHORITY.—The authorities of the Secretary under this section shall not apply to national security systems. Information security policies, directives, standards and guidelines for national security systems shall be overseen as directed by the President and, in accordance with that direction, carried out under the authority of the heads of agencies that operate or exercise authority over such national security systems.

“(d) STATUTORY CONSTRUCTION.—Nothing in this subchapter shall be construed to alter or amend any law regarding the authority of any head of an agency over such agency.

#### “§ 3554. Agency responsibilities

“(a) IN GENERAL.—The head of each agency shall—

“(1) be responsible for—

“(A) complying with the policies and directives issued under section 3553;

“(B) providing information security protections commensurate with the risk resulting from unauthorized access, use, disclosure, disruption, modification, or destruction of—

“(i) information collected or maintained by the agency or by a contractor of an agency or other organization on behalf of an agency; and

“(ii) information systems used or operated by an agency or by a contractor of an agency or other organization on behalf of an agency;

“(C) complying with the requirements of this subchapter, including—

“(i) information security standards and guidelines promulgated under section 11331 of title 40;

“(ii) for any national security systems operated or controlled by that agency, information security policies, directives, standards and guidelines issued as directed by the President; and

“(iii) for any non-national security systems operated or controlled by that agency, information security policies, directives, standards and guidelines issued under section 3553;

“(D) ensuring that information security management processes are integrated with agency strategic and operational planning processes;

“(E) reporting and sharing, for an agency operating or exercising control of a national security system, information about information security incidents, cyber threat information, and deterioration of security controls to the individual or entity designated at each cybersecurity center and to other appropriate entities consistent with policies and directives for national security systems issued as directed by the President; and

“(F) reporting and sharing, for those agencies operating or exercising control of non-national security systems, information about information security incidents, cyber threat information, and deterioration of security controls to the individual or entity designated at each cybersecurity center and to other appropriate entities consistent with policies and directives for non-national security systems as prescribed under section 3553(a), including information to assist the entity designated under section 3555(a) with the ongoing security analysis under section 3555;

“(2) ensure that each senior agency official provides information security for the information and information systems that support the operations and assets under the senior agency official's control, including by—

“(A) assessing the risk and impact that could result from the unauthorized access, use, disclosure, disruption, modification, or destruction of such information or information systems;

“(B) determining the level of information security appropriate to protect such information and information systems in accordance with policies and directives issued under section 3553(a), and standards and guidelines promulgated under section 11331 of title 40 for information security classifications and related requirements;

“(C) implementing policies, procedures, and capabilities to reduce risks to an acceptable level in a cost-effective manner;

“(D) actively monitoring the effective implementation of information security controls and techniques; and

“(E) reporting information about information security incidents, cyber threat information, and deterioration of security controls in a timely and adequate manner to the entity designated under section 3553(a)(3) in accordance with paragraph (1);

“(3) assess and maintain the resiliency of information technology systems critical to agency mission and operations;

“(4) designate the agency Inspector General (or an independent entity selected in consultation with the Director and the Council of Inspectors General on Integrity and Efficiency if the agency does not have an Inspector General) to conduct the annual independent evaluation required under section 3556, and allow the agency Inspector General to contract with an independent entity to perform such evaluation;

“(5) delegate to the Chief Information Officer or equivalent (or to a senior agency official who reports to the Chief Information Officer or equivalent)—

“(A) the authority and primary responsibility to implement an agencywide information security program; and

“(B) the authority to provide information security for the information collected and maintained by the agency (or by a contractor, other agency, or other source on behalf of the agency) and for the information systems that support the operations, assets, and mission of the agency (including any information system provided or managed by a contractor, other agency, or other source on behalf of the agency);

“(6) delegate to the appropriate agency official (who is responsible for a particular agency system or subsystem) the responsibility to ensure and enforce compliance with all requirements of the agency's agencywide information security program in coordination with the Chief Information Officer or equivalent (or the senior agency official who reports to the Chief Information Officer or equivalent) under paragraph (5);

“(7) ensure that an agency has trained personnel who have obtained any necessary security clearances to permit them to assist the agency in complying with this subchapter;

“(8) ensure that the Chief Information Officer or equivalent (or the senior agency official who reports to the Chief Information Officer or equivalent) under paragraph (5), in coordination with other senior agency officials, reports to the agency head on the effectiveness of the agencywide information security program, including the progress of any remedial actions; and

“(9) ensure that the Chief Information Officer or equivalent (or the senior agency official who reports to the Chief Information Officer or equivalent) under paragraph (5) has the necessary qualifications to administer the functions described in this subchapter and has information security duties as a primary duty of that official.

“(b) CHIEF INFORMATION OFFICERS.—Each Chief Information Officer or equivalent (or the senior agency official who reports to the Chief Information Officer or equivalent) under subsection (a)(5) shall—

“(1) establish and maintain an enterprise security operations capability that on a continuous basis—

“(A) detects, reports, contains, mitigates, and responds to information security incidents that impair adequate security of the agency's information or information system in a timely manner and in accordance with the policies and directives under section 3553; and

“(B) reports any information security incident under subparagraph (A) to the entity designated under section 3555;

“(2) develop, maintain, and oversee an agencywide information security program;

“(3) develop, maintain, and oversee information security policies, procedures, and control techniques to address applicable requirements, including requirements under section 3553 of this title and section 11331 of title 40; and

“(4) train and oversee the agency personnel who have significant responsibility for information security with respect to that responsibility.

“(c) AGENCYWIDE INFORMATION SECURITY PROGRAMS.—

“(1) IN GENERAL.—Each agencywide information security program under subsection (b)(2) shall include—

“(A) relevant security risk assessments, including technical assessments and others related to the acquisition process;

“(B) security testing commensurate with risk and impact;

“(C) mitigation of deterioration of security controls commensurate with risk and impact;

“(D) risk-based continuous monitoring and threat assessment of the operational status and security of agency information systems to enable evaluation of the effectiveness of and compliance with information security policies, procedures, and practices, including a relevant and appropriate selection of security controls of information systems identified in the inventory under section 3505(c);

“(E) operation of appropriate technical capabilities in order to detect, mitigate, report, and respond to information security incidents, cyber threat information, and deterioration of security controls in a manner that is consistent with the policies and directives under section 3553, including—

“(i) mitigating risks associated with such information security incidents;

“(ii) notifying and consulting with the entity designated under section 3555; and

“(iii) notifying and consulting with, as appropriate—

“(I) law enforcement and the relevant Office of the Inspector General; and

“(II) any other entity, in accordance with law and as directed by the President;

“(F) a process to ensure that remedial action is taken to address any deficiencies in the information security policies, procedures, and practices of the agency; and

“(G) a plan and procedures to ensure the continuity of operations for information systems that support the operations and assets of the agency.

“(2) RISK MANAGEMENT STRATEGIES.—Each agencywide information security program under subsection (b)(2) shall include the development and maintenance of a risk management strategy for information security. The risk management strategy shall include—

“(A) consideration of information security incidents, cyber threat information, and deterioration of security controls; and

“(B) consideration of the consequences that could result from the unauthorized access, use, disclosure, disruption, modification, or destruction of information and information systems that support the operations and assets of the agency, including any information system provided or managed by a contractor, other agency, or other source on behalf of the agency;

“(3) POLICIES AND PROCEDURES.—Each agencywide information security program under subsection (b)(2) shall include policies and procedures that—

“(A) are based on the risk management strategy under paragraph (2);

“(B) reduce information security risks to an acceptable level in a cost-effective manner;

“(C) ensure that cost-effective and adequate information security is addressed as part of the acquisition and ongoing management of each agency information system; and

“(D) ensure compliance with—

“(i) this subchapter; and

“(ii) any other applicable requirements.

“(4) TRAINING REQUIREMENTS.—Each agencywide information security program under subsection (b)(2) shall include information security, privacy, civil rights, civil liberties, and information oversight training that meets any applicable requirements under section 3553. The training shall inform each information security personnel that has access to agency information systems (including contractors and other users of information systems that support the operations and assets of the agency) of—

“(A) the information security risks associated with the information security personnel’s activities; and

“(B) the individual’s responsibility to comply with the agency policies and procedures that reduce the risks under subparagraph (A).

“(d) ANNUAL REPORT.—Each agency shall submit a report annually to the Secretary of Homeland Security on its agencywide information security program and information systems.

#### “§ 3555. Multiagency ongoing threat assessment

“(a) IMPLEMENTATION.—The Director of the Office of Management and Budget, in coordination with the Secretary of Homeland Security, shall designate an entity to implement ongoing security analysis concerning agency information systems—

“(1) based on cyber threat information;

“(2) based on agency information system and environment of operation changes, including—

“(A) an ongoing evaluation of the information system security controls; and

“(B) the security state, risk level, and environment of operation of an agency information system, including—

“(i) a change in risk level due to a new cyber threat;

“(ii) a change resulting from a new technology;

“(iii) a change resulting from the agency’s mission; and

“(iv) a change resulting from the business practice; and

“(3) using automated processes to the maximum extent possible—

“(A) to increase information system security;

“(B) to reduce paper-based reporting requirements; and

“(C) to maintain timely and actionable knowledge of the state of the information system security.

“(b) STANDARDS.—The National Institute of Standards and Technology may promulgate standards, in coordination with the Secretary of Homeland Security, to assist an agency with its duties under this section.

“(c) COMPLIANCE.—The head of each appropriate department and agency shall be responsible for ensuring compliance and implementing necessary procedures to comply with this section. The head of each appropriate department and agency, in consultation with the Director of the Office of Management and Budget and the Secretary of Homeland Security, shall—

“(1) monitor compliance under this section;

“(2) develop a timeline and implement for the department or agency—

“(A) adoption of any technology, system, or method that facilitates continuous monitoring and threat assessments of an agency information system;

“(B) adoption or updating of any technology, system, or method that prevents, detects, or remediates a significant cyber incident to a Federal information system of the department or agency that has impeded, or is reasonably likely to impede, the performance of a critical mission of the department or agency; and

“(C) adoption of any technology, system, or method that satisfies a requirement under this section.

“(d) LIMITATION OF AUTHORITY.—The authorities of the Director of the Office of Management and Budget and of the Secretary of Homeland Security under this section shall not apply to national security systems.

“(e) REPORT.—Not later than 6 months after the date of enactment of the Cybersecurity Act of 2012, the Government Accountability Office shall issue a report evaluating each agency’s status toward implementing this section.

#### “§ 3556. Independent evaluations

“(a) IN GENERAL.—The Council of the Inspectors General on Integrity and Efficiency, in consultation with the Director and the Secretary of Homeland Security, the Secretary of Commerce, and the Secretary of Defense, shall issue and maintain criteria for the timely, cost-effective, risk-based, and independent evaluation of each agencywide information security program (and practices) to determine the effectiveness of the agencywide information security program (and practices). The criteria shall include measures to assess any conflicts of interest in the performance of the evaluation and whether the agencywide information security program includes appropriate safeguards against disclosure of information where such disclosure may adversely affect information security.

“(b) ANNUAL INDEPENDENT EVALUATIONS.—Each agency shall perform an annual independent evaluation of its agencywide information security program (and practices) in accordance with the criteria under subsection (a).

“(c) DISTRIBUTION OF REPORTS.—Not later than 30 days after receiving an independent evaluation under subsection (b), each agency

head shall transmit a copy of the independent evaluation to the Secretary of Homeland Security, the Secretary of Commerce, and the Secretary of Defense.

“(d) NATIONAL SECURITY SYSTEMS.—Evaluations involving national security systems shall be conducted as directed by President.

#### “§ 3557. National security systems.

“The head of each agency operating or exercising control of a national security system shall be responsible for ensuring that the agency—

“(1) provides information security protections commensurate with the risk and magnitude of the harm resulting from the unauthorized access, use, disclosure, disruption, modification, or destruction of the information contained in such system; and

“(2) implements information security policies and practices as required by standards and guidelines for national security systems, issued in accordance with law and as directed by the President.”.

#### (b) SAVINGS PROVISIONS.—

(1) POLICY AND COMPLIANCE GUIDANCE.—Policy and compliance guidance issued by the Director before the date of enactment of this Act under section 3543(a)(1) of title 44, United States Code (as in effect on the day before the date of enactment of this Act), shall continue in effect, according to its terms, until modified, terminated, superseded, or repealed pursuant to section 3553(a)(1) of title 44, United States Code.

(2) STANDARDS AND GUIDELINES.—Standards and guidelines issued by the Secretary of Commerce or by the Director before the date of enactment of this Act under section 11331(a)(1) of title 40, United States Code, (as in effect on the day before the date of enactment of this Act) shall continue in effect, according to their terms, until modified, terminated, superseded, or repealed pursuant to section 11331(a)(1) of title 40, United States Code, as amended by this Act.

#### (c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) CHAPTER ANALYSIS.—The chapter analysis for chapter 35 of title 44, United States Code, is amended—

(A) by striking the items relating to sections 3531 through 3538;

(B) by striking the items relating to sections 3541 through 3549; and

(C) by inserting the following:

“3551. Purposes.

“3552. Definitions.

“3553. Federal information security authority and coordination.

“3554. Agency responsibilities.

“3555. Multiagency ongoing threat assessment.

“3556. Independent evaluations.

“3557. National security systems.”.

#### (2) OTHER REFERENCES.—

(A) Section 1001(c)(1)(A) of the Homeland Security Act of 2002 (6 U.S.C. 5111(A)) is amended by striking “section 3532(3)” and inserting “section 3552”.

(B) Section 2222(j)(5) of title 10, United States Code, is amended by striking “section 3542(b)(2)” and inserting “section 3552”.

(C) Section 2223(c)(3) of title 10, United States Code, is amended, by striking “section 3542(b)(2)” and inserting “section 3552”.

(D) Section 2315 of title 10, United States Code, is amended by striking “section 3542(b)(2)” and inserting “section 3552”.

(E) Section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3) is amended—

(i) in subsection (a)(2), by striking “section 3532(b)(2)” and inserting “section 3552”;

(ii) in subsection (c)(3), by striking “Director of the Office of Management and Budget” and inserting “Secretary of Commerce”;

(iii) in subsection (d)(1), by striking “Director of the Office of Management and Budget” and inserting “Secretary of Commerce”;

(iv) in subsection (d)(8) by striking “Director of the Office of Management and Budget” and inserting “Secretary of Commerce”;

(v) in subsection (d)(8), by striking “submitted to the Director” and inserting “submitted to the Secretary”;

(vi) in subsection (e)(2), by striking “section 3532(1) of such title” and inserting “section 3552 of title 44”; and

(vii) in subsection (e)(5), by striking “section 3532(b)(2) of such title” and inserting “section 3552 of title 44”.

(F) Section 8(d)(1) of the Cyber Security Research and Development Act (15 U.S.C. 7406(d)(1)) is amended by striking “section 3534(b)” and inserting “section 3554(b)(2)”.

## SEC. 202. MANAGEMENT OF INFORMATION TECHNOLOGY.

(a) IN GENERAL.—Section 11331 of title 40, United States Code, is amended to read as follows:

### “§ 11331. Responsibilities for Federal information systems standards

“(a) STANDARDS AND GUIDELINES.—

“(1) AUTHORITY TO PRESCRIBE.—Except as provided under paragraph (2), the Secretary of Commerce shall prescribe standards and guidelines pertaining to Federal information systems—

“(A) in consultation with the Secretary of Homeland Security; and

“(B) on the basis of standards and guidelines developed by the National Institute of Standards and Technology under paragraphs (2) and (3) of section 20(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3(a)(2) and (a)(3)).

“(2) NATIONAL SECURITY SYSTEMS.—Standards and guidelines for national security systems shall be developed, prescribed, enforced, and overseen as otherwise authorized by law and as directed by the President.

“(b) MANDATORY STANDARDS AND GUIDELINES.—

“(1) AUTHORITY TO MAKE MANDATORY STANDARDS AND GUIDELINES.—The Secretary of Commerce shall make standards and guidelines under subsection (a)(1) compulsory and binding to the extent determined necessary by the Secretary of Commerce to improve the efficiency of operation or security of Federal information systems.

“(2) REQUIRED MANDATORY STANDARDS AND GUIDELINES.—

“(A) IN GENERAL.—Standards and guidelines under subsection (a)(1) shall include information security standards that—

“(i) provide minimum information security requirements as determined under section 20(b) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3(b)); and

“(ii) are otherwise necessary to improve the security of Federal information and information systems.

“(B) BINDING EFFECT.—Information security standards under subparagraph (A) shall be compulsory and binding.

“(C) EXERCISE OF AUTHORITY.—To ensure fiscal and policy consistency, the Secretary of Commerce shall exercise the authority conferred by this section subject to direction by the President and in coordination with the Director.

“(d) APPLICATION OF MORE STRINGENT STANDARDS AND GUIDELINES.—The head of an executive agency may employ standards for the cost-effective information security for

information systems within or under the supervision of that agency that are more stringent than the standards and guidelines the Secretary of Commerce prescribes under this section if the more stringent standards and guidelines—

“(1) contain at least the applicable standards and guidelines made compulsory and binding by the Secretary of Commerce; and

“(2) are otherwise consistent with the policies, directives, and implementation memoranda issued under section 3553(a) of title 44.

“(e) DECISIONS ON PROMULGATION OF STANDARDS AND GUIDELINES.—The decision by the Secretary of Commerce regarding the promulgation of any standard or guideline under this section shall occur not later than 6 months after the date of submission of the proposed standard to the Secretary of Commerce by the National Institute of Standards and Technology under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3).

“(f) NOTICE AND COMMENT.—A decision by the Secretary of Commerce to significantly modify, or not promulgate, a proposed standard submitted to the Secretary by the National Institute of Standards and Technology under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3) shall be made after the public is given an opportunity to comment on the Secretary’s proposed decision.

“(g) DEFINITIONS.—In this section:

“(1) FEDERAL INFORMATION SYSTEM.—The term ‘Federal information system’ has the meaning given the term in section 3552 of title 44.

“(2) INFORMATION SECURITY.—The term ‘information security’ has the meaning given the term in section 3552 of title 44.

“(3) NATIONAL SECURITY SYSTEM.—The term ‘national security system’ has the meaning given the term in section 3552 of title 44.”.

## SEC. 203. NO NEW FUNDING.

An applicable Federal agency shall carry out the provisions of this title with existing facilities and funds otherwise available, through such means as the head of the agency considers appropriate.

## SEC. 204. TECHNICAL AND CONFORMING AMENDMENTS.

Section 21(b) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–4(b)) is amended—

(1) in paragraph (2), by striking “and the Director of the Office of Management and Budget” and inserting “, the Secretary of Commerce, and the Secretary of Homeland Security”; and

(2) in paragraph (3), by inserting “, the Secretary of Homeland Security,” after “the Secretary of Commerce”.

## SEC. 205. CLARIFICATION OF AUTHORITIES.

Nothing in this title shall be construed to convey any new regulatory authority to any government entity implementing or complying with any provision of this title.

**SA 2613.** Mrs. HUTCHISON (for herself, Mr. MCCAIN, Mr. CHAMBLISS, Mr. GRASSLEY, Ms. MURKOWSKI, Mr. COATS, Mr. BURR, and Mr. JOHNSON of Wisconsin) submitted an amendment intended to be proposed by her to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

Beginning on page 1, strike line 3 and all that follows through page 211, line 6 and insert the following:

## SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Strengthening and Enhancing Cybersecurity by Using Research, Education, Information, and Technology Act of 2012” or “SECURE IT”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

### TITLE I—FACILITATING SHARING OF CYBER THREAT INFORMATION

Sec. 101. Definitions.

Sec. 102. Authorization to share cyber threat information.

Sec. 103. Information sharing by the Federal government.

Sec. 104. Construction.

Sec. 105. Report on implementation.

Sec. 106. Inspector General review.

Sec. 107. Technical amendments.

Sec. 108. Access to classified information.

### TITLE II—COORDINATION OF FEDERAL INFORMATION SECURITY POLICY

Sec. 201. Coordination of Federal information security policy.

Sec. 202. Management of information technology.

Sec. 203. No new funding.

Sec. 204. Technical and conforming amendments.

Sec. 205. Clarification of authorities.

### TITLE III—CRIMINAL PENALTIES

Sec. 301. Penalties for fraud and related activity in connection with computers.

Sec. 302. Trafficking in passwords.

Sec. 303. Conspiracy and attempted computer fraud offenses.

Sec. 304. Criminal and civil forfeiture for fraud and related activity in connection with computers.

Sec. 305. Damage to critical infrastructure computers.

Sec. 306. Limitation on actions involving unauthorized use.

Sec. 307. No new funding.

### TITLE IV—CYBERSECURITY RESEARCH AND DEVELOPMENT

Sec. 401. National High-Performance Computing Program planning and coordination.

Sec. 402. Research in areas of national importance.

Sec. 403. Program improvements.

Sec. 404. Improving education of networking and information technology, including high performance computing.

Sec. 405. Conforming and technical amendments to the High-Performance Computing Act of 1991.

Sec. 406. Federal cyber scholarship-for-service program.

Sec. 407. Study and analysis of certification and training of information infrastructure professionals.

Sec. 408. International cybersecurity technical standards.

Sec. 409. Identity management research and development.

Sec. 410. Federal cybersecurity research and development.

### TITLE I—FACILITATING SHARING OF CYBER THREAT INFORMATION

#### SEC. 101. DEFINITIONS.

In this title:

(1) AGENCY.—The term “agency” has the meaning given the term in section 3502 of title 44, United States Code.

(2) ANTITRUST LAWS.—The term “antitrust laws”—

(A) has the meaning given the term in section 1(a) of the Clayton Act (15 U.S.C. 12(a));

(B) includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent that section 5 of that Act applies to unfair methods of competition; and

(C) includes any State law that has the same intent and effect as the laws under subparagraphs (A) and (B).

(3) COUNTERMEASURE.—The term “countermeasure” means an automated or a manual action with defensive intent to mitigate cyber threats.

(4) CYBER THREAT INFORMATION.—The term “cyber threat information” means information that indicates or describes—

(A) a technical or operation vulnerability or a cyber threat mitigation measure;

(B) an action or operation to mitigate a cyber threat;

(C) malicious reconnaissance, including anomalous patterns of network activity that appear to be transmitted for the purpose of gathering technical information related to a cybersecurity threat;

(D) a method of defeating a technical control;

(E) a method of defeating an operational control;

(F) network activity or protocols known to be associated with a malicious cyber actor or that signify malicious cyber intent;

(G) a method of causing a user with legitimate access to an information system or information that is stored on, processed by, or transiting an information system to inadvertently enable the defeat of a technical or operational control;

(H) any other attribute of a cybersecurity threat or cyber defense information that would foster situational awareness of the United States cybersecurity posture, if disclosure of such attribute or information is not otherwise prohibited by law;

(I) the actual or potential harm caused by a cyber incident, including information exfiltrated when it is necessary in order to identify or describe a cybersecurity threat; or

(J) any combination of subparagraphs (A) through (I).

(5) CYBERSECURITY CENTER.—The term “cybersecurity center” means the Department of Defense Cyber Crime Center, the Intelligence Community Incident Response Center, the United States Cyber Command Joint Operations Center, the National Cyber Investigative Joint Task Force, the National Security Agency/Central Security Service Threat Operations Center, the National Cybersecurity and Communications Integration Center, and any successor center.

(6) CYBERSECURITY SYSTEM.—The term “cybersecurity system” means a system designed or employed to ensure the integrity, confidentiality, or availability of, or to safeguard, a system or network, including measures intended to protect a system or network from—

(A) efforts to degrade, disrupt, or destroy such system or network; or

(B) theft or misappropriations of private or government information, intellectual property, or personally identifiable information.

(7) ENTITY.—

(A) IN GENERAL.—The term “entity” means any private entity, non-Federal government agency or department, or State, tribal, or local government agency or department (including an officer, employee, or agent thereof).

(B) INCLUSIONS.—The term “entity” includes a government agency or department (including an officer, employee, or agent thereof) of the District of Columbia, the Commonwealth of Puerto Rico, the Virgin

Islands, Guam, American Samoa, the Northern Mariana Islands, and any other territory or possession of the United States.

(8) FEDERAL INFORMATION SYSTEM.—The term “Federal information system” means an information system of a Federal department or agency used or operated by an executive agency, by a contractor of an executive agency, or by another organization on behalf of an executive agency.

(9) INFORMATION SECURITY.—The term “information security” means protecting information and information systems from disruption or unauthorized access, use, disclosure, modification, or destruction in order to provide—

(A) integrity, by guarding against improper information modification or destruction, including by ensuring information non-repudiation and authenticity;

(B) confidentiality, by preserving authorized restrictions on access and disclosure, including means for protecting personal privacy and proprietary information; or

(C) availability, by ensuring timely and reliable access to and use of information.

(10) INFORMATION SYSTEM.—The term “information system” has the meaning given the term in section 3502 of title 44, United States Code.

(11) LOCAL GOVERNMENT.—The term “local government” means any borough, city, county, parish, town, township, village, or other general purpose political subdivision of a State.

(12) MALICIOUS RECONNAISSANCE.—The term “malicious reconnaissance” means a method for actively probing or passively monitoring an information system for the purpose of discerning technical vulnerabilities of the information system, if such method is associated with a known or suspected cybersecurity threat.

(13) OPERATIONAL CONTROL.—The term “operational control” means a security control for an information system that primarily is implemented and executed by people.

(14) OPERATIONAL VULNERABILITY.—The term “operational vulnerability” means any attribute of policy, process, or procedure that could enable or facilitate the defeat of an operational control.

(15) PRIVATE ENTITY.—The term “private entity” means any individual or any private group, organization, or corporation, including an officer, employee, or agent thereof.

(16) SIGNIFICANT CYBER INCIDENT.—The term “significant cyber incident” means a cyber incident resulting in, or an attempted cyber incident that, if successful, would have resulted in—

(A) the exfiltration from a Federal information system of data that is essential to the operation of the Federal information system; or

(B) an incident in which an operational or technical control essential to the security or operation of a Federal information system was defeated.

(17) TECHNICAL CONTROL.—The term “technical control” means a hardware or software restriction on, or audit of, access or use of an information system or information that is stored on, processed by, or transiting an information system that is intended to ensure the confidentiality, integrity, or availability of that system.

(18) TECHNICAL VULNERABILITY.—The term “technical vulnerability” means any attribute of hardware or software that could enable or facilitate the defeat of a technical control.

(19) TRIBAL.—The term “tribal” has the meaning given the term “Indian tribe” in

section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

## SEC. 102. AUTHORIZATION TO SHARE CYBER THREAT INFORMATION.

(a) VOLUNTARY DISCLOSURE.—

(1) PRIVATE ENTITIES.—Notwithstanding any other provision of law, a private entity may, for the purpose of preventing, investigating, or otherwise mitigating threats to information security, on its own networks, or as authorized by another entity, on such entity’s networks, employ countermeasures and use cybersecurity systems in order to obtain, identify, or otherwise possess cyber threat information.

(2) ENTITIES.—Notwithstanding any other provision of law, an entity may disclose cyber threat information to—

(A) a cybersecurity center; or

(B) any other entity in order to assist with preventing, investigating, or otherwise mitigating threats to information security.

(3) INFORMATION SECURITY PROVIDERS.—If the cyber threat information described in paragraph (1) is obtained, identified, or otherwise possessed in the course of providing information security products or services under contract to another entity, that entity shall be given, at any time prior to disclosure of such information, a reasonable opportunity to authorize or prevent such disclosure, to request anonymization of such information, or to request that reasonable efforts be made to safeguard such information that identifies specific persons from unauthorized access or disclosure.

(b) SIGNIFICANT CYBER INCIDENTS INVOLVING FEDERAL INFORMATION SYSTEMS.—

(1) IN GENERAL.—An entity providing electronic communication services, remote computing services, or information security services to a Federal department or agency shall inform the Federal department or agency of a significant cyber incident involving the Federal information system of that Federal department or agency that—

(A) is directly known to the entity as a result of providing such services;

(B) is directly related to the provision of such services by the entity; and

(C) as determined by the entity, has impeded or will impede the performance of a critical mission of the Federal department or agency.

(2) ADVANCE COORDINATION.—A Federal department or agency receiving the services described in paragraph (1) shall coordinate in advance with an entity described in paragraph (1) to develop the parameters of any information that may be provided under paragraph (1), including clarification of the type of significant cyber incident that will impede the performance of a critical mission of the Federal department or agency.

(3) REPORT.—A Federal department or agency shall report information provided under this subsection to a cybersecurity center.

(4) CONSTRUCTION.—Any information provided to a cybersecurity center under paragraph (3) shall be treated in the same manner as information provided to a cybersecurity center under subsection (a).

(c) INFORMATION SHARED WITH OR PROVIDED TO A CYBERSECURITY CENTER.—Cyber threat information provided to a cybersecurity center under this section—

(1) may be disclosed to, retained by, and used by, consistent with otherwise applicable Federal law, any Federal agency or department, component, officer, employee, or agent of the Federal government for a cybersecurity purpose, a national security purpose, or in order to prevent, investigate, or

prosecute any of the offenses listed in section 2516 of title 18, United States Code, and such information shall not be disclosed to, retained by, or used by any Federal agency or department for any use not permitted under this paragraph;

(2) may, with the prior written consent of the entity submitting such information, be disclosed to and used by a State, tribal, or local government or government agency for the purpose of protecting information systems, or in furtherance of preventing, investigating, or prosecuting a criminal act, except that if the need for immediate disclosure prevents obtaining written consent, such consent may be provided orally with subsequent documentation of such consent;

(3) shall be considered the commercial, financial, or proprietary information of the entity providing such information to the Federal government and any disclosure outside the Federal government may only be made upon the prior written consent by such entity and shall not constitute a waiver of any applicable privilege or protection provided by law, except that if the need for immediate disclosure prevents obtaining written consent, such consent may be provided orally with subsequent documentation of such consent;

(4) shall be deemed voluntarily shared information and exempt from disclosure under section 552 of title 5, United States Code, and any State, tribal, or local law requiring disclosure of information or records;

(5) shall be, without discretion, withheld from the public under section 552(b)(3)(B) of title 5, United States Code, and any State, tribal, or local law requiring disclosure of information or records;

(6) shall not be subject to the rules of any Federal agency or department or any judicial doctrine regarding ex parte communications with a decision-making official;

(7) shall not, if subsequently provided to a State, tribal, or local government or government agency, otherwise be disclosed or distributed to any entity by such State, tribal, or local government or government agency without the prior written consent of the entity submitting such information, notwithstanding any State, tribal, or local law requiring disclosure of information or records, except that if the need for immediate disclosure prevents obtaining written consent, such consent may be provided orally with subsequent documentation of such consent; and

(8) shall not be directly used by any Federal, State, tribal, or local department or agency to regulate the lawful activities of an entity, including activities relating to obtaining, identifying, or otherwise possessing cyber threat information, except that the procedures required to be developed and implemented under this title shall not be considered regulations within the meaning of this paragraph.

(d) PROCEDURES RELATING TO INFORMATION SHARING WITH A CYBERSECURITY CENTER.—Not later than 60 days after the date of enactment of this Act, the heads of each department or agency containing a cybersecurity center shall jointly develop, promulgate, and submit to Congress procedures to ensure that cyber threat information shared with or provided to—

(1) a cybersecurity center under this section—

(A) may be submitted to a cybersecurity center by an entity, to the greatest extent possible, through a uniform, publicly available process or format that is easily accessible on the website of such cybersecurity

center, and that includes the ability to provide relevant details about the cyber threat information and written consent to any subsequent disclosures authorized by this paragraph;

(B) shall immediately be further shared with each cybersecurity center in order to prevent, investigate, or otherwise mitigate threats to information security across the Federal government;

(C) is handled by the Federal government in a reasonable manner, including consideration of the need to protect the privacy and civil liberties of individuals through anonymization or other appropriate methods, while fully accomplishing the objectives of this title, and the Federal government may undertake efforts consistent with this subparagraph to limit the impact on privacy and civil liberties of the sharing of cyber threat information with the Federal government; and

(D) except as provided in this section, shall only be used, disclosed, or handled in accordance with the provisions of subsection (c); and

(2) a Federal agency or department under subsection (b) is provided immediately to a cybersecurity center in order to prevent, investigate, or otherwise mitigate threats to information security across the Federal government.

(e) INFORMATION SHARED BETWEEN ENTITIES.—

(1) IN GENERAL.—An entity sharing cyber threat information with another entity under this title may restrict the use or sharing of such information by such other entity.

(2) FURTHER SHARING.—Cyber threat information shared by any entity with another entity under this title—

(A) shall only be further shared in accordance with any restrictions placed on the sharing of such information by the entity authorizing such sharing, such as appropriate anonymization of such information; and

(B) may not be used by any entity to gain an unfair competitive advantage to the detriment of the entity authorizing the sharing of such information, except that the conduct described in paragraph (3) shall not constitute unfair competitive conduct.

(3) INFORMATION SHARED WITH STATE, TRIBAL, OR LOCAL GOVERNMENT OR GOVERNMENT AGENCY.—Cyber threat information shared with a State, tribal, or local government or government agency under this title—

(A) may, with the prior written consent of the entity sharing such information, be disclosed to and used by a State, tribal, or local government or government agency for the purpose of protecting information systems, or in furtherance of preventing, investigating, or prosecuting a criminal act, except if the need for immediate disclosure prevents obtaining written consent, consent may be provided orally with subsequent documentation of the consent;

(B) shall be deemed voluntarily shared information and exempt from disclosure under any State, tribal, or local law requiring disclosure of information or records;

(C) shall not be disclosed or distributed to any entity by the State, tribal, or local government or government agency without the prior written consent of the entity submitting such information, notwithstanding any State, tribal, or local law requiring disclosure of information or records, except if the need for immediate disclosure prevents obtaining written consent, consent may be provided orally with subsequent documentation of the consent; and

(D) shall not be directly used by any State, tribal, or local department or agency to regulate the lawful activities of an entity, including activities relating to obtaining, identifying, or otherwise possessing cyber threat information, except that the procedures required to be developed and implemented under this title shall not be considered regulations within the meaning of this subparagraph.

(4) ANTITRUST EXEMPTION.—The exchange or provision of cyber threat information or assistance between 2 or more private entities under this title shall not be considered a violation of any provision of antitrust laws if exchanged or provided in order to assist with—

(A) facilitating the prevention, investigation, or mitigation of threats to information security; or

(B) communicating or disclosing of cyber threat information to help prevent, investigate or otherwise mitigate the effects of a threat to information security.

(5) NO RIGHT OR BENEFIT.—The provision of cyber threat information to an entity under this section shall not create a right or a benefit to similar information by such entity or any other entity.

(f) FEDERAL PREEMPTION.—

(1) IN GENERAL.—This section supersedes any statute or other law of a State or political subdivision of a State that restricts or otherwise expressly regulates an activity authorized under this section.

(2) STATE LAW ENFORCEMENT.—Nothing in this section shall be construed to supersede any statute or other law of a State or political subdivision of a State concerning the use of authorized law enforcement techniques.

(3) PUBLIC DISCLOSURE.—No information shared with or provided to a State, tribal, or local government or government agency pursuant to this section shall be made publicly available pursuant to any State, tribal, or local law requiring disclosure of information or records.

(g) CIVIL AND CRIMINAL LIABILITY.—

(1) GENERAL PROTECTIONS.—

(A) PRIVATE ENTITIES.—No cause of action shall lie or be maintained in any court against any private entity for—

(i) the use of countermeasures and cybersecurity systems as authorized by this title;

(ii) the use, receipt, or disclosure of any cyber threat information as authorized by this title; or

(iii) the subsequent actions or inactions of any lawful recipient of cyber threat information provided by such private entity.

(B) ENTITIES.—No cause of action shall lie or be maintained in any court against any entity for—

(i) the use, receipt, or disclosure of any cyber threat information as authorized by this title; or

(ii) the subsequent actions or inactions of any lawful recipient of cyber threat information provided by such entity.

(2) CONSTRUCTION.—Nothing in this subsection shall be construed as creating any immunity against, or otherwise affecting, any action brought by the Federal government, or any agency or department thereof, to enforce any law, executive order, or procedure governing the appropriate handling, disclosure, and use of classified information.

(h) OTHERWISE LAWFUL DISCLOSURES.—Nothing in this section shall be construed to limit or prohibit otherwise lawful disclosures of communications, records, or other information by a private entity to any other governmental or private entity not covered under this section.

(i) **WHISTLEBLOWER PROTECTION.**—Nothing in this Act shall be construed to preempt or preclude any employee from exercising rights currently provided under any whistleblower law, rule, or regulation.

(j) **RELATIONSHIP TO OTHER LAWS.**—The submission of cyber threat information under this section to a cybersecurity center shall not affect any requirement under any other provision of law for an entity to provide information to the Federal government.

**SEC. 103. INFORMATION SHARING BY THE FEDERAL GOVERNMENT.**

(a) **CLASSIFIED INFORMATION.**—

(1) **PROCEDURES.**—Consistent with the protection of intelligence sources and methods, and as otherwise determined appropriate, the Director of National Intelligence and the Secretary of Defense, in consultation with the heads of the appropriate Federal departments or agencies, shall develop and promulgate procedures to facilitate and promote—

(A) the immediate sharing, through the cybersecurity centers, of classified cyber threat information in the possession of the Federal government with appropriately cleared representatives of any appropriate entity; and

(B) the declassification and immediate sharing, through the cybersecurity centers, with any entity or, if appropriate, public availability of cyber threat information in the possession of the Federal government;

(2) **HANDLING OF CLASSIFIED INFORMATION.**—The procedures developed under paragraph (1) shall ensure that each entity receiving classified cyber threat information pursuant to this section has acknowledged in writing the ongoing obligation to comply with all laws, executive orders, and procedures concerning the appropriate handling, disclosure, or use of classified information.

(b) **UNCLASSIFIED CYBER THREAT INFORMATION.**—The heads of each department or agency containing a cybersecurity center shall jointly develop and promulgate procedures that ensure that, consistent with the provisions of this section, unclassified, including controlled unclassified, cyber threat information in the possession of the Federal government—

(1) is shared, through the cybersecurity centers, in an immediate and adequate manner with appropriate entities; and

(2) if appropriate, is made publicly available.

(c) **DEVELOPMENT OF PROCEDURES.**—

(1) **IN GENERAL.**—The procedures developed under this section shall incorporate, to the greatest extent possible, existing processes utilized by sector specific information sharing and analysis centers.

(2) **COORDINATION WITH ENTITIES.**—In developing the procedures required under this section, the Director of National Intelligence and the heads of each department or agency containing a cybersecurity center shall coordinate with appropriate entities to ensure that protocols are implemented that will facilitate and promote the sharing of cyber threat information by the Federal government.

(d) **ADDITIONAL RESPONSIBILITIES OF CYBERSECURITY CENTERS.**—Consistent with section 102, a cybersecurity center shall—

(1) facilitate information sharing, interaction, and collaboration among and between cybersecurity centers and—

(A) other Federal entities;

(B) any entity; and

(C) international partners, in consultation with the Secretary of State;

(2) disseminate timely and actionable cybersecurity threat, vulnerability, mitiga-

tion, and warning information, including alerts, advisories, indicators, signatures, and mitigation and response measures, to improve the security and protection of information systems; and

(3) coordinate with other Federal entities, as appropriate, to integrate information from across the Federal government to provide situational awareness of the cybersecurity posture of the United States.

(e) **SHARING WITHIN THE FEDERAL GOVERNMENT.**—The heads of appropriate Federal departments and agencies shall ensure that cyber threat information in the possession of such Federal departments or agencies that relates to the prevention, investigation, or mitigation of threats to information security across the Federal government is shared effectively with the cybersecurity centers.

(f) **SUBMISSION TO CONGRESS.**—Not later than 60 days after the date of enactment of this Act, the Director of National Intelligence, in coordination with the appropriate head of a department or an agency containing a cybersecurity center, shall submit the procedures required by this section to Congress.

**SEC. 104. CONSTRUCTION.**

(a) **INFORMATION SHARING RELATIONSHIPS.**—Nothing in this title shall be construed—

(1) to limit or modify an existing information sharing relationship;

(2) to prohibit a new information sharing relationship;

(3) to require a new information sharing relationship between any entity and the Federal government, except as specified under section 102(b); or

(4) to modify the authority of a department or agency of the Federal government to protect sources and methods and the national security of the United States.

(b) **ANTI-TASKING RESTRICTION.**—Nothing in this title shall be construed to permit the Federal government—

(1) to require an entity to share information with the Federal government, except as expressly provided under section 102(b); or

(2) to condition the sharing of cyber threat information with an entity on such entity's provision of cyber threat information to the Federal government.

(c) **NO LIABILITY FOR NON-PARTICIPATION.**—Nothing in this title shall be construed to subject any entity to liability for choosing not to engage in the voluntary activities authorized under this title.

(d) **USE AND RETENTION OF INFORMATION.**—Nothing in this title shall be construed to authorize, or to modify any existing authority of, a department or agency of the Federal government to retain or use any information shared under section 102 for any use other than a use permitted under subsection 102(c)(1).

(e) **NO NEW FUNDING.**—An applicable Federal agency shall carry out the provisions of this title with existing facilities and funds otherwise available, through such means as the head of the agency considers appropriate.

**SEC. 105. REPORT ON IMPLEMENTATION.**

(a) **CONTENT OF REPORT.**—Not later than 1 year after the date of enactment of this Act, and biennially thereafter, the heads of each department or agency containing a cybersecurity center shall jointly submit, in coordination with the privacy and civil liberties officials of such departments or agencies and the Privacy and Civil Liberties Oversight Board, a detailed report to Congress concerning the implementation of this title, including—

(1) an assessment of the sufficiency of the procedures developed under section 103 of

this Act in ensuring that cyber threat information in the possession of the Federal government is provided in an immediate and adequate manner to appropriate entities or, if appropriate, is made publicly available;

(2) an assessment of whether information has been appropriately classified and an accounting of the number of security clearances authorized by the Federal government for purposes of this title;

(3) a review of the type of cyber threat information shared with a cybersecurity center under section 102 of this Act, including whether such information meets the definition of cyber threat information under section 101, the degree to which such information may impact the privacy and civil liberties of individuals, any appropriate metrics to determine any impact of the sharing of such information with the Federal government on privacy and civil liberties, and the adequacy of any steps taken to reduce such impact;

(4) a review of actions taken by the Federal government based on information provided to a cybersecurity center under section 102 of this Act, including the appropriateness of any subsequent use under section 102(c)(1) of this Act and whether there was inappropriate stovepiping within the Federal government of any such information;

(5) a description of any violations of the requirements of this title by the Federal government;

(6) a classified list of entities that received classified information from the Federal government under section 103 of this Act and a description of any indication that such information may not have been appropriately handled;

(7) a summary of any breach of information security, if known, attributable to a specific failure by any entity or the Federal government to act on cyber threat information in the possession of such entity or the Federal government that resulted in substantial economic harm or injury to a specific entity or the Federal government; and

(8) any recommendation for improvements or modifications to the authorities under this title.

(b) **FORM OF REPORT.**—The report under subsection (a) shall be submitted in unclassified form, but shall include a classified annex.

**SEC. 106. INSPECTOR GENERAL REVIEW.**

(a) **IN GENERAL.**—The Council of the Inspectors General on Integrity and Efficiency are authorized to review compliance by the cybersecurity centers, and by any Federal department or agency receiving cyber threat information from such cybersecurity centers, with the procedures required under section 102 of this Act.

(b) **SCOPE OF REVIEW.**—The review under subsection (a) shall consider whether the Federal government has handled such cyber threat information in a reasonable manner, including consideration of the need to protect the privacy and civil liberties of individuals through anonymization or other appropriate methods, while fully accomplishing the objectives of this title.

(c) **REPORT TO CONGRESS.**—Each review conducted under this section shall be provided to Congress not later than 90 days after the date of completion of the review.

**SEC. 107. TECHNICAL AMENDMENTS.**

Section 552(b) of title 5, United States Code, is amended—

(1) in paragraph (8), by striking “or”;

(2) in paragraph (9), by striking “wells.” and inserting “wells; or”; and

(3) by adding at the end the following:



“(10) information shared with or provided to a cybersecurity center under section 102 of title I of the Strengthening and Enhancing Cybersecurity by Using Research, Education, Information, and Technology Act of 2012.”.

#### SEC. 108. ACCESS TO CLASSIFIED INFORMATION.

(a) **AUTHORIZATION REQUIRED.**—No person shall be provided with access to classified information (as defined in section 6.1 of Executive Order 13526 (50 U.S.C. 435 note; relating to classified national security information)) relating to cyber security threats or cyber security vulnerabilities under this title without the appropriate security clearances.

(b) **SECURITY CLEARANCES.**—The appropriate Federal agencies or departments shall, consistent with applicable procedures and requirements, and if otherwise deemed appropriate, assist an individual in timely obtaining an appropriate security clearance where such individual has been determined to be eligible for such clearance and has a need-to-know (as defined in section 6.1 of that Executive Order) classified information to carry out this title.

### TITLE II—COORDINATION OF FEDERAL INFORMATION SECURITY POLICY

#### SEC. 201. COORDINATION OF FEDERAL INFORMATION SECURITY POLICY.

(a) **IN GENERAL.**—Chapter 35 of title 44, United States Code, is amended by striking subchapters II and III and inserting the following:

#### “SUBCHAPTER II—INFORMATION SECURITY

##### “§ 3551. Purposes

“The purposes of this subchapter are—

“(1) to provide a comprehensive framework for ensuring the effectiveness of information security controls over information resources that support Federal operations and assets;

“(2) to recognize the highly networked nature of the current Federal computing environment and provide effective government-wide management of policies, directives, standards, and guidelines, as well as effective and nimble oversight of and response to information security risks, including coordination of information security efforts throughout the Federal civilian, national security, and law enforcement communities;

“(3) to provide for development and maintenance of controls required to protect agency information and information systems and contribute to the overall improvement of agency information security posture;

“(4) to provide for the development of tools and methods to assess and respond to real-time situational risk for Federal information system operations and assets; and

“(5) to provide a mechanism for improving agency information security programs through continuous monitoring of agency information systems and streamlined reporting requirements rather than overly prescriptive manual reporting.

##### “§ 3552. Definitions

“In this subchapter:

“(1) **ADEQUATE SECURITY.**—The term ‘adequate security’ means security commensurate with the risk and magnitude of the harm resulting from the unauthorized access to or loss, misuse, destruction, or modification of information.

“(2) **AGENCY.**—The term ‘agency’ has the meaning given the term in section 3502 of title 44.

“(3) **CYBERSECURITY CENTER.**—The term ‘cybersecurity center’ means the Department of Defense Cyber Crime Center, the Intelligence Community Incident Response Center, the United States Cyber Command

Joint Operations Center, the National Cyber Investigative Joint Task Force, the National Security Agency/Central Security Service Threat Operations Center, the National Cybersecurity and Communications Integration Center, and any successor center.

“(4) **CYBER THREAT INFORMATION.**—The term ‘cyber threat information’ means information that indicates or describes—

“(A) a technical or operation vulnerability or a cyber threat mitigation measure;

“(B) an action or operation to mitigate a cyber threat;

“(C) malicious reconnaissance, including anomalous patterns of network activity that appear to be transmitted for the purpose of gathering technical information related to a cybersecurity threat;

“(D) a method of defeating a technical control;

“(E) a method of defeating an operational control;

“(F) network activity or protocols known to be associated with a malicious cyber actor or that signify malicious cyber intent;

“(G) a method of causing a user with legitimate access to an information system or information that is stored on, processed by, or transiting an information system to inadvertently enable the defeat of a technical or operational control;

“(H) any other attribute of a cybersecurity threat or cyber defense information that would foster situational awareness of the United States cybersecurity posture, if disclosure of such attribute or information is not otherwise prohibited by law;

“(I) the actual or potential harm caused by a cyber incident, including information exfiltrated when it is necessary in order to identify or describe a cybersecurity threat; or

“(J) any combination of subparagraphs (A) through (I).

“(5) **DIRECTOR.**—The term ‘Director’ means the Director of the Office of Management and Budget unless otherwise specified.

“(6) **ENVIRONMENT OF OPERATION.**—The term ‘environment of operation’ means the information system and environment in which those systems operate, including changing threats, vulnerabilities, technologies, and missions and business practices.

“(7) **FEDERAL INFORMATION SYSTEM.**—The term ‘Federal information system’ means an information system used or operated by an executive agency, by a contractor of an executive agency, or by another organization on behalf of an executive agency.

“(8) **INCIDENT.**—The term ‘incident’ means an occurrence that—

“(A) actually or imminently jeopardizes the integrity, confidentiality, or availability of an information system or the information that system controls, processes, stores, or transmits; or

“(B) constitutes a violation of law or an imminent threat of violation of a law, a security policy, a security procedure, or an acceptable use policy.

“(9) **INFORMATION RESOURCES.**—The term ‘information resources’ has the meaning given the term in section 3502 of title 44.

“(10) **INFORMATION SECURITY.**—The term ‘information security’ means protecting information and information systems from disruption or unauthorized access, use, disclosure, modification, or destruction in order to provide—

“(A) integrity, by guarding against improper information modification or destruction, including by ensuring information non-repudiation and authenticity;

“(B) confidentiality, by preserving authorized restrictions on access and disclosure, including means for protecting personal privacy and proprietary information; or

“(C) availability, by ensuring timely and reliable access to and use of information.

“(11) **INFORMATION SYSTEM.**—The term ‘information system’ has the meaning given the term in section 3502 of title 44.

“(12) **INFORMATION TECHNOLOGY.**—The term ‘information technology’ has the meaning given the term in section 11101 of title 40.

“(13) **MALICIOUS RECONNAISSANCE.**—The term ‘malicious reconnaissance’ means a method for actively probing or passively monitoring an information system for the purpose of discerning technical vulnerabilities of the information system, if such method is associated with a known or suspected cybersecurity threat.

“(14) **NATIONAL SECURITY SYSTEM.**—

“(A) **IN GENERAL.**—The term ‘national security system’ means any information system (including any telecommunications system) used or operated by an agency or by a contractor of an agency, or other organization on behalf of an agency—

“(i) the function, operation, or use of which—

“(I) involves intelligence activities;

“(II) involves cryptologic activities related to national security;

“(III) involves command and control of military forces;

“(IV) involves equipment that is an integral part of a weapon or weapons system; or

“(V) subject to subparagraph (B), is critical to the direct fulfillment of military or intelligence missions; or

“(ii) is protected at all times by procedures established for information that have been specifically authorized under criteria established by an Executive Order or an Act of Congress to be kept classified in the interest of national defense or foreign policy.

“(B) **LIMITATION.**—Subparagraph (A)(i)(V) does not include a system that is to be used for routine administrative and business applications (including payroll, finance, logistics, and personnel management applications).

“(15) **OPERATIONAL CONTROL.**—The term ‘operational control’ means a security control for an information system that primarily is implemented and executed by people.

“(16) **PERSON.**—The term ‘person’ has the meaning given the term in section 3502 of title 44.

“(17) **SECRETARY.**—The term ‘Secretary’ means the Secretary of Commerce unless otherwise specified.

“(18) **SECURITY CONTROL.**—The term ‘security control’ means the management, operational, and technical controls, including safeguards or countermeasures, prescribed for an information system to protect the confidentiality, integrity, and availability of the system and its information.

“(19) **SIGNIFICANT CYBER INCIDENT.**—The term ‘significant cyber incident’ means a cyber incident resulting in, or an attempted cyber incident that, if successful, would have resulted in—

“(A) the exfiltration from a Federal information system of data that is essential to the operation of the Federal information system; or

“(B) an incident in which an operational or technical control essential to the security or operation of a Federal information system was defeated.

“(20) **TECHNICAL CONTROL.**—The term ‘technical control’ means a hardware or software

restriction on, or audit of, access or use of an information system or information that is stored on, processed by, or transiting an information system that is intended to ensure the confidentiality, integrity, or availability of that system.

**“§ 3553. Federal information security authority and coordination**

“(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Homeland Security, shall—

“(1) issue compulsory and binding policies and directives governing agency information security operations, and require implementation of such policies and directives, including—

“(A) policies and directives consistent with the standards and guidelines promulgated under section 11331 of title 40 to identify and provide information security protections prioritized and commensurate with the risk and impact resulting from the unauthorized access, use, disclosure, disruption, modification, or destruction of—

“(i) information collected or maintained by or on behalf of an agency; or

“(ii) information systems used or operated by an agency or by a contractor of an agency or other organization on behalf of an agency;

“(B) minimum operational requirements for Federal Government to protect agency information systems and provide common situational awareness across all agency information systems;

“(C) reporting requirements, consistent with relevant law, regarding information security incidents and cyber threat information;

“(D) requirements for agencywide information security programs;

“(E) performance requirements and metrics for the security of agency information systems;

“(F) training requirements to ensure that agencies are able to fully and timely comply with the policies and directives issued by the Secretary under this subchapter;

“(G) training requirements regarding privacy, civil rights, and civil liberties, and information oversight for agency information security personnel;

“(H) requirements for the annual reports to the Secretary under section 3554(d);

“(I) any other information security operations or information security requirements as determined by the Secretary in coordination with relevant agency heads; and

“(J) coordinating the development of standards and guidelines under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3) with agencies and offices operating or exercising control of national security systems (including the National Security Agency) to assure, to the maximum extent feasible, that such standards and guidelines are complementary with standards and guidelines developed for national security systems;

“(2) review the agencywide information security programs under section 3554; and

“(3) designate an individual or an entity at each cybersecurity center, among other responsibilities—

“(A) to receive reports and information about information security incidents, cyber threat information, and deterioration of security control affecting agency information systems; and

“(B) to act on or share the information under subparagraph (A) in accordance with this subchapter.

“(b) CONSIDERATIONS.—When issuing policies and directives under subsection (a), the Secretary shall consider any applicable

standards or guidelines developed by the National Institute of Standards and Technology under section 11331 of title 40.

“(c) LIMITATION OF AUTHORITY.—The authorities of the Secretary under this section shall not apply to national security systems. Information security policies, directives, standards and guidelines for national security systems shall be overseen as directed by the President and, in accordance with that direction, carried out under the authority of the heads of agencies that operate or exercise authority over such national security systems.

“(d) STATUTORY CONSTRUCTION.—Nothing in this subchapter shall be construed to alter or amend any law regarding the authority of any head of an agency over such agency.

**“§ 3554. Agency responsibilities**

“(a) IN GENERAL.—The head of each agency shall—

“(1) be responsible for—

“(A) complying with the policies and directives issued under section 3553;

“(B) providing information security protections commensurate with the risk resulting from unauthorized access, use, disclosure, disruption, modification, or destruction of—

“(i) information collected or maintained by the agency or by a contractor of an agency or other organization on behalf of an agency; and

“(ii) information systems used or operated by an agency or by a contractor of an agency or other organization on behalf of an agency;

“(C) complying with the requirements of this subchapter, including—

“(i) information security standards and guidelines promulgated under section 11331 of title 40;

“(ii) for any national security systems operated or controlled by that agency, information security policies, directives, standards and guidelines issued as directed by the President; and

“(iii) for any non-national security systems operated or controlled by that agency, information security policies, directives, standards and guidelines issued under section 3553;

“(D) ensuring that information security management processes are integrated with agency strategic and operational planning processes;

“(E) reporting and sharing, for an agency operating or exercising control of a national security system, information about information security incidents, cyber threat information, and deterioration of security controls to the individual or entity designated at each cybersecurity center and to other appropriate entities consistent with policies and directives for national security systems issued as directed by the President; and

“(F) reporting and sharing, for those agencies operating or exercising control of non-national security systems, information about information security incidents, cyber threat information, and deterioration of security controls to the individual or entity designated at each cybersecurity center and to other appropriate entities consistent with policies and directives for non-national security systems as prescribed under section 3553(a), including information to assist the entity designated under section 3555(a) with the ongoing security analysis under section 3555;

“(2) ensure that each senior agency official provides information security for the information and information systems that support the operations and assets under the senior agency official's control, including by—

“(A) assessing the risk and impact that could result from the unauthorized access, use, disclosure, disruption, modification, or destruction of such information or information systems;

“(B) determining the level of information security appropriate to protect such information and information systems in accordance with policies and directives issued under section 3553(a), and standards and guidelines promulgated under section 11331 of title 40 for information security classifications and related requirements;

“(C) implementing policies, procedures, and capabilities to reduce risks to an acceptable level in a cost-effective manner;

“(D) actively monitoring the effective implementation of information security controls and techniques; and

“(E) reporting information about information security incidents, cyber threat information, and deterioration of security controls in a timely and adequate manner to the entity designated under section 3553(a)(3) in accordance with paragraph (1);

“(3) assess and maintain the resiliency of information technology systems critical to agency mission and operations;

“(4) designate the agency Inspector General (or an independent entity selected in consultation with the Director and the Council of Inspectors General on Integrity and Efficiency if the agency does not have an Inspector General) to conduct the annual independent evaluation required under section 3556, and allow the agency Inspector General to contract with an independent entity to perform such evaluation;

“(5) delegate to the Chief Information Officer or equivalent (or to a senior agency official who reports to the Chief Information Officer or equivalent)—

“(A) the authority and primary responsibility to implement an agencywide information security program; and

“(B) the authority to provide information security for the information collected and maintained by the agency (or by a contractor, other agency, or other source on behalf of the agency) and for the information systems that support the operations, assets, and mission of the agency (including any information system provided or managed by a contractor, other agency, or other source on behalf of the agency);

“(6) delegate to the appropriate agency official (who is responsible for a particular agency system or subsystem) the responsibility to ensure and enforce compliance with all requirements of the agency's agencywide information security program in coordination with the Chief Information Officer or equivalent (or the senior agency official who reports to the Chief Information Officer or equivalent) under paragraph (5);

“(7) ensure that an agency has trained personnel who have obtained any necessary security clearances to permit them to assist the agency in complying with this subchapter;

“(8) ensure that the Chief Information Officer or equivalent (or the senior agency official who reports to the Chief Information Officer or equivalent) under paragraph (5), in coordination with other senior agency officials, reports to the agency head on the effectiveness of the agencywide information security program, including the progress of any remedial actions; and

“(9) ensure that the Chief Information Officer or equivalent (or the senior agency official who reports to the Chief Information Officer or equivalent) under paragraph (5) has the necessary qualifications to administer

the functions described in this subchapter and has information security duties as a primary duty of that official.

“(b) CHIEF INFORMATION OFFICERS.—Each Chief Information Officer or equivalent (or the senior agency official who reports to the Chief Information Officer or equivalent) under subsection (a)(5) shall—

“(1) establish and maintain an enterprise security operations capability that on a continuous basis—

“(A) detects, reports, contains, mitigates, and responds to information security incidents that impair adequate security of the agency’s information or information system in a timely manner and in accordance with the policies and directives under section 3553; and

“(B) reports any information security incident under subparagraph (A) to the entity designated under section 3555;

“(2) develop, maintain, and oversee an agencywide information security program;

“(3) develop, maintain, and oversee information security policies, procedures, and control techniques to address applicable requirements, including requirements under section 3553 of this title and section 11331 of title 40; and

“(4) train and oversee the agency personnel who have significant responsibility for information security with respect to that responsibility.

“(c) AGENCYWIDE INFORMATION SECURITY PROGRAMS.—

“(1) IN GENERAL.—Each agencywide information security program under subsection (b)(2) shall include—

“(A) relevant security risk assessments, including technical assessments and others related to the acquisition process;

“(B) security testing commensurate with risk and impact;

“(C) mitigation of deterioration of security controls commensurate with risk and impact;

“(D) risk-based continuous monitoring and threat assessment of the operational status and security of agency information systems to enable evaluation of the effectiveness of and compliance with information security policies, procedures, and practices, including a relevant and appropriate selection of security controls of information systems identified in the inventory under section 3505(c);

“(E) operation of appropriate technical capabilities in order to detect, mitigate, report, and respond to information security incidents, cyber threat information, and deterioration of security controls in a manner that is consistent with the policies and directives under section 3553, including—

“(i) mitigating risks associated with such information security incidents;

“(ii) notifying and consulting with the entity designated under section 3555; and

“(iii) notifying and consulting with, as appropriate—

“(I) law enforcement and the relevant Office of the Inspector General; and

“(II) any other entity, in accordance with law and as directed by the President;

“(F) a process to ensure that remedial action is taken to address any deficiencies in the information security policies, procedures, and practices of the agency; and

“(G) a plan and procedures to ensure the continuity of operations for information systems that support the operations and assets of the agency.

“(2) RISK MANAGEMENT STRATEGIES.—Each agencywide information security program under subsection (b)(2) shall include the development and maintenance of a risk man-

agement strategy for information security. The risk management strategy shall include—

“(A) consideration of information security incidents, cyber threat information, and deterioration of security controls; and

“(B) consideration of the consequences that could result from the unauthorized access, use, disclosure, disruption, modification, or destruction of information and information systems that support the operations and assets of the agency, including any information system provided or managed by a contractor, other agency, or other source on behalf of the agency;

“(3) POLICIES AND PROCEDURES.—Each agencywide information security program under subsection (b)(2) shall include policies and procedures that—

“(A) are based on the risk management strategy under paragraph (2);

“(B) reduce information security risks to an acceptable level in a cost-effective manner;

“(C) ensure that cost-effective and adequate information security is addressed as part of the acquisition and ongoing management of each agency information system; and

“(D) ensure compliance with—

“(i) this subchapter; and

“(ii) any other applicable requirements.

“(4) TRAINING REQUIREMENTS.—Each agencywide information security program under subsection (b)(2) shall include information security, privacy, civil rights, civil liberties, and information oversight training that meets any applicable requirements under section 3553. The training shall inform each information security personnel that has access to agency information systems (including contractors and other users of information systems that support the operations and assets of the agency) of—

“(A) the information security risks associated with the information security personnel’s activities; and

“(B) the individual’s responsibility to comply with the agency policies and procedures that reduce the risks under subparagraph (A).

“(d) ANNUAL REPORT.—Each agency shall submit a report annually to the Secretary of Homeland Security on its agencywide information security program and information systems.

#### “§ 3555. Multiagency ongoing threat assessment

“(a) IMPLEMENTATION.—The Director of the Office of Management and Budget, in coordination with the Secretary of Homeland Security, shall designate an entity to implement ongoing security analysis concerning agency information systems—

“(1) based on cyber threat information;

“(2) based on agency information system and environment of operation changes, including—

“(A) an ongoing evaluation of the information system security controls; and

“(B) the security state, risk level, and environment of operation of an agency information system, including—

“(i) a change in risk level due to a new cyber threat;

“(ii) a change resulting from a new technology;

“(iii) a change resulting from the agency’s mission; and

“(iv) a change resulting from the business practice; and

“(3) using automated processes to the maximum extent possible—

“(A) to increase information system security;

“(B) to reduce paper-based reporting requirements; and

“(C) to maintain timely and actionable knowledge of the state of the information system security.

“(b) STANDARDS.—The National Institute of Standards and Technology may promulgate standards, in coordination with the Secretary of Homeland Security, to assist an agency with its duties under this section.

“(c) COMPLIANCE.—The head of each appropriate department and agency shall be responsible for ensuring compliance and implementing necessary procedures to comply with this section. The head of each appropriate department and agency, in consultation with the Director of the Office of Management and Budget and the Secretary of Homeland Security, shall—

“(1) monitor compliance under this section;

“(2) develop a timeline and implement for the department or agency—

“(A) adoption of any technology, system, or method that facilitates continuous monitoring and threat assessments of an agency information system;

“(B) adoption or updating of any technology, system, or method that prevents, detects, or remediates a significant cyber incident to a Federal information system of the department or agency that has impeded, or is reasonably likely to impede, the performance of a critical mission of the department or agency; and

“(C) adoption of any technology, system, or method that satisfies a requirement under this section.

“(d) LIMITATION OF AUTHORITY.—The authorities of the Director of the Office of Management and Budget and of the Secretary of Homeland Security under this section shall not apply to national security systems.

“(e) REPORT.—Not later than 6 months after the date of enactment of the Strengthening and Enhancing Cybersecurity by Using Research, Education, Information, and Technology Act of 2012, the Government Accountability Office shall issue a report evaluating each agency’s status toward implementing this section.

#### “§ 3556. Independent evaluations

“(a) IN GENERAL.—The Council of the Inspectors General on Integrity and Efficiency, in consultation with the Director and the Secretary of Homeland Security, the Secretary of Commerce, and the Secretary of Defense, shall issue and maintain criteria for the timely, cost-effective, risk-based, and independent evaluation of each agencywide information security program (and practices) to determine the effectiveness of the agencywide information security program (and practices). The criteria shall include measures to assess any conflicts of interest in the performance of the evaluation and whether the agencywide information security program includes appropriate safeguards against disclosure of information where such disclosure may adversely affect information security.

“(b) ANNUAL INDEPENDENT EVALUATIONS.—Each agency shall perform an annual independent evaluation of its agencywide information security program (and practices) in accordance with the criteria under subsection (a).

“(c) DISTRIBUTION OF REPORTS.—Not later than 30 days after receiving an independent evaluation under subsection (b), each agency head shall transmit a copy of the independent evaluation to the Secretary of

Homeland Security, the Secretary of Commerce, and the Secretary of Defense.

“(d) NATIONAL SECURITY SYSTEMS.—Evaluations involving national security systems shall be conducted as directed by President.”

**“§ 3557. National security systems.**

“The head of each agency operating or exercising control of a national security system shall be responsible for ensuring that the agency—

“(1) provides information security protections commensurate with the risk and magnitude of the harm resulting from the unauthorized access, use, disclosure, disruption, modification, or destruction of the information contained in such system; and

“(2) implements information security policies and practices as required by standards and guidelines for national security systems, issued in accordance with law and as directed by the President.”.

**(b) SAVINGS PROVISIONS.—**

(1) POLICY AND COMPLIANCE GUIDANCE.—Policy and compliance guidance issued by the Director before the date of enactment of this Act under section 3543(a)(1) of title 44, United States Code (as in effect on the day before the date of enactment of this Act), shall continue in effect, according to its terms, until modified, terminated, superseded, or repealed pursuant to section 3553(a)(1) of title 44, United States Code.

(2) STANDARDS AND GUIDELINES.—Standards and guidelines issued by the Secretary of Commerce or by the Director before the date of enactment of this Act under section 11331(a)(1) of title 40, United States Code, (as in effect on the day before the date of enactment of this Act) shall continue in effect, according to their terms, until modified, terminated, superseded, or repealed pursuant to section 11331(a)(1) of title 40, United States Code, as amended by this Act.

**(c) TECHNICAL AND CONFORMING AMENDMENTS.—**

(1) CHAPTER ANALYSIS.—The chapter analysis for chapter 35 of title 44, United States Code, is amended—

(A) by striking the items relating to sections 3531 through 3538;

(B) by striking the items relating to sections 3541 through 3549; and

(C) by inserting the following:

“3551. Purposes.

“3552. Definitions.

“3553. Federal information security authority and coordination.

“3554. Agency responsibilities.

“3555. Multiagency ongoing threat assessment.

“3556. Independent evaluations.

“3557. National security systems.”.

**(2) OTHER REFERENCES.—**

(A) Section 1001(c)(1)(A) of the Homeland Security Act of 2002 (6 U.S.C. 511(1)(A)) is amended by striking “section 3532(3)” and inserting “section 3552”.

(B) Section 2222(j)(5) of title 10, United States Code, is amended by striking “section 3542(b)(2)” and inserting “section 3552”.

(C) Section 2223(c)(3) of title 10, United States Code, is amended, by striking “section 3542(b)(2)” and inserting “section 3552”.

(D) Section 2315 of title 10, United States Code, is amended by striking “section 3542(b)(2)” and inserting “section 3552”.

(E) Section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3) is amended—

(i) in subsection (a)(2), by striking “section 3532(b)(2)” and inserting “section 3552”;

(ii) in subsection (c)(3), by striking “Director of the Office of Management and Budget” and inserting “Secretary of Commerce”;

(iii) in subsection (d)(1), by striking “Director of the Office of Management and Budget” and inserting “Secretary of Commerce”;

(iv) in subsection (d)(8) by striking “Director of the Office of Management and Budget” and inserting “Secretary of Commerce”;

(v) in subsection (d)(8), by striking “submitted to the Director” and inserting “submitted to the Secretary”;

(vi) in subsection (e)(2), by striking “section 3532(1) of such title” and inserting “section 3552 of title 44”; and

(vii) in subsection (e)(5), by striking “section 3532(b)(2) of such title” and inserting “section 3552 of title 44”.

(F) Section 8(d)(1) of the Cyber Security Research and Development Act (15 U.S.C. 7406(d)(1)) is amended by striking “section 3534(b)” and inserting “section 3554(b)(2)”.

**SEC. 202. MANAGEMENT OF INFORMATION TECHNOLOGY.**

(a) IN GENERAL.—Section 11331 of title 40, United States Code, is amended to read as follows:

**“§ 11331. Responsibilities for Federal information systems standards**

“(A) STANDARDS AND GUIDELINES.—

“(1) AUTHORITY TO PRESCRIBE.—Except as provided under paragraph (2), the Secretary of Commerce shall prescribe standards and guidelines pertaining to Federal information systems—

“(A) in consultation with the Secretary of Homeland Security; and

“(B) on the basis of standards and guidelines developed by the National Institute of Standards and Technology under paragraphs (2) and (3) of section 20(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3(a)(2) and (a)(3)).

“(2) NATIONAL SECURITY SYSTEMS.—Standards and guidelines for national security systems shall be developed, prescribed, enforced, and overseen as otherwise authorized by law and as directed by the President.

“(b) MANDATORY STANDARDS AND GUIDELINES.—

“(1) AUTHORITY TO MAKE MANDATORY STANDARDS AND GUIDELINES.—The Secretary of Commerce shall make standards and guidelines under subsection (a)(1) compulsory and binding to the extent determined necessary by the Secretary of Commerce to improve the efficiency of operation or security of Federal information systems.

“(2) REQUIRED MANDATORY STANDARDS AND GUIDELINES.—

“(A) IN GENERAL.—Standards and guidelines under subsection (a)(1) shall include information security standards that—

“(i) provide minimum information security requirements as determined under section 20(b) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3(b)); and

“(ii) are otherwise necessary to improve the security of Federal information and information systems.

“(B) BINDING EFFECT.—Information security standards under subparagraph (A) shall be compulsory and binding.

“(c) EXERCISE OF AUTHORITY.—To ensure fiscal and policy consistency, the Secretary of Commerce shall exercise the authority conferred by this section subject to direction by the President and in coordination with the Director.

“(d) APPLICATION OF MORE STRINGENT STANDARDS AND GUIDELINES.—The head of an executive agency may employ standards for the cost-effective information security for information systems within or under the supervision of that agency that are more stringent than the standards and guidelines the

Secretary of Commerce prescribes under this section if the more stringent standards and guidelines—

“(1) contain at least the applicable standards and guidelines made compulsory and binding by the Secretary of Commerce; and

“(2) are otherwise consistent with the policies, directives, and implementation memoranda issued under section 3553(a) of title 44.

“(e) DECISIONS ON PROMULGATION OF STANDARDS AND GUIDELINES.—The decision by the Secretary of Commerce regarding the promulgation of any standard or guideline under this section shall occur not later than 6 months after the date of submission of the proposed standard to the Secretary of Commerce by the National Institute of Standards and Technology under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3).

“(f) NOTICE AND COMMENT.—A decision by the Secretary of Commerce to significantly modify, or not promulgate, a proposed standard submitted to the Secretary by the National Institute of Standards and Technology under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3) shall be made after the public is given an opportunity to comment on the Secretary’s proposed decision.

“(g) DEFINITIONS.—In this section:

“(1) FEDERAL INFORMATION SYSTEM.—The term ‘Federal information system’ has the meaning given the term in section 3552 of title 44.

“(2) INFORMATION SECURITY.—The term ‘information security’ has the meaning given the term in section 3552 of title 44.

“(3) NATIONAL SECURITY SYSTEM.—The term ‘national security system’ has the meaning given the term in section 3552 of title 44.”.

**SEC. 203. NO NEW FUNDING.**

An applicable Federal agency shall carry out the provisions of this title with existing facilities and funds otherwise available, through such means as the head of the agency considers appropriate.

**SEC. 204. TECHNICAL AND CONFORMING AMENDMENTS.**

Section 21(b) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–4(b)) is amended—

(1) in paragraph (2), by striking “and the Director of the Office of Management and Budget” and inserting “, the Secretary of Commerce, and the Secretary of Homeland Security”; and

(2) in paragraph (3), by inserting “, the Secretary of Homeland Security,” after “the Secretary of Commerce”.

**SEC. 205. CLARIFICATION OF AUTHORITIES.**

Nothing in this title shall be construed to convey any new regulatory authority to any government entity implementing or complying with any provision of this title.

**TITLE III—CRIMINAL PENALTIES**

**SEC. 301. PENALTIES FOR FRAUD AND RELATED ACTIVITY IN CONNECTION WITH COMPUTERS.**

Section 1030(c) of title 18, United States Code, is amended to read as follows:

“(c) The punishment for an offense under subsection (a) or (b) of this section is—

“(1) a fine under this title or imprisonment for not more than 20 years, or both, in the case of an offense under subsection (a)(1) of this section;

“(2)(A) except as provided in subparagraph (B), a fine under this title or imprisonment for not more than 3 years, or both, in the case of an offense under subsection (a)(2); or

“(B) a fine under this title or imprisonment for not more than ten years, or both, in

the case of an offense under subsection (a)(2) of this section, if—

“(i) the offense was committed for purposes of commercial advantage or private financial gain;

“(ii) the offense was committed in the furtherance of any criminal or tortious act in violation of the Constitution or laws of the United States, or of any State; or

“(iii) the value of the information obtained, or that would have been obtained if the offense was completed, exceeds \$5,000;

“(3) a fine under this title or imprisonment for not more than 10 years, or both, in the case of an offense under subsection (a)(3) of this section;

“(4) a fine under this title or imprisonment of not more than 20 years, or both, in the case of an offense under subsection (a)(4) of this section;

“(5)(A) except as provided in subparagraph (C), a fine under this title, imprisonment for not more than 20 years, or both, in the case of an offense under subsection (a)(5)(A) of this section, if the offense caused—

“(i) loss to 1 or more persons during any 1-year period (and, for purposes of an investigation, prosecution, or other proceeding brought by the United States only, loss resulting from a related course of conduct affecting 1 or more other protected computers) aggregating at least \$5,000 in value;

“(ii) the modification or impairment, or potential modification or impairment, of the medical examination, diagnosis, treatment, or care of 1 or more individuals;

“(iii) physical injury to any person;

“(iv) a threat to public health or safety;

“(v) damage affecting a computer used by, or on behalf of, an entity of the United States Government in furtherance of the administration of justice, national defense, or national security; or

“(vi) damage affecting 10 or more protected computers during any 1-year period;

“(B) a fine under this title, imprisonment for not more than 20 years, or both, in the case of an offense under subsection (a)(5)(B), if the offense caused a harm provided in clause (i) through (vi) of subparagraph (A) of this subsection;

“(C) if the offender attempts to cause or knowingly or recklessly causes death from conduct in violation of subsection (a)(5)(A), a fine under this title, imprisonment for any term of years or for life, or both;

“(D) a fine under this title, imprisonment for not more than 10 years, or both, for any other offense under subsection (a)(5);

“(E) a fine under this title or imprisonment for not more than 10 years, or both, in the case of an offense under subsection (a)(6) of this section; or

“(F) a fine under this title or imprisonment for not more than 10 years, or both, in the case of an offense under subsection (a)(7) of this section.”

#### SEC. 302. TRAFFICKING IN PASSWORDS.

Section 1030(a)(6) of title 18, United States Code, is amended to read as follows:

“(6) knowingly and with intent to defraud traffics (as defined in section 1029) in any password or similar information or means of access through which a protected computer (as defined in subparagraphs (A) and (B) of subsection (e)(2)) may be accessed without authorization.”

#### SEC. 303. CONSPIRACY AND ATTEMPTED COMPUTER FRAUD OFFENSES.

Section 1030(b) of title 18, United States Code, is amended by inserting “as if for the completed offense” after “punished as provided”.

#### SEC. 304. CRIMINAL AND CIVIL FORFEITURE FOR FRAUD AND RELATED ACTIVITY IN CONNECTION WITH COMPUTERS.

Section 1030 of title 18, United States Code, is amended by striking subsections (i) and (j) and inserting the following:

“(i) CRIMINAL FORFEITURE.—

“(1) The court, in imposing sentence on any person convicted of a violation of this section, or convicted of conspiracy to violate this section, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person forfeit to the United States—

“(A) such persons interest in any property, real or personal, that was used, or intended to be used, to commit or facilitate the commission of such violation; and

“(B) any property, real or personal, constituting or derived from any gross proceeds, or any property traceable to such property, that such person obtained, directly or indirectly, as a result of such violation.

“(2) The criminal forfeiture of property under this subsection, including any seizure and disposition of the property, and any related judicial or administrative proceeding, shall be governed by the provisions of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), except subsection (d) of that section.

“(j) CIVIL FORFEITURE.—

“(1) The following shall be subject to forfeiture to the United States and no property right, real or personal, shall exist in them:

“(A) Any property, real or personal, that was used, or intended to be used, to commit or facilitate the commission of any violation of this section, or a conspiracy to violate this section.

“(B) Any property, real or personal, constituting or derived from any gross proceeds obtained directly or indirectly, or any property traceable to such property, as a result of the commission of any violation of this section, or a conspiracy to violate this section.

“(2) Seizures and forfeitures under this subsection shall be governed by the provisions in chapter 46 relating to civil forfeitures, except that such duties as are imposed on the Secretary of the Treasury under the customs laws described in section 981(d) shall be performed by such officers, agents and other persons as may be designated for that purpose by the Secretary of Homeland Security or the Attorney General.”

#### SEC. 305. DAMAGE TO CRITICAL INFRASTRUCTURE COMPUTERS.

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by inserting after section 1030 the following:

“§ 1030A. Aggravated damage to a critical infrastructure computer

“(a) DEFINITIONS.—In this section—

“(1) the term ‘computer’ has the meaning given the term in section 1030;

“(2) the term ‘critical infrastructure computer’ means a computer that manages or controls systems or assets vital to national defense, national security, national economic security, public health or safety, or any combination of those matters, whether publicly or privately owned or operated, including—

“(A) oil and gas production, storage, conversion, and delivery systems;

“(B) water supply systems;

“(C) telecommunication networks;

“(D) electrical power generation and delivery systems;

“(E) finance and banking systems;

“(F) emergency services;

“(G) transportation systems and services; and

“(H) government operations that provide essential services to the public; and

“(3) the term ‘damage’ has the meaning given the term in section 1030.

“(b) OFFENSE.—It shall be unlawful, during and in relation to a felony violation of section 1030, to knowingly cause or attempt to cause damage to a critical infrastructure computer if the damage results in (or, in the case of an attempt, if completed, would have resulted in) the substantial impairment—

“(1) of the operation of the critical infrastructure computer; or

“(2) of the critical infrastructure associated with the computer.

“(c) PENALTY.—Any person who violates subsection (b) shall be—

“(1) fined under this title;

“(2) imprisoned for not less than 3 years but not more than 20 years; or

“(3) penalized under paragraphs (1) and (2).

“(d) CONSECUTIVE SENTENCE.—Notwithstanding any other provision of law—

“(1) a court shall not place on probation any person convicted of a violation of this section;

“(2) except as provided in paragraph (4), no term of imprisonment imposed on a person under this section shall run concurrently with any other term of imprisonment imposed on the person under any other provision of law, including any term of imprisonment imposed for a felony violation of section 1030;

“(3) in determining any term of imprisonment to be imposed for a felony violation of section 1030, a court shall not in any way reduce the term to be imposed for such crime so as to compensate for, or otherwise take into account, any separate term of imprisonment imposed or to be imposed for a violation of this section; and

“(4) a term of imprisonment imposed on a person for a violation of this section may, in the discretion of the court, run concurrently, in whole or in part, only with another term of imprisonment that is imposed by the court at the same time on that person for an additional violation of this section, provided that such discretion shall be exercised in accordance with any applicable guidelines and policy statements issued by the United States Sentencing Commission pursuant to section 994 of title 28.”

(b) TECHNICAL AND CONFORMING AMENDMENT.—The chapter analysis for chapter 47 of title 18, United States Code, is amended by inserting after the item relating to section 1030 the following:

“1030A. Aggravated damage to a critical infrastructure computer.”

#### SEC. 306. LIMITATION ON ACTIONS INVOLVING UNAUTHORIZED USE.

Section 1030(e)(6) of title 18, United States Code, is amended by striking “alter;” and inserting “alter, but does not include access in violation of a contractual obligation or agreement, such as an acceptable use policy or terms of service agreement, with an Internet service provider, Internet website, or non-government employer, if such violation constitutes the sole basis for determining that access to a protected computer is unauthorized;”

#### SEC. 307. NO NEW FUNDING.

An applicable Federal agency shall carry out the provisions of this title with existing facilities and funds otherwise available, through such means as the head of the agency considers appropriate.

# **TITLE IV—CYBERSECURITY RESEARCH AND DEVELOPMENT**

## **SEC. 401. NATIONAL HIGH-PERFORMANCE COMPUTING PROGRAM PLANNING AND COORDINATION.**

(a) **GOALS AND PRIORITIES.**—Section 101 of the High-Performance Computing Act of 1991 (15 U.S.C. 5511) is amended by adding at the end the following:

“(d) **GOALS AND PRIORITIES.**—The goals and priorities for Federal high-performance computing research, development, networking, and other activities under subsection (a)(2)(A) shall include—

“(1) encouraging and supporting mechanisms for interdisciplinary research and development in networking and information technology, including—

“(A) through collaborations across agencies;

“(B) through collaborations across Program Component Areas;

“(C) through collaborations with industry;

“(D) through collaborations with institutions of higher education;

“(E) through collaborations with Federal laboratories (as defined in section 4 of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3703)); and

“(F) through collaborations with international organizations;

“(2) addressing national, multi-agency, multi-faceted challenges of national importance; and

“(3) fostering the transfer of research and development results into new technologies and applications for the benefit of society.”.

(b) **DEVELOPMENT OF STRATEGIC PLAN.**—Section 101 of the High-Performance Computing Act of 1991 (15 U.S.C. 5511) is amended by adding at the end the following:

“(e) **STRATEGIC PLAN.**—

“(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of the Strengthening and Enhancing Cybersecurity by Using Research, Education, Information, and Technology Act of 2012, the agencies under subsection (a)(3)(B), working through the National Science and Technology Council and with the assistance of the Office of Science and Technology Policy shall develop a 5-year strategic plan to guide the activities under subsection (a)(1).

“(2) **CONTENTS.**—The strategic plan shall specify—

“(A) the near-term objectives for the Program;

“(B) the long-term objectives for the Program;

“(C) the anticipated time frame for achieving the near-term objectives;

“(D) the metrics that will be used to assess any progress made toward achieving the near-term objectives and the long-term objectives; and

“(E) how the Program will achieve the goals and priorities under subsection (d).

“(3) **IMPLEMENTATION ROADMAP.**—

“(A) **IN GENERAL.**—The agencies under subsection (a)(3)(B) shall develop and annually update an implementation roadmap for the strategic plan.

“(B) **REQUIREMENTS.**—The information in the implementation roadmap shall be coordinated with the database under section 102(c) and the annual report under section 101(a)(3). The implementation roadmap shall—

“(i) specify the role of each Federal agency in carrying out or sponsoring research and development to meet the research objectives of the strategic plan, including a description of how progress toward the research objectives will be evaluated, with consideration of any relevant recommendations of the advisory committee;

“(ii) specify the funding allocated to each major research objective of the strategic plan and the source of funding by agency for the current fiscal year; and

“(iii) estimate the funding required for each major research objective of the strategic plan for the next 3 fiscal years.

“(4) **RECOMMENDATIONS.**—The agencies under subsection (a)(3)(B) shall take into consideration when developing the strategic plan under paragraph (1) the recommendations of—

“(A) the advisory committee under subsection (b); and

“(B) the stakeholders under section 102(a)(3).

“(5) **REPORT TO CONGRESS.**—The Director of the Office of Science and Technology Policy shall transmit the strategic plan under this subsection, including the implementation roadmap and any updates under paragraph (3), to—

“(A) the advisory committee under subsection (b);

“(B) the Committee on Commerce, Science, and Transportation of the Senate; and

“(C) the Committee on Science and Technology of the House of Representatives.”.

(c) **PERIODIC REVIEWS.**—Section 101 of the High-Performance Computing Act of 1991 (15 U.S.C. 5511) is amended by adding at the end the following:

“(f) **PERIODIC REVIEWS.**—The agencies under subsection (a)(3)(B) shall—

“(1) periodically assess the contents and funding levels of the Program Component Areas and restructure the Program when warranted, taking into consideration any relevant recommendations of the advisory committee under subsection (b); and

“(2) ensure that the Program includes national, multi-agency, multi-faceted research and development activities, including activities described in section 104.”.

(d) **ADDITIONAL RESPONSIBILITIES OF DIRECTOR.**—Section 101(a)(2) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(a)(2)) is amended—

(1) by redesignating subparagraphs (E) and (F) as subparagraphs (G) and (H), respectively; and

(2) by inserting after subparagraph (D) the following:

“(E) encourage and monitor the efforts of the agencies participating in the Program to allocate the level of resources and management attention necessary—

“(i) to ensure that the strategic plan under subsection (e) is developed and executed effectively; and

“(ii) to ensure that the objectives of the Program are met;

“(F) working with the Office of Management and Budget and in coordination with the creation of the database under section 102(c), direct the Office of Science and Technology Policy and the agencies participating in the Program to establish a mechanism (consistent with existing law) to track all ongoing and completed research and development projects and associated funding.”.

(e) **ADVISORY COMMITTEE.**—Section 101(b) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(b)) is amended—

(1) in paragraph (1)—

(A) by inserting after the first sentence the following: “The co-chairs of the advisory committee shall meet the qualifications of committee members and may be members of the Presidents Council of Advisors on Science and Technology.”; and

(B) by striking “high-performance” in subparagraph (D) and inserting “high-end”; and

(2) by amending paragraph (2) to read as follows:

“(2) In addition to the duties under paragraph (1), the advisory committee shall conduct periodic evaluations of the funding, management, coordination, implementation, and activities of the Program. The advisory committee shall report its findings and recommendations not less frequently than once every 3 fiscal years to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives. The report shall be submitted in conjunction with the update of the strategic plan.”.

(f) **REPORT.**—Section 101(a)(3) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(a)(3)) is amended—

(1) in subparagraph (C)—

(A) by striking “is submitted,” and inserting “is submitted, the levels for the previous fiscal year.”; and

(B) by striking “each Program Component Area” and inserting “each Program Component Area and each research area supported in accordance with section 104”;

(2) in subparagraph (D)—

(A) by striking “each Program Component Area,” and inserting “each Program Component Area and each research area supported in accordance with section 104.”;

(B) by striking “is submitted,” and inserting “is submitted, the levels for the previous fiscal year.”; and

(C) by striking “and” after the semicolon;

(3) by redesignating subparagraph (E) as subparagraph (G); and

(4) by inserting after subparagraph (D) the following:

“(E) include a description of how the objectives for each Program Component Area, and the objectives for activities that involve multiple Program Component Areas, relate to the objectives of the Program identified in the strategic plan under subsection (e);

“(F) include—

“(i) a description of the funding required by the Office of Science and Technology Policy to perform the functions under subsections (a) and (c) of section 102 for the next fiscal year by category of activity;

“(ii) a description of the funding required by the Office of Science and Technology Policy to perform the functions under subsections (a) and (c) of section 102 for the current fiscal year by category of activity; and

“(iii) the amount of funding provided for the Office of Science and Technology Policy for the current fiscal year by each agency participating in the Program; and”.

(g) **DEFINITIONS.**—Section 4 of the High-Performance Computing Act of 1991 (15 U.S.C. 5503) is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(2) by redesignating paragraph (3) as paragraph (6);

(3) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively;

(4) by inserting before paragraph (2), as redesignated, the following:

“(1) ‘cyber-physical systems’ means physical or engineered systems whose networking and information technology functions and physical elements are deeply integrated and are actively connected to the physical world through sensors, actuators, or other means to perform monitoring and control functions.”;

(5) in paragraph (3), as redesignated, by striking “high-performance computing” and inserting “networking and information technology”;

(6) in paragraph (6), as redesignated—

(A) by striking “high-performance computing” and inserting “networking and information technology”; and

(B) by striking “supercomputer” and inserting “high-end computing”;

(7) in paragraph (5), by striking “network referred to as” and all that follows through the semicolon and inserting “network, including advanced computer networks of Federal agencies and departments”; and

(8) in paragraph (7), as redesignated, by striking “National High-Performance Computing Program” and inserting “networking and information technology research and development program”.

#### **SEC. 402. RESEARCH IN AREAS OF NATIONAL IMPORTANCE.**

(a) RESEARCH IN AREAS OF NATIONAL IMPORTANCE.—Title I of the High-Performance Computing Act of 1991 (15 U.S.C. 5511 et seq.) is amended by adding at the end the following:

##### **“SEC. 104. RESEARCH IN AREAS OF NATIONAL IMPORTANCE.**

“(a) IN GENERAL.—The Program shall encourage agencies under section 101(a)(3)(B) to support, maintain, and improve national, multi-agency, multi-faceted, research and development activities in networking and information technology directed toward application areas that have the potential for significant contributions to national economic competitiveness and for other significant societal benefits.

“(b) TECHNICAL SOLUTIONS.—An activity under subsection (a) shall be designed to advance the development of research discoveries by demonstrating technical solutions to important problems in areas including—

“(1) cybersecurity;

“(2) health care;

“(3) energy management and low-power systems and devices;

“(4) transportation, including surface and air transportation;

“(5) cyber-physical systems;

“(6) large-scale data analysis and modeling of physical phenomena;

“(7) large scale data analysis and modeling of behavioral phenomena;

“(8) supply chain quality and security; and

“(9) privacy protection and protected disclosure of confidential data.

“(c) RECOMMENDATIONS.—The advisory committee under section 101(b) shall make recommendations to the Program for candidate research and development areas for support under this section.

“(d) CHARACTERISTICS.—

“(1) IN GENERAL.—Research and development activities under this section—

“(A) shall include projects selected on the basis of applications for support through a competitive, merit-based process;

“(B) shall leverage, when possible, Federal investments through collaboration with related State initiatives;

“(C) shall include a plan for fostering the transfer of research discoveries and the results of technology demonstration activities, including from institutions of higher education and Federal laboratories, to industry for commercial development;

“(D) shall involve collaborations among researchers in institutions of higher education and industry; and

“(E) may involve collaborations among nonprofit research institutions and Federal laboratories, as appropriate.

“(2) COST-SHARING.—In selecting applications for support, the agencies under section 101(a)(3)(B) shall give special consideration to projects that include cost sharing from non-Federal sources.

“(3) MULTIDISCIPLINARY RESEARCH CENTERS.—Research and development activities under this section shall be supported through multidisciplinary research centers, including Federal laboratories, that are organized to investigate basic research questions and carry out technology demonstration activities in areas described in subsection (a). Research may be carried out through existing multidisciplinary centers, including those authorized under section 7024(b)(2) of the America COMPETES Act (42 U.S.C. 1862o–10(2)).”.

(b) CYBER-PHYSICAL SYSTEMS.—Section 101(a)(1) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(a)(1)) is amended—

(1) in subparagraph (H), by striking “and” after the semicolon;

(2) in subparagraph (I), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(J) provide for increased understanding of the scientific principles of cyber-physical systems and improve the methods available for the design, development, and operation of cyber-physical systems that are characterized by high reliability, safety, and security; and

“(K) provide for research and development on human-computer interactions, visualization, and big data.”.

(c) TASK FORCE.—Title I of the High-Performance Computing Act of 1991 (15 U.S.C. 5511 et seq.), as amended by section 402(a) of this Act, is amended by adding at the end the following:

##### **“SEC. 105. TASK FORCE.**

“(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment the Strengthening and Enhancing Cybersecurity by Using Research, Education, Information, and Technology Act of 2012, the Director of the Office of Science and Technology Policy under section 102 shall convene a task force to explore mechanisms for carrying out collaborative research and development activities for cyber-physical systems (including the related technologies required to enable these systems) through a consortium or other appropriate entity with participants from institutions of higher education, Federal laboratories, and industry.

“(b) FUNCTIONS.—The task force shall—

“(1) develop options for a collaborative model and an organizational structure for such entity under which the joint research and development activities could be planned, managed, and conducted effectively, including mechanisms for the allocation of resources among the participants in such entity for support of such activities;

“(2) propose a process for developing a research and development agenda for such entity, including guidelines to ensure an appropriate scope of work focused on nationally significant challenges and requiring collaboration and to ensure the development of related scientific and technological milestones;

“(3) define the roles and responsibilities for the participants from institutions of higher education, Federal laboratories, and industry in such entity;

“(4) propose guidelines for assigning intellectual property rights and for transferring research results to the private sector; and

“(5) make recommendations for how such entity could be funded from Federal, State, and non-governmental sources.

“(c) COMPOSITION.—In establishing the task force under subsection (a), the Director of the Office of Science and Technology Policy shall appoint an equal number of individuals

from institutions of higher education and from industry with knowledge and expertise in cyber-physical systems, and may appoint not more than 2 individuals from Federal laboratories.

“(d) REPORT.—Not later than 1 year after the date of enactment of the Strengthening and Enhancing Cybersecurity by Using Research, Education, Information, and Technology Act of 2012, the Director of the Office of Science and Technology Policy shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives a report describing the findings and recommendations of the task force.

“(e) TERMINATION.—The task force shall terminate upon transmittal of the report required under subsection (d).

“(f) COMPENSATION AND EXPENSES.—Members of the task force shall serve without compensation.”.

#### **SEC. 403. PROGRAM IMPROVEMENTS.**

Section 102 of the High-Performance Computing Act of 1991 (15 U.S.C. 5512) is amended to read as follows:

##### **“SEC. 102. PROGRAM IMPROVEMENTS.**

“(a) FUNCTIONS.—The Director of the Office of Science and Technology Policy shall continue—

“(1) to provide technical and administrative support to—

“(A) the agencies participating in planning and implementing the Program, including support needed to develop the strategic plan under section 101(e); and

“(B) the advisory committee under section 101(b);

“(2) to serve as the primary point of contact on Federal networking and information technology activities for government agencies, academia, industry, professional societies, State computing and networking technology programs, interested citizen groups, and others to exchange technical and programmatic information;

“(3) to solicit input and recommendations from a wide range of stakeholders during the development of each strategic plan under section 101(e) by convening at least 1 workshop with invitees from academia, industry, Federal laboratories, and other relevant organizations and institutions;

“(4) to conduct public outreach, including the dissemination of the advisory committee’s findings and recommendations, as appropriate;

“(5) to promote access to and early application of the technologies, innovations, and expertise derived from Program activities to agency missions and systems across the Federal Government and to United States industry;

“(6) to ensure accurate and detailed budget reporting of networking and information technology research and development investment; and

“(7) to encourage agencies participating in the Program to use existing programs and resources to strengthen networking and information technology education and training, and increase participation in such fields, including by women and underrepresented minorities.

“(b) SOURCE OF FUNDING.—

“(1) IN GENERAL.—The functions under this section shall be supported by funds from each agency participating in the Program.

“(2) SPECIFICATIONS.—The portion of the total budget of the Office of Science and Technology Policy that is provided by each agency participating in the Program for each fiscal year shall be in the same proportion as



each agency's share of the total budget for the Program for the previous fiscal year, as specified in the database under section 102(c).

“(c) DATABASE.—

“(1) IN GENERAL.—The Director of the Office of Science and Technology Policy shall develop and maintain a database of projects funded by each agency for the fiscal year for each Program Component Area.

“(2) PUBLIC ACCESSIBILITY.—The Director of the Office of Science and Technology Policy shall make the database accessible to the public.

“(3) DATABASE CONTENTS.—The database shall include, for each project in the database—

“(A) a description of the project;

“(B) each agency, industry, institution of higher education, Federal laboratory, or international institution involved in the project;

“(C) the source funding of the project (set forth by agency);

“(D) the funding history of the project; and

“(E) whether the project has been completed.”.

#### SEC. 404. IMPROVING EDUCATION OF NETWORKING AND INFORMATION TECHNOLOGY, INCLUDING HIGH PERFORMANCE COMPUTING.

Section 201(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5521(a)) is amended—

(1) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively; and

(2) by inserting after paragraph (1) the following:

“(2) the National Science Foundation shall use its existing programs, in collaboration with other agencies, as appropriate, to improve the teaching and learning of networking and information technology at all levels of education and to increase participation in networking and information technology fields;”.

#### SEC. 405. CONFIRMING AND TECHNICAL AMENDMENTS TO THE HIGH-PERFORMANCE COMPUTING ACT OF 1991.

(a) SECTION 3.—Section 3 of the High-Performance Computing Act of 1991 (15 U.S.C. 5502) is amended—

(1) in the matter preceding paragraph (1), by striking “high-performance computing” and inserting “networking and information technology”;;

(2) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking “high-performance computing” and inserting “networking and information technology”;;

(B) in subparagraphs (A), (F), and (G), by striking “high-performance computing” each place it appears and inserting “networking and information technology”;;

(C) in subparagraph (H), by striking “high-performance” and inserting “high-end”; and

(3) in paragraph (2)—

(A) by striking “high-performance computing and” and inserting “networking and information technology, and”; and

(B) by striking “high-performance computing network” and inserting “networking and information technology”.

(b) TITLE HEADING.—The heading of title I of the High-Performance Computing Act of 1991 (105 Stat. 1595) is amended by striking “HIGH-PERFORMANCE COMPUTING” and inserting “NETWORKING AND INFORMATION TECHNOLOGY”.

(c) SECTION 101.—Section 101 of the High-Performance Computing Act of 1991 (15 U.S.C. 5511) is amended—

(1) in the section heading, by striking “HIGH-PERFORMANCE COMPUTING” and inserting “NETWORKING AND INFORMATION TECHNOLOGY RESEARCH AND DEVELOPMENT”;

(2) in subsection (a)—

(A) in the subsection heading, by striking “NATIONAL HIGH-PERFORMANCE COMPUTING” and inserting “NETWORKING AND INFORMATION TECHNOLOGY RESEARCH AND DEVELOPMENT”;

(B) in paragraph (1)—

(i) by striking “National High-Performance Computing Program” and inserting “networking and information technology research and development program”;

(ii) in subparagraph (A), by striking “high-performance computing, including networking” and inserting “networking and information technology”;;

(iii) in subparagraphs (B) and (G), by striking “high-performance” each place it appears and inserting “high-end”; and

(iv) in subparagraph (C), by striking “high-performance computing and networking” and inserting “high-end computing, distributed, and networking”; and

(C) in paragraph (2)—

(i) in subparagraphs (A) and (C)—

(I) by striking “high-performance computing” each place it appears and inserting “networking and information technology”; and

(II) by striking “development, networking,” each place it appears and inserting “development,”; and

(ii) in subparagraphs (G) and (H), as redesignated by section 401(d) of this Act, by striking “high-performance” each place it appears and inserting “high-end”;;

(3) in subsection (b)(1), in the matter preceding subparagraph (A), by striking “high-performance computing” each place it appears and inserting “networking and information technology”; and

(4) in subsection (c)(1)(A), by striking “high-performance computing” and inserting “networking and information technology”.

(d) SECTION 201.—Section 201(a)(1) of the High-Performance Computing Act of 1991 (15 U.S.C. 5521(a)(1)) is amended by striking “high-performance computing and advanced high-speed computer networking” and inserting “networking and information technology research and development”.

(e) SECTION 202.—Section 202(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5522(a)) is amended by striking “high-performance computing” and inserting “networking and information technology”.

(f) SECTION 203.—Section 203(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5523(a)) is amended—

(1) in paragraph (1), by striking “high-performance computing and networking” and inserting “networking and information technology”; and

(2) in paragraph (2)(A), by striking “high-performance” and inserting “high-end”.

(g) SECTION 204.—Section 204 of the High-Performance Computing Act of 1991 (15 U.S.C. 5524) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (A), by striking “high-performance computing systems and networks” and inserting “networking and information technology systems and capabilities”;;

(B) in subparagraph (B), by striking “interoperability of high-performance computing systems in networks and for common user interfaces to systems” and inserting “interoperability and usability of networking and information technology systems”; and

(C) in subparagraph (C), by striking “high-performance computing” and inserting “networking and information technology”; and

(2) in subsection (b)—

(A) by striking “HIGH-PERFORMANCE COMPUTING AND NETWORK” in the heading and inserting “NETWORKING AND INFORMATION TECHNOLOGY”; and

(B) by striking “sensitive”.

(h) SECTION 205.—Section 205(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5525(a)) is amended by striking “computational” and inserting “networking and information technology”.

(i) SECTION 206.—Section 206(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5526(a)) is amended by striking “computational research” and inserting “networking and information technology research”.

(j) SECTION 207.—Section 207 of the High-Performance Computing Act of 1991 (15 U.S.C. 5527) is amended by striking “high-performance computing” and inserting “networking and information technology”.

(k) SECTION 208.—Section 208 of the High-Performance Computing Act of 1991 (15 U.S.C. 5528) is amended—

(1) in the section heading, by striking “HIGH-PERFORMANCE COMPUTING” and inserting “NETWORKING AND INFORMATION TECHNOLOGY”; and

(2) in subsection (a)—

(A) in paragraph (1), by striking “High-performance computing and associated” and inserting “Networking and information”;;

(B) in paragraph (2), by striking “high-performance computing” and inserting “networking and information technologies”;;

(C) in paragraph (3), by striking “high-performance” and inserting “high-end”;;

(D) in paragraph (4), by striking “high-performance computers and associated” and inserting “networking and information”; and

(E) in paragraph (5), by striking “high-performance computing and associated” and inserting “networking and information”.

#### SEC. 406. FEDERAL CYBER SCHOLARSHIP-FOR-SERVICE PROGRAM.

(a) IN GENERAL.—The Director of the National Science Foundation, in coordination with the Secretary of Homeland Security, shall carry out a Federal cyber scholarship-for-service program to recruit and train the next generation of information technology professionals and security managers to meet the needs of the cybersecurity mission for the Federal government.

(b) PROGRAM DESCRIPTION AND COMPONENTS.—The program shall—

(1) annually assess the workforce needs of the Federal government for cybersecurity professionals, including network engineers, software engineers, and other experts in order to determine how many scholarships should be awarded annually to ensure that the workforce needs following graduation match the number of scholarships awarded;

(2) provide scholarships for up to 1,000 students per year in their pursuit of undergraduate or graduate degrees in the cybersecurity field, in an amount that may include coverage for full tuition, fees, and a stipend;

(3) require each scholarship recipient, as a condition of receiving a scholarship under the program, to serve in a Federal information technology workforce for a period equal to one and one-half times each year, or partial year, of scholarship received, in addition to an internship in the cybersecurity field, if applicable, following graduation;

(4) provide a procedure for the National Science Foundation or a Federal agency, consistent with regulations of the Office of

Personnel Management, to request and fund a security clearance for a scholarship recipient, including providing for clearance during a summer internship and upon graduation; and

(5) provide opportunities for students to receive temporary appointments for meaningful employment in the Federal information technology workforce during school vacation periods and for internships.

(c) **HIRING AUTHORITY.**—

(1) **IN GENERAL.**—For purposes of any law or regulation governing the appointment of an individual in the Federal civil service, upon the successful completion of the student's studies, a student receiving a scholarship under the program may—

(A) be hired under section 213.3102(r) of title 5, Code of Federal Regulations; and

(B) be exempt from competitive service.

(2) **COMPETITIVE SERVICE.**—Upon satisfactory fulfillment of the service term under paragraph (1), an individual may be converted to a competitive service position without competition if the individual meets the requirements for that position.

(d) **ELIGIBILITY.**—The eligibility requirements for a scholarship under this section shall include that a scholarship applicant—

(1) be a citizen of the United States;

(2) be eligible to be granted a security clearance;

(3) maintain a grade point average of 3.2 or above on a 4.0 scale for undergraduate study or a 3.5 or above on a 4.0 scale for postgraduate study;

(4) demonstrate a commitment to a career in improving the security of the information infrastructure; and

(5) has demonstrated a level of proficiency in math or computer sciences.

(e) **FAILURE TO COMPLETE SERVICE OBLIGATION.**—

(1) **IN GENERAL.**—A scholarship recipient under this section shall be liable to the United States under paragraph (2) if the scholarship recipient—

(A) fails to maintain an acceptable level of academic standing in the educational institution in which the individual is enrolled, as determined by the Director;

(B) is dismissed from such educational institution for disciplinary reasons;

(C) withdraws from the program for which the award was made before the completion of such program;

(D) declares that the individual does not intend to fulfill the service obligation under this section;

(E) fails to fulfill the service obligation of the individual under this section; or

(F) loses a security clearance or becomes ineligible for a security clearance.

(2) **REPAYMENT AMOUNTS.**—

(A) **LESS THAN 1 YEAR OF SERVICE.**—If a circumstance under paragraph (1) occurs before the completion of 1 year of a service obligation under this section, the total amount of awards received by the individual under this section shall be repaid.

(B) **ONE OR MORE YEARS OF SERVICE.**—If a circumstance described in subparagraph (D) or (E) of paragraph (1) occurs after the completion of 1 year of a service obligation under this section, the total amount of scholarship awards received by the individual under this section, reduced by the ratio of the number of years of service completed divided by the number of years of service required, shall be repaid.

(f) **EVALUATION AND REPORT.**—The Director of the National Science Foundation shall—

(1) evaluate the success of recruiting individuals for scholarships under this section

and of hiring and retaining those individuals in the public sector workforce, including the annual cost and an assessment of how the program actually improves the Federal workforce; and

(2) periodically report the findings under paragraph (1) to Congress.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—From amounts made available under section 503 of the America COMPETES Reauthorization Act of 2010 (124 Stat. 4005), the Director may use funds to carry out the requirements of this section for fiscal years 2012 through 2013.

**SEC. 407. STUDY AND ANALYSIS OF CERTIFICATION AND TRAINING OF INFORMATION INFRASTRUCTURE PROFESSIONALS.**

(a) **STUDY.**—The President shall enter into an agreement with the National Academies to conduct a comprehensive study of government, academic, and private-sector accreditation, training, and certification programs for personnel working in information infrastructure. The agreement shall require the National Academies to consult with sector coordinating councils and relevant governmental agencies, regulatory entities, and nongovernmental organizations in the course of the study.

(b) **SCOPE.**—The study shall include—

(1) an evaluation of the body of knowledge and various skills that specific categories of personnel working in information infrastructure should possess in order to secure information systems;

(2) an assessment of whether existing government, academic, and private-sector accreditation, training, and certification programs provide the body of knowledge and various skills described in paragraph (1);

(3) an analysis of any barriers to the Federal Government recruiting and hiring cybersecurity talent, including barriers relating to compensation, the hiring process, job classification, and hiring flexibility; and

(4) an analysis of the sources and availability of cybersecurity talent, a comparison of the skills and expertise sought by the Federal Government and the private sector, an examination of the current and future capacity of United States institutions of higher education, including community colleges, to provide current and future cybersecurity professionals, through education and training activities, with those skills sought by the Federal Government, State and local entities, and the private sector.

(c) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the National Academies shall submit to the President and Congress a report on the results of the study. The report shall include—

(1) findings regarding the state of information infrastructure accreditation, training, and certification programs, including specific areas of deficiency and demonstrable progress; and

(2) recommendations for the improvement of information infrastructure accreditation, training, and certification programs.

**SEC. 408. INTERNATIONAL CYBERSECURITY TECHNICAL STANDARDS.**

(a) **IN GENERAL.**—The Director of the National Institute of Standards and Technology, in coordination with appropriate Federal authorities, shall—

(1) as appropriate, ensure coordination of Federal agencies engaged in the development of international technical standards related to information system security; and

(2) not later than 1 year after the date of enactment of this Act, develop and transmit to Congress a plan for ensuring such Federal agency coordination.

(b) **CONSULTATION WITH THE PRIVATE SECTOR.**—In carrying out the activities under subsection (a)(1), the Director shall ensure consultation with appropriate private sector stakeholders.

**SEC. 409. IDENTITY MANAGEMENT RESEARCH AND DEVELOPMENT.**

The Director of the National Institute of Standards and Technology shall continue a program to support the development of technical standards, metrology, testbeds, and conformance criteria, taking into account appropriate user concerns—

(1) to improve interoperability among identity management technologies;

(2) to strengthen authentication methods of identity management systems;

(3) to improve privacy protection in identity management systems, including health information technology systems, through authentication and security protocols; and

(4) to improve the usability of identity management systems.

**SEC. 410. FEDERAL CYBERSECURITY RESEARCH AND DEVELOPMENT.**

(a) **NATIONAL SCIENCE FOUNDATION COMPUTER AND NETWORK SECURITY RESEARCH GRANT AREAS.**—Section 4(a)(1) of the Cyber Security Research and Development Act (15 U.S.C. 7403(a)(1)) is amended—

(1) in subparagraph (H), by striking “and” after the semicolon;

(2) in subparagraph (I), by striking “property.” and inserting “property;”; and

(3) by adding at the end the following:

“(J) secure fundamental protocols that are at the heart of inter-network communications and data exchange;

“(K) system security that addresses the building of secure systems from trusted and untrusted components;

“(L) monitoring and detection; and

“(M) resiliency and rapid recovery methods.”.

(b) **NATIONAL SCIENCE FOUNDATION COMPUTER AND NETWORK SECURITY GRANTS.**—Section 4(a)(3) of the Cyber Security Research and Development Act (15 U.S.C. 7403(a)(3)) is amended—

(1) in subparagraph (D), by striking “and”; and

(2) in subparagraph (E), by striking “2007.” and inserting “2007;”; and

(3) by adding at the end the following:

“(F) such funds from amounts made available under section 503 of the America COMPETES Reauthorization Act of 2010 (124 Stat. 4005), as the Director finds necessary to carry out the requirements of this subsection for fiscal years 2012 through 2013.”.

(c) **COMPUTER AND NETWORK SECURITY CENTERS.**—Section 4(b)(7) of the Cyber Security Research and Development Act (15 U.S.C. 7403(b)(7)) is amended—

(1) in subparagraph (D), by striking “and”; and

(2) in subparagraph (E), by striking “2007.” and inserting “2007;”; and

(3) by adding at the end the following:

“(F) such funds from amounts made available under section 503 of the America COMPETES Reauthorization Act of 2010 (124 Stat. 4005), as the Director finds necessary to carry out the requirements of this subsection for fiscal years 2012 through 2013.”.

(d) **COMPUTER AND NETWORK SECURITY CAPACITY BUILDING GRANTS.**—Section 5(a)(6) of the Cyber Security Research and Development Act (15 U.S.C. 7404(a)(6)) is amended—

(1) in subparagraph (D), by striking “and”; and

(2) in subparagraph (E), by striking “2007.” and inserting “2007;”; and

(3) by adding at the end the following:

“(F) such funds from amounts made available under section 503 of the America COMPETES Reauthorization Act of 2010 (124 Stat.

4005), as the Director finds necessary to carry out the requirements of this subsection for fiscal years 2012 through 2013.”.

(e) SCIENTIFIC AND ADVANCED TECHNOLOGY ACT GRANTS.—Section 5(b)(2) of the Cyber Security Research and Development Act (15 U.S.C. 7404(b)(2)) is amended—

(1) in subparagraph (D), by striking “and”;

(2) in subparagraph (E), by striking “2007.” and inserting “2007.”; and

(3) by adding at the end the following:

“(F) such funds from amounts made available under section 503 of the America COMPETES Reauthorization Act of 2010 (124 Stat. 4005), as the Director finds necessary to carry out the requirements of this subsection for fiscal years 2012 through 2013.”.

(f) GRADUATE TRAINEESHIPS IN COMPUTER AND NETWORK SECURITY RESEARCH.—Section 5(c)(7) of the Cyber Security Research and Development Act (15 U.S.C. 7404(c)(7)) is amended—

(1) in subparagraph (D), by striking “and”;

(2) in subparagraph (E), by striking “2007.” and inserting “2007.”; and

(3) by adding at the end the following:

“(F) such funds from amounts made available under section 503 of the America COMPETES Reauthorization Act of 2010 (124 Stat. 4005), as the Director finds necessary to carry out the requirements of this subsection for fiscal years 2012 through 2013.”.

**SA 2614.** Mrs. HUTCHISON (for herself, Mr. MCCAIN, Mr. CHAMBLISS, Mr. GRASSLEY, Ms. MURKOWSKI, Mr. COATS, Mr. BURR, and Mr. JOHNSON of Wisconsin) submitted an amendment intended to be proposed by her to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

#### **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the “Strengthening and Enhancing Cybersecurity by Using Research, Education, Information, and Technology Act of 2012” or “SECURE IT”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

#### **TITLE I—FACILITATING SHARING OF CYBER THREAT INFORMATION**

Sec. 101. Definitions.

Sec. 102. Authorization to share cyber threat information.

Sec. 103. Information sharing by the Federal government.

Sec. 104. Construction.

Sec. 105. Report on implementation.

Sec. 106. Inspector General review.

Sec. 107. Technical amendments.

Sec. 108. Access to classified information.

#### **TITLE II—COORDINATION OF FEDERAL INFORMATION SECURITY POLICY**

Sec. 201. Coordination of Federal information security policy.

Sec. 202. Management of information technology.

Sec. 203. No new funding.

Sec. 204. Technical and conforming amendments.

Sec. 205. Clarification of authorities.

#### **TITLE III—CRIMINAL PENALTIES**

Sec. 301. Penalties for fraud and related activity in connection with computers.

Sec. 302. Trafficking in passwords.

Sec. 303. Conspiracy and attempted computer fraud offenses.

Sec. 304. Criminal and civil forfeiture for fraud and related activity in connection with computers.

Sec. 305. Damage to critical infrastructure computers.

Sec. 306. Limitation on actions involving unauthorized use.

Sec. 307. No new funding.

#### **TITLE IV—CYBERSECURITY RESEARCH AND DEVELOPMENT**

Sec. 401. National High-Performance Computing Program planning and coordination.

Sec. 402. Research in areas of national importance.

Sec. 403. Program improvements.

Sec. 404. Improving education of networking and information technology, including high performance computing.

Sec. 405. Conforming and technical amendments to the High-Performance Computing Act of 1991.

Sec. 406. Federal cyber scholarship-for-service program.

Sec. 407. Study and analysis of certification and training of information infrastructure professionals.

Sec. 408. International cybersecurity technical standards.

Sec. 409. Identity management research and development.

Sec. 410. Federal cybersecurity research and development.

#### **TITLE I—FACILITATING SHARING OF CYBER THREAT INFORMATION**

##### **SEC. 101. DEFINITIONS.**

In this title:

(1) AGENCY.—The term “agency” has the meaning given the term in section 3502 of title 44, United States Code.

(2) ANTITRUST LAWS.—The term “antitrust laws”—

(A) has the meaning given the term in section 1(a) of the Clayton Act (15 U.S.C. 12(a));

(B) includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent that section 5 of that Act applies to unfair methods of competition; and

(C) includes any State law that has the same intent and effect as the laws under subparagraphs (A) and (B).

(3) COUNTERMEASURE.—The term “countermeasure” means an automated or a manual action with defensive intent to mitigate cyber threats.

(4) CYBER THREAT INFORMATION.—The term “cyber threat information” means information that indicates or describes—

(A) a technical or operation vulnerability or a cyber threat mitigation measure;

(B) an action or operation to mitigate a cyber threat;

(C) malicious reconnaissance, including anomalous patterns of network activity that appear to be transmitted for the purpose of gathering technical information related to a cybersecurity threat;

(D) a method of defeating a technical control;

(E) a method of defeating an operational control;

(F) network activity or protocols known to be associated with a malicious cyber actor or that signify malicious cyber intent;

(G) a method of causing a user with legitimate access to an information system or information that is stored on, processed by, or transiting an information system to inadvertently enable the defeat of a technical or operational control;

(H) any other attribute of a cybersecurity threat or cyber defense information that would foster situational awareness of the United States cybersecurity posture, if disclosure of such attribute or information is not otherwise prohibited by law;

(I) the actual or potential harm caused by a cyber incident, including information exfiltrated when it is necessary in order to identify or describe a cybersecurity threat; or

(J) any combination of subparagraphs (A) through (I).

(5) CYBERSECURITY CENTER.—The term “cybersecurity center” means the Department of Defense Cyber Crime Center, the Intelligence Community Incident Response Center, the United States Cyber Command Joint Operations Center, the National Cyber Investigative Joint Task Force, the National Security Agency/Central Security Service Threat Operations Center, the National Cybersecurity and Communications Integration Center, and any successor center.

(6) CYBERSECURITY SYSTEM.—The term “cybersecurity system” means a system designed or employed to ensure the integrity, confidentiality, or availability of, or to safeguard, a system or network, including measures intended to protect a system or network from—

(A) efforts to degrade, disrupt, or destroy such system or network; or

(B) theft or misappropriations of private or government information, intellectual property, or personally identifiable information.

(7) ENTITY.—

(A) IN GENERAL.—The term “entity” means any private entity, non-Federal government agency or department, or State, tribal, or local government agency or department (including an officer, employee, or agent thereof).

(B) INCLUSIONS.—The term “entity” includes a government agency or department (including an officer, employee, or agent thereof) of the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and any other territory or possession of the United States.

(8) FEDERAL INFORMATION SYSTEM.—The term “Federal information system” means an information system of a Federal department or agency used or operated by an executive agency, by a contractor of an executive agency, or by another organization on behalf of an executive agency.

(9) INFORMATION SECURITY.—The term “information security” means protecting information and information systems from disruption or unauthorized access, use, disclosure, modification, or destruction in order to provide—

(A) integrity, by guarding against improper information modification or destruction, including by ensuring information non-repudiation and authenticity;

(B) confidentiality, by preserving authorized restrictions on access and disclosure, including means for protecting personal privacy and proprietary information; or

(C) availability, by ensuring timely and reliable access to and use of information.

(10) INFORMATION SYSTEM.—The term “information system” has the meaning given the term in section 3502 of title 44, United States Code.

(11) LOCAL GOVERNMENT.—The term “local government” means any borough, city, county, parish, town, township, village, or other general purpose political subdivision of a State.

(12) MALICIOUS RECONNAISSANCE.—The term “malicious reconnaissance” means a method

for actively probing or passively monitoring an information system for the purpose of discerning technical vulnerabilities of the information system, if such method is associated with a known or suspected cybersecurity threat.

(13) **OPERATIONAL CONTROL.**—The term “operational control” means a security control for an information system that primarily is implemented and executed by people.

(14) **OPERATIONAL VULNERABILITY.**—The term “operational vulnerability” means any attribute of policy, process, or procedure that could enable or facilitate the defeat of an operational control.

(15) **PRIVATE ENTITY.**—The term “private entity” means any individual or any private group, organization, or corporation, including an officer, employee, or agent thereof.

(16) **SIGNIFICANT CYBER INCIDENT.**—The term “significant cyber incident” means a cyber incident resulting in, or an attempted cyber incident that, if successful, would have resulted in—

(A) the exfiltration from a Federal information system of data that is essential to the operation of the Federal information system; or

(B) an incident in which an operational or technical control essential to the security or operation of a Federal information system was defeated.

(17) **TECHNICAL CONTROL.**—The term “technical control” means a hardware or software restriction on, or audit of, access or use of an information system or information that is stored on, processed by, or transiting an information system that is intended to ensure the confidentiality, integrity, or availability of that system.

(18) **TECHNICAL VULNERABILITY.**—The term “technical vulnerability” means any attribute of hardware or software that could enable or facilitate the defeat of a technical control.

(19) **TRIBAL.**—The term “tribal” has the meaning given the term “Indian tribe” in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

## **SEC. 102. AUTHORIZATION TO SHARE CYBER THREAT INFORMATION.**

### **(a) VOLUNTARY DISCLOSURE.**—

(1) **PRIVATE ENTITIES.**—Notwithstanding any other provision of law, a private entity may, for the purpose of preventing, investigating, or otherwise mitigating threats to information security, on its own networks, or as authorized by another entity, on such entity’s networks, employ countermeasures and use cybersecurity systems in order to obtain, identify, or otherwise possess cyber threat information.

(2) **ENTITIES.**—Notwithstanding any other provision of law, an entity may disclose cyber threat information to—

(A) a cybersecurity center; or

(B) any other entity in order to assist with preventing, investigating, or otherwise mitigating threats to information security.

(3) **INFORMATION SECURITY PROVIDERS.**—If the cyber threat information described in paragraph (1) is obtained, identified, or otherwise possessed in the course of providing information security products or services under contract to another entity, that entity shall be given, at any time prior to disclosure of such information, a reasonable opportunity to authorize or prevent such disclosure, to request anonymization of such information, or to request that reasonable efforts be made to safeguard such information that identifies specific persons from unauthorized access or disclosure.

### **(b) SIGNIFICANT CYBER INCIDENTS INVOLVING FEDERAL INFORMATION SYSTEMS.**—

(1) **IN GENERAL.**—An entity providing electronic communication services, remote computing services, or information security services to a Federal department or agency shall inform the Federal department or agency of a significant cyber incident involving the Federal information system of that Federal department or agency that—

(A) is directly known to the entity as a result of providing such services;

(B) is directly related to the provision of such services by the entity; and

(C) as determined by the entity, has impeded or will impede the performance of a critical mission of the Federal department or agency.

(2) **ADVANCE COORDINATION.**—A Federal department or agency receiving the services described in paragraph (1) shall coordinate in advance with an entity described in paragraph (1) to develop the parameters of any information that may be provided under paragraph (1), including clarification of the type of significant cyber incident that will impede the performance of a critical mission of the Federal department or agency.

(3) **REPORT.**—A Federal department or agency shall report information provided under this subsection to a cybersecurity center.

(4) **CONSTRUCTION.**—Any information provided to a cybersecurity center under paragraph (3) shall be treated in the same manner as information provided to a cybersecurity center under subsection (a).

(c) **INFORMATION SHARED WITH OR PROVIDED TO A CYBERSECURITY CENTER.**—Cyber threat information provided to a cybersecurity center under this section—

(1) may be disclosed to, retained by, and used by, consistent with otherwise applicable Federal law, any Federal agency or department, component, officer, employee, or agent of the Federal government for a cybersecurity purpose, a national security purpose, or in order to prevent, investigate, or prosecute any of the offenses listed in section 2516 of title 18, United States Code, and such information shall not be disclosed to, retained by, or used by any Federal agency or department for any use not permitted under this paragraph;

(2) may, with the prior written consent of the entity submitting such information, be disclosed to and used by a State, tribal, or local government or government agency for the purpose of protecting information systems, or in furtherance of preventing, investigating, or prosecuting a criminal act, except that if the need for immediate disclosure prevents obtaining written consent, such consent may be provided orally with subsequent documentation of such consent;

(3) shall be considered the commercial, financial, or proprietary information of the entity providing such information to the Federal government and any disclosure outside the Federal government may only be made upon the prior written consent by such entity and shall not constitute a waiver of any applicable privilege or protection provided by law, except that if the need for immediate disclosure prevents obtaining written consent, such consent may be provided orally with subsequent documentation of such consent;

(4) shall be deemed voluntarily shared information and exempt from disclosure under section 552 of title 5, United States Code, and any State, tribal, or local law requiring disclosure of information or records;

(5) shall be, without discretion, withheld from the public under section 552(b)(3)(B) of

title 5, United States Code, and any State, tribal, or local law requiring disclosure of information or records;

(6) shall not be subject to the rules of any Federal agency or department or any judicial doctrine regarding ex parte communications with a decision-making official;

(7) shall not, if subsequently provided to a State, tribal, or local government or government agency, otherwise be disclosed or distributed to any entity by such State, tribal, or local government or government agency without the prior written consent of the entity submitting such information, notwithstanding any State, tribal, or local law requiring disclosure of information or records, except that if the need for immediate disclosure prevents obtaining written consent, such consent may be provided orally with subsequent documentation of such consent; and

(8) shall not be directly used by any Federal, State, tribal, or local department or agency to regulate the lawful activities of an entity, including activities relating to obtaining, identifying, or otherwise possessing cyber threat information, except that the procedures required to be developed and implemented under this title shall not be considered regulations within the meaning of this paragraph.

(d) **PROCEDURES RELATING TO INFORMATION SHARING WITH A CYBERSECURITY CENTER.**—Not later than 60 days after the date of enactment of this Act, the heads of each department or agency containing a cybersecurity center shall jointly develop, promulgate, and submit to Congress procedures to ensure that cyber threat information shared with or provided to—

(1) a cybersecurity center under this section—

(A) may be submitted to a cybersecurity center by an entity, to the greatest extent possible, through a uniform, publicly available process or format that is easily accessible on the website of such cybersecurity center, and that includes the ability to provide relevant details about the cyber threat information and written consent to any subsequent disclosures authorized by this paragraph;

(B) shall immediately be further shared with each cybersecurity center in order to prevent, investigate, or otherwise mitigate threats to information security across the Federal government;

(C) is handled by the Federal government in a reasonable manner, including consideration of the need to protect the privacy and civil liberties of individuals through anonymization or other appropriate methods, while fully accomplishing the objectives of this title, and the Federal government may undertake efforts consistent with this subparagraph to limit the impact on privacy and civil liberties of the sharing of cyber threat information with the Federal government; and

(D) except as provided in this section, shall only be used, disclosed, or handled in accordance with the provisions of subsection (c); and

(2) a Federal agency or department under subsection (b) is provided immediately to a cybersecurity center in order to prevent, investigate, or otherwise mitigate threats to information security across the Federal government.

(e) **INFORMATION SHARED BETWEEN ENTITIES.**—

(1) **IN GENERAL.**—An entity sharing cyber threat information with another entity under this title may restrict the use or sharing of such information by such other entity.

(2) FURTHER SHARING.—Cyber threat information shared by any entity with another entity under this title—

(A) shall only be further shared in accordance with any restrictions placed on the sharing of such information by the entity authorizing such sharing, such as appropriate anonymization of such information; and

(B) may not be used by any entity to gain an unfair competitive advantage to the detriment of the entity authorizing the sharing of such information, except that the conduct described in paragraph (3) shall not constitute unfair competitive conduct.

(3) INFORMATION SHARED WITH STATE, TRIBAL, OR LOCAL GOVERNMENT OR GOVERNMENT AGENCY.—Cyber threat information shared with a State, tribal, or local government or government agency under this title—

(A) may, with the prior written consent of the entity sharing such information, be disclosed to and used by a State, tribal, or local government or government agency for the purpose of protecting information systems, or in furtherance of preventing, investigating, or prosecuting a criminal act, except if the need for immediate disclosure prevents obtaining written consent, consent may be provided orally with subsequent documentation of the consent;

(B) shall be deemed voluntarily shared information and exempt from disclosure under any State, tribal, or local law requiring disclosure of information or records;

(C) shall not be disclosed or distributed to any entity by the State, tribal, or local government or government agency without the prior written consent of the entity submitting such information, notwithstanding any State, tribal, or local law requiring disclosure of information or records, except if the need for immediate disclosure prevents obtaining written consent, consent may be provided orally with subsequent documentation of the consent; and

(D) shall not be directly used by any State, tribal, or local department or agency to regulate the lawful activities of an entity, including activities relating to obtaining, identifying, or otherwise possessing cyber threat information, except that the procedures required to be developed and implemented under this title shall not be considered regulations within the meaning of this subparagraph.

(4) ANTITRUST EXEMPTION.—The exchange or provision of cyber threat information or assistance between 2 or more private entities under this title shall not be considered a violation of any provision of antitrust laws if exchanged or provided in order to assist with—

(A) facilitating the prevention, investigation, or mitigation of threats to information security; or

(B) communicating or disclosing of cyber threat information to help prevent, investigate or otherwise mitigate the effects of a threat to information security.

(5) NO RIGHT OR BENEFIT.—The provision of cyber threat information to an entity under this section shall not create a right or a benefit to similar information by such entity or any other entity.

(f) FEDERAL PREEMPTION.—

(1) IN GENERAL.—This section supersedes any statute or other law of a State or political subdivision of a State that restricts or otherwise expressly regulates an activity authorized under this section.

(2) STATE LAW ENFORCEMENT.—Nothing in this section shall be construed to supersede any statute or other law of a State or polit-

ical subdivision of a State concerning the use of authorized law enforcement techniques.

(3) PUBLIC DISCLOSURE.—No information shared with or provided to a State, tribal, or local government or government agency pursuant to this section shall be made publicly available pursuant to any State, tribal, or local law requiring disclosure of information or records.

(g) CIVIL AND CRIMINAL LIABILITY.—

(1) GENERAL PROTECTIONS.—

(A) PRIVATE ENTITIES.—No cause of action shall lie or be maintained in any court against any private entity for—

(i) the use of countermeasures and cybersecurity systems as authorized by this title;

(ii) the use, receipt, or disclosure of any cyber threat information as authorized by this title; or

(iii) the subsequent actions or inactions of any lawful recipient of cyber threat information provided by such private entity.

(B) ENTITIES.—No cause of action shall lie or be maintained in any court against any entity for—

(i) the use, receipt, or disclosure of any cyber threat information as authorized by this title; or

(ii) the subsequent actions or inactions of any lawful recipient of cyber threat information provided by such entity.

(2) CONSTRUCTION.—Nothing in this subsection shall be construed as creating any immunity against, or otherwise affecting, any action brought by the Federal government, or any agency or department thereof, to enforce any law, executive order, or procedure governing the appropriate handling, disclosure, and use of classified information.

(h) OTHERWISE LAWFUL DISCLOSURES.—Nothing in this section shall be construed to limit or prohibit otherwise lawful disclosures of communications, records, or other information by a private entity to any other governmental or private entity not covered under this section.

(i) WHISTLEBLOWER PROTECTION.—Nothing in this Act shall be construed to preempt or preclude any employee from exercising rights currently provided under any whistleblower law, rule, or regulation.

(j) RELATIONSHIP TO OTHER LAWS.—The submission of cyber threat information under this section to a cybersecurity center shall not affect any requirement under any other provision of law for an entity to provide information to the Federal government.

#### SEC. 103. INFORMATION SHARING BY THE FEDERAL GOVERNMENT.

(a) CLASSIFIED INFORMATION.—

(1) PROCEDURES.—Consistent with the protection of intelligence sources and methods, and as otherwise determined appropriate, the Director of National Intelligence and the Secretary of Defense, in consultation with the heads of the appropriate Federal departments or agencies, shall develop and promulgate procedures to facilitate and promote—

(A) the immediate sharing, through the cybersecurity centers, of classified cyber threat information in the possession of the Federal government with appropriately cleared representatives of any appropriate entity; and

(B) the declassification and immediate sharing, through the cybersecurity centers, with any entity or, if appropriate, public availability of cyber threat information in the possession of the Federal government;

(2) HANDLING OF CLASSIFIED INFORMATION.—The procedures developed under paragraph (1) shall ensure that each entity receiving classified cyber threat information pursuant

to this section has acknowledged in writing the ongoing obligation to comply with all laws, executive orders, and procedures concerning the appropriate handling, disclosure, or use of classified information.

(b) UNCLASSIFIED CYBER THREAT INFORMATION.—The heads of each department or agency containing a cybersecurity center shall jointly develop and promulgate procedures that ensure that, consistent with the provisions of this section, unclassified, including controlled unclassified, cyber threat information in the possession of the Federal government—

(1) is shared, through the cybersecurity centers, in an immediate and adequate manner with appropriate entities; and

(2) if appropriate, is made publicly available.

(c) DEVELOPMENT OF PROCEDURES.—

(1) IN GENERAL.—The procedures developed under this section shall incorporate, to the greatest extent possible, existing processes utilized by sector specific information sharing and analysis centers.

(2) COORDINATION WITH ENTITIES.—In developing the procedures required under this section, the Director of National Intelligence and the heads of each department or agency containing a cybersecurity center shall coordinate with appropriate entities to ensure that protocols are implemented that will facilitate and promote the sharing of cyber threat information by the Federal government.

(d) ADDITIONAL RESPONSIBILITIES OF CYBERSECURITY CENTERS.—Consistent with section 102, a cybersecurity center shall—

(1) facilitate information sharing, interaction, and collaboration among and between cybersecurity centers and—

(A) other Federal entities;

(B) any entity; and

(C) international partners, in consultation with the Secretary of State;

(2) disseminate timely and actionable cybersecurity threat, vulnerability, mitigation, and warning information, including alerts, advisories, indicators, signatures, and mitigation and response measures, to improve the security and protection of information systems; and

(3) coordinate with other Federal entities, as appropriate, to integrate information from across the Federal government to provide situational awareness of the cybersecurity posture of the United States.

(e) SHARING WITHIN THE FEDERAL GOVERNMENT.—The heads of appropriate Federal departments and agencies shall ensure that cyber threat information in the possession of such Federal departments or agencies that relates to the prevention, investigation, or mitigation of threats to information security across the Federal government is shared effectively with the cybersecurity centers.

(f) SUBMISSION TO CONGRESS.—Not later than 60 days after the date of enactment of this Act, the Director of National Intelligence, in coordination with the appropriate head of a department or an agency containing a cybersecurity center, shall submit the procedures required by this section to Congress.

#### SEC. 104. CONSTRUCTION.

(a) INFORMATION SHARING RELATIONSHIPS.—Nothing in this title shall be construed—

(1) to limit or modify an existing information sharing relationship;

(2) to prohibit a new information sharing relationship;

(3) to require a new information sharing relationship between any entity and the Federal government, except as specified under section 102(b); or

(4) to modify the authority of a department or agency of the Federal government to protect sources and methods and the national security of the United States.

(b) ANTI-TASKING RESTRICTION.—Nothing in this title shall be construed to permit the Federal government—

(1) to require an entity to share information with the Federal government, except as expressly provided under section 102(b); or

(2) to condition the sharing of cyber threat information with an entity on such entity's provision of cyber threat information to the Federal government.

(c) NO LIABILITY FOR NON-PARTICIPATION.—Nothing in this title shall be construed to subject any entity to liability for choosing not to engage in the voluntary activities authorized under this title.

(d) USE AND RETENTION OF INFORMATION.—Nothing in this title shall be construed to authorize, or to modify any existing authority of, a department or agency of the Federal government to retain or use any information shared under section 102 for any use other than a use permitted under subsection 102(c)(1).

(e) NO NEW FUNDING.—An applicable Federal agency shall carry out the provisions of this title with existing facilities and funds otherwise available, through such means as the head of the agency considers appropriate.

#### SEC. 105. REPORT ON IMPLEMENTATION.

(a) CONTENT OF REPORT.—Not later than 1 year after the date of enactment of this Act, and biennially thereafter, the heads of each department or agency containing a cybersecurity center shall jointly submit, in coordination with the privacy and civil liberties officials of such departments or agencies and the Privacy and Civil Liberties Oversight Board, a detailed report to Congress concerning the implementation of this title, including—

(1) an assessment of the sufficiency of the procedures developed under section 103 of this Act in ensuring that cyber threat information in the possession of the Federal government is provided in an immediate and adequate manner to appropriate entities or, if appropriate, is made publicly available;

(2) an assessment of whether information has been appropriately classified and an accounting of the number of security clearances authorized by the Federal government for purposes of this title;

(3) a review of the type of cyber threat information shared with a cybersecurity center under section 102 of this Act, including whether such information meets the definition of cyber threat information under section 101, the degree to which such information may impact the privacy and civil liberties of individuals, any appropriate metrics to determine any impact of the sharing of such information with the Federal government on privacy and civil liberties, and the adequacy of any steps taken to reduce such impact;

(4) a review of actions taken by the Federal government based on information provided to a cybersecurity center under section 102 of this Act, including the appropriateness of any subsequent use under section 102(c)(1) of this Act and whether there was inappropriate stovepiping within the Federal government of any such information;

(5) a description of any violations of the requirements of this title by the Federal government;

(6) a classified list of entities that received classified information from the Federal government under section 103 of this Act and a description of any indication that such infor-

mation may not have been appropriately handled;

(7) a summary of any breach of information security, if known, attributable to a specific failure by any entity or the Federal government to act on cyber threat information in the possession of such entity or the Federal government that resulted in substantial economic harm or injury to a specific entity or the Federal government; and

(8) any recommendation for improvements or modifications to the authorities under this title.

(b) FORM OF REPORT.—The report under subsection (a) shall be submitted in unclassified form, but shall include a classified annex.

#### SEC. 106. INSPECTOR GENERAL REVIEW.

(a) IN GENERAL.—The Council of the Inspectors General on Integrity and Efficiency are authorized to review compliance by the cybersecurity centers, and by any Federal department or agency receiving cyber threat information from such cybersecurity centers, with the procedures required under section 102 of this Act.

(b) SCOPE OF REVIEW.—The review under subsection (a) shall consider whether the Federal government has handled such cyber threat information in a reasonable manner, including consideration of the need to protect the privacy and civil liberties of individuals through anonymization or other appropriate methods, while fully accomplishing the objectives of this title.

(c) REPORT TO CONGRESS.—Each review conducted under this section shall be provided to Congress not later than 30 days after the date of completion of the review.

#### SEC. 107. TECHNICAL AMENDMENTS.

Section 552(b) of title 5, United States Code, is amended—

(1) in paragraph (8), by striking “or”;

(2) in paragraph (9), by striking “wells,” and inserting “wells; or”; and

(3) by adding at the end the following:

“(10) information shared with or provided to a cybersecurity center under section 102 of title I of the Strengthening and Enhancing Cybersecurity by Using Research, Education, Information, and Technology Act of 2012.”.

#### SEC. 108. ACCESS TO CLASSIFIED INFORMATION.

(a) AUTHORIZATION REQUIRED.—No person shall be provided with access to classified information (as defined in section 6.1 of Executive Order 13526 (50 U.S.C. 435 note; relating to classified national security information)) relating to cyber security threats or cyber security vulnerabilities under this title without the appropriate security clearances.

(b) SECURITY CLEARANCES.—The appropriate Federal agencies or departments shall, consistent with applicable procedures and requirements, and if otherwise deemed appropriate, assist an individual in timely obtaining an appropriate security clearance where such individual has been determined to be eligible for such clearance and has a need-to-know (as defined in section 6.1 of that Executive Order) classified information to carry out this title.

### TITLE II—COORDINATION OF FEDERAL INFORMATION SECURITY POLICY

#### SEC. 201. COORDINATION OF FEDERAL INFORMATION SECURITY POLICY.

(a) IN GENERAL.—Chapter 35 of title 44, United States Code, is amended by striking subchapters II and III and inserting the following:

#### “SUBCHAPTER II—INFORMATION SECURITY

##### “§ 3551. Purposes

“The purposes of this subchapter are—

“(1) to provide a comprehensive framework for ensuring the effectiveness of information security controls over information resources that support Federal operations and assets;

“(2) to recognize the highly networked nature of the current Federal computing environment and provide effective government-wide management of policies, directives, standards, and guidelines, as well as effective and nimble oversight of and response to information security risks, including coordination of information security efforts throughout the Federal civilian, national security, and law enforcement communities;

“(3) to provide for development and maintenance of controls required to protect agency information and information systems and contribute to the overall improvement of agency information security posture;

“(4) to provide for the development of tools and methods to assess and respond to real-time situational risk for Federal information system operations and assets; and

“(5) to provide a mechanism for improving agency information security programs through continuous monitoring of agency information systems and streamlined reporting requirements rather than overly prescriptive manual reporting.

##### “§ 3552. Definitions

“In this subchapter:

“(1) ADEQUATE SECURITY.—The term ‘adequate security’ means security commensurate with the risk and magnitude of the harm resulting from the unauthorized access to or loss, misuse, destruction, or modification of information.

“(2) AGENCY.—The term ‘agency’ has the meaning given the term in section 3502 of title 44.

“(3) CYBERSECURITY CENTER.—The term ‘cybersecurity center’ means the Department of Defense Cyber Crime Center, the Intelligence Community Incident Response Center, the United States Cyber Command Joint Operations Center, the National Cyber Investigative Joint Task Force, the National Security Agency/Central Security Service Threat Operations Center, the National Cybersecurity and Communications Integration Center, and any successor center.

“(4) CYBER THREAT INFORMATION.—The term ‘cyber threat information’ means information that indicates or describes—

“(A) a technical or operation vulnerability or a cyber threat mitigation measure;

“(B) an action or operation to mitigate a cyber threat;

“(C) malicious reconnaissance, including anomalous patterns of network activity that appear to be transmitted for the purpose of gathering technical information related to a cybersecurity threat;

“(D) a method of defeating a technical control;

“(E) a method of defeating an operational control;

“(F) network activity or protocols known to be associated with a malicious cyber actor or that signify malicious cyber intent;

“(G) a method of causing a user with legitimate access to an information system or information that is stored on, processed by, or transiting an information system to inadvertently enable the defeat of a technical or operational control;

“(H) any other attribute of a cybersecurity threat or cyber defense information that would foster situational awareness of the United States cybersecurity posture, if disclosure of such attribute or information is not otherwise prohibited by law;

“(I) the actual or potential harm caused by a cyber incident, including information

exfiltrated when it is necessary in order to identify or describe a cybersecurity threat; or

“(J) any combination of subparagraphs (A) through (I).

“(5) DIRECTOR.—The term ‘Director’ means the Director of the Office of Management and Budget unless otherwise specified.

“(6) ENVIRONMENT OF OPERATION.—The term ‘environment of operation’ means the information system and environment in which those systems operate, including changing threats, vulnerabilities, technologies, and missions and business practices.

“(7) FEDERAL INFORMATION SYSTEM.—The term ‘Federal information system’ means an information system used or operated by an executive agency, by a contractor of an executive agency, or by another organization on behalf of an executive agency.

“(8) INCIDENT.—The term ‘incident’ means an occurrence that—

“(A) actually or imminently jeopardizes the integrity, confidentiality, or availability of an information system or the information that system controls, processes, stores, or transmits; or

“(B) constitutes a violation of law or an imminent threat of violation of a law, a security policy, a security procedure, or an acceptable use policy.

“(9) INFORMATION RESOURCES.—The term ‘information resources’ has the meaning given the term in section 3502 of title 44.

“(10) INFORMATION SECURITY.—The term ‘information security’ means protecting information and information systems from disruption or unauthorized access, use, disclosure, modification, or destruction in order to provide—

“(A) integrity, by guarding against improper information modification or destruction, including by ensuring information non-repudiation and authenticity;

“(B) confidentiality, by preserving authorized restrictions on access and disclosure, including means for protecting personal privacy and proprietary information; or

“(C) availability, by ensuring timely and reliable access to and use of information.

“(11) INFORMATION SYSTEM.—The term ‘information system’ has the meaning given the term in section 3502 of title 44.

“(12) INFORMATION TECHNOLOGY.—The term ‘information technology’ has the meaning given the term in section 11101 of title 40.

“(13) MALICIOUS RECONNAISSANCE.—The term ‘malicious reconnaissance’ means a method for actively probing or passively monitoring an information system for the purpose of discerning technical vulnerabilities of the information system, if such method is associated with a known or suspected cybersecurity threat.

“(14) NATIONAL SECURITY SYSTEM.—

“(A) IN GENERAL.—The term ‘national security system’ means any information system (including any telecommunications system) used or operated by an agency or by a contractor of an agency, or other organization on behalf of an agency—

“(i) the function, operation, or use of which—

“(I) involves intelligence activities;

“(II) involves cryptologic activities related to national security;

“(III) involves command and control of military forces;

“(IV) involves equipment that is an integral part of a weapon or weapons system; or

“(V) subject to subparagraph (B), is critical to the direct fulfillment of military or intelligence missions; or

“(ii) is protected at all times by procedures established for information that have been specifically authorized under criteria established by an Executive Order or an Act of Congress to be kept classified in the interest of national defense or foreign policy.

“(B) LIMITATION.—Subparagraph (A)(i)(V) does not include a system that is to be used for routine administrative and business applications (including payroll, finance, logistics, and personnel management applications).

“(15) OPERATIONAL CONTROL.—The term ‘operational control’ means a security control for an information system that primarily is implemented and executed by people.

“(16) PERSON.—The term ‘person’ has the meaning given the term in section 3502 of title 44.

“(17) SECRETARY.—The term ‘Secretary’ means the Secretary of Commerce unless otherwise specified.

“(18) SECURITY CONTROL.—The term ‘security control’ means the management, operational, and technical controls, including safeguards or countermeasures, prescribed for an information system to protect the confidentiality, integrity, and availability of the system and its information.

“(19) SIGNIFICANT CYBER INCIDENT.—The term ‘significant cyber incident’ means a cyber incident resulting in, or an attempted cyber incident that, if successful, would have resulted in—

“(A) the exfiltration from a Federal information system of data that is essential to the operation of the Federal information system; or

“(B) an incident in which an operational or technical control essential to the security or operation of a Federal information system was defeated.

“(20) TECHNICAL CONTROL.—The term ‘technical control’ means a hardware or software restriction on, or audit of, access or use of an information system or information that is stored on, processed by, or transiting an information system that is intended to ensure the confidentiality, integrity, or availability of that system.

#### “§ 3553. Federal information security authority and coordination

“(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Homeland Security, shall—

“(1) issue compulsory and binding policies and directives governing agency information security operations, and require implementation of such policies and directives, including—

“(A) policies and directives consistent with the standards and guidelines promulgated under section 11331 of title 40 to identify and provide information security protections prioritized and commensurate with the risk and impact resulting from the unauthorized access, use, disclosure, disruption, modification, or destruction of—

“(i) information collected or maintained by or on behalf of an agency; or

“(ii) information systems used or operated by an agency or by a contractor of an agency or other organization on behalf of an agency;

“(B) minimum operational requirements for Federal Government to protect agency information systems and provide common situational awareness across all agency information systems;

“(C) reporting requirements, consistent with relevant law, regarding information security incidents and cyber threat information;

“(D) requirements for agencywide information security programs;

“(E) performance requirements and metrics for the security of agency information systems;

“(F) training requirements to ensure that agencies are able to fully and timely comply with the policies and directives issued by the Secretary under this subchapter;

“(G) training requirements regarding privacy, civil rights, and civil liberties, and information oversight for agency information security personnel;

“(H) requirements for the annual reports to the Secretary under section 3554(d);

“(I) any other information security operations or information security requirements as determined by the Secretary in coordination with relevant agency heads; and

“(J) coordinating the development of standards and guidelines under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3) with agencies and offices operating or exercising control of national security systems (including the National Security Agency) to assure, to the maximum extent feasible, that such standards and guidelines are complementary with standards and guidelines developed for national security systems;

“(2) review the agencywide information security programs under section 3554; and

“(3) designate an individual or an entity at each cybersecurity center, among other responsibilities—

“(A) to receive reports and information about information security incidents, cyber threat information, and deterioration of security control affecting agency information systems; and

“(B) to act on or share the information under subparagraph (A) in accordance with this subchapter.

“(b) CONSIDERATIONS.—When issuing policies and directives under subsection (a), the Secretary shall consider any applicable standards or guidelines developed by the National Institute of Standards and Technology under section 11331 of title 40.

“(c) LIMITATION OF AUTHORITY.—The authorities of the Secretary under this section shall not apply to national security systems. Information security policies, directives, standards and guidelines for national security systems shall be overseen as directed by the President and, in accordance with that direction, carried out under the authority of the heads of agencies that operate or exercise authority over such national security systems.

“(d) STATUTORY CONSTRUCTION.—Nothing in this subchapter shall be construed to alter or amend any law regarding the authority of any head of an agency over such agency.

#### “§ 3554. Agency responsibilities

“(a) IN GENERAL.—The head of each agency shall—

“(1) be responsible for—

“(A) complying with the policies and directives issued under section 3553;

“(B) providing information security protections commensurate with the risk resulting from unauthorized access, use, disclosure, disruption, modification, or destruction of—

“(i) information collected or maintained by the agency or by a contractor of an agency or other organization on behalf of an agency; and

“(ii) information systems used or operated by an agency or by a contractor of an agency or other organization on behalf of an agency;

“(C) complying with the requirements of this subchapter, including—



“(i) information security standards and guidelines promulgated under section 11331 of title 40;

“(ii) for any national security systems operated or controlled by that agency, information security policies, directives, standards and guidelines issued as directed by the President; and

“(iii) for any non-national security systems operated or controlled by that agency, information security policies, directives, standards and guidelines issued under section 3553;

“(D) ensuring that information security management processes are integrated with agency strategic and operational planning processes;

“(E) reporting and sharing, for an agency operating or exercising control of a national security system, information about information security incidents, cyber threat information, and deterioration of security controls to the individual or entity designated at each cybersecurity center and to other appropriate entities consistent with policies and directives for national security systems issued as directed by the President; and

“(F) reporting and sharing, for those agencies operating or exercising control of non-national security systems, information about information security incidents, cyber threat information, and deterioration of security controls to the individual or entity designated at each cybersecurity center and to other appropriate entities consistent with policies and directives for non-national security systems as prescribed under section 3553(a), including information to assist the entity designated under section 3555(a) with the ongoing security analysis under section 3555;

“(2) ensure that each senior agency official provides information security for the information and information systems that support the operations and assets under the senior agency official's control, including by—

“(A) assessing the risk and impact that could result from the unauthorized access, use, disclosure, disruption, modification, or destruction of such information or information systems;

“(B) determining the level of information security appropriate to protect such information and information systems in accordance with policies and directives issued under section 3553(a), and standards and guidelines promulgated under section 11331 of title 40 for information security classifications and related requirements;

“(C) implementing policies, procedures, and capabilities to reduce risks to an acceptable level in a cost-effective manner;

“(D) actively monitoring the effective implementation of information security controls and techniques; and

“(E) reporting information about information security incidents, cyber threat information, and deterioration of security controls in a timely and adequate manner to the entity designated under section 3553(a)(3) in accordance with paragraph (1);

“(3) assess and maintain the resiliency of information technology systems critical to agency mission and operations;

“(4) designate the agency Inspector General (or an independent entity selected in consultation with the Director and the Council of Inspectors General on Integrity and Efficiency if the agency does not have an Inspector General) to conduct the annual independent evaluation required under section 3556, and allow the agency Inspector General to contract with an independent entity to perform such evaluation;

“(5) delegate to the Chief Information Officer or equivalent (or to a senior agency official who reports to the Chief Information Officer or equivalent)—

“(A) the authority and primary responsibility to implement an agencywide information security program; and

“(B) the authority to provide information security for the information collected and maintained by the agency (or by a contractor, other agency, or other source on behalf of the agency) and for the information systems that support the operations, assets, and mission of the agency (including any information system provided or managed by a contractor, other agency, or other source on behalf of the agency);

“(6) delegate to the appropriate agency official (who is responsible for a particular agency system or subsystem) the responsibility to ensure and enforce compliance with all requirements of the agency's agencywide information security program in coordination with the Chief Information Officer or equivalent (or the senior agency official who reports to the Chief Information Officer or equivalent) under paragraph (5);

“(7) ensure that an agency has trained personnel who have obtained any necessary security clearances to permit them to assist the agency in complying with this subchapter;

“(8) ensure that the Chief Information Officer or equivalent (or the senior agency official who reports to the Chief Information Officer or equivalent) under paragraph (5), in coordination with other senior agency officials, reports to the agency head on the effectiveness of the agencywide information security program, including the progress of any remedial actions; and

“(9) ensure that the Chief Information Officer or equivalent (or the senior agency official who reports to the Chief Information Officer or equivalent) under paragraph (5) has the necessary qualifications to administer the functions described in this subchapter and has information security duties as a primary duty of that official.

“(b) CHIEF INFORMATION OFFICERS.—Each Chief Information Officer or equivalent (or the senior agency official who reports to the Chief Information Officer or equivalent) under subsection (a)(5) shall—

“(1) establish and maintain an enterprise security operations capability that on a continuous basis—

“(A) detects, reports, contains, mitigates, and responds to information security incidents that impair adequate security of the agency's information or information system in a timely manner and in accordance with the policies and directives under section 3553; and

“(B) reports any information security incident under subparagraph (A) to the entity designated under section 3555;

“(2) develop, maintain, and oversee an agencywide information security program;

“(3) develop, maintain, and oversee information security policies, procedures, and control techniques to address applicable requirements, including requirements under section 3553 of this title and section 11331 of title 40; and

“(4) train and oversee the agency personnel who have significant responsibility for information security with respect to that responsibility.

“(c) AGENCYWIDE INFORMATION SECURITY PROGRAMS.—

“(1) IN GENERAL.—Each agencywide information security program under subsection (b)(2) shall include—

“(A) relevant security risk assessments, including technical assessments and others related to the acquisition process;

“(B) security testing commensurate with risk and impact;

“(C) mitigation of deterioration of security controls commensurate with risk and impact;

“(D) risk-based continuous monitoring and threat assessment of the operational status and security of agency information systems to enable evaluation of the effectiveness of and compliance with information security policies, procedures, and practices, including a relevant and appropriate selection of security controls of information systems identified in the inventory under section 3505(c);

“(E) operation of appropriate technical capabilities in order to detect, mitigate, report, and respond to information security incidents, cyber threat information, and deterioration of security controls in a manner that is consistent with the policies and directives under section 3553, including—

“(i) mitigating risks associated with such information security incidents;

“(ii) notifying and consulting with the entity designated under section 3555; and

“(iii) notifying and consulting with, as appropriate—

“(I) law enforcement and the relevant Office of the Inspector General; and

“(II) any other entity, in accordance with law and as directed by the President;

“(F) a process to ensure that remedial action is taken to address any deficiencies in the information security policies, procedures, and practices of the agency; and

“(G) a plan and procedures to ensure the continuity of operations for information systems that support the operations and assets of the agency.

“(2) RISK MANAGEMENT STRATEGIES.—Each agencywide information security program under subsection (b)(2) shall include the development and maintenance of a risk management strategy for information security. The risk management strategy shall include—

“(A) consideration of information security incidents, cyber threat information, and deterioration of security controls; and

“(B) consideration of the consequences that could result from the unauthorized access, use, disclosure, disruption, modification, or destruction of information and information systems that support the operations and assets of the agency, including any information system provided or managed by a contractor, other agency, or other source on behalf of the agency;

“(3) POLICIES AND PROCEDURES.—Each agencywide information security program under subsection (b)(2) shall include policies and procedures that—

“(A) are based on the risk management strategy under paragraph (2);

“(B) reduce information security risks to an acceptable level in a cost-effective manner;

“(C) ensure that cost-effective and adequate information security is addressed as part of the acquisition and ongoing management of each agency information system; and

“(D) ensure compliance with—

“(i) this subchapter; and

“(ii) any other applicable requirements.

“(4) TRAINING REQUIREMENTS.—Each agencywide information security program under subsection (b)(2) shall include information security, privacy, civil rights, civil liberties, and information oversight training that meets any applicable requirements under

section 3553. The training shall inform each information security personnel that has access to agency information systems (including contractors and other users of information systems that support the operations and assets of the agency) of—

“(A) the information security risks associated with the information security personnel’s activities; and

“(B) the individual’s responsibility to comply with the agency policies and procedures that reduce the risks under subparagraph (A).

“(d) ANNUAL REPORT.—Each agency shall submit a report annually to the Secretary of Homeland Security on its agencywide information security program and information systems.

**“§ 3555. Multiagency ongoing threat assessment**

“(a) IMPLEMENTATION.—The Director of the Office of Management and Budget, in coordination with the Secretary of Homeland Security, shall designate an entity to implement ongoing security analysis concerning agency information systems—

“(1) based on cyber threat information;

“(2) based on agency information system and environment of operation changes, including—

“(A) an ongoing evaluation of the information system security controls; and

“(B) the security state, risk level, and environment of operation of an agency information system, including—

“(i) a change in risk level due to a new cyber threat;

“(ii) a change resulting from a new technology;

“(iii) a change resulting from the agency’s mission; and

“(iv) a change resulting from the business practice; and

“(3) using automated processes to the maximum extent possible—

“(A) to increase information system security;

“(B) to reduce paper-based reporting requirements; and

“(C) to maintain timely and actionable knowledge of the state of the information system security.

“(b) STANDARDS.—The National Institute of Standards and Technology may promulgate standards, in coordination with the Secretary of Homeland Security, to assist an agency with its duties under this section.

“(c) COMPLIANCE.—The head of each appropriate department and agency shall be responsible for ensuring compliance and implementing necessary procedures to comply with this section. The head of each appropriate department and agency, in consultation with the Director of the Office of Management and Budget and the Secretary of Homeland Security, shall—

“(1) monitor compliance under this section;

“(2) develop a timeline and implement for the department or agency—

“(A) adoption of any technology, system, or method that facilitates continuous monitoring and threat assessments of an agency information system;

“(B) adoption or updating of any technology, system, or method that prevents, detects, or remediates a significant cyber incident to a Federal information system of the department or agency that has impeded, or is reasonably likely to impede, the performance of a critical mission of the department or agency; and

“(C) adoption of any technology, system, or method that satisfies a requirement under this section.

“(d) LIMITATION OF AUTHORITY.—The authorities of the Director of the Office of Management and Budget and of the Secretary of Homeland Security under this section shall not apply to national security systems.

“(e) REPORT.—Not later than 6 months after the date of enactment of the Strengthening and Enhancing Cybersecurity by Using Research, Education, Information, and Technology Act of 2012, the Government Accountability Office shall issue a report evaluating each agency’s status toward implementing this section.

**“§ 3556. Independent evaluations**

“(a) IN GENERAL.—The Council of the Inspectors General on Integrity and Efficiency, in consultation with the Director and the Secretary of Homeland Security, the Secretary of Commerce, and the Secretary of Defense, shall issue and maintain criteria for the timely, cost-effective, risk-based, and independent evaluation of each agencywide information security program (and practices) to determine the effectiveness of the agencywide information security program (and practices). The criteria shall include measures to assess any conflicts of interest in the performance of the evaluation and whether the agencywide information security program includes appropriate safeguards against disclosure of information where such disclosure may adversely affect information security.

“(b) ANNUAL INDEPENDENT EVALUATIONS.—Each agency shall perform an annual independent evaluation of its agencywide information security program (and practices) in accordance with the criteria under subsection (a).

“(c) DISTRIBUTION OF REPORTS.—Not later than 30 days after receiving an independent evaluation under subsection (b), each agency head shall transmit a copy of the independent evaluation to the Secretary of Homeland Security, the Secretary of Commerce, and the Secretary of Defense.

“(d) NATIONAL SECURITY SYSTEMS.—Evaluations involving national security systems shall be conducted as directed by President.

**“§ 3557. National security systems.**

“The head of each agency operating or exercising control of a national security system shall be responsible for ensuring that the agency—

“(1) provides information security protections commensurate with the risk and magnitude of the harm resulting from the unauthorized access, use, disclosure, disruption, modification, or destruction of the information contained in such system; and

“(2) implements information security policies and practices as required by standards and guidelines for national security systems, issued in accordance with law and as directed by the President.”.

**(b) SAVINGS PROVISIONS.—**

(1) POLICY AND COMPLIANCE GUIDANCE.—Policy and compliance guidance issued by the Director before the date of enactment of this Act under section 3543(a)(1) of title 44, United States Code (as in effect on the day before the date of enactment of this Act), shall continue in effect, according to its terms, until modified, terminated, superseded, or repealed pursuant to section 3553(a)(1) of title 44, United States Code.

(2) STANDARDS AND GUIDELINES.—Standards and guidelines issued by the Secretary of Commerce or by the Director before the date of enactment of this Act under section 11331(a)(1) of title 40, United States Code, (as in effect on the day before the date of enactment of this Act) shall continue in effect, ac-

cording to their terms, until modified, terminated, superseded, or repealed pursuant to section 11331(a)(1) of title 40, United States Code, as amended by this Act.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) CHAPTER ANALYSIS.—The chapter analysis for chapter 35 of title 44, United States Code, is amended—

(A) by striking the items relating to sections 3531 through 3538;

(B) by striking the items relating to sections 3541 through 3549; and

(C) by inserting the following:

“3551. Purposes.

“3552. Definitions.

“3553. Federal information security authority and coordination.

“3554. Agency responsibilities.

“3555. Multiagency ongoing threat assessment.

“3556. Independent evaluations.

“3557. National security systems.”.

**(2) OTHER REFERENCES.—**

(A) Section 1001(c)(1)(A) of the Homeland Security Act of 2002 (6 U.S.C. 511(1)(A)) is amended by striking “section 3532(3)” and inserting “section 3552”.

(B) Section 2222(j)(5) of title 10, United States Code, is amended by striking “section 3542(b)(2)” and inserting “section 3552”.

(C) Section 2223(c)(3) of title 10, United States Code, is amended, by striking “section 3542(b)(2)” and inserting “section 3552”.

(D) Section 2315 of title 10, United States Code, is amended by striking “section 3542(b)(2)” and inserting “section 3552”.

(E) Section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3) is amended—

(i) in subsection (a)(2), by striking “section 3532(b)(2)” and inserting “section 3552”;

(ii) in subsection (c)(3), by striking “Director of the Office of Management and Budget” and inserting “Secretary of Commerce”;

(iii) in subsection (d)(1), by striking “Director of the Office of Management and Budget” and inserting “Secretary of Commerce”;

(iv) in subsection (d)(8) by striking “Director of the Office of Management and Budget” and inserting “Secretary of Commerce”;

(v) in subsection (d)(8), by striking “submitted to the Director” and inserting “submitted to the Secretary”;

(vi) in subsection (e)(2), by striking “section 3532(1) of such title” and inserting “section 3552 of title 44”; and

(vii) in subsection (e)(5), by striking “section 3532(b)(2) of such title” and inserting “section 3552 of title 44”.

(F) Section 8(d)(1) of the Cyber Security Research and Development Act (15 U.S.C. 7406(d)(1)) is amended by striking “section 3534(b)” and inserting “section 3554(b)(2)”.

**SEC. 202. MANAGEMENT OF INFORMATION TECHNOLOGY.**

(a) IN GENERAL.—Section 11331 of title 40, United States Code, is amended to read as follows:

**“§ 11331. Responsibilities for Federal information systems standards**

“(a) STANDARDS AND GUIDELINES.—

“(1) AUTHORITY TO PRESCRIBE.—Except as provided under paragraph (2), the Secretary of Commerce shall prescribe standards and guidelines pertaining to Federal information systems—

“(A) in consultation with the Secretary of Homeland Security; and

“(B) on the basis of standards and guidelines developed by the National Institute of Standards and Technology under paragraphs

(2) and (3) of section 20(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3(a)(2) and (a)(3)).

“(2) NATIONAL SECURITY SYSTEMS.—Standards and guidelines for national security systems shall be developed, prescribed, enforced, and overseen as otherwise authorized by law and as directed by the President.

“(b) MANDATORY STANDARDS AND GUIDELINES.—

“(1) AUTHORITY TO MAKE MANDATORY STANDARDS AND GUIDELINES.—The Secretary of Commerce shall make standards and guidelines under subsection (a)(1) compulsory and binding to the extent determined necessary by the Secretary of Commerce to improve the efficiency of operation or security of Federal information systems.

“(2) REQUIRED MANDATORY STANDARDS AND GUIDELINES.—

“(A) IN GENERAL.—Standards and guidelines under subsection (a)(1) shall include information security standards that—

“(i) provide minimum information security requirements as determined under section 20(b) of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3(b)); and

“(ii) are otherwise necessary to improve the security of Federal information and information systems.

“(B) BINDING EFFECT.—Information security standards under subparagraph (A) shall be compulsory and binding.

“(c) EXERCISE OF AUTHORITY.—To ensure fiscal and policy consistency, the Secretary of Commerce shall exercise the authority conferred by this section subject to direction by the President and in coordination with the Director.

“(d) APPLICATION OF MORE STRINGENT STANDARDS AND GUIDELINES.—The head of an executive agency may employ standards for the cost-effective information security for information systems within or under the supervision of that agency that are more stringent than the standards and guidelines the Secretary of Commerce prescribes under this section if the more stringent standards and guidelines—

“(1) contain at least the applicable standards and guidelines made compulsory and binding by the Secretary of Commerce; and

“(2) are otherwise consistent with the policies, directives, and implementation memoranda issued under section 3553(a) of title 44.

“(e) DECISIONS ON PROMULGATION OF STANDARDS AND GUIDELINES.—The decision by the Secretary of Commerce regarding the promulgation of any standard or guideline under this section shall occur not later than 6 months after the date of submission of the proposed standard to the Secretary of Commerce by the National Institute of Standards and Technology under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3).

“(f) NOTICE AND COMMENT.—A decision by the Secretary of Commerce to significantly modify, or not promulgate, a proposed standard submitted to the Secretary by the National Institute of Standards and Technology under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3) shall be made after the public is given an opportunity to comment on the Secretary's proposed decision.

“(g) DEFINITIONS.—In this section:

“(1) FEDERAL INFORMATION SYSTEM.—The term ‘Federal information system’ has the meaning given the term in section 3552 of title 44.

“(2) INFORMATION SECURITY.—The term ‘information security’ has the meaning given the term in section 3552 of title 44.

“(3) NATIONAL SECURITY SYSTEM.—The term ‘national security system’ has the meaning given the term in section 3552 of title 44.”.

#### SEC. 203. NO NEW FUNDING.

An applicable Federal agency shall carry out the provisions of this title with existing facilities and funds otherwise available, through such means as the head of the agency considers appropriate.

#### SEC. 204. TECHNICAL AND CONFORMING AMENDMENTS.

Section 21(b) of the National Institute of Standards and Technology Act (15 U.S.C. 278g-4(b)) is amended—

(1) in paragraph (2), by striking “and the Director of the Office of Management and Budget” and inserting “, the Secretary of Commerce, and the Secretary of Homeland Security”; and

(2) in paragraph (3), by inserting “, the Secretary of Homeland Security,” after “the Secretary of Commerce”.

#### SEC. 205. CLARIFICATION OF AUTHORITIES.

Nothing in this title shall be construed to convey any new regulatory authority to any government entity implementing or complying with any provision of this title.

### TITLE III—CRIMINAL PENALTIES

#### SEC. 301. PENALTIES FOR FRAUD AND RELATED ACTIVITY IN CONNECTION WITH COMPUTERS.

Section 1030(c) of title 18, United States Code, is amended to read as follows:

“(c) The punishment for an offense under subsection (a) or (b) of this section is—

“(1) a fine under this title or imprisonment for not more than 20 years, or both, in the case of an offense under subsection (a)(1) of this section;

“(2)(A) except as provided in subparagraph (B), a fine under this title or imprisonment for not more than 3 years, or both, in the case of an offense under subsection (a)(2); or

“(B) a fine under this title or imprisonment for not more than ten years, or both, in the case of an offense under subsection (a)(2) of this section, if—

“(i) the offense was committed for purposes of commercial advantage or private financial gain;

“(ii) the offense was committed in the furtherance of any criminal or tortious act in violation of the Constitution or laws of the United States, or of any State; or

“(iii) the value of the information obtained, or that would have been obtained if the offense was completed, exceeds \$5,000;

“(3) a fine under this title or imprisonment for not more than 10 years, or both, in the case of an offense under subsection (a)(3) of this section;

“(4) a fine under this title or imprisonment of not more than 20 years, or both, in the case of an offense under subsection (a)(4) of this section;

“(5)(A) except as provided in subparagraph (C), a fine under this title, imprisonment for not more than 20 years, or both, in the case of an offense under subsection (a)(5)(A) of this section, if the offense caused—

“(i) loss to 1 or more persons during any 1-year period (and, for purposes of an investigation, prosecution, or other proceeding brought by the United States only, loss resulting from a related course of conduct affecting 1 or more other protected computers) aggregating at least \$5,000 in value;

“(ii) the modification or impairment, or potential modification or impairment, of the medical examination, diagnosis, treatment, or care of 1 or more individuals;

“(iii) physical injury to any person;

“(iv) a threat to public health or safety;

“(v) damage affecting a computer used by, or on behalf of, an entity of the United States Government in furtherance of the administration of justice, national defense, or national security; or

“(vi) damage affecting 10 or more protected computers during any 1-year period;

“(B) a fine under this title, imprisonment for not more than 20 years, or both, in the case of an offense under subsection (a)(5)(B), if the offense caused a harm provided in clause (i) through (vi) of subparagraph (A) of this subsection;

“(C) if the offender attempts to cause or knowingly or recklessly causes death from conduct in violation of subsection (a)(5)(A), a fine under this title, imprisonment for any term of years or for life, or both;

“(D) a fine under this title, imprisonment for not more than 10 years, or both, for any other offense under subsection (a)(5);

“(E) a fine under this title or imprisonment for not more than 10 years, or both, in the case of an offense under subsection (a)(6) of this section; or

“(F) a fine under this title or imprisonment for not more than 10 years, or both, in the case of an offense under subsection (a)(7) of this section.”.

#### SEC. 302. TRAFFICKING IN PASSWORDS.

Section 1030(a)(6) of title 18, United States Code, is amended to read as follows:

“(6) knowingly and with intent to defraud traffics (as defined in section 1029) in any password or similar information or means of access through which a protected computer (as defined in subparagraphs (A) and (B) of subsection (e)(2)) may be accessed without authorization.”.

#### SEC. 303. CONSPIRACY AND ATTEMPTED COMPUTER FRAUD OFFENSES.

Section 1030(b) of title 18, United States Code, is amended by inserting “as if for the completed offense” after “punished as provided”.

#### SEC. 304. CRIMINAL AND CIVIL FORFEITURE FOR FRAUD AND RELATED ACTIVITY IN CONNECTION WITH COMPUTERS.

Section 1030 of title 18, United States Code, is amended by striking subsections (i) and (j) and inserting the following:

“(i) CRIMINAL FORFEITURE.—

“(1) The court, in imposing sentence on any person convicted of a violation of this section, or convicted of conspiracy to violate this section, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person forfeit to the United States—

“(A) such persons interest in any property, real or personal, that was used, or intended to be used, to commit or facilitate the commission of such violation; and

“(B) any property, real or personal, constituting or derived from any gross proceeds, or any property traceable to such property, that such person obtained, directly or indirectly, as a result of such violation.

“(2) The criminal forfeiture of property under this subsection, including any seizure and disposition of the property, and any related judicial or administrative proceeding, shall be governed by the provisions of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), except subsection (d) of that section.

“(j) CIVIL FORFEITURE.—

“(1) The following shall be subject to forfeiture to the United States and no property right, real or personal, shall exist in them:

“(A) Any property, real or personal, that was used, or intended to be used, to commit or facilitate the commission of any violation of this section, or a conspiracy to violate this section.

“(B) Any property, real or personal, constituting or derived from any gross proceeds obtained directly or indirectly, or any property traceable to such property, as a result of the commission of any violation of this section, or a conspiracy to violate this section.

“(2) Seizures and forfeitures under this subsection shall be governed by the provisions in chapter 46 relating to civil forfeitures, except that such duties as are imposed on the Secretary of the Treasury under the customs laws described in section 981(d) shall be performed by such officers, agents and other persons as may be designated for that purpose by the Secretary of Homeland Security or the Attorney General.”.

**SEC. 305. DAMAGE TO CRITICAL INFRASTRUCTURE COMPUTERS.**

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by inserting after section 1030 the following:

**“§ 1030A. Aggravated damage to a critical infrastructure computer**

“(a) DEFINITIONS.—In this section—  
“(1) the term ‘computer’ has the meaning given the term in section 1030;

“(2) the term ‘critical infrastructure computer’ means a computer that manages or controls systems or assets vital to national defense, national security, national economic security, public health or safety, or any combination of those matters, whether publicly or privately owned or operated, including—

“(A) oil and gas production, storage, conversion, and delivery systems;

“(B) water supply systems;

“(C) telecommunication networks;

“(D) electrical power generation and delivery systems;

“(E) finance and banking systems;

“(F) emergency services;

“(G) transportation systems and services; and

“(H) government operations that provide essential services to the public; and

“(3) the term ‘damage’ has the meaning given the term in section 1030.

“(b) OFFENSE.—It shall be unlawful, during and in relation to a felony violation of section 1030, to knowingly cause or attempt to cause damage to a critical infrastructure computer if the damage results in (or, in the case of an attempt, if completed, would have resulted in) the substantial impairment—

“(1) of the operation of the critical infrastructure computer; or

“(2) of the critical infrastructure associated with the computer.

“(c) PENALTY.—Any person who violates subsection (b) shall be—

“(1) fined under this title;

“(2) imprisoned for not less than 3 years but not more than 20 years; or

“(3) penalized under paragraphs (1) and (2).

“(d) CONSECUTIVE SENTENCE.—Notwithstanding any other provision of law—

“(1) a court shall not place on probation any person convicted of a violation of this section;

“(2) except as provided in paragraph (4), no term of imprisonment imposed on a person under this section shall run concurrently with any other term of imprisonment, including any term of imprisonment imposed on the person under any other provision of law, including any term of imprisonment imposed for a felony violation of section 1030;

“(3) in determining any term of imprisonment to be imposed for a felony violation of section 1030, a court shall not in any way reduce the term to be imposed for such crime so as to compensate for, or otherwise take into account, any separate term of imprison-

ment imposed or to be imposed for a violation of this section; and

“(4) a term of imprisonment imposed on a person for a violation of this section may, in the discretion of the court, run concurrently, in whole or in part, only with another term of imprisonment that is imposed by the court at the same time on that person for an additional violation of this section, provided that such discretion shall be exercised in accordance with any applicable guidelines and policy statements issued by the United States Sentencing Commission pursuant to section 994 of title 28.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The chapter analysis for chapter 47 of title 18, United States Code, is amended by inserting after the item relating to section 1030 the following:

“1030A. Aggravated damage to a critical infrastructure computer.”.

**SEC. 306. LIMITATION ON ACTIONS INVOLVING UNAUTHORIZED USE.**

Section 1030(e)(6) of title 18, United States Code, is amended by striking “alter;” and inserting “alter, but does not include access in violation of a contractual obligation or agreement, such as an acceptable use policy or terms of service agreement, with an Internet service provider, Internet website, or non-government employer, if such violation constitutes the sole basis for determining that access to a protected computer is unauthorized;”.

**SEC. 307. NO NEW FUNDING.**

An applicable Federal agency shall carry out the provisions of this title with existing facilities and funds otherwise available, through such means as the head of the agency considers appropriate.

**TITLE IV—CYBERSECURITY RESEARCH AND DEVELOPMENT**

**SEC. 401. NATIONAL HIGH-PERFORMANCE COMPUTING PROGRAM PLANNING AND COORDINATION.**

(a) GOALS AND PRIORITIES.—Section 101 of the High-Performance Computing Act of 1991 (15 U.S.C. 5511) is amended by adding at the end the following:

“(d) GOALS AND PRIORITIES.—The goals and priorities for Federal high-performance computing research, development, networking, and other activities under subsection (a)(2)(A) shall include—

“(1) encouraging and supporting mechanisms for interdisciplinary research and development in networking and information technology, including—

“(A) through collaborations across agencies;

“(B) through collaborations across Program Component Areas;

“(C) through collaborations with industry;

“(D) through collaborations with institutions of higher education;

“(E) through collaborations with Federal laboratories (as defined in section 4 of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3703)); and

“(F) through collaborations with international organizations;

“(2) addressing national, multi-agency, multi-faceted challenges of national importance; and

“(3) fostering the transfer of research and development results into new technologies and applications for the benefit of society.”.

(b) DEVELOPMENT OF STRATEGIC PLAN.—Section 101 of the High-Performance Computing Act of 1991 (15 U.S.C. 5511) is amended by adding at the end the following:

“(e) STRATEGIC PLAN.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Strength-

ening and Enhancing Cybersecurity by Using Research, Education, Information, and Technology Act of 2012, the agencies under subsection (a)(3)(B), working through the National Science and Technology Council and with the assistance of the Office of Science and Technology Policy shall develop a 5-year strategic plan to guide the activities under subsection (a)(1).

“(2) CONTENTS.—The strategic plan shall specify—

“(A) the near-term objectives for the Program;

“(B) the long-term objectives for the Program;

“(C) the anticipated time frame for achieving the near-term objectives;

“(D) the metrics that will be used to assess any progress made toward achieving the near-term objectives and the long-term objectives; and

“(E) how the Program will achieve the goals and priorities under subsection (d).

“(3) IMPLEMENTATION ROADMAP.—

“(A) IN GENERAL.—The agencies under subsection (a)(3)(B) shall develop and annually update an implementation roadmap for the strategic plan.

“(B) REQUIREMENTS.—The information in the implementation roadmap shall be coordinated with the database under section 102(c) and the annual report under section 101(a)(3). The implementation roadmap shall—

“(i) specify the role of each Federal agency in carrying out or sponsoring research and development to meet the research objectives of the strategic plan, including a description of how progress toward the research objectives will be evaluated, with consideration of any relevant recommendations of the advisory committee;

“(ii) specify the funding allocated to each major research objective of the strategic plan and the source of funding by agency for the current fiscal year; and

“(iii) estimate the funding required for each major research objective of the strategic plan for the next 3 fiscal years.

“(4) RECOMMENDATIONS.—The agencies under subsection (a)(3)(B) shall take into consideration when developing the strategic plan under paragraph (1) the recommendations of—

“(A) the advisory committee under subsection (b); and

“(B) the stakeholders under section 102(a)(3).

“(5) REPORT TO CONGRESS.—The Director of the Office of Science and Technology Policy shall transmit the strategic plan under this subsection, including the implementation roadmap and any updates under paragraph (3), to—

“(A) the advisory committee under subsection (b);

“(B) the Committee on Commerce, Science, and Transportation of the Senate; and

“(C) the Committee on Science and Technology of the House of Representatives.”.

(c) PERIODIC REVIEWS.—Section 101 of the High-Performance Computing Act of 1991 (15 U.S.C. 5511) is amended by adding at the end the following:

“(f) PERIODIC REVIEWS.—The agencies under subsection (a)(3)(B) shall—

“(1) periodically assess the contents and funding levels of the Program Component Areas and restructure the Program when warranted, taking into consideration any relevant recommendations of the advisory committee under subsection (b); and

“(2) ensure that the Program includes national, multi-agency, multi-faceted research

and development activities, including activities described in section 104.”.

(d) **ADDITIONAL RESPONSIBILITIES OF DIRECTOR.**—Section 101(a)(2) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(a)(2)) is amended—

(1) by redesignating subparagraphs (E) and (F) as subparagraphs (G) and (H), respectively; and

(2) by inserting after subparagraph (D) the following:

“(E) encourage and monitor the efforts of the agencies participating in the Program to allocate the level of resources and management attention necessary—

“(i) to ensure that the strategic plan under subsection (e) is developed and executed effectively; and

“(ii) to ensure that the objectives of the Program are met;

“(F) working with the Office of Management and Budget and in coordination with the creation of the database under section 102(c), direct the Office of Science and Technology Policy and the agencies participating in the Program to establish a mechanism (consistent with existing law) to track all ongoing and completed research and development projects and associated funding;”.

(e) **ADVISORY COMMITTEE.**—Section 101(b) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(b)) is amended—

(1) in paragraph (1)—

(A) by inserting after the first sentence the following: “The co-chairs of the advisory committee shall meet the qualifications of committee members and may be members of the Presidents Council of Advisors on Science and Technology.”; and

(B) by striking “high-performance” in subparagraph (D) and inserting “high-end”; and

(2) by amending paragraph (2) to read as follows:

“(2) In addition to the duties under paragraph (1), the advisory committee shall conduct periodic evaluations of the funding, management, coordination, implementation, and activities of the Program. The advisory committee shall report its findings and recommendations not less frequently than once every 3 fiscal years to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives. The report shall be submitted in conjunction with the update of the strategic plan.”.

(f) **REPORT.**—Section 101(a)(3) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(a)(3)) is amended—

(1) in subparagraph (C)—

(A) by striking “is submitted,” and inserting “is submitted, the levels for the previous fiscal year,”; and

(B) by striking “each Program Component Area” and inserting “each Program Component Area and each research area supported in accordance with section 104”;

(2) in subparagraph (D)—

(A) by striking “each Program Component Area,” and inserting “each Program Component Area and each research area supported in accordance with section 104,”;

(B) by striking “is submitted,” and inserting “is submitted, the levels for the previous fiscal year,”; and

(C) by striking “and” after the semicolon;

(3) by redesignating subparagraph (E) as subparagraph (G); and

(4) by inserting after subparagraph (D) the following:

“(E) include a description of how the objectives for each Program Component Area, and the objectives for activities that involve

multiple Program Component Areas, relate to the objectives of the Program identified in the strategic plan under subsection (e);

“(F) include—

“(i) a description of the funding required by the Office of Science and Technology Policy to perform the functions under subsections (a) and (c) of section 102 for the next fiscal year by category of activity;

“(ii) a description of the funding required by the Office of Science and Technology Policy to perform the functions under subsections (a) and (c) of section 102 for the current fiscal year by category of activity; and

“(iii) the amount of funding provided for the Office of Science and Technology Policy for the current fiscal year by each agency participating in the Program; and”.

(g) **DEFINITIONS.**—Section 4 of the High-Performance Computing Act of 1991 (15 U.S.C. 5503) is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(2) by redesignating paragraph (3) as paragraph (6);

(3) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively;

(4) by inserting before paragraph (2), as redesignated, the following:

“(1) ‘cyber-physical systems’ means physical or engineered systems whose networking and information technology functions and physical elements are deeply integrated and are actively connected to the physical world through sensors, actuators, or other means to perform monitoring and control functions;”;

(5) in paragraph (3), as redesignated, by striking “high-performance computing” and inserting “networking and information technology”;

(6) in paragraph (6), as redesignated—

(A) by striking “high-performance computing” and inserting “networking and information technology”; and

(B) by striking “supercomputer” and inserting “high-end computing”;

(7) in paragraph (5), by striking “network referred to as” and all that follows through the semicolon and inserting “network, including advanced computer networks of Federal agencies and departments”; and

(8) in paragraph (7), as redesignated, by striking “National High-Performance Computing Program” and inserting “networking and information technology research and development program”.

#### **SEC. 402. RESEARCH IN AREAS OF NATIONAL IMPORTANCE.**

(a) **RESEARCH IN AREAS OF NATIONAL IMPORTANCE.**—Title I of the High-Performance Computing Act of 1991 (15 U.S.C. 5511 et seq.) is amended by adding at the end the following:

#### **“SEC. 104. RESEARCH IN AREAS OF NATIONAL IMPORTANCE.**

“(a) **IN GENERAL.**—The Program shall encourage agencies under section 101(a)(3)(B) to support, maintain, and improve national, multi-agency, multi-faceted, research and development activities in networking and information technology directed toward application areas that have the potential for significant contributions to national economic competitiveness and for other significant societal benefits.

“(b) **TECHNICAL SOLUTIONS.**—An activity under subsection (a) shall be designed to advance the development of research discoveries by demonstrating technical solutions to important problems in areas including—

“(1) cybersecurity;

“(2) health care;

“(3) energy management and low-power systems and devices;

“(4) transportation, including surface and air transportation;

“(5) cyber-physical systems;

“(6) large-scale data analysis and modeling of physical phenomena;

“(7) large scale data analysis and modeling of behavioral phenomena;

“(8) supply chain quality and security; and

“(9) privacy protection and protected disclosure of confidential data.

“(c) **RECOMMENDATIONS.**—The advisory committee under section 101(b) shall make recommendations to the Program for candidate research and development areas for support under this section.

“(d) **CHARACTERISTICS.**—

“(1) **IN GENERAL.**—Research and development activities under this section—

“(A) shall include projects selected on the basis of applications for support through a competitive, merit-based process;

“(B) shall leverage, when possible, Federal investments through collaboration with related State initiatives;

“(C) shall include a plan for fostering the transfer of research discoveries and the results of technology demonstration activities, including from institutions of higher education and Federal laboratories, to industry for commercial development;

“(D) shall involve collaborations among researchers in institutions of higher education and industry; and

“(E) may involve collaborations among nonprofit research institutions and Federal laboratories, as appropriate.

“(2) **COST-SHARING.**—In selecting applications for support, the agencies under section 101(a)(3)(B) shall give special consideration to projects that include cost sharing from non-Federal sources.

“(3) **MULTIDISCIPLINARY RESEARCH CENTERS.**—Research and development activities under this section shall be supported through multidisciplinary research centers, including Federal laboratories, that are organized to investigate basic research questions and carry out technology demonstration activities in areas described in subsection (a). Research may be carried out through existing multidisciplinary centers, including those authorized under section 7024(b)(2) of the America COMPETES Act (42 U.S.C. 18620–10(2)).”.

(b) **CYBER-PHYSICAL SYSTEMS.**—Section 101(a)(1) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(a)(1)) is amended—

(1) in subparagraph (H), by striking “and” after the semicolon;

(2) in subparagraph (I), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(J) provide for increased understanding of the scientific principles of cyber-physical systems and improve the methods available for the design, development, and operation of cyber-physical systems that are characterized by high reliability, safety, and security; and

“(K) provide for research and development on human-computer interactions, visualization, and big data.”.

(c) **TASK FORCE.**—Title I of the High-Performance Computing Act of 1991 (15 U.S.C. 5511 et seq.), as amended by section 402(a) of this Act, is amended by adding at the end the following:

#### **“SEC. 105. TASK FORCE.**

“(a) **ESTABLISHMENT.**—Not later than 180 days after the date of enactment of the Strengthening and Enhancing Cybersecurity by Using Research, Education, Information, and Technology Act of 2012, the Director of

the Office of Science and Technology Policy under section 102 shall convene a task force to explore mechanisms for carrying out collaborative research and development activities for cyber-physical systems (including the related technologies required to enable these systems) through a consortium or other appropriate entity with participants from institutions of higher education, Federal laboratories, and industry.

“(b) FUNCTIONS.—The task force shall—

“(1) develop options for a collaborative model and an organizational structure for such entity under which the joint research and development activities could be planned, managed, and conducted effectively, including mechanisms for the allocation of resources among the participants in such entity for support of such activities;

“(2) propose a process for developing a research and development agenda for such entity, including guidelines to ensure an appropriate scope of work focused on nationally significant challenges and requiring collaboration and to ensure the development of related scientific and technological milestones;

“(3) define the roles and responsibilities for the participants from institutions of higher education, Federal laboratories, and industry in such entity;

“(4) propose guidelines for assigning intellectual property rights and for transferring research results to the private sector; and

“(5) make recommendations for how such entity could be funded from Federal, State, and non-governmental sources.

“(c) COMPOSITION.—In establishing the task force under subsection (a), the Director of the Office of Science and Technology Policy shall appoint an equal number of individuals from institutions of higher education and from industry with knowledge and expertise in cyber-physical systems, and may appoint not more than 2 individuals from Federal laboratories.

“(d) REPORT.—Not later than 1 year after the date of enactment of the Strengthening and Enhancing Cybersecurity by Using Research, Education, Information, and Technology Act of 2012, the Director of the Office of Science and Technology Policy shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives a report describing the findings and recommendations of the task force.

“(e) TERMINATION.—The task force shall terminate upon transmittal of the report required under subsection (d).

“(f) COMPENSATION AND EXPENSES.—Members of the task force shall serve without compensation.”

#### SEC. 403. PROGRAM IMPROVEMENTS.

Section 102 of the High-Performance Computing Act of 1991 (15 U.S.C. 5512) is amended to read as follows:

#### “SEC. 102. PROGRAM IMPROVEMENTS.

“(a) FUNCTIONS.—The Director of the Office of Science and Technology Policy shall continue—

“(1) to provide technical and administrative support to—

“(A) the agencies participating in planning and implementing the Program, including support needed to develop the strategic plan under section 101(e); and

“(B) the advisory committee under section 101(b);

“(2) to serve as the primary point of contact on Federal networking and information technology activities for government agencies, academia, industry, professional soci-

eties, State computing and networking technology programs, interested citizen groups, and others to exchange technical and programmatic information;

“(3) to solicit input and recommendations from a wide range of stakeholders during the development of each strategic plan under section 101(e) by convening at least 1 workshop with invitees from academia, industry, Federal laboratories, and other relevant organizations and institutions;

“(4) to conduct public outreach, including the dissemination of the advisory committee's findings and recommendations, as appropriate;

“(5) to promote access to and early application of the technologies, innovations, and expertise derived from Program activities to agency missions and systems across the Federal Government and to United States industry;

“(6) to ensure accurate and detailed budget reporting of networking and information technology research and development investment; and

“(7) to encourage agencies participating in the Program to use existing programs and resources to strengthen networking and information technology education and training, and increase participation in such fields, including by women and underrepresented minorities.

“(b) SOURCE OF FUNDING.—

“(1) IN GENERAL.—The functions under this section shall be supported by funds from each agency participating in the Program.

“(2) SPECIFICATIONS.—The portion of the total budget of the Office of Science and Technology Policy that is provided by each agency participating in the Program for each fiscal year shall be in the same proportion as each agency's share of the total budget for the Program for the previous fiscal year, as specified in the database under section 102(c).

“(c) DATABASE.—

“(1) IN GENERAL.—The Director of the Office of Science and Technology Policy shall develop and maintain a database of projects funded by each agency for the fiscal year for each Program Component Area.

“(2) PUBLIC ACCESSIBILITY.—The Director of the Office of Science and Technology Policy shall make the database accessible to the public.

“(3) DATABASE CONTENTS.—The database shall include, for each project in the database—

“(A) a description of the project;

“(B) each agency, industry, institution of higher education, Federal laboratory, or international institution involved in the project;

“(C) the source funding of the project (set forth by agency);

“(D) the funding history of the project; and

“(E) whether the project has been completed.”

#### SEC. 404. IMPROVING EDUCATION OF NETWORKING AND INFORMATION TECHNOLOGY, INCLUDING HIGH PERFORMANCE COMPUTING.

Section 201(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5521(a)) is amended—

(1) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively; and

(2) by inserting after paragraph (1) the following:

“(2) the National Science Foundation shall use its existing programs, in collaboration with other agencies, as appropriate, to improve the teaching and learning of networking and information technology at all

levels of education and to increase participation in networking and information technology fields;”

#### SEC. 405. CONFORMING AND TECHNICAL AMENDMENTS TO THE HIGH-PERFORMANCE COMPUTING ACT OF 1991.

(a) SECTION 3.—Section 3 of the High-Performance Computing Act of 1991 (15 U.S.C. 5502) is amended—

(1) in the matter preceding paragraph (1), by striking “high-performance computing” and inserting “networking and information technology”; and

(2) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking “high-performance computing” and inserting “networking and information technology”; and

(B) in subparagraphs (A), (F), and (G), by striking “high-performance computing” each place it appears and inserting “networking and information technology”; and

(C) in subparagraph (H), by striking “high-performance” and inserting “high-end”; and

(3) in paragraph (2)—

(A) by striking “high-performance computing and” and inserting “networking and information technology, and”; and

(B) by striking “high-performance computing network” and inserting “networking and information technology”.

(b) TITLE HEADING.—The heading of title I of the High-Performance Computing Act of 1991 (105 Stat. 1595) is amended by striking “HIGH-PERFORMANCE COMPUTING” and inserting “NETWORKING AND INFORMATION TECHNOLOGY”.

(c) SECTION 101.—Section 101 of the High-Performance Computing Act of 1991 (15 U.S.C. 5511) is amended—

(1) in the section heading, by striking “HIGH-PERFORMANCE COMPUTING” and inserting “NETWORKING AND INFORMATION TECHNOLOGY RESEARCH AND DEVELOPMENT”; and

(2) in subsection (a)—

(A) in the subsection heading, by striking “NATIONAL HIGH-PERFORMANCE COMPUTING” and inserting “NETWORKING AND INFORMATION TECHNOLOGY RESEARCH AND DEVELOPMENT”; and

(B) in paragraph (1)—

(i) by striking “National High-Performance Computing Program” and inserting “networking and information technology research and development program”; and

(ii) in subparagraph (A), by striking “high-performance computing, including networking” and inserting “networking and information technology”; and

(iii) in subparagraphs (B) and (G), by striking “high-performance” each place it appears and inserting “high-end”; and

(iv) in subparagraph (C), by striking “high-performance computing and networking” and inserting “high-end computing, distributed, and networking”; and

(C) in paragraph (2)—

(i) in subparagraphs (A) and (C)—

(I) by striking “high-performance computing” each place it appears and inserting “networking and information technology”; and

(II) by striking “development, networking,” each place it appears and inserting “development,”; and

(ii) in subparagraphs (G) and (H), as redesignated by section 401(d) of this Act, by striking “high-performance” each place it appears and inserting “high-end”; and

(3) in subsection (b)(1), in the matter preceding subparagraph (A), by striking “high-performance computing” each place it appears and inserting “networking and information technology”; and

(4) in subsection (c)(1)(A), by striking “high-performance computing” and inserting “networking and information technology”.

(d) SECTION 201.—Section 201(a)(1) of the High-Performance Computing Act of 1991 (15 U.S.C. 5521(a)(1)) is amended by striking “high-performance computing and advanced high-speed computer networking” and inserting “networking and information technology research and development”.

(e) SECTION 202.—Section 202(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5522(a)) is amended by striking “high-performance computing” and inserting “networking and information technology”.

(f) SECTION 203.—Section 203(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5523(a)) is amended—

(1) in paragraph (1), by striking “high-performance computing and networking” and inserting “networking and information technology”; and

(2) in paragraph (2)(A), by striking “high-performance” and inserting “high-end”.

(g) SECTION 204.—Section 204 of the High-Performance Computing Act of 1991 (15 U.S.C. 5524) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (A), by striking “high-performance computing systems and networks” and inserting “networking and information technology systems and capabilities”;

(B) in subparagraph (B), by striking “interoperability of high-performance computing systems in networks and for common user interfaces to systems” and inserting “interoperability and usability of networking and information technology systems”; and

(C) in subparagraph (C), by striking “high-performance computing” and inserting “networking and information technology”; and

(2) in subsection (b)—

(A) by striking “HIGH-PERFORMANCE COMPUTING AND NETWORK” in the heading and inserting “NETWORKING AND INFORMATION TECHNOLOGY”; and

(B) by striking “sensitive”.

(h) SECTION 205.—Section 205(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5525(a)) is amended by striking “computational” and inserting “networking and information technology”.

(i) SECTION 206.—Section 206(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5526(a)) is amended by striking “computational research” and inserting “networking and information technology research”.

(j) SECTION 207.—Section 207 of the High-Performance Computing Act of 1991 (15 U.S.C. 5527) is amended by striking “high-performance computing” and inserting “networking and information technology”.

(k) SECTION 208.—Section 208 of the High-Performance Computing Act of 1991 (15 U.S.C. 5528) is amended—

(1) in the section heading, by striking “HIGH-PERFORMANCE COMPUTING” and inserting “NETWORKING AND INFORMATION TECHNOLOGY”; and

(2) in subsection (a)—

(A) in paragraph (1), by striking “High-performance computing and associated” and inserting “Networking and information”;

(B) in paragraph (2), by striking “high-performance computing” and inserting “networking and information technologies”;

(C) in paragraph (3), by striking “high-performance” and inserting “high-end”;

(D) in paragraph (4), by striking “high-performance computers and associated” and inserting “networking and information”; and

(E) in paragraph (5), by striking “high-performance computing and associated” and inserting “networking and information”.

#### SEC. 406. FEDERAL CYBER SCHOLARSHIP-FOR-SERVICE PROGRAM.

(a) IN GENERAL.—The Director of the National Science Foundation, in coordination with the Secretary of Homeland Security, shall carry out a Federal cyber scholarship-for-service program to recruit and train the next generation of information technology professionals and security managers to meet the needs of the cybersecurity mission for the Federal government.

(b) PROGRAM DESCRIPTION AND COMPONENTS.—The program shall—

(1) annually assess the workforce needs of the Federal government for cybersecurity professionals, including network engineers, software engineers, and other experts in order to determine how many scholarships should be awarded annually to ensure that the workforce needs following graduation match the number of scholarships awarded;

(2) provide scholarships for up to 1,000 students per year in their pursuit of undergraduate or graduate degrees in the cybersecurity field, in an amount that may include coverage for full tuition, fees, and a stipend;

(3) require each scholarship recipient, as a condition of receiving a scholarship under the program, to serve in a Federal information technology workforce for a period equal to one and one-half times each year, or partial year, of scholarship received, in addition to an internship in the cybersecurity field, if applicable, following graduation;

(4) provide a procedure for the National Science Foundation or a Federal agency, consistent with regulations of the Office of Personnel Management, to request and fund a security clearance for a scholarship recipient, including providing for clearance during a summer internship and upon graduation; and

(5) provide opportunities for students to receive temporary appointments for meaningful employment in the Federal information technology workforce during school vacation periods and for internships.

(c) HIRING AUTHORITY.—

(1) IN GENERAL.—For purposes of any law or regulation governing the appointment of an individual in the Federal civil service, upon the successful completion of the student's studies, a student receiving a scholarship under the program may—

(A) be hired under section 213.3102(r) of title 5, Code of Federal Regulations; and

(B) be exempt from competitive service.

(2) COMPETITIVE SERVICE.—Upon satisfactory fulfillment of the service term under paragraph (1), an individual may be converted to a competitive service position without competition if the individual meets the requirements for that position.

(d) ELIGIBILITY.—The eligibility requirements for a scholarship under this section shall include that a scholarship applicant—

(1) be a citizen of the United States;

(2) be eligible to be granted a security clearance;

(3) maintain a grade point average of 3.2 or above on a 4.0 scale for undergraduate study or a 3.5 or above on a 4.0 scale for postgraduate study;

(4) demonstrate a commitment to a career in improving the security of the information infrastructure; and

(5) has demonstrated a level of proficiency in math or computer sciences.

(e) FAILURE TO COMPLETE SERVICE OBLIGATION.—

(1) IN GENERAL.—A scholarship recipient under this section shall be liable to the

United States under paragraph (2) if the scholarship recipient—

(A) fails to maintain an acceptable level of academic standing in the educational institution in which the individual is enrolled, as determined by the Director;

(B) is dismissed from such educational institution for disciplinary reasons;

(C) withdraws from the program for which the award was made before the completion of such program;

(D) declares that the individual does not intend to fulfill the service obligation under this section;

(E) fails to fulfill the service obligation of the individual under this section; or

(F) loses a security clearance or becomes ineligible for a security clearance.

(2) REPAYMENT AMOUNTS.—

(A) LESS THAN 1 YEAR OF SERVICE.—If a circumstance under paragraph (1) occurs before the completion of 1 year of a service obligation under this section, the total amount of awards received by the individual under this section shall be repaid.

(B) ONE OR MORE YEARS OF SERVICE.—If a circumstance described in subparagraph (D) or (E) of paragraph (1) occurs after the completion of 1 year of a service obligation under this section, the total amount of scholarship awards received by the individual under this section, reduced by the ratio of the number of years of service completed divided by the number of years of service required, shall be repaid.

(f) EVALUATION AND REPORT.—The Director of the National Science Foundation shall—

(1) evaluate the success of recruiting individuals for scholarships under this section and of hiring and retaining those individuals in the public sector workforce, including the annual cost and an assessment of how the program actually improves the Federal workforce; and

(2) periodically report the findings under paragraph (1) to Congress.

(g) AUTHORIZATION OF APPROPRIATIONS.—From amounts made available under section 503 of the America COMPETES Reauthorization Act of 2010 (124 Stat. 4005), the Director may use funds to carry out the requirements of this section for fiscal years 2012 through 2013.

#### SEC. 407. STUDY AND ANALYSIS OF CERTIFICATION AND TRAINING OF INFORMATION INFRASTRUCTURE PROFESSIONALS.

(a) STUDY.—The President shall enter into an agreement with the National Academies to conduct a comprehensive study of government, academic, and private-sector accreditation, training, and certification programs for personnel working in information infrastructure. The agreement shall require the National Academies to consult with sector coordinating councils and relevant governmental agencies, regulatory entities, and nongovernmental organizations in the course of the study.

(b) SCOPE.—The study shall include—

(1) an evaluation of the body of knowledge and various skills that specific categories of personnel working in information infrastructure should possess in order to secure information systems;

(2) an assessment of whether existing government, academic, and private-sector accreditation, training, and certification programs provide the body of knowledge and various skills described in paragraph (1);

(3) an analysis of any barriers to the Federal Government recruiting and hiring cybersecurity talent, including barriers relating to compensation, the hiring process, job classification, and hiring flexibility; and



(4) an analysis of the sources and availability of cybersecurity talent, a comparison of the skills and expertise sought by the Federal Government and the private sector, an examination of the current and future capacity of United States institutions of higher education, including community colleges, to provide current and future cybersecurity professionals, through education and training activities, with those skills sought by the Federal Government, State and local entities, and the private sector.

(c) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the National Academies shall submit to the President and Congress a report on the results of the study. The report shall include—

(1) findings regarding the state of information infrastructure accreditation, training, and certification programs, including specific areas of deficiency and demonstrable progress; and

(2) recommendations for the improvement of information infrastructure accreditation, training, and certification programs.

**SEC. 408. INTERNATIONAL CYBERSECURITY TECHNICAL STANDARDS.**

(a) **IN GENERAL.**—The Director of the National Institute of Standards and Technology, in coordination with appropriate Federal authorities, shall—

(1) as appropriate, ensure coordination of Federal agencies engaged in the development of international technical standards related to information system security; and

(2) not later than 1 year after the date of enactment of this Act, develop and transmit to Congress a plan for ensuring such Federal agency coordination.

(b) **CONSULTATION WITH THE PRIVATE SECTOR.**—In carrying out the activities under subsection (a)(1), the Director shall ensure consultation with appropriate private sector stakeholders.

**SEC. 409. IDENTITY MANAGEMENT RESEARCH AND DEVELOPMENT.**

The Director of the National Institute of Standards and Technology shall continue a program to support the development of technical standards, metrology, testbeds, and conformance criteria, taking into account appropriate user concerns—

(1) to improve interoperability among identity management technologies;

(2) to strengthen authentication methods of identity management systems;

(3) to improve privacy protection in identity management systems, including health information technology systems, through authentication and security protocols; and

(4) to improve the usability of identity management systems.

**SEC. 410. FEDERAL CYBERSECURITY RESEARCH AND DEVELOPMENT.**

(a) **NATIONAL SCIENCE FOUNDATION COMPUTER AND NETWORK SECURITY RESEARCH GRANT AREAS.**—Section 4(a)(1) of the Cyber Security Research and Development Act (15 U.S.C. 7403(a)(1)) is amended—

(1) in subparagraph (H), by striking “and” after the semicolon;

(2) in subparagraph (I), by striking “property,” and inserting “property;”;

(3) by adding at the end the following:

“(J) secure fundamental protocols that are at the heart of inter-network communications and data exchange;

“(K) system security that addresses the building of secure systems from trusted and untrusted components;

“(L) monitoring and detection; and

“(M) resiliency and rapid recovery methods.”

(b) **NATIONAL SCIENCE FOUNDATION COMPUTER AND NETWORK SECURITY GRANTS.**—Sec-

tion 4(a)(3) of the Cyber Security Research and Development Act (15 U.S.C. 7403(a)(3)) is amended—

(1) in subparagraph (D), by striking “and”; (2) in subparagraph (E), by striking “2007.” and inserting “2007;”;

(3) by adding at the end the following:

“(F) such funds from amounts made available under section 503 of the America COMPETES Reauthorization Act of 2010 (124 Stat. 4005), as the Director finds necessary to carry out the requirements of this subsection for fiscal years 2012 through 2013.”

(c) **COMPUTER AND NETWORK SECURITY CENTERS.**—Section 4(b)(7) of the Cyber Security Research and Development Act (15 U.S.C. 7403(b)(7)) is amended—

(1) in subparagraph (D), by striking “and”; (2) in subparagraph (E), by striking “2007.” and inserting “2007;”;

(3) by adding at the end the following:

“(F) such funds from amounts made available under section 503 of the America COMPETES Reauthorization Act of 2010 (124 Stat. 4005), as the Director finds necessary to carry out the requirements of this subsection for fiscal years 2012 through 2013.”

(d) **COMPUTER AND NETWORK SECURITY CAPACITY BUILDING GRANTS.**—Section 5(a)(6) of the Cyber Security Research and Development Act (15 U.S.C. 7404(a)(6)) is amended—

(1) in subparagraph (D), by striking “and”; (2) in subparagraph (E), by striking “2007.” and inserting “2007;”;

(3) by adding at the end the following:

“(F) such funds from amounts made available under section 503 of the America COMPETES Reauthorization Act of 2010 (124 Stat. 4005), as the Director finds necessary to carry out the requirements of this subsection for fiscal years 2012 through 2013.”

(e) **SCIENTIFIC AND ADVANCED TECHNOLOGY ACT GRANTS.**—Section 5(b)(2) of the Cyber Security Research and Development Act (15 U.S.C. 7404(b)(2)) is amended—

(1) in subparagraph (D), by striking “and”; (2) in subparagraph (E), by striking “2007.” and inserting “2007;”;

(3) by adding at the end the following:

“(F) such funds from amounts made available under section 503 of the America COMPETES Reauthorization Act of 2010 (124 Stat. 4005), as the Director finds necessary to carry out the requirements of this subsection for fiscal years 2012 through 2013.”

(f) **GRADUATE TRAINEESHIPS IN COMPUTER AND NETWORK SECURITY RESEARCH.**—Section 5(c)(7) of the Cyber Security Research and Development Act (15 U.S.C. 7404(c)(7)) is amended—

(1) in subparagraph (D), by striking “and”; (2) in subparagraph (E), by striking “2007.” and inserting “2007;”;

(3) by adding at the end the following:

“(F) such funds from amounts made available under section 503 of the America COMPETES Reauthorization Act of 2010 (124 Stat. 4005), as the Director finds necessary to carry out the requirements of this subsection for fiscal years 2012 through 2013.”

**SA 2615.** Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

Beginning on page 45, strike line 1 and all that follows through page 212, line 6, and insert the following:

**TITLE II—FACILITATING SHARING OF CYBER THREAT INFORMATION**

**SEC. 201. DEFINITIONS.**

In this title:

(1) **AGENCY.**—The term “agency” has the meaning given the term in section 3502 of title 44, United States Code.

(2) **ANTITRUST LAWS.**—The term “antitrust laws”—

(A) has the meaning given the term in section 1(a) of the Clayton Act (15 U.S.C. 12(a));

(B) includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent that section 5 of that Act applies to unfair methods of competition; and

(C) includes any State law that has the same intent and effect as the laws under subparagraphs (A) and (B).

(3) **COUNTERMEASURE.**—The term “countermeasure” means an automated or a manual action with defensive intent to mitigate cyber threats.

(4) **CYBER THREAT INFORMATION.**—The term “cyber threat information” means information that indicates or describes—

(A) a technical or operation vulnerability or a cyber threat mitigation measure;

(B) an action or operation to mitigate a cyber threat;

(C) malicious reconnaissance, including anomalous patterns of network activity that appear to be transmitted for the purpose of gathering technical information related to a cybersecurity threat;

(D) a method of defeating a technical control;

(E) a method of defeating an operational control;

(F) network activity or protocols known to be associated with a malicious cyber actor or that signify malicious cyber intent;

(G) a method of causing a user with legitimate access to an information system or information that is stored on, processed by, or transiting an information system to inadvertently enable the defeat of a technical or operational control;

(H) any other attribute of a cybersecurity threat or cyber defense information that would foster situational awareness of the United States cybersecurity posture, if disclosure of such attribute or information is not otherwise prohibited by law;

(I) the actual or potential harm caused by a cyber incident, including information exfiltrated when it is necessary in order to identify or describe a cybersecurity threat; or

(J) any combination of subparagraphs (A) through (I).

(5) **CYBERSECURITY CENTER.**—The term “cybersecurity center” means the Department of Defense Cyber Crime Center, the Intelligence Community Incident Response Center, the United States Cyber Command Joint Operations Center, the National Cyber Investigative Joint Task Force, the National Security Agency/Central Security Service Threat Operations Center, the National Cybersecurity and Communications Integration Center, and any successor center.

(6) **CYBERSECURITY SYSTEM.**—The term “cybersecurity system” means a system designed or employed to ensure the integrity, confidentiality, or availability of, or to safeguard, a system or network, including measures intended to protect a system or network from—

(A) efforts to degrade, disrupt, or destroy such system or network; or

(B) theft or misappropriations of private or government information, intellectual property, or personally identifiable information.

(7) **ENTITY.**—

(A) **IN GENERAL.**—The term “entity” means any private entity, non-Federal government agency or department, or State, tribal, or local government agency or department (including an officer, employee, or agent thereof).

(B) **INCLUSIONS.**—The term “entity” includes a government agency or department (including an officer, employee, or agent thereof) of the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and any other territory or possession of the United States.

(8) **FEDERAL INFORMATION SYSTEM.**—The term “Federal information system” means an information system of a Federal department or agency used or operated by an executive agency, by a contractor of an executive agency, or by another organization on behalf of an executive agency.

(9) **INFORMATION SECURITY.**—The term “information security” means protecting information and information systems from disruption or unauthorized access, use, disclosure, modification, or destruction in order to provide—

(A) integrity, by guarding against improper information modification or destruction, including by ensuring information non-repudiation and authenticity;

(B) confidentiality, by preserving authorized restrictions on access and disclosure, including means for protecting personal privacy and proprietary information; or

(C) availability, by ensuring timely and reliable access to and use of information.

(10) **INFORMATION SYSTEM.**—The term “information system” has the meaning given the term in section 3502 of title 44, United States Code.

(11) **LOCAL GOVERNMENT.**—The term “local government” means any borough, city, county, parish, town, township, village, or other general purpose political subdivision of a State.

(12) **MALICIOUS RECONNAISSANCE.**—The term “malicious reconnaissance” means a method for actively probing or passively monitoring an information system for the purpose of discerning technical vulnerabilities of the information system, if such method is associated with a known or suspected cybersecurity threat.

(13) **OPERATIONAL CONTROL.**—The term “operational control” means a security control for an information system that primarily is implemented and executed by people.

(14) **OPERATIONAL VULNERABILITY.**—The term “operational vulnerability” means any attribute of policy, process, or procedure that could enable or facilitate the defeat of an operational control.

(15) **PRIVATE ENTITY.**—The term “private entity” means any individual or any private group, organization, or corporation, including an officer, employee, or agent thereof.

(16) **SIGNIFICANT CYBER INCIDENT.**—The term “significant cyber incident” means a cyber incident resulting in, or an attempted cyber incident that, if successful, would have resulted in—

(A) the exfiltration from a Federal information system of data that is essential to the operation of the Federal information system; or

(B) an incident in which an operational or technical control essential to the security or operation of a Federal information system was defeated.

(17) **TECHNICAL CONTROL.**—The term “technical control” means a hardware or software restriction on, or audit of, access or use of an

information system or information that is stored on, processed by, or transiting an information system that is intended to ensure the confidentiality, integrity, or availability of that system.

(18) **TECHNICAL VULNERABILITY.**—The term “technical vulnerability” means any attribute of hardware or software that could enable or facilitate the defeat of a technical control.

(19) **TRIBAL.**—The term “tribal” has the meaning given the term “Indian tribe” in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

## SEC. 202. AUTHORIZATION TO SHARE CYBER THREAT INFORMATION.

(a) **VOLUNTARY DISCLOSURE.**—

(1) **PRIVATE ENTITIES.**—Notwithstanding any other provision of law, a private entity may, for the purpose of preventing, investigating, or otherwise mitigating threats to information security, on its own networks, or as authorized by another entity, on such entity’s networks, employ countermeasures and use cybersecurity systems in order to obtain, identify, or otherwise possess cyber threat information.

(2) **ENTITIES.**—Notwithstanding any other provision of law, an entity may disclose cyber threat information to—

(A) a cybersecurity center; or

(B) any other entity in order to assist with preventing, investigating, or otherwise mitigating threats to information security.

(3) **INFORMATION SECURITY PROVIDERS.**—If the cyber threat information described in paragraph (1) is obtained, identified, or otherwise possessed in the course of providing information security products or services under contract to another entity, that entity shall be given, at any time prior to disclosure of such information, a reasonable opportunity to authorize or prevent such disclosure, to request anonymization of such information, or to request that reasonable efforts be made to safeguard such information that identifies specific persons from unauthorized access or disclosure.

(b) **SIGNIFICANT CYBER INCIDENTS INVOLVING FEDERAL INFORMATION SYSTEMS.**—

(1) **IN GENERAL.**—An entity providing electronic communication services, remote computing services, or information security services to a Federal department or agency shall inform the Federal department or agency of a significant cyber incident involving the Federal information system of that Federal department or agency that—

(A) is directly known to the entity as a result of providing such services;

(B) is directly related to the provision of such services by the entity; and

(C) as determined by the entity, has impeded or will impede the performance of a critical mission of the Federal department or agency.

(2) **ADVANCE COORDINATION.**—A Federal department or agency receiving the services described in paragraph (1) shall coordinate in advance with an entity described in paragraph (1) to develop the parameters of any information that may be provided under paragraph (1), including clarification of the type of significant cyber incident that will impede the performance of a critical mission of the Federal department or agency.

(3) **REPORT.**—A Federal department or agency shall report information provided under this subsection to a cybersecurity center.

(4) **CONSTRUCTION.**—Any information provided to a cybersecurity center under paragraph (3) shall be treated in the same man-

ner as information provided to a cybersecurity center under subsection (a).

(c) **INFORMATION SHARED WITH OR PROVIDED TO A CYBERSECURITY CENTER.**—Cyber threat information provided to a cybersecurity center under this section—

(1) may be disclosed to, retained by, and used by, consistent with otherwise applicable Federal law, any Federal agency or department, component, officer, employee, or agent of the Federal government for a cybersecurity purpose, a national security purpose, or in order to prevent, investigate, or prosecute any of the offenses listed in section 2516 of title 18, United States Code, and such information shall not be disclosed to, retained by, or used by any Federal agency or department for any use not permitted under this paragraph;

(2) may, with the prior written consent of the entity submitting such information, be disclosed to and used by a State, tribal, or local government or government agency for the purpose of protecting information systems, or in furtherance of preventing, investigating, or prosecuting a criminal act, except that if the need for immediate disclosure prevents obtaining written consent, such consent may be provided orally with subsequent documentation of such consent;

(3) shall be considered the commercial, financial, or proprietary information of the entity providing such information to the Federal government and any disclosure outside the Federal government may only be made upon the prior written consent by such entity and shall not constitute a waiver of any applicable privilege or protection provided by law, except that if the need for immediate disclosure prevents obtaining written consent, such consent may be provided orally with subsequent documentation of such consent;

(4) shall be deemed voluntarily shared information and exempt from disclosure under section 552 of title 5, United States Code, and any State, tribal, or local law requiring disclosure of information or records;

(5) shall be, without discretion, withheld from the public under section 552(b)(3)(B) of title 5, United States Code, and any State, tribal, or local law requiring disclosure of information or records;

(6) shall not be subject to the rules of any Federal agency or department or any judicial doctrine regarding ex parte communications with a decision-making official;

(7) shall not, if subsequently provided to a State, tribal, or local government or government agency, otherwise be disclosed or distributed to any entity by such State, tribal, or local government or government agency without the prior written consent of the entity submitting such information, notwithstanding any State, tribal, or local law requiring disclosure of information or records, except that if the need for immediate disclosure prevents obtaining written consent, such consent may be provided orally with subsequent documentation of such consent; and

(8) shall not be directly used by any Federal, State, tribal, or local department or agency to regulate the lawful activities of an entity, including activities relating to obtaining, identifying, or otherwise possessing cyber threat information, except that the procedures required to be developed and implemented under this title shall not be considered regulations within the meaning of this paragraph.

(d) **PROCEDURES RELATING TO INFORMATION SHARING WITH A CYBERSECURITY CENTER.**—

Not later than 60 days after the date of enactment of this Act, the heads of each department or agency containing a cybersecurity center shall jointly develop, promulgate, and submit to Congress procedures to ensure that cyber threat information shared with or provided to—

(1) a cybersecurity center under this section—

(A) may be submitted to a cybersecurity center by an entity, to the greatest extent possible, through a uniform, publicly available process or format that is easily accessible on the website of such cybersecurity center, and that includes the ability to provide relevant details about the cyber threat information and written consent to any subsequent disclosures authorized by this paragraph;

(B) shall immediately be further shared with each cybersecurity center in order to prevent, investigate, or otherwise mitigate threats to information security across the Federal government;

(C) is handled by the Federal government in a reasonable manner, including consideration of the need to protect the privacy and civil liberties of individuals through anonymization or other appropriate methods, while fully accomplishing the objectives of this title, and the Federal government may undertake efforts consistent with this subparagraph to limit the impact on privacy and civil liberties of the sharing of cyber threat information with the Federal government; and

(D) except as provided in this section, shall only be used, disclosed, or handled in accordance with the provisions of subsection (c); and

(2) a Federal agency or department under subsection (b) is provided immediately to a cybersecurity center in order to prevent, investigate, or otherwise mitigate threats to information security across the Federal government.

(e) INFORMATION SHARED BETWEEN ENTITIES.—

(1) IN GENERAL.—An entity sharing cyber threat information with another entity under this title may restrict the use or sharing of such information by such other entity.

(2) FURTHER SHARING.—Cyber threat information shared by any entity with another entity under this title—

(A) shall only be further shared in accordance with any restrictions placed on the sharing of such information by the entity authorizing such sharing, such as appropriate anonymization of such information; and

(B) may not be used by any entity to gain an unfair competitive advantage to the detriment of the entity authorizing the sharing of such information, except that the conduct described in paragraph (3) shall not constitute unfair competitive conduct.

(3) INFORMATION SHARED WITH STATE, TRIBAL, OR LOCAL GOVERNMENT OR GOVERNMENT AGENCY.—Cyber threat information shared with a State, tribal, or local government or government agency under this title—

(A) may, with the prior written consent of the entity sharing such information, be disclosed to and used by a State, tribal, or local government or government agency for the purpose of protecting information systems, or in furtherance of preventing, investigating, or prosecuting a criminal act, except if the need for immediate disclosure prevents obtaining written consent, consent may be provided orally with subsequent documentation of the consent;

(B) shall be deemed voluntarily shared information and exempt from disclosure under

any State, tribal, or local law requiring disclosure of information or records;

(C) shall not be disclosed or distributed to any entity by the State, tribal, or local government or government agency without the prior written consent of the entity submitting such information, notwithstanding any State, tribal, or local law requiring disclosure of information or records, except if the need for immediate disclosure prevents obtaining written consent, consent may be provided orally with subsequent documentation of the consent; and

(D) shall not be directly used by any State, tribal, or local department or agency to regulate the lawful activities of an entity, including activities relating to obtaining, identifying, or otherwise possessing cyber threat information, except that the procedures required to be developed and implemented under this title shall not be considered regulations within the meaning of this subparagraph.

(4) ANTITRUST EXEMPTION.—The exchange or provision of cyber threat information or assistance between 2 or more private entities under this title shall not be considered a violation of any provision of antitrust laws if exchanged or provided in order to assist with—

(A) facilitating the prevention, investigation, or mitigation of threats to information security; or

(B) communicating or disclosing of cyber threat information to help prevent, investigate or otherwise mitigate the effects of a threat to information security.

(5) NO RIGHT OR BENEFIT.—The provision of cyber threat information to an entity under this section shall not create a right or a benefit to similar information by such entity or any other entity.

(f) FEDERAL PREEMPTION.—

(1) IN GENERAL.—This section supersedes any statute or other law of a State or political subdivision of a State that restricts or otherwise expressly regulates an activity authorized under this section.

(2) STATE LAW ENFORCEMENT.—Nothing in this section shall be construed to supersede any statute or other law of a State or political subdivision of a State concerning the use of authorized law enforcement techniques.

(3) PUBLIC DISCLOSURE.—No information shared with or provided to a State, tribal, or local government or government agency pursuant to this section shall be made publicly available pursuant to any State, tribal, or local law requiring disclosure of information or records.

(g) CIVIL AND CRIMINAL LIABILITY.—

(1) GENERAL PROTECTIONS.—

(A) PRIVATE ENTITIES.—No cause of action shall lie or be maintained in any court against any private entity for—

(i) the use of countermeasures and cybersecurity systems as authorized by this title;

(ii) the use, receipt, or disclosure of any cyber threat information as authorized by this title; or

(iii) the subsequent actions or inactions of any lawful recipient of cyber threat information provided by such private entity.

(B) ENTITIES.—No cause of action shall lie or be maintained in any court against any entity for—

(i) the use, receipt, or disclosure of any cyber threat information as authorized by this title; or

(ii) the subsequent actions or inactions of any lawful recipient of cyber threat information provided by such entity.

(2) CONSTRUCTION.—Nothing in this subsection shall be construed as creating any

immunity against, or otherwise affecting, any action brought by the Federal government, or any agency or department thereof, to enforce any law, executive order, or procedure governing the appropriate handling, disclosure, and use of classified information.

(h) OTHERWISE LAWFUL DISCLOSURES.—Nothing in this section shall be construed to limit or prohibit otherwise lawful disclosures of communications, records, or other information by a private entity to any other governmental or private entity not covered under this section.

(i) WHISTLEBLOWER PROTECTION.—Nothing in this Act shall be construed to preempt or preclude any employee from exercising rights currently provided under any whistleblower law, rule, or regulation.

(j) RELATIONSHIP TO OTHER LAWS.—The submission of cyber threat information under this section to a cybersecurity center shall not affect any requirement under any other provision of law for an entity to provide information to the Federal government.

## SEC. 203. INFORMATION SHARING BY THE FEDERAL GOVERNMENT.

(a) CLASSIFIED INFORMATION.—

(1) PROCEDURES.—Consistent with the protection of intelligence sources and methods, and as otherwise determined appropriate, the Director of National Intelligence and the Secretary of Defense, in consultation with the heads of the appropriate Federal departments or agencies, shall develop and promulgate procedures to facilitate and promote—

(A) the immediate sharing, through the cybersecurity centers, of classified cyber threat information in the possession of the Federal government with appropriately cleared representatives of any appropriate entity; and

(B) the declassification and immediate sharing, through the cybersecurity centers, with any entity or, if appropriate, public availability of cyber threat information in the possession of the Federal government;

(2) HANDLING OF CLASSIFIED INFORMATION.—The procedures developed under paragraph (1) shall ensure that each entity receiving classified cyber threat information pursuant to this section has acknowledged in writing the ongoing obligation to comply with all laws, executive orders, and procedures concerning the appropriate handling, disclosure, or use of classified information.

(b) UNCLASSIFIED CYBER THREAT INFORMATION.—The heads of each department or agency containing a cybersecurity center shall jointly develop and promulgate procedures that ensure that, consistent with the provisions of this section, unclassified, including controlled unclassified, cyber threat information in the possession of the Federal government—

(1) is shared, through the cybersecurity centers, in an immediate and adequate manner with appropriate entities; and

(2) if appropriate, is made publicly available.

(c) DEVELOPMENT OF PROCEDURES.—

(1) IN GENERAL.—The procedures developed under this section shall incorporate, to the greatest extent possible, existing processes utilized by sector specific information sharing and analysis centers.

(2) COORDINATION WITH ENTITIES.—In developing the procedures required under this section, the Director of National Intelligence and the heads of each department or agency containing a cybersecurity center shall coordinate with appropriate entities to ensure that protocols are implemented that will facilitate and promote the sharing of cyber threat information by the Federal government.

(d) **ADDITIONAL RESPONSIBILITIES OF CYBERSECURITY CENTERS.**—Consistent with section 202, a cybersecurity center shall—

(1) facilitate information sharing, interaction, and collaboration among and between cybersecurity centers and—

(A) other Federal entities;  
(B) any entity; and  
(C) international partners, in consultation with the Secretary of State;

(2) disseminate timely and actionable cybersecurity threat, vulnerability, mitigation, and warning information, including alerts, advisories, indicators, signatures, and mitigation and response measures, to improve the security and protection of information systems; and

(3) coordinate with other Federal entities, as appropriate, to integrate information from across the Federal government to provide situational awareness of the cybersecurity posture of the United States.

(e) **SHARING WITHIN THE FEDERAL GOVERNMENT.**—The heads of appropriate Federal departments and agencies shall ensure that cyber threat information in the possession of such Federal departments or agencies that relates to the prevention, investigation, or mitigation of threats to information security across the Federal government is shared effectively with the cybersecurity centers.

(f) **SUBMISSION TO CONGRESS.**—Not later than 60 days after the date of enactment of this Act, the Director of National Intelligence, in coordination with the appropriate head of a department or an agency containing a cybersecurity center, shall submit the procedures required by this section to Congress.

#### **SEC. 204. CONSTRUCTION.**

(a) **INFORMATION SHARING RELATIONSHIPS.**—Nothing in this title shall be construed—

(1) to limit or modify an existing information sharing relationship;

(2) to prohibit a new information sharing relationship;

(3) to require a new information sharing relationship between any entity and the Federal government, except as specified under section 202(b); or

(4) to modify the authority of a department or agency of the Federal government to protect sources and methods and the national security of the United States.

(b) **ANTI-TASKING RESTRICTION.**—Nothing in this title shall be construed to permit the Federal government—

(1) to require an entity to share information with the Federal government, except as expressly provided under section 202(b); or

(2) to condition the sharing of cyber threat information with an entity on such entity's provision of cyber threat information to the Federal government.

(c) **NO LIABILITY FOR NON-PARTICIPATION.**—Nothing in this title shall be construed to subject any entity to liability for choosing not to engage in the voluntary activities authorized under this title.

(d) **USE AND RETENTION OF INFORMATION.**—Nothing in this title shall be construed to authorize, or to modify any existing authority of, a department or agency of the Federal government to retain or use any information shared under section 202 for any use other than a use permitted under section 202(c)(1).

(e) **NO NEW FUNDING.**—An applicable Federal agency shall carry out the provisions of this title with existing facilities and funds otherwise available, through such means as the head of the agency considers appropriate.

#### **SEC. 205. REPORT ON IMPLEMENTATION.**

(a) **CONTENT OF REPORT.**—Not later than 1 year after the date of enactment of this Act,

and biennially thereafter, the heads of each department or agency containing a cybersecurity center shall jointly submit, in coordination with the privacy and civil liberties officials of such departments or agencies and the Privacy and Civil Liberties Oversight Board, a detailed report to Congress concerning the implementation of this title, including—

(1) an assessment of the sufficiency of the procedures developed under section 203 of this Act in ensuring that cyber threat information in the possession of the Federal government is provided in an immediate and adequate manner to appropriate entities or, if appropriate, is made publicly available;

(2) an assessment of whether information has been appropriately classified and an accounting of the number of security clearances authorized by the Federal government for purposes of this title;

(3) a review of the type of cyber threat information shared with a cybersecurity center under section 202 of this Act, including whether such information meets the definition of cyber threat information under section 201, the degree to which such information may impact the privacy and civil liberties of individuals, any appropriate metrics to determine any impact of the sharing of such information with the Federal government on privacy and civil liberties, and the adequacy of any steps taken to reduce such impact;

(4) a review of actions taken by the Federal government based on information provided to a cybersecurity center under section 202 of this Act, including the appropriateness of any subsequent use under section 202(c)(1) of this Act and whether there was inappropriate stovepiping within the Federal government of any such information;

(5) a description of any violations of the requirements of this title by the Federal government;

(6) a classified list of entities that received classified information from the Federal government under section 203 of this Act and a description of any indication that such information may not have been appropriately handled;

(7) a summary of any breach of information security, if known, attributable to a specific failure by any entity or the Federal government to act on cyber threat information in the possession of such entity or the Federal government that resulted in substantial economic harm or injury to a specific entity or the Federal government; and

(8) any recommendation for improvements or modifications to the authorities under this title.

(b) **FORM OF REPORT.**—The report under subsection (a) shall be submitted in unclassified form, but shall include a classified annex.

#### **SEC. 206. INSPECTOR GENERAL REVIEW.**

(a) **IN GENERAL.**—The Council of the Inspectors General on Integrity and Efficiency are authorized to review compliance by the cybersecurity centers, and by any Federal department or agency receiving cyber threat information from such cybersecurity centers, with the procedures required under section 202 of this Act.

(b) **SCOPE OF REVIEW.**—The review under subsection (a) shall consider whether the Federal government has handled such cyber threat information in a reasonable manner, including consideration of the need to protect the privacy and civil liberties of individuals through anonymization or other appropriate methods, while fully accomplishing the objectives of this title.

(c) **REPORT TO CONGRESS.**—Each review conducted under this section shall be provided to Congress not later than 30 days after the date of completion of the review.

#### **SEC. 207. TECHNICAL AMENDMENTS.**

Section 552(b) of title 5, United States Code, is amended—

(1) in paragraph (8), by striking “or”;

(2) in paragraph (9), by striking “wells.” and inserting “wells; or”; and

(3) by adding at the end the following: “(10) information shared with or provided to a cybersecurity center under section 202 of title II of the Cybersecurity Act of 2012.”

#### **SEC. 208. ACCESS TO CLASSIFIED INFORMATION.**

(a) **AUTHORIZATION REQUIRED.**—No person shall be provided with access to classified information (as defined in section 6.1 of Executive Order 13526 (50 U.S.C. 435 note; relating to classified national security information)) relating to cyber security threats or cyber security vulnerabilities under this title without the appropriate security clearances.

(b) **SECURITY CLEARANCES.**—The appropriate Federal agencies or departments shall, consistent with applicable procedures and requirements, and if otherwise deemed appropriate, assist an individual in timely obtaining an appropriate security clearance where such individual has been determined to be eligible for such clearance and has a need-to-know (as defined in section 6.1 of that Executive Order) classified information to carry out this title.

### **TITLE III—COORDINATION OF FEDERAL INFORMATION SECURITY POLICY**

#### **SEC. 301. COORDINATION OF FEDERAL INFORMATION SECURITY POLICY.**

(a) **IN GENERAL.**—Chapter 35 of title 44, United States Code, is amended by striking subchapters II and III and inserting the following:

#### **“SUBCHAPTER II—INFORMATION SECURITY**

##### **“§ 3551. Purposes**

“The purposes of this subchapter are—

“(1) to provide a comprehensive framework for ensuring the effectiveness of information security controls over information resources that support Federal operations and assets;

“(2) to recognize the highly networked nature of the current Federal computing environment and provide effective government-wide management of policies, directives, standards, and guidelines, as well as effective and nimble oversight of and response to information security risks, including coordination of information security efforts throughout the Federal civilian, national security, and law enforcement communities;

“(3) to provide for development and maintenance of controls required to protect agency information and information systems and contribute to the overall improvement of agency information security posture;

“(4) to provide for the development of tools and methods to assess and respond to real-time situational risk for Federal information system operations and assets; and

“(5) to provide a mechanism for improving agency information security programs through continuous monitoring of agency information systems and streamlined reporting requirements rather than overly prescriptive manual reporting.

##### **“§ 3552. Definitions**

“In this subchapter:

“(1) **ADEQUATE SECURITY.**—The term ‘adequate security’ means security commensurate with the risk and magnitude of the harm resulting from the unauthorized access to or loss, misuse, destruction, or modification of information.

“(2) AGENCY.—The term ‘agency’ has the meaning given the term in section 3502 of title 44.

“(3) CYBERSECURITY CENTER.—The term ‘cybersecurity center’ means the Department of Defense Cyber Crime Center, the Intelligence Community Incident Response Center, the United States Cyber Command Joint Operations Center, the National Cyber Investigative Joint Task Force, the National Security Agency/Central Security Service Threat Operations Center, the National Cybersecurity and Communications Integration Center, and any successor center.

“(4) CYBER THREAT INFORMATION.—The term ‘cyber threat information’ means information that indicates or describes—

“(A) a technical or operation vulnerability or a cyber threat mitigation measure;

“(B) an action or operation to mitigate a cyber threat;

“(C) malicious reconnaissance, including anomalous patterns of network activity that appear to be transmitted for the purpose of gathering technical information related to a cybersecurity threat;

“(D) a method of defeating a technical control;

“(E) a method of defeating an operational control;

“(F) network activity or protocols known to be associated with a malicious cyber actor or that signify malicious cyber intent;

“(G) a method of causing a user with legitimate access to an information system or information that is stored on, processed by, or transiting an information system to inadvertently enable the defeat of a technical or operational control;

“(H) any other attribute of a cybersecurity threat or cyber defense information that would foster situational awareness of the United States cybersecurity posture, if disclosure of such attribute or information is not otherwise prohibited by law;

“(I) the actual or potential harm caused by a cyber incident, including information exfiltrated when it is necessary in order to identify or describe a cybersecurity threat; or

“(J) any combination of subparagraphs (A) through (I).

“(5) DIRECTOR.—The term ‘Director’ means the Director of the Office of Management and Budget unless otherwise specified.

“(6) ENVIRONMENT OF OPERATION.—The term ‘environment of operation’ means the information system and environment in which those systems operate, including changing threats, vulnerabilities, technologies, and missions and business practices.

“(7) FEDERAL INFORMATION SYSTEM.—The term ‘Federal information system’ means an information system used or operated by an executive agency, by a contractor of an executive agency, or by another organization on behalf of an executive agency.

“(8) INCIDENT.—The term ‘incident’ means an occurrence that—

“(A) actually or imminently jeopardizes the integrity, confidentiality, or availability of an information system or the information that system controls, processes, stores, or transmits; or

“(B) constitutes a violation of law or an imminent threat of violation of a law, a security policy, a security procedure, or an acceptable use policy.

“(9) INFORMATION RESOURCES.—The term ‘information resources’ has the meaning given the term in section 3502 of title 44.

“(10) INFORMATION SECURITY.—The term ‘information security’ means protecting in-

formation and information systems from disruption or unauthorized access, use, disclosure, modification, or destruction in order to provide—

“(A) integrity, by guarding against improper information modification or destruction, including by ensuring information non-repudiation and authenticity;

“(B) confidentiality, by preserving authorized restrictions on access and disclosure, including means for protecting personal privacy and proprietary information; or

“(C) availability, by ensuring timely and reliable access to and use of information.

“(11) INFORMATION SYSTEM.—The term ‘information system’ has the meaning given the term in section 3502 of title 44.

“(12) INFORMATION TECHNOLOGY.—The term ‘information technology’ has the meaning given the term in section 11101 of title 40.

“(13) MALICIOUS RECONNAISSANCE.—The term ‘malicious reconnaissance’ means a method for actively probing or passively monitoring an information system for the purpose of discerning technical vulnerabilities of the information system, if such method is associated with a known or suspected cybersecurity threat.

“(14) NATIONAL SECURITY SYSTEM.—

“(A) IN GENERAL.—The term ‘national security system’ means any information system (including any telecommunications system) used or operated by an agency or by a contractor of an agency, or other organization on behalf of an agency—

“(i) the function, operation, or use of which—

“(I) involves intelligence activities;

“(II) involves cryptologic activities related to national security;

“(III) involves command and control of military forces;

“(IV) involves equipment that is an integral part of a weapon or weapons system; or

“(V) subject to subparagraph (B), is critical to the direct fulfillment of military or intelligence missions; or

“(ii) is protected at all times by procedures established for information that have been specifically authorized under criteria established by an Executive Order or an Act of Congress to be kept classified in the interest of national defense or foreign policy.

“(B) LIMITATION.—Subparagraph (A)(i)(V) does not include a system that is to be used for routine administrative and business applications (including payroll, finance, logistics, and personnel management applications).

“(15) OPERATIONAL CONTROL.—The term ‘operational control’ means a security control for an information system that primarily is implemented and executed by people.

“(16) PERSON.—The term ‘person’ has the meaning given the term in section 3502 of title 44.

“(17) SECRETARY.—The term ‘Secretary’ means the Secretary of Commerce unless otherwise specified.

“(18) SECURITY CONTROL.—The term ‘security control’ means the management, operational, and technical controls, including safeguards or countermeasures, prescribed for an information system to protect the confidentiality, integrity, and availability of the system and its information.

“(19) SIGNIFICANT CYBER INCIDENT.—The term ‘significant cyber incident’ means a cyber incident resulting in, or an attempted cyber incident that, if successful, would have resulted in—

“(A) the exfiltration from a Federal information system of data that is essential to

the operation of the Federal information system; or

“(B) an incident in which an operational or technical control essential to the security or operation of a Federal information system was defeated.

“(20) TECHNICAL CONTROL.—The term ‘technical control’ means a hardware or software restriction on, or audit of, access or use of an information system or information that is stored on, processed by, or transiting an information system that is intended to ensure the confidentiality, integrity, or availability of that system.

### “§ 3553. Federal information security authority and coordination

“(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Homeland Security, shall—

“(1) issue compulsory and binding policies and directives governing agency information security operations, and require implementation of such policies and directives, including—

“(A) policies and directives consistent with the standards and guidelines promulgated under section 11331 of title 40 to identify and provide information security protections prioritized and commensurate with the risk and impact resulting from the unauthorized access, use, disclosure, disruption, modification, or destruction of—

“(i) information collected or maintained by or on behalf of an agency; or

“(ii) information systems used or operated by an agency or by a contractor of an agency or other organization on behalf of an agency;

“(B) minimum operational requirements for Federal Government to protect agency information systems and provide common situational awareness across all agency information systems;

“(C) reporting requirements, consistent with relevant law, regarding information security incidents and cyber threat information;

“(D) requirements for agencywide information security programs;

“(E) performance requirements and metrics for the security of agency information systems;

“(F) training requirements to ensure that agencies are able to fully and timely comply with the policies and directives issued by the Secretary under this subchapter;

“(G) training requirements regarding privacy, civil rights, and civil liberties, and information oversight for agency information security personnel;

“(H) requirements for the annual reports to the Secretary under section 3554(d);

“(I) any other information security operations or information security requirements as determined by the Secretary in coordination with relevant agency heads; and

“(J) coordinating the development of standards and guidelines under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3) with agencies and offices operating or exercising control of national security systems (including the National Security Agency) to assure, to the maximum extent feasible, that such standards and guidelines are complementary with standards and guidelines developed for national security systems;

“(2) review the agencywide information security programs under section 3554; and

“(3) designate an individual or an entity at each cybersecurity center, among other responsibilities—

“(A) to receive reports and information about information security incidents, cyber

threat information, and deterioration of security control affecting agency information systems; and

“(B) to act on or share the information under subparagraph (A) in accordance with this subchapter.

“(b) CONSIDERATIONS.—When issuing policies and directives under subsection (a), the Secretary shall consider any applicable standards or guidelines developed by the National Institute of Standards and Technology under section 11331 of title 40.

“(c) LIMITATION OF AUTHORITY.—The authorities of the Secretary under this section shall not apply to national security systems. Information security policies, directives, standards and guidelines for national security systems shall be overseen as directed by the President and, in accordance with that direction, carried out under the authority of the heads of agencies that operate or exercise authority over such national security systems.

“(d) STATUTORY CONSTRUCTION.—Nothing in this subchapter shall be construed to alter or amend any law regarding the authority of any head of an agency over such agency.

#### “§ 3554. Agency responsibilities

“(a) IN GENERAL.—The head of each agency shall—

“(1) be responsible for—

“(A) complying with the policies and directives issued under section 3553;

“(B) providing information security protections commensurate with the risk resulting from unauthorized access, use, disclosure, disruption, modification, or destruction of—

“(i) information collected or maintained by the agency or by a contractor of an agency or other organization on behalf of an agency; and

“(ii) information systems used or operated by an agency or by a contractor of an agency or other organization on behalf of an agency;

“(C) complying with the requirements of this subchapter, including—

“(i) information security standards and guidelines promulgated under section 11331 of title 40;

“(ii) for any national security systems operated or controlled by that agency, information security policies, directives, standards and guidelines issued as directed by the President; and

“(iii) for any non-national security systems operated or controlled by that agency, information security policies, directives, standards and guidelines issued under section 3553;

“(D) ensuring that information security management processes are integrated with agency strategic and operational planning processes;

“(E) reporting and sharing, for an agency operating or exercising control of a national security system, information about information security incidents, cyber threat information, and deterioration of security controls to the individual or entity designated at each cybersecurity center and to other appropriate entities consistent with policies and directives for national security systems issued as directed by the President; and

“(F) reporting and sharing, for those agencies operating or exercising control of non-national security systems, information about information security incidents, cyber threat information, and deterioration of security controls to the individual or entity designated at each cybersecurity center and to other appropriate entities consistent with policies and directives for non-national security systems as prescribed under section

3553(a), including information to assist the entity designated under section 3555(a) with the ongoing security analysis under section 3555;

“(2) ensure that each senior agency official provides information security for the information and information systems that support the operations and assets under the senior agency official's control, including by—

“(A) assessing the risk and impact that could result from the unauthorized access, use, disclosure, disruption, modification, or destruction of such information or information systems;

“(B) determining the level of information security appropriate to protect such information and information systems in accordance with policies and directives issued under section 3553(a), and standards and guidelines promulgated under section 11331 of title 40 for information security classifications and related requirements;

“(C) implementing policies, procedures, and capabilities to reduce risks to an acceptable level in a cost-effective manner;

“(D) actively monitoring the effective implementation of information security controls and techniques; and

“(E) reporting information about information security incidents, cyber threat information, and deterioration of security controls in a timely and adequate manner to the entity designated under section 3553(a)(3) in accordance with paragraph (1);

“(3) assess and maintain the resiliency of information technology systems critical to agency mission and operations;

“(4) designate the agency Inspector General (or an independent entity selected in consultation with the Director and the Council of Inspectors General on Integrity and Efficiency if the agency does not have an Inspector General) to conduct the annual independent evaluation required under section 3556, and allow the agency Inspector General to contract with an independent entity to perform such evaluation;

“(5) delegate to the Chief Information Officer or equivalent (or to a senior agency official who reports to the Chief Information Officer or equivalent)—

“(A) the authority and primary responsibility to implement an agencywide information security program; and

“(B) the authority to provide information security for the information collected and maintained by the agency (or by a contractor, other agency, or other source on behalf of the agency) and for the information systems that support the operations, assets, and mission of the agency (including any information system provided or managed by a contractor, other agency, or other source on behalf of the agency);

“(6) delegate to the appropriate agency official (who is responsible for a particular agency system or subsystem) the responsibility to ensure and enforce compliance with all requirements of the agency's agencywide information security program in coordination with the Chief Information Officer or equivalent (or the senior agency official who reports to the Chief Information Officer or equivalent) under paragraph (5);

“(7) ensure that an agency has trained personnel who have obtained any necessary security clearances to permit them to assist the agency in complying with this subchapter;

“(8) ensure that the Chief Information Officer or equivalent (or the senior agency official who reports to the Chief Information Officer or equivalent) under paragraph (5), in coordination with other senior agency offi-

cials, reports to the agency head on the effectiveness of the agencywide information security program, including the progress of any remedial actions; and

“(9) ensure that the Chief Information Officer or equivalent (or the senior agency official who reports to the Chief Information Officer or equivalent) under paragraph (5) has the necessary qualifications to administer the functions described in this subchapter and has information security duties as a primary duty of that official.

“(b) CHIEF INFORMATION OFFICERS.—Each Chief Information Officer or equivalent (or the senior agency official who reports to the Chief Information Officer or equivalent) under subsection (a)(5) shall—

“(1) establish and maintain an enterprise security operations capability that on a continuous basis—

“(A) detects, reports, contains, mitigates, and responds to information security incidents that impair adequate security of the agency's information or information system in a timely manner and in accordance with the policies and directives under section 3553; and

“(B) reports any information security incident under subparagraph (A) to the entity designated under section 3555;

“(2) develop, maintain, and oversee an agencywide information security program;

“(3) develop, maintain, and oversee information security policies, procedures, and control techniques to address applicable requirements, including requirements under section 3553 of this title and section 11331 of title 40; and

“(4) train and oversee the agency personnel who have significant responsibility for information security with respect to that responsibility.

“(c) AGENCYWIDE INFORMATION SECURITY PROGRAMS.—

“(1) IN GENERAL.—Each agencywide information security program under subsection (b)(2) shall include—

“(A) relevant security risk assessments, including technical assessments and others related to the acquisition process;

“(B) security testing commensurate with risk and impact;

“(C) mitigation of deterioration of security controls commensurate with risk and impact;

“(D) risk-based continuous monitoring and threat assessment of the operational status and security of agency information systems to enable evaluation of the effectiveness of and compliance with information security policies, procedures, and practices, including a relevant and appropriate selection of security controls of information systems identified in the inventory under section 3505(c);

“(E) operation of appropriate technical capabilities in order to detect, mitigate, report, and respond to information security incidents, cyber threat information, and deterioration of security controls in a manner that is consistent with the policies and directives under section 3553, including—

“(i) mitigating risks associated with such information security incidents;

“(ii) notifying and consulting with the entity designated under section 3555; and

“(iii) notifying and consulting with, as appropriate—

“(I) law enforcement and the relevant Office of the Inspector General; and

“(II) any other entity, in accordance with law and as directed by the President;

“(F) a process to ensure that remedial action is taken to address any deficiencies in the information security policies, procedures, and practices of the agency; and

“(G) a plan and procedures to ensure the continuity of operations for information systems that support the operations and assets of the agency.

“(2) RISK MANAGEMENT STRATEGIES.—Each agencywide information security program under subsection (b)(2) shall include the development and maintenance of a risk management strategy for information security. The risk management strategy shall include—

“(A) consideration of information security incidents, cyber threat information, and deterioration of security controls; and

“(B) consideration of the consequences that could result from the unauthorized access, use, disclosure, disruption, modification, or destruction of information and information systems that support the operations and assets of the agency, including any information system provided or managed by a contractor, other agency, or other source on behalf of the agency;

“(3) POLICIES AND PROCEDURES.—Each agencywide information security program under subsection (b)(2) shall include policies and procedures that—

“(A) are based on the risk management strategy under paragraph (2);

“(B) reduce information security risks to an acceptable level in a cost-effective manner;

“(C) ensure that cost-effective and adequate information security is addressed as part of the acquisition and ongoing management of each agency information system; and

“(D) ensure compliance with—

“(i) this subchapter; and

“(ii) any other applicable requirements.

“(4) TRAINING REQUIREMENTS.—Each agencywide information security program under subsection (b)(2) shall include information security, privacy, civil rights, civil liberties, and information oversight training that meets any applicable requirements under section 3553. The training shall inform each information security personnel that has access to agency information systems (including contractors and other users of information systems that support the operations and assets of the agency) of—

“(A) the information security risks associated with the information security personnel's activities; and

“(B) the individual's responsibility to comply with the agency policies and procedures that reduce the risks under subparagraph (A).

“(d) ANNUAL REPORT.—Each agency shall submit a report annually to the Secretary of Homeland Security on its agencywide information security program and information systems.

#### “§ 3555. Multiagency ongoing threat assessment

“(a) IMPLEMENTATION.—The Director of the Office of Management and Budget, in coordination with the Secretary of Homeland Security, shall designate an entity to implement ongoing security analysis concerning agency information systems—

“(1) based on cyber threat information;

“(2) based on agency information system and environment of operation changes, including—

“(A) an ongoing evaluation of the information system security controls; and

“(B) the security state, risk level, and environment of operation of an agency information system, including—

“(i) a change in risk level due to a new cyber threat;

“(ii) a change resulting from a new technology;

“(iii) a change resulting from the agency's mission; and

“(iv) a change resulting from the business practice; and

“(3) using automated processes to the maximum extent possible—

“(A) to increase information system security;

“(B) to reduce paper-based reporting requirements; and

“(C) to maintain timely and actionable knowledge of the state of the information system security.

“(b) STANDARDS.—The National Institute of Standards and Technology may promulgate standards, in coordination with the Secretary of Homeland Security, to assist an agency with its duties under this section.

“(c) COMPLIANCE.—The head of each appropriate department and agency shall be responsible for ensuring compliance and implementing necessary procedures to comply with this section. The head of each appropriate department and agency, in consultation with the Director of the Office of Management and Budget and the Secretary of Homeland Security, shall—

“(1) monitor compliance under this section;

“(2) develop a timeline and implement for the department or agency—

“(A) adoption of any technology, system, or method that facilitates continuous monitoring and threat assessments of an agency information system;

“(B) adoption or updating of any technology, system, or method that prevents, detects, or remediates a significant cyber incident to a Federal information system of the department or agency that has impeded, or is reasonably likely to impede, the performance of a critical mission of the department or agency; and

“(C) adoption of any technology, system, or method that satisfies a requirement under this section.

“(d) LIMITATION OF AUTHORITY.—The authorities of the Director of the Office of Management and Budget and of the Secretary of Homeland Security under this section shall not apply to national security systems.

“(e) REPORT.—Not later than 6 months after the date of enactment of the Cybersecurity Act of 2012, the Government Accountability Office shall issue a report evaluating each agency's status toward implementing this section.

#### “§ 3556. Independent evaluations

“(a) IN GENERAL.—The Council of the Inspectors General on Integrity and Efficiency, in consultation with the Director and the Secretary of Homeland Security, the Secretary of Commerce, and the Secretary of Defense, shall issue and maintain criteria for the timely, cost-effective, risk-based, and independent evaluation of each agencywide information security program (and practices) to determine the effectiveness of the agencywide information security program (and practices). The criteria shall include measures to assess any conflicts of interest in the performance of the evaluation and whether the agencywide information security program includes appropriate safeguards against disclosure of information where such disclosure may adversely affect information security.

“(b) ANNUAL INDEPENDENT EVALUATIONS.—Each agency shall perform an annual independent evaluation of its agencywide information security program (and practices) in accordance with the criteria under subsection (a).

“(c) DISTRIBUTION OF REPORTS.—Not later than 30 days after receiving an independent evaluation under subsection (b), each agency head shall transmit a copy of the independent evaluation to the Secretary of Homeland Security, the Secretary of Commerce, and the Secretary of Defense.

“(d) NATIONAL SECURITY SYSTEMS.—Evaluations involving national security systems shall be conducted as directed by President.

#### “§ 3557. National security systems.

“The head of each agency operating or exercising control of a national security system shall be responsible for ensuring that the agency—

“(1) provides information security protections commensurate with the risk and magnitude of the harm resulting from the unauthorized access, use, disclosure, disruption, modification, or destruction of the information contained in such system; and

“(2) implements information security policies and practices as required by standards and guidelines for national security systems, issued in accordance with law and as directed by the President.”.

#### (b) SAVINGS PROVISIONS.—

(1) POLICY AND COMPLIANCE GUIDANCE.—Policy and compliance guidance issued by the Director before the date of enactment of this Act under section 3543(a)(1) of title 44, United States Code (as in effect on the day before the date of enactment of this Act), shall continue in effect, according to its terms, until modified, terminated, superseded, or repealed pursuant to section 3553(a)(1) of title 44, United States Code.

(2) STANDARDS AND GUIDELINES.—Standards and guidelines issued by the Secretary of Commerce or by the Director before the date of enactment of this Act under section 11331(a)(1) of title 40, United States Code, (as in effect on the day before the date of enactment of this Act) shall continue in effect, according to their terms, until modified, terminated, superseded, or repealed pursuant to section 11331(a)(1) of title 40, United States Code, as amended by this Act.

#### (c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) CHAPTER ANALYSIS.—The chapter analysis for chapter 35 of title 44, United States Code, is amended—

(A) by striking the items relating to sections 3531 through 3538;

(B) by striking the items relating to sections 3541 through 3549; and

(C) by inserting the following:

“3551. Purposes.

“3552. Definitions.

“3553. Federal information security authority and coordination.

“3554. Agency responsibilities.

“3555. Multiagency ongoing threat assessment.

“3556. Independent evaluations.

“3557. National security systems.”.

#### (2) OTHER REFERENCES.—

(A) Section 1001(c)(1)(A) of the Homeland Security Act of 2002 (6 U.S.C. 511(1)(A)) is amended by striking “section 3532(3)” and inserting “section 3552”.

(B) Section 2222(j)(5) of title 10, United States Code, is amended by striking “section 3542(b)(2)” and inserting “section 3552”.

(C) Section 2223(c)(3) of title 10, United States Code, is amended, by striking “section 3542(b)(2)” and inserting “section 3552”.

(D) Section 2315 of title 10, United States Code, is amended by striking “section 3542(b)(2)” and inserting “section 3552”.

(E) Section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3) is amended—



(i) in subsection (a)(2), by striking “section 3532(b)(2)” and inserting “section 3552”;

(ii) in subsection (c)(3), by striking “Director of the Office of Management and Budget” and inserting “Secretary of Commerce”;

(iii) in subsection (d)(1), by striking “Director of the Office of Management and Budget” and inserting “Secretary of Commerce”;

(iv) in subsection (d)(8) by striking “Director of the Office of Management and Budget” and inserting “Secretary of Commerce”;

(v) in subsection (d)(8), by striking “submitted to the Director” and inserting “submitted to the Secretary”;

(vi) in subsection (e)(2), by striking “section 3532(1) of such title” and inserting “section 3552 of title 44”;

(vii) in subsection (e)(5), by striking “section 3532(b)(2) of such title” and inserting “section 3552 of title 44”.

(F) Section 8(d)(1) of the Cyber Security Research and Development Act (15 U.S.C. 7406(d)(1)) is amended by striking “section 3534(b)” and inserting “section 3554(b)(2)”.

#### SEC. 302. MANAGEMENT OF INFORMATION TECHNOLOGY.

(a) IN GENERAL.—Section 11331 of title 40, United States Code, is amended to read as follows:

##### “§ 11331. Responsibilities for Federal information systems standards

“(a) STANDARDS AND GUIDELINES.—

“(1) AUTHORITY TO PRESCRIBE.—Except as provided under paragraph (2), the Secretary of Commerce shall prescribe standards and guidelines pertaining to Federal information systems—

“(A) in consultation with the Secretary of Homeland Security; and

“(B) on the basis of standards and guidelines developed by the National Institute of Standards and Technology under paragraphs (2) and (3) of section 20(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3(a)(2) and (a)(3)).

“(2) NATIONAL SECURITY SYSTEMS.—Standards and guidelines for national security systems shall be developed, prescribed, enforced, and overseen as otherwise authorized by law and as directed by the President.

“(b) MANDATORY STANDARDS AND GUIDELINES.—

“(1) AUTHORITY TO MAKE MANDATORY STANDARDS AND GUIDELINES.—The Secretary of Commerce shall make standards and guidelines under subsection (a)(1) compulsory and binding to the extent determined necessary by the Secretary of Commerce to improve the efficiency of operation or security of Federal information systems.

“(2) REQUIRED MANDATORY STANDARDS AND GUIDELINES.—

“(A) IN GENERAL.—Standards and guidelines under subsection (a)(1) shall include information security standards that—

“(i) provide minimum information security requirements as determined under section 20(b) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3(b)); and

“(ii) are otherwise necessary to improve the security of Federal information and information systems.

“(B) BINDING EFFECT.—Information security standards under subparagraph (A) shall be compulsory and binding.

“(c) EXERCISE OF AUTHORITY.—To ensure fiscal and policy consistency, the Secretary of Commerce shall exercise the authority conferred by this section subject to direction by the President and in coordination with the Director.

“(d) APPLICATION OF MORE STRINGENT STANDARDS AND GUIDELINES.—The head of an

executive agency may employ standards for the cost-effective information security for information systems within or under the supervision of that agency that are more stringent than the standards and guidelines the Secretary of Commerce prescribes under this section if the more stringent standards and guidelines—

“(1) contain at least the applicable standards and guidelines made compulsory and binding by the Secretary of Commerce; and

“(2) are otherwise consistent with the policies, directives, and implementation memoranda issued under section 3553(a) of title 44.

“(e) DECISIONS ON PROMULGATION OF STANDARDS AND GUIDELINES.—The decision by the Secretary of Commerce regarding the promulgation of any standard or guideline under this section shall occur not later than 6 months after the date of submission of the proposed standard to the Secretary of Commerce by the National Institute of Standards and Technology under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3).

“(f) NOTICE AND COMMENT.—A decision by the Secretary of Commerce to significantly modify, or not promulgate, a proposed standard submitted to the Secretary by the National Institute of Standards and Technology under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3) shall be made after the public is given an opportunity to comment on the Secretary’s proposed decision.

“(g) DEFINITIONS.—In this section:

“(1) FEDERAL INFORMATION SYSTEM.—The term ‘Federal information system’ has the meaning given the term in section 3552 of title 44.

“(2) INFORMATION SECURITY.—The term ‘information security’ has the meaning given the term in section 3552 of title 44.

“(3) NATIONAL SECURITY SYSTEM.—The term ‘national security system’ has the meaning given the term in section 3552 of title 44.”.

#### SEC. 303. NO NEW FUNDING.

An applicable Federal agency shall carry out the provisions of this title with existing facilities and funds otherwise available, through such means as the head of the agency considers appropriate.

#### SEC. 304. TECHNICAL AND CONFORMING AMENDMENTS.

Section 21(b) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–4(b)) is amended—

(1) in paragraph (2), by striking “and the Director of the Office of Management and Budget” and inserting “, the Secretary of Commerce, and the Secretary of Homeland Security”; and

(2) in paragraph (3), by inserting “, the Secretary of Homeland Security,” after “the Secretary of Commerce”.

#### SEC. 305. CLARIFICATION OF AUTHORITIES.

Nothing in this title shall be construed to convey any new regulatory authority to any government entity implementing or complying with any provision of this title.

#### TITLE IV—CRIMINAL PENALTIES

##### SEC. 401. PENALTIES FOR FRAUD AND RELATED ACTIVITY IN CONNECTION WITH COMPUTERS.

Section 1030(c) of title 18, United States Code, is amended to read as follows:

“(c) The punishment for an offense under subsection (a) or (b) of this section is—

“(1) a fine under this title or imprisonment for not more than 20 years, or both, in the case of an offense under subsection (a)(1) of this section;

“(2)(A) except as provided in subparagraph (B), a fine under this title or imprisonment

for not more than 3 years, or both, in the case of an offense under subsection (a)(2); or

“(B) a fine under this title or imprisonment for not more than ten years, or both, in the case of an offense under subsection (a)(2) of this section, if—

“(i) the offense was committed for purposes of commercial advantage or private financial gain;

“(ii) the offense was committed in the furtherance of any criminal or tortious act in violation of the Constitution or laws of the United States, or of any State; or

“(iii) the value of the information obtained, or that would have been obtained if the offense was completed, exceeds \$5,000;

“(3) a fine under this title or imprisonment for not more than 10 years, or both, in the case of an offense under subsection (a)(3) of this section;

“(4) a fine under this title or imprisonment for not more than 20 years, or both, in the case of an offense under subsection (a)(4) of this section;

“(5)(A) except as provided in subparagraph (C), a fine under this title, imprisonment for not more than 20 years, or both, in the case of an offense under subsection (a)(5)(A) of this section, if the offense caused—

“(i) loss to 1 or more persons during any 1-year period (and, for purposes of an investigation, prosecution, or other proceeding brought by the United States only, loss resulting from a related course of conduct affecting 1 or more other protected computers) aggregating at least \$5,000 in value;

“(ii) the modification or impairment, or potential modification or impairment, of the medical examination, diagnosis, treatment, or care of 1 or more individuals;

“(iii) physical injury to any person;

“(iv) a threat to public health or safety;

“(v) damage affecting a computer used by, or on behalf of, an entity of the United States Government in furtherance of the administration of justice, national defense, or national security; or

“(vi) damage affecting 10 or more protected computers during any 1-year period;

“(B) a fine under this title, imprisonment for not more than 20 years, or both, in the case of an offense under subsection (a)(5)(B), if the offense caused a harm provided in clause (i) through (vi) of subparagraph (A) of this subsection;

“(C) if the offender attempts to cause or knowingly or recklessly causes death from conduct in violation of subsection (a)(5)(A), a fine under this title, imprisonment for any term of years or for life, or both;

“(D) a fine under this title, imprisonment for not more than 10 years, or both, for any other offense under subsection (a)(5);

“(E) a fine under this title or imprisonment for not more than 10 years, or both, in the case of an offense under subsection (a)(6) of this section; or

“(F) a fine under this title or imprisonment for not more than 10 years, or both, in the case of an offense under subsection (a)(7) of this section.”.

#### SEC. 402. TRAFFICKING IN PASSWORDS.

Section 1030(a)(6) of title 18, United States Code, is amended to read as follows:

“(6) knowingly and with intent to defraud traffics (as defined in section 1029) in any password or similar information or means of access through which a protected computer (as defined in subparagraphs (A) and (B) of subsection (e)(2)) may be accessed without authorization.”.

#### SEC. 403. CONSPIRACY AND ATTEMPTED COMPUTER FRAUD OFFENSES.

Section 1030(b) of title 18, United States Code, is amended by inserting “as if for the

completed offense" after "punished as provided".

**SEC. 404. CRIMINAL AND CIVIL FORFEITURE FOR FRAUD AND RELATED ACTIVITY IN CONNECTION WITH COMPUTERS.**

Section 1030 of title 18, United States Code, is amended by striking subsections (i) and (j) and inserting the following:

"(i) CRIMINAL FORFEITURE.—

"(1) The court, in imposing sentence on any person convicted of a violation of this section, or convicted of conspiracy to violate this section, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person forfeit to the United States—

"(A) such persons interest in any property, real or personal, that was used, or intended to be used, to commit or facilitate the commission of such violation; and

"(B) any property, real or personal, constituting or derived from any gross proceeds, or any property traceable to such property, that such person obtained, directly or indirectly, as a result of such violation.

"(2) The criminal forfeiture of property under this subsection, including any seizure and disposition of the property, and any related judicial or administrative proceeding, shall be governed by the provisions of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), except subsection (d) of that section.

"(j) CIVIL FORFEITURE.—

"(1) The following shall be subject to forfeiture to the United States and no property right, real or personal, shall exist in them:

"(A) Any property, real or personal, that was used, or intended to be used, to commit or facilitate the commission of any violation of this section, or a conspiracy to violate this section.

"(B) Any property, real or personal, constituting or derived from any gross proceeds obtained directly or indirectly, or any property traceable to such property, as a result of the commission of any violation of this section, or a conspiracy to violate this section.

"(2) Seizures and forfeitures under this subsection shall be governed by the provisions in chapter 46 relating to civil forfeitures, except that such duties as are imposed on the Secretary of the Treasury under the customs laws described in section 981(d) shall be performed by such officers, agents and other persons as may be designated for that purpose by the Secretary of Homeland Security or the Attorney General."

**SEC. 405. DAMAGE TO CRITICAL INFRASTRUCTURE COMPUTERS.**

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by inserting after section 1030 the following:

**"§ 1030A. Aggravated damage to a critical infrastructure computer"**

"(a) DEFINITIONS.—In this section—

"(1) the term 'computer' has the meaning given the term in section 1030;

"(2) the term 'critical infrastructure computer' means a computer that manages or controls systems or assets vital to national defense, national security, national economic security, public health or safety, or any combination of those matters, whether publicly or privately owned or operated, including—

"(A) oil and gas production, storage, conversion, and delivery systems;

"(B) water supply systems;

"(C) telecommunication networks;

"(D) electrical power generation and delivery systems;

"(E) finance and banking systems;

"(F) emergency services;

"(G) transportation systems and services; and

"(H) government operations that provide essential services to the public; and

"(3) the term 'damage' has the meaning given the term in section 1030.

"(b) OFFENSE.—It shall be unlawful, during and in relation to a felony violation of section 1030, to knowingly cause or attempt to cause damage to a critical infrastructure computer if the damage results in (or, in the case of an attempt, if completed, would have resulted in) the substantial impairment—

"(1) of the operation of the critical infrastructure computer; or

"(2) of the critical infrastructure associated with the computer.

"(c) PENALTY.—Any person who violates subsection (b) shall be—

"(1) fined under this title;

"(2) imprisoned for not less than 3 years but not more than 20 years; or

"(3) penalized under paragraphs (1) and (2).

"(d) CONSECUTIVE SENTENCE.—Notwithstanding any other provision of law—

"(1) a court shall not place on probation any person convicted of a violation of this section;

"(2) except as provided in paragraph (4), no term of imprisonment imposed on a person under this section shall run concurrently with any other term of imprisonment, including any term of imprisonment imposed on the person under any other provision of law, including any term of imprisonment imposed for a felony violation of section 1030;

"(3) in determining any term of imprisonment to be imposed for a felony violation of section 1030, a court shall not in any way reduce the term to be imposed for such crime so as to compensate for, or otherwise take into account, any separate term of imprisonment imposed or to be imposed for a violation of this section; and

"(4) a term of imprisonment imposed on a person for a violation of this section may, in the discretion of the court, run concurrently, in whole or in part, only with another term of imprisonment that is imposed by the court at the same time on that person for an additional violation of this section, provided that such discretion shall be exercised in accordance with any applicable guidelines and policy statements issued by the United States Sentencing Commission pursuant to section 994 of title 28."

(b) TECHNICAL AND CONFORMING AMENDMENT.—The chapter analysis for chapter 47 of title 18, United States Code, is amended by inserting after the item relating to section 1030 the following:

"1030A. Aggravated damage to a critical infrastructure computer."

**SEC. 406. LIMITATION ON ACTIONS INVOLVING UNAUTHORIZED USE.**

Section 1030(e)(6) of title 18, United States Code, is amended by striking "alter;" and inserting "alter, but does not include access in violation of a contractual obligation or agreement, such as an acceptable use policy or terms of service agreement, with an Internet service provider, Internet website, or non-government employer, if such violation constitutes the sole basis for determining that access to a protected computer is unauthorized;"

**SEC. 407. NO NEW FUNDING.**

An applicable Federal agency shall carry out the provisions of this title with existing facilities and funds otherwise available, through such means as the head of the agency considers appropriate.

**TITLE V—CYBERSECURITY RESEARCH AND DEVELOPMENT**

**SEC. 501. NATIONAL HIGH-PERFORMANCE COMPUTING PROGRAM PLANNING AND COORDINATION.**

(a) GOALS AND PRIORITIES.—Section 101 of the High-Performance Computing Act of 1991 (15 U.S.C. 5511) is amended by adding at the end the following:

"(d) GOALS AND PRIORITIES.—The goals and priorities for Federal high-performance computing research, development, networking, and other activities under subsection (a)(2)(A) shall include—

"(1) encouraging and supporting mechanisms for interdisciplinary research and development in networking and information technology, including—

"(A) through collaborations across agencies;

"(B) through collaborations across Program Component Areas;

"(C) through collaborations with industry;

"(D) through collaborations with institutions of higher education;

"(E) through collaborations with Federal laboratories (as defined in section 4 of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3703)); and

"(F) through collaborations with international organizations;

"(2) addressing national, multi-agency, multi-faceted challenges of national importance; and

"(3) fostering the transfer of research and development results into new technologies and applications for the benefit of society."

(b) DEVELOPMENT OF STRATEGIC PLAN.—Section 101 of the High-Performance Computing Act of 1991 (15 U.S.C. 5511) is amended by adding at the end the following:

"(e) STRATEGIC PLAN.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Cybersecurity Act of 2012, the agencies under subsection (a)(3)(B), working through the National Science and Technology Council and with the assistance of the Office of Science and Technology Policy shall develop a 5-year strategic plan to guide the activities under subsection (a)(1).

"(2) CONTENTS.—The strategic plan shall specify—

"(A) the near-term objectives for the Program;

"(B) the long-term objectives for the Program;

"(C) the anticipated time frame for achieving the near-term objectives;

"(D) the metrics that will be used to assess any progress made toward achieving the near-term objectives and the long-term objectives; and

"(E) how the Program will achieve the goals and priorities under subsection (d).

"(3) IMPLEMENTATION ROADMAP.—

"(A) IN GENERAL.—The agencies under subsection (a)(3)(B) shall develop and annually update an implementation roadmap for the strategic plan.

"(B) REQUIREMENTS.—The information in the implementation roadmap shall be coordinated with the database under section 102(c) and the annual report under section 101(a)(3). The implementation roadmap shall—

"(i) specify the role of each Federal agency in carrying out or sponsoring research and development to meet the research objectives of the strategic plan, including a description of how progress toward the research objectives will be evaluated, with consideration of any relevant recommendations of the advisory committee;

"(ii) specify the funding allocated to each major research objective of the strategic

plan and the source of funding by agency for the current fiscal year; and

“(iii) estimate the funding required for each major research objective of the strategic plan for the next 3 fiscal years.

“(4) RECOMMENDATIONS.—The agencies under subsection (a)(3)(B) shall take into consideration when developing the strategic plan under paragraph (1) the recommendations of—

“(A) the advisory committee under subsection (b); and

“(B) the stakeholders under section 102(a)(3).

“(5) REPORT TO CONGRESS.—The Director of the Office of Science and Technology Policy shall transmit the strategic plan under this subsection, including the implementation roadmap and any updates under paragraph (3), to—

“(A) the advisory committee under subsection (b);

“(B) the Committee on Commerce, Science, and Transportation of the Senate; and

“(C) the Committee on Science and Technology of the House of Representatives.”

(c) PERIODIC REVIEWS.—Section 101 of the High-Performance Computing Act of 1991 (15 U.S.C. 5511) is amended by adding at the end the following:

“(f) PERIODIC REVIEWS.—The agencies under subsection (a)(3)(B) shall—

“(1) periodically assess the contents and funding levels of the Program Component Areas and restructure the Program when warranted, taking into consideration any relevant recommendations of the advisory committee under subsection (b); and

“(2) ensure that the Program includes national, multi-agency, multi-faceted research and development activities, including activities described in section 104.”

(d) ADDITIONAL RESPONSIBILITIES OF DIRECTOR.—Section 101(a)(2) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(a)(2)) is amended—

(1) by redesignating subparagraphs (E) and (F) as subparagraphs (G) and (H), respectively; and

(2) by inserting after subparagraph (D) the following:

“(E) encourage and monitor the efforts of the agencies participating in the Program to allocate the level of resources and management attention necessary—

“(i) to ensure that the strategic plan under subsection (e) is developed and executed effectively; and

“(ii) to ensure that the objectives of the Program are met;

“(F) working with the Office of Management and Budget and in coordination with the creation of the database under section 102(c), direct the Office of Science and Technology Policy and the agencies participating in the Program to establish a mechanism (consistent with existing law) to track all ongoing and completed research and development projects and associated funding;”

(e) ADVISORY COMMITTEE.—Section 101(b) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(b)) is amended—

(1) in paragraph (1)—

(A) by inserting after the first sentence the following: “The co-chairs of the advisory committee shall meet the qualifications of committee members and may be members of the Presidents Council of Advisors on Science and Technology.”; and

(B) by striking “high-performance” in subparagraph (D) and inserting “high-end”; and

(2) by amending paragraph (2) to read as follows:

“(2) In addition to the duties under paragraph (1), the advisory committee shall conduct periodic evaluations of the funding, management, coordination, implementation, and activities of the Program. The advisory committee shall report its findings and recommendations not less frequently than once every 3 fiscal years to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives. The report shall be submitted in conjunction with the update of the strategic plan.”

(f) REPORT.—Section 101(a)(3) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(a)(3)) is amended—

(1) in subparagraph (C)—

(A) by striking “is submitted,” and inserting “is submitted, the levels for the previous fiscal year.”; and

(B) by striking “each Program Component Area” and inserting “each Program Component Area and each research area supported in accordance with section 104”;

(2) in subparagraph (D)—

(A) by striking “each Program Component Area,” and inserting “each Program Component Area and each research area supported in accordance with section 104.”;

(B) by striking “is submitted,” and inserting “is submitted, the levels for the previous fiscal year.”; and

(C) by striking “and” after the semicolon;

(3) by redesignating subparagraph (E) as subparagraph (G); and

(4) by inserting after subparagraph (D) the following:

“(E) include a description of how the objectives for each Program Component Area, and the objectives for activities that involve multiple Program Component Areas, relate to the objectives of the Program identified in the strategic plan under subsection (e);

“(F) include—

“(i) a description of the funding required by the Office of Science and Technology Policy to perform the functions under subsections (a) and (c) of section 102 for the next fiscal year by category of activity;

“(ii) a description of the funding required by the Office of Science and Technology Policy to perform the functions under subsections (a) and (c) of section 102 for the current fiscal year by category of activity; and

“(iii) the amount of funding provided for the Office of Science and Technology Policy for the current fiscal year by each agency participating in the Program; and”

(g) DEFINITIONS.—Section 4 of the High-Performance Computing Act of 1991 (15 U.S.C. 5503) is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(2) by redesignating paragraph (3) as paragraph (6);

(3) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively;

(4) by inserting before paragraph (2), as redesignated, the following:

“(1) ‘cyber-physical systems’ means physical or engineered systems whose networking and information technology functions and physical elements are deeply integrated and are actively connected to the physical world through sensors, actuators, or other means to perform monitoring and control functions;”

(5) in paragraph (3), as redesignated, by striking “high-performance computing” and inserting “networking and information technology”;

(6) in paragraph (6), as redesignated—

(A) by striking “high-performance computing” and inserting “networking and information technology”; and

(B) by striking “supercomputer” and inserting “high-end computing”;

(7) in paragraph (5), by striking “network referred to as” and all that follows through the semicolon and inserting “network, including advanced computer networks of Federal agencies and departments”; and

(8) in paragraph (7), as redesignated, by striking “National High-Performance Computing Program” and inserting “networking and information technology research and development program”.

## SEC. 502. RESEARCH IN AREAS OF NATIONAL IMPORTANCE.

(a) RESEARCH IN AREAS OF NATIONAL IMPORTANCE.—Title I of the High-Performance Computing Act of 1991 (15 U.S.C. 5511 et seq.) is amended by adding at the end the following:

## “SEC. 104. RESEARCH IN AREAS OF NATIONAL IMPORTANCE.

“(a) IN GENERAL.—The Program shall encourage agencies under section 101(a)(3)(B) to support, maintain, and improve national, multi-agency, multi-faceted, research and development activities in networking and information technology directed toward application areas that have the potential for significant contributions to national economic competitiveness and for other significant societal benefits.

“(b) TECHNICAL SOLUTIONS.—An activity under subsection (a) shall be designed to advance the development of research discoveries by demonstrating technical solutions to important problems in areas including—

“(1) cybersecurity;

“(2) health care;

“(3) energy management and low-power systems and devices;

“(4) transportation, including surface and air transportation;

“(5) cyber-physical systems;

“(6) large-scale data analysis and modeling of physical phenomena;

“(7) large scale data analysis and modeling of behavioral phenomena;

“(8) supply chain quality and security; and

“(9) privacy protection and protected disclosure of confidential data.

“(c) RECOMMENDATIONS.—The advisory committee under section 101(b) shall make recommendations to the Program for candidate research and development areas for support under this section.

“(d) CHARACTERISTICS.—

“(1) IN GENERAL.—Research and development activities under this section—

“(A) shall include projects selected on the basis of applications for support through a competitive, merit-based process;

“(B) shall leverage, when possible, Federal investments through collaboration with related State initiatives;

“(C) shall include a plan for fostering the transfer of research discoveries and the results of technology demonstration activities, including from institutions of higher education and Federal laboratories, to industry for commercial development;

“(D) shall involve collaborations among researchers in institutions of higher education and industry; and

“(E) may involve collaborations among nonprofit research institutions and Federal laboratories, as appropriate.

“(2) COST-SHARING.—In selecting applications for support, the agencies under section 101(a)(3)(B) shall give special consideration to projects that include cost sharing from non-Federal sources.

“(3) MULTIDISCIPLINARY RESEARCH CENTERS.—Research and development activities under this section shall be supported through multidisciplinary research centers, including Federal laboratories, that are organized to investigate basic research questions and carry out technology demonstration activities in areas described in subsection (a). Research may be carried out through existing multidisciplinary centers, including those authorized under section 7024(b)(2) of the America COMPETES Act (42 U.S.C. 1862o–10(2)).”

(b) CYBER-PHYSICAL SYSTEMS.—Section 101(a)(1) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(a)(1)) is amended—

(1) in subparagraph (H), by striking “and” after the semicolon;

(2) in subparagraph (I), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(J) provide for increased understanding of the scientific principles of cyber-physical systems and improve the methods available for the design, development, and operation of cyber-physical systems that are characterized by high reliability, safety, and security; and

“(K) provide for research and development on human-computer interactions, visualization, and big data.”

(c) TASK FORCE.—Title I of the High-Performance Computing Act of 1991 (15 U.S.C. 5511 et seq.), as amended by section 502(a) of this Act, is amended by adding at the end the following:

**“SEC. 105. TASK FORCE.**

“(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment the Cybersecurity Act of 2012, the Director of the Office of Science and Technology Policy under section 102 shall convene a task force to explore mechanisms for carrying out collaborative research and development activities for cyber-physical systems (including the related technologies required to enable these systems) through a consortium or other appropriate entity with participants from institutions of higher education, Federal laboratories, and industry.

“(b) FUNCTIONS.—The task force shall—

“(1) develop options for a collaborative model and an organizational structure for such entity under which the joint research and development activities could be planned, managed, and conducted effectively, including mechanisms for the allocation of resources among the participants in such entity for support of such activities;

“(2) propose a process for developing a research and development agenda for such entity, including guidelines to ensure an appropriate scope of work focused on nationally significant challenges and requiring collaboration and to ensure the development of related scientific and technological milestones;

“(3) define the roles and responsibilities for the participants from institutions of higher education, Federal laboratories, and industry in such entity;

“(4) propose guidelines for assigning intellectual property rights and for transferring research results to the private sector; and

“(5) make recommendations for how such entity could be funded from Federal, State, and non-governmental sources.

“(c) COMPOSITION.—In establishing the task force under subsection (a), the Director of the Office of Science and Technology Policy shall appoint an equal number of individuals from institutions of higher education and from industry with knowledge and expertise

in cyber-physical systems, and may appoint not more than 2 individuals from Federal laboratories.

“(d) REPORT.—Not later than 1 year after the date of enactment of the Cybersecurity Act of 2012, the Director of the Office of Science and Technology Policy shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives a report describing the findings and recommendations of the task force.

“(e) TERMINATION.—The task force shall terminate upon transmittal of the report required under subsection (d).

“(f) COMPENSATION AND EXPENSES.—Members of the task force shall serve without compensation.”

**SEC. 503. PROGRAM IMPROVEMENTS.**

Section 102 of the High-Performance Computing Act of 1991 (15 U.S.C. 5512) is amended to read as follows:

**“SEC. 102. PROGRAM IMPROVEMENTS.**

“(a) FUNCTIONS.—The Director of the Office of Science and Technology Policy shall continue—

“(1) to provide technical and administrative support to—

“(A) the agencies participating in planning and implementing the Program, including support needed to develop the strategic plan under section 101(e); and

“(B) the advisory committee under section 101(b);

“(2) to serve as the primary point of contact on Federal networking and information technology activities for government agencies, academia, industry, professional societies, State computing and networking technology programs, interested citizen groups, and others to exchange technical and programmatic information;

“(3) to solicit input and recommendations from a wide range of stakeholders during the development of each strategic plan under section 101(e) by convening at least 1 workshop with invitees from academia, industry, Federal laboratories, and other relevant organizations and institutions;

“(4) to conduct public outreach, including the dissemination of the advisory committee’s findings and recommendations, as appropriate;

“(5) to promote access to and early application of the technologies, innovations, and expertise derived from Program activities to agency missions and systems across the Federal Government and to United States industry;

“(6) to ensure accurate and detailed budget reporting of networking and information technology research and development investment; and

“(7) to encourage agencies participating in the Program to use existing programs and resources to strengthen networking and information technology education and training, and increase participation in such fields, including by women and underrepresented minorities.

“(b) SOURCE OF FUNDING.—

“(1) IN GENERAL.—The functions under this section shall be supported by funds from each agency participating in the Program.

“(2) SPECIFICATIONS.—The portion of the total budget of the Office of Science and Technology Policy that is provided by each agency participating in the Program for each fiscal year shall be in the same proportion as each agency’s share of the total budget for the Program for the previous fiscal year, as specified in the database under section 102(c).

“(c) DATABASE.—

“(1) IN GENERAL.—The Director of the Office of Science and Technology Policy shall develop and maintain a database of projects funded by each agency for the fiscal year for each Program Component Area.

“(2) PUBLIC ACCESSIBILITY.—The Director of the Office of Science and Technology Policy shall make the database accessible to the public.

“(3) DATABASE CONTENTS.—The database shall include, for each project in the database—

“(A) a description of the project;

“(B) each agency, industry, institution of higher education, Federal laboratory, or international institution involved in the project;

“(C) the source funding of the project (set forth by agency);

“(D) the funding history of the project; and

“(E) whether the project has been completed.”

**SEC. 504. IMPROVING EDUCATION OF NETWORKING AND INFORMATION TECHNOLOGY, INCLUDING HIGH PERFORMANCE COMPUTING.**

Section 201(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5521(a)) is amended—

(1) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively; and

(2) by inserting after paragraph (1) the following:

“(2) the National Science Foundation shall use its existing programs, in collaboration with other agencies, as appropriate, to improve the teaching and learning of networking and information technology at all levels of education and to increase participation in networking and information technology fields.”

**SEC. 505. CONFORMING AND TECHNICAL AMENDMENTS TO THE HIGH-PERFORMANCE COMPUTING ACT OF 1991.**

(a) SECTION 3.—Section 3 of the High-Performance Computing Act of 1991 (15 U.S.C. 5502) is amended—

(1) in the matter preceding paragraph (1), by striking “high-performance computing” and inserting “networking and information technology”; and

(2) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking “high-performance computing” and inserting “networking and information technology”; and

(B) in subparagraphs (A), (F), and (G), by striking “high-performance computing” each place it appears and inserting “networking and information technology”; and

(C) in subparagraph (H), by striking “high-performance” and inserting “high-end”; and

(3) in paragraph (2)—

(A) by striking “high-performance computing and” and inserting “networking and information technology, and”; and

(B) by striking “high-performance computing network” and inserting “networking and information technology”.

(b) TITLE HEADING.—The heading of title I of the High-Performance Computing Act of 1991 (105 Stat. 1595) is amended by striking “HIGH-PERFORMANCE COMPUTING” and inserting “NETWORKING AND INFORMATION TECHNOLOGY”.

(c) SECTION 101.—Section 101 of the High-Performance Computing Act of 1991 (15 U.S.C. 5511) is amended—

(1) in the section heading, by striking “HIGH-PERFORMANCE COMPUTING” and inserting “NETWORKING AND INFORMATION TECHNOLOGY RESEARCH AND DEVELOPMENT”; and

(2) in subsection (a)—

(A) in the subsection heading, by striking “NATIONAL HIGH-PERFORMANCE COMPUTING” and inserting “NETWORKING AND INFORMATION TECHNOLOGY RESEARCH AND DEVELOPMENT”;

(B) in paragraph (1)—

(i) by striking “National High-Performance Computing Program” and inserting “networking and information technology research and development program”;

(ii) in subparagraph (A), by striking “high-performance computing, including networking” and inserting “networking and information technology”;

(iii) in subparagraphs (B) and (G), by striking “high-performance” each place it appears and inserting “high-end”;

(iv) in subparagraph (C), by striking “high-performance computing and networking” and inserting “high-end computing, distributed, and networking”;

(C) in paragraph (2)—

(i) in subparagraphs (A) and (C)—

(I) by striking “high-performance computing” each place it appears and inserting “networking and information technology”;

(II) by striking “development, networking,” each place it appears and inserting “development”;

(ii) in subparagraphs (G) and (H), as redesignated by section 501(d) of this Act, by striking “high-performance” each place it appears and inserting “high-end”;

(3) in subsection (b)(1), in the matter preceding subparagraph (A), by striking “high-performance computing” each place it appears and inserting “networking and information technology”;

(4) in subsection (c)(1)(A), by striking “high-performance computing” and inserting “networking and information technology”.

(d) SECTION 201.—Section 201(a)(1) of the High-Performance Computing Act of 1991 (15 U.S.C. 5521(a)(1)) is amended by striking “high-performance computing and advanced high-speed computer networking” and inserting “networking and information technology research and development”.

(e) SECTION 202.—Section 202(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5522(a)) is amended by striking “high-performance computing” and inserting “networking and information technology”.

(f) SECTION 203.—Section 203(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5523(a)) is amended—

(1) in paragraph (1), by striking “high-performance computing and networking” and inserting “networking and information technology”;

(2) in paragraph (2)(A), by striking “high-performance” and inserting “high-end”.

(g) SECTION 204.—Section 204 of the High-Performance Computing Act of 1991 (15 U.S.C. 5524) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (A), by striking “high-performance computing systems and networks” and inserting “networking and information technology systems and capabilities”;

(B) in subparagraph (B), by striking “interoperability of high-performance computing systems in networks and for common user interfaces to systems” and inserting “interoperability and usability of networking and information technology systems”;

(C) in subparagraph (C), by striking “high-performance computing” and inserting “networking and information technology”;

(2) in subsection (b)—

(A) by striking “HIGH-PERFORMANCE COMPUTING AND NETWORK” in the heading and in-

serting “NETWORKING AND INFORMATION TECHNOLOGY”; and

(B) by striking “sensitive”.

(h) SECTION 205.—Section 205(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5525(a)) is amended by striking “computational” and inserting “networking and information technology”.

(i) SECTION 206.—Section 206(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5526(a)) is amended by striking “computational research” and inserting “networking and information technology research”.

(j) SECTION 207.—Section 207 of the High-Performance Computing Act of 1991 (15 U.S.C. 5527) is amended by striking “high-performance computing” and inserting “networking and information technology”.

(k) SECTION 208.—Section 208 of the High-Performance Computing Act of 1991 (15 U.S.C. 5528) is amended—

(1) in the section heading, by striking “HIGH-PERFORMANCE COMPUTING” and inserting “NETWORKING AND INFORMATION TECHNOLOGY”; and

(2) in subsection (a)—

(A) in paragraph (1), by striking “High-performance computing and associated” and inserting “Networking and information”;

(B) in paragraph (2), by striking “high-performance computing” and inserting “networking and information technologies”;

(C) in paragraph (3), by striking “high-performance” and inserting “high-end”;

(D) in paragraph (4), by striking “high-performance computers and associated” and inserting “networking and information”;

(E) in paragraph (5), by striking “high-performance computing and associated” and inserting “networking and information”.

#### SEC. 506. FEDERAL CYBER SCHOLARSHIP-FOR-SERVICE PROGRAM.

(a) IN GENERAL.—The Director of the National Science Foundation, in coordination with the Secretary of Homeland Security, shall carry out a Federal cyber scholarship-for-service program to recruit and train the next generation of information technology professionals and security managers to meet the needs of the cybersecurity mission for the Federal government.

(b) PROGRAM DESCRIPTION AND COMPONENTS.—The program shall—

(1) annually assess the workforce needs of the Federal government for cybersecurity professionals, including network engineers, software engineers, and other experts in order to determine how many scholarships should be awarded annually to ensure that the workforce needs following graduation match the number of scholarships awarded;

(2) provide scholarships for up to 1,000 students per year in their pursuit of undergraduate or graduate degrees in the cybersecurity field, in an amount that may include coverage for full tuition, fees, and a stipend;

(3) require each scholarship recipient, as a condition of receiving a scholarship under the program, to serve in a Federal information technology workforce for a period equal to one and one-half times each year, or partial year, of scholarship received, in addition to an internship in the cybersecurity field, if applicable, following graduation;

(4) provide a procedure for the National Science Foundation or a Federal agency, consistent with regulations of the Office of Personnel Management, to request and fund a security clearance for a scholarship recipient, including providing for clearance during a summer internship and upon graduation; and

(5) provide opportunities for students to receive temporary appointments for meaning-

ful employment in the Federal information technology workforce during school vacation periods and for internships.

(c) HIRING AUTHORITY.—

(1) IN GENERAL.—For purposes of any law or regulation governing the appointment of an individual in the Federal civil service, upon the successful completion of the student's studies, a student receiving a scholarship under the program may—

(A) be hired under section 213.3102(r) of title 5, Code of Federal Regulations; and

(B) be exempt from competitive service.

(2) COMPETITIVE SERVICE.—Upon satisfactory fulfillment of the service term under paragraph (1), an individual may be converted to a competitive service position without competition if the individual meets the requirements for that position.

(d) ELIGIBILITY.—The eligibility requirements for a scholarship under this section shall include that a scholarship applicant—

(1) be a citizen of the United States;

(2) be eligible to be granted a security clearance;

(3) maintain a grade point average of 3.2 or above on a 4.0 scale for undergraduate study or a 3.5 or above on a 4.0 scale for postgraduate study;

(4) demonstrate a commitment to a career in improving the security of the information infrastructure; and

(5) has demonstrated a level of proficiency in math or computer sciences.

(e) FAILURE TO COMPLETE SERVICE OBLIGATION.—

(1) IN GENERAL.—A scholarship recipient under this section shall be liable to the United States under paragraph (2) if the scholarship recipient—

(A) fails to maintain an acceptable level of academic standing in the educational institution in which the individual is enrolled, as determined by the Director;

(B) is dismissed from such educational institution for disciplinary reasons;

(C) withdraws from the program for which the award was made before the completion of such program;

(D) declares that the individual does not intend to fulfill the service obligation under this section;

(E) fails to fulfill the service obligation of the individual under this section; or

(F) loses a security clearance or becomes ineligible for a security clearance.

(2) REPAYMENT AMOUNTS.—

(A) LESS THAN 1 YEAR OF SERVICE.—If a circumstance under paragraph (1) occurs before the completion of 1 year of a service obligation under this section, the total amount of awards received by the individual under this section shall be repaid.

(B) ONE OR MORE YEARS OF SERVICE.—If a circumstance described in subparagraph (D) or (E) of paragraph (1) occurs after the completion of 1 year of a service obligation under this section, the total amount of scholarship awards received by the individual under this section, reduced by the ratio of the number of years of service completed divided by the number of years of service required, shall be repaid.

(f) EVALUATION AND REPORT.—The Director of the National Science Foundation shall—

(1) evaluate the success of recruiting individuals for scholarships under this section and of hiring and retaining those individuals in the public sector workforce, including the annual cost and an assessment of how the program actually improves the Federal workforce; and

(2) periodically report the findings under paragraph (1) to Congress.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—From amounts made available under section 503 of the America COMPETES Reauthorization Act of 2010 (124 Stat. 4005), the Director may use funds to carry out the requirements of this section for fiscal years 2012 through 2013.

**SEC. 507. STUDY AND ANALYSIS OF CERTIFICATION AND TRAINING OF INFORMATION INFRASTRUCTURE PROFESSIONALS.**

(a) **STUDY.**—The President shall enter into an agreement with the National Academies to conduct a comprehensive study of government, academic, and private-sector accreditation, training, and certification programs for personnel working in information infrastructure. The agreement shall require the National Academies to consult with sector coordinating councils and relevant governmental agencies, regulatory entities, and nongovernmental organizations in the course of the study.

(b) **SCOPE.**—The study shall include—

(1) an evaluation of the body of knowledge and various skills that specific categories of personnel working in information infrastructure should possess in order to secure information systems;

(2) an assessment of whether existing government, academic, and private-sector accreditation, training, and certification programs provide the body of knowledge and various skills described in paragraph (1);

(3) an analysis of any barriers to the Federal Government recruiting and hiring cybersecurity talent, including barriers relating to compensation, the hiring process, job classification, and hiring flexibility; and

(4) an analysis of the sources and availability of cybersecurity talent, a comparison of the skills and expertise sought by the Federal Government and the private sector, an examination of the current and future capacity of United States institutions of higher education, including community colleges, to provide current and future cybersecurity professionals, through education and training activities, with those skills sought by the Federal Government, State and local entities, and the private sector.

(c) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the National Academies shall submit to the President and Congress a report on the results of the study. The report shall include—

(1) findings regarding the state of information infrastructure accreditation, training, and certification programs, including specific areas of deficiency and demonstrable progress; and

(2) recommendations for the improvement of information infrastructure accreditation, training, and certification programs.

**SEC. 508. INTERNATIONAL CYBERSECURITY TECHNICAL STANDARDS.**

(a) **IN GENERAL.**—The Director of the National Institute of Standards and Technology, in coordination with appropriate Federal authorities, shall—

(1) as appropriate, ensure coordination of Federal agencies engaged in the development of international technical standards related to information system security; and

(2) not later than 1 year after the date of enactment of this Act, develop and transmit to Congress a plan for ensuring such Federal agency coordination.

(b) **CONSULTATION WITH THE PRIVATE SECTOR.**—In carrying out the activities under subsection (a)(1), the Director shall ensure consultation with appropriate private sector stakeholders.

**SEC. 509. IDENTITY MANAGEMENT RESEARCH AND DEVELOPMENT.**

The Director of the National Institute of Standards and Technology shall continue a program to support the development of technical standards, metrology, testbeds, and conformance criteria, taking into account appropriate user concerns—

(1) to improve interoperability among identity management technologies;

(2) to strengthen authentication methods of identity management systems;

(3) to improve privacy protection in identity management systems, including health information technology systems, through authentication and security protocols; and

(4) to improve the usability of identity management systems.

**SEC. 510. FEDERAL CYBERSECURITY RESEARCH AND DEVELOPMENT.**

(a) **NATIONAL SCIENCE FOUNDATION COMPUTER AND NETWORK SECURITY RESEARCH GRANT AREAS.**—Section 4(a)(1) of the Cyber Security Research and Development Act (15 U.S.C. 7403(a)(1)) is amended—

(1) in subparagraph (H), by striking “and” after the semicolon;

(2) in subparagraph (I), by striking “property.” and inserting “property;”;

(3) by adding at the end the following:

“(J) secure fundamental protocols that are at the heart of inter-network communications and data exchange;

“(K) system security that addresses the building of secure systems from trusted and untrusted components;

“(L) monitoring and detection; and

“(M) resiliency and rapid recovery methods.”.

(b) **NATIONAL SCIENCE FOUNDATION COMPUTER AND NETWORK SECURITY GRANTS.**—Section 4(a)(3) of the Cyber Security Research and Development Act (15 U.S.C. 7403(a)(3)) is amended—

(1) in subparagraph (D), by striking “and”;

(2) in subparagraph (E), by striking “2007.” and inserting “2007;”;

(3) by adding at the end the following:

“(F) such funds from amounts made available under section 503 of the America COMPETES Reauthorization Act of 2010 (124 Stat. 4005), as the Director finds necessary to carry out the requirements of this subsection for fiscal years 2012 through 2013.”.

(c) **COMPUTER AND NETWORK SECURITY CENTERS.**—Section 4(b)(7) of the Cyber Security Research and Development Act (15 U.S.C. 7403(b)(7)) is amended—

(1) in subparagraph (D), by striking “and”;

(2) in subparagraph (E), by striking “2007.” and inserting “2007;”;

(3) by adding at the end the following:

“(F) such funds from amounts made available under section 503 of the America COMPETES Reauthorization Act of 2010 (124 Stat. 4005), as the Director finds necessary to carry out the requirements of this subsection for fiscal years 2012 through 2013.”.

(d) **COMPUTER AND NETWORK SECURITY CAPACITY BUILDING GRANTS.**—Section 5(a)(6) of the Cyber Security Research and Development Act (15 U.S.C. 7404(a)(6)) is amended—

(1) in subparagraph (D), by striking “and”;

(2) in subparagraph (E), by striking “2007.” and inserting “2007;”;

(3) by adding at the end the following:

“(F) such funds from amounts made available under section 503 of the America COMPETES Reauthorization Act of 2010 (124 Stat. 4005), as the Director finds necessary to carry out the requirements of this subsection for fiscal years 2012 through 2013.”.

(e) **SCIENTIFIC AND ADVANCED TECHNOLOGY ACT GRANTS.**—Section 5(b)(2) of the Cyber

Security Research and Development Act (15 U.S.C. 7404(b)(2)) is amended—

(1) in subparagraph (D), by striking “and”;

(2) in subparagraph (E), by striking “2007.” and inserting “2007;”;

(3) by adding at the end the following:

“(F) such funds from amounts made available under section 503 of the America COMPETES Reauthorization Act of 2010 (124 Stat. 4005), as the Director finds necessary to carry out the requirements of this subsection for fiscal years 2012 through 2013.”.

(f) **GRADUATE TRAINEESHIPS IN COMPUTER AND NETWORK SECURITY RESEARCH.**—Section 5(c)(7) of the Cyber Security Research and Development Act (15 U.S.C. 7404(c)(7)) is amended—

(1) in subparagraph (D), by striking “and”;

(2) in subparagraph (E), by striking “2007.” and inserting “2007;”;

(3) by adding at the end the following:

“(F) such funds from amounts made available under section 503 of the America COMPETES Reauthorization Act of 2010 (124 Stat. 4005), as the Director finds necessary to carry out the requirements of this subsection for fiscal years 2012 through 2013.”.

**SA 2616.** Mrs. SHAHEEN (for herself and Mr. PORTMAN) submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

**TITLE VIII—ENERGY SAVINGS AND INDUSTRIAL COMPETITIVENESS**

**SEC. 801. SHORT TITLE.**

This title may be cited as the “Energy Savings and Industrial Competitiveness Act of 2012”.

**Subtitle A—Buildings**

**PART I—BUILDING ENERGY CODES**

**SEC. 811. GREATER ENERGY EFFICIENCY IN BUILDING CODES.**

(a) **DEFINITIONS.**—Section 303 of the Energy Conservation and Production Act (42 U.S.C. 6832) is amended—

(1) by striking paragraph (14) and inserting the following:

“(14) **MODEL BUILDING ENERGY CODE.**—The term ‘model building energy code’ means a voluntary building energy code and standards developed and updated through a consensus process among interested persons, such as the IECC or the code used by—

“(A) the Council of American Building Officials;

“(B) the American Society of Heating, Refrigerating, and Air-Conditioning Engineers; or

“(C) other appropriate organizations.”; and

(2) by adding at the end the following:

“(17) **IECC.**—The term ‘IECC’ means the International Energy Conservation Code.

“(18) **INDIAN TRIBE.**—The term ‘Indian tribe’ has the meaning given the term in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103).”.

(b) **STATE BUILDING ENERGY EFFICIENCY CODES.**—Section 304 of the Energy Conservation and Production Act (42 U.S.C. 6833) is amended to read as follows:

**“SEC. 304. UPDATING STATE BUILDING ENERGY EFFICIENCY CODES.**

“(a) **IN GENERAL.**—The Secretary shall—

“(1) encourage and support the adoption of building energy codes by States, Indian

tribes, and, as appropriate, by local governments that meet or exceed the model building energy codes, or achieve equivalent or greater energy savings; and

“(2) support full compliance with the State and local codes.

“(b) STATE AND INDIAN TRIBE CERTIFICATION OF BUILDING ENERGY CODE UPDATES.—

“(1) REVIEW AND UPDATING OF CODES BY EACH STATE AND INDIAN TRIBE.—

“(A) IN GENERAL.—Not later than 2 years after the date on which a model building energy code is updated, each State or Indian tribe shall certify whether or not the State or Indian tribe, respectively, has reviewed and updated the energy provisions of the building code of the State or Indian tribe, respectively.

“(B) DEMONSTRATION.—The certification shall include a demonstration of whether or not the energy savings for the code provisions that are in effect throughout the State or Indian tribal territory meet or exceed—

“(i) the energy savings of the updated model building energy code; or

“(ii) the targets established under section 307(b)(2).

“(C) NO MODEL BUILDING ENERGY CODE UPDATE.—If a model building energy code is not updated by a target date established under section 307(b)(2)(D), each State or Indian tribe shall, not later than 2 years after the specified date, certify whether or not the State or Indian tribe, respectively, has reviewed and updated the energy provisions of the building code of the State or Indian tribe, respectively, to meet or exceed the target in section 307(b)(2).

“(2) VALIDATION BY SECRETARY.—Not later than 90 days after a State or Indian tribe certification under paragraph (1), the Secretary shall—

“(A) determine whether the code provisions of the State or Indian tribe, respectively, meet the criteria specified in paragraph (1); and

“(B) if the determination is positive, validate the certification.

“(c) IMPROVEMENTS IN COMPLIANCE WITH BUILDING ENERGY CODES.—

“(1) REQUIREMENT.—

“(A) IN GENERAL.—Not later than 3 years after the date of a certification under subsection (b), each State and Indian tribe shall certify whether or not the State and Indian tribe, respectively, has—

“(i) achieved full compliance under paragraph (3) with the applicable certified State and Indian tribe building energy code or with the associated model building energy code; or

“(ii) made significant progress under paragraph (4) toward achieving compliance with the applicable certified State and Indian tribe building energy code or with the associated model building energy code.

“(B) REPEAT CERTIFICATIONS.—If the State or Indian tribe certifies progress toward achieving compliance, the State or Indian tribe shall repeat the certification until the State or Indian tribe certifies that the State or Indian tribe has achieved full compliance, respectively.

“(2) MEASUREMENT OF COMPLIANCE.—A certification under paragraph (1) shall include documentation of the rate of compliance based on—

“(A) independent inspections of a random sample of the buildings covered by the code in the preceding year; or

“(B) an alternative method that yields an accurate measure of compliance.

“(3) ACHIEVEMENT OF COMPLIANCE.—A State or Indian tribe shall be considered to achieve full compliance under paragraph (1) if—

“(A) at least 90 percent of building space covered by the code in the preceding year substantially meets all the requirements of the applicable code specified in paragraph (1), or achieves equivalent or greater energy savings level; or

“(B) the estimated excess energy use of buildings that did not meet the applicable code specified in paragraph (1) in the preceding year, compared to a baseline of comparable buildings that meet this code, is not more than 5 percent of the estimated energy use of all buildings covered by this code during the preceding year.

“(4) SIGNIFICANT PROGRESS TOWARD ACHIEVEMENT OF COMPLIANCE.—A State or Indian tribe shall be considered to have made significant progress toward achieving compliance for purposes of paragraph (1) if the State or Indian tribe—

“(A) has developed and is implementing a plan for achieving compliance during the 8-year-period beginning on the date of enactment of this paragraph, including annual targets for compliance and active training and enforcement programs; and

“(B) has met the most recent target under subparagraph (A).

“(5) VALIDATION BY SECRETARY.—Not later than 90 days after a State or Indian tribe certification under paragraph (1), the Secretary shall—

“(A) determine whether the State or Indian tribe has demonstrated meeting the criteria of this subsection, including accurate measurement of compliance; and

“(B) if the determination is positive, validate the certification.

“(d) STATES OR INDIAN TRIBES THAT DO NOT ACHIEVE COMPLIANCE.—

“(1) REPORTING.—A State or Indian tribe that has not made a certification required under subsection (b) or (c) by the applicable deadline shall submit to the Secretary a report on—

“(A) the status of the State or Indian tribe with respect to meeting the requirements and submitting the certification; and

“(B) a plan for meeting the requirements and submitting the certification.

“(2) FEDERAL SUPPORT.—For any State or Indian tribe for which the Secretary has not validated a certification by a deadline under subsection (b) or (c), the lack of the certification may be a consideration for Federal support authorized under this section for code adoption and compliance activities.

“(3) LOCAL GOVERNMENT.—In any State or Indian tribe for which the Secretary has not validated a certification under subsection (b) or (c), a local government may be eligible for Federal support by meeting the certification requirements of subsections (b) and (c).

“(4) ANNUAL REPORTS BY SECRETARY.—

“(A) IN GENERAL.—The Secretary shall annually submit to Congress, and publish in the Federal Register, a report on—

“(i) the status of model building energy codes;

“(ii) the status of code adoption and compliance in the States and Indian tribes;

“(iii) implementation of this section; and

“(iv) improvements in energy savings over time as result of the targets established under section 307(b)(2).

“(B) IMPACTS.—The report shall include estimates of impacts of past action under this section, and potential impacts of further action, on—

“(i) upfront financial and construction costs, cost benefits and returns (using investment analysis), and lifetime energy use for buildings;

“(ii) resulting energy costs to individuals and businesses; and

“(iii) resulting overall annual building ownership and operating costs.

“(e) TECHNICAL ASSISTANCE TO STATES AND INDIAN TRIBES.—The Secretary shall provide technical assistance to States and Indian tribes to implement the goals and requirements of this section, including procedures and technical analysis for States and Indian tribes—

“(1) to improve and implement State residential and commercial building energy codes;

“(2) to demonstrate that the code provisions of the States and Indian tribes achieve equivalent or greater energy savings than the model building energy codes and targets;

“(3) to document the rate of compliance with a building energy code; and

“(4) to otherwise promote the design and construction of energy efficient buildings.

“(f) AVAILABILITY OF INCENTIVE FUNDING.—

“(1) IN GENERAL.—The Secretary shall provide incentive funding to States and Indian tribes—

“(A) to implement the requirements of this section;

“(B) to improve and implement residential and commercial building energy codes, including increasing and verifying compliance with the codes and training of State, tribal, and local building code officials to implement and enforce the codes; and

“(C) to promote building energy efficiency through the use of the codes.

“(2) ADDITIONAL FUNDING.—Additional funding shall be provided under this subsection for implementation of a plan to achieve and document full compliance with residential and commercial building energy codes under subsection (c)—

“(A) to a State or Indian tribe for which the Secretary has validated a certification under subsection (b) or (c); and

“(B) in a State or Indian tribe that is not eligible under subparagraph (A), to a local government that is eligible under this section.

“(3) TRAINING.—Of the amounts made available under this subsection, the State may use amounts required, but not to exceed \$750,000 for a State, to train State and local building code officials to implement and enforce codes described in paragraph (2).

“(4) LOCAL GOVERNMENTS.—States may share grants under this subsection with local governments that implement and enforce the codes.

“(g) STRETCH CODES AND ADVANCED STANDARDS.—

“(1) IN GENERAL.—The Secretary shall provide technical and financial support for the development of stretch codes and advanced standards for residential and commercial buildings for use as—

“(A) an option for adoption as a building energy code by local, tribal, or State governments; and

“(B) guidelines for energy-efficient building design.

“(2) TARGETS.—The stretch codes and advanced standards shall be designed—

“(A) to achieve substantial energy savings compared to the model building energy codes; and

“(B) to meet targets under section 307(b), if available, at least 3 to 6 years in advance of the target years.

“(h) STUDIES.—The Secretary, in consultation with building science experts from the National Laboratories and institutions of higher education, designers and builders of energy-efficient residential and commercial buildings, code officials, and other stakeholders, shall undertake a study of the feasibility, impact, economics, and merit of—



“(1) code improvements that would require that buildings be designed, sited, and constructed in a manner that makes the buildings more adaptable in the future to become zero-net-energy after initial construction, as advances are achieved in energy-saving technologies;

“(2) code procedures to incorporate measured lifetimes, not just first-year energy use, in trade-offs and performance calculations; and

“(3) legislative options for increasing energy savings from building energy codes, including additional incentives for effective State and local action, and verification of compliance with and enforcement of a code other than by a State or local government.

“(i) EFFECT ON OTHER LAWS.—Nothing in this section or section 307 supersedes or modifies the application of sections 321 through 346 of the Energy Policy and Conservation Act (42 U.S.C. 6291 et seq.).

“(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section and section 307 \$200,000,000, to remain available until expended.”

(c) FEDERAL BUILDING ENERGY EFFICIENCY STANDARDS.—Section 305 of the Energy Conservation and Production Act (42 U.S.C. 6834) is amended by striking “voluntary building energy code” each place it appears in subsections (a)(2)(B) and (b) and inserting “model building energy code”.

(d) MODEL BUILDING ENERGY CODES.—Section 307 of the Energy Conservation and Production Act (42 U.S.C. 6836) is amended to read as follows:

**“SEC. 307. SUPPORT FOR MODEL BUILDING ENERGY CODES.**

“(a) IN GENERAL.—The Secretary shall support the updating of model building energy codes.

“(b) TARGETS.—

“(1) IN GENERAL.—The Secretary shall support the updating of the model building energy codes to enable the achievement of aggregate energy savings targets established under paragraph (2).

“(2) TARGETS.—

“(A) IN GENERAL.—The Secretary shall work with State, Indian tribes, local governments, nationally recognized code and standards developers, and other interested parties to support the updating of model building energy codes by establishing 1 or more aggregate energy savings targets to achieve the purposes of this section.

“(B) SEPARATE TARGETS.—The Secretary may establish separate targets for commercial and residential buildings.

“(C) BASELINES.—The baseline for updating model building energy codes shall be the 2009 IECC for residential buildings and ASHRAE Standard 90.1-2010 for commercial buildings.

“(D) SPECIFIC YEARS.—

“(i) IN GENERAL.—Targets for specific years shall be established and revised by the Secretary through rulemaking and coordinated with nationally recognized code and standards developers at a level that—

“(I) is at the maximum level of energy efficiency that is technologically feasible and life-cycle cost effective, while accounting for the economic considerations under paragraph (4);

“(II) is higher than the preceding target; and

“(III) promotes the achievement of commercial and residential high-performance buildings through high performance energy efficiency (within the meaning of section 401 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17061)).

“(ii) INITIAL TARGETS.—Not later than 1 year after the date of enactment of this clause, the Secretary shall establish initial targets under this subparagraph.

“(iii) DIFFERENT TARGET YEARS.—Subject to clause (i), prior to the applicable year, the Secretary may set a later target year for any of the model building energy codes described in subparagraph (A) if the Secretary determines that a target cannot be met.

“(iv) SMALL BUSINESS.—When establishing targets under this paragraph through rulemaking, the Secretary shall ensure compliance with the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note; Public Law 104-121).

“(3) APPLIANCE STANDARDS AND OTHER FACTORS AFFECTING BUILDING ENERGY USE.—In establishing building code targets under paragraph (2), the Secretary shall develop and adjust the targets in recognition of potential savings and costs relating to—

“(A) efficiency gains made in appliances, lighting, windows, insulation, and building envelope sealing;

“(B) advancement of distributed generation and on-site renewable power generation technologies;

“(C) equipment improvements for heating, cooling, and ventilation systems;

“(D) building management systems and SmartGrid technologies to reduce energy use; and

“(E) other technologies, practices, and building systems that the Secretary considers appropriate regarding building plug load and other energy uses.

“(4) ECONOMIC CONSIDERATIONS.—In establishing and revising building code targets under paragraph (2), the Secretary shall consider the economic feasibility of achieving the proposed targets established under this section and the potential costs and savings for consumers and building owners, including a return on investment analysis.

“(c) TECHNICAL ASSISTANCE TO MODEL BUILDING ENERGY CODE-SETTING AND STANDARD DEVELOPMENT ORGANIZATIONS.—

“(1) IN GENERAL.—The Secretary shall, on a timely basis, provide technical assistance to model building energy code-setting and standard development organizations consistent with the goals of this section.

“(2) ASSISTANCE.—The assistance shall include, as requested by the organizations, technical assistance in—

“(A) evaluating code or standards proposals or revisions;

“(B) building energy analysis and design tools;

“(C) building demonstrations;

“(D) developing definitions of energy use intensity and building types for use in model building energy codes to evaluate the efficiency impacts of the model building energy codes;

“(E) performance-based standards;

“(F) evaluating economic considerations under subsection (b)(4); and

“(G) developing model building energy codes by Indian tribes in accordance with tribal law.

“(3) AMENDMENT PROPOSALS.—The Secretary may submit timely model building energy code amendment proposals to the model building energy code-setting and standard development organizations, with supporting evidence, sufficient to enable the model building energy codes to meet the targets established under subsection (b)(2).

“(4) ANALYSIS METHODOLOGY.—The Secretary shall make publicly available the entire calculation methodology (including input assumptions and data) used by the Sec-

retary to estimate the energy savings of code or standard proposals and revisions.

“(d) DETERMINATION.—

“(1) REVISION OF MODEL BUILDING ENERGY CODES.—If the provisions of the IECC or ASHRAE Standard 90.1 regarding building energy use are revised, the Secretary shall make a preliminary determination not later than 90 days after the date of the revision, and a final determination not later than 15 months after the date of the revision, on whether or not the revision will—

“(A) improve energy efficiency in buildings compared to the existing model building energy code; and

“(B) meet the applicable targets under subsection (b)(2).

“(2) CODES OR STANDARDS NOT MEETING TARGETS.—

“(A) IN GENERAL.—If the Secretary makes a preliminary determination under paragraph (1)(B) that a code or standard does not meet the targets established under subsection (b)(2), the Secretary may at the same time provide the model building energy code or standard developer with proposed changes that would result in a model building energy code that meets the targets and with supporting evidence, taking into consideration—

“(i) whether the modified code is technically feasible and life-cycle cost effective;

“(ii) available appliances, technologies, materials, and construction practices; and

“(iii) the economic considerations under subsection (b)(4).

“(B) INCORPORATION OF CHANGES.—

“(i) IN GENERAL.—On receipt of the proposed changes, the model building energy code or standard developer shall have an additional 270 days to accept or reject the proposed changes of the Secretary to the model building energy code or standard for the Secretary to make a final determination.

“(ii) FINAL DETERMINATION.—A final determination under paragraph (1) shall be on the modified model building energy code or standard.

“(e) ADMINISTRATION.—In carrying out this section, the Secretary shall—

“(1) publish notice of targets and supporting analysis and determinations under this section in the Federal Register to provide an explanation of and the basis for such actions, including any supporting modeling, data, assumptions, protocols, and cost-benefit analysis, including return on investment; and

“(2) provide an opportunity for public comment on targets and supporting analysis and determinations under this section.

“(f) VOLUNTARY CODES AND STANDARDS.—Notwithstanding any other provision of this section, any model building code or standard established under this section shall not be binding on a State, local government, or Indian tribe as a matter of Federal law.”

**PART II—WORKER TRAINING AND CAPACITY BUILDING**

**SEC. 821. BUILDING TRAINING AND ASSESSMENT CENTERS.**

(a) IN GENERAL.—The Secretary of Energy shall provide grants to institutions of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) and Tribal Colleges or Universities (as defined in section 316(b) of that Act (20 U.S.C. 1059c(b))) to establish building training and assessment centers—

(1) to identify opportunities for optimizing energy efficiency and environmental performance in buildings;

(2) to promote the application of emerging concepts and technologies in commercial and institutional buildings;

(3) to train engineers, architects, building scientists, building energy permitting and enforcement officials, and building technicians in energy-efficient design and operation;

(4) to assist institutions of higher education and Tribal Colleges or Universities in training building technicians;

(5) to promote research and development for the use of alternative energy sources and distributed generation to supply heat and power for buildings, particularly energy-intensive buildings; and

(6) to coordinate with and assist State-accredited technical training centers, community colleges, Tribal Colleges or Universities, and local offices of the National Institute of Food and Agriculture and ensure appropriate services are provided under this section to each region of the United States.

**(b) COORDINATION AND NONDUPLICATION.—**

(1) **IN GENERAL.**—The Secretary shall coordinate the program with the Industrial Assessment Centers program and with other Federal programs to avoid duplication of effort.

(2) **COLLOCATION.**—To the maximum extent practicable, building, training, and assessment centers established under this section shall be collocated with Industrial Assessment Centers.

**Subtitle B—Building Efficiency Finance**

**SEC. 831. LOAN PROGRAM FOR ENERGY EFFICIENCY UPGRADES TO EXISTING BUILDINGS.**

Title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.) is amended by adding at the end the following:

**“SEC. 1706. BUILDING RETROFIT FINANCING PROGRAM.**

**“(a) DEFINITIONS.**—In this section:

**“(1) CREDIT SUPPORT.**—The term ‘credit support’ means a guarantee or commitment to issue a guarantee or other forms of credit enhancement to ameliorate risks for efficiency obligations.

**“(2) EFFICIENCY OBLIGATION.**—The term ‘efficiency obligation’ means a debt or repayment obligation incurred in connection with financing a project, or a portfolio of such debt or payment obligations.

**“(3) PROJECT.**—The term ‘project’ means the installation and implementation of efficiency, advanced metering, distributed generation, or renewable energy technologies and measures in a building (or in multiple buildings on a given property) that are expected to increase the energy efficiency of the building (including fixtures) in accordance with criteria established by the Secretary.

**“(b) ELIGIBLE PROJECTS.**—

**“(1) IN GENERAL.**—Notwithstanding sections 1703 and 1705, the Secretary may provide credit support under this section, in accordance with section 1702.

**“(2) INCLUSIONS.**—Buildings eligible for credit support under this section include commercial, multifamily residential, industrial, municipal, government, institution of higher education, school, and hospital facilities that satisfy criteria established by the Secretary.

**“(c) GUIDELINES.**—

**“(1) IN GENERAL.**—Not later than 180 days after the date of enactment of this section, the Secretary shall—

**“(A)** establish guidelines for credit support provided under this section; and

**“(B)** publish the guidelines in the Federal Register; and

**“(C)** provide for an opportunity for public comment on the guidelines.

**“(2) REQUIREMENTS.**—The guidelines established by the Secretary under this subsection shall include—

**“(A)** standards for assessing the energy savings that could reasonably be expected to result from a project;

**“(B)** examples of financing mechanisms (and portfolios of such financing mechanisms) that qualify as efficiency obligations;

**“(C)** the threshold levels of energy savings that a project, at the time of issuance of credit support, shall be reasonably expected to achieve to be eligible for credit support;

**“(D)** the eligibility criteria the Secretary determines to be necessary for making credit support available under this section; and

**“(E)** notwithstanding subsections (d)(3) and (g)(2)(B) of section 1702, any lien priority requirements that the Secretary determines to be necessary, in consultation with the Director of the Office of Management and Budget, which may include—

**“(i)** requirements to preserve priority lien status of secured lenders and creditors in buildings eligible for credit support;

**“(ii)** remedies available to the Secretary under chapter 176 of title 28, United States Code, in the event of default on the efficiency obligation by the borrower; and

**“(iii)** measures to limit the exposure of the Secretary to financial risk in the event of default, such as—

**“(I)** the collection of a credit subsidy fee from the borrower as a loan loss reserve, taking into account the limitation on credit support under subsection (d);

**“(II)** minimum debt-to-income levels of the borrower;

**“(III)** minimum levels of value relative to outstanding mortgage or other debt on a building eligible for credit support;

**“(IV)** allowable thresholds for the percent of the efficiency obligation relative to the amount of any mortgage or other debt on an eligible building;

**“(V)** analysis of historic and anticipated occupancy levels and rental income of an eligible building;

**“(VI)** requirements of third-party contractors to guarantee energy savings that will result from a retrofit project, and whether financing on the efficiency obligation will amortize from the energy savings;

**“(VII)** requirements that the retrofit project incorporate protocols to measure and verify energy savings; and

**“(VIII)** recovery of payments equally by the Secretary and the retrofit.

**“(3) EFFICIENCY OBLIGATIONS.**—The financing mechanisms qualified by the Secretary under paragraph (2)(B) may include—

**“(A)** loans, including loans made by the Federal Financing Bank;

**“(B)** power purchase agreements, including energy efficiency power purchase agreements;

**“(C)** energy services agreements, including energy performance contracts;

**“(D)** property assessed clean energy bonds and other tax assessment-based financing mechanisms;

**“(E)** aggregate on-meter agreements that finance retrofit projects; and

**“(F)** any other efficiency obligations the Secretary determines to be appropriate.

**“(4) PRIORITIES.**—In carrying out this section, the Secretary shall prioritize—

**“(A)** the maximization of energy savings with the available credit support funding;

**“(B)** the establishment of a clear application and approval process that allows private building owners, lenders, and investors to reasonably expect to receive credit support for projects that conform to guidelines;

**“(C)** the distribution of projects receiving credit support under this section across States or geographical regions of the United States; and

**“(D)** projects designed to achieve whole-building retrofits.

**“(d) LIMITATION.**—Notwithstanding section 1702(c), the Secretary shall not issue credit support under this section in an amount that exceeds—

**“(1)** 90 percent of the principal amount of the efficiency obligation that is the subject of the credit support; or

**“(2)** \$10,000,000 for any single project.

**“(e) AGGREGATION OF PROJECTS.**—To the extent provided in the guidelines developed in accordance with subsection (c), the Secretary may issue credit support on a portfolio, or pool of projects, that are not required to be geographically contiguous, if each efficiency obligation in the pool fulfills the requirements described in this section.

**“(f) APPLICATION.**—

**“(1) IN GENERAL.**—To be eligible to receive credit support under this section, the applicant shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary determines to be necessary.

**“(2) CONTENTS.**—An application submitted under this section shall include assurances by the applicant that—

**“(A)** each contractor carrying out the project meets minimum experience level criteria, including local retrofit experience, as determined by the Secretary;

**“(B)** the project is reasonably expected to achieve energy savings, as set forth in the application using any methodology that meets the standards described in the program guidelines;

**“(C)** the project meets any technical criteria described in the program guidelines;

**“(D)** the recipient of the credit support and the parties to the efficiency obligation will provide the Secretary with—

**“(i)** any information the Secretary requests to assess the energy savings that result from the project, including historical energy usage data, a simulation-based benchmark, and detailed descriptions of the building work, as described in the program guidelines; and

**“(ii)** permission to access information relating to building operations and usage for the period described in the program guidelines; and

**“(E)** any other assurances that the Secretary determines to be necessary.

**“(3) DETERMINATION.**—Not later than 90 days after receiving an application, the Secretary shall make a final determination on the application, which may include requests for additional information.

**“(g) FEES.**—

**“(1) IN GENERAL.**—In addition to the fees required by section 1702(h)(1), the Secretary may charge reasonable fees for credit support provided under this section.

**“(2) AVAILABILITY.**—Fees collected under this section shall be subject to section 1702(h)(2).

**“(h) UNDERWRITING.**—The Secretary may delegate the underwriting activities under this section to 1 or more entities that the Secretary determines to be qualified.

**“(i) REPORT.**—Not later than 1 year after commencement of the program, the Secretary shall submit to the appropriate committees of Congress a report that describes in reasonable detail—

**“(1)** the manner in which this section is being carried out;

**“(2)** the number and type of projects supported;

“(3) the types of funding mechanisms used to provide credit support to projects;

“(4) the energy savings expected to result from projects supported by this section;

“(5) any tracking efforts the Secretary is using to calculate the actual energy savings produced by the projects; and

“(6) any plans to improve the tracking efforts described in paragraph (5).

“(j) FUNDING.—

“(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section \$400,000,000 for the period of fiscal years 2012 through 2021, to remain available until expended.

“(2) ADMINISTRATIVE COSTS.—Not more than 1 percent of any amounts made available to the Secretary under paragraph (1) may be used by the Secretary for administrative costs incurred in carrying out this section.”.

### Subtitle C—Industrial Efficiency and Competitiveness

#### PART I—MANUFACTURING ENERGY EFFICIENCY

##### SEC. 841. STATE PARTNERSHIP INDUSTRIAL ENERGY EFFICIENCY REVOLVING LOAN PROGRAM.

Section 399A of the Energy Policy and Conservation Act (42 U.S.C. 6371h-1) is amended—

(1) in the section heading, by inserting “**AND INDUSTRY**” before the period at the end;

(2) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively; and

(3) by inserting after subsection (g) the following:

“(h) STATE PARTNERSHIP INDUSTRIAL ENERGY EFFICIENCY REVOLVING LOAN PROGRAM.—

“(1) IN GENERAL.—The Secretary shall carry out a program under which the Secretary shall provide grants to eligible lenders to pay the Federal share of creating a revolving loan program under which loans are provided to commercial and industrial manufacturers to implement commercially available technologies or processes that significantly—

“(A) reduce systems energy intensity, including the use of energy-intensive feedstocks; and

“(B) improve the industrial competitiveness of the United States.

“(2) ELIGIBLE LENDERS.—To be eligible to receive cost-matched Federal funds under this subsection, a lender shall—

“(A) be a community and economic development lender that the Secretary certifies meets the requirements of this subsection;

“(B) lead a partnership that includes participation by, at a minimum—

“(i) a State government agency; and

“(ii) a private financial institution or other provider of loan capital;

“(C) submit an application to the Secretary, and receive the approval of the Secretary, for cost-matched Federal funds to carry out a loan program described in paragraph (1); and

“(D) ensure that non-Federal funds are provided to match, on at least a dollar-for-dollar basis, the amount of Federal funds that are provided to carry out a revolving loan program described in paragraph (1).

“(3) AWARD.—The amount of cost-matched Federal funds provided to an eligible lender shall not exceed \$100,000,000 for any fiscal year.

“(4) RECAPTURE OF AWARDS.—

“(A) IN GENERAL.—An eligible lender that receives an award under paragraph (1) shall

be required to repay to the Secretary an amount of cost-match Federal funds, as determined by the Secretary under subparagraph (B), if the eligible lender is unable or unwilling to operate a program described in this subsection for a period of not less than 10 years beginning on the date on which the eligible lender first receives funds made available through the award.

“(B) DETERMINATION BY SECRETARY.—The Secretary shall determine the amount of cost-match Federal funds that an eligible lender shall be required to repay to the Secretary under subparagraph (A) based on the consideration by the Secretary of—

“(i) the amount of non-Federal funds matched by the eligible lender;

“(ii) the amount of loan losses incurred by the revolving loan program described in paragraph (1); and

“(iii) any other appropriate factor, as determined by the Secretary.

“(C) USE OF RECAPTURED COST-MATCH FEDERAL FUNDS.—The Secretary may distribute to eligible lenders under this subsection each amount received by the Secretary under this paragraph.

“(5) ELIGIBLE PROJECTS.—A program for which cost-matched Federal funds are provided under this subsection shall be designed to accelerate the implementation of industrial and commercial applications of technologies or processes (including distributed generation, applications or technologies that use sensors, meters, software, and information networks, controls, and drives or that have been installed pursuant to an energy savings performance contract, project, or strategy) that—

“(A) improve energy efficiency, including improvements in efficiency and use of water, power factor, or load management;

“(B) enhance the industrial competitiveness of the United States; and

“(C) achieve such other goals as the Secretary determines to be appropriate.

“(6) EVALUATION.—The Secretary shall evaluate applications for cost-matched Federal funds under this subsection on the basis of—

“(A) the description of the program to be carried out with the cost-matched Federal funds;

“(B) the commitment to provide non-Federal funds in accordance with paragraph (2)(D);

“(C) program sustainability over a 10-year period;

“(D) the capability of the applicant;

“(E) the quantity of energy savings or energy feedstock minimization;

“(F) the advancement of the goal under this Act of 25-percent energy avoidance;

“(G) the ability to fund energy efficient projects not later than 120 days after the date of the grant award; and

“(H) such other factors as the Secretary determines appropriate.

“(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, \$400,000,000 for the period of fiscal years 2012 through 2021.”.

##### SEC. 842. COORDINATION OF RESEARCH AND DEVELOPMENT OF ENERGY EFFICIENT TECHNOLOGIES FOR INDUSTRY.

(a) IN GENERAL.—As part of the research and development activities of the Industrial Technologies Program of the Department of Energy, the Secretary shall establish, as appropriate, collaborative research and development partnerships with other programs within the Office of Energy Efficiency and Renewable Energy (including the Building Technologies Program), the Office of Elec-

tricity Delivery and Energy Reliability, and the Office of Science that—

(1) leverage the research and development expertise of those programs to promote early stage energy efficiency technology development;

(2) support the use of innovative manufacturing processes and applied research for development, demonstration, and commercialization of new technologies and processes to improve efficiency (including improvements in efficient use of water), reduce emissions, reduce industrial waste, and improve industrial cost-competitiveness; and

(3) apply the knowledge and expertise of the Industrial Technologies Program to help achieve the program goals of the other programs.

(b) REPORTS.—Not later than 2 years after the date of enactment of this Act and biennially thereafter, the Secretary shall submit to Congress a report that describes actions taken to carry out subsection (a) and the results of those actions.

##### SEC. 843. REDUCING BARRIERS TO THE DEPLOYMENT OF INDUSTRIAL ENERGY EFFICIENCY.

(a) DEFINITIONS.—In this section:

(1) INDUSTRIAL ENERGY EFFICIENCY.—The term “industrial energy efficiency” means the energy efficiency derived from commercial technologies and measures to improve energy efficiency or to generate or transmit electric power and heat, including electric motor efficiency improvements, demand response, direct or indirect combined heat and power, and waste heat recovery.

(2) INDUSTRIAL SECTOR.—The term “industrial sector” means any subsector of the manufacturing sector (as defined in North American Industry Classification System codes 31-33 (as in effect on the date of enactment of this Act)) establishments of which have, or could have, thermal host facilities with electricity requirements met in whole, or in part, by onsite electricity generation, including direct and indirect combined heat and power or waste recovery.

(3) SECRETARY.—The term “Secretary” means the Secretary of Energy.

(b) REPORT ON THE DEPLOYMENT OF INDUSTRIAL ENERGY EFFICIENCY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing—

(A) the results of the study conducted under paragraph (2); and

(B) recommendations and guidance developed under paragraph (3).

(2) STUDY.—The Secretary, in coordination with the industrial sector, shall conduct a study of the following:

(A) The legal, regulatory, and economic barriers to the deployment of industrial energy efficiency in all electricity markets (including organized wholesale electricity markets, and regulated electricity markets), including, as applicable, the following:

(i) Transmission and distribution interconnection requirements.

(ii) Standby, back-up, and maintenance fees (including demand ratchets).

(iii) Exit fees.

(iv) Life of contract demand ratchets.

(v) Net metering.

(vi) Calculation of avoided cost rates.

(vii) Power purchase agreements.

(viii) Energy market structures.

(ix) Capacity market structures.

(x) Other barriers as may be identified by the Secretary, in coordination with the industrial sector.

(B) Examples of —

(i) successful State and Federal policies that resulted in greater use of industrial energy efficiency;

(ii) successful private initiatives that resulted in greater use of industrial energy efficiency; and

(iii) cost-effective policies used by foreign countries to foster industrial energy efficiency.

(C) The estimated economic benefits to the national economy of providing the industrial sector with Federal energy efficiency matching grants of \$5,000,000,000 for 5- and 10-year periods, including benefits relating to—

(i) estimated energy and emission reductions;

(ii) direct and indirect jobs saved or created;

(iii) direct and indirect capital investment;

(iv) the gross domestic product; and

(v) trade balance impacts.

(D) The estimated energy savings available from increased use of recycled material in energy-intensive manufacturing processes.

(3) **RECOMMENDATIONS AND GUIDANCE.**—The Secretary, in coordination with the industrial sector, shall develop policy recommendations regarding the deployment of industrial energy efficiency, including proposed regulatory guidance to States and relevant Federal agencies to address barriers to deployment.

#### **SEC. 844. FUTURE OF INDUSTRY PROGRAM.**

(a) **IN GENERAL.**—Section 452 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17111) is amended by striking the section heading and inserting the following: **“FUTURE OF INDUSTRY PROGRAM”**.

(b) **DEFINITION OF ENERGY SERVICE PROVIDER.**—Section 452(a) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17111(a)) is amended—

(1) by redesignating paragraphs (3) through (5) as paragraphs (4) through (6), respectively; and

(2) by inserting after paragraph (3):

“(5) **ENERGY SERVICE PROVIDER.**—The term ‘energy service provider’ means any private company or similar entity providing technology or services to improve energy efficiency in an energy-intensive industry.”.

(c) **INDUSTRIAL RESEARCH AND ASSESSMENT CENTERS.**—

(1) **IN GENERAL.**—Section 452(e) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17111(e)) is amended—

(A) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively, and indenting appropriately;

(B) by striking “The Secretary” and inserting the following:

“(1) **IN GENERAL.**—The Secretary”;

(C) in subparagraph (A) (as redesignated by subparagraph (A)), by inserting before the semicolon at the end the following: “, including assessments of sustainable manufacturing goals and the implementation of information technology advancements for supply chain analysis, logistics, system monitoring, industrial and manufacturing processes, and other purposes”; and

(D) by adding at the end the following:

“(2) **CENTERS OF EXCELLENCE.**—

“(A) **IN GENERAL.**—The Secretary shall establish a Center of Excellence at up to 10 of the highest performing industrial research and assessment centers, as determined by the Secretary.

“(B) **DUTIES.**—A Center of Excellence shall coordinate with and advise the industrial re-

search and assessment centers located in the region of the Center of Excellence.

“(C) **FUNDING.**—Subject to the availability of appropriations, of the funds made available under subsection (f), the Secretary shall use to support each Center of Excellence not less than \$500,000 for fiscal year 2012 and each fiscal year thereafter, as determined by the Secretary.

“(3) **EXPANSION OF CENTERS.**—The Secretary shall provide funding to establish additional industrial research and assessment centers at institutions of higher education that do not have industrial research and assessment centers established under paragraph (1), taking into account the size of, and potential energy efficiency savings for, the manufacturing base within the region of the proposed center.

“(4) **COORDINATION.**—

“(A) **IN GENERAL.**—To increase the value and capabilities of the industrial research and assessment centers, the centers shall—

“(i) coordinate with Manufacturing Extension Partnership Centers of the National Institute of Standards and Technology;

“(ii) coordinate with the Building Technologies Program of the Department of Energy to provide building assessment services to manufacturers;

“(iii) increase partnerships with the National Laboratories of the Department of Energy to leverage the expertise and technologies of the National Laboratories for national industrial and manufacturing needs;

“(iv) increase partnerships with energy service providers and technology providers to leverage private sector expertise and accelerate deployment of new and existing technologies and processes for energy efficiency, power factor, and load management;

“(v) identify opportunities for reducing greenhouse gas emissions; and

“(vi) promote sustainable manufacturing practices for small- and medium-sized manufacturers.

“(5) **OUTREACH.**—The Secretary shall provide funding for—

“(A) outreach activities by the industrial research and assessment centers to inform small- and medium-sized manufacturers of the information, technologies, and services available; and

“(B) a full-time equivalent employee at each center of excellence whose primary mission shall be to coordinate and leverage the efforts of the center with—

“(i) Federal and State efforts;

“(ii) the efforts of utilities and energy service providers;

“(iii) the efforts of regional energy efficiency organizations; and

“(iv) the efforts of other centers in the region of the center of excellence.

“(6) **WORKFORCE TRAINING.**—

“(A) **IN GENERAL.**—The Secretary shall pay the Federal share of associated internship programs under which students work with or for industries, manufacturers, and energy service providers to implement the recommendations of industrial research and assessment centers.

“(B) **FEDERAL SHARE.**—The Federal share of the cost of carrying out internship programs described in subparagraph (A) shall be 50 percent.

“(C) **FUNDING.**—Subject to the availability of appropriations, of the funds made available under subsection (f), the Secretary shall use to carry out this paragraph not less than \$5,000,000 for fiscal year 2012 and each fiscal year thereafter.

“(7) **SMALL BUSINESS LOANS.**—The Administrator of the Small Business Administration

shall, to the maximum practicable, expedite consideration of applications from eligible small business concerns for loans under the Small Business Act (15 U.S.C. 631 et seq.) to implement recommendations of industrial research and assessment centers established under paragraph (1).”.

#### **SEC. 845. SUSTAINABLE MANUFACTURING INITIATIVE.**

(a) **IN GENERAL.**—Part E of title III of the Energy Policy and Conservation Act (42 U.S.C. 6341) is amended by adding at the end the following:

#### **“SEC. 376. SUSTAINABLE MANUFACTURING INITIATIVE.**

“(a) **IN GENERAL.**—As part of the Industrial Technologies Program of the Department of Energy, the Secretary shall carry out a sustainable manufacturing initiative under which the Secretary, on the request of a manufacturer, shall conduct onsite technical assessments to identify opportunities for—

“(1) maximizing the energy efficiency of industrial processes and cross-cutting systems;

“(2) preventing pollution and minimizing waste;

“(3) improving efficient use of water in manufacturing processes;

“(4) conserving natural resources; and

“(5) achieving such other goals as the Secretary determines to be appropriate.

“(b) **COORDINATION.**—The Secretary shall carry out the initiative in coordination with the private sector and appropriate agencies, including the National Institute of Standards and Technology to accelerate adoption of new and existing technologies or processes that improve energy efficiency.

“(c) **RESEARCH AND DEVELOPMENT PROGRAM FOR SUSTAINABLE MANUFACTURING AND INDUSTRIAL TECHNOLOGIES AND PROCESSES.**—As part of the Industrial Technologies Program of the Department of Energy, the Secretary shall carry out a joint industry-government partnership program to research, develop, and demonstrate new sustainable manufacturing and industrial technologies and processes that maximize the energy efficiency of industrial systems, reduce pollution, and conserve natural resources.

“(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be to carry out this section \$10,000,000 for the period of fiscal years 2012 through 2021.”.

(b) **TABLE OF CONTENTS.**—The table of contents of the Energy Policy and Conservation Act (42 U.S.C. prec. 6201) is amended by adding at the end of the items relating to part E of title III the following:

“Sec. 376. Sustainable manufacturing initiative.”.

#### **SEC. 846. STUDY OF ADVANCED ENERGY TECHNOLOGY MANUFACTURING CAPABILITIES IN THE UNITED STATES.**

(a) **IN GENERAL.**—Not later than 60 days after the date of enactment of this Act, the Secretary shall enter into an arrangement with the National Academy of Sciences under which the Academy shall conduct a study of the development of advanced manufacturing capabilities for various energy technologies, including—

(1) an assessment of the manufacturing supply chains of established and emerging industries;

(2) an analysis of—

(A) the manner in which supply chains have changed over the 25-year period ending on the date of enactment of this Act;

(B) current trends in supply chains; and

(C) the energy intensity of each part of the supply chain and opportunities for improvement;

(3) for each technology or manufacturing sector, an analysis of which sections of the supply chain are critical for the United States to retain or develop to be competitive in the manufacturing of the technology;

(4) an assessment of which emerging energy technologies the United States should focus on to create or enhance manufacturing capabilities; and

(5) recommendations on leveraging the expertise of energy efficiency and renewable energy user facilities so that best materials and manufacturing practices are designed and implemented.

(b) **REPORT.**—Not later than 2 years after the date on which the Secretary enters into the agreement with the Academy described in subsection (a), the Academy shall submit to the Committee on Energy and Natural Resources of the Senate, the Committee on Energy and Commerce of the House of Representatives, and the Secretary a report describing the results of the study required under this section, including any findings and recommendations.

#### **SEC. 847. INDUSTRIAL TECHNOLOGIES STEERING COMMITTEE.**

The Secretary shall establish an advisory steering committee that includes national trade associations representing energy-intensive industries or energy service providers to provide recommendations to the Secretary on planning and implementation of the Industrial Technologies Program of the Department of Energy.

### **PART II—SUPPLY STAR**

#### **SEC. 851. SUPPLY STAR.**

Part B of title III of the Energy Policy and Conservation Act (42 U.S.C. 6291) is amended by inserting after section 324A (42 U.S.C. 6294a) the following:

##### **“SEC. 324B. SUPPLY STAR PROGRAM.**

“(a) **IN GENERAL.**—There is established within the Department of Energy a Supply Star program to identify and promote practices, recognize companies, and, as appropriate, recognize products that use highly efficient supply chains in a manner that conserves energy, water, and other resources.

“(b) **COORDINATION.**—In carrying out the program described in subsection (a), the Secretary shall—

“(1) consult with other appropriate agencies; and

“(2) coordinate efforts with the Energy Star program established under section 324A.

“(c) **DUTIES.**—In carrying out the Supply Star program described in subsection (a), the Secretary shall—

“(1) promote practices, recognize companies, and, as appropriate, recognize products that comply with the Supply Star program as the preferred practices, companies, and products in the marketplace for maximizing supply chain efficiency;

“(2) work to enhance industry and public awareness of the Supply Star program;

“(3) collect and disseminate data on supply chain energy resource consumption;

“(4) develop and disseminate metrics, processes, and analytical tools (including software) for evaluating supply chain energy resource use;

“(5) develop guidance at the sector level for improving supply chain efficiency;

“(6) work with domestic and international organizations to harmonize approaches to analyzing supply chain efficiency, including the development of a consistent set of tools, templates, calculators, and databases; and

“(7) work with industry, including small businesses, to improve supply chain efficiency through activities that include—

“(A) developing and sharing best practices; and

“(B) providing opportunities to benchmark supply chain efficiency.

“(d) **EVALUATION.**—In any evaluation of supply chain efficiency carried out by the Secretary with respect to a specific product, the Secretary shall consider energy consumption and resource use throughout the entire lifecycle of a product, including production, transport, packaging, use, and disposal.

“(e) **GRANTS AND INCENTIVES.**—

“(1) **IN GENERAL.**—The Secretary may award grants or other forms of incentives on a competitive basis to eligible entities, as determined by the Secretary, for the purposes of—

“(A) studying supply chain energy resource efficiency; and

“(B) demonstrating and achieving reductions in the energy resource consumption of commercial products through changes and improvements to the production supply and distribution chain of the products.

“(2) **USE OF INFORMATION.**—Any information or data generated as a result of the grants or incentives described in paragraph (1) shall be used to inform the development of the Supply Star Program.

“(f) **TRAINING.**—The Secretary shall use funds to support professional training programs to develop and communicate methods, practices, and tools for improving supply chain efficiency.

“(g) **EFFECT OF IMPACT ON CLIMATE CHANGE.**—For purposes of this section, the impact on climate change shall not be a factor in determining supply chain efficiency.

“(h) **EFFECT OF OUTSOURCING OF AMERICAN JOBS.**—For purposes of this section, the outsourcing of American jobs in the production of a product shall not count as a positive factor in determining supply chain efficiency.

“(i) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section \$10,000,000 for the period of fiscal years 2012 through 2021.”

### **PART III—ELECTRIC MOTOR REBATE PROGRAM**

#### **SEC. 861. ENERGY SAVING MOTOR CONTROL REBATE PROGRAM.**

(a) **ESTABLISHMENT.**—Not later than January 1, 2012, the Secretary of Energy (referred to in this section as the “Secretary”) shall establish a program to provide rebates for expenditures made by entities for the purchase and installation of a new constant speed electric motor control that reduces motor energy use by not less than 5 percent.

(b) **REQUIREMENTS.**—

(1) **APPLICATION.**—To be eligible to receive a rebate under this section, an entity shall submit to the Secretary an application in such form, at such time, and containing such information as the Secretary may require, including—

(A) demonstrated evidence that the entity purchased a constant speed electric motor control that reduces motor energy use by not less than 5 percent; and

(B) the physical nameplate of the installed motor of the entity to which the energy saving motor control is attached.

(2) **AUTHORIZED AMOUNT OF REBATE.**—The Secretary may provide to an entity that meets the requirements of paragraph (1) a rebate the amount of which shall be equal to the product obtained by multiplying—

(A) the nameplate horsepower of the electric motor to which the energy saving motor control is attached; and

(B) \$25.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to

carry out this section \$5,000,000 for each of fiscal years 2012 and 2013, to remain available until expended.

### **PART IV—TRANSFORMER REBATE PROGRAM**

#### **SEC. 871. ENERGY EFFICIENT TRANSFORMER REBATE PROGRAM.**

(a) **DEFINITION OF QUALIFIED TRANSFORMER.**—In this section, the term “qualified transformer” means a transformer that meets or exceeds the National Electrical Manufacturers Association (NEMA) Premium Efficiency designation, calculated to 2 decimal points, as having 30 percent fewer losses than the NEMA TP-1-2002 efficiency standard for a transformer of the same number of phases and capacity, as measured in kilovolt-amperes.

(b) **ESTABLISHMENT.**—Not later than January 1, 2012, the Secretary of Energy (referred to in this section as the “Secretary”) shall establish a program to provide rebates for expenditures made by owners of commercial buildings and multifamily residential buildings for the purchase and installation of a new energy efficient transformers.

(c) **REQUIREMENTS.**—

(1) **APPLICATION.**—To be eligible to receive a rebate under this section, an owner shall submit to the Secretary an application in such form, at such time, and containing such information as the Secretary may require, including demonstrated evidence that the owner purchased a qualified transformer.

(2) **AUTHORIZED AMOUNT OF REBATE.**—For qualified transformers, rebates, in dollars per kilovolt-ampere (referred to in this paragraph as “kVA”) shall be—

(A) for 3-phase transformers—

(i) with a capacity of not greater than 10 kVA, \$15;

(ii) with a capacity of not less than 10 kVA and not greater than 100 kVA, the difference between 15 and the quotient obtained by dividing—

(I) the difference between—

(aa) the capacity of the transformer in kVA; and

(bb) 10; by

(II) 9; and

(iii) with a capacity greater than or equal to 100 kVA, \$5; and

(B) for single-phase transformers, 75 percent of the rebate for a 3-phase transformer of the same capacity.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$5,000,000 for each of fiscal years 2012 and 2013, to remain available until expended.

### **Subtitle D—Federal Agency Energy Efficiency**

#### **SEC. 881. ADOPTION OF PERSONAL COMPUTER POWER SAVINGS TECHNIQUES BY FEDERAL AGENCIES.**

(a) **IN GENERAL.**—Not later than 360 days after the date of enactment of this Act, the Secretary of Energy, in consultation with the Secretary of Defense, the Secretary of Veterans Affairs, and the Administrator of General Services, shall issue guidance for Federal agencies to employ advanced tools allowing energy savings through the use of computer hardware, energy efficiency software, and power management tools.

(b) **REPORTS ON PLANS AND SAVINGS.**—Not later than 180 days after the date of the issuance of the guidance under subsection (a), each Federal agency shall submit to the Secretary of Energy a report that describes—

(1) the plan of the agency for implementing the guidance within the agency; and

(2) estimated energy and financial savings from employing the tools described in subsection (a).

**SEC. 882. AVAILABILITY OF FUNDS FOR DESIGN UPDATES.**

Section 3307 of title 40, United States Code, is amended—

(1) by redesignating subsections (d) through (h) as subsections (e) through (i), respectively; and

(2) by inserting after subsection (c) the following:

“(d) AVAILABILITY OF FUNDS FOR DESIGN UPDATES.—

“(1) IN GENERAL.—Subject to paragraph (2), for any project for which congressional approval is received under subsection (a) and for which the design has been substantially completed but construction has not begun, the Administrator of General Services may use appropriated funds to update the project design to meet applicable Federal building energy efficiency standards established under section 305 of the Energy Conservation and Production Act (42 U.S.C. 6834) and other requirements established under section 3312.

“(2) LIMITATION.—The use of funds under paragraph (1) shall not exceed 125 percent of the estimated energy or other cost savings associated with the updates as determined by a life-cycle cost analysis under section 544 of the National Energy Conservation Policy Act (42 U.S.C. 8254).”

**SEC. 883. BEST PRACTICES FOR ADVANCED METERING.**

Section 543(e) of the National Energy Conservation Policy Act (42 U.S.C. 8253(e)) is amended by striking paragraph (3) and inserting the following:

“(3) PLAN.—

“(A) IN GENERAL.—Not later than 180 days after the date on which guidelines are established under paragraph (2), in a report submitted by the agency under section 548(a), each agency shall submit to the Secretary a plan describing the manner in which the agency will implement the requirements of paragraph (1), including—

“(i) how the agency will designate personnel primarily responsible for achieving the requirements; and

“(ii) a demonstration by the agency, complete with documentation, of any finding that advanced meters or advanced metering devices (as those terms are used in paragraph (1)), are not practicable.

“(B) UPDATES.—Reports submitted under subparagraph (A) shall be updated annually.

“(4) BEST PRACTICES REPORT.—

“(A) IN GENERAL.—Not later than 180 days after the date of enactment of the Energy Savings and Industrial Competitiveness Act of 2012, the Secretary of Energy, in consultation with the Secretary of Defense and the Administrator of General Services, shall develop, and issue a report on, best practices for the use of advanced metering of energy use in Federal facilities, buildings, and equipment by Federal agencies.

“(B) UPDATING.—The report described under subparagraph (A) shall be updated annually.

“(C) COMPONENTS.—The report shall include, at a minimum—

“(i) summaries and analysis of the reports by agencies under paragraph (3);

“(ii) recommendations on standard requirements or guidelines for automated energy management systems, including—

“(I) potential common communications standards to allow data sharing and reporting;

“(II) means of facilitating continuous commissioning of buildings and evidence-based maintenance of buildings and building systems; and

“(III) standards for sufficient levels of security and protection against cyber threats

to ensure systems cannot be controlled by unauthorized persons; and

“(iii) an analysis of—

“(I) the types of advanced metering and monitoring systems being piloted, tested, or installed in Federal buildings; and

“(II) existing techniques used within the private sector or other non-Federal government buildings.”

**SEC. 884. FEDERAL ENERGY MANAGEMENT AND DATA COLLECTION STANDARD.**

Section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) is amended—

(1) by redesignating the second subsection (f) (as added by section 434(a) of Public Law 110-140 (121 Stat. 1614)) as subsection (g); and

(2) in subsection (f)(7), by striking subparagraph (A) and inserting the following:

“(A) IN GENERAL.—For each facility that meets the criteria established by the Secretary under paragraph (2)(B), the energy manager shall use the web-based tracking system under subparagraph (B)—

“(i) to certify compliance with the requirements for—

“(I) energy and water evaluations under paragraph (3);

“(II) implementation of identified energy and water measures under paragraph (4); and

“(III) follow-up on implemented measures under paragraph (5); and

“(ii) to publish energy and water consumption data on an individual facility basis.”

**SEC. 885. ELECTRIC VEHICLE CHARGING INFRASTRUCTURE.**

Section 804(4) of the National Energy Conservation Policy Act (42 U.S.C. 8287(c)(4)) is amended—

(1) in subparagraph (A), by striking “or” after the semicolon;

(2) in subparagraph (B), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(C) a measure to support the use of electric vehicles or the fueling or charging infrastructure necessary for electric vehicles.”

**SEC. 886. FEDERAL PURCHASE REQUIREMENT.**

Section 203 of the Energy Policy Act of 2005 (42 U.S.C. 15852) is amended—

(1) in subsections (a) and (b)(2), by striking “electric energy” each place it appears and inserting “electric, direct, and thermal energy”; and

(2) in subsection (b)(2)—

(A) by inserting “, or avoided by,” after “generated from”; and

(B) by inserting “(including ground-source, reclaimed, and ground water)” after “geothermal”; and

(3) by redesignating subsection (d) as subsection (e); and

(4) by inserting after subsection (c) the following:

“(d) SEPARATE CALCULATION.—Renewable energy produced at a Federal facility, on Federal land, or on Indian land (as defined in section 2601 of the Energy Policy Act of 1992 (25 U.S.C. 3501))—

“(1) shall be calculated (on a BTU-equivalent basis) separately from renewable energy used; and

“(2) may be used individually or in combination to comply with subsection (a).”

**SEC. 887. STUDY ON FEDERAL DATA CENTER CONSOLIDATION.**

(a) IN GENERAL.—The Secretary of Energy shall conduct a study on the feasibility of a government-wide data center consolidation, with an overall Federal target of a minimum of 800 Federal data center closures by October 1, 2015.

(b) COORDINATION.—In conducting the study, the Secretary shall coordinate with

Federal data center program managers, facilities managers, and sustainability officers.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the results of the study, including a description of agency best practices in data center consolidation.

**Subtitle E—Miscellaneous****SEC. 891. OFFSETS.**

(a) ZERO-NET ENERGY COMMERCIAL BUILDINGS INITIATIVE.—Section 422(f) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17082(f)) is amended by striking paragraphs (2) through (4) and inserting the following:

“(2) \$50,000,000 for each of fiscal years 2009 through 2012;

“(3) \$100,000,000 for fiscal year 2013; and

“(4) \$200,000,000 for each of fiscal years 2014 through 2018.”

(b) ENERGY SUSTAINABILITY AND EFFICIENCY GRANTS AND LOANS FOR INSTITUTIONS.—Subsection (j) of section 399A of the Energy Policy and Conservation Act (42 U.S.C. 6371h-1) (as redesignated by section 841(2)) is amended—

(1) in paragraph (1), by striking “through 2013” and inserting “and 2010, \$100,000,000 for each of fiscal years 2011 and 2012, and \$250,000,000 for fiscal year 2013”; and

(2) in paragraph (2), by striking “through 2013” and inserting “and 2010, \$100,000,000 for each of fiscal years 2011 and 2012, and \$425,000,000 for fiscal year 2013”.

(c) WASTE ENERGY RECOVERY INCENTIVE PROGRAM.—Section 373(f)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6343(f)(1)) is amended—

(1) by redesignating subparagraph (B) as subparagraph (D); and

(2) by striking subparagraph (A) and inserting the following:

“(A) \$100,000,000 for fiscal year 2008;

“(B) \$200,000,000 for each of fiscal years 2009 and 2010;

“(C) \$100,000,000 for each of fiscal years 2011 and 2012; and”

(d) ENERGY-INTENSIVE INDUSTRIES PROGRAM.—Section 452(f)(1) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17111(f)(1)) is amended—

(1) in subparagraph (D), by striking “\$202,000,000” and inserting “\$102,000,000”; and

(2) in subparagraph (E), by striking “\$208,000,000” and inserting “\$108,000,000”.

**SEC. 892. ADVANCE APPROPRIATIONS REQUIRED.**

The authorization of amounts under this title and the amendments made by this title shall be effective for any fiscal year only to the extent and in the amount provided in advance in appropriations Acts.

**SA 2617.** Mr. COONS (for himself, Mr. WYDEN, Mr. AKAKA, Mr. FRANKEN, Mr. UDALL of New Mexico, and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

**SEC. 709. SUNSET.**

(a) IN GENERAL.—Except as provided in subsection (b), this title shall cease to have effect five years after the date of enactment of this Act.

(b) EXCEPTION.—With respect to any particular disclosure or sharing that occurred

before the date on which the provisions referred to in subsection (a) cease to have effect, such provisions shall continue in effect.

**SA 2618.** Mr. AKAKA (for himself, Mr. BLUMENTHAL, Mr. COONS, Mr. FRANKEN, Mr. SANDERS, Mr. UDALL of New Mexico, and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 105, after the end of the matter between lines 11 and 12, insert the following:

**SEC. 205. PRIVACY BREACH REQUIREMENTS.**

(a) IN GENERAL.—Subchapter II of chapter 35 of title 44, United States Code, as amended by section 201 of this Act, is amended by adding at the end the following:

**“§ 3559. Privacy breach requirements**

“(a) **POLICIES AND PROCEDURES.**—The Secretary shall establish and oversee policies and procedures for agencies to follow in the event of a breach of information security involving the disclosure of personally identifiable information, including requirements for—

“(1) timely notice to the individuals whose personally identifiable information could be compromised as a result of such breach;

“(2) timely reporting to a Federal cybersecurity center (as defined in section 708 of the Cybersecurity Act of 2012), as designated by the Secretary; and

“(3) additional actions as necessary and appropriate, including data breach analysis, fraud resolution services, identity theft insurance, and credit protection or monitoring services.

“(b) **REQUIRED AGENCY ACTION.**—The head of each agency shall ensure that actions taken in response to a breach of information security involving the disclosure of personally identifiable information under the authority or control of the agency comply with policies and procedures established by the Secretary under subsection (a).

“(c) **REPORT.**—Not later than March 1 of each year, the Secretary shall report to Congress on agency compliance with the policies and procedures established under subsection (a).”.

(b) **TECHNICAL AND CONFORMING AMENDMENT.**—The table of sections for subtitle II for chapter 35 of title 44, United States Code, as amended by section 201 of this Act, is amended by adding at the end the following: “3559. Privacy breach requirements.”.

**SEC. 206. AMENDMENTS TO THE E-GOVERNMENT ACT OF 2002.**

Section 208(b)(1)(A) of the E-Government Act of 2002 (44 U.S.C. 3501 note; Public Law 107-347) is amended—

(1) in clause (i), by striking “or” at the end;

(2) in clause (ii), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following: “(iii) using information in an identifiable form purchased, or subscribed to for a fee, from a commercial data source.”.

**SEC. 207. AUTHORITY OF THE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET WITH RESPECT TO FEDERAL INFORMATION POLICY.**

Section 3504(g) of title 44, United States Code, is amended—

(1) paragraph (1), by striking “and” at the end;

(2) in paragraph (2), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(3) designate a Federal Chief Privacy Officer within the Office of Management and Budget who is a noncareer appointee in a Senior Executive Service position and who is a trained and experienced privacy professional to carry out the responsibilities of the Director with regard to privacy.”.

**SEC. 208. CIVIL REMEDIES UNDER THE PRIVACY ACT.**

Section 552a(g)(4)(A) of title 5, United States Code, is amended—

(1) by striking “actual damages” and inserting “provable damages, including damages that are not pecuniary damages;”; and

(2) by striking “, but in no case shall a person entitled to recovery receive less than the sum of \$1,000” and inserting “or the sum of \$1,000, whichever is greater.”.

On page 188, lines 5 through 7, strike “the Chief Privacy and Civil Liberties Officer of the Department of Justice and the Chief Privacy Officer of the Department” and insert “the Federal Chief Privacy Officer”.

On page 191, line 19, strike “actual damages” and insert “provable damages, including damages that are not pecuniary damages.”.

**SA 2619.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. . . . RIGHT TO WORK.**

(a) **AMENDMENTS TO THE NATIONAL LABOR RELATIONS ACT.**—

(1) **RIGHTS OF EMPLOYEES.**—Section 7 of the National Labor Relations Act (29 U.S.C. 157) is amended by striking “except to” and all that follows through “authorized in section 8(a)(3)”.

(2) **UNFAIR LABOR PRACTICES.**—Section 8 of the National Labor Relations Act (29 U.S.C. 158) is amended—

(A) in subsection (a)(3), by striking “; *Provided, That*” and all that follows through “retaining membership”; and

(B) in subsection (b)—

(i) in paragraph (2), by striking “or to discriminate” and all that follows through “retaining membership”; and

(ii) in paragraph (5), by striking “covered by an agreement authorized under subsection (a)(3) of this section”; and

(C) in subsection (f), by striking clause (2) and redesignating clauses (3) and (4) as clauses (2) and (3), respectively.

(b) **AMENDMENT TO THE RAILWAY LABOR ACT.**—Section 2 of the Railway Labor Act (45 U.S.C. 152) is amended by striking paragraph Eleven.

**SA 2620.** Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 109, strike line 17 and all that follows through page 110, line 20, and insert the following:

institutions and to provide funds to the military service academies to establish cybersecurity test beds capable of realistic modeling of real-time cyber attacks and defenses.

(B) **REQUIREMENT.**—The test beds established under subparagraph (A) shall be suffi-

ciently large in order to model the scale and complexity of real world networks and environments.

(3) **PURPOSE.**—The purpose of the program established under paragraph (2) shall be to support the rapid development of new cybersecurity defenses, techniques, and processes by improving understanding and assessing the latest technologies in a real-world environment.

(e) **COORDINATION WITH OTHER RESEARCH INITIATIVES.**—The Director shall to the extent practicable, coordinate research and development activities under this section with other ongoing research and development security-related initiatives, including research being conducted by—

(1) the National Institute of Standards and Technology;

(2) the Department;

(3) other Federal agencies;

(4) other Federal and private research laboratories, research entities, the military service academies, and universities and institutions of higher education, and relevant nonprofit organizations; and

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY**

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on July 26, 2012, at 9:30 a.m. in room SR 328A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS**

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on July 26, 2012, at 10 a.m. to conduct a hearing entitled “The Financial Stability Oversight Council Annual Report to Congress.”

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON FOREIGN RELATIONS**

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on July 26, 2012, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS**

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate, to conduct a hearing entitled “CCDBG Reauthorization: Helping to Meet the Child Care Needs of American Families” on July 26, 2012, at 10 a.m. in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.



## COMMITTEE ON INDIAN AFFAIRS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on July 26, 2012, in room SD-628 of the Dirksen Senate Office Building, at 2:15 p.m., to conduct a hearing entitled "Regulation of Tribal Gaming: From Brick & Mortar to the Internet."

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON THE JUDICIARY

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on July 26, 2012 at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON THE JUDICIARY

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on July 26, 2012 at 1 p.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Nominations."

The PRESIDING OFFICER. Without objection, it is so ordered.

## SELECT COMMITTEE ON INTELLIGENCE

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 26, 2012, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PRIVILEGES OF THE FLOOR

Mr. CARDIN. Mr. President, I ask unanimous consent that Hala Furst, a Presidential Management Fellow on detail to the Homeland Security and Governmental Affairs Committee, be granted the privileges of the floor for the duration of the debate on S. 3414.

The PRESIDING OFFICER. Without objection, it is so ordered.

## FOR THE RELIEF OF SOPURUCHI CHUKWUEKE

On Wednesday, July 25, 2012, the Senate passed S. 285, as amended, as follows:

S. 285

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. ADJUSTMENT OF STATUS.

(a) IN GENERAL.—Notwithstanding any other provision of law, for the purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Sopuruchi Chukwueke shall be deemed to have been lawfully admitted to, and remained in, the United States, and shall be eligible for adjustment of status to that of an alien lawfully admitted for permanent residence under section 245 of the

Immigration and Nationality Act (8 U.S.C. 1255) upon filing an application for such adjustment of status.

(b) APPLICATION AND PAYMENT OF FEES.—Subsection (a) shall apply only if the application for adjustment of status is filed with appropriate fees not later than 2 years after the date of the enactment of this Act.

(c) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon the granting of permanent resident status to Sopuruchi Chukwueke, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the birth of Sopuruchi Chukwueke under section 202(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(2)).

(d) DENIAL OF PREFERENTIAL IMMIGRATION TREATMENT FOR CERTAIN RELATIVES.—The natural parents, brothers, and sisters of Sopuruchi Victor Chukwueke shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

## UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. SCHUMER. Mr. President, I ask unanimous consent that at a time to be determined by the majority leader, in consultation with the Republican leader, the Senate proceed to executive session to consider Calendar No. 518; that there be 60 minutes for debate equally divided in the usual form; that upon the use or yielding back of the time, the Senate proceed to vote, without intervening action or debate, on the nomination; that the nomination be subject to a 60-vote threshold, the motion to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to the nomination; that any statements related to the nomination be printed in the RECORD; and that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 839, 840, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, and all the nominations placed on the Secretary's desk in the Army, Air Force, and Navy; that the nominations be confirmed en bloc; the motions to reconsider be made and laid upon the table with no intervening action or debate; that no further motions be in order to any of the nominations; that any related statements be printed in the RECORD; that the President be im-

mediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

## IN THE AIR FORCE

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., sections 12203 and 12212:

*To be brigadier general*

Colonel Edward E. Metzgar

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., sections 12203 and 12212:

*To be brigadier general*

Colonel Russ A. Walz

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

*To be major general*

Brig. Gen. Timothy M. Ray

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be general*

Lt. Gen. Paul J. Selva

The following named officer for appointment as the Vice Chief of the National Guard Bureau and for appointment to the grade indicated in the Reserve of the Air Force under title 10, U.S.C., sections 10505 and 601:

*To be lieutenant general*

Maj. Gen. Joseph L. Lengyel

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

*To be major general*

Brig. Gen. Howard D. Stendahl

## IN THE ARMY

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

*To be major general*

Brig. Gen. Lawrence W. Brock

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203 and 12211:

*To be major general*

Brig. Gen. Reynold N. Hoover

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Maj. Gen. James O. Barclay, III

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Lt. Gen. Donald M. Campbell, Jr.

The following named officer for appointment as the Chief of the National Guard Bureau and for appointment to the grade indicated in the Reserve of the Army under title 10, U.S.C., sections 10502 and 601:

*To be general*

Lt. Gen. Frank J. Grass

The following named officer for appointments in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Maj. Gen. David R. Hogg

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203 and 12211:

*To be major general*

Brig. Gen. Joyce L. Stevens

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be vice admiral*

Vice Adm. Allen G. Myers

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

*To be rear admiral (lower half)*

Captain John D. Alexander  
 Captain Bret C. Batchelder  
 Captain Ronald A. Boxall  
 Captain Robert P. Burke  
 Captain David J. Hahn  
 Captain Alexander L. Krongard  
 Captain Andrew L. Lewis  
 Captain Bruce H. Lindsey  
 Captain Dee L. Mewbourne  
 Captain John P. Neagley  
 Captain Partick A. Piercey  
 Captain Markham K. Rich  
 Captain Charles A. Richard  
 Captain Cynthia M. Thebaud  
 Captain Brad Williamson  
 Captain Ricky L. Williamson

The following named officer for appointment to the grade of Admiral in the United States Navy while assigned to a position of importance and responsibility under title 10, U.S.C., section 601 and title 42, U.S.C., section 7158:

*To be admiral*

Vice Adm. John M. Richardson

The following named officer from appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be vice admiral*

Rear Adm. David A. Dunaway

IN THE MARINE CORPS

The following named officer for appointment to the grade of general in the United States Marine Corps while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be general*

Lt. Gen. John F. Kelly

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN1545 AIR FORCE nominations (89) beginning JOLENE A. AINSWORTH, and ending DAVID C. ZIMMERMAN, which nominations

were received by the Senate and appeared in the Congressional Record of April 23, 2012.

PN1781 AIR FORCE nominations (2) beginning UCHENNA L. UMEH, and ending DANIEL X. CHOI, which nominations were received by the Senate and appeared in the Congressional Record of June 25, 2012.

PN1782 AIR FORCE nominations (14) beginning CATHERINE M. FAHLING, and ending LE T. ZIMMERMAN, which nominations were received by the Senate and appeared in the Congressional Record of June 25, 2012.

PN1821 AIR FORCE nominations (3) beginning SEAN J. HISLOP, and ending LUCAS P. NEFF, which nominations were received by the Senate and appeared in the Congressional Record of July 17, 2012.

IN THE ARMY

PN1785 ARMY nomination of Karen A. Baldi, which was received by the Senate and appeared in the Congressional Record of June 25, 2012.

PN1786 ARMY nomination of Christopher W. Soika, which was received by the Senate and appeared in the Congressional Record of June 25, 2012.

PN1787 ARMY nomination of Luis A. Riveraberrios, which was received by the Senate and appeared in the Congressional Record of June 25, 2012.

PN1788 ARMY nomination of Kimon A. Nicolaides, which was received by the Senate and appeared in the Congressional Record of June 25, 2012.

PN1789 ARMY nominations (2) beginning PENNY P. KALUA, and ending JOSEPH A. TRINIDAD, which nominations were received by the Senate and appeared in the Congressional Record of June 25, 2012.

PN1822 ARMY nominations (333) beginning CHAD S. ABBEY, and ending JARED K. ZOTZ, which nominations were received by the Senate and appeared in the Congressional Record of July 17, 2012.

PN1823 ARMY nominations (58) beginning JEFFREY E. AYCOCK, and ending ERIC W. YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of July 17, 2012.

PN1824 ARMY nominations (8) beginning BRENT A. BECKLEY, and ending STEPHEN J. WARD, which nominations were received by the Senate and appeared in the Congressional Record of July 17, 2012.

PN1825 ARMY nomination of Brian J. Eastridge, which was received by the Senate and appeared in the Congressional Record of July 17, 2012.

IN THE NAVY

PN1809 NAVY nominations (106) beginning JOEL A. AHLGRIM, and ending MARK L. WOODBRIDGE, which nominations were received by the Senate and appeared in the Congressional Record of July 11, 2012.

PN1810 NAVY nominations (15) beginning JOHN E. BISSELL, and ending STEPHEN S. YUNE, which nominations were received by the Senate and appeared in the Congressional Record of July 11, 2012.

PN1811 NAVY nominations (37) beginning ROBERT L. ANDERSON, II, and ending CAROL B. ZWIEBACH, which nominations were received by the Senate and appeared in the Congressional Record of July 11, 2012.

PN1812 NAVY nominations (15) beginning MARC S. BREWEN, and ending DUSTIN E. WALLACE, which nominations were received by the Senate and appeared in the Congressional Record of July 11, 2012.

PN1813 NAVY nominations (87) beginning LUCIELINA B. BADURA, and ending WILLIAM A. YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of July 11, 2012.

PN1814 NAVY nominations (20) beginning JASON W. ADAMS, and ending SHAWN M. TRIGGS, which nominations were received by the Senate and appeared in the Congressional Record of July 11, 2012.

PN1815 NAVY nominations (20) beginning DAVID L. CLINE, and ending DAVID S. YANG, which nominations were received by the Senate and appeared in the Congressional Record of July 11, 2012.

PN1816 NAVY nominations (25) beginning EMILY Z. ALLEN, and ending JONATHAN P. WITHAM, which nominations were received by the Senate and appeared in the Congressional Record of July 11, 2012.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate resumes legislative session.

HAQQANI NETWORK TERRORIST DESIGNATION ACT OF 2012

Mr. SCHUMER. Mr. President, I ask the Chair to lay before the Senate a message from the House with respect to S. 1959.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

*Resolved*, That the bill from the Senate (S. 1959) entitled "An Act to require a report on the designation of the Haqqani Network as a foreign terrorist organization and for other purposes," do pass with the following amendment:

Strike out all after the enacting clause and insert:

**SECTION 1. SHORT TITLE.**

*This Act may be cited as the "Haqqani Network Terrorist Designation Act of 2012".*

**SEC. 2. REPORT ON DESIGNATION OF THE HAQQANI NETWORK AS A FOREIGN TERRORIST ORGANIZATION.**

(a) FINDINGS.—Congress makes the following findings:

(1) A report of the Congressional Research Service on relations between the United States and Pakistan states that "[t]he terrorist network led by Jalaluddin Haqqani and his son Sirajuddin, based in the FATA, is commonly identified as the most dangerous of Afghan insurgent groups battling U.S.-led forces in eastern Afghanistan".

(2) The report further states that, in mid-2011, the Haqqanis undertook several high-visibility attacks in Afghanistan. First, a late June assault on the Intercontinental Hotel in Kabul by 8 Haqqani gunmen and suicide bombers left 18 people dead. Then, on September 10, a truck bomb attack on a United States military base by Haqqani fighters in the Wardak province injured 77 United States troops and killed 5 Afghans. A September 13 attack on the United States Embassy compound in Kabul involved an assault that sparked a 20-hour-long gun battle and left 16 Afghans dead, 5 police officers and at least 6 children among them.

(3) The report further states that "U.S. and Afghan officials concluded the Embassy attackers were members of the Haqqani network".

(4) In September 22, 2011, testimony before the Committee on Armed Services of the Senate, Chairman of the Joint Chiefs of Staff Admiral Mullen stated that "[t]he Haqqani network, for one, acts as a veritable arm of Pakistan's Inter-Services Intelligence agency. With ISI support, Haqqani operatives plan and conducted that

[September 13] truck bomb attack, as well as the assault on our embassy. We also have credible evidence they were behind the June 28th attack on the Intercontinental Hotel in Kabul and a host of other smaller but effective operations”.

(5) In October 27, 2011, testimony before the Committee on Foreign Affairs of the House of Representatives, Secretary of State Hillary Clinton stated that “we are taking action to target the Haqqani leadership on both sides of the border. We’re increasing international efforts to squeeze them operationally and financially. We are already working with the Pakistanis to target those who are behind a lot of the attacks against Afghans and Americans. And I made it very clear to the Pakistanis that the attack on our embassy was an outrage and the attack on our forward operating base that injured 77 of our soldiers was a similar outrage.”.

(6) At the same hearing, Secretary of State Clinton further stated that “I think everyone agrees that the Haqqani Network has safe havens inside Pakistan; that those safe havens give them a place to plan and direct operations that kill Afghans and Americans.”.

(7) On November 1, 2011, the United States Government added Haji Mali Kahn to a list of specially designated global terrorists under Executive Order 13224. The Department of State described Khan as “a Haqqani Network commander” who has “overseen hundreds of fighters, and has instructed his subordinates to conduct terrorist acts.” The designation continued, “Mali Khan has provided support and logistics to the Haqqani Network, and has been involved in the planning and execution of attacks in Afghanistan against civilians, coalition forces, and Afghan police”. According to Jason Blazakis, the chief of the Terrorist Designations Unit of the Department of State, Khan also has links to al-Qaeda.

(8) Five other top Haqqani Network leaders have been placed on the list of specially designated global terrorists under Executive Order 13224 since 2008, and three of them have been so placed in the last year. Sirajuddin Haqqani, the overall leader of the Haqqani Network as well as the leader of the Taliban’s Mira shah Regional Military Shura, was designated by the Secretary of State as a terrorist in March 2008, and in March 2009, the Secretary of State put out a bounty of \$5,000,000 for information leading to his capture. The other four individuals so designated are Nasiruddin Haqqani, Khalil al Rahman Haqqani, Badruddin Haqqani, and Mullah Sangeen Zadrin.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Haqqani Network meets the criteria for designation as a foreign terrorist organization as set forth in section 219 of the Immigration and Nationality Act (8 U.S.C. 1189); and

(2) the Secretary of State should so designate the Haqqani Network as a foreign terrorist organization under such section 219.

(c) REPORT.—

(1) REPORT REQUIRED.—Not later than 30 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate committees of Congress—

(A) a detailed report on whether the Haqqani Network meets the criteria for designation as a foreign terrorist organization as set forth in section 219 of the Immigration and Nationality Act (8 U.S.C. 1189); and

(B) if the Secretary determines that the Haqqani Network does not meet the criteria set forth under such section 219, a detailed justification as to which criteria have not been met.

(2) FORM.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(3) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on the Judiciary, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on the Judiciary, and the Permanent Select Committee on Intelligence of the House of Representatives.

(d) CONSTRUCTION.—Nothing in this Act may be construed to infringe upon the sovereignty of Pakistan to combat militant or terrorist groups operating inside the boundaries of Pakistan.

Mr. SCHUMER. I make a motion to concur in the House amendment, and I know of no further debate on this measure.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. SCHUMER. I ask unanimous consent that the motion to reconsider be laid upon the table and that any statements relating to the bill be printed at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### LIONS CLUBS INTERNATIONAL CENTURY OF SERVICE COMMEMORATIVE COIN ACT

Mr. SCHUMER. I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be discharged from further consideration of S. 1299 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 1299) to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Lions Clubs International.

There being no objection, the Senate proceeded to consider the bill.

Mr. SCHUMER. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1299) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1299

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Lions Clubs International Century of Service Commemorative Coin Act”.

#### SEC. 2. FINDINGS.

The Congress finds as follows:

(1) Lions Clubs International is the world’s largest service club organization founded in 1917 by Chicago business leader Melvin Jones. Lions Clubs International empowers volunteers to serve their communities, meet humanitarian needs, encourage peace and promote international understanding through Lions clubs.

(2) Today, Lions Clubs International has over 1.35 million members in more than 45,000 clubs globally, extending its mission of service throughout the world every day.

(3) In 1945, Lions Clubs International became one of the first nongovernmental organizations invited to assist in drafting the United Nations Charter and has enjoyed a special relationship with the United Nations ever since.

(4) In 1968, Lions Clubs International Foundation was established to assist with global and large-scale local humanitarian projects and has since then awarded more than \$700 million to fund five unique areas of service: preserving sight, combating disability, promoting health, serving youth and providing disaster relief.

(5) In 1990, the Lions Clubs International Foundation launched the SightFirst program to build comprehensive eye care systems to fight the major causes of blindness and care for the blind or visually impaired. Thanks to the generosity of Lions worldwide, over \$415 million has been raised, resulting in the prevention of serious vision loss in 30 million people and improved eye care for hundreds of millions of people.

(6) On June 7, 2017, Lions Clubs International will celebrate 100 years of community service to men, women, and children in need throughout the world.

#### SEC. 3. COIN SPECIFICATIONS.

(a) \$1 SILVER COINS.—The Secretary of the Treasury (hereafter in this Act referred to as the “Secretary”) shall mint and issue not more than 400,000 \$1 coins in commemoration of the centennial of the founding of the Lions Clubs International, each of which shall—

(1) weigh 26.73 grams;

(2) have a diameter of 1.500 inches; and

(3) contain 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

#### SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall be emblematic of the centennial of the Lions Clubs International.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act, there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year “2017”; and

(C) inscriptions of the words “Liberty”, “In God We Trust”, “United States of America”, and “E Pluribus Unum”.

(b) SELECTION.—The design for the coins minted under this Act shall be—

(1) chosen by the Secretary after consultation with Lions Clubs International Special Centennial Planning Committee and the Commission of Fine Arts; and

(2) reviewed by the Citizens Coinage Advisory Committee.

#### SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—Only one facility of the United States Mint may be used to strike any particular quality of the coins minted under this Act.

(c) PERIOD FOR ISSUANCE.—The Secretary may issue coins under this Act only during

the calendar year beginning on January 1, 2017.

#### SEC. 6. SALE OF COINS.

(a) **SALE PRICE.**—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

- (1) the face value of the coins;
- (2) the surcharge provided in section 7 with respect to such coins; and
- (3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) **BULK SALES.**—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

#### (c) PREPAID ORDERS.—

(1) **IN GENERAL.**—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) **DISCOUNT.**—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

#### SEC. 7. SURCHARGES.

(a) **IN GENERAL.**—All sales of coins issued under this Act shall include a surcharge of \$10 per coin.

(b) **DISTRIBUTION.**—Subject to section 5134(f) of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to the Lions Clubs International Foundation for the purposes of—

- (1) furthering its programs for the blind and visually impaired in the United States and abroad;
- (2) investing in adaptive technologies for the disabled; and
- (3) investing in youth and those affected by a major disaster.

(c) **AUDITS.**—The Comptroller General of the United States shall have the right to examine such books, records, documents, and other data of the Lions Clubs International Foundation as may be related to the expenditures of amounts paid under subsection (b).

(d) **LIMITATION.**—Notwithstanding subsection (a), no surcharge may be included with respect to the issuance under this Act of any coin during a calendar year if, as of the time of such issuance, the issuance of such coin would result in the number of commemorative coin programs issued during such year to exceed the annual 2 commemorative coin program issuance limitation under section 5112(m)(1) of title 31, United States Code. The Secretary may issue guidance to carry out this subsection.

### PROSTATE CANCER AWARENESS IN AFRICAN-AMERICAN MEN

### NATIONAL REGISTERED APPRENTICESHIP MONTH

### TEAM USA AND THE 2012 OLYMPIC AND PARALYMPIC GAMES

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration en bloc of the following resolutions which were submitted earlier today: S. Res. 529, S. Res. 530, and S. Res. 531.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. SCHUMER. I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, the motions to reconsider be laid upon the table en bloc with no intervening action or debate, and that any statements related to the resolutions be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolutions were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:

#### S. RES. 529

Whereas the incidence of prostate cancer in African-American men is more than one and a half times higher than in any other racial or ethnic group in the United States;

Whereas African-American men have the highest mortality rate of any ethnic and racial group in the United States, dying at a rate that is approximately two and a half times higher than other ethnic and racial groups;

Whereas that rate of mortality represents the largest disparity of mortality rates in any of the major cancers;

Whereas prostate cancer can be cured with early detection and the proper treatment, regardless of the ethnic or racial group of the cancer patient;

Whereas African Americans are more likely to be diagnosed at an earlier age and at a later stage of cancer progression than all other ethnic and racial groups, leading to lower cure rates and lower chances of survival;

Whereas, for patients diagnosed early, studies show a 5-year survival rate of nearly 100 percent, but the survival rate drops significantly to 28 percent for patients diagnosed in late stages; and

Whereas recent genomics research has increased the ability to identify men at high risk for aggressive prostate cancer: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes that prostate cancer has created a health crisis for African-American men;

(2) recognizes the importance of health coverage and access to care, as well as promoting informed decisionmaking between men and their doctors, taking into consideration the known risks and potential benefits of screening and treatment options for prostate cancer;

(3) urges Federal agencies to support—

(A) research to address and attempt to end the health crisis created by prostate cancer;

(B) efforts relating to education, awareness, and early detection at the grassroots level to end that health crisis; and

(C) the Office of Minority Health of the Department of Health and Human Services in focusing on improving health and healthcare outcomes for African Americans at an elevated risk of prostate cancer; and

(4) urges investment by Federal agencies in research focusing on the improvement of early detection and treatment of prostate cancer, such as the use of—

(A) biomarkers to accurately distinguish indolent forms of prostate cancer from lethal forms; and

(B) advanced imaging tools to ensure the best level of individualized patient care.

#### S. RES. 530

Whereas 2012 marks the 75th anniversary of the enactment of the Act of August 16, 1937 (29 U.S.C. 50 et seq.) (commonly known as

the “National Apprenticeship Act”), which established the national registered apprenticeship system;

Whereas the State of Wisconsin created the first State registered apprenticeship system in 1911;

Whereas the Act of August 16, 1937 (29 U.S.C. 50 et seq.) (commonly known as the “National Apprenticeship Act”) established a comprehensive system of partnerships among employers, labor organizations, educational institutions, and Federal and State governments, which has shaped skill training for succeeding generations of United States workers;

Whereas for 75 years, the national registered apprenticeship system has provided state of the art training using an model known as “earn while you learn” that offers a pathway to the middle class and a sustainable career for millions of workers in the United States;

Whereas the national registered apprenticeship system has grown to include approximately 24,000 programs across the United States, providing education and training for apprentices in emerging and high-growth sectors, such as information technology and health care, as well as in traditional industries;

Whereas the national registered apprenticeship system leverages approximately \$1,000,000,000 in private investment, reflecting the strong commitment of the sponsors of the system, which include industry associations, individual employers, and labor-management partnerships;

Whereas the national registered apprenticeship system is an important post-secondary pathway for United States workers, offering a combination of academic and technical instruction with paid, on-the-job training, resulting in a nationally and industry-recognized occupational credential that ensures higher earnings for apprentices and a highly skilled workforce for United States businesses;

Whereas the national registered apprenticeship system has continually modernized and developed innovative training approaches to meet the workforce needs of industry and address the evolving challenges of staying competitive in the global economy;

Whereas the national registered apprenticeship system of the 21st century, as envisioned by the Advisory Committee on Apprenticeship of the Secretary of Labor and administered as a partnership between the Federal Government and State apprenticeship programs, is positioned to produce the highly skilled workers the United States economy needs now and in the future; and

Whereas the celebration of National Registered Apprenticeship Month—

(1) honors the industries that use the registered apprenticeship model;

(2) encourages other industries that could benefit from the registered apprenticeship model to train United States workers using the model; and

(3) recognizes the role the national registered apprenticeship system has played in preparing United States workers for jobs with family-sustaining wages: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates August 2012, as “National Registered Apprenticeship Month”;

(2) celebrates the 101st anniversary of the enactment of the first State registered apprenticeship law; and

(3) celebrates the 75th anniversary of the enactment of the Act of August 16, 1937 (29 U.S.C. 50 et seq.) (commonly known as the “National Apprenticeship Act”).

S. RES. 531

Whereas, for over 100 years, the Olympic Movement has built a more peaceful and better world by educating young people through amateur athletics, bringing together athletes from many countries in friendly competition, and forging new relationships bound by friendship, solidarity, and fair play;

Whereas the 2012 Olympic Games will take place in London, England from July 27, 2012 to August 12, 2012, and the 2012 Paralympic Games will take place from August 29, 2012 to September 9, 2012;

Whereas, at the 2012 Olympic Games, over 200 nations will compete in over 300 events, and Team USA will compete in 246 events;

Whereas, at the 2012 Olympic Games, over 200 nations will compete in 39 disciplines, and Team USA will compete in 38 of those disciplines;

Whereas 529 Olympians and over 245 Paralympians will compete on behalf of Team USA in London, England;

Whereas Team USA has won 934 gold medals, 730 silver medals, and 643 bronze medals, totaling 2,307 medals over the past 25 Olympic Games;

Whereas the people of the United States stand united in respect and admiration for the members of the United States Olympic and Paralympic teams, and the athletic accomplishments, sportsmanship, and dedication to excellence of the teams;

Whereas the many accomplishments of the United States Olympic and Paralympic teams would not have been possible without the hard work and dedication of many others, including the United States Olympic Committee and the many administrators, coaches, and family members who provided critical support to the athletes;

Whereas the Nation takes great pride in the qualities of commitment to excellence, grace under pressure, and good will toward other competitors exhibited by the athletes of Team USA; and

Whereas the Olympic Movement celebrates competition, fair play, and the pursuit of dreams: Now, therefore, be it

*Resolved*, That the Senate—

(1) applauds all of the athletes and coaches of Team USA and their families who support them;

(2) supports the athletes of Team USA in their endeavors at the 2012 Olympic and Paralympic Games held in London, England;

(3) thanks all of the members of the United States Olympics Committee for their unwavering support of the athletes of Team USA; and

(4) supports the goals and ideals of the Olympic Games.

#### XIX INTERNATIONAL AIDS CONFERENCE

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 532, submitted earlier today by Senator NELSON of Florida.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 532) expressing support for the XIX International AIDS Conference and the sense of the Senate that continued commitment by the United States to HIV/AIDS research, prevention, and treatment programs is crucial to protecting global health.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SCHUMER. I further ask unanimous consent that the Senate now proceed to a voice vote on the adoption of the resolution.

THE PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the resolution.

The resolution (S. Res. 532) was agreed to.

Mr. SCHUMER. Mr. President, I further ask unanimous consent that the preamble be agreed to, the motions to reconsider be made and laid upon the table, with no intervening action or debate, and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The preamble was agreed to.

The resolution (S. 532), with its preamble, reads as follows:

Whereas, according to UNAIDS, the Joint United Nations Programme on HIV/AIDS, there are approximately 33,400,000 people living with HIV worldwide, and nearly 30,000,000 people have died of AIDS since the first cases were reported in 1981;

Whereas, in the United States, more than 1,000,000 people are living with HIV and approximately 50,000 people become newly infected with the virus each year;

Whereas, according to the Centers for Disease Control and Prevention, 1 in 5 individuals living with HIV is unaware of the infection, underscoring the need for greater education about HIV/AIDS and access to testing;

Whereas societal stigma remains a significant challenge to addressing HIV/AIDS;

Whereas the United States is heavily engaged in both international and domestic efforts to address the HIV/AIDS pandemic, including—

(1) the United States President's Emergency Plan for AIDS Relief (commonly known as "PEPFAR");

(2) the Global Fund to Fight AIDS, Tuberculosis, and Malaria;

(3) title XXIV of the Public Health Service Act (42 U.S.C. 300dd et seq.) (originally enacted as part of the Ryan White Comprehensive AIDS Resources Emergency Act of 1990 (Public Law 101-381; 104 Stat. 576));

(4) State AIDS Drug Assistance Programs;

(5) the Housing Opportunities for Persons with AIDS program of the Department of Housing and Urban Development; and

(6) AIDS research at the National Institutes of Health and other agencies;

Whereas, since 1985, the now biennial International AIDS Conference has brought together leading scientists, public health experts, policymakers, community leaders, and individuals living with HIV/AIDS from around the world to enhance the global response to HIV/AIDS, evaluate recent scientific developments, share knowledge, and facilitate a collective strategy to combat the HIV/AIDS pandemic;

Whereas, in 2008, Congress passed and the President signed into law the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008 (Public Law 110-293; 122 Stat. 2918);

Whereas taxpayers in the United States have paid more than \$45,000,000,000 through PEPFAR and the Global Fund to Fight

AIDS, Tuberculosis, and Malaria, which have enjoyed broad bipartisan support in Congress;

Whereas, 25 years after the III International AIDS Conference was held in Washington, D.C., the XIX International AIDS Conference (referred to in this preamble as "AIDS 2012") will take place from July 22, 2012, through July 27, 2012, at the Walter E. Washington Convention Center, in Washington, D.C.;

Whereas AIDS 2012, organized by the International AIDS Society, is expected to convene more than 20,000 delegates, including 2,000 journalists, from nearly 200 countries;

Whereas the theme of AIDS 2012, "Turning the Tide Together", embodies the promise and urgency of utilizing recent scientific advances in HIV/AIDS treatment and biomedical prevention, continuing research for an HIV vaccine and cure, and increasing effective, evidence-based interventions in key settings to change the course of the HIV/AIDS crisis;

Whereas AIDS 2012 seeks to engage governments, nongovernmental organizations, policymakers, the scientific community, the private sector, civil society, faith-based organizations, the media, and people living with HIV/AIDS to more effectively address regional, national, and local responses to HIV/AIDS around the world and overcome barriers that limit access to preventative care, treatment, and other services; and

Whereas AIDS 2012 is a tremendous opportunity to strengthen the role of the United States in global HIV/AIDS initiatives within the context of significant global economic challenges, reenergize the response to the domestic epidemic, and focus particular attention on the devastating impact of HIV/AIDS that continues in the United States: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the XIX International AIDS Conference and the goal of renewing awareness of, and commitment to, addressing the HIV/AIDS crisis in the United States and abroad;

(2) recognizes that continued HIV/AIDS research, prevention, and treatment programs are crucial to improving global health;

(3) understands that the key to overcoming HIV/AIDS includes efforts to formulate sound public health policy, protect human rights, address the needs of women and girls, direct effective programming toward the populations at the highest risk of infection, ensure accountability, and combat stigma, poverty, and other social challenges related to HIV/AIDS;

(4) seeks to work with all stakeholders—

(A) to prevent the transmission of HIV;

(B) to increase access to testing, treatment, and care;

(C) to improve health outcomes for all people living with HIV/AIDS; and

(D) to foster greater scientific and programmatic collaborations around the world to translate scientific advances and apply best practices to international efforts to end HIV/AIDS;

(5) commits to supporting a stronger global response to HIV/AIDS, protecting the rights of people living with HIV/AIDS, and working to create an "AIDS-free generation"; and

(6) encourages the ongoing development in the public and private sectors of innovative therapies and advances in clinical treatment for HIV/AIDS, including—

(A) new and improved biomedical and behavioral prevention strategies;

(B) safer and more affordable, accessible, and effective treatment regimens for infected individuals; and

(C) research for an HIV vaccine and cure.

#### AUTHORIZING THE PRINTING OF THE 25TH EDITION OF THE POCKET VERSION OF THE UNITED STATES CONSTITUTION

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Rules Committee be discharged from further consideration of H. Con. Res. 90 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the concurrent resolution by title.

The bill clerk read as follows:

A concurrent resolution (H. Con. Res. 90) authorizing the printing of the 25th edition of the pocket version of the United States Constitution.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. SCHUMER. I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 90) was agreed to.

#### AUTHORIZING THE USE OF THE ROTUNDA

Mr. SCHUMER. Mr. President, I ask unanimous consent the Senate proceed to H. Con. Res. 133, which was received from the House and is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the concurrent resolution by title.

The bill clerk read as follows:

A concurrent resolution (H. Con. Res. 133) authorizing the use of the rotunda of the United States Capitol for an event to present the Congressional Gold Medal to Arnold Palmer, in recognition of his service to the Nation in promoting excellence and good sportsmanship in golf.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. SCHUMER. I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table with no intervening action or debate, and any statements related to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 133) was agreed to.

#### CONDEMNING THE ATROCITIES IN AURORA, COLORADO

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate

proceed to the consideration of H. Con. Res. 134 just received from the House, and it is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The bill clerk read as follows:

A concurrent resolution (H. Con. Res. 134) condemning, in the strongest possible terms, the heinous atrocities that occurred in Aurora, Colorado.

There being no objection, the Senate proceeded to consideration of the concurrent resolution.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table with no intervening action or debate, and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 134) was agreed to.

The preamble was agreed to.

#### MEASURE READ THE FIRST TIME—H.R. 6082

Mr. SCHUMER. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (H.R. 6082) to officially replace, within the 60-day Congressional review period under the Outer Continental Shelf Lands Act, President Obama's Proposed Final Outer Continental Shelf Oil & Gas Leasing Program (2012-2017) with a congressional plan that will conduct additional oil and natural gas lease sales to promote offshore energy development, job creation, and increased domestic energy production to ensure a more secure energy future in the United States, and for other purposes.

Mr. SCHUMER. I ask for a second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for a second time on the next legislative day.

#### ORDERS FOR MONDAY, JULY 30, 2012

Mr. SCHUMER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. on Monday, July 30; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that the majority leader be recognized; and that at 4:30 p.m., the Senate proceed to executive session to consider the nomination of Robert Bacharach, of Oklahoma, to be U.S. circuit judge for the Tenth Circuit,

with 1 hour of debate equally divided and controlled in the usual form prior to a cloture vote on the Bacharach nomination; further, that if cloture is not invoked on the Bacharach nomination, the Senate then resume legislative session and adopt the motion to proceed to S. 3414, the Cybersecurity Act; and finally, that if cloture is invoked on the Bacharach nomination, upon disposition of the nomination, the Senate resume legislative session and adopt the motion to proceed to S. 3414, the Cybersecurity Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. SCHUMER. Mr. President, the next rollcall vote will be a cloture vote at 5:30 p.m. on Monday on the Bacharach nomination. On Monday evening, we expect to begin consideration of the cybersecurity bill. We will work on an agreement on amendments to the bill.

#### ADJOURNMENT UNTIL MONDAY, JULY 30, 2012, AT 2 P.M.

Mr. SCHUMER. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7 p.m., adjourned until Monday, July 30, 2012, at 2 p.m.

#### CONFIRMATIONS

Executive nominations confirmed by the Senate July 26, 2012:

##### IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

##### To be brigadier general

COLONEL EDWARD E. METZGAR

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

##### To be brigadier general

COL. RUSS A. WALZ

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

##### To be major general

BRIG. GEN. TIMOTHY M. RAY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

##### To be general

LT. GEN. PAUL J. SELVA

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE VICE CHIEF OF THE NATIONAL GUARD BUREAU AND FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 10505 AND 601:

##### To be lieutenant general

MAJ. GEN. JOSEPH L. LENGVEL

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

##### To be major general

BRIG. GEN. HOWARD D. STENDAHL

## IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be major general*

BRIG. GEN. LAWRENCE W. BROCK

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

*To be major general*

BRIG. GEN. REYNOLD N. HOOVER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. JAMES O. BARCLAY III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

LT. GEN. DONALD M. CAMPBELL, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE CHIEF OF THE NATIONAL GUARD BUREAU AND FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 10502 AND 601:

*To be general*

LT. GEN. FRANK J. GRASS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. DAVID R. HOGG

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

*To be major general*

BRIG. GEN. JOYCE L. STEVENS

## IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be vice admiral*

VICE ADM. ALLEN G. MYERS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be rear admiral (lower half)*

CAPTAIN JOHN D. ALEXANDER

CAPTAIN BRET C. BATCHELDER  
CAPTAIN RONALD A. BOXALL  
CAPTAIN ROBERT P. BURKE  
CAPTAIN DAVID J. HAHN  
CAPTAIN ALEXANDER L. KRONGARD  
CAPTAIN ANDREW L. LEWIS  
CAPTAIN BRUCE H. LINDSEY  
CAPTAIN DEE L. MEWBOURNE  
CAPTAIN JOHN P. NEAGLEY  
CAPTAIN PATRICK A. PIERCEY  
CAPTAIN MARKHAM K. RICH  
CAPTAIN CHARLES A. RICHARD  
CAPTAIN CYNTHIA M. THEBAUD  
CAPTAIN BRAD WILLIAMSON  
CAPTAIN RICKY L. WILLIAMSON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF ADMIRAL IN THE UNITED STATES NAVY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601 AND TITLE 42, U.S.C., SECTION 7158:

## TO BE DIRECTOR, NAVAL NUCLEAR PROPULSION PROGRAM

*To be admiral*

VICE ADM. JOHN M. RICHARDSON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be vice admiral*

REAR ADM. DAVID A. DUNAWAY

## IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be general*

LT. GEN. JOHN F. KELLY

## IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING WITH JOLENE A. AINSWORTH AND ENDING WITH DAVID C. ZIMMERMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 23, 2012.

AIR FORCE NOMINATIONS BEGINNING WITH UCENNA L. UMEH AND ENDING WITH DANIEL X. CHOI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 25, 2012.

AIR FORCE NOMINATIONS BEGINNING WITH CATHERINE M. FAHLING AND ENDING WITH LE T. ZIMMERMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 25, 2012.

AIR FORCE NOMINATIONS BEGINNING WITH SEAN J. HISLOP AND ENDING WITH LUCAS P. NEFF, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 17, 2012.

## IN THE ARMY

ARMY NOMINATION OF KAREN A. BALDI, TO BE COLONEL.

ARMY NOMINATION OF CHRISTOPHER W. SOIKA, TO BE COLONEL.

ARMY NOMINATION OF LUIS A. RIVERABERRIOS, TO BE COLONEL.

ARMY NOMINATION OF KIMON A. NICOLAIDES, TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH PENNY P. KALUA AND ENDING WITH JOSEPH A. TRINIDAD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 25, 2012.

ARMY NOMINATIONS BEGINNING WITH CHAD S. ABBEY AND ENDING WITH JARED K. ZOTZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 17, 2012.

ARMY NOMINATIONS BEGINNING WITH JEFFREY E. AYCOCK AND ENDING WITH ERIC W. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 17, 2012.

ARMY NOMINATIONS BEGINNING WITH BRENT A. BECKLEY AND ENDING WITH STEPHEN J. WARD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 17, 2012.

ARMY NOMINATION OF BRIAN J. EASTRIDGE, TO BE COLONEL.

## IN THE NAVY

NAVY NOMINATIONS BEGINNING WITH JOEL A. AHLGRIM AND ENDING WITH MARK L. WOODBRIDGE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 11, 2012.

NAVY NOMINATIONS BEGINNING WITH JOHN E. BISSELL AND ENDING WITH STEPHEN S. YUNE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 11, 2012.

NAVY NOMINATIONS BEGINNING WITH ROBERT L. ANDERSON II AND ENDING WITH CAROL B. ZWIEBACH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 11, 2012.

NAVY NOMINATIONS BEGINNING WITH MARC S. BREWEN AND ENDING WITH DUSTIN E. WALLACE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 11, 2012.

NAVY NOMINATIONS BEGINNING WITH LUCELINA B. BADURA AND ENDING WITH WILLIAM A. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 11, 2012.

NAVY NOMINATIONS BEGINNING WITH JASON W. ADAMS AND ENDING WITH SHAWN M. TRIGGS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 11, 2012.

NAVY NOMINATIONS BEGINNING WITH DAVID L. CLINE AND ENDING WITH DAVID S. YANG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 11, 2012.

NAVY NOMINATIONS BEGINNING WITH EMILY Z. ALLEN AND ENDING WITH JONATHAN P. WITHAM, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 11, 2012.



## EXTENSIONS OF REMARKS

RECOGNIZING MR. PHIL  
WHITFIELD

**HON. EDDIE BERNICE JOHNSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 26, 2012*

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to recognize the civic and cultural contributions of Mr. Phil Whitfield, a fellow Texan who currently serves as curator for the art collection featured at Cowboys Stadium.

Since growing up in Oak Cliff, Texas, Mr. Whitfield's loyalty to the Dallas Cowboys was inherent, and remains steadfast to this day. He grew up cheering on the Cowboys when their games were at the Cotton Bowl. In 1993, Mr. Whitfield began working as a security guard at Texas Stadium, which served as the home field of the Dallas Cowboys from 1971 to 2008. Mr. Whitfield remained in this position until he was hired to work at the new Cowboys Stadium to oversee the stadium's extensive art collection.

Cowboys Stadium currently features 19 pieces of contemporary art, and Mr. Whitfield works with each artist to create beautiful installations. His passion and appreciation for art comes second only to his devotion to the Cowboys. Mr. Whitfield devotes considerable time and effort to each individual work of art and its respective creator. Today, Cowboys Stadium boasts artistic diversity which millions of fans have long since enjoyed.

Mr. Speaker, it is my pleasure to recognize Mr. Whitfield's contributions to Texas' beloved Cowboys Stadium. Cowboys fans from all over appreciate how the stadium's collection is being highlighted and maintained by a loyal fan such as Mr. Phil Whitfield.

PERSONAL EXPLANATION

**HON. BETTY SUTTON**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 26, 2012*

Ms. SUTTON. Mr. Speaker, due to unforeseen circumstances, I was not able to cast votes last night. Had I been present—

I would have voted "yes" on rollcall No. 514.

I would have voted "yes" on rollcall No. 515.

I would have voted "yes" on rollcall No. 516.

I would have voted "yes" on rollcall No. 517.

I would have voted "yes" on rollcall No. 518.

IN RECOGNITION OF THE 75TH AN-  
NIVERSARY OF CAROLINAS MED-  
ICAL CENTER-NORTHEAST

**HON. LARRY KISSELL**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 26, 2012*

Mr. KISSELL. Mr. Speaker, I rise today in honor of Carolinas Medical Center-NorthEast, and the celebration of its 75th Anniversary. Carolinas Medical Center-NorthEast is a regional 457-bed, not-for-profit medical center in Concord, NC, delivering top quality care to the community.

Over the past 75 years, Carolinas Medical Center-NorthEast has grown from a small, local hospital to a regional referral center, offering state of the art care to thousands. In this time, they have established a reputation for excellence in the areas of cancer care, neurosciences, cardiology, and high risk obstetrics.

In 1937, in an effort to care for his employees, Cannon Mills owner Charles A. Cannon, and George A. Batte, Jr. opened Cabarrus County Hospital. Years later in 1951, in honor of World War II veterans, Cabarrus County Hospital officially changed its name to the Cabarrus Memorial Hospital. During the 1990s, the hospital grew to a 60-acre medical campus with specifically designed centers for women's services, surgery, and cancer and cardiac care. In 2006, NorthEast Medical Center opened the Jeff Gordon Children's Hospital, to work to ensure the absolute best care for children in the area. A year later, in 2007, NorthEast Medical Center joined the Carolinas Healthcare System, and assumed its current name, Carolinas Medical Center-NorthEast. This hospital, which was conceived to care for workers, is now our area's top employer.

Among the awards and recognition that Carolinas Medical Center-NorthEast has received are J.D. Power and Associates Distinguished Hospital Program for Excellence in Maternity Services and Emergency Services. The hospital is also a recipient of the United States Department of Health and Human Services' Medal of Honor for organ donation, as well as a "Top Performer" award in patient satisfaction for overall quality from Professional Research Consultants in 2012.

Today, I ask all Members of Congress to join me in honoring Carolinas Medical Center-NorthEast, as an asset to the people I am proud to represent in North Carolina.

HONORING MR. VAN WHITE

**HON. KEITH ELLISON**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 26, 2012*

Mr. ELLISON. Mr. Speaker, I rise today in honor of Van White and to recognize his dedicated service to the great state of Minnesota.

Born on August 2, 1924, Mr. White was a lifelong resident of north Minneapolis. Mr. White first learned how to lead at the age of 10 when the death of his father left him to help raise his four younger siblings. Upon graduating from Patrick Henry High School in 1943, Mr. White entered the work force as a construction worker and later construction site supervisor for the City of Minneapolis where he remained for the next 18 years. He was then appointed to be the acting assistant manager for the Northside Branch of the Minnesota Department of Economic Security, now known as the Minnesota Department of Employment and Economic Development.

Mr. White was passionate about uplifting his community. He was active in organizations that focused on economic development and crime reduction, while also advocating for the development of community centers and parks. In 1971, Mr. White founded the Willard Housing Organization, one of the first groups in Minneapolis that sought government loans to repair and rehabilitate the impoverished areas of Minneapolis.

His passion, combined with experience he gained as a community activist, led Mr. White to enter the political arena, where he became the first African American elected to the city council of Minneapolis in 1979. During the ten years Mr. White served on the Minneapolis City Council where he was the chair of the Government Operations Committee and Vice Chair of the Minneapolis Community Development Agency.

Mr. White continued to support his community until he passed away on July 14, 1993. Mr. White is survived by his wife of nearly forty years, Mrs. Javanese White, their daughter Javoni, son Perri and granddaughter Kapria.

Mr. White dedicated over fifty years of his life to community activism. He served on the board of nearly thirty economic and community development programs, and left behind a legacy of uplifting his community. Throughout his life, Mr. White was viewed as a connector, someone who could take ideas to improve the communities of Minneapolis and put those ideas into action. It is only fitting today the Van White Memorial Bridge connects North Minneapolis to downtown Minneapolis in his honor. I urge the citizens of the United States to follow in the steps of Van White, and find ways to serve and improve their own communities.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

I truly appreciate everything Mr. White did for Minneapolis, and I thank him and his family for their dedication and service.

**HONORING THE CONTRIBUTIONS  
OF DORA FINLEY**

**HON. JO BONNER**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 26, 2012*

Mr. BONNER. Mr. Speaker, I rise to pay tribute to the contributions of Mrs. Dora Finley, a native of Mobile, Alabama, who recently passed away at the age of 59. During her lifetime, Dora Finley inspired Mobile to recognize its rich heritage while moving the community to remember the vital lessons of the past.

At an early age, Mrs. Finley demonstrated a passion for social issues and an uncommon ability to lead. A graduate of Mobile's Bishop Toolen School for Girls in 1970, Mrs. Finley created the United Student Action Movement while still a high school junior. As head of the Movement, she dedicated herself to addressing issues confronting African-American youth.

Mrs. Finley learned the value of hard work in childhood when she helped sell candy in the family drugstore. She later taught mathematics at John L. Leflore High School before becoming a Loan Officer at Commonwealth National Bank. After earning a Masters' Degree in Business Administration from Spring Hill College, she embarked on a 25 year career in Managerial Logistics with Scott Paper Company/Kimberly-Clark Corporation.

Her tenacity to see any job through to completion combined with her dedication to promoting a greater awareness of African-American history in her hometown made her uniquely qualified to assume the one role for which she is best known—the creator of the Mobile African-American Heritage Trail. The Heritage Trail's primary objective is to share Mobile's multicultural legacy from the earliest arrival of African-Americans to the end of segregation. Throughout Mobile County there have been 40 historic markers established by the trail.

City Councilman William Carroll personally credited Mrs. Finley with the creation of the Heritage Trail: "Without Dora, the African-American Heritage Trail would have never been."

Finley also assisted in the making of the 2008 Mobile Mardi Gras documentary "The Order of Myths," produced and directed by Margaret Brown. The film highlights the history of Mobile's black and white mystical societies and the complex interaction between the two.

One of her last projects was raising money to restore the Cook's House at Oakleigh Mansion. The Cook's House is slated to become the first house museum in Mobile dedicated to the African-American experience, offering a historically-accurate accounting of the families that once worked at Oakleigh.

Mr. Speaker, Dora Finley has been described as one of Mobile's strongest advocates of historic preservation and a tireless advocate for equality. Without a doubt, her loss is one that is shared by our entire community.

On behalf of the people of Mobile, I offer my heartfelt condolences to her daughter, Nicole; her mother, Joycelyn Franklin Finley; brothers James and Karlos; sister Joycelyn; and many other family and friends. You are all in our thoughts and prayers.

IN HONOR OF DR. I.L. MULLINS,  
SR.

**HON. SANFORD D. BISHOP, JR.**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 26, 2012*

Mr. BISHOP of Georgia. Mr. Speaker, I rise today to pay tribute to an inspiring community leader and beloved Pastor of First Missionary Baptist Church, Dr. I.L. Mullins, Sr. Sadly, Dr. Mullins passed away on Wednesday, July 18, 2012. His passing leaves a tremendous void in the hearts of his family, friends and the Thomasville, Georgia community.

On Thursday, July 26, 2012, a Musical Memorial Service will be held in honor of Dr. Mullins at First Missionary Baptist Church. On Friday, July 27, 2012, a funeral service will be held at First Baptist Church in Thomasville, Georgia.

Dr. Mullins was born on August 26, 1930, and grew up in Chattanooga, Tennessee. He served in the United States Air Force during the Korean War in the 1950s.

Over the course of his lifetime, Dr. Mullins admirably mastered the balance of his civic responsibilities with his academic accomplishments and religious commitments. After he received a Bachelor of Arts degree from Morehouse College in 1957, he went on to obtain his Masters of Divinity from the Interdenominational Theological Center & Gammon Theological Seminary in 1960. In 1979, Dr. Mullins received his Doctor of Divinity degree from Faith College in Birmingham, Alabama.

A fierce believer in equality and justice for all, Dr. Mullins was not only a profound theologian but also a strong civic leader. He marched with Dr. Martin Luther King, Jr. during the Civil Rights Movement of the 1960s and was instrumental in organizing the local Thomasville branch of the National Association for the Advancement of Colored People, NAACP. Additionally, Dr. Mullins served effectively as Thomas County Commissioner for five-terms that spanned over two decades.

Ordained as a minister on December 29, 1957, Dr. Mullins has served as the Pastor of the First Missionary Baptist Church since 1961 and was honored by the church for 50 years of dedicated pastoral service last year in a Golden Jubilee Extravaganza.

Mr. Speaker, one of the things that I will always remember about Dr. Mullins is his dedication to helping others and his passion for promoting equality and peace among individuals from different walks of life. A man of integrity and high moral values, his understanding, compassion and kindness made him a guiding light within the community.

On a personal note, I have been truly blessed by Dr. Mullins' warm friendship and support and I am deeply grateful for his counsel and advice as well as for being a fountain of inspiration for me over the last several

years. His motto was, "God's Preachers give their hearers fruit, not flowers." Indeed, Dr. Mullins gave his congregation and all those who have sought his counsel the fruit of the Word to satiate and sustain them throughout the journey of life.

Mr. Speaker, my wife Vivian and I, along with the almost 700,000 people in the 2nd Congressional District of Georgia, would like to extend our deepest sympathies to Dr. Mullins' wife the former Josephine Lovejoy Ferrell, their children, grandchildren and the members of First Missionary Baptist Church during this difficult time. May they be consoled and comforted by their abiding faith and the Holy Spirit in the days, weeks and months ahead.

**PERSONAL EXPLANATION**

**HON. DONNA F. EDWARDS**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 26, 2012*

Ms. EDWARDS. Mr. Speaker, I was absent from votes in the House Tuesday afternoon (July 24th), due to testifying before the Senate Judiciary Subcommittee on the Constitution, Civil Rights and Human Rights. Had I been present, I would have voted "no" on rollcall votes 502 (the motion on ordering the previous question on H. Res. 738) and 503 (H. Res. 738, the rule providing for consideration of both H.R. 4078 and H.R. 6082).

**2012 OLYMPIC GAMES**

**HON. LORETTA SANCHEZ**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 26, 2012*

Ms. LORETTA SANCHEZ of California. Mr. Speaker, over two thousand years ago, the Greeks began a series of competitions that would develop into an international tradition of incredible scale. The Olympic Games serve as an opportunity to demonstrate athletic and mental ability, strength, and spirit for both individuals and nations. The Olympics bring millions of diverse people together, all with one hope: to see their country win. For our Nation, the Olympic Games help us to find our common ground and allow us to come together to support the young men and women who represent our great country.

I am honored to recognize the outstanding individuals from Orange County that will represent our Nation this summer in London, England. For their patriotism and excellence in athletics, I'd like to recognize JW Kumpholz (Water Polo), Courtney Mathewson (Water Polo), Lauren Wenger (Water Polo), Samuel Mikulak (Gymnastics), Tyler Clary (Swimming), Kate Ziegler (Swimming), Russell Holmes (Volleyball), David Lee (Volleyball), Paul Lotman (Volleyball), David Smith (Volleyball), Donald Suxho (Volleyball), Brian Thorton (Volleyball), David McKenzie (Volleyball), Clay Stanley (Volleyball), Sean Rooney (Volleyball), Danielle Scott (Volleyball), Jordan Larson (Volleyball), Matt Anderson (Volleyball), and

Reid Priddy (Volleyball). We are all proud of you.

Thank you again, and good luck to each of you. Bring home the gold for Team U.S.A.

**CELEBRATING THE 80TH BIRTHDAY OF JIMMIE RUTH COOLEY**

**HON. KEVIN BRADY**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 26, 2012*

Mr. BRADY of Texas. Mr. Speaker, I rise today to celebrate the birthday of a dear friend and a true East Texas treasure, Jimmie Ruth Cooley. She is a shining example of hard work and the success that follows.

A three term mayor of her beloved Woodville, Jimmie has been a tireless, enthusiastic advocate for her community, for Tyler County, for East Texas and in fact the Lone Star State where she has left her mark as well.

When it comes to accomplishing tasks and overcoming hurdles—Jimmie has got it covered. One of her dear friends, Mary Jane Neal, summed it up best, saying “She likes to get things done”.

And she has. Over the years Mayor Cooley has served as a board member and a leader in the Deep East Texas Council of Government; Three Rivers Council of Boy Scouts of America; Woodville Independent School District Compass Arts; Tyler County Art League; and Tyler County Hospital Foundation. She’s worked tirelessly as president of the Tyler County Chamber of Commerce, a past member of the Texas Office of Community Affairs Task Force and Deep Texas Regional Review Committee.

Longtime Texas Governor Rick Perry appointed Jimmie to serve on the board of the Lower Neches Valley Authority, where she has talked water with me countless times because she knows how important our lakes and rivers are to our communities in East Texas. And yes, she has a professional career as well—she is a graduate of the American Institute of Real Estate and now a retired real estate agent.

“Yes, Mayor, I’ll get on it” are how most of my conversations with Jimmie end. She is a close advisor, confidant, and most of all a true friend. Blessed with a wonderful sense of humor, Jimmie is a keen observer of the people she serves and of the community in which she lives. I want America to know about this tireless champion of East Texas who gives back more than could ever be asked of her.

Mr. Speaker, it is an honor to rise today to wish Jimmie Ruth Cooley a very Happy 80th Birthday and many more years of happiness to come.

**HONORING SARALAND SCHOOLS FOR SCHOLASTIC ACHIEVEMENT**

**HON. JO BONNER**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 26, 2012*

Mr. BONNER. Mr. Speaker, I rise to bring to the attention of the House the exemplary

achievement of the Saraland School System, which recently garnered the highest rating of performance from its accreditation agency. What’s even more remarkable about this accomplishment is that the Saraland School System was founded just four short years ago.

All too often, local news across America is filled with stories about failing schools and declining scholastic standards. Indeed, our educational system is being challenged like never before from a historic recession and dwindling revenues. But America is still the land of opportunity for those imbued with vision and a dedication to make a difference.

Four years ago, the City of Saraland defied the odds by seeking control of its local schools with the goal of raising the quality of education for its children. The Saraland School System set a goal to provide every student a “world-class education.” This goal was successfully met in June when Saraland received the top rating of “highly functional” for the school system’s vision and purpose. The high praise came from AdvanceED, formerly known as the Southern Association of Colleges and Schools.

Saraland also received the accreditation agency’s second highest rating in six other areas: governance and leadership; teaching and learning; documenting and using results; resources and support systems; stakeholder communications and relationships; and commitment to continuous improvement.

Much credit is due to the school leadership, including School Board President Bill Silver, Superintendent Wayne Vickers, and all the Saraland School System administrators, principals, teachers and students. Additionally, a tip of the hat is due to the people of Saraland who, according to the accreditation agency, have demonstrated an equally strong commitment to supporting their new school system and making sure it succeeds.

Board president Bill Silver recently told the Mobile Press-Register, “This community has bought into our own school system and that is one of the reasons we have had such success, in academics, sports and the whole arena.”

Physical evidence of the community’s investment in their school system is manifest in the \$30 million high school, a planned \$14 million elementary school and another \$4 million dedicated to renovate the middle school.

Saraland’s amazing achievement is not only a model for Alabama, but for the nation. It is proof positive that when a community unites behind a goal, it can succeed. We should all look to Saraland’s example.

On behalf of the people of Alabama, I would like to extend my congratulations to the Saraland School System, it’s leaders, students and the community at large. Job well done!

**COMMENDING VETERANS OF THE KOREAN CONSTABULARY**

**HON. LEE TERRY**

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 26, 2012*

Mr. TERRY. Mr. Speaker, I rise today to honor veterans of the Korean Constabulary for

their outstanding sacrifice and service during the hard years leading up to the establishment of the Republic of Korea.

The Korean Constabulary was originally established in 1946 in order to provide support to Korean National Police during the unification and independence of South Korea. They would eventually serve as the Republic of Korea Army in 1948.

During the years of 1946 and 1948, the Korean Constabulary undertook internal security tasks on behalf of the United States Military Government in Korea and the people of South Korea, defending their fledgling country against internal unrest.

The Korean Constabulary believe they have been treated unfairly due to their exclusion from benefits offered under the Republic of Korea’s Military Pension Act. They have not been granted pension, financial aid for healthcare or military awards for their years of distinguished service because their years of service before 1950 are unaccounted for because the Constabulary was under the jurisdiction of the Department of National Defense during the years of 1946 and 1948.

The Korean Constabulary would like to be honored by the Republic of Korea for their heroic service during such an unstable time in the country’s history.

Today, I honor all of the Veterans of the Korean Constabulary and commend them for their bravery and support to the United States Military Government in Korea.

**RECOGNIZING ARKANSAS OLYMPIAN MICHAEL TINSLEY**

**HON. TIM GRIFFIN**

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 26, 2012*

Mr. GRIFFIN of Arkansas. Mr. Speaker, I rise today to recognize Mr. Michael Tinsley who will be representing the United States in the 2012 Summer Olympic Games in London.

Michael hails from Little Rock, Arkansas. Little Rock is located in the Second Congressional District, which I represent. He attended Pulaski Robinson High School in Little Rock where he had a standout track career.

His dedication to and performance in track and field in high school earned him a scholarship at Jackson State University in Jackson, Mississippi, where he ran track and studied Criminal Justice.

At the 2006 NCAA Outdoor Track and Field Championships, Michael won the 400m hurdles for Jackson State becoming the first track athlete in the history of the university to win an NCAA Division I title.

Jackson State University declared Thursday, June 15, 2006, “Michael Tinsley Day,” and Michael was presented with a certificate from the governor, was handed keys to the city by the mayor, and was shown the banner bearing his name that would hang in the athletic center.

In 2006, Michael achieved his first ever top ten Track and Field News world ranking in the 400m hurdles. He achieved a top-ten world ranking again in 2011.

Michael’s accomplishments don’t end there, though. He also holds numerous other records

and titles, and in the 2010 USA Outdoor Track and Field Championships, he placed third in the 400m hurdles. He is also a three-time NCAA All-American.

As evidence of his continued hard work and pursuit of excellence, Michael qualified for the 2012 U.S. Olympic Team in a remarkable and memorable way: he beat the reigning Olympic gold, silver, and bronze medalists in the 400m hurdles, taking first place to secure his Olympic berth.

Michael will represent Team USA in the 400m hurdles, and I am proud to have such an accomplished athlete and Arkansan representing our nation.

On behalf of Arkansans and Americans everywhere, I wish Michael Tinsley the best of luck in his Olympic endeavors and look forward to his great accomplishments in the 2012 Summer Olympic Games.

#### PERSONAL EXPLANATION

#### HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2012

Ms. WOOLSEY. Mr. Speaker, on July 25, 2012, I was unavoidably detained and was unable to record my vote for rollcall No. 438. Had I been present I would have voted: rollcall No. 504: "yes"—Holt of New Jersey Part C Amendment No. 2.

#### THE "IDENTIFYING CYBERSECURITY RISKS TO CRITICAL INFRASTRUCTURE ACT OF 2012"

#### HON. YVETTE D. CLARKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2012

Ms. CLARKE of New York. Mr. Speaker, I am proud today to introduce the "Identifying Cybersecurity Risks to Critical Infrastructure Act of 2012", a bill to assess the risks that networks controlling our critical infrastructure face from cyber attacks. I am also proud to have developed this legislation in collaboration with my colleague, the gentleman from California, and Chairman of the Committee on Homeland Security Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies, Representative LUNGREN.

Critical infrastructure, which can be found in all of our districts, powers our homes and keeps our water running. However, all too often, in the digital era, industrial control systems that operate much of this critical infrastructure are vulnerable to cyber attacks. A recent report by the Washington Post found that thousands of these control systems could be accessed directly through the Internet, leaving them open to exploitation by even "moderately talented hackers".

And according to Assistant to the President and Deputy National Security Adviser John Brennan, there have been over 200 known attempted or successful cyberintrusions against control systems that operate critical infrastructure in 2011 alone, which was a five-fold increase over 2010.

There has been an active debate this Congress on cybersecurity, and particularly how best to protect our critical infrastructure from crippling cyber attacks. But regardless of where you stand on the proper role for the Federal government in protecting critical infrastructure, I am sure we can all agree that the nature of the cyber threat to critical infrastructure, including vulnerabilities present in our critical infrastructure networks, need to be known so that critical infrastructure owners and operators can be empowered to bolster their cybersecurity and protect their systems.

Specifically, my bill directs the Secretary of Homeland Security to conduct risk assessments of critical infrastructure sectors to identify:

1. The threats to critical infrastructure from foreign intelligence services, cybercriminals, and hacker groups;
2. The consequences that would result from a major cyber attack on critical infrastructure; and
3. The vulnerabilities in our critical infrastructure networks that could be exploited by hackers.

This bill would not only help our government understand the threat we face, it would benefit the critical infrastructure owners and operators protect their networks, giving them a fuller understanding of vulnerabilities in their systems.

It would not create any rules, regulations, or standards that private industry would need to comply with, and much of this language was first proposed by Committee Republicans, consistent with the recommendations of the House Republican cybersecurity task force.

This bill would take proactive steps to identify and assess cyber risks to help raise the level of cybersecurity protecting our Nation's critical infrastructure networks, without creating any burdensome regulations or bureaucracy. This issue is far too important, and the risk of cyber attack on our critical infrastructure is too grave, to let another Congress pass without taking action.

I urge my colleagues to cosponsor the "Identifying Cybersecurity Risks to Critical Infrastructure Act of 2012", and work with me to secure passage of this critical bipartisan homeland security legislation.

#### TRIBUTE TO UNIVERSITY OF ALABAMA ATHLETIC DIRECTOR MAL MOORE

#### HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2012

Mr. BONNER. Mr. Speaker, I rise to congratulate Coach Mal Moore, the respected, longtime Athletic Director of The University of Alabama who was recently named the 2012 recipient of the John L. Toner Award from the National Football Foundation (NFF) and the College Hall of Fame.

The Toner Award is presented annually by the NFF to an Athletic Director who has demonstrated superior administrative abilities and shown outstanding dedication to college athletics, particularly college football.

For those who closely follow University of Alabama athletics, there is little doubt that Mal

Moore deserves this tremendous honor. As Alabama's Athletic Director since 1999, he has guided the University's sports program to a new era of success, improvements to athletic facilities and overseeing numerous conference and national championships. This year alone, under his leadership, Coach Moore has been instrumental in the Crimson Tide winning four national championships in football, women's gymnastics, women's softball and women's golf.

Long a prominent figure in the "Alabama family," Coach Moore played quarterback under legendary head football coach Paul "Bear" Bryant, beginning in 1958, and was a member of the 1961 national championship team. A secondary and, later, quarterbacks coach for Coach Bryant's Crimson Tide, Coach Moore became a fixture on the 'Bama coaching staff until Coach Bryant's retirement in 1982 when he was hired to be an assistant coach at The University of Notre Dame. In 1990, he returned to Alabama to serve as offensive coordinator under Coach Gene Stallings. All total, Coach Moore has been a part of nine of Alabama's 14 national championships.

As Athletic Director, Mal Moore directs a \$100 million budget and 21 men's and women's varsity sports teams. His record of leadership speaks for itself. Since 1999, the University has notched countless NCAA championships and even more SEC championships. Also during Coach Moore's tenure as Athletic Director, the Crimson Tide football team has won two national championships (2009 and 2011), posted six 10-win seasons, a 5-4 bowl record, appearances in four Bowl Championship Series (BCS) bowl games and SEC championships in 1999, 2009 and 2011.

Winning is not his only legacy; the face of the University of Alabama campus has also been transformed during Coach Moore's tenure with more than \$200 million in improvements to the athletic infrastructure. Alabama has erected new stadiums for soccer, softball and tennis; new facilities for women's basketball and volleyball; a new golf clubhouse; and improved facilities for every other sports team, in addition to the renovation of the Bill Battle Center for Athletic Student Services, and Coleman Coliseum. In 2007, The University of Alabama Board of Trustees officially dedicated the facility formerly known as the Football Building as the Mal M. Moore Athletic Facility. Coach Moore also oversaw the expansion of Bryant-Denny Stadium in 2006 and 2009, pushing the venue's capacity to 101,821, which ranks fifth nationally.

Mal Moore will be officially honored at the 55th NNF awards dinner at Waldorf-Astoria in New York City on December 4, 2012. He was elected to the State of Alabama Sports Hall of Fame in 2011.

Mr. Speaker, on behalf of the people of Alabama and the entire Alabama Congressional Delegation, I would like to commend Coach Mal Moore for his exemplary leadership and congratulate him for receiving the John L. Toner Award. I know Coach Moore's daughter, Heather, his granddaughter, Anna Lee and grandson, Charles, as well as his many, many friends and associates around the country share in this proud and well-deserved honor.

HOUSE ARMED SERVICES COM-  
MITTEE AND HOUSE VETERANS  
AFFAIRS COMMITTEE JOINT  
HEARING

**HON. RICK LARSEN**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 26, 2012*

Mr. LARSEN of Washington. Mr. Speaker, I submit the following. Thank you, Mr. Chairman, and welcome to Secretary Panetta and Secretary Shinseki.

More than 2 million American women and men are returning home from more than a decade of war in Iraq and Afghanistan.

Many are returning scarred, with lost limbs, brain injuries or mental illness. Too many are coming back to unemployment lines. And too many are struggling to keep their homes.

To address these problems, Congress and the administration have worked together to support veterans' needs through efforts like building more Department of Veterans Affairs community based outpatient clinics, like the one in Mount Vernon, Washington state. The VA, the Department of Defense, and National Institutes of Health are conducting state-of-the-art brain research to understand and find better treatments for traumatic brain injury and post-traumatic stress disorder. And the VA and DoD are working together to provide more timely disability claims processing.

The passage of the Vow To Hire Heroes Act and the 21st Century GI Bill were important steps to help veterans translate their skills to civilian jobs. These programs provide career advice for transitioning servicemembers through the Transition Assistance Program and help veterans go back to school.

And we are supporting veterans housing through the Department of Housing and Urban Development Veterans Affairs Supportive Housing Program (HUD-VASH) program, which provides affordable housing vouchers and social services like case management. 100 homeless veterans in Skagit and Snohomish Counties have received HUD-VASH vouchers so far this year. Part of ending homelessness among veterans is prevention, and for that, VA and DoD recently began legal assistance programs to provide relief for veterans and servicemembers who were hurt by mortgage abuses and assist those seeking to refinance.

Still, there is more that we have to do, and I encourage all of us in this room to think of what we can do to help these veterans.

For example, in my district, we are reaching out to veterans, employers and educators to help veterans translate the skills they developed in the military to meet private sector needs, and help employers and educators understand the value of veterans' military training.

I look forward to hearing more about what the DoD and VA are doing to support veterans transitioning back to civilian life. With hard work and support from the government and local communities, these veterans coming home from Iraq and Afghanistan can have a smooth transition back to civilian life, and our older veterans can get the support they deserve.

IN CELEBRATION OF MRS. BUENA  
WOOTEN LONG'S 100TH BIRTHDAY

**HON. SANFORD D. BISHOP, JR.**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 26, 2012*

Mr. BISHOP of Georgia. Mr. Speaker, I rise today to extend my sincerest congratulations and Happy Birthday wishes to Mrs. Buena Wooten Long, who will be celebrating her 100th birthday on Wednesday, July 25, 2012. On this day, Mrs. Long will be honored with a birthday celebration and dinner at the James H. Gray Senior Citizen's Center in Albany, Georgia.

Born in Whigham, Georgia on July 25, 1912 to Archie and Ada Wooten, Mrs. Long is the youngest of six children: Malachi, Charlie, Wadis, Leah, and Ruth. Although all her siblings preceded her in death, she is the second member of her family to become a centenarian; her paternal grandfather lived to be 106 years old.

Mrs. Long fondly remembers plowing a mule on the family farm as a child. As an adult, she worked as a seamstress in Philadelphia, Pennsylvania and Detroit, Michigan. She is now an active participant at the Golden Retreat Senior Citizen's Center. Although she enjoys all the activities at the Center, bingo is her favorite.

Mrs. Long is the mother of Mrs. Helen Murphy-Prince; grandmother of Mr. Craig Wendell Prince; great-grandmother of Mr. Randall Murphy and Mr. Brian Murphy and great-great-grandmother of Miss London Taylor Murphy.

Mrs. Long credits her longevity to her faith in God, a strong work ethic instilled in her by her parents and good genes. She is an active member of the Institutional First Baptist Church under the pastorate of Dr. Eugene G. Sherman.

George Washington Carver once said, "How far you go in life depends on your being tender with the young, compassionate with the aged, sympathetic with the striving and tolerant of the weak and strong because someday in your life you will have been all of these." Mrs. Long has advanced far in life because she never forgot these lessons and always kept God first.

The race of life isn't given to the swift or to the strong, but to those who endure until the end. Mrs. Long has run the race of life with grace and dignity and God has blessed her over her lifetime.

Mr. Speaker, I ask my colleagues to join me today in paying tribute to an outstanding citizen and woman of faith, Mrs. Buena Wooten Long, as she, her family, and the seniors and volunteers of the Golden Retreat at the James H. Gray Senior Citizen's Center prepare to celebrate her 100th birthday.

PERSONAL EXPLANATION

**HON. JOHN GARAMENDI**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 26, 2012*

Mr. GARAMENDI. Mr. Speaker, on Wednesday, July 25, 2012, I was called away from the

votes here on the House Floor in order to address an important announcement regarding the Bay Delta Conservation Plan in California. The joint announcement from California Governor, Jerry Brown, and United States Secretary of Interior, Ken Salazar, will have huge implications for my constituents and all Californians. Therefore, I felt it was absolutely necessary to address my concerns regarding the new plan. Nevertheless, I realize the importance of the votes I missed. Therefore, I would like to state for the record how I would have voted on the bills that were before the House of Representatives, yesterday.

First, I would have supported H.R. 459, the Federal Reserve Transparency Act of 2012. I would have opposed H.R. 6082, the Congressional Replacement of President Obama's Energy-Restricting and Job-Limiting Offshore Drilling Plan. Lastly, I would have supported H.R. 6168, President Obama's Proposed 2012-2017 Offshore Drilling Lease Sale Plan Act.

IN MEMORY OF REVEREND DR.  
J.J. ROBERSON

**HON. AL GREEN**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 26, 2012*

Mr. AL GREEN of Texas. Mr. Speaker, I would like to honor the memory of a spiritual leader and visionary from Houston, Texas, Reverend Dr. J.J. Roberson.

Dr. Roberson will be remembered as a distinguished minister, husband, father, Master Barber, and World War II Veteran. He has inspired our community with his work as the Founder and Pastor Emeritus of Mt. Hebron Missionary Baptist Church. During his 50-year tenure as Pastor of Mt. Hebron Missionary Baptist Church, Dr. Roberson was credited with expanding the size of the sanctuary and for increasing the church membership to over 2,000.

Dr. Roberson was consistently recognized for his outstanding leadership as President of the Baptist Ministers Association of Houston & Vicinity. He was inducted into the Religious Hall of Fame in Dallas in 2011, as well as the Visionary Pastors Hall of Fame in Houston in 2012.

As we say goodbye to a courageous leader and man of God, we acknowledge that our community has lost a resounding voice for justice, fairness, and equal opportunity. Although this is a significant loss, we find consolation in knowing that many of our lives have been forever changed because Dr. J.J. Roberson lived.

While I will indeed miss his physical presence, I will continue to admire his spirit and passion for helping those who are the least, the last, and the lost among us. To many, Dr. Roberson was a pillar within our community and a great preacher; but for me not only was Dr. Roberson a dynamic religious leader, he was a mentor, trusted advisor, and beloved friend.

RECOGNIZING THE LIFE AND SERVICE OF LIEUTENANT COLONEL DR. FRANK RAILA, MD, USA, RET.

**HON. JANICE D. SCHAKOWSKY**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 26, 2012*

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to recognize the life and accomplishments of a true American patriot: retired Lieutenant Colonel Frank Raila. Lieutenant Colonel Raila has lived a rich and full life: he is a veteran, a medical doctor, a father, and so much more. He is a fantastic example of those individuals who make up our "greatest generation."

Living on the south side of Chicago, Frank Raila was called to serve his country shortly after his eighteenth birthday in 1943. He was sent to Europe as a Private in the 106th Infantry Division, where he served on a machine gun crew. He participated in an unsuccessful attempt to retake the city of Schonberg in late 1944. During this assault, then-Private Raila was captured by German forces and sent to a mining labor camp as a prisoner of war. Before long, he used quick thinking and ingenuity to escape from captivity during a transfer to a new location, and worked to rejoin friendly forces.

During the rest of the war and for several years after, Frank Raila continued to serve his country—remaining with the United States Army and eventually retiring with the rank of Lieutenant Colonel.

After the war, Frank Raila returned to civilian life and attended the Stritch School of Medicine at Loyola University at Chicago. As a Neuroradiologist, he had a long and distinguished career—practicing in locations around the country and abroad over several decades.

On behalf of myself and a grateful nation, I want to thank Lieutenant Colonel Raila for all he has done for our nation: for his service, his sacrifices, and his hard work. I want to welcome him, and all the other veterans participating in the "Honor Flights" to Washington D.C. in recognition of this year's "Day of Honor" program on August 1, 2012.

IN MEMORY OF CHLOE ZULCOSKY

**HON. JOHN L. MICA**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 26, 2012*

Mr. MICA. Mr. Speaker, I rise today in remembrance of Chloe Zulcosky, a recent graduate of Seminole High School in Sanford, Florida.

There are some people in our lives that inspire us to be better, to reach for every opportunity, and, when we fall down, to brush ourselves off and continue pushing ahead. Friends, Chloe was one of those people. She served as a role model in her community, and shone through to all as a fun-loving and courageous young lady. Chloe showed the community of Seminole County how to live life as a kind, genuine and beautiful person.

Chloe was the Senior Captain of her cheerleading team at Seminole High School. While at cheerleading camp at the beginning of her senior year, Chloe started having terrible migraines. After weeks of continuous pain, she was diagnosed with glioblastoma, a type of brain cancer which usually occurs with patients older than 55.

Chloe underwent surgery in early September to remove the brain tumor. She was scheduled after the surgery for one year of chemotherapy to diminish any of the tumor that was not removed.

She was able to experience a senior year full of love and support from the Seminole County community. Chloe received the honor of Homecoming Queen at Seminole High School, attended her prom, and graduated from high school.

On Wednesday July 25, after a long and courageous fight, Chloe passed away. While it is with a heavy heart that I report to Congress that Chloe passed away today, I am confident that her life and memory will remain with not only those she knew, but all those who knew of her.

I again ask we remember the life of this wonderful young woman and pray for the family and friends who are grieving her loss. May Chloe inspire us all.

RECOGNIZING MARION COUNTY  
HIGH SCHOOLS

**HON. DANIEL WEBSTER**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 26, 2012*

Mr. WEBSTER. Mr. Speaker, I am pleased to congratulate Marion County Public Schools on having some of America's best high schools. In their inaugural High School Challenge, a ranking of the nation's 19,000 best high schools, the Washington Post named four Marion County high schools—Bellevue High School, Vanguard High School, North Marion High School, and Lake Weir High School—among America's top ten percent of high schools.

In rating high schools, the High School Challenge considers the ratio of college-level tests administered to graduating seniors at a particular high school. The survey looks at the total number of Advanced Placement (AP), International Baccalaureate (IB), and Advanced International Certificate of Education (AICE) exams given at a school in a single academic year. This rating is intended to indicate the level of a high school's commitment to preparing their students for college, noting that students who face AP, IB, and AICE exams are better prepared for the rigors of college reading lists and examinations.

This is not the first time that Marion County Public Schools have been recognized for their quality high schools. The U.S. News and World Report rankings of high schools has ranked nationally two Marion County high schools—Vanguard High School and Lake Weir High School—and recognized nationally three others: Bellevue High School, Marion Technical Institute, and West Port High School.

Marion County's dedication to quality high school education is evident from these recognitions. I applaud their commitment to their students and their community. May their example inspire many to follow in their footsteps.

HONORING ALEXANDER TEVES,  
HERO AND VICTIM OF THE AU-  
RORA, COLORADO SHOOTINGS ON  
JULY 29, 2012

**HON. RAÚL M. GRIJALVA**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 26, 2012*

Mr. GRIJALVA. Mr. Speaker, I rise today to honor the life and memory of Alex Teves, who was killed in the terrible shooting in Aurora, Colorado, not long ago. He died saving his girlfriend's life, pushing her out of the way and covering her with his body as bullets flew around the theater. He was only 24 years old.

At his young age, he was already the kind of person many of us hope to be. Friends, family and everyone who knew him describe him as an extraordinarily warm, generous and sincere man. Beyond the goodness he showed his close friends, he was enthusiastic to meet and get to know everyone, whether they were older, younger, shared his interests or had never spoken with him before. People felt his optimism, his honesty and his genuine kindness as soon as they met him. He made the most of his natural gifts and abilities and made time to help others. He was more than a good example—he was a rare and very good human being.

Every day in high school he wore a white t-shirt and blue jeans, and was so well-known and well-liked that the entire student body held a "Teves Day" each year for everyone else to wear the same. He graduated from the University of Arizona in 2010 and earned his Master's in Counseling Psychology from the University of Denver just this June. He was preparing to dedicate his life to helping those who could benefit from his warmth, his compassion and his wisdom. To anyone tempted to become cynical about our country, our future or our way of life, I say Alex Teves proves them wrong.

Our nation loses someone special to gun violence far too often. In Alex, we lost someone who was not afraid to befriend strangers, not afraid to push himself in the service of others who needed help, and not afraid to give his life for someone he loved. He lived a quiet, everyday kind of heroism that never gets the recognition it deserves and never seeks it. I humbly offer my voice to the many, many others who are grieving for his death today, and offer them as much comfort and support as I can. He was a truly extraordinary person, and those who knew him best will miss him for a very long time. I believe his name will live on as a good, even a great, example for others. He felt a natural instinct to love, help and be good to the people around him, and he passed it on simply by being himself. He deserves a greater tribute than I can pay him today.

TOM BROWN

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 26, 2012*

Mr. GRAVES of Missouri. Mr. Speaker, it is with great pleasure that I rise today to recognize the outstanding service of Mr. Tom Brown of Kansas City, Missouri. Mr. Brown has been awarded the Phoenix Community Achievement Leader Award. His years of service to his community make Mr. Brown well qualified and deserving of this honor.

Tom is currently serving as my Chief of Staff, and to see him receive this award for his dedicated service to the community gives me extreme pride. One of Tom's strongest contributions to the area is his work for St. Luke's Hospital, where he is currently a board member. He also serves on the board for St. Luke's Northland Hospital, St. Luke's College and The American Hospital Association's Committee on Governance. He has previously served on the Tri-County Mental Health Services Board and as Clay County Commissioner from 2000–2004.

Tom has been active in many other civic, social, and political groups in Kansas City. He has served as Chairman of the Missouri Lottery Commission and of Safe Haven, Inc., and was a former member of the Missouri Port Authority Commission. Furthermore, Mr. Brown was the secretary of the Clay County Economic Development Corporation and Vice President of Clay/Platte Development Corporation. Mr. Brown's commitment to his community has affected more lives than he may ever know.

Mr. Speaker, I ask that you join me in applauding Mr. Tom Brown for his continued commitment to bettering his community. I know Mr. Brown's colleagues, family and friends join with me in thanking him for his commitment to others and wishing him happiness and good health in his future endeavors.

NORTHERN NEVADA'S OLYMPIAN

**HON. MARK E. AMODEI**

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 26, 2012*

Mr. AMODEI. Mr. Speaker, I rise today to congratulate Jacob "Jake" Dalton of Reno, Nevada as he represents his country in the 2012 Olympic Games in London as a member of the U.S. men's gymnastics team.

Jake, a 2009 graduate of Spanish Springs High School and scholarship recipient at the University of Oklahoma, has the reputation of a fierce and proven competitor. Only 20 years old, Jake is already a champion, winning two NCAA titles in 2011 and the all-around gold in the Winter Cup Challenge in 2011.

To earn his place on the team, Dalton excelled in the U.S. Olympic trials in San Jose, California, winning both the vault and the floor exercise. His teammates are Jonathan Horton, Danell Leyva, Sam Mikulak, John Orozco, and alternates Chris Brooks, Steven Legendre, Alex Naddour. This men's gymnastics team is

considered the best since 1984 when the United States won gold at the Los Angeles Olympic Games.

Jake, like all other Americans participating in the Olympics, gives our country a great sense of pride. I join my fellow Nevadans and the rest of the country in wishing good luck to Team USA and Jake as he tries to bring home the gold to the Silver State.

COMMEMORATING THE LEADERSHIP ALLIANCE AND THE UNIVERSITY OF VIRGINIA

**HON. ROBERT HURT**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 26, 2012*

Mr. HURT. Mr. Speaker, I rise today to commemorate the 20th anniversary of the Leadership Alliance. The Leadership Alliance, which includes the 5th District's University of Virginia, is a national academic consortium of leading research universities and minority serving institutions with the mission to develop underrepresented students into outstanding leaders and role models.

In the 20 years since its establishment, the Leadership Alliance has mentored over 2000 undergraduates who have participated in the Summer Research Early Identification Program and over 200 alumni who have obtained their PhD or MD–PhD degrees as Leadership Alliance Doctoral Scholars.

In the 5th District, the University of Virginia has mentored over 15 participants in the Summer Research Early Identification Program and the Summer Undergraduate Research Program in fields ranging from Education to Biomedical Sciences.

I am pleased today to congratulate and commend the Leadership Alliance and the University of Virginia for 20 years of mentoring a diverse and competitive workforce.

SUPPORTING INTERNATIONAL EFFORTS FOR THE REUNIFICATION OF CYPRUS

**HON. STEVE COHEN**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 26, 2012*

Mr. COHEN. Mr. Speaker, I rise today to urge the Administration to join in the international effort to reach a comprehensive settlement in Cyprus as a bi-zonal and bi-communal federation. This continued dispute has real regional and global implications. It threatens effective NATO–EU cooperation, affects regional stability, and also remains an obstacle to Turkey, our key partner and ally, gaining full membership to the European Union, which the United States has long supported.

I continue to believe that a just and viable solution to the longstanding Cyprus problem is not only achievable, but also urgent and necessary. The key to the settlement in Cyprus is the renewal of the Partnership between the two equal co-owners and co-founders of the "Republic of Cyprus", as established in 1960:

Turkish Cypriots and Greek Cypriots. As a matter of fact, Turkish Cypriot people have long proven their readiness to renew the Partnership State. In 2004 they demonstrated the necessary political will for a comprehensive solution by voting strongly for the UN Settlement Plan in the separate and simultaneous referendum, a proposal that was overwhelmingly rejected by the Greek Cypriot side.

Since assuming the European Union term presidency on July 1, there is no better time for the Greek Cypriot government to take the long-awaited substantial steps towards a comprehensive settlement with the Turkish Cypriots. I hope this new EU role for Cyprus will not hinder the continuation of reunification talks. In fact, I believe that Cyprus' six-month term in the presidency of the EU brings extra responsibilities to show sincere efforts towards peace.

The international community and the United States will have to answer a fundamental question in the days ahead: Are we going to put in place all necessary efforts in order to reach a comprehensive solution in Cyprus, and thus demonstrate the political will to that effect, or are we going to let an achievable settlement slip away once again, all the while perpetuating the illegitimate and unjust isolation of the Turkish Cypriot people? A continued status quo in Cyprus is not beneficial to any party, and the time is now to solve a dispute that has lasted for more than forty years.

In light of recent actions by Syria and others in the Middle East, Turkey has continued to operate as an important U.S. ally in the region, and all parties acknowledge that Turkey's membership to the European Union cannot be achieved without first tackling these issues in Cyprus. Therefore, all sides should return to the table and set a timeline for action, and this Administration should work with all stakeholders to ensure that any agreement respects human rights and ensures the fundamental freedoms for all Cypriots.

While the people of Cyprus must ultimately decide their own fate, there is no better time for the international community to support such reunification efforts. As all eyes remain on Cyprus during its term with the EU presidency, and continued talks would signal to the world that both parties are committed to establishing a peaceful and prosperous future for all Cypriots.

RECOGNIZING NORTHWEST FLORIDA'S JUSTIN GATLIN AS A MEMBER OF THE 2012 UNITED STATES OLYMPIC TEAM

**HON. JEFF MILLER**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 26, 2012*

Mr. MILLER of Florida. Mr. Speaker, I rise today to recognize Northwest Florida's Justin Gatlin as a member of the 2012 United States Olympic Team. Every 4 years, our nation joins together to root on the athletes that represent us at the Summer Olympic Games and for those of us from Northwest Florida, we will be rooting even harder when Justin competes in the 100 meter sprint to bring the gold back home.



From an early age, Justin displayed an incredible God-given talent for track and field. He grew up in Pensacola, Florida and ran both sprint and hurdles to help lead Woodham High School to a state championship, before accepting a scholarship to the University of Tennessee. At Tennessee, Justin won six consecutive NCAA titles in two years, before turning pro at age 19.

In 2004, Justin qualified for the Olympic Games in Athens, Greece by winning the U.S. Olympic Trials in the 100 meters and finishing runner up in the 200 meters. In Athens, Justin became the youngest ever to win the gold medal in the 100 meters, while also bringing home a silver medal as part of the U.S. 4x100 meter relay team, and a bronze medal in the 200 meters. He followed up his successful Olympic performance a year later by becoming the first American sprinter to win both the 100 and 200 meter races at the national championships since Kirk Baptiste in 1985. That same year he became only the second sprinter in history to win gold medals in the World Championships in the 100 and 200 meters, and his victory in the 100 meters by .17 seconds was the largest winning margin in World Championship history.

After four years away from the track, Justin returned in 2010 to seek another gold medal. He won his first event in 2010 and finished runner up in the 2011 USA Track and Field Championships. In 2012, Justin has already had a successful season, winning the U.S. Olympic Trials in the 100 meters in a personal best 9.80 seconds, proving that he is ready to help the U.S. team go for gold in London this summer. Justin's victory in the Olympic Trials, 8 years after his first Olympic triumph, is an example of the success that can be achieved by working hard even after you reach the pinnacle of your career.

Mr. Speaker, I am privileged to rise on behalf of Florida's First Congressional District to recognize Northwest Florida's own Justin Gatlin and wish him the best as he represents our country and competes for another Olympic gold medal.

#### INTRODUCTION OF THE CHILDREN'S HEALTH TASK FORCE ACT

**HON. LOUISE McINTOSH SLAUGHTER**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 26, 2012*

Ms. SLAUGHTER. Mr. Speaker, I rise today to urge my colleagues to support the Children's Health Task Force Act. As children grow and develop, they are especially vulnerable to environmental health hazards such as air pollution, hazardous chemicals, and lead.

The number of children at risk for lead poisoning alone remains unacceptably high. Today there are 442,000 children with elevated blood levels, yet Congress continues to drastically cut funding for lead poisoning prevention programs. There is simply no safe level of lead exposure for children. Research has shown that lead is damaging to the developing brains of young children and can have harmful long-term effects on behavior and IQ.

I believe it is reprehensible to allow this kind of damage to happen to children. This quiet tragedy is entirely preventable, and it is our responsibility to protect our children and make lead poisoning a thing of the past.

In 1997, former President Clinton established by Executive Order an inter-agency task force to address high priority risks to children's health. Former President George W. Bush further amended the Executive Order to extend the work of this task force an additional few years. Since its establishment, the Task Force has successfully developed strategies and action plans for addressing asthma, unintentional injuries, lead poisoning, childhood cancer, and school environments.

The Children's Health Task Force Act would simply codify the Task Force by an act of Congress and charge it with recommending and coordinating Federal strategies to address environmental health and safety risks for children in the United States.

I am pleased the American Academy of Pediatrics, the National Center for Healthy Housing, and Rainbow Babies & Children's Hospital have endorsed this important bill.

Mr. Speaker, I ask my colleagues to join me in supporting the Children's Health Task Force Act. We must ensure that our children grow up in a safe and healthy environment.

#### PERSONAL EXPLANATION

**HON. KEITH ELLISON**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 26, 2012*

Mr. ELLISON. Mr. Speaker, on July 23, 2012, I was unavoidably detained and missed rollcall votes No. 499–501. Had I been present I would have voted “nay” on vote Nos. 499 and 500, and “yea” on vote No. 501.

#### HONORING 2012 OLYMPIC COMPETITOR LOPEZ LOMONG

**HON. ANN MARIE BUERKLE**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 26, 2012*

Ms. BUERKLE. Mr. Speaker, I rise today to honor a native of my district and 2012 Olympic competitor, Lopez Lomong.

Lopez Lomong was born in Kimotong, a small village in southern Sudan in 1985. Lopez had a happy childhood until one day, when he was 6 years old, his whole life was turned upside down. His village was attacked while he was attending church, and Lopez was taken by rebel soldiers from the Sudan People's Liberation Army. After weeks of watching other boys slowly die in the rebel camp, Lopez was able to escape through a hole in the fence with the help of three other boys. Lopez and these boys ran for three days through the African plains until they reached Kenya and were placed in a refugee camp.

Lopez would spend the next 10 years in this refugee camp, attending “school,” playing soccer and trying to survive day to day on the small rations that were provided to the boys.

One day, when Lopez was 16, the opportunity of a lifetime arose. Lopez wrote an essay to the Catholic Charities about what he would do if he were able to come to the U.S. His essay moved the people at Catholic Charities so much that he became one of the Lost Boys of Sudan who were relocated to the United States to begin a new life.

Leaving Africa behind, Lopez found himself an adopted member of the Rodgers family in Tully, New York, a stark contrast from the plains of Africa. To feel at home, Lopez would go on long runs, as he had done in Kenya, and he drew the attention of his high school cross country coach. It was here that his running career began. Lopez showed immense potential and went on from New York to Northern Arizona University where he won two NCAA championships.

In 2007, Lopez became a professional runner and in 2008, after becoming a U.S. citizen, he made the Olympic team, proudly representing his new country, the U.S.A. At the Beijing Olympics Lopez was voted by his fellow countrymen to carry the U.S. flag into the opening ceremonies, and he went on to perform well, making it to the semi-finals of the 1500m.

In addition to his athletic achievement, Lopez has a heart and passion to see peace in the country of his birth that continues to be ravaged by civil war. Lopez's desire is to spread the word about what is happening in Sudan and to build a community center to give hope and opportunities to people who started out just like him.

At the 2012 Olympic Games in London, Lopez will once again represent the United States. I have no doubt that he will once again honorably and nobly represent our country as a member of the Olympic team.

Like so many others I am truly inspired by Lopez's story. I congratulate him on his success and thank him for his continued efforts on behalf of his home country of the South Sudan.

#### CONGRATULATIONS TO THE ATHLETES FROM SOUTH FLORIDA REPRESENTING THE UNITED STATES IN THE OLYMPIC GAMES IN LONDON, ENGLAND

**HON. ALLEN B. WEST**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 26, 2012*

Mr. WEST. Mr. Speaker, I rise today as a proud American, anxious to support our American athletes who will be competing in the 2012 London Olympics over the next two weeks. Like the vast majority of my fellow citizens, I will be closely following and cheering for each of our athletes as they represent our country—especially those from the state of Florida.

Every two years, when the torch has completed its journey across the world and the cauldron is lit opening up the winter or summer games of the Olympics, we put down our differences for a brief moment and rally around our young American athletes.

Each time the Stars and Stripes are raised just a little bit higher than the other flags and

as the Star-Spangled Banner is played for the world to hear, we feel the unfettered pride of being an American.

For these next two weeks, American Exceptionalism runs through the veins of every American as we root for our fellow athletes. The very best of America can be seen in so many of our young men and women who compete to bring the gold home.

Athletes like Lopez Lomong, who escaped unspeakable horrors as a child soldier in Sudan after running for three days, only to end up in a refugee camp for 10 years, before being rescued by an American family. After legally earning his American citizenship in a country he refers to as "next to heaven," Lopez proudly carried the American flag in Beijing and will compete in the 5,000 meter race in London.

Perhaps the most remarkable thing about this champion athlete has nothing to do with sports. After learning that he had two brothers still in Africa, he brought them to the United States where he encouraged them to attend a military academy so that they can give back to a country that has given him so much opportunity.

My daughters and I will be rooting for this true American hero and patriot.

This momentous occasion to represent the United States of America is an unequivocal honor for each athlete, the members of their team, their families, and all who have exhibited support along the way. As a member of Team USA, these champion athletes join a select group who will accompany each other in an endeavor to achieve the very best.

Mr. Speaker I am extremely proud to recognize the Olympic Athletes who reside in South Florida. I salute:

Venus Williams, a three-time Olympic gold medalist, has won a gold medal in tennis singles and two in women's tennis doubles. I am proud to proclaim that Venus Williams has won more Olympic medals than any other female tennis player.

Tony McQuay, a three-time NCAA track champion and helped lead the University of Florida men's track and field team to the 2012 college national title. Tony posted the third-fastest time in the world this year in the 400-meter event.

Sarah Lihan who is competing in sailing. After becoming the 2009 ICSA Women's National Champion, we will cheer her on as she sets sail to London in her first Olympic games.

Anna Tunnicliffe also competing in sailing. After winning gold in the Women's Laser Radial class in the 2008 Olympics she is back on Team USA to hopefully bring home another gold medal.

Christie Rampone is a defender on the U.S. Olympic soccer team. She has been an invaluable member of the Olympic team and this will be her fourth Olympics.

Becky Sauerbrunn will compete on the U.S. Olympic women's soccer team in her first Olympics. She currently resides in West Palm Beach and we look forward to seeing her succeed as a defender alongside her teammates.

Andy Roddick a native Floridian is competing in tennis for his second Olympics. He proved over and over that he highly excels in his discipline which is singles, doubles and mixed doubles.

Sanya Richards-Ross is track and field and will be competing in the following events: Women's 4x400m Relay, Women's 200m, and the Women's 400m. In the 2008 Olympics she brought home a 4x400m bronze and a 400m gold.

And finally, Foluke Akinrakewo a first time Olympian competing in the volleyball tournament. She was previously the starting middle blocker on the gold winning U.S. Women's Junior National Team.

As the world's attention shifts to London for the next two weeks and our nation turns its attention to the very best American athletes it is an honor to offer my congratulations and best wishes to all these great athletes on their journey in competing in the 2012 London Olympics.

I extend my best wishes for all around success in the upcoming London 2012 Olympics as their hard work, dedication, and perseverance is put to the test!

Go U.S.A.

#### HONORING THE 50TH ANNIVERSARY OF THE PINCHOT INSTITUTE FOR CONSERVATION

**HON. CHRISTOPHER S. MURPHY**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 26, 2012*

Mr. MURPHY of Connecticut. Mr. Speaker, I rise today to honor the Pinchot Institute for Conservation, which is celebrating its fiftieth anniversary next year. The Pinchot Institute carries on the legacy of Connecticut native son Gifford Pinchot, whose unique and reasoned approach to conservation endures as we face a new era of environmental challenges.

Born in Simsbury, Pinchot grew up inspired by childhood summers spent enjoying his hometown's natural beauty. Committed to forestry and preservation from an early age, Pinchot went on to found the Forestry School, the first of its kind, at Yale, his alma mater. He helped to establish the United States Forest Service, serving as its first Chief in 1905. Pinchot recognized the need to protect our natural heritage at a time of development unprecedented in our nation's history. Throughout his long career in public service, he was instrumental in raising the profile of the conservation movement to the national stage.

Pinchot's philosophy of "practical idealism" lives on in practice at Yale, at the Forest Service, and at the Pinchot Institute. Dedicated by President Kennedy in 1963, the Pinchot Institute works to balance the sustainable use of our natural resources with a commitment to preservation for future generations. The Pinchot Institute collaborates with organizations around the country and the world to develop non-partisan, innovative, and well-researched solutions to conservation problems. The Institute recognizes the role that sustainable forests can play in the health of our nation's communities, water resources, and wildlife.

The need for conservation also resonates with me on a personal level. I began my career in public service with a call to action against the destruction of wetlands in South-

ington, and I remain committed to the principles of environmental stewardship. Our public lands and fragile resources are preserved and maintained for more Americans than ever before due to the tireless efforts of organizations like the Pinchot Institute.

In recognition of the fiftieth anniversary of the Pinchot Institute for Conservation, I ask my colleagues to join me in honoring an organization at the forefront of its field.

#### HONORING THE COURAGE AND SELFLESS SERVICE OF CORPORAL DANIEL PALMER OF MILTON, FLORIDA

**HON. JEFF MILLER**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 26, 2012*

Mr. MILLER of Florida. Mr. Speaker, it is with profound gratitude and sincere respect that I rise to pay tribute to the courage and selfless service of Marine Corporal Daniel Palmer of Milton, Florida. In 2010, then Lance Corporal Palmer was severely wounded on patrol in Afghanistan, while assigned to Third Battalion, Sixth Marine Regiment, Lima Company. After spending the last year in rehabilitation at Camp Lejeune, North Carolina, I am happy to say that on July 27, Northwest Florida will finally be able to welcome home their native son and an American hero.

Cpl Palmer is a 2004 graduate of Central High School in Allentown, Florida. While working at his family's masonry business in 2008 at the age of 22, he surprised his parents, Joey and Flora Jean Palmer, with his decision to join the U.S. Marine Corps. Cpl Palmer chose the Marine Corps because of its reputation for toughness and pride. Cpl Palmer's older brother, Scott, says Daniel has always been energetic and competitive and was proud of his decision to join the Marine Corps from day one.

On March 20, 2010, LCpl Palmer was leading a team of Marines on patrol when he stepped on a concealed improvised explosive device. Although he was severely wounded by the blast and shrapnel from the bomb, his first concern was the safety of his fellow Marines. When one of the Marines on his team started to run toward LCpl Palmer after the blast, LCpl Palmer shouted orders to his team to take cover rather than rushing out into the open and risk setting off another bomb or exposing themselves to small arms fire. LCpl Palmer's toughness and concern for others didn't stop there. His first words to his family after he was injured were, "[D]on't worry about me. I don't want you to feel sorry for me or anything. I did what I did serving my country."

He spent the next two years convalescing at military hospitals, all the while comforted by the tender devotion of his loving wife, Becky, at his side. Although Cpl Palmer is thousands of miles away from Afghanistan, his thoughts are still with his fellow Marines who are in harm's way. "Keep praying for all the boys who are still over there," he will tell you, "there's still a bunch of people over there risking their lives every day."

It has been said that the story of America's quest for freedom is inscribed on our history in

the blood of our patriots. Today, the blood shed by America's patriots in defense of freedom is also inscribing the histories of nations like Afghanistan. Cpl Palmer's service in the military of our great country bears testament to his belief in the fundamental truth that all men are created equal and are endowed by their Creator with the unalienable right to liberty. Cpl Palmer sacrificed a great deal attempting to secure for the Afghan people the blessings of freedom. We must never forget his contribution toward that honorable end.

Mr. Speaker, on behalf of the United States Congress, I stand here today to honor Cpl Daniel Palmer and all of the heroes serving our great nation around the world. My wife, Vicki, joins me in offering our profound thanks to Cpl Palmer and his family and our prayers for his speedy recovery. May God continue to bless him, his family and the United States Armed Forces.

IN HONOR OF THE 100TH ANNIVERSARY OF PLAST, THE UKRAINIAN SCOUTING ORGANIZATION

**HON. MARCY KAPTUR**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 26, 2012*

Ms. KAPTUR. Mr. Speaker, I rise today to honor the 100th anniversary of Plast, the Ukrainian Scouting Organization.

Plast was founded in 1911 by Dr. Oleksandr Tysovsky, and it is based on the principles of scouting started by Lord Baden Powell in Great Britain.

As a consequence of the country's absence of national independence through most of the 20th Century, Plast was forced to go underground when the occupying Soviet Union declared the organization illegal and banned its activities.

However, following World War II, when many Ukrainians emigrated to various countries of the Free World, including the United States, the plastun (members of Plast) among the émigrés formed Plast organizations in the countries of their settlement. This included incorporating "Plast, Inc." in 1950 in the state of Michigan.

Additionally, after the Declaration of Independence of Ukraine in 1991, Plast was reconstituted in Ukraine with the help of plastun from the United States and other Free World countries.

Today, Plast is an international organization of Ukrainian youth which fosters personal development, leadership and teamwork, as well as a love of Ukrainian culture and history while also raising youth to be conscientious, responsible and valuable citizens of their communities at the local, national, and international level. The former President of Ukraine, Victor Yushchenko, is an honorary plastun, and Liubomyr Cardinal Husar, a U.S. citizen and now Patriarch-emeritus of the Ukrainian Eastern Rite Catholic Church based in Ukraine, is one of many distinguished plastuns.

Currently, Plast has 23 branches coast to coast in the United States, and Plast will be celebrating its Centennial with a Jamboree in

Ukraine, August 10th to 24th, with the official opening of the Jamboree Celebration on August 19th in the city of L'viv.

As such, we should recognize August 19, 2012 as the Centennial Day of Plast, commend the Ukrainian Scouting Organization for its tremendous contributions, and celebrate the Centennial of Plast.

TRIBUTE TO THE GREATEST GENERATION

**HON. MARY BONO MACK**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 26, 2012*

Mrs. BONO MACK. Mr. Speaker, I rise today to honor the brave men and women who fought and served in World War II. Their courage, selflessness and remarkable contributions to our country must never be forgotten. They fought not for fame or recognition, and too often made the ultimate sacrifice, but because it was simply their duty.

When Tom Brokaw declared them the "greatest generation any society has ever produced," no one could have described them in more fitting terms. After suffering through the Great Depression as youths, they were summoned to war following the surprise attack on Pearl Harbor on December 7, 1941. They didn't hesitate. They jumped at the chance to fight for their country in the heat of the South Pacific, the chill of Europe and other fronts around the globe. When they returned home, they humbly kept the horrors of war to themselves, not wanting to trouble their families with the terror of what they had faced. Women who had never held a job outside of the home before served as nurses, built tanks and planes, and those who stayed home immediately went to work to support the war effort. Truly, their unwavering patriotism is exemplary and serves as an inspiration to future generations.

I am honored to pay tribute to this generation because I am the proud daughter of a World War II veteran who flew a B17 bomber in Europe during the war. My dad's unwavering courage, unimaginable sacrifices and tireless work ethic is typical of his generation. Because of my dad and others like him, we live in freedom in the greatest country on Earth. As this generation ages, it's up to us to keep their legacy strong and tell their story to generations to come. Together, we must "keep the Spirit of '45 Alive." I commend the residents of the Coachella Valley for their efforts to do just that.

The Palm Springs Air Museum, where old bombers like my dad's stand proudly on display, is hosting a "Spirit of '45 Day" next month to honor those who fought in World War II. Events like these serve as a worthy salute to this brave generation before we are left with only their memory. The Palm Springs Air Museum is a community treasure and labor of love for those dedicated to preserving and sharing the history of our nation's heroic aviators. It is well worth a visit for anyone who wants to learn more about the role our brave pilots and other service personnel played in many epic conflicts. I want to extend special

thanks to the many volunteers and supporters who ensure the continued operation of this outstanding museum.

In the early hours of June 6, 1944, General Dwight Eisenhower told his troops that the eyes of the world were upon them. Those words were powerful then, but still rings true today. Indeed, the eyes of the world will always be upon the Greatest Generation, and I hope you'll join me in making every effort to preserve their remarkable legacy, a legacy that will never be diminished as long as the Republic they fought so heroically to preserve endures.

HONORING DEAN WELDON SLEIGHT

**HON. ADRIAN SMITH**

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 26, 2012*

Mr. SMITH of Nebraska. Mr. Speaker, I rise today to honor Weldon Sleight as he retires as Dean of the University of Nebraska College of Technical Agriculture (NCTA).

Dean Sleight has led NCTA since 2006 and played a vital role in supporting the college legacy and our rural agriculture economy along the way.

Under his watch NCTA constructed a new residence hall, expanded the Veterinary Teaching Hospital, and built a state-of-the-art education center.

In addition, Dean Sleight has established innovative programs combining entrepreneurship and agriculture such as the "Combat Boots to Cowboy Boots" initiative, designed to assist military personnel, their families and veterans in becoming farmers and ranchers; and the "100 Beef Cow Ownership Advantage" program which assists students, parents, employers, and agencies in creating successful businesses and ranch transfer plans.

When Dean Sleight retires in December of this year, we wish him the best of luck and thank him for his contribution to agriculture, education and Nebraska.

DEBRINA WORKMAN 30 YEARS  
WITH CONGRESSMAN NICK  
RAHALL

**HON. NICK J. RAHALL II**

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 26, 2012*

Mr. RAHALL. Mr. Speaker, thirty years ago today, a young woman joined my Congressional Staff to help serve our fellow West Virginians in the midst of our State's rich coalfields. She hailed from the community of Holden and still resides there near her parents' home.

Though she was very young, she had a burning passion to help people. And so she has, by the hundreds, nay thousands, over the decades working from her home base in my Logan District Office. For years, once a week, she did outreach work, bringing the constituent services of this Member of Congress to the

good people of Mingo County. Working from the Mingo County seat of government in Williamson, she keeps me abreast of the important issues confronting the citizens of the Tug River Valley, the demarcation line of the famed Hatfield and McCoy Feud.

To say she is a seasoned expert in agency process, procedure and practice is an understatement. She knows constituent casework inside and out. More importantly, Mr. Speaker, she knows the families of the coalfields, where they came from and where most of them are headed. She knows this because she cares, cares deeply that people are treated justly, and that justice is meted in a timely manner. She can scrap the varnish off truth faster and cleaner than anyone I know, whether you want her to or not.

In the office she laughs with family members when things go right for them, and at home in the evening, she sheds tears for them when they are troubled. Indeed her passion still burns brightly, though now through these many years, it takes on the golden hue of seasoned compassion. She knows just the right thing to say to put people at ease. Not the art of politics, just working the Golden Rule, overtime.

In these past thirty years, she has stuck with the people of southern West Virginia, through floods, blizzards and now a derecho. Her loyalty knows no bounds, even by Mother Nature's standards. Those in West Virginia's Third Congressional District and I are indeed fortunate to have Debrina Taylor Workman on our side because when the need arises, she can be a force of nature all by herself.

Members of Congress are indeed blessed with godsenders like Debrina to help us serve. While we don't say it often enough, we are thankful for their many sacrifices on our and the good people we represent behalves. Please join me in thanking Debrina for thirty years of service to her country and its families. May the good Lord's blessings continue to shine upon Debrina, her son, Jordan, and her many friends and family.

#### RECOGNIZING THE GRAND MARSHALS FOR DELANO'S 38TH ANNUAL PHILIPPINE WEEKEND

**HON. JIM COSTA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 26, 2012*

Mr. COSTA. Mr. Speaker, I rise today to recognize the Grand Marshals for Delano's 38th Annual Philippine Weekend. This event takes place in my district each year to honor and celebrate the Filipino culture. This year's honorees are Juanita Quiocho Villaruz, Suzanne Villaruz, and Arleen Villaruz-Gonzales, and they were selected for their dedication to service in their community. They are terrific examples of strong women that exhibit leadership, selflessness, and perseverance.

Juanita immigrated to the United States in 1958 from Rancho, Santa, Ilocos Sur, Philippines. She married Louie V. Villaruz, and had three children—Suzanne, Arleen, and Lounito. While supporting their young family, Juanita and Louie were active in the United

Farm Workers of America's efforts to change conditions and wages for farm laborers. In 1970, Juanita found herself having to support three children on her own due to Louie's sudden death. She received training and worked as a psychiatric technician at Porterville State Hospital. Juanita retired from the State of California in 1995.

As a member of many different organizations, Juanita has stayed extremely active in the Filipino community. She was a charter member of the Filipino-American (Fil-Am) Cultural and Educational Association and served as president in 1976–77. She is also a member of the Filipino Catholic Association, Legionarios del Trabajo, the Filipino Community of Delano, and the Sons of Santa, of which she is a past president.

Juanita has always had a sense of service and participation in her community which she has undoubtedly passed down to her children.

Suzanne Villaruz was born in Delano and graduated from Delano High School in 1977. She earned her Bachelor of Science degree in Nursing from California State University, Bakersfield. As a registered and credentialed nurse, she has been working at McFarland Unified School District for over 20 years. In 2011, she was honored as Certified Employee of the Year.

In 1995, Suzanne initiated the Delano's Junior Miss program. Today, that program is called the Distinguished Young Women of Delano. Outside of Junior Miss, Suzanne finds joy in volunteering. She has served as an intern at the Cecil Avenue Junior High School Site Council and chaired the School Site Council at Delano High School. Suzanne gladly served several years on the Board of Directors for Joshua Tree Council for Girl Scouts and Junior League of Bakersfield. Since 2001, she has been a member of the Kiwanis Club of Delano and has twice served as president.

Suzanne lives a very busy life working and dedicating her time to service, but family is also extremely important. Her most cherished roles are that of mother to Nicole Ailina Villaruz and partner to Arnold Morrison.

Arleen Villaruz-Gonzales, born just eleven months after her sister, is a 1978 graduate of Delano High School. She graduated from California State University, Bakersfield with a Bachelor of Arts degree in Liberal Studies. She married Anthony Gonzales in 1981, and they have two beautiful children, Aaron and Aubree.

Arleen has taught in the Delano Union School District at Fremont, Del Vista, and Princeton Schools. At Princeton, she was the first to ever receive the Teacher of the Year award, and in 1994 was named to the Hall of Fame as an Outstanding Teacher from Paramount Farms.

Just like her mother and sister, Arleen is very active in her community. She was a parent liaison for Delano High School's Theater Percussion Ensemble, United Spirit Association camp counselor, AYSO Commissioner, and a troop leader for Girl Scouts. Following in her mother's footsteps, Arleen is a past president of the Fil-Am Cultural and Educational Association.

Suzanne and Arleen have served many organizations in tandem, but Philippine Week-

end has always been at their hearts. In 1976, Suzanne was crowned the first Miss Philippine Weekend queen, and then had the distinct pleasure of crowning Arleen the following year.

Two decades after being crowned, Suzanne was part of a reorganization of Philippine Weekend, when they returned to encouraging the youth of Delano to participate and take leadership positions in the organization. This proudly continues today. Suzanne and Arleen are very proud and supportive of the young people they have worked with who have become successful in their professional and volunteer lives. Philippine Weekend is now a successful nonprofit organization.

Mr. Speaker, I ask my colleagues to join me in recognizing the 2012 Philippine Weekend Grand Marshals—Juanita Quiocho Villaruz, Suzanne Villaruz, and Arleen Villaruz-Gonzales—for their outstanding contributions to the community of Delano and the San Joaquin Valley.

#### RECOGNIZING NORTHWEST FLORIDA'S SAM HAZEWINDEL AS A MEMBER OF THE 2012 UNITED STATES OLYMPIC TEAM

**HON. JEFF MILLER**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 26, 2012*

Mr. MILLER of Florida. Mr. Speaker, I rise today to recognize Northwest Florida's Sam Hazewinkel as a member of the 2012 United States Olympic Team. The Olympics are a truly special event where nations from around the world come together to compete as their fellow countrymen cheer them on, and when Sam steps to the mat in the 55 kilogram freestyle wrestling category to represent our nation, all of Northwest Florida will be cheering him on.

From an illustrious wrestling family, Sam is the first ever second generation Olympic wrestler in U.S. history. His father, Dave, and uncle, Jim, both represented our country in Greco Roman wrestling at the 1968 and 1972 Olympics. Dave introduced his son to wrestling at a young age, and coached Sam while he competed at Pensacola Christian Academy. At Pensacola Christian, Sam compiled a perfect 140–0 record on his way to three Florida state championships. His success gained him a scholarship to the University of Oklahoma, where he was a four time All-American, and he finished his collegiate career with an impressive 132–10 record.

While Sam excelled on the mat, he also learned the importance of perseverance. Sam finished in third place in the NCAA championships in his Freshman, Sophomore and Junior seasons, and in his Senior season he came agonizingly close to capturing a national championship before losing in overtime of the final match. During his collegiate career, Sam also competed for a spot on the Olympic team, finishing in third place in the 2004 Olympic Team Trials. In 2008, Sam competed again for a spot on the Olympic team, only to fall short in the finals and finish as runner-up.

Some may have given up after coming so close on two occasions, but Sam remained

dedicated and never gave up on his Olympic dream. He switched from Greco Roman to Freestyle wrestling, but he came into the 2012 trials as the underdog. Sam reached the finals determined to win, but he started off the best-of-three finals with a loss in the first match. In the second match, he battled back from an early deficit to pull out a win in overtime to force a decisive third match. He won the third and final match in dramatic fashion, in overtime, to fulfill his Olympic dream and cement his legacy as a role model for hard work, dedication and perseverance in the face of adversity.

Mr. Speaker, I am privileged to rise on behalf of Florida's First Congressional District to recognize Northwest Florida's own Sam Hazewinkel and wish him the best as he represents our country and competes for an Olympic gold medal.

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**MOUNT CHOSIN FEW AND THE  
BATTLE OF CHOSIN RESERVOIR  
(JANGJIN LAKE)**

**HON. DON YOUNG**

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 26, 2012*

Mr. YOUNG of Alaska. Mr. Speaker, during the Korean War, a war often forgotten by U.S. history books, many brave soldiers fought and sacrificed their lives in battles waged in brutal fighting conditions. In one such battle, American forces were surprised by an overwhelming Chinese military force at Jangjin Lake, also known as the Chosin Reservoir. From November 27 to December 13, 1950, these courageous American soldiers, including the 1st Marine Division, fought bravely to free themselves from Chinese encirclement and certain capture or death. Following this great battle, seventeen allied soldiers received the Congressional Medal of Honor, the highest honor this Nation can bestow upon a soldier, and more than seventy soldiers were awarded the Navy Cross.

In honor of these brave soldiers, and at the request of two of my constituents, Richard Lilly of Wasilla, Alaska, and John Beasley of Palmer, Alaska, I recently introduced a bill to name one of the mountains in the Alaska Chugach National Forest after this monumental battle. This bill, H.R. 5928, the Mount Chosin Few Act, was intended to show support for the naming of this mountain, a mountain which would forever commemorate the 3,000 killed and 13,000 wounded American service members in the Battle of Chosin Reservoir.

On June 15, 2012, the Board of Geographic Names (BGN), independent of my legislation, acted on an existing request from Mr. Lilly and Mr. Beasley, to name Mount Chosin Few. This action was entirely within the Board's existing legal authority to address new name proposals. I am pleased that the BGN voted unanimously to name this mountain and, in doing so, honor those who fought and died, not just in this one battle, but during the entire Korean War.

Recently however, I have learned of some concerns regarding the origin of the name, Chosin Reservoir and its American colloquial

roots. In 1950s, the United Nations provided U.S. soldiers with Japanese maps of the Korean Peninsula, as Korean maps were not available. Due to the use of Japanese maps, U.S. forces and U.S. news sources used the Japanese name "Chosin," instead of the Korean name "Jangjin," to describe the body of water around which this great battle was waged. Consequently, given the great heroics of this battle and the play on words between "chosen" and "Chosin," the Battle at Jangjin Lake has been known, by most Americans, as the Battle of Chosin Reservoir. Additionally, the media-friendly nicknames stemming from this battle, such as "Frozen Chosin" and "The Chosin Few," have also been adopted into American history.

Please know that I understand and appreciate the concerns of the Korean people and government about the difference in the names "Jangjin Lake" and "Chosin Reservoir." Such cultural sensitivities are significant and remind us of the amazingly complex differences that exist not only within ethnicities and countries, but also within individual people as well. In the melting pot of the United States, it can be easy to overlook these differences, as cultures blend and become more homogenized.

While cultural sensitivity is important, I also recognize the significance that my constituents, and all those who fought in this battle, attach to the name "Chosin." This is the name that evokes images in their minds of relentless cold and even more relentless fighting. I believe their sacrifice has earned them the gratitude of both of our nations and the right to name a mountain in Alaska whatever name they believe will most appropriately honor their fallen comrades. I hope the Korean government, and the people they serve, understand that the sacrifices made by those who have fought and died in the name of freedom are far more meaningful than the origin of the name of a mountain in Alaska.

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**CONGRATULATORY REMARKS FOR  
OBTAINING THE RANK OF EAGLE  
SCOUT**

**HON. SANDY ADAMS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 26, 2012*

Mrs. ADAMS. Mr. Speaker, I would like to congratulate Matthew Winchester for achieving the rank of Eagle Scout.

For his Eagle Scout project, Matthew provided several tetherball sets to benefit a local summer youth camp. Throughout the history of the Boy Scouts of America, the rank of Eagle Scout has only been attained through dedication to concepts such as honor, duty, country and charity. By applying these concepts to daily life, Matthew has proven his true and complete understanding of their meanings, and thereby deserves this honor.

I offer my congratulations on a job well done and best wishes for the future.

**OUR UNCONSCIONABLE NATIONAL  
DEBT**

**HON. MIKE COFFMAN**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 26, 2012*

Mr. COFFMAN of Colorado. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was \$10,626,877,048,913.08.

Today, it is \$15,874,859,322,768.40. We've added \$5,247,982,273,855.32 to our debt in just over 3 years. This is debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

On this day in 1947, President Harry S. Truman signed the National Security Act, creating the Department of Defense, the National Security Council, the Central Intelligence Agency, and the Joint Chiefs of Staff. We must balance the budget to ensure proper funding for organizations that keep us safe.

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**HONORING MODESTO POLICE  
CHIEF MIKE HARDEN**

**HON. JEFF DENHAM**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 26, 2012*

Mr. DENHAM. Mr. Speaker, I rise today to acknowledge and honor Modesto Police Chief Mike Harden, who will be retiring on August 3, 2012, after serving in law enforcement for nearly three decades.

As a teenager, Chief Harden began volunteering as an Explorer; and as soon as he was able, he applied to the police academy. Chief Mike Harden began his career as a patrol officer at Modesto Police Department and, for the last 28 years, has worked his way through the ranks. He served as Assistant Police Chief from November of 2003 to June of 2009, when he was named Acting Chief of Police. His permanent appointment to Chief of Police occurred in February of 2010.

Chief Harden holds a Bachelor of Science degree in Criminal Justice Administration and is a graduate of the FBI National Academy Class, the WestPoint Leadership Program at the Los Angeles Police Department, and California Command College. He has lived in Modesto since 1970 and is a graduate of Modesto's Davis High School.

Harden has committed himself to a focus of sustained crime reduction efforts, especially in the area of gang violence. He set a goal for lower crime rates, which the Department met after he was appointed. Chief Harden instituted several internal changes to the organization to better address the crime and gang violence and attributed critical partnerships with businesses, non-profits, and citizens as a significant key to his successful approach to curbing criminal activity. Chief Harden has done a great job reorganizing the Police Department, delivering positive results for our community while implementing 25-percent reduction in staffing levels.

Modesto's Fallen Officers Memorial wall was erected and dedicated under Chief Harden's

leadership. This wall was a community driven effort and honors Modesto officers who died in the line of duty. Chief Harden has also developed a new mission and vision statement focusing on serving the Modesto community with professionalism, pride, and integrity for the Modesto Police Department.

Chief Harden has committed his life to serving the Modesto community every day and has worked diligently to keep its residents and their property safe. Chief Harden has been an outstanding and highly effective Police Chief whose quiet and steady leadership is an excellent example of how to serve others. While his service has been greatly appreciated and will be missed, I am confident that his leadership and example will continue to serve and protect Modesto long into the future.

Chief Harden is married to Lori and they have two children: Brad, a Naval Academy graduate, and their daughter, Lindsey, who is currently attending college at UC Davis.

Mr. Speaker, please join me in honoring and commending the outstanding contributions made to law enforcement and the Modesto community by Chief of Police Mike Harden and wishing him continued success in his retirement.

CONGRATULATING THE MAC-  
ARTHUR MUSEUM OF ARKANSAS  
MILITARY HISTORY

HON. TIM GRIFFIN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 26, 2012*

Mr. GRIFFIN of Arkansas. Mr. Speaker, I rise today to congratulate the MacArthur Museum of Arkansas Military History on the opening of their newest exhibit, "Vietnam: America's Conflict."

I am proud to represent the MacArthur Museum of Arkansas Military History, which is located in Little Rock, Arkansas. The Museum opened to the public in May 2001 and is located in the historic Arsenal Building of the Little Rock Arsenal.

The Arsenal Building was constructed in 1840, and it is the only surviving remnant of the original Little Rock Arsenal and one of central Arkansas's oldest structures.

The future General of the Army, Douglas MacArthur, was born in the Arsenal Building while his father, Captain Arthur MacArthur, was stationed in Little Rock.

Through its displays and exhibits as well as its outreach into the community, the MacArthur

Museum provides insight into Arkansas's rich military history and tradition—from its territorial period until present.

The Museum stands as a memorial to the proud history and dedication of Arkansas's men and women who served in and supported our nation's armed forces both at home and abroad.

The newest exhibit, "Vietnam: America's Conflict," which will open on Friday, July 27, 2012, will examine the origins and conflicts of the Vietnam war and the contributions our state and its citizens made. It will also honor the 600 gallant Arkansans who lost their lives during the Vietnam war.

The MacArthur Museum stands as a memorial to the brave men and women who, throughout our history, have sacrificed—some making the ultimate sacrifice—out of their desire to serve our Nation. Each visitor, through their presence at the Museum, extends their gratitude and honors these Arkansans.

I congratulate the MacArthur Museum of Arkansas Military History on its opening of this exciting exhibit, and I congratulate the men and women at the Museum who each day preserve Arkansas's proud military history and tradition so that it can be shared by this and future generations. It is an honor to represent you.

## HOUSE OF REPRESENTATIVES—Monday, July 30, 2012

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. SMITH of Nebraska).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
July 30, 2012.

I hereby appoint the Honorable ADRIAN SMITH to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
*Speaker of the House of Representatives.*

### PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Dear God, we give You thanks for giving us another day.

We ask Your special blessing upon the Members of this people's House. As so many Americans have communicated to them this past weekend, there is great concern for our future.

Give all Members wisdom, patience, discernment, and courage to use the information they have, the broader understanding of the national concerns, and the responsibility they have been given, to lead this Nation into a balanced and secure future. Grant a double portion of a great prophet's spirit.

Bless them, O God, and be with them and with us all this day and every day to come. May all that is done be for Your greater honor and glory.

Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following commu-

nication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, July 27, 2012.

Hon. JOHN A. BOEHNER,  
*Speaker, House of Representatives,*  
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on July 27, 2012 at 11:54 a.m.:

That the Senate concur in the House amendment to the bill S. 1959.

That the Senate agreed to without amendment H. Con. Res. 90.

That the Senate agreed to without amendment H. Con. Res. 133.

That the Senate agreed to without amendment H. Con. Res. 134.

With best wishes, I am

Sincerely,

ROBERT F. REEVES,  
*Deputy Clerk.*

### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, July 30, 2012.

Hon. JOHN A. BOEHNER,  
*Speaker, House of Representatives,*  
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on July 30, 2012 at 11:10 a.m.:

That the Senate passed S. 1299.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

### COMMUNICATION FROM DISTRICT DIRECTOR, THE HONORABLE CHARLES W. BOUSTANY, JR., MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Joan Finley, District Director, the Honorable CHARLES W. BOUSTANY, Jr., Member of Congress:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, July 12, 2012.

Hon. JOHN A. BOEHNER,  
*Speaker, House of Representatives,*  
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a trial subpoena for testi-

mony issued by the 27th Judicial District Court for the Parish of St. Landry, Louisiana, in connection with a civil action currently pending before that court.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,  
JOAN FINLEY,  
*District Director,*  
*Representative Charles W. Boustany, Jr.*

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the following enrolled bill was signed by Speaker pro tempore THORNBERRY on Thursday, July 26, 2012:

H.R. 5872, to require the President to provide a report detailing the sequester required by the Budget Control Act of 2011 on January 2, 2013.

### ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker pro tempore, Mr. THORNBERRY:

H.R. 5872. An act to require the President to provide a report detailing the sequester required by the Budget Control Act of 2011 on January 2, 2013.

### ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until noon tomorrow for morning-hour debate.

There was no objection.

Accordingly (at 2 o'clock and 5 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, July 31, 2012, at noon.

### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

7119. A letter from the Under Secretary, Department of Defense, transmitting a review of the Evolved Expendable Launch Vehicle (EELV) program; to the Committee on Armed Services.

7120. A letter from the Assistant Secretary, Department of the Army, transmitting the Army's annual report of recruitment incentives; to the Committee on Armed Services.

7121. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — Final Priority; National

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



Institute on Disability and Rehabilitation Research (NIDRR)—Disability and Rehabilitation Research Projects and Centers Program—Disability Rehabilitation Research Project (DRRP)—Employment of Individuals with Disabilities [CFDA Number: 84.133A-1] received July 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7122. A letter from the Secretary, Department of Education, transmitting the Department's final rule — Federal Pell Grant Program [Docket ID: ED-2012-OPE-0006] (RIN: 1840-AD11) received July 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7123. A letter from the Deputy Director for Policy, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Allocation of Assets in Single-Employer Plans; Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits received July 5, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7124. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Effective Date of Requirement for Premarket Approval for Cardiovascular Permanent Pacer-maker Electrode [Docket No.: FDA-2011-N-0505] received July 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7125. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — D&C Red No. 6 and D&C Red No. 7; Change in Specification [Docket No.: FDA-2011-C-0050] received July 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7126. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Amendment to Existing Validated End-User Authorizations: Hynix Semiconductor China Ltd., Hynix Semiconductor (Wuxi) Ltd., and Boeing Tianjin Composites Co. Ltd. in the People's Republic of China [Docket No.: 120608159-2159-01] (RIN: 0694-AF71) received July 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

7127. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to terrorists who threaten to disrupt the Middle East peace process that was declared in Executive Order 12947 of January 23, 1995; to the Committee on Foreign Affairs.

7128. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-396, "Fiscal Year 2012 Second Revised Budget Request Temporary Adjustment Act of 2012"; to the Committee on Oversight and Government Reform.

7129. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-397, "Saving D.C. Homes from Foreclosure Enhanced Temporary Amendment Act of 2012"; to the Committee on Oversight and Government Reform.

7130. A letter from the Chairman of the Council, Council of the District of Columbia,

transmitting Transmittal of D.C. ACT 19-398, "Social E-Commerce Job Creation Tax Incentive Act of 2012"; to the Committee on Oversight and Government Reform.

7131. A letter from the Executive Analyst, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7132. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting the Department's annual report for Fiscal Year 2011 prepared in accordance with Section 203(a) of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

7133. A letter from the Inspector General, General Services Administration, transmitting the Administration's semiannual report from the Office of the Inspector General during the 6-month period ending March 31, 2012; to the Committee on Oversight and Government Reform.

7134. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — Award Fee for Service and End-Item Contracts (RIN: 2700-AD70) received July 5, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science, Space, and Technology.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LUNGREN, DANIEL E. of California: Committee on House Administration. H.R. 406. A bill to amend the Federal Election Campaign Act of 1971 to permit candidates for election for Federal office to designate an individual who will be authorized to disburse funds of the authorized campaign committees of the candidate in the event of the death of the candidate (Rept. 112-628). Referred to the Committee of the Whole House on the state of the Union.

Mr. DREIER: Committee on Rules. H.R. 6169. A bill to provide for expedited consideration of a bill providing for comprehensive tax reform (Rept. 112-629). Referred to the House Calendar.

Mr. ISSA: Committee on Oversight and Government Reform. H.R. 4365. A bill to amend title 5, United States Code, to make clear that accounts in the Thrift Savings Fund are subject to certain Federal tax levies; with an amendment (Rept. 112-630). Referred to the Committee of the Whole House on the state of the Union.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. LEVIN (for himself, Ms. PELOSI, Mr. HOYER, Mr. CLYBURN, Mr. RANGEL, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Mr. NEAL, Mr. LARSON of Connecticut, Mr. BLUMENAUER, Mr. PASCRELL, Mr. CROWLEY, Mr. VAN HOLLEN, Mr. DICKS, Ms. CHU, Mr. HONDA, Mr. TONKO, Ms. HAHN, Mr. GEORGE MILLER of California, Mr.

WELCH, Mr. RICHMOND, Mr. CICILLINE, Ms. SCHAKOWSKY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SERRANO, Mrs. CAPPS, and Ms. PINGREE of Maine):

H.R. 15. A bill to amend the Internal Revenue Code of 1986 to provide tax relief to middle-class families; to the Committee on Ways and Means, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEVIN (for himself, Ms. PELOSI, Mr. HOYER, Mr. CLYBURN, Mr. RANGEL, Mr. LEWIS of Georgia, Mr. NEAL, Mr. LARSON of Connecticut, Mr. CROWLEY, Mr. BLUMENAUER, Mr. PASCRELL, Mr. VAN HOLLEN, and Mrs. CAPPS):

H.R. 16. A bill to provide estate, gift, and generation-skipping transfer tax relief; to the Committee on Ways and Means, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LUCAS:

H.R. 6228. A bill to provide a one-year extension of the Food, Conservation, and Energy Act of 2008, with certain modifications and exceptions, to make supplemental agricultural disaster assistance available for fiscal years 2012 and 2013, and for other purposes; to the Committee on Agriculture.

By Mrs. BIGGERT (for herself and Mr. MCNERNEY):

H.R. 6229. A bill to reauthorize the United States Fire Administration, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. ISRAEL:

H.R. 6230. A bill to amend title II of the Elementary and Secondary Education Act of 1965 to establish a Federal "Grow Your Own Teacher" program, and for other purposes; to the Committee on Education and the Workforce.

By Mr. RIBBLE (for himself and Mr. DUFFY):

H.R. 6231. A bill to authorize the Secretary of Agriculture to use funds derived from conservation-related programs executed on National Forest System lands to utilize the Agriculture Conservation Experienced Services Program; to the Committee on Agriculture, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. LEVIN:

H.R. 15.  
Congress has the power to enact this legislation pursuant to the following:

The Congress enacts this bill pursuant to Sections 7 & 8 of Article I of the United States Constitution and Amendment XVI of the United States Constitution.

By Mr. LEVIN:

H.R. 16.

Congress has the power to enact this legislation pursuant to the following:

The Congress enacts this bill pursuant to Sections 7 & 8 of Article I of the United States Constitution and Amendment XVI of the United States Constitution.

By Mr. LUCAS:

H.R. 6228.

Congress has the power to enact this legislation pursuant to the following:

The ability to regulate interstate commerce pursuant to Article 1, Section 8, Clause 3.

By Mrs. BIGGERT:

H.R. 6229.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18—To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. ISRAEL:

H.R. 6230.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the United States Constitution

By Mr. RIBBLE:

H.R. 6231.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 178: Mr. REHBERG.

H.R. 181: Mr. FINCHER.

H.R. 186: Mr. BOSWELL.

H.R. 273: Mr. FILNER.

H.R. 1063: Mr. BERG.

H.R. 1244: Mr. ROKITA.

H.R. 1370: Mr. MURPHY of Pennsylvania, Mr. MCCLINTOCK, Mr. DUFFY, Ms. HAYWORTH, Mr. DENHAM, Mr. HERGER, Mr. MCKEON, Mr. LEWIS of California, Mr. ROYCE, Mr. DOLD, Mr. CALVERT, Mr. DANIEL E. LUNGREN of California, and Mr. ISSA.

H.R. 1639: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. TURNER of New York.

H.R. 2524: Mr. MILLER of North Carolina.

H.R. 2773: Mr. FALOMAVAEGA.

H.R. 2978: Mr. LABRADOR.

H.R. 3242: Mr. RANGEL.

H.R. 3337: Mr. BERG.

H.R. 3461: Mr. OLSON, Mr. CASSIDY, and Mrs. BLACK.

H.R. 3646: Mr. TIERNEY.

H.R. 3798: Mr. ROYCE and Mr. BISHOP of New York.

H.R. 4235: Mr. KIND, Mr. ROSS of Florida, and Mr. ROONEY.

H.R. 4405: Mr. DIAZ-BALART, Ms. CLARKE of New York, Mr. ELLISON, Mr. DREIER, Mr. GRIJALVA, and Mr. CROWLEY.

H.R. 5830: Mr. RANGEL, Mr. BUCHANAN, Mr. LOBIONDO, Mr. ROE of Tennessee, and Mr. COFFMAN of Colorado.

H.R. 5910: Mr. DAVIS of Kentucky.

H.R. 5914: Mr. BISHOP of New York.

H.R. 5925: Mr. DUNCAN of Tennessee.

H.R. 6009: Mr. MCCLINTOCK.

H.R. 6043: Mr. LOEBSACK, Mr. GUTHRIE, and Mr. GENE GREEN of Texas.

H.R. 6089: Mr. LABRADOR.

H.R. 6097: Mr. COFFMAN of Colorado.

H.R. 6138: Mr. ELLISON and Mr. HASTINGS of Florida.

H.R. 6151: Mr. PAUL.

H.R. 6176: Mr. PAUL.

H.J. Res. 106: Mr. BOREN.

H.J. Res. 110: Mr. SMITH of New Jersey.

H.J. Res. 112: Mr. FLEISCHMANN, Mr. WALBERG, Mr. LABRADOR, Mr. ROKITA, and Mr. GINGREY of Georgia.

H. Res. 134: Mr. COBLE, Mr. CARSON of Indiana, and Mr. DIAZ-BALART.

H. Res. 378: Mr. LUJÁN.

H. Res. 506: Mr. BURTON of Indiana, Mr. TIERNEY, Mr. VAN HOLLEN, Mr. KELLY, and Mr. WOLF.

H. Res. 687: Mr. BISHOP of New York.

H. Res. 730: Mr. MORAN, Mr. DOGGETT, Mr. KEATING, and Mr. COOPER.

#### CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

##### OFFERED BY MR. CAMP

The provisions that warranted a referral to the Committee on Ways and Means in H.R. 8, the "Job Protection and Recession Prevention Act of 2012," do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI of the Rules of the U.S. House of Representatives.

**SENATE—Monday, July 30, 2012**

The Senate met at 2 p.m. and was called to order by the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia.

**PRAYER**

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Savior, our God and our strength, in the shadow of Your hand, we find protection from life's slings and arrows. You keep us from toiling in vain, from spending our strength for nothing. Today, use our lawmakers to make America a light of the nations. May our Senators work with such integrity and dependence on You that freedom may reach to the end of the Earth. Lord, help them to seek first and foremost to know and do Your will and reward them for their service and sacrifices for freedom. Have compassion on us all and guide us to the springs of living water.

We pray in Your merciful Name. Amen.

**PLEDGE OF ALLEGIANCE**

The Honorable MARK R. WARNER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant bill clerk read the following letter.

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, July 30, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

DANIEL K. INOUE,  
President pro tempore.

Mr. WARNER thereupon assumed the chair as Acting President pro tempore.

**CYBERSECURITY ACT OF 2012—  
MOTION TO PROCEED—Resumed****RECOGNITION OF THE MAJORITY LEADER**

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

**SCHEDULE**

Mr. REID. Mr. President, we are on the motion to proceed to S. 3414, which

is the cybersecurity bill. This is postcloture. At 4:30 p.m., the Senate will proceed to executive session to vote on the nomination of Robert Bacharach, of Oklahoma, to be a U.S. circuit judge for the Tenth Circuit. This likely will be our last vote on a circuit judge for this Congress. I hope we can be successful. This is a person whom I will talk about a little bit, and he is certainly well qualified. He came out of committee unanimously.

At 5:30 p.m., today, there will be a cloture vote on the Bacharach nomination. If cloture is not invoked on the Bacharach nomination, the Senate will resume legislative session and begin consideration of the cybersecurity bill following the vote.

**MEASURE PLACED ON THE CALENDAR—H.R. 6082**

I am told H.R. 6082 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The assistant bill clerk read as follows:

A bill (H.R. 6082) to officially replace, within the 60-day Congressional review period under the Outer Continental Shelf Lands Act, President Obama's Proposed Final Outer Continental Shelf Oil & Gas Leasing Program (2012-2017) with a congressional plan that will conduct additional oil and natural gas lease sales to promote offshore energy development, job creation, and increased domestic energy production to ensure a more secure energy future in the United States, and for other purposes.

Mr. REID. Mr. President, I object to any further proceedings with regard to this bill.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

**MIDDLE-CLASS TAX CUT**

Mr. REID. Mr. President, I was glad to hear Speaker BOEHNER say last week he will bring the Senate-passed middle-class tax cut to the House floor for a vote. I heard again today he is going to hold to what he said. I think that is very good.

Our struggling Nation is one vote away from avoiding the fiscal cliff for middle-class families. Every Member of the House of Representatives should have an opportunity to show where they stand: with millionaires or the middle class. Members can support the Democrats' plan to cut taxes for 98 percent of Americans while reducing the deficit by almost \$1 trillion or they can support the Republican plan to hand out more tax breaks to millionaires and billionaires, increasing taxes for 25 million American families struggling to put kids through college or even food on the table.

The two approaches demonstrate a glaring difference in priorities. There is another difference between the two plans. The Democrats' proposal is the only one with a chance of becoming law. President Obama said he would sign it tomorrow. What he will not do is sign into law any more wasteful giveaways to the wealthiest 2 percent.

The Senate has defeated the Republican proposal in a bipartisan vote, so it is simply a waste of time for House Republicans to continue to pursue their middle-class tax hike. House Republicans should stop holding the middle class hostage to extract more tax cuts for the richest of the rich. They should pass our middle-class tax cut now. American families cannot afford to wait until the last moment to find out how their bottom line will look come January 1. People are sitting around their kitchen tables now trying to figure out whether they can afford to buy a home or rent a home, should they send their kids to college or trade school or should they or can they retire? Republicans shouldn't force 114 million families to guess whether they will have \$1,600 less to spend or save next year. They certainly need to do something and do it now, and one simple vote can give them that certainty.

Mr. President, cybersecurity is basically a new word. Today, the Senate also continues to work to address this problem. This is a problem that national security experts call the most urgent threat to our country; that is, weakness in our defense against cybersecurity. Cyber terrorism could cripple the computer networks that control our electrical grid, water supplies, sewers, nuclear plants, energy pipelines, transportation networks, communications equipment, and financial systems, to name a few. GEN Martin Dempsey, chairman of the Joint Chiefs of Staff, said: "A cyber attack could stop this society in its tracks." Cyber espionage does not just threaten our national security, it threatens our economic security as well. Hackers have already attacked one of the most important businesses we have in America today, the Nasdaq stock exchange. Major corporations are under attack every day, spending millions and millions of dollars to protect against cyber attacks. These attacks cost our economy billions of dollars a year and thousands of jobs.

GEN James Clapper, Director of National Intelligence, said Chinese cyber theft of American intellectual property is "the greatest pillaging of wealth in history."

"That's our future disappearing in front of us," added GEN Keith Alexander, Director of the National Security Administration.

In a report released last year, the American Chamber of Commerce said the government and private sector should work together to develop incentives for businesses to voluntarily act to protect our Nation's critical infrastructure. The legislation before this body today does exactly that. It establishes a public-private partnership to make our Nation safer and protect American jobs. I hope the Chamber will join in our efforts to pass this important legislation.

I personally believe this bill could go further to address the critical infrastructure, such as the networks operating our electrical grid, our water supply, and other life-sustaining systems. It is a tremendously important first step.

I applaud Senators LIEBERMAN, COLLINS, FEINSTEIN, and ROCKEFELLER for their work on this legislation. The bill managers are compiling a list of relevant amendments for consideration. I hope we can cooperate to work through the list and pass this legislation this week. We can't afford to fail to address what experts have called the greatest security challenge since the dawn of the nuclear age.

#### BACHARACH NOMINATION

I said I would talk a little bit about Judge Bacharach, and I intend to do that now.

Today, the Senate will vote on whether to end a filibuster of Judge Robert Bacharach, a nominee from Oklahoma to the Tenth Circuit Court of Appeals. By any measure, this man is the type of noncontroversial nominee the Senate would routinely confirm with broad bipartisan support. He was reported out of the Judiciary Committee by voice vote. Everybody said he is a good guy. He has the support of two Republican Senators from his State of Oklahoma. Senator COBURN, the junior Senator from Oklahoma, said Friday that Judge Bacharach is a stellar candidate and ought to get through.

Yet Republicans have signaled they are going to block his nomination. If they hold up this consensus candidate, it will be the first time an appeals court nominee with this bipartisan support has ever been filibustered on the floor.

Why should we ever be surprised? We have already had 85 filibusters, so we can add another one to it. I hope they don't filibuster this good man. I have already said this would be our last circuit court judge. It is too bad that is the case.

If Senator COBURN and Senator INHOFE broadly support this qualified nomination, blatant partisanship will be to blame. Senator COBURN said Judge Bacharach is "an awfully good

candidate caught in election-year politics."

Will the Chair announce the business of the day.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

Mr. REID. Mr. President, I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### HIGHER EDUCATION

Mr. HARKIN. Mr. President, 2 years ago, not long after I became chairman of the Senate's Health, Education, Labor, and Pensions Committee, I made the decision to undertake an investigation of the for-profit sector of higher education.

My reason for doing so was compelling: Congress had just finished making huge new investments in the Pell grant program; meanwhile, enrollment in for-profit colleges had increased 225 percent over the previous 10 years compared to 31 percent for the rest of higher education.

So this is what we were looking at, as shown on this chart. The enrollment in the for-profit sector kept going up, and finally, in 2006, it took a huge increase—up from 765,000 in 2001 to 2.5 million, almost, in 2010. So while students at for-profit colleges made up between 10 and 13 percent of all the students, for-profit colleges now were receiving almost 25 percent of all student loans and Pell grants.

Meanwhile, troubling reports began to surface: prospective students being lied to by aggressive recruiters; other recruiters showing up at wounded warrior facilities and homeless shelters; students saddled with a mountain of debt, unable to find jobs.

Two years later, our investigation is complete. The committee has held 6 hearings, issued 30 document requests, compiled data from multiple agencies, interviewed many former students and employees, and compiled a fact-based authoritative public record.

Earlier today, we announced the release of our final report called "For-Profit Higher Education: The Failure to Safeguard the Federal Investment and Ensure Student Success."

This report provides a detailed explanation of how Congress has failed to properly monitor student outcomes in this sector of higher education or to safeguard the enormous investment taxpayers are making.

As this next chart shows, Pell grants going to the for-profit sector have grown from \$2.5 billion to \$8.8 billion,

in just 5 years. Again, this is what we are looking at. Just think, that we had to do something; and look at this: \$2.5 billion, up to \$8.8 billion, in 5 years. These are Pell grants. As I said, about 10 percent of the students, 25 percent of all the Pell grants. This was twice as fast as anything else in higher education.

As the chairman of the Appropriations subcommittee that funds Pell grants, we work very hard to make sure Pell grants keep up, that we increase them. So it was distressing and outrageous to learn that a disproportionate share of this Federal investment is going to schools that are raking in big profits but failing to educate our students.

I will now put up another chart.

You have to ask the question: Has the American taxpayer gotten an acceptable return on this huge investment in students attending school in the for-profit sector? The answer is a resounding no.

More than half of the students who enrolled in 2008 and 2009 had withdrawn by 2010. At many of them, as the chart shows, the withdrawal rate was 67 percent, as shown here for Ashford University.

What this means is, for students who signed up at one of these schools and got a loan, got a Pell grant, 1 year later 50 percent of them were not there. It was as high as 67 percent of students at Bridgepoint, Ashford University, who were not there.

So you say: Well, what happened to the money? Guess what. Bridgepoint got the Pell grant. Bridgepoint got the Stafford loan. The student dropped out, and the student has the debt.

The student has the debt, and the student has nothing to show for it: no appreciable skill, no diploma, nothing. In fact, they are worse off than when they started because now they have a huge debt hanging around their neck. I just want to say that in this report, what we will find is overwhelming documentation of exorbitant tuition, unsavory recruiting practices, abysmal student outcomes, taxpayer dollars spent excessively on marketing and pocketed as profits, and regulatory evasion—regulatory evasion and manipulation.

I will have more to say about that later. Again, these practices are not the exception, they are the norm. They are systemic throughout the industry. There are, of course, individual exceptions. Again, there are real differences among the various for-profit colleges. That is why we took profiles of 30 different companies. We took 15 that were publicly owned, investor owned, and we took 15 that are more private. We took some from the biggest to the smallest so we would have a broad picture of what was happening in this industry.

Now, again, compared to the industry overall, some for-profit colleges are

doing a better job for their students. I would mention Strayer, Walden, National American University, and American Public University—all private, for-profit schools doing a much better job for their students.

There are also for-profit colleges that have had serious shortcomings. But they are beginning to make some changes. They are now open to new thinking about how to improve student outcomes. I would include in this list Kaplan, DeVry, and Apollo, which is basically the University of Phoenix. The bottom line is that a large share of the \$32 billion that taxpayers invested in these schools in 2010 was wasted. We cannot allow this to continue.

Why? Because 73 percent of undergraduate students in this country are nontraditional students. For example, they are holding down jobs, they are older, perhaps they have family responsibilities, come from maybe low-income communities, and they may be the first in their family to attend college. Our Nation's existing network of public and not-for-profit colleges and community colleges cannot meet the demand for higher education or meet President Obama's goal of producing more college graduates without increasing the number of Americans who spend at least some time in higher education. We need for-profit schools to offer these students more than a path to enrollment. We need them to offer students a path to success and graduation.

We uncovered two overall problems with the status quo in for-profit higher education. One, billions of taxpayer dollars are being diverted from the educational activities they were intended to finance; and, two, taxpayer dollars are being used to do real lasting harm to the students these colleges enroll.

Again, think about it. In just the 1 year we examined, more than half a million students enrolled in for-profit colleges and then quit. Almost every one of those dropouts left school worse off than when they began, with no tangible economic benefit, but saddled with debt that cannot be discharged in bankruptcy, far less able now to continue their higher education in the future because they will have defaulted on those loans. They will not be able to get Federal loans, and they will not get any more Pell grants.

So we have to ask why is this happening? One of the reasons is that the tuition at for-profit colleges is grossly out of line with the cost of comparable programs at public and nonprofit institutions and fail to reflect the often dubious value of a degree from a for-profit. As this chart shows, this is average, from a public college in yellow, and the purple is for-profit colleges.

For an average certificate program, public schools, \$4,249—this is tuition. At a for-profit, \$19,806; for an average

associate degree, 2 years, \$8,000 in public schools; that would be our community colleges and others, \$34,988—almost \$35,000 at a for-profit school. For a bachelor's degree, \$52,000 in public schools; \$62,000 in the for-profit schools. It costs 20 percent more for an online degree from Ashford University than a degree from the University of Michigan.

Now, since these schools do not have bricks and mortar, they do not have to pay heating bills and cooling bills and upkeep of dorms and all of that kind of stuff, one would think they could offer these courses much cheaper than what they are doing. That is not the case. They are much more expensive.

So why doesn't this lower overhead translate into lower tuition? We will put up the next chart. The answer is the efficiencies of online education are not passed on to students. Instead, those lower costs of delivery go straight to profits, marketing, and executive salaries. Tuition is set primarily based on maximizing revenue from Federal taxpayer dollars and on what executives think the market will bear.

That is sort of what this chart shows. This red line is the average available Federal aid to a student. This would be Stafford loans and Pell grants. This is average, \$13,205. When we examined all of the private schools—this is just a representative sample—they are all just above that line. In fact, we have internal documents from many of these schools, from their executives, saying they are going to set their tuition in order to make sure they can maximize access to those Federal dollars.

Now, there are exceptions. I wanted to put one in there. American Public Institute, as I said earlier, they are way down here. They made a profit, they are profitable, and they provide a good service. They are not pegging their tuition costs at just what they can maximize. So there are examples out there, but the vast majority set it just at what the market will bear and how they can maximize their Federal dollars.

How much are these Federal dollars? About 83 percent. So I think another feature of the for-profit schools is their almost total reliance on taxpayer money. They say they are for-profit, but it is not like a for-profit for a private business that is competing in selling cars or washing machines or refrigerators or maybe some other kind of a service where one can pick and choose. About 83 percent—this is military, 3.8 percent, and 79.3 percent is Federal student aid dollars; 83 percent comes directly from the taxpayers of this country.

So if for-profit colleges charge exorbitant tuition and often provide an inferior education while experiencing sky-high dropout rates, how are they able to recruit a steady stream of new

students? The answer is that for-profit colleges are what I would call a marketing machine. They spend 42.1 percent of their revenues on marketing, recruiting, and profit. Yet they only spend 17 percent of revenues on actual instruction.

By comparison, the University of North Carolina System spends less than 2 percent of its budget on marketing—2 percent. What we see is 42 percent—42 percent on marketing and profits; 17 percent on student instruction. This is interesting: 40.7 percent all other spending. I would point out herein are executive salaries, executive compensation, bonuses paid to recruiters, and on and on and on. Only 17 percent for instruction.

Most colleges, when they talk about marketing, it is down around 2 or 3 percent. I will bet the University of Virginia is probably down there. I do not know. We may have that documentation. I know the University of Iowa System is down around that 2- to 3-percent total for marketing. You have seen their ads, different things for public universities, nonprofit universities, but nothing close to 42 percent.

This is what leads to what we call the "churn." Students come in, they get recruited, they get their Pell grants, they get their loans, the school gets the money, a year later the student drops out, and so the marketers go out and bring in more students. So we get this tremendous churn in the student body at these for-profit schools. Perhaps most critical, these institutions fail to provide adequate student support services, as I said. This is a critical finding of our report.

Despite knowingly enrolling some of the most at-risk students in our country, many of these schools do not provide these students with the services common sense tells us they need to succeed. How many times have we heard from the for-profit industry: Yes, we are different because we are enrolling students who do not go to our normal colleges, do not go to the University of Iowa, to the University of Virginia. These are nontraditional students. Many of them are poor. That is true, but that is who they are recruiting.

Why are they recruiting them? To get the most Pell grants and the most Stafford student loans. That is what the college gets.

Now, if they are doing that, then they need to provide mentoring, tutoring, some kind of alumni network, job partnerships, and genuine career counseling. Two of the largest for-profit companies provide no career counseling or placement to students whatsoever. Yet these are the very students who need the most help when they go to college. Students from upper income families who go to good schools, they do not need that. English language learners, Latinos, African-American

students, those we intuitively know need more education. Maybe they have lost a job and now they realize: I have to do something. I have to get a better education. These marketers go after them. This is what our report found.

If you look at the enrollment in these schools, as I said, it has gone up. The enrollment has gone up. Look at the recruiters. From 2007 to 2010, we went from a little over 20,000 to 35,202 recruiters at 24 of these companies.

Down here, the red line, these are the career services. These are the people who counsel and mentor and tutor and help with career guidance. It has not gone up a bit. Huge increase in students, big increase in recruiters, and almost no increase at all in career counselors. This is a failure, an abject failure.

This report is the first comprehensive fact-based analysis of this industry. Earlier today I saw that the association for for-profit institutions called this a flawed process. As near as I can understand their critique, the process was flawed because it was about them, but that is what congressional oversight is about.

This was not an overnight thing. This is what we produced: four huge volumes, data-driven documentation, documentation on what is happening in this industry. This is the summary. This holds most of what we found. These three will have all of the backup documentation that is needed to support the findings we have.

We have before us a factual record that we have never had before. The Department of Education did not have it. No one has had it before. This can guide us as we move toward reauthorization of the Higher Education Act next year. Again, during the reauthorization we will also be looking at traditional higher education.

We have already held two hearings on college affordability. There is no question that we need to find a way to improve outcomes not just at for-profit colleges but also at low-cost community colleges. That said, the fact is there are problems that are unique—unique to the for-profit sector that will require some unique solutions.

We have seen some progress on this front, as I said. I have met with some of them. They have expressed a determination to reform and to do right by their students. In addition, the Department of Education took steps that are beginning to have real impacts.

In April, President Obama issued an Executive order that will help to ensure our veterans are not the subject of deceptive and misleading recruiting, and that will help soldiers and veterans to make better decisions about where to use their GI bill dollars.

Last month, Kentucky Attorney General Jack Conway led a 20-State attorney general settlement with QuinStreet, one of the companies en-

gaged in some of the most egregiously misleading recruiting efforts targeted at veterans. But these are not enough. As I said, there is an important role for for-profit colleges in our increasingly knowledge-based economy.

A solid record of student success is in the national interest. The challenge is to require the companies to be as focused on student success as they are on financial success.

Now, there are four things we need to do.

First, we need to know how every student enrolled in college is doing, not just first-time, full-time students. This is a flaw in our system. The Department of Education only tracks first-time, full-time students. Most of the students who go to our for-profit schools are not first-time, full-time students, they are part-time students. So what we need to do is that for any student who gets a Pell grant and/or Stafford loan, we need to know how that student is doing and how they do later on.

Second, we need to be very clear that the Federal education money has to be spent on education, not advertising, recruiting, or lobbying. That is just common sense. I challenge anyone to stand up here and say: No, they should use taxpayer dollars to lobby, to advertise, or to pay a recruiter. No. We have to be very clear—they can spend it on education but not on advertising, recruiting or lobbying.

Third, we need to make sure these schools are providing at least a basic level of student services that would give the at-risk students they enroll a fair shot at completing. If there is one thing that distinguishes good for-profit schools from the bad ones, this is it: a genuine commitment to providing a network of student support—mentoring, tutoring, employer partnerships, genuine career counseling—not just in the beginning but all the way through the program. The good schools that are doing that are turning out quality products.

Fourth, we have to think seriously about outcome-based thresholds, particularly for colleges that get a very high proportion of their revenue from taxpayers. And we need to build on the gainful employment rule to ensure that students are not being loaded up with debt they cannot repay.

I am confident the record we are laying out today will make some of these reforms inevitable as we move forward. I wish to also thank some of my colleagues and to note that work has already begun on legislation.

Senator HAGAN is sponsoring a bill to ban the use of Federal financial aid dollars for marketing.

Senators MURRAY and WEBB are sponsoring comprehensive legislation to better protect servicemembers and veterans using the post-9/11 GI bill.

Senator LAUTENBERG is sponsoring a bill to provide every veteran who re-

ceives education aid from the Department of Veterans Affairs with counseling to help make the right choices and to create a system to track veterans' complaints of waste, fraud, and abuse by these for-profit schools.

Senators CARPER and DURBIN are sponsoring bills to address the absurdity of not counting all Federal money in the restriction on how much money these schools can receive.

One of the things we picked up on as we started this investigation was the tremendous focus these for-profits were now making on veterans, especially Iraq and Afghanistan veterans, and Active-Duty personnel. The reason for that is because we have a 90-10 rule that says for-profit schools can only get 90 percent of their money from the Federal Government. The other 10 percent has to come from someplace else—private sources. But that doesn't count military. If a for-profit school bumps up on the 90-10 level, it cannot go out and recruit any more people, but if it recruits one military person, it can get nine more nonmilitary. So that pays for them to go after the military. Well, Senators CARPER and DURBIN have a bill in to stop that.

Senator DURBIN is also a leader on the issue of private student loans and bankruptcy, as well as a great partner in helping to draw attention to the experiences of students who have attended these schools.

I also thank other members of the HELP Committee who have been active participants at hearings, including Senators FRANKEN, MERKLEY, and BLUMENTHAL.

I have also received a great deal of support and encouragement along the way from organizations dedicated to ensuring that students have a genuine path to success in higher education. In particular, I thank the Council for Opportunity in Education, the Education Trust, the Leadership Council on Civil Rights, the Institute for College Access and Success, Campus Progress, and the National Association for College Admissions Counseling. All of them have been involved in helping us over the last couple of years to get the data we needed.

On behalf of servicemembers and veterans, we have had tremendous assistance from the Iraq and Afghanistan Veterans Association, the Veterans of Foreign Wars, the Military Officers Association of America, Blue Star Families, the Vietnam Veterans Association, Student Veterans of America, the American Legion, VetJobs, VetsFirst, Paralyzed Veterans of America, the National Association for Black Veterans, the National Guard Association, the Air Force Sergeants Association, the Association of the United States Navy, Wounded Warriors, and Veterans for Common Sense. All of them have been involved. We have gone to them, and they have been so forthcoming and

helpful, helping our staff and me to understand what is happening.

I also thank the witnesses at our hearings, several of whom have been subjected to unwarranted and undeserved criticism. In particular, I thank Steve Eisman, who provided the committee with unique expertise and insights about the industry in a way that helped policymakers understand that these companies were much more than just colleges. As everyone in this body knows, people with a financial stake in an industry testify before Congress every day and, like Mr. Eisman, provide some of the most insightful and accurate information we receive.

I also thank former Westwood employee Joshua Prunyn, who provided a real-world view of working as a for-profit recruiter. He was willing to come forward for the sole purpose of shedding light on this industry, and the criticism he has sustained speaks poorly of those who claim to believe in the valuable role whistleblowers play.

I thank my staff, who have pursued this investigation tirelessly and tenaciously.

I thank my oversight team and my HELP Committee, who spearheaded the investigation, analyzed the numbers, calculated all of the outcomes, interviewed students and employees, reviewed thousands of pages of documents, and prepared this final report. That oversight team was led by Beth Stein. She was assisted throughout six hearings, three previous reports, many spreadsheets, charts, and megabytes of documents by Elizabeth Baylor and Ryan McCord. More recently, they were joined by Kia Hamadanchy and Bryan Boroughs, who have dedicated many long hours to the research, writing, and publication of this report.

I also owe a tremendous thanks to several staffers who are no longer with the committee but played a critical role in this investigation: Beth Little, Luke Swarthout, and Robin Juliano.

I also thank my former and current HELP Committee staff directors, Dan Smith and Pam Smith, who have ably guided this sometimes challenging effort.

Our communications staffers have patiently explained the 90-10 rule, the cohort default rate, and the fact that we don't actually know how veterans attending for-profit schools are doing to hundreds of reporters throughout the country. I thank Justine Sessions, Kate Frischmann, and Liz Donovan.

I also thank my education policy staffers who joined this effort more recently but who will be carrying us forward in our legislative reform efforts: Mildred Otero, Spiros Protosaltis, and Libby Masiuk, as well as Carrie Wofford, who has played a tremendous role in outreach to groups across the country and has been a particular advocate on behalf of veterans impacted by the practices of the for-profit colleges.

I also thank our tremendous group of law clerks, who dedicated many hours to the less glamorous tasks of getting this put together: Abre Connor, Joel Murray, Lauren Scott, David Krem, Ashley Waddell, Lindsey Daughtry, Zach Mason, Sophie Kasimow, and Brittany Clement.

A special thank-you goes to the law clerks who helped write and prepare the report: Lucy Stein, Nicholas Wunder, Shauna Agean, Keagan Buchanan, and Douglas Dorando, and also Andrea Jarcho, who has juggled multiple roles and worn multiple hats.

For their assistance along the way, I also thank Paul Edenfield, Madeline Daniels, Alyssa Davis, and also Dan Goldberg for his always-sound analysis and advice.

Finally, I thank Denise Lowrey and Carolyn Bolden, on the committee staff, who spent many hours making the report as error-free as humanly possible.

Today we bring the HELP Committee investigation of for-profit colleges to a close, but the record we have laid out leaves much to be done, and I look forward to continuing to work with my Senate colleagues to help for-profit colleges realize their potential as a genuinely transformative force in higher education.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

#### GLOBAL WARMING

Mr. SANDERS. Mr. President, the Senator from Oklahoma, JIM INHOFE, is a friend of mine. While we have strong philosophical and political differences, we have had a very positive personal relationship since I entered the Senate 5½ years ago. I like Senator INHOFE, and on occasion, despite our political differences, we have been able to work together as members of the Environment and Public Works Committee, on which we both sit. I especially applaud the Senator for his strong efforts on the recently passed Transportation bill in which he led the effort in getting his fellow Republicans to move forward on the vitally important issue of rebuilding our crumbling infrastructure—in this case, roads and bridges.

Unfortunately, Senator INHOFE has some very radical views regarding global warming. I believe he is dead wrong and dangerously wrong on this issue. Not only is he wrong, but because he is the leading Republican on the Environment Committee, his views hold great influence over other Republicans in the Senate, in the House, and across the country. Because many Republicans follow Senator INHOFE's lead, it means we are making very little progress in Congress in combating what most of the scientific community sees is a global environmental crisis.

I am on the floor today to ask Senator INHOFE to rethink his views on this enormously important issue and to

ask my Republican colleagues to do the same. I am asking them to join the overwhelming majority of scientists who have studied and written about this issue in understanding that, one, global warming is real; two, global warming is significantly caused by human activity; three, global warming is already causing massive and costly destruction to the United States and around the world, and it will only get worse in years to come.

I am also asking Senator INHOFE and my Republican colleagues to understand that the United States, with all of our knowledge, all of our expertise, and all of our technology, can and must lead the rest of the world, which must follow our effort in cutting back on carbon emissions and reverse global warming, and to understand that when we do this—when we transform our energy system away from fossil fuels and enter into energy efficiency and sustainable energy—when we do that over a period of years, we can create millions of good-paying jobs.

What I want to do this afternoon is nothing more than to simply quote some of the statements and assertions Senator INHOFE has made and to express to you why he is dead wrong and dangerously wrong on this vitally important issue.

Mr. President, on July 11—just 2½ weeks ago—Senator INHOFE spoke on this floor reiterating his longstanding views on global warming. What he said during that speech is pretty much what he has been saying for years. I read that speech, and I want to use this opportunity to comment on it. Specifically, I want to discuss a number of observations in which Senator INHOFE is completely wrong.

First and foremost, Senator INHOFE tells us in his speech that global warming science is wrong. First and foremost, Senator INHOFE tells us in his speech that global warming science is wrong. Mr. INHOFE states, on page 11124 of the CONGRESSIONAL RECORD from July 11—and I will do my best to quote him as accurately as I possibly can—the following about global warming:

In 2003 . . . I started hearing from a lot of the real scientists that it was a hoax.

And Senator INHOFE continued, again from July 11, 2012:

It is the greatest hoax ever perpetrated on the American people.

Let me repeat again what Senator INHOFE said just a few weeks ago on the floor of the U.S. Senate.

[Global warming] . . . is the greatest hoax ever perpetrated on the American people.

In fact, the title of Senator INHOFE's new book—which he was kind enough to give me a copy of—is "The Greatest Hoax." That is the title of his book.

Well, let's examine that assertion on the part of Senator INHOFE. The United States Global Change Research Program, which was supported and expanded by President George W. Bush, a



conservative Republican, and which includes scientists at NASA, EPA, the Department of Defense, the Department of Agriculture, the Department of Energy, the State Department, the Department of Health, the Departments of Transportation, Commerce, and Interior, have said:

Global warming is unequivocal and primarily human-induced.

Senator INHOFE has said global warming is a hoax, but the Global Change Research Program, which brings together many departments of the U.S. Government, says:

Global warming is unequivocal and primarily human-induced.

Our National Academy of Sciences joined with academies in Brazil, Canada, China, France, Germany, India, Italy, Japan, Mexico, Russia, South Africa, and the United Kingdom. They all came together and said:

The need for urgent action to address climate change is now indisputable.

It is now indisputable. Senator INHOFE says global warming is a hoax; academies of science all over the world state the need for urgent action to address climate change is now indisputable.

Eighteen scientific professional societies, including the American Geophysical Union, the American Chemical Society, and others say:

Climate change is occurring and rigorous scientific research demonstrates that the greenhouse gases emitted by human activities are the primary driver.

That is a quote from 18 scientific professional societies. Senator INHOFE says global warming is a hoax, but 18 scientific professional societies say climate change is occurring and rigorous scientific research demonstrates that the greenhouse gases emitted by human activities are the primary driver.

Even noted climate skeptic Richard Muller, who, interestingly enough, Senator INHOFE has cited in his own speeches over the years, wrote in the Wall Street Journal last year that his latest research proved "global warming is real." More to the point, in an op-ed published 2 days ago, Richard Muller, who in the past was cited by Senator INHOFE as a global warming skeptic, wrote an op-ed in the New York Times entitled "The Conversion of a Climate Change Skeptic."

Mr. President, I ask unanimous consent to have printed in the RECORD the op-ed I have just referred to.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SANDERS. Mr. President, this is how Richard A. Muller—again, the scientist who was often quoted by Senator INHOFE—began his op-ed 2 days ago in the New York Times. This is the quote from Richard A. Muller.

Call me a converted skeptic. Three years ago, I identified problems in previous climate studies that, in my mind, threw doubt on the very existence of global warming. Last year, following an intensive research effort involving a dozen scientists, I concluded that global warming was real and that the prior estimates of the rate of warming were correct. I'm now going a step further: Humans are almost entirely the cause.

And Dr. Muller continues:

My total turnaround, in such a short time, is the result of careful and objective analysis by the Berkeley Earth Surface Temperature project, which I founded with my daughter Elizabeth. Our results show that the average temperature of the earth's land has risen by 2½ degrees Fahrenheit over the past 250 years, including an increase of 1½ degrees over the most recent 50 years. Moreover, it appears likely that essentially all of this increase results from the human emission of greenhouse gases.

That was Dr. Richard Muller from an op-ed in the New York Times on July 28, 2012.

I am not going to tell you that every single serious scientist in the world agrees with Dr. Muller or agrees with me or agrees with the vast majority of scientists that global warming is real and primarily caused by human activity. But I will say that, according to the National Academy of Sciences, approximately 98 percent of active climate scientists who published peer-reviewed papers agree with the assertion that global warming is occurring and human activity is a significant driver of it—not 100 percent but 98 percent.

When we talk about scientists publishing with peer review, what we are saying is their papers and research were reviewed and examined by other expert scientists in their field. That is the great thing about science and peer review. The process invites criticism and invites other scientists to prove your idea is wrong. When we say 98 percent of active climate scientists agree about global warming, we are talking about scientists whose work has been examined critically and found to be well-documented and correct by their peers in the field.

This is an important point to be made. There may well be scientists out there who may have different views. But by and large they have not written peer-reviewed literature which has been examined by other experts in that field. So the bottom line here—and the important bottom line—is when Senator JIM INHOFE says global warming is a hoax, he is dead wrong according to the overwhelming majority of scientists who have studied this issue.

I hope very much—and I mean this sincerely, because this is an enormously important issue—that Senator INHOFE will rethink his position, and those Republicans who have followed Senator INHOFE's lead will also rethink their position.

In July of 2010, in an interview with ABC News, Senator INHOFE said:

We're in a cycle now that all the scientists agree is going into a cooling period.

Let me repeat that, because I don't want anyone to think I made a mistake about what I said. July 2010, ABC News, quoting Senator INHOFE.

We're in a cycle now that all the scientists agree is going into a cooling period.

On July 11, on the floor of the Senate, Senator INHOFE stated in his remarks—and this is found on page 11124 of the CONGRESSIONAL RECORD. I want everyone to make sure I am not misquoting Senator INHOFE. I would not do that. From page 11124 of July 11, the CONGRESSIONAL RECORD:

... we went into a warming period that went up to the turn of the century. Now it is actually going down into a cooling period again ...

That was Senator INHOFE, July 11, 2012. In other words, as I understand it, Senator INHOFE is saying that since the year 2001 we are in a cooling period. Unfortunately, Senator INHOFE's assertion that we have entered a cooling period could not be more incorrect.

Let's look at what the scientific data shows us. The last decade was not one where our temperature got cooler. It was, in fact, the very opposite. According to NASA, the last decade was in fact the warmest on record, using temperature records that date to the late 1800s. NASA's data shows that 9 of the 10 warmest years on record occurred since 2000, when Senator INHOFE says we went into a "cooling period." So NASA says the last decade was the warmest on record, but Senator INHOFE says we have gone into a cooling period.

But it is not just NASA making this finding. The National Oceanic and Atmospheric Administration—NOAA—issued a report from 300 scientists in 48 countries that confirms the last decade was the warmest on record—the warmest on record at a time when Senator INHOFE tells us we are going into a cooling period.

The World Meteorological Organization also confirms that the last decade was the warmest on record, and they found the 13 warmest years on record have all occurred since 1997.

So the American people and my Republican friends are going to have to make a decision: Is JIM INHOFE right that we are entering into a cooling period or is NASA and the National Oceanic and Atmospheric Administration correct in saying that the last decade was, in fact, the warmest on record?

As my fellow Vermonter, Bill McKibben, recently pointed out, globally we have seen 327 consecutive months where the temperature exceeded the global average for the 20th century. Senator INHOFE tells us the world is getting cooler, but science shows us we have just experienced the warmest decade on record. Somebody is right and somebody is wrong, and I do not believe Senator INHOFE is right.

Senator INHOFE stated on July 11, 2012, page 11126 of the CONGRESSIONAL RECORD:

One thing we did find out when we got a report from several universities, including MIT, was that the cost of this, if we were to pass any of the bills, would have been between \$300 billion and \$400 billion a year.

This is not the first time Senator INHOFE has asserted that the cost of cutting greenhouse gas emissions is \$300 billion to \$400 billion a year. In an interview with Fox News on February 11, 2000, Senator INHOFE was asked by the Fox anchor about the cost of global warming legislation, and he responded:

It would cost between \$300 billion and \$400 billion a year.

Senator INHOFE gets his estimates by looking at worst-case scenarios from an out-of-date report that looked at legislation from 2007. The truth is, however, more recent research proves we can take strong action to cut emissions while at the same time growing our economy and saving Americans substantial sums of money on their energy bills.

For example, a 2009 study from McKinsey consulting firm found that the United States can meet our 2020 targets for greenhouse gas emission reductions just through cost-effective energy efficiency efforts, with a net savings for American consumers of \$700 billion. A 2010 report from the American Council for an Energy Efficient Economy found that by doing things nationally, many States—including the State of Vermont, my own State—are doing on energy efficiency already, we could achieve substantial benefits. The study found by investing aggressively in energy efficiency in our buildings, in our schools, in our factories, and in our transportation systems we would create over 370,000 net new jobs by 2020, boost our rate of economic growth and GDP, and save households significant sums of money on their energy bills—all while vastly exceeding our 2020 target of cutting greenhouse gas emissions 17 percent from 2005 levels.

In this scenario, we could cut emissions over 30 percent by 2020 as we create jobs and as millions of people save money on their energy bills. To my mind, creating jobs, cutting greenhouse gas emissions, and saving money on people's fuel bills is a win-win-win situation.

In addition to the clear benefits from taking action, I want to point out to Senator INHOFE the costs and risks if we do not take action, if we do nothing. The alternative is we step back, we don't do anything, and what happens?

Already, the extreme weather we have seen is impacting our Nation's infrastructure. An interesting article appeared just a few days ago, July 25, 2012, in the New York Times. It said the Nation's infrastructure is being taxed to worrisome degrees by heat, drought, and vicious storms. The article noted that on a single day in July, an airplane got stuck in asphalt that softened due to 100-degree tempera-

tures, and a subway train derailed after heat caused a track to bend. It also cited highways that are heating up and expanding beyond their design limits, causing cracks and jarring bumps in the road. The article mentioned how powerplants are having difficulty using their regular cooling sources during operation because the water is now excessively warm.

A power company executive with 38 years of experience was quoted as saying:

We've got the storm of the century every year now, after power was knocked out for 4.3 million people in 10 States after the June derecho storm that raced from the Midwest to the East Coast at near hurricane-force winds.

Interestingly, not generally noted as being terribly progressive, the insurance industry has noted their costs for property damage from increasingly extreme weather have already increased in the United States from \$3 billion a year in the 1980s to \$20 billion a year today. According to Mark Way, an official with Swiss Re, a large reinsurance company:

A warming climate will only add to this trend of increasing losses, which is why action is needed now.

A landmark study prepared for the British Government by Nicholas Stern, former chief economist of the World Bank, found that doing nothing to reverse global warming could eventually shrink the global economy by 20 percent. The Chairman of the National Intelligence Council under President George W. Bush testified to Congress that intelligence assessments indicated that global warming could worsen existing problems, such as poverty, social tensions, environmental degradation, ineffectual leadership, and weak political institutions. Climate change could threaten domestic stability in some States, potentially contributing to conflict, particularly over access to increasingly scarce water resources.

Unlike Senator INHOFE, most Americans are seeing the evidence of global warming with their own eyes. I want to take some time to talk about what we are seeing.

The Associated Press reported on July 3, 2012:

But since at least 1988, climate scientists have warned that climate change would bring, in general, increased heat waves, more droughts, more sudden downpours, more widespread wildfires and worsening storms. In the United States, those extremes are happening here and now.

So far this year, more than 2.1 million acres have burned in wildfires, more than 113 million people in the U.S. were in areas under extreme heat advisories last Friday, two-thirds of the country is experiencing drought, and earlier in June, deluges flooded Minnesota and Florida.

We saw extreme weather last year as well. In 2011, we had a record-breaking 14 weather disasters in the United States that each caused over \$1 billion

in damage. One of those was Hurricane Irene, which caused devastating flooding and loss of life in the State of Vermont and other States in the Northeast and Mid-Atlantic. According to FEMA:

Considered together, the federally declared disasters of 2011 presented crises all but unprecedented in their frequency and scope. The 99 major disasters, 29 declared emergencies, and 114 requests for fire management assistance touched 48 out of 50 states.

In other words, 48 States had a federally declared disaster last year.

Global average surface temperature has already increased 1.3 degrees Fahrenheit since 1900, according to NOAA. The last 12 months is the warmest 12-month period on record in the United States. Since January 1, 2012, cities and regions in the United States have set 40,000 records for warm temperatures, compared to just 6,000 for cold temperatures, according to NOAA. In the 20th century we set warm and cold temperature records at roughly a 1-to-1 ratio. In the 21st century, that has changed 2 to 1 in favor of heat records, and this year it has jumped to 7 to 1.

As the planet warms, we are seeing more extreme heat wave events. Heat waves killed tens of thousands in Europe in 2003 and Russia in 2010, and a heat wave in Texas and Oklahoma caused severe drought and wildfires in 2011. Global warming made these heat waves significantly more likely, according to the latest science.

Leading climatologist James Hansen and several of his colleagues published a report that said:

Extreme heat waves such as that in Texas and Oklahoma in 2011, and Moscow in 2010, were caused by global warming, because their likelihood was negligible prior to the recent rapid global warming.

Another study from German researchers published in the U.S. National Academy of Sciences found an 80-percent likelihood that the Russian heat wave in 2010 was attributable to global warming. And a study from NOAA found the heat wave and drought in Texas in 2011 was 20 times more likely to occur today than 50 years ago due to the warming of the planet.

As I mentioned, this country is currently experiencing a devastating drought. The U.S. Department of Agriculture has designated disaster areas due to drought in 1,369 counties in 31 States this year. The price of corn has increased 50 percent in the last 3 months, and soybean prices are up 25 percent since June. This is because 78 percent of the corn crop and 77 percent of soybean production is in drought-affected areas.

This is not the first time we have seen devastating droughts spike food prices in recent years. Severe drought in Russia in 2010 led that country to ban exports of grain, which contributed to a near doubling in wheat prices over a 2-month period in that year. The

worst drought in China in 60 years occurred last year in 2011, affecting 12 million acres of wheat and contributing—along with floods in Australia and the drought in Russia—to record food prices.

Some commentators cited the record food prices caused by these extreme weather events as contributing to unrest. When food prices go up, there is often instability in countries around the world—including the Middle East and Africa.

Sea levels have already risen 7 inches globally, according to EPA. We have seen during the last three summers record low levels of Arctic Sea ice, and we know from NASA satellites that Antarctica is losing 24 cubic miles of ice every year. In Glacier National Park in this country we had 150 glaciers when it was formed in 1910, but today only 25 remain. Some studies predict a sea level rise of 5 feet or more by the end of this century. But even if sea levels rose 3 feet, cities such as Miami, New Orleans, Charleston, SC, Oakland, CA, and others could find themselves partially underwater.

The average annual acreage consumed by wildfires in the United States more than doubled during the last decade compared with the previous four decades. Last year in Texas wildfires destroyed 2,700 homes. This year in Colorado—the most destructive wildfire in that State's history—destroyed 350 homes. Wildfires in Colorado this year caused tens of thousands to evacuate their homes. In New Mexico, we saw the largest wildfire in that State's history this year burn more than 170,000 acres that broke the previous record which was set just last year when a fire burned more than 150,000 acres.

Mr. President, last year floods along the Mississippi River caused \$2 billion worth of damage. Floods in North Dakota displaced 11,000 people from their homes. Record floods in Australia in 2011 caused its State of Queensland to conduct the largest evacuation in its history. Floods in Pakistan in 2010 killed 2,000 people and left one-fifth of that nuclear-armed nation under water for weeks. That is the kind of potentially destabilizing extreme weather events the folks at the Department of Defense and the CIA worry about. Unfortunately, I could go on and on. The bad news is if we do nothing, the science is clear that temperatures will continue to increase, sea levels will continue to rise, and extreme weather will become more frequent and more devastating. The good news is—and it is very good news—that we now have the technology, the knowledge, and the know-how to cut emissions today through energy efficiency and through moving toward such sustainable and renewable technologies as solar, wind, geothermal, and biomass.

It is time for Congress to get serious about global warming and to work to

transform our energy system to sustainable energy, and that starts by beginning to understand that global warming is real and that if we do not address it now, it will only get worse and bring more danger to this country and to our planet.

Mr. INHOFE. Will the Senator yield for a unanimous consent request?

Mr. SANDERS. Yes.

Mr. INHOFE. Mr. President, I ask unanimous consent that at the conclusion of the remarks of my friend from Vermont, I be recognized as in morning business for such time as I will consume.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. SANDERS. Mr. President, I am glad to see my friend from Oklahoma here on the floor. I want to conclude by reading a review of Senator INHOFE's book, which is called "The Greatest Hoax," by a gentleman named J.C. Moore. This review by J.C. Moore was published in the Tulsa World which is, I suspect, the largest newspaper in the State of Oklahoma. J.C. Moore is a native Oklahoman—the same State Senator INHOFE represents—and a Ph.D. who taught chemistry and physics and is a member of the American Geophysical Union.

This is what Mr. Moore wrote: "Inhofe claims he is winning in his fight to debunk global warming." After discussing the scientific consensus among climate scientists and major scientific institutions all over the world, Moore writes:

Inhofe's greatest adversary is nature itself, as research shows the climate is changing in response to human activities. The amount of carbon dioxide in the atmosphere is increasing, the temperature of the Earth is rising, the oceans are becoming more acidic, glaciers and polar ice caps are melting, sea levels are rising, the probability of severe weather events is increasing, and weather-related natural disasters are becoming more frequent and more costly. It is time we examine more closely who is actually winning by ignoring science.

As I understand it, that is from a review of Senator INHOFE's book, "The Greatest Hoax," by a gentleman named J.C. Moore in the Tulsa World.

There is much more to be said on this issue because here on the floor of the Senate we are saying virtually nothing. I might say that we look pretty dumb to the rest of the world by ignoring what many scientists believe is the major environmental crisis of our time which, if we don't get a handle on, will have profound impacts on the well-being of this country and countries throughout this world.

So I say to my friend Senator INHOFE—and he is my friend—I hope very much the Senator will rethink his position. I hope those Republicans who are following the Senator's lead will rethink their position because nothing less than the future of our planet is at stake.

#### EXHIBIT 1

[From the New York Times, July 28, 2012]

#### THE CONVERSION OF A CLIMATE-CHANGE SKEPTIC

(By Richard A. Muller)

Call me a converted skeptic. Three years ago I identified problems in previous climate studies that, in my mind, threw doubt on the very existence of global warming. Last year, following an intensive research effort involving a dozen scientists, I concluded that global warming was real and that the prior estimates of the rate of warming were correct. I'm now going a step further: Humans are almost entirely the cause.

My total turnaround, in such a short time, is the result of careful and objective analysis by the Berkeley Earth Surface Temperature project, which I founded with my daughter Elizabeth. Our results show that the average temperature of the earth's land has risen by two and a half degrees Fahrenheit over the past 250 years, including an increase of one and a half degrees over the most recent 50 years. Moreover, it appears likely that essentially all of this increase results from the human emission of greenhouse gases.

These findings are stronger than those of the Intergovernmental Panel on Climate Change, the United Nations group that defines the scientific and diplomatic consensus on global warming. In its 2007 report, the I.P.C.C. concluded only that most of the warming of the prior 50 years could be attributed to humans. It was possible, according to the I.P.C.C. consensus statement, that the warming before 1956 could be because of changes in solar activity, and that even a substantial part of the more recent warming could be natural.

Our Berkeley Earth approach used sophisticated statistical methods developed largely by our lead scientist, Robert Rohde, which allowed us to determine earth land temperature much further back in time. We carefully studied issues raised by skeptics: biases from urban heating (we duplicated our results using rural data alone), from data selection (prior groups selected fewer than 20 percent of the available temperature stations; we used virtually 100 percent), from poor station quality (we separately analyzed good stations and poor ones) and from human intervention and data adjustment (our work is completely automated and hands-off). In our papers we demonstrate that none of these potentially troublesome effects unduly biased our conclusions.

The historic temperature pattern we observed has abrupt dips that match the emissions of known explosive volcanic eruptions; the particulates from such events reflect sunlight, make for beautiful sunsets and cool the earth's surface for a few years. There are small, rapid variations attributable to El Niño and other ocean currents such as the Gulf Stream; because of such oscillations, the "flattening" of the recent temperature rise that some people claim is not, in our view, statistically significant. What has caused the gradual but systematic rise of two and a half degrees? We tried fitting the shape to simple math functions (exponentials, polynomials), to solar activity and even to rising functions like world population. By far the best match was to the record of atmospheric carbon dioxide, measured from atmospheric samples and air trapped in polar ice.

Just as important, our record is long enough that we could search for the fingerprint of solar variability, based on the historical record of sunspots. That fingerprint

is absent. Although the I.P.C.C. allowed for the possibility that variations in sunlight could have ended the "Little Ice Age," a period of cooling from the 14th century to about 1850, our data argues strongly that the temperature rise of the past 250 years cannot be attributed to solar changes. This conclusion is, in retrospect, not too surprising; we've learned from satellite measurements that solar activity changes the brightness of the sun very little.

How definite is the attribution to humans? The carbon dioxide curve gives a better match than anything else we've tried. Its magnitude is consistent with the calculated greenhouse effect—extra warming from trapped heat radiation. These facts don't prove causality and they shouldn't end skepticism, but they raise the bar: to be considered seriously, an alternative explanation must match the data at least as well as carbon dioxide does. Adding methane, a second greenhouse gas, to our analysis doesn't change the results. Moreover, our analysis does not depend on large, complex global climate models, the huge computer programs that are notorious for their hidden assumptions and adjustable parameters. Our result is based simply on the close agreement between the shape of the observed temperature rise and the known greenhouse gas increase.

It's a scientist's duty to be properly skeptical. I still find that much, if not most, of what is attributed to climate change is speculative, exaggerated or just plain wrong. I've analyzed some of the most alarmist claims, and my skepticism about them hasn't changed.

Hurricane Katrina cannot be attributed to global warming. The number of hurricanes hitting the United States has been going down, not up; likewise for intense tornadoes. Polar bears aren't dying from receding ice, and the Himalayan glaciers aren't going to melt by 2035. And it's possible that we are currently no warmer than we were a thousand years ago, during the "Medieval Warm Period" or "Medieval Optimum," an interval of warm conditions known from historical records and indirect evidence like tree rings. And the recent warm spell in the United States happens to be more than offset by cooling elsewhere in the world, so its link to "global" warming is weaker than tenuous.

The careful analysis by our team is laid out in five scientific papers now online at BerkeleyEarth.org. That site also shows our chart of temperature from 1753 to the present, with its clear fingerprint of volcanoes and carbon dioxide, but containing no component that matches solar activity. Four of our papers have undergone extensive scrutiny by the scientific community, and the newest, a paper with the analysis of the human component, is now posted, along with the data and computer programs used. Such transparency is the heart of the scientific method; if you find our conclusions implausible, tell us of any errors of data or analysis.

What about the future? As carbon dioxide emissions increase, the temperature should continue to rise. I expect the rate of warming to proceed at a steady pace, about one and a half degrees over land in the next 50 years, less if the oceans are included. But if China continues its rapid economic growth (it has averaged 10 percent per year over the last 20 years) and its vast use of coal (it typically adds one new gigawatt per month), then that same warming could take place in less than 20 years.

Science is that narrow realm of knowledge that, in principle, is universally accepted. I

embarked on this analysis to answer questions that, to my mind, had not been answered. I hope that the Berkeley Earth analysis will help settle the scientific debate regarding global warming and its human causes. Then comes the difficult part: agreeing across the political and diplomatic spectrum about what can and should be done.

With that, I am happy to yield the floor for my friend, Senator INHOFE of Oklahoma.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, first of all, something my friend from Vermont said a minute ago would surprise a lot of people, and that is we are friends. It is kind of strange. People don't understand being violently opposed to each other in this body and yet also being very close friends. My friend from Vermont has a different philosophy than I do. That is the nice thing about both the House and the Senate. We have people with different philosophies who believe in different things. Somewhere in the midst of this, the truth ultimately does come out most of the time. I think we would probably agree with that.

One thing I like about my friend from Vermont is he really believes and is willing to stand up and fight for something he believes. I am not going to suggest there are hypocrites in this body. I wouldn't say that at all. When we look around the political scene, we see people who somehow might ingratiate a block of people who are wanting support. Maybe it is for the next election, maybe it is for a cause. That is not the case with my friend from Vermont. He believes in his heart everything he says.

Sometimes I talk to young people who come in as interns. I tell them there are varied philosophies in the Senate and in the House. We have extreme liberals who believe our country should have a greater involvement in the decisions we make. We have conservatives, like I am, who believe we have too much government in our lives as it is. It is a basic difference. But I say to them, even though I am on the conservative side, I would rather someone be a far outspoken liberal extremist than be in the mushy middle and not stand for anything. My friend from Vermont is not in the mushy middle. He stands for something.

It was not too long ago that another friend in his office, his press secretary—we are very close friends—said something, and I don't want to misquote him. He said, My boss would like to have a copy of your book. I said, Not only will I give him a copy, but I will autograph it for him, but with one commitment, and that is he has to read it. He kept that commitment; I can tell by the things he said.

Let me go over a few things that were said, and I think it is interesting. This Dr. Richard Muller—I can't recall too much about him, but I do know he

was listed among scientists who were skeptics. For the benefit of people who may not know the terminology, I refer to an alarmist as someone who thinks there is great alarm because something is happening and the end of the world is coming because of global warming. Skeptics are those like myself who don't believe that. He apparently has changed from being a skeptic to an alarmist. I would only say this, and that is my Web site, epw.senate.gov, shows from probably over 12 years ago a list of scientists who are calling me, making statements, and saying that the IPCC—that is the United Nations, and that is what we are talking about. The United Nations came out with a preconceived notion that they wanted to believe a preconceived conclusion. When they did this, the scientists who were included in the process were scientists who agreed with them.

So when I questioned it by standing on the floor—I don't remember the date of this. My friend from Vermont may remember that. I made statements about two or three scientists who had called me. After that, the phone was ringing off the hook. Keep in mind there are a lot of scientists out there. We listed on the Web site up to over 1,000 scientists who declared they were skeptics about this whole thing. So I can take some gratitude about the fact that the only scientist who was on the skeptic list who has changed to an alarmist is 1 out of 1,000.

My friend was talking about the National Academy of Sciences. I think it is kind of interesting because let's remember it was the National Academy of Sciences that came out with a report in 1975 warning of a coming ice age. Keep in mind we are all going to die whether it is global warming or another ice age. That is the National Academy of Sciences, the same group. According to a lot of people, they have turned themselves into an advocacy group.

I will quote MIT's Dr. Richard Lindzen, who was a former U.N. IPCC reviewer. He was talking about Ralph Cicerone, who is the president of the NAS. He said:

Cicerone of NAS is saying that regardless of evidence the answer is predetermined, if gov't wants carbon control, that is the answer—

That is what the NAS will provide. If you control carbon, you control life.

So we have had a lot of differing and varying interpretations of availing science over the years. I can recall one of my first introductions to this. Of course, this came way back during the Kyoto Convention. Some people have forgotten that Kyoto was a convention that was going to get everyone to get together under the leadership of the United Nations and we were all going to reduce our carbon, and so they had this big meeting down there. I will always remember it. This is the famous

Al Gore meeting that was called the Earth Summit of 1992. So they came out with this and said this is going to happen. The United Nations said it is, and so they thought everything was fine. Everyone believed it.

It was shortly after that I remember hearing someone talk about it. We can go back and look at this. This is not something I am just saying. There were statements that were made in the 30-year period—let's take the 30-year period from 1895 to 1925. That is 30 years. During that time everyone feared that another ice age was coming. They talked about another ice age, and that the world was coming to an end. They provided all of this documentation during that 30-year period that that is what was happening.

Well, from 1925 to 1945, that 20-year period was a global warming. In fact, the first time we heard of global warming was in that 20-year period from 1925 to 1945. So the world was going to come to an end again, and it was going to be during that period of time due to global warming.

Then came the 30-year period from 1945 to 1975. During that time they said it is a cold spell, and that is when all of these companies came in—the Senator from Vermont is right. I have given probably 30 talks well in excess of an hour each talking about these things. During that time, I remember holding up the cover of Time magazine where they talked about how another ice age was coming. Then I held up a cover of the Time magazine 20 years later, and they said, no, it is global warming. They had the last polar bear stepping on the last cube of ice, and saying we are going to die.

We went through a period of 1945 to 1975 where they declared it a period of another ice age. Then 1975 to the turn of the century—so that was another 30-year period of time—when it was global warming. So we have gone back and forth.

Here is the interesting thing about that. The assertion is always made that we are having catastrophic global warming because of manmade gases, CO<sub>2</sub>, anthropogenic gases, and methane. Yet the greatest surge of CO<sub>2</sub> came right after World War II starting in 1945, and that precipitated not a warming period but a cooling period. So when you look at these things, sometimes—by the way, the only disagreement I would have with my friend from Vermont is that he has quoted me as saying some things.

Actually, unlike Al Gore and some of these other people, I recognize I am not an expert. I am not a scientist, but I read what the scientists say. I get my phone calls, I look at it, and I try to apply logic to it and come to my conclusions. So that is what has been happening over the last—oh, it has been now 12 years, I guess, since all this started.

I wish to mention a couple of other things that were said. For example, on the idea of the science—here it is, right here. As far as scientists are concerned, I can remember quoting from the Harvard-Smithsonian study. The study examined results of more than 240 peer-reviewed—“peer-reviewed” is the term used by my friend from Vermont—the Harvard-Smithsonian study examined the results of more than 240 peer-reviewed papers published by thousands of researchers over the past four decades. The study covers a multitude of geophysical and biological climate indicators. They came to the conclusion that “climate change is not real. The science is not accurate.”

Then we have another quote from a former President of the National Academy of Sciences. He is Dr. Fred Seitz. He said:

There is no convincing scientific evidence that human release of carbon dioxide, methane, or other greenhouse gases is causing or will in the foreseeable future cause catastrophic heating of the Earth's atmosphere and disruption of the Earth's climate.

Again, he is a former President of the National Academy of Sciences.

Then we had a study from not long ago done by George Mason University. This is one my friend from Vermont may not have seen. It was called to my attention, and I missed it somehow in the media. It was a survey of 430 weather forecasters by the university, and it found that only 19 percent of the weather forecasters believed that the climate is changing and if so, that it is due to manmade gases—only 19 percent. That means 81 percent of them think it is not.

Dr. Robert Laughlin is a Nobel Prize winner and a Stanford University physicist. He said—this is kind of good. I enjoyed this one. He said:

Please remain calm: The earth will heal itself. Climate is beyond our power to control. The earth doesn't care about governments or their legislation. Climate change is a matter of geologic time, something that the earth routinely does on its own without asking anyone's permission or explaining itself.

It is happening. I think it is kind of arrogant for people to think we can change this. I am recalling one of the statements made by my good friend that we have all of these—we must provide the leadership.

We have watched these great big annual parties the United Nations has in these exotic places around the world. I can remember going to a few of them. I remember one of them in Milan, Italy. It would have been 2003. I went there. They had “wanted” posters on all the telephone poles with my picture and quoted me when I first came out with the hoax statement. These big parties are kind of interesting. I have only gone to three of them, but they have people invited from all over the world. The only price to pay to come to this is to believe that catastrophic

warming is taking place and that it is the fault of bad old man and anthropogenic gases.

Anyway, the last one was an interesting one—not the last one, the most enjoyable one in Copenhagen. At that time—I am going from memory, but I believe President Obama had been there, Secretary Clinton had been there, NANCY PELOSI had been there, and several others. There were five different people—I can't remember the other two—and they were there to assure the other countries—keep in mind, 192 countries—they assured them that we were going to pass some type of cap-and-trade legislation. So I went. Right before I went over, I announced myself as a self-described—I don't mean it in an arrogant way—as a self-proclaimed, one-man truth squad. I went over to tell them the truth, that it wasn't going to happen.

But right before it happened—talk about poetic justice, I say to my friend from Vermont—right before that happened was a hearing we had with the director of the EPA, Lisa Jackson, whom I love dearly. She is one of my three favorite liberals whom I often talk about, and she came out and said—I looked at her and I said: I am going to Copenhagen tomorrow. I have a feeling that when I leave to go to Copenhagen, you are going to have a declaration that will declare that it is a hazard and all this and give the bureaucracy justification to do through regulation what they could not do and have not been successful in doing through legislation.

I saw a smile on her face.

I said: In the event you make that finding, it has to be based on science. What science do you think it will be based on?

She said: Well, primarily the IPCC—the Intergovernmental Panel on Climate Change.

It is a branch of the United Nations. It was all started by the United Nations.

By the way, I would not mention my book; however, I checked before I came down, and if somebody else mentions my book, which is “The Greatest Hoax,” then it is all right for me to mention it. I see my friend from Vermont nodding in agreement. So I want people to read the longest chapter, which is the chapter on the United Nations. It goes back and tells what the motives were for this. It goes back to 1972. We were in the midst of an ice age at that time, if my colleague remembers. It talks about the meeting that was going to be held at the Earth Summit in 1992, what the motivation was, and then it goes forward from there.

Here is what is interesting. I was going to mention this in a hearing we will both be attending tomorrow. They had the Earth Summit Plus 20 just a month ago in Rio de Janeiro, the same

place it was held 20 years before that when George Bush was President of the United States. He went down there even though he didn't really agree with the stuff that was going on. In this case, President Obama didn't even go down. In fact, it has been conspicuous.

I was glad to see my friend from Vermont coming to the floor and talking about an issue that hasn't been talked about now for years. I am glad it is coming up again. I am glad people realize the cost it is going to be to the American people. By the way, the \$300 billion to \$400 billion originated from a study that was done by scientists—I am sorry—by economists from the Wharton School, and they came up with that figure. Later on, MIT and several universities said: Well, that is the \$300 billion to \$400 billion, what it will cost. So that has been pretty much agreed to. Yet I am sure there is a dissenting view. But this is the first time I have heard on the floor of this Senate a denial of that assertion that was made. Everyone knows what it will cost.

I remember the McCain-Lieberman bill when Senator LIEBERMAN said: Yes, it will cost billions of dollars. There is no question about it. Cap and trade will cost billions of dollars. The question is, What do we gain from it?

Well, that is a pretty good question.

Getting back to Lisa Jackson, I asked the question—this was in a live hearing. I think the Senator from Vermont may have been there; I don't know for sure. It was live on TV.

I said: The assertion has been made that global warming is—that if we pass something, we are going to be able to stop this horrible thing that is going on right now. Let me ask you for the record, live on TV, in a committee hearing, if we were to pass the cap-and-trade bill—I think it was the Markey bill at that time; I am not sure. Cap and trade is cap and trade—pretty much the same. If we were to pass that, would that lower worldwide emissions of CO<sub>2</sub>?

She said: No, it wouldn't.

Wait a minute. This is the Obama-appointed director of the Environmental Protection Agency who said: No, it wouldn't, because the problem isn't here. The problem is in other countries.

I don't remember what countries she named—probably China, India, Mexico. It could be other countries; I am not sure. But nonetheless, she said: No, it really wouldn't do that.

So what we are talking about is this tax on the American people of \$300 billion to \$400 billion. I remember—and I think the Senator from Vermont remembers this also—way back in 1993, during the first of the Clinton-Gore administration, they had the Clinton-Gore tax increase of 1993. That was an increase of marginal rates, the death tax, capital gains, and I believe it was

the largest tax increase in three decades at that time. That was a \$32 billion tax increase. This would be a tax increase ten times that rate.

I know there are people—their heads swim when they hear these numbers. It doesn't mean anything to them. I will tell my colleagues what I do. In Oklahoma, I get the number of families who file a tax return, and then I do the math every time somebody comes up. In the case of that increase, of the \$300 billion to \$400 billion, we are talking about a \$3,000 tax increase for each family in my State of Oklahoma that files a tax return. So, fine, if they want to do that, they can try to do it, but let's not say something good will come from it when the director of the EPA herself said no, it is not going to reduce emissions.

The other thing too that my friend from Vermont mentioned was the heat. Yes, it is hot. In fact, it was kind of funny—during the remarks of my friend from Vermont, my wife called me from Oklahoma and said: Do you think I should call in and say today it is 109 degrees?

I said: No, it wouldn't be a good idea. Let me say it.

So it is true. Now and then we have some very hot summers, and in the case of my State of Oklahoma, it is hot almost every summer. We have had a lot of heat. However, the people who try to say there is proof that global warming is taking place are the same ones who—back when we had the most severe winter 2 years ago, when my kids built the famous igloo, that was one of the most severe winters. In fact, all the airports were closed at that time. It was kind of funny. I have 20 kids and grandkids. One family is headed up by Jimmy and Molly Rapert. She is a professor at the University of Arkansas. She has a little girl we helped find in Ethiopia many years ago. Zagita Marie was just a few days old when we found her and not in very good shape. We nursed her back to health. Molly and her husband, who have three boys, decided they wanted a girl, and they adopted her. She is now 12 years old. She reads at college level. Every year I have the Africa dinner in February, and she has been the keynote speaker at that.

Anyway, 2 years ago in February, she had given her keynote speech and they were getting ready to leave and go back home, but they couldn't get out because all the airports were closed. What do you do with a family of six? You go out and build an igloo. This wasn't just an igloo the kids built; it slept four people, right next to the Library of Congress, and on top of it they had a little sign saying "Al Gore's New Home."

Anyway, they were talking about that single weather event at that time—or some were; not me; I know better than to do that—saying global

warming can't take place because we have had the most severe winters. Anyway, a lot of people have tried to use—and I don't blame them for doing it—the idea that, oh, it is really hot out there; therefore, this must be global warming.

I would suggest that—oh, yeah, the one weather event. Roger Pielke, Jr., professor of environmental studies at the University of Colorado, said:

Over the long run, there is no evidence that disasters are getting worse because of climate change.

Judith Curry, chair of the Georgia Institute of Technology School of Earth and Atmospheric Sciences, said:

I have been completely unconvinced by any of the arguments that attribute a single extreme weather event or a cluster of extreme weather events or statistics of extreme weather events to an anthropogenic forcing.

Myles Allen, the head of the Climate Dynamics Group at the University of Oxford's Atmospheric, Oceanic and Planetary Physics Department, said:

When Al Gore said that scientists now have clear proof that climate change is directly responsible for the extreme and devastating floods, storms and droughts, my heart sank.

The other day, I was on the "Rachel Maddow Show." I watch Rachel Maddow. She is one of my three favorite—let me just declare today that I have four favorite liberals, and the Senator from Vermont is one of them. He just graduated to that today, I say to my friend from Vermont.

Anyway, I have been on her show before—and I always like doing it because they are on the other side of these issues—but her own guy, called Bill Nye the Science Guy, agrees, one, it is wrong to try to attribute climate to a weather event. There is a big difference between weather and climate. So we have an awful lot of people who are talking about that.

My good friend from Vermont talked about the global cooling predictions. Let me correct him in saying that I did not say that. I said that quoting scientists. I try to do that because I do not want anyone to think I know that much about science because I do not.

A prominent Russian scientist, Dr. Abdussamatov, said:

We should fear a deep temperature drop—not catastrophic global warming. . . .

It follows that [global] warming had a natural origin, the contribution of CO<sub>2</sub> to it was insignificant. . . .

This second thing: "UN Fears (More) Global Cooling Commeth!" This is the IPCC. This is the United Nations, the same people who, in my opinion—I do say this—are trying to profit from this issue. When I say that, let me clarify that because when the United Nations comes up with something that is not in the best interests of this country—I have often said we ought to correct this. I have written letters, signed by Members of this Senate, and before



that by Members of the House when I was in the House, saying: You guys are going to have to come to the meeting and talk about this because it is going to be a serious problem.

When you talk about all these things that are going on, it is something that is not actually taking place.

So they said—and I am quoting now. This would be palaeoclimate scientist Dr. Bob Carter from James Cook University in Australia, who has testified before the U.S. Senate Committee on EPW. I was there at that testimony. He noted on June 18, 2007: The accepted global average temperature statistics used by the Intergovernmental Panel on Climate Change show that no ground-based warming has occurred since 1998. Oddly, this is 8-year long temperature stability that occurred, despite an increase over the same period of 15 parts per million of atmospheric CO<sub>2</sub>.

So, again, these are scientists. I know there are scientists with varying views, but there sure are a lot of them here.

Just months before the Copenhagen matter took place—by the way, I kind of enjoyed that trip to Copenhagen because when I got over there—this, again, was the meeting where they invite all the people who believe in global warming and make all these countries—192 countries—believe if they will go along with this, they will get great rewards for doing something about global warming. So, anyway, I enjoyed that very much because I was able to go over and show the people what the truth was in this country.

But Andrew Revkin, just before Copenhagen, on September 23, 2009, in the New York Times, acknowledged:

The world leaders who met at the United Nations to discuss climate change . . . are faced with an intricate challenge: building momentum for an international climate treaty at a time when global temperatures have been relatively stable for a decade and may even drop for the next few years.

I look at some of the things—incidentally, I kind of wish I had known my good friend from Vermont was going to be talking about this because I would have been delighted to join in and get a little bit better prepared. But I would say this as to the cost: When you talk about where this cost comes from, the \$300 to \$400 billion, the Kyoto Protocol and cap-and-trade cost—this is from the Wharton Econometrics Forecasting Associates I mentioned just a minute ago—Kyoto would cost 2.4 million U.S. jobs and reduce GDP by 3.2 percent or about \$300 billion annually, an amount greater than the total expenditure on primary and secondary education.

Oh, yes, let's talk about polar bears. I am not sure my friend mentioned the polar bears, so I will skip that part. Anyway, let me just say this: It has become something that has been somewhat of a religion to talk about what is

happening and the world is coming to an end. I would just suggest they are not winning that battle.

In March 2010, in a Gallup poll, Americans ranked global warming dead last—8 out of 8—on environmental issues. That was not true 10 years ago. Ten years ago, it was No. 1, and everyone thought that. The more people sit back and look at it and study it, they decide: Well, maybe it is not true after all.

In March 2010, a Rasmussen poll: 72 percent of American voters do not believe global warming is a very serious problem. In a Rasmussen poll at the same time as to the Democrat base: Only 35 percent now think climate change is manmade.

The global warmist Robert Socolow laments:

We are losing the argument with the general public, big time . . . I think the climate change activists, myself included, have lost the American middle.

In a way, I am kind of pleased it is coming back up and surfacing now. I thank my good friend, and he is my good friend. People do not understand—they really do not understand—what the Senate is all about. The House was not that way when I was in the House. But in the Senate, you can love someone and disagree with them philosophically and come out and talk about it.

I have no doubt in my mind that my friend from Vermont is sincere in what he believes. I believe he would say he knows I am sincere with what I believe. That is what makes this a great body.

But I will just say this: It is popular to say the world is coming to an end. When we look historically, I could go back and talk about what has happened over the years—over the centuries really—and going through these periods of time, and it is always that the world is coming to an end.

Well, I am here to announce—and I feel very good being able to do it with 20 kids and grandkids; I am happy to tell them all right now—the world is not coming to an end, and global warming—we are going through a cycle. We have gone through these cycles before, and every time we go through—in part of my book I talk about the hysterical things people are saying.

Back during that period of time, I mentioned between 1895 and 1930 about how the world was coming to an end, and the same thing from 1930 to the end of the war. Then, of course, getting into the little ice age, all these things that were taking place, the little ice age from 1945—not the ice age but this cooling period—the cooling period that started in 1945 and lasted for 30 years was the time in our history where we had the greatest increase in carbon in the air, the greatest use of that. So it is inconsistent with what reality was.

So I would say to my good friend, I have no doubt in my mind that the

Senator from Vermont is sincere in what he says. While he and I are ranked at the extreme sides of the philosophical pendulum, I would say I know he is sincere. But I will also say this is a tough world we are in right now. When we look at the problems we have in this country and the problems we are having in the world and the cost that it has, I am very thankful those who are trying to pass the cap and trade, all the way from the Kyoto Treaty—which was never brought to the Senate, never brought because they knew they were not going to be able to pass it—up until the time when that ended in about 2009, I would say a lot of activists were out there, but I think people have now realized: Just look at the patterns. It gets colder, it gets warmer, it gets colder, it gets warmer. God is still up there. And I think that will continue in the future.

I thank the Chair and yield the remainder of my time.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Vermont.

Mr. SANDERS. Mr. President, I have talked for a long time on this issue, so I do not want to make a great speech and continue speaking at great length. I do want to say a few things.

First of all, I want to thank Senator INHOFE for his kind words. Let me respond in the same way. He and I philosophically and politically come from very different places. I have never doubted for one moment the honesty or the sincerity of the Senator from Oklahoma. He is saying what he believes. He has the courage to get up here and say it, and I appreciate that. So we are good friends, and I hope we will continue to be good friends.

I think, frankly, it does this Senate, and it does this country, good when people hear varied differences of opinion on an issue that I consider to be of enormous consequence. So what I would say to my friend is, I hope, in fact, this is the beginning of a resurgence of discussion about this issue, and I look forward to engaging in the discussion with my friend from Oklahoma.

With that, Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRANKEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WEBB). Without objection, it is so ordered.



## EXECUTIVE SESSION

## NOMINATION OF ROBERT E. BACHARACH TO BE UNITED STATES CIRCUIT JUDGE FOR THE TENTH CIRCUIT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of Robert E. Bacharach, of Oklahoma, to be United States Circuit Judge for the Tenth Circuit.

The PRESIDING OFFICER. Under the previous order, there will be 1 hour of debate equally divided and controlled in the usual form.

Mr. LEAHY. Today's debate and vote on the partisan filibuster of the Oklahoma judicial nominee, who has had the support of the Republican Senators from Oklahoma since President Obama nominated him 6 months ago, is another example of how extreme Senate Republicans have gone in their efforts to obstruct judicial confirmations. If they succeed in their partisan filibuster, it will be another first for them. Never before has the Senate filibustered and refused to vote on a judicial nominee with such strong bipartisan support, who was voted out of the Judiciary Committee with virtually unanimous support.

Their partisan efforts to shut down Senate confirmations of qualified judicial nominees who have bipartisan support do not help the American people. This is a shortsighted policy at a time when the judicial vacancy rate remains more than twice what it was at this point in the first term of President Bush. Judicial vacancies during the last few years have been at historically high levels. Nearly one out of every 11 Federal judgeships is currently vacant. Their shutting down confirmations for consensus and qualified circuit court nominees is not helping the overburdened Federal courts to which Americans turn for justice.

Over his 13-year career as a U.S. Magistrate Judge in the Western District of Oklahoma, Judge Robert Bacharach has handled nearly 3,000 civil and criminal matters, presided over 400 judicial settlement conferences, and issued more than 1,600 reports and recommendations. As an attorney in private practice, Judge Bacharach tried 10 cases to verdict, argued 2 cases before the Tenth Circuit Court of Appeals, and briefed scores of other cases to the tenth circuit and the Oklahoma Supreme Court. The ABA Standing Committee on the Federal Judiciary has rated Judge Bacharach unanimously well qualified, the highest possible rating from its nonpartisan peer review.

Judge Bacharach's judicial colleagues in the Western District of Oklahoma stand strongly behind his

nomination. Vicki Miles-LaGrange, Chief Judge of the U.S. District Court for the Western District of Oklahoma, has said of Judge Bacharach:

He is an outstanding jurist and my colleagues and I enthusiastically and wholeheartedly recommend him for the Tenth Circuit position . . . We knew that we were lucky to have Bob as a Magistrate Judge, and he's been remarkable in this position for over 12 years. He is an absolutely great Magistrate Judge. His research and writing are excellent, his temperament is superb, his preparation is top-notch, and he is a wonderful colleague to all of the judges and in general to the entire court family. . . . All of the other judges and I—Republicans and Democrats alike—enthusiastically and wholeheartedly recommend Judge Bob Bacharach for the Tenth Circuit position. All of us believe very strongly that Judge Bacharach would be a superb choice for the position.

Throughout this very careful and deliberate process in which Judge Robert Bacharach has been thoroughly vetted, considered, and voted on by the Judiciary Committee, I have not heard a single negative word about him. There is no Senator that I know of who is opposed to his nomination on the merits. The only obstacle standing between Judge Bacharach being confirmed to serve the people of the tenth circuit is partisan obstruction.

Nor is Judge Bacharach the only victim of this abuse. In a letter dated June 20, 2012, the president of the American Bar Association urged Senator REID and Senator MCCONNELL to work together to schedule votes on the nominations of William Kayatta and Richard Taranto, as well as Judge Bacharach. These are three consensus, qualified circuit court nominees awaiting Senate confirmation so that they may serve the American people. I ask that a copy of that letter be printed in the RECORD, along with an article from the Oklahoman on this nomination.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN BAR ASSOCIATION,  
Chicago, IL, June 20, 2012.

Hon. HARRY REID,  
Majority Leader, U.S. Senate,  
Washington, DC.  
Hon. MITCH MCCONNELL,  
Republican Leader, U.S. Senate,  
Washington, DC.

DEAR MAJORITY LEADER REID AND REPUBLICAN LEADER MCCONNELL: Amid concerns that the judicial confirmation process is about to fall victim to presidential election year politics through the invocation of the "Thurmond Rule," I am writing on behalf of the American Bar Association to reiterate our grave concern for the longstanding number of judicial vacancies on Article III courts and to urge you to schedule floor votes on three pending, noncontroversial circuit court nominees before July and on district court nominees who have strong bipartisan support on a weekly basis thereafter.

Three of the four circuit court nominees pending on the Senate floor are consensus nominees who have received overwhelming approval from the Senate Judiciary Com-

mittee. Both William Kayatta, Jr. of Maine, nominated to the First Circuit, and Robert Bacharach of Oklahoma, nominated to the Tenth Circuit, have the staunch support of their Republican senators. Richard Taranto, nominated to the Federal Circuit, enjoys strong bipartisan support, including the endorsement of noted conservative legal scholars. All three nominees also have stellar professional qualifications and each has been rated unanimously "well-qualified" by the ABA's Standing Committee on the Federal Judiciary.

As you know, the "Thurmond Rule" is neither a rule nor a clearly defined event. While the ABA takes no position on what invocation of the "Thurmond Rule" actually means or whether it represents wise policy, recent news stories have cast it as a precedent under which the Senate, after a specified date in a presidential election year, ceases to vote on nominees to the federal circuit courts of appeals. We note that there has been no consistently observed date at which this has occurred during the presidential election years from 1980 to 2008. With regard to the past three election years, the last circuit court nominees were confirmed in June during 2004 and 2008 and in July during 2000. In deference to these historical cut-off dates and because of our conviction that the Senate has a continuing constitutional duty to act with due diligence to reduce the dangerously high vacancy rate that is adversely affecting our federal judiciary, we exhort you to schedule votes on these three outstanding circuit court nominees this month.

We also urge you to continue to work together to move consensus district court nominees to the floor for a vote throughout the rest of the session, lest the vacancy crisis worsens in the waning months of the 112th Congress. With five new vacancies arising this month and an additional five announced for next month, this is not just a possibility; it is a certainty, absent your continued commitment to the federal judiciary and steady action on nominees.

Thank you for your past efforts and for your consideration of our views on this important issue.

Sincerely,  
WM. T. (BILL) ROBINSON III,  
President.

[From the Oklahoman, June 15, 2012]

SENATE REPUBLICANS TO BLOCK VOTE ON OKLAHOMA NOMINEE FOR FEDERAL APPEALS COURT

(By Chris Casteel)

WASHINGTON.—Senate Republicans won't allow a vote before November's presidential election to confirm U.S. Magistrate Judge Robert E. Bacharach to a federal appeals court, despite Bacharach's credentials and support from both Oklahoma senators, Sen. Tom Coburn said Thursday.

Coburn, R-Muskogee, said Senate Republican leader Mitch McConnell told him Republicans were following a tradition used by both parties to block votes on circuit court nominees a few months before a presidential election.

That means a vote on Bacharach, whose nomination to the 10th U.S. Circuit Court of Appeals cleared the Senate Judiciary Committee last week, "is not going to happen," Coburn said.

Coburn said the nomination of John E. Dowdell to be a U.S. district judge in Tulsa still has a "great chance" of clearing the full Senate.

Bacharach is "an awfully good candidate" for the circuit court position, said Coburn,

who praised his character and judicial temperament. Bacharach, who has been a magistrate judge in Oklahoma City since 1999, was given a rating of "unanimously well qualified" for the appeals court position by the American Bar Association.

Sen. Jim Inhofe, R-Tulsa, praised Bacharach during a committee hearing last month.

But the selection and confirmation process moved too slowly to fill the vacancy on the appeals court—which is a step below the U.S. Supreme Court—given the political timetable in Washington.

Though the position has been open since July 2010, the White House didn't make a nomination until January, after spending months vetting candidates that weren't going to be acceptable to Coburn and Inhofe.

Then, it took more than three months to schedule a committee hearing for Bacharach as the staff conducted a background investigation; Coburn withheld his approval for a committee hearing until the committee investigation was completed.

Ultimately, Bacharach may have just narrowly missed a full Senate vote. The Senate this week, over the objections of most Republicans, confirmed a nominee from Arizona for another circuit court. After that vote, McConnell told Republican senators no other votes on circuit judges would be held.

McConnell's office declined to comment on Thursday.

Sen. Patrick Leahy, D-Vermont, chairman of the Senate Judiciary Committee, said Thursday, "This is really a challenge to the senators who have said that they will not support these filibusters and this kind of shutdown, and to those Republican senators who support the circuit court nominees from Maine and Oklahoma."

But Coburn said there wasn't anything he could do about the situation.

The delaying tactic on circuit court judges, which will likely extend to district court judges later this year, has become common practice for the party that doesn't control the White House.

This year, it means Republicans will block votes on nominees for appeals courts, which can have great influence on a wide range of legal issues since the Supreme Court agrees to hear relatively few cases.

The aim of the tactic is to delay making lifetime appointments to federal courts in hopes their party will regain the White House and the power to fill judicial vacancies. Coburn said Bacharach could be cleared late this year if President Barack Obama wins re-election. If not, Coburn said, Bacharach would make a great nominee for a Republican president.

Mr. LEAHY. The ABA president wrote:

Amid concerns that the judicial confirmation process is about to fall victim to presidential election year politics through the invocation of the "Thurmond Rule," I am writing on behalf of the American Bar Association to reiterate our grave concern for the longstanding number of judicial vacancies on Article III courts and to urge you to schedule floor votes on three pending, non-controversial circuit court nominees before July and on district court nominees who have strong bipartisan support on a weekly basis thereafter.

This is the precise danger that was the reason for that letter. Including Judge Bacharach, William Kayatta of Maine, and Richard Taranto, there are currently 20 judicial nominees voted

out of the Judiciary Committee and being blocked by Senate Republicans.

During the Judiciary Committee meeting approving the nomination of Judge Bacharach, Senator COBURN noted:

I believe that Judge Bacharach will uphold the highest standards and reflect the best in our American judicial tradition by coming to the bench as a well-regarded member of the community. At a time when our country seems as divided as ever, it is important that citizens respect members of the judiciary and are confident they will faithfully and impartially apply the law. . . . I believe Judge Bacharach would be an excellent addition to the Tenth Circuit.

Senator INHOFE likewise has said: "I believe that Judge Bacharach would continue the strong service Oklahomans have provided the Tenth Circuit." When asked last month about this effort to block a vote on Judge Bacharach's nomination, Senator COBURN told The Oklahoman: "I think it's stupid." He is right. It is just obstruction.

There is no good reason that the Senate should not vote on consensus circuit court nominees thoroughly vetted, considered and voted on and approved with nearly unanimous bipartisan support by the Judiciary Committee. There is no reason the Senate cannot vote on the nomination of William Kayatta of Maine to the first circuit, a nominee strongly supported by both of Maine's Republican Senators and reported nearly unanimously by the committee 3 months ago and 2 months before considering Judge Bacharach's nomination. This is the same person who Chief Justice John Roberts recommended to Kenneth Starr for a position in the Justice Department. He is widely respected in Maine. Republicans cannot seriously oppose his nomination on the merits or for ideological reasons. It is just more obstruction.

There is also no reason the Senate cannot vote on Richard Taranto's nomination to the Federal circuit. He was reported almost unanimously by voice vote nearly 4 months ago, and is supported by conservatives such as Robert Bork and Paul Clement. Republicans cannot seriously oppose his nomination to the Federal circuit on the merits or for ideological reasons. It is just more obstruction.

Each of these circuit court nominees has been rated unanimously well qualified by the nonpartisan ABA Standing Committee on the Federal Judiciary, the highest possible rating. These are not controversial nominees. They are qualified and should be considered as consensus nominees and confirmed. Senate Republicans are blocking consent to vote on superbly qualified circuit court nominees with strong bipartisan support. This is a new and damaging application of the Thurmond rule.

It is hard to see how this new application of the Thurmond rule is really

anything more than another name for the stalling tactics we have seen for months and years. I have yet to hear any good reason why we should not continue to vote on well-qualified, consensus nominees, just as we did up until September of the last 2 Presidential election years. I have yet to hear a good explanation why we cannot work to solve the problem of high vacancies for the American people. I will continue to work to confirm as many of President Obama's qualified judicial nominees as possible to fill the many judicial vacancies that burden our courts and the American people across the country.

Senate Republicans have become the party of no—no help for the American people, no to jobs, no to economic recovery, no help to extend tax cuts for the middle class, and no to judges to provide Americans with justice in their Federal courts. Although the public announcement that they would be blocking qualified and consensus circuit court nominees was not until June, the truth is that Senate Republicans have been obstructing President Obama's judicial nominees since the beginning of his Presidency, beginning with their filibuster of his first nominee.

Senate Republicans used to insist that filibustering of judicial nominations was unconstitutional. The Constitution has not changed but as soon as President Obama was elected they reversed course and filibustered President Obama's very first judicial nomination. Judge David Hamilton of Indiana was a widely respected 15-year veteran of the Federal bench nominated to the seventh circuit and was supported by Senator DICK LUGAR, the longest-serving Republican in the Senate. They delayed his confirmation for 5 months. Senate Republicans then proceeded to obstruct and delay just about every circuit court nominee of this President, filibustering nine of them. They delayed confirmation of Judge Albert Diaz of North Carolina to the fourth circuit for 11 months. They delayed confirmation of Judge Jane Stranch of Tennessee to the sixth circuit for 10 months. They delayed confirmation of Judge Ray Lohier of New York to the second circuit for 7 months. They delayed confirmation of Judge Scott Matheson of Utah to the tenth circuit and Judge James Wynn, Jr. of North Carolina to the fourth circuit for 6 months. They delayed confirmation of Judge Andre Davis of Maryland to the fourth circuit, Judge Henry Floyd of South Carolina to the fourth circuit, Judge Stephanie Thacker of West Virginia to the fourth circuit, and Judge Jacqueline Nguyen of California to the ninth circuit for 5 months. They delayed confirmation of Judge Adalberto Jordan of Florida to the eleventh circuit, Judge Beverly Martin of Georgia to the eleventh circuit, Judge Mary

Murguia of Arizona to the ninth circuit, Judge Bernice Donald of Tennessee to the sixth circuit, Judge Barbara Keenan of Virginia to the fourth circuit, Judge Thomas Vanaskie of Pennsylvania to the third circuit, Judge Joseph Greenaway of New Jersey to the third circuit, Judge Denny Chin of New York to the second circuit, and Judge Chris Droney of Connecticut to the second circuit for 4 months. They delayed confirmation of Judge Paul Watford of California to the ninth circuit, Judge Andrew Hurwitz of Arizona to the ninth circuit, Judge Morgan Christen of Alaska to the ninth circuit, Judge Stephen Higginson of Louisiana to the fifth circuit, Judge Gerard Lynch of New York to the second circuit, Judge Susan Carney of Connecticut to the second circuit, and Judge Kathleen O'Malley of Ohio to the Federal circuit for 3 months.

As a recent report from the nonpartisan Congressional Research Service confirms, the median time circuit nominees have had to wait for a Senate vote has skyrocketed from 18 days for President Bush's nominees to 132 days for President Obama's circuit court nominees. This is the result of Republican foot dragging and obstruction. In most cases, Senate Republicans have been delaying and stalling for no good reason. How else do you explain the filibuster of the nomination of Judge Barbara Keenan of Virginia to the fourth circuit who was ultimately confirmed 99-0? And how else do you explain the needless obstruction of Judge Denny Chin of New York to the second circuit, who was filibustered for 4 months before he was confirmed 98-0?

The only change in their practices is that Senate Republicans have finally acknowledged that they are seeking to shut down the confirmation process for qualified and consensus circuit court nominees. Three of the five circuit court judges finally confirmed this year after months of unnecessary delays and a filibuster should have been confirmed last year. The other two circuit court nominees confirmed this year were both subjected to stalling and partisan filibusters, which were thankfully unsuccessful.

The American people need to understand that Senate Republicans are stalling and filibustering judicial nominees supported by their home State Republican Senators. Just consider the States I have already mentioned as having circuit nominees supported by their home State Republican Senators unnecessarily stalled—Indiana, North Carolina, Utah, South Carolina, Georgia. Just last month we needed to overcome a filibuster to confirm Justice Andrew Hurwitz of the Arizona Supreme Court to the ninth circuit despite the strong support of Senators JON KYL and JOHN MCCAIN. Now it is nominees from Oklahoma and Maine who are being filibustered despite the

support of their home State Republican Senators.

The year started with the majority leader having to file cloture to get an up-or-down vote on Judge Adalberto Jordan of Florida to the eleventh circuit even though he was strongly supported by his Republican home State Senator. And every single one of these nominees for whom the majority leader was forced to file cloture this year was rated unanimously well qualified by the nonpartisan ABA Standing Committee on the Federal Judiciary, the highest possible rating. Most were to fill a judicial emergency vacancy. So when I hear some Senate Republicans say they are now invoking the Thurmond rule and have decided they are not going to allow President Obama's judicial nominees to be considered, I wonder how the American people are supposed to be able to tell the difference from how they have been obstructing for the last 3½ years.

The minority's stalling of votes on judicial nominees with significant bipartisan support is all to the detriment of the American people. This has been a tactic that they have employed for the last 3½ years, despite repeated appeals urging them to work with us to help solve the judicial vacancy crisis. We have seen everyone from Chief Justice John Roberts, himself appointed by a Republican President, to the nonpartisan American Bar Association urging the Senate to vote on qualified judicial nominees who are available to administer justice for the American public. Sadly, Republicans insist on being the party of no.

What the American people and the overburdened Federal courts need are qualified judges to administer justice in our Federal courts, not the perpetuation of extended, numerous vacancies. Today vacancies on the Federal courts are more than 2½ times as many as they were on this date during the first term of President Bush. The Senate is more than 40 confirmations off the pace we set during President Bush's first term.

Because they cannot deny the strength of this comparison—using apples to apples by comparing first terms—Senate Republicans instead try to draw comfort by making comparisons to President Bush's second term after we had already worked hard to reduce vacancies by 75 percent. In fact, during President Bush's second term, the number of vacancies never exceeded 60 and was reduced to 34 near the end of his Presidency. In stark contrast, vacancies have long remained near or above 80, with little progress made in these last 3½ years. Today, there are still 76 vacancies. Their tactics have actually led to an increase in judicial vacancies during President Obama's first term—a development that is another sad first.

But the real point is that their selective use of numbers does nothing to

help the American people. We should be doing better. I know that we can because we have done better. During President Bush's first term, notwithstanding the 9/11 attacks, the anthrax attack on the Senate, the ideologically driven selections of judicial nominees by President Bush, and his lack of outreach to home State Senators, we reduced the number of judicial vacancies down to 29 by this point during his first term and acted to confirm 205 circuit and district court nominees by the end of his first term.

Another excuse from the minority comes across more as partisan score settling than anything else. They claim that having confirmed two Supreme Court Justices, the Senate cannot be expected to reach the 205 number of confirmations in President Bush's first term.

But those Supreme Court confirmation proceedings from years ago do not excuse the Senate from taking the actions it could now on the 20 judicial nominees voted out of the Judiciary Committee and ready for final Senate action. That second Supreme Court confirmation was in August 2010. That is almost 2 years ago and it was opposed by most Senate Republicans.

Senate Republicans held down circuit and district court confirmations in President Obama's first 2 years in office to historically low numbers—12 by the end of 2009 and another 48 in 2010 for a total of only 60. They refused to act on 10 nominees ready at the end of 2009 and on 19 as 2010 drew to a close. Last year they employed the same tactic in stalling action on another 19 judicial nominees at the end of 2011. Now it is 20 judicial nominees in this summer of 2012 that they are stalling. Had Republicans not stalled 19 nominations at the end of last year and dragged those confirmations out into May of this year, we the American people and the Federal courts would be much better off. As it is, however, the fact remains that there are 20 qualified judicial nominations that the Senate could be voting on without further delay.

They refuse to acknowledge that in addition to confirming two Supreme Court Justices in President Clinton's first term, the Senate was able to confirm 200 circuit and district court judges. And in 1992, at the end of President George H.W. Bush's term, the Senate with a Democratic majority was able to confirm 192 circuit and district court judges despite confirming two Supreme Court Justices. Republicans have kept the Senate well back from those numbers by only allowing the Senate to proceed to confirm 154 of President Obama's circuit and district court nominees. That is a far cry from what we have been able to achieve in addition to our consideration of Supreme Court nominations when the Senate was being allowed to function more fairly and to consider judicial

nominees reported with bipartisan support.

Nor are the nominees about whom we are concerned recently nominated. These are not nominees dumped on the Senate in scores at the end of a Presidential term. These are, instead, nominations that date back to October of last year. Most were nominated before March. In fact the circuit court nominees who Republicans are refusing to consider date back to October and November of last year and January of this year. William Kayatta was voted on by the committee and placed before the Senate by mid-April and could have been confirmed then. Richard Taranto and Judge Patty Shwartz have been stalled before the Senate even longer, since March. The truth is that Senate Republicans have shut down confirmations of circuit court judges not just in July but, in effect, for the entire year. The Senate has yet to vote on a single circuit court nominee nominated by President Obama this year. Since 1980, the only Presidential election year in which there were no circuit nominees confirmed who was nominated that year was in 1996, when Senate Republicans shut down the process against President Clinton's circuit nominees. The fact that Republican stalling tactics have meant that circuit court nominees that should have been confirmed in the spring—like Bill Kayatta, Richard Taranto and Patty Shwartz—are still awaiting a vote after July 4th is no excuse for not moving forward this month to confirm these circuit nominees.

The American people who are waiting for justice do not care about excuses. They do not care about some false sense of settling political scores. They want justice, just as they want action on measures the President has suggested to help the economy and create jobs rather than political calculations about what will help Republican candidates in the elections in November.

When Republican Senators try to take credit for the Senate having reached what they regard as their "quota" for confirmations this year, they should acknowledge their strenuous opposition and attempts to filibuster many of the nominations for which they now take credit. As recently as 2008, Senate Republicans denied there was a Thurmond rule. They used to say that any judicial nominee reported by the Senate was entitled to an up-or-down vote and that they would never filibuster judicial nominees. Well, the majority leader has had to file 30 cloture petitions to end their filibusters of judicial nominees. Now they are flip-flopping on their own call for up-or-down votes.

What they are doing now is a first. As I have noted, in the past 5 Presidential election years, Senate Democrats have never denied an up-or-down vote to any circuit court nominee of a Republican

President who received bipartisan support in the Judiciary Committee. They are denying votes not only to Robert Bacharach, a nominee from Oklahoma supported by his conservative home State Republican Senators but also to William Kayatta, a universally respected nominee from Maine supported by his home State Republican Senators, and Richard Taranto, whose nomination to the Federal circuit received virtually unanimous support. Even Judge Patty Shwartz, whose nomination to the third circuit received a split rollcall vote, has the bipartisan support of New Jersey Governor Chris Christie.

Personal attacks on me, taking quotes out of context, trying to repackage their own actions as if following the Thurmond rule or what they seek to dub the Leahy Rule do nothing to help the American people who are seeking justice in our Federal courts. I am willing to defend my record but that is beside the point. The harm to the American people is what matters. Republicans are insisting on being the party of no even when it comes to judicial nominees who home State Republican Senators support.

As chairman and when I served as the ranking member of the Judiciary Committee, I have worked with Senate Republicans to consider judicial nominees well into Presidential election years. I have taken steps to make the confirmation process more transparent and fair. I have ensured that the President consults with home State Senators before submitting a nominee. I have opened up what had been a secretive, blue-slip process to prevent abuses. All the while I have protected the rights of the minority, of Republican Senators. If Republicans want to talk about the Leahy rules, those are the practices I have followed. And I have been consistent. I hold hearings at the same pace and under the same procedures whether the President nominating is a Democrat or a Republican. Others cannot say that.

Senate Republicans are fond of taking quotes of things I have said out of context. But look at my record as chairman. I have not filibustered nominees with bipartisan support in July of Presidential election years. As chairman of this committee, I have steadfastly protected the rights of the minority. I have done so despite criticism from Democrats. I have only proceeded with judicial nominations supported by both home State Senators. I will put my record of consistent fairness up against that of any chairman and remind Senate Republicans that it is they who blatantly disregarded even-handed practices when they were ramming through ideological nominations of President George W. Bush. They would proceed with nominations despite the objection of both home State Senators.

So those are the Leahy rules—respect for and protection of minority rights, increased transparency, consistency, and allowing for confirmations well into Presidential election years for nominees with bipartisan support.

And what were the results? In the last two Presidential election years, we were able to bring the number of judicial vacancies down to the lowest levels in the past 20 years. In 2004, at the end of President Bush's first term, vacancies were reduced to 28, not the 76 we have today. In 2008, in the last year of President Bush's second term, we again worked to fill vacancies and got them down to 34, less than half of what they are today. In 2004, 25 nominees were confirmed from June 1 to the Presidential election. In 2008, 22 nominees were confirmed between June 1 and the Presidential election. So far, since June 1 of this year, only eight judges have been confirmed and five required the majority leader to file cloture to end Republican filibusters.

In 2004, the Senate confirmed five circuit court nominees of a Republican President that had been reported by the committee that year. This year we have confirmed only two circuit court nominees that have been reported by the committee this year, and we had to overcome Republican filibusters in both cases. By this date in 2004 the Senate had already confirmed 35 of President Bush's circuit court nominees. So far, the Senate has only been allowed to consider and confirm 30 of President Obama's circuit court nominees—5 fewer, 17 percent fewer—while higher numbers of vacancies remain, and yet the Senate Republican leadership demands an artificial shutdown on confirmation of qualified, consensus nominees for no good reason.

In fact, during the last 20 years, only four circuit nominees reported with bipartisan support have been denied an up-or-down vote during a Presidential election year by the Senate; all four were nominated by President Clinton and blocked by Senate Republicans. While Senate Democrats have been willing to work with Republican Presidents to confirm circuit court nominees with bipartisan support, Senate Republicans have repeatedly obstructed the nominees of Democratic Presidents. In the previous 5 Presidential election years, a total of 13 circuit court nominees have been confirmed after May 31. Not surprisingly, 12 of the 13 were Republican nominees. Clearly, this is a one-way street in favor of Republican Presidents' nominees.

Senate Republicans, on the other hand, have repeatedly asserted that the Thurmond rule does not exist. For example, on July 14, 2008, the Senate Republican caucus held a forum and said that the Thurmond rule does not exist. At that meeting, the senior Senator from Kentucky, the Republican leader

stated: "I think it's clear that there is no Thurmond rule. And I think the facts demonstrate that." Similarly, the Senator from Iowa, my friend who is now serving as ranking member of the Judiciary Committee, stated that the Thurmond rule was in his view "plain bunk." He said: "The reality is that the Senate has never stopped confirming judicial nominees during the last few months of a President's term." We did not in 2008 when we proceeded to confirm 22 nominees over the second half of that year.

So at the end of President Bush's second term, and at the beginning of his first term as well, Senate Democrats worked to confirm consensus nominees and reduce the judicial vacancy rate. Despite the pace we set during President Bush's first term for reducing vacancies, vacancies have remained near or above 80 for most of President Obama's first term and little comparative progress has been made during the three and a half years of President Obama's first term. As contrasted to 29 vacancies in July 2004, there are still 76 vacancies in July 2012. If we could move forward to Senate votes on the 20 judicial nominees ready for final action, the Senate could reduce vacancies to less than 60 and make some progress. We were 9 months later in confirming the 150th circuit or district judge to be appointed by President Obama. Another way to look at our relative lack of progress and the burden the Republican obstruction is placing on the American people seeking justice is to note that by mid-November 2002 we had already reduced judicial vacancies to below where we are now. In fact, when on November 14, 2002, the Senate proceeded to confirm 18 judicial nominees, vacancies went down to 60 throughout the country. We effectively worked twice as efficiently and twice as fast. By that measure, the Senate is almost 20 months behind schedule. This is hardly then the time to be shutting down the process.

In a letter to Senators COBURN and INHOFE dated July 19, 2012, the American Bar Association's State Delegate for Oklahoma urged the Republican Senators to rise above politics and to end this filibuster of Judge Bacharach. I ask unanimous consent that a copy of this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN BAR ASSOCIATION,  
Oklahoma City, OK, July 19, 2012.

Senator JAMES M. INHOFE,  
Russell Senate Office Building,  
Washington, DC.

Senator TOM COBURN,  
Russell Senate Office Building,  
Washington, DC.

DEAR SENATORS INHOFE AND COBURN: The undersigned, Oklahoma's current delegates to the American Bar Association (ABA) (less two judge members who abstain from this letter), are writing to ask you respectfully to

press the Republican Senate leadership for a floor vote, before the traditional August recess, on the nomination of Judge Robert Bacharach to the Tenth Circuit Court of Appeals vacancy.

As you probably know, the ABA wrote to the Senate leaders of both parties on June 20, 2012, after Senator McConnell announced his party's intention to invoke the so-called "Thurmond Rule" and block floor consideration of any more nominees to any federal circuit court vacancies, including those, like Judge Bacharach, that: (1) have passed through the Judiciary Committee; (2) present no controversy on their qualifications; and (3) have the support of their home state senators.

We appreciate your role in the selection of Judge Bacharach and your public support for his nomination. As you know, he has been rated "unanimously well qualified" by the ABA panel that reviewed his qualifications.

We understand that both political parties have engaged in a variety of stalling tactics, including the threat of a filibuster, regarding judicial nominations in the past. However, this ignores the fact that this Oklahoma slot on the Tenth Circuit has now been vacant for over two years.

Therefore, we are asking you (1) to use your considerable influence within the Senate and urge the leadership of both parties to schedule a floor vote on Judge Bacharach's nomination before the August recess, and (2) to publicly announce your willingness to vote to end any filibuster preventing a vote on the merits of the nomination, if necessary.

Respectfully,

JIMMY GOODMAN,  
ABA State Delegate for Oklahoma.

For himself and also for: Cathy M. Christensen, OBA (OK Bar Assoc.) President; William G. Paul, ABA Past President; Dwight L. Smith, ABA Division Delegate; James T. Stuart, OBA President-Elect; M. Joe Crosthwait, Jr., Okla. County Bar Delegate; Mark A. Robertson, ABA Section Delegate; Peggy Stockwell, OBA Vice President; Robert S. Farris, Tulsa County Bar Delegate; Jennifer Kirkpatrick, Young Lawyer Delegate.

Mr. LEAHY. Mr. President, it is time for reasonable and independent thinking Senators to end this needless and damaging filibuster on Judge Bacharach's nomination and confirm him. With judicial vacancies remaining at such high levels for so long, we need to continue confirming judicial nominees. At a time when judicial vacancies remained historically high for 3 years, with 40 more vacancies and 40 fewer confirmations than at this point in President Bush's first term, the Senate Republican leadership should reconsider its obstruction and work with us to fill these longstanding judicial vacancies in order to help the American people. We have well-qualified, consensus nominees with bipartisan support who can fill these vacancies. It is only partisan politics and continued tactics of obstruction that stand in the way.

Mr. FRANKEN. Mr. President, I ask unanimous consent that any time in a quorum call be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRANKEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, for the last few weeks, it has been routine practice here in the Senate that we vote on consensus district court nominees most Mondays. We have done so quite a number of times in this Congress. We could have done so again tonight. Instead, the majority leader has decided to pursue another course. Rather than confirm what would have been the 155th judge tonight, the majority will instead engage in a political activity. Make no mistake, it is purely and simply a political posturing situation. It is really unfortunate.

It is well known that the practice and tradition of the Senate is to stop confirming circuit nominees in the closing months of a Presidential election year. That is what we have done during the last number of Presidential election years. That started in 1980, I believe. So that would be 32 years. In fact, today is July 30. You would have to go back that number of years to find a Presidential election year when we approved a circuit court judge this late.

Of course, the rationale has been that this close to an election, whoever wins that election should be the one to pick these lifetime nominees who will run our judiciary system. It is true that there were some votes in relation to circuit nominations in July during the last two election years. The only problem, of course, is that those were cloture votes on outstanding nominees the Democrats were filibustering.

For example, in July 2004—remember, that was a Presidential election year—cloture votes were held on four outstanding circuit nominees the Democrats were filibustering. Those included Miguel Estrada, nominated for the D.C. Circuit; Richard Griffin, nominated to the sixth circuit court; David McKeagh, nominated to the sixth circuit; and Henry Saad, also nominated to the sixth circuit.

I would note that at the time the sixth circuit alone had a 25-percent vacancy rate. And every one of those vacancies was designated as judicial emergencies.

That, of course, didn't matter to the other side. Despite the fact that the sixth circuit was in dire straits, the other side filibustered every one of those nominees.

I don't recall too much concern from my friends on the other side of the aisle about the need to confirm those judges.

And now, when our side seeks to enforce the rule the other side helped create and perfect, all we hear are complaints.

Mr. President, if ever there was an example of “crocodile tears,” this is it.

In 2008, the other side was at it again. Once again, they closed-up shop on Circuit nominations in June. This time, it was the Fourth Circuit that was in dire straits.

Despite the fact that the Fourth Circuit was 25 percent vacant, the Democrats refused to even process four outstanding consensus nominees.

Those nominees included Judge Robert Conrad, even though he had already been confirmed unanimously as a U.S. Attorney and District Court Judge. Democrats refused to process Judge Glen Conrad even though he had strong bipartisan home state support. Steve Matthews also had strong home-state support yet the Democrats in Committee refused to give him a vote. To show you the incredible lengths the Democrats were willing to go, they even tried to justify blocking the nomination of U.S. Attorney Rod Rosenstein to the fourth circuit by claiming he was doing “too good of a job” as U.S. Attorney to be promoted.

By refusing to give these nominees a vote in Committee, the Democrats engaged in what amounted to a “pocket filibuster” of all four of these candidates to the fourth circuit.

And again, this was at a time when the fourth circuit’s vacancy rate was over 25 percent, similar to the Sixth Circuit vacancy rate in 2004. But that didn’t matter to the other side. In 2008, just like in 2004, they simply refused to process any more circuit nominees after June.

At the end of the day, based on any fair and objective metric, the suggestion that we today are operating any differently than Democrats did in 2004 and 2008 is simply without merit. Democrats stalled and blocked numerous highly qualified circuit nominees during those Presidential election years including even nominees with bipartisan support.

The Democratic leadership has invoked repeatedly what has been called the “Thurmond Rule” to justify stalling nominees—even those with bipartisan support. And now they don’t want us to play by the same set of rules. The Democratic leadership doesn’t want us to enforce the rule that they helped establish.

Let me quote from a CRS report on this subject:

The Senator who most frequently has asserted the existence of a Thurmond rule has been the current chairman of the Judiciary Committee.

The CRS report noted that on March 7, 2008, the Chairman recalled:

When President Reagan was running for President and Senator Thurmond, then in the Republican minority as ranking member of the Judiciary Committee, instituted a policy to stall President Carter’s nominations. That policy, known as the “Thurmond Rule,” was put in when the Republicans were in the minority. It is a rule that we still follow, and it will take effect very soon here.

Again, this was in March of that Presidential election year, not June or July.

CRS went on to note the strong support the majority leader has expressed for the so-called Thurmond rule. According to CRS:

Senator Harry Reid, the Senate majority leader, has expressed agreement with Senator Leahy about the existence of a Thurmond rule. In April 10, 2008, floor remarks, Senator Reid said, “In a Presidential election year, it is always very tough for judges. That is the way it has been for a long time, and that is why we have the Thurmond rule and other such rules.”

Five days later, the Majority Leader said:

You know, there is a Thurmond doctrine that says: After June, we will have to take a real close look at judges in a Presidential election year.

These quotes indicate not only the expectation, but in fact a support for slowing down and cutting off the confirmation of judges in a Presidential election year.

Senate Republicans are invoking this practice in a more narrow fashion, and after more confirmations than Democrats did in the past.

Setting aside the so-called Leahy-Thurmond rule, by any objective measure, this President has been treated fairly and consistent with past Senate practices.

For example, with regard to the total number of confirmations, this President is well ahead of his predecessor. We have confirmed 154 of this President’s district and circuit nominations. We have also confirmed 2 Supreme Court nominations during President Obama’s first term. When Supreme Court nominations are pending in the Committee, all other nominations work is put on hold.

The last time the Senate confirmed two Supreme Court nominees was during President Bush’s second term. And during that term the Senate confirmed a total of only 119 district and circuit court nominees.

Let me put it another way, under similar circumstances, we have confirmed 35 more district and circuit nominees for President Obama than we did for President Bush.

During the last Presidential election year, 2008, the Senate confirmed a total of 28 judges—24 district and 4 circuit. This Presidential election year we have already exceeded those numbers, having confirmed a total of 32 judges. So those who say that this President is being treated differently either fail to recognize history, or want to ignore the facts, or both.

While this President has not been treated differently than previous Presidents, he certainly has behaved differently with regard to nominations. He has been slow to send nominees to the Senate, and he abused his recess appointment authority. If President Obama hasn’t gotten as many con-

firmations as he could have, it is because he has been slow to nominate and he has abused his recess appointment power.

Let me take just a moment to discuss how slow the President has been with his nominations.

When President Obama took office, there were 59 judicial vacancies. One year earlier, at the beginning of 2008, there were only 43 vacancies. So, during the last year of President Bush’s second term, when the Democrats controlled the Senate, and during a time when they refused to process four nominees for the fourth circuit, they allowed the vacancy rate to increase by more than 37 percent.

By mid-March 2009, when the first Obama judicial nomination was sent up to the Senate, there were 70 judicial vacancies. Over the next 3 months, only five more circuit nominations were sent to the Senate. By the end of June, when the Senate received its first district nomination, there were 80 vacancies.

The failure or delay in submitting nominations for vacancies has been the practice of this administration and it still continues to this day.

By the end of 2009, there were 100 vacancies, with only 20 nominees. In December 2010, more than half of the 108 vacancies had no nominee. At the beginning of this year, only 36 nominees were pending for the 82 vacancies. And it continues to this day, more than half of the 76 vacancies have no nominee.

I just want to remind my colleagues that all of this begins with the White House. So if someone wants to complain about judicial vacancies, they should mail those complaints to 1600 Pennsylvania Avenue.

Now, I also mentioned that the President could have had a few more district court nominees at the end of last Congress.

Our side offered to confirm quite a number of district court nominees who were on the Executive Calendar. If the President would provide his assurances that he wouldn’t bypass the Senate with recess appointments. The President refused to provide those assurances, and we found out why a couple weeks later when the President unconstitutionally bypassed the Senate.

I want everyone to understand that. At the end of last Congress we offered to confirm quite a few district court nominees. But the President wouldn’t take “Yes” for an answer. Rather than choosing a path that led to more progress and a greater number of confirmations, the President chose the path to more confrontation and fewer confirmations.

The same thing happened last week. Once again, our side offered to confirm additional district court nominees. But, once again, the other side refused to take “Yes” for an answer. Rather



than choosing the path that led to cooperation and additional confirmations, the other side chose more confrontation and fewer confirmations. They would rather waste precious time on a vote to nowhere, than spend the little time we have left on getting more nominations done. So here we are engaged in this political theater.

I urge my colleagues to vote “No” on cloture.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TESTER). Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, it is almost August. We are just a few weeks away from the political parties' nominating conventions. At this point in past Presidential election years, the Senate is diligently working on things such as appropriations bills or the Defense authorization bill but not this year in the Senate.

Our Democratic colleagues refuse to do the basic work of government. Even though Chairman INOUE has said he would like to pass some of the nine appropriations bills his committee has worked hard to complete, we haven't taken up a single one. Our Democratic colleagues will not bring the Defense authorization bill to the floor either, even though both the chairman and the ranking member of the Armed Services Committee are ready to work on this important legislation as well. And they refuse to work with us to help the economy or to prevent a looming tax hike on nearly 1 million small businesses at the end of the year.

Instead, they prefer to waste valuable time on a vote they have argued for many years shouldn't take place this close to a Presidential election. Now that there is a Democrat in the White House, they refuse to follow past practice on postponing the consideration of circuit court nominations this late in a Presidential election year so the American people can decide whom they want to make these important appointments. This practice is known as the Leahy-Thurmond rule. It is a custom they vigorously defended when there was a Republican in the White House.

So let's take a look at recent history. In 2004, the unemployment rate was only 5.4 percent. On our circuit courts, however, back in 2004, there were nine declared judicial emergencies. That didn't matter to our Democratic colleagues. The Senate stopped—stopped—circuit court nominations in June of that year, even though we had nine judicial emergencies. In 2008, the unem-

ployment rate wasn't much higher, at 6.1 percent. In our circuit courts, there were almost as many judicial emergencies. But in the Fourth Circuit things were much worse: Fully one-fourth of the seats were empty, even though there were qualified nominees to fill them. Our Democratic colleagues didn't care then either. In the name of Senate custom and practice—by which I mean the Leahy-Thurmond rule—they pocket-filibustered several outstanding circuit court nominees in committee.

It didn't matter to our Democratic friends that these nominees enjoyed strong home State support, including bipartisan home State support, or that they had outstanding credentials or that they would fill declared emergencies on our circuit courts. The Senate couldn't process them—they told us again and again and again—because it was June and that was—to quote the chairman of the Judiciary Committee—“way past the time” of the Leahy-Thurmond rule.

Today, it is August, not June, that is upon us. The country's unemployment rate is, unfortunately, much higher than it was in either 2004 or 2008. It is now at 8.2 percent. But the situation on our circuit courts is much better than it was in either 2004 or 2008. There are now fewer judicial emergencies. In terms of what the Senate can do about it, as opposed to the President's failure to nominate people, we have confirmed—we have confirmed—every nominee whom the President has submitted to fill a judicial emergency on our circuit courts, save one—only one. That is right. The Senate has confirmed every nominee the President has sent to fill an emergency on our circuit courts, save one, and that one nominee isn't on the Senate floor.

In fact, the Senate has already confirmed as many or more circuit court nominees this year than it did in 2004 or 2008. It has confirmed a much higher percentage of circuit court nominations and it has confirmed those nominations faster than during the Bush administration.

On that last point, although we will not hear our Democratic friends acknowledge it, the average time from nomination to confirmation—the average time from nomination to confirmation—of a circuit court nominee for President Obama is over 1 month faster than it was for President Bush in his first term. Again, the time from nomination to confirmation for President Obama is over 1 month faster for a circuit court nominee than in President Bush's first term, and it is over 100 days faster than it was for President Bush's circuit court nominees overall.

So the situation with our economy is worse now than it was in 2004 or 2008, while the situation on our circuit courts is better. The economy is worse, but the situation on circuit courts is

better. So what do you think our Democratic colleagues are going to focus on? Are they going to do the basic work of government—fund the government, for example? It doesn't look like it. Are they going to reauthorize important programs for our Nation's defense? I am told it has been 50-some-odd-years since the Defense authorization bill hasn't passed—no sign of it this year. Are they going to work with us to fix the economy or prevent a looming tax hike? I don't see any evidence of it yet.

What they want to do, instead, is violate the custom in Presidential election years that the Congressional Research Service says they have been the biggest proponents of. This is not me saying this, this is the Congressional Research Service. They want to violate the custom in Presidential election years that the CRS says they have been the biggest proponents of.

The CRS does not say the biggest proponent of the Leahy-Thurmond rule is me or Ranking Member GRASSLEY or even Senator Thurmond. Rather, the CRS says the most frequent proponent of the rule “is the current chairman of the Senate Judiciary Committee.”

No doubt we will hear some post hoc, gerrymandered rationale from our Democratic friends as to why the rule the CRS says they have been the biggest proponents of somehow doesn't apply to them. They will ignore the pocket filibusters of people who would have filled judicial emergencies during a Republican administration. But, of course, that is par for the course.

Whether it is pro forma sessions to prevent recess appointments, or judicial filibusters, or the Leahy-Thurmond rule, our friends don't want the practices they have pioneered or been the biggest proponents of to apply to them. They don't want the practices they have been the pioneers of and the biggest proponents of to apply to them. Now it is pretty convenient for them, but that is not the way the Senate is supposed to work.

In sum, on the subject of the Leahy-Thurmond rule, we have been more responsible in deciding to invoke it in this year than our Democratic colleagues were in either 2004 or 2008. I would urge my friends to oppose this double standard and to oppose cloture.

Let me repeat. This is not about the individual who has been nominated. It wasn't, in many respects, about the individuals to be nominated in 2004 or 2008. What this is is a bipartisan timeout—bipartisan in the sense that it has been used by both sides—a timeout within, this year, 6 months of an election; in 2008, it was within 8 months of the end of a term—but within 6 months of an election to these important lifetime jobs to see who the next President may be.

Mr. INHOFE. Mr. President, will the Senator yield?



Mr. McCONNELL. I yield to my friend from Oklahoma.

Mr. INHOFE. Let me first say it is awkward that one of the best nominees, Robert Bacharach, is the one subject to this. I regret that is the case. The problem is this would be the latest confirmation of a circuit court nominee during an election year in 20 years.

I was thinking today that I cannot vote against this guy, but I sure can vote present. If we have a 20-year precedent that was put in there by the Democrats and the Republicans alike, I wouldn't want to be the one to break that precedent. We are within 4 months of an election right now. It is very important that we do what we have done over the last 20 years and allow the new administration to come in.

The nomination of Robert Bacharach has been up there for 2 years before any action. You have to be a little suspicious as to why is he coming up right now. So I may end up voting present.

Mr. McCONNELL. I thank my friend from Oklahoma. He confirms that this is not about the nominee, who apparently is well qualified. This is about an approach that has developed over several decades called the Leahy-Thurmond rule, under which it has been the practice to kind of call a timeout without rather close proximity to an election. In 2008, the timeout was called in June. We are going to enter August at the end of this week.

I would say also to my friend from Oklahoma, we have confirmed for the President in this election year five circuit court nominees. President Bush in 2008 got four; President Bush in 2004 got five. We have not been unfair to the administration. And it is certainly no reflection on what is apparently an outstanding nominee from your State.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I hope the American people are witnessing this moment in the Senate. We are about to make history. We are going to make history here in a few minutes when we have a rollcall vote on U.S. Magistrate Judge Robert Bacharach to the Tenth Circuit Court of Appeals. This fine man who has been nominated to this high position in the Federal judiciary has the support of both Senators of his home State. They are both Republicans.

Listen to what Senator TOM COBURN said of Mr. Bacharach: A stellar candidate. Listen to what Senator INHOFE said about this same nominee from his State: A great guy.

I listened to these comments. Then I reflect on the fact this man was reported out of the Senate Judiciary Committee on a voice vote. There was so little controversy because of his outstanding record, he was reported out on a voice vote.

The Democratic majority leader has offered to bring to the floor of the Sen-

ate a nominee approved by both Republican Senators from Oklahoma, and now you hear Senator McCONNELL come to the floor and explain why the Republicans will have to filibuster and stop this man from being appointed to the court. Is it something about him? No. It is all about politics and it is all about the Presidential campaign.

If the Republicans sustain this filibuster and stop this good man from his service on the circuit court, it will be the first time in the history of the Senate that an appeals court nominee with bipartisan committee support has ever been filibustered on the floor of the Senate. But how can we be surprised? This will be the 86th Republican filibuster this Congress.

It is said that if the only tool you own is a hammer, every problem looks like a nail. If you happen to be a Republican leader in the Senate, every day looks like another chance for a filibuster. Eighty-six filibusters. Now they are filibustering judicial nominees approved nearly unanimously by the committee and approved by both Republican Senators. The President is prepared to assign this man into this position—a critically important position in the judiciary—and who is stopping him? The Republicans in the Senate, the 86th Republican Senate filibuster in this Congress. No surprise that it comes from Senator McCONNELL, who very openly and candidly, and I assume honestly, said, My biggest job in the Senate is to make sure Barack Obama is a one-term President. That is how he welcomed President Obama to the White House.

So they have piled filibuster on top of filibuster to stop the rare possibility that this President would give this good man, this exceptional man, a chance to serve his country. Listen to the background of this man who is about to become a victim of the 86th Republican filibuster:

For 13 years he has served as a federal magistrate. He has handled an impressive caseload, including almost 3,000 civil and criminal matters, and 400 judicial settlement conferences. He is the type of consensus nominee we look for in every single State. He has been given the highest possible rating by the American Bar Association. No questions asked, this is a good man and a good candidate for this job. In the American Bar Association's non-partisan peer review, every single reviewer said this magistrate is well qualified to serve as a circuit court judge in the Tenth Circuit Court of Appeals. And where are the politics there? The politics are that the Democratic majority leader has offered to the two Republican Senators from Oklahoma a chance for this good man to serve, and now they are going to stop him with a Republican filibuster.

If you are looking for evidence of a dysfunctional Senate, hold on tight. In

just a few moments we will start a rollcall, and you will watch as Republican after Republican comes and votes to kill this man's nomination for the Tenth Circuit Court of Appeals. President Obama will be the first President in 20 years to complete his first term with more judicial vacancies than when he took office. They have dragged their feet every step of the way with filibusters and delays to stop this President from appointing the judges he was elected to appoint. And good people—good people such as U.S. Magistrate Judge Robert Bacharach—who submit their names in this process, who go through extensive background investigations, who put their lives on hold wondering if they are going to make it, end up getting caught in a political game that is being played here on the floor.

I hope there is a handful—five, six, or seven—Republican Senators who will give this man a fair break and will give him a chance to serve his country as a circuit judge for the Tenth Circuit Court of Appeals. Please, let us not make history today by stopping a highly qualified bipartisan nominee, well qualified by the American Bar Association, from serving this circuit. The Republican Senators from Oklahoma are right—he is a stellar candidate and, by every measure, a great guy. Please don't make him a victim of last-minute political campaigning in this last week before the recess we take for our Democratic national convention and the Republican national convention. He shouldn't be a victim of this Presidential campaign. He deserves a chance to serve.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I don't like to get involved in the back and forth on this issue. It bothers me. Chairman LEAHY goes into all these numbers, and they are distorted for the most part in connection with the reality. I have said that I simply will not, however, stand by and see the record misconstrued and the picture painted as something other than it is.

President Bush's judicial nominees were filibustered extraordinarily, unlike anything we had ever seen before. And this is the way it happened. I was here, I remember it very distinctly. President Bush was elected President. In 2001, shortly after he was elected, the New York Times reported that a group of well-known liberal law professors, including Laurence Tribe, Cass Sunstein, and Marsha Greenberger, met with Democratic Senators in a retreat. They proposed to the Democratic conference, who were then in the minority in the Senate—they didn't have the majority. President Bush was going to be nominating judges, and they decided to change the ground rules of judicial confirmation. That is a fact.

After that, they aggressively executed a plan of unprecedented obstruction of judicial nominees.

In a totally unprecedented use of the filibuster, the Senate confirmed only 6 of 25 of President Bush's circuit court nominees. Two of those six were prior Clinton nominees President Bush, in an act of good faith, renominated. Of course they were immediately confirmed. Yet the majority of President Bush's first nominees to the circuit court waited years for confirmation. Many were never confirmed.

Perhaps the most disturbing story was that of Miguel Estrada, which has come up recently in the confirmation of Supreme Court Justices in which some of my Democratic colleagues basically acknowledge that he was unfairly treated. He is an outstanding appellate lawyer, supremely qualified to serve on the District of Columbia Circuit Court. He waited 16 months for a hearing. They would not give him a hearing.

This was all after 2000, in their determination to change the ground rules. Before that, filibusters had not been utilized against nominees, not to any degree. Almost never, actually. We had a fight over it. I spoke on maybe half a dozen or a dozen times about Mr. Estrada. There were seven cloture votes—seven attempts—by the Republicans to get a vote on Mr. Estrada so he could be confirmed. He was a superb nominee, and he was treated very poorly. It was not the right thing, and people have acknowledged it since.

Mr. President, is there a time agreement on the vote to commence?

The PRESIDING OFFICER. The time for the minority leader just expired.

Mr. SESSIONS. Mr. President, I ask unanimous consent to have one additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Let me just say this: In the last 20 years, going back even before this dispute began in 2000, when Democrats changed the ground rules of confirmations and started filibustering systematically qualified nominees, not one circuit judge has been confirmed after this day. That has been the tradition of the Senate. It has been referred to as the Thurmond rule. Maybe it would be even more appropriate to say the Leahy rule.

Others have talked about the quotes that have been made from Senator REID and Senator LEAHY on the floor. This is the tradition of the Senate that when someone is up for reelection, after this day, to get their nominees confirmed, they have to win reelection. If President Obama is successful in being reelected, I am sure he will have a high likelihood of getting this nominee and others confirmed.

I thank the Chair, yield the floor, and note the absence of a quorum.

The PRESIDING OFFICER (Mr. MANCHIN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I yield back all time prior to the vote.

#### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Robert E. Bacharach, of Oklahoma, to be United States Circuit Judge for the 10th Circuit.

Harry Reid, Patrick J. Leahy, Thomas R. Carper, Tom Udall, Robert Menendez, Kirsten E. Gillibrand, Dianne Feinstein, Kent Conrad, Christopher A. Coons, Herb Kohl, Amy Klobuchar, Jack Reed, Ron Wyden, Richard J. Durbin, Jeff Merkley, Richard Blumenthal, Sherrod Brown.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Robert E. Bacharach, of Oklahoma, to be United States Circuit Judge for the Tenth Circuit, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. COBURN (when his name was called). Present.

Mr. HATCH (when his name was called). Present.

Mr. INHOFE (when his name was called). Present.

Mr. KYL. The following Senators are necessarily absent: the Senator from New Hampshire (Ms. AYOTTE), the Senator from South Carolina (Mr. DEMINT), the Senator from South Carolina (Mr. GRAHAM), the Senator from Illinois (Mr. KIRK), the Senator from Utah (Mr. LEE), the Senator from Arizona (Mr. MCCAIN), and the Senator from Alaska (Ms. MURKOWSKI).

The PRESIDING OFFICER (Mrs. HAGAN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 56, nays 34, as follows:

[Rollcall Vote No. 186 Ex.]

#### YEAS—56

Akaka	Bennet	Boxer
Baucus	Bingaman	Brown (MA)
Begich	Blumenthal	Brown (OH)

Cantwell	Klobuchar	Reed
Cardin	Kohl	Reid
Carper	Landrieu	Rockefeller
Casey	Lautenberg	Sanders
Collins	Leahy	Schumer
Conrad	Levin	Shaheen
Coons	Lieberman	Snowe
Durbin	Manchin	Stabenow
Feinstein	McCaskill	Tester
Franken	Menendez	Udall (CO)
Gillibrand	Merkley	Udall (NM)
Hagan	Mikulski	Warner
Harkin	Murray	Webb
Inouye	Nelson (NE)	Whitehouse
Johnson (SD)	Nelson (FL)	Wyden
Kerry	Pryor	

#### NAYS—34

Alexander	Grassley	Portman
Barrasso	Heller	Risch
Blunt	Hoeben	Roberts
Boozman	Hutchison	Rubio
Burr	Isakson	Sessions
Chambliss	Johanns	Shelby
Coats	Johnson (WI)	Thune
Cochran	Kyl	Toomey
Corker	Lugar	Vitter
Cornyn	McConnell	Wicker
Crapo	Moran	
Enzi	Paul	

#### ANSWERED "PRESENT"—3

Coburn	Hatch	Inhofe
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#### NOT VOTING—7

Ayotte	Kirk	Murkowski
DeMint	Lee	
Graham	McCain	

The PRESIDING OFFICER. On this vote, the yeas are 56, the nays are 34, 3 Senators responded "present." Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. COBURN. We just disallowed one of the best candidates for the appellate court in my 8 years since I have been in the Senate. Magistrate Judge Bob Bacharach is a stellar individual rated "very highly qualified" by the American Bar Association. What has happened is we are in the position today because of games that are being played, political games.

Let me just put into the RECORD what is going on. There are three judges ahead of Bob Bacharach in line. We have had a Leahy-Thurmond rule for some 20 years. I have been quoted saying I think it is a stupid rule. But the background is that protecting the prerogative of the Senate is one of the most important things the majority leader can do.

What we have seen happen with the lack of agreement this last holiday season over the moving forward of judges and their approval was the unconstitutional usurpation of power by the President of the United States in the appointment, during our pro forma sessions, of four individuals, one to CFPB and three to the NLRB.

Quite frankly, if we look at what Madison wrote in Federalist 51:

The great security against a gradual concentration of the several powers in the same branch of government consists in giving to those who administer each branch the necessary constitutional means and personal motives to resist encroachment of the others. Ambition must be made to counteract ambition. The interest of the man must be connected with the constitutional rights of the place.

So started the saga in January of this past year, where the reaction of my colleagues on my side of the aisle was to shut down, in response to the President's move, all circuit court confirmations.

I stood in my caucus and fought that. I thought it was the wrong action then. I still think it would have been the wrong action. But I convinced my caucus not to go that direction. To do that, I agreed I would consent to the Leahy-Thurmond rule in this election cycle. But I hope this is the last election cycle we use the Leahy-Thurmond rule.

Because on the other side of the constitutional issues is that a duly elected President does have the right to have their nominees considered, whether I agree with them or not. To prove this, that this was a stunt rather than anything other than that, and Bob Bacharach becomes the pawn in that, is that we had an agreement on judges. Then we had cloture filed on fourteen district court judges, of which there was no real controversy.

All of those district court judges, after that cloture was filed on them and then withdrawn, have henceforth been approved. To the American public, the game is politics and not policy for our country. To me, it saddens me. It frustrates me that we are at this state because it is not a whole lot different than what we see in the playground at a kindergarten.

The person who most has spoken in favor of the Leahy-Thurmond rule is the chairman of the Judiciary Committee. Yet we find this impasse today. So what we ought to all do, every Member of the Senate and the Judiciary Committee during the break after this election, is work together to try to resolve this so this does not happen to any other President and does not do damage to the Senate and the integrity of the Senate and the game on judges. The President gets elected, with their home State Senators, they make a selection. We should not use the filibuster, unless a judge is highly questionable or biased in their viewpoint.

I regret that we are in this position. I think this was just a vote to delay Bob Bacharach's eventual confirmation. If President Obama wins the election, I fully expect Judge Bob Bacharach will be approved. If he does not win the election, I plan on standing and fighting for this judge for this same position under a Republican President because he is exactly what we want on a court, someone who is right down the middle in terms of what the law means, what the Constitution means. He has stellar intellectual capabilities, and he has the qualities we all would want, both from the right and the left, as a fair decider of the facts. That is what we want in judges. He will make an ideal appellate judge, regardless of his political affiliation.

If we cannot get there then what that says is the partisan politics of today, as everybody outside Washington recognizes, is killing our country.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

#### CYBERSECURITY ACT OF 2012

The PRESIDING OFFICER. Under the previous order, the motion to proceed to S. 3414 is agreed to and the clerk will report the measure.

The assistant legislative clerk read as follows:

A bill (S. 3414) to enhance the security and resiliency of the cyber and communications infrastructure of the United States.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, I ask unanimous consent that there now be a period of debate only on S. 3414, and that this will go forward until 2:15 p.m. on Tuesday, July 31; further, that at 2:15 p.m. on that date, Tuesday, I be recognized.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. Madam President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Just a question through the Chair to the majority leader. I had planned to make a statement on Judge Bacharach, and the Senator is saying we will have debate only. Will that preclude a unanimous consent for speaking as in morning business?

Mr. REID. The Senator can do that. It is totally appropriate.

Mr. COBURN. I thank the Senator.

I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Hampshire.

Mrs. SHAHEEN. Madam President, if the majority leader is finished, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, if I could ask my friend to withhold for a brief moment.

Mrs. SHAHEEN. That is fine.

Mr. REID. It is my understanding that Senator COBURN has been waiting around for a while to talk.

The Senator is OK waiting?

Mr. COBURN. Yes.

Mr. REID. OK.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Thank you, Madam President.

I come to the floor this evening to talk about an amendment I have filed to the Cybersecurity Act, S. 3414. This is the fourth time I have filed this amendment, and it is not on the Cybersecurity Act per se, although it does address energy use, which is one of the critical challenges we face as we are trying to address cybersecurity in this country.

This is an amendment that is the substance of S. 1000, the Energy Savings and Industrial Competitiveness Act, of which the other sponsor is Senator ROB PORTMAN, and he is a cosponsor on this amendment.

What the Energy Savings and Industrial Competitiveness Act and the amendment I filed does is create a national energy efficiency strategy for the United States. So this amendment is the same language Senator PORTMAN and I filed to the Bring Jobs Home Act and the Middle Class Tax Cut Act, and it is one we are going to continue to file because we think it is important for this amendment and this legislation to have an opportunity for a vote from this entire Senate because we think this is bipartisan legislation that has broad support among our colleagues.

This legislation is based on two important premises I have already spoken to in the Chamber: first, that the American public desperately wants Congress to work together in a bipartisan way to address this Nation's energy needs; and, second, that energy efficiency is the fastest, cheapest way to meet our energy challenges. Not only does it help us develop a strategy around energy, but it is a strategy that can be supported whether you live in New England, as I do, whether you live in the West, whether you live in the South. It is a strategy that is important whether you support fossil fuels—oil and gas—whether you support nuclear, or whether you support wind and solar. We all benefit from energy efficiency. It is also a strategy that creates thousands of good jobs.

There is evidence that the American public wants to see the Senate act on energy efficiency legislation. I think that evidence is overwhelming because last week I started an online campaign asking people to sign a petition calling on Senate leadership to bring this bill to the floor. The text of the petition is what we see here—small print so it is hard to read, but it asks people to support the Shaheen-Portman energy efficiency bill.

I just wish to read a section of it. It says:

The Shaheen-Portman Act would help make the United States a global leader in the fastest and cheapest method we have for addressing our energy needs, energy efficiency. Energy efficiency is within our grasp. It uses proven technology that we can manufacture here at home to lower energy costs across all sectors of our economy.

In just a matter of days, we have already collected over 4,600 signatures

from supporters across the country, and that number continues to grow. Anyone interested in signing the petition and in learning more about the many benefits of energy efficiency can easily do so by visiting my Web site at [shaheen.senate.gov](http://shaheen.senate.gov).

While drafting the bill, Senator PORTMAN and I met with a number of stakeholders so we could better understand the obstacles the private sector faces when they are trying to deploy energy-efficient technology. So we had discussions with people from energy-intensive companies, from trade groups, from those representing the real estate community, from environmental advocates and from financing organizations.

The feedback we received about ways to remove these barriers and drive the adoption of energy-efficient technologies became the basis for this legislation. As a result, we have a bill that provides a variety of low-cost tools that will speed this Nation's transition to a more energy-efficient economy.

The bill addresses three major areas of U.S. energy use: residential and commercial buildings, which consume 40 percent of all energy used in the country; the industrial sector, which consumes more energy than any other sector of the U.S. economy; and the Federal Government, which is the country's single biggest user of energy.

Highlights of the bill include: establishing advanced building codes for voluntary residential and commercial buildings to cut energy use. I would emphasize that those codes are voluntary. We worked with the real estate and the building industries on those codes.

Second, the legislation helps manufacturers finance and implement energy-efficient production technologies and practices because that is one of the biggest obstacles to retrofitting buildings for energy efficiency.

Third, the legislation would require the Federal Government to adopt better building standards and smart metering technology.

Our legislation is bipartisan. In addition to the thousands of signatures on this petition, it has support from well over 200 businesses, environmental groups, think tanks, and trade association. Those groups include: The National Association of Manufacturers, the U.S. Chamber of Commerce, the Environmental Defense Fund, businesses such as Johnson Controls, Honeywell, United Technologies Corporation.

This broad coalition of supporters recognizes that the legislation is an easy first step that will make our economy more competitive and our Nation more secure by reducing our dependence on foreign oil and still meeting the demand for energy saving technologies for individuals and businesses alike.

I think it is important to point out that there are real economic benefits. A recent study by policy experts at the American Council for an Energy-Efficient Economy found that the legislation will achieve savings for consumers and businesses. Specifically, their study found that by 2020, the bill could save consumers \$4 billion a year once it is enacted. It would add 80,000 jobs to the economy.

In a time when we are worried about growing the economy, when we are worried about the fragile recovery, this is the kind of legislation that will allow us to create good jobs with off-the-shelf technologies. With the Shaheen-Portman energy efficiency bill, the Senate has an opportunity to provide the American people with exactly what they want, an effective bipartisan approach to addressing this Nation's energy needs that also creates jobs and grows the economy. I hope we will be able to persuade leadership and my colleagues that this is legislation that merits full debate and a vote on the floor and that we will be able to bring S. 1000 or this amendment to the floor for a vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Madam President, I ask unanimous consent to speak as in morning business for such time as I may consume, and that when I finish, the Senator from Ohio be recognized for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### APOLOGY

Mr. COBURN. Madam President, I wished to come to the floor to talk about two or three subjects. The first is to issue an apology to the majority leader. I do not apologize for my frustration with this place, but occasionally my words are harsh and inaccurate. This past week, I used words that were inappropriate in describing his actions in the Senate, and for that I offer a public apology.

I do not apologize for how I think the Senate is being run and the damage that I think is being done to the country, but as an individual, he has a very difficult time and I understand that and to him I ask his forgiveness.

#### FISCAL CLIFF

Madam President, if I was coming to the floor with intelligence about an imminent threat to our national security, Americans would demand that our government and this body take immediate action. If an Army was on our border, if missiles were about to be launched at our territory or if there were a terrorist plot in motion, doing anything less than us uniting in the face of that threat and taking decisive action would be seen as cowardice and foolishness.

Yet that is precisely where we are today, which brings me to my frustra-

tion with the majority leader. The threat, though, does not come from traditional armies or terrorists, the threat comes from our unsustainable spending and this body's refusal to unite and take action. It is not just the conservatives who are sounding the alarm, the warnings are coming from our military leaders, diplomats, and statesmen on both sides of the aisle, as well as the international financial community.

ADM Mike Mullen, the retired Chairman of the Joint Chiefs of Staff, while he was still Chairman, said the greatest threat to this Nation is its debt. We have done not one thing since January to address that problem. We are having spats over judges. We are having spats over all the small things. But the greatest imminent danger to our country, we are doing nothing about. I believe we have less than 2 to 5 years to act to make a significant change in our path.

No one knows when this Nation will cross the point of no return. We may have already. But there is a point where we will lose control of our own destiny. It is coming. The fact that the Senate, this year, has had fewer votes than at any time since 1947, according to the Congressional Research Service—why is that? Because we have a political year. We don't want to take votes. We don't want to have to explain to our constituencies why we voted yea or nay on something. So the whole goal is to not vote.

Ultimately, the whole goal is to not address the very pressing issues facing this country. What do you think is going to happen to the Defense Department with no Defense authorization bill? They are in la-la land. Where do they go? We are not going to give them the direction with which to spend the largest discretionary amount of money in our government—\$600 billion. They are going to be coasting, flying by the seat of their pants. They are not going to have radar or anything. There is not going to be any stealth. Yet we refuse to do that.

We have spent a larger amount of time in quorum calls—37 percent of the time this year—nothing but quorum calls. Less than one-third an amount of the time available to the Senate has actually been on the business associated with the country, and most of the business we have addressed isn't this critical risk in front of our country.

Last week, Vanguard, the largest private owner of U.S. bonds—\$186 billion they own of U.S. bonds—said we have until 2016 to act. If we don't act, we will go into a debt spiral. Bond investors will revolt, they will drive up prices—drive up interest rates and drop prices. We already know from CBO that the entitlement programs are on the brink of insolvency. Social Security disability—we have added 3.2 million people to those rolls since January 1,

2009. That system will be bankrupt in less than 18 months; 8½ million people depend on that. And there has not been a comment from the leadership in addressing a trust fund that will be out of money in less than 18 months.

Our Founders believed that republics that lived beyond their means don't survive. They talked about it. History is full of examples. Europe is reminding us of that today. The euro in Europe, as we know it, is on its deathbed. Every month, every week there is a new set of resuscitative efforts that are not working. What is the real problem? The real problem is they spent money they didn't have on things they didn't need.

If you want to see what America will look like in 2 or 3 years, just look at Europe. Look at the demonstrations, look at the crying out of the masses to say: How did we get here? The pain of fixing it is too great. That is why we should be addressing our problems now.

The reason America looks good is that we are the least wilted rose in the bud vase. The only reason we look good is because they look so bad. We are at 103 percent debt to GDP. It is costing us at least 1.2 million jobs in new job creation every year. We are at historical interest rates. Our interest costs per year would be over \$1 trillion. The interest rates are falsely low because of what the Federal Reserve has done.

The price to pay for that is coming in the future. What is the contrast? I ask seniors all the time: Do you think we ought to save Medicare?

They say: Yes.

I say: Do you think we ought to save Medicare just like it is.

They say: Yes.

I say: If we save Medicare just like it is, do you know that your grandchildren will have a standard of living that will be one-third lower than yours was?

Then they say: No.

America is used to doing hard things. It is just that the Senate right now will not do the hard things, will not come together, will not make the sacrifices. We value our positions more than we value the country we live in. The consequences are showing.

We have an 8.2-percent unemployment rate. If we use the same statistics we used in 1980, our unemployment rate is above 9.6 percent—just measuring it the same way we did it 32 years ago. Now that we are measuring it differently, we don't see the real impact.

Today we are dangerously close to a global great depression. Let's remember the last time the world saw a great depression. That depression was a leading cause of the global war that killed 60 million people—2.5 percent of the world's population. Do we dare go down that path by putting politics ahead of principle and policy?

Fortunately, many of our leaders see this threat and are calling on us to

take action. Consider this exchange between former Secretary of State James Baker and current Secretary of State Hillary Clinton last month on "The Charlie Rose Show":

Secretary Baker:

I know one thing. We are broke. We can't afford wars anymore. We can't afford a lot of things, and the biggest threat facing the country today is not some threat from the outside—Iran, nuclear weapons, or anything else—it's our economy. We better darn well get our economic house in order because the strength of our Nation has always depended upon our economy. You can't be strong politically, militarily, or diplomatically if you are not strong economically.

He is giving us a foreshadow of what is coming.

Secretary Clinton said this in response:

Well, amen to that, because I have had to go around the world the last 3½ years reassuring many leaders both in the governments and the business sectors of a lot of countries that the United States was moving forward economically, that we were not ceding our leadership position, and that we are as powerful as ever. But we recognized that we had to put our economic house in order.

If former Secretary Baker and Secretary Clinton can agree, why can't we? They both see the same thing. The only problem is we haven't put our economic house in order.

I know it is the Senate majority leader's position to try to protect both his incumbent President and his Members. I know that conventional wisdom says we cannot get anything done in an election year. But I want to tell you that isn't good enough anymore—not good enough for the country. The country deserves better.

By doing nothing, we are pushing our children and grandchildren off a fiscal cliff. By doing nothing, we are guaranteeing the very tax increases and cuts in entitlements that both sides say they want to avoid.

If you are an unemployed American right now or someone struggling to make ends meet, when is the right time for us to act? Is it a perfect political moment that is always a mirage beyond the horizon of the next election or is it today or this week? The American people have lost their confidence in us because we refuse to act even as we call on others to do things that we will not do ourselves.

Today we are asking our soldiers to risk their lives for our country. Why can't we do the same? Why are we allowed to play it safe when we ask others to make the ultimate sacrifice—especially when we as elected leaders have so much less at stake.

I believe the American people want us to do hard things and will actually reward us for demonstrating leadership and courage. The problems before us today can all be solved, but delay means the pain that comes with the solution is much greater. Yet to delay—that is the path we have chosen in the

Senate; that is the path the President has chosen—to not face the real issues, the coming and impending bankruptcy of Medicare, and the fact that the average Medicare couple will take three times more out of Medicare than what they put in, and the fact that the baby boom generation will overwhelm the trust fund that pays the hospital bills, the worst-case scenario is that in 4 years the Medicare trust fund will be bankrupt. I know that sounds like a lot of things. Let me show the American people some examples.

We hear mindless, partisan rhetoric about which side is to blame, just like the debate we heard before the vote on Judge Bacharach. The truth is both sides are to blame, both Republicans and Democrats, when Republicans had the chance to restore limited government, and we helped double the size of government.

Meanwhile, the leaders today—their chief complaint is we didn't overspend enough. I know the Senate majority leader has a tough job and the burden of leadership, but he is refusing to accept the responsibility that is truly ours today. This Congress will be measured by our actions.

At the end of this week, for 5 weeks, the Senate is going to take off, and we are going to be just like Rome. Actually, what should happen to every Senator as we leave this place at the end of the week, we should each be handed a fiddle so we can all fiddle while the government and the financial situation and the economic chaos that is ours today grows unabated.

Real leadership isn't about being right, it is about doing the right thing. We are not doing the right thing in the Senate today. We are not reforming the Tax Code that is 90,000 pages and takes 110,000 IRS employees to administer. We are not addressing the impending bankruptcy of Medicare. We are not assuring the solvency of Social Security and increasing payments for those on the very low end of the totem pole. We are not addressing the key issues facing our country.

Why are we here if we are not going to address those issues? We are addressing every issue but those. Again, it is evident my frustration is high. I want the Senate to return to the body it was when I first came here. I think we can do that. I think Senator REID can lead us to do that. Every day we waste, every day we are not fixing the real problems, the disease that faces our country means we are responsible for a significant increase in the pain and disruption that is coming. Let it not be so.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

OLYMPIC OMISSION

Mr. BROWN of Ohio. Madam President, I rise today because there was an obvious omission in the Olympic opening ceremony on Friday.

Forty years after 11 Israeli Olympians and a German police officer were murdered in the 1972 Munich games, the London games opened with no acknowledgement of this tragedy. There was neither mention nor a moment of silence for those victims of the Munich massacre.

Forty years ago, on September 4, five Palestinians stormed the apartments of the Israeli national team in the Olympic Village, murdering 11 Israeli team members. Yet, again and again, the IOC has rejected requests to hold a moment of silence for the Munich 11 at the opening ceremonies.

I thank Senator GILLIBRAND for her resolution calling on the IOC to hold a moment of silence at the opening ceremonies to remember the 1972 Munich massacre.

I remind the International Olympic Committee that it is not too late. We can still pay tribute to these Olympians. These athletes were not random victims. They were targeted because of the country they represented and the beliefs they held.

Jacques Rogge, the IOC President, has said:

We feel that the opening ceremony is an atmosphere that is not fit to remember such a tragic incident.

That is the best he can do.

On the 40th anniversary, I cannot think of a more appropriate moment to remember and honor these 11 Olympians.

The Munich massacre is part of the Olympic story. We can't erase it, and we should not overlook it. After all, we know what happens when we avoid the past. Of course, we cannot afford to repeat it.

I ask we all do everything we can to convince the IOC to step up and do the right thing.

Let me explain why this especially matters for people in my home State of Ohio—in greater Cleveland, the part of Ohio which I call home. In Beachwood, OH, a suburb east of Cleveland, there is a national memorial to David Berger, an American citizen and one of the 11 Israeli team members killed in Munich.

As a Nation, we honor his memory and the memory of his Israeli teammates, but we also have a moral responsibility to hold accountable those responsible for his death. Holding them responsible includes those who supported and financed the terrorists who perpetrated these actions.

We had the chance to hold Libya accountable. Yet during negotiations that led to the 2008 U.S.-Libya claims settlement agreement, Mr. Berger was not included, despite widely accepted evidence that Libya played an important role in the massacre.

We know the Qadhafi regime financially supported terrorist groups such as the Black September organization. It supported them and it welcomed the bodies of the dead terrorists from the

Munich massacre back to a hero's tribute.

Seeking justice and compensation for victims of global terrorism sends a powerful message to those who may be seeking to do further harm. The window of opportunity to engage the new Libyan Government has never been greater. Libyan Ambassador Ali Suleiman Aujali said earlier this month in an op-ed in the Washington Post that he hopes "that Washington considers an enterprise fund for Libya" and that "we would work closely with the U.S. Government on its creation."

Those are the words of the Libyan Ambassador. Such a fund should include all those who deserve restitution for the losses they suffered. This includes the Berger family.

This is about letting violent extremists know they and their supporters will be pursued until justice is served—sending a clear signal to those contemplating terrorism as a political tool.

As we all cheer on the American athletes in the next couple of weeks, I ask that we all take a moment to think about the Munich massacre, about David Berger, and about what more we can do to preserve their legacy and resolve to thwart those who by their use of terror and violence would undermine all that the Olympic games are supposed to represent.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN of Ohio. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. BROWN of Ohio. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### REMEMBERING REPRESENTATIVE DEWAYNE BUNCH

Mr. McCONNELL. Madam President, with sadness I rise today to mark the passing on July 11, 2012, of former Kentucky State Representative Dewayne Bunch. As a teacher and State representative, Dewayne served the people of the Commonwealth, especially those in Whitley and Laurel Counties, with distinction. He also proudly served our country in Iraq as a member of the Kentucky National Guard. Elaine and I send our condolences to his wife Regina, his family, his many friends, and all those at Whitley County High School who knew and loved him.

A Corbin resident, Representative Bunch died at age 50. He is survived by his wife Representative Regina Bunch, and he was the father of three daughters. Though his life was cut short, it was characterized by a dedication to serving others in his community, State, and country. Representative Bunch was a member of the Kentucky National Guard for 23 years, where he notably led the Mountain Warriors in Iraq as a first sergeant.

Although he valiantly represented his Nation and State abroad, Representative Bunch also did much of his work from within the community. He was a math and science teacher at Whitley County High School for 17 years, and in 2010, with the support of the citizens of the 82nd District, was elected State Representative. However, after an injury in 2011, Bunch resigned from his post to receive medical treatment. His wife Regina ran for the position and succeeded her husband as the 82nd District's representative.

The loss of Representative Bunch to the members of the Whitley County community is immeasurable, and Dewayne's death has saddened Kentuckians across the State. Members of the State House Republican Caucus said he was committed to serving the public and ran for elected office in order to more fully serve the people of the Corbin community. The Governor of the State of Kentucky, Steve Beshear, acknowledged the loss of Representative Bunch by ordering flags lowered to half-staff.

Hundreds of people came to pay their respects at Representative Bunch's funeral on July 15, held at Highland Park Cemetery in Williamsburg. Military graveside honors were conducted by the Kentucky National Guard. At the funeral, Representative Bunch was posthumously awarded the Kentucky Distinguished Service Medal to commemorate his work on behalf of his community and the State of Kentucky. I am privileged today to recognize Representative Bunch and his legacy of service to the Commonwealth.

Madam President, at this time I ask my colleagues in the U.S. Senate to join me in honoring the life of Representative Dewayne Bunch of Corbin, KY. The Croley Funeral Home has published an obituary that highlighted his achievements and pays tribute to those Representative Bunch leaves behind. I ask unanimous consent that said article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Croley Funeral Home, July 12, 2012]

#### DEWAYNE EVERETT BUNCH

Dewayne Everett Bunch of Old Corbin Pike, Williamsburg, Kentucky, departed this life on Wednesday, July 11, 2012, at the Oak Tree Hospital in Corbin, Kentucky. He was 50 years, 4 months, and 20 days of age. He was



born on February 22, 1962, in Whitley County, Kentucky, to Charles Everett Bunch and the late Gloria Eunice (Rains) Bunch. He was a member of Highland Park Baptist Church. Dewayne was a veteran of the United States Army and retired from the Kentucky National Guard after 24 years of service. He was a member of the Kentucky House of Representatives (82nd District) and a school-teacher at the Whitley County Schools for over 17 years.

He is survived by wife Regina Petrey Bunch of Williamsburg, Kentucky; three daughters, Stephanie Fox (Brad) of Lexington, Kentucky, Kristen Bowlin (Tommy), and Brittany Morgan (Jeremiah) all of Williamsburg, Kentucky; two grandchildren, Miah Morgan and Thomas Blake Bowlin; his father, Charles Everett Bunch of Williamsburg, Kentucky; a sister, Shanda Weddle (Bruce) of Williamsburg, Kentucky; brothers, Tim Bunch (Lisa) and Jim Bunch, all of Williamsburg, Kentucky; his father and mother-in-law, Herbert and Teresa Petrey of Williamsburg, Kentucky; several nieces and nephews; and a host of other relatives and friends to mourn his passing.

Visitation will be from 12:00 noon until the funeral hour on Sunday, July 15, 2012, at Croley Funeral Home.

The Funeral Service will be at 4:00 P.M. Sunday, July 15, 2012, at the Croley Funeral Home Chapel with Rev. Doyle Lester and Rev. Gerald Mullins officiating. A Masonic Service will be conducted at 4:00 P.M. by the Williamsburg Masonic Lodge #490 F&AM. He will be laid to rest in the Croley Addition of Highland Park Cemetery in Williamsburg. Military Graveside Honors will be conducted by the Kentucky National Guard. Dan Ballou, Gary Taylor, Terry Huddleston, Bear Lancaster, J.R. Peace, James York, Danny Ford, Bobby Freeman, Tom Cline, and Alex Patrick will serve as pallbearers. Honorary Pallbearers will be the Citizens of the 82nd District.

In lieu of flowers, memorials may be made to the Dewayne Bunch Scholarship Fund at Forecht Bank of Williamsburg and Corbin.

#### RECENT EVENTS IN EL SALVADOR

Mr. LEAHY. Madam President, I want to speak very briefly about recent events in El Salvador which is in the midst of a constitutional and political crisis involving the composition and power of the Supreme Court.

Essentially what happened is that in June the Supreme Court ruled that the National Assembly had abused its power by naming justices to the court on two separate occasions, and ordered a new judicial selection process with which the National Assembly then refused to comply. A majority of the deputies took the extraordinary step of appealing the Supreme Court's decision to the Central American Court of Justice, and a final ruling is expected in a matter of days.

Last week, Congressman JIM MCGOVERN, who is probably more knowledgeable about El Salvador than anyone else in Congress, and I commented on the situation. We said:

We are encouraged by the commitment by President Funes and representatives of El Salvador's political parties to resolve this crisis expeditiously. We agree with the Department of State that this is a matter to be

resolved by Salvadorans through dialogue, and we reaffirm our support for U.S. assistance for El Salvador which addresses a range of mutual interests, from improving law enforcement to combating poverty.

Over the past 30 years, El Salvador has faced many challenges, from civil war, to corruption, to cyclones. This constitutional political crisis is the latest test of whether the country's governmental institutions can emerge stronger, the rule of law strengthened, and its people more united.

Since then, there has been further progress towards a resolution of this crisis. As a former prosecutor, Chairman of the Judiciary Committee and Chairman of the Appropriations Subcommittee on State and Foreign Operations that funds international aid programs, I can think of few things as important to any society as an independent judiciary. Like free and fair elections, it is a cornerstone of democratic government. Sometimes I agree with the decisions of our Supreme Court and sometimes I disagree. But we comply with its decisions because we know the alternative is chaos and the erosion of the checks and balances that protect our 226 year old democracy.

I suspect the people of El Salvador feel similarly, and I am hopeful that however their representatives resolve this matter the independence of the Salvadoran judiciary will be preserved and strengthened.

#### LIFTING OF OBJECTION

Mr. GRASSLEY. Madam President, on June 27, I provided notice of my intent to object to proceeding to the nominations of Mark J. Mazur, to be an Assistant Secretary of the Treasury, and Matthew S. Rutherford, to be an Assistant Secretary of the Treasury. My support for the final confirmation of these nominees depended on receiving information from both the Treasury Department and the Internal Revenue Service regarding their implementation of the tax whistleblower program. Since I have received the responses, I no longer object to proceeding to these nominations.

The IRS is making progress in paying whistleblower awards under the old statute over 90 awards paid from October 1, 2011, until now. However, I want to make clear that the responses do not alleviate my concerns about these agencies' implementation of changes to the tax whistleblower statute I authored almost 6 years ago. Regulations to implement the new reward program have yet to be issued and only a handful of awards are expected to be paid out before the end of this year.

I began asking questions about the program's implementation in 2010. I wrote again in 2011 and then again on April 30 of this year. Unfortunately, I did not get complete answers until I objected to proceeding to the nominations of Mr. Mazur and Mr. Rutherford.

If I hadn't objected to proceeding to these nominations, Congress would not have received the most recent annual report on the whistleblower program that is mandated by law. It was provided to Congress on June 13, 2012, for the fiscal year ended September 30, 2011. That is almost 9 months from the end of the year for which it contains data.

If I hadn't objected to proceeding to these nominations, the IRS likely would not have acknowledged that there is, in fact, a problem with timely processing whistleblower claims. IRS Deputy Commissioner Miller's June 20, 2012, directive to IRS executives and senior managers is a good first step toward correcting this problem.

However, more needs to be done. IRS still has not committed to prioritizing claims raised by whistleblowers. In addition, the important protections afforded to taxpayers, including the right to appeal IRS decisions, delay IRS from actually collecting the taxes for years and, as the law is currently written, the taxes must be collected first before a whistleblower can be paid any money.

From my long history of oversight of the IRS, I know that it is essential that taxpayers be protected from sometimes overzealous IRS employees. Yet there must be a way to ensure that the process and procedures that exist to protect taxpayers don't deter whistleblowers from coming forward. The Treasury Department and the IRS have agreed to participate in a roundtable discussion that I hope will help identify solutions.

It is unfortunate that objecting to these nominees, both of whom were approved by the Finance Committee by unanimous, bipartisan votes, was the only way I could get information about the whistleblower program. At least there is now more information than ever before about the IRS whistleblower program.

#### BULGARIA TERRORIST ATTACKS

Mr. CARDIN. Madam President, I rise to express my outrage at the recent attack on a tour bus in Burgas, Bulgaria, that killed five Israeli citizens and the Bulgarian driver and injured scores of passengers. This heinous act was obviously the handiwork of terrorists who prey on innocent civilians in order to shock and horrify the world and try to rally some to a twisted, violent ideology. The terrorists must be stopped.

I am equally outraged by the fact that the Burgas attack appears to be the latest in a series of attacks on Israeli citizens. There have been several since the beginning of this year alone, two aimed at Israeli diplomats in India and Georgia in February, as well as a foiled plot against tourists in Cyprus the week before the tragedy in



Burgas. The attacks targeting Israeli Embassy personnel in India and Georgia fell on the 18th anniversary of a suicide bombing of the Jewish Community Center in Buenos Aires which killed 85 people. Argentine authorities blamed that attack on Hezbollah operatives.

All of these attacks have the hallmarks of Iranian involvement or plots by their surrogates. The day after the attacks in India and Georgia, Iranian nationals involved in a bomb-making plot in Thailand were arrested after they accidentally detonated their homemade explosives, severely injuring one of the perpetrators. Thai officials reported that the improvised explosives found in Bangkok were the same as those used in India and Georgia.

I understand that the investigation of the Burgas attack is ongoing and the United States and other countries are working closely with Bulgarian officials. White House counterterrorism chief John Brennan has visited Bulgaria, and, while he did not implicate Iran or Hezbollah in public statements he made while there, he pointed out that both Tehran and its Lebanese surrogate have been implicated in attacks on civilians in the past.

Israeli Prime Minister Benjamin Netanyahu has stated that Israel has "fully substantiated intelligence" that the Burgas attack was carried out by Hezbollah. I have not seen that information, but I think that based solely on press reports of results thus far in the investigations of these attacks, one can reasonably conclude that Iran and Hezbollah have been involved—further evidence of Iran's longstanding use of political violence and sponsorship of terrorism to achieve its goals.

According to a recent edition of the Jewish Press, the Director of Israel's Mossad and the Chief of its Shin Bet have said that Iran and Hezbollah have tried to commit terrorist attacks against Israeli diplomats, businessmen and tourists in over 20 countries during the past 2 years.

We must stand with the people and the Government of Israel. We must lead the international community in redoubling efforts to assist Israel, and all countries on whose soil these heinous acts are committed, in tracking down the terrorists and bringing them to justice and continue to work to prevent such attacks in the future.

I am confident that my colleagues on both sides of the aisle support our government's work with Israel and the international community to counter Iran's insidious network of terror.

#### REMEMBERING NEIL McMURRY

Mr. BARRASSO. Madam President, Wyoming has experienced an incredible loss. I rise today to remember one of Wyoming's most beloved citizens, Neil

McMurry. On Thursday, July 19, 2012, Neil passed away at the age of 88. During his remarkable life, Neil made a profound and lasting contribution to the Casper community and the great State of Wyoming.

Neil was a successful entrepreneur, a committed citizen, and a good friend. Throughout his life, Neil always demonstrated an enduring commitment to his family, Wyoming, and our Nation. He loved his family. He loved his home State of Wyoming. He loved his country.

Ann Chambers Noble, a Wyoming author, recently wrote Neil's biography, "Hurry McMurry: W.N. 'Neil' McMurry, Wyoming Entrepreneur." The title appropriately describes this extraordinary man. He grew up during the Great Depression, and saw firsthand the impact it had on his community. In 1941, Neil joined the U.S. Army Air Corps. He flew over 29 missions in Europe as a turret gunner on a B-17 aircraft during World War II.

Following his brave service to our Nation, Neil returned to Wyoming to raise a family and start a very successful business career. Neil was a man with determination, integrity, and a strong work ethic. He recognized the vast opportunities and great potential Wyoming has to offer. In 1949, he saw opportunity in constructing roads and highways across Wyoming. Along with his business partner, Vern Rissler, the Rissler-McMurry Company became one of the largest highway construction companies in Wyoming. The company built much of Wyoming's transportation routes.

While many people would have retired after running a successful contracting firm for over three decades, Neil was on the lookout for new opportunities. Neil and his business partners, John Martin and Mick McMurry, had a hunch that significant natural gas was in the Jonah Field in southwest Wyoming. In 1991, the McMurry Oil Company purchased wells and mineral leases in the Jonah area. His vision and willingness to take a risk turned into a natural gas play of historic proportions.

Neil McMurry will be remembered for his successful business endeavors that created thousands of jobs for the people in Wyoming. His efforts and entrepreneurial spirit significantly impacted Wyoming's economy.

While his business abilities will continue to be admired, it will be his selfless devotion to others and his willingness to give back to his community that will forever keep his memory in the hearts of the people of Wyoming. His charitable donations made a difference in the lives of people in his community.

Even though he lived a long life, Neil left us too soon. His remarkable contributions to the youth of Wyoming will be honored on August 7 by the

Boys and Girls Clubs of Central Wyoming. While this would have been just one of many honors, it was very special to Neil. Through the generosity of the McMurry Foundation, Neil and his family have given unprecedented levels of support to Wyoming organizations particularly organizations supporting our youth.

My wife Bobbi and I will truly miss him. We are blessed that Neil was our friend and grateful for the moments we spent together. During this time of such great loss, we find solace in knowing that the legacy of Neil McMurry will live on.

Bobbi and I extend our deepest sympathy to the McMurry family. We wish his family all of our best and send our prayers to each of them.

#### ADDITIONAL STATEMENTS

##### MELBA, IDAHO

• Mr. RISCH. Mr. President, today I wish to congratulate and acknowledge the 100th anniversary of the founding of the city of Melba, Idaho. Starting August 17, 2012, the citizens of Melba will gather throughout the weekend to commemorate this special time in their southwestern Idaho community.

Melba was founded by Clayton C. Todd, naming the yet-to-be town after his 4-year-old daughter. Stopping in Idaho on his way to Alaska to mine for gold, Mr. Todd heard about a State land sale. He purchased 160 acres of land and laid out the town site. He had done his homework and saw that this land with a siding on the railroad and expanding farms throughout the area would cut five miles off the route to the nearest town of Nampa and the mainline railroad.

Melba became a small boom town in the middle of an agricultural area. Shortly after World War I, the area became famous for its sweet corn seed. Area farmers expanded their seed operations to grow carrot, onion and alfalfa seed, along with the corn. The rich, fertile soil, abundant water and the hot summer days with cool nights earned Melba the moniker "The Seed Heart of America."

Like many small communities in our great country, they have seen times of struggle. In 1949, Melba was hit hard by an epidemic of infantile paralysis, also known as polio. The residents not only supported one another, in 1950 they held the first Polio Auction, raising \$2,000 for medical research on the disease. Now called the Melba Community Auction, area residents continue the tradition of helping one another as they raise funds for nonprofit organizations that provide services to those in and around Melba.

The spirit of small town America is alive and well in Melba. They believe in helping their neighbors as well as

strangers. Their schools are a source of pride and strongly supported by the community. And as to their Fourth of July celebration? Let me put it this way—no one can question their patriotism and love of America! Theirs is a grand celebration of our Nation's birthday.

So, Madam President, I am very proud to recognize this landmark anniversary and congratulate the community of Melba for this centennial. Melba has much to celebrate as well as to look forward to in its next century.●

#### TRIBUTE TO REX E. KIRKSEY

● Mr. UDALL of New Mexico. Madam President, I, on behalf of my colleague Senator BINGAMAN and myself, wish to recognize Rex E. Kirksey on the occasion of his retirement, following a distinguished career serving the agricultural community in our home State of New Mexico and elsewhere.

Mr. Kirksey has dedicated 32 years of his life working for New Mexico State University to improve agricultural outreach and to facilitate vital research. As the Superintendent of the NMSU Agricultural Science Center in Tucumcari, NM, Mr. Kirksey oversaw research programs focusing on developing forage and grazing systems for irrigated lands in New Mexico and the western United States.

In 2003, he took on additional responsibilities as superintendent of the Agricultural Science Center in Clovis, NM. Under his leadership, that institution emerged as the State's leading off-campus center with nationally and internationally recognized programs in agronomy, dairy management, peanut breeding, and crop stress physiology.

During his tenure at New Mexico State University, Mr. Kirksey authored many professional publications, including peer reviewed journal articles, proceedings papers, research reports and bulletins, progress reports and published abstracts, and an extensive range of business reports and correspondence. He has also given numerous presentations to industry and peer groups.

In addition to his work domestically, Mr. Kirksey has been involved with the Afghanistan Water, Agriculture, and Technology Transfer, AWATT, project—a partnership with USAID and New Mexico State University. This project aims to improve the community and farm-level management of the supply and demand of irrigation water resources for increased agricultural productivity and food security in Afghanistan. He also has worked with the Botswana Sustainable Agriculture Initiative, an international consortium with a goal to develop an integrated, sustainable agricultural system. The Botswana Initiative will assist both small and large farms to employ conservation agriculture practices to in-

crease fresh water availability, grow more nutritious food, build agricultural infrastructure, create more agricultural jobs, and stimulate enterprise creation in rural areas.

Mr. Kirksey's leadership and expertise has made a difference in the lives of so many people in our Nation, as well as other parts of the world. Senator BINGAMAN and I thank Mr. Kirksey for his commitment and dedication to the people of New Mexico and to our agricultural communities. We would also like to thank his wife Cyndie and their three children for always supporting Rex in his endeavors. Thanks to his work and the work of our land grant institutions, farmers and ranchers across the country have access to the resources they need to help ensure our country's future competitiveness in an increasingly global economy.

We wish Mr. Kirksey continued success, and a most happy retirement.●

#### MESSAGE FROM THE HOUSE

At 2:28 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4078. An act to provide that no agency may take any significant regulatory action until the unemployment rate is equal to or less than 6.0 percent.

#### MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 6082. An act to officially replace, within the 60-day Congressional review period under the Outer Continental Shelf Lands Act, President Obama's Proposed Final Outer Continental Shelf Oil & Gas Leasing Program (2012-2017) with a congressional plan that will conduct additional oil and natural gas lease sales to promote offshore energy development, job creation, and increased domestic energy production to ensure a more secure energy future in the United States, and for other purposes.

#### MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 4078. An act to provide that no agency may take any significant regulatory action until the unemployment rate is equal to or less than 6.0 percent.

S. 3457. A bill to require the Secretary of Veterans Affairs to establish a veterans jobs corps, and for other purposes.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-7004. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Requirements for Distribution of Byproduct Material" ((RIN3150-AH91) (NRC-2008-0338)) received in the Office of the President of the Senate on July 24, 2012; to the Committee on Environment and Public Works.

EC-7005. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "NRC Regulatory Issue Summary 2012-08: Developing Inservice Testing and Inservice Inspection Programs Under 10 CFR Part 52" (RIS 2012-08) received in the Office of the President of the Senate on July 24, 2012; to the Committee on Environment and Public Works.

EC-7006. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; South Carolina 110(a)(1) and (2) Infrastructure Requirements for the 1997 and 2006 Fine Particulate Matter National Ambient Air Quality Standards" (FRL No. 9705-8) received in the Office of the President of the Senate on July 25, 2012; to the Committee on Environment and Public Works.

EC-7007. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Tennessee: Prevention of Significant Deterioration and Nonattainment New Source Review; Fine Particulate Matter (PM<sub>2.5</sub>)" (FRL No. 9704-7) received in the Office of the President of the Senate on July 25, 2012; to the Committee on Environment and Public Works.

EC-7008. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Method 16C for the Determination of Total Reduced Sulfur Emissions From Stationary Sources" (FRL No. 9701-9) received in the Office of the President of the Senate on July 25, 2012; to the Committee on Environment and Public Works.

EC-7009. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Florida; Sections 128 and 110(a)(1) and (2) Infrastructure Requirements for the 1997 8-Hour Ozone National Ambient Air Quality Standards" (FRL No. 9705-2) received in the Office of the President of the Senate on July 25, 2012; to the Committee on Environment and Public Works.

EC-7010. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Pollutant Discharge Elimination System Permit Regulation for Concentrated Animal Feeding Operations: Removal of Vacated Elements in Response to the 2011 Decision of the U.S. Court of Appeals for the Fifth Circuit" (FRL No. 9705-6) received in the Office of the President of the Senate on July 25, 2012; to the Committee on Environment and Public Works.

EC-7011. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air

Quality Implementation Plans; Maryland; Control of Iron and Steel Production Installations; Sintering Plants" (FRL No. 9702-6) received in the Office of the President of the Senate on July 25, 2012; to the Committee on Environment and Public Works.

EC-7012. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the Locks and Dam 52 and 53 Replacement Project (Olmsted Locks and Dam), Illinois and Kentucky; to the Committee on Environment and Public Works.

EC-7013. A communication from the United States Trade Representative, Executive Office of the President, transmitting a report relative to the inclusion of Canada in the ongoing negotiations of the Trans-Pacific Partnership (TPP) Agreement; to the Committee on Finance.

EC-7014. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Reallocation of Section 48A Credits under the Qualifying Advanced Coal Project Program" (Notice 2012-51) received in the Office of the President of the Senate on July 24, 2012; to the Committee on Finance.

EC-7015. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—August 2012" (Rev. Rul. 2012-21) received in the Office of the President of the Senate on July 24, 2012; to the Committee on Finance.

EC-7016. A communication from the Director, Office of Regulations, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Expedited Vocational Assessment under the Sequential Evaluation Process" (RIN0960-AH26) received in the Office of the President of the Senate on July 24, 2012; to the Committee on Finance.

EC-7017. A communication from the Director, Office of Regulations, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Regulations Regarding Income-Related Monthly Adjustment Amounts to Medicare Beneficiaries' Prescription Drug Coverage Premiums" (RIN0960-AH22) received in the Office of the President of the Senate on July 24, 2012; to the Committee on Finance.

EC-7018. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Hospice Wage Index for Fiscal Year 2013" (CMS-1434-N) received in the Office of the President of the Senate on July 25, 2012; to the Committee on Finance.

EC-7019. A communication from the Acting Inspector General, Office of Inspector General, U.S. Agency for International Development (USAID), transmitting, pursuant to law, the Office of Inspector General's (OIG) strategic plan for 2012-2016; to the Committee on Foreign Relations.

EC-7020. A communication from the Executive Analyst (Political), Department of Health and Human Services, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary for Public Affairs, Department of Health and Human Services, received in the Office of the President of the Senate on July 25, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-7021. A communication from the Chief Human Capital Officer, Corporation for National and Community Service, transmitting, pursuant to law, a report relative to a vacancy in the position of Inspector General, Corporation for National and Community Service, received in the Office of the President of the Senate on July 25, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-7022. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-397, "Saving D.C. Homes from Foreclosure Enhanced Temporary Amendment Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-7023. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-396, "Fiscal Year 2012 Second Revised Budget Request Temporary Amendment Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-7024. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-398, "Social E-Commerce Job Creation Tax Incentive Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. FEINSTEIN, from the Select Committee on Intelligence, without amendment:

S. 3454. A bill to authorize appropriations for fiscal year 2013 for intelligence and intelligence-related activities of the United States Government and the Office of the Director of National Intelligence, the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. No. 112-192).

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. FEINSTEIN:

S. 3454. A bill to authorize appropriations for fiscal year 2013 for intelligence and intelligence-related activities of the United States Government and the Office of the Director of National Intelligence, the Central Intelligence Agency Retirement and Disability System, and for other purposes; from the Select Committee on Intelligence; placed on the calendar.

By Mr. WARNER (for himself and Mr. JOHNSON of Wisconsin):

S. 3455. A bill to require the establishment of customer service standards for Federal agencies; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BLUMENTHAL (for himself, Mr. WHITEHOUSE, and Mr. CORNYN):

S. 3456. A bill to amend title 18, United States Code, with respect to child pornography and child exploitation offenses; to the Committee on the Judiciary.

By Mr. NELSON of Florida (for himself and Mrs. MURRAY):

S. 3457. A bill to require the Secretary of Veterans Affairs to establish a veterans jobs

corps, and for other purposes; read the first time.

By Mr. LAUTENBERG (for himself and Mrs. FEINSTEIN):

S. 3458. A bill to require face to face purchases of ammunition, to require licensing of ammunition dealers, and to require reporting regarding bulk purchases of ammunition; to the Committee on the Judiciary.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MERKLEY (for himself, Mr. CRAPO, Mr. CASEY, Mr. BLUMENTHAL, Mrs. MURRAY, Mr. BROWN of Ohio, Mr. AKAKA, and Mr. KOHL):

S. Res. 533. A resolution designating October 2012 as "National Work and Family Month"; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 33

At the request of Mr. LIEBERMAN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 33, a bill to designate a portion of the Arctic National Wildlife Refuge as wilderness.

S. 438

At the request of Ms. STABENOW, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 438, a bill to amend the Public Health Service Act to improve women's health by prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 534

At the request of Mr. KERRY, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 534, a bill to amend the Internal Revenue Code of 1986 to provide a reduced rate of excise tax on beer produced domestically by certain small producers.

S. 752

At the request of Mrs. FEINSTEIN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 752, a bill to establish a comprehensive interagency response to reduce lung cancer mortality in a timely manner.

S. 845

At the request of Mr. ENZI, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 845, a bill to amend the Internal Revenue Code of 1986 to provide for the logical flow of return information between partnerships, corporations, trusts, estates, and individuals to better enable each party to submit timely, accurate returns and reduce the need for extended and amended returns, to provide for modified due dates by regulation, and to conform the automatic corporate extension period to long-standing regulatory rule.

S. 1755

At the request of Mr. TESTER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1755, a bill to amend title 38, United States Code, to provide for coverage under the beneficiary travel program of the Department of Veterans Affairs of certain disabled veterans for travel for certain special disabilities rehabilitation, and for other purposes.

S. 1843

At the request of Mr. ISAKSON, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1843, a bill to amend the National Labor Relations Act to provide for appropriate designation of collective bargaining units.

S. 1935

At the request of Mrs. HAGAN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1935, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the 75th anniversary of the establishment of the March of Dimes Foundation.

At the request of Ms. COLLINS, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1935, *supra*.

S. 1956

At the request of Mr. THUNE, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 1956, a bill to prohibit operators of civil aircraft of the United States from participating in the European Union's emissions trading scheme, and for other purposes.

S. 1979

At the request of Mr. CONRAD, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1979, a bill to provide incentives to physicians to practice in rural and medically underserved communities and for other purposes.

S. 1990

At the request of Mr. LIEBERMAN, the names of the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 1990, a bill to require the Transportation Security Administration to comply with the Uniformed Services Employment and Reemployment Rights Act.

S. 1993

At the request of Mr. NELSON of Florida, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 1993, a bill to posthumously award a Congressional Gold Medal to Lena Horne in recognition of her achievements and contributions to American culture and the civil rights movement.

S. 2010

At the request of Mr. KERRY, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2010, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 2264

At the request of Mr. HOEVEN, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 2264, a bill to provide liability protection for claims based on the design, manufacture, sale, offer for sale, introduction into commerce, or use of certain fuels and fuel additives, and for other purposes.

S. 2347

At the request of Mr. CARDIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2347, a bill to amend title XVIII of the Social Security Act to ensure the continued access of Medicare beneficiaries to diagnostic imaging services.

At the request of Ms. CANTWELL, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2347, *supra*.

S. 2472

At the request of Mr. CASEY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2472, a bill to provide for the issuance and sale of a semipostal by the United States Postal Service for research and demonstration projects relating to autism spectrum disorders.

S. 3085

At the request of Mr. MENENDEZ, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 3085, a bill to provide for the expansion of affordable refinancing of mortgages held by the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation.

S. 3204

At the request of Mr. JOHANNIS, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Arizona (Mr. KYL) were added as cosponsors of S. 3204, a bill to address fee disclosure requirements under the Electronic Fund Transfer Act, and for other purposes.

S. 3340

At the request of Mrs. MURRAY, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 3340, a bill to improve and enhance the programs and activities of the Department of Defense and the Department of Veterans Affairs regarding suicide prevention and resilience and behavioral health disorders for members of the Armed Forces and veterans, and for other purposes.

S. 3344

At the request of Mr. REED, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 3344, a bill to increase immunization rates.

S. 3354

At the request of Mr. CASEY, the name of the Senator from Connecticut

(Mr. BLUMENTHAL) was added as a cosponsor of S. 3354, a bill to authorize the Transition Assistance Advisor program of the Department of Defense, and for other purposes.

S. 3383

At the request of Mr. VITTER, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 3383, a bill to reject the final 5-year Outer Continental Shelf Oil and Gas Leasing Program for fiscal years 2012 through 2017 of the Administration and replace the plan with a 5-year plan that is more in line with the energy and economic needs of the United States.

S. 3394

At the request of Mr. JOHNSON of South Dakota, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 3394, a bill to address fee disclosure requirements under the Electronic Fund Transfer Act, to amend the Federal Deposit Insurance Act with respect to information provided to the Bureau of Consumer Financial Protection, and for other purposes.

S. 3430

At the request of Mrs. SHAHEEN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 3430, a bill to amend the Public Health Service Act to foster more effective implementation and coordination of clinical care for people with pre-diabetes and diabetes.

S. 3450

At the request of Mr. COATS, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 3450, a bill to limit the authority of the Secretary of the Interior to issue regulations before December 31, 2013, under the Surface Mining Control and Reclamation Act of 1977.

S. 3451

At the request of Mr. BEGICH, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 3451, a bill to exempt certain air taxi services from taxes on transportation by air.

S. 3453

At the request of Mr. HARKIN, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 3453, a bill to provide for an increase in the Federal minimum wage.

S. CON. RES. 50

At the request of Mr. RUBIO, the names of the Senator from Utah (Mr. LEE) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. Con. Res. 50, a concurrent resolution expressing the sense of Congress regarding actions to preserve and advance the multistakeholder governance model under which the Internet has thrived.

S. RES. 525

At the request of Mr. NELSON of Florida, the names of the Senator from Indiana (Mr. LUGAR) and the Senator

from Massachusetts (Mr. KERRY) were added as cosponsors of S. Res. 525, a resolution honoring the life and legacy of Oswaldo Paya Sardinias.

## AMENDMENT NO. 2575

At the request of Mr. LAUTENBERG, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of amendment No. 2575 intended to be proposed to S. 3414, a bill to enhance the security and resiliency of the cyber and communications infrastructure of the United States.

## SUBMITTED RESOLUTIONS

## SENATE RESOLUTION 533—DESIGNATING OCTOBER 2012 AS “NATIONAL WORK AND FAMILY MONTH”

Mr. MERKLEY (for himself, Mr. CRAPO, Mr. CASEY, Mr. BLUMENTHAL, Mrs. MURRAY, Mr. BROWN of Ohio, Mr. AKAKA, and Mr. KOHL) submitted the following resolution; which was considered and agreed to:

## S. RES. 533

Whereas, according to a report by WorldatWork, a nonprofit professional association with expertise in attracting, motivating, and retaining employees, the quality of workers' jobs and the supportiveness of the workplace of the workers are key predictors of the job productivity, job satisfaction, and commitment to the employer of those workers, as well as of the ability of the employer to retain those workers;

Whereas “work-life balance” refers to specific organizational practices, policies, and programs that are guided by a philosophy of active support for the efforts of employees to achieve success within and outside the workplace, such as caring for dependents, health and wellness, paid and unpaid time off, financial support, community involvement, and workplace culture;

Whereas numerous studies show that employers that offer effective work-life balance programs are better able to recruit more talented employees, maintain a happier, healthier, and less stressed workforce, and retain experienced employees, which produces a more productive and stable workforce with less voluntary turnover;

Whereas job flexibility often allows parents to be more involved in the lives of their children, and research demonstrates that parental involvement is associated with higher achievement in language and mathematics, improved behavior, greater academic persistence, and lower dropout rates in children;

Whereas military families have special work-family needs that often require robust policies and programs that provide flexibility to employees in unique circumstances;

Whereas studies report that family rituals, such as sitting down to dinner together and sharing activities on weekends and holidays, positively influence the health and development of children and that children who eat dinner with their families every day consume nearly a full serving more of fruits and vegetables per day than those who never eat dinner with their families or do so only occasionally; and

Whereas the month of October is an appropriate month to designate as National Work and Family Month: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates October 2012 as “National Work and Family Month”;

(2) recognizes the importance of work schedules that allow employees to spend time with their families to job productivity and healthy families;

(3) urges public officials, employers, employees, and the general public to work together to achieve more balance between work and family; and

(4) calls upon the people of the United States to observe National Work and Family Month with appropriate ceremonies and activities.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 2621. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table.

SA 2622. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2623. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2624. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2625. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2626. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2627. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2628. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2629. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2630. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2631. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2632. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2633. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2634. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2635. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2636. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2637. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2638. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2639. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2640. Mr. LEAHY (for himself and Mr. HOEVEN) submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2641. Mr. CARPER (for himself and Mr. BLUNT) submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2642. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 3406, to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to products of the Russian Federation and Moldova, to require reports on the compliance of the Russian Federation with its obligations as a member of the World Trade Organization, and to impose sanctions on persons responsible for gross violations of human rights, and for other purposes; which was ordered to lie on the table.

SA 2643. Mr. JOHNSON of Wisconsin submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table.

SA 2644. Mr. TOOMEY (for himself, Ms. SNOWE, Mr. DEMINT, Mr. BLUNT, Mr. RUBIO, and Mr. HELLER) submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2645. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2646. Mr. MENENDEZ (for himself and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2647. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2648. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2649. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2650. Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2651. Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2652. Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2653. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2654. Mr. CRAPO (for himself and Mr. JOHANNES) submitted an amendment intended

to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2655. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2656. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2657. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2658. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2659. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2660. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2661. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2662. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2663. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2664. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 2621.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

### SEC. \_\_\_\_ . BORDER FENCE COMPLETION.

(a) **MINIMUM REQUIREMENTS.**—Section 102(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note) is amended—

(1) in subparagraph (A), by adding at the end the following: “Fencing that does not effectively restrain pedestrian traffic (such as vehicle barriers and virtual fencing) may not be used to meet the 700-mile fence requirement under this subparagraph.”;

(2) in subparagraph (B)—

(A) in clause (i), by striking “and” at the end;

(B) in clause (ii), by striking the period at the end and inserting “; and”;

(C) by adding at the end the following:

“(iii) not later than 1 year after the date of the enactment of the Cybersecurity Act of 2012, complete the construction of all the reinforced fencing and the installation of the related equipment described in subparagraph (A).”;

(3) in subparagraph (C), by adding at the end the following:

“(iii) **FUNDING NOT CONTINGENT ON CONSULTATION.**—Amounts appropriated to carry out this paragraph may not be impounded or

otherwise withheld for failure to fully comply with the consultation requirement under clause (i).”.

(b) **REPORT.**—Not later than 6 months after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to Congress a report that describes—

(1) the progress made in completing the reinforced fencing required under section 102(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note), as amended by subsection (a); and

(2) the plans for completing such fencing not later than 1 year after the date of the enactment of this Act.

**SA 2622.** Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

Strike title I.

**SA 2623.** Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Strengthening and Enhancing Cybersecurity by Using Research, Education, Information, and Technology Act of 2012” or “**SECURE IT**”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

#### TITLE I—FACILITATING SHARING OF CYBER THREAT INFORMATION

Sec. 101. Definitions.

Sec. 102. Authorization to share cyber threat information.

Sec. 103. Information sharing by the Federal government.

Sec. 104. Construction.

Sec. 105. Report on implementation.

Sec. 106. Inspector General review.

Sec. 107. Technical amendments.

Sec. 108. Access to classified information.

#### TITLE II—COORDINATION OF FEDERAL INFORMATION SECURITY POLICY

Sec. 201. Coordination of Federal information security policy.

Sec. 202. Management of information technology.

Sec. 203. No new funding.

Sec. 204. Technical and conforming amendments.

Sec. 205. Clarification of authorities.

#### TITLE III—CRIMINAL PENALTIES

Sec. 301. Penalties for fraud and related activity in connection with computers.

Sec. 302. Trafficking in passwords.

Sec. 303. Conspiracy and attempted computer fraud offenses.

Sec. 304. Criminal and civil forfeiture for fraud and related activity in connection with computers.

Sec. 305. Damage to critical infrastructure computers.

Sec. 306. Limitation on actions involving unauthorized use.

Sec. 307. No new funding.

#### TITLE IV—CYBERSECURITY RESEARCH AND DEVELOPMENT

Sec. 401. National High-Performance Computing Program planning and coordination.

Sec. 402. Research in areas of national importance.

Sec. 403. Program improvements.

Sec. 404. Improving education of networking and information technology, including high performance computing.

Sec. 405. Conforming and technical amendments to the High-Performance Computing Act of 1991.

Sec. 406. Federal cyber scholarship-for-service program.

Sec. 407. Study and analysis of certification and training of information infrastructure professionals.

Sec. 408. International cybersecurity technical standards.

Sec. 409. Identity management research and development.

Sec. 410. Federal cybersecurity research and development.

#### TITLE I—FACILITATING SHARING OF CYBER THREAT INFORMATION

##### SEC. 101. DEFINITIONS.

In this title:

(1) **AGENCY.**—The term “agency” has the meaning given the term in section 3502 of title 44, United States Code.

(2) **ANTITRUST LAWS.**—The term “antitrust laws”—

(A) has the meaning given the term in section 1(a) of the Clayton Act (15 U.S.C. 12(a));

(B) includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent that section 5 of that Act applies to unfair methods of competition; and

(C) includes any State law that has the same intent and effect as the laws under subparagraphs (A) and (B).

(3) **COUNTERMEASURE.**—The term “countermeasure” means an automated or a manual action with defensive intent to mitigate cyber threats.

(4) **CYBER THREAT INFORMATION.**—The term “cyber threat information” means information that indicates or describes—

(A) a technical or operation vulnerability or a cyber threat mitigation measure;

(B) an action or operation to mitigate a cyber threat;

(C) malicious reconnaissance, including anomalous patterns of network activity that appear to be transmitted for the purpose of gathering technical information related to a cybersecurity threat;

(D) a method of defeating a technical control;

(E) a method of defeating an operational control;

(F) network activity or protocols known to be associated with a malicious cyber actor or that signify malicious cyber intent;

(G) a method of causing a user with legitimate access to an information system or information that is stored on, processed by, or transiting an information system to inadvertently enable the defeat of a technical or operational control;

(H) any other attribute of a cybersecurity threat or cyber defense information that would foster situational awareness of the United States cybersecurity posture, if disclosure of such attribute or information is not otherwise prohibited by law;

(I) the actual or potential harm caused by a cyber incident, including information exfiltrated when it is necessary in order to identify or describe a cybersecurity threat; or



(J) any combination of subparagraphs (A) through (I).

(5) **CYBERSECURITY CENTER.**—The term “cybersecurity center” means the Department of Defense Cyber Crime Center, the Intelligence Community Incident Response Center, the United States Cyber Command Joint Operations Center, the National Cyber Investigative Joint Task Force, the National Security Agency/Central Security Service Threat Operations Center, the National Cybersecurity and Communications Integration Center, and any successor center.

(6) **CYBERSECURITY SYSTEM.**—The term “cybersecurity system” means a system designed or employed to ensure the integrity, confidentiality, or availability of, or to safeguard, a system or network, including measures intended to protect a system or network from—

(A) efforts to degrade, disrupt, or destroy such system or network; or

(B) theft or misappropriations of private or government information, intellectual property, or personally identifiable information.

(7) **ENTITY.**—

(A) **IN GENERAL.**—The term “entity” means any private entity, non-Federal government agency or department, or State, tribal, or local government agency or department (including an officer, employee, or agent thereof).

(B) **INCLUSIONS.**—The term “entity” includes a government agency or department (including an officer, employee, or agent thereof) of the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and any other territory or possession of the United States.

(8) **FEDERAL INFORMATION SYSTEM.**—The term “Federal information system” means an information system of a Federal department or agency used or operated by an executive agency, by a contractor of an executive agency, or by another organization on behalf of an executive agency.

(9) **INFORMATION SECURITY.**—The term “information security” means protecting information and information systems from disruption or unauthorized access, use, disclosure, modification, or destruction in order to provide—

(A) integrity, by guarding against improper information modification or destruction, including by ensuring information non-repudiation and authenticity;

(B) confidentiality, by preserving authorized restrictions on access and disclosure, including means for protecting personal privacy and proprietary information; or

(C) availability, by ensuring timely and reliable access to and use of information.

(10) **INFORMATION SYSTEM.**—The term “information system” has the meaning given the term in section 3502 of title 44, United States Code.

(11) **LOCAL GOVERNMENT.**—The term “local government” means any borough, city, county, parish, town, township, village, or other general purpose political subdivision of a State.

(12) **MALICIOUS RECONNAISSANCE.**—The term “malicious reconnaissance” means a method for actively probing or passively monitoring an information system for the purpose of discerning technical vulnerabilities of the information system, if such method is associated with a known or suspected cybersecurity threat.

(13) **OPERATIONAL CONTROL.**—The term “operational control” means a security control for an information system that primarily is implemented and executed by people.

(14) **OPERATIONAL VULNERABILITY.**—The term “operational vulnerability” means any attribute of policy, process, or procedure that could enable or facilitate the defeat of an operational control.

(15) **PRIVATE ENTITY.**—The term “private entity” means any individual or any private group, organization, or corporation, including an officer, employee, or agent thereof.

(16) **SIGNIFICANT CYBER INCIDENT.**—The term “significant cyber incident” means a cyber incident resulting in, or an attempted cyber incident that, if successful, would have resulted in—

(A) the exfiltration from a Federal information system of data that is essential to the operation of the Federal information system; or

(B) an incident in which an operational or technical control essential to the security or operation of a Federal information system was defeated.

(17) **TECHNICAL CONTROL.**—The term “technical control” means a hardware or software restriction on, or audit of, access or use of an information system or information that is stored on, processed by, or transiting an information system that is intended to ensure the confidentiality, integrity, or availability of that system.

(18) **TECHNICAL VULNERABILITY.**—The term “technical vulnerability” means any attribute of hardware or software that could enable or facilitate the defeat of a technical control.

(19) **TRIBAL.**—The term “tribal” has the meaning given the term “Indian tribe” in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

## SEC. 102. AUTHORIZATION TO SHARE CYBER THREAT INFORMATION.

(a) **VOLUNTARY DISCLOSURE.**—

(1) **PRIVATE ENTITIES.**—Notwithstanding any other provision of law, a private entity may, for the purpose of preventing, investigating, or otherwise mitigating threats to information security, on its own networks, or as authorized by another entity, on such entity’s networks, employ countermeasures and use cybersecurity systems in order to obtain, identify, or otherwise possess cyber threat information.

(2) **ENTITIES.**—Notwithstanding any other provision of law, an entity may disclose cyber threat information to—

(A) a cybersecurity center; or

(B) any other entity in order to assist with preventing, investigating, or otherwise mitigating threats to information security.

(3) **INFORMATION SECURITY PROVIDERS.**—If the cyber threat information described in paragraph (1) is obtained, identified, or otherwise possessed in the course of providing information security products or services under contract to another entity, that entity shall be given, at any time prior to disclosure of such information, a reasonable opportunity to authorize or prevent such disclosure, to request anonymization of such information, or to request that reasonable efforts be made to safeguard such information that identifies specific persons from unauthorized access or disclosure.

(b) **SIGNIFICANT CYBER INCIDENTS INVOLVING FEDERAL INFORMATION SYSTEMS.**—

(1) **IN GENERAL.**—An entity providing electronic communication services, remote computing services, or information security services to a Federal department or agency shall inform the Federal department or agency of a significant cyber incident involving the Federal information system of that Federal department or agency that—

(A) is directly known to the entity as a result of providing such services;

(B) is directly related to the provision of such services by the entity; and

(C) as determined by the entity, has impeded or will impede the performance of a critical mission of the Federal department or agency.

(2) **ADVANCE COORDINATION.**—A Federal department or agency receiving the services described in paragraph (1) shall coordinate in advance with an entity described in paragraph (1) to develop the parameters of any information that may be provided under paragraph (1), including clarification of the type of significant cyber incident that will impede the performance of a critical mission of the Federal department or agency.

(3) **REPORT.**—A Federal department or agency shall report information provided under this subsection to a cybersecurity center.

(4) **CONSTRUCTION.**—Any information provided to a cybersecurity center under paragraph (3) shall be treated in the same manner as information provided to a cybersecurity center under subsection (a).

(c) **INFORMATION SHARED WITH OR PROVIDED TO A CYBERSECURITY CENTER.**—Cyber threat information provided to a cybersecurity center under this section—

(1) may be disclosed to, retained by, and used by, consistent with otherwise applicable Federal law, any Federal agency or department, component, officer, employee, or agent of the Federal government for a cybersecurity purpose, a national security purpose, or in order to prevent, investigate, or prosecute any of the offenses listed in section 2516 of title 18, United States Code, and such information shall not be disclosed to, retained by, or used by any Federal agency or department for any use not permitted under this paragraph;

(2) may, with the prior written consent of the entity submitting such information, be disclosed to and used by a State, tribal, or local government or government agency for the purpose of protecting information systems, or in furtherance of preventing, investigating, or prosecuting a criminal act, except that if the need for immediate disclosure prevents obtaining written consent, such consent may be provided orally with subsequent documentation of such consent;

(3) shall be considered the commercial, financial, or proprietary information of the entity providing such information to the Federal government and any disclosure outside the Federal government may only be made upon the prior written consent by such entity and shall not constitute a waiver of any applicable privilege or protection provided by law, except that if the need for immediate disclosure prevents obtaining written consent, such consent may be provided orally with subsequent documentation of such consent;

(4) shall be deemed voluntarily shared information and exempt from disclosure under section 552 of title 5, United States Code, and any State, tribal, or local law requiring disclosure of information or records;

(5) shall be, without discretion, withheld from the public under section 552(b)(3)(B) of title 5, United States Code, and any State, tribal, or local law requiring disclosure of information or records;

(6) shall not be subject to the rules of any Federal agency or department or any judicial doctrine regarding ex parte communications with a decision-making official;



(7) shall not, if subsequently provided to a State, tribal, or local government or government agency, otherwise be disclosed or distributed to any entity by such State, tribal, or local government or government agency without the prior written consent of the entity submitting such information, notwithstanding any State, tribal, or local law requiring disclosure of information or records, except that if the need for immediate disclosure prevents obtaining written consent, such consent may be provided orally with subsequent documentation of such consent; and

(8) shall not be directly used by any Federal, State, tribal, or local department or agency to regulate the lawful activities of an entity, including activities relating to obtaining, identifying, or otherwise possessing cyber threat information, except that the procedures required to be developed and implemented under this title shall not be considered regulations within the meaning of this paragraph.

(d) **PROCEDURES RELATING TO INFORMATION SHARING WITH A CYBERSECURITY CENTER.**—Not later than 60 days after the date of enactment of this Act, the heads of each department or agency containing a cybersecurity center shall jointly develop, promulgate, and submit to Congress procedures to ensure that cyber threat information shared with or provided to—

(1) a cybersecurity center under this section—

(A) may be submitted to a cybersecurity center by an entity, to the greatest extent possible, through a uniform, publicly available process or format that is easily accessible on the website of such cybersecurity center, and that includes the ability to provide relevant details about the cyber threat information and written consent to any subsequent disclosures authorized by this paragraph;

(B) shall immediately be further shared with each cybersecurity center in order to prevent, investigate, or otherwise mitigate threats to information security across the Federal government;

(C) is handled by the Federal government in a reasonable manner, including consideration of the need to protect the privacy and civil liberties of individuals through anonymization or other appropriate methods, while fully accomplishing the objectives of this title, and the Federal government may undertake efforts consistent with this subparagraph to limit the impact on privacy and civil liberties of the sharing of cyber threat information with the Federal government; and

(D) except as provided in this section, shall only be used, disclosed, or handled in accordance with the provisions of subsection (c); and

(2) a Federal agency or department under subsection (b) is provided immediately to a cybersecurity center in order to prevent, investigate, or otherwise mitigate threats to information security across the Federal government.

(e) **INFORMATION SHARED BETWEEN ENTITIES.**—

(1) **IN GENERAL.**—An entity sharing cyber threat information with another entity under this title may restrict the use or sharing of such information by such other entity.

(2) **FURTHER SHARING.**—Cyber threat information shared by any entity with another entity under this title—

(A) shall only be further shared in accordance with any restrictions placed on the sharing of such information by the entity

authorizing such sharing, such as appropriate anonymization of such information; and

(B) may not be used by any entity to gain an unfair competitive advantage to the detriment of the entity authorizing the sharing of such information, except that the conduct described in paragraph (3) shall not constitute unfair competitive conduct.

(3) **INFORMATION SHARED WITH STATE, TRIBAL, OR LOCAL GOVERNMENT OR GOVERNMENT AGENCY.**—Cyber threat information shared with a State, tribal, or local government or government agency under this title—

(A) may, with the prior written consent of the entity sharing such information, be disclosed to and used by a State, tribal, or local government or government agency for the purpose of protecting information systems, or in furtherance of preventing, investigating, or prosecuting a criminal act, except if the need for immediate disclosure prevents obtaining written consent, consent may be provided orally with subsequent documentation of the consent;

(B) shall be deemed voluntarily shared information and exempt from disclosure under any State, tribal, or local law requiring disclosure of information or records;

(C) shall not be disclosed or distributed to any entity by the State, tribal, or local government or government agency without the prior written consent of the entity submitting such information, notwithstanding any State, tribal, or local law requiring disclosure of information or records, except if the need for immediate disclosure prevents obtaining written consent, consent may be provided orally with subsequent documentation of the consent; and

(D) shall not be directly used by any State, tribal, or local department or agency to regulate the lawful activities of an entity, including activities relating to obtaining, identifying, or otherwise possessing cyber threat information, except that the procedures required to be developed and implemented under this title shall not be considered regulations within the meaning of this subparagraph.

(4) **ANTITRUST EXEMPTION.**—The exchange or provision of cyber threat information or assistance between 2 or more private entities under this title shall not be considered a violation of any provision of antitrust laws if exchanged or provided in order to assist with—

(A) facilitating the prevention, investigation, or mitigation of threats to information security; or

(B) communicating or disclosing of cyber threat information to help prevent, investigate or otherwise mitigate the effects of a threat to information security.

(5) **NO RIGHT OR BENEFIT.**—The provision of cyber threat information to an entity under this section shall not create a right or a benefit to similar information by such entity or any other entity.

(f) **FEDERAL PREEMPTION.**—

(1) **IN GENERAL.**—This section supersedes any statute or other law of a State or political subdivision of a State that restricts or otherwise expressly regulates an activity authorized under this section.

(2) **STATE LAW ENFORCEMENT.**—Nothing in this section shall be construed to supersede any statute or other law of a State or political subdivision of a State concerning the use of authorized law enforcement techniques.

(3) **PUBLIC DISCLOSURE.**—No information shared with or provided to a State, tribal, or local government or government agency pur-

suant to this section shall be made publicly available pursuant to any State, tribal, or local law requiring disclosure of information or records.

(g) **CIVIL AND CRIMINAL LIABILITY.**—

(1) **GENERAL PROTECTIONS.**—

(A) **PRIVATE ENTITIES.**—No cause of action shall lie or be maintained in any court against any private entity for—

(i) the use of countermeasures and cybersecurity systems as authorized by this title;

(ii) the use, receipt, or disclosure of any cyber threat information as authorized by this title; or

(iii) the subsequent actions or inactions of any lawful recipient of cyber threat information provided by such private entity.

(B) **ENTITIES.**—No cause of action shall lie or be maintained in any court against any entity for—

(i) the use, receipt, or disclosure of any cyber threat information as authorized by this title; or

(ii) the subsequent actions or inactions of any lawful recipient of cyber threat information provided by such entity.

(2) **CONSTRUCTION.**—Nothing in this subsection shall be construed as creating any immunity against, or otherwise affecting, any action brought by the Federal government, or any agency or department thereof, to enforce any law, executive order, or procedure governing the appropriate handling, disclosure, and use of classified information.

(h) **OTHERWISE LAWFUL DISCLOSURES.**—Nothing in this section shall be construed to limit or prohibit otherwise lawful disclosures of communications, records, or other information by a private entity to any other governmental or private entity not covered under this section.

(i) **WHISTLEBLOWER PROTECTION.**—Nothing in this Act shall be construed to preempt or preclude any employee from exercising rights currently provided under any whistleblower law, rule, or regulation.

(j) **RELATIONSHIP TO OTHER LAWS.**—The submission of cyber threat information under this section to a cybersecurity center shall not affect any requirement under any other provision of law for an entity to provide information to the Federal government.

#### **SEC. 103. INFORMATION SHARING BY THE FEDERAL GOVERNMENT.**

(a) **CLASSIFIED INFORMATION.**—

(1) **PROCEDURES.**—Consistent with the protection of intelligence sources and methods, and as otherwise determined appropriate, the Director of National Intelligence and the Secretary of Defense, in consultation with the heads of the appropriate Federal departments or agencies, shall develop and promulgate procedures to facilitate and promote—

(A) the immediate sharing, through the cybersecurity centers, of classified cyber threat information in the possession of the Federal government with appropriately cleared representatives of any appropriate entity; and

(B) the declassification and immediate sharing, through the cybersecurity centers, with any entity or, if appropriate, public availability of cyber threat information in the possession of the Federal government;

(2) **HANDLING OF CLASSIFIED INFORMATION.**—The procedures developed under paragraph (1) shall ensure that each entity receiving classified cyber threat information pursuant to this section has acknowledged in writing the ongoing obligation to comply with all laws, executive orders, and procedures concerning the appropriate handling, disclosure, or use of classified information.

(b) **UNCLASSIFIED CYBER THREAT INFORMATION.**—The heads of each department or

agency containing a cybersecurity center shall jointly develop and promulgate procedures that ensure that, consistent with the provisions of this section, unclassified, including controlled unclassified, cyber threat information in the possession of the Federal government—

(1) is shared, through the cybersecurity centers, in an immediate and adequate manner with appropriate entities; and

(2) if appropriate, is made publicly available.

(c) DEVELOPMENT OF PROCEDURES.—

(1) IN GENERAL.—The procedures developed under this section shall incorporate, to the greatest extent possible, existing processes utilized by sector specific information sharing and analysis centers.

(2) COORDINATION WITH ENTITIES.—In developing the procedures required under this section, the Director of National Intelligence and the heads of each department or agency containing a cybersecurity center shall coordinate with appropriate entities to ensure that protocols are implemented that will facilitate and promote the sharing of cyber threat information by the Federal government.

(d) ADDITIONAL RESPONSIBILITIES OF CYBERSECURITY CENTERS.—Consistent with section 102, a cybersecurity center shall—

(1) facilitate information sharing, interaction, and collaboration among and between cybersecurity centers and—

(A) other Federal entities;

(B) any entity; and

(C) international partners, in consultation with the Secretary of State;

(2) disseminate timely and actionable cybersecurity threat, vulnerability, mitigation, and warning information, including alerts, advisories, indicators, signatures, and mitigation and response measures, to improve the security and protection of information systems; and

(3) coordinate with other Federal entities, as appropriate, to integrate information from across the Federal government to provide situational awareness of the cybersecurity posture of the United States.

(e) SHARING WITHIN THE FEDERAL GOVERNMENT.—The heads of appropriate Federal departments and agencies shall ensure that cyber threat information in the possession of such Federal departments or agencies that relates to the prevention, investigation, or mitigation of threats to information security across the Federal government is shared effectively with the cybersecurity centers.

(f) SUBMISSION TO CONGRESS.—Not later than 60 days after the date of enactment of this Act, the Director of National Intelligence, in coordination with the appropriate head of a department or an agency containing a cybersecurity center, shall submit the procedures required by this section to Congress.

#### SEC. 104. CONSTRUCTION.

(a) INFORMATION SHARING RELATIONSHIPS.—Nothing in this title shall be construed—

(1) to limit or modify an existing information sharing relationship;

(2) to prohibit a new information sharing relationship;

(3) to require a new information sharing relationship between any entity and the Federal government, except as specified under section 102(b); or

(4) to modify the authority of a department or agency of the Federal government to protect sources and methods and the national security of the United States.

(b) ANTI-TASKING RESTRICTION.—Nothing in this title shall be construed to permit the Federal government—

(1) to require an entity to share information with the Federal government, except as expressly provided under section 102(b); or

(2) to condition the sharing of cyber threat information with an entity on such entity's provision of cyber threat information to the Federal government.

(c) NO LIABILITY FOR NON-PARTICIPATION.—Nothing in this title shall be construed to subject any entity to liability for choosing not to engage in the voluntary activities authorized under this title.

(d) USE AND RETENTION OF INFORMATION.—Nothing in this title shall be construed to authorize, or to modify any existing authority of, a department or agency of the Federal government to retain or use any information shared under section 102 for any use other than a use permitted under subsection 102(c)(1).

(e) NO NEW FUNDING.—An applicable Federal agency shall carry out the provisions of this title with existing facilities and funds otherwise available, through such means as the head of the agency considers appropriate.

#### SEC. 105. REPORT ON IMPLEMENTATION.

(a) CONTENT OF REPORT.—Not later than 1 year after the date of enactment of this Act, and biennially thereafter, the heads of each department or agency containing a cybersecurity center shall jointly submit, in coordination with the privacy and civil liberties officials of such departments or agencies and the Privacy and Civil Liberties Oversight Board, a detailed report to Congress concerning the implementation of this title, including—

(1) an assessment of the sufficiency of the procedures developed under section 103 of this Act in ensuring that cyber threat information in the possession of the Federal government is provided in an immediate and adequate manner to appropriate entities or, if appropriate, is made publicly available;

(2) an assessment of whether information has been appropriately classified and an accounting of the number of security clearances authorized by the Federal government for purposes of this title;

(3) a review of the type of cyber threat information shared with a cybersecurity center under section 102 of this Act, including whether such information meets the definition of cyber threat information under section 101, the degree to which such information may impact the privacy and civil liberties of individuals, any appropriate metrics to determine any impact of the sharing of such information with the Federal government on privacy and civil liberties, and the adequacy of any steps taken to reduce such impact;

(4) a review of actions taken by the Federal government based on information provided to a cybersecurity center under section 102 of this Act, including the appropriateness of any subsequent use under section 102(c)(1) of this Act and whether there was inappropriate stovepiping within the Federal government of any such information;

(5) a description of any violations of the requirements of this title by the Federal government;

(6) a classified list of entities that received classified information from the Federal government under section 103 of this Act and a description of any indication that such information may not have been appropriately handled;

(7) a summary of any breach of information security, if known, attributable to a specific failure by any entity or the Federal government to act on cyber threat information in the possession of such entity or the

Federal government that resulted in substantial economic harm or injury to a specific entity or the Federal government; and

(8) any recommendation for improvements or modifications to the authorities under this title.

(b) FORM OF REPORT.—The report under subsection (a) shall be submitted in unclassified form, but shall include a classified annex.

#### SEC. 106. INSPECTOR GENERAL REVIEW.

(a) IN GENERAL.—The Council of the Inspectors General on Integrity and Efficiency are authorized to review compliance by the cybersecurity centers, and by any Federal department or agency receiving cyber threat information from such cybersecurity centers, with the procedures required under section 102 of this Act.

(b) SCOPE OF REVIEW.—The review under subsection (a) shall consider whether the Federal government has handled such cyber threat information in a reasonable manner, including consideration of the need to protect the privacy and civil liberties of individuals through anonymization or other appropriate methods, while fully accomplishing the objectives of this title.

(c) REPORT TO CONGRESS.—Each review conducted under this section shall be provided to Congress not later than 30 days after the date of completion of the review.

#### SEC. 107. TECHNICAL AMENDMENTS.

Section 552(b) of title 5, United States Code, is amended—

(1) in paragraph (8), by striking “or”;

(2) in paragraph (9), by striking “wells.” and inserting “wells; or”;

(3) by adding at the end the following:

“(10) information shared with or provided to a cybersecurity center under section 102 of title I of the Strengthening and Enhancing Cybersecurity by Using Research, Education, Information, and Technology Act of 2012.”.

#### SEC. 108. ACCESS TO CLASSIFIED INFORMATION.

(a) AUTHORIZATION REQUIRED.—No person shall be provided with access to classified information (as defined in section 6.1 of Executive Order 13526 (50 U.S.C. 435 note; relating to classified national security information)) relating to cyber security threats or cyber security vulnerabilities under this title without the appropriate security clearances.

(b) SECURITY CLEARANCES.—The appropriate Federal agencies or departments shall, consistent with applicable procedures and requirements, and if otherwise deemed appropriate, assist an individual in timely obtaining an appropriate security clearance where such individual has been determined to be eligible for such clearance and has a need-to-know (as defined in section 6.1 of that Executive Order) classified information to carry out this title.

### TITLE II—COORDINATION OF FEDERAL INFORMATION SECURITY POLICY

#### SEC. 201. COORDINATION OF FEDERAL INFORMATION SECURITY POLICY.

(a) IN GENERAL.—Chapter 35 of title 44, United States Code, is amended by striking subchapters II and III and inserting the following:

#### “SUBCHAPTER II—INFORMATION SECURITY

##### “§ 3551. Purposes

“The purposes of this subchapter are—

“(1) to provide a comprehensive framework for ensuring the effectiveness of information security controls over information resources that support Federal operations and assets;

“(2) to recognize the highly networked nature of the current Federal computing environment and provide effective government-

wide management of policies, directives, standards, and guidelines, as well as effective and nimble oversight of and response to information security risks, including coordination of information security efforts throughout the Federal civilian, national security, and law enforcement communities;

“(3) to provide for development and maintenance of controls required to protect agency information and information systems and contribute to the overall improvement of agency information security posture;

“(4) to provide for the development of tools and methods to assess and respond to real-time situational risk for Federal information system operations and assets; and

“(5) to provide a mechanism for improving agency information security programs through continuous monitoring of agency information systems and streamlined reporting requirements rather than overly prescriptive manual reporting.

### “§ 3552. Definitions

“In this subchapter:

“(1) **ADEQUATE SECURITY.**—The term ‘adequate security’ means security commensurate with the risk and magnitude of the harm resulting from the unauthorized access to or loss, misuse, destruction, or modification of information.

“(2) **AGENCY.**—The term ‘agency’ has the meaning given the term in section 3502 of title 44.

“(3) **CYBERSECURITY CENTER.**—The term ‘cybersecurity center’ means the Department of Defense Cyber Crime Center, the Intelligence Community Incident Response Center, the United States Cyber Command Joint Operations Center, the National Cyber Investigative Joint Task Force, the National Security Agency/Central Security Service Threat Operations Center, the National Cybersecurity and Communications Integration Center, and any successor center.

“(4) **CYBER THREAT INFORMATION.**—The term ‘cyber threat information’ means information that indicates or describes—

“(A) a technical or operation vulnerability or a cyber threat mitigation measure;

“(B) an action or operation to mitigate a cyber threat;

“(C) malicious reconnaissance, including anomalous patterns of network activity that appear to be transmitted for the purpose of gathering technical information related to a cybersecurity threat;

“(D) a method of defeating a technical control;

“(E) a method of defeating an operational control;

“(F) network activity or protocols known to be associated with a malicious cyber actor or that signify malicious cyber intent;

“(G) a method of causing a user with legitimate access to an information system or information that is stored on, processed by, or transiting an information system to inadvertently enable the defeat of a technical or operational control;

“(H) any other attribute of a cybersecurity threat or cyber defense information that would foster situational awareness of the United States cybersecurity posture, if disclosure of such attribute or information is not otherwise prohibited by law;

“(I) the actual or potential harm caused by a cyber incident, including information exfiltrated when it is necessary in order to identify or describe a cybersecurity threat; or

“(J) any combination of subparagraphs (A) through (I).

“(5) **DIRECTOR.**—The term ‘Director’ means the Director of the Office of Management and Budget unless otherwise specified.

“(6) **ENVIRONMENT OF OPERATION.**—The term ‘environment of operation’ means the information system and environment in which those systems operate, including changing threats, vulnerabilities, technologies, and missions and business practices.

“(7) **FEDERAL INFORMATION SYSTEM.**—The term ‘Federal information system’ means an information system used or operated by an executive agency, by a contractor of an executive agency, or by another organization on behalf of an executive agency.

“(8) **INCIDENT.**—The term ‘incident’ means an occurrence that—

“(A) actually or imminently jeopardizes the integrity, confidentiality, or availability of an information system or the information that system controls, processes, stores, or transmits; or

“(B) constitutes a violation of law or an imminent threat of violation of a law, a security policy, a security procedure, or an acceptable use policy.

“(9) **INFORMATION RESOURCES.**—The term ‘information resources’ has the meaning given the term in section 3502 of title 44.

“(10) **INFORMATION SECURITY.**—The term ‘information security’ means protecting information and information systems from disruption or unauthorized access, use, disclosure, modification, or destruction in order to provide—

“(A) integrity, by guarding against improper information modification or destruction, including by ensuring information non-repudiation and authenticity;

“(B) confidentiality, by preserving authorized restrictions on access and disclosure, including means for protecting personal privacy and proprietary information; or

“(C) availability, by ensuring timely and reliable access to and use of information.

“(11) **INFORMATION SYSTEM.**—The term ‘information system’ has the meaning given the term in section 3502 of title 44.

“(12) **INFORMATION TECHNOLOGY.**—The term ‘information technology’ has the meaning given the term in section 11101 of title 40.

“(13) **MALICIOUS RECONNAISSANCE.**—The term ‘malicious reconnaissance’ means a method for actively probing or passively monitoring an information system for the purpose of discerning technical vulnerabilities of the information system, if such method is associated with a known or suspected cybersecurity threat.

“(14) **NATIONAL SECURITY SYSTEM.**—

“(A) **IN GENERAL.**—The term ‘national security system’ means any information system (including any telecommunications system) used or operated by an agency or by a contractor of an agency, or other organization on behalf of an agency—

“(i) the function, operation, or use of which—

“(I) involves intelligence activities;

“(II) involves cryptologic activities related to national security;

“(III) involves command and control of military forces;

“(IV) involves equipment that is an integral part of a weapon or weapons system; or

“(V) subject to subparagraph (B), is critical to the direct fulfillment of military or intelligence missions; or

“(ii) is protected at all times by procedures established for information that have been specifically authorized under criteria established by an Executive Order or an Act of Congress to be kept classified in the interest of national defense or foreign policy.

“(B) **LIMITATION.**—Subparagraph (A)(i)(V) does not include a system that is to be used for routine administrative and business applications (including payroll, finance, logistics, and personnel management applications).

“(15) **OPERATIONAL CONTROL.**—The term ‘operational control’ means a security control for an information system that primarily is implemented and executed by people.

“(16) **PERSON.**—The term ‘person’ has the meaning given the term in section 3502 of title 44.

“(17) **SECRETARY.**—The term ‘Secretary’ means the Secretary of Commerce unless otherwise specified.

“(18) **SECURITY CONTROL.**—The term ‘security control’ means the management, operational, and technical controls, including safeguards or countermeasures, prescribed for an information system to protect the confidentiality, integrity, and availability of the system and its information.

“(19) **SIGNIFICANT CYBER INCIDENT.**—The term ‘significant cyber incident’ means a cyber incident resulting in, or an attempted cyber incident that, if successful, would have resulted in—

“(A) the exfiltration from a Federal information system of data that is essential to the operation of the Federal information system; or

“(B) an incident in which an operational or technical control essential to the security or operation of a Federal information system was defeated.

“(20) **TECHNICAL CONTROL.**—The term ‘technical control’ means a hardware or software restriction on, or audit of, access or use of an information system or information that is stored on, processed by, or transiting an information system that is intended to ensure the confidentiality, integrity, or availability of that system.

### “§ 3553. Federal information security authority and coordination

“(a) **IN GENERAL.**—The Secretary, in consultation with the Secretary of Homeland Security, shall—

“(1) issue compulsory and binding policies and directives governing agency information security operations, and require implementation of such policies and directives, including—

“(A) policies and directives consistent with the standards and guidelines promulgated under section 11331 of title 40 to identify and provide information security protections prioritized and commensurate with the risk and impact resulting from the unauthorized access, use, disclosure, disruption, modification, or destruction of—

“(i) information collected or maintained by or on behalf of an agency; or

“(ii) information systems used or operated by an agency or by a contractor of an agency or other organization on behalf of an agency;

“(B) minimum operational requirements for Federal Government to protect agency information systems and provide common situational awareness across all agency information systems;

“(C) reporting requirements, consistent with relevant law, regarding information security incidents and cyber threat information;

“(D) requirements for agencywide information security programs;

“(E) performance requirements and metrics for the security of agency information systems;

“(F) training requirements to ensure that agencies are able to fully and timely comply

with the policies and directives issued by the Secretary under this subchapter;

“(G) training requirements regarding privacy, civil rights, and civil liberties, and information oversight for agency information security personnel;

“(H) requirements for the annual reports to the Secretary under section 3554(d);

“(I) any other information security operations or information security requirements as determined by the Secretary in coordination with relevant agency heads; and

“(J) coordinating the development of standards and guidelines under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3) with agencies and offices operating or exercising control of national security systems (including the National Security Agency) to assure, to the maximum extent feasible, that such standards and guidelines are complementary with standards and guidelines developed for national security systems;

“(2) review the agencywide information security programs under section 3554; and

“(3) designate an individual or an entity at each cybersecurity center, among other responsibilities—

“(A) to receive reports and information about information security incidents, cyber threat information, and deterioration of security control affecting agency information systems; and

“(B) to act on or share the information under subparagraph (A) in accordance with this subchapter.

“(b) **CONSIDERATIONS.**—When issuing policies and directives under subsection (a), the Secretary shall consider any applicable standards or guidelines developed by the National Institute of Standards and Technology under section 11331 of title 40.

“(c) **LIMITATION OF AUTHORITY.**—The authorities of the Secretary under this section shall not apply to national security systems. Information security policies, directives, standards and guidelines for national security systems shall be overseen as directed by the President and, in accordance with that direction, carried out under the authority of the heads of agencies that operate or exercise authority over such national security systems.

“(d) **STATUTORY CONSTRUCTION.**—Nothing in this subchapter shall be construed to alter or amend any law regarding the authority of any head of an agency over such agency.

#### “§ 3554. Agency responsibilities

“(a) **IN GENERAL.**—The head of each agency shall—

“(1) be responsible for—

“(A) complying with the policies and directives issued under section 3553;

“(B) providing information security protections commensurate with the risk resulting from unauthorized access, use, disclosure, disruption, modification, or destruction of—

“(i) information collected or maintained by the agency or by a contractor of an agency or other organization on behalf of an agency; and

“(ii) information systems used or operated by an agency or by a contractor of an agency or other organization on behalf of an agency;

“(C) complying with the requirements of this subchapter, including—

“(i) information security standards and guidelines promulgated under section 11331 of title 40;

“(ii) for any national security systems operated or controlled by that agency, information security policies, directives, standards and guidelines issued as directed by the President; and

“(iii) for any non-national security systems operated or controlled by that agency, information security policies, directives, standards and guidelines issued under section 3553;

“(D) ensuring that information security management processes are integrated with agency strategic and operational planning processes;

“(E) reporting and sharing, for an agency operating or exercising control of a national security system, information about information security incidents, cyber threat information, and deterioration of security controls to the individual or entity designated at each cybersecurity center and to other appropriate entities consistent with policies and directives for national security systems issued as directed by the President; and

“(F) reporting and sharing, for those agencies operating or exercising control of non-national security systems, information about information security incidents, cyber threat information, and deterioration of security controls to the individual or entity designated at each cybersecurity center and to other appropriate entities consistent with policies and directives for non-national security systems as prescribed under section 3553(a), including information to assist the entity designated under section 3555(a) with the ongoing security analysis under section 3555;

“(2) ensure that each senior agency official provides information security for the information and information systems that support the operations and assets under the senior agency official's control, including by—

“(A) assessing the risk and impact that could result from the unauthorized access, use, disclosure, disruption, modification, or destruction of such information or information systems;

“(B) determining the level of information security appropriate to protect such information and information systems in accordance with policies and directives issued under section 3553(a), and standards and guidelines promulgated under section 11331 of title 40 for information security classifications and related requirements;

“(C) implementing policies, procedures, and capabilities to reduce risks to an acceptable level in a cost-effective manner;

“(D) actively monitoring the effective implementation of information security controls and techniques; and

“(E) reporting information about information security incidents, cyber threat information, and deterioration of security controls in a timely and adequate manner to the entity designated under section 3553(a)(3) in accordance with paragraph (1);

“(3) assess and maintain the resiliency of information technology systems critical to agency mission and operations;

“(4) designate the agency Inspector General (or an independent entity selected in consultation with the Director and the Council of Inspectors General on Integrity and Efficiency if the agency does not have an Inspector General) to conduct the annual independent evaluation required under section 3556, and allow the agency Inspector General to contract with an independent entity to perform such evaluation;

“(5) delegate to the Chief Information Officer or equivalent (or to a senior agency official who reports to the Chief Information Officer or equivalent)—

“(A) the authority and primary responsibility to implement an agencywide information security program; and

“(B) the authority to provide information security for the information collected and

maintained by the agency (or by a contractor, other agency, or other source on behalf of the agency) and for the information systems that support the operations, assets, and mission of the agency (including any information system provided or managed by a contractor, other agency, or other source on behalf of the agency);

“(6) delegate to the appropriate agency official (who is responsible for a particular agency system or subsystem) the responsibility to ensure and enforce compliance with all requirements of the agency's agencywide information security program in coordination with the Chief Information Officer or equivalent (or the senior agency official who reports to the Chief Information Officer or equivalent) under paragraph (5);

“(7) ensure that an agency has trained personnel who have obtained any necessary security clearances to permit them to assist the agency in complying with this subchapter;

“(8) ensure that the Chief Information Officer or equivalent (or the senior agency official who reports to the Chief Information Officer or equivalent) under paragraph (5), in coordination with other senior agency officials, reports to the agency head on the effectiveness of the agencywide information security program, including the progress of any remedial actions; and

“(9) ensure that the Chief Information Officer or equivalent (or the senior agency official who reports to the Chief Information Officer or equivalent) under paragraph (5) has the necessary qualifications to administer the functions described in this subchapter and has information security duties as a primary duty of that official.

“(b) **CHIEF INFORMATION OFFICERS.**—Each Chief Information Officer or equivalent (or the senior agency official who reports to the Chief Information Officer or equivalent) under subsection (a)(5) shall—

“(1) establish and maintain an enterprise security operations capability that on a continuous basis—

“(A) detects, reports, contains, mitigates, and responds to information security incidents that impair adequate security of the agency's information or information system in a timely manner and in accordance with the policies and directives under section 3553; and

“(B) reports any information security incident under subparagraph (A) to the entity designated under section 3555;

“(2) develop, maintain, and oversee an agencywide information security program;

“(3) develop, maintain, and oversee information security policies, procedures, and control techniques to address applicable requirements, including requirements under section 3553 of this title and section 11331 of title 40; and

“(4) train and oversee the agency personnel who have significant responsibility for information security with respect to that responsibility.

“(c) **AGENCYWIDE INFORMATION SECURITY PROGRAMS.**—

“(1) **IN GENERAL.**—Each agencywide information security program under subsection (b)(2) shall include—

“(A) relevant security risk assessments, including technical assessments and others related to the acquisition process;

“(B) security testing commensurate with risk and impact;

“(C) mitigation of deterioration of security controls commensurate with risk and impact;

“(D) risk-based continuous monitoring and threat assessment of the operational status

and security of agency information systems to enable evaluation of the effectiveness of and compliance with information security policies, procedures, and practices, including a relevant and appropriate selection of security controls of information systems identified in the inventory under section 3505(c);

“(E) operation of appropriate technical capabilities in order to detect, mitigate, report, and respond to information security incidents, cyber threat information, and deterioration of security controls in a manner that is consistent with the policies and directives under section 3553, including—

“(i) mitigating risks associated with such information security incidents;

“(ii) notifying and consulting with the entity designated under section 3555; and

“(iii) notifying and consulting with, as appropriate—

“(I) law enforcement and the relevant Office of the Inspector General; and

“(II) any other entity, in accordance with law and as directed by the President;

“(F) a process to ensure that remedial action is taken to address any deficiencies in the information security policies, procedures, and practices of the agency; and

“(G) a plan and procedures to ensure the continuity of operations for information systems that support the operations and assets of the agency.

“(2) RISK MANAGEMENT STRATEGIES.—Each agencywide information security program under subsection (b)(2) shall include the development and maintenance of a risk management strategy for information security. The risk management strategy shall include—

“(A) consideration of information security incidents, cyber threat information, and deterioration of security controls; and

“(B) consideration of the consequences that could result from the unauthorized access, use, disclosure, disruption, modification, or destruction of information and information systems that support the operations and assets of the agency, including any information system provided or managed by a contractor, other agency, or other source on behalf of the agency;

“(3) POLICIES AND PROCEDURES.—Each agencywide information security program under subsection (b)(2) shall include policies and procedures that—

“(A) are based on the risk management strategy under paragraph (2);

“(B) reduce information security risks to an acceptable level in a cost-effective manner;

“(C) ensure that cost-effective and adequate information security is addressed as part of the acquisition and ongoing management of each agency information system; and

“(D) ensure compliance with—

“(i) this subchapter; and

“(ii) any other applicable requirements.

“(4) TRAINING REQUIREMENTS.—Each agencywide information security program under subsection (b)(2) shall include information security, privacy, civil rights, civil liberties, and information oversight training that meets any applicable requirements under section 3553. The training shall inform each information security personnel that has access to agency information systems (including contractors and other users of information systems that support the operations and assets of the agency) of—

“(A) the information security risks associated with the information security personnel's activities; and

“(B) the individual's responsibility to comply with the agency policies and procedures

that reduce the risks under subparagraph (A).

“(d) ANNUAL REPORT.—Each agency shall submit a report annually to the Secretary of Homeland Security on its agencywide information security program and information systems.

#### “§ 3555. Multiagency ongoing threat assessment

“(a) IMPLEMENTATION.—The Director of the Office of Management and Budget, in coordination with the Secretary of Homeland Security, shall designate an entity to implement ongoing security analysis concerning agency information systems—

“(1) based on cyber threat information;

“(2) based on agency information system and environment of operation changes, including—

“(A) an ongoing evaluation of the information system security controls; and

“(B) the security state, risk level, and environment of operation of an agency information system, including—

“(i) a change in risk level due to a new cyber threat;

“(ii) a change resulting from a new technology;

“(iii) a change resulting from the agency's mission; and

“(iv) a change resulting from the business practice; and

“(3) using automated processes to the maximum extent possible—

“(A) to increase information system security;

“(B) to reduce paper-based reporting requirements; and

“(C) to maintain timely and actionable knowledge of the state of the information system security.

“(b) STANDARDS.—The National Institute of Standards and Technology may promulgate standards, in coordination with the Secretary of Homeland Security, to assist an agency with its duties under this section.

“(c) COMPLIANCE.—The head of each appropriate department and agency shall be responsible for ensuring compliance and implementing necessary procedures to comply with this section. The head of each appropriate department and agency, in consultation with the Director of the Office of Management and Budget and the Secretary of Homeland Security, shall—

“(1) monitor compliance under this section;

“(2) develop a timeline and implement for the department or agency—

“(A) adoption of any technology, system, or method that facilitates continuous monitoring and threat assessments of an agency information system;

“(B) adoption or updating of any technology, system, or method that prevents, detects, or remediates a significant cyber incident to a Federal information system of the department or agency that has impeded, or is reasonably likely to impede, the performance of a critical mission of the department or agency; and

“(C) adoption of any technology, system, or method that satisfies a requirement under this section.

“(d) LIMITATION OF AUTHORITY.—The authorities of the Director of the Office of Management and Budget and of the Secretary of Homeland Security under this section shall not apply to national security systems.

“(e) REPORT.—Not later than 6 months after the date of enactment of the Strengthening and Enhancing Cybersecurity by Using Research, Education, Information, and Technology Act of 2012, the Government Account-

ability Office shall issue a report evaluating each agency's status toward implementing this section.

#### “§ 3556. Independent evaluations

“(a) IN GENERAL.—The Council of the Inspectors General on Integrity and Efficiency, in consultation with the Director and the Secretary of Homeland Security, the Secretary of Commerce, and the Secretary of Defense, shall issue and maintain criteria for the timely, cost-effective, risk-based, and independent evaluation of each agencywide information security program (and practices) to determine the effectiveness of the agencywide information security program (and practices). The criteria shall include measures to assess any conflicts of interest in the performance of the evaluation and whether the agencywide information security program includes appropriate safeguards against disclosure of information where such disclosure may adversely affect information security.

“(b) ANNUAL INDEPENDENT EVALUATIONS.—Each agency shall perform an annual independent evaluation of its agencywide information security program (and practices) in accordance with the criteria under subsection (a).

“(c) DISTRIBUTION OF REPORTS.—Not later than 30 days after receiving an independent evaluation under subsection (b), each agency head shall transmit a copy of the independent evaluation to the Secretary of Homeland Security, the Secretary of Commerce, and the Secretary of Defense.

“(d) NATIONAL SECURITY SYSTEMS.—Evaluations involving national security systems shall be conducted as directed by President.

#### “§ 3557. National security systems.

“The head of each agency operating or exercising control of a national security system shall be responsible for ensuring that the agency—

“(1) provides information security protections commensurate with the risk and magnitude of the harm resulting from the unauthorized access, use, disclosure, disruption, modification, or destruction of the information contained in such system; and

“(2) implements information security policies and practices as required by standards and guidelines for national security systems, issued in accordance with law and as directed by the President.”.

#### (b) SAVINGS PROVISIONS.—

(1) POLICY AND COMPLIANCE GUIDANCE.—Policy and compliance guidance issued by the Director before the date of enactment of this Act under section 3543(a)(1) of title 44, United States Code (as in effect on the day before the date of enactment of this Act), shall continue in effect, according to its terms, until modified, terminated, superseded, or repealed pursuant to section 3553(a)(1) of title 44, United States Code.

(2) STANDARDS AND GUIDELINES.—Standards and guidelines issued by the Secretary of Commerce or by the Director before the date of enactment of this Act under section 11331(a)(1) of title 40, United States Code, (as in effect on the day before the date of enactment of this Act) shall continue in effect, according to their terms, until modified, terminated, superseded, or repealed pursuant to section 11331(a)(1) of title 40, United States Code, as amended by this Act.

#### (c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) CHAPTER ANALYSIS.—The chapter analysis for chapter 35 of title 44, United States Code, is amended—

(A) by striking the items relating to sections 3531 through 3538;

(B) by striking the items relating to sections 3541 through 3549; and

(C) by inserting the following:

“3551. Purposes.

“3552. Definitions.

“3553. Federal information security authority and coordination.

“3554. Agency responsibilities.

“3555. Multiagency ongoing threat assessment.

“3556. Independent evaluations.

“3557. National security systems.”.

(2) OTHER REFERENCES.—

(A) Section 1001(c)(1)(A) of the Homeland Security Act of 2002 (6 U.S.C. 511(1)(A)) is amended by striking “section 3532(3)” and inserting “section 3552”.

(B) Section 2222(j)(5) of title 10, United States Code, is amended by striking “section 3542(b)(2)” and inserting “section 3552”.

(C) Section 2223(c)(3) of title 10, United States Code, is amended, by striking “section 3542(b)(2)” and inserting “section 3552”.

(D) Section 2315 of title 10, United States Code, is amended by striking “section 3542(b)(2)” and inserting “section 3552”.

(E) Section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3) is amended—

(i) in subsection (a)(2), by striking “section 3532(b)(2)” and inserting “section 3552”;

(ii) in subsection (c)(3), by striking “Director of the Office of Management and Budget” and inserting “Secretary of Commerce”;

(iii) in subsection (d)(1), by striking “Director of the Office of Management and Budget” and inserting “Secretary of Commerce”;

(iv) in subsection (d)(8) by striking “Director of the Office of Management and Budget” and inserting “Secretary of Commerce”;

(v) in subsection (d)(8), by striking “submitted to the Director” and inserting “submitted to the Secretary”;

(vi) in subsection (e)(2), by striking “section 3532(1) of such title” and inserting “section 3552 of title 44”;

(vii) in subsection (e)(5), by striking “section 3532(b)(2) of such title” and inserting “section 3552 of title 44”.

(F) Section 8(d)(1) of the Cyber Security Research and Development Act (15 U.S.C. 7406(d)(1)) is amended by striking “section 3534(b)” and inserting “section 3554(b)(2)”.

## SEC. 202. MANAGEMENT OF INFORMATION TECHNOLOGY.

(a) IN GENERAL.—Section 11331 of title 40, United States Code, is amended to read as follows:

### “§ 11331. Responsibilities for Federal information systems standards

“(a) STANDARDS AND GUIDELINES.—

“(1) AUTHORITY TO PRESCRIBE.—Except as provided under paragraph (2), the Secretary of Commerce shall prescribe standards and guidelines pertaining to Federal information systems—

“(A) in consultation with the Secretary of Homeland Security; and

“(B) on the basis of standards and guidelines developed by the National Institute of Standards and Technology under paragraphs (2) and (3) of section 20(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3(a)(2) and (a)(3)).

“(2) NATIONAL SECURITY SYSTEMS.—Standards and guidelines for national security systems shall be developed, prescribed, enforced, and overseen as otherwise authorized by law and as directed by the President.

“(b) MANDATORY STANDARDS AND GUIDELINES.—

“(1) AUTHORITY TO MAKE MANDATORY STANDARDS AND GUIDELINES.—The Secretary of

Commerce shall make standards and guidelines under subsection (a)(1) compulsory and binding to the extent determined necessary by the Secretary of Commerce to improve the efficiency of operation or security of Federal information systems.

“(2) REQUIRED MANDATORY STANDARDS AND GUIDELINES.—

“(A) IN GENERAL.—Standards and guidelines under subsection (a)(1) shall include information security standards that—

“(i) provide minimum information security requirements as determined under section 20(b) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3(b)); and

“(ii) are otherwise necessary to improve the security of Federal information and information systems.

“(B) BINDING EFFECT.—Information security standards under subparagraph (A) shall be compulsory and binding.

“(c) EXERCISE OF AUTHORITY.—To ensure fiscal and policy consistency, the Secretary of Commerce shall exercise the authority conferred by this section subject to direction by the President and in coordination with the Director.

“(d) APPLICATION OF MORE STRINGENT STANDARDS AND GUIDELINES.—The head of an executive agency may employ standards for the cost-effective information security for information systems within or under the supervision of that agency that are more stringent than the standards and guidelines the Secretary of Commerce prescribes under this section if the more stringent standards and guidelines—

“(1) contain at least the applicable standards and guidelines made compulsory and binding by the Secretary of Commerce; and

“(2) are otherwise consistent with the policies, directives, and implementation memoranda issued under section 3553(a) of title 44.

“(e) DECISIONS ON PROMULGATION OF STANDARDS AND GUIDELINES.—The decision by the Secretary of Commerce regarding the promulgation of any standard or guideline under this section shall occur not later than 6 months after the date of submission of the proposed standard to the Secretary of Commerce by the National Institute of Standards and Technology under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3).

“(f) NOTICE AND COMMENT.—A decision by the Secretary of Commerce to significantly modify, or not promulgate, a proposed standard submitted to the Secretary by the National Institute of Standards and Technology under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3) shall be made after the public is given an opportunity to comment on the Secretary’s proposed decision.

“(g) DEFINITIONS.—In this section:

“(1) FEDERAL INFORMATION SYSTEM.—The term ‘Federal information system’ has the meaning given the term in section 3552 of title 44.

“(2) INFORMATION SECURITY.—The term ‘information security’ has the meaning given the term in section 3552 of title 44.

“(3) NATIONAL SECURITY SYSTEM.—The term ‘national security system’ has the meaning given the term in section 3552 of title 44.”.

## SEC. 203. NO NEW FUNDING.

An applicable Federal agency shall carry out the provisions of this title with existing facilities and funds otherwise available, through such means as the head of the agency considers appropriate.

## SEC. 204. TECHNICAL AND CONFORMING AMENDMENTS.

Section 21(b) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–4(b)) is amended—

(1) in paragraph (2), by striking “and the Director of the Office of Management and Budget” and inserting “, the Secretary of Commerce, and the Secretary of Homeland Security”; and

(2) in paragraph (3), by inserting “, the Secretary of Homeland Security,” after “the Secretary of Commerce”.

## SEC. 205. CLARIFICATION OF AUTHORITIES.

Nothing in this title shall be construed to convey any new regulatory authority to any government entity implementing or complying with any provision of this title.

## TITLE III—CRIMINAL PENALTIES

### SEC. 301. PENALTIES FOR FRAUD AND RELATED ACTIVITY IN CONNECTION WITH COMPUTERS.

Section 1030(c) of title 18, United States Code, is amended to read as follows:

“(c) The punishment for an offense under subsection (a) or (b) of this section is—

“(1) a fine under this title or imprisonment for not more than 20 years, or both, in the case of an offense under subsection (a)(1) of this section;

“(2)(A) except as provided in subparagraph (B), a fine under this title or imprisonment for not more than 3 years, or both, in the case of an offense under subsection (a)(2); or

“(B) a fine under this title or imprisonment for not more than ten years, or both, in the case of an offense under subsection (a)(2) of this section, if—

“(i) the offense was committed for purposes of commercial advantage or private financial gain;

“(ii) the offense was committed in the furtherance of any criminal or tortious act in violation of the Constitution or laws of the United States, or of any State; or

“(iii) the value of the information obtained, or that would have been obtained if the offense was completed, exceeds \$5,000;

“(3) a fine under this title or imprisonment for not more than 10 years, or both, in the case of an offense under subsection (a)(3) of this section;

“(4) a fine under this title or imprisonment for not more than 20 years, or both, in the case of an offense under subsection (a)(4) of this section;

“(5)(A) except as provided in subparagraph (C), a fine under this title, imprisonment for not more than 20 years, or both, in the case of an offense under subsection (a)(5)(A) of this section, if the offense caused—

“(i) loss to 1 or more persons during any 1-year period (and, for purposes of an investigation, prosecution, or other proceeding brought by the United States only, loss resulting from a related course of conduct affecting 1 or more other protected computers) aggregating at least \$5,000 in value;

“(ii) the modification or impairment, or potential modification or impairment, of the medical examination, diagnosis, treatment, or care of 1 or more individuals;

“(iii) physical injury to any person;

“(iv) a threat to public health or safety;

“(v) damage affecting a computer used by, or on behalf of, an entity of the United States Government in furtherance of the administration of justice, national defense, or national security; or

“(vi) damage affecting 10 or more protected computers during any 1-year period;

“(B) a fine under this title, imprisonment for not more than 20 years, or both, in the case of an offense under subsection (a)(5)(B),

if the offense caused a harm provided in clause (i) through (vi) of subparagraph (A) of this subsection;

“(C) if the offender attempts to cause or knowingly or recklessly causes death from conduct in violation of subsection (a)(5)(A), a fine under this title, imprisonment for any term of years or for life, or both;

“(D) a fine under this title, imprisonment for not more than 10 years, or both, for any other offense under subsection (a)(5);

“(E) a fine under this title or imprisonment for not more than 10 years, or both, in the case of an offense under subsection (a)(6) of this section; or

“(F) a fine under this title or imprisonment for not more than 10 years, or both, in the case of an offense under subsection (a)(7) of this section.”.

#### SEC. 302. TRAFFICKING IN PASSWORDS.

Section 1030(a)(6) of title 18, United States Code, is amended to read as follows:

“(6) knowingly and with intent to defraud traffic (as defined in section 1029) in any password or similar information or means of access through which a protected computer (as defined in subparagraphs (A) and (B) of subsection (e)(2)) may be accessed without authorization.”.

#### SEC. 303. CONSPIRACY AND ATTEMPTED COMPUTER FRAUD OFFENSES.

Section 1030(b) of title 18, United States Code, is amended by inserting “as if for the completed offense” after “punished as provided”.

#### SEC. 304. CRIMINAL AND CIVIL FORFEITURE FOR FRAUD AND RELATED ACTIVITY IN CONNECTION WITH COMPUTERS.

Section 1030 of title 18, United States Code, is amended by striking subsections (i) and (j) and inserting the following:

“(i) CRIMINAL FORFEITURE.—

“(1) The court, in imposing sentence on any person convicted of a violation of this section, or convicted of conspiracy to violate this section, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person forfeit to the United States—

“(A) such persons interest in any property, real or personal, that was used, or intended to be used, to commit or facilitate the commission of such violation; and

“(B) any property, real or personal, constituting or derived from any gross proceeds, or any property traceable to such property, that such person obtained, directly or indirectly, as a result of such violation.

“(2) The criminal forfeiture of property under this subsection, including any seizure and disposition of the property, and any related judicial or administrative proceeding, shall be governed by the provisions of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), except subsection (d) of that section.

“(j) CIVIL FORFEITURE.—

“(1) The following shall be subject to forfeiture to the United States and no property right, real or personal, shall exist in them:

“(A) Any property, real or personal, that was used, or intended to be used, to commit or facilitate the commission of any violation of this section, or a conspiracy to violate this section.

“(B) Any property, real or personal, constituting or derived from any gross proceeds obtained directly or indirectly, or any property traceable to such property, as a result of the commission of any violation of this section, or a conspiracy to violate this section.

“(2) Seizures and forfeitures under this subsection shall be governed by the provisions in chapter 46 relating to civil forfeit-

ures, except that such duties as are imposed on the Secretary of the Treasury under the customs laws described in section 981(d) shall be performed by such officers, agents and other persons as may be designated for that purpose by the Secretary of Homeland Security or the Attorney General.”.

#### SEC. 305. DAMAGE TO CRITICAL INFRASTRUCTURE COMPUTERS.

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by inserting after section 1030 the following:

##### “§ 1030A. Aggravated damage to a critical infrastructure computer

“(a) DEFINITIONS.—In this section—

“(1) the term ‘computer’ has the meaning given the term in section 1030;

“(2) the term ‘critical infrastructure computer’ means a computer that manages or controls systems or assets vital to national defense, national security, national economic security, public health or safety, or any combination of those matters, whether publicly or privately owned or operated, including—

“(A) oil and gas production, storage, conversion, and delivery systems;

“(B) water supply systems;

“(C) telecommunication networks;

“(D) electrical power generation and delivery systems;

“(E) finance and banking systems;

“(F) emergency services;

“(G) transportation systems and services; and

“(H) government operations that provide essential services to the public; and

“(3) the term ‘damage’ has the meaning given the term in section 1030.

“(b) OFFENSE.—It shall be unlawful, during and in relation to a felony violation of section 1030, to knowingly cause or attempt to cause damage to a critical infrastructure computer if the damage results in (or, in the case of an attempt, if completed, would have resulted in) the substantial impairment—

“(1) of the operation of the critical infrastructure computer; or

“(2) of the critical infrastructure associated with the computer.

“(c) PENALTY.—Any person who violates subsection (b) shall be—

“(1) fined under this title;

“(2) imprisoned for not less than 3 years but not more than 20 years; or

“(3) penalized under paragraphs (1) and (2).

“(d) CONSECUTIVE SENTENCE.—Notwithstanding any other provision of law—

“(1) a court shall not place on probation any person convicted of a violation of this section;

“(2) except as provided in paragraph (4), no term of imprisonment imposed on a person under this section shall run concurrently with any other term of imprisonment, including any term of imprisonment imposed on the person under any other provision of law, including any term of imprisonment imposed for a felony violation of section 1030;

“(3) in determining any term of imprisonment to be imposed for a felony violation of section 1030, a court shall not in any way reduce the term to be imposed for such crime so as to compensate for, or otherwise take into account, any separate term of imprisonment imposed or to be imposed for a violation of this section; and

“(4) a term of imprisonment imposed on a person for a violation of this section may, in the discretion of the court, run concurrently, in whole or in part, only with another term of imprisonment that is imposed by the court at the same time on that person for an additional violation of this section, provided

that such discretion shall be exercised in accordance with any applicable guidelines and policy statements issued by the United States Sentencing Commission pursuant to section 994 of title 28.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The chapter analysis for chapter 47 of title 18, United States Code, is amended by inserting after the item relating to section 1030 the following:

“1030A. Aggravated damage to a critical infrastructure computer.”.

#### SEC. 306. LIMITATION ON ACTIONS INVOLVING UNAUTHORIZED USE.

Section 1030(e)(6) of title 18, United States Code, is amended by striking “alter;” and inserting “alter, but does not include access in violation of a contractual obligation or agreement, such as an acceptable use policy or terms of service agreement, with an Internet service provider, Internet website, or non-government employer, if such violation constitutes the sole basis for determining that access to a protected computer is unauthorized;”.

#### SEC. 307. NO NEW FUNDING.

An applicable Federal agency shall carry out the provisions of this title with existing facilities and funds otherwise available, through such means as the head of the agency considers appropriate.

#### TITLE IV—CYBERSECURITY RESEARCH AND DEVELOPMENT

##### SEC. 401. NATIONAL HIGH-PERFORMANCE COMPUTING PROGRAM PLANNING AND COORDINATION.

(a) GOALS AND PRIORITIES.—Section 101 of the High-Performance Computing Act of 1991 (15 U.S.C. 5511) is amended by adding at the end the following:

“(d) GOALS AND PRIORITIES.—The goals and priorities for Federal high-performance computing research, development, networking, and other activities under subsection (a)(2)(A) shall include—

“(1) encouraging and supporting mechanisms for interdisciplinary research and development in networking and information technology, including—

“(A) through collaborations across agencies;

“(B) through collaborations across Program Component Areas;

“(C) through collaborations with industry;

“(D) through collaborations with institutions of higher education;

“(E) through collaborations with Federal laboratories (as defined in section 4 of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3703)); and

“(F) through collaborations with international organizations;

“(2) addressing national, multi-agency, multi-faceted challenges of national importance; and

“(3) fostering the transfer of research and development results into new technologies and applications for the benefit of society.”.

(b) DEVELOPMENT OF STRATEGIC PLAN.—Section 101 of the High-Performance Computing Act of 1991 (15 U.S.C. 5511) is amended by adding at the end the following:

“(e) STRATEGIC PLAN.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Strengthening and Enhancing Cybersecurity by Using Research, Education, Information, and Technology Act of 2012, the agencies under subsection (a)(3)(B), working through the National Science and Technology Council and with the assistance of the Office of Science and Technology Policy shall develop a 5-year strategic plan to guide the activities under subsection (a)(1).



“(2) CONTENTS.—The strategic plan shall specify—

“(A) the near-term objectives for the Program;

“(B) the long-term objectives for the Program;

“(C) the anticipated time frame for achieving the near-term objectives;

“(D) the metrics that will be used to assess any progress made toward achieving the near-term objectives and the long-term objectives; and

“(E) how the Program will achieve the goals and priorities under subsection (d).

“(3) IMPLEMENTATION ROADMAP.—

“(A) IN GENERAL.—The agencies under subsection (a)(3)(B) shall develop and annually update an implementation roadmap for the strategic plan.

“(B) REQUIREMENTS.—The information in the implementation roadmap shall be coordinated with the database under section 102(c) and the annual report under section 101(a)(3). The implementation roadmap shall—

“(i) specify the role of each Federal agency in carrying out or sponsoring research and development to meet the research objectives of the strategic plan, including a description of how progress toward the research objectives will be evaluated, with consideration of any relevant recommendations of the advisory committee;

“(ii) specify the funding allocated to each major research objective of the strategic plan and the source of funding by agency for the current fiscal year; and

“(iii) estimate the funding required for each major research objective of the strategic plan for the next 3 fiscal years.

“(4) RECOMMENDATIONS.—The agencies under subsection (a)(3)(B) shall take into consideration when developing the strategic plan under paragraph (1) the recommendations of—

“(A) the advisory committee under subsection (b); and

“(B) the stakeholders under section 102(a)(3).

“(5) REPORT TO CONGRESS.—The Director of the Office of Science and Technology Policy shall transmit the strategic plan under this subsection, including the implementation roadmap and any updates under paragraph (3), to—

“(A) the advisory committee under subsection (b);

“(B) the Committee on Commerce, Science, and Transportation of the Senate; and

“(C) the Committee on Science and Technology of the House of Representatives.”.

(c) PERIODIC REVIEWS.—Section 101 of the High-Performance Computing Act of 1991 (15 U.S.C. 5511) is amended by adding at the end the following:

“(f) PERIODIC REVIEWS.—The agencies under subsection (a)(3)(B) shall—

“(1) periodically assess the contents and funding levels of the Program Component Areas and restructure the Program when warranted, taking into consideration any relevant recommendations of the advisory committee under subsection (b); and

“(2) ensure that the Program includes national, multi-agency, multi-faceted research and development activities, including activities described in section 104.”.

(d) ADDITIONAL RESPONSIBILITIES OF DIRECTOR.—Section 101(a)(2) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(a)(2)) is amended—

(1) by redesignating subparagraphs (E) and (F) as subparagraphs (G) and (H), respectively; and

(2) by inserting after subparagraph (D) the following:

“(E) encourage and monitor the efforts of the agencies participating in the Program to allocate the level of resources and management attention necessary—

“(i) to ensure that the strategic plan under subsection (e) is developed and executed effectively; and

“(ii) to ensure that the objectives of the Program are met;

“(F) working with the Office of Management and Budget and in coordination with the creation of the database under section 102(c), direct the Office of Science and Technology Policy and the agencies participating in the Program to establish a mechanism (consistent with existing law) to track all ongoing and completed research and development projects and associated funding.”.

(e) ADVISORY COMMITTEE.—Section 101(b) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(b)) is amended—

(1) in paragraph (1)—

(A) by inserting after the first sentence the following: “The co-chairs of the advisory committee shall meet the qualifications of committee members and may be members of the Presidents Council of Advisors on Science and Technology.”; and

(B) by striking “high-performance” in subparagraph (D) and inserting “high-end”; and

(2) by amending paragraph (2) to read as follows:

“(2) In addition to the duties under paragraph (1), the advisory committee shall conduct periodic evaluations of the funding, management, coordination, implementation, and activities of the Program. The advisory committee shall report its findings and recommendations not less frequently than once every 3 fiscal years to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives. The report shall be submitted in conjunction with the update of the strategic plan.”.

(f) REPORT.—Section 101(a)(3) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(a)(3)) is amended—

(1) in subparagraph (C)—

(A) by striking “is submitted,” and inserting “is submitted, the levels for the previous fiscal year;”; and

(B) by striking “each Program Component Area” and inserting “each Program Component Area and each research area supported in accordance with section 104.”;

(2) in subparagraph (D)—

(A) by striking “each Program Component Area,” and inserting “each Program Component Area and each research area supported in accordance with section 104.”;

(B) by striking “is submitted,” and inserting “is submitted, the levels for the previous fiscal year;”; and

(C) by striking “and” after the semicolon;

(3) by redesignating subparagraph (E) as subparagraph (G); and

(4) by inserting after subparagraph (D) the following:

“(E) include a description of how the objectives for each Program Component Area, and the objectives for activities that involve multiple Program Component Areas, relate to the objectives of the Program identified in the strategic plan under subsection (e);

“(F) include—

“(i) a description of the funding required by the Office of Science and Technology Policy to perform the functions under subsections (a) and (c) of section 102 for the next fiscal year by category of activity;

“(ii) a description of the funding required by the Office of Science and Technology Policy to perform the functions under subsections (a) and (c) of section 102 for the current fiscal year by category of activity; and

“(iii) the amount of funding provided for the Office of Science and Technology Policy for the current fiscal year by each agency participating in the Program; and”.

(g) DEFINITIONS.—Section 4 of the High-Performance Computing Act of 1991 (15 U.S.C. 5503) is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(2) by redesignating paragraph (3) as paragraph (6);

(3) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively;

(4) by inserting before paragraph (2), as redesignated, the following:

“(1) ‘cyber-physical systems’ means physical or engineered systems whose networking and information technology functions and physical elements are deeply integrated and are actively connected to the physical world through sensors, actuators, or other means to perform monitoring and control functions;”;

(5) in paragraph (3), as redesignated, by striking “high-performance computing” and inserting “networking and information technology”;

(6) in paragraph (6), as redesignated—

(A) by striking “high-performance computing” and inserting “networking and information technology”; and

(B) by striking “supercomputer” and inserting “high-end computing”;;

(7) in paragraph (5), by striking “network referred to as” and all that follows through the semicolon and inserting “network, including advanced computer networks of Federal agencies and departments”; and

(8) in paragraph (7), as redesignated, by striking “National High-Performance Computing Program” and inserting “networking and information technology research and development program”.

#### SEC. 402. RESEARCH IN AREAS OF NATIONAL IMPORTANCE.

(a) RESEARCH IN AREAS OF NATIONAL IMPORTANCE.—Title I of the High-Performance Computing Act of 1991 (15 U.S.C. 5511 et seq.) is amended by adding at the end the following:

#### “SEC. 104. RESEARCH IN AREAS OF NATIONAL IMPORTANCE.

“(a) IN GENERAL.—The Program shall encourage agencies under section 101(a)(3)(B) to support, maintain, and improve national, multi-agency, multi-faceted, research and development activities in networking and information technology directed toward application areas that have the potential for significant contributions to national economic competitiveness and for other significant societal benefits.

“(b) TECHNICAL SOLUTIONS.—An activity under subsection (a) shall be designed to advance the development of research discoveries by demonstrating technical solutions to important problems in areas including—

“(1) cybersecurity;

“(2) health care;

“(3) energy management and low-power systems and devices;

“(4) transportation, including surface and air transportation;

“(5) cyber-physical systems;

“(6) large-scale data analysis and modeling of physical phenomena;

“(7) large scale data analysis and modeling of behavioral phenomena;

“(8) supply chain quality and security; and

“(9) privacy protection and protected disclosure of confidential data.

“(c) RECOMMENDATIONS.—The advisory committee under section 101(b) shall make recommendations to the Program for candidate research and development areas for support under this section.

“(d) CHARACTERISTICS.—

“(1) IN GENERAL.—Research and development activities under this section—

“(A) shall include projects selected on the basis of applications for support through a competitive, merit-based process;

“(B) shall leverage, when possible, Federal investments through collaboration with related State initiatives;

“(C) shall include a plan for fostering the transfer of research discoveries and the results of technology demonstration activities, including from institutions of higher education and Federal laboratories, to industry for commercial development;

“(D) shall involve collaborations among researchers in institutions of higher education and industry; and

“(E) may involve collaborations among nonprofit research institutions and Federal laboratories, as appropriate.

“(2) COST-SHARING.—In selecting applications for support, the agencies under section 101(a)(3)(B) shall give special consideration to projects that include cost sharing from non-Federal sources.

“(3) MULTIDISCIPLINARY RESEARCH CENTERS.—Research and development activities under this section shall be supported through multidisciplinary research centers, including Federal laboratories, that are organized to investigate basic research questions and carry out technology demonstration activities in areas described in subsection (a). Research may be carried out through existing multidisciplinary centers, including those authorized under section 7024(b)(2) of the America COMPETES Act (42 U.S.C. 1862o–10(2)).”

(b) CYBER-PHYSICAL SYSTEMS.—Section 101(a)(1) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(a)(1)) is amended—

(1) in subparagraph (H), by striking “and” after the semicolon;

(2) in subparagraph (I), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(J) provide for increased understanding of the scientific principles of cyber-physical systems and improve the methods available for the design, development, and operation of cyber-physical systems that are characterized by high reliability, safety, and security; and

“(K) provide for research and development on human-computer interactions, visualization, and big data.”

(c) TASK FORCE.—Title I of the High-Performance Computing Act of 1991 (15 U.S.C. 5511 et seq.), as amended by section 402(a) of this Act, is amended by adding at the end the following:

**“SEC. 105. TASK FORCE.**

“(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment the Strengthening and Enhancing Cybersecurity by Using Research, Education, Information, and Technology Act of 2012, the Director of the Office of Science and Technology Policy under section 102 shall convene a task force to explore mechanisms for carrying out collaborative research and development activities for cyber-physical systems (including the related technologies required to enable these systems) through a consortium or other appropriate entity with participants

from institutions of higher education, Federal laboratories, and industry.

“(b) FUNCTIONS.—The task force shall—

“(1) develop options for a collaborative model and an organizational structure for such entity under which the joint research and development activities could be planned, managed, and conducted effectively, including mechanisms for the allocation of resources among the participants in such entity for support of such activities;

“(2) propose a process for developing a research and development agenda for such entity, including guidelines to ensure an appropriate scope of work focused on nationally significant challenges and requiring collaboration and to ensure the development of related scientific and technological milestones;

“(3) define the roles and responsibilities for the participants from institutions of higher education, Federal laboratories, and industry in such entity;

“(4) propose guidelines for assigning intellectual property rights and for transferring research results to the private sector; and

“(5) make recommendations for how such entity could be funded from Federal, State, and non-governmental sources.

“(c) COMPOSITION.—In establishing the task force under subsection (a), the Director of the Office of Science and Technology Policy shall appoint an equal number of individuals from institutions of higher education and from industry with knowledge and expertise in cyber-physical systems, and may appoint not more than 2 individuals from Federal laboratories.

“(d) REPORT.—Not later than 1 year after the date of enactment of the Strengthening and Enhancing Cybersecurity by Using Research, Education, Information, and Technology Act of 2012, the Director of the Office of Science and Technology Policy shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives a report describing the findings and recommendations of the task force.

“(e) TERMINATION.—The task force shall terminate upon transmittal of the report required under subsection (d).

“(f) COMPENSATION AND EXPENSES.—Members of the task force shall serve without compensation.”

**SEC. 403. PROGRAM IMPROVEMENTS.**

Section 102 of the High-Performance Computing Act of 1991 (15 U.S.C. 5512) is amended to read as follows:

**“SEC. 102. PROGRAM IMPROVEMENTS.**

“(a) FUNCTIONS.—The Director of the Office of Science and Technology Policy shall continue—

“(1) to provide technical and administrative support to—

“(A) the agencies participating in planning and implementing the Program, including support needed to develop the strategic plan under section 101(e); and

“(B) the advisory committee under section 101(b);

“(2) to serve as the primary point of contact on Federal networking and information technology activities for government agencies, academia, industry, professional societies, State computing and networking technology programs, interested citizen groups, and others to exchange technical and programmatic information;

“(3) to solicit input and recommendations from a wide range of stakeholders during the development of each strategic plan under section 101(e) by convening at least 1 work-

shop with invitees from academia, industry, Federal laboratories, and other relevant organizations and institutions;

“(4) to conduct public outreach, including the dissemination of the advisory committee's findings and recommendations, as appropriate;

“(5) to promote access to and early application of the technologies, innovations, and expertise derived from Program activities to agency missions and systems across the Federal Government and to United States industry;

“(6) to ensure accurate and detailed budget reporting of networking and information technology research and development investment; and

“(7) to encourage agencies participating in the Program to use existing programs and resources to strengthen networking and information technology education and training, and increase participation in such fields, including by women and underrepresented minorities.

“(b) SOURCE OF FUNDING.—

“(1) IN GENERAL.—The functions under this section shall be supported by funds from each agency participating in the Program.

“(2) SPECIFICATIONS.—The portion of the total budget of the Office of Science and Technology Policy that is provided by each agency participating in the Program for each fiscal year shall be in the same proportion as each agency's share of the total budget for the Program for the previous fiscal year, as specified in the database under section 102(c).

“(c) DATABASE.—

“(1) IN GENERAL.—The Director of the Office of Science and Technology Policy shall develop and maintain a database of projects funded by each agency for the fiscal year for each Program Component Area.

“(2) PUBLIC ACCESSIBILITY.—The Director of the Office of Science and Technology Policy shall make the database accessible to the public.

“(3) DATABASE CONTENTS.—The database shall include, for each project in the database—

“(A) a description of the project;

“(B) each agency, industry, institution of higher education, Federal laboratory, or international institution involved in the project;

“(C) the source funding of the project (set forth by agency);

“(D) the funding history of the project; and

“(E) whether the project has been completed.”

**SEC. 404. IMPROVING EDUCATION OF NETWORKING AND INFORMATION TECHNOLOGY, INCLUDING HIGH PERFORMANCE COMPUTING.**

Section 201(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5521(a)) is amended—

(1) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively; and

(2) by inserting after paragraph (1) the following:

“(2) the National Science Foundation shall use its existing programs, in collaboration with other agencies, as appropriate, to improve the teaching and learning of networking and information technology at all levels of education and to increase participation in networking and information technology fields;”

**SEC. 405. CONFORMING AND TECHNICAL AMENDMENTS TO THE HIGH-PERFORMANCE COMPUTING ACT OF 1991.**

(a) SECTION 3.—Section 3 of the High-Performance Computing Act of 1991 (15 U.S.C. 5502) is amended—

(1) in the matter preceding paragraph (1), by striking “high-performance computing” and inserting “networking and information technology”;

(2) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking “high-performance computing” and inserting “networking and information technology”;

(B) in subparagraphs (A), (F), and (G), by striking “high-performance computing” each place it appears and inserting “networking and information technology”;

(C) in subparagraph (H), by striking “high-performance” and inserting “high-end”;

(3) in paragraph (2)—

(A) by striking “high-performance computing and” and inserting “networking and information technology, and”;

(B) by striking “high-performance computing network” and inserting “networking and information technology”.

(b) TITLE HEADING.—The heading of title I of the High-Performance Computing Act of 1991 (105 Stat. 1595) is amended by striking “**HIGH-PERFORMANCE COMPUTING**” and inserting “**NETWORKING AND INFORMATION TECHNOLOGY**”.

(c) SECTION 101.—Section 101 of the High-Performance Computing Act of 1991 (15 U.S.C. 5511) is amended—

(1) in the section heading, by striking “**HIGH-PERFORMANCE COMPUTING**” and inserting “**NETWORKING AND INFORMATION TECHNOLOGY RESEARCH AND DEVELOPMENT**”;

(2) in subsection (a)—

(A) in the subsection heading, by striking “**NATIONAL HIGH-PERFORMANCE COMPUTING**” and inserting “**NETWORKING AND INFORMATION TECHNOLOGY RESEARCH AND DEVELOPMENT**”;

(B) in paragraph (1)—

(i) by striking “**National High-Performance Computing Program**” and inserting “networking and information technology research and development program”;

(ii) in subparagraph (A), by striking “high-performance computing, including networking” and inserting “networking and information technology”;

(iii) in subparagraphs (B) and (G), by striking “high-performance” each place it appears and inserting “high-end”;

(iv) in subparagraph (C), by striking “high-performance computing and networking” and inserting “high-end computing, distributed, and networking”;

(C) in paragraph (2)—

(i) in subparagraphs (A) and (C)—

(I) by striking “high-performance computing” each place it appears and inserting “networking and information technology”;

(II) by striking “development, networking,” each place it appears and inserting “development”;

(ii) in subparagraphs (G) and (H), as redesignated by section 401(d) of this Act, by striking “high-performance” each place it appears and inserting “high-end”;

(3) in subsection (b)(1), in the matter preceding subparagraph (A), by striking “high-performance computing” each place it appears and inserting “networking and information technology”;

(4) in subsection (c)(1)(A), by striking “high-performance computing” and inserting “networking and information technology”.

(d) SECTION 201.—Section 201(a)(1) of the High-Performance Computing Act of 1991 (15 U.S.C. 5521(a)(1)) is amended by striking “high-performance computing and advanced high-speed computer networking” and inserting “networking and information technology research and development”.

(e) SECTION 202.—Section 202(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5522(a)) is amended by striking “high-performance computing” and inserting “networking and information technology”.

(f) SECTION 203.—Section 203(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5523(a)) is amended—

(1) in paragraph (1), by striking “high-performance computing and networking” and inserting “networking and information technology”;

(2) in paragraph (2)(A), by striking “high-performance” and inserting “high-end”.

(g) SECTION 204.—Section 204 of the High-Performance Computing Act of 1991 (15 U.S.C. 5524) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (A), by striking “high-performance computing systems and networks” and inserting “networking and information technology systems and capabilities”;

(B) in subparagraph (B), by striking “interoperability of high-performance computing systems in networks and for common user interfaces to systems” and inserting “interoperability and usability of networking and information technology systems”;

(C) in subparagraph (C), by striking “high-performance computing” and inserting “networking and information technology”;

(2) in subsection (b)—

(A) by striking “**HIGH-PERFORMANCE COMPUTING AND NETWORK**” in the heading and inserting “**NETWORKING AND INFORMATION TECHNOLOGY**”;

(B) by striking “sensitive”.

(h) SECTION 205.—Section 205(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5525(a)) is amended by striking “computational” and inserting “networking and information technology”.

(i) SECTION 206.—Section 206(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5526(a)) is amended by striking “computational research” and inserting “networking and information technology research”.

(j) SECTION 207.—Section 207 of the High-Performance Computing Act of 1991 (15 U.S.C. 5527) is amended by striking “high-performance computing” and inserting “networking and information technology”.

(k) SECTION 208.—Section 208 of the High-Performance Computing Act of 1991 (15 U.S.C. 5528) is amended—

(1) in the section heading, by striking “**HIGH-PERFORMANCE COMPUTING**” and inserting “**NETWORKING AND INFORMATION TECHNOLOGY**”;

(2) in subsection (a)—

(A) in paragraph (1), by striking “High-performance computing and associated” and inserting “Networking and information”;

(B) in paragraph (2), by striking “high-performance computing” and inserting “networking and information technologies”;

(C) in paragraph (3), by striking “high-performance” and inserting “high-end”;

(D) in paragraph (4), by striking “high-performance computers and associated” and inserting “networking and information”;

(E) in paragraph (5), by striking “high-performance computing and associated” and inserting “networking and information”.

**SEC. 406. FEDERAL CYBER SCHOLARSHIP-FOR-SERVICE PROGRAM.**

(a) IN GENERAL.—The Director of the National Science Foundation, in coordination with the Secretary of Homeland Security, shall carry out a Federal cyber scholarship-for-service program to recruit and train the next generation of information technology professionals and security managers to meet the needs of the cybersecurity mission for the Federal government.

(b) PROGRAM DESCRIPTION AND COMPONENTS.—The program shall—

(1) annually assess the workforce needs of the Federal government for cybersecurity professionals, including network engineers, software engineers, and other experts in order to determine how many scholarships should be awarded annually to ensure that the workforce needs following graduation match the number of scholarships awarded;

(2) provide scholarships for up to 1,000 students per year in their pursuit of undergraduate or graduate degrees in the cybersecurity field, in an amount that may include coverage for full tuition, fees, and a stipend;

(3) require each scholarship recipient, as a condition of receiving a scholarship under the program, to serve in a Federal information technology workforce for a period equal to one and one-half times each year, or partial year, of scholarship received, in addition to an internship in the cybersecurity field, if applicable, following graduation;

(4) provide a procedure for the National Science Foundation or a Federal agency, consistent with regulations of the Office of Personnel Management, to request and fund a security clearance for a scholarship recipient, including providing for clearance during a summer internship and upon graduation; and

(5) provide opportunities for students to receive temporary appointments for meaningful employment in the Federal information technology workforce during school vacation periods and for internships.

(c) HIRING AUTHORITY.—

(1) IN GENERAL.—For purposes of any law or regulation governing the appointment of an individual in the Federal civil service, upon the successful completion of the student's studies, a student receiving a scholarship under the program may—

(A) be hired under section 213.3102(r) of title 5, Code of Federal Regulations; and

(B) be exempt from competitive service.

(2) COMPETITIVE SERVICE.—Upon satisfactory fulfillment of the service term under paragraph (1), an individual may be converted to a competitive service position without competition if the individual meets the requirements for that position.

(d) ELIGIBILITY.—The eligibility requirements for a scholarship under this section shall include that a scholarship applicant—

(1) be a citizen of the United States;

(2) be eligible to be granted a security clearance;

(3) maintain a grade point average of 3.2 or above on a 4.0 scale for undergraduate study or a 3.5 or above on a 4.0 scale for postgraduate study;

(4) demonstrate a commitment to a career in improving the security of the information infrastructure; and

(5) has demonstrated a level of proficiency in math or computer sciences.

(e) FAILURE TO COMPLETE SERVICE OBLIGATION.—

(1) IN GENERAL.—A scholarship recipient under this section shall be liable to the United States under paragraph (2) if the scholarship recipient—

(A) fails to maintain an acceptable level of academic standing in the educational institution in which the individual is enrolled, as determined by the Director;

(B) is dismissed from such educational institution for disciplinary reasons;

(C) withdraws from the program for which the award was made before the completion of such program;

(D) declares that the individual does not intend to fulfill the service obligation under this section;

(E) fails to fulfill the service obligation of the individual under this section; or

(F) loses a security clearance or becomes ineligible for a security clearance.

(2) REPAYMENT AMOUNTS.—

(A) LESS THAN 1 YEAR OF SERVICE.—If a circumstance under paragraph (1) occurs before the completion of 1 year of a service obligation under this section, the total amount of awards received by the individual under this section shall be repaid.

(B) ONE OR MORE YEARS OF SERVICE.—If a circumstance described in subparagraph (D) or (E) of paragraph (1) occurs after the completion of 1 year of a service obligation under this section, the total amount of scholarship awards received by the individual under this section, reduced by the ratio of the number of years of service completed divided by the number of years of service required, shall be repaid.

(f) EVALUATION AND REPORT.—The Director of the National Science Foundation shall—

(1) evaluate the success of recruiting individuals for scholarships under this section and of hiring and retaining those individuals in the public sector workforce, including the annual cost and an assessment of how the program actually improves the Federal workforce; and

(2) periodically report the findings under paragraph (1) to Congress.

(g) AUTHORIZATION OF APPROPRIATIONS.—From amounts made available under section 503 of the America COMPETES Reauthorization Act of 2010 (124 Stat. 4005), the Director may use funds to carry out the requirements of this section for fiscal years 2012 through 2013.

**SEC. 407. STUDY AND ANALYSIS OF CERTIFICATION AND TRAINING OF INFORMATION INFRASTRUCTURE PROFESSIONALS.**

(a) STUDY.—The President shall enter into an agreement with the National Academies to conduct a comprehensive study of government, academic, and private-sector accreditation, training, and certification programs for personnel working in information infrastructure. The agreement shall require the National Academies to consult with sector coordinating councils and relevant governmental agencies, regulatory entities, and nongovernmental organizations in the course of the study.

(b) SCOPE.—The study shall include—

(1) an evaluation of the body of knowledge and various skills that specific categories of personnel working in information infrastructure should possess in order to secure information systems;

(2) an assessment of whether existing government, academic, and private-sector accreditation, training, and certification programs provide the body of knowledge and various skills described in paragraph (1);

(3) an analysis of any barriers to the Federal Government recruiting and hiring cybersecurity talent, including barriers relating to compensation, the hiring process, job classification, and hiring flexibility; and

(4) an analysis of the sources and availability of cybersecurity talent, a comparison

of the skills and expertise sought by the Federal Government and the private sector, an examination of the current and future capacity of United States institutions of higher education, including community colleges, to provide current and future cybersecurity professionals, through education and training activities, with those skills sought by the Federal Government, State and local entities, and the private sector.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the National Academies shall submit to the President and Congress a report on the results of the study. The report shall include—

(1) findings regarding the state of information infrastructure accreditation, training, and certification programs, including specific areas of deficiency and demonstrable progress; and

(2) recommendations for the improvement of information infrastructure accreditation, training, and certification programs.

**SEC. 408. INTERNATIONAL CYBERSECURITY TECHNICAL STANDARDS.**

(a) IN GENERAL.—The Director of the National Institute of Standards and Technology, in coordination with appropriate Federal authorities, shall—

(1) as appropriate, ensure coordination of Federal agencies engaged in the development of international technical standards related to information system security; and

(2) not later than 1 year after the date of enactment of this Act, develop and transmit to Congress a plan for ensuring such Federal agency coordination.

(b) CONSULTATION WITH THE PRIVATE SECTOR.—In carrying out the activities under subsection (a)(1), the Director shall ensure consultation with appropriate private sector stakeholders.

**SEC. 409. IDENTITY MANAGEMENT RESEARCH AND DEVELOPMENT.**

The Director of the National Institute of Standards and Technology shall continue a program to support the development of technical standards, metrology, testbeds, and conformance criteria, taking into account appropriate user concerns—

(1) to improve interoperability among identity management technologies;

(2) to strengthen authentication methods of identity management systems;

(3) to improve privacy protection in identity management systems, including health information technology systems, through authentication and security protocols; and

(4) to improve the usability of identity management systems.

**SEC. 410. FEDERAL CYBERSECURITY RESEARCH AND DEVELOPMENT.**

(a) NATIONAL SCIENCE FOUNDATION COMPUTER AND NETWORK SECURITY RESEARCH GRANT AREAS.—Section 4(a)(1) of the Cyber Security Research and Development Act (15 U.S.C. 7403(a)(1)) is amended—

(1) in subparagraph (H), by striking “and” after the semicolon;

(2) in subparagraph (I), by striking “property.” and inserting “property;”; and

(3) by adding at the end the following:

“(J) secure fundamental protocols that are at the heart of inter-network communications and data exchange;

“(K) system security that addresses the building of secure systems from trusted and untrusted components;

“(L) monitoring and detection; and

“(M) resiliency and rapid recovery methods.”.

(b) NATIONAL SCIENCE FOUNDATION COMPUTER AND NETWORK SECURITY GRANTS.—Section 4(a)(3) of the Cyber Security Research

and Development Act (15 U.S.C. 7403(a)(3)) is amended—

(1) in subparagraph (D), by striking “and”;  
(2) in subparagraph (E), by striking “2007.” and inserting “2007;”; and

(3) by adding at the end the following:

“(F) such funds from amounts made available under section 503 of the America COMPETES Reauthorization Act of 2010 (124 Stat. 4005), as the Director finds necessary to carry out the requirements of this subsection for fiscal years 2012 through 2013.”.

(c) COMPUTER AND NETWORK SECURITY CENTERS.—Section 4(b)(7) of the Cyber Security Research and Development Act (15 U.S.C. 7403(b)(7)) is amended—

(1) in subparagraph (D), by striking “and”;  
(2) in subparagraph (E), by striking “2007.” and inserting “2007;”; and

(3) by adding at the end the following:

“(F) such funds from amounts made available under section 503 of the America COMPETES Reauthorization Act of 2010 (124 Stat. 4005), as the Director finds necessary to carry out the requirements of this subsection for fiscal years 2012 through 2013.”.

(d) COMPUTER AND NETWORK SECURITY CAPACITY BUILDING GRANTS.—Section 5(a)(6) of the Cyber Security Research and Development Act (15 U.S.C. 7404(a)(6)) is amended—

(1) in subparagraph (D), by striking “and”;  
(2) in subparagraph (E), by striking “2007.” and inserting “2007;”; and

(3) by adding at the end the following:

“(F) such funds from amounts made available under section 503 of the America COMPETES Reauthorization Act of 2010 (124 Stat. 4005), as the Director finds necessary to carry out the requirements of this subsection for fiscal years 2012 through 2013.”.

(e) SCIENTIFIC AND ADVANCED TECHNOLOGY ACT GRANTS.—Section 5(b)(2) of the Cyber Security Research and Development Act (15 U.S.C. 7404(b)(2)) is amended—

(1) in subparagraph (D), by striking “and”;  
(2) in subparagraph (E), by striking “2007.” and inserting “2007;”; and

(3) by adding at the end the following:

“(F) such funds from amounts made available under section 503 of the America COMPETES Reauthorization Act of 2010 (124 Stat. 4005), as the Director finds necessary to carry out the requirements of this subsection for fiscal years 2012 through 2013.”.

(f) GRADUATE TRAINEESHIPS IN COMPUTER AND NETWORK SECURITY RESEARCH.—Section 5(c)(7) of the Cyber Security Research and Development Act (15 U.S.C. 7404(c)(7)) is amended—

(1) in subparagraph (D), by striking “and”;  
(2) in subparagraph (E), by striking “2007.” and inserting “2007;”; and

(3) by adding at the end the following:

“(F) such funds from amounts made available under section 503 of the America COMPETES Reauthorization Act of 2010 (124 Stat. 4005), as the Director finds necessary to carry out the requirements of this subsection for fiscal years 2012 through 2013.”.

**SA 2624.** Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

Strike title VII.

**SA 2625.** Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber

and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

Strike title VII and insert the following:

**TITLE VII—FACILITATING SHARING OF CYBER THREAT INFORMATION**

**SEC. 701. DEFINITIONS.**

In this title:

(1) **AGENCY.**—The term “agency” has the meaning given the term in section 3502 of title 44, United States Code.

(2) **ANTITRUST LAWS.**—The term “antitrust laws”—

(A) has the meaning given the term in section 1(a) of the Clayton Act (15 U.S.C. 12(a));

(B) includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent that section 5 of that Act applies to unfair methods of competition; and

(C) includes any State law that has the same intent and effect as the laws under subparagraphs (A) and (B).

(3) **COUNTERMEASURE.**—The term “countermeasure” means an automated or a manual action with defensive intent to mitigate cyber threats.

(4) **CYBER THREAT INFORMATION.**—The term “cyber threat information” means information that indicates or describes—

(A) a technical or operation vulnerability or a cyber threat mitigation measure;

(B) an action or operation to mitigate a cyber threat;

(C) malicious reconnaissance, including anomalous patterns of network activity that appear to be transmitted for the purpose of gathering technical information related to a cybersecurity threat;

(D) a method of defeating a technical control;

(E) a method of defeating an operational control;

(F) network activity or protocols known to be associated with a malicious cyber actor or that signify malicious cyber intent;

(G) a method of causing a user with legitimate access to an information system or information that is stored on, processed by, or transiting an information system to inadvertently enable the defeat of a technical or operational control;

(H) any other attribute of a cybersecurity threat or cyber defense information that would foster situational awareness of the United States cybersecurity posture, if disclosure of such attribute or information is not otherwise prohibited by law;

(I) the actual or potential harm caused by a cyber incident, including information exfiltrated when it is necessary in order to identify or describe a cybersecurity threat; or

(J) any combination of subparagraphs (A) through (I).

(5) **CYBERSECURITY CENTER.**—The term “cybersecurity center” means the Department of Defense Cyber Crime Center, the Intelligence Community Incident Response Center, the United States Cyber Command Joint Operations Center, the National Cyber Investigative Joint Task Force, the National Security Agency/Central Security Service Threat Operations Center, the National Cybersecurity and Communications Integration Center, and any successor center.

(6) **CYBERSECURITY SYSTEM.**—The term “cybersecurity system” means a system designed or employed to ensure the integrity, confidentiality, or availability of, or to safeguard, a system or network, including measures intended to protect a system or network from—

(A) efforts to degrade, disrupt, or destroy such system or network; or

(B) theft or misappropriations of private or government information, intellectual property, or personally identifiable information.

(7) **ENTITY.**—

(A) **IN GENERAL.**—The term “entity” means any private entity, non-Federal government agency or department, or State, tribal, or local government agency or department (including an officer, employee, or agent thereof).

(B) **INCLUSIONS.**—The term “entity” includes a government agency or department (including an officer, employee, or agent thereof) of the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and any other territory or possession of the United States.

(8) **FEDERAL INFORMATION SYSTEM.**—The term “Federal information system” means an information system of a Federal department or agency used or operated by an executive agency, by a contractor of an executive agency, or by another organization on behalf of an executive agency.

(9) **INFORMATION SECURITY.**—The term “information security” means protecting information and information systems from disruption or unauthorized access, use, disclosure, modification, or destruction in order to provide—

(A) integrity, by guarding against improper information modification or destruction, including by ensuring information non-repudiation and authenticity;

(B) confidentiality, by preserving authorized restrictions on access and disclosure, including means for protecting personal privacy and proprietary information; or

(C) availability, by ensuring timely and reliable access to and use of information.

(10) **INFORMATION SYSTEM.**—The term “information system” has the meaning given the term in section 3502 of title 44, United States Code.

(11) **LOCAL GOVERNMENT.**—The term “local government” means any borough, city, county, parish, town, township, village, or other general purpose political subdivision of a State.

(12) **MALICIOUS RECONNAISSANCE.**—The term “malicious reconnaissance” means a method for actively probing or passively monitoring an information system for the purpose of discerning technical vulnerabilities of the information system, if such method is associated with a known or suspected cybersecurity threat.

(13) **OPERATIONAL CONTROL.**—The term “operational control” means a security control for an information system that primarily is implemented and executed by people.

(14) **OPERATIONAL VULNERABILITY.**—The term “operational vulnerability” means any attribute of policy, process, or procedure that could enable or facilitate the defeat of an operational control.

(15) **PRIVATE ENTITY.**—The term “private entity” means any individual or any private group, organization, or corporation, including an officer, employee, or agent thereof.

(16) **SIGNIFICANT CYBER INCIDENT.**—The term “significant cyber incident” means a cyber incident resulting in, or an attempted cyber incident that, if successful, would have resulted in—

(A) the exfiltration from a Federal information system of data that is essential to the operation of the Federal information system; or

(B) an incident in which an operational or technical control essential to the security or operation of a Federal information system was defeated.

(17) **TECHNICAL CONTROL.**—The term “technical control” means a hardware or software restriction on, or audit of, access or use of an information system or information that is stored on, processed by, or transiting an information system that is intended to ensure the confidentiality, integrity, or availability of that system.

(18) **TECHNICAL VULNERABILITY.**—The term “technical vulnerability” means any attribute of hardware or software that could enable or facilitate the defeat of a technical control.

(19) **TRIBAL.**—The term “tribal” has the meaning given the term “Indian tribe” in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

**SEC. 702. AUTHORIZATION TO SHARE CYBER THREAT INFORMATION.**

(a) **VOLUNTARY DISCLOSURE.**—

(1) **PRIVATE ENTITIES.**—Notwithstanding any other provision of law, a private entity may, for the purpose of preventing, investigating, or otherwise mitigating threats to information security, on its own networks, or as authorized by another entity, on such entity’s networks, employ countermeasures and use cybersecurity systems in order to obtain, identify, or otherwise possess cyber threat information.

(2) **ENTITIES.**—Notwithstanding any other provision of law, an entity may disclose cyber threat information to—

(A) a cybersecurity center; or

(B) any other entity in order to assist with preventing, investigating, or otherwise mitigating threats to information security.

(3) **INFORMATION SECURITY PROVIDERS.**—If the cyber threat information described in paragraph (1) is obtained, identified, or otherwise possessed in the course of providing information security products or services under contract to another entity, that entity shall be given, at any time prior to disclosure of such information, a reasonable opportunity to authorize or prevent such disclosure, to request anonymization of such information, or to request that reasonable efforts be made to safeguard such information that identifies specific persons from unauthorized access or disclosure.

(b) **SIGNIFICANT CYBER INCIDENTS INVOLVING FEDERAL INFORMATION SYSTEMS.**—

(1) **IN GENERAL.**—An entity providing electronic communication services, remote computing services, or information security services to a Federal department or agency shall inform the Federal department or agency of a significant cyber incident involving the Federal information system of that Federal department or agency that—

(A) is directly known to the entity as a result of providing such services;

(B) is directly related to the provision of such services by the entity; and

(C) as determined by the entity, has impeded or will impede the performance of a critical mission of the Federal department or agency.

(2) **ADVANCE COORDINATION.**—A Federal department or agency receiving the services described in paragraph (1) shall coordinate in advance with an entity described in paragraph (1) to develop the parameters of any information that may be provided under paragraph (1), including clarification of the type of significant cyber incident that will impede the performance of a critical mission of the Federal department or agency.

(3) **REPORT.**—A Federal department or agency shall report information provided under this subsection to a cybersecurity center.

(4) CONSTRUCTION.—Any information provided to a cybersecurity center under paragraph (3) shall be treated in the same manner as information provided to a cybersecurity center under subsection (a).

(c) INFORMATION SHARED WITH OR PROVIDED TO A CYBERSECURITY CENTER.—Cyber threat information provided to a cybersecurity center under this section—

(1) may be disclosed to, retained by, and used by, consistent with otherwise applicable Federal law, any Federal agency or department, component, officer, employee, or agent of the Federal government for a cybersecurity purpose, a national security purpose, or in order to prevent, investigate, or prosecute any of the offenses listed in section 2516 of title 18, United States Code, and such information shall not be disclosed to, retained by, or used by any Federal agency or department for any use not permitted under this paragraph;

(2) may, with the prior written consent of the entity submitting such information, be disclosed to and used by a State, tribal, or local government or government agency for the purpose of protecting information systems, or in furtherance of preventing, investigating, or prosecuting a criminal act, except that if the need for immediate disclosure prevents obtaining written consent, such consent may be provided orally with subsequent documentation of such consent;

(3) shall be considered the commercial, financial, or proprietary information of the entity providing such information to the Federal government and any disclosure outside the Federal government may only be made upon the prior written consent by such entity and shall not constitute a waiver of any applicable privilege or protection provided by law, except that if the need for immediate disclosure prevents obtaining written consent, such consent may be provided orally with subsequent documentation of such consent;

(4) shall be deemed voluntarily shared information and exempt from disclosure under section 552 of title 5, United States Code, and any State, tribal, or local law requiring disclosure of information or records;

(5) shall be, without discretion, withheld from the public under section 552(b)(3)(B) of title 5, United States Code, and any State, tribal, or local law requiring disclosure of information or records;

(6) shall not be subject to the rules of any Federal agency or department or any judicial doctrine regarding ex parte communications with a decision-making official;

(7) shall not, if subsequently provided to a State, tribal, or local government or government agency, otherwise be disclosed or distributed to any entity by such State, tribal, or local government or government agency without the prior written consent of the entity submitting such information, notwithstanding any State, tribal, or local law requiring disclosure of information or records, except that if the need for immediate disclosure prevents obtaining written consent, such consent may be provided orally with subsequent documentation of such consent; and

(8) shall not be directly used by any Federal, State, tribal, or local department or agency to regulate the lawful activities of an entity, including activities relating to obtaining, identifying, or otherwise possessing cyber threat information, except that the procedures required to be developed and implemented under this title shall not be considered regulations within the meaning of this paragraph.

(d) PROCEDURES RELATING TO INFORMATION SHARING WITH A CYBERSECURITY CENTER.—Not later than 60 days after the date of enactment of this Act, the heads of each department or agency containing a cybersecurity center shall jointly develop, promulgate, and submit to Congress procedures to ensure that cyber threat information shared with or provided to—

(1) a cybersecurity center under this section—

(A) may be submitted to a cybersecurity center by an entity, to the greatest extent possible, through a uniform, publicly available process or format that is easily accessible on the website of such cybersecurity center, and that includes the ability to provide relevant details about the cyber threat information and written consent to any subsequent disclosures authorized by this paragraph;

(B) shall immediately be further shared with each cybersecurity center in order to prevent, investigate, or otherwise mitigate threats to information security across the Federal government;

(C) is handled by the Federal government in a reasonable manner, including consideration of the need to protect the privacy and civil liberties of individuals through anonymization or other appropriate methods, while fully accomplishing the objectives of this title, and the Federal government may undertake efforts consistent with this subparagraph to limit the impact on privacy and civil liberties of the sharing of cyber threat information with the Federal government; and

(D) except as provided in this section, shall only be used, disclosed, or handled in accordance with the provisions of subsection (c); and

(2) a Federal agency or department under subsection (b) is provided immediately to a cybersecurity center in order to prevent, investigate, or otherwise mitigate threats to information security across the Federal government.

(e) INFORMATION SHARED BETWEEN ENTITIES.—

(1) IN GENERAL.—An entity sharing cyber threat information with another entity under this title may restrict the use or sharing of such information by such other entity.

(2) FURTHER SHARING.—Cyber threat information shared by any entity with another entity under this title—

(A) shall only be further shared in accordance with any restrictions placed on the sharing of such information by the entity authorizing such sharing, such as appropriate anonymization of such information; and

(B) may not be used by any entity to gain an unfair competitive advantage to the detriment of the entity authorizing the sharing of such information, except that the conduct described in paragraph (3) shall not constitute unfair competitive conduct.

(3) INFORMATION SHARED WITH STATE, TRIBAL, OR LOCAL GOVERNMENT OR GOVERNMENT AGENCY.—Cyber threat information shared with a State, tribal, or local government or government agency under this title—

(A) may, with the prior written consent of the entity sharing such information, be disclosed to and used by a State, tribal, or local government or government agency for the purpose of protecting information systems, or in furtherance of preventing, investigating, or prosecuting a criminal act, except if the need for immediate disclosure prevents obtaining written consent, consent may be provided orally with subsequent documentation of the consent;

(B) shall be deemed voluntarily shared information and exempt from disclosure under any State, tribal, or local law requiring disclosure of information or records;

(C) shall not be disclosed or distributed to any entity by the State, tribal, or local government or government agency without the prior written consent of the entity submitting such information, notwithstanding any State, tribal, or local law requiring disclosure of information or records, except if the need for immediate disclosure prevents obtaining written consent, consent may be provided orally with subsequent documentation of the consent; and

(D) shall not be directly used by any State, tribal, or local department or agency to regulate the lawful activities of an entity, including activities relating to obtaining, identifying, or otherwise possessing cyber threat information, except that the procedures required to be developed and implemented under this title shall not be considered regulations within the meaning of this subparagraph.

(4) ANTITRUST EXEMPTION.—The exchange or provision of cyber threat information or assistance between 2 or more private entities under this title shall not be considered a violation of any provision of antitrust laws if exchanged or provided in order to assist with—

(A) facilitating the prevention, investigation, or mitigation of threats to information security; or

(B) communicating or disclosing of cyber threat information to help prevent, investigate or otherwise mitigate the effects of a threat to information security.

(5) NO RIGHT OR BENEFIT.—The provision of cyber threat information to an entity under this section shall not create a right or a benefit to similar information by such entity or any other entity.

(f) FEDERAL PREEMPTION.—

(1) IN GENERAL.—This section supersedes any statute or other law of a State or political subdivision of a State that restricts or otherwise expressly regulates an activity authorized under this section.

(2) STATE LAW ENFORCEMENT.—Nothing in this section shall be construed to supersede any statute or other law of a State or political subdivision of a State concerning the use of authorized law enforcement techniques.

(3) PUBLIC DISCLOSURE.—No information shared with or provided to a State, tribal, or local government or government agency pursuant to this section shall be made publicly available pursuant to any State, tribal, or local law requiring disclosure of information or records.

(g) CIVIL AND CRIMINAL LIABILITY.—

(1) GENERAL PROTECTIONS.—

(A) PRIVATE ENTITIES.—No cause of action shall lie or be maintained in any court against any private entity for—

(i) the use of countermeasures and cybersecurity systems as authorized by this title;

(ii) the use, receipt, or disclosure of any cyber threat information as authorized by this title; or

(iii) the subsequent actions or inactions of any lawful recipient of cyber threat information provided by such private entity.

(B) ENTITIES.—No cause of action shall lie or be maintained in any court against any entity for—

(i) the use, receipt, or disclosure of any cyber threat information as authorized by this title; or

(ii) the subsequent actions or inactions of any lawful recipient of cyber threat information provided by such entity.

(2) CONSTRUCTION.—Nothing in this subsection shall be construed as creating any immunity against, or otherwise affecting, any action brought by the Federal government, or any agency or department thereof, to enforce any law, executive order, or procedure governing the appropriate handling, disclosure, and use of classified information.

(h) OTHERWISE LAWFUL DISCLOSURES.—Nothing in this section shall be construed to limit or prohibit otherwise lawful disclosures of communications, records, or other information by a private entity to any other governmental or private entity not covered under this section.

(i) WHISTLEBLOWER PROTECTION.—Nothing in this Act shall be construed to preempt or preclude any employee from exercising rights currently provided under any whistleblower law, rule, or regulation.

(j) RELATIONSHIP TO OTHER LAWS.—The submission of cyber threat information under this section to a cybersecurity center shall not affect any requirement under any other provision of law for an entity to provide information to the Federal government.

#### SEC. 703. INFORMATION SHARING BY THE FEDERAL GOVERNMENT.

(a) CLASSIFIED INFORMATION.—

(1) PROCEDURES.—Consistent with the protection of intelligence sources and methods, and as otherwise determined appropriate, the Director of National Intelligence and the Secretary of Defense, in consultation with the heads of the appropriate Federal departments or agencies, shall develop and promulgate procedures to facilitate and promote—

(A) the immediate sharing, through the cybersecurity centers, of classified cyber threat information in the possession of the Federal government with appropriately cleared representatives of any appropriate entity; and

(B) the declassification and immediate sharing, through the cybersecurity centers, with any entity or, if appropriate, public availability of cyber threat information in the possession of the Federal government;

(2) HANDLING OF CLASSIFIED INFORMATION.—The procedures developed under paragraph (1) shall ensure that each entity receiving classified cyber threat information pursuant to this section has acknowledged in writing the ongoing obligation to comply with all laws, executive orders, and procedures concerning the appropriate handling, disclosure, or use of classified information.

(b) UNCLASSIFIED CYBER THREAT INFORMATION.—The heads of each department or agency containing a cybersecurity center shall jointly develop and promulgate procedures that ensure that, consistent with the provisions of this section, unclassified, including controlled unclassified, cyber threat information in the possession of the Federal government—

(1) is shared, through the cybersecurity centers, in an immediate and adequate manner with appropriate entities; and

(2) if appropriate, is made publicly available.

(c) DEVELOPMENT OF PROCEDURES.—

(1) IN GENERAL.—The procedures developed under this section shall incorporate, to the greatest extent possible, existing processes utilized by sector specific information sharing and analysis centers.

(2) COORDINATION WITH ENTITIES.—In developing the procedures required under this section, the Director of National Intelligence and the heads of each department or agency containing a cybersecurity center shall coordinate with appropriate entities to ensure that protocols are implemented that will fa-

cilitate and promote the sharing of cyber threat information by the Federal government.

(d) ADDITIONAL RESPONSIBILITIES OF CYBERSECURITY CENTERS.—Consistent with section 702, a cybersecurity center shall—

(1) facilitate information sharing, interaction, and collaboration among and between cybersecurity centers and—

(A) other Federal entities;

(B) any entity; and

(C) international partners, in consultation with the Secretary of State;

(2) disseminate timely and actionable cybersecurity threat, vulnerability, mitigation, and warning information, including alerts, advisories, indicators, signatures, and mitigation and response measures, to improve the security and protection of information systems; and

(3) coordinate with other Federal entities, as appropriate, to integrate information from across the Federal government to provide situational awareness of the cybersecurity posture of the United States.

(e) SHARING WITHIN THE FEDERAL GOVERNMENT.—The heads of appropriate Federal departments and agencies shall ensure that cyber threat information in the possession of such Federal departments or agencies that relates to the prevention, investigation, or mitigation of threats to information security across the Federal government is shared effectively with the cybersecurity centers.

(f) SUBMISSION TO CONGRESS.—Not later than 60 days after the date of enactment of this Act, the Director of National Intelligence, in coordination with the appropriate head of a department or an agency containing a cybersecurity center, shall submit the procedures required by this section to Congress.

#### SEC. 704. CONSTRUCTION.

(a) INFORMATION SHARING RELATIONSHIPS.—Nothing in this title shall be construed—

(1) to limit or modify an existing information sharing relationship;

(2) to prohibit a new information sharing relationship;

(3) to require a new information sharing relationship between any entity and the Federal government, except as specified under section 702(b); or

(4) to modify the authority of a department or agency of the Federal government to protect sources and methods and the national security of the United States.

(b) ANTI-TASKING RESTRICTION.—Nothing in this title shall be construed to permit the Federal government—

(1) to require an entity to share information with the Federal government, except as expressly provided under section 702(b); or

(2) to condition the sharing of cyber threat information with an entity on such entity's provision of cyber threat information to the Federal government.

(c) NO LIABILITY FOR NON-PARTICIPATION.—Nothing in this title shall be construed to subject any entity to liability for choosing not to engage in the voluntary activities authorized under this title.

(d) USE AND RETENTION OF INFORMATION.—Nothing in this title shall be construed to authorize, or to modify any existing authority of, a department or agency of the Federal government to retain or use any information shared under section 702 for any use other than a use permitted under subsection 702(c)(1).

(e) NO NEW FUNDING.—An applicable Federal agency shall carry out the provisions of this title with existing facilities and funds otherwise available, through such means as the head of the agency considers appropriate.

#### SEC. 705. REPORT ON IMPLEMENTATION.

(a) CONTENT OF REPORT.—Not later than 1 year after the date of enactment of this Act, and biennially thereafter, the heads of each department or agency containing a cybersecurity center shall jointly submit, in coordination with the privacy and civil liberties officials of such departments or agencies and the Privacy and Civil Liberties Oversight Board, a detailed report to Congress concerning the implementation of this title, including—

(1) an assessment of the sufficiency of the procedures developed under section 703 of this Act in ensuring that cyber threat information in the possession of the Federal government is provided in an immediate and adequate manner to appropriate entities or, if appropriate, is made publicly available;

(2) an assessment of whether information has been appropriately classified and an accounting of the number of security clearances authorized by the Federal government for purposes of this title;

(3) a review of the type of cyber threat information shared with a cybersecurity center under section 702 of this Act, including whether such information meets the definition of cyber threat information under section 701, the degree to which such information may impact the privacy and civil liberties of individuals, any appropriate metrics to determine any impact of the sharing of such information with the Federal government on privacy and civil liberties, and the adequacy of any steps taken to reduce such impact;

(4) a review of actions taken by the Federal government based on information provided to a cybersecurity center under section 702 of this Act, including the appropriateness of any subsequent use under section 702(c)(1) of this Act and whether there was inappropriate stovepiping within the Federal government of any such information;

(5) a description of any violations of the requirements of this title by the Federal government;

(6) a classified list of entities that received classified information from the Federal government under section 703 of this Act and a description of any indication that such information may not have been appropriately handled;

(7) a summary of any breach of information security, if known, attributable to a specific failure by any entity or the Federal government to act on cyber threat information in the possession of such entity or the Federal government that resulted in substantial economic harm or injury to a specific entity or the Federal government; and

(8) any recommendation for improvements or modifications to the authorities under this title.

(b) FORM OF REPORT.—The report under subsection (a) shall be submitted in unclassified form, but shall include a classified annex.

#### SEC. 706. INSPECTOR GENERAL REVIEW.

(a) IN GENERAL.—The Council of the Inspectors General on Integrity and Efficiency are authorized to review compliance by the cybersecurity centers, and by any Federal department or agency receiving cyber threat information from such cybersecurity centers, with the procedures required under section 102 of this Act.

(b) SCOPE OF REVIEW.—The review under subsection (a) shall consider whether the Federal government has handled such cyber threat information in a reasonable manner,



including consideration of the need to protect the privacy and civil liberties of individuals through anonymization or other appropriate methods, while fully accomplishing the objectives of this title.

(c) **REPORT TO CONGRESS.**—Each review conducted under this section shall be provided to Congress not later than 30 days after the date of completion of the review.

#### SEC. 707. TECHNICAL AMENDMENTS.

Section 552(b) of title 5, United States Code, is amended—

- (1) in paragraph (8), by striking “or”;
- (2) in paragraph (9), by striking “wells,” and inserting “wells; or”;
- (3) by adding at the end the following:

“(10) information shared with or provided to a cybersecurity center under section 702 of title I of the Cybersecurity Act of 2012.”

#### SEC. 708. ACCESS TO CLASSIFIED INFORMATION.

(a) **AUTHORIZATION REQUIRED.**—No person shall be provided with access to classified information (as defined in section 6.1 of Executive Order 13526 (50 U.S.C. 435 note; relating to classified national security information)) relating to cyber security threats or cyber security vulnerabilities under this title without the appropriate security clearances.

(b) **SECURITY CLEARANCES.**—The appropriate Federal agencies or departments shall, consistent with applicable procedures and requirements, and if otherwise deemed appropriate, assist an individual in timely obtaining an appropriate security clearance where such individual has been determined to be eligible for such clearance and has a need-to-know (as defined in section 6.1 of that Executive Order) classified information to carry out this title.

**SA 2626.** Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

Beginning on page 30, strike line 10, and all that follows through page 31, line 21, and insert the following:

##### (1) LIABILITY.—

(A) **IN GENERAL.**—No cause of action shall lie or be maintained in any court against a certified owner for any cyber-related incident that has impacted, or may impact, the information security of an information system of such owner, if such owner has been found to be in compliance with applicable cybersecurity practices through an assessment under subsection (b).

(B) **ONGOING ASSESSMENT.**—No cause of action shall lie or be maintained in any court against an owner or operator for any cyber-related incident that has impacted, or may impact, the information security of an information system of such owner or operator, if such owner or operator is, in good faith, in the process of obtaining, disputing, or satisfying the findings of an assessment under subsection (b).

(C) **NO LIABILITY FOR NON-PARTICIPATION.**—Nothing in this title shall be construed to subject any owner or operator for choosing not to engage in the voluntary activities authorized under this title.

(D) **REMOVAL.**—Any civil action arising from a cyber-related incident that has impacted, or may impact, the information security of an information system of an owner or operator engaged in the voluntary activities authorized under this title that is brought in a State court against any owner or operator shall be deemed to arise under the Constitu-

tion and laws of the United States and shall be removable under section 1441 of title 28, United States Code.

**SA 2627.** Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

Beginning on page 23, strike line 18, and all that follows through page 25, line 8.

**SA 2628.** Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the end, add the following:

#### TITLE VIII—EFFECTIVE DATE

##### SEC. 801. EFFECTIVE DATE.

(a) **IN GENERAL.**—This Act and the amendments made by this Act shall be effective during the 3-year period beginning on the date of the enactment of this Act.

(b) **TRANSITION PROCEDURES.**—Notwithstanding subsection (a), the limitations of liability in section 104(c)(1) and section 706 shall continue to apply to any actions described in such sections.

**SA 2629.** Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

Beginning on page 9, strike line 7, and all that follows through page 25, line 24, and insert the following:

(b) **MEMBERSHIP.**—The Council shall be comprised of appropriate representatives appointed by the President from—

- (1) the Department of Commerce;
- (2) the Department of Defense;
- (3) the Department of Justice;
- (4) the intelligence community;
- (5) sector-specific Federal agencies, as appropriate;
- (6) Federal agencies with responsibility for regulating the security of critical cyber infrastructure, as appropriate; and
- (7) the Department.

##### SEC. 102. VOLUNTARY CYBERSECURITY PRACTICES.

Not later than 180 days after the date of enactment of this Act, each sector coordinating council shall establish and maintain voluntary cybersecurity practices sufficient to effectively remediate or mitigate cyber risks identified by such sector coordinating council.

**SA 2630.** Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the end, add the following:

#### TITLE VIII—MISCELLANEOUS

##### SEC. 801. LIMITATIONS ON BILLS IMPLEMENTING TRADE AGREEMENTS.

(a) **IN GENERAL.**—Notwithstanding section 151 of the Trade Act of 1974 (19 U.S.C. 2191) or

any other provision of law, any bill implementing a trade agreement between the United States and a country described in subsection (b) shall be subject to a point of order pursuant to subsection (c).

(b) **COUNTRY DESCRIBED.**—A country described in this subsection is a country the government of which is identified as perpetrating foreign economic collection or industrial espionage that threatens the economic security of the United States in a report to Congress of the Office of the National Counterintelligence Executive.

(c) **POINT OF ORDER IN SENATE.**—

(1) **IN GENERAL.**—The Senate shall cease consideration of a bill to implement a trade agreement if—

(A) a point of order is made by any Senator against the bill because the bill implements a trade agreement between the United States and a country described in subsection (b); and

(B) the point of order is sustained by the presiding officer.

(2) **WAIVERS AND APPEALS.**—

(A) **WAIVERS.**—Before the presiding officer rules on a point of order described in paragraph (1), any Senator may move to waive the point of order and the motion to waive shall not be subject to amendment. A point of order described in paragraph (1) is waived only by the affirmative vote of a majority of the Members of the Senate, duly chosen and sworn.

(B) **APPEALS.**—After the presiding officer rules on a point of order under this paragraph, any Senator may appeal the ruling of the presiding officer on the point of order as it applies to some or all of the provisions on which the presiding officer ruled. A ruling of the presiding officer on a point of order described in paragraph (1) is sustained unless a majority of the Members of the Senate, duly chosen and sworn, vote not to sustain the ruling.

(C) **DEBATE.**—Debate on a motion to waive under subparagraph (A) or on an appeal of the ruling of the presiding officer under subparagraph (B) shall be limited to 1 hour. The time shall be equally divided between, and controlled by, the majority leader and the minority leader of the Senate, or their designees.

**SA 2631.** Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the end of title IV, add the following:

##### SEC. 416. STUDY AND REPORT ON CYBERWORK BY SMALL BUSINESS CONCERNS.

(a) **DEFINITIONS.**—In this section—

(1) the term “covered Federal agency” means—

- (A) the Department of Homeland Security;
- (B) the Department of Defense; and
- (C) each element of the intelligence community;

(2) the term “intelligence community” has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)); and

(3) the term “small business concern” has the meaning given that term under section 3 of the Small Business Act (15 U.S.C. 632).

(b) **STUDY.**—The heads of the covered Federal agencies, in consultation with the Administrator of the Small Business Administration, shall jointly conduct a study of cyberwork performed by small business concerns for the covered Federal agencies.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the heads of the covered Federal agencies shall jointly submit to the Committee on Small Business and Entrepreneurship, the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Select Committee on Intelligence of the Senate and the Committee on Small Business, the Committee on Armed Services, the Committee on Homeland Security, and the Committee on Intelligence of the House of Representatives a report on the results of the study under subsection (b) that contains—

(1) the number of small business concerns with top secret or sensitive compartmented information site clearances and an evaluation of whether small business concerns are carrying out a proportional amount of cyberwork for covered Federal agencies;

(2) a description of challenges faced by small business concerns in—

(A) securing cyberwork with covered Federal agencies;

(B) securing classified information technology work with covered Federal agencies;

(C) securing sponsorship by covered Federal agencies for site security clearances;

(D) obtaining security clearances for employees; and

(E) matters relating to the matters described in subparagraphs (A), (B), (C), and (D);

(3) recommendations for overcoming the challenges described in paragraph (2);

(4) an evaluation of the feasibility of and benefits to the Federal Government, the private sector, and small business concerns of establishing a program that would use small business concerns as incubators for developing cyberworkers who have top secret or sensitive compartmented information security clearances while the small business concerns perform other cyberwork for covered Federal agencies; and

(5) recommendations, if any, for legislation that would enable covered Federal agencies to better use the talents of small business concerns for cleared cyberwork.

**SA 2632.** Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 108, line 6, insert “, including through the use of quantum entanglement for secured satellite and other point-to-point wireless communications” before the semicolon.

**SA 2633.** Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 150, strike line 24 and all that follows through page 151, line 8, and insert the following:

(1) on available technical options, consistent with constitutional and statutory privacy rights, for enhancing the security of the information networks of entities that own or manage critical infrastructure through—

(A) technical improvements, including developing a secure domain; or

(B) increased notice of and consent to the use of technologies to scan for, detect, and defeat cyber security threats, such as technologies used in a secure domain; and

(2) providing an evaluation of the effort to implement the Domain Name System Security Extensions by owners and operators of critical infrastructure and Internet service providers, which shall—

(A) identify challenges hampering implementation; and

(B) provide proposals—

(i) to resolve any challenges identified under subparagraph (A); and

(ii) regarding how owners and operators of critical infrastructure and Internet service providers can streamline implementation of Domain Name System Security Extensions.

**SA 2634.** Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the end, add the following:

#### **TITLE VIII—FCC TECHNICAL EXPERTISE CAPACITY**

##### **SECTION 801. SHORT TITLE.**

This title may be cited as the “FCC Technical Expertise Capacity Heightening Act” or the “FCC TECH Act”.

##### **SEC. 802. APPOINTMENT OF TECHNICAL STAFF.**

Section 4(f)(2) of the Communications Act of 1934 (47 U.S.C. 154(f)(2)) is amended by inserting after the first sentence the following new sentence: “Each commissioner may also appoint an electrical engineer or computer scientist to provide the commissioner technical consultation when appropriate and to interface with the Office of Engineering and Technology, Commission Bureaus, and other technical staff of the Commission for additional technical input and resources, provided that such engineer or scientist holds an undergraduate or graduate degree from an institution of higher education in their respective field of expertise.”.

##### **SEC. 803. TECHNICAL POLICY AND PERSONNEL STUDY.**

(a) STUDY.—

(1) REQUIREMENTS OF STUDY.—The Chairman of the Federal Communications Commission (referred to in this section as the “Commission”) shall enter into an arrangement with the National Academy of Sciences to complete a study of the technical policy decision-making and the technical personnel at the Commission.

(2) CONTENTS.—The study required under paragraph (1) shall—

(A) review the technical policy decision making of the Commission, including if the Commission has the adequate resources and processes in place to properly evaluate and account for the technical aspects and impact of the Commission’s regulatory rulemaking;

(B) review—

(i) the timeliness of the rulemaking process utilized by the Commission; and

(ii) the impact of regulatory delay on telecommunications innovation;

(C) based upon the review undertaken pursuant to subparagraph (B), make recommendations for the Commission to streamline its rulemaking process;

(D) evaluate the current staffing levels and skill sets of technical personnel at the Commission to determine if such staffing levels and skill sets are aligned with the current and future needs of the Commission, as well

as with current and future issues that come or may come under the jurisdiction of the Commission and shall include a recommendation on the appropriate number or percentage of technical personnel that should constitute the Commission workforce;

(E) examine the current technical staff and engineering recruiting procedures at the Commission and make recommendations on how the Commission can improve its efforts to hire and retain engineers and other technical staff members;

(F) examine—

(i) the reliance of the Commission on external contractors in the development of policy and in evaluating the technical aspects of services, devices, and issues that arise under the jurisdiction of the Commission; and

(ii) the potential costs and benefits of the development of “in-house” resources to perform the duties that are currently being outsourced to external contractors; and

(G) compare the decision-making process of the Commission with the decision-making process used by similar regulatory authorities in other industrialized countries, including the European Union, Japan, Canada, Australia, and the United Kingdom.

(b) REPORT.—The Commission shall transmit a report describing the results of the study and recommendations required by subsection (a) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives.

(c) OFFSET OF ADMINISTRATIVE COSTS.—Section 4(a) of Public Law 109-34 (47 U.S.C. 703(a)) is amended by striking “annual” and inserting “biennial”.

**SA 2635.** Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

##### **SEC. . SMALL BUSINESS REGULATORY TRANSPARENCY.**

Section 609(d) of title 5, United States Code, is amended—

(1) in paragraph (2), by striking “and” at the end;

(2) in paragraph (3), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following: “(4) the Department of Homeland Security.”.

**SA 2636.** Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

##### **SEC. 111. SMALL BUSINESS MEMBERSHIP ON THE CRITICAL INFRASTRUCTURE PARTNERSHIP ADVISORY COUNCIL.**

The Secretary shall ensure that the members of the Critical Infrastructure Partnership Advisory Council include—

(1) a representative of the Office of Advocacy of the Small Business Administration; and

(2) the owner of a small business concern or an advocate for small business concerns from the private sector.

**SA 2637.** Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the end of title IV, add the following:

**SEC. 416. REPORT BY SMALL BUSINESS INFORMATION SECURITY TASK FORCE.**

Not later than 1 year after the date of enactment of this Act, the Small Business Information Security Task Force, in consultation with the Chief Counsel for Advocacy of the Small Business Administration, shall submit to Congress a report that—

(1) analyzes the impact of this Act, and the amendments made by this Act, on small business concerns; and

(2) describes methods for mitigating any costs or unnecessary burdens imposed on small business concerns by regulations issued under this Act or the amendments made by this Act.

**SA 2638.** Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . PROHIBITION ON TREASURY REGULATIONS WITH RESPECT TO INFORMATION REPORTING ON CERTAIN INTEREST PAID TO NONRESIDENT ALIENS.**

Except to the extent provided in Treasury Regulations as in effect on February 21, 2011, the Secretary of the Treasury shall not require (by regulation or otherwise) that an information return be made by a payor of interest in the case of interest—

(1) which is described in section 871(i)(2)(A) of the Internal Revenue Code of 1986; and

(2) which is paid—

(A) to a nonresident alien; and

(B) on a deposit maintained at an office within the United States.

**SA 2639.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . REPEAL OF RENEWABLE FUEL STANDARD.**

Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended by striking subsection (o).

**SA 2640.** Mr. LEAHY (for himself and Mr. HOEVEN) submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

Beginning on page 109, strike line 4 and all that follows through page 110, line 20, and insert the following:

(d) CYBERSECURITY MODELING AND TEST BEDS.—

(1) REVIEW.—Not later than 1 year after the date of enactment of this Act, the Director

shall conduct a review of cybersecurity test beds in existence on the date of enactment of this Act to inform the program established under paragraph (2).

(2) ESTABLISHMENT OF PROGRAM.—

(A) IN GENERAL.—The Director of the National Science Foundation, the Secretary, and the Secretary of Commerce shall establish a program for the appropriate Federal agencies to award grants to institutions of higher education or research and development non-profit institutions and to provide funds to the military service academies and senior military colleges (as defined in section 2111a of title 10, United States Code) to establish cybersecurity test beds capable of realistic modeling of real-time cyber attacks and defenses. The test beds shall work to enhance the security of public systems and focus on enhancing the security of critical private sector systems such as those in the finance, energy, and other sectors.

(B) REQUIREMENTS.—

(i) SIZE OF TEST BEDS.—The test beds established under the program established under subparagraph (A) shall be sufficiently large in order to model the scale and complexity of real world networks and environments.

(ii) USE OF EXISTING TEST BEDS.—The test bed program established under subparagraph (A) shall build upon and expand test beds and cyber attack simulation, experiment, and distributed gaming tools developed by the Under Secretary of Homeland Security for Science and Technology prior to the date of enactment of this Act.

(3) PURPOSES.—The purposes of the program established under paragraph (2) shall be to—

(A) support the rapid development of new cybersecurity defenses, techniques, and processes by improving understanding and assessing the latest technologies in a real-world environment; and

(B) to improve understanding among private sector partners of the risk, magnitude, and consequences of cyber attacks.

(e) COORDINATION WITH OTHER RESEARCH INITIATIVES.—The Director shall to the extent practicable, coordinate research and development activities under this section with other ongoing research and development security-related initiatives, including research being conducted by—

(1) the National Institute of Standards and Technology;

(2) the Department;

(3) other Federal agencies;

(4) other Federal and private research laboratories, research entities, the military service academies, senior military colleges (as defined in section 2111a of title 10, United States Code), and universities and institutions of higher education, and relevant non-profit organizations; and

**SA 2641.** Mr. CARPER (for himself and Mr. BLUNT) submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE VIII—ACCOUNT DATA SECURITY**

**SEC. 801. SHORT TITLE.**

This title may be cited as the “Data Security Act of 2012”.

**SEC. 802. DEFINITIONS.**

For purposes of this title, the following definitions shall apply:

(1) AFFILIATE.—The term “affiliate” means any company that controls, is controlled by, or is under common control with another company.

(2) AGENCY.—The term “agency” has the same meaning as in section 551(1) of title 5, United States Code.

(3) BREACH OF DATA SECURITY.—

(A) IN GENERAL.—The term “breach of data security” means the unauthorized acquisition of sensitive account information or sensitive personal information.

(B) EXCEPTION FOR DATA THAT IS NOT IN USABLE FORM.—

(i) IN GENERAL.—The term “breach of data security” does not include the unauthorized acquisition of sensitive account information or sensitive personal information that is maintained or communicated in a manner that is not usable—

(I) to commit identity theft; or

(II) to make fraudulent transactions on financial accounts.

(ii) RULE OF CONSTRUCTION.—For purposes of this subparagraph, information that is maintained or communicated in a manner that is not usable includes any information that is maintained or communicated in an encrypted, redacted, altered, edited, or coded form.

(4) COMMISSION.—The term “Commission” means the Federal Trade Commission.

(5) CONSUMER.—The term “consumer” means an individual.

(6) CONSUMER REPORTING AGENCY THAT COMPILES AND MAINTAINS FILES ON CONSUMERS ON A NATIONWIDE BASIS.—The term “consumer reporting agency that compiles and maintains files on consumers on a nationwide basis” has the same meaning as in section 603(p) of the Fair Credit Reporting Act (15 U.S.C. 1681a(p)).

(7) COVERED ENTITY.—

(A) IN GENERAL.—The term “covered entity” means any—

(i) entity, the business of which is engaging in financial activities, as described in section 4(k) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(k));

(ii) financial institution, including any institution described in section 313.3(k) of title 16, Code of Federal Regulations, as in effect on the date of enactment of this Act;

(iii) entity that maintains or otherwise possesses information that is subject to section 628 of the Fair Credit Reporting Act (15 U.S.C. 1681w); or

(iv) other individual, partnership, corporation, trust, estate, cooperative, association, or entity that maintains or communicates sensitive account information or sensitive personal information.

(B) EXCEPTION.—The term “covered entity” does not include any agency or any other unit of Federal, State, or local government or any subdivision of such unit.

(8) FINANCIAL INSTITUTION.—The term “financial institution” has the same meaning as in section 509 of the Gramm-Leach-Bliley Act (15 U.S.C. 6809).

(9) SENSITIVE ACCOUNT INFORMATION.—The term “sensitive account information” means a financial account number relating to a consumer, including a credit card number or debit card number, in combination with any security code, access code, password, or other personal identification information required to access the financial account.

(10) SENSITIVE PERSONAL INFORMATION.—

(A) IN GENERAL.—The term “sensitive personal information” means the first and last name, address, or telephone number of a consumer, in combination with any of the following relating to such consumer:

(i) Social security account number.  
 (ii) Driver's license number or equivalent State identification number.  
 (iii) Taxpayer identification number.

(B) EXCEPTION.—The term “sensitive personal information” does not include publicly available information that is lawfully made available to the general public from—

(i) Federal, State, or local government records; or  
 (ii) widely distributed media.

(1) SUBSTANTIAL HARM OR INCONVENIENCE.—

(A) IN GENERAL.—The term “substantial harm or inconvenience” means—

(i) material financial loss to, or civil or criminal penalties imposed on, a consumer, due to the unauthorized use of sensitive account information or sensitive personal information relating to such consumer; or

(ii) the need for a consumer to expend significant time and effort to correct erroneous information relating to the consumer, including information maintained by a consumer reporting agency, financial institution, or government entity, in order to avoid material financial loss, increased costs, or civil or criminal penalties, due to the unauthorized use of sensitive account information or sensitive personal information relating to such consumer.

(B) EXCEPTION.—The term “substantial harm or inconvenience” does not include—

(i) changing a financial account number or closing a financial account; or

(ii) harm or inconvenience that does not result from identity theft or account fraud.

#### SEC. 803. PROTECTION OF INFORMATION AND SECURITY BREACH NOTIFICATION.

(a) SECURITY PROCEDURES REQUIRED.—

(1) IN GENERAL.—Each covered entity shall implement, maintain, and enforce reasonable policies and procedures to protect the confidentiality and security of sensitive account information and sensitive personal information which is maintained or is being communicated by or on behalf of a covered entity, from the unauthorized use of such information that is reasonably likely to result in substantial harm or inconvenience to the consumer to whom such information relates.

(2) LIMITATION.—Any policy or procedure implemented or maintained under paragraph (1) shall be appropriate to the—

(A) size and complexity of a covered entity;  
 (B) nature and scope of the activities of such entity; and

(C) sensitivity of the consumer information to be protected.

(b) INVESTIGATION REQUIRED.—

(1) IN GENERAL.—If a covered entity determines that a breach of data security has or may have occurred in relation to sensitive account information or sensitive personal information that is maintained or is being communicated by, or on behalf of, such covered entity, the covered entity shall conduct an investigation—

(A) to assess the nature and scope of the breach;

(B) to identify any sensitive account information or sensitive personal information that may have been involved in the breach; and

(C) to determine if such information is reasonably likely to be misused in a manner causing substantial harm or inconvenience to the consumers to whom the information relates.

(2) NEURAL NETWORKS AND INFORMATION SECURITY PROGRAMS.—In determining the likelihood of misuse of sensitive account information under paragraph (1)(C), a covered entity shall consider whether any neural net-

work or security program has detected, or is likely to detect or prevent, fraudulent transactions resulting from the breach of security.

(c) NOTICE REQUIRED.—If a covered entity determines under subsection (b)(1)(C) that sensitive account information or sensitive personal information involved in a breach of data security is reasonably likely to be misused in a manner causing substantial harm or inconvenience to the consumers to whom the information relates, such covered entity, or a third party acting on behalf of such covered entity, shall—

(1) notify, in the following order—

(A) the appropriate agency or authority identified in section 805;

(B) an appropriate law enforcement agency;

(C) any entity that owns, or is obligated on, a financial account to which the sensitive account information relates, if the breach involves a breach of sensitive account information;

(D) each consumer reporting agency that compiles and maintains files on consumers on a nationwide basis, if the breach involves sensitive personal information relating to 5,000 or more consumers; and

(E) all consumers to whom the sensitive account information or sensitive personal information relates; and

(2) take reasonable measures to restore the security and confidentiality of the sensitive account information or sensitive personal information involved in the breach.

(d) PRESUMED COMPLIANCE BY CERTAIN ENTITIES.—

(1) IN GENERAL.—An entity shall be deemed to be in compliance with—

(A) in the case of a financial institution—

(i) subsection (a), and any regulations prescribed under such subsection, if such institution maintains policies and procedures to protect the confidentiality and security of sensitive account information and sensitive personal information that are consistent with the policies and procedures of such institution that are designed to comply with the requirements of section 501(b) of the Gramm-Leach-Bliley Act (15 U.S.C. 6801(b)) and any regulations or guidance prescribed under that section that are applicable to such institution; and

(ii) subsections (b) and (c), and any regulations prescribed under such subsections, if such financial institution—

(I)(aa) maintains policies and procedures to investigate and provide notice to consumers of breaches of data security that are consistent with the policies and procedures of such institution that are designed to comply with the investigation and notice requirements established by regulations or guidance under section 501(b) of the Gramm-Leach-Bliley Act (15 U.S.C. 6801(b)) that are applicable to such institution; or

(bb) is an affiliate of a bank holding company that maintains policies and procedures to investigate and provide notice to consumers of breaches of data security that are consistent with the policies and procedures of a bank that is an affiliate of such institution, and that bank's policies and procedures are designed to comply with the investigation and notice requirements established by any regulations or guidance under section 501(b) of the Gramm-Leach-Bliley Act (15 U.S.C. 6801(b)) that are applicable to that bank; and

(II) provides for notice to the entities described under subparagraphs (B), (C), and (D) of subsection (c)(1), if notice is provided to consumers pursuant to the policies and pro-

cedures of such institution described in subsection (I); and

(B) subsections (a), (b), and (c), if the entity is a covered entity for purposes of the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d-2 note), to the extent that such entity is in compliance with such regulations.

(2) DEFINITIONS.—For purposes of this subsection, the terms “bank holding company” and “bank” have the same meanings as in section 2 of the Bank Holding Company Act of 1956 (12 U.S.C. 1841).

#### SEC. 804. IMPLEMENTING REGULATIONS.

(a) IN GENERAL.—Notwithstanding any other provision of law, and except as provided under section 806, the agencies and authorities identified in section 805, with respect to the covered entities that are subject to the respective enforcement authority of such agencies and authorities, shall prescribe regulations to implement this title.

(b) COORDINATION.—Each agency and authority required to prescribe regulations under subsection (a) shall consult and coordinate with each other agency and authority identified in section 805 so that, to the extent possible, the regulations prescribed by each agency and authority are consistent and comparable.

(c) METHOD OF PROVIDING NOTICE TO CONSUMERS.—The regulations required under subsection (a) shall—

(1) prescribe the methods by which a covered entity shall notify a consumer of a breach of data security under section 803; and

(2) allow a covered entity to provide such notice by—

(A) written, telephonic, or e-mail notification; or

(B) substitute notification, if providing written, telephonic, or e-mail notification is not feasible due to—

(i) lack of sufficient contact information for the consumers that must be notified; or

(ii) excessive cost to the covered entity.

(d) CONTENT OF CONSUMER NOTICE.—The regulations required under subsection (a) shall—

(1) prescribe the content that shall be included in a notice of a breach of data security that is required to be provided to consumers under section 803; and

(2) require such notice to include—

(A) a description of the type of sensitive account information or sensitive personal information involved in the breach of data security;

(B) a general description of the actions taken by the covered entity to restore the security and confidentiality of the sensitive account information or sensitive personal information involved in the breach of data security; and

(C) the summary of rights of victims of identity theft prepared by the Commission under section 609(d) of the Fair Credit Reporting Act (15 U.S.C. 1681g), if the breach of data security involves sensitive personal information.

(e) TIMING OF NOTICE.—The regulations required under subsection (a) shall establish standards for when a covered entity shall provide any notice required under section 803.

(f) LAW ENFORCEMENT DELAY.—The regulations required under subsection (a) shall allow a covered entity to delay providing notice of a breach of data security to consumers under section 803 if a law enforcement agency requests such a delay in writing.

(g) **SERVICE PROVIDERS.**—The regulations required under subsection (a) shall—

(1) require any party that maintains or communicates sensitive account information or sensitive personal information on behalf of a covered entity to provide notice to that covered entity if such party determines that a breach of data security has, or may have, occurred with respect to such information; and

(2) ensure that there is only 1 notification responsibility with respect to a breach of data security.

(h) **TIMING OF REGULATIONS.**—The regulations required under subsection (a) shall—

(1) be issued in final form not later than 6 months after the date of enactment of this Act; and

(2) take effect not later than 6 months after the date on which they are issued in final form.

#### SEC. 805. ADMINISTRATIVE ENFORCEMENT.

(a) **IN GENERAL.**—Notwithstanding any other provision of law, section 803, and the regulations required under section 804, shall be enforced exclusively under—

(1) section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818), in the case of—

(A) a national bank, a Federal branch or Federal agency of a foreign bank, or any subsidiary thereof (other than a broker, dealer, person providing insurance, investment company, or investment adviser), or a savings association, the deposits of which are insured by the Federal Deposit Insurance Corporation, or any subsidiary thereof (other than a broker, dealer, person providing insurance, investment company, or investment adviser), by the Office of the Comptroller of the Currency;

(B) a member bank of the Federal Reserve System (other than a national bank), a branch or agency of a foreign bank (other than a Federal branch, Federal agency, or insured State branch of a foreign bank), a commercial lending company owned or controlled by a foreign bank, an organization operating under section 25 or 25A of the Federal Reserve Act (12 U.S.C. 601, 604), or a bank holding company and its nonbank subsidiary or affiliate (other than a broker, dealer, person providing insurance, investment company, or investment adviser), by the Board of Governors of the Federal Reserve System; and

(C) a bank, the deposits of which are insured by the Federal Deposit Insurance Corporation (other than a member of the Federal Reserve System), an insured State branch of a foreign bank, or any subsidiary thereof (other than a broker, dealer, person providing insurance, investment company, or investment adviser), by the Board of Directors of the Federal Deposit Insurance Corporation;

(2) the Federal Credit Union Act (12 U.S.C. 1751 et seq.), by the National Credit Union Administration Board with respect to any federally insured credit union;

(3) the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.), by the Securities and Exchange Commission with respect to any broker or dealer;

(4) the Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq.), by the Securities and Exchange Commission with respect to any investment company;

(5) the Investment Advisers Act of 1940 (15 U.S.C. 80b-1 et seq.), by the Securities and Exchange Commission with respect to any investment adviser registered with the Securities and Exchange Commission under that Act;

(6) the Commodity Exchange Act (7 U.S.C. 1 et seq.), by the Commodity Futures Trad-

ing Commission with respect to any futures commission merchant, commodity trading advisor, commodity pool operator, or introducing broker;

(7) the provisions of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4501 et seq.), by the Director of Federal Housing Enterprise Oversight (and any successor to such functional regulatory agency) with respect to the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, and any other entity or enterprise (as defined in that title) subject to the jurisdiction of such functional regulatory agency under that title, including any affiliate of any such enterprise;

(8) State insurance law, in the case of any person engaged in providing insurance, by the applicable State insurance authority of the State in which the person is domiciled; and

(9) the Federal Trade Commission Act (15 U.S.C. 41 et seq.), by the Commission for any other covered entity that is not subject to the jurisdiction of any agency or authority described under paragraphs (1) through (8).

(b) **EXTENSION OF FEDERAL TRADE COMMISSION ENFORCEMENT AUTHORITY.**—The authority of the Commission to enforce compliance with section 803, and the regulations required under section 804, under subsection (a)(8) shall—

(1) notwithstanding the Federal Aviation Act of 1958 (49 U.S.C. App. 1301 et seq.), include the authority to enforce compliance by air carriers and foreign air carriers; and

(2) notwithstanding the Packers and Stockyards Act (7 U.S.C. 181 et seq.), include the authority to enforce compliance by persons, partnerships, and corporations subject to the provisions of that Act.

(c) **NO PRIVATE RIGHT OF ACTION.**—

(1) **IN GENERAL.**—This title, and the regulations prescribed under this title, may not be construed to provide a private right of action, including a class action with respect to any act or practice regulated under this title.

(2) **CIVIL AND CRIMINAL ACTIONS.**—No civil or criminal action relating to any act or practice governed under this title, or the regulations prescribed under this title, shall be commenced or maintained in any State court or under State law, including a pending State claim to an action under Federal law.

#### SEC. 806. PROTECTION OF INFORMATION AT FEDERAL AGENCIES.

(a) **DATA SECURITY STANDARDS.**—Each agency shall implement appropriate standards relating to administrative, technical, and physical safeguards—

(1) to insure the security and confidentiality of the sensitive account information and sensitive personal information that is maintained or is being communicated by, or on behalf of, that agency;

(2) to protect against any anticipated threats or hazards to the security of such information; and

(3) to protect against misuse of such information, which could result in substantial harm or inconvenience to a consumer.

(b) **SECURITY BREACH NOTIFICATION STANDARDS.**—Each agency shall implement appropriate standards providing for notification of consumers when such agency determines that sensitive account information or sensitive personal information that is maintained or is being communicated by, or on behalf of, such agency—

(1) has been acquired without authorization; and

(2) is reasonably likely to be misused in a manner causing substantial harm or incon-

venience to the consumers to whom the information relates.

#### SEC. 807. RELATION TO STATE LAW.

No requirement or prohibition may be imposed under the laws of any State with respect to the responsibilities of any person to—

(1) protect the security of information relating to consumers that is maintained or communicated by, or on behalf of, such person;

(2) safeguard information relating to consumers from potential misuse;

(3) investigate or provide notice of the unauthorized access to information relating to consumers, or the potential misuse of such information for fraudulent, illegal, or other purposes; or

(4) mitigate any loss or harm resulting from the unauthorized access or misuse of information relating to consumers.

#### SEC. 808. DELAYED EFFECTIVE DATE FOR CERTAIN PROVISIONS.

(a) **COVERED ENTITIES.**—Sections 803 and 807 shall take effect on the later of—

(1) 1 year after the date of enactment of this Act; or

(2) the effective date of the final regulations required under section 804.

(b) **AGENCIES.**—Section 806 shall take effect 1 year after the date of enactment of this Act.

**SA 2642.** Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 3406, to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to products of the Russian Federation and Moldova, to require reports on the compliance of the Russian Federation with its obligations as a member of the World Trade Organization, and to impose sanctions on persons responsible for gross violations of human rights, and for other purposes; which was ordered to lie on the table; as follows:

On page 25, line 14, insert “or any other foreign government” before the semicolon.

**SA 2643.** Mr. JOHNSON of Wisconsin submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 8, after line 22, insert the following:

#### SEC. 3. EFFECTIVE DATE.

(a) **IN GENERAL.**—Except as provided in subsection (b)(2), this Act and the amendments made by this Act shall not take effect until the date on which the Congressional Budget Office submits to Congress a report regarding the budgetary effects of this Act.

(b) **CBO SCORE.**—

(1) **REPORT.**—The Congressional Budget Office shall submit to Congress a report regarding the budgetary effects of this Act.

(2) **EFFECTIVE DATE.**—Paragraph (1) shall take effect on the date of enactment of this Act.

**SA 2644.** Mr. TOOMEY (for himself, Ms. SNOWE, Mr. DEMINT, Mr. BLUNT, Mr. RUBIO, and Mr. HELLER) submitted an amendment intended to be proposed

by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE VIII—DATA SECURITY AND BREACH NOTIFICATION**

**SEC. 801. REQUIREMENTS FOR INFORMATION SECURITY.**

Each covered entity shall take reasonable measures to protect and secure data in electronic form containing personal information.

**SEC. 802. NOTIFICATION OF INFORMATION SECURITY BREACH.**

(a) NOTIFICATION.—

(1) IN GENERAL.—A covered entity that owns or licenses data in electronic form containing personal information shall give notice of any breach of the security of the system following discovery by the covered entity of the breach of the security of the system to each individual who is a citizen or resident of the United States whose personal information was or that the covered entity reasonably believes to have been accessed and acquired by an unauthorized person and that the covered entity reasonably believes has caused or will cause, identity theft or other financial harm.

(2) LAW ENFORCEMENT.—A covered entity shall notify the Secret Service or the Federal Bureau of Investigation of the fact that a breach of security has occurred if the number of individuals whose personal information the covered entity reasonably believes to have been accessed and acquired by an unauthorized person exceeds 10,000.

(b) SPECIAL NOTIFICATION REQUIREMENTS.—

(1) THIRD-PARTY AGENTS.—

(A) IN GENERAL.—In the event of a breach of security of a system maintained by a third-party entity that has been contracted to maintain, store, or process data in electronic form containing personal information on behalf of a covered entity who owns or possesses such data, such third-party entity shall notify such covered entity of the breach of security.

(B) COVERED ENTITIES WHO RECEIVE NOTICE FROM THIRD PARTIES.—Upon receiving notification from a third party under subparagraph (A), a covered entity shall provide notification as required under subsection (a).

(C) EXCEPTION FOR SERVICE PROVIDERS.—A service provider shall not be considered a third-party agent for purposes of this paragraph.

(2) SERVICE PROVIDERS.—

(A) IN GENERAL.—If a service provider becomes aware of a breach of security involving data in electronic form containing personal information that is owned or possessed by a covered entity that connects to or uses a system or network provided by the service provider for the purpose of transmitting, routing, or providing intermediate or transient storage of such data, such service provider shall notify the covered entity who initiated such connection, transmission, routing, or storage if such covered entity can be reasonably identified.

(B) COVERED ENTITIES WHO RECEIVE NOTICE FROM SERVICE PROVIDERS.—Upon receiving notification from a service provider under subparagraph (A), a covered entity shall provide notification as required under subsection (a).

(c) TIMELINESS OF NOTIFICATION.—

(1) IN GENERAL.—Unless subject to a delay authorized under paragraph (2), a notification required under subsection (a) with respect to a security breach shall be made as

expeditiously as practicable and without unreasonable delay, consistent with any measures necessary to determine the scope of the security breach and restore the reasonable integrity of the data system that was breached.

(2) DELAY OF NOTIFICATION AUTHORIZED FOR LAW ENFORCEMENT OR NATIONAL SECURITY PURPOSES.—

(A) LAW ENFORCEMENT.—If a Federal law enforcement agency determines that the notification required under subsection (a) would impede a civil or criminal investigation, such notification shall be delayed upon the written request of the law enforcement agency for any period which the law enforcement agency determines is reasonably necessary. A law enforcement agency may, by a subsequent written request, revoke such delay or extend the period set forth in the original request made under this subparagraph by a subsequent request if further delay is necessary.

(B) NATIONAL SECURITY.—If a Federal national security agency or homeland security agency determines that the notification required under this section would threaten national or homeland security, such notification may be delayed upon the written request of the national security agency or homeland security agency for any period which the national security agency or homeland security agency determines is reasonably necessary. A Federal national security agency or homeland security agency may revoke such delay or extend the period set forth in the original request made under this subparagraph by a subsequent written request if further delay is necessary.

(d) METHOD AND CONTENT OF NOTIFICATION.—

(1) DIRECT NOTIFICATION.—

(A) METHOD OF NOTIFICATION.—A covered entity required to provide notification to an individual under subsection (a) shall be in compliance with such requirement if the covered entity provides such notice by one of the following methods:

(i) Written notification, sent to the postal address of the individual in the records of the covered entity.

(ii) Telephone.

(iii) Email or other electronic means.

(B) CONTENT OF NOTIFICATION.—Regardless of the method by which notification is provided to an individual under subparagraph (A) with respect to a security breach, such notification, to the extent practicable, shall include—

(i) the date, estimated date, or estimated date range of the breach of security;

(ii) a description of the personal information that was accessed and acquired, or reasonably believed to have been accessed and acquired, by an unauthorized person as a part of the security breach; and

(iii) information that the individual can use to contact the covered entity to inquire about—

(I) the breach of security; or

(II) the information the covered entity maintained about that individual.

(2) SUBSTITUTE NOTIFICATION.—

(A) CIRCUMSTANCES GIVING RISE TO SUBSTITUTE NOTIFICATION.—A covered entity required to provide notification to an individual under subsection (a) may provide substitute notification in lieu of the direct notification required by paragraph (1) if such direct notification is not feasible due to—

(i) excessive cost to the covered entity required to provide such notification relative to the resources of such covered entity; or

(ii) lack of sufficient contact information for the individual required to be notified.

(B) FORM OF SUBSTITUTE NOTIFICATION.—Such substitute notification shall include at least one of the following:

(i) A conspicuous notice on the Internet Web site of the covered entity (if such covered entity maintains such a Web site).

(ii) Notification in print and to broadcast media, including major media in metropolitan and rural areas where the individuals whose personal information was acquired reside.

(e) TREATMENT OF PERSONS GOVERNED BY OTHER FEDERAL LAW.—Except as provided in section 4(b), a covered entity who is in compliance with any other Federal law that requires such covered entity to provide notification to individuals following a breach of security shall be deemed to be in compliance with this section.

**SEC. 803. APPLICATION AND ENFORCEMENT.**

(a) GENERAL APPLICATION.—The requirements of sections 801 and 802 apply to—

(1) those persons, partnerships, or corporations over which the Commission has authority pursuant to section 5(a)(2) of the Federal Trade Commission Act (15 U.S.C. 45(a)(2)); and

(2) notwithstanding section 5(a)(2) of the Federal Trade Commission Act (15 U.S.C. 45(a)(2)), common carriers subject to the Communications Act of 1934 (47 U.S.C. 151 et seq.).

(b) APPLICATION TO CABLE OPERATORS, SATELLITE OPERATORS, AND TELECOMMUNICATIONS CARRIERS.—Sections 222, 338, and 631 of the Communications Act of 1934 (47 U.S.C. 222, 338, and 551), and any regulations promulgated thereunder, shall not apply with respect to the information security practices, including practices relating to the notification of unauthorized access to data in electronic form, of any covered entity otherwise subject to those sections.

(c) ENFORCEMENT BY FEDERAL TRADE COMMISSION.—

(1) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—A violation of section 801 or 802 shall be treated as an unfair or deceptive act or practice in violation of a regulation under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)) regarding unfair or deceptive acts or practices.

(2) POWERS OF COMMISSION.—

(A) IN GENERAL.—Except as provided in subsection (a), the Commission shall enforce this title in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this title.

(B) PRIVILEGES AND IMMUNITIES.—Any person who violates section 801 or 802 shall be subject to the penalties and entitled to the privileges and immunities provided in such Act.

(3) MAXIMUM TOTAL LIABILITY.—Notwithstanding the number of actions which may be brought against a covered entity under this subsection, the maximum civil penalty for which any covered entity may be liable under this subsection for all actions shall not exceed—

(A) \$500,000 for all violations of section 801 resulting from the same related act or omission; and

(B) \$500,000 for all violations of section 802 resulting from a single breach of security.

(d) NO PRIVATE CAUSE OF ACTION.—Nothing in this title shall be construed to establish a private cause of action against a person for a violation of this title.

**SEC. 804. DEFINITIONS.**

In this title:



(1) **BREACH OF SECURITY.**—The term “breach of security” means unauthorized access and acquisition of data in electronic form containing personal information.

(2) **COMMISSION.**—The term “Commission” means the Federal Trade Commission.

(3) **COVERED ENTITY.**—

(A) **IN GENERAL.**—The term “covered entity” means a sole proprietorship, partnership, corporation, trust, estate, cooperative, association, or other commercial entity that acquires, maintains, stores, or utilizes personal information.

(B) **EXEMPTIONS.**—The term “covered entity” does not include the following:

(i) Financial institutions subject to title V of the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et seq.).

(ii) An entity covered by the regulations issued under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191) to the extent that such entity is subject to the requirements of such regulations with respect to protected health information.

(4) **DATA IN ELECTRONIC FORM.**—The term “data in electronic form” means any data stored electronically or digitally on any computer system or other database and includes recordable tapes and other mass storage devices.

(5) **PERSONAL INFORMATION.**—

(A) **IN GENERAL.**—The term “personal information” means an individual’s first name or first initial and last name in combination with any one or more of the following data elements for that individual:

(i) Social Security number.

(ii) Driver’s license number, passport number, military identification number, or other similar number issued on a government document used to verify identity.

(iii) Financial account number, or credit or debit card number, and any required security code, access code, or password that is necessary to permit access to an individual’s financial account.

(B) **EXCLUSIONS.**—

(i) **PUBLIC RECORD INFORMATION.**—Personal information does not include information obtained about an individual which has been lawfully made publicly available by a Federal, State, or local government entity or widely distributed by media.

(ii) **ENCRYPTED, REDACTED, OR SECURED DATA.**—Personal information does not include information that is encrypted, redacted, or secured by any other method or technology that renders the data elements unusable.

(6) **SERVICE PROVIDER.**—The term “service provider” means an entity that provides electronic data transmission, routing, intermediate, and transient storage, or connections to its system or network, where such entity providing such services does not select or modify the content of the electronic data, is not the sender or the intended recipient of the data, and does not differentiate personal information from other information that such entity transmits, routes, stores, or for which such entity provides connections. Any such entity shall be treated as a service provider under this title only to the extent that it is engaged in the provision of such transmission, routing, intermediate and transient storage, or connections.

#### SEC. 805. EFFECT ON OTHER LAWS.

This title preempts any law, rule, regulation, requirement, standard, or other provision having the force and effect of law of any State, or political subdivision of a State, relating to the protection or security of data in electronic form containing personal infor-

mation or the notification of a breach of security.

#### SEC. 806. EFFECTIVE DATE.

This title shall take effect on the date that is 1 year after the date of enactment of this Act.

**SA 2645.** Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

#### TITLE VIII—GRID CYBER SECURITY

##### SEC. 801. SHORT TITLE.

This title may be cited as the “Grid Cyber Security Act”.

##### SEC. 802. CRITICAL ELECTRIC INFRASTRUCTURE.

Part II of the Federal Power Act (16 U.S.C. 824 et seq.) is amended by adding at the end the following:

##### “SEC. 224. CRITICAL ELECTRIC INFRASTRUCTURE.

“(a) **DEFINITIONS.**—In this section:

“(1) **CRITICAL ELECTRIC INFRASTRUCTURE.**—The term ‘critical electric infrastructure’ means systems and assets, whether physical or virtual, used for the generation, transmission, or distribution of electric energy affecting interstate commerce that, as determined by the Commission or the Secretary (as appropriate), are so vital to the United States that the incapacity or destruction of the systems and assets would have a debilitating impact on national security, national economic security, or national public health or safety.

“(2) **CRITICAL ELECTRIC INFRASTRUCTURE INFORMATION.**—The term ‘critical electric infrastructure information’ means critical infrastructure information relating to critical electric infrastructure.

“(3) **CRITICAL INFRASTRUCTURE INFORMATION.**—The term ‘critical infrastructure information’ has the meaning given the term in section 212 of the Critical Infrastructure Information Act of 2002 (6 U.S.C. 131).

“(4) **CYBER SECURITY THREAT.**—The term ‘cyber security threat’ means the imminent danger of an act that disrupts, attempts to disrupt, or poses a significant risk of disrupting the operation of programmable electronic devices or communications networks (including hardware, software, and data) essential to the reliable operation of critical electric infrastructure.

“(5) **CYBER SECURITY VULNERABILITY.**—The term ‘cyber security vulnerability’ means a weakness or flaw in the design or operation of any programmable electronic device or communication network that exposes critical electric infrastructure to a cyber security threat.

“(6) **ELECTRIC RELIABILITY ORGANIZATION.**—The term ‘Electric Reliability Organization’ has the meaning given the term in section 215(a).

“(7) **SECRETARY.**—The term ‘Secretary’ means the Secretary of Energy.

“(b) **AUTHORITY OF COMMISSION.**—

“(1) **INITIAL DETERMINATION.**—Not later than 120 days after the date of enactment of this section, the Commission shall determine whether reliability standards established pursuant to section 215 are adequate to protect critical electric infrastructure from cyber security vulnerabilities.

“(2) **INITIAL ORDER.**—Unless the Commission determines that the reliability standards established pursuant to section 215 are

adequate to protect critical electric infrastructure from cyber security vulnerabilities within 120 days after the date of enactment of this section, the Commission shall order the Electric Reliability Organization to submit to the Commission, not later than 180 days after the date of issuance of the order, a proposed reliability standard or a modification to a reliability standard that will provide adequate protection of critical electric infrastructure from cyber security vulnerabilities.

“(3) **SUBSEQUENT DETERMINATIONS AND ORDERS.**—If at any time following the issuance of the initial order under paragraph (2) the Commission determines that the reliability standards established pursuant to section 215 are inadequate to protect critical electric infrastructure from a cyber security vulnerability, the Commission shall order the Electric Reliability Organization to submit to the Commission, not later than 180 days after the date of the determination, a proposed reliability standard or a modification to a reliability standard that will provide adequate protection of critical electric infrastructure from the cyber security vulnerability.

“(4) **RELIABILITY STANDARDS.**—Any proposed reliability standard or modification to a reliability standard submitted pursuant to paragraph (2) or (3) shall be developed and approved in accordance with section 215(d).

“(5) **ADDITIONAL TIME.**—The Commission may, by order, grant the Electric Reliability Organization reasonable additional time to submit a proposed reliability standard or a modification to a reliability standard under paragraph (2) or (3).

“(c) **EMERGENCY AUTHORITY OF SECRETARY.**—

“(1) **IN GENERAL.**—If the Secretary determines that immediate action is necessary to protect critical electric infrastructure from a cyber security threat, the Secretary may require, by order, with or without notice, persons subject to the jurisdiction of the Commission under this section to take such actions as the Secretary determines will best avert or mitigate the cyber security threat.

“(2) **COORDINATION WITH CANADA AND MEXICO.**—In exercising the authority granted under this subsection, the Secretary is encouraged to consult and coordinate with the appropriate officials in Canada and Mexico responsible for the protection of cyber security of the interconnected North American electricity grid.

“(3) **CONSULTATION.**—Before exercising the authority granted under this subsection, to the extent practicable, taking into account the nature of the threat and urgency of need for action, the Secretary shall consult with the entities described in subsection (e)(1) and with officials at other Federal agencies, as appropriate, regarding implementation of actions that will effectively address the identified cyber security threat.

“(4) **COST RECOVERY.**—The Commission shall establish a mechanism that permits public utilities to recover prudently incurred costs required to implement immediate actions ordered by the Secretary under this subsection.

“(d) **DURATION OF EXPEDITED OR EMERGENCY RULES OR ORDERS.**—Any order issued by the Secretary under subsection (c) shall remain effective for not more than 90 days unless, during the 90 day-period, the Secretary—

“(1) gives interested persons an opportunity to submit written data, views, or arguments; and

“(2) affirms, amends, or repeals the rule or order.



“(e) JURISDICTION.—

“(1) IN GENERAL.—Notwithstanding section 201, this section shall apply to any entity that owns, controls, or operates critical electric infrastructure.

“(2) COVERED ENTITIES.—

“(A) IN GENERAL.—An entity described in paragraph (1) shall be subject to the jurisdiction of the Commission for purposes of—

“(i) carrying out this section; and

“(ii) applying the enforcement authorities of this Act with respect to this section.

“(B) JURISDICTION.—This subsection shall not make an electric utility or any other entity subject to the jurisdiction of the Commission for any other purpose.

“(3) ALASKA AND HAWAII EXCLUDED.—Except as provided in subsection (f), nothing in this section shall apply in the State of Alaska or Hawaii.

“(f) DEFENSE FACILITIES.—Not later than 1 year after the date of enactment of this section, the Secretary of Defense shall prepare, in consultation with the Secretary, the States of Alaska and Hawaii, the Territory of Guam, and the electric utilities that serve national defense facilities in those States and Territory, a comprehensive plan that identifies the emergency measures or actions that will be taken to protect the reliability of the electric power supply of the national defense facilities located in those States and Territory in the event of an imminent cybersecurity threat.

“(g) PROTECTION OF CRITICAL ELECTRIC INFRASTRUCTURE INFORMATION.—

“(1) IN GENERAL.—Section 214 of the Critical Infrastructure Information Act of 2002 (6 U.S.C. 133) shall apply to critical electric infrastructure information submitted to the Commission or the Secretary under this section, or developed by a Federal power marketing administration or the Tennessee Valley Authority under this section or section 215, to the same extent as that section applies to critical infrastructure information voluntarily submitted to the Department of Homeland Security under that Act (6 U.S.C. 131 et seq.).

“(2) RULES PROHIBITING DISCLOSURE.—Notwithstanding section 552 of title 5, United States Code, the Secretary and the Commission shall prescribe regulations prohibiting disclosure of information obtained or developed in ensuring cyber security under this section if the Secretary or Commission, as appropriate, decides disclosing the information would be detrimental to the security of critical electric infrastructure.

“(3) PROCEDURES FOR SHARING INFORMATION.—

“(A) IN GENERAL.—The Secretary and the Commission shall establish procedures on the release of critical infrastructure information to entities subject to this section, to the extent necessary to enable the entities to implement rules or orders of the Commission or the Secretary.

“(B) REQUIREMENTS.—The procedures shall—

“(i) limit the redissemination of information described in subparagraph (A) to ensure that the information is not used for an unauthorized purpose;

“(ii) ensure the security and confidentiality of the information;

“(iii) protect the constitutional and statutory rights of any individuals who are subjects of the information; and

“(iv) provide data integrity through the timely removal and destruction of obsolete or erroneous names and information.

“(h) ACCESS TO CLASSIFIED INFORMATION.—

“(1) AUTHORIZATION REQUIRED.—No person shall be provided with access to classified in-

formation (as defined in section 6.1 of Executive Order 13526 (50 U.S.C. 435 note; relating to classified national security information)) relating to cyber security threats or cyber security vulnerabilities under this section without the appropriate security clearances.

“(2) SECURITY CLEARANCES.—The appropriate Federal agencies or departments shall cooperate with the Secretary or the Commission, to the maximum extent practicable consistent with applicable procedures and requirements, in expeditiously providing appropriate security clearances to individuals that have a need-to-know (as defined in section 6.1 of that Executive Order) classified information to carry out this section.

“(1) NUCLEAR SAFETY.—No order issued by the Secretary or the Commission under this section, no reliability standard issued or modified by the Electric Reliability Organization pursuant to this section, and no temporary emergency order issued by the Electric Reliability Organization under section 215(d)(7) shall require or authorize a licensee of the Nuclear Regulatory Commission to operate a facility licensed by the Nuclear Regulatory Commission in a manner inconsistent with the terms of the license of the facility.”.

#### SEC. 803. LIMITED ADDITION OF ERO AUTHORITY FOR CRITICAL ELECTRIC INFRASTRUCTURE.

Section 215(a)(1) of the Federal Power Act (16 U.S.C. 824o(a)(1)) is amended—

(1) in the first sentence—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting appropriately;

(B) by striking “(1) The term” and inserting the following:

“(1) BULK-POWER SYSTEM.—

“(A) IN GENERAL.—The term”;

(C) in clause (i) (as so redesignated), by striking “and” after the semicolon at the end;

(D) in clause (ii) (as so redesignated), by striking the period at the end and inserting “; and”;

(E) by adding at the end the following:

“(iii) for purposes of section 224, facilities used for the local distribution of electric energy that the Commission determines to be critical electric infrastructure pursuant to section 224.”; and

(2) in the second sentence, by striking “The term” and inserting the following:

“(B) EXCLUSION.—Except as provided in subparagraph (A), the term”.

#### SEC. 804. LIMITATION.

Section 215(i) of the Federal Power Act (16 U.S.C. 824o(i)) is amended by adding at the end the following:

“(6) LIMITATION.—The ERO shall have authority to develop and enforce compliance with reliability standards and temporary emergency orders with respect to a facility used in the local distribution of electric energy only to the extent the Commission determines the facility is so vital to the United States that the incapacity or destruction of the facility would have a debilitating impact on national security, national economic security, or national public health or safety.”.

#### SEC. 805. TEMPORARY EMERGENCY ORDERS FOR CYBER SECURITY VULNERABILITIES.

Section 215(d) of the Federal Power Act (16 U.S.C. 824o(d)) is amended by adding at the end the following:

“(7) TEMPORARY EMERGENCY ORDERS FOR CYBER SECURITY VULNERABILITIES.—Notwithstanding paragraphs (1) through (6), if the Commission determines that immediate action is necessary to protect critical electric infrastructure for a cyber security vulner-

ability, the Commission may, without prior notice or hearing, after consulting the ERO, require the ERO—

“(A) to develop and issue a temporary emergency order to address the cyber security vulnerability;

“(B) to make the temporary emergency order immediately effective; and

“(C) to keep the temporary emergency order in effect until—

“(i) the ERO develops, and the Commission approves, a final reliability standard under this section; or

“(ii) the Commission authorizes the ERO to withdraw the temporary emergency order.”.

#### SEC. 806. EMP STUDY.

(a) DOE REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary of Energy, in consultation with appropriate experts at the National Laboratories (as defined in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801)), shall prepare and publish a report that assesses the susceptibility of critical electric infrastructure to electromagnetic pulse events and geomagnetic disturbances.

(b) CONTENTS.—The report under subsection (a) shall—

(1) examine the risk of electromagnetic pulse events and geomagnetic disturbances, using both computer-based simulations and experimental testing;

(2) assess the full spectrum of possible events and disturbances and the likelihood that the events and disturbances would cause significant disruption to the transmission and distribution of electric power; and

(3) seek to quantify and reduce uncertainties associated with estimates for electromagnetic pulse events and geomagnetic disturbances.

(c) FERC ASSESSMENT.—Not later than 1 year after publication of the report under subsection (a), the Federal Energy Regulatory Commission, in coordination with the Secretary of Energy and in consultation with electric utilities and the ERO (as defined in section 215(a) of the Federal Power Act (16 U.S.C. 824o(a))), shall submit to Congress an assessment of whether and to what extent infrastructure affecting the transmission of electric power in interstate commerce should be hardened against electromagnetic events and geomagnetic disturbances, including an estimate of the costs and benefits of options to harden the infrastructure.

#### SEC. 807. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

**SA 2646.** Mr. MENENDEZ (for himself and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

#### SEC. 305. CYBERSECURITY UNIVERSITY-INDUSTRY TASK FORCE.

(a) ESTABLISHMENT OF UNIVERSITY-INDUSTRY TASK FORCE.—Not later than 180 days

after the date of enactment of this Act, the Director of the Office of Science and Technology Policy shall convene a task force to explore mechanisms for carrying out collaborative research, development, education, and training activities for cybersecurity through a consortium, or other appropriate entity, with participants from institutions of higher education and industry.

(b) **FUNCTIONS.**—The task force established under subsection (a) shall—

(1) develop options for a collaborative model and an organizational structure for such entity under which the joint research and development activities could be planned, managed, and conducted effectively, including mechanisms for the allocation of resources among the participants in the consortium;

(2) propose a process for developing a research and development agenda for such entity, including guidelines to ensure an appropriate scope of work focused on nationally significant challenges and requiring collaboration;

(3) define the roles and responsibilities for the participants from institutions of higher education and industry in such entity;

(4) propose guidelines for assigning intellectual property rights and for the transfer of research and development results to the private sector; and

(5) make recommendations for how such entity could be funded from Federal, State, and nongovernmental sources.

(c) **COMPOSITION.**—In establishing the task force under subsection (a), the Director of the Office of Science and Technology Policy shall appoint an equal number of individuals from institutions of higher education, including minority-serving institutions and community colleges, and from industry with knowledge and expertise in cybersecurity.

(d) **REPORT.**—Not later than 12 months after the date of enactment of this Act, the Director of the Office of Science and Technology Policy shall transmit to the Congress a report describing the findings and recommendations of the task force established under subsection (a).

(e) **TERMINATION.**—The task force established under subsection (a) shall terminate upon transmittal of the report required under subsection (d).

(f) **COMPENSATION AND EXPENSES.**—Members of the task force established under subsection (a) shall serve without compensation.

#### **SEC. 306. NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY RESEARCH AND DEVELOPMENT.**

(a) **NIST CYBERSECURITY CHECKLISTS, CONFIGURATION PROFILES, AND DEPLOYMENT RECOMMENDATIONS.**—Subsection (c) of section 8 of the Cyber Security Research and Development Act (15 U.S.C. 7406) is amended to read as follows:

“(c) **SECURITY AUTOMATION AND CHECKLISTS FOR GOVERNMENT SYSTEMS.**—

“(1) **IN GENERAL.**—The Director of the National Institute of Standards and Technology shall develop, and revise as necessary, security automation standards, associated reference materials (including protocols), and checklists providing settings and option selections that minimize the security risks associated with each information technology hardware or software system and security tool that is, or is likely to become, widely used within the Federal Government in order to enable standardized and interoperable technologies, architectures, and frameworks for continuous monitoring of information security within the Federal Government.

“(2) **PRIORITIES FOR DEVELOPMENT, IDENTIFICATION, REVISION, AND ADAPTATION.**—The

Director of the National Institute of Standards and Technology shall establish priorities for the development of standards, reference materials, and checklists under this subsection on the basis of—

“(A) the security risks associated with the use of each system;

“(B) the number of agencies that use a particular system or security tool;

“(C) the usefulness of the standards, reference materials, or checklists to Federal agencies that are users or potential users of the system;

“(D) the effectiveness of the associated standard, reference material, or checklist in creating or enabling continuous monitoring of information security; or

“(E) such other factors as the Director of the National Institute of Standards and Technology determines to be appropriate.

“(3) **EXCLUDED SYSTEMS.**—The Director of the National Institute of Standards and Technology may exclude from the requirements of paragraph (1) any information technology hardware or software system or security tool for which such Director determines that the development of a standard, reference material, or checklist is inappropriate because of the infrequency of use of the system, the obsolescence of the system, or the inutility or impracticability of developing a standard, reference material, or checklist for the system.

“(4) **DISSEMINATION OF CHECKLISTS, CONFIGURATION PROFILES, AND DEPLOYMENT RECOMMENDATIONS.**—The Director of the National Institute of Standards and Technology shall ensure that Federal agencies are informed of the availability of any standard, reference material, checklist, or other item developed under this subsection.

“(5) **AGENCY USE REQUIREMENTS.**—The development of standards, reference materials, and checklists under paragraph (1) for an information technology hardware or software system or tool does not—

“(A) require any Federal agency to select the specific settings or options recommended by the standard, reference material, or checklist for the system;

“(B) establish conditions or prerequisites for Federal agency procurement or deployment of any such system;

“(C) imply an endorsement of any such system by the Director of the National Institute of Standards and Technology; or

“(D) preclude any Federal agency from procuring or deploying other information technology hardware or software systems for which no such standard, reference material, or checklist has been developed, or identified under paragraph (1).”

(b) **NIST CYBERSECURITY RESEARCH AND DEVELOPMENT.**—Section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3) is amended by redesignating subsection (e) as subsection (f), and by inserting after subsection (d) the following:

“(e) **INTRAMURAL SECURITY RESEARCH.**—As part of the research activities conducted in accordance with subsection (d)(3), the Institute shall—

“(1) conduct a research program to develop a unifying and standardized identity, privilege, and access control management framework for the execution of a wide variety of resource protection policies and that is amenable to implementation within a wide variety of existing and emerging computing environments;

“(2) carry out research associated with improving the security of information systems and networks;

“(3) carry out research associated with improving the testing, measurement, usability, and assurance of information systems and networks; and

“(4) carry out research associated with improving security of industrial control systems.”

(c) **NIST IDENTITY MANAGEMENT RESEARCH AND DEVELOPMENT.**—The Director shall continue a program to support the development of technical standards, metrology, testbeds, and conformance criteria, taking into account appropriate user concerns—

(1) to improve interoperability among identity management technologies;

(2) to strengthen authentication methods of identity management systems;

(3) to improve privacy protection in identity management systems, including health information technology systems, through authentication and security protocols; and

(4) to improve the usability of identity management systems.

(d) **FEDERAL GOVERNMENT CLOUD COMPUTING STRATEGY.**—

(1) **IN GENERAL.**—The Director, in collaboration with the Federal Chief Information Officers Council, and in consultation with other relevant Federal agencies and stakeholders from the private sector, shall continue to develop and encourage the implementation of a comprehensive strategy for the use and adoption of cloud computing services by the Federal Government.

(2) **ACTIVITIES.**—In carrying out the strategy developed under subsection (a), the Director shall give consideration to activities that—

(A) accelerate the development, in collaboration with the private sector, of standards that address interoperability and portability of cloud computing services;

(B) advance the development of conformance testing performed by the private sector in support of cloud computing standardization; and

(C) support, in consultation with the private sector, the development of appropriate security frameworks and reference materials, and the identification of best practices, for use by Federal agencies to address security and privacy requirements to enable the use and adoption of cloud computing services, including activities—

(i) to ensure the physical security of cloud computing data centers and the data stored in such centers;

(ii) to ensure secure access to the data stored in cloud computing data centers;

(iii) to develop security standards as required under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3); and

(iv) to support the development of the automation of continuous monitoring systems.

**SA 2647.** Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### **SEC. \_\_\_\_ SPECTRUM EFFICIENCY AND SECURITY FUND.**

(a) **RETENTION OF UNUSED FUNDS.**—Section 118(d)(4) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 928(d)(4)) is amended by striking “8 years” and inserting “20 years”.

(b) **USE OF FUND FOR PLANNING AND RESEARCH.**—

(1) IN GENERAL.—Section 118(c) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 928(c)) is amended to read as follows:

“(c) USES OF FUNDS.—The amounts in the Fund are authorized to be used—

“(1) to pay relocation costs;

“(2) to fund planning and research with the goal of improving the efficiency of Federal use of spectrum and security of Federal wireless networks and systems; and

“(3) to cover the costs of eligible Federal entities to upgrade their equipment and facilities as long as such upgrades include spectrum sharing, reuse, and layering, and result in more efficient use of spectrum and more secure networks and systems by such entities.”.

(2) CONFORMING AMENDMENT.—Section 118(d)(2) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 928(d)(2)) is amended, in the matter preceding subparagraph (A), by inserting “to pay relocation costs” after “subsection”.

(c) NATIONAL SCIENCE FOUNDATION.—Section 118(e) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 928(e)) is amended by adding at the end the following:

“(3) ELIGIBLE FEDERAL ENTITY; NATIONAL SCIENCE FOUNDATION.—In this section, the term ‘eligible Federal entity’ shall include the National Science Foundation. As an eligible Federal entity, the National Science Foundation may submit to the Director of OMB requests for funds under this section to support spectrum research and experimental facilities by the Foundation, provided that such requests have, in the determination of the Director of OMB, in consultation with the NTIA, clear benefits to existing and future Federal users of spectrum. The Director of OMB shall give priority to research that improves spectral efficiency or security of wireless network or systems.”.

(d) SPECTRUM EFFICIENCY AND SECURITY FUND.—

(1) IN GENERAL.—Section 118 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 928) is amended—

(A) in the section heading, by striking “SPECTRUM RELOCATION FUND” and inserting “SPECTRUM EFFICIENCY AND SECURITY FUND”; and

(B) in subsection (a), by striking “Spectrum Relocation Fund” and inserting “Spectrum Efficiency and Security Fund”.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) COMMUNICATIONS ACT OF 1934.—Section 309(j)(8)(D) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(D)) is amended—

(i) in clause (i), by striking “Spectrum Relocation Fund” and inserting “Spectrum Efficiency and Security Fund”; and

(ii) in clause (ii), in the first sentence, by striking “Spectrum Relocation Fund” and inserting “Spectrum Efficiency and Security Fund”.

(B) NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION ORGANIZATION ACT.—Section 113 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923) is amended—

(i) in subsection (g)(3), in the first sentence, by striking “Spectrum Relocation Fund” and inserting “Spectrum Efficiency and Security Fund”; and

(ii) in subsection (h)(2)(G)(i), by striking “Spectrum Relocation Fund” and inserting “Spectrum Efficiency and Security Fund”.

**SA 2648.** Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the end, add the following:

#### TITLE VIII—MISCELLANEOUS

##### SEC. 801. ACTIONS TO ADDRESS FOREIGN ECONOMIC OR INDUSTRIAL ESPIONAGE IN CYBERSPACE.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Director of National Intelligence shall submit to the appropriate congressional committees a report on foreign economic and industrial espionage in cyberspace during the 12-month period preceding the submission of the report that—

(A) identifies—

(i) foreign countries that engage in economic or industrial espionage in cyberspace with respect to trade secrets owned by United States persons;

(ii) foreign countries identified under clause (i) that the Director determines engage in the most egregious economic or industrial espionage in cyberspace with respect to trade secrets owned by United States persons (in this section referred to as “priority foreign countries”);

(iii) technologies developed by United States persons that—

(I) are targeted for economic or industrial espionage in cyberspace; and

(II) to the extent practicable, have been appropriated through such espionage; and

(iv) articles manufactured or otherwise produced using technologies described in clause (iii);

(B) describes the economic or industrial espionage engaged in by the foreign countries identified under subparagraph (A); and

(C) describes—

(i) actions taken by the Director and other Federal agencies to decrease the prevalence of economic or industrial espionage in cyberspace; and

(ii) the progress made in decreasing the prevalence of economic or industrial espionage in cyberspace.

(2) DETERMINATION OF FOREIGN COUNTRIES ENGAGING IN ECONOMIC OR INDUSTRIAL ESPIONAGE IN CYBERSPACE.—For purposes of paragraph (1)(A), the Director shall identify a foreign country as a foreign country that engages in economic or industrial espionage in cyberspace with respect to trade secrets owned by United States persons if the government of the foreign country—

(A) engages in economic or industrial espionage in cyberspace with respect to trade secrets owned by United States persons; or

(B) facilitates, supports, fails to prosecute, or otherwise tolerates such espionage by—

(i) individuals who are citizens or residents of the foreign country; or

(ii) entities that are organized under the laws of the foreign country or are otherwise subject to the jurisdiction of the government of the foreign country.

(3) FORM OF REPORT.—Each report required by paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

(b) REFERRAL TO UNITED STATES INTERNATIONAL TRADE COMMISSION.—The Director of National Intelligence shall refer the report required by subsection (a) to the United States International Trade Commission for appropriate action under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337).

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, the Committee on Finance, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Homeland Security, the Committee on Foreign Affairs, the Committee on Ways and Means, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) CYBERSPACE.—The term “cyberspace”—

(A) means the interdependent network of information technology infrastructures; and

(B) includes the Internet, telecommunications networks, computer systems, and embedded processors and controllers.

(3) ECONOMIC OR INDUSTRIAL ESPIONAGE.—The term “economic or industrial espionage” means—

(A) stealing a trade secret or appropriating, taking, carrying away, or concealing, or by fraud, artifice, or deception obtaining, a trade secret without the authorization of the owner of the trade secret;

(B) copying, duplicating, downloading, uploading, destroying, transmitting, delivering, sending, communicating, or conveying a trade secret without the authorization of the owner of the trade secret; or

(C) knowingly receiving, buying, or possessing a trade secret that has been stolen or appropriated, obtained, or converted without the authorization of the owner of the trade secret.

(4) OWN.—The term “own”, with respect to a trade secret, means to hold rightful legal or equitable title to, or license in, the trade secret.

(5) PERSON.—The term “person” means an individual or entity.

(6) TECHNOLOGY.—The term “technology” has the meaning given that term in section 16 of the Export Administration Act of 1979 (50 U.S.C. App. 2415) (as in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)).

(7) TRADE SECRET.—The term “trade secret” has the meaning given that term in section 1839 of title 18, United States Code.

(8) UNITED STATES PERSON.—The term “United States person” means—

(A) an individual who is a citizen of the United States or an alien lawfully admitted for permanent residence to the United States; or

(B) an entity organized under the laws of the United States or any jurisdiction within the United States.

**SA 2649.** Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

##### SEC. 709. REPORTS TO DEPARTMENT OF DEFENSE ON PENETRATIONS OF NETWORKS AND INFORMATION SYSTEMS OF CERTAIN CONTRACTORS.

(a) PROCESS FOR REPORTING PENETRATIONS.—The Under Secretary of Defense for Intelligence shall, in coordination with the officials specified in subsection (c), establish a process by which cleared defense contractors shall report to elements of the Department of Defense designated by the Under

Secretary for purposes of the process when a network or information system of such contractors designated pursuant to subsection (b) is successfully penetrated.

(b) **DESIGNATION OF NETWORKS AND INFORMATION SYSTEMS.**—The Under Secretary of Defense for Intelligence shall, in coordination with the officials specified in subsection (c), establish criteria for designating the cleared defense contractors' networks or information systems that contain or process information created by or for the Department of Defense to be subject to the reporting process established pursuant to subsection (a).

(c) **OFFICIALS.**—The officials specified in this subsection are the following:

(1) The Under Secretary of Defense for Policy.

(2) The Under Secretary of Defense for Acquisition, Technology, and Logistics.

(3) The Chief Information Officer of the Department of Defense.

(4) The Commander of the United States Cyber Command.

(d) **PROCESS REQUIREMENTS.**—

(1) **RAPID REPORTING.**—The process required by subsection (a) shall provide for rapid reporting by contractors of successful penetrations of designated network or information systems.

(2) **REPORT ELEMENTS.**—The report by a contractor on a successful penetration of a designated network or information system under the process shall include the following:

(A) A description of the technique or method used in the penetration.

(B) A sample of the malicious software, if discovered and isolated by the contractor.

(3) **ACCESS.**—The process shall include mechanisms by which Department of Defense personnel may, upon request, obtain access to equipment or information of a contractor necessary to conduct a forensic analysis to determine whether information created by or for the Department in connection with any Department program was successfully exfiltrated from a network or information system of the contractor and, if so, what information was exfiltrated.

(e) **CLEARED DEFENSE CONTRACTOR DEFINED.**—In this section, the term "cleared defense contractor" means a private entity granted clearance by the Defense Security Service to receive and store classified information for the purpose of bidding for a contract or conducting activities under a contract with the Department of Defense.

**SA 2650.** Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the end of title IV, add the following:

**SEC. 416. CYBER TRAINING AND RESEARCH AT THE UNITED STATES AIR FORCE ACADEMY, COLORADO.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) The training of cyber security leaders is a critical function of the United States Air Force Academy.

(2) The Center for Cyberspace Research at the United States Air Force Academy has been instrumental in educating and developing highly skilled cyber innovators for the Department of Defense.

(3) The Center for Cyberspace Research benefits greatly from interagency funding,

information-sharing, and other collaboration, and it is in the national interest that such funding, information-sharing and collaboration continue.

(4) The Cyber Training Range operated by the Computer Science Department at the United States Air Force Academy provides realistic cyber training for cadets that will benefit the entire Air Force.

(5) The establishment of a civilian director for the Cyberspace Research Center and the Cyber Training Range as permanent faculty positions at the United States Air Force Academy will help assure that the Center and Range are both maintained and staffed with highly-experienced cyber experts.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that the partner organizations for the Center for Cyberspace Research and the Cyber Training Range, including the Air Force Office of Scientific Research (AFOSR), the Defense Advanced Projects Research Agency (DARPA), the Defense Information Assurance Program (DIAP) of the Department of Defense, the National Security Agency, and the National Reconnaissance Office, maintain their funding, information-sharing, and other collaborative commitments to the Center for Cyberspace Research and the Cyber Training Range.

(c) **CIVILIAN DIRECTOR FOR CENTER FOR CYBERSPACE RESEARCH.**—

(1) **IN GENERAL.**—The head of the Center for Cyberspace Research at the United States Air Force Academy, Colorado, shall be the Director of the Center for Cyberspace Research, who shall be a civilian employee of the Air Force.

(2) **PERMANENT BILLET IN EXCEPTED SERVICE.**—The position of Director of the Center for Cyberspace Research shall be a permanent civilian billet in the excepted service (as that term is defined in section 2103(a) of title 5, United States Code).

(3) **PAY GRADE.**—The level of pay of the person serving in the position of Director of the Center for Cyberspace Research shall be a level of pay not below that payable for paygrade GS-14 of the General Schedule.

(d) **CIVILIAN DIRECTOR FOR CYBER TRAINING RANGE.**—

(1) **IN GENERAL.**—The head of the Cyber Training Range in the Computer Science Department of the United States Air Force Academy, Colorado, shall be the Director of the Cyber Training Range, who shall be a civilian employee of Air Force.

(2) **PERMANENT BILLET IN EXCEPTED SERVICE.**—The position of Director of the Cyber Training Range shall be a permanent civilian billet in the excepted service (as so defined).

(3) **PAY GRADE.**—The level of pay of the person serving in the position of Director of the Cyber Training Range shall be a level of pay not below that payable for paygrade GS-12 of the General Schedule.

(e) **AMOUNTS AVAILABLE FOR PAY.**—Amounts for the pay and allowances of the directors covered by subsections (c) and (d) shall be derived from amounts available to the Air Force for the pay and allowances of civilian employees of the Air Force.

**SA 2651.** Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the end of title IV, add the following:

**SEC. 416. REPORT ON DOMESTIC PRODUCTION, SECURITY, AND AVAILABILITY OF EXTRA HIGH VOLTAGE TRANSFORMERS.**

(a) **FINDING.**—Based on reports provided by the Department of Defense and the Department of Homeland Security, Congress finds that the lack of a secured stockpile of domestically-produced Extra High Voltage (EHV) transformers, and the current manufacturing backlog for Extra High Voltage transformers in the United States, are likely to contribute to extended blackouts and power shortages in the event of a physical or network-based attack on the electric power infrastructure of the United States.

(b) **REPORT.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Secretary shall, in collaboration with the Secretary of Defense, submit to the appropriate committees of Congress a report on the domestic production, security, and availability of Extra High Voltage transformers.

(2) **ELEMENTS.**—The report required by paragraph (1) shall include the following:

(A) An assessment whether the number of Extra High Voltage transformers currently held in reserve by utilities and public and private manufacturers in the United States is sufficient, and is secured in a manner adequate, to maintain national security operations in the event of loss or damage to multiple Extra High Voltage transformers in the United States, Canada, or Mexico.

(B) An identification and assessment of the risks associated with having no spare Extra High Voltage transformers stockpiled and securely stored for national security purposes.

(C) An estimate of the time that national security operations would be negatively impacted if two or more Extra High Voltage transformers in the United States were destroyed by cyber attack, physical attack, or a natural disaster.

(D) An estimate of the feasibility and cost of establishing a stockpile of not fewer than 30, and as many 60, Extra High Voltage transformers at disbursed Department of Defense installations or other national security locations in the continental United States.

(E) Recommendation as to the best locations to store Extra High Voltage transformers stockpiled as described in subparagraph (D) in order to ensure security and the rapid distribution of such transformers in emergency circumstances.

(3) **FORM.**—The report required by paragraph (1) shall be submitted in unclassified form, and shall include a classified annex containing a detailed description of the relationship between national security functions and locations of Extra High Voltage Transformers.

(4) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this subsection, the term "appropriate committees of Congress" means—

(A) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Oversight and Reform, and the Committee on Appropriations of the House of Representatives.

**SA 2652.** Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 132, strike lines 16 through 21 and insert the following:

(2) CONTENTS.—The strategy developed under paragraph (1) shall include—

(A) a 5-year plan on recruitment of personnel for the Federal workforce that includes—

(i) a description of Federal programs for identifying, recruiting, training, and retaining individuals with outstanding computer skills for service in the Federal Government; and

(ii) a description of any bonuses or any non-traditional or non-standard recruiting practices that are employed by the Federal Government to locate and recruit individuals for career fields related to cybersecurity; and

(B) a 10-year projection of Federal workforce needs that includes an identification of any staffing or specialty shortfalls in career fields related to cybersecurity.

**SA 2653.** Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE VIII—IRANIAN NUCLEAR PROGRAM**  
**SEC. 801. IRANIAN NUCLEAR PROGRAM.**

(a) FINDINGS.—Congress makes the following findings:

(1) Since at least the late 1980s, the Government of the Islamic Republic of Iran has engaged in a sustained and well-documented pattern of illicit and deceptive activities to acquire nuclear capability.

(2) The United Nations Security Council has adopted multiple resolutions since 2006 demanding the full and sustained suspension of all uranium enrichment-related and reprocessing activities by the Government of the Islamic Republic of Iran and its full cooperation with the International Atomic Energy Agency (IAEA) on all outstanding issues related to its nuclear activities, particularly those concerning the possible military dimensions of its nuclear program.

(3) On November 8, 2011, the IAEA issued an extensive report that—

(A) documents “serious concerns regarding possible military dimensions to Iran’s nuclear programme”; and

(B) states that “Iran has carried out activities relevant to the development of a nuclear device”; and

(C) states that the efforts described in paragraphs (1) and (2) may be ongoing.

(4) As of November 2008, Iran had produced, according to the IAEA—

(A) approximately 630 kilograms of uranium hexafluoride enriched up to 3.5 percent uranium-235; and

(B) no uranium hexafluoride enriched up to 20 percent uranium-235.

(5) As of November 2011, Iran had produced, according to the IAEA—

(A) nearly 5,000 kilograms of uranium hexafluoride enriched up to 3.5 percent uranium-235; and

(B) 79.7 kilograms of uranium hexafluoride enriched up to 20 percent uranium-235.

(6) On January 9, 2012, IAEA inspectors confirmed that the Government of the Islamic Republic of Iran had begun enrichment activities at the Fordow site, including possibly enrichment of uranium hexafluoride up to 20 percent uranium-235.

(7) Section 2(2) of the Comprehensive Iran Sanctions, Accountability, and Divestment

Act of 2010 (Public Law 111–195) states, “The United States and other responsible countries have a vital interest in working together to prevent the Government of Iran from acquiring a nuclear weapons capability.”

(8) If the Government of the Islamic Republic of Iran were successful in acquiring a nuclear weapon capability, it would likely spur other countries in the region to consider developing their own nuclear weapons capabilities.

(9) On December 6, 2011, Prince Turki al-Faisal of Saudi Arabia stated that if international efforts to prevent Iran from obtaining nuclear weapons fail, “we must, as a duty to our country and people, look into all options we are given, including obtaining these weapons ourselves”.

(10) Top leaders of the Government of the Islamic Republic of Iran have repeatedly threatened the existence of the State of Israel, pledging to “wipe Israel off the map”.

(11) The Department of State has designated Iran as a state sponsor of terrorism since 1984 and characterized Iran as the “most active state sponsor of terrorism”.

(12) The Government of the Islamic Republic of Iran has provided weapons, training, funding, and direction to terrorist groups, including Hamas, Hezbollah, and Shiite militias in Iraq that are responsible for the murders of hundreds of United States forces and innocent civilians.

(13) On July 28, 2011, the Department of the Treasury charged that the Government of Iran had forged a “secret deal” with al Qaeda to facilitate the movement of al Qaeda fighters and funding through Iranian territory.

(14) In October 2011, senior leaders of Iran’s Islamic Revolutionary Guard Corps (IRGC) Quds Force were implicated in a terrorist plot to assassinate Saudi Arabia’s Ambassador to the United States on United States soil.

(15) On December 26, 2011, the United Nations General Assembly passed a resolution denouncing the serious human rights abuses occurring in the Islamic Republic of Iran, including torture, cruel and degrading treatment in detention, the targeting of human rights defenders, violence against women, and “the systematic and serious restrictions on freedom of peaceful assembly” as well as severe restrictions on the rights to “freedom of thought, conscience, religion or belief”.

(16) President Barack Obama, through the P5+1 process, has made repeated efforts to engage the Government of the Islamic Republic of Iran in dialogue about Iran’s nuclear program and its international commitments under the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (commonly known as the “Nuclear Non-Proliferation Treaty”).

(17) Representatives of the P5+1 countries (the United States, France, Germany, the People’s Republic of China, the Russian Federation, and the United Kingdom) and representatives of the Islamic Republic of Iran held negotiations on Iran’s nuclear program in Istanbul, Turkey on April 14, 2012, and these discussions are set to resume in Baghdad, Iraq on May 23, 2012.

(18) On March 31, 2010, President Obama stated that the “consequences of a nuclear-armed Iran are unacceptable”.

(19) In his State of the Union Address on January 24, 2012, President Obama stated, “Let there be no doubt: America is determined to prevent Iran from getting a nuclear weapon, and I will take no options off the table to achieve that goal.”

(20) On March 4, 2012, President Obama stated “Iran’s leaders should understand that I do not have a policy of containment; I have a policy to prevent Iran from obtaining a nuclear weapon”.

(21) Secretary of Defense Leon Panetta stated, in December 2011, that it was unacceptable for Iran to acquire nuclear weapons, reaffirmed that all options were on the table to thwart Iran’s nuclear weapons efforts, and vowed that if the United States gets “intelligence that they are proceeding with developing a nuclear weapon then we will take whatever steps necessary to stop it”.

(22) The Department of Defense’s January 2012 Strategic Guidance stated that United States defense efforts in the Middle East would be aimed “to prevent Iran’s development of a nuclear weapons capability and counter its destabilizing policies”.

(23) On April 2, 2010, President Obama stated, “All the evidence indicates that the Iranians are trying to develop the capacity to develop nuclear weapons. They might decide that, once they have that capacity that they’d hold off right at the edge in order not to incur more sanctions. But, if they’ve got nuclear weapons-building capacity and they are flouting international resolutions, that creates huge destabilizing effects in the region and will trigger an arms race in the Middle East that is bad for U.S. national security but is also bad for the entire world.”

(b) SENSE OF CONGRESS.—Congress—

(1) reaffirms that the United States Government and the governments of other responsible countries have a vital interest in working together to prevent the Government of Iran from acquiring a nuclear weapons capability;

(2) warns that time is limited to prevent the Government of the Islamic Republic of Iran from acquiring a nuclear weapons capability;

(3) urges continued and increasing economic and diplomatic pressure on the Islamic Republic of Iran until the Government of the Islamic Republic of Iran agrees to and implements—

(A) the full and sustained suspension of all uranium enrichment-related and reprocessing activities and compliance with United Nations Security Council resolutions;

(B) complete cooperation with the IAEA on all outstanding questions related to the nuclear activities of the Government of the Islamic Republic of Iran, including the implementation of the additional protocol to Iran’s Safeguards Agreement with the IAEA; and

(C) a permanent agreement that verifiably assures that Iran’s nuclear program is entirely peaceful;

(4) expresses the desire that the P5+1 process successfully and swiftly leads to the objectives identified in paragraph (3);

(5) warns that, as President Obama has said, the window for diplomacy is closing;

(6) expresses support for the universal rights and democratic aspirations of the people of Iran;

(7) strongly supports United States policy to prevent the Government of the Islamic Republic of Iran from acquiring a nuclear weapons capability;

(8) rejects any United States policy that would rely on efforts to contain a nuclear weapons-capable Iran; and

(9) joins the President in ruling out any policy that would rely on containment as an option in response to the Iranian nuclear threat.

(c) **RULE OF CONSTRUCTION.**—Nothing in this section may be construed as an authorization for the use of force or a declaration of war.

**SA 2654.** Mr. CRAPO (for himself and Mr. JOHANNES) submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. \_\_\_\_ . BUSINESS RISK MITIGATION AND PRICE STABILIZATION.**

(a) **MARGIN REQUIREMENTS.**—

(1) **COMMODITY EXCHANGE ACT AMENDMENT.**—Section 4s(e) of the Commodity Exchange Act (7 U.S.C. 6s(e)), as added by section 731 of the Dodd-Frank Wall Street Reform and Consumer Protection Act, is amended by adding at the end the following new paragraph:

“(4) **APPLICABILITY WITH RESPECT TO COUNTERPARTIES.**—The requirements of paragraphs (2)(A)(ii) and (2)(B)(ii) shall not apply to a swap in which a counterparty qualifies for an exception under section 2(h)(7)(A) or satisfies the criteria in section 2(h)(7)(D).”.

(2) **SECURITIES EXCHANGE ACT AMENDMENT.**—Section 15F(e) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-10(e)), as added by section 764(a) of the Dodd-Frank Wall Street Reform and Consumer Protection Act, is amended by adding at the end the following new paragraph:

“(4) **APPLICABILITY WITH RESPECT TO COUNTERPARTIES.**—The requirements of paragraphs (2)(A)(ii) and (2)(B)(ii) shall not apply to a security-based swap in which a counterparty qualifies for an exception under section 3C(g)(1) or satisfies the criteria in section 3C(g)(4).”.

(b) **IMPLEMENTATION.**—The amendments made by this section to the Commodity Exchange Act shall be implemented—

(1) without regard to—

(A) chapter 35 of title 44, United States Code; and

(B) the notice and comment provisions of section 553 of title 5, United States Code;

(2) through the promulgation of an interim final rule, pursuant to which public comment will be sought before a final rule is issued; and

(3) such that paragraph (1) shall apply solely to changes to rules and regulations, or proposed rules and regulations, that are limited to and directly a consequence of such amendments.

**SA 2655.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 23, strike line 18 and all that follows through page 25, line 8.

**SA 2656.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table, as follows:

On page 145, strike lines 5 through 11 and insert the following:

“(f) **ANNUAL REPORT.**—Not later than 1 year after

**SA 2657.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table, as follows:

On page 124, strike line 7 and all that follows through page 128, line 14.

**SA 2658.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table, as follows:

On page 121, strike lines 13 through 24.

**SA 2659.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table, as follows:

On page 142, strike line 3 and all that follows through page 145, line 4.

**SA 2660.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 154, strike line 9 and all that follows through page 156, line 13.

**SA 2661.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 122, strike line 1 and all that follows through page 124, line 6.

**SA 2662.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

**SEC. 111. SUNSET.**

This title is repealed effective on the date that is 3 years after the date of enactment of this Act.

**SA 2663.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

**SEC. 111. SUNSET.**

This title is repealed effective on the date that is 5 years after the date of enactment of this Act.

**SA 2664.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 122, strike lines 18 through 25, and insert the following:

vulnerabilities; and

(2) in accordance with subsection (d), a program for carrying out collaborative education and

**PRIVILEGES OF THE FLOOR**

Mr. HARKIN. Mr. President, I ask unanimous consent that the following fellow and interns be granted floor privileges for the remainder of the day: Bryan Boroughs, Lucy Stein, Shauna Agan, Douglas Dorando, Keagan Buchanan, and Andrea Jarcho.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the privilege of the floor be granted to Ben Cohen, a fellow on my staff.

The PRESIDING OFFICER. Without objection, it is so ordered.

**NATIONAL WORK AND FAMILY MONTH**

Mr. BROWN of Ohio. Madam President, I ask unanimous consent that the Senate proceed to S. Res. 533 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 533) designating October 2012 as “National Work and Family Month.”

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN of Ohio. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion, to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 533) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

**S. RES. 533**

Whereas, according to a report by WorldatWork, a nonprofit professional association with expertise in attracting, motivating, and retaining employees, the quality of workers' jobs and the supportiveness of the workplace of the workers are key predictors of the job productivity, job satisfaction, and commitment to the employer of those workers, as well as of the ability of the employer to retain those workers;

Whereas “work-life balance” refers to specific organizational practices, policies, and

programs that are guided by a philosophy of active support for the efforts of employees to achieve success within and outside the workplace, such as caring for dependents, health and wellness, paid and unpaid time off, financial support, community involvement, and workplace culture;

Whereas numerous studies show that employers that offer effective work-life balance programs are better able to recruit more talented employees, maintain a happier, healthier, and less stressed workforce, and retain experienced employees, which produces a more productive and stable workforce with less voluntary turnover;

Whereas job flexibility often allows parents to be more involved in the lives of their children, and research demonstrates that parental involvement is associated with higher achievement in language and mathematics, improved behavior, greater academic persistence, and lower dropout rates in children;

Whereas military families have special work-family needs that often require robust policies and programs that provide flexibility to employees in unique circumstances;

Whereas studies report that family rituals, such as sitting down to dinner together and sharing activities on weekends and holidays, positively influence the health and development of children and that children who eat dinner with their families every day consume nearly a full serving more of fruits and vegetables per day than those who never eat dinner with their families or do so only occasionally; and

Whereas the month of October is an appropriate month to designate as National Work and Family Month: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates October 2012 as “National Work and Family Month”;

(2) recognizes the importance of work schedules that allow employees to spend

time with their families to job productivity and healthy families;

(3) urges public officials, employers, employees, and the general public to work together to achieve more balance between work and family; and

(4) calls upon the people of the United States to observe National Work and Family Month with appropriate ceremonies and activities.

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MEASURES READ THE 1ST TIME—  
S. 3457 AND H.R. 4078

Mr. BROWN of Ohio. Madam President, I understand there are two bills at the desk, and I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will read the bills by title for the first time.

The legislative clerk read as follows:

A bill (S. 3457) to require the Secretary of Veterans Affairs to establish a veterans job corps, and for other purposes.

A bill (H.R. 4078) to provide that no agency may take any significant regulatory action until the unemployment rate is equal to or less than 6.0 percent.

Mr. BROWN of Ohio. I now ask for a second reading en bloc and object to my own request en bloc.

The PRESIDING OFFICER. Objection having been heard, the bills will be read for a second time on the next legislative day.

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ORDERS FOR TUESDAY, JULY 31,  
2012

Mr. BROWN of Ohio. Madam President, I ask unanimous consent that

when the Senate completes its business today, it adjourn until 10 a.m. on Tuesday, July 31; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that the majority leader be recognized and the time until 12:30 p.m. be equally divided and controlled between the two leaders or their designees, with the majority controlling the first hour and the Republicans controlling the second hour; and that the Senate recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly caucus meetings.

The PRESIDING OFFICER. Without objection, it is so ordered.

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PROGRAM

Mr. BROWN of Ohio. Madam President, we will continue to debate the cybersecurity bill tomorrow. Senators will be notified when votes are scheduled.

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ADJOURNMENT UNTIL 10 A.M.  
TOMORROW

Mr. BROWN of Ohio. If there is no further business to come before the Senate, I ask unanimous consent that the Senate adjourn under the previous order.

There being no objection, the Senate, at 6:51 p.m., adjourned until Tuesday, July 31, 2012, at 10 a.m.



## EXTENSIONS OF REMARKS

THE OPENING OF THE GAMES OF  
THE XXX OLYMPIAD**HON. LAURA RICHARDSON**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 30, 2012*

Ms. RICHARDSON. Mr. Speaker, I rise today to join the millions of athletes, coaches, fans, and families around the world who are eagerly anticipating the opening of the Games of the XXX Olympiad, which will be held in the City of London from July 27 through August 12, 2012.

There is something special about the Olympic Games. Every four years the world's best athletes come together and engage in a spirited but friendly competition of athletic skill and grace. For two weeks the world will be treated to incredible athletic displays of speed, power, endurance, strength, and grace; heartwarming displays of courage under pressure; inspiring examples of sportsmanship and teamwork; and several surprising turns of events. Their performances will amaze and astound the world and be a source of pride to the nations they are privileged to represent.

Mr. Speaker, I congratulate the 529 athletes making up the United States Olympic team. Like the men and women of the Armed Forces, they represent the best of our country. Their self discipline, willingness to sacrifice, commitment to excellence, and humility in victory make us all proud to be Americans.

Mr. Speaker, for the first time in history the majority of athletes on Team USA is comprised of women. Team USA reflects the rich diversity of our country. The athletes come from 45 states. The oldest is a 54 year old equestrian, the youngest a 15 year old swimmer. Thirteen are mothers, 54 are fathers. It is a source of pride to me and a positive reflection on our country that 41 members of the team are foreign born. And I am proud to say that 127, or 24 percent, hail from my home state of California, including 24 of the 26 members of the water polo team and one of the best basketball players in the world, Kobe Bryant of the Los Angeles Lakers.

It is not easy to become an Olympian. It takes years of training, extraordinary focus and determination, natural ability, incredible work ethic, and a bit of luck. I know from personal experience. I tried out for a spot on the Women's Basketball Team that would have competed in the 1980 Summer Games held in Moscow had the United States not boycotted the games in protest of 1979 Soviet invasion of Afghanistan.

Mr. Speaker, the Olympic motto is "Citius, Altius, Fortius," which is Latin for "Faster, Higher, Stronger." Over the next 17 days of glory, as we watch these marvelous athletes from all over the world compete in the London Games, I have no doubt that our hearts will race faster, our hopes will be higher, and our

pride even stronger that we live in a country that could produce such exceptional men and women.

I wish them all well. Let the games begin.

HONORING GARRET PARKER, RE-  
CENTLY NAMED BOYS & GIRLS  
CLUB YOUTH OF THE YEAR FOR  
THE STATE OF ILLINOIS**HON. JERRY F. COSTELLO**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 30, 2012*

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in honoring Garret Parker, a member of the Boys & Girls Club of Alton, Illinois, who was recently selected as the Boys & Girls Club Youth of the Year for the State of Illinois.

Garret Parker has been a member of the Boys & Girls Club of Alton for six years. While he has credited the Boys & Girls Club with providing him support and numerous opportunities, Garret has reciprocated by volunteering, coaching and mentoring younger members.

Garret has had to overcome several obstacles in his young life. Born with sickle cell anemia and chronic asthma, he has endured extensive medical treatment, including multiple blood transfusions. Garret's mother has battled cancer and is now doing well. Garret's positive resolve in meeting these life challenges is one of his noteworthy personal qualities that have earned this recognition.

Among Garret's volunteer activities are ringing bells for the Salvation Army fund drives, participating in Mississippi River and city-wide cleanup projects and helping out with activities at the Boys & Girls Club. He combines this with extracurricular activities in high school while maintaining a solid grade point average.

Garret looks forward to graduating from high school next year and hopes to go to college. He is currently looking at the University of Central Florida. Given his remarkable performance so far, it is apparent this young man has a bright future ahead of him.

Mr. Speaker, I ask my colleagues to join me in honoring Garret Parker, the Boys & Girls Club Youth of the Year for the State of Illinois, and in wishing him and his family the very best in the future.

## HONORING DR. MAE B. WRIGHT

**HON. ELEANOR HOLMES NORTON**

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 30, 2012*

Ms. NORTON. Mr. Speaker, I rise today to ask the House of Representatives to join me in honoring the life of Dr. Mae B. Wright. She

was an inspirational teacher, mentor, and tireless servant in the District of Columbia and the D.C. public school system for over 47 years. As a dedicated member of the Washington community, she pioneered advancements in educational achievement and spiritual guidance for countless individuals through her service as a minister, teacher, and advisor.

Mother Wright, as she was fondly known, served as a teacher and business leader by profession. She was dedicated not only to educating students through the school system, but she believed in education through the principles of faith. She co-founded a support ministry called People Inspiring People, PIP, with her husband, Raefield Wright, with the goal of helping others find peace, prosperity, and balance in their everyday lives.

Born in Kershaw County, South Carolina, in 1937, her parents instilled in her the importance of self-respect, hard work, integrity, and perseverance. Dr. Wright received her Bachelor of Arts and Master of Arts degrees from Minors Teachers College, which is currently the University of the District of Columbia. She also received graduate-level training in psychology and business administration.

Dr. Wright will be remembered as a person who always put people first and partnered with them to find peace, especially in the midst of the most challenging circumstances. She was always available, night or day, to help one work through a problem or provide a listening ear.

I ask the House to join me in honoring the life of Dr. Mae B. Wright.

75TH ANNIVERSARY OF UNITED  
STEELWORKERS LOCAL 264**HON. BETTY MCCOLLUM**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 30, 2012*

Ms. MCCOLLUM. Mr. Speaker, today I rise to honor the members and families of United Steelworkers, USW, Local 264 on the occasion of the 75th anniversary of the union.

Like the industry and workers it represents, Local 264 has grown and evolved during its long history to meet the needs of members and the challenges of the day. Starting as a small paper worker union in 1937, the local served employees at five Saint Paul, Minnesota, paper plants as part of the International Brotherhood of Pulp, Sulphite, and Paper Mill Workers. More than 65 years and several union mergers later, the growing union eventually became the United Steel, Paper and Forestry, Rubber Manufacturing, Energy, Allied-industrial, and Service Workers International Union—the United Steelworkers. While many changes have occurred in the industry and the union's name, the local has always served its members first.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

United Steelworkers Local 264 works to cultivate positive relationships between its members and their employers, including RockTenn, one of the largest paper recyclers in America. In turn, the union is helping to set a high standard for all workers in our State and provides much needed resources for safety, skills training, fair wages and benefits, and retirement security.

In past tough economic conditions that caused layoffs and plant closings, Local 264 rose to the challenge, working to advocate on behalf of its members. Their dedication to collective bargaining on behalf of members for fair wages and safe working conditions reflects a central idea that when employees are highly valued, they produce a high value work product.

During its 75 year history, USW Local 264 has produced key leaders in the International Union. The union and its leaders have always kept an eye on what tomorrow might bring, making sure that whatever changes come in the future, that members come first. It is this diligent work on behalf of the hundreds of members in the Twin Cities that has earned them this reputation, as well as a deserved place in the history of Saint Paul and Minnesota.

Mr. Speaker, in honor of the 75th anniversary of the United Steelworkers Local 264, I am pleased to submit this statement for the CONGRESSIONAL RECORD in recognition of the hardworking men and women who are proud members of the union.

#### HONORING THE SERVICE OF CAPTAIN HUGH MICHAEL DOHERTY

##### HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 2012

Mr. MARKEY. Mr. Speaker, I rise today to honor and recognize the service of United States Navy Captain Hugh Michael Doherty.

Captain Doherty was born in Medford, Massachusetts and graduated from Malden Catholic High School in 1961. After graduating high school, Captain Doherty began his service by earning a competitive appointment to the United States Naval Academy from my predecessor, Congressman Torbert MacDonald. After graduating from the Academy, Hugh was selected for the nuclear submarine service after an intensive and exhaustive interview program by Admiral Hyman G. Rickover.

Captain Doherty devoted his life to serving our Nation on the seas. He served in five different submarines over 14 years, and was the Commanding Officer of the USS *Sand Lance* during the Cold War. Captain Doherty was recognized for his sacrifice and service to his country through the numerous medals and decorations that he received, including the Legion of Merit and the Meritorious Service Medal.

During Captain Doherty's 1984 "Change of Command" speech on the USS *Sand Lance*, he emphasized the importance of excellence. He told his officers, "Set your goals high, strive to achieve them, and then when you feel that you have almost attained them, set them higher. Never be satisfied with what you have accomplished." Captain Doherty understood that hard work, perseverance, and dedication always paid off. During Captain Doherty's thirty-eight months as commander of the USS *Sand Lance*, he led his fellow crewmembers to always strive for greatness in every aspect of life.

Sadly, Captain Doherty passed away on May 20 at the age of 69. A devoted husband, a caring father, and a beloved grandfather, Captain Doherty is survived by his wife of 45 years, Mary Pierce Doherty; his sons Sean, Matthew, and Timothy; his brothers John and Kevin; and his six grandchildren. For his honorable military career, Captain Doherty will be buried with full military honors at Arlington National Cemetery on Monday, August 27, 2012.

Mr. Speaker, today I honor the service and sacrifice of Captain Hugh Michael Doherty. We honor his life and his legacy. May God bless Captain Doherty and all our men and women in the United States Armed Forces. And God bless the United States of America.

#### SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, July 31, 2012 may be found in the Daily Digest of today's RECORD.

#### MEETINGS SCHEDULED

##### AUGUST 1

9 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine futures markets, focusing on responding to MF Global and Peregrine Financial Group.  
SR-328A

10 a.m.

Environment and Public Works

To hold hearings to examine an update on the latest climate change science and local adaptation measures.  
SD-406

Foreign Relations

To hold hearings to examine the next steps in Syria.  
SD-419

Banking, Housing, and Urban Affairs

Housing, Transportation and Community Development Subcommittee

To hold hearings to examine streamlining and strengthening Housing and Urban Development's (HUD) rental housing assistance programs.  
SD-538

Judiciary

To hold hearings to examine rising prison costs, focusing on restricting budgets and crime prevention options.  
SD-226

10:30 a.m.

Finance

To hold hearings to examine the taxation of business entities, focusing on tax reform.  
SD-215

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings to examine marketplace fairness, focusing on leveling the playing field for small businesses.  
SR-253

Foreign Relations

European Affairs Subcommittee

To hold hearings to examine the future of the eurozone, focusing on the outlook and lessons.  
SD-419

#### AUGUST 2

9 a.m.

Banking, Housing, and Urban Affairs

Securities, Insurance and Investment Subcommittee

To hold hearings to examine the tri-party repo market, focusing on the remaining challenges.  
SD-538

10 a.m.

Judiciary

Business meeting to consider S. 225, to permit the disclosure of certain information for the purpose of missing child investigations, S.J. Res. 44, granting the consent of Congress to the State and Province Emergency Management Assistance Memorandum of Understanding, S. 645, to amend the National Child Protection Act of 1993 to establish a permanent background check system, and the nominations of Thomas M. Durkin, to be United States District Judge for the Northern District of Illinois, and Jon S. Tigar, and William H. Orrick, III, of the District of Columbia, both to be a United States District Judge for the Northern District of California.  
SD-226

2:30 p.m.

Intelligence

To hold closed hearings to examine certain intelligence matters.  
SH-219

**SENATE—Tuesday, July 31, 2012**

The Senate met at 10 a.m. and was called to order by the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware.

**PRAYER**

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Creator God, who has nurtured us throughout the seasons of our sojourn, give to the Members of this body the love, strength, and wisdom to do Your will. Keep them walking in the paths of righteousness and let them feel Your abiding presence in times of joy and sadness. Lord, empower them to hold fast to the good will that unites them, making them instruments of Your purposes to bring peace in our days, peace to our souls, peace to our families, peace to our country, and peace among nations. May they be moved by Your majesty and motivated by the magnitude of the responsibilities You have entrusted to them.

We pray in Your mighty Name. Amen.

**PLEDGE OF ALLEGIANCE**

The Honorable CHRISTOPHER A. COONS led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter.

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, July 31, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware, to perform the duties of the Chair.

DANIEL K. INOUE,  
President pro tempore.

Mr. COONS thereupon assumed the chair as Acting President pro tempore.

**RECOGNITION OF THE MAJORITY LEADER**

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

**SCHEDULE**

Mr. REID. Mr. President, we are already on S. 3414, which is the cyber security bill. The time until 2:15 p.m., is for debate only, and the time until 12:30 p.m. will be equally divided between the two leaders or their designees. The majority will control the first hour and the Republicans the second hour.

The Senate will recess from 12:30 p.m. until 2:15 p.m. for the weekly caucus meetings.

I will alert everyone to this: I hope those people, led by Senator LIEBERMAN and Senator COLLINS, will work to come up with a finite list of amendments so we can move on the cyber security bill.

I spoke to the Republican leader yesterday and have been very patient and tried to get a list of amendments we can agree on. I hope that can be done soon. It is very important that we make a determination of whether we are going to be able to get a bill. There is not a lot of time left to tread water, so to speak.

This is an important piece of legislation. All one needs to do is look at what is going on in India today. There are no cyber problems there that I am aware of, but one-half of the country of India is without electricity today. Transportation has been shut down, financial networks in India, which are significant, are down, and it is a chaotic place. There are 600 million people in India who are without electricity. As we have been told time and time again, the most important issue we have facing this country today for security is cyber. We have been told that by the Joint Chiefs of Staff and by the head of the CIA. We have been told that by Democrats and Republicans. It is an issue that is important, and we have been told it is something we can prevent.

If we don't do this bill, it is not a question of if there will be a cyber attack that will be devastating to our country, it is only a question of when. It can be stopped. I hope the chamber of commerce will get some sense.

There was a big meeting in the Chamber yesterday. They were moving forward on all that was bad about the bill. The problem is they were dealing with the wrong bill. So I hope we can get something done. It is extremely important that we do.

There will be a Senators-only briefing today at 5 p.m. in the Visitor Center today in SVC-217.

**MEASURES PLACED ON THE CALENDAR—S. 3457 AND H.R. 4078**

Mr. REID. I am told there are two bills at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The Senator is correct. The clerk will report the bills by title for the second time.

The legislative clerk read as follows:

A bill (S. 3457) to require the Secretary of Veterans Affairs to establish a veterans jobs corps, and for other purposes.

A bill (H.R. 4078) to provide that no agency may take any significant regulatory action until the unemployment rate is equal to or less than 6.0 percent.

Mr. REID. Mr. President, I object to any further proceedings with regard to these bills at this time.

The ACTING PRESIDENT pro tempore. Objection is heard. The bills will be placed on the calendar.

**AFFORDABLE CARE ACT**

Mr. REID. Mr. President, I am going to spend a few minutes talking about the Affordable Care Act. I wonder how many people on the Republican side today are going to talk about ObamaCare. If they do, they should be in a very positive state. We know that as a result of this bill, the Affordable Care Act, people are getting or soon will get a rebate. One of the things we did—led by Senator FRANKEN and others—was make sure that 80 percent of the money paid for premiums goes to patient care and any amount that doesn't has to be refunded to the patients. That is in the process now. In the month of August, all those moneys will come back in a significant amount to Americans who, in effect, are part of programs that spend too much on salaries for bosses.

Also, we are going to talk a little bit today about what this Affordable Care Act does for women in America. As I said, I am going to speak very briefly, but we are going to have people come—as soon as I and the Republican leader finish—to talk about good things in this bill for women. I will touch on them very briefly.

There is no question this bill that was signed by President Obama is a landmark piece of legislation. It signaled an end to insurance company discrimination among many but especially against those who are ill, those with a preexisting condition, and especially against women.

As a result of this bill we passed, being a woman is no longer a preexisting disability in America. For many years, insurance companies

charged American women higher premiums. Why? Because they are women. For years, American women have unfairly borne the burden of the high cost of contraception as well. Even women with private insurance often wind up spending hundreds of dollars more each year for birth control. Today, women of reproductive age spend two-thirds more out of their own pockets for health care costs than men, largely due to the high cost of birth control. But starting tomorrow—Wednesday of this week—new insurance plans must cover contraception and many other preventive health services for women. How much? No additional pay at all. Under health care reform, about 47 million women, including almost 400,000 women in Nevada, will have guaranteed access to those additional preventive services without cost sharing.

Many on the other side downplayed the importance of these benefits or fought to repeal them altogether. It is hard to comprehend but true. Forcing American women to continue struggling with the high price of contraception has very real consequences. Every year millions of women in the United States put off doctors' visits because they can't afford the copay and millions more skip pills or shots to save money.

It is no mystery why the United States has one of the highest rates of unintended pregnancies of all industrialized nations. Half of all pregnancies in America are unplanned. Of those unintended pregnancies, about half wind up in abortion. Increasing access to contraception is the most effective way to reduce unintended pregnancies and reduce the number of abortions, but the high cost is often a barrier.

That is why, in 1997, OLYMPIA SNOWE and I began a bipartisan effort to prevent unintended pregnancies by expanding access to contraception. It has not been an easy path, but we did make a start. As part of this effort, we helped pass a law ensuring Federal employees access to contraception. It was a big issue. That was 15 years ago or more. It is an issue that is still important, but we started it, and I am very happy about that. OLYMPIA SNOWE was terrific to work with.

When this benefit took place in 1999, premiums did not go up one single dime because neither did health care costs—not one penny. It was rewarding to note that a pro-life Democrat and pro-choice Republican were able to confront the issue with a practical eye rather than a political eye. It is unfortunate that over the last 15 years an idea that started as a common-ground proposal has become so polarizing in Congress. The controversy is quite strange when we consider that almost 99 percent of women have relied on contraception at some point in their lives, and many have struggled to afford it. The Affordable Care Act will ensure

that insurance companies treat women fairly and treat birth control as any other preventive service.

Prior to Senator SNOWE and me doing this, anything a man wanted they got. Viagra, fine; we will take care of that. Anything a man wanted they got—but not a woman. The law doesn't just guarantee women's access to contraception, it assures their access to many other lifesaving procedures as well.

Thanks to the health care bill—the Affordable Care Act—insurance companies are already required to cover preventive care such as mammograms. For a person who is able to have a mammogram, it is lifesaving. Most people in the Senate know my wife is battling breast cancer. She had a mammogram in December and in August discovered a lump in her breast. Think of what would have happened if she had waited 1 year because she couldn't afford that mammogram. Frankly, the thought of it is very hard for me to comprehend because even though she had that mammogram in December, she had found it and was in stage 3 of breast cancer. It has been very difficult. What if she waited an extra year? Many people wait a lot longer than an extra year.

Colonoscopies save lives. I was talking to one of my friends in the Senate who is going to have his done. They do it every 5 years. It takes at least 10 years for polyps to develop into cancer, and some polyps develop into cancer if they are not taken out. People need to have this done.

Blood pressure checks, childhood immunizations without cost sharing is part of what is in this bill. It used to be a bill; now it is the law.

Starting tomorrow—again, Wednesday of this week—women will no longer have to reach in their pockets to pay for wellness checkups. They can do screening for diabetes, HPV testing, sexually transmitted infection counseling, HIV screening and counseling, breastfeeding support, domestic violence screening and counseling. That is all in the law starting tomorrow. All women in new insurance plans will have access to all forms of FDA-approved contraception without having to shell out more money on top of their premiums. Ending insurance company discrimination will help millions more women afford the care they need when they need it. It will restore basic fairness to the health care system. Sometimes the practical thing to do is also the right thing to do, and that is what the legislation we worked so hard to pass is all about. It is about doing the right thing for everyone. Today we are going to focus on women.

#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

#### REPEAL OF OBAMACARE

Mr. MCCONNELL. Mr. President, I might say to my friend the majority leader before he leaves the floor that I listened carefully to his speech about what most Americans refer to as ObamaCare. Given the fact that our friends on the other side are going to focus on that bill this particular week, I think it might be a good idea to have a vote on it, on the pending bill.

It would be my intent to offer an amendment that I know my friend does not support, but nevertheless many Americans would like to know. Since we have spent a good deal of time positioning over the last few months on various and assorted issues, I think it would be appropriate to have a vote on the repeal of ObamaCare, and I hope to be able to offer that amendment during the pendency of the bill on cyber security, which we believe will be open to amendments. I wonder if my friend thinks that might be something both sides might agree would be a good idea.

Mr. REID. Mr. President, I wonder if the official reporter could show the big smile on my face. Can my colleagues imagine how ridiculous my friend the Republican leader's statement is. Listen to what he said. We are doing cyber security. We have talked about the dangers of cyber security if we don't do something about it. He is now telling me he wants a vote to repeal all the stuff I just talked about on the cyber security bill? That is very difficult to comprehend.

I think we should understand that I don't think a woman getting contraception has a thing to do with shutting down the power grids in America or the financial services in America or our water systems or our sewer systems. That is what cyber security is all about, not whether a woman can have contraception or whether she can have a wellness check to find out if she has cancer from not having had a mammogram.

Mr. DURBIN. Mr. President, will the majority leader yield for a question?

Mr. REID. I would be happy to yield.

Mr. DURBIN. I would like to ask the majority leader, do I remember correctly that the very first amendment on the Transportation bill was offered by Senator BLUNT of Missouri on family planning? So is there a family planning amendment available on every bill now that will be offered by the Republican side?

I know the House Republicans have had 30 or 33 votes to repeal ObamaCare. Are we going to try to match them with similar efforts in the Senate?

Mr. REID. My response to my friend is this: I try to be very calm about things in life generally, especially things here on the floor, but I can't remain very calm about this. I have, as do a lot of people I know, 16 grandchildren. They are evenly divided between boys and girls. I want my granddaughters to be treated so that if they

want to go get some contraception, have some contraceptive device while in school at New York University or Berkeley—I am bragging that they got into those schools—they should have the ability to do that.

I just can't imagine what we are talking about here on the Senate floor. Cyber security is one of the most important—it is the most important issue, as I have already said. If my colleagues want to talk to General Petraeus, he will tell us about what it is, or General Dempsey will tell us what the important issue is. The No. 1 issue today is whether we are going to have bad people attack our country and shut it down. Now we are here being asked if we are going to have a vote, on cyber security, as to when my grandchildren can have contraception.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. I guess the answer is no.

My friends are going to spend the week lauding the advantages as they see them of an immensely unpopular bill that was passed a couple of years ago on a straight party-line vote—ObamaCare. Yet, in a week in which, apparently, they are going to laud the various positions of it, they are not willing to have a vote in support of it. So I gather that is a vote we will not have. I will request the opportunity to do that again. After listening to my good friend the majority leader, I anticipate such a request would likely be blocked.

On another matter—

Mr. REID. Mr. President, my friend asked me a question.

Mr. MCCONNELL. I believe I have the floor.

The ACTING PRESIDENT pro tempore. The Republican leader has the floor.

Mr. REID. OK. I won't answer the question then.

#### DEFENSE SEQUESTER

Mr. MCCONNELL. Mr. President, 4 years after the great recession began, millions of Americans are still looking for work, millions more have literally dropped out of the workforce altogether, and uncertainty about our Nation's future continues to spread. The stories of disappointment and of loss haven't diminished; they have, in fact, multiplied.

What is worse, a President who was elected on a pledge that he would turn all those things around is still pointing the finger at his predecessor. Three and a half years after he took office, he is acting as though he just showed up. I think most Americans are smart enough to know he has made things worse. He has hammered small businesses with a barrage of new regulations, with dozens more in the pipeline. He expects them to plan for the future

without even knowing what their tax and health care liabilities will be. Last week he even spearheaded a legislative effort to take even more of what nearly 1 million of these small businesses earn, and then he told Republicans that if we don't go along with it, he will raise taxes on everybody else.

That was the message last week: Either give me what I want—raise taxes on 1 million of our most successful small businesses—or we will let everybody's taxes go up, is what he said at the end of the week. In other words, he used small businesses as little more than a bargaining chip. The week before that he told business owners that they are not really responsible for what they have built. Listen to that. To business owners, the President said: You are not really responsible for what you have built. No amount of White House spin or manufactured outrage can change what the President said in Roanoke, and no amount of finger-pointing can change the fact that his policies have actually made things worse.

But what is most upsetting to a lot of us is the fact that the administration pretends its policies would help the economy or create jobs when it knows they won't. It knows these policies are not going to create any jobs. What is most upsetting is the deception that lies at the heart of so many of the sales jobs, from health care to the stimulus.

Americans wanted the President to focus on jobs, and he focused on a health care bill that we now learn not only includes a tax on the middle class but will lead to hundreds of thousands of fewer jobs. Now the President claims he is fighting for the middle class, but 3½ years into his Presidency their wages are still stagnant while their dependency on government assistance actually continues to rise. Wages are stagnant, and dependence on government assistance continues to rise.

In some cases the President doesn't even bother with the sales jobs; he just keeps his plans a secret. That is what we are now seeing with the defense cuts he demanded during last year's budget negotiations. Literally for weeks, Republicans asked the President to tell the American people how he planned to carry out these cuts. He refused.

Mr. President, the Senate is not in order.

The ACTING PRESIDENT pro tempore. The Senate will be in order.

The Republican leader.

Mr. MCCONNELL. As I was saying, for weeks Republicans asked the President to tell the American people how he plans to carry out these cuts. He simply refused to do so. So last week Congress passed legislation requiring him to do so. In fact, it cleared the Senate. I believe, unanimously.

Then yesterday there was this: An Assistant Secretary down at the De-

partment of Labor is now telling people they are under no legal obligation to let employees know if they will lose their jobs as a result of these cuts. Let me say that again. We have an Assistant Secretary of Labor who just yesterday said that employers are under no legal obligation to tell their employees they may lose their jobs as a result of these cuts. In other words, the President is trying to keep those folks in the dark about whether they can expect to lose their jobs. Why? Well, I think it is pretty obvious: to insulate himself from the political fallout that will result. The President doesn't want people reading about pink slips in the weeks before his election, so the White House is telling people to keep the effects of these cuts a secret—don't tell anybody, he says, keep it a secret—until, of course, after the election. Once again, a President who holds himself out as a great defender of the middle class and the goals of organized labor is putting his own political goals ahead of the hard-working Americans who will be affected by these policies. Rather than let those who will be affected by the cuts know about them, he will make everybody nervous.

For 3½ years—3½ long years—this President has pushed an ideological agenda without regard for the consequences it would have on the very middle-class Americans he purports to defend.

The President may not want to admit it, but the economic mess we are in is his legacy—his legacy. After 3½ years of finger-pointing—3½ years of finger-pointing—he owes it to the American people to be straight about it.

Mr. President, I yield the floor.

#### CYBERSECURITY ACT OF 2012

The ACTING PRESIDENT pro tempore. The clerk will report the pending business.

The legislative clerk read as follows:

A bill (S. 3414) to enhance the security and resiliency of the cyber and communications infrastructure of the United States.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, every Senator has to decide what they are going to do every day when they wake up in the morning. For some in this Chamber, they wake up every day thinking about how they are going to stop President Obama, how they are going to stop his agenda, and how they are going to do everything they can to stop him from having a second term. Some spend their time waking up every day thinking about how they want to stop America from moving forward.

That is not how I spend my day. I try to look at two things every day: the needs of my people—their day-to-day needs for a job, for an opportunity, for health care—and how that translates

into national policy; then I try to look at the long range needs of our country. That is why I am excited about being on the Intelligence Committee, where I am working on protecting America from the cyber attacks that are happening every day to our country, including the stealing of identity and the stealing of trade secrets. I want to move America forward. I have worked very hard to do that.

One of the areas I am most proud of that I have worked on with the men and women in this Chamber from both sides of the aisle is the whole area of women's health care. Many want to talk about repealing Obama health care. Well, I don't want to repeal it. They talk about replacing it. They never have an idea. So let me tell my colleagues one of the areas we fought for.

One of the things we knew as we embarked upon the health care debate was that we wanted to save lives and we wanted to save money. One of the areas where we wanted to do both was to look at how to utilize the new scientific breakthroughs in prevention, particularly early detection and screening. We could identify those diseases with early intervention and save lives as well as money and counteract escalating disease that ultimately costs more and can even cost a life.

Nowhere was it more glaring than with the issue of women's health care. My hearings revealed that women were charged more for their health care and got less than men of equal age and health care status. We found that we had barriers to health care because everything about being a woman was treated as a preexisting condition. If a woman had a C-section for the delivery of her baby, that was counted. In eight States, they even counted domestic violence as a preexisting condition. Then what we saw during this debate was the fact that they even wanted to take our mammograms away from us. Well, that just went too far.

So during the health care debate, while everybody was being a bean counter, I wanted American women to know they could count on the Senate and the women and men of the Senate to stand up for them. So we came to the floor. We suited up, and we fought for a preventive health care amendment that not only passed but goes into effect tomorrow, on August 1. It will be a new day for women of all ages, who will be able to get health care coverage for preventive health care at no additional cost, no copays, no deductibles, and no discrimination where they are charged more and get less. That is what ObamaCare is. If somebody wants to repeal that, then bring it on. We are ready to fight. We want to fight for that annual health care checkup that will involve mammograms, Pap testing, and pelvic exams. We want to be able to do the

screening for that dread "C" word, for colorectal cancer and lung cancer. We want to make sure that if a person thinks they are possibly a victim—a doctor suspects domestic violence—we can screen and counsel. We want women to be able to have that access, to be able to know early on what are those illnesses they are facing.

August 1 means our long-fought battle will actually go into effect. Where does it go into effect? Well, it is already in effect on the Federal law books. Now it will go into effect in doctors' offices. Women will have access to the health care their doctor says they need, not what an insurance company says they need or what some right-winger wants to take away from them.

We are pretty mad about this. We were mad 2 years ago when they wanted to take our mammograms away from us, and we are going to be pretty mad if they try to take our health care away from us. But what we are happy about—what we are happy about—is that for over more than 50 million American women tomorrow it will be a new day. They will be able to walk into their doctor's office. In the doctor's office they will say: Good morning. Can I help you? And when they say: When was the last time you had a mammogram, and the patient says: Well, I never had one because I could not afford it, they will say: Oh, we can sign you right up for that. Tell me about your family history. Is it true that your father had colon cancer? Well, listen, we worry about that for you. You could be at high risk. We are going to take a look at that and make sure you are OK.

For young women, we are going to make sure you have other kinds of counseling and services you need in order to have a productive family life. This is what this health care bill is all about. It is about people. It is about access. It is about preventing dread diseases.

People will come to this floor and they will pound their chest and complain about the President. We want to pound the table and make sure women have gotten the health care they need.

Tomorrow, we are going to be very excited when we keep the doors of doctors' offices open to the women of America.

Mr. President, I yield the floor.

The ACTING PRESIDENT *pro tempore*. The Senator from New York.

Mr. SCHUMER. Mr. President, first, I wish to give two thank-yous: first, to my colleague from California for letting me go ahead of her—I have a Finance Committee meeting—and second, to both my colleague from Maryland and my colleague from California, whose voices are so clear and clarion. I love to listen to the Senator from Maryland. She speaks right to the people. She has it. She gets it. And do you know what. If we could get every

American in a giant football stadium and they could listen to Senators MIKULSKI and BOXER on health care, 80 percent would be for it. So I want to salute them and salute particularly Senator MIKULSKI for putting both the event earlier today and these speeches together.

I heard the minority leader speak, and it meant two things. First, it meant the Republican party does not want to do cyber security. It means the greatest threat to our Nation—probably even greater than terrorism, if you speak to some of our intelligence and military experts—will not be dealt with because we know what he is doing. He is asking for an unreasonable demand, unrelated to cyber security, to go on the floor, knowing that will stop us from moving forward.

It is a sad day. We have some of our colleagues from the other side of the aisle talking about that we must not abandon defense. Well, one of the strongest things the defense of our Nation needs is a strong cyber security bill. Because special interests—the Chamber of Commerce and others—do not want it, even though every military and intelligence leader has said how vital it is, it seems the other party's tea leaves show that the other party is going to block us from going forward. It is unfortunate and it is sad.

Then, second, the way he chose to block cyber security could not be worse in terms of substance and in terms of timing. Today, July 31, the minority leader wants to put on the floor the repeal of so many things that are going to happen tomorrow to women and to men across America that benefit them. So his timing could not be worse. The very day before we are going to see huge benefits for the American people, he wants us to debate repeal. Why don't we let the American people see the good parts of health care before we repeal it. And we are not going to repeal it.

I want to talk about this day—or tomorrow, actually—where so many portions of the Affordable Care Act go into effect.

Three million women in my home State of New York will benefit. From Buffalo to Montauk, in Albany and in Manhattan, 3 million women will receive free basic preventive care for themselves and their children. So many women and men do not get preventive services because it is expensive to them. These services are free. But not only will they make those people healthier—the No. 1 goal—but they will reduce the costs of health care because every expert—Democrat, Independent, Republican; moderate, liberal, conservative—says if you do more prevention, you are going to save money.

Tomorrow, so many of those preventive services go into effect. More women will go in for annual preventive care visits to screen for cervical, ovarian, and breast cancers. More women

will receive preconception and prenatal services, so their children can grow up healthy, active, and strong. More women will have access to contraception and its additional health benefits, such as reduced risk of breast cancer and protection against osteoporosis.

New mothers will have access to support and supplies for breastfeeding, and more women will be screened for domestic and sexual violence, sexually transmitted infections, and HIV.

To my colleagues on the other side of the aisle: When we say there is a war against women and they get their backs up—they want to repeal this and put nothing in its place, no preventive services, no access to contraception, none of the things I have mentioned—yes, it is a war on women. Because if they cared about women and they did not like ObamaCare, they would still have a proposal on the floor to keep these fine pieces of the legislation going forward so they are not cut off tomorrow, which is what they intend to do, but, of course, thank God, will not happen.

The change we are making helps every woman—who said: I would but I cannot afford it; it is just too expensive—finally get health care.

Removing the copays is a great thing. Cutting the costs of preventive care is something we long wished to do in America and can happen tomorrow.

What about all the other benefits that affect men and women alike: 2.5 million young adults who can stay on their parents' insurance; 5.2 million seniors—men and women—in the doughnut hole who save \$3.7 billion on prescription drugs?

What about the idea that when your insurance company charges you too much, the money goes to profits and salaries and trips and advertising and not enough goes to health care? Starting tomorrow, you can get a rebate. We know our colleagues on the other side of the aisle—to them that is anathema, to make insurance companies give people a rebate.

So bottom line: We want to move forward on a cyber security bill, and we regret that the leader is putting logs in its way. And even more importantly, we want benefits to millions of women and millions of men to go forward, as was intended, as was voted for, as is the law of the land, and we will not let them deter us from bringing people those benefits.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Mr. President, I thank the Senator from New York for putting this into context for America.

What has happened here this morning is, instead of celebrating with us because tomorrow, August 1, an entire list of preventive services for women goes into effect because of ObamaCare—yes, our health care law—

the Republican leader says he wants to repeal all those benefits.

Not only does the Republican leader, on behalf of the Republican minority, want to repeal the benefits that go into effect tomorrow for women, he wants to repeal the entire health care bill. He wants to have an amendment to the cyber security bill—which is so critical to our national security—he wants to put an amendment on there to repeal a law that the U.S. Supreme Court found was constitutional and whose benefits are beginning to take hold in this country, benefits that mean right now people are receiving refund checks in the mail because their insurance company overcharged them, and under ObamaCare you cannot do that, and hundreds of millions of dollars are going out to our people. The Republicans want to, I assume, force those people to send back their refunds because they want to repeal ObamaCare.

Look at the list of preventive health benefits I have on this chart that are already in effect because of the legislation. Already because of health reform—and I see Senator HARKIN in the Chamber, who shepherded this through, as our dear friend Ted Kennedy became sicker and sicker with brain cancer. I will never forget how Senator HARKIN stepped up to the plate, Senator Dodd stepped up to the plate, Senator MIKULSKI stepped up to the plate, and they were the lieutenants who got it done. And the Republicans want to take it away. I can only imagine how Senator HARKIN feels, having been in that fight. But I am here to say I am your supporter. I know what you did.

I know my people in California—the largest State in the Union—are getting breast cancer screenings now, with no copays. They are getting cervical cancer screenings, hepatitis A and B vaccines, measles and mumps vaccines, colorectal cancer screenings, diabetes screenings, cholesterol screenings, blood pressure screenings, obesity screenings, tobacco cessation, autism screenings. How important is that? In my State, they say there is an epidemic of autism. They are getting hearing screenings for newborns, sickle cell screenings for newborns, fluoride supplements, tuberculosis testing for children, depression screenings. How important is that? They are getting osteoporosis screenings. I watched as my mother was in agony from osteoporosis. There are things you can do now to avoid it. But you need the screening. You need to know whether those bones are losing their density. They are getting flu vaccines for children and the elderly.

This list goes into effect tomorrow. So let's take a look at the list that goes into effect tomorrow that my Republican friends want to repeal today.

Tomorrow, women will get access to all of these things without copays or coinsurance: contraception, well-

woman visits, STD screenings and counseling, breastfeeding support and supplies, domestic violence screenings, gestational diabetes screenings, HIV screenings, and HPV testing.

I am stunned that on the eve of the broadest increase in benefits in my lifetime, the Republicans want to repeal these benefits for women. This is a continuation on their part of the war on women. They can get up and stand on their head and deny it and everything else. How else can you explain why, on the eve of the day that women are going to get all these benefits, they want to now cancel ObamaCare and stop all this from happening?

If you think it does not matter—let me say to you, Mr. President, I know you know it matters whether women get free contraception to cut back on unintended pregnancies and abortion and well-woman visits and breastfeeding support. How about domestic violence screenings—so critical. Some women are in these terrible relationships, and they go to the doctor, and they say: Well, I do not want to talk about it. Doctors will be taught how to spot domestic violence, and there can be an intervention that will save lives.

So here we stand. We have this list of benefits, women's preventive health benefits, that are going to go into effect tomorrow.

We are here to celebrate that. And instead of our Republican colleagues coming on the floor and joining us and saying how wonderful this is, and by the way, at the end of the day this saves money—we all know that. We all know it saves money when you have screening and counseling for STDs and you head off an illness. We all know it saves money. The health care bill saves money, and it reduces the deficit because of this investment in prevention. I cannot think of a more ridiculous situation than after a bill has become law for how many years now, Senator HARKIN? Is it a couple of years since we passed it? Years. It went to the Supreme Court. It was upheld. And now, just as we are about to see these great benefits for women go into place, the Republican leader says: Let's repeal ObamaCare today. Let's have an amendment on the cyber security bill, he said, to repeal the entire health care law.

The House voted 33 times, at least, to repeal it. So I am wondering, what is with this idea of repealing? Do you want to take away these benefits from women? From children? From men? From families? Yes, I guess you do. I guess you stand for going back to the old days when people could hear from their insurance company that they were cut off, when insurance companies could spend 70 percent on themselves, on their own perks, and CEOs getting hundreds of millions of dollars and you, the patient, getting hardly anything.



They want to go back. They want to take away the refunds. They want to take away the funding our seniors are getting as they deal with the high cost of prescription drugs. And we fixed that in this bill.

So I have to say, we make an investment in prevention, in keeping people healthy. We make sure being a woman is not a preexisting condition. And the Republicans today have relaunched their war against women. They are holding up the Violence Against Women Act that we passed over here in a bipartisan way. They will not take up the Senate bill and pass it. Why? They want to take away coverage in that bill from 30 million Americans.

They do not care about the immigrant population, obviously, the most vulnerable women there. They do not care about the college students, apparently. Because we get extra protections for them on college campuses. We protect the LGBT community. Clearly they are not interested in that. And they are not interested in protecting the Native American women.

So while the Speaker says: Oh, I will send conferees to a nonexistent conference on the Violence Against Women Act, he could simply pass the bill and make sure everyone is protected. Instead of celebrating today because women are getting all these wonderful benefits without a copay, they want to repeal all these benefits. They want to repeal this law.

Truly, I do not know what motivates them. I do not speak for them. But if they say it is to save money, that is simply not true. Because this bill saves money. This law saves money. Because we are investing in prevention. So the only thing I can think of is they want to hurt this President.

The Republican leader said his highest priority was making sure that President Obama is a one-term President. So I guess if it means attacking the health care law to hurt this President, he is willing to do it and hurt all my constituents who are getting these benefits and all of our constituents who are getting these benefits, hurting the American people.

Well, I say put politics aside. Let's see the Republicans come down here and celebrate the fact that finally our people are getting the health care they deserve and that they pay for.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I am proud to join my colleagues on the floor today—I thank Senator BOXER and Senator HARKIN for their leadership—just as I was proud back in December of 2009 to join Senator MIKULSKI in sponsoring the women's health amendment to the Affordable Care Act.

We are here today celebrating the fact that tomorrow, August 1, women

will have access to important health services at no cost. Senator BOXER showed very clearly what a number of those preventive services are. Thanks to the provisions of the Affordable Care Act that go into effect this week, women will have access to a broad range of preventive services from well woman and prenatal visits to gestational diabetes screening, and they will have access to those services without copayments or deductibles. So finances will no longer stand in the way of women getting the preventive health care they need.

This also has the potential to save our health system money in the long run. The Centers for Disease Control estimates that 75 percent of our health care spending is on people with chronic diseases. So by taking these preventive measures, we can slow this growth and the associated cost of disease.

One of those preventive measures I want to talk about this morning is screening for gestational diabetes. As cochair of the Senate Diabetes Caucus, I understand the importance of gestational diabetes screening and the impact it can have on both the mother and the baby. Gestational diabetes affects almost 18 percent of all pregnancies in the United States. Unfortunately, the number of those cases is increasing. The consequences of gestational diabetes are real. Not only are there significant health effects for the mother and baby during pregnancy, but researchers have found that both the mother and baby may be at risk for developing type 2 diabetes later in life. By getting screened, both the mother and child can be alerted to potential long-term health risks.

I want to tell the story of one of my constituents, Megan from Panacook, NH, because she is a great example of why this screening is so important. During her 28th week of pregnancy, Megan was diagnosed with gestational diabetes. The screening she had alerted her to the potential related health issues and they allowed her to get the necessary treatment. I am happy to report that Megan gave birth to a healthy baby girl, Grace. She is now 8 weeks old. Under the Affordable Care Act, all pregnant women will now be able to receive the gestational diabetes screening for free.

Tomorrow also marks an important milestone in women's health for another preventive service. Women, beginning tomorrow, will have access to contraception at no cost. Birth control is something that most women use, and it is something the medical community believes is essential to the health of a woman and her family. For some 1.5 million women, birth control pills are not used for contraception but for medical purposes. They can reduce the risk of some cancers. With costs as high as \$600 a year, birth control can be a serious economic concern for many

women. Being able to now receive birth control for no cost will bring financial relief to so many of those women.

Again, I have a story of a young woman from New Hampshire who I think illustrates so clearly why these are such important provisions. Keri Wolfe from Swanzey, NH, is a full-time graduate student at Dartmouth. She is going to benefit from this provision because Keri takes birth control as a medical necessity for treating a health issue that affects her adrenal gland. While Keri is lucky to have insurance, she has to pay her plan's full deductible and then a monthly copay for her birth control. As a student who is trying to balance academic and living expenses, her prescriptions come at a significant cost annually. When her new insurance plan goes into effect, Keri is going to be able to get the full price of her birth control covered. That is great news in making sure she gets the health care she needs.

As Governor of New Hampshire, I was proud to sign legislation that required insurance companies to provide contraceptive coverage to women with no religious exemption. At that time it was understood by people on both sides of the aisle of all religious faiths that requiring contraceptive coverage was about women's health, and it was a basic health care decision. Yet over the last several months, opponents have continued to roll back contraceptive coverage at both the State and Federal level. Every woman should be able to make her own health care decisions. She should not have to have her boss stand in the way. The provisions that go into effect tomorrow ensure that women can make these decisions.

I thank Senator MIKULSKI and Senator HARKIN for their leadership on women's health. I join them in celebrating these important provisions that are going to make a huge difference for women's health, that are going to be good for women, for families, and for everyone in this country.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. HARKIN. Mr. President, first of all, let me commend the Senator from New Hampshire for her great leadership as a Governor and as a Senator in this whole area of health care for women especially. She is providing great leadership in this area, continues to provide that leadership. I want to join with the Senator from New Hampshire in saying we are not going to let these provisions that now are expanding coverage for so many women—47 million women in America—we are not going to let these roll back. We are not.

Again, if the people of this country elect Mr. Romney to be President and they turn over the Senate to the Republicans, there it goes. It is gone. It is gone. I did not hear this this morning,

but I understand the Republican leader said this morning—I stand to be corrected. As I understand, he said they wanted the first amendment that would be offered on the cyber security bill that I think is now before the Senate—he wanted the first amendment to be a repeal of the Affordable Care Act.

What timing. What timing, I say to the Republican leader. On the eve of when we are expanding preventive health care services for 47 million women in America, the Republican leader gets up and says: We want to vote to repeal this tomorrow. Tomorrow. Repeal it tomorrow.

Does that not kind of give you some idea of how they feel about the women of America and the health care of our mothers, our sisters, our daughters? That is what they want.

We have already voted 33 times to repeal portions of the health care act. I think we voted twice in the Senate to repeal the whole thing. They want to have another vote. I think it is more than curious that the Republican leader wants to vote to repeal it on the very day when we are expanding health care coverage for the women of America. Interesting.

Tomorrow is an important day for American women, thanks again to key provisions of the Affordable Care Act. I do want to commend Senator MIKULSKI for her great leadership in this area, Senator Dodd, Senator BINGAMAN. Senator Kennedy, when he became ill, asked us to take the leadership on different provisions of the Affordable Care Act on the HELP Committee and to get it through.

We had wonderful support from our colleagues here on the floor of the Senate and our committee. These provisions that we put in to move us from a sick care system to a health care system—I have often said that in America we do not have a health care system, we have a sick care system. If you get sick, you will get care one way or the other, usually in the emergency room if you are poor, or maybe not at all if you do not make it to the emergency room. But there is very little in our country to keep you healthy in the first place. Yet we know, we have good data that shows preventive services up-front save you a lot of money and a lot of lives, a lot of pain and suffering later on. So in the Affordable Care Act we put in a big provision on preventive services. We said basically that what the Preventive Services Task Force of the Center for Disease Control and Prevention—what they listed as their A and B, those that had the, if I can use their term, “best return on investment” or the “biggest impact,” that those would be free, there would be no copays or deductibles.

Senator MIKULSKI reminded us of what is obvious but not too often taken into consideration in legislation; that is, women are different from men. So

we asked the Institute of Medicine to come up with provisions that applied to the preventive health care of women. That is what goes into effect tomorrow.

Senator BOXER very eloquently talked about that and had the chart showing all of the different things that will start tomorrow—an all-new plan that would cover women in this country—again, to keep women healthy in the first place, preventive services to keep women healthy without copays and deductibles.

Right on the eve of this wonderful expansion of health care coverage, of making sure women are not second-class citizens when it comes to prevention and wellness—on the very eve of saying to women that no longer can insurance companies sort of say, because you are a woman you have a pre-existing condition—the Senate Republican leader gets up and says he wants to have the next vote on repealing the health care bill.

Talk about a slap in the face to the women of this country. Well, I think women know what they are facing coming up this fall. I point out that tomorrow about 520,000 women in Iowa will have expanded health care coverage, preventive services. We fought very hard to put these into law, and we are not going to let them repeal it. We have the votes—let's face it—in the Senate to stop that. The Republican leader can bring it up again, and it can be voted on, but I think it is indicative of where they want to take this country.

We can stop it now, but if Mr. Romney is elected President, he said on day one he wants to repeal it. When he is first sworn in he will send up legislation to repeal it, and if the Senate and the House are in Republican hands, we can kiss it goodbye. It is gone. We will not be able to stop it then.

It is hard to believe, but prior to the Affordable Care Act essential services that were unique to women, such as maternity care, were not often included in health plans. Tomorrow, we include preventive care checkups, screening for gestational diabetes, and breast-feeding support and supplies.

How many low-income women in this country would know that the best thing for their babies is breast milk? Breast feeding, we know, is the preferred method of starting off babies, but sometimes these supplies can be expensive, especially if women are working at a low-wage job and they may need these supplies, but they can't afford it, so, therefore, they turn to another method, to formula for the babies. I am not saying formula is bad, but as we know, and doctors will tell us—every pediatrician will tell us that breast feeding is the best. But women would be forced to choose the less best option if they didn't have these breast-feeding supports and supplies.

Let me take head on, if I can, this idea of contraception. As the Senator from New Hampshire pointed out, this can be pretty expensive—up to \$600 a year or more. For one of us who is making \$172,000 a year and have great health care coverage, that is not a big deal. But to a low-income woman with a couple of kids, working at a minimum wage job, trying to scrape enough just to get by, \$600 a year is a lot of money.

Let me point out another facet of this issue. Somehow people think, for example, birth control pills are only to prevent a pregnancy. There are many young women of childbearing age in this country who take birth control pills on the advice of their doctor not to avoid a pregnancy but because their monthly cycles are so painful that they can't even work. So what are we saying? A young woman who gets a prescription from the doctor and says it is not for birth control but is for other physical problems, she has to take that in and show it to her employer now or her insurance carrier? That makes women second-class citizens again. Nonsense.

I respect religious freedom as much as anyone, but despite the Republican propaganda, this law doesn't mandate that any woman has to use contraception, and it doesn't force employers to provide it. It gives women affordable access to birth control for a variety of reasons should they and their doctor decide it is right for them or their families. As for religious organizations that object to contraception, the President has issued a very sensible compromise to accommodate their beliefs, while ensuring that women still have access to this critical service.

I respect the views of all people on these often divisive issues, and I would oppose any measure that threatens the fundamental religious liberties of people or institutions. But the Republicans are not motivated by a genuine desire to protect religious liberty; rather, they are determined to undo these and other benefits for women in the Affordable Care Act. They have repeatedly introduced legislation, approved by the House Appropriations Committee, that allows anyone to opt out of providing services to which they have any religious or moral objection.

Well, one might say that sounds reasonable on the face of it, but think about this. Any employer with any religious or moral objection could opt out of any coverage. They could say, well, they object not only to contraception but to mammograms, prenatal screening. They just have a moral objection to that based upon their religious beliefs.

I respect Christian scientists—I always have—and their beliefs. Can they say, well, they are not going to cover insurance for an employee who goes to see a doctor for allopathic medical care, that is not their religious belief?

We have to have reasonable compromise, and I believe the President has come up with that. So what the Republicans would do, according to their leader, is rob 47 million women of these new preventive services. They would rob 1 million young women of the insurance they have already gained through the Affordable Care Act, of an extension of dependent coverage. America's women will not be dragged backward. They are not going to allow health insurance companies to return to the policies and abuses that hurt them and their families prior to the passage of the Affordable Care Act.

Tomorrow marks another step forward in transforming our current sick care system into a true health care system, and many women will now experience this firsthand. We are going forward. The Republicans can bring it up time and time again. They have sent a very clear signal to the women of America that whatever they gain out of the Affordable Care Act—all these benefits—they are going to take them away from women if they put them in office.

I think the women of America need to have some deep soul searching about who they want deciding their fate in the future, after this next election.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. First, I thank my colleague from Iowa, Senator HARKIN, for the clarity of his statement, for his sincerity and, most importantly, for his leadership. We have the Affordable Care Act because of TOM HARKIN, Chris Dodd, BARBARA MIKULSKI, and others who worked hard to make sure it was here to help families all across America, particularly those in low-income situations.

Like Senator HARKIN, I was stunned this morning when the Republican leader came to the floor and said: The first thing we want to do is to repeal all of this health care preventive care that will be available across America, including the provisions that go into effect tomorrow protecting 47 million of our women and family members all across the United States—2 million in Illinois, I might add, will be helped by this. They insist on bringing up on the pending bill on the Senate floor this amendment to basically remove the protection for these women that is built into the Affordable Care Act.

I have to say to Senator HARKIN, we can't be too surprised at this. Does the Senator remember the very first amendment the Republicans offered on the Transportation bill—a bill that we wanted to pass to build highways and airports? Remember what Senator BLUNT, the Republican from Missouri, offered as the first Republican amendment to the Transportation bill? It was on family planning. Family planning on transportation? I guess some late

night comedian can make a connection, but I don't get it.

Now we have the pending cyber security bill to protect America from a cyber attack that could cost American lives—something we are told is the No. 1 threat to America—and Senator MCCONNELL comes to the floor on behalf of the Republicans and says: This bill won't go forward unless we can offer an amendment to repeal the Affordable Care Act—repeal the protections that are there for families and women across America.

It is stunning that no matter what issue we go to the Republican Senators return to this issue of denying health care coverage and denying protection and preventive care to our families. In a way—the Senator touched on it—it is pretty easy for a Senator to come to the floor and talk about somebody else's health care because, as you and I know, and Senator MCCONNELL knows, the health care we have as Members of the Senate—American families would die for the health care we have. We have the best health care insurance in the world, and we have it in a government-administered plan that protects every Senator and their family. We are lucky. We are in the Federal Employees Health Benefits Plan. I believe people across America should have the same opportunity for the same type of health care.

I am still waiting for the first Republican Senator who gets up on the floor and denounces government-administered health care to walk to the well and say: As a proof of my sincerity, I am going to abandon my own health insurance as a Senator. Not one has done that, not a single one.

So for the Senators who come to the floor, their wives will still be protected by our health insurance, and their daughters will still be protected. The question we have to ask is, Should the protection we have as Senators for our families be available to others all across America? That is what this is about.

Tomorrow is the launch of an amazing development in health care protection for our families. I applaud it. My wife and I are still celebrating because our daughter gave birth to twins in November. We have twin grandchildren—now 8 months old. They got through the pregnancy well; she was cared for and did just great. We are so proud of our daughter, our son-in-law, and their family. I think about the provision that will go into effect tomorrow. The Senator from Iowa knows that pregnant women in danger of gestational diabetes that could threaten their lives and the lives of the babies they are carrying will have preventive screening to protect them.

Don't come to the floor and tell me you are pro-life and pro-family and you oppose that. If you want a healthy mom and baby, this screening that

starts tomorrow for millions of American women is going to be a step forward, a positive step toward uneventful births and healthy babies. Think about the care and screening for cancer and for all of the problems that women face.

I see Senator MURRAY on the Senate floor. She has been an extraordinary leader on this issue. I will yield to her in a moment.

All those who are on this campaign to repeal ObamaCare—that was their slur on that, and we accept it. It was accomplished under President Obama, and I was proud to vote for it. It is one of the most important votes I ever cast as a Member of the Senate. Those who want to repeal this so-called ObamaCare—as Senator MCCONNELL called for again today on behalf of the Republicans—would repeal a few basic things we should not forget. Every family in America has a child with a preexisting condition. Think of asthma, diabetes, or a history of cancer.

Under our law, they cannot be denied health insurance coverage. We protect those kids, and we protect their families. The Senate Republicans want to repeal it. Seniors across America who are paying for prescription drugs and going into their savings to fill the doughnut hole each year are getting a helping hand from the affordable health care act. The Senate Republicans want to repeal it. Families across America with kids fresh out of college looking for jobs and can't find them or have a job without good health care can still be covered under their parents' policy until the young person reaches the age of 26. That is what the affordable health care act does. The Senate Republicans want to repeal it. And tomorrow 47 million women in America will have preventive screening so they can be healthy on an affordable basis and be mothers giving birth to healthy babies. That is in this new law, and the Senate Republicans want to repeal it.

This isn't just a war against the pill. This isn't just a war against family planning. It is literally a war against women. And the statements of the Senate Republican leader on the floor today are proof positive that they have one focus, and that is to take away these protections we built into the law.

I am happy to yield the floor for our leader on this issue, my colleague from Washington State.

The PRESIDING OFFICER (Mr. MANCHIN). The Senator from Washington.

Mrs. MURRAY. Mr. President, I come to the floor today very excited about the great progress America is going to make tomorrow, August 1, for women across this country and to share the outrage I just heard from the Senator from Illinois and others that before those even go into effect tomorrow, on the eve of this great opportunity for so

many women, the Republican leader has come to the floor and said: We want to repeal it—first amendment, on an issue not related at all to cyber security but to take those away before they even begin.

It is an exciting moment for women in this country. Two years ago health insurance companies could deny women care due to so-called pre-existing conditions such as pregnancy or being a victim of domestic violence—denied. Two years ago women were legally discriminated against when it came to insurance premiums and were often paying more for coverage than their male counterparts. Two years ago women did not have access to the full range of recommended preventive care, such as mammograms or prenatal screenings, that the Senator from Illinois talked about. Two years ago insurance companies had all the leverage. Two years ago, too often, women paid the price. That is why I am so proud today to come to the floor with so many of our colleagues to highlight just how far we have come for women in the past 2 years and the new ways women will benefit from health care reform starting tomorrow, August 1.

Since the Affordable Care Act became the law of the land, women have now been treated more fairly when it comes to health care costs and options. Deductibles and other expenses have been capped, so a health care crisis won't cause a family to lose their home or their life savings. Women can use the health care exchanges to pick quality plans that work for themselves and their families. And if they change jobs or have to move, which so many people have to do today, they can keep their coverage.

Starting tomorrow, August 1, additional types of maternity care are going to be covered. Women will be armed with the proper tools and resources in order to take the right steps to have a healthy pregnancy. Starting tomorrow, women will have access to domestic partner violence screening and counseling, as well as screening for sexually transmitted infections. Starting tomorrow, women will finally have access to affordable birth control so we can lower rates in maternal and infant mortality and reduce the risk of ovarian cancer and improve overall health outcomes and encourage far fewer unintended pregnancies and abortions, which is a goal we all share.

I also wish to note that the affordable contraceptive policy we put in place preserves the rights of all Americans while also protecting the rights of millions of Americans who do use contraceptives, who believe that family planning is the right choice for them, and who don't deserve to have politics or ideology prevent them from getting the coverage they deserve and want.

Starting tomorrow, women will be fully in charge of their health care, not

an insurance company. That is why I feel so strongly that we cannot go back to the way things were. While we can never stop working to make improvements, which we all know are important, we owe it to the women of America to make progress and not allow the clock to be rolled back on their health care needs.

Despite the recent Supreme Court decision upholding this law, I know some of our Republican colleagues are furiously working to undo all the gains we have made in health care reform for women and families. We heard the minority leader this morning come to the floor, and he wants to offer an amendment on the next bill that is now coming up on cybersecurity to repeal all of these important protections for women, that women are taking advantage of today, and certainly something we all should want for our families and our daughters and for the women in this country. I know they apparently think repealing the entire health care law would be a political winner for them, but the truth is that this law is a winner for women and for men and for children and for our health care system overall.

So I am proud to be out here with my colleagues today who are committed to making sure the benefits of this law do not get taken away from the women of America because politics and ideology should not matter when it comes to making sure women across America get the care they need at a cost they can afford.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, as the Senate now turns its attention to the pending legislation that aims to enhance our Nation's cyber defenses, I would like to take a few moments to review where we are because I think the bill we now have on the floor brings us closer than ever to an agreement on a way to better defend our country, our prosperity, and our security against what is emerging as the most significant threat we face today, bigger than a conventional attack by a foreign enemy, bigger even than Islamist terrorism, a threat that is very different from anything we have faced before and so probably hard for most Americans to conceptualize but, trust me, it is here. That is why it is so important. We have come closer than ever to an agreement, but we are not there yet.

I have come to the floor to say to my colleagues that those of us who sponsor the pending legislation—Senators FEINSTEIN, ROCKEFELLER, COLLINS, and I—are eager to continue to work with our colleagues toward a broad bipartisan solution to this urgent national security threat—crisis. Obviously, to do that we have to begin processing amendments, and they have to be what the majority leader has said: germane

or relevant. The majority leader has said we will have an open amendment process, and I thank him for that. No filling of the tree here. But the amendments have to be germane or relevant. We are dealing with a national security crisis unlike any we have faced before.

A broad bipartisan group of us met with the leaders of our cyber defense agencies yesterday—not political people, not partisan people—and they urgently appealed to us to pass this legislation in this session of Congress. It gives them authority to protect us that they don't have now. Frankly, they worry that without that authority to share information with the private sector, for the private sector to share cyber threat information with each other without fear of liability, for the government to have the ability to create some standards for the private owners of cyber space and then give them the voluntary option to abide by those standards—that all of those additions, all of those realities that will be created by passage of this bill are desperately needed now. The fact is they were needed yesterday. They were needed last year.

That is why I am so disheartened to hear this morning that our friends in the Republican caucus are talking about introducing an amendment to this bill that will repeal ObamaCare, as they call it. There is a day for that, but it is not this week on this bill. Frankly, I feel the same way about some of the gun control amendments that have been submitted by members of the Democratic caucus. Those amendments deserve debate at some point but not this week on this bill.

We can get this bill done and protect our security. Nobody believes that we are going to repeal ObamaCare this week or that we are going to adopt gun control legislation. Those are making a statement. They are sending a political message. And they will get in the way of us protecting our national security.

So I appeal to my colleagues on both sides, pull back these irrelevant amendments. Let's have a full and open debate on cyber security, and let's get it done this week. There are already more than 70 amendments filed that are germane or relevant.

The PRESIDING OFFICER. The time for the majority has expired.

Mr. LIEBERMAN. I ask my friend from Kansas if I could have 2 more minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LIEBERMAN. I thank the Senator from Kansas.

There are already 70 amendments filed, so we don't have time to sit here staring at each other while we could be working through them. The truth is that we have a number of amendments on which we are ready to take votes, but of course we need cooperation from

both sides in order to nail down that agreement with the consent that is required.

Before I yield the floor, I wish to underscore that while there are important issues we still need to work through this week, the reality is that because Senators on all sides have been willing to compromise, we have a golden opportunity to prove we can work together when it counts the most, which is in defense of our security and prosperity. Leading sponsors of the pending bill, leading sponsors of the leading opposition bill, SECURE IT, and leaders of the peacemakers in between led by Senators KYL and WHITEHOUSE have been meeting for the last week and making progress. And I would say that what was once a wide chasm separating us is now a narrow ridge, which we can bridge—and I firmly believe we will—with good faith on all sides, in a willingness to compromise. You can rarely get 100 percent of what you want in a democratic—small “d”—legislature such as ours, but if each side can get 75 or 80 percent and we can begin to fix a problem and close the vulnerabilities that exist in our cyber infrastructure this week, we will have done exactly what the American people want us to do. That is my appeal to my colleagues.

Mr. President, I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, I wish to thank my distinguished friend and colleague, Senator LIEBERMAN, for his leadership and for urging Members of Congress to bring amendments down that are germane on very serious national security issues. So I again thank him for his comments and his leadership.

#### HONOR FLIGHT NETWORK

Mr. ROBERTS. Mr. President, I rise today to recognize a distinguished group of World War II veterans from Kansas who are now visiting their Nation's Capital this week as part of the Honor Flight Network.

The Honor Flight Network is an organization with the main mission to give veterans the opportunity to visit their memorials on the National Mall, free of cost to the veteran. The veterans who participate are many times unsung heroes of World War II, and in many cases their remembrances and their stories are shared for the first time and become public for the first time for families and hometowns. In many cases, young people traveling with these veterans hear the stories and can put the stories of these famous battles that protected our country in their local newspapers and in their school newspapers. It is history—it is history shared, lessons learned, and certainly renewed thanks to the “greatest generation.”

Many of these veterans are in their eighties and nineties. There are fewer

than 20,000 World War II veterans in Kansas. As time marches on, that number only decreases. Nationwide, the VA estimates that approximately 740 members of the “greatest generation” pass each day. So I am especially pleased that this Tuesday a group of 28 veterans will fly in to our Nation's Capital from Kansas to see their World War II memorial, and other memorials, and allow us the privilege to pay homage to their heroism. With five regional hubs in Kansas, there is a steady stream of veteran groups making their way to our Nation's Capital. The leaders of these groups include Brian Spencer and Bill Patterson leading the Honor Flight Kansas Student Edition from Lyndon, KS; Adrienne McDaniel and Peggy Hill, who lead the Jackson Heights Honor Flight; Beverly Mortimer and Denise Cyr head up the North Central Kansas Honor Flight out of Concordia, KS; Mike Kastle and Jeff True guide the Southern Coffey County High School Honor Flight out of Leroy, KS; and finally, the leaders of this group coming in on Tuesday are Mike VanCampen and Lowell Downey.

These hub leaders and the many volunteers deserve our recognition for the hours of work, organization, and fundraising that go into planning these trips. Thank you for what you do and for setting such a fine example in remembering and honoring the sacrifices made by those who stood in defense of our country in World War II.

Kansans and all Americans should know that this program—as a matter of fact, the World War II Memorial itself would not even exist without our former Senate majority leader, the senior Senator from Kansas and a World War II veteran himself, Bob Dole. Bob was instrumental in bringing the World War II Memorial to the National Mall. And even now Bob meets personally with Honor Flight groups who make their way out to see their memorial. When veterans learn that Bob Dole is at the World War II memorial, there is a crush of veterans like a flock of chickens going to the mother hen. I am not sure Bob Dole will appreciate that allegory, but at least I think that indicates everybody comes to hear him and thank him for his efforts.

Finally, I wish to recognize each member of this Honor Flight trip from Kansas visiting their memorial, and I ask unanimous consent that their names be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

KANSAS HONOR FLIGHT NETWORK TRIP—JULY 31–AUG. 2, 2012—WORLD WAR II AND KOREAN WAR VETERANS

#### WORLD WAR II VETERANS

Dwight E. Aldrich; William Henry Bernard; Eugene H. Brown; Thomas Dale Coffman; Glenn J. Compton; Richard D. Ellison; Perry L. Garten; Bob F. Holdaway; Edwin D.

Jacques; Paul H. Koehn; Jay Edwin Kramer; Howard Russell Krohn; Howard Logan; Ralph Lundell; John L. Meyer; Richard Morrow Mosier; Charles G. Niemberger; Harvey L. Peck; Donald L. Revert (Don); John Russell Roberts; Rix D. Shanline; Lowell L. Smart; Norbert E. Stigge (Doc); John D. Topham; Delmar L. Yarrow; George A. Yohn; Keith R. Zinn.

#### KOREAN WAR VETERAN

Richard D. Wood.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, I know under the order this hour is reserved for Members of the Republican caucus, and although I am an Independent, I don't qualify exactly under the terms of the agreement to speak now. But seeing no Member of the Republican caucus on the floor, I thought I would take the opportunity to continue to speak about the pending item, S. 3414, the Cybersecurity Act of 2012, and if any of my colleagues arrive, I will yield to them immediately.

Before I yielded to Senator ROBERTS a short while ago, I made a statement that the two sides, if I can put it that way; that is, the sponsors of the pending legislation, Senators COLLINS, FEINSTEIN, ROCKEFELLER, and myself, and the sponsors of essentially the alternate approach, SECURE IT, sponsored by Senators MCCAIN, CHAMBLISS, HUTCHISON, and others—have been meeting. We have particularly been assisted by the bridge builders here—blessed are the peacemakers—Senators KYL, WHITEHOUSE, and others, and we have been making progress. I said what was once a chasm separating us is now a narrow ridge that we are close to bridging. Let me explain what I mean by that.

The sponsors of S. 3414, the pending legislation, strongly believe that owners of critical cyber infrastructure—and this is a unique aspect of our free society, thank God; 80 to 85 percent of the critical infrastructure in our country is privately owned, including cyber infrastructure. That is the way it ought to be. But it means when critical cyber infrastructure in a new world becomes a target of cyber attack and cyber theft, that we—the rest of us Americans—represented by the government, have to enter into a partnership with the private sector owners of critical cyber infrastructure so they will take steps to protect the cyber space that they own and operate because, if they don't, the whole country is in jeopardy. If an electric grid is knocked out, the kind of awful experiences we have all had at different times when

the power grid has been out in our area of the country will be felt perhaps for weeks and weeks.

Think about it. What if the financial cyber system, Wall Street, the hub of the systems that handle millions—trillions, really—of transactions over and over again, were knocked out? It would have a devastating effect on our economy, let alone the most nightmarish, which is that some enemy breaks into the cyber-control system of a dam holding back water and opens the dam and floods surrounding communities with a terrible loss of life. We could go on and on with the nightmare scenarios, but they are out there, and we are vulnerable to them.

So the sponsors of S. 3414 have felt that private sector owners of critical infrastructure should be mandated—that is only the owners of the most critical infrastructure—to adopt the standards that would be set under our legislation to protect their systems and our country. Sponsors of the SECURE IT Act started this debate firmly convinced that the only thing we need to do is to enhance our cyber security information-sharing between private sector operators and between the government and the private sector. We have a section in our bill that does exactly that, but we feel that is not enough. We feel there also needs to be these standards set for the private operators of the electric grid, of the transportation system, of the financial system, et cetera. If both sides had just stuck to their guns, no legislation would be possible. But when it comes to cyber security, no legislation, which is to say the status quo, is not only unacceptable, it is dangerous. Some of our real—really most of our national security leaders in this country from the last two administrations, the George W. Bush administration and the Barack Obama administration—have warned, as if in a single voice, that we are already facing the equivalent of a digital Pearl Harbor or a 9/11 if we don't shore up and defend our exposed cyber flanks. The same is true of the impact of our vulnerability in cyber space to cyber theft.

GEN Keith Alexander, the head of the Defense Department Cyber Command and the National Security Agency, made a speech a week or two ago in which he estimated that more than \$1 trillion has been stolen over cyber space from America. He called it the largest transfer of wealth in history. That results from moving money out of bank accounts that a lot of us never hear about because the banks believe it would be embarrassing if we knew, the theft of industrial secrets to other countries that then builds from those industrial secrets and creates the jobs in their countries that our companies wanted to create here. So there is a unified position among national security leaders, apart from which adminis-

tration they served under, that we need this legislation, and we need it urgently.

Several of us met with the leaders of the cyber security agencies of this administration yesterday. These are not political people; these are professionals from the Department of Homeland Security, the Department of Defense, the FBI, and others. They warned us again that the cyber systems that are privately owned and that are critical to our Nation's security remain terribly vulnerable to attack. They said to us, and I am paraphrasing, that we need this legislation to respond urgently and effectively to an attack on infrastructure as critical as the electric grid or Wall Street itself.

One of the leaders in our government, uniformed leaders, said to him today is a little bit like 1993 when it comes to cyber security; when, as we will remember, al-Qaida launched a precursor attack on the Twin Towers in New York with a truck bomb that blew up in the parking garage. We all know there was a loss of life then, but the damage was relatively small. But al-Qaida persisted and, of course, on 9/11 succeeded in bringing down the two towers of the World Trade Center. This leader of cyber security efforts in our government said our adversaries in cyber space are just about where al-Qaida was in 1993 when they blew up that truck bomb in the parking garage of the World Trade Center.

What I was impressed with yesterday, I will say parenthetically, is though there is some controversy out here about who is capable of what in our Federal Government—and let me speak frankly. Some people don't have much respect for the Department of Homeland Security. I don't understand why because they do a great job, in my opinion, in so many different areas, including the one that is relevant here, cyber security. But it was clear that the Department of Homeland Security, the Department of Defense, and the FBI are working as a team—really, like a seamless team—24/7, 365 days a year to leverage each other's capabilities to provide for the common defense. They all agreed yesterday we need to pass this legislation to give them the tools they urgently need, that they don't have without this legislation, to work with one another and the private sector.

I wish to again give thanks to Senators KYL and WHITEHOUSE, joined by Senators MIKULSKI, BLUNT, COONS, GRAHAM, COATS, and BLUMENTHAL, who have come together with a compromise proposal after a series of good-faith negotiations and, as a result, Senators COLLINS, ROCKEFELLER, FEINSTEIN, and I have made major and difficult compromises in our original bill in order to move the legislation forward, to get something started, to protect our cyber security.

I think we now have a broad agreement on a bill containing those same cyber security standards that were in our original bill that resulted from a collaborative public-private sector process and negotiation. But now, instead of mandating them, we are going to create incentives for the private sector to opt into them. We are going to use carrots instead of sticks. We have added some compromises also from the original legislation to guarantee Members of the Senate and millions of people out in the country that when we act to share information from the private sector to the government, we are going to have due regard for the privacy of people's data in cyber space—personal information—without compromising our national security at all.

There are advocates on both sides of both the information-sharing provision and the critical cyber-standards provision that think we have gone too far, and some think we haven't gone far enough. But while advocates on the outside of the Senate can hold fast to their particular positions, legislators on the inside of the Senate need to take all of these deeply held views into account. Ultimately, our responsibility is to get something done to protect our security—it is our responsibility to pass a law—and we have done that here.

I wish to first review some of the broad areas of agreement and then outline the differences that remain because I want my colleagues to understand how much progress has already been made. Sometimes the news stresses the differences between us.

Let me start with title I of the bill, which is the one on critical infrastructure. I think there is a growing, broad agreement now that the private sector owners of critical infrastructure should work with the government to develop what somebody yesterday called the best cyber hygiene or standards of defense that are needed to safeguard their facilities and the rest of us.

In the original bill we had the Department of Homeland Security playing the singular role for the government. We broaden that now in response to, particularly, recommendations from the Kyl-Whitehouse group, and we have created a new interagency council we call the national cyber security council, which will consist of the Department of Homeland Security, the Department of Defense, the Department of Commerce, the FBI, and the Director of National Intelligence, as well as relevant primary regulators when that sector of cyber structure is put forth in the council.

What do I mean by that? If they are dealing with the cyber security of the financial sector of our government, then on those standards we would expect the Securities and Exchange Commission and the Treasury Department,

for instance, among others, to be seated at the table to come up with an agreement on those standards.

We have also agreed that adoption of these practices will be voluntary and that there will be no duplication of existing regulations or any new regulatory authorities that will be added to law.

We have also agreed that incentives need to be created—the carrots I spoke about, such as liability protection—to entice private sector owners to adopt these practices once they have been developed—totally voluntary. But I think if we build this right, they will come. Although it is not mandatory, we will set a standard, and private sector operators of critical infrastructure will want to meet that standard because they will want to act in the national interests to protect their customers, but also because when they do they will receive very valuable immunity from liability in the event of an attack or a theft.

Look, I decided that we needed to make the system voluntary in order to get something passed this year. I think it has a good chance of working as a voluntary system. But if it doesn't, and the cyber threat grows as much as I think it will, then some future Congress is going to come along and make it mandatory.

So there will be an incentive on both the public and private sector—particularly the private sector—to make this voluntary system work. God forbid between now and then there is a major cyber attack against our country; Congress will come flying back and adopt mandatory regulations. That is not what we want to happen. This is the time for rational, thoughtful discussion and legislation that will begin a process that will go on for years because the cyber threat is not going away.

So that is title I. That is the compromise we offered on title I, which deals with cyber infrastructure. I go now to title VII. In between there are some very good titles, titles II through VI, but the good news is—maybe I should stress this—there seems to be broad bipartisan agreement on those titles.

Title VII is the one on information sharing, and there is some disagreement on that. But we have come to agree that private sector companies must be able to share cyber-threat information with the government and each other, with protections against liability that will incentivize—really allow—that sharing; that this sharing must be instantaneous.

In other words, to protect—to respond to concerns about private data being shared when a private sector operator of cyber security shares information with the government, we are requiring in this bill, the pending legislation, that the first point of contact

for cyber sharing and reporting cyber attack is with a civilian agency—not a military or law enforcement agency or an intelligence agency but a civilian agency, such as the Department of Homeland Security or some other approved civilian exchange.

Some people have worried that if we did that, it would delay the referral of that information to the law enforcement and intelligence and military parts of our government, almost as if when the information of a cyber attack is sent to the Department of Homeland Security, somebody is going to have to go find the Secretary of Homeland Security to make sure she sees it before it goes to the Department of Defense, FBI. The world we are in is very different from that. It has been explained to me and others who met with, particularly, General Alexander, the head of Cyber Command at the Department of Defense that everything travels instantaneously, at cyber speed. That means that according to preset programs, cyber attack, if this bill is passed, will automatically—notification of it—go to the Department of Homeland Security or a civilian exchange, and at the same instant it will go to the Department of Defense, the FBI, and the intelligence community.

But when it first goes to the civilian exchange, there will be software in there to screen out—to prevent the possibility that any personal data—e-mails, private financial information—will not be sent to the law enforcement and defense branches of our government. That is another reason sharing will have to be instantaneous—that existing information-sharing relationships will continue undisturbed; that is, for instance, between the defense contractor and the Defense Department, and that there should be no stovepipes among government agencies. Agencies that need information should have access the instant it is provided to the government.

I know some colleagues want more assurance that while a lead civilian agency will serve as the hub for immediate distribution of cyber-threat information, it will do so without slowing down DOD's and NSA's abilities to access and act on that information. I have just told my colleagues that would be the case. Others want to add further privacy protections. I do want to say in this regard that we have already significantly strengthened the privacy protections, thanks to a lot of good negotiation with a group of Senators—Senators FRANKEN, DURBIN, COONS, WYDEN, and others—and a broad range of privacy and civil liberties groups ranging, really quite remarkably, from the left to right and in between, who seem generally pleased with what we have done to protect privacy under our legislation.

Here is the good news: The people in charge of cyber security in our govern-

ment say the privacy protections we have added in the underlying bill to the information-sharing section of this bill will not stop them for a millisecond from receiving the information they need and protecting our national security. So, to me, this is the Senate at its best.

We are not there. My dream—because this is—we are legislating here. We are not in the midst of some traditional sort of government regulation controversy. We are legislating actually in the midst of a war because we are already being attacked every day over cyber space. We have been lucky that it hasn't been a major attack that has actually knocked out part of our cyber infrastructure, but that vulnerability is there.

A few months ago there was a story in the Washington Post about a young man in a country far away that launched an attack against a small utility—I believe it was a water company—in Texas. He got into their system and actually had the ability to totally disrupt the water supply in that area of Texas. What the hacker did instead—and he just had a computer and was smart—what he did instead was post proof that he had broken into the industrial control system in that small utility in Texas just to show the vulnerability. In a sense, he might have been bragging he could do it, but it also was a warning to us. What if the next time that happens it is a larger utility or a group of smaller utilities around the country—maybe water, maybe electricity, maybe gas—and this time they are not just warning us or showing us our vulnerability, but they are actually going to disrupt the flow of electricity or water to people who depend on that? That is the kind of crisis we face and why it is so urgent that we deal with this.

So let me come back to my dream. My goal here is that as we go on this week, we are able to submit a managers' amendment, but it is not just from the managers—Senators COLLINS, ROCKEFELLER, FEINSTEIN, and me—that we are joined by a much broader group and we form a broad bipartisan consensus to protect our country from a terrible danger that is real, urgent, and growing.

I always like to think back at these moments—and I was thinking about it again in this case, and since I do not see anybody else on the floor, I will indulge myself and go back—to a hot July day in Philadelphia, over 225 years ago, when the U.S. Senate was created as part of the—I am glad to say, proud to say—Connecticut Compromise offered to the Constitutional Convention by two of Connecticut's delegates to that convention, Roger Sherman and Oliver Ellsworth. It passed by just a single vote, but it helped keep the convention together



and to enable our new government, including our Congress, to take shape because the Connecticut Compromise guaranteed the small States that their interests would be protected—small-population States—in the Senate because every State, no matter how big or small its population, would have two Senators, and it guaranteed the larger States that they would have a greater say in the House of Representatives, whose membership would be reflected, as it still is today, by population. Not everyone got everything they wanted that day, but they found a common ground that allowed them to go forward and finish writing our Constitution. That is the kind of position we are in today.

Shortly after the Connecticut Compromise was adopted at the Constitutional Convention, James Madison, as you know, Mr. President, often referred to as the father of the Constitution, wrote—and I am paraphrasing a little bit here—“the nature of the senatorial trust” would allow it to proceed with “coolness” and “wisdom.” I think these negotiations on the Cybersecurity Act of 2012 show thus far that we have the ability to put ideological rigidity, partisanship, and politics aside when our security is at risk and move beyond gridlock and fulfill our Founders’ vision of what this body can do when it comes to debating the great challenges of our time, with “coolness” and “wisdom,” as Madison said.

So over the next couple of days, let’s debate all the relevant and germane amendments. Let’s start voting as soon as we can on them. But then, for the good of the country, let’s each compromise some, acknowledging that none of us can get everything we want and we cannot afford to insist on everything we want because if we do, nothing will happen and our country will remain vulnerable to cyber attack until the next opportunity Congress has—which I would guess will be sometime as next year goes on—to deal with this challenge. We cannot wait. We simply cannot wait. I know we can do this. I urge my colleagues, therefore, to come to the floor. I urge the leaders of both parties to agree that the amendments submitted should be germane and relevant and that we can and will finish our work on this legislation this week.

I thank the Presiding Officer.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COTTON TRUST FUND/AGOA

Mr. MENENDEZ. Mr. President, I ask unanimous consent to enter into a col-

loquy with the majority leader, Senator REID, and the distinguished chairman of the Finance Committee, Senator BAUCUS.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MENENDEZ. Mr. President, let me begin by clearly stating I understand the majority leader later today will issue a unanimous consent request to move forward on the AGOA, the African Growth and Opportunity Act trade bill, and the Burma sanctions package as well as CAFTA-DR. Those are all efforts I supported as a member of the Finance Committee and voted for and ultimately want to see passed.

I believe trade is an effective development tool and that by investing in people we can make a long-term and sustainable change in developing countries. But at the same time, I am very concerned about our failure to reauthorize the cotton and wool trust funds which are crucial to sustaining jobs in the United States and jobs in my State of New Jersey.

For some time now I have been working tirelessly to reach an agreeable resolution on the issue, one that enables us to pass AGOA and CAFTA-DR and Burma sanctions while simultaneously protecting dwindling apparel sector jobs in the United States, hundreds in my home State, thousands across the country, and ensuring that our trade is not just free but is also fair.

That is not the case right now. So I come to the floor to enter into a colloquy with the distinguished majority leader and the chairman of the Finance Committee to ask for their help and commitment to addressing this domestic jobs issue, the cotton and wool trust funds this year, so we can seek to move this legislation and do right by American workers as we are trying to also help African workers.

I yield to the distinguished majority leader.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I appreciate very much the Senator from New Jersey coming to the floor to discuss this issue. As my friend from New Jersey knows, as the chairman of the Finance Committee knows, I support the wool and cotton trust funds. That is very clear in the record of this body for what I believe was wrong with the Olympic uniforms. It is such a shame our athletes over there are wearing clothes made in China. I think that is too bad. I support the wool and cotton trust fund. I support the citrus trust fund. There are only three of them. I support all of them. I agree with my friend from New Jersey that we need to find a way to move these forward and ensure that American manufacturers are placed on equal footing with foreign manufacturers so there is an easier place for people to go if they want products made in the United States.

I am happy to work with Senator MENENDEZ and Chairman BAUCUS to find a vehicle to ensure that these trust funds and these American jobs are a priority that is addressed this year. So my friend has a commitment that I will do everything within my abilities to make sure we have an agreement on extending these very important trust funds this year.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I strongly endorse the suggestions made by the majority leader as well as by the Senator from New Jersey and also thank the Senator from New Jersey for pushing these measures so aggressively, the cotton trust fund and wool, and also, to some degree, the citrus which is part of this.

I support these provisions. I support the cotton trust fund, support it strongly. I am working diligently to try to find the right vehicles so we can get this passed—the cotton trust fund passed this year. I deeply appreciate the strong passion on this by Senator MENENDEZ. He has come to me many times in looking for an opportunity to pass this.

I deeply appreciate that. This place works on basic comity. Sometimes the pathways to get to a result are not well known and difficult to see, initially. But I am quite confident we are going to find a way to get this cotton trust fund passed this year. The Senator has my support to make that happen.

Mr. REID. Mr. President, before I yield to my friend from New Jersey, I wish to also state on the record that no one is a better advocate for an issue they believe in than Senator MENENDEZ from New Jersey. This is an issue he has spoken loudly and clearly about. So I reiterate what I said: I feel very compelled to do something to satisfy my friend from New Jersey on such a worthy cause.

Mr. MENENDEZ. Mr. President, I wish to thank and appreciate the majority leader’s and the chairman’s ongoing commitment to this issue. I look forward to continuing to work with them on the issue to protect American workers and American manufacturers from the negative effect of certain trade policies and tariffs that threaten their livelihood.

I appreciate them both coming to the floor and for their commitment. I just wish to take a minute or two for those who have asked me—I have had a whole host of our colleagues who have come and said to me: What are you trying to achieve? So we can move quickly to try to achieve the passage of AGOA and CAFTA-DR, Burma sanctions, all which I support.

I know colleagues, such as Congressman RANGEL, who was the original author of AGOA, has called, among many others. You know, very simply, pursuant to the passage of NAFTA and

CAFTA and AGOA and other trade preference programs, Congress has eliminated duties on, for example, imported shirts from other countries. In some cases such as AGOA, it has also allowed the use of third-country fabrics to make those imported shirts.

Our tariff policy, however, has not changed. While foreign-made dress shirts are entering the United States duty free, we are charging American manufacturers a duty as high as 13½ percent on cotton shirting fabric. So not surprisingly, this made-in-America tax resulted in American manufacturers moving production offshore where shirting fabric is not subject to those high duties and where the finished product can come back to the United States duty free.

Six years ago, Congress recognized that, in fact, is simply unfair. Why should an American manufacturer have to pay a duty when those abroad using the same fabric can send it to the United States without any duty? They created the cotton trust fund to provide a combination of duty reductions and duty refunds to shirt manufacturers that continue manufacturing in the United States.

That program expired in 2009. Since then, these businesses have suffered and dwindled. I am just simply trying, as we promote jobs in Africa and in the Caribbean, to promote jobs in the United States. I want the women in the factories I have visited—this is the essence of how they sustain their families—to be able to continue to have those jobs.

That is why I appreciate the effort by the chairman and by the majority leader to try to get us to that point, so we can have free trade, but it also has to be fair to Americans who are here and can compete. They cannot compete when they have to pay a 13½-percent tax and people sending it from all over the world have to pay nothing. That is the essence of what I am trying to accomplish.

I will not object later today when the majority leader proposes his unanimous consent request and will support the effort to move those trade bills.

Mr. CARDIN. Would the Senator yield.

Let me thank Senator MENENDEZ for his leadership on this issue. He has been very articulate about preserving jobs and creating jobs in New Jersey and in America.

I thank him for once again standing for American workers. I thank Senator REID, the majority leader, for his commitment to bring up the trust fund and the chairman of the Finance Committee, Senator BAUCUS, I thank him for his leadership.

Senator MENENDEZ has laid out the issue very clearly. This is an averted tariff. It works against American workers. Cotton, mainly on shirts but other commodities, such as wool and

suits—as the Senator pointed out, if someone manufactures the suit or the shirt out of America and imports it into America, costing us jobs, they pay less tariff than if they are an American manufacturer that imports the product to manufacture the product in America. They pay a heavier tariff, which costs us jobs, which makes no sense whatsoever.

I thank Senator MENENDEZ for his leadership. I thank Senator REID and Senator BAUCUS for understanding this and giving us an opportunity before this expires on the wool trust fund. It is making sure it works effectively. I took the floor last week to talk about English-American Tailoring, located in Westminster, MD. There are 380 union jobs in Westminster, MD. I showed a photograph of seamstresses making suits in America. I think most people thought that photo was taken decades ago, but it was taken this month. This is about how we can preserve jobs in America. They are making the best suits in the world. They are exporting their suits to other countries, but they can't do it unless we have a level playing field.

The leadership of the Senator from New Jersey on bringing to the attention of the American people the need to extend and make effective the cotton and wool trust fund is critically important to preserving jobs in Maryland, New Jersey, and in our Nation.

Again, I thank Senator MENENDEZ, on behalf of American workers, for his leadership on this issue.

Mr. MENENDEZ. I thank my colleague.

Mr. REID. Will my friend yield to me for 1 minute?

Mr. MENENDEZ. Yes.

Mr. REID. Mr. President, I ask unanimous consent that the time for debate on S. 3414, the cyber security bill, be extended until 5 p.m. and at that time I be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MENENDEZ. Mr. President, I thank my distinguished colleague from Maryland, a fellow member of the Finance Committee. Senator CARDIN has been a passionate voice on this as well. I am thrilled to have him as an ally in this endeavor.

All we want is for Americans to stay employed. They can compete with anybody in the world but not when they have to pay a tariff or tax that nobody else has to pay who sends the same product back into the United States. That is our goal. I appreciate his work, his passion, and his commitment. I look forward to working with the majority leader and the chairman of the Finance Committee.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, if I may have a few moments, the Senate is not in a quorum call, is it?

The PRESIDING OFFICER. There is no quorum call.

Mr. LIEBERMAN. Very briefly, Mr. President, I have just received a copy of a letter that has been sent this morning to the majority leader, Senator REID, and the Republican leader, Senator MCCONNELL, from GEN Keith Alexander of the United States Army, Director of the National Security Agency and Chief of Cyber Command at the Department of Defense. He is a distinguished and honored leader of our military, one of the people who has the greatest single responsibility for protecting our security, both in terms of the extraordinary capabilities the National Security Agency has but now increasingly for the defense of our cyber system.

This is a career military officer, not a politician. He is somebody who has a mission, and it is from that sense of responsibility that General Alexander has written to Senator REID and Senator MCCONNELL. He writes—and I will ask to have it printed in the RECORD—to express his “strong support for passage of a comprehensive bipartisan cyber security bill by the Senate this week.” Why? I continue to quote:

The cyber threat facing the Nation is real and demands immediate action. The time to act is now; we simply cannot afford further delay.

He adds:

Moreover, to be most effective in protecting against this threat to our national security, cyber security legislation should address both information sharing and core critical infrastructure hardening.

Then he explains both of those in very compelling language. He also says:

Finally, any legislation needs to recognize that cyber security is a team sport. No single public or private entity has all of the required authorities, resources, and capabilities. Within the federal government, the Department of Defense and the Intelligence Community are now closely partnered with the Department of Homeland Security and the Federal Bureau of Investigation. The benefits of this partnership are perhaps best evidenced by the Managed Security Service (MSS) program, which affords protection to certain government components and defense companies. The legislation will help enable us to make these same protections available widely to the private sector.

I cannot thank General Alexander enough. He ends by saying this:

The President and the Congress have rightly made cyber security a national priority. We need to move forward on comprehensive legislation now.

He urged Senators REID and MCCONNELL “to work together to get it passed.”

I ask unanimous consent that this very compelling letter from GEN Keith Alexander be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL SECURITY AGENCY,  
CENTRAL SECURITY SERVICE,  
Fort George G. Meade, MD.

Hon. HARRY REID,  
Majority Leader, U.S. Senate, The Capitol,  
Washington, DC.

DEAR SENATOR REID: I am writing to express my strong support for passage of a comprehensive bipartisan cyber security bill by the Senate this week. The cyber threat facing the Nation is real and demands immediate action. The time to act is now; we simply cannot afford further delay. Moreover, to be most effective in protecting against this threat to our national security, cyber security legislation should address both information sharing and core critical infrastructure hardening.

Both the government and the private sector have unique insights into the cyber threat facing our Nation today. Sharing these insights will enhance our mutual understanding of the threat and enable the operational collaboration that is needed to identify cyber threat indicators and mitigate them. It is important that any legislation establish a clear framework for such sharing, with robust safeguards for the privacy and civil liberties of our citizens. The American people must have confidence that threat information is being shared appropriately and in the most transparent way possible. This is why I support information to be shared through a civilian entity, with real-time, rule-based sharing of cyber security threat indicators with all relevant federal partners.

Information sharing alone, however, is insufficient to address the vulnerabilities to the Nation's core critical infrastructure. Comprehensive cyber security legislation also needs to ensure that this infrastructure is sufficiently hardened and resilient, as it is the storehouse of much of our economic prosperity. And, our national security depends on it. We face sophisticated, well-resourced adversaries who understand this. Key to addressing this peril is the adoption of minimum security requirements to harden these networks, dissuading adversaries and making it more difficult for them to conduct a successful cyber penetration. It is important that these requirements be collaboratively developed with industry and not be too burdensome. While I believe this can be done, I also believe that industry will require some form of incentives to make this happen.

Finally, any legislation needs to recognize that cyber security is a team sport. No single public or private entity has all of the required authorities, resources, and capabilities. Within the federal government, the Department of Defense and the Intelligence Community are now closely partnered with the Department of Homeland Security and the Federal Bureau of Investigation. The benefits of this partnership are perhaps best evidenced by the Managed Security Service (MSS) program, which affords protections to certain government components and defense companies. The legislation will help enable us to make these same protections available widely to the private sector.

The President and the Congress have rightly made cyber security a national priority. We need to move forward on comprehensive legislation now. I urge you to work together to get it passed.

KEITH B. ALEXANDER,  
General, U.S. Army,  
Director, NSA.

Mr. LIEBERMAN. Mr. President, I yield the floor.

## RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m. today.

Thereupon, the Senate, at 12:37 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. WEBB).

## CYBERSECURITY ACT OF 2012— Continued

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I am so glad the Presiding Officer is in the chair while I am making these remarks. I wish to salute the Presiding Officer for his service in the Senate and his service to the Nation. One knows he is a member of the U.S. Marine Corps although he no longer wears the uniform. I believe once a marine, always a marine. And his service in Vietnam and to the Nation as Secretary of the Navy is well known and well appreciated. The Presiding Officer has served as a marine in the Marine Corps and as Secretary of the Navy and now in the Senate as a Member of the Democratic Party. The Presiding Officer really serves the Nation.

I come to the floor today to talk about cyber security and the need to pass cyber security legislation this week, in this body. And I come to the floor not as a Democrat, I come to the floor as a patriot.

I say to my colleagues in the Senate that this week, on this floor, the Senate has a rendezvous with destiny. We have pending before us cyber security legislation, a framework to protect critical infrastructure of the dot-com world against cyber attacks from those who have predatory, hostile intent to the United States of America. We are bogged down. We are not moving. We are once again following what has become a usual pattern in the Senate: when all is said and done, more is going to get said than gets done.

But I say to anyone listening and anyone watching, we cannot let that happen. The United States of America is in danger. And this danger is not something in the future. It is not something written in science fiction books. This is not the wave that is going to come. It is happening right now in cyber attacks on our banking services, our personal identity, our trade secrets, and things I will talk about more.

The naysayers here say: We can't pass this bill because it will be overregulation and it will lead to strangulation, and, oh my gosh, we can't ask the private sector to spend one dime on protecting itself.

Well, I respect healthy criticism, but let me say to my friends, because I want them to know that if anything happens to the United States of America—if the grid goes down, if NASDAQ

goes down, if our banking system goes down, if we will not be able to function because the streetlights won't be on and we won't be able to turn the electricity on—I will tell you what will happen. Once again, politicians will overreact, we will overregulate, and we will overspend.

In a very judicious, well-thought-out, well-discussed process, we could come up with a legislative framework that would defend the United States of America and at the same time balance that sensible center that another great patriot, Colin Powell, calls us to do: Always look for the middle ground while we look at where we want to go.

There is a cyber war, and I want everybody to know about it. Cyber attacks are happening right now. Cyber terrorists are thinking every single day about attacking our critical infrastructure. There are nation states that want to humiliate and intimidate the United States of America and cause catastrophic economic destruction. How do they want to do it? They want to take over our power grids. They want to disrupt our air traffic control. They want to disrupt the financial functioning of the United States of America. Cyber spies are working at breakneck speed to steal many of our state secrets. Cyber criminals are hacking our networks. So what are we talking about in this bill? We are talking about critical infrastructure.

Now, I am a Senator from Maryland, and the Presiding Officer is a Senator from Virginia. Does he remember that freaky storm a couple weeks ago? Remember Pepco? Oh, boy. I still have my ears ringing from my constituents calling about Pepco. I can tell you what it was like in Baltimore when that freaky storm hit. You couldn't get around when the stoplights were down. It was like the Wild West getting around. You could go into stores—if they were open—and nothing functioned. The lights weren't on. The refrigeration was off. Businesses were losing hundreds of thousands, if not millions of dollars. There were families, like a mother with an infant child and another child, with no electricity for 5 days who went to hotel rooms.

Now, they want to talk about this bill costing too much money? Just look at what it cost the national capital region of the United States of America because of a freaky storm.

It took us 5 days to get the utilities back on because of the utility company, but what happens if our destiny is outside of our control, if cyber terrorists have turned off the lights in America and we can't get them turned back on? It is going to cost too much? Wait until this kind of thing happens. I don't want it to happen, and we can prevent it from happening, and we can do it in a way that understands the needs of business.

I want to understand the needs of small business, but I sure understand the needs of families.

For those who say it is going to cost too much and they have the concerns of the chamber of commerce, fine. I don't want to trash-talk them. My father owned a little neighborhood grocery store. I know what it is like when the electricity goes down. My father lost thousands of dollars because the frozen food melted, lost thousands of dollars when we had a freaky storm because of the refrigeration and his meats and produce went bad. My father lost thousands of dollars years ago in a freaky storm.

This bill means that if we come up with the kind of legislation that we want, we can deal with it. Just remember what critical infrastructure means. It means the financial services. It means the grid. So when there is no power, schools are shut down, businesses are shut down, public transit is crippled, no traffic lights are working. By the way, in Virginia didn't 9-1-1 stop working, and they are still investigating? Don't we love to investigate? Well, right now I don't want to investigate and I don't want to castigate, but I sure want the Senate to be able to get going.

Then there is the issue of financial services. The FBI is currently investigating 400 reported cases of corporate account attacks where cyber criminals have made unauthorized transfers from bank accounts of U.S. businesses. The FBI tells me they are looking at the attempt to steal \$255 million and an actual loss of \$85 million. Hackers are already going into the New York Stock Exchange, they are already going into NASDAQ in an attempt to shut down or steal information. Gosh, if we allow this to continue, they could attack and cost us billions of dollars.

Does the Presiding Officer remember that in 2010 we had a flash crash? New vocabulary, new things out there. The Dow plunged 1,000 points in a matter of minutes because automatic computer traders shut down. This was the result of turbulent trading. But just imagine if terrorists or nation states that really don't like us—and I am really not going to name them, but we really know who they are—really create flash crashes?

I know there are patriots in this Senate who have been the defenders of the Nation in other wars. They have said themselves that they worry about the Asia Pacific, they worry about China. I worry about China too. So while we are looking at the Defense authorization and appropriations—and people want more aircraft carriers to defend us in the blue waters against China. But what happens if there is a cyber attack? Now, we do know how to protect dot-mil, but don't we also want to protect dot-com in the same way? I think so.

I salute Senators LIEBERMAN and COLLINS. They have come forth with a bill that does two things from a national security perspective. First of all, it tells business: You can come in voluntarily. There is no mandate to participate. But if you do come in, you will get liability protection.

Wow. In other words, we are actually going to offer incentives. We are actually going to offer good-guy bonuses. We are not going to do it through tax breaks or more things that add to the deficit or debt. We are going to say: Come on in. Participate in both the setting of standards—we want you at the table—and then living by the standards, and for that, you will get liability protection.

There are also those who say: We just don't like Department of Homeland Security being in charge. We worry about a cyber Katrina.

I worried about that too, but I must say that in all of our meetings, we can see that the Department of Homeland Security has made tremendous advances. I have been one of their sharpest critics in this area, and I have been skeptical from the beginning. But now, as we have moved along and listening to Secretary Napolitano and General Alexander, the head of the National Security Agency, on how they can work together honoring the Constitution and civil liberties, I think we have a good bill.

Why do we need this bill? General Alexander, who heads up the National Security Agency and the Cyber Command, says that we are facing attacks and the potential of attacks that are mind-boggling. He talks about the stealing of trade secrets that amounts to the greatest transfer of wealth the country has ever seen. He worries about the security of the grid. He worries about financial services, while he also worries very much about the dot-com.

But we live in the United States of America. We have a constitutional government. Our military, no matter how powerful and how strong, has a responsibility to certain areas, but we need a civilian agency in charge of how to protect dot-com, a civilian agency benefiting from the incredible turbo intellectual and technical power of the National Security Agency.

So we have a bill that offers the framework. I would say, let's have the bill, let's vote for cloture, and let's have regular order with actual germane amendments. We have patriots here, but who are we for? Are we for protecting America or are we for coming up with the same old platitudes that resist any activity of government at all to protect the American people?

I am no Janie-come-lately to this bill. I represent one of the greatest States in America. We are home to the National Security Agency. I have the high honor of being on the Intelligence

Committee. I have been working on this topic for almost a decade, and I have watched the threat grow as I watched the technology against us grow in power and the number of people who could attack us in this area.

I sit on the Appropriation Committee, where, as a member of the DOD appropriations, I have been proud to work with both the authorizers and Senator INOUE to stand up for Cyber Command, the Tenth Fleet, which is the cyber fleet, and others relating to it. But also what I have been proud of is being able to take a look at what we do need to do here in terms of everything from workforce to protecting others.

My subcommittee funds the FBI. Working with Director Mueller, I have been able to see up close and personal the growing threats right here in the United States of America, whether cyber criminals can literally invade large banking. I could give example after example. Working also with other departments, we can see that there are cyber-attacks. We need to be able to do this.

I could give other examples and I will do so in the debate, but let me summarize. The attacks are now. The question is, are we going to build a cyber bomb shelter? This is not like the bunkers of old. This is where we work with the private sector. Remember, our grid and our telecommunications are owned and operated by the private sector. We cannot do this without the private sector. We, your government, come together with a legislative framework that is constitutionally sound and legally reliable. The fact is that we will make the best and highest use of our military under that rubric. But at the end of the day we will be able to have a voluntary framework bringing the private sector together with incentives around liability that invite them to participate in the formulation of the regulation, the implementation of the regulation, and living by it. This is not regulation that leads to strangulation, this is regulation that helps them be able to protect the United States of America.

Let me conclude. Everybody says: Gee, what could I do? Could I have protected against an attack on the United States of America? What is the name of that little-known group you didn't know how to spell years ago? Al-Qaida? Would we have done everything in the world to protect against the al-Qaida attack? I certainly would. I say today, if you want to protect against the next big attacks on the United States of America, vote for cloture. Let's have an informed debate. Let's find at the end of the day the sensible center that will give us a constitutional but effective way of defending America.

I yield the floor.

I suggest the absence of quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. BARRASSO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SECOND OPINION

Mr. BARRASSO. Mr. President, I come to the floor today, as I do week after week—as a doctor who has practiced medicine in Wyoming and taken care of families in Wyoming across our State for a quarter of a century—to give a doctor's second opinion about the health care law.

One of the central claims of President Obama and Democrats in Washington who voted in this Senate Chamber was that the health care law would extend insurance coverage for millions of Americans. That was their goal. They claim that is actually what has happened. The President claimed repeatedly that 30 million more Americans would receive health coverage because of the health care law.

Well, after practicing medicine for 25 years, I understand there is a huge difference between health coverage and health care. When people have a health insurance card, then they have coverage. When people have access to a doctor, nurse, nurse practitioner, or physician's assistant, then they can receive health care.

The New York Times actually pointed that out this Sunday morning. It was the front page, above the fold. They proclaimed in the first paragraph of an article that the President's health care law delivers coverage but not care. As a matter of fact, when I take a look at this article dated Sunday, July 29, 2012, of the New York Times, page 1, above the fold, "Doctor Shortage Likely to Worsen with Health Law," underneath it says that primary care is scarce, in bold letters, and beyond that it says: Expanded coverage but a greater strain on a burdened system.

The story highlights a study from the Association of American Medical Colleges, which found that in 2015, just 3 years from now, the country will face a shortage of over 60,000 doctors. By 2025, the shortage is expected to expand to approximately 130,000.

So while the Nation was already facing this shortage, the article points out it has been made worse by the President's health care law. The shortage of providers is very important because, as the article states, "Coverage will not necessarily translate into care." This is especially true for those individuals who are supposed to receive their health care through Medicaid. Let's re-

member, a huge expansion of Medicaid was part of the President's health care law. It was part of the discussion in the Supreme Court, the decision they came out with. Of course, Medicaid is the program that provides health care for low-income Americans.

The President's health care law contained one of the largest expansions of Medicaid in the program's history. The President chose to expand the program despite the fact that fewer than half of the primary care clinicians would accept new Medicaid patients as of 2008. Fewer than half of the primary care clinicians were accepting new Medicaid patients. Yet that is from where the President chose to build his health care reform.

Some might ask: Why is it that so many primary care physicians are not seeing Medicaid patients? It is because the reimbursements provided to doctors are so low that many can't afford to see Medicaid patients and continue to keep their doors open. Unfortunately, the outlook for Medicaid in this country has not improved.

USA Today reported in July that 13 States are moving to cut Medicaid even further by doing a couple of things. They want to reduce benefits, they want to pay health providers less, or tighten eligibility for the program. So the program the President highlights as one of the cores of his health care law is already in significant trouble, is not functioning, and is getting worse.

The State of Illinois has imposed a new limit on the number of prescription drugs that a patient who is on Medicaid can receive. This cap was imposed as part of a plan to cut \$1.6 billion from the States' Medicaid Program.

Mark Heyrman, a professor at the University of Chicago Law School, told the Chicago Tribune that the prescription drug limits amount to a denial of service. So that is what we are looking at now. Yet this is the basis upon which the President has built his health care law.

According to the most recent estimate by the Congressional Budget Office, over one-third of the people expected to gain insurance coverage under the President's health care law are supposed to do it through this Medicaid Program. Clearly, with States being forced to cut back their existing Medicaid Program, there are many people who are not going to get the care they were promised through the President's health care law. For those who can find a physician, many of these patients will have to commute longer distances and will also have to endure longer waiting times just to get the treatment they are seeking.

Some experts have described this as an invisible problem, and they say that is because people may still get care, but the process of receiving that care will be more difficult.

The chief executive of the California Medical Association says, "It results in delayed care and higher levels of acuity"—the seriousness of the injury or illness to that patient when they finally get the care they need. When care is delayed, medical problems can become much more serious, and that forces patients to seek treatment through other settings. One of the prime examples of that is heading to the emergency room.

Well, the whole goal, I remember, of the debate on the Senate floor in listening to my colleagues on the other side of the aisle was that patients under the President's health care law, the Democrats claimed, would be able to get to see a primary care doctor and would not have to go to the emergency room. However, that is not what we are finding under the President's health care law. We are finding just the opposite of what the President promised.

That is why the Medical College of Emergency Physicians told the Wall Street Journal:

While there are provisions in the law to benefit emergency care patients, it is clear that emergency visits will increase, as we have already seen nationwide.

So the President says one thing and the American College of Emergency Physicians is telling us what they are seeing on a daily basis in emergency rooms across the country.

To put it another way, since the President's health care law exacerbated the shortage of providers, more patients are seeking treatment in emergency rooms. This is not what the American people were looking for in health reform. Instead of making empty promises, supporters of the health care law should have dealt with the issues that are already causing many doctors to rethink their medical career.

For example, supporters of the law absolutely refused to deal with the crushing burden of the medical lawsuit abuse. It is an abusive situation that is forcing doctors to practice a significant amount of defensive medicine, which is very expensive. It is expensive for individual patients as well as expensive for the system.

The Harvard School of Public Health found that these costs amount to 2.4 percent of annual health spending in the United States or \$55 billion in 2008. That is the Harvard School of Public Health. There are other estimates out there which go with much higher numbers. Apparently supporters of the law thought it was more important to help trial lawyers instead of patients.

As a matter of fact, Howard Dean, chairman of the Democratic National Committee, has said they left lawsuit abuse out of the health care law because of the significant impact that trial lawyers have as contributors to the Democratic Party. So here we are.

Additionally, the health care law does nothing to stop the crushing burden of government regulations and paperwork that is consuming the health care profession.

Finally, many people choose to become doctors because they enjoy being able to innovate and create the next generation of devices and treatments. Unfortunately, that is changing as a result of the significant taxes that are part of the health care law.

In an article published on Friday, we have learned that Cook Medical, which is a medical device company in Indiana, announced that it was scrapping plans to expand because of the President's health care law. There are similar companies in States all across the country, many with large medical institutions who have a history of the best innovation in the land—and actually in the world—that are faced with these medical device taxes, not on profit but on the gross amount of money sales. The company said the 2.3-percent medical device tax contained in the law would stop the company from opening five new plants in the United States and add approximately 300 new good-paying jobs.

The Senate should also know that this Cook Medical Company produces medical devices that address women's health issues. Specifically, the company produces products related to gynecologic surgery, obstetrics, and assisted reproduction, to name a few. Therefore, the President's health care law is actually hurting the ability of Cook Medical and other companies to provide American women with access to cutting-edge medical technology. Why? Because of the device tax, which I believe—I believe we should repeal the entire law, but clearly we have introduced legislation to repeal the medical device tax. It is a bipartisan piece of legislation supported from both parties and should be passed immediately.

It seems Democrats are reluctant to look at parts of the health care law and repeal the law.

All this means medicine is becoming less of an attractive career choice for many young people across the country. As CNN stated in a headline from July 29, just 2 days ago, "Your health care is covered, but who's going to treat you?"

The President and Washington Democrats did not seem interested in addressing this question when the health care law was passed. More effort was put into hiring IRS agents to look into whether a person had insurance than to actually see if there were doctors, nurses, nurse practitioners, physician assistants, and others to care for patients. Instead of focusing on policies that would give incentives for more people to become health care providers, they filled their law with empty promises the American people know today have not been kept.

It is time for Congress to repeal the President's health care law and replace

it with real reforms that will improve the ability of patients to get the care they need from the doctor they choose at a lower cost.

That is why I come to the floor with a doctor's second opinion about a health care law which as the front page of the Sunday New York Times said: "Doctor Shortage Likely to Worsen with Health Law." Primary care is scarce. Expanded coverage but a greater strain on a burdened system.

As I have been saying for a number of years on the Senate floor, coverage will not necessarily translate into care.

Thank you. I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER (Mr. FRANKEN). The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, the bill pending before us is the Cybersecurity Act of 2012, as it is known, and for most people it is a term which they may have heard but may not fully understand.

It was about 2 months ago that Members of the Senate, including the Presiding Officer, were invited to a classified briefing. It was a briefing that Senator MIKULSKI of Maryland asked for to explain what this was all about because we had been hearing over and over again from the defense establishment in America that the No. 1 threat to America's safety and security was no longer just terrorism; it was cyber security threats and terrorism. For most people, they are not quite sure they have seen any examples of it that could make a difference.

So here is what we saw. They took us down to this classified room, closed the door, took away our BlackBerries and iPhones, and put them in a separate place—and I will explain why they did that in a moment—they took us in the room and briefed us on an example, just a theory. What if? What if a subcontracting company that supplied a major public utility in a city such as New York had a problem and someone stole a laptop from one of the employees, and that theft went unnoticed or unreported for a number of days, and then the laptop either reappeared or did not, what could happen?

Well, what could happen was, if that laptop computer had certain information in it that not only told you how to get into the computer system of the subcontracting company but also the public utility, bad things could occur. So getting inside that computer laptop, getting inside the technology of the subcontractor, and then finding that information bridge into the public utility could create an opportunity to turn out the lights in the city of New York.

That was the exercise we went through. God forbid it would ever occur, but they said: When you turn out the lights in a major American city such as New York, terrible things happen. Not only do traffic signals stop, and lights do not go on at night, and the New York Stock Exchange is not operating, hospitals are on emergency generators and problems start popping up in every single direction—water purification; the pumps that keep the subway system under the city of New York going so that the subway tunnels are not flooded—all of these things on top of one another. While this tragedy is occurring, the people in our government are trying to figure out: What happened? And how do we put things back into place and get them moving again?

That was one example.

There was another example. It was an example at one of our defense research laboratories. Top secret. Nobody can get in. Right? They told us of an example—and I will not even tell you the State where it was located—they told us of an example where the employees at our top defense research laboratory—who were trying to figure out countermeasures to stop attacks against the United States, and to develop our own weaponry—had what appeared to be a harmless e-mail sent to the employees saying: Explanation of Your New Health Care Benefits. Just Click Below. It turned out that click brought the hackers into the system.

So what we are talking about here has consequences that go far beyond the harassment of some teenage hacker who is trying to get into some company computer or even the school's computer.

I was on a plane yesterday with a gentleman who is working for the National Institutes of Health. I asked him about cyber security.

He said: We think about it every day—every day—because hackers are trying to get into the National Institutes of Health technology and computer system.

I said: What for?

He said: Well, some of them are in there for insidious reasons. But some of them are childish hackers.

I said: What do they do?

He said: Well, they will come in, for example, and change our published list of antidotes to certain poisons, so we always have to keep an eye on it to make sure they have not changed what people, doctors, should use across America.

Think about it. Think about all of the possibilities. What we are trying to do today is to come up with a line of defense for America. We are trying to establish a working relationship between all levels of our government and the private sector of the United States to keep us safe. Because what they told us was, every single day, China, Russia,



Iran are on the attack—cyber security attacks into the United States—not just the ones I have mentioned but far beyond. Defense contractors building the planes and the armaments and all the artillery and the like have to worry about whether their secret plans, their patented information is being stolen right from under them, stolen by someone who wants to compete with them or perhaps wants to go to war with them. That is what is at stake.

So for a long time we have been warned and forewarned to do something about it. The bipartisan consensus among defense and intelligence experts in the public and private sector is that our Nation is dangerously vulnerable to cyber-attack at this moment.

FBI Director Bob Mueller—an extraordinarily great public servant—says the threat our Nation faces from a cyber-attack will soon equal or surpass the threat from al-Qaida and more traditional forms of terrorism.

Navy ADM Mike Mullen, Chairman of the Joint Chiefs, said: “The cyber threat has no boundaries or rules, and the reality is that cyber attacks can bring us to our knees.” According to our Director of National Intelligence, James Clapper, countries such as Russia and China are already exploiting our vulnerability. His unclassified assessment—what he told the public—is that entities within these countries are already “responsible for extensive illicit intrusions into U.S. computer networks and theft of intellectual property.”

We have to respond to this. We have to do it quickly. I wish to thank Senators LIEBERMAN, COLLINS, FEINSTEIN, and ROCKEFELLER for putting together this bill, the Cybersecurity Act of 2012. They have introduced an approach that is balanced, bipartisan, and responsive to legitimate concerns raised by the intelligence community, private industry, and privacy advocates. The Cybersecurity Act of 2012 will help make us safer.

Our Nation’s critical infrastructure—powerplants, pipelines, electrical grids, water treatment facilities, transportation systems, even financial networks—are increasingly vulnerable to attack. Bad actors in other countries have already demonstrated their ability to use the Internet to take control of computer systems.

Last year, there was a 400-percent increase in cyber attacks on the owners of critical infrastructure. This act has provisions that will reduce our vulnerability and shore up our defenses. In response to concerns raised by some in the private sector and some on the other side of the aisle, Senators LIEBERMAN and COLLINS revised a section of the bill. The bill now creates a voluntary, incentive-based system of performance standards. Private companies and government agencies will work to-

gether to determine the best practices in each sector to prevent a cyber attack. Companies that voluntarily implement those standards will be rewarded with immunity from punitive damages in a lawsuit, receipt of real-time cyber threat information, and expedited security clearances, among other things.

This voluntary arrangement replaces the mandatory system in an early version of the bill. Many of us supported that approach. But in the spirit of compromise and responding to concerns expressed by the business community, the managers have included this voluntary approach. The Cybersecurity Act of 2012 also authorizes voluntary information sharing. The sharing provision will allow government agencies and willing private companies to enhance the mutual understanding of the real threat and our vulnerabilities.

Sharing this information on effective responses and recent cyber threats will enable both the government and the private sector to understand the threat and to respond. A handful of industries have already adopted this approach, and it significantly enhances their ability to identify and respond to cyber threats. We should empower the government to share its knowledge with these and other industries. We should make it clear the private companies can share cyber threat indicators with the government. That is exactly what this Act does.

I wish to thank the Presiding Officer, Senator FRANKEN of Minnesota, as well as Senators COONS, BLUMENTHAL, SANDERS, and AKAKA for working with me and the managers to ensure that we protect privacy and civil liberties. The Presiding Officer is chair of the Privacy Subcommittee of the Judiciary Committee. He has been a real leader on these issues. I was happy to work with him. As a result of his efforts and our efforts, the willingness of Senators LIEBERMAN, COLLINS, ROCKEFELLER, and FEINSTEIN, we were able to significantly enhance the privacy and civil liberties protections in the revised bill. I believe—I have always believed and I will continue to believe—we can keep America safe and free. We can establish in our democratic society the appropriate defense to any threat without sacrificing our fundamental constitutional rights.

The revised bill, after we negotiated with them, now requires that the government cyber security exchanges be operated by civilian agencies within the Federal Government. Our thinking was that these agencies are more prone to oversight, and any excesses by them will be caught earlier than if this is done on the military side, to be very blunt.

Military and spy agencies should not be the first recipients of personal communications such as e-mails. But from

time to time, they will need to be informed and we need to rely on their expertise. That is why the bill requires that relevant cyber threat information be shared with these agencies as appropriate in real time.

The revised bill eliminates immunities for companies that violate the privacy rights of Americans in a knowing, intentional or grossly negligent manner. To ensure that cyber security exchanges are not used to circumvent the fourth amendment, the bill requires law enforcement to only use information from the cyber exchanges to stop cyber crimes, prevent imminent death or bodily harm to adults or prevent exploitation of minors.

The revised bill creates a vigorous structure for strong, recurring, and independent oversight to guarantee transparency and accountability. It gives individuals authority to sue the government for privacy violations, to ensure compliance with the rules for protecting private information. These commonsense reforms improve the information-sharing section of the bill, and they protect privacy. That is why they have been widely embraced across the political spectrum from left to right. I think we have found the sweet spot. I think we have found the right balance. That kind of endorsement across the political spectrum suggests that is the case.

We are very vulnerable in the United States at this very moment. Our critical infrastructure is at risk, and billions of dollars’ worth of intellectual property is being stolen. Our national security is compromised. To put the cyber threat in perspective, GEN Keith Alexander, Director of the National Security Agency, was asked: How prepared is the United States for a cyber attack on a scale of 1 to 10, with 10 meaning we are the most prepared. What was his answer? Three—three out of ten. That is an alarming assessment. It is a failing grade by any standard.

If we do not act now, we will continue to be at risk for not only the loss of information and economic loss but even worse, mass casualties, a crippled economy, the compromise of sensitive data. I know this bill has some controversy associated with it. I know there are some in the business sector who think we have gone too far. I would plead with them, work with us. Let us do this and do it now. To let this wait is to jeopardize the security of this country. We did not think twice to respond quickly after the 9/11 attacks to make America safe. We see it everywhere we turn. If one can even imagine what life was like in the United States before 9/11, before we took our shoes off when we went to the airport, before searches were commonplace in American life, before armed guards stood outside the U.S. Capitol—those are the realities of what we face today because of that attack.



Let's be thoughtful. Let's be careful. Let's come together, the private and public sector. Let's do this the right way to keep America safe. The people who sent us to represent them expect no less.

#### FOR-PROFIT COLLEGES

Mr. President, the Senate HELP Committee released a report after completing a 2-year investigation of for-profit colleges. The 1,096-page report is the most comprehensive analysis yet. It provides a broad picture of the for-profit college industry. What Senator TOM HARKIN and the committee discovered and carefully documented is an industry driven by profit, which too often has limited concern for the students or the actual learning process.

The report profiles 30 of the biggest for-profit colleges, virtually from every State in the Union, including Illinois. There are good schools there, make no mistake, and my colleague Senator HARKIN has been careful to point them out. But there are also some that are not making an effort. Some are trying to improve student outcomes. But unfortunately there are many of these for-profit schools that are just taking in, soaking in Federal subsidies in the form of student aid so they can pay their shareholders extra money.

DeVry is the third largest for-profit college in the country. It is based in my State of Illinois. DeVry operates 96 campuses and offers classes online. In 2010, DeVry had over 100,000 students, an increase of 250 percent of enrollment in 10 years since the year 2000. It derives almost 80 percent of its revenue from the Federal Government.

Similar to the other companies profiled in the report, DeVry's tuition is significantly higher than that of public colleges. The cost of tuition for a bachelor of science in business administration at DeVry's Chicago campus is \$84,320—for a bachelor's degree—considerably more than the same program at the University of Illinois, where the 4-year tuition is \$75,000.

DeVry looks good compared to many of its peers in the for-profit sector. Unlike some other schools, DeVry's internal documents reveal the school has chosen not to use aggressive price increases in the future. I salute them for that. I have spoken to their leadership and told them that if they want to distance themselves from the pack of bad for-profit schools, they have to do it by making decisions and implementing them to demonstrate they are a different kind of for-profit school.

There are still areas where DeVry can make improvements. DeVry's institutional loan program, a private loan program, charges a 12-percent interest rate—12 percent. The Federal Government student loan, 3.4 percent in contrast. So this rate is roughly three times the Federal loan.

The HELP Committee estimates that in 2009, when all sources of Federal

funds, including military and veteran's benefits are included, the 15 largest publicly traded for-profit education companies received 86 percent of their revenue from taxpayers—86 percent. They are 14 percent away from being totally Federal agencies.

Perhaps this would be acceptable if students were learning and gaining skills to succeed, but what the committee found is troubling. One of the main reasons student outcomes are so poor at these schools is that the schools do not provide students with basic support services that they need to find a job and succeed. Student support services are essential to helping students adapt and do well while they are in school and find a job. What happens instead? They drop out or, if they graduate, they cannot find a job.

In 2010, the 30 for-profit colleges examined employed 35,000-plus recruiters—35,000 recruiters. The same schools collectively employed 3,500 career service staff and 12,452 support staff. So by a margin of 2½ to 1, the schools had more recruiters than support service employees.

So we cannot be shocked when we learn that one-half million students who enrolled in 2008–2009 left without a degree or certificate by mid-2010. Among 2-year associate degree holders, almost two-thirds of the students in these for-profit schools departed without a degree, just a debt.

The report also highlighted a growing problem among for-profit colleges, the use of lead generators. For-profit colleges gathered contact information on perspective students or leads, as they call them, by paying third-party companies known as lead generators. These generators specialize in gathering and selling information—in this case, very personal information.

Here is how it works. A student browsing the Internet searches for terms such as “GI bill,” “student loan,” “Federal student aid” or any variation. They are directed to various Web sites that are owned by these lead generator companies. The Web site then claims to pass the prospective student contact into an appropriate school for the student online. Typically, there is no disclosure to the student that their personal information is being sold to for-profit colleges.

When a perspective student does give their contact information, watch out. They will be bombarded with calls and e-mails from aggressive recruiters at these for-profit schools. Remember that 35,202 people are employed as recruiters. This is what they do. One of the Web sites, gibill.com, was owned by a company called QuinStreet until last month, when 23 attorneys general across the United States did what Congress should have done first. As part of an agreement, QuinStreet gave up its right to the Web site to the Veterans' Administration where it belongs. So

gibill.com is no longer a deceptive Web site, at least in these 23 States where there has been an agreement. Other Web sites used the name of Federal student aid programs and misled students into believing this was a real government program.

One of the HELP Committee's recommendations is to further regulate the private student line market. Senator HARKIN and I introduced the Know Before You Owe Private Student Loan Act this year. Our bill requires private student loan lenders to verify the prospective borrower's cost of attendance with the school before disbursing the loan.

It also requires the schools to counsel students as to whether they are still eligible for Federal student loans at a much lower interest rate. Federal student loans have flexible payment plans, consumer protections, and as I said, less cost. But many times students who have not exhausted their Federal student loan aid are steered into private loans with interest rates three and four times higher. There is money to be made off those young and sometimes uninformed students.

I urge the private lenders and the for-profit schools that keep telling me “we are doing the right thing,” do not wait for this law. Do it now. Make this a policy at their school and prove it.

One of the students I wanted to mention is Mirella Tovar from Blue Island, IL. She graduated from Columbia College in 2010 with a B.A. in graphic design and with \$90,000 in debt and with a 10.25-percent interest rate. Her balance started to grow. She did not take out any Federal loans. She thought all the loans were the same. She did not know the difference.

No one told her about the consumer protections in the Federal loans. After she used her 6-month forbearance permitted by her lender, Mirella was expected to pay \$1,500 a month. Unable to get a full-time job in her field, she thought about filing for bankruptcy.

It would not have done any good; student loans are not dischargeable in bankruptcy even if they come from for-profit colleges. Her dad wanted to help, so he cosigned her private student loans. Guess what. He is now on the hook for the payments too.

Mirella says that if the school counselor would have told her more about what her monthly payment would be like, she would not have taken out so much, and she may have never been steered to a private student loan.

I thank Senator HARKIN for his leadership and his amazing work on this issue. I plead with my colleagues, on behalf of these students and their families and on behalf of the taxpayers who are subsidizing these schools, join us in setting standards so there is an opportunity for young people to get the education they need without inheriting the debts that can drag them down for a lifetime.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I ask unanimous consent to address the Senate as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING R. TIMOTHY STACK

Mr. ISAKSON. Mr. President, this morning I got some very sad news. The State of Georgia and the people of my State lost a giant in the health care industry.

Tim Stack was my friend. He was the president of the hospital that 2 years ago treated me well, which is why I am here today. He was a giant in health care not just in Georgia but in America. On behalf of myself and all the citizens of my State and the countless thousands of patients whose lives have been made better or even saved by Tim Stack, I send my condolences to his wife Mary and his three sons: Ryan, Tim, and Matthew.

Tim Stack grew up in Pittsburgh, PA, working in the steel mills. When the mills closed, he looked to find a job, and he worked in central supply at the Eye & Ear Hospital of Pittsburgh, PA. He was working and studying to be a teacher and a football coach. By working in the hospital, he became fascinated with the complexity of hospital administration and was challenged by the love of caring for people who were ill. Tim Stack changed his major to hospital administration and became a leader in the United States in the administration of hospitals.

Let me read from a press release on his record in Atlanta, GA, alone:

Under his leadership, Piedmont grew from two hospitals and eight physician practices to a \$1.6 billion organization that includes five hospitals, more than 50 primary care and specialty physician practices and a 900-member clinically integrated network.

He also helped develop the Piedmont Heart Institute, which treated me 2 years ago and is the reason I am standing here today, which is the leading heart institute not just in Atlanta and in Georgia but throughout the United States.

Tim was one of a kind. His loss will be felt by countless thousands of Georgians. To his family, his friends, and all who knew him, I express my sympathy.

I want to read a quote from him that was written in 2006 when he was interviewed by Atlanta Hospital News for a profile. Tim wrote the following:

The attributes of a good leader are universal. You need to love what you do, be open and inquisitive and persistent, not afraid to make waves if you have to. You should also be personally productive and work well with others. Be innovative and allow others to innovate. Finally, be a certifiable member of the human race. Cultivate a light touch, be passionate about your career, but be sure to balance it with the rest of your life.

That expresses better than I can what Tim was all about. I shall miss him greatly, as will all of my State. Again, I send my sympathy to his wife Mary and his three sons: Tim, Ryan, and Matthew.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. COONS. Mr. President, I rise to speak to the issue of cyber security, one where there have been a dozen speeches given earlier today, and one where I am concerned that there is not enough determination, not enough will on the part of this body to work together, to listen to each other, to cross the small differences that remain between camps and competing theories of a bill that we should take up, and I am here to urge our colleagues in this body to address what we have been told is one of the greatest security threats facing our country, to bear down, to file amendments, to clear amendments, to listen to other Members and be willing to do the job for which we were hired, which is to pass tough, broad, bipartisan legislation to protect this country we love.

In my short 20 months in the Senate, I have increasingly become more and more persuaded that we face a constant, steadily rising, increasingly dangerous threat that foreign nations, foreign actors, whether they be terrorists or enemies of the United States, are not just studying the possibility of some day attacking the critical infrastructure of the United States, they are not just writing position papers or theorizing about it or training in some camp in an obscure country, they are today actively engaged in thousands of efforts to compromise the critical infrastructure of this country.

How Members of this body can ignore the importance of this threat when the majority leader and the Republican leader have twice, in my short time here, closed the Senate and urged every one of us to go to a secure, classified briefing, where we have heard from a dozen four-star generals and leaders of three-letter agencies who have told us in great detail about how grave this threat is. Why in the face of repeated and publicly cited assertions by Secretaries of Defense, heads of the NSA, leaders of our homeland security agency, and leaders responsible for our first responder community from the Federal, State, and local levels, from the private sector to this government, who have said over and over that this is a very real, very present threat—how we can ignore that threat today is beyond me.

The bill that is before us is S. 3414. This is a compromise bill. In a series of meetings with other Members of this body, I have been struck to hear others say that we need more time, we need to study this further, we need to pass the narrow portions on information shar-

ing that are easy and everybody can now agree on, and we need not pass a broader or stronger bipartisan bill that deals with infrastructure.

As you know well, Mr. President, for years critical committees in this body have been working on this issue. Senators LIEBERMAN and COLLINS, the chair and the ranking member on Homeland Security and Governmental Affairs, have been engaged in working their way through difficult issues for years. The relevant committees, from Energy to Commerce to Intelligence, have been engaged in hearings and studies and in legislating for years before I became a Senator.

In the last few months there has been some important and strong work to build a bipartisan consensus around the bill that is before us today. I, like you, I believe, Mr. President, had some real concerns about the information-sharing portions of the bill, title VII, which have to do with permitting private companies to share information with each other about the threats of attacks.

One of our big problems right now, we are told, is that companies of all different sectors of our economy hesitate to share publicly or to share with our national security infrastructure information that is critical to knowing when we are being attacked, how we are being attacked, and how it might spread. Title VII of the bill gives them liability protection to encourage the broad and regular sharing of that information.

But those of us who are concerned about the balance between privacy and security, about protecting civil liberties and whether we have gone too far in seeking security at the expense of liberty, offered a whole series of revisions and changes to this bill—changes that have been accepted. So too in a different section of the bill—title I, which deals with critical infrastructure—folks from the private sector raised alarms and concerns months ago that this bill was too prescriptive, too heavyhanded, was involved too much in regulation and in demanding certain actions by the private sector. Those concerns, too, have been addressed in a broad way.

I have been impressed with how many changes Senators LIEBERMAN and COLLINS have been willing to accept out of a broad working group of more than a dozen Senators of both parties who over the last few months have come forward with suggestions that have made that portion of the bill truly voluntary for the private sector, in a way that balances the role of civilian agencies with parts of our national security apparatus, in a way that provides enough liability protection but not too much, and in a way that allows the private sector to have a leading role in setting standards.

My point, then, is to say to my colleagues that when they say we need

more time to study it, I say we need to come to this bill, we need to come to the floor, and we need our colleagues to be clear—what are your remaining concerns? In a meeting last Friday with several Senators and representatives of industry, I had read every word of title VII and urged them to be concrete with us about what their concerns were. I left unsatisfied. I left concerned that some were simply scaring the private sector and scaring our citizens into thinking this bill is not ready.

So for those who still have concerns—and there may very well be broad and legitimate concerns about the bill and about its direction—let's take these 2 days. I understand that more than 90 amendments have been filed. I think it is the challenge before us to make the amendments germane, narrowly focused, and relevant to improve the bill rather than distracting us into issues that are more partisan or tied to the campaign and to focus on the work that is left before us.

If I could, I am gravely concerned about those who would urge us to split off the portion of the bill on information sharing and ignore the portion of the bill that has to do with protecting our critical infrastructure. As speaker after speaker has come to the floor today and made clear, our electricity grid is at risk, our dams and our powerplants are at risk, our highways and financial system are at risk. There are all sorts of areas in the United States where there have been real cyber attacks, online attacks, in other countries that have demonstrated the devastating potential power of our opponents and enemies around the world.

In the face of the cautionary notes we have heard from leaders of this body and around the country and in the face of that very strong reality, why we wouldn't pass a broad and tough bill that facilitates information sharing and protects our critical infrastructure and strikes a fair balance in the middle is beyond me. It is not that this body has been too busy. It is not that we are exhausted by having passed too many broad and strong, bipartisan bills. We have gotten good work done this session. There are things, from the farm bill to the Transportation bill, where this body has shown an ability to listen to each other across the differences of party and region and craft strong, balanced, bipartisan bills. It is on this topic of cyber security that we have heard over and over that there is no more pressing challenge.

Why, if our adversaries are not going to be taking the month of August off, if our adversaries are not going to cease from now until November to attack us, would we not bear down and focus on getting done the work that is before us as the U.S. Senate? We are called at times the world's greatest deliberative body. I will say to you as a member of the Foreign Relations Committee, in

other parts of the world there are folks who are striving toward democracy who question whether this is the model they should follow.

In the remaining days before we all go to some recess, why not bear down, do our homework, do our reading, be forthcoming with clear and concise concerns, and hammer out our differences?

I extend an invitation to any colleague, any industry group, or any group of concerned citizens: I am happy to meet with anybody to hear their concerns and try to do my level best to convey them to the bill managers and the leaders, who have done a remarkable job of hearing and accepting compromise provisions of this bill on privacy, on the role of the private sector, on making voluntary what was mandatory and striking a fair balance.

I urge our colleagues to take this moment seriously, to not allow the days to slip, the month to pass, and the moment to pass us by. How will we answer our constituents, our communities, and our families following an attack that has been so frequently predicted? Do we not believe we will end up regulating in a more heavyhanded, more reactionary, and more ill-informed way after a successful massive attack than now when we have the time to listen to each other and craft a balanced and responsible and bipartisan bill?

Mr. President, I will close. I am convinced that this is the gravest threat facing our country today, graver than that of terrorism from overseas. In fact, GEN Keith Alexander of the NSA has clarified just in the last few days to a group of us how grave a threat this is.

I renew my offer to any Member of this Chamber: Come and meet with me. Come and meet with Senators LIEBERMAN and COLLINS. Come and meet with the leaders of the relevant committees, take up your cause, and give an amendment that is narrow and focused and relevant, and let us hammer out a better defense for this Nation.

There are those who question the purpose and purposefulness of this body. It has no greater purpose than finding a bipartisan way to craft a strong and vibrant solution to a clear and growing national threat.

Just a few weeks ago, I had the honor of sitting for lunch with Senator DANIEL INOUE. He is the one Member of this body to have earned the Congressional Medal of Honor in combat. I asked his advice, as the most senior member of my party: What issues, Senator INOUE, do you think I should be focused on? What is the thing you might urge me—a freshman—to invest my time and effort into? His answer was simple, his answer was profound, and his answer, I hope, will be heard by this body.

He said to me: I am the only Senator who was at Pearl Harbor. Our next

Pearl Harbor will come from a cyber attack for which we are today unprepared. Let's do our duty. Let's listen to each other, come together, hammer out a strong and bipartisan bill, and honor the service and sacrifice of that "greatest generation"—both in this Chamber and our country—and do our duty.

Madam President, I yield the floor.

The PRESIDING OFFICER (Mrs. SHAHEEN). The Senator from Colorado.

Mr. UDALL of Colorado. Madam President, I want to acknowledge the powerful and eloquent words of my colleague from Delaware. I know our colleague Senator COLLINS is also on the Senate floor, and I have to tell the viewers and all of my colleagues I couldn't agree more. The time is now to act on cyber security.

I just came to the floor from an Intelligence Committee briefing. General Alexander was there. As the Senator from Delaware knows, he is forthright, he is well-versed, he is passionate, and he is as nonpartisan as they come. General Alexander is urging us to act now.

So I thank my colleague from Delaware for his compelling and important words.

#### PRODUCTION TAX CREDIT

The matter that brought me to the floor has a link to cyber security, and that is energy security. I want to talk about one of the new and exciting technologies that is resulting in the production of many homegrown electrons, and that is wind power.

I have come to the floor on a daily basis to urge my colleagues to work with me to extend the production tax credit for wind.

The PTC has created literally tens of thousands of jobs across our country and has the potential to create even more. But if Congress—that is us, the Senate and the House—doesn't act to extend it, tens of thousands of jobs, literally, will be lost. The Presiding Officer has a robust wind energy sector in her State, and she knows the extent to which it is important for business in the great State of New Hampshire. It is important to the businesses in every State in our country.

The production tax credit is an investment in a clean energy future. It is a critical investment in American jobs. Frankly, we are about to lose that investment. I fear, in fact, that through our inaction we continue to create real harm to our wind industry in America. But it is not too late to act.

Today I am going to focus my remarks on Idaho, a State that is known for its wide open spaces, its mountains, its potatoes, and for great, friendly people. One doesn't have to look any further than Senator CRAPO and Senator RISCH to know that the people of Idaho are very good people.

Idaho is a State with a vast untapped potential for wind energy. The National Renewable Energy Laboratory, which we host in Colorado, has calculated that Idaho's wind resources

could potentially provide more than 218 percent of Idaho's electricity needs. It ranks 23rd in our Nation's wind resource potential. Most of this potential is in the high plains of the southern half of the State.

Idaho is already working to take advantage of what is a bountiful resource. There are more than 20 separate wind projects either online or under construction across the State. In southeastern Idaho near Twin Falls, Invenergy's Wolverine Creek wind farm covers about 5,000 acres and pays royalties to almost 30 different landowners.

In 2011, Idaho's installed wind capacity grew by nearly 75 percent. That growth created hundreds of temporary construction jobs as well as permanent jobs in the operation and maintenance of these facilities. Right now, Idaho's wind resources provide power for nearly 160,000 homes without releasing the nearly 1.1 million metric tons of carbon dioxide that traditional power sources would.

Wind supports close to 500 jobs in the State of Idaho—jobs that wouldn't exist if the wind industry had not been enticed to invest in Idaho because of the production tax credit, the PTC. Wind energy projects are an investment in local and State economies. Wind energy producers provide nearly \$2.5 million to the State in property tax payments every year and over \$2 million annually in land lease payments to local Idahoans who go on to invest that money back into their local communities. Those are real dollars these communities count on.

The point I am trying to make is that we in Congress should be working to help create more projects like Wolverine Creek for the jobs and the clean energy they create. Instead, Congress is standing idly by.

I can't help but mention there have been some on the campaign trail who have suggested that we should let the wind production tax credit lapse at the end of this year, and that wind power should not be given the same help other industries have received. I could not disagree more.

Great States such as Idaho, Colorado, and New Hampshire make things. Great countries such as the United States generate their own energy. Letting the wind production tax credit lapse would be irresponsible. The PTC equals jobs. We should pass it as soon as possible. We should not waiver, and we should not wait. Every day that we let this unanswered question hang over our country may be another project and another job that gets shipped overseas.

I urge my colleagues to work with me to support manufacturing in rural communities in America. Let's extend the production tax credit as soon as possible. It is common sense. It has bipartisan support. Let's extend the production tax credit.

I will be back tomorrow to continue this discussion and talk about another one of our great States. I am at 13 States. I am going to keep coming back until we get this right.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. FRANKEN. Madam President, I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MEDICAL LOSS RATIO

Mr. FRANKEN. Madam President, over the last few weeks hundreds of thousands of Minnesotans have received letters or postcards in the mail from their health care insurers. These notices are letting people know whether their insurer met a new rule in the health care law—a rule that I championed—called the medical loss ratio, sometimes called the 80-20 rule. It could also be called the 85-15 rule, but it is known as the 80-20 rule, and I will explain.

This provision, which I based on a Minnesota State law, requires large group insurers to spend 85 percent of the premiums they receive from their beneficiaries on actual health care services, not on marketing or administrative costs or CEO salaries. Eighty-five percent of their premium dollars have to be spent on actual health care. For insurers in a small group and individual markets, this threshold is 80 percent; hence, the 80-20 rule.

This summer, across the country Americans are getting notices from their insurers that the insurer met or did not meet this 80 or 85 percent threshold. When those notices say the insurer failed to meet the medical loss ratio, Americans are also getting something else in the mail—a check or lower premiums for next year because under my medical loss ratio provision, insurers who do not spend at least the 80 or 85 percent of premiums on actual health care services for their beneficiaries have to rebate that money to their consumers.

August 1 was the deadline for insurers who didn't meet the MLR threshold to rebate the difference to their consumers, and because of the medical loss ratio more than 123,000 Minnesotans got rebates from their insurer. Those rebates added up to an average of \$160 per household. It was more in other States.

This isn't unique to Minnesota. Across the country 12.8 million Americans got rebates from their insurers who overcharged them, and other insurers lowered their premiums for last year to comply with the medical loss ratio. Aetna in Connecticut lowered premiums by 10 percent last year because of the MLR.

Minnesota has a culture of high-quality low-cost care. In fact, the Agency for Health Care Research and Quality

recently announced that in 2011, Minnesota's health care quality was the highest in the Nation. We were again No. 1. We are always No. 1, No. 2, or No. 3. The medical loss ratio, which was first passed as a Minnesota State law, is yet another example of Minnesota's leadership in bringing down health care costs while preserving quality.

Minnesota's unique health care culture includes the Mayo Clinic, cooperative models such as HealthPartners, and visionary public health leadership from State legislators. Health care in our State is also distinguished by the fact that 90 percent of Minnesotans are served by a nonprofit health plan. These plans outperform their national peers and are able to put 91 percent of every premium dollar toward actual health services. In other words, they have a 91 MLR.

By taking profits out of the health insurance industry, Minnesota health plans do a better job helping our residents live longer, healthier lives and deliver the No. 1 quality care in the Nation. The medical loss ratio within the health reform law is holding all health plans to the same standards we have set in Minnesota by requiring that 80 to 85 percent of premium dollars actually pay for health services.

Before this year, in other plans throughout the Nation, less than 60 percent of the premiums were put toward health care. The rest was being used for administrative costs, for marketing, for bonuses, and for profits. In fact, one study of insurers in Texas a few years ago showed MLRs, medical loss ratios, as low as 22 percent—meaning that of all the premiums families were paying in to their insurers, the insurers were spending only 22 percent on actual health care services for them.

That is why my medical loss ratio provision is so important. It squeezes the fat out of the health insurance market and makes your premium dollars go farther. For many families it is actually lowering costs, delivering \$1.1 billion a year in rebates. Those checks, \$1.1 billion, are in addition to lowering the premiums. For example, the 10-percent reduction by Aetna in Connecticut. This was an incredibly important step because we know premiums were going up way too fast, a lot faster than those families' income. This is just one way the health care law is already changing the culture of care in our country.

One of the other things the law did was move toward rewarding quality of care, not quantity of care. It specifically directed Medicare to start paying doctors based on the value of the care they provide, not the volume. This is a provision that I and Senator KLOBUCHAR and several other of our colleagues championed, called the value index. That is because when Minnesota doctors get paid less for providing higher quality care, everyone else

loses. Minnesota loses because Minnesota reimburses 50 percent less per Medicare patient on average in Minnesota than for each patient, on average, in Texas. So Minnesota actually gets punished for being No. 1. It gets punished for higher quality care with lower reimbursements. Patients in Texas lose because they are not getting the highest value care for their health care dollar. And all taxpayers lose when Medicare pays for unnecessary or overpriced service in Texas or other low-value States.

This is not about pitting Minnesota against Texas or other low-value States. It is about incentivizing the Texases to be more like Minnesota—which, again, has the highest health care quality in the Nation. That will begin to happen when the value index kicks in under this law.

It would be an understatement to say the law has received some attention this year, and I know there is a lot of uncertainty among our constituents about how the law will affect them. That is because sometimes there is a little misinformation put out there. I just had a colleague say there is nothing in the bill to address paperwork. That is certainly not true. In fact, I authored a provision on simplifying billing.

There is some misinformation on why IRS agents are there to look into your insurance—and anything done in the law to address workforce shortages. That is not true. There is an entire title on workforce. Sometimes people have to sort out what is being said on this floor. So there is some uncertainty.

Let me take a moment to talk about a few of the other things the law is already doing for the people of Minnesota. This is all in the law and happening. I am just telling what is going on right now.

First of all, starting tomorrow, August 1, 900,000 women in Minnesota and 47 million women around the country will have free access to preventive health services, including gestational diabetes screenings, preventive health visits with their doctors, and FDA-approved contraceptives. Because of the health care law, women, not their insurance companies, can now make decisions about their health care and can access the services that will keep them healthy.

The health care law is also helping families in Minnesota and across the country by prohibiting insurers from denying health coverage for children who have preexisting conditions. I have met children who are alive today because of this provision. As a parent, I know how grateful their parents are. Parents around the country can now sleep a little easier, knowing that if their child gets sick they will still be able to get the health care coverage they need. We should be celebrating

that. This is not about putting the government between you and your doctor, as I hear sometimes. This is about getting an insurance company out of the way and making sure that children can get coverage.

And adults. We have seen the limitation of lifetime limits on care. Your insurance company can no longer put an arbitrary cap on your care. I have seen a gentleman whose life was saved because of this. Before this law came into being they could drop you—and they did. That is over. That is done. People do not have to worry about hitting an arbitrary limit and then being thrown off their insurance—because they have. We should be celebrating that. That is something that should be bringing a lot of relief to people. That is why we are going to be having far fewer bankruptcies.

Parents will also be relieved to know that young adults can now stay—they had been able to stay on their parents' health insurance plan until they are 26. Because of this provision, 35,000 young adults in Minnesota are now insured on their parents' policies.

I was at a senior center in Woodbury the other day. Seniors are very happy with the changes that the health care law has made. When I visit senior centers in Minnesota, I hear relief from seniors who now can pay for their medications thanks to the provision in the health care law which is closing the doughnut hole. The provision has already allowed 57,000 seniors in Minnesota to receive a 50-percent discount on their covered brandname prescription drugs when they hit the so-called doughnut hole, an average of \$590 savings per person.

I can see the Presiding Officer nodding. I know she goes to senior centers in New Hampshire and knows when seniors hear that people want to repeal this they are miffed. I have actually been at a senior center when they said, What can we do? And they wanted to get up and go out and start being activists for the health care law when they heard that some of my friends want to repeal this.

Some of them are making it just on Social Security. Now the doughnut hole is closing and they like that. It means they can take their medication and it means they do not have to take it every other day or they don't have to cut it in half. My friends on the other side want to repeal it.

Seniors are also getting free preventive health services under the health care law, such as mammograms, colonoscopies, as well as free annual wellness visits to their doctor—and, boy, do they like that.

I could go on and on, but I will not. The point is, because of the law more people are getting care, the quality of care is better, and we are lowering costs. I am proud of that. As we here in the Senate head home to spend August

in our States, I urge my colleagues to listen, as I do, when constituents tell us about the rebates they received. I was on a plane two weekends ago. A woman showed me her check. The woman I was sitting next to showed me her rebate check.

I urge my colleagues to listen to constituents talk about the rebates they receive, the kids who are able to stay on their parents' insurance, the health screenings that save the lives of grandparents. I hope they will listen to the stories of kids with preexisting illnesses who were finally able to get coverage and seniors who were able to afford both their prescriptions and their dinner. I urge my colleagues to acknowledge these benefits and to support the continued implementation of the Affordable Care Act.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Madam President, there are several people who wish to be recognized. If Senator COLLINS is ready to go, I will yield to her and then ask unanimous consent to speak immediately after her, then to be followed by Senator ALEXANDER, if that is the will of the body.

THE PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maine.

Ms. COLLINS. Madam President, first let me thank the Senator from Delaware for his graciousness. In light of the fact that there are so many people who are waiting to speak, I will be brief. But I want to talk about the legislation that is before us, the cyber security bill. This bill represents the Senate's best chance this year to pass urgently needed cyber security legislation.

Why do I say it is urgent? Virtually every national and homeland security expert, from President Bush's administration including President Obama's administration, has warned us repeatedly that a cyber attack is coming and it is an attack that is going to be aimed at our critical infrastructure. For us to let disagreements over exactly how to counter this threat prevent the passage of this bill would be a tragedy and could lead to a tragedy. This is serious.

Yesterday we had a meeting with the FBI, with the Department of Homeland Security, with GEN Keith Alexander, who is the head of cyber command, and the head of the National Security Agency. They were unanimous in warning us that Congress must act and must act now. Every single day nation states, terrorist groups, hacktivists, persistent hackers, transnational criminal gangs, are probing our cyber defenses. Intrusions are rampant. As one expert told me, there are really only two kinds of large companies in this country: those that know they have been hacked and those that do not

know they have been hacked. It is so important that we act. I must say we are working very hard to try to accommodate the concerns that have been raised by some of our colleagues and by some in the business community. We, therefore, have altered our bill in a significant way.

Another charge I have heard thrown loosely around here is that somehow there has not been enough study; somehow there is not enough process; somehow we need more hearings. Our homeland security committee alone has had 10 hearings on cyber security—10 hearings. The Senate, as a whole, has had 25 hearings and numerous classified briefings. How many more briefings, hearings, and reports do we need? The head of the FBI, Robert Mueller, has told us that in his judgment the threat of a cyber attack will soon exceed the threat of a terrorist attack. Of course, they may be combined. It may be a terrorist group using cyber tools to launch an attack on this country. There is a Web site video that shows an arm of al-Qaida which encourages cyber attacks and talks about how easy it would be to conduct it.

Senator LIEBERMAN and I, along with our three principal cosponsors: Senator FEINSTEIN, Senator ROCKEFELLER, and Senator CARPER, have made significant changes in our bill to respond to concerns that have been raised. Most notably we have gone from having a mandatory framework to a voluntary approach to enhance the security of our most critical infrastructure. The underlying concept of this approach, which was suggested in a very constructive way by our colleagues Senator KYL and Senator WHITEHOUSE, is to encourage owners of our most critical infrastructure to enhance their cyber security by providing them with various incentives, the most important of which is liability protections. We have also made changes to improve the privacy protections and the information-sharing title of our bill.

The bill establishes a multiagency council, the National Cyber Security Council, to respond to concerns that too much power was being given to the Department of Homeland Security. So now we have an interagency body that includes the Department of Defense, the Department of Justice, represented by the FBI, the Department of Commerce, the intelligence community—undoubtedly it would be the Director of the National Intelligence Office—and appropriate sector-specific Federal agencies, such as FERC, if we are talking about how best to protect our electric grid.

The council would work in partnership with the private sector and would conduct risk assessments to identify our Nation's most critical cyber infrastructure. What do we mean by that? We hear that term. What exactly is critical cyber infrastructure? It is that

which, if damaged, could result in mass casualties, mass evacuations, catastrophic economic damage to our country or severe harm to our national security. Don't we want to safeguard critical national assets that if damaged would cause numerous deaths, people to flee their homes, their communities, a disaster for our economy, or a severe blow to our national security? I can't believe there is even any discussion about the need for us to have robust systems to protect us against mass casualties, a devastating blow to our economy, and catastrophic consequences. That is a high bar in our bill for defining what is critical cyber infrastructure. It isn't every business in this country. Those who are implying that it is and that this is sweeping are not accurately reading the bill. We would be irresponsible if we did not act when the warnings are so loud and are coming from so many respected sources.

We have had the Aspen Institute Group on Cyber Security Issues endorse our bill and urge us to go toward its consideration. That is chaired by President Bush's Homeland Security Secretary Michael Chertoff and by a renowned expert on the other side of the aisle, former Congresswoman Jane Harman. It also includes people such as Paul Wolfowitz, not exactly a liberal activist the last time I checked, but certainly one who commands great respect for his knowledge in this area.

I am amazed we are letting the clock tick down when we know it is not a matter of if there is going to be a cyber attack on this country, it is a matter of when.

Let me very briefly address another issue. Is there some opposition among the business community to this bill? Yes, there is. But there is also a great deal of support from the business community. We have, for example, a letter from the NDIA, which represents 1,750 defense firms. We have letters of endorsement from Sysco, Oracle, the Silicon Valley Leadership Group, the Business Software Alliance, from Semantec, EMC Corporation, the Center for a New American Security, endorsements from individuals in the previous administration such as General Hayden, Mike McConnell, and Asa Hutchinson. There are many supporters for this bill. It is not surprising because they know how important it is that we act.

In closing, I wish to read a little from General Alexander's letter, which is dated today. In it he says:

I am writing to express my strong support for passage of a comprehensive bipartisan cyber security bill by the Senate this week. The cyber threat facing the Nation is real and demands immediate action—

Not action next year, not action next Congress, not action even after the recess we are about to take. As General Alexander says:

The time to act is now; we simply cannot afford further delay. Moreover, to be most ef-

fective in protecting against this threat to our national security, cyber security legislation should address both information sharing and core critical infrastructure hardening.

That is exactly what the bill we have brought before the Senate would do. I urge our colleagues to join us. If they have other ideas, offer amendments, but let's get on with the task before us before we are looking back and saying: Why didn't we act? Why didn't we pay attention to all of those warnings?

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Madam President, while the Senator is still on the floor, I wish to engage in a brief colloquy, ad-libbing this or, as I recall in football, an audible. We have the two people who are most key to this, Senator LIEBERMAN, chairman of our committee, and Senator COLLINS, our ranking member, who worked very hard with their staff and our staffs to fashion this legislation.

In recent years when we heard opposition to doing something on cyber security, the concern we had was there was going to be a top-down. There was going to be Homeland Security, which in its early days did not have a very good reputation. The idea was that somehow Homeland Security was going to be running this top down without a whole lot of input from industry. Basically we have taken even the second most recent version of our bill, and we changed that. What we said is it is not going to be top-down, it is not going to be Homeland Security saying these are the best practices, these are the standards to protect cyber security. Instead we said: Industry, what do you want to tell us? "Us" being Homeland Security, "us" being the Department of Defense, "us" being the National Security Agency, "us" being the FBI. What do you think those best practice standards should be? Give us a chance to work on those together.

Correct me if I am wrong, but I don't think the deal here is for Homeland Security to say: You have to throw those away; those make no sense, we will do it our way. That is not what is going to happen here.

In our meeting yesterday with the folks from the FBI and the National Security Agency, that is not the way it is going to work. It is not the way it works today and it is not the way it is going to work in the future. What does the Senator think?

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Madam President, if I could respond through the Chair to my colleague from Delaware, he is absolutely correct, this is a collaborative partnership with the private sector, and indeed, it has to be. Eighty-five percent of the critical infrastructure is owned by the private sector, so it makes sense to have their involvement. We restructured the bill to require

that, and there is another safeguard. Since this is a voluntary system we have now devised, adopting the Kyl-Whitehouse approach, if the private sector decided not to participate, it essentially invalidates the standards that are developed. So why would this interagency council, which has developed the standards based on the recommendations of the private sector, not adopt reasonable standards? They want industry to participate. That is the ultimate safeguard, I say to my colleague from Delaware and my colleague, the chairman from Connecticut, who also may want to add to this.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. I am going to direct this question to our chairman through the Chair. One of the other criticisms of the early version of the bill was not only was it top-down oriented and directed by Homeland Security, but also there were just sticks involved. We were not going to incentivize anybody to comply with the standards that might be developed, but we would just hammer somebody. That is not the way it turned out. I commend the chairman for doing that.

Will the chairman lay out for us in a minute or two how it would work? I think it is a much smarter approach.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank my friend from Delaware for the question. This is now a voluntary system and there is a lot to be said about that.

I want to go back to that meeting yesterday. We had a broad bipartisan group of Senators who have been most active, but from different perspectives, on this question of cyber security legislation who met yesterday with the key cyber security officials in our government from the Department of Defense, Department of Homeland Security, FBI, and the National Security Agency. I am going to explain why we went to the carrots and took out the sticks by saying, in general terms, these experts—not political people, these are pros who deal with cyber defense—were asked by one of the Senators: What will happen if we don't adopt this legislation or something like it this session?

The cyber security professionals said to us: Our Nation will be more vulnerable to cyber attack.

In other words, this legislation contains authority to share information between the government and the private sector, between two private sector companies, that can't be done now. That is critically necessary to improve our defenses. The requirement of standards being promulgated as a result of a—or resulting from a public-private collaborative operation and then offering the carrot of immunity from liability is something that doesn't exist

now. All the experts say, though some of the private sector operators of critical cyber security infrastructure—we are talking, again, about the companies that run the electric grid or the telecommunications system or the entire financial system or dams that hold back water; we are not talking about ma-and-pa businesses back home—some of them are doing a pretty good job at defending that cyber infrastructure, but most of them are not doing enough. That is where the government has to come in and push them in that direction.

Why did we change it from mandatory to voluntary, from sticks to carrots? Because we didn't have the votes to adopt the mandatory, which I think is necessary. Because of the urgency of the threat, as I just reflected that we heard yesterday from the professionals in this area, we said—Senator COLLINS and I, Senator ROCKEFELLER, Senator FEINSTEIN, Senator CARPER—OK, we are not going to get 100 percent of what we want around here, and we understand that, so let's settle for 80 percent. Perhaps the other side will feel they got 80 percent. But what is most important is that we will get something done to protect our security.

I must tell my colleagues we are at a point now in this debate, with the kind of never-ending questions about every detail, notwithstanding all the compromises Senator COLLINS, Senator CARPER and I have made and the filing of an amendment by Senator MCCONNELL to repeal ObamaCare—we can have a position on ObamaCare, but to put it on this cyber security bill is not fair, not relevant, not constructive.

I think we are coming to a moment where we are going to have to face a tough decision. I have talked to the majority leader about filing for cloture soon so we can draw this to a choice: Do our colleagues want to act to protect our cyber systems in this session or do they not? That is a tough choice, particularly if a Senator votes no, to have to explain, in light of all the evidence of the constant cyber attacks going on now and the cyber thefts of hundreds of billions of dollars from our industries and tens of thousands of jobs lost as a result to foreign countries, if the Senate is going to say, no, we don't want to take that up now. I hope and pray that is not the case.

The way this is moving right now, this last week of the session before we break, I am afraid we are headed in the wrong direction, and we don't see the kind of willingness to compromise that ought to be there. We are tested again in this Chamber: Are we going to fix national problems? It is hard to do on some of the fiscal issues we have turned away from, but on this one, traditionally, when it came to our national security, we have put the special interests aside and together dealt with the national security interests. I fear

at this moment, in response to my friend from Delaware, that is not the direction in which we are going. I hope I am wrong. I am, by nature, an optimist, but right now I am a pessimist.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. My colleagues have heard me say this before. We have been joined by Senator ROCKEFELLER, who has done great work, Senator FEINSTEIN, and others, Democratic and Republican, who have done fine work on this legislation.

But I love asking people who have been married a long time: What is the secret to being married a long time? This is especially important for me to say this with Senator COLLINS sitting on the floor. She and certainly her husband to be anticipate their coming marriage. But I love asking people who have been married a long time: What is the secret to being married a long time? I get great answers, funny answers but also some very profound ones, and the best thing I ever got was the two Cs. What are the two Cs? Communicate and compromise. That is not just the secret for a long marriage, a union between husband and wife, but it is also the secret for a vibrant democracy.

I think the two Cs characterize what is going on with this legislation because I have been here a while—11 years—and I don't know that I have ever seen better communication on an issue of this importance than I have in this instance. It was very dramatic, very satisfying, and frankly, compromise, the kind of compromise we have talked about over the last 15 minutes or so, needed, given, done willingly, to lead us to this point today.

It has been said before, and I will say it again. The reason we are on this bill today, why we have taken it up today, this week, is because our economy and our national security are under attack. This is not the kind of war that some of us served in during our youth. This is not the kind of war we have read about in history books. It is not the kind of war we have seen and watched on TV. This war is occurring in cyber space, and it is occurring in real time.

Literally, as I speak, it is being carried out by sophisticated criminals, by terrorists, and even by other countries. While some hackers just want to cause mischief or make a political point, others want to hurt people, our people. Still others want to steal our ideas, our intellectual property, as well as other sensitive information. From clean energy technologies and defense systems to medical research and corporate mergers, cyber spies are looking to steal some of the very innovations that fuel our economy and help make us a great nation.

GEN Keith Alexander, the commander of U.S. Cyber Command, has



called these efforts the greatest transfer of wealth in history. Those of us who have tried to put a dollar figure on how much intellectual property we are losing to cyber theft have put the pricetag at about \$¼ trillion per year. It is not just valuable information we are losing. To put it bluntly, it is American jobs, and it is our competitive edge.

Of course, the same vulnerabilities being exploited to steal our intellectual property can be used by those who want to attack us to do physical harm. With a few clicks of a mouse, cyber terrorists or a sovereign nation could shut down our electric grid, they could shut down manufacturing, they can release dangerous chemicals into our air, they can release dangerous chemicals into our water supply. They could disrupt our financial systems. At the very least, any one of these attacks could further slow the economic recovery of our country or disrupt it altogether.

In a worst-case scenario, a particularly lethal cyber attack could throw parts of our country into chaos or even lead to widespread loss of life. If my colleagues don't believe that, look at the impact the recent summer storms and the resulting power outages had on this region. If we don't become more vigilant and soon, a sophisticated hacker can succeed in replicating that kind of power outage, putting many lives in danger and severely undercutting the productivity of our workforce.

The revised bill we take up today takes a number of bold steps to better secure our critical infrastructure and share cyber threat information. It will go a long way toward bringing our cyber capabilities into the 21st century. It represents a good-faith effort to address legitimate concerns of business and privacy groups of our intelligence community and of Senators on both sides of the aisle.

None of this bill's five original cosponsors is suggesting our bill is perfect. As my colleagues hear me say from time to time, if it isn't perfect, make it better. With that thought in mind, we look forward to working together with all our colleagues to find common ground to make this legislation even better.

For example, many of my colleagues and I are concerned that we don't have the proper safeguards in place when private information, ranging from Social Security numbers to financial records, are compromised. The American public expects that government agencies and private businesses holding our tax information, our medical records, and other sensitive data will take every precaution necessary to ensure that sensitive information is secure and well protected. Too often those expectations are not met.

That is why I have introduced a bipartisan amendment with my colleague Senator BLUNT to address concerns re-

garding data breaches which occur all too often. Our amendment would ensure that Americans can be confident that their private and sensitive information is made more secure. As our Nation becomes increasingly reliant on technological advances to do just about everything, it is imperative that we not let technology outpace our ability to prevent fraud and identity theft.

However, with the recent breach within the Federal employees retirement program—the Thrift Savings Plan—over 100,000 Federal participants know all too well that their sensitive private information is not always safeguarded as it should be.

The amendment Senator BLUNT and I are offering seeks to ensure that all entities holding personal sensitive information have to adhere to a national standard that is designed to keep that information safe while ensuring that both consumers and law enforcement are promptly notified in the event of a breach. This requirement would replace the current patchwork of 46 separate State laws while ensuring that consumers have a uniform set of protections they can understand. By adopting this data-breach amendment and passing the broader cyber security bill, we will enable the United States to lead by example both in preventing cyber attacks from occurring in the first place and in responding swiftly and effectively to protect consumers in the unfortunate event of an attack or a breach.

As we consider our amendment, the Blunt-Carper amendment, let's remember that this bill is not the finish line. If I can paraphrase Winston Churchill, this is not the end. This is not the beginning of the end. This bill really represents the end of the beginning. And as beginnings go, it ain't bad.

Although we are still working out a compromise, I want to close by talking very briefly about some of the features of the underlying bill we are considering.

First—I will reiterate what has been said before; it bears repeating—we have elected not to direct the Department of Homeland Security to mandate new cyber security regulations for private owners of critical infrastructure. We said we are not going to do that. Instead, we have endorsed an approach that relies on a public-private partnership and a voluntary cyber security program to strengthen the electronic backbone of our most sensitive systems. Instead of government penalties, our bill calls for using incentives such as liability protection to encourage critical infrastructure owners to adopt voluntary cyber practices developed by industry.

Second, our revised bill provides a framework for the sharing of cyber threat information between the Federal Government and the private sector while offering liability protection and

better privacy protections for all Americans.

Third, to ensure that Federal agencies are better equipped to stop cyber attacks on them, the bill includes a number of security measures that I have worked on for years with Senator COLLINS and others to better protect our Federal information systems. In particular, this bill will help replace our outdated, paper-based security practices with a real-time security system that can actively monitor, detect, and respond to threats. For example, agencies will be required to continuously monitor their systems the way a security guard would watch a building through a video camera rather than just taking a snapshot, developing the film, and reporting on the results once a year.

Finally, our bill makes a number of important investments in developing the next generation of cyber security professionals. This is workforce development. For example, the bill provides stronger cyber security training and establishes better cyber security programs in our schools and in our universities. This legislation also makes research and development for cyber security a priority so we can develop cutting-edge technologies here at home and bring jobs to our country. Doing so will not only make us safer as a nation, it will help ensure that America's workforce is better prepared for tomorrow's job market, and tomorrow is just around the corner.

I wish to conclude my remarks here today with something that one of our colleagues, MIKE ENZI of Wyoming, introduced to me several years ago. MIKE calls it the 80-20 rule. He used it at the time to explain to me how he, one of the most conservative Republicans in the Senate, and the late Ted Kennedy, one of the most liberal Democrats in the Senate, were able to accomplish so much prior to Ted's death when they were the two senior leaders on the Senate Health, Education, Labor, and Pensions Committee.

I said to Senator ENZI: How come the two of you, very different people—one a Democrat and one a Republican—were able to get so much done?

Senator ENZI said to me: Ted and I agreed on about 80 percent of what needed to be done on most issues, and we disagreed on the other 20 percent. Somewhere along the way, we just decided to focus on the 80 percent we agreed on and set the other 20 percent aside for another day.

The cyber security legislation we are debating here today this week is an 80-20 bill. I think it is worth asking, is it worthwhile to pass a bill that achieves maybe only 80 percent of what we want to do or even only 70 percent of what we want to do? I would just say, well, compared to what? Compared to doing nothing? Compared to zero? Given all that is at stake in today's dangerous

world, you bet it is worthwhile. That much we ought to be able to agree on, so let's get it done.

Like many of my colleagues who have worked on the legislation for years, I welcome the opportunity this week to legislate—to legislate—on an issue of great importance to our Nation, to offer our amendments, to debate them, to defend them, to vote on them, make this bill better by doing so, and in the end adopt this bill as amended by a bipartisan margin. A lot of people in this country of ours question today whether we are still able to set aside our partisan and other differences when the stakes are high and summon the political will to do what is best for America. Let's show them by our actions this week that, yes, we can. Let's seize the day. *Carpe diem*.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I ask unanimous consent that the period for debate only on S. 3414, the Cybersecurity Act, be extended until 6:30 p.m.; further, that the majority leader be recognized at 6:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from New York.

Mr. SCHUMER. Mr. President, first, I wish to salute my colleague from Delaware. We have a number of people in this body who will take on the very tough issues—issues, frankly, that can only succeed when there is bipartisan agreement but that are deep and complicated and take day after day, week after week, even month after month of effort—and there are not many who can craft that type of legislation. The Senator from Delaware is one of them. He did it on the postal bill. He is doing it here on cyber security. I believe on both of them he will have ultimate success, and we thank the Senator. We thank him for his good work.

Now I would like to discuss the cyber security bill. I am very hopeful that we will pass a bill that will find a good and workable balance—one certainly that ensures that our critical infrastructure has the most effective countermeasures to prevent cyber attacks but one that will also encourage our dynamic technology industry to continue to innovate, and protect freedom of expression and privacy on the Internet.

Let me remind my colleagues that the Internet was originally developed as a way for universities, governments, and companies to collaborate on research and other projects. The whole purpose of the Internet was meant to stimulate the open exchange of ideas, and as a result it has changed the world. We have seen it in Egypt, in Russia, in China. We have seen the Internet—people's ability to communicate, unfettered by government or

other strong forces—create huge amounts of power—good power, positive power.

Just ask the entrepreneurs who developed whole new ways of selling products and developing services about how the Internet was made to stimulate the open exchange of ideas. It has given the opportunity to someone with an idea to actually take that idea and turn it into a business because it so reduces the transaction costs of doing so. Just ask the inventors and creators who have fostered new means of expression, allowing us to communicate in real time, efficiently and inexpensively, with our colleagues all over the world.

I am an efficiency bug. I like to use "I am a busy fella." I love the work I do, and I like to use it as efficiently as possible—the fact that I can have a laptop or an iPad in the car while the car is driving forward. I am not driving; I am sitting there working. In the old days, you could not do that. It is amazing how it has improved our efficiency. It is sort of, in a certain sense, Adam Smith's dream because it reduces transaction costs and allows us to focus effectively on producing what people want and need.

In short, our cyber world is one we could have never imagined 30 years ago. It is both simple—it can be accessed through a few keystrokes or screen touches—and yet it is enormously complex in its infrastructure. We have to do everything we can to protect that free and open access—that is the theme of my speech today—although we also, of course, have to protect the critical infrastructure behind it.

We are all aware of the national security risks if we do not do a cyber bill. Many of us have sat up in the Visitor Center, in the secure room, and heard leaders of our military and intelligence agencies tell us that the greatest threat to America is a cyber attack on our critical infrastructure—in many of their estimation, even more dangerous than terrorism.

Hackers broke into the Pentagon's F-35 Joint Strike Fighter project, stealing the aircraft's design and electronic-related schematics. It is not hard to imagine a scenario where hackers break into a gas refinery or a nuclear powerplant to wreak havoc with the control computer systems, nor is it hard to see a scenario where Iran attempts to learn some of our nuclear secrets. So it is very important to deal with the critical infrastructure piece.

Mr. President, let me commend you for your hard work in this area, along with the Senator from Arizona. We are still hoping and praying you guys can come to an agreement, along with the help of many. I know Senator MIKULSKI has been very active and many other of my colleagues, but the Presiding Officer's leadership has been exemplary as well, and I would apply the same words

to you that I applied to the Senator from Delaware before in terms of working on complex, difficult projects and moving forward with them.

Anyway, it is so very important that we protect our infrastructure, but at the same time—and this is what makes the legislation even more difficult—we have to be aware of the risk to a critical part of our economy if we do not do it right, if we do not do it carefully, if we do not do it thoughtfully, and if we do not balance the need to protect infrastructure with legitimate rights of the freedom of the Internet and of privacy.

To be perfectly frank, I have a big dog in this fight. You see, the Silicon Valley may have given us the semiconductor, but New York City, in my opinion, will be the birthplace of the next great generation of Internet giants. New York entrepreneurs started Four-square, Tumblr, and Kickstarter. CodeAcademy, TechStars, and General Assembly are training the next generation of Internet entrepreneurs. Venture capital is flocking to New York to help these startups. For the first time, we are getting engineers and scientists who want to be in New York. We are still not at the level of the Silicon Valley, but we are probably No. 2 in the country in this regard, and, like all New Yorkers, we want to be No. 1 at some point.

What is more, the existing Internet giants—Facebook and Google and Twitter—have all opened major offices in New York City. Google has over 3,000 people. I was proud to be at the opening of Facebook, and they are so happy with their office, they are expanding its role already. These companies know the talent and energy that are unique to New York, and they do not want to miss out on the next great idea. That, as I said, is likely to come from New York.

These ideas are not just important for New York but for America. Internet and tech companies around the country have ushered in a new era of change. They have made our world a drastically and dramatically different place than it was even 10 years ago—a better world, a more open world, a more productive world.

But one thing remains the same: We do not have a coherent and comprehensive national strategy to protect the critical networks that power our everyday lives—our homes, our businesses, and our computers. It is akin to protecting the Taj Mahal with a chain link fence and a bike lock. These networks protect our water systems and our financial information, the electric grid and our e-mail accounts.

This bill goes a long way in establishing a set of principles and programs that will make these vulnerable networks safer, but there are some parts of the bill I fear go a step too far in the name of security over privacy, and

there has to be a balance. The same minds who have given us the great Internet innovations of the 21st century have told me, convinced me, educated me that we cannot cede too much power to one side of this equation.

We all know that in this very complex cyber world, we do give up some of our privacy, but unabated authority to stifle innovation in the name of cyber security is a bridge too far. That is why I am happy to cosponsor the amendment of my colleague from Minnesota AL FRANKEN. He has become an expert on trying to figure out how we can preserve the dynamism, the effectiveness, the efficiency of the Internet but at the same time preserve our privacy.

As more and more of our economic lifeblood has shifted into the cyber world, we have an obligation to ensure that the infrastructure that validates credit card purchases, directs planes, and controls electricity is well protected against cyber attack. It is not a secret that people want to disrupt our way of life, and it is easy to imagine a world where terrorists attempt to take control of railroad switches and traffic lights to cause incredible disruption to our everyday lives. However, we must make sure that in protecting what we have, we do not stifle innovation, we do not trample on people's privacy rights. We have to leave room for the creation from the next Steve Jobs, Bill Gates, or whomever, while protecting the security the average middle-class family, the Baileys, feel when they go online to buy birthday presents for their grandchildren.

So in the final bill, we must find the right balance to preserve the economic viability of the Internet; otherwise, there will be no critical infrastructure to protect. But we must protect privacy rights, and I think the Franken amendment—and I commend it to my colleagues; a lot of work has gone into it—puts the balance in the right place.

I hope that as we move forward on this bill—either now or in September when we return—we will get broad bipartisan support for that amendment because it enables us to, in a certain sense, have our cake and eat it too: protect our infrastructure but at the same time protect, nurture our creativity and the openness of the Internet and protect our privacy.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

#### THE FARM BILL

Mr. NELSON of Nebraska. Mr. President, the worst drought in 50 years has hit Nebraska and the entire Midwest hard. Every single one of Nebraska's 93 counties is in a state of severe drought.

If you look at the chart I have in the Chamber, you can see that the drought is throughout the Midwest, into the Middle East, down into the Southeast,

down into Texas and the West, even drought conditions in Hawaii, and it is abnormally dry up in the northern part of Alaska. The USDA has already declared more than 40 Nebraska counties as natural disaster areas. If you take a look at this picture, you can see the cornfields that are just completely dirt fields now; pasture that is nothing more than dried grass, where there is still grass and dirt; the soybean fields are decimated; and corn is in many areas not only dwarfed in its growth but is not producing ears of corn. The bone-dry conditions continue to damage corn, soybeans, pastures, and rangeland, even as we speak.

Just last week a small blaze quickly spread over the parched land in north central Nebraska. It rapidly grew into a fire that consumed tens of thousands of acres, 14 houses, and forced many others from their homes.

Nebraska is fortunate to have had hard-working firefighters in our State and others to put out those flames. Hopefully, we will not need to utilize their talents in the near future. Now what Nebraska needs is disaster relief. And we are not alone. If you look at this chart, you will see that a good part of the rest of the country needs disaster relief as well. Unfortunately, the disaster programs in the 2008 farm bill have already expired.

While the Senate passed the 5-year farm bill in June, the House is not even expected to take action on it. The Senate's 5-year farm bill strengthens and improves the 2008 farm bill, particularly the natural disaster relief provisions. It beefs up and rehabilitates livestock disaster programs, it provides tools to help reduce fire risk and improve forest health, it improves and increases access to crop insurance to protect against future natural disasters, it authorizes direct and guaranteed loans for recovery from wildfires and drought, and the list goes on—all important programs necessary to deal with this disaster we are facing in our country today.

The Senate's 5-year farm bill makes necessary upgrades to the policies in the 2008 farm bill to help Americans recover from natural disasters, and it does it without digging the country deeper into debt. The Senate passed this bipartisan farm bill in June, but the House will not take action on it. Plus, the House is expected to move a separate bill, essentially a 1-year extension of the old 2008 farm bill. A 1-year extension of outdated and inefficient policies is not adequate, it is irresponsible. We need the substantial reforms in the Senate's 5-year farm bill now. A 1-year extension of current policy does nothing to help those who need the farm bill and its disaster relief the most. When you can do better, you should do better.

Congress passed a 5-year farm bill in 2008, 2002, 1996, 1990, 1985—you get the

picture—just about every 5 years between 1965 and today. Surely the House can pass a proper 5-year farm bill. And the need to is all the more apparent in the face of the nationwide drought, with the disaster relief provisions in the 2008 farm bill having expired on September 30 last year, 2011.

Now, instead of passing a 5-year extension of the farm bill, they have held a lot of political messaging votes and they put off doing what should have been done at the very beginning. And now, while America is getting hit by drought and fire, while American farmers and ranchers do not have the disaster relief because there is no farm bill, the House is merely going to pass a 1-year extension of current policies. They want to buy some time, kick the can down the road.

Well, now it is time for the House to do its job. Do what is right for the country. Do not take the easy way out. Show the American people that you remember why you are here and what you need to do and can actually do it. Americans do not want a flimsy 1-year extension of inadequate coverage and outdated policies. Americans want a dependable, modern, and economical 5-year farm bill that cuts Federal spending. That is what the Senate gave the House. That is what the House Agriculture Committee gave the House to work with—its own 5-year plan. Sure, there are real differences between the Senate bill and the House Agriculture bill, but there should be room for consensus. So the House must pass the bill or pass our bill, but do not pass a 1-year extension of outdated policies that will not work for modern American agriculture. Do not try to just coast along without a 5-year farm bill.

The lack of a 2012 farm bill will fail to provide certainty to farmers and ranchers and lead to higher prices for all consumers at the grocery store. And this is on top of the already predicted 3 to 4 percent rise in food prices caused by the drought. We do not want that and America deserves better. Nebraska's farmers and our American farmers and ranchers and all those affected by the drought are depending on Congress to do our job right and fairly debate this issue. So do not kick the can down the road.

I urge the House to bring a 5-year farm bill to the House floor as soon as possible.

I yield the floor.

Mr. LIEBERMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, I rise to continue the discussion on the

cyber security legislation, and particularly S. 3414, the pending business before the Senate, which is the Cybersecurity Act of 2012, the bipartisan piece of legislation to deal with an urgent national crisis.

I want first, again, to speak to our colleagues about the seriousness of the threat. I think sometimes that because most people haven't experienced the consequences of a cyber attack—and most are not aware of the constant cyber theft going on with moving money from bank accounts and stealing industrial secrets—frankly, a lot of the businesses that are victims of the theft don't want to acknowledge them or announce them for fear of exposing their own lack of adequate cyber defenses, but also a kind of general embarrassment. Yet we now know as a public matter—whether it has sunk into the consciousness among most of the American people—that some great companies that are very tech savvy, cyber savvy, have been the victims of cyber attacks.

Sony, RSA, Google, and others have come momentarily to public attention, but I think what this has meant has been unclear to people. It may, in fact, be unclear to many of the leaders of the private corporations that control so much of our critical cyber infrastructure.

In America, 80 to 85 percent of the critical infrastructure is privately owned. That is the American way. That is the way it ought to be. But it means when the private sector owns critical infrastructure which can, and will be, a target of hostile action, enemy attack in this new world of ours, then we have to create a partnership with the private owners of this critical infrastructure to raise our defenses because it is not just their businesses they are defending, it is the security of the United States.

A chief information officer at one of the businesses that owns part of our critical infrastructure said to me at one point that it is hard to get the attention of the CEO on this problem. The CEO is balancing a lot of considerations, looking at annual budgets and quarterly profits. For the average CEO, the threat of cyber attack is distant. For the average chief information officer, it is not so distant.

As the majority leader pointed out earlier, I think it may help to look at something very difficult to look at, which is what is happening in India today where the power system has collapsed for hundreds of millions of people. That is a breakdown, as far as we know—and I believe that is what is the fact—that is a breakdown in parts of the electric grid.

Let me give another example. Last year, in Connecticut, we had a very serious early winter storm where there were still a lot of leaves on the trees; the branches were heavy. A lot of trees

fell and took out a lot of power lines in our State. A lot of people were without power for days and days and days. Public buildings were used as shelters for the homeless. Elderly people, particularly, were affected with food spoiling in the refrigerators, the lack of lights in their dwelling, et cetera.

Just imagine for a moment if that was not the result of a weather event but of a cyber attack. Cyber systems are controlling the electric power grid, and I believe they are vulnerable. I think the same of a lot of the other cyber systems that control critical infrastructure in our financial system. The computer systems we depend on for the movement of money from one account to the other, the direct deposits we do, the money in our accounts, the billions of dollars that move between financial institutions every day—what would happen to our country if those systems were knocked out or what would happen if Wall Street and the stock exchanges were knocked out?

Again, as I said earlier today, think about the real nightmare situation, which is that a dam controlled by a cyber system is penetrated by an enemy who opens the dam and unleashes water, and torrents of water knock out communities in the path of that water and kill a lot of people. That is all, unfortunately, the age that we live in and the vulnerability we have.

There was a story in the Washington Post—I believe I talked about it before in this debate, but I will repeat it—about a young man on the other side of the world sitting at his computer at home. He was nothing special, but he was smart and computer savvy. He broke into the computer-controlled system—the cyber system controlling a small water utility in Texas. He had the ability to disrupt the functioning of that entire utility. He didn't do it, thank God. He posted online what he had done—a warning at least, perhaps a bit of bragging that he was able to do it. But think about an enemy who had hostile intent against the United States who would launch similar attacks against several small utilities around the country—or large utilities, for that matter.

Mr. President, last week, the people who are the real experts on cyber space gathered in Las Vegas at the annual—and this is an interesting title—Black Hat Computer Security Conference. They issued yet more warnings.

The conference opened with a very strong warning from Shawn Henry who, until recently, was the Assistant Director of the FBI in charge of the FBI's considerable cyber program. Some people call Shawn Henry the Nation's top cyber cop. He said this at the Black Hat Conference:

The adversary knows that if you want to harm civilized society—take their water

away, do away with their electricity. There are terrorist groups that are online now calling for the use of cyber as a weapon.

He went on:

People will not truly get this until they see the real implications of a cyber attack. For example, people knew about Osama bin Laden prior to 9/11, but that awareness had risen by several orders of magnitude after the attacks.

Mr. Henry, former director of cyber programs at the FBI, concluded:

I believe something like that will have to happen in the cyber world before people truly get it.

Obviously, we all hope and pray not, but at this moment in this debate, in the Senate's consideration of the Cybersecurity Act, there are a lot of inflexible positions that are being taken. People are not willing to come together across ideological and political divides to deal with a problem and a threat that faces us all. I fear that Mr. Henry may well have been right.

Mr. President, I urge my colleagues, don't run the risk that it will take a cyber 9/11 to bring us rushing back here to adopt cyber security legislation. It doesn't take much to imagine what will happen if we are the victims of a major cyber attack. Minor cyber attacks are happening every day. Major cyber thefts occur regularly in America every day. Let's heed the warning and come together over special interests to meet a national security interest and challenge.

I yield the floor and suggest the absence of a quorum.

THE PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

THE PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, there is such an important subject that is looming over the country right now that Congress can do something about; that is, the possibility of cyber attack. We have had this discussed by a number of people in very high and responsible positions and the threat is real.

What the threat means to all of us in our everyday lives is that electrical systems could be shut down, water systems could be shut down, the banking system could be shut down, sewer systems could go awry, and we can go on and on. For months we have been stymied from passing anything because of a disagreement in the business community, which is going to be one of the main recipients of a potential cyber attack.

I will choose my words very carefully as a member of the Senate Intelligence Committee and say this potential attack is real. It is real not only from rogue players but also some state actors, and we need to get this legislation

up and going. I am most encouraged to think we are at a position to get agreement; that the chairman and vice chairman of our Intelligence Committee are going to come together in an agreement. We need to pass this—this week—because this is deadly serious.

I refer to a letter that has been made public from the commander of Cyber Command, a four-star general, GEN Keith Alexander. He is also the head of the National Security Agency. He has done a remarkable job. He sent a letter, dated today, to the majority leader imploring the Senate to move.

Whatever disagreements there have been over the concern of the Department of Homeland Security being the interfacing agency can be worked out. The National Security Agency—which almost all of us have enormous confidence in—is going to be directly involved.

It is my hope and I am expressing optimism that we are going to get this legislation out of here and to the House. If they can't pass it before this August recess, at least we can have some items over the August recess start to be informally conferred to iron out any differences between the House and the Senate.

The PRESIDING OFFICER (MR. BENNET). The Senator from Rhode Island.

MR. WHITEHOUSE. Mr. President, I am here this afternoon to speak about the Cybersecurity Act of 2012, the measure that is on the Senate floor right now. This important bill addresses a serious and immediate threat to our Nation's security. I served 4 years on the Intelligence Committee during which I worked hard to understand the cyber security threat. I helped Senator MIKULSKI and Senator SNOWE write the Senate Intelligence Committee Cyber Security Report. I am the chairman of the Judiciary Subcommittee on Crime and Terrorism that has jurisdiction over cyber security. As I have explained before on the floor of the Senate, the cyber threat against our Nation—against our intellectual property, against our privacy, and against our safety—is vast and it is upon us. It is a national security threat. It is a national economic threat. We cannot afford to wait to pass legislation to respond to this threat. The leading national security experts in each party agree: Now is the time to pass comprehensive cyber security legislation.

The Cybersecurity Act of 2012 is a strong, comprehensive bill that will make our Nation safer. It will provide for the sharing of threat information between the government and private sector, and it will provide for the hardening, for the protection of the networks of the private companies that operate America's critical infrastructure—that run our electric grid, that run our financial networks, that run our communications systems and the

other infrastructure that is essential to conducting the day-to-day way of life Americans enjoy, that is essential to our national security and to our economic well-being.

The Senate voted to proceed to this bill in a very broad, bipartisan manner—84 votes, as I recall. It has been disappointing in the wake of that that some elements within the business community are failing to cooperate, are failing to, for instance, provide constructive suggestions in areas where they have disagreement with this important legislation. Indeed, some appear intent on just preventing the Senate from passing legislation that would make us all safer.

In some cases these interests are not negotiating to get a bill that protects their interests. They are blockading to stop a bill that will protect all of our interests. To put this blockade into context, consider the views of GEN Keith Alexander, the Director of the National Security Agency and of United States Cyber Command. General Alexander is the most senior and respected cyber security expert in our Nation's military. He runs our two most technically sophisticated and skilled cyber operations. Today he wrote:

The cyber threat facing the Nation is real and demands immediate action. The time to act is now; we simply cannot afford further delay. Moreover, to be most effective in protecting against this threat to our national security, cyber security legislation should address both information sharing and core critical infrastructure hardening.

The Cybersecurity Act addresses both of those issues, information sharing and core critical infrastructure hardening. It does what our military's leading cyber security expert says is necessary to be done to protect the Nation.

That, then, is the view of the leader of our military cyber warriors and cyber defenders based on both deep experience and access to the most deeply classified information held by the U.S. Government.

In contrast, industry arguments against cyber security legislation appear to have been developed with little or no awareness of the threat facing our Nation. Kevin Mandia of the leading security firm Mandiant has explained, for example, that “in over 90 percent of the cases we have responded to, government notification was required to alert the company that a security breach was underway. In our last 50 incidents, “ he said, “48 of the victim companies learned they were breached from the Federal Bureau of Investigation, the Department of Defense, or some other third party.”

The FBI's experience was similar. When the FBI-led National Cyber Investigative Joint Task Force informs the corporation it has been hacked, 9 times out of 10, the FBI reports, the corporation had no idea.

In Operation Aurora, the cyber attack which targeted numerous companies, only 3 out of the approximately 300 companies attacked were aware that they had been attacked before they were contacted by the government.

These are not unique incidents. Globally, I have said, General Alexander has said, and others have said that America is right now on the losing end of the largest illicit transfer of wealth in human history through cyber attack and through the theft through cyber attack of our intellectual property. So this is an industrywide problem.

Even the U.S. Chamber of Commerce has been the completely unwitting victim of a long-term and extensive cyber intrusion. Just last year the Wall Street Journal reported that a group of hackers in China breached the computer defenses of the U.S. Chamber, gained access to everything stored on its systems, including information about its 3 million members, and remained on the U.S. Chamber of Commerce's network for at least 6 months and possibly more than a year. The chamber only learned of the break-in when the FBI told the group that servers in China were stealing its information.

Even after the chamber was notified and increased its cyber security, the article stated that the chamber continued to experience suspicious activity, including a “thermostat at a townhouse the Chamber owns on Capitol Hill . . . communicating with an Internet address in China . . . and . . . a printer used by Chamber executives spontaneously . . . printing pages with Chinese characters.” These are the people we are supposed to listen to about cyber security.

A recent Bloomberg News article makes it clear that this was not an isolated incident. It describes how hackers linked to China's army have been seen on the networks of a vast array of American businesses. The article describes how what started as assaults on military and defense contractors have widened into a rash of attacks from which no corporate entity is safe. Among other cyber attacks, Bloomberg News reported, the networks of major oil companies have been harvested for seismic maps charting oil reserves—it saves work if you can steal that information rather than find it yourself—patent law firms have been hacked for their clients' trade secrets—again, free access to valuable information—and investment banks have been hacked into for market analysis that might impact the global ventures of certain state-owned—nation-state-owned, foreign-country-owned operations.

After having been victimized repeatedly by cyber attacks and having learned about them only when the government arrived to help them fix the

problem, one would think critical infrastructure operators or their representatives would be keenly aware of the urgent need for cyber security legislation. One would think they might come to this issue with some sense of humility based on the patent inadequacy of their defenses. One would think that elected officials sworn to the protection of this country might view with some caution and some skepticism claims by folks who are hacked and penetrated virtually at will, usually without even knowing about it, that they can handle this just fine on their own. Yet industry opposition remains, even after the bill has been revised to include a very business-friendly, voluntary, incentive-based approach to hardening up critical infrastructure that we all depend on. Unfortunately, some colleagues can only hear the siren song of the industry lobbyists, even with plain and ominous national security threats staring them in the face.

Some in industry claim that a bill with only information sharing between the government and business would be sufficient and that protection of critical infrastructure is not necessary. This premise is wrong. Statements to the contrary are simply false. Such assertions have been repudiated by the people who lead the charge with our Nation's defense, and who have been confirmed in these roles by the Senate who have repeatedly, and as recently as today, emphasized the need to protect critical infrastructure. These officials include Secretary of Defense Panetta, Director of National Intelligence Clapper, Attorney General Holder, Secretary of Homeland Security Napolitano, and others.

Indeed, it is not just this administration that holds this view. A wide range of national security experts from previous Republican administrations have emphasized the vulnerability of our critical infrastructure, including former Director of National Intelligence and NSA Director ADM Mike McConnell, former Secretary of Homeland Security Michael Chertoff, and former assistant attorney general OLC, and now Harvard Law School professor Jack Goldsmith. These people know what they are talking about, they are not kidding around, and they deserve to be listened to.

Secretary Chertoff has explained that the existing status quo is not generating adequate cyber security for our critical infrastructure. The marketplace, former Homeland Security Secretary Chertoff has explained, is likely to fail in allocating the correct amount of investment to manage risk across the breadth of the networks on which our society relies. One example of this type of market failure is the decision of gas, electric power, and water utility industries to forgo implementation of a powerful new encryption system to

shield substations, pipeline compressors, and other key infrastructure from cyber attack because of cost concerns. It should be noted the costs in this case would be approximately \$500 per vulnerable device, and they still would not do it.

The unwillingness of industry to adopt necessary security standards is particularly troubling when we consider the scope and scale of the risks associated with a failure of critical infrastructure. The current electricity grid knocked down in India—leaving 600 million people without power—shows how bad things can get when critical infrastructure fails. The cause of this massive failure is not clear, and there is not yet any evidence that it was caused by a cyber attack, but it vividly illustrates the vulnerability of humankind when the critical infrastructure we depend on is knocked down and of the terrible possible consequences of the failure of that critical infrastructure.

The scale of the threat we face, the plain inadequacy of current safeguards in the corporate sector, and the consequences of failure in this area of critical infrastructure all join together to demand passage of comprehensive cyber security legislation. This is a matter of national security. It is our responsibility here in this building to do what we can to make the Nation safer regardless of any parochial interests. Now is the time for us all to come together to get this important job done.

I will conclude by saying we are tantalizingly close to having an agreement. If people will take one last step forward to get that agreement, I think we can do it. If people back away because of the urging of parochial interests, we will fail at this opportunity.

I want to conclude by expressing my congratulations to the chairman of the committee on Homeland Security and his ranking member who have worked hard and who have given an enormous amount. We began with a traditional government-run regulatory procedure, which is one that everybody is familiar with and has lots of checks and balances in it, but it is also a fairly mandatory and top-controlled procedure. As a result of considerable bipartisan discussions, a new model emerged that allows the industry immense independence and control in this area.

The regime it has been moved to is a huge step by the chairman and the ranking member and begins with the rule that originates in the private sector, has it vetted by experts from the private sector, has a national institute for science and technology review as well, ends up with an array of government agencies approving or disapproving that, and whatever standard is ultimately approved by the government council of agencies, the industry companies are free to opt in or opt out.

If they think the regulation is unreasonable, they are at liberty to opt out entirely. A comprehensive liability protection structure has been created as an inducement for companies to participate, but it is a strong and powerful check on the standard-setting apparatus that ultimately the industry can choose to opt out if it is unreasonable. An enormous step has been taken by the authors of the current bill toward a compromise. We need a step coming back the other way in order to get this done.

I see my distinguished colleague from Tennessee is here. Let me take one moment as I yield to express my appreciation to Nick Patterson of the Department of Justice who has been on my staff on assignment from the national security division for months and months working on this issue. Today is his last day. I want to thank him for his work on this effort. I want to thank the Department of Justice for loaning him to me and having them lose this valuable member of their national security division to help us develop this legislation. He has been a valuable part of an immensely capable team in my office, led by Stephen Lilley, that has gotten us to at least where I am today on this legislation.

I thank the Presiding Officer, and I thank the Senator from Tennessee for his courtesy.

I yield the floor.

**THE PRESIDING OFFICER.** The Senator from Tennessee.

**MR. ALEXANDER.** Mr. President, the majority leader is coming to the floor at 6:30, and I will yield to him at that time.

I would like to thank Neena Imam, who is sitting with me, for serving on my staff for the past two years as a fellow with the Oak Ridge National Laboratory. She has done a terrific job working for me on energy and environmental policy.

Mr. President, today is the 100th anniversary of Milton Friedman's birthday, the Nobel Prize Laureate. One of his most important statements, in my opinion, was this, "Nothing is so permanent as a temporary government program." It was reported by several media outlets that Governor Mitt Romney has taken the position that the wind production tax credit should be allowed to expire at the end of the year. He must have known Milton Friedman's birthday was coming today. I wouldn't presume to speak for Milton Friedman, but I think he would applaud Governor Romney's position. It shows his seriousness about our fiscal problems in the United States. It's time to end a temporary tax credit that was put into law in 1992, when President George H.W. Bush was in office and when Milton Friedman was only 80 years old. The wind production tax credit was a temporary tax break, in 1992 to encourage wind power. We

give wind developers 2.2 cents for every kilowatt-hour of wind electricity produced. And now it's about to expire at the end of the year. It needs to be extended again the developers say. Nothing is so permanent as a temporary government program. They tell us just one more time. But it is an argument like this that has got us into the fiscal mess we have as a Nation.

The United States of America, according to the Joint Tax Committee and the U.S. Treasury, is spending \$14 billion on subsidizing giant wind turbines over a five-year period, \$6 billion of it is this production tax credit. That's why I am so pleased to see Governor Romney support the idea of more responsibility in our spending. We spend too much money in Washington that we do not have, and it has to stop. There are many reasons we don't need this particular provision of the tax code.

First, we can't afford it. From 2009 through 2013, the tax credit will cost taxpayers \$6 billion over five years, and the grants will cost another \$8 billion over that same five years. At a time when the federal government is borrowing 40 cents of every dollar it spends, we cannot justify such a subsidy, especially for what the U.S. Energy Secretary calls a "mature technology."

Second, despite all the money, it produces a relatively small amount of electricity, producing only 2.3 percent of our electricity in the United States. We're a big country. We use 25 percent of all the electricity in the world. We're not going to operate our country through windmills.

Third, these massive turbines too often destroy the environment in the name of saving the environment. Some are 50 stories high—taller than the Statue of Liberty—with blades as long as a football field, weighing seven tons and spinning at 150 miles an hour, with blinking lights visible for 20 miles. These aren't your grandma's windmills. These gigantic turbines are three times as tall as the sky boxes at University of Tennessee's Neyland Stadium in Knoxville. There is a new movie called "Windfall" about residents in upstate New York who are upset and have left their homes because of these big wind turbines.

Mr. President, the majority leader has come to the floor, and I will forgo my remarks at this time so he has a chance to say what he wishes to say.

Mr. REID. Mr. President, it is my understanding that the senior Senator from Tennessee wishes to speak for another 10 minutes, is that right?

Mr. ALEXANDER. Mr. President, 5 minutes would do it.

Mr. REID. Mr. President, I ask unanimous consent that the period for debate only on S. 3414, the Cybersecurity Act of 2012, be extended until 6:40, and that at 6:40 I be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Tennessee.

Mr. ALEXANDER. I thank the majority leader for his courtesy, and I will continue.

The fourth reason that we don't need to allow these production tax credits for wind to be renewed is that they have not created as many American jobs as expected. An American University study reported in 2009 that the first \$1 billion of stimulus grants to wind went to foreign manufacturing companies.

And what did we get in return for these billions of dollars of subsidies? A puny amount of unreliable electricity generated mostly at night when we don't use it.

I mentioned a little earlier that our country is a big country. It uses lots of electricity. The Senator from Rhode Island was talking about the problems in India that are being caused by failure of the grid. We need large amounts of reliable baseload electricity to power this country. We're very fortunate that we have, through unconventional natural gas discoveries, found that we're going to have a lot of cheap natural gas in the United States, and we can make electricity from natural gas power plants at a low cost and with very little air pollution.

Nuclear power produces 70 percent of our carbon-free electricity, and 20 percent of the total electricity generated in the U.S. It needs to be a part of our future energy mix. Coal should also be part of our energy future, as long as coal plants have pollution control equipment on them to reduce the sulfur, nitrogen and mercury. I was one of those senators who voted to require coal plants that operate in the future to have pollution control equipment on them. This means in a few years every operating coal plant in the United States will be clean except for carbon, and I am convinced that such programs as ARPA-E at the Department of Energy will find what I think is the holy grail of energy technologies.

One of the companies that ARPA-E invests federal research dollars in is experimenting with growing micro-organisms on electrodes. These bacteria can turn carbon dioxide into fuel. In other words, they create a commercial energy use for the carbon that comes from our coal plants. And when that happens, the United States will have massive amounts of cheap, clean, reliable electricity. And we won't be powering our country with windmills.

We should congratulate Dr. Friedman for his great career, for his wisdom in pointing out to us that nothing is so permanent as a temporary government program, and applaud Governor Romney for recognizing that and calling for the end of this tax credit.

We're coming upon something we call the fiscal cliff. I know the senator from

Colorado is very interested in this, spending a lot of time working in a bipartisan way to try to find a way to deal with it. My friend, the Foreign Minister of Australia, is a great fan of the United States, and he said to the United States that we're one budget agreement away from restoring our global preeminence—One budget agreement away from restoring our global preeminence.

Now, to get that agreement what do we have to do? We have to deal with appropriations bills at the end of the year, a problem we may have solved today with a solution the leaders recommended. We have to deal with the Bush tax cuts, and multiple items that expire at the end of the year such as the tax extenders that need to be renewed or not, and the alternative minimum tax which started out as a tax on rich people and now threatens to impact millions of Americans. There's appropriate payment to doctors who provide medical care, we call this the doc fix. There is the sequester that none of us likes. There's the problem of the debt limit, the payroll tax cut and unemployment benefits. All of this is happening at the end of the year.

This is a good time to get serious about dealing with the fiscal cliff, and let a 20 year, temporary tax break to encourage wind energy—which costs the American people \$6 billion over five years—to expire and let wind stand on its own. I would suggest that for the \$6 billion in savings we put \$2 of every \$3 we save into reducing the debt and \$1 into energy research to see if we can find even more amounts of cheap, clean energy.

So it is a good occasion to celebrate Milton Friedman's 100th birthday, and it is a good occasion to applaud Governor Romney for following Milton Friedman's advice: "Nothing is so permanent as a temporary government program."

I thank the Presiding Officer. I thank the majority leader for his courtesy.

Mr. WHITEHOUSE. Mr. President, I rise to discuss three amendments to the Cybersecurity Act of 2012 that I am introducing today with Senator MIKULSKI. This important piece of legislation, which was introduced by Senators LIEBERMAN, COLLINS, FEINSTEIN, ROCKEFELLER, and CARPER, responds to the serious and growing cyber security threat facing our Nation. It will strengthen our national security, our economic well-being, the safety of our families, and our privacy. The three amendments Senator MIKULSKI and I are introducing today would ensure that the bill also harnesses law enforcement agencies' cyber authorities and capabilities as effectively as possible.

I am very honored that Senator MIKULSKI is introducing these amendments with me today. She has a long record of continued leadership on law



enforcement and national security issues. It has been a privilege to work with her on the challenge of protecting Americans against cyber security threats, first on the Intelligence Committee and more recently in a series of discussion and working groups. As the chairman for the Commerce, Justice, Science, and Related Agencies Subcommittee of the Appropriations Committee, her assessment of the right approach to law enforcement issues in cyberspace draws from a wealth of experience and expertise. I am very grateful to her for her leadership on these issues.

The first amendment we have introduced addresses the scale and structure of law enforcement's cyber resources. Law enforcement agencies have vital roles to play against cyber crime, cyber espionage, and other emerging and growing cyber threats. Congress must ensure that law enforcement agencies are organized and resourced in a manner that allows them to fulfill these important responsibilities. To date, investigatory responsibilities for cyber crime have been assigned within existing agencies, with some held by the FBI and others by the Secret Service or other agencies. Prosecutorial responsibilities have been distributed among the National Security Division, the Computer Crime and Intellectual Property Section, and U.S. attorneys' offices across the country. Law enforcement has had some important successes with this model, such as the FBI's takedown of the Coreflood botnet, but these successes need to be achieved with much greater frequency.

FBI Director Mueller stated that a "substantial reorientation of the Bureau" will be necessary to achieve that goal. It is Congress's responsibility to ensure that any reorientation of law enforcement maximizes law enforcement's effectiveness against the cyber threat and uses Federal resources as efficiently as possible. This will require Congress to consider important issues such as whether cyber crime should have a dedicated investigatory agency akin to the DEA or ATF, whether existing task force or strike force models are well suited for addressing the cyber threat, and how cyber resources should be scaled given the future threat.

To address these questions, our amendment would require an expert study of our current cyber law enforcement resources. This study will evaluate the scale and structure of these resources, identifying strengths and weaknesses in the current approach and providing recommendations for the future. This amendment thus will provide Congress a necessary expert assessment to guide our work in the years ahead.

The second amendment we have introduced would ensure that existing and effective cyber law enforcement efforts are not unintentionally dis-

rupted by changes made in title II of the bill, which covers "Federal Information Security Management and Consolidating Resources." This title makes a number of valuable changes and reforms to current law, including the creation of a center within the Department of Homeland Security that will lead efforts to protect Federal Government networks. The creation of this center is an important step forward in protecting Federal networks, but we must ensure that its operations do not disrupt law enforcement relationships and activities that currently are making our country safer. For example, the FBI-led National Cyber Investigative Joint Task Force, NCIJTF, must be allowed to continue its much needed and effective work on cyber law enforcement and intelligence.

Our amendment would clarify that the new center is focused on the protection of Federal networks and that its responsibilities do not extend to law enforcement. Specifically, the amendment would add a savings clause indicating that the title does not pertain to law enforcement or intelligence activities. It also would add definitions that help provide a clearer picture of the new center's role in protecting Federal Government networks and responding to cyber threats, vulnerabilities, or incidents.

The final amendment we are introducing today is to title VI, which covers international cooperation. This title, which incorporates legislation first introduced by Senator GILLIBRAND and Senator HATCH, will help clarify and strengthen the ability of the Federal Government and particularly the Department of State to develop international cyber security policy. Language in the title, however, could be read to disrupt existing and effective working relationships between American and foreign law enforcement agencies, interfere with the exercise of prosecutorial discretion, and to limit the Department of Justice's accountability to Congress for the law enforcement decisions it makes. Our amendment would ensure that the Department of Justice works collaboratively with the Department of State as it exercises its prosecutorial discretion and that it is accountable to Congress for cyber crime issues for which it is responsible and regarding which it has particular expertise.

I look forward to working with the managers of S. 3414 and any interested colleagues on these important issues. I thank Senator MIKULSKI for her co-sponsorship.

I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, to say I am disappointed is a tremendous understatement. This body is debating a measure that would prevent what national security experts on a bipartisan basis have called a serious threat to our Nation since the dawn of the nuclear age. Senator MCCAIN called this danger an existential threat to our Nation.

Democrats were prepared to work on a bipartisan basis to pass this legislation. I, personally, have convened many meetings, going back 2 years ago, to have a piece of legislation that we could pass through this body. In that 2 years' time, things have gotten worse, not better, as far as threats to our country. We have been prepared to address concerns raised by the private sector, and I think it is only fair to say that for the leaders of the committees involved in this issue, there has been real cooperation, from both Democrats and Republicans.

I have said on the Senate floor many times that the work of Senator LIEBERMAN and Senator COLLINS has been exemplary. The major part of this bill is within their jurisdiction dealing with homeland security. I have always envisioned they have been prepared to engage in a robust debate and to consider amendments designed to perfect the bill. I know that is how I feel. Above all, I thought we had all been prepared to put national security above partisan politics to address this urgent matter.

I was surprised this morning to hear Senator MCCONNELL say he would like a vote on repealing ObamaCare on this bill. That is really not appropriate. Some Republican Senators have said this matter is going to be filibustered unless they have the right to vote on an amendment to repeal health care reform. Obviously, that is it. The Republican leader said that, but then I thought that might fade away.

Every Tuesday after our caucuses—the Republicans have one and the Democrats have one—Senator MCCONNELL and I meet at the Ohio clock, as it is called, and both of us make a statement and answer questions the press gives us. It is not a jump ball, as in whoever gets there first gets to make the first presentation. We wait, and if one of us is not ready, the other goes first.

Sometimes he goes first; sometimes I go first. But the important point in the one today is that—and I am paraphrasing but the point is certainly valid—the Republican leader said out here, with the entire press corps and his leadership team with him, that cyber security—remember, I am paraphrasing—is something we should do, but it will take several weeks to do it. Not this week.

Compare that to the words of GEN Keith Alexander, commander of the

U.S. Cyber Command, who wrote Senator McCONNELL and I today. And here is what he said. This is a quote:

The cyber threat facing this Nation is real and demands immediate action. The time to act is now. We simply cannot afford further delay.

I have tried to figure out a way of describing how I feel about this. I said "disappointed," and that is certainly true; "flummoxed," that is certainly true. I cannot understand why we are in this position. I am so disappointed that Leader McCONNELL and his colleagues—some of his colleagues—would prevent us from acting on this urgent threat. I am particularly astounded they would rather launch yet another attack, for example, on women's health than work to ensure the security of our Nation.

I have no choice but to file cloture on this matter. I would hope we could get cloture, but I am a realist, as I have learned after having tried to work through 85 different filibusters in this congressional session. I remain hopeful that they will come to their senses and realize the urgent need for action on this matter.

There was a really inspirational presentation made in our caucus today by Senator BARBARA MIKULSKI of Maryland. Again, I am paraphrasing, but I am pretty direct in remembering what she said. I was not present when Senator McCONNELL made his statement. Senator MIKULSKI said: I have served on the Intelligence Committee for 10 years. And she said: This legislation creates a rendezvous with destiny for our country. We have to do something, and we have to do it soon.

I have stated to Senator LIEBERMAN, to Senator COLLINS—anyone who will listen—this is not a partisan piece of legislation. It should not be. I am happy to work on an agreement to consider relevant amendments, but this matter has been pending since last Thursday. Today is Tuesday, and basically the slow walk that I am so used to around here has taken place.

I hope we can find a final path forward. Senators from both sides of the aisle have come to me personally and said they have invested time—lots of time—in this matter, and they are trying to forge a consensus. I take them at their word, but they all seem powerless to buck the filibuster trend we have.

So I hope when the dust settles we can set aside crass politics and work together for the good of our Nation and can achieve a strong, effective, bipartisan cyber security bill.

Mr. President, Tom Donohue, head of the Chamber of Commerce, is my friend. He really is. But I am terribly disappointed in the Chamber of Commerce. We started out with having a requirement that businesses in the private sector would be required to do certain things. Senators LIEBERMAN and

COLLINS backed off from that, and now it is kind of a voluntary deal. It is much weaker than I think it should be. Why in the world would they oppose that—"they" meaning the Chamber of Commerce, which has sucked in most all of the Republicans on this. That is really unfortunate.

#### AMENDMENT NO. 2731

So, Mr. President, on behalf of Senators LIEBERMAN, COLLINS, and others, I call up amendment No. 2731, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. LIEBERMAN, for himself, Ms. COLLINS, Mr. ROCKEFELLER, Mrs. FEINSTEIN, and Mr. CARPER, proposes an amendment numbered 2731.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. REID. Mr. President, I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

#### AMENDMENT NO. 2732 TO AMENDMENT NO. 2731

Mr. REID. Mr. President, on behalf of Senator FRANKEN, I call up amendment No. 2732, which is also at the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. FRANKEN, proposes an amendment numbered 2732 to amendment No. 2731.

The amendment is as follows:

At the end, add the following new section:

**SEC. \_\_\_\_.**

Notwithstanding any other provision of this Act, section 701 and section 706(a)(1) shall have no effect.

#### AMENDMENT NO. 2733

Mr. REID. Mr. President, I have an amendment to the language proposed to be stricken.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2733 to the language proposed to be stricken by amendment No. 2731.

The amendment is as follows:

On page 20, line 5, strike "180 days" and insert "170 days".

Mr. REID. Mr. President, I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

#### AMENDMENT NO. 2734 TO AMENDMENT NO. 2733

Mr. REID. Mr. President, I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2734 to amendment No. 2733.

The amendment is as follows:

In the amendment strike "170" and insert "160".

#### CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on S. 3414, a bill to enhance the security and resiliency of the cyber and communications infrastructure of the United States.

Harry Reid, Joseph I. Lieberman, Barbara A. Mikulski, Thomas R. Carper, Richard J. Durbin, Christopher A. Coons, Mark Udall, Ben Nelson, Jeanne Shaheen, Tom Udall, Daniel K. Inouye, Carl Levin, John D. Rockefeller IV, Charles E. Schumer, Sheldon Whitehouse, John F. Kerry, Michael F. Bennet.

#### MOTION TO COMMIT WITH AMENDMENT NO. 2735

Mr. REID. Mr. President, I have a motion to commit the bill with instructions, which is at the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID] moves to commit the bill, S. 3414, to the Committee on Homeland Security and Governmental Affairs with instructions to report back forthwith with an amendment numbered 2735.

The amendment is as follows:

At the end, add the following new section:

**SEC. \_\_\_\_.**

This Act shall become effective 3 days after enactment.

Mr. REID. Mr. President, I ask for the yeas and nays on that motion.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

#### AMENDMENT NO. 2736

Mr. REID. Mr. President, I have an amendment to the instructions at the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2736 to the instructions (amendment No. 2735) of the motion to commit S. 3414.

The amendment is as follows:

In the amendment, strike "3 days" and insert "2 days".

Mr. REID. I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

#### AMENDMENT NO. 2737 TO AMENDMENT NO. 2736

Mr. REID. Mr. President, I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment No. 2737 to amendment No. 2736.

The amendment is as follows:

In the amendment, strike "2 days" and insert "1 day".

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum required under rule XXII be waived with respect to the cloture motion that has just been filed.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### VETERANS JOBS CORPS ACT OF 2012—MOTION TO PROCEED

Mr. REID. Mr. President, I now move to proceed to Calendar No. 473, S. 3429

The PRESIDING OFFICER. The clerk will report the motion.

The bill clerk read as follows:

Motion to proceed to Calendar No. 473, S. 3429, a bill to require the Secretary of Veterans Affairs to establish a veterans jobs corps, and for other purposes.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CYBER SECURITY LEGISLATION

Mr. LIEBERMAN. Mr. President, I rise to respond to the statement of the majority leader—first, to say that I share his sadness and disappointment that he had to file a cloture motion on this Cybersecurity Act, but I totally agree with the decision he has made. I do not think he had any choice.

I think we are facing on the one hand an urgent, real, and growing threat to our security and our prosperity because we are vulnerable; that is, the privately owned cyber infrastructure of our country is vulnerable to attack from foreign enemies, from nonstate actors such as terrorist groups, from organized criminal gangs who are just out to steal billions of dollars over the Internet, and from hackers.

So we are dealing with a real problem that all the nonpolitical security experts from the last administration, the Bush administration, and this one, the Obama administration, say is rising rapidly to being the No. 1 threat to American security. Over the Internet now, because of our vulnerability over cyber space, a foreign enemy can do us more damage than the terrorists did to us on 9/11. It is that stark. So that is one reality.

The other reality is that Senator COLLINS and I, Senator ROCKEFELLER

and Senator FEINSTEIN, have been working literally for years. As Senator REID said, because of the urgency of the problem, we decided we cannot just fight for 100 percent of what we thought was best to protect our security. We pulled back; we made it not mandatory. We have standards being set for the private sector to defend itself and us better, and we are creating carrots and not sticks to encourage them to opt into those cyber security standards. That is one reality.

The other reality is that in our government—notwithstanding controversy here—all the Departments are working like a team. As General Alexander, the head of Cyber Command at the Department of Defense says, cyber security is a team sport—the Department of Homeland Security, the Department of Defense, the FBI, the intelligence community all working together to protect our country. But they do not have the tools they need, and they urgently need this bill.

Yet the other reality is, in the Senate, where once again we are gridlocked, we cannot even get the consent necessary to take up amendments to vote on. Senator COLLINS and I have said all along: Just get this bill to the floor. Let the Chamber, the 100 Senators, work their will on germane and relevant amendments, and something good will result for the country. So here is the bill on the Senate floor, and yet Members are blocking us from taking up those amendments. And I am afraid the consequence is that they are running out the clock.

A lot of good work done by those of us who have sponsored the pending legislation, in a very constructive, bipartisan group, led by Senator KYL and Senator WHITEHOUSE—including three additional members of the Democratic Caucus and Republican Caucus—have worked very hard to bridge the gaps. We have come closer together, but we are not going to work this out unless we can vote.

I wish we had not come to this point, but Senator REID has made the correct and necessary decision, and it will confront the Members of the Senate on Thursday with a decision: Are you going to vote for cloture to at least allow the Chamber to consider all the amendments on this bill that are germane and relevant or are you going to say: No, I will only settle for exactly what I want, and I do not want this bill; therefore, I am going to vote against cloture and run the risk—which all the independent cyber security experts in our Nation tell us we will run if we do not do anything—that we will suffer a major attack or at least we will continue to suffer major cyber theft.

So I am saddened. We have worked very hard on this. But that is not the point. The point is, there is an urgent necessity to pass this legislation. It

ought to be nonpartisan. It ought not to be the victim of special interest pleading. It ought to be all of us coming together, as we usually have on national security matters, to put the national security interests of the American people ahead of special interests, to resolve our differences, to settle for less than 100 percent, and to get something done to protect our country or is this going to be another case where the Senate fails to bridge the gaps, fails to be willing to make principled compromises and therefore fails not only to fix a problem but, in this case, to protect our country from a very clear and present danger of cyber attack and cyber theft?

So Thursday will be the day of decision. I hope perhaps meetings can occur tomorrow in which we can reconcile our differences and agree on a method to go forward. If not, every Member of the Senate is going to have to decide whether they want to block action on cyber security legislation or whether they want to go forward and consider the amendments on both sides that have been filed.

I thank the Presiding Officer and yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of Colorado.) Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, it strikes me, as I call you, Mr. President, that I once had the high honor to support a man who shared your name, indeed your father, for President of the United States. So it is nice to be able to call you Mr. President.

#### MORNING BUSINESS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TRIBUTE TO NED MOORE

Mr. MCCONNELL. Mr. President, I rise to pay tribute to an honored Kentuckian and veteran of World War II, Mr. Ned Moore. Mr. Moore visited the Nation's capital several months ago with Honor Flight, the group that helps bring veterans to Washington, D.C., to see the memorials that were built in their honor. Mr. Moore was able to see the World War II Memorial that he and his fellow sailors inspired.

Ned's grandson, Mr. Tres Watson, is a good friend of mine, and when he made

me aware of his grandfather's visit, I thought it worth a moment to share Ned's story with my colleagues. Ned Moore was born in Marydell, MS, on February 27, 1927. He joined the Navy in Jackson, MS, on August 1, 1944, at the age of 16, without his mother's consent. He was assigned to the USS *Coronis*, a landing-craft repair ship, on Christmas Day 1944.

While Ned was aboard the *Coronis*, it saw action throughout the Pacific Theater, including acting as a support ship during the battle of Okinawa.

In 1945, Ned was assigned to the United Nations, where among his duties he served as personal driver for UN delegates including Eleanor Roosevelt, who was a UN delegate at the time. She presented Ned with a Roosevelt dime after making his acquaintance.

In March 1946, Ned was assigned to the USS *Wright*, a *Saipan*-class light aircraft carrier, where he served as an aircraft mechanic. While the *Wright* was stationed in Pensacola, FL, functioning as a training ship, Ned married Margaret Daly in 1948.

In October 1952, Ned was assigned to the USS *Bennington*, an *Essex*-class aircraft carrier that had been recommissioned as an attack carrier. While the *Bennington* was stationed in Guantanamo Bay, Cuba, in February 1953, then-U.S. Senator John F. Kennedy obtained leave for Ned to return to the United States for the birth of his first child.

In 1958, Ned was assigned to the USS *Wasp* in Boston after it had been overhauled to become the hub of a special anti-submarine group of the Sixth Fleet. While aboard the *Wasp*, Ned sailed through the Mediterranean and participated in Operation Blue Bat, a U.S. military intervention into Lebanon. The *Wasp* was responsible for transporting sick and injured Marines from Lebanon so they could receive care.

In 1960, Ned was transferred to NAS, Naval Air Station Memphis. While in Memphis, Ned established the Naval Air Maintenance Training Group Library. He was also a courier between Memphis and Washington, carrying plans for jets under design.

He retired from the Navy in Memphis on December 31, 1964, as a senior chief petty officer.

After leaving the Navy, Ned and his family moved to Mayfield, KY, where he worked as a maintenance manager at the General Tire manufacturing facility. There, he raised three children, Debbie, Richy, and Mike. After retiring from General Tire in 1983, Ned and his wife kept their house in Mayfield while traveling the country in a motor home in the spring, summer, and fall and wintering in Florida. They travelled to all 50 States. They moved to Lillian, AL, in 2005.

At this time I ask my U.S. Senate colleagues to join me in honoring Mr.

Ned Moore for his service to country and his devotion to the defense of freedom. When World War II ended, he laid down his arms to become a productive, successful member of the community who was admired by his family, neighbors, and State. He has been a role model to Tres Watson and many other Kentuckians. I wish him all the best in his retirement and a happy future.

#### WOOL TRUST FUND

Mr. SCHUMER. Mr. President, I am happy to hear there is a commitment to pass the extension and modification of the Wool and Cotton Trust Funds this year. As my colleagues noted, the Wool Trust Fund compensates for the competitive damage caused by the fact that duties are higher on imports of raw materials, like wool fabric, than on imports of finished products, like trousers and suits. This "tariff inversion" gives foreign manufacturers a significant cost advantage over U.S. manufacturers like Rochester, NY's Hickey Freeman.

Hickey Freeman has been operating in Rochester, NY since 1899. Wool cloth imported by Hickey Freeman is cut and sewn into wool clothing which, in turn, is sold in stores across the United States and around the world. I am particularly proud to note—while our athlete's uniforms sadly were made in China, our announcers on NBC are wearing Hickey Freeman at the 2012 London Olympic Games.

The Wool Trust Fund is a successful program in curbing job losses and allowing American textile and apparel companies to expand their own export markets. Without the technical fix that we are asking for here today, the health of the Wool Trust Fund will be in peril.

I thank Senator MENENDEZ for his tireless leadership in extending and modifying the Wool and Cotton Trust Funds and the Leader and Chairman BAUCUS for agreeing to work with Senators MENENDEZ, CARDIN and myself to ensure these important programs are dealt with by the end of the year.

#### 6-MONTH CONTINUING RESOLUTION

Mr. COCHRAN. Mr. President, agreeing to put the government on autopilot for 6 months is no great achievement. It simply means more drift. It means a longer period of uncertainty for government agencies and the people they serve, more spending on ineffective programs and outdated priorities, and inadequate investment in programs that merit additional resources.

My preference is that we complete our work and make specific spending choices based on the relative merits of government programs. There is no excuse for the Senate not to be considering the appropriations bills. Our

committee members have done the work of scrutinizing budgets, holding hearings, and drafting bills. Those bills deserve to be considered by the Senate, negotiated with the House and sent to the President as soon as possible.

I congratulate the distinguished chairman of our Committee on Appropriations, Mr. INOUE, for his dependable leadership on getting us to this point. I look forward to continuing our efforts to extend our appropriations authority for the balance of the fiscal year.

#### WEAR AMERICAN ACT OF 2012

Mr. BROWN of Ohio. Mr. President, in cities and towns across the Nation, workers have the proud tradition of manufacturing products that are made here at home.

Manufacturing helped us become an economic superpower and build a strong, vibrant middle class.

Ohio manufacturers and workers are some of the most industrious, innovative, and competitive in the Nation.

Our companies and the hard-working people who fill our factories can compete with anyone in the world.

But this competition is getting tougher as our Nation is facing ongoing and unfair competition from countries like China.

It does not help when U.S. companies and organizations either outsource jobs, production, and purchases overseas.

As has been reported in the news recently, the U.S. Olympic Committee's use of Chinese-made apparel was a missed opportunity to use domestic apparel manufacturers.

The public outrage about this decision created was predictable.

It is unconscionable that the U.S. Olympic Committee would hand over the production of uniforms worn by our proud athletes to a country that flouts international trade laws, manipulates its currency, and cheats on trade.

It makes no sense that an American organization would place a Chinese-made beret on the heads of our finest athletes when we have the capacity to make high-end apparel here.

I am encouraged that, after speaking with the chief executive and chair of the U.S. Olympic Committee, uniforms designed by Ralph Lauren for the 2014 Olympic Games will be made in the United States.

I also applaud USOC's decision to further ensure, as a matter of policy, that they are going to make Buying American a priority.

But this incident reminds us of the consequences of passing a trade deal without real accountability and enforcement.

Congress passed a trade deal with China more than 10 years ago, which has contributed to the loss of more than 5 million U.S. manufacturing jobs between 2000 and 2010.

While some lawmakers and economists have written off our manufacturing sector including textile and apparel production they need to think again.

According to the National Council of Textile Organizations, the United States is the third largest exporter of textile products in the world.

The textile sector put more than 500,000 people to work at plants in large cities and mills in rural towns.

Do some lawmakers and economists really think we should turn our backs these working Americans?

No. It is not right that U.S. workers get overlooked when it comes to showcasing that American apparel workers in Ohio towns like Brooklyn and Aracanum can make things.

We've seen this time and time again: whether it is Olympic uniforms or U.S. flags, products all too often are not made here.

We can and we must stop this disturbing trend.

That is why I am introducing the Wear American Act to make certain that the Federal Government purchases apparel that is 100 percent American-made.

That means all textiles and apparel purchased with U.S. tax dollars will be invested in U.S. businesses and communities not China.

The textile industry has been a staple of our Nation's economy since its founding and it will be important in the future.

The United States is the world leader in textile research and development.

American companies and universities are developing new textile materials such as conductive fabric with antistatic properties and high-tech textiles that monitor movement and heart rates.

When consumers in the United States and around the world demand our products, we deliver.

The United States textile industry is the third leading exporter of products worldwide. In fact, recently total textile and apparel exports reached a record \$22.4 billion.

This legislation makes sense plain and clear. Why shouldn't our national policies support American companies and workers?

We should be in the business of creating policies that reward hard working Americans who work hard every day rather than supporting a Tax Code and trade policies that help big companies send U.S. jobs overseas.

Right now, the stakes couldn't be higher.

That is why the Wear American Act and supporting American workers is so important.

#### U.S.-MOROCCO PEACE AND FRIENDSHIP TREATY

Mr. CASEY. Mr. President: I would like to take this occasion to extend

congratulations to His Majesty King Mohammed VI and the people of Morocco on the 225th anniversary of the Treaty of Peace and Friendship between the United States and the Kingdom of Morocco.

Negotiations for this treaty began in 1783 and the draft was signed in 1786. Future Presidents John Adams and Thomas Jefferson were the American signatories. The treaty was then presented to the Senate, which ratified it on July 18, 1787, making it the first treaty to receive U.S. Senate ratification.

The treaty represented the second time that Morocco and the United States affirmed diplomatic relations between the two countries. It is also worthy of mention that that Sultan, Mohammed III, was the first head of state, and Morocco the first country, to recognize the new United States as an independent country in 1777.

The Treaty of Peace and Friendship, whose anniversary we commemorate this month, provided for the United States' diplomatic representation in Morocco and open commerce at any Moroccan port on the basis of "most favored nation." It also established the principle of non-hostility when either country was engaged in war with any other nation.

Most importantly, the treaty provided for the protection of U.S. shipping vessels at a time when American merchant ships were at risk of harassment by various European warships. The treaty specifically stated:

If any Vessel belonging to the United States shall be in any of the Ports of His Majesty's Dominions, or within Gunshot of his Forts, she shall be protected as much as possible and no Vessel whatever belonging either to Moorish or Christian Powers with whom the United States may be at War, shall be permitted to follow or engage her, as we now deem the Citizens of America our good Friends.

A further indication of the early and close relationship between the United States and Morocco can be seen in a letter President George Washington wrote to Sultan Mohammed III on December 1, 1789. President Washington wrote:

It gives me pleasure to have this opportunity of assuring your majesty that I shall not cease to promote every measure that may conduce to the friendship and harmony which so happily subsist between your empire and these . . . This young nation, just recovering from the waste and desolation of long war, has not, as yet, had time to acquire riches by agriculture or commerce. But our soil is beautiful, and our people industrious and we have reason to flatter ourselves that we shall gradually become useful to our friends.

United States relations with Morocco have strengthened in the decades and centuries following the historic treaty. For example, during World War I, Morocco was aligned with the Allied forces, and in 1917 and 1918, Moroccan soldiers fought valiantly alongside

United States Marines at Chateau Thierry, Mont Blanc, and Soissons.

During World War II, Moroccan national defense forces aided American and British forces in the region. Morocco hosted one of the most pivotal meetings of the Allied leaders in World War II. In January 1943, United States President Franklin Roosevelt, British Prime Minister Winston Churchill and Free French commander Charles De Gaulle met for 4 days in the Casablanca neighborhood of Anfa to discuss strategy against the Axis powers. It was during this series of meetings that the Allies agreed to launch their continental counter push against Axis aggression through a beach head landing on the French Atlantic coast.

Following Morocco's independence in 1956, President Dwight Eisenhower communicated to King Mohammed V that "my government renews its wishes for the peace and prosperity of Morocco." The King responded by reassuring President Eisenhower that Morocco would be a staunch ally in the fight against the proliferation of communism in the region.

The United States Agency for International Development, USAID, and its predecessor agencies, as well as the Peace Corps, have been active in Morocco since 1953. Currently, there are more than 200 volunteers in Morocco working in the areas of health, youth development, small business and the environment.

Following the September 11, 2001 attacks, Morocco was one of the first nations to express its solidarity with the United States and immediately renewed its commitment as a strong ally to combat terrorism. Cooperation between the United States and Morocco on these issues includes data sharing, law enforcement partnerships, improved capabilities to oversee strategic checkpoints, and joint efforts to terminate terrorist organization financing.

It is important to extend our warm congratulations to His Majesty King Mohammed VI as well as to the people of Morocco on the anniversary of the Treaty of Peace and Friendship, which set the stage for continued and sustained engagement between our two countries.

#### ADDITIONAL STATEMENTS

##### REMEMBERING JOHN W. MAHAN

• Mr. BAUCUS. Mr. President, today I wish to recognize a remarkable Montanan and American. John W. Mahan, or Jack as we all knew him, died peacefully on Independence Day, July 4, at his home in Helena, MT. He was my neighbor and friend. I ask my colleagues in the Senate to join me in honoring Jack and offering condolences to his family and loved ones.

The Fourth of July was a fitting day for this World War II veteran and lifelong national veterans' advocate to

leave this world. Majority leader Mike Mansfield, a veteran of World War I, once said that Jack Mahan “has done more for the veterans of Montana and the nation than any other man I know.”

Jack was born into a family dedicated to national service. His father, John Senior, served as the national commander of the Disabled American Veterans as a brigadier general. John Senior later served as Montana’s adjutant general. Jack’s mother Iola served as president of the American Legion Auxiliary in Helena.

After the Japanese attack on Pearl Harbor, Jack enlisted in the Navy Air Corps. Jack went on to bravely serve as a dive bomber pilot in the Pacific during World War II.

After the war, Jack took the lead on tackling challenges facing his fellow World War II veterans in Montana and across the country.

Jack fought for bonuses for WWII veterans—a practice that was done after WWI to help get returning troops back on their feet.

Although, the Montana Supreme Court declared these “bonus” payments unconstitutional, Jack worked with veterans groups and Montana officials to build popular support and eventually secured an “honorarium” payment instead of a “bonus.” Jack’s “honorarium,” paid for by a 2-cent tax on cigarettes, raised \$22 million for World War II veterans. In today’s dollars, that is \$226 million.

In the late 1950s, Jack led the way in establishing the veterans hospital at Fort Harrison, west of Helena.

Again, Jack worked with Montanans, veterans groups, and Members of Congress to raise \$5.4 million to begin the first phase of building for the hospital. Today, Montana veterans still rely on the hospital in Fort Harrison for their basic medical needs.

During his work, Jack met the acquaintance and earned the respect of Presidents Dwight D. Eisenhower, John F. Kennedy, Lyndon B. Johnson, Richard Nixon, and Gerald Ford.

Jack had a truly remarkable life and career of service to our country. He served as the national commander-in-chief of Veterans of Foreign Wars from 1958 to 1959.

He served as the national chairman of the Veterans for John F. Kennedy’s Presidential campaign committee in 1960. He also served as the under secretary to the VA Memorial Services and Director of the National Cemetery System in the Nixon administration.

On this very day, we have brave Americans patrolling the mountains of Afghanistan. May Jack’s memory be a reminder of the obligation we owe to these brave warriors when they come home. His legacy is a reminder of what dedicated public service can deliver for our Nation’s finest. We will miss you, Jack.●

#### TRIBUTE TO DES R. GOYAL

● Mr. BLUNT. Mr. President, I rise today to honor Des R. Goyal as he completes a long and distinguished career with the U.S. Army Corps of Engineers, USACE. Mr. Goyal was born and educated in India, where he eventually received his Bachelor’s and Master’s degrees in Mechanical Engineering. In 1970, he came to the United States to further his studies while earning his U.S. citizenship. Mr. Goyal started his career with the Corps in 1978 as a project engineer on navigation locks in the Corps of Engineers Huntington District. Since that time, he has held numerous assignments with the Corps of Engineers, including working on military construction projects in Saudi Arabia and serving in Germany as Chief of the Mechanical/Electrical design branch for the Corps of Engineers Europe Division. In 1999, he was assigned the job of Chief, Operations Division, Kansas City District of the Corps of Engineers.

2011 was arguably the most challenging year in the 114-plus-year history of the Corps of Engineers, Kansas City District. While executing the challenging Operations and Maintenance program, the District battled an epic 145-day flood in the Missouri River Basin and established a Recovery Field Office in Joplin, MO to respond to the fifth deadliest tornado in U.S. history. As an integral part of the Operations Division, Mr. Goyal led the effort to ensure his Emergency Management and Contingency Operations were fully manned by competent personnel from throughout the District. These additional missions comprised approximately 25 percent of the Kansas City District’s workforce at various times, placing significant stress on the organization. However, Mr. Goyal remained poised and calm, responding with a plea for volunteers, and was instrumental in the success of these efforts. During these challenges, he clearly demonstrated strong leadership and technical competency. His past experiences significantly augmented the success of the mission during this time-frame.

Throughout his career, Des Goyal has promoted leadership and mission execution. He has mentored many USACE employees and military personnel while leading the efforts on large, complex projects and programs throughout the world. He has tremendous passion for the advancement of his colleagues and those they serve. He championed the use of the Student Career Employment Program, SCEP, in the Corps of Engineers Northwest District, which serves as a valuable tool in providing college students the critical experience and networking opportunities to encourage employment in a public service career. Mr. Goyal continues to press for positive change through a focus on good government, professional organizations and community service.

I thank Des Goyal for his service to his adopted country and wish Des and his wife, Usha, an enjoyable retirement.●

#### NORTHWEST KIDNEY CENTERS

● Ms. CANTWELL. Mr. President, today I wish to congratulate Northwest Kidney Centers on its 50th Anniversary. Northwest Kidney Centers was established as the first out-of-hospital dialysis program in the world, opening its doors in Seattle, WA, on January 8, 1962.

Just 2 years after the development of the Teflon shunt at the University of Washington, community leaders in Seattle came together to raise money and find a space to establish a center to deliver dialysis treatments outside of a hospital, which led to the creation of the community-based Northwest Kidney Centers.

Chronic kidney disease is now an epidemic, affecting one in seven American adults. Northwest Kidney Centers is working to reverse this trend, focusing on community education and prevention. Each year, Northwest Kidney Centers allocates funding toward public health education about kidney disease and organ donation, participating in outreach events and reaching more than 12,000 people with kidney information. It also developed a “Living Well with CKD” program which offers classes on treatment options and good nutrition. This program reaches nearly 1,000 pre-dialysis patients and family members each year, at no cost to the participants.

I take great pride in the fact that Seattle is the birthplace of chronic dialysis treatments and that Northwest Kidney Centers continues to take the lead on developments in the field. Northwest Kidney Centers hosted clinical trials to develop the anti-anemia drug Epogen, and set up the Northwest Organ Procurement Agency. In 2008, Northwest Kidney Centers spearheaded the creation of the Kidney Research Institute, a collaboration with the University of Washington Medical School which has become a scientific leader focusing on ways to prevent, detect, treat, and eventually cure kidney disease.

I applaud Northwest Kidney Centers for its contributions to the State of Washington and the kidney disease and dialysis field as a whole. As the organization celebrates its 50th Anniversary, I extend my congratulations to the entire Northwest Kidney Centers community—patients, physicians, employees, supporters and volunteers—and thank them for their dedication and commitment to improving the lives of kidney patients in my State.●

# RECOGNIZING THE MIDCOAST AREA VETERANS MEMORIAL WALL

• Ms. SNOWE. Mr. President, today I wish to honor and recognize with the highest esteem the many volunteers, veterans' organizations and civic and municipal entities responsible for establishing the Midcoast Area Veterans Memorial Wall in Rockland, Maine, that honors the extraordinary service and sacrifice of all our Nation's military veterans.

Established and managed by the Midcoast Area Veterans Memorial Corporation, a nonprofit corporation comprised of members from the American Legion, the Veterans of Foreign Wars (VFW), the Marine Corps League, Rockland Rotary, Rockland Kiwanis, the Benevolent and Protective Order (BPO) of Elks, and the City of Rockland, the Memorial Wall is located on upper Limerock Street in Rockland on property owned by the American Legion Post No. 1. The location of the Memorial is, appropriately, also the site of an 1861 Civil War encampment of the local Fourth Regiment of Maine Volunteers.

Undeniably, nothing unites us more as Mainers and Americans than the limitless pride we take in our revered and noble veterans. Indeed, in Maine, we also cherish the tremendous distinction of having, on any given day, the second most veterans per capita of any State in the Nation. Such devotion to country is the embodiment of the self-sacrificing principles that Mainers live by and have passed down from one generation to the next. This selfless way of thinking also inspired and motivated a small group of individuals more than 16 years ago to begin formulating plans to establish a memorial to honor our veterans in Midcoast Maine. After a long, dedicated effort and several site location changes, the Midcoast Area Veterans Memorial Wall has finally secured a permanent home.

The Midcoast Area Veterans Memorial Wall is by all accounts a beautifully designed and landscaped tribute to the unfathomable service and sacrifice of the many Americans exceptional enough to wear the uniform—not only the 21.8 million veterans alive today, including more than 134,000 from the State of Maine, but also those who are no longer with us. Featuring stunning black granite tiles etched with digitized pictures of veterans, the wall serves as a fitting and moving tribute to those who so ably and courageously served under the Stars and Stripes to protect and preserve the cherished principles that have made our nation the greatest on earth. And, while new tiles are added twice yearly—at Memorial Day and Veterans Day—the Midcoast Area Veterans Memorial Wall is always open and provides an opportunity for each of us to express our boundless gratitude to those who have

placed service above self not just on national holidays, but on every day of every month of every year.

On August 3, 2012, the Midcoast Area Veterans Memorial Wall will officially be dedicated and will feature remarks from Maine's esteemed First Lady Ann LePage, as well as officers and representatives of USCGC *Abbie Burgess*, USCGC *Tackle*, USCGC *Thunder Bay*, USS *San Antonio*, the United States Marine Corps, and the Maine Army National Guard.

On the occasion of the official dedication of the Midcoast Area Veterans Memorial Wall, I convey my deep and abiding appreciation to the many dedicated volunteers who have worked tirelessly over the past 16 years to bring this day to fruition. This faithful and successful effort exemplifies the very best of what it means to be a Mainer and an American.●

## TRIBUTE TO ALLYSON BURNS

• Mr. THUNE. Mr. President, today I recognize Allyson Burns, an intern in my Rapid City, SD, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past couple of months.

Allyson is a graduate of Stevens High School in Rapid City, SD. Currently, she is attending Creighton University in Omaha, NE where she is majoring in psychology and creative writing. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I extend my sincere thanks and appreciation to Allyson for all of the fine work she has done and wish her continued success in the years to come.●

## TRIBUTE TO TYLER FITZ

• Mr. THUNE. Mr. President, today I recognize Tyler Fitz, an intern in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several weeks.

Tyler is a graduate of Roosevelt High School in Sioux Falls, SD. He is also a graduate of South Dakota State University where he majored in history and Spanish. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I extend my sincere thanks and appreciation to Tyler for all of the fine work he has done and wish him continued success in the years to come.●

## TRIBUTE TO STEPHEN GOODFELLOW

• Mr. THUNE. Mr. President, today I wish to recognize Stephen Goodfellow, an intern in my Sioux Falls, SD, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several weeks.

Stephen is a graduate of Boiling Springs High School in Boiling Springs, PA. Currently, he is attending the University of South Dakota where he is majoring in economics and finance. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Stephen for all of the fine work he has done and wish him continued success in the years to come.●

## TRIBUTE TO ALEX HALL

• Mr. THUNE. Mr. President, today I recognize Alex Hall, an intern in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several weeks.

Alex is a graduate of Lincoln High School in Sioux Falls, SD. Currently, he is attending the University of New Mexico where he is majoring in philosophy and psychology. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I extend my sincere thanks and appreciation to Alex for all of the fine work he has done and wish him continued success in the years to come.●

## TRIBUTE TO KODY KYRISS

• Mr. THUNE. Mr. President, today I wish to recognize Kody Kyriess, an intern in my Aberdeen, SD, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several weeks.

Kody is a native of Lesterville and a graduate of Menno High School. Currently, he is attending Northern State University, where he is pursuing degrees in English and political science. He is a very hard worker who has been dedicated to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Kody for all of the fine work he has done and wish him continued success in the years to come.●

## TRIBUTE TO MEGAN RAPOSA

• Mr. THUNE. Mr. President, today I wish to recognize Megan Raposa, an intern in my Sioux Falls, SD, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several weeks.

Megan is a graduate of St. Thomas More High School in Rapid City, SD. Currently, she is attending Augustana College where she is majoring in business communications and government. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Megan for



all of the fine work she has done and wish her continued success in the years to come.●

#### TRIBUTE TO BRENDAN SMITH

● Mr. THUNE. Mr. President, today I recognize Brendan Smith, an intern in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several weeks.

Brendan is a graduate of Lyman High School in Presho, SD. Currently, he is attending South Dakota School of Mines and Technology where he is majoring in chemical engineering. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I extend my sincere thanks and appreciation to Brendan for all of the fine work he has done and wish him continued success in the years to come.●

#### TRIBUTE TO JAMES WHITCHER

● Mr. THUNE. Mr. President, today I recognize James Whitcher, an intern in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several weeks.

James is a graduate of Hot Springs High School in Hot Springs, SD. Currently, he is attending the University of Mary in Bismarck, ND, where he is majoring in athletic training. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I extend my sincere thanks and appreciation to James for all of the fine work he has done and wish him continued success in the years to come.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Health, Education, Labor, and Pensions.

(The messages received today are printed at the end of the Senate proceedings.)

#### REPORT RELATIVE TO THE ISSUANCE OF AN EXECUTIVE ORDER TO TAKE ADDITIONAL STEPS WITH RESPECT TO THE NATIONAL EMERGENCY ORIGINALLY DECLARED ON MARCH 15, 1995 IN EXECUTIVE ORDER 12957 WITH RESPECT TO IRAN—PM 60

The PRESIDING OFFICER laid before the Senate the following message

from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

#### *To the Congress of the United States:*

Pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), I hereby report that I have issued an Executive Order (the "order") that takes additional steps with respect to the national emergency declared in Executive Order 12957 of March 15, 1995.

In Executive Order 12957, the President found that the actions and policies of the Government of Iran threaten the national security, foreign policy, and economy of the United States. To deal with that threat, the President in Executive Order 12957 declared a national emergency and imposed prohibitions on certain transactions with respect to the development of Iranian petroleum resources. To further respond to that threat, Executive Order 12959 of May 6, 1995, imposed comprehensive trade and financial sanctions on Iran. Executive Order 13059 of August 19, 1997, consolidated and clarified the previous orders. To take additional steps with respect to the national emergency declared in Executive Order 12957 and to implement section 105(a) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (Public Law 111-195) (22 U.S.C. 8501 *et seq.*) (CISADA), I issued Executive Order 13574 on September 28, 2010, to impose sanctions on officials of the Government of Iran and other persons acting on behalf of the Government of Iran determined to be responsible for or complicit in certain serious human rights abuses. To take further additional steps with respect to the threat posed by Iran and to provide implementing authority for a number of the sanctions set forth in the Iran Sanctions Act of 1996 (Public Law 104-172) (50 U.S.C. 1701 note) (ISA), as amended by CISADA, I issued Executive Order 13574 on May 23, 2011, to authorize the Secretary of the Treasury to implement certain sanctions imposed by the Secretary of State pursuant to ISA, as amended by CISADA. I also issued Executive Order 13590 on November 20, 2011, to take additional steps with respect to this emergency by authorizing the Secretary of State to impose sanctions on persons providing certain goods, services, technology, or support that contribute either to Iran's development of petroleum resources or to Iran's production of petrochemicals, and to authorize the Secretary of the Treasury to implement some of those sanctions. On February 5, 2012, in order to take further additional steps pursuant to this emergency, and to implement section 1245(c) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81), I issued Executive Order 13599 blocking the

property of the Government of Iran, all Iranian financial institutions, and persons determined to be owned or controlled by, or acting for or on behalf of, such parties. Most recently, on April 22, 2012, and May 1, 2012, I issued Executive Orders 13606 and 13608, respectively. Executive Orders 13606 and 13608 each take additional steps with respect to various emergencies, including the emergency declared in Executive Order 12957 concerning Iran, to address the use of computer and information technology to commit serious human rights abuses and efforts by foreign persons to evade sanctions.

The order takes additional steps with respect to the national emergency declared in Executive Order 12957, particularly in light of the Government of Iran's use of revenues from petroleum, petroleum products, and petrochemicals for illicit purposes; Iran's continued attempts to evade international sanctions through deceptive practices; and the unacceptable risk posed to the international financial system by Iran's activities. Subject to certain exceptions and conditions, the order authorizes the Secretary of the Treasury and the Secretary of State, as set forth in the order, to impose sanctions on persons as described in the order, all as more fully described below.

Section 1 of the order authorizes the Secretary of the Treasury, in consultation with the Secretary of State, to impose financial sanctions on foreign financial institutions determined to have knowingly conducted or facilitated certain significant financial transactions with the National Iranian Oil Company (NIOC) or Naftiran Intertrade Company (NICO), or for the purchase or acquisition of petroleum, petroleum products, or petrochemical products from Iran.

Section 2 of the order authorizes the Secretary of State, in consultation with the Secretary of the Treasury, the Secretary of Commerce, and the United States Trade Representative, and with the President of the Export-Import Bank, the Chairman of the Board of Governors of the Federal Reserve System, and other agencies and officials as appropriate, to impose any of a number of sanctions on a person upon determining that the person: knowingly engaged in a significant transaction for the purchase or acquisition of petroleum, petroleum products, or petrochemical products from Iran; is a successor entity to a person determined to meet the criterion above; owns or controls a person determined to meet the criterion above, and had knowledge that the person engaged in the activities referred to therein; or is owned or controlled by, or under common ownership or control with, a person determined to meet the criterion above, and knowingly participated in the activities referred to therein.

Sections 3 and 4 of the order provide that, for persons determined to meet

any of the criteria specified in section 2 of the order, the heads of the relevant agencies, in consultation with the Secretary of State, shall implement the sanctions imposed by the Secretary of State. The sanctions provided for in sections 3 and 4 of the order include the following actions: the Board of Directors of the Export-Import Bank shall deny approval of the issuance of any guarantee, insurance, extension of credit, or participation in an extension of credit in connection with the export of any goods or services to the sanctioned person; agencies shall not issue any specific license or grant any other specific permission or authority under any statute that requires the prior review and approval of the United States Government as a condition for the export or reexport of goods or technology to the sanctioned person; for a sanctioned person that is a financial institution: the Chairman of the Board of Governors of the Federal Reserve System and the President of the Federal Reserve Bank of New York shall take such actions as they deem appropriate, including denying designation, or terminating the continuation of any prior designation of, the sanctioned person as a primary dealer in United States Government debt instruments; or agencies shall prevent the sanctioned person from serving as an agent of the United States Government or serving as a repository for United States Government funds; agencies shall not procure, or enter into a contract for the procurement of, any goods or services from the sanctioned person; the Secretary of the Treasury shall take actions where necessary to: prohibit any United States financial institution from making loans or providing credits to the sanctioned person totaling more than \$10,000,000 in any 12-month period unless such person is engaged in activities to relieve human suffering and the loans or credits are provided for such activities; prohibit any transactions in foreign exchange that are subject to the jurisdiction of the United States and in which the sanctioned person has any interest; prohibit any transfers of credit or payments between financial institutions or by, through, or to any financial institution, to the extent that such transfers or payments are subject to the jurisdiction of the United States and involve any interest of the sanctioned person; block all property and interests in property that are in the United States, that come within the United States, or that are or come within the possession or control of any United States person, including any foreign branch, of the sanctioned person, and provide that such property and interests in property may not be transferred, paid, exported, withdrawn, or otherwise dealt in; or restrict or prohibit imports of goods, technology, or services, directly or indirectly, into the United States from the sanctioned person.

Section 5 of the order authorizes the Secretary of the Treasury, in consultation with the Secretary of State, to block all property and interests in property that are in the United States, that come within the United States, or that are or come within the possession or control of any United States person, including any foreign branch, of any person upon determining that the person has materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services in support of, NIOC, NICO, or the Central Bank of Iran, or the purchase or acquisition of U.S. bank notes or precious metals by the Government of Iran.

I have delegated to the Secretary of the Treasury the authority, in consultation with the Secretary of State, to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA, as may be necessary to carry out the purposes of sections 1, 4, and 5 of the order.

The order was effective at 12:01 a.m. eastern daylight time on July 31, 2012. All agencies of the United States Government are directed to take all appropriate measures within their authority to carry out the provisions of the order.

I am enclosing a copy of the Executive Order I have issued.

BARACK OBAMA.  
THE WHITE HOUSE, July 30, 2012.

#### MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 3457. A bill to require the Secretary of Veterans Affairs to establish a veterans jobs corps, and for other purposes.

H.R. 4078. An act to provide that no agency may take any significant regulatory action until the unemployment rate is equal to or less than 6.0 percent.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs:

Special Report entitled "Activities of the Committee on Homeland Security and Governmental Affairs During the 111th Congress" (Rept. No. 112-193).

By Mr. KERRY, from the Committee on Foreign Relations, without amendment:

S. 641. A bill to provide 100,000,000 people with first-time access to safe drinking water and sanitation on a sustainable basis within six years by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005 (Rept. No. 112-194).

By Mr. AKAKA, from the Committee on Indian Affairs, without amendment:

H.R. 1560. A bill to amend the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act to

allow the Ysleta del Sur Pueblo Tribe to determine blood quantum requirement for membership in that tribe.

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 792. A bill to authorize the waiver of certain debts relating to assistance provided to individuals and households since 2005.

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 3410. A bill to extend the Undertaking Spam, Spyware, And Fraud Enforcement With Enforcers beyond Borders Act of 2006, and for other purposes.

#### EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. ROCKEFELLER for the Committee on Commerce, Science, and Transportation.

\*National Oceanic and Atmospheric Administration nomination of Gerd F. Glang, to be Rear Admiral (lower half).

\*National Oceanic and Atmospheric Administration nomination of Michael S. Devany, to be Rear Admiral.

\*National Oceanic and Atmospheric Administration nomination of David A. Score, to be Rear Admiral (lower half).

\*William P. Doyle, of Pennsylvania, to be a Federal Maritime Commissioner for the term expiring June 30, 2013.

\*Michael Peter Huerta, of the District of Columbia, to be Administrator of the Federal Aviation Administration for the term of five years.

\*Patricia K. Falcone, of California, to be an Associate Director of the Office of Science and Technology Policy.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

#### EXECUTIVE REPORT OF COMMITTEE—TREATY

The following executive report of committee was submitted:

By Mr. KERRY, from the Committee on Foreign Relations:

Treaty Doc. 112-7 Convention on the Rights of Persons with Disabilities with 3 reservations, 8 understandings, and 2 declarations (Ex. Rept. 112-6)

TEXT OF THE COMMITTEE-RECOMMENDED RESOLUTION OF ADVICE AND CONSENT TO RATIFICATION

*Resolved, (two-thirds of the Senators present concurring therein),*

That the Senate advises and consents to the ratification of the Convention on the Rights of Persons with Disabilities, adopted by the United Nations General Assembly on December 13, 2006, and signed by the United States of America on June 30, 2009 ("the Convention") (Treaty Doc. 112-7), subject to the reservations of subsection (a), the understandings of subsection (b), and the declarations of subsection (c).

(a) Reservations.—The advice and consent of the Senate to the ratification of the Convention is subject to the following reservations, which shall be included in the instrument of ratification:

(1) This Convention shall be implemented by the Federal Government of the United States of America to the extent that it exercises legislative and judicial jurisdiction over the matters covered therein, and otherwise by the state and local governments; to the extent that state and local governments exercise jurisdiction over such matters, the obligations of the United States of America under the Convention are limited to the Federal Government's taking measures appropriate to the Federal system, which may include enforcement action against state and local actions that are inconsistent with the Constitution, the Americans with Disabilities Act, or other Federal laws, with the ultimate objective of fully implementing the Convention.

(2) The Constitution and laws of the United States of America establish extensive protections against discrimination, reaching all forms of governmental activity as well as significant areas of non-governmental activity. Individual privacy and freedom from governmental interference in certain private conduct are also recognized as among the fundamental values of our free and democratic society. The United States of America understands that by its terms the Convention can be read to require broad regulation of private conduct. To the extent it does, the United States of America does not accept any obligation under the Convention to enact legislation or take other measures with respect to private conduct except as mandated by the Constitution and laws of the United States of America.

(3) Article 15 of the Convention memorializes existing prohibitions on torture and other cruel, inhuman, or degrading treatment or punishment contained in Articles 2 and 16 of the United Nations Convention Against Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment (CAT) and in Article 7 of the International Covenant on Civil and Political Rights (ICCPR), and further provides that such protections shall be extended on an equal basis with respect to persons with disabilities. To ensure consistency of application, the obligations of the United States of America under Article 15 shall be subject to the same reservations and understandings that apply for the United States of America with respect to Articles 1 and 16 of the CAT and Article 7 of the ICCPR.

(b) Understandings.—The advice and consent of the Senate to the ratification of the Convention is subject to the following understandings, which shall be included in the instrument of ratification:

(1) The United States of America understands that this Convention, including Article 8 thereof, does not authorize or require legislation or other action that would restrict the right of free speech, expression, and association protected by the Constitution and laws of the United States of America.

(2) Given that under Article 1 of the Convention "[t]he purpose of the present Convention is to promote, protect, and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities," with respect to the application of the Convention to matters related to economic, social, and cultural rights, including in Articles 4(2), 24, 25, 27, 28 and 30, the United States of America understands that its obligations in this respect are to prevent discrimination on the basis of disability in the provision of any such rights insofar as they are recognized and implemented under U.S. Federal law.

(3) Current U.S. law provides strong protections for persons with disabilities against unequal pay, including the right to equal pay for equal work. The United States of America understands the Convention to require the protection of rights of individuals with disabilities on an equal basis with others, including individuals in other protected groups, and does not require adoption of a comparable worth framework for persons with disabilities.

(4) Article 27 of the Convention provides that States Parties shall take appropriate steps to afford to individuals with disabilities the right to equal access to equal work, including nondiscrimination in hiring and promotion of employment of persons with disabilities in the public sector. Current interpretation of Section 501 of the Rehabilitation Act of 1973 exempts U.S. Military Departments charged with defense of the national security from liability with regard to members of the uniformed services. The United States of America understands the obligations of Article 27 to take appropriate steps as not affecting hiring, promotion, or other terms or conditions of employment of uniformed employees in the U.S. Military Departments, and that Article 27 does not recognize rights in this regard that exceed those rights available under U.S. Federal law.

(5) The United States of America understands that the terms "disability," "persons with disabilities," and "undue burden" (terms that are not defined in the Convention), "discrimination on the basis of disability," and "reasonable accommodation" are defined for the United States of America coextensively with the definitions of such terms pursuant to relevant United States law.

(6) The United States of America understands that the Committee on the Rights of Persons with Disabilities, established under Article 34 of the Convention, is authorized under Article 36 to "consider" State Party Reports and to "make such suggestions and general recommendations on the report as it may consider appropriate." Under Article 37, the committee "shall give due consideration to ways and means of enhancing national capacities for the implementation of the present Convention." The United States of America understands that the Committee on the Rights of Persons with Disabilities has no authority to compel actions by states parties, and the United States of America does not consider conclusions, recommendations, or general comments issued by the committee as constituting customary international law or to be legally binding on the United States in any manner.

(7) The United States of America understands that the Convention is a non-discrimination instrument. Therefore, nothing in the Convention, including Article 25, addresses the provision of any particular health program or procedure. Rather, the Convention requires that health programs and procedures are provided to individuals with disabilities on a non-discriminatory basis.

(8) The United States of America understands that, for the United States of America, the term or principle of the "best interests of the child" as used in Article 7(2), will be applied and interpreted to be coextensive with its application and interpretation under United States law. Consistent with this understanding, nothing in Article 7 requires a change to existing United States law.

c. Declarations.—The advice and consent of the Senate to the ratification of the Convention is subject to the following declarations:

The United States of America declares that the provisions of the Convention are not self-executing.

The Senate declares that, in view of the reservations to be included in the instrument of ratification, current United States law fulfills or exceeds the obligations of the Convention for the United States of America.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BINGAMAN (for himself, Mr. ALEXANDER, and Mr. DURBIN):

S. 3459. A bill to amend the Department of Energy High-End Computing Revitalization Act of 2004 to improve the high-end computing research and development program of the Department of Energy, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. COONS (for himself, Mr. ENZI, Mr. SCHUMER, and Mr. RUBIO):

S. 3460. A bill to amend the Internal Revenue Code of 1986 to provide for startup businesses to use a portion of the research and development credit to offset payroll taxes; to the Committee on Finance.

By Mr. BROWN of Ohio (for himself, Mr. WICKER, Mr. KERRY, Mr. BLUMENTHAL, Mr. WHITEHOUSE, and Mr. BEGICH):

S. 3461. A bill to amend title IV of the Public Health Service Act to provide for a National Pediatric Research Network, including with respect to pediatric rare diseases or conditions; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEAHY (for himself, Mr. GRASSLEY, and Mr. KOHL):

S. 3462. A bill to provide anti-retaliation protections for antitrust whistleblowers; to the Committee on the Judiciary.

By Mr. FRANKEN (for himself, Mr. LUGAR, Mr. ROCKEFELLER, Ms. COLLINS, Mrs. SHAHEEN, Mr. WYDEN, Mr. BLUMENTHAL, and Mr. BROWN of Ohio):

S. 3463. A bill to amend title XVIII of the Social Security Act to reduce the incidence of diabetes among Medicare beneficiaries; to the Committee on Finance.

By Mr. JOHNSON of South Dakota:

S. 3464. A bill to amend the Mni Wiconi Project Act of 1988 to facilitate completion of the Mni Wiconi Rural Water Supply System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. JOHNSON of Wisconsin:

S.J. Res. 48. A joint resolution disapproving the rule submitted by the Internal Revenue Service relating to the health insurance premium tax credit; to the Committee on Finance.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MANCHIN:

S. Res. 534. A resolution congratulating the Navy Dental Corps on its 100th anniversary; to the Committee on Armed Services.

## ADDITIONAL COSPONSORS

S. 19

At the request of Mr. HATCH, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 19, a bill to restore American's individual liberty by striking the Federal mandate to purchase insurance.

S. 202

At the request of Mr. PAUL, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 202, a bill to require a full audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks by the Comptroller General of the United States before the end of 2012, and for other purposes.

S. 225

At the request of Ms. KLOBUCHAR, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from New York (Mr. SCHUMER) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 225, a bill to permit the disclosure of certain information for the purpose of missing child investigations.

S. 339

At the request of Mr. BAUCUS, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 339, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 362

At the request of Mr. WHITEHOUSE, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 362, a bill to amend the Public Health Service Act to provide for a Pancreatic Cancer Initiative, and for other purposes.

S. 678

At the request of Mr. KOHL, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 678, a bill to increase the penalties for economic espionage.

S. 818

At the request of Mr. KERRY, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 818, a bill to amend title XVIII of the Social Security Act to count a period of receipt of outpatient observation services in a hospital toward satisfying the 3-day inpatient hospital requirement for coverage of skilled nursing facility services under Medicare.

S. 845

At the request of Mr. ENZI, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 845, a bill to amend the Internal Revenue Code of 1986 to provide for the logical flow of return information between partnerships, corporations, trusts, estates, and individuals to better enable

each party to submit timely, accurate returns and reduce the need for extended and amended returns, to provide for modified due dates by regulation, and to conform the automatic corporate extension period to long-standing regulatory rule.

S. 847

At the request of Mr. LAUTENBERG, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 847, a bill to amend the Toxic Substances Control Act to ensure that risks from chemicals are adequately understood and managed, and for other purposes.

S. 1269

At the request of Ms. SNOWE, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 1269, a bill to amend the Elementary and Secondary Education Act of 1965 to require the Secretary of Education to collect information from coeducational secondary schools on such schools' athletic programs, and for other purposes.

S. 1366

At the request of Ms. CANTWELL, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1366, a bill to amend the Internal Revenue Code of 1986 to broaden the special rules for certain governmental plans under section 105(j) to include plans established by political subdivisions.

S. 1878

At the request of Mr. MENENDEZ, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1878, a bill to assist low-income individuals in obtaining recommended dental care.

S. 1935

At the request of Ms. COLLINS, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 1935, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the 75th anniversary of the establishment of the March of Dimes Foundation.

S. 1990

At the request of Mr. LIEBERMAN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1990, a bill to require the Transportation Security Administration to comply with the Uniformed Services Employment and Reemployment Rights Act.

S. 2074

At the request of Mr. CARDIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2074, a bill to amend the Internal Revenue Code of 1986 to expand the rehabilitation credit, and for other purposes.

S. 2078

At the request of Mr. MENENDEZ, the name of the Senator from Nevada (Mr.

HELLER) was added as a cosponsor of S. 2078, a bill to enable Federal and State chartered banks and thrifts to meet the credit needs of the Nation's home builders, and to provide liquidity and ensure stable credit for meeting the Nation's need for new homes.

S. 2148

At the request of Mr. INHOFE, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 2148, a bill to amend the Toxic Substance Control Act relating to lead-based paint renovation and remodeling activities.

S. 2189

At the request of Mr. HARKIN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 2189, a bill to amend the Age Discrimination in Employment Act of 1967 and other laws to clarify appropriate standards for Federal antidiscrimination and antiretaliation claims, and for other purposes.

S. 2245

At the request of Mr. BARRASSO, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 2245, a bill to preserve existing rights and responsibilities with respect to waters of the United States.

S. 2268

At the request of Mrs. GILLIBRAND, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 2268, a bill to ensure that all items offered for sale in any gift shop of the National Park Service or of the National Archives and Records Administration are produced in the United States, and for other purposes.

S. 2320

At the request of Ms. AYOTTE, the name of the Senator from Indiana (Mr. COATS) was added as a cosponsor of S. 2320, a bill to direct the American Battle Monuments Commission to provide for the ongoing maintenance of Clark Veterans Cemetery in the Republic of the Philippines, and for other purposes.

S. 2620

At the request of Mr. SCHUMER, the names of the Senator from Wisconsin (Mr. KOHL) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 2620, a bill to amend title XVIII of the Social Security Act to provide for an extension of the Medicare-dependent hospital (MDH) program and the increased payments under the Medicare low-volume hospital program.

S. 3204

At the request of Mr. JOHANNES, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 3204, a bill to address fee disclosure requirements under the Electronic Fund Transfer Act, and for other purposes.

S. 3236

At the request of Mr. PRYOR, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 3236, a bill to amend title

38, United States Code, to improve the protection and enforcement of employment and reemployment rights of members of the uniformed services, and for other purposes.

S. 3405

At the request of Mr. HELLER, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 3405, a bill to amend title 38, United States Code, to treat small businesses bequeathed to spouses and dependents by members of the Armed Forces killed in line of duty as small business concerns owned and controlled by veterans for purposes of Department of Veterans Affairs contracting goals and preferences, and for other purposes.

S. 3430

At the request of Mrs. SHAHEEN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 3430, a bill to amend the Public Health Service Act to foster more effective implementation and coordination of clinical care for people with pre-diabetes and diabetes.

S. 3450

At the request of Mr. COATS, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 3450, a bill to limit the authority of the Secretary of the Interior to issue regulations before December 31, 2013, under the Surface Mining Control and Reclamation Act of 1977.

S. 3458

At the request of Mr. LAUTENBERG, the names of the Senator from California (Mrs. BOXER) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 3458, a bill to require face to face purchases of ammunition, to require licensing of ammunition dealers, and to require reporting regarding bulk purchases of ammunition.

S.J. RES. 29

At the request of Mr. UDALL of New Mexico, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S.J. Res. 29, a joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections.

S.J. RES. 43

At the request of Mrs. FEINSTEIN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S.J. Res. 43, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

S. CON. RES. 50

At the request of Mr. RUBIO, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. Con. Res. 50, a concurrent resolution expressing the sense of Congress regarding actions to preserve and advance the multistakeholder governance model under which the Internet has thrived.

S. RES. 490

At the request of Mrs. BOXER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. Res. 490, a resolution designating the week of September 16, 2012, as "Mitochondrial Disease Awareness Week", reaffirming the importance of an enhanced and coordinated research effort on mitochondrial diseases, and commending the National Institutes of Health for its efforts to improve the understanding of mitochondrial diseases.

S. RES. 524

At the request of Mr. KERRY, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. Res. 524, a resolution reaffirming the strong support of the United States for the 2002 declaration of conduct of parties in the South China Sea among the member states of ASEAN and the People's Republic of China, and for other purposes.

AMENDMENT NO. 2574

At the request of Mrs. HUTCHISON, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of amendment No. 2574 intended to be proposed to S. 3414, a bill to enhance the security and resiliency of the cyber and communications infrastructure of the United States.

AMENDMENT NO. 2617

At the request of Mr. COONS, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 2617 intended to be proposed to S. 3414, a bill to enhance the security and resiliency of the cyber and communications infrastructure of the United States.

AMENDMENT NO. 2618

At the request of Mr. AKAKA, the names of the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of amendment No. 2618 intended to be proposed to S. 3414, a bill to enhance the security and resiliency of the cyber and communications infrastructure of the United States.

AMENDMENT NO. 2636

At the request of Ms. SNOWE, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of amendment No. 2636 intended to be proposed to S. 3414, a bill to enhance the security and resiliency of the cyber and communications infrastructure of the United States.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN (for himself, Mr. ALEXANDER, and Mr. DURBIN):

S. 3459. A bill to amend the Department of Energy High-End Computing Revitalization Act of 2004 to improve the high-end computing research and

development program of the Department of Energy, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I am pleased to introduce the Department of Energy High-End Computing Improvement Act of 2012, along with my cosponsors, Senators ALEXANDER and DURBIN. This bipartisan bill addresses the need for ongoing high performance computing and the establishment of an exascale program within the Department of Energy, DOE.

America's leadership in high performance computing, HPC, is essential to a vast range of national priorities in science, energy, environment, health, and national security. For decades the U.S. was the leader in HPC through collaborative efforts led by the DOE between national laboratories, academia, and industry. Investments in HPC have facilitated extraordinary scientific and technological advances that have enabled a wide range of simulation and analysis saving time, money, energy and fuel, which has strengthened the U.S. economy and contributed to national security.

U.S. leadership in HPC has recently been challenged through significant governmental investment in HPC programs in Japan, China, South Korea, Russia, and the European Union, and the race to exascale computing is on. Exascale computers will be able to perform 10 to the 18th power floating point operations per second making them 1000 times more powerful than the most advanced computers today. These new computers will require the development of new software and computer architectures with improved power consumption, memory, and reliability.

This bipartisan bill updates the Department of Energy High-End Computing Revitalization Act of 2004 to preserve DOE HPC and to distinguish the exascale initiative from other high-end computing efforts. Based on input from the DOE, appropriate funding levels are established through this bill to support the exascale initiative through fiscal year 2015. This bill will ensure that the U.S. remains competitive in the race to exascale and as with previous generations of HPC systems, the resulting technological advances will further support Federal priorities like research and national security and will be integrated into electronics industries strengthening high-tech competitiveness and driving economic growth.

I would like to conclude by taking a moment to acknowledge the exceptional efforts of a few staff members who have worked diligently to help craft this important piece of legislation. Jonathan Epstein, a former staff member on my Energy and Natural Resources Committee and current staff member on the Armed Services Committee and Jennifer Nekuda Malik, a AAAS Science Policy Fellow on my

Energy and Natural Resources Committee worked with Neena Imam, a Legislative Fellow on Senator ALEXANDER's staff and Tom Craig, a staff member on the Appropriations Committee, to update the DOE's high-end computing program to account for changes since the Department of Energy High-End Computing Revitalization Act of 2004 and establish the exascale computing program. I appreciate the efforts of these staff members and I thank them for their work.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3459

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Department of Energy High-End Computing Improvement Act of 2012".

#### SEC. 2. RENAMING OF ACT.

(a) IN GENERAL.—Section 1 of the Department of Energy High-End Computing Revitalization Act of 2004 (15 U.S.C. 5501 note; Public Law 108-423) is amended by striking "Department of Energy High-End Computing Revitalization Act of 2004" and inserting "Department of Energy High-End Computing Act of 2012".

(b) CONFORMING AMENDMENT.—Section 976(a)(1) of the Energy Policy Act of 2005 (42 U.S.C. 16316(1)) is amended by striking "Department of Energy High-End Computing Revitalization Act of 2004" and inserting "Department of Energy High-End Computing Act of 2012".

#### SEC. 3. DEFINITIONS.

Section 2 of the Department of Energy High-End Computing Act of 2012 (15 U.S.C. 5541) is amended—

(1) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively;

(2) by striking paragraph (1) and inserting the following:

"(1) DEPARTMENT.—The term 'Department' means the Department of Energy.

"(2) EXASCALE COMPUTING.—The term 'exascale computing' means computing through the use of a computing machine that performs near or above 10 to the 18th power floating point operations per second."; and

(3) in paragraph (6) (as redesignated by paragraph (1)), by striking "acting through the Director of the Office of Science of the Department of Energy".

#### SEC. 4. DEPARTMENT OF ENERGY HIGH-END COMPUTING RESEARCH AND DEVELOPMENT PROGRAM.

Section 3 of the Department of Energy High-End Computing Act of 2012 (15 U.S.C. 5542) is amended—

(1) in subsection (a)(1), by striking "program" and inserting "coordinated program across the Department";

(2) in subsection (b)(2), by striking "which may" and all that follows through "architectures"; and

(3) by striking subsection (d) and inserting the following:

"(d) EXASCALE COMPUTING PROGRAM.—

"(1) IN GENERAL.—The Secretary shall conduct a research program (referred to in this

subsection as the 'program') to develop 1 or more exascale computing machines to promote the missions of the Department.

"(2) COORDINATION.—In carrying out the program, the Secretary shall coordinate the development of 1 or more exascale computing machines across all applicable agencies of the Department.

"(3) CODESIGN.—The Secretary shall carry out the program through an integration of application, computer science, and computer hardware architecture using public-private partnerships to ensure that, to the maximum extent practicable, 1 or more exascale computing machines are capable of solving Department target applications and scientific problems.

"(4) MERIT REVIEW.—The development of 1 or more exascale computing machines shall be conducted through a merit review process.

"(5) ANNUAL REPORTS.—At the time of the budget submission of the Department for each fiscal year, the Secretary shall submit to Congress a report that describes funding for the exascale computing program as a whole by functional element of the Department and critical milestones."

#### SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

Section 4 of the Department of Energy High-End Computing Act of 2012 (15 U.S.C. 5543) is amended—

(1) by striking "this Act" and inserting "section 3(d)"; and

(2) by striking paragraphs (1) through (3) and inserting the following:

"(1) \$110,000,000 for fiscal year 2013;

"(2) \$220,000,000 for fiscal year 2014; and

"(3) \$300,000,000 for fiscal year 2015."

By Mr. COONS (for himself, Mr. ENZI, Mr. SCHUMER, and Mr. RUBIO):

S. 3460. A bill to amend the Internal Revenue Code of 1986 to provide for startup businesses to use a portion of the research and development credit to offset payroll taxes; to the Committee on Finance.

Mr. COONS. Mr. President, to fuel American economic growth and job creation, we have to make sure our tax policy is as smart as the innovators who power our economy.

American ingenuity has always been at the core of our economic success. Behind nearly every game-changing innovation, from the light bulb to the search engine, has been critical research and development that transforms an idea into a market-ready product. The challenges of the global economy may be new, but the solution is the same—supporting and sustaining American innovators.

That is why I joined with my friend and colleague, the Senator from Wyoming, Senator ENZI, to draft legislation that gives innovative startup companies the opportunity to take advantage of the successful research and development tax credit, which would support their efforts to invest in innovation and create jobs.

Senator ENZI and I are proud to be joined by Senator SCHUMER of New York and Senator RUBIO of Florida in introducing the Startup Innovation Credit Act of 2012, which allows qualifying companies to claim the R&D tax

credit against their employment taxes instead of their income taxes, thereby opening the credit to new companies who don't yet have an income tax liability. We are also grateful to our colleagues in the House, who are working to introduce a bipartisan companion bill this week.

Over the past three decades, the research and development tax credit has helped tens of thousands of successful American companies create jobs by incentivizing investment in innovation. But with America's global manufacturing competitiveness at stake, it is time Congress shows the same type of support for entrepreneurs and young companies.

Small and startup businesses are driving our Nation's economic recovery and creating jobs by taking risks to turn their ideas into marketable products. Over the past few decades, firms that were younger than 5 years old were responsible for the overwhelming majority of new jobs in this country.

The tax code is a powerful tool in the government's toolbox, but tax credits can't help emerging companies that don't yet have tax liabilities. That takes the R&D tax credit off the table for countless promising startups and small businesses.

Over the last two years, I have talked with dozens of business leaders and experts in tax policy to refine an idea to create a new small business innovation credit that would help those young companies. My commitment to this concept has only strengthened since I introduced a version of it in my very first bill as a Senator, the Job Creation Through Innovation Act. This work continued, along with Senator RUBIO, in the subsequent AGREE Act and Startup Act 2.0.

The reason I am so doggedly pursuing this idea is because it is critical for young, innovative companies in my home state of Delaware. Take, for example, DeNovix, a small company based in Wilmington. With just six employees, they design, manufacture and sell laboratory equipment that helps scientists innovate and achieve results. As a brand-new company, all of DeNovix' products are in the research and development phase. So at this point, they can't take advantage of the R&D tax credit. A new, innovative company, shut out of support they need at the time they need it most. That seems counterproductive for our economy. So let us fix it. Under the Startup Innovation Credit Act of 2012, DeNovix and companies like them across Delaware and across the country could grow and create jobs with the help of the R&D tax credit.

We can't let tough economic times slow down the power of American ingenuity, especially when history has taught us that now is exactly the time we need to be investing in our



innovators. More than half of our Fortune 500 companies were launched during a recession or bear market, so a small business founded this year could become the next General Electric or DuPont if it gets the support it needs.

America's researchers, business leaders, innovators and entrepreneurs are already working to help create jobs and ensure American competitiveness in the global economy. We just have to support and sustain their hard work, and we cannot take the rest of the year off just because there is an election coming up. Even in this difficult, partisan atmosphere, we have to find ways to work together and get things done.

Innovation will drive American economic competitiveness for generations to come, and our job is to help our innovators and entrepreneurs do their jobs. I urge my colleagues to join Senators ENZI, SCHUMER, RUBIO and I in strong support of the Startup Innovation Credit Act of 2012.

By Mr. BROWN of Ohio (for himself, Mr. WICKER, Mr. KERRY, Mr. BLUMENTHAL, Mr. WHITEHOUSE, and Mr. BEGICH):

S. 3461. A bill to amend title IV of the Public Health Service Act to provide for a National Pediatric Research Network, including with respect to pediatric rare diseases or conditions; to the Committee on Health, Education, Labor, and Pensions.

Mr. BROWN of Ohio. Mr. President, over the last few years, our country has grappled with rising health care costs.

While we are making strides, there is one area of health care that is lagging behind: pediatric research.

Children comprise 20 percent of the U.S. population, but only about 5 percent of the National Institutes of Health, NIH, extramural research is dedicated to pediatric research.

If this rate of investment is not expanded, discoveries of new treatments and therapies for some of the most devastating childhood diseases and conditions will be hindered, and the next generation of researchers will be discouraged from entering into the field of pediatrics.

That is why I have introduced the National Pediatric Research Network Act. This act seeks to reverse this trend by strengthening and expanding NIH's investments into pediatric research.

This expanded investment will help accelerate new discoveries and directly affect the health and well-being of children throughout our Nation.

My home State of Ohio is home to world-class researchers at topnotch research hospitals and universities.

We must give these institutions, including Cincinnati Children's, Rainbow Babies, Children's Hospital, and Nationwide Children's Hospitals, the resources to partner with other leading researchers across the country.

This legislation creates such an opportunity.

The centerpiece of the legislation will be the authorization of up to 20 National Pediatric Research Consortia.

They are modeled after the exemplary National Cancer Institute, NCI, Centers to help finance efficient and effective, inter-institutional pediatric research.

While NIH is working to advance translational research through Clinical & Translational Science Awards, those centers are far-reaching and focused primarily on adult diseases and clinical research. In contrast, these pediatric centers would be solely dedicated toward pediatric research.

Unlike existing NIH initiatives in which only the largest research institutions receive funds, the legislation envisions that each center will operate in a "hub and spoke" framework with one central academic center coordinating research and/or clinical work at numerous auxiliary sites. Encouraging collaboration can help ensure efficiency.

Furthermore, this legislation will encourage research in pediatric rare diseases.

While each rare disease or disorder affects a small patient population, it is important to note that 7,000 rare diseases—such as epidermolysis bullosa, sickle cell anemia, spinal muscular atrophy, Down syndrome, Duchene's muscular dystrophy, and many childhood cancers—affect a combined 30 million Americans and their families.

What is even more devastating is the fact that children with rare genetic diseases account for more than half of the rare disease population in the United States.

As anyone with a rare disease or disorder knows, these patient populations face unique challenges.

It is my hope the National Pediatric Research Network Act will increase our understanding of pediatric diseases, improve treatment and therapies, and create better health care outcomes for our nation's children.

I thank Senators WICKER, WHITEHOUSE, KERRY, BLUMENTHAL, and BEGICH for joining me as original co-sponsors.

By Mr. LEAHY (for himself, Mr. GRASSLEY, and Mr. KOHL):

S. 3462. A bill to provide anti-retaliation protections for antitrust whistleblowers; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I am pleased to join with Senator GRASSLEY and today introduce the Criminal Antitrust Anti-Retaliation Act. This legislation will provide important protections to employees who come forward and disclose to law enforcement price fixing and other criminal antitrust behavior that harm consumers. Senator GRASSLEY and I have a long history of

working together on whistleblower issues, and I am glad we can continue this partnership today.

Whistleblowers are instrumental in alerting the public, Congress, and law enforcement to wrongdoing. In many cases, their willingness to step forward has resulted in important reforms and even saved lives. Congress must encourage employees with reasonable beliefs about criminal activity to report such fraud or abuse by offering meaningful protection to those who blow the whistle rather than leaving them vulnerable to reprisals.

The legislation we introduce today was inspired by a recent report and recommendation from the Government Accountability Office which, based on interviews with key stakeholders, found widespread support for anti-retaliatory protection in criminal antitrust cases. It is modeled on the successful anti-retaliation provisions of the Sarbanes Oxley Act, and is carefully drafted to ensure that whistleblowers have no economic incentive to bring forth false claims.

I have long supported vigorous enforcement of the antitrust laws, which have been called the "Magna Carta of free enterprise." Today's legislation is a necessary complement to them. It has bipartisan support and was recommended by the Government Accountability Office. I urge the Senate to quickly take up and pass this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3462

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Criminal Antitrust Anti-Retaliation Act".

#### SEC. 2. AMENDMENT TO ACPERA.

The Antitrust Criminal Penalty Enhancement and Reform Act of 2004 (Public Law 108-237; 15 U.S.C. 1 note) is amended by adding after section 215 the following:

#### "SEC. 216. ANTI-RETALIATION PROTECTION FOR WHISTLEBLOWERS.

"(a) WHISTLEBLOWER PROTECTIONS FOR EMPLOYEES, CONTRACTORS, SUBCONTRACTORS, AND AGENTS.—

"(1) IN GENERAL.—No person, or any officer, employee, contractor, subcontractor or agent of such person, may discharge, demote, suspend, threaten, harass, or in any other manner discriminate against a whistleblower in the terms and conditions of employment because—

"(A) the whistleblower provided or caused to be provided to the person or the Federal Government information relating to—

"(i) any violation of, or any act or omission the whistleblower reasonably believes to be a violation of the antitrust laws; or

"(ii) any violation of, or any act or omission the whistleblower reasonably believes to be a violation of another criminal law committed in conjunction with a potential violation of the antitrust laws or in conjunction



with an investigation by the Department of Justice of a potential violation of the antitrust laws; or

“(B) the whistleblower filed, caused to be filed, testified, participated in, or otherwise assisted an investigation or a proceeding filed or about to be filed (with any knowledge of the employer) relating to—

“(i) any violation of, or any act or omission the whistleblower reasonably believes to be a violation of the antitrust laws; or

“(ii) any violation of, or any act or omission the whistleblower reasonably believes to be a violation of another criminal law committed in conjunction with a potential violation of the antitrust laws or in conjunction with an investigation by the Department of Justice of a potential violation of the antitrust laws.

“(2) LIMITATION ON PROTECTIONS.—Paragraph (1) shall not apply to any whistleblower if—

“(A) the whistleblower planned and initiated a violation or attempted violation of the antitrust laws;

“(B) the whistleblower planned and initiated a violation or attempted violation of another criminal law in conjunction with a violation or attempted violation of the antitrust laws; or

“(C) the whistleblower planned and initiated an obstruction or attempted obstruction of an investigation by the Department of Justice of a violation of the antitrust laws.

“(3) DEFINITIONS.—In the section:

“(A) PERSON.—The term ‘person’ has the same meaning as in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)).

“(B) ANTITRUST LAWS.—The term ‘antitrust laws’ means section 1 or 3 of the Sherman Act (15 U.S.C. 1, 3) or similar State law.

“(C) WHISTLEBLOWER.—The term ‘whistleblower’ means an employee, contractor, subcontractor, or agent protected from discrimination under paragraph (1).

“(b) ENFORCEMENT ACTION.—

“(1) IN GENERAL.—A whistleblower who alleges discharge or other discrimination by any person in violation of subsection (a) may seek relief under subsection (c) by—

“(A) filing a complaint with the Secretary of Labor; or

“(B) if the Secretary has not issued a final decision within 180 days of the filing of the complaint and there is no showing that such delay is due to the bad faith of the claimant, bringing an action at law or equity for de novo review in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy.

“(2) PROCEDURE.—

“(A) IN GENERAL.—A complaint filed with the Secretary of Labor under paragraph (1)(A) shall be governed under the rules and procedures set forth in section 42121(b) of title 49, United States Code.

“(B) EXCEPTION.—Notification made under section 42121(b)(1) of title 49, United States Code, shall be made to the person named in the complaint and to the employer.

“(C) BURDENS OF PROOF.—A complaint filed with the Secretary of Labor under paragraph (1) shall be governed by the legal burdens of proof set forth in section 42121(b) of title 49, United States Code.

“(D) STATUTE OF LIMITATIONS.—A complaint under paragraph (1)(A) shall be filed with the Secretary of Labor not later than 180 days after the date on which the violation occurs.

“(E) CIVIL ACTIONS TO ENFORCE.—If a person fails to comply with an order or preliminary

order issued by the Secretary of Labor pursuant to the procedures in section 42121(b), the Secretary of Labor or the person on whose behalf the order was issued may bring a civil action to enforce the order in the district court of the United States for the judicial district in which the violation occurred.

“(c) REMEDIES.—

“(1) IN GENERAL.—A whistleblower prevailing in any action under subsection (b)(1) shall be entitled to all relief necessary to make the whistleblower whole.

“(2) COMPENSATORY DAMAGES.—Relief for any action under paragraph (1) shall include—

“(A) reinstatement with the same seniority status that the whistleblower would have had, but for the discrimination;

“(B) the amount of back pay, with interest; and

“(C) compensation for any special damages sustained as a result of the discrimination including litigation costs, expert witness fees, and reasonable attorney’s fees.

“(d) RIGHTS RETAINED BY WHISTLEBLOWERS.—Nothing in this section shall be deemed to diminish the rights, privileges, or remedies of any whistleblower under any Federal or State law, or under any collective bargaining agreement.”.

By Mr. FRANKEN (for himself, Mr. LUGAR, Mr. ROCKEFELLER, Ms. COLLINS, Mrs. SHAHEEN, Mr. WYDEN, Mr. BLUMENTHAL, and Mr. BROWN of Ohio):

S. 3463. A bill to amend title XVIII of the Social Security Act to reduce the incidence of diabetes among Medicare beneficiaries; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, I am pleased to join today with my colleagues, Senator FRANKEN, Senator LUGAR, Senator COLLINS, Senator SHAHEEN, Senator WYDEN, Senator BLUMENTHAL, and Senator BROWN of Ohio, to introduce an important piece of bipartisan legislation, the Medicare Diabetes Prevention Act of 2012. Our legislation makes a wise investment in seniors’ health by extending the proven success of the National Diabetes Prevention Program to Medicare. Nearly 26 million American adults have diabetes, and if this disturbing trend doesn’t stop, over half of the adult population will either have Type 2 diabetes or its precursor, “prediabetes,” by 2020.

Sadly, my home State of West Virginia has one of the highest diabetes rates in the Nation. In 2009, approximately 174,000 adults, which is 11 percent of West Virginia adults, had diabetes. According to Centers for Disease Control estimates, as many as 50 percent of the nearly 380,000 people with Medicare in West Virginia may be at risk of developing this serious, but preventable, illness. If current trends continue, one in three children born in West Virginia after the year 2000 will develop diabetes within his or her lifetime and people with diabetes risk developing terrible complications down the road, including heart disease, stroke, blindness, and amputations.

Diabetes is also one of the main cost drivers in our health care system. The

direct economic burden of diabetes was \$116 billion for medical expenses and indirect costs totaled \$58 billion due to disability, work loss, or premature death in 2007. The costs associated with this preventable disease for Medicare beneficiaries are expected to grow to \$2 trillion over the 2011 to 2020 period.

We simply cannot stand idly by in the face of such overwhelming statistics—and fortunately, there is a way to prevent Type 2 diabetes. The National Diabetes Prevention Program, NDPP, is an innovative approach that has demonstrated its effects in preventing the onset of Type 2 diabetes. The NDPP is a proven, community-based intervention that focuses on changing lifestyle behaviors of prediabetic overweight or obese adults through activities that improve dietary choices and increase physical activity in a group setting. In a large-scale clinical trial that has been replicated in community settings, NDPP successfully reduced the onset of diabetes by 58 percent overall and 71 percent in adults over 60.

Because of the impressive success of the National Diabetes Prevention Program, I believe our seniors should have access to its benefits. The Medicare Diabetes Prevention Act of 2012 will help seniors prevent Type 2 diabetes by allowing Medicare to provide the National Diabetes Prevention Program through community settings like the YMCA, local health departments, or even the local church, reaching people with Medicare wherever they live. In the past, physicians have had few tools for their patients who are found to be at risk of diabetes. Under this bill, if a senior is found at risk for diabetes, for example, through their annual wellness visit, their doctor will be able to refer them to an NDPP program in their area.

Unlike Medicare, which needs a Federal legislative change to cover this program, State Medicaid programs already have the authority to pay for this innovative initiative, and it is my hope that more states will do so. By 2020, Medicaid is expected to cover 13 million people with diabetes and about 9 million people who may have prediabetes, and states will spend an estimated \$83 billion on individuals with diabetes or pre-diabetes. The National Diabetes Prevention program presents an opportunity for States to reduce the incidence of diabetes among individuals enrolled in their Medicaid programs, an especially strategic investment when combined with the expansion of the Medicaid program under health reform.

The coverage of proven solutions under Medicare is nothing new. Yet, rather than providing a traditional drug or procedure, NDPP allows at-risk individuals to change their lifestyles through a community intervention. Implementing NDPP is a unique response to the alarming and escalating

rates of diabetes. This public health solution has demonstrated tangible results that can enable our country to prevent diabetes, while reducing health care costs. The NDPP is a strategic and cost-effective intervention that costs less than \$500 per person to deliver, compared to the estimated \$15,000 per year spent on each Medicare beneficiary with diabetes. According to the Urban Institute, implementing the NDPP nationally could save \$191 billion over the next 10 years, with 75 percent of the savings, \$142.9 billion, going to the Medicare and Medicaid programs.

Better yet, the National Diabetes Prevention Program is a job creator, bringing diabetes trainers to more communities nationwide to provide the program. West Virginia has already received funding from the Centers for Disease Control and Prevention through a Community Transformation Grant that will allow the State to train at least 100 community health workers to help disseminate the Diabetes Prevention Program in the State over the next 5 years.

The Medicare Diabetes Prevention Act has been endorsed by the American Diabetes Association, American Heart Association, American Public Health Association, National Association of Chronic Disease Directors, National Association of State Long-Term Care Ombudsman Programs, National Council on Aging, Novo Nordisk, Trust for America's Health, the YMCA of the USA, and State YMCA affiliates in over 45 States. With so many Americans at risk for developing diabetes and its potentially severe complications, today is the right time for Medicare to extend the proven National Diabetes Prevention Program as a covered benefit to seniors.

I urge my colleagues to support this timely and important piece of legislation.

By Mr. JOHNSON of South Dakota:

S. 3464. A bill to amend the Mni Wiconi Project Act of 1988 to facilitate completion of the Mni Wiconi Rural Water Supply System, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. JOHNSON of South Dakota. Mr. President, today I introduced legislation to facilitate completion of the Mni Wiconi Rural Water System. The Mni Wiconi Project provides quality drinking water to three Indian Reservations and a non-tribal rural water system in western South Dakota that have historically faced insufficient and, in too many cases, unsafe drinking water.

I have been involved with this project for the entirety of my 25 year congressional career, including sponsoring authorizing legislation that was ultimately enacted in 1988. In authorizing the project, Congress found that the

United States has a trust responsibility to ensure that adequate and safe water supplies are available to meet the economic, environmental, water supply, and public health needs of the Pine Ridge Indian Reservation, Rosebud Indian Reservation, and Lower Brule Indian Reservation. With treated drinking water from the Missouri River now reaching most of the three reservations, as well as the 7 county area of the West River/Lyman-Jones Rural Water System, we are very close to completing this critically important project.

Unfortunately, appropriations have failed to keep pace with projected timelines, and additional costs have cut into construction funding. Accordingly, the project requires an increase in the cost ceiling and extension of its authorization in order to be completed and serve the design population. Without an adjustment to the cost ceiling, some portions of the Oglala Sioux Rural Water Supply System and Rosebud Sioux Rural Water System will remain incomplete. The legislation I have introduced today addresses this shortfall and other important aspects of the project. The legislation also directs other Federal agencies that support rural water development to assist the Bureau of Reclamation in improving and repairing existing community water systems that are important components of the project.

Our Federal responsibility to address the tremendous need for adequate and safe drinking water supplies on the Pine Ridge, Rosebud and Lower Brule Indian Reservations remains as important today as it was 25 years ago. I look forward to working with my colleagues to advance this modest but important legislation.

#### SUBMITTED RESOLUTIONS

##### SENATE RESOLUTION 534—CONGRATULATING THE NAVY DENTAL CORPS ON ITS 100TH ANNIVERSARY

Mr. MANCHIN submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 534

Whereas on August 22, 1912, Congress passed an Act recognizing Navy dentistry as a distinct branch among naval medical professions;

Whereas throughout history, the Navy Dental Corps has supported the Navy by sustaining sailor and marine readiness and providing routine and emergency dental care, ashore and afloat, in peace and in war;

Whereas the Navy Dental Corps works continuously to improve the health of sailors, marines, and their families by supporting individual and community prevention initiatives, good oral hygiene practices, and treatment;

Whereas the Navy Dental Corps endeavors to improve oral health worldwide by participating in the spectrum of military combat,

peacekeeping, and humanitarian operations and exercises;

Whereas the Navy Dental Corps, in collaboration with national and international dental organizations, promotes dental professionalism and quality of care;

Whereas the Navy Dental Corps supports the mission of the Federal dental research program and endorses improved dental technologies and therapies through research and adherence to sound scientific principles; and

Whereas the Navy Dental Corps recognizes the importance of continuing professional dental education, requiring and supporting specialty dental education and postgraduate residencies and fellowships for its members: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates the Navy Dental Corps on its 100th anniversary;

(2) commends the Navy Dental Corps for working to sustain the dental readiness and the oral health of a superb fighting force; and

(3) recognizes the thousands of dentists who have served in the Navy Dental Corps over the last 100 years, providing dental care to millions of members of the Armed Forces and their families.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 2665. Mr. JOHNSON of Wisconsin submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table.

SA 2666. Mr. JOHNSON of Wisconsin submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2667. Mr. JOHNSON of Wisconsin submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2668. Mr. RUBIO (for himself, Mrs. McCASKILL, Mr. TOOMEY, Mr. BARRASSO, Ms. AYOTTE, Mrs. SHAHEEN, and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2669. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2670. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2671. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2672. Mr. BROWN of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2673. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2674. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2675. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 2645 submitted by Mr. BINGAMAN and intended to be proposed to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2731. Mr. REID (for Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. ROCKEFELLER, Mrs.

FEINSTEIN, and Mr. CARPER)) proposed an amendment to the bill S. 3414, supra.

SA 2732. Mr. REID (for Mr. FRANKEN) proposed an amendment to amendment SA 2731 proposed by Mr. REID (for Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. ROCKEFELLER, Mrs. FEINSTEIN, and Mr. CARPER)) to the bill S. 3414, supra.

SA 2733. Mr. REID proposed an amendment to the bill S. 3414, supra.

SA 2734. Mr. REID proposed an amendment to amendment SA 2733 proposed by Mr. REID to the bill S. 3414, supra.

SA 2735. Mr. REID proposed an amendment to the bill S. 3414, supra.

SA 2736. Mr. REID proposed an amendment to amendment SA 2735 proposed by Mr. REID to the bill S. 3414, supra.

SA 2737. Mr. REID proposed an amendment to amendment SA 2736 proposed by Mr. REID to the amendment SA 2735 proposed by Mr. REID to the bill S. 3414, supra.

SA 2738. Ms. SNOWE (for herself and Mr. WARNER) submitted an amendment intended to be proposed by her to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2739. Mrs. GILLIBRAND (for herself and Mr. BENNET) submitted an amendment intended to be proposed by her to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2740. Mr. LIEBERMAN (for Mr. NELSON of Florida) proposed an amendment to the resolution S. Res. 525, honoring the life and legacy of Oswaldo Paya Sardinias.

SA 2741. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table.

SA 2742. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 2665.** Mr. JOHNSON of Wisconsin submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### SEC. \_\_\_\_ . LIMITATION ON REGULATIONS.

(a) IN GENERAL.—The head of a Federal agency may not issue regulations, standards, or practices that are applicable to the private sector under this Act or an amendment made by this Act until after the date on which the Comptroller General of the United States submits to Congress a report stating that the information infrastructure of the Federal agency is in compliance with the regulations, standards, or practices.

(b) GAO REVIEW.—Upon request by the head of a Federal agency, the Comptroller General of the United States shall—

(1) review the information infrastructure of the Federal agency to determine whether the information infrastructure is in compliance with proposed regulations, standards, or practices; and

(2) submit to Congress a report regarding the conclusion of the review under paragraph (1).

**SA 2666.** Mr. JOHNSON of Wisconsin submitted an amendment intended to

be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 8, after line 22, insert the following:

#### SEC. 3. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b)(2), this Act and the amendments made by this Act shall not take effect until 60 days after the date on which the Congressional Budget Office submits to Congress a report regarding the budgetary effects of this Act.

(b) CBO SCORE.—

(1) REPORT.—The Congressional Budget Office shall submit to Congress a report regarding the budgetary effects of this Act.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect on the date of enactment of this Act.

(c) PUBLIC HEARINGS.—Not later than 60 days after the date on which the Congressional Budget Office submits the report described in subsection (b)(1) to Congress, the head of each agency with responsibility for regulating the security of critical infrastructure under this Act shall hold a public hearing to allow members of the public and industry to comment on the impact of the budgetary effects of this Act.

**SA 2667.** Mr. JOHNSON of Wisconsin submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 8, after line 22, insert the following:

#### SEC. 3. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b)(2), this Act and the amendments made by this Act shall not take effect until—

(1) the date on which the Congressional Budget Office submits to Congress a report regarding the budgetary effects of this Act; or

(2) if the report regarding the budgetary effects submitted under subsection (b)(1) determines that the cost of this Act is more than \$100,000,000, 60 days after the date on which the determination is published in the Federal Register under subsection (b)(1)(B).

(b) CBO SCORE.—

(1) REPORT.—The Congressional Budget Office shall—

(A) submit to Congress a report regarding the budgetary effects of this Act; and

(B) if the report regarding the budgetary effects described in subparagraph (A) determines that the cost of this Act is more than \$100,000,000, publish such determination in the Federal Register and allow public comment during the 60-day period beginning on the date on which such determination is published.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect on the date of enactment of this Act.

**SA 2668.** Mr. RUBIO (for himself, Mrs. MCCASKILL, Mr. TOOMEY, Mr. BARRASSO, Ms. AYOTTE, Mrs. SHAHEEN, and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed

by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 165, line 21, strike “of the United States, including” and all that follows through line 23 and insert the following:

of the United States.—

(b) ADDITIONAL SENSE OF CONGRESS.—

(1) FINDINGS.—Congress finds the following:

(A) Given the importance of the Internet to the global economy, it is essential that the Internet remain stable, secure, and free from government control.

(B) The world deserves the access to knowledge, services, commerce, and communication, the accompanying benefits to economic development, education, and health care, and the informed discussion that is the bedrock of democratic self-government that the Internet provides.

(C) The structure of Internet governance has profound implications for competition and trade, democratization, free expression, and access to information.

(D) Countries have obligations to protect human rights, which are advanced by online activity as well as offline activity.

(E) The ability to innovate, develop technical capacity, grasp economic opportunities, and promote freedom of expression online is best realized in cooperation with all stakeholders.

(F) Proposals have been put forward for consideration at the 2012 World Conference on International Telecommunications that would fundamentally alter the governance and operation of the Internet.

(G) The proposals, in international bodies such as the United Nations General Assembly, the United Nations Commission on Science and Technology for Development, and the International Telecommunication Union, would attempt to justify increased government control over the Internet and would undermine the current multistakeholder model that has enabled the Internet to flourish and under which the private sector, civil society, academia, and individual users play an important role in charting its direction.

(H) The proposals would diminish the freedom of expression on the Internet in favor of government control over content.

(I) The position of the United States Government has been and is to advocate for the flow of information free from government control.

(J) This and past Administrations have made a strong commitment to the multistakeholder model of Internet governance and the promotion of the global benefits of the Internet.

(2) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of State, in consultation with the Secretary of Commerce, should continue working to implement the position of the United States on Internet governance that clearly articulates the consistent and unequivocal policy of the United States to promote a global Internet free from government control and preserve and advance the successful multistakeholder model that governs the Internet today.

**SA 2669.** Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

Beginning on page 154, strike line 9 and all that follows through page 156, line 13.

**SA 2670.** Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

Strike paragraph (10) of section 707(a).

**SA 2671.** Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

Beginning on page 124, strike line 7 and all that follows through page 128, line 14.

**SA 2672.** Mr. BROWN of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 115, between lines 8 and 9, insert the following:

“(10) assist the development and demonstration of technologies designed to increase the security and resiliency of the electricity transmission and distribution grid;

**SA 2673.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . CAPPING AND REDUCING THE BALANCE SHEET OF THE FEDERAL RESERVE SYSTEM.**

(a) IN GENERAL.—Notwithstanding any other provision of law, no action may be taken by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee on or after the date of enactment of this Act that would result in the total of the factors affecting reserve balances of depository institutions exceeding the balance as of July 27, 2012.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Federal Reserve System should expeditiously take substantial steps to reduce the size of its balance sheet to levels below those that prevailed prior to the financial crisis of 2008.

**SA 2674.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . REPEAL OF DODD-FRANK ACT.**

The Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111-203) is repealed, and the provisions of law

amended by such Act are revived or restored as if such Act had not been enacted.

**SA 2675.** Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 2645 submitted by Mr. BINGAMAN and intended to be proposed to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

**SEC. \_\_\_\_ . EMERGENCY AUTHORITY RELATING TO CYBER SECURITY THREATS.**

Part II of the Federal Power Act (16 U.S.C. 824 et seq.) is amended by adding at the end the following:

**“SEC. 224. EMERGENCY AUTHORITY RELATING TO CYBER SECURITY THREATS.**

“(a) DEFINITIONS.—In this section:

“(1) CRITICAL ELECTRIC INFRASTRUCTURE.—The term ‘critical electric infrastructure’ means systems and assets, whether physical or virtual, used for the generation, transmission, or distribution of electric energy affecting interstate commerce that, as determined by the Commission or the Secretary (as appropriate), are so vital to the United States that the incapacity or destruction of the systems and assets would have a debilitating impact on national security, national economic security, or national public health or safety.

“(2) CYBER SECURITY THREAT.—The term ‘cyber security threat’ means the imminent danger of an act that disrupts, attempts to disrupt, or poses a significant risk of disrupting the operation of programmable electronic devices or communications networks (including hardware, software, and data) essential to the reliable operation of critical electric infrastructure.

“(3) SECRETARY.—The term ‘Secretary’ means the Secretary of Energy.

“(b) EMERGENCY AUTHORITY OF SECRETARY.—

“(1) IN GENERAL.—If the Secretary determines that immediate action is necessary to protect critical electric infrastructure from a cyber security threat, the Secretary may require, by order, with or without notice, persons subject to the jurisdiction of the Commission to take such actions as the Secretary determines will best avert or mitigate the cyber security threat.

“(2) COORDINATION WITH CANADA AND MEXICO.—In exercising the authority granted under this subsection, the Secretary is encouraged to consult and coordinate with the appropriate officials in Canada and Mexico responsible for the protection of cyber security of the interconnected North American electricity grid.

“(3) CONSULTATION.—Before exercising the authority granted under this subsection, to the extent practicable, taking into account the nature of the threat and urgency of need for action, the Secretary shall consult with any entity that owns, controls, or operates critical electric infrastructure and with officials at other Federal agencies, as appropriate, regarding implementation of actions that will effectively address the identified cyber security threat.

“(4) COST RECOVERY.—The Commission shall establish a mechanism that permits public utilities to recover prudently incurred costs required to implement immediate actions ordered by the Secretary under this subsection.

“(c) DURATION OF EXPEDITED OR EMERGENCY RULES OR ORDERS.—Any order issued

by the Secretary under subsection (b) shall remain effective for not more than 90 days unless, during the 90 day-period, the Secretary—

“(1) gives interested persons an opportunity to submit written data, views, or arguments; and

“(2) affirms, amends, or repeals the rule or order.”.

**SA 2676.** Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

Beginning on page 153, strike line 15 and all that follows through page 154, line 8, and insert the following:

**SEC. 414. REPORT ON PROTECTING THE ELECTRICAL GRID OF THE UNITED STATES.**

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Energy, in consultation with the Federal Energy Regulatory Commission, the Secretary, the Director of National Intelligence, and the electric sector coordinating council shall submit to Congress a report on—

(1) the threat of a cyber attack disrupting the electrical grid of the United States;

(2) the existing standards, alerts, and mitigation strategies in place;

(3) the implications for the national security of the United States if the electrical grid is disrupted;

(4)(A) the interdependency of critical infrastructures; and

(B) the options available to the United States and private sector entities to reconstitute—

(i) as soon as practicable after the disruption, electrical service to provide for the national security of the United States; and

(ii) within a reasonable time frame after the disruption, all electrical service within the United States; and

(5) a plan, building on existing efforts, to prevent disruption of the electric grid of the United States caused by a cyber attack.

(b) REQUIREMENTS.—In preparing the report under subsection (a), the Secretary of Energy shall use any existing studies or reports to avoid duplication of effort.

**SA 2677.** Mr. WHITEHOUSE (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 166, line 19, strike “coordinate” and insert “collaborate”.

On page 166, line 23, strike “to develop” and insert “on”.

On page 166, beginning on line 24, strike “cyberspace, cybersecurity, and cybercrime issues” and insert “cyber issues”.

On page 167, line 11, after “State” insert “and the Attorney General”.

On page 168, line 15, after “State” insert “and the Attorney General”.

On page 168, line 17, after “State” insert “and the Attorney General”.

**SA 2678.** Mr. WHITEHOUSE (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by

him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 91, between lines 12 and 13, insert the following:

“(16) PROTECT.—The term ‘protect’ means the action of securing, defending, or reducing the vulnerabilities of an information system, or otherwise enhancing information security or the resiliency of information systems or assets.

“(17) PROTECTION.—The term ‘protection’ means the actions undertaken to secure, defend, or reduce the vulnerabilities of an information system, or otherwise enhance information security or the resiliency of information systems or assets.

“(18) RESPOND AND RESPONSE.—The terms ‘respond’ and ‘response’ in relation to cybersecurity threats, vulnerabilities, or incidents do not include directing cybersecurity threat and incident law enforcement investigations or prosecutions.

On page 95, line 10, strike “security” and insert “protection”.

On page 99, after line 25, insert the following:

“(m) LAW ENFORCEMENT AND INTELLIGENCE AUTHORITIES.—Nothing in this section shall be construed to alter or amend the law enforcement or intelligence authorities of any Federal agency.

**SA 2679.** Mr. WHITEHOUSE (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the end of title IV, add the following:

**SEC. 416. REPORT ON FEDERAL LAW ENFORCEMENT CYBERSECURITY AND CYBERCRIME RESOURCES.**

(a) DEFINITIONS.—In this section—

(1) the term “covered law enforcement agency” means each law enforcement component of—

(A) the Department of Justice; and

(B) the Department of Homeland Security; and

(2) the term “mission” means the portion of a cybersecurity mission that encompasses law enforcement and intelligence activities.

(b) REPORT.—

(1) IN GENERAL.—The Attorney General shall enter into a contract with the National Research Council, or another federally funded research and development corporation, under which the National Research Council or other corporation shall submit to Congress a report on the current and optimal level and structure of cybersecurity and cybercrime resources of each covered law enforcement agency.

(2) CONTENTS.—The report described in paragraph (1) shall—

(A) identify the elements of the mission of each covered law enforcement agency;

(B) describe the challenges involved in the mission of each covered law enforcement agency, including—

(i) any challenges in cybercrime prosecutions, such as the need for advanced forensics expertise and resources;

(ii) the complexity of relevant Federal laws, State laws, international laws, and treaty obligations of the United States;

(iii) the need to coordinate with members of the intelligence community;

(iv) the need to protect classified or sensitive information while abiding by relevant law regarding the disclosure of exculpatory evidence and other discoverable information to a criminal defendant; and

(v) any other challenges that the report may identify;

(C) identify the current resources brought to bear by each covered law enforcement agency in pursuing the mission of that agency, differentiating between—

(i)(I) personnel who focus exclusively on supporting the mission; and

(II) personnel who hold multiple or competing responsibilities;

(ii)(I) operational personnel; and

(II) personnel who hold primarily management, policy making, or support responsibilities;

(iii)(I) personnel working at headquarters; and

(II) personnel working in the field; and

(iv)(I) personnel with specialized training and duties relating to national cybersecurity; and

(II) personnel with general technical training;

(D) identify areas in which the level and structure of current resources is inadequate for any covered law enforcement agency to perform the mission of that agency;

(E) identify the optimal level of resources that would enable each covered law enforcement agency to perform the mission of that agency most effectively without unnecessary government waste;

(F) identify the optimal structure of the cybersecurity and cybercrime resources of each covered law enforcement agency, considering existing models within—

(i) the Department of Justice, including task forces and strike forces; and

(ii) agencies such as the Drug Enforcement Administration and the Bureau of Alcohol, Tobacco, Firearms, and Explosives; and

(G) evaluate the future or developing needs of each covered law enforcement agency, including the resources that the agency will need to perform the mission of that agency in the future.

(3) TIMING.—The contract entered into under paragraph (1) shall require that the report described in this subsection be submitted not later than 1 year after the date of enactment of this Act.

**SA 2680.** Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the end of title VI, insert the following:

**SEC. 606. RULE OF CONSTRUCTION.**

Nothing in this Act may be construed as authorizing the President to enter the United States into a treaty or binding international agreement on cybersecurity unless such treaty or agreement is approved with the advice and consent of the Senate pursuant to Article II, section 2, clause 2 of the Constitution.

**SA 2681.** Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

Beginning on page 46, strike line 6 and all that follows through page 57, line 3, and insert the following:

“(4) provide a mechanism to improve and continuously monitor the security of agency information security programs and systems, subject to the protection of the privacy of individual or customer-specific data, through a focus on continuous monitoring of agency information systems and streamlined reporting requirements rather than overly prescriptive manual reporting.

**“SEC. 3552. DEFINITIONS.**

“(a) IN GENERAL.—Except as provided under subsection (b), the definitions under section 3502 (including the definitions of the terms ‘agency’ and ‘information system’) shall apply to this subchapter.

“(b) OTHER TERMS.—In this subchapter:

“(1) ADEQUATE SECURITY.—The term ‘adequate security’ means security commensurate with the risk and impact resulting from the unauthorized access to or loss, misuse, destruction, or modification of information.

“(2) CONTINUOUS MONITORING.—The term ‘continuous monitoring’ means the ongoing real time or near real time process used to determine if the complete set of planned, required, and deployed security controls within an agency information system continue to be effective over time in light of rapidly changing information technology and threat development. To the maximum extent possible, subject to the protection of the privacy of individual or customer-specific data, this also requires automation of that process to enable cost effective, efficient, and consistent monitoring and provide a more dynamic view of the security state of those deployed controls.

“(3) COUNTERMEASURE.—The term ‘countermeasure’ means automated or manual actions with defensive intent to modify or block data packets associated with electronic or wire communications, Internet traffic, program code, or other system traffic transiting to or from or stored on an information system for the purpose of protecting the information system from cybersecurity threats, conducted on an information system owned or operated by or on behalf of the party to be protected or operated by a private entity acting as a provider of electronic communication services, remote computing services, or cybersecurity services to the party to be protected.

“(4) INCIDENT.—The term ‘incident’ means an occurrence that—

“(A) actually or imminently jeopardizes, without lawful authority, the integrity, confidentiality, or availability of agency information or an agency information system; or

“(B) constitutes a violation or imminent threat of violation of law, security policies, security procedures, or acceptable use policies.

“(5) INFORMATION SECURITY.—The term ‘information security’ means protecting agency information and information systems from unauthorized access, use, disclosure, disruption, modification, or destruction in order to provide—

“(A) integrity, which means guarding against improper information modification or destruction, and includes ensuring non-repudiation and authenticity;

“(B) confidentiality, which means preserving authorized restrictions on access and disclosure, including means for protecting personal privacy and proprietary information; and

“(C) availability, which means ensuring timely and reliable access to and use of information.



“(6) INFORMATION TECHNOLOGY.—The term ‘information technology’ has the meaning given that term in section 11101 of title 40.

“(7) NATIONAL SECURITY SYSTEM.—

“(A) IN GENERAL.—The term ‘national security system’ means any information system (including any telecommunications system) used or operated by an agency or by a contractor of an agency, or other organization on behalf of an agency—

“(i) the function, operation, or use of which—

“(I) involves intelligence activities;

“(II) involves cryptologic activities related to national security;

“(III) involves command and control of military forces;

“(IV) involves equipment that is an integral part of a weapon or weapons system; or

“(V) subject to subparagraph (B), is critical to the direct fulfillment of military or intelligence missions; or

“(ii) that is protected at all times by procedures established for information that have been specifically authorized under criteria established by an Executive order or an Act of Congress to be kept classified in the interest of national defense or foreign policy.

“(B) EXCLUSION.—Subparagraph (A)(i)(V) does not include a system that is to be used for routine administrative and business applications (including payroll, finance, logistics, and personnel management applications).

“(8) SECRETARY.—The term ‘Secretary’ means the Secretary of Homeland Security.

**“SEC. 3553. FEDERAL INFORMATION SECURITY AUTHORITY AND COORDINATION.**

“(a) IN GENERAL.—Except as provided in subsections (f) and (g), the Secretary shall oversee agency information security policies and practices, including the development and oversight of information security policies and directives and compliance with this subchapter.

“(b) DUTIES.—The Secretary shall—

“(1) develop, issue, and oversee the implementation of information security policies and directives, which shall be compulsory and binding on agencies to the extent determined appropriate by the Secretary, including—

“(A) policies and directives consistent with the standards promulgated under section 11331 of title 40 to identify and provide information security protections that are commensurate with the risk and impact resulting from the unauthorized access, use, disclosure, disruption, modification, or destruction of—

“(i) information collected, created, processed, stored, disseminated, or otherwise used or maintained by or on behalf of an agency; or

“(ii) information systems used or operated by an agency or by a contractor of an agency or other organization, such as a State government entity, on behalf of an agency;

“(B) minimum operational requirements for network operations centers and security operations centers of agencies to facilitate the protection of and provide common situational awareness for all agency information and information systems;

“(C) reporting requirements, consistent with relevant law, regarding information security incidents;

“(D) requirements for agencywide information security programs, including continuous monitoring of agency information systems;

“(E) performance requirements and metrics for the security of agency information systems;

“(F) training requirements to ensure that agencies are able to fully and timely comply

with directions issued by the Secretary under this subchapter;

“(G) training requirements regarding privacy, civil rights, civil liberties, and information oversight for agency information security employees;

“(H) requirements for the annual reports to the Secretary under section 3554(c); and

“(I) any other information security requirements as determined by the Secretary;

“(2) review agency information security programs required to be developed under section 3554(b);

“(3) develop and conduct targeted risk assessments and operational evaluations for agency information and information systems in consultation with the heads of other agencies or governmental and private entities that own and operate such systems, that may include threat, vulnerability, and impact assessments and penetration testing;

“(4) operate consolidated intrusion detection, prevention, or other protective capabilities and use associated countermeasures for the purpose of protecting agency information and information systems from information security threats;

“(5) in conjunction with other agencies and the private sector, assess and foster the development of information security technologies and capabilities for use across multiple agencies;

“(6) designate an entity to receive reports and information about information security incidents, threats, and vulnerabilities affecting agency information systems;

“(7) provide incident detection, analysis, mitigation, and response information and remote or on-site technical assistance to the heads of agencies;

“(8) coordinate with appropriate agencies and officials to ensure, to the maximum extent feasible, that policies and directives issued under paragraph (1) are complementary with—

“(A) standards and guidelines developed for national security systems; and

“(B) policies and directives issued by the Secretary of Defense, Director of the Central Intelligence Agency, and Director of National Intelligence under subsection (g)(1);

“(9) not later than March 1 of each year, submit to Congress a report on agency compliance with the requirements of this subchapter, which shall include—

“(A) a summary of the incidents described by the reports required in section 3554(c);

“(B) a summary of the results of assessments required by section 3555;

“(C) a summary of the results of evaluations required by section 3556;

“(D) significant deficiencies in agency information security practices as identified in the reports, assessments, and evaluations referred to in subparagraphs (A), (B), and (C), or otherwise; and

“(E) planned remedial action to address any deficiencies identified under subparagraph (D); and

“(10) with respect to continuous monitoring reporting, allow operators of agency information systems to use processes that will protect the privacy of individual or non-government customer specific data.

“(c) ISSUING POLICIES AND DIRECTIVES.—When issuing policies and directives under subsection (b), the Secretary shall consider any applicable standards or guidelines developed by the National Institute of Standards and Technology and issued by the Secretary of Commerce under section 11331 of title 40. The Secretary shall consult with the Director of the National Institute of Standards and Technology when such policies and di-

rectives implement standards or guidelines developed by National Institute of Standards and Technology. To the maximum extent feasible, such standards and guidelines shall be complementary with standards and guidelines developed for national security systems.

“(d) COMMUNICATIONS AND SYSTEM TRAFFIC.—

“(1) IN GENERAL.—Notwithstanding any other provision of law, in carrying out the responsibilities under paragraphs (3) and (4) of subsection (b), if the Secretary makes a certification described in paragraph (2), the Secretary may acquire, intercept, retain, use, and disclose communications and other system traffic that are transiting to or from or stored on agency information systems and deploy countermeasures with regard to the communications and system traffic, unless the head of an agency determines within a reasonable time, and reports to the President, that such acquisition, interception, retention, use, or disclosure is contrary to the public interest and would seriously undermine important agency goals, activities, or programs.

“(2) CERTIFICATION.—A certification described in this paragraph is a certification by the Secretary that—

“(A) the acquisitions, interceptions, and countermeasures are reasonably necessary for the purpose of protecting agency information systems from information security threats;

“(B) the content of communications will be collected and retained only when the communication is associated with a known or reasonably suspected information security threat, and communications and system traffic will not be subject to the operation of a countermeasure unless associated with the threats;

“(C) information obtained under activities authorized under this subsection will only be retained, used, or disclosed to protect agency information systems from information security threats, mitigate against such threats, or, with the approval of the Attorney General, for law enforcement purposes when—

“(i) the information is evidence of a cybersecurity crime that has been, is being, or is about to be committed; and

**SA 2682.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . ANNUAL REPORT ON FOREIGN GOVERNMENT SPONSORS OF ECONOMIC OR INDUSTRIAL ESPIONAGE.**

(a) IN GENERAL.—Subject to subsection (c), not later than 180 days after the date of enactment of this Act, and annually thereafter, the National Counterintelligence Executive shall submit to Congress, the President, the National Security Council, the Secretary of State, the Secretary of Defense, the Secretary of the Treasury, and the Secretary of Commerce—

(1) an unclassified report that contains a list of foreign governments that the National Counterintelligence Executive determines engage in, sponsor, or condone economic or industrial espionage against United States businesses or other persons; and

(2) a classified report that includes—

(A) the report submitted under paragraph (1); and



(B) the information upon which the determinations of the National Counterintelligence Executive under paragraph (1) are based.

(b) INFORMATION.—In preparing a report under subsection (a), the National Counterintelligence Executive shall rely primarily on information available to the United States Government.

(c) REVIEW BY SECRETARY OF STATE.—

(1) SUBMISSION OF REPORT FOR REVIEW.—Not later than 30 days before the date on which the National Counterintelligence Executive submits a report required under subsection (a), the National Counterintelligence Executive shall submit the report to the Secretary of State.

(2) FEEDBACK.—The Secretary of State may provide feedback to the National Counterintelligence Executive with respect to a report submitted to the Secretary of State under paragraph (1).

(3) DELAY.—Upon the request of the Secretary of State, the National Counterintelligence Executive shall delay the submission of a report under subsection (a) for a period of not more than 60 days.

**SA 2683.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

**SEC. 503. DEPARTMENT OF DEFENSE PROVISION FOR THE COMMON DEFENSE OF FEDERAL INFORMATION INFRASTRUCTURE IN FEDERAL CYBER EMERGENCIES.**

(a) AUTHORITY FOR PRESIDENT TO DIRECT.—The President shall have the authority to direct the Department of Defense to provide for the common defense of Federal information infrastructure in the event of a Federal cyber emergency.

(b) FEDERAL CYBER EMERGENCY.—For purposes of this section, a Federal cyber emergency is an incident that threatens the viability of Federal information infrastructure necessary for maintaining critical Federal government functions or operations.

(c) SCOPE.—The authorities exercised by the Department of Defense pursuant to subsection (a) may, as directed by the President under that subsection, including the authorities in section 3553 of title 44, United States Code (as amended by section 201 of this Act).

(d) DURATION OF AUTHORITY.—Any direction of the Department of Defense to provide for the common defense of Federal information infrastructure in the event of a Federal cyber emergency under subsection (a) shall be for such period, not to exceed seven days, as the President shall direct under that subsection.

(e) NOTICE TO CONGRESS.—The President shall notify Congress immediately upon directing the Department of Defense to provide for the common defense of Federal information infrastructure under subsection (a), and shall provide daily updates to Congress thereafter until the authority to provide for such defense expires.

(f) CONSTRUCTION.—Nothing in this section shall be construed to grant the Department of Defense authority, jurisdiction, or control over any non-Federal information infrastructure.

**SA 2684.** Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance

the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE —REPEAL OF OBAMACARE**

**SEC. —. REPEAL OF OBAMACARE.**

(a) FINDINGS.—Congress finds the following with respect to the impact of Public Law 111-148 and related provisions of Public Law 111-152 (collectively referred to in this section as “the law”):

(1) President Obama promised the American people that if they liked their current health coverage, they could keep it. But even the Obama Administration admits that tens of millions of Americans are at risk of losing their health care coverage, including as many as 8 in 10 plans offered by small businesses.

(2) Despite projected spending of more than two trillion dollars over the next 10 years, cutting Medicare by more than one-half trillion dollars over that period, and increasing taxes by over \$800 billion dollars over that period, the law does not lower health care costs. In fact, the law actually makes coverage more expensive for millions of Americans. The average American family already paid a premium increase of approximately \$1,200 in the year following passage of the law. The Congressional Budget Office (CBO) predicts that health insurance premiums for individuals buying private health coverage on their own will increase by \$2,100 in 2016 compared to what the premiums would have been in 2016 if the law had not passed.

(3) The law cuts more than one-half trillion dollars in Medicare and uses the funds to create a new entitlement program rather than to protect and strengthen the Medicare program. Actuaries at the Centers for Medicare & Medicaid Services (CMS) warn that the Medicare cuts contained in the law are so drastic that “providers might end their participation in the program (possibly jeopardizing access to care for beneficiaries)”. CBO cautioned that the Medicare cuts “might be difficult to sustain over a long period of time”. According to the CMS actuaries, 7.4 million Medicare beneficiaries who would have been enrolled in a Medicare Advantage plan in 2017 will lose access to their plan because the law cuts \$206 billion in payments to Medicare Advantage plans. The Trustees of the Medicare Trust Funds predict that the law will result in a substantial decline in employer-sponsored retiree drug coverage, and 90 percent of seniors will no longer have access to retiree drug coverage by 2016 as a result of the law.

(4) The law creates a 15-member, unelected Independent Payment Advisory Board that is empowered to make binding decisions regarding what treatments Medicare will cover and how much Medicare will pay for treatments solely to cut spending, restricting access to health care for seniors.

(5) The law and the more than 13,000 pages of related regulations issued before July 11, 2012, are causing great uncertainty, slowing economic growth, and limiting hiring opportunities for the approximately 13 million Americans searching for work. Imposing higher costs on businesses will lead to lower wages, fewer workers, or both.

(6) The law imposes 21 new or higher taxes on American families and businesses, including 12 taxes on families making less than \$250,000 a year.

(7) While President Obama promised that nothing in the law would fund elective abortion, the law expands the role of the Federal

Government in funding and facilitating abortion and plans that cover abortion. The law appropriates billions of dollars in new funding without explicitly prohibiting the use of these funds for abortion, and it provides Federal subsidies for health plans covering elective abortions. Moreover, the law effectively forces millions of individuals to personally pay a separate abortion premium in violation of their sincerely held religious, ethical, or moral beliefs.

(8) Until enactment of the law, the Federal Government has not sought to impose specific coverage or care requirements that infringe on the rights of conscience of insurers, purchasers of insurance, plan sponsors, beneficiaries, and other stakeholders, such as individual or institutional health care providers. The law creates a new nationwide requirement for health plans to cover “essential health benefits” and “preventive services”, but does not allow stakeholders to opt out of covering items or services to which they have a religious or moral objection, in violation of the Religious Freedom Restoration Act (Public Law 103-141). By creating new barriers to health insurance and causing the loss of existing insurance arrangements, these inflexible mandates jeopardize the ability of institutions and individuals to exercise their rights of conscience and their ability to freely participate in the health insurance and health care marketplace.

(9) The law expands government control over health care, adds trillions of dollars to existing liabilities, drives costs up even further, and too often put Federal bureaucrats, instead of doctors and patients, in charge of health care decisionmaking.

(10) The path to patient-centered care and lower costs for all Americans must begin with a full repeal of the law.

(b) REPEAL.—

(1) PPACA.—Effective as of the enactment of Public Law 111-148, such Act (other than subsection (d) of section 1899A of the Social Security Act, as added and amended by sections 3403 and 10320 of such Public Law) is repealed, and the provisions of law amended or repealed by such Act (other than such subsection (d)) are restored or revived as if such Act had not been enacted.

(2) HEALTH CARE-RELATED PROVISIONS IN THE HEALTH CARE AND EDUCATION RECONCILIATION ACT OF 2010.—Effective as of the enactment of the Health Care and Education Reconciliation Act of 2010 (Public Law 111-152), title I and subtitle B of title II of such Act are repealed, and the provisions of law amended or repealed by such title or subtitle, respectively, are restored or revived as if such title and subtitle had not been enacted.

**SEC. —. BUDGETARY EFFECTS OF THIS ACT.**

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

**SA 2685.** Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 110, lines 17 and 18, after “research laboratories” insert the following: “(including the defense laboratories (as defined in section 2199 of title 10, United States Code) and the national laboratories of the Department of Energy)”.

**SA 2686.** Mrs. GILLIBRAND (for herself and Mr. BENNET) submitted an amendment intended to be proposed by her to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the end of title IV, insert the following:  
**SEC. 416. SENSE OF CONGRESS.**

(a) FINDINGS.—Congress finds the following:

(1) A report from the Bipartisan Policy Center's Cyber Security Task Force, published in July 2012, found that—

(A) 50,000 cyber attacks were reported to the Department of Homeland Security between October 2011 and February 2012; and

(B) 86 of the attacks described in subparagraph (A) took place on critical infrastructure networks.

(2) The report of the Commission on Cybersecurity for the 44th President from the Center for Strategic and International Studies (referred to in this subsection as “CSIS”), published in November 2010, concluded that the United States is facing an imminent crisis in cybersecurity human capital.

(3) The November 2010 CSIS report cited another CSIS report, entitled “A Human Capital Crisis in Cybersecurity”, which estimated that 1,000 specialists who had the specialized cybersecurity skills needed to defend the United States effectively in cyberspace existed in the United States, but the number of cybersecurity specialists needed that year was between 10,000 and 30,000.

(4) Another report published by CSIS, entitled “Cybersecurity Two Years Later”, noted that “there has been slow progress in changing the situation from where we were two years ago”.

(b) SENSE OF CONGRESS.—It is the sense of Congress that, recognizing that the United States is currently facing a human capital crisis in cybersecurity, the President should—

(1) develop model standards, in coordination with any existing standards, for non-profit institutions that provide training programs to develop advanced technical proficiency for individuals seeking careers in computer network defense;

(2) emphasize experiential learning and the opportunity to take on significant real-world casework as essential parts of training and development programs for cybersecurity professions;

(3) recognize institutions which develop advanced technical proficiency and provide real-world casework for individuals seeking careers in computer network defense as examples of excellence in specialized cybersecurity training;

(4) employ resources to support nonprofit institutions to expand the cybersecurity human capital capacity of the United States, particularly by supporting or establishing education and training programs which—

(A) demonstrate current and projected caseload of sufficient, important system and network defense activity to provide real-world training opportunities for trainees, with a heavy emphasis on real-life, hands-on, high-level cybersecurity work;

(B) demonstrate practical computer network defense skills and up-to-date cyberse-

curity experience of the senior staff proposing to lead the education and training programs;

(C) demonstrate access to hands-on training programs in the most up-to-date computer network defense technologies and techniques; and

(D) collaborate with the Federal Government and private sector companies in the United States in such programs; and

(5) establish a program recognizing citizens who have demonstrated outstanding leadership and service as mentors in the field of cybersecurity.

**SA 2687.** Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the end of section 301, add the following:

(i) COORDINATION WITH DEPARTMENT OF DEFENSE AND DEPARTMENT OF ENERGY LABORATORIES.—It is the sense of Congress that to avoid duplication of Federal efforts in developing and executing a national cybersecurity research and development plan, the Director should ensure that coordination with other research initiatives under subsection (e) includes coordination with the defense laboratories (as defined in section 2199 of title 10, United States Code) and the national laboratories of the Department of Energy that are addressing challenges similar to the challenges described in subsection (b).

**SA 2688.** Mr. WYDEN (for himself and Mr. KIRK) submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the end, add the following:

# **TITLE VIII—GEOLOCATION INFORMATION**

## **SEC. 801. SHORT TITLES.**

This title may be cited as the “Geolocation Privacy and Surveillance Act” or the “GPS Act”.

## **SEC. 802. PROTECTION OF GEOLOCATION INFORMATION.**

(a) IN GENERAL.—Part 1 of title 18, United States Code, is amended by inserting after chapter 119 the following:

### **“CHAPTER 120—GEOLOCATION INFORMATION**

“Sec.

“2601. Definitions.

“2602. Interception and disclosure of geolocation information.

“2603. Prohibition of use as evidence of acquired geolocation information.

“2604. Emergency situation exception.

“2605. Recovery of civil damages authorized.

### **“§ 2601. Definitions**

“In this chapter:

“(1) COVERED SERVICE.—The term ‘covered service’ means an electronic communication service, a geolocation information service, or a remote computing service.

“(2) ELECTRONIC COMMUNICATION SERVICE.—The term ‘electronic communication service’ has the meaning given that term in section 2510.

“(3) ELECTRONIC SURVEILLANCE.—The term ‘electronic surveillance’ has the meaning

given that term in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

“(4) GEOLOCATION INFORMATION.—The term ‘geolocation information’ means, with respect to a person, any information, that is not the content of a communication, concerning the location of a wireless communication device or tracking device (as that term is defined section 3117) that, in whole or in part, is generated by or derived from the operation of that device and that could be used to determine or infer information regarding the location of the person.

“(5) GEOLOCATION INFORMATION SERVICE.—The term ‘geolocation information service’ means the provision of a global positioning service or other mapping, locational, or directional information service to the public, or to such class of users as to be effectively available to the public, by or through the operation of any wireless communication device, including any mobile telephone, global positioning system receiving device, mobile computer, or other similar or successor device.

“(6) INTERCEPT.—The term ‘intercept’ means the acquisition of geolocation information through the use of any electronic, mechanical, or other device.

“(7) INVESTIGATIVE OR LAW ENFORCEMENT OFFICER.—The term ‘investigative or law enforcement officer’ means any officer of the United States or of a State or political subdivision thereof, who is empowered by law to conduct investigations of, or to make arrests for, offenses enumerated in this chapter, and any attorney authorized by law to prosecute or participate in the prosecution of such offenses.

“(8) PERSON.—The term ‘person’ means any employee or agent of the United States, or any State or political subdivision thereof, and any individual, partnership, association, joint stock company, trust, or corporation.

“(9) REMOTE COMPUTING SERVICE.—The term ‘remote computing service’ has the meaning given that term in section 2711.

“(10) STATE.—The term ‘State’ means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

“(11) WIRELESS COMMUNICATION DEVICE.—The term ‘wireless communication device’ means any device that enables access to, or use of, an electronic communication system or service or a covered service, if that device utilizes a radio or other wireless connection to access such system or service.

## **“§ 2602. Interception and disclosure of geolocation information**

“(a) IN GENERAL.—

“(1) PROHIBITION ON DISCLOSURE OR USE.—Except as otherwise specifically provided in this chapter, it shall be unlawful for any person to—

“(A) intentionally intercept, endeavor to intercept, or procure any other person to intercept or endeavor to intercept, geolocation information pertaining to another person;

“(B) intentionally disclose, or endeavor to disclose, to any other person geolocation information pertaining to another person, knowing or having reason to know that the information was obtained through the interception of such information in violation of this paragraph;

“(C) intentionally use, or endeavor to use, any geolocation information, knowing or having reason to know that the information was obtained through the interception of

such information in violation of this paragraph; or

“(D)(i) intentionally disclose, or endeavor to disclose, to any other person the geolocation information pertaining to another person intercepted by means authorized by subsections (b) through (h), except as provided in such subsections;

“(ii) knowing or having reason to know that the information was obtained through the interception of such information in connection with a criminal investigation;

“(iii) having obtained or received the information in connection with a criminal investigation; and

“(iv) with intent to improperly obstruct, impede, or interfere with a duly authorized criminal investigation.

“(2) **PENALTY.**—Any person who violates paragraph (1) shall be fined under this title, imprisoned not more than five years, or both.

“(b) **EXCEPTION FOR INFORMATION ACQUIRED IN THE NORMAL COURSE OF BUSINESS.**—It shall not be unlawful under this chapter for an officer, employee, or agent of a provider of a covered service, whose facilities are used in the transmission of geolocation information, to intercept, disclose, or use that information in the normal course of the officer, employee, or agent's employment while engaged in any activity which is a necessary incident to the rendition of service or to the protection of the rights or property of the provider of that service, except that a provider of a geolocation information service to the public shall not utilize service observing or random monitoring except for mechanical or service quality control checks.

“(c) **EXCEPTION FOR CONDUCTING FOREIGN INTELLIGENCE SURVEILLANCE.**—Notwithstanding any other provision of this chapter, it shall not be unlawful for an officer, employee, or agent of the United States in the normal course of the official duty of the officer, employee, or agent to conduct electronic surveillance, as authorized by the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.).

“(d) **EXCEPTION FOR CONSENT.**—

“(1) **IN GENERAL.**—It shall not be unlawful under this chapter for a person to intercept geolocation information pertaining to another person if such other person has given prior consent to such interception unless such information is intercepted for the purpose of committing any criminal or tortious act in violation of the Constitution or laws of the United States or of any State.

“(2) **CHILDREN.**—The exception in paragraph (1) permits a parent or legal guardian of a child to intercept geolocation information pertaining to that child or to give consent for another person to intercept such information.

“(e) **EXCEPTION FOR PUBLIC INFORMATION.**—It shall not be unlawful under this chapter for any person to intercept or access geolocation information relating to another person through any system that is configured so that such information is readily accessible to the general public.

“(f) **EXCEPTION FOR EMERGENCY INFORMATION.**—It shall not be unlawful under this chapter for any investigative or law enforcement officer or other emergency responder to intercept or access geolocation information relating to a person if such information is used—

“(1) to respond to a request made by such person for assistance; or

“(2) in circumstances in which it is reasonable to believe that the life or safety of the person is threatened, to assist the person.

“(g) **EXCEPTION FOR THEFT OR FRAUD.**—It shall not be unlawful under this chapter for a person acting under color of law to intercept geolocation information pertaining to the location of another person who has unlawfully taken the device sending the geolocation information if—

“(1) the owner or operator of such device authorizes the interception of the person's geolocation information;

“(2) the person acting under color of law is lawfully engaged in an investigation; and

“(3) the person acting under color of law has reasonable grounds to believe that the geolocation information of the other person will be relevant to the investigation.

“(h) **EXCEPTION FOR WARRANT.**—

“(1) **DEFINITIONS.**—In this subsection:

“(A) **COURT OF COMPETENT JURISDICTION.**—The term ‘court of competent jurisdiction’ includes—

“(i) any district court of the United States (including a magistrate judge of such a court) or any United States court of appeals that—

“(I) has jurisdiction over the offense being investigated;

“(II) is in or for a district in which the provider of a geolocation information service is located or in which the geolocation information is stored; or

“(III) is acting on a request for foreign assistance pursuant to section 3512; or

“(ii) a court of general criminal jurisdiction of a State authorized by the law of that State to issue search warrants.

“(B) **GOVERNMENTAL ENTITY.**—The term ‘governmental entity’ means a department or agency of the United States or any State or political subdivision thereof.

“(2) **WARRANT.**—A governmental entity may intercept geolocation information or require the disclosure by a provider of a covered service of geolocation information only pursuant to a warrant issued using the procedures described in the Federal Rules of Criminal Procedure (or, in the case of a State court, issued using State warrant procedures) by a court of competent jurisdiction, or as otherwise provided in this chapter or the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.).

“(i) **PROHIBITION ON DIVULGING GEOLOCATION INFORMATION.**—

“(1) **IN GENERAL.**—Except as provided in paragraph (2), a person providing a covered service shall not intentionally divulge geolocation information pertaining to another person.

“(2) **EXCEPTIONS.**—A person providing a covered service may divulge geolocation information—

“(A) as otherwise authorized in subsections (b) through (h);

“(B) with the lawful consent of such other person;

“(C) to another person employed or authorized, or whose facilities are used, to forward such geolocation information to its destination; or

“(D) which was inadvertently obtained by the provider of the covered service and which appears to pertain to the commission of a crime, if such divulgence is made to a law enforcement agency.

“§ 2603. **Prohibition of use as evidence of acquired geolocation information**

“Whenever any geolocation information has been acquired, no part of such information and no evidence derived therefrom may be received in evidence in any trial, hearing, or other proceeding in or before any court, grand jury, department, officer, agency, regulatory body, legislative committee, or

other authority of the United States, a State, or a political subdivision thereof if the disclosure of that information would be in violation of this chapter.

“§ 2604. **Emergency situation exception**

“(a) **EMERGENCY SITUATION EXCEPTION.**—Notwithstanding any other provision of this chapter, any investigative or law enforcement officer, specially designated by the Attorney General, the Deputy Attorney General, the Associate Attorney General, or by the principal prosecuting attorney of any State or subdivision thereof acting pursuant to a statute of that State, may intercept geolocation information if—

“(1) such officer reasonably determines that an emergency situation exists that—

“(A) involves—

“(i) immediate danger of death or serious physical injury to any person;

“(ii) conspiratorial activities threatening the national security interest; or

“(iii) conspiratorial activities characteristic of organized crime; and

“(B) requires geolocation information be intercepted before an order authorizing such interception can, with due diligence, be obtained;

“(2) there are grounds upon which an order could be entered to authorize such interception; and

“(3) an application for an order approving such interception is made within 48 hours after the interception has occurred or begins to occur.

“(b) **FAILURE TO OBTAIN COURT ORDER.**—

“(1) **TERMINATION OF ACQUISITION.**—In the absence of an order, an interception of geolocation information carried out under subsection (a) shall immediately terminate when the information sought is obtained or when the application for the order is denied, whichever is earlier.

“(2) **PROHIBITION ON USE AS EVIDENCE.**—In the event such application for approval is denied, the geolocation information shall be treated as having been obtained in violation of this chapter and an inventory shall be served on the person named in the application.

“§ 2605. **Recovery of civil damages authorized**

“(a) **IN GENERAL.**—Any person whose geolocation information is intercepted, disclosed, or intentionally used in violation of this chapter may in a civil action recover from the person, other than the United States, which engaged in that violation such relief as may be appropriate.

“(b) **RELIEF.**—In an action under this section, appropriate relief includes—

“(1) such preliminary and other equitable or declaratory relief as may be appropriate;

“(2) damages under subsection (c) and punitive damages in appropriate cases; and

“(3) a reasonable attorney's fee and other litigation costs reasonably incurred.

“(c) **COMPUTATION OF DAMAGES.**—The court may assess as damages under this section whichever is the greater of—

“(1) the sum of the actual damages suffered by the plaintiff and any profits made by the violator as a result of the violation; or

“(2) statutory damages of whichever is the greater of \$100 a day for each day of violation or \$10,000.

“(d) **DEFENSE.**—It is a complete defense against any civil or criminal action brought against an individual for conduct in violation of this chapter if such individual acted in a good faith reliance on—

“(1) a court warrant or order, a grand jury subpoena, a legislative authorization, or a statutory authorization;

“(2) a request of an investigative or law enforcement officer under section 2604; or

“(3) a good-faith determination that an exception under section 2602 permitted the conduct complained of.

“(e) LIMITATION.—A civil action under this section may not be commenced later than two years after the date upon which the claimant first has a reasonable opportunity to discover the violation.

“(f) ADMINISTRATIVE DISCIPLINE.—If a court or appropriate department or agency determines that the United States or any of its departments or agencies has violated any provision of this chapter, and the court or appropriate department or agency finds that the circumstances surrounding the violation raise serious questions about whether or not an officer or employee of the United States acted willfully or intentionally with respect to the violation, the department or agency shall, upon receipt of a true and correct copy of the decision and findings of the court or appropriate department or agency promptly initiate a proceeding to determine whether disciplinary action against the officer or employee is warranted. If the head of the department or agency involved determines that disciplinary action is not warranted, such head shall notify the Inspector General with jurisdiction over the department or agency concerned and shall provide the Inspector General with the reasons for such determination.

“(g) IMPROPER DISCLOSURE IS VIOLATION.—Any willful disclosure or use by an investigative or law enforcement officer or governmental entity of information beyond the extent permitted by this chapter is a violation of this chapter for purposes of this section.

“(h) CONSTRUCTION.—Nothing in this section may be construed to establish a new cause of action against any electronic communication service provider, remote computing service provider, geolocation service provider, or law enforcement or investigative officer, or eliminate or affect any cause of action that exists under section 2520, section 2707, or any other provision of law.”

(b) CLERICAL AMENDMENT.—The table of chapters for part 1 of title 18, United States Code, is amended by inserting after the item relating to chapter 119 the following:

“120. Geolocation information ..... 2601”.

(c) CONFORMING AMENDMENTS.—Section 3512(a) of title 18, United States Code, is amended—

(1) in paragraph (2)—

(A) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (C), (D), and (E), respectively; and

(B) by inserting after subparagraph (A) the following:

“(B) a warrant or order for geolocation information or records related thereto, as provided under section 2602 of this title;”.

#### SEC. 803. REQUIREMENT FOR SEARCH WARRANTS TO ACQUIRE GEOLOCATION INFORMATION.

Rule 41(a) of the Federal Rules of Criminal Procedure is amended—

(1) in paragraph (2)(A), by striking the period at the end and inserting a comma and “including geolocation information.”; and

(2) by adding at the end the following:

“(F) ‘Geolocation information’ has the meaning given that term in section 2601 of title 18, United States Code.”.

#### SEC. 804. FRAUD AND RELATED ACTIVITY IN CONNECTION WITH OBTAINING GEOLOCATION INFORMATION.

(a) CRIMINAL VIOLATION.—Section 1039(h) of title 18, United States Code, is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by striking “and” at the end;

(B) in subparagraph (B), by striking the period at the end and inserting a semicolon and “and”; and

(C) by adding at the end the following new subparagraph:

“(C) includes any geolocation information service.”;

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following:

“(4) GEOLOCATION INFORMATION SERVICE.—The term ‘geolocation information service’ has the meaning given that term in section 2601.”.

(b) CONFORMING AMENDMENTS.—

(1) DEFINITION AMENDMENTS.—Section 1039(h)(1) of title 18, United States Code, is amended—

(A) in the paragraph heading, by inserting “OR GPS” after “PHONE”; and

(B) in the matter preceding subparagraph (A), by inserting “or GPS” after “phone”.

(2) CONFORMING AMENDMENTS.—Section 1039 of title 18, United States Code, is amended—

(A) in the section heading by inserting “or GPS” after “phone”;;

(B) in subsection (a)—

(i) in the matter preceding paragraph (1), by inserting “or GPS” after “phone”; and

(ii) in paragraph (4), by inserting “or GPS” after “phone”;;

(C) in subsection (b)—

(i) in the subsection heading, by inserting “OR GPS” after “PHONE”;;

(ii) in paragraph (1), by inserting “or GPS” after “phone” both places that term appears; and

(iii) in paragraph (2), by inserting “or GPS” after “phone”; and

(D) in subsection (c)—

(i) in the subsection heading, by inserting “OR GPS” after “PHONE”;;

(ii) in paragraph (1), by inserting “or GPS” after “phone” both places that term appears; and

(iii) in paragraph (2), by inserting “or GPS” after “phone”.

(3) CHAPTER ANALYSIS.—The table of sections for chapter 47 of title 18, United States Code, is amended by striking the item relating to section 1039 and inserting the following:

“1039. Fraud and related activity in connection with obtaining confidential phone or GPS records information of a covered entity.”.

(c) SENTENCING GUIDELINES.—

(1) REVIEW AND AMENDMENT.—Not later than 180 days after the date of enactment of this Act, the United States Sentencing Commission, pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, shall review and, if appropriate, amend the Federal sentencing guidelines and policy statements applicable to persons convicted of any offense under section 1039 of title 18, United States Code, as amended by this section.

(2) AUTHORIZATION.—The United States Sentencing Commission may amend the Federal sentencing guidelines in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987 (28 U.S.C. 994 note) as though the authority under that section had not expired.

#### SEC. 805. STATEMENT OF EXCLUSIVE MEANS OF ACQUIRING GEOLOCATION INFORMATION.

(a) IN GENERAL.—No person may acquire the geolocation information of a person for protective activities or law enforcement or

intelligence purposes except pursuant to a warrant issued pursuant to rule 41 of the Federal Rules of Criminal Procedure, as amended by section 803, or the amendments made by this Act, or the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

(b) GEOLOCATION INFORMATION DEFINED.—In this section, the term “geolocation information” has the meaning given that term in section 2601 of title 18, United States Code, as amended by section 802.

**SA 2689.** Mr. BENNET (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the end, add the following:

#### TITLE VIII—FEDERAL DATA CENTER CONSOLIDATION INITIATIVE

##### SEC. 801. DEFINITIONS.

In this title:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator for the Office of E-Government and Information Technology within the Office of Management and Budget.

(2) CHIEF INFORMATION OFFICERS COUNCIL.—The term “Chief Information Officers Council” means the Chief Information Officers Council established under section 3603 of title 44, United States Code.

(3) DATA CENTER.—

(A) DEFINITION.—The term “data center” means a closet, room, floor, or building for the storage, management, and dissemination of data and information, as defined by the Administrator in the “Implementation Guidance for the Federal Data Center Consolidation Initiative” memorandum, issued on March 19, 2012.

(B) AUTHORITY TO MODIFY DEFINITION.—The Administrator may promulgate guidance or other clarifications to modify the definition in subparagraph (A) in a manner consistent with this Act, as the Administrator determines necessary.

##### SEC. 802. FEDERAL DATA CENTER CONSOLIDATION INVENTORIES AND PLANS.

(a) REQUIRED SUBMISSIONS.—

(1) IN GENERAL.—

(A) ANNUAL REPORTS.—Each year, beginning in fiscal year 2013 through the end of fiscal year 2017, the head of each agency that is described in paragraph (2), assisted by the chief information officer of the agency, shall submit to the Administrator—

(i) by June 30th of each year, a comprehensive asset inventory of the data centers owned, operated, or maintained by or on behalf of the agency, even if the center is administered by a third party; and

(ii) by September 30th of each year, an updated consolidation plan that includes—

(I) a technical roadmap and approach for achieving the agency’s targets for infrastructure utilization, energy efficiency, cost savings and efficiency;

(II) a detailed timeline for implementation of the data center consolidation plan;

(III) quantitative utilization and efficiency goals for reducing assets and improving use of information technology infrastructure;

(IV) performance metrics by which the progress of the agency toward data center consolidation goals can be measured, including metrics to track any gains in energy utilization as a result of this initiative;

(V) an aggregation of year-by-year investment and cost savings calculations for 5

years past the date of submission of the cost saving assessment, including a description of any initial costs for data center consolidation;

(VI) quantitative progress towards previously stated goals including cost savings and increases in operational efficiencies and utilization; and

(VII) any additional information required by the Administrator.

(B) **CERTIFICATION.**—Each year, beginning in fiscal year 2013 through the end of fiscal year 2017, the head of an agency, acting through the chief information officer of the agency, shall submit a statement to the Administrator certifying that the agency has complied with the requirements of this section.

(C) **INSPECTOR GENERAL REPORT.**—

(i) **IN GENERAL.**—The Inspector General for each agency described in paragraph (2) shall release a public report not later than 6 months after the date on which the agency releases the first updated asset inventory in fiscal year 2013 under subparagraph (A)(i), which shall evaluate the completeness of the inventory of the agency; and

(ii) **AGENCY RESPONSE.**—The head of each agency shall respond to the report completed by the Inspector General for the agency under clause (i), and complete any inventory identified by the Inspector General for the agency as incomplete, by the time the agency submits the required inventory update for fiscal year 2014.

(D) **RESPONSIBILITY OF THE ADMINISTRATOR.**—The Administrator shall ensure that each certification submitted under subparagraph (B) and each agency consolidation plan submitted under subparagraph (A)(ii), is made available in a timely fashion to the general public.

(2) **AGENCIES DESCRIBED.**—The agencies (including all associated components of the agency) described in this paragraph are the—

- (A) Department of Agriculture;
- (B) Department of Commerce;
- (C) Department of Defense;
- (D) Department of Education;
- (E) Department of Energy;
- (F) Department of Health and Human Services;
- (G) Department of Homeland Security;
- (H) Department of Housing and Urban Development;
- (I) Department of the Interior;
- (J) Department of Justice;
- (K) Department of Labor;
- (L) Department of State;
- (M) Department of Transportation;
- (N) Department of Treasury;
- (O) Department of Veterans Affairs;
- (P) Environmental Protection Agency;
- (Q) General Services Administration;
- (R) National Aeronautics and Space Administration;
- (S) National Science Foundation;
- (T) Nuclear Regulatory Commission;
- (U) Office of Personnel Management;
- (V) Small Business Administration;
- (W) Social Security Administration; and
- (X) United States Agency for International Development.

(3) **AGENCY IMPLEMENTATION OF CONSOLIDATION PLANS.**—Each agency described in paragraph (2), under the direction of the chief information officer of the agency, shall—

(A) implement the consolidation plan required under paragraph (1)(A)(ii); and

(B) provide to the Administrator annual updates on implementation and cost savings realized through such consolidation plan.

(b) **ADMINISTRATOR REVIEW.**—The Administrator shall—

(1) review the plans submitted under subsection (a) to determine whether each plan is comprehensive and complete;

(2) monitor the implementation of the data center consolidation plan of each agency described in subsection (a)(2); and

(3) update the cumulative cost savings projection on an annual basis as the savings are realized through the implementation of the agency plans.

(c) **COST SAVING GOAL AND UPDATES FOR CONGRESS.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, or by September 30th of fiscal year 2013, whichever is later, the Administrator shall develop and publish a goal for the total amount of planned cost savings by the Federal Government through the Federal Data Center Consolidation Initiative during the 5-year period beginning on the date of enactment of this Act, which shall include a breakdown on a year-by-year basis of the projected savings.

(2) **ANNUAL UPDATE.**—

(A) **IN GENERAL.**—Not later than 1 year after the date on which the goal described in paragraph (1) is determined and each year thereafter until the end of 2017, the Administrator shall publish a report on the actual savings achieved through the Federal Data Center Consolidation Initiative as compared to the projected savings developed under paragraph (1) (based on data collected from each affected agency under subsection (a)(1)).

(B) **UPDATE FOR CONGRESS.**—The report required under subparagraph (A) shall be submitted to Congress and shall include an update on the progress made by each agency described in subsection (a)(2) on—

(i) whether each agency has in fact submitted a comprehensive asset inventory;

(ii) whether each agency has submitted a comprehensive consolidation plan with the key elements described in (a)(1)(A)(ii); and

(iii) the progress, if any, of each agency on implementing the consolidation plan of the agency.

(d) **GAO REVIEW.**—The Comptroller General of the United States shall, on an annual basis, publish a report on—

(1) the quality and completeness of each agency's asset inventory and consolidation plans required under subsection (a)(1)(A);

(2) each agency's progress on implementation of the consolidation plans submitted under subsection (a)(1)(A);

(3) overall planned and actual cost savings realized through implementation of the consolidation plans submitted under subsection (a)(1)(A);

(4) any steps that the Administrator could take to improve implementation of the data center consolidation initiative; and

(5) any matters for Congressional consideration in order to improve or accelerate the implementation of the data center consolidation initiative.

(e) **RESPONSE TO GAO.**—

(1) **IN GENERAL.**—If a report required under subsection (d) identifies any deficiencies or delays in any of the elements described in paragraphs (1) through (5) of subsection (d) for an agency, the head of the agency shall respond in writing to the Comptroller General of the United States, not later than 90 days after the date on which the report is published under subsection (d), with a detailed explanation of how the agency will address the deficiency.

(2) **ADDITIONAL REQUIREMENTS.**—If the Comptroller General identifies an agency that has repeatedly lagged in implementing the data center consolidation initiative, the Comptroller General may require that the

head of the agency submit a statement explaining—

(A) why the agency is having difficulty implementing the initiative; and

(B) what structural or personnel changes are needed within the agency to address the problem.

#### **SEC. 803. ENSURING CYBERSECURITY STANDARDS FOR DATA CENTER CONSOLIDATION AND CLOUD COMPUTING.**

An agency required to implement a data center consolidation plan under this title and migrate to cloud computing shall do so in a manner that is consistent with Federal guidelines on cloud computing security, including—

(1) applicable provisions found within the Federal Risk and Authorization Management Program of the General Service Administration; and

(2) guidance published by the National Institute of Standards and Technology.

#### **SEC. 804. CLASSIFIED INFORMATION.**

The Director of National Intelligence may waive the requirements of this title for any element (or component of an element) of the intelligence community.

#### **SEC. 805. SUNSET.**

This title is repealed effective on October 1, 2017.

**SA 2690.** Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the end of section 104, add the following:

(d) **APPLICATION OF BENEFITS OF CYBERSECURITY PROGRAM TO ENTITIES SUBJECT TO MANDATORY REQUIREMENTS.**—

(1) **IN GENERAL.**—Subject to paragraphs (2) through (4), any entity subject to the jurisdiction of the Federal Energy Regulatory Commission under section 215 of the Federal Power Act (16 U.S.C. 824a) or to any facility subject to cybersecurity measures required by the Nuclear Regulatory Commission under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) shall be entitled to the benefits of certification provided under subsection (c) (other than subsection (c)(1)).

(2) **ELIGIBILITY.**—To be eligible for the benefits of certification described in paragraph (1), an entity or facility shall demonstrate to the Secretary of Energy that it is an entity or facility described in paragraph (1).

(3) **CERTIFIED OWNER OR OPERATOR.**—If the Secretary of Energy determines that an entity or facility is an entity or facility described in paragraph (1), the entity or facility shall be considered a certified owner or operator under this section (other than subsection (c)(1)).

(4) **EFFECT ON OTHER LAWS.**—Nothing in this subsection limits the applicability of any exemption from or limitation of liability or damages that a certified owner may have under any other Federal or State law (including regulations).

(e) **FEDERAL ENERGY LAWS.**—Except as provided in subsection (d), nothing in this Act authorizes the imposition or modification of requirements relating to—

(1)(A) the bulk-power system;

(B) the promulgation or enforcement of reliability standards for the bulk power system (including for cybersecurity protection) by the certified Electric Reliability Organization; or

(C) the approval or enforcement of the standards by the Federal Energy Regulatory

Commission under section 215 of the Federal Power Act (16 U.S.C. 824o); or

(2) nuclear facilities subject to cybersecurity measures required by the Nuclear Regulatory Commission under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.).

**SA 2691.** Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

Strike title I.

**SA 2692.** Mrs. HUTCHISON (for herself, Mr. MCCAIN, Mr. CHAMBLISS, Mr. GRASSLEY, Ms. MURKOWSKI, Mr. COATS, Mr. BURR, and Mr. JOHNSON of Wisconsin) submitted an amendment intended to be proposed by her to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

Beginning on page 1, strike line 4 and all that follows and insert the following:

(a) **SHORT TITLE.**—This Act may be cited as the “Strengthening and Enhancing Cybersecurity by Using Research, Education, Information, and Technology Act of 2012” or “SECURE IT”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

#### **TITLE I—FACILITATING SHARING OF CYBER THREAT INFORMATION**

Sec. 101. Definitions.

Sec. 102. Authorization to share cyber threat information.

Sec. 103. Information sharing by the Federal government.

Sec. 104. Construction.

Sec. 105. Report on implementation.

Sec. 106. Inspector General review.

Sec. 107. Technical amendments.

Sec. 108. Access to classified information.

#### **TITLE II—COORDINATION OF FEDERAL INFORMATION SECURITY POLICY**

Sec. 201. Coordination of Federal information security policy.

Sec. 202. Management of information technology.

Sec. 203. No new funding.

Sec. 204. Technical and conforming amendments.

Sec. 205. Clarification of authorities.

#### **TITLE III—CRIMINAL PENALTIES**

Sec. 301. Penalties for fraud and related activity in connection with computers.

Sec. 302. Trafficking in passwords.

Sec. 303. Conspiracy and attempted computer fraud offenses.

Sec. 304. Criminal and civil forfeiture for fraud and related activity in connection with computers.

Sec. 305. Damage to critical infrastructure computers.

Sec. 306. Limitation on actions involving unauthorized use.

Sec. 307. No new funding.

#### **TITLE IV—CYBERSECURITY RESEARCH AND DEVELOPMENT**

Sec. 401. National High-Performance Computing Program planning and coordination.

Sec. 402. Research in areas of national importance.

Sec. 403. Program improvements.

Sec. 404. Improving education of networking and information technology, including high performance computing.

Sec. 405. Conforming and technical amendments to the High-Performance Computing Act of 1991.

Sec. 406. Federal cyber scholarship-for-service program.

Sec. 407. Study and analysis of certification and training of information infrastructure professionals.

Sec. 408. International cybersecurity technical standards.

Sec. 409. Identity management research and development.

Sec. 410. Federal cybersecurity research and development.

#### **TITLE I—FACILITATING SHARING OF CYBER THREAT INFORMATION**

##### **SEC. 101. DEFINITIONS.**

In this title:

(1) **AGENCY.**—The term “agency” has the meaning given the term in section 3502 of title 44, United States Code.

(2) **ANTITRUST LAWS.**—The term “antitrust laws” —

(A) has the meaning given the term in section 1(a) of the Clayton Act (15 U.S.C. 12(a));

(B) includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent that section 5 of that Act applies to unfair methods of competition; and

(C) includes any State law that has the same intent and effect as the laws under subparagraphs (A) and (B).

(3) **COUNTERMEASURE.**—The term “countermeasure” means an automated or a manual action with defensive intent to mitigate cyber threats.

(4) **CYBER THREAT INFORMATION.**—The term “cyber threat information” means information that indicates or describes—

(A) a technical or operation vulnerability or a cyber threat mitigation measure;

(B) an action or operation to mitigate a cyber threat;

(C) malicious reconnaissance, including anomalous patterns of network activity that appear to be transmitted for the purpose of gathering technical information related to a cybersecurity threat;

(D) a method of defeating a technical control;

(E) a method of defeating an operational control;

(F) network activity or protocols known to be associated with a malicious cyber actor or that signify malicious cyber intent;

(G) a method of causing a user with legitimate access to an information system or information that is stored on, processed by, or transiting an information system to inadvertently enable the defeat of a technical or operational control;

(H) any other attribute of a cybersecurity threat or cyber defense information that would foster situational awareness of the United States cybersecurity posture, if disclosure of such attribute or information is not otherwise prohibited by law;

(I) the actual or potential harm caused by a cyber incident, including information exfiltrated when it is necessary in order to identify or describe a cybersecurity threat; or

(J) any combination of subparagraphs (A) through (I).

(5) **CYBERSECURITY CENTER.**—The term “cybersecurity center” means the Department of Defense Cyber Crime Center, the Intelligence Community Incident Response Center, the United States Cyber Command Joint

Operations Center, the National Cyber Investigative Joint Task Force, the National Security Agency/Central Security Service Threat Operations Center, the National Cybersecurity and Communications Integration Center, and any successor center.

(6) **CYBERSECURITY SYSTEM.**—The term “cybersecurity system” means a system designed or employed to ensure the integrity, confidentiality, or availability of, or to safeguard, a system or network, including measures intended to protect a system or network from—

(A) efforts to degrade, disrupt, or destroy such system or network; or

(B) theft or misappropriations of private or government information, intellectual property, or personally identifiable information.

(7) **ENTITY.**—

(A) **IN GENERAL.**—The term “entity” means any private entity, non-Federal government agency or department, or State, tribal, or local government agency or department (including an officer, employee, or agent thereof).

(B) **INCLUSIONS.**—The term “entity” includes a government agency or department (including an officer, employee, or agent thereof) of the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and any other territory or possession of the United States.

(8) **FEDERAL INFORMATION SYSTEM.**—The term “Federal information system” means an information system of a Federal department or agency used or operated by an executive agency, by a contractor of an executive agency, or by another organization on behalf of an executive agency.

(9) **INFORMATION SECURITY.**—The term “information security” means protecting information and information systems from disruption or unauthorized access, use, disclosure, modification, or destruction in order to provide—

(A) integrity, by guarding against improper information modification or destruction, including by ensuring information non-repudiation and authenticity;

(B) confidentiality, by preserving authorized restrictions on access and disclosure, including means for protecting personal privacy and proprietary information; or

(C) availability, by ensuring timely and reliable access to and use of information.

(10) **INFORMATION SYSTEM.**—The term “information system” has the meaning given the term in section 3502 of title 44, United States Code.

(11) **LOCAL GOVERNMENT.**—The term “local government” means any borough, city, county, parish, town, township, village, or other general purpose political subdivision of a State.

(12) **MALICIOUS RECONNAISSANCE.**—The term “malicious reconnaissance” means a method for actively probing or passively monitoring an information system for the purpose of discerning technical vulnerabilities of the information system, if such method is associated with a known or suspected cybersecurity threat.

(13) **OPERATIONAL CONTROL.**—The term “operational control” means a security control for an information system that primarily is implemented and executed by people.

(14) **OPERATIONAL VULNERABILITY.**—The term “operational vulnerability” means any attribute of policy, process, or procedure that could enable or facilitate the defeat of an operational control.

(15) **PRIVATE ENTITY.**—The term “private entity” means any individual or any private

group, organization, or corporation, including an officer, employee, or agent thereof.

(16) **SIGNIFICANT CYBER INCIDENT.**—The term “significant cyber incident” means a cyber incident resulting in, or an attempted cyber incident that, if successful, would have resulted in—

(A) the exfiltration from a Federal information system of data that is essential to the operation of the Federal information system; or

(B) an incident in which an operational or technical control essential to the security or operation of a Federal information system was defeated.

(17) **TECHNICAL CONTROL.**—The term “technical control” means a hardware or software restriction on, or audit of, access or use of an information system or information that is stored on, processed by, or transiting an information system that is intended to ensure the confidentiality, integrity, or availability of that system.

(18) **TECHNICAL VULNERABILITY.**—The term “technical vulnerability” means any attribute of hardware or software that could enable or facilitate the defeat of a technical control.

(19) **TRIBAL.**—The term “tribal” has the meaning given the term “Indian tribe” in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

## **SEC. 102. AUTHORIZATION TO SHARE CYBER THREAT INFORMATION.**

(a) **VOLUNTARY DISCLOSURE.**—

(1) **PRIVATE ENTITIES.**—Notwithstanding any other provision of law, a private entity may, for the purpose of preventing, investigating, or otherwise mitigating threats to information security, on its own networks, or as authorized by another entity, on such entity's networks, employ countermeasures and use cybersecurity systems in order to obtain, identify, or otherwise possess cyber threat information.

(2) **ENTITIES.**—Notwithstanding any other provision of law, an entity may disclose cyber threat information to—

(A) a cybersecurity center; or

(B) any other entity in order to assist with preventing, investigating, or otherwise mitigating threats to information security.

(3) **INFORMATION SECURITY PROVIDERS.**—If the cyber threat information described in paragraph (1) is obtained, identified, or otherwise possessed in the course of providing information security products or services under contract to another entity, that entity shall be given, at any time prior to disclosure of such information, a reasonable opportunity to authorize or prevent such disclosure, to request anonymization of such information, or to request that reasonable efforts be made to safeguard such information that identifies specific persons from unauthorized access or disclosure.

(b) **SIGNIFICANT CYBER INCIDENTS INVOLVING FEDERAL INFORMATION SYSTEMS.**—

(1) **IN GENERAL.**—An entity providing electronic communication services, remote computing services, or information security services to a Federal department or agency shall inform the Federal department or agency of a significant cyber incident involving the Federal information system of that Federal department or agency that—

(A) is directly known to the entity as a result of providing such services;

(B) is directly related to the provision of such services by the entity; and

(C) as determined by the entity, has impeded or will impede the performance of a critical mission of the Federal department or agency.

(2) **ADVANCE COORDINATION.**—A Federal department or agency receiving the services described in paragraph (1) shall coordinate in advance with an entity described in paragraph (1) to develop the parameters of any information that may be provided under paragraph (1), including clarification of the type of significant cyber incident that will impede the performance of a critical mission of the Federal department or agency.

(3) **REPORT.**—A Federal department or agency shall report information provided under this subsection to a cybersecurity center.

(4) **CONSTRUCTION.**—Any information provided to a cybersecurity center under paragraph (3) shall be treated in the same manner as information provided to a cybersecurity center under subsection (a).

(c) **INFORMATION SHARED WITH OR PROVIDED TO A CYBERSECURITY CENTER.**—Cyber threat information provided to a cybersecurity center under this section—

(1) may be disclosed to, retained by, and used by, consistent with otherwise applicable Federal law, any Federal agency or department, component, officer, employee, or agent of the Federal government for a cybersecurity purpose, a national security purpose, or in order to prevent, investigate, or prosecute any of the offenses listed in section 2516 of title 18, United States Code, and such information shall not be disclosed to, retained by, or used by any Federal agency or department for any use not permitted under this paragraph;

(2) may, with the prior written consent of the entity submitting such information, be disclosed to and used by a State, tribal, or local government or government agency for the purpose of protecting information systems, or in furtherance of preventing, investigating, or prosecuting a criminal act, except that if the need for immediate disclosure prevents obtaining written consent, such consent may be provided orally with subsequent documentation of such consent;

(3) shall be considered the commercial, financial, or proprietary information of the entity providing such information to the Federal government and any disclosure outside the Federal government may only be made upon the prior written consent by such entity and shall not constitute a waiver of any applicable privilege or protection provided by law, except that if the need for immediate disclosure prevents obtaining written consent, such consent may be provided orally with subsequent documentation of such consent;

(4) shall be deemed voluntarily shared information and exempt from disclosure under section 552 of title 5, United States Code, and any State, tribal, or local law requiring disclosure of information or records;

(5) shall be, without discretion, withheld from the public under section 552(b)(3)(B) of title 5, United States Code, and any State, tribal, or local law requiring disclosure of information or records;

(6) shall not be subject to the rules of any Federal agency or department or any judicial doctrine regarding ex parte communications with a decision-making official;

(7) shall not, if subsequently provided to a State, tribal, or local government or government agency, otherwise be disclosed or distributed to any entity by such State, tribal, or local government or government agency without the prior written consent of the entity submitting such information, notwithstanding any State, tribal, or local law requiring disclosure of information or records, except that if the need for immediate disclosure

prevents obtaining written consent, such consent may be provided orally with subsequent documentation of such consent; and

(8) shall not be directly used by any Federal, State, tribal, or local department or agency to regulate the lawful activities of an entity, including activities relating to obtaining, identifying, or otherwise possessing cyber threat information, except that the procedures required to be developed and implemented under this title shall not be considered regulations within the meaning of this paragraph.

(d) **PROCEDURES RELATING TO INFORMATION SHARING WITH A CYBERSECURITY CENTER.**—Not later than 60 days after the date of enactment of this Act, the heads of each department or agency containing a cybersecurity center shall jointly develop, promulgate, and submit to Congress procedures to ensure that cyber threat information shared with or provided to—

(1) a cybersecurity center under this section—

(A) may be submitted to a cybersecurity center by an entity, to the greatest extent possible, through a uniform, publicly available process or format that is easily accessible on the website of such cybersecurity center, and that includes the ability to provide relevant details about the cyber threat information and written consent to any subsequent disclosures authorized by this paragraph;

(B) shall immediately be further shared with each cybersecurity center in order to prevent, investigate, or otherwise mitigate threats to information security across the Federal government;

(C) is handled by the Federal government in a reasonable manner, including consideration of the need to protect the privacy and civil liberties of individuals through anonymization or other appropriate methods, while fully accomplishing the objectives of this title, and the Federal government may undertake efforts consistent with this subparagraph to limit the impact on privacy and civil liberties of the sharing of cyber threat information with the Federal government; and

(D) except as provided in this section, shall only be used, disclosed, or handled in accordance with the provisions of subsection (c); and

(2) a Federal agency or department under subsection (b) is provided immediately to a cybersecurity center in order to prevent, investigate, or otherwise mitigate threats to information security across the Federal government.

(e) **INFORMATION SHARED BETWEEN ENTITIES.**—

(1) **IN GENERAL.**—An entity sharing cyber threat information with another entity under this title may restrict the use or sharing of such information by such other entity.

(2) **FURTHER SHARING.**—Cyber threat information shared by any entity with another entity under this title—

(A) shall only be further shared in accordance with any restrictions placed on the sharing of such information by the entity authorizing such sharing, such as appropriate anonymization of such information; and

(B) may not be used by any entity to gain an unfair competitive advantage to the detriment of the entity authorizing the sharing of such information, except that the conduct described in paragraph (3) shall not constitute unfair competitive conduct.

(3) **INFORMATION SHARED WITH STATE, TRIBAL, OR LOCAL GOVERNMENT OR GOVERNMENT**



AGENCY.—Cyber threat information shared with a State, tribal, or local government or government agency under this title—

(A) may, with the prior written consent of the entity sharing such information, be disclosed to and used by a State, tribal, or local government or government agency for the purpose of protecting information systems, or in furtherance of preventing, investigating, or prosecuting a criminal act, except if the need for immediate disclosure prevents obtaining written consent, consent may be provided orally with subsequent documentation of the consent;

(B) shall be deemed voluntarily shared information and exempt from disclosure under any State, tribal, or local law requiring disclosure of information or records;

(C) shall not be disclosed or distributed to any entity by the State, tribal, or local government or government agency without the prior written consent of the entity submitting such information, notwithstanding any State, tribal, or local law requiring disclosure of information or records, except if the need for immediate disclosure prevents obtaining written consent, consent may be provided orally with subsequent documentation of the consent; and

(D) shall not be directly used by any State, tribal, or local department or agency to regulate the lawful activities of an entity, including activities relating to obtaining, identifying, or otherwise possessing cyber threat information, except that the procedures required to be developed and implemented under this title shall not be considered regulations within the meaning of this subparagraph.

(4) ANTITRUST EXEMPTION.—The exchange or provision of cyber threat information or assistance between 2 or more private entities under this title shall not be considered a violation of any provision of antitrust laws if exchanged or provided in order to assist with—

(A) facilitating the prevention, investigation, or mitigation of threats to information security; or

(B) communicating or disclosing of cyber threat information to help prevent, investigate or otherwise mitigate the effects of a threat to information security.

(5) NO RIGHT OR BENEFIT.—The provision of cyber threat information to an entity under this section shall not create a right or a benefit to similar information by such entity or any other entity.

(f) FEDERAL PREEMPTION.—

(1) IN GENERAL.—This section supersedes any statute or other law of a State or political subdivision of a State that restricts or otherwise expressly regulates an activity authorized under this section.

(2) STATE LAW ENFORCEMENT.—Nothing in this section shall be construed to supersede any statute or other law of a State or political subdivision of a State concerning the use of authorized law enforcement techniques.

(3) PUBLIC DISCLOSURE.—No information shared with or provided to a State, tribal, or local government or government agency pursuant to this section shall be made publicly available pursuant to any State, tribal, or local law requiring disclosure of information or records.

(g) CIVIL AND CRIMINAL LIABILITY.—

(1) GENERAL PROTECTIONS.—

(A) PRIVATE ENTITIES.—No cause of action shall lie or be maintained in any court against any private entity for—

(i) the use of countermeasures and cybersecurity systems as authorized by this title;

(ii) the use, receipt, or disclosure of any cyber threat information as authorized by this title; or

(iii) the subsequent actions or inactions of any lawful recipient of cyber threat information provided by such private entity.

(B) ENTITIES.—No cause of action shall lie or be maintained in any court against any entity for—

(i) the use, receipt, or disclosure of any cyber threat information as authorized by this title; or

(ii) the subsequent actions or inactions of any lawful recipient of cyber threat information provided by such entity.

(2) CONSTRUCTION.—Nothing in this subsection shall be construed as creating any immunity against, or otherwise affecting, any action brought by the Federal government, or any agency or department thereof, to enforce any law, executive order, or procedure governing the appropriate handling, disclosure, and use of classified information.

(h) OTHERWISE LAWFUL DISCLOSURES.—Nothing in this section shall be construed to limit or prohibit otherwise lawful disclosures of communications, records, or other information by a private entity to any other governmental or private entity not covered under this section.

(i) WHISTLEBLOWER PROTECTION.—Nothing in this Act shall be construed to preempt or preclude any employee from exercising rights currently provided under any whistleblower law, rule, or regulation.

(j) RELATIONSHIP TO OTHER LAWS.—The submission of cyber threat information under this section to a cybersecurity center shall not affect any requirement under any other provision of law for an entity to provide information to the Federal government.

#### SEC. 103. INFORMATION SHARING BY THE FEDERAL GOVERNMENT.

(a) CLASSIFIED INFORMATION.—

(1) PROCEDURES.—Consistent with the protection of intelligence sources and methods, and as otherwise determined appropriate, the Director of National Intelligence and the Secretary of Defense, in consultation with the heads of the appropriate Federal departments or agencies, shall develop and promulgate procedures to facilitate and promote—

(A) the immediate sharing, through the cybersecurity centers, of classified cyber threat information in the possession of the Federal government with appropriately cleared representatives of any appropriate entity; and

(B) the declassification and immediate sharing, through the cybersecurity centers, with any entity or, if appropriate, public availability of cyber threat information in the possession of the Federal government;

(2) HANDLING OF CLASSIFIED INFORMATION.—The procedures developed under paragraph (1) shall ensure that each entity receiving classified cyber threat information pursuant to this section has acknowledged in writing the ongoing obligation to comply with all laws, executive orders, and procedures concerning the appropriate handling, disclosure, or use of classified information.

(b) UNCLASSIFIED CYBER THREAT INFORMATION.—The heads of each department or agency containing a cybersecurity center shall jointly develop and promulgate procedures that ensure that, consistent with the provisions of this section, unclassified, including controlled unclassified, cyber threat information in the possession of the Federal government—

(1) is shared, through the cybersecurity centers, in an immediate and adequate manner with appropriate entities; and

(2) if appropriate, is made publicly available.

(c) DEVELOPMENT OF PROCEDURES.—

(1) IN GENERAL.—The procedures developed under this section shall incorporate, to the greatest extent possible, existing processes utilized by sector specific information sharing and analysis centers.

(2) COORDINATION WITH ENTITIES.—In developing the procedures required under this section, the Director of National Intelligence and the heads of each department or agency containing a cybersecurity center shall coordinate with appropriate entities to ensure that protocols are implemented that will facilitate and promote the sharing of cyber threat information by the Federal government.

(d) ADDITIONAL RESPONSIBILITIES OF CYBERSECURITY CENTERS.—Consistent with section 102, a cybersecurity center shall—

(1) facilitate information sharing, interaction, and collaboration among and between cybersecurity centers and—

(A) other Federal entities;

(B) any entity; and

(C) international partners, in consultation with the Secretary of State;

(2) disseminate timely and actionable cybersecurity threat, vulnerability, mitigation, and warning information, including alerts, advisories, indicators, signatures, and mitigation and response measures, to improve the security and protection of information systems; and

(3) coordinate with other Federal entities, as appropriate, to integrate information from across the Federal government to provide situational awareness of the cybersecurity posture of the United States.

(e) SHARING WITHIN THE FEDERAL GOVERNMENT.—The heads of appropriate Federal departments and agencies shall ensure that cyber threat information in the possession of such Federal departments or agencies that relates to the prevention, investigation, or mitigation of threats to information security across the Federal government is shared effectively with the cybersecurity centers.

(f) SUBMISSION TO CONGRESS.—Not later than 60 days after the date of enactment of this Act, the Director of National Intelligence, in coordination with the appropriate head of a department or an agency containing a cybersecurity center, shall submit the procedures required by this section to Congress.

#### SEC. 104. CONSTRUCTION.

(a) INFORMATION SHARING RELATIONSHIPS.—Nothing in this title shall be construed—

(1) to limit or modify an existing information sharing relationship;

(2) to prohibit a new information sharing relationship;

(3) to require a new information sharing relationship between any entity and the Federal government, except as specified under section 102(b); or

(4) to modify the authority of a department or agency of the Federal government to protect sources and methods and the national security of the United States.

(b) ANTI-TASKING RESTRICTION.—Nothing in this title shall be construed to permit the Federal government—

(1) to require an entity to share information with the Federal government, except as expressly provided under section 102(b); or

(2) to condition the sharing of cyber threat information with an entity on such entity's provision of cyber threat information to the Federal government.

(c) NO LIABILITY FOR NON-PARTICIPATION.—Nothing in this title shall be construed to

subject any entity to liability for choosing not to engage in the voluntary activities authorized under this title.

(d) **USE AND RETENTION OF INFORMATION.**—Nothing in this title shall be construed to authorize, or to modify any existing authority of, a department or agency of the Federal government to retain or use any information shared under section 102 for any use other than a use permitted under section 102(c)(1).

(e) **NO NEW FUNDING.**—An applicable Federal agency shall carry out the provisions of this title with existing facilities and funds otherwise available, through such means as the head of the agency considers appropriate.

#### **SEC. 105. REPORT ON IMPLEMENTATION.**

(a) **CONTENT OF REPORT.**—Not later than 1 year after the date of enactment of this Act, and biennially thereafter, the heads of each department or agency containing a cybersecurity center shall jointly submit, in coordination with the privacy and civil liberties officials of such departments or agencies and the Privacy and Civil Liberties Oversight Board, a detailed report to Congress concerning the implementation of this title, including—

(1) an assessment of the sufficiency of the procedures developed under section 103 of this Act in ensuring that cyber threat information in the possession of the Federal government is provided in an immediate and adequate manner to appropriate entities or, if appropriate, is made publicly available;

(2) an assessment of whether information has been appropriately classified and an accounting of the number of security clearances authorized by the Federal government for purposes of this title;

(3) a review of the type of cyber threat information shared with a cybersecurity center under section 102 of this Act, including whether such information meets the definition of cyber threat information under section 101, the degree to which such information may impact the privacy and civil liberties of individuals, any appropriate metrics to determine any impact of the sharing of such information with the Federal government on privacy and civil liberties, and the adequacy of any steps taken to reduce such impact;

(4) a review of actions taken by the Federal government based on information provided to a cybersecurity center under section 102 of this Act, including the appropriateness of any subsequent use under section 102(c)(1) of this Act and whether there was inappropriate stovepiping within the Federal government of any such information;

(5) a description of any violations of the requirements of this title by the Federal government;

(6) a classified list of entities that received classified information from the Federal government under section 103 of this Act and a description of any indication that such information may not have been appropriately handled;

(7) a summary of any breach of information security, if known, attributable to a specific failure by any entity or the Federal government to act on cyber threat information in the possession of such entity or the Federal government that resulted in substantial economic harm or injury to a specific entity or the Federal government; and

(8) any recommendation for improvements or modifications to the authorities under this title.

(b) **FORM OF REPORT.**—The report under subsection (a) shall be submitted in unclassified form, but shall include a classified annex.

#### **SEC. 106. INSPECTOR GENERAL REVIEW.**

(a) **IN GENERAL.**—The Council of the Inspectors General on Integrity and Efficiency are authorized to review compliance by the cybersecurity centers, and by any Federal department or agency receiving cyber threat information from such cybersecurity centers, with the procedures required under section 102 of this Act.

(b) **SCOPE OF REVIEW.**—The review under subsection (a) shall consider whether the Federal government has handled such cyber threat information in a reasonable manner, including consideration of the need to protect the privacy and civil liberties of individuals through anonymization or other appropriate methods, while fully accomplishing the objectives of this title.

(c) **REPORT TO CONGRESS.**—Each review conducted under this section shall be provided to Congress not later than 30 days after the date of completion of the review.

#### **SEC. 107. TECHNICAL AMENDMENTS.**

Section 552(b) of title 5, United States Code, is amended—

(1) in paragraph (8), by striking “or”;

(2) in paragraph (9), by striking “wells.” and inserting “wells; or”;

(3) by adding at the end the following:

“(10) information shared with or provided to a cybersecurity center under section 102 of title I of the Strengthening and Enhancing Cybersecurity by Using Research, Education, Information, and Technology Act of 2012.”.

#### **SEC. 108. ACCESS TO CLASSIFIED INFORMATION.**

(a) **AUTHORIZATION REQUIRED.**—No person shall be provided with access to classified information (as defined in section 6.1 of Executive Order 13526 (50 U.S.C. 435 note; relating to classified national security information)) relating to cyber security threats or cyber security vulnerabilities under this title without the appropriate security clearances.

(b) **SECURITY CLEARANCES.**—The appropriate Federal agencies or departments shall, consistent with applicable procedures and requirements, and if otherwise deemed appropriate, assist an individual in timely obtaining an appropriate security clearance where such individual has been determined to be eligible for such clearance and has a need-to-know (as defined in section 6.1 of that Executive Order) classified information to carry out this title.

### **TITLE II—COORDINATION OF FEDERAL INFORMATION SECURITY POLICY**

#### **SEC. 201. COORDINATION OF FEDERAL INFORMATION SECURITY POLICY.**

(a) **IN GENERAL.**—Chapter 35 of title 44, United States Code, is amended by striking subchapters II and III and inserting the following:

#### **“SUBCHAPTER II—INFORMATION SECURITY**

##### **“§ 3551. Purposes**

“The purposes of this subchapter are—

“(1) to provide a comprehensive framework for ensuring the effectiveness of information security controls over information resources that support Federal operations and assets;

“(2) to recognize the highly networked nature of the current Federal computing environment and provide effective government-wide management of policies, directives, standards, and guidelines, as well as effective and nimble oversight of and response to information security risks, including coordination of information security efforts throughout the Federal civilian, national security, and law enforcement communities;

“(3) to provide for development and maintenance of controls required to protect agency information and information systems and

contribute to the overall improvement of agency information security posture;

“(4) to provide for the development of tools and methods to assess and respond to real-time situational risk for Federal information system operations and assets; and

“(5) to provide a mechanism for improving agency information security programs through continuous monitoring of agency information systems and streamlined reporting requirements rather than overly prescriptive manual reporting.

##### **“§ 3552. Definitions**

“In this subchapter:

“(1) **ADEQUATE SECURITY.**—The term ‘adequate security’ means security commensurate with the risk and magnitude of the harm resulting from the unauthorized access to or loss, misuse, destruction, or modification of information.

“(2) **AGENCY.**—The term ‘agency’ has the meaning given the term in section 3502 of title 44.

“(3) **CYBERSECURITY CENTER.**—The term ‘cybersecurity center’ means the Department of Defense Cyber Crime Center, the Intelligence Community Incident Response Center, the United States Cyber Command Joint Operations Center, the National Cyber Investigative Joint Task Force, the National Security Agency/Central Security Service Threat Operations Center, the National Cybersecurity and Communications Integration Center, and any successor center.

“(4) **CYBER THREAT INFORMATION.**—The term ‘cyber threat information’ means information that indicates or describes—

“(A) a technical or operation vulnerability or a cyber threat mitigation measure;

“(B) an action or operation to mitigate a cyber threat;

“(C) malicious reconnaissance, including anomalous patterns of network activity that appear to be transmitted for the purpose of gathering technical information related to a cybersecurity threat;

“(D) a method of defeating a technical control;

“(E) a method of defeating an operational control;

“(F) network activity or protocols known to be associated with a malicious cyber actor or that signify malicious cyber intent;

“(G) a method of causing a user with legitimate access to an information system or information that is stored on, processed by, or transiting an information system to inadvertently enable the defeat of a technical or operational control;

“(H) any other attribute of a cybersecurity threat or cyber defense information that would foster situational awareness of the United States cybersecurity posture, if disclosure of such attribute or information is not otherwise prohibited by law;

“(I) the actual or potential harm caused by a cyber incident, including information exfiltrated when it is necessary in order to identify or describe a cybersecurity threat; or

“(J) any combination of subparagraphs (A) through (I).

“(5) **DIRECTOR.**—The term ‘Director’ means the Director of the Office of Management and Budget unless otherwise specified.

“(6) **ENVIRONMENT OF OPERATION.**—The term ‘environment of operation’ means the information system and environment in which those systems operate, including changing threats, vulnerabilities, technologies, and missions and business practices.

“(7) **FEDERAL INFORMATION SYSTEM.**—The term ‘Federal information system’ means an

information system used or operated by an executive agency, by a contractor of an executive agency, or by another organization on behalf of an executive agency.

“(8) INCIDENT.—The term ‘incident’ means an occurrence that—

“(A) actually or imminently jeopardizes the integrity, confidentiality, or availability of an information system or the information that system controls, processes, stores, or transmits; or

“(B) constitutes a violation of law or an imminent threat of violation of a law, a security policy, a security procedure, or an acceptable use policy.

“(9) INFORMATION RESOURCES.—The term ‘information resources’ has the meaning given the term in section 3502 of title 44.

“(10) INFORMATION SECURITY.—The term ‘information security’ means protecting information and information systems from disruption or unauthorized access, use, disclosure, modification, or destruction in order to provide—

“(A) integrity, by guarding against improper information modification or destruction, including by ensuring information non-repudiation and authenticity;

“(B) confidentiality, by preserving authorized restrictions on access and disclosure, including means for protecting personal privacy and proprietary information; or

“(C) availability, by ensuring timely and reliable access to and use of information.

“(11) INFORMATION SYSTEM.—The term ‘information system’ has the meaning given the term in section 3502 of title 44.

“(12) INFORMATION TECHNOLOGY.—The term ‘information technology’ has the meaning given the term in section 11101 of title 40.

“(13) MALICIOUS RECONNAISSANCE.—The term ‘malicious reconnaissance’ means a method for actively probing or passively monitoring an information system for the purpose of discerning technical vulnerabilities of the information system, if such method is associated with a known or suspected cybersecurity threat.

“(14) NATIONAL SECURITY SYSTEM.—

“(A) IN GENERAL.—The term ‘national security system’ means any information system (including any telecommunications system) used or operated by an agency or by a contractor of an agency, or other organization on behalf of an agency—

“(i) the function, operation, or use of which—

“(I) involves intelligence activities;

“(II) involves cryptologic activities related to national security;

“(III) involves command and control of military forces;

“(IV) involves equipment that is an integral part of a weapon or weapons system; or

“(V) subject to subparagraph (B), is critical to the direct fulfillment of military or intelligence missions; or

“(ii) is protected at all times by procedures established for information that have been specifically authorized under criteria established by an Executive Order or an Act of Congress to be kept classified in the interest of national defense or foreign policy.

“(B) LIMITATION.—Subparagraph (A)(i)(V) does not include a system that is to be used for routine administrative and business applications (including payroll, finance, logistics, and personnel management applications).

“(15) OPERATIONAL CONTROL.—The term ‘operational control’ means a security control for an information system that primarily is implemented and executed by people.

“(16) PERSON.—The term ‘person’ has the meaning given the term in section 3502 of title 44.

“(17) SECRETARY.—The term ‘Secretary’ means the Secretary of Commerce unless otherwise specified.

“(18) SECURITY CONTROL.—The term ‘security control’ means the management, operational, and technical controls, including safeguards or countermeasures, prescribed for an information system to protect the confidentiality, integrity, and availability of the system and its information.

“(19) SIGNIFICANT CYBER INCIDENT.—The term ‘significant cyber incident’ means a cyber incident resulting in, or an attempted cyber incident that, if successful, would have resulted in—

“(A) the exfiltration from a Federal information system of data that is essential to the operation of the Federal information system; or

“(B) an incident in which an operational or technical control essential to the security or operation of a Federal information system was defeated.

“(20) TECHNICAL CONTROL.—The term ‘technical control’ means a hardware or software restriction on, or audit of, access or use of an information system or information that is stored on, processed by, or transiting an information system that is intended to ensure the confidentiality, integrity, or availability of that system.

#### **“§ 3553. Federal information security authority and coordination**

“(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Homeland Security, shall—

“(1) issue compulsory and binding policies and directives governing agency information security operations, and require implementation of such policies and directives, including—

“(A) policies and directives consistent with the standards and guidelines promulgated under section 11331 of title 40 to identify and provide information security protections prioritized and commensurate with the risk and impact resulting from the unauthorized access, use, disclosure, disruption, modification, or destruction of—

“(i) information collected or maintained by or on behalf of an agency; or

“(ii) information systems used or operated by an agency or by a contractor of an agency or other organization on behalf of an agency;

“(B) minimum operational requirements for Federal Government to protect agency information systems and provide common situational awareness across all agency information systems;

“(C) reporting requirements, consistent with relevant law, regarding information security incidents and cyber threat information;

“(D) requirements for agencywide information security programs;

“(E) performance requirements and metrics for the security of agency information systems;

“(F) training requirements to ensure that agencies are able to fully and timely comply with the policies and directives issued by the Secretary under this subchapter;

“(G) training requirements regarding privacy, civil rights, and civil liberties, and information oversight for agency information security personnel;

“(H) requirements for the annual reports to the Secretary under section 3554(d);

“(I) any other information security operations or information security requirements

as determined by the Secretary in coordination with relevant agency heads; and

“(J) coordinating the development of standards and guidelines under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3) with agencies and offices operating or exercising control of national security systems (including the National Security Agency) to assure, to the maximum extent feasible, that such standards and guidelines are complementary with standards and guidelines developed for national security systems;

“(2) review the agencywide information security programs under section 3554; and

“(3) designate an individual or an entity at each cybersecurity center, among other responsibilities—

“(A) to receive reports and information about information security incidents, cyber threat information, and deterioration of security control affecting agency information systems; and

“(B) to act on or share the information under subparagraph (A) in accordance with this subchapter.

“(b) CONSIDERATIONS.—When issuing policies and directives under subsection (a), the Secretary shall consider any applicable standards or guidelines developed by the National Institute of Standards and Technology under section 11331 of title 40.

“(c) LIMITATION OF AUTHORITY.—The authorities of the Secretary under this section shall not apply to national security systems. Information security policies, directives, standards and guidelines for national security systems shall be overseen as directed by the President and, in accordance with that direction, carried out under the authority of the heads of agencies that operate or exercise authority over such national security systems.

“(d) STATUTORY CONSTRUCTION.—Nothing in this subchapter shall be construed to alter or amend any law regarding the authority of any head of an agency over such agency.

#### **“§ 3554. Agency responsibilities**

“(a) IN GENERAL.—The head of each agency shall—

“(1) be responsible for—

“(A) complying with the policies and directives issued under section 3553;

“(B) providing information security protections commensurate with the risk resulting from unauthorized access, use, disclosure, disruption, modification, or destruction of—

“(i) information collected or maintained by the agency or by a contractor of an agency or other organization on behalf of an agency; and

“(ii) information systems used or operated by an agency or by a contractor of an agency or other organization on behalf of an agency;

“(C) complying with the requirements of this subchapter, including—

“(i) information security standards and guidelines promulgated under section 11331 of title 40;

“(ii) for any national security systems operated or controlled by that agency, information security policies, directives, standards and guidelines issued as directed by the President; and

“(iii) for any non-national security systems operated or controlled by that agency, information security policies, directives, standards and guidelines issued under section 3553;

“(D) ensuring that information security management processes are integrated with agency strategic and operational planning processes;

“(E) reporting and sharing, for an agency operating or exercising control of a national security system, information about information security incidents, cyber threat information, and deterioration of security controls to the individual or entity designated at each cybersecurity center and to other appropriate entities consistent with policies and directives for national security systems issued as directed by the President; and

“(F) reporting and sharing, for those agencies operating or exercising control of non-national security systems, information about information security incidents, cyber threat information, and deterioration of security controls to the individual or entity designated at each cybersecurity center and to other appropriate entities consistent with policies and directives for non-national security systems as prescribed under section 3553(a), including information to assist the entity designated under section 3555(a) with the ongoing security analysis under section 3555;

“(2) ensure that each senior agency official provides information security for the information and information systems that support the operations and assets under the senior agency official’s control, including by—

“(A) assessing the risk and impact that could result from the unauthorized access, use, disclosure, disruption, modification, or destruction of such information or information systems;

“(B) determining the level of information security appropriate to protect such information and information systems in accordance with policies and directives issued under section 3553(a), and standards and guidelines promulgated under section 11331 of title 40 for information security classifications and related requirements;

“(C) implementing policies, procedures, and capabilities to reduce risks to an acceptable level in a cost-effective manner;

“(D) actively monitoring the effective implementation of information security controls and techniques; and

“(E) reporting information about information security incidents, cyber threat information, and deterioration of security controls in a timely and adequate manner to the entity designated under section 3553(a)(3) in accordance with paragraph (1);

“(3) assess and maintain the resiliency of information technology systems critical to agency mission and operations;

“(4) designate the agency Inspector General (or an independent entity selected in consultation with the Director and the Council of Inspectors General on Integrity and Efficiency if the agency does not have an Inspector General) to conduct the annual independent evaluation required under section 3556, and allow the agency Inspector General to contract with an independent entity to perform such evaluation;

“(5) delegate to the Chief Information Officer or equivalent (or to a senior agency official who reports to the Chief Information Officer or equivalent)—

“(A) the authority and primary responsibility to implement an agencywide information security program; and

“(B) the authority to provide information security for the information collected and maintained by the agency (or by a contractor, other agency, or other source on behalf of the agency) and for the information systems that support the operations, assets, and mission of the agency (including any information system provided or managed by a contractor, other agency, or other source on behalf of the agency);

“(6) delegate to the appropriate agency official (who is responsible for a particular agency system or subsystem) the responsibility to ensure and enforce compliance with all requirements of the agency’s agencywide information security program in coordination with the Chief Information Officer or equivalent (or the senior agency official who reports to the Chief Information Officer or equivalent) under paragraph (5);

“(7) ensure that an agency has trained personnel who have obtained any necessary security clearances to permit them to assist the agency in complying with this subchapter;

“(8) ensure that the Chief Information Officer or equivalent (or the senior agency official who reports to the Chief Information Officer or equivalent) under paragraph (5), in coordination with other senior agency officials, reports to the agency head on the effectiveness of the agencywide information security program, including the progress of any remedial actions; and

“(9) ensure that the Chief Information Officer or equivalent (or the senior agency official who reports to the Chief Information Officer or equivalent) under paragraph (5) has the necessary qualifications to administer the functions described in this subchapter and has information security duties as a primary duty of that official.

“(b) CHIEF INFORMATION OFFICERS.—Each Chief Information Officer or equivalent (or the senior agency official who reports to the Chief Information Officer or equivalent) under subsection (a)(5) shall—

“(1) establish and maintain an enterprise security operations capability that on a continuous basis—

“(A) detects, reports, contains, mitigates, and responds to information security incidents that impair adequate security of the agency’s information or information system in a timely manner and in accordance with the policies and directives under section 3553; and

“(B) reports any information security incident under subparagraph (A) to the entity designated under section 3555;

“(2) develop, maintain, and oversee an agencywide information security program;

“(3) develop, maintain, and oversee information security policies, procedures, and control techniques to address applicable requirements, including requirements under section 3553 of this title and section 11331 of title 40; and

“(4) train and oversee the agency personnel who have significant responsibility for information security with respect to that responsibility.

“(c) AGENCYWIDE INFORMATION SECURITY PROGRAMS.—

“(1) IN GENERAL.—Each agencywide information security program under subsection (b)(2) shall include—

“(A) relevant security risk assessments, including technical assessments and others related to the acquisition process;

“(B) security testing commensurate with risk and impact;

“(C) mitigation of deterioration of security controls commensurate with risk and impact;

“(D) risk-based continuous monitoring and threat assessment of the operational status and security of agency information systems to enable evaluation of the effectiveness of and compliance with information security policies, procedures, and practices, including a relevant and appropriate selection of security controls of information systems identified in the inventory under section 3505(c);

“(E) operation of appropriate technical capabilities in order to detect, mitigate, report, and respond to information security incidents, cyber threat information, and deterioration of security controls in a manner that is consistent with the policies and directives under section 3553, including—

“(i) mitigating risks associated with such information security incidents;

“(ii) notifying and consulting with the entity designated under section 3555; and

“(iii) notifying and consulting with, as appropriate—

“(I) law enforcement and the relevant Office of the Inspector General; and

“(II) any other entity, in accordance with law and as directed by the President;

“(F) a process to ensure that remedial action is taken to address any deficiencies in the information security policies, procedures, and practices of the agency; and

“(G) a plan and procedures to ensure the continuity of operations for information systems that support the operations and assets of the agency.

“(2) RISK MANAGEMENT STRATEGIES.—Each agencywide information security program under subsection (b)(2) shall include the development and maintenance of a risk management strategy for information security. The risk management strategy shall include—

“(A) consideration of information security incidents, cyber threat information, and deterioration of security controls; and

“(B) consideration of the consequences that could result from the unauthorized access, use, disclosure, disruption, modification, or destruction of information and information systems that support the operations and assets of the agency, including any information system provided or managed by a contractor, other agency, or other source on behalf of the agency;

“(3) POLICIES AND PROCEDURES.—Each agencywide information security program under subsection (b)(2) shall include policies and procedures that—

“(A) are based on the risk management strategy under paragraph (2);

“(B) reduce information security risks to an acceptable level in a cost-effective manner;

“(C) ensure that cost-effective and adequate information security is addressed as part of the acquisition and ongoing management of each agency information system; and

“(D) ensure compliance with—

“(i) this subchapter; and

“(ii) any other applicable requirements.

“(4) TRAINING REQUIREMENTS.—Each agencywide information security program under subsection (b)(2) shall include information security, privacy, civil rights, civil liberties, and information oversight training that meets any applicable requirements under section 3553. The training shall inform each information security personnel that has access to agency information systems (including contractors and other users of information systems that support the operations and assets of the agency) of—

“(A) the information security risks associated with the information security personnel’s activities; and

“(B) the individual’s responsibility to comply with the agency policies and procedures that reduce the risks under subparagraph (A).

“(d) ANNUAL REPORT.—Each agency shall submit a report annually to the Secretary of Homeland Security on its agencywide information security program and information systems.

**“§ 3555. Multiagency ongoing threat assessment**

“(a) IMPLEMENTATION.—The Director of the Office of Management and Budget, in coordination with the Secretary of Homeland Security, shall designate an entity to implement ongoing security analysis concerning agency information systems—

“(1) based on cyber threat information;

“(2) based on agency information system and environment of operation changes, including—

“(A) an ongoing evaluation of the information system security controls; and

“(B) the security state, risk level, and environment of operation of an agency information system, including—

“(i) a change in risk level due to a new cyber threat;

“(ii) a change resulting from a new technology;

“(iii) a change resulting from the agency’s mission; and

“(iv) a change resulting from the business practice; and

“(3) using automated processes to the maximum extent possible—

“(A) to increase information system security;

“(B) to reduce paper-based reporting requirements; and

“(C) to maintain timely and actionable knowledge of the state of the information system security.

“(b) STANDARDS.—The National Institute of Standards and Technology may promulgate standards, in coordination with the Secretary of Homeland Security, to assist an agency with its duties under this section.

“(c) COMPLIANCE.—The head of each appropriate department and agency shall be responsible for ensuring compliance and implementing necessary procedures to comply with this section. The head of each appropriate department and agency, in consultation with the Director of the Office of Management and Budget and the Secretary of Homeland Security, shall—

“(1) monitor compliance under this section;

“(2) develop a timeline and implement for the department or agency—

“(A) adoption of any technology, system, or method that facilitates continuous monitoring and threat assessments of an agency information system;

“(B) adoption or updating of any technology, system, or method that prevents, detects, or remediates a significant cyber incident to a Federal information system of the department or agency that has impeded, or is reasonably likely to impede, the performance of a critical mission of the department or agency; and

“(C) adoption of any technology, system, or method that satisfies a requirement under this section.

“(d) LIMITATION OF AUTHORITY.—The authorities of the Director of the Office of Management and Budget and of the Secretary of Homeland Security under this section shall not apply to national security systems.

“(e) REPORT.—Not later than 6 months after the date of enactment of the Strengthening and Enhancing Cybersecurity by Using Research, Education, Information, and Technology Act of 2012, the Government Accountability Office shall issue a report evaluating each agency’s status toward implementing this section.

**“§ 3556. Independent evaluations**

“(a) IN GENERAL.—The Council of the Inspectors General on Integrity and Efficiency, in consultation with the Director and the

Secretary of Homeland Security, the Secretary of Commerce, and the Secretary of Defense, shall issue and maintain criteria for the timely, cost-effective, risk-based, and independent evaluation of each agencywide information security program (and practices) to determine the effectiveness of the agencywide information security program (and practices). The criteria shall include measures to assess any conflicts of interest in the performance of the evaluation and whether the agencywide information security program includes appropriate safeguards against disclosure of information where such disclosure may adversely affect information security.

“(b) ANNUAL INDEPENDENT EVALUATIONS.—Each agency shall perform an annual independent evaluation of its agencywide information security program (and practices) in accordance with the criteria under subsection (a).

“(c) DISTRIBUTION OF REPORTS.—Not later than 30 days after receiving an independent evaluation under subsection (b), each agency head shall transmit a copy of the independent evaluation to the Secretary of Homeland Security, the Secretary of Commerce, and the Secretary of Defense.

“(d) NATIONAL SECURITY SYSTEMS.—Evaluations involving national security systems shall be conducted as directed by President.

**“§ 3557. National security systems.**

“The head of each agency operating or exercising control of a national security system shall be responsible for ensuring that the agency—

“(1) provides information security protections commensurate with the risk and magnitude of the harm resulting from the unauthorized access, use, disclosure, disruption, modification, or destruction of the information contained in such system; and

“(2) implements information security policies and practices as required by standards and guidelines for national security systems, issued in accordance with law and as directed by the President.”

(b) SAVINGS PROVISIONS.—

(1) POLICY AND COMPLIANCE GUIDANCE.—Policy and compliance guidance issued by the Director before the date of enactment of this Act under section 3543(a)(1) of title 44, United States Code (as in effect on the day before the date of enactment of this Act), shall continue in effect, according to its terms, until modified, terminated, superseded, or repealed pursuant to section 3553(a)(1) of title 44, United States Code.

(2) STANDARDS AND GUIDELINES.—Standards and guidelines issued by the Secretary of Commerce or by the Director before the date of enactment of this Act under section 11331(a)(1) of title 40, United States Code, (as in effect on the day before the date of enactment of this Act) shall continue in effect, according to their terms, until modified, terminated, superseded, or repealed pursuant to section 11331(a)(1) of title 40, United States Code, as amended by this Act.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) CHAPTER ANALYSIS.—The chapter analysis for chapter 35 of title 44, United States Code, is amended—

(A) by striking the items relating to sections 3531 through 3538;

(B) by striking the items relating to sections 3541 through 3549; and

(C) by inserting the following:

“3551. Purposes.

“3552. Definitions.

“3553. Federal information security authority and coordination.

“3554. Agency responsibilities.

“3555. Multiagency ongoing threat assessment.

“3556. Independent evaluations.

“3557. National security systems.”

(2) OTHER REFERENCES.—

(A) Section 1001(c)(1)(A) of the Homeland Security Act of 2002 (6 U.S.C. 511(1)(A)) is amended by striking “section 3532(3)” and inserting “section 3552”.

(B) Section 2222(j)(5) of title 10, United States Code, is amended by striking “section 3542(b)(2)” and inserting “section 3552”.

(C) Section 2223(c)(3) of title 10, United States Code, is amended, by striking “section 3542(b)(2)” and inserting “section 3552”.

(D) Section 2315 of title 10, United States Code, is amended by striking “section 3542(b)(2)” and inserting “section 3552”.

(E) Section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3) is amended—

(i) in subsection (a)(2), by striking “section 3532(b)(2)” and inserting “section 3552”;

(ii) in subsection (c)(3), by striking “Director of the Office of Management and Budget” and inserting “Secretary of Commerce”;

(iii) in subsection (d)(1), by striking “Director of the Office of Management and Budget” and inserting “Secretary of Commerce”;

(iv) in subsection (d)(8) by striking “Director of the Office of Management and Budget” and inserting “Secretary of Commerce”;

(v) in subsection (d)(8), by striking “submitted to the Director” and inserting “submitted to the Secretary”;

(vi) in subsection (e)(2), by striking “section 3532(1) of such title” and inserting “section 3552 of title 44”; and

(vii) in subsection (e)(5), by striking “section 3532(b)(2) of such title” and inserting “section 3552 of title 44”.

(F) Section 8(d)(1) of the Cyber Security Research and Development Act (15 U.S.C. 7406(d)(1)) is amended by striking “section 3534(b)” and inserting “section 3554(b)(2)”.

**SEC. 202. MANAGEMENT OF INFORMATION TECHNOLOGY.**

(a) IN GENERAL.—Section 11331 of title 40, United States Code, is amended to read as follows:

**“§ 11331. Responsibilities for Federal information systems standards**

“(a) STANDARDS AND GUIDELINES.—

“(1) AUTHORITY TO PRESCRIBE.—Except as provided under paragraph (2), the Secretary of Commerce shall prescribe standards and guidelines pertaining to Federal information systems—

“(A) in consultation with the Secretary of Homeland Security; and

“(B) on the basis of standards and guidelines developed by the National Institute of Standards and Technology under paragraphs (2) and (3) of section 20(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3(a)(2) and (a)(3)).

“(2) NATIONAL SECURITY SYSTEMS.—Standards and guidelines for national security systems shall be developed, prescribed, enforced, and overseen as otherwise authorized by law and as directed by the President.

“(b) MANDATORY STANDARDS AND GUIDELINES.—

“(1) AUTHORITY TO MAKE MANDATORY STANDARDS AND GUIDELINES.—The Secretary of Commerce shall make standards and guidelines under subsection (a)(1) compulsory and binding to the extent determined necessary by the Secretary of Commerce to improve the efficiency of operation or security of Federal information systems.

“(2) REQUIRED MANDATORY STANDARDS AND GUIDELINES.—

“(A) IN GENERAL.—Standards and guidelines under subsection (a)(1) shall include information security standards that—

“(i) provide minimum information security requirements as determined under section 20(b) of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3(b)); and

“(ii) are otherwise necessary to improve the security of Federal information and information systems.

“(B) BINDING EFFECT.—Information security standards under subparagraph (A) shall be compulsory and binding.

“(c) EXERCISE OF AUTHORITY.—To ensure fiscal and policy consistency, the Secretary of Commerce shall exercise the authority conferred by this section subject to direction by the President and in coordination with the Director.

“(d) APPLICATION OF MORE STRINGENT STANDARDS AND GUIDELINES.—The head of an executive agency may employ standards for the cost-effective information security for information systems within or under the supervision of that agency that are more stringent than the standards and guidelines the Secretary of Commerce prescribes under this section if the more stringent standards and guidelines—

“(1) contain at least the applicable standards and guidelines made compulsory and binding by the Secretary of Commerce; and

“(2) are otherwise consistent with the policies, directives, and implementation memoranda issued under section 3553(a) of title 44.

“(e) DECISIONS ON PROMULGATION OF STANDARDS AND GUIDELINES.—The decision by the Secretary of Commerce regarding the promulgation of any standard or guideline under this section shall occur not later than 6 months after the date of submission of the proposed standard to the Secretary of Commerce by the National Institute of Standards and Technology under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3).

“(f) NOTICE AND COMMENT.—A decision by the Secretary of Commerce to significantly modify, or not promulgate, a proposed standard submitted to the Secretary by the National Institute of Standards and Technology under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3) shall be made after the public is given an opportunity to comment on the Secretary's proposed decision.

“(g) DEFINITIONS.—In this section:

“(1) FEDERAL INFORMATION SYSTEM.—The term ‘Federal information system’ has the meaning given the term in section 3552 of title 44.

“(2) INFORMATION SECURITY.—The term ‘information security’ has the meaning given the term in section 3552 of title 44.

“(3) NATIONAL SECURITY SYSTEM.—The term ‘national security system’ has the meaning given the term in section 3552 of title 44.”

#### SEC. 203. NO NEW FUNDING.

An applicable Federal agency shall carry out the provisions of this title with existing facilities and funds otherwise available, through such means as the head of the agency considers appropriate.

#### SEC. 204. TECHNICAL AND CONFORMING AMENDMENTS.

Section 21(b) of the National Institute of Standards and Technology Act (15 U.S.C. 278g-4(b)) is amended—

(1) in paragraph (2), by striking “and the Director of the Office of Management and Budget” and inserting “, the Secretary of Commerce, and the Secretary of Homeland Security”; and

(2) in paragraph (3), by inserting “, the Secretary of Homeland Security,” after “the Secretary of Commerce”.

#### SEC. 205. CLARIFICATION OF AUTHORITIES.

Nothing in this title shall be construed to convey any new regulatory authority to any government entity implementing or complying with any provision of this title.

### TITLE III—CRIMINAL PENALTIES

#### SEC. 301. PENALTIES FOR FRAUD AND RELATED ACTIVITY IN CONNECTION WITH COMPUTERS.

Section 1030(c) of title 18, United States Code, is amended to read as follows:

“(c) The punishment for an offense under subsection (a) or (b) of this section is—

“(1) a fine under this title or imprisonment for not more than 20 years, or both, in the case of an offense under subsection (a)(1) of this section;

“(2)(A) except as provided in subparagraph (B), a fine under this title or imprisonment for not more than 3 years, or both, in the case of an offense under subsection (a)(2); or

“(B) a fine under this title or imprisonment for not more than ten years, or both, in the case of an offense under subsection (a)(2) of this section, if—

“(i) the offense was committed for purposes of commercial advantage or private financial gain;

“(ii) the offense was committed in the furtherance of any criminal or tortious act in violation of the Constitution or laws of the United States, or of any State; or

“(iii) the value of the information obtained, or that would have been obtained if the offense was completed, exceeds \$5,000;

“(3) a fine under this title or imprisonment for not more than 10 years, or both, in the case of an offense under subsection (a)(3) of this section;

“(4) a fine under this title or imprisonment for not more than 20 years, or both, in the case of an offense under subsection (a)(4) of this section;

“(5)(A) except as provided in subparagraph (C), a fine under this title, imprisonment for not more than 20 years, or both, in the case of an offense under subsection (a)(5)(A) of this section, if the offense caused—

“(i) loss to 1 or more persons during any 1-year period (and, for purposes of an investigation, prosecution, or other proceeding brought by the United States only, loss resulting from a related course of conduct affecting 1 or more other protected computers) aggregating at least \$5,000 in value;

“(ii) the modification or impairment, or potential modification or impairment, of the medical examination, diagnosis, treatment, or care of 1 or more individuals;

“(iii) physical injury to any person;

“(iv) a threat to public health or safety;

“(v) damage affecting a computer used by, or on behalf of, an entity of the United States Government in furtherance of the administration of justice, national defense, or national security; or

“(vi) damage affecting 10 or more protected computers during any 1-year period;

“(B) a fine under this title, imprisonment for not more than 20 years, or both, in the case of an offense under subsection (a)(5)(B), if the offense caused a harm provided in clause (i) through (vi) of subparagraph (A) of this subsection;

“(C) if the offender attempts to cause or knowingly or recklessly causes death from conduct in violation of subsection (a)(5)(A), a fine under this title, imprisonment for any term of years or for life, or both;

“(D) a fine under this title, imprisonment for not more than 10 years, or both, for any other offense under subsection (a)(5);

“(E) a fine under this title or imprisonment for not more than 10 years, or both, in the case of an offense under subsection (a)(6) of this section; or

“(F) a fine under this title or imprisonment for not more than 10 years, or both, in the case of an offense under subsection (a)(7) of this section.”

#### SEC. 302. TRAFFICKING IN PASSWORDS.

Section 1030(a)(6) of title 18, United States Code, is amended to read as follows:

“(6) knowingly and with intent to defraud traffics (as defined in section 1029) in any password or similar information or means of access through which a protected computer (as defined in subparagraphs (A) and (B) of subsection (e)(2)) may be accessed without authorization.”

#### SEC. 303. CONSPIRACY AND ATTEMPTED COMPUTER FRAUD OFFENSES.

Section 1030(b) of title 18, United States Code, is amended by inserting “as if for the completed offense” after “punished as provided”.

#### SEC. 304. CRIMINAL AND CIVIL FORFEITURE FOR FRAUD AND RELATED ACTIVITY IN CONNECTION WITH COMPUTERS.

Section 1030 of title 18, United States Code, is amended by striking subsections (i) and (j) and inserting the following:

“(i) CRIMINAL FORFEITURE.—

“(1) The court, in imposing sentence on any person convicted of a violation of this section, or convicted of conspiracy to violate this section, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person forfeit to the United States—

“(A) such persons interest in any property, real or personal, that was used, or intended to be used, to commit or facilitate the commission of such violation; and

“(B) any property, real or personal, constituting or derived from any gross proceeds, or any property traceable to such property, that such person obtained, directly or indirectly, as a result of such violation.

“(2) The criminal forfeiture of property under this subsection, including any seizure and disposition of the property, and any related judicial or administrative proceeding, shall be governed by the provisions of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), except subsection (d) of that section.

“(j) CIVIL FORFEITURE.—

“(1) The following shall be subject to forfeiture to the United States and no property right, real or personal, shall exist in them:

“(A) Any property, real or personal, that was used, or intended to be used, to commit or facilitate the commission of any violation of this section, or a conspiracy to violate this section.

“(B) Any property, real or personal, constituting or derived from any gross proceeds obtained directly or indirectly, or any property traceable to such property, as a result of the commission of any violation of this section, or a conspiracy to violate this section.

“(2) Seizures and forfeitures under this subsection shall be governed by the provisions in chapter 46 relating to civil forfeitures, except that such duties as are imposed on the Secretary of the Treasury under the customs laws described in section 981(d) shall be performed by such officers, agents and other persons as may be designated for that purpose by the Secretary of Homeland Security or the Attorney General.”

#### SEC. 305. DAMAGE TO CRITICAL INFRASTRUCTURE COMPUTERS.

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by inserting after section 1030 the following:

**“§ 1030A. Aggravated damage to a critical infrastructure computer**

“(a) DEFINITIONS.—In this section—

“(1) the term ‘computer’ has the meaning given the term in section 1030;

“(2) the term ‘critical infrastructure computer’ means a computer that manages or controls systems or assets vital to national defense, national security, national economic security, public health or safety, or any combination of those matters, whether publicly or privately owned or operated, including—

“(A) oil and gas production, storage, conversion, and delivery systems;

“(B) water supply systems;

“(C) telecommunication networks;

“(D) electrical power generation and delivery systems;

“(E) finance and banking systems;

“(F) emergency services;

“(G) transportation systems and services; and

“(H) government operations that provide essential services to the public; and

“(3) the term ‘damage’ has the meaning given the term in section 1030.

“(b) OFFENSE.—It shall be unlawful, during and in relation to a felony violation of section 1030, to knowingly cause or attempt to cause damage to a critical infrastructure computer if the damage results in (or, in the case of an attempt, if completed, would have resulted in) the substantial impairment—

“(1) of the operation of the critical infrastructure computer; or

“(2) of the critical infrastructure associated with the computer.

“(c) PENALTY.—Any person who violates subsection (b) shall be—

“(1) fined under this title;

“(2) imprisoned for not less than 3 years but not more than 20 years; or

“(3) penalized under paragraphs (1) and (2).

“(d) CONSECUTIVE SENTENCE.—Notwithstanding any other provision of law—

“(1) a court shall not place on probation any person convicted of a violation of this section;

“(2) except as provided in paragraph (4), no term of imprisonment imposed on a person under this section shall run concurrently with any other term of imprisonment, including any term of imprisonment imposed on the person under any other provision of law, including any term of imprisonment imposed for a felony violation of section 1030;

“(3) in determining any term of imprisonment to be imposed for a felony violation of section 1030, a court shall not in any way reduce the term to be imposed for such crime so as to compensate for, or otherwise take into account, any separate term of imprisonment imposed or to be imposed for a violation of this section; and

“(4) a term of imprisonment imposed on a person for a violation of this section may, in the discretion of the court, run concurrently, in whole or in part, only with another term of imprisonment that is imposed by the court at the same time on that person for an additional violation of this section, provided that such discretion shall be exercised in accordance with any applicable guidelines and policy statements issued by the United States Sentencing Commission pursuant to section 994 of title 28.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The chapter analysis for chapter 47 of title 18, United States Code, is amended by inserting after the item relating to section 1030 the following:

“1030A. Aggravated damage to a critical infrastructure computer.”.

**SEC. 306. LIMITATION ON ACTIONS INVOLVING UNAUTHORIZED USE.**

Section 1030(e)(6) of title 18, United States Code, is amended by striking “alter;” and inserting “alter, but does not include access in violation of a contractual obligation or agreement, such as an acceptable use policy or terms of service agreement, with an Internet service provider, Internet website, or non-government employer, if such violation constitutes the sole basis for determining that access to a protected computer is unauthorized;”.

**SEC. 307. NO NEW FUNDING.**

An applicable Federal agency shall carry out the provisions of this title with existing facilities and funds otherwise available, through such means as the head of the agency considers appropriate.

**TITLE IV—CYBERSECURITY RESEARCH AND DEVELOPMENT**

**SEC. 401. NATIONAL HIGH-PERFORMANCE COMPUTING PROGRAM PLANNING AND COORDINATION.**

(a) GOALS AND PRIORITIES.—Section 101 of the High-Performance Computing Act of 1991 (15 U.S.C. 5511) is amended by adding at the end the following:

“(d) GOALS AND PRIORITIES.—The goals and priorities for Federal high-performance computing research, development, networking, and other activities under subsection (a)(2)(A) shall include—

“(1) encouraging and supporting mechanisms for interdisciplinary research and development in networking and information technology, including—

“(A) through collaborations across agencies;

“(B) through collaborations across Program Component Areas;

“(C) through collaborations with industry;

“(D) through collaborations with institutions of higher education;

“(E) through collaborations with Federal laboratories (as defined in section 4 of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3703)); and

“(F) through collaborations with international organizations;

“(2) addressing national, multi-agency, multi-faceted challenges of national importance; and

“(3) fostering the transfer of research and development results into new technologies and applications for the benefit of society.”.

(b) DEVELOPMENT OF STRATEGIC PLAN.—Section 101 of the High-Performance Computing Act of 1991 (15 U.S.C. 5511) is amended by adding at the end the following:

“(e) STRATEGIC PLAN.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Strengthening and Enhancing Cybersecurity by Using Research, Education, Information, and Technology Act of 2012, the agencies under subsection (a)(3)(B), working through the National Science and Technology Council and with the assistance of the Office of Science and Technology Policy shall develop a 5-year strategic plan to guide the activities under subsection (a)(1).

“(2) CONTENTS.—The strategic plan shall specify—

“(A) the near-term objectives for the Program;

“(B) the long-term objectives for the Program;

“(C) the anticipated time frame for achieving the near-term objectives;

“(D) the metrics that will be used to assess any progress made toward achieving the near-term objectives and the long-term objectives; and

“(E) how the Program will achieve the goals and priorities under subsection (d).

“(3) IMPLEMENTATION ROADMAP.—

“(A) IN GENERAL.—The agencies under subsection (a)(3)(B) shall develop and annually update an implementation roadmap for the strategic plan.

“(B) REQUIREMENTS.—The information in the implementation roadmap shall be coordinated with the database under section 102(c) and the annual report under section 101(a)(3). The implementation roadmap shall—

“(i) specify the role of each Federal agency in carrying out or sponsoring research and development to meet the research objectives of the strategic plan, including a description of how progress toward the research objectives will be evaluated, with consideration of any relevant recommendations of the advisory committee;

“(ii) specify the funding allocated to each major research objective of the strategic plan and the source of funding by agency for the current fiscal year; and

“(iii) estimate the funding required for each major research objective of the strategic plan for the next 3 fiscal years.

“(4) RECOMMENDATIONS.—The agencies under subsection (a)(3)(B) shall take into consideration when developing the strategic plan under paragraph (1) the recommendations of—

“(A) the advisory committee under subsection (b); and

“(B) the stakeholders under section 102(a)(3).

“(5) REPORT TO CONGRESS.—The Director of the Office of Science and Technology Policy shall transmit the strategic plan under this subsection, including the implementation roadmap and any updates under paragraph (3), to—

“(A) the advisory committee under subsection (b);

“(B) the Committee on Commerce, Science, and Transportation of the Senate; and

“(C) the Committee on Science and Technology of the House of Representatives.”.

(c) PERIODIC REVIEWS.—Section 101 of the High-Performance Computing Act of 1991 (15 U.S.C. 5511) is amended by adding at the end the following:

“(f) PERIODIC REVIEWS.—The agencies under subsection (a)(3)(B) shall—

“(1) periodically assess the contents and funding levels of the Program Component Areas and restructure the Program when warranted, taking into consideration any relevant recommendations of the advisory committee under subsection (b); and

“(2) ensure that the Program includes national, multi-agency, multi-faceted research and development activities, including activities described in section 104.”.

(d) ADDITIONAL RESPONSIBILITIES OF DIRECTOR.—Section 101(a)(2) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(a)(2)) is amended—

(1) by redesignating subparagraphs (E) and (F) as subparagraphs (G) and (H), respectively; and

(2) by inserting after subparagraph (D) the following:

“(E) encourage and monitor the efforts of the agencies participating in the Program to allocate the level of resources and management attention necessary—

“(i) to ensure that the strategic plan under subsection (e) is developed and executed effectively; and

“(ii) to ensure that the objectives of the Program are met;

“(F) working with the Office of Management and Budget and in coordination with



the creation of the database under section 102(c), direct the Office of Science and Technology Policy and the agencies participating in the Program to establish a mechanism (consistent with existing law) to track all ongoing and completed research and development projects and associated funding;".

(e) **ADVISORY COMMITTEE.**—Section 101(b) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(b)) is amended—

(1) in paragraph (1)—

(A) by inserting after the first sentence the following: "The co-chairs of the advisory committee shall meet the qualifications of committee members and may be members of the Presidents Council of Advisors on Science and Technology."; and

(B) by striking "high-performance" in subparagraph (D) and inserting "high-end"; and

(2) by amending paragraph (2) to read as follows:

"(2) In addition to the duties under paragraph (1), the advisory committee shall conduct periodic evaluations of the funding, management, coordination, implementation, and activities of the Program. The advisory committee shall report its findings and recommendations not less frequently than once every 3 fiscal years to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives. The report shall be submitted in conjunction with the update of the strategic plan."

(f) **REPORT.**—Section 101(a)(3) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(a)(3)) is amended—

(1) in subparagraph (C)—

(A) by striking "is submitted," and inserting "is submitted, the levels for the previous fiscal year."; and

(B) by striking "each Program Component Area" and inserting "each Program Component Area and each research area supported in accordance with section 104";

(2) in subparagraph (D)—

(A) by striking "each Program Component Area," and inserting "each Program Component Area and each research area supported in accordance with section 104.";

(B) by striking "is submitted," and inserting "is submitted, the levels for the previous fiscal year."; and

(C) by striking "and" after the semicolon;

(3) by redesignating subparagraph (E) as subparagraph (G); and

(4) by inserting after subparagraph (D) the following:

"(E) include a description of how the objectives for each Program Component Area, and the objectives for activities that involve multiple Program Component Areas, relate to the objectives of the Program identified in the strategic plan under subsection (e);

"(F) include—

"(i) a description of the funding required by the Office of Science and Technology Policy to perform the functions under subsections (a) and (c) of section 102 for the next fiscal year by category of activity;

"(ii) a description of the funding required by the Office of Science and Technology Policy to perform the functions under subsections (a) and (c) of section 102 for the current fiscal year by category of activity; and

"(iii) the amount of funding provided for the Office of Science and Technology Policy for the current fiscal year by each agency participating in the Program; and".

(g) **DEFINITIONS.**—Section 4 of the High-Performance Computing Act of 1991 (15 U.S.C. 5503) is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(2) by redesignating paragraph (3) as paragraph (6);

(3) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively;

(4) by inserting before paragraph (2), as redesignated, the following:

"(1) 'cyber-physical systems' means physical or engineered systems whose networking and information technology functions and physical elements are deeply integrated and are actively connected to the physical world through sensors, actuators, or other means to perform monitoring and control functions;";

(5) in paragraph (3), as redesignated, by striking "high-performance computing" and inserting "networking and information technology";

(6) in paragraph (6), as redesignated—

(A) by striking "high-performance computing" and inserting "networking and information technology"; and

(B) by striking "supercomputer" and inserting "high-end computing";

(7) in paragraph (5), by striking "network referred to as" and all that follows through the semicolon and inserting "network, including advanced computer networks of Federal agencies and departments"; and

(8) in paragraph (7), as redesignated, by striking "National High-Performance Computing Program" and inserting "networking and information technology research and development program".

#### **SEC. 402. RESEARCH IN AREAS OF NATIONAL IMPORTANCE.**

(a) **RESEARCH IN AREAS OF NATIONAL IMPORTANCE.**—Title I of the High-Performance Computing Act of 1991 (15 U.S.C. 5511 et seq.) is amended by adding at the end the following:

#### **"SEC. 104. RESEARCH IN AREAS OF NATIONAL IMPORTANCE.**

"(a) **IN GENERAL.**—The Program shall encourage agencies under section 101(a)(3)(B) to support, maintain, and improve national, multi-agency, multi-faceted, research and development activities in networking and information technology directed toward application areas that have the potential for significant contributions to national economic competitiveness and for other significant societal benefits.

"(b) **TECHNICAL SOLUTIONS.**—An activity under subsection (a) shall be designed to advance the development of research discoveries by demonstrating technical solutions to important problems in areas including—

"(1) cybersecurity;

"(2) health care;

"(3) energy management and low-power systems and devices;

"(4) transportation, including surface and air transportation;

"(5) cyber-physical systems;

"(6) large-scale data analysis and modeling of physical phenomena;

"(7) large scale data analysis and modeling of behavioral phenomena;

"(8) supply chain quality and security; and

"(9) privacy protection and protected disclosure of confidential data.

"(c) **RECOMMENDATIONS.**—The advisory committee under section 101(b) shall make recommendations to the Program for candidate research and development areas for support under this section.

"(d) **CHARACTERISTICS.**—

"(1) **IN GENERAL.**—Research and development activities under this section—

"(A) shall include projects selected on the basis of applications for support through a competitive, merit-based process;

"(B) shall leverage, when possible, Federal investments through collaboration with related State initiatives;

"(C) shall include a plan for fostering the transfer of research discoveries and the results of technology demonstration activities, including from institutions of higher education and Federal laboratories, to industry for commercial development;

"(D) shall involve collaborations among researchers in institutions of higher education and industry; and

"(E) may involve collaborations among nonprofit research institutions and Federal laboratories, as appropriate.

"(2) **COST-SHARING.**—In selecting applications for support, the agencies under section 101(a)(3)(B) shall give special consideration to projects that include cost sharing from non-Federal sources.

"(3) **MULTIDISCIPLINARY RESEARCH CENTERS.**—Research and development activities under this section shall be supported through multidisciplinary research centers, including Federal laboratories, that are organized to investigate basic research questions and carry out technology demonstration activities in areas described in subsection (a). Research may be carried out through existing multidisciplinary centers, including those authorized under section 7024(b)(2) of the America COMPETES Act (42 U.S.C. 1862o–10(2))."

(b) **CYBER-PHYSICAL SYSTEMS.**—Section 101(a)(1) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(a)(1)) is amended—

(1) in subparagraph (H), by striking "and" after the semicolon;

(2) in subparagraph (I), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(J) provide for increased understanding of the scientific principles of cyber-physical systems and improve the methods available for the design, development, and operation of cyber-physical systems that are characterized by high reliability, safety, and security; and

"(K) provide for research and development on human-computer interactions, visualization, and big data."

(c) **TASK FORCE.**—Title I of the High-Performance Computing Act of 1991 (15 U.S.C. 5511 et seq.), as amended by section 402(a) of this Act, is amended by adding at the end the following:

#### **"SEC. 105. TASK FORCE.**

"(a) **ESTABLISHMENT.**—Not later than 180 days after the date of enactment the Strengthening and Enhancing Cybersecurity by Using Research, Education, Information, and Technology Act of 2012, the Director of the Office of Science and Technology Policy under section 102 shall convene a task force to explore mechanisms for carrying out collaborative research and development activities for cyber-physical systems (including the related technologies required to enable these systems) through a consortium or other appropriate entity with participants from institutions of higher education, Federal laboratories, and industry.

"(b) **FUNCTIONS.**—The task force shall—

"(1) develop options for a collaborative model and an organizational structure for such entity under which the joint research and development activities could be planned, managed, and conducted effectively, including mechanisms for the allocation of resources among the participants in such entity for support of such activities;

“(2) propose a process for developing a research and development agenda for such entity, including guidelines to ensure an appropriate scope of work focused on nationally significant challenges and requiring collaboration and to ensure the development of related scientific and technological milestones;

“(3) define the roles and responsibilities for the participants from institutions of higher education, Federal laboratories, and industry in such entity;

“(4) propose guidelines for assigning intellectual property rights and for transferring research results to the private sector; and

“(5) make recommendations for how such entity could be funded from Federal, State, and non-governmental sources.

“(c) COMPOSITION.—In establishing the task force under subsection (a), the Director of the Office of Science and Technology Policy shall appoint an equal number of individuals from institutions of higher education and from industry with knowledge and expertise in cyber-physical systems, and may appoint not more than 2 individuals from Federal laboratories.

“(d) REPORT.—Not later than 1 year after the date of enactment of the Strengthening and Enhancing Cybersecurity by Using Research, Education, Information, and Technology Act of 2012, the Director of the Office of Science and Technology Policy shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives a report describing the findings and recommendations of the task force.

“(e) TERMINATION.—The task force shall terminate upon transmittal of the report required under subsection (d).

“(f) COMPENSATION AND EXPENSES.—Members of the task force shall serve without compensation.”.

#### SEC. 403. PROGRAM IMPROVEMENTS.

Section 102 of the High-Performance Computing Act of 1991 (15 U.S.C. 5512) is amended to read as follows:

##### “SEC. 102. PROGRAM IMPROVEMENTS.

“(a) FUNCTIONS.—The Director of the Office of Science and Technology Policy shall continue—

“(1) to provide technical and administrative support to—

“(A) the agencies participating in planning and implementing the Program, including support needed to develop the strategic plan under section 101(e); and

“(B) the advisory committee under section 101(b);

“(2) to serve as the primary point of contact on Federal networking and information technology activities for government agencies, academia, industry, professional societies, State computing and networking technology programs, interested citizen groups, and others to exchange technical and programmatic information;

“(3) to solicit input and recommendations from a wide range of stakeholders during the development of each strategic plan under section 101(e) by convening at least 1 workshop with invitees from academia, industry, Federal laboratories, and other relevant organizations and institutions;

“(4) to conduct public outreach, including the dissemination of the advisory committee's findings and recommendations, as appropriate;

“(5) to promote access to and early application of the technologies, innovations, and expertise derived from Program activities to agency missions and systems across the Fed-

eral Government and to United States industry;

“(6) to ensure accurate and detailed budget reporting of networking and information technology research and development investment; and

“(7) to encourage agencies participating in the Program to use existing programs and resources to strengthen networking and information technology education and training, and increase participation in such fields, including by women and underrepresented minorities.

“(b) SOURCE OF FUNDING.—

“(1) IN GENERAL.—The functions under this section shall be supported by funds from each agency participating in the Program.

“(2) SPECIFICATIONS.—The portion of the total budget of the Office of Science and Technology Policy that is provided by each agency participating in the Program for each fiscal year shall be in the same proportion as each agency's share of the total budget for the Program for the previous fiscal year, as specified in the database under section 102(c).

“(c) DATABASE.—

“(1) IN GENERAL.—The Director of the Office of Science and Technology Policy shall develop and maintain a database of projects funded by each agency for the fiscal year for each Program Component Area.

“(2) PUBLIC ACCESSIBILITY.—The Director of the Office of Science and Technology Policy shall make the database accessible to the public.

“(3) DATABASE CONTENTS.—The database shall include, for each project in the database—

“(A) a description of the project;

“(B) each agency, industry, institution of higher education, Federal laboratory, or international institution involved in the project;

“(C) the source funding of the project (set forth by agency);

“(D) the funding history of the project; and

“(E) whether the project has been completed.”.

#### SEC. 404. IMPROVING EDUCATION OF NETWORKING AND INFORMATION TECHNOLOGY, INCLUDING HIGH PERFORMANCE COMPUTING.

Section 201(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5521(a)) is amended—

(1) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively; and

(2) by inserting after paragraph (1) the following:

“(2) the National Science Foundation shall use its existing programs, in collaboration with other agencies, as appropriate, to improve the teaching and learning of networking and information technology at all levels of education and to increase participation in networking and information technology fields.”.

#### SEC. 405. CONFORMING AND TECHNICAL AMENDMENTS TO THE HIGH-PERFORMANCE COMPUTING ACT OF 1991.

(a) SECTION 3.—Section 3 of the High-Performance Computing Act of 1991 (15 U.S.C. 5502) is amended—

(1) in the matter preceding paragraph (1), by striking “high-performance computing” and inserting “networking and information technology”;

(2) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking “high-performance computing” and inserting “networking and information technology”;

(B) in subparagraphs (A), (F), and (G), by striking “high-performance computing” each place it appears and inserting “networking and information technology”; and

(C) in subparagraph (H), by striking “high-performance” and inserting “high-end”; and

(3) in paragraph (2)—

(A) by striking “high-performance computing and” and inserting “networking and information technology, and”; and

(B) by striking “high-performance computing network” and inserting “networking and information technology”.

(b) TITLE HEADING.—The heading of title I of the High-Performance Computing Act of 1991 (105 Stat. 1595) is amended by striking “HIGH-PERFORMANCE COMPUTING” and inserting “NETWORKING AND INFORMATION TECHNOLOGY”.

(c) SECTION 101.—Section 101 of the High-Performance Computing Act of 1991 (15 U.S.C. 5511) is amended—

(1) in the section heading, by striking “HIGH-PERFORMANCE COMPUTING” and inserting “NETWORKING AND INFORMATION TECHNOLOGY RESEARCH AND DEVELOPMENT”;

(2) in subsection (a)—

(A) in the subsection heading, by striking “NATIONAL HIGH-PERFORMANCE COMPUTING” and inserting “NETWORKING AND INFORMATION TECHNOLOGY RESEARCH AND DEVELOPMENT”;

(B) in paragraph (1)—

(i) by striking “National High-Performance Computing Program” and inserting “networking and information technology research and development program”;

(ii) in subparagraph (A), by striking “high-performance computing, including networking” and inserting “networking and information technology”;

(iii) in subparagraphs (B) and (G), by striking “high-performance” each place it appears and inserting “high-end”; and

(iv) in subparagraph (C), by striking “high-performance computing and networking” and inserting “high-end computing, distributed, and networking”;

(C) in paragraph (2)—

(i) in subparagraphs (A) and (C)—

(I) by striking “high-performance computing” each place it appears and inserting “networking and information technology”; and

(II) by striking “development, networking,” each place it appears and inserting “development,”; and

(ii) in subparagraphs (G) and (H), as redesignated by section 401(d) of this Act, by striking “high-performance” each place it appears and inserting “high-end”;

(3) in subsection (b)(1), in the matter preceding subparagraph (A), by striking “high-performance computing” each place it appears and inserting “networking and information technology”; and

(4) in subsection (c)(1)(A), by striking “high-performance computing” and inserting “networking and information technology”.

(d) SECTION 201.—Section 201(a)(1) of the High-Performance Computing Act of 1991 (15 U.S.C. 5521(a)(1)) is amended by striking “high-performance computing and advanced high-speed computer networking” and inserting “networking and information technology research and development”.

(e) SECTION 202.—Section 202(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5522(a)) is amended by striking “high-performance computing” and inserting “networking and information technology”.

(f) SECTION 203.—Section 203(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5523(a)) is amended—

(1) in paragraph (1), by striking “high-performance computing and networking” and inserting “networking and information technology”; and

(2) in paragraph (2)(A), by striking “high-performance” and inserting “high-end”.

(g) SECTION 204.—Section 204 of the High-Performance Computing Act of 1991 (15 U.S.C. 5524) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (A), by striking “high-performance computing systems and networks” and inserting “networking and information technology systems and capabilities”;

(B) in subparagraph (B), by striking “interoperability of high-performance computing systems in networks and for common user interfaces to systems” and inserting “interoperability and usability of networking and information technology systems”; and

(C) in subparagraph (C), by striking “high-performance computing” and inserting “networking and information technology”; and

(2) in subsection (b)—

(A) by striking “HIGH-PERFORMANCE COMPUTING AND NETWORK” in the heading and inserting “NETWORKING AND INFORMATION TECHNOLOGY”; and

(B) by striking “sensitive”.

(h) SECTION 205.—Section 205(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5525(a)) is amended by striking “computational” and inserting “networking and information technology”.

(i) SECTION 206.—Section 206(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5526(a)) is amended by striking “computational research” and inserting “networking and information technology research”.

(j) SECTION 207.—Section 207 of the High-Performance Computing Act of 1991 (15 U.S.C. 5527) is amended by striking “high-performance computing” and inserting “networking and information technology”.

(k) SECTION 208.—Section 208 of the High-Performance Computing Act of 1991 (15 U.S.C. 5528) is amended—

(1) in the section heading, by striking “HIGH-PERFORMANCE COMPUTING” and inserting “NETWORKING AND INFORMATION TECHNOLOGY”; and

(2) in subsection (a)—

(A) in paragraph (1), by striking “High-performance computing and associated” and inserting “Networking and information”;

(B) in paragraph (2), by striking “high-performance computing” and inserting “networking and information technologies”;

(C) in paragraph (3), by striking “high-performance” and inserting “high-end”;

(D) in paragraph (4), by striking “high-performance computers and associated” and inserting “networking and information”; and

(E) in paragraph (5), by striking “high-performance computing and associated” and inserting “networking and information”.

#### SEC. 406. FEDERAL CYBER SCHOLARSHIP-FOR-SERVICE PROGRAM.

(a) IN GENERAL.—The Director of the National Science Foundation, in coordination with the Secretary of Homeland Security, shall carry out a Federal cyber scholarship-for-service program to recruit and train the next generation of information technology professionals and security managers to meet the needs of the cybersecurity mission for the Federal government.

(b) PROGRAM DESCRIPTION AND COMPONENTS.—The program shall—

(1) annually assess the workforce needs of the Federal government for cybersecurity professionals, including network engineers,

software engineers, and other experts in order to determine how many scholarships should be awarded annually to ensure that the workforce needs following graduation match the number of scholarships awarded;

(2) provide scholarships for up to 1,000 students per year in their pursuit of undergraduate or graduate degrees in the cybersecurity field, in an amount that may include coverage for full tuition, fees, and a stipend;

(3) require each scholarship recipient, as a condition of receiving a scholarship under the program, to serve in a Federal information technology workforce for a period equal to one and one-half times each year, or partial year, of scholarship received, in addition to an internship in the cybersecurity field, if applicable, following graduation;

(4) provide a procedure for the National Science Foundation or a Federal agency, consistent with regulations of the Office of Personnel Management, to request and fund a security clearance for a scholarship recipient, including providing for clearance during a summer internship and upon graduation; and

(5) provide opportunities for students to receive temporary appointments for meaningful employment in the Federal information technology workforce during school vacation periods and for internships.

(c) HIRING AUTHORITY.—

(1) IN GENERAL.—For purposes of any law or regulation governing the appointment of an individual in the Federal civil service, upon the successful completion of the student's studies, a student receiving a scholarship under the program may—

(A) be hired under section 213.3102(r) of title 5, Code of Federal Regulations; and

(B) be exempt from competitive service.

(2) COMPETITIVE SERVICE.—Upon satisfactory fulfillment of the service term under paragraph (1), an individual may be converted to a competitive service position without competition if the individual meets the requirements for that position.

(d) ELIGIBILITY.—The eligibility requirements for a scholarship under this section shall include that a scholarship applicant—

(1) be a citizen of the United States;

(2) be eligible to be granted a security clearance;

(3) maintain a grade point average of 3.2 or above on a 4.0 scale for undergraduate study or a 3.5 or above on a 4.0 scale for postgraduate study;

(4) demonstrate a commitment to a career in improving the security of the information infrastructure; and

(5) has demonstrated a level of proficiency in math or computer sciences.

(e) FAILURE TO COMPLETE SERVICE OBLIGATION.—

(1) IN GENERAL.—A scholarship recipient under this section shall be liable to the United States under paragraph (2) if the scholarship recipient—

(A) fails to maintain an acceptable level of academic standing in the educational institution in which the individual is enrolled, as determined by the Director;

(B) is dismissed from such educational institution for disciplinary reasons;

(C) withdraws from the program for which the award was made before the completion of such program;

(D) declares that the individual does not intend to fulfill the service obligation under this section;

(E) fails to fulfill the service obligation of the individual under this section; or

(F) loses a security clearance or becomes ineligible for a security clearance.

(2) REPAYMENT AMOUNTS.—

(A) LESS THAN 1 YEAR OF SERVICE.—If a circumstance under paragraph (1) occurs before the completion of 1 year of a service obligation under this section, the total amount of awards received by the individual under this section shall be repaid.

(B) ONE OR MORE YEARS OF SERVICE.—If a circumstance described in subparagraph (D) or (E) of paragraph (1) occurs after the completion of 1 year of a service obligation under this section, the total amount of scholarship awards received by the individual under this section, reduced by the ratio of the number of years of service completed divided by the number of years of service required, shall be repaid.

(f) EVALUATION AND REPORT.—The Director of the National Science Foundation shall—

(1) evaluate the success of recruiting individuals for scholarships under this section and of hiring and retaining those individuals in the public sector workforce, including the annual cost and an assessment of how the program actually improves the Federal workforce; and

(2) periodically report the findings under paragraph (1) to Congress.

(g) AUTHORIZATION OF APPROPRIATIONS.—From amounts made available under section 503 of the America COMPETES Reauthorization Act of 2010 (124 Stat. 4005), the Director may use funds to carry out the requirements of this section for fiscal years 2012 through 2013.

#### SEC. 407. STUDY AND ANALYSIS OF CERTIFICATION AND TRAINING OF INFORMATION INFRASTRUCTURE PROFESSIONALS.

(a) STUDY.—The President shall enter into an agreement with the National Academies to conduct a comprehensive study of government, academic, and private-sector accreditation, training, and certification programs for personnel working in information infrastructure. The agreement shall require the National Academies to consult with sector coordinating councils and relevant governmental agencies, regulatory entities, and nongovernmental organizations in the course of the study.

(b) SCOPE.—The study shall include—

(1) an evaluation of the body of knowledge and various skills that specific categories of personnel working in information infrastructure should possess in order to secure information systems;

(2) an assessment of whether existing government, academic, and private-sector accreditation, training, and certification programs provide the body of knowledge and various skills described in paragraph (1);

(3) an analysis of any barriers to the Federal Government recruiting and hiring cybersecurity talent, including barriers relating to compensation, the hiring process, job classification, and hiring flexibility; and

(4) an analysis of the sources and availability of cybersecurity talent, a comparison of the skills and expertise sought by the Federal Government and the private sector, an examination of the current and future capacity of United States institutions of higher education, including community colleges, to provide current and future cybersecurity professionals, through education and training activities, with those skills sought by the Federal Government, State and local entities, and the private sector.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the National Academies shall submit to the President and Congress a report on the results of the study. The report shall include—

(1) findings regarding the state of information infrastructure accreditation, training, and certification programs, including specific areas of deficiency and demonstrable progress; and

(2) recommendations for the improvement of information infrastructure accreditation, training, and certification programs.

**SEC. 408. INTERNATIONAL CYBERSECURITY TECHNICAL STANDARDS.**

(a) IN GENERAL.—The Director of the National Institute of Standards and Technology, in coordination with appropriate Federal authorities, shall—

(1) as appropriate, ensure coordination of Federal agencies engaged in the development of international technical standards related to information system security; and

(2) not later than 1 year after the date of enactment of this Act, develop and transmit to Congress a plan for ensuring such Federal agency coordination.

(b) CONSULTATION WITH THE PRIVATE SECTOR.—In carrying out the activities under subsection (a)(1), the Director shall ensure consultation with appropriate private sector stakeholders.

**SEC. 409. IDENTITY MANAGEMENT RESEARCH AND DEVELOPMENT.**

The Director of the National Institute of Standards and Technology shall continue a program to support the development of technical standards, metrology, testbeds, and conformance criteria, taking into account appropriate user concerns—

(1) to improve interoperability among identity management technologies;

(2) to strengthen authentication methods of identity management systems;

(3) to improve privacy protection in identity management systems, including health information technology systems, through authentication and security protocols; and

(4) to improve the usability of identity management systems.

**SEC. 410. FEDERAL CYBERSECURITY RESEARCH AND DEVELOPMENT.**

(a) NATIONAL SCIENCE FOUNDATION COMPUTER AND NETWORK SECURITY RESEARCH GRANT AREAS.—Section 4(a)(1) of the Cyber Security Research and Development Act (15 U.S.C. 7403(a)(1)) is amended—

(1) in subparagraph (H), by striking “and” after the semicolon;

(2) in subparagraph (I), by striking “property,” and inserting “property;”; and

(3) by adding at the end the following:

“(J) secure fundamental protocols that are at the heart of inter-network communications and data exchange;

“(K) system security that addresses the building of secure systems from trusted and untrusted components;

“(L) monitoring and detection; and

“(M) resiliency and rapid recovery methods.”.

(b) NATIONAL SCIENCE FOUNDATION COMPUTER AND NETWORK SECURITY GRANTS.—Section 4(a)(3) of the Cyber Security Research and Development Act (15 U.S.C. 7403(a)(3)) is amended—

(1) in subparagraph (D), by striking “and”;

(2) in subparagraph (E), by striking “2007.” and inserting “2007;”; and

(3) by adding at the end the following:

“(F) such funds from amounts made available under section 503 of the America COMPETES Reauthorization Act of 2010 (124 Stat. 4005), as the Director finds necessary to carry out the requirements of this subsection for fiscal years 2012 through 2013.”.

(c) COMPUTER AND NETWORK SECURITY CENTERS.—Section 4(b)(7) of the Cyber Security Research and Development Act (15 U.S.C. 7403(b)(7)) is amended—

(1) in subparagraph (D), by striking “and”;

(2) in subparagraph (E), by striking “2007.” and inserting “2007;”; and

(3) by adding at the end the following:

“(F) such funds from amounts made available under section 503 of the America COMPETES Reauthorization Act of 2010 (124 Stat. 4005), as the Director finds necessary to carry out the requirements of this subsection for fiscal years 2012 through 2013.”.

(d) COMPUTER AND NETWORK SECURITY CAPACITY BUILDING GRANTS.—Section 5(a)(6) of the Cyber Security Research and Development Act (15 U.S.C. 7404(a)(6)) is amended—

(1) in subparagraph (D), by striking “and”;

(2) in subparagraph (E), by striking “2007.” and inserting “2007;”; and

(3) by adding at the end the following:

“(F) such funds from amounts made available under section 503 of the America COMPETES Reauthorization Act of 2010 (124 Stat. 4005), as the Director finds necessary to carry out the requirements of this subsection for fiscal years 2012 through 2013.”.

(e) SCIENTIFIC AND ADVANCED TECHNOLOGY ACT GRANTS.—Section 5(b)(2) of the Cyber Security Research and Development Act (15 U.S.C. 7404(b)(2)) is amended—

(1) in subparagraph (D), by striking “and”;

(2) in subparagraph (E), by striking “2007.” and inserting “2007;”; and

(3) by adding at the end the following:

“(F) such funds from amounts made available under section 503 of the America COMPETES Reauthorization Act of 2010 (124 Stat. 4005), as the Director finds necessary to carry out the requirements of this subsection for fiscal years 2012 through 2013.”.

(f) GRADUATE TRAINEESHIPS IN COMPUTER AND NETWORK SECURITY RESEARCH.—Section 5(c)(7) of the Cyber Security Research and Development Act (15 U.S.C. 7404(c)(7)) is amended—

(1) in subparagraph (D), by striking “and”;

(2) in subparagraph (E), by striking “2007.” and inserting “2007;”; and

(3) by adding at the end the following:

“(F) such funds from amounts made available under section 503 of the America COMPETES Reauthorization Act of 2010 (124 Stat. 4005), as the Director finds necessary to carry out the requirements of this subsection for fiscal years 2012 through 2013.”.

**SA 2693.** Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 118, line 16, insert “, including legal and behavioral impediments to deployment of proven security policies” before the semicolon.

**SA 2694.** Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 118, line 25, strike “and” and all that follows through page 119, line 2, and insert the following:

(7) affiliation with existing research programs of the Federal Government;

(8) demonstrated expertise in cybersecurity law, including the legal impediments to adoption of proven security processes; and

(9) demonstrated expertise in social and behavioral research that can assist in devel-

oping policies and incentives to help protect against cyber attacks.

**SA 2695.** Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. . . . NOTICE REQUIRED PRIOR TO TRANSFER OF CERTAIN INDIVIDUALS DETAINED AT THE DETENTION FACILITY AT PARWAN, AFGHANISTAN.**

(a) NOTICE REQUIRED.—The Secretary of Defense shall submit to the appropriate congressional committees notice in writing of the proposed transfer of any individual detained pursuant to the Authorization for Use of Military Force (Public Law 107-40; 50 U.S.C. 1541 note) who is a national of a country other than the United States or Afghanistan from detention at the Detention Facility at Parwan, Afghanistan, to the custody of the Government of Afghanistan or of any other country. Such notice shall be provided not later than 10 days before such a transfer may take place.

(b) ADDITIONAL ASSESSMENTS AND CERTIFICATIONS.—As part of the notice required under subsection (a), the Secretary shall include the following:

(1) In the case of the proposed transfer of such an individual by reason of the individual being released, an assessment of the threat posed by the individual and the security environment of the country to which the individual is to be transferred.

(2) In the case of the proposed transfer of such an individual to a country other than Afghanistan for the purpose of the prosecution of the individual, a certification that an assessment has been conducted regarding the capacity, willingness, and historical track record of the country with respect to prosecuting similar cases, including a description of the evidence against the individual that is likely to be admissible as part of the prosecution.

(3) In the case of the proposed transfer of such an individual for reintegration or rehabilitation in a country other than Afghanistan, a certification that an assessment has been conducted regarding the capacity, willingness, and historical track record of the country for reintegrating or rehabilitating similar individuals.

(4) In the case of the proposed transfer of such an individual to the custody of the government of Afghanistan for prosecution or detention, a certification that an assessment has been conducted regarding the capacity, willingness, and historical track record of Afghanistan to prosecute or detain long-term such individuals.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

**SA 2696.** Mr. MCCAIN (for himself, Mrs. HUTCHISON, Mr. CHAMBLISS, Mr. GRASSLEY, Ms. MURKOWSKI, Mr. COATS, Mr. BURR, and Mr. JOHNSON of Wisconsin) submitted an amendment intended to be proposed by him to the

bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

Beginning on page 1, strike line 4 and all that follows and insert the following:

(a) **SHORT TITLE.**—This Act may be cited as the “Strengthening and Enhancing Cybersecurity by Using Research, Education, Information, and Technology Act of 2012” or “SECURE IT”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

#### TITLE I—FACILITATING SHARING OF CYBER THREAT INFORMATION

Sec. 101. Definitions.

Sec. 102. Authorization to share cyber threat information.

Sec. 103. Information sharing by the Federal government.

Sec. 104. Construction.

Sec. 105. Report on implementation.

Sec. 106. Inspector General review.

Sec. 107. Technical amendments.

Sec. 108. Access to classified information.

#### TITLE II—COORDINATION OF FEDERAL INFORMATION SECURITY POLICY

Sec. 201. Coordination of Federal information security policy.

Sec. 202. Management of information technology.

Sec. 203. No new funding.

Sec. 204. Technical and conforming amendments.

Sec. 205. Clarification of authorities.

#### TITLE III—CRIMINAL PENALTIES

Sec. 301. Penalties for fraud and related activity in connection with computers.

Sec. 302. Trafficking in passwords.

Sec. 303. Conspiracy and attempted computer fraud offenses.

Sec. 304. Criminal and civil forfeiture for fraud and related activity in connection with computers.

Sec. 305. Damage to critical infrastructure computers.

Sec. 306. Limitation on actions involving unauthorized use.

Sec. 307. No new funding.

#### TITLE IV—CYBERSECURITY RESEARCH AND DEVELOPMENT

Sec. 401. National High-Performance Computing Program planning and coordination.

Sec. 402. Research in areas of national importance.

Sec. 403. Program improvements.

Sec. 404. Improving education of networking and information technology, including high performance computing.

Sec. 405. Conforming and technical amendments to the High-Performance Computing Act of 1991.

Sec. 406. Federal cyber scholarship-for-service program.

Sec. 407. Study and analysis of certification and training of information infrastructure professionals.

Sec. 408. International cybersecurity technical standards.

Sec. 409. Identity management research and development.

Sec. 410. Federal cybersecurity research and development.

#### TITLE I—FACILITATING SHARING OF CYBER THREAT INFORMATION

SEC. 101. DEFINITIONS.

In this title:

(1) **AGENCY.**—The term “agency” has the meaning given the term in section 3502 of title 44, United States Code.

(2) **ANTITRUST LAWS.**—The term “antitrust laws”—

(A) has the meaning given the term in section 1(a) of the Clayton Act (15 U.S.C. 12(a));

(B) includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent that section 5 of that Act applies to unfair methods of competition; and

(C) includes any State law that has the same intent and effect as the laws under subparagraphs (A) and (B).

(3) **COUNTERMEASURE.**—The term “countermeasure” means an automated or a manual action with defensive intent to mitigate cyber threats.

(4) **CYBER THREAT INFORMATION.**—The term “cyber threat information” means information that indicates or describes—

(A) a technical or operation vulnerability or a cyber threat mitigation measure;

(B) an action or operation to mitigate a cyber threat;

(C) malicious reconnaissance, including anomalous patterns of network activity that appear to be transmitted for the purpose of gathering technical information related to a cybersecurity threat;

(D) a method of defeating a technical control;

(E) a method of defeating an operational control;

(F) network activity or protocols known to be associated with a malicious cyber actor or that signify malicious cyber intent;

(G) a method of causing a user with legitimate access to an information system or information that is stored on, processed by, or transiting an information system to inadvertently enable the defeat of a technical or operational control;

(H) any other attribute of a cybersecurity threat or cyber defense information that would foster situational awareness of the United States cybersecurity posture, if disclosure of such attribute or information is not otherwise prohibited by law;

(I) the actual or potential harm caused by a cyber incident, including information exfiltrated when it is necessary in order to identify or describe a cybersecurity threat; or

(J) any combination of subparagraphs (A) through (I).

(5) **CYBERSECURITY CENTER.**—The term “cybersecurity center” means the Department of Defense Cyber Crime Center, the Intelligence Community Incident Response Center, the United States Cyber Command Joint Operations Center, the National Cyber Investigative Joint Task Force, the National Security Agency/Central Security Service Threat Operations Center, the National Cybersecurity and Communications Integration Center, and any successor center.

(6) **CYBERSECURITY SYSTEM.**—The term “cybersecurity system” means a system designed or employed to ensure the integrity, confidentiality, or availability of, or to safeguard, a system or network, including measures intended to protect a system or network from—

(A) efforts to degrade, disrupt, or destroy such system or network; or

(B) theft or misappropriations of private or government information, intellectual property, or personally identifiable information.

(7) **ENTITY.**—

(A) **IN GENERAL.**—The term “entity” means any private entity, non-Federal government agency or department, or State, tribal, or local government agency or department (in-

cluding an officer, employee, or agent thereof).

(B) **INCLUSIONS.**—The term “entity” includes a government agency or department (including an officer, employee, or agent thereof) of the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and any other territory or possession of the United States.

(8) **FEDERAL INFORMATION SYSTEM.**—The term “Federal information system” means an information system of a Federal department or agency used or operated by an executive agency, by a contractor of an executive agency, or by another organization on behalf of an executive agency.

(9) **INFORMATION SECURITY.**—The term “information security” means protecting information and information systems from disruption or unauthorized access, use, disclosure, modification, or destruction in order to provide—

(A) integrity, by guarding against improper information modification or destruction, including by ensuring information non-repudiation and authenticity;

(B) confidentiality, by preserving authorized restrictions on access and disclosure, including means for protecting personal privacy and proprietary information; or

(C) availability, by ensuring timely and reliable access to and use of information.

(10) **INFORMATION SYSTEM.**—The term “information system” has the meaning given the term in section 3502 of title 44, United States Code.

(11) **LOCAL GOVERNMENT.**—The term “local government” means any borough, city, county, parish, town, township, village, or other general purpose political subdivision of a State.

(12) **MALICIOUS RECONNAISSANCE.**—The term “malicious reconnaissance” means a method for actively probing or passively monitoring an information system for the purpose of discerning technical vulnerabilities of the information system, if such method is associated with a known or suspected cybersecurity threat.

(13) **OPERATIONAL CONTROL.**—The term “operational control” means a security control for an information system that primarily is implemented and executed by people.

(14) **OPERATIONAL VULNERABILITY.**—The term “operational vulnerability” means any attribute of policy, process, or procedure that could enable or facilitate the defeat of an operational control.

(15) **PRIVATE ENTITY.**—The term “private entity” means any individual or any private group, organization, or corporation, including an officer, employee, or agent thereof.

(16) **SIGNIFICANT CYBER INCIDENT.**—The term “significant cyber incident” means a cyber incident resulting in, or an attempted cyber incident that, if successful, would have resulted in—

(A) the exfiltration from a Federal information system of data that is essential to the operation of the Federal information system; or

(B) an incident in which an operational or technical control essential to the security or operation of a Federal information system was defeated.

(17) **TECHNICAL CONTROL.**—The term “technical control” means a hardware or software restriction on, or audit of, access or use of an information system or information that is stored on, processed by, or transiting an information system that is intended to ensure the confidentiality, integrity, or availability of that system.

(18) **TECHNICAL VULNERABILITY.**—The term “technical vulnerability” means any attribute of hardware or software that could enable or facilitate the defeat of a technical control.

(19) **TRIBAL.**—The term “tribal” has the meaning given the term “Indian tribe” in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

**SEC. 102. AUTHORIZATION TO SHARE CYBER THREAT INFORMATION.**

(a) **VOLUNTARY DISCLOSURE.**—

(1) **PRIVATE ENTITIES.**—Notwithstanding any other provision of law, a private entity may, for the purpose of preventing, investigating, or otherwise mitigating threats to information security, on its own networks, or as authorized by another entity, on such entity’s networks, employ countermeasures and use cybersecurity systems in order to obtain, identify, or otherwise possess cyber threat information.

(2) **ENTITIES.**—Notwithstanding any other provision of law, an entity may disclose cyber threat information to—

(A) a cybersecurity center; or

(B) any other entity in order to assist with preventing, investigating, or otherwise mitigating threats to information security.

(3) **INFORMATION SECURITY PROVIDERS.**—If the cyber threat information described in paragraph (1) is obtained, identified, or otherwise possessed in the course of providing information security products or services under contract to another entity, that entity shall be given, at any time prior to disclosure of such information, a reasonable opportunity to authorize or prevent such disclosure, to request anonymization of such information, or to request that reasonable efforts be made to safeguard such information that identifies specific persons from unauthorized access or disclosure.

(b) **SIGNIFICANT CYBER INCIDENTS INVOLVING FEDERAL INFORMATION SYSTEMS.**—

(1) **IN GENERAL.**—An entity providing electronic communication services, remote computing services, or information security services to a Federal department or agency shall inform the Federal department or agency of a significant cyber incident involving the Federal information system of that Federal department or agency that—

(A) is directly known to the entity as a result of providing such services;

(B) is directly related to the provision of such services by the entity; and

(C) as determined by the entity, has impeded or will impede the performance of a critical mission of the Federal department or agency.

(2) **ADVANCE COORDINATION.**—A Federal department or agency receiving the services described in paragraph (1) shall coordinate in advance with an entity described in paragraph (1) to develop the parameters of any information that may be provided under paragraph (1), including clarification of the type of significant cyber incident that will impede the performance of a critical mission of the Federal department or agency.

(3) **REPORT.**—A Federal department or agency shall report information provided under this subsection to a cybersecurity center.

(4) **CONSTRUCTION.**—Any information provided to a cybersecurity center under paragraph (3) shall be treated in the same manner as information provided to a cybersecurity center under subsection (a).

(c) **INFORMATION SHARED WITH OR PROVIDED TO A CYBERSECURITY CENTER.**—Cyber threat information provided to a cybersecurity center under this section—

(1) may be disclosed to, retained by, and used by, consistent with otherwise applicable Federal law, any Federal agency or department, component, officer, employee, or agent of the Federal government for a cybersecurity purpose, a national security purpose, or in order to prevent, investigate, or prosecute any of the offenses listed in section 2516 of title 18, United States Code, and such information shall not be disclosed to, retained by, or used by any Federal agency or department for any use not permitted under this paragraph;

(2) may, with the prior written consent of the entity submitting such information, be disclosed to and used by a State, tribal, or local government or government agency for the purpose of protecting information systems, or in furtherance of preventing, investigating, or prosecuting a criminal act, except that if the need for immediate disclosure prevents obtaining written consent, such consent may be provided orally with subsequent documentation of such consent;

(3) shall be considered the commercial, financial, or proprietary information of the entity providing such information to the Federal government and any disclosure outside the Federal government may only be made upon the prior written consent by such entity and shall not constitute a waiver of any applicable privilege or protection provided by law, except that if the need for immediate disclosure prevents obtaining written consent, such consent may be provided orally with subsequent documentation of such consent;

(4) shall be deemed voluntarily shared information and exempt from disclosure under section 552 of title 5, United States Code, and any State, tribal, or local law requiring disclosure of information or records;

(5) shall be, without discretion, withheld from the public under section 552(b)(3)(B) of title 5, United States Code, and any State, tribal, or local law requiring disclosure of information or records;

(6) shall not be subject to the rules of any Federal agency or department or any judicial doctrine regarding *ex parte* communications with a decision-making official;

(7) shall not, if subsequently provided to a State, tribal, or local government or government agency, otherwise be disclosed or distributed to any entity by such State, tribal, or local government or government agency without the prior written consent of the entity submitting such information, notwithstanding any State, tribal, or local law requiring disclosure of information or records, except that if the need for immediate disclosure prevents obtaining written consent, such consent may be provided orally with subsequent documentation of such consent; and

(8) shall not be directly used by any Federal, State, tribal, or local department or agency to regulate the lawful activities of an entity, including activities relating to obtaining, identifying, or otherwise possessing cyber threat information, except that the procedures required to be developed and implemented under this title shall not be considered regulations within the meaning of this paragraph.

(d) **PROCEDURES RELATING TO INFORMATION SHARING WITH A CYBERSECURITY CENTER.**—Not later than 60 days after the date of enactment of this Act, the heads of each department or agency containing a cybersecurity center shall jointly develop, promulgate, and submit to Congress procedures to ensure that cyber threat information shared with or provided to—

(1) a cybersecurity center under this section—

(A) may be submitted to a cybersecurity center by an entity, to the greatest extent possible, through a uniform, publicly available process or format that is easily accessible on the website of such cybersecurity center, and that includes the ability to provide relevant details about the cyber threat information and written consent to any subsequent disclosures authorized by this paragraph;

(B) shall immediately be further shared with each cybersecurity center in order to prevent, investigate, or otherwise mitigate threats to information security across the Federal government;

(C) is handled by the Federal government in a reasonable manner, including consideration of the need to protect the privacy and civil liberties of individuals through anonymization or other appropriate methods, while fully accomplishing the objectives of this title, and the Federal government may undertake efforts consistent with this subparagraph to limit the impact on privacy and civil liberties of the sharing of cyber threat information with the Federal government; and

(D) except as provided in this section, shall only be used, disclosed, or handled in accordance with the provisions of subsection (c); and

(2) a Federal agency or department under subsection (b) is provided immediately to a cybersecurity center in order to prevent, investigate, or otherwise mitigate threats to information security across the Federal government.

(e) **INFORMATION SHARED BETWEEN ENTITIES.**—

(1) **IN GENERAL.**—An entity sharing cyber threat information with another entity under this title may restrict the use or sharing of such information by such other entity.

(2) **FURTHER SHARING.**—Cyber threat information shared by any entity with another entity under this title—

(A) shall only be further shared in accordance with any restrictions placed on the sharing of such information by the entity authorizing such sharing, such as appropriate anonymization of such information; and

(B) may not be used by any entity to gain an unfair competitive advantage to the detriment of the entity authorizing the sharing of such information, except that the conduct described in paragraph (3) shall not constitute unfair competitive conduct.

(3) **INFORMATION SHARED WITH STATE, TRIBAL, OR LOCAL GOVERNMENT OR GOVERNMENT AGENCY.**—Cyber threat information shared with a State, tribal, or local government or government agency under this title—

(A) may, with the prior written consent of the entity sharing such information, be disclosed to and used by a State, tribal, or local government or government agency for the purpose of protecting information systems, or in furtherance of preventing, investigating, or prosecuting a criminal act, except if the need for immediate disclosure prevents obtaining written consent, consent may be provided orally with subsequent documentation of the consent;

(B) shall be deemed voluntarily shared information and exempt from disclosure under any State, tribal, or local law requiring disclosure of information or records;

(C) shall not be disclosed or distributed to any entity by the State, tribal, or local government or government agency without the prior written consent of the entity submitting such information, notwithstanding any

State, tribal, or local law requiring disclosure of information or records, except if the need for immediate disclosure prevents obtaining written consent, consent may be provided orally with subsequent documentation of the consent; and

(D) shall not be directly used by any State, tribal, or local department or agency to regulate the lawful activities of an entity, including activities relating to obtaining, identifying, or otherwise possessing cyber threat information, except that the procedures required to be developed and implemented under this title shall not be considered regulations within the meaning of this subparagraph.

(4) **ANTITRUST EXEMPTION.**—The exchange or provision of cyber threat information or assistance between 2 or more private entities under this title shall not be considered a violation of any provision of antitrust laws if exchanged or provided in order to assist with—

(A) facilitating the prevention, investigation, or mitigation of threats to information security; or

(B) communicating or disclosing of cyber threat information to help prevent, investigate or otherwise mitigate the effects of a threat to information security.

(5) **NO RIGHT OR BENEFIT.**—The provision of cyber threat information to an entity under this section shall not create a right or a benefit to similar information by such entity or any other entity.

(f) **FEDERAL PREEMPTION.**—

(1) **IN GENERAL.**—This section supersedes any statute or other law of a State or political subdivision of a State that restricts or otherwise expressly regulates an activity authorized under this section.

(2) **STATE LAW ENFORCEMENT.**—Nothing in this section shall be construed to supersede any statute or other law of a State or political subdivision of a State concerning the use of authorized law enforcement techniques.

(3) **PUBLIC DISCLOSURE.**—No information shared with or provided to a State, tribal, or local government or government agency pursuant to this section shall be made publicly available pursuant to any State, tribal, or local law requiring disclosure of information or records.

(g) **CIVIL AND CRIMINAL LIABILITY.**—

(1) **GENERAL PROTECTIONS.**—

(A) **PRIVATE ENTITIES.**—No cause of action shall lie or be maintained in any court against any private entity for—

(i) the use of countermeasures and cybersecurity systems as authorized by this title;

(ii) the use, receipt, or disclosure of any cyber threat information as authorized by this title; or

(iii) the subsequent actions or inactions of any lawful recipient of cyber threat information provided by such private entity.

(B) **ENTITIES.**—No cause of action shall lie or be maintained in any court against any entity for—

(i) the use, receipt, or disclosure of any cyber threat information as authorized by this title; or

(ii) the subsequent actions or inactions of any lawful recipient of cyber threat information provided by such entity.

(2) **CONSTRUCTION.**—Nothing in this subsection shall be construed as creating any immunity against, or otherwise affecting, any action brought by the Federal government, or any agency or department thereof, to enforce any law, executive order, or procedure governing the appropriate handling, disclosure, and use of classified information.

(h) **OTHERWISE LAWFUL DISCLOSURES.**—Nothing in this section shall be construed to limit or prohibit otherwise lawful disclosures of communications, records, or other information by a private entity to any other governmental or private entity not covered under this section.

(i) **WHISTLEBLOWER PROTECTION.**—Nothing in this Act shall be construed to preempt or preclude any employee from exercising rights currently provided under any whistleblower law, rule, or regulation.

(j) **RELATIONSHIP TO OTHER LAWS.**—The submission of cyber threat information under this section to a cybersecurity center shall not affect any requirement under any other provision of law for an entity to provide information to the Federal government.

#### **SEC. 103. INFORMATION SHARING BY THE FEDERAL GOVERNMENT.**

(a) **CLASSIFIED INFORMATION.**—

(1) **PROCEDURES.**—Consistent with the protection of intelligence sources and methods, and as otherwise determined appropriate, the Director of National Intelligence and the Secretary of Defense, in consultation with the heads of the appropriate Federal departments or agencies, shall develop and promulgate procedures to facilitate and promote—

(A) the immediate sharing, through the cybersecurity centers, of classified cyber threat information in the possession of the Federal government with appropriately cleared representatives of any appropriate entity; and

(B) the declassification and immediate sharing, through the cybersecurity centers, with any entity or, if appropriate, public availability of cyber threat information in the possession of the Federal government;

(2) **HANDLING OF CLASSIFIED INFORMATION.**—The procedures developed under paragraph (1) shall ensure that each entity receiving classified cyber threat information pursuant to this section has acknowledged in writing the ongoing obligation to comply with all laws, executive orders, and procedures concerning the appropriate handling, disclosure, or use of classified information.

(b) **UNCLASSIFIED CYBER THREAT INFORMATION.**—The heads of each department or agency containing a cybersecurity center shall jointly develop and promulgate procedures that ensure that, consistent with the provisions of this section, unclassified, including controlled unclassified, cyber threat information in the possession of the Federal government—

(1) is shared, through the cybersecurity centers, in an immediate and adequate manner with appropriate entities; and

(2) if appropriate, is made publicly available.

(c) **DEVELOPMENT OF PROCEDURES.**—

(1) **IN GENERAL.**—The procedures developed under this section shall incorporate, to the greatest extent possible, existing processes utilized by sector specific information sharing and analysis centers.

(2) **COORDINATION WITH ENTITIES.**—In developing the procedures required under this section, the Director of National Intelligence and the heads of each department or agency containing a cybersecurity center shall coordinate with appropriate entities to ensure that protocols are implemented that will facilitate and promote the sharing of cyber threat information by the Federal government.

(d) **ADDITIONAL RESPONSIBILITIES OF CYBERSECURITY CENTERS.**—Consistent with section 102, a cybersecurity center shall—

(1) facilitate information sharing, interaction, and collaboration among and between cybersecurity centers and—

(A) other Federal entities;

(B) any entity; and

(C) international partners, in consultation with the Secretary of State;

(2) disseminate timely and actionable cybersecurity threat, vulnerability, mitigation, and warning information, including alerts, advisories, indicators, signatures, and mitigation and response measures, to improve the security and protection of information systems; and

(3) coordinate with other Federal entities, as appropriate, to integrate information from across the Federal government to provide situational awareness of the cybersecurity posture of the United States.

(e) **SHARING WITHIN THE FEDERAL GOVERNMENT.**—The heads of appropriate Federal departments and agencies shall ensure that cyber threat information in the possession of such Federal departments or agencies that relates to the prevention, investigation, or mitigation of threats to information security across the Federal government is shared effectively with the cybersecurity centers.

(f) **SUBMISSION TO CONGRESS.**—Not later than 60 days after the date of enactment of this Act, the Director of National Intelligence, in coordination with the appropriate head of a department or an agency containing a cybersecurity center, shall submit the procedures required by this section to Congress.

#### **SEC. 104. CONSTRUCTION.**

(a) **INFORMATION SHARING RELATIONSHIPS.**—Nothing in this title shall be construed—

(1) to limit or modify an existing information sharing relationship;

(2) to prohibit a new information sharing relationship;

(3) to require a new information sharing relationship between any entity and the Federal government, except as specified under section 102(b); or

(4) to modify the authority of a department or agency of the Federal government to protect sources and methods and the national security of the United States.

(b) **ANTI-TASKING RESTRICTION.**—Nothing in this title shall be construed to permit the Federal government—

(1) to require an entity to share information with the Federal government, except as expressly provided under section 102(b); or

(2) to condition the sharing of cyber threat information with an entity on such entity's provision of cyber threat information to the Federal government.

(c) **NO LIABILITY FOR NON-PARTICIPATION.**—Nothing in this title shall be construed to subject any entity to liability for choosing not to engage in the voluntary activities authorized under this title.

(d) **USE AND RETENTION OF INFORMATION.**—Nothing in this title shall be construed to authorize, or to modify any existing authority of, a department or agency of the Federal government to retain or use any information shared under section 102 for any use other than a use permitted under section 102(c)(1).

(e) **NO NEW FUNDING.**—An applicable Federal agency shall carry out the provisions of this title with existing facilities and funds otherwise available, through such means as the head of the agency considers appropriate.

#### **SEC. 105. REPORT ON IMPLEMENTATION.**

(a) **CONTENT OF REPORT.**—Not later than 1 year after the date of enactment of this Act, and biennially thereafter, the heads of each department or agency containing a cybersecurity center shall jointly submit, in coordination with the privacy and civil liberties officials of such departments or agencies and the Privacy and Civil Liberties Oversight



Board, a detailed report to Congress concerning the implementation of this title, including—

(1) an assessment of the sufficiency of the procedures developed under section 103 of this Act in ensuring that cyber threat information in the possession of the Federal government is provided in an immediate and adequate manner to appropriate entities or, if appropriate, is made publicly available;

(2) an assessment of whether information has been appropriately classified and an accounting of the number of security clearances authorized by the Federal government for purposes of this title;

(3) a review of the type of cyber threat information shared with a cybersecurity center under section 102 of this Act, including whether such information meets the definition of cyber threat information under section 101, the degree to which such information may impact the privacy and civil liberties of individuals, any appropriate metrics to determine any impact of the sharing of such information with the Federal government on privacy and civil liberties, and the adequacy of any steps taken to reduce such impact;

(4) a review of actions taken by the Federal government based on information provided to a cybersecurity center under section 102 of this Act, including the appropriateness of any subsequent use under section 102(c)(1) of this Act and whether there was inappropriate stovepiping within the Federal government of any such information;

(5) a description of any violations of the requirements of this title by the Federal government;

(6) a classified list of entities that received classified information from the Federal government under section 103 of this Act and a description of any indication that such information may not have been appropriately handled;

(7) a summary of any breach of information security, if known, attributable to a specific failure by any entity or the Federal government to act on cyber threat information in the possession of such entity or the Federal government that resulted in substantial economic harm or injury to a specific entity or the Federal government; and

(8) any recommendation for improvements or modifications to the authorities under this title.

(b) **FORM OF REPORT.**—The report under subsection (a) shall be submitted in unclassified form, but shall include a classified annex.

#### **SEC. 106. INSPECTOR GENERAL REVIEW.**

(a) **IN GENERAL.**—The Council of the Inspectors General on Integrity and Efficiency are authorized to review compliance by the cybersecurity centers, and by any Federal department or agency receiving cyber threat information from such cybersecurity centers, with the procedures required under section 102 of this Act.

(b) **SCOPE OF REVIEW.**—The review under subsection (a) shall consider whether the Federal government has handled such cyber threat information in a reasonable manner, including consideration of the need to protect the privacy and civil liberties of individuals through anonymization or other appropriate methods, while fully accomplishing the objectives of this title.

(c) **REPORT TO CONGRESS.**—Each review conducted under this section shall be provided to Congress not later than 30 days after the date of completion of the review.

#### **SEC. 107. TECHNICAL AMENDMENTS.**

Section 552(b) of title 5, United States Code, is amended—

(1) in paragraph (8), by striking “or”;

(2) in paragraph (9), by striking “wells,” and inserting “wells; or”;

(3) by adding at the end the following:

“(10) information shared with or provided to a cybersecurity center under section 102 of title I of the Strengthening and Enhancing Cybersecurity by Using Research, Education, Information, and Technology Act of 2012.”.

#### **SEC. 108. ACCESS TO CLASSIFIED INFORMATION.**

(a) **AUTHORIZATION REQUIRED.**—No person shall be provided with access to classified information (as defined in section 6.1 of Executive Order 13526 (50 U.S.C. 435 note; relating to classified national security information)) relating to cyber security threats or cyber security vulnerabilities under this title without the appropriate security clearances.

(b) **SECURITY CLEARANCES.**—The appropriate Federal agencies or departments shall, consistent with applicable procedures and requirements, and if otherwise deemed appropriate, assist an individual in timely obtaining an appropriate security clearance where such individual has been determined to be eligible for such clearance and has a need-to-know (as defined in section 6.1 of that Executive Order) classified information to carry out this title.

### **TITLE II—COORDINATION OF FEDERAL INFORMATION SECURITY POLICY**

#### **SEC. 201. COORDINATION OF FEDERAL INFORMATION SECURITY POLICY.**

(a) **IN GENERAL.**—Chapter 35 of title 44, United States Code, is amended by striking subchapters II and III and inserting the following:

#### **“SUBCHAPTER II—INFORMATION SECURITY**

##### **“§ 3551. Purposes**

“The purposes of this subchapter are—

“(1) to provide a comprehensive framework for ensuring the effectiveness of information security controls over information resources that support Federal operations and assets;

“(2) to recognize the highly networked nature of the current Federal computing environment and provide effective government-wide management of policies, directives, standards, and guidelines, as well as effective and nimble oversight of and response to information security risks, including coordination of information security efforts throughout the Federal civilian, national security, and law enforcement communities;

“(3) to provide for development and maintenance of controls required to protect agency information and information systems and contribute to the overall improvement of agency information security posture;

“(4) to provide for the development of tools and methods to assess and respond to real-time situational risk for Federal information system operations and assets; and

“(5) to provide a mechanism for improving agency information security programs through continuous monitoring of agency information systems and streamlined reporting requirements rather than overly prescriptive manual reporting.

##### **“§ 3552. Definitions**

“In this subchapter:

“(1) **ADEQUATE SECURITY.**—The term ‘adequate security’ means security commensurate with the risk and magnitude of the harm resulting from the unauthorized access to or loss, misuse, destruction, or modification of information.

“(2) **AGENCY.**—The term ‘agency’ has the meaning given the term in section 3502 of title 44.

“(3) **CYBERSECURITY CENTER.**—The term ‘cybersecurity center’ means the Depart-

ment of Defense Cyber Crime Center, the Intelligence Community Incident Response Center, the United States Cyber Command Joint Operations Center, the National Cyber Investigative Joint Task Force, the National Security Agency/Central Security Service Threat Operations Center, the National Cybersecurity and Communications Integration Center, and any successor center.

“(4) **CYBER THREAT INFORMATION.**—The term ‘cyber threat information’ means information that indicates or describes—

“(A) a technical or operation vulnerability or a cyber threat mitigation measure;

“(B) an action or operation to mitigate a cyber threat;

“(C) malicious reconnaissance, including anomalous patterns of network activity that appear to be transmitted for the purpose of gathering technical information related to a cybersecurity threat;

“(D) a method of defeating a technical control;

“(E) a method of defeating an operational control;

“(F) network activity or protocols known to be associated with a malicious cyber actor or that signify malicious cyber intent;

“(G) a method of causing a user with legitimate access to an information system or information that is stored on, processed by, or transiting an information system to inadvertently enable the defeat of a technical or operational control;

“(H) any other attribute of a cybersecurity threat or cyber defense information that would foster situational awareness of the United States cybersecurity posture, if disclosure of such attribute or information is not otherwise prohibited by law;

“(I) the actual or potential harm caused by a cyber incident, including information exfiltrated when it is necessary in order to identify or describe a cybersecurity threat; or

“(J) any combination of subparagraphs (A) through (I).

“(5) **DIRECTOR.**—The term ‘Director’ means the Director of the Office of Management and Budget unless otherwise specified.

“(6) **ENVIRONMENT OF OPERATION.**—The term ‘environment of operation’ means the information system and environment in which those systems operate, including changing threats, vulnerabilities, technologies, and missions and business practices.

“(7) **FEDERAL INFORMATION SYSTEM.**—The term ‘Federal information system’ means an information system used or operated by an executive agency, by a contractor of an executive agency, or by another organization on behalf of an executive agency.

“(8) **INCIDENT.**—The term ‘incident’ means an occurrence that—

“(A) actually or imminently jeopardizes the integrity, confidentiality, or availability of an information system or the information that system controls, processes, stores, or transmits; or

“(B) constitutes a violation of law or an imminent threat of violation of a law, a security policy, a security procedure, or an acceptable use policy.

“(9) **INFORMATION RESOURCES.**—The term ‘information resources’ has the meaning given the term in section 3502 of title 44.

“(10) **INFORMATION SECURITY.**—The term ‘information security’ means protecting information and information systems from disruption or unauthorized access, use, disclosure, modification, or destruction in order to provide—

“(A) integrity, by guarding against improper information modification or destruction, including by ensuring information non-repudiation and authenticity;

“(B) confidentiality, by preserving authorized restrictions on access and disclosure, including means for protecting personal privacy and proprietary information; or

“(C) availability, by ensuring timely and reliable access to and use of information.

“(11) INFORMATION SYSTEM.—The term ‘information system’ has the meaning given the term in section 3502 of title 44.

“(12) INFORMATION TECHNOLOGY.—The term ‘information technology’ has the meaning given the term in section 11101 of title 40.

“(13) MALICIOUS RECONNAISSANCE.—The term ‘malicious reconnaissance’ means a method for actively probing or passively monitoring an information system for the purpose of discerning technical vulnerabilities of the information system, if such method is associated with a known or suspected cybersecurity threat.

“(14) NATIONAL SECURITY SYSTEM.—

“(A) IN GENERAL.—The term ‘national security system’ means any information system (including any telecommunications system) used or operated by an agency or by a contractor of an agency, or other organization on behalf of an agency—

“(i) the function, operation, or use of which—

“(I) involves intelligence activities;

“(II) involves cryptologic activities related to national security;

“(III) involves command and control of military forces;

“(IV) involves equipment that is an integral part of a weapon or weapons system; or

“(V) subject to subparagraph (B), is critical to the direct fulfillment of military or intelligence missions; or

“(ii) is protected at all times by procedures established for information that have been specifically authorized under criteria established by an Executive Order or an Act of Congress to be kept classified in the interest of national defense or foreign policy.

“(B) LIMITATION.—Subparagraph (A)(i)(V) does not include a system that is to be used for routine administrative and business applications (including payroll, finance, logistics, and personnel management applications).

“(15) OPERATIONAL CONTROL.—The term ‘operational control’ means a security control for an information system that primarily is implemented and executed by people.

“(16) PERSON.—The term ‘person’ has the meaning given the term in section 3502 of title 44.

“(17) SECRETARY.—The term ‘Secretary’ means the Secretary of Commerce unless otherwise specified.

“(18) SECURITY CONTROL.—The term ‘security control’ means the management, operational, and technical controls, including safeguards or countermeasures, prescribed for an information system to protect the confidentiality, integrity, and availability of the system and its information.

“(19) SIGNIFICANT CYBER INCIDENT.—The term ‘significant cyber incident’ means a cyber incident resulting in, or an attempted cyber incident that, if successful, would have resulted in—

“(A) the exfiltration from a Federal information system of data that is essential to the operation of the Federal information system; or

“(B) an incident in which an operational or technical control essential to the security or

operation of a Federal information system was defeated.

“(20) TECHNICAL CONTROL.—The term ‘technical control’ means a hardware or software restriction on, or audit of, access or use of an information system or information that is stored on, processed by, or transiting an information system that is intended to ensure the confidentiality, integrity, or availability of that system.

#### “§ 3553. Federal information security authority and coordination

“(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Homeland Security, shall—

“(1) issue compulsory and binding policies and directives governing agency information security operations, and require implementation of such policies and directives, including—

“(A) policies and directives consistent with the standards and guidelines promulgated under section 11331 of title 40 to identify and provide information security protections prioritized and commensurate with the risk and impact resulting from the unauthorized access, use, disclosure, disruption, modification, or destruction of—

“(i) information collected or maintained by or on behalf of an agency; or

“(ii) information systems used or operated by an agency or by a contractor of an agency or other organization on behalf of an agency;

“(B) minimum operational requirements for Federal Government to protect agency information systems and provide common situational awareness across all agency information systems;

“(C) reporting requirements, consistent with relevant law, regarding information security incidents and cyber threat information;

“(D) requirements for agencywide information security programs;

“(E) performance requirements and metrics for the security of agency information systems;

“(F) training requirements to ensure that agencies are able to fully and timely comply with the policies and directives issued by the Secretary under this subchapter;

“(G) training requirements regarding privacy, civil rights, and civil liberties, and information oversight for agency information security personnel;

“(H) requirements for the annual reports to the Secretary under section 3554(d);

“(I) any other information security operations or information security requirements as determined by the Secretary in coordination with relevant agency heads; and

“(J) coordinating the development of standards and guidelines under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3) with agencies and offices operating or exercising control of national security systems (including the National Security Agency) to assure, to the maximum extent feasible, that such standards and guidelines are complementary with standards and guidelines developed for national security systems;

“(2) review the agencywide information security programs under section 3554; and

“(3) designate an individual or an entity at each cybersecurity center, among other responsibilities—

“(A) to receive reports and information about information security incidents, cyber threat information, and deterioration of security control affecting agency information systems; and

“(B) to act on or share the information under subparagraph (A) in accordance with this subchapter.

“(b) CONSIDERATIONS.—When issuing policies and directives under subsection (a), the Secretary shall consider any applicable standards or guidelines developed by the National Institute of Standards and Technology under section 11331 of title 40.

“(c) LIMITATION OF AUTHORITY.—The authorities of the Secretary under this section shall not apply to national security systems. Information security policies, directives, standards and guidelines for national security systems shall be overseen as directed by the President and, in accordance with that direction, carried out under the authority of the heads of agencies that operate or exercise authority over such national security systems.

“(d) STATUTORY CONSTRUCTION.—Nothing in this subchapter shall be construed to alter or amend any law regarding the authority of any head of an agency over such agency.

#### “§ 3554. Agency responsibilities

“(a) IN GENERAL.—The head of each agency shall—

“(1) be responsible for—

“(A) complying with the policies and directives issued under section 3553;

“(B) providing information security protections commensurate with the risk resulting from unauthorized access, use, disclosure, disruption, modification, or destruction of—

“(i) information collected or maintained by the agency or by a contractor of an agency or other organization on behalf of an agency; and

“(ii) information systems used or operated by an agency or by a contractor of an agency or other organization on behalf of an agency;

“(C) complying with the requirements of this subchapter, including—

“(i) information security standards and guidelines promulgated under section 11331 of title 40;

“(ii) for any national security systems operated or controlled by that agency, information security policies, directives, standards and guidelines issued as directed by the President; and

“(iii) for any non-national security systems operated or controlled by that agency, information security policies, directives, standards and guidelines issued under section 3553;

“(D) ensuring that information security management processes are integrated with agency strategic and operational planning processes;

“(E) reporting and sharing, for an agency operating or exercising control of a national security system, information about information security incidents, cyber threat information, and deterioration of security controls to the individual or entity designated at each cybersecurity center and to other appropriate entities consistent with policies and directives for national security systems issued as directed by the President; and

“(F) reporting and sharing, for those agencies operating or exercising control of non-national security systems, information about information security incidents, cyber threat information, and deterioration of security controls to the individual or entity designated at each cybersecurity center and to other appropriate entities consistent with policies and directives for non-national security systems as prescribed under section 3553(a), including information to assist the entity designated under section 3555(a) with the ongoing security analysis under section 3555;

“(2) ensure that each senior agency official provides information security for the information and information systems that support the operations and assets under the senior agency official’s control, including by—

“(A) assessing the risk and impact that could result from the unauthorized access, use, disclosure, disruption, modification, or destruction of such information or information systems;

“(B) determining the level of information security appropriate to protect such information and information systems in accordance with policies and directives issued under section 3553(a), and standards and guidelines promulgated under section 11331 of title 40 for information security classifications and related requirements;

“(C) implementing policies, procedures, and capabilities to reduce risks to an acceptable level in a cost-effective manner;

“(D) actively monitoring the effective implementation of information security controls and techniques; and

“(E) reporting information about information security incidents, cyber threat information, and deterioration of security controls in a timely and adequate manner to the entity designated under section 3553(a)(3) in accordance with paragraph (1);

“(3) assess and maintain the resiliency of information technology systems critical to agency mission and operations;

“(4) designate the agency Inspector General (or an independent entity selected in consultation with the Director and the Council of Inspectors General on Integrity and Efficiency if the agency does not have an Inspector General) to conduct the annual independent evaluation required under section 3556, and allow the agency Inspector General to contract with an independent entity to perform such evaluation;

“(5) delegate to the Chief Information Officer or equivalent (or to a senior agency official who reports to the Chief Information Officer or equivalent)—

“(A) the authority and primary responsibility to implement an agencywide information security program; and

“(B) the authority to provide information security for the information collected and maintained by the agency (or by a contractor, other agency, or other source on behalf of the agency) and for the information systems that support the operations, assets, and mission of the agency (including any information system provided or managed by a contractor, other agency, or other source on behalf of the agency);

“(6) delegate to the appropriate agency official (who is responsible for a particular agency system or subsystem) the responsibility to ensure and enforce compliance with all requirements of the agency’s agencywide information security program in coordination with the Chief Information Officer or equivalent (or the senior agency official who reports to the Chief Information Officer or equivalent) under paragraph (5);

“(7) ensure that an agency has trained personnel who have obtained any necessary security clearances to permit them to assist the agency in complying with this subchapter;

“(8) ensure that the Chief Information Officer or equivalent (or the senior agency official who reports to the Chief Information Officer or equivalent) under paragraph (5), in coordination with other senior agency officials, reports to the agency head on the effectiveness of the agencywide information security program, including the progress of any remedial actions; and

“(9) ensure that the Chief Information Officer or equivalent (or the senior agency official who reports to the Chief Information Officer or equivalent) under paragraph (5) has the necessary qualifications to administer the functions described in this subchapter and has information security duties as a primary duty of that official.

“(b) CHIEF INFORMATION OFFICERS.—Each Chief Information Officer or equivalent (or the senior agency official who reports to the Chief Information Officer or equivalent) under subsection (a)(5) shall—

“(1) establish and maintain an enterprise security operations capability that on a continuous basis—

“(A) detects, reports, contains, mitigates, and responds to information security incidents that impair adequate security of the agency’s information or information system in a timely manner and in accordance with the policies and directives under section 3553; and

“(B) reports any information security incident under subparagraph (A) to the entity designated under section 3555;

“(2) develop, maintain, and oversee an agencywide information security program;

“(3) develop, maintain, and oversee information security policies, procedures, and control techniques to address applicable requirements, including requirements under section 3553 of this title and section 11331 of title 40; and

“(4) train and oversee the agency personnel who have significant responsibility for information security with respect to that responsibility.

“(c) AGENCYWIDE INFORMATION SECURITY PROGRAMS.—

“(1) IN GENERAL.—Each agencywide information security program under subsection (b)(2) shall include—

“(A) relevant security risk assessments, including technical assessments and others related to the acquisition process;

“(B) security testing commensurate with risk and impact;

“(C) mitigation of deterioration of security controls commensurate with risk and impact;

“(D) risk-based continuous monitoring and threat assessment of the operational status and security of agency information systems to enable evaluation of the effectiveness of and compliance with information security policies, procedures, and practices, including a relevant and appropriate selection of security controls of information systems identified in the inventory under section 3505(c);

“(E) operation of appropriate technical capabilities in order to detect, mitigate, report, and respond to information security incidents, cyber threat information, and deterioration of security controls in a manner that is consistent with the policies and directives under section 3553, including—

“(i) mitigating risks associated with such information security incidents;

“(ii) notifying and consulting with the entity designated under section 3555; and

“(iii) notifying and consulting with, as appropriate—

“(I) law enforcement and the relevant Office of the Inspector General; and

“(II) any other entity, in accordance with law and as directed by the President;

“(F) a process to ensure that remedial action is taken to address any deficiencies in the information security policies, procedures, and practices of the agency; and

“(G) a plan and procedures to ensure the continuity of operations for information systems that support the operations and assets of the agency.

“(2) RISK MANAGEMENT STRATEGIES.—Each agencywide information security program under subsection (b)(2) shall include the development and maintenance of a risk management strategy for information security. The risk management strategy shall include—

“(A) consideration of information security incidents, cyber threat information, and deterioration of security controls; and

“(B) consideration of the consequences that could result from the unauthorized access, use, disclosure, disruption, modification, or destruction of information and information systems that support the operations and assets of the agency, including any information system provided or managed by a contractor, other agency, or other source on behalf of the agency;

“(3) POLICIES AND PROCEDURES.—Each agencywide information security program under subsection (b)(2) shall include policies and procedures that—

“(A) are based on the risk management strategy under paragraph (2);

“(B) reduce information security risks to an acceptable level in a cost-effective manner;

“(C) ensure that cost-effective and adequate information security is addressed as part of the acquisition and ongoing management of each agency information system; and

“(D) ensure compliance with—

“(i) this subchapter; and

“(ii) any other applicable requirements.

“(4) TRAINING REQUIREMENTS.—Each agencywide information security program under subsection (b)(2) shall include information security, privacy, civil rights, civil liberties, and information oversight training that meets any applicable requirements under section 3553. The training shall inform each information security personnel that has access to agency information systems (including contractors and other users of information systems that support the operations and assets of the agency) of—

“(A) the information security risks associated with the information security personnel’s activities; and

“(B) the individual’s responsibility to comply with the agency policies and procedures that reduce the risks under subparagraph (A).

“(d) ANNUAL REPORT.—Each agency shall submit a report annually to the Secretary of Homeland Security on its agencywide information security program and information systems.

#### “§3555. Multiagency ongoing threat assessment

“(a) IMPLEMENTATION.—The Director of the Office of Management and Budget, in coordination with the Secretary of Homeland Security, shall designate an entity to implement ongoing security analysis concerning agency information systems—

“(1) based on cyber threat information;

“(2) based on agency information system and environment of operation changes, including—

“(A) an ongoing evaluation of the information system security controls; and

“(B) the security state, risk level, and environment of operation of an agency information system, including—

“(i) a change in risk level due to a new cyber threat;

“(ii) a change resulting from a new technology;

“(iii) a change resulting from the agency’s mission; and

“(iv) a change resulting from the business practice; and

“(3) using automated processes to the maximum extent possible—

“(A) to increase information system security;

“(B) to reduce paper-based reporting requirements; and

“(C) to maintain timely and actionable knowledge of the state of the information system security.

“(b) STANDARDS.—The National Institute of Standards and Technology may promulgate standards, in coordination with the Secretary of Homeland Security, to assist an agency with its duties under this section.

“(c) COMPLIANCE.—The head of each appropriate department and agency shall be responsible for ensuring compliance and implementing necessary procedures to comply with this section. The head of each appropriate department and agency, in consultation with the Director of the Office of Management and Budget and the Secretary of Homeland Security, shall—

“(1) monitor compliance under this section;

“(2) develop a timeline and implement for the department or agency—

“(A) adoption of any technology, system, or method that facilitates continuous monitoring and threat assessments of an agency information system;

“(B) adoption or updating of any technology, system, or method that prevents, detects, or remediates a significant cyber incident to a Federal information system of the department or agency that has impeded, or is reasonably likely to impede, the performance of a critical mission of the department or agency; and

“(C) adoption of any technology, system, or method that satisfies a requirement under this section.

“(d) LIMITATION OF AUTHORITY.—The authorities of the Director of the Office of Management and Budget and of the Secretary of Homeland Security under this section shall not apply to national security systems.

“(e) REPORT.—Not later than 6 months after the date of enactment of the Strengthening and Enhancing Cybersecurity by Using Research, Education, Information, and Technology Act of 2012, the Government Accountability Office shall issue a report evaluating each agency's status toward implementing this section.

#### “§ 3556. Independent evaluations

“(a) IN GENERAL.—The Council of the Inspectors General on Integrity and Efficiency, in consultation with the Director and the Secretary of Homeland Security, the Secretary of Commerce, and the Secretary of Defense, shall issue and maintain criteria for the timely, cost-effective, risk-based, and independent evaluation of each agencywide information security program (and practices) to determine the effectiveness of the agencywide information security program (and practices). The criteria shall include measures to assess any conflicts of interest in the performance of the evaluation and whether the agencywide information security program includes appropriate safeguards against disclosure of information where such disclosure may adversely affect information security.

“(b) ANNUAL INDEPENDENT EVALUATIONS.—Each agency shall perform an annual independent evaluation of its agencywide information security program (and practices) in accordance with the criteria under subsection (a).

“(c) DISTRIBUTION OF REPORTS.—Not later than 30 days after receiving an independent

evaluation under subsection (b), each agency head shall transmit a copy of the independent evaluation to the Secretary of Homeland Security, the Secretary of Commerce, and the Secretary of Defense.

“(d) NATIONAL SECURITY SYSTEMS.—Evaluations involving national security systems shall be conducted as directed by President.

#### “§ 3557. National security systems.

“The head of each agency operating or exercising control of a national security system shall be responsible for ensuring that the agency—

“(1) provides information security protections commensurate with the risk and magnitude of the harm resulting from the unauthorized access, use, disclosure, disruption, modification, or destruction of the information contained in such system; and

“(2) implements information security policies and practices as required by standards and guidelines for national security systems, issued in accordance with law and as directed by the President.”.

#### (b) SAVINGS PROVISIONS.—

(1) POLICY AND COMPLIANCE GUIDANCE.—Policy and compliance guidance issued by the Director before the date of enactment of this Act under section 3543(a)(1) of title 44, United States Code (as in effect on the day before the date of enactment of this Act), shall continue in effect, according to its terms, until modified, terminated, superseded, or repealed pursuant to section 3553(a)(1) of title 44, United States Code.

(2) STANDARDS AND GUIDELINES.—Standards and guidelines issued by the Secretary of Commerce or by the Director before the date of enactment of this Act under section 11331(a)(1) of title 40, United States Code, (as in effect on the day before the date of enactment of this Act) shall continue in effect, according to their terms, until modified, terminated, superseded, or repealed pursuant to section 11331(a)(1) of title 40, United States Code, as amended by this Act.

#### (c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) CHAPTER ANALYSIS.—The chapter analysis for chapter 35 of title 44, United States Code, is amended—

(A) by striking the items relating to sections 3531 through 3538;

(B) by striking the items relating to sections 3541 through 3549; and

(C) by inserting the following:

“3551. Purposes.

“3552. Definitions.

“3553. Federal information security authority and coordination.

“3554. Agency responsibilities.

“3555. Multiagency ongoing threat assessment.

“3556. Independent evaluations.

“3557. National security systems.”.

#### (2) OTHER REFERENCES.—

(A) Section 1001(c)(1)(A) of the Homeland Security Act of 2002 (6 U.S.C. 511(1)(A)) is amended by striking “section 3532(3)” and inserting “section 3552”.

(B) Section 2222(j)(5) of title 10, United States Code, is amended by striking “section 3542(b)(2)” and inserting “section 3552”.

(C) Section 2223(c)(3) of title 10, United States Code, is amended, by striking “section 3542(b)(2)” and inserting “section 3552”.

(D) Section 2315 of title 10, United States Code, is amended by striking “section 3542(b)(2)” and inserting “section 3552”.

(E) Section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3) is amended—

(i) in subsection (a)(2), by striking “section 3532(b)(2)” and inserting “section 3552”;

(ii) in subsection (c)(3), by striking “Director of the Office of Management and Budget” and inserting “Secretary of Commerce”;

(iii) in subsection (d)(1), by striking “Director of the Office of Management and Budget” and inserting “Secretary of Commerce”;

(iv) in subsection (d)(8) by striking “Director of the Office of Management and Budget” and inserting “Secretary of Commerce”;

(v) in subsection (d)(8), by striking “submitted to the Director” and inserting “submitted to the Secretary”;

(vi) in subsection (e)(2), by striking “section 3532(1) of such title” and inserting “section 3552 of title 44”; and

(vii) in subsection (e)(5), by striking “section 3532(b)(2) of such title” and inserting “section 3552 of title 44”.

(F) Section 8(d)(1) of the Cyber Security Research and Development Act (15 U.S.C. 7406(d)(1)) is amended by striking “section 3534(b)” and inserting “section 3554(b)(2)”.

#### SEC. 202. MANAGEMENT OF INFORMATION TECHNOLOGY.

(a) IN GENERAL.—Section 11331 of title 40, United States Code, is amended to read as follows:

#### “§ 11331. Responsibilities for Federal information systems standards

“(a) STANDARDS AND GUIDELINES.—

“(1) AUTHORITY TO PRESCRIBE.—Except as provided under paragraph (2), the Secretary of Commerce shall prescribe standards and guidelines pertaining to Federal information systems—

“(A) in consultation with the Secretary of Homeland Security; and

“(B) on the basis of standards and guidelines developed by the National Institute of Standards and Technology under paragraphs (2) and (3) of section 20(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3(a)(2) and (a)(3)).

“(2) NATIONAL SECURITY SYSTEMS.—Standards and guidelines for national security systems shall be developed, prescribed, enforced, and overseen as otherwise authorized by law and as directed by the President.

“(b) MANDATORY STANDARDS AND GUIDELINES.—

“(1) AUTHORITY TO MAKE MANDATORY STANDARDS AND GUIDELINES.—The Secretary of Commerce shall make standards and guidelines under subsection (a)(1) compulsory and binding to the extent determined necessary by the Secretary of Commerce to improve the efficiency of operation or security of Federal information systems.

“(2) REQUIRED MANDATORY STANDARDS AND GUIDELINES.—

“(A) IN GENERAL.—Standards and guidelines under subsection (a)(1) shall include information security standards that—

“(i) provide minimum information security requirements as determined under section 20(b) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3(b)); and

“(ii) are otherwise necessary to improve the security of Federal information and information systems.

“(B) BINDING EFFECT.—Information security standards under subparagraph (A) shall be compulsory and binding.

“(c) EXERCISE OF AUTHORITY.—To ensure fiscal and policy consistency, the Secretary of Commerce shall exercise the authority conferred by this section subject to direction by the President and in coordination with the Director.

“(d) APPLICATION OF MORE STRINGENT STANDARDS AND GUIDELINES.—The head of an executive agency may employ standards for the cost-effective information security for

information systems within or under the supervision of that agency that are more stringent than the standards and guidelines the Secretary of Commerce prescribes under this section if the more stringent standards and guidelines—

“(1) contain at least the applicable standards and guidelines made compulsory and binding by the Secretary of Commerce; and

“(2) are otherwise consistent with the policies, directives, and implementation memoranda issued under section 3553(a) of title 44.

“(e) DECISIONS ON PROMULGATION OF STANDARDS AND GUIDELINES.—The decision by the Secretary of Commerce regarding the promulgation of any standard or guideline under this section shall occur not later than 6 months after the date of submission of the proposed standard to the Secretary of Commerce by the National Institute of Standards and Technology under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3).

“(f) NOTICE AND COMMENT.—A decision by the Secretary of Commerce to significantly modify, or not promulgate, a proposed standard submitted to the Secretary by the National Institute of Standards and Technology under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3) shall be made after the public is given an opportunity to comment on the Secretary's proposed decision.

“(g) DEFINITIONS.—In this section:

“(1) **FEDERAL INFORMATION SYSTEM.**—The term ‘Federal information system’ has the meaning given the term in section 3552 of title 44.

“(2) **INFORMATION SECURITY.**—The term ‘information security’ has the meaning given the term in section 3552 of title 44.

“(3) **NATIONAL SECURITY SYSTEM.**—The term ‘national security system’ has the meaning given the term in section 3552 of title 44.”.

#### SEC. 203. NO NEW FUNDING.

An applicable Federal agency shall carry out the provisions of this title with existing facilities and funds otherwise available, through such means as the head of the agency considers appropriate.

#### SEC. 204. TECHNICAL AND CONFORMING AMENDMENTS.

Section 21(b) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–4(b)) is amended—

(1) in paragraph (2), by striking “and the Director of the Office of Management and Budget” and inserting “, the Secretary of Commerce, and the Secretary of Homeland Security”; and

(2) in paragraph (3), by inserting “, the Secretary of Homeland Security,” after “the Secretary of Commerce”.

#### SEC. 205. CLARIFICATION OF AUTHORITIES.

Nothing in this title shall be construed to convey any new regulatory authority to any government entity implementing or complying with any provision of this title.

### TITLE III—CRIMINAL PENALTIES

#### SEC. 301. PENALTIES FOR FRAUD AND RELATED ACTIVITY IN CONNECTION WITH COMPUTERS.

Section 1030(c) of title 18, United States Code, is amended to read as follows:

“(c) The punishment for an offense under subsection (a) or (b) of this section is—

“(1) a fine under this title or imprisonment for not more than 20 years, or both, in the case of an offense under subsection (a)(1) of this section;

“(2)(A) except as provided in subparagraph (B), a fine under this title or imprisonment for not more than 3 years, or both, in the case of an offense under subsection (a)(2); or

“(B) a fine under this title or imprisonment for not more than ten years, or both, in the case of an offense under subsection (a)(2) of this section, if—

“(i) the offense was committed for purposes of commercial advantage or private financial gain;

“(ii) the offense was committed in the furtherance of any criminal or tortious act in violation of the Constitution or laws of the United States, or of any State; or

“(iii) the value of the information obtained, or that would have been obtained if the offense was completed, exceeds \$5,000;

“(3) a fine under this title or imprisonment for not more than 10 years, or both, in the case of an offense under subsection (a)(3) of this section;

“(4) a fine under this title or imprisonment of not more than 20 years, or both, in the case of an offense under subsection (a)(4) of this section;

“(5)(A) except as provided in subparagraph (C), a fine under this title, imprisonment for not more than 20 years, or both, in the case of an offense under subsection (a)(5)(A) of this section, if the offense caused—

“(i) loss to 1 or more persons during any 1-year period (and, for purposes of an investigation, prosecution, or other proceeding brought by the United States only, loss resulting from a related course of conduct affecting 1 or more other protected computers) aggregating at least \$5,000 in value;

“(ii) the modification or impairment, or potential modification or impairment, of the medical examination, diagnosis, treatment, or care of 1 or more individuals;

“(iii) physical injury to any person;

“(iv) a threat to public health or safety;

“(v) damage affecting a computer used by, or on behalf of, an entity of the United States Government in furtherance of the administration of justice, national defense, or national security; or

“(vi) damage affecting 10 or more protected computers during any 1-year period;

“(B) a fine under this title, imprisonment for not more than 20 years, or both, in the case of an offense under subsection (a)(5)(B), if the offense caused a harm provided in clause (i) through (vi) of subparagraph (A) of this subsection;

“(C) if the offender attempts to cause or knowingly or recklessly causes death from conduct in violation of subsection (a)(5)(A), a fine under this title, imprisonment for any term of years or for life, or both;

“(D) a fine under this title, imprisonment for not more than 10 years, or both, for any other offense under subsection (a)(5);

“(E) a fine under this title or imprisonment for not more than 10 years, or both, in the case of an offense under subsection (a)(6) of this section; or

“(F) a fine under this title or imprisonment for not more than 10 years, or both, in the case of an offense under subsection (a)(7) of this section.”.

#### SEC. 302. TRAFFICKING IN PASSWORDS.

Section 1030(a)(6) of title 18, United States Code, is amended to read as follows:

“(6) knowingly and with intent to defraud traffics (as defined in section 1029) in any password or similar information or means of access through which a protected computer (as defined in subparagraphs (A) and (B) of subsection (e)(2)) may be accessed without authorization.”.

#### SEC. 303. CONSPIRACY AND ATTEMPTED COMPUTER FRAUD OFFENSES.

Section 1030(b) of title 18, United States Code, is amended by inserting “as if for the completed offense” after “punished as provided”.

#### SEC. 304. CRIMINAL AND CIVIL FORFEITURE FOR FRAUD AND RELATED ACTIVITY IN CONNECTION WITH COMPUTERS.

Section 1030 of title 18, United States Code, is amended by striking subsections (i) and (j) and inserting the following:

“(i) **CRIMINAL FORFEITURE.**—

“(1) The court, in imposing sentence on any person convicted of a violation of this section, or convicted of conspiracy to violate this section, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person forfeit to the United States—

“(A) such persons interest in any property, real or personal, that was used, or intended to be used, to commit or facilitate the commission of such violation; and

“(B) any property, real or personal, constituting or derived from any gross proceeds, or any property traceable to such property, that such person obtained, directly or indirectly, as a result of such violation.

“(2) The criminal forfeiture of property under this subsection, including any seizure and disposition of the property, and any related judicial or administrative proceeding, shall be governed by the provisions of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), except subsection (d) of that section.

“(j) **CIVIL FORFEITURE.**—

“(1) The following shall be subject to forfeiture to the United States and no property right, real or personal, shall exist in them:

“(A) Any property, real or personal, that was used, or intended to be used, to commit or facilitate the commission of any violation of this section, or a conspiracy to violate this section.

“(B) Any property, real or personal, constituting or derived from any gross proceeds obtained directly or indirectly, or any property traceable to such property, as a result of the commission of any violation of this section, or a conspiracy to violate this section.

“(2) Seizures and forfeitures under this subsection shall be governed by the provisions in chapter 46 relating to civil forfeitures, except that such duties as are imposed on the Secretary of the Treasury under the customs laws described in section 981(d) shall be performed by such officers, agents and other persons as may be designated for that purpose by the Secretary of Homeland Security or the Attorney General.”.

#### SEC. 305. DAMAGE TO CRITICAL INFRASTRUCTURE COMPUTERS.

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by inserting after section 1030 the following:

“**§ 1030A. Aggravated damage to a critical infrastructure computer**

“(a) **DEFINITIONS.**—In this section—

“(1) the term ‘computer’ has the meaning given the term in section 1030;

“(2) the term ‘critical infrastructure computer’ means a computer that manages or controls systems or assets vital to national defense, national security, national economic security, public health or safety, or any combination of those matters, whether publicly or privately owned or operated, including—

“(A) oil and gas production, storage, conversion, and delivery systems;

“(B) water supply systems;

“(C) telecommunication networks;

“(D) electrical power generation and delivery systems;

“(E) finance and banking systems;

“(F) emergency services;

“(G) transportation systems and services; and

“(H) government operations that provide essential services to the public; and  
 “(3) the term ‘damage’ has the meaning given the term in section 1030.

“(b) OFFENSE.—It shall be unlawful, during and in relation to a felony violation of section 1030, to knowingly cause or attempt to cause damage to a critical infrastructure computer if the damage results in (or, in the case of an attempt, if completed, would have resulted in) the substantial impairment—

“(1) of the operation of the critical infrastructure computer; or

“(2) of the critical infrastructure associated with the computer.

“(c) PENALTY.—Any person who violates subsection (b) shall be—

“(1) fined under this title;

“(2) imprisoned for not less than 3 years but not more than 20 years; or

“(3) penalized under paragraphs (1) and (2).

“(d) CONSECUTIVE SENTENCE.—Notwithstanding any other provision of law—

“(1) a court shall not place on probation any person convicted of a violation of this section;

“(2) except as provided in paragraph (4), no term of imprisonment imposed on a person under this section shall run concurrently with any other term of imprisonment, including any term of imprisonment imposed on the person under any other provision of law, including any term of imprisonment imposed for a felony violation of section 1030;

“(3) in determining any term of imprisonment to be imposed for a felony violation of section 1030, a court shall not in any way reduce the term to be imposed for such crime so as to compensate for, or otherwise take into account, any separate term of imprisonment imposed or to be imposed for a violation of this section; and

“(4) a term of imprisonment imposed on a person for a violation of this section may, in the discretion of the court, run concurrently, in whole or in part, only with another term of imprisonment that is imposed by the court at the same time on that person for an additional violation of this section, provided that such discretion shall be exercised in accordance with any applicable guidelines and policy statements issued by the United States Sentencing Commission pursuant to section 994 of title 28.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The chapter analysis for chapter 47 of title 18, United States Code, is amended by inserting after the item relating to section 1030 the following:

“1030A. Aggravated damage to a critical infrastructure computer.”.

#### SEC. 306. LIMITATION ON ACTIONS INVOLVING UNAUTHORIZED USE.

Section 1030(e)(6) of title 18, United States Code, is amended by striking “alter;” and inserting “alter, but does not include access in violation of a contractual obligation or agreement, such as an acceptable use policy or terms of service agreement, with an Internet service provider, Internet website, or non-government employer, if such violation constitutes the sole basis for determining that access to a protected computer is unauthorized;”.

#### SEC. 307. NO NEW FUNDING.

An applicable Federal agency shall carry out the provisions of this title with existing facilities and funds otherwise available, through such means as the head of the agency considers appropriate.

### TITLE IV—CYBERSECURITY RESEARCH AND DEVELOPMENT

#### SEC. 401. NATIONAL HIGH-PERFORMANCE COMPUTING PROGRAM PLANNING AND COORDINATION.

(a) GOALS AND PRIORITIES.—Section 101 of the High-Performance Computing Act of 1991 (15 U.S.C. 5511) is amended by adding at the end the following:

“(d) GOALS AND PRIORITIES.—The goals and priorities for Federal high-performance computing research, development, networking, and other activities under subsection (a)(2)(A) shall include—

“(1) encouraging and supporting mechanisms for interdisciplinary research and development in networking and information technology, including—

“(A) through collaborations across agencies;

“(B) through collaborations across Program Component Areas;

“(C) through collaborations with industry;

“(D) through collaborations with institutions of higher education;

“(E) through collaborations with Federal laboratories (as defined in section 4 of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3703)); and

“(F) through collaborations with international organizations;

“(2) addressing national, multi-agency, multi-faceted challenges of national importance; and

“(3) fostering the transfer of research and development results into new technologies and applications for the benefit of society.”.

(b) DEVELOPMENT OF STRATEGIC PLAN.—Section 101 of the High-Performance Computing Act of 1991 (15 U.S.C. 5511) is amended by adding at the end the following:

“(e) STRATEGIC PLAN.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Strengthening and Enhancing Cybersecurity by Using Research, Education, Information, and Technology Act of 2012, the agencies under subsection (a)(3)(B), working through the National Science and Technology Council and with the assistance of the Office of Science and Technology Policy shall develop a 5-year strategic plan to guide the activities under subsection (a)(1).

“(2) CONTENTS.—The strategic plan shall specify—

“(A) the near-term objectives for the Program;

“(B) the long-term objectives for the Program;

“(C) the anticipated time frame for achieving the near-term objectives;

“(D) the metrics that will be used to assess any progress made toward achieving the near-term objectives and the long-term objectives; and

“(E) how the Program will achieve the goals and priorities under subsection (d).

“(3) IMPLEMENTATION ROADMAP.—

“(A) IN GENERAL.—The agencies under subsection (a)(3)(B) shall develop and annually update an implementation roadmap for the strategic plan.

“(B) REQUIREMENTS.—The information in the implementation roadmap shall be coordinated with the database under section 102(c) and the annual report under section 101(a)(3). The implementation roadmap shall—

“(i) specify the role of each Federal agency in carrying out or sponsoring research and development to meet the research objectives of the strategic plan, including a description of how progress toward the research objectives will be evaluated, with consideration of any relevant recommendations of the advisory committee;

“(ii) specify the funding allocated to each major research objective of the strategic plan and the source of funding by agency for the current fiscal year; and

“(iii) estimate the funding required for each major research objective of the strategic plan for the next 3 fiscal years.

“(4) RECOMMENDATIONS.—The agencies under subsection (a)(3)(B) shall take into consideration when developing the strategic plan under paragraph (1) the recommendations of—

“(A) the advisory committee under subsection (b); and

“(B) the stakeholders under section 102(a)(3).

“(5) REPORT TO CONGRESS.—The Director of the Office of Science and Technology Policy shall transmit the strategic plan under this subsection, including the implementation roadmap and any updates under paragraph (3), to—

“(A) the advisory committee under subsection (b);

“(B) the Committee on Commerce, Science, and Transportation of the Senate; and

“(C) the Committee on Science and Technology of the House of Representatives.”.

(c) PERIODIC REVIEWS.—Section 101 of the High-Performance Computing Act of 1991 (15 U.S.C. 5511) is amended by adding at the end the following:

“(f) PERIODIC REVIEWS.—The agencies under subsection (a)(3)(B) shall—

“(1) periodically assess the contents and funding levels of the Program Component Areas and restructure the Program when warranted, taking into consideration any relevant recommendations of the advisory committee under subsection (b); and

“(2) ensure that the Program includes national, multi-agency, multi-faceted research and development activities, including activities described in section 104.”.

(d) ADDITIONAL RESPONSIBILITIES OF DIRECTOR.—Section 101(a)(2) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(a)(2)) is amended—

(1) by redesignating subparagraphs (E) and (F) as subparagraphs (G) and (H), respectively; and

(2) by inserting after subparagraph (D) the following:

“(E) encourage and monitor the efforts of the agencies participating in the Program to allocate the level of resources and management attention necessary—

“(i) to ensure that the strategic plan under subsection (e) is developed and executed effectively; and

“(ii) to ensure that the objectives of the Program are met;

“(F) working with the Office of Management and Budget and in coordination with the creation of the database under section 102(c), direct the Office of Science and Technology Policy and the agencies participating in the Program to establish a mechanism (consistent with existing law) to track all ongoing and completed research and development projects and associated funding;”.

(e) ADVISORY COMMITTEE.—Section 101(b) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(b)) is amended—

(1) in paragraph (1)—

(A) by inserting after the first sentence the following: “The co-chairs of the advisory committee shall meet the qualifications of committee members and may be members of the Presidents Council of Advisors on Science and Technology.”; and

(B) by striking “high-performance” in subparagraph (D) and inserting “high-end”; and

(2) by amending paragraph (2) to read as follows:

“(2) In addition to the duties under paragraph (1), the advisory committee shall conduct periodic evaluations of the funding, management, coordination, implementation, and activities of the Program. The advisory committee shall report its findings and recommendations not less frequently than once every 3 fiscal years to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives. The report shall be submitted in conjunction with the update of the strategic plan.”.

(f) REPORT.—Section 101(a)(3) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(a)(3)) is amended—

(1) in subparagraph (C)—

(A) by striking “is submitted,” and inserting “is submitted, the levels for the previous fiscal year,”; and

(B) by striking “each Program Component Area” and inserting “each Program Component Area and each research area supported in accordance with section 104”;

(2) in subparagraph (D)—

(A) by striking “each Program Component Area,” and inserting “each Program Component Area and each research area supported in accordance with section 104,”;

(B) by striking “is submitted,” and inserting “is submitted, the levels for the previous fiscal year,”; and

(C) by striking “and” after the semicolon;

(3) by redesignating subparagraph (E) as subparagraph (G); and

(4) by inserting after subparagraph (D) the following:

“(E) include a description of how the objectives for each Program Component Area, and the objectives for activities that involve multiple Program Component Areas, relate to the objectives of the Program identified in the strategic plan under subsection (e);

“(F) include—

“(i) a description of the funding required by the Office of Science and Technology Policy to perform the functions under subsections (a) and (c) of section 102 for the next fiscal year by category of activity;

“(ii) a description of the funding required by the Office of Science and Technology Policy to perform the functions under subsections (a) and (c) of section 102 for the current fiscal year by category of activity; and

“(iii) the amount of funding provided for the Office of Science and Technology Policy for the current fiscal year by each agency participating in the Program; and”.

(g) DEFINITIONS.—Section 4 of the High-Performance Computing Act of 1991 (15 U.S.C. 5503) is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(2) by redesignating paragraph (3) as paragraph (6);

(3) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively;

(4) by inserting before paragraph (2), as redesignated, the following:

“(1) ‘cyber-physical systems’ means physical or engineered systems whose networking and information technology functions and physical elements are deeply integrated and are actively connected to the physical world through sensors, actuators, or other means to perform monitoring and control functions;”;

(5) in paragraph (3), as redesignated, by striking “high-performance computing” and inserting “networking and information technology”;

(6) in paragraph (6), as redesignated—

(A) by striking “high-performance computing” and inserting “networking and information technology”; and

(B) by striking “supercomputer” and inserting “high-end computing”;

(7) in paragraph (5), by striking “network referred to as” and all that follows through the semicolon and inserting “network, including advanced computer networks of Federal agencies and departments”; and

(8) in paragraph (7), as redesignated, by striking “National High-Performance Computing Program” and inserting “networking and information technology research and development program”.

#### SEC. 402. RESEARCH IN AREAS OF NATIONAL IMPORTANCE.

(a) RESEARCH IN AREAS OF NATIONAL IMPORTANCE.—Title I of the High-Performance Computing Act of 1991 (15 U.S.C. 5511 et seq.) is amended by adding at the end the following:

##### “SEC. 104. RESEARCH IN AREAS OF NATIONAL IMPORTANCE.

“(a) IN GENERAL.—The Program shall encourage agencies under section 101(a)(3)(B) to support, maintain, and improve national, multi-agency, multi-faceted, research and development activities in networking and information technology directed toward application areas that have the potential for significant contributions to national economic competitiveness and for other significant societal benefits.

“(b) TECHNICAL SOLUTIONS.—An activity under subsection (a) shall be designed to advance the development of research discoveries by demonstrating technical solutions to important problems in areas including—

“(1) cybersecurity;

“(2) health care;

“(3) energy management and low-power systems and devices;

“(4) transportation, including surface and air transportation;

“(5) cyber-physical systems;

“(6) large-scale data analysis and modeling of physical phenomena;

“(7) large scale data analysis and modeling of behavioral phenomena;

“(8) supply chain quality and security; and

“(9) privacy protection and protected disclosure of confidential data.

“(c) RECOMMENDATIONS.—The advisory committee under section 101(b) shall make recommendations to the Program for candidate research and development areas for support under this section.

“(d) CHARACTERISTICS.—

“(1) IN GENERAL.—Research and development activities under this section—

“(A) shall include projects selected on the basis of applications for support through a competitive, merit-based process;

“(B) shall leverage, when possible, Federal investments through collaboration with related State initiatives;

“(C) shall include a plan for fostering the transfer of research discoveries and the results of technology demonstration activities, including from institutions of higher education and Federal laboratories, to industry for commercial development;

“(D) shall involve collaborations among researchers in institutions of higher education and industry; and

“(E) may involve collaborations among nonprofit research institutions and Federal laboratories, as appropriate.

“(2) COST-SHARING.—In selecting applications for support, the agencies under section 101(a)(3)(B) shall give special consideration to projects that include cost sharing from non-Federal sources.

“(3) MULTIDISCIPLINARY RESEARCH CENTERS.—Research and development activities under this section shall be supported through multidisciplinary research centers, including Federal laboratories, that are organized to investigate basic research questions and carry out technology demonstration activities in areas described in subsection (a). Research may be carried out through existing multidisciplinary centers, including those authorized under section 7024(b)(2) of the America COMPETES Act (42 U.S.C. 1862o–10(2)).”.

(b) CYBER-PHYSICAL SYSTEMS.—Section 101(a)(1) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(a)(1)) is amended—

(1) in subparagraph (H), by striking “and” after the semicolon;

(2) in subparagraph (I), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(J) provide for increased understanding of the scientific principles of cyber-physical systems and improve the methods available for the design, development, and operation of cyber-physical systems that are characterized by high reliability, safety, and security; and

“(K) provide for research and development on human-computer interactions, visualization, and big data.”.

(c) TASK FORCE.—Title I of the High-Performance Computing Act of 1991 (15 U.S.C. 5511 et seq.), as amended by section 402(a) of this Act, is amended by adding at the end the following:

##### “SEC. 105. TASK FORCE.

“(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment the Strengthening and Enhancing Cybersecurity by Using Research, Education, Information, and Technology Act of 2012, the Director of the Office of Science and Technology Policy under section 102 shall convene a task force to explore mechanisms for carrying out collaborative research and development activities for cyber-physical systems (including the related technologies required to enable these systems) through a consortium or other appropriate entity with participants from institutions of higher education, Federal laboratories, and industry.

“(b) FUNCTIONS.—The task force shall—

“(1) develop options for a collaborative model and an organizational structure for such entity under which the joint research and development activities could be planned, managed, and conducted effectively, including mechanisms for the allocation of resources among the participants in such entity for support of such activities;

“(2) propose a process for developing a research and development agenda for such entity, including guidelines to ensure an appropriate scope of work focused on nationally significant challenges and requiring collaboration and to ensure the development of related scientific and technological milestones;

“(3) define the roles and responsibilities for the participants from institutions of higher education, Federal laboratories, and industry in such entity;

“(4) propose guidelines for assigning intellectual property rights and for transferring research results to the private sector; and

“(5) make recommendations for how such entity could be funded from Federal, State, and non-governmental sources.

“(c) COMPOSITION.—In establishing the task force under subsection (a), the Director of the Office of Science and Technology Policy shall appoint an equal number of individuals



from institutions of higher education and from industry with knowledge and expertise in cyber-physical systems, and may appoint not more than 2 individuals from Federal laboratories.

“(d) REPORT.—Not later than 1 year after the date of enactment of the Strengthening and Enhancing Cybersecurity by Using Research, Education, Information, and Technology Act of 2012, the Director of the Office of Science and Technology Policy shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives a report describing the findings and recommendations of the task force.

“(e) TERMINATION.—The task force shall terminate upon transmittal of the report required under subsection (d).

“(f) COMPENSATION AND EXPENSES.—Members of the task force shall serve without compensation.”.

#### SEC. 403. PROGRAM IMPROVEMENTS.

Section 102 of the High-Performance Computing Act of 1991 (15 U.S.C. 5512) is amended to read as follows:

##### “SEC. 102. PROGRAM IMPROVEMENTS.

“(a) FUNCTIONS.—The Director of the Office of Science and Technology Policy shall continue—

“(1) to provide technical and administrative support to—

“(A) the agencies participating in planning and implementing the Program, including support needed to develop the strategic plan under section 101(e); and

“(B) the advisory committee under section 101(b);

“(2) to serve as the primary point of contact on Federal networking and information technology activities for government agencies, academia, industry, professional societies, State computing and networking technology programs, interested citizen groups, and others to exchange technical and programmatic information;

“(3) to solicit input and recommendations from a wide range of stakeholders during the development of each strategic plan under section 101(e) by convening at least 1 workshop with invitees from academia, industry, Federal laboratories, and other relevant organizations and institutions;

“(4) to conduct public outreach, including the dissemination of the advisory committee’s findings and recommendations, as appropriate;

“(5) to promote access to and early application of the technologies, innovations, and expertise derived from Program activities to agency missions and systems across the Federal Government and to United States industry;

“(6) to ensure accurate and detailed budget reporting of networking and information technology research and development investment; and

“(7) to encourage agencies participating in the Program to use existing programs and resources to strengthen networking and information technology education and training, and increase participation in such fields, including by women and underrepresented minorities.

“(b) SOURCE OF FUNDING.—

“(1) IN GENERAL.—The functions under this section shall be supported by funds from each agency participating in the Program.

“(2) SPECIFICATIONS.—The portion of the total budget of the Office of Science and Technology Policy that is provided by each agency participating in the Program for each fiscal year shall be in the same proportion as

each agency’s share of the total budget for the Program for the previous fiscal year, as specified in the database under section 102(c).

“(c) DATABASE.—

“(1) IN GENERAL.—The Director of the Office of Science and Technology Policy shall develop and maintain a database of projects funded by each agency for the fiscal year for each Program Component Area.

“(2) PUBLIC ACCESSIBILITY.—The Director of the Office of Science and Technology Policy shall make the database accessible to the public.

“(3) DATABASE CONTENTS.—The database shall include, for each project in the database—

“(A) a description of the project;

“(B) each agency, industry, institution of higher education, Federal laboratory, or international institution involved in the project;

“(C) the source funding of the project (set forth by agency);

“(D) the funding history of the project; and

“(E) whether the project has been completed.”.

#### SEC. 404. IMPROVING EDUCATION OF NETWORKING AND INFORMATION TECHNOLOGY, INCLUDING HIGH PERFORMANCE COMPUTING.

Section 201(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5521(a)) is amended—

(1) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively; and

(2) by inserting after paragraph (1) the following:

“(2) the National Science Foundation shall use its existing programs, in collaboration with other agencies, as appropriate, to improve the teaching and learning of networking and information technology at all levels of education and to increase participation in networking and information technology fields;”.

#### SEC. 405. CONFORMING AND TECHNICAL AMENDMENTS TO THE HIGH-PERFORMANCE COMPUTING ACT OF 1991.

(a) SECTION 3.—Section 3 of the High-Performance Computing Act of 1991 (15 U.S.C. 5502) is amended—

(1) in the matter preceding paragraph (1), by striking “high-performance computing” and inserting “networking and information technology”; and

(2) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking “high-performance computing” and inserting “networking and information technology”; and

(B) in subparagraphs (A), (F), and (G), by striking “high-performance computing” each place it appears and inserting “networking and information technology”; and

(C) in subparagraph (H), by striking “high-performance” and inserting “high-end”; and

(3) in paragraph (2)—

(A) by striking “high-performance computing and” and inserting “networking and information technology, and”; and

(B) by striking “high-performance computing network” and inserting “networking and information technology”.

(b) TITLE HEADING.—The heading of title I of the High-Performance Computing Act of 1991 (105 Stat. 1595) is amended by striking “HIGH-PERFORMANCE COMPUTING” and inserting “NETWORKING AND INFORMATION TECHNOLOGY”.

(c) SECTION 101.—Section 101 of the High-Performance Computing Act of 1991 (15 U.S.C. 5511) is amended—

(1) in the section heading, by striking “HIGH-PERFORMANCE COMPUTING” and inserting “NETWORKING AND INFORMATION TECHNOLOGY RESEARCH AND DEVELOPMENT”; and

(2) in subsection (a)—

(A) in the subsection heading, by striking “NATIONAL HIGH-PERFORMANCE COMPUTING” and inserting “NETWORKING AND INFORMATION TECHNOLOGY RESEARCH AND DEVELOPMENT”; and

(B) in paragraph (1)—

(i) by striking “National High-Performance Computing Program” and inserting “networking and information technology research and development program”; and

(ii) in subparagraph (A), by striking “high-performance computing, including networking” and inserting “networking and information technology”; and

(iii) in subparagraphs (B) and (G), by striking “high-performance” each place it appears and inserting “high-end”; and

(iv) in subparagraph (C), by striking “high-performance computing and networking” and inserting “high-end computing, distributed, and networking”; and

(C) in paragraph (2)—

(i) in subparagraphs (A) and (C)—

(I) by striking “high-performance computing” each place it appears and inserting “networking and information technology”; and

(II) by striking “development, networking,” each place it appears and inserting “development;” and

(ii) in subparagraphs (G) and (H), as redesignated by section 401(d) of this Act, by striking “high-performance” each place it appears and inserting “high-end”; and

(3) in subsection (b)(1), in the matter preceding subparagraph (A), by striking “high-performance computing” each place it appears and inserting “networking and information technology”; and

(4) in subsection (c)(1)(A), by striking “high-performance computing” and inserting “networking and information technology”.

(d) SECTION 201.—Section 201(a)(1) of the High-Performance Computing Act of 1991 (15 U.S.C. 5521(a)(1)) is amended by striking “high-performance computing and advanced high-speed computer networking” and inserting “networking and information technology research and development”.

(e) SECTION 202.—Section 202(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5522(a)) is amended by striking “high-performance computing” and inserting “networking and information technology”.

(f) SECTION 203.—Section 203(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5523(a)) is amended—

(1) in paragraph (1), by striking “high-performance computing and networking” and inserting “networking and information technology”; and

(2) in paragraph (2)(A), by striking “high-performance” and inserting “high-end”.

(g) SECTION 204.—Section 204 of the High-Performance Computing Act of 1991 (15 U.S.C. 5524) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (A), by striking “high-performance computing systems and networks” and inserting “networking and information technology systems and capabilities”; and

(B) in subparagraph (B), by striking “interoperability of high-performance computing systems in networks and for common user interfaces to systems” and inserting “interoperability and usability of networking and information technology systems”; and

(C) in subparagraph (C), by striking “high-performance computing” and inserting “networking and information technology”; and

(2) in subsection (b)—

(A) by striking “HIGH-PERFORMANCE COMPUTING AND NETWORK” in the heading and inserting “NETWORKING AND INFORMATION TECHNOLOGY”; and

(B) by striking “sensitive”.

(h) SECTION 205.—Section 205(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5525(a)) is amended by striking “computational” and inserting “networking and information technology”.

(i) SECTION 206.—Section 206(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5526(a)) is amended by striking “computational research” and inserting “networking and information technology research”.

(j) SECTION 207.—Section 207 of the High-Performance Computing Act of 1991 (15 U.S.C. 5527) is amended by striking “high-performance computing” and inserting “networking and information technology”.

(k) SECTION 208.—Section 208 of the High-Performance Computing Act of 1991 (15 U.S.C. 5528) is amended—

(1) in the section heading, by striking “HIGH-PERFORMANCE COMPUTING” and inserting “NETWORKING AND INFORMATION TECHNOLOGY”; and

(2) in subsection (a)—

(A) in paragraph (1), by striking “High-performance computing and associated” and inserting “Networking and information”;

(B) in paragraph (2), by striking “high-performance computing” and inserting “networking and information technologies”;

(C) in paragraph (3), by striking “high-performance” and inserting “high-end”;

(D) in paragraph (4), by striking “high-performance computers and associated” and inserting “networking and information”; and

(E) in paragraph (5), by striking “high-performance computing and associated” and inserting “networking and information”.

#### SEC. 406. FEDERAL CYBER SCHOLARSHIP-FOR-SERVICE PROGRAM.

(a) IN GENERAL.—The Director of the National Science Foundation, in coordination with the Secretary of Homeland Security, shall carry out a Federal cyber scholarship-for-service program to recruit and train the next generation of information technology professionals and security managers to meet the needs of the cybersecurity mission for the Federal government.

(b) PROGRAM DESCRIPTION AND COMPONENTS.—The program shall—

(1) annually assess the workforce needs of the Federal government for cybersecurity professionals, including network engineers, software engineers, and other experts in order to determine how many scholarships should be awarded annually to ensure that the workforce needs following graduation match the number of scholarships awarded;

(2) provide scholarships for up to 1,000 students per year in their pursuit of undergraduate or graduate degrees in the cybersecurity field, in an amount that may include coverage for full tuition, fees, and a stipend;

(3) require each scholarship recipient, as a condition of receiving a scholarship under the program, to serve in a Federal information technology workforce for a period equal to one and one-half times each year, or partial year, of scholarship received, in addition to an internship in the cybersecurity field, if applicable, following graduation;

(4) provide a procedure for the National Science Foundation or a Federal agency, consistent with regulations of the Office of

Personnel Management, to request and fund a security clearance for a scholarship recipient, including providing for clearance during a summer internship and upon graduation; and

(5) provide opportunities for students to receive temporary appointments for meaningful employment in the Federal information technology workforce during school vacation periods and for internships.

(c) HIRING AUTHORITY.—

(1) IN GENERAL.—For purposes of any law or regulation governing the appointment of an individual in the Federal civil service, upon the successful completion of the student's studies, a student receiving a scholarship under the program may—

(A) be hired under section 213.3102(r) of title 5, Code of Federal Regulations; and

(B) be exempt from competitive service.

(2) COMPETITIVE SERVICE.—Upon satisfactory fulfillment of the service term under paragraph (1), an individual may be converted to a competitive service position without competition if the individual meets the requirements for that position.

(d) ELIGIBILITY.—The eligibility requirements for a scholarship under this section shall include that a scholarship applicant—

(1) be a citizen of the United States;

(2) be eligible to be granted a security clearance;

(3) maintain a grade point average of 3.2 or above on a 4.0 scale for undergraduate study or a 3.5 or above on a 4.0 scale for postgraduate study;

(4) demonstrate a commitment to a career in improving the security of the information infrastructure; and

(5) has demonstrated a level of proficiency in math or computer sciences.

(e) FAILURE TO COMPLETE SERVICE OBLIGATION.—

(1) IN GENERAL.—A scholarship recipient under this section shall be liable to the United States under paragraph (2) if the scholarship recipient—

(A) fails to maintain an acceptable level of academic standing in the educational institution in which the individual is enrolled, as determined by the Director;

(B) is dismissed from such educational institution for disciplinary reasons;

(C) withdraws from the program for which the award was made before the completion of such program;

(D) declares that the individual does not intend to fulfill the service obligation under this section;

(E) fails to fulfill the service obligation of the individual under this section; or

(F) loses a security clearance or becomes ineligible for a security clearance.

(2) REPAYMENT AMOUNTS.—

(A) LESS THAN 1 YEAR OF SERVICE.—If a circumstance under paragraph (1) occurs before the completion of 1 year of a service obligation under this section, the total amount of awards received by the individual under this section shall be repaid.

(B) ONE OR MORE YEARS OF SERVICE.—If a circumstance described in subparagraph (D) or (E) of paragraph (1) occurs after the completion of 1 year of a service obligation under this section, the total amount of scholarship awards received by the individual under this section, reduced by the ratio of the number of years of service completed divided by the number of years of service required, shall be repaid.

(f) EVALUATION AND REPORT.—The Director of the National Science Foundation shall—

(1) evaluate the success of recruiting individuals for scholarships under this section

and of hiring and retaining those individuals in the public sector workforce, including the annual cost and an assessment of how the program actually improves the Federal workforce; and

(2) periodically report the findings under paragraph (1) to Congress.

(g) AUTHORIZATION OF APPROPRIATIONS.—From amounts made available under section 503 of the America COMPETES Reauthorization Act of 2010 (124 Stat. 4005), the Director may use funds to carry out the requirements of this section for fiscal years 2012 through 2013.

#### SEC. 407. STUDY AND ANALYSIS OF CERTIFICATION AND TRAINING OF INFORMATION INFRASTRUCTURE PROFESSIONALS.

(a) STUDY.—The President shall enter into an agreement with the National Academies to conduct a comprehensive study of government, academic, and private-sector accreditation, training, and certification programs for personnel working in information infrastructure. The agreement shall require the National Academies to consult with sector coordinating councils and relevant governmental agencies, regulatory entities, and nongovernmental organizations in the course of the study.

(b) SCOPE.—The study shall include—

(1) an evaluation of the body of knowledge and various skills that specific categories of personnel working in information infrastructure should possess in order to secure information systems;

(2) an assessment of whether existing government, academic, and private-sector accreditation, training, and certification programs provide the body of knowledge and various skills described in paragraph (1);

(3) an analysis of any barriers to the Federal Government recruiting and hiring cybersecurity talent, including barriers relating to compensation, the hiring process, job classification, and hiring flexibility; and

(4) an analysis of the sources and availability of cybersecurity talent, a comparison of the skills and expertise sought by the Federal Government and the private sector, an examination of the current and future capacity of United States institutions of higher education, including community colleges, to provide current and future cybersecurity professionals, through education and training activities, with those skills sought by the Federal Government, State and local entities, and the private sector.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the National Academies shall submit to the President and Congress a report on the results of the study. The report shall include—

(1) findings regarding the state of information infrastructure accreditation, training, and certification programs, including specific areas of deficiency and demonstrable progress; and

(2) recommendations for the improvement of information infrastructure accreditation, training, and certification programs.

#### SEC. 408. INTERNATIONAL CYBERSECURITY TECHNICAL STANDARDS.

(a) IN GENERAL.—The Director of the National Institute of Standards and Technology, in coordination with appropriate Federal authorities, shall—

(1) as appropriate, ensure coordination of Federal agencies engaged in the development of international technical standards related to information system security; and

(2) not later than 1 year after the date of enactment of this Act, develop and transmit to Congress a plan for ensuring such Federal agency coordination.

(b) CONSULTATION WITH THE PRIVATE SECTOR.—In carrying out the activities under subsection (a)(1), the Director shall ensure consultation with appropriate private sector stakeholders.

**SEC. 409. IDENTITY MANAGEMENT RESEARCH AND DEVELOPMENT.**

The Director of the National Institute of Standards and Technology shall continue a program to support the development of technical standards, metrology, testbeds, and conformance criteria, taking into account appropriate user concerns—

(1) to improve interoperability among identity management technologies;

(2) to strengthen authentication methods of identity management systems;

(3) to improve privacy protection in identity management systems, including health information technology systems, through authentication and security protocols; and

(4) to improve the usability of identity management systems.

**SEC. 410. FEDERAL CYBERSECURITY RESEARCH AND DEVELOPMENT.**

(a) NATIONAL SCIENCE FOUNDATION COMPUTER AND NETWORK SECURITY RESEARCH GRANT AREAS.—Section 4(a)(1) of the Cyber Security Research and Development Act (15 U.S.C. 7403(a)(1)) is amended—

(1) in subparagraph (H), by striking “and” after the semicolon;

(2) in subparagraph (I), by striking “property.” and inserting “property;”;

(3) by adding at the end the following:

“(J) secure fundamental protocols that are at the heart of inter-network communications and data exchange;

“(K) system security that addresses the building of secure systems from trusted and untrusted components;

“(L) monitoring and detection; and

“(M) resiliency and rapid recovery methods.”.

(b) NATIONAL SCIENCE FOUNDATION COMPUTER AND NETWORK SECURITY GRANTS.—Section 4(a)(3) of the Cyber Security Research and Development Act (15 U.S.C. 7403(a)(3)) is amended—

(1) in subparagraph (D), by striking “and”;

(2) in subparagraph (E), by striking “2007.”

and inserting “2007;”;

(3) by adding at the end the following:

“(F) such funds from amounts made available under section 503 of the America COMPETES Reauthorization Act of 2010 (124 Stat. 4005), as the Director finds necessary to carry out the requirements of this subsection for fiscal years 2012 through 2013.”.

(c) COMPUTER AND NETWORK SECURITY CENTERS.—Section 4(b)(7) of the Cyber Security Research and Development Act (15 U.S.C. 7403(b)(7)) is amended—

(1) in subparagraph (D), by striking “and”;

(2) in subparagraph (E), by striking “2007.”

and inserting “2007;”;

(3) by adding at the end the following:

“(F) such funds from amounts made available under section 503 of the America COMPETES Reauthorization Act of 2010 (124 Stat. 4005), as the Director finds necessary to carry out the requirements of this subsection for fiscal years 2012 through 2013.”.

(d) COMPUTER AND NETWORK SECURITY CAPACITY BUILDING GRANTS.—Section 5(a)(6) of the Cyber Security Research and Development Act (15 U.S.C. 7404(a)(6)) is amended—

(1) in subparagraph (D), by striking “and”;

(2) in subparagraph (E), by striking “2007.”

and inserting “2007;”;

(3) by adding at the end the following:

“(F) such funds from amounts made available under section 503 of the America COMPETES Reauthorization Act of 2010 (124 Stat.

4005), as the Director finds necessary to carry out the requirements of this subsection for fiscal years 2012 through 2013.”.

(e) SCIENTIFIC AND ADVANCED TECHNOLOGY ACT GRANTS.—Section 5(b)(2) of the Cyber Security Research and Development Act (15 U.S.C. 7404(b)(2)) is amended—

(1) in subparagraph (D), by striking “and”;

(2) in subparagraph (E), by striking “2007.”

and inserting “2007;”;

(3) by adding at the end the following:

“(F) such funds from amounts made available under section 503 of the America COMPETES Reauthorization Act of 2010 (124 Stat. 4005), as the Director finds necessary to carry out the requirements of this subsection for fiscal years 2012 through 2013.”.

(f) GRADUATE TRAINEESHIPS IN COMPUTER AND NETWORK SECURITY RESEARCH.—Section 5(c)(7) of the Cyber Security Research and Development Act (15 U.S.C. 7404(c)(7)) is amended—

(1) in subparagraph (D), by striking “and”;

(2) in subparagraph (E), by striking “2007.”

and inserting “2007;”;

(3) by adding at the end the following:

“(F) such funds from amounts made available under section 503 of the America COMPETES Reauthorization Act of 2010 (124 Stat. 4005), as the Director finds necessary to carry out the requirements of this subsection for fiscal years 2012 through 2013.”.

**SA 2697.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ SENSE OF SENATE ON APPOINTMENT BY THE ATTORNEY GENERAL OF AN OUTSIDE SPECIAL COUNSEL TO INVESTIGATE CERTAIN RECENT LEAKS OF APPARENTLY CLASSIFIED AND HIGHLY SENSITIVE INFORMATION ON UNITED STATES MILITARY AND INTELLIGENCE PLANS, PROGRAMS, AND OPERATIONS.**

(a) FINDINGS.—The Senate makes the following findings:

(1) Over the past few weeks, several publications have been released that cite several highly sensitive United States military and intelligence counterterrorism plans, programs, and operations.

(2) These publications appear to be based in substantial part on unauthorized disclosures of classified information.

(3) The unauthorized disclosure of classified information is a felony under Federal law.

(4) The identity of the sources in these publications include senior administration officials, participants in these reported plans, programs, and operations, and current American officials who spoke anonymously about these reported plans, programs, and operations because they remain classified, parts of them are ongoing, or both.

(5) Such unauthorized disclosures may inhibit the ability of the United States to employ the same or similar plans, programs, or operations in the future; put at risk the national security of the United States and the safety of the men and women sworn to protect it; and dismay our allies.

(6) Under Federal law, the Attorney General may appoint an outside special counsel when an investigation or prosecution would present a conflict of interest or other extraordinary circumstances and when doing so would serve the public interest.

(7) Investigations of unauthorized disclosures of classified information are ordinarily conducted by the Federal Bureau of Investigation with assistance from prosecutors in the National Security Division of the Department of Justice.

(8) There is precedent for officials in the National Security Division of the Department of Justice to recuse itself from such investigations to avoid even the appearance of impropriety or undue influence, and it appears that there have been such recusals with respect to the investigation of at least one of these unauthorized disclosures.

(9) Such recusals are indicative of the serious complications already facing the Department of Justice in investigating these matters.

(10) The severity of the national security implications of these disclosures; the imperative for investigations of these disclosures to be conducted independently so as to avoid even the appearance of impropriety or undue influence; and the need to conduct these investigations expeditiously to ensure timely mitigation constitute extraordinary circumstances.

(11) For the foregoing reasons, the appointment of an outside special counsel would serve the public interest.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the Attorney General should—

(A) delegate to an outside special counsel all of the authority of the Attorney General with respect to investigations by the Department of Justice of any and all unauthorized disclosures of classified and highly sensitive information related to various United States military and intelligence plans, programs, and operations reported in recent publications; and

(B) direct an outside special counsel to exercise that authority independently of the supervision or control of any officer of the Department of Justice;

(2) under such authority, the outside special counsel should investigate any and all unauthorized disclosures of classified and highly sensitive information on which such recent publications were based and, where appropriate, prosecute those responsible; and

(3) the President should assess—

(A) whether any such unauthorized disclosures of classified and highly sensitive information damaged the national security of the United States; and

(B) how such damage can be mitigated.

**SA 2698.** Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE \_\_\_\_—RESPONSE TO CONGRESSIONAL INQUIRIES**

**SEC. \_\_\_\_ 1. RESPONSE TO CONGRESSIONAL INQUIRIES REGARDING PUBLIC RELATIONS SPENDING BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.**

Not later than 7 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall respond in full to the following congressional inquiries:

(1) The letter dated February 28, 2012, from the Chairman and Ranking Member of the Subcommittee on Contracting Oversight of the Committee on Homeland Security and

Governmental Affairs of the Senate, requesting certain information regarding Department of Health and Human Services contracts for the acquisition of public relations, publicity, advertising, communications, or similar services.

(2) The follow-up letter dated May 22, 2012, from the Ranking Member of the Subcommittee on Contracting Oversight of the Committee on Homeland Security and Governmental Affairs of the Senate, requesting information regarding a reported \$20,000,000 Department of Health and Human Services contract with a public relations firm.

**SA 2699.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**TITLE \_\_\_\_—REPEAL OF PPACA**

**SEC. 01. SHORT TITLE.**

This title may be cited as the “Repealing the Job-Killing Health Care Law Act”.

**SEC. 02. REPEAL OF THE JOB-KILLING HEALTH CARE LAW AND HEALTH CARE-RELATED PROVISIONS IN THE HEALTH CARE AND EDUCATION RECONCILIATION ACT OF 2010.**

(a) **JOB-KILLING HEALTH CARE LAW.**—Effective as of the enactment of Public Law 111-148, such Act is repealed, and the provisions of law amended or repealed by such Act are restored or revived as if such Act had not been enacted.

(b) **HEALTH CARE-RELATED PROVISIONS IN THE HEALTH CARE AND EDUCATION RECONCILIATION ACT OF 2010.**—Effective as of the enactment of the Health Care and Education Reconciliation Act of 2010 (Public Law 111-152), title I and subtitle B of title II of such Act are repealed, and the provisions of law amended or repealed by such title or subtitle, respectively, are restored or revived as if such title and subtitle had not been enacted.

**SEC. 03. BUDGETARY EFFECTS OF THIS ACT.**

The budgetary effects of this title, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this title, submitted for printing in the Congressional Record by the Chairman of the Committee on the Budget of the House of Representatives, as long as such statement has been submitted prior to the vote on passage of this Act.

**SA 2700.** Mr. ROCKEFELLER (for himself, Mrs. FEINSTEIN, and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 212, after line 6, add the following:

**TITLE VIII—DATA SECURITY AND BREACH NOTIFICATION**

**SEC. 801. SHORT TITLE.**

This title may be cited as the “Data Security and Breach Notification Act of 2012”.

**SEC. 802. REQUIREMENTS FOR INFORMATION SECURITY.**

(a) **GENERAL SECURITY POLICIES AND PROCEDURES.**—

(1) **REGULATIONS.**—Not later than 1 year after the date of enactment of this Act, the Commission shall promulgate regulations under section 553 of title 5, United States Code, to require each covered entity that owns or possesses data containing personal information, or contracts to have any third-party entity maintain such data for such covered entity, to establish and implement policies and procedures regarding information security practices for the treatment and protection of personal information taking into consideration—

(A) the size of, and the nature, scope, and complexity of the activities engaged in by such covered entity;

(B) the current state of the art in administrative, technical, and physical safeguards for protecting such information;

(C) the cost of implementing the safeguards under subparagraph (B); and

(D) the impact on small businesses and nonprofits.

(2) **REQUIREMENTS.**—The regulations shall require the policies and procedures to include the following:

(A) A security policy with respect to the collection, use, sale, other dissemination, and maintenance of personal information.

(B) The identification of an officer or other individual as the point of contact with responsibility for the management of information security.

(C) A process for identifying and assessing any reasonably foreseeable vulnerabilities in each system maintained by the covered entity that contains such personal information, which shall include regular monitoring for a breach of security of each such system.

(D) A process for taking preventive and corrective action to mitigate any vulnerabilities identified in the process required by subparagraph (C), which may include implementing any changes to security practices and the architecture, installation, or implementation of network or operating software.

(E) A process for disposing of data in electronic form containing personal information by shredding, permanently erasing, or otherwise modifying the personal information contained in such data to make such personal information permanently unreadable or indecipherable.

(F) A standard method or methods for the destruction of paper documents and other non-electronic data containing personal information.

(b) **LIMITATIONS.**—

(1) **COVERED ENTITIES SUBJECT TO THE GRAMM-LEACH-BLILEY ACT.**—Notwithstanding section 805 of this Act, this section (and any regulations issued pursuant to this section) shall not apply to any financial institution that is subject to title V of the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et seq.) with respect to covered information under that Act.

(2) **APPLICABILITY OF OTHER INFORMATION SECURITY REQUIREMENTS.**—To the extent that the information security requirements of section 13401 of the Health Information Technology for Economic and Clinical Health Act (42 U.S.C. 17931) or of section 1173(d) of title XI, part C of the Social Security Act (42 U.S.C. 1320d-2(d)) apply in any circumstance to a person who is subject to either of those Acts, and to the extent the person is acting as an entity subject to either of those Acts, the person shall be exempt from the requirements of this section with respect to any data governed by section 13401 of the Health Information Technology for Economic and Clinical Health Act (42 U.S.C. 17931) or by the

Health Insurance Portability and Accountability Act of 1996 Security Rule (45 C.F.R. 160.103 and Part 164).

(3) **CERTAIN SERVICE PROVIDERS.**—Nothing in this section shall apply to a service provider for any electronic communication by a third party to the extent that the service provider is engaged in the transmission, routing, or temporary, intermediate, or transient storage of that communication.

**SEC. 803. NOTIFICATION OF BREACH OF SECURITY.**

(a) **NATIONWIDE NOTIFICATION.**—A covered entity that owns or possesses data in electronic form containing personal information, following the discovery of a breach of security of the system maintained by the covered entity that contains such data, shall notify—

(1) each individual who is a citizen or resident of the United States and whose personal information was or is reasonably believed to have been acquired or accessed from the covered entity as a result of the breach of security; and

(2) the Commission, unless the covered entity has notified the designated entity under section 804.

(b) **SPECIAL NOTIFICATION REQUIREMENTS.**—

(1) **THIRD-PARTY ENTITIES.**—In the event of a breach of security of a system maintained by a third-party entity that has been contracted to maintain or process data in electronic form containing personal information on behalf of any other covered entity who owns or possesses such data, the third-party entity shall notify the covered entity of the breach of security. Upon receiving notification from the third party entity, such covered entity shall provide the notification required under subsection (a).

(2) **SERVICE PROVIDERS.**—If a service provider becomes aware of a breach of security of data in electronic form containing personal information that is owned or possessed by another covered entity that connects to or uses a system or network provided by the service provider for the purpose of transmitting, routing, or providing intermediate or transient storage of such data, the service provider shall notify of the breach of security only the covered entity who initiated such connection, transmission, routing, or storage if such covered entity can be reasonably identified. Upon receiving the notification from the service provider, the covered entity shall provide the notification required under subsection (a).

(3) **COORDINATION OF NOTIFICATION WITH CREDIT REPORTING AGENCIES.**—If a covered entity is required to provide notification to more than 5,000 individuals under subsection (a)(1), the covered entity also shall notify each major credit reporting agency of the timing and distribution of the notices, except when the only personal information that is the subject of the breach of security is the individual's first name or initial and last name, or address, or phone number, in combination with a credit or debit card number, and any required security code. Such notice shall be given to each credit reporting agency without unreasonable delay and, if it will not delay notice to the affected individuals, prior to the distribution of notices to the affected individuals.

(c) **TIMELINESS OF NOTIFICATION.**—Notification under subsection (a) shall be made—

(1) not later than 45 days after the date of discovery of a breach of security; or

(2) as promptly as possible if the covered entity providing notice can show that providing notice within the time frame under paragraph (1) is not feasible due to circumstances necessary—

(A) to accurately identify affected consumers;

(B) to prevent further breach or unauthorized disclosures; or

(C) to reasonably restore the integrity of the data system.

(d) METHOD AND CONTENT OF NOTIFICATION.—

(1) DIRECT NOTIFICATION.—

(A) METHOD OF DIRECT NOTIFICATION.—A covered entity shall be in compliance with the notification requirement under subsection (a)(1) if—

(i) the covered entity provides conspicuous and clearly identified notification—

(I) in writing; or

(II) by e-mail or other electronic means if—

(aa) the covered entity's primary method of communication with the individual is by e-mail or such other electronic means; or

(bb) the individual has consented to receive notification by e-mail or such other electronic means and such notification is provided in a manner that is consistent with the provisions permitting electronic transmission of notices under section 101 of the Electronic Signatures in Global and National Commerce Act (15 U.S.C. 7001); and

(ii) the method of notification selected under clause (i) can reasonably be expected to reach the intended individual.

(B) CONTENT OF DIRECT NOTIFICATION.—Each method of direct notification under subparagraph (A) shall include—

(i) the date, estimated date, or estimated date range of the breach of security;

(ii) a description of the personal information that was or is reasonably believed to have been acquired or accessed as a result of the breach of security;

(iii) a telephone number that an individual can use at no cost to the individual to contact the covered entity to inquire about the breach of security or the information the covered entity maintained about that individual;

(iv) notice that the individual may be entitled to consumer credit reports under subsection (e)(1);

(v) instructions how an individual can request consumer credit reports under subsection (e)(1);

(vi) a telephone number, that an individual can use at no cost to the individual, and an address to contact each major credit reporting agency; and

(vii) a telephone number, that an individual can use at no cost to the individual, and an Internet Web site address to obtain information regarding identity theft from the Commission.

(2) SUBSTITUTE NOTIFICATION.—

(A) CIRCUMSTANCES GIVING RISE TO SUBSTITUTE NOTIFICATION.—A covered entity required to provide notification to individuals under subsection (a)(1) may provide substitute notification instead of direct notification under paragraph (1)—

(i) if direct notification is not feasible due to lack of sufficient contact information for the individual required to be notified; or

(ii) if the covered entity owns or possesses data in electronic form containing personal information of fewer than 10,000 individuals and direct notification is not feasible due to excessive cost to the covered entity required to provide such notification relative to the resources of such covered entity, as determined in accordance with the regulations issued by the Commission under paragraph (3)(A).

(B) METHOD OF SUBSTITUTE NOTIFICATION.—Substitute notification under this paragraph shall include—

(i) conspicuous and clearly identified notification by e-mail to the extent the covered entity has an e-mail address for an individual who is entitled to notification under subsection (a)(1);

(ii) conspicuous and clearly identified notification on the Internet Web site of the covered entity if the covered entity maintains an Internet Web site; and

(iii) notification to print and to broadcast media, including major media in metropolitan and rural areas where the individuals whose personal information was acquired reside.

(C) CONTENT OF SUBSTITUTE NOTIFICATION.—Each method of substitute notification under this paragraph shall include—

(i) the date, estimated date, or estimated date range of the breach of security;

(ii) a description of the types of personal information that were or are reasonably believed to have been acquired or accessed as a result of the breach of security;

(iii) notice that an individual may be entitled to consumer credit reports under subsection (e)(1);

(iv) instructions how an individual can request consumer credit reports under subsection (e)(1);

(v) a telephone number that an individual can use at no cost to the individual to learn whether the individual's personal information is included in the breach of security;

(vi) a telephone number, that an individual can use at no cost to the individual, and an address to contact each major credit reporting agency; and

(vii) a telephone number, that an individual can use at no cost to the individual, and an Internet Web site address to obtain information regarding identity theft from the Commission.

(3) REGULATIONS AND GUIDANCE.—

(A) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Commission shall, by regulation under section 553 of title 5, United States Code, establish criteria for determining circumstances under which substitute notification may be provided under section 803(d)(2) of this Act, including criteria for determining if direct notification under section 803(d)(1) of this Act is not feasible due to excessive costs to the covered entity required to provide such notification relative to the resources of such covered entity. The regulations may also identify other circumstances where substitute notification would be appropriate for any covered entity, including circumstances under which the cost of providing direct notification exceeds the benefits to consumers.

(B) GUIDANCE.—In addition, the Commission, in consultation with the Small Business Administration, shall provide and publish general guidance with respect to compliance with this subsection. The guidance shall include—

(i) a description of written or e-mail notification that complies with paragraph (1); and

(ii) guidance on the content of substitute notification under paragraph (2), including the extent of notification to print and broadcast media that complies with paragraph (2)(B)(iii).

(E) OTHER OBLIGATIONS FOLLOWING BREACH.—

(1) IN GENERAL.—Not later than 60 days after the date of request by an individual whose personal information was included in a breach of security and quarterly thereafter for 2 years, a covered entity required to provide notification under subsection (a)(1) shall provide, or arrange for the provision of, to the individual at no cost, consumer credit

reports from at least 1 major credit reporting agency.

(2) LIMITATION.—Paragraph (1) shall not apply if the only personal information that is the subject of the breach of security is the individual's first name or initial and last name, or address, or phone number, in combination with a credit or debit card number, and any required security code.

(3) RULEMAKING.—The Commission's rulemaking under subsection (d)(3) shall include—

(A) determination of the circumstances under which a covered entity required to provide notification under subsection (a) must provide or arrange for the provision of free consumer credit reports; and

(B) establishment of a simple process under which a covered entity that is a small business or small non-profit organization may request a full or a partial waiver or a modified or an alternative means of complying with this subsection if providing free consumer credit reports is not feasible due to excessive costs relative to the resources of such covered entity and relative to the level of harm, to affected individuals, caused by the breach of security.

(f) DELAY OF NOTIFICATION AUTHORIZED FOR NATIONAL SECURITY AND LAW ENFORCEMENT PURPOSES.—

(1) IN GENERAL.—If the United States Secret Service or the Federal Bureau of Investigation determines that notification under this section would impede a criminal investigation or a national security activity, notification shall be delayed upon written notice from the United States Secret Service or the Federal Bureau of Investigation to the covered entity that experienced the breach of security. Written notice from the United States Secret Service or the Federal Bureau of Investigation shall specify the period of delay requested for national security or law enforcement purposes.

(2) SUBSEQUENT DELAY OF NOTIFICATION.—

(A) IN GENERAL.—A covered entity shall provide notification under this section not later than 30 days after the day that the delay was invoked unless a Federal law enforcement or intelligence agency provides subsequent written notice to the covered entity that further delay is necessary.

(B) WRITTEN JUSTIFICATION REQUIREMENTS.—

(i) UNITED STATES SECRET SERVICE.—If the United States Secret Service instructs a covered entity to delay notification under this section beyond the 30 day period under subparagraph (A) ("subsequent delay"), the United States Secret Service shall submit written justification for the subsequent delay to the Secretary of Homeland Security before the subsequent delay begins.

(ii) FEDERAL BUREAU OF INVESTIGATION.—If the Federal Bureau of Investigation instructs a covered entity to delay notification under this section beyond the 30 day period under subparagraph (A) ("subsequent delay"), the Federal Bureau of Investigation shall submit written justification for the subsequent delay to the U.S. Attorney General before the subsequent delay begins.

(3) LAW ENFORCEMENT IMMUNITY.—No cause of action shall lie in any court against any Federal agency for acts relating to the delay of notification for national security or law enforcement purposes under this title.

(g) GENERAL EXEMPTION.—

(1) IN GENERAL.—A covered entity shall be exempt from the requirements under this section if, following a breach of security, the covered entity determines that there is no reasonable risk of identity theft, fraud, or other unlawful conduct.

## (2) PRESUMPTION.—

(A) IN GENERAL.—There shall be a presumption that no reasonable risk of identity theft, fraud, or other unlawful conduct exists following a breach of security if—

(i) the data is rendered unusable, unreadable, or indecipherable through a security technology or methodology; and

(ii) the security technology or methodology under clause (i) is generally accepted by experts in the information security field.

(B) REBUTTAL.—The presumption under subparagraph (A) may be rebutted by facts demonstrating that the security technology or methodology in a specific case has been or is reasonably likely to be compromised.

(3) TECHNOLOGIES OR METHODOLOGIES.—Not later than 1 year after the date of enactment of this Act, and biannually thereafter, the Commission, after consultation with the National Institute of Standards and Technology, shall issue rules (pursuant to section 553 of title 5, United States Code) or guidance to identify each security technology and methodology under paragraph (2). In issuing the rules or guidance, the Commission shall—

(A) consult with relevant industries, consumer organizations, data security and identity theft prevention experts, and established standards setting bodies; and

(B) consider whether and in what circumstances a security technology or methodology currently in use, such as encryption, complies with the standards under paragraph (2).

(4) FTC GUIDANCE.—Not later than 1 year after the date of enactment of this Act, the Commission, after consultation with the National Institute of Standards and Technology, shall issue guidance regarding the application of the exemption under paragraph (1).

(h) EXEMPTIONS FOR NATIONAL SECURITY AND LAW ENFORCEMENT PURPOSES.—

(1) IN GENERAL.—A covered entity shall be exempt from the requirements under this section if—

(A) a determination is made—

(i) by the United States Secret Service or the Federal Bureau of Investigation that notification of the breach of security could be reasonably expected to reveal sensitive sources and methods or similarly impede the ability of the Government to conduct law enforcement or intelligence investigations; or

(ii) by the Federal Bureau of Investigation that notification of the breach of security could be reasonably expected to cause damage to the national security; and

(B) the United States Secret Service or the Federal Bureau of Investigation, as the case may be, provides written notice of its determination under subparagraph (A) to the covered entity.

(2) UNITED STATES SECRET SERVICE.—If the United States Secret Service invokes an exemption under paragraph (1), the United States Secret Service shall submit written justification for invoking the exemption to the Secretary of Homeland Security before the exemption is invoked.

(3) FEDERAL BUREAU OF INVESTIGATION.—If the Federal Bureau of Investigation invokes an exemption under paragraph (1), the Federal Bureau of Investigation shall submit written justification for invoking the exemption to the U.S. Attorney General before the exemption is invoked.

(4) IMMUNITY.—No cause of action shall lie in any court against any Federal agency for acts relating to the exemption from notification for national security or law enforcement purposes under this title.

(5) REPORTS.—Not later than 18 months after the date of enactment of this Act, and upon request by Congress thereafter, the United States Secret Service and Federal Bureau of Investigation shall submit to Congress a report on the number and nature of breaches of security subject to the exemptions for national security and law enforcement purposes under this subsection.

(i) FINANCIAL FRAUD PREVENTION EXEMPTION.—

(1) IN GENERAL.—A covered entity shall be exempt from the requirements under this section if the covered entity utilizes or participates in a security program that—

(A) effectively blocks the use of the personal information to initiate an unauthorized financial transaction before it is charged to the account of the individual; and

(B) provides notice to each affected individual after a breach of security that resulted in attempted fraud or an attempted unauthorized transaction.

(2) LIMITATIONS.—An exemption under paragraph (1) shall not apply if—

(A) the breach of security includes personal information, other than a credit card number or credit card security code, of any type; or

(B) the breach of security includes both the individual's credit card number and the individual's first and last name.

(j) FINANCIAL INSTITUTIONS REGULATED BY FEDERAL FUNCTIONAL REGULATORS.—

(1) IN GENERAL.—Nothing in this section shall apply to a covered financial institution if the Federal functional regulator with jurisdiction over the covered financial institution has issued a standard by regulation or guideline under title V of the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et seq.) that—

(A) requires financial institutions within its jurisdiction to provide notification to individuals following a breach of security; and

(B) provides protections substantially similar to, or greater than, those required under this title.

(2) DEFINITIONS.—In this subsection—

(A) the term “covered financial institution” means a financial institution that is subject to—

(i) the data security requirements of the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et seq.);

(ii) any implementing standard issued by regulation or guideline issued under that Act; and

(iii) the jurisdiction of a Federal functional regulator under that Act;

(B) the term “Federal functional regulator” has the meaning given the term in section 509 of the Gramm-Leach-Bliley Act (15 U.S.C. 6809); and

(C) the term “financial institution” has the meaning given the term in section 509 of the Gramm-Leach-Bliley Act (15 U.S.C. 6809).

(k) EXEMPTION; HEALTH PRIVACY.—

(1) COVERED ENTITY OR BUSINESS ASSOCIATE UNDER HITECH ACT.—To the extent that a covered entity under this title acts as a covered entity or a business associate under section 13402 of the Health Information Technology for Economic and Clinical Health Act (42 U.S.C. 17932), and has the obligation to provide breach notification under that Act or its implementing regulations, the requirements of this section shall not apply.

(2) ENTITY SUBJECT TO HITECH ACT.—To the extent that a covered entity under this title acts as a vendor of personal health records, a third party service provider, or other entity subject to section 13407 of the Health Information Technology for Economic and Clinical Health Act (42 U.S.C. 17937), and has

the obligation to provide breach notification under that Act or its implementing regulations, the requirements of this section shall not apply.

(3) LIMITATION OF STATUTORY CONSTRUCTION.—Nothing in this Act may be construed in any way to give effect to the sunset provision under section 13407(g)(2) of the Health Information Technology for Economic and Clinical Health Act (42 U.S.C. 17937(g)(2)) or to otherwise limit or affect the applicability, under section 13407 of that Act, of the breach notification requirement for vendors of personal health records and each entity described in clause (ii), (iii), or (iv) of section 13424(b)(1)(A) of that Act (42 U.S.C. 17953(b)(1)(A)).

(l) WEB SITE NOTICE OF FEDERAL TRADE COMMISSION.—If the Commission, upon receiving notification of any breach of security that is reported to the Commission, finds that notification of the breach of security via the Commission's Internet Web site would be in the public interest or for the protection of consumers, the Commission shall place such a notice in a clear and conspicuous location on its Internet Web site.

(m) FTC STUDY ON NOTIFICATION IN LANGUAGES IN ADDITION TO ENGLISH.—Not later than 1 year after the date of enactment of this Act, the Commission shall conduct a study on the practicality and cost effectiveness of requiring the direct notification required by subsection (d)(1) to be provided in a language in addition to English to individuals known to speak only such other language.

(n) GENERAL RULEMAKING AUTHORITY.—The Commission may promulgate regulations necessary under section 553 of title 5, United States Code, to effectively enforce the requirements of this section.

#### SEC. 804. NOTICE TO LAW ENFORCEMENT.

(a) DESIGNATION OF GOVERNMENT ENTITY TO RECEIVE NOTICE.—Not later than 60 days after the date of enactment of this Act, the Secretary of the Department of Homeland Security shall designate a Federal Government entity to receive notice under this section.

(b) NOTICE.—A covered entity shall notify the designated entity of a breach of security if—

(1) the number of individuals whose personal information was, or is reasonably believed to have been, acquired or assessed as a result of the breach of security exceeds 10,000;

(2) the breach of security involves a database, networked or integrated databases, or other data system containing the personal information of more than 1,000,000 individuals;

(3) the breach of security involves databases owned by the Federal Government; or

(4) the breach of security involves primarily personal information of individuals known to the covered entity to be employees or contractors of the Federal Government involved in national security or law enforcement.

(c) CONTENT OF NOTICES.—

(1) IN GENERAL.—Each notice under subsection (b) shall contain—

(A) the date, estimated date, or estimated date range of the breach of security;

(B) a description of the nature of the breach of security;

(C) a description of each type of personal information that was or is reasonably believed to have been acquired or accessed as a result of the breach of security; and

(D) a statement of each paragraph under subsection (b) that applies to the breach of security.



(2) CONSTRUCTION.—Nothing in this section shall be construed to require a covered entity to reveal specific or identifying information about an individual as part of the notice under paragraph (1).

(d) RESPONSIBILITIES OF THE DESIGNATED ENTITY.—The designated entity shall promptly provide each notice it receives under subsection (b) to—

- (1) the United States Secret Service;
- (2) the Federal Bureau of Investigation;
- (3) the Federal Trade Commission;
- (4) the United States Postal Inspection Service, if the breach of security involves mail fraud;
- (5) the attorney general of each State affected by the breach of security; and
- (6) as appropriate, other Federal agencies for law enforcement, national security, or data security purposes.

(e) TIMING OF NOTICES.—Notice under this section shall be delivered as follows:

(1) Notice under subsection (b) shall be delivered as promptly as possible, but—

(A) not less than 3 business days before notification to an individual pursuant to section 803; and

(B) not later than 10 days after the date of discovery of the events requiring notice.

(2) Notice under subsection (d) shall be delivered as promptly as possible, but not later than 1 business day after the date that the designated entity receives notice of a breach of security from a covered entity.

#### SEC. 805. APPLICATION AND ENFORCEMENT.

(a) GENERAL APPLICATION.—The requirements of sections 802 and 803 apply to—

(1) those persons, partnerships, or corporations over which the Commission has authority pursuant to section 5(a)(2) of the Federal Trade Commission Act (15 U.S.C. 45(a)(2)); and

(2) notwithstanding sections 4 and 5(a)(2) of the Federal Trade Commission Act (15 U.S.C. 44 and 45(a)(2)), any non-profit organization, including any organization described in section 501(c) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of the Internal Revenue Code of 1986.

(b) OPT-IN FOR CERTAIN OTHER ENTITIES.—

(1) IN GENERAL.—Section 803 shall apply to any other person or entity that enters into an agreement with the Commission under which section 803 would apply to that person or entity, with respect to any acts or omissions that occur while the agreement is in effect and that may constitute a violation of section 803, if—

(A) not less than 30 days prior to entering into the agreement with the person or entity, the Commission publishes notice in the Federal Register of the Commission's intent to enter into the agreement; and

(B) not later than 14 business days after entering into the agreement with the person or entity, the Commission publishes in the Federal Register—

- (i) notice of the agreement;
- (ii) the identity of each person or entity covered by the agreement; and
- (iii) the effective date of the agreement.

(2) CONSTRUCTION.—

(A) OTHER FEDERAL LAW.—An agreement under paragraph (1) shall not effect a person's obligation or an entity's obligation to provide notice of a breach of security or similar event under any other Federal law.

(B) NO PREEMPTION PRIOR TO VALID AGREEMENT.—Subsections (a)(2) and (b) of section 807 shall not apply to a breach of security that occurs before a valid agreement under paragraph (1) is in effect.

(c) ENFORCEMENT BY THE FEDERAL TRADE COMMISSION.—

(1) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—A violation of section 802 or 803 of this Act shall be treated as an unfair and deceptive act or practice in violation of a regulation under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)) regarding unfair or deceptive acts or practices.

(2) POWERS OF COMMISSION.—The Commission shall enforce this title in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this title. Any covered entity who violates such regulations shall be subject to the penalties and entitled to the privileges and immunities provided in that Act.

(3) LIMITATION.—In promulgating rules under this title, the Commission shall not require the deployment or use of any specific products or technologies, including any specific computer software or hardware.

(d) ENFORCEMENT BY STATE ATTORNEYS GENERAL.—

(1) CIVIL ACTION.—In any case in which the attorney general of a State, or an official or agency of a State, has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by any covered entity who violates section 802 or 803 of this Act, the attorney general, official, or agency of the State, as *parens patriae*, may bring a civil action on behalf of the residents of the State in a district court of the United States of appropriate jurisdiction—

(A) to enjoin further violation of such section by the defendant;

(B) to compel compliance with such section; or

(C) to obtain civil penalties in the amount determined under paragraph (2).

(2) CIVIL PENALTIES.—

(A) CALCULATION.—

(i) TREATMENT OF VIOLATIONS OF SECTION 802.—For purposes of paragraph (1)(C) with regard to a violation of section 802, the amount determined under this paragraph is the amount calculated by multiplying the number of days that a covered entity is not in compliance with such section by an amount not greater than \$11,000.

(ii) TREATMENT OF VIOLATIONS OF SECTION 803.—For purposes of paragraph (1)(C) with regard to a violation of section 803, the amount determined under this paragraph is the amount calculated by multiplying the number of violations of such section by an amount not greater than \$11,000. Each failure to send notification as required under section 803 to a resident of the State shall be treated as a separate violation.

(B) ADJUSTMENT FOR INFLATION.—Beginning on the date that the Consumer Price Index is first published by the Bureau of Labor Statistics that is after 1 year after the date of enactment of this Act, and each year thereafter, the amounts specified in clauses (i) and (ii) of subparagraph (A) and in clauses (i) and (ii) of subparagraph (C) shall be increased by the percentage increase in the Consumer Price Index published on that date from the Consumer Price Index published the previous year.

(C) MAXIMUM TOTAL LIABILITY.—Notwithstanding the number of actions which may be brought against a covered entity under this subsection, the maximum civil penalty for which any covered entity may be liable under this subsection shall not exceed—

(i) \$5,000,000 for each violation of section 802; and

(ii) \$5,000,000 for all violations of section 803 resulting from a single breach of security.

(3) INTERVENTION BY THE FTC.—

(A) NOTICE AND INTERVENTION.—The State shall provide prior written notice of any action under paragraph (1) to the Commission and provide the Commission with a copy of its complaint, except in any case in which such prior notice is not feasible, in which case the State shall serve such notice immediately upon commencing such action. The Commission shall have the right—

(i) to intervene in the action;

(ii) upon so intervening, to be heard on all matters arising therein; and

(iii) to file petitions for appeal.

(B) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION IS PENDING.—If the Commission has instituted a civil action for violation of this title, no State attorney general, or official or agency of a State, may bring an action under this subsection during the pendency of that action against any defendant named in the complaint of the Commission for any violation of this title alleged in the complaint.

(4) CONSTRUCTION.—For purposes of bringing any civil action under paragraph (1), nothing in this title shall be construed to prevent an attorney general of a State from exercising the powers conferred on the attorney general by the laws of that State—

(A) to conduct investigations;

(B) to administer oaths or affirmations; or

(C) to compel the attendance of witnesses or the production of documentary and other evidence.

(e) AFFIRMATIVE DEFENSE FOR A VIOLATION OF SECTION 803.—It shall be an affirmative defense to an enforcement action brought under subsection (c), or a civil action brought under subsection (d), based on a violation of section 803, that all of the personal information contained in the data in electronic form that was acquired or accessed as a result of a breach of security of the defendant is public record information that is lawfully made available to the general public from Federal, State, or local government records and was acquired by the defendant from such records.

(f) NOTICE TO LAW ENFORCEMENT; CIVIL ENFORCEMENT BY ATTORNEY GENERAL.—

(1) IN GENERAL.—The Attorney General may bring a civil action in the appropriate United States district court against any covered entity that engages in conduct constituting a violation of section 804.

(2) PENALTIES.—

(A) IN GENERAL.—Upon proof of such conduct by a preponderance of the evidence, a covered entity shall be subject to a civil penalty of not more than \$1,000 per individual whose personal information was or is reasonably believed to have been accessed or acquired as a result of the breach of security that is the basis of the violation, up to a maximum of \$100,000 per day while such violation persists.

(B) LIMITATIONS.—The total amount of the civil penalty assessed under this subsection against a covered entity for acts or omissions relating to a single breach of security shall not exceed \$1,000,000, unless the conduct constituting a violation of section 804 was willful or intentional, in which case an additional civil penalty of up to \$1,000,000 may be imposed.

(C) ADJUSTMENT FOR INFLATION.—Beginning on the date that the Consumer Price Index is first published by the Bureau of Labor Statistics that is after 1 year after the date of



enactment of this Act, and each year thereafter, the amounts specified in subparagraphs (A) and (B) shall be increased by the percentage increase in the Consumer Price Index published on that date from the Consumer Price Index published the previous year.

(3) **INJUNCTIVE ACTIONS.**—If it appears that a covered entity has engaged, or is engaged, in any act or practice that constitutes a violation of section 804, the Attorney General may petition an appropriate United States district court for an order enjoining such practice or enforcing compliance with section 804.

(4) **ISSUANCE OF ORDER.**—A court may issue such an order under paragraph (3) if it finds that the conduct in question constitutes a violation of section 804.

(g) **CONCEALMENT OF BREACHES OF SECURITY.**—

(1) **IN GENERAL.**—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

**“§ 1041. Concealment of breaches of security involving personal information**

“(a) **IN GENERAL.**—Any person who, having knowledge of a breach of security and of the fact that notification of the breach of security is required under the Data Security and Breach Notification Act of 2012, intentionally and willfully conceals the fact of the breach of security, shall, in the event that the breach of security results in economic harm to any individual in the amount of \$1,000 or more, be fined under this title, imprisoned for not more than 5 years, or both.

“(b) **PERSON DEFINED.**—For purposes of subsection (a), the term ‘person’ has the same meaning as in section 1030(e)(12) of this title.

“(c) **ENFORCEMENT AUTHORITY.**—

“(1) **IN GENERAL.**—The United States Secret Service and the Federal Bureau of Investigation shall have the authority to investigate offenses under this section.

“(2) **CONSTRUCTION.**—The authority granted in paragraph (1) shall not be exclusive of any existing authority held by any other Federal agency.”.

(2) **CONFORMING AND TECHNICAL AMENDMENTS.**—The table of sections for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

“1041. Concealment of breaches of security involving personal information.”.

**SEC. 806. DEFINITIONS.**

In this title:

(1) **BREACH OF SECURITY.**—

(A) **IN GENERAL.**—The term “breach of security” means compromise of the security, confidentiality, or integrity of, or loss of, data in electronic form that results in, or there is a reasonable basis to conclude has resulted in, unauthorized access to or acquisition of personal information from a covered entity.

(B) **EXCLUSIONS.**—The term “breach of security” does not include—

(i) a good faith acquisition of personal information by a covered entity, or an employee or agent of a covered entity, if the personal information is not subject to further use or unauthorized disclosure;

(ii) any lawfully authorized investigative, protective, or intelligence activity of a law enforcement or an intelligence agency of the United States, a State, or a political subdivision of a State; or

(iii) the release of a public record not otherwise subject to confidentiality or non-disclosure requirements.

(2) **COMMISSION.**—The term “Commission” means the Federal Trade Commission.

(3) **COVERED ENTITY.**—The term “covered entity” means a sole proprietorship, partnership, corporation, trust, estate, cooperative, association, or other commercial entity, and any charitable, educational, or nonprofit organization, that acquires, maintains, or utilizes personal information.

(4) **DATA IN ELECTRONIC FORM.**—The term “data in electronic form” means any data stored electronically or digitally on any computer system or other database, including recordable tapes and other mass storage devices.

(5) **DESIGNATED ENTITY.**—The term “designated entity” means the Federal Government entity designated by the Secretary of Homeland Security under section 804.

(6) **ENCRYPTION.**—The term “encryption” means the protection of data in electronic form in storage or in transit using an encryption technology that has been adopted by an established standards setting body which renders such data indecipherable in the absence of associated cryptographic keys necessary to enable decryption of such data. Such encryption must include appropriate management and safeguards of such keys to protect the integrity of the encryption.

(7) **IDENTITY THEFT.**—The term “identity theft” means the unauthorized use of another person’s personal information for the purpose of engaging in commercial transactions under the identity of such other person, including any contact that violates section 1028A of title 18, United States Code.

(8) **MAJOR CREDIT REPORTING AGENCY.**—The term “major credit reporting agency” means a consumer reporting agency that compiles and maintains files on consumers on a nationwide basis within the meaning of section 603(p) of the Fair Credit Reporting Act (15 U.S.C. 1681a(p)).

(9) **PERSONAL INFORMATION.**—

(A) **DEFINITION.**—The term “personal information” means any information or compilation of information in electronic or digital form that includes—

(i) a financial account number or credit or debit card number in combination with any security code, access code, or password that is required for an individual to obtain credit, withdraw funds, or engage in a financial transaction; or

(ii) an individual’s first and last name or first initial and last name in combination with—

(I) a non-truncated social security number, driver’s license number, passport number, or alien registration number, or other similar number issued on a government document used to verify identity;

(II) unique biometric data such as a finger print, voice print, retina or iris image, or any other unique physical representation;

(III) a unique account identifier, electronic identification number, user name, or routing code in combination with any associated security code, access code, or password that is required for an individual to obtain money, goods, services, or any other thing of value; or

(IV) 2 of the following:

(aa) Home address or telephone number.

(bb) Mother’s maiden name, if identified as such.

(cc) Month, day, and year of birth.

(B) **MODIFIED DEFINITION BY RULEMAKING.**—If the Commission determines that the definition under subparagraph (A) is not reasonably sufficient to protect individuals from identify theft, fraud, or other unlawful conduct, the Commission by rule promulgated

under section 553 of title 5, United States Code, may modify the definition of “personal information” under subparagraph (A) to the extent the modification will not unreasonably impede interstate commerce.

(10) **PUBLIC RECORD INFORMATION.**—The term “public record information” means information about an individual which has been obtained originally from records of a Federal, State, or local government entity that are available for public inspection.

(11) **SERVICE PROVIDER.**—The term “service provider” means a person that provides electronic data transmission, routing, intermediate and transient storage, or connections to its system or network, where the person providing such services does not select or modify the content of the electronic data, is not the sender or the intended recipient of the data, and does not differentiate personal information from other information that such person transmits, routes, or stores, or for which such person provides connections. Any such person shall be treated as a service provider under this title only to the extent that it is engaged in the provision of such transmission, routing, intermediate and transient storage, or connections.

**SEC. 807. EFFECT ON OTHER LAWS.**

(a) **PREEMPTION OF STATE INFORMATION SECURITY LAWS.**—This title supersedes any provision of a statute, regulation, or rule of a State or political subdivision of a State, with respect to those entities covered by the regulations issued pursuant to this title, that expressly—

(1) requires information security practices and treatment of data containing personal information similar to any of those required under section 802; or

(2) requires notification to individuals of a breach of security as defined in section 806.

(b) **ADDITIONAL PREEMPTION.**—

(1) **IN GENERAL.**—No person other than a person specified in section 805(d) may bring a civil action under the laws of any State if such action is premised in whole or in part upon the defendant violating any provision of this title.

(2) **PROTECTION OF CONSUMER PROTECTION LAWS.**—Except as provided in subsection (a) of this section, this subsection shall not be construed to limit the enforcement of any State consumer protection law by an attorney general of a State.

(c) **PROTECTION OF CERTAIN STATE LAWS.**—This title shall not be construed to preempt the applicability of—

(1) State trespass, contract, or tort law; or

(2) any other State laws to the extent that those laws relate to acts of fraud.

(d) **PRESERVATION OF FTC AUTHORITY.**—Nothing in this title may be construed in any way to limit or affect the Commission’s authority under any other provision of law.

**SEC. 808. APPLICABILITY OF SECTION 631 OF THE COMMUNICATIONS ACT OF 1934.**

(a) **IN GENERAL.**—To the extent that a cable operator (as defined under section 631 of the Communications Act of 1934 (47 U.S.C. 551)) is subject to a requirement regarding personal information (as defined in section 806 of this Act)—

(1) under this title that is in conflict with a requirement under section 631 of the Communications Act of 1934 (47 U.S.C. 551), each applicable section of this Act shall control (including enforcement); and

(2) under section 631 of the Communications Act of 1934 (47 U.S.C. 551) that is in addition to or different from a requirement under this title, each applicable subsection of section 631 of the Communications Act of 1934 (47 U.S.C. 551) shall remain in effect (including enforcement and right of action).

(b) LIMITATION OF STATUTORY CONSTRUCTION.—Nothing in this title shall preclude the application of section 631 of the Communications Act of 1934 (47 U.S.C. 551), to information that is not included in the definition of personal information under section 806 of this Act.

#### SEC. 809. EFFECTIVE DATE.

This title shall take effect 1 year after the date of enactment of this Act.

**SA 2701.** Mr. FRANKEN (for himself, Mr. PAUL, Mr. WYDEN, Mr. AKAKA, Mr. COONS, Mr. BLUMENTHAL, Mr. SANDERS, Mr. UDALL of New Mexico, Mr. MERKLEY, Mr. SCHUMER, Ms. CANTWELL, Mrs. SHAHEEN, Mr. BEGICH, Mr. DURBIN, and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

Strike section 701.

**SA 2702.** Mr. FRANKEN (for himself, Mr. PAUL, Mr. WYDEN, Mr. AKAKA, Mr. COONS, Mr. BLUMENTHAL, Mr. SANDERS, Mr. UDALL of New Mexico, Mr. MERKLEY, Mr. SCHUMER, Ms. CANTWELL, Mrs. SHAHEEN, Mr. BEGICH, Mr. DURBIN, and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

Beginning on page 169, strike line 15 and all that follows through page 172, line 25.

Page 189, beginning on line 22, strike “performing, monitoring, operating countermeasures, or”.

Page 196, strike lines 10, 11, and 12.

Beginning on page 205, strike line 15 and all that follows through page 206, line 2.

**SA 2703.** Mr. FRANKEN (for himself, Mr. PAUL, Mr. WYDEN, Mr. AKAKA, Mr. COONS, Mr. BLUMENTHAL, Mr. SANDERS, Mr. UDALL of New Mexico, Mr. MERKLEY, Mr. SCHUMER, Ms. CANTWELL, Mrs. SHAHEEN, Mr. BEGICH, Mr. DURBIN, and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

Strike title VII and insert the following:

#### TITLE VII—INFORMATION SHARING

#### SEC. 701. VOLUNTARY DISCLOSURE OF CYBERSECURITY THREAT INDICATORS AMONG PRIVATE ENTITIES.

(a) AUTHORITY TO DISCLOSE.—Notwithstanding any other provision of law, any private entity may disclose lawfully obtained cybersecurity threat indicators to any other private entity in accordance with this section.

(b) USE AND PROTECTION OF INFORMATION.—A private entity disclosing or receiving cybersecurity threat indicators pursuant to subsection (a)—

(1) may use, retain, or further disclose such cybersecurity threat indicators solely for the

purpose of protecting an information system or information that is stored on, processed by, or transiting an information system from cybersecurity threats or mitigating such threats;

(2) shall make reasonable efforts to safeguard communications, records, system traffic, or other information that can be used to identify specific persons from unauthorized access or acquisition;

(3) shall comply with any lawful restrictions placed on the disclosure or use of cybersecurity threat indicators, including, if requested, the removal of information that may be used to identify specific persons from such indicators; and

(4) may not use the cybersecurity threat indicators to gain an unfair competitive advantage to the detriment of the entity that authorized such sharing.

(c) TRANSFERS TO UNRELIABLE PRIVATE ENTITIES PROHIBITED.—A private entity may not disclose cybersecurity threat indicators to another private entity that the disclosing entity knows—

(1) has intentionally or willfully violated the requirements of subsection (b); and

(2) is reasonably likely to violate such requirements.

#### SEC. 702. CYBERSECURITY EXCHANGES.

(a) DESIGNATION OF CYBERSECURITY EXCHANGES.—The Secretary of Homeland Security, in consultation with the Director of National Intelligence, the Attorney General, and the Secretary of Defense, shall establish—

(1) a process for designating one or more appropriate civilian Federal entities or non-Federal entities to serve as cybersecurity exchanges to receive and distribute cybersecurity threat indicators;

(2) procedures to facilitate and ensure the sharing of classified and unclassified cybersecurity threat indicators in as close to real time as possible with appropriate Federal entities and non-Federal entities in accordance with this title; and

(3) a process for identifying certified entities to receive classified cybersecurity threat indicators in accordance with paragraph (2).

(b) PURPOSE.—The purpose of a cybersecurity exchange is to receive and distribute, in as close to real time as possible, cybersecurity threat indicators, and to thereby avoid unnecessary and duplicative Federal bureaucracy for information sharing as provided in this title.

(c) REQUIREMENT FOR A LEAD FEDERAL CIVILIAN CYBERSECURITY EXCHANGE.—

(1) IN GENERAL.—The Secretary, in consultation with the Director of National Intelligence, the Attorney General, and the Secretary of Defense, shall designate a civilian Federal entity as the lead cybersecurity exchange to serve as a focal point within the Federal Government for cybersecurity information sharing among Federal entities and with non-Federal entities.

(2) RESPONSIBILITIES.—The lead Federal civilian cybersecurity exchange designated under paragraph (1) shall—

(A) receive and distribute, in as close to real time as possible, cybersecurity threat indicators in accordance with this title;

(B) facilitate information sharing, interaction, and collaboration among and between—

- (i) Federal entities;
- (ii) State, local, tribal, and territorial governments;
- (iii) private entities;
- (iv) academia;
- (v) international partners, in consultation with the Secretary of State; and

(vi) other cybersecurity exchanges;

(C) disseminate timely and actionable cybersecurity threat, vulnerability, mitigation, and warning information lawfully obtained from any source, including alerts, advisories, indicators, signatures, and mitigation and response measures, to appropriate Federal and non-Federal entities in as close to real time as possible, to improve the security and protection of information systems;

(D) coordinate with other Federal and non-Federal entities, as appropriate, to integrate information from Federal and non-Federal entities, including Federal cybersecurity centers, non-Federal network or security operation centers, other cybersecurity exchanges, and non-Federal entities that disclose cybersecurity threat indicators under section 703(a), in as close to real time as possible, to provide situational awareness of the United States information security posture and foster information security collaboration among information system owners and operators;

(E) conduct, in consultation with private entities and relevant Federal and other governmental entities, regular assessments of existing and proposed information sharing models to eliminate bureaucratic obstacles to information sharing and identify best practices for such sharing; and

(F) coordinate with other Federal entities, as appropriate, to compile and analyze information about risks and incidents that threaten information systems, including information voluntarily submitted in accordance with section 703(a) or otherwise in accordance with applicable laws.

(3) SCHEDULE FOR DESIGNATION.—The designation of a lead Federal civilian cybersecurity exchange under paragraph (1) shall be made concurrently with the issuance of the interim policies and procedures under section 703(g)(3)(D).

(d) ADDITIONAL CIVILIAN FEDERAL CYBERSECURITY EXCHANGES.—In accordance with the process and procedures established in subsection (a), the Secretary, in consultation with the Director of National Intelligence, the Attorney General, and the Secretary of Defense, may designate additional civilian Federal entities to receive and distribute cybersecurity threat indicators, if such entities are subject to the requirements for use, retention, and disclosure of information by a cybersecurity exchange under section 703(b) and the special requirements for Federal entities under section 703(g).

(e) REQUIREMENTS FOR NON-FEDERAL CYBERSECURITY EXCHANGES.—

(1) IN GENERAL.—In considering whether to designate a private entity or any other non-Federal entity as a cybersecurity exchange to receive and distribute cybersecurity threat indicators under section 703, and what entity to designate, the Secretary shall consider the following factors:

(A) The net effect that such designation would have on the overall cybersecurity of the United States.

(B) Whether such designation could substantially improve such overall cybersecurity by serving as a hub for receiving and sharing cybersecurity threat indicators in as close to real time as possible, including the capacity of the non-Federal entity for performing those functions.

(C) The capacity of such non-Federal entity to safeguard cybersecurity threat indicators from unauthorized disclosure and use.

(D) The adequacy of the policies and procedures of such non-Federal entity to protect personally identifiable information from unauthorized disclosure and use.

(E) The ability of the non-Federal entity to sustain operations using entirely non-Federal sources of funding.

(2) REGULATIONS.—The Secretary may promulgate regulations as may be necessary to carry out this subsection.

(f) CONSTRUCTION WITH OTHER AUTHORITIES.—Nothing in this section may be construed to alter the authorities of a Federal cybersecurity center, unless such cybersecurity center is acting in its capacity as a designated cybersecurity exchange.

(g) CONGRESSIONAL NOTIFICATION OF DESIGNATION OF CYBERSECURITY EXCHANGES.—

(1) IN GENERAL.—The Secretary, in coordination with the Director of National Intelligence, the Attorney General, and the Secretary of Defense, shall promptly notify Congress, in writing, of any designation of a cybersecurity exchange under this title.

(2) REQUIREMENT.—Written notification under paragraph (1) shall include a description of the criteria and processes used to make the designation.

#### SEC. 703. VOLUNTARY DISCLOSURE OF CYBERSECURITY THREAT INDICATORS TO A CYBERSECURITY EXCHANGE.

(a) AUTHORITY TO DISCLOSE.—Notwithstanding any other provision of law, a non-Federal entity may disclose lawfully obtained cybersecurity threat indicators to a cybersecurity exchange in accordance with this section.

(b) USE, RETENTION, AND DISCLOSURE OF INFORMATION BY A CYBERSECURITY EXCHANGE.—A cybersecurity exchange may only use, retain, or further disclose information provided pursuant to subsection (a)—

(1) in order to protect information systems from cybersecurity threats and to mitigate cybersecurity threats; or

(2) to law enforcement pursuant to subsection (g)(2).

(c) USE AND PROTECTION OF INFORMATION RECEIVED FROM A CYBERSECURITY EXCHANGE.—A non-Federal entity receiving cybersecurity threat indicators from a cybersecurity exchange—

(1) may use, retain, or further disclose such cybersecurity threat indicators solely for the purpose of protecting an information system or information that is stored on, processed by, or transiting an information system from cybersecurity threats or mitigating such threats;

(2) shall make reasonable efforts to safeguard communications, records, system traffic, or other information that can be used to identify specific persons from unauthorized access or acquisition;

(3) shall comply with any lawful restrictions placed on the disclosure or use of cybersecurity threat indicators by the cybersecurity exchange or a third party, if the cybersecurity exchange received such information from the third party, including, if requested, the removal of information that can be used to identify specific persons from such indicators; and

(4) may not use the cybersecurity threat indicators to gain an unfair competitive advantage to the detriment of the third party that authorized such sharing.

(d) EXEMPTION FROM PUBLIC DISCLOSURE.—Any cybersecurity threat indicator disclosed by a non-Federal entity to a cybersecurity exchange pursuant to subsection (a) shall be—

(1) exempt from disclosure under section 552(b)(3) of title 5, United States Code, or any comparable State law; and

(2) treated as voluntarily shared information under section 552 of title 5, United States Code, or any comparable State law.

(e) EXEMPTION FROM EX PARTE LIMITATIONS.—Any cybersecurity threat indicator disclosed by a non-Federal entity to a cybersecurity exchange pursuant to subsection (a) shall not be subject to the rules of any governmental entity or judicial doctrine regarding ex parte communications with a decision making official.

(f) EXEMPTION FROM WAIVER OF PRIVILEGE.—Any cybersecurity threat indicator disclosed by a non-Federal entity to a cybersecurity exchange pursuant to subsection (a) may not be construed to be a waiver of any applicable privilege or protection provided under Federal, State, tribal, or territorial law, including any trade secret protection.

(g) SPECIAL REQUIREMENTS FOR FEDERAL AND LAW ENFORCEMENT ENTITIES.—

(1) RECEIPT, DISCLOSURE AND USE OF CYBERSECURITY THREAT INDICATORS BY A FEDERAL ENTITY.—

(A) AUTHORITY TO RECEIVE AND USE CYBERSECURITY THREAT INDICATORS.—A Federal entity that is not a cybersecurity exchange may receive, retain, and use cybersecurity threat indicators from a cybersecurity exchange in order—

(i) to protect information systems from cybersecurity threats and to mitigate cybersecurity threats; and

(ii) to disclose such cybersecurity threat indicators to law enforcement in accordance with paragraph (2).

(B) AUTHORITY TO DISCLOSE CYBERSECURITY THREAT INDICATORS.—A Federal entity that is not a cybersecurity exchange shall ensure that if disclosing cybersecurity threat indicators to a non-Federal entity under this section, such non-Federal entity shall use or retain such cybersecurity threat indicators in a manner that is consistent with the requirements in—

(i) subsection (b) on the use and protection of information; and

(ii) paragraph (2).

(2) LAW ENFORCEMENT ACCESS AND USE OF CYBERSECURITY THREAT INDICATORS.—

(A) DISCLOSURE TO LAW ENFORCEMENT.—A Federal entity may disclose cybersecurity threat indicators received under this title to a law enforcement entity if—

(i) the disclosure is permitted under the procedures developed by the Secretary and approved by the Attorney General under paragraph (3); and

(ii) the information appears to pertain—

(I) to a cybersecurity crime which has been, is being, or is about to be committed;

(II) to an imminent threat of death or serious bodily harm; or

(III) to a serious threat to minors, including sexual exploitation and threats to physical safety.

(B) USE BY LAW ENFORCEMENT.—A law enforcement entity may only use cybersecurity threat indicators received by a Federal entity under paragraph (A) in order—

(i) to protect information systems from a cybersecurity threat or investigate, prosecute, or disrupt a cybersecurity crime;

(ii) to protect individuals from an imminent threat of death or serious bodily harm; or

(iii) to protect minors from any serious threat, including sexual exploitation and threats to physical safety.

(3) PRIVACY AND CIVIL LIBERTIES.—

(A) REQUIREMENT FOR POLICIES AND PROCEDURES.—The Secretary, in consultation with privacy and civil liberties experts, the Director of National Intelligence, and the Secretary of Defense, shall develop and periodically review policies and procedures governing the receipt, retention, use, and disclo-

sure of cybersecurity threat indicators by a Federal entity obtained in connection with activities authorized in this title. Such policies and procedures shall—

(i) minimize the impact on privacy and civil liberties, consistent with the need to protect information systems from cybersecurity threats and mitigate cybersecurity threats;

(ii) reasonably limit the receipt, retention, use and disclosure of cybersecurity threat indicators associated with specific persons consistent with the need to carry out the responsibilities of this title, including establishing a process for the timely destruction of cybersecurity threat indicators that are received pursuant to this section that do not reasonably appear to be related to the purposes identified in paragraph (1)(A);

(iii) include requirements to safeguard cybersecurity threat indicators that may be used to identify specific persons from unauthorized access or acquisition;

(iv) include procedures for notifying entities, as appropriate, if information received pursuant to this section is not a cybersecurity threat indicator; and

(v) protect the confidentiality of cybersecurity threat indicators associated with specific persons to the greatest extent practicable and require recipients to be informed that such indicators may only be used for the purposes identified in paragraph (1)(A).

(B) ADOPTION OF POLICIES AND PROCEDURES.—The head of an agency responsible for a Federal entity designated as a cybersecurity exchange under section 703 shall adopt and comply with the policies and procedures developed under this paragraph.

(C) REVIEW BY THE ATTORNEY GENERAL.—The policies and procedures developed under this subsection shall be provided to the Attorney General for review not later than 1 year after the date of the enactment of this title, and shall not be issued without the Attorney General's approval.

(D) REQUIREMENT FOR INTERIM POLICIES AND PROCEDURES.—The Secretary shall issue interim policies and procedures not later than 60 days after the date of the enactment of this title.

(E) PROVISION TO CONGRESS.—The policies and procedures issued under this title and any amendments to such policies and procedures shall be provided to Congress in an unclassified form and be made public, but may include a classified annex.

(4) OVERSIGHT.—

(A) REQUIREMENT FOR OVERSIGHT.—The Secretary and the Attorney General shall establish a mandatory program to monitor and oversee compliance with the policies and procedures issued under this subsection.

(B) NOTIFICATION OF THE ATTORNEY GENERAL.—The head of each Federal entity that receives information under this title shall—

(i) comply with the policies and procedures developed by the Secretary and approved by the Attorney General under paragraph (3);

(ii) promptly notify the Attorney General of significant violations of such policies and procedures; and

(iii) provide to the Attorney General any information relevant to the violation that the Attorney General requires.

(C) ANNUAL REPORT.—On an annual basis, the Chief Privacy and Civil Liberties Officer of the Department of Justice and the Chief Privacy Officer of the Department, in consultation with the most senior privacy and civil liberties officer or officers of any appropriate agencies, shall jointly submit to Congress a report assessing the privacy and civil liberties impact of the governmental activities conducted pursuant to this title.

## (5) REPORTS ON INFORMATION SHARING.—

(A) PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD REPORT.—Not later than 2 years after the date of the enactment of this title, and every 2 years thereafter, the Privacy and Civil Liberties Oversight Board shall submit to Congress and the President a report providing—

(i) an analysis of the practices of private entities that are disclosing cybersecurity threat indicators pursuant to this title;

(ii) an assessment of the privacy and civil liberties impact of the activities carried out by the Federal entities under this title; and

(iii) recommendations for improvements to or modifications of the law and the policies and procedures established pursuant to paragraph (3) in order to address privacy and civil liberties concerns.

(B) INSPECTORS GENERAL ANNUAL REPORT.—The Inspector General of the Department, the Inspector General of the Intelligence Community, the Inspector General of the Department of Justice, and the Inspector General of the Department of Defense shall, on an annual basis, jointly submit to Congress a report on the receipt, use and disclosure of information shared with a Federal cybersecurity exchange under this title, including—

(i) a review of the use by Federal entities of such information for a purpose other than to protect information systems from cybersecurity threats and to mitigate cybersecurity threats, including law enforcement access and use pursuant to paragraph (2);

(ii) a review of the type of information shared with a Federal cybersecurity exchange;

(iii) a review of the actions taken by Federal entities based on such information;

(iv) appropriate metrics to determine the impact of the sharing of such information with a Federal cybersecurity exchange on privacy and civil liberties;

(v) a list of Federal entities receiving such information;

(vi) a review of the sharing of such information among Federal entities to identify inappropriate stovepiping of shared information; and

(vii) any recommendations of the inspectors general for improvements or modifications to the authorities under this title.

(C) FORM.—Each report required under this paragraph shall be submitted in unclassified form, but may include a classified annex.

(6) SANCTIONS.—The head of each Federal entity that conducts activities under this title shall develop and enforce appropriate sanctions for officers, employees, or agents of such entities who conducts such activities—

(A) outside the normal course of their specified duties;

(B) in a manner inconsistent with the discharge of the responsibilities of such entity; or

(C) in contravention of the requirements, policies, and procedures required by this subsection.

(7) FEDERAL GOVERNMENT LIABILITY FOR VIOLATIONS OF THIS TITLE.—

(A) IN GENERAL.—If a Federal entity intentionally or willfully violates a provision of this title or a regulation promulgated under this title, the United States shall be liable to a person adversely affected by such violation in an amount equal to the sum of—

(i) the actual damages sustained by the person as a result of the violation or \$1,000, whichever is greater; and

(ii) the costs of the action together with reasonable attorney fees as determined by the court.

(B) VENUE.—An action to enforce liability created under this subsection may be brought in the district court of the United States in—

(i) the district in which the complainant resides;

(ii) the district in which the principal place of business of the complainant is located;

(iii) the district in which the Federal entity that disclosed the information is located; or

(iv) the District of Columbia.

(C) STATUTE OF LIMITATIONS.—No action shall lie under this subsection unless such action is commenced not later than 2 years after the date of the violation that is the basis for the action.

(D) EXCLUSIVE CAUSE OF ACTION.—A cause of action under this subsection shall be the exclusive means available to a complainant seeking a remedy for a disclosure of information in violation of this title by a Federal entity.

#### SEC. 704. SHARING OF CLASSIFIED CYBERSECURITY THREAT INDICATORS.

(a) SHARING OF CLASSIFIED CYBERSECURITY THREAT INDICATORS.—The procedures established under section 702(a)(2) shall provide that classified cybersecurity threat indicators may only be—

(1) shared with certified entities;

(2) shared in a manner that is consistent with the need to protect the national security of the United States;

(3) shared with a person with an appropriate security clearance to receive such cybersecurity threat indicators; and

(4) used by a certified entity in a manner that protects such cybersecurity threat indicators from unauthorized disclosure.

(b) REQUIREMENT FOR GUIDELINES.—Not later than 60 days after the date of the enactment of this title, the Director of National Intelligence shall issue guidelines providing that appropriate Federal officials may, as the Director considers necessary to carry out this title—

(1) grant a security clearance on a temporary or permanent basis to an employee of a certified entity;

(2) grant a security clearance on a temporary or permanent basis to a certified entity and approval to use appropriate facilities; or

(3) expedite the security clearance process for such an employee or entity, if appropriate, in a manner consistent with the need to protect the national security of the United States.

(c) DISTRIBUTION OF PROCEDURES AND GUIDELINES.—Following the establishment of the procedures under section 702(a)(2) and the issuance of the guidelines under subsection (b), the Secretary and the Director of National Intelligence shall expeditiously distribute such procedures and guidelines to—

(1) appropriate governmental entities and private entities;

(2) the Committee on Armed Services, the Committee on Commerce, Science, and Transportation, the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, and the Select Committee on Intelligence of the Senate; and

(3) the Committee on Armed Services, the Committee on Energy and Commerce, the Committee on Homeland Security, the Committee on the Judiciary, and the Permanent Select Committee on Intelligence of the House of Representatives.

#### SEC. 705. LIMITATION ON LIABILITY AND GOOD FAITH DEFENSE FOR CYBERSECURITY ACTIVITIES.

(a) IN GENERAL.—No civil or criminal cause of action shall lie or be maintained in any Federal or State court against any entity acting as authorized by this title, and any such action shall be dismissed promptly for activities authorized by this title consisting of the voluntary disclosure of a lawfully obtained cybersecurity threat indicator—

(1) to a cybersecurity exchange pursuant to section 703(a);

(2) by a provider of cybersecurity services to a customer of that provider;

(3) to a private entity or governmental entity that provides or manages critical infrastructure (as that term is used in section 1016 of the Critical Infrastructures Protection Act of 2001 (42 U.S.C. 5195c)); or

(4) to any other private entity under section 701(a), if the cybersecurity threat indicator is also disclosed within a reasonable time to a cybersecurity exchange.

(b) GOOD FAITH DEFENSE.—If a civil or criminal cause of action is not barred under subsection (a), a reasonable good faith reliance that this title permitted the conduct complained of is a complete defense against any civil or criminal action brought under this title or any other law.

(c) LIMITATION ON USE OF CYBERSECURITY THREAT INDICATORS FOR REGULATORY ENFORCEMENT ACTIONS.—No Federal entity may use a cybersecurity threat indicator received pursuant to this title as evidence in a regulatory enforcement action against the entity that lawfully shared the cybersecurity threat indicator with a cybersecurity exchange that is a Federal entity.

(d) DELAY OF NOTIFICATION AUTHORIZED FOR LAW ENFORCEMENT, NATIONAL SECURITY, OR HOMELAND SECURITY PURPOSES.—No civil or criminal cause of action shall lie or be maintained in any Federal or State court against any entity, and any such action shall be dismissed promptly, for a failure to disclose a cybersecurity threat indicator if—

(1) the Attorney General or the Secretary determines that disclosure of a cybersecurity threat indicator would impede a civil or criminal investigation and submits a written request to delay notification for up to 30 days, except that the Attorney General or the Secretary may, by a subsequent written request, revoke such delay or extend the period of time set forth in the original request made under this paragraph if further delay is necessary; or

(2) the Secretary, the Attorney General, or the Director of National Intelligence determines that disclosure of a cybersecurity threat indicator would threaten national or homeland security and submits a written request to delay notification, except that the Secretary, the Attorney General, or the Director, may, by a subsequent written request, revoke such delay or extend the period of time set forth in the original request made under this paragraph if further delay is necessary.

(e) LIMITATION ON LIABILITY FOR FAILURE TO ACT.—No civil or criminal cause of action shall lie or be maintained in any Federal or State court against any private entity, or any officer, employee, or agent of such an entity, and any such action shall be dismissed promptly, for the reasonable failure to act on information received under this title.

(f) DEFENSE FOR BREACH OF CONTRACT.—Compliance with lawful restrictions placed on the disclosure or use of cybersecurity threat indicators is a complete defense to

any tort or breach of contract claim originating in a failure to disclose cybersecurity threat indicators to a third party.

(g) **LIMITATION ON LIABILITY PROTECTIONS.**—Any person who, knowingly or acting in gross negligence, violates a provision of this title or a regulation promulgated under this title shall—

(1) not receive the protections of this title; and

(2) be subject to any criminal or civil cause of action that may arise under any other State or Federal law prohibiting the conduct in question.

**SEC. 706. CONSTRUCTION AND FEDERAL PRE-EMPTION.**

(a) **CONSTRUCTION.**—Nothing in this title may be construed—

(1) to limit any other existing authority or lawful requirement to monitor information systems and information that is stored on, processed by, or transiting such information systems, operate countermeasures, and retain, use or disclose lawfully obtained information;

(2) to permit the unauthorized disclosure of—

(A) information that has been determined by the Federal Government pursuant to an Executive order or statute to require protection against unauthorized disclosure for reasons of national defense or foreign relations;

(B) any restricted data (as that term is defined in paragraph (y) of section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014));

(C) information related to intelligence sources and methods; or

(D) information that is specifically subject to a court order or a certification, directive, or other authorization by the Attorney General precluding such disclosure;

(3) to provide additional authority to, or modify an existing authority of, the Department of Defense or the National Security Agency or any other element of the intelligence community to control, modify, require, or otherwise direct the cybersecurity efforts of a non-Federal entity or a Federal entity;

(4) to limit or modify an existing information sharing relationship;

(5) to prohibit a new information sharing relationship;

(6) to require a new information sharing relationship between a Federal entity and a private entity;

(7) to limit the ability of a non-Federal entity or a Federal entity to receive data about its information systems, including lawfully obtained cybersecurity threat indicators;

(8) to authorize or prohibit any law enforcement, homeland security, or intelligence activities not otherwise authorized or prohibited under another provision of law;

(9) to permit price-fixing, allocating a market between competitors, monopolizing or attempting to monopolize a market, boycotting, or exchanges of price or cost information, customer lists, or information regarding future competitive planning;

(10) to authorize or limit liability for actions that would violate the regulations adopted by the Federal Communications Commission on preserving the open Internet, or any successor regulations thereto, nor to modify or alter the obligations of private entities under such regulations; or

(11) to prevent a governmental entity from using information not acquired through a cybersecurity exchange for regulatory purposes.

(b) **FEDERAL PREEMPTION.**—This title supersedes any law or requirement of a State or political subdivision of a State that re-

stricts or otherwise expressly regulates the provision of cybersecurity services or the acquisition, interception, retention, use or disclosure of communications, records, or other information by private entities to the extent such law contains requirements inconsistent with this title.

(c) **PRESERVATION OF OTHER STATE LAW.**—Except as expressly provided, nothing in this title shall be construed to preempt the applicability of any other State law or requirement.

(d) **NO CREATION OF A RIGHT TO INFORMATION.**—The provision of information to a non-Federal entity under this title does not create a right or benefit to similar information by any other non-Federal entity.

(e) **PROHIBITION ON REQUIREMENT TO PROVIDE INFORMATION TO THE FEDERAL GOVERNMENT.**—Nothing in this title may be construed to permit a Federal entity—

(1) to require a non-Federal entity to share information with the Federal Government;

(2) to condition the disclosure of unclassified or classified cybersecurity threat indicators pursuant to this title with a non-Federal entity on the provision of cybersecurity threat information to the Federal Government; or

(3) to condition the award of any Federal grant, contract or purchase on the provision of cybersecurity threat indicators to a Federal entity, if the provision of such indicators does not reasonably relate to the nature of activities, goods, or services covered by the award.

(f) **LIMITATION ON USE OF INFORMATION.**—No cybersecurity threat indicators obtained pursuant to this title may be used, retained, or disclosed by a Federal entity or non-Federal entity, except as authorized under this title.

(g) **DECLASSIFICATION AND SHARING OF INFORMATION.**—Consistent with the exemptions from public disclosure of section 704(d), the Director of National Intelligence, in consultation with the Secretary and the head of the Federal entity in possession of the information, shall facilitate the declassification and sharing of information in the possession of a Federal entity that is related to cybersecurity threats, as the Director deems appropriate.

(h) **REPORT ON IMPLEMENTATION.**—Not later than 2 years after the date of the enactment of this title, the Secretary, the Director of National Intelligence, the Attorney General, and the Secretary of Defense shall jointly submit to Congress a report that—

(1) describes the extent to which the authorities conferred by this title have enabled the Federal Government and the private sector to mitigate cybersecurity threats;

(2) discloses any significant acts of non-compliance by a non-Federal entity with this title, with special emphasis on privacy and civil liberties, and any measures taken by the Federal Government to uncover such noncompliance;

(3) describes in general terms the nature and quantity of information disclosed and received by governmental entities and private entities under this title; and

(4) identifies the emergence of new threats or technologies that challenge the adequacy of the law, including the definitions, authorities and requirements of this title, for keeping pace with the threat.

(i) **REQUIREMENT FOR ANNUAL REPORT.**—On an annual basis, the Director of National Intelligence shall provide a report to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives on

the implementation of section 704. Such report, which shall be submitted in a classified and in an unclassified form, shall include a list of private entities that receive classified cybersecurity threat indicators under this title, except that the unclassified report shall not contain information that may be used to identify specific private entities unless such private entities consent to such identification.

**SEC. 707. DEFINITIONS.**

In this title:

(1) **CERTIFIED ENTITY.**—The term “certified entity” means a protected entity, a self-protected entity, or a provider of cybersecurity services that—

(A) possesses or is eligible to obtain a security clearance, as determined by the Director of National Intelligence; and

(B) is able to demonstrate to the Director of National Intelligence that such provider or such entity can appropriately protect and use classified cybersecurity threat indicators.

(2) **CYBERSECURITY CRIME.**—The term “cybersecurity crime” means the violation of a provision of State or Federal law relating to computer crimes, including a violation of any provision of title 18, United States Code, enacted or amended by the Computer Fraud and Abuse Act of 1986 (Public Law 99-474; 100 Stat. 1213).

(3) **CYBERSECURITY EXCHANGE.**—The term “cybersecurity exchange” means any governmental entity or private entity designated by the Secretary of Homeland Security, in consultation with the Director of National Intelligence, the Attorney General, and the Secretary of Defense, to receive and distribute cybersecurity threat indicators under section 703(a).

(4) **CYBERSECURITY SERVICES.**—The term “cybersecurity services” means products, goods, or services intended to detect, mitigate, or prevent cybersecurity threats.

(5) **CYBERSECURITY THREAT.**—The term “cybersecurity threat” means any action that may result in unauthorized access to, exfiltration of, manipulation of, harm of, or impairment to the integrity, confidentiality, or availability of an information system or information that is stored on, processed by, or transiting an information system, except that none of the following shall be considered a cybersecurity threat—

(A) actions protected by the first amendment to the Constitution of the United States; and

(B) exceeding authorized access of an information system, if such access solely involves a violation of consumer terms of service or consumer licensing agreements.

(6) **CYBERSECURITY THREAT INDICATOR.**—The term “cybersecurity threat indicator” means information—

(A) that is reasonably necessary to describe—

(i) malicious reconnaissance, including anomalous patterns of communications that reasonably appear to be transmitted for the purpose of gathering technical information related to a cybersecurity threat;

(ii) a method of defeating a technical control;

(iii) a technical vulnerability;

(iv) a method of defeating an operational control;

(v) a method of causing a user with legitimate access to an information system or information that is stored on, processed by, or transiting an information system to unwittingly enable the defeat of a technical control or an operational control;

(vi) malicious cyber command and control;

(vii) the actual or potential harm caused by an incident, including information exfiltrated as a result of defeating a technical control or an operational control when it is necessary in order to identify or describe a cybersecurity threat;

(viii) any other attribute of a cybersecurity threat, if disclosure of such attribute is not otherwise prohibited by law; or

(ix) any combination thereof; and

(B) from which reasonable efforts have been made to remove information that can be used to identify specific persons unrelated to the cybersecurity threat.

(7) **FEDERAL CYBERSECURITY CENTER.**—The term “Federal cybersecurity center” means the Department of Defense Cyber Crime Center, the Intelligence Community Incident Response Center, the United States Cyber Command Joint Operations Center, the National Cyber Investigative Joint Task Force, the National Security Agency/Central Security Service Threat Operations Center, the United States Computer Emergency Readiness Team, or successors to such centers.

(8) **FEDERAL ENTITY.**—The term “Federal entity” means an agency or department of the United States, or any component, officer, employee, or agent of such an agency or department.

(9) **GOVERNMENTAL ENTITY.**—The term “governmental entity” means any Federal entity and agency or department of a State, local, tribal, or territorial government other than an educational institution, or any component, officer, employee, or agent of such an agency or department.

(10) **INFORMATION SYSTEM.**—The term “information system” means a discrete set of information resources organized for the collection, processing, maintenance, use, sharing, dissemination, or disposition of information, including communications with, or commands to, specialized systems such as industrial and process control systems, telephone switching and private branch exchanges, and environmental control systems.

(11) **MALICIOUS CYBER COMMAND AND CONTROL.**—The term “malicious cyber command and control” means a method for remote identification of, access to, or use of, an information system or information that is stored on, processed by, or transiting an information system associated with a known or suspected cybersecurity threat.

(12) **MALICIOUS RECONNAISSANCE.**—The term “malicious reconnaissance” means a method for actively probing or passively monitoring an information system for the purpose of discerning technical vulnerabilities of the information system, if such method is associated with a known or suspected cybersecurity threat.

(13) **MONITOR.**—The term “monitor” means the interception, acquisition, or collection of information that is stored on, processed by, or transiting an information system for the purpose of identifying cybersecurity threats.

(14) **NON-FEDERAL ENTITY.**—The term “non-Federal entity” means a private entity or a governmental entity other than a Federal entity.

(15) **OPERATIONAL CONTROL.**—The term “operational control” means a security control for an information system that primarily is implemented and executed by people.

(16) **PRIVATE ENTITY.**—The term “private entity” has the meaning given the term “person” in section 1 of title 1, United States Code, and does not include a governmental entity.

(17) **PROTECT.**—The term “protect” means actions undertaken to secure, defend, or re-

duce the vulnerabilities of an information system, mitigate cybersecurity threats, or otherwise enhance information security or the resiliency of information systems or assets.

(18) **TECHNICAL CONTROL.**—The term “technical control” means a hardware or software restriction on, or audit of, access or use of an information system or information that is stored on, processed by, or transiting an information system that is intended to ensure the confidentiality, integrity, or availability of that system.

(19) **TECHNICAL VULNERABILITY.**—The term “technical vulnerability” means any attribute of hardware or software that could enable or facilitate the defeat of a technical control.

(20) **THIRD PARTY.**—The term “third party” includes Federal entities and non-Federal entities.

**SA 2704.** Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 10, strike lines 16 through 25 and insert the following:

and the member agencies; and

(2) ensure the timely implementation of decisions of the Council.

(d) **PRESIDENTIAL AUTHORITY.**—The Chairperson may take emergency action to fulfill the responsibilities of the Council if—

(1) the Chairperson determines that the emergency action is necessary to prevent or mitigate an imminent cybersecurity threat; and

(2) the President approves the emergency action.

**SA 2705.** Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 153, strike lines 17 through 20 and insert the following:

Not later than 1 year after the date of enactment of this Act, the Secretary of Energy, in consultation with the Secretary, the Secretary of Defense, the Director of National Intelligence, the Director of the National Institute of Standards and Technology, the Federal Energy Regulatory Commission, and the Electric Reliability Organization (as defined in section 215(a) of the Federal Power Act (16 U.S.C. 824o(a)) shall submit to Congress a report on—

**SA 2706.** Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 11, strike lines 12 and 13 and insert the following:

as appropriate;

(7) the National Guard Bureau; and

(8) the Department.

At the end of title IV, add the following:

**SEC. 416. REPORT ON ROLES AND MISSIONS OF THE NATIONAL GUARD IN STATE STATUS IN SUPPORT OF THE CYBERSECURITY EFFORTS OF THE FEDERAL GOVERNMENT.**

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall, in consultation with the Secretary of Defense and the Chief of the National Guard Bureau, submit to the appropriate committees of Congress a report on the roles and missions of the National Guard in State status (commonly referred to as “title 32 status”) in support of the cybersecurity efforts of the Department of Homeland Security, the Department of Defense, and other departments and agencies of the Federal Government.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) A description of the current roles and missions of the National Guard in State status in support of the cybersecurity efforts of the Federal Government, and a description of the policies and authorities governing the discharge of such roles and missions.

(2) A description of potential roles and missions for the National Guard in State status in support of the cybersecurity efforts of the Federal Government, a description of the policies and authorities to govern the discharge of such roles and missions, and recommendations for such legislative or administrative actions as may be required to establish and implement such roles and missions.

(3) An assessment of the feasibility and advisability of public-private partnerships on homeland cybersecurity missions involving the National Guard in State status, including the advisability of using pilot programs to evaluate feasibility and advisability of such partnerships.

(c) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Homeland Security and Governmental Affairs and the Committee on Armed Services of the Senate; and

(2) the Committee on Homeland Security and the Committee on Armed Services of the House of Representatives.

**SA 2707.** Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 34, strike lines 3 through 17 and insert the following:

(1) provide a Federal agency with additional or greater authority for regulating the security of critical cyber infrastructure than any authority the Federal agency has under other law;

(2) limit or restrict the authority of the Department, or any other Federal agency, under any other provision of law; or

(3) permit any owner (including a certified

**SA 2708.** Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 182, strike lines 7 through 16 and insert the following:

(d) **PROTECTION OF INFORMATION FROM DISCLOSURE.**—A cybersecurity threat indicator

or any other information that was developed, submitted, obtained, or shared in connection with the implementation of this section shall be—

(1) exempt from disclosure under section 552(b)(3) of title 5, United States Code;

(2) exempt from disclosure under any State, local, or tribal law or regulation that requires public disclosure of information or records by a public or quasi-public entity; and

(3) treated as voluntarily shared information under section 552 of title 5, United States Code, or any comparable State, local, or tribal law or regulation.

**SA 2709.** Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States, which was ordered to lie on the table; as follows:

On page 23, strike line 18 and all that follows through page 25, line 8.

**SA 2710.** Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States, which was ordered to lie on the table; as follows:

On page 20, strike line 6 and all that follows through page 22, line 14, and insert the following:

date on which the top-level assessment is completed under section 102(a)(2)(A), each sector coordinating council shall propose to the Council voluntary outcome-based cybersecurity practices (referred to in this section as “cybersecurity practices”) sufficient to effectively remediate or mitigate cyber risks identified through an assessment conducted under section 102(a) comprised of—

(1) industry best practices, standards, and guidelines; or

(2) practices developed by the sector coordinating council in coordination with owners and operators, voluntary consensus standards development organizations, representatives of State and local governments, the private sector, and appropriate information sharing and analysis organizations.

(b) REVIEW OF CYBERSECURITY PRACTICES.—

(1) IN GENERAL.—The Council shall, in consultation with owners and operators, the Critical Infrastructure Partnership Advisory Council, and appropriate information sharing and analysis organizations, and in coordination with appropriate representatives from State and local governments—

(A) consult with relevant security experts and institutions of higher education, including university information security centers, appropriate nongovernmental cybersecurity experts, and representatives from national laboratories;

(B) review relevant regulations or compulsory standards or guidelines;

(C) review cybersecurity practices proposed under subsection (a); and

(D) consider any amendments to the cybersecurity practices and any additional cybersecurity practices necessary to ensure adequate remediation or mitigation of the cyber risks identified through an assessment conducted under section 102(a).

(2) ADOPTION.—

(A) IN GENERAL.—Not later than 1 year after the date on which the top-level assessment is completed under section 102(a)(2)(A), the Council shall—

(i) adopt any cybersecurity practices proposed under subsection (a) that adequately remediate or mitigate identified cyber risks and any associated consequences identified through an assessment conducted under section 102(a); and

(ii) adopt any amended or additional cybersecurity practices necessary to ensure the adequate remediation or mitigation of the cyber risks identified through an assessment conducted under section 102(a).

(B) NO SUBMISSION BY SECTOR COORDINATING COUNCIL.—If a sector coordinating council fails to propose to the Council cybersecurity practices under subsection (a) within 180 days of the date on which the top-level assessment is completed under section 102(a)(2)(A), not later than 1 year after the date on which the top-level assessment is completed under section 102(a)(2)(A) the Council shall adopt cybersecurity

**SA 2711.** Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States, which was ordered to lie on the table; as follows:

On page 43, beginning on line 14, strike “section 104(c)(1) and section 106” and insert the following: “sections 104(c)(1), 106, and 704(d)”.

**SA 2712.** Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States, which was ordered to lie on the table; as follows:

On page 41, strike line 5 and all that follows through page 42, line 4, and insert the following:

date on which the Council completes the adoption of cybersecurity practices under section 103(b)(2), and every year thereafter, the Council shall submit to the appropriate congressional committees a report on the effectiveness of this title in reducing the risk of cyber attack to critical infrastructure.

(b) CONTENTS.—Each report submitted under subsection (a) shall include—

(1) a discussion of cyber risks and associated consequences and whether the cybersecurity practices developed under section 103 are sufficient to effectively remediate and mitigate cyber risks and associated consequences; and

(2) an analysis of—

(A) whether owners of critical cyber infrastructure are successfully implementing the cybersecurity practices adopted under section 103;

(B) whether the critical infrastructure of the United States is effectively secured from cybersecurity threats, vulnerabilities, and consequences; and

(C) whether additional legislative authority

**SA 2713.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States, which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

## TITLE —CYBER ATTACKS INVOLVING DRONES

### SEC. 01. DEFINITIONS.

In this title—

(1) the term “drone” means any aerial vehicle that—

(A) does not carry a human operator;

(B) uses aerodynamic or aerostatic forces to provide vehicle lift;

(C) can fly autonomously or be piloted remotely;

(D) can be expendable or recoverable; and

(E) can carry a lethal or nonlethal payload; and

(2) the term “law enforcement party” means a person or entity authorized by law, or funded, in whole or in part, by the Government of the United States, to investigate or prosecute offenses against the United States.

### SEC. 02. PROTECTION AGAINST UNAUTHORIZED USE OF DRONES.

(a) IN GENERAL.—No drone may be deployed or otherwise used by any officer, employee, or contractor of the Federal Government or by a person or entity acting under the authority of, or funded in whole or in part by, the Government of the United States, until the National Cybersecurity Council or other person, division, or entity placed in charge of cybersecurity efforts in the United States certifies that any such drone is immune from a cyber attack or other compromise of control, navigation, or data.

(b) EMPLOYMENT OF CERTIFIED DRONES.—Except as provided in section 03, no officer, employee, or contractor of the Federal Government or any person or entity acting under the authority of, or funded in whole or in part by, the Government of the United States shall use a drone to gather evidence or other information pertaining to criminal conduct or conduct in violation of a statute or regulation, except to the extent authorized in a warrant that satisfies the requirements of the Fourth Amendment to the Constitution of the United States.

### SEC. 03. EXCEPTIONS.

This title does not prohibit any of the following:

(1) PATROL OF BORDERS.—The use of a drone certified under section 02(a) to patrol national borders to prevent or deter illegal entry of any persons or illegal substances.

(2) EXIGENT CIRCUMSTANCES.—The use of a drone certified under section 02(a) by a law enforcement party when exigent circumstances exist. For the purposes of this paragraph, exigent circumstances exist when the law enforcement party possesses reasonable suspicion that under particular circumstances, swift action to prevent imminent danger to life is necessary.

(3) HIGH RISK.—The use of a drone certified under section 02(a) to counter a high risk of a terrorist attack by a specific individual or organization, when the Secretary of Homeland Security determines credible intelligence indicates there is such a risk.

### SEC. 04. REMEDIES FOR VIOLATION.

Any aggrieved party may in a civil action obtain all appropriate relief to prevent or remedy a violation of this title.

### SEC. 05. PROHIBITION ON USE OF EVIDENCE.

No evidence obtained or collected in violation of this title may be admissible as evidence in a criminal prosecution in any court of law in the United States.

**SA 2714.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and



communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 23, strike line 19 and all that follows through page 34, line 19, and insert the following:

(1) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to provide a Federal agency that has authority for regulating the security of critical cyber infrastructure any authority in addition to or to a greater extent than the authority the Federal agency has under other law.

(2) **AVOIDANCE OF CONFLICT.**—No cybersecurity practice shall—

(A) prevent an owner (including a certified owner) from complying with any law or regulation; or

(B) require an owner (including a certified owner) to implement cybersecurity measures that prevent the owner from complying with any law or regulation.

(3) **AVOIDANCE OF DUPLICATION.**—Where regulations or compulsory standards regulate the security of critical cyber infrastructure, a cybersecurity practice shall, to the greatest extent possible, complement or otherwise improve the regulations or compulsory standards.

(h) **INDEPENDENT REVIEW.**—

(1) **IN GENERAL.**—Each cybersecurity practice shall be publicly reviewed by the relevant sector coordinating council and the Critical Infrastructure Partnership Advisory Council, which may include input from relevant institutions of higher education, including university information security centers, national laboratories, and appropriate non-governmental cybersecurity experts.

(2) **CONSIDERATION BY COUNCIL.**—The Council shall consider any review conducted under paragraph (1).

(i) **VOLUNTARY TECHNICAL ASSISTANCE.**—At the request of an owner or operator of critical infrastructure, the Council shall provide guidance on the application of cybersecurity practices to the critical infrastructure.

#### **SEC. 104. VOLUNTARY CYBERSECURITY PROGRAM FOR CRITICAL INFRASTRUCTURE.**

(a) **VOLUNTARY CYBERSECURITY PROGRAM FOR CRITICAL INFRASTRUCTURE.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Council, in consultation with owners and operators and the Critical Infrastructure Partnership Advisory Council, shall establish the Voluntary Cybersecurity Program for Critical Infrastructure in accordance with this section.

(2) **ELIGIBILITY.**—

(A) **IN GENERAL.**—An owner of critical cyber infrastructure may apply for certification under the Voluntary Cybersecurity Program for Critical Infrastructure.

(B) **CRITERIA.**—The Council shall establish criteria for owners of critical infrastructure that is not critical cyber infrastructure to be eligible to apply for certification in the Voluntary Cybersecurity Program for Critical Infrastructure.

(3) **APPLICATION FOR CERTIFICATION.**—An owner of critical cyber infrastructure or an owner of critical infrastructure that meets the criteria established under paragraph (2)(B) that applies for certification under this subsection shall—

(A) select and implement cybersecurity measures of their choosing that satisfy the outcome-based cybersecurity practices established under section 103; and

(B)(i) certify in writing and under penalty of perjury to the Council that the owner has developed and effectively implemented cy-

bersecurity measures sufficient to satisfy the outcome-based cybersecurity practices established under section 103; or

(ii) submit to the Council an assessment verifying that the owner has developed and effectively implemented cybersecurity measures sufficient to satisfy the outcome-based cybersecurity practices established under section 103.

(4) **CERTIFICATION.**—Upon receipt of a self-certification under paragraph (3)(B)(i) or an assessment under paragraph (3)(B)(ii) the Council shall certify an owner.

(5) **NONPERFORMANCE.**—If the Council determines that a certified owner is not in compliance with the cybersecurity practices established under section 103, the Council shall—

(A) notify the certified owner of such determination; and

(B) work with the certified owner to remediate promptly any deficiencies.

(6) **REVOCACTION.**—If a certified owner fails to remediate promptly any deficiencies identified by the Council, the Council shall revoke the certification of the certified owner.

(7) **REDEMPTION.**—

(A) **IN GENERAL.**—If the Council revokes a certification under paragraph (6), the Council shall—

(i) notify the owner of such revocation; and

(ii) provide the owner with specific cybersecurity measures that, if implemented, would remediate any deficiencies.

(B) **RE-CERTIFICATION.**—If the Council determines that an owner has remedied any deficiencies and is in compliance with the cybersecurity practices, the Council may recertify the owner.

(b) **ASSESSMENTS.**—

(1) **THIRD-PARTY ASSESSMENTS.**—The Council, in consultation with owners and operators and the Critical Infrastructure Protection Advisory Council, shall enter into agreements with qualified third-party private entities, to conduct assessments that use reliable, repeatable, performance-based evaluations and metrics to assess whether an owner certified under subsection (a)(3)(B)(ii) is in compliance with all applicable cybersecurity practices.

(2) **TRAINING.**—The Council shall ensure that third party assessors described in paragraph (1) undergo regular training and accreditation.

(3) **OTHER ASSESSMENTS.**—Using the procedures developed under this section, the Council may perform cybersecurity assessments of a certified owner based on actual knowledge or a reasonable suspicion that the certified owner is not in compliance with the cybersecurity practices or any other risk-based factors as identified by the Council.

(4) **NOTIFICATION.**—The Council shall provide copies of any assessments by the Federal Government to the certified owner.

(5) **ACCESS TO INFORMATION.**—

(A) **IN GENERAL.**—For the purposes of an assessment conducted under this subsection, a certified owner shall provide the Council, or a third party assessor, any reasonable access necessary to complete an assessment.

(B) **PROTECTION OF INFORMATION.**—Information provided to the Council, the Council's designee, or any assessor during the course of an assessment under this section shall be protected from disclosure in accordance with section 106.

(c) **BENEFITS OF CERTIFICATION.**—

(1) **LIMITATIONS ON CIVIL LIABILITY.**—

(A) **IN GENERAL.**—In any civil action for damages directly caused by an incident related to a cyber risk identified through an assessment conducted under section 102(a), a

certified owner shall not be liable for any punitive damages intended to punish or deter if the certified owner is in substantial compliance with the appropriate cybersecurity practices at the time of the incident related to that cyber risk.

(B) **LIMITATION.**—Subparagraph (A) shall only apply to harm directly caused by the incident related to the cyber risk and shall not apply to damages caused by any additional or intervening acts or omissions by the owner.

(2) **EXPEDITED SECURITY CLEARANCE PROCESS.**—The Council, in coordination with the Office of the Director of National Intelligence, shall establish a procedure to expedite the provision of security clearances to appropriate personnel employed by a certified owner.

(3) **PRIORITIZED TECHNICAL ASSISTANCE.**—The Council shall ensure that certified owners are eligible to receive prioritized technical assistance.

(4) **PROVISION OF CYBER THREAT INFORMATION.**—The Council shall develop, in coordination with certified owners, a procedure for ensuring that certified owners are, to the maximum extent practicable and consistent with the protection of sources and methods, informed of relevant real-time cyber threat information.

(5) **PUBLIC RECOGNITION.**—With the approval of a certified owner, the Council may publicly recognize the certified owner if the Council determines such recognition does not pose a risk to the security of critical cyber infrastructure.

(6) **STUDY TO EXAMINE BENEFITS OF PROCUREMENT PREFERENCE.**—

(A) **IN GENERAL.**—The Federal Acquisition Regulatory Council, in coordination with the Council and with input from relevant private sector individuals and entities, shall conduct a study examining the potential benefits of establishing a procurement preference for the Federal Government for certified owners.

(B) **AREAS.**—The study under subparagraph (A) shall include a review of—

(i) potential persons and related property and services that could be eligible for preferential consideration in the procurement process;

(ii) development and management of an approved list of categories of property and services that could be eligible for preferential consideration in the procurement process;

(iii) appropriate mechanisms to implement preferential consideration in the procurement process, including—

(I) establishing a policy encouraging Federal agencies to conduct market research and industry outreach to identify property and services that adhere to relevant cybersecurity practices;

(II) authorizing the use of a mark for the Voluntary Cybersecurity Program for Critical Infrastructure to be used for marketing property or services to the Federal Government;

(III) establishing a policy of encouraging procurement of certain property and services from an approved list;

(IV) authorizing the use of a preference by Federal agencies in the evaluation process; and

(V) authorizing a requirement in certain solicitations that the person providing the property or services be a certified owner; and

(iv) benefits of and impact on the economy and efficiency of the Federal procurement system, if preferential consideration were given in the procurement process to encourage the procurement of property and services

that adhere to relevant baseline performance goals establishing under the Voluntary Cybersecurity Program for Critical Infrastructure.

#### SEC. 105. RULES OF CONSTRUCTION.

Nothing in this title shall be construed to—

(1) provide additional authority for any sector-specific agency or any Federal agency that is not a sector-specific agency with responsibilities for regulating the security of critical infrastructure to establish standards or other cybersecurity measures that are applicable to the security of critical infrastructure not otherwise authorized by law;

(2) limit or restrict the authority of the Department, or any other Federal agency, under any other provision of law; or

(3) permit any owner (including a certified owner) to fail to comply with any other law or regulation, unless specifically authorized.

**SA 2715.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 199, between lines 12 and 13, insert the following:

(h) **NO LIMITATION ON CONTRACTUAL LIABILITY.**—No limitation on liability or good faith defense provided under this section shall apply to any civil claim against a private entity arising under contract law.

**SA 2716.** Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### SEC. \_\_\_\_\_. DISTRICT OF COLUMBIA PAIN-CAPABLE UNBORN CHILD PROTECTION ACT.

(a) **SHORT TITLE.**—This section may be cited as the “District of Columbia Pain-Capable Unborn Child Protection Act”.

(b) **LEGISLATIVE FINDINGS.**—Congress finds and declares the following:

(1) Pain receptors (nociceptors) are present throughout the unborn child’s entire body and nerves link these receptors to the brain’s thalamus and subcortical plate by no later than 20 weeks after fertilization.

(2) By 8 weeks after fertilization, the unborn child reacts to touch. After 20 weeks, the unborn child reacts to stimuli that would be recognized as painful if applied to an adult human, for example, by recoiling.

(3) In the unborn child, application of such painful stimuli is associated with significant increases in stress hormones known as the stress response.

(4) Subjection to such painful stimuli is associated with long-term harmful neurodevelopmental effects, such as altered pain sensitivity and, possibly, emotional, behavioral, and learning disabilities later in life.

(5) For the purposes of surgery on unborn children, fetal anesthesia is routinely administered and is associated with a decrease in stress hormones compared to their level when painful stimuli are applied without such anesthesia.

(6) The position, asserted by some medical experts, that the unborn child is incapable of

experiencing pain until a point later in pregnancy than 20 weeks after fertilization predominately rests on the assumption that the ability to experience pain depends on the cerebral cortex and requires nerve connections between the thalamus and the cortex. However, recent medical research and analysis, especially since 2007, provides strong evidence for the conclusion that a functioning cortex is not necessary to experience pain.

(7) Substantial evidence indicates that children born missing the bulk of the cerebral cortex, those with hydranencephaly, nevertheless experience pain.

(8) In adult humans and in animals, stimulation or ablation of the cerebral cortex does not alter pain perception, while stimulation or ablation of the thalamus does.

(9) Substantial evidence indicates that structures used for pain processing in early development differ from those of adults, using different neural elements available at specific times during development, such as the subcortical plate, to fulfill the role of pain processing.

(10) The position, asserted by some commentators, that the unborn child remains in a coma-like sleep state that precludes the unborn child experiencing pain is inconsistent with the documented reaction of unborn children to painful stimuli and with the experience of fetal surgeons who have found it necessary to sedate the unborn child with anesthesia to prevent the unborn child from engaging in vigorous movement in reaction to invasive surgery.

(11) Consequently, there is substantial medical evidence that an unborn child is capable of experiencing pain at least by 20 weeks after fertilization, if not earlier.

(12) It is the purpose of the Congress to assert a compelling governmental interest in protecting the lives of unborn children from the stage at which substantial medical evidence indicates that they are capable of feeling pain.

(13) The compelling governmental interest in protecting the lives of unborn children from the stage at which substantial medical evidence indicates that they are capable of feeling pain is intended to be separate from and independent of the compelling governmental interest in protecting the lives of unborn children from the stage of viability, and neither governmental interest is intended to replace the other.

(14) The District Council of the District of Columbia, operating under authority delegated by Congress, repealed all limitations on abortion at any stage of pregnancy, effective April 29, 2004.

(15) Article I, section 8 of the Constitution of the United States of America provides that the Congress shall “exercise exclusive Legislation in all Cases whatsoever” over the District established as the seat of government of the United States, now known as the District of Columbia. The constitutional responsibility for the protection of pain-capable unborn children within the Federal District resides with the Congress.

(c) **DISTRICT OF COLUMBIA PAIN-CAPABLE UNBORN CHILD PROTECTION.**

(1) **IN GENERAL.**—Chapter 74 of title 18, United States Code, is amended by inserting after section 1531 the following:

#### “§ 1532. District of Columbia pain-capable unborn child protection

“(a) **UNLAWFUL CONDUCT.**—Notwithstanding any other provision of law, including any legislation of the District of Columbia under authority delegated by Congress, it shall be unlawful for any person to perform

an abortion within the District of Columbia, or attempt to do so, unless in conformity with the requirements set forth in subsection (b).

#### “(b) REQUIREMENTS FOR ABORTIONS.—

“(1) The physician performing or attempting the abortion shall first make a determination of the probable post-fertilization age of the unborn child or reasonably rely upon such a determination made by another physician. In making such a determination, the physician shall make such inquiries of the pregnant woman and perform or cause to be performed such medical examinations and tests as a reasonably prudent physician, knowledgeable about the case and the medical conditions involved, would consider necessary to make an accurate determination of post-fertilization age.

“(2)(A) Except as provided in subparagraph (B), the abortion shall not be performed or attempted, if the probable post-fertilization age, as determined under paragraph (1), of the unborn child is 20 weeks or greater.

“(B) Subject to subparagraph (C), subparagraph (A) does not apply if, in reasonable medical judgment, the abortion is necessary to save the life of a pregnant woman whose life is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself, but not including psychological or emotional conditions or any claim or diagnosis that the woman will engage in conduct which she intends to result in her death.

“(C) A physician terminating or attempting to terminate a pregnancy under the exception provided by subparagraph (B) may do so only in the manner which, in reasonable medical judgment, provides the best opportunity for the unborn child to survive, unless, in reasonable medical judgment, termination of the pregnancy in that manner would pose a greater risk of—

“(i) the death of the pregnant woman; or

“(ii) the substantial and irreversible physical impairment of a major bodily function, not including psychological or emotional conditions, of the pregnant woman; than would other available methods.

“(c) **CRIMINAL PENALTY.**—Whoever violates subsection (a) shall be fined under this title or imprisoned for not more than 2 years, or both.

“(d) **BAR TO PROSECUTION.**—A woman upon whom an abortion in violation of subsection (a) is performed or attempted may not be prosecuted under, or for a conspiracy to violate, subsection (a), or for an offense under section 2, 3, or 4 based on such a violation.

#### “(e) CIVIL REMEDIES.—

“(1) **CIVIL ACTION BY WOMAN ON WHOM THE ABORTION IS PERFORMED.**—A woman upon whom an abortion has been performed or attempted in violation of subsection (a), may in a civil action against any person who engaged in the violation obtain appropriate relief.

“(2) **CIVIL ACTION BY RELATIVES.**—The father of an unborn child who is the subject of an abortion performed or attempted in violation of subsection (a), or a maternal grandparent of the unborn child if the pregnant woman is an unemancipated minor, may in a civil action against any person who engaged in the violation, obtain appropriate relief, unless the pregnancy resulted from the plaintiff’s criminal conduct or the plaintiff consented to the abortion.

“(3) **APPROPRIATE RELIEF.**—Appropriate relief in a civil action under this subsection includes—

“(A) objectively verifiable money damages for all injuries, psychological and physical, occasioned by the violation of this section;

“(B) statutory damages equal to three times the cost of the abortion; and

“(C) punitive damages.

“(4) INJUNCTIVE RELIEF.—

“(A) IN GENERAL.—A qualified plaintiff may in a civil action obtain injunctive relief to prevent an abortion provider from performing or attempting further abortions in violation of this section.

“(B) DEFINITION.—In this paragraph the term ‘qualified plaintiff’ means—

“(i) a woman upon whom an abortion is performed or attempted in violation of this section;

“(ii) any person who is the spouse, parent, sibling or guardian of, or a current or former licensed health care provider of, that woman; or

“(iii) the United States Attorney for the District of Columbia.

“(5) ATTORNEYS FEES FOR PLAINTIFF.—The court shall award a reasonable attorney’s fee as part of the costs to a prevailing plaintiff in a civil action under this subsection.

“(6) ATTORNEYS FEES FOR DEFENDANT.—If a defendant in a civil action under this section prevails and the court finds that the plaintiff’s suit was frivolous and brought in bad faith, the court shall also render judgment for a reasonable attorney’s fee in favor of the defendant against the plaintiff.

“(7) AWARDS AGAINST WOMAN.—Except under paragraph (6), in a civil action under this subsection, no damages, attorney’s fee or other monetary relief may be assessed against the woman upon whom the abortion was performed or attempted.

“(f) PROTECTION OF PRIVACY IN COURT PROCEEDINGS.—

“(1) IN GENERAL.—Except to the extent the Constitution or other similarly compelling reason requires, in every civil or criminal action under this section, the court shall make such orders as are necessary to protect the anonymity of any woman upon whom an abortion has been performed or attempted if she does not give her written consent to such disclosure. Such orders may be made upon motion, but shall be made sua sponte if not otherwise sought by a party.

“(2) ORDERS TO PARTIES, WITNESSES, AND COUNSEL.—The court shall issue appropriate orders under paragraph (1) to the parties, witnesses, and counsel and shall direct the sealing of the record and exclusion of individuals from courtrooms or hearing rooms to the extent necessary to safeguard her identity from public disclosure. Each such order shall be accompanied by specific written findings explaining why the anonymity of the woman must be preserved from public disclosure, why the order is essential to that end, how the order is narrowly tailored to serve that interest, and why no reasonable less restrictive alternative exists.

“(3) PSEUDONYM REQUIRED.—In the absence of written consent of the woman upon whom an abortion has been performed or attempted, any party, other than a public official, who brings an action under paragraphs (1), (2), or (4) of subsection (e) shall do so under a pseudonym.

“(4) LIMITATION.—This subsection shall not be construed to conceal the identity of the plaintiff or of witnesses from the defendant or from attorneys for the defendant.

“(g) REPORTING.—

“(1) DUTY TO REPORT.—Any physician who performs or attempts an abortion within the District of Columbia shall report that abortion to the relevant District of Columbia

health agency (hereinafter in this section referred to as the ‘health agency’) on a schedule and in accordance with forms and regulations prescribed by the health agency.

“(2) CONTENTS OF REPORT.—The report shall include the following:

“(A) POST-FERTILIZATION AGE.—For the determination of probable postfertilization age of the unborn child, whether ultrasound was employed in making the determination, and the week of probable post-fertilization age that was determined.

“(B) METHOD OF ABORTION.—Which of the following methods or combination of methods was employed:

“(i) Dilation, dismemberment, and evacuation of fetal parts also known as ‘dilation and evacuation’.

“(ii) Intra-amniotic instillation of saline, urea, or other substance (specify substance) to kill the unborn child, followed by induction of labor.

“(iii) Intracardiac or other intra-fetal injection of digoxin, potassium chloride, or other substance (specify substance) intended to kill the unborn child, followed by induction of labor.

“(iv) Partial-birth abortion, as defined in section 1531.

“(v) Manual vacuum aspiration without other methods.

“(vi) Electrical vacuum aspiration without other methods.

“(vii) Abortion induced by use of mifepristone in combination with misoprostol; or

“(viii) if none of the methods described in the other clauses of this subparagraph was employed, whatever method was employed.

“(C) AGE OF WOMAN.—The age or approximate age of the pregnant woman.

“(D) COMPLIANCE WITH REQUIREMENTS FOR EXCEPTION.—The facts relied upon and the basis for any determinations required to establish compliance with the requirements for the exception provided by subsection (b)(2).

“(3) EXCLUSIONS FROM REPORTS.—

“(A) A report required under this subsection shall not contain the name or the address of the woman whose pregnancy was terminated, nor shall the report contain any other information identifying the woman.

“(B) Such report shall contain a unique Medical Record Number, to enable matching the report to the woman’s medical records.

“(C) Such reports shall be maintained in strict confidence by the health agency, shall not be available for public inspection, and shall not be made available except—

“(i) to the United States Attorney for the District of Columbia or that Attorney’s delegate for a criminal investigation or a civil investigation of conduct that may violate this section; or

“(ii) pursuant to court order in an action under subsection (e).

“(4) PUBLIC REPORT.—Not later than June 30 of each year beginning after the date of enactment of this paragraph, the health agency shall issue a public report providing statistics for the previous calendar year compiled from all of the reports made to the health agency under this subsection for that year for each of the items listed in paragraph (2). The report shall also provide the statistics for all previous calendar years during which this section was in effect, adjusted to reflect any additional information from late or corrected reports. The health agency shall take care to ensure that none of the information included in the public reports could reasonably lead to the identification of any pregnant woman upon whom an abortion was performed or attempted.

“(5) FAILURE TO SUBMIT REPORT.—

“(A) LATE FEE.—Any physician who fails to submit a report not later than 30 days after the date that report is due shall be subject to a late fee of \$1,000 for each additional 30-day period or portion of a 30-day period the report is overdue.

“(B) COURT ORDER TO COMPLY.—A court of competent jurisdiction may, in a civil action commenced by the health agency, direct any physician whose report under this subsection is still not filed as required, or is incomplete, more than 180 days after the date the report was due, to comply with the requirements of this section under penalty of civil contempt.

“(C) DISCIPLINARY ACTION.—Intentional or reckless failure by any physician to comply with any requirement of this subsection, other than late filing of a report, constitutes sufficient cause for any disciplinary sanction which the Health Professional Licensing Administration of the District of Columbia determines is appropriate, including suspension or revocation of any license granted by the Administration.

“(6) FORMS AND REGULATIONS.—Not later than 90 days after the date of the enactment of this section, the health agency shall prescribe forms and regulations to assist in compliance with this subsection.

“(7) EFFECTIVE DATE OF REQUIREMENT.—Paragraph (1) of this subsection takes effect with respect to all abortions performed on and after the first day of the first calendar month beginning after the effective date of such forms and regulations.

“(h) DEFINITIONS.—In this section the following definitions apply:

“(1) ABORTION.—The term ‘abortion’ means the use or prescription of any instrument, medicine, drug, or any other substance or device—

“(A) to intentionally kill the unborn child of a woman known to be pregnant; or

“(B) to otherwise intentionally terminate the pregnancy of a woman known to be pregnant with an intention other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, or to remove a dead unborn child who died as the result of natural causes in utero, accidental trauma, or a criminal assault on the pregnant woman or her unborn child, and which causes the premature termination of the pregnancy.

“(2) ATTEMPT AN ABORTION.—The term ‘attempt’, with respect to an abortion, means conduct that, under the circumstances as the actor believes them to be, constitutes a substantial step in a course of conduct planned to culminate in performing an abortion in the District of Columbia.

“(3) FERTILIZATION.—The term ‘fertilization’ means the fusion of human spermatozoon with a human ovum.

“(4) HEALTH AGENCY.—The term ‘health agency’ means the Department of Health of the District of Columbia or any successor agency responsible for the regulation of medical practice.

“(5) PERFORM.—The term ‘perform’, with respect to an abortion, includes induce an abortion through a medical or chemical intervention including writing a prescription for a drug or device intended to result in an abortion.

“(6) PHYSICIAN.—The term ‘physician’ means a person licensed to practice medicine and surgery or osteopathic medicine and surgery, or otherwise licensed to legally perform an abortion.

“(7) POST-FERTILIZATION AGE.—The term ‘post-fertilization age’ means the age of the unborn child as calculated from the fusion of a human spermatozoon with a human ovum.

“(8) PROBABLE POST-FERTILIZATION AGE OF THE UNBORN CHILD.—The term ‘probable post-fertilization age of the unborn child’ means what, in reasonable medical judgment, will with reasonable probability be the postfertilization age of the unborn child at the time the abortion is planned to be performed or induced.

“(9) REASONABLE MEDICAL JUDGMENT.—The term ‘reasonable medical judgment’ means a medical judgment that would be made by a reasonably prudent physician, knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved.

“(10) UNBORN CHILD.—The term ‘unborn child’ means an individual organism of the species homo sapiens, beginning at fertilization, until the point of being born alive as defined in section 8(b) of title 1.

“(11) UNEMANCIPATED MINOR.—The term ‘unemancipated minor’ means a minor who is subject to the control, authority, and supervision of a parent or guardian, as determined under the law of the State in which the minor resides.

“(12) WOMAN.—The term ‘woman’ means a female human being whether or not she has reached the age of majority.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 74 of title 18, United States Code, is amended by adding at the end the following new item:

“1532. District of Columbia pain-capable unborn child protection.”.

(3) CHAPTER HEADING AMENDMENTS.—

(A) CHAPTER HEADING IN CHAPTER.—The chapter heading for chapter 74 of title 18, United States Code, is amended by striking “PARTIAL BIRTH ABORTIONS” and inserting “ABORTIONS”.

(B) TABLE OF CHAPTERS FOR PART I.—The item relating to chapter 74 in the table of chapters at the beginning of part I of title 18, United States Code, is amended by striking “PARTIAL BIRTH ABORTIONS” and inserting “ABORTIONS”.

**SA 2717.** Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 121, beginning on line 16, strike “summer enrichment programs, to be provided by nonprofit organizations, in math, computer programming” and insert “summer enrichment programs and programs offered before or after normal school hours, to be provided by nonprofit organizations, in math, computer science, computer programming”.

On page 125, line 12, insert “, such as mentors from private sector entities” after “appropriate”.

**SA 2718.** Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the end of title VI, add the following:

**SEC. 606. COOPERATION WITH NATO ON CYBER DEFENSE.**

(a) FINDINGS.—Congress makes the following findings:

(1) The November 2010 NATO Lisbon Summit Declaration asserts, “Cyber threats are

rapidly increasing and evolving in sophistication. In order to ensure NATO’s permanent and unfettered access to cyberspace and integrity of its critical systems, we will take into account the cyber dimension of modern conflicts in NATO’s doctrine and improve its capabilities to detect, assess, prevent, defend and recover in case of a cyber-attack against systems of critical importance to the Alliance.”

(2) In an April 2012 speech, Secretary of State Hillary Clinton stated, “There is a steady drumbeat of [cyber] attacks on governments, on businesses, on all kinds of networks every single day. And we have to be in a position to protect ourselves and, under Article 5, protect our NATO partners. There have been some rather significant attacks on NATO partners over the last several years that have caused consternation because of the damage done to classified information, and so therefore we are in the process of working toward a joint capability.”

(b) SENSE OF CONGRESS.—It is the sense of Congress that it is in the interest of the United States to continue to work with NATO members, partners, and allies to develop the necessary cyber capabilities, including prevention, detection, recovery, and response, to deter aggression and prevent coercion through the cyber domain.

(c) CONGRESSIONAL BRIEFING.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, after consultation with the heads of relevant Federal agencies, shall brief Congress on—

(A) the ability of NATO to detect, assess, prevent, defend, and recover from cyber attacks to its critical systems, networks, and other combat equipment;

(B) implementation of the NATO Policy on Cyber Defense;

(C) development of NATO’s Computer Incident Response Capability;

(D) development and contributions of NATO’s Cooperative Cyber Defense Center of Excellence; and

(E) NATO cooperation with other international organizations, including the European Union, the Council of Europe, the United Nations, and the Organization for the Security and Co-operation in Europe.

(2) CONTRIBUTIONS FROM RELEVANT FEDERAL AGENCIES.—Not later than 30 days before the date on which the briefing is to be provided under paragraph (1), the Secretary of State, in coordination with the Secretary of Defense, shall consult with and obtain information relevant to the briefing from the head of each relevant Federal agency.

(3) PERIODIC UPDATES.—The Secretary of State shall provide periodic briefings to Congress to highlight significant developments relating to the issues described in paragraph (1).

**SA 2719.** Mr. KOHL (for himself, Mr. WHITEHOUSE, and Mr. COONS) submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE —ECONOMIC ESPIONAGE  
PENALTY ENHANCEMENT**

**SEC. 01. SHORT TITLE.**

This title may be cited as the “Economic Espionage Penalty Enhancement Act of 2012”.

**SEC. 02. PROTECTING U.S. BUSINESSES FROM FOREIGN ESPIONAGE.**

(a) FOR OFFENSES COMMITTED BY INDIVIDUALS.—Section 1831(a) of title 18, United States Code, is amended in the matter following paragraph (5)—

(1) by striking “15 years” and inserting “20 years”; and

(2) by striking “not more than \$500,000” and inserting “not more than \$5,000,000”.

(b) FOR OFFENSES COMMITTED BY ORGANIZATIONS.—Section 1831(b) of title 18, United States Code, is amended by striking “not more than \$10,000,000” and inserting “not more than the greater of \$10,000,000 or 3 times the value of the stolen trade secret to the organization, including expenses for research and design and other costs of reproducing the trade secret that the organization has thereby avoided”.

**SEC. 03. REVIEW BY THE UNITED STATES SENTENCING COMMISSION.**

(a) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall review and, if appropriate, amend the Federal sentencing guidelines and policy statements applicable to persons convicted of offenses relating to the transmission or attempted transmission of a stolen trade secret outside of the United States or economic espionage, in order to reflect the intent of Congress that penalties for such offenses under the Federal sentencing guidelines and policy statements appropriately reflect the seriousness of these offenses, account for the potential and actual harm caused by these offenses, and provide adequate deterrence against such offenses.

(b) REQUIREMENTS.—In carrying out this section, the United States Sentencing Commission shall—

(1) consider the extent to which the Federal sentencing guidelines and policy statements appropriately account for the simple misappropriation of a trade secret, including the sufficiency of the existing enhancement for these offenses to address the seriousness of this conduct;

(2) consider whether additional enhancements in the Federal sentencing guidelines and policy statements are appropriate to account for—

(A) the transmission or attempted transmission of a stolen trade secret outside of the United States; and

(B) the transmission or attempted transmission of a stolen trade secret outside of the United States that is committed or attempted to be committed for the benefit of a foreign government, foreign instrumentality, or foreign agent;

(3) ensure the Federal sentencing guidelines and policy statements reflect the seriousness of these offenses and the need to deter such conduct;

(4) ensure reasonable consistency with other relevant directives, Federal sentencing guidelines and policy statements, and related Federal statutes;

(5) make any necessary conforming changes to the Federal sentencing guidelines and policy statements; and

(6) ensure that the Federal sentencing guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

(c) CONSULTATION.—In carrying out the review required under this section, the Commission shall consult with individuals or groups representing law enforcement, owners of trade secrets, victims of economic espionage offenses, the Department of Justice, the Department of State, the Department of

Homeland Security, and the Office of the United States Trade Representative.

(d) REVIEW.—Not later than 180 days after the date of enactment of this title, the Commission shall complete its consideration and review under this section.

**SA 2720.** Mrs. McCASKILL submitted an amendment intended to be proposed by her to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 106, line 15, insert “, the Director of the Office of Management and Budget,” after “the Secretary”.

On page 110, line 8, strike “to the extent practicable.”.

On page 115, line 22, strike “, to the extent practicable.”.

**SA 2721.** Mrs. McCASKILL submitted an amendment intended to be proposed by her to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . PERFORMANCE OF CYBERSECURITY AUTHORITIES BY GOVERNMENT EMPLOYEES.**

(a) CYBERSECURITY FUNCTIONS.—Section 5(2) of the Federal Activities Inventory Reform Act of 1998 (Public Law 105-270; 31 U.S.C. 501 note) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by inserting after subparagraph (B) the following:

“(C) CYBERSECURITY FUNCTIONS INCLUDED.—The term includes any authority provided to the Federal Government under title I, II, V, or VII, or an amendment made by title I, II, V, or VII, of the Cybersecurity Act of 2012 that is not explicitly authorized to be performed by a non-Federal individual or entity.”.

(b) CLARIFICATION OF PROHIBITION ON CONTRACTORS PERFORMING INHERENTLY GOVERNMENTAL FUNCTIONS.—The Federal Activities Inventory Reform Act of 1998 (Public Law 105-270; 31 U.S.C. 501 note) is amended by inserting after section 2 the following:

**“SEC. 2A. PROHIBITION ON CONTRACTORS PERFORMING INHERENTLY GOVERNMENTAL FUNCTIONS.**

“The head of an executive agency or employee of an executive agency may not enter into a contract or any other agreement under which an individual or entity that is not an employee of the Federal Government performs an inherently governmental function.”.

**SA 2722.** Mrs. McCASKILL submitted an amendment intended to be proposed by her to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 137, strike line 6 and all that follows through page 139, line 15, and insert the following:

**SEC. 408. RECRUITMENT AND RETENTION PROGRAM FOR THE NATIONAL CENTER FOR CYBERSECURITY AND COMMUNICATIONS.**

(a) IN GENERAL.—Subtitle E of title II of the Homeland Security Act of 2002, as added

by section 204, is amended by adding at the end the following:

**“SEC. 245. RECRUITMENT AND RETENTION PROGRAM FOR THE NATIONAL CENTER FOR CYBERSECURITY AND COMMUNICATIONS.**

**SA 2723.** Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the end of title IV, add the following:

**SEC. 416. GAO STUDY AND REPORT ON SMALL BUSINESS CYBERSECURITY ISSUES.**

(a) STUDY.—The Comptroller General of the United States shall conduct a study identifying—

(1) small business cybersecurity concerns;

(2) existing efforts by Federal agencies having responsibility to assist small businesses with cybersecurity issues (including the Department of Homeland Security, the Federal Trade Commission, the Small Business Administration, and the National Institute of Standards and Technology) to raise small business awareness of cybersecurity issues; and

(3) ways the Federal agencies described in paragraph (2) plan to improve small business awareness of and preparedness for cybersecurity issues.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to Congress a report containing—

(1) the results of the study conducted under subsection (a); and

(2) recommendations, if any, based on the results of the study conducted under subsection (a).

**SA 2724.** Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

Strike section 404 and insert the following:

**SEC. 404. FEDERAL CYBER SCHOLARSHIP-FOR-SERVICE PROGRAM.**

(a) IN GENERAL.—The Director of the National Science Foundation, in coordination with the Secretary and the Director of the Office of Personnel Management, shall carry out a Federal Cyber Scholarship-for-Service program—

(1) to increase the capacity of institutions of higher education to produce cybersecurity professionals; and

(2) to recruit and train the next generation of information technology professionals, industry control security professionals, and security managers to meet the needs of the cybersecurity mission for the Federal Government and State, local, and tribal governments.

(b) PROGRAM DESCRIPTION AND COMPONENTS.—The program carried out under subsection (a) shall—

(1) incorporate findings from the assessment and development of the strategy under section 405;

(2) provide institutions of higher education, including community colleges, with sufficient funding to carry out a scholarship program, as described in subsection (c); and

(3) provide assistance to institutions of higher education in establishing or expand-

ing educational opportunities and resources in cybersecurity, as authorized under section 5 of the Cyber Security Research and Development Act (15 U.S.C. 7404).

(c) SCHOLARSHIP PROGRAM.—

(1) INSTITUTIONS OF HIGHER EDUCATION.—An institution of higher education that carries out a scholarship program under subsection (b)(2) shall—

(A) provide 2- or 3-year scholarships to students who are enrolled in a program of study at the institution of higher education leading to a degree, credential, or specialized program certification in the cybersecurity field, in an amount that covers each student's tuition and fees at the institution and provides the student with an additional stipend;

(B) require each scholarship recipient, as a condition of receiving a scholarship under the program—

(i) to enter into an agreement under which the recipient agrees to work in the cybersecurity mission of a Federal, State, local, or tribal agency for a period equal to the length of the scholarship following receipt of the student's degree, credential, or specialized program certification; and

(ii) to refund any scholarship payments received by the recipient, in accordance with rules established by the Director of the National Science Foundation, in coordination with the Secretary, if a recipient does not meet the terms of the scholarship program; and

(C) provide clearly documented evidence of a strong existing program in cybersecurity, which may include designation as a Center of Academic Excellence in Information Assurance Education by the National Security Agency and the Department of Homeland Security.

(2) SCHOLARSHIP ELIGIBILITY.—To be eligible to receive a scholarship under a scholarship program carried out by an institution of higher education under subsection (b)(2), an individual shall—

(A) be a full-time student of the institution of higher education who is likely to receive a baccalaureate degree, a masters degree, or a research-based doctoral degree during the 3-year period beginning on the date on which the individual receives the scholarship;

(B) be a citizen of lawful permanent resident of the United States;

(C) demonstrate a commitment to a career in improving the security of information infrastructure; and

(D) have demonstrated a high level of proficiency in fields relevant to the cybersecurity profession, which may include mathematics, engineering, business, public policy, social sciences, law, or computer sciences.

(3) OTHER PROGRAM REQUIREMENTS.—The Director of the National Science Foundation, in coordination with the Secretary and the Director of the Office of Personnel Management, shall ensure that each scholarship program carried out under subsection (b)(2)—

(A) provides a procedure by which the National Science Foundation or a Federal agency may, consistent with regulations of the Office of Personnel Management, request and fund security clearances for scholarships recipients, including providing for clearances during summer internships and after the recipient receives the degree, credential, or specialized program certification; and

(B) provides opportunities for students to receive temporary appointments for meaningful employment in the cybersecurity mission of a Federal agency during vacation periods and for internships.

(4) HIRING AUTHORITY.—

(A) IN GENERAL.—For purposes of any law or regulation governing the appointment of individuals in the Federal civil service, upon receiving a degree for which an individual received a scholarship under a scholarship program carried out by an institution of higher education under subsection (b)(2), the individual shall be—

(i) hired under the authority provided for in section 213.3102(r) or title 5, Code of Federal Regulations; and

(ii) exempt from competitive service.

(B) COMPETITIVE SERVICE POSITION.—Upon satisfactory fulfillment of the service term of an individual hired under subparagraph (A), the individual may be converted to a competitive service position with competition if the individual meets the requirements for that position.

(5) EVALUATION AND REPORT.—The Director of the National Science Foundation shall evaluate and report periodically to Congress on—

(A) the success of any scholarship programs carried out under subsection (b)(2) in recruiting individuals for scholarships; and

(B) hiring and retaining individuals who receive scholarships under a scholarship program carried out under subsection (b)(2) in the public sector workforce.

(d) BENCHMARKS.—

(1) PROPOSALS.—A proposal submitted to the Director of the National Science Foundation for assistance under subsection (b)(3) shall include—

(A) clearly stated goals translated into a set of expected measurable outcomes that can be monitored; and

(B) an evaluation plan that explains how the outcomes described in subparagraph (A) will be measured.

(2) USE OF GOALS.—The Director of the National Science Foundation shall use the goals included in a proposal submitted under paragraph (1)—

(A) to track the progress of a recipient of assistance under subsection (b)(3);

(B) to guide a project carried out using assistance under subsection (b)(3); and

(C) to evaluate the impact of a project carried out using assistance under subsection (b)(3).

**SA 2725.** Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ TO CLASSIFY THE INDIVIDUAL MANDATE AS A NON-TAX.**

(a) FINDING.—Congress finds that on June 28, 2012, the Supreme Court ruled that the individual mandate imposed by section 1501 of the Patient Protection and Affordable Care Act (Public Law 111-148) and amended by section 10106 of such Act and sections 1002 and 1004 of the Health Care and Education Reconciliation Act of 2010 (Public Law 111-152), has certain functional characteristics of a tax and could be sustained as an exercise of Congress's power to tax under article I, section 8, clause 1 of the Constitution.

(b) CLASSIFICATION OF INDIVIDUAL MANDATE AS NON-TAX.—

(1) IN GENERAL.—Section 1501 of the Patient Protection and Affordable Care Act (Public Law 111-148) is amended by adding at the end the following new subsection:

“(e) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section shall

be construed as imposing any tax or as an exercise of any power of Congress enumerated in article I, section 8, clause 1 of, or the 16th amendment to, the Constitution.”.

(2) EFFECTIVE DATE.—The amendment made by this section shall apply as if included in the enactment of section 1501 of the Patient Protection and Affordable Care Act.

**SA 2726.** Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 119, between lines 14 and 15, insert the following:

(b) GEOGRAPHIC DISPERSION.—In establishing academic and professional Centers of Excellence in cybersecurity under this section, the Secretary and the Secretary of Defense shall consider the need to avoid undue geographic concentration among any one category of States based on their predominant rural or urban character as indicated by population density.

**SA 2727.** Mr. BLUMENTHAL (for himself, Mr. SCHUMER, Ms. KLOBUCHAR, Mr. WYDEN, Mr. AKAKA, Mr. SANDERS, and Mrs. SHAHEEN) submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ PROHIBITED ACTIVITY.**

(a) IN GENERAL.—Section 1030(a) of title 18, United States Code, is amended—

(1) in paragraph (7)(C), by inserting “or” after the semicolon; and

(2) by inserting after paragraph (7)(C) the following:

“(8) acting as an employer, knowingly and intentionally—

“(A) for the purposes of employing, promoting, or terminating employment, compels or coerces any person to authorize access, such as by providing a password or similar information through which a computer may be accessed, to a protected computer that is not the employer's protected computer, and thereby obtains information from such protected computer; or

“(B) discharges, disciplines, discriminates against in any manner, or threatens to take any such action against, any person—

“(i) for failing to authorize access described in subparagraph (A) to a protected computer that is not the employer's protected computer; or

“(ii) who has filed any complaint or instituted or caused to be instituted any proceeding under or related to this paragraph, or has testified or is about to testify in any such proceeding;”.

(b) FINE.—Section 1030(c) of title 18, United States Code, is amended—

(1) in paragraph (4)(G)(ii), by striking the period at the end and inserting “; and”; and

(2) by adding at the end the following:

“(5) a fine under this title, in the case of an offense under subsection (a)(8) or an attempt to commit an offense punishable under this paragraph.”.

(c) DEFINITIONS.—Section 1030(e) of title 18, United States Code, is amended—

(1) in paragraph (11), by striking “and” after the semicolon;

(2) in paragraph (12), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

“(13) the term ‘employee’ means an employee, as such term is defined in section 201(2) of the Genetic Information Non-discrimination Act of 2008 (42 U.S.C. 2000ff(2));

“(14) the term ‘employer’ means an employer, as such term is defined in such section 201(2); and

“(15) the term ‘employer's protected computer’ means a protected computer of the employer, including any protected computer owned, operated, or otherwise controlled by, for, or on behalf of that employer.”.

(d) EXCEPTIONS.—Section 1030(f) of title 18, United States Code, is amended—

(1) by striking “(f) This” and inserting “(f)(1) This”; and

(2) by adding at the end the following:

“(2)(A) Nothing in subsection (a)(8) shall be construed to limit the authority of a court of competent jurisdiction to grant equitable relief in a civil action, if the court determines that there are specific and articulable facts showing that there are reasonable grounds to believe that the information sought to be obtained is relevant and material to protecting the intellectual property, a trade secret, or confidential business information of the party seeking the relief.

“(B) Notwithstanding subsection (a)(8), the prohibition in such subsection shall not apply to an employer's actions if—

“(i) the employer discharges or otherwise disciplines an individual for good cause and an activity protected under subsection (a)(8) is not a motivating factor for the discharge or discipline of the individual;

“(ii) a State enacts a law that specifically waives subsection (a)(8) with respect to a particular class of State government employees or employees who work with individuals under 13 years of age, and the employer's action relates to an employee in such class; or

“(iii) an Executive agency (as defined in section 105 of title 5), a military department (as defined in section 102 of such title), or any other entity within the executive branch that comes into the possession of classified information, including the Defense Intelligence Agency, National Security Agency, and National Reconnaissance Office, specifically waives subsection (a)(8) with respect to a particular class of employees requiring eligibility for access to classified information under Executive Order 12968 (60 Fed. Reg. 40245), or any successor thereto, and the employer's action relates to an employee in such class.”.

**SA 2728.** Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

Beginning on page 192, strike line 19, and all that follows through page 193, line 22, and insert the following:

(i) the actual damages sustained by the person as a result of the violation or \$50,000, whichever is greater; and

(ii) the costs of the action together with reasonable attorney fees as determined by the court.

(B) VENUE.—An action to enforce liability created under this subsection may be



brought in the district court of the United States in—

(i) the district in which the complainant resides;

(ii) the district in which the principal place of business of the complainant is located;

(iii) the district in which the Federal entity that disclosed the information is located; or

(iv) the District of Columbia.

(C) **STATUTE OF LIMITATIONS.**—No action shall lie under this subsection unless such action is commenced not later than 2 years after the date of the violation that is the basis for the action.

(h) **CRIMINAL PENALTIES.**—A person who knowingly violates a provision of this title shall be—

(1) for each such violation, fined not more than \$50,000, imprisoned for not more than 1 year, or both;

(2) for each such violation committed under false pretenses, fined not more than \$100,000, imprisoned for not more than 5 years, or both; and

(3) for each such violation committed for commercial advantage, personal gain, or malicious harm, fined not more than \$250,000, imprisoned for not more than 10 years, or both.

**SA 2729.** Mr. WARNER (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 138, line 2, after “subsection (a)” insert “, including guidelines that provide for interoperable, non-proprietary technologies wherever possible”.

**SA 2730.** Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 134, line 4, insert “and in consultation with Centers of Academic Excellence in Information Assurance Education designated by the National Security Agency and the Department,” after “United States Code.”.

**SA 2731.** Mr. REID (for Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. ROCKEFELLER, Mrs. FEINSTEIN, and Mr. CARPER)) proposed an amendment to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; as follows:

On page 20, strike line 3 and all that follows through page 42, line 10, and insert the following:

**SEC. 103. VOLUNTARY CYBERSECURITY PRACTICES.**

(a) **PRIVATE SECTOR DEVELOPMENT OF CYBERSECURITY PRACTICES.**—Not later than 180 days after the date of enactment of this Act, each sector coordinating council shall propose to the Council voluntary outcome-based cybersecurity practices (referred to in this section as “cybersecurity practices”) sufficient to effectively remediate or mitigate cyber risks identified through an assessment conducted under section 102(a) comprised of—

(1) industry best practices, standards, and guidelines; or

(2) practices developed by the sector coordinating council in coordination with owners and operators, voluntary consensus standards development organizations, representatives of State and local governments, the private sector, and appropriate information sharing and analysis organizations.

(b) **REVIEW OF CYBERSECURITY PRACTICES.**—

(1) **IN GENERAL.**—The Council shall, in consultation with owners and operators, the Critical Infrastructure Partnership Advisory Council, and appropriate information sharing and analysis organizations, and in coordination with appropriate representatives from State and local governments—

(A) consult with relevant security experts and institutions of higher education, including university information security centers, appropriate nongovernmental cybersecurity experts, and representatives from national laboratories;

(B) review relevant regulations or compulsory standards or guidelines;

(C) review cybersecurity practices proposed under subsection (a); and

(D) consider any amendments to the cybersecurity practices and any additional cybersecurity practices necessary to ensure adequate remediation or mitigation of the cyber risks identified through an assessment conducted under section 102(a).

(2) **ADOPTION.**—

(A) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Council shall—

(i) adopt any cybersecurity practices proposed under subsection (a) that adequately remediate or mitigate identified cyber risks and any associated consequences identified through an assessment conducted under section 102(a); and

(ii) adopt any amended or additional cybersecurity practices necessary to ensure the adequate remediation or mitigation of the cyber risks identified through an assessment conducted under section 102(a).

(B) **NO SUBMISSION BY SECTOR COORDINATING COUNCIL.**—If a sector coordinating council fails to propose to the Council cybersecurity practices under subsection (a) within 180 days of the date of enactment of this Act, not later than 1 year after the date of enactment of this Act the Council shall adopt cybersecurity practices that adequately remediate or mitigate identified cyber risks and associated consequences identified through an assessment conducted under section 102(a) for the sector.

(c) **FLEXIBILITY OF CYBERSECURITY PRACTICES.**—Each sector coordinating council and the Council shall periodically assess cybersecurity practices, but not less frequently than once every 3 years, and update or modify cybersecurity practices as necessary to ensure adequate remediation and mitigation of the cyber risks identified through an assessment conducted under section 102(a).

(d) **PRIORITIZATION.**—Based on the risk assessments performed under section 102(a), the Council shall prioritize the development of cybersecurity practices to ensure the reduction or mitigation of the greatest cyber risks.

(e) **PRIVATE SECTOR RECOMMENDED MEASURES.**—Each sector coordinating council shall develop voluntary recommended cybersecurity measures that provide owners reasonable and cost-effective methods of meeting any cybersecurity practice.

(f) **TECHNOLOGY NEUTRALITY.**—No cybersecurity practice shall require—

(1) the use of a specific commercial information technology product; or

(2) that a particular commercial information technology product be designed, developed, or manufactured in a particular manner.

(g) **RELATIONSHIP TO EXISTING REGULATIONS.**—

(1) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to increase, decrease, or otherwise alter the existing authority of any Federal agency to regulate the security of critical cyber infrastructure.

(2) **AVOIDANCE OF CONFLICT.**—No cybersecurity practice shall—

(A) prevent an owner (including a certified owner) or operator from complying with any law or regulation; or

(B) require an owner (including a certified owner) or operator to implement cybersecurity measures that prevent the owner or operator from complying with any law or regulation.

(h) **INDEPENDENT REVIEW.**—

(1) **IN GENERAL.**—Each cybersecurity practice shall be publicly reviewed by the relevant sector coordinating council and the Critical Infrastructure Partnership Advisory Council, which may include input from relevant institutions of higher education, including university information security centers, national laboratories, and appropriate non-governmental cybersecurity experts.

(2) **CONSIDERATION BY COUNCIL.**—The Council shall consider any review conducted under paragraph (1).

(i) **VOLUNTARY TECHNICAL ASSISTANCE.**—At the request of an owner or operator of critical infrastructure, the Council shall provide guidance on the application of cybersecurity practices to the critical infrastructure.

**SEC. 104. VOLUNTARY CYBERSECURITY PROGRAM FOR CRITICAL INFRASTRUCTURE.**

(a) **VOLUNTARY CYBERSECURITY PROGRAM FOR CRITICAL INFRASTRUCTURE.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Council, in consultation with owners and operators and the Critical Infrastructure Partnership Advisory Council, shall establish the Voluntary Cybersecurity Program for Critical Infrastructure in accordance with this section.

(2) **ELIGIBILITY.**—

(A) **IN GENERAL.**—An owner of critical cyber infrastructure may apply for certification under the Voluntary Cybersecurity Program for Critical Infrastructure.

(B) **CRITERIA.**—The Council shall establish criteria for owners of critical infrastructure that is not critical cyber infrastructure to be eligible to apply for certification in the Voluntary Cybersecurity Program for Critical Infrastructure.

(3) **APPLICATION FOR CERTIFICATION.**—An owner of critical cyber infrastructure or an owner of critical infrastructure that meets the criteria established under paragraph (2)(B) that applies for certification under this subsection shall—

(A) select and implement cybersecurity measures of their choosing that satisfy the outcome-based cybersecurity practices established under section 103; and

(B)(i) certify in writing and under penalty of perjury to the Council that the owner has developed and effectively implemented cybersecurity measures sufficient to satisfy the outcome-based cybersecurity practices established under section 103; or

(ii) submit to the Council an assessment verifying that the owner has developed and effectively implemented cybersecurity measures sufficient to satisfy the outcome-based cybersecurity practices established under section 103.



(4) **CERTIFICATION.**—Upon receipt of a self-certification under paragraph (3)(B)(i) or an assessment under paragraph (3)(B)(ii) the Council shall certify an owner.

(5) **NONPERFORMANCE.**—If the Council determines that a certified owner is not in compliance with the cybersecurity practices established under section 103, the Council shall—

(A) notify the certified owner of such determination; and

(B) work with the certified owner to remediate promptly any deficiencies.

(6) **REVOCAION.**—If a certified owner fails to remediate promptly any deficiencies identified by the Council, the Council shall revoke the certification of the certified owner.

(7) **REDRESS.**—

(A) **IN GENERAL.**—If the Council revokes a certification under paragraph (6), the Council shall—

(i) notify the owner of such revocation; and

(ii) provide the owner with specific cybersecurity measures that, if implemented, would remediate any deficiencies.

(B) **RECERTIFICATION.**—If the Council determines that an owner has remedied any deficiencies and is in compliance with the cybersecurity practices, the Council may recertify the owner.

(b) **ASSESSMENTS.**—

(1) **THIRD-PARTY ASSESSMENTS.**—The Council, in consultation with owners and operators and the Critical Infrastructure Protection Advisory Council, shall enter into agreements with qualified third-party private entities, to conduct assessments that use reliable, repeatable, performance-based evaluations and metrics to assess whether an owner certified under subsection (a)(3)(B)(ii) is in compliance with all applicable cybersecurity practices.

(2) **TRAINING.**—The Council shall ensure that third party assessors described in paragraph (1) undergo regular training and accreditation.

(3) **OTHER ASSESSMENTS.**—Using the procedures developed under this section, the Council may perform cybersecurity assessments of a certified owner based on actual knowledge or a reasonable suspicion that the certified owner is not in compliance with the cybersecurity practices or any other risk-based factors as identified by the Council.

(4) **NOTIFICATION.**—The Council shall provide copies of any assessments by the Federal Government to the certified owner.

(5) **ACCESS TO INFORMATION.**—

(A) **IN GENERAL.**—For the purposes of an assessment conducted under this subsection, a certified owner shall provide the Council, or a third party assessor, any reasonable access necessary to complete an assessment.

(B) **PROTECTION OF INFORMATION.**—Information provided to the Council, the Council's designee, or any assessor during the course of an assessment under this section shall be protected from disclosure in accordance with section 106.

(c) **BENEFITS OF CERTIFICATION.**—

(1) **LIMITATIONS ON CIVIL LIABILITY.**—

(A) **IN GENERAL.**—In any civil action for damages directly caused by an incident related to a cyber risk identified through an assessment conducted under section 102(a), a certified owner shall not be liable for any punitive damages intended to punish or deter if the certified owner is in substantial compliance with the appropriate cybersecurity practices at the time of the incident related to that cyber risk.

(B) **LIMITATION.**—Subparagraph (A) shall only apply to harm directly caused by the incident related to the cyber risk and shall not

apply to damages caused by any additional or intervening acts or omissions by the owner.

(2) **EXPEDITED SECURITY CLEARANCE PROCESS.**—The Council, in coordination with the Office of the Director of National Intelligence, shall establish a procedure to expedite the provision of security clearances to appropriate personnel employed by a certified owner.

(3) **PRIORITIZED TECHNICAL ASSISTANCE.**—The Council shall ensure that certified owners are eligible to receive prioritized technical assistance.

(4) **PROVISION OF CYBER THREAT INFORMATION.**—The Council shall develop, in coordination with certified owners, a procedure for ensuring that certified owners are, to the maximum extent practicable and consistent with the protection of sources and methods, informed of relevant real-time cyber threat information.

(5) **PUBLIC RECOGNITION.**—With the approval of a certified owner, the Council may publicly recognize the certified owner if the Council determines such recognition does not pose a risk to the security of critical cyber infrastructure.

(6) **STUDY TO EXAMINE BENEFITS OF PROCUREMENT PREFERENCE.**—

(A) **IN GENERAL.**—The Federal Acquisition Regulatory Council, in coordination with the Council and with input from relevant private sector individuals and entities, shall conduct a study examining the potential benefits of establishing a procurement preference for the Federal Government for certified owners.

(B) **AREAS.**—The study under subparagraph (A) shall include a review of—

(i) potential persons and related property and services that could be eligible for preferential consideration in the procurement process;

(ii) development and management of an approved list of categories of property and services that could be eligible for preferential consideration in the procurement process;

(iii) appropriate mechanisms to implement preferential consideration in the procurement process, including—

(I) establishing a policy encouraging Federal agencies to conduct market research and industry outreach to identify property and services that adhere to relevant cybersecurity practices;

(II) authorizing the use of a mark for the Voluntary Cybersecurity Program for Critical Infrastructure to be used for marketing property or services to the Federal Government;

(III) establishing a policy of encouraging procurement of certain property and services from an approved list;

(IV) authorizing the use of a preference by Federal agencies in the evaluation process; and

(V) authorizing a requirement in certain solicitations that the person providing the property or services be a certified owner; and

(iv) benefits of and impact on the economy and efficiency of the Federal procurement system, if preferential consideration were given in the procurement process to encourage the procurement of property and services that adhere to relevant baseline performance goals establishing under the Voluntary Cybersecurity Program for Critical Infrastructure.

**SEC. 105. RULES OF CONSTRUCTION.**

Nothing in this title shall be construed to—

(1) provide additional authority for any sector-specific agency or any Federal agency

that is not a sector-specific agency with responsibilities for regulating the security of critical infrastructure to establish standards or other cybersecurity measures that are applicable to the security of critical infrastructure not otherwise authorized by law;

(2) limit or restrict the authority of the Department, or any other Federal agency, under any other provision of law; or

(3) permit any owner (including a certified owner) to fail to comply with any other law or regulation, unless specifically authorized.

**SEC. 106. PROTECTION OF INFORMATION.**

(a) **DEFINITIONS.**—In this section—

(1) the term “covered information” means any information—

(A) submitted as part of the process established under section 102(a)(3);

(B) submitted under section 102(b)(2)(C);

(C) required to be submitted by owners under section 102(b)(4);

(D) provided to the Secretary, the Secretary's designee, or any assessor during the course of an assessment under section 104; or

(E) provided to the Secretary or the Inspector General of the Department through the tip line or another secure channel established under subsection (c); and

(2) the term “Inspector General” means an Inspector General described in subparagraph (A), (B), or (I) of section 11(b)(1) of the Inspector General Act of 1978 (5 U.S.C. App.), the Inspector General of the United States Postal Service, the Inspector General of the Central Intelligence Agency, and the Inspector General of the Intelligence Community.

(b) **CRITICAL INFRASTRUCTURE INFORMATION.**—

(1) **IN GENERAL.**—Covered information shall be treated as voluntarily shared critical infrastructure information under section 214 of the Homeland Security Act of 2002 (6 U.S.C. 133), except that the requirement of such section 214 that the information be voluntarily submitted shall not be required for protection of information under this section to apply.

(2) **SAVINGS CLAUSE FOR EXISTING WHISTLEBLOWER PROTECTIONS.**—With respect to covered information, the rights and protections relating to disclosure by individuals of voluntarily shared critical infrastructure information submitted under subtitle B of title II of the Homeland Security Act of 2002 (6 U.S.C. 131 et seq.) shall apply with respect to disclosure of the covered information by individuals.

(c) **CRITICAL INFRASTRUCTURE CYBER SECURITY TIP LINE.**—

(1) **IN GENERAL.**—The Secretary shall establish and publicize the availability of a Critical Infrastructure Cyber Security Tip Line (and any other secure means the Secretary determines would be desirable to establish), by which individuals may report—

(A) concerns involving the security of covered critical infrastructure against cyber risks; and

(B) concerns (in addition to any concerns described under subparagraph (A)) with respect to programs and functions authorized or funded under this title involving—

(i) a possible violation of any law, rule, regulation or guideline;

(ii) mismanagement;

(iii) risk to public health, safety, security, or privacy; or

(iv) other misfeasance or nonfeasance.

(2) **DESIGNATION OF EMPLOYEES.**—The Secretary and the Inspector General of the Department shall each designate employees authorized to receive concerns reported under this subsection that include—

(A) disclosure of covered information; or

(B) any other disclosure of information that is specifically prohibited by law or is specifically required by Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs.

(3) **HANDLING OF CERTAIN CONCERNS.**—A concern described in paragraph (1)(B)—

(A) shall be received initially to the Inspector General of the Department;

(B) shall not be provided initially to the Secretary; and

(C) may be provided to the Secretary if determined appropriate by the Inspector General of the Department.

(d) **RULES OF CONSTRUCTION.**—Nothing in this section shall be construed to—

(1) limit or otherwise affect the right, ability, duty, or obligation of any entity to use or disclose any information of that entity, including in the conduct of any judicial or other proceeding;

(2) prevent the classification of information submitted under this section if that information meets the standards for classification under Executive Order 12958, or any successor thereto, or affect measures and controls relating to the protection of classified information as prescribed by Federal statute or under Executive Order 12958, or any successor thereto;

(3) limit or otherwise affect the ability of an entity, agency, or authority of a State, a local government, or the Federal Government or any other individual or entity under applicable law to obtain information that is not covered information (including any information lawfully and properly disclosed generally or broadly to the public) and to use such information in any manner permitted by law, including the disclosure of such information under—

(A) section 552 or 2302(b)(8) of title 5, United States Code;

(B) section 2409 of title 10, United States Code; or

(C) any other Federal, State, or local law, ordinance, or regulation that protects against retaliation an individual who discloses information that the individual reasonably believes evidences a violation of any law, rule, or regulation, gross mismanagement, substantial and specific danger to public health, safety, or security, or other misfeasance or nonfeasance;

(4) prevent the Secretary from using information required to be submitted under this Act for enforcement of this title, including enforcement proceedings subject to appropriate safeguards;

(5) authorize information to be withheld from any committee of Congress, the Comptroller General, or any Inspector General;

(6) affect protections afforded to trade secrets under any other provision of law; or

(7) create a private right of action for enforcement of any provision of this section.

(e) **AUDIT.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Inspector General of the Department shall conduct an audit of the management of covered information under this title and report the findings to appropriate congressional committees.

(2) **CONTENTS.**—The audit under paragraph (1) shall include assessments of—

(A) whether the covered information is adequately safeguarded against inappropriate disclosure;

(B) the processes for marking and disseminating the covered information and resolving any disputes;

(C) how the covered information is used for the purposes of this title, and whether that use is effective;

(D) whether sharing of covered information has been effective to fulfill the purposes of this title;

(E) whether the kinds of covered information submitted have been appropriate and useful, or overbroad or overnarrow;

(F) whether the protections of covered information allow for adequate accountability and transparency of the regulatory, enforcement, and other aspects of implementing this title; and

(G) any other factors at the discretion of the Inspector General of the Department.

#### **SEC. 107. ANNUAL ASSESSMENT OF CYBERSECURITY.**

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, and every year thereafter, the Council shall submit to the appropriate congressional committees a report on the effectiveness of this title in reducing the risk of cyber attack to critical infrastructure.

(b) **CONTENTS.**—Each report submitted under subsection (a) shall include—

(1) a discussion of cyber risks and associated consequences and whether the cybersecurity practices developed under section 103 are sufficient to effectively remediate and mitigate cyber risks and associated consequences; and

(2) an analysis of—

(A) whether owners of critical cyber infrastructure are successfully implementing the cybersecurity practices adopted under section 103;

(B) whether the critical infrastructure of the United States is effectively secured from cybersecurity threats, vulnerabilities, and consequences; and

(C) whether additional legislative authority or other actions are needed to effectively remediate or mitigate cyber risks and associated consequences.

(c) **FORM OF REPORT.**—A report submitted under this subsection shall be submitted in an unclassified form, but may include a classified annex, if necessary.

**SA 2732.** Mr. REID (for Mr. FRANKEN) proposed an amendment to amendment SA 2731 proposed by Mr. REID (for Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. ROCKEFELLER, Mrs. FEINSTEIN, and Mr. CARPER)) to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; as follows:

At the end, add the following new section:

#### **SEC. \_\_\_\_.**

Notwithstanding any other provision of this Act, section 701 and section 706(a)(1) shall have no effect.

**SA 2733.** Mr. REID proposed an amendment to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; as follows:

On page 20, line 5, strike “180 days” and insert “170 days”.

**SA 2734.** Mr. REID proposed an amendment to amendment SA 2733 proposed by Mr. REID to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; as follows:

In the amendment strike “170” and insert “160”.

**SA 2735.** Mr. REID proposed an amendment to the bill S. 3414, to en-

hance the security and resiliency of the cyber and communications infrastructure of the United States; as follows:

At the end, add the following new section:

#### **SEC. \_\_\_\_.**

This Act shall become effective 3 days after enactment.

**SA 2736.** Mr. REID proposed an amendment to amendment SA 2735 proposed by Mr. REID to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; as follows:

In the amendment, strike “3 days” and insert “2 days”.

**SA 2737.** Mr. REID proposed an amendment to amendment SA 2736 proposed by Mr. REID to the amendment SA 2735 proposed by Mr. REID to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; as follows:

In the amendment, strike “2 days” and insert “1 day”.

**SA 2738.** Ms. SNOWE (for herself and Mr. WARNER) submitted an amendment intended to be proposed by her to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

Beginning on page 23, strike line 19 and all that follows through page 24, line 18, and insert the following:

(1) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to increase, decrease, or otherwise alter the existing authority of any Federal agency to regulate the security of critical cyber infrastructure.

**SA 2739.** Mrs. GILLIBRAND (for herself and Mr. BENNET) submitted an amendment intended to be proposed by her to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

In section 402, strike subsection (a) and insert the following:

(a) **ASSESSMENT OF CYBERSECURITY EDUCATION IN COLLEGES, UNIVERSITIES, UNIVERSITY SYSTEMS, NONPROFIT ORGANIZATIONS, AND THE PRIVATE SECTOR.**—

(1) **REPORT BY THE NATIONAL SCIENCE FOUNDATION.**—

(A) **REPORT REQUIRED.**—Not later than 1 year after the date of enactment of this Act, the Director of the National Science Foundation shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report on the state of cybersecurity education in institutions of higher education in the United States.

(B) **CONTENTS OF REPORT.**—The report required under subparagraph (A) shall include baseline data on—

(i) the state of cybersecurity education in the United States;

(ii) the extent of professional development opportunities for faculty in cybersecurity principles and practices;

(iii) descriptions of the content of cybersecurity courses in undergraduate computer science curriculum;

(iv) the extent of the partnerships and collaborative cybersecurity curriculum development activities that leverage industry and government needs, resources, and tools; and

(v) proposed metrics to assess progress toward improving cybersecurity education.

(2) REPORT BY SECRETARY.—

(A) REPORT REQUIRED.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report on the support provided by the Department to education and training programs, including—

(i) the use of resources by the Department;

(ii) how the Secretary plans to use the resources of the Department in the future; and

(iii) the overall strategy of the Department to expand the cybersecurity human capital capacity of the United States.

(B) CONTENTS OF REPORTS.—The report required under subparagraph (A) shall include information on past, planned, or potential support by the Department for education and training programs that—

(i) emphasize experiential learning and the opportunity to take on significant real-world casework as integral parts of training and development programs for cybersecurity professions;

(ii) demonstrate a current and projected caseload of sufficient, important system and network defense activity to provide real-world training opportunities for trainees, with a heavy emphasis on real-life, hands-on, high-level cybersecurity work;

(iii) demonstrate practical computer network defense skills and up-to-date cybersecurity experience of the senior staff proposing to lead the education and training programs;

(iv) demonstrate access to hands-on training programs in the most up-to-date computer network defense technologies and techniques; and

(v) collaborate or plan to collaborate with the Federal Government, including laboratories of the Department of Defense and the Department of Energy, State or local governments, or private sector companies in the United States.

**SA 2740.** Mr. LIEBERMAN (for Mr. NELSON of Florida) proposed an amendment to the resolution S. Res. 525, honoring the life and legacy of Oswaldo Paya Sardinias; as follows:

On page 4, line 13, strike “; and” and insert a semicolon.

On page 4, line 17, strike the period and insert “; and”.

On page 4, after line 17, insert the following:

(7) condemns the Government of Cuba for the detention of nearly 50 pro-democracy activists following the memorial service for Oswaldo Payá Sardiñas.

**SA 2741.** Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 27, strike line 13 and all that follows through page 30, line 19, and insert the following:

(ii) submit to the Council an application for an assessment described in subsection (b)(1)(B) by a qualified third-party private entity verifying that the owner has developed and effectively implemented cybersecurity measures sufficient to satisfy the outcome-based cybersecurity practices established under section 103.

(4) CERTIFICATION.—

(A) SELF-CERTIFICATION.—Upon receipt of a self-certification under paragraph (3)(B)(i), the Council shall certify an owner.

(B) ASSESSMENT APPLICATION.—

(i) IN GENERAL.—Upon receipt of an application by an owner for an assessment under paragraph (3)(B)(ii), the Council shall direct a qualified third-party private entity to conduct an assessment of the owner in accordance with an agreement described in subsection (b)(1).

(ii) IN COMPLIANCE.—If a qualified third-party private entity determines an owner is in compliance with all applicable cybersecurity practices, the Council shall certify the owner.

(5) NONPERFORMANCE.—If the Council determines that a certified owner is not in compliance with the cybersecurity practices established under section 103, the Council shall—

(A) notify the certified owner of such determination; and

(B) work with the certified owner to remediate promptly any deficiencies.

(6) REVOCATION.—If a certified owner fails to remediate promptly any deficiencies identified by the Council, the Council shall revoke the certification of the certified owner.

(7) REDRESS.—

(A) IN GENERAL.—If the Council revokes a certification under paragraph (6), the Council shall—

(i) notify the owner of such revocation; and

(ii) provide the owner with specific cybersecurity measures that, if implemented, would remediate any deficiencies.

(B) RECERTIFICATION.—If the Council determines that an owner has remedied any deficiencies and is in compliance with the cybersecurity practices, the Council may recertify the owner.

(b) ASSESSMENTS.—

(1) THIRD-PARTY ASSESSMENTS.—The Council shall—

(A) develop qualifications for third-party private entities that ensure that the entity has—

(i) substantial expertise in cybersecurity;

(ii) the expertise necessary to perform third-party audits of the cybersecurity of critical cyber infrastructure systems and assets;

(iii) adopted appropriate policies and procedures to ensure that the entity provides independent analysis that is not affected by any conflict of interest or colored by any business interest that the entity may hold; and

(iv) any other qualifications determined relevant by the Council; and

(B) in consultation with owners and operators and the Critical Infrastructure Protection Advisory Council, shall enter into agreements with qualified third-party private entities, to conduct assessments that use reliable, repeatable, performance-based evaluations and metrics to assess whether an owner submitting an application under subsection (a)(3)(B)(ii) is in compliance with all applicable cybersecurity practices.

(2) TRAINING.—The Council shall ensure that third party assessors described in paragraph (1) undergo regular training and accreditation.

(3) OTHER ASSESSMENTS.—Using the procedures developed under this section, the Council may perform cybersecurity assessments of a certified owner based on actual knowledge or a reasonable suspicion that the certified owner is not in compliance with the cybersecurity practices or any other risk-based factors as identified by the Council.

(4) NOTIFICATION.—The Council shall provide copies of any assessments by the Federal Government to the certified owner.

(5) ACCESS TO INFORMATION.—

(A) IN GENERAL.—For the purposes of an assessment conducted under this subsection, a certified owner shall provide the Council, or a third party assessor, any reasonable access necessary to complete an assessment.

(B) PROTECTION OF INFORMATION.—Information provided to the Council, the Council's designee, or any assessor during the course of an assessment under this section shall be protected from disclosure in accordance with section 106.

(c) BENEFITS OF CERTIFICATION.—

(1) LIMITATIONS ON CIVIL LIABILITY.—

(A) DEFINITION.—

(i) IN GENERAL.—In this paragraph, the term “cyber attack” means an incident determined by the Attorney General to be an unauthorized intrusion or attack on or through a computer system or asset that causes damage or disruption to the operation or integrity of critical infrastructure that results in—

(I) loss of life, serious physical injury, or the substantial interruption of life-sustaining services;

(II) catastrophic economic damage to the United States, including—

(aa) failure or substantial disruption of a United States financial market;

(bb) incapacitation or sustained disruption of a transportation system; or

(cc) other systemic, long-term damage to the United States economy; or

(III) severe degradation of national security or national security capabilities, including intelligence and defense functions.

(ii) NO JUDICIAL REVIEW.—A determination by the Attorney General under clause (i) shall not be subject to judicial review.

(B) LIMITATION.—In any civil action for damages directly caused by a cyber attack, a certified owner shall not be liable for any punitive damages intended to punish or deter if the certified owner is in compliance with the appropriate cybersecurity practices at the time of the incident related to that cyber risk.

**SA 2742.** Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 186, beginning on line 14, strike “for the timely destruction of cybersecurity threat indicators that” and insert “to destroy cybersecurity threat indicators not later than 1 year after such indicators”.

## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet

during the session of the Senate on July 31, 2012, at 2:30 p.m. in room SR-253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL  
RESOURCES

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on July 31, 2012, at 10 a.m. in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on July 31, 2012, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 31, 2012, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT  
MANAGEMENT, THE FEDERAL WORKFORCE,  
AND THE DISTRICT OF COLUMBIA

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on July 31, 2012, at 10 a.m. to conduct a hearing entitled, "State of Federal Privacy and Data Security Law: Lagging Behind the Times?"

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WESTERN HEMISPHERE,  
PEACE CORPS, AND GLOBAL NARCOTICS AFFAIRS

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on July 30, 2012, at 2 p.m., to hold a Western Hemisphere, Peace Corps, and Global Narcotics Affairs subcommittee hearing entitled, "Doing Business in Latin America: Positive Trends but Serious Challenges."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Oliver O'Connor and Kevin Burgess of my staff be granted floor privileges for the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN TRAVEL FINANCIAL REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following reports for standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM APR. 1 TO JUNE 30, 2012

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Paul Grove:									
Bahrain .....	Dinar .....		364.24						364.24
Pakistan .....	Rupee .....		40.00						40.00
Afghanistan .....	Afghani .....		112.00						112.00
Iraq .....	Dinar .....		276.00						276.00
United States .....	Dollar .....				12,435.60				12,435.60
Adrienne Hallett:									
Côte d'Ivoire .....	Franc .....		436.00						436.00
Namibia .....	Rand .....		457.00						457.00
South Africa .....	Rand .....		994.09						994.09
Morocco .....	Dirahm .....		300.48						300.48
Zambia .....	Dollar .....		278.43						278.43
Erik Fatemi:									
Côte d'Ivoire .....	Franc .....		436.00						436.00
Namibia .....	Rand .....		457.00						457.00
South Africa .....	Rand .....		994.09						994.09
Morocco .....	Dirahm .....		300.48						300.48
Zambia .....	Dollar .....		278.43						278.43
Senator Thad Cochran:									
Turkey .....	Lira .....		589.03						589.03
Thailand .....	Baht .....		974.28						974.28
China .....	Yuan .....		736.18						736.18
Korea .....	Won .....		683.02						683.02
Stewart Holmes:									
Turkey .....	Lira .....		589.03						589.03
Thailand .....	Baht .....		608.85						608.85
China .....	Yuan .....		736.18						736.18
Korea .....	Won .....		683.02						683.02
Kay Webber:									
Turkey .....	Lira .....		589.03						589.03
Thailand .....	Baht .....		608.85						608.85
China .....	Yuan .....		736.18						736.18
Korea .....	Won .....		683.02						683.02
Total .....			13,940.91		12,435.60		0.00		26,376.51

SENATOR DANIEL K. INOUE,  
Chairman, Committee on Appropriations, July 20, 2012.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM APR. 1 TO JUNE 30, 2012

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Lindsey Graham:									
United States .....	Dollar .....				13,175.70				13,175.70

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM APR. 1 TO JUNE 30, 2012—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
United Arab Emirates .....	Dollar .....		27.23						27.23
Senator Mark Begich:									
United States .....	Dollar .....				11,592.80				11,592.80
Croatia .....	Kuna .....		110.31						110.31
David Ramsey:									
United States .....	Dollar .....				15,703.00				15,703.00
Croatia .....	Kuna .....		70.11						70.11
Adam J. Barker:									
United States .....	Dollar .....				8,089.12				8,089.12
Uganda .....	Dollar .....		343.00						343.00
South Sudan .....	Dollar .....		300.00						300.00
Michael J. Noblet:									
United States .....	Dollar .....				8,545.00				8,545.00
Uganda .....	Shilling .....		511.00						511.00
South Sudan .....	Pound .....		383.00						383.00
Gordon Peterson:									
United States .....	Dollar .....				17,196.10				17,196.10
Japan .....	Yen .....		1,134.01						1,134.01
Thailand .....	Baht .....		594.07						594.07
Burma .....	Kyat .....		312.00						312.00
David N. Bonine:									
United States .....	Dollar .....				18,611.90				18,611.90
Japan .....	Yen .....		1,113.00						1,113.00
Thailand .....	Baht .....		544.00						544.00
Burma .....	Kyat .....		340.00						340.00
Senator Jim Webb:									
United States .....	Dollar .....				17,192.90				17,192.90
Japan .....	Yen .....		1,293.01						1,293.01
Thailand .....	Baht .....		810.07						810.07
Burma .....	Kyat .....		514.00						514.00
Michael J. Kuiken:									
United States .....	Dollar .....				8,679.00				8,679.00
Uganda .....	Shilling .....		526.00						526.00
South Sudan .....	Pound .....		384.00						384.00
Senator John McCain:									
United States .....	Dollar .....				9,979.96				9,979.96
Turkey .....	Dollar .....		860.58						860.58
Lithuania .....	Dollar .....		230.13						230.13
Jordan .....	Dollar .....		68.62						68.62
United States .....	Dollar .....				14,388.40				14,388.40
Senator Joseph I. Lieberman:									
United States .....	Dollar .....				1,154.40				1,154.40
Turkey .....	Dollar .....		782.58						782.58
Senator James M. Inhofe:									
Ghana .....	Cedi .....		11.14						11.14
Tanzania .....	Shilling .....		119.31						119.31
United Arab Emirates .....	Dirham .....		176.19						176.19
Anthony Lazarski:									
Ghana .....	Cedi .....		11.14						11.14
Tanzania .....	Shilling .....		115.53						115.53
United Arab Emirates .....	Dirham .....		82.25						82.25
Mark Powers:									
Ghana .....	Cedi .....		11.14						11.14
Tanzania .....	Shilling .....		129.89						129.89
United Arab Emirates .....	Dirham .....		107.71		78.28				185.99
Luke Holland:									
Ghana .....	Cedi .....		11.14						11.14
Tanzania .....	Shilling .....		152.46						152.46
United Arab Emirates .....	Dirham .....		134.91		78.28				213.19
Germany .....	Euro .....		15.40						15.40
Vance Serchuk:									
Saudi Arabia .....	Dollar .....		176.00						176.00
Lebanon .....	Dollar .....		247.00						247.00
Israel .....	Dollar .....		832.00						832.00
William G.P. Monahan:									
United States .....	Dollar .....				13,331.00		34.25		13,365.25
Afghanistan .....	Dollar .....		35.00						35.00
Turkey .....	Dollar .....		215.00						215.00
Belgium .....	Dollar .....		248.86						248.86
Senator John McCain:									
United States .....	Dollar .....				13,030.20				13,030.20
Malaysia .....	Dollar .....		186.98						186.98
Singapore .....	Dollar .....		190.02						190.02
Senator Joseph I. Lieberman:									
United States .....	Dollar .....				9,962.80				9,962.80
Saudi Arabia .....	Dollar .....		863.01						863.01
Israel .....	Dollar .....		2,054.88						2,054.88
Margaret Goodlander:									
United States .....	Dollar .....				10,129.80				10,129.80
Saudi Arabia .....	Dollar .....		912.14						912.14
Lebanon .....	Dollar .....		141.00						141.00
Israel .....	Dollar .....		1,947.94						1,947.94
United States .....	Dollar .....				21,584.10				21,584.10
Malaysia .....	Dollar .....		421.62						421.62
Singapore .....	Dollar .....		527.41						527.41
Senator Joseph I. Lieberman:									
United States .....	Dollar .....				20,232.30				20,232.30
Malaysia .....	Dollar .....		444.00						444.00
Singapore .....	Dollar .....		1,192.00						1,192.00
Christian D. Brose:									
United States .....	Dollar .....				17,292.90				17,292.90
Malaysia .....	Dollar .....		166.00						166.00
Singapore .....	Dollar .....		97.00						97.00
United States .....	Dollar .....				14,772.70				14,772.70
Lithuania .....	Dollar .....		96.00						96.00
Jordan .....	Dollar .....		228.00						228.00
Richard D. DeBobes:									
United States .....	Dollar .....				10,128.00		29.00		10,157.00
Afghanistan .....	Dollar .....		35.00						35.00
Turkey .....	Dollar .....		215.00						215.00
Belgium .....	Euro .....		248.86						248.86

July 31, 2012

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CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM APR. 1 TO JUNE 30, 2012—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Jack Reed:									
United States .....	Dollar .....				10,302.90				10,302.90
Afghanistan .....	Dollar .....		20.00						20.00
Turkey .....	Dollar .....		52.00						52.00
Belgium .....	Dollar .....		16.00						16.00
Carolyn Chuhta:									
United States .....	Dollar .....				13,331.90				13,331.90
Afghanistan .....	Dollar .....		20.00						20.00
Turkey .....	Dollar .....		52.00						52.00
Belgium .....	Dollar .....		16.00						16.00
Vance Serchuk:									
United States .....	Dollar .....				20,232.30				20,232.30
Malaysia .....	Dollar .....		506.00						506.00
Singapore .....	Dollar .....		617.00						617.00
Christian D. Brose:									
United States .....	Dollar .....				6,480.06				6,480.06
Turkey .....	Dollar .....		563.00						563.00
Senator James M. Inhofe:									
Montenegro .....	Euro .....		52.32						52.32
Italy .....	Euro .....		138.65						138.65
Anthony Lazarski:									
Montenegro .....	Euro .....		52.32						52.32
Italy .....	Euro .....		136.72		43.09				179.81
Mark Powers:									
Montenegro .....	Euro .....		52.32						52.32
Italy .....	Euro .....		70.22		25.35				95.57
Joseph M. Bryan:									
United States .....	Dollar .....				16,874.20				16,874.20
Republic of Korea .....	Won .....		542.91						542.91
Japan .....	Yen .....		906.93		55.00				961.93
Ozge Cuzelsu:									
United States .....	Dollar .....				15,104.10				15,104.10
Republic of Korea .....	Won .....		560.00		20.00				580.00
Japan .....	Yen .....		1,029.18		95.00				1,124.18
Senator Ben Nelson:									
United States .....	Dollar .....				13,461.20				13,461.20
Egypt .....	Pound .....		450.00						450.00
Saudi Arabia .....	Riyal .....		548.00						548.00
Ryan Ehly:									
United States .....	Dollar .....				13,461.20				13,461.20
Egypt .....	Pound .....		447.00						447.00
Saudi Arabia .....	Riyal .....		538.00						538.00
Senator Rob Portman:									
United States .....	Dollar .....				12,471.00				12,471.00
Israel .....	Dollar .....		1,083.38						1,083.38
Jordan .....	Dollar .....		217.55				37.13		254.68
United Arab Emirates .....	Dollar .....		286.16						286.16
Afghanistan .....	Dollar .....		13.00						13.00
Brent Bombach:									
United States .....	Dollar .....				12,825.20				12,825.20
Israel .....	Dollar .....		538.40						538.40
Jordan .....	Dollar .....		217.53						217.53
United Arab Emirates .....	Dollar .....		286.16						286.16
Afghanistan .....	Dollar .....		13.00						13.00
Senator Carl Levin:									
United States .....	Dollar .....				12,346.00				12,346.00
Afghanistan .....	Dollar .....		35.00						35.00
Turkey .....	Dollar .....		214.97						214.97
Belgium .....	Dollar .....		248.86				45.32		294.18
Total .....			34,590.23		422,057.14		145.70		456,793.07

SENATOR CARL LEVIN,  
Chairman, Committee on Armed Services, July 18, 2012.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS FOR TRAVEL FROM APR. 1 TO JUNE 30, 2012

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Roger Wicker:									
Ivory Coast .....	Franc .....		436.00						436.00
Namibia .....	Rand .....		278.43						278.43
South Africa .....	Rand .....		994.09						994.09
Zambia .....	Kwacha .....		278.43						278.43
Morocco .....	Dirham .....		300.48						300.48
Senator Richard Shelby:									
Italy .....	Euro .....		408.00						408.00
Hungary .....	Forint .....		450.00						450.00
Austria .....	Euro .....		645.00						645.00
Switzerland .....	Franc .....		458.00						458.00
Spain .....	Euro .....		579.00						579.00
Slovakia .....	Euro .....		286.00						286.00
Jonathan Graffeo:									
Italy .....	Euro .....		408.00						408.00
Hungary .....	Forint .....		450.00						450.00
Austria .....	Euro .....		645.00						645.00
Switzerland .....	Franc .....		458.00						458.00
Spain .....	Euro .....		579.00						579.00
Slovakia .....	Euro .....		286.00						286.00
William Duhnke:									
Italy .....	Euro .....		408.00						408.00
Hungary .....	Forint .....		450.00						450.00
Austria .....	Euro .....		645.00						645.00

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS FOR TRAVEL FROM APR. 1 TO JUNE 30, 2012—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Switzerland .....	Franc .....		458.00						458.00
Spain .....	Euro .....		579.00						579.00
Slovakia .....	Euro .....		286.00						286.00
Total .....			10,765.43						10,765.43

SENATOR TIM JOHNSON,  
Chairman, Committee on Banking, Housing, and  
Urban Affairs, July 23, 2012.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), COMMITTEE ON THE BUDGET FOR TRAVEL FROM APR. 1 TO JUNE 30, 2012

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Kent Conrad:									
Cote d'Ivoire .....	CFA Franc .....		436.00						436.00
Botswana .....	Pula .....		578.00						578.00
Malawi .....	Kwacha .....		279.00						279.00
Zambia .....	Kwacha .....		556.86						556.86
Morocco .....	Dirham .....		300.48						300.48
Total .....			2,150.34						2,150.34

SENATOR KENT CONRAD,  
Chairman, Senate Budget Committee, July 11, 2012.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), COMMITTEE ON ENERGY AND NATURAL RESOURCES FOR TRAVEL FROM APR. 1 TO JUNE 30, 2012

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Jeff Bingaman:									
United States .....	Dollar .....				15,238.80				15,238.80
Hong Kong .....	HKD .....		1,220.17						1,220.17
China .....	Yuan .....		1,283.92						1,283.92
Jonathan Black:									
United States .....	Dollar .....				12,443.50				12,443.50
Hong Kong .....	HKD .....		1,358.48						1,358.48
China .....	Yuan .....		1,422.23						1,422.23
Michael Carr:									
United States .....	Dollar .....				8,216.60				8,216.60
Hong Kong .....	HKD .....		1,520.98						1,520.98
China .....	Yuan .....		1,409.73						1,409.73
Robert Simon:									
United States .....	Dollar .....				11,795.30				11,795.30
Hong Kong .....	HKD .....		1,210.16						1,210.16
China .....	Yuan .....		1,244.62						1,244.62
Delegation expenses:									
Hong Kong .....	HKD .....					1,854.71			1,854.71
China .....	Yuan .....					2,527.69			2,527.69
Total .....			10,670.29		47,694.20		4,382.40		62,746.89

SENATOR JEFF BINGAMAN,  
Chairman, Committee on Energy and Natural Resources, July 18, 2012.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), COMMITTEE ON THE ENVIRONMENT AND PUBLIC WORKS FOR TRAVEL FROM APR. 1 TO JUNE 30, 2012

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator John Boozman:									
Ghana .....	Cedi .....		11.14						11.14
Tanzania .....	Shilling .....		118.57						118.57
United Arab Emirates .....	Dirhams .....		200.84						200.84
Germany .....	Euros .....		56.47						56.47
Senator Barbara Boxer:									
United States .....	Dollar .....				5,815.95				5,815.95
Brazil .....	Real .....		437.22						437.22
Argentina .....	Peso .....		1,468.09						1,468.09
United States .....	Dollar .....				10,932.80				10,932.80
France .....	Euro .....		3,856.00						3,856.00
Bettina Poirier:									
United States .....	Dollar .....				9,393.55				9,393.55
Brazil .....	Real .....		148.00						148.00
Argentina .....	Peso .....		1,468.09						1,468.09
Mary Kerr:									
United States .....	Dollar .....				9,393.55				9,393.55
Brazil .....	Real .....		148.00						148.00
Argentina .....	Peso .....		1,468.09						1,468.09



July 31, 2012

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CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), COMMITTEE ON THE ENVIRONMENT AND PUBLIC WORKS FOR TRAVEL FROM APR. 1 TO JUNE 30, 2012—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
United States .....	Dollar .....				10,932.80				10,932.80
France .....	Euro .....		3,856.00						3,856.00
Paul Ordal:									
United States .....	Dollar .....				9,393.55		110.00		9,503.55
Brazil .....	Real .....		148.00						148.00
Argentina .....	Peso .....		1,468.09						1,468.09
United States .....	Dollar .....				10,932.80		361.00		11,293.80
France .....	Euro .....		3,856.00						3,856.00
Total .....			18,708.60		66,795.00		471.00		85,974.60

SENATOR BARBARA BOXER,  
Chairman, Committee on the Environment and Public Works,  
July 19, 2012.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), COMMITTEE ON FINANCE FOR TRAVEL FROM APR. 1 TO JUNE 30, 2012

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Amber Cottle:									
Russia .....	Ruble .....		1,428.12						1,428.12
United States .....	Dollar .....				8,969.92				8,969.92
Bruce Hirsh:									
Russia .....	Ruble .....		1,236.37						1,236.37
United States .....	Dollar .....				8,969.92				8,969.92
Chelsea Thomas:									
Russia .....	Ruble .....		1,380.85						1,380.85
United States .....	Dollar .....				8,969.92				8,969.92
Hun Quach:									
Russia .....	Ruble .....		1,339.74						1,339.74
United States .....	Dollar .....				8,969.92				8,969.92
Catharine Bailey:									
Russia .....	Ruble .....		1,012.20						1,012.20
United States .....	Dollar .....				4,822.92				4,822.92
Lauren Bazel:									
Russia .....	Ruble .....		1,048.40						4,048.40
United States .....	Dollar .....				8,969.92				8,969.92
Ryan McComick:									
Russia .....	Ruble .....		1,145.20						1,145.20
United States .....	Dollar .....				4,822.92				4,822.92
Karin Hope:									
Russia .....	Ruble .....		1,166.65						1,166.65
United States .....	Dollar .....				8,969.92				8,969.92
Paul Poteet:									
Russia .....	Ruble .....		1,203.80						1,203.80
United States .....	Dollar .....				8,969.92				8,969.92
Jeffrey Phan:									
Russia .....	Ruble .....		1,034.55						1,034.55
United States .....	Dollar .....				8,969.92				8,969.92
Ann Hawks:									
Russia .....	Ruble .....		1,024.64						1,024.64
United States .....	Dollar .....				4,822.92				4,822.92
Jayne White:									
Russia .....	Ruble .....		1,275.10						1,275.10
United States .....	Dollar .....				8,969.92				8,969.92
Everett Eissenstat:									
Russia .....	Ruble .....		1,208.60						1,208.60
United States .....	Dollar .....				8,969.92				8,969.92
Gregory Kalbaugh:									
Russia .....	Ruble .....		1,050.71						1,050.71
United States .....	Dollar .....				8,969.92				8,969.92
Amanda Slater:									
Russia .....	Ruble .....		1,099.38						1,099.38
United States .....	Dollar .....				8,969.92				8,969.92
Jonathan Cordone:									
Russia .....	Ruble .....		1,424.49						1,424.49
United States .....	Dollar .....				4,822.92				4,822.92
Thomas Mahr:									
Russia .....	Ruble .....		1,114.39						1,114.39
United States .....	Dollar .....				4,822.92				4,822.92
Keith Franks:									
Russia .....	Ruble .....		1,145.42						1,145.42
United States .....	Dollar .....				8,969.92				8,969.92
Delegation Expenses:*									
Russia .....	Dollar .....						8,567.73		8,567.73
Gabriel Adler:									
Myanmar .....	Kyat .....		1,022.73						1,022.73
United States .....	Dollar .....				13,226.00				13,226.00
Everett Eissenstat:									
Myanmar .....	Kyat .....		974.99						974.99
United States .....	Dollar .....				13,226.00				13,226.00
Delegation Expenses:*									
Myanmar .....	Dollar .....				2,948.09		3,578.25		6,526.34
Total .....			23,336.33		170,123.65		12,145.98		205,605.96

SENATOR MAX BAUCUS,  
Chairman, Committee on Finance, July 20, 2012.

\*Delegation expenses include interpretation, transportation, embassy overtime, as well as other official expenses in accordance with the responsibilities of the host country.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM APR. 1 TO JUNE 30, 2012

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator John Barrasso:									
Turkey .....	Lira .....		615.85						615.85
Thailand .....	Baht .....		889.78						889.78
China .....	Renminbi .....		668.73						668.73
Korea .....	Won .....		469.62						469.62
Senator Christopher Coons:									
Uganda .....	Shilling .....		862.68						862.68
Kenya .....	Shilling .....		1,015.00						1,015.00
Tanzania .....	Shilling .....		309.84						309.84
Egypt .....	Pound .....		195.00						195.00
United States .....	Dollar .....				11,148.60				11,148.60
Senator Richard Durbin:									
Ukraine .....	Hryvna .....		237.93						237.93
Turkey .....	Lira .....		506.88						506.88
Georgia .....	Lari .....		455.67						455.67
Armenia .....	Dram .....		157.77						157.77
United States .....	Dollar .....				13,525.80				13,525.80
Senator John Kerry:									
Afghanistan .....	Dollar .....		19.00						19.00
United Arab Emirates .....	Dirham .....		1,082.60						1,082.60
Israel .....	Shekel .....		340.00						340.00
Egypt .....	Pound .....		781.66						781.66
Jordan .....	Dinar .....		54.00						54.00
France .....	Euro .....		498.91						498.91
United States .....	Dollar .....				12,834.60				12,834.60
Senator Marco Rubio:									
Colombia .....	Peso .....		1,242.29						1,242.29
United States .....	Dollar .....				1,826.90				1,826.90
Senator Tom Udall:									
Côte D'Ivoire .....	Franc .....		436.00						436.00
Namibia .....	Rand .....		556.00						556.00
South Africa .....	Rand .....		994.09						994.09
Zambia .....	Dollar .....		278.43						278.43
Morocco .....	Dirham .....		300.48						300.48
Perry Cammack:									
United Arab Emirates .....	Dirham .....		608.56						608.56
Israel .....	Shekel .....		404.70						404.70
Egypt .....	Pound .....		877.52						877.52
United States .....	Dollar .....				2,253.90				2,253.90
Victor Cervino:									
Colombia .....	Peso .....		952.29						952.29
United States .....	Dollar .....				1,826.90				1,826.90
William Danvers:									
Afghanistan .....	Dollar .....		19.00						19.00
United Arab Emirates .....	Dirham .....		748.99						748.99
Israel .....	Shekel .....		340.00						340.00
Egypt .....	Pound .....		544.40						544.40
Jordan .....	Dinar .....		94.59						94.59
France .....	Euro .....		508.91						508.91
United States .....	Dollar .....				15,237.60				15,237.60
Chris Homan:									
Ukraine .....	Hryvna .....		237.93						237.93
Turkey .....	Lira .....		446.94						446.94
Georgia .....	Lari .....		455.67						455.67
Armenia .....	Dram .....		175.38						175.38
United States .....	Dollar .....				9,267.60				9,267.60
Alex Lee:									
Mexico .....	Peso .....		1,381.66						1,381.66
United States .....	Dollar .....				1,073.59				1,073.59
Emily Mendrala:									
Mexico .....	Peso .....		1,373.66						1,373.66
United States .....	Dollar .....				1,073.59				1,073.59
Melanie Nakagawa:									
Brazil .....	Real .....		3,998.41						3,998.41
United States .....	Dollar .....				1,601.90				1,601.90
Ann Norris:									
France .....	Euro .....		3,561.00						3,561.00
United States .....	Dollar .....				1,208.60				1,208.60
Matthew Padilla:									
Mexico .....	Peso .....		1,087.66						1,087.66
United States .....	Dollar .....				1,130.40				1,130.40
Michael Phelan:									
India .....	Rupee .....		2,503.00						2,503.00
United States .....	Dollar .....				11,075.95				11,075.95
Rolfe Michael Schiffer:									
Japan .....	Yen .....		425.00						425.00
Burma .....	Kyat .....		395.00						395.00
Singapore .....	Dollar .....		657.00						657.00
Korea .....	Won .....		184.00						184.00
United States .....	Dollar .....				16,853.90				16,853.90
Halie Soifer:									
Uganda .....	Shilling .....		903.68						903.68
Kenya .....	Shilling .....		904.00						904.00
Tanzania .....	Shilling .....		358.84						358.84
Egypt .....	Pound .....		185.05						185.05
United States .....	Dollar .....				11,018.60				11,018.60
Joel Starr:									
Ghana .....	Cedi .....		241.00						241.00
Tanzania .....	Shilling .....		630.00						630.00
United Arab Emirates .....	Dirham .....		406.61						406.61
Germany .....	Euro .....		175.06						175.06
Fatema Sumar:									
United Arab Emirates .....	Dirham .....		198.00						198.00
Afghanistan .....	Dollar .....		83.00						83.00
United States .....	Dollar .....				12,512.70				12,512.70
Megan Thompson:									
Guatemala .....	Quetzal .....		812.63						812.63
United States .....	Dollar .....				798.00				798.00
Atman Trivedi:									
Singapore .....	Dollar .....		166.00						166.00
Indonesia .....	Rupiah .....		254.00		1,023.40				1,277.40

July 31, 2012

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CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22  
U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM APR. 1 TO JUNE 30, 2012—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Malaysia .....	Ringgit .....		339.00						339.00
United States .....	Dollar .....				12,172.20				12,172.20
Victoria Woodbury:									
Spain .....	Euro .....		2,072.00		645.40				2,717.40
United States .....	Dollar .....				1,462.20				1,462.20
Total .....			42,698.35		141,572.33				184,250.68

SENATOR JOHN F. KERRY,  
Chairman, Committee on Foreign Relations, July 20, 2012.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22  
U.S.C. 1754(b), COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS FOR TRAVEL FROM APR. 1 TO JUNE 30, 2012

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Susan M. Collins:									
United States .....	Dollar .....				11,777.80				11,777.80
Thailand .....	Baht .....		836.54						836.54
Burma .....	Kyat .....		88.00						88.00
Rob Epplein:									
United States .....	Dollar .....				13,424.80				13,424.80
Thailand .....	Baht .....		836.54						836.54
Burma .....	Kyat .....		88.00						88.00
Vance Serchuk:									
United States .....	Dollar .....				5,831.00				5,831.00
Turkey .....	Lira .....		2,899.00						2,899.00
Israel .....	Shekel .....		382.00						382.00
Margaret Goodlander:									
United States .....	Dollar .....				6,129.10				6,129.10
Turkey .....	Lira .....		2,899.00						2,899.00
Israel .....	Shekel .....		393.00						393.00
Delegation Expenses:									
Thailand .....	Baht .....					663.75			663.75
Total .....			8,422.08		37,162.70		663.75		46,248.53

SENATOR JOSEPH I. LIEBERMAN,  
Chairman, Committee on Homeland Security and  
Governmental Affairs, July 25, 2012.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22  
U.S.C. 1754(b), COMMITTEE ON THE JUDICIARY FOR TRAVEL FROM APR. 1 TO JUNE 30, 2012

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Todd Webster:									
United States .....	Dollar .....				11,018.60				11,018.60
Uganda .....	Shilling .....		918.18						918.18
Kenya .....	Shilling .....		928.50						928.50
Tanzania .....	Shilling .....		264.34						264.34
Egypt .....	Pound .....		253.55						253.55
Total .....			2,364.57		11,018.60				13,383.17

SENATOR PATRICK J. LEAHY,  
Chairman, Committee on the Judiciary, July 20, 2012.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22  
U.S.C. 1754(b), COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS FOR TRAVEL FROM APR. 1 TO JUNE 30, 2012

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Tom Harkin:									
Côte d'Ivoire .....	Franc .....		436.00						436.00
Namibia .....	Rand .....		556.00						556.00
South Africa .....	Rand .....		994.09						994.09
Zambia .....	Dollar .....		278.43						278.43
Morocco .....	Dirahm .....		300.48						300.48
Senator Michael B. Enzi:									
Côte d'Ivoire .....	Franc .....		436.00						436.00
Botswana .....	Pula .....		578.00						578.00
Malawi .....	Kwacha .....		279.00						279.00
Zambia .....	Kwacha .....		556.86						556.86
Morocco .....	Dirahm .....		300.48						300.48
Melissa Pfaff:									
Côte d'Ivoire .....	Franc .....		436.00						436.00
Botswana .....	Pula .....		578.00						578.00
Malawi .....	Kwacha .....		476.00						476.00
Zambia .....	Kwacha .....		556.86						556.86
Morocco .....	Dirahm .....		300.48						300.48

U.S.C. 1754(b). COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS FOR TRAVEL FROM APR. 1 TO JUNE 30, 2012—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Maria Rosario Gutierrez:									
Côte d'Ivoire .....	Franc .....		120.00						120.00
United States .....	Dollar .....				4,280.60				4,280.60
Delegation Expenses:*									
Côte d'Ivoire .....	Franc .....						15,818.00		15,818.00
Namibia .....	Rand .....						15,557.00		15,557.00
South Africa .....	Rand .....						14,730.91		14,730.91
Botswana .....	Pula .....						3,102.00		3,102.00
Malawi .....	Kwacha .....						9,344.65		9,344.65
Zambia .....	Kwacha .....						3,227.88		3,227.88
Morocco .....	Dirahm .....						13,043.24		13,043.24
Total .....			7,182.68		4,280.60		74,823.68		86,286.96

SENATOR TOM HARKIN,  
Chairman, Committee on Health, Education, Labor, and Pensions,  
July 17, 2012.

\* Delegation expenses include payments and reimbursements to the Department of State under the authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95-384, and S. Res. 179 agreed to May 25, 1977.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP FOR TRAVEL FROM APR. 1 TO JUNE 30, 2012

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Mary L. Landrieu:									
United States .....	Dollar .....				3,021.00				3,021.00
Guatemala .....	Quetzal .....		881.00						881.00
Alston Walker:									
United States .....	Dollar .....				798.00				798.00
Guatemala .....	Quetzal .....		881.00						881.00
Amberly McDowell:									
United States .....	Dollar .....				798.00				798.00
Guatemala .....	Quetzal .....		881.00						881.00
Elizabeth Whitbeck:									
United States .....	Dollar .....				798.00				798.00
Guatemala .....	Quetzal .....		881.00						881.00
Delegation expenses:									
Guatemala .....	Quetzal .....						2,781.60		2,781.60
Total .....			3,524.00		5,415.00		2,781.60		11,720.60

SENATOR MARY LANDRIEU,  
Chairman, Committee on Small Business and  
Entrepreneurship. July 20, 2012.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM APR. 1 TO JUNE 30, 2012

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Christian Cook .....	Dollar .....		2,967.08						2,967.08
Brian Monahan .....	Dollar .....		3,332.51						3,332.51
Senator Ron Wyden .....	Dollar .....		1,803.00						1,803.00
					14,195.90				14,195.90
John Dickas .....	Dollar .....		1,299.53						1,299.53
					16,282.08				16,282.08
Neal Higgins .....	Dollar .....		907.00						907.00
					10,326.00				10,326.00
Brian Miller .....	Dollar .....		1,179.00						1,179.00
					10,326.00				10,326.00
Tressa Guenov .....	Dollar .....		857.00						857.00
					10,326.00				10,326.00
Senator Mark Udall .....	Dollar .....		2,662.00						2,662.00
Senator Richard Burr .....	Dollar .....		3,083.22						3,083.22
Senator Mark Warner .....	Dollar .....		2,613.55						2,613.55
Senator Barbara Mikulski .....	Dollar .....		1,786.00						1,786.00
					4,524.90				4,524.90
Jennifer Barrett .....	Dollar .....		2,645.00						2,645.00
Christian Cook .....	Dollar .....		3,223.34						3,223.34
Michael Pevzner .....	Dollar .....		3,153.22						3,153.22
Tressa Guenov .....	Dollar .....		1,440.00						1,440.00
					4,524.90				4,524.90
Andrew Kerr .....	Dollar .....		328.00						328.00
					9,866.20				9,866.20
Ryan Tully .....	Dollar .....		328.00						328.00
					9,866.20				9,866.20
Senator Dianne Feinstein .....	Dollar .....		542.00						542.00
					12,477.68				12,477.68
Senator Saxby Chambliss .....	Dollar .....		1,083.56						1,083.56
					7,216.70				7,216.70
David Grannis .....	Dollar .....		508.00						508.00
					12,477.68				12,477.68
Martha Scott Poindexter .....	Dollar .....		1,083.56						1,083.56
					6,533.00				6,533.00
Senator Saxby Chambliss .....	Dollar .....		3,332.51						3,332.51
Senator Richard Burr .....	Dollar .....		3,332.51						3,332.51
Martha Scott Poindexter .....	Dollar .....		3,332.51						3,332.51

July 31, 2012

## CONGRESSIONAL RECORD—SENATE, Vol. 158, Pt. 9

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CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22  
U.S.C. 1754(b), COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM APR. 1 TO JUNE 30, 2012—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Tyler Stephens .....	Dollar .....		2,967.08						2,967.08
Teresa Ervin .....	Dollar .....		2,967.08						2,967.08
Total .....			52,756.26		128,943.24				181,699.50

SENATOR DIANNE FEINSTEIN,  
Chairman, Committee on Intelligence, July 11, 2012.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22  
U.S.C. 1754(b), COMMISSION ON SECURITY AND COOPERATION IN EUROPE FOR TRAVEL FROM APR. 1 TO JUNE 30, 2012

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hon. Alcee Hastings:									
Belgium .....	Euro .....		308.00						308.00
Fred Turner:									
Belgium .....	Euro .....		350.00						350.00
Austria .....	Euro .....		523.10						523.10
United States .....	Dollar .....				2,556.70				2,556.70
Ireland .....	Euro .....		933.07						933.07
United States .....	Dollar .....				1,012.70				1,012.70
Total .....			2,114.17		3,569.40				5,683.57

BENJAMIN L. CARDIN,  
Chairman, Commission on Security and Cooperation in Europe,  
July 19, 2012.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22  
U.S.C. 1754(b), MAJORITY LEADER FOR TRAVEL FROM APR. 1 TO JUN. 30, 2012

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Ayesha Khanna:									
Russia .....	Ruble .....		1,225.25						1,225.25
United States .....	Dollar .....				8,804.92				8,804.92
Thomas Ross:									
United States .....	Dollar .....				14,754.12				14,754.12
Ethiopia .....	Birr .....		527.00						527.00
Uganda .....	Shilling .....		600.12						600.12
South Sudan .....	Pound .....		377.00						377.00
Total .....			2,729.37		23,559.04				26,288.41

SENATOR HARRY REID,  
Majority Leader, June 20, 2012.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22  
U.S.C. 1754(b), REPUBLICAN LEADER FOR TRAVEL FROM APR. 1 TO JUNE 30, 2012

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Thomas Hawkins:									
Turkey .....	Lira .....		639.02						639.02
Thailand .....	Baht .....		912.58						912.58
China .....	Renminbi .....		836.18						836.18
South Korea .....	Won .....		783.02						783.02
Jonathan Lieber:									
United States .....	Dollar .....				8,934.32				8,934.32
Russia .....	Ruble .....		1,105.87						1,105.87
Total .....			4,276.67		8,934.32				13,210.99

SENATOR MITCH MCCONNELL,  
Republican Leader, June 29, 2012.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22  
U.S.C. 1754(b), SPECIAL COMMITTEE ON AGING FOR TRAVEL FROM APR. 1 TO JUNE 30, 2012

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Michael Bassett:									
Czech Republic .....	Crown .....		450.00						450.00
United States .....	Dollar .....				8,461.40				8,461.40
Cara Goldstein:									
Czech Republic .....	Crown .....		346.88						346.88

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), SPECIAL COMMITTEE ON AGING FOR TRAVEL FROM APR. 1 TO JUNE 30, 2012—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
United States .....	Dollar .....				8,461.40				8,461.40
Francine Hennie: .....									
Czech Republic .....	Crown .....		455.00						455.00
United States .....	Dollar .....				8,461.40				8,461.40
Sarah Levin: .....									
Czech Republic .....	Crown .....		332.28		36.45				368.73
United States .....	Dollar .....				8,451.30				8,451.30
Chad Metzler: .....									
Czech Republic .....	Crown .....		272.00		70.00				342.00
United States .....	Dollar .....				8,461.70				8,461.70
Joy McGlaun: .....									
Czech Republic .....	Crown .....		547.00						547.00
United States .....	Dollar .....				8,461.40				8,461.40
Anne Montgomery: .....									
Czech Republic .....	Crown .....		571.00		17.50				588.50
United States .....	Dollar .....				9,587.80				9,587.80
Total .....			2,974.16		60,470.35				63,444.51

SENATOR HERB KOHL,  
Special Committee on Aging, July 25, 2012.

### HONORING THE LIFE AND LEGACY OF OSWALDO PAYA SARDINAS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration of S. Res. 525 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 525) honoring the life and legacy of Oswaldo Paya Sardinias.

There being no objection, the Senate proceeded to consider the resolution.

Mr. NELSON of Florida. Mr. President, I wish to speak about Oswaldo Paya, a Cuban dissident, and his untimely death in Cuba in a supposed automobile accident. The Cuban people, indeed all freedom-loving people of the world, have recently lost a great advocate for freedom. He was someone who was in peaceful opposition to the tyranny that is on the island of Cuba.

Oswaldo Paya died in a car crash on Sunday, July 22. He was just 60 years old. Another Cuban dissident, Harold Cepero, was also killed in the accident, and two European politicians, one from Spain and one from Sweden, were injured. Paya was one of Cuba's best known dissidents. He pushed for civil and human rights. He pushed for an end to one-party rule. He pushed for freedom for political prisoners. And he pushed for support for private businesses. In 2002, his Varela Project delivered more than 24,000 verifiable signatures in support of these ideals to the Cuban Government. It was the largest petition drive in Cuban history. Paya bravely led this initiative at great risk to himself, to his loved ones, and to his colleagues. For his work, he received the European Parliaments' Sakarov Prize for Freedom of Thought

in 2002, and he was nominated for the Nobel Peace Prize.

The reason I am bringing this up, other than pointing out that planet Earth has lost a friend for freedom, is to note that the circumstances of the car accident are the topic of some debate. Cuban officials insist the driver was speeding and that he lost control and he hit a tree. But others are saying that witnesses saw another vehicle hit Mr. Paya's vehicle and drive it off the road. Paya's daughter Rosa Maria says she holds the Cuban Government responsible. She has told CNN en Espanol that "we think it's not an accident. They wanted to do harm and then ended up killing my father." That is a direct quote.

Paya's loved ones and the Cuban people and the international community deserve to have all the facts surrounding this tragic event examined and put out in the public. That is why I have submitted, along with a number of our colleagues, S. Res. 525, which honors the life, legacy, and exemplary leadership of Oswaldo Paya. This resolution also calls on the Cuban Government to allow an impartial third-party investigation into the accident. I urge the Senate to unanimously pass this resolution.

This request comes on the heels of other disturbing news out of Cuba. We have learned that more than 40 pro-democracy activists were detained after Paya's funeral last Tuesday. The reason? They dared to shout "libertad" at that time—"freedom"—during the ceremony. Reports also indicate that several of the dissidents were severely beaten.

These peaceful activists were only honoring one of their own and they ended up as victims of an authoritarian regime. Now more than ever before the United States must continue policies that promote the fundamental principles of political freedom, democracy,

and human rights, to all of which Oswaldo Paya devoted his life.

Senator DURBIN, we are quite concerned the Castro regime continues to hold an American hostage, Alan Gross. Once again, another Senator rises to urge the Cuban regime in the strongest possible terms to immediately and unconditionally release him.

We will never forget Paya's passion and dedication to freedom and faith. The least the regime can do is to release Alan Gross.

Mr. LIEBERMAN. Mr. President, I further ask that the amendment offered by the Senator from Florida, Mr. NELSON, which is at the desk, be agreed to; the resolution, as amended, be agreed to; the preamble be agreed to; the motions to reconsider be made and laid upon the table, with no intervening action or debate, and that any statements relating to the measure be printed in the RECORD at the appropriate place as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2740) was agreed to, as follows:

(Purpose: To condemn the Government of Cuba for the detention of nearly 50 pro-democracy activists following the memorial service for Oswaldo Payá Sardiñas)

On page 4, line 13, strike ";" and insert a semicolon.

On page 4, line 17, strike the period and insert ";" and ".".

On page 4, after line 17, insert the following:

(7) condemns the Government of Cuba for the detention of nearly 50 pro-democracy activists following the memorial service for Oswaldo Payá Sardiñas.

The resolution (S. Res. 525), as amended, was agreed to.

The preamble was agreed to.

The resolution, as amended, with its preamble, reads as follows:

S. RES. 525

Whereas, on Sunday, July 22, 2012, 60-year-old Cuban dissident and activist Oswaldo Payá Sardiñas died in a car crash in Bayamo, Cuba;

Whereas at a young age, Oswaldo Payá Sardiñas criticized the communist government in Cuba, which led to his imprisonment at a work camp on Cuba's Isle of Youth in 1969;

Whereas, in 1988, Oswaldo Payá Sardiñas founded the Christian Liberation Movement as a nondenominational political organization to further civil and human rights in Cuba;

Whereas, in 1992, Oswaldo Payá Sardiñas announced his intention to run as a candidate to be a representative on the National Assembly of Popular Power of Cuba and, 2 days before the election, was detained by police at his home and determined by Communist Party officials to be ineligible to run for office because he was not a member of the Communist Party;

Whereas, in 1997, Oswaldo Payá Sardiñas collected hundreds of signatures to support his candidacy to the National Assembly of Popular Power, which was rejected by the electoral commission of Cuba;

Whereas the Constitution of Cuba supposedly guarantees the right to a national referendum on any proposal that achieves 10,000 or more signatures from citizens of Cuba who are eligible to vote;

Whereas, in 1998, Oswaldo Payá Sardiñas and other leaders of the Christian Liberation Movement created the Varela Project, a signature drive to secure a national referendum on "convert[ing] into law, the right of freedom of speech, the freedom of press and freedom of enterprise";

Whereas, in May 2002, the Varela Project delivered 11,020 signatures from eligible citizens of Cuba to the National Assembly of Popular Power, calling for an end to 4 decades of one-party rule, to which the Government of Cuba responded by beginning its own referendum that made Cuba's socialist system "irrevocable", even after an additional 14,000 signatures were added to the Varela Project petition;

Whereas the Varela Project is the largest civil society-led petition in the history of Cuba;

Whereas Oswaldo Payá Sardiñas bravely led the Varela Project at great risk to himself, his loved ones, and his associates;

Whereas, in March 2003, the Government of Cuba arrested 75 human rights activists, including 25 members of the Varela Project, in the crackdown known as Cuba's "Black Spring";

Whereas Oswaldo Payá Sardiñas's dedication to freedom and faith earned him the

Sakarov Prize for Freedom of Thought from the European Parliament in 2002;

Whereas Oswaldo Payá Sardiñas received the W. Averell Harriman Democracy Award from the United States National Democratic Institute for International Affairs in 2003;

Whereas Oswaldo Payá Sardiñas was nominated for the Nobel Peace Prize by Václav Havel, the former president of the Czech Republic, in 2005; and

Whereas President Barack Obama stated, "We continue to be inspired by Payá's vision and dedication to a better future for Cuba, and believe that his example and moral leadership will endure." Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes and honors the life and exemplary leadership of Oswaldo Payá Sardiñas;

(2) offers heartfelt condolences to the family, friends, and loved ones of Oswaldo Payá Sardiñas;

(3) praises the bravery of Oswaldo Payá Sardiñas and his colleagues for collecting more than 11,000 verified signatures in support of the Varela Project;

(4) in memory of Oswaldo Payá Sardiñas, calls on the United States to continue policies that promote respect for the fundamental principles of religious freedom, democracy, and human rights in Cuba, in a manner consistent with the aspirations of the people of Cuba;

(5) in memory of Oswaldo Payá Sardiñas, calls on the Government of Cuba to provide its citizens with internationally accepted standards for civil and human rights and the opportunity to vote in free and fair elections;

(6) calls on the Government of Cuba to allow an impartial, third-party investigation into the circumstances surrounding the death of Oswaldo Payá Sardiñas; and

(7) condemns the Government of Cuba for the detention of nearly 50 pro-democracy activists following the memorial service for Oswaldo Payá Sardiñas.

#### ORDERS FOR WEDNESDAY, AUGUST 1, 2012

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., on Wednesday, August 1; that following the prayer and pledge, the Journal of proceedings be

approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that the majority leader be recognized, and the first hour be equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. LIEBERMAN. Mr. President, the majority leader filed cloture on the cyber security bill today. As a result, the filing deadline for first-degree amendments to S. 3414 is 1 p.m. on Wednesday.

I want to indicate to my colleagues that we continue to work on an agreement on amendments to the bill which I hope we can reach. If no agreement is reached, the cloture vote will be on Thursday.

#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. LIEBERMAN. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:14 p.m., adjourned until Wednesday, August 1, 2012, at 9:30 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### INSTITUTE OF MUSEUM AND LIBRARY SERVICES

ERIC J. JOLLY, OF MINNESOTA, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2016, VICE KAREN BROSIUS, TERM EXPIRED.

SUSANA TORRUELLA LEVAL, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2015, VICE KATHERINE M. B. BERGER, TERM EXPIRED.



## HOUSE OF REPRESENTATIVES—Tuesday, July 31, 2012

The House met at noon and was called to order by the Speaker pro tempore (Mr. WOMACK).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
July 31, 2012.

I hereby appoint the Honorable STEVE WOMACK to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
*Speaker of the House of Representatives.*

### MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 17, 2012, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 1:50 p.m.

### FAILED POLICY IN AFGHANISTAN

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. JONES) for 5 minutes.

Mr. JONES. Mr. Speaker, again, I try to get to the floor once a week to talk about our failed policy in Afghanistan.

Last Thursday, an article in Politico reminded us of the difficulty of trying to change a culture like Afghanistan. It is nearly impossible. For centuries, outside influences have been trying, but we are never going to be able to change the belief systems and culture of the Middle East.

The Politico article stated that parts of Afghanistan were stuck in the 14th century. We are supporting a corrupt country and a culture where it is commonplace for grown men to have sexual relations with young boys. The American taxpayer should be outraged to know that their tax dollars are going to support this kind of practice.

Yesterday, The Washington Post published an article, titled, "U.S. Construction Projects in Afghanistan Challenged by Inspector General's Report." While discussing the fact that projects implemented in Afghanistan by Ameri-

cans will not be possible for the Afghans to sustain once the United States leaves, the question for policymakers in Washington is whether the massive influx of American spending in Afghanistan is actually making the problem worse.

One such project to provide electricity requires purchasing diesel fuel to run the generators enough to power about 2,500 Afghan homes or small businesses and is projected to cost the United States' taxpayers about \$220 million through 2013.

Mr. Speaker, it is just billions and billions and billions going to Afghanistan and very little accountability, and yet we are cutting programs for the American people. To me, it makes no sense at all.

Mr. Speaker, again I brought a poster down. This is a new one that I purchased myself. There is a little girl holding her mother's arm. The mother is being escorted by an Army officer, and the little girl is looking at the caisson that is carrying her father. Her father is under an American flag. The father was killed in Afghanistan for America.

I would say to this family: You should be very proud of your father.

I would say to Congress: Why can't you understand that you've got a failed policy in Afghanistan, and these young men and women are dying?

These young men and women are losing their legs and arms, and yet we keep sending \$10 billion a month to a corrupt leader where they have the practice of adult men making love with boys over there in Afghanistan. I just don't understand the Congress, to be honest with you.

Mr. Speaker, as you and many know, I have Camp Lejeune Marine Base in my district. In the last 10 days, three marines have been killed in Afghanistan. I salute their families and thank them for the gift of that loved one.

How many more young men and women have to die in Afghanistan? How many more taxpayer dollars have to go to prop up a corrupt leader? Afghanistan will not survive under Karzai. The Taliban will eventually take over.

Mr. Speaker, before closing, as I always do, first I would like to ask the American people to contact their Member of Congress and say bring our troops home now, at least no later than 2014, and stop spending our taxpayers' money when you can't even account for what it is being spent for in Afghanistan, and start spending it right here in

America to rebuild our roads, schools, and infrastructure.

So on behalf of this little girl and her mom, and all of the families who've given loved ones dying for freedom in Afghanistan, I will close this way:

God, please bless our men and women in uniform. God, please bless the families of our men and women in uniform. God, in your loving arms, hold the families who have given a child dying for freedom in Afghanistan and Iraq. God, please bless the House and Senate that we will do what is right in God's eyes for the people of today and the people of tomorrow. And I ask God to please bless the President of the United States, to give him wisdom, courage, and strength to do what's right for God's people here. And three times I will say, God, please, God, please, God, please continue to bless America.

### REPRODUCTIVE HEALTH FOR WOMEN OF THE DISTRICT OF COLUMBIA

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from the District of Columbia (Ms. NORTON) for 5 minutes.

Ms. NORTON. Mr. Speaker, sometimes schoolyard bullies pick on the wrong kid. Anti-choice forces thought they had found a cheap way to make a large point against the right of women in our country to reproductive health and choice by picking on the District of Columbia. Pick a fight with the District of Columbia—after all, the District of Columbia doesn't have a vote even if the bill is about only the District of Columbia. But in the process, they picked a fight with the women of the United States because this is still a pro-choice Nation.

Now, they didn't want to get women worked up in an election year, but they wanted a Federal imprimatur, a Federal label, so they thought that they could get the House to pass the bill that's coming to the floor today on suspension that women in the District of Columbia are not entitled to an abortion after 20 weeks. Mind you, everywhere else in the United States that right still would exist.

And while they're at it, they say, let's penalize women by allowing an injunction against an abortion by these women by, any health care provider who has had anything to do with the woman any time in her life—I guess the elementary school nurse could come in to seek an injunction. And, of course, penalize doctors—2 years in jail

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

and a fine are possible. No health exception for the woman no matter her health nor fetal abnormality, rape or incest exceptions.

One of my constituents, Professor Christy Zink, had an abortion at 21 weeks, the earliest time her physicians would discover that she was carrying a fetus with half a brain. Had it been born alive, it would have had constant seizures. She would have had to carry that fetus to term.

Sometimes, bullies pick the wrong fight. Anti-choice forces have threatened the leadership here, particularly Republicans, saying they are going to score the vote. All that did was to bring out the really big boys and girls—Planned Parenthood and NARAL Pro-Choice America—who are going to score the bill as well.

They've been too clever by two-thirds. It'll take two-thirds to pass this bill. I'm hoping they won't get that kind of supermajority.

This is not the typical anti-home-rule bill that holds everyone else harmless except for D.C. residents and the D.C. government. This bill is a key element in a State-by-State campaign that seeks first to undermine and then to eliminate reproductive choice and health care for women across the United States.

They've miscalculated. They have reinvigorated the pro-choice movement, just as they did when they infiltrated Susan G. Komen for the Cure and forced Komen, which later reversed itself to stop giving to Planned Parenthood, just as they did when they failed to defund Planned Parenthood, just as they did when they caused a furor by women with the attack on contraceptives in health insurance policies.

□ 1210

Now women see this fight against reproductive choice for what it is, because it has ended with the constitutional right to abortion. Anti-choice Republicans have abandoned their own principles. If they feel so deeply, how could they introduce a bill that would affect only women and only fetuses in the District of Columbia?

The Supreme Court decided 39 years ago that a woman is entitled to an abortion. That's a constitutional right. It's not a constitutional right everywhere except the Nation's Capital. The differences in our country on choice are great, but they are differences we all must respect. And the Supreme Court has settled those differences with *Roe v. Wade*, which says pre-viability, that is a decision between a woman and her doctor. After viability, of course, there are some things that can be done, but the health and life of the mother always have to be protected.

This bill stretches beyond penalties doctors in our country would receive, and penalties on women, and it is the

kind of bill that sends a message to women: this is not a House that is protecting your reproductive health. If this bill passes, it will cause the kind of uproar that we have not seen in almost 40 years.

#### FREE TRADE WITH EGYPT

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. DREIER) for 5 minutes.

Mr. DREIER. Mr. Speaker, nearly three decades ago, one of my great heroes, Ronald Reagan, famously said:

In all of the arsenals of the world, no weapon is so powerful as the will and moral courage of free men and women.

For the last year and a half, no development on the world stage has drawn greater interest or sparked more passionate debate than the upheaval in the Arab world. What started in Tunisia in December of 2010 has spread throughout North Africa and the Middle East, leaving virtually no Arab nation untouched.

Tunisia ousted a dictator and elected a constituent assembly, which is drafting a new constitution. Libya fought a civil war, rid itself of its dictator, and held elections. In both cases, particularly in Libya, blood was shed, but it has so far not been in vain, as real hope for democracy and an improved quality of life prevails.

Other countries, such as Morocco and Jordan, have seen more modest changes, but in the same direction—toward greater openness. Elsewhere in the Arab world, this unprecedented chain of events has thus far taken a far more tragic path. The Syrian people are suffering immeasurably for their efforts to unseat a regime that has proven itself eager to take innocent lives in brutal fashion.

In countries like Bahrain, the violence has been more limited, but no less tragic. Even in those nations where regimes stifle public discourse, we know that the autocrats are watching. They are mindful of Reagan's lesson that the will of the people cannot be suppressed indefinitely.

Of all the nations where this movement has unfolded, none holds greater sway over the future of the region than Egypt. Since the stunning fall of Mubarak in February of last year, Egypt has held parliamentary and presidential elections. Both sets of elections swept the Muslim Brotherhood to office, setting up a power struggle between the Brotherhood's leadership, the secularists, and the military council. Knowing of the harsh and deeply troubling rhetoric the Brotherhood has used over the years, many Americans rightly ask the question, can we work with the newly elected leadership in Egypt?

Should we continue to provide support to this government and the Egyptian people? What exactly does the

Brotherhood stand for, and how will they lead? Mr. Speaker, these are important questions. To answer them, we have to go beyond the reactionary and reductionist assumptions that are often made. I've spent a great deal of time in Egypt, meeting with staunch secularists to Salafists and everyone in between, including leaders and members of the Muslim Brotherhood. What I have found is a vast movement that is far from monolithic. It is made up of moderates and hard-liners, reformers and the old guard, and great internal differences exist.

One thing, however, that has unified them is their public statements of support for the Camp David peace accords for human rights, including women's rights, as well as religious freedom, all of which are prerequisites to meet their quest to get their economy back on track through tourism and international investment. I've joined with a Democratic colleague in introducing a resolution calling for a free trade agreement with Egypt to help achieve just that.

Ultimately, we will judge them not by their words, as Secretary Clinton has just said in a piece, but by their actions. But the mere fact that these public statements have been made says a great deal about the stark difference between the nature of an underground movement, which the Muslim Brotherhood was, and an elected government. Now that the Brotherhood has at least taken some of the responsibility of righting the economy and providing opportunity for 85 million Egyptians, it will face enormous pressure to pursue a reform agenda, engage appropriately with the West and eschew regional conflict.

In the meantime, Mr. Speaker, we as Americans have a responsibility to live up to our own ideals. How can we preach democracy, yet shun the free and fair choices of Egyptians? Of course, we cannot be naive. We have to recognize that democracy is about more than just elections, but also about protecting minority rights and building institutions that outlast the individuals who occupy them.

But we also have to recognize that supporting only democracies around the world that produce our own preferred results is the height of hypocrisy. On a more practical level, compromising our own values would only strengthen the hands of anti-Western fundamentalists. Refusing to engage with the Muslim Brotherhood would simply achieve a self-fulfilling prophecy by giving rise to extremists over reformists and moderates.

No country following decades of authoritarian rule can make a full transition to a thriving, stable, peaceful and prosperous democracy quickly and painlessly. Even with the most optimistic of outlooks, the Egyptian people will struggle for years to come to

throw off the shackles of the past and create the kind of future for which we all strive. We have been working at this for 236 years, Mr. Speaker, and we still haven't gotten it exactly right.

We have a responsibility, as longtime Egyptian allies and as champions of democracy around the globe, to stand with them in this process, encouraging continued reform and providing our support for the development of real democracy in the Arab world's most populous nation.

#### HONORING AMERICA'S VETERANS AND CARING FOR CAMP LEJEUNE FAMILIES ACT

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. MILLER) for 5 minutes.

Mr. MILLER of North Carolina. Mr. Speaker, I rise in support of the Honoring America's Veterans and Caring for Camp Lejeune Families Act, which the House will consider later today, especially title I, the Janey Ensminger Act.

Title I and a similar House bill honor a 9-year-old girl who died from childhood leukemia, most likely because she was exposed to contaminated drinking water at Camp Lejeune, North Carolina, when her mother was pregnant with her.

And by honoring Janey Ensminger, we honor those Americans who have shown remarkable determination to make their government do the right thing. They have struggled for more than a decade to learn exactly what chemicals were in the drinking water at Camp Lejeune, water that perhaps a million marines and their families were exposed to over a 30-year period, to learn the health effects of exposure to the contaminated drinking water, and to seek justice for those harmed.

They took on their own government, including the Marine Corps they had served and to which they are still loyal, but which has been shamefully reluctant to accept responsibility for the water contamination.

Janey's father, Jerry Ensminger, is a retired marine who lived with his family on base at Camp Lejeune for a time. Jerry watched his daughter become ill from leukemia, struggle with the disease, and eventually lose the struggle. Years after he watched his daughter die, Jerry learned of the water contamination at Camp Lejeune and has not rested since.

I first met Jerry 4 years ago when he testified powerfully on the Science and Technology Committee's Subcommittee on Investigations and Oversight, which I then chaired. Jerry worked shoulder to shoulder with others, including Tom Townsend, Mike Partain, Jim Fontella, the Byron family and William Hill against long odds.

□ 1220

The Janey Ensminger Act is the result of their remarkable efforts. They were always faithful to the cause of justice for those harmed by the contaminated drinking water.

The Janey Ensminger Act will require the VA to provide medical coverage for certain illnesses to veterans who served at Camp Lejeune between 1957 and 1987, and to their families. The VA will be the "payer of last resort." Justice requires no less for the people harmed by the water contamination at Camp Lejeune.

The harm will never be fully made right. The bill will not help Janey or her father. But the Janey Ensminger Act acknowledges responsibility and provides needed treatment for many others.

The marines who have championed this legislation served our democracy when they wore our Nation's uniform, and they served our democracy by their determination to obtain justice for the people harmed by the toxic drinking water at Camp Lejeune.

#### THE POLITICS OF FAIRNESS—I.E., THE POLITICS OF FAVORITISM

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. POE) for 5 minutes.

Mr. POE of Texas. Mr. Speaker, we have heard a lot about fairness from the President lately. Perhaps his Chicago advisers think that if he distracts, divides, and creates envy all in the name of so-called "fairness," Americans will ignore their thin wallets and stacked up bills. But the people are smarter than back-room government policycrats.

If the President is reelected in January, he will have inherited a weak economy from his predecessor—himself. Then who will he blame? The President was elected to solve problems, not place blame and make excuses for failure.

Like most Americans, I want the administration to succeed, but the evidence is not on the administration's side. With unemployment higher than 8 percent for 41 months—even higher for recent college graduates at above 50 percent—and our deficit above \$15 trillion, there isn't much of a record to stand on.

So we are involved in a new Madison Avenue campaign diversion called "Remake America" to make America "fair." Of course, fairness is in the eyes of the beholder, and it means different things to different folks; but it certainly sounds good at first glance.

Mr. Speaker, let's look at this idea. The politics of "fairness" are used when politicians want you to ignore their record and then claim that some people just haven't been treated fairly. This is a mere diversion from failed policy, failed ideas. When you look at

the record, you'll see that this administration's definition of "fairness" really means "favoritism."

There is no fairness in crony capitalism. That is favoritism. There is no fairness in a perpetual bailout culture where the omnipotent government deems some too big to fail and others too small to succeed. That is favoritism. There is no fairness in forcing Americans to fork over money to pay for failed pet endeavors like Solyndra. That is favoritism. There is no fairness in an unaccountable government that constantly takes money from the working people and squanders it in a failed stimulus—or two. That is favoritism. And there is no fairness in enforcing some laws while proudly ignoring other laws. That is favoritism.

What this "fairness" debate—or the politics of favoritism—achieves is a systematic desire by government to create animosity—animosity towards those who have or are just trying to achieve some success. It also creates animosity toward government from those who built it on their own without being a member of the government's favored class.

This debate degrades the American Dream because it removes the equality of opportunity and creates a class of favorites—the class of government "friends."

There is no equality or fairness in forced equal outcomes. Since some people are more successful than others, to paraphrase Lincoln, the government, which cannot make everyone rich, is trying to accomplish what it can do—make everyone poor and dependent on the government for success. This is fairness? I think not.

Instead of encouraging individuals to succeed on their own, this administration tells citizens that they need the government. In fact, according to *The Wall Street Journal*, almost 50 percent of the population lives in a household where at least one member receives a government benefit.

Bad policies have forced more Americans to grow dependent on government. The President wants to, in his own words, remake America. Remake it into what? A Nation where the government is running roughshod over our lives and our liberty? A country where no one is allowed to succeed unless the government gives permission? No thanks. I thought we threw that idea away when we left the regime of King George III.

America doesn't need to be remade into a Third World country totally oppressed by a government that wants America to be another European nanny state where special favoritism is given to government's special friends.

We need to return to what our country was founded on: the pursuit of opportunity or, as Jefferson said it, the right of life, liberty and the pursuit of happiness.

The American Dream—a dream that can come true with individualism and hard work and without a government that punishes ambition, creativity, and success while rewarding failure—all in the name of fairness.

The politics of favoritism, under the guise of “fairness,” is not the America we need. Mr. Speaker, the America I know doesn’t need to be remade into the politics of favoritism.

And that’s just the way it is.

#### HONORING THE LIFE OF WILLIS EDWARDS

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. BASS) for 5 minutes.

Ms. BASS of California. Mr. Speaker, I rise today to honor the life of a friend and a remarkable individual from Los Angeles, Willis Edwards.

For the past 40 years, Mr. Edwards tirelessly advocated for civil and political rights and worked to ensure that positive images of African Americans were seen by the American public.

Throughout his life, Willis Edwards was known for his strength of conviction and passion for the promotion of the African American community. After working for the Robert Kennedy Presidential campaign in college and earning a Bronze Star in the U.S. Army during the Vietnam war, Edwards helped to elect the first African American mayor of Los Angeles, Tom Bradley, and served as the youngest-ever city commissioner on his Social Services Commission.

Mr. Edwards continued his career of service as the director of black student services at the University of Southern California, where he helped future generations of students discover their passion.

In 1982, Mr. Edwards was elected president of the Beverly Hills-Hollywood branch of the NAACP. Under his leadership, the branch fought to improve the image and gain more jobs for African Americans in front of and behind the scenes in Hollywood. As president in 1986, he helped to nationally televise the NAACP Image Awards, which continues today as a highly regarded entertainment event.

Mr. Edwards never shied away from controversial subjects or issues. After his diagnosis with AIDS, he used his position on the national board of the NAACP to publicly discuss the impact of HIV/AIDS in the African American community, and he organized the NAACP’s participation in World AIDS Day. Despite his health challenges, Mr. Edwards continued to support his friends and communities.

Until Rosa Parks’s death in 2002, Mr. Edwards was a friend and confidant of the civil rights legend. He helped to promote her legacy by escorting her to the 1998 Oscar ceremony and worked alongside former Congresswoman Julia

Carson for Parks to receive the Congressional Medal of Honor. Upon her death, Edwards arranged for her to lie in state here in the Capitol rotunda.

Mr. Speaker, I am proud to have called Willis Edwards a friend and a mentor. He has left an indelible mark on Los Angeles, and his dedication to California and national politics will never be forgotten. It is a great honor to recognize his life here on the floor today. His spirit and vision will truly be missed.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o’clock and 28 minutes p.m.), the House stood in recess.

□ 1400

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SIMPSON) at 2 p.m.

#### PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:

Dear God, we give You thanks for giving us another day.

As the Members of this people’s House return, grant them the generosity to serve You as You deserve; to give of their industry and not count the cost; to fight for their convictions and not heed the political wounds; to toil and not seek for rest; to labor and not ask for reward except for knowing that, in being their best selves, they do Your will.

And, dear God, on this day, we ask Your blessing upon the family of Tim Harroun. Grant them peace and consolation as they mourn the loss of their mother.

May all that is done be for Your greater honor and glory.

Amen.

#### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day’s proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

#### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from North Carolina (Ms. FOXX) come forward and lead the House in the Pledge of Allegiance.

Ms. FOXX led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

#### MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Brian Pate, one of his secretaries.

#### REGULATORY REFORM

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. The President’s policies have failed and are making the economy worse.

Since President Obama took office, we’ve seen a 52 percent increase in completed regulations deemed “economically significant,” which means they cost the economy at least \$100 million a year. We can’t create a fair system for job creators when the government keeps changing the rules. We can’t help the job seeker by punishing the job creator with more government red tape.

How can someone who believes that small business owners didn’t even build their own businesses understand the effects of red tape? He can’t.

That is why House Republicans passed the Red Tape Reduction and Small Business Job Creation Act—a combination of pro-growth bills aimed at cutting red tape to make it easier for small businesses to create more jobs. In order to grow more jobs for the American people, we need to shrink the amount of red tape coming from Washington.

#### TAX RATES

(Mr. COURTNEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COURTNEY. Mr. Speaker, in exactly 5-months’ time, the tax rates for every tax filer in this country will go up in the event of the so-called “fiscal cliff,” which most mainstream economists believe would push our country back into a double-dip recession.

There is hope, however.

Last week, the U.S. Senate passed a measure which protects the incomes of every tax filer up to \$250,000 and allows rates for incomes above that point to return to the Clinton-era rates. This is a plan which will protect 98 percent of the tax filers in this country from any tax increase. It will help balance the budget and will give confidence to the financial markets, which are terrified of the inability of this town to get its business done.

We should act on the Senate’s plan. The House Republican leadership has a choice: let’s compromise; let’s get

something done; let's help the economy—or let's push this country into brinksmanship, which for the last year and a half has been the trademark of the 112th Congress.

We can do better as the House of Representatives. Let's pass the Senate measure. Let's provide some confidence for the American people and for the U.S. economy to grow.

#### THREATENING CONGRESS DOES NOT SOLVE THE ISSUE OF SEQUESTRATION

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, in a recent opinion piece submitted to Politico, Jeffrey Zients, the Acting Director for the Office of Management and Budget, wrote:

As President Barack Obama has said many times, the sequester wasn't meant to be implemented. It was designed to cut so deep that just threatening them would force Congress to meet and agree on a big, balanced package of deficit reduction.

If the President actually believed the Budget Control Act would destroy jobs and threaten our national security, why did he sign the legislation into law? Additionally, if he believed the proposed cuts would frighten Members of Congress, why has he remained silent on this issue?

House Republicans have acted and passed bipartisan legislation several times replacing the sequester with responsible reforms as well as calling for more government transparency to stop the destruction of 200,000 jobs in Virginia alone.

I urge the President to support this bill in order to promote peace through strength.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

#### 20TH ANNIVERSARY OF VIETBAO DAILY NEWS

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to recognize and celebrate the achievements of VietBao Daily News. They are celebrating their 20th anniversary in the Vietnamese American community. For 20 years, VietBao Daily News has served its readers with comprehensive news, current affairs, as well as information from the broader community and from Vietnam.

VietBao Daily News is also a venue for the Vietnamese people to preserve the Vietnamese language and cultural values through the Writing on America Award initiative. This is a writing

competition that they hold every year that allows the Vietnamese American community to write short stories about their experiences, whether their experiences are those of coming over from Vietnam or of their experiences here. They judge it. They have winners. Then they make a compilation of these written stories. It's for the archives. It's for the future. It's for their community to understand where they come from. It's also for the broader American community to understand.

So I would like to congratulate all of the winners and the participants of the 2012 Writing on America and Teen Writing awards for submitting so many incredible stories, some of which I have had the opportunity to read. Again, congratulations to your staff and for your dedication towards the community on this 20th anniversary.

#### PROVIDING A ONE-YEAR EXTENSION FOR MEDICARE PHYSICIAN PAYMENT RATES

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, as a physician and now as a legislator, I, frankly, do not understand the way our government continues to treat those who care for America's patients.

Earlier this month, I introduced legislation, H.R. 6142, to provide a 1-year extension for Medicare physician payment rates. This allows patients to continue to have access to their physicians in the next year.

Look, this is no mystery. We all know the last patch is going to expire on December 31. We all know that before December 31 of this year that somehow we'll cobble together and provide another patch. Why not do that now? Why make them wait until the deadline? They can't plan. They can't grow their practices. They can't expand because they don't know what their government is going to do to them.

Further compounding the problem this year is the specter of sequestration that occurs on January 1. No matter how you slice it, it's another 2 percent cut on top of the 27 to 29 percent cut they are already going to get under the SGR.

Let's do the right thing. We could pass this bill under suspension this afternoon. We could provide our Nation's physicians the stability and the certainty that they need to continue to see the patients we've asked them to serve.

□ 1410

#### SAIPAN SOUTHERN HIGH SCHOOL MANTA RAY CONCERT BAND

(Mr. SABLAN asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. SABLAN. Mr. Speaker, here's a story to make us all cheer: 46 high school musicians from America's smallest insular area raise a quarter of a million dollars to go to London and perform during the Olympics where they win a silver medal.

This is the story of the Saipan Southern High School Manta Ray Concert Band, who played their hearts out at the London Celebration Music Festival this week in Central Hall Westminster. We are all cheering in the Northern Mariana Islands because the Manta Rays represent us all.

We're the only U.S. insular area that did not send athletes to London. We sent our student musicians, and they came away with silver. It took bake sales, rummage sales, garage sales, a bowling tournament, tree plantings, car washes, a radio telethon, lunches, and raffles. It took business, government, civic organizations, and individual donors all chipping in because these kids dared us to dream.

Ten years ago, there was no high school band in our islands. Most families could not afford to buy an instrument. Today, through the faith, effort, and determination of the students, we're all inspired, confirming the belief that there is no better investment than in our children.

Congratulations, Manta Rays.

#### RUSSIA AND THE WORLD TRADE ORGANIZATION

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, August 22 is a very important date.

The reason I say that is that August 22 is the date that Russia will become a member of the World Trade Organization. It's a done deal. Both Houses of the Russian Parliament have passed it, and it's been agreed to.

I point to this day because there are many who believe that as we look at a vote on permanent normal trade relations with Russia that will be on the horizon—we're not going to be able to do it this week; I hope we will do it shortly after we come back in September—there are some who believe that we are playing a role in getting Russia into the World Trade Organization. That is not the case.

All we're saying, Mr. Speaker, is that since Russia is already going to be a member as of August 22 of the World Trade Organization, we want to make sure that U.S. workers and U.S. businesses will have the opportunity to have access to the 140 million consumers in Russia.

Mr. Speaker, it's important for us to note the question is not whether or not Russia will be a member of the WTO,

because I believe that our access will play a role in undermining the policies of Vladimir Putin. The question is: Are we going to get our Western values into Russia? We need to say "yes."

#### COMMUNICATION FROM CHAIR OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore laid before the House the following communication from the chair of the Committee on Transportation and Infrastructure, which was read and, without objection, referred to the Committee on Appropriations:

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,

*Washington, DC, July 26, 2012.*

Hon. JOHN BOEHNER,  
*Speaker of the House, House of Representatives,  
The Capitol, Washington, DC.*

DEAR MR. SPEAKER: On July 26, 2012, pursuant to section 3307 of Title 40, United States Code, the Committee on Transportation and Infrastructure met in open session to consider resolutions to authorize 12 lease prospectuses included in the General Services Administration's (GSA) FY2011 and FY2012 Capital Investment and Leasing Programs (CILP) and one resolution to authorize the exercise of a purchase option on currently leased space for \$14 million below fair market value.

Our Committee continues to work to cut waste and the cost of federal property and leases. The resolutions approved by the Committee will save the taxpayer \$10.3 million annually or \$178 million over the terms of the leases. These resolutions ensure savings through lower rents, shrinking the space requirements of agencies, avoidance of hold-over penalties, and efficiencies created through consolidation. In addition, the Committee has included space utilization requirements in each of the resolutions to ensure agencies are held to appropriate utilization rates.

I have enclosed copies of the resolutions adopted by the Committee on Transportation and Infrastructure on July 26, 2012.

Sincerely,

JOHN L. MICA,  
*Chairman.*

Enclosures.

#### COMMITTEE RESOLUTION

LEASE—DEPARTMENT OF ENERGY, NATIONAL NUCLEAR SECURITY ADMINISTRATION, WASHINGTON, DC

*Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives,* that pursuant to 40 U.S.C. §3307, appropriations are authorized for a replacement lease of up to 89,000 rentable square feet of space for the Department of Energy, National Nuclear Security Administration, currently located at 955 L'Enfant Plaza North, SW, Washington, D.C. at a proposed total annual cost of \$4,361,000 for a lease term of up to 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

*Provided* that, the Administrator of General Services and tenant agencies agree to apply a utilization rate of 202 square feet or less per person as detailed in the Housing Plan contained in the prospectus.

*Provided* that, except for interim leases as described above, the Administrator may not enter into any leases that are below prospectus level for the purposes of meeting any of the requirements, or portions thereof, included in the prospectus that would result in a utilization rate of 202 square feet or higher per person.

*Provided* that, to the maximum extent practicable, the Administrator shall include in the lease contract(s) a purchase option that can be exercised at the conclusion of the firm term of the lease.

*Provided further,* that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

*Provided further,* that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

GSA

PBS

**PROSPECTUS – LEASE  
DEPARTMENT OF ENERGY  
NATIONAL NUCLEAR SECURITY ADMINISTRATION  
WASHINGTON, DC**

Prospectus Number: PDC-04-WA11

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**Project Summary**

The General Services Administration (GSA) proposes a replacement lease of up to 89,000 rentable square feet (rsf) for the Department of Energy (DOE) National Nuclear Security Administration (NNSA), currently located at 955 L'Enfant Plaza North, SW, Washington, DC.

**Description**

Occupants:	DOE-NNSA
Delineated Area:	Washington, DC Central Employment Area, North of Massachusetts Avenue, and Southwest Waterfront
Lease Type:	Replacement
Justification:	Expiring Lease (7/31/2012)
Expansion Space:	None
Number of Parking Spaces:	None
Scoring:	Operating Lease
Proposed Maximum Leasing Authority:	15 years
Maximum Rentable Square Feet:	89,000
Current Total Annual Cost:	\$2,790,890
Proposed Total Annual Cost: <sup>1</sup>	\$4,361,000
Maximum Proposed Rental Rate <sup>2</sup> :	\$49.00

**Energy Performance**

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages offerors to work with energy service providers to exceed minimum requirements set forth in the procurement.

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<sup>1</sup> Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.

<sup>2</sup> This estimate is for fiscal year 2012 and may be escalated by 1.7 percent annually to the effective date of the lease to account for inflation.



GSA

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**PROSPECTUS - LEASE  
DEPARTMENT OF ENERGY  
NATIONAL NUCLEAR SECURITY ADMINISTRATION  
WASHINGTON, DC**

Prospectus Number: PDC-04-WA11

**Authorization**

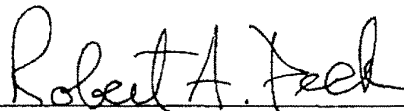
- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required rentable area.
- Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

**Certification of Need**

The proposed project is the best solution to meet a validated Government need.

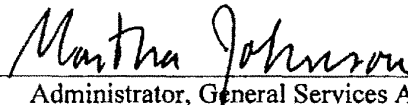
Submitted at Washington, DC, on September 10, 2010

Recommended: \_\_\_\_\_



Commissioner, Public Buildings Service

Approved: \_\_\_\_\_



Administrator, General Services Administration



## COMMITTEE RESOLUTION

LEASE—DEPARTMENT OF JUSTICE, OFFICE OF  
JUSTICE PROGRAMS, WASHINGTON, DC

*Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives*, that pursuant to 40 U.S.C. § 3307, appropriations are authorized for a replacement lease of up to 292,173 rentable square feet of space, including 7 parking spaces, for the Department of Justice, Office of Justice Programs (OJP), currently located at 800 K Street, NW and 810 7th Street, NW, Washington, D.C., at a proposed total annual cost of \$14,316,477 for a lease term of up to 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

*Provided* that, the Administrator of General Services and tenant agencies agree to apply a utilization rate of 128 square feet or less per person.

*Provided* that, except for interim leases as described above, the Administrator may not enter into any leases that are below prospectus level for the purposes of meeting any of the requirements, or portions thereof, included in the prospectus that would result in a utilization rate of 128 square feet or higher per person.

*Provided* that, the 1,242 personnel identified in the Housing Plan contained in the prospectus are consolidated into the 292,173 rentable square feet of space authorized in this resolution.

*Provided* that, to the maximum extent practicable, the Administrator shall include in the lease contract(s) a purchase option

that can be exercised at the conclusion of the firm term of the lease.

*Provided further*, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

*Provided further*, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

GSA

PBS

**PROSPECTUS – LEASE  
DEPARTMENT OF JUSTICE  
OFFICE OF JUSTICE PROGRAMS  
WASHINGTON, DC**

Prospectus Number: PDC-06-WA11

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**Project Summary**

The General Services Administration (GSA) proposes a replacement lease(s) of up to 375,000 rentable square feet (rsf) for the Department of Justice, Office of Justice Programs (OJP), located at 800 K Street, NW and 810 7<sup>th</sup> Street, NW in Washington DC.

The proposed lease(s) includes expansion space that is based on the average growth rates of OJP in the preceding decade, and the need for shared space. Within the past seven years, OJP has experienced a 31% growth in employees/contractors due to an increased workload. OJP is expected to hire an additional 63 full time employees by 2011. The expansion space will accommodate the current demand and future growth while alleviating the overcrowding.

**Acquisition Strategy**

In order to maximize flexibility in acquiring space to house OJP elements, GSA may issue a single, multiple award lease solicitation that will allow offerors to provide blocks of space able to meet these requirements in whole or in part.

**Description**

Occupants:	OJP
Delineated Area:	Washington, DC Central Employment Area, North of Massachusetts Avenue, and Southwest Waterfront)
Lease Type:	Replacement/Expansion
Justification:	Expiring Leases: 10/31/2011 and 8/31/2013
Expansion Space:	57,000 rsf
Number of Parking Spaces: <sup>1</sup>	7 Official Government Vehicles
Scoring:	Operating Lease
Proposed Maximum Leasing Authority:	15 years

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<sup>1</sup> DOJ's security requirements may necessitate control of the parking at the leased location. This may be accomplished as a lessor-furnished service, as a separate operating agreement with the lessor, or as part of the Government's leasehold interest in the building.

GSA

PBS

**PROSPECTUS – LEASE  
DEPARTMENT OF JUSTICE  
OFFICE OF JUSTICE PROGRAMS  
WASHINGTON, DC**

Prospectus Number: PDC-06-WA11

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Maximum Rentable Square Feet:	375,000 rsf
Current Total Annual Cost:	\$11,923,460
Proposed Total Annual Cost: <sup>2</sup>	\$18,375,000
Maximum Proposed Rental Rate: <sup>3</sup>	\$49.00 per rsf

**Energy Performance**

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages offerors to work with energy service providers to exceed minimum requirements set forth in the procurement.

**Authorization**

- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required rentable area.
- Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

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<sup>2</sup> Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.

<sup>3</sup> This estimate is for fiscal year 2013 and may be escalated by 1.7 percent annually to the effective date of the lease to account for inflation.

GSAPBS

PROSPECTUS – LEASE  
DEPARTMENT OF JUSTICE  
OFFICE OF JUSTICE PROGRAMS  
WASHINGTON, DC

Prospectus Number: PDC-06-WA11

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Certification of Need

The proposed project is the best solution to meet a validated Government need.

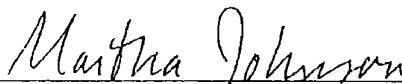
Submitted at Washington, DC, on December 21, 2010

Recommended: \_\_\_\_\_



Commissioner, Public Buildings Service

Approved: \_\_\_\_\_



Administrator, General Services Administration

Housing Plan  
Department of Justice  
Office Of Justice Programs

June 2010

Prospectus Number PDC-06-WA11

Locations	Current				Proposed			
	Personnel		Usable Square Feet (USF)		Personnel		Usable Square Feet (USF)	
	Office	Total	Office	Storage Special	Office	Total	Storage Special	Total
810 7th Street, NW	889		174,419	2,010 33,406				
800 K Street NW	290		45,318	530 9,143				
Proposed Lease	-	-	-	-	-	-	-	-
Total	1,179	1,179	219,767	2,540 42,549	1,242	1,242	5,024 46,286	312,223
					1,242	1,242	5,024	312,223

Special Space	USF
Conference	18,406
ADP	2,900
File Room	11,700
Break Rooms	5,000
Health Unit	900
Showers/Locke	500
SCIF	130
Training	1,500
Security	1,000
Copy Rooms	4,200
Total	46,286

Utilization Rate	Current	Proposed
	145	164

Current UR excludes 48,349 USF of Office for support space  
Proposed UR excludes 57,401 USF of office for support space

Usable square footage means the portion of the building available for use by tenants' personnel and furnishings, and space available jointly to the occupants of the building (e.g., auditorium, health units and snack bars). Usable square footage does not include space devoted to building operations and maintenance (e.g., craft shops, gear rooms, building supply rooms, rest rooms and lobbies).



## COMMITTEE RESOLUTION

LEASE—FEDERAL BUREAU OF INVESTIGATIONS,  
ATLANTA, GA

*Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives*, that pursuant to 40 U.S.C. §3307, appropriations are authorized for a lease consolidation of up to 191,156 rentable square feet of space, including 343 structured and 60 surface parking spaces, for the Federal Bureau of Investigation in Atlanta, GA, at a proposed total annual cost of \$5,925,836 for a lease term of up to 20 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all

tenants, if necessary, prior to the execution of the new lease.

*Provided* that, the Administrator of General Services and tenant agencies agree to apply a utilization rate of 105 square feet or less per person.

*Provided* that, except for interim leases as described above, the Administrator may not enter into any leases that are below prospectus level for the purposes of meeting any of the requirements, or portions thereof, included in the prospectus that would result in a utilization rate of 105 square feet or higher per person.

*Provided* that, to the maximum extent practicable, the Administrator shall include in the lease contract(s) a purchase option that can be exercised at the conclusion of the firm term of the lease.

*Provided further*, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

*Provided further*, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

GSA

PBS

**PROSPECTUS - LEASE  
FEDERAL BUREAU OF INVESTIGATION  
ATLANTA, GA**

Prospectus Number: PGA-01-AT11  
Congressional District: 04

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**Project Summary**

The General Services Administration (GSA) proposes a lease consolidation with expansion of up to 263,000 rentable square feet (rsf) with 343 structured and 60 surface parking spaces for the Federal Bureau of Investigation (FBI) in Atlanta, GA.

The FBI has undergone a fundamental shift in programs and functions to meet the needs of the global war on terrorism and other high priority missions. It is transforming its field offices into facilities that enhance collaboration, stimulate communication, enable long-term flexibility, and use resources in a more sustainable manner. The expanded FBI intelligence mission requires secure space to support connectivity and communications at the Top Secret level.

The Atlanta Field Office covers a variety of highly visible programs to include international and domestic terrorism, Safe Streets, Mortgage Fraud, Gangs, Auto Cargo, Crimes Against Children, Public Corruption and Human Trafficking. Atlanta is the regional hub for information technology as well as the Special Weapons, Tactics and Evidence Response Teams. All of these programs require collaboration with other law enforcement and intelligence partners. The Atlanta field office currently occupies space which results in inefficient, non-collaborative, and compartmentalized work environments that hinder successful investigations. Expansion for the Atlanta Field Office is required to meet the needs of the joint terrorism task forces and the field intelligence group. It will allow creation of large open spaces to foster synergy, increased productivity, and collaboration within the FBI and with their intelligence and law enforcement partners in these efforts.

The FBI is currently located under leases at 2635 Century Parkway, 3301 Buckeye Road in Atlanta, GA and warehouse space at 6544 Warren Drive in Norcross, GA. None of these locations have any significant setback or perimeter security or meets the current Interagency Security Criteria for a Level IV agency. In addition, the current facility cannot provide the expansion space necessary to support all of the required programs and operational responsibilities of the Atlanta Field Office. A new consolidated location will provide the FBI with sufficient space to meet its current and future requirements, and allow for full compliance with the ISC guideline.

GSA is proposing a new lease in an existing single tenant facility within the established delineated area. A comprehensive survey revealed that no existing federal space exists that could fulfill this requirement.

GSA

PBS

**PROSPECTUS - LEASE  
FEDERAL BUREAU OF INVESTIGATION  
ATLANTA, GA**

Prospectus Number: PGA-01-AT11  
Congressional District: 04

**Description**

Occupants:	FBI
Delineated Area:	CBD, and the Interstate 85 North – Interstate 285, NE arc corridor
Lease Type:	Consolidation/Expansion
Justification:	Expiring leases; 1/31/12, 6/30/11, 8/15/11, expanded mission and increased security standards.
Number of Parking Spaces:	403 (343 structured and 60 surface)
Expansion Space:	84,000 RSF
Scoring:	Operating Lease
Proposed Maximum Leasing Authority:	20 years
Maximum Rentable Square Feet:	263,000
Current Total Annual Cost:	\$3,505,416
Proposed Total Annual Cost <sup>1</sup> :	\$8,153,000
Maximum Proposed Rental Rate <sup>2</sup> :	\$31.00 per rentable square foot

**Summary of Energy Compliance**

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages offerors to work with energy service providers to exceed minimum requirements set forth in the procurement.

**Authorizations**

- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required area.
- Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

<sup>1</sup>Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.

<sup>2</sup>This estimate is for fiscal year 2012 and may be escalated by 1.7 percent annually to the effective date of the lease to account for inflation.

GSA

PBS

**PROSPECTUS - LEASE  
FEDERAL BUREAU OF INVESTIGATION  
ATLANTA, GA**

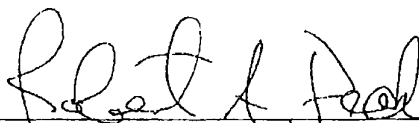
Prospectus Number: PGA-01-AT11  
Congressional District: 04

**Certification of Need**

The proposed project is the best solution to meet a validated Government need.

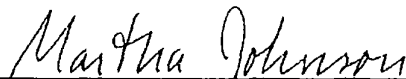
Submitted at Washington, DC, on December 21, 2010

Recommended:



Commissioner, Public Buildings Service

Approved:



Administrator, General Services Administration

February 2010

Housing Plan

1

PGA Center  
Atlanta, GA

Locations	Current					Proposed				
	Personnel		Usable Square Feet (USF)			Personnel		Usable Square Feet (USF)		
	Office	Total	Office	Storage	Special	Office	Total	Office	Storage	Special
2635 Century Pkwy Atlanta GA	448	448	55,848	16,754	39,093	0	0	0	0	0
3301 Buckeye Rd. Atlanta GA	48	48	12,595	6,800	1,020					
6544 Warren Dr Norcross GA	0	0		22,848						
New Lease	0	0	0	0	0	645	645	119,512	42,250	66,160
Total:	496	496	68,443	46,402	40,113	645	645	119,512	42,250	66,160
										227,922
										227,922

Current	Proposed
Utilization	
Rate	108
	145

Current UR excludes 15,057 USF of office support space  
Proposed UR excludes 26,293 USF of office support space

Special Space	
Restrooms	1,230
Health Unit	790
Physical Fitness	4,000
Conference / Training	10,760
Workbench	1,700
Vehicle Bays	18,030
Gun Vault	400
Shredder Room	500
Mail	850
Mug and Fingerprint	250
Breakroom	2,300
Evidence / Photo	1,700
ADP	21,920
Emergency Generator	500
Visitor Screening	500
Loading Dock	740
Total:	66,160

USF means the portion of the building available for use by a tenant's personnel and furnishings and space available jointly to the occupants of the building.

## COMMITTEE RESOLUTION

LEASE—DEPARTMENT OF DEFENSE, DEFENSE  
SECURITY COOPERATION AGENCY, NORTHERN  
VIRGINIA

*Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives*, that pursuant to 40 U.S.C. §3307, appropriations are authorized for a replacement lease of up to 87,000 rentable square feet of space, including 5 parking spaces, for the Department of Defense, Defense Security Cooperation Agency currently located at Crystal Gateway North, 201 12th Street South formerly recorded as 1111 Jefferson Davis Highway, Arlington, VA, at a proposed total annual cost of \$3,306,000 for a lease term of up to 20 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

*Provided* that, the Administrator of General Services and tenant agencies agree to apply a utilization rate of 141 square feet or less per person.

*Provided* that, except for interim leases as described above, the Administrator may not enter into any leases that are below prospectus level for the purposes of meeting any of the requirements, or portions thereof, included in the prospectus that would result in a utilization rate of 141 square feet or higher per person.

*Provided* that, to the maximum extent practicable, the Administrator shall include in the lease contract(s) a purchase option

that can be exercised at the conclusion of the firm term of the lease.

*Provided further*, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

*Provided further*, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

GSA

PBS

**PROSPECTUS – LEASE  
DEPARTMENT OF DEFENSE  
DEFENSE SECURITY COOPERATION AGENCY  
NORTHERN VIRGINIA**

Prospectus Number: PVA-06-WA11  
Congressional District: 8

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**Project Summary**

The General Services Administration (GSA) proposes a replacement lease of up to 100,000 rentable square feet (rsf) and 5 inside parking spaces for the Department of Defense (DoD) Defense Security Cooperation Agency (DSCA) currently located at Crystal Gateway North, 201 12<sup>th</sup> Street South formerly recorded as 1111 Jefferson Davis Highway, Arlington, VA.

DSCA is currently collocated with several other DoD components at Crystal Gateway North. DoD is housed in approximately 205,000 rsf under two separate leases for 71,465 rsf and 133,292 rsf. DSCA occupies approximately one quarter of this space and the balance is occupied by DoD components that are required by the Base Realignment and Closure Act to relocate to DoD owned space by September 2011. GSA submitted lease prospectus PVA-02-WA08 on August 1, 2007 to extend the 133,292 rsf lease, which expired June 5, 2009, for three years. The 71,465 rsf lease was below the prospectus threshold and was extended separately. To mitigate vacant space within these leases, DSCA will remain at Crystal Gateway North during the extensions and will synchronize its move to a replacement leased location with the relocation of the remaining DoD components to DoD owned locations.

DSCA personnel are currently scattered throughout Gateway North Building with employees and supervisors offices located in different suites on different floors. This housing arrangement is disruptive to employee productivity because the space is not contiguous and does not promote a cohesive working environment. The new location will provide DSCA with contiguous space in one building.

DSCA anticipates an additional increase in personnel of approximately 11 percent by 2011 and also requires additional space. Moreover, DSCA requires onsite conference and training space at their proposed location to accommodate large meeting/training sessions. DSCA's current practice of renting offsite conference space is problematic because it is costly, requires disruptive travel between the office and the meeting location, and is not equipped to accommodate sensitive/classified meetings.

The current leased location is not compliant with DoD Minimum Anti-Terrorism Standards for Buildings effective for all leases that expire in FY 2007 and beyond. These requirements include but are not limited to: progressive collapse, DoD full building occupancy, 82 foot setback from the curb, and control of underground parking. GSA will solicit for a facility that is compliant with the DoD Minimum Antiterrorism Standards for Buildings.



GSA

PBS

**PROSPECTUS – LEASE  
DEPARTMENT OF DEFENSE  
DEFENSE SECURITY COOPERATION AGENCY  
NORTHERN VIRGINIA**

Prospectus Number: PVA-06-WA11  
Congressional District: 8

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**Description**

Occupants:	DOD
Delineated Area:	Northern Virginia
Lease Type:	Consolidation/Expansion
Justification:	Expiring leases (6/05/12 & 3/13/14) DoD Anti-Terrorism Standards
Expansion Space:	47,162 rsf
Number of Parking Spaces <sup>1</sup> :	5 Inside (official government vehicles)
Scoring:	Operating lease
Proposed Maximum Leasing Authority:	20 years
Maximum Rentable Square Feet:	100,000
Current Total Annual Cost:	\$1,580,000
Proposed Total Annual Cost <sup>2</sup> :	\$3,800,000
Maximum Proposed Rental Rate <sup>3</sup> :	\$38.00

**Summary of Energy Compliance**

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA will encourage offerors to work with energy service providers to exceed minimum requirements set forth in the procurement.

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<sup>1</sup> The Department of Defense security requirements may necessitate control of the parking garage at the leased location. This may be accomplished as a lessor-furnished service, as a separate operating agreement with the lessor, or as part of the Government's leasehold interest in the building.

<sup>2</sup> Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.

<sup>3</sup> This estimate is for fiscal year 2012 and may be escalated by 1.70 percent annually to the effective date of the lease to account for inflation.

GSAPBS

PROSPECTUS – LEASE  
DEPARTMENT OF DEFENSE  
DEFENSE SECURITY COOPERATION AGENCY  
NORTHERN VIRGINIA

Prospectus Number: PVA-06-WA11  
Congressional District: 8

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Authorization

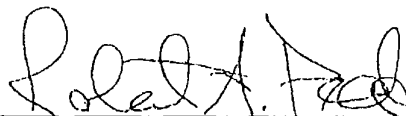
- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required rentable area.
- Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on December 21, 2010

Recommended: \_\_\_\_\_



Commissioner, Public Buildings Service

Approved: \_\_\_\_\_



Administrator, General Services Administration



## COMMITTEE RESOLUTION

LEASE—GENERAL SERVICES ADMINISTRATION,  
PHILADELPHIA, PA

*Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives*, that pursuant to 40 U.S.C. § 3307, appropriations are authorized for a replacement lease of up to 172,000 rentable square feet of space and 49 parking spaces for the General Services Administration, currently located in the Strawbridge's Building at 20 North Eighth Street in Philadelphia, PA at a proposed total annual cost of \$5,848,000 for a lease term of up to 20 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all

tenants, if necessary, prior to the execution of the new lease.

*Provided* that, the Administrator of General Services and tenant agencies agree to apply a utilization rate of 107 square feet or less per person.

*Provided* that, except for interim leases as described above, the Administrator may not enter into any leases that are below prospectus level for the purposes of meeting any of the requirements, or portions thereof, included in the prospectus that would result in a utilization rate of 107 square feet or higher per person.

*Provided* that, to the maximum extent practicable, the Administrator shall include in the lease contract(s) a purchase option that can be exercised at the conclusion of the firm term of the lease.

*Provided further*, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

*Provided further*, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

GSA

PBS

**PROSPECTUS - LEASE  
GENERAL SERVICES ADMINISTRATION  
PHILADELPHIA, PA**

Prospectus Number: PPA-01-PH11  
Congressional District: 1, 2

**Project Summary**

The General Services Administration (GSA) proposes a replacement lease of up to 231,000 rentable square feet (rsf) and 49 parking spaces for the GSA regional office. GSA is currently located in the Strawbridge's Building at 20 North Eighth Street in Philadelphia, PA.

Throughout the term of the existing lease, GSA's regional office experienced an unanticipated growth in personnel of approximately 30 percent due in large part to an increase in workload and organizational changes. GSA has accommodated the increased personnel without increasing the amount of space under the current lease. This prospectus proposes an increase of approximately 33,000 rsf to house GSA's current personnel and to accommodate GSA's Federal Acquisition Service (FAS) workload realignment of employees from Crystal City, VA to Philadelphia.

**Description**

Occupants:	GSA
Delineated Area:	Central Business District
Lease Type:	Replacement with expansion
Justification:	Expiring Lease 12/15/12
Number of Parking Spaces:	49 structured
Expansion Space:	33,000 rsf
Scoring:	Operating Lease
Proposed Maximum Leasing Authority:	20 years
Maximum Rentable Square Feet:	231,000
Current Total Annual Cost:	\$4,064,372
Proposed Total Annual Cost <sup>1</sup> :	\$7,854,000
Maximum Proposed Rental Rate <sup>2</sup> :	\$34.00 per rentable square foot

<sup>1</sup>Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.

<sup>2</sup>This estimate is for fiscal year 2013 and may be escalated by 1.7 percent annually to the effective date of the lease to account for inflation.

GSA

PBS

**PROSPECTUS - LEASE  
GENERAL SERVICES ADMINISTRATION  
PHILADELPHIA, PA**

Prospectus Number: PPA-01-PH11  
Congressional District: 1, 2

**Energy Performance**

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages offerors to work with energy service providers to exceed minimum requirements set forth in the procurement.

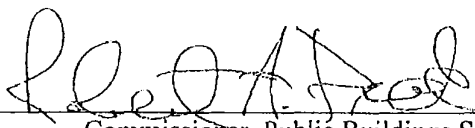
**Authorizations**

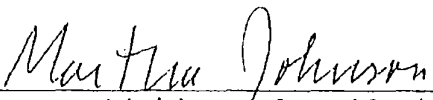
- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required area.
- Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

**Certification of Need**

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on December 21, 2010

Recommended:   
Commissioner, Public Buildings Service

Approved:   
Administrator, General Services Administration

November, 2010

Philadelphia, PA  
PPA-01-PH11Housing Plan  
General Services Administration

Locations	Current			Proposed		
	Personnel	Usable Square Feet (USF)		Personnel	Usable Square Feet (USF)	
	Office	Total	Office	Storage	Special	Total
<b>THE STRAWBRIDGE'S BUILDING</b>						
General Services Administration	642	642	115,521	2,367	20,648	138,536
General Services Administration *	50	50	20,000			20,000
<b>NEW LEASE</b>						
General Services Administration						
<b>Total:</b>	<b>692</b>	<b>692</b>	<b>135,521</b>	<b>2,367</b>	<b>20,648</b>	<b>158,536</b>

\* Lease to Accommodate Additional FAS Personnel relocating from Crystal City

	Current	Proposed
Utilization		
Rate	153	152

Current UR excludes 29,815 USF of office support space  
Proposed UR excludes 32,659 USF of office support space

Special Space	
Restroom	575
Physical Fitness	2,500
Conference	13,895
ADP	2,280
Food Service	4,513
High Density File	6,200
<b>Total:</b>	<b>29,963</b>

USF means the portion of the building available for use by a tenant's personnel and furnishings and space available jointly to the occupants of the building.



COMMITTEE RESOLUTION  
LEASE—BUREAU OF PUBLIC DEBT,  
PARKERSBURG, WV

*Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives*, that pursuant to 40 U.S.C. § 3307, appropriations are authorized for a superseding lease of up to 284,209 rentable square feet of space and 10 parking spaces for the Bureau of Public Debt, currently located at 200 Third Street in Parkersburg, WV at a proposed total annual cost of \$5,527,865 for a lease term of up to 20 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

*Provided that*, the Administrator of General Services and tenant agencies agree to apply a utilization rate of 179 square feet or less per person as detailed in the Housing Plan contained in the prospectus.

*Provided that*, except for interim leases as described above, the Administrator may not enter into any leases that are below prospectus level for the purposes of meeting any of the requirements, or portions thereof, included in the prospectus that would result in a utilization rate of 179 square feet or higher per person.

*Provided that*, to the maximum extent practicable, the Administrator shall include in the lease contract(s) a purchase option that can be exercised at the conclusion of the firm term of the lease.

*Provided further*, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

*Provided further*, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

GSA

PBS

**PROSPECTUS – LEASE  
BUREAU OF PUBLIC DEBT  
PARKERSBURG, WV**

Prospectus Number: PWV-01-PA11  
Congressional District: 01

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**Project Summary**

The General Services Administration (GSA) proposes a superseding lease of up to 284,209 rentable square feet (rsf) and 10 parking spaces for the Bureau of Public Debt (BPD). The BPD facility is currently located at 200 Third Street in Parkersburg, WV.

The current lease at this facility, which houses over 1,000 employees, is set to expire on October 14, 2014. A superseding lease will enable the lessor to undertake building system upgrades prior to the expiration of the current lease including much needed improvements to the electrical system distribution and capacity within the building. Additional improvements include the replacement of several key building systems to make the building more energy efficient. The proposed improvements will result in a cost savings for the government since this lease is net of utilities.

The proposed rental rate is structured such that the government will continue to pay the current lease rate through the end of the original lease term, upon which the rental rate will increase to the maximum proposed rental rate of this prospectus, and will remain at this rate, excluding operating cost escalations, until the expiration of the superseding lease.

GSA

PBS

**PROSPECTUS – LEASE  
BUREAU OF PUBLIC DEBT  
PARKERSBURG, WV**

Prospectus Number: PWV-01-PA11  
Congressional District: 01

**Description**

Occupants:	Bureau of Public Debt
Delineated Area:	200 Third Street Parkersburg, WV
Lease Type:	Superseding
Justification:	Continuing need
Number of Parking Spaces:	10 surface
Expansion Space:	0 rsf
Scoring:	Operating Lease
Proposed Maximum Leasing Authority:	20 years
Maximum Rentable Square Feet:	284,209
Current Total Annual Cost <sup>1</sup> :	\$2,460,088
Proposed Total Annual Cost <sup>2</sup> :	\$5,527,865
Maximum Proposed Rental Rate <sup>3</sup> :	\$19.45 per rentable square foot

**Justification**

The BPD's facility at 200 Third Street was constructed in 1974 for the BPD and has been 100 percent occupied by the agency since its construction. The facility is located one block west of the BPD's 320 Avery Street building, a recently constructed leased facility, which is also 100 percent occupied by BPD. The BPD employees at both downtown buildings collaborate on a daily basis, thereby increasing the inherent value of locating these facilities in close proximity. Additionally, BPD occupies 2 leased facilities within the surrounding communities, a recently constructed warehouse facility and the Contingency and Alternate Processing Site (CAPS) facility located nearby in Mineral Wells, West Virginia. All of these buildings are considered long term requirements of the BPD, and represent the only BPD facilities, controlled by GSA, located outside of Washington, D.C.

Due to the size of this continuing requirement there are no buildings available in the Parkersburg area that could accommodate the entire requirement. Additionally, it far exceeds the total amount of vacant space within the Parkersburg market making it difficult to satisfy a substantial portion of the requirement in multiple locations.

<sup>1</sup> Current total annual cost until October 2014.

<sup>2</sup> Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs. Includes operating costs paid directly by the Government.

<sup>3</sup> This estimate is for fiscal year 2015, the projected commencement of the new rental rate, and may be escalated by 1.7 percent annually to the effective date of the lease to account for inflation.

GSA

PBS

**PROSPECTUS – LEASE  
BUREAU OF PUBLIC DEBT  
PARKERSBURG, WV**

Prospectus Number: PWV-01-PA11  
Congressional District: 01

**Summary of Energy Compliance**

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages offerors to work with energy service providers to exceed the minimum requirements set forth in the procurement.

**Authorizations**


- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to undertake improvements and enter into a superseding lease at the existing BDP facility.
- Approval of this prospectus will also constitute authority, in the event GSA is unable to secure a lease agreement with the incumbent lessor, to conduct a competitive procurement for an alternate facility(s) in the City of Parkersburg, WV for the same maximum rentable square footage, rentable rate and lease term included in this prospectus.
- Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

**Certification of Need**

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on December 21, 2010

Recommended: \_\_\_\_\_

  
Commissioner, Public Buildings Service

Approved: \_\_\_\_\_

  
Administrator, General Services Administration

June 2010

Housing Plan  
Bureau of Public Debt

Parkersburg, WV  
PWV-01-PA11

Locations	Current				Proposed			
	Personnel		Usable Square Feet (USF)		Personnel		Usable Square Feet (USF)	
	Office	Total	Office	Special	Office	Total	Office	Special
200 Third Street Building	1,009	1,009	231,138	0	1,009	1,009	231,138	0
Bureau of Public Debt	1,009	1,009	231,138	0	1,009	1,009	231,138	0
Total:								

Special Space	
ADP	16,000
Total:	16,000

Current UR excludes 50,850 USF of office support space  
Proposed UR excludes 50,850 USF of office support space

## COMMITTEE RESOLUTION

LEASE—DEPARTMENT OF HOMELAND SECURITY,  
IMMIGRATION AND CUSTOMS ENFORCEMENT,  
PHOENIX, AZ

*Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives*, that pursuant to 40 U.S.C. §3307, appropriations are authorized for a consolidation lease of up to 131,000 rentable square feet of space, including 318 parking spaces, for the Department of Homeland Security, Immigration and Customs Enforcement in Phoenix, AZ, at a proposed total annual cost of \$5,305,500 for a lease term of up to 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all

tenants, if necessary, prior to the execution of the new lease.

*Provided* that, the Administrator of General Services and tenant agencies agree to apply a utilization rate of 100 square feet or less per person as detailed in the Housing Plan contained in the prospectus.

*Provided* that, except for interim leases as described above, the Administrator may not enter into any leases that are below prospectus level for the purposes of meeting any of the requirements, or portions thereof, included in the prospectus that would result in a utilization rate of 100 square feet or higher per person.

*Provided* that, to the maximum extent practicable, the Administrator shall include in the lease contract(s) a purchase option

that can be exercised at the conclusion of the firm term of the lease.

*Provided further*, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

*Provided further*, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

GSAPBS

**PROSPECTUS - LEASE  
DEPARTMENT OF HOMELAND SECURITY  
IMMIGRATION AND CUSTOMS ENFORCEMENT  
PHOENIX, AZ**

Prospectus Number: PAZ-01-PH12  
Congressional District: 04

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**Project Summary**

The General Services Administration (GSA) proposes a consolidation and expansion lease for up to 131,000 rentable square feet (rsf) and 318 secure parking spaces (10 structured and 308 surface) primarily for the Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE) in Phoenix, AZ. It is expected that the requirement will be met through existing leased space.

Directed by Congress through the Homeland Security Act of 2002 to undertake a study for consolidating the agency's real property assets, ICE investigated the feasibility of co-locating its offices. The July 2008 study, "Consolidation and Co-Location of Offices," (55 cities with an ICE presence) found that ICE's current requirements could not be met in current federally owned space and based on their co-location requirements, personnel growth, and parking needs, a leased alternative was determined to be the best solution.

The co-location will consolidate ICE's functions, provide strategic direction to better manage ICE facilities and will allow ICE to accomplish its mission: to protect the national security and uphold public safety by targeting criminal networks and terrorist organizations that seek to do harm to the United States by exploiting vulnerabilities in our immigration system, along our border, at federal facilities, and elsewhere.

ICE is currently located in several sites. A new location will provide the ICE with sufficient space to meet its current requirements and reduce redundancies in multiple locations. The proposed new lease will also allow for the co-location of DHS-Federal Protective Service (FPS) and the Department of Justice (DOJ) Executive Office for Immigration Review (EOIR) with ICE. Through an interagency Memorandum of Understanding, ICE and EOIR, which is responsible for adjudicating immigration cases, attempt to co-locate wherever possible.



GSAPBS

**PROSPECTUS - LEASE  
DEPARTMENT OF HOMELAND SECURITY  
IMMIGRATION AND CUSTOMS ENFORCEMENT  
PHOENIX, AZ**

Prospectus Number: PAZ-01-PH12  
Congressional District: 04

**Description**

Occupants:	DHS ICE; FPS, DOJ-EOIR
Delineated Area:	Expanded boundaries of the Phoenix Central Business Area. Bounded by Cactus Road to the north, Mariposa Freeway to the south, Highway 17 to the west, and Scottsdale Road to the east.
Lease Type:	Consolidation/Expansion
Justification:	The current ICE facilities cannot meet the space requirement necessary to co-locate all ICE functions. Expiring Leases: 10/31/2012; 10/31/2013; 12/31/2014
Number of Parking Spaces:	318 (10 structured and 308 surface)
Expansion Space:	54,000 rsf
Scoring:	Operating Lease
Proposed Maximum Leasing Authority:	15 years
Maximum Rentable Square Feet:	131,000
Current Annual Cost:	\$3,324,759
Proposed Total Annual Costs <sup>1</sup> :	\$5,305,500
Maximum Proposed Rental Rate <sup>2</sup> :	\$40.50 per rentable square foot

<sup>1</sup> Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.

<sup>2</sup> This estimate is for fiscal year 2014 and may be escalated by 1.7 percent annually to the effective date of the lease to account for inflation.

GSAPBS

**PROSPECTUS - LEASE  
DEPARTMENT OF HOMELAND SECURITY  
IMMIGRATION AND CUSTOMS ENFORCEMENT  
PHOENIX, AZ**

Prospectus Number: PAZ-01-PH12  
Congressional District: 04

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**Summary of Energy Compliance**

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages landlords to work with energy service providers to exceed minimum requirements set forth in the procurement.

**Authorizations**

- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required area.
- Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

GSA

PBS

**PROSPECTUS - LEASE  
DEPARTMENT OF HOMELAND SECURITY  
IMMIGRATION AND CUSTOMS ENFORCEMENT  
PHOENIX, AZ**

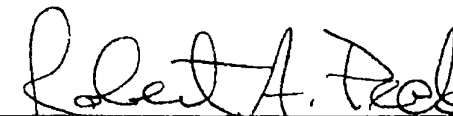
Prospectus Number: PAZ-01-PH12  
Congressional District: 04

**Certification of Need**

The proposed project is the best solution to meet a validated Government need.

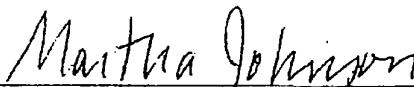
Submitted at Washington, DC, on March 9, 2011

Recommended: \_\_\_\_\_



Commissioner, Public Buildings Service

Approved: \_\_\_\_\_



Administrator, General Services Administration

November 2010

Housing Plan  
Department of Homeland Security  
Immigration and Customs Enforcement

Phoenix, AZ  
91-PH12

Locations	Current			Proposed		
	Personnel	Office	Usable Square Feet (USF)	Personnel	Office	Usable Square Feet (USF)
	Office	Total	Special	Office	Total	Special
3010 N. Second Street	33	33	6,229	0	0	0
2035 N. Central Avenue	169	169	23,051	0	0	0
2020 N. Central Avenue	18	18	6,575	0	0	0
400 N. 5th Street	115	115	19,478	0	0	0
301 East Virginia	44	44	5,715	0	0	0
16212 N 28th Street <sup>1</sup>	11	11	N/A	N/A	0	0
230 North First Street New Lease	7	7	2,878	N/A	3,134	0
ICE	0	0	0	0	528	67,325
EOIR	0	0	0	31	31	4,474
Total:	397	397	63,926	0	559	71,799
				256	64,182	1,581
						35,196
						108,576

Current	Proposed
Utilization	
Rate	129 100

Current UR excludes 14,063 USF of office support space  
Proposed UR excludes 15,796 USF of office support space

Special Space	
Laboratory	1,270
Holding Cell	3,304
Restroom	146
Physical Fitness	1,783
Conference	3,947
ADP	1,661
Courtroom	6,545
Judicial Chambers	1,593
Legal / SCIF/HSDN	4,394
Mail Rooms	563
Sallyport	2,043
Telephone Room	865
Interview Rooms	3,303
Vaults	3,584
Break Rooms	195
Total:	35,196

<sup>1</sup>These locations are outside of the GSA inventory and do not have separately identifiable space data.

<sup>2</sup>These locations are within the GSA inventory but ICE is utilizing space that is not specifically assigned for ICE personnel (e.g. Task Force space) and do not have separately identifiable space data.

USF represents the portion of the building available for use by a tenant's personnel and furnishings and space available jointly to the occupants of the building.

## COMMITTEE RESOLUTION

LEASE—DEPARTMENT OF HOMELAND SECURITY,  
IMMIGRATION AND CUSTOMS ENFORCEMENT,  
DALLAS, TX

*Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives*, that pursuant to 40 U.S.C. §3307, appropriations are authorized for a consolidation lease of up to 195,000 rentable square feet of space, including 400 parking spaces, for the Department of Homeland Security, Immigration and Customs Enforcement in Dallas, TX, at a proposed total annual cost of \$4,972,500 for a lease term of up to 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all

tenants, if necessary, prior to the execution of the new lease.

*Provided* that, the Administrator of General Services and tenant agencies agree to apply a utilization rate of 100 square feet or less per person as detailed in the Housing Plan contained in the prospectus.

*Provided* that, except for interim leases as described above, the Administrator may not enter into any leases that are below prospectus level for the purposes of meeting any of the requirements, or portions thereof, included in the prospectus that would result in a utilization rate of 100 square feet or higher per person.

*Provided* that, to the maximum extent practicable, the Administrator shall include in the lease contract(s) a purchase option

that can be exercised at the conclusion of the firm term of the lease.

*Provided further*, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

*Provided further*, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

GSAPBS

**PROSPECTUS - LEASE  
DEPARTMENT OF HOMELAND SECURITY  
IMMIGRATION AND CUSTOMS ENFORCEMENT  
DALLAS, TX**

Prospectus Number: PTX-02-DA12  
Congressional District: 24, 26, 32

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**Project Summary**

The General Services Administration (GSA) proposes a consolidation and expansion lease for 195,000 rentable square feet (rsf) and 400 secured parking spaces for the Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE) in Dallas, TX.

Directed by Congress through the Homeland Security Act of 2002 to undertake a study for consolidating the agency's real property assets, ICE investigated the feasibility of co-locating its offices. The July 2008 study, "Consolidation and Co-Location of Offices," (55 cities with an ICE presence) found that ICE's current requirements could not be met in current federally owned space and based on their co-location requirements, personnel growth, and parking needs, a leased alternative was determined to be the best solution.

The co-location will consolidate ICE's functions, provide strategic direction to better manage ICE facilities and will allow ICE to accomplish its mission: to protect the national security and uphold public safety by targeting criminal networks and terrorist organizations that seek to do harm to the United States by exploiting vulnerabilities in our immigration system, along our border, at federal facilities, and elsewhere. ICE is currently located in multiple owned and leased facilities.

GSA

PBS

**PROSPECTUS - LEASE  
DEPARTMENT OF HOMELAND SECURITY  
IMMIGRATION AND CUSTOMS ENFORCEMENT  
DALLAS, TX**

Prospectus Number: PTX-02-DA12  
Congressional District: 24, 26, 32

**Description**

Occupants:	DHS ICE
Delineated Area:	Highway 26 to Interstate 635 on the North; Interstate 35 to Loop 12 on the East; Highway 183 on the South; and Highway 121 to Highway 26 on the West
Lease Type:	Consolidation/Expansion
Justification:	The current ICE facilities cannot meet the space requirements necessary to co-locate all ICE functions. Expiring Leases: 9/4/12; 6/7/13 <sup>1</sup> ; 10/21/13 <sup>2</sup> ; 9/2/12 <sup>3</sup>
Number of Parking Spaces:	400 secured surface spaces
Expansion Space:	17,000 rsf (reduction)
Scoring:	Operating Lease
Proposed Maximum Leasing Authority:	15 years
Maximum Rentable Square Feet:	195,000
Current Total Annual Cost:	\$3,405,110
Proposed Total Annual Cost <sup>4</sup> :	\$4,972,500
Maximum Proposed Rental Rate <sup>5</sup> :	\$25.50 per rentable square foot

<sup>1</sup> Using applicable lease termination rights. Lease expires 6/7/20.

<sup>2</sup> Using applicable lease termination rights. Lease expires 9/30/14.

<sup>3</sup> Using applicable lease termination rights. Lease expires 9/2/19.

<sup>4</sup> Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.

<sup>5</sup> This estimate is for fiscal year 2013 and may be escalated by 1.7 percent annually to the effective date of the lease to account for inflation.



GSAPBS

**PROSPECTUS - LEASE  
DEPARTMENT OF HOMELAND SECURITY  
IMMIGRATION AND CUSTOMS ENFORCEMENT  
DALLAS, TX**

Prospectus Number: PTX-02-DA12  
Congressional District: 24, 26, 32

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**Summary of Energy Compliance**

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages landlords to work with energy service providers to exceed minimum requirements set forth in the procurement.

**Authorizations**

- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required area.
- Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

GSA

PBS

**PROSPECTUS - LEASE  
DEPARTMENT OF HOMELAND SECURITY  
IMMIGRATION AND CUSTOMS ENFORCEMENT  
DALLAS, TX**

Prospectus Number: PTX-02-DA12

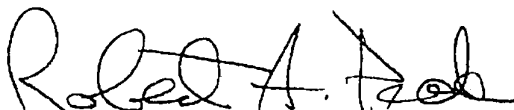
Congressional District: 24, 26, 32

**Certification of Need**

The proposed project is the best solution to meet a validated Government need.


Submitted at Washington, DC, on March 9, 2011

Recommended: \_\_\_\_\_



Commissioner, Public Buildings Service

Approved: \_\_\_\_\_



Administrator, General Services Administration

December 201

House - Plan  
DH, CEDallas, TX  
PTX-02-DA12

Locations	Current						Proposed					
	Personnel		Usable Square Feet (USF)				Personnel		Usable Square Feet (USF)			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total
EMPIRE CENTRAL BLDG -- 7701 Stemmons												
DHS-ICE	209	209	42,488	2,890	2,177	47,555	0	0	0	0	0	0
8101 STEMMONS												
DHS-ICE	218	218	48,000	722	4,400	53,122	0	0	0	0	0	0
CALTEx HOUSE -- 125 E. Carpenter Freeway												
DHS-ICE	195	195	45,651	0	0	45,651	0	0	0	0	0	0
1460 PRUDENTIAL DRIVE												
DHS-ICE	160	160	28,975	0	0	28,975	0	0	0	0	0	0
SANTA FE FEDERAL BLD -- 1114 Commerce												
DHS-ICE	-6	6	863	180	30	1,073	0	0	0	0	0	0
J. GORDON SHANKLIN BLDG -- 1 JUSTICE WAY <sup>2</sup>	2	2	N/A	N/A	N/A	N/A	0	0	0	0	0	0
8404 ESTERS ROAD <sup>1</sup>	17	17	N/A	N/A	N/A	N/A	0	0	0	0	0	0
NEW LEASE												
DHS-ICE	0	0	0	0	0	0	1,040	1,040	133,579	0	28,811	162,390
Total:	807	807	165,977	3,792	6,607	176,376	1,040	1,040	133,579	0	28,811	162,390

	Current		Proposed	
	Utilization			
Rate	164	100		

Current UR excludes 36,515 USF of office support space  
Proposed UR excludes 29,388 USF of office support space

Special Space	
Laboratory	1,270
Holding Cell	3,304
Physical Fitness	1,783
Conference	3,558
ADP	2,370
Evidence Room	4,282
Law Enforcement	4,708
Mail Rooms	562
Legal	4,031
Sallyport	2,043
SCIF	900
Total:	28,811

<sup>1</sup>These locations are outside of the GSA inventory and do not have separately identifiable space data.

<sup>2</sup>These locations are within the GSA inventory but ICE is utilizing space that is not specifically assigned for ICE personnel (e.g. Task Force space) and do not have separately identifiable space data.

USF means the portion of the building available for use by a tenant's personnel and furnishings and space available jointly to the occupants of the building.

## COMMITTEE RESOLUTION

LEASE—DEPARTMENT OF HOMELAND SECURITY,  
IMMIGRATION AND CUSTOMS ENFORCEMENT,  
HOUSTON, TX

*Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives*, that pursuant to 40 U.S.C. §3307, appropriations are authorized for a consolidation lease of up to 144,000 rentable square feet of space, including 600 parking spaces, for the Department of Homeland Security, Immigration and Customs Enforcement in Houston, TX, at a proposed total annual cost of \$4,104,000 for a lease term of up to 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all

tenants, if necessary, prior to the execution of the new lease.

*Provided* that, the Administrator of General Services and tenant agencies agree to apply a utilization rate of 100 square feet or less per person as detailed in the Housing Plan contained in the prospectus.

*Provided* that, except for interim leases as described above, the Administrator may not enter into any leases that are below prospectus level for the purposes of meeting any of the requirements, or portions thereof, included in the prospectus that would result in a utilization rate of 100 square feet or higher per person.

*Provided* that, to the maximum extent practicable, the Administrator shall include in the lease contract(s) a purchase option

that can be exercised at the conclusion of the firm term of the lease.

*Provided further*, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

*Provided further*, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

GSAPBS

**PROSPECTUS - LEASE  
DEPARTMENT OF HOMELAND SECURITY  
IMMIGRATION AND CUSTOMS ENFORCEMENT  
HOUSTON, TX**

Prospectus Number: PTX-02-HO12  
Congressional District: 18, 29

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**Project Summary**

The General Services Administration (GSA) proposes a consolidation and expansion lease for 144,000 rentable square feet (rsf) and 600 secured parking spaces for the Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE), in Houston, TX.

Directed by Congress through the Homeland Security Act of 2002 to undertake a study for consolidating the agency's real property assets, ICE investigated the feasibility of co-locating its offices. The July 2008 study, "Consolidation and Co-Location of Offices," (55 cities with an ICE presence) found that ICE's current requirements could not be met in current federally owned space and based on their co-location requirements, personnel growth, and parking needs, a leased alternative was determined to be the best solution.

The co-location will consolidate ICE's functions, provide strategic direction to better manage ICE facilities and will allow ICE to accomplish its mission: to protect the national security and uphold public safety by targeting criminal networks and terrorist organizations that seek to do harm to the United States by exploiting vulnerabilities in our immigration system, along our border, at federal facilities, and elsewhere.

ICE is currently located in several facilities in Houston. A new location will provide ICE with sufficient space to meet its current requirements and reduce redundancies in multiple locations.

GSA

PBS

**PROSPECTUS - LEASE  
DEPARTMENT OF HOMELAND SECURITY  
IMMIGRATION AND CUSTOMS ENFORCEMENT  
HOUSTON, TX**

Prospectus Number: PTX-02-HO12  
Congressional District: 18, 29

**Description**

Occupants:	DHS ICE
Delineated Area:	North: Farm to Market 1960 to Cypress Creek Parkway to Farm to Market 1960 West: U.S. Route 290 (Northwest Freeway) including any properties immediately to the west of the freeway South: Interstate 610 (North Loop Freeway) East: U.S. Route 59 (Eastex Freeway)
Lease Type:	Consolidation/Expansion
Justification:	The current ICE facilities cannot meet the space requirements necessary to co-locate all ICE functions. Expiring Leases: 1/31/2019 <sup>1</sup> , 6/30/2012.
Number of Parking Spaces:	600 secured surface spaces
Expansion Space:	49,000 rsf
Scoring:	Operating Lease
Proposed Maximum Leasing Authority:	15 years
Maximum Rentable Square Feet:	144,000
Current Total Annual Cost:	\$1,631,000
Proposed total Annual Cost <sup>2</sup> :	\$4,104,000
Maximum Proposed Rental Rate <sup>3</sup> :	\$28.50 per rentable square foot

<sup>1</sup> GSA has termination rights with 90 days notice.

<sup>2</sup> Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.

<sup>3</sup> This estimate is for fiscal year 2013 and may be escalated by 1.7 percent annually to the effective date of the lease to account for inflation.

GSAPBS

**PROSPECTUS - LEASE  
DEPARTMENT OF HOMELAND SECURITY  
IMMIGRATION AND CUSTOMS ENFORCEMENT  
HOUSTON, TX**

Prospectus Number: PTX-02-HO12  
Congressional District: 18, 29

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**Summary of Energy Compliance**

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages landlords to work with energy service providers to exceed minimum requirements set forth in the procurement.

**Authorizations**

- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required area.
- Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.



GSA

PBS

**PROSPECTUS - LEASE  
DEPARTMENT OF HOMELAND SECURITY  
IMMIGRATION AND CUSTOMS ENFORCEMENT  
HOUSTON, TX**

Prospectus Number: PTX-02-HO12  
Congressional District: 18, 29

**Certification of Need**

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on March 9, 2011

Recommended: \_\_\_\_\_

  
Commissioner, Public Buildings Service

Approved: \_\_\_\_\_

  
Administrator, General Services Administration

November 201

Houston Plan  
DH, ICEHouston, TX  
TX-02-HO12

Locations	Current				Proposed			
	Personnel		Usable Square Feet (USF)		Personnel		Usable Square Feet (USF)	
	Office	Total	Office	Special	Total	Office	Special	Total
INTERNATIONAL SQUARE -- 4141 Sam Houston Pkwy								
DHS -- ICE	110	110	27,290	0	27,290	0	0	0
NORTH POINT PLAZA -- 126 Northpoint Dr.								
DHS -- ICE	209	209	34,659	1,284	50,049	0	0	0
LABRANCH FEDERAL BLD								
DHS -- ICE	13	13	2,006	0	2,006	0	0	0
POST OAK CENTER -- 1433 W Loop South <sup>2</sup>								
15311 WEST VANTAGE <sup>2</sup>	26	26	N/A	N/A	N/A	0	0	0
5520 GREENS ROAD <sup>1</sup>	27	27	N/A	N/A	N/A	0	0	0
1 JUSTICE PARK <sup>2</sup>	128	128	N/A	N/A	N/A	0	0	0
406 CAROLINE STREET <sup>1</sup>	7	7	N/A	N/A	N/A	0	0	0
8090 HIGH LEVEL <sup>1</sup>	25	25	N/A	N/A	N/A	0	0	0
NEW LEASE	8	8	N/A	N/A	N/A	0	0	0
DHS -- ICE	0	0	0	0	0	719	719	92,350
Total:	553	553	63,955	1,284	79,345	719	719	92,350
								27,714
								120,064

Current	Proposed
Utilization	
Rate	150 100

Current UR excludes 14,070 USF of office support space  
Proposed UR excludes 20,317 USF of office support space

Special Space	
Laboratory	1,270
Holding Cell	3,304
Physical Fitness	1,783
Conference	3,558
ADP	2,370
Evidence Room	3,923
Law Enforcement	4,064
Legal	3,787
Sallyport	2,043
Mail Rooms	562
SCIF	1,050
Total:	27,714

<sup>1</sup>These locations are outside of the GSA inventory and do not have separately identifiable space data.

<sup>2</sup>These locations are within the GSA inventory but ICE is utilizing space that is not specifically assigned for ICE personnel (e.g. Task Force space) and do not have separately identifiable space data.

USF means the portion of the building available for use by a tenant's personnel and furnishings and space available jointly to the occupants of the building.

## COMMITTEE RESOLUTION

LEASE—INTERNAL REVENUE SERVICE,  
COVINGTON, KY

*Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives*, that pursuant to 40 U.S.C. § 3307, appropriations are authorized for a replacement lease of up to 414,000 rentable square feet of space for the Internal Revenue Service in Covington, KY, at a proposed total annual cost of \$9,108,000 for a lease term of up to 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

*Provided that*, the Administrator of General Services and tenant agencies agree to apply a utilization rate of 105 square feet or less per person as detailed in the Housing Plan contained in the prospectus.

*Provided that*, except for interim leases as described above, the Administrator may not enter into any leases that are below prospectus level for the purposes of meeting any of the requirements, or portions thereof, included in the prospectus that would result in a utilization rate of 105 square feet or higher per person.

*Provided that*, to the maximum extent practicable, the Administrator shall include in the lease contract(s) a purchase option that can be exercised at the conclusion of the firm term of the lease.

*Provided further*, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

*Provided further*, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

GSA

PBS

**PROSPECTUS – LEASE  
INTERNAL REVENUE SERVICE  
COVINGTON, KY**

Prospectus Number: PKY-01-C012

Congressional District: 4th

**Executive Summary**

The General Services Administration (GSA) proposes a replacement lease of up to 414,000 rentable square feet (RSF) for the Internal Revenue Service (IRS) in Covington, KY. IRS is currently housed under one lease in the Gateway Center East Building and three leases in the Gateway Center West Building, having occupied space in these buildings since 1993 and 2002, respectively. The proposed replacement lease will allow for the continued support of IRS's mission and operations at the Cincinnati Service Center, while a long term space solution can be developed for the entire Cincinnati IRS Service Center complex. These leases primarily house IRS's Accounts Management Group, as well as a large call site operation for one of two Business Tax Return Submission Processing centers in the nation.

The proposed increase in the annual cost of leasing space to meet the IRS requirements reflects the adjustment to current market rent of expiring leases that have been in effect since the end of 1993 and the beginning of 2002. The proposed maximum rentable square feet does not represent expansion space but the amount of space needed to provide 359,745 USF as indicated on the housing plan in buildings having a more representative market RSF/USF = 1.15, than the current RSF/USF estimated at 1.03.

**Description**

Occupant:	IRS
Lease Type:	Replacement
Current Rentable Square Feet (RSF):	369,224 (Current RSF/USF=1.03)
Maximum Rentable Square Feet:	414,000 (Market RSF/USF=1.15)
Expansion Space <sup>1</sup> :	None
Current Usable Square Feet/Person:	149
Proposed Usable Square Feet/Person:	149
Proposed Maximum Leasing Authority:	10 years
Expiration Dates of Current Leases <sup>2</sup> :	01/01/12, 02/29/12, 11/30/13
Proposed Delineated Area:	Central Business District
Number of Official Parking Spaces:	3

<sup>1</sup>The RSF/USF of the buildings currently occupied by IRS equals 1.00 and 1.08 respectively, or an average of 1.03.

<sup>2</sup> The current leases have executable termination rights.

GSA

PBS

**PROSPECTUS – LEASE  
INTERNAL REVENUE SERVICE  
COVINGTON, KY**

Prospectus Number: PKY-01-C012

Congressional District: 4th

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Scoring:	Operating Lease
Maximum Proposed Rental Rate <sup>3</sup> :	\$22.00
Proposed Total Annual Cost <sup>4</sup> :	\$9,108,000
Current Total Annual Cost:	\$6,999,440 (leases effective 1993 and 2002)

**Acquisition Strategy**

GSA may satisfy this requirement through a single award solicitation or as part of a multiple award solicitation. GSA will consider offers and alternatives from both IRS's current leased locations as well as newly proposed locations within the designated delineated area.

**Background**

The Cincinnati IRS Service Center is one of two Business Tax Return Submission Processing centers in the nation, primarily responsible for processing Employment Tax returns. In 2008, the Cincinnati Campus, which houses more than 5,000 employees, processed approximately 25 million tax returns in total, including paper and electronically filed returns. The Service Center is comprised of a federally-owned IRS Service Center, located at 200 West Fourth Street in Covington, the four leases at the Gateway Center in Covington: one in the Gateway Center East Building located at 333 Scott Street, and three in the Gateway Center West Building located at 3<sup>rd</sup> and Madison Avenue, along with 2 leases in Florence, Kentucky.

**Justification**

IRS and GSA are currently engaged in analysis to determine the future of IRS operations in Covington, which may result in a future prospectus level request to address the agency's long term needs. In the interim, IRS will need to continue their current leased operations in Covington until a final all-encompassing strategy in Covington, KY is selected, approved, and implemented.

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<sup>3</sup>This estimate is for fiscal year 2013 and may be escalated by 1.7 percent annually to the effective date of the lease to account for inflation. The proposed rental rate is fully serviced including all operating expenses whether paid by the lessor or directly by the Government.

<sup>4</sup>Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.

GSA

PBS

**PROSPECTUS – LEASE  
INTERNAL REVENUE SERVICE  
COVINGTON, KY**

Prospectus Number: PKY-01-C012

Congressional District: 4th

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**Summary of Energy Compliance**

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages offerors to work with energy service providers to exceed minimum requirements set forth in the procurement and to achieve an Energy Star performance rating of 75 or higher.

**Resolutions of Approval**

Resolutions adopted by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works approving this prospectus will constitute approval to make appropriations to lease space in a facility that will yield the required rentable area.

**Interim Leasing**

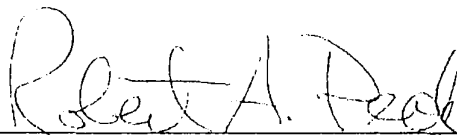
GSA will execute such interim leasing actions as are necessary to ensure continued housing of the tenant agency prior to the effective date of the new lease. It is in the best interest of the Government to avert the financial risk of holdover tenancy.

**Certification of Need**

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on December 6, 2011

Recommended: \_\_\_\_\_



Commissioner, Public Buildings Service

Approved: \_\_\_\_\_



Administrator, General Services Administration

ovington, KY  
KY-01-CO12

Housing Plan  
IK

August 2011

Leased Locations	Current						Proposed					
	Personnel		Usable Square Feet (USF)				Personnel		Usable Square Feet (USF)			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total
Gateway Center East	1,511	1,511	196,435	0	40,309	236,744						
Gateway Center West	905	905	123,001	0	0	123,001						
New Lease							2,416	2,416	325,137	6,537	28,071	359,745
Total:	2,416	2,416	319,436	0	40,309	359,745	2,416	2,416	325,137	6,537	28,071	359,745

Utilization Rate (UR) *		
Current		
Rate	103	105

\* UR = average amount of office space per person  
Current UR excludes 70,276 usf of office support space  
Proposed UR excludes 71,530 usf of office support space

Special Space	
Health Unit	1,975
Conference/Training	18,971
Break/Food Service	6,000
ADP	750
Security Reception	375
<b>Total:</b>	<b>28,071</b>

USF/Person **		
Current		
Rate	149	149

\*\* USF/Person = housing plan total USF divided by total personnel

	Total USF	RSF/USF	Maximum RSF
Current	359,745	1.03	369,224
Proposed	359,745	1.15 ***	414,000

\*\*\* Market R/U Factor for Competitive Procurement

Usable square footage means the portion of the building available for use by tenants' personnel and furnishings, and space available jointly to the occupants of the building (e.g., auditorium, health units and snack bars).  
Usable square footage does not include space devoted to building operations and maintenance (e.g., craft shops, gear rooms, building supply rooms, rest rooms and lobbies).



## COMMITTEE RESOLUTION

LEASE—CONSUMER PRODUCT SAFETY  
COMMISSION, SUBURBAN MARYLAND

*Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives*, that pursuant to 40 U.S.C. §3307, appropriations are authorized for a replacement lease of up to 124,000 rentable square feet of space, including 4 parking spaces, for the Consumer Product Safety Commission currently located at East West Towers, 4340 East West Highway, Bethesda, MD, at a proposed total annual cost of \$4,340,000 for a lease term of up to 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all

tenants, if necessary, prior to the execution of the new lease.

*Provided* that, the Administrator of General Services and tenant agencies agree to apply a utilization rate of 130 square feet or less per person as detailed in the Housing Plan contained in the prospectus.

*Provided* that, except for interim leases as described above, the Administrator may not enter into any leases that are below prospectus level for the purposes of meeting any of the requirements, or portions thereof, included in the prospectus that would result in a utilization rate of 130 square feet or higher per person.

*Provided* that, to the maximum extent practicable, the Administrator shall include in the lease contract(s) a purchase option

that can be exercised at the conclusion of the firm term of the lease.

*Provided further*, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

*Provided further*, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

GSA

PBS

**PROSPECTUS – LEASE  
CONSUMER PRODUCT SAFETY COMMISSION  
SUBURBAN MARYLAND**

Prospectus Number: PMD-04-WA12

Congressional District: 4,5,6,8

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**Executive Summary**

The General Services Administration (GSA) proposes a replacement lease of up to 124,000 rentable square feet for the Consumer Product Safety Commission (CPSC) currently located at East West Towers, 4340 East West Highway, Bethesda, MD. The CPSC has occupied space at this location under the current lease since 1993.

CPSC has experienced growth due to the Consumer Product Safety Improvement Act (CPSIA) of 2008, Public Law 110-314. This law revamped the CPSC by improving upon the agency's safety standards and requirements. It also expanded the agency's enforcement responsibilities, therefore creating an increased demand for resources. This prospectus accounts for the personnel growth needed to support this mandate. Approval of this prospectus will accommodate the personal growth per Public Law 110-314 while decreasing CPSC's overall space.

The maximum proposed rental rate in this prospectus is a projected rate for lease transactions with a future effective (rent start) date consistent with the expiration of the current lease on August 25, 2013. GSA will conduct the procurement using prevailing market rental rates as a benchmark for the evaluation of competitive offers and as a basis for negotiating with offerors to ensure that lease award is made in the best interest of the Government.

GSA

PBS

**PROSPECTUS – LEASE  
CONSUMER PRODUCT SAFETY COMMISSION  
SUBURBAN MARYLAND**

Prospectus Number: PMD-04-WA12

Congressional District: 4,5,6,8

**Description**

Occupant:	CPSC
Lease Type:	Replacement
Current Rentable Square Feet (RSF) :	154,410 (Current RSF/USF=1.13)
Proposed Maximum RSF:	124,000 (Proposed RSF/USF=1.2)
Expansion Space:	Reduction of 30,410 RSF
Current Usable Square Feet/Person:	292
Proposed Usable Square Feet/Person:	213
Proposed Maximum Leasing Authority:	15 years
Expiration Date of Current Lease:	8/25/2013
Delineated Area:	Suburban Maryland
Number of Official Parking Spaces:	4
Scoring:	Operating Lease
Maximum Proposed Rental Rate: <sup>1</sup>	\$35.00 per rsf
Proposed Total Annual Cost: <sup>2</sup>	\$4,340,000
Current Total Annual Cost:	\$4,819,950 (lease effective 1993)

**Background**

CPSC is an independent federal regulatory body tasked with protecting persons from unsafe consumer products through developing safety standards, recalling defective products, and warning the public about safety hazards.

Because of the shift in the production of consumer goods to locations around the world, often in less regulated environments, addressing consumer product safety by preventing injuries and deaths has become increasingly more complex. There is now a demand for faster and more meaningful analysis and a demand by consumers, industry groups and the media for more access to CPSC.

<sup>1</sup>This estimate is for fiscal year 2013 and may be escalated by 1.75 percent annually to the effective date of the lease to account for inflation. The proposed rental rate is fully serviced, including all operating expenses, whether paid by the lessor or directly by the Government.

<sup>2</sup>Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.

GSA

PBS

**PROSPECTUS – LEASE  
CONSUMER PRODUCT SAFETY COMMISSION  
SUBURBAN MARYLAND**

Prospectus Number: PMD-04-WA12  
Congressional District: 4,5,6,8

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**Justification**

The current lease at East West Towers, 4340 East West Highway, Bethesda, MD expires on August 25, 2013, and CPSC requires continued housing to carry out its mission.

**Summary of Energy Compliance**

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages offerors to work with energy service providers to exceed minimum requirements set forth in the procurement and to achieve the Energy Star performance rating of 75 or higher.

**Resolutions of Approval**

Resolutions adopted by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works approving this prospectus will constitute approval to make appropriations to lease space in a facility that will yield the required rentable area.

**Interim Leasing**

GSA will execute such interim leasing actions as are necessary to ensure continued housing of the tenant agency until the effective date of the new lease. It is in the best interest of the Government to avert the financial risk of holdover tenancy.

GSAPBS

**PROSPECTUS - LEASE  
CONSUMER PRODUCT SAFETY COMMISSION  
SUBURBAN MARYLAND**

Prospectus Number: PMD-04-WA12

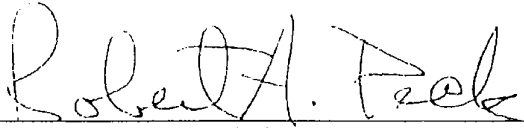
Congressional District: 4,5,6,8

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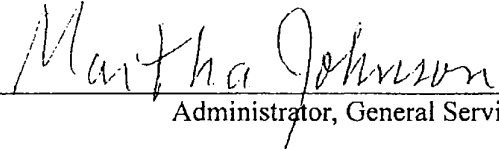
**Certification of Need**

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on December 6, 2011

Recommended: 

Commissioner, Public Buildings Service

Approved: 

Administrator, General Services Administration

September 2011

Housing Plan  
Consumer Product Safety Commission

PMD-04-WA12  
Suburban MD

Leased Locations	Current					Proposed				
	Personnel		Usable Square Feet (USF)			Personnel		Usable Square Feet (USF)		
	Office	Total	Office	Storage	Special	Office	Total	Office	Storage	Special
East West Towers	469	-	106,069	3,393	27,511	-	136,973	-	-	-
Proposed Lease	-	-	-	-	-	485	485	80,869	3,393	19,183
<b>Total</b>	<b>469</b>	<b>469</b>	<b>106,069</b>	<b>3,393</b>	<b>27,511</b>	<b>485</b>	<b>136,973</b>	<b>80,869</b>	<b>3,393</b>	<b>19,183</b>

Utilization Rate (UR) *		
Rate	Current	Proposed
	176	130

\* UR = average amount of office space per person  
Current UR excludes 23,335 usf of office support space  
Proposed UR excludes 23,335 usf of office support space

USF/Person **		
Rate	Current	Proposed
	292	213

\*\* USF/Person = housing plan total USF divided by total personnel

Special Space			USF
Conference			3,992
LAN			1,931
Lab			236
Hearing room			7,884
A/V studio			280
Private toilet			210
Fitness center			1,500
Security			1,650
Mail/file room			1,500
<b>Total</b>			<b>19,183</b>

Total USF			RSF/USF	Maximum RSF
Current	136,973	1.13		154,410
Proposed	103,445	1.2		124,000

USF means the portion of the building available for use by tenants' personnel and furnishings, and space available jointly to the occupants of the building.  
USF does not include space devoted to buildings operations and maintenance.

## COMMITTEE RESOLUTION

LEASE—DEPARTMENT OF DEFENSE, UNITED STATES JOINT FORCES COMMAND, JOINT WARFIGHTING CENTER, SUFFOLK, VA

*Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives*, that pursuant to 40 U.S.C. §3307, appropriations are authorized for a lease renewal option for up to 320,825 rentable square feet of space, including 990 parking spaces, for the United States Joint Forces Command, Joint Warfighting Center currently located at 116 Lakeview Parkway, Suffolk, VA, at a proposed total annual cost of \$5,011,287 for a lease term of up to 5 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all

tenants, if necessary, prior to the execution of the new lease.

*Provided* that, the Administrator of General Services and tenant agencies agree to apply a utilization rate of 52 square feet or less per person as detailed in the Housing Plan contained in the prospectus.

*Provided* that, except for interim leases as described above, the Administrator may not enter into any leases that are below prospectus level for the purposes of meeting any of the requirements, or portions thereof, included in the prospectus that would result in a utilization rate of 52 square feet or higher per person.

*Provided* that, to the maximum extent practicable, the Administrator shall include in the lease contract(s) a purchase option

that can be exercised at the conclusion of the firm term of the lease.

*Provided further*, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

*Provided further*, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.



GSA

PBS

**PROSPECTUS - LEASE  
DEPARTMENT OF DEFENSE  
UNITED STATES JOINT FORCES COMMAND  
JOINT WARFIGHTING CENTER  
SUFFOLK, VA**

Prospectus Number: PVA-01-SU12  
Congressional District: 04

**Executive Summary**

The General Services Administration (GSA) proposes to exercise a five year lease renewal option for 320,825 rentable square feet currently leased at 116 Lakeview Parkway, Suffolk, VA, for the United States Joint Forces Command (USJFCOM), Joint Warfighting Center (JWFC). The renewal option rental rate is approximately 15% below the average market rental rate, resulting in an annual savings of approximately \$812,000.

The Department of Defense (DoD) has recently announced the reassignment of USJFCOM functions to other DoD organizational components. Approximately 50 percent of USJFCOM personnel and budget will remain in the Hampton Roads area of Virginia, which includes Suffolk, along with core missions. Although the overall space requirement does not change, the agency is anticipating a slight decrease in staffing during the transition period resulting in a higher proposed usable square foot per person ratio, a large component of which is associated with specialty space.

**Description**

Occupants:	United States Joint Forces Command
Lease Type:	Existing/Exercise of Renewal Option
Current Rentable Square Feet (RSF):	320,825 (Current RSF/USF=1.15)
Proposed Maximum RSF:	320,825 (Proposed RSF/USF=1.15)
Expansion Space:	None
Current Usable Square Feet/Person:	176
Proposed Usable Square Feet/Person:	199
Proposed Maximum Leasing Authority:	5 years
Expiration Date of Current Lease:	05/09/13
Delineated Area:	116 Lakeview Parkway, Suffolk, VA
Number of Parking Spaces:	990
Scoring:	Operating Lease
Maximum Proposed Rental Rate <sup>1</sup> :	\$15.62 per RSF
Proposed Total Annual Cost <sup>2</sup> :	\$5,011,287
Current Total Annual Cost:	\$4,405,475 (\$13.73/RSF)

<sup>1</sup>This estimate is for fiscal year 2013 and may be escalated by 1.5 percent annually to the effective date of the lease to account for inflation. The proposed rental rate is fully serviced, including all operating expenses, whether paid by the lessor or directly by the Government.

<sup>2</sup>Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.

GSAPBS

**PROSPECTUS - LEASE  
DEPARTMENT OF DEFENSE  
UNITED STATES JOINT FORCES COMMAND  
JOINT WARFIGHTING CENTER  
SUFFOLK, VA**

Prospectus Number: PVA-01-SU12  
Congressional District: 04

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**Acquisition Strategy**

GSA may satisfy this requirement by providing written notification to the incumbent lessor 180 days (by November 9, 2012) prior to the expiration of the current lease, in order to exercise the renewal option in the existing lease contract.

**Background**

USJFCOM-JWFC has occupied its current location since May 1993 under a 20-year lease.

**Justification**

The execution of the five-year renewal option will support the agency's immediate housing needs until its long-term requirements based on the reassignment of its functions can be developed. By remaining in their current location, USJFCOM can continue to benefit from the facility's capital improvements for ADP, technology, sensitive compartment information facilities (SCIF) space and security enhancement invested by USJFCOM throughout the past 20 years. To recreate these capital improvements in a new facility would be cost prohibitive to the Government.

**Resolutions of Approval**

Resolutions adopted by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works approving this prospectus will constitute approval to make appropriations to lease space in a facility that will yield the required rentable area.

**Interim Leasing**

GSA will execute such interim leasing actions as are necessary to ensure continued housing of the tenant agency prior to the effective date of the new lease. It is in the best interest of the Government to avert the financial risk of holdover tenancy.

GSA

PBS

**PROSPECTUS - LEASE  
DEPARTMENT OF DEFENSE  
UNITED STATES JOINT FORCES COMMAND  
JOINT WARFIGHTING CENTER  
SUFFOLK, VA**

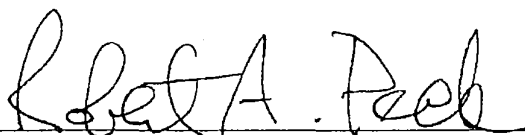
Prospectus Number: PVA-01-SU12  
Congressional District: 04

**Certification of Need**

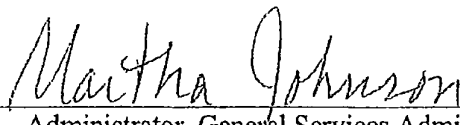
The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on December 6, 2011

Recommended:

  
Commissioner, Public Buildings Service

Approved:

  
Administrator, General Services Administration



*July 31, 2012*

CONGRESSIONAL RECORD—HOUSE, Vol. 158, Pt. 9

**12803**

COMMITTEE RESOLUTION

PURCHASE OF CURRENT LEASED FACILITIES—  
VARIOUS BUILDINGS

*Resolved by the Committee on Transportation  
and Infrastructure of the U.S. House of Rep-*

*resentatives*, that pursuant to 40 U.S.C. §3307, appropriations are authorized for the acquisition, through existing purchase options, of a building currently under lease to the federal government located at 4700 River Road in Riverdale, MD at a proposed purchase

price of \$31,000,000, a prospectus for which is attached to and included in this resolution.

*Provided further*, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

GSAPBS

**PROSPECTUS – PURCHASE OF CURRENT LEASED FACILITIES  
VARIOUS BUILDINGS**

Prospectus Number: PUR-0001-VA13

Congressional Districts: Multiple

**Prospectus Summary:**

The General Services Administration (GSA) proposes to acquire, through existing purchase options, two buildings currently under lease to the federal government located in Martinsburg, WV and Riverdale, MD. The government has the option to purchase these buildings at a set price prior to lease expirations, provided, as per the contract options, advance notice is given to the lessors. The execution of these purchase options will result in the elimination of costly lease obligations and the realization of outyear significant cost avoidance for the government.

**Proposed Buildings:**

145 Murall Drive.....\$25,000,000  
Martinsburg, WV

4700 River Road .....\$31,000,000  
Riverdale, MD

**Authorization Requested**.....\$31,233,000

**Funding Requested** .....\$56,000,000

**Prior Authority**

The House Committee on Transportation and Infrastructure authorized \$24,767,000 for the acquisition of 145 Murall Drive, Martinsburg, WV, through an existing purchase option on December 2, 2010.

The Senate Committee on Environment and Public Works authorized \$24,767,000 for the acquisition of 145 Murall Drive, Martinsburg, WV, through an existing purchase option on November, 30, 2010.

**Recommendation**

PURCHASE OF CURRENT LEASED FACILITIES

GSA

PBS

**PROSPECTUS – PURCHASE OF CURRENT LEASED FACILITIES  
VARIOUS BUILDINGS**

Prospectus Number: PUR-0001-VA13

Congressional Districts: Multiple

**Proposed Buildings:**

**145 Murall Drive .....\$25,000,000**

**Martinsburg, WV****Tenant agency: Internal Revenue Service (IRS)**

The building currently leased to house the Internal Revenue Service and located at 145 Murall Drive, was a phased construction, 20 year build-to-suit lease completed in 1995. GSA currently leases the entire building which has 122,457 rentable square feet, approximately 50% of this space consisting of a data center, and 295 parking spaces. The building is adjacent to and within the secured boundary of the IRS Enterprise Computing Center, a government owned facility, located at 250 Murall Drive.

The IRS has a continued long term requirement for the currently leased location. Operations executed with this facility are heavily integrated with the adjacent government owned facility. Under the current lease agreement, the government has responsibilities for all repair and alterations as well as operations and maintenance of the facility. GSA has both maintained the building and made necessary capital repairs in accordance with the lease agreement. IRS has also made a significant investment in the building since lease commencement in order to fund improvements that are essential to the agency's operation.

The terms of the purchase option price were finalized with the completion of the final phase of construction in March 1996. In April 2008, GSA completed a Fair Market Value (FMV) appraisal which indicated that the building was in good condition and well maintained with no deferred maintenance and a FMV of \$28,400,000.

The government has an option to purchase the building before the lease expires in July 2015, provided a minimum of 90 days notice has been given to the lessor. If the government does not exercise the purchase option, the rental rate is expected to increase to approximately \$6,000,000 or twice the present annual rent of \$3,000,000.

**4700 River Road .....\$31,000,000**

**Riverdale, MD****Tenant agency: United States Department of Agriculture (USDA)**

The building currently leased to house the United States Department of Agriculture (USDA), is located at 4700 River Road and was constructed in 1994 specifically to house USDA. The building has a total of 337,500 rentable square feet. The current lease expires in February, 2015



GSAPBS

**PROSPECTUS – PURCHASE OF CURRENT LEASED FACILITIES  
VARIOUS BUILDINGS**

Prospectus Number: PUR-0001-VA13

Congressional Districts: Multiple

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and the government has the option to purchase the building for roughly \$92 per rentable square feet, provided at least 180 days notification is provided to the lessor.

Presently the government is making annual net lease payments of approximately \$8,200,000. If the purchase option is not exercised, the net rent is expected to increase. The current estimate is that annual net lease payments may increase by over \$2,500,000.

The government's option to purchase the building for \$31,000,000 is well below the current market rate for buildings of comparable size. In 2010, GSA completed a fair market value (FMV) appraisal which indicated the FMV to be approximately \$45,000,000, an amount well above the established option price to the government.

GSA

PBS

**PROSPECTUS – PURCHASE OF CURRENT LEASED FACILITIES  
VARIOUS BUILDINGS**

Prospectus Number: PUR-0001-VA13

Congressional Districts: Multiple

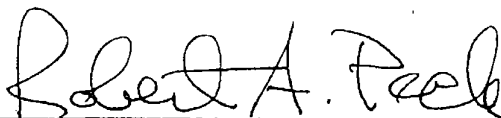
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**Certification of Need**

The proposed acquisitions are the best solutions to meet validated Government needs.

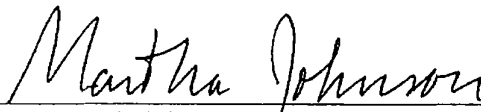
Submitted at Washington, DC, on February 22, 2012

Recommended



Commissioner, Public Buildings Service

Approved



Administrator, General Services Administration

There was no objection.

### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 3:30 p.m. today.

Accordingly (at 2 o'clock and 14 minutes p.m.), the House stood in recess.

□ 1530

### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SIMPSON) at 3 o'clock and 30 minutes p.m.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

### PRESIDENTIAL APPOINTMENT EFFICIENCY AND STREAMLINING ACT OF 2011

Mr. CHAFFETZ. Mr. Speaker, I move to suspend the rules and pass the bill (S. 679) to reduce the number of executive positions subject to Senate confirmation.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 679

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Presidential Appointment Efficiency and Streamlining Act of 2011".

#### SEC. 2. PRESIDENTIAL APPOINTMENTS NOT SUBJECT TO SENATE APPROVAL.

##### (a) AGRICULTURE.—

(1) ASSISTANT SECRETARY OF AGRICULTURE FOR ADMINISTRATION.—Section 218(b) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6918(b)) is amended—

(A) by striking "subsection (a)" and inserting "paragraph (1) or (3) of subsection (a)";

(B) by striking subsection (c); and

(C) by redesignating subsection (d) as subsection (c).

(2) RURAL UTILITIES SERVICE ADMINISTRATOR.—Section 232(b)(1) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6942(b)(1)) is amended—

(A) by striking "by and with the advice and consent of the Senate";

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2).

(3) COMMODITY CREDIT CORPORATION.—Section 9(a) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714g(a)) is amend-

ed in the third sentence by striking "by and with the advice and consent of the Senate".

##### (b) COMMERCE.—

(1) CHIEF SCIENTIST; NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.—Section 2(d) of Reorganization Plan No. 4 of 1970 (5 U.S.C. App. 1) is amended by striking "by and with the advice and consent of the Senate".

##### (c) DEPARTMENT OF DEFENSE.—

##### (1) ASSISTANT SECRETARIES OF DEFENSE.—

(A) IN GENERAL.—Section 138(a)(1) of title 10, United States Code, is amended by striking "16" and inserting "14".

(B) ADMINISTRATION OF REDUCTION.—The Assistant Secretary of Defense positions eliminated in accordance with the reduction in numbers required by the amendment made by subparagraph (A) shall be—

(i) the Assistant Secretary of Defense for Networks and Information Integration; and

(ii) the Assistant Secretary of Defense for Public Affairs.

(C) CONTINUED SERVICE OF INCUMBENTS.—Notwithstanding the requirements of this paragraph, any individual serving in a position described under subparagraph (B) on the date of the enactment of this Act may continue to serve in such position without regard to the limitation imposed by the amendment in subparagraph (A).

(D) PLAN FOR SUCCESSOR POSITIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall report to the congressional defense committees on his plan for successor positions, not subject to Senate confirmation, for the positions eliminated in accordance with the requirements of this paragraph.

(2) MEMBERS OF NATIONAL SECURITY EDUCATION BOARD.—Section 803(b)(7) of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1903(b)(7)) is amended by striking "by and with the advice and consent of the Senate".

(3) DIRECTOR OF SELECTIVE SERVICE.—Section 10(a)(3) of the Selective Service Act of 1948 (50 U.S.C. App. 460(a)(3)) is amended by striking "by and with the advice and consent of the Senate".

##### (d) DEPARTMENT OF EDUCATION.—

(1) ASSISTANT SECRETARY FOR MANAGEMENT.—Section 202(e) of the Department of Education Organization Act (20 U.S.C. 3412(e)) is amended by inserting after the first sentence the following: "Notwithstanding the previous sentence, the appointments of individuals to serve as the Assistant Secretary for Management shall not be subject to the advice and consent of the Senate".

(2) COMMISSIONER, EDUCATION STATISTICS.—Section 117(b) of the Education Sciences Reform Act of 2002 (20 U.S.C. 9517(b)) is amended by striking "by and with the advice and consent of the Senate".

##### (e) DEPARTMENT OF HEALTH AND HUMAN SERVICES.—

(1) ASSISTANT SECRETARY FOR PUBLIC AFFAIRS.—Notwithstanding any other provision of law, the appointment of an individual to serve as the Assistant Secretary for Public Affairs within the Department of Health and Human Services shall not be subject to the advice and consent of the Senate.

##### (f) DEPARTMENT OF HOMELAND SECURITY.—

(1) DIRECTOR OF THE OFFICE FOR DOMESTIC PREPAREDNESS; ASSISTANT ADMINISTRATOR OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY, GRANT PROGRAMS.—Section 430(b) of the Homeland Security Act of 2002 (6 U.S.C. 238(b)) is amended by striking "by and with the advice and consent of the Senate".

(2) ADMINISTRATOR OF THE UNITED STATES FIRE ADMINISTRATION.—Section 5(b) of the

Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2204(b)) is amended by striking "by and with the advice and consent of the Senate".

(3) DIRECTOR OF THE OFFICE OF COUNTERNARCOTICS ENFORCEMENT.—Section 878(a) of the Homeland Security Act of 2002 (6 U.S.C. 458(a)) is amended by striking "by and with the advice and consent of the Senate".

(4) CHIEF MEDICAL OFFICER.—Section 516(a) of the Homeland Security Act of 2002 (6 U.S.C. 321e(a)) is amended by striking "by and with the advice and consent of the Senate".

(5) ASSISTANT SECRETARIES.—Section 103(a) of the Homeland Security Act of 2002 (6 U.S.C. 113(a)) is amended—

(A) by striking "There" and inserting "(1) IN GENERAL.—Except as provided under paragraph (2), there";

(B) by redesignating paragraphs (1) through (10) as subparagraphs (A) through (J), respectively; and

(C) by adding at the end the following:

"(2) ASSISTANT SECRETARIES.—If any of the Assistant Secretaries referred to under paragraph (1)(I) is designated to be the Assistant Secretary for Health Affairs, the Assistant Secretary for Legislative Affairs, or the Assistant Secretary for Public Affairs, that Assistant Secretary shall be appointed by the President without the advice and consent of the Senate."

(g) HOUSING AND URBAN DEVELOPMENT; ASSISTANT SECRETARY FOR PUBLIC AFFAIRS.—Section 4(a) of the Department of Housing and Urban Development Act (42 U.S.C. 3533(a)) is amended—

(1) by inserting "(1)" after "(a)";

(2) by striking "eight" and inserting "7"; and

(3) by adding at the end the following:

"(2) There shall be in the Department an Assistant Secretary for Public Affairs, who shall be appointed by the President and shall perform such functions, powers, and duties as the Secretary shall prescribe from time to time."

##### (h) DEPARTMENT OF JUSTICE.—

(1) DIRECTOR, BUREAU OF JUSTICE STATISTICS.—Section 302(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3732(b)) is amended by striking "by and with the advice and consent of the Senate".

(2) DIRECTOR, BUREAU OF JUSTICE ASSISTANCE.—Section 401(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3741(b)) is amended by striking "by and with the advice and consent of the Senate".

(3) DIRECTOR, NATIONAL INSTITUTE OF JUSTICE.—Section 202(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3722(b)) is amended by striking "by and with the advice and consent of the Senate".

(4) ADMINISTRATOR, OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION.—Section 201(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(b)) is amended by striking "by and with the advice and consent of the Senate".

(5) DIRECTOR, OFFICE FOR VICTIMS OF CRIME.—Section 1411(b) of the Victims of Crime Act of 1984 (42 U.S.C. 10605(b)) is amended by striking "by and with the advice and consent of the Senate".

##### (i) DEPARTMENT OF LABOR.—

(1) ASSISTANT SECRETARIES FOR ADMINISTRATION AND MANAGEMENT AND PUBLIC AFFAIRS.—Notwithstanding section 2 of the Act of April 17, 1946 (29 U.S.C. 553), the appointment of individuals to serve as the Assistant

Secretary for Administration and Management and the Assistant Secretary for Public Affairs within the Department of Labor, shall not be subject to the advice and consent of the Senate.

(2) DIRECTOR OF THE WOMEN'S BUREAU.—Section 2 of the Act of June 5, 1920 (29 U.S.C. 12) is amended by striking “, by and with the advice and consent of the Senate”.

(j) DEPARTMENT OF STATE; ASSISTANT SECRETARY FOR PUBLIC AFFAIRS AND ASSISTANT SECRETARY FOR ADMINISTRATION.—Section 1(c)(1) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(c)(1)) is amended—

(1) by striking “, each of whom shall be appointed by the President, by and with the advice and consent of the Senate, and”; and

(2) by adding at the end the following: “Each Assistant Secretary of State shall be appointed by the President, by and with the advice and consent of the Senate, except that the appointments of the Assistant Secretary for Public Affairs and the Assistant Secretary for Administration shall not be subject to the advice and consent of the Senate.”.

(k) DEPARTMENT OF TRANSPORTATION.—

(1) ASSISTANT SECRETARIES.—Section 102(e) of title 49, United States Code, is amended—

(A) by striking “(e) THE DEPARTMENT” and all that follows through “An Assistant Secretary” and inserting the following:

“(e) ASSISTANT SECRETARIES; GENERAL COUNSEL.—

“(1) APPOINTMENT.—The Department has 5 Assistant Secretaries and a General Counsel, including—

“(A) an Assistant Secretary for Aviation and International Affairs, an Assistant Secretary for Governmental Affairs, and an Assistant Secretary for Transportation Policy, who shall each be appointed by the President, with the advice and consent of the Senate;

“(B) an Assistant Secretary for Budget and Programs who shall be appointed by the President;

“(C) an Assistant Secretary for Administration, who shall be appointed by the Secretary, with the approval of the President; and

“(D) a General Counsel, who shall be appointed by the President, with the advice and consent of the Senate.

“(2) DUTIES AND POWERS.—The officers set forth in paragraph (1) shall carry out duties and powers prescribed by the Secretary. An Assistant Secretary”.

(2) DEPUTY ADMINISTRATOR, FEDERAL AVIATION ADMINISTRATION.—Section 106 of title 49, United States Code, is amended—

(A) in subsection (b), by striking “The Administration has a Deputy Administrator. They are appointed” and inserting “, who shall be appointed”; and

(B) in subsection (d)(1), by striking “The Deputy Administrator must” and inserting “The Administration has a Deputy Administrator, who shall be appointed by the President. In making an appointment, the President shall consider the fitness of the appointee to efficiently carry out the duties and powers of the office. The Deputy Administrator shall”.

(1) DEPARTMENT OF THE TREASURY.—

(1) ASSISTANT SECRETARIES FOR PUBLIC AFFAIRS AND MANAGEMENT.—Section 301(e) of title 31, United States Code, is amended—

(A) by striking “10 Assistant Secretaries” and inserting “8 Assistant Secretaries”; and

(B) by inserting “The Department shall have 2 Assistant Secretaries not subject to the advice and consent of the Senate who

shall be the Assistant Secretary for Public Affairs, and the Assistant Secretary for Management.” after the first sentence.

(2) TREASURER OF THE UNITED STATES.—Section 301(d) of title 31, United States Code, is amended—

(A) by striking “2 Deputy Under Secretaries, and a Treasurer of the United States” and inserting “and 2 Deputy Under Secretaries”, and

(B) by inserting “and a Treasurer of the United States appointed by the President” after “Fiscal Assistant Secretary appointed by the Secretary”.

(m) DEPARTMENT OF VETERANS AFFAIRS.—Section 308(a) of title 38, United States Code, is amended—

(1) by striking “There shall” and inserting “(1) There shall”; and

(2) in paragraph (1), as designated by paragraph (1) of this subsection, by striking “Each Assistant” and all that follows through the period at the end; and

(3) by adding at the end the following new paragraphs:

“(2) Except as provided in paragraph (3), each Assistant Secretary appointed under paragraph (1) shall be appointed by the President, by and with the advice and consent of the Senate.

“(3) The following Assistant Secretaries may be appointed without the advice and consent of the Senate:

“(A) The Assistant Secretary for Management.

“(B) The Assistant Secretary for Human Resources and Administration.

“(C) The Assistant Secretary for Public and Intergovernmental Affairs.

“(D) The Assistant Secretary for Operations, Security, and Preparedness.”.

(n) APPALACHIAN REGIONAL COMMISSION; ALTERNATE FEDERAL CO-CHAIRMAN.—Section 14301(b)(2) of title 40, United States Code, is amended by striking “by and with the advice and consent of the Senate”.

(o) COUNCIL OF ECONOMIC ADVISERS, MEMBERS.—Section 10 of the Employment Act of 1946 (15 U.S.C. 1023) is amended by striking subsection (a) and inserting the following:

“(a) CREATION; COMPOSITION; QUALIFICATIONS; CHAIRMAN AND VICE CHAIRMAN.—

“(1) CREATION.—There is created in the Executive Office of the President a Council of Economic Advisers (hereinafter called the ‘Council’).

“(2) COMPOSITION.—The Council shall be composed of three members, of whom—

“(A) 1 shall be the chairman who shall be appointed by the President by and with the advice and consent of the Senate; and

“(B) 2 shall be appointed by the President.

“(3) QUALIFICATIONS.—Each member shall be a person who, as a result of training, experience, and attainments, is exceptionally qualified to analyze and interpret economic developments, to appraise programs and activities of the Government in the light of the policy declared in section 2, and to formulate and recommend national economic policy to promote full employment, production, and purchasing power under free competitive enterprise.

“(4) VICE CHAIRMAN.—The President shall designate 1 of the members of the Council as vice chairman, who shall act as chairman in the absence of the chairman.”.

(p) CORPORATION FOR NATIONAL AND COMMUNITY SERVICE; MANAGING DIRECTOR.—Section 194(a)(1) of the National and Community Service Act of 1990 (42 U.S.C. 12651e(a)(1)) is amended by striking “, by and with the advice and consent of the Senate”.

(q) NATIONAL COUNCIL ON DISABILITY MEMBERS.—Section 400(a)(1)(A) of the Rehabilita-

tion Act of 1973 (29 U.S.C. 780(a)(1)(A)) is amended by striking “, by and with the advice and consent of the Senate”.

(r) NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES; NATIONAL MUSEUM AND LIBRARY SERVICES BOARD; MEMBERS.—Section 207(b)(1) of the Museum and Library Services Act (20 U.S.C. 9105a(b)(1)) is amended—

(1) in subparagraph (D), by striking “, by and with the advice and consent of the Senate”; and

(2) in subparagraph (E), by striking “, by and with the advice and consent of the Senate”.

(s) NATIONAL SCIENCE FOUNDATION; BOARD MEMBERS.—Section 4(a) of the National Science Foundation Act of 1950 (42 U.S.C. 1863(a)) is amended by striking “, by and with the advice and consent of the Senate.”.

(t) OFFICE OF NATIONAL DRUG CONTROL POLICY; DEPUTY DIRECTORS.—Section 704(a)(1) of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1703(a)(1)) is amended to read as follows:

“(1) IN GENERAL.—

“(A) DIRECTOR.—The Director shall be appointed by the President, by and with the advice and consent of the Senate, and shall serve at the pleasure of the President.

“(B) DEPUTY DIRECTORS.—The Deputy Director of National Drug Control Policy, Deputy Director for Demand Reduction, the Deputy Director for Supply Reduction, and the Deputy Director for State, Local, and Tribal Affairs shall each be appointed by the President and serve at the pleasure of the President.

“(C) DEPUTY DIRECTOR FOR DEMAND REDUCTION.—In appointing the Deputy Director for Demand Reduction under this paragraph, the President shall take into consideration the scientific, educational, or professional background of the individual, and whether the individual has experience in the fields of substance abuse prevention, education, or treatment.”.

(u) OFFICE OF NAVAJO AND HOPI RELOCATION; COMMISSIONER.—Section 12(b)(1) of Public Law 93-531 (25 U.S.C. 640d-11(b)(1)) is amended by striking “by and with the advice and consent of the Senate”.

(v) UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.—

(1) ASSISTANT ADMINISTRATOR FOR MANAGEMENT.—Notwithstanding section 624(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2384(a)), the appointment by the President of the Assistant Administrator for Management at the United States Agency for International Development shall not be subject to the advice and consent of the Senate.

(w) COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION FUND; ADMINISTRATOR.—Section 104(b)(1) of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4703(b)(1)) is amended by striking “, by and with the advice and consent of the Senate”.

(x) DEPARTMENT OF TRANSPORTATION; ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION; ADMINISTRATOR.—Subsection (a) of section 2 of the Act of May 13, 1954, referred to as the Saint Lawrence Seaway Act (33 U.S.C. 982(a)) is amended by striking “, by and with the advice and consent of the Senate, for a term of seven years”.

(y) MISSISSIPPI RIVER COMMISSION; COMMISSIONER.—Section 2 of the Act of June 28, 1879 (33 U.S.C. 642), is amended in the first sentence by striking “, by and with the advice and consent of the Senate.”.

(z) GOVERNOR AND ALTERNATE GOVERNOR OF THE AFRICAN DEVELOPMENT BANK.—

(1) IN GENERAL.—Section 1333 of the African Development Bank Act (22 U.S.C. 2901-1) is amended—

(A) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(B) by striking “(a) The President” and all that follows through “The term of office” and inserting the following:

“(a) The President shall appoint a Governor and an Alternate Governor of the Bank—

“(1) by and with the advice and consent of the Senate; or

“(2) from among individuals serving as officials required by law to be appointed by and with the advice and consent of the Senate.

“(b) The term of office”.

(2) CONFORMING AMENDMENTS.—Section 1334 of such Act (22 U.S.C. 290i-2) is amended—

(A) by striking “The Director or Alternate Director” and inserting the following:

“(b) The Director or Alternate Director”;

and

(B) by inserting before subsection (b), as redesignated, the following:

“(a) The President, by and with the advice and consent of the Senate, shall appoint a Director of the Bank.”.

(aa) GOVERNOR AND ALTERNATE GOVERNOR OF THE ASIAN DEVELOPMENT BANK.—Section 3(a) of the Asian Development Bank Act (22 U.S.C. 285a(a)) is amended to read as follows:

“(a) The President shall appoint—

“(1) a Governor of the Bank and an alternate for the Governor—

“(A) by and with the advice and consent of the Senate; or

“(B) from among individuals serving as officials required by law to be appointed by and with the advice and consent of the Senate; and

“(2) a Director of the Bank, by and with the advice and consent of the Senate.”.

(bb) GOVERNOR AND ALTERNATE GOVERNOR OF THE AFRICAN DEVELOPMENT FUND.—Section 203(a) of the African Development Fund Act (22 U.S.C. 290g-1(a)) is amended to read as follows:

“(a) The President shall appoint a Governor, and an Alternate Governor, of the Fund—

“(1) by and with the advice and consent of the Senate; or

“(2) from among individuals serving as officials required by law to be appointed by and with the advice and consent of the Senate.”.

(cc) NATIONAL BOARD FOR EDUCATION SCIENCES; MEMBERS.—Section 116(c)(1) of the Education Sciences Reform Act of 2002 (20 U.S.C. 9516(c)(1)) is amended by striking “, by and with the advice and consent of the Senate”.

(dd) NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD; MEMBERS.—Section 242(e)(1)(A) of the Adult Education and Family Literacy Act (20 U.S.C. 9252(e)(1)(A)) is amended by striking “with the advice and consent of the Senate”.

(ee) INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT; MEMBER, BOARD OF TRUSTEES.—Section 1505 of the American Indian, Alaska Native, and Native Hawaiian Culture and Art Development Act (20 U.S.C. 4412(a)(1)(A)) is amended by striking “by and with the advice and consent of the Senate”.

(ff) PUBLIC HEALTH SERVICE COMMISSIONED OFFICER CORPS.—

(1) APPOINTMENT.—Section 203(a)(3) of the Public Health Service Act (42 U.S.C. 204(a)(3)) is amended by striking “with the advice and consent of the Senate”.

(2) PROMOTIONS.—Section 210(a) of the Public Health Service Act (42 U.S.C. 211(a)) is amended by striking “, by and with the advice and consent of the Senate”.

(gg) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION COMMISSIONED OFFICER CORPS.—

(1) APPOINTMENTS AND PROMOTIONS TO PERMANENT GRADES.—Section 226 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3026) is amended by striking “, by and with the advice and consent of the Senate”.

(2) POSITIONS OF IMPORTANCE AND RESPONSIBILITY.—Section 228(d)(1) of such Act (33 U.S.C. 3028(d)(1)) is amended by striking “, by and with the advice and consent of the Senate”.

(3) TEMPORARY APPOINTMENTS AND PROMOTIONS GENERALLY.—Section 229 of such Act (33 U.S.C. 3029) is amended—

(A) by striking “alone” each place it appears; and

(B) in subsection (a), in the second sentence, by striking “unless the Senate sooner gives its advice and consent to the appointment”.

(hh) RULE OF CONSTRUCTION.—Notwithstanding section 3132(a)(2) of title 5, United States Code, removal of Senate confirmation for any position in this section shall not—

(1) result in any such position being placed in the Senior Executive Service; or

(2) alter compensation for any such position under the Executive Schedule or other applicable compensation provisions of law.

#### SEC. 3. APPOINTMENT OF THE DIRECTOR OF THE CENSUS.

(a) IN GENERAL.—Section 21 of the title 13, United States Code, is amended to read as follows:

##### “§ 21. Director of the Census; duties

“(a) APPOINTMENT.—

“(1) IN GENERAL.—The Bureau shall be headed by a Director of the Census, appointed by the President, by and with the advice and consent of the Senate, without regard to political affiliation.

“(2) QUALIFICATIONS.—Such appointment shall be made from individuals who have a demonstrated ability in managing large organizations and experience in the collection, analysis, and use of statistical data.

“(b) TERM OF OFFICE.—

“(1) IN GENERAL.—The term of office of the Director shall be 5 years, and shall begin on January 1, 2012, and every fifth year thereafter. An individual may not serve more than 2 full terms as Director.

“(2) VACANCIES.—Any individual appointed to fill a vacancy in such position, occurring before the expiration of the term for which such individual’s predecessor was appointed, shall be appointed for the remainder of that term. The Director may serve after the end of the Director’s term until reappointed or until a successor has been appointed, but in no event longer than 1 year after the end of such term.

“(3) REMOVAL.—An individual serving as Director may be removed from office by the President. The President shall communicate in writing the reasons for any such removal to both Houses of Congress not later than 60 days before the removal.

“(4) PERSONNEL ACTIONS.—Except as provided under paragraph (3), nothing in this subsection shall prohibit a personnel action otherwise authorized by law with respect to the Director of the Census, other than removal.

“(c) DUTIES.—The Director shall perform such duties as may be imposed upon the Director by law, regulations, or orders of the Secretary.”.

(b) TRANSITION RULES.—

(1) APPOINTMENT OF INITIAL DIRECTOR.—The initial Director of the Bureau of the Census

shall be appointed in accordance with the provisions of section 21(a) of title 13, United States Code, as amended by subsection (a).

(2) INTERIM ROLE OF CURRENT DIRECTOR OF THE CENSUS AFTER DATE OF ENACTMENT.—If, as of January 1, 2012, the initial Director of the Bureau of the Census has not taken office, the officer serving on December 31, 2011, as Director of the Census (or Acting Director of the Census, if applicable) in the Department of Commerce—

(A) shall serve as the Director of the Bureau of the Census; and

(B) shall assume the powers and duties of such Director for one term beginning January 1, 2012, as described in section 21(b) of such title, as so amended.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—Not later than January 1, 2012, the Secretary of Commerce, in consultation with the Director of the Census, shall submit to each House of the Congress draft legislation containing any technical and conforming amendments to title 13, United States Code, and any other provisions which may be necessary to carry out the purposes of this section.

#### SEC. 4. WORKING GROUP ON STREAMLINING PAPERWORK FOR EXECUTIVE NOMINATIONS.

(a) ESTABLISHMENT.—There is established the Working Group on Streamlining Paperwork for Executive Nominations (in this section referred to as the “Working Group”).

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Working Group shall be composed of—

(A) the chairperson who shall be—

(i) except as provided under clause (ii), the Director of the Office of Presidential Personnel; or

(ii) a Federal officer designated by the President;

(B) representatives designated by the President from—

(i) the Office of Personnel Management;

(ii) the Office of Government Ethics; and

(iii) the Federal Bureau of Investigation; and

(C) individuals appointed by the chairperson of the Working Group who have experience and expertise relating to the Working Group, including—

(i) individuals from other relevant Federal agencies; and

(ii) individuals with relevant experience from previous presidential administrations.

(c) STREAMLINING OF PAPERWORK REQUIRED FOR EXECUTIVE NOMINATIONS.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Working Group shall conduct a study and submit a report on the streamlining of paperwork required for executive nominations to—

(A) the President;

(B) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(C) the Committee on Rules and Administration of the Senate.

(2) CONSULTATION WITH COMMITTEES OF THE SENATE.—In conducting the study under this section, the Working Group shall consult with the chairperson and ranking member of the committees referred to under paragraph (1) (B) and (C).

(3) CONTENTS.—

(A) IN GENERAL.—The report submitted under this section shall include—

(i) recommendations for the streamlining of paperwork required for executive nominations; and

(ii) a detailed plan for the creation and implementation of an electronic system for collecting and distributing background information from potential and actual Presidential nominees for positions which require appointment by and with the advice and consent of the Senate.

(B) **ELECTRONIC SYSTEM.**—The electronic system described under subparagraph (A)(ii) shall—

(i) provide for—

(I) less burden on potential nominees for positions which require appointment by and with the advice and consent of the Senate;

(II) faster delivery of background information to Congress, the White House, the Federal Bureau of Investigation, Diplomatic Security, and the Office of Government Ethics; and

(III) fewer errors of omission; and

(ii) ensure the existence and operation of a single, searchable form which shall be known as a “Smart Form” and shall—

(I) be free to a nominee and easy to use;

(II) make it possible for the nominee to answer all vetting questions one way, at a single time;

(III) secure the information provided by a nominee;

(IV) allow for multiple submissions over time, but always in the format requested by the vetting agency or entity;

(V) be compatible across different computer platforms;

(VI) make it possible to easily add, modify, or subtract vetting questions;

(VII) allow error checking; and

(VIII) allow the user to track the progress of a nominee in providing the required information.

(d) **REVIEW OF BACKGROUND INVESTIGATION REQUIREMENTS.**—

(1) **IN GENERAL.**—The Working Group shall conduct a review of the impact of background investigation requirements on the appointments process.

(2) **CONDUCT OF REVIEW.**—In conducting the review, the Working Group shall—

(A) assess the feasibility of using personnel other than Federal Bureau of Investigation personnel, in appropriate circumstances, to conduct background investigations of individuals under consideration for positions appointed by the President, by and with the advice and consent of the Senate; and

(B) consider the extent to which the scope of the background investigation conducted for an individual under consideration for a position appointed by the President, by and with the advice and consent of the Senate, should be varied depending on the nature of the position for which the individual is being considered.

(3) **REPORT.**—Not later than 270 days after the date of enactment of this Act, the Working Group shall submit a report of the findings of the review under this subsection to—

(A) the President;

(B) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(C) the Committee on Rules and Administration of the Senate.

(e) **PERSONNEL MATTERS.**—

(1) **COMPENSATION OF MEMBERS.**—

(A) **FEDERAL OFFICERS AND EMPLOYEES.**—Each member of the Working Group who is a Federal officer or employee shall serve without compensation in addition to that received for their services as a Federal officer or employee.

(B) **MEMBERS NOT FEDERAL OFFICERS AND EMPLOYEES.**—Each member of the Working Group who is not a Federal officer or employee shall not be compensated for services performed for the Working Group.

(2) **TRAVEL EXPENSES.**—The members of the Working Group shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Working Group.

(3) **STAFF.**—

(A) **IN GENERAL.**—The President may designate Federal officers and employees to provide support services for the Working Group.

(B) **DETAIL OF FEDERAL EMPLOYEES.**—Any Federal employee may be detailed to the Working Group without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(f) **NON-APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.**—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Working Group established under this section.

(g) **TERMINATION OF THE WORKING GROUP.**—The Working Group shall terminate 60 days after the date on which the Working Group submits the latter of the 2 reports under this section.

#### **SEC. 5. REPORT ON PRESIDENTIALLY APPOINTED POSITIONS.**

(a) **DEFINITIONS.**—In this section—

(1) the term “agency” means an Executive agency defined under section 105 of title 5, United States Code; and

(2) the term “covered position” means a position in an agency that requires appointment by the President without the advice and consent of the Senate.

(b) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Government Accountability Office shall conduct a study and submit a report on covered positions to Congress and the President.

(c) **CONTENTS.**—The report submitted under this section shall include—

(1) a determination of the number of covered positions in each agency;

(2) an evaluation of whether maintaining the total number of covered positions is necessary;

(3) an evaluation of the benefits and disadvantages of—

(A) eliminating certain covered positions;

(B) converting certain covered positions to career positions or positions in the Senior Executive Service that are not career reserved positions; and

(C) converting any categories of covered positions to career positions;

(4) the identification of—

(A) covered positions described under paragraph (3)(A) and (B); and

(B) categories of covered positions described under paragraph (3)(C); and

(5) any other recommendations relating to covered positions.

#### **SEC. 6. EFFECTIVE DATE.**

(a) **PRESIDENTIAL APPOINTMENTS NOT SUBJECT TO SENATE APPROVAL.**—The amendments made by section 2 shall take effect 60 days after the date of enactment of this Act and apply to appointments made on and after that effective date, including any nomination pending in the Senate on that date.

(b) **DIRECTOR OF THE CENSUS AND WORKING GROUP.**—The provisions of sections 3 and 4 (including any amendments made by those sections) shall take effect on the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. CHAFFETZ) and the gentlewoman from New York (Mrs. MALONEY) each will control 20 minutes.

The Chair recognizes the gentleman from Utah.

#### **GENERAL LEAVE**

Mr. CHAFFETZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. CHAFFETZ. I yield myself such time as I may consume.

The need for reforms in the Federal appointments process is not a new topic. There is little dispute that the current nominations process has grown too cumbersome and complicated, in some cases, discouraging qualified individuals from seeking leadership positions. On average in recent administrations, only 35 of the 100 most needed leadership roles were filled within the first 100 days of the new administration, and 200 days into a new administration, only 50 percent of key national security officials are actually in place.

Nine special commissions have called for fixing the broken Presidential appointments process by starting the Presidential transition and personnel planning earlier, streamlining background investigations, and reducing the number of appointments requiring Senate confirmation.

S. 679 provides a commonsense solution that preserves the important role of the Senate in confirming key nominees but unburdens the process by relieving the advice and consent requirement for less critical positions. The bill is based on a bipartisan Senate working group commissioned to improve the nominations process, which was led by Senators ALEXANDER and SCHUMER.

S. 679 eliminates the requirement for Senate confirmation for a number of executive branch positions, many of which are: one, below the assistant secretary level and report to a Senate-confirmed individual; two, do not make policy; or three, are members of part-time advisory boards or commissions.

S. 679 also establishes an executive branch working group to study and report on streamlining the paperwork required for nominations.

In addition, S. 679 requires a fixed 5-year term for the Director of the Census Bureau to coincide with the planning and operational phases of the census. The Director of the Census Bureau remains subject to Senate confirmation.

S. 679 provides a mechanism to allow the Senate to focus its efforts on installing qualified leaders to key positions in order to meet the many challenges facing our Nation.

At this time, Mr. Speaker, I reserve the balance of my time.

Mrs. MALONEY. Mr. Speaker, I rise in support of S. 679, the Presidential

Appointment Efficiency and Streamlining Act, which was introduced in the Senate by Senators SCHUMER and ALEXANDER. This bill will improve the Presidential appointment process by reducing the number of Presidentially appointed positions that are required to be confirmed by the Senate.

The number of Presidentially appointed positions that require Senate confirmation has increased over the years. The Congressional Research Service estimates that at the beginning of the Obama administration, there were 1,215 executive branch positions subject to Senate confirmation. It takes months for a new President to fill these positions, and the resulting gaps in leadership make the government less efficient and less productive.

This bill will reduce the bureaucracy and red tape that comes with requiring the Senate to confirm Presidential appointments. Under this bill, high-profile positions, such as Department Secretaries and Deputy Secretaries, will continue to require the consent of the Senate. This bill impacts lower-level positions, which a President routinely fills these positions without any controversy. For example, this bill would eliminate the Senate confirmation requirement for positions such as the alternate Federal cochairman of the Appalachian Regional Commission and members of the National Council on Disability.

In addition to reforming the Presidential appointments process, the legislation before us today makes the Director of the Census Bureau a Presidential term appointment of 5 years, subject to confirmation by the Senate. I particularly am pleased the bill includes this provision so that the Director is tied to the needs of the decennial census and not to an election year calendar.

For years, I have been working on this provision, which I proposed in H.R. 4595 in the 111th Congress, to ensure the Census Bureau is able to perform the decennial census as accurately and as inexpensively as possible. Senator CARPER introduced this bill in the Senate and added this amendment to the bill we are considering today.

Too often, in the last four decennials, there have been major operations issues to overcome just before implementation. Historically, it's not uncommon for the Bureau to be without a Director to lead the agency until shortly before the decennial. We did not have a Director in place for the current 2010 count until mere months before census day. In 2000, the Census Director took office 2 years before the decennial count; and in 1990, it was 1 week before the count.

This change will help to ensure the independence of the Census Bureau from political interference and ensure adequate leadership for the census in critical planning and implementation phases for the decennial.

Data and analysis from the Census Bureau provides policymakers, businesses, and State and local governments with vital, accurate, scientific information that is used to guide our country's economic growth. It's important that Bureau leadership have stability. So I thank the chairman and ranking members for getting this done.

The Senate passed this bill with an overwhelming bipartisan majority. I believe this body should defer to the will of the Senate when it comes to their own process for confirming Presidential appointments. I urge my colleagues on both sides of the aisle to support this good-government bill.

Mr. Speaker, I reserve the balance of my time.

Mr. CHAFFETZ. Mr. Speaker, I would like to yield 4 minutes to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Speaker, with due deference to my friend from New York and my friend from Utah—and I do mean that literally—I rise in opposition to this bill.

What we've seen over the last year and a half is a Presidency that had the most disdain for Congress in the confirmation process of any President I'm aware of, and I'm quite familiar with the history of the United States.

Not only has this President made recess appointments when there was no recess, not only has this President appointed czars that were beyond the reach of Congress—although we could have made it within our reach; we could have just cut off every dime for anything that did not come before congressional approval—but with this latest tactic of having a recess appointment when there wasn't a recess, all of the talk across the country about the appointing of czars with no accountability to the Senate, I really did expect some of my conservative friends in the Senate at some point to move a bill on this subject. I expected it to be a bill that would send a loud and clear message to the President that, if you feel like some of these don't need to be appointed, you come talk to us about it, and let's talk about no more recess appointments. Let's talk about some of these others.

□ 1540

Instead, it's almost a pat on the back to the President to say, Look, you've ignored us; you've made us irrelevant. You've done all of these things, as you've said, Congress won't act so you're going to act. The President has gone out and made speeches like the king or Caesar: as I speak, so it is the law.

And even though Congress has duly passed immigration laws that the President has stood up, and as he spoke, he made law and ignored Congress completely. The message we're sending back here is: Mr. President—as in some old movie—thank you, may I

have another. Look, you just keep ignoring us, and we'll keep making ourselves more and more irrelevant.

I would like to make one other point, too. Here we are in a desperate situation where our military, our very national security is at risk for being cut to the extent that we will no longer be secure. I would humbly submit that a better bill would be, Mr. President, if these are not all that important, let's get rid of all of these. There are board members. There's commissions. I mean, there's things in here, there's a director of the Women's Bureau. I don't see one for the Men's Bureau. There's director of all kinds of things here that it just seems like are redundant, that could be done away with. If they're not important enough for the Senate to take a look at them, Mr. Speaker, I would humbly suggest that maybe they're irrelevant and immaterial enough that we just do away with the positions. And accordingly, I would urge my colleagues to vote "no" on this provision.

Mrs. MALONEY. Mr. Speaker, I yield myself such time as I may consume.

I respectfully disagree with my good friend from the great State of Texas, Representative GOHMERT. The number of executive branch positions subject to Senate confirmation has grown at a very large number, and it literally takes months to fill these positions, and the resulting gaps in leadership makes the government less efficient and less productive. It came to us with a strong bipartisan vote in the Senate, and I urge my colleagues on both sides of the aisle to support it, and I yield back the balance of my time.

Mr. CHAFFETZ. I yield myself such time as I may consume.

Mr. Speaker, I will be, under the general leave, inserting a couple of letters. One is from Frank Carlucci, former Secretary of Defense under President Reagan, who wrote us a letter saying:

Leaving positions vacant indefinitely as appointees wait to be confirmed is not smart management and is frankly a threat to our national security.

Also in support of this piece of legislation, a noted conservative Senator, former Senator Fred Thompson, took a position on this and said:

I believe that this will result in an increasingly narrow pool of potential public servants who are more likely to be wealthy and already live in the Washington, D.C. area.

That is if we don't pass this piece of legislation. He went on to say:

In 1960, President Kennedy had 286 positions to fill in the ranks of Secretary, deputy secretary, under secretary, Assistant Secretary, and administrator; and by the end of the Clinton administration, there were 914 positions with these titles.

As was noted by the gentleman from Texas, there is an argument to say a lot of these positions shouldn't even be in the Federal Government. But nevertheless, under the Constitution, the



Constitution says under article II, section 2, the appointments clause—I'll cut right to the phrase I would like to refer to which is:

Congress may by law vest the appointment of such inferior officers, as they think proper.

Therefore, as I read the Constitution, we have a duty and a responsibility to review this and look at this. So here you have a situation where 79 Senators in a very bipartisan way came together after nine different commissions and looking at things and decided to trim it back a little bit. There will still be over a thousand Senate-confirmed positions. But if we want proper oversight, if we want to go through this process in a swift and timely manner, if we want oversight, let's focus on what's most important.

What's most important probably doesn't require Senate confirmation for the Assistant Secretary for Public Affairs. How about the administrator of St. Lawrence Seaway Development Corporation, or the National Council on Disability, or the Office of Navajo and Hopi Relocation? These are positions that, while are important to our Nation, and some would argue are vital, probably don't necessarily rise to the level that requires Senate confirmation. These should not just be used as political tools. This Nation has business at hand, and we should focus on what's important.

Again, there are still more than a thousand appointments that will require Senate confirmation. But let's listen to our colleagues in the Senate. Seventy-nine of them came here and said we think this is good. There have been nine different commissions looking at this. I think it's a valid recommendation. It still allows for the advice and consent within the Senate. It is a duty under the Constitution to do this.

I would encourage adoption of this. I think it is common sense. It is what our friends in the Senate are asking us to do with 79 Senators coming together to urge the adoption of this.

And with that, I yield back the balance of my time.

FRANK C. CARLUCCI,  
*McLean, Virginia, June 1, 2011.*

Hon. HARRY REID,  
*U.S. Senate, Hart Senate Office Bldg., Washington, DC.*

Hon. MITCH MCCONNELL,  
*U.S. Senate, Russell Senate Office Bldg., Washington, DC.*

Hon. CHARLES SCHUMER,  
*U.S. Senate, Hart Senate Office Bldg., Washington, DC.*

Hon. LAMAR ALEXANDER,  
*U.S. Senate, Dirksen Senate Office Bldg., Washington, DC.*

DEAR SENATORS REID, MCCONNELL, SCHUMER AND ALEXANDER: I am writing to commend you for your leadership and bipartisan approach to tackling one of the great challenges facing our government—presidential appointments and nominations reform. There is little dispute that the current nomi-

nations process has grown too cumbersome and complicated, and the number of political appointees is too large. S. 679, the Presidential Appointment Efficiency and Streamlining Act, and S. Res. 116 are a promising show of progress, and I encourage all Senators to support this bipartisan legislation.

As former Secretary of Defense (under President Reagan), I know the importance of having high quality leaders in place within an agency. Leaving positions vacant indefinitely as appointees wait to be confirmed is not smart management, and is frankly a threat to our national security. We need strong leaders installed quickly in agencies to ensure our government is ready to meet the many challenges it faces. S. 679 and S. Res. 116 together present a common-sense solution that preserves the important role of the Senate in confirming key nominees, but unburdens the process by relieving the advice and consent requirement for less critical positions.

Congress would be wise to act now, before the politics of the next election cycle get in the way of practical reforms to improve the efficiency and effectiveness of our federal government. I urge the Senate to swiftly pass both S. 679 and S. Res. 116 to ensure our government has its senior leaders in place within agencies to carry out critical missions.

Sincerely,

FRANK CARLUCCI.

SENATOR FRED THOMPSON,  
*Hermitage, TN, April 12, 2011.*

Hon. JOSEPH LIEBERMAN,  
*Chairman, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Washington, DC.*

Hon. SUSAN COLLINS,  
*Ranking Republican Member, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Washington, DC.*

DEAR JOE AND SUSAN, in 2001, when I was Chairman of the Senate Committee on Governmental Affairs, we held hearings reviewing the nominations process and potential options for reforms. President George W. Bush had been in office 10 months and only about 60 percent of the government's top political jobs had been filled—which created national security concerns.

That's why I want to commend you for your work on the Presidential Appointment Efficiency and Streamlining Act of 2011 which would eliminate the need for Senate confirmation of approximately 200 relatively low level positions. We tried to fix this problem when I was chairman, and it still needs to be done.

My experience was that our confirmation process led to substantial delay and extraordinary expense for nominees as they are vetted beyond what is necessary even for the least sensitive positions. I believe that this will result in an increasingly narrow pool of potential public servants who are more likely to be wealthy, and already live in the Washington, DC, area.

In 1960, President Kennedy had 286 positions to fill in the ranks of Secretary, Deputy Secretary, Under Secretary, Assistant Secretary, and Administrator and by the end of the Clinton Administration there were 914 positions with these titles. Reform would not diminish oversight. It would make oversight more effective.

Comprehensive reforms throughout the presidential appointment process are needed so that the Senate can spend its time focusing on senior nominations and on major priorities such as national defense and tackling our budget problems.

The Senate should take its advice and consent powers seriously, but the number of nominations has grown and expanded over time—much like the rest of the federal government. I hope your committee will take quick action on this legislation and send the bill to the full Senate for its consideration.

Sincerely,

U.S. SENATOR FRED THOMPSON.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CHAFFETZ) that the House suspend the rules and pass the bill, S. 679.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. GOHMERT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### THRIFT SAVINGS FUND CLARIFICATION ACT

Mr. CHAFFETZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4365) to amend title 5, United States Code, to make clear that accounts in the Thrift Savings Fund are subject to certain Federal tax levies, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4365

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. AMENDMENTS.

Section 8437(e)(3) of title 5, United States Code, is amended in the first sentence—

(1) by striking “(659)” and inserting “(659),”; and

(2) by striking the period at the end and inserting the following: “, and shall be subject to a Federal tax levy under section 6331 of the Internal Revenue Code of 1986.”.

#### SEC. 2. DISPOSITION OF AMOUNTS.

Any potential revenue gain attributable to the enactment of this Act, as determined by the Director of the Congressional Budget Office—

(1) shall be deposited in the general fund of the Treasury of the United States; and

(2) shall be used solely for purposes of deficit reduction.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. CHAFFETZ) and the gentleman from New York (Mrs. MALONEY) each will control 20 minutes.

The Chair recognizes the gentleman from Utah.

GENERAL LEAVE

Mr. CHAFFETZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. CHAFFETZ. I yield such time as she may consume to the gentlewoman from New York (Ms. BUEKLE), the prime sponsor and author of this piece of legislation.

Ms. BUEKLE. Mr. Speaker, I thank the gentleman for yielding to me, and I rise today in support of my legislation, H.R. 4365, which would make Thrift Savings Plans subject to Federal tax levies. Currently, TSP accounts are not listed in the IRS Code provisions identifying property that is exempt from tax. This bill makes clear that the TSP accounts are to be treated the same as 401(k)s and similar retirement and savings accounts held by private sector employees.

This bill is about fairness, Mr. Speaker. It will treat Federal employees the same as private sector employees.

H.R. 4365 adds needed clarification to existing law and provides guidance to the Thrift Board on how to honor IRS levies as they arise. In 2010, the Office of Legal Counsel at the Department of Justice concluded that TSPs are subject to levy. And last week, the Federal Retirement Thrift Investment Board, which oversees TSP accounts, wrote Congress asking that this issue be clarified expeditiously, noting that the lack of clarity is causing significant operational issues.

At the end of 2010, Mr. Speaker, the most recent year for which IRS data is available, 279,000 Federal employees owed \$3.4 billion in Federal taxes. And the Joint Committee on Taxation estimates that enacting this legislation would increase revenues by \$24 million over the 2012–2022 period.

Mr. Speaker, \$24 million may seem like a small figure to some inside the Beltway. However, I believe any savings Congress can produce in today's fiscal environment is significant.

This is a commonsense solution which received bipartisan support in the House Oversight and Government Reform Committee. Similar legislation also received overwhelming support in the Senate. I urge passage of this bill.

Mrs. MALONEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the Committee on Oversight and Government Reform, I am pleased to join my colleagues in the consideration of H.R. 4365, a bill to amend title 5, United States Code, to make clear that accounts in the Thrift Savings Fund are subject to Federal tax levies.

Current law authorizes the Internal Revenue Service to levy private sector 401(k) retirement plans in order to collect unpaid Federal taxes.

□ 1550

However, due to an existing ambiguity between the Internal Revenue Code and the authorizing statute for the Federal Thrift Savings Plan, the IRS is unable to garnish TSP accounts

to recover unpaid taxes from Federal employees and Members of Congress. In light of this statutory confusion, the Thrift Savings Plan's executive director requested clarification from our committee back in July of 2011 as to whether the TSP should honor Federal levies on TSP accounts.

H.R. 4365 would simply ensure that Federal TSP accounts and private sector 401(k) plans receive equal treatment in the area of tax administration and enforcement by amending the TSP authorizing statute to make clear that TSP fund accounts are, in fact, subject to Federal tax levies by the IRS. In addition, pursuant to an amendment offered by our distinguished ranking member, Mr. CUMMINGS of Maryland, and included in the bill as reported by our committee, any potential revenue derived from the enactment of H.R. 4365 may be used only for the purposes of deficit reduction.

In supporting this bill, I would note that the vast majority of our public servants pay their taxes in a responsible and timely manner. In fact, according to the most recent IRS statistics, the tax delinquency rate among Federal employees in 2010 was 3.33 percent, far lower than that of the general public.

Mr. Speaker, I urge my colleagues on both sides of the aisle to support this reasonable legislation, and I yield back the balance of my time.

Mr. CHAFFETZ. Mr. Speaker, this is a good, commonsense piece of legislation, and I urge its adoption.

I yield back the balance of my time. The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CHAFFETZ) that the House suspend the rules and pass the bill, H.R. 4365, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mrs. MALONEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### GOVERNMENT CHARGE CARD ABUSE PREVENTION ACT OF 2012

Mr. CHAFFETZ. Mr. Speaker, I move to suspend the rules and pass the bill (S. 300) to prevent abuse of Government charge cards, as amended.

The Clerk read the title of the bill.

The text of the amendment is as follows:

Amendment:

Strike out all after the enacting clause and insert:

S. 300

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Government Charge Card Abuse Prevention Act of 2012".

#### SEC. 2. MANAGEMENT OF PURCHASE CARDS.

(a) GOVERNMENT-WIDE SAFEGUARDS AND INTERNAL CONTROLS.—

(1) IN GENERAL.—Chapter 19 of title 41, United States Code, is amended by adding at the end the following new section:

##### "§ 1909. Management of purchase cards

"(a) REQUIRED SAFEGUARDS AND INTERNAL CONTROLS.—The head of each executive agency that issues and uses purchase cards and convenience checks shall establish and maintain safeguards and internal controls to ensure the following:

"(1) There is a record in each executive agency of each holder of a purchase card issued by the agency for official use, annotated with the limitations on single transactions and total transactions that are applicable to the use of each such card or check by that purchase card holder.

"(2) Each purchase card holder and individual issued a convenience check is assigned an approving official other than the card holder with the authority to approve or disapprove transactions.

"(3) The holder of a purchase card and each official with authority to authorize expenditures charged to the purchase card are responsible for—

"(A) reconciling the charges appearing on each statement of account for that purchase card with receipts and other supporting documentation; and

"(B) forwarding a summary report to the certifying official in a timely manner of information necessary to enable the certifying official to ensure that the Federal Government ultimately pays only for valid charges that are consistent with the terms of the applicable Government-wide purchase card contract entered into by the Administrator of General Services.

"(4) Any disputed purchase card charge, and any discrepancy between a receipt and other supporting documentation and the purchase card statement of account, is resolved in the manner prescribed in the applicable Government-wide purchase card contract entered into by the Administrator of General Services.

"(5) Payments on purchase card accounts are made promptly within prescribed deadlines to avoid interest penalties.

"(6) Rebates and refunds based on prompt payment, sales volume, or other actions by the agency on purchase card accounts are reviewed for accuracy and properly recorded as a receipt to the agency that pays the monthly bill.

"(7) Records of each purchase card transaction (including records on associated contracts, reports, accounts, and invoices) are retained in accordance with standard Government policies on the disposition of records.

"(8) Periodic reviews are performed to determine whether each purchase card holder has a need for the purchase card.

"(9) Appropriate training is provided to each purchase card holder and each official with responsibility for overseeing the use of purchase cards issued by the executive agency.

"(10) The executive agency has specific policies regarding the number of purchase cards issued by various component organizations and categories of component organizations, the credit limits authorized for various categories of card holders, and categories of employees eligible to be issued purchase cards, and that those policies are designed to minimize the financial risk to the Federal Government of the issuance of the purchase cards and to ensure the integrity of purchase card holders.

"(11) The executive agency uses effective systems, techniques, and technologies to prevent or identify illegal, improper, or erroneous purchases.

"(12) The executive agency invalidates the purchase card of each employee who—

“(A) ceases to be employed by the agency, immediately upon termination of the employment of the employee; or

“(B) transfers to another unit of the agency, immediately upon the transfer of the employee unless the agency determines that the units are covered by the same purchase card authority.

“(13) The executive agency takes steps to recover the cost of any illegal, improper, or erroneous purchase made with a purchase card or convenience check by an employee, including, as necessary, through salary offsets.

“(b) GUIDANCE.—The Director of the Office of Management and Budget shall review existing guidance and, as necessary, prescribe additional guidance governing the implementation of the requirements of subsection (a) by executive agencies.

“(c) PENALTIES FOR VIOLATIONS.—

“(1) IN GENERAL.—The head of each executive agency shall provide for appropriate adverse personnel actions or other punishment to be imposed in cases in which employees of the agency violate agency policies implementing the guidance required by subsection (b) or make illegal, improper, or erroneous purchases with purchase cards or convenience checks.

“(2) DISMISSAL.—Penalties prescribed for employee misuse of purchase cards or convenience checks shall include dismissal of the employee, as appropriate.

“(3) REPORTS ON VIOLATIONS.—The guidance prescribed under subsection (b) shall direct each head of an executive agency with more than \$10,000,000 in purchase card spending annually, and each Inspector General of such an executive agency, on a semiannual basis, to submit to the Director of the Office of Management and Budget a joint report on violations or other actions covered by paragraph (1) by employees of such executive agency. At a minimum, the report shall set forth the following:

“(A) A summary description of confirmed violations involving misuse of a purchase card following completion of a review by the agency or by the Inspector General of the agency.

“(B) A summary description of all adverse personnel action, punishment, or other action taken based on each violation.

“(d) RISK ASSESSMENTS AND AUDITS.—The Inspector General of each executive agency shall—

“(1) conduct periodic assessments of the agency purchase card or convenience check programs to identify and analyze risks of illegal, improper, or erroneous purchases and payments in order to develop a plan for using such risk assessments to determine the scope, frequency, and number of periodic audits of purchase card or convenience check transactions;

“(2) perform analysis or audits, as necessary, of purchase card transactions designed to identify—

“(A) potentially illegal, improper, or erroneous uses of purchase cards;

“(B) any patterns of such uses; and

“(C) categories of purchases that could be made by means other than purchase cards in order to better aggregate purchases and obtain lower prices (excluding transactions made under card-based strategic sourcing arrangements);

“(3) report to the head of the executive agency concerned on the results of such analysis or audits; and

“(4) report to the Director of the Office of Management and Budget on the implementation of recommendations made to the head of the executive agency to address findings of any analysis or audit of purchase card and convenience check transactions or programs for compilation and transmission by the Director to Congress and the Comptroller General.

“(e) RELATIONSHIP TO DEPARTMENT OF DEFENSE PURCHASE CARD REGULATIONS.—The requirements of this section shall not apply to the

Department of Defense. See section 2784 of title 10 for provisions relating to management of purchase cards in the Department.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 19 of title 41, United States Code, is amended by adding at the end the following new item:

“1909. Management of purchase cards.”.

(b) CONFORMING AMENDMENTS TO DEPARTMENT OF DEFENSE PURCHASE CARD PROVISIONS.—Subsection (b) of section 2784 of title 10, United States Code, is amended—

(1) by moving paragraph (8) to the end of the subsection and redesignating that paragraph as paragraph (14);

(2) by redesignating paragraphs (2), (3), (4), (5), (6), and (7) as paragraphs (3), (4), (5), (6), (7), and (8), respectively;

(3) by inserting after paragraph (1) the following new paragraph (2):

“(2) That each purchase card holder and individual issued a convenience check is assigned an approving official other than the card holder with the authority to approve or disapprove transactions.”;

(4) by adding after paragraph (10) the following new paragraphs:

“(11) That the Department of Defense uses effective systems, techniques, and technologies to prevent or identify potential fraudulent purchases.

“(12) That the Department of Defense takes appropriate steps to invalidate the purchase card of each card holder who—

“(A) in the case of an employee of the Department—

“(i) ceases to be employed by the Department, immediately upon termination of the employment of the employee; or

“(ii) transfers to another unit of the Department, immediately upon the transfer of the employee unless the Secretary of Defense determines that the units are covered by the same purchase card authority; and

“(B) in the case of a member of the armed forces, is separated or released from active duty or full-time National Guard duty.

“(13) That the Department of Defense takes steps to recover the cost of any illegal, improper, or erroneous purchase made with a purchase card or convenience check by an employee or member of the armed forces, including, as necessary, through salary offsets.”; and

(5) by adding at the end the following new paragraph:

“(15) That the Inspector General of the Department of Defense conducts periodic audits or reviews of purchase card or convenience check programs to identify and analyze risks of illegal, improper, or erroneous purchases and payments and that the findings of such audits or reviews, along with recommendations to prevent abuse of purchase cards or convenience checks, are reported to the Director of the Office of Management and Budget and Congress.”.

(c) DEADLINE FOR GUIDANCE ON MANAGEMENT OF PURCHASE CARDS.—The Director of the Office of Management and Budget shall prescribe the guidance required by section 1909(b) of title 41, United States Code, as added by subsection (a), not later than 180 days after the date of the enactment of this Act.

### SEC. 3. MANAGEMENT OF TRAVEL CARDS.

Section 2 of the Travel and Transportation Reform Act of 1998 (Public Law 105–264; 5 U.S.C. 5701 note) is amended by adding at the end the following new subsection:

“(h) MANAGEMENT OF TRAVEL CHARGE CARDS.—

“(1) REQUIRED SAFEGUARDS AND INTERNAL CONTROLS.—The head of each executive agency that has employees that use travel charge cards shall establish and maintain the following internal control activities to ensure the proper, effi-

cient, and effective use of such travel charge cards:

“(A) There is a record in each executive agency of each holder of a travel charge card issued on behalf of the agency for official use, annotated with the limitations on amounts that are applicable to the use of each such card by that travel charge card holder.

“(B) Rebates and refunds based on prompt payment, sales volume, or other actions by the agency on travel charge card accounts are monitored for accuracy and properly recorded as a receipt of the agency that employs the card holder.

“(C) Periodic reviews are performed to determine whether each travel charge card holder has a need for the travel charge card.

“(D) Appropriate training is provided to each travel charge card holder and each official with responsibility for overseeing the use of travel charge cards issued by the executive agency.

“(E) Each executive agency has specific policies regarding travel charge cards issued for various component organizations and categories of component organizations, the credit limits authorized for various categories of card holders, and categories of employees eligible to be issued travel charge cards, and designs those policies to minimize the financial risk to the Federal Government of the issuance of the travel charge cards and to ensure the integrity of travel charge card holders.

“(F) Each executive agency has policies to ensure its contractual arrangement with each travel charge card issuing contractor contains a requirement that the creditworthiness of an individual be evaluated before the individual is issued a travel charge card, and that no individual be issued a travel charge card if that individual is found not creditworthy as a result of the evaluation (except that this paragraph shall not preclude issuance of a restricted use, prepaid, declining balance, controlled-spend, or stored value card when the individual lacks a credit history or has a credit score below the minimum credit score established by the Director of the Office of Management and Budget). The Director of the Office of Management and Budget shall establish a minimum credit score for determining the creditworthiness of an individual based on rigorous statistical analysis of the population of card holders and historical behaviors. Notwithstanding any other provision of law, such evaluation shall include an assessment of an individual's consumer report from a consumer reporting agency as those terms are defined in section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a).

“(G) Each executive agency uses effective systems, techniques, and technologies to prevent or identify improper purchases.

“(H) Each executive agency ensures that the travel charge card of each employee who ceases to be employed by the agency is invalidated immediately upon termination of the employment of the employee (or, in the case of a member of the uniformed services, upon separation or release from active duty or full-time National Guard duty).

“(I) Each executive agency shall ensure that, where appropriate, travel card payments are issued directly to the travel card-issuing bank for credit to the employee's individual travel card account.

“(2) GUIDANCE ON MANAGEMENT OF TRAVEL CHARGE CARDS.—Not later than 180 days after the date of the enactment of the Government Charge Card Abuse Prevention Act of 2012, the Director of the Office of Management and Budget shall review the existing guidance and, as necessary, prescribe additional guidance for executive agencies governing the implementation of the requirements in paragraph (1).

“(3) INSPECTOR GENERAL AUDIT.—The Inspector General of each executive agency with more

than \$10,000,000 in travel card spending shall conduct periodic audits or reviews of travel card programs to analyze risks of illegal, improper, or erroneous purchases and payments. The findings of such audits or reviews along with recommendations to prevent improper use of travel cards shall be reported to the Director of the Office of Management and Budget and Congress.

“(4) **PENALTIES FOR VIOLATIONS.**—Consistent with the guidance prescribed under paragraph (2), each executive agency shall provide for appropriate adverse personnel actions to be imposed in cases in which employees of the executive agency fail to comply with applicable travel charge card terms and conditions or applicable agency regulations or commit fraud with respect to a travel charge card, including removal in appropriate cases.

“(5) **DEFINITIONS.**—In this subsection:

“(A) **EXECUTIVE AGENCY.**—The term ‘executive agency’ means an agency as that term is defined in subparagraphs (A) and (B) of section 5701(1) of title 5, United States Code.

“(B) **TRAVEL CHARGE CARD.**—The term ‘travel charge card’ means any Federal contractor-issued travel charge card that is individually billed to each card holder.”.

#### **SEC. 4. MANAGEMENT OF CENTRALLY BILLED ACCOUNTS.**

(a) **REQUIRED INTERNAL CONTROLS FOR CENTRALLY BILLED ACCOUNTS.**—The head of an executive agency that has employees who use a travel charge card that is billed directly to the United States Government shall establish and maintain the following internal control activities:

(1) The executive agency shall ensure that officials with the authority to approve official travel verify that centrally billed account charges are not reimbursed to an employee.

(2) The executive agency shall dispute unallowable and erroneous charges and track the status of the disputed transactions to ensure appropriate resolution.

(3) The executive agency shall submit requests to servicing airlines for refunds of fully or partially unused tickets, when entitled to such refunds, and track the status of unused tickets to ensure appropriate resolution.

(b) **GUIDANCE.**—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall review the existing guidance and, as necessary, prescribe additional guidance for executive agencies implementing the requirements of subsection (a).

#### **SEC. 5. DEFINITIONS.**

In this Act:

(1) **EXECUTIVE AGENCY.**—The term “executive agency” has the meaning given such term in section 133 of title 41, United States Code.

(2) **EMPLOYEE.**—The term “employee” has the meaning given such term in section 2(d)(3) of the Travel and Transportation Reform Act of 1998 (Public Law 105–264; 5 U.S.C. 5701 note).

#### **SEC. 6. CONSTRUCTION.**

(a) **EXECUTIVE AGENCY ACCOUNTING.**—Nothing in this Act, or the amendments made by this Act, shall be construed to excuse the head of an executive agency from the responsibilities set out in section 3512 of title 31, United States Code, or in the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).

(b) **PERSONAL INFORMATION.**—Nothing in this Act, or the amendments made by this Act, shall be construed to require the disclosure of personally identifying information that is otherwise protected from disclosure under section 552a of title 5, United States Code (popularly known as the Privacy Act of 1974).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. CHAFFETZ) and the gentle-

woman from New York (Mrs. MALONEY) each will control 20 minutes.

The Chair recognizes the gentleman from Utah.

Mr. CHAFFETZ. Mr. Speaker, I yield myself such time as I may consume.

#### **GENERAL LEAVE**

Mr. CHAFFETZ. I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. CHAFFETZ. S. 300 puts common-sense controls on the users of government charge cards which allow Federal workers to purchase goods and to travel in a timely and cost-efficient manner. In any economy, but especially the one we're in now, there is no room for waste, much less fraud and abuse. These safeguards will make all users of Federal charge cards accountable for their use.

While the use of charge cards has saved the Federal Government both time and money when compared to a paper reimbursement system, some Federal employees have abused their purchase and travel card privileges, resulting in unnecessary and sometimes fraudulent expenses.

Numerous GAO reports over the last decade have called for additional controls to prevent waste, fraud, and abuse in the government charge card program. In 2008, GAO estimated that nearly 41 percent of purchase card transactions failed to meet basic internal control standards.

Senator GRASSLEY has put the spotlight on the problematic use of government charge cards for more than a decade, and the GAO has documented fraudulent purchases made by Federal workers with these cards, including jewelry, gambling, cruises, and even the tab at gentlemen's clubs. Government charge cards were used to pay for the infamous GSA 2010 Western Regional Conference.

The Oversight Committee was able to work on a bipartisan basis with the Armed Services Committee to bring Senator GRASSLEY's bill, S. 300, to the floor today. The bill brings needed accountability to the process by which the Federal Government manages charge cards used by Federal employees.

S. 300 requires agencies to improve their internal controls for government charge cards. It is based largely on GAO's recommendations for preventing waste, fraud, and abuse. The additional safeguards resulting from the bill will avoid the waste of millions of dollars of taxpayer money on fraudulent or questionable purposes. The controls also help ensure the Federal Government benefits from rebates available from

charge card vendors for prompt payment.

S. 300 requires agency inspectors general to periodically conduct risk assessments and perform audits to identify potential abuse of government charge cards. The bill also requires agencies to take appropriate disciplinary action, including removal, for Federal employees who misuse charge cards. This provision responds to GAO investigations that found inconsistent or nonexistent consequences for Federal employees who abuse these charge card privileges.

I will be placing into the RECORD a jurisdictional exchange of letters between the Committee on Armed Services and the Committee on Oversight and Government Reform.

With that, Mr. Speaker, I reserve the balance of my time.

#### **COMMITTEE ON ARMED SERVICES,**

#### **HOUSE OF REPRESENTATIVES,**

Washington, DC, February 14, 2012.

Hon. DARRELL E. ISSA,

Chairman, Committee on Oversight and Government Reform, House of Representatives, Washington, DC.

DEAR CHAIRMAN ISSA: I am writing to you concerning the bill S. 300, Government Charge Card Abuse Prevention Act of 2011, as amended. This legislation includes provisions that deal with the Department of Defense policies regarding government charge cards which fall within the Rule X jurisdiction of the Committee on Armed Services.

Our committee recognizes the importance of S. 300, and the need for the legislation to move expeditiously. Therefore, while we have a valid claim to jurisdiction over this legislation, the Committee on Armed Services will waive further consideration of S. 300. I do so with the understanding that by waiving consideration of the bill, the Committee on Armed Services does not waive any future jurisdictional claim over the subject matters contained in the bill which fall within its Rule X jurisdiction. I appreciate your willingness to work with the Committee on Armed Services to incorporate modifications requested by the Office of the Secretary of Defense to the legislation to be considered in the House. I request that you urge the Speaker to name members of this committee to any conference committee which is named to consider these provisions.

Please place this letter and your committee's response into the Congressional Record during consideration of the measure on the House floor. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

Sincerely,

HOWARD P. “BUCK” MCKEON,  
Chairman.

#### **COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES,**

Washington, DC, February 23, 2012.

Hon. HOWARD P. “BUCK” MCKEON,

Chairman, Committee on Armed Services, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding the Committee on Armed Services' jurisdictional interest in S. 300, the “Government Charge Card Abuse Prevention Act of 2011,” and your willingness to forego consideration of S. 300 by your committee.

I agree that the Armed Services Committee has a valid jurisdictional interest in certain provisions of S. 300 and that the Committee's jurisdiction will not be adversely affected by your decision to forego consideration of the bill. As you have requested, I will support your request for an appropriate appointment of outside conferees from your Committee in the event of a House-Senate conference on this or similar legislation should such a conference be convened.

Finally, I will include a copy of your letter and this response in the Congressional Record during the floor consideration of this bill. Thank you again for your cooperation.

Sincerely,

DARRELL ISSA,  
Chairman.

Mrs. MALONEY. Mr. Speaker, I yield myself such time as I may consume.

The serious fiscal challenges facing the Federal Government demand that agencies do everything they can to operate as efficiently as possible. The Federal Government spends billions annually through its purchase card programs, using purchase cards and convenience checks to acquire millions of items—everything from paper and pencils to computers—and to make payments on government contracts for a variety of goods and services such as vehicles and relocation services.

The primary responsibility for purchasing these items rests with cardholders and the officials who approve their purchases. Because of the position of public trust held by Federal employees, Congress and the American people expect cardholders and approving officials to maintain stewardship over the Federal funds at their disposal. Specifically, purchase cardholders and approving officials are expected to follow published acquisition requirements and exercise a standard of care in acquiring goods and services that is necessary and reasonable for the proper operation of an agency.

Because every Federal dollar that is spent on fraudulent, improper, and abusive purchases is a dollar that cannot be used for necessary government goods and services, ensuring that purchase cards are used responsibly is of particular concern at a time when the United States is experiencing substantial fiscal challenges.

I strongly support Senator GRASSLEY's bill, on which he has worked many years, S. 300, because the legislation will require agencies to establish internal control activities over travel and charge cards. Agencies will be able to perform credit checks on potential recipients of travel cards. Agencies will also be able to appropriately discipline employees who misuse charge cards, including termination of their employment.

Most importantly, this legislation will keep agencies accountable for charge card misuse because the inspectors general of each agency will be required to examine charge card use twice a year and report any violations

to the Office of Management and Budget.

I urge my colleagues to support this bill, and I yield back the balance of my time.

Mr. CHAFFETZ. I appreciate the great work Senator GRASSLEY has done on this bill. I urge its adoption. I think we can do so in a bipartisan way, and I urge a "yes" vote.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CHAFFETZ) that the House suspend the rules and pass the bill, S. 300, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mrs. MALONEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

□ 1600

#### FEDERAL EMPLOYEE TAX ACCOUNTABILITY ACT OF 2012

Mr. CHAFFETZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 828) to amend title 5, United States Code, to provide that persons having seriously delinquent tax debts shall be ineligible for Federal employment, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 828

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Employee Tax Accountability Act of 2012".

#### SEC. 2. INELIGIBILITY OF PERSONS HAVING SERIOUSLY DELINQUENT TAX DEBTS FOR FEDERAL EMPLOYMENT.

(a) IN GENERAL.—Chapter 73 of title 5, United States Code, is amended by adding at the end the following:

"SUBCHAPTER VIII.—INELIGIBILITY OF PERSONS HAVING SERIOUSLY DELINQUENT TAX DEBTS FOR FEDERAL EMPLOYMENT

#### "§ 7381. Definitions

"For purposes of this subchapter—

"(1) the term 'seriously delinquent tax debt' means an outstanding debt under the Internal Revenue Code of 1986 for which a notice of lien has been filed in public records pursuant to section 6323 of such Code, except that such term does not include—

"(A) a debt that is being paid in a timely manner pursuant to an agreement under section 6159 or section 7122 of such Code;

"(B) a debt with respect to which a collection due process hearing under section 6330

of such Code, or relief under subsection (a), (b), or (f) of section 6015 of such Code, is requested or pending;

"(C) a debt with respect to which a levy has been issued under section 6331 of such Code (or, in the case of an applicant for employment, a debt with respect to which the applicant agrees to be subject to a levy issued under such section); and

"(D) a debt with respect to which relief under section 6343(a)(1)(D) of such Code is granted;

"(2) the term 'employee' means an employee in or under an agency, including an individual described in sections 2104(b) and 2105(e); and

"(3) the term 'agency' means—

"(A) an Executive agency;

"(B) the United States Postal Service;

"(C) the Postal Regulatory Commission; and

"(D) an employing authority in the legislative branch.

#### "§ 7382. Ineligibility for employment

"(a) IN GENERAL.—Subject to subsection (c), any person who has a seriously delinquent tax debt shall be ineligible to be appointed or to continue serving as an employee.

"(b) DISCLOSURE REQUIREMENT.—The head of each agency shall take appropriate measures to ensure that each person applying for employment with such agency shall be required to submit (as part of the application for employment) certification that such person does not have any seriously delinquent tax debt.

"(c) REGULATIONS.—The Office of Personnel Management, in consultation with the Internal Revenue Service, shall, for purposes of carrying out this section with respect to the executive branch, promulgate any regulations which the Office considers necessary, except that such regulations shall provide for the following:

"(1) All due process rights, afforded by chapter 75 and any other provision of law, shall apply with respect to a determination under this section that an applicant is ineligible to be appointed or that an employee is ineligible to continue serving.

"(2) Before any such determination is given effect with respect to an individual, the individual shall be afforded 180 days to demonstrate that such individual's debt is one described in subparagraph (A), (B), (C), or (D) of section 7381(a)(1).

"(3) An employee may continue to serve, in a situation involving financial hardship, if the continued service of such employee is in the best interests of the United States, as determined on a case-by-case basis.

"(d) REPORTS TO CONGRESS.—The Director of the Office of Personnel Management shall report annually to Congress on the number of exemptions made pursuant to subsection (c)(3).

#### "§ 7383. Review of public records

"(a) IN GENERAL.—Each agency shall provide for such reviews of public records as the head of such agency considers appropriate to determine if a notice of lien (as described in section 7381(1)) has been filed with respect to an employee of or an applicant for employment with such agency.

"(b) ADDITIONAL REQUESTS.—If a notice of lien is discovered under subsection (a) with respect to an employee or applicant for employment, the agency may—

"(1) request that the employee or applicant execute and submit a form authorizing the Secretary of the Treasury to disclose to the head of the agency information limited to

describing whether the employee or applicant has a seriously delinquent tax debt; and

“(2) contact the Secretary of the Treasury to request tax information limited to describing whether the employee or applicant has a seriously delinquent tax debt.

“(c) AUTHORIZATION FORM.—The Secretary of the Treasury shall make available to all agencies a standard form for the authorization described in subsection (b)(1).

“(d) NEGATIVE CONSIDERATION.—The head of an agency, in considering an individual's application for employment or in making an employee appraisal or evaluation, shall give negative consideration to a refusal or failure to comply with a request under subsection (b)(1).

#### “§ 7384. Confidentiality

“Neither the head nor any other employee of an agency may—

“(1) use any information furnished under the provisions of this subchapter for any purpose other than the administration of this subchapter;

“(2) make any publication whereby the information furnished by or with respect to any particular individual under this subchapter can be identified; or

“(3) permit anyone who is not an employee of such agency to examine or otherwise have access to any such information.”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 73 of title 5, United States Code, is amended by adding at the end the following:

“SUBCHAPTER VIII—INELIGIBILITY OF PERSONS HAVING SERIOUSLY DELINQUENT TAX DEBTS FOR FEDERAL EMPLOYMENT

“7381. Definitions.

“7382. Ineligibility for employment.

“7383. Review of public records.

“7384. Confidentiality.”.

#### SEC. 3. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect 9 months after the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. CHAFFETZ) and the gentlewoman from New York (Mrs. MALONEY) each will control 20 minutes.

The Chair recognizes the gentleman from Utah.

#### GENERAL LEAVE

Mr. CHAFFETZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. CHAFFETZ. I yield myself such time as I may consume.

Mr. Speaker, almost every Federal employee that I have run into, they're good, hardworking, patriotic people trying to do the right thing; but unfortunately we have a few that really aren't doing the right thing.

I want to highlight a problem that we see out there. There are those Federal employees that are delinquent on their Federal taxes. Now, this becomes egregious, I think, because of the nature of their employment—they're

working for the Federal Government, they're being paid by the Federal taxpayers, and yet they're not paying their own Federal taxes.

Unfortunately, over the course of time this situation has not gotten better. People are dealing with very difficult situations, they have adopted something or somehow in their life they've gotten upside down. The nature and the spirit of this bill, the bill that I am the chief sponsor on, is to find those people who are trying to do the right thing—they're trying to rectify it, they're trying to come up with a plan—we're not going after those people. But for the other group of people who are just totally ignoring the law and they're not living up to their obligation, they're not paying their Federal taxes, there ought to be more of a consequence.

The number of delinquent employees has remained fairly consistent since the year 2004. Remarkably, there were 102,794 employees who were delinquent with their Federal taxes back in 2004. Fast forward to 2010, that number is still 98,291. In fact, nearly 700 people on Capitol Hill are delinquent on their Federal taxes. Unfortunately, the dollar amount of these delinquencies from 2004, which was \$599.8 million, has grown to over \$1 billion—in fact, it's \$1.034 billion unpaid taxes from Federal employees.

So, employees who consciously ignore the channels and processes in place to fulfill their tax obligations must be held accountable. The Federal Employee Tax Accountability Act addresses noncompliance with our tax laws by prohibiting individuals with seriously delinquent tax debt from Federal civilian employment. This should be common sense, and I hope it's bipartisan.

Most taxpayers, including government employees, file accurate tax returns and pay the taxes they owe on time, regardless of their income. Federal employees and individuals applying for Federal employment should do the same—always.

In 2010, the most recent year for which the IRS data is available, more than 98,000 civilian Federal employees owed more than \$1 billion in taxes. The average delinquency rate for Federal civilian employees was 3.33 percent, up from 2.29 percent in 2008.

The vast majority of Federal workers who owe taxes owe them from income that they earned. The intent of this bill is simple. If you're a Federal employee or an applicant for Federal employment, you should be making a good faith effort to pay your taxes or to dispute them, as taxpayers have the right to do.

Under this bill, H.R. 828, individuals having seriously delinquent tax debts are ineligible for Federal civilian employment in the executive and legislative branch. “Serious tax delinquent”

is defined as an outstanding Federal debt for which the notice of lien has been filed publicly.

H.R. 828 exempts employees who are working to settle tax liabilities by excluding Federal tax debts that are being paid in accordance with an installment agreement, offer of compromise, or wage garnishment; for which a due process hearing or request for relief from joint and several liability is requested or pending; or for which relief has been granted. So, there are exceptions. We're not trying to cut somebody off at the knees if they're trying to do the right thing.

The bill requires individuals applying for Federal jobs to certify that they are not seriously delinquent in their taxes. Agencies will also conduct periodic reviews of public records for tax liens. And individuals with seriously delinquent tax debt may avail themselves of existing due process rights, including before the Merit Systems Protection Board. In addition, individuals will have 6 months to demonstrate that their tax debt is not “seriously delinquent.”

The bill also provides a financial hardship exemption for employees. Federal employees are called to account for paying taxes by the code of ethics for the executive branch. The code of ethics dictates that Federal employees must “satisfy in good faith their obligations as citizens, including all just financial obligations, especially those such as Federal, State or local taxes that are imposed by law.” Thus, the necessity of this situation. Unfortunately, it's getting worse, it's not getting better.

We have an obligation, I think, to the American taxpayers and to the overwhelming majority, the 96-plus percent of Federal workers, who are doing the right thing. Thus, I urge the adoption of this bill.

I reserve the balance of my time.

Mrs. MALONEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as Chairman ISSA stated during the Oversight Committee's consideration of this bill, H.R. 828, this is largely a symbolic gesture.

We all agree that everyone, including Federal workers, should pay their taxes. Members on both sides of the aisle emphasize the need to hold Federal employees accountable for tax obligations. However, the overwhelming majority of Federal workers take their income tax obligation seriously.

The tax compliance rate for Federal employees is much higher than for the American public. According to the most recent statistics from the Internal Revenue Service, more than 96 percent of Federal workers pay their taxes on time and do not owe money to the government.

In addition, there are already existing laws and regulations that address tax debts owed by Federal employees,



and the IRS has a system in place for levying up to 15 percent of Federal wage payments made to delinquent taxpayers until the tax debt is satisfied.

The Joint Committee on Taxation has concluded that H.R. 828 would have “negligible impact” on revenue. In fact, implementation of the bill would have a small cost. So, I’m not certain that this bill will have any significant impact whatsoever.

I strongly believe that the House’s efforts and energy would be better spent by focusing on measures to strengthen the Federal civil service and improve the efficiency and effectiveness of the Federal Government rather than by making symbolic gestures that reinforce a negative view of the Federal workforce.

I reserve the balance of my time.

Mr. CHAFFETZ. Mr. Speaker, I yield myself such time as I may consume.

There is a need for this. I wish there wasn’t a need for this. There are other more pressing things that we should be focused on. But this is \$1 billion in uncollected taxes, taxes that are due by Federal workers.

Again, I don’t want to disparage the reputation of all Federal employees, but this small group—in excess now of 3 percent of our Federal workers—is putting tarnishment on those other employees.

I want to point to a January 23, 2012, Federal Eye article—Ed O’Keefe is the author. Let me read a paragraph from his article. He said:

But on Capitol Hill, 684 employees, or almost 4 percent, of the 18,000 congressional staffers owed taxes in 2010, a jump of 46 workers from 2009. Four percent of House staffers owed \$8.5 million, and 3 percent of Senate employees owed \$2.1 million, the IRS said.

We actually get a report from the IRS, and it has a breakdown of the number of employees by department who aren’t paying their Federal taxes. The Department of Treasury, they have one of the lowest percentages. Less than 1 percent of their employees don’t pay their taxes, but they still have 1,181 employees at the Department of Treasury who aren’t paying it. There’s an uncollected \$9.3 million.

At the Federal Reserve, the Board of Governors, smaller in terms of their numbers, but you still had 91 employees at the Federal Reserve not paying their taxes—4.86 percent of their employees not paying over \$1.2 million in taxes.

If you go on and look here, this one is my personal favorite. The U.S. Office of Government Ethics has the worst compliance rate of our Federal workers. If you put that in a movie, you wouldn’t believe it. But nearly 6.5 percent of their employees don’t pay their Federal taxes, the U.S. Office of Government Ethics.

□ 1610

Unfortunately, there is a need for this.

I would like to highlight, we did this in a very bipartisan way within committee. There was an amendment offered by Mr. LYNCH of Massachusetts, who I have the greatest respect for. He offered an amendment. We accepted that. When we accepted that, he was quoted as saying, and I quote from Mr. LYNCH:

With that refinement here, a friendly amendment, I certainly would vote for the bill if the amendment were included.

I hope we can do this in a bipartisan way. We have an obligation, a duty to do this.

I reserve the balance of my time, Mr. Speaker.

Mrs. MALONEY. Mr. Speaker, I have no additional speakers. I yield back the balance of my time.

Mr. CHAFFETZ. Mr. Speaker, let me say, in conclusion here, look, if Federal workers aren’t paying their Federal taxes, they should be fired. If they’re not paying their Federal taxes and they want employment here, they should not be employed as Federal workers.

We have a duty and an obligation. This is a billion dollar problem in search of a solution. This is the solution. We should do so in a bipartisan way.

And with that, I urge the adoption of this bill.

I yield back the balance of my time.

Mr. VAN HOLLEN. Mr. Speaker, once again the House finds itself considering a bill that unfairly targets the hard working public servants who every day are providing a wide array of public services from helping to nurse our wounded veterans, to discovering cures and treatments for diseases that plague millions of American families, to ensuring aviation safety, to protecting our borders, public safety and the food supply. Over the last two years, our Republican colleagues have repeatedly brought legislation to the floor to slash the pay and benefits of civil servants in order to protect special tax breaks for the super wealthy and special interests.

Obviously, all Americans should pay their taxes, and those who fail to do so should be penalized. But federal employees should not be denied the full complement of due process rights that are available to any other American. This bill would result in the firing of federal employees who may be legitimately contesting a tax liability through the established process. Moreover, by linking the firing of a federal employee to a lien, this bill would result in the firing of individuals who are already in the process of satisfying their tax obligation. There are already laws and regulations on the books that address how tax debt should be handled and how federal employees who are delinquent on their payments should be disciplined.

In 2002, the IRS asked Congress to change the standard for determining when an agency was mandated to fire employees. Rather than firing every employee who fails to properly file

their tax return, IRS created a hierarchy of penalties based on the seriousness and willfulness of the offense. This bill throws out that process and treats all delinquencies as if they were willful and deliberate.

Comparatively, federal employees have a compliance rate that is higher than the average American taxpayer. In 2010, 3.35 percent of federal employees were delinquent in their tax payments. That same year, the delinquency rate for the total universe of American taxpayers was 7.4 percent. Instead of making public servants the target of new, unnecessary and unfair legislation, we should instead be focusing on uniform ways to strengthen and better enforce existing laws and regulations governing tax delinquency.

Ms. MCCOLLUM. Mr. Speaker, the bill before us today makes any person who has a seriously delinquent tax debt ineligible for federal employment or to continue serving as a federal employee. I will vote for this bill because I strongly believe that all Americans, including federal employees, should meet their legal tax obligations. However, this bill is an unnecessary distraction from the urgent problems facing Congress because there is no evidence to show federal employees deserve to be targeted for tax non-compliance. In fact, the data shows just the opposite.

The compliance rate of federal employees is much higher than the general public according to the most recent statistics from the Internal Revenue Service. The IRS says more than 96 percent of federal workers paid their taxes in full, on time, and have no outstanding debt to the government. This high compliance rate is even more impressive considering the families of federal employees have been forced to endure repeated pay freezes and benefit reductions in recent years.

An amendment from my colleague Congressman LYNCH of Massachusetts improved H.R. 828 by creating a process to ensure federal employees who are making a good faith effort to pay their tax debt or those suffering financial hardship are not unfairly targeted or dismissed. Still, the provisions of H.R. 828 will result in few new dollars going into the federal Treasury because federal employees are already the model for American taxpayers, not the problem. If House Republicans were genuinely concerned with improving tax compliance this body would be voting on legislation to close tax loopholes and tax shelters exploited by some of the nation’s wealthiest individuals and corporations to avoid paying tens of billions of dollars every year.

The best course of action for this House would be to set this purely symbolic, politically-motivated legislation aside so we can focus on legislation that creates jobs and helps to grow the economy.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CHAFFETZ) that the House suspend the rules and pass the bill, H.R. 828, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CHAFFETZ. Mr. Speaker, on that I demand the yeas and nays.



The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

# HONORING AMERICA'S VETERANS AND CARING FOR CAMP LEJEUNE FAMILIES ACT OF 2012

Mr. MILLER read the title of the bill, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 1627) to amend title 38, United States Code, to provide for certain requirements for the placement of monuments in Arlington National Cemetery, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendments is as follows:

Senate amendments:

Strike all after the enacting clause and insert the following:

## **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “Honoring America’s Veterans and Caring for Camp Lejeune Families Act of 2012”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. References to title 38, United States Code.

Sec. 3. Scoring of budgetary effects.

## **TITLE I—HEALTH CARE MATTERS**

Sec. 101. Short title.

Sec. 102. Hospital care and medical services for veterans stationed at Camp Lejeune, North Carolina.

Sec. 103. Authority to waive collection of copayments for telehealth and telemedicine visits of veterans.

Sec. 104. Temporary expansion of payments and allowances for beneficiary travel in connection with veterans receiving care from Vet Centers.

Sec. 105. Contracts and agreements for nursing home care.

Sec. 106. Comprehensive policy on reporting and tracking sexual assault incidents and other safety incidents.

Sec. 107. Rehabilitative services for veterans with traumatic brain injury.

Sec. 108. Teleconsultation and telemedicine.

Sec. 109. Use of service dogs on property of the Department of Veterans Affairs.

Sec. 110. Recognition of rural health resource centers in Office of Rural Health.

Sec. 111. Improvements for recovery and collection of amounts for Department of Veterans Affairs Medical Care Collections Fund.

Sec. 112. Extension of authority for copayments.

Sec. 113. Extension of authority for recovery of cost of certain care and services.

## **TITLE II—HOUSING MATTERS**

Sec. 201. Short title.

Sec. 202. Temporary expansion of eligibility for specially adapted housing assistance for certain veterans with disabilities causing difficulty with ambulating.

Sec. 203. Expansion of eligibility for specially adapted housing assistance for veterans with vision impairment.

Sec. 204. Revised limitations on assistance furnished for acquisition and adaptation of housing for disabled veterans.

Sec. 205. Improvements to assistance for disabled veterans residing in housing owned by a family member.

Sec. 206. Department of Veterans Affairs housing loan guarantees for surviving spouses of certain totally disabled veterans.

Sec. 207. Occupancy of property by dependent child of veteran for purposes of meeting occupancy requirement for Department of Veterans Affairs housing loans.

Sec. 208. Making permanent project for guaranteeing of adjustable rate mortgages.

Sec. 209. Making permanent project for insuring hybrid adjustable rate mortgages.

Sec. 210. Waiver of loan fee for individuals with disability ratings issued during pre-discharge programs.

Sec. 211. Modification of authorities for enhanced-use leases of real property.

## **TITLE III—HOMELESS MATTERS**

Sec. 301. Enhancement of comprehensive service programs.

Sec. 302. Modification of authority for provision of treatment and rehabilitation to certain veterans to include provision of treatment and rehabilitation to homeless veterans who are not seriously mentally ill.

Sec. 303. Modification of grant program for homeless veterans with special needs.

Sec. 304. Collaboration in provision of case management services to homeless veterans in supported housing program.

Sec. 305. Extensions of previously fully funded authorities affecting homeless veterans.

## **TITLE IV—EDUCATION MATTERS**

Sec. 401. Aggregate amount of educational assistance available to individuals who receive both survivors’ and dependents’ educational assistance and other veterans and related educational assistance.

Sec. 402. Annual reports on Post-9/11 Educational Assistance Program and Survivors’ and Dependents’ Educational Assistance Program.

## **TITLE V—BENEFITS MATTERS**

Sec. 501. Automatic waiver of agency of original jurisdiction review of new evidence.

Sec. 502. Authority for certain persons to sign claims filed with Secretary of Veterans Affairs on behalf of claimants.

Sec. 503. Improvement of process for filing jointly for social security and dependency and indemnity compensation.

Sec. 504. Authorization of use of electronic communication to provide notice to claimants for benefits under laws administered by the Secretary of Veterans Affairs.

Sec. 505. Duty to assist claimants in obtaining private records.

Sec. 506. Authority for retroactive effective date for awards of disability compensation in connection with applications that are fully-developed at submittal.

Sec. 507. Modification of month of death benefit for surviving spouses of veterans who die while entitled to compensation or pension.

Sec. 508. Increase in rate of pension for disabled veterans married to one another and both of whom require regular aid and attendance.

Sec. 509. Exclusion of certain reimbursements of expenses from determination of annual income with respect to pensions for veterans and surviving spouses and children of veterans.

## **TITLE VI—MEMORIAL, BURIAL, AND CEMETERY MATTERS**

Sec. 601. Prohibition on disruptions of funerals of members or former members of the Armed Forces.

Sec. 602. Codification of prohibition against reservation of gravesites at Arlington National Cemetery.

Sec. 603. Expansion of eligibility for presidential memorial certificates to persons who died in the active military, naval, or air service.

Sec. 604. Requirements for the placement of monuments in Arlington National Cemetery.

## **TITLE VII—OTHER MATTERS**

Sec. 701. Assistance to veterans affected by natural disasters.

Sec. 702. Extension of certain expiring provisions of law.

Sec. 703. Requirement for plan for regular assessment of employees of Veterans Benefits Administration who handle processing of claims for compensation and pension.

Sec. 704. Modification of provision relating to reimbursement rate for ambulance services.

Sec. 705. Change in collection and verification of veteran income.

Sec. 706. Department of Veterans Affairs enforcement penalties for misrepresentation of a business concern as a small business concern owned and controlled by veterans or as a small business concern owned and controlled by service-disabled veterans.

Sec. 707. Quarterly reports to Congress on conferences sponsored by the Department.

Sec. 708. Publication of data on employment of certain veterans by Federal contractors.

Sec. 709. VetStar Award Program.

Sec. 710. Extended period of protections for members of uniformed services relating to mortgages, mortgage foreclosure, and eviction.

## **SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.**

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

## **SEC. 3. SCORING OF BUDGETARY EFFECTS.**

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

## **TITLE I—HEALTH CARE MATTERS**

### **SEC. 101. SHORT TITLE.**

This title may be cited as the “Janey Enslinger Act”.

**SEC. 102. HOSPITAL CARE AND MEDICAL SERVICES FOR VETERANS STATIONED AT CAMP LEJEUNE, NORTH CAROLINA.**

(a) HOSPITAL CARE AND MEDICAL SERVICES FOR VETERANS.—

(1) IN GENERAL.—Paragraph (1) of section 1710(e) is amended by adding at the end the following new subparagraph:

“(F) Subject to paragraph (2), a veteran who served on active duty in the Armed Forces at Camp Lejeune, North Carolina, for not fewer than 30 days during the period beginning on January 1, 1957, and ending on December 31, 1987, is eligible for hospital care and medical services under subsection (a)(2)(F) for any of the following illnesses or conditions, notwithstanding that there is insufficient medical evidence to conclude that such illnesses or conditions are attributable to such service:

“(i) Esophageal cancer.

“(ii) Lung cancer.

“(iii) Breast cancer.

“(iv) Bladder cancer.

“(v) Kidney cancer.

“(vi) Leukemia.

“(vii) Multiple myeloma.

“(viii) Myelodysplastic syndromes.

“(ix) Renal toxicity.

“(x) Hepatic steatosis.

“(xi) Female infertility.

“(xii) Miscarriage.

“(xiii) Scleroderma.

“(xiv) Neurobehavioral effects.

“(xv) Non-Hodgkin’s lymphoma.”.

(2) LIMITATION.—Paragraph (2)(B) of such section is amended by striking “or (E)” and inserting “(E), or (F)”.

(b) FAMILY MEMBERS.—

(1) IN GENERAL.—Subchapter VIII of chapter 17 is amended by adding at the end the following new section:

**“§1787. Health care of family members of veterans stationed at Camp Lejeune, North Carolina**

“(a) IN GENERAL.—Subject to subsection (b), a family member of a veteran described in subparagraph (F) of section 1710(e)(1) of this title who resided at Camp Lejeune, North Carolina, for not fewer than 30 days during the period described in such subparagraph or who was in utero during such period while the mother of such family member resided at such location shall be eligible for hospital care and medical services furnished by the Secretary for any of the illnesses or conditions described in such subparagraph, notwithstanding that there is insufficient medical evidence to conclude that such illnesses or conditions are attributable to such residence.

“(b) LIMITATIONS.—(1) The Secretary may only furnish hospital care and medical services under subsection (a) to the extent and in the amount provided in advance in appropriations Acts for such purpose.

“(2) Hospital care and medical services may not be furnished under subsection (a) for an illness or condition of a family member that is found, in accordance with guidelines issued by the Under Secretary for Health, to have resulted from a cause other than the residence of the family member described in that subsection.

“(3) The Secretary may provide reimbursement for hospital care or medical services provided to a family member under this section only after the family member or the provider of such care or services has exhausted without success all claims and remedies reasonably available to the family member or provider against a third party (as defined in section 1725(f) of this title) for payment of such care or services, including with respect to health-plan contracts (as defined in such section).”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amend-

ed by inserting after the item relating to section 1786 the following new item:

“1787. Health care of family members of veterans stationed at Camp Lejeune, North Carolina.”.

(c) ANNUAL REPORTS.—

(1) IN GENERAL.—Not later than December 31 of each of 2013, 2014, and 2015, the Secretary of Veterans Affairs shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives a report on the care and services provided under sections 1710(e)(1)(F) and 1787 of title 38, United States Code (as added by subsections (a) and (b)(1), respectively).

(2) ELEMENTS.—Each report under paragraph (1) shall set forth the following:

(A) The number of veterans and family members provided hospital care and medical services under the provisions of law specified in paragraph (1) during the period beginning on October 1, 2012, and ending on the date of such report.

(B) The illnesses, conditions, and disabilities for which care and services have been provided such veterans and family members under such provisions of law during that period.

(C) The number of veterans and family members who applied for care and services under such provisions of law during that period but were denied, including information on the reasons for such denials.

(D) The number of veterans and family members who applied for care and services under such provisions of law and are awaiting a decision from the Secretary on eligibility for such care and services as of the date of such report.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The provisions of this section and the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) APPLICABILITY.—Subparagraph (F) of section 1710(e)(1) of such title, as added by subsection (a), and section 1787 of title 38, United States Code, as added by subsection (b)(1), shall apply with respect to hospital care and medical services provided on or after the date of the enactment of this Act.

**SEC. 103. AUTHORITY TO WAIVE COLLECTION OF COPAYMENTS FOR TELEHEALTH AND TELEMEDICINE VISITS OF VETERANS.**

(a) IN GENERAL.—Subchapter III of chapter 17 is amended by inserting after section 1722A the following new section:

**“§1722B. Copayments: waiver of collection of copayments for telehealth and telemedicine visits of veterans**

“The Secretary may waive the imposition or collection of copayments for telehealth and telemedicine visits of veterans under the laws administered by the Secretary.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1722A the following new item:

“1722B. Copayments: waiver of collection of copayments for telehealth and telemedicine visits of veterans.”.

**SEC. 104. TEMPORARY EXPANSION OF PAYMENTS AND ALLOWANCES FOR BENEFICIARY TRAVEL IN CONNECTION WITH VETERANS RECEIVING CARE FROM VET CENTERS.**

(a) IN GENERAL.—Beginning one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall commence a three-year initiative to assess the feasibility and advisability of paying under section 111(a) of title 38, United States Code, the actual necessary expenses of travel or allowances for travel from a residence located in an area that is designated by the Secretary as highly rural to

the nearest Vet Center and from such Vet Center to such residence.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the completion of the initiative, the Secretary shall submit to Congress a report on the findings of the Secretary with respect to the initiative required by subsection (a).

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A description of the individuals who benefitted from payment under the initiative.

(B) A description of any impediments to the Secretary in paying expenses or allowances under the initiative.

(C) A description of any impediments encountered by individuals in receiving such payments.

(D) An assessment of the feasibility and advisability of paying such expenses or allowances.

(E) An assessment of any fraudulent receipt of payment under the initiative and the recommendations of the Secretary for legislative or administrative action to reduce such fraud.

(F) Such recommendations for legislative or administrative action as the Secretary considers appropriate with respect to the payment of expenses or allowances as described in subsection (a).

(c) VET CENTER DEFINED.—In this section, the term “Vet Center” means a center for readjustment counseling and related mental health services for veterans under section 1712A of title 38, United States Code.

**SEC. 105. CONTRACTS AND AGREEMENTS FOR NURSING HOME CARE.**

(a) CONTRACTS.—Section 1745(a) is amended—

(1) in paragraph (1), by striking “The Secretary shall pay each State home for nursing home care at the rate determined under paragraph (2)” and inserting “The Secretary shall enter into a contract (or agreement under section 1720(c)(1) of this title) with each State home for payment by the Secretary for nursing home care provided in the home”; and

(2) by striking paragraph (2) and inserting the following new paragraph (2):

“(2) Payment under each contract (or agreement) between the Secretary and a State home under paragraph (1) shall be based on a methodology, developed by the Secretary in consultation with the State home, to adequately reimburse the State home for the care provided by the State home under the contract (or agreement).”.

(b) AGREEMENTS.—Section 1720(c)(1)(A) is amended—

(1) in clause (i), by striking “; and” and inserting a semicolon;

(2) in clause (ii), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new clause:

“(iii) a provider of services eligible to enter into a contract pursuant to section 1745(a) of this title that is not otherwise described in clause (i) or (ii).”.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to care provided on or after the date that is 180 days after the date of the enactment of this Act.

(2) MAINTENANCE OF PRIOR METHODOLOGY OF REIMBURSEMENT FOR CERTAIN STATE HOMES.—In the case of a State home that provided nursing home care on the day before the date of the enactment of this Act for which the State home was eligible for pay under section 1745(a)(1) of title 38, United States Code, at the request of any State home, the Secretary shall offer to enter into a contract (or agreement described in such section) with such State home under such section, as amended by subsection (a), for payment for nursing home care provided by such State home under such section that reflects the

overall methodology of reimbursement for such care that was in effect for such State home on the day before the date of the enactment of this Act.

**SEC. 106. COMPREHENSIVE POLICY ON REPORTING AND TRACKING SEXUAL ASSAULT INCIDENTS AND OTHER SAFETY INCIDENTS.**

(a) **POLICY.**—Subchapter I of chapter 17 is amended by adding at the end the following:

**“§1709. Comprehensive policy on reporting and tracking sexual assault incidents and other safety incidents**

“(a) **POLICY REQUIRED.**—(1) Not later than September 30, 2012, the Secretary shall develop and implement a centralized and comprehensive policy on the reporting and tracking of sexual assault incidents and other safety incidents that occur at each medical facility of the Department, including—

“(A) suspected, alleged, attempted, or confirmed cases of sexual assault, regardless of whether such assaults lead to prosecution or conviction;

“(B) criminal and purposefully unsafe acts;

“(C) alcohol or substance abuse related acts (including by employees of the Department); and

“(D) any kind of event involving alleged or suspected abuse of a patient.

“(2) In developing and implementing a policy under paragraph (1), the Secretary shall consider the effects of such policy on—

“(A) the use by veterans of mental health care and substance abuse treatments; and

“(B) the ability of the Department to refer veterans to such care or treatment.

“(b) **SCOPE.**—The policy required by subsection (a) shall cover each of the following:

“(1) For purposes of reporting and tracking sexual assault incidents and other safety incidents, definitions of the terms—

“(A) ‘safety incident’;

“(B) ‘sexual assault’; and

“(C) ‘sexual assault incident’.

“(2)(A) The development and use of specific risk-assessment tools to examine any risks related to sexual assault that a veteran may pose while being treated at a medical facility of the Department, including clear and consistent guidance on the collection of information related to—

“(i) the legal history of the veteran; and

“(ii) the medical record of the veteran.

“(B) In developing and using tools under subparagraph (A), the Secretary shall consider the effects of using such tools on the use by veterans of health care furnished by the Department.

“(3) The mandatory training of employees of the Department on security issues, including awareness, preparedness, precautions, and police assistance.

“(4) The mandatory implementation, use, and regular testing of appropriate physical security precautions and equipment, including surveillance camera systems, computer-based panic alarm systems, stationary panic alarms, and electronic portable personal panic alarms.

“(5) Clear, consistent, and comprehensive criteria and guidance with respect to an employee of the Department communicating and reporting sexual assault incidents and other safety incidents to—

“(A) supervisory personnel of the employee at—

“(i) a medical facility of the Department;

“(ii) an office of a Veterans Integrated Service Network; and

“(iii) the central office of the Veterans Health Administration; and

“(B) a law enforcement official of the Department.

“(6) Clear and consistent criteria and guidelines with respect to an employee of the Depart-

ment referring and reporting to the Office of Inspector General of the Department sexual assault incidents and other safety incidents that meet the regulatory criminal threshold prescribed under sections 901 and 902 of this title.

“(7) An accountable oversight system within the Veterans Health Administration that includes—

“(A) systematic information sharing of reported sexual assault incidents and other safety incidents among officials of the Administration who have programmatic responsibility; and

“(B) a centralized reporting, tracking, and monitoring system for such incidents.

“(8) Consistent procedures and systems for law enforcement officials of the Department with respect to investigating, tracking, and closing reported sexual assault incidents and other safety incidents.

“(9) Clear and consistent guidance for the clinical management of the treatment of sexual assaults that are reported more than 72 hours after the assault.

“(c) **UPDATES TO POLICY.**—The Secretary shall review and revise the policy required by subsection (a) on a periodic basis as the Secretary considers appropriate and in accordance with best practices.

“(d) **ANNUAL REPORT.**—(1) Not later than 60 days after the date on which the Secretary develops the policy required by subsection (a) and not later than October 1 of each year thereafter, the Secretary shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives a report on the implementation of the policy.

“(2) The report required by paragraph (1) shall include—

“(A) the number and type of sexual assault incidents and other safety incidents reported by each medical facility of the Department;

“(B) a detailed description of the implementation of the policy required by subsection (a), including any revisions made to such policy from the previous year; and

“(C) the effectiveness of such policy on improving the safety and security of the medical facilities of the Department, including the performance measures used to evaluate such effectiveness.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 1708 the following new item:

“1709. Comprehensive policy on reporting and tracking sexual assault incidents and other safety incidents.”.

(c) **INTERIM REPORT.**—Not later than 30 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives a report on the development of the policy required by section 1709 of title 38, United States Code, as added by subsection (a).

**SEC. 107. REHABILITATIVE SERVICES FOR VETERANS WITH TRAUMATIC BRAIN INJURY.**

(a) **REHABILITATION PLANS AND SERVICES.**—Section 1710C is amended—

(1) in subsection (a)(1), by inserting before the semicolon the following: “with the goal of maximizing the individual’s independence”;

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by inserting “(and sustaining improvement in)” after “improving”;

(ii) by inserting “behavioral,” after “cognitive,”;

(B) in paragraph (2), by inserting “rehabilitative services and” before “rehabilitative components”;

(C) in paragraph (3)—

(i) by striking “treatments” the first place it appears and inserting “services”; and

(ii) by striking “treatments and” the second place it appears; and

(3) by adding at the end the following new subsection:

“(h) **REHABILITATIVE SERVICES DEFINED.**—For purposes of this section, and sections 1710D and 1710E of this title, the term ‘rehabilitative services’ includes—

“(1) rehabilitative services, as defined in section 1701 of this title;

“(2) treatment and services (which may be of ongoing duration) to sustain, and prevent loss of, functional gains that have been achieved; and

“(3) any other rehabilitative services or supports that may contribute to maximizing an individual’s independence.”.

(b) **REHABILITATION SERVICES IN COMPREHENSIVE PROGRAM FOR LONG-TERM REHABILITATION.**—Section 1710D(a) is amended—

(1) by inserting “and rehabilitative services (as defined in section 1710C of this title)” after “long-term care”; and

(2) by striking “treatment”.

(c) **REHABILITATION SERVICES IN AUTHORITY FOR COOPERATIVE AGREEMENTS FOR USE OF NON-DEPARTMENT FACILITIES FOR REHABILITATION.**—Section 1710E(a) is amended by inserting “, including rehabilitative services (as defined in section 1710C of this title),” after “medical services”.

(d) **TECHNICAL AMENDMENT.**—Section 1710C(c)(2)(S) of title 38, United States Code, is amended by striking “ophthalmologist” and inserting “ophthalmologist”.

**SEC. 108. TELECONSULTATION AND TELEMEDICINE.**

(a) **TELECONSULTATION.**—

(1) **IN GENERAL.**—Subchapter I of chapter 17, as amended by section 106(a), is further amended by adding at the end the following new section:

**“§1709A. Teleconsultation**

“(a) **TELECONSULTATION.**—(1) The Secretary shall carry out an initiative of teleconsultation for the provision of remote mental health and traumatic brain injury assessments in facilities of the Department that are not otherwise able to provide such assessments without contracting with third-party providers or reimbursing providers through a fee basis system.

“(2) The Secretary shall, in consultation with appropriate professional societies, promulgate technical and clinical care standards for the use of teleconsultation services within facilities of the Department.

“(3) In carrying out an initiative under paragraph (1), the Secretary shall ensure that facilities of the Department are able to provide a mental health or traumatic brain injury assessment to a veteran through contracting with a third-party provider or reimbursing a provider through a fee basis system when—

“(A) such facilities are not able to provide such assessment to the veteran without—

“(i) such contracting or reimbursement; or

“(ii) teleconsultation; and

“(B) providing such assessment with such contracting or reimbursement is more clinically appropriate for the veteran than providing such assessment with teleconsultation.

“(b) **TELECONSULTATION DEFINED.**—In this section, the term ‘teleconsultation’ means the use by a health care specialist of telecommunications to assist another health care provider in rendering a diagnosis or treatment.”.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 17 is amended by inserting after the item relating to section 1709, as added by section 106(b), the following new item:

“1709A. Teleconsultation.”.

(b) **TRAINING IN TELEMEDICINE.**—

(1) **IN GENERAL.**—The Secretary of Veterans Affairs shall, to the extent feasible, offer medical residents opportunities in training in telemedicine for medical residency programs. The Secretary shall consult with the Accreditation Council for Graduate Medical Education and with universities with which facilities of the Department have a major affiliation to determine the feasibility and advisability of making telehealth a mandatory component of medical residency programs.

(2) **TELEMEDICINE DEFINED.**—In this subsection, the term “telemedicine” means the use by a health care provider of telecommunications to assist in the diagnosis or treatment of a patient’s medical condition.

**SEC. 109. USE OF SERVICE DOGS ON PROPERTY OF THE DEPARTMENT OF VETERANS AFFAIRS.**

Section 901 is amended by adding at the end the following new subsection:

“(f)(1) The Secretary may not prohibit the use of a covered service dog in any facility or on any property of the Department or in any facility or on any property that receives funding from the Secretary.

“(2) For purposes of this subsection, a covered service dog is a service dog that has been trained by an entity that is accredited by an appropriate accrediting body that evaluates and accredits organizations which train guide or service dogs.”.

**SEC. 110. RECOGNITION OF RURAL HEALTH RESOURCE CENTERS IN OFFICE OF RURAL HEALTH.**

Section 7308 is amended by adding at the end the following new subsection:

“(d) **RURAL HEALTH RESOURCE CENTERS.**—(1) There are, in the Office, veterans rural health resource centers that serve as satellite offices for the Office.

“(2) The veterans rural health resource centers have purposes as follows:

“(A) To improve the understanding of the Office of the challenges faced by veterans living in rural areas.

“(B) To identify disparities in the availability of health care to veterans living in rural areas.

“(C) To formulate practices or programs to enhance the delivery of health care to veterans living in rural areas.

“(D) To develop special practices and products for the benefit of veterans living in rural areas and for implementation of such practices and products in the Department systemwide.”.

**SEC. 111. IMPROVEMENTS FOR RECOVERY AND COLLECTION OF AMOUNTS FOR DEPARTMENT OF VETERANS AFFAIRS MEDICAL CARE COLLECTIONS FUND.**

(a) **DEVELOPMENT AND IMPLEMENTATION OF PLAN FOR RECOVERY AND COLLECTION.**—

(1) **IN GENERAL.**—Not later than 270 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall develop and implement a plan to ensure the recovery and collection of amounts under the provisions of law described in section 1729A(b) of title 38, United States Code, for deposit in the Department of Veterans Affairs Medical Care Collections Fund.

(2) **ELEMENTS.**—The plan required by paragraph (1) shall include the following:

(A) An effective process to identify billable fee claims.

(B) Effective and practicable policies and procedures that ensure recovery and collection of amounts described in section 1729A(b) of such title.

(C) The training of employees of the Department, on or before September 30, 2013, who are responsible for the recovery or collection of such amounts to enable such employees to comply with the process required by subparagraph (A) and the policies and procedures required by subparagraph (B).

(D) Fee revenue goals for the Department.

(E) An effective monitoring system to ensure achievement of goals described in subparagraph (D) and compliance with the policies and procedures described in subparagraph (B).

(b) **MONITORING OF THIRD-PARTY COLLECTIONS.**—The Secretary shall monitor the recovery and collection of amounts from third parties (as defined in section 1729(i) of such title) for deposit in such fund.

**SEC. 112. EXTENSION OF AUTHORITY FOR COPAYMENTS.**

Section 1710(f)(2)(B) is amended by striking “September 30, 2012” and inserting “September 30, 2013”.

**SEC. 113. EXTENSION OF AUTHORITY FOR RECOVERY OF COST OF CERTAIN CARE AND SERVICES.**

Section 1729(a)(2)(E) is amended by striking “October 1, 2012” and inserting “October 1, 2013”.

**TITLE II—HOUSING MATTERS****SEC. 201. SHORT TITLE.**

This title may be cited as the “Andrew Connelly Veterans Housing Act”.

**SEC. 202. TEMPORARY EXPANSION OF ELIGIBILITY FOR SPECIALLY ADAPTED HOUSING ASSISTANCE FOR CERTAIN VETERANS WITH DISABILITIES CAUSING DIFFICULTY WITH AMBULATING.**

(a) **IN GENERAL.**—Paragraph (2) of section 2101(a) is amended to read as follows:

“(2)(A) A veteran is described in this paragraph if the veteran—

“(i) is entitled to compensation under chapter 11 of this title for a permanent and total service-connected disability that meets any of the criteria described in subparagraph (B); or

“(ii) served in the Armed Forces on or after September 11, 2001, and is entitled to compensation under chapter 11 of this title for a permanent service-connected disability that meets the criterion described in subparagraph (C).

“(B) The criteria described in this subparagraph are as follows:

“(i) The disability is due to the loss, or loss of use, of both lower extremities such as to preclude locomotion without the aid of braces, crutches, canes, or a wheelchair.

“(ii) The disability is due to—

“(I) blindness in both eyes, having only light perception, plus (ii) loss or loss of use of one lower extremity.

“(iii) The disability is due to the loss or loss of use of one lower extremity together with—

“(I) residuals of organic disease or injury; or

“(II) the loss or loss of use of one upper extremity,

which so affect the functions of balance or propulsion as to preclude locomotion without the aid of braces, crutches, canes, or a wheelchair.

“(iv) The disability is due to the loss, or loss of use, of both upper extremities such as to preclude use of the arms at or above the elbows.

“(v) The disability is due to a severe burn injury (as determined pursuant to regulations prescribed by the Secretary).

“(C) The criterion described in this subparagraph is that the disability—

“(i) was incurred on or after September 11, 2001; and

“(ii) is due to the loss or loss of use of one or more lower extremities which so affects the functions of balance or propulsion as to preclude ambulating without the aid of braces, crutches, canes, or a wheelchair.”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on October 1, 2012.

(c) **SUNSET.**—Subsection (a) of section 2101 is amended—

(1) in paragraph (1), by striking “to paragraph (3)” and inserting “to paragraphs (3) and (4)”;

(2) by adding at the end the following new paragraph:

“(4) The Secretary’s authority to furnish assistance under paragraph (1) to a disabled veteran described in paragraph (2)(A)(ii) shall apply only with respect to applications for such assistance approved by the Secretary on or before September 30, 2013.”.

**SEC. 203. EXPANSION OF ELIGIBILITY FOR SPECIALLY ADAPTED HOUSING ASSISTANCE FOR VETERANS WITH VISION IMPAIRMENT.**

(a) **IN GENERAL.**—Paragraph (2) of section 2101(b) is amended to read as follows:

“(2) A veteran is described in this paragraph if the veteran is entitled to compensation under chapter 11 of this title for a service-connected disability that meets any of the following criteria:

“(A) The disability is due to blindness in both eyes, having central visual acuity of 20/200 or less in the better eye with the use of a standard correcting lens. For the purposes of this subparagraph, an eye with a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees shall be considered as having a central visual acuity of 20/200 or less.

“(B) A permanent and total disability that includes the anatomical loss or loss of use of both hands.

“(C) A permanent and total disability that is due to a severe burn injury (as so determined).”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on October 1, 2012.

**SEC. 204. REVISED LIMITATIONS ON ASSISTANCE FURNISHED FOR ACQUISITION AND ADAPTATION OF HOUSING FOR DISABLED VETERANS.**

(a) **IN GENERAL.**—Subsection (d) of section 2102 is amended to read as follows:

“(d)(1) The aggregate amount of assistance available to an individual under section 2101(a) of this title shall be limited to \$63,780.

“(2) The aggregate amount of assistance available to an individual under section 2101(b) of this title shall be limited to \$12,756.

“(3) No veteran may receive more than three grants of assistance under this chapter.”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect on the date that is one year after the date of the enactment of this Act and shall apply with respect to assistance provided under sections 2101(a), 2101(b), and 2102A of title 38, United States Code, after such date.

(c) **MAINTENANCE OF HIGHER RATES.**—The amendment made by subsection (a) shall not be construed to decrease the aggregate amount of assistance available to an individual under the sections described in subsection (b), as most recently increased by the Secretary pursuant to section 2102(e) of such title.

**SEC. 205. IMPROVEMENTS TO ASSISTANCE FOR DISABLED VETERANS RESIDING IN HOUSING OWNED BY A FAMILY MEMBER.**

(a) **INCREASED ASSISTANCE.**—Subsection (b) of section 2102A is amended—

(1) in paragraph (1), by striking “\$14,000” and inserting “\$28,000”; and

(2) in paragraph (2), by striking “\$2,000” and inserting “\$5,000”.

(b) **INDEXING OF LEVELS OF ASSISTANCE.**—Such subsection is further amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) in the matter before subparagraph (A), as redesignated by paragraph (1), by inserting “(1)” before “The”; and

(3) by adding at the end the following new paragraph (2):

“(2) Effective on October 1 of each year (beginning in 2012), the Secretary shall use the

same percentage calculated pursuant to section 2102(e) of this title to increase the amounts described in paragraph (1) of this subsection.”.

(c) **EXTENSION OF AUTHORITY FOR ASSISTANCE.**—Subsection (e) of such section is amended by striking “December 31, 2012” and inserting “December 31, 2022”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply with respect to assistance furnished in accordance with section 2102A of title 38, United States Code, on or after that date.

**SEC. 206. DEPARTMENT OF VETERANS AFFAIRS HOUSING LOAN GUARANTEES FOR SURVIVING SPOUSES OF CERTAIN TOTALLY DISABLED VETERANS.**

(a) **IN GENERAL.**—Section 3701(b) is amended by adding at the end the following new paragraph:

“(6) The term ‘veteran’ also includes, for purposes of home loans, the surviving spouse of a veteran who died and who was in receipt of or entitled to receive (or but for the receipt of retired or retirement pay was entitled to receive) compensation at the time of death for a service-connected disability rated totally disabling if—

“(A) the disability was continuously rated totally disabling for a period of 10 or more years immediately preceding death;

“(B) the disability was continuously rated totally disabling for a period of not less than five years from the date of such veteran’s discharge or other release from active duty; or

“(C) the veteran was a former prisoner of war who died after September 30, 1999, and the disability was continuously rated totally disabling for a period of not less than one year immediately preceding death.”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply with respect to a loan guaranteed after the date of the enactment of this Act.

(c) **CLARIFICATION WITH RESPECT TO CERTAIN FEES.**—Fees shall be collected under section 3729 of title 38, United States Code, from a person described in paragraph (6) of section 3701(b) of such title, as added by subsection (a) of this section, in the same manner as such fees are collected from a person described in paragraph (2) of section 3701(b) of such title.

**SEC. 207. OCCUPANCY OF PROPERTY BY DEPENDENT CHILD OF VETERAN FOR PURPOSES OF MEETING OCCUPANCY REQUIREMENT FOR DEPARTMENT OF VETERANS AFFAIRS HOUSING LOANS.**

Paragraph (2) of section 3704(c) is amended to read as follows:

“(2) In any case in which a veteran is in active-duty status as a member of the Armed Forces and is unable to occupy a property because of such status, the occupancy requirements of this chapter shall be considered to be satisfied if—

“(A) the spouse of the veteran occupies or intends to occupy the property as a home and the spouse makes the certification required by paragraph (1) of this subsection; or

“(B) a dependent child of the veteran occupies or will occupy the property as a home and the veteran’s attorney-in-fact or legal guardian of the dependent child makes the certification required by paragraph (1) of this subsection.”.

**SEC. 208. MAKING PERMANENT PROJECT FOR GUARANTEEING OF ADJUSTABLE RATE MORTGAGES.**

Section 3707(a) is amended by striking “demonstration project under this section during fiscal years 1993 through 2012” and inserting “project under this section”.

**SEC. 209. MAKING PERMANENT PROJECT FOR INSURING HYBRID ADJUSTABLE RATE MORTGAGES.**

Section 3707A(a) is amended by striking “demonstration project under this section during fis-

cal years 2004 through 2012” and inserting “project under this section”.

**SEC. 210. WAIVER OF LOAN FEE FOR INDIVIDUALS WITH DISABILITY RATINGS ISSUED DURING PRE-DISCHARGE PROGRAMS.**

Paragraph (2) of section 3729(c) is amended to read as follows:

“(2)(A) A veteran described in subparagraph (B) shall be treated as receiving compensation for purposes of this subsection as of the date of the rating described in such subparagraph without regard to whether an effective date of the award of compensation is established as of that date.

“(B) A veteran described in this subparagraph is a veteran who is rated eligible to receive compensation—

“(i) as the result of a pre-discharge disability examination and rating; or

“(ii) based on a pre-discharge review of existing medical evidence (including service medical and treatment records) that results in the issuance of a memorandum rating.”.

**SEC. 211. MODIFICATION OF AUTHORITIES FOR ENHANCED-USE LEASES OF REAL PROPERTY.**

(a) **SUPPORTIVE HOUSING DEFINED.**—Section 8161 is amended by adding at the end the following new paragraph:

“(3) The term ‘supportive housing’ means housing that engages tenants in on-site and community-based support services for veterans or their families that are at risk of homelessness or are homeless. Such term may include the following:

“(A) Transitional housing.

“(B) Single-room occupancy.

“(C) Permanent housing.

“(D) Congregate living housing.

“(E) Independent living housing.

“(F) Assisted living housing.

“(G) Other modalities of housing.”.

(b) **MODIFICATION OF LIMITATIONS ON ENHANCED-USE LEASES.**—

(1) **IN GENERAL.**—Paragraph (2) of section 8162(a) is amended to read as follows:

“(2) The Secretary may enter into an enhanced-use lease only for the provision of supportive housing and the lease is not inconsistent with and will not adversely affect the mission of the Department.”.

(2) **EFFECTIVE DATE.**—

(A) **IN GENERAL.**—Paragraph (2) of section 8162(a) of title 38, United States Code, as amended by paragraph (1), shall take effect on January 1, 2012, and shall apply with respect to enhanced-use leases entered into on or after such date.

(B) **PREVIOUS LEASES.**—Any enhanced-use lease that the Secretary has entered into prior to the date described in subparagraph (A) shall be subject to the provisions of subchapter V of chapter 81 of such title, as in effect on the day before the date of the enactment of this Act.

(c) **CONSIDERATION FOR AND TERMS OF ENHANCED-USE LEASES.**—

(1) **IN GENERAL.**—Section 8162(b) is amended—

(A) in paragraph (1), by striking “(A) If the Secretary” and all that follows through “under subparagraph (A).” and inserting the following:

“If the Secretary has determined that a property should be leased to another party through an enhanced-use lease, the Secretary shall, at the Secretary’s discretion, select the party with whom the lease will be entered into using such selection procedures as the Secretary considers appropriate.”;

(B) by amending paragraph (3) to read as follows:

“(3)(A) For any enhanced-use lease entered into by the Secretary, the lease consideration provided to the Secretary shall consist solely of cash at fair value as determined by the Secretary.

“(B) The Secretary shall receive no other type of consideration for an enhanced-use lease besides cash.

“(C) The Secretary may enter into an enhanced-use lease without receiving consideration.”;

(C) in paragraph (4), by striking “Secretary to” and all that follows through “use minor” and inserting “Secretary to use minor”; and

(D) by adding at the end the following new paragraphs:

“(5) The terms of an enhanced-use lease may not provide for any acquisition, contract, demonstration, exchange, grant, incentive, procurement, sale, other transaction authority, service agreement, use agreement, lease, or lease-back by the Secretary or Federal Government.

“(6) The Secretary may not enter into an enhanced-use lease without certification in advance in writing by the Director of the Office of Management and Budget that such lease complies with the requirements of this subchapter.”.

(2) **EFFECTIVE DATE.**—Paragraph (3) of section 8162(b), as amended by paragraph (1)(B) of this subsection, shall take effect on January 1, 2012, and shall apply with respect to enhanced-use leases entered into on or after such date.

(d) **PROHIBITED ENHANCED-USE LEASES.**—Section 8162(c) is amended—

(1) by striking paragraph (2); and

(2) in paragraph (1), by striking “(1) Subject to paragraph (2), the” and inserting “The”.

(e) **DISPOSITION OF LEASED PROPERTY.**—Subsection (b) of section 8164 is amended to read as follows:

“(b) A disposition under this section may be made in return for cash at fair value as the Secretary determines is in the best interest of the United States and upon such other terms and conditions as the Secretary considers appropriate.”.

(f) **USE OF AMOUNTS RECEIVED FOR DISPOSITION OF LEASED PROPERTY.**—Section 8165(a)(2) is amended by striking “in the Department of Veterans Affairs Capital Asset Fund established under section 8118 of this title” and inserting “into the Department of Veterans Affairs Construction, Major Projects account or Construction, Minor Projects account, as the Secretary considers appropriate”.

(g) **CONSTRUCTION STANDARDS.**—Section 8166 is amended to read as follows:

**“§8166. Construction standards**

“The construction, alteration, repair, remodeling, or improvement of a property that is the subject of an enhanced-use lease shall be carried out so as to comply with all applicable provisions of Federal, State, and local law relating to land use, building standards, permits, and inspections.”.

(h) **EXEMPTION FROM STATE AND LOCAL TAXES.**—Section 8167 is amended to read as follows:

**“§8167. Exemption from State and local taxes**

“(a) **IMPROVEMENTS AND OPERATIONS NOT EXEMPTED.**—The improvements and operations on land leased by a person with an enhanced-use lease from the Secretary shall be subject to all applicable provisions of Federal, State, or local law relating to taxation, fees, and assessments.

“(b) **UNDERLYING FEE TITLE INTEREST EXEMPTED.**—The underlying fee title interest of the United States in any land subject to an enhanced-use lease shall not be subject, directly or indirectly, to any provision of State or local law relating to taxation, fees, or assessments.”.

(i) **ANNUAL REPORTS.**—

(1) **IN GENERAL.**—Subchapter V of chapter 81 is amended by inserting after section 8167 the following new section:

**“§8168. Annual reports**

“(a) **REPORT ON ADMINISTRATION OF LEASES.**—Not later than 120 days after the date

of the enactment of the Honoring America's Veterans and Caring for Camp Lejeune Families Act of 2012 and not less frequently than once each year thereafter, the Secretary shall submit to Congress a report identifying the actions taken by the Secretary to implement and administer enhanced-use leases.

“(b) **REPORT ON LEASE CONSIDERATION.**—Each year, as part of the annual budget submission of the President to Congress under section 1105(a) of title 31, the Secretary shall submit to Congress a detailed report of the consideration received by the Secretary for each enhanced-use lease under this subchapter, along with an overview of how the Secretary is utilizing such consideration to support veterans.”

(2) **ELEMENTS OF INITIAL REPORT.**—The first report submitted by the Secretary under section 8168(a) of title 38, United States Code, as added by paragraph (1), shall include a summary of those measures the Secretary is taking to address the following recommendations from the February 9, 2012, audit report of the Department of Veterans Affairs Office of Inspector General on enhanced-use leases under subchapter V of chapter 81 of title 38, United States Code:

(A) Improve standards to ensure complete lease agreements are negotiated in line with strategic goals of the Department of Veterans Affairs.

(B) Institute improved policies and procedures to govern activities such as monitoring enhanced-use lease projects and calculating, classifying, and reporting on enhanced-use lease benefits and expenses.

(C) Recalculate and update enhanced-use lease expenses and benefits reported in the most recent Enhanced-Use Lease Consideration Report of the Department.

(D) Establish improved oversight mechanisms to ensure major enhanced-use lease project decisions are documented and maintained in accordance with policy.

(E) Establish improved criteria to measure timeliness and performance in enhanced-use lease project development and execution.

(F) Establish improved criteria and guidelines for assessing projects to determine whether they are or remain viable candidates for enhanced-use leases.

(3) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 81 is amended by inserting after the item relating to section 8167 the following new item:  
“8168. Annual reports.”

(j) **EXPIRATION OF AUTHORITY.**—Section 8169 is amended by striking “December 31, 2011” and inserting “December 31, 2023”.

(k) **EFFECTIVE DATE.**—Except as otherwise provided in this section, the amendments made by this section shall take effect on the date of the enactment of this Act.

### TITLE III—HOMELESS MATTERS

#### SEC. 301. ENHANCEMENT OF COMPREHENSIVE SERVICE PROGRAMS.

(a) **ENHANCEMENT OF GRANTS.**—Section 2011 is amended—

(1) in subsection (b)(1)(A), by striking “expansion, remodeling, or alteration of existing buildings, or acquisition of facilities,” and inserting “new construction of facilities, expansion, remodeling, or alteration of existing facilities, or acquisition of facilities,”; and

(2) in subsection (c)—

(A) in the first sentence, by striking “A grant” and inserting “(1) A grant”;

(B) in the second sentence of paragraph (1), as designated by subparagraph (A), by striking “The amount” and inserting the following:

“(2) The amount”;

(C) by adding at the end the following new paragraph:

“(3)(A) The Secretary may not deny an application from an entity that seeks a grant under

this section to carry out a project described in subsection (b)(1)(A) solely on the basis that the entity proposes to use funding from other private or public sources, if the entity demonstrates that a private nonprofit organization will provide oversight and site control for the project.

“(B) In this paragraph, the term ‘private nonprofit organization’ means the following:

“(i) An incorporated private institution, organization, or foundation—

“(I) that has received, or has temporary clearance to receive, tax-exempt status under paragraph (2), (3), or (19) of section 501(c) of the Internal Revenue Code of 1986;

“(II) for which no part of the net earnings of the institution, organization, or foundation inures to the benefit of any member, founder, or contributor of the institution, organization, or foundation; and

“(III) that the Secretary determines is financially responsible.

“(ii) A for-profit limited partnership or limited liability company, the sole general partner or manager of which is an organization that is described by subclauses (I) through (III) of clause (i).

“(iii) A corporation wholly owned and controlled by an organization that is described by subclauses (I) through (III) of clause (i).”

(b) **GRANT AND PER DIEM PAYMENTS.**—

(1) **STUDY AND DEVELOPMENT OF FISCAL CONTROLS AND PAYMENT METHOD.**—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall—

(A) complete a study of all matters relating to the method used by the Secretary to make per diem payments under section 2012(a) of title 38, United States Code, including changes anticipated by the Secretary in the cost of furnishing services to homeless veterans and accounting for costs of providing such services in various geographic areas;

(B) develop more effective and efficient procedures for fiscal control and fund accounting by recipients of grants under sections 2011, 2012, and 2061 of such title; and

(C) develop a more effective and efficient method for adequately reimbursing recipients of grants under section 2011 of such title for services furnished to homeless veterans.

(2) **CONSIDERATION.**—In developing the method required by paragraph (1)(C), the Secretary may consider payments and grants received by recipients of grants described in such paragraph from other departments and agencies of Federal and local governments and from private entities.

(3) **REPORT.**—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to Congress a report on—

(A) the findings of the Secretary with respect to the study required by subparagraph (A) of paragraph (1);

(B) the methods developed under subparagraphs (B) and (C) of such paragraph; and

(C) any recommendations of the Secretary for revising the method described in subparagraph (A) of such paragraph and any legislative action the Secretary considers necessary to implement such method.

#### SEC. 302. MODIFICATION OF AUTHORITY FOR PROVISION OF TREATMENT AND REHABILITATION TO CERTAIN VETERANS TO INCLUDE PROVISION OF TREATMENT AND REHABILITATION TO HOMELESS VETERANS WHO ARE NOT SERIOUSLY MENTALLY ILL.

Section 2031(a) is amended in the matter before paragraph (1) by striking “, including” and inserting “and to”.

#### SEC. 303. MODIFICATION OF GRANT PROGRAM FOR HOMELESS VETERANS WITH SPECIAL NEEDS.

(a) **INCLUSION OF ENTITIES ELIGIBLE FOR COMPREHENSIVE SERVICE PROGRAM GRANTS AND PER DIEM PAYMENTS FOR SERVICES TO HOMELESS**

**VETERANS.**—Subsection (a) of section 2061 is amended—

(1) by striking “to grant and per diem providers” and inserting “to entities eligible for grants and per diem payments under sections 2011 and 2012 of this title”; and

(2) by striking “by those facilities and providers” and inserting “by those facilities and entities”.

(b) **INCLUSION OF MALE HOMELESS VETERANS WITH MINOR DEPENDENTS.**—Subsection (b) of such section is amended—

(1) in paragraph (1), by striking “, including women who have care of minor dependents”;

(2) in paragraph (3), by striking “or”;

(3) in paragraph (4), by striking the period at the end and inserting “; or”; and

(4) by adding at the end the following new paragraph:

“(5) individuals who have care of minor dependents.”

(c) **AUTHORIZATION OF PROVISION OF SERVICES TO DEPENDENTS.**—Such section is further amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

“(c) **PROVISION OF SERVICES TO DEPENDENTS.**—A recipient of a grant under subsection (a) may use amounts under the grant to provide services directly to a dependent of a homeless veteran with special needs who is under the care of such homeless veteran while such homeless veteran receives services from the grant recipient under this section.”

#### SEC. 304. COLLABORATION IN PROVISION OF CASE MANAGEMENT SERVICES TO HOMELESS VETERANS IN SUPPORTED HOUSING PROGRAM.

(a) **IN GENERAL.**—The Secretary of Veterans Affairs shall consider entering into contracts or agreements, under sections 513 and 8153 of title 38, United States Code, with eligible entities to collaborate with the Secretary in the provision of case management services to covered veterans as part of the supported housing program carried out under section 8(o)(19) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(19)) to ensure that the homeless veterans facing the most significant difficulties in obtaining suitable housing receive the assistance they require to obtain such housing.

(b) **COVERED VETERANS.**—For purposes of this section, a covered veteran is any veteran who, at the time of receipt of a housing voucher under such section 8(o)(19)—

(1) requires the assistance of a case manager in obtaining suitable housing with such voucher; and

(2) is having difficulty obtaining the amount of such assistance the veteran requires, including because—

(A) the veteran resides in an area that has a shortage of low-income housing and because of such shortage the veteran requires more assistance from a case manager than the Secretary otherwise provides;

(B) the location in which the veteran resides is located at such distance from facilities of the Department of Veterans Affairs as makes the provision of case management services by the Secretary to such veteran impractical; or

(C) the veteran resides in an area where veterans who receive case management services from the Secretary under such section have a significantly lower average rate of successfully obtaining suitable housing than the average rate of successfully obtaining suitable housing for all veterans receiving such services.

(c) **ELIGIBLE ENTITIES.**—For purposes of this section, an eligible entity is any State or local government agency, tribal organization (as such term is defined in section 4 of the Indian Self Determination and Education Assistance Act (25 U.S.C. 450b)), or nonprofit organization that—



(1) under a contract or agreement described in subsection (a), agrees—

(A) to ensure access to case management services by covered veterans on an as-needed basis;

(B) to maintain referral networks for covered veterans for purposes of assisting covered veterans in demonstrating eligibility for assistance and additional services under entitlement and assistance programs available for covered veterans, and to otherwise aid covered veterans in obtaining such assistance and services;

(C) to ensure the confidentiality of records maintained by the entity on covered veterans receiving services through the supported housing program described in subsection (a);

(D) to establish such procedures for fiscal control and fund accounting as the Secretary of Veterans Affairs considers appropriate to ensure proper disbursement and accounting of funds under a contract or agreement entered into by the entity as described in subsection (a);

(E) to submit to the Secretary each year, in such form and such manner as the Secretary may require, a report on the collaboration undertaken by the entity under a contract or agreement described in such subsection during the most recent fiscal year, including a description of, for the year covered by the report—

(i) the services and assistance provided to covered veterans as part of such collaboration;

(ii) the process by which covered veterans were referred to the entity for such services and assistance;

(iii) the specific goals jointly set by the entity and the Secretary for the provision of such services and assistance and whether the entity achieved such goals; and

(iv) the average length of time taken by a covered veteran who received such services and assistance to successfully obtain suitable housing and the average retention rate of such a veteran in such housing; and

(F) to meet such other requirements as the Secretary considers appropriate for purposes of providing assistance to covered veterans in obtaining suitable housing; and

(2) has demonstrated experience in—

(A) identifying and serving homeless veterans, especially those who have the greatest difficulty obtaining suitable housing;

(B) working collaboratively with the Department of Veterans Affairs or the Department of Housing and Urban Development;

(C) conducting outreach to, and maintaining relationships with, landlords to encourage and facilitate participation by landlords in supported housing programs similar to the supported housing program described in subsection (a);

(D) mediating disputes between landlords and veterans receiving assistance under such supported housing program; and

(E) carrying out such other activities as the Secretary of Veterans Affairs considers appropriate.

(d) **CONSULTATION.**—In considering entering into contracts or agreements as described in subsection (a), the Secretary of Veterans Affairs shall consult with—

(1) the Secretary of Housing and Urban Development; and

(2) third parties that provide services as part of the Department of Housing and Urban Development continuum of care.

(e) **TECHNICAL ASSISTANCE FOR COLLABORATING ENTITIES.**—

(1) **IN GENERAL.**—The Secretary may provide training and technical assistance to entities with whom the Secretary collaborates in the provision of case management services to veterans as part of the supported housing program described in subsection (a).

(2) **GRANTS.**—The Secretary may provide training and technical assistance under para-

graph (1) through the award of grants or contracts to appropriate public and nonprofit private entities.

(3) **FUNDING.**—From amounts appropriated or otherwise made available to the Secretary in the Medical Services account in a year, \$500,000 shall be available to the Secretary in that year to carry out this subsection.

(f) **ANNUAL REPORT.**—

(1) **IN GENERAL.**—Not later than 545 days after the date of the enactment of this Act and not less frequently than once each year thereafter, the Secretary of Veterans Affairs shall submit to Congress a report on the collaboration between the Secretary and eligible entities in the provision of case management services as described in subsection (a) during the most recently completed fiscal year.

(2) **ELEMENTS.**—Each report required by paragraph (1) shall include, for the period covered by the report, the following:

(A) A discussion of each case in which a contract or agreement described in subsection (a) was considered by the Secretary, including a description of whether or not and why the Secretary chose or did not choose to enter into such contract or agreement.

(B) The number and types of eligible entities with whom the Secretary has entered into a contract or agreement as described in subsection (a).

(C) A description of the geographic regions in which such entities provide case management services as described in such subsection.

(D) A description of the number and types of covered veterans who received case management services from such entities under such contracts or agreements.

(E) An assessment of the performance of each eligible entity with whom the Secretary entered into a contract or agreement as described in subsection (a).

(F) An assessment of the benefits to covered veterans of such contracts and agreements.

(G) A discussion of the benefits of increasing the ratio of case managers to recipients of vouchers under the supported housing program described in such subsection to veterans who reside in rural areas.

(H) Such recommendations for legislative or administrative action as the Secretary considers appropriate for the improvement of collaboration in the provision of case management services under such supported housing program.

#### **SEC. 305. EXTENSIONS OF PREVIOUSLY FULLY FUNDED AUTHORITIES AFFECTING HOMELESS VETERANS.**

(a) **COMPREHENSIVE SERVICE PROGRAMS.**—Section 2013 is amended by striking paragraph (5) and inserting the following new paragraphs:

“(5) \$250,000,000 for fiscal year 2013.

“(6) \$150,000,000 for fiscal year 2014 and each subsequent fiscal year.”.

(b) **HOMELESS VETERANS REINTEGRATION PROGRAMS.**—Section 2021(e)(1)(F) is amended by striking “2012” and inserting “2013”.

(c) **FINANCIAL ASSISTANCE FOR SUPPORTIVE SERVICES FOR VERY LOW-INCOME VETERAN FAMILIES IN PERMANENT HOUSING.**—Section 2044(e)(1) is amended by adding at the end the following new subparagraph:

“(E) \$300,000,000 for fiscal year 2013.”.

(d) **GRANT PROGRAM FOR HOMELESS VETERANS WITH SPECIAL NEEDS.**—Section 2061(c)(1) is amended by striking “through 2012” and inserting “through 2013”.

#### **TITLE IV—EDUCATION MATTERS**

#### **SEC. 401. AGGREGATE AMOUNT OF EDUCATIONAL ASSISTANCE AVAILABLE TO INDIVIDUALS WHO RECEIVE BOTH SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE AND OTHER VETERANS AND RELATED EDUCATIONAL ASSISTANCE.**

(a) **AGGREGATE AMOUNT AVAILABLE.**—Section 3695 is amended—

(1) in subsection (a)(4), by striking “35,”; and

(2) by adding at the end the following new subsection:

“(c) The aggregate period for which any person may receive assistance under chapter 35 of this title, on the one hand, and any of the provisions of law referred to in subsection (a), on the other hand, may not exceed 81 months (or the part-time equivalent thereof).”.

(b) **APPLICABILITY.**—The amendment made by subsection (a) shall take effect on October 1, 2013, and shall not operate to revive any entitlement to assistance under chapter 35 of title 38, United States Code, or the provisions of law referred to in section 3695(a) of such title, as in effect on the day before such date, that was terminated by reason of the operation of section 3695(a) of such title, as so in effect, before such date.

#### **(c) REVIVAL OF ENTITLEMENT REDUCED BY PRIOR UTILIZATION OF CHAPTER 35 ASSISTANCE.**—

(1) **IN GENERAL.**—Subject to paragraph (2), in the case of an individual whose period of entitlement to assistance under a provision of law referred to in section 3695(a) of title 38, United States Code (other than chapter 35 of such title), as in effect on September 30, 2013, was reduced under such section 3695(a), as so in effect, by reason of the utilization of entitlement to assistance under chapter 35 of such title before October 1, 2013, the period of entitlement to assistance of such individual under such provision shall be determined without regard to any entitlement so utilized by the individual under chapter 35 of such title.

(2) **LIMITATION.**—The maximum period of entitlement to assistance of an individual under paragraph (1) may not exceed 81 months.

#### **SEC. 402. ANNUAL REPORTS ON POST-9/11 EDUCATIONAL ASSISTANCE PROGRAM AND SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE PROGRAM.**

(a) **REPORTS REQUIRED.**—

(1) **IN GENERAL.**—Subchapter III of chapter 33 is amended by adding at the end the following new section:

#### **“§3325. Reporting requirement**

“(a) **IN GENERAL.**—For each academic year—

“(1) the Secretary of Defense shall submit to Congress a report on the operation of the program provided for in this chapter; and

“(2) the Secretary shall submit to Congress a report on the operation of the program provided for in this chapter and the program provided for under chapter 35 of this title.

“(b) **CONTENTS OF SECRETARY OF DEFENSE REPORTS.**—The Secretary of Defense shall include in each report submitted under this section—

“(1) information—

“(A) indicating the extent to which the benefit levels provided under this chapter are adequate to achieve the purposes of inducing individuals to enter and remain in the Armed Forces and of providing an adequate level of financial assistance to help meet the cost of pursuing a program of education;

“(B) indicating whether it is necessary for the purposes of maintaining adequate levels of well-qualified active-duty personnel in the Armed Forces to continue to offer the opportunity for educational assistance under this chapter to individuals who have not yet entered active-duty service; and

“(C) describing the efforts under section 3323(b) of this title to inform members of the Armed Forces of the active duty service requirements for entitlement to educational assistance under this chapter and the results from such efforts; and

“(2) such recommendations for administrative and legislative changes regarding the provision of educational assistance to members of the



Armed Forces and veterans, and their dependents, as the Secretary of Defense considers appropriate.

“(c) CONTENTS OF SECRETARY OF VETERANS AFFAIRS REPORTS.—The Secretary shall include in each report submitted under this section—

“(1) information concerning the level of utilization of educational assistance and of expenditures under this chapter and under chapter 35 of this title;

“(2) appropriate student outcome measures, such as the number of credit hours, certificates, degrees, and other qualifications earned by beneficiaries under this chapter and chapter 35 of this title during the academic year covered by the report; and

“(3) such recommendations for administrative and legislative changes regarding the provision of educational assistance to members of the Armed Forces and veterans, and their dependents, as the Secretary considers appropriate.

“(d) TERMINATION.—No report shall be required under this section after January 1, 2021.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 3324 the following new item:

“3325. Reporting requirement.”.

(3) DEADLINE FOR SUBMITTAL OF FIRST REPORT.—The first reports required under section 3325 of title 38, United States Code, as added by paragraph (1), shall be submitted by not later than November 1, 2013.

(b) REPEAL OF REPORT ON ALL VOLUNTEER-FORCE EDUCATIONAL ASSISTANCE PROGRAM.—

(1) IN GENERAL.—Chapter 30 is amended by striking section 3036.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking the item relating to section 3036.

#### TITLE V—BENEFITS MATTERS

##### SEC. 501. AUTOMATIC WAIVER OF AGENCY OF ORIGINAL JURISDICTION REVIEW OF NEW EVIDENCE.

(a) IN GENERAL.—Section 7105 is amended by adding at the end the following new subsection:

“(e)(1) If, either at the time or after the agency of original jurisdiction receives a substantive appeal, the claimant or the claimant’s representative, if any, submits evidence to either the agency of original jurisdiction or the Board of Veterans’ Appeals for consideration in connection with the issue or issues with which disagreement has been expressed, such evidence shall be subject to initial review by the Board unless the claimant or the claimant’s representative, as the case may be, requests in writing that the agency of original jurisdiction initially review such evidence.

“(2) A request for review of evidence under paragraph (1) shall accompany the submittal of the evidence.”.

(b) EFFECTIVE DATE.—Subsection (e) of such section, as added by subsection (a), shall take effect on the date that is 180 days after the date of the enactment of this Act, and shall apply with respect to claims for which a substantive appeal is filed on or after the date that is 180 days after the date of the enactment of this Act.

##### SEC. 502. AUTHORITY FOR CERTAIN PERSONS TO SIGN CLAIMS FILED WITH SECRETARY OF VETERANS AFFAIRS ON BEHALF OF CLAIMANTS.

(a) IN GENERAL.—Section 5101 is amended—

(1) in subsection (a)—

(A) by striking “A specific” and inserting “(1) A specific”; and

(B) by adding at the end the following new paragraph:

“(2) If an individual has not attained the age of 18 years, is mentally incompetent, or is physically unable to sign a form, a form filed under paragraph (1) for the individual may be signed

by a court-appointed representative, a person who is responsible for the care of the individual, including a spouse or other relative, or an attorney in fact or agent authorized to act on behalf of the individual under a durable power of attorney. If the individual is in the care of an institution, the manager or principal officer of the institution may sign the form.”;

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by inserting “, signs a form on behalf of an individual to apply for,” after “who applies for”;

(ii) by inserting “, or TIN in the case that the person is not an individual,” after “of such person”; and

(iii) by striking “dependent” and inserting “claimant, dependent,”; and

(B) in paragraph (2), by inserting “or TIN” after “social security number” each place it appears; and

(3) by adding at the end the following new subsection:

“(d) In this section:

“(1) The term ‘mentally incompetent’ with respect to an individual means that the individual lacks the mental capacity—

“(A) to provide substantially accurate information needed to complete a form; or

“(B) to certify that the statements made on a form are true and complete.

“(2) The term ‘TIN’ has the meaning given the term in section 7701(a)(41) of the Internal Revenue Code of 1986.”.

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply with respect to claims filed on or after the date of the enactment of this Act.

##### SEC. 503. IMPROVEMENT OF PROCESS FOR FILING JOINTLY FOR SOCIAL SECURITY AND DEPENDENCY AND INDEMNITY COMPENSATION.

Section 5105 is amended—

(1) in subsection (a)—

(A) by striking “shall” the first place it appears and inserting “may”; and

(B) by striking “Each such form” and inserting “Such forms”; and

(2) in subsection (b), by striking “on such a form” and inserting “on any document indicating an intent to apply for survivor benefits”.

##### SEC. 504. AUTHORIZATION OF USE OF ELECTRONIC COMMUNICATION TO PROVIDE NOTICE TO CLAIMANTS FOR BENEFITS UNDER LAWS ADMINISTERED BY THE SECRETARY OF VETERANS AFFAIRS.

(a) IN GENERAL.—Section 5103 is amended—

(1) in subsection (a)(1)—

(A) by striking “Upon receipt of a complete or substantially complete application, the” and inserting “The”;

(B) by striking “notify” and inserting “provide to”; and

(C) by inserting “by the most effective means available, including electronic communication or notification in writing, notice” before “of any information”; and

(2) in subsection (b), by adding at the end the following new paragraphs:

“(4) Nothing in this section shall require the Secretary to provide notice for a subsequent claim that is filed while a previous claim is pending if the notice previously provided for such pending claim—

“(A) provides sufficient notice of the information and evidence necessary to substantiate such subsequent claim; and

“(B) was sent within one year of the date on which the subsequent claim was filed.

“(5)(A) This section shall not apply to any claim or issue where the Secretary may award the maximum benefit in accordance with this title based on the evidence of record.

“(B) For purposes of this paragraph, the term ‘maximum benefit’ means the highest evaluation

assignable in accordance with the evidence of record, as long as such evidence is adequate for rating purposes and sufficient to grant the earliest possible effective date in accordance with section 5110 of this title.”.

(b) CONSTRUCTION.—Nothing in the amendments made by subsection (a) shall be construed as eliminating any requirement with respect to the contents of a notice under section 5103 of title 38, United States Code, that is required under regulations prescribed pursuant to subsection (a)(2) of such section as of the date of the enactment of this Act.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) shall take effect on the date that is 180 days after the date of the enactment of this Act and shall apply with respect to notification obligations of the Secretary of Veterans Affairs on or after such date.

(2) CONSTRUCTION REGARDING APPLICABILITY.—Nothing in this section or the amendments made by this section shall be construed to require the Secretary to carry out notification procedures in accordance with requirements of section 5103 of title 38, United States Code, as in effect on the day before the effective date established in paragraph (1) on or after such effective date.

##### SEC. 505. DUTY TO ASSIST CLAIMANTS IN OBTAINING PRIVATE RECORDS.

(a) IN GENERAL.—Subsection (b) of section 5103A is amended to read as follows:

“(b) ASSISTANCE IN OBTAINING PRIVATE RECORDS.—(1) As part of the assistance provided under subsection (a), the Secretary shall make reasonable efforts to obtain relevant private records that the claimant adequately identifies to the Secretary.

“(2)(A) Whenever the Secretary, after making such reasonable efforts, is unable to obtain all of the relevant records sought, the Secretary shall notify the claimant that the Secretary is unable to obtain records with respect to the claim. Such a notification shall—

“(i) identify the records the Secretary is unable to obtain;

“(ii) briefly explain the efforts that the Secretary made to obtain such records; and

“(iii) explain that the Secretary will decide the claim based on the evidence of record but that this section does not prohibit the submission of records at a later date if such submission is otherwise allowed.

“(B) The Secretary shall make not less than two requests to a custodian of a private record in order for an effort to obtain relevant private records to be treated as reasonable under this section, unless it is made evident by the first request that a second request would be futile in obtaining such records.

“(3)(A) This section shall not apply if the evidence of record allows for the Secretary to award the maximum benefit in accordance with this title based on the evidence of record.

“(B) For purposes of this paragraph, the term ‘maximum benefit’ means the highest evaluation assignable in accordance with the evidence of record, as long as such evidence is adequate for rating purposes and sufficient to grant the earliest possible effective date in accordance with section 5110 of this title.

“(4) Under regulations prescribed by the Secretary, the Secretary—

“(A) shall encourage claimants to submit relevant private medical records of the claimant to the Secretary if such submission does not burden the claimant; and

“(B) in obtaining relevant private records under paragraph (1), may require the claimant to authorize the Secretary to obtain such records if such authorization is required to comply with Federal, State, or local law.”.

(b) PUBLIC RECORDS.—Subsection (c) of such section is amended to read as follows:

“(c) **OBTAINING RECORDS FOR COMPENSATION CLAIMS.**—(1) In the case of a claim for disability compensation, the assistance provided by the Secretary under this section shall include obtaining the following records if relevant to the claim:

“(A) The claimant’s service medical records and, if the claimant has furnished the Secretary information sufficient to locate such records, other relevant records pertaining to the claimant’s active military, naval, or air service that are held or maintained by a governmental entity.

“(B) Records of relevant medical treatment or examination of the claimant at Department health-care facilities or at the expense of the Department, if the claimant furnishes information sufficient to locate those records.

“(C) Any other relevant records held by any Federal department or agency that the claimant adequately identifies and authorizes the Secretary to obtain.

“(2) Whenever the Secretary attempts to obtain records from a Federal department or agency under this subsection, the efforts to obtain those records shall continue until the records are obtained unless it is reasonably certain that such records do not exist or that further efforts to obtain those records would be futile.”.

(c) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—The amendments made by subsections (a) and (b) shall take effect on the date that is 180 days after the date of the enactment of this Act and shall apply with respect to assistance obligations of the Secretary of Veterans Affairs on or after such date.

(2) **CONSTRUCTION.**—Nothing in this section or the amendments made by this section shall be construed to require the Secretary to carry out assistance in accordance with requirements of section 5103A of title 38, United States Code, as in effect on the day before the effective date established in paragraph (1) on or after such effective date.

**SEC. 506. AUTHORITY FOR RETROACTIVE EFFECTIVE DATE FOR AWARDS OF DISABILITY COMPENSATION IN CONNECTION WITH APPLICATIONS THAT ARE FULLY-DEVELOPED AT SUBMITTAL.**

Section 5110(b) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following new paragraph (2):

“(2)(A) The effective date of an award of disability compensation to a veteran who submits an application therefor that sets forth an original claim that is fully-developed (as determined by the Secretary) as of the date of submittal shall be fixed in accordance with the facts found, but shall not be earlier than the date that is one year before the date of receipt of the application.

“(B) For purposes of this paragraph, an original claim is an initial claim filed by a veteran for disability compensation.

“(C) This paragraph shall take effect on the date that is one year after the date of the enactment of the Honoring America’s Veterans and Caring for Camp Lejeune Families Act of 2012 and shall not apply with respect to claims filed after the date that is three years after the date of the enactment of such Act.”.

**SEC. 507. MODIFICATION OF MONTH OF DEATH BENEFIT FOR SURVIVING SPOUSES OF VETERANS WHO DIE WHILE ENTITLED TO COMPENSATION OR PENSION.**

(a) **SURVIVING SPOUSE BENEFIT FOR MONTH OF VETERAN’S DEATH.**—Subsections (a) and (b) of section 5310 are amended to read as follows:

“(a) **IN GENERAL.**—(1) A surviving spouse of a veteran is entitled to a benefit for the month of the veteran’s death if—

“(A) at the time of the veteran’s death, the veteran was receiving compensation or pension under chapter 11 or 15 of this title; or

“(B) the veteran is determined for purposes of section 5121 or 5121A of this title as having been entitled to receive compensation or pension under chapter 11 or 15 of this title for the month of the veteran’s death.

“(2) The amount of the benefit under paragraph (1) is the amount that the veteran would have received under chapter 11 or 15 of this title, as the case may be, for the month of the veteran’s death had the veteran not died.

“(b) **CLAIMS PENDING ADJUDICATION.**—If a claim for entitlement to compensation or additional compensation under chapter 11 of this title or pension or additional pension under chapter 15 of this title is pending at the time of a veteran’s death and the check or other payment issued to the veteran’s surviving spouse under subsection (a) is less than the amount of the benefit the veteran would have been entitled to for the month of death pursuant to the adjudication of the pending claim, an amount equal to the difference between the amount to which the veteran would have been entitled to receive under chapter 11 or 15 of this title for the month of the veteran’s death had the veteran not died and the amount of the check or other payment issued to the surviving spouse shall be treated in the same manner as an accrued benefit under section 5121 of this title.”.

(b) **MONTH OF DEATH BENEFIT EXEMPT FROM DELAYED COMMENCEMENT OF PAYMENT.**—Section 5111(c)(1) is amended by striking “apply to” and all that follows through “death occurred” and inserting the following: “not apply to payments made pursuant to section 5310 of this title”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to deaths that occur on or after that date.

**SEC. 508. INCREASE IN RATE OF PENSION FOR DISABLED VETERANS MARRIED TO ONE ANOTHER AND BOTH OF WHOM REQUIRE REGULAR AID AND ATTENDANCE.**

(a) **IN GENERAL.**—Section 1521(f)(2) is amended by striking “\$30,480” and inserting “\$32,433”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

**SEC. 509. EXCLUSION OF CERTAIN REIMBURSEMENTS OF EXPENSES FROM DETERMINATION OF ANNUAL INCOME WITH RESPECT TO PENSIONS FOR VETERANS AND SURVIVING SPOUSES AND CHILDREN OF VETERANS.**

(a) **IN GENERAL.**—Paragraph (5) of section 1503(a) of title 38, United States Code, is amended to read as follows:

“(5) payments regarding reimbursements of any kind (including insurance settlement payments) for expenses related to the repayment, replacement, or repair of equipment, vehicles, items, money, or property resulting from—

“(A) any accident (as defined by the Secretary), but the amount excluded under this subclause shall not exceed the greater of the fair market value or reasonable replacement value of the equipment or vehicle involved at the time immediately preceding the accident;

“(B) any theft or loss (as defined by the Secretary), but the amount excluded under this subclause shall not exceed the greater of the fair market value or reasonable replacement value of the item or the amount of the money (including legal tender of the United States or of a foreign country) involved at the time immediately preceding the theft or loss; or

“(C) any casualty loss (as defined by the Secretary), but the amount excluded under this subclause shall not exceed the greater of the fair

market value or reasonable replacement value of the property involved at the time immediately preceding the casualty loss;”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on the date that is 180 days after the date of the enactment of this Act.

**TITLE VI—MEMORIAL, BURIAL, AND CEMETERY MATTERS**

**SEC. 601. PROHIBITION ON DISRUPTIONS OF FUNERALS OF MEMBERS OR FORMER MEMBERS OF THE ARMED FORCES.**

(a) **PURPOSE AND AUTHORITY.**—

(1) **PURPOSE.**—The purpose of this section is to provide necessary and proper support for the recruitment and retention of the Armed Forces and militia employed in the service of the United States by protecting the dignity of the service of the members of such Forces and militia, and by protecting the privacy of their immediate family members and other attendees during funeral services for such members.

(2) **CONSTITUTIONAL AUTHORITY.**—Congress finds that this section is a necessary and proper exercise of its powers under the Constitution, article I, section 8, paragraphs 1, 12, 13, 14, 16, and 18, to provide for the common defense, raise and support armies, provide and maintain a navy, make rules for the government and regulation of the land and naval forces, and provide for organizing and governing such part of the militia as may be employed in the service of the United States.

(b) **AMENDMENT TO TITLE 18.**—Section 1388 of title 18, United States Code, is amended to read as follows:

**“§ 1388. Prohibition on disruptions of funerals of members or former members of the Armed Forces**

“(a) **PROHIBITION.**—For any funeral of a member or former member of the Armed Forces that is not located at a cemetery under the control of the National Cemetery Administration or part of Arlington National Cemetery, it shall be unlawful for any person to engage in an activity during the period beginning 120 minutes before and ending 120 minutes after such funeral, any part of which activity—

“(1)(A) takes place within the boundaries of the location of such funeral or takes place within 300 feet of the point of the intersection between—

“(i) the boundary of the location of such funeral; and

“(ii) a road, pathway, or other route of ingress to or egress from the location of such funeral; and

“(B) includes any individual willfully making or assisting in the making of any noise or diversion—

“(i) that is not part of such funeral and that disturbs or tends to disturb the peace or good order of such funeral; and

“(ii) with the intent of disturbing the peace or good order of such funeral;

“(2)(A) is within 500 feet of the boundary of the location of such funeral; and

“(B) includes any individual—

“(i) willfully and without proper authorization impeding or tending to impede the access to or egress from such location; and

“(ii) with the intent to impede the access to or egress from such location; or

“(3) is on or near the boundary of the residence, home, or domicile of any surviving member of the deceased person’s immediate family and includes any individual willfully making or assisting in the making of any noise or diversion—

“(A) that disturbs or tends to disturb the peace of the persons located at such location; and

“(B) with the intent of disturbing such peace.

“(b) **PENALTY.**—Any person who violates subsection (a) shall be fined under this title or imprisoned for not more than 1 year, or both.

“(c) CIVIL REMEDIES.—

“(1) DISTRICT COURTS.—The district courts of the United States shall have jurisdiction—

“(A) to prevent and restrain violations of this section; and

“(B) for the adjudication of any claims for relief under this section.

“(2) ATTORNEY GENERAL.—The Attorney General may institute proceedings under this section.

“(3) CLAIMS.—Any person, including a surviving member of the deceased person's immediate family, who suffers injury as a result of conduct that violates this section may—

“(A) sue therefor in any appropriate United States district court or in any court of competent jurisdiction; and

“(B) recover damages as provided in subsection (d) and the cost of the suit, including reasonable attorneys' fees.

“(4) ESTOPPEL.—A final judgment or decree rendered in favor of the United States in any criminal proceeding brought by the United States under this section shall estop the defendant from denying the essential allegations of the criminal offense in any subsequent civil proceeding brought by a person or by the United States.

“(d) ACTUAL AND STATUTORY DAMAGES.—

“(1) IN GENERAL.—In addition to any penalty imposed under subsection (b), a violator of this section is liable in an action under subsection (c) for actual or statutory damages as provided in this subsection.

“(2) ACTIONS BY PRIVATE PERSONS.—A person bringing an action under subsection (c)(3) may elect, at any time before final judgment is rendered, to recover the actual damages suffered by him or her as a result of the violation or, instead of actual damages, an award of statutory damages for each violation involved in the action.

“(3) ACTIONS BY ATTORNEY GENERAL.—In any action under subsection (c)(2), the Attorney General is entitled to recover an award of statutory damages for each violation involved in the action notwithstanding any recovery under subsection (c)(3).

“(4) STATUTORY DAMAGES.—A court may award, as the court considers just, statutory damages in a sum of not less than \$25,000 or more than \$50,000 per violation.

“(e) REBUTTABLE PRESUMPTION.—It shall be a rebuttable presumption that the violation was committed willfully for purposes of determining relief under this section if the violator, or a person acting in concert with the violator, did not have reasonable grounds to believe, either from the attention or publicity sought by the violator or other circumstance, that the conduct of such violator or person would not disturb or tend to disturb the peace or good order of such funeral, impede or tend to impede the access to or egress from such funeral, or disturb or tend to disturb the peace of any surviving member of the deceased person's immediate family who may be found on or near the residence, home, or domicile of the deceased person's immediate family on the date of the service or ceremony.

“(f) DEFINITIONS.—In this section—

“(1) the term ‘Armed Forces’ has the meaning given the term in section 101 of title 10 and includes members and former members of the National Guard who were employed in the service of the United States; and

“(2) the term ‘immediate family’ means, with respect to a person, the immediate family members of such person, as such term is defined in section 115 of this title.”.

(c) AMENDMENT TO TITLE 38.—

(1) IN GENERAL.—Section 2413 is amended to read as follows:

**“§2413. Prohibition on certain demonstrations and disruptions at cemeteries under control of the National Cemetery Administration and at Arlington National Cemetery**

“(a) PROHIBITION.—It shall be unlawful for any person—

“(1) to carry out a demonstration on the property of a cemetery under the control of the National Cemetery Administration or on the property of Arlington National Cemetery unless the demonstration has been approved by the cemetery superintendent or the director of the property on which the cemetery is located; or

“(2) with respect to such a cemetery, to engage in a demonstration during the period beginning 120 minutes before and ending 120 minutes after a funeral, memorial service, or ceremony is held, any part of which demonstration—

“(A)(i) takes place within the boundaries of such cemetery or takes place within 300 feet of the point of the intersection between—

“(I) the boundary of such cemetery; and

“(II) a road, pathway, or other route of ingress to or egress from such cemetery; and

“(ii) includes any individual willfully making or assisting in the making of any noise or diversion—

“(I) that is not part of such funeral, memorial service, or ceremony and that disturbs or tends to disturb the peace or good order of such funeral, memorial service, or ceremony; and

“(II) with the intent of disturbing the peace or good order of such funeral, memorial service, or ceremony; or

“(B)(i) is within 500 feet of the boundary of such cemetery; and

“(ii) includes any individual—

“(I) willfully and without proper authorization impeding or tending to impede the access to or egress from such cemetery; and

“(II) with the intent to impede the access to or egress from such cemetery.

“(b) PENALTY.—Any person who violates subsection (a) shall be fined under title 18 or imprisoned for not more than one year, or both.

“(c) CIVIL REMEDIES.—(1) The district courts of the United States shall have jurisdiction—

“(A) to prevent and restrain violations of this section; and

“(B) for the adjudication of any claims for relief under this section.

“(2) The Attorney General of the United States may institute proceedings under this section.

“(3) Any person, including a surviving member of the deceased person's immediate family, who suffers injury as a result of conduct that violates this section may—

“(A) sue therefor in any appropriate United States district court or in any court of competent jurisdiction; and

“(B) recover damages as provided in subsection (d) and the cost of the suit, including reasonable attorneys' fees.

“(4) A final judgment or decree rendered in favor of the United States in any criminal proceeding brought by the United States under this section shall estop the defendant from denying the essential allegations of the criminal offense in any subsequent civil proceeding brought by a person or by the United States.

“(d) ACTUAL AND STATUTORY DAMAGES.—(1) In addition to any penalty imposed under subsection (b), a violator of this section is liable in an action under subsection (c) for actual or statutory damages as provided in this subsection.

“(2) A person bringing an action under subsection (c)(3) may elect, at any time before final judgment is rendered, to recover the actual damages suffered by him or her as a result of the violation or, instead of actual damages, an award of statutory damages for each violation involved in the action.

“(3) In any action brought under subsection (c)(2), the Attorney General is entitled to recover an award of statutory damages for each violation involved in the action notwithstanding any recovery under subsection (c)(3).

“(4) A court may award, as the court considers just, statutory damages in a sum of not less than \$25,000 or more than \$50,000 per violation.

“(e) REBUTTABLE PRESUMPTION.—It shall be a rebuttable presumption that the violation of subsection (a) was committed willfully for purposes of determining relief under this section if the violator, or a person acting in concert with the violator, did not have reasonable grounds to believe, either from the attention or publicity sought by the violator or other circumstance, that the conduct of such violator or person would not—

“(1) disturb or tend to disturb the peace or good order of such funeral, memorial service, or ceremony; or

“(2) impede or tend to impede the access to or egress from such funeral, memorial service, or ceremony.

“(f) DEFINITIONS.—In this section—

“(1) the term ‘demonstration’ includes—

“(A) any picketing or similar conduct;

“(B) any oration, speech, use of sound amplification equipment or device, or similar conduct that is not part of a funeral, memorial service, or ceremony;

“(C) the display of any placard, banner, flag, or similar device, unless such a display is part of a funeral, memorial service, or ceremony; and

“(D) the distribution of any handbill, pamphlet, leaflet, or other written or printed matter other than a program distributed as part of a funeral, memorial service, or ceremony; and

“(2) the term ‘immediate family’ means, with respect to a person, the immediate family members of such person, as such term is defined in section 115 of title 18.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 24 is amended by striking the item relating to section 2413 and inserting the following new item:

“2413. Prohibition on certain demonstrations and disruptions at cemeteries under control of the National Cemetery Administration and at Arlington National Cemetery.”.

**SEC. 602. CODIFICATION OF PROHIBITION AGAINST RESERVATION OF GRAVESITES AT ARLINGTON NATIONAL CEMETERY.**

(a) IN GENERAL.—Chapter 24 is amended by inserting after section 2410 the following new section:

**“§2410A. Arlington National Cemetery: other administrative matters**

“(a) ONE GRAVESITE.—(1) Not more than one gravesite may be provided at Arlington National Cemetery to a veteran or member of the Armed Forces who is eligible for interment or inurnment at such cemetery.

“(2) The Secretary of the Army may waive the prohibition in paragraph (1) as the Secretary of the Army considers appropriate.

“(b) PROHIBITION AGAINST RESERVATION OF GRAVESITES.—(1) A gravesite at Arlington National Cemetery may not be reserved for an individual before the death of such individual.

“(2)(A) The President may waive the prohibition in paragraph (1) as the President considers appropriate.

“(B) Upon waiving the prohibition in paragraph (1), the President shall submit notice of such waiver to—

“(i) the Committee on Veterans' Affairs and the Committee on Armed Services of the Senate; and

“(ii) the Committee on Veterans' Affairs and the Committee on Armed Services of the House of Representatives.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2410 the following new item:

"2410A. Arlington National Cemetery: other administrative matters."

(c) APPLICABILITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), section 2410A of title 38, United States Code, as added by subsection (a), shall apply with respect to all interments at Arlington National Cemetery after the date of the enactment of this Act.

(2) EXCEPTION.—Subsection (b) of such section, as so added, shall not apply with respect to the interment of an individual for whom a request for a reserved gravesite was approved by the Secretary of the Army before January 1, 1962.

(d) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall submit to Congress a report on reservations made for interment at Arlington National Cemetery.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) The number of requests for reservation of a gravesite at Arlington National Cemetery that were submitted to the Secretary of the Army before January 1, 1962.

(B) The number of gravesites at such cemetery that, on the day before the date of the enactment of this Act, were reserved in response to such requests.

(C) The number of such gravesites that, on the day before the date of the enactment of this Act, were unoccupied.

(D) A list of all reservations for gravesites at such cemetery that were extended by individuals responsible for management of such cemetery in response to requests for such reservations made on or after January 1, 1962.

(E) A description of the measures that the Secretary is taking to improve the accountability and transparency of the management of gravesite reservations at Arlington National Cemetery.

(F) Such recommendations as the Secretary may have for legislative action as the Secretary considers necessary to improve such accountability and transparency.

**SEC. 603. EXPANSION OF ELIGIBILITY FOR PRESIDENTIAL MEMORIAL CERTIFICATES TO PERSONS WHO DIED IN THE ACTIVE MILITARY, NAVAL, OR AIR SERVICE.**

Section 112(a) is amended—

(1) by inserting "and persons who died in the active military, naval, or air service," after "under honorable conditions,"; and

(2) by striking "veteran's" and inserting "deceased individual's".

**SEC. 604. REQUIREMENTS FOR THE PLACEMENT OF MONUMENTS IN ARLINGTON NATIONAL CEMETERY.**

Section 2409(b) is amended—

(1) by striking "Under" and inserting "(1) Under";

(2) by inserting after "Secretary of the Army" the following: "and subject to paragraph (2)"; and

(3) by adding at the end the following new paragraphs:

"(2)(A) Except for a monument containing or marking interred remains, no monument (or similar structure, as determined by the Secretary of the Army in regulations) may be placed in Arlington National Cemetery except pursuant to the provisions of this subsection.

"(B) A monument may be placed in Arlington National Cemetery if the monument commemorates—

"(i) the service in the Armed Forces of the individual, or group of individuals, whose memory is to be honored by the monument; or

"(ii) a particular military event.

"(C) No monument may be placed in Arlington National Cemetery until the end of the 25-year period beginning—

"(i) in the case of the commemoration of service under subparagraph (B)(i), on the last day of the period of service so commemorated; and

"(ii) in the case of the commemoration of a particular military event under subparagraph (B)(ii), on the last day of the period of the event.

"(D) A monument may be placed only in those sections of Arlington National Cemetery designated by the Secretary of the Army for such placement and only on land the Secretary determines is not suitable for burial.

"(E) A monument may only be placed in Arlington National Cemetery if an appropriate nongovernmental entity has agreed to act as a sponsoring organization to coordinate the placement of the monument and—

"(i) the construction and placement of the monument are paid for only using funds from private sources;

"(ii) the Secretary of the Army consults with the Commission of Fine Arts and the Advisory Committee on Arlington National Cemetery before approving the design of the monument; and

"(iii) the sponsoring organization provides for an independent study on the availability and suitability of alternative locations for the proposed monument outside of Arlington National Cemetery.

"(3)(A) The Secretary of the Army may waive the requirement under paragraph (2)(C) in a case in which the monument would commemorate a group of individuals who the Secretary determines—

"(i) has made valuable contributions to the Armed Forces that have been ongoing and perpetual for longer than 25 years and are expected to continue on indefinitely; and

"(ii) has provided service that is of such a character that the failure to place a monument to the group in Arlington National Cemetery would present a manifest injustice.

"(B) If the Secretary waives such requirement under subparagraph (A), the Secretary shall—

"(i) make available on an Internet website notification of the waiver and the rationale for the waiver; and

"(ii) submit to the Committee on Veterans' Affairs and the Committee on Armed Services of the Senate and the Committee on Veterans' Affairs and the Committee on Armed Services of the House of Representatives written notice of the waiver and the rationale for the waiver.

"(4) The Secretary of the Army shall provide notice to the Committee on Veterans' Affairs and the Committee on Armed Services of the Senate and the Committee on Veterans' Affairs and the Committee on Armed Services of the House of Representatives of any monument proposed to be placed in Arlington National Cemetery. During the 60-day period beginning on the date on which such notice is received, Congress may pass a joint resolution of disapproval of the placement of the monument. The proposed monument may not be placed in Arlington National Cemetery until the later of—

"(A) if Congress does not pass a joint resolution of disapproval of the placement of the monument, the date that is 60 days after the date on which notice is received under this paragraph; or

"(B) if Congress passes a joint resolution of disapproval of the placement of the monument, and the President signs a veto of such resolution, the earlier of—

"(i) the date on which either House of Congress votes and fails to override the veto of the President; or

"(ii) the date that is 30 session days after the date on which Congress received the veto and objections of the President."

**TITLE VII—OTHER MATTERS**

**SEC. 701. ASSISTANCE TO VETERANS AFFECTED BY NATURAL DISASTERS.**

(a) ADDITIONAL GRANTS FOR DISABLED VETERANS FOR SPECIALLY ADAPTED HOUSING.—

(1) IN GENERAL.—Chapter 21 is amended by adding at the end the following new section:

**"§2109. Specially adapted housing destroyed or damaged by natural disasters**

"(a) IN GENERAL.—Notwithstanding the provisions of section 2102 and 2102A of this title, the Secretary may provide assistance to a veteran whose home was previously adapted with assistance of a grant under this chapter in the event the adapted home which was being used and occupied by the veteran was destroyed or substantially damaged in a natural or other disaster, as determined by the Secretary.

"(b) USE OF FUNDS.—Subject to subsection (c), assistance provided under subsection (a) shall—

"(1) be available to acquire a suitable housing unit with special fixtures or moveable facilities made necessary by the veteran's disability, and necessary land therefor;

"(2) be available to a veteran to the same extent as if the veteran had not previously received assistance under this chapter; and

"(3) not be deducted from the maximum uses or from the maximum amount of assistance available under this chapter.

"(c) LIMITATIONS.—The amount of the assistance provided under subsection (a) may not exceed the lesser of—

"(1) the reasonable cost, as determined by the Secretary, of repairing or replacing the damaged or destroyed home in excess of the available insurance coverage on such home; or

"(2) the maximum amount of assistance to which the veteran would have been entitled under sections 2101(a), 2101(b), and 2102A of this title had the veteran not obtained previous assistance under this chapter."

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2108 the following new item:

"2109. Specially adapted housing destroyed or damaged by natural disasters."

(b) EXTENSION OF SUBSISTENCE ALLOWANCE FOR VETERANS COMPLETING VOCATIONAL REHABILITATION PROGRAM.—Section 3108(a)(2) is amended—

(1) by inserting "(A)" before "In"; and

(2) by adding at the end the following new subparagraph:

"(B) In any case in which the Secretary determines that a veteran described in subparagraph (A) has been displaced as the result of a natural or other disaster while being paid a subsistence allowance under that subparagraph, as determined by the Secretary, the Secretary may extend the payment of a subsistence allowance under such subparagraph for up to an additional two months while the veteran is satisfactorily following a program of employment services described in such subparagraph."

(c) WAIVER OF LIMITATION ON PROGRAM OF INDEPENDENT LIVING SERVICES AND ASSISTANCE.—Section 3120(e) is amended—

(1) by inserting "(1)" before "Programs"; and

(2) by adding at the end the following new paragraph:

"(2) The limitation in paragraph (1) shall not apply in any case in which the Secretary determines that a veteran described in subsection (b) has been displaced as the result of, or has otherwise been adversely affected in the areas covered by, a natural or other disaster, as determined by the Secretary."

(d) COVENANTS AND LIENS CREATED BY PUBLIC ENTITIES IN RESPONSE TO DISASTER-RELIEF ASSISTANCE.—Paragraph (3) of section 3703(d) is amended to read as follows:

"(3)(A) Any real estate housing loan (other than for repairs, alterations, or improvements)

shall be secured by a first lien on the realty. In determining whether a loan is so secured, the Secretary may either disregard or allow for subordination to a superior lien created by a duly recorded covenant running with the realty in favor of either of the following:

“(i) A public entity that has provided or will provide assistance in response to a major disaster as determined by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

“(ii) A private entity to secure an obligation to such entity for the homeowner's share of the costs of the management, operation, or maintenance of property, services, or programs within and for the benefit of the development or community in which the veteran's realty is located, if the Secretary determines that the interests of the veteran borrower and of the Government will not be prejudiced by the operation of such covenant.

“(B) With respect to any superior lien described in subparagraph (A) created after June 6, 1969, the Secretary's determination under clause (ii) of such subparagraph shall have been made prior to the recordation of the covenant.”.

(e) **AUTOMOBILES AND OTHER CONVEYANCES FOR CERTAIN DISABLED VETERANS AND MEMBERS OF THE ARMED FORCES.**—Section 3903(a) is amended—

(1) by striking “No” and inserting “(1) Except as provided in paragraph (2), no”; and

(2) by adding at the end the following new paragraph:

“(2) The Secretary may provide or assist in providing an eligible person with a second automobile or other conveyance under this chapter if—

“(A) the Secretary receives satisfactory evidence that the automobile or other conveyance previously purchased with assistance under this chapter was destroyed—

“(i) as a result of a natural or other disaster, as determined by the Secretary; and

“(ii) through no fault of the eligible person; and

“(B) the eligible person does not otherwise receive from a property insurer compensation for the loss.”.

(f) **ANNUAL REPORT.**—

(1) **IN GENERAL.**—Each year, the Secretary of Veterans Affairs shall submit to Congress a report on the assistance provided or action taken by the Secretary in the last fiscal year pursuant to the authorities added by the amendments made by this section.

(2) **ELEMENTS.**—Each report submitted under paragraph (1) shall include the following for the fiscal year covered by the report:

(A) A description of each natural disaster for which assistance was provided or action was taken as described in paragraph (1).

(B) The number of cases or individuals, as the case may be, in which or to whom the Secretary provided assistance or took action as described in paragraph (1).

(C) For each such case or individual, a description of the type or amount of assistance or action taken, as the case may be.

(g) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date that is one year after the date of the enactment of this Act.

## **SEC. 702. EXTENSION OF CERTAIN EXPIRING PROVISIONS OF LAW.**

(a) **POOL OF MORTGAGE LOANS.**—Section 3720(h)(2) is amended by striking “December 31, 2011” and inserting “December 31, 2016”.

(b) **LOAN FEES.**—Section 3729(b)(2) is amended—

(1) in subparagraph (A)—

(A) in clause (iii), by striking “October 1, 2016” and inserting “October 1, 2017”; and

(B) in clause (iv), by striking “October 1, 2016” and inserting “October 1, 2017”;

(2) in subparagraph (B)—

(A) in clause (i), by striking “October 1, 2016” and inserting “October 1, 2017”; and

(B) in clause (ii), by striking “October 1, 2016” and inserting “October 1, 2017”;

(3) in subparagraph (C)—

(A) in clause (i), by striking “October 1, 2016” and inserting “October 1, 2017”; and

(B) in clause (ii), by striking “October 1, 2016” and inserting “October 1, 2017”; and

(4) in subparagraph (D)—

(A) in clause (i), by striking “October 1, 2016” and inserting “October 1, 2017”; and

(B) in clause (ii), by striking “October 1, 2016” and inserting “October 1, 2017”.

(c) **TEMPORARY ADJUSTMENT OF MAXIMUM HOME LOAN GUARANTY AMOUNT.**—Section 501 of the Veterans' Benefits Improvement Act of 2008 (Public Law 110-389; 122 Stat. 4175; 38 U.S.C. 3703 note) is amended by striking “December 31, 2011” and inserting “December 31, 2014”.

## **SEC. 703. REQUIREMENT FOR PLAN FOR REGULAR ASSESSMENT OF EMPLOYEES OF VETERANS' BENEFITS ADMINISTRATION WHO HANDLE PROCESSING OF CLAIMS FOR COMPENSATION AND PENSION.**

Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a plan that describes how the Secretary will—

(1) regularly assess the skills and competencies of appropriate employees and managers of the Veterans Benefits Administration who are responsible for processing claims for compensation and pension benefits administered by the Secretary;

(2) provide training to those employees whose skills and competencies are assessed as unsatisfactory by the regular assessment described in paragraph (1), to remediate deficiencies in such skills and competencies;

(3) reassess the skills and competencies of employees who receive training as described in paragraph (2); and

(4) take appropriate personnel action if, following training and reassessment as described in paragraphs (2) and (3), respectively, skills and competencies remain unsatisfactory.

## **SEC. 704. MODIFICATION OF PROVISION RELATING TO REIMBURSEMENT RATE FOR AMBULANCE SERVICES.**

Section 111(b)(3)(C) is amended by striking “under subparagraph (B)” and inserting “to or from a Department facility”.

## **SEC. 705. CHANGE IN COLLECTION AND VERIFICATION OF VETERAN INCOME.**

Section 1722(f)(1) is amended by striking “the previous year” and inserting “the most recent year for which information is available”.

## **SEC. 706. DEPARTMENT OF VETERANS AFFAIRS ENFORCEMENT PENALTIES FOR MISREPRESENTATION OF A BUSINESS CONCERN AS A SMALL BUSINESS CONCERN OWNED AND CONTROLLED BY VETERANS OR AS A SMALL BUSINESS CONCERN OWNED AND CONTROLLED BY SERVICE-DISABLED VETERANS.**

Subsection (g) of section 8127 is amended—

(1) by striking “Any business” and inserting “(1) Any business”;

(2) in paragraph (1), as so designated—

(A) by inserting “willfully and intentionally” before “misrepresented”; and

(B) by striking “a reasonable period of time, as determined by the Secretary” and inserting “a period of not less than five years”; and

(3) by adding at the end the following new paragraphs:

“(2) In the case of a debarment under paragraph (1), the Secretary shall commence debar-

ment action against the business concern by not later than 30 days after determining that the concern willfully and intentionally misrepresented the status of the concern as described in paragraph (1) and shall complete debarment actions against such concern by not later than 90 days after such determination.

“(3) The debarment of a business concern under paragraph (1) includes the debarment of all principals in the business concern for a period of not less than five years.”.

## **SEC. 707. QUARTERLY REPORTS TO CONGRESS ON CONFERENCES SPONSORED BY THE DEPARTMENT.**

(a) **IN GENERAL.**—Subchapter I of chapter 5 is amended by adding at the end the following new section:

### **“§517. Quarterly reports to Congress on conferences sponsored by the Department**

“(a) **QUARTERLY REPORTS REQUIRED.**—Not later than 30 days after the end of each fiscal quarter, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on covered conferences.

“(b) **MATTERS INCLUDED.**—Each report under subsection (a) shall include the following:

“(1) An accounting of the final costs to the Department of each covered conference occurring during the fiscal quarter preceding the date on which the report is submitted, including the costs related to—

“(A) transportation and parking;

“(B) per diem payments;

“(C) lodging;

“(D) rental of halls, auditoriums, or other spaces;

“(E) rental of equipment;

“(F) refreshments;

“(G) entertainment;

“(H) contractors; and

“(I) brochures or other printed media.

“(2) The total estimated costs to the Department for covered conferences occurring during the fiscal quarter in which the report is submitted.

“(c) **COVERED CONFERENCE DEFINED.**—In this section, the term ‘covered conference’ means a conference, meeting, or other similar forum that is sponsored or co-sponsored by the Department and is—

“(1) attended by 50 or more individuals, including one or more employees of the Department; or

“(2) estimated to cost the Department at least \$20,000.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 516 the following:

“517. Quarterly reports to Congress on conferences sponsored by the Department.”.

(c) **EFFECTIVE DATE.**—Section 517 of title 38, United States Code, as added by subsection (a), shall take effect on October 1, 2012, and shall apply with respect to the first quarter of fiscal year 2013 and each quarter thereafter.

## **SEC. 708. PUBLICATION OF DATA ON EMPLOYMENT OF CERTAIN VETERANS BY FEDERAL CONTRACTORS.**

Section 4212(d) is amended by adding at the end the following new paragraph:

“(3) The Secretary of Labor shall establish and maintain an Internet website on which the Secretary of Labor shall publicly disclose the information reported to the Secretary of Labor by contractors under paragraph (1).”.

## **SEC. 709. VETSTAR AWARD PROGRAM.**

(a) **IN GENERAL.**—Section 532 is amended—

(1) by striking “The Secretary may” and inserting “(a) ADVERTISING IN NATIONAL MEDIA.—The Secretary may”; and

(2) by adding at the end the following new subsection:

“(b) VETSTAR AWARD PROGRAM.—(1) The Secretary shall establish an award program, to be known as the ‘VetStar Award Program’, to recognize annually businesses for their contributions to veterans’ employment.

“(2) The Secretary shall establish a process for the administration of the award program, including criteria for—

“(A) categories and sectors of businesses eligible for recognition each year; and

“(B) objective measures to be used in selecting businesses to receive the award.”.

(b) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended by adding at the end the following: “; **VetStar Award Program**”.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 5 is amended by striking the item relating to section 532 and inserting the following new item:

“532. Authority to advertise in national media; VetStar Award Program.”.

**SEC. 710. EXTENDED PERIOD OF PROTECTIONS FOR MEMBERS OF UNIFORMED SERVICES RELATING TO MORTGAGES, MORTGAGE FORECLOSURE, AND EVICTION.**

(a) STAY OF PROCEEDINGS AND PERIOD OF ADJUSTMENT OF OBLIGATIONS RELATING TO REAL OR PERSONAL PROPERTY.—Section 303(b) of the Servicemembers Civil Relief Act (50 U.S.C. App. 533(b)) is amended by striking “within 9 months” and inserting “within one year”.

(b) PERIOD OF RELIEF FROM SALE, FORECLOSURE, OR SEIZURE.—Section 303(c) of such Act (50 U.S.C. App. 533(c)) is amended by striking “within 9 months” and inserting “within one year”.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on the date that is 180 days after the date of the enactment of this Act.

(d) EXTENSION OF SUNSET.—

(1) IN GENERAL.—The amendments made by subsections (a) and (b) shall expire on December 31, 2014.

(2) CONFORMING AMENDMENT.—Subsection (c) of section 2203 of the Housing and Economic Recovery Act of 2008 (Public Law 110-289; 50 U.S.C. App. 533 note) is amended to read as follows:

“(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.”.

(3) REVIVAL.—Effective January 1, 2015, the provisions of subsections (b) and (c) of section 303 of the Servicemembers Civil Relief Act (50 U.S.C. App. 533), as in effect on July 29, 2008, are hereby revived.

(e) REPORT.—

(1) IN GENERAL.—Not later than 540 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the protections provided under section 303 of such Act (50 U.S.C. App. 533) during the five-year period ending on the date of the enactment of this Act.

(2) ELEMENTS.—The report required by paragraph (1) shall include, for the period described in such paragraph, the following:

(A) An assessment of the effects of such section on the long-term financial well-being of servicemembers and their families.

(B) The number of servicemembers who faced foreclosure during a 90-day period, 270-day period, or 365-day period beginning on the date on which the servicemembers completed a period of military service.

(C) The number of servicemembers who applied for a stay or adjustment under subsection (b) of such section.

(D) A description and assessment of the effect of applying for a stay or adjustment under such subsection on the financial well-being of the servicemembers who applied for such a stay or adjustment.

(E) An assessment of the Secretary of Defense’s partnerships with public and private sector entities and recommendations on how the Secretary should modify such partnerships to improve financial education and counseling for servicemembers in order to assist them in achieving long-term financial stability.

(3) PERIOD OF MILITARY SERVICE AND SERVICEMEMBER DEFINED.—In this subsection, the terms “period of military service” and “servicemember” have the meanings given such terms in section 101 of such Act (50 U.S.C. App. 511).

Amend the title so as to read: “An Act A bill to amend title 38, United States Code, to furnish hospital care and medical services to veterans who were stationed at Camp Lejeune, North Carolina, while the water was contaminated at Camp Lejeune, to improve the provision of housing assistance to veterans and their families, and for other purposes.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MILLER) and the gentleman from Maine (Mr. MICHAUD) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

Mr. MILLER of Florida. Mr. Speaker, I yield myself as much time as I might consume.

**GENERAL LEAVE**

Mr. MILLER of Florida. Mr. Speaker, I ask unanimous consent that all Members would have 5 legislative days to revise and extend their remarks and add any extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MILLER of Florida. As the chairman of the House Committee on Veterans Affairs, I rise in support of the Senate amendments to H.R. 1627. This is a comprehensive, bipartisan, bicameral legislative package to provide for the needs of veterans, their families and survivors through improved health care, housing, education, and memorial services.

In addition, the Senate amendments to H.R. 1627 would improve the accountability and transparency of the Department of Veterans Affairs, ensuring that VA is responsible to those it serves, our American veterans.

As the title of this bill implies, this legislation would authorize VA health care services for veterans and their families for certain illnesses that manifested as a result of exposure to water contamination at Camp Lejeune, North Carolina, during a 30-year span that ended in 1987.

I want to specifically acknowledge the efforts of retired Marine Master Sergeant Jerry Ensminger, whose dogged efforts to seek answers from the government and justice for the victims of the water contamination inspired this bill. In honor of Jerry’s daughter, Janey, who died of leukemia at the age of 9 after time spent at Camp Lejeune when the water was contaminated, title I of this bill bears her name.

Finally, I thank Representative BRAD MILLER and Senator RICHARD BURR, the original sponsors of the Camp Lejeune legislation in the House and the Senate, for their leadership. And although this legislation represents a hard-fought victory, we must not forget those who are no longer with us to see it become law.

I think when Senator BURR said this, he said it best:

Unfortunately, many who were exposed have died as a result and are not here to receive the care this bill can provide. While I wish we could have accomplished this years ago, we now have the opportunity to do the right thing for thousands who were harmed during their service to our country.

And I couldn’t agree more.

In addition to the veterans of Camp Lejeune, section 106 of this bill contains legislation the chairwoman of the Subcommittee on Health, Ms. BUEKLE, introduced, H.R. 2074, the Veterans Sexual Assault Prevention Act. The section and her bill, which passed the House last year, would address the serious failure of the Department of Veterans Affairs to prevent and report sexual assault incidents and corresponding flaws in the security of their facilities. It creates a fundamentally safer environment for our veterans and VA employees by requiring an accountable and comprehensive oversight system.

I want to express my personal appreciation to Ms. BUEKLE for her advocacy on behalf of women and all of our veterans. In just 2 short years, she has proven herself to be a committed and strong voice for servicemembers and veterans, not only in the State of New York, but across this country.

Her considerable expertise as a nurse, a lawyer, and a mother of six was the reason I chose her to be the chairwoman of the Subcommittee on Health, and I can tell you that in the roll that she has played, she has never wavered from doing what is right for all of our veterans.

The bill also includes several worthy legislative proposals to improve health care services brought forth from our Members on both sides of the aisle and in both Chambers, the House and in the Senate.

This bill also addresses several other areas where we will be able to expand and improve health care for veterans. It would allow for greater flexibility in VA payments to State veterans homes, break down barriers to care for veterans with traumatic brain injury, clarify the access rights of service dogs on VA property, and improve care for rural elderly and homeless veterans.

This bill also addresses several important matters related to veterans’ housing. Because many of our returning wounded warriors need assistance modifying their residences to meet their needs, this bill would reauthorize and expand several provisions relating



to the Specially Adapted Housing Grant Program.

These grants provide funding to eligible disabled veterans and servicemembers who adapt homes that they own or homes that they are currently living in to meet their daily needs. Adaptations can include grab bars in bathrooms, widening doorways for wheelchairs, or constructing a wheelchair ramp. These grants are imperative to affording veterans the level of independent living that they were accustomed to prior to their injury and that they may not be able to otherwise enjoy.

As many of us are aware, far too many of our veterans have found themselves on hard times and are homeless or are at risk for homelessness. To combat this problem, this bill would authorize funding for additional housing options for homeless veterans to help them gain stability and obtain access to other treatment and services that they may need from VA.

The next area of the bill would be in addressing education. We all know that we have provided a very generous benefit to the veterans in the post-9/11 GI Bill. The problem is that we have never really tracked the performance of the bill or if the benefits are effective in training veterans to be leaders of tomorrow. Therefore, this legislation would increase our oversight of post-9/11 educational benefits by requiring annual reports to Congress on the effectiveness of these benefits and how they're being utilized.

I want to thank my friend, Congressman GUS BILIRAKIS, for introducing this provision in H.R. 2274 and for his leadership on improving transparency for the post-9/11 GI Bill.

Another critical area addressed by this legislation is that of veteran benefits. Over the last 3 years, we've seen the disability claims backlog grow exponentially, with more than 900,000 claims now awaiting decisions. Fifty percent of those have been pending for a period of 125 days or more. Despite repeated promises from VA to break the backlog, it continues to grow.

Therefore, the provisions of this bill that address benefit matters will assist in processing claims more efficiently:

First, it would allow veterans to automatically waive regional office review of evidence submitted directly to the Board of Veterans Appeals for claims in appellate status;

Second, it would allow veterans in need of assistance with claims to have a signatory on their behalf assist them with the claims process;

Third, it would modernize VA's statutory duty to assist by authorizing electronic communications, potentially saving weeks in a claim's processing time;

Fourth, to alleviate the burdens of redundant paperwork, veterans would now be able to file jointly for Social Security and indemnity compensation;

Finally, to promote accountability of individual claims processors, VA would be required to present a plan in 6 months on how it will take corrective action when their employees need training to do their jobs well.

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I want to thank my friend Mr. RUNYAN from New Jersey, the chairman of the Subcommittee on Disability Assistance and Memorial Affairs, for his dedication to our Nation's veterans and for his focus on advancing legislation such as H.R. 2349, which will achieve measurable results in alleviating the backlog of claims.

While many of these provisions that I have discussed thus far have focused on our efforts to honor our commitment to the brave men and women who serve our Nation, including those transitioning from the recent conflicts in Iraq and Afghanistan, we must also continue our commitment to our fallen heroes. Accordingly, this bill also sets out specific criteria that prohibit disruptions and protests of funerals of members of the Armed Forces at VA national cemeteries and at Arlington National Cemetery, including the imposition of criminal and civil liability for violations of these restrictions.

In addition, given the sacred nature of Arlington National Cemetery, a name synonymous with honoring American freedom, this legislation would codify a prohibition on the reservation of grave sites at Arlington National Cemetery, with very limited exceptions. I worked closely with Mr. RUNYAN on this prohibition to ensure that many future generations of American heroes will be buried and honored at Arlington National Cemetery. I want to thank him again for his leadership on this issue and for originally introducing H.R. 1484.

Similarly, I introduced the original measure on H.R. 1627, which would place restrictions on the type and placement of monuments at Arlington National Cemetery due to the fact that the cemetery, itself, is a monument. Arlington National Cemetery is a unique national treasure. It is for this reason that this legislation is necessary to ensure that the integrity of the cemetery is preserved both in its utilization of land with the placement of monuments and with its allocation of grave sites.

Finally, this comprehensive legislative package also contains several miscellaneous provisions affecting our Nation's veterans. Although these areas may not receive as much attention, such as health care or benefits, they are no less important to improving the lives of the veterans of this country.

I want to thank the ranking member, Mr. FILNER, as well as the chairman and ranking member of the Senate Committee on Veterans' Affairs, Senator MURRAY and Senator BURR, for

their insight and cooperation on advancing this compromise bill today.

I want to reiterate that this bill is paid for both in its mandatory and discretionary costs via offsets that have been used many times by this committee and that have historically been supported by both sides of the aisle.

Finally, Mr. Speaker, I ask unanimous consent to insert a floor colloquy between me and the gentleman from Maine (Mr. MICHAUD).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MILLER of Florida. Once again, I thank all of the members of the committee, as well as the staffs of the House and the Senate on Veterans' Affairs, for their work on this bill, and I urge all Members to support the Senate amendments to H.R. 1627.

With that, I reserve the balance of my time.

Mr. Speaker, the Committees have prepared an explanation of certain provisions contained in the amendment to H.R. 1627, as amended, to reflect a Compromise Agreement between the Committees. Differences between the provisions contained in the Compromise Agreement and the related provisions of the House Bills and the Senate Bills are noted in this document, except for clerical corrections, conforming changes made necessary by the Compromise Agreement, and minor drafting, technical, and clarifying changes. This Explanatory Statement is contained in the CONGRESSIONAL RECORD of July 18, 2012.

Mr. MICHAUD. Mr. Speaker, I yield myself such time as I may consume.

I rise today in strong support of H.R. 1627, as amended, the Honoring America's Veterans and Caring for Camp Lejeune Families Act of 2012. This bill represents the hard work of both Chambers and of both sides of the aisle.

I want to thank Chairman MILLER and Ranking Member FILNER, as well as Senator MURRAY and Senator BURR and all of my colleagues on the Veterans' Affairs Committees in both Chambers, for all of the work that went into crafting this legislation.

This bill provides health care benefits to veterans and family members who have suffered illnesses due to exposure to harmful chemicals through drinking contaminated water while stationed at Camp Lejeune, North Carolina.

This bill also provides important improvements to enable the VA to better care for veterans living in rural areas. These veterans constitute 40 percent of the veterans who seek care at VA. These improvements include: waiving the collections of copayments for veterans who use telehealth or telemedicine services; authorizing VA to pay travel benefits to veterans seeking care at vet centers; requiring VA to establish and operate Centers of Excellence for rural health research, education, and clinical activities; finally, requiring VA to create a system for the consultation and assessment of mental



health, traumatic brain injury, and other conditions through teleconsultation.

A provision I am particularly proud of will improve the care provided to our elderly veterans and to those who are 70-percent disabled or higher in our State veterans' nursing homes.

This bill makes improvements in the area of veterans' benefits and the claims process. One such improvement, a provision based on a measure introduced by Ranking Member FILNER, enables a veteran or a family member, on an appeal, to waive the current requirement that new evidence be first considered by the VA. This provision would enable the Board of Veterans' Appeals to review evidence submitted directly to it instead of waiting for a redetermination at the agency level.

This bill includes important housing provisions as well. One provision would help veterans with vision impairments and veterans residing temporarily in housing owned by a family member by aligning VA's definition of "blindness" with the definition of "blindness" under existing Federal laws.

This bill provides that the amount made available to veterans who receive a temporary residence adaptation grant is not counted against the maximum allowable under the Specially Adapted Housing program. Also, this bill makes permanent the authority of VA to guarantee adjustable rate and hybrid rate mortgages.

Mr. Speaker, I have only highlighted a few of the important parts of this bill that were found in H.R. 1627, as amended. I would encourage my colleagues on both sides of the aisle to support this very important veterans' measure.

I reserve the balance of my time.

Mr. MILLER of Florida. Mr. Speaker, I am happy to yield such time as she may consume to the chairwoman of the Subcommittee on Health, the gentlewoman from New York (Ms. BUEKLE).

Ms. BUEKLE. I rise in support of the Senate amendments to H.R. 1627, the Honoring American Veterans and Caring for Camp Lejeune Families Act of 2012.

Included in this bill are provisions that reflect the oversight work of the Subcommittee on Health, which I am honored to chair. Central to the health care portion of this legislation is section 106, which would require the Department of Veterans Affairs to develop and implement a comprehensive policy on the prevention, monitoring, reporting, and tracking of sexual assaults and other safety incidents that occur at VA medical facilities.

This provision was originally passed in the House last year in H.R. 2074, as amended, the Veterans Sexual Assault Prevention Act. I introduced this measure last year in response to a disturbing GAO report, which found that between 2007 and 2010 some 284 instances of alleged sexual assault oc-

curred in VA medical facilities around the country. As a former registered nurse and domestic violence counselor, I am all too familiar with the corrosive and harmful effects sexual and physical violence can have in the lives of its victims. Abusive behavior, like the kind documented by the GAO, is unacceptable. For it to be found in what should be an environment of healing for our honored veterans is simply unforgivable.

This bill would establish and enforce critically important actions to correct the serious safety vulnerabilities, security problems, and oversight failures by VA leadership that threaten the safety of veterans who seek care through the Department and of the hardworking employees who provide that care. I am confident that the comprehensive requirements mandated in this bill will resolve the deficiencies the GAO uncovered and ensure that the VA health care system is a safe and secure place for our veterans and their families to seek care.

I have been working furiously since last October, when this provision first passed the House, to get it through the Senate and signed into law by the President. I am very pleased and relieved that the day has finally come—and not a moment too soon—for those who need it. However, my oversight does not stop at the President's desk. With this statement, I am putting the VA on notice that I will remain vigilant in ensuring that the legislation is implemented swiftly, as intended, to protect veterans and employees at VA medical facilities.

Also included in this bill, Mr. Speaker, is a measure that would allow for greater flexibility in establishing rates for reimbursements to State homes for nursing home care that is provided to certain service-connected veterans. This proposal was also included in H.R. 2074.

□ 1630

I want to thank the gentleman from Maine and ranking member of the Subcommittee on Health for his very hard work in introducing this provision and the manner in which he continues to embody a true bipartisan spirit to advance legislation for the benefit of our veterans, as well as their families. Additionally, the bill includes a measure to expand the ability of worthy nonprofit entities to obtain grants to provide services for homeless veterans.

Our colleague from the State of Washington, DAVE REICHERT, has been a strong advocate for establishing these important enhancements. I am pleased that this provision he introduced is included in the bill. I'm pleased that this provision for which he has been a strong advocate has been included. There are so many other important provisions, including improving rehabilitative care to veterans with

traumatic brain injury, waiving the collection of co-payments for telehealth and telemedicine, establishing an initiative to expand beneficiary travel reimbursements to veterans, clarifying the access rights of service dogs on VA property and VA facilities, and providing medical care for certain veterans and their families who were exposed to contaminated water at Camp Lejeune.

It has been an honor for me, Mr. Speaker, to work with my colleagues in the House and the Senate on this legislation. In particular, I am grateful for the hard work, as well as the leadership, of our chairman, Mr. MILLER of Florida.

Mr. Speaker, I urge all of my colleagues to join me in supporting this legislation.

Mr. MICHAUD. Mr. Speaker, at this time I yield 5 minutes to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Speaker, I am delighted that we are finally addressing the problem before the House, and I rise in strong support of H.R. 1627, the Honoring America's Veterans and Caring for Camp Lejeune Families Act. This is long overdue.

The most noteworthy thing we can observe about the behavior of the military leadership is they have been uncooperative and have been most diligent in obfuscating the problem and seeing to it that the matter has been unduly dawdled over while our military personnel were both put at risk and placed in a position where their families also shared that risk and hazard. I want to thank Chairman MILLER, Ranking Member FILNER, the gentleman from North Carolina, Mr. MILLER, and my dear friend, Mr. MICHAUD, for the things that they have done to see to it that finally justice is being done.

The victims of the Camp Lejeune contamination disaster have waited too long for justice for themselves and for their families. The passage of this legislation today is an important first step in moving forward and providing for the victims of what has been a long and ongoing tragedy. It is also evidence that there is still a great need for us to see to it that the military cooperates in these kinds of investigations and see to it that the military goes beyond that and that they conduct a cleanup of the military facilities where we send our military personnel and their families.

In 2004, I conducted a series of investigations into this and other contamination problems as the ranking member of the House Committee on Energy and Commerce. After meeting with the Marine Corps personnel and Master Sergeant Jerry Ensminger, whose daughter died of a rare form of leukemia at the age of 9, I must confess that I can come to no conclusion other than that that was caused by where her father had been serving and the fact

that the military had not been diligent in cleaning up its messes.

These investigations revealed a great coverup and much foot dragging and obfuscation on the part of the Department of the Navy to properly deal with the consequences of the contamination. They also showed other failures by the Department of Defense in other places, including installations in far distant points of service like Japan.

With the passage of this bill, veterans of Camp Lejeune and their families who also served there are going to receive some measure of justice and help in addressing the problems they have because of where they were compelled to serve and because of lack of diligence on the part of the military to see that they were properly cared for. They will now be eligible, if they served between 1957 and 1987, to receive VA health benefits for illnesses connected with that contamination.

While the passage of this legislation is a success, we all know there's much more to be done. The veterans deserve the presumptions of the service connection in the bill to ensure that they receive important benefits to which they are due. That is simply a proper concern for our veterans and for their safety. They and their families should not be put at unnecessary risk by places that they serve solely by reason of the fact that they serve at a particular place and because of slothful, improper behavior by the Department of Defense higher-ups and because of coverups in which they did not cooperate in seeing to the proper safeguards of our Federal employees there and our military personnel who were serving there involuntarily as a part of their superb contribution to the safety of this Nation.

The fight continues, and I'm hopeful that we can continue to bring justice to the victims of Camp Lejeune, and to see to it that others of our military are not put at risk because of slothful, improper, and dilatory behavior by the Department of Defense.

I ask my colleagues here to understand our duty in seeing to it that the families of our military and our military personnel are not put at risk by where they serve or by indifferent and careless behavior of their government. The government has a duty not just to see to it that our military personnel are made whole, but they do have the duty to see to it that our military bases and military service are not put at risk by actions which make the points of service of our military unnecessarily risky because of contamination in the places where our military and their families live and work.

Here we have another high duty, and that is to see to it that the military personnel are kept safe with their families at their side as they serve in the military bases.

The Military leadership must recognize their responsibility not to put our soldiers, sailors

and airmen at risk by reason of the places they serve. They confront enough risk from their duty, without careless and indifferent behavior of their superiors, who first disregard safety of the facilities, and then expand the risk by reason of cover ups and obfuscation of the facts and the need to clean up messes unnecessarily caused and improperly denied.

Mr. MILLER of Florida. Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore. The gentleman from Florida has 5 minutes remaining, and the gentleman from Maine has 11½ minutes remaining.

Mr. MILLER of Florida. Mr. Speaker, I am happy to yield 2 minutes to the chairman of the Subcommittee on Economic Opportunity, Mr. STUTZMAN, from the great State of Indiana.

Mr. STUTZMAN. Mr. Speaker, I thank the chairman for yielding and for his leadership on the Veterans' Affairs Committee.

I rise in strong support for the Senate amendments to H.R. 1627. The bill is a product of many months of bipartisan work to improve the lives of our veterans and their families.

I'm very proud of sections 706 and 707, which contained provisions I introduced in H.R. 1657 and H.R. 2302 respectively. Section 706 would tighten the process to debar firms that willfully and intentionally misrepresent themselves as veteran or service-disabled veteran-owned small businesses by stipulating a 5-year debarment period from contracting with the VA for the company and its principals. Section 706 would also require VA to complete the debarment no later than 90 days after such finding.

Mr. Speaker, section 707 of the underlying bill would require VA to provide a quarterly report to Congress on the cost of the Department's conferences. Every year, VA spends millions of dollars on conferences. While I understand the need for such meetings, recent history is sufficient to demand an accounting so Congress can provide proper oversight of such spending. Section 707 would require VA to report on conferences costing \$20,000 or more or on conferences attended by 50 or more people, including at least one VA employee. It would also require VA to estimate the cost of conferences to be held during the quarter in which the report is provided.

In closing, Mr. Speaker, for our veterans and their families, I urge my colleagues to support the Senate amendments to H.R. 1627.

□ 1640

Mr. MICHAUD. Mr. Speaker, at this time, I yield 2 minutes to the gentleman from North Carolina (Mr. MILLER).

Mr. MILLER of North Carolina. Mr. Speaker, the Department of the Navy has known for 30 years that the drinking water at Camp Lejeune was contaminated. They've known for 20 years

exactly what chemicals were in the water. The science may have been slow to develop on the effects of exposure to those chemicals, but they knew better than to say there was nothing to worry about, which is what they did.

The Navy concealed information from Marines and their families who drank the water, cooked with it, and bathed in it. They withheld information from the Centers for Disease Control and from Congress. And they have shamefully failed to take responsibility for the contaminated water.

Senator BURR and I introduced companion bills 2 years ago to provide treatment for certain diseases associated with exposure to the water. That legislation, the Janey Ensminger Act, is title I of this bill. Justice requires at least the benefits the Janey Ensminger Act provides.

I thank Chairman MILLER and the Veterans' Affairs Committee for bringing this bill to the floor.

Mr. MILLER of Florida. If I might inquire how many further requests for time the gentleman from Maine (Mr. MICHAUD) has.

Mr. MICHAUD. I have one further request for time, and then I am prepared to close.

Mr. MILLER of Florida. I will reserve the balance of my time at this point.

Mr. MICHAUD. Mr. Speaker, at this time, I yield 2 minutes to the gentleman from New York (Mrs. MALONEY).

Mrs. MALONEY. I thank the gentleman for yielding and for his hard work on this bill and in so many other areas in our Congress, not just for veterans and the military, but in a large array of areas, from health to national security, where he has been a leader.

I rise in strong support today of H.R. 1627, as amended, the Honoring America's Veterans and Caring for Camp Lejeune Families Act of 2012. This represents the hard work of both sides of the aisle. I thank Chairman MILLER, Ranking Member FILNER, as well as the gentleman from Maine (Mr. MICHAUD) and Representative MILLER from North Carolina on our side who have been leaders on this issue.

I am particularly proud to rise in support of this legislation to finally give medical coverage and justice to those military families previously stationed at Camp Lejeune where, for three decades—three decades—thousands of Marines and their families consumed water contaminated with toxic chemicals that likely led to very serious illnesses.

Because of travesties like this, I authored an amendment to the 2012 Defense authorization bill prohibiting the secrecy of information about water contamination on our military bases. I asked Secretary Panetta for transparency to help strike the necessary balance between safeguarding our national interests and preventing another

Camp Lejeune scandal from happening that endangers the health of our military families here on the soil of our country.

I strongly support this bill because this is a big step in making sure that our veterans are continuously cared for throughout their deployment and thereafter here at home and are not put at risk for their health.

The SPEAKER pro tempore. With respect to the gentleman's earlier request to enter a colloquy that was granted earlier, the Chair would clarify that a colloquy may not be inserted into the RECORD but that two statements may be inserted independently under general leave.

Mr. MILLER of Florida. Mr. Speaker, I have one other speaker that had a late train that I was trying to wait on, but apparently he is not going to be able to make it. So I am prepared to close after Mr. MICHAUD closes.

Mr. MICHAUD. Mr. Speaker, I am particularly pleased with this package because it also includes legislation that I have been working on for well over 2 years that will ensure that our severely disabled and elderly veterans are able to get the care they need. Specifically, my bill requires the VA to enter into contracts or provider agreements with State Veterans Nursing Homes in order to get the reimbursement that they adequately need to take care of our veterans.

Without this legislation, State Veterans Homes will not get reimbursed properly for the services they provide for our veterans. According to data from the National Association of State Veterans Homes, the average rate for care is roughly \$359 per veteran per day, while VA only reimburses the homes \$235 per day. This difference of \$124 per day amounts to over \$45,000 per year for each covered veteran. And with approximately 25,000 beds nationwide, the financial burden on State Veterans Homes could become crippling.

Passing this legislation into law will ensure that our State Veterans Homes are paid adequately for the services they provide and can continue to serve our veterans that are in need of those services.

I want to thank Chairman MILLER and Ranking Member FILNER for their support of this bill and for working to bring this legislation to the floor. Our veterans will be better off as a result.

I also would like to thank Chairwoman BUERKLE for her efforts as well, working in a bipartisan manner, and staff on both the majority and minority sides for bringing this bill forward.

Mr. Speaker, I have a question for Mr. MILLER. He had mentioned earlier about a colloquy. If those colloquies are entered separately, will that be made a part of the RECORD?

The SPEAKER pro tempore. The gentleman is correct.

Mr. MILLER of Florida. Mr. Speaker, if we could go ahead and do the colloquy at this time, that way we'll make sure it's in the RECORD.

Mr. MICHAUD. Mr. Speaker, I would like to ask my colleague about section 102 of the bill. That provides medical care for certain medical conditions for veterans and their families who lived at Camp Lejeune from 1957 through 1987.

There is one provision applicable to family members where VA would reimburse family members for health care services provided under this section but only after they exhaust reasonably available alternative reimbursements.

I want to ensure that this language is not read to mean that family members must actually file suit under the Federal Tort Claims Act or even come to end of litigation under a suit filed under the Federal Tort Claims Act to ensure the medical care offered by this provision. Can my colleague confirm this?

Mr. MILLER of Florida. I thank the gentleman for the question. It allows me to reassure those veterans and family members in the strongest terms possible that this language, which does appear in section 1787(b)(3) of title 38 of the U.S. Code, absolutely does not—does not—require that any suit be filed under the Federal Tort Claims Act in order to secure this medical care as long as they meet the other requirements of the bill.

As you have noticed, that provision only requires exhaustion of “reasonably available” remedies. In the legislation, we are explicit that we want this care to be provided for family members even though at the present time, there is insufficient medical evidence to conclude that the illnesses or conditions listed in the bill are attributable to those exposures.

For this and other reasons surrounding litigation under the Federal Tort Claims Act, such an FTCA remedy can't be considered to be “reasonably available.” To require exhaustion under the Federal Tort Claims Act would go completely against the intent of this piece of legislation to make this medical care available to these family members for these conditions so long as VA is considered the final payer as far as other third-party health plans.

Mr. MICHAUD. I thank the gentleman.

Mr. Speaker, with that, I have no further requests for time, and I yield back the balance of my time.

□ 1650

Mr. MILLER of Florida. Mr. Speaker, I once again encourage all Members to support the Senate amendments to H.R. 1627, and I yield back the balance of my time.

Mr. RUNYAN. Mr. Speaker, I rise in support of H.R. 1627, as amended, “The Honoring of America's Veterans and Caring for Camp Lejeune Families Act of 2012.”

There are several components to this legislation, and they are all aimed toward improving veterans' lives after their selfless sacrifice to our nation.

I would like to draw attention to the provisions that ensure the Veterans' benefits process is more efficient, accountable, and fair for all Veterans and their families.

Section 703 of H.R. 1627 addresses the minimalist approach the VA has adopted in complying with its employee skills certification mandate.

This provision would address disparities in experience and training, while facilitating the individual accountability of employees.

The VA would conduct testing procedures that indicate basic competency of all claims processors and managers.

Test results indicating less than satisfactory scores on the exam would necessitate an individualized remediation program to aid them in improving their areas of deficiency.

Repeated failure after remediation would require the VA to take necessary personnel actions.

Additionally, Section 504 implements the use of electronic communication within the VA in providing notices of responsibility to claimants.

It also removes administrative provisions which have slowed down the processing of Veteran's disability claims.

In total, this section would increase efficiency and help modernize the VA by authorizing the most effective means available for communication while simultaneously removing administrative red tape.

Lastly, another provision that would reduce the claims backlog is Section 505, which clarifies the meaning of the VA's duty to assist claimants in obtaining evidence needed to verify a claim.

As a result, this section establishes a clear and reasonable standard for private record requests as “not less than two requests.”

In addition, this section will encourage claimants to take a proactive role in the claims process.

I would like to take the remaining time to commend and thank the Committee for working with me in addressing the concerns affiliated with Arlington National Cemetery.

As Chairman of the House Veterans Affairs Disability Assistance and Memorial Affairs Subcommittee, DAMA, I am very pleased that our Committee continues to improve the ways in which we honor our veterans and preserve Arlington National Cemetery, ANC, as the sacred final resting place for those who have given the ultimate sacrifice in service to our country.

As a member of both the House Veterans Affairs and House Armed Services Committees, with a large veterans population and joint military installation in my home District, it has been an honor to join my colleagues in support of H.R. 1627, as amended, and to work in a bipartisan manner on behalf of veterans.

I would like to thank each of them for their tireless support on behalf of our veterans—the heroes who protect the freedoms we all enjoy. I know they share my commitment to ensuring that we take care of our veterans and military servicemembers.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from Florida (Mr. MILLER) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 1627.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

#### ACCEPTANCE OF RELINQUISHMENT OF RAILROAD RIGHT OF WAY NEAR PIKE NATIONAL FOREST, COLORADO

Mr. LAMBORN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4073) to authorize the Secretary of Agriculture to accept the quitclaim, disclaimer, and relinquishment of a railroad right of way within and adjacent to Pike National Forest in El Paso County, Colorado, originally granted to the Mt. Manitou Park and Incline Railway Company pursuant to the Act of March 3, 1875, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4073

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. ACCEPTANCE OF RELINQUISHMENT OF RAILROAD RIGHT OF WAY BY MANITOU AND PIKES PEAK RAILWAY COMPANY, COLORADO, OVER NATIONAL FOREST SYSTEM LAND.

(a) *AUTHORITY TO ACCEPT.*—Notwithstanding the Act of March 8, 1922 (43 U.S.C. 912), the Secretary of Agriculture may accept the quitclaim, disclaimer, and relinquishment by the Manitou and Pikes Peak Railway Company, successor in interest to the Mt. Manitou Park and Incline Railway Company, of a right of way, more fully described in subsection (b), within and adjacent to Pike National Forest that was originally granted by the Secretary to the Mt. Manitou Park and Incline Railway Company pursuant to the authority provided by the Act of March 3, 1875 (Chapter 152; 18 Stat. 482) for the construction of a railroad and station in El Paso County, Colorado.

(b) *RIGHT OF WAY DESCRIBED.*—The railroad right of way referred to in subsection (a) is located in the S½ of section 6, Township 14 South, Range 67 West, and N½SE ¼ of section 1, Township 14 South, Range 68 West, Sixth Principal Meridian, Colorado, and is depicted in a tracing filed in the United States Land Office at Pueblo, Colorado, file 019416, on December 24, 1914.

(c) *LIMITED APPLICABILITY.*—Nothing in this section shall be construed to affect the right, title, and interest of the Manitou and Pikes Peak Railway Company in land held in fee title by the Manitou and Pikes Peak Railway Company.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. LAMBORN) and the gentleman from the Northern Mariana Islands (Mr. SABLAN) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado.

GENERAL LEAVE

Mr. LAMBORN. Mr. Speaker, I ask unanimous consent that all Members

may have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. LAMBORN. I yield myself such time as I may consume.

Mr. Speaker, today, I am happy to speak in support of my legislation, H.R. 4073, a bill to authorize the Secretary of Agriculture to accept the quitclaim, disclaimer, and relinquishment of a railroad right-of-way within the Pike National Forest in my district.

Originally granted to the Mt. Manitou Park and Incline Railway Company, the Incline Trail exists today as the roadbed to the former Mt. Manitou Scenic Incline Railway, which was a cable car that took people up the eastern face of Rocky Mountain, Pikes Peak, at an average grade of 40 percent, with some of the steepest sections at a grade of 68 percent. Today, it has become a popular hike for adventure seekers in the Pikes Peak region and is said to be hiked nearly half a million times each year, although access is still considered trespassing.

A citizens' initiative began over 8 years ago to encourage making access to this popular trail legal. Although all parties are amenable, due to an act dated on March 3, 1875, the Forest Service has been unable to accept the quitclaim from the Manitou and Pikes Peak Railway. Recognizing this problem, the railway company came to me and asked that I carry this legislation to allow the Forest Service the authority to accept the quitclaim, which is the last major hurdle in allowing the Incline Trail to be legally opened for public use.

Although several people have informally maintained the incline, no formal steps have been taken by any of the property owners to maintain the incline since 1997. Legalizing access to the trail will allow the surrounding communities access to repair sections of the trail that are in poor condition and will make use safer for all hikers.

It has been my pleasure to work with the interested parties in helping to gain legal access to this unique trail that I believe will be a wonderful addition to the region's trail inventory. I would like to thank the Forest Service and Senator MICHAEL BENNET's office for their diligence in working with my office in this process.

Mr. Speaker, I reserve the balance of my time.

Mr. SABLAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4073 clears up a deed for a popular hiking destination, the Manitou Incline in Colorado. Upon enactment, the Pike National Forest will have full ownership of the trail, which ascends 2,000 feet to Pikes Peak.

We do not object to this legislation, Mr. Speaker, and I yield back the balance of my time.

Mr. LAMBORN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. LAMBORN) that the House suspend the rules and pass the bill, H.R. 4073, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SABLAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

#### PINNACLES NATIONAL PARK ACT

Mr. LAMBORN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3641) to establish Pinnacles National Park in the State of California as a unit of the National Park System, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3641

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Pinnacles National Park Act".*

#### SEC. 2. FINDINGS.

*The Congress makes the following findings:*

(1) Pinnacles National Monument was established by Presidential Proclamation 796 on January 16, 1908, for the purposes of protecting its rock formations, and expanded by Presidential Proclamation 1660 of May 7, 1923; Presidential Proclamation 1704 of July 2, 1924; Presidential Proclamation 1948 of April 13, 1931; Presidential Proclamation 2050 of July 11, 1933; Presidential Proclamation 2528 of December 5, 1941; Public Law 94-567; and Presidential Proclamation 7266 of January 11, 2000.

(2) While the extraordinary geology of Pinnacles National Monument has attracted and enthralled visitors for well over a century, the expanded Monument now serves a critical role in protecting other important natural and cultural resources and ecological processes. This expanded role merits recognition through legislation.

(3) Pinnacles National Monument provides the best remaining refuge for floral and fauna species representative of the central California coast and Pacific coast range, including 32 species holding special Federal or State status, not only because of its multiple ecological niches but also because of its long-term protected status with 14,500 acres of Congressionally designated wilderness.

(4) Pinnacles National Monument encompasses a unique blend of California heritage from prehistoric and historic Native Americans to the arrival of the Spanish, followed by 18th and 19th century settlers, including miners,

cowboys, vaqueros, ranchers, farmers, and homesteaders.

(5) Pinnacles National Monument is the only National Park System site within the ancestral home range of the California Condor. The reintroduction of the condor to its traditional range in California is important to the survival of the species, and as a result, the scientific community with centers at the Los Angeles Zoo and San Diego Zoo in California and Buenos Aires Zoo in Argentina looks to Pinnacles National Monument as a leader in California Condor recovery, and as an international partner for condor recovery in South America.

(6) The preservation, enhancement, economic and tourism potential and management of the central California coast and Pacific coast range's important natural and cultural resources requires cooperation and partnerships among local property owners, Federal, State, and local government entities and the private sector.

### SEC. 3. ESTABLISHMENT OF PINNACLES NATIONAL PARK.

(a) **ESTABLISHMENT AND PURPOSE.**—There is hereby established Pinnacles National Park in the State of California for the purposes of—

(1) preserving and interpreting for the benefit of future generations the chaparral, grasslands, blue oak woodlands, and majestic valley oak savanna ecosystems of the area, the area's geomorphology, riparian watersheds, unique flora and fauna, and the ancestral and cultural history of native Americans, settlers and explorers; and

(2) interpreting the recovery program for the California Condor and the international significance of the program.

(b) **BOUNDARIES.**—The boundaries of Pinnacles National Park are as generally depicted on the map entitled "Proposed: Pinnacles National Park Designation Change", numbered 114/111,724, and dated December 2011. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(c) **ABOLISHMENT OF CURRENT PINNACLES NATIONAL MONUMENT.**—

(1) **IN GENERAL.**—In light of the establishment of Pinnacles National Park, Pinnacles National Monument is hereby abolished and the lands and interests therein are incorporated within and made part of Pinnacles National Park. Any funds available for purposes of the monument shall be available for purposes of the park.

(2) **REFERENCES.**—Any references in law (other than in this Act), regulation, document, record, map or other paper of the United States to Pinnacles National Monument shall be considered a reference to Pinnacles National Park.

(d) **ADMINISTRATION.**—The Secretary of the Interior shall administer Pinnacles National Park in accordance with this Act and laws generally applicable to units of the National Park System, including the National Park Service Organic Act (16 U.S.C. 1, 2–4).

### SEC. 4. REDESIGNATION OF PINNACLES WILDERNESS AS HAIN WILDERNESS.

Subsection (i) of the first section of Public Law 94–567 (90 Stat. 2693; 16 U.S.C. 1132 note) is amended by striking "Pinnacles Wilderness" and inserting "Hain Wilderness". Any reference in a law, map, regulation, document, paper, or other record of the United States to the Pinnacles Wilderness shall be deemed to be a reference to the Hain Wilderness.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. LAMBORN) and the gentleman from the Northern Mariana Islands (Mr. SABLAN) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado.

#### GENERAL LEAVE

Mr. LAMBORN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. LAMBORN. Mr. Speaker, I yield myself such time as I may consume.

H.R. 4631 renames Pinnacles National Monument as Pinnacles National Park. Pinnacles was originally designated in 1908 by President Roosevelt under the authority of the Antiquities Act. However, under this legislation, it is not anticipated that management would change dramatically as the area is already considered a unit of the National Park Service.

The Natural Resources Committee made important changes to H.R. 3641, allowing us to bring this to the floor today. For example, the committee removed a nearly 3,000-acre wilderness expansion and struck unnecessary land acquisition authority. With these changes, the goal of elevating recognition of the area as a national park is achieved without limiting access.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. SABLAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, President Theodore Roosevelt designated Pinnacles National Monument in California under the authority of the Antiquities Act of 1908.

H.R. 3641 would redesignate the monument as Pinnacles National Park. While the name change will not significantly alter management of the area, it will raise the profile of this beautiful resource and hopefully attract even more visitors.

Representative FARR is to be commended for his tenacity in moving this legislation forward. He has had to make some very difficult concessions to achieve passage of his bill today, and it is our hope that we can continue working on this to achieve his full vision for Pinnacles National Park.

I reserve the balance of my time.

Mr. LAMBORN. Mr. Speaker, I continue to reserve the balance of my time.

Mr. SABLAN. Mr. Speaker, at this time I yield such time as he may consume to the distinguished gentleman from California (Mr. FARR).

Mr. FARR. Mr. Speaker, I rise in support of H.R. 3641, known as the Pinnacles National Park Act. As the sponsor of this bipartisan legislation, I would also like to express my thanks to my friend, Congressman DENHAM from California, for his original cosponsorship of H.R. 3641.

The Pinnacles National Park Act will elevate America's 11th national monu-

ment, the Pinnacles National Monument, to a national park. Only Congress can designate a national park. This is the right thing to do because there are not a lot of examples of tectonic plate movement in our National Park System. This legislation would also rename the current Pinnacles Wilderness after Schuyler Hain, who first came to the area in 1886 and was largely responsible for getting the attention of Theodore Roosevelt, who first designated the monument in 1908.

The first designation was to protect the beautiful rock formations and talus caves, notable for its tunnels. It has since been expanded several times by executive order and by congressional mandate to its present size of over 26,000 acres. It is larger than several existing national parks.

Pinnacles is a culturally significant area for several Native American tribes. It served as the backdrop for John Steinbeck's "Of Mice and Men" and "East of Eden."

Anyone who has visited this place knows it's special. From exploring caves to viewing springtime wildflowers to hiking through spire-like rock formations, visitors and families can participate in activities that leave lasting memories. It is truly worthy of national park status.

The Pinnacles, themselves, are half of the skeletal remains of the Neenach Volcano, which erupted 23 million years ago, and are located at the junction of the Pacific and North American tectonic plates. The San Andreas Fault is just 4 miles to the east, and Miner's Gulch and Pinnacles Faults run directly through the Pinnacles system.

The Pinnacles system is home to 149 species of birds, 49 mammals, 22 reptiles, 6 amphibians, 68 butterflies, 36 dragonflies and damselflies, and nearly 400 different kinds of bees—I didn't even know there were that many—and many thousands of other invertebrates.

□ 1700

One project I'm particularly proud about is the reintroduction of the endangered California condor, the largest flying land bird in North America. Since 2003, the Park Service has been a part of the California Condor Recovery Program to reestablish California condors at Pinnacles National Monument.

This cooperative endeavor between the U.S. Fish and Wildlife Service, Ventana Wildlife Society, Pinnacles Partnership, and others, in collaboration with the California Condor Recovery Team, has done a tremendous job on recovery efforts and public education. Many visitors come to this region to get an opportunity to see the condor in the wild.

This legislation has broad support from our counties of San Benito and Monterey, as well as the chambers of commerce, visitors bureaus, and from the respective counties who are enthusiastically supportive of this legislation. There is no opposition to the bill.

The Pinnacles is uniquely located in coastal California to attract thousands of visitors each year who provide a viable and vital economic engine for San Benito County. Tourism is the primary focus for many of the business owners on the central coast. Increasing the number of tourists would promote a healthy impact for those not only in the retail sector, but also dining, lodging and sightseeing opportunities.

The new national park designation would strengthen the region's economic and tourism potential. There is no national park in that whole region. Research shows that for every one dollar invested by the Federal Government into our national parks, it returns \$4 to the community in tourism dollars.

Situated slightly inland from the California coast, Pinnacles National Monument has not yet realized its full potential to reach locals and tourists. Many tourists travel, dine, and stay overnight in areas along the coast such as Monterey and Santa Cruz, where they are visiting to recreate, camp, view wildlife, and enjoy the great outdoors. However, many are not aware of the Pinnacles National Monument and, as a result, do not make short trip inland to see this treasure. By elevating its stature to a national park, I believe that more visitors will come through our restaurants and businesses and more visitors will stay overnight near the park.

I'd like to end with an inspiring quote from Ken Burns, who directed "The National Parks: America's Best Idea." In a letter of support, Mr. Burns wrote for this legislation, he stated:

A Pinnacles National Park would preserve a unique portion of our land: not only a critical record of geologic time, what John Muir would have called a "grand geological library" that helps Americans look back millions of years to understand the vast tectonic forces that shaped—and still shape—our continent, but also a rare habitat for condors, a wide array of flowers, and 400 species of bees. It would preserve a place that, over the centuries, Native Americans, early Spanish settlers, homesteaders from the East, and Basque shepherders have considered home, offering an important series of perspectives on the larger sweep of American history.

With that bit of wisdom, I would urge my colleagues to support our bipartisan legislation. Again, I would like to thank JEFF DENHAM, a Congressman from the region, for supporting and co-sponsoring H.R. 3641, the Pinnacles National Park Act.

I ask your support.

FLORENTINE FILMS

KEN BURNS AND DAYTON DUNCAN, STATEMENT FOR THE RECORD IN SUPPORT OF H.R. 3444, PINNACLES NATIONAL PARK ACT

During the last ten years, as we researched, filmed, and created our documentary series for PBS, *The National Parks: America's Best Idea*, we grew to appreciate the amazing diversity of the special treasures that constitute our national parks,

every American's incredible inheritance. And in studying the history of the evolution of the national park idea, we learned that many of today's national parks were at one time national monuments—from the Grand Canyon to Death Valley, from Petrified Forest to Biscayne, from Congaree to most of Alaska's national parks, and so many more.

In that spirit, grounded in the tradition of recognizing the special importance of a national monument by extending its designation to that of a national park, we wish to wholeheartedly endorse H.R. 3444 and the creation of Pinnacles National Park.

A Pinnacles National Park would preserve a unique portion of our land: not only a critical record of geological time (what John Muir would have called a "grand geological library") that helps Americans look back millions of years to understand the vast tectonic forces that shaped—and still shape—our continent, but also a rare habitat for condors, a wide array of flowers, and 400 species of bees. It would preserve a place that, over the centuries, Native Americans, early Spanish settlers, homesteaders from the East, and Basque shepherders have considered home, offering an important series of perspectives on the larger sweep of American history.

We also understand from our investigation of national park history that, while changing an area's designation from "monument" to "park" does not necessarily change its crucial attributes, it nonetheless alters its place in the American imagination. The Grand Canyon was just as wide and deep when it was a national monument as it is now as a national park, but the change enhanced its status in the eyes of the public—and in doing so increased its lure to visitors from our nation and abroad. So, too, a Pinnacles National Park, simply by its new designation, would attract and demand greater attention to the remarkable treasures the monument has to offer.

In closing, we would like to quote John Muir once more, when he was writing about the proposal to make Mount Rainier National Park: "Happy will be the men who, having the power and the love and the benevolent forecast to [create a park], will do it. They will not be forgotten. The trees and their lovers will sing their praises, and generations yet unborn will rise up and call them blessed." Please give your support to creating Pinnacles National Park. Generations yet to come will thank you for it.

KEN BURNS.

DAYTON DUNCAN.

Mr. LAMBORN. I would like to inquire if the gentleman from the Northern Marianas has any other speakers?

Mr. SABLAN. No, we don't, Mr. Speaker.

At this time, I yield back the balance of my time.

Mr. LAMBORN. Likewise, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. LAMBORN) that the House suspend the rules and pass the bill, H.R. 3641, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## AUTHORIZING APPOINTMENT OF CHIEF FINANCIAL OFFICER FOR THE VIRGIN ISLANDS

Mr. LAMBORN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3706) to create the Office of Chief Financial Officer of the Government of the Virgin Islands, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3706

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. CHIEF FINANCIAL OFFICER OF THE VIRGIN ISLANDS.

(a) APPOINTMENT OF CHIEF FINANCIAL OFFICER.—

(1) IN GENERAL.—The Governor of the Virgin Islands shall appoint a Chief Financial Officer, with the advice and consent of the Legislature of the Virgin Islands, from the names on the list required under section 2(d). If the Governor has nominated a person for Chief Financial Officer but the Legislature of the Virgin Islands has not confirmed a nominee within 90 days after receiving the list pursuant to section 2(d), the Governor shall appoint from such list a Chief Financial Officer on an acting basis until the Legislature consents to a Chief Financial Officer.

(2) ACTING CHIEF FINANCIAL OFFICER.—If a Chief Financial Officer has not been appointed under paragraph (1) within 180 days after the date of the enactment of this Act, the Virgin Islands Chief Financial Officer Search Commission, by majority vote, shall appoint from the names on the list submitted under section 2(d), an Acting Chief Financial Officer to serve in that capacity until a Chief Financial Officer is appointed under the first sentence of paragraph (1). In either case, if the Acting Chief Financial Officer serves in an acting capacity for 180 consecutive days, without further action the Acting Chief Financial Officer shall become the Chief Financial Officer.

(b) DUTIES OF CHIEF FINANCIAL OFFICER.—The duties of the Chief Financial Officer shall include the following:

(1) Develop and report on the financial status of the Government of the Virgin Islands not later than 6 months after appointment and quarterly thereafter. Such reports shall be available to the public.

(2) Each year prepare and certify spending limits of the annual budget, including annual estimates of all revenues of the territory without regard to sources, and whether or not the annual budget is balanced.

(3) Revise and update standards for financial management, including inventory and contracting, for the Government of the Virgin Islands in general and for each agency in conjunction with the agency head.

(c) DOCUMENTS PROVIDED.—The heads of each department of the Government of the Virgin Islands, in particular the head of the Department of Finance of the Virgin Islands and the head of the Internal Revenue Bureau of the Virgin Islands shall provide all documents and information under the jurisdiction of that head that the Chief Financial Officer considers required to carry out his or her functions to the Chief Financial Officer.

(d) CONDITIONS RELATED TO CHIEF FINANCIAL OFFICER.—

(1) TERM.—The Chief Financial Officer shall be appointed for a term of 5 years.

(2) REMOVAL.—The Chief Financial Officer shall not be removed except for cause. An Acting Chief Financial Officer may be removed for cause or by a Chief Financial Officer appointed



with the advice and consent of the Legislature of the Virgin Islands.

(3) **REPLACEMENT.**—If the Chief Financial Officer is unable to continue acting in that capacity due to removal, illness, death, or otherwise, another Chief Financial Officer shall be selected in accordance with subsection (a).

(4) **SALARY.**—The Chief Financial Officer shall be paid at a salary to be determined by the Governor of the Virgin Islands, except such rate may not be less than the highest rate of pay for a cabinet officer of the Government of the Virgin Islands or a Chief Financial Officer serving in any government or semiautonomous agency.

(e) **REFERENDUM.**—As part of the closest regularly scheduled, islands-wide election in the Virgin Islands to the expiration of the fourth year of the five-year term of the Chief Financial Officer, the Board of Elections of the Virgin Islands shall hold a referendum to seek the approval of the people of the Virgin Islands regarding whether the position of Chief Financial Officer of the Government of the Virgin Islands shall be made a permanent part of the executive branch of the Government of the Virgin Islands. The referendum shall be binding and conducted according to the laws of the Virgin Islands, except that the results shall be determined by a majority of the ballots cast.

## SEC. 2. ESTABLISHMENT OF COMMISSION.

(a) **ESTABLISHMENT.**—There is established a commission to be known as the “Virgin Islands Chief Financial Officer Search Commission”.

(b) **DUTY OF COMMISSION.**—The Commission shall recommend to the Governor not less than 3 candidates for nomination as Chief Financial Officer of the Virgin Islands. Each candidate must have demonstrated ability in general management of, knowledge of, and extensive practical experience at the highest levels of financial management in governmental or business entities and must have experience in the development, implementation, and operation of financial management systems.

### (c) MEMBERSHIP.—

(1) **NUMBER AND APPOINTMENT.**—The Commission shall be composed of 8 members appointed not later than 30 days after the date of the enactment of this Act. Persons appointed as members must have recognized business, government, or financial expertise and experience and shall be appointed as follows:

(A) 1 individual appointed by the Governor of the Virgin Islands.

(B) 1 individual appointed by the President of the Legislature of the Virgin Islands.

(C) 1 individual, who is an employee of the Government of the Virgin Islands, appointed by the Central Labor Council of the Virgin Islands.

(D) 1 individual appointed by the Chamber of Commerce of St. Thomas-St. John.

(E) 1 individual appointed by the Chamber of Commerce of St. Croix.

(F) 1 individual appointed by the President of the University of the Virgin Islands.

(G) 1 individual, who is a resident of St. John, appointed by the At-Large Member of the Legislature of the Virgin Islands.

(H) 1 individual appointed by the President of AARP Virgin Islands.

### (2) TERMS.—

(A) **IN GENERAL.**—Each member shall be appointed for the life of the Commission.

(B) **VACANCIES.**—A vacancy in the Commission shall be filled in the manner in which the original appointment was made. Any member appointed to fill a vacancy shall be appointed for the remainder of that term.

(3) **BASIC PAY.**—Members shall serve without pay.

(4) **QUORUM.**—Five members of the Commission shall constitute a quorum.

(5) **CHAIRPERSON.**—The Chairperson of the Commission shall be the Chief Justice of the Su-

preme Court of the United States Virgin Islands or the designee of the Chief Justice. The Chairperson shall serve as an ex officio member of the Commission and shall vote only in the case of a tie.

(6) **MEETINGS.**—The Commission shall meet at the call of the Chairperson. The Commission shall meet for the first time not later than 15 days after all members have been appointed under this subsection.

(7) **GOVERNMENT EMPLOYMENT.**—Members may not be current government employees, except for the member appointed under paragraph (1)(C).

(d) **REPORT; RECOMMENDATIONS.**—The Commission shall transmit a report to the Governor, the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate not later than 60 days after its first meeting. The report shall name the Commission's recommendations for candidates for nomination as Chief Financial Officer of the Virgin Islands.

(e) **TERMINATION.**—The Commission shall terminate upon the nomination and confirmation of the Chief Financial Officer.

## SEC. 3. DEFINITIONS.

For the purposes of this Act, the following definitions apply:

(1) **CHIEF FINANCIAL OFFICER.**—In sections 1 and 2, the term “Chief Financial Officer” means a Chief Financial Officer or Acting Chief Financial Officer, as the case may be, appointed under section 1(a).

(2) **COMMISSION.**—The term “Commission” means the Virgin Islands Chief Financial Officer Search Commission established pursuant to section 2.

(3) **GOVERNOR.**—The term “Governor” means the Governor of the Virgin Islands.

(4) **REMOVAL FOR CAUSE.**—The term “removal for cause” means removal based upon misconduct, failure to meet job requirements, or any grounds that a reasonable person would find grounds for discharge.

The **SPEAKER** pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. LAMBORN) and the gentleman from the Northern Mariana Islands (Mr. SABLAN) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado.

### GENERAL LEAVE

Mr. LAMBORN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill under consideration.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. LAMBORN. Mr. Speaker, I yield myself such time as I may consume.

H.R. 3706 would create the Office of Chief Financial Officer of the Government of the Virgin Islands to assist in the development of a balanced budget through a review of incoming revenues and recommend spending limits to the Governor and legislature. The intent behind the bill is to create more fiscal certainty and address concerns regarding the overestimation of incoming revenues, which leads to overspending and a budget deficit in the Virgin Islands. The bill would allow Virgin Islands voters to have the final say on

the office. If they find this to be a successful process, they will vote in a referendum to determine if the office should be retained in the long term.

I reserve the balance of my time.

Mr. SABLAN. I yield myself as much time as I may consume.

Mr. Speaker, I rise in support of H.R. 3706, to create an Office of Chief Financial Officer for the Government of the United States Virgin Islands.

Delegate CHRISTENSEN is to be commended for her hard work on behalf of her constituents. Today marks the fourth time—the fourth time—the House will vote on legislation she sponsored to provide greater accountability and transparency in the management of her district's finances.

This is a good bill, I urge my colleagues to support its adoption, and I reserve the balance of my time.

Mr. LAMBORN. Mr. Speaker, I continue to reserve the balance of my time.

Mr. SABLAN. Mr. Speaker, at this time, I yield as much time as she may consume to the distinguished gentlewoman from the United States Virgin Islands, Dr. CHRISTENSEN.

Mrs. CHRISTENSEN. I thank the ranking member for yielding.

Mr. Speaker, I rise to speak in strong support of H.R. 3706, legislation I introduced to provide for a Chief Financial Officer for the Government of the Virgin Islands. I want to begin by thanking Chairman HASTINGS and Ranking Member MARKEY of the Natural Resources Committee for their support in making it possible for H.R. 3706 to be on the floor today. I also want to thank Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs Chairman JOHN FLEMING and, of course, Ranking Member KILILI SABLAN for their support, as well.

Mr. Speaker, today, as you heard, marks the fourth time in 9 years that this House will consider legislation that I have sponsored to provide for a CFO for my congressional district, the U.S. Virgin Islands. It has passed the previous three times.

While I have been severely criticized by some for its introduction, there are many who support it. But I continue to believe that having an independent professional third party being responsible for determining the amount of revenues that the local government has available to spend for an ensuing fiscal year would be a positive development for our government and is also generally supported by a broad cross-section of our electorate.

When I first sponsored the first CFO bill in 2003, the Territory was technically insolvent, and urgent action was necessary to avoid needing a Federal bailout and all that would entail. After studying the experience of the District of Columbia, which sought and obtained a Federal bailout and the accompanying loss of political autonomy



through a financial control board, I concluded then that it would have been better if we avoided being taken over by a control board, and I crafted my original CFO bill to do that.

Unlike H.R. 3706, my first chief financial officer bill did involve a loss of authority for the Governor and legislature to accumulate public debt, but it was temporary and would have prevented a complete loss of political autonomy. Today, while the territory is experiencing very serious fiscal challenges, the government is not on the verge of imminent fiscal collapse and no longer has a structural deficit over \$1 billion or annual deficits in excess of \$100 million.

In view of this, one could reasonably ask, then, why the need for the current bill? First of all, H.R. 3706 seeks to end the acrimony and mistrust among the different branches of Virgin Islands Government and the public at large and provide for revenue projections from a highly qualified person. This individual would be appointed by the Governor and confirmed by the legislature but does not serve at the pleasure of the Governor.

This is the process that is used by the District of Columbia currently through its CFO, and there have been no complaints from the chief executive of D.C., the mayor, about a loss of sovereignty or of a return to colonialism.

Since last year, when the Virgin Islands Governor John de Jongh, Jr., announced a pending \$135 million deficit in his budget projections for fiscal year 2012, several members of the 29th legislature questioned the Governor's numbers and they have continued to do so, pointing to differences in figures between reports done by auditors and figures presented in budget documents.

□ 1710

Similarly, public sector union members who have been greatly impacted by various austerity measures also scoffed at the budget projections, saying:

there had not been enough transparency to truly demonstrate that there really was a financial crisis and (that there was) no other way to solve it but layoffs or pay cuts.

H.R. 3706 does not affect in any way the Governor or the legislature's ability to spend the territory's funds as they see fit. It simply attempts to end questions on what the exact revenue of the territory is so that we can move forward on a sound economic recovery.

I'm not under any allusion that my CFO bill will be a cure-all for all that ails the Virgin Islands. I am, however, proposing it as a 5-year pilot program for improving transparency and trust in our budgetary and fiscal practices. If Virgin Islanders approve of the process and system for determining our annual budget limits that the bill provides, they can vote to make it permanent through a referendum that is provided

for after 4 years of the CFO's 5-year term.

Each time I have introduced this or one of the earlier versions of this bill, there have been concerns that the United States Congress is imposing itself into the governance of the territory. There are some that would wish that this were the case, but I am not one of them, and this bill would not do that.

Because we do not have a constitution, the people of the Virgin Islands have come to Congress on a number of occasions, for example, to attempt to abolish the Office of Lieutenant Governor; to expand borrowing authority, which we did; to limit the number of senators, and for other purposes. I don't really see this process as being any different coming as a representative of the people of the Virgin Islands and representing their interests.

Moreover, attempts by our local legislature to pass similar legislation have failed, and legislative proposals by nonpartisan organizations have never been considered. Therefore, as a representative of the people of the U.S. Virgin Islands in the Congress, it fell to me, and I accept the responsibility. I just regret that our Governor and I could not see eye to eye on this.

The Federal Government has and will be providing significant funds to the U.S. Virgin Islands, especially in light of the economic disaster that currently exists. I am sure that having such an office as the one being proposed by H.R. 3706 will enhance our ability to successfully navigate through this very critical time because of the added accountability and transparency that it provides.

So I thank you for the time, and I urge my colleagues to support the adoption of H.R. 3706.

Mr. LAMBORN. Mr. Speaker, I'd like to inquire if my colleague, Mr. SABLON, has any further speakers.

Mr. SABLON. Mr. Speaker, at this time I have no further speakers, and I urge the adoption of the legislation.

I yield back the balance of my time.

Mr. LAMBORN. I, too, yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. LAMBORN) that the House suspend the rules and pass the bill, H.R. 3706, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LAMBORN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

#### LA PINE LAND CONVEYANCE ACT

Mr. LAMBORN. Mr. Speaker, I move to suspend the rules and pass the bill (S. 270) to direct the Secretary of the Interior to convey certain Federal land to Deschutes County, Oregon.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 270

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "La Pine Land Conveyance Act".

#### SEC. 2. DEFINITIONS.

In this Act:

(1) CITY.—The term "City" means the City of La Pine, Oregon.

(2) COUNTY.—The term "County" means the County of Deschutes, Oregon.

(3) MAP.—The term "map" means the map entitled "La Pine, Oregon Land Transfer" and dated December 11, 2009.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

#### SEC. 3. CONVEYANCES OF LAND.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, subject to valid existing rights and the provisions of this Act, and notwithstanding the land use planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary shall convey to the City or County, without consideration, all right, title, and interest of the United States in and to each parcel of land described in subsection (b) for which the City or County has submitted to the Secretary a request for conveyance by the date that is not later than 1 year after the date of enactment of this Act.

(b) DESCRIPTION OF LAND.—The parcels of land referred to in subsection (a) consist of—

(1) the approximately 150 acres of land managed by the Bureau of Land Management, Prineville District, Oregon, depicted on the map as "parcel A", to be conveyed to the County, which is subject to a right-of-way retained by the Bureau of Land Management for a power substation and transmission line;

(2) the approximately 750 acres of land managed by the Bureau of Land Management, Prineville District, Oregon, depicted on the map as "parcel B", to be conveyed to the County; and

(3) the approximately 10 acres of land managed by the Bureau of Land Management, Prineville District, Oregon, depicted on the map as "parcel C", to be conveyed to the City.

(c) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(d) USE OF CONVEYED LAND.—

(1) IN GENERAL.—Consistent with the Act of June 14, 1926 (commonly known as the "Recreation and Public Purposes Act") (43 U.S.C. 869 et seq.), the land conveyed under subsection (a) shall be used for the following public purposes and associated uses:

(A) The parcel described in subsection (b)(1) shall be used for outdoor recreation,

open space, or public parks, including a rodeo ground.

(B) The parcel described in subsection (b)(2) shall be used for a public sewer system.

(C) The parcel described in subsection (b)(3) shall be used for a public library, public park, or open space.

(2) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions for the conveyances under subsection (a) as the Secretary determines to be appropriate to protect the interests of the United States.

(e) **ADMINISTRATIVE COSTS.**—The Secretary shall require the County to pay all survey costs and other administrative costs associated with the conveyances to the County under this Act.

(f) **REVERSION.**—If the land conveyed under subsection (a) ceases to be used for the public purpose for which the land was conveyed, the land shall, at the discretion of the Secretary, revert to the United States.

The **SPEAKER** pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. LAMBORN) and the gentleman from the Northern Mariana Islands (Mr. SABLAN) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado.

#### GENERAL LEAVE

Mr. LAMBORN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill under consideration.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. LAMBORN. I yield myself such time as I may consume.

S. 270 will convey to the city of La Pine and Deschutes County, Oregon, 910 acres in three parcels and requires that the land be used only for purposes consistent with the Recreation and Public Purposes Act. The conveyances would be subject to valid existing rights and will address the city's and county's need for existing land.

One parcel of 750 acres will be used by the county to accommodate the expansion of its wastewater treatment facilities. The county will also use 150 acres to develop rodeo grounds and allow for the future development of ball fields, parks, and recreation facilities. A parcel of 10 acres in the center of La Pine will continue to be used for the public library and additional open space use.

Finally, the bill requires the county to pay all administrative costs associated with the transfer.

I urge support for the bill, and I reserve the balance of my time.

Mr. SABLAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 270, sponsored by Senator RON WYDEN, provides for the conveyance of approximately 900 acres of land from the Bureau of Land Management to the city of La Pine, Oregon, and Deschutes County, Oregon. These lands will be used for public pur-

poses as required by the Recreation and Public Purposes Act. We do not object to this legislation, and I reserve the balance of my time.

Mr. LAMBORN. Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon, my good friend and colleague, Mr. WALDEN.

Mr. WALDEN. I want to thank my colleagues here on the floor today for their support of this legislation, S. 270, the La Pine Land Conveyance Act.

This legislation was originally crafted over in the Senate by my friend and colleague, Senator WYDEN. We've worked together on this project and thought that the most expeditious way to solve the problem for the people of La Pine was to just move his bill on through the Senate, and that's what we're doing today.

The La Pine Land Conveyance Act is the result of efforts of local officials who recognized years ago that for Oregon's newest city, the city of La Pine, to be able to take care of its residents, it needed a helping hand from the Federal Government. Here's why:

Seventy-eight percent of Deschutes County, the county in which the city of La Pine is located, is managed, owned, and controlled by the Federal Government. They're literally surrounded by Federal land. In fact, their own library sits on BLM land.

So, as they became a city and began to try to address the issues that brought about their desire to be a city, they realized they needed to be able to expand a little and take care of some of their problems. So, S. 270 will provide the city with 750 acres so it can build a new wastewater treatment facility, which will allow the community to move off of septic systems and onto municipal water and sewer systems. They have a real problem in La Pine with a fairly high water table and issues related to septic systems, so this will help solve that.

In addition, this legislation also transfers 150 acres to the La Pine Park and Recreation District to establish a more permanent home for what's known as the "Greatest Little Rodeo in Oregon," the La Pine Rodeo, and also to help them build out one of their other celebrations, one which all Americans take advantage of, and that's the Fourth of July.

Now, why are these two things important? Well, among another reasons, it's a job creator. Expanding out the rodeo grounds really will help them grow jobs in this remote, rural community in Deschutes County. In addition, of course, transferring the other lands will let them have a library on their own city ground and be able to take care of the water needs for the community.

So I thank my colleagues on both sides of the aisle for support of S. 270. This is one of those commonsense bills that actually brings us together and we

can get some work done here for the people back home.

Mr. SABLAN. Mr. Speaker, we have no further speakers. If the gentleman from Colorado has no further need of time, I will yield back the balance of my time.

Mr. LAMBORN. I, too, Mr. Speaker, yield back the balance of my time.

The **SPEAKER** pro tempore (Mr. POE of Texas). The question is on the motion offered by the gentleman from Colorado (Mr. LAMBORN) that the House suspend the rules and pass the bill, S. 270.

The question was taken.

The **SPEAKER** pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LAMBORN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER** pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

#### WALLOWA FOREST SERVICE COMPOUND CONVEYANCE ACT

Mr. LAMBORN. Mr. Speaker, I move to suspend the rules and pass the bill (S. 271) to require the Secretary of Agriculture to enter into a property conveyance with the city of Wallowa, Oregon, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 271

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Wallowa Forest Service Compound Conveyance Act".

#### SEC. 2. CONVEYANCE TO CITY OF WALLOWA, OREGON.

(a) **DEFINITIONS.**—In this Act:

(1) **CITY.**—The term "City" means the city of Wallowa, Oregon.

(2) **SECRETARY.**—The term "Secretary" means the Secretary of Agriculture.

(3) **WALLOWA FOREST SERVICE COMPOUND.**—The term "Wallowa Forest Service Compound" means the approximately 1.11 acres of National Forest System land that—

(A) was donated by the City to the Forest Service on March 18, 1936; and

(B) is located at 602 First Street, Wallowa, Oregon.

(b) **CONVEYANCE.**—On the request of the City submitted to the Secretary by the date that is not later than 1 year after the date of enactment of this Act and subject to the provisions of this Act, the Secretary shall convey to the City all right, title, and interest of the United States in and to the Wallowa Forest Service Compound.

(c) **CONDITIONS.**—The conveyance under subsection (b) shall be—

(1) by quitclaim deed;

(2) for no consideration; and

(3) subject to—

(A) valid existing rights; and

(B) such terms and conditions as the Secretary may require.

(d) USE OF WALLOWA FOREST SERVICE COMPOUND.—As a condition of the conveyance under subsection (b), the City shall—

(1) use the Wallowa Forest Service Compound as a historical and cultural interpretation and education center;

(2) ensure that the Wallowa Forest Service Compound is managed by a nonprofit entity;

(3) agree to manage the Wallowa Forest Service Compound with due consideration and protection for the historic values of the Wallowa Forest Service Compound; and

(4) pay the reasonable administrative costs associated with the conveyance.

(e) REVERSION.—In the quitclaim deed to the City, the Secretary shall provide that the Wallowa Forest Service Compound shall revert to the Secretary, at the election of the Secretary, if any of the conditions under subsection (c) or (d) are violated.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. LAMBORN) and the gentleman from the Northern Mariana Islands (Mr. SABLAN) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado.

□ 1720

#### GENERAL LEAVE

Mr. LAMBORN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. LAMBORN. Mr. Speaker, I yield myself such time as I may consume.

S. 271 authorizes the conveyance of just over an acre of Forest Service land to the city of Wallowa, Oregon. The city originally donated this parcel to the Forest Service in 1936 to allow the Agency to construct a ranger station and other facilities.

The site was used for many decades, but now sits vacant. A local nonprofit organization has proposed developing the facilities as an interpretive site. S. 271 would allow the Forest Service to convey the land back to the city for such development.

I urge my colleagues to support this bill.

I reserve the balance of my time.

Mr. SABLAN. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, S. 271, introduced by Senators RON WYDEN and JEFF MERKLEY, transfers approximately 1 acre of land from the Wallowa National Forest to the City of Wallowa, Oregon. A local nonprofit organization will use the facility for local historical and cultural preservation, interpretation, and education. We do not object to this legislation.

I reserve the balance of my time.

Mr. LAMBORN. Mr. Speaker, I yield such time as he may consume to my

friend and colleague from Oregon (Mr. WALDEN).

Mr. WALDEN. Mr. Speaker, I thank my colleagues who have brought this legislation forward as well. Again, this, like the prior bill, it's a partnership between Senator WYDEN and myself, as we've worked together to resolve some of these land issues out in Oregon.

This one's kind of interesting. In 1936, the City of Wallowa actually donated this parcel of land to the U.S. Forest Service, and what we're doing today is giving it back to the city. They had a Forest Service compound there for many years and then, at some point, probably 20, 30 years ago, quit using it for that purpose and, basically, the buildings are in horrible disrepair.

I was out there a few weeks ago and toured the compound site with Gwen Trice and some of the county officials and took a look at the facility as it is today and, literally, they've had water damage inside. One place the ceiling had caved in.

But they have this plan. They have this plan to turn this into this interpretive site to honor and teach the history about Maxville, which was a railroad logging town that existed about 15 miles north of Wallowa.

Now, what's interesting about this, the emergence of the Maxville project really reflects the local community's deep appreciation for the preservation of this unique history, and they want to use this facility and restore it to display photographs and really tell the story and bring students in to let them learn about Maxville heritage and what went on there.

Now, the interpretive center seeks to gather, catalog, preserve, and interpret this rich history of the multicultural logging community of Maxville. Maxville itself operated until the early 1930s and was unique in that it included 50-or-so African Americans and their families and was home to the only segregated school in Oregon.

Previous historic records only made small mention of these African Americans. But in the last 3 years, the Maxville heritage project has fostered a reawakening of the interest in this rich chapter of history through public lectures and school visits and Elderhostel lectures and stories that have run across the Nation now.

With the groundswell of historic artifacts and stories emerging from descendants and those with relationships to people from Maxville, a large number of video image audio programs are being put together. So what we're doing here today allows this local-grown idea, this vision that Gwen Trice and her supporters have to be able to rehabilitate this compound, restore these beautiful buildings—once beautiful—they're in pretty bad disrepair now. She's got a job ahead of her.

But it will help this small town in northeast Oregon add to its many at-

tractions, natural and other, and tell this unique history about this special logging community that existed just north of Wallowa.

So I thank my colleagues on both sides of the aisle for once again, in a spirit of bipartisanship, actually solving some problems around here that matter to people back home.

Mr. SABLAN. Mr. Speaker, we have no objection to S. 271, and I have no further speakers.

I yield back the balance of my time.

Mr. LAMBORN. I, too, yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. LAMBORN) that the House suspend the rules and pass the bill, S. 271.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LAMBORN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

#### AUTHORIZING ADDITIONAL SANCTIONS WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 112-128)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

#### *To the Congress of the United States:*

Pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) (IEEPA), I hereby report that I have issued an Executive Order (the "order") that takes additional steps with respect to the national emergency declared in Executive Order 12957 of March 15, 1995.

In Executive Order 12957, the President found that the actions and policies of the Government of Iran threaten the national security, foreign policy, and economy of the United States. To deal with that threat, the President in Executive Order 12957 declared a national emergency and imposed prohibitions on certain transactions with respect to the development of Iranian petroleum resources. To further respond to that threat, Executive Order 12959 of May 6, 1995, imposed comprehensive trade and financial sanctions on Iran. Executive Order 13059 of August 19, 1997, consolidated and clarified the previous orders. To take additional steps

with respect to the national emergency declared in Executive Order 12957 and to implement section 105(a) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (Public Law 111-195) (22 U.S.C. 8501 et seq.) (CISADA), I issued Executive Order 13553 on September 28, 2010, to impose sanctions on officials of the Government of Iran and other persons acting on behalf of the Government of Iran determined to be responsible for or complicit in certain serious human rights abuses. To take further additional steps with respect to the threat posed by Iran and to provide implementing authority for a number of the sanctions set forth in the Iran Sanctions Act of 1996 (Public Law 104-172) (50 U.S.C. 1701 note) (ISA), as amended by CISADA, I issued Executive Order 13574 on May 23, 2011, to authorize the Secretary of the Treasury to implement certain sanctions imposed by the Secretary of State pursuant to ISA, as amended by CISADA. I also issued Executive Order 13590 on November 20, 2011, to take additional steps with respect to this emergency by authorizing the Secretary of State to impose sanctions on persons providing certain goods, services, technology, or support that contribute either to Iran's development of petroleum resources or to Iran's production of petrochemicals, and to authorize the Secretary of the Treasury to implement some of those sanctions. On February 5, 2012, in order to take further additional steps pursuant to this emergency, and to implement section 1245(c) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81), I issued Executive Order 13599 blocking the property of the Government of Iran, all Iranian financial institutions, and persons determined to be owned or controlled by, or acting for or on behalf of, such parties. Most recently, on April 22, 2012, and May 1, 2012, I issued Executive Orders 13606 and 13608, respectively. Executive Orders 13606 and 13608 each take additional steps with respect to various emergencies, including the emergency declared in Executive Order 12957 concerning Iran, to address the use of computer and information technology to commit serious human rights abuses and efforts by foreign persons to evade sanctions.

The order takes additional steps with respect to the national emergency declared in Executive Order 12957, particularly in light of the Government of Iran's use of revenues from petroleum, petroleum products, and petrochemicals for illicit purposes; Iran's continued attempts to evade international sanctions through deceptive practices; and the unacceptable risk posed to the international financial system by Iran's activities. Subject to certain exceptions and conditions, the order authorizes the Secretary of the Treasury and the Secretary of State, as set forth

in the order, to impose sanctions on persons as described in the order, all as more fully described below.

Section 1 of the order authorizes the Secretary of the Treasury, in consultation with the Secretary of State, to impose financial sanctions on foreign financial institutions determined to have knowingly conducted or facilitated certain significant financial transactions with the National Iranian Oil Company (NIOC) or Naftiran Intertrade Company (NICO), or for the purchase or acquisition of petroleum, petroleum products, or petrochemical products from Iran.

Section 2 of the order authorizes the Secretary of State, in consultation with the Secretary of the Treasury, the Secretary of Commerce, and the United States Trade Representative, and with the President of the Export-Import Bank, the Chairman of the Board of Governors of the Federal Reserve System, and other agencies and officials as appropriate, to impose any of a number of sanctions on a person upon determining that the person:

knowingly engaged in a significant transaction for the purchase or acquisition of petroleum, petroleum products, or petrochemical products from Iran;

is a successor entity to a person determined to meet the criterion above;

owns or controls a person determined to meet the criterion above, and had knowledge that the person engaged in the activities referred to therein; or

is owned or controlled by, or under common ownership or control with, a person determined to meet the criterion above, and knowingly participated in the activities referred to therein.

Sections 3 and 4 of the order provide that, for persons determined to meet any of the criteria specified in section 2 of the order, the heads of the relevant agencies, in consultation with the Secretary of State, shall implement the sanctions imposed by the Secretary of State. The sanctions provided for in sections 3 and 4 of the order include the following actions:

the Board of Directors of the Export-Import Bank shall deny approval of the issuance of any guarantee, insurance, extension of credit, or participation in an extension of credit in connection with the export of any goods or services to the sanctioned person;

agencies shall not issue any specific license or grant any other specific permission or authority under any statute that requires the prior review and approval of the United States Government as a condition for the export or reexport of goods or technology to the sanctioned person;

for a sanctioned person that is a financial institution: the Chairman of the Board of Governors of the Federal Reserve System and the President of the Federal Reserve Bank of New York shall take such actions as they deem

appropriate, including denying designation, or terminating the continuation of any prior designation of, the sanctioned person as a primary dealer in United States Government debt instruments; or agencies shall prevent the sanctioned person from serving as an agent of the United States Government or serving as a repository for United States Government funds;

agencies shall not procure, or enter into a contract for the procurement of, any goods or services from the sanctioned person;

the Secretary of the Treasury shall take actions where necessary to:

prohibit any United States financial institution from making loans or providing credits to the sanctioned person totaling more than \$10,000,000 in any 12-month period unless such person is engaged in activities to relieve human suffering and the loans or credits are provided for such activities;

prohibit any transactions in foreign exchange that are subject to the jurisdiction of the United States and in which the sanctioned person has any interest;

prohibit any transfers of credit or payments between financial institutions or by, through, or to any financial institution, to the extent that such transfers or payments are subject to the jurisdiction of the United States and involve any interest of the sanctioned person;

block all property and interests in property that are in the United States, that come within the United States, or that are or come within the possession or control of any United States person, including any foreign branch, of the sanctioned person, and provide that such property and interests in property may not be transferred, paid, exported, withdrawn, or otherwise dealt in; or

restrict or prohibit imports of goods, technology, or services, directly or indirectly, into the United States from the sanctioned person.

Section 5 of the order authorizes the Secretary of the Treasury, in consultation with the Secretary of State, to block all property and interests in property that are in the United States, that come within the United States, or that are or come within the possession or control of any United States person, including any foreign branch, of any person upon determining that the person has materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services in support of, NIOC, NICO, or the Central Bank of Iran, or the purchase or acquisition of U.S. bank notes or precious metals by the Government of Iran.

I have delegated to the Secretary of the Treasury the authority, in consultation with the Secretary of State, to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the

President by IEEPA, as may be necessary to carry out the purposes of sections 1, 4, and 5 of the order.

The order was effective at 12:01 a.m. eastern daylight time on July 31, 2012. All agencies of the United States Government are directed to take all appropriate measures within their authority to carry out the provisions of the order.

I am enclosing a copy of the Executive Order I have issued.

BARACK OBAMA,  
THE WHITE HOUSE, July 30, 2012.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess for a period of less than 15 minutes.

Accordingly (at 5 o'clock and 31 minutes p.m.), the House stood in recess.

□ 1745

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. POE of Texas) at 5 o'clock and 45 minutes p.m.

## DISTRICT OF COLUMBIA PAIN-CAPABLE UNBORN CHILD PROTECTION ACT

Mr. FRANKS of Arizona. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3803) to amend title 18, United States Code, to protect pain-capable unborn children in the District of Columbia, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3803

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "District of Columbia Pain-Capable Unborn Child Protection Act".

### SEC. 2. LEGISLATIVE FINDINGS.

Congress finds and declares the following:

(1) Pain receptors (nociceptors) are present throughout the unborn child's entire body and nerves link these receptors to the brain's thalamus and subcortical plate by no later than 20 weeks after fertilization.

(2) By 8 weeks after fertilization, the unborn child reacts to touch. After 20 weeks, the unborn child reacts to stimuli that would be recognized as painful if applied to an adult human, for example, by recoiling.

(3) In the unborn child, application of such painful stimuli is associated with significant increases in stress hormones known as the stress response.

(4) Subjection to such painful stimuli is associated with long-term harmful neurodevelopmental effects, such as altered pain sensitivity and, possibly, emotional, behavioral, and learning disabilities later in life.

(5) For the purposes of surgery on unborn children, fetal anesthesia is routinely administered and is associated with a decrease in stress

hormones compared to their level when painful stimuli are applied without such anesthesia.

(6) The position, asserted by some medical experts, that the unborn child is incapable of experiencing pain until a point later in pregnancy than 20 weeks after fertilization predominately rests on the assumption that the ability to experience pain depends on the cerebral cortex and requires nerve connections between the thalamus and the cortex. However, recent medical research and analysis, especially since 2007, provides strong evidence for the conclusion that a functioning cortex is not necessary to experience pain.

(7) Substantial evidence indicates that children born missing the bulk of the cerebral cortex, those with hydranencephaly, nevertheless experience pain.

(8) In adult humans and in animals, stimulation or ablation of the cerebral cortex does not alter pain perception, while stimulation or ablation of the thalamus does.

(9) Substantial evidence indicates that structures used for pain processing in early development differ from those of adults, using different neural elements available at specific times during development, such as the subcortical plate, to fulfill the role of pain processing.

(10) The position, asserted by some commentators, that the unborn child remains in a coma-like sleep state that precludes the unborn child experiencing pain is inconsistent with the documented reaction of unborn children to painful stimuli and with the experience of fetal surgeons who have found it necessary to sedate the unborn child with anesthesia to prevent the unborn child from engaging in vigorous movement in reaction to invasive surgery.

(11) Consequently, there is substantial medical evidence that an unborn child is capable of experiencing pain at least by 20 weeks after fertilization, if not earlier.

(12) It is the purpose of the Congress to assert a compelling governmental interest in protecting the lives of unborn children from the stage at which substantial medical evidence indicates that they are capable of feeling pain.

(13) The compelling governmental interest in protecting the lives of unborn children from the stage at which substantial medical evidence indicates that they are capable of feeling pain is intended to be separate from and independent of the compelling governmental interest in protecting the lives of unborn children from the stage of viability, and neither governmental interest is intended to replace the other.

(14) The District Council of the District of Columbia, operating under authority delegated by Congress, repealed the entire District law limiting abortions, effective April 29, 2004, so that in the District of Columbia, abortion is now legal, for any reason, until the moment of birth.

(15) Article I, section 8 of the Constitution of the United States of America provides that the Congress shall "exercise exclusive Legislation in all Cases whatsoever" over the District established as the seat of government of the United States, now known as the District of Columbia. The constitutional responsibility for the protection of pain-capable unborn children within the Federal District resides with the Congress.

### SEC. 3. DISTRICT OF COLUMBIA PAIN-CAPABLE UNBORN CHILD PROTECTION.

(a) IN GENERAL.—Chapter 74 of title 18, United States Code, is amended by inserting after section 1531 the following:

#### "§ 1532. District of Columbia pain-capable unborn child protection

"(a) UNLAWFUL CONDUCT.—Notwithstanding any other provision of law, including any legislation of the District of Columbia under authority delegated by Congress, it shall be unlawful for any person to perform an abortion within the District of Columbia, or attempt to do so,

unless in conformity with the requirements set forth in subsection (b).

#### "(b) REQUIREMENTS FOR ABORTIONS.—

"(1) The physician performing or attempting the abortion shall first make a determination of the probable post-fertilization age of the unborn child or reasonably rely upon such a determination made by another physician. In making such a determination, the physician shall make such inquiries of the pregnant woman and perform or cause to be performed such medical examinations and tests as a reasonably prudent physician, knowledgeable about the case and the medical conditions involved, would consider necessary to make an accurate determination of post-fertilization age.

"(2)(A) Except as provided in subparagraph (B), the abortion shall not be performed or attempted, if the probable post-fertilization age, as determined under paragraph (1), of the unborn child is 20 weeks or greater.

"(B) Subject to subparagraph (C), subparagraph (A) does not apply if, in reasonable medical judgment, the abortion is necessary to save the life of a pregnant woman whose life is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself, but not including psychological or emotional conditions.

"(C) Notwithstanding the definitions of 'abortion' and 'attempt an abortion' in this section, a physician terminating or attempting to terminate a pregnancy under the exception provided by subparagraph (B) may do so only in the manner which, in reasonable medical judgment, provides the best opportunity for the unborn child to survive, unless, in reasonable medical judgment, termination of the pregnancy in that manner would pose a greater risk of—

"(i) the death of the pregnant woman; or  
"(ii) the substantial and irreversible physical impairment of a major bodily function, not including psychological or emotional conditions, of the pregnant woman;

than would other available methods.

"(c) CRIMINAL PENALTY.—Whoever violates subsection (a) shall be fined under this title or imprisoned for not more than 2 years, or both.

"(d) BAR TO PROSECUTION.—A woman upon whom an abortion in violation of subsection (a) is performed or attempted may not be prosecuted under, or for a conspiracy to violate, subsection (a), or for an offense under section 2, 3, or 4 based on such a violation.

#### "(e) CIVIL REMEDIES.—

"(1) CIVIL ACTION BY WOMAN ON WHOM THE ABORTION IS PERFORMED.—A woman upon whom an abortion has been performed or attempted in violation of subsection (a), may in a civil action against any person who engaged in the violation obtain appropriate relief.

"(2) CIVIL ACTION BY RELATIVES.—The father of an unborn child who is the subject of an abortion performed or attempted in violation of subsection (a), or a maternal grandparent of the unborn child if the pregnant woman is an unemancipated minor, may in a civil action against any person who engaged in the violation, obtain appropriate relief, unless the pregnancy resulted from the plaintiff's criminal conduct or the plaintiff consented to the abortion.

"(3) APPROPRIATE RELIEF.—Appropriate relief in a civil action under this subsection includes—

"(A) objectively verifiable money damages for all injuries, psychological and physical, occasioned by the violation of this section;

"(B) statutory damages equal to three times the cost of the abortion; and

"(C) punitive damages.

#### "(4) INJUNCTIVE RELIEF.—

"(A) IN GENERAL.—A qualified plaintiff may in a civil action obtain injunctive relief to prevent an abortion provider from performing or attempting further abortions in violation of this section.

“(B) DEFINITION.—In this paragraph the term ‘qualified plaintiff’ means—

“(i) a woman upon whom an abortion is performed or attempted in violation of this section;

“(ii) any person who is the spouse, parent, sibling or guardian of, or a current or former licensed health care provider of, that woman; or

“(iii) the United States Attorney for the District of Columbia.

“(5) ATTORNEYS FEES FOR PLAINTIFF.—The court shall award a reasonable attorney’s fee as part of the costs to a prevailing plaintiff in a civil action under this subsection.

“(6) ATTORNEYS FEES FOR DEFENDANT.—If a defendant in a civil action under this section prevails and the court finds that the plaintiff’s suit was frivolous and brought in bad faith, the court shall also render judgment for a reasonable attorney’s fee in favor of the defendant against the plaintiff.

“(7) AWARDS AGAINST WOMAN.—Except under paragraph (6), in a civil action under this subsection, no damages, attorney’s fee or other monetary relief may be assessed against the woman upon whom the abortion was performed or attempted.

“(f) PROTECTION OF PRIVACY IN COURT PROCEEDINGS.—

“(1) IN GENERAL.—Except to the extent the Constitution or other similarly compelling reason requires, in every civil or criminal action under this section, the court shall make such orders as are necessary to protect the anonymity of any woman upon whom an abortion has been performed or attempted if she does not give her written consent to such disclosure. Such orders may be made upon motion, but shall be made sua sponte if not otherwise sought by a party.

“(2) ORDERS TO PARTIES, WITNESSES, AND COUNSEL.—The court shall issue appropriate orders under paragraph (1) to the parties, witnesses, and counsel and shall direct the sealing of the record and exclusion of individuals from courtrooms or hearing rooms to the extent necessary to safeguard her identity from public disclosure. Each such order shall be accompanied by specific written findings explaining why the anonymity of the woman must be preserved from public disclosure, why the order is essential to that end, how the order is narrowly tailored to serve that interest, and why no reasonable less restrictive alternative exists.

“(3) PSEUDONYM REQUIRED.—In the absence of written consent of the woman upon whom an abortion has been performed or attempted, any party, other than a public official, who brings an action under paragraphs (1), (2), or (4) of subsection (e) shall do so under a pseudonym.

“(4) LIMITATION.—This subsection shall not be construed to conceal the identity of the plaintiff or of witnesses from the defendant or from attorneys for the defendant.

“(g) REPORTING.—

“(1) DUTY TO REPORT.—Any physician who performs or attempts an abortion within the District of Columbia shall report that abortion to the relevant District of Columbia health agency (hereinafter in this section referred to as the ‘health agency’) on a schedule and in accordance with forms and regulations prescribed by the health agency.

“(2) CONTENTS OF REPORT.—The report shall include the following:

“(A) POST-FERTILIZATION AGE.—For the determination of probable postfertilization age of the unborn child, whether ultrasound was employed in making the determination, and the week of probable post-fertilization age that was determined.

“(B) METHOD OF ABORTION.—Which of the following methods or combination of methods was employed:

“(i) Dilation, dismemberment, and evacuation of fetal parts also known as ‘dilation and evacuation’.

“(ii) Intra-amniotic instillation of saline, urea, or other substance (specify substance) to kill the unborn child, followed by induction of labor.

“(iii) Intracardiac or other intra-fetal injection of digoxin, potassium chloride, or other substance (specify substance) intended to kill the unborn child, followed by induction of labor.

“(iv) Partial-birth abortion, as defined in section 1531.

“(v) Manual vacuum aspiration without other methods.

“(vi) Electrical vacuum aspiration without other methods.

“(vii) Abortion induced by use of mifepristone in combination with misoprostol.

“(viii) If none of the methods described in the other clauses of this subparagraph was employed, whatever method was employed.

“(C) AGE OF WOMAN.—The age or approximate age of the pregnant woman.

“(D) COMPLIANCE WITH REQUIREMENTS FOR EXCEPTION.—The facts relied upon and the basis for any determinations required to establish compliance with the requirements for the exception provided by subsection (b)(2).

“(3) EXCLUSIONS FROM REPORTS.—

“(A) A report required under this subsection shall not contain the name or the address of the woman whose pregnancy was terminated, nor shall the report contain any other information identifying the woman.

“(B) Such report shall contain a unique Medical Record Number, to enable matching the report to the woman’s medical records.

“(C) Such reports shall be maintained in strict confidence by the health agency, shall not be available for public inspection, and shall not be made available except—

“(i) to the United States Attorney for the District of Columbia or that Attorney’s delegate for a criminal investigation or a civil investigation of conduct that may violate this section; or

“(ii) pursuant to court order in an action under subsection (e).

“(4) PUBLIC REPORT.—Not later than June 30 of each year beginning after the date of enactment of this paragraph, the health agency shall issue a public report providing statistics for the previous calendar year compiled from all of the reports made to the health agency under this subsection for that year for each of the items listed in paragraph (2). The report shall also provide the statistics for all previous calendar years during which this section was in effect, adjusted to reflect any additional information from late or corrected reports. The health agency shall take care to ensure that none of the information included in the public reports could reasonably lead to the identification of any pregnant woman upon whom an abortion was performed or attempted.

“(5) FAILURE TO SUBMIT REPORT.—

“(A) LATE FEE.—Any physician who fails to submit a report not later than 30 days after the date that report is due shall be subject to a late fee of \$1,000 for each additional 30-day period or portion of a 30-day period the report is overdue.

“(B) COURT ORDER TO COMPLY.—A court of competent jurisdiction may, in a civil action commenced by the health agency, direct any physician whose report under this subsection is still not filed as required, or is incomplete, more than 180 days after the date the report was due, to comply with the requirements of this section under penalty of civil contempt.

“(C) DISCIPLINARY ACTION.—Intentional or reckless failure by any physician to comply with any requirement of this subsection, other than late filing of a report, constitutes sufficient cause for any disciplinary sanction which the Health Professional Licensing Administration of the District of Columbia determines is appropriate,

including suspension or revocation of any license granted by the Administration.

“(6) FORMS AND REGULATIONS.—Not later than 90 days after the date of the enactment of this section, the health agency shall prescribe forms and regulations to assist in compliance with this subsection.

“(7) EFFECTIVE DATE OF REQUIREMENT.—Paragraph (1) of this subsection takes effect with respect to all abortions performed on and after the first day of the first calendar month beginning after the effective date of such forms and regulations.

“(h) DEFINITIONS.—In this section the following definitions apply:

“(1) ABORTION.—The term ‘abortion’ means the use or prescription of any instrument, medicine, drug, or any other substance or device—

“(A) to intentionally kill the unborn child of a woman known to be pregnant; or

“(B) to otherwise intentionally terminate the pregnancy of a woman known to be pregnant with an intention other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, or to remove a dead unborn child who died as the result of natural causes in utero, accidental trauma, or a criminal assault on the pregnant woman or her unborn child, and which causes the premature termination of the pregnancy.

“(2) ATTEMPT AN ABORTION.—The term ‘attempt’, with respect to an abortion, means conduct that, under the circumstances as the actor believes them to be, constitutes a substantial step in a course of conduct planned to culminate in performing an abortion in the District of Columbia.

“(3) FERTILIZATION.—The term ‘fertilization’ means the fusion of human spermatozoon with a human ovum.

“(4) HEALTH AGENCY.—The term ‘health agency’ means the Department of Health of the District of Columbia or any successor agency responsible for the regulation of medical practice.

“(5) PERFORM.—The term ‘perform’, with respect to an abortion, includes induce an abortion through a medical or chemical intervention including writing a prescription for a drug or device intended to result in an abortion.

“(6) PHYSICIAN.—The term ‘physician’ means a person licensed to practice medicine and surgery or osteopathic medicine and surgery, or otherwise licensed to legally perform an abortion.

“(7) POST-FERTILIZATION AGE.—The term ‘post-fertilization age’ means the age of the unborn child as calculated from the fusion of a human spermatozoon with a human ovum.

“(8) PROBABLE POST-FERTILIZATION AGE OF THE UNBORN CHILD.—The term ‘probable post-fertilization age of the unborn child’ means what, in reasonable medical judgment, will with reasonable probability be the postfertilization age of the unborn child at the time the abortion is planned to be performed or induced.

“(9) REASONABLE MEDICAL JUDGMENT.—The term ‘reasonable medical judgment’ means a medical judgment that would be made by a reasonably prudent physician, knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved.

“(10) UNBORN CHILD.—The term ‘unborn child’ means an individual organism of the species *homo sapiens*, beginning at fertilization, until the point of being born alive as defined in section 8(b) of title 1.

“(11) UNEMANCIPATED MINOR.—The term ‘unemancipated minor’ means a minor who is subject to the control, authority, and supervision of a parent or guardian, as determined under the law of the State in which the minor resides.

“(12) WOMAN.—The term ‘woman’ means a female human being whether or not she has reached the age of majority.”.



(b) *CLERICAL AMENDMENT.*—The table of sections at the beginning of chapter 74 of title 18, United States Code, is amended by adding at the end the following new item:

“1532. District of Columbia pain-capable unborn child protection.”.

(c) *CHAPTER HEADING AMENDMENTS.*—

(1) *CHAPTER HEADING IN CHAPTER.*—The chapter heading for chapter 74 of title 18, United States Code, is amended by striking “**PARTIAL-BIRTH ABORTIONS**” and inserting “**ABORTIONS**”.

(2) *TABLE OF CHAPTERS FOR PART I.*—The item relating to chapter 74 in the table of chapters at the beginning of part I of title 18, United States Code, is amended by striking “Partial-Birth Abortions” and inserting “Abortions”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. FRANKS) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

#### GENERAL LEAVE

Mr. FRANKS of Arizona. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 3803, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. FRANKS of Arizona. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gruesome late-term abortions of unborn children who can feel pain is the greatest human rights atrocity in the United States today. H.R. 3803, the bipartisan District of Columbia Pain-Capable Unborn Child Protection Act, has more than 220 cosponsors in the House of Representatives. It protects unborn children who have reached 20 weeks' development, their being subjected to inhumane torturous late-term abortions on the basis that the unborn child feels pain by at least this stage of development, if not much earlier. Just 2 days ago, a Federal court upheld Arizona's version of this bill.

Mr. Speaker, throughout America's history, the hearts of the American people have always been moved with compassion when they discover a theretofore hidden class of victims once the humanity of the victim and the inhumanity of what was being done to them finally became clear in their minds. Mr. Speaker, America is on the cusp of another such realization.

Medical science regarding the development of unborn babies and their capacities at various stages of growth has advanced dramatically, and incontrovertibly it demonstrates that unborn children clearly do experience pain. The single greatest hurdle to legislation like H.R. 3803 has always been that deponents deny unborn babies feel pain at all, as if somehow the ability to feel pain magically develops instantaneously

as a child passes through the birth canal. This level of deliberate ignorance might have found excuse in earlier eras of human history, but the evidence today is extensive and irrefutable. Unborn children have the capacity to experience pain by at least 20 weeks and very likely substantially earlier.

We have entered into the committee hearing record a 29-page summary of the dozens of studies worldwide confirming that unborn children feel pain by at least 20 weeks post-fertilization. This information is available at [www.DoctorsonFetalPain.org](http://www.DoctorsonFetalPain.org). And I would sincerely recommend that all committee members, their staff, and the members of the press review this site to get the most current evidence on unborn pain rather than to have their understanding cemented in some earlier time when scientists still believed in spontaneous generation and that the Earth was flat.

□ 1750

Mr. Speaker, late-term abortions are gruesome and painful. Babies are dismembered, or they're chemically burned alive by a hypertonic salt solution. Some late-term abortionists stab the small pain-capable baby through the chest to inject drugs that will kill the child prior to being removed.

Most Americans think that late-term abortions are rare, but in fact there are approximately 120,000 late-term abortions annually, or more than 325 late-term abortions every day in America.

Here in the District of Columbia, the designated seat of freedom in America, abortion is completely legal for any reason up until the moment of birth. Under the Constitution, the Congress and the President are the ones clearly responsible for this unthinkable abortion-until-birth policy.

This landmark vote we are about to take would be the first time in history that the United States House of Representatives has ever voted on this question of whether to endorse legal abortion for any reason up until birth, and, ladies and gentlemen, we will be held accountable.

Mr. Speaker, under the Humane Slaughter Act, farm animals in America have protection from completely unnecessary cruelty, yet unborn children in America have no such protection from the same kind of agonizing pain. In fact, there is no legal standard to provide that late-term unborn babies—clearly known to be capable of feeling pain—are afforded even the most basic human decency of receiving anesthesia before they are torturously killed.

Mr. Speaker, if we cannot find the will or the courage to protect human babies from being tortured, then what claim on human compassion remains to us?

What we are doing to babies is real, Mr. Speaker. It is barbaric in the

purest sense of the word. It is the greatest human rights violation occurring on U.S. soil, and it has already victimized potentially millions of pain-capable babies since the Supreme Court gave us all abortion on demand that tragic day in 1973.

Mr. Speaker, I would plead with my colleagues to vote for this bill to at least begin to end this heartbreak of painful late-term abortion in the land of the free and the home of the brave.

I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself as much time as I may consume.

I will begin this discussion by asking the gentleman from Arizona, Mr. TRENT FRANKS, this question: Why is this measure limited only to women in the District of Columbia? And I yield to him for a response if he chooses to make one.

Then I will now go on with my statement.

The majority of this House, conservatives, can think of nothing better to do than to continue to wage a war against women and take up our time with these divisive issues. Here, we face the worst of economic crisis since the 1930s. So this is another attempt, yet another attempt, to undermine women's basic reproductive rights with appeals to ideology rather than to sound science.

Every pregnancy is unique and different, and, unfortunately, some women face difficult and emotionally devastating decisions in the course of their pregnancy that would require them to consider abortion as a health option. So we gather here this afternoon to recognize that this legislation is not needed, is opposed by the Nation's leading civil rights organizations, including: the Physicians for Reproductive Choice and Health, the Center for Reproductive Rights, NARAL Pro-Choice America, the National Abortion Federation, the American Civil Liberties Union, and Catholics for Choice.

With that opening, Mr. Speaker, I reserve the balance of my time.

Mr. FRANKS of Arizona. I now yield 1 minute to the gentlelady from Ohio (Mrs. SCHMIDT), chair of the Agriculture Nutrition Subcommittee.

Mrs. SCHMIDT. Mr. Speaker, first in response to the good gentleman from the other side, article I, section 8, clause 17, called the District Clause, gives us authority for this bill.

But I really want to point out why this bill is so important. One of the things that upsets a great deal of Americans—in fact, over 60 percent of all Americans, 70 percent of women—is when a baby experiences pain. And when you ask Americans about abortions and a baby feeling pain with an abortion, well over 60 percent say they do not want that abortion.

The kind of abortions that are occurring are occurring up until the point of



where a child can actually come out normally, after 9 months' gestation. And it's called a D&E, or a dilation and extraction. It is a painful procedure that requires dismemberment of the unborn child and the crushing of its head.

We know that as early as 20 weeks—maybe even as early as 8 weeks—an unborn child feels pain. We know it is at 20 weeks. Now, there is a question of 8 weeks. And yet at 9 months, this very normal child inside of a body is feeling pain. This is why we are going to ask Congress to stop this horrific act.

Mr. CONYERS. Mr. Speaker, I would remind the gentlelady that we have jurisdiction over the District of Columbia, but we do not have the prerogative to produce unconstitutional programs for them like H.R. 3803.

I now yield such time as he may consume to the gentleman from New York, JERROLD NADLER, the former chairman of the Constitution Committee of the Judiciary.

Mr. NADLER. I thank the gentleman.

Mr. Speaker, I rise in opposition to the D.C. Abortion Ban Act.

This legislation is a flagrantly unconstitutional attack on the right of women to make the most fundamental decisions about their lives and their health. It is based on radical ideology rather than on long-established Supreme Court precedent or on sound science, and it is yet another attack on the right to self-government of the Americans who live, work, and pay taxes in our Nation's Capital. It is, in short, yet another example of the Republican war on women and of their fundamental hostility to democracy when the voters have the audacity to disagree with Republican orthodox.

And why are we here today, playing abortion politics with a bill everyone knows will not pass the Senate, when millions of Americans are out of a job and the Republican majority can't find a moment to consider a single one of the President's jobs bills?

The constitutional rule is clear: The government may not tell a woman whether or not she may have an abortion before fetal viability. This bill prohibits abortions much earlier. This bill does not even have an exception to protect women's health, another constitutional violation.

We don't have to guess how this kind of extreme legislation plays out. We know from States which have enacted similar laws. Take the case of Danielle Deaver, a Nebraska woman who was 22 weeks pregnant when her water broke. Doctors informed her that her fetus would likely be born with undeveloped lungs and not be able to survive outside the womb because all the amniotic fluid had drained, the tiny growing fetus slowly would be crushed by the uterus walls.

During her pregnancy, Nebraska enacted a law similar to this bill. As a re-

sult, Ms. Deaver could not obtain an abortion. Thus, despite serious complications and enduring infections, Danielle had to continue her pregnancy. On December 8, 2010, Danielle delivered a 1 pound, 10 ounce child who survived only 15 minutes outside the womb.

The question of fetal pain is a difficult one, but Members need to understand that the argument being made by the proponents of this bill, that a 20-week fetus can feel pain, is a fringe one denied by the bulk of the scientific community. Scientists will continue to debate and study, but we should not write marginal views into the criminal code.

We also need to remember that this bill targets only the District of Columbia, which some on the other side of the aisle like to treat like a colony. It is outrageous that we would be considering a bill that Members are clearly not willing to apply to their own constituents.

Mr. Speaker, it is time that the Republican leadership stop diverting the attention of this House from the business of putting people back to work by bringing up one divisive, unconstitutional bill after another.

I urge my colleagues to reject this cynical, dangerous, misogynist, and unconstitutional legislation.

□ 1800

Mr. FRANKS of Arizona. Mr. Speaker, I now yield 2 minutes to the gentleman from Maryland (Mr. HARRIS), a member of the Science Committee and an obstetric anesthesiologist.

Mr. HARRIS. Mr. Speaker, I thank the gentleman for yielding the time to me.

I will tell you the argument that this is unconstitutional just isn't true. I urge the Members on the other side of the aisle who oppose the measure to read Judge Teilborg's opinion, just having been released, where he goes very carefully and says this doesn't prohibit abortions after 20 weeks, it limits them, clearly within the purview of *Roe v. Wade* and the subsequent case law, where the Gonzalez case says, for instance:

Government uses its voice and regulatory authority to show its profound respect for the life within the woman.

Now, the Flat Earth Society on the other side would have you believe that no medical advances have been made in pain and the perception of pain since *Roe v. Wade* has been issued. But, in fact, they have. About 15 years ago, a huge discussion about whether preterm infants at 23 to 25, 26 weeks, being cared for by the thousands in our neonatal intensive care units, perceive pain to the point where pain medicine would be required to be administered to those patients. Pain medicine, that if it weren't required would be dangerous, but the decision—this has been

decided. These infants are being treated for pain.

The opposition would hold up a report in the *Journal of the American Medical Association* from 2005, written by pro-abortion proponents, which suggested that until 30 weeks, there was no perception of pain. Mr. Speaker, that's been settled in hospitals around the country where 23- to 25-week fetuses are being treated. This bill sets that 20-week limit for two reasons. One is, as the judge says in his findings, everyone concedes that pain receptors are present at 20 weeks throughout the fetus. Mr. Speaker, God didn't put those there if they weren't there for a reason, and it is to perceive pain. Secondly, the risk to the mother increases exponentially as you get out of the first week of gestation, the risk of abortion to the mother. That's clear. That's demonstrated. That's epidemiology. That's not ideology; that's science. That's science clearly understood.

Mr. Speaker, this bill is founded on very basic scientific principles that the fetus has pain receptors throughout their body at 20 weeks and that the risk to the mother increases after 20 weeks.

Mr. CONYERS. Mr. Speaker, may I remind the previous speaker that women's doctors know a lot more about this subject matter than Members of Congress.

And now with great pleasure I yield 1 minute to the Honorable TED DEUTCH from Florida, a member of the House Judiciary Committee.

Mr. DEUTCH. Mr. Speaker, even for a Republican House with a record of attacking women's rights, bringing up this bill under suspension that disregards the United States Constitution, is beyond brazen. It is time that my colleagues come clean with the American people and admit these arbitrary limitations on a woman's constitutional right to choose are part of a broader effort. Tonight, it's the District of Columbia. Tonight, 20 weeks is the threshold for turning a constitutional right into a crime. What is tomorrow—10 weeks, 10 days? Where does it end?

Mr. Speaker, when they talk about competing rights, they are intent on granting, even to a newly fertilized egg, the constitutional rights of American women. They want to put the rights of a zygote ahead of the rights of a woman exercising autonomy over her own body.

My colleagues say this bill is limited in scope; but their intentions, Mr. Speaker, are not limited in scope. Right now in this Congress and across the country, the rights of women are under attack.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CONYERS. I yield the gentleman an additional 30 seconds.

Mr. DEUTCH. Mr. Speaker, right now in this Congress and across the country, the rights of American women are under attack. It is sad that we must fight to defend these rights. But fight, Mr. Speaker, we will.

Mr. FRANKS of Arizona. Mr. Speaker, may I inquire as to the remaining time.

The SPEAKER pro tempore. The gentleman from Arizona has 12½ minutes. The gentleman from Michigan has 12½ minutes.

Mr. FRANKS of Arizona. Mr. Speaker, I yield 1½ minutes to the gentlelady from Florida (Mrs. ADAMS), a member of the Judiciary Committee.

Mrs. ADAMS. Mr. Speaker, I rise today in strong support of H.R. 3803, authored by my friend, Representative TRENT FRANKS, which prohibits abortions in the District of Columbia on pain-capable unborn children. Recently, a poll conducted revealed that 63 percent of respondents favored banning abortion after the point where the unborn child can feel pain.

Because abortions may be performed in the Nation's Capital for any reason during all 9 months of pregnancy, the need for this bill is very clear. Mr. Speaker, when we debated this bill in the Judiciary Committee a few weeks ago, I was shocked that some of my colleagues on the other side of the aisle referred to this child as a fetus. I'm sure my female colleagues who have been blessed to experience the joy of motherhood will agree with me when I say during the time I was carrying my daughter, I always thought of her as my baby, never a fetus, and I am very concerned that the discussion is being centered around everything but the most important thing, and that is what the baby feels and is capable of feeling at this time.

We all have the opportunity to do the right thing. So let's stop playing word games and pass this legislation.

Mr. CONYERS. Mr. Speaker, I'm pleased now to yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY), a senior Member of the Congress.

Mrs. MALONEY. Mr. Speaker, I thank the gentleman for his leadership on this issue and so many others.

I rise in opposition to the D.C. abortion act and thank my colleague from New York, JERRY NADLER, and ELEANOR HOLMES NORTON for their very strong leadership in opposition to this bill.

The callous indifference that is shown to the lives, the health, the well-being, and constitutional rights of women in this bill simply beggar description. For instance, the bill has no provision whatsoever for women who have been the victims of rape or incest, and there is no exception for a woman's health.

This bill would use the awesome power of the State to compel the vic-

tim of a violent assault to bear the child of her attacker, and it would compel a minor child who has been the victim of incest to bear her sibling.

How can you even begin to justify the intrusion of Federal power into such deeply painful and personal matters. This bill is an assault on decency and common sense. And it adds to the battery of weapons being used by our Republican colleagues in their war against women.

A vote for this bill is a vote to show contempt for women's health, women's rights, a doctor's role in health care decisions, and the Constitution all in one fell swoop. Vote "no" and stay out of the doctor's office and the private lives of American women. The health and safety of women in D.C. is too important, and this is a recurring bad dream. This happens to be the ninth anti-choice vote brought to the floor during this Congress. It is another example of the Republicans' war against women. I urge a strong "no" vote.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are advised and reminded not to traffic the well when another Member is under recognition.

Mr. FRANKS of Arizona. Mr. Speaker, I yield 1 minute to the gentlelady from North Carolina (Ms. FOXX), a member of the Rules Committee.

Ms. FOXX. Mr. Speaker, I rise today in support of H.R. 3803, the D.C. Pain-Capable Unborn Child Protection Act.

I fear for the conscience of our Nation because the termination of unborn children, for any reason, is tolerated in some parts of our country throughout pregnancy—even though scientific conclusions show infants feel pain by at least 20 weeks gestation.

That literally means a baby at the halfway point of a pregnancy will experience pain during the violence of a dismemberment abortion, the most common second-trimester abortion, where in a steel tool severs limbs from the infant and its skull is crushed.

□ 1810

Mr. Speaker, such procedures are horrific, and in terms of pain, like torture to their infant subjects. As a country, we should leave this practice behind. That is why I'm a cosponsor of this legislation to prohibit elective abortions in D.C. past 20 weeks.

I urge my colleagues to stand with me for the most vulnerable among us and vote in favor of H.R. 3803.

Mr. CONYERS. Mr. Speaker, I am pleased now to yield 2 minutes to the former chair of the Congressional Black Caucus, BARBARA LEE of Oakland, California.

Ms. LEE of California. Mr. Speaker, let me thank the gentleman for yielding and for your tremendous leadership on this and so many issues so important to the health of women and to the health of our country.

I'd like to also take a moment to commend Congresswoman NORTON, the duly elected representative for the residents of the District of Columbia, for her relentless advocacy on behalf of her constituents and her leadership in fighting back the onslaught of attacks against the women of the District of Columbia.

Tea Party Republicans continue to make D.C. their launching ground for attacks against women's health as part of the ongoing war on women.

H.R. 3803, the so-called—and this is very sinister—District of Columbia Pain-Capable Unborn Child Protection Act, is nothing more than a direct challenge to *Roe v. Wade* and a vehicle for yet another ideological attack against women's reproductive rights. It's a direct threat to the health of every woman living in the District of Columbia. It contains no exceptions for health, for rape or incest, and it demonstrates a very callous disregard for the real-life experiences of women and their families.

It is tragic—tragic—that the Tea Party Republicans refuse to bring up any bill that would create jobs but would rather wage war against the women of the District of Columbia. It is offensive, it is wrong, and it is unconstitutional. Government and politicians should stay out of the health care decisions of women, and they should stay out of the private lives of women.

Women's decisions, as it relates to their health care, should be made by themselves. These decisions should be made with their medical professionals and their clergy or whomever they choose. Women should be able to make their decisions, not Members of Congress, not politicians, and not government officials.

This is a direct threat. It is callous. Again, it is unconstitutional, and it's wrong.

Mr. FRANKS of Arizona. Mr. Speaker, I now yield 1½ minutes to the gentleman from Iowa (Mr. KING), vice chairman of the Immigration Subcommittee of the House Judiciary Committee.

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman from Arizona for yielding.

I would point out here we seem to talk in abstract terms about what is really going on. This is a demonstration of dilation, dismemberment, and evacuation that's taking place in the District of Columbia and across this country. Mr. Speaker, here is what takes place.

There's a dilation of the cervix. We had testimony of Dr. Levatino who showed his tools. He reaches in and pulls a leg off of this little baby and pulls it out and puts it on a plate. He reaches in and pulls another leg off and does the same thing. He reminded us that this isn't an easy process. It's difficult to do so. You've got to pull hard,

then reach in and grab another piece of the torso and pull that out until you count up all the pieces on the plate and you get down to this little baby's head. For the head, there's a special tool to squeeze that little baby's head, crush that head and then pull it out.

Who of us could watch such a procedure? Who of us could conduct such a procedure? Who of us? Dr. Levatino did, hundreds of times in his testimony. But his little girl died, and he took 2 weeks off and came back to work again thinking he was going to commit other abortions. He got halfway through, and he said, I looked at that pile of goo on the plate, and I realized that's somebody's daughter. This is somebody's daughter. This is somebody's son. This is a little baby. This is a little miracle of life. This is God's image being torn apart and dismembered and placed on a plate. And I'm hearing it's a constitutional right to do such an abhorrent thing. It's ghastly, and it's ghoulish, and it's the worst thing that I think one could put their hand to. If you can't watch it, you sure can't do it.

Mr. CONYERS. Mr. Speaker, I am proud now to recognize the delegate from Washington, D.C., an excellent Member of this body, ELEANOR HOLMES NORTON, for as much time as she may consume.

Ms. NORTON. I thank the chairman and the chairman of the subcommittee for the hearings that they held that exposed this bill for what it does to reproductive choice in our country unconstitutionally on two scores, because it targets also the District of Columbia and therefore separates us out, we who live in the District of Columbia, in violation of the 14th Amendment for treatment differently from women who live just across the river in one part of our country, or in any part of our country.

Mr. Speaker, this is the first time in our history that a standalone bill has come to the floor to deny the residents of the Nation's Capital the same constitutional rights as other Americans. We won't stand for it. Yet the folks behind this bill care nothing about the District of Columbia. They have picked on the District to get a phony Federal imprimatur on a bill that targets Roe v. Wade. In the process, they have picked a fight they do not want and cannot win with pro-choice America.

Bills based on pain or principle would not target only one city that has no vote on a bill that involves only the residents of that city. Women have blown the cover from a bill with a D.C. label because they know an attack on their reproductive health when they see it.

Republicans have taken the gloves off. No one can any longer doubt that the war on women is on, even when it is by proxy as with this bill, infiltrating the Susan G. Komen for the

Cure to stop Planned Parenthood from funding breast cancer screening, defunding Planned Parenthood, and taking away contraceptives in insurance policies. All of these battles have failed.

Their final battle on the rights to the reproductive health of American women, abusing their congressional authority and using the women and physicians of the District of Columbia, that final battle must fail as well.

Mr. FRANKS of Arizona. Mr. Speaker, I now yield 2 minutes to the gentlelady from Alabama (Mrs. ROBY), a member of the Education Committee.

Mrs. ROBY. I thank the gentleman.

Mr. Speaker, I rise today in support of H.R. 3803, the District of Columbia Pain-Capable Unborn Child Protection Act, of which I'm a proud cosponsor.

In sitting here listening to debate, I want to get a few things straight. First of all, I am a woman, and I have not declared war on myself. Second of all, this is not a direct challenge to Roe v. Wade. This is a direct challenge to cruelty to unborn children. Currently, the policy in D.C. legally allows abortion for any reason until the moment of birth.

Mr. Speaker, Erin and Blake Hamby, a couple from my home State of Alabama, were pregnant with their second daughter when Erin had complications at 22 weeks. And at only 25 weeks and 2 days, their little baby, Faith, was born on January 8, weighing only 1 pound, 14 ounces, but every bit the same baby as my own children, Margaret and George, who were born full term.

Faith spent 2½ months in the NICU, and both she and her parents struggled daily, but that tiny baby—that tiny baby—is now 6½ months old and thriving.

In the District of Columbia, Faith could have been aborted not only at the point at which she was born, but also any day up to the day of her birth. H.R. 3803 prohibits abortions in D.C. after 20 weeks' gestation, a time frame based on scientific evidence that the unborn child can experience pain by at least at this stage of development.

□ 1820

In June of 2011, Alabama became the fifth State to pass a similar measure by banning physicians from performing abortions after 20 weeks.

I applaud my home State of Alabama in its admirable fight to protect human life, such as Faith's when she arrived earlier than expected into this world. I am proud to vote in support of H.R. 3803 tonight, and I encourage my colleagues to join me.

Mr. CONYERS. Mr. Speaker, how much time remains?

The SPEAKER pro tempore. The gentleman from Michigan has 5½ minutes remaining, and the gentleman from Arizona has 7 minutes remaining.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

May I inform my colleagues that the Planned Parenthood organization will score today's vote, as will NARAL Pro-Choice America score today's vote.

Now, Members, let no one be fooled, no matter what title you want to give the measure that's before us, it is a direct assault against the Supreme Court ruling in Roe v. Wade and represents another line of attack against women's reproductive rights. That's why there are so many women's organizations that are opposed to it and have been.

The measure imposes an outright ban on abortions before viability, even where a woman's health may be at risk. Do we really want to support that kind of legislation? In cases where a woman's life is endangered, it still requires a doctor to focus on the health of the fetus.

Furthermore, this measure will jeopardize a woman's health, her ability to have children in the future, and in the case of rape and incest would force her to bear her abuser's child. Amazingly, the bill even fails to include an exception for young girls who are survivors of rape and incest.

When the American people expect us to focus on putting people back to work, as former Chairman NADLER remarked, this committee again plays politics with women's health. Don't support this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. FRANKS of Arizona. Mr. Speaker, I now yield 1 minute to the gentleman from Ohio (Mr. CHABOT), a senior member of the Judiciary Committee.

Mr. CHABOT. I thank the gentleman for yielding and for his leadership in this area.

Mr. Speaker, last week I became a grandfather for the first time. Seeing that defenseless little child for the first time reminded me just how precious life is and why we're morally obligated to protect it. H.R. 3803 would do just that, putting an end to a cruel practice taking place here in our Nation's capital.

The infamous 1973 Supreme Court decision in Roe v. Wade relied upon medical knowledge that is now obsolete. Recent medical research and testing shows that an unborn child may have the capacity to experience pain starting as early as 20 weeks in the womb. In fact, in the 2004 case of *Carhart v. Ashcroft*, Dr. Sunny Anand was asked whether a fetus would feel pain in a common abortion procedure, dilation and extraction, also known as "dismemberment abortion." He testified: "If the fetus is beyond 20 weeks of gestation, I would assume that there will be pain caused to the fetus, and I believe that it will be severe and excruciating pain." We must stop that, and that's what this legislation would do.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, this legislation is obnoxious for three reasons: Number one, it picks on the District of Columbia because we can, because they are defenseless. We wouldn't do this to any State.

Number two, it is a direct contradiction of *Roe v. Wade*, which says you cannot ban an abortion before viability. And one ignorant judge in Arizona, one far-right judge in Arizona who says that a ban is not a ban, it's only a limitation as long as there's an exemption for the risk of life to the mother, doesn't change the meaning of the English language nor the meaning of the Supreme Court.

And three, it's obnoxious because it says to a woman whose health, whose future fertility, whose health is threatened, we judge that your health is less important than that pregnancy. It's not your decision; it's our decision because we're a bunch of arrogant politicians and you're only a woman who's pregnant, and to heck with you. That's why it's obnoxious.

Mr. FRANKS of Arizona. Mr. Speaker, I now yield 1 minute to the gentleman from Kansas (Mr. HUELSKAMP), a member of the Budget Committee.

Mr. HUELSKAMP. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of this legislation.

As we know, to much of the world, America stands for liberty, for freedom. The Capitol and the White House are recognizable symbols of how Americans have fought and died for the truth: That governments exist to protect our inalienable rights to life and liberty. But just blocks from here, steps away from the White House, abortionists infringe on the rights of society's most vulnerable—the unborn.

While of course we would like to see an end to all abortions, to an end of the taking of all unborn life, today's legislation focuses on protecting the unborn at a time when it is a scientific fact that they are able to feel pain—excruciating pain.

It is cruel, inhumane, and contradictory to this Nation's leadership as the defender and protector of individual liberties to inflict pain knowingly on anyone, let alone a defenseless, unborn child. I ask my colleagues to recognize this fact by supporting this legislation.

Mr. CONYERS. Mr. Speaker, how much time is left?

The SPEAKER pro tempore. The gentleman from Michigan has 2½ minutes remaining, and the gentleman from Arizona has 5 minutes remaining.

Mr. CONYERS. I yield myself 1 minute.

Ladies and gentlemen of the House, when the American people expect us to focus on putting people back to work, we find ourselves again playing politics

with women's health, pandering to the most radical interest groups, and wasting time on divisive social issues, which to some may be good politics, but I would caution my colleagues to remember why we've been sent here.

This war against women cannot continue. The middle class is fighting for its life, workers struggling, and yet we're again putting on this show for the extreme conservatives with an unconstitutional bill that has no chance of becoming law. In fact, for those who are keeping count, this is the second time the majority has brought up a bill restricting access to abortion under a special procedure requiring a two-thirds vote.

Mr. FRANKS of Arizona. Mr. Speaker, I now yield 3 minutes to the gentleman from New Jersey (Mr. SMITH), chairman of the Africa, Global Health, and Human Rights Subcommittee on the Foreign Affairs Committee.

Mr. SMITH of New Jersey. I thank my friend for yielding.

Mr. Speaker, pain—we all dread it, avoid it, even fear it, and go to extraordinary lengths to mitigate its severity and duration. By now, many Americans know that abortion methods are violent and include dismemberment of a child's fragile body, chemical poisoning, and hypodermic needles to the baby's heart. There is nothing humane, benign, or compassionate about abortion. It is violence against children, and it hurts women.

But the relatively new scientific understanding that unborn children are forced to endure excruciating pain in the performance of later-term abortions—and perhaps even earlier—should shock us. Children not only die from abortion; they suffer. This is a wake-up call to all Americans: unborn children feel pain. This highly disturbing fact should further inspire us all to seek to protect these weak and vulnerable children.

Tragically, for the defenseless child in the womb, the D.C. Council voted in 2004 to eviscerate every legal protection afforded unborn children, making abortion on demand legal in D.C. right up until the moment of birth.

The D.C. Pain-Capable Unborn Child Protection Act, authored by my distinguished colleague, TRENT FRANKS, seeks to safeguard at least some of these kids—from 20 weeks onward—from both pain and death.

Of note, today's vote comes on the heels of yesterday's Federal district court decision upholding a similar law in Arizona.

□ 1830

In that decision, the judge said, “by 20 weeks, sensory receptors develop all over the child's body” and “when provided by painful stimuli, such as a needle, the child reacts, as measured by increases in the child's stress hormones, heart rate, and blood pressure.”

Mr. Speaker, the poster to my left depicts a D&E abortion, the most commonly procured method of abortion in later term, a dismemberment abortion. It involves using a long steel tool to grasp and tear off, by brute force, the arms and the legs of the developing child, after which the skull is crushed.

Testifying at the full committee hearing in May, Dr. Anthony Levatino, a former abortionist who has performed many of these D&E abortions said: “Once you have grasped something inside, squeeze on the clamp, set the jaws and pull hard.”

Then he talks about how arms and legs and intestines are all pulled out. Then he said, “Many times a little face may come out and stare back at you. Congratulations! You have just successfully performed a second-trimester abortion.”

This legislation seeks to protect these kids from this horrible cruelty.

Mr. CONYERS. Mr. Speaker, I reserve the balance of my time.

Mr. FRANKS of Arizona. Mr. Speaker, I yield 30 seconds to the gentleman from Ohio (Mrs. SCHMIDT).

Mrs. SCHMIDT. You know, I have heard a lot of debate back and forth, but my friends, this is not about ending abortion. Oh, how I wish it was.

This is about ending late-term abortions in the District of Columbia because of the cruel way that those babies are terminated. The dismemberment, the pain that is caused by those little innocent babies, is contrary to what the Founders of our Constitution wanted for our Nation. That's what this act is about.

We have the right and the authority, because of the Constitution, to do this, to end this very barbaric procedure, and that's why we need to pass this legislation.

Mr. CONYERS. Mr. Speaker, I yield our remaining time to the distinguished delegate from Washington, D.C., ELEANOR HOLMES NORTON.

The SPEAKER pro tempore. The gentleman from the District of Columbia is recognized for 1½ minutes.

Ms. NORTON. Mr. Speaker, almost all abortions in the District of Columbia are performed between six and 10 weeks.

Mr. Speaker, I was denied my request, my request was denied even to testify on this bill, even though this bill affects only residents of my city. I was told that, and I did not insist, that the Democrats had a witness. They had to hear from that witness.

Christy Zink had an abortion at 22 weeks, only after her physician told her that she was carrying a fetus with half a brain and that if it were born alive, it would have constant seizures throughout its life. This bill would not have allowed Christy Zink to have an abortion, and she would have had to carry that fetus to term.

She has now had a healthy baby. She still grieves for the baby she could not

have, but she would never have deserved the punishment that this bill would have inflicted on her.

I ask Members of this House to respect the laws and the women and the residents of the District of Columbia. Let us do what you insist all over the United States be done in your districts.

We differ. Respect our differences, even as I respect yours.

[From the Washington Post, July 27, 2012]

THE KIND OF WOMAN WHO NEEDS A LATE-TERM ABORTION  
(By Christy Zink)

Introduce me to the woman who has an abortion after 20 weeks because she is cruel and heartless. Introduce me to the lazy gal who gets knocked up and ignores her condition until, more than halfway through her pregnancy, she ends it because it has become too darn inconvenient for her selfish lifestyle.

If such a woman exists, I have never met her. Sadly, however, she appears to have influenced the thinking of even savvy, politically informed people in this country. Otherwise, how could they argue that carrying to term is always the right decision late in pregnancy? In fact, the myth of such callous women has been compelling enough to push along a bill that would ban abortion in the District after 20 weeks of pregnancy; the bill was approved this month by the House Judiciary Committee, moving it forward for consideration by the full House, perhaps as soon as Tuesday.

Believing this fabrication of the radical right depends on one's ability to conjure at once a perfectly unfeeling woman and a perfectly healthy child, a stand-in for the much more tragic and complex reality. Meet, instead, a real live, breathing woman who terminated a much-wanted pregnancy at almost 22 weeks, when her baby was found to have severe fetal anomalies of the brain.

My son's condition could not have been detected earlier in the pregnancy. Far from lazy, I was conscientious about prenatal care. I received excellent medical attention from my obstetrician, one of the District's best. Only at our 20-week sonogram were there warning signs, and only with a high-powered MRI did we discover the devastating truth of our son's condition. He was missing the corpus callosum, the central connecting structure of the brain, and essentially one side of his brain.

If he survived the pregnancy and birth, the doctors told us, he would have been born into a life of continuous seizures and near-constant pain. He might never have left the hospital. To help control the seizures, he would have needed surgery to remove more of what little brain matter he had. That was the reality for me and for my family.

Meet, too, the many real women I know who belong to one of the saddest groups in the world: those carrying babies for whom there was no real hope and who made the heartbreaking decision to end their pregnancies for medical reasons. Meet the women among this group who had gotten, they thought, safely to the middle of pregnancy, who had been planning nurseries and filling baby registries, only to find they would need to plan a memorial service and to build, somehow, a life in aftermath.

We are not reckless, ruthless creatures. Our hearts hurt each day for our losses. We mourn. We speak the names and nicknames of each other's babies to one another; we hold each other up on the anniversaries of

our losses, and we celebrate new babies and new accomplishments, all bittersweet because they arrive in the wake of grief. We extend our arms to the women who must join our community, and we lament that our numbers rise every day.

Medical research from the Guttmacher Institute shows that post-21-week terminations make up less than 2 percent of all abortions in this country. Women like me can seem an exception. You also rarely hear stories like mine, because they involve intensely private sorrow and because there is no small amount of shame still associated with terminating a pregnancy, no matter how medically necessary.

The consequences of the House bill, if it becomes law, will be inhumane. If the restrictions in this bill had been the law of the land when my husband and I received our diagnosis, I would have had to carry to term and give birth to a baby who the doctors concurred had no chance of a real life and who would have faced severe, continual pain. The decision my husband and I made to terminate the pregnancy was made out of love—to spare my son pain and suffering.

The ugly politics in this Congress and the sheer number of Republicans mean that this bill will likely pass in the House. I understand any citizen's hesitancy when the issue of the right to middle-term to late-term abortion arises. But I also know from my own experience that this bill would have calamitous ramifications for real women and real families, and that the women it would most affect could never imagine they would need their right to abortion protected in this way.

Women and their families must be able to trust their doctors and retain their access to medical care when they most need it. To make sure that happens, members of the Senate and ordinary people across this country must see through the stereotype of the late-term aborter and see, instead, the true face of a woman who has been in this situation. I extend my hand; it is an honor to make your acquaintance.

Mr. FRANKS of Arizona. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, there was a time in this country and even across the world when protecting little babies from torture was a noble thing.

Mr. Speaker, I've heard my colleagues today call this effort to protect little babies from tortuous pain extremist ideology. And I would just suggest to you, sir, if they are right, then, I, for one, will envy no one that they might call mainstream, because, Mr. Speaker, this bill simply says that we intend, in the seat of freedom in America, where Congress has the ultimate and clear responsibility constitutionally to legislate, that we're going to protect unborn children that have reached the age where they can feel pain.

Mr. Speaker, today, in Washington, D.C., a child can be aborted in labor, and that is not who America is.

Mr. Speaker, I would suggest that if we, in this body, cannot find the courage and the will to protect these little babies from this kind of torture, then I'm not sure that we will ever find the will or the courage to protect any kind of liberty for anyone in this place.

Mr. Speaker, I would suggest to you that there is the will and the courage to do that in this body. I would predict that this body will pass overwhelmingly, by a majority vote, even though we won't maybe meet the suspension rules, but we will pass by an overwhelming number of votes this bill today. I believe it'll be 240, 250 votes, and it will at least demonstrate to the world that there's still a conscience in this place, that we still stand for the commitment to protect little babies that have no other people to protect them.

This is our job here, to protect the rights of the innocent, and by the grace of God we're going to do that.

I yield back the balance of my time.

Mr. CANTOR. Mr. Speaker, I rise today in strong support of the DC Pain-Capable Unborn Child Protection Act. It is simply unfathomable that, other than by the methods banned by federal law, the District of Columbia allows abortion for any reason, by any method up until the moment right before birth. While people may differ on the issue of abortion, Americans overwhelmingly support the notion that abortions should be restricted at the point at which an unborn child can feel pain. And with good reason, the ability to experience pain is one of the traits that makes us human. And the commitment to protect the defenseless from physical acts of violence is one of the hallmarks of humanity.

Science demonstrates that by at least 20 weeks after fertilization, an unborn child can feel pain. In response to this scientific evidence, to date nine states have enacted laws to restrict late-term abortions. Just this week, a judge upheld an Arizona law that does the same thing we're attempting here today, citing the brutal methods used to abort a baby late in a pregnancy and the scientific fact that unborn children have developed pain sensors all over their bodies by at least 20 weeks. It is time to add the District of Columbia to the list of jurisdictions that put an end to the practice of late-term abortions.

Mr. AKIN. Mr. Speaker, I rise today in full support for H.R. 3803, the District of Columbia Pain-Capable Unborn Child Protection Act. This legislation affects the District of Columbia, which, operating under authority delegated by Congress, repealed all limitations on abortion at any stage of pregnancy, effective April 29, 2004.

H.R. 3803 would outlaw abortion in the District of Columbia on an unborn child 20 weeks or more after fertilization, except "if, in reasonable medical judgment, the abortion is necessary to save the life of a pregnant woman whose life is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself," but not including psychological disorders or threats of self-injury.

An unborn child can react to touch merely 8 weeks after fertilization, and after 20 weeks, the child can feel pain. At this 20-week mark, a child will recoil from painful stimuli and show significant increases in stress hormones, and fetal anesthesia is routinely administered to children who undergo surgery while still in the

womb. There is significant medical evidence supporting the child's ability to experience pain at 20 weeks, if not earlier, and the unlimited abortion currently allowed in the District of Columbia is simply inhumane.

I am proud to be an original co-sponsor of H.R. 3803, which is a morally necessary and common-sense piece of legislation, and I support it fully. Additionally, I firmly believe that our nation must protect human life at all stages, and unborn children are no exception. During my time in Congress, I have stood against abortion and supported numerous pieces of pro-life legislation. I am also a member of the Congressional Pro-Life Caucus, and I will continue to fight to protect the lives of the unborn in any way I can.

Mr. HOLT. Mr. Speaker, I rise today in strong opposition to H.R. 3803, which would make abortions performed at 20 weeks gestation or later unlawful in the District of Columbia.

Our first priorities in the House of Representatives must be helping to foster job creation and supporting middle class families.

Instead, the Republicans once again have chosen to take up divisive social issues and continue their war on women with a radical assault on women's health care. This time, we are discussing a bill that would be a dangerous intrusion into the lives of women as well as the governance of the District of Columbia.

Once again, the Majority is asking Congress to play doctor. This bill is an attempt to ban safe, legal, and often medically-necessary abortion services for women in the District of Columbia without the consent of the city's residents or representatives. It seems to me to be even unconstitutional.

Even when the Republicans could have received input from District of Columbia representatives, they refused. Delegate ELEANOR HOLMES NORTON was denied the opportunity to testify during a congressional hearing on this bill that would affect the health and safety of the women in the District of Columbia.

Besides being misguided and offensive, H.R. 3803 is dangerous. This bill has only a narrow exception for the life of the woman. This bill has no exception at all for cases of rape or incest.

It is clear that this legislation is part of a broader strategy to ban abortion everywhere not just in the District of Columbia.

I oppose this anti-choice, anti-woman, and anti-District of Columbia bill and urge my colleagues to vote no on this dangerous piece of legislation.

Ms. HIRONO. Mr. Speaker, I strongly oppose H.R. 3803, yet another assault on women's personal decision making.

In Hawaii, people tell me we should be talking about jobs and working together to get the economy moving. Instead, the House Republican Majority continues its assault on women. Debating divisive social issues isn't going to help our economy or create one single job.

A woman's right to choose is a fundamental freedom—there is no place for politicians in individuals' private medical decisions.

H.R. 3803 restricts access to abortions in the District of Columbia after 20 weeks, regardless of who pays for the procedure. The bill wouldn't even allow for abortion in the

case of rape or incest, makes no exception for a woman's health, and would require a woman to carry a nonviable fetus to term.

A woman shouldn't need to ask a politician for permission to make private medical decisions. H.R. 3803 would let politicians tell women what to do.

I urge my colleagues to oppose this bill and get to work on the real issues people in Hawaii are most concerned about right now, creating jobs and moving our economy forward.

Mr. MACK. Mr. Speaker, today the House of Representatives is taking action to protect the most vulnerable children in our nation's capital. H.R. 3803, the "District of Columbia Pain-Capable Unborn Child Protection Act," would limit the District's extreme policy of allowing abortion for any reason, at any time, up until the moment of birth. Based on substantial research showing that a child has the capacity to feel pain starting at 20 weeks of development, we cannot in good conscience allow the District's policy of permitting late-term abortions to stand. Although Congress has repeatedly prohibited the use of taxpayer money for abortions in the capital, the District currently has one of the most far-reaching abortion policies in the nation, permitting abortion on demand throughout all nine months of pregnancy.

H.R. 3803 would ban abortions of pain-capable unborn children except to save the life of the mother. Under the Constitution, Congress and the President have ultimate responsibility for the governance of the capital, as Article I, Section 8, states that "Congress shall . . . exercise exclusive legislation in all cases whatsoever, over such District." As a member of Congress who believes in the sanctity of human life, I am a strong supporter and co-sponsor of this important legislation. I deeply regret that I must miss the vote on final passage, and would have proudly voted yes.

Mr. MARCHANT. Mr. Speaker, I rise today in support of H.R. 3803, the District of Columbia Pain-Capable Unborn Child Protection Act, authored by my colleague, Congressman TRENT FRANKS. I am an original cosponsor of this bill that would prohibit abortions in Washington, DC, after 20 weeks of pregnancy, except when the mother's life is at risk. I am proud that a majority of the U.S. House of Representatives has joined me and cosponsored this bill.

Ample scientific evidence shows that at 20 weeks, fetuses can feel pain. Think about that for a moment. They feel it.

This is especially upsetting because most late-term abortions involve procedures that are particularly heinous. Yet the Washington, DC, government allows abortions at any time for any reason, up until the moment of birth. This is unconscionable. The vast majority of Americans do not support a policy of "abortion on demand" after the point at which fetuses can feel pain. I urge my colleagues to join me in supporting H.R. 3803, the District of Columbia Pain-Capable Unborn Child Protection Act.

Mr. FARR. Mr. Speaker, the majority claims that there is no war on women, but here is yet another example of their attempt to restrict women's access to reproductive health care. H.R. 3803 is quite simply another attempt by anti-choice Republicans to reverse the freedoms women have gained over the last sev-

eral decades regarding reproductive choice in health care.

Once again, the majority has sought to restrict women's access to reproductive healthcare by threatening doctors with prison (two years) and other penalties if they perform abortions after 20 weeks. With doctors fearful of yet even more restrictions to their practice, many will simply refuse to treat women who want to obtain a safe and legal abortion, thus achieving the majority's intended goal.

Unbelievably, this bill also allows the woman who obtains the abortion, the father, or the maternal grandparents to press civil charges against the doctor! In addition, there are no exceptions to this ban for rape, incest, fetal anomaly, or a woman's health, and with only a narrow exception for a woman's life. This bill also uses the term "unborn child" which is a very slippery slope.

The fact that H.R. 3803 is blatantly unconstitutional has been over-looked by the majority. It clearly violates two Supreme Court decisions regarding pre-viability and exceptions for a woman's life and health.

There can be no doubt about the national implications of a bill with D.C.'s name on it as a cover for attacking the reproductive rights of the Nation's women. The citizen's of the District of Columbia are being unfairly attacked. It is absolutely shameful that the sponsors of this legislation are trying to impose their will on the women of D.C. because they know for a fact they could not pass this policy at the national level.

Mr. Speaker, H.R. 3803 is just another attempt by the majority to wage a war upon women—unfortunately, this time it is directed at residents of the District of Columbia.

Mr. GOODLATTE. Mr. Speaker, H.R. 3803 would prevent abortions of unborn children who are more than 20 weeks after fertilization—the age at which scientific evidence shows that they can feel great pain.

This bill will prevent brutal, late term abortion procedures, including one in which unborn children are mutilated and dismembered while they are still alive. Only the most calloused among us can hear the description of these types of procedures and not react with disgust.

I strongly believe that life begins at conception, and that we should protect the lives of innocent unborn children. I wish this bill went even further, but the absolute least we can do is ban abortion when we know the unborn children experience great pain. I urge support of this important legislation.

Mr. VAN HOLLEN. Mr. Speaker, I rise today in opposition to H.R. 3803, which unfairly targets the District of Columbia for a prohibition on abortions after 20 weeks, with no exception to protect a woman's health. This bill is simply another in a long line of attempts by House GOP to undermine a woman's fundamental right to choose.

H.R. 3803 directly contradicts *Roe v. Wade* by prohibiting pre-viability abortions and making no exception to protect a woman's health. The narrow exception in this bill that allows for an abortion when it's necessary to save a woman's life is completely inadequate. H.R. 3803 does not include an exception for abortions that would prevent severe harm to a woman's health, or for survivors of incest or rape.



Finally, the nature of this legislation derides the democratic process by empowering politicians to make health decisions for citizens that they do not represent. The singling out of District citizens—who have never had the opportunity to elect a voting Member of this body—is a cynical move that ignores their wishes and undermines the locally elected City Council and Mayor. I urge my colleagues to oppose this misguided legislation.

Ms. CLARKE of New York. Mr. Speaker, today I rise to applaud, yes applaud, my Republican colleagues, who voted with the Democrats to reject the anti-choice legislation H.R. 3803 D.C., the 20 Week Abortion Ban Bill. This bill was rejected by a vote of 220 to 154.

Had it passed, H.R. 3803 would have contained no exception for rape or incest, for medically futile pregnancies, or for the health of the woman—forcing pregnant women facing medical complications to wait until their conditions become life-threatening before termination of the pregnancy becomes an option. Additionally, under this piece of legislation, doctors could face two years in prison and fines of up to \$250,000 for performing abortions and could be sued by their patients or their patients' families.

This bill would have not only harmed women, but also is unconstitutional since this legislation absolutely goes against current law as established in 1973 by *Roe v. Wade*. Herein lies the irony of the bill, Republicans, especially those who are members of the Tea Party, constantly espouse their support and respect for the law, yet they conveniently forget the fact that *Roe v. Wade* is the law of the land. Trying to circumvent that law, which this bill attempted to do, is in fact unconstitutional.

My colleague Delegate ELEANOR HOLMES NORTON, who is the only duly elected representative for Washington, D.C. in Congress, was even denied an opportunity to testify during a hearing on this bill. Even the Republicans know that this bill is a travesty of justice!

No matter what a person believes about abortion, everyone can agree that we should reduce the number of unintended pregnancies and the need for abortions. Abortion should be a last option, not a form of birth control. In order to reduce the demand for abortion, we must provide our children with comprehensive sex education and access to safe and affordable health care and birth control.

Since the Republicans want to deny women their right to choose, why not do something so that most women will not have to be put in a situation where they have to choose. So, I ask my Republican colleagues to join me in supporting the implementation of the Affordable Care Act, which will provide the needed access to affordable health care and contraceptives and in doing so, not put women in the position where they have to consider abortion.

Mr. QUAYLE. Mr. Speaker, earlier this week the House voted on H.R. 3803, the District of Columbia Pain-Capable Unborn Child Protection Act that was introduced by my colleague from Arizona, Representative TRENT FRANKS. This bill would generally prohibit abortions, except in cases where the mother is at risk, 20 weeks after fertilization, the point at which studies have shown an unborn child has the capacity to feel pain.

I strongly believe that we have a moral obligation to protect life and defend those who cannot defend themselves. Recognizing the gruesome nature of late stage abortions, nine states, including my home State of Arizona, have enacted laws to restrict this procedure.

While I'm disappointed that we failed to secure the two-thirds vote necessary to pass H.R. 3803 this week, I was heartened that a majority of my colleagues in the House stood to protect the unborn. This week's vote has only strengthened my resolve to continue to advocate for pro-life policies to hasten the day when all life is valued and treated as a gift.

Ms. BERKLEY. Mr. Speaker, I rise in opposition to H.R. 3803, the District of Columbia Pain-Capable Unborn Child Protection Act. Although nine other states have passed similar abortion bans, this is the first attempt to pass a law of this kind on a federal level. However, even the nine state laws include at least a narrow exception to protect women's health. This bill unfairly singles out the District of Columbia, but more importantly it lacks any health exceptions to the ban. Pregnancy can become dangerous, sometimes even life-threatening. This bill fails to provide women with necessary health exceptions to save their lives or their ability to have children in the future.

In addition to not protecting women who are pregnant, H.R. 3803 fails to provide exceptions in instances of rape or incest, even when it involves young girls. About 25,000 women become pregnant due to rape each year and about 30 percent of rape cases involve women under 18. This bill falls short in providing the necessary protections for these women.

I would have voted against H.R. 3803. Unfortunately my plane was delayed due to weather coming in to Washington, DC, causing me to miss the vote. I have been a strong supporter for women's health in the past and I plan to continue to do so.

Ms. BORDALLO. Mr. Speaker, as a society we must work to ensure that lives of those who are unable to protect themselves are safeguarded; however elected leaders also have an obligation to ensure that laws which are passed, especially at the national level, allow for public input by the people they affect.

I strongly agree with the underlying intent of H.R. 3803, the District of Columbia Pain-Capable Unborn Child Protection Act, to prevent the termination of lives of the most vulnerable in our society—that of unborn children. H.R. 3803 would prohibit abortions after 20 weeks of pregnancy, except when an acute physical condition endangers the life of the mother. The bill further requires that any termination of pregnancy be done in a manner that provides the best conditions for the unborn child to survive.

I am, however, concerned with the process used to develop and publicly debate the bill. Further, I am concerned about the impact it has on home rule for the District of Columbia. Congress has delegated much authority to the D.C. government to establish policies that reflect the needs of those who live here. But H.R. 3803, which only affects Washington, D.C., would implement this abortion ban without the input of D.C. residents and Congresswoman ELEANOR HOLMES NORTON who represents the people of the District of Columbia in the United States Congress.

resents the people of the District of Columbia in the United States Congress.

I believe that the United States should enact strong policies that recognize and protect the sanctity of human life. However if Congress wants to make meaningful progress to achieve this, legislation should consider the views of those impacted by the legislation and not ignore their points of view or concerns.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. FRANKS) that the House suspend the rules and pass the bill, H.R. 3803, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. FRANKS of Arizona. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

S. 679, by the yeas and nays;

H.R. 828, by the yeas and nays;

H.R. 3803, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

#### PRESIDENTIAL APPOINTMENT EFFICIENCY AND STREAMLINING ACT OF 2011

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (S. 679) to reduce the number of executive positions subject to Senate confirmation, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CHAFFETZ) that the House suspend the rules and pass the bill.

The vote was taken by electronic device, and there were—yeas 261, nays 116, not voting 54, as follows:

[Roll No. 537]

YEAS—261

Ackerman	Bass (NH)	Bono Mack
Altmire	Becerra	Boren
Amodei	Berman	Boswell
Andrews	Biggert	Brady (PA)
Baca	Bilbray	Brady (TX)
Bachus	Bishop (NY)	Braley (IA)
Barber	Blumenauer	Brown (FL)
Barrow	Bonamici	Butterfield
Bass (CA)	Bonner	Calvert



Camp  
Cantor  
Capito  
Capps  
Capuano  
Carney  
Carson (IN)  
Carter  
Castor (FL)  
Chaffetz  
Chandler  
Chu  
Cicilline  
Clarke (MI)  
Clarke (NY)  
Clay  
Clever  
Clyburn  
Cohen  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Cravaack  
Critz  
Crowley  
Cuellar  
Cummings  
Davis (CA)  
Davis (IL)  
Davis (KY)  
DeFazio  
DeLauro  
Dent  
Deutch  
Diaz-Balart  
Dingell  
Dold  
Donnelly (IN)  
Doyle  
Dreier  
Edwards  
Ellison  
Ellmers  
Engel  
Eshoo  
Farr  
Fattah  
Fincher  
Flake  
Frank (MA)  
Franks (AZ)  
Frelinghuysen  
Fudge  
Gallegly  
Garamendi  
Gonzalez  
Goodlatte  
Granger  
Graves (MO)  
Green, Al  
Green, Gene  
Griffith (VA)  
Grijalva  
Grimm  
Guinta  
Guthrie  
Gutierrez  
Hahn  
Hanabusa  
Harper  
Hastings (FL)  
Hastings (WA)  
Heck  
Hensarling  
Herger  
Himes  
Hinchey

Hinojosa  
Hochul  
Holden  
Holt  
Honda  
Hoyer  
Hultgren  
Hunter  
Hurt  
Israel  
Issa  
Johnson, E. B.  
Johnson, Sam  
Keating  
Kildee  
Kind  
King (NY)  
Kingston  
Kinzinger (IL)  
Kissell  
Langevin  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Lee (CA)  
Levin  
Lewis (CA)  
Lipinski  
LoBiondo  
Loebach  
Lofgren, Zoe  
Long  
Lowey  
Lujan  
Lungren, Daniel E.  
Lynch  
Maloney  
Markey  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McHenry  
McIntyre  
McKeon  
McMorris  
McNerney  
Meehan  
Meeks  
Michaud  
Miller (MI)  
Miller (NC)  
Miller, George  
Moran  
Murphy (CT)  
Myrick  
Nadler  
Napolitano  
Neal  
Nunes  
Oliver  
Owens  
Pallone  
Pascarelli  
Pelosi  
Perlmuter  
Peters  
Petri  
Pingree (ME)  
Platts  
Polis  
Price (GA)  
Price (NC)  
Quigley

## NAYS—116

Adams  
Aderholt  
Amash  
Austria  
Bachmann  
Barletta  
Bartlett  
Barton (TX)  
Berg  
Bilirakis  
Bishop (UT)  
Black  
Blackburn

Boustany  
Brooks  
Buchanan  
Bucshon  
Buerkle  
Burgess  
Burton (IN)  
Canseco  
Chabot  
Coble  
Coffman (CO)  
Cole  
Conaway

Rahall  
Rangel  
Reed  
Reichert  
Reyes  
Richardson  
Rivera  
Roby  
Rogers (AL)  
Rogers (MI)  
Rokita  
Ros-Lehtinen  
Roskam  
Ross (AR)  
Rothman (NJ)  
Roybal-Allard  
Runyan  
Ruppersberger  
Ryan (OH)  
Ryan (WI)  
Sanchez, Linda T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schock  
Schradler  
Schwartz  
Scott (SC)  
Scott (VA)  
Scott, David  
Sensenbrenner  
Serrano  
Sessions  
Sewell  
Sherman  
Shimkus  
Shuler  
Shuster  
Simpson  
Sires  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Speier  
Stark  
Stivers  
Sullivan  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiberi  
Tierney  
Tipton  
Tonko  
Tsongas  
Turner (NY)  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walden  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Welch  
Whitfield  
Wilson (FL)  
Woolsey  
Yarmuth  
Young (AK)

Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gohmert  
Gosar  
Graves (GA)  
Griffin (AR)  
Hall  
Harris  
Hartzler  
Herrera Beutler  
Huelskamp  
Jenkins  
Johnson (OH)  
Jones  
Kelly  
King (IA)  
Kline  
Lamborn  
Lance  
Landry  
Lankford  
Latta  
Lucas

Akin  
Alexander  
Baldwin  
Benishek  
Berkley  
Bishop (GA)  
Broun (GA)  
Campbell  
Cardoza  
Carnahan  
Cassidy  
Crenshaw  
DeGette  
DesJarlais  
Dicks  
Doggett  
Duffy  
Filner  
Fleming

Luetkemeyer  
Lummis  
Manzullo  
Marchant  
Marino  
McClintock  
McKinley  
Mica  
Miller (FL)  
Miller, Gary  
Mulvaney  
Murphy (PA)  
Neugebauer  
Nugent  
Nunnelee  
Olson  
Palazzo  
Paulsen  
Pearce  
Peterson  
Pitts  
Poe (TX)  
Pompeo  
Posey  
Quayle  
Rehberg

## NOT VOTING—54

Gingrey (GA)  
Gowdy  
Hanna  
Hayworth  
Heinrich  
Higgins  
Hirono  
Huizenga (MI)  
Jackson (IL)  
Jackson Lee  
(TX)  
Johnson (GA)  
Johnson (IL)  
Jordan  
Kaptur  
Kucinich  
Labrador  
Lewis (GA)  
Mack

## □ 1906

Mrs. EMERSON, Messrs. LANCE, HALL, Ms. HERRERA BEUTLER, Messrs. ROYCE, NUGENT, GERLACH, SOUTHERLAND, OLSON, and CULBERSON changed their vote from “yea” to “nay.”

Messrs. GUTHRIE, FINCHER, BRADY of Texas, SMITH of New Jersey, Mrs. MILLER of Michigan, Messrs. FRELINGHUYSEN, WHITFIELD, Ms. SPEIER, Messrs. LOBIONDO, HURT, GOODLATTE, Mrs. ROBY, Messrs. GRIFFITH of Virginia, HULTGREN, BACHUS, KINZINGER of Illinois, FRANKS of Arizona, SENSENBRENNER, BASS of New Hampshire, HUNTER, REED, GRIMM, Mrs. ELLMERS, Messrs. WALDEN, HASTINGS of Washington, KINGSTON, GUINTA, ROKITA, GRAVES of Missouri, DANIEL E. LUNGREN of California, SCOTT of South Carolina, LONG, STIVERS, HERGER, WELCH, and MEEHAN changed their vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 537, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “yea.”

FEDERAL EMPLOYEE TAX  
ACCOUNTABILITY ACT OF 2012

The SPEAKER pro tempore (Mr. SCHOCK). The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 828) to amend title 5, United States Code, to provide that persons having seriously delinquent tax debts shall be ineligible for Federal employment, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CHAFFETZ) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 263, nays 114, not voting 54, as follows:

[Roll No. 538]

## YEAS—263

Adams	Dreier	Kissell
Aderholt	Duncan (SC)	Kline
Amash	Duncan (TN)	Lamborn
Amodei	Ellmers	Lance
Austria	Emerson	Landry
Bachmann	Eshoo	Lankford
Bachus	Farenthold	Latham
Barletta	Farr	Latta
Barrow	Fincher	Lewis (CA)
Bartlett	Fitzpatrick	Lipinski
Barton (TX)	Flake	Loebach
Bass (NH)	Fleischmann	Lofgren, Zoe
Berg	Flores	Long
Berman	Forbes	Lucas
Biggert	Fortenberry	Luetkemeyer
Bilbray	Fox	Lummis
Bilirakis	Franks (AZ)	Lungren, Daniel E.
Bishop (UT)	Frelinghuysen	
Black	Gallegly	Maloney
Blackburn	Garamendi	Manzullo
Blumenauer	Gardner	Marchant
Bonner	Garrett	Marino
Bono Mack	Gerlach	Matheson
Boren	Gibbs	Matsui
Boustany	Gibson	McCarthy (CA)
Brady (TX)	Gohmert	McClintock
Brooks	Gonzalez	McCollum
Buchanan	Goodlatte	McHenry
Bucshon	Gosar	McIntyre
Buerkle	Granger	McKeon
Burgess	Graves (GA)	McKinley
Burton (IN)	Graves (MO)	McMorris
Calvert	Green, Al	Rodgers
Camp	Green, Gene	McNerney
Canseco	Griffin (AR)	Meehan
Cantor	Griffith (VA)	Mica
Capito	Guinta	Miller (FL)
Capps	Guthrie	Miller (MI)
Carney	Hall	Miller (NC)
Carter	Harper	Miller, Gary
Chabot	Harris	Miller, George
Chaffetz	Hartzler	Mulvaney
Chandler	Hastings (WA)	Murphy (CT)
Coble	Hayworth	Murphy (PA)
Coffman (CO)	Heck	Myrick
Cole	Hensarling	Neugebauer
Conaway	Herger	Nugent
Cooper	Herrera Beutler	Nunes
Costa	Himes	Nunnelee
Costello	Hochul	Olson
Cravaack	Huelskamp	Owens
Crawford	Hultgren	Palazzo
Critz	Hunter	Paulsen
Cuellar	Hurt	Pearce
Culberson	Issa	Peters
Davis (CA)	Jenkins	Peterson
Davis (KY)	Johnson (OH)	Petri
DeFazio	Johnson, Sam	Pitts
Denham	Jones	Platts
Dent	Kelly	Poe (TX)
Diaz-Balart	Kind	Polis
Dingell	King (IA)	Pompeo
Dold	Kingston	Posey
Donnelly (IN)	Kinzinger (IL)	Price (GA)

Quayle  
Quigley  
Rahall  
Reed  
Rehberg  
Reichert  
Ribble  
Rigell  
Rivera  
Robby  
Roe (TN)  
Rogers (AL)  
Rogers (MI)  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (AR)  
Ross (FL)  
Rothman (NJ)  
Royce  
Runyan  
Ryan (OH)  
Ryan (WI)  
Sanchez, Loretta

Scalise  
Schiff  
Schilling  
Schmidt  
Schock  
Schwartz  
Schweikert  
Scott (SC)  
Sensenbrenner  
Sessions  
Shimkus  
Shuler  
Shuster  
Simpson  
Smith (NE)  
Smith (TX)  
Southerland  
Speier  
Stark  
Stearns  
Stutzman  
Sullivan  
Terry  
Thompson (CA)  
Thompson (PA)

Thornberry  
Tiberi  
Tierney  
Tipton  
Tsongas  
Turner (NY)  
Turner (OH)  
Upton  
Visclosky  
Walden  
Walsh (IL)  
Webster  
West  
Whitfield  
Wilson (FL)  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yarmuth  
Yoder  
Young (FL)

## NAYS—114

Ackerman  
Altmire  
Andrews  
Baca  
Barber  
Bass (CA)  
Becerra  
Bishop (NY)  
Bonamici  
Boswell  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Butterfield  
Capuano  
Carson (IN)  
Castor (FL)  
Chu  
Cicilline  
Clarke (MI)  
Clarke (NY)  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly (VA)  
Conyers  
Courtney  
Crowley  
Cummings  
Davis (IL)  
DeLauro  
Deutch  
Doyle  
Edwards  
Ellison  
Engel  
Fattah  
Frank (MA)

Fudge  
Grijalva  
Grimm  
Gutierrez  
Hahn  
Hanabusa  
Hastings (FL)  
Hinche  
Hinojosa  
Holden  
Holt  
Honda  
Hoyer  
Israel  
Johnson, E. B.  
Keating  
Kildee  
King (NY)  
Langevin  
Larsen (WA)  
Larson (CT)  
LaTourette  
Lee (CA)  
Levin  
LoBiondo  
Lowey  
Lujan  
Lynch  
Markey  
McCarthy (NY)  
McDermott  
McGovern  
Meeks  
Michaud  
Moran  
Nadler  
Napolitano  
Neal  
Oliver

Pallone  
Pascarelli  
Pelosi  
Perlmutter  
Pingree (ME)  
Price (NC)  
Rangel  
Reyes  
Richardson  
Roybal-Allard  
Ruppersberger  
Sanchez, Linda  
T.  
Sarbanes  
Schakowsky  
Schrader  
Scott (VA)  
Scott, David  
Serrano  
Sewell  
Sherman  
Sires  
Slaughter  
Smith (NJ)  
Smith (WA)  
Thompson (MS)

## NOT VOTING—54

Akin  
Alexander  
Baldwin  
Benishak  
Berkley  
Bishop (GA)  
Broun (GA)  
Campbell  
Cardoza  
Carnahan  
Cassidy  
Crenshaw  
DeGette  
DesJarlais  
Dicks  
Doggett  
Duffy  
Filner  
Fleming

Gingrey (GA)  
Gowdy  
Hanna  
Heinrich  
Higgins  
Hirono  
Huizenga (MI)  
Jackson (IL)  
Jackson Lee  
(TX)  
Johnson (GA)  
Johnson (IL)  
Jordan  
Kaptur  
Kucinich  
Labrador  
Lewis (GA)  
Mack  
McCauley

Moore  
Noem  
Pastor (AZ)  
Paul  
Pence  
Renacci  
Richmond  
Rogers (KY)  
Rohrabacher  
Burton (IN)  
Rush  
Scott, Austin  
Stivers  
Sutton  
Towns  
Walberg  
Westmoreland  
Young (IN)

□ 1913

Ms. WATERS and Mr. PALLONE changed their vote from “yea” to “nay.”

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 538, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “nay.”

## DISTRICT OF COLUMBIA PAIN-CAPABLE UNBORN CHILD PROTECTION ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 3803) to amend title 18, United States Code, to protect pain-capable unborn children in the District of Columbia, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. FRANKS) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 220, nays 154, answered “present” 2, not voting 55, as follows:

[Roll No. 539]

## YEAS—220

Adams  
Aderholt  
Altmire  
Amash  
Amodei  
Austria  
Bachmann  
Bachus  
Barletta  
Bartlett  
Barton (TX)  
Berg  
Bilbray  
Bilirakis  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Boren  
Boustany  
Brady (TX)  
Brooks  
Buchanan  
Bucshon  
Buckle  
Burgess  
Burton (IN)  
Calvert  
Camp  
Canseco  
Cantor  
Capito  
Carter  
Chabot  
Chaffetz  
Coble  
Coffman (CO)  
Cole  
Conaway  
Costello  
Cravack  
Crawford  
Critz  
Cuellar

Culberson  
Davis (KY)  
Denham  
Diaz-Balart  
Donnelly (IN)  
Duncan (SC)  
Duncan (TN)  
Ellmers  
Emerson  
Farenthold  
Fincher  
Fitzpatrick  
Flake  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gohmert  
Goodlatte  
Gosar  
Granger  
Graves (MO)  
Griffith (AR)  
Griffith (VA)  
Grimm  
Guinta  
Guthrie  
Hall  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Heck  
Hensarling

Herger  
Herrera Beutler  
Holden  
Huelskamp  
Hultgren  
Hunter  
Hurt  
Issa  
Jenkins  
Johnson (OH)  
Johnson, Sam  
Jones  
Kelly  
Kildee  
King (IA)  
King (NY)  
Kinston  
Kinzinger (IL)  
Kissell  
Kline  
Lamborn  
Lance  
Landry  
Langevin  
Lankford  
Latham  
Latta  
Lewis (CA)  
Lipinski  
LoBiondo  
Long  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Manzullo  
Marchant  
Marino  
Matheson  
McCarthy (CA)  
McClintock  
McHenry  
McIntyre

McKeon  
McKinley  
McMorris  
Rodgers  
Meehan  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mulvaney  
Murphy (PA)  
Myrick  
Neugebauer  
Nugent  
Nunes  
Nunnelee  
Olson  
Palazzo  
Paulsen  
Pearce  
Peterson  
Petri  
Schmidt  
Pitts  
Platts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Quayle  
Rahall

Ackerman  
Andrews  
Baca  
Barber  
Barrow  
Bass (CA)  
Bass (NH)  
Becerra  
Berman  
Biggart  
Bishop (NY)  
Blumenauer  
Bonamici  
Bono Mack  
Boswell  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Butterfield  
Capps  
Capuano  
Carney  
Carson (IN)  
Castor (FL)  
Chandler  
Chu  
Cicilline  
Clarke (MI)  
Clarke (NY)  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Courtney  
Crowley  
Cummings  
Davis (CA)  
Davis (IL)  
DeFazio  
DeLauro  
Dent  
Deutch  
Dingell  
Dold  
Doyle  
Dreier  
Edwards  
Ellison

Reed  
Rehberg  
Reichert  
Ribble  
Rigell  
Rivera  
Robby  
Roe (TN)  
Rogers (AL)  
Rogers (MI)  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (AR)  
Ross (FL)  
Royce  
Runyan  
Ryan (WI)  
Scalise  
Schilling  
Schmidt  
Schock  
Schweikert  
Scott (SC)  
Sensenbrenner  
Sessions  
Shimkus  
Shuler  
Shuster

## NAYS—154

Engel  
Eshoo  
Farr  
Fattah  
Fudge  
Garamendi  
Gonzalez  
Green, Al  
Green, Gene  
Grijalva  
Gutierrez  
Hahn  
Hanabusa  
Hastings (FL)  
Himes  
Hinche  
Hinojosa  
Hochul  
Holt  
Honda  
Hoyer  
Israel  
Johnson, E. B.  
Keating  
Kind  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Loebach  
Lofgren, Zoe  
Lowey  
Lynch  
Maloney  
Markey  
Matsui  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McNerney  
Meeks  
Michaud  
Miller (NC)  
Miller, George  
Moran  
Murphy (CT)  
Nadler  
Napolitano  
Neal  
Oliver  
Owens

## ANSWERED “PRESENT”—2

Hayworth

LaTourette

## NOT VOTING—55

Akin  
Alexander  
Baldwin  
Benishak  
Berkley  
Bishop (GA)

Broun (GA)  
Campbell  
Cardoza  
Carnahan  
Cassidy  
Crenshaw

Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southernland  
Stearns  
Stivers  
Stutzman  
Sullivan  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner (NY)  
Turner (OH)  
Upton  
Walden  
Walsh (IL)  
Webster  
West  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Young (AK)  
Young (FL)

Pallone  
Pascarelli  
Pelosi  
Perlmutter  
Peters  
Pingree (ME)  
Polis  
Price (NC)  
Quigley  
Rangel  
Reyes  
Richardson  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Ryan (OH)  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schrader  
Schwartz  
Scott (VA)  
Scott, David  
Serrano  
Sewell  
Sherman  
Sires  
Slaughter  
Smith (WA)  
Speier  
Stark  
Thompson (CA)  
Thompson (MS)  
Tierney  
Tonko  
Tsongas  
Van Hollen  
Velázquez  
Visclosky  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Welch  
Wilson (FL)  
Woolsey  
Yarmuth

Frank (MA)	Johnson (IL)	Pence
Gingrey (GA)	Jordan	Renacci
Gowdy	Kaptur	Richmond
Graves (GA)	Kucinich	Rogers (KY)
Hanna	Labrador	Rohrabacher
Heinrich	Lewis (GA)	Rush
Higgins	Lujan	Scott, Austin
Hirono	Mack	Sutton
Huizenga (MI)	McCauley	Towns
Jackson (IL)	Moore	Walberg
Jackson Lee	Noem	Westmoreland
(TX)	Pastor (AZ)	Young (IN)
Johnson (GA)	Paul	

□ 1920

So (two-thirds not being in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 539, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "nay."

#### PERSONAL EXPLANATION

Mr. DESJARLAIS. Mr. Speaker, due to impending weather affecting flight schedules, my arrival into Washington was delayed this evening. I was unable to cast a vote on rollcall votes No. 537 (S. 679), No. 538 (H.R. 828), and No. 539 (H.R. 3803). Had I been present, I would have voted "nay" on the first vote and "aye" on the following two votes.

#### REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3009

Mr. ROSS of Florida. Mr. Speaker, I ask unanimous consent to remove my name as cosponsor of H.R. 3009.

The SPEAKER pro tempore (Mr. HUELSKAMP). Is there objection to the request of the gentleman from Florida?

There was no objection.

#### ADAM WALSH REAUTHORIZATION ACT OF 2012

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3796) to reauthorize certain programs established by the Adam Walsh Child Protection and Safety Act of 2006, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3796

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Adam Walsh Reauthorization Act of 2012".

#### SEC. 2. SEX OFFENDER MANAGEMENT ASSISTANCE (SOMA) PROGRAM REAUTHORIZATION.

Section 126(d) of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16926(d)) is amended to read as follows:

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General \$20,000,000 for each of the fiscal years 2013 through 2017, to be available only for—

"(1) the SOMA program; and

"(2) the Jessica Lunsford Address Verification Grant Program established under section 631."

#### SEC. 3. REAUTHORIZATION OF FEDERAL ASSISTANCE WITH RESPECT TO VIOLATIONS OF REGISTRATION REQUIREMENTS.

Section 142(b) of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16941(b)) is amended by striking "such sums as may be necessary for fiscal years 2007 through 2009" and inserting "\$46,200,000 for each of the fiscal years 2013 through 2017".

#### SEC. 4. DURATION OF SEX OFFENDER REGISTRATION REQUIREMENTS FOR CERTAIN JUVENILES.

Subparagraph (B) of section 115(b)(2) of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16915(b)(2)) is amended by striking "25 years" and inserting "15 years".

#### SEC. 5. PUBLIC ACCESS TO JUVENILE SEX OFFENDER INFORMATION.

Section 118(c) of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16918(c)) is amended—

(1) by striking "and" after the semicolon in paragraph (3);

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following:

"(4) any information about a sex offender for whom the offense giving rise to the duty to register was an offense for which the offender was adjudicated delinquent (or otherwise convicted) as a juvenile; and"

#### SEC. 6. PROTECTION OF LOCAL GOVERNMENTS FROM STATE NONCOMPLIANCE PENALTY UNDER SORNA.

Section 125(a) of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16925(a)) is amended by striking "shall not receive" and all that follows and inserting "shall return to the Attorney General (for reallocation in accordance with subsection (c)), from the funds allocated to the jurisdiction for that fiscal year under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.), 10 percent of the amount the jurisdiction may retain under paragraph (1) of section 505(c) of such Act (42 U.S.C. 3755(c))."

#### SEC. 7. COMPREHENSIVE EXAMINATION OF SEX OFFENDER ISSUES.

Section 634(c) of the Adam Walsh Child Protection and Safety Act of 2006 is amended by adding at the end the following new paragraph:

"(3) ADDITIONAL REPORT.—Not later than one year after the date of enactment of the Adam Walsh Reauthorization Act of 2012, the National Institute of Justice shall submit to Congress a report on the public safety impact, recidivism, and collateral consequences of long-term registration of juvenile sex offenders, based on the information collected for the study under subsection (a) and any other information the National Institute of Justice determines necessary for such report."

#### SEC. 8. JUVENILE SEX OFFENDER TREATMENT GRANTS REAUTHORIZATION.

Section 3012(c) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797ee-1(c)) is amended by striking "\$10,000,000 for each of fiscal years 2007 through 2009 to carry out this part" and inserting "\$2,979,000 for each of the fiscal years 2013 through 2017 to carry out this section".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

#### GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 3796, as amended, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Adam Walsh Child Protection and Safety Act was enacted in 2006 to honor the victims of several violent crimes against children, including Adam Walsh, a 7-year-old boy who was abducted from a store where his mother was shopping in July 1981 and found murdered just 2 weeks later.

This important legislation is primarily known for its efforts to create a national sex offender registry.

The Sex Offender Registration and Notification Act, or SORNA, created a more uniform system of sex offender registries throughout the country by providing minimum standards that each State must meet.

In addition to SORNA, the Adam Walsh Act made the U.S. Marshals Service responsible for the apprehension of both Federal and State fugitive sex offenders, as well as for the investigation of sex offender registry violations. The Marshals Service apprehended over 11,000 fugitive sex offenders in 2010 alone.

H.R. 3796, the Adam Walsh Reauthorization Act of 2012, introduced by Crime Subcommittee Chairman JIM SENSENBRENNER, reauthorizes the two key programs created by the Adam Walsh Act. It provides funding for the U.S. Marshals' sex offender apprehension activities and gives grants to States and other jurisdictions to implement the national sex offender registry requirements. These two programs are reauthorized for 5 years at amounts that reflect the fiscal year 2012 appropriation levels.

The original Adam Walsh Act contained over 20 different programs and was scored at approximately \$1.5 billion over 5 years. By contrast, H.R. 3796 is targeted, fiscally responsible legislation that only reauthorizes the act's most primary programs at an estimated cost of less than \$300 million over the same period.

I thank Mr. SENSENBRENNER for his leadership on this bill, and I urge my colleagues to join me in support of H.R. 3796.

I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in regard to H.R. 3796, the Adam Walsh Reauthorization Act of 2012. H.R. 3796 authorizes various

grant programs originally established pursuant to the Adam Walsh Child Protection and Safety Act of 2006.

While I support reauthorizing these programs, I am concerned about what is missing from H.R. 3796. Unfortunately, the bill fails to address the many problems that the States and Indian tribes have encountered in implementing the Sex Offender Registration and Notification Act, known as SORNA, which is one of the provisions of the original Adam Walsh Act. So far, only 15 States have been found by the Attorney General to be in compliance.

Years before SORNA became law, many States had developed their own sex offender registries and dedicated substantial resources and research to develop effective sex offender management systems. To ignore these efforts in favor of SORNA'S prescriptive "one size fits all" system is not only wasteful, but it could adversely affect public safety. I offered 10 amendments in the full committee markup of the bill seeking to provide States and tribes with more flexibility to cost effectively manage sex offenders and to more fully comply with SORNA. Despite the committee's failure to adopt all of these proposed improvements, there are several positive aspects of H.R. 3796 that make changes to the underlying bill which will assist States in this regard.

For example, the bill, as amended, ensures that provisions of the Byrne JAG grant funding, intended for distribution to local governments and entities, are not penalized by the States' noncompliance with SORNA.

In the absence of this provision, States that have been unable to comply with SORNA would soon suffer up to a 10 percent reduction in their Byrne JAG grant awards, which is a particularly harsh penalty in these difficult economic times. H.R. 3796 at least ensures that the localities that have no control over whether or not a State complies with SORNA are not penalized.

Three other positive aspects of the bill, as amended, are the following: the bill gives flexibility to put juveniles on a law enforcement agency registry only, not on the public registry, that is, juveniles can be only in the law enforcement-only registry, but not publicized. We had heard testimony that putting juveniles on a public registry would actually be counterproductive, and this bill protects that.

□ 1930

The bill reauthorizes funding under the Adam Walsh Act for treatment of juvenile sex offenders. And the bill requires the public safety impact of long-term or lifetime registration on juvenile registrants to be studied.

Finally, H.R. 3796 lowers the age after which certain juveniles adjudicated delinquent with a clean record can apply for removal from the sex of-

fender registry from 25 years down to 15 years. This is an improvement to current law, given the research documenting that sex offender treatment reduces recidivism by more than 90 percent for juveniles and that long-term public registry adversely impacts the rehabilitation of teenage offenders, though for the same reasons it would have been best to eliminate the requirement to put juveniles on the registry in the first place.

I am pleased, therefore, that H.R. 3796, in reauthorizing the Adam Walsh Act, has improved at least in these aspects. I regret that it didn't improve some of the things that weren't addressed in the bill. But I think it's important that we pass the bill, and I urge my colleagues to vote in favor of this bill.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. SENSENBRENNER), former chairman of the Judiciary Committee and the sponsor of this legislation.

Mr. SENSENBRENNER. Mr. Speaker, the Adam Walsh Child Protection and Safety Act, enacted in 2006, is landmark legislation intended to keep our communities—and most importantly our children—safe from sex offenders and other dangerous predators.

This bipartisan bill strengthened sex offender registry requirements and enforcement, extended Federal registry requirements to Indian tribes, and authorized funding for several programs intended to address and deter child exploitation.

The centerpiece of the Adam Walsh Act is the national Sex Offender Registration and Notification Act, or SORNA. SORNA's goal is to create a seamless national sex offender registry to assist law enforcement efforts to detect and track offenders. SORNA provides minimum standards for State sex offender registries and created the Dru Sjodin National Sex Offender Public Website, which allows law enforcement officials and the general public to search for sex offenders nationwide from just one Web site.

H.R. 3796, the Adam Walsh Reauthorization Act of 2012, reauthorizes two key programs from the original Adam Walsh Act—grants to the States and other jurisdictions to implement the Adam Walsh Act sex offender registry requirements, and funding for U.S. Marshals to locate and apprehend sex offenders who violate registration requirements. These programs are crucial to efforts to complete and enforce the national network of sex offender registries, particularly in light of the already-passed July 2011 deadline for the States to come into compliance with SORNA. H.R. 3796 reauthorizes both these programs at levels commensurate with their fiscal year 2012 appropriations.

The bill also makes changes to the SORNA sex offender registry requirements in response to feedback from the States. The bill changes the period of time after which juveniles adjudicated delinquent can petition to be removed from the sex offender registry for a clean record from 25 years to 15 years, and provides that juveniles do not need to be included on a publicly viewed sex offender registry. Instead, it is sufficient for juveniles to be included on registries that are only viewed by law enforcement entities. The bill, as amended by the Judiciary Committee, also reauthorizes grants for the treatment of juvenile sex offenders. I believe these provisions strike an appropriate balance between being tough on juveniles who commit serious sex crimes but understanding that there can be differences between adult and juvenile offenders.

The Adam Walsh Act has already been a public safety success. To date, the Justice Department has deemed 50 jurisdictions substantially compliant with the SORNA requirements, with two Indian tribes meeting this goal in just the 2 weeks since the Judiciary Committee considered H.R. 3796 at markup.

I urge my colleagues to support this bill.

Mr. SCOTT of Virginia. Mr. Speaker, I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield back the balance of my time.

Mr. PENCE. Mr. Speaker, I rise today in support of the Adam Walsh Reauthorization Act of 2012 (H.R. 3796). I would like to recognize Representative SENSENBRENNER for a career spent protecting our nation's children, including this bill before the House today.

Six years ago I stood with my then 15-year old son and 13-year old daughter in the Rose Garden at the White House when President George W. Bush signed into law the Adam Walsh Child Protection and Safety Act of 2006.

Title V of the Adam Walsh legislation contains my bill, the Child Pornography Prevention Act. My bill set forth new findings to protect children against so-called "home pornographers" to better enable federal prosecutors to proceed with cases against them. It also provided increased protection to victims of child pornography and strengthened the hand of law enforcement in investigating and bringing charges in obscenity and child pornography cases. Finally, it closed a loophole that allowed pornographers to exploit children by using them in productions with simulated sexual activity or lascivious sexually explicit content and then claim that they believed the children to be over age eighteen.

The Adam Walsh legislation had many other good initiatives that have protected our nation's children by improving sex offender registration and providing local law enforcement officials with tools needed to track those who prey upon children. Some of these provisions require reauthorization, and I am pleased today that we are moving forward with this reauthorization, especially of the two key programs that fund the U.S. Marshall's fugitive

apprehension program and the grants that help states comply with the national sex offender registry requirements, in a fiscally responsible manner.

I consider myself fortunate to have been able to contribute to the Adam Walsh bill, as well as the 2003 Child Abduction Prevention Act (later renamed the PROTECT Act), which setup the Amber Alert system. That legislation also included the Truth in Domain Names Act that I authored. The Truth in Domain Names Act made it a criminal act to knowingly use a misleading domain name with the intent to deceive a child into viewing harmful material on the Internet, and it has made a difference in protecting children from Internet pornography.

Congress over the years has faced many very difficult issues, but we always have kept the best interest of children at the forefront of our work. As we move to reauthorize these important programs in the Adam Walsh bill today, I want to thank my colleagues for coming together to put our children first.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 3796, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SCOTT of Virginia. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

## RECODIFICATION OF EXISTING LAWS RELATED TO NATIONAL PARK SERVICE

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1950) to enact title 54, United States Code, "National Park System", as positive law, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1950

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

- Sec. 1. Table of contents.
- Sec. 2. Purpose; conformity with original intent.
- Sec. 3. Enactment of title 54, United States Code.
- Sec. 4. Conforming amendments.
- Sec. 5. Conforming cross-references.
- Sec. 6. Transitional and savings provisions.
- Sec. 7. Repeals.

### SEC. 2. PURPOSE; CONFORMITY WITH ORIGINAL INTENT.

(a) **PURPOSE.**—The purpose of this Act is to codify certain existing laws relating to the National Park System as title 54, United States Code, "National Park Service and Related Programs".

(b) **CONFORMITY WITH ORIGINAL INTENT.**—In the codification of laws by this Act, the intent is to conform to the understood policy, intent, and purpose of Congress in the original enactments, with such amendments and corrections as will remove ambiguities, contradictions, and other imperfections, in accordance with section 205(c)(1) of House Resolution No. 988, 93d Congress, as enacted into law by Public Law 93–554 (2 U.S.C. 285b(1)).

### SEC. 3. ENACTMENT OF TITLE 54, UNITED STATES CODE.

Title 54, United States Code, "National Park Service and Related Programs", is enacted as follows:

#### TITLE 54—NATIONAL PARK SERVICE AND RELATED PROGRAMS

##### Subtitle I—National Park System

###### Division A—Establishment and General Administration

Chap.	Sec.
1001. General Provisions .....	100101
1003. Establishment, Directors, and Other Employees .....	100301
1005. Areas of National Park System .....	100501
1007. Resource Management .....	100701
1009. Administration .....	100901
1011. Donations .....	101101
1013. Employees .....	101301
1015. Transportation .....	101501
1017. Financial Agreements .....	101701
1019. Concessions and Commercial Use Authorizations .....	101901
1021. Privileges and Leases .....	102101
1023. Programs and Organizations .....	102301
1025. Museums .....	102501
1027. Law Enforcement and Emergency Assistance .....	102701
1029. Land Transfers .....	102901
1031. Appropriations and Accounting .....	103101
1033. National Military Parks .....	103301
1035 through 1047 .....	Reserved
1049. Miscellaneous .....	104901

###### Division B—System Units and Related Areas—Reserved

##### Subtitle II—Outdoor Recreation Programs

2001. Coordination of Programs .....	200101
2003. Land and Water Conservation Fund .....	200301
2005. Urban Park and Recreation Recovery Program .....	200501

##### Subtitle III—National Preservation Programs

###### Division A—Historic Preservation

###### Subdivision 1—General Provisions

3001. Policy .....	300101
3003. Definitions .....	300301

###### Subdivision 2—Historic Preservation Program

3021. National Register of Historic Places ..	302101
3023. State Historic Preservation Programs ..	302301
3025. Certification of Local Governments ...	302501
3027. Historic Preservation Programs and Authorities for Indian Tribes and Native Hawaiian Organizations ....	302701
3029. Grants .....	302901
3031. Historic Preservation Fund .....	303101
3033 Through 3037 .....	Reserved
3039. Miscellaneous .....	303901

###### Subdivision 3—Advisory Council on Historic Preservation

3041. Advisory Council on Historic Preservation .....	304101
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###### Subdivision 4—Other Organizations and Programs

3051. Historic Light Station Preservation ...	305101
3053. National Center for Preservation Technology and Training .....	305301
3055. National Building Museum .....	305501

###### Subdivision 5—Federal Agency Historic Preservation Responsibilities

3061. Program Responsibilities and Authorities .....	306101
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###### Subdivision 6—Miscellaneous

3071. Miscellaneous .....	307101
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##### Division B—Organizations and Programs

###### Subdivision 1—Administered by National Park Service

3081. American Battlefield Protection Program .....	308101
3083. National Underground Railroad Network to Freedom .....	308301
3085. National Women's Rights History Project .....	308501
3087. National Maritime Heritage .....	308701
3089. Save America's Treasures Program ...	308901
3091. Commemoration of Former Presidents .....	309101

###### Subdivision 2—Administered Jointly With National Park Service

3111. Preserve America Program .....	311101
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###### Subdivision 3—Administered by Other Than National Park Service

3121. National Trust for Historic Preservation in the United States .....	312101
3123. Commission for the Preservation of America's Heritage Abroad .....	312301
3125. Preservation of Historical and Archeological Data .....	312501

##### Division C—American Antiquities

3201. Policy and Administrative Provisions ..	320101
3203. Monuments, Ruins, Sites, and Objects of Antiquity .....	320301

##### Subtitle I—National Park System

###### Division A—Establishment and General Administration

###### Chapter 1001—General Provisions

Sec.	
100101.	Promotion and regulation.
100102.	Definitions.

###### § 100101. Promotion and regulation

(a) **IN GENERAL.**—The Secretary, acting through the Director of the National Park Service, shall promote and regulate the use of the National Park System by means and measures that conform to the fundamental purpose of the System units, which purpose is to conserve the scenery, natural and historic objects, and wild life in the System units and to provide for the enjoyment of the scenery, natural and historic objects, and wild life in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.

(b) **DECLARATIONS.**—

(1) **1970 DECLARATIONS.**—Congress declares that—

(A) the National Park System, which began with establishment of Yellowstone National Park in 1872, has since grown to include superlative natural, historic, and recreation areas in every major region of the United States and its territories and possessions;

(B) these areas, though distinct in character, are united through their interrelated purposes and resources into one National Park System as cumulative expressions of a single national heritage;

(C) individually and collectively, these areas derive increased national dignity and recognition of their superb environmental quality through their inclusion jointly with each other in one System preserved and managed for the benefit and inspiration of all the people of the United States; and

(D) it is the purpose of this division to include all these areas in the System and to clarify the authorities applicable to the System.

(2) **1978 REAFFIRMATION.**—Congress reaffirms, declares, and directs that the promotion and regulation of the various System units shall be consistent with and founded in the purpose established by subsection (a), to the common benefit of all the people of the United States. The authorization of activities shall be construed and the protection, management, and administration of the System units shall be conducted in

light of the high public value and integrity of the System and shall not be exercised in derogation of the values and purposes for which the System units have been established, except as directly and specifically provided by Congress.

#### **§ 100102. Definitions**

In this title:

(1) **DIRECTOR.**—The term “Director” means the Director of the National Park Service.

(2) **NATIONAL PARK SYSTEM.**—The term “National Park System” means the areas of land and water described in section 100501 of this title.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(4) **SERVICE.**—The term “Service” means the National Park Service.

(5) **SYSTEM.**—The term “System” means the National Park System.

(6) **SYSTEM UNIT.**—The term “System unit” means one of the areas described in section 100501 of this title.

#### **Chapter 1003—Establishment, Directors, and Other Employees**

Sec.

100301. Establishment.

100302. Directors and other employees.

100303. Effect on other laws.

#### **§ 100301. Establishment**

There is in the Department of the Interior a service called the National Park Service.

#### **§ 100302. Directors and other employees**

(1) **DIRECTOR.**—

(1) **APPOINTMENT.**—The Service shall be under the charge of a director who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) **QUALIFICATIONS.**—The Director shall have substantial experience and demonstrated competence in land management and natural or cultural resource conservation.

(3) **AUTHORITY.**—Under the direction of the Secretary, the Director shall have the supervision, management, and control of System units. In the supervision, management, and control of System units contiguous to national forests the Secretary of Agriculture may cooperate with the Service to such extent as may be requested by the Secretary.

(b) **DEPUTY DIRECTORS.**—The Director shall select 2 Deputy Directors. One Deputy Director shall have responsibility for Service operations, and the other Deputy Director shall have responsibility for other programs assigned to the Service.

(c) **OTHER EMPLOYEES.**—The Service shall have such subordinate officers and employees as may be appropriated for by Congress.

#### **§ 100303. Effect on other laws**

This chapter and sections 100101(a), 100751(a), 100752, 100753, and 102101 of this title do not affect or modify section 100902(a) of this title.

#### **Chapter 1005—Areas of National Park System**

Sec.

100501. Areas included in System.

100502. General management plans.

100503. Five-year strategic plans.

100504. Study and planning of park, parkway, and recreational-area facilities.

100505. Periodic review of System.

100506. Boundary changes to System units.

100507. Additional areas for System.

#### **§ 100501. Areas included in System**

The System shall include any area of land and water administered by the Secretary, acting through the Director, for park, monument, historic, parkway, recreational, or other purposes.

#### **§ 100502. General management plans**

General management plans for the preservation and use of each System unit, including

areas within the national capital area, shall be prepared and revised in a timely manner by the Director. On January 1 of each year, the Secretary shall submit to Congress a list indicating the current status of completion or revision of general management plans for each System unit. General management plans for each System unit shall include—

(1) measures for the preservation of the area's resources;

(2) indications of types and general intensities of development (including visitor circulation and transportation patterns, systems, and modes) associated with public enjoyment and use of the area, including general locations, timing of implementation, and anticipated costs;

(3) identification of and implementation commitments for visitor carrying capacities for all areas of the System unit; and

(4) indications of potential modifications to the external boundaries of the System unit, and the reasons for the modifications.

#### **§ 100503. Five-year strategic plans**

(a) **STRATEGIC AND PERFORMANCE PLANS.**—Each System unit shall prepare and make available to the public a 5-year strategic plan and an annual performance plan. The plans shall reflect the Service policies, goals, and outcomes represented in the Service-wide strategic plan prepared pursuant to section 306 of title 5.

(b) **ANNUAL BUDGET.**—

(1) **IN GENERAL.**—As a part of the annual performance plan for a System unit prepared pursuant to subsection (a), following receipt of the appropriation for the unit from the Operations of the National Park System account (but not later than January 1 of each year), the superintendent of the System unit shall develop and make available to the public the budget for the current fiscal year for that System unit.

(2) **CONTENTS.**—The budget shall include—

(A) funding allocations for resource preservation (including resource management), visitor services (including maintenance, interpretation, law enforcement, and search and rescue), and administration; and

(B) allocations into each of the categories in subparagraph (A) of all funds retained from fees collected for that year, including special use permits, concession franchise fees, and recreation use and entrance fees.

#### **§ 100504. Study and planning of park, parkway, and recreational-area facilities**

(a) **IN GENERAL.**—

(1) **DEFINITION.**—In this subsection, the term “State” means a State, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands.

(2) **STUDY.**—The Secretary shall cause the Service to make a comprehensive study, other than on land under the jurisdiction of the Secretary of Agriculture, of the public park, parkway, and recreational area programs of the United States, States, and political subdivisions of States and of areas of land throughout the United States that are or may be chiefly valuable as public park, parkway, or recreational areas. A study shall not be made in any State without the consent and approval of the State officials, boards, or departments having jurisdiction over the land. The study shall be such as, in the judgment of the Secretary, will provide data helpful in developing a plan for coordinated and adequate public park, parkway, and recreational-area facilities for the people of the United States.

(3) **COOPERATION AND AGREEMENTS WITH OTHER ENTITIES.**—In making the study and to accomplish the purposes of this section, the Secretary, acting through the Director—

(A) shall seek and accept the cooperation and assistance of Federal departments or agencies having jurisdiction of land belonging to the United States; and

(B) may cooperate and make agreements with and seek and accept the assistance of—

(i) other Federal agencies and instrumentalities; and

(ii) States, political subdivisions of States, and agencies and instrumentalities of either of them.

(4) **STATE PLANNING.**—For the purpose of developing coordinated and adequate public park, parkway, and recreational-area facilities for the people of the United States, the Secretary may aid States and political subdivisions of States in planning public park, parkway, and recreational areas and in cooperating with one another to accomplish these ends. Aid shall be made available through the Service acting in cooperation with such State agencies or agencies of political subdivisions of States as the Secretary considers best.

(b) **CONSENT OF CONGRESS TO AGREEMENTS BETWEEN STATES.**—The consent of Congress is given to any 2 or more States to negotiate and enter into compacts or agreements with one another with reference to planning, establishing, developing, improving, and maintaining any park, parkway, or recreational area. No compact or agreement shall be effective until approved by the legislatures of the States that are parties to the compact or agreement and by Congress.

#### **§ 100505. Periodic review of System**

(a) **AUTHORITY OF SECRETARY TO CONDUCT REVIEW.**—The Secretary shall conduct a systematic and comprehensive review of certain aspects of the System and on a periodic basis (but not less often than every 3 years) submit to the Committee on Natural Resources and the Committee on Appropriations of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate a report on the findings of the review, together with recommendations as the Secretary determines to be necessary.

(b) **CONSULTATION.**—In conducting and preparing the report, the Secretary shall consult with appropriate officials of affected Federal, State, and local agencies and national, regional, and local organizations. The consultation shall include holding public hearings that the Secretary determines to be appropriate to provide a full opportunity for public comment.

(c) **CONTENTS OF REPORT.**—The report shall contain the following:

(1) A comprehensive listing of all authorized but unacquired parcels of land within the exterior boundaries of each System unit as of November 28, 1990.

(2) A priority listing of all those unacquired parcels by System unit and for the System as a whole. The list shall describe the acreage and ownership of each parcel, the estimated cost of acquisition for each parcel (subject to any statutory acquisition limitations for the land), and the basis for the estimate.

(3) An analysis and evaluation of the current and future needs of each System unit for resource management, interpretation, construction, operation and maintenance, personnel, and housing, together with an estimate of the costs.

#### **§ 100506. Boundary changes to System units**

(a) **CRITERIA FOR EVALUATION.**—The Secretary shall maintain criteria to evaluate any proposed changes to the boundaries of System units, including—

(1) analysis of whether or not an existing boundary provides for the adequate protection and preservation of the natural, historic, cultural, scenic and recreational resources integral to the System unit;

(2) an evaluation of each parcel proposed for addition or deletion to a System unit based on the analysis under paragraph (1); and

(3) an assessment of the impact of potential boundary adjustments taking into consideration



the factors in section 100505(c)(3) of this title and the effect of the adjustments on the local communities and surrounding area.

(b) **PROPOSAL OF SECRETARY.**—In proposing a boundary change to a System unit, the Secretary shall—

(1) consult with affected agencies of State and local governments, surrounding communities, affected landowners, and private national, regional, and local organizations;

(2) apply the criteria developed pursuant to subsection (a) and accompany the proposal with a statement reflecting the results of the application of the criteria; and

(3) include with the proposal an estimate of the cost for acquiring any parcels proposed for acquisition, the basis for the estimate, and a statement on the relative priority for the acquisition of each parcel within the priorities for acquisition of other parcels for the System unit and for the System.

(c) **MINOR BOUNDARY CHANGES.**—

(1) **IN GENERAL.**—When the Secretary determines that to do so will contribute to, and is necessary for, the proper preservation, protection, interpretation, or management of a System unit, the Secretary may, following timely notice in writing to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate of the Secretary's intention to do so, and by publication of a revised boundary map or other description in the Federal Register—

(A) make minor changes to the boundary of the System unit, and amounts appropriated from the Fund shall be available for acquisition of any land, water, and interests in land or water added to the System unit by the boundary change subject to such statutory limitations, if any, on methods of acquisition and appropriations thereof as may be specifically applicable to the System unit; and

(B) acquire by donation, purchase with donated funds, transfer from any other Federal agency, or exchange, land, water, or interests in land or water adjacent to the System unit, except that in exercising the Secretary's authority under this subparagraph the Secretary—

(i) shall not alienate property administered as part of the System to acquire land by exchange;

(ii) shall not acquire property without the consent of the owner; and

(iii) may acquire property owned by a State or political subdivision of a State only by donation.

(2) **CONSULTATION.**—Prior to making a determination under this subsection, the Secretary shall consult with the governing body of the county, city, town, or other jurisdiction or jurisdictions having primary taxing authority over the land or interest to be acquired as to the impacts of the proposed action.

(3) **ACTION TO ADVANCE LOCAL PUBLIC AWARENESS.**—The Secretary shall take such steps as the Secretary considers appropriate to advance local public awareness of the proposed action.

(4) **ADMINISTRATION OF ACQUISITIONS.**—Land, water, and interests in land or water acquired in accordance with this subsection shall be administered as part of the System unit to which they are added, subject to the laws and regulations applicable to the System unit.

(5) **WHEN AUTHORITY APPLIES.**—For the purposes of paragraph (1)(A), in all cases except the case of technical boundary changes (resulting from such causes as survey error or changed road alignments), the authority of the Secretary under paragraph (1)(A) shall apply only if each of the following conditions is met:

(A) The sum of the total acreage of the land, water, and interests in land or water to be added to the System unit and the total acreage of the land, water, and interests in land or water to be deleted from the System unit is not

more than 5 percent of the total Federal acreage authorized to be included in the System unit and is less than 200 acres.

(B) The acquisition, if any, is not a major Federal action significantly affecting the quality of the human environment, as determined by the Secretary.

(C) The sum of the total appraised value of the land, water, and interests in land or water to be added to the System unit and the total appraised value of the land, water, and interests in land or water to be deleted from the System unit does not exceed \$750,000.

(D) The proposed boundary change is not an element of a more comprehensive boundary change proposal.

(E) The proposed boundary has been subject to a public review and comment period.

(F) The Director obtains written consent for the boundary change from all property owners whose land, water, or interests in land or water, or a portion of whose land, water, or interests in land or water, will be added to or deleted from the System unit by the boundary change.

(G) The land abuts other Federal land administered by the Director.

(6) **ACT OF CONGRESS REQUIRED.**—Minor boundary changes involving only deletions of acreage owned by the Federal Government and administered by the Service may be made only by Act of Congress.

#### **§ 100507. Additional areas for System**

(a) **MONITORING AREAS FOR INCLUSION IN SYSTEM.**—The Secretary shall investigate, study, and continually monitor the welfare of areas whose resources exhibit qualities of national significance and that may have potential for inclusion in the System.

(b) **SUBMISSION OF LIST OF AREAS RECOMMENDED FOR STUDY FOR POTENTIAL INCLUSION.**—

(1) **WHEN LIST IS TO BE SUBMITTED.**—At the beginning of each calendar year, with the annual budget submission, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a list of areas recommended for study for potential inclusion in the System.

(2) **FACTORS TO BE CONSIDERED.**—In developing the list to be submitted under this subsection, the Secretary shall consider—

(A) the areas that have the greatest potential to meet the established criteria of national significance, suitability, and feasibility;

(B) themes, sites, and resources not already adequately represented in the System; and

(C) public petitions and Congressional resolutions.

(3) **ACCOMPANYING SYNOPSIS.**—Accompanying the annual listing of areas shall be a synopsis, for each report previously submitted, of the current and changed condition of the resource integrity of the area and other relevant factors, compiled as a result of continual periodic monitoring and embracing the period since the previous submission or initial report submission one year earlier.

(4) **CONGRESSIONAL AUTHORIZATION REQUIRED.**—No study of the potential of an area for inclusion in the System may be initiated except as provided by specific authorization of an Act of Congress.

(5) **AUTHORITY TO CONDUCT CERTAIN ACTIVITIES NOT LIMITED.**—This section and sections 100901(b), 101702(b) and (c), and 102102 of this title do not limit the authority of the Service to conduct preliminary resource assessments, gather data on potential study areas, provide technical and planning assistance, prepare or process nominations for administrative designations, update previous studies, or complete reconnaissance surveys of individual areas requiring a total expenditure of less than \$25,000.

(6) **STUDY OF RIVERS OR TRAILS NOT AFFECTED.**—This section does not apply to or affect or alter the study of—

(A) any river segment for potential addition to the national wild and scenic rivers system; or

(B) any trail for potential addition to the national trails system.

(c) **STUDY OF AREAS FOR POTENTIAL INCLUSION.**—

(1) **STUDY TO BE COMPLETED WITHIN 3 YEARS.**—The Secretary shall complete the study for each area for potential inclusion in the System within 3 complete fiscal years following the date on which funds are first made available for that purpose.

(2) **OPPORTUNITY FOR PUBLIC INVOLVEMENT REQUIRED.**—Each study under this section shall be prepared with appropriate opportunity for public involvement, including at least one public meeting in the vicinity of the area under study, and after reasonable efforts to notify potentially affected landowners and State and local governments.

(3) **CONSIDERATIONS.**—In conducting the study, the Secretary shall consider whether the area under study—

(A) possesses nationally significant natural or cultural resources and represents one of the most important examples of a particular resource type in the country; and

(B) is a suitable and feasible addition to the System.

(4) **SCOPE OF STUDY.**—Each study—

(A) with regard to the area being studied, shall consider—

(i) the rarity and integrity of the resources;

(ii) the threats to those resources;

(iii) whether similar resources are already protected in the System or in other public or private ownership;

(iv) the public use potential;

(v) the interpretive and educational potential;

(vi) costs associated with acquisition, development, and operation;

(vii) the socioeconomic impacts of any designation;

(viii) the level of local and general public support; and

(ix) whether the area is of appropriate configuration to ensure long-term resource protection and visitor use;

(B) shall consider whether direct Service management or alternative protection by other public agencies or the private sector is appropriate for the area;

(C) shall identify what alternative or combination of alternatives would in the professional judgment of the Director be most effective and efficient in protecting significant resources and providing for public enjoyment; and

(D) may include any other information that the Secretary considers to be relevant.

(5) **COMPLIANCE WITH NATIONAL ENVIRONMENTAL POLICY ACT OF 1969.**—Each study shall be completed in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(6) **RECOMMENDATION OF PREFERRED MANAGEMENT OPTION.**—The letter transmitting each completed study to Congress shall contain a recommendation regarding the Secretary's preferred management option for the area.

(d) **LIST OF AREAS PREVIOUSLY STUDIED.**—

(1) **SUBMISSION OF LIST.**—At the beginning of each calendar year, with the annual budget submission, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, in numerical order of priority for addition to the System—

(A) a list of areas that have been previously studied that contain primarily historical resources; and



(B) a list of areas that have been previously studied that contain primarily natural resources.

(2) **CONSIDERATIONS.**—In developing the lists, the Secretary should consider threats to resource values, cost escalation factors, and other factors listed in subsection (c).

(3) **AREAS ELIGIBLE FOR INCLUSION.**—The Secretary should include on the lists only areas for which the supporting data are current and accurate.

(e) **LIST OF AREAS THAT EXHIBIT DANGER OR THREATS TO THE INTEGRITY OF THEIR RESOURCES.**—At the beginning of each fiscal year, the Secretary shall submit to the Speaker of the House of Representatives and the President of the Senate a complete and current list of all areas listed on the Registry of Natural Landmarks, and areas of national significance listed on the National Register of Historic places, that exhibit known or anticipated damage or threats to the integrity of their resources, with notations as to the nature and severity of the damage or threats.

(f) **REPORTS AND LISTINGS PRINTED AS HOUSE DOCUMENTS.**—Each report and annual listing described in this section shall be printed as a House document. If adequate supplies of previously printed identical reports remain available, newly submitted identical reports shall be omitted from printing on receipt by the Speaker of the House of Representatives of a joint letter from the chairman of the Committee on Natural Resources of the House of Representatives and the chairman of the Committee on Energy and Natural Resources of Senate indicating that to be the case.

(g) **DESIGNATION OF OFFICE.**—The Secretary shall designate a single office to prepare all new area studies and to implement other functions under this section.

(h) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **STUDIES OF POTENTIAL NEW SYSTEM UNITS AND MONITORING THE WELFARE OF SYSTEM UNIT RESOURCES.**—To carry out studies for potential new System units and for monitoring the welfare of historical and natural resources referred to in subparagraphs (A) and (B) of subsection (d)(1), there is authorized to be appropriated not more than \$1,000,000 for each fiscal year.

(2) **MONITORING WELFARE AND INTEGRITY OF NATIONAL LANDMARKS.**—To monitor the welfare and integrity of the national landmarks, there is authorized to be appropriated not more than \$1,500,000 for each fiscal year.

(3) **CARRYING OUT SUBSECTIONS (b), (c), and (g).**—To carry out subsections (b), (c), and (g), there is authorized to be appropriated \$2,000,000 for each fiscal year.

### Chapter 1007—Resource Management

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#### Subchapter I—System Resource Inventory and Management

##### § 100701. Protection, interpretation, and research in System

Recognizing the ever increasing societal pressures being placed upon America's unique natural and cultural resources contained in the System, the Secretary shall continually improve the ability of the Service to provide state-of-the-art management, protection, and interpretation of, and research on, the resources of the System.

##### § 100702. Research mandate

The Secretary shall ensure that management of System units is enhanced by the availability and utilization of a broad program of the highest quality science and information.

##### § 100703. Cooperative study units

The Secretary shall enter into cooperative agreements with colleges and universities, including land grant schools, in partnership with other Federal and State agencies, to establish cooperative study units to conduct multi-disciplinary research and develop integrated information products on the resources of the System, or the larger region of which System units are a part.

##### § 100704. Inventory and monitoring program

The Secretary shall undertake a program of inventory and monitoring of System resources to establish baseline information and to provide information on the long-term trends in the condition of System resources. The monitoring program shall be developed in cooperation with other Federal monitoring and information collection efforts to ensure a cost-effective approach.

##### § 100705. Availability of System units for scientific study

(a) **IN GENERAL.**—The Secretary may solicit, receive, and consider requests from Federal or non-Federal public or private agencies, organizations, individuals, or other entities for the use of any System unit for purposes of scientific study.

(b) **CRITERIA.**—A request for use of a System unit under subsection (a) may be approved only if the Secretary determines that the proposed study—

(1) is consistent with applicable laws and Service management policies; and

(2) will be conducted in a manner that poses no threat to the System unit resources or public enjoyment derived from System unit resources.

(c) **FEE WAIVER.**—The Secretary may waive any System unit admission or recreational use fee in order to facilitate the conduct of scientific study under this section.

(d) **BENEFIT-SHARING ARRANGEMENTS.**—The Secretary may negotiate for and enter into equitable, efficient benefit-sharing arrangements with the research community and private industry.

##### § 100706. Integration of study results into management decisions

The Secretary shall take such measures as are necessary to ensure the full and proper utilization

of the results of scientific study for System unit management decisions. In each case in which an action undertaken by the Service may cause a significant adverse effect on a System unit resource, the administrative record shall reflect the manner in which System unit resource studies have been considered. The trend in the condition of resources of the System shall be a significant factor in the annual performance evaluation of each superintendent of a System unit.

##### § 100707. Confidentiality of information

Information concerning the nature and specific location of a System resource that is endangered, threatened, rare, or commercially valuable, of mineral or paleontological objects within System units, or of objects of cultural patrimony within System units, may be withheld from the public in response to a request under section 552 of title 5 unless the Secretary determines that—

(1) disclosure of the information would further the purposes of the System unit in which the resource or object is located and would not create an unreasonable risk of harm, theft, or destruction of the resource or object, including individual organic or inorganic specimens; and

(2) disclosure is consistent with other laws protecting the resource or object.

#### Subchapter II—System Unit Resource Protection

##### § 100721. Definitions

In this subchapter:

(1) **DAMAGES.**—The term “damages” includes—

(A) compensation for—

(i) the cost of replacing, restoring, or acquiring the equivalent of a System unit resource; and

(ii) the value of any significant loss of use of a System unit resource pending its restoration or replacement or the acquisition of an equivalent resource; or

(iii) the value of the System unit resource if the System unit resource cannot be replaced or restored; and

(B) the cost of a damage assessment under section 100723(b) of this title.

(2) **RESPONSE COSTS.**—The term “response costs” means the costs of actions taken by the Secretary to—

(A) prevent or minimize destruction or loss of or injury to a System unit resource;

(B) abate or minimize the imminent risk of the destruction, loss, or injury; or

(C) monitor ongoing effects of incidents causing the destruction, loss, or injury.

(3) **SYSTEM UNIT RESOURCE.**—

(A) **IN GENERAL.**—The term “System unit resource” means any living or non-living resource that is located within the boundaries of a System unit.

(B) **EXCLUSION.**—The term “System unit resource” does not include a resource owned by a non-Federal entity.

##### § 100722. Liability

(a) **IN GENERAL.**—Subject to subsection (c), any person that destroys, causes the loss of, or injures any System unit resource is liable to the United States for response costs and damages resulting from the destruction, loss, or injury.

(b) **LIABILITY IN REM.**—Any instrumentality, including a vessel, vehicle, aircraft, or other equipment, that destroys, causes the loss of, or injures any System unit resource shall be liable in rem to the United States for response costs and damages resulting from the destruction, loss, or injury to the same extent as a person is liable under subsection (a).

(c) **DEFENSES.**—A person is not liable under this section if the person establishes that—

(1) the destruction, loss of, or injury to the System unit resource was caused solely by an act of God or an act of war;

(2) the person acted with due care, and the destruction, loss of, or injury to the System unit resource was caused solely by an act or omission of a 3d party, other than an employee or agent of the person; or

(3) the destruction, loss, or injury to the System unit resource was caused by an activity authorized by Federal or State law.

(d) **SCOPE.**—Liability under this section is in addition to any other liability that may arise under Federal or State law.

#### **§ 100723. Actions**

(a) **CIVIL ACTION FOR RESPONSE COSTS AND DAMAGES.**—The Attorney General, on request of the Secretary after a finding by the Secretary of destruction, loss, or injury to a System unit resource or a finding that absent the undertaking of a response action, destruction, loss, or injury to a System unit resource would have occurred, may bring a civil action in United States district court against any person or instrumentality that may be liable under section 100722 of this title for response costs and damages. The Secretary shall submit a request for the civil action to the Attorney General whenever a person may be liable or an instrumentality may be liable in rem for those costs and damages under section 100722 of this title.

(b) **RESPONSE ACTIONS AND ASSESSMENT OF DESTRUCTION, LOSS, OR INJURY.**—

(1) **ACTIONS TO PREVENT OR MINIMIZE DESTRUCTION, LOSS, OR INJURY.**—The Secretary shall undertake all necessary actions to—

(A) prevent or minimize the destruction, loss of, or injury to System unit resources; or

(B) minimize the imminent risk of destruction, loss, or injury to System unit resources.

(2) **ASSESSMENT AND MONITORING.**—The Secretary shall assess and monitor destruction, loss, or injury to System unit resources.

#### **§ 100724. Use of recovered amounts**

(a) **LIMITATION ON USE.**—Response costs and damages recovered by the Secretary under this subchapter or amounts recovered by the Federal Government under any Federal, State, or local law or regulation or otherwise as a result of destruction, loss of, or injury to any System unit resource shall be available to the Secretary and without further Congressional action may be used only as follows:

(1) **REIMBURSEMENT.**—To reimburse response costs and damage assessments by the Secretary or other Federal agencies as the Secretary considers appropriate.

(2) **RESTORATION AND REPLACEMENT.**—To restore, replace, or acquire the equivalent of System unit resources that were the subject of the action and to monitor and study those System unit resources. The funds may not be used to acquire any land or water, interest in land or water, or right to land or water unless the acquisition is specifically approved in advance in appropriations Acts. The acquisition shall be subject to any limitations contained in the legislation establishing the System unit.

(b) **EXCESS AMOUNTS.**—Any amounts remaining after expenditures pursuant to paragraphs (1) and (2) of subsection (a) shall be deposited in the Treasury.

#### **§ 100725. Donations**

The Secretary may accept donations of money or services for expenditure or employment to meet expected, immediate, or ongoing response costs. The donations may be expended or employed at any time after their acceptance, without further Congressional action.

#### **Subchapter III—Mining Activity Within System Units**

#### **§ 100731. Findings and declaration**

Congress finds and declares that—

(1) the level of technology of mineral exploration and development has changed radically,

and continued application of the mining laws of the United States to System units to which the mining laws apply conflicts with the purposes for which the System units were established; and

(2) all mining operations in System units should be conducted so as to prevent or minimize damage to the environment and other resource values.

#### **§ 100732. Preservation and management of System units by Secretary; promulgation of regulations**

To preserve for the benefit of present and future generations the pristine beauty of System units, and to further the purposes of section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of this title and the individual organic Acts for the System units, all activities resulting from the exercise of mineral rights on patented or unpatented mining claims within any System unit shall be subject to such regulations prescribed by the Secretary as the Secretary considers necessary or desirable for the preservation and management of the System units.

#### **§ 100733. Recordation of mining claims; publication of notice**

All mining claims under the Mining Law of 1872 (30 U.S.C. chapter 2, sections 161 and 162, and chapters 12A and 16) that lie within the boundaries of System units in existence on September 28, 1976, that were not recorded with the Secretary within one year after September 28, 1976, shall be conclusively presumed to be abandoned and shall be void. The recordation does not render valid any claim that was not valid on September 28, 1976, or that becomes invalid after that date.

#### **§ 100734. Report on finding or notification of potential damage to natural and historical landmarks**

When the Secretary finds on the Secretary's own motion or on being notified in writing by an appropriate scientific, historical, or archeological authority that a district, site, building, structure, or object that has been found to be nationally significant in illustrating natural history or the history of the United States and that has been designated as a natural or historic landmark may be irreparably lost or destroyed in whole or in part by any surface mining activity, including exploration for or removal or production of minerals or materials, the Secretary shall notify the person conducting the activity and submit a report on the findings or notification, including the basis for the Secretary's finding that the activity may cause irreparable loss or destruction of a national landmark, to the Advisory Council on Historic Preservation, with a request for advice of the Council as to alternative measures that may be taken by the United States to mitigate or abate the activity.

#### **§ 100735. Civil actions for just compensation by mining claim holders**

The holder of any patented or unpatented mining claim subject to this subchapter that believes the holder has suffered a loss by operation of this subchapter, or by orders or regulations issued pursuant to this subchapter, may bring a civil action in United States district court to recover just compensation, which shall be awarded if the court finds that the loss constitutes a taking of property compensable under the Constitution.

#### **§ 100736. Acquisition of land by Secretary**

Nothing in this subchapter shall be construed to limit the authority of the Secretary to acquire land and interests in land within the boundary of any System unit. The Secretary shall give prompt and careful consideration to any offer made by the owner of any valid right or other

property in Glacier Bay National Monument, Death Valley National Monument, Organ Pipe Cactus National Monument, or Mount McKinley National Park to sell the right or other property if the owner notifies the Secretary that the continued ownership of the right or property is causing, or would result in, undue hardship.

#### **§ 100737. Financial disclosure by officer or employee of Secretary**

(a) **WRITTEN STATEMENTS.**—Each officer or employee of the Secretary who—

(1) performs any function or duty under this subchapter, or any Act amended by the Mining in the Parks Act (Public Law 94-429, 90 Stat. 1342) concerning the regulation of mining in the System; and

(2) has any known financial interest—

(A) in any person subject to this subchapter or any Act amended by the Mining in the Parks Act (Public Law 94-429, 90 Stat. 1342); or

(B) in any person who holds a mining claim within the boundary of any System unit; shall annually file with the Secretary a written statement concerning all such interests held by the officer or employee during the preceding calendar year. The statement shall be available to the public.

(b) **MONITORING AND ENFORCEMENT PROCEDURES.**—The Secretary shall—

(1) define the term "known financial interest" for purposes of subsection (a);

(2) establish the methods by which the requirement to file written statements specified in subsection (a) will be monitored and enforced, including appropriate provisions for the filing by the officers and employees of the statements and the review by the Secretary of the statements; and

(3) submit to Congress on June 1 of each year a report with respect to the disclosures and the actions taken in regard to the disclosures during the preceding calendar year.

(c) **EXEMPTIONS.**—In the rules prescribed under subsection (b), the Secretary may identify specific positions within the Department of the Interior that are of a nonregulatory or non-policy-making nature and provide that officers or employees occupying those positions shall be exempt from the requirements of this section.

(d) **CRIMINAL PENALTIES.**—Criminal penalties for a violation of this section are provided by section 1865 of title 18.

#### **Subchapter IV—Administration**

#### **§ 100751. Regulations**

(a) **IN GENERAL.**—The Secretary shall prescribe such regulations as the Secretary considers necessary or proper for the use and management of System units.

(b) **BOATING AND OTHER ACTIVITIES ON OR RELATING TO WATER.**—The Secretary, under such terms and conditions as the Secretary considers advisable, may prescribe regulations under subsection (a) concerning boating and other activities on or relating to water located within System units, including water subject to the jurisdiction of the United States. Any regulation under this subsection shall be complementary to, and not in derogation of, the authority of the Coast Guard to regulate the use of water subject to the jurisdiction of the United States.

(c) **CRIMINAL PENALTIES.**—Criminal penalties for a violation of a regulation prescribed under this section are provided by section 1865 of title 18.

#### **§ 100752. Destruction of animals and plant life**

The Secretary may provide for the destruction of such animals and plant life as may be detrimental to the use of any System unit.

#### **§ 100753. Disposal of timber**

The Secretary, on terms and conditions to be fixed by the Secretary, may sell or dispose of

timber in cases where, in the judgment of the Secretary, the cutting of timber is required to control attacks of insects or diseases or otherwise conserve the scenery or the natural or historic objects in any System unit.

**§ 100754. Relinquishment of legislative jurisdiction**

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may relinquish to a State or a territory (including a possession) of the United States part of the legislative jurisdiction of the United States over System land or interests in land in that State or territory. Relinquishment may be accomplished—

(1) by filing with the chief executive official of the State or territory a notice of relinquishment to take effect on acceptance; or

(2) as the laws of the State or territory may otherwise provide.

(b) SUBMISSION OF AGREEMENT TO CONGRESS.—Prior to consummating a relinquishment under subsection (a), the Secretary shall submit the proposed agreement to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives. The Secretary shall not finalize the agreement until 60 calendar days after the submission has elapsed.

(c) CONCURRENT LEGISLATIVE JURISDICTION.—The Secretary shall diligently pursue the consummation of arrangements with each State or territory within which a System unit is located so that insofar as practicable the United States shall exercise concurrent legislative jurisdiction within System units.

**§ 100755. Applicability of other laws**

(a) IN GENERAL.—This section and sections 100501, 100901(d) to (h), 101302(b)(2), 101901(c), and 102711 of this title, and the various authorities relating to the administration and protection of System units, including the provisions of law listed in subsection (b), shall, to the extent that those provisions are not in conflict with any such specific provision, be applicable to System units, and any reference in any of these provisions to a System unit does not limit those provisions to that System unit.

(b) APPLICABLE PROVISIONS.—The provisions of law referred to in subsection (a) are—

(1) section 100101(a), chapter 1003, sections 100751(a), 100752, 100753, 101101, 101102, 101511, 102101, 102712, 102901, 104905, and 104906, and chapter 2003 of this title;

(2) the Act of March 4, 1911 (43 U.S.C. 961); and

(3) chapter 3201 of this title.

**Chapter 1009—Administration**

Sec.

100901. Authority of Secretary to carry out certain activities.

100902. Rights of way for public utilities and power and communication facilities.

100903. Solid waste disposal operations.

100904. Admission and special recreation use fees.

100905. Commercial filming.

100906. Advisory committees.

**§ 100901. Authority of Secretary to carry out certain activities**

(a) IN GENERAL.—To facilitate the administration of the System, the Secretary, under such terms and conditions as the Secretary may consider advisable, may carry out the activities described in this section.

(b) SERVICES, RESOURCES, OR WATER CONTRACTS.—The Secretary may enter into contracts that provide for the sale or lease to persons, States, or political subdivisions of States, of services, resources, or water available within a System unit, as long as the activity does not jeopardize or unduly interfere with the primary

natural or historic resource of the System unit, if the person, State, or political subdivision—

(1) provides public accommodations or services within the immediate vicinity of the System unit to individuals visiting the System unit; and

(2) demonstrates to the Secretary that there are no reasonable alternatives by which to acquire or perform the necessary services, resources, or water.

(c) VEHICULAR AIR CONDITIONING.—The Secretary may acquire, and have installed, air conditioning units for any Government-owned passenger motor vehicles used by the Service, where assigned duties necessitate long periods in automobiles or in regions of the United States where high temperatures and humidity are common and prolonged.

(d) UTILITY FACILITIES.—The Secretary may erect and maintain fire protection facilities, water lines, telephone lines, electric lines, and other utility facilities adjacent to any System unit, where necessary, to provide service in the System unit.

(e) SUPPLIES AND RENTAL OF EQUIPMENT.—The Secretary may furnish, on a reimbursement of appropriation basis, supplies, and rent equipment, to persons and agencies that, in cooperation with and subject to the approval of the Secretary, render services or perform functions that facilitate or supplement the activities of the Department of the Interior in the administration of the System. The reimbursements may be credited to the appropriation current at the time reimbursements are received.

(f) CONTRACTS FOR UTILITY FACILITIES.—The Secretary may contract, under terms and conditions that the Secretary considers to be in the interest of the Federal Government, for the sale, operation, maintenance, repair, or relocation of Government-owned electric and telephone lines and other utility facilities used for the administration and protection of the System, regardless of whether the lines and facilities are located within or outside the System.

(g) RIGHTS OF WAY NECESSARY TO CONSTRUCT, IMPROVE, AND MAINTAIN ROADS.—The Secretary may acquire—

(1) rights of way necessary to construct, improve, and maintain roads within the authorized boundaries of any System unit; and

(2) land and interests in land adjacent to the rights of way, when—

(A) considered necessary by the Secretary—

(i) to provide adequate protection of natural features; or

(ii) to avoid traffic and other hazards resulting from private road access connections; or

(B) the acquisition of adjacent residual tracts, which otherwise would remain after acquiring the rights of way, would be in the public interest.

(h) OPERATION AND MAINTENANCE OF MOTOR AND OTHER EQUIPMENT.—

(1) IN GENERAL.—The Secretary may operate, repair, maintain, and replace motor and other equipment on a reimbursable basis when the equipment is used on Federal projects of the System, chargeable to other appropriations, or on work of other Federal agencies, when requested by the agencies.

(2) REIMBURSEMENT.—Reimbursement shall be—

(A) made from appropriations applicable to the work on which the equipment is used at rental rates established by the Secretary, based on actual or estimated cost of operation, repair, maintenance, depreciation, and equipment management control; and

(B) credited to appropriations currently available at the time adjustment is effected.

(3) RENTAL OF EQUIPMENT FOR FIRE CONTROL PURPOSES.—The Secretary may rent equipment for fire control purposes to State, county, private, or other non-Federal agencies that cooper-

ate with the Secretary in the administration of the System and other areas in fire control. The rental shall be under the terms of written cooperative agreements. The amount collected for the rentals shall be credited to appropriations currently available at the time payment is received.

**§ 100902. Rights of way for public utilities and power and communication facilities**

(a) PUBLIC UTILITIES.—

(1) IN GENERAL.—Under regulations the Secretary prescribes, the Secretary may grant a right of way through a System unit to a citizen, association, or corporation of the United States that intends to use the right of way for—

(A) electrical plants, poles, and lines for the generation and distribution of electrical power;

(B) telephone and telegraph purposes; and

(C) canals, ditches, pipes and pipe lines, flumes, tunnels, or other water conduits and water plants, dams, and reservoirs used to promote irrigation or mining or quarrying, or the manufacturing or cutting of timber or lumber, or the supplying of water for domestic, public, or any other beneficial uses.

(2) EXTENT OF RIGHT OF WAY.—A right of way under this subsection shall be for—

(A) the ground occupied by the canals, ditches, flumes, tunnels, reservoirs, or other water conduits or water plants, or electrical or other works permitted under paragraph (1); and

(B) not more than 50 feet—

(i) on each side of the marginal limits of the ground; or

(ii) on each side of the center line of the pipes and pipe lines, electrical, telegraph, and telephone lines and poles.

(3) APPROVAL.—A right of way under this subsection shall be allowed within or through a System unit only on the approval of the Secretary and on a finding that the right of way is not incompatible with the public interest.

(4) REVOCATION.—The Secretary may revoke a right of way under this subsection.

(5) RIGHT, EASEMENT, OR INTEREST NOT CONFERRED.—A right of way under this subsection does not confer any right, easement, or interest in, to, or over a System unit.

(b) POWER AND COMMUNICATION FACILITIES.—

(1) IN GENERAL.—Under regulations the Secretary prescribes, the Secretary may grant a right of way over, across, and on through a System unit to a citizen, association, or corporation of the United States that intends to use the right of way for—

(A) electrical poles and lines for the transmission and distribution of electrical power;

(B) poles and lines for communication purposes; and

(C) radio, television, and other forms of communication transmitting, relay, and receiving structures and facilities.

(2) EXTENT OF RIGHT OF WAY.—A right of way under this subsection—

(A) shall be for not more than 50 years from the date the right of way is granted; and

(B) for—

(i) lines and poles shall be for 200 feet on each side of the center line of the lines and poles; and

(ii) radio, television, and other forms of communication transmitting, relay, and receiving structures and facilities shall be for not more than 400 feet by 400 feet.

(3) APPROVAL.—A right of way under this subsection shall be allowed within or through a System unit only on the approval of the Secretary and on a finding that the right of way is not incompatible with the public interest.

(4) FORFEITURE AND ANNULMENT.—The Secretary may forfeit and annul any part of a right of way under this subsection for—

(A) nonuse for a period of 2 years; or

(B) abandonment.

**§ 100903. Solid waste disposal operations**

(a) IN GENERAL.—To protect the air, land, water, and natural and cultural values of the

System and the property of the United States in the System, no solid waste disposal site (including any site for the disposal of domestic or industrial solid waste) may be operated within the boundary of any System unit, other than—

(1) a site that was operating as of September 1, 1984; or

(2) a site used only for disposal of waste generated within that System unit so long as the site will not degrade any of the natural or cultural resources of the System unit.

(b) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section, including reasonable regulations to mitigate the adverse effects of solid waste disposal sites in operation as of September 1, 1984, on property of the United States.

#### **§ 100904. Admission and special recreation use fees**

(a) SYSTEM UNITS AT WHICH ENTRANCE FEES OR ADMISSIONS FEES CANNOT BE COLLECTED.—

(1) WITHHOLDING OF AMOUNTS.—Notwithstanding section 107 of the Department of the Interior and Related Agencies Appropriations Act, 1998 (Public Law 105–83, 111 Stat. 1561), the Secretary shall withhold from the special account under section 807(a) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6806(a)) 100 percent of the fees and charges collected in connection with any System unit at which entrance fees or admission fees cannot be collected by reason of deed restrictions.

(2) USE OF AMOUNTS.—Amounts withheld under paragraph (1) shall be retained by the Secretary and shall be available, without further appropriation, for expenditure by the Secretary for the System unit with respect to which the amounts were collected for the purposes of enhancing the quality of the visitor experience, protection of resources, repair and maintenance, interpretation, signage, habitat or facility enhancement, resource preservation, annual operation (including fee collection), maintenance, and law enforcement.

(b) ALLOCATION OF FUNDS TO SYSTEM UNITS.—

(1) ALLOCATION OF FUNDS ON BASIS OF NEED.—Ten percent of the funds made available to the Director under subsection (a) in each fiscal year shall be allocated among System units on the basis of need in a manner to be determined by the Director.

(2) ALLOCATION OF FUNDS BASED ON EXPENSES AND BASED ON FEES COLLECTED.—

(A) IN GENERAL.—Forty percent of the funds made available to the Director under subsection (a) in each fiscal year shall be allocated among System units in accordance with subparagraph (B) of this subsection and 50 percent shall be allocated in accordance with subparagraph (C).

(B) ALLOCATION BASED ON EXPENSES.—The amount allocated to each System unit under this paragraph for each fiscal year based on expenses shall be a fraction of the total allocation to all System units under this paragraph. The fraction for each System unit shall be determined by dividing the operating expenses at that System unit during the prior fiscal year by the total operating expenses at all System units during the prior fiscal year.

(C) ALLOCATION BASED ON FEES COLLECTED.—The amount allocated to each System unit under this paragraph for each fiscal year based on fees collected shall be a fraction of the total allocation to all System units under this paragraph. The fraction for each System unit shall be determined by dividing the user fees and admission fees collected under this section at that System unit during the prior fiscal year by the total of user fees and admission fees collected under this section at all System units during the prior fiscal year.

(3) AVAILABILITY OF AMOUNTS.—Amounts allocated under this subsection to any System unit for any fiscal year and not expended in that fis-

cal year shall remain available for expenditure at that System unit until expended.

(c) SELLING OF PERMITS.—

(1) AUTHORITY TO SELL PERMITS.—When authorized by the Secretary, volunteers at System units may sell permits and collect fees authorized or established pursuant to this section. The Secretary shall ensure that the volunteers have adequate training regarding—

(A) the sale of permits and the collection of fees;

(B) the purposes and resources of the System units in which they are assigned; and

(C) the provision of assistance and information to visitors to the System unit.

(2) SURETY BOND REQUIRED.—The Secretary shall require a surety bond for any such volunteer performing services under this subsection. Funds available to the Service may be used to cover the cost of the surety bond. The Secretary may enter into arrangements with qualified public or private entities pursuant to which the entities may sell (without cost to the United States) annual admission permits (including Golden Eagle Passports) at any appropriate location. The arrangements shall require each such entity to reimburse the United States for the full amount to be received from the sale of the permits at or before the Secretary delivers the permits to the entity for sale.

(d) CHARGE FOR TRANSPORTATION PROVIDED BY SERVICE FOR VIEWING SYSTEM UNITS.—

(1) CHARGE WHEN TRANSPORTATION PROVIDED.—Where the Service provides transportation to view all or a portion of any System unit, the Director may impose a charge for the service in lieu of an admission fee under this section.

(2) RETENTION OF CHARGE AND USE OF RETAINED AMOUNT.—Notwithstanding any other provision of law, half of the charges imposed under paragraph (1) shall be retained by the System unit at which the service was provided. The remainder shall be deposited in the same manner as receipts from fees collected pursuant to this section. Fifty percent of the amount retained shall be expended only for maintenance of transportation systems at the System unit where the charge was imposed. The remaining 50 percent of the retained amount shall be expended only for activities related to resource protection at those System units.

(e) ADMISSION FEES.—Where the primary public access to a System unit is provided by a concessioner, the Secretary may charge an admission fee at the System unit only to the extent that the total of the fee charged by the concessioner for access to the System unit and the admission fee does not exceed the maximum amount of the admission fee that could otherwise be imposed.

(f) COMMERCIAL TOUR USE FEES.—

(1) ESTABLISHMENT.—In the case of each System unit for which an admission fee is charged under this section, the Secretary shall establish a commercial tour use fee to be imposed on each vehicle entering the System unit for the purpose of providing commercial tour services within the System unit.

(2) AMOUNT.—The Secretary shall establish the amount of fee per entry as follows:

(A) Twenty-five dollars per vehicle with a passenger capacity of 25 individuals or less.

(B) Fifty dollars per vehicle with a passenger capacity of more than 25 individuals.

(3) ADJUSTMENTS.—The Secretary may periodically make reasonable adjustments to the commercial tour use fee imposed under this subsection.

(4) NONAPPLICABILITY.—The commercial tour use fee imposed under this subsection shall not apply to the following:

(A) Any vehicle transporting organized school groups or outings conducted for educational purposes by schools or other bona fide educational institutions.

(B) Any vehicle entering a System unit pursuant to a contract issued under subchapter II of chapter 1019 of this title.

(5) APPLICABILITY.—This subsection shall apply to aircraft entering the airspace of—

(A) Haleakalā Crater, Crater Cabins, the Scientific Research Reserve, Halemau Trail, Kaupo Gap Trail, or any designated tourist viewpoint in Haleakalā National Park or of Grand Canyon National Park; or

(B) any other System unit for the specific purpose of providing commercial tour services if the Secretary determines that the level of the services is equal to or greater than the level at the System units specified in subparagraph (A).

#### **§ 100905. Commercial filming**

(a) COMMERCIAL FILMING FEE.—

(1) IN GENERAL.—The Secretary shall require a permit and shall establish a reasonable fee for commercial filming activities or similar projects in a System unit. The fee shall provide a fair return to the United States and shall be based on the following criteria:

(A) The number of days the filming activity or similar project takes place in the System unit.

(B) The size of the film crew present in the System unit.

(C) The amount and type of equipment present in the System unit.

(2) OTHER FACTORS.—The Secretary may include other factors in determining an appropriate fee as the Secretary considers necessary.

(b) RECOVERY OF COSTS.—The Secretary shall collect any costs incurred as a result of filming activities or similar projects, including administrative and personnel costs. All costs recovered shall be in addition to the fee assessed in subsection (a).

(c) STILL PHOTOGRAPHY.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall not require a permit or assess a fee for still photography in a System unit if the photography takes place where members of the public are generally allowed. The Secretary may require a permit, assess a fee, or both, if the photography takes place at other locations where members of the public are generally not allowed, or where additional administrative costs are likely.

(2) EXCEPTION.—The Secretary shall require and shall establish a reasonable fee for still photography that uses models or props that are not a part of the site's natural or cultural resources or administrative facilities.

(d) PROTECTION OF RESOURCES.—The Secretary shall not permit any filming, still photography or other related activity if the Secretary determines that—

(1) there is a likelihood of resource damage;

(2) there would be an unreasonable disruption of the public's use and enjoyment of the site; or

(3) the activity poses health or safety risks to the public.

(e) USE OF PROCEEDS.—

(1) FEES.—All fees collected under this section shall be available for expenditure by the Secretary, without further appropriation and shall remain available until expended.

(2) COSTS.—All costs recovered under this section shall be available for expenditure by the Secretary, without further appropriation, at the site where the costs are collected and shall remain available until expended.

(f) PROCESSING OF PERMIT APPLICATIONS.—The Secretary shall establish a process to ensure that the Secretary responds in a timely manner to permit applicants for commercial filming, still photography, or other activity.

#### **§ 100906. Advisory committees**

(a) ESTABLISHMENT.—To facilitate the administration of the System, the Secretary, under such terms and conditions as the Secretary may consider advisable, may appoint and establish

advisory committees in regard to the functions of the Service as the Secretary considers advisable.

(b) **CHARTER EXCEPTION ON RENEWAL.**—Section 14(b) of the Federal Advisory Committee Act (5 U.S.C. App.) is waived with respect to any advisory commission or advisory committee established by law in connection with any System unit during the period for which the commission or committee is authorized by law.

(c) **SERVICE OF MEMBERS.**—Any member of any advisory commission or advisory committee established in connection with any System unit may serve after the expiration of the member's term until a successor is appointed.

(d) **COMPENSATION AND TRAVEL EXPENSES.**—Members of an advisory committee established under subsection (a) shall receive no compensation for their services as such but shall be allowed necessary travel expenses as authorized by section 5703 of title 5.

### **Chapter 1011—Donations**

#### **Subchapter I—Authority of Secretary Sec.**

101101. Authority to accept land, rights-of-way, buildings, other property, and money.

101102. Authority to accept and use funds to consolidate Federal land ownership.

#### **Subchapter II—National Park Foundation**

101111. Purpose and establishment of Foundation.

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101115. Corporate succession and powers and duties acting as trustee; personal liability for malfeasance.

101116. Corporate powers.

101117. Authority of Board.

101118. Tax exemptions; contributions toward costs of local government; contributions, gifts, or transfers to or for use of United States.

101119. Liability of United States.

101120. Promotion of local fundraising support.

#### **Subchapter I—Authority of Secretary**

##### **§ 101101. Authority to accept land, rights-of-way, buildings, other property, and money**

The Secretary in the administration of the Service may accept—

(1) patented land, rights-of-way over patented land or other land, buildings, or other property within a System unit; and

(2) money that may be donated for the purposes of the System.

##### **§ 101102. Authority to accept and use funds to consolidate Federal land ownership**

(a) **IN GENERAL.**—The Secretary may—

(1) accept and use funds that may be donated in order to consolidate Federal land ownership within the existing boundaries of any System unit; and

(2) encourage the donation of funds for that purpose, subject to the condition that donated funds are to be expended for purposes of this section only if Federal funds in an amount equal to the amount of the donated funds are appropriated for the purposes of this section.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated for each fiscal year not more than \$500,000 to match funds that are donated for those purposes.

#### **Subchapter II—National Park Foundation**

##### **§ 101111. Purpose and establishment of Foundation**

To encourage private gifts of real and personal property, or any income from, or other interest in, the property, for the benefit of, or in connection with, the Service, its activities, or its services, and thereby to further the conservation

of natural, scenic, historic, scientific, educational, inspirational, or recreational resources for future generations of Americans, there is established a charitable and nonprofit corporation to be known as the National Park Foundation to accept and administer those gifts.

##### **§ 101112. Board**

(a) **MEMBERSHIP.**—The National Park Foundation shall consist of a Board having as members the Secretary, the Director, and no fewer than 6 private citizens of the United States appointed by the Secretary.

(b) **TERM OF OFFICE AND VACANCIES.**—The term of the private citizen members of the Board is 6 years. If a successor is chosen to fill a vacancy occurring prior to the expiration of a term, the successor shall be chosen only for the remainder of that term.

(c) **CHAIRMAN AND SECRETARY.**—The Secretary shall be the Chairman of the Board and the Director shall be the Secretary of the Board.

(d) **BOARD MEMBERSHIP NOT AN OFFICE.**—Membership on the Board shall not be an office within the meaning of the statutes of the United States.

(e) **QUORUM.**—A majority of the members of the Board serving at any time shall constitute a quorum for the transaction of business.

(f) **SEAL.**—The National Park Foundation shall have an official seal, which shall be judicially noticed.

(g) **MEETINGS.**—The Board shall meet at the call of the Chairman and there shall be at least one meeting each year.

(h) **COMPENSATION AND REIMBURSEMENT.**—No compensation shall be paid to the members of the Board for their services as members, but they shall be reimbursed for actual and necessary traveling and subsistence expenses incurred by them in the performance of their duties as members out of National Park Foundation funds available to the Board for those purposes.

##### **§ 101113. Gifts, devises, or bequests**

(a) **AUTHORITY TO ACCEPT GIFTS, DEVISES, OR BEQUESTS.**—

(1) **IN GENERAL.**—The National Park Foundation may accept, receive, solicit, hold, administer, and use any gifts, devises, or bequests, either absolutely or in trust of real or personal property, or any income from, or other interest in, the gift, devise, or bequest, for the benefit of, or in connection with, the Service, its activities, or its services.

(2) **GIFT, DEVISE, OR BEQUEST THAT IS ENCUMBERED, RESTRICTED, OR SUBJECT TO BENEFICIAL INTERESTS.**—A gift, devise, or bequest may be accepted by the National Park Foundation even though it is encumbered, restricted, or subject to beneficial interests of private persons if any current or future interest in the gift, devise, or bequest is for the benefit of the Service, its activities, or its services.

(b) **WHEN GIFT, DEVISE, OR BEQUEST MAY NOT BE ACCEPTED.**—The National Park Foundation may not accept any gift, devise, or bequest that entails any expenditure other than from the resources of the Foundation.

(c) **INTEREST IN REAL PROPERTY.**—For purposes of this section, an interest in real property includes easements or other rights for preservation, conservation, protection, or enhancement by and for the public of natural, scenic, historic, scientific, educational, inspirational, or recreational resources.

##### **§ 101114. Disposition of property or income**

(a) **AUTHORITY TO DISPOSE OR DEAL WITH PROPERTY OR INCOME.**—Except as otherwise required by the instrument of transfer, the National Park Foundation may sell, lease, invest, reinvest, retain, or otherwise dispose of or deal with any property or income from the property as the Board may determine.

(b) **RESTRICTION.**—The National Park Foundation shall not engage in any business or make any investment that may not lawfully be made by a trust company in the District of Columbia, except that the Foundation may make any investment authorized by the instrument of transfer, and may retain any property accepted by the Foundation.

(c) **USE OF SERVICES AND FACILITIES OF THE DEPARTMENTS OF THE INTERIOR AND JUSTICE.**—The National Park Foundation may utilize the services and facilities of the Department of the Interior and the Department of Justice, and the services and facilities may be made available on request to the extent practicable with or without reimbursement. Amounts reimbursed to either Department shall be returned by the Department to the account from which the funds for which the reimbursement is made were drawn and may, without further appropriation, be expended for any purpose for which the account is authorized.

##### **§ 101115. Corporate succession and powers and duties acting as trustee; personal liability for malfeasance**

(a) **PERPETUAL SUCCESSION.**—The National Park Foundation shall have perpetual succession.

(b) **POWERS AND DUTIES OF TRUSTEE.**—The National Park Foundation shall have all the usual powers and obligations of a corporation acting as a trustee, including the power to sue and to be sued in its own name.

(c) **PERSONAL LIABILITY OF BOARD MEMBERS.**—The members of the Board shall not be personally liable, except for malfeasance.

##### **§ 101116. Corporate powers**

The National Park Foundation shall have the power to enter into contracts, to execute instruments, and generally to do any and all lawful acts necessary or appropriate to its purposes.

##### **§ 101117. Authority of Board**

In carrying out this chapter, the Board may—

(1) adopt bylaws and regulations necessary for the administration of its functions; and

(2) contract for any necessary services.

##### **§ 101118. Tax exemptions; contributions toward costs of local government; contributions, gifts, or transfers to or for use of United States**

(a) **TAX EXEMPTION.**—The National Park Foundation and any income or property received or owned by it, and all transactions relating to that income or property, shall be exempt from all Federal, State, and local taxation.

(b) **CONTRIBUTIONS IN LIEU OF TAXES.**—The National Park Foundation may—

(1) contribute toward the costs of local government in amounts not in excess of those which it would be obligated to pay that government if it were not exempt from taxation by virtue of subsection (a) or by virtue of its being a charitable and nonprofit corporation; and

(2) agree to contribute with respect to property transferred to it and the income derived from the property if the agreement is a condition of the transfer.

(c) **TRANSFERS DEEMED TO BE TO OR FOR THE USE OF UNITED STATES.**—Contributions, gifts, and other transfers made to or for the use of the Foundation shall be deemed to be contributions, gifts, or transfers to or for the use of the United States.

##### **§ 101119. Liability of United States**

The United States shall not be liable for any debts, defaults, acts, or omissions of the National Park Foundation.

**§ 101120. Promotion of local fundraising support**

(a) **PROGRAM.**—The National Park Foundation shall design and implement a comprehensive program to assist and promote philanthropic programs of support at the individual System unit level.

(b) **IMPLEMENTATION.**—The program under subsection (a) shall be implemented to—

(1) assist in the creation of local nonprofit support organizations; and

(2) provide support, national consistency, and management-improving suggestions for local nonprofit support organizations.

(c) **PROGRAM.**—The program under subsection (a)—

(1) shall include the greatest number of System units as is practicable; and

(2) at a minimum shall include—

(A) a standard adaptable organizational design format to establish and sustain responsible management of a local nonprofit support organization for support of a System unit;

(B) standard and legally tenable bylaws and recommended money-handling procedures that can easily be adapted as applied to individual System units; and

(C) a standard training curriculum to orient and expand the operating expertise of personnel employed by local nonprofit support organizations.

(d) **ANNUAL REPORT.**—The National Park Foundation shall report the progress of the program under subsection (a) in the annual report of the Foundation.

(e) **AFFILIATIONS.**—

(1) **CHARTER OR CORPORATE BYLAWS.**—Nothing in this section requires—

(A) a nonprofit support organization or friends group to modify current practices or to affiliate with the National Park Foundation; or

(B) a local nonprofit support organization, established as a result of this section, to be bound through its charter or corporate bylaws to be permanently affiliated with the National Park Foundation.

(2) **ESTABLISHMENT.**—An affiliation with the National Park Foundation shall be established only at the discretion of the governing board of a nonprofit organization.

**Chapter 1013—Employees****Subchapter I—General Provisions**

Sec.

101301. Maintenance management system.

101302. Authority of Secretary to carry out certain activities.

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**Subchapter I—General Provisions****§ 101301. Maintenance management system**

The Service shall implement a maintenance management system in the maintenance and operations programs of the System. The system shall include the following elements:

(1) A workload inventory of assets including detailed information that quantifies for all assets (including buildings, roads, utility systems, and grounds that must be maintained) the characteristics affecting the type of maintenance work performed.

(2) A set of maintenance tasks that describe the maintenance work in each System unit.

(3) A description of work standards including—

(A) frequency of maintenance;

(B) measurable quality standard to which assets should be maintained;

(C) methods for accomplishing work;

(D) required labor, equipment, and material resources; and

(E) expected worker production for each maintenance task.

(4) A work program and performance budget that develops an annual work plan identifying maintenance needs and financial resources to be devoted to each maintenance task.

(5) A work schedule that identifies and prioritizes tasks to be done in a specific time period and specifies required labor resources.

(6) Work orders specifying job authorizations and a record of work accomplished that can be used to record actual labor and material costs.

(7) Reports and special analyses that compare planned versus actual accomplishments and costs and that can be used to evaluate maintenance operations.

**§ 101302. Authority of Secretary to carry out certain activities**

(a) **IN GENERAL.**—To facilitate the administration of the System, the Secretary, under such terms and conditions as the Secretary may consider advisable, may carry out the activities described in this section.

(b) **TRANSPORTATION.**—The Secretary may provide transportation of employees located at an isolated area of the System and to members of their families, if—

(1) the area is not adequately served by commercial transportation; and

(2) the transportation is incidental to official transportation services.

(c) **RECREATION FACILITIES, EQUIPMENT, AND SERVICES.**—The Secretary may provide recreation facilities, equipment, and services for use by employees and their families located at an isolated area of the System.

(d) **FIELD AND SPECIAL PURPOSE EQUIPMENT.**—The Secretary may purchase field and special purpose equipment required by employees for the performance of assigned functions. The purchased equipment shall be regarded and listed as System equipment.

(e) **MEALS AND LODGING.**—The Secretary may provide meals and lodging, as the Secretary considers appropriate, for members of the United States Park Police and other employees of the Service, as the Secretary may designate, serving temporarily on extended special duty in System units. For this purpose the Secretary may use funds appropriated for the expenses of the Department of the Interior.

**§ 101303. Medical attention for employees**

(a) **IN GENERAL.**—In the administration of the Service, the Secretary may contract for medical attention and service for employees and to make necessary payroll deductions agreed to by the employees for that medical attention and service.

(b) **EMPLOYEES LOCATED AT ISOLATED SITUATIONS.**—The Secretary may provide, out of amounts appropriated for the general expense of the System units, medical attention for employees of the Service located at isolated situations, including—

(1) moving the employees to hospitals or other places where medical assistance is available; and

(2) in case of death, to remove the bodies of deceased employees to the nearest place where they can be prepared for shipment or for burial.

**§ 101304. Personal equipment and property**

(a) **PURCHASE OF PERSONAL EQUIPMENT AND SUPPLIES.**—The Secretary may purchase personal equipment and supplies for employees of the Service and make deductions for the equipment and supplies from amounts appropriated for salary payments or otherwise due the employees.

(b) **LOST, DAMAGED, OR DESTROYED PROPERTY.**—The Secretary, in the administration of the Service, may reimburse employees and other owners of horses, vehicles, and other equipment lost, damaged, or destroyed while in the custody of the employee or the Department of the Interior, under authorization, contract, or loan, for necessary firefighting, trail, or other official business. Reimbursement shall be made from any available funds in the appropriation to which the hire of the equipment would be properly chargeable.

(c) **EQUIPMENT REQUIRED TO BE FURNISHED BY FIELD EMPLOYEES.**—The Secretary may—

(1) require field employees of the Service to furnish horses, motor and other vehicles, and miscellaneous equipment necessary for the performance of their official work; and

(2) provide, at Federal Government expense, forage, care, and housing for animals, and housing or storage and fuel for vehicles and other equipment required to be furnished.

(d) **HIRE, RENTAL, AND PURCHASE OF PROPERTY.**—The Secretary, under regulations the Secretary may prescribe, may authorize the hire, rental, or purchase of property from employees of the Service whenever it would promote the public interest to do so.

**§ 101305. Travel expenses of System employees and dependents of deceased employees**

In the administration of the System, the Secretary may, under regulations the Secretary may prescribe, pay the travel expenses (including the costs of packing, crating, and transporting (including draying) personal property) of—

(1) employees, on permanent change of station of the employees; and

(2) dependents of deceased employees—

(A) to the nearest housing reasonably available that is of a standard not less than that which is vacated, including compensation for not to exceed 60 days rental cost, in the case of an employee who occupied Federal Government housing and whose death requires the housing to be promptly vacated; and

(B) to the nearest port of entry in the conterminous 48 States in the case of an employee whose last permanent station was outside the conterminous 48 States.

**Subchapter II—Service Career Development, Training, and Management****§ 101321. Service employee training**

The Secretary shall develop a comprehensive training program for employees in all professional careers in the workforce of the Service for the purpose of ensuring that the workforce has available the best up-to-date knowledge, skills, and abilities with which to manage, interpret, and protect the resources of the System.

**§ 101322. Management development and training**

The Secretary shall maintain a clear plan for management training and development under which career professional Service employees from any appropriate academic field may obtain sufficient training, experience, and advancement opportunity to enable those qualified to move into System unit management positions, including the position of superintendent of a System unit.



**Subchapter III—Housing Improvement****§ 101331. Definitions**

In this subchapter:

(1) **FIELD EMPLOYEE.**—The term “field employee” means—

(A) an employee of the Service who is exclusively assigned by the Service to perform duties at a field unit, and the members of the employee's family; and

(B) any other individual who is authorized to occupy Federal Government quarters under section 5911 of title 5, and for whom there is no feasible alternative to the provision of Federal Government housing, and the members of the individual's family.

(2) **PRIMARY RESOURCE VALUES.**—The term “primary resource values” means resources that are specifically mentioned in the enabling legislation for that field unit or other resource value recognized under Federal statute.

(3) **QUARTERS.**—The term “quarters” means quarters owned or leased by the Federal Government.

(4) **SEASONAL QUARTERS.**—The term “seasonal quarters” means quarters typically occupied by field employees who are hired on assignments of 6 months or less.

**§ 101332. General authority of Secretary**

(a) **RENTAL HOUSING.**—To enhance the ability of the Secretary, acting through the Director, to effectively manage System units, the Secretary may where necessary and justified—

(1) make available employee housing, on or off land under the administrative jurisdiction of the Service; and

(2) rent that housing to field employees at rates based on the reasonable value of the housing in accordance with requirements applicable under section 5911 of title 5.

(b) **JOINT DEVELOPMENT AUTHORITY.**—The Secretary may use authorities granted by statute in combination with one another in the furtherance of providing where necessary and justified affordable field employee housing.

(c) **CONSTRUCTION LIMITATIONS ON FEDERAL LAND.**—The Secretary may not utilize any land for the purposes of providing field employee housing under this subchapter that will affect a primary resource value of the area or adversely affect the mission of the Service.

(d) **RENTAL RATES.**—To the extent practicable, the Secretary shall establish rental rates for all quarters occupied by field employees of the Service that are based on the reasonable value of the quarters in accordance with requirements applicable under section 5911 of title 5.

**§ 101333. Criteria for providing housing**

The Secretary shall maintain criteria under which housing is provided to employees of the Service. The Secretary shall examine the criteria with respect to the circumstances under which the Service requires an employee to occupy Federal Government quarters, so as to provide necessary services or protect Federal Government property or because of a lack of availability of non-Federal housing in a geographic area.

**§ 101334. Authorization for housing agreements**

The Secretary may, pursuant to the authorities contained in this subchapter and subject to the appropriation of necessary funds in advance, enter into housing agreements with housing entities under which the housing entities may develop, construct, rehabilitate, or manage housing, located on or off public land, for rent to Service employees who meet the housing eligibility criteria developed by the Secretary pursuant to this subchapter.

**§ 101335. Housing programs**

(a) **JOINT PUBLIC-PRIVATE SECTOR HOUSING PROGRAM.**—

(1) **LEASE-TO-BUILD PROGRAM.**—Subject to the appropriation of necessary funds in advance, the Secretary may lease—

(A) Federal land and interests in land to qualified persons for the construction of field employee quarters for any period not to exceed 50 years; and

(B) developed and undeveloped non-Federal land for providing field employee quarters.

(2) **COMPETITIVE LEASING.**—Each lease under paragraph (1)(A) shall be awarded through the use of publicly advertised, competitively bid, or competitively negotiated contracting procedures.

(3) **TERMS AND CONDITIONS.**—Each lease under paragraph (1)(A)—

(A) shall stipulate whether operation and maintenance of field employee quarters is to be provided by the lessee, field employees, or the Federal Government;

(B) shall require that the construction and rehabilitation of field employee quarters be done in accordance with the requirements of the Service and local applicable building codes and industry standards;

(C) shall contain additional terms and conditions as may be appropriate to protect the Federal interest, including limits on rents that the lessee may charge field employees for the occupancy of quarters, conditions on maintenance and repairs, and agreements on the provision of charges for utilities and other infrastructure; and

(D) may be granted at less than fair market value if the Secretary determines that the lease will improve the quality and availability of field employee quarters.

(4) **CONTRIBUTIONS BY FEDERAL GOVERNMENT.**—The Secretary may make payments, subject to appropriations, or contributions in kind, in advance or on a continuing basis, to reduce the costs of planning, construction, or rehabilitation of quarters on or off Federal land under a lease under this subsection.

(b) **RENTAL GUARANTEE PROGRAM.**—

(1) **GENERAL AUTHORITY.**—Subject to the appropriation of necessary funds in advance, the Secretary may enter into a lease-to-build arrangement as set forth in subsection (a) with further agreement to guarantee the occupancy of field employee quarters constructed or rehabilitated under the lease. A guarantee made under this paragraph shall be in writing.

(2) **LIMITATIONS ON GUARANTEES.**—

(A) **SPECIFIC GUARANTEES.**—The Secretary may not guarantee—

(i) the occupancy of more than 75 percent of the units constructed or rehabilitated under the lease; and

(ii) at a rental rate that exceeds the rate based on the reasonable value of the housing in accordance with requirements applicable under section 5911 of title 5.

(B) **TOTAL OF OUTSTANDING GUARANTEES.**—Outstanding guarantees shall not be in excess of \$3,000,000.

(3) **AGREEMENT TO RENT TO FEDERAL GOVERNMENT EMPLOYEES.**—A guarantee may be made under this subsection only if the lessee agrees to permit the Secretary to utilize for housing purposes any units for which the guarantee is made.

(4) **OPERATION AND MAINTENANCE.**—A lease shall be void if the lessee fails to maintain a satisfactory level of operation and maintenance.

**§ 101336. Contracts for the management of field employee quarters**

Subject to the appropriation of necessary funds in advance, the Secretary may enter into contracts of any duration for the management, repair, and maintenance of field employee quarters. The contract shall contain terms and conditions that the Secretary considers necessary or appropriate to protect the interests of the United States and ensure that necessary quarters are available to field employees.

**§ 101337. Leasing of seasonal employee quarters**

(a) **GENERAL AUTHORITY.**—The Secretary may lease quarters at or near a System unit for use as seasonal quarters for field employees if the Secretary finds that there is a shortage of adequate and affordable seasonal quarters at or near the System unit and that—

(1) the requirement for the seasonal field employee quarters is temporary; or

(2) leasing would be more cost-effective than construction of new seasonal field employee quarters.

(b) **RENT.**—The rent charged to field employees under the lease shall be a rate based on the reasonable value of the quarters in accordance with requirements applicable under section 5911 of title 5.

(c) **UNRECOVERED COSTS.**—The Secretary may pay the unrecovered costs of leasing seasonal quarters under this section from annual appropriations for the year in which the lease is made.

**§ 101338. General leasing provisions**

(a) **EXEMPTION FROM LEASING REQUIREMENTS.**—Section 102901 of this title and section 1302 of title 40 shall not apply to leases issued by the Secretary under this section.

(b) **PROCEEDS FROM LEASES.**—The proceeds from any lease under section 101335(a)(1) of this title and any lease under section 101337 of this title shall be retained by the Service and deposited in the special fund established for maintenance and operation of quarters.

**§ 101339. Assessment and priority listing**

The Secretary shall—

(1) complete a condition assessment for all field employee housing, including the physical condition of the housing and the necessity and suitability of the housing for carrying out the mission of the Service, using existing information; and

(2) develop a Service-wide priority listing, by structure, identifying the units in greatest need for repair, rehabilitation, replacement, or initial construction.

**§ 101340. Use of funds**

(a) **EXPENDITURE SHALL FOLLOW PRIORITY LISTING.**—Expenditure of any funds authorized and appropriated for new construction, repair, or rehabilitation of housing under this chapter shall follow the housing priority listing established by the Secretary under section 101339 of this title, in sequential order, to the maximum extent practicable.

(b) **NONCONSTRUCTION FUNDS IN ANNUAL BUDGET SUBMITTAL.**—Each fiscal year the President's proposed budget to Congress shall include identification of nonconstruction funds to be spent for Service housing maintenance and operations that are in addition to rental receipts collected.

**Chapter 1015—Transportation****Subchapter I—Airports**

Sec.

101501. Airports in or near System units.

**Subchapter II—Roads and Trails**

101511. Authority of Secretary.

101512. Conveyance to States of roads leading to certain historical areas.

**Subchapter III—Public Transportation Programs for System Units**

101521. Transportation service and facility programs.

101522. Transportation projects.

101523. Procedures applicable to transportation plans and projects.

101524. Special rule for service contract to provide transportation services.

**Subchapter IV—Fees**

101531. Fee for use of transportation services.



**Subchapter I—Airports****§ 101501. Airports in or near System units**

(a) **DEFINITIONS.**—In this section, the terms “airport”, “project”, “project costs”, “public agency”, and “sponsor” have the meanings given the terms in section 47102 of title 49.

(b) **ACQUISITION, OPERATION, AND MAINTENANCE OF AIRPORTS.**—

(1) **AUTHORIZATION.**—The Secretary may plan, acquire, establish, construct, enlarge, improve, maintain, equip, operate, regulate, and protect airports in the continental United States in, or in close proximity to, System units, when the Secretary determines that the airports are necessary to the proper performance of the functions of the Department of the Interior.

(2) **INCLUSION IN NATIONAL PLAN.**—The Secretary shall not acquire, establish, or construct an airport under this section unless the airport is included in the national plan of integrated airport systems formulated by the Secretary of Transportation pursuant to section 47103 of title 49.

(3) **OPERATION AND MAINTENANCE MUST ACCORD WITH STANDARDS AND REGULATIONS OF SECRETARY OF TRANSPORTATION.**—The operation and maintenance of airports under this section shall be in accordance with the standards and regulations prescribed by the Secretary of Transportation.

(c) **AUTHORITY OF SECRETARY.**—

(1) **IN GENERAL.**—To carry out this section, the Secretary may—

(A) acquire necessary land and interests in or over land;

(B) contract for the construction, improvement, operation, and maintenance of airports and incidental facilities;

(C) enter into agreements with other public agencies providing for the construction, operation, or maintenance of airports by those agencies or jointly by the Secretary and those agencies on mutually satisfactory terms; and

(D) enter into other agreements and take other action with respect to the airports as may be necessary to carry out this section.

(2) **CONSENT REQUIRED.**—This section does not authorize the Secretary to acquire any land, or interest in or over land, by purchase, condemnation, grant, or lease, without first obtaining the consent of the Governor of the State, and the consent of the chief executive official of the State political subdivision, in which the land is located.

(d) **AUTHORIZATION TO SPONSOR AIRPORT PROJECTS.**—To carry out this section, the Secretary may—

(1) sponsor projects under subchapter I of chapter 471 of title 49 independently or jointly with other public agencies; and

(2) use, for payment of the sponsor's share of the project costs of those projects, any funds that may be—

(A) contributed or otherwise made available to the Secretary for those purposes; or

(B) appropriated or otherwise specifically authorized for that purpose.

(e) **JURISDICTION OVER AIRPORTS.**—All airports under the jurisdiction of the Secretary, unless otherwise specifically provided by law, shall be operated as public airports, available for public use on fair and reasonable terms and without unjust discrimination.

**Subchapter II—Roads and Trails****§ 101511. Authority of Secretary**

(a) **ROADS AND TRAILS IN SYSTEM UNITS.**—The Secretary may construct, reconstruct, and improve roads and trails, including bridges, in System units.

(b) **APPROACH ROADS.**—

(1) **IN GENERAL.**—

(A) **DESIGNATION.**—When the Secretary determines it to be in the public interest, the Sec-

retary may designate, as System unit approach roads, roads whose primary value is to carry System unit travel and that lead across land at least 90 percent owned by the Federal Government and that will connect the highways within a System unit with a convenient point on or leading to the National Highway System.

(B) **LIMIT ON LENGTH OF APPROACH ROADS.**—

(i) **IN GENERAL.**—A designated approach road shall not exceed—

(1) 60 miles in length between a System unit gateway and a point on or leading to the nearest convenient National Highway System road; or

(II) 30 miles in length if the approach road is on the National Highway System.

(ii) **COUNTY LIMIT.**—Not to exceed 40 miles of any one approach road shall be designated in any one county.

(C) **SUPPLEMENTARY PART OF SYSTEM UNIT HIGHWAY SYSTEM.**—An approach road designated for a System unit shall be treated as a supplementary part of the highway system of the System unit.

(2) **CONSTRUCTION, RECONSTRUCTION, AND IMPROVEMENT.**—

(A) **IN GENERAL.**—The Secretary may construct, reconstruct, and improve approach roads designated under paragraph (1) (including bridges) and enter into agreements for the maintenance of the approach roads by State or county authorities or to maintain the approach roads when otherwise necessary.

(B) **ANNUAL ALLOCATION.**—Not more than \$1,500,000 shall be allocated annually for the construction, reconstruction, and improvement of System unit approach roads.

(3) **APPROVAL OF SECRETARY OF AGRICULTURE REQUIRED.**—When an approach road is proposed under this section across or within any national forest, the Secretary shall secure the approval of the Secretary of Agriculture before construction begins.

(c) **AGREEMENT WITH SECRETARY OF TRANSPORTATION.**—Under agreement with the Secretary, the Secretary of Transportation may carry out any provision of this section.

**§ 101512. Conveyance to States of roads leading to certain historical areas**

(a) **DEFINITION.**—In this section, the term “State” means a State, Puerto Rico, Guam, and the Virgin Islands.

(b) **AUTHORITY OF SECRETARY.**—The Secretary may, subject to conditions as seem proper to the Secretary, convey by proper quitclaim deed to any State, county, municipality, or agency of a State, county, or municipality in which the road is located, all right, title, and interest of the United States in and to any Federal Government owned or controlled road leading to any national cemetery, national military park, national historical park, national battlefield park, or national historic site administered by the Service.

(c) **NOTIFICATION BY STATE, AGENCY, OR MUNICIPALITY.**—Prior to the delivery of any conveyance of a road under this section, the State, county, or municipality to which the conveyance is to be made shall notify the Secretary in writing of its willingness to accept and maintain the road.

(d) **TRANSFER OF JURISDICTION.**—On the execution and delivery of the conveyance of a road under this section, any jurisdiction previously ceded to the United States by a State over the road is retroceded and shall vest in the State in which the road is located.

**Subchapter III—Public Transportation Programs for System Units****§ 101521. Transportation service and facility programs**

(a) **FORMULATION OF PLANS AND IMPLEMENTATION OF PROJECTS.**—The Secretary may formu-

late transportation plans and implement transportation projects where feasible pursuant to those plans for System units.

(b) **CONTRACTS, OPERATIONS, AND ACQUISITIONS FOR IMPROVEMENT OF ACCESS TO SYSTEM UNITS.**—

(1) **AUTHORITY OF SECRETARY.**—To carry out subsection (a), the Secretary may—

(A) contract with public or private agencies or carriers to provide transportation services, capital equipment, or facilities to improve access to System units;

(B) operate those services directly in the absence of suitable and adequate agencies or carriers;

(C) acquire, by purchase, lease, or agreement, capital equipment for those services; and

(D) where necessary to carry out this subchapter, acquire, by lease, purchase, donation, exchange, or transfer, land, water, or an interest in land or water that is situated outside the boundary of a System unit.

(2) **SPECIFIC PROVISIONS RELATED TO PROPERTY ACQUISITION.**—

(A) **ADMINISTRATION.**—The acquired property shall be administered as part of the System unit.

(B) **ACQUISITION OF LAND OR INTERESTS IN LAND OWNED BY STATE OR POLITICAL SUBDIVISION.**—Any land or interests in land owned by a State or any of its political subdivisions may be acquired only by donation.

(C) **ACQUISITION SUBJECT TO STATUTORY LIMITATIONS.**—Any land acquisition shall be subject to any statutory limitations on methods of acquisition and appropriations as may be specifically applicable to the area.

(c) **ESTABLISHMENT OF INFORMATION PROGRAMS.**—The Secretary shall establish information programs to inform the public of available System unit access opportunities and to promote the use of transportation modes other than personal motor vehicles for access to and travel within the System units.

(d) **UNDERTAKING TRANSPORTATION FACILITIES AND SERVICES.**—Transportation facilities and services provided pursuant to this subchapter may be undertaken by the Secretary directly or by contract without regard to any requirement of Federal, State, or local law respecting determinations of public convenience and necessity or other similar matters. The Secretary or contractor shall consult with the appropriate State or local public service commission or other body having authority to issue certificates of convenience and necessity. A contractor shall be subject to applicable requirements of that body unless the Secretary determines that the requirements would not be consistent with the purposes and provisions of this subchapter.

(e) **CONSTRUCTION OF GRANT OF AUTHORITY RESPECTING OPERATION OF MOTOR VEHICLES EXCEPTED FROM STATUTORY COVERAGE.**—No grant of authority in this subchapter shall be deemed to expand the exemption of section 13506(a)(9) of title 49.

**§ 101522. Transportation projects**

(a) **ASSISTANCE OF HEADS OF OTHER FEDERAL DEPARTMENTS AND AGENCIES IN FORMULATION AND IMPLEMENTATION.**—To carry out this subchapter, the Secretary of Transportation, the Secretary of Housing and Urban Development, the Secretary of Health and Human Services, the Secretary of Commerce, and the heads of other Federal departments or agencies that the Secretary considers necessary shall assist the Secretary in the formulation and implementation of transportation projects.

(b) **COMPILATION OF STATUTES AND PROGRAMS.**—The Secretary shall maintain a compilation of Federal statutes and programs providing authority for the planning, funding, or operation of transportation projects that might be utilized by the Secretary to carry out this subchapter.

**§ 101523. Procedures applicable to transportation plans and projects**

(a) DURING FORMULATION OF PLAN.—The Secretary shall, during the formulation of any transportation plan authorized pursuant to section 101521 of this title—

(1) give public notice of intention to formulate the plan by publication in the Federal Register and in a newspaper or periodical having general circulation in the vicinity of the affected System unit; and

(2) following the notice, hold a public meeting at a location convenient to the affected System unit.

(b) PRIOR TO IMPLEMENTATION OF PROJECT.—Prior to the implementation of any project developed pursuant to the transportation plan formulated pursuant to subsection (a), the Secretary shall—

(1) establish procedures, including public meetings, to give State and local governments and the public adequate notice and an opportunity to comment on the proposed transportation project; and

(2) when the proposed project would involve an expenditure in excess of \$100,000 in any fiscal year, submit a detailed report to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives.

(c) WAITING PERIOD.—When a report on a project is required under subsection (b)(2), the Secretary may proceed with the implementation of the project only after 60 days (not counting days on which the Senate or House of Representatives has adjourned for more than 3 consecutive days) have elapsed following submission of the report.

**§ 101524. Special rule for service contract to provide transportation services**

Notwithstanding any other provision of law, a service contract entered into by the Secretary for the provision solely of transportation services in a System unit shall be not more than 10 years in length, including a base period of 5 years and annual extensions for up to an additional 5 years based on satisfactory performance and approval by the Secretary.

**Subchapter IV—Fees**

**§ 101531. Fee for use of transportation services**

Notwithstanding any other provision of law, where the Service or an entity under a service contract, cooperative agreement, or other contractual agreement with the Service provides transportation to all or a portion of any System unit, the Secretary may impose a reasonable and appropriate charge to the public for the use of the transportation services in addition to any admission fee required to be paid. Collection of the transportation and admission fees may occur at the transportation staging area or any other reasonably convenient location determined by the Secretary. The Secretary may enter into agreements, with public or private entities that qualify to the Secretary's satisfaction, to collect the transportation and admission fee. Transportation fees collected pursuant to this section shall be retained by the System unit at which the transportation fee was collected, and the amount retained shall be expended only for costs associated with the transportation systems at the System unit where the charge was imposed.

**Chapter 1017—Financial Agreements**

Sec.

101701. Challenge cost-share agreement authority.

101702. Cooperative agreements.

101703. Cooperative management agreements.

101704. Reimbursable agreements.

**§ 101701. Challenge cost-share agreement authority**

(a) DEFINITIONS.—In this section:

(1) CHALLENGE COST-SHARE AGREEMENT.—The term “challenge cost-share agreement” means any agreement entered into between the Secretary and any cooperator for the purpose of sharing costs or services in carrying out authorized functions and responsibilities of the Secretary with respect to any System unit or System program, any affiliated area, or any designated national scenic trail or national historic trail.

(2) COOPERATOR.—The term “cooperator” means any State or local government, public or private agency, organization, institution, corporation, individual, or other entity.

(b) AUTHORITY TO ENTER INTO CHALLENGE COST-SHARE AGREEMENTS.—The Secretary may negotiate and enter into challenge cost-share agreements with cooperators.

(c) SOURCE OF FEDERAL SHARE.—In carrying out challenge cost-share agreements, the Secretary may provide the Federal funding share from any funds available to the Service.

**§ 101702. Cooperative agreements**

(a) TRANSFER OF SERVICE APPROPRIATED FUNDS.—A cooperative agreement entered into by the Secretary that involves the transfer of Service appropriated funds to a State, local, or tribal government or other public entity, an educational institution, or a private nonprofit organization to carry out public purposes of a Service program is a cooperative agreement properly entered into under section 6305 of title 31.

(b) COOPERATIVE RESEARCH AND TRAINING PROGRAMS.—

(1) IN GENERAL.—To facilitate the administration of the System, the Secretary, under such terms and conditions as the Secretary may consider advisable, may—

(A) enter into cooperative agreements with public or private educational institutions, States, and political subdivisions of States to develop adequate, coordinated, cooperative research and training programs concerning the resources of the System; and

(B) pursuant to an agreement, accept from and make available to the cooperator technical and support staff, financial assistance for mutually agreed upon research projects, supplies and equipment, facilities, and administrative services relating to cooperative research units that the Secretary considers appropriate.

(2) EFFECT OF SUBSECTION.—This subsection does not waive any requirements for research projects that are subject to Federal procurement regulations.

(c) SALE OF PRODUCTS AND SERVICES PRODUCED IN THE CONDUCT OF LIVING EXHIBITS AND INTERPRETIVE DEMONSTRATIONS.—To facilitate the administration of the System, the Secretary, under such terms and conditions as the Secretary considers advisable, may—

(1) sell at fair market value, without regard to the requirements of chapters 1 to 11 of title 40 and division C (except sections 3302, 3307(e), 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41, products and services produced in the conduct of living exhibits and interpretive demonstrations in System units;

(2) enter into contracts, including cooperative arrangements, with respect to living exhibits and interpretive demonstrations in System units; and

(3) credit the proceeds from those sales and contracts to the appropriation bearing the cost of the exhibits and demonstrations.

(d) COOPERATIVE AGREEMENTS FOR SYSTEM UNIT NATURAL RESOURCE PROTECTION.—

(1) IN GENERAL.—The Secretary may enter into cooperative agreements with State, local, or tribal governments, other Federal agencies, other public entities, educational institutions, private nonprofit organizations, or participating private landowners for the purpose of protecting natural resources of System units through collabora-

tive efforts on land inside and outside the System units.

(2) TERMS AND CONDITIONS.—A cooperative agreement entered into under paragraph (1) shall provide clear and direct benefits to System unit natural resources and—

(A) provide for—

(i) the preservation, conservation, and restoration of coastal and riparian systems, watersheds, and wetlands;

(ii) preventing, controlling, or eradicating invasive exotic species that are within a System unit or adjacent to a System unit; or

(iii) restoration of natural resources, including native wildlife habitat or ecosystems;

(B) include a statement of purpose demonstrating how the agreement will—

(i) enhance science-based natural resource stewardship at the System unit; and

(ii) benefit the parties to the agreement;

(C) specify any staff required and technical assistance to be provided by the Secretary or other parties to the agreement in support of activities inside and outside the System unit that will—

(i) protect natural resources of the System unit; and

(ii) benefit the parties to the agreement;

(D) identify any materials, supplies, or equipment and any other resources that will be contributed by the parties to the agreement or by other Federal agencies;

(E) describe any financial assistance to be provided by the Secretary or the partners to implement the agreement;

(F) ensure that any expenditure by the Secretary pursuant to the agreement is determined by the Secretary to support the purposes of natural resource stewardship at a System unit; and

(G) include such other terms and conditions as are agreed to by the Secretary and the other parties to the agreement.

(3) LIMITATIONS.—The Secretary shall not use any funds associated with an agreement entered into under paragraph (1) for the purposes of land acquisition, regulatory activity, or the development, maintenance, or operation of infrastructure, except for ancillary support facilities that the Secretary determines to be necessary for the completion of projects or activities identified in the agreement.

**§ 101703. Cooperative management agreements**

(a) IN GENERAL.—To facilitate the administration of the System, the Secretary, under such terms and conditions as the Secretary considers advisable, may enter into an agreement with a State or local government agency to provide for the cooperative management of the Federal and State or local park areas where a System unit is located adjacent to or near a State or local park area, and cooperative management between the Service and a State or local government agency of a portion of either the System unit or State or local park will allow for more effective and efficient management of the System unit and State or local park. The Secretary may not transfer administration responsibilities for any System unit under this paragraph.

(b) PROVISION OF GOODS AND SERVICES.—Under a cooperative management agreement, the Secretary may acquire from and provide to a State or local government agency goods and services to be used by the Secretary and the State or local governmental agency in the cooperative management of land.

(c) ASSIGNMENT OF EMPLOYEE.—An assignment arranged by the Secretary under section 3372 of title 5 of a Federal, State, or local employee for work on any Federal, State, or local land or an extension of the assignment may be for any period of time determined by the Secretary and the State or local agency to be mutually beneficial.

**§ 101704. Reimbursable agreements**

(a) *IN GENERAL.*—In carrying out work under reimbursable agreements with any State, local, or tribal government, the Secretary, without regard to any provision of law or a regulation—

(1) may record obligations against accounts receivable from those governments; and

(2) shall credit amounts received from those governments to the appropriate account.

(b) *WHEN AMOUNTS SHALL BE CREDITED.*—Amounts shall be credited within 90 days of the date of the original request by the Service for payment.

**Chapter 1019—Concessions and Commercial Use Authorizations**

Subchapter I—Authority of Secretary  
Sec.

101901. Utility services.

Subchapter II—Commercial Visitor Services

101911. Definitions.

101912. Findings and declaration of policy.

101913. Award of concession contracts.

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101916. Reasonableness of rates and charges.

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101924. Promotion of sale of Indian, Alaska Native, Native Samoan, and Native Hawaiian handicrafts.

101925. Commercial use authorizations.

101926. Regulations.

**Subchapter I—Authority of Secretary**

**§ 101901. Utility services.**

To facilitate the administration of the System, the Secretary, under such terms and conditions as the Secretary considers advisable, may furnish, on a reimbursement of appropriation basis, all types of utility services to concessioners, contractors, permittees, or other users of the services, within the System. The reimbursements for cost of the services may be credited to the appropriation current at the time reimbursements are received.

**Subchapter II—Commercial Visitor Services**

**§ 101911. Definitions**

In this subchapter:

(1) *ADVISORY BOARD.*—The term “Advisory Board” means the National Park Service Concessions Management Advisory Board established under section 101919 of this title.

(2) *PREFERENTIAL RIGHT OF RENEWAL.*—The term “preferential right of renewal” means the right of a concessioner, subject to a determination by the Secretary that the facilities or services authorized by a prior contract continue to be necessary and appropriate within the meaning of section 101912 of this title, to match the terms and conditions of any competing proposal that the Secretary determines to be the best proposal for a proposed new concession contract that authorizes the continuation of the facilities and services provided by the concessioner under its prior contract.

**§ 101912. Findings and declaration of policy**

(a) *FINDINGS.*—In furtherance of section 100101(a), Congress finds that the preservation and conservation of System unit resources and values requires that public accommodations, facilities, and services that have to be provided within those System units should be provided only under carefully controlled safeguards

against unregulated and indiscriminate use, so that—

(1) visitation will not unduly impair those resources and values; and

(2) development of public accommodations, facilities, and services within System units can best be limited to locations that are consistent to the highest practicable degree with the preservation and conservation of the resources and values of the System units.

(b) *DECLARATION OF POLICY.*—It is the policy of Congress that the development of public accommodations, facilities, and services in System units shall be limited to accommodations, facilities, and services that—

(1) are necessary and appropriate for public use and enjoyment of the System unit in which they are located; and

(2) are consistent to the highest practicable degree with the preservation and conservation of the resources and values of the System unit.

**§ 101913. Award of concession contracts**

In furtherance of the findings and policy stated in section 101912 of this title, and except as provided by this subchapter or otherwise authorized by law, the Secretary shall utilize concession contracts to authorize a person, corporation, or other entity to provide accommodations, facilities, and services to visitors to System units. Concession contracts shall be awarded as follows:

(1) *COMPETITIVE SELECTION PROCESS.*—Except as otherwise provided in this section, all proposed concession contracts shall be awarded by the Secretary to the person, corporation, or other entity submitting the best proposal, as determined by the Secretary through a competitive selection process. The competitive process shall include simplified procedures for small, individually-owned entities seeking award of a concession contract.

(2) *SOLICITATION OF PROPOSALS.*—Except as otherwise provided in this section, prior to awarding a new concession contract (including renewals or extensions of existing concession contracts) the Secretary—

(A) shall publicly solicit proposals for the concession contract; and

(B) in connection with the solicitation, shall—

(i) prepare a prospectus and publish notice of its availability at least once in local or national newspapers or trade publications, by electronic means, or both, as appropriate; and

(ii) make the prospectus available on request to all interested persons.

(3) *INFORMATION TO BE INCLUDED IN PROSPECTUS.*—The prospectus shall include the following information:

(A) The minimum requirements for the contract as set forth in paragraph (4).

(B) The terms and conditions of any existing concession contract relating to the services and facilities to be provided, including all fees and other forms of compensation provided to the United States by the concessioner.

(C) Other authorized facilities or services that may be provided in a proposal.

(D) Facilities and services to be provided by the Secretary to the concessioner, including public access, utilities, and buildings.

(E) An estimate of the amount of compensation due an existing concessioner from a new concessioner under the terms of a prior concession contract.

(F) A statement as to the weight to be given to each selection factor identified in the prospectus and the relative importance of those factors in the selection process.

(G) Other information related to the proposed concession operation that is provided to the Secretary pursuant to a concession contract or is otherwise available to the Secretary, as the Secretary determines is necessary to allow for the submission of competitive proposals.

(H) Where applicable, a description of a preferential right to the renewal of the proposed concession contract held by an existing concessioner as set forth in paragraph (7).

**(4) CONSIDERATION OF PROPOSALS.**

(A) *MINIMUM REQUIREMENTS.*—No proposal shall be considered that fails to meet the minimum requirements as determined by the Secretary. The minimum requirements shall include the following:

(i) The minimum acceptable franchise fee or other forms of consideration to the Federal Government.

(ii) Any facilities, services, or capital investment required to be provided by the concessioner.

(iii) Measures necessary to ensure the protection, conservation, and preservation of resources of the System unit.

(B) *REJECTION OF PROPOSAL.*—The Secretary shall reject any proposal, regardless of the franchise fee offered, if the Secretary determines that—

(i) the person, corporation, or entity is not qualified or is not likely to provide satisfactory service; or

(ii) the proposal is not responsive to the objectives of protecting and preserving resources of the System unit and of providing necessary and appropriate facilities and services to the public at reasonable rates.

(C) *ALL PROPOSALS FAIL TO MEET MINIMUM REQUIREMENTS OR ARE REJECTED.*—If all proposals submitted to the Secretary fail to meet the minimum requirements or are rejected by the Secretary, the Secretary shall establish new minimum contract requirements and re-initiate the competitive selection process pursuant to this section.

(D) *TERMS AND CONDITIONS MATERIALLY AMENDED OR NOT INCORPORATED IN CONTRACT.*—The Secretary may not execute a concession contract that materially amends or does not incorporate the proposed terms and conditions of the concession contract as set forth in the applicable prospectus. If proposed material amendments or changes are considered appropriate by the Secretary, the Secretary shall resolicit offers for the concession contract incorporating the material amendments or changes.

**(5) SELECTION OF THE BEST PROPOSAL.**

(A) *FACTORS IN SELECTION.*—In selecting the best proposal, the Secretary shall consider the following principal factors:

(i) The responsiveness of the proposal to the objectives of protecting, conserving, and preserving resources of the System unit and of providing necessary and appropriate facilities and services to the public at reasonable rates.

(ii) The experience and related background of the person, corporation, or entity submitting the proposal, including the past performance and expertise of the person, corporation or entity in providing the same or similar facilities or services.

(iii) The financial capability of the person, corporation, or entity submitting the proposal.

(iv) The proposed franchise fee, except that consideration of revenue to the United States shall be subordinate to the objectives of protecting, conserving, and preserving resources of the System unit and of providing necessary and appropriate facilities to the public at reasonable rates.

(B) *SECONDARY FACTORS.*—The Secretary may also consider such secondary factors as the Secretary considers appropriate.

(C) *DEVELOPMENT OF REGULATIONS.*—In developing regulations to implement this subchapter, the Secretary shall consider the extent to which plans for employment of Indians (including Native Alaskans) and involvement of businesses owned by Indians, Indian tribes, or Native Alaskans in the operation of a concession contract

should be identified as a factor in the selection of a best proposal under this section.

(6) CONGRESSIONAL NOTIFICATION.—

(A) IN GENERAL.—The Secretary shall submit any proposed concession contract with anticipated annual gross receipts in excess of \$5,000,000 or a duration of more than 10 years to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(B) WAITING PERIOD.—The Secretary shall not award any proposed concession contract to which subparagraph (A) applies until at least 60 days subsequent to the notification of both Committees.

(7) PREFERENTIAL RIGHT OF RENEWAL.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall not grant a concessioner a preferential right to renew a concession contract, or any other form of preference to a concession contract.

(B) EXCEPTION.—The Secretary shall grant a preferential right of renewal to an existing concessioner with respect to proposed renewals of the categories of concession contracts described by paragraph (8), subject to the requirements of that paragraph.

(C) ENTITLEMENT TO AWARD OF NEW CONTRACT.—A concessioner that successfully exercises a preferential right of renewal in accordance with the requirements of this subchapter shall be entitled to award of the proposed new concession contract to which the preference applies.

(8) OUTFITTER AND GUIDE SERVICES AND SMALL CONTRACTS.—

(A) APPLICATION.—Paragraph (7) shall apply only to the following:

(i) Subject to subparagraph (B), concession contracts that solely authorize the provision of specialized backcountry outdoor recreation guide services that require the employment of specially trained and experienced guides to accompany System unit visitors in the backcountry so as to provide a safe and enjoyable experience for visitors who otherwise may not have the skills and equipment to engage in that activity.

(ii) Subject to subparagraph (C), concession contracts with anticipated annual gross receipts under \$500,000.

(B) OUTFITTING AND GUIDE CONCESSIONERS.—

(i) DESCRIPTION.—Outfitting and guide concessioners, where otherwise qualified, include concessioners that provide guided river running, hunting, fishing, horseback, camping, and mountaineering experiences.

(ii) WHEN ENTITLED TO PREFERENTIAL RIGHT.—An outfitting and guide concessioner is entitled to a preferential right of renewal under this subchapter only if—

(I) the contract with the outfitting and guide concessioner does not grant the concessioner any interest, including any leasehold surrender interest or possessory interest, in capital improvements on land owned by the United States within a System unit, other than a capital improvement constructed by a concessioner pursuant to the terms of a concession contract prior to November 13, 1998, or constructed or owned by a concessioner or the concessioner's predecessor before the subject land was incorporated into the System;

(II) the Secretary determines that the concessioner has operated satisfactorily during the term of the contract (including any extension); and

(III) the concessioner has submitted a responsive proposal for a proposed new concession contract that satisfies the minimum requirements established by the Secretary pursuant to paragraph (4).

(C) CONTRACT WITH ESTIMATED GROSS RECEIPTS OF LESS THAN \$500,000.—A concessioner

that holds a concession contract that the Secretary estimates will result in gross annual receipts of less than \$500,000 if renewed shall be entitled to a preferential right of renewal under this subchapter if—

(i) the Secretary has determined that the concessioner has operated satisfactorily during the term of the contract (including any extension); and

(ii) the concessioner has submitted a responsive proposal for a proposed new concession contract that satisfies the minimum requirements established by the Secretary pursuant to paragraph (4).

(9) NEW OR ADDITIONAL SERVICES.—The Secretary shall not grant a preferential right to a concessioner to provide new or additional services in a System unit.

(10) AUTHORITY OF SECRETARY NOT LIMITED.—Nothing in this subchapter shall be construed as limiting the authority of the Secretary to determine whether to issue a concession contract or to establish its terms and conditions in furtherance of the policies expressed in this subchapter.

(11) EXCEPTIONS.—Notwithstanding this section, the Secretary may award, without public solicitation, the following:

(A) TEMPORARY CONTRACT.—To avoid interruption of services to the public at a System unit, the Secretary may award a temporary concession contract or an extension of an existing concessions contract for a term not to exceed 3 years, except that prior to making the award, the Secretary shall take all reasonable and appropriate steps to consider alternatives to avoid the interruption.

(B) CONTRACT IN EXTRAORDINARY CIRCUMSTANCES.—The Secretary may award a concession contract in extraordinary circumstances where compelling and equitable considerations require the award of a concession contract to a particular party in the public interest. Award of a concession contract under this subparagraph shall not be made by the Secretary until at least 30 days after—

(i) publication in the Federal Register of notice of the Secretary's intention to award the contract and the reasons for the action; and

(ii) submission of notice to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives.

**§ 101914. Term of concession contracts**

A concession contract entered into pursuant to this subchapter shall generally be awarded for a term of 10 years or less. The Secretary may award a contract for a term of up to 20 years if the Secretary determines that the contract terms and conditions, including the required construction of capital improvements, warrant a longer term.

**§ 101915. Protection of concessioner investment**

(A) DEFINITIONS.—In this section:

(1) CAPITAL IMPROVEMENT.—The term "capital improvement" means a structure, a fixture, or nonremovable equipment provided by a concessioner pursuant to the terms of a concession contract and located on land of the United States within a System unit.

(2) CONSUMER PRICE INDEX.—The term "Consumer Price Index" means—

(A) the "Consumer Price Index—All Urban Consumers" published by the Bureau of Labor Statistics of the Department of Labor; or

(B) if the Index is not published, another regularly published cost-of-living index approximating the Consumer Price Index.

(b) LEASEHOLD SURRENDER INTEREST IN CAPITAL IMPROVEMENTS.—A concessioner that constructs a capital improvement on land owned by the United States within a System unit pursuant to a concession contract shall have a lease-

hold surrender interest in the capital improvement subject to the following terms and conditions:

(1) IN GENERAL.—A concessioner shall have a leasehold surrender interest in each capital improvement constructed by a concessioner under a concession contract, consisting solely of a right to compensation for the capital improvement to the extent of the value of the concessioner's leasehold surrender interest in the capital improvement.

(2) PLEDGE AS SECURITY.—A leasehold surrender interest may be pledged as security for financing of a capital improvement or the acquisition of a concession contract when approved by the Secretary pursuant to this subchapter.

(3) TRANSFER AND RELINQUISHMENT OR WAIVER OF INTEREST.—A leasehold surrender interest shall be transferred by the concessioner in connection with any transfer of the concession contract and may be relinquished or waived by the concessioner.

(4) LIMIT ON EXTINGUISHING OR TAKING INTEREST.—A leasehold surrender interest shall not be extinguished by the expiration or other termination of a concession contract and may not be taken for public use except on payment of just compensation.

(5) VALUE OF INTEREST.—The value of a leasehold surrender interest in a capital improvement shall be an amount equal to the initial value (construction cost of the capital improvement), increased (or decreased) by the same percentage increase (or decrease) as the percentage increase (or decrease) in the Consumer Price Index, from the date of making the investment in the capital improvement by the concessioner to the date of payment of the value of the leasehold surrender interest, less depreciation of the capital improvement as evidenced by the condition and prospective serviceability in comparison with a new unit of like kind.

(6) VALUE OF INTEREST IN CERTAIN NEW CONCESSION CONTRACTS.—

(A) HOW VALUE IS DETERMINED.—The Secretary may provide, in any new concession contract that the Secretary estimates will have a leasehold surrender interest of more than \$10,000,000, that the value of any leasehold surrender interest in a capital improvement shall be based on—

(i) a reduction on an annual basis, in equal portions, over the same number of years as the time period associated with the straight line depreciation of the initial value (construction cost of the capital improvement), as provided by applicable Federal income tax laws and regulations in effect on November 12, 1998; or

(ii) an alternative formula that is consistent with the objectives of this subchapter.

(B) WHEN ALTERNATIVE FORMULA MAY BE USED.—The Secretary may use an alternative formula under subparagraph (A)(ii) only if the Secretary determines, after scrutiny of the financial and other circumstances involved in the particular concession contract (including providing notice in the Federal Register and opportunity for comment), that the alternative formula is, compared to the standard method of determining value provided for in paragraph (5), necessary to provide a fair return to the Federal Government and to foster competition for the new contract by providing a reasonable opportunity to make a profit under the new contract. If no responsive offers are received in response to a solicitation that includes the alternative formula, the concession opportunity shall be resolicited with the leasehold surrender interest value as described in paragraph (5).

(7) INCREASE IN VALUE OF INTEREST.—Where a concessioner, pursuant to the terms of a concession contract, makes a capital improvement to an existing capital improvement in which the concessioner has a leasehold surrender interest,

the cost of the additional capital improvement shall be added to the then-current value of the concessioner's leasehold surrender interest.

(c) **SPECIAL RULE FOR POSSESSORY INTEREST EXISTING BEFORE NOVEMBER 13, 1998.**—

(1) **IN GENERAL.**—A concessioner that has obtained a possessory interest (as defined pursuant to the Act of October 9, 1965 (known as the National Park Service Concessions Policy Act; Public Law 89-249, 79 Stat. 969), as in effect on November 12, 1998) under the terms of a concession contract entered into before November 13, 1998, shall, on the expiration or termination of the concession contract, be entitled to receive compensation for the possessory interest improvements in the amount and manner as described by the concession contract. Where that possessory interest is not described in the existing concession contract, compensation of possessory interest shall be determined in accordance with the laws in effect on November 12, 1998.

(2) **EXISTING CONCESSIONER AWARDED A NEW CONTRACT.**—A concessioner awarded a new concession contract to replace an existing concession contract after November 13, 1998, instead of directly receiving the possessory interest compensation, shall have a leasehold surrender interest in its existing possessory interest improvements under the terms of the new concession contract and shall carry over as the initial value of the leasehold surrender interest (instead of construction cost) an amount equal to the value of the existing possessory interest as of the termination date of the previous concession contract. In the event of a dispute between the concessioner and the Secretary as to the value of the possessory interest, the matter shall be resolved through binding arbitration.

(3) **NEW CONCESSIONER AWARDED A CONTRACT.**—A new concessioner awarded a concession contract and required to pay a prior concessioner for possessory interest in prior improvements shall have a leasehold surrender interest in the prior improvements. The initial value in the leasehold surrender interest (instead of construction cost) shall be an amount equal to the value of the existing possessory interest as of the termination date of the previous concession contract.

(4) **DE NOVO REVIEW OF VALUE DETERMINATION.**—If the Secretary, or either party to a value determination proceeding conducted under a Service concession contract issued before November 13, 1998, considers that the value determination decision issued pursuant to the proceeding misinterprets or misapplies relevant contractual requirements or their underlying legal authority, the Secretary or either party may seek, within 180 days after the date of the decision, de novo review of the value determination decision by the United States Court of Federal Claims. The Court of Federal Claims may make an order affirming, vacating, modifying or correcting the determination decision.

(d) **TRANSITION TO SUCCESSOR CONCESSIONER.**—On expiration or termination of a concession contract entered into after November 13, 1998, a concessioner shall be entitled under the terms of the concession contract to receive from the United States or a successor concessioner the value of any leasehold surrender interest in a capital improvement as of the date of the expiration or termination. A successor concessioner shall have a leasehold surrender interest in the capital improvement under the terms of a new concession contract and the initial value of the leasehold surrender interest in the capital improvement (instead of construction cost) shall be the amount of money the new concessioner is required to pay the prior concessioner for its leasehold surrender interest under the terms of the prior concession contract.

(e) **TITLE TO IMPROVEMENTS.**—Title to any capital improvement constructed by a conces-

sioner on land owned by the United States in a System unit shall be vested in the United States.

**§ 101916. Reasonableness of rates and charges**

(a) **IN GENERAL.**—A concession contract shall permit the concessioner to set reasonable and appropriate rates and charges for facilities, goods, and services provided to the public, subject to approval under subsection (b).

(b) **APPROVAL BY SECRETARY REQUIRED.**—

(1) **FACTORS TO CONSIDER.**—A concessioner's rates and charges to the public shall be subject to approval by the Secretary. The approval process utilized by the Secretary shall be as prompt and as unburdensome to the concessioner as possible and shall rely on market forces to establish reasonableness of rates and charges to the maximum extent practicable. The Secretary shall approve rates and charges that the Secretary determines to be reasonable and appropriate. Unless otherwise provided in the concession contract, the reasonableness and appropriateness of rates and charges shall be determined primarily by comparison with those rates and charges for facilities, goods, and services of comparable character under similar conditions, with due consideration to the following factors and other factors deemed relevant by the Secretary:

- (A) Length of season.
- (B) Peakloads.
- (C) Average percentage of occupancy.
- (D) Accessibility.
- (E) Availability and costs of labor and materials.
- (F) Type of patronage.

(2) **RATES AND CHARGES NOT TO EXCEED MARKET RATES AND CHARGES.**—Rates and charges may not exceed the market rates and charges for comparable facilities, goods, and services, after taking into account the factors referred to in paragraph (1).

(c) **IMPLEMENTATION OF RECOMMENDATIONS.**—Not later than 6 months after receiving recommendations from the Advisory Board regarding concessioner rates and charges to the public, the Secretary shall implement the recommendations or report to Congress the reasons for not implementing the recommendations.

**§ 101917. Franchise fees**

(a) **IN GENERAL.**—A concession contract shall provide for payment to the Federal Government of a franchise fee or other monetary consideration as determined by the Secretary, on consideration of the probable value to the concessioner of the privileges granted by the particular contract involved. Probable value shall be based on a reasonable opportunity for net profit in relation to capital invested and the obligations of the concession contract. Consideration of revenue to the United States shall be subordinate to the objectives of protecting and preserving System units and of providing necessary and appropriate services for visitors at reasonable rates.

(b) **PROVISIONS TO BE SPECIFIED IN CONTRACT.**—The amount of the franchise fee or other monetary consideration paid to the United States for the term of the concession contract shall be specified in the concession contract and may be modified only to reflect extraordinary unanticipated changes from the conditions anticipated as of the effective date of the concession contract. The Secretary shall include in concession contracts with a term of more than 5 years a provision that allows reconsideration of the franchise fee at the request of the Secretary or the concessioner in the event of extraordinary unanticipated changes. The provision shall provide for binding arbitration in the event that the Secretary and the concessioner are unable to agree on an adjustment to the franchise fee in those circumstances.

(c) **SPECIAL ACCOUNT IN TREASURY.**—

(1) **DEPOSIT AND AVAILABILITY.**—All franchise fees (and other monetary consideration) paid to the United States pursuant to concession contracts shall be deposited in a special account established in the Treasury. Twenty percent of the funds deposited in the special account shall be available for expenditure by the Secretary, without further appropriation, to support activities throughout the System regardless of the System unit in which the funds were collected. The funds deposited in the special account shall remain available until expended.

(2) **SUBACCOUNT FOR EACH SYSTEM UNIT.**—There shall be established within the special account a subaccount for each System unit. Each subaccount shall be credited with 80 percent of the franchise fees (and other monetary consideration) collected at a single System unit under concession contracts. The funds credited to the subaccount for a System unit shall be available for expenditure by the Secretary, without further appropriation, for use at the System unit for visitor services and for purposes of funding high-priority and urgently necessary resource management programs and operations. The funds credited to a subaccount shall remain available until expended.

**§ 101918. Transfer or conveyance of concession contracts or leasehold surrender interests**

(a) **APPROVAL OF SECRETARY.**—No concession contract or leasehold surrender interest may be transferred, assigned, sold, or otherwise conveyed or pledged by a concessioner without prior written notification to, and approval by, the Secretary.

(b) **CONDITIONS.**—The Secretary shall approve a transfer or conveyance described in subsection (a) unless the Secretary finds that—

(1) the individual, corporation, or other entity seeking to acquire a concession contract is not qualified or able to satisfy the terms and conditions of the concession contract;

(2) the transfer or conveyance would have an adverse impact on—

(A) the protection, conservation, or preservation of the resources of the System unit; or

(B) the provision of necessary and appropriate facilities and services to visitors at reasonable rates and charges; and

(3) the terms of the transfer or conveyance are likely, directly or indirectly, to—

(A) reduce the concessioner's opportunity for a reasonable profit over the remaining term of the concession contract;

(B) adversely affect the quality of facilities and services provided by the concessioner; or

(C) result in a need for increased rates and charges to the public to maintain the quality of the facilities and services.

(c) **MODIFICATION OR RENEGOTIATION OF TERMS.**—The terms and conditions of any concession contract under this section shall not be subject to modification or open to renegotiation by the Secretary because of a transfer or conveyance described in subsection (a) unless the transfer or conveyance would have an adverse impact as described in subsection (b)(2).

**§ 101919. National Park Service Concessions Management Advisory Board**

(a) **ESTABLISHMENT AND PURPOSE.**—There is a National Park Service Concessions Management Advisory Board whose purpose shall be to advise the Secretary and Service on matters relating to management of concessions in the System.

(b) **DUTIES.**—

(1) **ADVICE.**—The Advisory Board shall advise on each of the following:

(A) Policies and procedures intended to ensure that services and facilities provided by concessioners—

(i) are necessary and appropriate;

(ii) meet acceptable standards at reasonable rates with a minimum of impact on System unit resources and values; and

(iii) provide the concessioners with a reasonable opportunity to make a profit.

(B) Ways to make Service concession programs and procedures more cost effective, more process efficient, less burdensome, and timelier.

(2) RECOMMENDATIONS.—The Advisory Board shall make recommendations to the Secretary regarding each of the following:

(A) The Service contracting with the private sector to conduct appropriate elements of concession management.

(B) Ways to make the review or approval of concessioner rates and charges to the public more efficient, less burdensome, and timelier.

(C) The nature and scope of products that qualify as Indian, Alaska Native, and Native Hawaiian handicrafts within the meaning of this subchapter.

(D) The allocation of concession fees.

(3) ANNUAL REPORT.—The Advisory Board shall provide an annual report on its activities to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(c) ADVISORY BOARD MEMBERSHIP.—Members of the Advisory Board shall be appointed on a staggered basis by the Secretary for a term not to exceed 4 years and shall serve at the pleasure of the Secretary. The Advisory Board shall be comprised of not more than 7 individuals appointed from among citizens of the United States not in the employment of the Federal Government and not in the employment of or having an interest in a Service concession. Of the 7 members of the Advisory Board—

(1) one member shall be privately employed in the hospitality industry and have both broad knowledge of hotel or food service management and experience in the parks and recreation concession business;

(2) one member shall be privately employed in the tourism industry;

(3) one member shall be privately employed in the accounting industry;

(4) one member shall be privately employed in the outfitting and guide industry;

(5) one member shall be a State government employee with expertise in park concession management;

(6) one member shall be active in promotion of traditional arts and crafts; and

(7) one member shall be active in a nonprofit conservation organization involved in parks and recreation programs.

(d) SERVICE ON ADVISORY BOARD.—Service of an individual as a member of the Advisory Board shall not be deemed to be service or employment bringing the individual within the provisions of any Federal law relating to conflicts of interest or otherwise imposing restrictions, requirements, or penalties in relation to the employment of individuals, the performance of services, or the payment or receipt of compensation in connection with claims, proceedings, or matters involving the United States. Service as a member of the Advisory Board shall not be deemed service in an appointive or elective position in the Federal Government for purposes of section 8344 of title 5 or other comparable provisions of Federal law.

(e) TERMINATION.—The Advisory Board shall continue to exist until December 31, 2009. In all other respects, it shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

#### **§ 101920. Contracting for services**

(a) CONTRACTING AUTHORIZED.—

(1) MANAGEMENT ELEMENTS FOR WHICH CONTRACT REQUIRED TO MAXIMUM EXTENT PRACTICABLE.—To the maximum extent practicable, the Secretary shall contract with private entities to conduct or assist in elements of the management of the Service concession program considered by the Secretary to be suitable for non-Federal performance. Those management elements shall include each of the following:

(A) Health and safety inspections.

(B) Quality control of concession operations and facilities.

(C) Strategic capital planning for concession facilities.

(D) Analysis of rates and charges to the public.

(2) MANAGEMENT ELEMENTS FOR WHICH CONTRACT ALLOWED.—The Secretary may also contract with private entities to assist the Secretary with each of the following:

(A) Preparation of the financial aspects of prospectuses for Service concession contracts.

(B) Development of guidelines for a System capital improvement and maintenance program for all concession occupied facilities.

(C) Making recommendations to the Director regarding the conduct of annual audits of concession fee expenditures.

(b) OTHER MANAGEMENT ELEMENTS.—The Secretary shall consider, taking into account the recommendations of the Advisory Board, contracting out other elements of the concessions management program, as appropriate.

(c) AUTHORITY OF SECRETARY NOT DIMINISHED.—Nothing in this section shall diminish the governmental responsibilities and authority of the Secretary to administer concession contracts and activities pursuant to this subchapter and section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of this title. The Secretary reserves the right to make the final decision or contract approval on contracting services dealing with the management of the Service concessions program under this section.

#### **§ 101921. Multiple contracts within a System unit**

If multiple concession contracts are awarded to authorize concessioners to provide the same or similar outfitting, guiding, river running, or other similar services at the same approximate location or resource within a System unit, the Secretary shall establish a comparable franchise fee structure for those contracts or similar contracts, except that the terms and conditions of any existing concession contract shall not be subject to modification or open to renegotiation by the Secretary because of an award of a new contract at the same approximate location or resource.

#### **§ 101922. Use of nonmonetary consideration in concession contracts**

Section 1302 of title 40 shall not apply to concession contracts awarded by the Secretary pursuant to this subchapter.

#### **§ 101923. Recordkeeping requirements**

(a) IN GENERAL.—A concessioner and any sub-concessioner shall keep such records as the Secretary may prescribe to enable the Secretary to determine that all terms of a concession contract have been and are being faithfully performed. The Secretary and any authorized representative of the Secretary shall, for the purpose of audit and examination, have access to those records and to other records of the concessioner or subconcessioner pertinent to the concession contract and all terms and conditions of the concession contract.

(b) ACCESS TO RECORDS BY COMPTROLLER GENERAL.—The Comptroller General and any authorized representative of the Comptroller General shall, until the expiration of 5 calendar years after the close of the business year of each concessioner or subconcessioner, have access to and the right to examine any pertinent records described in subsection (a) of the concessioner or subconcessioner related to the contract involved.

#### **§ 101924. Promotion of sale of Indian, Alaska Native, Native Samoan, and Native Hawaiian handicrafts**

(a) IN GENERAL.—Promoting the sale of authentic United States Indian, Alaskan Native,

Native Samoan, and Native Hawaiian handicrafts relating to the cultural, historical, and geographic characteristics of System units is encouraged, and the Secretary shall ensure that there is a continuing effort to enhance the handicraft trade where it exists and establish the trade in appropriate areas where the trade does not exist.

(b) EXEMPTION FROM FRANCHISE FEE.—In furtherance of the purposes of subsection (a), the revenue derived from the sale of United States Indian, Alaska Native, Native Samoan, and Native Hawaiian handicrafts shall be exempt from any franchise fee payments under this subchapter.

#### **§ 101925. Commercial use authorizations**

(a) IN GENERAL.—To the extent specified in this section, the Secretary, on request, may authorize a private person, corporation, or other entity to provide services to visitors to System units through a commercial use authorization. A commercial use authorization shall not be considered to be a concession contract under this subchapter and no other section of this subchapter shall be applicable to a commercial use authorization except where expressly stated.

(b) CRITERIA FOR ISSUANCE OF COMMERCIAL USE AUTHORIZATIONS.—

(1) REQUIRED DETERMINATIONS.—The authority of this section may be used only to authorize provision of services that the Secretary determines—

(A) will have minimal impact on resources and values of a System unit; and

(B) are consistent with the purpose for which the System unit was established and with all applicable management plans and Service policies and regulations.

(2) ELEMENTS OF COMMERCIAL USE AUTHORIZATION.—The Secretary shall—

(A) require payment of a reasonable fee for issuance of a commercial use authorization, the fees to remain available without further appropriation to be used, at a minimum, to recover associated management and administrative costs;

(B) require that the provision of services under a commercial use authorization be accomplished in a manner consistent to the highest practicable degree with the preservation and conservation of System unit resources and values;

(C) take appropriate steps to limit the liability of the United States arising from the provision of services under a commercial use authorization;

(D) have no authority under this section to issue more commercial use authorizations than are consistent with the preservation and proper management of System unit resources and values; and

(E) shall establish other conditions for issuance of a commercial use authorization that the Secretary determines to be appropriate for the protection of visitors, provision of adequate and appropriate visitor services, and protection and proper management of System unit resources and values.

(c) LIMITATIONS.—Any commercial use authorization shall be limited to—

(1) commercial operations with annual gross receipts of not more than \$25,000 resulting from services originating and provided solely within a System unit pursuant to the commercial use authorization;

(2) the incidental use of resources of the System unit by commercial operations that provide services originating and terminating outside the boundaries of the System unit; or

(3)(A) uses by organized children's camps, outdoor clubs, and nonprofit institutions (including back country use); and

(B) other uses, as the Secretary determines to be appropriate.

(d) NONPROFIT INSTITUTIONS.—Nonprofit institutions are not required to obtain commercial



use authorizations unless taxable income is derived by the institution from the authorized use.

(e) **PROHIBITION ON CONSTRUCTION.**—A commercial use authorization shall not provide for the construction of any structure, fixture, or improvement on federally-owned land within the boundaries of a System unit.

(f) **DURATION.**—The term of any commercial use authorization shall not exceed 2 years. No preferential right of renewal or similar provisions for renewal shall be granted by the Secretary.

(g) **OTHER CONTRACTS.**—A person, corporation, or other entity seeking or obtaining a commercial use authorization shall not be precluded from submitting a proposal for concession contracts.

#### **§ 101926. Regulations**

(a) **IN GENERAL.**—The Secretary shall prescribe regulations appropriate for the implementation of this subchapter.

(b) **CONTENTS.**—The regulations—

(1) shall include appropriate provisions to ensure that concession services and facilities to be provided in a System unit are not segmented or otherwise split into separate concession contracts for the purposes of seeking to reduce anticipated annual gross receipts of a concession contract below \$500,000; and

(2) shall further define the term “United States Indian, Alaskan Native, and Native Hawaiian handicrafts” for the purposes of this subchapter.

#### **Chapter 1021—Privileges and Leases**

Sec.

102101. General provisions.

102102. Authority of Secretary to enter into lease for buildings and associated property.

#### **§ 102101. General provisions**

(a) **LIMITATION.**—

(1) **NO LEASE OR GRANT OF A PRIVILEGE THAT INTERFERES WITH FREE ACCESS.**—No natural curiosity, wonder, or object of interest shall be leased or granted to anyone on such terms as to interfere with free access by the public to any System unit.

(2) **EXCEPTION FOR GRAZING LIVESTOCK.**—The Secretary, under such regulations and on such terms as the Secretary may prescribe, may grant the privilege to graze livestock within a System unit when, in the Secretary's judgment, the use is not detrimental to the primary purpose for which the System unit was created. This paragraph does not apply to Yellowstone National Park.

(b) **ADVERTISING AND COMPETITIVE BIDS NOT REQUIRED.**—The Secretary may grant privileges and enter into leases described in subsection (a), and enter into related contracts with responsible persons, firms, or corporations, without advertising and without securing competitive bids.

(c) **ASSIGNMENT OR TRANSFER.**—No contract, lease, or privilege described in subsection (a) or (b) that is entered into or granted shall be assigned or transferred by the grantee, lessee, or licensee without the prior written approval of the Secretary.

#### **§ 102102. Authority of Secretary to enter into lease for buildings and associated property**

(a) **IN GENERAL.**—To facilitate the administration of the System, the Secretary, under such terms and conditions as the Secretary may consider advisable, and except as provided in subsection (b) and subject to subsection (c), may enter into a lease with any person or government entity for the use of buildings and associated property administered by the Secretary as part of the System.

(b) **PROHIBITED ACTIVITIES.**—The Secretary may not use a lease under subsection (a) to authorize the lessee to engage in activities that are

subject to authorization by the Secretary through a concession contract, commercial use authorization, or similar instrument.

(c) **USE.**—Buildings and associated property leased under subsection (a)—

(1) shall be used for an activity that is consistent with the purposes established by law for the System unit in which the building is located;

(2) shall not result in degradation of the purposes and values of the System unit; and

(3) shall be compatible with Service programs.

(d) **RENTAL AMOUNTS.**—

(1) **IN GENERAL.**—With respect to a lease under subsection (a)—

(A) payment of fair market value rental shall be required; and

(B) section 1302 of title 40 shall not apply.

(2) **ADJUSTMENT.**—The Secretary may adjust the rental amount as appropriate to take into account any amounts to be expended by the lessee for preservation, maintenance, restoration, improvement, or repair and related expenses.

(e) **SPECIAL ACCOUNT.**—

(1) **DEPOSITS.**—Rental payments under a lease under subsection (a) shall be deposited in a special account in the Treasury.

(2) **AVAILABILITY.**—Amounts in the special account shall be available until expended, without further appropriation, for infrastructure needs at System units, including—

(A) facility refurbishment;

(B) repair and replacement;

(C) infrastructure projects associated with System unit resource protection; and

(D) direct maintenance of the leased buildings and associated property.

(3) **ACCOUNTABILITY AND RESULTS.**—The Secretary shall develop procedures for the use of the special account that ensure accountability and demonstrated results consistent with this section and sections 100101(b), 100502, 100507, 100751(b), 100754, 100901(b) and (c), 100906(a) and (d), 101302(b)(1) and (c) to (e), 101306, 101702(b) and (c), 101901, 102701, and 102702 of this title.

(f) **REGULATIONS.**—The Secretary shall prescribe regulations implementing this section that include provisions to encourage and facilitate competition in the leasing process and provide for timely and adequate public comment.

#### **Chapter 1023—Programs and Organizations**

Sec.

102301. Volunteers in parks program.

102302. National Capital region arts and cultural affairs.

102303. National Park System Advisory Board.

102304. National Park Service Advisory Council.

#### **§ 102301. Volunteers in parks program**

(a) **ESTABLISHMENT.**—The Secretary may recruit, train, and accept, without regard to chapter 51 and subchapter III of chapter 53 of title 5 or regulations prescribed under that chapter or subchapter, the services of individuals without compensation as volunteers for or in aid of interpretive functions or other visitor services or activities in and related to System units and related areas. In accepting those services, the Secretary shall not permit the use of volunteers in hazardous duty or law enforcement work or in policymaking processes, or to displace any employee. The services of individuals whom the Secretary determines are skilled in performing hazardous activities may be accepted.

(b) **INCIDENTAL EXPENSES.**—The Secretary may provide for incidental expenses of volunteers, such as transportation, uniforms, lodging, and subsistence.

(c) **FEDERAL EMPLOYEE STATUS FOR VOLUNTEERS.**—

(1) **EMPLOYMENT STATUS OF VOLUNTEERS.**—Except as otherwise provided in this section, a volunteer shall not be deemed a Federal employee

and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits.

(2) **TORT CLAIMS.**—For the purpose of sections 1346(b) and 2401(b) and chapter 171 of title 28, a volunteer under this chapter shall be deemed a Federal employee.

(3) **VOLUNTEERS DEEMED CIVIL EMPLOYEES.**—For the purposes of subchapter 1 of chapter 81 of title 5, volunteers under this chapter shall be deemed civil employees of the United States within the meaning of the term “employee” as defined in section 8101 of title 5, and subchapter 1 of chapter 81 of title 5 shall apply.

(4) **COMPENSATION FOR LOSSES AND DAMAGES.**—For the purpose of claims relating to damage to, or loss of, personal property of a volunteer incident to volunteer service, a volunteer under this chapter shall be deemed a Federal employee, and section 3721 of title 31 shall apply.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section not more than \$3,500,000 for each fiscal year.

#### **§ 102302. National Capital region arts and cultural affairs**

(a) **ESTABLISHMENT.**—There is under the direction of the Service a program to support and enhance artistic and cultural activities in the National Capital region.

(b) **GRANT ELIGIBILITY.**—

(1) **ELIGIBLE ORGANIZATIONS.**—Eligibility for grants shall be limited to organizations—

(A) that are of demonstrated national significance; and

(B) that meet at least 2 of the criteria stated in paragraph (2).

(2) **CRITERIA.**—The criteria referred to in paragraph (1) are the following:

(A) The organization has an annual operating budget in excess of \$1,000,000.

(B) The organization has an annual audience or visitation of at least 200,000 people.

(C) The organization has a paid staff of at least 100 individuals.

(D) The organization is eligible under section 320102(f) of this title.

(3) **ORGANIZATIONS NOT ELIGIBLE.**—Public or private colleges and universities are not eligible for grants under the program under this section.

(c) **USE OF GRANTS.**—Grants awarded under this section may be used to support general operations and maintenance, security, or special projects. No organization may receive a grant in excess of \$500,000 in a single year.

(d) **RESPONSIBILITIES OF DIRECTOR.**—The Director shall—

(1) establish an application process;

(2) appoint a review panel of 5 qualified individuals, at least a majority of whom reside in the National Capital region; and

(3) develop other program guidelines and definitions as required.

(e) **FORD'S THEATER AND WOLF TRAP NATIONAL PARK FOR THE PERFORMING ARTS.**—The contractual amounts required for the support of Ford's Theater and Wolf Trap National Park for the Performing Arts shall be available within the amount provided in this section without regard to any other provision of this section.

#### **§ 102303. National Park System Advisory Board**

(a) **DEFINITION.**—In this section, the term “Board” means the National Park System Advisory Board established under subsection (b).

(b) **ESTABLISHMENT AND PURPOSE.**—There is established a National Park System Advisory Board, whose purpose is to advise the Director on matters relating to the Service, the System, and programs administered by the Service. The



Board shall advise the Director on matters submitted to the Board by the Director as well as any other issues identified by the Board.

(c) MEMBERSHIP.—

(1) APPOINTMENT AND TERM OF OFFICE.—Members of the Board shall be appointed on a staggered term basis by the Secretary for a term not to exceed 4 years and shall serve at the pleasure of the Secretary.

(2) COMPOSITION.—The Board shall be composed of no more than 12 persons, appointed from among citizens of the United States having a demonstrated commitment to the mission of the Service. Board members shall be selected to represent various geographic regions, including each of the administrative regions of the Service. At least 6 of the members shall have outstanding expertise in one or more of the following fields: history, archeology, anthropology, historical or landscape architecture, biology, ecology, geology, marine science, or social science. At least 4 of the members shall have outstanding expertise and prior experience in the management of national or State parks or protected areas, or natural or cultural resources management. The remaining members shall have outstanding expertise in one or more of the areas described above or in another professional or scientific discipline, such as financial management, recreation use management, land use planning, or business management, important to the mission of the Service. At least one individual shall be a locally elected official from an area adjacent to a park.

(3) FIRST MEETING.—The Board shall hold its 1st meeting no later than 60 days after the date on which all members of the Board who are to be appointed have been appointed.

(4) VACANCY.—Any vacancy in the Board shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(5) COMPENSATION.—All members of the Board shall be reimbursed for travel and per diem in lieu of subsistence expenses during the performance of duties of the Board while away from home or their regular place of business, in accordance with subchapter I of chapter 57 of title 5. With the exception of travel and per diem, a member of the Board who otherwise is an officer or employee of the United States Government shall serve on the Board without additional compensation.

(d) DUTIES AND POWERS OF BOARD.—

(1) ADOPT RULES.—The Board may adopt such rules as may be necessary to establish its procedures and to govern the manner of its operations, organization, and personnel.

(2) ADVICE AND RECOMMENDATIONS.—The Board shall advise the Secretary on matters relating to the System, to other related areas, and to the administration of chapter 3201 of this title, including matters submitted to it for consideration by the Secretary, but it shall not be required to provide recommendations as to the suitability or desirability of surplus real and related personal property for use as a historic monument. The Board shall also provide recommendations on the designation of national historic landmarks and national natural landmarks. The Board is strongly encouraged to consult with the major scholarly and professional organizations in the appropriate disciplines in making the recommendations.

(3) ACTIONS ON REQUEST OF DIRECTOR.—On request of the Director, the Board is authorized to—

- (A) hold such hearings and sit and act at such times;
- (B) take such testimony;
- (C) have such printing and binding done;
- (D) enter into such contracts and other arrangements;
- (E) make such expenditures; and

(F) take such other actions

as the Board may consider advisable.

(4) OATHS OR AFFIRMATIONS.—Any member of the Board may administer oaths or affirmations to witnesses appearing before the Board.

(5) COMMITTEES AND SUBCOMMITTEES.—The Board may establish committees or subcommittees. The subcommittees or committees shall be chaired by a voting member of the Board.

(6) USE OF MAILS.—The Board may use the United States mails in the same manner and under the same conditions as other departments and agencies in the United States.

(e) STAFF.—The Secretary may hire 2 full-time staffers to meet the needs of the Board.

(f) FEDERAL LAW NOT APPLICABLE TO SERVICE.—Service as a member of the Board shall not be deemed service or employment bringing the individual within the provisions of any Federal law relating to conflicts of interest or otherwise imposing restrictions, requirements, or penalties relating to the employment of individuals, the performance of services, or the payment or receipt of compensation in connection with claims, proceedings, or matters involving the United States. Service as a member or an employee of the Board shall not be deemed service in an appointive or elective position in the Federal Government for purposes of section 8344 of title 5 or comparable provisions of Federal law.

(g) COOPERATION OF FEDERAL AGENCIES.—

(1) INFORMATION.—The Board may secure directly from any office, department, agency, establishment, or instrumentality of the Federal Government such information as the Board may require for the purpose of this section, and each office, department, agency, establishment, or instrumentality shall furnish, to the extent permitted by law, the information, suggestions, estimates, and statistics directly to the Board, on request made by a member of the Board.

(2) FACILITIES AND SERVICES.—On request of the Board, the head of any Federal department, agency, or instrumentality may make any of the facilities and services of the department, agency, or instrumentality available to the Board, on a nonreimbursable basis, to assist the Board in carrying out its duties under this section.

(h) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.), with the exception of section 14(b), applies to the Board.

(i) TERMINATION.—The Board continues to exist until January 1, 2010.

**§ 102304. National Park Service Advisory Council**

(a) DEFINITIONS.—In this section:

(1) BOARD.—The term “Board” means the National Park System Advisory Board established under section 102303 of this title.

(2) COUNCIL.—The term “Council” means the National Park Service Advisory Council established under subsection (b).

(b) ESTABLISHMENT AND PURPOSE.—There is established a National Park Service Advisory Council that shall provide advice and counsel to the Board.

(c) MEMBERSHIP.—

(1) ELIGIBILITY.—Membership on the Council shall be limited to individuals whose term on the Board has expired. Those individuals may serve as long as they remain active except that not more than 12 members may serve on the Council at any one time.

(2) COMPENSATION.—Members of the Council shall receive no salary but may be paid expenses incidental to travel when engaged in discharging their duties as members.

(d) VOTING RESTRICTION.—Members of the Council shall not have a vote on the Board.

**Chapter 1025—Museums**

Sec.

102501. Purpose.

102502. Definition of museum object.

102503. Authority of Secretary.

102504. Review and approval.

**§ 102501. Purpose**

The purpose of this chapter is to increase the public benefits from museums established within System units as a means of informing the public concerning the areas and preserving valuable objects and relics relating to the areas.

**§ 102502. Definition of museum object**

In this chapter:

(1) IN GENERAL.—The term “museum object” means an object that—

(A) typically is movable; and

(B) is eligible to be, or is made part of, a museum, library, or archive collection through a formal procedure, such as accessioning.

(2) INCLUSIONS.—The term “museum object” includes a prehistoric or historic artifact, work of art, book, document, photograph, or natural history specimen.

**§ 102503. Authority of Secretary**

(a) IN GENERAL.—Notwithstanding other provisions or limitations of law, the Secretary may perform the functions described in this section in the manner that the Secretary considers to be in the public interest.

(b) DONATIONS AND BEQUESTS.—The Secretary may accept donations and bequests of money or other personal property, and hold, use, expend, and administer the money or other personal property for purposes of this chapter.

(c) PURCHASES.—The Secretary may purchase museum objects and other personal property at prices that the Secretary considers to be reasonable.

(d) EXCHANGES.—The Secretary may make exchanges by accepting museum objects and other personal property and by granting in exchange for the museum objects or other personal property museum property under the administrative jurisdiction of the Secretary that no longer is needed or that may be held in duplicate among the museum properties administered by the Secretary. Exchanges shall be consummated on a basis that the Secretary considers to be equitable and in the public interest.

(e) ACCEPTANCE OF LOANS OF PROPERTY.—The Secretary may accept the loan of museum objects and other personal property and pay transportation costs incidental to the museum objects or other personal property. Loans shall be accepted on terms and conditions that the Secretary considers necessary.

(f) LOANS OF PROPERTY.—The Secretary may loan to responsible public or private organizations, institutions, or agencies, without cost to the United States, such museum objects and other personal property as the Secretary shall consider advisable. Loans shall be made on terms and conditions that the Secretary considers necessary to protect the public interest in those properties.

(g) TRANSFER OF MUSEUM OBJECTS.—The Secretary may transfer museum objects that the Secretary determines are no longer needed for museum purposes to qualified Federal agencies, including the Smithsonian Institution, that have programs to preserve and interpret cultural or natural heritage, and accept the transfer of museum objects for the purposes of this chapter from any other Federal agency, without reimbursement. The head of any other Federal agency may transfer, without reimbursement, museum objects directly to the administrative jurisdiction of the Secretary for the purpose of this chapter.

(h) CONVEYANCE OF MUSEUM OBJECTS.—The Secretary may convey museum objects that the Secretary determines are no longer needed for museum purposes, without monetary consideration but subject to such terms and conditions as the Secretary considers necessary, to private

institutions exempt from Federal taxation under section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)) and to non-Federal governmental entities if the Secretary determines that the recipient is dedicated to the preservation and interpretation of natural or cultural heritage and is qualified to manage the property, prior to any conveyance under this subsection and subsection (g).

(i) **DESTRUCTION OF MUSEUM OBJECTS.**—The Secretary may destroy or cause to be destroyed museum objects that the Secretary determines to have no scientific, cultural, historic, educational, esthetic, or monetary value.

#### **§ 102504. Review and approval**

The Secretary shall ensure that museum objects are treated in a careful and deliberate manner that protects the public interest. Prior to taking any action under subsection (g), (h), or (i) of section 102503 of this title, the Secretary shall establish a systematic review and approval process, including consultation with appropriate experts, that meets the highest standards of the museum profession for all actions taken under those subsections.

### **Chapter 1027—Law Enforcement and Emergency Assistance**

#### **Subchapter I—Law Enforcement Sec.**

102701. Law enforcement personnel within System.

102702. Crime prevention assistance.

#### **Subchapter II—Emergency Assistance**

102711. Authority of Secretary to use applicable appropriations for the System to render assistance to nearby law enforcement and fire prevention agencies and for related activities outside the System.

102712. Aid to visitors, grantees, permittees, or licensees in emergencies.

#### **Subchapter I—Law Enforcement**

#### **§ 102701. Law enforcement personnel within System**

(a) **OFFICERS AND EMPLOYEES OF THE DEPARTMENT OF THE INTERIOR.**—

(1) **DESIGNATION AUTHORITY OF SECRETARY.**—The Secretary, pursuant to standards prescribed in regulations by the Secretary, may designate certain officers or employees of the Department of the Interior who shall maintain law and order and protect individuals and property within System units.

(2) **POWERS AND DUTIES OF DESIGNEES.**—In the performance of the duties described in paragraph (1), the designated officers or employees may—

(A) carry firearms;

(B) make arrests without warrant for any offense against the United States committed in the presence of the officer or employee, or for any felony cognizable under the laws of the United States if the officer or employee has reasonable grounds to believe that the individual to be arrested has committed or is committing the felony, provided the arrests occur within the System or the individual to be arrested is fleeing from the System to avoid arrest;

(C) execute any warrant or other process issued by a court or officer of competent jurisdiction for the enforcement of the provisions of any Federal law or regulation issued pursuant to law arising out of an offense committed in the System or, where the individual subject to the warrant or process is in the System, in connection with any Federal offense; and

(D) conduct investigations of offenses against the United States committed in the System in the absence of investigation of the offenses by any other Federal law enforcement agency having investigative jurisdiction over the offense committed or with the concurrence of the other agency.

(b) **SPECIAL POLICE OFFICERS.**—

(1) **IN GENERAL.**—The Secretary may designate officers and employees of any other Federal agency, or law enforcement personnel of a State or political subdivision of a State, when determined to be economical and in the public interest and with the concurrence of that agency, State, or subdivision, to—

(A) act as special police officers in System units when supplemental law enforcement personnel may be needed; and

(B) exercise the powers and authority provided by subparagraphs (A) to (D) of subsection (a)(2).

(2) **COOPERATION WITH STATES AND POLITICAL SUBDIVISIONS.**—The Secretary may—

(A) cooperate, within the System, with any State or political subdivision of a State in the enforcement of supervision of the laws or ordinances of that State or subdivision;

(B) mutually waive, in any agreement pursuant to subparagraph (A) and paragraph (1) or pursuant to subparagraphs (A) and (B) of subsection (a)(2) with any State or political subdivision of a State where State law requires the waiver and indemnification, all civil claims against all the other parties to the agreement and, subject to available appropriations, indemnify and save harmless the other parties to the agreement from all claims by third parties for property damage or personal injury, that may arise out of the parties' activities outside their respective jurisdictions under the agreement; and

(C) provide limited reimbursement, to a State or political subdivisions of a State, in accordance with such regulations as the Secretary may prescribe, where the State has ceded concurrent legislative jurisdiction over the affected area of the System, for expenditures incurred in connection with its activities within the System that were rendered pursuant to paragraph (1).

(3) **SUPPLEMENTAL AUTHORITY; DELEGATION OF SERVICE LAW ENFORCEMENT RESPONSIBILITIES NOT AUTHORIZED.**—Paragraphs (1) and (2) supplement the law enforcement responsibilities of the Service and do not authorize the delegation of law enforcement responsibilities of the Service to State or local governments.

(4) **SPECIAL POLICE OFFICERS NOT DEEMED FEDERAL EMPLOYEES.**—

(A) **IN GENERAL.**—Except as otherwise provided in this subsection, a law enforcement officer of a State or political subdivision of a State designated to act as a special police officer under paragraph (1) shall not be deemed a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal benefits.

(B) **EXCEPTIONS.**—A law enforcement officer of a State or political subdivision of a State, when acting as a special police officer under paragraph (1), is deemed to be—

(i) a Federal employee for purposes of sections 1346(b) and 2401(b) and chapter 171 of title 28; and

(ii) a civil service employee of the United States within the meaning of the term "employee" as defined in section 8101 of title 5, for purposes of subchapter I of chapter 81 of title 5, relating to compensation to Federal employees for work injuries, and the provisions of subchapter I of chapter 81 of title 5 shall apply.

(c) **FEDERAL INVESTIGATIVE JURISDICTION AND STATE CIVIL AND CRIMINAL JURISDICTION NOT PREEMPTED.**—This section and sections 100101(b), 100502, 100507, 100751(b), 100754, 100901(b) and (c), 100906(a) and (d), 101302(b)(1) and (c) to (e), 101306, 101702(b) and (c), 101901, 102102, and 102702 of this title shall not be construed or applied to limit or restrict the investigative jurisdiction of any Federal law enforce-

ment agency other than the Service, and nothing shall be construed or applied to affect any right of a State or political subdivision of a State to exercise civil and criminal jurisdiction within the System.

#### **§ 102702. Crime prevention assistance**

(a) **RECOMMENDATIONS FOR IMPROVEMENT.**—The Secretary shall direct the chief official responsible for law enforcement within the Service to—

(1) compile a list of System units with the highest rates of violent crime;

(2) make recommendations concerning capital improvements, and other measures, needed within the System to reduce the rates of violent crime, including the rate of sexual assault; and

(3) publish the information required by paragraphs (1) and (2) in the Federal Register.

(b) **DISTRIBUTION OF FUNDS.**—Based on the recommendations and list issued pursuant to subsection (a), the Secretary shall distribute the funds authorized by subsection (d) throughout the System. Priority shall be given to areas with the highest rates of sexual assault.

(c) **USE OF FUNDS.**—Funds provided under this section may be used—

(1) to increase lighting within or adjacent to System units;

(2) to provide emergency phone lines to contact law enforcement or security personnel in areas within or adjacent to System units;

(3) to increase security or law enforcement personnel within or adjacent to System units; or

(4) for any other project intended to increase the security and safety of System units.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated out of the Violent Crime Reduction Trust Fund not more than \$10,000,000 for the Secretary to take all necessary actions to seek to reduce the incidence of violent crime in the System.

#### **Subchapter II—Emergency Assistance**

#### **§ 102711. Authority of Secretary to use applicable appropriations for the System to render assistance to nearby law enforcement and fire prevention agencies and for related activities outside the System**

To facilitate the administration of the System, the Secretary may use applicable appropriations for the System to render emergency rescue, fire-fighting, and cooperative assistance to nearby law enforcement and fire prevention agencies and for related purposes outside the System.

#### **§ 102712. Aid to visitors, grantees, permittees, or licensees in emergencies**

(a) **VISITORS.**—The Secretary may aid visitors within a System unit in an emergency, when no other source is available for the procurement of food or supplies, by the sale, at cost, of food or supplies in quantities sufficient to enable the visitors to reach safely a point where food or supplies can be purchased. Receipts from the sales shall be deposited as a refund to the appropriation current at the date of the deposit and shall be available for the purchase of similar food or supplies.

(b) **GRANTEES, PERMITTEES, AND LICENSEES.**—The Secretary may in an emergency, when no other source is available for the immediate procurement of supplies, materials, or special services, aid grantees, permittees, or licensees conducting operations for the benefit of the public in a System unit by the sale, at cost, including transportation and handling, of supplies, materials, or special services as may be necessary to relieve the emergency and ensure uninterrupted service to the public. Receipts from the sales shall be deposited as a refund to the appropriation current at the date of the deposit and shall be available for expenditure for System unit purposes.

#### **Chapter 1029—Land Transfers**

Sec.

102901. Conveyance of property and interests in property in System units or related areas.

**§ 102901. Conveyance of property and interests in property in System units or related areas**

(a) **FREEHOLD AND LEASEHOLD INTERESTS.**—With respect to any property acquired by the Secretary within a System unit or related area, except property within national parks or within national monuments of scientific significance, the Secretary may convey a freehold or leasehold interest in the property, subject to such terms and conditions as will ensure the use of the property in a manner that is, in the judgment of the Secretary, consistent with the purpose for which the System unit or related area was authorized by Congress. The Secretary shall convey the interest to the highest bidder, in accordance with such regulations as the Secretary may prescribe. The conveyance shall be at not less than the fair market value of the interest, as determined by the Secretary, except that if the conveyance is proposed within 2 years after the property to be conveyed is acquired by the Secretary, the Secretary shall allow the last owner of record of the property 30 days following the date on which the owner is notified by the Secretary in writing that the property is to be conveyed within which to notify the Secretary that the owner wishes to acquire the interest. On receiving the timely request, the Secretary shall convey the interest to the person, in accordance with such regulations as the Secretary may prescribe, on payment or agreement to pay an amount equal to the highest bid price.

(b) **EXCHANGE OF LAND.**—

(1) **IN GENERAL.**—The Secretary may accept title to any non-Federal property or interest in property within a System unit or related area under the Secretary's administration in exchange for any Federally-owned property or interest under the Secretary's jurisdiction that the Secretary determines is suitable for exchange or other disposal and that is located in the same State as the non-Federal property to be acquired.

(2) **EXCEPTION.**—Timberland subject to harvest under a sustained yield program shall not be exchanged under paragraph (1).

(3) **PUBLIC HEARING.**—On request of a State or a political subdivision thereof, or of a party in interest, prior to an exchange under this subsection the Secretary shall hold a public hearing in the area where the properties to be exchanged are located.

(4) **VALUES OF PROPERTIES EXCHANGED.**—The values of the properties exchanged—

(A) shall be approximately equal; or

(B) if they are not approximately equal, shall be equalized by the payment of cash to the grantor from funds appropriated for the acquisition of land for the area, or to the Secretary, as the circumstances require.

(c) **PROCEEDS CREDITED TO LAND AND WATER CONSERVATION FUND.**—The proceeds received from any conveyance under this section shall be credited to the Land and Water Conservation Fund.

**Chapter 1031—Appropriations and Accounting**

Sec.

103101. Availability and use of appropriations.

103102. Appropriations authorized and available for certain purposes.

103103. Amounts provided by private entities for utility services.

103104. Recovery of costs associated with special use permits.

103105. Recovery of costs associated with special use permits.

**§ 103101. Availability and use of appropriations**

(a) **CREDITS OF RECEIPTS FOR MEALS AND QUARTERS FURNISHED FEDERAL GOVERNMENT**

**EMPLOYEES IN THE FIELD.**—Cash collections and payroll deductions made for meals and quarters furnished by the Service to employees of the Federal Government in the field and to cooperating agencies may be credited as a reimbursement to the current appropriation for the administration of the System unit in which the accommodations are furnished.

(b) **AVAILABILITY FOR EXPENSE OF RECORDING DONATED LAND.**—Appropriations made for the Service shall be available for any expenses incident to the preparation and recording of title evidence covering land to be donated to the United States for administration by the Service.

(c) **USE OF FUNDS FOR LAW ENFORCEMENT AND EMERGENCIES.**—

(1) **IN GENERAL.**—Funds, not to exceed \$250,000 per incident, available to the Service may be used, with the approval of the Secretary, to—

(A) maintain law and order in emergency and other unforeseen law enforcement situations; and

(B) conduct emergency search and rescue operations in the System.

(2) **REPLENISHMENT OF FUNDS.**—If the Secretary expends funds under paragraph (1), the funds shall be replenished by a supplemental appropriation for which the Secretary shall make a request as promptly as possible.

(d) **CONTRIBUTION FOR ANNUITY BENEFITS.**—

(1) **IN GENERAL.**—Necessary amounts are appropriated for reimbursement, pursuant to the Policemen and Firemen's Retirement and Disability Act amendments of 1957 (Public Law 85-157, 71 Stat. 391), to the District of Columbia on a monthly basis for benefit payments by the District of Columbia to United States Park Police annuitants under section 12 of the Policemen and Firemen's Retirement and Disability Act (ch. 433, 39 Stat. 718), to the extent that those payments exceed contributions made by active Park Police members covered under the Policemen and Firemen's Retirement and Disability Act.

(2) **NONAVAILABILITY OF APPROPRIATIONS TO THE SERVICE.**—Appropriations made to the Service are not available for the purpose of making reimbursements under paragraph (1).

(e) **WATERPROOF FOOTWEAR.**—Appropriations for the Service that are available for the purchase of equipment may be used for purchase of waterproof footwear, which shall be regarded and listed as System equipment.

**§ 103102. Appropriations authorized and available for certain purposes**

Appropriations for the Service are authorized and are available for—

(1) administration, protection, improvement, and maintenance of areas, under the jurisdiction of other Federal agencies, that are devoted to recreational use pursuant to cooperative agreements;

(2) necessary local transportation and subsistence in kind of individuals selected for employment or as cooperators, serving without other compensation, while attending fire protection training camps;

(3) administration, protection, maintenance, and improvement of the Chesapeake and Ohio Canal;

(4) educational lectures in or in the vicinity of and with respect to System units, and services of field employees in cooperation with such non-profit scientific and historical societies engaged in educational work in System units as the Secretary may designate;

(5) travel expenses of employees attending—  
(A) Federal Government camps for training in forest fire prevention and suppression;

(B) the Federal Bureau of Investigation National Police Academy; and

(C) Federal, State, or municipal schools for training in building fire prevention and suppression;

(6) investigation and establishment of water rights in accordance with local custom, laws, and decisions of courts, including the acquisition of water rights or of land or interests in land or rights-of-way for use and protection of water rights necessary or beneficial in the administration and public use of System units;

(7) official telephone service in the field in the case of official telephones installed in private houses when authorized under regulations established by the Secretary; and

(8) provision of transportation for children in nearby communities to and from any System unit used in connection with organized recreation and interpretive programs of the Service.

**§ 103103. Amounts provided by private entities for utility services**

Notwithstanding any other provision of law, amounts provided to the Service by private entities for utility services shall be credited to the appropriate account and remain available until expended.

**§ 103104. Recovery of costs associated with special use permits**

Notwithstanding any other provision of law, the Service may recover all costs of providing necessary services associated with special use permits. The reimbursements shall be credited to the appropriation current at that time.

**Chapter 1033—National Military Parks**

Sec.

103301. Military maneuvers.

103302. Camps for military instruction.

103303. Performance of duties of commissions.

103304. Recovery of land withheld.

103305. Travel expenses incident to study of battlefields.

103306. Studies.

**§ 103301. Military maneuvers**

To obtain practical benefits of great value to the country from the establishment of national military parks, the parks and their approaches are declared to be national fields for military maneuvers for the Regular Army or Regular Air Force and the National Guard or militia of the States. National military parks shall be opened for those purposes only in the discretion of the Secretary, and under such regulations as the Secretary may prescribe.

**§ 103302. Camps for military instruction**

(a) **ASSEMBLING OF FORCES AND DETAILING OF INSTRUCTORS.**—The Secretary of the Army or Secretary of the Air Force, within the limits of appropriations that may be available for that purpose, may assemble in camp at such season of the year and for such period as the Secretary of the Army or Secretary of the Air Force may designate, at the field of military maneuvers, such portions of the military forces of the United States as the Secretary of the Army or Secretary of the Air Force may think best, to receive military instruction there. The Secretary of the Army or Secretary of the Air Force may detail instructors from the Regular Army or Regular Air Force, respectively, for those forces during their exercises.

(b) **REGULATIONS.**—The Secretary of the Army or Secretary of the Air Force may prescribe regulations governing the assembling of the National Guard or militia of the States on the maneuvering grounds.

**§ 103303. Performance of duties of commissions**

The duties of commissions in charge of national military parks shall be performed under the direction of the Secretary.

**§ 103304. Recovery of land withheld**

(a) **CIVIL ACTION.**—The United States may bring a civil action in the courts of the United States against a person to whom land lying within a national military park has been leased

that refuses to give up possession of the land to the United States after the termination of the lease, and after possession has been demanded for the United States by the park superintendent, or against a person retaining possession of land lying within the boundary of a national military park that the person has sold to the United States for park purposes and received payment therefor, after possession of the land has been demanded for the United States by the park superintendent, to recover possession of the land withheld. The civil action shall be brought according to the statutes of the State in which the national military park is situated.

(b) TRESPASS.—A person described in subsection (a) shall be guilty of trespass.

#### **§ 103305. Travel expenses incident to study of battlefields**

Mileage of officers of the Army and actual expenses of civilian employees traveling on duty in connection with the studies, surveys, and field investigations of battlefields shall be paid from the appropriations made to meet expenses for those purposes.

#### **§ 103306. Studies**

(a) STUDY OF BATTLEFIELDS FOR COMMEMORATIVE PURPOSES.—The Secretary of the Army may make studies and investigations and, where necessary, surveys of all battlefields within the continental limits of the United States on which troops of the United States or of the original 13 colonies have been engaged against a common enemy, with a view to preparing a general plan and such detailed projects as may be required for properly commemorating such battlefields or other adjacent points of historic and military interest.

(b) INCLUSION OF ESTIMATE OF COST OF PROJECTED SURVEYS IN APPROPRIATION ESTIMATES.—The Secretary of the Army shall include annually in the Department of the Interior appropriation estimates a list of the battlefields for which surveys or other field investigations are planned for the fiscal year in question, with the estimated cost of making each survey or other field investigation.

(c) PURCHASE OF REAL ESTATE FOR NATIONAL MILITARY PARK PURPOSES.—No real estate shall be purchased for national military park purposes by the Federal Government unless a report on the real estate has been made by the Secretary of the Army through the President to Congress under subsection (d).

(d) REPORT TO CONGRESS.—The Secretary of the Army, through the President, shall annually submit to Congress a detailed report of progress made under this subchapter, with recommendations for further operations.

#### **Chapters 1035 through 1047—Reserved Chapter 1049—Miscellaneous**

Sec.

- 104901. Central warehouses at System units.
- 104902. Services or other accommodations for public.
- 104903. Care, removal, and burial of indigents.
- 104904. Hire of work animals, vehicles, and equipment with or without personal services.
- 104905. Preparation of mats for reproduction of photographs.
- 104906. Protection of right of individuals to bear arms.
- 104907. Limitation on extension or establishment of national parks in Wyoming.

#### **§ 104901. Central warehouses at System units**

(a) AUTHORITY OF SECRETARY.—The Secretary, in the administration of the System, may maintain central warehouses at System units.

(b) APPROPRIATIONS.—

(1) AVAILABILITY.—Appropriations made for the administration, protection, maintenance,

and improvement of System units shall be available for the purchase of supplies and materials to be kept in central warehouses for distribution at cost, including transportation and handling, to projects under specific appropriations.

(2) TRANSFERS BETWEEN APPROPRIATIONS.—

(A) AUTHORIZATION.—Transfers between the various appropriations made for System units are authorized for the purpose of charging the cost of supplies and materials, including transportation and handling, drawn from central warehouses maintained under this authority to the particular appropriation benefited.

(B) AVAILABILITY OF SUPPLIES AND MATERIALS AND TRANSFERS IN SUBSEQUENT YEARS.—Supplies and materials that remain at the end of any fiscal year shall be continuously available for issuance during subsequent fiscal years and shall be charged for by transfers of funds between appropriations made for the administration, protection, maintenance, and improvement of System units for the fiscal year then current without decreasing the appropriations made for that fiscal year.

(c) LIMITATION ON PURCHASE OF SUPPLIES AND MATERIALS.—Supplies and materials shall not be purchased solely for the purpose of increasing the value of storehouse stock beyond reasonable requirements for any current fiscal year.

#### **§ 104902. Services or other accommodations for public**

The Secretary may contract for services or other accommodations provided in System units for the public under contract with the Department of the Interior, as may be required in the administration of the Service, at rates approved by the Secretary for the furnishing of those services or accommodations to the Federal Government and without compliance with section 6101 of title 41.

#### **§ 104903. Care, removal, and burial of indigents**

The Secretary may provide, out of amounts appropriated for the general expenses of System units, for the temporary care and removal from a System unit of indigents, and in case of death to provide for their burial in System units not under local jurisdiction for these purposes. This section does not authorize transportation of indigents or deceased for a distance of more than 50 miles from the System unit.

#### **§ 104904. Hire of work animals, vehicles, and equipment with or without personal services**

The Secretary may hire, with or without personal services, work animals and animal-drawn and motor-propelled vehicles and equipment at rates to be approved by the Secretary and without compliance with section 6101 of title 41.

#### **§ 104905. Preparation of mats for reproduction of photographs**

The Secretary shall prepare mats that may be used for the reproduction in magazines and newspapers of photographs of scenery in a System unit that, in the opinion of the Secretary, would be of interest to the people of the United States and foreign nations. The mats may be furnished, without charge and under regulations the Secretary may prescribe, to the publishers of magazines, newspapers, and any other publications that may carry photographic reproductions.

#### **§ 104906. Protection of right of individuals to bear arms**

(a) FINDINGS.—Congress finds the following:

(1) The 2d amendment to the Constitution provides that “the right of the people to keep and bear Arms, shall not be infringed”.

(2) Section 2.4(a)(1) of title 36, Code of Federal Regulations, provides that “except as otherwise provided in this section and parts 7 (special regulations) and 13 (Alaska regulations), the following are prohibited: (i) Possessing a weapon,

trap or net (ii) Carrying a weapon, trap or net (iii) Using a weapon, trap or net”.

(3) The regulations described in paragraph (2) prevent individuals complying with Federal and State laws from exercising the 2d amendment rights of the individuals while at System units.

(4) The existence of different laws relating to the transportation and possession of firearms at different System units entrapped law-abiding gun owners while at System units.

(5) Although the Bush administration issued new regulations relating to the 2d amendment rights of law-abiding citizens in System units that went into effect on January 9, 2009—

(A) on March 19, 2009, the United States District Court for the District of Columbia granted a preliminary injunction with respect to the implementation and enforcement of the new regulations; and

(B) the new regulations—

(i) are under review by the Obama administration; and

(ii) may be altered.

(6) Congress needs to weigh in on the new regulations to ensure that unelected bureaucrats and judges cannot again override the 2d amendment rights of law-abiding citizens on 83,600,000 acres of System land.

(7) Federal laws should make it clear that the 2d amendment rights of an individual at a System unit should not be infringed.

(b) PROTECTION OF RIGHT OF INDIVIDUALS TO BEAR ARMS IN SYSTEM UNITS.—The Secretary shall not promulgate or enforce any regulation that prohibits an individual from possessing a firearm, including an assembled or functional firearm, in any System unit if—

(1) the individual is not otherwise prohibited by law from possessing the firearm; and

(2) the possession of the firearm is in compliance with the law of the State in which the System unit is located.

#### **§ 104907. Limitation on extension or establishment of national parks in Wyoming**

No extension or establishment of national parks in Wyoming may be undertaken except by express authorization of Congress.

#### **Division B—System Units and Related Areas—Reserved**

##### **Subtitle II—Outdoor Recreation Programs Chapter 2001—Coordination of Programs**

Sec.

- 200101. Findings and declaration of policy.
- 200102. Definitions.
- 200103. Authority of Secretary to carry out certain functions and activities.
- 200104. Consultations of Secretary with administrative officers; execution of administrative responsibilities in conformity with nationwide plan.

#### **§ 200101. Findings and declaration of policy**

Congress finds and declares it is desirable—

(1) that all American people of present and future generations be assured adequate outdoor recreation resources; and

(2) for all levels of government and private interests to take prompt and coordinated action to the extent practicable without diminishing or affecting their respective powers and functions to conserve, develop, and utilize those resources for the benefit and enjoyment of the American people.

#### **§ 200102. Definitions**

As used in this chapter:

(1) STATE.—The term “State”, to the extent practicable, as determined by the Secretary, includes Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands.

(2) UNITED STATES.—The term “United States”—

(A) includes the District of Columbia; and

(B) to the extent practicable, as determined by the Secretary, includes Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands.

**§200103. Authority of Secretary to carry out certain functions and activities**

(a) IN GENERAL.—To carry out this chapter, the Secretary may perform the functions and activities described in this section.

(b) INVENTORY AND EVALUATION.—The Secretary may prepare and maintain a continuing inventory and evaluation of outdoor recreation needs and resources of the United States.

(c) CLASSIFICATION SYSTEM.—The Secretary may prepare a system for classification of outdoor recreation resources to assist in the effective and beneficial use and management of such resources.

(d) RECREATION PLAN.—The Secretary may formulate and maintain a comprehensive nationwide outdoor recreation plan, taking into consideration the plans of the various Federal agencies, States, and their political subdivisions. The plan shall set forth the needs and demands of the public for outdoor recreation and the current and foreseeable availability in the future of outdoor recreation resources to meet those needs. The plan shall identify critical outdoor recreation problems, recommend solutions, and recommend desirable actions to be taken at each level of government and by private interests. The Secretary shall submit the plan to the President for transmittal to Congress. Revisions of the plan shall be similarly transmitted at succeeding 5-year intervals. When a plan or revision is transmitted to the Congress, the Secretary shall transmit copies to the chief executive officials of the States.

(e) TECHNICAL ASSISTANCE AND ADVICE.—The Secretary may provide technical assistance and advice to and cooperate with States, political subdivisions, and private interests, including nonprofit organizations, with respect to outdoor recreation.

(f) INTERSTATE AND REGIONAL COOPERATION.—The Secretary may encourage interstate and regional cooperation in the planning, acquisition, and development of outdoor recreation resources.

(g) RESEARCH, INFORMATION, AND EDUCATION PROGRAMS AND ACTIVITIES.—The Secretary may—

(1) sponsor, engage in, and assist in research relating to outdoor recreation, directly or by contract or cooperative agreements, and make payments for such purposes without regard to the limitations of section 3324(a) and (b) of title 31 concerning advances of funds when the Secretary considers such action to be in the public interest;

(2) undertake studies and assemble information concerning outdoor recreation, directly or by contract or cooperative agreement, and disseminate the information without regard to section 3204 of title 39; and

(3) cooperate with educational institutions and others to assist in establishing education programs and activities and to encourage public use and benefits from outdoor recreation.

(h) COOPERATION AND COORDINATION WITH FEDERAL AGENCIES.—

(1) IN GENERAL.—The Secretary may—

(A) cooperate with and provide technical assistance to Federal agencies and obtain from them information, data, reports, advice, and assistance that are needed and can reasonably be furnished in carrying out the purposes of this chapter; and

(B) promote coordination of Federal plans and activities generally relating to outdoor recreation.

(2) FUNDING.—An agency furnishing advice or assistance under this paragraph may expend its own funds for those purposes, with or without

reimbursement, as may be agreed to by that agency.

(i) DONATIONS.—The Secretary may accept and use donations of money, property, personal services, or facilities for the purposes of this chapter.

**§200104. Consultations of Secretary with administrative officers; execution of administrative responsibilities in conformity with nationwide plan**

To carry out the policy declared in section 200101 of this title, the heads of Federal agencies having administrative responsibility over activities or resources the conduct or use of which is pertinent to fulfillment of that policy shall, individually or as a group—

(1) consult with and be consulted by the Secretary from time to time both with respect to their conduct of those activities and their use of those resources and with respect to the activities that the Secretary carries on under authority of this chapter that are pertinent to their work; and

(2) carry out that responsibility in general conformance with the nationwide plan authorized under section 200103(d) of this title.

**Chapter 2003—Land and Water Conservation Fund**

Sec.

200301. Definitions.

200302. Establishment of Land and Water Conservation Fund.

200303. Appropriations for expenditure of Fund amounts.

200304. Statement of estimated requirements.

200305. Financial assistance to States.

200306. Allocation of Fund amounts for Federal purposes.

200307. Availability of Fund amounts for publicity purposes.

200308. Contracts for acquisition of land and water.

200309. Contracts for options to acquire land and water in System.

200310. Transfers to and from Fund.

**§200301. Definitions**

In this chapter:

(1) FUND.—The term “Fund” means the Land and Water Conservation Fund established under section 200302 of this title.

(2) STATE.—The term “State” means a State, the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands.

**§200302. Establishment of Land and Water Conservation Fund**

(a) ESTABLISHMENT.—There is established in the Treasury the Land and Water Conservation Fund.

(b) DEPOSITS.—During the period ending September 30, 2015, there shall be deposited in the Fund the following revenues and collections:

(1) All proceeds (except so much thereof as may be otherwise obligated, credited, or paid under authority of the provisions of law set forth in section 572(a) or 574(a) to (c) of title 40 or under authority of any appropriation Act that appropriates an amount, to be derived from proceeds from the transfer of excess property and the disposal of surplus property, for necessary expenses, not otherwise provided for, incident to the utilization and disposal of excess and surplus property) received from any disposal of surplus real property and related personal property under chapter 5 of title 40, notwithstanding any provision of law that such proceeds shall be credited to miscellaneous receipts of the Treasury. Nothing in this chapter shall affect existing laws or regulations concerning disposal of real or personal surplus property to schools, hospitals, and States and their political subdivisions.

(2) The amounts provided for in section 200310 of this title.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—In addition to the sum of the revenues and collections estimated by the Secretary to be deposited in the Fund pursuant to this section, there are authorized to be appropriated annually to the Fund out of any money in the Treasury not otherwise appropriated such amounts as are necessary to make the income of the Fund not less than \$900,000,000 for each fiscal year through September 30, 2015.

(2) RECEIPTS UNDER OUTER CONTINENTAL SHELF LANDS ACT.—To the extent that amounts appropriated under paragraph (1) are not sufficient to make the total annual income of the Fund equivalent to the amounts provided in paragraph (1), an amount sufficient to cover the remainder shall be credited to the Fund from revenues due and payable to the United States for deposit in the Treasury as miscellaneous receipts under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

(3) AVAILABILITY OF DEPOSITS.—Notwithstanding section 200303 of this title, money deposited in the Fund under this subsection shall remain in the Fund until appropriated by Congress to carry out this chapter.

**§200303. Appropriations for expenditure of Fund amounts**

Amounts deposited in the Fund shall be available for expenditure for the purposes of this chapter only when appropriated for those purposes. The appropriations may be made without fiscal-year limitation. Amounts made available for obligation or expenditure from the Fund may be obligated or expended only as provided in this chapter.

**§200304. Statement of estimated requirements**

There shall be submitted with the annual budget of the United States a comprehensive statement of estimated requirements during the ensuing fiscal year for appropriations from the Fund. Not less than 40 percent of such appropriations shall be available for Federal purposes.

**§200305. Financial assistance to States**

(a) AUTHORITY OF SECRETARY TO MAKE PAYMENTS.—The Secretary may provide financial assistance to the States from amounts available for State purposes. Payments may be made to the States by the Secretary as provided in this section, subject to such terms and conditions as the Secretary considers appropriate and in the public interest to carry out the purposes of this chapter, for outdoor recreation:

(1) Planning.

(2) Acquisition of land, water, or interests in land or water.

(3) Development.

(b) APPORTIONMENT AMONG STATES.—Amounts appropriated and available for State purposes for each fiscal year shall be apportioned among the States by the Secretary, whose determination shall be final, in accordance with the following formula:

(1) Forty percent of the 1st \$225,000,000; 30 percent of the next \$275,000,000; and 20 percent of all additional appropriations shall be apportioned equally among the States.

(2) At any time, the remaining appropriation shall be apportioned on the basis of need to individual States by the Secretary in such amounts as in the Secretary's judgment will best accomplish the purposes of this chapter. The determination of need shall include consideration of—

(A) the proportion that the population of each State bears to the total population of the United States;

(B) the use of outdoor recreation resources of each State by persons from outside the State; and

(C) the Federal resources and programs in each State.

(3) The total allocation to a State under paragraphs (1) and (2) shall not exceed 10 percent of the total amount allocated to all of the States in any one year.

(4) The Secretary shall notify each State of its apportionments. The amounts shall be available for payment to the State for planning, acquisition, or development projects as prescribed. Any amount of any apportionment that has not been paid or obligated by the Secretary during the fiscal year in which the notification is given and for 2 fiscal years thereafter shall be re-apportioned by the Secretary in accordance with paragraph (2) without regard to the 10 percent limitation to an individual State specified in this subsection.

(5) For the purposes of paragraph (1), the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands shall be deemed to be one State, and shall receive shares of the apportionment in proportion to their populations.

(c) **MATCHING REQUIREMENTS.**—Payments to any State shall cover not more than 50 percent of the cost of planning, acquisition, or development projects that are undertaken by the State. The remaining share of the cost shall be borne by the State in a manner and with funds or services as shall be satisfactory to the Secretary.

(d) **COMPREHENSIVE STATE PLAN.**—

(1) **REQUIRED FOR CONSIDERATION OF FINANCIAL ASSISTANCE.**—A comprehensive statewide outdoor recreation plan shall be required prior to the consideration by the Secretary of financial assistance for acquisition or development projects. The plan shall be adequate if, in the judgment of the Secretary, it encompasses and will promote the purposes of this chapter. No plan shall be approved unless the chief executive official of the State certifies that ample opportunity for public participation in plan development and revision has been accorded. The Secretary shall develop, in consultation with others, criteria for public participation, which criteria shall constitute the basis for the certification by the chief executive official. The plan shall contain—

(A) the name of the State agency that will have authority to represent and act for the State in dealing with the Secretary for purposes of this chapter;

(B) an evaluation of the demand for and supply of outdoor recreation resources and facilities in the State;

(C) a program for the implementation of the plan; and

(D) other necessary information, as determined by the Secretary.

(2) **FACTORS TO BE CONSIDERED.**—The plan shall take into account relevant Federal resources and programs and shall be correlated so far as practicable with other State, regional, and local plans. Where there exists or is in preparation for any particular State a comprehensive plan financed in part with funds supplied by the Secretary of Housing and Urban Development, any statewide outdoor recreation plan prepared for purposes of this part shall be based on the same population, growth, and other pertinent factors as are used in formulating plans financed by the Secretary of Housing and Urban Development.

(3) **PROVISION OF ASSISTANCE WHEN PLAN NOT OTHERWISE AVAILABLE OR TO MAINTAIN PLAN.**—The Secretary may provide financial assistance to any State for projects for the preparation of a comprehensive statewide outdoor recreation plan when the plan is not otherwise available or for the maintenance of the plan.

(4) **WETLANDS.**—A comprehensive statewide outdoor recreation plan shall specifically address wetlands within the State as an important

outdoor recreation resource as a prerequisite to approval, except that a revised comprehensive statewide outdoor recreation plan shall not be required by the Secretary, if a State submits, and the Secretary, acting through the Director, approves, as a part of and as an addendum to the existing comprehensive statewide outdoor recreation plan, a wetlands priority plan developed in consultation with the State agency with responsibility for fish and wildlife resources and consistent with the national wetlands priority conservation plan developed under section 301 of the Emergency Wetlands Resources Act of 1986 (16 U.S.C. 3921) or, if the national plan has not been completed, consistent with the provisions of that section.

(e) **PROJECTS FOR LAND AND WATER ACQUISITION AND DEVELOPMENT OF BASIC OUTDOOR RECREATION FACILITIES.**—

(1) **IN GENERAL.**—In addition to assistance for planning projects, the Secretary may provide financial assistance to any State for the types of projects described in paragraphs (2) and (3), or combinations of those projects, if the projects are in accordance with the State comprehensive plan.

(2) **ACQUISITION OF LAND OR WATER.**—

(A) **IN GENERAL.**—Under paragraph (1), the Secretary may provide financial assistance for a project for the acquisition of land, water, or an interest in land or water, or a wetland area or an interest in a wetland area, as identified in the wetlands provisions of the comprehensive plan (other than land, water, or an interest in land or water acquired from the United States for less than fair market value), but not including incidental costs relating to acquisition.

(B) **RETENTION OF RIGHT OF USE AND OCCUPANCY.**—When a State provides that the owner of a single-family residence may, at the owner's option, elect to retain a right of use and occupancy for not less than 6 months after the date of acquisition of the residence and the owner elects to retain such a right—

(i) the owner shall be deemed to have waived any benefits under sections 203 to 206 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4623 to 4626); and

(ii) for the purposes of those sections the owner shall not be deemed to be a displaced person as defined in section 101 of that Act (42 U.S.C. 4601).

(3) **DEVELOPMENT OF BASIC OUTDOOR RECREATION FACILITIES.**—Under paragraph (1), the Secretary may provide financial assistance for a project for development of basic outdoor recreation facilities to serve the general public, including the development of Federal land under lease to States for terms of 25 years or more. No assistance shall be available under this chapter to enclose or shelter a facility normally used for an outdoor recreation activity, but the Secretary may permit local funding, not to exceed 10 percent of the total amount allocated to a State in any one year, to be used for construction of a sheltered facility for a swimming pool or ice skating rink in an area where the Secretary determines that the construction is justified by the severity of climatic conditions and the increased public use made possible by the construction.

(f) **PAYMENTS.**—

(1) **CRITERIA FOR MAKING PAYMENTS.**—The Secretary may make a payment to a State only for a planning, acquisition, or development project that is approved by the Secretary. The Secretary shall not make a payment for or on account of any project with respect to which financial assistance has been given or promised under any other Federal program or activity, and no financial assistance shall be given under any other Federal program or activity for or on account of any project with respect to which the assistance has been given or promised under this

chapter. The Secretary may make payments from time to time in keeping with the rate of progress toward the satisfactory completion of a project. The approval of all projects and all payments, or any commitments relating thereto, shall be withheld until the Secretary receives appropriate written assurance from the State that the State has the ability and intention to finance its share of the cost of all of the projects, and to operate and maintain by acceptable standards, at State expense, the properties or facilities acquired or developed for public outdoor recreation use.

(2) **PAYMENT RECIPIENTS.**—Payments for all projects shall be made by the Secretary to the chief executive official of the State or to a State official or agency designated by the chief executive official or by State law having authority and responsibility to accept and to administer funds paid under this section for approved projects. If consistent with an approved project, funds may be transferred by the State to a political subdivision or other appropriate public agency.

(3) **CONVERSION TO OTHER THAN PUBLIC OUTDOOR RECREATION USE.**—No property acquired or developed with assistance under this section shall, without the approval of the Secretary, be converted to other than public outdoor recreation use. The Secretary shall approve a conversion only if the Secretary finds it to be in accordance with the then-existing comprehensive statewide outdoor recreation plan and only on such conditions as the Secretary considers necessary to ensure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location. Wetland areas and interests therein as identified in the wetlands provisions of the comprehensive plan and proposed to be acquired as suitable replacement property within the same State that is otherwise acceptable to the Secretary, acting through the Director, shall be deemed to be of reasonably equivalent usefulness with the property proposed for conversion.

(4) **REPORTS AND ACCOUNTING PROCEDURES.**—No payment shall be made to any State until the State has agreed to—

(A) provide such reports to the Secretary in such form and containing such information as may be reasonably necessary to enable the Secretary to perform the Secretary's duties under this chapter; and

(B) provide such fiscal control and fund accounting procedures as may be necessary to ensure proper disbursement and accounting for Federal funds paid to the State under this chapter.

(g) **RECORDS.**—A recipient of assistance under this chapter shall keep such records as the Secretary shall prescribe, including records that fully disclose—

(1) the amount and the disposition by the recipient of the proceeds of the assistance;

(2) the total cost of the project or undertaking in connection with which the assistance is given or used; and

(3) the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(h) **ACCESS TO RECORDS.**—The Secretary, and the Comptroller General, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any records of the recipient that are pertinent to assistance received under this chapter.

(i) **PROHIBITION OF DISCRIMINATION.**—With respect to property acquired or developed with assistance from the Fund, discrimination on the basis of residence, including preferential reservation or membership systems, is prohibited except to the extent that reasonable differences in admission and other fees may be maintained on the basis of residence.



(j) **COORDINATION WITH FEDERAL AGENCIES.**—To ensure consistency in policies and actions under this chapter with other related Federal programs and activities and to ensure coordination of the planning, acquisition, and development assistance to States under this section with other related Federal programs and activities—

(1) the President may issue such regulations with respect thereto as the President considers desirable; and

(2) the assistance may be provided only in accordance with the regulations.

(k) **CAPITAL IMPROVEMENT AND OTHER PROJECTS TO REDUCE CRIME.**—

(1) **AVAILABILITY AND PURPOSE OF FUNDS.**—In addition to assistance for planning projects, and in addition to the projects identified in subsection (e), and from amounts appropriated out of the Violent Crime Reduction Trust Fund, the Secretary may provide financial assistance to the States, not to exceed \$15,000,000, for projects or combinations thereof for the purpose of making capital improvements and other measures to increase safety in urban parks and recreation areas, including funds to—

(A) increase lighting within or adjacent to public parks and recreation areas;

(B) provide emergency telephone lines to contact law enforcement or security personnel in areas within or adjacent to public parks and recreation areas;

(C) increase security personnel within or adjacent to public parks and recreation areas; and

(D) fund any other project intended to increase the security and safety of public parks and recreation areas.

(2) **ELIGIBILITY.**—In addition to the requirements for project approval imposed by this section, eligibility for assistance under this subsection shall depend on a showing of need. In providing funds under this subsection, the Secretary shall give priority to projects proposed for urban parks and recreation areas with the highest rates of crime and, in particular, to urban parks and recreation areas with the highest rates of sexual assault.

(3) **FEDERAL SHARE.**—Notwithstanding subsection (c), the Secretary may provide 70 percent improvement grants for projects undertaken by a State for the purposes described in this subsection.

#### **§200306. Allocation of Fund amounts for Federal purposes**

(a) **ALLOWABLE PURPOSES AND SUBPURPOSES.**—

(1) **IN GENERAL.**—Amounts appropriated from the Fund for Federal purposes shall, unless otherwise allotted in the appropriation Act making them available, be allotted by the President for the purposes and subpurposes stated in this subsection.

(2) **ACQUISITION OF LAND, WATER, OR AN INTEREST IN LAND OR WATER.**—

(A) **SYSTEM UNITS AND RECREATION AREAS ADMINISTERED FOR RECREATION PURPOSES.**—Amounts shall be allotted for the acquisition of land, water, or an interest in land or water within the exterior boundary of—

(i) a System unit authorized or established; and

(ii) an area authorized to be administered by the Secretary for outdoor recreation purposes.

(B) **NATIONAL FOREST SYSTEM.**—

(i) **IN GENERAL.**—Amounts shall be allotted for the acquisition of land, water, or an interest in land or water within inholdings within—

(I) wilderness areas of the National Forest System; and

(II) other areas of national forests as the boundaries of those forests existed on January 1, 1965, or purchase units approved by the National Forest Reservation Commission subsequent to January 1, 1965, all of which other areas are primarily of value for outdoor recreation purposes.

(ii) **ADJACENT LAND.**—Land outside but adjacent to an existing national forest boundary, not to exceed 3,000 acres in the case of any one forest, that would comprise an integral part of a forest recreational management area may also be acquired with amounts appropriated from the Fund.

(iii) **LIMITATION.**—Except for areas specifically authorized by Act of Congress, not more than 15 percent of the acreage added to the National Forest System pursuant to this section shall be west of the 100th meridian.

(C) **ENDANGERED SPECIES AND THREATENED SPECIES; FISH AND WILDLIFE REFUGE AREAS; NATIONAL WILDLIFE REFUGE SYSTEM.**—Amounts shall be allotted for the acquisition of land, water, or an interest in land or water for—

(i) endangered species and threatened species authorized under section 5(a) of the Endangered Species Act of 1973 (16 U.S.C. 1534(a));

(ii) areas authorized by section 2 of the Refuge Recreation Act (16 U.S.C. 460k-1);

(iii) national wildlife refuge areas under section 7(a)(4) of the Fish and Wildlife Act of 1956 (16 U.S.C. 742f(a)(4)) and wetlands acquired under section 304 of the Emergency Wetlands Resources Act of 1986 (16 U.S.C. 3922); and

(iv) any area authorized for the National Wildlife Refuge System by specific Acts.

(3) **PAYMENT AS OFFSET OF CAPITAL COSTS.**—Amounts shall be allotted for payment into miscellaneous receipts of the Treasury as a partial offset for capital costs, if any, of Federal water development projects authorized to be constructed by or pursuant to an Act of Congress that are allocated to public recreation and the enhancement of fish and wildlife values and financed through appropriations to water resource agencies.

(4) **AVAILABILITY OF APPROPRIATIONS.**—Appropriations allotted for the acquisition of land, water, or an interest in land or water as set forth under subparagraphs (A) and (B) of paragraph (2) shall be available for those acquisitions notwithstanding any statutory ceiling on the appropriations contained in any other provision of law enacted prior to January 4, 1977, or, in the case of national recreation areas, prior to January 15, 1979, except that for any such area expenditures shall not exceed a statutory ceiling during any one fiscal year by 10 percent of the ceiling or \$1,000,000, whichever is greater.

(b) **ACQUISITION RESTRICTIONS.**—Appropriations from the Fund pursuant to this section shall not be used for acquisition unless the acquisition is otherwise authorized by law. Appropriations from the Fund may be used for preacquisition work where authorization is imminent and where substantial monetary savings could be realized.

#### **§200307. Availability of Fund amounts for publicity purposes**

(a) **IN GENERAL.**—Amounts derived from the sources listed in section 200302 of this title shall not be available for publicity purposes.

(b) **EXCEPTION FOR TEMPORARY SIGNING.**—In a case where significant acquisition or development is initiated, appropriate standardized temporary signing shall be located on or near the affected site, to the extent feasible, so as to indicate the action taken is a product of funding made available through the Fund. The signing may indicate the percentage amounts and dollar amounts financed by Federal and non-Federal funds, and that the source of the funding includes amounts derived from Outer Continental Shelf receipts. The Secretary shall prescribe standards and guidelines for the usage of the signing to ensure consistency of design and application.

#### **§200308. Contracts for acquisition of land and water**

Not more than \$30,000,000 of the amount authorized to be appropriated from the Fund by

section 200303 of this title may be obligated by contract during each fiscal year for the acquisition of land, water, or interest in land or water within areas specified in section 200306(a)(2) of this title. The contract may be executed by the head of the department concerned, within limitations prescribed by the Secretary. The contract shall be a contractual obligation of the United States and shall be liquidated with money appropriated from the Fund specifically for liquidation of that contract obligation. No contract may be entered into for the acquisition of property pursuant to this section unless the acquisition is otherwise authorized by Federal law.

#### **§200309. Contracts for options to acquire land and water in System**

The Secretary may enter into contracts for options to acquire land, water, or interests in land or water within the exterior boundaries of any area the acquisition of which is authorized by law for inclusion in the System. The minimum period of any such option shall be 2 years, and any sums expended for the purchase of an option shall be credited to the purchase price of the area. Not more than \$500,000 of the sum authorized to be appropriated from the Fund by section 200303 of this title may be expended by the Secretary in any one fiscal year for the options.

#### **§200310. Transfers to and from Fund**

(a) **MOTORBOAT FUEL TAXES.**—There shall be set aside in the Fund the amounts specified in section 9503(c)(3)(B) of the Internal Revenue Code of 1986 (26 U.S.C. 9503(c)(3)(B)).

(b) **REFUNDS OF TAXES.**—There shall be paid from time to time from the Fund into the general fund of the Treasury amounts estimated by the Secretary of the Treasury as equivalent to—

(1) the amounts paid before April 1, 2013, under section 6421 of the Internal Revenue Code of 1986 (26 U.S.C. 6421) with respect to gasoline used after December 31, 1964, in motorboats, on the basis of claims filed for periods ending before April 1, 2012; and

(2) 80 percent of the floor stocks refunds made before April 1, 2013, under section 6412(a)(1) of the Internal Revenue Code of 1986 (26 U.S.C. 6412(a)(1)) with respect to gasoline to be used in motorboats.

#### **Chapter 2005—Urban Park and Recreation Recovery Program**

Sec.

200501. Definitions.

200502. Federal assistance.

200503. Rehabilitation grants and innovation grants.

200504. Recovery action programs.

200505. State action.

200506. Non-Federal share of project costs.

200507. Conversion of recreation property.

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#### **§200501. Definitions**

In this chapter:

(1) **AT-RISK YOUTH RECREATION GRANT.**—

(A) **IN GENERAL.**—The term “at-risk youth recreation grant” means a grant in a neighborhood or community with a high prevalence of crime, particularly violent crime or crime committed by youthful offenders.

(B) **INCLUSIONS.**—The term “at-risk youth recreation grant” includes—

(i) a rehabilitation grant;

(ii) an innovation grant; and

(iii) a matching grant for continuing program support for a program of demonstrated value or success in providing constructive alternatives to youth at risk for engaging in criminal behavior, including a grant for operating, or coordinating, a recreation program or service.



(C) **ADDITIONAL USES OF REHABILITATION GRANT.**—In addition to the purposes specified in paragraph (8), a rehabilitation grant that serves as an at-risk youth recreation grant may be used for the provision of lighting, emergency phones, or any other capital improvement that will improve the security of an urban park.

(2) **GENERAL PURPOSE LOCAL GOVERNMENT.**—The term “general purpose local government” means—

(A) a city, county, town, township, village, or other general purpose political subdivision of a State; and

(B) the District of Columbia.

(3) **INNOVATION GRANT.**—The term “innovation grant” means a matching grant to a local government to cover costs of personnel, facilities, equipment, supplies, or services designed to demonstrate innovative and cost-effective ways to augment park and recreation opportunities at the neighborhood level and to address common problems related to facility operations and improved delivery of recreation service, not including routine operation and maintenance activities.

(4) **MAINTENANCE.**—The term “maintenance” means all commonly accepted practices necessary to keep recreation areas and facilities operating in a state of good repair and to protect them from deterioration resulting from normal wear and tear.

(5) **PRIVATE, NONPROFIT AGENCY.**—The term “private, nonprofit agency” means a community-based, nonprofit organization, corporation, or association organized for purposes of providing recreational, conservation, and educational services directly to urban residents on a neighborhood or communitywide basis through voluntary donations, voluntary labor, or public or private grants.

(6) **RECOVERY ACTION PROGRAM GRANT.**—

(A) **IN GENERAL.**—The term “recovery action program grant” means a matching grant to a local government for development of local park and recreation recovery action programs to meet the requirements of this chapter.

(B) **USE.**—A recovery action program grant shall be used for resource and needs assessment, coordination, citizen involvement and planning, and program development activities to—

(i) encourage public definition of goals; and

(ii) develop priorities and strategies for overall recreation system recovery.

(7) **RECREATION AREA OR FACILITY.**—The term “recreation area or facility” means an indoor or outdoor park, building, site, or other facility that is dedicated to recreation purposes and administered by a public or private nonprofit agency to serve the recreation needs of community residents. Emphasis shall be on public facilities readily accessible to residential neighborhoods, including multiple-use community centers that have recreation as one of their primary purposes, but excluding major sports arenas, exhibition areas, and conference halls used primarily for commercial sports, spectator, or display activities.

(8) **REHABILITATION GRANT.**—The term “rehabilitation grant” means a matching capital grant to a local government for rebuilding, remodeling, expanding, or developing an existing outdoor or indoor recreation area or facility, including improvements in park landscapes, buildings, and support facilities, but excluding routine maintenance and upkeep activities.

(9) **SPECIAL PURPOSE LOCAL GOVERNMENT.**—

(A) **IN GENERAL.**—The term “special purpose local government” means a local or regional special district, public-purpose corporation, or other limited political subdivision of a State.

(B) **INCLUSIONS.**—The term “special purpose local government” includes—

(i) a park authority;

(ii) a park, conservation, water, or sanitary district; and

(iii) a school district.

(10) **STATE.**—The term “State” means a State, an instrumentality of a State approved by the Governor of the State, Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands.

#### **§200502. Federal assistance**

(a) **ELIGIBILITY DETERMINED BY SECRETARY.**—Eligibility of general purpose local governments for assistance under this chapter shall be based on need as determined by the Secretary. The Secretary shall publish in the Federal Register a list of local governments eligible to participate in this program, to be accompanied by a discussion of criteria used in determining eligibility. Criteria shall be based on factors that the Secretary determines are related to deteriorated recreational facilities or systems and physical and economic distress.

(b) **ADDITIONAL ELIGIBLE GENERAL PURPOSE LOCAL GOVERNMENTS.**—In addition to eligible local governments established in accordance with subsection (a), the Secretary may establish eligibility, in accord with the findings and purpose of the Urban Park and Recreation Recovery Act of 1978 (Public Law 95-625, 92 Stat. 3538), of other general purpose local governments in metropolitan statistical areas as defined by the Director of the Office of Management and Budget.

(c) **PRIORITY CRITERIA FOR PROJECT SELECTION AND APPROVAL.**—

(1) **IN GENERAL.**—The Secretary shall establish priority criteria for project selection and approval that consider such factors as—

(A) population;

(B) condition of existing recreation areas and facilities;

(C) demonstrated deficiencies in access to neighborhood recreation opportunities, particularly for minority and low- and moderate-income residents;

(D) public participation in determining rehabilitation or development needs;

(E) the extent to which a project supports or complements target activities undertaken as part of a local government’s overall community development and urban revitalization program;

(F) the extent to which a proposed project would provide—

(i) employment opportunities for minorities, youth, and low- and moderate-income residents in the project neighborhood;

(ii) for participation of neighborhood, nonprofit, or tenant organizations in the proposed rehabilitation activity or in subsequent maintenance, staffing, or supervision of recreation areas and facilities; or

(iii) both; and

(G) the amount of State and private support for a project as evidenced by commitments of non-Federal resources to project construction or operation.

(2) **AT-RISK YOUTH RECREATION GRANTS.**—For at-risk youth recreation grants, the Secretary shall give a priority to each of the following criteria:

(A) Programs that are targeted to youth who are at the greatest risk of becoming involved in violence and crime.

(B) Programs that teach important values and life skills, including teamwork, respect, leadership, and self-esteem.

(C) Programs that offer tutoring, remedial education, mentoring, and counseling in addition to recreation opportunities.

(D) Programs that offer services during late night or other nonschool hours.

(E) Programs that demonstrate collaboration between local park and recreation, juvenile justice, law enforcement, and youth social service agencies and nongovernmental entities, including the private sector and community and nonprofit organizations.

(F) Programs that leverage public or private recreation investments in the form of services, materials, or cash.

(G) Programs that show the greatest potential of being continued with non-Federal funds or that can serve as models for other communities.

(d) **LIMITATION OF FUNDS.**—Grants to discretionary applicants under subsection (b) may not be more than 15 percent of the total amount of funds appropriated under this chapter for rehabilitation grants, innovation grants, and recovery action program grants.

#### **§200503. Rehabilitation grants and innovation grants**

(a) **MATCHING GRANTS.**—The Secretary may provide 70 percent matching rehabilitation grants and innovation grants directly to eligible general purpose local governments on the Secretary’s approval of applications for the grants by the chief executive officials of those governments.

(b) **SPECIAL CONSIDERATIONS.**—An innovation grant should be closely tied to goals, priorities, and implementation strategies expressed in local park and recreation recovery action programs, with particular regard to the special considerations listed in section 200504(c)(2) of this title.

(c) **TRANSFER.**—If consistent with an approved application, a grant recipient may transfer a rehabilitation grant or innovation grant in whole or in part to an independent special purpose local government, private nonprofit agency, or county or regional park authority if the assisted recreation area or facility owned or managed by the transferee offers recreation opportunities to the general population within the jurisdictional boundaries of the grant recipient.

(d) **PAYMENTS.**—Payments may be made only for a rehabilitation project or innovation project that has been approved by the Secretary. Payments may be made from time to time in keeping with the rate of progress toward the satisfactory completion of the project, except that the Secretary, when appropriate, may make advance payments on an approved rehabilitation project or innovation project in an amount not to exceed 20 percent of the total project cost.

(e) **MODIFICATION OF PROJECT.**—The Secretary may authorize modification of an approved project only when a grant recipient adequately demonstrates that the modification is necessary because of circumstances not foreseeable at the time at which the project was proposed.

#### **§200504. Recovery action programs**

(a) **EVIDENCE OF LOCAL COMMITMENT TO ONGOING PROGRAMS.**—As a requirement for project approval, local governments applying for assistance under this chapter shall submit to the Secretary evidence of their commitments to ongoing planning, rehabilitation, service, operation, and maintenance programs for their park and recreation systems. These commitments will be expressed in local park and recreation recovery action programs that maximize coordination of all community resources, including other federally supported urban development and recreation programs. During an initial interim period to be established by regulations under this chapter, this requirement may be satisfied by local government submissions of preliminary action programs that briefly define objectives, priorities, and implementation strategies for overall system recovery and maintenance and commit the applicant to a scheduled program development process. Following this interim period, all local applicants shall submit to the Secretary, as a condition of eligibility, a 5-year action program for park and recreation recovery that satisfactorily demonstrates—

(1) systematic identification of recovery objectives, priorities, and implementation strategies;

(2) adequate planning for rehabilitation of specific recreation areas and facilities, including projections of the cost of proposed projects;

(3) the capacity and commitment to ensure that facilities provided or improved under this chapter shall continue to be adequately maintained, protected, staffed, and supervised;

(4) the intention to maintain total local public outlays for park and recreation purposes at levels at least equal to those in the year preceding that in which grant assistance is sought except in any case where a reduction in park and recreation outlays is proportionate to a reduction in overall spending by the applicant; and

(5) the relationship of the park and recreation recovery program to overall community development and urban revitalization efforts.

(b) **CONTINUING PLANNING PROCESS.**—Where appropriate, the Secretary may encourage local governments to meet action program requirements through a continuing planning process that includes periodic improvements and updates in action program submissions to eliminate identified gaps in program information and policy development.

(c) **SPECIAL CONSIDERATIONS.**—Action programs shall address, but are not limited to—

(1) rehabilitation of existing recreational areas and facilities, including—

(A) general systemwide renovation;

(B) special rehabilitation requirements for recreational areas and facilities in areas of high population concentration and economic distress; and

(C) restoration of outstanding or unique structures, landscaping, or similar features in parks of historical or architectural significance; and

(2) local commitments to innovative and cost-effective programs and projects at the neighborhood level to augment recovery of park and recreation systems, including—

(A) recycling of abandoned schools and other public buildings for recreational purposes;

(B) multiple use of operating educational and other public buildings, purchase of recreation services on a contractual basis;

(C) use of mobile facilities and recreational, cultural, and educational programs or other innovative approaches to improving access for neighborhood residents;

(D) integration of recovery program with federally assisted projects to maximize recreational opportunities through conversion of abandoned railroad and highway rights of way, waterfront, and other redevelopment efforts and such other federally assisted projects as may be appropriate;

(E) conversion of recreation use of street space, derelict land, and other public land not now designated for neighborhood recreational use; and

(F) use of various forms of compensated and uncompensated land regulation, tax inducements, or other means to encourage the private sector to provide neighborhood park and recreation facilities and programs.

(d) **PUBLICATION IN FEDERAL REGISTER.**—The Secretary shall establish and publish in the Federal Register requirements for preparation, submission, and updating of local park and recreation recovery action programs.

(e) **ELIGIBILITY FOR AT-RISK YOUTH RECREATION GRANTS.**—To be eligible to receive at-risk youth recreation grants a local government shall amend its 5-year action program to incorporate the goal of reducing crime and juvenile delinquency and to provide a description of the implementation strategies to achieve this goal. The plan shall also address how the local government is coordinating its recreation programs with crime prevention efforts of law enforcement, juvenile corrections, and youth social service agencies.

(f) **MATCHING RECOVERY ACTION PROGRAM GRANTS.**—The Secretary may provide up to 50 percent matching recovery action program

grants to eligible local governments for program development and planning specifically to meet the objectives of this chapter.

#### **§200505. State action**

(a) **ADDITIONAL MATCH.**—The Secretary may increase rehabilitation grants or innovation grants authorized in section 200503 of this title by providing an additional match equal to the total match provided by a State of up to 15 percent of total project costs. The Federal matching amount shall not exceed 85 percent of total project cost.

(b) **ADEQUATE IMPLEMENTATION OF LOCAL RECOVERY PLANS.**—The Secretary shall encourage States to assist the Secretary in ensuring—

(1) that local recovery plans and programs are adequately implemented by cooperating with the Secretary in monitoring local park and recreation recovery plans and programs; and

(2) consistency of the plans and programs, where appropriate, with State recreation policies as set forth in statewide comprehensive outdoor recreation plans.

#### **§200506. Non-Federal share of project costs**

(a) **SOURCES.**—

(1) **ALLOWABLE SOURCES.**—The non-Federal share of project costs assisted under this chapter may be derived from general or special purpose State or local revenues, State categorical grants, special appropriations by State legislatures, donations of land, buildings, or building materials, and in-kind construction, technical, and planning services. Reasonable local costs of recovery action program development to meet the requirements of section 200504(a) of this title may be used as part of the local match only when the local government has not received a recovery action program grant.

(2) **NON-ALLOWABLE SOURCES.**—No amount from the Land and Water Conservation Fund or from any other Federal grant program other than the community development block grant programs shall be used to match Federal grants under this program.

(b) **ENCOURAGEMENT OF STATES AND PRIVATE INTERESTS.**—The Secretary shall encourage States and private interests to contribute, to the maximum extent possible, to the non-Federal share of project costs.

#### **§200507. Conversion of recreation property**

No property improved or developed with assistance under this chapter shall, without the approval of the Secretary, be converted to other than public recreation uses. The Secretary shall approve such a conversion only if the Secretary finds it to be in accord with the then-current local park and recreation recovery action program and only on such conditions as the Secretary considers necessary to ensure the provision of adequate recreation properties and opportunities of reasonably equivalent location and usefulness.

#### **§200508. Coordination of program**

The Secretary shall—

(1) coordinate the urban park and recreation recovery program with the total urban recovery effort and cooperate to the fullest extent possible with other Federal agencies and with State agencies that administer programs and policies affecting urban areas, including programs in housing, urban development, natural resources management, employment, transportation, community services, and voluntary action;

(2) encourage maximum coordination of the program between State agencies and local applicants; and

(3) require that local applicants include provisions for participation of community and neighborhood residents and for public-private coordination in recovery planning and project selection.

#### **§200509. Recordkeeping**

(a) **IN GENERAL.**—A recipient of assistance under this chapter shall keep such records as the Secretary shall prescribe, including—

(1) records that disclose—

(A) the amount and disposition of project undertakings in connection with which assistance under this chapter is given or used; and

(B) the amount and nature of the portion of the cost of the project or undertaking that is supplied by other sources; and

(2) such other records as will facilitate an effective audit.

(b) **ACCESS.**—The Secretary and the Comptroller General shall have access for the purpose of audit and examination to any records of the recipient that are pertinent to assistance received under this chapter.

#### **§200510. Inapplicability of matching provisions**

Amounts authorized for Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands are not subject to the matching provisions of this chapter, and may be subject only to such conditions, reports, plans, and agreements, if any, as the Secretary may determine.

#### **§200511. Funding limitations**

(a) **LIMITATION OF FUNDS.**—The amount of grants made under this chapter for projects in any one State for any fiscal year shall not be more than 15 percent of the amount made available for grants to all of the States for that fiscal year.

(b) **RECOVERY ACTION PROGRAM GRANTS.**—Not more than 3 percent of the amount made available for grants under this chapter for a fiscal year shall be used for recovery action program grants.

(c) **INNOVATION GRANTS.**—Not more than 10 percent of the amount made available for grants under this chapter for a fiscal year shall be used for innovation grants.

(d) **PROGRAM SUPPORT.**—Not more than 25 percent of the amount made available under this chapter to any local government shall be used for program support.

(e) **NO LAND ACQUISITION.**—No funds made available under this chapter shall be used for the acquisition of land or an interest in land.

### **Subtitle III—National Preservation Programs**

#### **Division A—Historic Preservation**

##### **Subdivision 1—General Provisions**

##### **Chapter 3001—Policy**

Sec.

300101. Policy.

#### **§300101. Policy**

It is the policy of the Federal Government, in cooperation with other nations and in partnership with States, local governments, Indian tribes, Native Hawaiian organizations, and private organizations and individuals, to—

(1) use measures, including financial and technical assistance, to foster conditions under which our modern society and our historic property can exist in productive harmony and fulfill the social, economic, and other requirements of present and future generations;

(2) provide leadership in the preservation of the historic property of the United States and of the international community of nations and in the administration of the national preservation program;

(3) administer federally owned, administered, or controlled historic property in a spirit of stewardship for the inspiration and benefit of present and future generations;

(4) contribute to the preservation of nonfederally owned historic property and give maximum encouragement to organizations and individuals undertaking preservation by private means;

(5) encourage the public and private preservation and utilization of all usable elements of the Nation's historic built environment; and

(6) assist State and local governments, Indian tribes and Native Hawaiian organizations, and the National Trust to expand and accelerate their historic preservation programs and activities.

### Chapter 3003—Definitions

Sec.

- 300301. Agency.
- 300302. Certified local government.
- 300303. Council.
- 300304. Cultural park.
- 300305. Historic conservation district.
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- 300318. State historic preservation review board.
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#### § 300301. Agency

In this division, the term “agency” has the meaning given the term in section 551 of title 5.

#### § 300302. Certified local government

In this division, the term “certified local government” means a local government whose local historic preservation program is certified pursuant to chapter 3025 of this title.

#### § 300303. Council

In this division, the term “Council” means the Advisory Council on Historic Preservation established by section 304101 of this title.

#### § 300304. Cultural park

In this division, the term “cultural park” means a definable area that—

(A) is distinguished by historic property, prehistoric property, and land related to that property; and

(B) constitutes an interpretive, educational, and recreational resource for the public at large.

#### § 300305. Historic conservation district

In this division, the term “historic conservation district” means an area that contains—

- (1) historic property;
- (2) buildings having similar or related architectural characteristics;
- (3) cultural cohesiveness; or
- (4) any combination of features described in paragraphs (1) to (3).

#### § 300306. Historic Preservation Fund

In this division, the term “Historic Preservation Fund” means the Historic Preservation Fund established under section 303101 of this title.

#### § 300307. Historic preservation review commission

In this division, the term “historic preservation review commission” means a board, council, commission, or other similar collegial body—

(1) that is established by State or local legislation as provided in section 302503(a)(2) of this title; and

(2) the members of which are appointed by the chief elected official of a jurisdiction (unless State or local law provides for appointment by another official) from among—

(A) professionals in the disciplines of architecture, history, architectural history, planning,

prehistoric and historic archeology, folklore, cultural anthropology, curation, conservation, and landscape architecture, or related disciplines, to the extent that those professionals are available in the community; and

(B) other individuals who have demonstrated special interest, experience, or knowledge in history, architecture, or related disciplines and will provide for an adequate and qualified commission.

#### § 300308. Historic property

In this division, the term “historic property” means any prehistoric or historic structure, site, building, structure, or object included on, or eligible for inclusion on, the National Register, including artifacts, records, and material remains relating to the district, site, building, structure, or object.

#### § 300309. Indian tribe

In this division, the term “Indian tribe” means an Indian tribe, band, nation, or other organized group or community, including a Native village, Regional Corporation or Village Corporation (as those terms are defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

#### § 300310. Local government

In this division, the term “local government” means a city, county, township, municipality, or borough, or any other general purpose political subdivision of any State.

#### § 300311. National Register

In this division, the term “National Register” means the National Register of Historic Places maintained under chapter 3021 of this title.

#### § 300312. National Trust

In this division, the term “National Trust” means the National Trust for Historic Preservation in the United States established under section 312102 of this title.

#### § 300313. Native Hawaiian

In this division, the term “Native Hawaiian” means any individual who is a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now constitutes Hawaii.

#### § 300314. Native Hawaiian organization

(a) IN GENERAL.—In this division, the term “Native Hawaiian organization” means any organization that—

- (1) serves and represents the interests of Native Hawaiians;
- (2) has as a primary and stated purpose the provision of services to Native Hawaiians; and
- (3) has demonstrated expertise in aspects of historic preservation that are culturally significant to Native Hawaiians.

(b) INCLUSIONS.—In this division, the term “Native Hawaiian organization” includes the Office of Hawaiian Affairs of Hawaii and Hui Malama I Na Kupuna O Hawai'i Nei, an organization incorporated under the laws of the State of Hawaii.

#### § 300315. Preservation or historic preservation

In this division, the term “preservation” or “historic preservation” includes—

- (1) identification, evaluation, recordation, documentation, curation, acquisition, protection, management, rehabilitation, restoration, stabilization, maintenance, research, interpretation, and conservation;
- (2) education and training regarding the foregoing activities; or
- (3) any combination of the foregoing activities.

#### § 300316. Secretary

In this division, the term “Secretary” means the Secretary acting through the Director.

#### § 300317. State

In this division, the term “State” means—

- (1) a State, the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands; and
- (2) the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

#### § 300318. State historic preservation review board

In this division, the term “State historic preservation review board” means a board, council, commission, or other similar collegial body established as provided in section 302301(2) of this title—

(1) the members of which are appointed by the State Historic Preservation Officer (unless otherwise provided for by State law);

(2) a majority of the members of which are professionals qualified in history, prehistoric and historic archeology, architectural history, architecture, folklore, cultural anthropology, curation, conservation, landscape architecture, and related disciplines; and

(3) that has the authority to—

(A) review National Register nominations and appeals from nominations;

(B) review appropriate documentation submitted in conjunction with the Historic Preservation Fund;

(C) provide general advice and guidance to the State Historic Preservation Officer; and

(D) perform such other duties as may be appropriate.

#### § 300319. Tribal land

In this division, the term “tribal land” means—

- (1) all land within the exterior boundaries of any Indian reservation; and
- (2) all dependent Indian communities.

#### § 300320. Undertaking

In this division, the term “undertaking” means a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including—

- (1) those carried out by or on behalf of the Federal agency;
- (2) those carried out with Federal financial assistance;
- (3) those requiring a Federal permit, license, or approval; and
- (4) those subject to State or local regulation administered pursuant to a delegation or approval by a Federal agency.

#### § 300321. World Heritage Convention

In this division, the term “World Heritage Convention” means the Convention concerning the Protection of the World Cultural and Natural Heritage, done at Paris November 23, 1972 (27 UST 37).

### Subdivision 2—Historic Preservation Program Chapter 3021—National Register of Historic Places

Sec.

- 302101. Maintenance by Secretary.
- 302102. Inclusion of properties on National Register.
- 302103. Criteria and regulations relating to National Register, National Historic Landmarks, and World Heritage List.
- 302104. Nominations for inclusion on National Register.
- 302105. Owner participation in nomination process.
- 302106. Retention of name.
- 302107. Regulations.
- 302108. Review of threats to historic property.

#### § 302101. Maintenance by Secretary

The Secretary may expand and maintain a National Register of Historic Places composed of

districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, engineering, and culture.

**§ 302102. Inclusion of properties on National Register**

(a) IN GENERAL.—A property that meets the criteria for National Historic Landmarks established pursuant to section 302103 of this title shall be designated as a National Historic Landmark and included on the National Register, subject to the requirements of section 302107 of this title.

(b) HISTORIC PROPERTY ON NATIONAL REGISTER ON DECEMBER 12, 1980.—All historic property included on the National Register on December 12, 1980, shall be deemed to be included on the National Register as of their initial listing for purposes of this division.

(c) HISTORIC PROPERTY LISTED IN FEDERAL REGISTER OF FEBRUARY 6, 1979, OR PRIOR TO DECEMBER 12, 1980, AS NATIONAL HISTORIC LANDMARKS.—All historic property listed in the Federal Register of February 6, 1979, or prior to December 12, 1980, as National Historic Landmarks are declared by Congress to be National Historic Landmarks of national historic significance as of their initial listing in the Federal Register for purposes of this division and chapter 3201 of this title, except that in the case of a National Historic Landmark district for which no boundaries had been established as of December 12, 1980, boundaries shall first be published in the Federal Register.

**§ 302103. Criteria and regulations relating to National Register, National Historic Landmarks, and World Heritage List**

The Secretary, in consultation with national historical and archeological associations, shall—

(1) establish criteria for properties to be included on the National Register and criteria for National Historic Landmarks; and

(2) promulgate regulations for—

(A) nominating properties for inclusion on, and removal from, the National Register and the recommendation of properties by certified local governments;

(B) designating properties as National Historic Landmarks and removing that designation;

(C) considering appeals from recommendations, nominations, removals, and designations (or any failure or refusal by a nominating authority to nominate or designate);

(D) nominating historic property for inclusion in the World Heritage List in accordance with the World Heritage Convention;

(E) making determinations of eligibility of properties for inclusion on the National Register; and

(F) notifying the owner of a property, any appropriate local governments, and the general public, when the property is being considered for inclusion on the National Register, for designation as a National Historic Landmark, or for nomination to the World Heritage List.

**§ 302104. Nominations for inclusion on National Register**

(a) NOMINATION BY STATE.—Subject to the requirements of section 302107 of this title, any State that is carrying out a program approved under chapter 3023 shall nominate to the Secretary property that meets the criteria promulgated under section 302103 of this title for inclusion on the National Register. Subject to section 302107 of this title, any property nominated under this subsection or under section 306102 of this title shall be included on the National Register on the date that is 45 days after receipt by the Secretary of the nomination and the necessary documentation, unless the Secretary disapproves the nomination within the 45-day period or unless an appeal is filed under subsection (c).

(b) NOMINATION BY PERSON OR LOCAL GOVERNMENT.—Subject to the requirements of section 302107 of this title, the Secretary may accept a nomination directly from any person or local government for inclusion of a property on the National Register only if the property is located in a State where there is no program approved under chapter 3023 of this title. The Secretary may include on the National Register any property for which such a nomination is made if the Secretary determines that the property is eligible in accordance with the regulations promulgated under section 302103 of this title. The determination shall be made within 90 days from the date of the nomination unless the nomination is appealed under subsection (c).

(c) APPEAL.—Any person or local government may appeal to the Secretary—

(1) a nomination of any property for inclusion on the National Register; and

(2) the failure of a nominating authority to nominate a property in accordance with this chapter.

**§ 302105. Owner participation in nomination process**

(a) REGULATIONS.—The Secretary shall promulgate regulations requiring that before any property may be included on the National Register or designated as a National Historic Landmark, the owner of the property, or a majority of the owners of the individual properties within a district in the case of a historic district, shall be given the opportunity (including a reasonable period of time) to concur in, or object to, the nomination of the property for inclusion or designation. The regulations shall include provisions to carry out this section in the case of multiple ownership of a single property.

(b) WHEN PROPERTY SHALL NOT BE INCLUDED ON NATIONAL REGISTER OR DESIGNATED AS NATIONAL HISTORIC LANDMARK.—If the owner of any privately owned property, or a majority of the owners of privately owned properties within the district in the case of a historic district, object to inclusion or designation, the property shall not be included on the National Register or designated as a National Historic Landmark until the objection is withdrawn.

(c) REVIEW BY SECRETARY.—The Secretary shall review the nomination of the property when an objection has been made and shall determine whether or not the property is eligible for inclusion or designation. If the Secretary determines that the property is eligible for inclusion or designation, the Secretary shall inform the Advisory Council on Historic Preservation, the appropriate State Historic Preservation Officer, the appropriate chief elected local official, and the owner or owners of the property of the Secretary's determination.

**§ 302106. Retention of name**

Notwithstanding section 43(c) of the Act of July 5, 1946 (known as the Trademark Act of 1946) (15 U.S.C. 1125(c)), buildings and structures on or eligible for inclusion on the National Register (either individually or as part of a historic district), or designated as an individual landmark or as a contributing building in a historic district by a unit of State or local government, may retain the name historically associated with the building or structure.

**§ 302107. Regulations**

The Secretary shall promulgate regulations—

(1) ensuring that significant prehistoric and historic artifacts, and associated records, subject to subchapter 1 of chapter 3061, chapter 3125, or the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.) are deposited in an institution with adequate long-term curatorial capabilities;

(2) establishing a uniform process and standards for documenting historic property by public agencies and private parties for purposes of in-

corporation into, or complementing, the national historical architectural and engineering records in the Library of Congress; and

(3) certifying local governments, in accordance with sections 302502 and 302503 of this title, and for the transfer of funds pursuant to section 302902(c)(4) of this title.

**§ 302108. Review of threats to historic property**

At least once every 4 years, the Secretary, in consultation with the Council and with State Historic Preservation Officers, shall review significant threats to historic property to—

(1) determine the kinds of historic property that may be threatened;

(2) ascertain the causes of the threats; and

(3) develop and submit to the President and Congress recommendations for appropriate action.

**Chapter 3023—State Historic Preservation Programs**

Sec.

302301. Regulations.

302302. Program evaluation.

302303. Responsibilities of State Historic Preservation Officer.

302304. Contracts and cooperative agreements.

**§ 302301. Regulations**

The Secretary, in consultation with the National Conference of State Historic Preservation Officers and the National Trust, shall promulgate regulations for State Historic Preservation Programs. The regulations shall provide that a State program submitted to the Secretary under this chapter shall be approved by the Secretary if the Secretary determines that the program provides for—

(1) the designation and appointment by the chief elected official of the State of a State Historic Preservation Officer to administer the program in accordance with section 302303 of this title and for the employment or appointment by the officer of such professionally qualified staff as may be necessary for those purposes;

(2) an adequate and qualified State historic preservation review board designated by the State Historic Preservation Officer unless otherwise provided for by State law; and

(3) adequate public participation in the State Historic Preservation Program, including the process of recommending properties for nomination to the National Register.

**§ 302302. Program evaluation**

(a) WHEN EVALUATION SHOULD OCCUR.—Periodically, but not less than every 4 years after the approval of any State program under section 302301 of this title, the Secretary, in consultation with the Council on the appropriate provisions of this division, and in cooperation with the State Historic Preservation Officer, shall evaluate the program to determine whether it is consistent with this division.

(b) DISAPPROVAL OF PROGRAM.—If, at any time, the Secretary determines that a major aspect of a State program is not consistent with this division, the Secretary shall disapprove the program and suspend in whole or in part any contracts or cooperative agreements with the State and the State Historic Preservation Officer under this division, until the program is consistent with this division, unless the Secretary determines that the program will be made consistent with this division within a reasonable period of time.

(c) OVERSIGHT.—The Secretary, in consultation with State Historic Preservation Officers, shall establish oversight methods to ensure State program consistency and quality without imposing undue review burdens on State Historic Preservation Officers.

(d) STATE FISCAL AUDIT AND MANAGEMENT SYSTEM.—

(1) **SUBSTITUTION FOR COMPARABLE FEDERAL SYSTEMS.**—At the discretion of the Secretary, a State system of fiscal audit and management may be substituted for comparable Federal systems so long as the State system—

(A) establishes and maintains substantially similar accountability standards; and

(B) provides for independent professional peer review.

(2) **FISCAL AUDITS AND REVIEW BY SECRETARY.**—The Secretary—

(A) may conduct periodic fiscal audits of State programs approved under this subdivision as needed; and

(B) shall ensure that the programs meet applicable accountability standards.

### **§ 302303. Responsibilities of State Historic Preservation Officer**

(a) **IN GENERAL.**—It shall be the responsibility of the State Historic Preservation Officer to administer the State Historic Preservation Program.

(b) **PARTICULAR RESPONSIBILITIES.**—It shall be the responsibility of the State Historic Preservation Officer to—

(1) in cooperation with Federal and State agencies, local governments, and private organizations and individuals, direct and conduct a comprehensive statewide survey of historic property and maintain inventories of the property;

(2) identify and nominate eligible property to the National Register and otherwise administer applications for listing historic property on the National Register;

(3) prepare and implement a comprehensive statewide historic preservation plan;

(4) administer the State program of Federal assistance for historic preservation within the State;

(5) advise and assist, as appropriate, Federal and State agencies and local governments in carrying out their historic preservation responsibilities;

(6) cooperate with the Secretary, the Council, other Federal and State agencies, local governments, and private organizations and individuals to ensure that historic property is taken into consideration at all levels of planning and development;

(7) provide public information, education, and training and technical assistance in historic preservation;

(8) cooperate with local governments in the development of local historic preservation programs and assist local governments in becoming certified pursuant to chapter 3025;

(9) consult with appropriate Federal agencies in accordance with this division on—

(A) Federal undertakings that may affect historic property; and

(B) the content and sufficiency of any plans developed to protect, manage, or reduce or mitigate harm to that property; and

(10) advise and assist in the evaluation of proposals for rehabilitation projects that may qualify for Federal assistance.

### **§ 302304. Contracts and cooperative agreements**

(a) **STATE.**—A State may carry out all or any part of its responsibilities under this chapter by contract or cooperative agreement with a qualified nonprofit organization or educational institution.

(b) **SECRETARY.**—

(1) **IN GENERAL.**—

(A) **AUTHORITY TO ASSIST SECRETARY.**—Subject to paragraphs (3) and (4), the Secretary may enter into contracts or cooperative agreements with a State Historic Preservation Officer for any State authorizing the Officer to assist the Secretary in carrying out one or more of the following responsibilities within that State:

(i) Identification and preservation of historic property.

(ii) Determination of the eligibility of property for listing on the National Register.

(iii) Preparation of nominations for inclusion on the National Register.

(iv) Maintenance of historical and archeological data bases.

(v) Evaluation of eligibility for Federal preservation incentives.

(B) **AUTHORITY TO MAINTAIN NATIONAL REGISTER.**—Nothing in subparagraph (A) shall be construed to provide that any State Historic Preservation Officer or any other person other than the Secretary shall have the authority to maintain the National Register for properties in any State.

(2) **REQUIREMENTS.**—The Secretary may enter into a contract or cooperative agreement under paragraph (1) only if—

(A) the State Historic Preservation Officer has requested the additional responsibility;

(B) the Secretary has approved the State historic preservation program pursuant to sections 302301 and 302302 of this title;

(C) the State Historic Preservation Officer agrees to carry out the additional responsibility in a timely and efficient manner acceptable to the Secretary and the Secretary determines that the Officer is fully capable of carrying out the responsibility in that manner;

(D) the State Historic Preservation Officer agrees to permit the Secretary to review and revise, as appropriate in the discretion of the Secretary, decisions made by the Officer pursuant to the contract or cooperative agreement; and

(E) the Secretary and the State Historic Preservation Officer agree on the terms of additional financial assistance to the State, if there is to be any, for the costs of carrying out that responsibility.

(3) **ESTABLISH CONDITIONS AND CRITERIA.**—For each significant program area under the Secretary's authority, the Secretary shall establish specific conditions and criteria essential for the assumption by a State Historic Preservation Officer of the Secretary's duties in each of those programs.

(4) **PRESERVATION PROGRAMS AND ACTIVITIES NOT DIMINISHED.**—Nothing in this chapter shall have the effect of diminishing the preservation programs and activities of the Service.

### **Chapter 3025—Certification of Local Governments**

Sec.

302501. Definitions.

302502. Certification as part of State program.

302503. Requirements for certification.

302504. Participation of certified local governments in National Register nominations.

302505. Eligibility and responsibility of certified local government.

#### **§ 302501. Definitions**

In this chapter:

(1) **DESIGNATION.**—The term “designation” means the identification and registration of property for protection that meets criteria established by a State or locality for significant historic property within the jurisdiction of a local government.

(2) **PROTECTION.**—The term “protection” means protection by means of a local review process under State or local law for proposed demolition of, changes to, or other action that may affect historic property designated pursuant to this chapter.

#### **§ 302502. Certification as part of State program**

Any State program approved under this subdivision shall provide a mechanism for the certification by the State Historic Preservation Officer of local governments to carry out the purposes of this division and provide for the transfer, in accordance with section 302902(c)(4) of

this title, of a portion of the grants received by the States under this division, to those local governments.

#### **§ 302503. Requirements for certification**

(a) **APPROVED STATE PROGRAM.**—Any local government shall be certified to participate under this section if the applicable State Historic Preservation Officer, and the Secretary, certify that the local government—

(1) enforces appropriate State or local legislation for the designation and protection of historic property;

(2) has established an adequate and qualified historic preservation review commission by State or local legislation;

(3) maintains a system for the survey and inventory of historic property that furthers the purposes of chapter 3023;

(4) provides for adequate public participation in the local historic preservation program, including the process of recommending properties for nomination to the National Register; and

(5) satisfactorily performs the responsibilities delegated to it under this division.

(b) **NO APPROVED STATE PROGRAM.**—Where there is no State program approved under sections 302301 and 302302 of this title, a local government may be certified by the Secretary if the Secretary determines that the local government meets the requirements of subsection (a). The Secretary may make grants to the local government certified under this subsection for purposes of this subdivision.

#### **§ 302504. Participation of certified local governments in National Register nominations**

(a) **NOTICE.**—Before a property within the jurisdiction of a certified local government may be considered by a State to be nominated to the Secretary for inclusion on the National Register, the State Historic Preservation Officer shall notify the owner, the applicable chief local elected official, and the local historic preservation commission.

(b) **REPORT.**—The local historic preservation commission, after reasonable opportunity for public comment, shall prepare a report as to whether the property, in the Commission's opinion, meets the criteria of the National Register. Within 60 days of notice from the State Historic Preservation Officer, the chief local elected official shall transmit the report of the commission and the recommendation of the local official to the State Historic Preservation Officer.

(c) **RECOMMENDATION.**—

(1) **PROPERTY NOMINATED TO NATIONAL REGISTER.**—Except as provided in paragraph (2), after receipt of the report and recommendation, or if no report and recommendation are received within 60 days, the State shall make the nomination pursuant to section 302104 of this title. The State may expedite the process with the concurrence of the certified local government.

(2) **PROPERTY NOT NOMINATED TO NATIONAL REGISTER.**—If both the commission and the chief local elected official recommend that a property not be nominated to the National Register, the State Historic Preservation Officer shall take no further action, unless, within 30 days of the receipt of the recommendation by the State Historic Preservation Officer, an appeal is filed with the State. If an appeal is filed, the State shall follow the procedures for making a nomination pursuant to section 302104 of this title. Any report and recommendations made under this section shall be included with any nomination submitted by the State to the Secretary.

#### **§ 302505. Eligibility and responsibility of certified local government**

Any local government—

(1) that is certified under this chapter shall be eligible for funds under section 302902(c)(4) of this title; and

(2) that is certified, or making efforts to become certified, under this chapter shall carry

out any responsibilities delegated to it in accordance with such terms and conditions as the Secretary considers necessary or advisable.

**Chapter 3027—Historic Preservation Programs and Authorities for Indian Tribes and Native Hawaiian Organizations**

Sec.

302701. Program to assist Indian tribes in preserving historic property.

302702. Indian tribe to assume functions of State Historic Preservation Officer.

302703. Apportionment of grant funds.

302704. Contracts and cooperative agreements.

302705. Agreement for review under tribal historic preservation regulations.

302706. Eligibility for inclusion on National Register.

**§ 302701. Program to assist Indian tribes in preserving historic property**

(a) **ESTABLISHMENT OF PROGRAM.**—The Secretary shall establish a program and promulgate regulations to assist Indian tribes in preserving their historic property.

(b) **COMMUNICATION AND COOPERATION.**—The Secretary shall foster communication and cooperation between Indian tribes and State Historic Preservation Officers in the administration of the national historic preservation program to—

(1) ensure that all types of historic property and all public interests in historic property are given due consideration; and

(2) encourage coordination among Indian tribes, State Historic Preservation Officers, and Federal agencies in historic preservation planning and in the identification, evaluation, protection, and interpretation of historic property.

(c) **TRIBAL VALUES.**—The program under subsection (a) shall be developed in a manner to ensure that tribal values are taken into account to the extent feasible. The Secretary may waive or modify requirements of this subdivision to conform to the cultural setting of tribal heritage preservation goals and objectives.

(d) **SCOPE OF TRIBAL PROGRAMS.**—The tribal programs implemented by specific tribal organizations may vary in scope, as determined by each Indian tribe's chief governing authority.

(e) **CONSULTATION.**—The Secretary shall consult with Indian tribes, other Federal agencies, State Historic Preservations Officers, and other interested parties concerning the program under subsection (a).

**§ 302702. Indian tribe to assume functions of State Historic Preservation Officer**

An Indian tribe may assume all or any part of the functions of a State Historic Preservation Officer in accordance with sections 302302 and 302303 of this title, with respect to tribal land, as those responsibilities may be modified for tribal programs through regulations issued by the Secretary, if—

(1) the Indian tribe's chief governing authority so requests;

(2) the Indian tribe designates a tribal preservation official to administer the tribal historic preservation program, through appointment by the Indian tribe's chief governing authority or as a tribal ordinance may otherwise provide;

(3) the tribal preservation official provides the Secretary with a plan describing how the functions the tribal preservation official proposes to assume will be carried out;

(4) the Secretary determines, after consulting with the Indian tribe, the appropriate State Historic Preservation Officer, the Council (if the Indian tribe proposes to assume the functions of the State Historic Preservation Officer with respect to review of undertakings under section 306108 of this title), and other Indian tribes, if any, whose tribal or aboriginal land may be affected by conduct of the tribal preservation program, that—

(A) the tribal preservation program is fully capable of carrying out the functions specified in the plan provided under paragraph (3);

(B) the plan defines the remaining responsibilities of the Secretary and the State Historic Preservation Officer; and

(C) the plan provides, with respect to properties neither owned by a member of the Indian tribe nor held in trust by the Secretary for the benefit of the Indian tribe, at the request of the owner of the properties, that the State Historic Preservation Officer, in addition to the tribal preservation official, may exercise the historic preservation responsibilities in accordance with sections 302302 and 302303 of this title; and

(5) based on satisfaction of the conditions stated in paragraphs (1), (2), (3), and (4), the Secretary approves the plan.

**§ 302703. Apportionment of grant funds**

In consultation with interested Indian tribes, other Native American organizations, and affected State Historic Preservation Officers, the Secretary shall establish and implement procedures for carrying out section 302902(c)(1)(A) of this title with respect to tribal programs that assume responsibilities under section 302702 of this title.

**§ 302704. Contracts and cooperative agreements**

At the request of an Indian tribe whose preservation program has been approved to assume functions and responsibilities pursuant to section 302702 of this title, the Secretary shall enter into a contract or cooperative agreement with the Indian tribe permitting the assumption by the Indian tribe of any part of the responsibilities described in section 302304(b) of this title on tribal land, if—

(1) the Secretary and the Indian tribe agree on additional financial assistance, if any, to the Indian tribe for the costs of carrying out those authorities;

(2) the Secretary finds that the tribal historic preservation program has been demonstrated to be sufficient to carry out the contract or cooperative agreement and this division; and

(3) the contract or cooperative agreement specifies the continuing responsibilities of the Secretary or of the appropriate State Historic Preservation Officers and provides for appropriate participation by—

(A) the Indian tribe's traditional cultural authorities;

(B) representatives of other Indian tribes whose traditional land is under the jurisdiction of the Indian tribe assuming responsibilities; and

(C) the interested public.

**§ 302705. Agreement for review under tribal historic preservation regulations**

The Council may enter into an agreement with an Indian tribe to permit undertakings on tribal land to be reviewed under tribal historic preservation regulations in place of review under regulations promulgated by the Council to govern compliance with section 306108 of this title, if the Council, after consultation with the Indian tribe and appropriate State Historic Preservation Officers, determines that the tribal preservation regulations will afford historic property consideration equivalent to that afforded by the Council's regulations.

**§ 302706. Eligibility for inclusion on National Register**

(a) **IN GENERAL.**—Property of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization may be determined to be eligible for inclusion on the National Register.

(b) **CONSULTATION.**—In carrying out its responsibilities under section 306108 of this title, a Federal agency shall consult with any Indian

tribe or Native Hawaiian organization that attaches religious and cultural significance to property described in subsection (a).

(c) **HAWAII.**—In carrying out responsibilities under section 302303 of this title, the State Historic Preservation Officer for Hawaii shall—

(1) consult with Native Hawaiian organizations in assessing the cultural significance of any property in determining whether to nominate the property to the National Register;

(2) consult with Native Hawaiian organizations in developing the cultural component of a preservation program or plan for the property; and

(3) enter into a memorandum of understanding or agreement with Native Hawaiian organizations for the assessment of the cultural significance of a property in determining whether to nominate the property to the National Register and to carry out the cultural component of the preservation program or plan.

**Chapter 3029—Grants**

Sec.

302901. Awarding of grants and availability of grant funds.

302902. Grants to States.

302903. Grants to National Trust.

302904. Direct grants for the preservation of properties included on National Register.

302905. Religious property.

302906. Grants and loans to Indian tribes and nonprofit organizations representing ethnic or minority groups.

302907. Grants to Indian tribes and Native Hawaiian organizations.

302908. Grants to the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.

302909. Prohibited use of grant amounts.

302910. Recordkeeping.

**§ 302901. Awarding of grants and availability of grant funds**

(a) **IN GENERAL.**—No grant may be made under this division unless application for the grant is submitted to the Secretary in accordance with regulations and procedures prescribed by the Secretary.

(b) **GRANT NOT TREATED AS TAXABLE INCOME.**—No grant made pursuant to this division shall be treated as taxable income for purposes of the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.).

(c) **AVAILABILITY.**—The Secretary shall make funding available to individual States and the National Trust as soon as practicable after execution of a grant agreement. For purposes of administration, grants to individual States and the National Trust each shall be deemed to be one grant and shall be administered by the Service as one grant.

**§ 302902. Grants to States**

(a) **IN GENERAL.**—The Secretary shall administer a program of matching grants to the States for the purposes of carrying out this division.

(b) **CONDITIONS.**—

(1) **In general.**—No grant may be made under this division—

(A) unless the application is in accordance with the comprehensive statewide historic preservation plan that has been approved by the Secretary after considering its relationship to the comprehensive statewide outdoor recreation plan prepared pursuant to chapter 2003 of this title;

(B) unless the grantee has agreed to make reports, in such form and containing such information, as the Secretary may from time to time require;

(C) unless the grantee has agreed to assume, after completion of the project, the total cost of



the continued maintenance, repair, and administration of the property in a manner satisfactory to the Secretary; or

(D) until the grantee has complied with such further terms and conditions as the Secretary may consider necessary or advisable.

(2) **WAIVER.**—The Secretary may waive the requirements of subparagraphs (A) and (C) of paragraph (1) for any grant under this division to the National Trust.

(3) **AMOUNT LIMITATION.**—

(A) **IN GENERAL.**—No grant may be made under this division for more than 60 percent of the aggregate costs of carrying out projects and programs under the administrative control of the State Historic Preservation Officer as specified in section 302303 of this title in any one fiscal year.

(B) **SOURCE OF STATE SHARE OF COSTS.**—Except as permitted by other law, the State share of the costs referred to in subparagraph (A) shall be contributed by non-Federal sources.

(4) **RESTRICTION ON USE OF REAL PROPERTY TO MEET NON-FEDERAL SHARE OF COST OF PROJECT.**—No State shall be permitted to utilize the value of real property obtained before October 15, 1966, in meeting the non-Federal share of the cost of a project for which a grant is made under this division.

(c) **APPORTIONMENT OF GRANT AMOUNTS**

(1) **BASES FOR APPORTIONMENT.**—The amounts appropriated and made available for grants to the States—

(A) for the purposes of this division shall be apportioned among the States by the Secretary on the basis of needs as determined by the Secretary; and

(B) for projects and programs under this division for each fiscal year shall be apportioned among the States as the Secretary determines to be appropriate.

(2) **NOTIFICATION.**—The Secretary shall notify each State of its apportionment under paragraph (1)(B) within 30 days after the date of enactment of legislation appropriating funds under this division.

(3) **REAPPORTIONMENT.**—Any amount of any apportionment that has not been paid or obligated by the Secretary during the fiscal year in which the notification is given or during the 2 fiscal years after that fiscal year shall be reapportioned by the Secretary in accordance with paragraph (1)(B). The Secretary shall analyze and revise as necessary the method of apportionment. The method and any revision shall be published by the Secretary in the Federal Register.

(4) **TRANSFER OF FUNDS TO CERTIFIED LOCAL GOVERNMENTS.**—Not less than 10 percent of the annual apportionment distributed by the Secretary to each State for the purposes of carrying out this division shall be transferred by the State, pursuant to the requirements of this division, to certified local governments for historic preservation projects or programs of the certified local governments. In any year in which the total annual apportionment to the States exceeds \$65,000,000, 50 percent of the excess shall also be transferred by the States to certified local governments.

(5) **GUIDELINES FOR USE AND DISTRIBUTION OF FUNDS TO CERTIFIED LOCAL GOVERNMENTS.**—The Secretary shall establish guidelines for the use and distribution of funds under paragraph (4) to ensure that no certified local government receives a disproportionate share of the funds available, and may include a maximum or minimum limitation on the amount of funds distributed to any single certified local government. The guidelines shall not limit the ability of any State to distribute more than 10 percent of its annual apportionment under paragraph (4), nor shall the Secretary require any State to exceed the 10 percent minimum distribution to certified local governments.

(d) **ADMINISTRATIVE COSTS.**—The total direct and indirect administrative costs charged for carrying out State projects and programs shall not exceed 25 percent of the aggregate costs (except in the case of a grant to the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau).

#### **§ 302903. Grants to National Trust**

(a) **SECRETARY OF THE INTERIOR.**—The Secretary may administer grants to the National Trust consistent with the purposes of its charter and this division.

(b) **SECRETARY OF HOUSING AND URBAN DEVELOPMENT.**—The Secretary of Housing and Urban Development may make grants to the National Trust, on terms and conditions and in amounts (not exceeding \$90,000 with respect to any one structure) as the Secretary of Housing and Urban Development considers appropriate, to cover the costs incurred by the National Trust in renovating or restoring structures that the National Trust considers to be of historic or architectural value and that the National Trust has accepted and will maintain (after the renovation or restoration) for historic purposes.

#### **§ 302904. Direct grants for the preservation of properties included on National Register**

(a) **ADMINISTRATION OF PROGRAM.**—The Secretary shall administer a program of direct grants for the preservation of properties included on the National Register.

(b) **AVAILABLE AMOUNT.**—Funds to support the program annually shall not exceed 10 percent of the amount appropriated annually for the Historic Preservation Fund.

(c) **USES OF GRANTS.**—

(1) **IN GENERAL.**—Grants under this section may be made by the Secretary, in consultation with the appropriate State Historic Preservation Officer—

(A) for the preservation of—

(i) National Historic Landmarks that are threatened with demolition or impairment; and

(ii) historic property of World Heritage significance;

(B) for demonstration projects that will provide information concerning professional methods and techniques having application to historic property;

(C) for the training and development of skilled labor in trades and crafts, and in analysis and curation, relating to historic preservation; and

(D) to assist individuals or small businesses within any historic district included on the National Register to remain within the district.

(2) **LIMIT ON CERTAIN GRANTS.**—A grant may be made under subparagraph (A) or (D) of paragraph (1) only to the extent that the project cannot be carried out in as effective a manner through the use of an insured loan under section 303901 of this title.

#### **§ 302905. Religious property**

(a) **IN GENERAL.**—Grants may be made under this chapter for the preservation, stabilization, restoration, or rehabilitation of religious property listed on the National Register if the purpose of the grant—

(1) is secular;

(2) does not promote religion; and

(3) seeks to protect qualities that are historically significant.

(b) **EFFECT OF SECTION.**—Nothing in this section shall be construed to authorize the use of any funds made available under this subdivision for the acquisition of any religious property listed on the National Register.

#### **§ 302906. Grants and loans to Indian tribes and nonprofit organizations representing ethnic or minority groups**

The Secretary may, in consultation with the appropriate State Historic Preservation Officer, make grants or loans or both under this subdivi-

sion to Indian tribes and to nonprofit organizations representing ethnic or minority groups for the preservation of their cultural heritage.

#### **§ 302907. Grants to Indian tribes and Native Hawaiian organizations**

The Secretary shall administer a program of direct grants to Indian tribes and Native Hawaiian organizations for the purpose of carrying out this division as it pertains to Indian tribes and Native Hawaiian organizations. Matching fund requirements may be modified. Federal funds available to an Indian tribe or Native Hawaiian organization may be used as matching funds for the purposes of the Indian tribe's or Native Hawaiian organization's conducting its responsibilities pursuant to this subdivision.

#### **§ 302908. Grants to the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau**

(a) **IN GENERAL.**—As part of the program of matching grant assistance from the Historic Preservation Fund to States, the Secretary shall administer a program of direct grants to the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau in furtherance of the Compact of Free Association between the United States and the Federated States of Micronesia and the Marshall Islands, approved by the Compact of Free Association Act of 1985 (48 U.S.C. 1901 et seq., 2001 et seq.), and the Compact of Free Association between the United States and Palau, approved by the Joint Resolution entitled "Joint Resolution to approve the 'Compact of Free Association' between the United States and Government of Palau, and for other purposes" (48 U.S.C. 1931 et seq.) or any successor enactment.

(b) **GOAL OF PROGRAM.**—The goal of the program shall be to establish historic and cultural preservation programs that meet the unique needs of each of those nations so that at the termination of the compacts the programs shall be firmly established.

(c) **BASIS OF ALLOCATING AMOUNTS.**—The amounts to be made available under this subsection shall be allocated by the Secretary on the basis of needs as determined by the Secretary.

(d) **WAIVERS AND MODIFICATIONS.**—The Secretary may waive or modify the requirements of this subdivision to conform to the cultural setting of those nations. Matching funds may be waived or modified.

#### **§ 302909. Prohibited use of grant amounts**

No part of any grant made under this subdivision shall be used to compensate any person intervening in any proceeding under this division.

#### **§ 302910. Recordkeeping**

A recipient of assistance under this division shall keep—

(1) such records as the Secretary shall prescribe, including records that fully disclose—

(A) the disposition by the recipient of the proceeds of the assistance;

(B) the total cost of the project or undertaking in connection with which the assistance is given or used; and

(C) the amount and nature of that portion of the cost of the project or undertaking supplied by other sources; and

(2) such other records as will facilitate an effective audit.

#### **Chapter 3031—Historic Preservation Fund**

Sec.

303101. Establishment.

303102. Content.

303103. Use and availability.

#### **§ 303101. Establishment**

To carry out this division (except chapter 3041) and chapter 3121, there is established in the Treasury the Historic Preservation Fund.



**§ 303102. Contents**

For each of fiscal years 2012 to 2015, \$150,000,000 shall be deposited in the Historic Preservation Fund from revenues due and payable to the United States under section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338), section 7433(b) of title 10, or both, notwithstanding any provision of law that those proceeds shall be credited to miscellaneous receipts of the Treasury.

**§ 303103. Use and availability**

Amounts in the Historic Preservation Fund shall be used only to carry out this division and shall be available for expenditure only when appropriated by Congress. Any amount not appropriated shall remain available in the Historic Preservation Fund until appropriated for those purposes. Appropriations made pursuant to this section may be made without fiscal year limitation.

**Chapters 3033 Through 3037—Reserved****Chapter 3039—Miscellaneous**

Sec.

303901. Loan insurance program for preservation of property included on National Register.
303902. Training in, and dissemination of information concerning, professional methods and techniques for preservation of historic property.
303903. Preservation education and training program.

**§ 303901. Loan insurance program for preservation of property included on National Register**

(a) **ESTABLISHMENT.**—The Secretary shall establish and maintain a program by which the Secretary may, on application of a private lender, insure loans (including loans made in accordance with a mortgage) made by the lender to finance any project for the preservation of a property included on the National Register.

(b) **LOAN QUALIFICATIONS.**—A loan may be insured under this section if—

(1) the loan is made by a private lender approved by the Secretary as financially sound and able to service the loan properly;

(2) the amount of the loan, and interest rate charged with respect to the loan, do not exceed the amount and rate established by the Secretary by regulation;

(3) the Secretary has consulted the appropriate State Historic Preservation Officer concerning the preservation of the historic property;

(4) the Secretary has determined that the loan is adequately secured and there is reasonable assurance of repayment;

(5) the repayment period of the loan does not exceed the lesser of 40 years or the expected life of the asset financed;

(6) the amount insured with respect to the loan does not exceed 90 percent of the loss sustained by the lender with respect to the loan; and

(7) the loan, the borrower, and the historic property to be preserved meet such other terms and conditions as may be prescribed by the Secretary by regulation, especially terms and conditions relating to the nature and quality of the preservation work.

(c) **CONSULTATION.**—The Secretary shall consult with the Secretary of the Treasury regarding the interest rate of loans insured under this section.

(d) **LIMITATION ON AMOUNT OF UNPAID PRINCIPAL BALANCE OF LOANS.**—The aggregate unpaid principal balance of loans insured under this section may not exceed the amount that has been deposited in the Historic Preservation Fund but which has not been appropriated for any purpose.

(e) **INSURANCE CONTRACTS.**—Any contract of insurance executed by the Secretary under this section may be assignable, shall be an obligation supported by the full faith and credit of the United States, and shall be incontestable except for fraud or misrepresentation of which the holder had actual knowledge at the time it became a holder.

(f) **CONDITIONS AND METHODS OF PAYMENT AS RESULT OF LOSS.**—The Secretary shall specify, by regulation and in each contract entered into under this section, the conditions and method of payment to a private lender as a result of losses incurred by the lender on any loan insured under this section.

(g) **PROTECTION OF FINANCIAL INTERESTS OF FEDERAL GOVERNMENT.**—In entering into any contract to insure a loan under this section, the Secretary shall take steps to ensure adequate protection of the financial interests of the Federal Government. The Secretary may—

(1) in connection with any foreclosure proceeding, obtain, on behalf of the Federal Government, the historic property securing a loan insured under this section; and

(2) operate or lease the historic property for such period as may be necessary to protect the interest of the Federal Government and to carry out subsection (h).

(h) **CONVEYANCE TO GOVERNMENTAL OR NON-GOVERNMENTAL ENTITY OF PROPERTY ACQUIRED BY FORECLOSURE.**—

(1) **ATTEMPT TO CONVEY TO ENSURE PROPERTY'S PRESERVATION AND USE.**—In any case in which historic property is obtained pursuant to subsection (g), the Secretary shall attempt to convey the property to any governmental or nongovernmental entity under conditions that will ensure the property's continued preservation and use. If, after a reasonable time, the Secretary, in consultation with the Council, determines that there is no feasible and prudent means to convey the property and to ensure its continued preservation and use, the Secretary may convey the property at the fair market value of its interest in the property to any entity without restriction.

(2) **DISPOSITION OF FUNDS.**—Any funds obtained by the Secretary in connection with the conveyance of any historic property pursuant to paragraph (1) shall be deposited in the Historic Preservation Fund and shall remain available in the Historic Preservation Fund until appropriated by Congress to carry out this division.

(i) **ASSESSMENT OF FEES IN CONNECTION WITH INSURING LOANS.**—The Secretary may assess appropriate and reasonable fees in connection with insuring loans under this section. The fees shall be deposited in the Historic Preservation Fund and shall remain available in the Historic Preservation Fund until appropriated by Congress to carry out this division.

(j) **TREATMENT OF LOANS AS NON-FEDERAL FUNDS.**—Notwithstanding any other provision of law, any loan insured under this section shall be treated as non-Federal funds for the purposes of satisfying any requirement of any other provision of law under which Federal funds to be used for any project or activity are conditioned on the use of non-Federal funds by the recipient for payment of any portion of the costs of the project or activity.

(k) **INELIGIBILITY OF DEBT OBLIGATION FOR PURCHASE OR COMMITMENT TO PURCHASE BY, OR SALE OR ISSUANCE TO, FEDERAL FINANCING BANK.**—No debt obligation that is made or committed to be made, or that is insured or committed to be insured, by the Secretary under this section shall be eligible for purchase by, or commitment to purchase by, or sale or issuance to, the Federal Financing Bank.

**§ 303902. Training in, and dissemination of information concerning, professional methods and techniques for preservation of historic property**

The Secretary shall develop and make available to Federal agencies, State and local governments, private organizations and individuals, and other nations and international organizations pursuant to the World Heritage Convention, training in, and information concerning, professional methods and techniques for the preservation of historic property and for the administration of the historic preservation program at the Federal, State, and local level. The Secretary shall also develop mechanisms to provide information concerning historic preservation to the general public including students.

**§ 303903. Preservation education and training program**

The Secretary, in consultation with the Council and other appropriate Federal, tribal, Native Hawaiian, and non-Federal organizations, shall develop and implement a comprehensive preservation education and training program. The program shall include—

(1) standards and increased preservation training opportunities for Federal workers involved in preservation-related functions;

(2) preservation training opportunities for other Federal, State, tribal and local government workers, and students;

(3) technical or financial assistance, or both, to historically black colleges and universities, to tribal colleges, and to colleges with a high enrollment of Native Americans or Native Hawaiians, to establish preservation training and degree programs; and

(4) where appropriate, coordination with the National Center for Preservation Technology and Training of—

(A) distribution of information on preservation technologies;

(B) provision of training and skill development in trades, crafts, and disciplines related to historic preservation in Federal training and development programs; and

(C) support for research, analysis, conservation, curation, interpretation, and display related to preservation.

**Subdivision 3—Advisory Council on Historic Preservation****Chapter 3041—Advisory Council on Historic Preservation**

Sec.

304101. Establishment; vacancies.
304102. Duties of Council.
304103. Cooperation between Council and instrumentalities of executive branch of Federal Government.
304104. Compensation of members of Council.
304105. Administration.
304106. International Centre for the Study of the Preservation and Restoration of Cultural Property.
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304110. Report by Secretary to Council.
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**§ 304101. Establishment; vacancies**

(a) **ESTABLISHMENT.**—There is established as an independent agency of the United States Government an Advisory Council on Historic Preservation, which shall be composed of the following members:

(1) A Chairman appointed by the President selected from the general public.

(2) The Secretary.

(3) The Architect of the Capitol.

(4) The Secretary of Agriculture and the heads of 7 other agencies of the United States (other than the Department of the Interior), the activities of which affect historic preservation, designated by the President.

(5) One Governor appointed by the President.

(6) One mayor appointed by the President.

(7) The President of the National Conference of State Historic Preservation Officers.

(8) The Chairman of the National Trust.

(9) Four experts in the field of historic preservation appointed by the President from architecture, history, archeology, and other appropriate disciplines.

(10) Three members from the general public, appointed by the President.

(11) One member of an Indian tribe or Native Hawaiian organization who represents the interests of the Indian tribe or Native Hawaiian organization of which he or she is a member, appointed by the President.

(b) DESIGNATION OF SUBSTITUTES.—Each member of the Council specified in paragraphs (2) to (5), (7), and (8) of subsection (a) may designate another officer of the department, agency, or organization to serve on the Council instead of the member, except that, in the case of paragraphs (2) and (4), no officer other than an Assistant Secretary or an officer having major department-wide or agency-wide responsibilities may be designated.

(c) TERM OF OFFICE.—Each member of the Council appointed under paragraphs (1) and (9) to (11) of subsection (a) shall serve for a term of 4 years from the expiration of the term of the member's predecessor. The members appointed under paragraphs (5) and (6) shall serve for the term of their elected office but not in excess of 4 years. An appointed member may not serve more than 2 terms. An appointed member whose term has expired shall serve until that member's successor has been appointed.

(d) VACANCIES.—A vacancy in the Council shall not affect its powers, but shall be filled, not later than 60 days after the vacancy commences, in the same manner as the original appointment (and for the balance of the unexpired term).

(e) DESIGNATION OF VICE CHAIRMAN.—The President shall designate a Vice Chairman from the members appointed under paragraph (5), (6), (9), or (10) of subsection (a). The Vice Chairman may act in place of the Chairman during the absence or disability of the Chairman or when the office is vacant.

(f) QUORUM.—Twelve members of the Council shall constitute a quorum.

#### **§ 304102. Duties of Council**

(a) DUTIES.—The Council shall—

(1) advise the President and Congress on matters relating to historic preservation, recommend measures to coordinate activities of Federal, State, and local agencies and private institutions and individuals relating to historic preservation, and advise on the dissemination of information pertaining to those activities;

(2) encourage, in cooperation with the National Trust and appropriate private agencies, public interest and participation in historic preservation;

(3) recommend the conduct of studies in such areas as—

(A) the adequacy of legislative and administrative statutes and regulations pertaining to historic preservation activities of State and local governments; and

(B) the effects of tax policies at all levels of government on historic preservation;

(4) advise as to guidelines for the assistance of State and local governments in drafting legislation relating to historic preservation;

(5) encourage, in cooperation with appropriate public and private agencies and institutions, training and education in the field of historic preservation;

(6) review the policies and programs of Federal agencies and recommend to Federal agencies methods to improve the effectiveness, coordination, and consistency of those policies and programs with the policies and programs carried out under this division; and

(7) inform and educate Federal agencies, State and local governments, Indian tribes, other nations and international organizations and private groups and individuals as to the Council's authorized activities.

(b) ANNUAL REPORT.—The Council annually shall submit to the President a comprehensive report of its activities and the results of its studies and shall from time to time submit additional and special reports as it deems advisable. Each report shall propose legislative enactments and other actions as, in the judgment of the Council, are necessary and appropriate to carry out its recommendations and shall provide the Council's assessment of current and emerging problems in the field of historic preservation and an evaluation of the effectiveness of the programs of Federal agencies, State and local governments, and the private sector in carrying out this division.

#### **§ 304103. Cooperation between Council and instrumentalities of executive branch of Federal Government**

The Council may secure directly from any Federal agency information, suggestions, estimates, and statistics for the purpose of this chapter. Each Federal agency may furnish information, suggestions, estimates, and statistics to the extent permitted by law and within available funds.

#### **§ 304104. Compensation of members of Council**

The members of the Council specified in paragraphs (2), (3), and (4) of section 304101(a) of this title shall serve without additional compensation. The other members of the Council shall receive \$100 per diem when engaged in the performance of the duties of the Council. All members of the Council shall receive reimbursement for necessary traveling and subsistence expenses incurred by them in the performance of the duties of the Council.

#### **§ 304105. Administration**

(a) EXECUTIVE DIRECTOR.—There shall be an Executive Director of the Council who shall be appointed by the Chairman with the concurrence of the Council in the competitive service at a rate within the General Schedule, in the competitive service at a rate that may exceed the rate prescribed for the highest rate established for grade 15 of the General Schedule under section 5332 of title 5, or in the Senior Executive Service under section 3393 of title 5. The Executive Director shall report directly to the Council and perform such functions and duties as the Council may prescribe.

(b) GENERAL COUNSEL AND APPOINTMENT OF OTHER ATTORNEYS.—

(1) GENERAL COUNSEL.—The Council shall have a General Counsel, who shall be appointed by the Executive Director. The General Counsel shall report directly to the Executive Director and serve as the Council's legal advisor.

(2) APPOINTMENT OF OTHER ATTORNEYS.—The Executive Director shall appoint other attorneys as may be necessary to—

(A) assist the General Counsel;

(B) represent the Council in court when appropriate, including enforcement of agreements with Federal agencies to which the Council is a party;

(C) assist the Department of Justice in handling litigation concerning the Council in court; and

(D) perform such other legal duties and functions as the Executive Director and the Council may direct.

(c) APPOINTMENT AND COMPENSATION OF OFFICERS AND EMPLOYEES.—The Executive Director of the Council may appoint and fix the compensation of officers and employees in the competitive service who are necessary to perform the functions of the Council at rates not to exceed that prescribed for the highest rate for grade 15 of the General Schedule under section 5332 of title 5. The Executive Director, with the concurrence of the Chairman, may appoint and fix the compensation of not to exceed 5 employees in the competitive service at rates that exceed that prescribed for the highest rate established for grade 15 of the General Schedule under section 5332 of title 5 or in the Senior Executive Service under section 3393 of title 5.

(d) APPOINTMENT AND COMPENSATION OF ADDITIONAL PERSONNEL.—The Executive Director may appoint and fix the compensation of such additional personnel as may be necessary to carry out the Council's duties, without regard to the civil service laws and chapter 51 and subchapter III of chapter 53 of title 5.

(e) EXPERT AND CONSULTANT SERVICES.—The Executive Director may procure expert and consultant services in accordance with section 3109 of title 5.

(f) FINANCIAL AND ADMINISTRATIVE SERVICES.—

(1) SERVICES TO BE PROVIDED BY SECRETARY, AGENCY, OR PRIVATE ENTITY.—Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel and procurement) shall be provided to the Council by the Secretary or, at the discretion of the Council, another agency or private entity that reaches an agreement with the Council, for which payments shall be made in advance, or by reimbursement, from funds of the Council in such amounts as may be agreed on by the Chairman of the Council and the head of the agency or the authorized representative of the private entity that will provide the services.

(2) FEDERAL AGENCY REGULATIONS RELATING TO COLLECTION APPLY.—When a Federal agency affords those services, the regulations of that agency under section 5514(b) of title 5 for the collection of indebtedness of personnel resulting from erroneous payments shall apply to the collection of erroneous payments made to or on behalf of a Council employee, and regulations of that agency under sections 1513(d) and 1514 of title 31 for the administrative control of funds shall apply to appropriations of the Council. The Council shall not be required to prescribe those regulations.

(g) FUNDS, PERSONNEL, FACILITIES, AND SERVICES.—

(1) PROVIDED BY FEDERAL AGENCY.—Any Federal agency may provide the Council, with or without reimbursement as may be agreed on by the Chairman and the agency, with such funds, personnel, facilities, and services under its jurisdiction and control as may be needed by the Council to carry out its duties, to the extent that the funds, personnel, facilities, and services are requested by the Council and are otherwise available for that purpose. Any funds provided to the Council pursuant to this subsection shall be obligated by the end of the fiscal year following the fiscal year in which the funds are received by the Council.

(2) OBTAINING ADDITIONAL PROPERTY, FACILITIES, AND SERVICES AND RECEIVING DONATIONS OF MONEY.—To the extent of available appropriations, the Council may obtain by purchase, rental, donation, or otherwise additional property, facilities, and services as may be needed to carry out its duties and may receive donations

of money for that purpose. The Executive Director may accept, hold, use, expend, and administer the property, facilities, services, and money for the purposes of this division.

(h) **RIGHTS, BENEFITS, AND PRIVILEGES OF TRANSFERRED EMPLOYEES.**—Any employee in the competitive service of the United States transferred to the Council under section 207 of the National Historic Preservation Act (Public Law 89-665) retains all the rights, benefits, and privileges pertaining to the competitive service held prior to the transfer.

(i) **EXEMPTION FROM FEDERAL ADVISORY COMMITTEE ACT.**—The Council is exempt from the Federal Advisory Committee Act (5 U.S.C. App.).

(j) **PROVISIONS THAT GOVERN OPERATIONS OF COUNCIL.**—Subchapter II of chapter 5 and chapter 7 of title 5 shall govern the operations of the Council.

#### **§304106. International Centre for the Study of the Preservation and Restoration of Cultural Property**

(a) **AUTHORIZATION OF PARTICIPATION.**—The participation of the United States as a member in the International Centre for the Study of the Preservation and Restoration of Cultural Property is authorized.

(b) **OFFICIAL DELEGATION.**—The Council shall recommend to the Secretary of State, after consultation with the Smithsonian Institution and other public and private organizations concerned with the technical problems of preservation, the members of the official delegation that will participate in the activities of the International Centre for the Study of the Preservation and Restoration of Cultural Property on behalf of the United States. The Secretary of State shall appoint the members of the official delegation from the persons recommended to the Secretary of State by the Council.

#### **§304107. Transmittal of legislative recommendations, testimony, or comments to any officer or agency of the United States prior to submission to Congress**

No officer or agency of the United States shall have any authority to require the Council to submit its legislative recommendations, or testimony, or comments on legislation to any officer or agency of the United States for approval, comments, or review, prior to the submission of the recommendations, testimony, or comments to Congress. When the Council voluntarily seeks to obtain the comments or review of any officer or agency of the United States, the Council shall include a description of the actions in its legislative recommendations, testimony, or comments on legislation that it transmits to Congress.

#### **§304108. Regulations, procedures, and guidelines**

(a) **IN GENERAL.**—The Council may promulgate regulations as it considers necessary to govern the implementation of section 306108 of this title in its entirety.

(b) **PARTICIPATION BY LOCAL GOVERNMENTS.**—The Council shall by regulation establish such procedures as may be necessary to provide for participation by local governments in proceedings and other actions taken by the Council with respect to undertakings referred to in section 306108 of this title that affect the local governments.

(c) **EXEMPTION FOR FEDERAL PROGRAMS OR UNDERTAKINGS.**—The Council, with the concurrence of the Secretary, shall promulgate regulations or guidelines, as appropriate, under which Federal programs or undertakings may be exempted from any or all of the requirements of this division when the exemption is determined to be consistent with the purposes of this division, taking into consideration the magnitude of the exempted undertaking or program and the likelihood of impairment of historic property.

#### **§304109. Budget submission**

(a) **TIME AND MANNER OF SUBMISSION.**—The Council shall submit its budget annually as a related agency of the Department of the Interior.

(b) **TRANSMITTAL OF COPIES TO CONGRESSIONAL COMMITTEES.**—Whenever the Council submits any budget estimate or request to the President or the Office of Management and Budget, it shall concurrently transmit copies of that estimate or request to the Committee on Natural Resources and Committee on Appropriations of the House of Representatives and the Committee on Energy and Natural Resources and Committee on Appropriations of the Senate.

#### **§304110. Report by Secretary to Council**

To assist the Council in discharging its responsibilities under this division, the Secretary at the request of the Chairman shall provide a report to the Council detailing the significance of any historic property, describing the effects of any proposed undertaking on the affected property, and recommending measures to avoid, minimize, or mitigate adverse effects.

#### **§304111. Reimbursements from State and local agencies**

Subject to applicable conflict of interest laws, the Council may receive reimbursements from State and local agencies and others pursuant to agreements executed in furtherance of this division.

#### **§304112. Effectiveness of Federal grant and assistance programs**

(a) **COOPERATIVE AGREEMENTS.**—The Council may enter into a cooperative agreement with any Federal agency that administers a grant or assistance program for the purpose of improving the effectiveness of the administration of the program in meeting the purposes and policies of this division. The cooperative agreement may include provisions that modify the selection criteria for a grant or assistance program to further the purposes of this division or that allow the Council to participate in the selection of recipients, if those provisions are not inconsistent with the grant or assistance program's statutory authorization and purpose.

(b) **REVIEW OF GRANT AND ASSISTANCE PROGRAMS.**—The Council may—

(1) review the operation of any Federal grant or assistance program to evaluate the effectiveness of the program in meeting the purposes and policies of this division;

(2) make recommendations to the head of any Federal agency that administers the program to further the consistency of the program with the purposes and policies of this division and to improve its effectiveness in carrying out those purposes and policies; and

(3) make recommendations to the President and Congress regarding the effectiveness of Federal grant and assistance programs in meeting the purposes and policies of this division, including recommendations with regard to appropriate funding levels.

#### **Subdivision 4—Other Organizations and Programs**

##### **Chapter 3051—Historic Light Station Preservation**

Sec.

305101. Definitions.

305102. Duties of Secretary in providing a national historic light station program.

305103. Selection of eligible entity and conveyance of historic light stations.

305104. Terms of conveyance.

305105. Description of property.

305106. Historic light station sales.

#### **§305101. Definitions**

In this chapter:

(1) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of General Services.

(2) **ELIGIBLE ENTITY.**—The term “eligible entity” means—

(A) any department or agency of the Federal Government; or

(B) any department or agency of the State in which a historic light station is located, the local government of the community in which a historic light station is located, a nonprofit corporation, an educational agency, or a community development organization that—

(i) has agreed to comply with the conditions set forth in section 305104 of this title and to have the conditions recorded with the deed of title to the historic light station; and

(ii) is financially able to maintain the historic light station in accordance with the conditions set forth in section 305104 of this title.

(3) **FEDERAL AID TO NAVIGATION.**—

(A) **IN GENERAL.**—The term “Federal aid to navigation” means any device, operated and maintained by the United States, external to a vessel or aircraft, intended to assist a navigator to determine position or safe course, or to warn of dangers or obstructions to navigation.

(B) **INCLUSIONS.**—The term “Federal aid to navigation” includes a light, lens, lantern, antenna, sound signal, camera, sensor, piece of electronic navigation equipment, power source, or other piece of equipment associated with a device described in subparagraph (A).

(4) **HISTORIC LIGHT STATION.**—The term “historic light station” includes the light tower, lighthouse, keeper's dwelling, garages, storage sheds, oil house, fog signal building, boat house, barn, pump house, tram house support structures, piers, walkways, underlying and appurtenant land and related real property and improvements associated with a historic light station that is a historic property.

#### **§305102. Duties of Secretary in providing a national historic light station program**

To provide a national historic light station program, the Secretary shall—

(1) collect and disseminate information concerning historic light stations;

(2) foster educational programs relating to the history, practice, and contribution to society of historic light stations;

(3) sponsor or conduct research and study into the history of light stations;

(4) maintain a listing of historic light stations; and

(5) assess the effectiveness of the program established by this chapter regarding the conveyance of historic light stations.

#### **§305103. Selection of eligible entity and conveyance of historic light stations**

(a) **PROCESS AND POLICIES.**—The Secretary and the Administrator shall maintain a process and policies for identifying, and selecting, an eligible entity to which a historic light station could be conveyed for education, park, recreation, cultural, or historic preservation purposes, and to monitor the use of the light station by the eligible entity.

(b) **APPLICATION REVIEW.**—

(1) **IN GENERAL.**—The Secretary shall—

(A) review all applications for the conveyance of a historic light station, when the agency with administrative jurisdiction over the historic light station has determined the property to be excess property (as that term is defined in section 102 of title 40); and

(B) forward to the Administrator a single approved application for the conveyance of the historic light station.

(2) **CONSULTATION.**—When selecting an eligible entity, the Secretary shall consult with the State Historic Preservation Officer of the State in which the historic light station is located.

(c) CONVEYANCE OR SALE OF HISTORIC LIGHT STATIONS.—

(1) CONVEYANCE BY ADMINISTRATOR.—Except as provided in paragraph (2), after the Secretary's selection of an eligible entity, the Administrator shall convey, by quitclaim deed, without consideration, all right, title, and interest of the United States in and to a historic light station, subject to the conditions set forth in section 305104 of this title. The conveyance of a historic light station under this chapter shall not be subject to the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301 et seq.) or section 416(d) of the Coast Guard Authorization Act of 1998 (Public Law 105-383, 14 U.S.C. 93 note).

(2) HISTORIC LIGHT STATION LOCATED WITHIN A SYSTEM UNIT OR A REFUGE WITHIN NATIONAL WILDLIFE REFUGE SYSTEM.—

(A) APPROVAL OF SECRETARY REQUIRED.—A historic light station located within the exterior boundaries of a System unit or a refuge within the National Wildlife Refuge System shall be conveyed or sold only with the approval of the Secretary.

(B) CONDITIONS OF CONVEYANCE.—If the Secretary approves the conveyance of a historic light station described in subparagraph (A), the conveyance shall be subject to the conditions set forth in section 305104 of this title and any other terms or conditions that the Secretary considers necessary to protect the resources of the System unit or wildlife refuge.

(C) CONDITIONS OF SALE.—If the Secretary approves the sale of a historic light station described in subparagraph (A), the sale shall be subject to the conditions set forth in paragraphs (1) to (4) and (8) of subsection (a), and subsection (b), of section 305104 of this title and any other terms or conditions that the Secretary considers necessary to protect the resources of the System unit or wildlife refuge.

(D) COOPERATIVE AGREEMENTS.—The Secretary is encouraged to enter into cooperative agreements with appropriate eligible entities with respect to historic light stations described in subparagraph (A), as provided in this division, to the extent that the cooperative agreements are consistent with the Secretary's responsibilities to manage and administer the System unit or wildlife refuge.

#### **§ 305104. Terms of conveyance**

(a) IN GENERAL.—The conveyance of a historic light station shall be made subject to any conditions, including the reservation of easements and other rights on behalf of the United States, that the Administrator considers necessary to ensure that—

(1) the Federal aids to navigation located at the historic light station in operation on the date of conveyance remain the personal property of the United States and continue to be operated and maintained by the United States for as long as needed for navigational purposes;

(2) there is reserved to the United States the right to remove, replace, or install any Federal aid to navigation located at the historic light station as may be necessary for navigational purposes;

(3) the eligible entity to which the historic light station is conveyed shall not interfere or allow interference in any manner with any Federal aid to navigation or hinder activities required for the operation and maintenance of any Federal aid to navigation without the express written permission of the head of the agency responsible for maintaining the Federal aid to navigation;

(4)(A) the eligible entity to which the historic light station is conveyed shall, at its own cost and expense, use and maintain the historic light station in accordance with this division, the Secretary of the Interior's Standards for the Treatment of Historic Properties contained in

part 68 of title 36, Code of Federal Regulations, and other applicable laws; and

(B) any proposed changes to the historic light station shall be reviewed and approved by the Secretary in consultation with the State Historic Preservation Officer of the State in which the historic light station is located, for consistency with section 800.5(a)(2)(vii) of title 36, Code of Federal Regulations and the Secretary's Standards for Rehabilitation contained in section 67.7 of title 36, Code of Federal Regulations;

(5) the eligible entity to which the historic light station is conveyed shall make the historic light station available for education, park, recreation, cultural, or historic preservation purposes for the general public at reasonable times and under reasonable conditions;

(6) the eligible entity to which the historic light station is conveyed shall not sell, convey, assign, exchange, or encumber the historic light station, any part of the historic light station, or any associated historic artifact conveyed to the eligible entity in conjunction with the historic light station conveyance, including any lens or lantern, unless the sale, conveyance, assignment, exchange, or encumbrance is approved by the Secretary;

(7) the eligible entity to which the historic light station is conveyed shall not conduct any commercial activity at the historic light station, at any part of the historic light station, or in connection with any associated historic artifact conveyed to the eligible entity in conjunction with the historic light station conveyance, in any manner, unless the commercial activity is approved by the Secretary; and

(8) the United States shall have the right, at any time, to enter the historic light station without notice, for purposes of operating, maintaining, and inspecting any aid to navigation and for the purpose of ensuring compliance with this section, to the extent that it is not possible to provide advance notice.

(b) MAINTENANCE OF AID TO NAVIGATION.—Any eligible entity to which a historic light station is conveyed shall not be required to maintain any Federal aid to navigation associated with a historic light station, except any private aid to navigation permitted to the eligible entity under section 83 of title 14.

(c) REVERSION.—In addition to any term or condition established pursuant to this section, the conveyance of a historic light station shall include a condition that the historic light station, or any associated historic artifact conveyed to the eligible entity in conjunction with the historic light station conveyance, including any lens or lantern, at the option of the Administrator, shall revert to the United States and be placed under the administrative control of the Administrator, if—

(1) the historic light station, any part of the historic light station, or any associated historic artifact ceases to be available for education, park, recreation, cultural, or historic preservation purposes for the general public at reasonable times and under reasonable conditions that shall be set forth in the eligible entity's application;

(2) the historic light station or any part of the historic light station ceases to be maintained in a manner that ensures its present or future use as a site for a Federal aid to navigation;

(3) the historic light station, any part of the historic light station, or any associated historic artifact ceases to be maintained in compliance with this division, the Secretary of the Interior's Standards for the Treatment of Historic Properties contained in part 68 of title 36, Code of Federal Regulations, and other applicable laws;

(4) the eligible entity to which the historic light station is conveyed sells, conveys, assigns, exchanges, or encumbers the historic light station, any part of the historic light fixture, or

any associated historic artifact, without approval of the Secretary;

(5) the eligible entity to which the historic light station is conveyed conducts any commercial activity at the historic light station, at any part of the historic light station, or in conjunction with any associated historic artifact, without approval of the Secretary; or

(6) at least 30 days before the reversion, the Administrator provides written notice to the owner that the historic light station or any part of the historic light station is needed for national security purposes.

(d) LIGHT STATIONS ORIGINALLY CONVEYED UNDER OTHER AUTHORITY.—On receiving notice of an executed or intended conveyance by an owner that received from the Federal Government under authority other than this division a historic light station in which the United States retains a reversionary or other interest and that is conveying it to another person by sale, gift, or any other manner, the Secretary shall review the terms of the executed or proposed conveyance to ensure that any new owner is capable of or is complying with any and all conditions of the original conveyance. The Secretary may require the parties to the conveyance and relevant Federal agencies to provide information as is necessary to complete the review. If the Secretary determines that the new owner has not complied or is unable to comply with those conditions, the Secretary shall immediately advise the Administrator, who shall invoke any reversionary interest or take other action as may be necessary to protect the interests of the United States.

#### **§ 305105. Description of property**

(a) IN GENERAL.—The Administrator shall prepare the legal description of any historic light station conveyed under this chapter. The Administrator, in consultation with the Secretary of Homeland Security and the Secretary, may retain all right, title, and interest of the United States in and to any historical artifact, including any lens or lantern, that is associated with the historic light station and located at the historic light station at the time of conveyance. Wherever possible, the historical artifacts should be used in interpreting the historic light station. In cases where there is no method for preserving lenses and other artifacts and equipment in situ, priority should be given to preservation or museum entities most closely associated with the historic light station, if they meet loan requirements.

(b) ARTIFACTS.—Artifacts associated with, but not located at, a historic light station at the time of conveyance shall remain the property of the United States under the administrative control of the Secretary of Homeland Security.

(c) COVENANTS.—All conditions placed with the quitclaim deed of title to the historic light station shall be construed as covenants running with the land.

(d) SUBMERGED LAND.—No submerged land shall be conveyed under this chapter.

#### **§ 305106. Historic light station sales**

(a) IN GENERAL.—

(1) WHEN SALE MAY OCCUR.—If no applicant is approved for the conveyance of a historic light station pursuant to sections 305101 through 305105 of this title, the historic light station shall be offered for sale.

(2) TERMS OF SALE.—Terms of the sales—

(A) shall be developed by the Administrator; and

(B) shall be consistent with the requirements of paragraphs (1) to (4) and (8) of subsection (a), and subsection (b), of section 305104 of this title.

(3) COVENANTS TO BE INCLUDED IN CONVEYANCE DOCUMENTS.—Conveyance documents shall include all necessary covenants to protect the

historical integrity of the historic light station and ensure that any Federal aid to navigation located at the historic light station is operated and maintained by the United States for as long as needed for that purpose.

(b) **NET SALE PROCEEDS.**—

(1) **DISPOSITION AND USE OF FUNDS.**—Net sale proceeds from the disposal of a historic light station—

(A) located on public domain land shall be transferred to the National Maritime Heritage Grants Program established under chapter 3087 in the Department of the Interior; and

(B) under the administrative control of the Secretary of Homeland Security—

(i) shall be credited to the Coast Guard's Operating Expenses appropriation account; and

(ii) shall be available for obligation and expenditure for the maintenance of light stations remaining under the administrative control of the Secretary of Homeland Security.

(2) **AVAILABILITY OF FUNDS.**—The funds referred to in paragraph (1)(B) shall remain available until expended and shall be available in addition to funds available in the Coast Guard's Operating Expense appropriation for that purpose.

**Chapter 3053—National Center for Preservation Technology and Training**

Sec.

305301. Definitions.

305302. National Center for Preservation Technology and Training.

305303. Preservation Technology and Training Board.

305304. Preservation grants.

305305. General provisions.

305306. Service preservation centers and offices.

**§ 305301. Definitions**

In this chapter:

(1) **BOARD.**—The term “Board” means the Preservation Technology and Training Board established pursuant to section 305303 of this title.

(2) **CENTER.**—The term “Center” means the National Center for Preservation Technology and Training established pursuant to section 305302 of this title.

**§ 305302. National Center for Preservation Technology and Training**

(a) **ESTABLISHMENT.**—There is established within the Department of the Interior a National Center for Preservation Technology and Training. The Center shall be located at Northwestern State University of Louisiana in Natchitoches, Louisiana.

(b) **PURPOSES.**—The purposes of the Center shall be to—

(1) develop and distribute preservation and conservation skills and technologies for the identification, evaluation, conservation, and interpretation of historic property;

(2) develop and facilitate training for Federal, State, and local resource preservation professionals, cultural resource managers, maintenance personnel, and others working in the preservation field;

(3) take steps to apply preservation technology benefits from ongoing research by other agencies and institutions;

(4) facilitate the transfer of preservation technology among Federal agencies, State and local governments, universities, international organizations, and the private sector; and

(5) cooperate with related international organizations including the International Council on Monuments and Sites, the International Center for the Study of Preservation and Restoration of Cultural Property, and the International Council on Museums.

(c) **PROGRAMS.**—The purposes shall be carried out through research, professional training,

technical assistance, and programs for public awareness, and through a program of grants established under section 305304 of this title.

(d) **EXECUTIVE DIRECTOR.**—The Center shall be headed by an Executive Director with demonstrated expertise in historic preservation appointed by the Secretary with advice of the Board.

(e) **ASSISTANCE FROM SECRETARY.**—The Secretary shall provide the Center assistance in obtaining such personnel, equipment, and facilities as may be needed by the Center to carry out its activities.

**§ 305303. Preservation Technology and Training Board**

(a) **ESTABLISHMENT.**—There is established a Preservation Technology and Training Board.

(b) **DUTIES.**—The Board shall—

(1) provide leadership, policy advice, and professional oversight to the Center;

(2) advise the Secretary on priorities and the allocation of grants among the activities of the Center; and

(3) submit an annual report to the President and Congress.

(c) **MEMBERSHIP.**—The Board shall be comprised of—

(1) the Secretary;

(2) 6 members appointed by the Secretary, who shall represent appropriate Federal, State, and local agencies, State and local historic preservation commissions, and other public and international organizations; and

(3) 6 members appointed by the Secretary on the basis of outstanding professional qualifications, who represent major organizations in the fields of archeology, architecture, conservation, curation, engineering, history, historic preservation, landscape architecture, planning, or preservation education.

**§ 305304. Preservation grants**

(a) **IN GENERAL.**—The Secretary, in consultation with the Board, shall provide preservation technology and training grants to eligible applicants with a demonstrated institutional capability and commitment to the purposes of the Center, in order to ensure an effective and efficient system of research, information distribution, and skills training in all the related historic preservation fields.

(b) **GRANT REQUIREMENTS.**—

(1) **ALLOCATION.**—Grants provided under this section shall be allocated in such a fashion as to reflect the diversity of the historic preservation fields and shall be geographically distributed.

(2) **LIMIT ON AMOUNT A RECIPIENT MAY RECEIVE.**—No grant recipient may receive more than 10 percent of the grants allocated under this section within any year.

(3) **LIMIT ON ADMINISTRATIVE COSTS.**—The total administrative costs, direct and indirect, charged for carrying out grants under this section may not exceed 25 percent of the aggregate costs.

(c) **ELIGIBLE APPLICANTS.**—Eligible applicants may include—

(1) Federal and non-Federal laboratories;

(2) accredited museums;

(3) universities;

(4) nonprofit organizations;

(5) System units and offices and Cooperative Park Study Units of the System;

(6) State Historic Preservation Offices;

(7) tribal preservation offices; and

(8) Native Hawaiian organizations.

(d) **STANDARDS AND METHODS.**—Grants shall be awarded in accordance with accepted professional standards and methods, including peer review of projects.

**§ 305305. General provisions**

(a) **ACCEPTANCE OF GRANTS AND TRANSFERS.**—The Center may accept—

(1) grants and donations from private individuals, groups, organizations, corporations, foundations, and other entities; and

(2) transfers of funds from other Federal agencies.

(b) **CONTRACTS AND COOPERATIVE AGREEMENTS.**—Subject to appropriations, the Center may enter into contracts and cooperative agreements with Federal, State, local, and tribal governments, Native Hawaiian organizations, educational institutions, and other public entities to carry out the Center's responsibilities under this chapter.

(c) **ADDITIONAL FUNDS.**—Funds appropriated for the Center shall be in addition to funds appropriated for Service programs, centers, and offices in existence on October 30, 1992.

**§ 305306. Service preservation centers and offices**

To improve the use of existing Service resources, the Secretary shall fully utilize and further develop the Service preservation (including conservation) centers and regional offices. The Secretary shall improve the coordination of the centers and offices within the Service, and shall, where appropriate, coordinate their activities with the Center and with other appropriate parties.

**Chapter 3055—National Building Museum**

Sec.

305501. Definitions.

305502. Cooperative agreement to operate museum.

305503. Activities and functions.

305504. Matching grants to Committee.

305505. Annual report.

**§ 305501. Definitions**

In this chapter:

(1) **BUILDING ARTS.**—The term “building arts” includes all practical and scholarly aspects of prehistoric, historic, and contemporary architecture, archeology, construction, building technology and skills, landscape architecture, preservation and conservation, building and construction, engineering, urban and community design and renewal, city and regional planning, and related professions, skills, trades, and crafts.

(2) **COMMITTEE.**—The term “Committee” means the Committee for a National Museum of the Building Arts, Incorporated, a nonprofit corporation organized and existing under the laws of the District of Columbia, or its successor.

**§ 305502. Cooperative agreement to operate museum**

To provide a national center to commemorate and encourage the building arts and to preserve and maintain a nationally significant building that exemplifies the great achievements of the building arts in the United States, the Secretary and the Administrator of General Services shall enter into a cooperative agreement with the Committee for the operation of a National Building Museum in the Federal building located in the block bounded by Fourth Street, Fifth Street, F Street, and G Street, Northwest in Washington, District of Columbia. The cooperative agreement shall include provisions that—

(1) make the site available to the Committee without charge;

(2) provide, subject to available appropriations, such maintenance, security, information, janitorial, and other services as may be necessary to ensure the preservation and operation of the site; and

(3) prescribe reasonable terms and conditions by which the Committee can fulfill its responsibilities under this division.

**§ 305503. Activities and functions**

The National Building Museum shall—

(1) collect and disseminate information concerning the building arts, including the establishment of a national reference center for current and historic documents, publications, and research relating to the building arts;

(2) foster educational programs relating to the history, practice, and contribution to society of the building arts, including promotion of imaginative educational approaches to enhance understanding and appreciation of all facets of the building arts;

(3) publicly display temporary and permanent exhibits illustrating, interpreting and demonstrating the building arts;

(4) sponsor or conduct research and study into the history of the building arts and their role in shaping our civilization; and

(5) encourage contributions to the building arts.

#### **§305504. Matching grants to Committee**

The Secretary shall provide matching grants to the Committee for its programs related to historic preservation. The Committee shall match the grants in such a manner and with such funds and services as shall be satisfactory to the Secretary, except that not more than \$500,000 may be provided to the Committee in any one fiscal year.

#### **§305505. Annual report**

The Committee shall submit an annual report to the Secretary and the Administrator of General Services concerning its activities under this chapter and shall provide the Secretary and the Administrator of General Services with such other information as the Secretary may consider necessary or advisable.

### **Subdivision 5—Federal Agency Historic Preservation Responsibilities**

#### **Chapter 3061—Program Responsibilities and Authorities**

##### **Subchapter I—In General** Sec.

- 306101. Assumption of responsibility for preservation of historic property.
- 306102. Preservation program.
- 306103. Recordation of historic property prior to alteration or demolition.
- 306104. Agency Preservation Officer.
- 306105. Agency programs and projects.
- 306106. Review of plans of transferees of surplus federally owned historic property.
- 306107. Planning and actions to minimize harm to National Historic Landmarks.
- 306108. Effect of undertaking on historic property.
- 306109. Costs of preservation as eligible project costs.
- 306110. Annual preservation awards program.
- 306111. Environmental impact statement.
- 306112. Waiver of provisions in event of natural disaster or imminent threat to national security.
- 306113. Anticipatory demolition.
- 306114. Documentation of decisions respecting undertakings.

##### **Subchapter II—Lease, Exchange, or Management of Historic Property**

- 306121. Lease or exchange.
- 306122. Contracts for management of historic property.

##### **Subchapter III—Protection and Preservation of Resources**

- 306131. Standards and guidelines.

#### **Subchapter I—In General**

#### **§306101. Assumption of responsibility for preservation of historic property**

##### **(a) IN GENERAL.—**

(1) **AGENCY HEAD RESPONSIBILITY.**—The head of each Federal agency shall assume responsibility for the preservation of historic property that is owned or controlled by the agency.

(2) **USE OF AVAILABLE HISTORIC PROPERTY.**—Prior to acquiring, constructing, or leasing a building for purposes of carrying out agency responsibilities, a Federal agency shall use, to the maximum extent feasible, historic property

available to the agency, in accordance with Executive Order No. 13006 (40 U.S.C. 3306 note).

(3) **NECESSARY PRESERVATION.**—Each Federal agency shall undertake, consistent with the preservation of historic property, the mission of the agency, and the professional standards established pursuant to subsection (c), any preservation as may be necessary to carry out this chapter.

(b) **GUIDELINES FOR FEDERAL AGENCY RESPONSIBILITY FOR AGENCY-OWNED HISTORIC PROPERTY.**—In consultation with the Council, the Secretary shall promulgate guidelines for Federal agency responsibilities under this subchapter (except section 306108).

(c) **PROFESSIONAL STANDARDS FOR PRESERVATION OF FEDERALLY OWNED OR CONTROLLED HISTORIC PROPERTY.**—The Secretary shall establish, in consultation with the Secretary of Agriculture, the Secretary of Defense, the Smithsonian Institution, and the Administrator of General Services, professional standards for the preservation of historic property in Federal ownership or control.

#### **§306102. Preservation program**

(a) **ESTABLISHMENT.**—Each Federal agency shall establish (except for programs or undertakings exempted pursuant to section 304108(c) of this title), in consultation with the Secretary, a preservation program for the identification, evaluation, and nomination to the National Register, and protection, of historic property.

(b) **REQUIREMENTS.**—The program shall ensure that—

(1) historic property under the jurisdiction or control of the agency is identified, evaluated, and nominated to the National Register;

(2) historic property under the jurisdiction or control of the agency is managed and maintained in a way that considers the preservation of their historic, archeological, architectural, and cultural values in compliance with section 306108 of this title and gives special consideration to the preservation of those values in the case of property designated as having national significance;

(3) the preservation of property not under the jurisdiction or control of the agency but potentially affected by agency actions is given full consideration in planning;

(4) the agency's preservation-related activities are carried out in consultation with other Federal, State, and local agencies, Indian tribes, Native Hawaiian organizations carrying out historic preservation planning activities, and the private sector; and

(5) the agency's procedures for compliance with section 306108 of this title—

(A) are consistent with regulations promulgated by the Council pursuant to section 304108(a) and (b) of this title;

(B) provide a process for the identification and evaluation of historic property for listing on the National Register and the development and implementation of agreements, in consultation with State Historic Preservation Officers, local governments, Indian tribes, Native Hawaiian organizations, and the interested public, as appropriate, regarding the means by which adverse effects on historic property will be considered; and

(C) provide for the disposition of Native American cultural items from Federal or tribal land in a manner consistent with section 3(c) of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3002(c)).

#### **§306103. Recordation of historic property prior to alteration or demolition**

Each Federal agency shall initiate measures to ensure that where, as a result of Federal action or assistance carried out by the agency, a historic property is to be substantially altered or demolished—

(1) timely steps are taken to make or have made appropriate records; and

(2) the records are deposited, in accordance with section 302107 of this title, in the Library of Congress or with such other appropriate agency as the Secretary may designate, for future use and reference.

#### **§306104. Agency Preservation Officer**

The head of each Federal agency (except an agency that is exempted under section 304108(c) of this title) shall designate a qualified official as the agency's Preservation Officer who shall be responsible for coordinating the agency's activities under this division. Each Preservation Officer may, to be considered qualified, satisfactorily complete an appropriate training program established by the Secretary under section 306101(c) of this title.

#### **§306105. Agency programs and projects**

Consistent with the agency's missions and mandates, each Federal agency shall carry out agency programs and projects (including those under which any Federal assistance is provided or any Federal license, permit, or other approval is required) in accordance with the purposes of this division and give consideration to programs and projects that will further the purposes of this division.

#### **§306106. Review of plans of transferees of surplus federally owned historic property**

The Secretary shall review and approve the plans of transferees of surplus federally owned historic property not later than 90 days after receipt of the plans to ensure that the pre-historical, historical, architectural, or culturally significant values will be preserved or enhanced.

#### **§306107. Planning and actions to minimize harm to National Historic Landmarks**

Prior to the approval of any Federal undertaking that may directly and adversely affect any National Historic Landmark, the head of the responsible Federal agency shall to the maximum extent possible undertake such planning and actions as may be necessary to minimize harm to the landmark. The head of the Federal agency shall afford the Council a reasonable opportunity to comment with regard to the undertaking.

#### **§306108. Effect of undertaking on historic property**

The head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking in any State and the head of any Federal department or independent agency having authority to license any undertaking, prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license, shall take into account the effect of the undertaking on any historic property. The head of the Federal agency shall afford the Council a reasonable opportunity to comment with regard to the undertaking.

#### **§306109. Costs of preservation as eligible project costs**

A Federal agency may include the costs of preservation activities of the agency under this division as eligible project costs in all undertakings of the agency or assisted by the agency. The eligible project costs may include amounts paid by a Federal agency to a State to be used in carrying out the preservation responsibilities of the Federal agency under this division, and reasonable costs may be charged to Federal licensees and permittees as a condition to the issuance of the license or permit.

#### **§306110. Annual preservation awards program**

The Secretary shall establish an annual preservation awards program under which the Secretary may make monetary awards in amounts



of not to exceed \$1,000 and provide citations for special achievement to officers and employees of Federal, State, and certified local governments in recognition of their outstanding contributions to the preservation of historic property. The program may include the issuance of annual awards by the President to any citizen of the United States recommended for the award by the Secretary.

#### **§306111. Environmental impact statement**

Nothing in this division shall be construed to—

(1) require the preparation of an environmental impact statement where the statement would not otherwise be required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); or

(2) provide any exemption from any requirement respecting the preparation of an environmental impact statement under that Act.

#### **§306112. Waiver of provisions in event of natural disaster or imminent threat to national security**

The Secretary shall promulgate regulations under which the requirements of this subchapter (except section 306108) may be waived in whole or in part in the event of a major natural disaster or an imminent threat to national security.

#### **§306113. Anticipatory demolition**

Each Federal agency shall ensure that the agency will not grant a loan, loan guarantee, permit, license, or other assistance to an applicant that, with intent to avoid the requirements of section 306108 of this title, has intentionally significantly adversely affected a historic property to which the grant would relate, or having legal power to prevent it, has allowed the significant adverse effect to occur, unless the agency, after consultation with the Council, determines that circumstances justify granting the assistance despite the adverse effect created or permitted by the applicant.

#### **§306114. Documentation of decisions respecting undertakings**

With respect to any undertaking subject to section 306108 of this title that adversely affects any historic property for which a Federal agency has not entered into an agreement pursuant to regulations issued by the Council, the head of the agency shall document any decision made pursuant to section 306108 of this title. The head of the agency may not delegate the responsibility to document a decision pursuant to this section. Where an agreement pursuant to regulations issued by the Council has been executed with respect to an undertaking, the agreement shall govern the undertaking and all of its parts.

#### **Subchapter II—Lease, Exchange, or Management of Historic Property**

##### **§306121. Lease or exchange**

(a) **AUTHORITY TO LEASE OR EXCHANGE.**—Notwithstanding any other provision of law, each Federal agency, after consultation with the Council—

(1) shall, to the extent practicable, establish and implement alternatives (including adaptive use) for historic property that is not needed for current or projected agency purposes; and

(2) may lease historic property owned by the agency to any person or organization, or exchange any property owned by the agency with comparable historic property, if the agency head determines that the lease or exchange will adequately ensure the preservation of the historic property.

(b) **PROCEEDS OF LEASE.**—Notwithstanding any other provision of law, the proceeds of a lease under subsection (a) may be retained by the agency entering into the lease and used to defray the costs of administration, maintenance, repair, and related expenses incurred by the

agency with respect to that property or other property that is on the National Register that is owned by, or are under the jurisdiction or control of, the agency. Any surplus proceeds from the leases shall be deposited in the Treasury at the end of the 2d fiscal year following the fiscal year in which the proceeds are received.

#### **§306122. Contracts for management of historic property**

The head of any Federal agency having responsibility for the management of any historic property may, after consultation with the Council, enter into a contract for the management of the property. The contract shall contain terms and conditions that the head of the agency considers necessary or appropriate to protect the interests of the United States and ensure adequate preservation of the historic property.

#### **Subchapter III—Protection and Preservation of Resources**

##### **§306131. Standards and guidelines**

(a) **STANDARDS.**—

(1) **IN GENERAL.**—Each Federal agency that is responsible for the protection of historic property (including archeological property) pursuant to this division or any other law shall ensure that—

(A) all actions taken by employees or contractors of the agency meet professional standards under regulations developed by the Secretary in consultation with the Council, other affected agencies, and the appropriate professional societies of archeology, architecture, conservation, history, landscape architecture, and planning;

(B) agency personnel or contractors responsible for historic property meet qualification standards established by the Office of Personnel Management in consultation with the Secretary and appropriate professional societies of archeology, architecture, conservation, curation, history, landscape architecture, and planning; and

(C) records and other data, including data produced by historical research and archeological surveys and excavations, are permanently maintained in appropriate databases and made available to potential users pursuant to such regulations as the Secretary shall promulgate.

(2) **CONSIDERATIONS.**—The standards referred to in paragraph (1)(B) shall consider the particular skills and expertise needed for the preservation of historic property and shall be equivalent requirements for the disciplines involved.

(3) **REVISION.**—The Office of Management and Budget shall revise qualification standards for the disciplines involved.

(b) **GUIDELINES.**—To promote the preservation of historic property eligible for listing on the National Register, the Secretary shall, in consultation with the Council, promulgate guidelines to ensure that Federal, State, and tribal historic preservation programs subject to this division include plans to—

(1) provide information to the owners of historic property (including architectural, curatorial, and archeological property) with demonstrated or likely research significance, about the need for protection of the historic property, and the available means of protection;

(2) encourage owners to preserve historic property intact and in place and offer the owners of historic property information on the tax and grant assistance available for the donation of the historic property or of a preservation easement of the historic property;

(3) encourage the protection of Native American cultural items (within the meaning of section 2 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001)) and of property of religious or cultural importance to Indian tribes, Native Hawaiian organizations, or other Native American groups; and

(4) encourage owners that are undertaking archeological excavations to—

(A) conduct excavations and analyses that meet standards for federally-sponsored excavations established by the Secretary;

(B) donate or lend artifacts of research significance to an appropriate research institution;

(C) allow access to artifacts for research purposes; and

(D) prior to excavating or disposing of a Native American cultural item in which an Indian tribe or Native Hawaiian organization may have an interest under subparagraph (B) or (C) of section 3(a)(2) of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3002(a)(2)(B), (C)), give notice to and consult with the Indian tribe or Native Hawaiian organization.

#### **Subdivision 6—Miscellaneous**

##### **Chapter 3071—Miscellaneous**

Sec.

307101. World Heritage Convention.

307102. Effective date of regulations.

307103. Access to information.

307104. Inapplicability of division to White House, Supreme Court building, or United States Capitol.

307105. Attorney's fees and costs to prevailing parties in civil actions.

307106. Authorization for expenditure of appropriated funds.

307107. Donations and bequests of money, personal property, and less than fee interests in historic property.

307108. Privately donated funds.

##### **§307101. World Heritage Convention**

(a) **AUTHORITY OF SECRETARY.**—In carrying out this section, the Secretary of the Interior may act directly or through an appropriate officer in the Department of the Interior.

(b) **PARTICIPATION BY UNITED STATES.**—The Secretary shall direct and coordinate participation by the United States in the World Heritage Convention in cooperation with the Secretary of State, the Smithsonian Institution, and the Council. Whenever possible, expenditures incurred in carrying out activities in cooperation with other nations and international organizations shall be paid for in such excess currency of the country or area where the expense is incurred as may be available to the United States.

(c) **NOMINATION OF PROPERTY TO WORLD HERITAGE COMMITTEE.**—The Secretary shall periodically nominate property that the Secretary determines is of international significance to the World Heritage Committee on behalf of the United States. No property may be nominated unless it has previously been determined to be of national significance. Each nomination shall include evidence of such legal protections as may be necessary to ensure preservation of the property and its environment (including restrictive covenants, easements, or other forms of protection). Before making any nomination, the Secretary shall notify the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(d) **NOMINATION OF NON-FEDERAL PROPERTY TO WORLD HERITAGE COMMITTEE REQUIRES WRITTEN CONCURRENCE OF OWNER.**—No non-Federal property may be nominated by the Secretary to the World Heritage Committee for inclusion on the World Heritage List unless the owner of the property concurs in the nomination in writing.

(e) **CONSIDERATION OF UNDERTAKING ON PROPERTY.**—Prior to the approval of any undertaking outside the United States that may directly and adversely affect a property that is on the World Heritage List or on the applicable country's equivalent of the National Register, the head of a Federal agency having direct or indirect jurisdiction over the undertaking shall take into account the effect of the undertaking



on the property for purposes of avoiding or mitigating any adverse effect.

#### **§ 307102. Effective date of regulations**

(a) **PUBLICATION IN FEDERAL REGISTER.**—No final regulation of the Secretary shall become effective prior to the expiration of 30 calendar days after it is published in the Federal Register during which either or both Houses of Congress are in session.

(b) **DISAPPROVAL OF REGULATION BY RESOLUTION OF CONGRESS.**—The regulation shall not become effective if, within 90 calendar days of continuous session of Congress after the date of promulgation, both Houses of Congress adopt a concurrent resolution, the matter after the resolving clause of which is as follows: “That Congress disapproves the regulation promulgated by the Secretary dealing with the matter of \_\_\_\_\_, which regulation was transmitted to Congress on \_\_\_\_\_,” the blank spaces in the resolution being appropriately filled.

(c) **FAILURE OF CONGRESS TO ADOPT RESOLUTION OF DISAPPROVAL OF REGULATION.**—If at the end of 60 calendar days of continuous session of Congress after the date of promulgation of a regulation, no committee of either House of Congress has reported or been discharged from further consideration of a concurrent resolution disapproving the regulation, and neither House has adopted such a resolution, the regulation may go into effect immediately. If, within the 60 calendar days, a committee has reported or been discharged from further consideration of such a resolution, the regulation may go into effect not sooner than 90 calendar days of continuous session of Congress after its promulgation unless disapproved as provided for.

(d) **SESSIONS OF CONGRESS.**—For purposes of this section—

(1) continuity of session is broken only by an adjournment sine die; and

(2) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of 60 and 90 calendar days of continuous session of Congress.

(e) **CONGRESSIONAL INACTION OR REJECTION OF RESOLUTION OF DISAPPROVAL NOT DEEMED APPROVAL OF REGULATION.**—Congressional inaction on or rejection of a resolution of disapproval shall not be deemed an expression of approval of the regulation.

#### **§ 307103. Access to information**

(a) **AUTHORITY TO WITHHOLD FROM DISCLOSURE.**—The head of a Federal agency, or other public official receiving grant assistance pursuant to this division, after consultation with the Secretary, shall withhold from disclosure to the public information about the location, character, or ownership of a historic property if the Secretary and the agency determine that disclosure may—

(1) cause a significant invasion of privacy;

(2) risk harm to the historic property; or

(3) impede the use of a traditional religious site by practitioners.

(b) **ACCESS DETERMINATION.**—When the head of a Federal agency or other public official determines that information should be withheld from the public pursuant to subsection (a), the Secretary, in consultation with the Federal agency head or official, shall determine who may have access to the information for the purpose of carrying out this division.

(c) **CONSULTATION WITH COUNCIL.**—When information described in subsection (a) has been developed in the course of an agency's compliance with section 306107 or 306108 of this title, the Secretary shall consult with the Council in reaching determinations under subsections (a) and (b).

#### **§ 307104. Inapplicability of division to White House, Supreme Court building, or United States Capitol**

Nothing in this division applies to the White House and its grounds, the Supreme Court building and its grounds, or the United States Capitol and its related buildings and grounds.

#### **§ 307105. Attorney's fees and costs to prevailing parties in civil actions**

In any civil action brought in any United States district court by any interested person to enforce this division, if the person substantially prevails in the action, the court may award attorney's fees, expert witness fees, and other costs of participating in the civil action, as the court considers reasonable.

#### **§ 307106. Authorization for expenditure of appropriated funds**

Where appropriate, each Federal agency may expend funds appropriated for its authorized programs for the purposes of activities carried out pursuant to this division, except to the extent that appropriations legislation expressly provides otherwise.

#### **§ 307107. Donations and bequests of money, personal property, and less than fee interests in historic property**

(a) **MONEY AND PERSONAL PROPERTY.**—The Secretary may accept donations and bequests of money and personal property for the purposes of this division and shall hold, use, expend, and administer the money and personal property for those purposes.

(b) **LESS THAN FEE INTEREST IN HISTORIC PROPERTY.**—The Secretary may accept gifts or donations of less than fee interests in any historic property where the acceptance of an interest will facilitate the conservation or preservation of the historic property. Nothing in this section or in any provision of this division shall be construed to affect or impair any other authority of the Secretary under other provision of law to accept or acquire any property for conservation or preservation or for any other purpose.

#### **§ 307108. Privately donated funds**

(a) **PROJECTS FOR WHICH FUNDS MAY BE USED.**—In furtherance of the purposes of this division, the Secretary may accept the donation of funds that may be expended by the Secretary for projects to acquire, restore, preserve, or recover data from any property included on the National Register, as long as the project is owned by a State, any unit of local government, or any nonprofit entity.

(b) **CONSIDERATION OF FACTORS RESPECTING EXPENDITURE OF FUNDS.**—

(1) **IN GENERAL.**—In expending the funds, the Secretary shall give due consideration to—

(A) the national significance of the project;

(B) its historical value to the community;

(C) the imminence of its destruction or loss; and

(D) the expressed intentions of the donor.

(2) **FUNDS AVAILABLE WITHOUT REGARD TO MATCHING REQUIREMENTS.**—Funds expended under this subsection shall be made available without regard to the matching requirements established by sections 302901 and 302902(b) of this title, but the recipient of the funds shall be permitted to utilize them to match any grants from the Historic Preservation Fund.

(c) **TRANSFER OF UNOBLIGATED FUNDS.**—The Secretary may transfer unobligated funds previously donated to the Secretary for the purposes of the Service, with the consent of the donor, and any funds so transferred shall be used or expended in accordance with this division.

#### **Division B—Organizations and Programs Subdivision 1—Administered by National Park Service**

##### **Chapter 3081—American Battlefield Protection Program**

Sec.

308101. Definition.

308102. Preservation assistance.

308103. Battlefield acquisition grant program.

#### **§ 308101. Definition**

In this chapter, the term “Secretary” means the Secretary, acting through the American Battlefield Protection Program.

#### **§ 308102. Preservation assistance**

(a) **IN GENERAL.**—Using the established national historic preservation program to the extent practicable, the Secretary shall encourage, support, assist, recognize, and work in partnership with citizens, Federal, State, local, and tribal governments, other public entities, educational institutions, and private nonprofit organizations in identifying, researching, evaluating, interpreting, and protecting historic battlefields and associated sites on a national, State, and local level.

(b) **FINANCIAL ASSISTANCE.**—To carry out subsection (a), the Secretary may use a cooperative agreement, grant, contract, or other generally adopted means of providing financial assistance.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$3,000,000 for each fiscal year, to remain available until expended.

#### **§ 308103. Battlefield acquisition grant program**

(a) **DEFINITION.**—In this section, the term “eligible site” means a site—

(1) that is not within the exterior boundaries of a System unit; and

(2) that is identified in the document entitled “Report on the Nation's Civil War Battlefields”, prepared by the Civil War Sites Advisory Commission, and dated July 1993.

(b) **ESTABLISHMENT.**—The Secretary shall establish a battlefield acquisition grant program under which the Secretary may provide grants to State and local governments to pay the Federal share of the cost of acquiring interests in eligible sites for the preservation and protection of those eligible sites.

(c) **NONPROFIT PARTNERS.**—A State or local government may acquire an interest in an eligible site using a grant under this section in partnership with a nonprofit organization.

(d) **NON-FEDERAL SHARE.**—The non-Federal share of the total cost of acquiring an interest in an eligible site under this section shall be not less than 50 percent.

(e) **LIMITATION ON LAND USE.**—An interest in an eligible site acquired under this section shall be subject to section 200305(f)(3) of this title.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary to provide grants under this section \$10,000,000 for each of fiscal years 2012 and 2013.

##### **Chapter 3083—National Underground Railroad Network to Freedom**

Sec.

308301. Definition.

308302. Program.

308303. Preservation and interpretation of Underground Railroad history, historic sites, and structures.

308304. Authorization of appropriations.

#### **§ 308301. Definition**

In this chapter, the term “national network” means the National Underground Railroad Network to Freedom established under section 308302 of this title.

#### **§ 308302. Program**

(a) **ESTABLISHMENT; RESPONSIBILITIES OF SECRETARY.**—The Secretary shall establish in the

Service the National Underground Railroad Network to Freedom. Under the national network, the Secretary shall—

(1) produce and disseminate appropriate educational materials, such as handbooks, maps, interpretive guides, or electronic information;

(2) enter into appropriate cooperative agreements and memoranda of understanding to provide technical assistance under subsection (c); and

(3) create and adopt an official, uniform symbol or device for the national network and issue regulations for its use.

(b) **ELEMENTS.**—The national network shall encompass the following elements:

(1) All System units and programs of the Service determined by the Secretary to pertain to the Underground Railroad.

(2) Other Federal, State, local, and privately owned properties pertaining to the Underground Railroad that have a verifiable connection to the Underground Railroad and that are included on, or determined by the Secretary to be eligible for inclusion on, the National Register of Historic Places.

(3) Other governmental and nongovernmental facilities and programs of an educational, research, or interpretive nature that are directly related to the Underground Railroad.

(c) **COOPERATIVE AGREEMENTS AND MEMORANDA OF UNDERSTANDING.**—To achieve the purposes of this chapter and to ensure effective coordination of the Federal and non-Federal elements of the national network with System units and programs of the Service, the Secretary may enter into cooperative agreements and memoranda of understanding with, and provide technical assistance—

(1) to the heads of other Federal agencies, States, localities, regional governmental bodies, and private entities; and

(2) in cooperation with the Secretary of State, to the governments of Canada, Mexico, and any appropriate country in the Caribbean.

### **§ 308303. Preservation and interpretation of Underground Railroad history, historic sites, and structures**

(a) **AUTHORITY TO MAKE GRANTS.**—The Secretary may make grants in accordance with this section for the preservation and restoration of historic buildings or structures associated with the Underground Railroad, and for related research and documentation to sites, programs, or facilities that have been included in the national network.

(b) **GRANT CONDITIONS.**—Any grant made under this section shall provide that—

(1) no change or alteration may be made in property for which the grant is used except with the agreement of the property owner and the Secretary;

(2) the Secretary shall have the right of access at reasonable times to the public portions of the property for interpretive and other purposes; and

(3) conversion, use, or disposal of the property for purposes contrary to the purposes of this chapter, as determined by the Secretary, shall result in a right of the United States to compensation equal to all Federal funds made available to the grantee under this chapter.

(c) **MATCHING REQUIREMENT.**—The Secretary may obligate funds made available for a grant under this section only if the grantee agrees to match, from funds derived from non-Federal sources, the amount of the grant with an amount that is equal to or greater than the grant. The Secretary may waive the requirement if the Secretary determines that an extreme emergency exists or that a waiver is in the public interest to ensure the preservation of historically significant resources.

### **§ 308304. Authorization of appropriations**

(a) **AMOUNTS.**—There is authorized to be appropriated to carry out this chapter \$2,500,000 for each fiscal year, of which—

(1) \$2,000,000 shall be used to carry out section 308302 of this title; and

(2) \$500,000 shall be used to carry out section 308303 of this title.

(b) **LIMITATION.**—No amount may be appropriated for the purposes of this chapter except to the Secretary for carrying out the responsibilities of the Secretary as set forth in this chapter.

### **Chapter 3085—National Women's Rights History Project**

Sec.

308501. National women's rights history project national registry.

308502. National women's rights history project partnerships network.

### **§ 308501. National women's rights history project national registry**

(a) **IN GENERAL.**—The Secretary may make annual grants to State historic preservation offices for not more than 5 years to assist the State historic preservation offices in surveying, evaluating, and nominating to the National Register of Historic Places women's rights history properties.

(b) **ELIGIBILITY.**—In making grants under subsection (a), the Secretary shall give priority to grants relating to properties associated with the multiple facets of the women's rights movement, such as politics, economics, education, religion, and social and family rights.

(c) **UPDATES.**—The Secretary shall ensure that the National Register travel itinerary website entitled "Places Where Women Made History" is updated to contain—

(1) the results of the inventory conducted under subsection (a); and

(2) any links to websites related to places on the inventory.

(d) **COST-SHARING REQUIREMENT.**—The Federal share of the cost of any activity carried out using any assistance made available under this section shall be 50 percent.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary to carry out this section \$1,000,000 for each of fiscal years 2012 and 2013.

### **§ 308502. National women's rights history project partnerships network**

(a) **GRANTS.**—The Secretary may make matching grants and give technical assistance for development of a network of governmental and nongovernmental entities (referred to in this section as the "network"), the purpose of which is to provide interpretive and educational program development of national women's rights history, including historic preservation.

(b) **MANAGEMENT OF NETWORK.**—

(1) **IN GENERAL.**—Through a competitive process, the Secretary shall designate a nongovernmental managing entity to manage the network.

(2) **COORDINATION.**—The nongovernmental managing entity designated under paragraph (1) shall work in partnership with the Director and State historic preservation offices to coordinate operation of the network.

(c) **COST-SHARING REQUIREMENT.**—

(1) **IN GENERAL.**—The Federal share of the cost of any activity carried out using any assistance made available under this section shall be 50 percent.

(2) **STATE HISTORIC PRESERVATION OFFICES.**—Matching grants for historic preservation specific to the network may be made available through State historic preservation offices.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary to carry out this section \$1,000,000 for each of fiscal years 2012 and 2013.

### **Chapter 3087—National Maritime Heritage**

Sec.

308701. Policy.

308702. Definitions.

308703. National Maritime Heritage Grants Program.

308704. Funding.

308705. Designation of America's National Maritime Museum.

308706. Regulations.

308707. Applicability of other authorities.

### **§ 308701. Policy**

It shall be the policy of the Federal Government, in partnership with the States and local governments and private organizations and individuals, to—

(1) use measures, including financial and technical assistance, to foster conditions under which our modern society and our historic maritime resources can exist in productive harmony;

(2) provide leadership in the preservation of the historic maritime resources of the United States;

(3) contribute to the preservation of historic maritime resources and give maximum encouragement to organizations and individuals undertaking preservation by private means; and

(4) assist State and local governments to expand their maritime historic preservation programs and activities.

### **§ 308702. Definitions**

In this chapter:

(1) **NATIONAL TRUST.**—The term "National Trust" means the National Trust for Historic Preservation in the United States established under section 312102 of this title.

(2) **PRIVATE NONPROFIT ORGANIZATION.**—The term "private nonprofit organization" means any person that is exempt from taxation under section 501(a) of the Internal Revenue Code of 1986 (26 U.S.C. 501(a)) and described in section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)).

(3) **PROGRAM.**—The term "Program" means the National Maritime Heritage Grants Program established under section 308703(a) of this title.

(4) **STATE HISTORIC PRESERVATION OFFICER.**—The term "State Historic Preservation Officer" means a State Historic Preservation Officer appointed pursuant to section 302301(1) of this title by the chief executive official of a State having a State Historic Preservation Program approved by the Secretary under that section.

### **§ 308703. National Maritime Heritage Grants Program**

(a) **ESTABLISHMENT.**—There is established in the Department of the Interior the National Maritime Heritage Grants Program, to foster in the American public a greater awareness and appreciation of the role of maritime endeavors in our Nation's history and culture. The Program shall consist of—

(1) annual grants to the National Trust for subgrants administered by the National Trust for maritime heritage education projects under subsection (b); and

(2) grants to State Historic Preservation Officers for maritime heritage preservation projects carried out or administered by those Officers under subsection (c).

(b) **GRANTS FOR MARITIME HERITAGE EDUCATION PROJECTS.**—

(1) **GRANTS TO NATIONAL TRUST.**—The Secretary, subject to paragraph (2), and the availability of amounts for that purpose under section 308704(b)(1)(A) of this title, shall make an annual grant to the National Trust for maritime heritage education projects.

(2) **USE OF GRANTS.**—Amounts received by the National Trust as an annual grant under this subsection shall be used to make subgrants to State and local governments and private nonprofit organizations to carry out education projects that have been approved by the Secretary under subsection (f) and that consist of—

(A) assistance to any maritime museum or historical society for—

(i) existing and new educational programs, exhibits, educational activities, conservation, and interpretation of artifacts and collections;

(ii) minor improvements to educational and museum facilities; and

(iii) other similar activities;

(B) activities designed to encourage the preservation of traditional maritime skills, including—

(i) building and operation of vessels of all sizes and types for educational purposes;

(ii) special skills such as wood carving, sail making, and rigging;

(iii) traditional maritime art forms; and

(iv) sail training;

(C) other educational activities relating to historic maritime resources, including—

(i) maritime educational waterborne-experience programs in historic vessels or vessel reproductions;

(ii) maritime archeological field schools; and

(iii) educational programs on other aspects of maritime history;

(D) heritage programs focusing on maritime historic resources, including maritime heritage trails and corridors; or

(E) the construction and use of reproductions of historic maritime resources for educational purposes, if a historic maritime resource no longer exists or would be damaged or consumed through direct use.

(c) GRANTS FOR MARITIME HERITAGE PRESERVATION PROJECTS.—

(1) GRANTS TO STATE HISTORIC PRESERVATION OFFICERS.—The Secretary, acting through the National Maritime Initiative of the Service and subject to paragraph (2), and the availability of amounts for that purpose under section 308704(b)(1)(B) of this title, shall make grants to State Historic Preservation Officers for maritime heritage preservation projects.

(2) USE OF GRANTS.—Amounts received by a State Historic Preservation Officer as a grant under this subsection shall be used by the Officer to carry out, or to make subgrants to local governments and private nonprofit organizations to carry out, projects that have been approved by the Secretary under subsection (f) for the preservation of historic maritime resources through—

(A) identification of historic maritime resources, including underwater archeological sites;

(B) acquisition of historic maritime resources for the purposes of preservation;

(C) repair, restoration, stabilization, maintenance, or other capital improvements to historic maritime resources, in accordance with standards prescribed by the Secretary; and

(D) research, recording (through drawings, photographs, or otherwise), planning (through feasibility studies, architectural and engineering services, or otherwise), and other services carried out as part of a preservation program for historic maritime resources.

(d) CRITERIA FOR DIRECT GRANT AND SUBGRANT ELIGIBILITY.—To qualify for a subgrant from the National Trust under subsection (b), or a direct grant to or a subgrant from a State Historic Preservation Officer under subsection (c), a person shall—

(1) demonstrate that the project for which the direct grant or subgrant will be used has the potential for reaching a broad audience with an effective educational program based on American maritime history, technology, or the role of maritime endeavors in American culture;

(2) match the amount of the direct grant or subgrant, on a 1-to-1 basis, with non-Federal assets from non-Federal sources, which may include cash or donated services fairly valued as determined by the Secretary;

(3) maintain records as may be reasonably necessary to fully disclose—

(A) the amount and the disposition of the proceeds of the direct grant or subgrant;

(B) the total cost of the project for which the direct grant or subgrant is made; and

(C) other records as may be required by the Secretary, including such records as will facilitate an effective accounting for project funds;

(4) provide access to the Secretary for the purposes of any required audit and examination of any records of the person; and

(5) be a unit of State or local government, or a private nonprofit organization.

(e) PROCEDURES, TERMS, AND CONDITIONS.—

(1) APPLICATION PROCEDURES.—An application for a subgrant under subsection (b), or a direct grant or subgrant under subsection (c), shall be submitted under procedures prescribed by the Secretary.

(2) TERMS AND CONDITIONS.—A person may not receive a subgrant under subsection (b), or a direct grant or subgrant under subsection (c), unless the person agrees to assume, after completion of the project for which the direct grant or subgrant is awarded, the total cost of the continued maintenance, repair, and administration of any property for which the subgrant will be used in a manner satisfactory to the Secretary.

(f) ALLOCATION OF, AND LIMITATION ON, GRANT FUNDING.—

(1) ALLOCATION.—To the extent feasible, the Secretary shall ensure that the amount made available under subsection (b) for maritime heritage education projects is equal to the amount made available under subsection (c) for maritime heritage preservation projects.

(2) LIMITATION.—The amount provided by the Secretary in a fiscal year as grants under this section for projects relating to historic maritime resources owned or operated by the Federal Government shall not exceed 40 percent of the total amount available for the fiscal year for grants under this section.

(g) PUBLICATION OF DIRECT GRANT AND SUBGRANT INFORMATION.—The Secretary shall publish annually in the Federal Register and otherwise as the Secretary considers appropriate—

(1) a solicitation of applications for direct grants and subgrants under this section;

(2) a list of priorities for the making of those direct grants and subgrants;

(3) a single deadline for the submission of applications for those direct grants and subgrants; and

(4) other relevant information.

(h) DIRECT GRANT AND SUBGRANT ADMINISTRATION.—

(1) RESPONSIBILITY.—

(A) NATIONAL TRUST.—The National Trust is responsible for administering subgrants for maritime heritage education projects under subsection (b).

(B) SECRETARY.—The Secretary is responsible for administering direct grants for maritime heritage preservation projects under subsection (c).

(C) STATE HISTORIC PRESERVATION OFFICERS.—State Historic Preservation Officers are responsible for administering subgrants for maritime heritage preservation projects under subsection (c).

(2) ACTIONS.—The appropriate responsible party under paragraph (1) shall administer direct grants or subgrants by—

(A) publicizing the Program to prospective grantees, subgrantees, and the public at large, in cooperation with the Service, the Maritime Administration, and other appropriate government agencies and private institutions;

(B) answering inquiries from the public, including providing information on the Program as requested;

(C) distributing direct grant and subgrant applications;

(D) receiving direct grant and subgrant applications and ensuring their completeness;

(E) keeping records of all direct grant and subgrant awards and expenditures of funds;

(F) monitoring progress of projects carried out with direct grants and subgrants; and

(G) providing to the Secretary such progress reports as may be required by the Secretary.

(i) ASSISTANCE OF MARITIME PRESERVATION ORGANIZATIONS.—The Secretary, the National Trust, and the State Historic Preservation Officers may, individually or jointly, enter into cooperative agreements with any private nonprofit organization with appropriate expertise in maritime preservation issues, or other qualified maritime preservation organizations, to assist in the administration of the Program.

(j) REPORT TO CONGRESS.—The Secretary shall submit to Congress an annual report on the Program, including—

(1) a description of each project funded under the Program in the period covered by the report;

(2) the results or accomplishments of each such project; and

(3) recommended priorities for achieving the policy set forth in section 308701 of this title.

### **§ 308704. Funding**

(a) AVAILABILITY OF FUNDS FROM SALE AND SCRAPPING OF OBSOLETE VESSELS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the amount of funds credited in a fiscal year to the Vessel Operations Revolving Fund established by section 50301(a) of title 46 that is attributable to the sale of obsolete vessels in the National Defense Reserve Fleet that are scrapped or sold under section 57102, 57103, or 57104 of title 46 shall be available until expended as follows:

(A) Fifty percent shall be available to the Administrator of the Maritime Administration for such acquisition, maintenance, repair, reconditioning, or improvement of vessels in the National Defense Reserve Fleet as is authorized under other Federal law.

(B) Twenty five percent shall be available to the Administrator of the Maritime Administration for the payment or reimbursement of expenses incurred by or on behalf of State maritime academies or the United States Merchant Marine Academy for facility and training ship maintenance, repair, and modernization, and for the purchase of simulators and fuel.

(C) The remainder shall be available—

(i) to the Secretary to carry out the Program, as provided in subsection (b); or

(ii) if otherwise determined by the Administrator of the Maritime Administration, for use in the preservation and presentation to the public of maritime heritage property of the Maritime Administration.

(2) APPLICABILITY.—Paragraph (1) does not apply to amounts credited to the Vessel Operations Revolving Fund before July 1, 1994.

(b) USE OF AMOUNTS FOR PROGRAM.—

(1) IN GENERAL.—Except as provided in paragraph (2), of amounts available each fiscal year for the Program under subsection (a)(1)(C)—

(A) one half shall be used for grants under section 308703(b) of this title; and

(B) one half shall be used for grants under section 308703(c) of this title.

(2) ADMINISTRATIVE EXPENSES.—

(A) IN GENERAL.—Not more than 15 percent or \$500,000, whichever is less, of the amount available for the Program under subsection (a)(1)(C) for a fiscal year may be used for expenses of administering the Program.

(B) ALLOCATION.—Of the amount available under subparagraph (A) for a fiscal year—

(i) one half shall be allocated to the National Trust for expenses incurred in administering grants under section 308703(b) of this title; and

(ii) one half shall be allocated as appropriate by the Secretary to the Service and participating State Historic Preservation Officers.

(c) **DISPOSAL OF VESSELS.**—

(1) **REQUIREMENT.**—The Secretary of Transportation shall dispose (by sale or by purchase of disposal services) of all vessels described in paragraph (2)—

(A) in accordance with a priority system for disposing of vessels, as determined by the Secretary, that shall include provisions requiring the Maritime Administration to—

(i) dispose of all deteriorated high priority ships that are available for disposal within 12 months of their designation as available for disposal; and

(ii) give priority to the disposition of those vessels that pose the most significant danger to the environment or cost the most to maintain;

(B) in the manner that provides the best value to the Federal Government, except in any case in which obtaining the best value would require towing a vessel and the towing poses a serious threat to the environment; and

(C) in accordance with the plan of the Department of Transportation for disposal of those vessels and requirements under sections 57102 to 57104 of title 46.

(2) **DESCRIPTION OF VESSELS.**—The vessels referred to in paragraph (1) are the vessels in the National Defense Reserve Fleet after July 1, 1994, that—

(A) are not assigned to the Ready Reserve Force component of the National Defense Reserve Fleet; and

(B) are not specifically authorized or required by statute to be used for a particular purpose.

(d) **TREATMENT OF AVAILABLE AMOUNTS.**—Amounts available under this section shall not be considered in any determination of the amounts available to the Department of the Interior.

**§ 308705. Designation of America's National Maritime Museum**

(a) **IN GENERAL.**—America's National Maritime Museum shall be composed of the museums designated by law to be museums of America's National Maritime Museum on the basis that the museums—

(1) house a collection of maritime artifacts clearly representing the Nation's maritime heritage; and

(2) provide outreach programs to educate the public about the Nation's maritime heritage.

(b) **INITIAL DESIGNATION.**—The following museums (meeting the criteria specified in subsection (a)) are designated as museums of America's National Maritime Museum:

(1) The Mariners' Museum, located at 100 Museum Drive, Newport News, Virginia.

(2) The South Street Seaport Museum, located at 207 Front Street, New York, New York.

(c) **FUTURE DESIGNATION OF OTHER MUSEUMS NOT PRECLUDED.**—The designation of the museums referred to in subsection (b) as museums of America's National Maritime Museum does not preclude the designation by law of any other museum that meets the criteria specified in subsection (a) as a museum of America's National Maritime Museum.

(d) **REFERENCE TO MUSEUMS.**—Any reference in any law, map, regulation, document, paper, or other record of the United States to a museum designated by law to be a museum of America's National Maritime Museum shall be deemed to be a reference to that museum as a museum of America's National Maritime Museum.

**§ 308706. Regulations**

The Secretary, after consultation with the National Trust, the National Conference of State Historic Preservation Officers, and appropriate members of the maritime heritage community, shall prescribe appropriate guidelines, procedures,

and regulations to carry out the chapter, including direct grant and subgrant priorities, the method of solicitation and review of direct grant and subgrant proposals, criteria for review of direct grant and subgrant proposals, administrative requirements, reporting and record-keeping requirements, and any other requirements the Secretary considers appropriate.

**§ 308707. Applicability of other authorities**

The authorities contained in this chapter shall be in addition to, and shall not be construed to supersede or modify those contained in division A of this subtitle.

**Chapter 3089—Save America's Treasures Program**

Sec.

308901. Definitions.

308902. Establishment.

308903. Grants.

308904. Guidelines and regulations.

308905. Authorization of appropriations.

**§ 308901. Definitions**

In this chapter:

(1) **COLLECTION.**—The term “collection” means a collection of intellectual and cultural artifacts, including documents, sculpture, and works of art.

(2) **ELIGIBLE ENTITY.**—The term “eligible entity” means a Federal entity, State, local, or tribal government, educational institution, or non-profit organization.

(3) **HISTORIC PROPERTY.**—The term “historic property” has the meaning given the term in section 300308 of this title.

(4) **NATIONALLY SIGNIFICANT.**—The term “nationally significant”, in reference to a collection or historic property, means a collection or historic property that meets the applicable criteria for national significance, in accordance with regulations promulgated by the Secretary pursuant to section 302103 of this title.

(5) **PROGRAM.**—The term “program” means the Save America's Treasures Program established under section 308902(a) of this title.

(6) **SECRETARY.**—The term “Secretary” means the Secretary, acting through the Director.

**§ 308902. Establishment**

(a) **IN GENERAL.**—There is established in the Department of the Interior the Save America's Treasures Program.

(b) **PARTICIPANTS.**—In consultation and partnership with the National Endowment for the Arts, the National Endowment for the Humanities, the Institute of Museum and Library Services, the National Trust for Historic Preservation in the United States, the National Conference of State Historic Preservation Officers, the National Association of Tribal Historic Preservation Officers, and the President's Committee on the Arts and the Humanities, the Secretary shall use the amounts made available under section 308905 of this title to provide grants to eligible entities for projects to preserve nationally significant collections and historic property.

**§ 308903. Grants**

(a) **DETERMINATION OF GRANTS.**—Of the amounts made available for grants under section 308905 of this title, not less than 50 percent shall be made available for grants for projects to preserve collections and historic property, to be distributed through a competitive grant process administered by the Secretary, subject to the selection criteria established under subsection (d).

(b) **APPLICATION FOR GRANTS.**—To be considered for a grant under the program an eligible entity shall submit to the Secretary an application containing such information as the Secretary may require.

(c) **COLLECTIONS AND HISTORIC PROPERTY ELIGIBLE FOR GRANTS.**—

(1) **IN GENERAL.**—A collection or historic property shall be provided a grant under the pro-

gram only if the Secretary determines that the collection or historic property is—

(A) nationally significant; and

(B) threatened or endangered.

(2) **ELIGIBLE COLLECTIONS.**—A determination by the Secretary regarding the national significance of a collection under paragraph (1)(A) shall be made in consultation with the organizations described in section 308902(b) of this title, as appropriate.

(3) **ELIGIBLE HISTORIC PROPERTY.**—To be eligible for a grant under the program, a historic property shall, as of the date of the grant application—

(A) be listed on the National Register of Historic Places at the national level of significance; or

(B) be designated as a National Historic Landmark.

(d) **SELECTION CRITERIA.**—

(1) **IN GENERAL.**—The Secretary shall not provide a grant under this chapter to a project for a collection or historic property unless the project—

(A) eliminates or substantially mitigates the threat of destruction or deterioration of the collection or historic property;

(B) has a clear public benefit; and

(C) is able to be completed on schedule and within the budget described in the grant application.

(2) **PREFERENCE.**—In providing grants under this chapter, the Secretary may give preference to projects that carry out the purposes of both the program and the Preserve America Program.

(3) **LIMITATION.**—In providing grants under this chapter, the Secretary shall provide only one grant to each project selected for a grant.

(e) **CONSULTATION AND NOTIFICATION BY SECRETARY.**—

(1) **CONSULTATION.**—

(A) **IN GENERAL.**—Subject to subparagraph (B), the Secretary shall consult with the organizations described in section 308902(b) of this title in preparing the list of projects to be provided grants for a fiscal year under the program.

(B) **LIMITATION.**—If an organization described in section 308902(b) of this title has submitted an application for a grant under the program, the organization shall be recused by the Secretary from the consultation requirements under subparagraph (A) and section 308902(b) of this title.

(2) **NOTIFICATION.**—Not later than 30 days before the date on which the Secretary provides grants for a fiscal year under the program, the Secretary shall submit to the Committee on Energy and Natural Resources and Committee on Appropriations of the Senate and the Committee on Natural Resources and Committee on Appropriations of the House of Representatives a list of any eligible projects that are to be provided grants under the program for the fiscal year.

(f) **COST-SHARING REQUIREMENT.**—

(1) **IN GENERAL.**—The non-Federal share of the cost of carrying out a project provided a grant under this chapter shall be not less than 50 percent of the total cost of the project.

(2) **FORM OF NON-FEDERAL SHARE.**—The non-Federal share required under paragraph (1) shall be in the form of—

(A) cash; or

(B) donated supplies or related services, the value of which shall be determined by the Secretary.

(3) **REQUIREMENT.**—The Secretary shall ensure that each applicant for a grant has the capacity and a feasible plan for securing the non-Federal share for an eligible project required under paragraph (1) before a grant is provided to the eligible project under the program.

**§ 308904. Guidelines and regulations**

The Secretary shall develop any guidelines and prescribe any regulations that the Secretary determines to be necessary to carry out this chapter.

**§308905. Authorization of appropriations**

There is authorized to be appropriated to carry out this chapter \$50,000,000 for each fiscal year, to remain available until expended.

**Chapter 3091—Commemoration of Former Presidents**

Sec.

309101. Sites and structures that commemorate former Presidents.

**§309101. Sites and structures that commemorate former Presidents**

(a) SURVEY.—The Secretary may conduct a survey of sites that the Secretary considers exhibit qualities most appropriate for the commemoration of each former President. The survey may—

(1) include sites associated with the deeds, leadership, or lifework of a former President; and

(2) identify sites or structures historically unrelated to a former President but that may be suitable as a memorial to honor that President.

(b) REPORTS.—The Secretary shall, from time to time, prepare and transmit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate reports on individual sites and structures identified in a survey under subsection (a), together with the Secretary's recommendation as to whether the site or structure is suitable for establishment as a national historic site or national memorial to commemorate a former President. Each report shall include pertinent information with respect to the need for acquisition of land and interests in land, the development of facilities, and the operation and maintenance of the site or structure and the estimated cost of the operation and maintenance.

(c) ESTABLISHMENT AS NATIONAL HISTORIC SITE.—If during the 6-month period following the transmittal of a report pursuant to subsection (b) neither Committee has by vote of a majority of its members disapproved a recommendation of the Secretary that a site or structure is suitable for establishment as a national historic site, the Secretary may by appropriate order establish the site or structure as a national historic site, including the land and interests in land identified in the report accompanying the recommendation of the Secretary.

(d) ACQUISITION OF LAND AND INTERESTS IN LAND.—The Secretary may acquire the land and interests in land by donation, purchase with donated or appropriated funds, transfer from any other Federal agency, or exchange.

(e) EFFECT OF SECTION.—Nothing in this section shall be construed as diminishing the authority of the Secretary under chapter 3201 of this title or as authorizing the Secretary to establish any national memorial, creation of which is expressly reserved to Congress.

**Subdivision 2—Administered Jointly With National Park Service****Chapter 3111—Preserve America Program**

Sec.

311101. Definitions.

311102. Establishment.

311103. Designation of Preserve America Communities.

311104. Regulations.

311105. Authorization of appropriations.

**§311101. Definitions**

In this chapter:

(1) COUNCIL.—The term “Council” means the Advisory Council on Historic Preservation.

(2) HERITAGE TOURISM.—The term “heritage tourism” means the conduct of activities to attract and accommodate visitors to a site or area based on the unique or special aspects of the history, landscape (including trail systems), and culture of the site or area.

(3) PROGRAM.—The term “program” means the Preserve America Program established under section 311102(a).

**§311102. Establishment**

(a) IN GENERAL.—There is established in the Department of the Interior the Preserve America Program, under which the Secretary, in partnership with the Council, may provide competitive grants to States, local governments (including local governments in the process of applying for designation as Preserve America Communities under section 311103 of this title, Indian tribes, communities designated as Preserve America Communities under section 311103 of this title, State historic preservation offices, and tribal historic preservation offices to support preservation efforts through heritage tourism, education, and historic preservation planning activities.

(b) ELIGIBLE PROJECTS.—

(1) IN GENERAL.—The following projects shall be eligible for a grant under this chapter:

(A) A project for the conduct of—

(i) research on, and documentation of, the history of a community; and

(ii) surveys of the historic resources of a community.

(B) An education and interpretation project that conveys the history of a community or site.

(C) A planning project (other than building rehabilitation) that advances economic development using heritage tourism and historic preservation.

(D) A training project that provides opportunities for professional development in areas that would aid a community in using and promoting its historic resources.

(E) A project to support heritage tourism in a Preserve America Community designated under section 311103 of this title.

(F) Other nonconstruction projects that identify or promote historic properties or provide for the education of the public about historic properties that are consistent with the purposes of this chapter.

(2) LIMITATION.—In providing grants under this chapter, the Secretary shall provide only one grant to each eligible project selected for a grant.

(c) PREFERENCE.—In providing grants under this chapter, the Secretary may give preference to projects that carry out the purposes of both the program and the Save America's Treasures Program.

(d) CONSULTATION AND NOTIFICATION.—

(1) CONSULTATION.—The Secretary shall consult with the Council in preparing the list of projects to be provided grants for a fiscal year under the program.

(2) NOTIFICATION.—Not later than 30 days before the date on which the Secretary provides grants for a fiscal year under the program, the Secretary shall submit to the Committee on Energy and Natural Resources and Committee on Appropriations of the Senate and the Committee on Natural Resources and Committee on Appropriations of the House of Representatives a list of any eligible projects that are to be provided grants under the program for the fiscal year.

(e) COST-SHARING REQUIREMENT.—

(1) IN GENERAL.—The non-Federal share of the cost of carrying out a project provided a grant under this chapter shall be not less than 50 percent of the total cost of the project.

(2) FORM OF NON-FEDERAL SHARE.—The non-Federal share required under paragraph (1) shall be in the form of—

(A) cash; or

(B) donated supplies and related services, the value of which shall be determined by the Secretary.

(3) REQUIREMENT.—The Secretary shall ensure that each applicant for a grant has the capacity to secure, and a feasible plan for securing, the

non-Federal share for an eligible project required under paragraph (1) before a grant is provided to the eligible project under the program.

**§311103. Designation of Preserve America Communities**

(a) APPLICATION.—To be considered for designation as a Preserve America Community, a community, tribal area, or neighborhood shall submit to the Council an application containing such information as the Council may require.

(b) CRITERIA.—To be designated as a Preserve America Community under the program, a community, tribal area, or neighborhood that submits an application under subsection (a) shall, as determined by the Council, in consultation with the Secretary, meet criteria required by the Council and, in addition, consider—

(1) protection and celebration of the heritage of the community, tribal area, or neighborhood;

(2) use of the historic assets of the community, tribal area, or neighborhood for economic development and community revitalization; and

(3) encouragement of people to experience and appreciate local historic resources through education and heritage tourism programs.

(c) LOCAL GOVERNMENTS PREVIOUSLY CERTIFIED FOR HISTORIC PRESERVATION ACTIVITIES.—The Council shall establish an expedited process for Preserve America Community designation for local governments previously certified for historic preservation activities under section 302502 of this title.

(d) GUIDELINES.—The Council, in consultation with the Secretary, shall establish any guidelines that are necessary to carry out this section.

**§311104. Regulations**

The Secretary shall develop any guidelines and issue any regulations that the Secretary determines to be necessary to carry out this chapter.

**§311105. Authorization of appropriations**

There is authorized to be appropriated to carry out this chapter \$25,000,000 for each fiscal year, to remain available until expended.

**Subdivision 3—Administered by Other Than National Park Service****Chapter 3121—National Trust for Historic Preservation in the United States**

Sec.

312101. Definitions.

312102. Establishment and purposes.

312103. Principal office.

312104. Board of trustees.

312105. Powers.

312106. Consultation with National Park System Advisory Board.

**§312101. Definitions**

In this chapter:

(1) BOARD.—The term “Board” means the board of trustees of the National Trust.

(2) NATIONAL TRUST.—The term “National Trust” means the National Trust for Historic Preservation in the United States established under section 312102 of this title.

**§312102. Establishment and purposes**

(a) ESTABLISHMENT.—To further the policy enunciated in chapter 3201 of this title, and to facilitate public participation in the preservation of sites, buildings, and objects of national significance or interest, there is established a charitable, educational, and nonprofit corporation to be known as the National Trust for Historic Preservation in the United States.

(b) PURPOSES.—The purposes of the National Trust shall be to—

(1) receive donations of sites, buildings, and objects significant in American history and culture;

(2) preserve and administer the sites, buildings, and objects for public benefit;

(3) accept, hold, and administer gifts of money, securities, or other property of any character for the purpose of carrying out the preservation program; and

(4) execute other functions vested in the National Trust by this chapter.

#### **§312103. Principal office**

The National Trust shall have its principal office in the District of Columbia and shall be deemed, for purposes of venue in civil actions, to be a resident of the District of Columbia. The National Trust may establish offices in other places as it may consider necessary or appropriate in the conduct of its business.

#### **§312104. Board of trustees**

(a) **MEMBERSHIP.**—The affairs of the National Trust shall be under the general direction of a board of trustees composed as follows:

(1) The Attorney General, the Secretary, and the Director of the National Gallery of Art, ex officio.

(2) Not fewer than 6 general trustees who shall be citizens of the United States.

(b) **DESIGNATION OF ANOTHER OFFICER.**—The Attorney General and the Secretary, when it appears desirable in the interest of the conduct of the business of the Board and to such extent as they consider it advisable, may, by written notice to the National Trust, designate any officer of their respective departments to act for them in the discharge of their duties as a member of the Board.

(c) **GENERAL TRUSTEES.**—

(1) **NUMBER AND SELECTION.**—The number of general trustees shall be fixed by the Board and shall be chosen by the members of the National Trust from its members at any regular meeting of the National Trust.

(2) **TERM OF OFFICE.**—The respective terms of office of the general trustees shall be as prescribed by the Board but in no case shall exceed a period of 5 years from the date of election.

(3) **SUCCESSOR.**—A successor to a general trustee shall be chosen in the same manner and shall have a term expiring 5 years from the date of the expiration of the term for which the predecessor was chosen, except that a successor chosen to fill a vacancy occurring prior to the expiration of a term shall be chosen only for the remainder of that term.

(d) **CHAIRMAN.**—The chairman of the Board shall be elected by a majority vote of the members of the Board.

(e) **COMPENSATION AND REIMBURSEMENT.**—No compensation shall be paid to the members of the Board for their services as such members, but they shall be reimbursed for travel and actual expenses necessarily incurred by them in attending board meetings and performing other official duties on behalf of the National Trust at the direction of the Board.

#### **§312105. Powers**

(a) **IN GENERAL.**—To the extent necessary to enable it to carry out the functions vested in it by this chapter, the National Trust has the general powers described in this section.

(b) **SUCCESSION.**—The National Trust has succession until dissolved by Act of Congress, in which event title to the property of the National Trust, both real and personal, shall, insofar as consistent with existing contractual obligations and subject to all other legally enforceable claims or demands by or against the National Trust, pass to and become vested in the United States.

(c) **SUE AND BE SUED.**—The National Trust may sue and be sued in its corporate name.

(d) **CORPORATE SEAL.**—The National Trust may adopt, alter, and use a corporate seal that shall be judicially noticed.

(e) **CONSTITUTION, BYLAWS, AND REGULATIONS.**—The National Trust may adopt a constitution and prescribe such bylaws and regula-

tions, not inconsistent with the laws of the United States or of any State, as it considers necessary for the administration of its functions under this chapter, including among other matters, bylaws and regulations governing visitation to historic properties, administration of corporate funds, and the organization and procedure of the Board.

(f) **PERSONAL PROPERTY.**—The National Trust may accept, hold, and administer gifts and bequests of money, securities, or other personal property of any character, absolutely or in trust, for the purposes for which the National Trust is created. Unless otherwise restricted by the terms of a gift or bequest, the National Trust may sell, exchange, or otherwise dispose of, and invest or reinvest in investments as it may determine from time to time, the moneys, securities, or other property given or bequeathed to it. The principal of corporate funds and the income from those funds and all other revenues received by the National Trust from any source shall be placed in such depositories as the National Trust shall determine and shall be subject to expenditure by the National Trust for its corporate purposes.

(g) **REAL PROPERTY.**—The National Trust may acquire by gift, devise, purchase, or otherwise, absolutely or in trust, and hold and, unless otherwise restricted by the terms of the gift or devise, encumber, convey, or otherwise dispose of, any real property, or any estate or interest in real property (except property within the exterior boundaries of a System unit), as may be necessary and proper in carrying into effect the purposes of the National Trust.

(h) **CONTRACTS AND COOPERATIVE AGREEMENTS RESPECTING PROTECTION, PRESERVATION, MAINTENANCE, OR OPERATION.**—The National Trust may contract and make cooperative agreements with Federal, State, or local agencies, corporations, associations, or individuals, under terms and conditions that the National Trust considers advisable, respecting the protection, preservation, maintenance, or operation of any historic site, building, object, or property used in connection with the site, building, object, or property for public use, regardless of whether the National Trust has acquired title to the property, or any interest in the property.

(i) **ENTER INTO CONTRACTS AND EXECUTE INSTRUMENTS.**—The National Trust may enter into contracts generally and execute all instruments necessary or appropriate to carry out its corporate purposes, including concession contracts, leases, or permits for the use of land, buildings, or other property considered desirable either to accommodate the public or to facilitate administration.

(j) **OFFICERS, AGENTS, AND EMPLOYEES.**—The National Trust may appoint and prescribe the duties of officers, agents, and employees as may be necessary to carry out its functions, and fix and pay compensation to them for their services as the National Trust may determine.

(k) **LAWFUL ACTS.**—The National Trust may generally do any and all lawful acts necessary or appropriate to carry out the purposes for which the National Trust is created.

#### **§312106. Consultation with National Park System Advisory Board**

In carrying out its functions under this chapter, the National Trust may consult with the National Park System Advisory Board on matters relating to the selection of sites, buildings, and objects to be preserved and protected pursuant to this chapter.

#### **Chapter 3123—Commission for the Preservation of America's Heritage Abroad**

Sec.

312301. Definition.

312302. Declaration of national interest.

312303. Establishment.

312304. Duties and powers; administrative support.

312305. Reports.

#### **§312301. Definition**

In this chapter, the term "Commission" means the Commission for the Preservation of America's Heritage Abroad established under section 312303 of this title.

#### **§312302. Declaration of national interest**

Because the fabric of a society is strengthened by visible reminders of the historical roots of the society, it is in the national interest to encourage the preservation and protection of the cemeteries, monuments, and historic buildings associated with the foreign heritage of United States citizens.

#### **§312303. Establishment**

(a) **ESTABLISHMENT.**—There is established a commission to be known as the Commission for the Preservation of America's Heritage Abroad.

(b) **MEMBERSHIP.**—The Commission shall consist of 21 members appointed by the President, 7 of whom shall be appointed after consultation with the Speaker of the House of Representatives and 7 of whom shall be appointed after consultation with the President pro tempore of the Senate.

(c) **TERM.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), a member of the Commission shall be appointed for a term of 3 years.

(2) **VACANCY.**—A member appointed to fill a vacancy on the Commission shall serve for the remainder of the term for which the member's predecessor was appointed.

(3) **MEMBER UNTIL SUCCESSOR APPOINTED.**—A member may retain membership on the Commission until the member's successor has been appointed.

(d) **CHAIRMAN.**—The President shall designate the Chairman of the Commission from among its members.

(e) **MEETINGS.**—The Commission shall meet at least once every 6 months.

(f) **COMPENSATION AND EXPENSES.**—

(1) **COMPENSATION.**—Members of the Commission shall receive no pay on account of their service on the Commission.

(2) **EXPENSES.**—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as individuals employed intermittently in the Government service are allowed expenses under section 5703 of title 5.

#### **§312304. Duties and powers; administrative support**

(a) **DUTIES.**—The Commission shall—

(1) identify and publish a list of cemeteries, monuments, and historic buildings located abroad that are associated with the foreign heritage of United States citizens from eastern and central Europe, particularly cemeteries, monuments, and buildings that are in danger of deterioration or destruction;

(2) encourage the preservation and protection of those cemeteries, monuments, and historic buildings by obtaining, in cooperation with the Secretary of State, assurances from foreign governments that the cemeteries, monuments, and buildings will be preserved and protected; and

(3) prepare and disseminate reports on the condition of, and the progress toward preserving and protecting, those cemeteries, monuments, and historic buildings.

(b) **POWERS.**—

(1) **HOLD HEARINGS, REQUEST ATTENDANCE, TAKE TESTIMONY, AND RECEIVE EVIDENCE.**—The Commission or any member it authorizes may, for the purposes of carrying out this chapter, hold such hearings, sit and act at such times



and places, request such attendance, take such testimony, and receive such evidence, as the Commission considers appropriate.

(2) **APPOINT PERSONNEL AND FIX PAY.**—The Commission may appoint such personnel (subject to the provisions of title 5 governing appointments in the competitive service) and may fix the pay of such personnel (subject to the provisions of chapter 51 and subchapter III of chapter 53 of title 5), as the Commission considers desirable.

(3) **PROCURE TEMPORARY AND INTERMITTENT SERVICES.**—The Commission may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay then in effect under section 5376 of title 5.

(4) **DETAIL PERSONNEL TO COMMISSION.**—On request of the Commission, the head of any Federal department or agency, including the Secretary of State, may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this chapter.

(5) **SECURE INFORMATION.**—The Commission may secure directly from any department or agency of the United States, including the Department of State, any information necessary to enable it to carry out this chapter. On the request of the Chairman of the Commission, the head of the department or agency shall furnish the information to the Commission.

(6) **GIFTS OR DONATIONS.**—The Commission may accept, use, and dispose of gifts or donations of money or property.

(7) **USE OF MAILS.**—The Commission may use the United States mails in the same manner and on the same conditions as other departments and agencies of the United States.

(c) **ADMINISTRATIVE SUPPORT.**—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support services as the Commission may request.

#### **§ 312305. Reports**

As soon as practicable after the end of each fiscal year, the Commission shall transmit to the President a report that includes—

(1) a detailed statement of the activities and accomplishments of the Commission during the fiscal year; and

(2) any recommendations of the Commission for legislation and administrative actions.

#### **Chapter 3125—Preservation of Historical and Archeological Data**

Sec.

312501. Definition.

312502. Threat of irreparable loss or destruction of significant scientific, prehistorical, historical, or archeological data by Federal construction projects.

312503. Survey and recovery by Secretary.

312504. Progress reports by Secretary on surveys and work undertaken as result of surveys.

312505. Notice of dam construction.

312506. Administration.

312507. Assistance to Secretary by Federal agencies responsible for construction projects.

312508. Costs for identification, surveys, evaluation, and data recovery with respect to historic property.

#### **§ 312501. Definition**

In this chapter, the term “State” includes a State, the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands.

#### **§ 312502. Threat of irreparable loss or destruction of significant scientific, prehistorical, historical, or archeological data by Federal construction projects**

(a) **ACTIVITY OF FEDERAL AGENCY.**—

(1) **NOTIFICATION OF SECRETARY.**—When any Federal agency finds, or is notified, in writing, by an appropriate historical or archeological authority, that its activities in connection with any Federal construction project or federally licensed project, activity, or program may cause irreparable loss or destruction of significant scientific, prehistorical, historical, or archeological data, the agency shall notify the Secretary, in writing, and shall provide the Secretary with appropriate information concerning the project, program, or activity.

(2) **RECOVERY, PROTECTION, AND PRESERVATION OF DATA.**—The agency—

(A) may request the Secretary to undertake the recovery, protection, and preservation of the data (including preliminary survey, or other investigation as needed, and analysis and publication of the reports resulting from the investigation); or

(B) may, with funds appropriated for the project, program, or activity, undertake those activities.

(3) **AVAILABILITY OF REPORTS.**—Copies of reports of any investigations made pursuant to this section shall be submitted to the Secretary, who shall make them available to the public for inspection and review.

(b) **ACTIVITY OF PRIVATE PERSON, ASSOCIATION, OR PUBLIC ENTITY.**—

(1) **RECOVERY BY SECRETARY.**—When any Federal agency provides financial assistance by loan, grant, or otherwise to any private person, association, or public entity, the Secretary, if the Secretary determines that significant scientific, prehistorical, historical, or archeological data might be irrevocably lost or destroyed, may, with funds appropriated expressly for this purpose—

(A) conduct, with the consent of all persons, associations, or public entities having a legal interest in the property, a survey of the affected site; and

(B) undertake the recovery, protection, and preservation of the data (including analysis and publication).

(2) **COMPENSATION.**—The Secretary shall, unless otherwise agreed to in writing, compensate any person, association, or public entity damaged as a result of delays in construction or as a result of the temporary loss of the use of private or any nonfederally owned land.

#### **§ 312503. Survey and recovery by Secretary**

(a) **IN GENERAL.**—The Secretary, on notification, in writing, by any Federal or State agency or appropriate historical or archeological authority that scientific, prehistorical, historical, or archeological data are being or may be irrevocably lost or destroyed by any Federal or federally assisted or licensed project, activity, or program, shall, if the Secretary determines that the data are significant and are being or may be irrevocably lost or destroyed and after reasonable notice to the agency responsible for funding or licensing the project, activity, or program—

(1) conduct or cause to be conducted a survey and other investigation of the areas that are or may be affected; and

(2) recover and preserve the data (including analysis and publication) that, in the opinion of the Secretary, are not being, but should be, recovered and preserved in the public interest.

(b) **WHEN SURVEY OR RECOVERY NOT REQUIRED.**—No survey or recovery work shall be required pursuant to this section that, in the determination of the head of the responsible agency, would impede Federal or federally assisted or licensed projects or activities undertaken in connection with any emergency, including

projects or activities undertaken in anticipation of, or as a result of, a natural disaster.

(c) **INITIATION OF SURVEY.**—The Secretary shall initiate the survey or recovery effort within—

(1) 60 days after notification pursuant to subsection (a); or

(2) such time as may be agreed on with the head of the agency responsible for funding or licensing the project, activity, or program in all other cases.

(d) **COMPENSATION BY SECRETARY.**—The Secretary shall, unless otherwise agreed to in writing, compensate any person, association, or public entity damaged as a result of delays in construction or as a result of the temporary loss of the use of private or nonfederally owned land.

#### **§ 312504. Progress reports by Secretary on surveys and work undertaken as result of surveys**

(a) **PROGRESS REPORTS TO FUNDING OR LICENSING AGENCY.**—The Secretary shall keep the agency responsible for funding or licensing the project notified at all times of the progress of any survey made under this chapter or of any work undertaken as a result of a survey, in order that there will be as little disruption or delay as possible in the carrying out of the functions of the agency. The survey and recovery programs shall terminate at a time agreed on by the Secretary and the head of the agency unless extended by agreement.

(b) **DISPOSITION OF RELICS AND SPECIMENS.**—The Secretary shall consult with any interested Federal and State agencies, educational and scientific organizations, private institutions, and qualified individuals, with a view to determining the ownership of, and the most appropriate repository for, any relics and specimens recovered as a result of any work performed as provided for in this section.

(c) **COORDINATION OF ACTIVITIES.**—The Secretary shall coordinate all Federal survey and recovery activities authorized under this chapter.

#### **§ 312505. Notice of dam construction**

(a) **IN GENERAL.**—Before any Federal agency undertakes the construction of a dam, or issues a license to any private individual or corporation for the construction of a dam, it shall give written notice to the Secretary setting forth the site of the proposed dam and the approximate area to be flooded and otherwise changed if construction is undertaken.

(b) **DAMS WITH CERTAIN DETENTION CAPACITY OR RESERVOIR.**—With respect to any flood water retaining dam that provides fewer than 5,000 acre-feet of detention capacity, and with respect to any other type of dam that creates a reservoir of fewer than 40 surface acres, this section shall apply only when the constructing agency, in its preliminary surveys, finds or is presented with evidence that historical or archeological materials exist or may be present in the proposed reservoir area.

#### **§ 312506. Administration**

In the administration of this chapter, the Secretary may—

(1) enter into contracts or make cooperative agreements with any Federal or State agency, educational or scientific organization, or institution, corporation, association, or qualified individual;

(2) obtain the services of experts and consultants or organizations of experts and consultants in accordance with section 3109 of title 5; and

(3) accept and utilize funds made available for salvage archeological purposes by any private person or corporation or transferred to the Secretary by any Federal agency.



**§312507. Assistance to Secretary by Federal agencies responsible for construction projects**

(a) ASSISTANCE OF FEDERAL AGENCIES.—To carry out this chapter, any Federal agency responsible for a construction project may assist the Secretary or may transfer to the Secretary funds as may be agreed on, but not more than 1 percent of the total amount authorized to be appropriated for the project, except that the 1 percent limitation under this section shall not apply if the cost of the project is \$50,000 or less. The costs of the survey, recovery, analysis, and publication shall be deemed nonreimbursable project costs.

(b) AVAILABILITY OF APPROPRIATIONS.—Amounts appropriated for purposes of this section shall remain available until expended.

**§312508. Costs for identification, surveys, evaluation, and data recovery with respect to historic property**

Notwithstanding section 312507(a) of this title or any other provision of law—

(1) identification, surveys, and evaluation carried out with respect to historic property within project areas may be treated for purposes of any law or rule of law as planning costs of the project and not as costs of mitigation;

(2) reasonable costs for identification, surveys, evaluation, and data recovery carried out with respect to historic property within project areas may be charged to Federal licensees and permittees as a condition to the issuance of the license or permit; and

(3) Federal agencies, with the concurrence of the Secretary and after notification of the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, may waive, in appropriate cases, the 1 percent limitation under section 312507(a) of this title.

**Division C—American Antiquities**

**Chapter 3201—Policy and Administrative Provisions**

Sec.

320101. Declaration of national policy.

320102. Powers and duties of Secretary.

320103. Cooperation with governmental and private agencies and individuals.

320104. Jurisdiction of States in acquired land.

320105. Criminal penalties.

320106. Limitation on obligation or expenditure of appropriated amounts.

**§320101. Declaration of national policy**

It is declared that it is a national policy to preserve for public use historic sites, buildings, and objects of national significance for the inspiration and benefit of the people of the United States.

**§320102. Powers and duties of Secretary**

(a) IN GENERAL.—The Secretary, acting through the Director, for the purpose of effectuating the policy expressed in section 320101 of this title, has the powers and shall perform the duties set out in this section.

(b) PRESERVATION OF DATA.—The Secretary shall secure, collate, and preserve drawings, plans, photographs, and other data of historic and archeologic sites, buildings, and objects.

(c) SURVEY.—The Secretary shall make a survey of historic and archeologic sites, buildings, and objects for the purpose of determining which possess exceptional value as commemorating or illustrating the history of the United States.

(d) INVESTIGATIONS AND RESEARCHES.—The Secretary shall make necessary investigations and researches in the United States relating to particular sites, buildings, and objects to obtain accurate historical and archeological facts and information concerning the sites, buildings, and objects.

(e) ACQUISITION OF PROPERTY.—The Secretary may, for the purpose of this chapter, acquire in the name of the United States by gift, purchase, or otherwise any property, personal or real, or any interest or estate in property, title to any real property to be satisfactory to the Secretary. Property that is owned by any religious or educational institution or that is owned or administered for the benefit of the public shall not be acquired without the consent of the owner. No property shall be acquired or contract or agreement for the acquisition of the property made that will obligate the general fund of the Treasury for the payment of the property, unless Congress has appropriated money that is available for that purpose.

(f) CONTRACTS AND COOPERATIVE AGREEMENTS.—The Secretary may contract and make cooperative agreements with States, municipal subdivisions, corporations, associations, or individuals, with proper bond where considered advisable, to protect, preserve, maintain, or operate any historic or archeologic building, site, or object, or property used in connection with the building, site, or object, for public use, regardless whether the title to the building, site, object, or property is in the United States. No contract or cooperative agreement shall be made or entered into that will obligate the general fund of the Treasury unless or until Congress has appropriated money for that purpose.

(g) PROTECTION OF SITES, BUILDINGS, OBJECTS, AND PROPERTY.—The Secretary shall restore, reconstruct, rehabilitate, preserve, and maintain historic or prehistoric sites, buildings, objects, and property of national historical or archeological significance and where considered desirable establish and maintain museums in connection with the sites, buildings, objects, and property.

(h) TABLETS TO MARK OR COMMEMORATE PLACES AND EVENTS.—The Secretary shall erect and maintain tablets to mark or commemorate historic or prehistoric places and events of national historical or archeological significance.

(i) OPERATION FOR BENEFIT OF PUBLIC.—The Secretary may operate and manage historic and archeologic sites, buildings, and property acquired under this chapter together with land and subordinate buildings for the benefit of the public and may charge reasonable visitation fees and grant concessions, leases, or permits for the use of land, building space, roads, or trails when necessary or desirable either to accommodate the public or to facilitate administration. The Secretary may grant those concessions, leases, or permits and enter into contracts relating to the contracts, leases, or permits with responsible persons, firms, or corporations without advertising and without securing competitive bids.

(j) CORPORATION TO CARRY OUT DUTIES.—When the Secretary determines that it would be administratively burdensome to restore, reconstruct, operate, or maintain any particular historic or archeologic site, building, or property donated to the United States through the Service, the Secretary may cause the restoration, reconstruction, operation, or maintenance to be done by organizing a corporation for that purpose under the laws of the District of Columbia or any State.

(k) EDUCATIONAL PROGRAM AND SERVICE.—The Secretary shall develop an educational program and service for the purpose of making available to the public information pertaining to American historic and archeologic sites, buildings, and properties of national significance. Reasonable charges may be made for the dissemination of any such information.

(l) ACTIONS AND REGULATIONS NECESSARY TO CARRY OUT CHAPTER.—The Secretary shall perform any and all acts and make regulations not inconsistent with this chapter that may be necessary and proper to carry out this chapter.

**§320103. Cooperation with governmental and private agencies and individuals**

(a) AUTHORIZATION OF SECRETARY.—The Secretary may cooperate with and may seek and accept the assistance of any Federal, State, or local agency, educational or scientific institution, patriotic association, or individual.

(b) TECHNICAL ADVISORY COMMITTEES.—When the Secretary considers it necessary, the Secretary may establish technical advisory committees to act in an advisory capacity in connection with the restoration or reconstruction of any historic or prehistoric building or other structure.

(c) EMPLOYMENT OF ASSISTANCE.—The Secretary may employ professional and technical assistance and establish service as may be required to accomplish the purposes of this chapter and for which money may be appropriated by Congress or made available by gifts for those purposes.

**§320104. Jurisdiction of States in acquired land**

Nothing in this chapter shall be held to deprive any State, or political subdivision of a State, of its civil and criminal jurisdiction in and over land acquired by the United States under this chapter.

**§320105. Criminal penalties**

Criminal penalties for a violation of a regulation authorized by this chapter are provided by section 1866 of title 18.

**§320106. Limitation on obligation or expenditure of appropriated amounts**

Notwithstanding any other provision of law, no funds appropriated or otherwise made available to the Secretary to carry out subsection (f) or (g) of section 320102 of this title may be obligated or expended—

(1) unless the appropriation of the funds has been specifically authorized by law enacted on or after October 30, 1992; or

(2) in excess of the amount prescribed by law enacted on or after October 30, 1992.

**Chapter 3203—Monuments, Ruins, Sites, and Objects of Antiquity**

Sec.

320301. National monuments.

320302. Permits.

320303. Regulations.

**§320301. National monuments**

(a) PRESIDENTIAL DECLARATION.—The President may, in the President's discretion, declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated on land owned or controlled by the Federal Government to be national monuments.

(b) RESERVATION OF LAND.—The President may reserve parcels of land as a part of the national monuments. The limits of the parcels shall be confined to the smallest area compatible with the proper care and management of the objects to be protected.

(c) RELINQUISHMENT TO FEDERAL GOVERNMENT.—When an object is situated on a parcel covered by a bona fide unperfected claim or held in private ownership, the parcel, or so much of the parcel as may be necessary for the proper care and management of the object, may be relinquished to the Federal Government and the Secretary may accept the relinquishment of the parcel on behalf of the Federal Government.

(d) LIMITATION ON EXTENSION OR ESTABLISHMENT OF NATIONAL MONUMENTS IN WYOMING.—No extension or establishment of national monuments in Wyoming may be undertaken except by express authorization of Congress.

**§320302. Permits**

(a) AUTHORITY TO GRANT PERMIT.—The Secretary, the Secretary of Agriculture, or the Secretary of the Army may grant a permit for the

examination of ruins, the excavation of archeological sites, and the gathering of objects of antiquity on land under their respective jurisdictions to an institution that the Secretary concerned considers properly qualified to conduct the examination, excavation, or gathering, subject to such regulations as the Secretary concerned may prescribe.

(b) **PURPOSE OF EXAMINATION, EXCAVATION, OR GATHERING.**—A permit may be granted only if—

(1) the examination, excavation, or gathering is undertaken for the benefit of a reputable museum, university, college, or other recognized scientific or educational institution, with a view to increasing the knowledge of the objects; and

(2) the gathering shall be made for permanent preservation in a public museum.

#### **§ 320303. Regulations**

The Secretary, the Secretary of Agriculture, and the Secretary of the Army shall make and publish uniform regulations for the purpose of carrying out this chapter.

#### **SEC. 4. CONFORMING AMENDMENTS.**

(a) **TITLE 18.**—

(1) **IN GENERAL.**—Chapter 91 of title 18, United States Code, is amended by adding at the end the following:

##### **“§ 1865. National Park Service**

“(a) **VIOLATION OF REGULATIONS RELATING TO USE AND MANAGEMENT OF NATIONAL PARK SYSTEM UNITS.**—A person that violates any regulation authorized by section 100751(a) of title 54 shall be imprisoned not more than 6 months, fined under this title, or both, and be adjudged to pay all cost of the proceedings.

“(b) **FINANCIAL DISCLOSURE BY OFFICERS OR EMPLOYEES PERFORMING FUNCTIONS OR DUTIES UNDER SUBCHAPTER III OF CHAPTER 1007 OF TITLE 54.**—An officer or employee of the Department of the Interior who is subject to, and knowingly violates, section 100737 of title 54 or any regulation prescribed under that section shall be imprisoned not more than one year, fined under this title, or both.

“(c) **OFFENSES RELATING TO STRUCTURES AND VEGETATION.**—A person that willfully destroys, mutilates, defaces, injures, or removes any monument, statue, marker, guidepost, or other structure, or that willfully destroys, cuts, breaks, injures, or removes any tree, shrub, or plant within a national military park shall be imprisoned not less than 15 days nor more than one year, fined under this title but not less than \$10 for each monument, statue, marker, guidepost, or other structure, tree, shrub, or plant that is destroyed, defaced, injured, cut, or removed, or both.

“(d) **TRESPASSING IN A NATIONAL MILITARY PARK TO HUNT OR SHOOT.**—An individual who trespasses in a national military park to hunt or shoot, or hunts game of any kind in a national military park with a gun or dog, or sets a trap or net or other device in a national military park to hunt or catch game of any kind, shall be imprisoned not less than 5 nor more than 30 days, fined under this title, or both.

##### **“§ 1866. Historic, archeologic, or prehistoric items and antiquities**

“(a) **VIOLATION OF REGULATIONS AUTHORIZED BY CHAPTER 3201 OF TITLE 54.**—A person that violates any of the regulations authorized by chapter 3201 of title 54 shall be fined under this title and be adjudged to pay all cost of the proceedings.

“(b) **APPROPRIATION OF, INJURY TO, OR DESTRUCTION OF HISTORIC OR PREHISTORIC RUIN OR MONUMENT OR OBJECT OF ANTIQUITY.**—A person that appropriates, excavates, injures, or destroys any historic or prehistoric ruin or monument or any other object of antiquity that is situated on land owned or controlled by the Federal Government without the permission of

the head of the Federal agency having jurisdiction over the land on which the object is situated, shall be imprisoned not more than 90 days, fined under this title, or both.”.

(2) **TABLE OF CONTENTS.**—The table of contents of chapter 91 of title 18, United States Code, is amended by adding at the end the following:

“1865. National Park Service.

“1866. Historic, archeologic, or prehistoric items and antiquities.”.

(b) **TITLE 28.**—

(1) **IN GENERAL.**—Part VI of title 28, United States Code, is amended by adding at the end the following:

##### **“CHAPTER 190—MISCELLANEOUS**

“Sec.

“5001. Civil action for death or personal injury in a place subject to exclusive jurisdiction of United States.

##### **“§ 5001. Civil action for death or personal injury in a place subject to exclusive jurisdiction of United States**

“(a) **DEATH.**—In the case of the death of an individual by the neglect or wrongful act of another in a place subject to the exclusive jurisdiction of the United States within a State, a right of action shall exist as though the place were under the jurisdiction of the State in which the place is located.

“(b) **PERSONAL INJURY.**—In a civil action brought to recover on account of an injury sustained in a place described in subsection (a), the rights of the parties shall be governed by the law of the State in which the place is located.”.

(2) **TABLE OF CONTENTS.**—The table of contents of part VI of title 28, United States Code, is amended by adding at the end the following:

“190. Miscellaneous ..... 5001”.

(c) **ACT OF MAY 26, 2000.**—Section 1 of Public Law 106-206 (114 Stat. 314) is amended to read as follows:

##### **“SECTION 1. COMMERCIAL FILMING.**

“(a) **COMMERCIAL FILMING FEE.**—

“(1) **IN GENERAL.**—The Secretary of the Interior or the Secretary of Agriculture (hereafter individually referred to as the ‘Secretary’ with respect to land (except land in a System unit as defined in section 100102 of title 54, United States Code) under their respective jurisdictions) shall require a permit and shall establish a reasonable fee for commercial filming activities or similar projects on Federal land administered by the Secretary. The fee shall provide a fair return to the United States and shall be based on the following criteria:

“(A) The number of days the filming activity or similar project takes place on Federal land under the Secretary’s jurisdiction.

“(B) The size of the film crew present on Federal land under the Secretary’s jurisdiction.

“(C) The amount and type of equipment present.

“(2) **OTHER FACTORS.**—The Secretary may include other factors in determining an appropriate fee as the Secretary considers necessary.

“(b) **RECOVERY OF COSTS.**—The Secretary shall collect any costs incurred as a result of filming activities or similar project, including administrative and personnel costs. All costs recovered shall be in addition to the fee assessed in subsection (a).

“(c) **STILL PHOTOGRAPHY.**—

“(1) **IN GENERAL.**—Except as provided in paragraph (2), the Secretary shall not require a permit nor assess a fee for still photography on land administered by the Secretary if such photography takes place where members of the public are generally allowed. The Secretary may require a permit, fee, or both, if such photography takes place at other locations where members of the public are generally not allowed, or where additional administrative costs are likely.

“(2) **EXCEPTION.**—The Secretary shall require and shall establish a reasonable fee for still photography that uses models or props which are not a part of the site’s natural or cultural resources or administrative facilities.

“(d) **PROTECTION OF RESOURCES.**—The Secretary shall not permit any filming, still photography or other related activity if the Secretary determines that—

“(1) there is a likelihood of resource damage;

“(2) there would be an unreasonable disruption of the public’s use and enjoyment of the site; or

“(3) the activity poses health or safety risks to the public.

“(e) **USE OF PROCEEDS.**—

“(1) **FEES.**—All fees collected under this section shall be available for expenditure by the Secretary, without further appropriation and shall remain available until expended.

“(2) **COSTS.**—All costs recovered under this section shall be available for expenditure by the Secretary, without further appropriation, at the site where the costs are collected and shall remain available until expended.

“(f) **PROCESSING OF PERMIT APPLICATIONS.**—The Secretary shall establish a process to ensure that the Secretary responds in a timely manner to permit applicants for commercial filming, still photography, or other activity.”.

(d) **PUBLIC LAW 111-24.**—Section 512 of Public Law 111-24 (123 Stat. 1764) is amended to read as follows:

##### **“SEC. 512. PROTECTION OF RIGHT OF INDIVIDUALS TO BEAR ARMS**

“(a) **CONGRESSIONAL FINDINGS.**—Congress finds the following:

“(1) The 2d amendment to the Constitution provides that ‘the right of the people to keep and bear Arms, shall not be infringed’.

“(2) Section 27.42 of title 50, Code of Federal Regulations, provides that, except in special circumstances, citizens of the United States may not ‘possess, use, or transport firearms on national wildlife refuges’ of the United States Fish and Wildlife Service.

“(3) The regulations described in paragraph (2) prevent individuals complying with Federal and State laws from exercising the 2d amendment rights of the individuals while at units of the National Wildlife Refuge System.

“(4) The existence of different laws relating to the transportation and possession of firearms at different units of the National Wildlife Refuge System entrapped law-abiding gun owners while at units of the National Wildlife Refuge System.

“(5) Although the Bush administration issued new regulations relating to the 2d amendment rights of law-abiding citizens in units of the National Wildlife Refuge System that went into effect on January 9, 2009—

“(A) on March 19, 2009, the United States District Court for the District of Columbia granted a preliminary injunction with respect to the implementation and enforcement of the new regulations; and

“(B) the new regulations—

“(i) are under review by the Obama administration; and

“(ii) may be altered.

“(6) Congress needs to weigh in on the new regulations to ensure that unelected bureaucrats and judges cannot again override the 2d amendment rights of law-abiding citizens on 90,790,000 acres of land under the jurisdiction of the United States Fish and Wildlife Service.

“(7) Federal laws should make it clear that the 2d amendment rights of an individual at a unit of the National Wildlife Refuge System should not be infringed.

“(b) **PROTECTION OF RIGHT OF INDIVIDUALS TO BEAR ARMS IN UNITS OF THE NATIONAL WILDLIFE REFUGE SYSTEM.**—The Secretary shall not promulgate or enforce any regulation that prohibits an individual from possessing a firearm,

including an assembled or functional firearm, in any unit of the National Wildlife Refuge System if—

“(1) the individual is not otherwise prohibited by law from possessing the firearm; and

“(2) the possession of the firearm is in compliance with the law of the State in which the unit of the National Wildlife Refuge System is located.”.

#### SEC. 5. CONFORMING CROSS-REFERENCES.

(a) TITLE 7, UNITED STATES CODE.—Section 32(e) of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1011(e)) is amended by striking “the Land and Water Conservation Fund Act of 1965 (78 Stat. 897)” and substituting “chapter 2003 of title 54, United States Code”.

(b) TITLE 10, UNITED STATES CODE.—Section 2684(c)(1) of title 10, United States Code, is amended by striking “section 101(a) of the National Historic Preservation Act (16 U.S.C. 470a(a))” and substituting “section 2023.01 of title 54”.

(c) TITLE 15, UNITED STATES CODE.—Section 1072(a)(3)(D) of the Alaska Natural Gas Pipeline Act (15 U.S.C. 720(a)(3)(D)) is amended by striking “the National Historic Preservation Act (16 U.S.C. 470 et seq.)” and substituting “chapter 2003 of title 54, United States Code”.

(d) TITLE 16, UNITED STATES CODE.—(1) Section 6 of Public Law 89-72 (16 U.S.C. 4601-17) is amended—

(A) in subsection (a), by striking “subsection 5(d) of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897)” and substituting “section 200305(d) of title 54, United States Code”; and

(B) in subsection (g), by striking “Subsection 6(a)(2) of the Land and Water Development Fund Act of 1965 (78 Stat. 897)” and substituting “section 200306(a)(3) of title 54, United States Code”.

(2) Section 8 of Public Law 90-540 (16 U.S.C. 460v-7) is amended by striking “section 6 of the Act of September 3, 1964 (78 Stat. 897, 903)” and substituting “section 200306 of title 54, United States Code”.

(3) Section 7(c) of the Springs Mountain National Recreation Area Act (16 U.S.C. 460hhh-5(c)) is amended by striking “section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9)” and substituting “section 100506 of title 54, United States Code”.

(4) Section 5(b) of Public Law 103-64 (16 U.S.C. 460iii-4(b)) is amended by striking “section 7(a) of the Land and Water Conservation Fund Act of 1964 (16 U.S.C. 4601-9(a))” and substituting “section 200306(a) of title 54, United States Code”.

(5) Section 702(a) of the Steens Mountain Cooperative Management and Protection Act of 2000 (16 U.S.C. 460nnn-122(a)) is amended by striking “section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-5)” and substituting “section 200302 of title 54, United States Code”.

(6) Section 4 of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470cc) is amended—

(A) in subsection (h)—

(i) in paragraph (1), by striking “the Act of June 8, 1906 (16 U.S.C. 431-433)” and substituting “chapter 3203 of title 54, United States Code”; and

(ii) in paragraph (2), by striking “the Act of June 8, 1906” each place it appears and substituting “chapter 3203 of title 54, United States Code”; and

(B) in subsection (i), by striking “section 106 of the Act of October 15, 1966 (80 Stat. 917, 16 U.S.C. 470f)” and substituting “section 306108 of title 54, United States Code”.

(7) Section 5 of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470dd) is amended by striking “the Act of June 27, 1960

(16 U.S.C. 469-469c) or the Act of June 8, 1906 (16 U.S.C. 431-433)” and substituting “chapter 3125 or chapter 3203 of title 54, United States Code”.

(8) Section 9(a)(2) of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470hh(a)(2)) is amended by striking “the Act of June 27, 1960 (16 U.S.C. 469-469c)” and substituting “chapter 3125 of title 54, United States Code”.

(9) Section 6311(1) of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 470aaa-10(1)) is amended by striking “Public Law 94-429 (commonly known as the ‘Mining in the Parks Act’ (16 U.S.C. 1901 et seq.))” and substituting “subchapter 3 of chapter 1007 of title 54, United States Code”.

(10) Section 502(h)(1)(B) of the National Parks and Recreation Act of 1998 (16 U.S.C. 471h(h)(1)(B)) is amended by striking “the Land and Water Conservation Fund Act” and substituting “chapter 2003 of title 54, United States Code”.

(11) Section 339(f)(4)(H) of the Department of the Interior and Related Agencies Appropriations Act, 2000 (Public Law 106-113, div. B, §1000(a)(3), title III, 16 U.S.C. 528 note), is amended by striking “Section 4 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-6a)” and substituting “Section 100904 of title 54, United States Code”.

(12) Section 6(d) of the Alaska Land Status Technical Corrections Act of 1992 (Public Law 102-415, 16 U.S.C. 539 note) is amended by striking “section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9)” and substituting “section 100506 of title 54, United States Code”.

(13) Section 2(b) of the Greer Spring Acquisition and Protection Act of 1991 (Public Law 102-220, 16 U.S.C. 539h note) is amended by striking “section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9)” and substituting “section 100506 of title 54, United States Code”.

(14) Section 606 of the Interstate 90 Land Exchange Act of 1998 (Public Law 105-277, div. A, §101(e), title VI, 16 U.S.C. 539k note) is amended—

(A) in subsection (a)(3), by striking “section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9)” and substituting “section 100506 of title 54, United States Code”; and

(B) in subsection (b)(2), by striking “the National Historic Preservation Act” and substituting “division A of subtitle III of title 54, United States Code”; and

(C) in subsection (g)(1), by striking “the National Historic Preservation Act” and substituting “division A of subtitle III of title 54, United States Code”.

(15) Section 6 of Public Law 93-535 (16 U.S.C. 541e) is amended by striking “clause 7(a)(1) of the Act of September 3, 1964 (78 Stat. 903), as amended” and substituting “section 200306(a)(2) of title 54, United States Code”.

(16) Section 14(e)(3)(D)(iii) of the Columbia River Gorge National Scenic Area Act (16 U.S.C. 5441(e)(3)(D)(iii)) is amended by striking “the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-4 through 11)” and substituting “chapter 2003 of title 54, United States Code”.

(17) Section 16(a)(1) of the Columbia River Gorge National Scenic Area Act (16 U.S.C. 544n(a)(1)) is amended by striking “the Land and Water Conservation Fund (16 U.S.C. 4601-4 and following)” and substituting “chapter 2003 of title 54, United States Code”.

(18) Section 3(b) of the Saint Helena Island National Scenic Area Act (16 U.S.C. 546a(b)) is amended by striking “section 8 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9)” and substituting “section 100506 of title 54, United States Code”.

(19) Section 6(a) of the Act of June 22, 1948 (known as the Thye-Blatnik Act) (16 U.S.C. 577h(a)) is amended by striking “the Land and Water Conservation Fund Act (78 Stat. 897), as amended” and substituting “chapter 2003 of title 54, United States Code”.

(20) Section 104(f) of the Valles Caldera Preservation Act (16 U.S.C. 688v-2(f)) is amended by striking “section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9)” and substituting “section 100506 of title 54, United States Code”.

(21) Section 4(a)(3) of the Wilderness Act (16 U.S.C. 1133(a)(3)) is amended—

(A) by striking “the Act of August 25, 1916” and substituting “section 100101(b)(1), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of title 54, United States Code”; and

(B) by striking “the Act of June 8, 1906 (34 Stat. 225; 16 U.S.C. 432 et seq.; section 3(2) of the Federal Power Act (16 U.S.C. 796(2)); and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.)” and substituting “section 3(2) of the Federal Power Act (16 U.S.C. 796(2)); and chapters 3201 and 3203 of title 54, United States Code”.

(22) Section 5 of Public Law 90-454 (16 U.S.C. 1225) is amended by striking “the Land and Water Conservation Fund Act of 1965 (78 Stat. 897)” and substituting “chapter 2003 of title 54, United States Code”.

(23) Section 7(h)(1) of the National Trails System Act (16 U.S.C. 1246(h)(1)) is amended by striking “the Volunteers in the Parks Act of 1969” and substituting “section 102301 of title 54, United States Code”.

(24) Section 8(a) of the National Trails System Act (16 U.S.C. 1247(a)) is amended—

(A) by striking “the Land and Water Conservation Fund Act” and substituting “chapter 2003 of title 54, United States Code”; and

(B) by striking “the Act of October 15, 1966 (80 Stat. 915), as amended” and substituting “division A of subtitle III of title 54, United States Code”; and

(C) by striking “the Act of May 28, 1963 (77 Stat. 49)” and substituting “chapter 2003 of title 54, United States Code”.

(25) Section 9(e)(3) of the National Trails System Act (16 U.S.C. 1248 (e)(3)) is amended by striking “section 2 of the Land and Water Conservation Fund Act of 1965” and substituting “section 200302 of title 54, United States Code”.

(26) Section 10(a)(1) of the National Trails System Act (16 U.S.C. 1249(a)(1)) is amended by striking “the Land and Water Conservation Fund Act (78 Stat. 897), as amended” and substituting “chapter 2003 of title 54, United States Code”.

(27) Section 11(a)(2) of the National Trails System Act (16 U.S.C. 1250(a)(2)) is amended—

(A) by striking “the Volunteers in the Parks Act of 1969” and substituting “section 102301 of title 54, United States Code”; and

(B) by striking “section 6 of the Land and Water Conservation Fund Act of 1965” and substituting “200305 of title 54, United States Code”.

(28) Section 12(4) of the National Trails System Act (16 U.S.C. 1251(4)) is amended by striking “the Land and Water Conservation Fund Act of 1965” and substituting “chapter 2003 of title 54, United States Code”.

(29) Section 2(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1273(a)) is amended by striking “the Land and Water Conservation Act of 1965” and substituting “chapter 2003 of title 54, United States Code”.

(30) Section 7(d) of the Wild and Scenic Rivers Act (16 U.S.C. 1278(d)) is amended by striking “the Land and Water Conservation Fund Act of 1965” and substituting “chapter 2003 of title 54, United States Code”.

(31) Section 11 of the Wild and Scenic Rivers Act (16 U.S.C. 1282) is amended—

(A) in subsection (a), by striking “the Land and Water Conservation Fund Act of 1965 (78 Stat. 897)” and substituting “chapter 2003 of title 54, United States Code”; and

(B) in subsection (b)(2)—

(i) in subparagraph (A), by striking “the Volunteers in the Parks Act of 1969” and substituting “section 102301 of title 54, United States Code,”; and

(ii) in subparagraph (B), by striking “the Land and Water Conservation Fund Act of 1965” and substituting “chapter 2003 of title 54, United States Code”.

(32) Section 5(b) of the Endangered Species Act of 1973 (16 U.S.C. 1534(b)) is amended by striking “the Land and Water Conservation Fund Act of 1965, as amended” and substituting “chapter 2003 of title 54, United States Code”.

(33) Section 815(4) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3125(4)) is amended—

(A) by striking “the National Park Service Organic Act (39 Stat. 535, 16 U.S.C. 1, 2, 3, 4)” and substituting “section 100101(b)(1), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of title 54, United States Code”; and

(B) by adding “or such title” after “such Acts”.

(34) Section 6(a)(6)(C) of the Coastal Barrier Act of 1968 (16 U.S.C. 3505(a)(6)(C)) is amended by striking “the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–4 through 11)” and substituting “chapter 2003 of title 54, United States Code,”.

(35) Section 11 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3710) is amended by striking “Public Law 90–209 (16 U.S.C. 19e et seq.)” and substituting “subchapter II of chapter 1011 of title 54, United States Code”.

(36) Section 805(f)(1) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6804(f)(1)) is amended—

(A) by striking “(16 U.S.C. 4601–6a)”;

(B) by striking “; 16 U.S.C. 5991–5995”.

(37) Section 813 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6812) is amended—

(A) in subsection (A), by striking “(16 U.S.C. 4601–6a et seq.)”;

(B) in subsection (b), by striking “; 16 U.S.C. 4601–6a”;

(C) in subsection (c)—

(i) in paragraph (1), by striking “; 16 U.S.C. 5982”;

(ii) in paragraph (2), by striking “; 16 U.S.C. 5991–5995”;

(D) in subsection (e)—

(i) in paragraph (1), by striking “(16 U.S.C. 4601–6a(i)(1))”;

(ii) in paragraph (2), by striking “; 16 U.S.C. 5991–5995”;

(iii) in paragraph (3), by striking “; 16 U.S.C. 4601–6a”.

(e) TITLE 20, UNITED STATES CODE.—

(1) Section 2 of the Act of August 15, 1949 (20 U.S.C. 78a) is amended by striking “the Act of June 8, 1906 (16 U.S.C. 432, 433)” and substituting “section 1866(b) of title 18, United States Code, and sections 320302 and 320303 of title 54, United States Code”.

(2) Section 1517(a)(3) of the American Indian, Alaska Native, and Native Hawaiian Culture and Art Development Act (20 U.S.C. 4424(a)(3)) is amended by striking “the National Historic Preservation Act (16 U.S.C. 470 et seq.)” and substituting “division A of subtitle III of title 54, United States Code”.

(3) Section 7202(13)(E) of the Native Hawaiian Education Act (20 U.S.C. 7512(13)(D)) is amended by striking “the National Historic Preservation Act (16 U.S.C. 470 et seq.)” and substituting “division A of subtitle III of title 54, United States Code”.

(f) TITLE 23, UNITED STATES CODE.—

(1) Section 103(c)(5) of title 23, United States Code, is amended—

(A) in subparagraph (B), by striking “section 106 of the National Historic Preservation Act (16 U.S.C. 470f)” and substituting “section 306108 of title 54”; and

(B) in subparagraph (C), by striking “section 106 of the National Historic Preservation Act (16 U.S.C. 470f)” and substituting “section 306108 of title 54”.

(2) Section 133(e)(5)(B) of title 23, United States Code, is amended—

(A) by striking “title II of the National Historic Preservation Act (16 U.S.C. 470i et seq.)” and substituting “section 304101 of title 54”; and

(B) by striking “section 106 of such Act (16 U.S.C. 470f)” and substituting “section 306108 of title 54”.

(3) Section 138(b)(2)(A) of title 23, United States Code, is amended by striking “section 106 of the National Historic Preservation Act (16 U.S.C. 470f)” and substituting “section 306108 of title 54”.

(4) Section 206 of title 23, United States Code, is amended—

(A) in subsection (d)(1)(B), by striking “the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–4 et seq.)” and substituting “chapter 2003 of title 54”; and

(B) in subsection (d)(2)(D)(ii), by striking “the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–4 et seq.)” and substituting “chapter 2003 of title 54”; and

(C) in subsection (h)(3), by striking “section 6(f)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–8(f)(3))” and substituting “section 200305(f)(3) of title 54”.

(g) TITLE 25, UNITED STATES CODE.—Section 509(a) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458aaa–8(a)) is amended by striking “the National Historic Preservation Act (16 U.S.C. 470et seq.)” and substituting “division A of subtitle III of title 54, United States Code”.

(h) TITLE 26, UNITED STATES CODE.—Section 9503(c)(3)(A)(i) of the Internal Revenue Code of 1986 (26 U.S.C. 9503(c)(3)(A)(i)) is amended by striking “title I of the Land and Water Conservation Fund Act of 1965” and substituting “chapter 2003 of title 54”.

(i) TITLE 36, UNITED STATES CODE.—Section 153513(a)(1) of title 36, United States Code, is amended by striking “the Act of August 25, 1916 (16 U.S.C. 1 et seq.) (known as the National Park Service Organic Act)” and substituting “section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of title 54, United States Code”.

(j) TITLE 40, UNITED STATES CODE.—

(1) Section 549(c)(3)(B)(ix) of title 40, United States Code, is amended—

(A) by striking “section 308(e)(2) of the National Historic Preservation Act (16 U.S.C. 470w–7(e)(2))” and substituting “section 305101(4) of title 54”; and

(B) by striking “subsection (b) of that section” and substituting “section 305103 of title 54”.

(2) Section 550(h)(1)(B) of title 40, United States Code, is amended by striking “section 3 of the Act of August 21, 1935 (16 U.S.C. 463) (known as the Historic Sites, Buildings, and Antiquities Act)” and substituting “section 102303 of title 54”.

(3) Section 1303(c) of title 40, United States Code, is amended by striking “the Act of August 21, 1935 (16 U.S.C. 461 et seq.) (known as the Historic Sites, Buildings, and Antiquities Act)” and substituting “chapter 3201 of title 54”.

(4) Section 1314(a)(2)(A)(ii) of title 40, United States Code, is amended by striking “the Act of August 25, 1916 (16 U.S.C. 1, 2, 3, 4) (known as the National Park Service Organic Act)” and

substituting “section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of title 54”.

(5) Section 3303(c) of title 40, United States Code, is amended by striking “title II of the National Historic Preservation Act (16 U.S.C. 470i et seq.)” and substituting “section 304101 of title 54”.

(6) Section 3306(a)(4) of title 40, United States Code, is amended by striking “section 101 of the National Historic Preservation Act (16 U.S.C. 470a)” and substituting “chapter 3021 of title 54”.

(7) Section 14507(a)(1)(A)(ii) of title 40, United States Code, is amended by striking “the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–4 et seq.)” and substituting “chapter 2003 of title 54”.

(k) TITLE 42, UNITED STATES CODE.—

(1) Section 303(2) of the Water Resources Planning Act (42 U.S.C. 1962c–2(2)) is amended by striking “the Land and Water Conservation Fund Act of 1965” and substituting “chapter 2003 of title 54, United States Code”.

(2) Section 208(2) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3338(2)) is amended by striking “section 5(e) of the Land and Water Conservation Fund Act of 1965” and substituting “section 200305(e) of title 54, United States Code”.

(3) Section 5(c) of the Department of Housing and Urban Development Act (42 U.S.C. 3534(c)) is amended by striking “the Land and Water Conservation Fund Act of 1965 (78 Stat. 897)” and substituting “chapter 2003 of title 54, United States Code”.

(4) Section 121 of the Housing and Community Development Act of 1974 (42 U.S.C. 5320) is amended—

(A) by amending subsection (a) to read as follows:

“(a) With respect to applications for assistance under section 5318 of this title, the Secretary of the Interior, after consulting with the Secretary, shall prescribe and implement regulations concerning projects funded under section 5318 of this title and their relationship with division A of subtitle III and chapter 3125 of title 54, United States Code.”;

and

(B) in subsection (c), by striking “section 106 of the Act referred to in subsection (a)(1)” and substituting “section 306108 of title 54, United States Code”.

(5) Section 504(c)(2) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12204(c)(2)) is amended by striking “the National Historic Preservation Act (16 U.S.C. 470 et seq.)” and substituting “division A of subtitle III of title 54, United States Code”.

(6) Section 999H(c)(2) of the Energy Policy Act of 2005 Energy Research, Development, Demonstration, and Commercial Application Act of 2005 (42 U.S.C. 16378(c)(2)) is amended—

(A) in subparagraph (B), by striking “section 2(c) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–5(c))” and substituting “section 200302(c) of title 54, United States Code”; and

(B) in subparagraph (C), by striking “section 108 of the National Historic Preservation Act (16 U.S.C. 470h)” and substituting “chapter 3031 of title 54, United States Code”.

(l) TITLE 43, UNITED STATES CODE.—

(1) The second paragraph under the heading “ADMINISTRATIVE PROVISIONS” under the heading “BUREAU OF RECLAMATION” (43 U.S.C. 377b) is amended by striking “the Acts of August 21, 1935 (16 U.S.C. 461–467) and June 27 1960 (16 U.S.C. 469)” and substituting “chapters 3125 and 3201 of title 54, United States Code”.

(2) Section 105 of the Gulf of Mexico Energy Security Act of 2006 (Public Law 109–432, div. C, title I, 43 U.S.C. 1331 note) is amended—

(A) in subsection (a)(2)(B)—

(i) by striking “section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–8)” and substituting “section 200305 of title 54, United States Code”; and

(ii) by striking “section 2 of that Act (16 U.S.C. 460l–5)” and substituting “section 200302 of that title”; and

(B) in subsection (e)(3)(B), by striking “the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4 et seq.)” and substituting “chapter 2003 of title 54, United States Code”.

(3) Section 1401(b) of the Omnibus Budget Reconciliation Act of 1981 (43 U.S.C. 1457a(b)) is amended—

(A) by striking “the Land and Water Conservation Fund Act of 1965 (78 Stat. 897; 16 U.S.C. 460z)” and substituting “chapter 2003 of title 54, United States Code”; and

(B) by striking “the National Historic Preservation Act of 1966 (80 Stat. 915; 16 U.S.C. 470)” and substituting “division A of subtitle III of title 54, United States Code”; and

(C) by striking “the Urban Park and Recreation Recovery Act of 1978 (92 Stat. 3538; 16 U.S.C. 2501, et seq.)” and substituting “chapter 2005 of title 54, United States Code”.

(4) The paragraph under the heading “NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION FUND” under the heading “UNITED STATES FISH AND WILDLIFE SERVICE” in Public Law 103–138 (43 U.S.C. 1474b–1) is omitted by striking “the Act of July 27, 1990 (Public Law 101–337)” and substituting “subchapter II of chapter 1007 of title 54, United States Code”.

(5) Section 7(e)(3) of the Colorado River Floodway Protection Act (43 U.S.C. 1600e(e)(3)) is amended by striking “the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4 through 11)” and substituting “chapter 2003 of title 54, United States Code”.

(6) Section 202(c)(9) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712(c)(9)) is amended by striking “the Act of September 3, 1964 (78 Stat. 897), as amended” and substituting “chapter 2003 of title 54, United States Code”.

(7) Section 204(j) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1714(j)) is amended by striking “the Act of June 8, 1906 (34 Stat. 225; 16 U.S.C. 431–433)” and substituting “chapter 3203 of title 54, United States Code”.

(8) Section 201(d)(3)(E) of the Consolidated Natural Resources Act of 2008 (43 U.S.C.

1786(d)(3)(E)) is amended by striking “the National Historic Preservation Act (16 U.S.C. 470 et seq.)” and substituting “division A of subtitle III of title 54, United States Code”.

(9) Section 206 of the Federal Land Trans-action Facilitation Act (43 U.S.C. 2305) is amended—

(A) in subsection (e), by striking “the Land and Water Conservation Fund Act (16 U.S.C. 460l–4 et seq.)” and substituting “chapter 2003 of title 54, United States Code”; and

(B) in subsection (f)(2), by striking “section 3 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6)” and substituting “section 200303 of title 54, United States Code”.

(m) TITLE 45, UNITED STATES CODE.—

(1) Section 1168(a) of the Omnibus Budget Reconciliation Act of 1981 (45 U.S.C. 1111(a)) is amended by striking “the National Historic Preservation Act” and substituting “division A of subtitle III of title 54, United States Code”.

(2) Section 613(a) of the Alaska Railroad Transfer Act of 1982 (45 U.S.C. 1212(a)) is amended by striking “the National Historic Preservation Act (16 U.S.C. 470 et seq.)” and substituting “division A of subtitle III of title 54, United States Code”.

(n) TITLE 46, UNITED STATES CODE.—Section 13102(b)(2) of title 46, United States Code, is amended by striking “the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4–460–11)” and substituting “chapter 2003 of title 54, United States Code”.

(o) TITLE 48, UNITED STATES CODE.—

(1) Section 105(l) of Public Law 99–239 (known as the Compact of Free Association Amendments Act of 2003) (48 U.S.C. 1905(l)) is amended by striking “the National Historic Preservation Act (80 Stat. 915; 16 U.S.C. 470–470t)” and substituting “division A of subtitle III of title 54, United States Code”.

(2) Section 105(j) of Public Law 108–188 (known as the Compact of Free Association Act of 1985) (48 U.S.C. 1921(d)) is amended by striking “the National Historic Preservation Act (80 Stat. 915; 16 U.S.C. 470–470t)” and substituting “division A of subtitle III of title 54, United States Code”.

(p) TITLE 49, UNITED STATES CODE.—Section 303(d)(2) of title 49, United States Code, is amended by striking “section 106 of the National Historic Preservation Act (16 U.S.C. 470f)” and substituting “section 306108 of title 54, United States Code”.

## SEC. 6. TRANSITIONAL AND SAVINGS PROVISIONS.

(a) DEFINITIONS.—In this section:

(1) SOURCE PROVISION.—The term “source provision” means a provision of law that is replaced by a title 54 provision.

(2) TITLE 54 PROVISION.—The term “title 54 provision” means a provision of title 54, United States Code, that is enacted by section 3.

(b) CUTOFF DATE.—The title 54 provisions replace certain provisions of law enacted on or before January 3, 2012. If a law enacted after that date amends or repeals a source provision, that law is deemed to amend or repeal, as the case may be, the corresponding title 54 provision. If a law enacted after that date is otherwise inconsistent with a title 54 provision or a provision of this Act, that law supersedes the title 54 provision or provision of this Act to the extent of the inconsistency.

(c) ORIGINAL DATE OF ENACTMENT UNCHANGED.—For purposes of determining whether one provision of law supersedes another based on enactment later in time, a title 54 provision is deemed to have been enacted on the date of enactment of the source provision that the title 54 provision replaces.

(d) REFERENCES TO TITLE 54 PROVISIONS.—A reference to a title 54 provision is deemed to refer to the corresponding source provision.

(e) REFERENCES TO SOURCE PROVISIONS.—A reference to a source provision, including a reference in a regulation, order, or other law, is deemed to refer to the corresponding title 54 provision.

(f) REGULATIONS, ORDERS, AND OTHER ADMINISTRATIVE ACTIONS.—A regulation, order, or other administrative action in effect under a source provision continues in effect under the corresponding title 54 provision.

(g) ACTIONS TAKEN AND OFFENSES COMMITTED.—An action taken or an offense committed under a source provision is deemed to have been taken or committed under the corresponding title 54 provision.

## SEC. 7. REPEALS.

The following provisions of law are repealed, except with respect to rights and duties that matured, penalties that were incurred, or proceedings that were begun before the date of enactment of this Act:

### Schedule of Laws Repealed

Act	Section	United States Code Former Classification
Act of February 15, 1901 (ch. 372 relating to System units) .....	.....	16 U.S.C. 79.
Act of June 8, 1906 (ch. 3060) .....	1 .....	16 U.S.C. 433.
.....	2 .....	16 U.S.C. 431.
.....	3 .....	16 U.S.C. 432.
.....	4 .....	16 U.S.C. 432.
Act of March 4, 1911 (ch. 238 (4th and last paragraphs (relating to System units) under heading “IMPROVEMENT OF THE NATIONAL FOREST” under heading “FOREST SERVICE”) .....	.....	16 U.S.C. 5.
Act of August 25, 1916 (ch. 408) .....	1 .....	16 U.S.C. 1.
.....	2 .....	16 U.S.C. 2.
.....	3 .....	16 U.S.C. 3.
.....	4 .....	16 U.S.C. 4.
Act of June 12, 1917 (ch. 27) .....	1 (21st undesignated paragraph under heading “NATIONAL PARKS”) .....	16 U.S.C. 452.
Act of June 5, 1920 (ch. 235) .....	1 (2d undesignated paragraph under heading “NATIONAL PARKS”) .....	16 U.S.C. 6.
Act of May 24, 1922 (ch. 199) .....	(1st sentence in 9th undesignated paragraph under heading “NATIONAL PARKS”) .....	16 U.S.C. 452.
Act of April 9, 1924 (ch. 86) .....	1 .....	16 U.S.C. 8.
.....	4 .....	16 U.S.C. 8a.
.....	5 .....	16 U.S.C. 8b.
.....	6 .....	16 U.S.C. 8c.

## Schedule of Laws Repealed—Continued

Act	Section	United States Code Former Classification
<i>Act of May 10, 1926 (ch. 277)</i> .....	<i>1 (28th undesignated paragraph under heading "NATIONAL PARKS").</i>	16 U.S.C. 456.
	<i>1 (last undesignated paragraph under heading "NATIONAL PARKS").</i>	16 U.S.C. 11.
<i>Act of June 11, 1926 (ch. 555)</i> .....	<i>1</i> .....	16 U.S.C. 455.
	<i>2</i> .....	16 U.S.C. 455a.
	<i>3</i> .....	16 U.S.C. 455b.
	<i>4</i> .....	16 U.S.C. 455c.
<i>Act of July 3, 1926 (ch. 792)</i> .....	<i>1</i> .....	16 U.S.C. 12.
	<i>2</i> .....	16 U.S.C. 13.
<i>Act of February 1, 1928 (ch. 15)</i> .....		16 U.S.C. 457.
<i>Act of March 7, 1928 (ch. 137)</i> .....	<i>1 (28th undesignated paragraph under heading "NATIONAL PARK SERVICE").</i>	16 U.S.C. 15.
<i>Act of March 8, 1928 (ch. 152)</i> .....		16 U.S.C. 458.
<i>Act of April 18, 1930 (ch. 187)</i> .....		16 U.S.C. 16.
<i>Act of May 26, 1930 (ch. 324)</i> .....	<i>1</i> .....	16 U.S.C. 17.
	<i>3</i> .....	16 U.S.C. 17b.
	<i>4</i> .....	16 U.S.C. 17c.
	<i>5</i> .....	16 U.S.C. 17d.
	<i>6</i> .....	16 U.S.C. 17e.
	<i>7</i> .....	16 U.S.C. 17f.
	<i>8</i> .....	16 U.S.C. 17g.
	<i>9</i> .....	16 U.S.C. 17h.
	<i>10</i> .....	16 U.S.C. 17i.
	<i>11</i> .....	16 U.S.C. 17j.
<i>Act of March 4, 1931 (ch. 522)</i> .....	<i>title I (proviso in last undesignated paragraph under heading "NATIONAL PARK SERVICE").</i>	16 U.S.C. 9a.
<i>Act of March 2, 1933 (ch. 180)</i> .....	<i>1</i> .....	16 U.S.C. 9a.
<i>Act of May 9, 1935 (ch. 101)</i> .....	<i>1 (34th undesignated paragraph under heading "NATIONAL PARK SERVICE").</i>	16 U.S.C. 14b, 456a.
<i>Act of August 21, 1935 (ch. 593)</i> .....	<i>1</i> .....	16 U.S.C. 461.
	<i>2</i> .....	16 U.S.C. 462.
	<i>3</i> .....	16 U.S.C. 463.
	<i>4</i> .....	16 U.S.C. 464.
	<i>5</i> .....	16 U.S.C. 465.
	<i>6</i> .....	16 U.S.C. 466.
	<i>7</i> .....	16 U.S.C. 467.
<i>Act of June 23, 1936 (ch. 735)</i> .....	<i>1</i> .....	16 U.S.C. 17k.
	<i>2</i> .....	16 U.S.C. 17l.
	<i>3</i> .....	16 U.S.C. 17m.
	<i>4</i> .....	16 U.S.C. 17n.
<i>Act of May 10, 1939 (ch. 119)</i> .....	<i>1 (41st undesignated paragraph under heading "NATIONAL PARK SERVICE").</i>	16 U.S.C. 14a.
<i>Act of June 18, 1940 (ch. 395)</i> .....	<i>1 (proviso in 3d undesignated paragraph under heading "NATIONAL PARK SERVICE").</i>	16 U.S.C. 17j–1.
<i>Act of August 27, 1940 (ch. 690)</i> .....	<i>1</i> .....	16 U.S.C. 458a.
<i>Act of June 28, 1941 (ch. 259)</i> .....	<i>1 (41st undesignated paragraph under heading "NATIONAL PARK SERVICE").</i>	16 U.S.C. 14c.
<i>Act of August 7, 1946 (ch. 788)</i> .....	<i>(b) through (g)</i> .....	16 U.S.C. 17j–2(b) through (g).
	<i>(i), (j)</i> .....	16 U.S.C. 17j–2(i), (j).
<i>Act of June 3, 1948 (ch. 401)</i> .....	<i>1</i> .....	16 U.S.C. 8e.
	<i>2</i> .....	16 U.S.C. 8f.
<i>Act of October 26, 1949 (ch. 755)</i> .....	<i>1</i> .....	16 U.S.C. 468.
	<i>2</i> .....	16 U.S.C. 468a.
	<i>3</i> .....	16 U.S.C. 468b.
	<i>4</i> .....	16 U.S.C. 468c.
	<i>5</i> .....	16 U.S.C. 468d.
<i>Act of March 18, 1950 (ch. 72)</i> .....	<i>1</i> .....	16 U.S.C. 7a.
	<i>2</i> .....	16 U.S.C. 7b.
	<i>3</i> .....	16 U.S.C. 7c.
	<i>4</i> .....	16 U.S.C. 7d.
	<i>5</i> .....	16 U.S.C. 7e.
<i>Act of September 14, 1950 (ch. 950)</i> .....	<i>1 (last sentence proviso relating to national monuments).</i>	16 U.S.C. 431a.
	<i>1 (last sentence proviso relating to national parks).</i>	16 U.S.C. 451a.
	<i>1 (less (3))</i> .....	16 U.S.C. 1b (less (3)).
<i>Act of August 8, 1953 (ch. 384)</i> .....	<i>2</i> .....	16 U.S.C. 1c.
	<i>3</i> .....	16 U.S.C. 1d.

## Schedule of Laws Repealed—Continued

Act	Section	United States Code Former Classification
<i>Act of August 31, 1954 (ch. 1163)</i> .....	.....	16 U.S.C. 452a.
<i>Act of July 1, 1955 (ch. 259)</i> .....	1 .....	16 U.S.C. 18f.
	2 .....	16 U.S.C. 18f-2.
	3 .....	16 U.S.C. 18f-3.
<i>Public Law 86-523</i> .....	2 .....	16 U.S.C. 469a.
	3 .....	16 U.S.C. 469a-1.
	4 .....	16 U.S.C. 469a-2.
	5 .....	16 U.S.C. 469a-3.
	6 .....	16 U.S.C. 469b.
	7 .....	16 U.S.C. 469c.
<i>Public Law 87-608</i> .....	8 .....	16 U.S.C. 469c-1.
<i>Public Law 88-29</i> .....	.....	16 U.S.C. 3b.
	1 .....	16 U.S.C. 460l.
	2 .....	16 U.S.C. 460l-1.
	3 .....	16 U.S.C. 460l-2.
	4 .....	16 U.S.C. 460l-3.
<i>Land and Water Conservation Fund Act of 1965 (Pub. L. 88-578)</i> .....	title 1, § 2 .....	16 U.S.C. 460l-5.
	title 1, § 3 .....	16 U.S.C. 460l-6.
	title 1, § 4(i)(1)(C) .....	16 U.S.C. 460l-6a(i)(1)(C).
	title 1, § 4(j) through (n) .....	16 U.S.C. 460l-6a(j) through (n).
	title 1, § 5 .....	16 U.S.C. 460l-7.
	title 1, § 6 .....	16 U.S.C. 460l-8.
	title 1, § 7 .....	16 U.S.C. 460l-9.
	title 1, § 8 .....	16 U.S.C. 460l-10.
	title 1, § 9 .....	16 U.S.C. 460l-10a.
	title 1, § 10 .....	16 U.S.C. 460l-10b.
	title 1, § 11 .....	16 U.S.C. 460l-10c.
	title 1, § 12 .....	16 U.S.C. 460l-10d.
	title 1, § 13 .....	16 U.S.C. 460l-10e.
<i>National Historic Preservation Act (Pub. L. 89-665)</i> .....	title II, § 201 .....	16 U.S.C. 460l-11.
	2 .....	16 U.S.C. 470-1.
	101 .....	16 U.S.C. 470a.
	102 .....	16 U.S.C. 470b.
	103 .....	16 U.S.C. 470c.
	104 .....	16 U.S.C. 470d.
	105 .....	16 U.S.C. 470e.
	106 .....	16 U.S.C. 470f.
	107 .....	16 U.S.C. 470g.
	108 .....	16 U.S.C. 470h.
	109 .....	16 U.S.C. 470h-1.
	110 .....	16 U.S.C. 470h-2.
	111 .....	16 U.S.C. 470h-3.
	112 .....	16 U.S.C. 470h-4.
	113 .....	16 U.S.C. 470h-5.
	201 .....	16 U.S.C. 470i.
	202 .....	16 U.S.C. 470j.
	203 .....	16 U.S.C. 470k.
	204 .....	16 U.S.C. 470l.
	205 .....	16 U.S.C. 470m.
	206 .....	16 U.S.C. 470n.
	207 .....	16 U.S.C. 470o.
	208 .....	16 U.S.C. 470p.
	209 .....	16 U.S.C. 470q.
	210 .....	16 U.S.C. 470r.
	211 .....	16 U.S.C. 470s.
	212 .....	16 U.S.C. 470t.
	213 .....	16 U.S.C. 470u.
	214 .....	16 U.S.C. 470v.
	215 .....	16 U.S.C. 470v-1.
	216 .....	16 U.S.C. 470v-2.
	301 .....	16 U.S.C. 470w.
	302 .....	16 U.S.C. 470w-1.
	303 .....	16 U.S.C. 470w-2.
	304 .....	16 U.S.C. 470w-3.
	305 .....	16 U.S.C. 470w-4.
	306 .....	16 U.S.C. 470w-5.
	307 .....	16 U.S.C. 470w-6.
	308 .....	16 U.S.C. 470w-7.
	309 .....	16 U.S.C. 470w-8.
	401 .....	16 U.S.C. 470x.
	402 .....	16 U.S.C. 470x-1.
	403 .....	16 U.S.C. 470x-2.
	404 .....	16 U.S.C. 470x-3.
	405 .....	16 U.S.C. 470x-4.
	406 .....	16 U.S.C. 470x-5.
	407 .....	16 U.S.C. 470x-6.
<i>Demonstration Cities and Metropolitan Development Act of 1966 (Pub. L. 89-754)</i> .....	603 .....	16 U.S.C. 470b-1.
<i>Public Law 90-209</i> .....	1 .....	16 U.S.C. 19e.
	2 .....	16 U.S.C. 19f.
	3 .....	16 U.S.C. 19g.
	4 .....	16 U.S.C. 19h.
	5 .....	16 U.S.C. 19i.
	6 .....	16 U.S.C. 19j.
	7 .....	16 U.S.C. 19k.
	8 .....	16 U.S.C. 19l.
	9 .....	16 U.S.C. 19m.
	10 .....	16 U.S.C. 19n.
	11 .....	16 U.S.C. 19o.
<i>Public Law 90-401</i> .....	5 .....	16 U.S.C. 460l-22.



## Schedule of Laws Repealed—Continued

Act	Section	United States Code Former Classification
<i>Volunteers in the Parks Act of 1969 (Pub. L. 91-357)</i> .....	1 .....	16 U.S.C. 18g.
	2 .....	16 U.S.C. 18h.
	3 .....	16 U.S.C. 18i.
	4 .....	16 U.S.C. 18j.
<i>Public Law 91-383</i> .....	1 .....	16 U.S.C. 1a-1.
	3 .....	16 U.S.C. 1a-2.
	6 .....	16 U.S.C. 1a-3.
	7 .....	16 U.S.C. 1a-4.
	8 .....	16 U.S.C. 1a-5.
	10 .....	16 U.S.C. 1a-6.
	12 .....	16 U.S.C. 1a-7.
	13 .....	16 U.S.C. 1a-7a.
<i>Public Law 94-429</i> .....	1 .....	16 U.S.C. 1901.
	2 .....	16 U.S.C. 1902.
	4 .....	16 U.S.C. 1903.
	5 .....	16 U.S.C. 1904.
	6 .....	16 U.S.C. 1905.
	7 .....	16 U.S.C. 1906.
	8 .....	16 U.S.C. 1907.
	9 .....	16 U.S.C. 1908.
	10 .....	16 U.S.C. 1909.
	11 .....	16 U.S.C. 1910.
	12 .....	16 U.S.C. 1911.
	13 .....	16 U.S.C. 1912.
<i>Public Law 95-344</i> .....	title III, § 302 .....	16 U.S.C. 2302.
	title III, § 303 .....	16 U.S.C. 2303.
	title III, § 304 .....	16 U.S.C. 2304.
	title III, § 305 .....	16 U.S.C. 2305.
	title III, § 306 .....	16 U.S.C. 2306.
<i>Urban Park and Recreation Recovery Act of 1978 (Pub. L. 95-625)</i> .....	title X, § 1004 .....	16 U.S.C. 2503.
	title X, § 1005 .....	16 U.S.C. 2304.
	title X, § 1006 .....	16 U.S.C. 2305.
	title X, § 1007 .....	16 U.S.C. 2306.
	title X, § 1008 .....	16 U.S.C. 2307.
	title X, § 1009 .....	16 U.S.C. 2308.
	title X, § 1010 .....	16 U.S.C. 2309.
	title X, § 1011 .....	16 U.S.C. 2310.
	title X, § 1012 .....	16 U.S.C. 2311.
	title X, § 1013 .....	16 U.S.C. 2312.
	title X, § 1014 .....	16 U.S.C. 2313.
	title X, § 1015 .....	16 U.S.C. 2314.
<i>Public Law 96-199</i> .....	title I, § 120 .....	16 U.S.C. 467b.
<i>National Historic Preservation Act Amendments of 1980 (Pub. L. 96-515)</i> .....	208 .....	16 U.S.C. 469c-2.
	401 .....	16 U.S.C. 470a-1.
	402 .....	16 U.S.C. 470a-2.
<i>Public Law. 98-473</i> .....	title I, § 101(c) [title I, § 100].	16 U.S.C. 1e.
<i>Public Law 98-540</i> .....	4(a) .....	16 U.S.C. 1a-8(a).
<i>International Security and Development Cooperation Act of 1985 (Pub. L. 99-83)</i> .....	1303 .....	16 U.S.C. 469j.
<i>Public Law 101-337</i> .....	1 .....	19jj.
	2 .....	19jj-1.
	3 .....	19jj-2.
	4 .....	19jj-3.
	5 .....	19jj-4.
<i>Public Law 101-628</i> .....	title XII, § 1213 .....	16 U.S.C. 1a-9.
	title XII, § 1214 .....	16 U.S.C. 1a-10.
	title XII, § 1215 .....	16 U.S.C. 1a-11.
	title XII, § 1216 .....	16 U.S.C. 1a-12.
	title XII, § 1217 .....	16 U.S.C. 1a-13.
<i>Department of the Interior and Related Agencies Appropriations Act, 1993 (Pub. L. 102-381)</i> .....	title I (1st proviso in paragraph under heading “ADMINISTRATIVE PROVISIONS” under heading “NATIONAL PARK SERVICE”).	16 U.S.C. 14d.
<i>Public Law 102-525</i> .....	title III, § 301 .....	16 U.S.C. 1a-14.
<i>Department of the Interior and Related Agencies Appropriations Act, 1994 (Pub. L. 103-138)</i> .....	title I (3d proviso in paragraph under heading “ADMINISTRATIVE PROVISIONS” under heading “NATIONAL PARK SERVICE”).	16 U.S.C. 3a.
<i>National Maritime Heritage Act of 1994 (Pub. L. 103-451)</i> .....	3 .....	16 U.S.C. 5402.
	4 .....	16 U.S.C. 5403.
	5 .....	16 U.S.C. 5404.
	6 .....	16 U.S.C. 5405.
	7 .....	16 U.S.C. 5406.
	8 .....	16 U.S.C. 5407.
	9 .....	16 U.S.C. 5408.
<i>Omnibus Consolidated Appropriations Act, 1997 (Pub. L. 104-208)</i> .....	div. A, title I, § 101(d) [title I (3d undesignated paragraph under heading “ADMINISTRATIVE PROVISIONS” under heading “NATIONAL PARK SERVICE”)].	16 U.S.C. 1g.
<i>Omnibus Parks and Public Lands Management Act of 1996 (Pub. L. 104-333)</i> .....	div. I, title VI, § 604 .....	16 U.S.C. 469k.

Act	Section	United States Code Former Classification
<i>National Underground Railroad Network to Freedom Act of 1998 (Pub. L. 105–203)</i> .....	<i>div. I, title VIII, § 814(a)(2) through (19).</i> <i>div. I, title VIII, § 814(g)</i> 3 .....	16 U.S.C. 170(2) through (19). 16 U.S.C. 1f. 16 U.S.C. 469f–1.
<i>Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Pub. L. 105–261)</i> .....	4 .....	16 U.S.C. 469f–2.
<i>National Parks Omnibus Management Act of 1998 (Pub. L. 105–391)</i> .....	5 .....	16 U.S.C. 469f–3.
	<i>div. A, title X, § 1068</i> .....	16 U.S.C. 5409.
	2 .....	16 U.S.C. 5901.
	101 .....	16 U.S.C. 5911.
	102 .....	16 U.S.C. 5912.
	103 .....	16 U.S.C. 5913.
	104 .....	16 U.S.C. 5914.
	201 .....	16 U.S.C. 5931.
	202 .....	16 U.S.C. 5932.
	203 .....	16 U.S.C. 5933.
	204 .....	16 U.S.C. 5934.
	205 .....	16 U.S.C. 5935.
	206 .....	16 U.S.C. 5936.
	207 .....	16 U.S.C. 5937.
	402 .....	16 U.S.C. 5951.
	403 .....	16 U.S.C. 5952.
	404 .....	16 U.S.C. 5953.
	405 .....	16 U.S.C. 5954.
	406 .....	16 U.S.C. 5955.
	407 .....	16 U.S.C. 5956.
	408 .....	16 U.S.C. 5957.
	409 .....	16 U.S.C. 5958.
	410 .....	16 U.S.C. 5959.
	411 .....	16 U.S.C. 5960.
	412 .....	16 U.S.C. 5961.
	413 .....	16 U.S.C. 5962.
	414 .....	16 U.S.C. 5963.
	416 .....	16 U.S.C. 5964.
	417 .....	16 U.S.C. 5965.
	418 .....	16 U.S.C. 5966.
	501 .....	16 U.S.C. 5981.
	801 .....	16 U.S.C. 6011.
<i>Public Law 106–206</i> .....	1 (relating to National Park System).	16 U.S.C. 460l–6d (relating to National Park System).
<i>Department of the Interior and Related Agencies Appropriations Act, 2002 (Pub. L. 107–63)</i> .....	<i>title I (paragraph under heading “CONTRIBUTION FOR ANNUITY BENEFITS” under heading “NATIONAL PARK SERVICE”).</i>	16 U.S.C. 14e.
<i>Consolidated Appropriations Resolution, 2003 (Pub. L. 108–7)</i> .....	<i>div. F, title I (words before proviso in last undesignated paragraph under heading “ADMINISTRATIVE PROVISIONS” under heading “NATIONAL PARK SERVICE”).</i> <i>div. F, title I (proviso in last undesignated paragraph under heading “ADMINISTRATIVE PROVISIONS” under heading “NATIONAL PARK SERVICE”).</i>	16 U.S.C. 1h. 16 U.S.C. 1i.
<i>Consolidated Appropriations Act of 2008 (Pub. L. 110–161)</i> .....	<i>div. F, title I (1st paragraph under heading “ADMINISTRATIVE PROVISIONS” under heading “NATIONAL PARK SERVICE”).</i>	16 U.S.C. 5954 note.
<i>Consolidated Natural Resources Act of 2008 (Pub. L. 110–229)</i> .....	<i>title III, subtitle A, § 301</i>	16 U.S.C. 1j.
<i>Omnibus Public Land Management Act of 2009 (Pub. L. 111–11)</i> .....	<i>title VII, subtitle B, § 7111(b).</i> <i>title VII, subtitle B, § 7111(c).</i> <i>title VII, subtitle D, § 7301(b), (c).</i> <i>title VII, subtitle D, § 7302(b) through (f).</i> <i>title VII, subtitle D, § 7303.</i>	16 U.S.C. 469m(b). 16 U.S.C. 469m(c). 16 U.S.C. 469k–1(b), (c). 16 U.S.C. 469n(b) through (f). 16 U.S.C. 469o.
<i>Credit Card Accountability Responsibility and Disclosure Act of 2009 (Pub. L. 111–24)</i> .....	<i>title V, § 512 (relating to National Park System).</i>	16 U.S.C. 1a–7b (relating to National Park System).

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within

which to revise and extend their remarks and include extraneous materials on H.R. 1950, as amended, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the rules of the House entrust to the Judiciary Committee the responsibilities of revision and codification of the statutes of the United States. This power does not give our committee substantive legislative jurisdiction over all areas of law; it merely confers the authority to organize duly enacted laws into an efficient codification system.

The nonpartisan Office of the Law Revision Counsel is responsible for properly codifying public laws into titles and sections of the United States Code. From time to time, that office provides the Judiciary Committee advice as to how to enact a more user-friendly and cohesive statutory system.

This spring, Republican and Democratic committee staff worked cooperatively with the Office of the Law Revision Counsel to develop H.R. 1950. The bill creates a new title of positive law—title 54—to compile all of the laws that relate to the National Park System.

Codification bills do not make any substantive changes to existing law. Before the Judiciary Committee marked up H.R. 1950, industries, government, and interested parties commented on the draft. Based on their comments, I offered a manager's amendment in committee to further ensure this bill makes no changes to substantive law.

I encourage my colleagues to support this bill, and I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 1950. Dating back to the mid-19th century, numerous laws have been enacted pertaining to the organization and management of the National Park System by the National Park Service.

The Service is also responsible for carrying out the Historic Sites, Buildings, and Antiquities Act, the National Historic Preservation Act, and other laws relating to the protection and preservation of sites that illustrate America's history.

Over the ensuing years, laws specifying the Service's responsibilities have been codified in various sections of title 16 of the United States Code. And as laws relating to the National Park Service were amended and new laws were added to the Code, classifications have become more cumbersome to use.

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H.R. 1950 simply gathers all of these provisions pertaining to the National Park Service and restates them in a new positive law title of the United States Code. The new title 54 of the Code replaces and repeals these provisions of the former law.

All changes in existing law made by H.R. 1950 are purely technical, and they reflect the understood policy, intent, and purpose of Congress in the original enactments. These changes include corrections to remove ambiguities, contradictions, and other imperfections.

We should note that this measure was drafted by the Office of the Law Revision Counsel as part of that office's ongoing statutory responsibility to "prepare a complete compilation, restatement, and revision of the general and permanent laws of the United States."

I commend the Office of the Law Revision Counsel for its good work on H.R. 1950 and for its many valuable contributions to our legislative process.

Mr. Speaker, accordingly, I urge my colleagues to support the measure.

I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 1950, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SCOTT of Virginia. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

#### STUDENT VISA REFORM ACT

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3120) to amend the Immigration and Nationality Act to require accreditation of certain educational institutions for purposes of a non-immigrant student visa, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3120

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Student Visa Reform Act".*

#### SEC. 2. ACCREDITATION REQUIREMENT FOR COLLEGES AND UNIVERSITIES.

*Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) is amended—*

*(1) in paragraph (15)(F)(i)—*

*(A) by striking "section 214(l) at an established college, university, seminary, conservatory, academic high school, elementary school, or other academic institution or in an accredited language training program in the United States" and inserting "section 214(m) at an accredited college, university, or language training program, or at an established seminary, conservatory, academic high school, elementary school, or other academic institution in the United States"; and*

*(B) by striking "Attorney General" each place such term appears and inserting "Secretary of Homeland Security"; and*

*(2) by amending paragraph (52) to read as follows:*

*"(52) Except as provided in section 214(m)(4), the term 'accredited college, university, or language training program' means a college, university, or language training program that is accredited by an accrediting agency recognized by the Secretary of Education."*

#### SEC. 3. OTHER REQUIREMENTS FOR ACADEMIC INSTITUTIONS.

*Section 214(m) of the Immigration and Nationality Act (8 U.S.C. 1184(m)) is amended by adding at the end the following:*

*"(3) The Secretary of Homeland Security, in the Secretary's discretion, may require accreditation of an academic institution (except for seminaries or other religious institutions) for purposes of section 101(a)(15)(F) if—*

*"(A) that institution is not already required to be accredited under section 101(a)(15)(F)(i);*

*"(B) an appropriate accrediting agency recognized by the Secretary of Education is able to provide such accreditation; and*

*"(C) the institution has or will have 25 or more alien students accorded status as non-immigrants under clause (i) or (iii) of section 101(a)(15)(F) pursuing a course of study at that institution.*

*"(4) The Secretary of Homeland Security, in the Secretary's discretion, may waive the accreditation requirement in section 101(a)(15)(F)(i) with respect to an established college, university, or language training program if the academic institution—*

*"(A) is otherwise in compliance with the requirements of such section; and*

*"(B) is making a good faith effort to satisfy the accreditation requirement.*

*"(5)(A) No person convicted of an offense referred to in subparagraph (B) shall be permitted by any academic institution having authorization for attendance by nonimmigrant students under section 101(a)(15)(F)(i) to be involved with the institution as its principal, owner, officer, board member, general partner, or other similar position of substantive authority for the operations or management of the institution, including serving as an individual designated by the institution to maintain records required by the Student and Exchange Visitor Information System established under section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372).*

*"(B) An offense referred to in this subparagraph includes a violation, punishable by a term of imprisonment of more than 1 year, of any of the following:*

*"(i) Chapter 77 of title 18, United States Code (relating to peonage, slavery and trafficking in persons).*

*"(ii) Chapter 117 of title 18, United States Code (relating to transportation for illegal sexual activity and related crimes).*

*"(iii) Section 274 of the Immigration and Nationality Act (8 U.S.C. 1324) (relating to unlawful bringing of aliens into the United States).*

*"(iv) Section 1546 of title 18, United States Code (relating to fraud and misuse of visas, permits, and other documents) relating to an academic institution's participation in the Student and Exchange Visitor Program."*

**SEC. 4. CONFORMING AMENDMENT.**

Section 212(a)(6)(G) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(G)) is amended by striking "section 214(l)" and inserting "section 214(m)".

**SEC. 5. EFFECTIVE DATE.**

(a) *IN GENERAL.*—Except as provided in subsection (b), the amendments made by sections 2 and 3—

(1) shall take effect on the date that is 180 days after the date of the enactment of this Act; and

(2) shall apply with respect to applications for a nonimmigrant visa under section 101(a)(15)(F)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F)(i)) that are filed on or after the effective date described in paragraph (1).

(b) *TEMPORARY EXCEPTION.*—

(1) *IN GENERAL.*—During the 3-year period beginning on the date of enactment of this Act, an alien seeking to enter the United States to pursue a course of study at a college or university that has been certified by the Secretary of Homeland Security may be granted a nonimmigrant visa under clause (i) or clause (iii) of section 101(a)(15)(F) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F)) without regard to whether or not that college or university has been accredited or been denied accreditation by an entity described in section 101(a)(52) of such Act (8 U.S.C. 1101(a)(52)), as amended by section 2(2) of this Act.

(2) *ADDITIONAL REQUIREMENT.*—An alien may not be granted a nonimmigrant visa under paragraph (1) if the college or university to which the alien seeks to enroll does not—

(A) submit an application for the accreditation of such institution to a regional or national accrediting agency recognized by the Secretary of Education on or before the date that is 1 year after the effective date described in subsection (a)(1); and

(B) comply with the applicable accrediting requirements of such agency.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from California (Ms. ZOE LOFGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

**GENERAL LEAVE**

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 3120, as amended, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

I would first like to thank the gentleman from California (Ms. LOFGREN) for introducing this legislation.

H.R. 3120 helps prevent student visa fraud by requiring that any college or university that admits foreign students on F visas must be accredited by an accrediting body recognized by the Department of Education. Accreditation of academic institutions ensures that foreign students in the United States on temporary visas receive the high-

level education they deserve and expect as opposed to an education from a sham school only interested in the student's money.

Under the Immigration and Nationality Act, a foreign national can get a student visa to study at a U.S. college or university. Those schools must be officially recognized, but that sometimes means that there's just a windshield check to see that the building actually exists.

Foreign students were admitted to the US 1.5 million times on F visas during fiscal year 2010. We must ensure that the colleges or universities they attend are not simply visa mills that exist only to provide the students with a way to enter the United States. Examples of rampant student visa fraud can be found in many recent news reports.

H.R. 3120 helps ensure a school's legitimacy for foreign students who want to come to the United States in order to receive an education. It also helps ensure the integrity of our immigration system by reducing the opportunities for visa fraud.

I urge my colleagues to support H.R. 3120.

I reserve the balance of my time.

Ms. ZOE LOFGREN of California. I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this bill, the Student Visa Reform Act.

Our U.S. student visa program has a long and proud history. For decades, it's helped American colleges and universities attract some of the brightest young minds in the world, while offering those students the opportunity to study in the world's leading institutions of higher education.

The benefits to our country have been great. International students have expanded and enriched the educational experiences for all students at U.S. universities and colleges. And by immersing foreign students in American culture, the program often creates a lasting and favorable understanding of our country that pays dividends in foreign nations for years to come.

Unfortunately, some institutions have been undermining the laudable mission of this visa program. Last year, the U.S. Immigration and Customs Enforcement took down two schools in California after they were found to have engaged in widespread visa fraud and exploitation of students.

Among other things, these schools misled students as to their accreditation. They lied about the ability of students to transfer credits to other institutions. Commonly known as "visa mills," these schools took enormous sums of money from the students but provided questionable academic courses and essentially worthless degrees.

To prevent this type of fraud in the future, H.R. 3120 requires that colleges

and universities be accredited in order to host foreign students. Such accreditation would need to be given by a regional or national accrediting agency recognized by the Secretary of Education. Seminaries and other religious institutions would be exempt from this requirement.

This bill follows in the footsteps of legislation enacted in the 111th Congress that requires the accreditation of language training programs before they can host foreign students. That bill, sponsored by my good friend, Representative BARNEY FRANK, and the chairman of the Judiciary Committee, Congressman LAMAR SMITH, has already helped the Department of Homeland Security crack down on fraud in language training programs.

Like the Frank-Smith bill, the accreditation requirements instituted by this bill will prevent illegitimate institutions from cheating foreign students who legitimately seek a bona fide education in the United States. In addition, this requirement will prevent fly-by-night institutions from engaging in student visa fraud to smuggle or traffic persons into the country.

Finally, in committee, I worked with the chairman to add a provision that would prevent persons who have committed certain crimes from owning or running an academic institution that seeks to host foreign students. Persons would be barred if they had been convicted of human trafficking, transportation for illegal sexual activity, alien smuggling, or harboring or visa fraud under the student visa program.

We also added a provision to give the Secretary of Homeland Security additional flexibility with respect to schools that are playing by the rules and trying to get accreditation but may be running into bureaucratic delays. Specifically, the Secretary is given the ability to waive the accreditation requirements in cases where an educational institution is otherwise in compliance with the law and is taking good faith steps to obtain accreditation.

I thank Chairman SMITH for working with me to bring this bill to the floor and for working with me to improve and strengthen the bill in committee. I urge my colleagues to support the bill.

I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 3120, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SMITH of Texas. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

# FOREIGN AND ECONOMIC ESPIONAGE PENALTY ENHANCEMENT ACT OF 2012

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6029) to amend title 18, United States Code, to provide for increased penalties for foreign and economic espionage, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6029

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE.

This Act may be cited as the “Foreign and Economic Espionage Penalty Enhancement Act of 2012”.

## SEC. 2. PROTECTING U.S. BUSINESSES FROM FOREIGN ESPIONAGE.

(a) FOR OFFENSES COMMITTED BY INDIVIDUALS.—Section 1831(a) of title 18, United States Code, is amended, in the matter after paragraph (5)—

(1) by striking “15 years” and inserting “20 years”; and

(2) by striking “not more than \$500,000” and inserting “not more than \$5,000,000”.

(b) FOR OFFENSES COMMITTED BY ORGANIZATIONS.—Section 1831(b) of such title is amended by striking “not more than \$10,000,000” and inserting “not more than the greater of \$10,000,000 or 3 times the value of the stolen trade secret to the organization, including expenses for research and design and other costs of reproducing the trade secret that the organization has thereby avoided”.

## SEC. 3. REVIEW BY THE UNITED STATES SENTENCING COMMISSION.

(a) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall review and, if appropriate, amend the Federal sentencing guidelines and policy statements applicable to persons convicted of offenses relating to the transmission or attempted transmission of a stolen trade secret outside of the United States or economic espionage, in order to reflect the intent of Congress that penalties for such offenses under the Federal sentencing guidelines and policy statements appropriately, reflect the seriousness of these offenses, account for the potential and actual harm caused by these offenses, and provide adequate deterrence against such offenses.

(b) REQUIREMENTS.—In carrying out this section, the United States Sentencing Commission shall—

(1) consider the extent to which the Federal sentencing guidelines and policy statements appropriately account for the simple misappropriation of a trade secret, including the sufficiency of the existing enhancement for these offenses to address the seriousness of this conduct;

(2) consider whether additional enhancements in the Federal sentencing guidelines and policy statements are appropriate to account for—

(A) the transmission or attempted transmission of a stolen trade secret outside of the United States; and

(B) the transmission or attempted transmission of a stolen trade secret outside of the United States that is committed or attempted to be committed for the benefit of a foreign government, foreign instrumentality, or foreign agent;

(3) ensure the Federal sentencing guidelines and policy statements reflect the seriousness of these offenses and the need to deter such conduct;

(4) ensure reasonable consistency with other relevant directives, Federal sentencing guidelines and policy statements, and related Federal statutes;

(5) make any necessary conforming changes to the Federal sentencing guidelines and policy statements; and

(6) ensure that the Federal sentencing guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

(c) CONSULTATION.—In carrying out the review required under this section, the Commission shall consult with individuals or groups representing law enforcement, owners of trade secrets, victims of economic espionage offenses, the United States Department of Justice, the United States Department of Homeland Security, the United States Department of State and the Office of the United States Trade Representative.

(d) REVIEW.—Not later than 180 days after the date of enactment of this Act, the Commission shall complete its consideration and review under this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

## GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 6029 currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank Ranking Member JOHN CONYERS, IP Subcommittee Chairman BOB GOODLATTE, IP Subcommittee Ranking Member MEL WATT, and the other Members of the House from both sides of the aisle who joined as original cosponsors of this commonsense bill.

The Foreign and Economic Espionage Penalty Enhancement Act of 2012 focuses on one goal: to deter and punish criminals who target U.S. economic and security interests on behalf of foreign interests.

In 1975, tangible assets, such as real estate and equipment, made up 83 percent of the market value of S&P 500 companies. Intangible assets, which include trade secrets, proprietary data,

source code, business processes, and marketing plans, constituted only 17 percent of these companies' market value.

□ 1950

By 2009, these percentages had nearly reversed. Tangible assets accounted for only 19 percent of S&P 500 companies' market value while their intangible assets had soared to 81 percent. In a dynamic and globally connected information economy, the protection of intangible assets is vital not only to the success of individual enterprises but also to the future of entire industries.

A global study released last year by McAfee, the world's largest security technology company, and Science Applications International Corporation concluded that corporate trade secrets and other sensitive intellectual capital are the newest “currency” of cybercriminals. The study found the motivation for such crimes in the cyber underground is almost always financial. In recent years, cybercriminals have shifted from targeting the theft of personal information, such as credit cards and Social Security numbers, to the theft of corporate intellectual capital. Corporate intellectual capital is vulnerable, of great value to competitors and foreign governments, and its theft is not always discovered by victims.

Our intelligence community warns that foreign interests place a high priority on acquiring sensitive U.S. economic information and technologies. Targets include information and communications technologies, business information, military technologies, and rapidly growing civilian and dual-use technologies, such as those that relate to clean energy, health care, and pharmaceuticals.

We know that certain actors intentionally seek out U.S. information and trade secrets. The most recent report from the Office of the National Counterintelligence Executive identified Chinese actors as “the world's most active and persistent perpetrators of economic espionage.” The report also described Russia's intelligence services as responsible for “conducting a range of activities to collect economic information and technology from U.S. targets.” Of seven Economic Espionage Act cases resolved in fiscal year 2010, six involved links to China. Five companies were accused of the theft of trade secrets earlier this year. Four are Chinese state-owned enterprises or subsidiaries.

In the U.S., the EEA serves as the primary tool the Federal Government uses to protect secret, valuable commercial information from theft. The EEA addresses two types of trade secret theft. Section 1831 punishes the theft of a trade secret to benefit a foreign entity. Section 1832 punishes the commercial theft of trade secrets carried out for economic advantage

whether or not the theft benefits a foreign entity.

Since enacting the EEA in 1996, Congress has not adjusted its penalties to take into account the increasing importance of intellectual property to the economic and national security of the U.S. The bill increases the maximum penalties for an individual convicted of committing espionage on behalf of a foreign entity. Currently, the maximum penalty for someone convicted under section 1831 of the EEA is 15 years imprisonment and a fine of up to \$500,000. This bill increases the maximum penalty to 20 years imprisonment and a fine of up to \$5 million. Earlier this year, the FBI estimated that U.S. companies had lost \$13 billion to trade secret theft in just over 6 months. Over the past 6 years, losses to individual U.S. companies have ranged from \$20 million to as much as \$1 billion.

Our intelligence community has recognized a “significant and growing threat to our Nation’s prosperity and security” posed by criminals, both inside and outside our borders, who commit espionage. Congress should also recognize this increasing threat and enhance deterrence and more aggressively punish those criminals who knowingly target U.S. companies for espionage.

So I urge my colleagues to support H.R. 6029, which was unanimously reported by the Judiciary Committee this month.

I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 6029, the Foreign and Economic Espionage Penalty Enhancement Act of 2012.

This legislation will help to protect the intellectual property and competitive strengths of American businesses by increasing the maximum penalties for engaging in the Federal offense of economic espionage. This crime, which has serious repercussions for the victim companies and our economy, consists of knowingly misappropriating trade secrets with the intent or knowledge that the offense will benefit a foreign government.

As reported by the U.S. Intellectual Property Enforcement Coordinator, economic espionage is a serious threat to American businesses by foreign governments. Economic espionage inflicts a significant cost on victim companies and threatens the economic security of the United States. These companies incur extensive costs resulting from the loss of unique intellectual property, the loss of expenditures related to research and development, and the loss of future revenues and profits. Many companies do not even know when their sensitive data has been stolen, and those that do find out are often reluctant to report the losses, fearing po-

tential damage to their reputations with investors, customers, and employees.

Unfortunately, the pace of the economic espionage collection of information and industrial espionage activities against major United States corporations is accelerating. During fiscal year 2011, the Department of Justice and the FBI saw an increase of 29 percent in economic espionage and trade secret theft investigations compared to the prior year. Foreign competitors of United States corporations with ties to companies owned by foreign governments are increasing their efforts to steal trade secret information and intellectual property by infiltrating our computer networks.

Evidence suggests that economic espionage and trade secret theft on behalf of companies located in China is an emerging trend. For example, at least 34 companies were reportedly victimized by attacks originating from China in 2010. Over the course of these attacks, computer viruses were spread via emails to corporate employees, allowing the attackers to have access to emails and sensitive documents. In response to these growing threats, the United States Intellectual Property Coordinator, in her 2011 annual report, called upon Congress to increase the penalties for economic espionage, and this bill is consistent with that recommendation.

I want to commend Members on both sides of the aisle for their work on this bill, particularly the gentleman from Texas, the Judiciary Committee chairman, Mr. SMITH; the gentleman from Michigan, the ranking member of the committee, Mr. CONYERS; my colleague from Virginia (Mr. GOODLATTE); and the gentleman from North Carolina (Mr. WATT).

I urge my colleagues to support the bill, and I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 6029.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SCOTT of Virginia. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

#### CHILD PROTECTION ACT OF 2012

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the

bill (H.R. 6063) to amend title 18, United States Code, with respect to child pornography and child exploitation offenses.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6063

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Child Protection Act of 2012”.

#### SEC. 2. ENHANCED PENALTIES FOR POSSESSION OF CHILD PORNOGRAPHY.

(a) CERTAIN ACTIVITIES RELATING TO MATERIAL INVOLVING THE SEXUAL EXPLOITATION OF MINORS.—Section 2252(b)(2) of title 18, United States Code, is amended by inserting after “but if” the following: “any visual depiction involved in the offense involved a prepubescent minor or a minor who had not attained 12 years of age, such person shall be fined under this title and imprisoned for not more than 20 years, or if”.

(b) CERTAIN ACTIVITIES RELATING TO MATERIAL CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY.—Section 2252A(b)(2) of title 18, United States Code, is amended by inserting after “but, if” the following: “any image of child pornography involved in the offense involved a prepubescent minor or a minor who had not attained 12 years of age, such person shall be fined under this title and imprisoned for not more than 20 years, or if”.

#### SEC. 3. PROTECTION OF CHILD WITNESSES.

(a) CIVIL ACTION TO RESTRAIN HARASSMENT OF A VICTIM OR WITNESS.—Section 1514 of title 18, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by inserting “or its own motion,” after “attorney for the Government,”; and

(ii) by inserting “or investigation” after “Federal criminal case” each place it appears;

(B) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively;

(C) by inserting after paragraph (1) the following:

“(2) In the case of a minor witness or victim, the court shall issue a protective order prohibiting harassment or intimidation of the minor victim or witness if the court finds evidence that the conduct at issue is reasonably likely to adversely affect the willingness of the minor witness or victim to testify or otherwise participate in the Federal criminal case or investigation. Any hearing regarding a protective order under this paragraph shall be conducted in accordance with paragraphs (1) and (3), except that the court may issue an ex parte emergency protective order in advance of a hearing if exigent circumstances are present. If such an ex parte order is applied for or issued, the court shall hold a hearing not later than 14 days after the date such order was applied for or is issued.”;

(D) in paragraph (4), as so redesignated, by striking “(and not by reference to the complaint or other document)”;

(E) in paragraph (5), as so redesignated, in the second sentence, by inserting before the period at the end the following: “, except that in the case of a minor victim or witness, the court may order that such protective order expires on the later of 3 years after the date of issuance or the date of the eighteenth birthday of that minor victim or witness”;

and

(2) by striking subsection (c) and inserting the following:

“(c) Whoever knowingly and intentionally violates or attempts to violate an order issued under this section shall be fined under this title, imprisoned not more than 5 years, or both.

“(d)(1) As used in this section—

“(A) the term ‘course of conduct’ means a series of acts over a period of time, however short, indicating a continuity of purpose;

“(B) the term ‘harassment’ means a serious act or course of conduct directed at a specific person that—

“(i) causes substantial emotional distress in such person; and

“(ii) serves no legitimate purpose;

“(C) the term ‘immediate family member’ has the meaning given that term in section 115 and includes grandchildren;

“(D) the term ‘intimidation’ means a serious act or course of conduct directed at a specific person that—

“(i) causes fear or apprehension in such person; and

“(ii) serves no legitimate purpose;

“(E) the term ‘restricted personal information’ has the meaning give that term in section 119;

“(F) the term ‘serious act’ means a single act of threatening, retaliatory, harassing, or violent conduct that is reasonably likely to influence the willingness of a victim or witness to testify or participate in a Federal criminal case or investigation; and

“(G) the term ‘specific person’ means a victim or witness in a Federal criminal case or investigation, and includes an immediate family member of such a victim or witness.

“(2) For purposes of subparagraphs (B)(ii) and (D)(ii) of paragraph (1), a court shall presume, subject to rebuttal by the person, that the distribution or publication using the Internet of a photograph of, or restricted personal information regarding, a specific person serves no legitimate purpose, unless that use is authorized by that specific person, is for news reporting purposes, is designed to locate that specific person (who has been reported to law enforcement as a missing person), or is part of a government-authorized effort to locate a fugitive or person of interest in a criminal, antiterrorism, or national security investigation.”

(b) **SENTENCING GUIDELINES.**—Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and, if appropriate, amend the Federal sentencing guidelines and policy statements to ensure—

(1) that the guidelines provide an additional penalty increase above the sentence otherwise applicable in Part J of Chapter 2 of the Guidelines Manual if the defendant was convicted of a violation of section 1591 of title 18, United States Code, or chapters 109A, 109B, 110, or 117 of title 18, United States Code; and

(2) if the offense described in paragraph (1) involved causing or threatening to cause physical injury to a person under 18 years of age, in order to obstruct the administration of justice, an additional penalty increase above the sentence otherwise applicable in Part J of Chapter 2 of the Guidelines Manual.

#### **SEC. 4. SUBPOENAS TO FACILITATE THE ARREST OF FUGITIVE SEX OFFENDERS.**

(a) **ADMINISTRATIVE SUBPOENAS.**—

(1) **IN GENERAL.**—Section 3486(a)(1) of title 18, United States Code, is amended—

(A) in subparagraph (A)—

(i) in clause (i), by striking “or” at the end;

(ii) by redesignating clause (ii) as clause (iii); and

(iii) by inserting after clause (i) the following:

“(ii) an unregistered sex offender conducted by the United States Marshals Service, the Director of the United States Marshals Service; or”; and

(B) in subparagraph (D)—

(i) by striking “paragraph, the term” and inserting the following: “paragraph—

“(i) the term”; and

(ii) by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:

“(ii) the term ‘sex offender’ means an individual required to register under the Sex Offender Registration and Notification Act (42 U.S.C. 16901 et seq.).”

(2) **TECHNICAL AND CONFORMING AMENDMENTS.**—Section 3486(a) of title 18, United States Code, is amended—

(A) in paragraph (6)(A), by striking “United State” and inserting “United States”; and

(B) in paragraph (9), by striking “(1)(A)(ii)” and inserting “(1)(A)(iii)”; and

(C) in paragraph (10), by striking “paragraph (1)(A)(ii)” and inserting “paragraph (1)(A)(iii)”.

(b) **JUDICIAL SUBPOENAS.**—Section 566(e)(1) of title 28, United States Code, is amended—

(1) in subparagraph (A), by striking “and” at the end;

(2) in subparagraph (B), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(C) issue administrative subpoenas in accordance with section 3486 of title 18, solely for the purpose of investigating unregistered sex offenders (as defined in such section 3486).”

#### **SEC. 5. INCREASE IN FUNDING LIMITATION FOR TRAINING COURSES FOR ICAC TASK FORCES.**

Section 102(b)(4)(B) of the PROTECT Our Children Act of 2008 (42 U.S.C. 17612(b)(4)(B)) is amended by striking “\$2,000,000” and inserting “\$4,000,000”.

#### **SEC. 6. NATIONAL COORDINATOR FOR CHILD EXPLOITATION PREVENTION AND INTERDICTION.**

Section 101(d)(1) of the PROTECT Our Children Act of 2008 (42 U.S.C. 17611(d)(1)) is amended—

(1) by striking “to be responsible” and inserting the following: “with experience in investigating or prosecuting child exploitation cases as the National Coordinator for Child Exploitation Prevention and Interdiction who shall be responsible”; and

(2) by adding at the end the following: “The National Coordinator for Child Exploitation Prevention and Interdiction shall be a position in the Senior Executive Service.”

#### **SEC. 7. REAUTHORIZATION OF ICAC TASK FORCES.**

Section 107(a) of the PROTECT Our Children Act of 2008 (42 U.S.C. 17617(a)) is amended—

(1) in paragraph (4), by striking “and”; and

(2) in paragraph (5), by striking the period at the end; and

(3) by inserting after paragraph (5) the following:

“(6) \$60,000,000 for fiscal year 2014;

“(7) \$60,000,000 for fiscal year 2015;

“(8) \$60,000,000 for fiscal year 2016;

“(9) \$60,000,000 for fiscal year 2017; and

“(10) \$60,000,000 for fiscal year 2018.”

#### **SEC. 8. CLARIFICATION OF “HIGH-PRIORITY SUSPECT”.**

Section 105(e)(1)(B)(i) of the PROTECT Our Children Act of 2008 (42 U.S.C. 17615(e)(1)(B)(i)) is amended by striking “the volume” and all that follows through “or other”.

#### **SEC. 9. REPORT TO CONGRESS.**

Not later than 90 days after the date of enactment of this Act, the Attorney General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report on the status of the Attorney General’s establishment of the National Internet Crimes Against Children Data System required to be established under section 105 of the PROTECT Our Children Act of 2008 (42 U.S.C. 17615).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

#### **GENERAL LEAVE**

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 6063, the bill currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Internet child pornography may be the fastest-growing crime in America, increasing by an average of 150 percent per year. Every day, online criminals prey on America’s children with virtual anonymity, and according to recent estimates there are as many as 100,000 fugitive sex offenders in the U.S. Congress has taken important steps to combat child exploitation, including the passage of the Adam Walsh Act in 2006 and the PROTECT Our Children Act in 2008.

But our work is not yet done.

That is why Representative DEBBIE WASSERMAN SCHULTZ and I introduced H.R. 6063, the Child Protection Act of 2012, that provides law enforcement officials with important tools and additional resources to combat the growing threat of child pornography and exploitation. This bipartisan legislation increases penalties for child pornography offenses that involve young children and strengthens protections for child witnesses and victims.

□ 2000

The bill allows a Federal court to issue a protective order if it determines that a child victim or witness is being harassed or intimidated and imposes criminal penalties for a violation of that protective order. The Child Protection Act ensures that paperwork does not stand in the way of the apprehension of dangerous criminals. This bill gives the U.S. marshals limited subpoena authority to locate and apprehend fugitive sex offenders.

Unlike the other 300 Federal administrative subpoena powers, which are



used at the beginning of a criminal investigation, a marshal's use of subpoena authority under this bill will occur only after, and only after, these actions occur:

The fugitive is arrested pursuant to a judge-issued warrant, indicted for committing a sex offense, convicted by proof beyond a reasonable doubt, and sentenced in a court of law;

The fugitive is required to register as a sex offender;

The fugitive pleads or otherwise violates their registration requirements; and

A State or Federal arrest warrant is issued for violation of the registration requirements.

This narrow subpoena authority is critical to help take convicted sex offenders off the streets.

H.R. 6063 also reauthorizes, for 5 years, the Internet Crimes Against Children task forces. The ICAC task forces were launched in 1998 and officially authorized by Congress in the PROTECT Our Children Act of 2008.

The ICAC Task Force Program is a national network of 61 coordinated task forces that represent over 3,000 Federal, State, and local law enforcement and prosecutorial agencies dedicated to child exploitation investigations. Since 1998, the ICAC task forces have reviewed more than 280,000 complaints of alleged child sexual abuse and arrested more than 30,000 individuals. The Child Protection Act increases the cap on grant funds for ICAC training programs and makes several clarifications to provisions enacted as a part of the PROTECT Our Children Act.

Finally, the bill requests a report from the Justice Department on implementation of a national Internet crimes against children data system. Yesterday, Senator BLUMENTHAL and Senator CORNYN introduced the companion bill in the Senate. This bipartisan, bicameral bill is supported by a number of outside organizations, which include the National Center for Missing and Exploited Children, the Major City Chiefs of Police, Futures Without Violence, the Fraternal Order of Police, the International Association of Chiefs of Police, the National Alliance to End Sexual Violence, the National District Attorneys Association, the National White Collar Crime Center, the National Sheriffs' Association, the Surviving Parents Coalition, the Rape Abuse Incest National Network, the National Alliance to End Sexual Violence, and the National Association to Protect Children.

Once again, Mr. Speaker, I want to thank Congresswoman DEBBIE WASSERMAN SCHULTZ for her great work on this issue, and I urge my colleagues to join me in support of this important legislation to protect America's children.

I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

I rise in opposition to H.R. 6063. While I can appreciate the apparent attempt in the bill to better protect children who are victims of sexual abuse, it not only fails to achieve that objective, but it also presents serious constitutional concerns and other problematic provisions.

First, the bill creates a rebuttable presumption in 18 U.S.C. section 1514 that, if an individual posts a photograph or personal identifying information about a person subject to a protective order, it "serves no legitimate purpose," which is an essential element of the offense of harassment and intimidation. This rebuttable presumption would shift the burden of proof in these cases from the accuser to the accused by requiring the accused to prove that posting of the photograph or information about the person served a legitimate purpose. Therefore, under current law and the fundamental principles of the Constitution, the burden is on the accuser to prove beyond a reasonable doubt this element of the offense, not the obligation of the accused to prove his innocence. This provision violates the constitutional rights of defendants who may be innocent of the underlying charge and who are entitled to be presumed innocent.

The coincidental inclusion of a protected person in a family photo posted over Facebook or an email, which may be unintentional and coincidental, should not be presumed to be a crime.

What's wrong with the normal process by which the accuser has to show that the posting was for harassment or intimidation? To make an innocent person prove his innocence is not only unnecessary and unfair, but unconstitutional.

In *Francis v. Franklin*, a 1985 Supreme Court case, the government argued that the constitutional issue regarding the rebuttable presumption there was overcome by the defendant's ability to rebut the presumption. The Supreme Court, however, found that argument unpersuasive. The Court said that a mandatory presumption instructs the jury that it must infer the presumed fact if the State presumes certain predicate facts. Such a presumption can be conclusive or rebuttable. The key is whether it is mandatory, that is, whether the jury must make a presumption, possibly subject to rebuttal, if the State proves certain facts.

In light of the fact that section 3(d)(2) of H.R. 6063 explicitly mandates the court shall presume there was no legitimate purpose, this provision is exactly the kind of mandatory rebuttable presumption that the Court repudiated in the *Francis* decision.

Another problem with the bill is it adds a new criminal offense of vio-

lating a protective order. Minor activities that are not intended to cause harm or distress, such as a phone call or an email, can result in a Federal criminal charge, not as a violation of Federal law protecting a witness from harassment or intimidation—there are already laws against that—but as a technical violation of a civil order.

Judges already have plenty of laws and authority to protect victims and witnesses. There's already a comprehensive statutory scheme in place to assist judges and law enforcement in protecting witnesses in Federal criminal proceedings. In addition to Federal criminal provisions with heavy penalties and the authority for judges to enter protective orders for the protection of all witnesses, including children, the judges have immense contempt and other powers to accomplish this goal. Thus, the additional criminal offense is unnecessary and unproductive. We should stop adding unnecessary criminal laws to the criminal code.

In the previous Congress, we held hearings regarding the general problem of over-criminalization of conduct and the over-federalization of criminal law. Members of both parties then expressed concern over this. We already have over 4,000 Federal criminal offenses in the code, along with an estimated 300,000 Federal regulations that impose criminal penalties, often without clearly setting out what will be subject to criminal liability.

This bill is yet another example of adding more unnecessary crimes and penalties to the Federal code. Moreover, such a provision moves the protection responsibility from the judge in the case to a prosecutor who decides when there is a violation and when to bring charges for the violations. Given the fact that many proceedings involving child witnesses also involve family members of the child witness in emotionally charged situations, the addition of more criminal provisions to this mix is not helpful.

This provision allows the imposition of a Federal felony up to 5 years in prison for a violation. It is unnecessary, overbroad, and harsh, especially given a restraining order can be violated by simply making an innocent phone call.

A further problem with H.R. 6063 is that it would give U.S. marshals the authority to issue administrative subpoenas to investigate unregistered sex offenders. I'm not convinced that extending this extraordinary ex parte judicial authority is appropriate.

Research has clearly shown that registered sex offenders who may not be compliant with the law are actually no more apt to commit a criminal offense than those who are compliant. So there is no compelling reason to create a special authority for U.S. marshals in the case of registered or unregistered sex

offenders. There's no urgent or imminent threat context in rounding up alleged noncompliant sex offenders which, as we said, are no more likely to commit a crime than those who are compliant with all of the technicalities of the law.

□ 2010

The existing statutory scheme for administrative subpoenas for law enforcement focuses on extreme situations, such as the Presidential threat protection administrative subpoena. We approved that power a few years ago to assist in the protection of the President when the director of the Secret Service has determined that an imminent threat is posed against the life of the President of the United States, and he has to certify the same to the Secretary of the Treasury. And the Attorney General has the same kind of power in child exploitation cases. Both are Cabinet-level officials.

I offered an amendment to remove the provisions extending this type of judicial authority to the U.S. Marshals Service. Upon the failure of that amendment, I then offered an amendment to continue limiting the authority to issue administrative subpoenas to Cabinet officials to ensure that this extraordinary judicial power is used discreetly and only in circumstances where it is absolutely warranted. Those amendments were defeated; and, therefore, this bill gives more power to the Marshals Service in cases where there is no proven need for the power, more power than the Secret Service has when faced with an imminent threat to the President of the United States.

Despite serious constitutional issues and these other problems, this bill was introduced on June 29 and was marked up in committee 12 days later, on July 10, which was the very next day that Congress was in session. Clearly these provisions need more consideration. For these reasons, I urge that we defeat H.R. 6063.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I have no further requests for time on this side and reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield such time as she may consume to the gentlelady from Florida (Ms. WASSERMAN SCHULTZ), a cosponsor of the bill.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today in support of the Child Protection Act of 2012, which I am honored to cosponsor with my good friend from Texas, Chairman LAMAR SMITH. Chairman SMITH and I are proof-positive of what bipartisan working relationships can accomplish, especially because we both agree that protecting the safety and well-being of our Nation's children is our highest priority. That's why I am so pleased that this bill, which was reported favorably

out of committee on voice vote, is before us today. This is an opportunity to make a real difference in the lives of children nationwide, thousands of whom are plagued by abuse, terror, and assaults that we cannot even imagine.

In 2008, I was honored to sponsor the PROTECT Our Children Act of 2008, which provides the safety net and resources the law enforcement agents who fight child sexual predators so desperately need. This commonsense bill builds on the progress that we started in PROTECT to ensure that law enforcement can combat one of the fastest-growing crimes in the United States, child pornography.

We must ensure that investigators have every available resource to track down predators and protect our children. This bill ensures that paperwork does not stand in the way of protecting our kids.

Mr. Speaker, I have learned far too much about the world of child pornography since I first took on this cause 4 years ago. There are many aspects of it that are disturbing beyond words to describe, like the fact that in a survey of convicted offenders, more than 83 percent of them had images of children younger than 12 years old, and almost 20 percent of them had images of babies and toddlers who were less than 3 years old. And let's remember that these aren't just images of naked children. These are crime scene photographs and videos taken of children being beaten, raped, and abused beyond our worst nightmares for the sexual pleasure of the person looking at the photo or video.

Let's also remember that these are children who are often being victimized by someone in their circle of trust, someone who was supposed to protect them, and someone who, instead, chose to do them harm. These children only have the law to protect them because their protectors failed them and caused them harm.

While it's not often that we have an opportunity to pass a bill here that quite literally means the difference between life or death, this is one of those times. That's why, as a Member of Congress, I know that I, as well as Chairman SMITH and the Members of Congress here today fighting to protect the children of this country, will stand strong and continue to press forward on their behalf.

I am proud and honored to be the lead Democratic sponsor of this bill, and I am thankful to my friend Chairman SMITH for his continued leadership and support on this crucial cause.

While the chairman listed some of the organizations that are supporting this bill, I will add some others. This bill is supported by the Rape, Abuse, and Incest National Network; the National Council of Jewish Women; Men Can Stop Rape; and the Florida Council Against Sexual Violence, among the

other worthy and proud organizations that Chairman SMITH listed.

We are grateful to all of these organizations for their endorsement of this bill and for their continued support for all victims of sexual assault and abuse. I urge all of my colleagues to join us in supporting this critical legislation.

Mr. SCOTT of Virginia. Mr. Speaker, I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield back the balance of my time as well.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 6063.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SMITH of Texas. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

#### STOPPING TAX OFFENDERS AND PROSECUTING IDENTITY THEFT ACT OF 2012

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4362) to provide effective criminal prosecutions for certain identity thefts, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4362

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Stopping Tax Offenders and Prosecuting Identity Theft Act of 2012" or the "STOP Identity Theft Act of 2012".

#### SEC. 2. USE OF DEPARTMENT OF JUSTICE RESOURCES WITH REGARD TO TAX RETURN IDENTITY THEFT.

(a) IN GENERAL.—The Attorney General should make use of all existing resources of the Department of Justice, including any appropriate task forces, to bring more perpetrators of tax return identity theft to justice.

(b) CONSIDERATIONS TO BE TAKEN INTO ACCOUNT.—In carrying out this section, the Attorney General should take into account the following:

(1) The need to concentrate efforts in those areas of the country where the crime is most frequently reported.

(2) The need to coordinate with State and local authorities for the most efficient use of their laws and resources to prosecute and prevent the crime.

(3) The need to protect vulnerable groups, such as veterans, seniors, and minors (especially foster children) from becoming victims or otherwise used in the offense.

**SEC. 3. VICTIMS OF IDENTITY THEFT MAY INCLUDE ORGANIZATIONS.**

Section 1028(d)(7) of title 18, United States Code, is amended by striking “specific individual” and inserting “specific person”.

**SEC. 4. TAX FRAUD AS A PREDICATE FOR AGGRAVATED IDENTITY THEFT.**

Section 1028A(c) of title 18, United States Code, is amended—

- (1) in paragraph (10), by striking “or”;
- (2) in paragraph (11), by striking the period at the end and inserting “; or”; and
- (3) by adding at the end the following:
 

“(12) section 7206 or 7207 of the Internal Revenue Code of 1986.”

**SEC. 5. REPORTING REQUIREMENT.**

(a) **GENERALLY.**—Beginning with the first report made more than 9 months after the date of the enactment of this Act under section 1116 of title 31, United States Code, the Attorney General shall include in such report the information described in subsection (b) of this section as to progress in implementing this Act and the amendments made by this Act.

(b) **CONTENTS.**—The information referred to in subsection (a) is as follows:

- (1) Information readily available to the Department of Justice about trends in the incidence of tax return identity theft.
- (2) The effectiveness of statutory tools, including those provided by this Act, in aiding the Department of Justice in the prosecution of tax return identity theft.
- (3) Recommendations on additional statutory tools that would aid in removing barriers to effective prosecution of tax return identity theft.
- (4) The status on implementing the recommendations of the Department’s March 2010 Audit Report 10-21 entitled “The Department of Justice’s Efforts to Combat Identity Theft”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

**GENERAL LEAVE**

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 4362 currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

I am pleased to be an original cosponsor of H.R. 4362, the Stopping Tax Offenders and Prosecuting Identity Theft Act of 2012, with my good friend and colleague, the distinguished gentleman from Florida, DEBBIE WASSERMAN SCHULTZ. This is a bipartisan bill that strengthens criminal penalties for tax return identity thieves.

Tax fraud is a very real problem, and Congress should do all it can to protect citizens from this costly crime. Tax fraud through identity theft is a rap-

idly growing criminal enterprise in the United States. Criminals use stolen identities to steal income tax refunds from unsuspecting victims and from the Federal Government.

With nothing more than stolen identity information—Social Security numbers and their corresponding names and birth dates—criminals have electronically filed thousands of false tax returns and have received hundreds of millions of dollars in wrongful refunds.

The thieves deceive the Internal Revenue Service and file a return before the legitimate taxpayer files. The criminals then receive the refund, sometimes by check but often through a convenient but hard-to-trace prepaid debit card. The criminals then wait for the mail to deliver the cards and checks at abandoned addresses. According to reports in the media, postal workers have been harassed, robbed, and, in one case, murdered as they have made their rounds with their mail truck full of debit cards and master keys to mailboxes.

Tax thieves victimize innocent taxpayers in a number of ways. These thieves will file fake returns under a false name or claim someone who is no longer living as a dependent on their own forms. Often, the fraud is not detected until an individual files a tax return that is rejected by the IRS because someone else has already falsely filed and claimed their return.

The IRS has detected 940,000 fake returns for 2010 alone, from which identity thieves would have received \$6.5 billion in refunds. And those are just the ones they caught early. It is estimated by the IRS that they missed an additional 1.5 million returns with possibly fraudulent refunds worth more than \$5.2 billion. The number of these cases has increased by approximately 300 percent every year since 2008.

H.R. 4362 is a bipartisan bill that strengthens criminal penalties for tax return identity thieves. It adds tax return fraud to the list of predicate offenses for aggravated identity theft and expands the definition of an “identity theft victim” to include businesses and charitable organizations.

H.R. 4362 also improves coordination between the Justice Department and State and local law enforcement officials in order to better protect groups that are most vulnerable to tax fraud from becoming future victims. The changes to Federal law proposed by H.R. 4362 are important to keep pace with this ever-increasing crime.

Tax identity theft costs American families and taxpayers millions of dollars each year. It also results in confusion and needless worry, as taxpayers must work to correct the ID problem created by the false filers. It is critical that we take further steps to reduce the number of people who are victimized by this crime.

Again, I want to thank Congresswoman DEBBIE WASSERMAN SCHULTZ for her great work on this issue, and I urge my colleagues to join me in support of H.R. 4362.

I reserve the balance of my time.

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Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume. I rise in opposition to H.R. 4362. It amends the Federal aggravated identity theft statute to add tax fraud to the list of predicate offenses. The penalty for aggravated identity theft is a mandatory term of imprisonment of 2 years or, for a terrorism offense, 5 years. This bill would, therefore, subject more people to mandatory minimum sentences and, therefore, to all of the problems that have been repeatedly shown to be associated with mandatory minimum sentences.

Fraud and identity theft are a serious and growing problem. But what we do to address the problems of fraud and identity theft should be measured and effective. While I appreciate the sentiments and efforts behind H.R. 4362, I cannot support an effort that seeks to stop one injustice by applying another. Because of the mandatory minimum sentences included in H.R. 4362, this bill is not an appropriate or effective solution to the problem of identity theft.

I’m not saying someone who commits these crimes should not be sentenced to 2 or 5 years, or even more. But it is inappropriate and unjust for Congress to sentence an offender based solely on the name of the crime, years before any of the facts or circumstances of the case, or their role in the particular case and the character of the defendant, are known and taken into account.

Mandatory minimum sentences have been studied extensively, and have been found to distort rational sentencing systems, to discriminate against minorities, to waste the taxpayers’ money, and often to violate common sense. Even if everyone involved in the case, from the arresting officer, the prosecutor, the judge, and even the victim, after all of the facts and circumstances of the case are presented at trial by the prosecution and defense, if they all conclude that the mandatory minimum sentence would be an unjust sentence for a particular defendant in a particular case, it must still be imposed. Mandatory minimum sentences, based merely on the name of the crime, remove the sentencing discretion and rationality from the judge, and often require him to impose sentences that violate common sense. This is what brings about the result such as girlfriends who end up with much more time than their crack-dealing boyfriends, and often have to serve terms of 10-20 years or more, teenagers having consensual sex with their girlfriends getting 10 years, or a recent

case of Marissa Alexander in Florida, a mother of three and a graduate student, who was sentenced to a mandatory minimum of 20 years for discharging a gun to warn off an abusive husband during a dispute. A warning shot. Ironically, if she had intentionally shot and killed him under those circumstances, the maximum penalty for voluntary manslaughter in that State is 15 years. If you want to know how those mandatory minimums pass, just watch this bill.

I offered an amendment at the committee markup of the bill which would have provided a maximum sentence of 4 years and 10 years instead of the 2 or 5, respectively. That way, offenders whose conduct warranted it could be sentenced to higher amounts of time, if it was appropriate, but for those whose conduct did not, such as bit players and those who play a minor role in a minor offense, the judge could arrive at a proper sentence. It is the height of legislative arrogance, in my view, for Congress to conclude that it has a better perspective to arrive at an appropriate sentence in advance, knowing nothing about the facts and circumstances of the case, than a judge charged with that responsibility who has heard all of the facts and circumstances of the case.

In addition, Mr. Speaker, the Department of Justice has recently expressed concerns with the bill which indicate that we should have had a legislative hearing on the bill to hear from stakeholders and those who have concerns about the legislation. Even though I support the intent of the sponsors to do more to address identity theft, for the reasons stated, the 2 and 5 year mandatory minimum sentences make this bill indefensible, and I cannot support it.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I continue to reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield such time as she may consume to the gentlelady from Florida (Ms. WASSERMAN SCHULTZ), the sponsor of the legislation.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today to urge my colleagues to support H.R. 4362, the Stopping Tax Offenders and Prosecuting Identity Theft Act of 2012, or simply the STOP Identity Theft Act.

Many of you have seen the recent headlines calling attention to the escalating nationwide epidemic of tax return identity theft. An unsuspecting taxpayer goes to file their tax return only to be told by the Internal Revenue Service that someone else has already filed and claimed their hard-earned tax refund.

This happened to one of my constituents, Joan Rubenstein, who was a 64-year-old teacher. When her accountant filed her 2010 tax return in April of last year, he was told by the IRS that she

had already filed. Joan followed advice and filed a police report and reached out to the IRS. But after 10 months, she still had not received her refund. Only after working with my district office were we able to secure her refund, which she desperately needed to assist her daughter with her student loan payments.

For her 2011 tax return, Joan was informed by the IRS taxpayer advocates office that she was okay to proceed with filing her return this year. Yet, shockingly, Joan's accountant filed only to learn that she was once again a victim of tax return identity theft for a second year in a row.

No one should have to go through the trauma of having their hard-earned tax refund stolen, and certainly not 2 years in a row. And Joan is not alone. This case, unfortunately, is not an anomaly. My office has been inundated with constituents who have also had their tax refunds stolen, and I know this is a rampant problem in Chairman SMITH's district, and his home State of Texas as well. The amount of theft that goes on with this type of case is really astronomical.

It's stories like Joan's that prompted me to file this legislation that is before us on the floor today. The crime of tax return identity theft has quickly emerged over the last few years, and Congress must act to quickly address this epidemic. Tax return identity theft wreaks emotional and financial havoc on hardworking taxpayers like Joan and costs the Federal Government billions of dollars.

In 2011 alone, Mr. Speaker, the IRS reported that—listen to these numbers—851,602 tax returns and \$5.8 billion were associated with fraudulent tax returns involving identity theft. That's a 280 percent increase since just 2010.

These tax return identity thieves hide behind a veil of technology by stealing Social Security numbers and filing false electronic returns where the payoffs are almost instantaneous. Right now, more thieves and criminal organizations are turning to this lucrative, low-risk, high-reward crime because law enforcement lacks the kind of stiff criminal penalties afforded many other forms of identity theft. Essentially, because of the small likelihood of getting caught, and the very minimal current penalty, it makes sense for these thieves to roll the dice because the chances of getting caught and actually doing any time at all is very low.

In this instance, technology has simply outstripped the enforcement tools that are currently on the books. Basically, this crime is worth it for the criminals who are committing it, and we need to make sure that it is not worth it any more so they don't have incentive to continue and they move on to the next thing, and then we can go after them for that.

We must protect the thousands of taxpayers like Joan who fall victim to this crime, many of whom belong to vulnerable groups like seniors, veterans, and even minors. The STOP Identity Theft Act brings together several measures to strengthen criminal penalties and increase the prosecution rate of tax return identity thieves.

H.R. 4362 will add tax return fraud to the list of predicate offenses for aggravated identity theft. The aggravated identity theft statute was created in 2004 to fight identity theft crimes committed to facilitate other types of felonies. However, at the time, the problem of tax return identity theft was very new, and it wasn't included as part of the predicate offenses under aggravated identity theft.

Today, it has become an urgent nationwide problem, and we must give law enforcement the additional tools needed to combat this crime. Each of the last two administrations have called for adding tax fraud to the predicate offenses under aggravated identity theft. With this change, the STOP Identity Theft Act will toughen sentencing for tax return identity thieves, which will help deter this kind of crime.

Importantly, the legislation also expands the definition of an identity theft victim to include businesses and charitable organizations. Often these organizations have their identities stolen and used in phishing schemes to extract the sensitive information from unsuspecting taxpayers used in tax return thefts. Essentially what happens, and we've all been warned about this, you get an email from what you think is your bank or the charitable organization that you are used to giving donations to, but it's really not because these thieves have stolen that organization's identity, and they are asking for your personal information, and unsuspecting victims give them that information.

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By the way, you should never do that because your bank and charitable organization won't ask you for personal information.

These thieves then use the harvested information to file thousands of fraudulent tax returns. In fact, on the IRS Web site, it is noted that this type of phishing scheme is the most common one seen by the IRS. This amendment to the identity theft statutes will ensure that thieves who misappropriate the identities of any business, be it a small business or a nonprofit organization, can be prosecuted.

The STOP Identity Theft Act also calls for better coordination between the Department of Justice and State and local law enforcement to make the most efficient use of the law and resources. My own local law enforcement agencies in south Florida have been

flooded with crime reports of tax return identity theft, and they need all the help they can get.

Finally, the legislation also calls for the Department of Justice to report back on trends, progress on prosecuting tax return identity theft, and recommendations for additional legal tools to combat it. Information and data about trends on tax return identity theft can be valuable tools to detect and prevent future fraud, and it will inform Congress of additional legislative actions that will help in the effort.

This legislation is just the strong beginning of the congressional effort to combat tax return identity theft. I know this issue is deeply concerning to many of my colleagues, and I look forward to working with them in their efforts.

This legislation is intended to provide targeted tools for law enforcement right away so that it is better prepared before next tax season rolls around and we have more victims who are really going to have months and months of problems and billions of dollars lost.

I want to thank Chairman SMITH for your support and your leadership on this issue. It really is a pleasure to work with you. And as to the various organizations that have supported and helped craft this legislation, in particular I would like to recognize the National Conference of CPA Practitioners and the American Coalition for Taxpayers Rights for their support and efforts with this bill.

We must ensure that Federal laws are keeping pace with emerging crimes such as tax return identity theft. It is time to make prosecution of tax return identity theft a greater priority. The STOP Identity Theft Act is an important step toward this goal, and I urge my colleagues to support this legislation.

Once again, I thank Chairman SMITH for working with me on this legislation.

Mr. SCOTT of Virginia. Mr. Speaker, I yield back the balance of my time.

Mr. SMITH of Texas. I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I rise in support of H.R. 4362, the Stopping Tax Offenders and Prosecuting Identity Theft Act of 2012.

Tax-related identity theft is a wide-spread problem that must be addressed. The Internal Revenue Service (IRS) has reported that 641,052 taxpayers were affected by identity theft last year, more than double the number from 2010. This year, all indications point to an even greater number of incidents of tax-related identity theft. In April, the IRS had already blocked more than \$1.3 billion in potentially fraudulent tax refunds.

While many taxpayers throughout the country have fallen victim to identity theft, the Tampa Bay area that I have the privilege to represent has unfortunately become a hotbed for this criminal activity. Local police have ar-

rested street criminals with hundreds of Social Security Numbers, online tax preparation software, and prepaid debit cards containing tax refunds. Thieves are selling innocent people's identities for as little as \$10 per Social Security Number.

After these criminals have stolen an identity, they file a false tax return using the victim's name and information. The IRS will send the criminal a refund on a prepaid debit card that is virtually untraceable. The IRS says that these fraudulent refunds could cost the taxpayers \$26 billion over the next five years.

When the victim attempts to file his legal tax return, the IRS flags the account as having already received a refund and then begins an investigation to determine which return was actually filed by the valid taxpayer. Unfortunately, this process can take more than a year to complete and the victims are given no indication when they will receive their refund check. So now, not only has the victim's identity been stolen, the IRS will not give him the money that he or she is rightfully owed.

H.R. 4362 is good legislation in that it calls on the Department of Justice to do more to prosecute tax-related identity theft and strengthens criminal penalties on the thieves. However, I believe there is much more that can be done to combat this growing problem.

It is clear that the IRS needs to do a better job addressing this crime. There are steps that the IRS can and should take to prevent identity theft before it sends out fraudulent refunds. The IRS needs to do much better assisting the victims in getting their proper refunds. In May, the Treasury Inspector General for Tax Administration released a report titled, "Most Taxpayers Whose Identities Have Been Stolen to Commit Refund Fraud Do Not Receive Quality Customer Service." More than 40 of my constituents have contacted me to express their personal experiences with tax-related identity theft and frustrations in getting the refunds they are owed from the IRS.

In April, I wrote to IRS Commissioner Douglas Shulman, to call on him to address the growing problem of identity theft. I asked the Commissioner to respond to me about the actions the IRS has taken to combat fraud, how the IRS can better utilize its resources to deal with identity theft, how we can ensure that victims receive their proper refunds in a timely manner, and how the IRS can better collaborate with law enforcement to identify and prosecute identity thieves. Despite the public's increasing concerns regarding this important issue, it took the IRS until the end of June to respond to my original inquiry. I would like to insert into the RECORD my letter to Commissioner Shulman as well as the response from the IRS.

The House Appropriations Committee, of which I am a senior member, has also indicated its strong concerns regarding the IRS's efforts to combat identity theft in the Fiscal Year 2013 Financial Services and General Government Appropriations bill. Section 103 of the legislation would require the IRS to "institute policies and procedures that will safeguard the confidentiality of taxpayer information and protect taxpayers against identity theft." Additionally, the Committee Report directs the IRS to report to the Congress regarding the number of cases of tax-related

identity theft, the time it takes to resolve cases, and the agency's efforts to expedite resolution for these taxpayers.

The Stopping Tax Offenders and Prosecuting Identity Theft Act is a good start for addressing tax-related identity theft. But it is only a start. As our national debt approaches \$16 trillion, we cannot afford to send out billions in fraudulent refunds to criminals. At the same time, the victims of this crime should not have to wait more than a year to receive the money that is owed to them. There is much the IRS can do on its own to address these issues. However, if more legislative changes are needed, I stand ready to work with my colleagues in the House to combat this problem.

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,

Washington, DC, April 12, 2012.

Hon. DOUGLAS H. SHULMAN,  
Commissioner, Internal Revenue Service, 1111  
Constitution Avenue NW, Washington, DC.

DEAR COMMISSIONER SHULMAN: As the deadline for individuals to file their tax returns approaches, I would like to take this opportunity to call on the IRS to address the issue of tax fraud by identity theft.

As you are well aware, this crime has been particularly prevalent in the Tampa Bay region that I have the privilege to represent. Several of my constituents have been victims of identity theft and I thank you and your staff for your efforts to help resolve their cases.

Tax season is stressful enough without the threat of identity theft. The taxpayers we work for should not have to worry that their identity has been stolen while they are complying with the law and simply filing their tax returns.

Victims of identity theft can also experience significant delays in receiving their refunds, depriving them of money that many were counting on to help in these difficult economic times. Often, these innocent citizens are left with no idea of when they will be able to get the refund that is rightly theirs.

At a time when the federal government is again projected to run a deficit of more than \$1 trillion, we should not be paying out fraudulent tax refunds to identity thieves. The IRS should do everything in its power to prevent this crime and quickly assist victims. If the IRS requires additional statutory authority to take these steps, I would urge you to work with the Congress to find appropriate solutions.

To this end, I ask that you to respond to the following questions:

1. What actions has the IRS taken in this tax filing season to address the growing number of tax-related identity theft cases?
2. How can the IRS better focus its resources to deal with identity theft and assist victims?
3. What steps has the IRS taken to ensure the timely issuance of refunds to victims of identity theft?
4. How can the IRS better work with federal, state, and local law enforcement agencies to identify, investigate, and prosecute identity thieves while protecting the privacy of victims?

Again, thank you for your work to help the victims of tax-related identity theft and your prompt reply to these questions. With best wishes and personal regards, I am,

Very truly yours,

C.W. BILL YOUNG,  
Member of Congress.

DEPARTMENT OF THE TREASURY,  
INTERNAL REVENUE SERVICE,  
Atlanta, GA, June 28, 2012.

Hon. C.W. BILL YOUNG,  
*House of Representatives, Washington, DC.*

DEAR MR. YOUNG: thank you for your letter of April 12, 2012, on our policy and processes for identity theft. We appreciate your concern as this is an ongoing problem in the country and continues to worsen. We understand and sympathize with your constituents who have experienced identity theft problems.

Identity theft is a complex problem. The nature of the problem is constantly changing, as identity thieves continue to find new ways to steal personal information. Over the past few years, we have seen a significant increase in refund fraud schemes that involve identity theft. As a result, we have developed a comprehensive identity theft strategy that focuses on preventing, detecting, and resolving these cases.

What actions has the IRS taken in this tax filing season to address the growing number of tax-related identity theft cases?

We have taken a number of additional steps this tax filing season to prevent identity theft and detect refund fraud before it occurs. We designed new identity theft screening filters that improved our ability to identify false returns before we processed them and issued a refund. We also placed more identity theft indicators on taxpayer accounts to track and manage identity theft incidents.

How can the IRS better focus its resources to deal with identity theft and assist victims?

We continue to assess our needs and resources, and, as a result, we are currently undergoing training an additional 1,200 employees to assist with the processing of identity theft cases. We will train these employees to assist identity theft victims.

What steps has the IRS taken to ensure the timely issuance of refunds to victims of identity theft?

In identity theft situations, our employees work to resolve all the issues affecting both the taxpayer and the IRS. When we receive a fraudulent tax return, we conduct an in-depth review to identify the "valid" taxpayer, verify the amounts claimed on the tax return, and complete all tax account adjustments. Unfortunately, this process can be time consuming.

Once we verify the taxpayer is a victim of tax-related identity theft, we place an identity theft indicator on his or her account. This indicator triggers a review of any tax return submitted with the taxpayer's social security number to confirm the validity of the return. We continue working to correct the taxpayer's account until we complete the correction.

How can the IRS better work with federal, state, and local law enforcement agencies to identify, investigate, and prosecute identity thieves while protecting the privacy of victims?

Recently, we, with the Justice Department, announced the results of a nationwide investigation of suspected identity theft perpetrators. Working with the Justice Department's Tax Division and local U.S. Attorneys' Offices, the nationwide effort targeted 105 people in 23 states. This coast-to-coast effort included indictments, arrests, and the execution of search warrants involving the potential theft of thousands of identities and taxpayer refunds. In all, the resulting indictments included 939 criminal charges.

Local law enforcement and other federal agencies play a critical role in combating

identity theft. Thus, an important part of our effort to stop identity thieves involves collaborating with law enforcement agencies. Although the rules for protecting taxpayer privacy often make it difficult for us to share information that local law enforcement might find helpful, we are developing a procedure that would enable us to share falsified returns with local law enforcement after obtaining a privacy waiver from the innocent taxpayer. Also, proposed legislation H.R. 3482 (the Tax Crimes and Identity Theft Prevention Act) would expand section 6103 of the U.S. tax code to allow limited disclosure of returns and return information to law enforcement for the purpose of combating tax crimes.

We share your concerns about identity theft. We will continue to review our processes to ensure that we are doing everything possible to minimize the affect of identity theft to taxpayers and help those who are victims of this crime.

I hope this information is helpful. If you need further assistance, please call me at (559) 454-6004 or Mr. James Denning (Identification Number 1000160482) at (559) 454-6691 if we can assist you further.

Sincerely,

ROSALIND C. KOCHMANSKI,  
*Field Director, Accounts Management.*

The SPEAKER pro tempore (Mr. MEEHAN). The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 4362.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SMITH of Texas. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

#### EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM REAUTHORIZATION ACT OF 2012

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6062) to reauthorize the Edward Byrne Memorial Justice Assistance Grant Program through fiscal year 2017.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6062

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Edward Byrne Memorial Justice Assistance Grant Program Reauthorization Act of 2012".

#### SEC. 2. REAUTHORIZATION OF BYRNE JAG GRANTS.

Section 508 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3758) is amended by inserting before

the period the following: "and \$800,000,000 for each of the fiscal years 2013 through 2017".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

#### GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 6062 currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my Judiciary Committee colleague Mr. MARINO for his leadership on this law enforcement priority.

The Edward Byrne Memorial Justice Assistance Grant Program is the centerpiece of the federal government's assistance for state and local criminal justice initiatives. It was created in 2005 when two existing federal grant programs were combined.

Byrne JAG is a streamlined block grant program that empowers states and localities to address specific law enforcement challenges.

Byrne JAG funding is distributed by the Justice Department based on a formula that considers the jurisdictions' population and crime rates.

Some of the money is kept at the state level but much of it is distributed to localities.

Jurisdictions can tailor their spending based on their own communities' needs. These include prosecution and court programs, drug treatment programs and crime victims programs.

In my district, Byrne JAG funds have been used by the City of Austin to hire additional 911-call operators, purchase protective gear for law enforcement officers and provide training on forensics technology. These are all important public safety initiatives that were prioritized by local leaders.

Byrne JAG is currently authorized at \$1.1 billion per year, although this authorization is set to expire at the end of September when the current fiscal year ends.

In fiscal year 2012, Congress appropriated \$470 million for the Byrne JAG program, although \$100 million of this money was a one-time set aside for this year's presidential nomination conventions.

H.R. 6062 reauthorizes the Byrne JAG program for five years at \$800 million a year.

H.R. 6062 enjoys bipartisan support and is widely supported by the law enforcement community.

I thank my Judiciary Committee colleague, Mr. MARINO, for his work on this issue and I urge my colleagues to support the bill.

I would like to yield as much time as he may consume to the gentleman from Pennsylvania (Mr. MARINO), who



is a member of the Judiciary Committee and the sponsor of this legislation.

Mr. MARINO. Mr. Speaker, Chairman SMITH, I rise today in strong support of legislation I introduced, H.R. 6062, the Edward Byrne Memorial Justice Assistance Grant Program Reauthorization Act of 2012.

The Edward Byrne Memorial JAG Program is the primary provider of Federal criminal justice funding to State and local jurisdictions, and it has been referred to as the “cornerstone Federal crime-fighting program.”

The JAG program provides State and local governments with critically needed resources to support a wide range of law enforcement activities, including prosecution, prevention, education, planning, corrections, treatment, evaluation, and technology.

As a former district attorney and United States attorney, I understand the tremendous value of JAG-funded projects in fighting crime by improving the processes, procedures, and operations of criminal justice systems.

My legislation being considered today reauthorizes the JAG program for 5 years—I repeat, for 5 years—through fiscal year 2017.

This legislation is supported by the National Criminal Justice Association, the International Association of Chiefs of Police, the Major Cities Chiefs Association, the National Sheriffs’ Association, the National District Attorneys Association, and many more law enforcement organizations.

H.R. 6062 enjoys bipartisan support, including Chairman SMITH and Ranking Member CONYERS of the House Judiciary Committee, who are cosponsors. The legislation was considered by the House Judiciary Committee and approved by a voice vote on July 18.

I would like to thank the chairman and the committee for their help in ensuring that the authorization for this critical program does not lapse. I urge all of my colleagues to join in the support of our State and local law enforcement agencies by voting in favor of H.R. 6062.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 6062, the Edward Byrne Memorial Justice Assistance Grant Program Reauthorization Act of 2012.

The Federal justice grants reauthorized under this legislation provide critical funding to State and local jurisdictions in their efforts to combat crime.

Especially during periods of national budgetary constraints affecting the bottom lines of States and local governments, the Byrne JAG grants are particularly important. Across our Nation, many jurisdictions, to shore up their budgets, are actually laying off police officers. When many of our citizens are experiencing economic hard-

ship, we must not add to their burden by allowing public safety to suffer.

H.R. 6062 reaffirms the Federal Government’s commitment to assisting State and local governments in their effort to prevent and fight crime. But reauthorization of the Byrne JAG grant program is obviously just a first step. We must also follow through with actually appropriating sufficient funds for the program.

In addition, we should encourage allocation of grant funds to the full range of programs that State and local governments are allowed to fund. Under current law, State and local governments may use Byrne JAG funding for programs or projects that improve law enforcement efforts; prosecution and court programs; prevention and education programs; corrections and community corrections; drug treatment programs; planning, evaluation, and technology projects; and crime victim and witness programs.

Each of these are essential to a comprehensive effort to protect us from crime, and, therefore, all of them should receive significant funding under the Byrne JAG grant program. An imbalance in justice assistance funding creates an imbalance in anticrime efforts. Specifically, an appropriate amount of funding should be allocated to prevent crime, which will help reduce the amount of money needed to fund the after-crime cost of investigation, prosecution, incarceration, and victim assistance.

We must also assist State and local governments to fund public defender programs in recognition of the fact that the public is also protected from injustice when we safeguard the Sixth Amendment rights of our citizens.

Finally, it is essential that the full range of other programs that assist State and local public safety initiatives, including the COPS program, are adequately funded. The COPS program has funded the hiring of more than 123,000 State and local police officers and sheriff’s deputies in communities across our Nation, and it has been proven to be extremely effective in reducing crime.

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I am proud to be a cosponsor of H.R. 6062, and I commend the gentleman from Pennsylvania (Mr. MARINO) for his work on the bill.

Mr. Speaker, I urge adoption of H.R. 6062 so that we can reaffirm our commitment to funding public safety programs, and I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I reserve the balance of my time as well.

Mr. SCOTT of Virginia. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. I want to thank my colleague from Virginia for yielding me the time.

I just want to reiterate what Mr. SCOTT just said. I have to say I have never had more requests and concern about programs from mayors and elected officials in my municipalities than I get for programs like this Byrne JAG program, like the COPS program, like the SAFER program that deals with fire prevention.

I think a lot of it has to do with the fact that many of my towns—and I’m sure this is true across the country—because of the recession, because of budgetary constraints are laying off police, laying off firemen, don’t have the resources, if you will, to deal with a lot of the crime prevention problems, so these programs are crucial to them.

I want to reiterate what Mr. SCOTT said about the fact that right now it’s not only a question of reauthorizing, but also making sure that there’s adequate funding for it. If I could just use an example in my own district, and that is that last week I was able to announce that several towns in my district, the Sixth District, have been awarded grants under the Byrne JAG program to support a broad range of activities to prevent and control crime. One grant is administered by Neptune and is benefiting both Asbury Park and Long Branch—Long Branch being my home town. Another grant is administered by New Brunswick, and it’s helping Perth Amboy, Edison, and Woodbridge.

The funding is used to purchase law enforcement equipment and supplies. In New Brunswick, it’s being used for a police vehicle, which will have mobile video and data equipment. This is really all about community safety, which is of utmost importance. At a time when our local law enforcement has to cope with difficult funding levels, these Federal grants make it possible for towns to support critical crime-prevention activities that protect New Jersey families and their residents. I can’t stress enough how important this is.

So I’m just very pleased today that on a bipartisan basis we are reauthorizing this, I think, for 5 years. And as Mr. SCOTT said, the next step is to make sure that there’s adequate funding because this is a crucial program. That’s why I came down here tonight to speak about it.

Mr. SCOTT of Virginia. Mr. Speaker, I thank the gentleman from New Jersey, and I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield back the balance of my time.

Ms. CHU. Mr. Speaker, the Edward Byrne Memorial Justice Assistance Grant Program has been an invaluable source of funding for state and local law enforcement jurisdictions across the country, including in my district. Without this broad-based source of funding, safety in our communities would suffer. This invaluable grant program supports a wide range of areas including from crime prevention and education to technology improvements for police departments.



In addition, the Byrne JAG Program provides resources for body armor, an area that I highlighted during action on H.R. 6062 in the Judiciary Committee, of which I am a Member. The grant program allows local law enforcement agencies and other grantees to purchase equipment, which can include bulletproof and stab-resistant vests. Although the Bureau of Justice Assistance ("BJA") is not required to track body armor purchases with Byrne JAG funds, according to a Government Accountability Office (GAO) study released in February of this year, roughly 14 percent of grantees surveyed had used JAG funds to buy body armor in 2010.

Without a doubt, personal body armor plays a critical role in saving law enforcement officers from disabilities and death. As a matter of fact, FBI data shows that the risk of death for officers who did not wear body armor was 14 times greater than those who did. Despite this finding, the Bureau of Justice Statistics estimates that only 71% of local police departments require field officers to wear body armor at least some of the time, while only 59% of departments require the officers to wear protective armor at all times. The benefits from wearing body armor are evident, and yet . . . many departments still don't require it.

Recently, the U.S. Attorney General instituted a new requirement for Fiscal Year 2011 grantees seeking matching funds from the Bulletproof Vest Partnership Act (BVPA)—grantees now need to have mandatory body armor wear policies in place. This means that uniformed officers on patrol are required to wear a protective vest. Unfortunately, this same mandate is not included in the Byrne JAG program.

This is why I proposed an amendment in Committee—similar to an amendment proposed to the BVPA reauthorization by Senator GRASSLEY, Ranking Member of the Senate Judiciary Committee, and accepted by that Committee—that would have unified this mandatory wear policy and extended it to the Byrne JAG program. Chairman SMITH graciously noted his willingness to work with me on this front, and so I agreed to withdraw my amendment, but the issue is still worth mentioning on the floor since it is such an important issue. I welcome the interest of any of my colleagues who would also like to work with me on ensuring the extension of mandatory wear policies for body armor to additional federal grantees.

I highlighted another issue when proposing my amendment in the Judiciary Committee, which is body armor fit—an issue that concerns all law enforcement officers, but particularly the growing number of women in law enforcement. According to Bureau of Justice Statistics, the number of women in local law enforcement grew from 7.6% in 1987 to 12% in 2007. In 2007, women accounted for 18% of sworn officers in 12 of the 13 largest local police departments.

The need for properly fitted body armor for women is extremely important. Much of the armor currently offered is designed for male officers and simply does not take into account the anatomical differences. This of course leads to poor fit and discomfort. Fit issues also apply to male officers, who we know also come in different shapes and sizes. And whenever officers put on body armor that is

not properly fitted, they are exposing themselves to greater harm since they are not as protected as they could be.

The International Association of Chiefs of Police/DuPont Kevlar Survivors' Club (Survivors' Club) has documented more than 3,150 saves from disability or death by wearing of or use of protective body armor. As noted in a July 19th letter to me from Retired Police Chief Ron McBride, Program Manager for Survivors' Club, "It is appropriate to ensure that taxpayers' dollars expended on providing body armor results in consistent wear of an issued vest. Protective body armor left in an officer's locker provides zero protection. Unique fit is essential to optimizing protection. A well fitted armor provides best coverage of an officer's torso and is more comfortable to wear. These two issues equate to enhanced officer safety."

This is why the second part of my amendment offered in committee would have required that body armor purchased with Byrne JAG funding be uniquely fitted to each officer, including female officers.

The issue of properly fitted body armor should not be taken lightly when considering the overall safety of law enforcement officers. Body armor saves lives, but only if it fits properly and is worn by officers. I look forward to continuing to work with the Chairman, Ranking Member CONYERS, and other interested Members in these areas.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 6062.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SCOTT of Virginia. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

**REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 6169, PATHWAY TO JOB CREATION THROUGH A SIMPLER, FAIRER TAX CODE ACT OF 2012; PROVIDING FOR CONSIDERATION OF H.R. 8, JOB PROTECTION AND RECESSION PREVENTION ACT OF 2012; PROVIDING FOR PROCEEDINGS FROM AUGUST 3, 2012, THROUGH SEPTEMBER 7, 2012; PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES; AND WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS**

Ms. FOXX, from the Committee on Rules, submitted a privileged report

(Rept. No. 112-641) on the resolution (H. Res. 747) providing for consideration of the bill (H.R. 6169) to provide for expedited consideration of a bill providing for comprehensive tax reform; providing for consideration of the bill (H.R. 8) to extend certain tax relief provisions enacted in 2001 and 2003, and for other purposes; providing for proceedings during the period from August 3, 2012, through September 7, 2012; providing for consideration of motions to suspend the rules; and waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

#### FEDERAL LAW ENFORCEMENT PERSONNEL AND RESOURCES ALLOCATION IMPROVEMENT ACT OF 2012

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1550) to establish programs in the Department of Justice and in the Department of Homeland Security to help States that have high rates of homicide and other violent crime, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1550

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Law Enforcement Personnel and Resources Allocation Improvement Act of 2012".

#### SEC. 2. PRIORITY FOR ALLOCATION OF FEDERAL LAW ENFORCEMENT PERSONNEL AND RESOURCES.

(a) **REQUIREMENT.**—In the allocation of Federal law enforcement personnel and resources, the Attorney General shall give priority to placing and retaining those personnel and resources in States and local jurisdictions that have a high incidence of homicide or other violent crime, based on records of crime acquired under section 534 of title 28, United States Code, including reports of crime under the system known as the National Uniform Crime Reports, or on the best and most current information otherwise available to the Attorney General.

(b) **DESIGNATION OF EXISTING FEDERAL OFFICIAL.**—Not later than 30 days after the date of enactment of this Act, the Attorney General shall designate an existing official within the Department of Justice—

(1) to develop practices and procedures to carry out the requirement established in subsection (a); and

(2) to monitor compliance with those practices and procedures by the bureaus, agencies, and other subdivisions of the Department.

#### SEC. 3. ANNUAL REPORT.

Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Attorney General shall submit to the Committees on Appropriations and the Committees on the Judiciary of the Senate and the House of Representatives a report on the implementation of the requirement established in section 2. The report shall, for the year it covers—

(1) specify which States and local jurisdictions have a high incidence of homicide or other violent crime;

(2) identify the specific steps taken by the Attorney General to implement the requirement with respect to each of those States and local jurisdictions; and

(3) provide a description of the methodology (including any changes made in that methodology) that the Attorney General has used to determine the total number of authorized Federal law enforcement positions, to allocate those authorized positions among States and local jurisdictions, and to assign personnel to fill those authorized positions.

#### SEC. 4. DEFINITIONS.

In this Act, the following definitions apply:

(1) **FEDERAL LAW ENFORCEMENT PERSONNEL.**—The term “Federal law enforcement personnel” means law enforcement personnel employed by the Department of Justice, including law enforcement personnel in any of the following agencies of the Department:

(A) The Drug Enforcement Administration.  
 (B) The Federal Bureau of Investigation.  
 (C) The Bureau of Alcohol, Tobacco, Firearms and Explosives.

(D) The United States Marshals Service.

(2) **LOCAL JURISDICTION.**—The term “local jurisdiction” has the meaning given the term “unit of local government” in section 901(3) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791(3)).

(3) **STATE.**—The term “State” means any State of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, American Samoa, Guam, or the Northern Mariana Islands.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

#### GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 1550, as amended, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1550, the Federal Law Enforcement Recruitment and Retention Act of 2012, was introduced by my friend and colleague on the Judiciary Committee, Mr. PIERLUISI of Puerto Rico. It helps focus the Justice Department's law enforcement efforts on the areas of the country that need them the most.

Crime in the United States began to rise sharply in the 1960s and continued up to its peak in the early 1990s. In response, Congress and the States reformed their criminal laws to include tougher penalties and truth-in-sentencing laws, and they dedicated additional resources to target the rising crime rate.

To a great extent, our national focus on crime has been successful. The national violent crime rate in 2010 was almost half of what it was in 1991, and crime in the United States has continued to fall in spite of difficult economic times. The violent crime rate fell 5 percent from 2008 to 2009, and another 5 percent from 2009 to 2010.

Despite this good news, we are far from a solution to the problem of violent crime in all areas of the country. There are still areas where violent crime remains a very serious issue and is even on the rise. For example, in my district, the number of murders in the city of Austin nearly doubled in 1 year, going from 22 homicides in 2009 to 38 homicides in 2010. Puerto Rico, home to the sponsor of this bill, has experienced an increase in drug-related violent crime. With more than 1,100 deaths in 2011, the homicide rate in Puerto Rico last year was more than five times the national average. The majority of this violence is attributed to the area's growing drug trafficking trade, which has implications, of course, for mainland U.S.

The problem with high-crime areas may increase if there are not sufficient Federal law enforcement officers in these communities. To address this situation, the Justice Department started to dispatch surges of Federal law enforcement officers to prevent and investigate crime in high-crime cities like Philadelphia, Pennsylvania and Oakland, California. H.R. 1550 continues this momentum. It directs the Department of Justice to consider, in coordination with State and local governments, the need to recruit, assign, and retain Federal law enforcement personnel in areas of the country with high rates of homicides and other violent crimes, which of course should include Puerto Rico.

H.R. 1550 has bipartisan support and has been endorsed by the law enforcement community. The bill was reported out of the Judiciary Committee on a voice vote, and once again I want to thank Mr. PIERLUISI for sponsoring this legislation.

H.R. 1550 improves the safety of the many Americans who live in fear of violent crime in their neighborhoods. So I urge my colleagues to support the bill, and I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1550, the Federal Law Enforcement Recruitment and Retention Act. This bill would require the Department of Justice to prioritize the placement and retention of personnel in those States and local jurisdictions that have high incidences of homicide and other violent crimes.

The recruitment and retention of law enforcement officers has become in-

creasingly difficult in recent years. These challenges are faced not only by State and local police agencies, but also by Federal law enforcement agencies. Difficulty in recruiting and retaining law enforcement officers is particularly acute in jurisdictions that experience high rates of violent crime.

□ 2050

In fact, the high incidence of crime in a jurisdiction can deter a Federal law enforcement officer from seeking assignment in that jurisdiction and can frequently lead to high turnover. The failure to retain a law enforcement officer has been estimated to result in approximately \$100,000 in additional costs for the Department of Justice.

H.R. 1550, as amended, aims to address this problem by directing the Attorney General to give priority in placing and retaining agents in jurisdictions with particularly high crime rates. This bill also requires the Department of Justice to annually provide Congress with a detailed report on how it is implementing this directive.

H.R. 1550 is a modest, but necessary, measure to focus our crime-fighting efforts on the areas most in need.

I, too, want to commend our colleague, the gentleman from Puerto Rico (Mr. PIERLUISI), for his work in developing this bill. I urge my colleagues to support H.R. 1550.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I continue to reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield such time as he may consume to the gentleman from Puerto Rico (Mr. PIERLUISI), the sponsor of the legislation.

Mr. PIERLUISI. Thank you, Ranking Member SCOTT.

Mr. Speaker, I want to begin by expressing my gratitude to the chairman of the Judiciary Committee, LAMAR SMITH, for supporting H.R. 1550 and for working with House leadership to schedule the bill for floor consideration.

I also want to thank the ranking member of the Judiciary Committee, Congressman CONYERS, the chairman of the Crime Subcommittee, Congressman SENSENBRENNER, and the ranking member of the Crime Subcommittee, Congressman SCOTT, for their support.

H.R. 1550 was unanimously approved by the Judiciary Committee and has been endorsed by the Federal Law Enforcement Officers Association, which represents over 25,000 Federal law enforcement officers employed by 65 agencies.

The short title of this bill, as modified, is the Federal Law Enforcement Personnel and Resources Allocation Improvement Act of 2012. The bill would direct the Department of Justice, when allocating law enforcement personnel and resources among U.S. jurisdictions, to give priority to those

areas of the country that have high rates of homicide and other violent crime, including forcible rape, robbery and aggravated assault.

The bill would require the Attorney General to designate an existing official within the Department of Justice who will be responsible for developing practices and procedures to implement this directive and for monitoring compliance with the directive by the Department's component agencies, including the Federal Bureau of Investigation; the Drug Enforcement Administration; the Bureau of Alcohol, Tobacco, Firearms and Explosives; and the United States Marshals Service.

Finally, the bill would require the Attorney General to submit an annual report to the appropriate congressional committees. The report would specify which jurisdictions have a high incidence of homicide or other violent crime and would identify the steps that the Department of Justice is taking to prioritize the allocation of law enforcement personnel and resources to those high-crime areas.

In addition, the report would describe the methodology the Department is using to determine the total number of authorized Federal law enforcement positions nationwide, to allocate those authorized positions among different jurisdictions, and to assign personnel to fill those authorized positions.

The basis for H.R. 1550 is as follows: in recent years, the number of murders and other violent crimes nationwide has decreased substantially. Between 2007 and 2011, for example, the total number of murders in the United States decreased by over 20 percent, and the total number of violent crimes decreased by nearly 18 percent.

Most U.S. jurisdictions, whether urban, suburban or rural, have experienced a meaningful reduction in murders and other violent crimes. From the macro-perspective, the progress we have witnessed has been real and, in many cases, remarkable. Much of the credit is due to law enforcement officers on the Federal and local levels. Enhanced and effective policing can make, and has made, a tremendous difference in our communities.

Unfortunately, certain jurisdictions, sometimes referred to as "hot spots," have been exceptions to this steady downward trend in violent crime. My own district, Puerto Rico, is a case in point. Today, the number of annual murders in Puerto Rico is nearly 90 percent higher than it was in 1990. Between 2007 and 2011 alone, homicides rose by 55 percent, with most of the violence linked to the drug trade. Yet the Federal law enforcement footprint in the U.S. Territory has not evolved in light of these changed circumstances. Instead, it has remained stagnant.

Puerto Rico may be the most dramatic example of a U.S. jurisdiction

where violent crime has increased rather than decreased, but it's by no means alone. For example, Flint, Michigan, experienced a 73 percent increase in homicides between 2007 and 2011, while a major metropolitan area in the Central Valley of California witnessed a 100 percent increase in murders.

Moreover, there are numerous other areas where there has been some progress in reducing crime, but where violence remains far too high. Examples of such areas include Detroit, St. Louis, Memphis, Oakland, Little Rock, Birmingham, Atlanta, Baltimore, Philadelphia, Chicago, Miami, and New Orleans.

H.R. 1550 would promote and institutionalize steps that the Department of Justice, to its credit, has already begun to take. Recently, the Department developed a new initiative known as the Violent Crime Reduction Partnership to help target Federal resources to areas in need of additional law enforcement support.

Pursuant to this initiative, for example, more than 50 officials from the FBI, DEA, ATF, the U.S. Attorney's Office, and DOJ's criminal division have begun a 4-month surge of Federal law enforcement resources in order to prevent and combat violent crime in the Philadelphia metropolitan area. This is a positive step that should be encouraged and replicated in other high-crime jurisdictions, which is the precise result that H.R. 1550 seeks to bring about.

To be clear, it is well understood that the methods that DOJ may successfully employ to reduce violent crime in, say, Philadelphia or Baltimore may need to be adjusted for use in San Juan or St. Louis, with the specific approach dependent upon the nature of the crime problem that each jurisdiction confronts and other relevant factors.

For that reason, my bill does not in any way try to micromanage the Department or to promote a one-size-fits-all approach to fighting crime. H.R. 1550 simply seeks to ensure, in this time of fiscal constraint on both the Federal and local levels, that DOJ has in place a carefully crafted and consistently applied policy of allocating limited law enforcement personnel and resources to those areas where they are needed the most.

Again, I thank Chairman SMITH, Ranking Member SCOTT; and I hope my colleagues on both sides of the aisle will support this bill.

Mr. SMITH of Texas. Mr. Speaker, I continue to reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield such time as she may consume to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. I thank the ranking member for yielding.

Mr. Speaker, I too rise in very strong support of H.R. 1550, the Federal Law

Enforcement Personnel and Resources Allocation Improvement Act of 2012, which would require the Attorney General, in the allocation of Federal law enforcement personnel and resources, to give priority to placing and retaining such personnel and resources in States and local jurisdictions that have a high incidence of homicide or other violent crime.

I commend my friend, the Congressman from Puerto Rico (Mr. PIERLUISI) for its introduction, for his hard work, and for his leadership in getting it to the floor today.

If this bill were to become law, my district, along with Congressman PIERLUISI's, will be one of the local jurisdictions that would qualify for having that high incidence of homicide and violent crime. This is not a fact that we're proud of, but it is a reality; and it's the by-product of the USVI and Puerto Rico being a trans-shipment point for illegal drugs traveling from Central and South America to mainland United States.

There are many other communities in our country that are facing the same or similar incidence of violence; and the blame, in most cases, can be traced to drug trafficking. In the case of the Virgin Islands and Puerto Rico, it stems from the fact that we have become the route of choice for drug shipments to the east coast of the United States.

According to Department of Justice statistics, in 2011, 165,000 metric tons of illegal drugs were seized in the Caribbean, Bahamas and Gulf of Mexico, up 36 percent over 4 years. And up to 80 percent of cocaine trafficked through the Virgin Islands and Puerto Rico is directed to U.S. east coast cities.

□ 2100

Congressman PIERLUISI and I were recently at the Coast Guard station in Puerto Rico, and we had the opportunity to meet with the commander of the ship that had recently captured 1.4 kilos of cocaine off of St. Croix in the U.S. Virgin Islands. That was the port's largest capture in its history. These routes are also a threat to America's national security. In addition to the guns, assault weapons and drugs, the Caribbean region is susceptible to smuggling nuclear and all other kinds of materials that could easily be used as staging areas for violence against our country.

The most tragic of all are the young people who had been killed or who are now in jail, many of whom I knew and took care of as a family physician. Unfortunately, we, too, have one of the highest murder rates per 100,000 in our country. Our community was shocked a few months ago when two of our young policemen, who were in a high crime area but who were on what seemed to be a routine patrol, were shot earlier this year. Both sustained

injuries which go beyond the physical. One is paralyzed and will require lifelong care and support.

Our community, though, is fighting back. Our law enforcement has been meeting with those from across the Caribbean region. We are working with the Federal law enforcement that does exist in the Territory. Both of us, Puerto Rico and the U.S. Virgin Islands, are high-intensity drug trafficking areas. We have a well-integrated but still incomplete team led by Adjutant General Vicens from Puerto Rico and Executive Director Catherine Mills from the Virgin Islands, but we do need more Federal help in order to restore the safety of our communities and to protect the lives of our children. This is not only important to my constituents and me; it is critical to the well-being of the constituents of all of our colleagues but especially to those whose communities have high homicide and violent crime rates.

In this legislation, which I am pleased to cosponsor, we are pleading for this critically important help in order to bring the vital Federal resources to save our communities—to save all of our communities—and to protect our Nation. I urge my colleagues to support H.R. 1550.

Mr. SCOTT of Virginia. Mr. Speaker, I thank the gentlelady from the Virgin Islands and the gentleman from Puerto Rico.

I urge the passage of the bill, and I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 1550, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SMITH of Texas. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

#### SEQUESTERATION: THE DESTRUCTION OF THE UNITED STATES MILITARY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Texas (Mr. CARTER) is recognized for 28 minutes as the designee of the majority leader.

Mr. CARTER. I thank you, Mr. Speaker.

Mr. Speaker, we have got a lot of hard work to do in about the next 3

months around this place. I want to talk tonight about a process that we have brought upon ourselves so that now we are faced with what, I think, could be one of the greatest catastrophes in the modern history of the United States—and that is almost the complete destruction of our military through a process called “sequester.”

We use a lot of big words around this House, and half of the people who sit in this room on a daily basis don't even know what it means, to be honest with you, but they know what the process does: across-the-board cuts at every level of government. The reality of these cuts is that, at least in the current makeup of our government and with so many of our expenses in this government being mandatory spending and what we call “entitlements,” the lion's share automatically falls upon the military, on the Defense Department.

Even more critical to this particular agreement, which was made in the earlier part of this year when we had one of our many shutdown-the-government risks that have come upon this body in the last couple of years, the White House with the President, along with the majority leader of the Senate and the Speaker of the House, met to discuss how to keep from having a shutdown of the government and how to raise the debt ceiling so we could continue to operate this government. With everyone recognizing that there was a looming crisis from having spent more than we make for as long as we can remember, quite honestly, and, therefore, that we are now in a problem of debt which is drowning this Nation and the Members of this body wanting to address that, the discussion was about how we would do it.

They came up with a concept of a supercommittee. Most of you who keep up with current events know that we formed a supercommittee, the purpose of which was to come up with the cuts from the appropriate parts of this government so that we would reduce the spending of over \$1 trillion, thus starting ourselves down the road to fiscal responsibility. This is what we set out to do. It was an honest effort, let's be frank. It was an honest effort. Everybody, whether elected to do it or not, recognized that this was the issue that was before us. The question was how to do this, and they came up with this supercommittee.

They agreed that, if the supercommittee failed, then the process of sequester would replace the actions of the supercommittee. There will be a political debate that will go back and forth as to who killed the effort in the supercommittee; but wherever the fault may lie, the supercommittee failed. Those of us who were in this House asked about the sequester and looked at it and worried about it as the vote came up as to whether or not this

was the right thing to do. We then asked the question of the leaders here, which I'm sure was asked on both sides of the aisle: So what happens if the supercommittee doesn't perform?

We were told sequester, which was the worst possible thing to happen to this House, and I think both sides of the aisle agreed with that. But don't worry, it has never happened. It never will happen. We will do the right thing.

The committee failed.

It is almost August. Quite honestly, the number of legislative days left before the election can almost be counted on these two hands, and we haven't addressed how we are going to do this; but the folks who may most be affected have no choice but to address it.

The agreement that came out of the meeting between the President and the Congress was that roughly half the \$1.1 trillion number, I believe it is, would come out of the Defense Department and that the other half would come out of domestic spending. Well, the Defense Department being the Defense Department—and it cannot function without planning—is already planning what it would have to do in case this occurs.

We talk in big ideas and issues around here, but the reality is this: this is about a bunch of people who chose the profession for their lives, that of defending our Nation.

□ 2110

We should never forget that the ordinary soldier, sailor, airman, marine, and Coast Guardsman volunteered to join their branch of the service, most of them, as their profession. This is not the old drafted military of World War II or the Korean war or the Vietnam war or the Cold War. This is a volunteer military. This is a young man or woman saying: I choose the job of fighting for my country. This is what I choose to do with my life. I will earn my way. I will earn my promotions by being a good warrior.

My wife and I, when we first learned that we were going to have the honor of representing what we call a great place, Fort Hood in Texas, we wanted to meet with soldiers, and the place we could find them to meet with us around Thanksgiving time was in Korea. We went and met with Fort Hood soldiers in Korea. Most of them were from Texas at our table where they were talking to us, and I asked a question. I was new to getting to talk to the ordinary soldier. These were just ordinary soldiers. There may have been a couple of sergeants there, but most of them were not highly ranked.

I said, How long are you guys and gals going to be in Korea? They said, Oh, 3 months, 6 months, whatever the time period was. I said, What do you want to do next in the Army? They responded, We want to go to Afghanistan or Iraq. This is back in '04. From someone of my age who has the memory of

the draft Army, that was a shocking answer: We want to go from this place in Korea to the place where the war is, and we would like to go directly there. These were 19-year-old kids, kids like my son coaches in football and baseball back home. These were kids that could have been the same kids that played on the team the year before who were sitting there at the table telling us they wanted to go to war.

I was kind of taken aback by that answer. It was unanimous, by the way. There were eight people around the table that were all unanimous: we want to go to war. Then this young tow-headed 19-year-old soldier said, Sir, that's what we are. We're trained warriors. That's what we do for a living. We fight wars. We want to go where our country needs us. We want to go to war. Not because we like war, but because we are professional soldiers. We do this for a living.

This is the mindset that goes back in history a long ways. Some of the greatest armies in the world had that mindset, that this was the job they chose for their life. Now, because we have not been willing to live within a budget in the United States—we're all at fault, every one of us. The people in this House, both sides of the aisle, we're all at fault. We spend more than we make, and we wonder why in the world it doesn't work. How many people sit at home and look at their household budgets and say, My gosh, we're spending more than we make. No wonder it doesn't work. That's like the law of gravity. It's a natural thing that you can't spend more than you make and not ultimately be in trouble, even when you can take it out of other people's pockets like the government.

Now we are faced with a crisis, and we're talking about a solution for that crisis that's going to fall on the back of that 19-year-old kid that talked to me in Korea because his goal in life was to rise in the ranks by being a good soldier. As a good soldier, if he did a good job, he would be promoted and he would rise in rank. Maybe in his heart his goal was to some day be a command sergeant major of one of the commands in the Army, kind of the pinnacle of the career of an ordinary soldier. Because we spend too much and can't agree on how to cut it and we're going to have to go to automatic cuts, that young man's job is at risk. The President says he's going to protect the jobs of the soldiers. I hope what he means he's not going to fire anybody. Although one of the papers that I was reading an article in it said he's not going to cut the pay of the soldiers.

I happen to be blessed. One of the things that I'm very proud of in this body is I am a cochair of the Army Caucus here in the Congress, and I've heard the generals talk about what sequester means to the Army. It means cuts of 100,000 to 180,000 soldiers. That

means that kid that I talked to in Korea, who's probably now done three tours in Afghanistan or Iraq, who has done a good job, fought for his country, performed in an excellent manner, has been promoted, he's in the beginning of the middle of his career, and because we can't agree on how to reduce our runaway spending, that kid is going to lose his job.

He will not only lose his job, but he's going to lose his career. He chose our United States Army partially out of the job he wanted to do, but in a great many cases out of patriotism for this country. He didn't sign on to be in somebody else's Army. He signed on to be in our Army. He's done everything right; and yet because we can't control our spending, that young man and those young men and women at that table could lose their careers that they chose for their lives, careers to be proud of as Americans. There are young people willing to do this for our country.

When we talk these big numbers and throw around big words, we've got to remember it affects human beings. We've got some charts here I want to show you so you get some idea of what we're talking about. Where is the spending? This is entitlements. The spending is at \$26.1 trillion. Nondefense spending is at \$11.3 trillion. Defense spending at \$3.6 trillion. That's where the spending is in our country today.

Let's look at what we propose to do as a solution under sequester. From entitlements we're taking \$171 billion out of \$26.1 trillion. From nondefense spending, we're taking \$322 billion out of \$11.37 trillion. Over here in defense we're taking \$422 billion, the highest of any of these numbers, out of \$3.6 trillion. This is about a 42 percent cut. This is out of whack.

What's this out of whack going to do to our military? Let's start off with what we're talking about right now in the country. We're talking about our economy, we're talking about getting ourselves out of this slump we're in and putting Americans back to work. Does anybody think it's a good idea to create a program that loses American jobs? To me, I just can't fathom it. But according to CNN, 1 million jobs will be lost under sequester. That's not military jobs. That's the people who provide goods and services either directly for the military or sell it to the military.

□ 2120

And here is something else that's pretty frightening. As we look down the road at this sequester program, the law that was created by the Congress and which was signed into law says, if we anticipate the loss in an industry of jobs based upon the actions of this body, they have to pass out pink slips 60 days before that might happen and in some cases 90 days.

Well, the drop-dead date on sequester is January 2 of next year. So if we do nothing by January 2, we are going to have these across-the-board cuts. We are going to have 1 million people get pink slips in either October or November. Now, is that going to raise the enthusiasm for growing our economy in America? It is absolutely as destructive as it could be.

We have a responsibility to try to do something about this, and we can't keep kicking cans down the road in this body. If we do, one of these days, we are going to get a broken foot, and already there seems to be a brick in the can.

This is serious stuff. We've got real people's lives being affected in the military. We've got real people's jobs being affected in the defense industry. These are people who go to work, just like everybody else in this country. Somehow we hear the words "defense industry," and we assume some kind of fat cats. Go over to one of the defense industries and see the machinists and the guys that do all kinds of jobs, that create these great instruments that are instruments of war and also instruments of peace that we use in our military. All of these things are at risk, and the people who do those jobs are at risk right now as they relate directly to the sequester.

I am joined by my friend Mr. BISHOP from Utah. Would you like to jump in here and talk a little bit about this? You are on the Armed Services Committee, I believe.

We had 20-some minutes to start. So we are down to 10 minutes, I believe. Tell us your view from the committee.

Mr. BISHOP of Utah. Well, I appreciate the gentleman from Texas taking up this particular issue. I promise you, you will get a few minutes here to finish this one up here as well.

I will start just by moving off where we are for just 1 second and going back to my real love, which is still baseball. If you recall, back in 1962 they created the amazing New York Mets, a team that set the standard for ineptitude in professional sports. Anyone who wants to seek that, to fall that low, now has a perfect standard by which to judge your effectiveness in becoming bad.

The New York Mets, in 1962, lost 120 out of 160 games. That's the standard by which people now judge themselves. And it's amazing to think of how the leadership of the New York Mets could cobble together a team of athletes so inept at working together as a particular team, leaving such luminary names as Jay Hook and Ken MacKenzie, Choo Choo Coleman and Hobie Landrith there together.

Probably the best of all those names was Marvelous Marv Throneberry, a big first baseman who I think, in his third year with the Mets, actually hit a triple, which is amazing considering he's not really one of those fast runners. But as he was rounding the bases

going to third, he missed second base, which was spotted by the opposing team. So they waited until the play was back in, called for the ball, stepped on second base, and he was out.

Well, obviously Casey Stengel went running out there to complain about this and argued the case up and down and lost, and Throneberry was out. As Stengel went back to the dugout, he passed the first base coach, Cookie Lavagetto, and said, "Why weren't you out there at least arguing with me?" And Cookie looked at him and said, "Because he missed first base, too." And that was the end of the discussion.

Now, eventually, the management was able to take the amazing '62 Mets and turn them into the miracle '69 Mets that were the world champions. But the administration of the Mets had to do some fancy work to do that.

The situation we have right now is where we have an administration in this country that is doing that same kind of work that the Mets leadership did, except in reverse. We are going from the '69 Mets back to the '62 Mets, an administration that took over the best defense, the best military in the world and is, bit by bit, pulling it down to the form of mediocrity, even to the level of the '62 amazing New York Mets.

We have faced three potential cuts to the military. With the first one, then-Secretary of Defense Gates said, If you go beyond this first \$600 billion cut, it could have devastating effects. This administration took a second cut beyond it, and now what the gentleman from Texas is talking about is the potential for a third cut to the military.

Now, what has been the net effect of this administration's efforts on behalf of defense altogether? Well, for the first time, there are 50 major defense programs that have been canceled. This is the first time there is not a single aircraft modernization going on in this country. And if you consider the fact that modernization takes between 10 and 20 years to effect, that means regardless of what happens in November, this country is without a new modernization program for our aircraft for at least two decades after President Obama leaves the White House.

We were spending 4 percent of our GDP on military before this President came in. We're now down to 2.5 percent. That is the percent we have been complaining about our allies in Europe spending, and that compares to 6 percent under Reagan, 10 percent under Kennedy, 12 percent during Korea, 35 percent during World War II.

We have platforms in our military that are over 25 years of age and are not getting any younger. We have the smallest Army since World War II. We have the smallest Navy since World War I. In World War II, we had over 6,000 ships; today, we have 280.

We will have the smallest Air Force ever. Several years ago, two of our F-

15Cs literally broke in flight and two F-18s caught fire while on the aircraft carrier. Our A-10 Warthogs have cracks in the fuselage. We only have one fifth-generation fighter in production while the Chinese and the Russians have a combined 12 fighter and bomber lines open for business.

We are moving the defense of this country backwards into an area that is frighteningly fearful. We are going from the '69 to the '62 Mets when we should be trying to go in the opposite direction, and that's what happens before sequestration goes into effect.

If, indeed, we add the sequestration—a third cut on top of the other two—we will do what the Secretary of Defense has said: We will hollow out our military. We will put our defense at danger—not just the defense of this country but, as was previously mentioned, the jobs that are in the private sector—the military base, the industrial base that help us defend ourselves, and we will take away from the table the potential of foreign affairs options that we have.

Our ability two decades from today to conduct foreign policy is dependent on the decisions we make now to define and have an adequate military backup for what we need to do. These are the decisions we need to be making, and it is essential that we recognize what we are doing now is wrong.

To change and reverse our defense cuts even for 1 year would take \$109 billion. But, oddly enough, that is 1 month of borrowing that is being done by this administration.

We can't afford this sequestration as a country. And I find it sad that the President of the United States will actually say that he will veto any effort to get rid of these automatic spending cuts, using the defense of this country as a hostage in a high-stakes battle with Congress over what our future tax policy will be. That is not what a good administration should be doing. That is not what this country needs. We need to do something different.

I appreciate the gentleman from Texas allowing me to rant a little on this particular issue. This is important to every American. This affects not just what we're doing today but what happens two decades from this day, when we are probably long gone from this body.

Mr. CARTER. Reclaiming my time, and we may get a little more time, so don't run off.

What you just had to say was really important. That's the kind of shock that the American people need to hear. We are going to take the most powerful and the strongest military force on Earth and hollow it out. And when you ask a commander to explain a hollow force, he will say, On paper, it will look like a combat brigade; but when you go down into the various jobs that must be done to have an effective fighting

combat brigade, you will find there is no one in those jobs. Therefore, it is not an effective combat brigade. This is simple stuff using just people as an example.

When you are using carrier forces and you are saying, We're going to take out the carrier and all their supporting ships—so we're going to give up a carrier and its ships or maybe two carriers and its ships to meet this sequester—you gut the Navy.

□ 2130

You gut the way they deliver force to a fight. They are one of our major deliverers of force to a fight. We take their claws away from them. The long-range Stryker and our new ships that are coming online, that as I understand it—and I forget what they call that—but that is gone.

And the thing about the Air Force, my gosh, we have known for a long time, since I first came to this Congress, that we were behind the eight ball in developing the next generation of combat fighting aircraft. We were behind the eight ball. This is when I came in 2002 and the discussion I was having with the folks in those days, we are working on it, we have them on the assembly line, we are trying to finish them up, but we're behind the eight ball. The Chinese and the Russians already have the next generation of fighting aircraft, and they're developing more, just as you said. And yet, we're talking about ours are going to go away. You have much more experience with this than I do, but I think everybody has common enough sense to know that if you shut it down, bringing it back is going to take a long time. It's just that simple. It's complicated. It's not easy.

And then of course, if we're not going to reduce the numbers of our fighting force, we're going to reduce the way they go to battle because you've got to cut something in the Army. If you're not cutting people, and I don't know if that's what the President means when he says he's not going to go after the personnel, whether he means he's not going to lower their pay or he's not going to lower their numbers. I don't know the answer. But if they lower the numbers, this is the vehicle the next generation is supposed to go to war in. We're not going to have that vehicle to go to war in.

The SPEAKER pro tempore. The gentleman will suspend.

The Chair is prepared to recognize a Member from the minority party. There being none, under the Speaker's announced policy of January 5, 2011, the Chair recognizes the gentleman from Texas (Mr. CARTER) for the remaining time until 10 p.m.

Mr. CARTER. Thank you. We'll try not to use it all so somebody can go get some rest around here for all the good work you people do here. But I am



grateful to have a little more time so I can visit with my good friend, Mr. BISHOP.

That's what you've been saying to us here. And one of the things you hear around this House is, well, there's soft power. I've had debates with some of my colleagues that we don't use soft power effectively. We try to always use hard power. I would argue you can't have soft power unless you've got hard power. All the sweet talk in the world, if you don't have somebody to back you up that you can ultimately punch them in the nose, it ain't getting you anywhere. And if we're taking the punch out of our military, what are we left with?

By the way, I think those young kids who are not getting the kind of history lessons they should get these days probably know from somebody telling them that the last time we took our military down to this level, we had an event called Pearl Harbor. And that shows what happens when your readiness is not ready. And this is a world full of very, very dangerous things right now. We've been looking at terrorism for the last 10 years, and terrorism remains a big, big problem for this country. But there are others who would do us harm out there that if we don't have the ability to defend ourselves, we could fall into serious harm's way.

I yield to my friend.

Mr. BISHOP of Utah. I thank the gentleman again, and I would just like to reiterate a couple of things that he has said and build on those points that are there. It is extremely important to realize that we are about the people's business, and we are doing the constitutionally required things that a Congress ought to do.

You know, we all say that it is significant, that we do have a problem with our budget. Which is true. We all recognize that. But there are certain core constitutional responsibilities that were given by the Founding Fathers to Congress to make sure that we maintained those responsibilities in those areas. The Constitution tells us that we have the responsibility to promote general welfare, which is nice. We probably don't understand what they meant by general welfare anymore, but we are to promote it. But we have the obligation to provide for the common defense. And that verb differentiation was not done by accident by those who wrote the Constitution. It is the mandate that this Congress has to provide for the common defense, not simply because it's a fun thing to do, but because it defends this country, and it provides our ability to do foreign policy in the future as well as providing some jobs for people who are necessary to make sure that this happens.

I reiterate what we said earlier. This sequestration is not a simple decrease or cut to the military. It would be the

third major cut to the military. Remember, we cut, number one, \$600 billion, at which time the Secretary of Defense said you cannot go much more than that. And then this administration put another cut, number two, of \$400 billion. And now if sequestration were to go through, were the President to follow through on his threat to veto any legislation that would stop the sequestration, it would be cut number three of an additional \$600 billion. And that is what everybody who works with the system says would destroy and hollow out our military, and we would be in violation of our constitutional obligations to provide for the common defense.

Now, I am actually fairly proud of the House. We have on several occasions sent legislation over to the Senate that would stop this process and make sure that this core constitutional responsibility we have is actually fulfilled by Congress and we do not let this cut number three, sequestration, go into effect.

Right now, they are sitting on Senator REID's desk. He needs to take up the responsibility of putting those to a vote and passing that legislation and putting this on the desk of the President, who needs to take up his responsibility as Commander in Chief and pass those bills and make sure that these devastating cuts, which as the gentleman from Texas quite correctly said, would hollow out our military, would be devastating to our military posture, not just for today, but for decades to come; make sure that those do not go into effect and those are properly signed by the President and properly passed by Congress.

The House has done our share. The House has done our responsibility. I need to call upon the Senate now to pick up the mantle and do their part of this effort to make sure that we defend this country, as we ought to.

Mr. CARTER. I thank the gentleman for pointing that out, and reclaiming my time, we've already done work to show the direction we can go to head off this absolute disaster for our national defense. It is in the hands of the Democratic-controlled Senate. It is in the hands of the majority leader in the Senate, and it is time for him to put the partisan politics aside and fund our military and make the cuts across other areas.

Let's keep to our word to make cuts. Let's don't break that word, but let's don't destroy the military and violate the Constitution, which says we are supposed to provide for the common defense of this country.

You know, sometimes we get kind of provincial in this country, so just for the fun of it, let's talk a little bit about all those jobs, who's going to lose those jobs.

Let me put that chart up here. Potential job losses across the board:

California, 125,800; Virginia, 122,800; Texas, 91,600; Florida, 39,200; Massachusetts, 38,200; Maryland, 36,200; Pennsylvania, 36,200; Connecticut, 34,200; Arizona, 33,200; Missouri, 31,200. That's the top. That's the top 10, I think it is.

But the truth is the defense industry and those who provide for the defense industry are a major part of our economy. We're all going to feel this. But if you're one of those States, and you're already worried about where are your kids, when they get out of school, going to get a job with jobs being lost, look at that list and see that we're all in this together. As we make this crazy move of weakening our national defense to the point of disaster, we're also weakening the very economy we're struggling to strengthen.

□ 2140

How can this possibly be good sense to anybody in this country? To me, it doesn't register. We're looking to create jobs, not destroy jobs. This is going to be a major impact on our country. I think we have the real potential to go back into a deep, double-dip recession and hopefully just being able to head it off at that.

Meanwhile, as these cuts take place and our military gets weaker and weaker and weaker, what do we do about the enemies of the United States? Is that where we want to be? Have we become that kind of country? I don't think so. I think we all need to gut up and put the politics aside. Let's don't hold hostage these jobs and hold hostage our military so somebody can get their tax policy different from someone else's tax policy. Let's debate that without holding anybody hostage. Let's debate it, let's vote on it, and let's get it done. Let's go to conference and let's work on taxes the way we're supposed to, but let's don't hold anybody hostage with threatening to destroy our military and get half the country laid off because we want it our way.

I would argue that that's exactly what HARRY REID is doing right now in the Senate. And I think that is something we need to stand up and shout on behalf of those warriors who go to war for us and who, by the way, have gone to war for us multiple times in the last decade.

This is exactly what Congressman BISHOP was talking about. We have a resolution that was sent over there, H.R. 5652. It replaces \$78 billion in defense cuts with \$316 billion in cuts over 10 years, and the cuts come from across the board—Agriculture, Energy and Commerce, Financial Services, Judiciary, Oversight and Government Reform, and Ways and Means—instead of all out of the Defense Department. And the committee chairmen of the committees in the House did the work, held the hearings, and came up with these solutions. This is how this place is supposed to work.



Now, why can't we let it work? Why do we have to play political games that hold the greatest defense in the world hostage? It's a crime. It's absolutely a crime not only to our institutions of the military, but to our individuals in the military who gave us 10 years of war and did it voluntarily. Not one of them was drafted into the fight. They all marched to war voluntarily. And some of them suffered horrendously on behalf of this country. They got promoted, and they were rising in the military; and with one fell swoop, because we refused to do it the right way, and the Senate wants to hold tax policy before the goodness of the Defense Department, these guys are going to lose their jobs. And those people aren't in those unemployment figures. These are industry figures we're talking about.

But what about the guy that fought for you for 10 years and you've thrown him out of a job when he's been promoted? He may be a staff sergeant for all I know, that kid that I met in Korea almost 10 years ago. And yet do you know what? We're going to fire the kid even though he has been a good soldier. What are you going to do with him? He's got to find a new job and a new career. He chose defending his country as his career.

Through no fault of his own, but through the political will of the Senate, at least the majority of the Senate, he gets his job taken away from him, and he's out on the unemployment line. Something is bad wrong with this whole picture.

I'm not going to take all the rest of the time, Mr. BISHOP. I'll yield back to you if you have anything you'd like to say in conclusion, and then I'll wrap it up. I'm really grateful for you coming down here because your insight coming from the committee and hearing this

day in and day out, I know you all have held numerous hearings on every issue, and I really appreciate your coming and sharing that with us.

Mr. BISHOP of Utah. I'm just grateful to the gentleman from Texas for actually broaching this issue. Jobs are important, but it's not just jobs for the sake of creating a job. This is a job that is essential for the defense of this country. This is our constitutional responsibility, and we need to take that seriously.

Sequestration is basically, as you said I think at the very beginning, it's not what was planned here; it just kind of happened. It was a failed policy that happened. Now is the time to actually become adults about this and recognize that sequestration will not only destroy jobs, but it will destroy the defense of this country; and our responsibility is to make sure we defend this country and give every capability that when we send somebody into harm's way they have the equipment that is necessary to make sure they come back successfully.

We don't want a fair fight. We want America to have the best equipment, and that flat out won't happen if we go through this big cut number three that we call "sequestration."

I thank the gentleman for allowing me to say something about this important issue, and I thank you for bringing it to the attention of the American people, sir.

Mr. CARTER. I think a good point that you've clearly made, "sequestration" should be a definition of our failure to meet our constitutional responsibility. And it just can't happen. So I want to end by encouraging both sides of the aisle and all my colleagues in this House, let's get this deal done, let's don't gut our military, let's come up with other solutions, and for good-

ness' sakes, let's don't sell out the people who have gone to war for us for the last 10 years.

Mr. Speaker, I yield back the balance of my time.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BISHOP of Georgia (at the request of Ms. PELOSI) for today on account of official business in the district.

Mr. HEINRICH (at the request of Ms. PELOSI) for today.

Ms. JACKSON LEE of Texas (at the request of Ms. PELOSI) for today on account of pressing business.

Ms. SUTTON (at the request of Ms. PELOSI) for today on account of travel delays.

#### BILL PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reported that on July 27, 2012, she presented to the President of the United States, for his approval, the following bill.

H.R. 5872. To require the President to provide a report detailing the sequester required by the Budget Control Act of 2011 on January 2, 2013.

#### ADJOURNMENT

Mr. BISHOP of Utah. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 47 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, August 1, 2012, at 10 a.m. for morning-hour debate.

#### EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Official Foreign Travel during the second quarter of 2012 pursuant to Public Law 95-384 are as follows:

##### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ETHICS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2012

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>

##### HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. JO BONNER, Chairman, July 9, 2012.

##### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOUSE ADMINISTRATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2012

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>

##### HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. DANIEL E. LUNGREN, Chairman, July 10, 2012.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2012

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. Louis Gohmert .....	4/19	4/21	United Arab Emirates .....		194.66		7,504.70				7,699.36
	4/21	4/22	Afghanistan .....								
	4/22	4/23	United Arab Emirates .....								
CODEL Expenses:											
Cell Phone .....									295.67		
Embassy Personal .....									2,738.90		
Embassy Vehicles .....									414.14		
Gifts .....									60.54		
Total Expenses .....											3,509.25
Committee totals .....					194.66		7,504.70		3,509.25		11,208.61

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. LAMAR SMITH, Chairman, July 18, 2012.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2012

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. David Dreier .....	5/21	5/25	Egypt .....		1,402.38		8,788.60				10,190.98
Brad Smith .....	5/21	5/25	Egypt .....		1,330.24		8,788.60				10,118.84
Hon. David Dreier .....	6/11	6/18	Egypt .....		1,795.00		11,640.80				13,435.80
Brad Smith .....	6/11	6/18	Egypt .....		1,795.00		11,640.80				13,435.80
Committee total .....					6,322.62		40,858.80				47,181.42

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. DAVID DREIER, Chairman, July 24, 2012.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, BETWEEN APR. 1 AND JUNE 30, 2012

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Erika Schlager .....	4/15	4/19	Austria .....		1,409.00		2,598.50				4,007.50
	4/19	4/22	Poland .....		842.00						842.00
Mischa Thompson .....	4/19	4/21	Austria .....		1,277.46		3,820.80				5,098.26
	4/21	4/25	Copenhagen .....		626.20						626.20
Allison Hollibaugh .....	4/17	4/19	Russia .....		633.67		2,722.00				3,355.67
	5/13	5/17	Poland .....		845.91		2,351.00				3,196.91
	5/17	5/19	Austria .....		511.49						511.49
Shelly Han .....	4/22	4/24	Ireland .....		533.38		2,322.60				2,855.98
	4/24	4/27	Belgium .....		1,617.00						1,617.00
	6/17	6/20	Ireland .....		904.07		1,022.70				1,926.77
Winsome Packer .....	5/20	5/22	Georgia .....		1,432.70		11,252.10				12,684.80
	5/22	5/26	Azerbaijan .....		597.03						597.03
	6/24	6/29	Austria .....		1,631.40		1,603.50				3,234.90
Alex Johnson .....	4/15	6/30	Austria .....		25,830.02		1,580.30				27,410.32
	5/11	5/14	Georgia .....		762.00		710.61				1,472.61
	5/27	5/29	Italy .....		850.93		732.57				1,583.50
Committee total .....					39,453.33		29,984.11				69,437.44

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

MARK MILOSCH, July 24, 2012.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

7135. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Trifloxystrobin; Pesticide Tolerance [EPA-HQ-OPP-2011-0458; FRL-9354-8] received July 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7136. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Difenoconazole; Pesticide Tolerances [EPA-HQ-OPP-2011-0300; FRL-

9354-9] received July 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7137. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Commission Guidance Regarding Definitions of Mortgage Related Security and Small Business Related Security [Release No.: 34-67448; File No. S7-06-12] received July 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7138. A letter from the Assistant General Counsel for Regulatory Services, Office of the General Counsel, Department of Education, transmitting the Department's final rule — Federal Pell Grant Program [Docket ID: ED-2012-OPE-0006] received July 16, 2012,

pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7139. A letter from the Director, Office of the Whistleblower Protection Program, Department of Labor, transmitting the Department's final rule — Procedures for the Handling of Retaliation Complaints Under Section 219 of the Consumer Product Safety Improvement Act of 2008 [Docket Number: OSHA-2010-0006] (RIN: 1218-AC47) received July 16, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7140. A letter from the Deputy Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Indirect Food Additives: Polymers [Docket No.: FDA-2012-F-0031] received July 23, 2012,

pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7141. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Offset Lithographic Printing and Letterpress Printing Regulations [EPA-R03-OAR-2012-0042; FRL-9702-2] received July 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7142. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Removal of Administrative Requirements from the Regulation for the Control of Motor Vehicle Emissions in Northern Virginia [EPA-R03-OAR-2012-0443; FRL-9702-4] received July 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7143. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Wisconsin; Redesignation of the Milwaukee-Racine Area to Attainment for 1997 8-hour Ozone Standard [EPA-R05-OAR-2009-0730; FRL-9702-9] received July 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7144. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Tennessee; 110(a)(1) and (2) Infrastructure Requirements for the 1997 8-Hour Ozone National Ambient Air Quality Standards [EPA-R04-OAR-2011-0353; FRL-9699-5] received July 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7145. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Significant New Use Rules on a Certain Chemical Substance; Removal of Significant New Use Rules [EPA-HQ-OPPT-2011-0577; FRL-9356-1] (RIN: 2070-AB27) received July 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7146. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Significant New Use Rules on Certain Chemical Substances [EPA-HQ-OPPT-2010-1075; FRL-9354-2] (RIN: 2070-AB27) received July 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7147. A letter from the Deputy Bureau Chief CGB, Federal Communications Commission, transmitting the Commission's final rule — Misuse of Internet Protocol (IP) Relay Service; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities [CG Docket No.: 12-38] [CG Docket No.: 03-123] received July 23, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7148. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Regulations under section 367(d) applicable to certain outbound asset reorganizations [Notice 2012-39] received July 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7149. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Tribal Economic Development Bonds [Notice 2012-48] received July 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 1950. A bill to enact title 54, United States Code, "National Park System", as positive law; with an amendment (Rept. 112-631). Referred to the House Calendar.

Mr. CAMP: Committee on Ways and Means. H.R. 6156. A bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to products of the Russian Federation and Moldova and to require reports on the compliance of the Russian federation with its obligations as a member of the World Trade Organization, and for other purposes (Rept. 112-632). Referred to the Committee of the Whole House on the state of the Union.

Mr. BACHUS: Committee on Financial Services. H.R. 2446. A bill to clarify the treatment of homeowner warranties under current law, and for other purposes; with an amendment (Rept. 112-633). Referred to the Committee of the Whole House on the state of the Union.

Mr. MICA: Committee on Transportation and Infrastructure. H.R. 5797. A bill to amend title 46, United States Code, with respect to Mille Lacs Lake, Minnesota, and for other purposes; with amendments (Rept. 112-634). Referred to the Committee of the Whole House on the state of the Union.

Mr. ISSA: Committee on Oversight and Government Reform. H.R. 3609. A bill to provide taxpayers with an annual report disclosing the cost of, performance by, and areas for improvements for Government programs, and for other purposes; with amendments (Rept. 112-635 Pt. 1). Ordered to be printed.

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 6062. A bill to reauthorize the Edward Byrne Memorial Justice Assistance Grant Program through fiscal year 2017 (Rept. 112-636). Referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 3796. A bill to reauthorize certain programs established by the Adam Walsh Child Protection and Safety Act of 2006; with an amendment (Rept. 112-637). Referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 6063. A bill to amend title 18, United States Code, with respect to child pornography and child exploitation offenses, with an amendment (Rept. 112-638). Referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 4362. A bill to provide effective criminal prosecutions for certain identity thefts, and for other purposes (Rept. 112-639). Referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 3803. A bill to amend title 18, United States Code, to protect pain-capable

unborn children in the District of Columbia, and for other purposes; with an amendment (Rept. 112-640, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. SCOTT of South Carolina: Committee on Rules. House Resolution 747. Resolution providing for consideration of the bill (H.R. 6169) to provide for expedited consideration of a bill providing for comprehensive tax reform; providing for consideration of the bill (H.R. 8) to extend certain tax relief provisions enacted in 2001 and 2003, and for other purposes; providing for proceedings during the period from August 3, 2012, through September 7, 2012; providing for consideration of motions to suspend the rules; and waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 112-641). Referred to the House Calendar.

## DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII, the Committee on Oversight and Government Reform discharged from further consideration. H.R. 3803 referred to the Committee of the Whole House on the state of the Union.

## REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. ISSA: Committee on Oversight and Government Reform. H.R. 3609. A bill to provide taxpayers with an annual report disclosing the cost of, performance by, and areas for improvements for Government programs, and for other purposes; with an amendment; referred to the Committee on House Administration for a period ending not later than October 1, 2012, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(k), rule X.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. PAULSEN (for himself, Mr. KIND, Mr. GRIFFIN of Arkansas, and Ms. FUDGE):

H.R. 6232. A bill to establish a program to provide incentive payments to participating Medicare beneficiaries who voluntarily establish and maintain better health; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LUCAS:

H.R. 6233. A bill to make supplemental agricultural disaster assistance available for fiscal year 2012 with the costs of such assistance offset by changes to certain conservation programs, and for other purposes; to the Committee on Agriculture.

By Mr. HALL (for himself and Mr. THORNBERRY):

H.R. 6234. A bill to amend the Patient Protection and Affordable Care Act to provide for savings to the Federal Government by

permitting pass-through funding for State authorized public entity health benefits pools; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FLORES:

H.R. 6235. A bill to delay further action on the proposed rule regarding well stimulation on Federal and Indian lands until such date the Secretary of the Interior submits a report examining certain effects of such rule; to the Committee on Natural Resources.

By Mr. AMODEI:

H.R. 6236. A bill to direct the Secretary of the Interior, acting through the Bureau of Land Management and the Bureau of Reclamation, to convey, by quitclaim deed, to the City of Fernley, Nevada, all right, title, and interest of the United States, to any Federal land within that city that is under the jurisdiction of either of those agencies; to the Committee on Natural Resources.

By Mr. BRALEY of Iowa:

H.R. 6237. A bill to amend the Small Business Act to provide for grants to small business development centers, and for other purposes; to the Committee on Small Business.

By Mrs. DAVIS of California (for herself, Mr. BILBRAY, and Mr. FILNER):

H.R. 6238. A bill to amend title 39, United States Code, to authorize the United States Postal Service to sell, at fair market value, any post office building subject to relocation, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. GRAVES of Missouri:

H.R. 6239. A bill to amend the Food and Nutrition Act of 2008 to prevent the payment of cash to recipients of supplemental nutrition assistance for the return of empty bottles and cans used to contain food purchased with benefits provided under such Act; to the Committee on Agriculture.

By Mr. GRAVES of Missouri:

H.R. 6240. A bill to make reforms to taxes, regulations, and workforce development programs in order to increase employment in the manufacturing sector and overall economy; to the Committee on Ways and Means, and in addition to the Committees on Education and the Workforce, the Judiciary, and Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MCCARTHY of New York (for herself, Ms. DEGETTE, Mr. CONYERS, Mr. HOLT, Mr. VAN HOLLEN, Mr. MARKEY, Mrs. MALONEY, Ms. HAHN, Mr. NADLER, Mr. TIERNEY, Mr. CICILLINE, Mr. MORAN, Ms. ESHOO, Mrs. LOWEY, Mr. ELLISON, Mr. GRIJALVA, and Mr. SERRANO):

H.R. 6241. A bill to require face to face purchases of ammunition, to require licensing of ammunition dealers, and to require reporting regarding bulk purchases of ammunition; to the Committee on the Judiciary.

By Mr. NADLER (for himself, Ms. ROS-LEHTINEN, Mr. BERMAN, Mr. POE of Texas, Mr. CROWLEY, and Mr. TURNER of New York):

H.R. 6242. A bill to direct the President to submit to Congress a report on actions the executive branch has taken relating to the resolution of the issue of Jewish refugees from Arab countries; to the Committee on Foreign Affairs.

By Mr. YOUNG of Alaska:

H.R. 6243. A bill to exempt certain air taxi services from taxes on transportation by air; to the Committee on Ways and Means.

By Mr. CROWLEY:

H. Con. Res. 135. Concurrent resolution authorizing the use of the rotunda of the Capitol for the presentation of the Congressional Gold Medal to Daw Aung San Suu Kyi, in recognition of her leadership and perseverance in the struggle for freedom and democracy in Burma; to the Committee on House Administration.

By Mr. MACK (for himself, Mr. ENGEL, Ms. ROS-LEHTINEN, Mr. SIREN, Mr. DIAZ-BALART, Mr. RIVERA, Mr. BURTON of Indiana, Mr. HARPER, and Mrs. SCHMIDT):

H. Res. 745. A resolution expressing concern regarding the conditions of democracy, freedom of the press, human rights, business and investment climate, counternarcotics cooperation, and the relationship with Iran, in Ecuador prior to the July 31, 2013, expiration of the Andean Trade Preference Act and the Andean Trade Promotion and Drug Eradication Act; to the Committee on Foreign Affairs, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SLAUGHTER:

H. Res. 746. A resolution prohibiting the consideration of a concurrent resolution providing for adjournment or adjournment sine die unless a law is enacted to provide for the extension of certain expired or expiring tax provisions that apply to middle-income taxpayers; to the Committee on Rules.

By Ms. DELAURO (for herself, Mr. ISRAEL, Mr. BURTON of Indiana, and Mr. ISSA):

H. Res. 748. A resolution expressing support for designation of September 2012 as National Ovarian Cancer Awareness Month; to the Committee on Oversight and Government Reform.

By Mr. HASTINGS of Florida (for himself, Mr. MCKINLEY, Ms. RICHARDSON, Mr. KEATING, Mr. MCGOVERN, Mr. BRADY of Pennsylvania, Mr. LEVIN, Mr. MORAN, Ms. WATERS, Ms. SPEIER, Ms. LEE of California, and Ms. WILSON of Florida):

H. Res. 749. A resolution expressing support for the XIX International AIDS Conference and the sense of the House of Representatives that continued commitment by the United States to HIV/AIDS research, prevention, and treatment programs is crucial to protecting global health; to the Committee on Foreign Affairs, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. PAULSEN:

H.R. 6232.  
Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8—to provide for the common Defence and general Welfare of the United States.

By Mr. LUCAS:

H.R. 6233.  
Congress has the power to enact this legislation pursuant to the following:

The ability to regulate interstate commerce pursuant to Article 1, Section 8, Clause 3.

By Mr. HALL:

H.R. 6234.  
Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to:

1. regulate commerce . . . among the several states . . . as enumerated in Article I, Section 8, Clause 3 of the United States Constitution, and

2. provide for the general welfare of the United States as enumerated in Article I, Section 8, Clause 1 of the Constitution.

By Mr. FLORES:

H.R. 6235.  
Congress has the power to enact this legislation pursuant to the following:

Article 4, Section 3, Clause 2

By Mr. AMODEI:

H.R. 6236.  
Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to make rules for the government and regulation of the land and naval forces, as enumerated in Article I, Section 8, Clause 14 of the United States Constitution.

By Mr. BRALEY of Iowa:

H.R. 6237.  
Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 18 of the United States Constitution.

By Mrs. DAVIS of California:

H.R. 6238.  
Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. GRAVES of Missouri:

H.R. 6239.  
Congress has the power to enact this legislation pursuant to the following:

Article 1; Section 8; Necessary and Proper Clause

Congress created the SNAP program, formerly known as food stamps, to provide a social safety net for the least fortunate in our society. However, that social safety net and the tax payers who support it are being defrauded to the tune of millions of dollars a year. Therefore, it is both necessary and proper to protect the taxpayers' money through policies which aim to prevent fraud within the SNAP program.

By Mr. GRAVES of Missouri:

H.R. 6240.  
Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1—taxation

“The congress shall have the power to lay and collect taxes. . . .”

This bill makes several revisions to the current tax code which Congress has the power to do under the first clause in Article 1 section 8.

Article 1, Section 8, Clause 3—Commerce  
“To regulate commerce . . . among the several states. . . .”

This bill makes reforms to the way regulations are promulgated which affect and govern the way businesses and states conduct commerce.

By Mrs. MCCARTHY OF New York:  
H.R. 6241.  
Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the powers granted to the Congress by Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. NADLER:  
H.R. 6242.  
Congress has the power to enact this legislation pursuant to the following:  
Article I, Section 8, Clauses 11 and 18.

By Mr. YOUNG of Alaska:  
H.R. 6243.  
Congress has the power to enact this legislation pursuant to the following:  
Article 1, Section 8, Clause 1 of the United States Constitution, and Amendment XVI of the United States Constitution.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 15: Mr. DINGELL, Mr. MCGOVERN, Mr. MARKEY, Mr. WAXMAN, Ms. ROYBAL-ALLARD, Mr. HOLT, Mr. LARSEN of Washington, Ms. CASTOR of Florida, Mr. GRIJALVA, Ms. MCCOLLUM, and Ms. DELAULO.

H.R. 16: Mr. DINGELL and Mr. WELCH.  
H.R. 122: Mr. WOMACK.  
H.R. 127: Mr. PAUL and Mr. ROKITA.  
H.R. 288: Ms. CHU, Mr. WELCH, Mr. FALEOMAVAEGA, Ms. LEE of California, Mr. CLAY, Mr. ISRAEL, Mr. SABLAN, and Ms. MATSUI.

H.R. 289: Ms. HOCHUL, Mr. CARNAHAN, and Mr. BERMAN.

H.R. 303: Mr. GARAMENDI.  
H.R. 360: Mr. DIAZ-BALART.  
H.R. 409: Mr. FITZPATRICK.  
H.R. 458: Mr. BRALEY of Iowa, Mr. MARKEY, Mr. VAN HOLLEN, Mr. LYNCH, Mr. KISSELL, and Mr. CARSON of Indiana.

H.R. 591: Mr. NADLER, Mrs. MALONEY, and Mrs. LOWEY.

H.R. 616: Ms. LORETTA SANCHEZ of California.

H.R. 687: Ms. BONAMICI and Mr. MURPHY of Pennsylvania.

H.R. 694: Mr. MATHESON.  
H.R. 718: Mr. MURPHY of Pennsylvania.  
H.R. 733: Mr. DUFFY, Mr. SIMPSON, and Mr. MCINTYRE.

H.R. 735: Mr. RENACCI.  
H.R. 816: Ms. GRANGER, Mr. GUTHRIE, and Mr. ROGERS of Michigan.

H.R. 860: Mr. HARRIS.

H.R. 867: Mr. SCOTT of South Carolina.  
H.R. 904: Mr. COBLE.

H.R. 931: Mr. NUNES.  
H.R. 965: Mr. CICILLINE.

H.R. 972: Mr. CANSECO.  
H.R. 997: Mr. MICA.

H.R. 998: Mr. CLYBURN.  
H.R. 1063: Mr. HULTGREN.

H.R. 1111: Mr. SCOTT of South Carolina.  
H.R. 1112: Mr. BUCSHON.

H.R. 1265: Mr. JORDAN.  
H.R. 1370: Mr. DREIER.

H.R. 1381: Mr. SCHIFF.  
H.R. 1448: Mr. CLAY.

H.R. 1589: Mr. McDERMOTT.  
H.R. 1614: Mr. BUTTERFIELD.

H.R. 1755: Mr. MICA.  
H.R. 1775: Mr. ROKITA and Mr. CANSECO.

H.R. 1781: Mrs. LOWEY.  
H.R. 1825: Ms. SLAUGHTER.

H.R. 1995: Mr. PLATTS.  
H.R. 2010: Mr. ROKITA.

H.R. 2016: Mr. DEUTCH, Mr. BRALEY of Iowa, Mr. VAN HOLLEN, Mr. CARSON of Indiana, and Ms. PINGREE of Maine.

H.R. 2040: Mr. FINCHER, Mr. BERG, and Mr. HALL.

H.R. 2094: Ms. NORTON and Mrs. DAVIS of California.

H.R. 2139: Mr. ANDREWS, Mr. LEVIN, and Ms. SUTTON.

H.R. 2284: Mr. SHUSTER.  
H.R. 2492: Mr. NUGENT, Mr. WAXMAN, and Mr. ANDREWS.

H.R. 2499: Mr. CLAY.  
H.R. 2501: Mr. HIGGINS.

H.R. 2557: Mr. FITZPATRICK and Ms. MCCOLLUM.

H.R. 2580: Ms. BUERKLE.  
H.R. 2672: Mr. PETERS.

H.R. 2720: Mr. GENE GREEN of Texas.  
H.R. 2794: Mr. KISSELL and Mr. SMITH of Washington.

H.R. 2925: Mr. HULTGREN.  
H.R. 3102: Mrs. LOWEY.

H.R. 3158: Mr. BARLETTA and Mr. MICHAUD.  
H.R. 3179: Mr. CONYERS and Mr. SMITH of Washington.

H.R. 3187: Mr. SCOTT of Virginia.  
H.R. 3195: Mr. SCHOCK.

H.R. 3339: Mr. ROKITA.  
H.R. 3395: Mr. MICA.

H.R. 3399: Mr. BARBER.  
H.R. 3423: Ms. DELAULO and Mr. PEARCE.

H.R. 3429: Mr. NUGENT.  
H.R. 3496: Mr. MORAN.

H.R. 3506: Mr. LEWIS of Georgia and Mr. PEARCE.

H.R. 3612: Mr. OLVER, Mr. BARTLETT, Mr. YOUNG of Alaska, Ms. SCHWARTZ, and Mr. POE of Texas.

H.R. 3627: Mr. DOLD and Mr. POLIS.  
H.R. 3701: Mr. HASTINGS of Florida and Mr. GRIJALVA.

H.R. 3798: Mr. HEINRICH, Ms. SCHWARTZ, and Ms. ESHOO.

H.R. 4057: Mr. CICILLINE.  
H.R. 4063: Mr. MCGOVERN.

H.R. 4070: Mr. MURPHY of Pennsylvania.  
H.R. 4122: Mr. SHERMAN and Mr. OLVER.

H.R. 4137: Mr. LEWIS of Georgia and Mr. RANGEL.

H.R. 4158: Ms. WOOLSEY.  
H.R. 4165: Mr. BRALEY of Iowa.

H.R. 4170: Mr. ELLISON.  
H.R. 4269: Mr. GENE GREEN of Texas.

H.R. 4331: Mr. LABRADOR.  
H.R. 4336: Mr. RIBBLE.

H.R. 5129: Ms. RICHARDSON.  
H.R. 5684: Mr. DEUTCH and Mr. BLUMENAUER.

H.R. 5735: Mr. ROTHMAN of New Jersey.  
H.R. 5747: Mr. CICILLINE.

H.R. 5796: Mr. BARROW, Mr. ROKITA, and Ms. MCCOLLUM.

H.R. 5815: Mr. CLAY.  
H.R. 5817: Mr. HINOJOSA.

H.R. 5830: Mr. MCKEON.  
H.R. 5848: Mr. HONDA.

H.R. 5850: Mr. MICHAUD.  
H.R. 5864: Ms. LEE of California.

H.R. 5873: Mrs. NOEM, Mr. HURT, and Mr. PLATTS.

H.R. 5906: Ms. TSONGAS.  
H.R. 5911: Mr. CASSIDY.

H.R. 5914: Mr. ROKITA and Mr. WOMACK.  
H.R. 5943: Mr. CONAWAY and Mr. PLATTS.

H.R. 5998: Mr. BONNER.  
H.R. 6004: Mr. HEINRICH.

H.R. 6007: Mr. FLORES.  
H.R. 6025: Mr. COBLE.

H.R. 6063: Mr. THOMPSON of Pennsylvania and Mr. ISRAEL.

H.R. 6075: Mr. LABRADOR.  
H.R. 6077: Mr. MORAN.

H.R. 6088: Mr. ROKITA and Mr. NUGENT.  
H.R. 6089: Mr. MCCLINTOCK.

H.R. 6107: Mr. FILNER and Mr. GRIJALVA.  
H.R. 6117: Mr. ELLISON and Mr. CARSON of Indiana.

H.R. 6131: Mr. UPTON, Mr. WAXMAN, and Mr. BARTON of Texas.

H.R. 6135: Ms. SCHAKOWSKY.  
H.R. 6136: Mr. PAUL.

H.R. 6140: Mr. BILIRAKIS, Mrs. BACHMANN, Mr. FRANKS of Arizona, Mr. POE of Texas, Mr. CARTER, Mrs. HARTZLER, Mr. SCHOCK, Mr. JOHNSON of Ohio, and Mr. MANZULLO.

H.R. 6149: Ms. KAPTUR and Ms. SLAUGHTER.  
H.R. 6150: Mr. KUCINICH, Mr. HASTINGS of Florida, Ms. SCHAKOWSKY, Mr. HIGGINS, Mr. CONYERS, Mr. HOLT, Ms. LEE of California, Ms. Hahn, Mr. HONDA, Ms. LORETTA SANCHEZ of California, Ms. HOCHUL, Ms. MCCOLLUM, and Ms. MATSUI.

H.R. 6151: Ms. BROWN of Florida.  
H.R. 6156: Mr. MEEKS.

H.R. 6166: Ms. WATERS.  
H.R. 6167: Ms. SLAUGHTER.

H.R. 6170: Mr. LOBIONDO, Mr. RIGELL, Mr. HIGGINS, Ms. HAHN, Mr. MICHAUD, Ms. SUTTON, Mr. ROTHMAN of New Jersey, Mr. GENE GREEN of Texas, Ms. HIRONO, and Mr. GIBSON.

H.R. 6173: Mr. DUNCAN of Tennessee and Mr. LUETKEMEYER.

H.R. 6181: Ms. DELAULO.  
H.R. 6185: Mr. SMITH of Texas, Mr. CONYERS, and Mr. SABLAN.

H.R. 6192: Ms. SLAUGHTER.  
H.R. 6195: Mr. BISHOP of New York.

H.R. 6200: Mr. RANGEL and Mr. HASTINGS of Florida.

H.R. 6211: Mr. ENGEL, Mr. RUSH, Mr. SCOTT of Virginia, Ms. SLAUGHTER, and Mr. ISRAEL.

H.J. Res. 47: Ms. SCHAKOWSKY.  
H.J. Res. 110: Mr. JOHNSON of Ohio.

H. Con. Res. 116: Mr. CARSON of Indiana, Mr. COSTELLO, Mr. REYES, and Mr. WALSH of Illinois.

H. Con. Res. 129: Mr. CONNOLLY of Virginia.  
H. Res. 87: Mr. CLAY.

H. Res. 111: Mr. HALL.  
H. Res. 134: Mr. HECK.

H. Res. 298: Mr. SCHOCK, Mr. KINZINGER of Illinois, and Mr. RUPPERSBERGER.

H. Res. 506: Mr. SHULER.  
H. Res. 609: Ms. NORTON and Ms. DELAULO.

H. Res. 618: Mrs. CAPPS.  
H. Res. 705: Mr. DINGELL, Mr. GRIJALVA, Ms. SUTTON, Mr. BUTTERFIELD, and Mr. KINZINGER of Illinois.

#### CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative LEVIN, or a designee to H.R. 8, the Job Protection and Recession Prevention Act of 2012, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

The amendment to be offered by Representative SLAUGHTER, or a designee to H.R. 6169, the Pathway to Job Creation through a Simpler, Fairer Tax Code Act of 2012, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

#### DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3009: Mr. ROSS of Florida.

## EXTENSIONS OF REMARKS

HONORING ALEXANDRE LOPES

**HON. FREDERICA S. WILSON**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 31, 2012*

Ms. WILSON of Florida. Mr. Speaker, I rise to honor Alexandre Lopes, for being selected as the Macy's—Florida Department of Education, 2013 Teacher of the Year. Mr. Lopes embodies the merit and dedication required to lead students in today's challenging academic environment. He serves at Carol City Elementary School as a teacher in the Learning Experience Alternative Program. As an educator Mr. Lopes has dedicated his career to special needs students with communication issues. The LEAP program has allowed Mr. Lopes to express his creativity and compassion for teaching by using music and dance to progress the student's communication skills. His courage, vision and passion are contributing factors behind his emergence as a pioneer in education, community leader, and role model amongst his peers. As a former educator I am pleased to honor Mr. Lopes, and wish him the best of luck as he moves into the national competition.

IN RECOGNITION OF ANN  
KATHLEEN SIMS**HON. JACKIE SPEIER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 31, 2012*

Ms. SPEIER. Mr. Speaker, I rise to honor Ann Kathleen Sims who helped shape the lives of thousands of young children in the Bay Area. After providing quality and affordable child care for 35 years, Ann is retiring as the founder and director of Bayshore Child Care Services.

Ann built the five day care centers in Daly City with endless passion and dedication offering children a place to learn, be fed, hugged and loved while offering their parents the freedom to work and provide for their families.

Ann grew up near London and received her teaching diploma from Philippa Fawcett College, an affiliate of London University. She started her career as a teacher in the Inner London primary schools. In 1968, Ann immigrated to the United States. She taught first-grade students at Kalamazoo School in Lansing, Michigan and then moved to San Francisco to become the head teacher at Jack and Jill Nursery School.

After Ann had her first child, Frankie, she set up her own day care school in Berkeley. From there she moved across the Bay and became director of the Daly City Community of Children's Services. She established the first local state-funded childcare in the base-

ment of a church in the Bayshore neighborhood in 1978—the birthplace of Bayshore Child Care Services. Never afraid to take on big projects, Ann moved into a dilapidated Navy school built in 1943 and started renovating the new home of her growing child care center. The renovations have been ongoing and even now, a community kitchen is being built in the Midway Center.

The Midway Center became the flagship of Bayshore Child Care Services and Ann won numerous contracts to expand her services to more families in San Mateo County to include the Parkview Center and the 87th Street Center. I had the pleasure to work with Ann when she partnered with the David and Lucile Packard Foundation to build the Mission Center, a custom-designed center that serves infants and toddlers.

Helping parents has always been the priority for Ann. She is a tireless and innovative advocate for families and has embraced father friendly programs, special needs programs, and coordinated services for families. She and the Peninsula community built another custom design, parent friendly preschool and resource center, the Price Street Center or Our Second Home.

Ann has turned a single classroom day care center into five centers serving over 250 children every day and employing 50 individuals, primarily teachers.

As Ann has reached her well-deserved retirement, Bayshore Child Care Services will join forces with Peninsula Family Services. The combined organization will continue the mission of supporting families on limited resources and providing their children with safe and nurturing environments in which to learn and explore.

Ann can now look forward to spending more time with her family including her husband of 29 years, Mike Sims, and their daughter, Frankie S. Crawford.

Mr. Speaker, I ask the House of Representatives to rise with me to honor Ann Kathleen Sims, a dear friend, an outstanding teacher and a powerful family advocate. She has made San Mateo County a better place to live and work for all of us.

COMMEMORATING ORBIS INTERNATIONAL FOR ITS 30 YEARS OF  
SAVING SIGHT AND REBUILDING  
LIVES IN THE DEVELOPING  
WORLD**HON. STENY H. HOYER**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 31, 2012*

Mr. HOYER. Mr. Speaker, I rise today to commend ORBIS International, an organization that has been an outstanding member of the global community for 30 years. I am proud

to recognize its invaluable service and contributions to some of the most vulnerable populations in the world.

ORBIS International is a U.S.-based global health organization dedicated to saving sight and eliminating avoidable blindness in developing countries. Created in 1982, ORBIS has conducted over 1,000 programs in 88 countries, trained over 288,000 healthcare professionals and touched the lives of 18 million children and adults. Today, we celebrate ORBIS International's 30 years of commitment to preserving and restoring sight by strengthening the capacity of local institutions in developing nations in their efforts to prevent and treat blindness.

The story of ORBIS International is a remarkable one. A grant from USAID and funds from private donors enabled ORBIS to begin its mission by successfully converting a plane into a fully functional teaching eye hospital, and in 1982 it flew to Panama on its first training mission. Today, the world's only Flying Eye Hospital visits 6–8 nations each year conducting programs, training medical personnel, and providing eye care services.

ORBIS is more than a Flying Eye Hospital with permanent programs and regional offices in the countries that have the highest prevalence of avoidable blindness. ORBIS has conducted more than 900 capacity building programs in its 30-year history. These capacity building programs were conducted through its six country and regional-based offices, the Flying Eye Hospital, and ORBIS' in-country, hospital-based training sessions.

In addition to treating a number of diseases of the eye that can cause blindness, ORBIS is also working in Africa to eliminate trachoma, one of the seven Neglected Tropical Diseases. Trachoma, an infectious disease found predominantly in developing countries, starts as an infection and progresses to corneal scarring. ORBIS International teaches surgical techniques and treatment for trachoma in Ethiopia and other developing countries.

Blindness has profound human and socioeconomic consequences. The costs of lost productivity and of rehabilitation and education of the blind constitute a significant economic burden for the individual, the family and society. Investments in avoidable blindness and visual impairment offer not only economic and social returns in global health, but they dramatically improve the quality of life of individuals and families. ORBIS International is a trusted partner in the global coalition of organizations fighting preventable blindness.

ORBIS programs and partnerships provide the skills, infrastructure and on-going support to build the capacity and skills necessary to sustain care at a local level. As a founding member of Vision 2020: The Right to Sight, a campaign led by the World Health Organization and other leading blindness prevention organizations to eliminate avoidable blindness

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

by the year 2020, ORBIS is dedicated to working in partnership to create a world free of needless blindness.

I am honored to join ORBIS International in celebrating its 30 year commitment toward achieving its goal of a world in which no one is needlessly blind, and where quality eye care is available to everyone. I want to thank ORBIS International for the lives it has touched and its leadership in providing valuable health and training services across the globe.

IN RECOGNITION OF THE 40TH  
ANNIVERSARY OF HIP HOUSING

**HON. JACKIE SPEIER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 31, 2012*

Ms. SPEIER. Mr. Speaker, I rise to honor an outstanding non-profit in San Mateo County, HIP Housing, on the occasion of its 40th Anniversary. This remarkable organization has assisted thousands of disadvantaged and disabled residents giving them shelter and the opportunity to turn their lives around.

Because of HIP Housing, over 1,000 individuals per year have a place to call home which makes for 1,000 stories of transformed lives. These are the stories of struggling mothers with high school educations going back to school, under the guidance of HIP Housing, to earn a degree.

HIP Housing's stories include those of families who, due to illness or a reduction in hours at work, injuries from an auto accident or dozens of other causes, cannot afford rent and are dangerously close to living on the street. HIP Housing offers a helping hand and a steady course to a secure future.

The Home Sharing Program is a creative and effective way to match a home provider with a home seeker who pays rent or provides services. It cuts housing costs, promotes independence, provides companionship and increases security. Many strong friendships have started through the Home Sharing Program, and these friendships have transformed the lives of all involved.

HIP Housing's Self-Sufficiency Program helps low-income families set clear goals to become financially self-reliant within one or two years while receiving housing assistance and support services. Attending a graduation ceremony of this program is certain to make one cry. A long line of graduates traipse up to the microphone and recount how they developed parenting skills, earned a degree and landed a job, or learned the skills to start a business. One woman this year reported that she had moved from being nearly homeless to getting her college degree, and onward to making over \$80,000 per year in hospital administration, all with the help of HIP's counselors. The American Dream is alive at HIP Housing where housing is a right of everyone who wishes to work hard, and a need of all human beings who seek dignity.

Mr. Speaker, I ask the House of Representatives to rise with me to honor the volunteers, staff, board members and foundations supporting HIP Housing. These are the quiet heroes

who allow this organization to make San Mateo County a better place for all of us. HIP Housing is a shining example of what community service can be and can do to transform the world in which we live.

IN HONOR OF SOUTH JERSEY  
OLYMPIANS

**HON. ROBERT E. ANDREWS**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 31, 2012*

Mr. ANDREWS. Mr. Speaker, I rise today to honor our South Jersey Olympians: Tamika Catchings, basketball; Rachael Dawson, field hockey; Michelle Vittese, field hockey; Jordan Burroughs, wrestling; and Steve Kasprzyk, rowing. They have traveled to London to compete in the 2012 Summer Olympic Games.

These athletes represent the United States on the world stage, affording them the distinct honor of serving as role models for citizens across South Jersey area and the entire nation. Their success, derived through hard work and dedication, and exemplified through athletic competition, is something every American can aspire to as a shining example of the American dream. In the same way our national ethos rewards fortitude and persistence, these athletes earned the opportunity to compete on the Olympic stage through long hours of training and sacrifice.

Part of the Olympic Creed, originating from a speech by Ethelbert Talbot during the 1908 London Games, states: "The essential thing is not to have conquered but to have fought well." One hundred and four years later, as the Olympics return to London, the message rings as true as ever. Through fierce competition amongst the nations of the world, these athletes continually push the limits of human achievement. The resulting bonds of friendship, gained through equally world-class sportsmanship, enrich both these athletes and their nations.

Mr. Speaker, the dedication of these South Jersey Olympians and their teammates to athletics and sportsmanship should not go unrecognized. I join all of South Jersey in expressing our pride in their efforts.

IN RECOGNITION OF OFFICER  
JEFFREY DICK

**HON. JACKIE SPEIER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 31, 2012*

Ms. SPEIER. Mr. Speaker, I rise to honor Police Officer Jeffrey Dick who is retiring after more than three decades of protecting citizens in the Bay Area.

Throughout his career Officer Dick has gone above and beyond the call of duty to support fellow officers and to serve our community. He began his law enforcement career in 1979 at the Alameda County Sheriff's Department and has been an officer at the San Mateo Police Department since 1984. He has been a law enforcement liaison and board member for the

Northern California Chapter of the Concerns of Police Survivors, an organization that provides assistance to the families of law enforcement officers killed in the line of duty and in that capacity he travels around the state to attend funerals of police officers and offer their families support. He makes sure they receive the benefits due to them from the state of California. As a member of the San Mateo Police Officers Association Board of Directors, Officer Dick held the position of president three times. For 16 years he served as team captain for the San Mateo Critical Incident Stress Management Team, a non-profit organization that offers counseling, mentoring and follow-up for emergency personnel after crises. In 2010 he assisted emergency personnel following the San Bruno fire in spite of his fear of fire.

In March 2003 he received the 2002 Peninsula Lions Club Heroism Award related to the pursuit and capture of two bank robbery suspects.

His interests include Harley Davidson motorcycles and photography. His community volunteerism is noteworthy. He volunteers for the American Heart Association, the Juvenile Diabetes Foundation, and other non-profit organizations as a photographer, and he has also volunteered at the Ronald McDonald House for more than 22 years.

In his retirement Officer Dick looks forward to spending more time with his wife, Linda Barstow-Dick. Officer Dick has two grown children, Erin Kristine Templin and Brian Joseph Dick. He also has a grandson, Devin James Templin.

Although Officer Dick is retiring from a long and meaningful career, he will continue to play a vital role in our community. Mr. Speaker, Officer Dick has dedicated his life to protecting residents of the Bay Area. I ask that the House of Representatives to join me in commending him for his extraordinary selflessness and service.

HONORING MARIAN CANNON  
SCHLESINGER ON HER 100TH  
BIRTHDAY

**HON. MICHAEL E. CAPUANO**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 31, 2012*

Mr. CAPUANO. Mr. Speaker, I rise to pay tribute to my constituent, Marian Cannon Schlesinger who will celebrate her 100th birthday on September 13, 2012. I am proud to join her legions of friends and admirers, and her loving family, in honoring her.

She was born the fortunate daughter of Dr. Walter Bradford Cannon, an eminent Harvard physiologist, and Cornelia James Cannon, a noted feminist writer. An alumna of Cambridge High and Latin School and Radcliffe College, she is the mother of four children, Andrew, Christina, Stephen and Katharine. Her rich and balanced life has been full of family, politics, painting, writing, and tennis.

A strong Progressive voice and wise chronicler of her times, Marian Schlesinger has been for almost ten decades a force to be reckoned with in the feisty politics of her hometown, Cambridge, Massachusetts. She



canvassed for local politicians as a teenager and later campaigned for Adlai Stevenson. With her husband, the historian Arthur Schlesinger, Jr., she was an active participant in President Kennedy's New Frontier. Still today, she follows political news avidly, committed to democratic principles and Democratic ideals.

Early in her life, she became a landscape and portrait painter of distinction, travelling extensively, painting people and places from China to Guatemala to Manchester, New Hampshire. She wrote and illustrated several children's books. In her 70's she began writing her memoirs, and she has published two spirited and insightful volumes chronicling a century of notable experiences in Cambridge, as well as her adventures around the world. She attributes her enduring vitality in part to her love of tennis which she played weekly, well into her mid-80s.

With all these achievements, she made no claim to being a "celebrity." She always was and she is today a good citizen. She made her mark with paints and with words, with hard work and political savvy. As Marian Cannon Schlesinger approaches her 100th birthday, she remains an inspiration to us all.

IN RECOGNITION OF THE 95TH  
BIRTHDAY OF MARTIN LITTON

**HON. JACKIE SPEIER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 31, 2012*

Ms. SPEIER. Mr. Speaker, I rise to honor a legendary environmental hero on his 95th birthday. Martin Litton is the quintessential take-no-prisoner environmental activist of his era. Thanks to his perseverance and passion, there is no dam in the Grand Canyon and there is no Disney resort next to Sequoia National Park.

Mr. Litton has been fighting for the environment for decades and still has plenty of fight left in him. He grew up in Gardena near Los Angeles and enjoyed hiking in the Southern Sierra as a child and teenager. When he was 18, he wrote a letter to the LA Times denouncing the diversion of water from Mono Lake to the growing population of Los Angeles. His wrote, "The people of the entire state should rise up against the destruction of Mono Lake. Mono Lake is a gem-among California's greatest scenic attractions." It has been with this sentiment and determination that he pursued all battles in life.

In the 1940s, Mr. Litton worked in the circulation department at the LA Times and started writing environmental freelance articles. He caught the attention of David Brower, executive director of the Sierra Club, who in 1952 hired Mr. Litton for a campaign against the construction of two dams in Dinosaur National Monument. Mr. Litton explored the Green and Yampa rivers in a wooden dory and the resulting publicity helped persuade the Congress to vote against the dams in 1956.

This was the first of many campaigns that stopped the building of dams. In 1964, Mr. Litton led a river trip through the Grand Canyon with David Brower, photographer Philip Hyde and writer Francois Leydet which led to the

publication of the book *Time and the River Flowing* with photographs by Ansel Adams and Hyde. The Sierra Club then took out full page ads in the New York Times—Mr. Litton's idea—opposing the building of a dam in the Grand Canyon. Public opposition to the project was sealed.

Mr. Litton started his love affair with the Grand Canyon in 1955. He was only the 185th person to float the Colorado River first pioneered by John Wesley Powell. He continued to run the river for decades. In 1971 he founded Grand Canyon Dories and throughout the 1970s and 80s led commercial trips. Other river runners used rubber rafts, but Mr. Litton preferred the small wooden boats that were originally used in Oregon and adapted them so they could be used on the Colorado. Mr. Litton sold the business in 1990, but continued to raft the Grand Canyon. Just three years ago he broke his own record as the oldest person to run the canyon in a dory.

From 1954–1968 Mr. Litton was the editor of *Sunset Magazine*. His cover story "The Redwood Country" in 1960 launched a movement that eventually led to the establishment of Redwood National Park. As a life-long pilot, Mr. Litton flew then Governor Edmund "Pat" Brown over the redwoods in Northern California to convince him not to sign a bill that would extend a freeway through the forest. It worked.

Mr. Litton continues to fight for the redwoods. He is deeply engaged in a campaign to stop logging in the Sequoia National Forest and the Giant Sequoia Monument.

Surpassing Mr. Litton's love for the environment is only his love for his wife of 69 years, Esther.

Mr. Speaker, I ask the House of Representatives to rise with me to honor Martin Litton who has kept some of the most beautiful places in America pristine and in existence for all of us to admire and enjoy. His tenacious spirit serves as an inspiration to all of us.

CONGRATULATING THE SAIPAN  
SOUTHERN HIGH SCHOOL MANTA  
RAY BAND'S OLYMPIC PERFORMANCE

**HON. GREGORIO KILI CAMACHO  
SABLAN**

OF THE NORTHERN MARIANA ISLANDS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 31, 2012*

Mr. SABLAN. Mr. Speaker, here is a story to make us all cheer:

46 high school musicians from America's smallest insular area raise a quarter of a million dollars to go to London and perform during the Olympics—where they win a silver medal.

That is the story of the Saipan Southern High School Manta Ray Concert Band, who played their hearts out at the London Celebration Music Festival this week in Central Hall Westminster, and came away with silver.

They played throughout the 2012 Summer Olympics: at the main bandstand in Olympic Park, in a torch ceremony in Central London, at storied Westminster Abbey, and at the Queen Elizabeth II Conference Centre nearby Big Ben and the Houses of Parliament.

As they played, we all cheered in the Northern Mariana Islands. Because the Manta Rays represent us all. We are the only U.S. insular area that did not send athletes to London. We sent our students. We sent musicians. And they were awarded silver.

It took silver to send them there. It took bake sales, rummage sales, garage sales, a bowling tournament, tree plantings, car washes, a radio telethon, lunches, and raffles. It took businesses, government, civic organizations, and individual donors—too many to list by name all chipping in to make this possible for the 46 Manta Rays and their 14 chaperones. It seemed an impossible goal for a community of barely fifty thousand, struggling economically, to raise two hundred and fifty thousand dollars. But we did.

Because these Manta Ray musicians dared us to dream—as they have before. They proved to us that with "faith, effort, and determination," and, of course, the hours of individual diligence, closing out the world, playing scales, practicing their parts, over and over again, that even the seemingly impossible can come to be.

Ten years ago there was no high school band in our islands. Most families in the Marianas could not even afford to buy a band instrument. Then, through the vision of teacher Will DeWitt and the support of the leadership at Saipan Southern High School and the Northern Marianas Public School System a seed was planted. The dream began to grow.

Students begged or borrowed instruments and held them for the first time. They began to make music.

How quickly they learned. They started to win regional competitions in Guam. They gained notice and were invited to perform during the Beijing Olympics four years ago.

They were even called to play at Carnegie Hall, earning second place in the New York International Music Competition.

Then, last year, the invitation came to the 2012 Summer Olympics. And this week the silver medal in London.

Perhaps, nothing better demonstrates how much the Northern Marianas believes in its young people than this bake-sale effort to send the Manta Ray Concert Band to the 2012 Olympics.

Perhaps, nothing better demonstrates how much our young people believe in themselves and in their future than that they took on this impossible, improbable goal—and succeeded.

So, today, we say, "Congratulations, Manta Rays!"

And we say, "Thank you." Thank you for doing your community proud. Thank you for rewarding our faith in you.

Thank you for confirming that there is no better place to put our hope and hard work than helping in the growth and development of our children.

Here is a story we can all love and applaud: a story of dedicated teachers and students who were inspired to do something they had never done before, something that on its face was "impossible." This is a story of what makes any of us great: stepping beyond what we imagine we can do, bringing to life a new and unimaginable world.

IN RECOGNITION OF THE 85TH ANNIVERSARY OF NICK'S RESTAURANT

**HON. JACKIE SPEIER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 31, 2012*

Ms. SPEIER. Mr. Speaker, I rise to honor the Gust family that has owned and operated Nick's Restaurant in Pacifica for 85 years and has made significant contributions to the community. It is undisputed among locals—and some out of towners in the know—that Nick's serves the best crab sandwich on the coast.

Nick's 85th Anniversary Bash will go on all week and it reflects the generosity and love of music and food of every member of the family: Charles, Anastasia, Nick, Lorraine, Kathy, Chuck and Lena.

Located at Rockaway Beach in Pacifica, Nick's has become a destination for visitors drawn by the restaurant's dramatic setting right on the beach with breakers crashing against boulders, pelicans gliding through the salty air, surfers catching waves and of course, the fabulous food.

The original Gust family member to come to Rockaway Beach was Stalios Karagianis. He left Macedonia, Greece in 1907, arrived in New York by ship and then traveled across the United States to San Francisco. He worked a variety of jobs, including one with the Ocean Shore Railroad which first brought him to the coast. While working as a contractor, Karagianis sent for his wife, Anastasia, to join him. They bought a house in Daly City and had three daughters and a son. In 1927, Karagianis returned to the coast and bought a piece of property on the edge of Rockaway Beach. He opened a small shack selling sandwiches, peanuts and candy to fishermen.

After losing his business to fire twice and rebuilding for the third time, Karagianis and his family decided to move into the business and make it their home to prevent another fire.

Karagianis faced a challenge. Over and over he was told that his name was too difficult to pronounce, so he changed it to Charlie Gust.

After 20 years of running the restaurant, Charlie eventually handed the reins to his son Nick and daughter-in-law Lorraine who continued the family tradition of always improving and expanding the business. Nick and Lorraine turned Nick's into one of the most unique and pleasant dining spots drawing visitors from all over the world to this beautiful cove on the Pacific coast. Nick served as mayor of Pacifica for four terms and on the city council for ten years ruling the city from the restaurant and bar at Nick's.

Now Nick's is in the hands of the third generation of Gusts. Nick's son Chuck has been running the restaurant for the last 10 years and daughter Lena is working there as well.

What has not changed over the last 85 years is the welcoming atmosphere, the hospitality of the Gust family and the great food. May Nick's serve its famous crab sandwich for the next 85 years!

Mr. Speaker, I ask the House of Representatives to rise with me to honor the Gust family for being an integral part of Pacifica and pro-

viding an endless supply of comfort, sustenance and community service. As a long-time friend of the family I am proud and grateful for their many contributions to the vitality and folklore of Pacifica.

RECOGNIZING WASHINGTON STATE ATHLETES COMPETING IN THE 2012 SUMMER OLYMPICS

**HON. ADAM SMITH**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 31, 2012*

Mr. SMITH of Washington. Mr. Speaker, I rise to honor Aretha Thurmond, Ariana Kukors, Courtney Thompson, and Tejay van Garderen from the State of Washington for representing the United States and competing in the 2012 Summer Olympic Games in London.

The 2012 Games will be Aretha Thurmond's fourth appearance at the Olympic Games when she competes in the discus throw. She began throwing discus in high school and competed in her first Olympic games at the 1996 Olympics in Atlanta, Georgia, just after finishing her sophomore year at the University of Washington. She went on to participate in the 2004 Athens Games and 2008 Beijing Games. Aretha has remained one of the top American discus throwers for over a decade.

Ariana Kukors will be making her Olympic debut and participating in the 200M Individual Medley. Shortly after the 2008 Olympic Trials, Ariana continued to train hard and won the 200M Individual Medley at the 2009 World Championships, setting a world-record of 2 minutes, 6.15 seconds.

Courtney Thompson will also make her Olympic debut in London as backup setter for the United States Women's Volleyball Team. Her professional career began when she joined the national team in 2007 and competed in the 2007 and 2009 Federation Internationale de Volleyball World Grand Prix tournaments. Her strong appearance in the 2012 Grand Prix grabbed the attention of many, which led her to this year's Olympic Games. Courtney and the women's volleyball team hopes to improve upon the silver medal they won at the 2008 Beijing Games.

Tejay van Garderen has been named one of the most talented cyclists in America and will compete in this summer's Olympic Games. He was born in Tacoma, Washington and spent the majority of his early years living and cycling in Europe. During his rookie years, he signed with HTC Highroad, which was at the time was the world's top cycling team. Tejay finished third overall in the 2010 Criterium du Dauphine Libre and made his very first appearance at the Tour de France in 2011. He has also competed in the Tour de California and in Colorado's inaugural Pro Cycling Challenge.

Mr. Speaker, it is with great pleasure that I commend these athletes from the State of Washington for their dedication and honor all Olympians taking part in the 2012 Summer Games.

IN RECOGNITION OF THE YEAR OF SERVICE OF MILLBRAE LION CLUB PRESIDENT RON FREDIANI

**HON. JACKIE SPEIER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 31, 2012*

Ms. SPEIER. Mr. Speaker, I rise to honor Millbrae Lion Club President Ron Frediani upon the completion of his year of service as President of the Millbrae Lions Club. This past year has been one of uncommon accomplishment by the Millbrae Lions, and Lion Ron is a key reason for this year's success.

The Lions worked with other community groups on more than one dozen community events. For example, under Ron Frediani's leadership, the Millbrae Lions were involved in the annual 4th of July barbeque for the Millbrae Historical Society, the collection of gently used books for the Friends of the Millbrae Library, helped to raise funds for a local church, joined with the Millbrae Rotary Club in the Relay for Life event, and ensured that Halloween celebrations continued despite city budget constraints.

The Millbrae Lions, under President Ron Frediani's leadership has been a major source of funding for charity throughout this tight-knit community. For example, the club provides American flags for the city's elementary schools and fingerprints all incoming kindergarteners. President Frediani and his club volunteers also honored all of the volunteers involved in youth baseball, both at dinner and during an annual pancake breakfast. These community events cannot happen without leaders such as Ron Frediani and his able board members who ensure that the Lions remain effective within their community.

Mr. Speaker, it has been my honor to speak before the youth group sponsored by the Millbrae Lions, the Millbrae Leos Club. At this event, I was thrilled to take questions from teens with active minds and a desire to serve their community. Youth leadership leads to community leadership as adults, and President Frediani has been a big part of the success of this group, ensuring that it adheres to boundary and safety rules.

A key duty of any club President is to arrange for speakers at regular meetings. President Frediani was cited by his club as being particularly adept at arranging for great speakers, which also helps build club membership and provides an educational opportunity for the broader community.

Mr. Speaker, I ask the House of Representatives to rise with me to honor Millbrae Lions Club President Ron Frediani upon the completion of his year of service to the community of Millbrae. There are many who are called into service involuntarily, but it takes a star to volunteer and then to be a beacon for others to follow. President Ron Frediani is such a star, and the Millbrae Lions Club and the entire community have benefited from his service.

CELEBRATING THE 170TH ANNIVERSARY OF OLD ST. MARY'S CHURCH

**HON. JEAN SCHMIDT**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 31, 2012*

Mrs. SCHMIDT. Mr. Speaker, I rise today to honor the oldest standing church in Cincinnati, which is appropriately named Old St. Mary's.

The church, which is listed on the National Register of Historic Places, was dedicated to God 170 years ago this month, on July 3, 1842.

It was originally called St. Marien Kirche. Many of the parishioners were German immigrants who lived northwest of the Miami & Erie Canal, in a neighborhood called Over-the-Rhine.

Parishioners who were master craftsmen built the church at the intersection of 13th and Clay streets. The cornerstone was laid on March 25, 1841—the Feast of the Annunciation of the Blessed Virgin Mary.

The clock tower of Old St. Mary's rises 170 feet, and it is the oldest in Cincinnati. The interior features hand-carved wooden statues, marvelous stained glass, and magnificent oil paintings, making the church one of the most beautiful in the city.

My parents, Jeannette and Gus Hoffman, often attended worship services at Old St. Mary's. Peter Schmidt and I were married there, and our daughter, Emilie, was baptized there.

Today, Over-the-Rhine is a thriving multicultural neighborhood, and Old St. Mary's has embraced this diversity. On March 25, 1988, parishioners established the Mary Magdalen House to help the poor and homeless. This nonprofit provides a place for needy people to shower, shave, and have their clothes laundered.

In 2001, to help disadvantaged youths become community leaders, the pastor of Old St. Mary's opened the St. Peter Claver Latin School for Boys. The late Father Albert Lauer envisioned the school as the cornerstone for renewal of the neighborhood. St. Peter Claver was officially recognized this month as the 114th Catholic school of the Archdiocese of Cincinnati.

Mr. Speaker, Cincinnatians appreciate their city's history and their own heritage. Many Catholics of German ancestry who live in distant neighborhoods travel to Over-the-Rhine to worship at Old St. Mary's. Sunday Mass is still offered in German—as well as in Latin and English.

Today, I want to celebrate the 170th anniversary of Old St. Mary's. I applaud the Cincinnatians who have ensured that this landmark remains relevant to Over-the-Rhine. It is my hope that the church will continue to uplift the city's residents—in body and soul.

IN RECOGNITION OF THE 25TH ANNIVERSARY OF PENINSULA FAMILY SERVICE'S SENIOR PEER COUNSELING PROGRAM

**HON. JACKIE SPEIER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 31, 2012*

Ms. SPEIER. Mr. Speaker, I rise to honor the 25th Anniversary of a program in San Mateo County that has eliminated loneliness and provided support, guidance and joy for thousands of seniors.

Peninsula Family Service's Senior Peer Counseling is an outstanding example of how to best help seniors with transitions and life changes, health concerns, mobility issue, care provider questions and grief. A senior in need is paired up with a trained volunteer of a similar age, experience, values, wisdom and culture. In all of its work, Peninsula Family Service empowers families and individuals to become or remain self-sufficient and to be contributing members of our community.

Senior Peer Counseling was started in 1987 by Delia McGrath as part of the San Mateo County Behavioral Health and Recovery Program. The county recognized a need to provide an integrated and coherent set of services for older adults that would ensure they could live in the community as long as possible while maintaining their independence, connection and high quality of life. Delia McGrath was quickly joined by Carol Blomberger, a skilled art therapist, and the two set the groundwork for Senior Peer Counseling. They taught future counselors life skills that prepared them to help seniors in very difficult situations. Delia McGrath pointed out that the most important skill was listening; it built the foundation for trust and a peer relationship.

Today, all peer counselors must be at least 55 years old and are required to receive 60 hours of training to provide one-on-one and group counseling to older adults that covers social and family relationships, self awareness, listening skills, understanding depression, substance abuse and other challenges of aging.

Initially the Senior Peer Counseling served English speakers, but in 1989 it was expanded to Spanish speakers with the La Esperanza Vive component which Teresa Hurtado coordinated for over twenty years.

In 2008, the county put Peninsula Family Service in charge of Senior Peer Counseling which expanded the services to additional underserved seniors in the Chinese, Filipino and LGBT communities. Now a total of 80 peer counselors support over 300 seniors under the leadership of Susan Houston and Howard Lader and their dedicated staff.

Peer counseling deeply touches the lives of the people involved. One senior who was dependent on his electric wheel chair rarely left his home and became increasingly isolated. His social worker requested a senior peer counselor hoping it would help his social life and get him involved in a senior center close to his home. After six visits the senior asked the counselor to assist him in arranging transportation with Redi-Wheels and to join him at

the senior center for the first couple of visits. The senior now happily goes to the center twice a week.

Patti Garber began volunteering as a counselor a few years ago. As a cancer patient herself, she says the work gives her a sense of purpose. "I get more back than I put in," she says. "I like solving problems and providing a web of connections." And that she does whether she helps a senior find food, apply for Social Security online, find a pet or get a wheel chair.

Arleen Henriksen who passed away last year at age 92, credited her long life in part to her volunteer counseling. Arleen, whom I had the privilege of knowing when she volunteered in my legislative offices, dedicated over 20 years and much of her energy to the program. In 2009, she told the San Mateo Daily Journal, "It's more rewarding for the counselor than the people you help." She added, "People get scared thinking that, to do this, they have to be psychologists. That's not the case; you don't have to be anything more than a caring person."

Mr. Speaker, I ask the House of Representatives to rise with me to honor the caring people at Senior Peer Counseling who for 25 years have provided a remarkable service that has brightened the lives of thousands of seniors in San Mateo county. May it thrive for the next 25 years and serve as a model for other communities.

IN HONOR OF THE CENTRAL ELECTRIC COMPANY OF WATSONVILLE, CALIFORNIA

**HON. SAM FARR**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 31, 2012*

Mr. FARR. Mr. Speaker, I rise today to honor the Central Electric Company of Watsonville, California, on the occasion of its centennial anniversary. For 100 years, the Central Electric Company pioneered and improved safe electrical installations for residential, commercial, and agriculture customers around our beautiful Monterey Bay region.

In 1912, starting with just a bicycle, \$100.00 in cash, and a 5-foot ladder, John Stanovich and Edith DuFour Stanovich began selling fixtures and appliances, and installing electrical wiring. At that time the demand for electrical work was very limited, but with the growing acceptance of the Edison light, plus John and Edith's hard work, the business grew. The next generation joined the company in 1926 with the addition of Edith's son, Alfred DuFour. The Central Electric Company survived the great depression and the shortages of World War II by supplementing their contracting business selling products such as irons, washing machines, and toasters, also china and crystal.

With the end of the war, the Central Electric Company focused on growing communities and industries in need of electricity. The next two decades would see the continuation of that post-war growth and the introduction of the company's third generation with Steve DuFour, who joined the company in 1958 after

serving as a lieutenant in the United States Navy.

The seventies, eighties, and nineties saw continued growth and changes to the electrical industry, many of which were driven by the digital boom. Growth and change also came when Steve and his wife Joan were joined by Tony Kulich, Patty (DuFour) Kulich, Mark Jurach, and Sharon (DuFour) Jurach in the daily operations at Central Electric. In 1989, the company survived the Loma Prieta earthquake and rallied to aid the surrounding communities in their recovery. In 1999, Tony and Patty Kulich and Mark and Sharon Jurach, the son-in-laws and great granddaughters of John and Edith, purchased the Central Electric Company from Steve and Joan, passing the torch to the fourth generation.

The turn of this century saw the Central Electric Company's enjoyment of unprecedented growth, including the completion of a \$3.5 million contract for a local college campus. This was the largest contract in the company's 100 year history. This new century has also ushered in the fifth generation, when great, great-grandsons Matt and Mike Kulich joined Central Electric as electricians.

Mr. Speaker, in closing, I want to hold up the Central Electric Company as an example of the American Spirit. Enduring the hardships of war, economic downturns, and natural disasters, they have shown that people are more important than profit. They have shown us that when communities and families work together in difficult times, we can continue to face the challenges that have made this Nation great. May Central Electric's continued success inspire many more generations to enter the business arena, and in doing so, secure our Nation's posterity and its bright future.

#### PERSONAL EXPLANATION

#### HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 31, 2012*

Ms. SPEIER. Mr. Speaker, I would like to state for the record that my vote against the Holt amendment, Roll No. 504, to H.R. was made in error. I support this amendment, which would strike a provision that requires the Secretary of the Interior to conduct a single multi-sale environmental impact statement for all of the new areas opened for drilling by the underlying bill.

#### HONORING THUNDER BAY COMMUNITY HEALTH SERVICE

#### HON. DAN BENISHEK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 31, 2012*

Mr. BENISHEK. Mr. Speaker, on behalf of the citizens of the First District of Michigan, I wish to commend the Thunder Bay Community Health Service (TBCHS) for 30 years of dedicated service to comprehensive and preventative health care.

Over the past three decades, TBCHS has been committed to the vital work of bringing

high quality, cost effective, and accessible health care to Northern Michigan. Working out of five centers in the Northeastern Lower Peninsula, TBCHS ensures that residents of Northern Michigan receive first rate medical care. It is fitting that TBCHS celebrates this important milestone during National Health Center Week. Community health centers, like TBCHS, are at the core of our health care system.

Since seeing their first patient in 1982, the dedicated providers and administrators of TBCHS have continually adapted their care to meet the changing needs of Northern Michigan families. By providing preventive services and comprehensive primary health care, TBCHS keeps our families healthy while also preventing costlier health care alternatives such as emergency room treatment.

The doctors, nurses, and other providers of TBCHS cannot do this alone, but are supported by dedicated staff and board members. The TBCHS team has been a trusted community partner, from providing nursing services in local schools to conducting senior companion programs.

As a doctor who has treated patients for nearly 30 years and as a life-long resident of Northern Michigan, I greatly appreciate the commitment of TBCHS to empower healthier communities by making quality health care more affordable for Northern Michigan families.

On behalf of the over 13,000 patients who receive its care each year, I wish to thank Thunder Bay Community Health Service for 30 years of commitment and care. I know these successes will continue for the next 30 years and beyond.

#### HONORING JEANNE J. GRIMMETT

#### HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 31, 2012*

Mr. VAN HOLLEN. Mr. Speaker, I am taking this occasion to recognize the outstanding achievements of Jeanne J. Grimmer, a career legislative attorney with the American Law Division of the Congressional Research Service, who will be retiring from CRS on August 31, after 41 years of distinguished government service. Jeanne, for decades, has been the leading legal expert on trade law at CRS, and she has made invaluable contributions to the work of the U.S. Congress in this critical policy area.

After receiving a B.A. from the College of New Rochelle in New York, Jeanne began her government service at the Library of Congress in 1971. She obtained a J.D. from George Washington University in 1978, and joined CRS that same year. She chose to specialize in trade law and related subjects soon thereafter and received an L.L.M. from the London School of Economics in 1986.

During her career, Jeanne has prepared numerous memoranda, reports, and provided briefings for Members and Congressional committees, working collaboratively with colleagues in other divisions of CRS, while contributing legal analysis for the Congress during

the key trade debates that were held over the years. Jeanne was also a section head in the Courts Section of the American Law Division for several years, coordinating requests and reviewing work related to the Iran-Contra investigation and various judicial nominations.

As a legislative attorney, Jeanne provided direct support to Members, Senators, and major Congressional committees on the complex legal issues related to U.S. participation in the NAFTA, the World Trade Organization, and various U.S. free trade agreements, most recently the Korea-U.S. Free Trade Agreement. The depth and breadth of her expertise is demonstrated by noting the subjects she has addressed for the Congress during her tenure at CRS: trade with nonmarket economies; dispute settlement under trade agreements; trade and environmental issues, including climate change; antidumping and countervailing duty law and other trade remedies; customs and country-of-origin legislation; Federal and State economic sanctions; trade sanctions reform; foreign assistance and foreign public debt authorities; export controls administered by various U.S. agencies; trade in encryption technology; the scope of U.S. extraterritorial jurisdiction and, in particular, jurisdiction over foreign defendants; investment treaties and investor-State dispute settlement; and the U.S. law of international agreements in general.

Jeanne also contributed to the House Ways and Means Committee "Blue Book" of trade laws, as well as to the Senate Foreign Relations Committee print, Treaties and Other International Agreements: The Role of the United States Senate, the primary reference source on this subject. She has also mentored new attorneys in trade law and given numerous presentations on trade law subjects in the American Law Division's semi-annual Federal Law Update series for Members of Congress and their legal staff.

Jeanne Grimmer has provided exemplary service to the Congress throughout her distinguished career at CRS. I believe that all in the Congress who have benefitted from her expertise and counsel join me in wishing her the very best in the years to come.

#### IN RECOGNITION OF ROB RIGSBY

#### HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 31, 2012*

Ms. MATSUI. Mr. Speaker, I rise today to honor the service of Mr. Rob Rigsby as he retires from the United States General Services Administration and his post at the Robert T. Matsui United States Courthouse. As his wife Marilyn, his friends and colleagues all gather to celebrate his outstanding career, I ask my colleagues to join me in tribute to Rob and his almost four decades of public service.

Throughout his 37-year career in federal service, the last 13 years at the Robert T. Matsui United States Courthouse, Rob has become a well-loved and respected leader among his colleagues and building occupants. Rob began his post as Building Manager the day the building opened in 1999. Since then,

he has been a loyal and hard working member of the building team and has devoted his time to making Sacramento's federal courthouse the remarkable building that it is today.

My late husband, Congressman Robert Matsui, and I have had our district offices in the courthouse that Rob manages. I have got to know him over the years and always appreciated his attention to detail and customer service. Rob is no stranger to my district staff, who I know share my appreciation for his work. We will always be thankful for all that he has done to make both the Robert T. Matsui United States Courthouse and my district office an inviting place for all of my constituents.

Beyond his work, Rob has always had a passion for travel and upon his retirement, he will be leaving us to embark on a new journey as the owner of Ships and Trips Travel. I also understand that he will be taking a much deserved cruise.

Mr. Speaker, as Rob Rigsby prepares to retire from federal service, I ask my colleagues to join me in wishing him good fortune in his future endeavors. Rob has truly been a wonderful member of the federal family and will be missed by all of his friends and colleagues. I wish him well on the next chapter of his life.

#### HONORING FRANK C. FRANCO

#### HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 31, 2012*

Mr. COSTA. Mr. Speaker, I rise today to pay tribute to the service of Mr. Frank Franco or as we affectionately call him, "Franco". Frank Franco's many years of dedicated service to the community and our nation's veterans exemplifies his reverence for our country and truly demonstrates the best of what America has to offer.

Frank Franco was born in El Centro, California. He joined the United States Army at age 17 and honorably served his country with two tours of service in Vietnam.

A tireless advocate for helping people, Franco has been with Fresno County Economic Opportunities Commission, EOC, for over 30 years. He is a hard worker and has held many leadership positions in the community. Franco is a past director of the Fresno Metropolitan Flood Control District, is on the Mayor's Advisory Committee and is a past recipient of the Key to the City of Fresno.

Each year, Franco travels to our nation's capital with the Fresno Council of Governments One Voice-DC trip. Franco has over 50 proclamations and awards he has received throughout the years. In addition to his civic leadership, Franco is also a proud member of Veterans of Foreign War, VFW, Post 8900 in Fresno. He serves on my Veteran Leaders Advisory Group and participates in numerous local veterans' events, such as the Veterans Stand Down. Franco is always helping, always working.

I applaud Frank Franco for his many years of tireless work on behalf of the community, on behalf of veterans and their families and the Central Valley. We know Franco will enjoy more time with his wife, Maria, his children,

Jack Arthur, Madelene, and Tina, and his grandchildren.

Mr. Speaker, it should be noted that in addition to his countless gifts to the community, Franco is my good friend and he is a true champion of the people. He has always been available to discuss issues and work together to make our Central Valley a better place to live and work. I extend to him my very best wishes and ask my colleagues to join with me in recognizing the commitment, dedication, and success of Frank C. Franco.

#### RECOGNIZING RYAN HARDY

#### HON. STEVE STIVERS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 31, 2012*

Mr. STIVERS. Mr. Speaker, today I rise to recognize one of Central Ohio's very own hometown heroes, cancer survivor, Ryan Hardy.

Ryan's long, difficult journey finally came to an end when he joyously rang the bell to signify his final chemotherapy treatment last month at Nationwide Children's Hospital. He was diagnosed with a brain tumor at the young age of two and was later diagnosed with leukemia when he was only eight years old.

Ryan was extremely courageous, enduring treatments for almost 10 years with the love and support of family, friends, and the hospital's staff. Ryan and the people around him never gave up hope. He tried to live life as normally as possible by taking part in activities like playing on the youth football team.

Ryan's story reminds us that we shouldn't take life for granted. With faith, hope and endurance we can overcome many obstacles in life. I am proud to represent heroes like Ryan Hardy in Ohio's 15th Congressional District. I commend him for his courage and am happy to hear that he was able to finally ring the bell.

#### HONORING ARMY STAFF SERGEANT MATTHEW J. WEST AND MARINE SERGEANT DAVID P. DAY

#### HON. DAN BENISHEK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 31, 2012*

Mr. BENISHEK. Mr. Speaker, Sunday, July 29, 2012, at 2:00 p.m., the citizens of Gaylord, Michigan, gathered to rededicate their Fallen Heroes Memorial and pay tribute to the lives of two service members who lost their lives in service to their country during Operation Enduring Freedom in Afghanistan.

Army Staff Sergeant (SSG) Matthew J. West grew up in Gaylord, Michigan, and graduated from Gaylord High School in 1992. He returned to Gaylord after graduating from Northern Michigan University in 1997, and enlisted in the Army in June of 2004.

SSG West completed three tours in support of Operation Enduring Freedom, and was highly decorated. His honors included the

Bronze Star, the Joint Service Commendation Medal, two Army Commendation Medals, Meritorious Unit Citation, two Army Good Conduct Medals, National Defense Service Medal, two Afghanistan Campaign Medals, Iraq Campaign Medal with Campaign Star, Global War on Terrorism Expeditionary Medal, Global War on Terrorism Service Medal, Noncommissioned Officer Professional Development Ribbon, Army Service Ribbon, two Overseas Service Ribbons, NATO Medal, Combat Action Badge and the Senior Explosive Ordnance Disposal Badge.

SSG West died on August 30, 2010, in the Arghandab River Valley, Afghanistan. SSG West was killed by an improvised explosive device, along with four other soldiers from his unit. He served with the 71st Explosive Ordnance Disposal Group, tasked with locating and eliminating bomb threats.

SSG West was laid to rest, with full military honors, in Arlington National Cemetery. He is survived by his wife, Carolyn, their three young children, sons Tyler and Joseph, and daughter Annaliese, as well as a large extended family.

Marine Staff Sergeant (SSgt) David P. Day was born in Englewood, Colorado, on November 13, 1984, and grew up in Gaylord, Michigan. A 2003 graduate of Gaylord High School, he excelled in hockey and served as co-captain for the Otsego County Recreational Hockey Team. SSgt Day married Nicole Makins on October 6, 2009. SSgt Day enlisted in the Marine Corps immediately following high school and was a seven-year veteran, serving two tours in Iraq and one in Afghanistan. He was an Explosive Ordnance Disposal (EOD) Technician for the elite Marine Force Recon. SSgt Day died on April 24, 2011, while conducting combat operations in Badghis Province, Afghanistan. He was assigned to the 2nd Marine Special Operations Battalion, Marine Special Operations Regiment, U.S. Marine Corps Forces Special Operations Command, Camp Lejeune, NC.

SSgt David P. Day's Awards and Decorations include the Bronze Star and Combat "V" for Valor (posthumously), Purple Heart Medal (posthumously), the Navy and Marine Corps Commendation Medal with the V device, the Navy and Marine Corps Achievement Medal with Gold Star, the Combat Action Ribbon, the Marine Corps Good Conduct Medal, the National Defense Service Medal, the Afghanistan Campaign Medal, the Iraq Campaign Medal, the Global War on Terror Service Medal, the NATO Service Medal, Parachutist (Jump) Wings, Expert Marksmanship Badge and EOD Badge.

SSgt Day is survived by his wife, Nicole, his parents Don and Kathy; sister, Samantha Day; grandparents, Janice and Pirie Benson of Gaylord and Grace Day of Missouri; mother and father-in-law, Robert and Patricia Makins; and many aunts, uncles, nieces, nephews and cousins.

These men were combat hardened, professional soldiers. They willingly enlisted in the United States Armed Forces in order to defend their country. They both became experts in explosive ordnance disposal despite the elevated risks associated with the job. SSG West and SSgt Day made the ultimate sacrifice in the name of freedom and have earned

the lasting gratitude of this community and of our nation.

"He which hath no stomach to this fight let him depart. But we in it shall be remembered. We few, we happy few, we band of brothers!! For he today, that sheds his blood with me, shall always be my brother."—William Shakespeare

HONORING MAJOR KHIHEEM JACKSON

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 31, 2012*

Mr. DREIER. Mr. Speaker, today I recognize and pay tribute to Major Khieem Jackson, United States Marine Corps, on the occasion of his transfer from the Marine Corps Liaison office. I and many of my colleagues have had the pleasure of working closely with him over the past three years, as he has served as part of the Marine Corps' Office of Legislative Affairs and as the Deputy Director of the Liaison Office in the U.S. House of Representatives. He has done exemplary work in this capacity, working tirelessly in behalf of not just his fellow Marines, but also the Members and staff of this Chamber, and the American people.

Many Americans may not be aware of the tremendously important role of the Marine Corps Office of Legislative Affairs. By acting as a conduit between the Marine Corps and the Congress, this hard-working team provides a vital link between our military leaders and the American people's elected representatives. Major Jackson stepped into this role with extraordinary dedication and enthusiasm. He was able to develop and execute legislative strategy for the United States Marine Corps that was instrumental in creating a fiscal and policy landscape conducive to training and equipping the Nation's most elite fighting force and ensuring its success on the battlefield. His candor and expertise were essential in developing close working relationships with many Members of the House of Representatives and Committee Staffs—a cornerstone of Commandant of the Marine Corps' strategic vision and a vital aspect of civil-military relations.

Throughout his tour, Major Jackson personally supervised the response to hundreds of congressional inquiries, some of which gained national-level attention. Through his exceptional inter-personal skills and broad knowledge in a wide range of military affairs, he assisted the Director, Marine Corps Liaison Office, in gaining the Members' support and trust on critical issues.

Major Jackson also successfully planned, coordinated, and escorted an extensive number of international and domestic missions for Congressional and Staff Delegations. I had the pleasure of leading many such CODELS that Major Jackson helped to organize, under the auspices of the House Democracy Partnership. His impressive attention to detail and anticipation of requirements allowed our delegations to focus exclusively on our mission to promote the building of sound democratic institutions around the world. Major Jackson was an invaluable member of our team, and

we remain deeply grateful for his tremendous work.

Through his exceptional personal efforts, Major Jackson has contributed immeasurably in the Marine Liaison Office here on Capitol Hill. I wish him well in all of his future endeavors, and look forward to hearing of his many successes to come.

IN RECOGNITION OF DAVID BOSTON

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 31, 2012*

Mr. BURGESS. Mr. Speaker, I rise today to recognize David Boston, a talented and respected builder from Crossroads, Texas. After many years of private custom home building, and ten years of employment with the Federal Emergency Management Agency (FEMA), Mr. Boston is retiring.

Mr. Boston was a sought-after custom home builder in Denton for many years. After retiring from that profession, he accepted a part-time position with FEMA in 2002. Four years later in 2006, Mr. Boston accepted a full-time position with the agency. He served as a National Hazard Mitigation Specialist where he investigated properties that were damaged by disasters like Hurricanes Katrina, Rita, and Ike. In his tenure at FEMA, he investigated over 46,000 sites.

Due to his prior experience building private homes, Mr. Boston was able to deal favorably with sub-contractors. Because of this advantage, he saved FEMA and American taxpayers nearly \$25 million. In addition to his commitment and dedication to FEMA, Mr. Boston was always equally dedicated to the home owners and businesses with whom he worked.

Mr. Boston retired in May, 2012 after ten years of service. Upon his retirement, he will serve as a Republican precinct chair beginning in August of 2012. As Mr. Boston retires from a long and dedicated career, I would like to recognize his accomplishment and service, as well as congratulate him on a job well done. His experience and skills are evident to all he worked with. It is an honor to have the opportunity to recognize and represent Mr. Boston in the U.S. House of Representatives.

RETIREMENT OF MAJOR GENERAL GINA FARRISEE

HON. BRETT GUTHRIE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 31, 2012*

Mr. GUTHRIE. Mr. Speaker, today I wish to recognize the dedication and selfless service of Major General Gina Farrissee, who will culminate her 34-year Army career as the Commanding General of Human Resources Command in Ft. Knox, Kentucky.

As a Member of Congress, a Kentuckian, and a former Army Officer, it is an honor to recognize Major General Farrissee today before the United States House of Representatives.

She is a native of Virginia, a 1978 graduate of the University of Richmond and the National Defense University in 1998. She was commissioned a Second Lieutenant in the U.S. Army, serving her career as an Adjutant General Officer.

Major General Farrissee's career highlights include a variety of command and staff positions at Army installations around the world to include Germany, Ft. Bliss, TX; Ft. Lewis, WA; Ft. Benjamin Harrison, IN; and Ft. Jackson, SC. During several key assignments in the Pentagon she worked for the Chief of Staff of the Army, the Assistant Secretary of Defense for Force Management Policy and four years as the Army's Director of Military Personnel Management. Her highly successful command assignments included battalion command at Ft. Lewis, brigade command at Ft. Benjamin Harrison and the Army's Soldier Support Institute at Ft. Jackson. Most recently, Major General Farrissee headed Army Human Resources Command, at Ft. Knox in my district. Her selfless service, professionalism and expertise were highlighted while assigned as the 61st Adjutant General of the Army.

Throughout her service, Major General Farrissee has been a shining example for our Nation. It has been my pleasure to highlight Major General Farrissee's long and decorated career today. On behalf of a grateful Nation, I join my colleagues today in commending and thanking Major General Farrissee for a lifetime of service during peace and wartime to her country. Her sacrifices and contributions will be forever remembered in the Soldiers and families she mentored and inspired. Those same Soldiers will miss her leadership, technical competence, mentorship and enthusiasm, as well as her daily inspiration—"It's a Great Day to be a soldier. . . . Hooah!"

For all she and her family have given to our country, we are in debt. We wish her and her husband David, all the best as they continue their journey.

INTRODUCING A RESOLUTION IN SUPPORT OF THE XIX INTERNATIONAL AIDS CONFERENCE

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 31, 2012*

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to introduce a resolution in support of the XIX International AIDS Conference (AIDS 2012), which takes place from July 22, 2012, through July 27, 2012, at the Walter E. Washington Convention Center in Washington, DC. AIDS 2012 is organized by the International AIDS Society (IAS) and brings together more than 20,000 delegates from nearly 200 countries, including 2,000 journalists. My resolution supports a stronger international response to HIV/AIDS that seeks to prevent the transmission of HIV, increase access to testing, treatment, and care, improve health outcomes for all people living with HIV/AIDS, foster greater scientific and programmatic collaborations around the world to end HIV/AIDS, and protect the rights of people living with HIV/AIDS.

According to UNAIDS, the Joint United Nations Programme on HIV/AIDS, there are approximately 33.4 million people living with HIV worldwide, and nearly 30 million people have died of AIDS since the first cases were reported in 1981. The United States is heavily engaged in both international and domestic efforts to address the HIV/AIDS pandemic, including the United States President's Emergency Plan for AIDS Relief (PEPFAR) and the Global Fund to Fight AIDS, Tuberculosis, and Malaria. Taxpayers in the United States have paid more than \$45 billion through PEPFAR and the Global Fund, which have enjoyed broad bipartisan support in Congress.

Since 1985, the now biennial International AIDS Conference has brought together leading scientists, public health experts, policymakers, community leaders, and individuals living with HIV/AIDS from around the world to enhance the global response to HIV/AIDS, evaluate recent scientific developments, share knowledge, and facilitate a collective strategy to combat the HIV/AIDS pandemic. AIDS 2012 is a tremendous opportunity to strengthen the role of the United States in global HIV/AIDS initiatives within the context of significant global economic challenges, reenergize the response to the domestic epidemic, and focus particular attention on the devastating impact of HIV/AIDS that continues in the United States.

The theme of AIDS 2012, "Turning the Tide Together," embodies the promise and urgency of utilizing recent scientific advances in HIV/AIDS treatment and biomedical prevention, continuing research for an HIV vaccine and cure, and increasing effective, evidence-based interventions in key settings to change the course of the HIV/AIDS crisis. AIDS 2012 seeks to engage governments, non-governmental organizations, policymakers, the scientific community, the private sector, civil society, faith-based organizations, the media, and people living with HIV/AIDS to more effectively address regional, national, and local responses to HIV/AIDS around the world and overcome barriers that limit access to preventive care, treatment, and other services.

My resolution supports the goal of bringing renewed awareness of, and commitment to, addressing the HIV/AIDS crisis in the United States and abroad. In particular, it recognizes that formulating sound public health policy, protecting human rights, addressing the needs of women and girls, directing effective programming toward the populations at the highest risk of infection, ensuring accountability, and combating stigma, poverty, and other social challenges related to HIV/AIDS are key to overcoming HIV/AIDS. It also encourages the ongoing development of innovative therapies and advances in clinical treatment for HIV/AIDS in the public and private sectors.

Mr. Speaker, 25 years after the III International AIDS Conference was held in Washington, DC, we are now at a point where we have the tools necessary to prevent the spread of HIV and bring an end to the crisis. Now is the time to commit. HIV/AIDS is not a partisan issue. But it will take a bipartisan effort to overcome HIV/AIDS as a nation once and for all. Continued commitment by the United States to HIV/AIDS research, prevention, and treatment programs is crucial to pro-

tecting global health. I urge my colleagues to support my resolution, which recognizes the importance of the XIX International AIDS Conference in the global effort to end the HIV/AIDS pandemic and create an "AIDS-free generation."

DAVID HERMAN

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2012

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud David Herman for his service to our community.

David Herman, a native of Wheat Ridge, Colorado, is a world-class BMX rider and a contender in the 2012 London Olympics. David has been passionate about BMX since he was eight years old, and received his first factory sponsor in sixth grade. He is currently taking time off from pursuing his college degree in Denver to focus on his Olympic career.

David has been a household name in the world of BMX since he burst onto the scene in 2007. He is known as one of the fastest starters in the sport, and has two World Cup wins under his belt. After placing 22nd in the 2011 World Championships in Copenhagen, David began pushing himself harder and harder toward his dream of joining Team USA in the 2012 Olympics. His hard work and dedication paid off in the 2012 World Championships in England, where he finished fifth to become the first U.S. BMX rider to book his place in London.

David's dedication to his sport is mirrored by his dedication to his family in Colorado. Though he prepares for the Olympics with his coach Greg Romero at the Olympic Training Center in Chula Vista, California, David makes sure to divide his time between California and the Denver area.

I extend my deepest congratulations to David Herman for his hard work and perseverance. It is an honor to see a native of Colorado rise to this Olympic level. David embodies the best our country could hope for in the next generation of Americans. I have no doubt he will exhibit the same dedication and character in all his future accomplishments.

IN HONOR OF THE 50TH ANNIVERSARY OF THE GEORGIA PEANUT COMMISSION

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2012

Mr. BISHOP of Georgia. Mr. Speaker, it is my great honor to extend a heartfelt congratulations to the Georgia Peanut Commission as it celebrates 50 years of providing support to Georgia farmers. The Commission will be celebrating this great milestone with a ribbon cutting ceremony at the Commission's new location in Tifton, Georgia on Tuesday, July 31, 2012.

The Commission, funded by Georgia peanut growers, began operations in 1961 and has

represented farmers through programs in research, promotion, education, and communication. For 50 years, Georgia peanut farmers, through the Commission, have been successful in improving the profitability of peanuts and peanut products by reducing the cost of production through research and by working to promote and increase consumption. The Commission is recognized nationally and internationally by its little red bags of peanuts found in all Georgia Congressional offices on Capitol Hill.

When the Commission was first formed in 1961, farmers harvested 475,000 acres with an average yield of 1,200 pounds of peanuts per acre. In 2011, farmers harvested 475,000 acres with an average yield of 3,520 pounds per acre, a 300 percent increase and a testament to the hard work on behalf of the Georgia Peanut Commission.

I take much pride in the fact that Georgia leads the Nation in production of peanuts with nearly 50 percent of the annual peanut crop. Georgia has 14,000 farms with peanuts and about 4,500 active farmers. Approximately 200 businesses in Georgia are peanut-related. Two million bags of peanuts are distributed annually and the industry contributes more than 50,000 jobs and an estimated \$2 billion to the economy of the State of Georgia.

Since George Washington Carver discovered the many uses for the peanut in the early twentieth century, peanuts have become a household food staple and a source of dietary fiber, protein and other healthy nutrients. Although peanuts are produced in other parts of the country, I am a firm believer that no peanuts are of higher quality or more delicious than Georgia peanuts.

On a personal note, I would like to thank Don Koehler, Executive Director of the Georgia Peanut Commission, and the rest of the wonderful staff as well as Chairman Armond Morris and all those who serve on the Board of Directors. Their hard work and dedication has contributed to the success of the Commission in many ways.

Mr. Speaker, on behalf of the residents of Georgia's Second Congressional District, the state of Georgia, and all those nationwide and worldwide who enjoy our tasty Georgia peanuts, I ask my colleagues to join me today in paying tribute to the Georgia Peanut Commission for their exemplary services and dedicated efforts to support Georgia's 4,500 peanut growers over the past 50 years.

CELEBRATING THE LIFE AND ACHIEVEMENTS OF CARL ADDISON

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2012

Mr. ALEXANDER. Mr. Speaker, it is with great pride and pleasure that I rise today to commemorate Mr. Carl Addison on the occasion of his 95th birthday, which he and his loved ones will celebrate on August 8. Mr. Addison has led an incredible life, truly worthy of this distinction.

In 1939, Mr. Addison joined the 6th Armored Cavalry Regiment in Oglethorpe, Georgia. The



"Fighting Sixth" became an integral wing of Gen. George S. Patton's Third Army during World War II. Mr. Addison's group landed in France on June 8. This team served as a reconnaissance squad as they moved across Europe, and was there when Gen. Patton made his heroic run to Bastogne to rescue U.S. troops.

At Bastogne, Mr. Addison was wounded from a gunshot wound to the knee and was sent to England for medical treatment. Though scheduled to return to the United States for further treatment, he went back to France to rejoin his group. His superior officer ensured Mr. Addison could stay with the 6th Cavalry, where he remained until the allies claimed victory in Europe.

Mr. Addison returned home to Monroe, LA in 1945 and married Bea Shamblin in the following year. They have one child together, Carl Addison, Jr.

As his family and friends prepare to join together to honor Mr. Addison, he continues to exemplify a strong character of leadership and dedication. I ask my colleagues to join me in congratulating Mr. Addison on this truly significant birthday.

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MISSY FRANKLIN

**HON. ED PERLMUTTER**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 31, 2012*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Missy Franklin for her service to our community.

Missy Franklin, of Aurora, Colorado, will compete in seven events at the 2012 London Olympics and will be the first U.S. female to swim that many races at the games. Missy has been a competitive swimmer since an extremely young age, and qualified for her first Olympic trials at the age of 12.

In 2011, Missy competed at the first long-course World Championships of her career, and won a total of five medals, three of which were gold. Shortly after, Missy won the 100m freestyle and 100m backstroke titles at Nationals. Later in 2011, she broke her first world record at a FINA World Cup meet in Berlin.

Missy consistently impresses those around her with her tireless dedication to her sport. As a 17-year old high school student, Missy is faced with the formidable task of balancing high school life with a world-class athletic career. Her ability to stay grounded and focused in both aspects of her life shows incredible strength and maturity. Missy attributes much of her success to her wonderful parents in Colorado, who encourage her to make education a priority even after an exhausting day in the pool.

I extend my deepest congratulations to Missy Franklin on your hard work and perseverance. It is an honor to see a native of Colorado rise to this Olympic level. Missy embodies the best our country could hope for in the next generation of Americans. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

A TRIBUTE TO BRITTANY  
WIEBBECKE

**HON. TOM LATHAM**

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 31, 2012*

Mr. LATHAM. Mr. Speaker, I rise today to recognize and congratulate Brittany Wiebbecke of Nashua, Iowa for being awarded the Girl Scout Gold Award.

The Gold Award is the highest award that a high school-aged Girl Scout can earn. This is an extremely prestigious honor, as less than 6 percent of all Girl Scouts will attain the Gold Award's rigorous requirements.

To earn a Gold Award, a Girl Scout must complete a minimum of 80 hours towards a community project that is both memorable and lasting. For her project, Brittany assisted a local animal rescue center by providing supplies and learning materials for new pet owners. The work ethic Brittany has shown to earn her Gold Award speaks volumes about her commitment to serving a cause greater than herself and assisting her community.

Mr. Speaker, the example set by this young woman and her supportive family demonstrates the rewards of hard work, dedication and perseverance. I am honored to represent Brittany and her family in the United States Congress. I know that all of my colleagues in the House will join me in congratulating her on obtaining the Gold Award, and will wish her continued success in her future education and career.

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PAYING TRIBUTE TO EARL  
CAMPBELL

**HON. TED POE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 31, 2012*

Mr. POE of Texas. Mr. Speaker, it is with great pride that I rise before you today to recognize Earl Campbell, one of the best football players to ever play the game and a visionary businessman who started from the bottom and worked his way to the top. The Tyler Rose is a living legend in the state of Texas, and it gives me pleasure to recognize him before Congress and this Nation.

Earl was born in Tyler, Texas, the "Rose Capital of the World." In 5th grade he began playing football as a kicker, before realizing that he enjoyed delivering the hits. Earl became a star linebacker and led John Tyler High School to the Texas 4A State Championship in 1973. When coaches moved his strength and intensity to the offense, he became one of the most powerful running backs in history.

Naturally many colleges all wanted someone with the leadership abilities and strong work ethic that Earl possessed. He chose to stay close to home and play with legendary Coach Darrell Royal at the University of Texas in Austin. Earl had a celebrated career at Texas, winning the Heisman Trophy, college football's highest honor after his senior year in 1977. He was a two-time All-American choice

and finished his career with 4,443 yards and 41 touchdowns. Earl restored the Longhorn dynasty to its rightful place among the top collegiate programs in the country.

The Houston Oilers made Earl the first overall draft pick in 1978, once again keeping him close to home in Texas. His punishing running style made an immediate impact on the team, leading them to a 10-6 record and a playoff appearance. They lost in a classic game against the Pittsburgh Steelers now known as the "Ice Bowl." Despite the loss, Earl finished the season with 1,450 yards and 13 touchdowns, earning the Rookie of the Year Award and the Offensive Player of the Year Award. Most importantly, he helped shepherd in the "Luv Ya Blue" era that had the Astrodome rocking and brought pride to the city of Houston.

For the 8 years that Earl played in the NFL, he was one of the most feared yet respected players. Opponents feared his tough, physical style of play. His 5'11", 244-pound frame was described as a "one man demolition team." Teammates respected his leadership and dedication. When they needed him, he was there, missing more than two games a season only once. He would finish his career with 9,407 yards, 74 touchdowns, 5 Pro Bowl appearances, 3 All Pro teams, and the Most Valuable Player Award in 1979. Earl is a member of both the College and Professional Football Hall of Fame and will be remembered as one of the greatest players to ever hit the gridiron.

The dedication to success that Earl displayed on the field translated off of it as well. In 1991, after hearing raves about his sausage recipes, he took \$150,000 and started his own company, Earl Campbell Meat Products, Inc. The small business is the heart of the American economy, and Earl worked hard to make sure that his company stood out. He drove hundreds of thousands of miles, all over Texas and the south, to promote his products. Today, they are one of the largest sausage manufacturers in the country, selling over 11 million pounds a year.

While being one of the most famous Texans around, Earl has never lost the small town values that helped shape him. He married his high school sweetheart, Reuna, and they have two sons, Christian and Tyler. After Tyler was diagnosed with Multiple Sclerosis, the family rallied together and became ambassadors for the National MS Society. They have helped raise thousands for research and remain committed to fighting the disease. He also helps mentor athletes at the University of Texas, preparing them for the life-altering changes they will soon experience. The State of Texas and our Nation is a better place because of people like Earl.

Earl Campbell is a shining example that the American Dream is possible for anyone. Through tireless effort and internal fortitude, he became a world-class athlete, respected businessman, and noted philanthropist. I am honored to recognize Earl, a true Texan, for his lifetime of inspiration and service to the community.

And that's just the way it is.

RECOGNIZING THE OUTSTANDING  
MILITARY SERVICE OF LIEUTENANT  
GENERAL CHARLES E.  
STENNER, JR. ON THE OCCASION  
OF HIS RETIREMENT

**HON. AUSTIN SCOTT**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 31, 2012*

Mr. AUSTIN SCOTT of Georgia. Mr. Speaker, today I wish to recognize Lieutenant General Charles E. Stenner, Jr., upon his retirement after 39 years of distinguished military service to our Great nation in the United States Air Force and the United States Air Force Reserve.

General Stenner was commissioned as a Second Lieutenant in 1973 and went on to fly the F-4, A-10, and F-16 aircraft. General Stenner's last military assignment was as both Chief of the Air Force Reserve, Headquarters U.S. Air Force, Washington, DC, and Commander, Air Force Reserve Command, Robins Air Force Base, Georgia. As Chief of the Air Force Reserve, he served as principal adviser on reserve matters to the Chief of Staff of the Air Force. As Commander of Air Force Reserve Command, he had full responsibility for the supervision of all U.S. Air Force Reserve units around the world.

General Stenner led a modernization effort of the Air Force Reserve which increased combat effectiveness and improved response capabilities to humanitarian crises and disaster relief operations in the United States as well as operations in Iraq, Afghanistan, the Horn of Africa, Libya, Japan, Haiti, and numerous other locations around the globe. General Stenner moved the Air Force Reserve from a Cold-War-model, or "Strategic Reserve," to a full partner major command through his Air Force Reserve 2012 initiative. Creating a cultural shift in both Active and Reserve Components, he was able to rebuild the Air Force Reserve's infrastructure to support its newly evolved twin missions of being first and foremost a "Strategic Reserve" that can be leveraged to support daily operations as an "Operational Reserve."

After conducting more than 20 years of continual combat operations, the Air Force Reserve's success is evident today. General Stenner's efforts were critical to implementing new policies supporting Air Force Reservists, their civilian employers, and their families who were impacted by increased Reserve operations. Thanks to his continuous dialogue with Congress, reservists now get improved health care, new credits toward retirement, inactive duty training travel pay, and post-9/11 G.I. Bill benefits.

Because of General Stenner's visionary leadership, planning, and foresight, the Air Force, the Department of Defense, and the United States will long reap the benefits of his many years of service. I thank General Stenner for his many years of dedicated service I wish him and his wife Dee the very best as they enter retirement.

A TRIBUTE TO DIANA ZHANG

**HON. TOM LATHAM**

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 31, 2012*

Mr. LATHAM. Mr. Speaker, I rise today to recognize and congratulate Diana Zhang for being named a state winner of the Library of Congress's Letters about Literature program.

Letters about Literature is a national reading and writing program that is sponsored by the Library of Congress. The program asks students to write to the past or present author of a book that has affected their life. Approximately 59,000 young readers from across the country submitted letters last year to compete for the state-level awards for 2012.

A panel of judges that can include published authors, editors, publishers, librarians, teachers, and even state officials chose Diana's letter as a state winner. Diana wrote a letter to author Catherynne M. Valente to explain how Valente's two novel series, *The Orphan's Tales*, affected her life. Valente's acclaimed novels spoke to Diana, and now Diana's letter to Valente has earned her recognition in her community as well as here in Washington.

Mr. Speaker, the example set by this young woman demonstrates the rewards of harnessing one's talents and sharing them with the world. Diana's efforts embody the Iowa spirit and I am honored to represent her and her family in the United States Congress. I know that all of my colleagues in the United States House of Representatives will join me in congratulating her on her achievement and will wish her continued success in her future education and career.

A VOTE AGAINST H.R. 459

**HON. EARL BLUMENAUER**

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 31, 2012*

Mr. BLUMENAUER. Mr. Speaker, I voted against H.R. 459 because our economy requires an independent central bank, free of short-term political pressures. Congress established the twin policy goals of maximum employment and price stability for the Federal Reserve, and it is important that the institution pursue monetary policy in support of those goals independent of political influence.

Congress conducts regular and robust oversight of the Federal Reserve and expanded the Government Accountability Office's audit authority in the Dodd-Frank Wall Street Reform and Consumer Protection Act. In that legislation, Congress expanded the types of audits GAO may conduct of the Federal Reserve and the data that must be shared with the public. The Federal Reserve's financial accounts have long been subject to audit both by the GAO and an outside, independent audit firm.

I wish to make clear, however, that the independence of the Federal Reserve has no bearing on the scrutiny that Congress must exert over the large commercial banks. Roughly four years ago, the banks were drag-

ging the American people into a financial storm the like we have not seen since the Great Depression. The recession cost \$19.2 trillion in lost household wealth—40 percent of the net wealth of American households. Thirty-one percent of homeowners with a mortgage are underwater, owing a bank far more than their house is worth.

As the magnitude of the rot, the corruption, the shady practices, the greed, misplaced institutional incentives unfolded, we experienced a near-meltdown of our economy. The second-guessing began even when we were in the midst of devising remedies to stop the fall. That controversy continues, but we're in the midst of a much larger question: "What is it that we do now to speed the recovery and make sure that it never happens again?"

The crush of special interests and the near constant political campaigns places people with limited expertise in the worst possible circumstances as they make these decisions. New scandals have continued to unfold. The most recent is the LIBOR scandal that we are only beginning to unearth, where massive international banks gamed the system for their own financial advantage, to stave off regulatory action, to avoid a negative market response, or to gain an unfair advantage as they placed their own financial bets.

In response, we must move toward performance-based regulation—providing greater clarity of what we want and linking those goals to clear measures. My acquaintances in the business community with long financial expertise suggest that we can start by actually enforcing the existing rules and providing the regulatory capacity to make sure they are enforced.

We must give adequate personnel and resources to the existing regulatory agencies—the SEC, the CFTC, the FDIC and the Treasury, among others—to allow them to better supervise the financial sector. Pay them fairly so they are not poached by the industries they regulate. In turn, they must prosecute financial felons and send people to jail.

There are people sentenced to prison for years who broke into a home or used a gun. But all of these crooks put together have not robbed the American public of a third of their wealth the way the financial crisis did. It is doubtful that all of the people in all of America's prisons have stolen a fraction of the money that disappeared from the balance sheet of America's families. But we see continue the fraud, collusion, sharp practices, and outright theft in the financial sector that has destroyed families, bankrupted businesses, and stunted people's futures. The sooner we bring the perpetrators to justice, the less risk we are going to have in the future.

A TRIBUTE TO NYEMASTER,  
GOODE, P.C.

**HON. TOM LATHAM**

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 31, 2012*

Mr. LATHAM. Mr. Speaker, it is with great pride that I rise once again to recognize the Des Moines-based law firm, Nyemaster Goode, for being named a recipient of the

2012 Freedom Award from the Employer Support of the Guard and Reserve. Nyemaster Goode was nominated in 2011 by Doug and Kristina Stanger.

The Freedom Award is the greatest honor bestowed on employers by the Department of Defense for "exceptional support" of Guard and Reserve employees. In 2011, the ESGR received an incredible 3,236 nominations from across the Nation, in the hopes their employer would be chosen among the Nation's best companies for Guard and Reserve employees. Earlier this month, it was confirmed that Nyemaster Goode would receive this prestigious award with 14 other companies from across the country that will be honored in Washington, D.C. this September at the 17th annual Freedom Award Ceremony. Nyemaster Goode can now count itself among the 175 elite employers that have won this award since its establishment in 1996.

Doug and Kristina Stanger, both members of the Army National Guard, nominated Nyemaster Goode because they knew firsthand that the efforts the company took to accommodate our citizen soldiers were truly something special. Doug and Kristina felt that Nyemaster Goode represented the "perfect example" of how employers should go above and beyond to support our local heroes in their companies and communities. After weighing the merits of more than 3,200 nominations, the Department of Defense has wholeheartedly agreed with the Stangers and proudly recognized Nyemaster's job-well-done on a national level.

Mr. Speaker, Nyemaster Goode's receipt of the 2012 Freedom Award highlights the rewarding Iowa traditions of hard work and commitment to our neighbors. I thank Doug and Kristina for their nomination of Nyemaster Goode, and I thank Nyemaster Goode for setting a pristine example for employers across our great Nation. I ask my colleagues in the House to join me again in congratulating Nyemaster Goode for their outstanding accomplishment and wish them continued success in the years ahead. May God continue to watch over all of our soldiers and their families, across the world and here at home.

IN HONOR OF BRUCE WOOLPERT

**HON. SAM FARR**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 31, 2012*

Mr. FARR. Mr. Speaker, I rise today on behalf of myself and my colleagues, Representatives ESHOO, LOFGREN, and HONDA, to honor the life of Bruce Woolpert, a remarkable businessman, a noted philanthropist, and a stalwart of the Monterey Bay and San Francisco Bay Area communities. As the leader of the Granite Rock Company, Bruce will be remembered for his integrity and his generosity, not only to his employees, but to the community where he was raised and in which Graniterock was based.

Bruce Wilson Woolpert was born on May 30, 1951 to Mary Elizabeth "Betsy" Wilson Woolpert and Bruce Gideon Woolpert. Betsy's father, Arthur Roberts Wilson incorporated

Granite Rock Company in 1900 after seeing an opportunity with a small granite quarry located in Aromas, California. Bruce was a native to Watsonville, California, the beacon of the Pajaro Valley. He attended MacQuiddy Elementary School, E.A. Hall Junior High School, and graduated from Watsonville High School in 1970. He went on to study economics and mathematics at the University of California, Los Angeles, graduating summa cum laude. He obtained a Master's Degree in Business Administration from Stanford University in 1976, graduating first in his class, and going on to work for Hewlett Packard. By 1986, he returned to Graniterock to serve as President and CEO.

It was at Graniterock that Bruce sought to make a company where its workers were delighted to come to work every day. He was a gifted leader and renewed the company's core values of safety, dedication to excellence in customer service, the growth and development of Graniterock people, honesty and integrity, continuous improvement, and lifelong learning. As a result, the company was awarded the United States Department of Commerce's Malcolm Baldrige National Quality Award in 1992, the first winner of the California State Quality Award, the Construction Innovation Forum's NOVA Award in 1994, and consistently ranked in the top 25 of Fortune Magazine's 100 Best Places to Work.

Among other charitable pursuits, Bruce maintained a special interest in supporting education in the Pajaro Valley, where he was instrumental in the creation of the Committee for Good School Governance. He realized that his role as a leader to his employees expanded far beyond the asphalt of the company's driveway and went through the streets of the city, seeking to make a better life for all.

Mr. Speaker, I know that I speak on behalf of the entire House, when I offer the nation's deepest sympathies to Bruce's wife, Rose Ann, his daughter Marianne, his son Arthur, his brother Stephen, and his extended Graniterock family. He was a hero and a leader that sought to change the world one rock at a time.

CELEBRATING THE 200TH  
ANNIVERSARY OF RIPLEY, OHIO

**HON. JEAN SCHMIDT**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 31, 2012*

Mrs. SCHMIDT. Mr. Speaker, I rise today to celebrate the 200th anniversary of a village that sits quietly on the banks of the Ohio River: Ripley, Ohio.

James Poage settled on 1,000 acres there in 1804, not yet aware of all the natural advantages that the mighty Ohio River and its nearby creeks would provide. Soon after, Poage and his family would name the town Staunton. But in 1816, it was renamed Ripley—after an American officer of the War of 1812, General Eleazar Wheelock Ripley. General Ripley would later serve as a member of Congress.

Ripley might be best known these days as the site of the annual Ohio Tobacco Festival,

but those who know Ripley's history understand the importance that this little town played in the fight against slavery.

Mr. Speaker, many of the early residents of Ripley shared a hatred of slavery, understanding that all men are created equal. Some risked their lives and property in ferrying enslaved people across the Ohio River to freedom in the North.

Threats were made against compassionate and courageous villagers such as the Rev. John Rankin and the inventor/entrepreneur John Parker (a former slave), but the words and actions of these members of the Underground Railroad established Ripley's reputation as a lighthouse of liberty.

Ripley's charm is evident in its many stately homes, delightful restaurants, and interesting antique stores, but fascinating tourist attractions such as the Rankin House State Memorial museum and the John P. Parker Museum are the true legacy of this village.

Mr. Speaker, I urge my colleagues to join me in celebrating the 200th anniversary of the remarkable village of Ripley, Ohio, and I hope they also will join me in commending this community for its historic role in the battle against the sin of slavery.

A TRIBUTE TO EDWARD AND  
VERGENE DONOVAN

**HON. TOM LATHAM**

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 31, 2012*

Mr. LATHAM. Mr. Speaker, I rise today to recognize and honor Edward Donovan, and his wife, Vergene Donovan, on the special occasion of their 70th wedding anniversary. This special day will take place on August 24, 2012, and they will be celebrating this landmark occasion on August 26th in Spirit Lake, Iowa.

Mr. and Mrs. Edward Donovan met by chance in southern California in July of 1942. A 19-year-old Edward approached a pretty 18-year-old girl named Vergene on the street and asked if he recognized her from Iowa. She confirmed she was from Spirit Lake, and the two spent the rest of the afternoon getting to know each other over soda at a nearby drug store. When Edward made it home that night, he told his best friend he had met the girl he wanted to spend the rest of his life with. Edward proposed to Vergene on their second date, and they have never looked back since saying "I do" in Long Beach, California on August 24, 1942.

After moving back to Iowa, Edward began work with a small fishing supply company known as Berkley and Company in 1950. Over his time with Berkley, Edward's creativity, passion and coordination helped lead the company to international expansion and dominance in the fishing industry. Edward would eventually leave Berkley as the Executive Officer of Operations in 1987. Meanwhile, Vergene discovered a strong passion for politics and continues to be involved with the Dickinson County Republican Party and Republican Women.

Edward and Vergene currently reside in rural Orleans, Iowa and have raised four children—Edward, Jim, DeEtte, and Scott. Their

children have blessed them with nineteen grandchildren and sixteen great-grandchildren. The Donovan's continue to be an active and important part of their community and it is truly an honor to represent them in the United States Congress.

Edward and Vergene's lifelong commitment to each other and their family truly embodies Iowa's values. I salute this lovely couple on their 70th year of life together and I wish them many more. I know my colleagues in the United States House will join me in congratulating them on this momentous occasion.

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TRIBUTE TO THE ALABAMA  
SCHOOL OF MATH AND SCIENCE

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**HON. JO BONNER**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 31, 2012*

Mr. BONNER. Mr. Speaker, I rise to honor the Alabama School of Math and Science, which was recently named one of the best public high schools in the state of Alabama.

In May, Newsweek magazine scored the Alabama School of Math and Science, located in Mobile, 182nd among the nation's 1,000 high schools that are the most effective in turning out college-ready graduates. The school scored third in the state of Alabama.

The 220 students at the ASMS take college level courses, including Advanced Placement classes in chemistry, biology and art. The Alabama School of Math and Science will soon expand their curriculum to also include Advanced Placement American History and English 11.

Typically, 100 percent of the graduates of Alabama School of Math and Science go on to college with 92 percent of those graduates receiving scholarships. This is an amazing accomplishment which speaks well of both the dedication of the students, as well as the determination of the school's faculty to provide excellence in the classroom.

In 1989, the Alabama State Legislature established the Alabama School of Math and Science. Mrs. Ann Bedsole, then a Republican State Senator from Mobile, was the chief sponsor of the legislation. The idea for the school came from Senator Bedsole and other Mobile citizens who felt the community needed to create a school that could give back to the state. Each year, over 260 students enroll in the school. These students come from all 67 counties in the state of Alabama.

On behalf of the people of South Alabama, I wish to extend my congratulations to school president Dr. Larry V. Turner, principal Ann Hilderbrandt, the teachers and other administrators and especially the students of the Alabama School of Math and Science. Their academic achievement is proof positive that Alabama schools and students are among the best.

IN RECOGNITION OF THE 60TH  
WEDDING ANNIVERSARY OF  
KYLE AUSTIN AND ORELEE  
CLEMENTS KIRBY

**HON. MIKE ROGERS**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 31, 2012*

Mr. ROGERS of Alabama. Mr. Speaker, I would like to pay tribute to a very special occasion today—the 60th wedding anniversary of Kyle Austin and Orelee Clements Kirby.

Mr. Kirby was born in Halls Chapel, Alabama on February 1, 1932 and Mrs. Kirby was born in Blue Mountain, Alabama, on November 30th the same year.

They were married on September 8, 1952 in Columbus, Mississippi and from there moved to Springfield, Massachusetts. They later moved where Mr. Kirby was stationed at Hickham Air Force Base, Tennessee, and to Florida. They currently reside in Anniston, Alabama.

The Kirbys have raised four children, and have 11 grandchildren and 13 great-grandchildren. They will have an event in Anniston on August 25th to celebrate this milestone.

I salute this lovely couple on the 60th year of their life together and join their family in honoring them on this special occasion.

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CELEBRATING THE 50TH ANNIVERSARY  
GOLDEN JUBILEE OF HAR-  
LEM'S BELOVED SYLVIA'S RES-  
TAURANT

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**HON. CHARLES B. RANGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 31, 2012*

Mr. RANGEL. Mr. Speaker, I stand to honor a venerable Harlem institution, Sylvia's Restaurant, on its 50th anniversary. Founded by the late Sylvia Woods, Sylvia's is nationally and internationally famous, yet its soul remains in Harlem.

On Wednesday, August 1, 2012, to kick off Sylvia's Restaurant's 50th Anniversary Golden Jubilee, the Woods family salutes the Harlem community with a complimentary Southern-style sidewalk breakfast party featuring Cake Man Raven complete with a voter registration drive, children's programming, live entertainment, guest speakers, prize giveaways and plenty of "Dancing in the Streets." The celebration continues with The Golden Jubilee Parade, featuring the awesome Brooklyn Steppers, which begins at Adam Clayton Powell, Jr. Harlem State Office Building African Village Plaza from 125th Street and 7th Avenue to Sylvia's Restaurant at 127th Street and Lenox Avenue.

I'd like to include in this CONGRESSIONAL RECORD, in celebration of this milestone occasion the obituary that was prepared in remembrance of Mrs. Sylvia Woods.

IN REMEMBRANCE OF SYLVIA WOODS,  
FEBRUARY 2, 1926–JULY 19, 2012

If ever there was a woman who defined strength, ambition and determination coupled with enough entrepreneurial spirit to

uplift and inspire generations, it was Sylvia Pressley Woods, 'The Queen of Soul Food.' Encapsulating family traditions of love, unity, female empowerment and of course soul into her business ventures, she not only established an imprint with her famed restaurant Sylvia's, but the visionary blazed a trail for an entire community to emulate. After a blessed 86 years with us, Sylvia Woods departed this world and reunited with her late husband, Herbert Deward Woods, on July 19, 2012.

On February 2, 1926, Sylvia Woods was born to Van and Julia Pressley in Hemingway, South Carolina. Three days after Sylvia's birth, her father succumbed to chemical-weapons injuries; he worked to ensure financial stability. When Sylvia was three years old, her mother left her in the care of her grandmother and the greater community of Hemingway as she went to Brooklyn, New York in search of work and increased opportunities. It was the notion of strength and that sense of family togetherness which ultimately defined who Sylvia Woods became. Julia returned to Hemingway a short time later whereby she raised her children, Sylvia, Louise, whom she adopted, Christine (Tiny), and Janie (Cout), whom she also raised.

In an era where women were fighting for equal footing, Sylvia's grandmother already had a farm and instilled the value of ownership in Julia and later in Sylvia herself. Widowed after her husband was falsely accused of a robbery and hung, her grandmother later remarried and eventually fought to maintain control of the property after the second husband passed away. It was on that land, on that farm that Sylvia Woods absorbed an impeccable work ethic along with her cousins and other children from the community. It was under the hot sun that she picked beans every day after school and first fell in love with food. And it was there that Sylvia initially met her future husband at the tender age of 11 as she worked alongside him on the farm. You could say it was destiny.

Sylvia's mother Julia worked tirelessly as a laundress in New York and saved nearly every penny with the aim of purchasing the property adjacent to her own mother. That dream ultimately came to fruition. She returned to South Carolina when Sylvia was still an adolescent. Julia bought property next to the farm and had her own house constructed.

Together, as a family unit, they worked the farm and provided living examples of strong, independent, Black land owning women for young Sylvia to one day replicate.

In addition to their domestic work and maintenance of the farm, both Sylvia's mother and grandmother were midwives for Hemingway during their prime. Despite being unable to read or write, her grandmother was the community's only midwife at the time. This unyielding persistence to rise above adversity was a quality passed down to Sylvia, as was a sense of humility and gratitude for all of life's blessings. Sylvia herself once recounted that as a young child, she considered herself extremely lucky to be able to study by a lamp, for many in her neighborhood could not afford electricity. It was these humble beginnings that allowed Sylvia to continue to cherish each and every success and never waver in support of the less fortunate.

During her formative years in Hemingway, Sylvia observed a community that lived and worked for the benefit of all. It was commonplace to adopt someone's child if the need

arose, or to help out in a person's home if necessary. Sylvia's mother and grandmother had both adopted children at various points in their lives. It was in this environment where Sylvia's dedication to hard work was fine tuned, as her mother made sure she stayed busy even on rainy days when the beans could not be picked. Learning to sew and mend, Sylvia started replacing buttons and repairing worn out clothing for herself and the family. But soon enough, that transitioned into a new creative outlet. Without the benefit of patterns to duplicate, or any formal training, Sylvia began making clothes—complete outfits—and tapping into the ingenuity that played a key role in all her life's work.

Whether she was expressing her innovative side, or working on the farm, Sylvia's childhood also centered on one other main factor: food. Watching her mother, grandmother, relatives and neighbors pour their hearts into the dishes they served, she understood that great food didn't just emerge; it required passion, love and soul. As different folks added their own ingredients and made their own specialties, Sylvia soon learned that cooking was a creative and artistic process unto itself. It was those recipes that were in turn handed down from generation to the next. And no matter what the occasion, it was food that brought everyone together.

When Sylvia was 16, her grandmother sent her to cosmetology school in Brooklyn in order to find work as a beautician. The youngest person to graduate in her class, Sylvia then returned to South Carolina. After a few years honing her beautician skills while still assisting her family at home, she made the difficult decision to return to New York. In addition to parting ways with relatives, Sylvia faced the heart-wrenching reality of saying goodbye to her beloved Herbert. Possessing the same sentiments as Sylvia, Herbert joined the Navy shortly thereafter with the hope that he might one day sail to Brooklyn and reunite with his love. Although he never quite made it to Brooklyn through the Navy, the two married soon enough and moved to the village of Harlem.

On the tough and often unforgiving streets of New York, almost everyone was chasing after a dream. But it was the incomparable lessons of integrity, sacrifice, dedication and courage of her childhood that laid the foundation for Sylvia's eventual empire in Harlem and was an imprint for the nation. When the Woods first moved uptown, Herbert drove a cab to earn a living, while Sylvia worked a factory job on Long Island. Exhausted for her commute, she seized an opportunity to work as a waitress at Johnson's Luncheonette on Lenox Avenue. It was a decision that later proved invaluable.

When Sylvia first accepted this waitressing job, it was yet another daring move not only because she was inexperienced, but because she had never set foot inside a restaurant before. Growing up in the Deep South at a time when most restaurants barred Blacks and Black-owned restaurants were basically nonexistent, she had no knowledge of the complexities of the fast-paced industry. But Sylvia was a quick learner.

In 1962, when the owner of this luncheonette was leaving to focus on other ventures, he offered to sell Sylvia the establishment. After her initial shock, Sylvia realized the potential this venue could have for a community that was still yearning for a place to call home. Remaining true to the ideals of working as a family, Sylvia went to her mother who then mortgaged the family farm

and allowed her daughter's concept to become a reality. On Aug. 1, 1962, Sylvia's opened its doors. It had 15 stools and six booths.

Having a business is no small feat, let alone a restaurant vying to survive during a period when many were forced to close their doors. It was Sylvia's faith and unbelievable relationship with Herbert that allowed her to overcome any obstacle big or small. From the fields of South Carolina where they looked after one another, through an enduring marriage that saw the birth of four children—Van, Bedelia, Kenneth and Crizette—the Woods had a bond that few will ever experience in their lives. Both were born in Hemingway, and both lost their fathers as babies. And in an added twist of fate, both Sylvia's mother and Herbert's mother were born on the same day, January 1, 1906.

During the 1960's, Harlem was an unpredictable and ever-changing neighborhood. As many restaurants struggled to remain open, Sylvia's found a niche with its southern cuisines of collard greens, peach pies, fried chicken, cornbread and other soul foods. But it was the warmth and love with which Sylvia welcomed patrons into the restaurant and that extra touch of care added into her dishes that won the hearts of the community. Her establishment was so well respected in fact, that during the riots of the '60s, as businesses were set ablaze, hers remained protected and intact.

"Sitting idle is not an option" is what Sylvia's mother used to say, and it's what Sylvia herself exemplified throughout her time on earth. As her restaurant grew in popularity, so did her efforts towards expansion. Sylvia's currently seats over 450 patrons, and the powerhouse behind it all had branched off into other business endeavors. She purchased the remaining stores on the restaurant's Lenox Avenue block, as well as several nearby brownstones. She packaged her own signature line of food products that found their way into grocery stores across America and remain of the few truly Black owned businesses in food production today. And she somehow found time to publish two successful cookbooks.

In 2001, Sylvia said goodbye to her best friend, the love of her life, Herbert Woods. In his memory, the Woods family founded the Sylvia and Herbert Woods Scholarship Fund offering collegiate scholarships to Harlem and local residents. To date, the fund has dispersed 76 scholarships and will continue to live up to its mantra: "a higher level of education should not be a high-end luxury, but a right to all those who seek it".

After the death of her soul mate, Sylvia once again turned to her faith for renewed empowerment. Growing up in a strong Christian home, she came to know God as a young child. She was a firm believer in the notion that no matter what the adversity, God would see you through. It was a value and belief system she passed down to her children and grandchildren. Sylvia was a member of Abyssinian Baptist Church for many years, and later joined Grace Baptist Church as it was more convenient for her to attend there. She was instrumental in the construction of her home church, Jeremiah Methodist, in Hemingway.

In 2007, Sylvia received a Congressional honor acknowledging her immense contribution to American society. She appeared in numerous national and international media outlets and has been saluted by President Bill Clinton, New York Governor Pataki, New York Mayors Ed Koch, David Dinkins and Mike Bloomberg, the New York Stock

Exchange, among others. She was also recognized by the NAACP and received numerous awards.

Sylvia's has proudly served Presidents—including the first African American President, Barack Obama—international dignitaries, celebrities, Harlem residents and tourists the world over. It is owned and operated by three generations of the Woods family that remain committed to the work ethic, devotion, and entrepreneurial spirit of its founder. 2012 marks the 50th anniversary of Sylvia's.

A relentless fighter and champion first for her family, community, and minority/female-owned businesses, Sylvia is now reunited with her mother, grandmother, husband Herbert, adopted sister Louise Thomas and half-brother McKinley Preston, all of whom have passed on. She is survived by her four children, Van (Brenda Woods) Bedelia, Kenneth (Sylvia Woods) and Crizette; one step-daughter, Linda Woods; 18 grandchildren; two great-grandchildren; two great-great-grandchildren; two special cousins, Christine Cameron and Janie Cooper; one sister-in-law, Evelyn Woods; a host of loving nieces, nephews, cousins and a nation that will forever be indebted to a woman who reminded us to never lose sight of the key ingredient for any success.

Mr. Speaker, I ask that you and my colleagues join me in commemorating the 50th anniversary of the founding of this esteemed Harlem institution. May it continue its long run of excellence for another 50 years and more.

#### TRIBUTE TO RICHARD L. GRANT

#### HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 31, 2012*

Mr. BONNER. Mr. Speaker, I rise to recognize Richard L. Grant, who recently retired as the Vice President and Region Manager of Boise White Paper Alabama Operations on May 31, 2012. Mr. Grant knows the value of hard work, as well as the importance of loyalty to one's company.

Mr. Grant began his career after graduating with a Bachelor's Degree in Environmental Studies at the University of Maine in 1977. After graduation, he began a long journey, ultimately taking him from the East coast to the West and finally down to Alabama.

He began work with Boise as the Pulp Mill Day Supervisor in 1987 in Wallula, Washington. He then became the Power and Utilities Superintendent from 1988 to 1989 at Smurfit Newsprint Corporation in Oregon. In 1989, Mr. Grant moved to the Alabama Operations, where he held a variety of positions from 1989 to 2008 which included: Operations Manager, Production Manager, Paper Machine Superintendent, Recycle General Superintendent, Utilities Superintendent and Region Manager of the Alabama Operations, before being promoted to Vice President in November of 2008.

In addition to being a leader in safety, Mr. Grant has made many outstanding and lasting contributions to Boise and his community. He has been a leader in the development of people's character, mentoring many of the key managers within the Boise Paper family.

These contributions to the company will be greatly missed.

Rick has been a tremendous and positive force in his community and the Boise Paper Company. He has set a high standard of leadership that will be difficult to replace.

Mr. Speaker, on behalf of the people of South Alabama, I would like to extend a job well done, as well as our very best wishes to the Rick and his wife, Sissie, for all their future endeavors.

#### PERSONAL EXPLANATION

### HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 31, 2012*

Mr. SERRANO. Mr. Speaker, on rollcall No. 531 I inadvertently voted "aye" when I intended to vote "no" on the Fitzpatrick Amendment to H.R. 4078. I would like the record to reflect this error, and to reiterate my opposition to efforts to undermine the Sarbanes-Oxley Act of 2002. Sarbanes-Oxley has been an important bill that improves corporate transparency and helps to ensure confidence in our financial markets, and I continue to support this vital legislation.

#### HONORING REV. WILLIAM F. HARRELL

### HON. PAUL C. BROWN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 31, 2012*

Mr. BROWN of Georgia. Mr. Speaker, I rise today to pay tribute to a Southern Baptist minister in Georgia's Tenth Congressional District, Rev. William F. Harrell. After serving as Senior Pastor of Abilene Baptist Church for the past 31 years, Rev. Harrell, or Brother Bill, as he is lovingly referred to by his church congregation, is entering retirement.

Under his leadership, Abilene Baptist has grown to nearly 2,900 members, and the ministry includes a region-wide television program, entitled "Strength for Today." Its building stands as a stunning landmark, and the reputation of its members is a powerful testimony to the greatness of God. The church's success and strength is due, in large part, to Rev. Harrell's faithfulness and care in serving the community of the Central Savannah River Area and first and foremost, our Lord Jesus Christ. He has served a total of 39 years in ministry, holding a number of positions in the Augusta Baptist Association, Georgia Baptist Convention, and the Southern Baptist Convention.

For this reason, and on the occasion of his retirement, it is my honor to acknowledge Rev. Bill Harrell, for his outstanding career and significant contributions to Christian ministry. Furthermore, I extend my sincere appreciation to a servant leader in whom I value his friendship and hold in the highest regard. Rev. Harrell is a man who is certain of his calling, consistent in his ministry, and committed to doing the work of the Lord.

Mr. Speaker, on behalf of the United States Congress, I applaud the great work of Rev. William Harrell and congratulate him on the occasion of his retirement.

#### HONORING THE UNIVERSITY OF ALABAMA MEN'S GOLF TEAM

### HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 31, 2012*

Mr. BONNER. Mr. Speaker, I rise to honor the University of Alabama's men's golf team which placed runner up to the National Champion Team from the University of Texas, on June 3, 2011. The Crimson Tide's record of accomplishment this season is the best in the history of the University's golf program.

Although the Tide was behind all day, they fought hard to come back. Senior Hunter Hamrick, from Montgomery, was able to put points on the board for the Crimson Tide with a 6 and 5 win. Sophomore Bobby Wyatt, from Mobile, played a dramatic hole with a birdie chip on 18 winning his match 1 up. Sophomore Cory Whitsett tied the final match with a birdie on 17. And, on 18, Texas player Dylan Frittelli needed to sink a 20-foot-putt to beat the Crimson Tide in the final match.

With such an outstanding performance, the Alabama golf team completed their most successful season in the school's history by placing runner-up at the NCAA Championship. The team also won its third SEC Championship, the school's second regional title, as well as finished first in the stroke-play portion of the NCAA Championship over Texas by 10 shots.

The 2012 men's golf team members are Hunter Hamrick, Lee Knox, Tom Lovelady, Trey Mullinax III, Scott Strohmeier, Justin Thomas, Cory Whitsett, and Bobby Wyatt.

The coaching staff consists of Head Coach Jay Seawell, Assistant Coach Scott Limbaugh, and Team Chaplain Stephan Bunn.

On behalf of the people of Alabama and my colleagues in the Alabama Delegation, I wish to extend personal congratulations to Coach Jay Seawell, the coaching staff, and the men of the University of Alabama Men's Golf Team for their tremendous accomplishment.

#### HONORING NATALIE DELL AND CHRISTA HARMOTTO FOR MAKING THE USA OLYMPIC TEAM

### HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 31, 2012*

Mr. SHUSTER. Mr. Speaker, I ask my colleagues to join me in honoring two outstanding athletes selected to the United States Olympic Team from the 9th Congressional District of Pennsylvania: Natalie Dell and Christa Harmotto.

Natalie Dell, raised in Clearville, PA was a standout track star throughout her high school career. Upon attending Penn State University, Dell decided that she had reached her full po-

tential in track and field and wanted to pursue another competitive sport. She chose to begin rowing where she quickly fell in love with the sport. After graduation, she continued to hone her strength and technique and joined the Riverside Boating Club in Cambridge, Massachusetts. Although Natalie was less experienced than the rest of her peers, her talent and status advanced rapidly as she soon became a member of the U.S. National Rowing Team. Her rigorous training and the perfection of her skill proved to be well worth the effort. Dell achieved a position on the 2012 Olympic Women's quadruple skulls boat and is the first alumnus from Penn State to row for the USA National Rowing Team. Her six day per week, two-a-day training has aptly prepared this courageous woman to represent the United States and the 9th district of Pennsylvania.

The second great Olympian from our district is Christa Harmotto. Harmotto was brought up in Hopewell Township, PA where she excelled at sports from a young age. In high school, as a multiple year letterman for volleyball and basketball, Christa won the Pennsylvania Gatorade Player of the Year. She then transferred her high school success to that at Penn State, where she chose to continue her pursuit of volleyball. Her student athlete career was one of great success and achievement, as she acted as an integral member of a two-time national championship team, while simultaneously attaining All-American status for four straight years. A prominent figure on the squad as a middle blocker, Christa makes her Olympic debut in 2012. I am positive she will fight valiantly and work hard for her side in their journey to win the gold medal.

Mr. Speaker, I congratulate these two heroes of Pennsylvania's 9th district. With their effort and determination, these two women are destined to do great things for our country and the 9th district of Pennsylvania. I am very proud of their hard work and determination to win for the United States Olympic Team. I hope you join me in wishing them and the rest of our Olympic athletes well in their respective competitions at this year's Games.

#### 125TH ANNIVERSARY OF THE HISTORIC TOWN OF EATONVILLE

### HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 31, 2012*

Ms. BROWN of Florida. Mr. Speaker, I rise today in honor of the 125th Anniversary of the Historic Town of Eatonville, the Oldest Incorporated African American Municipality in America. Eatonville is a source of pride for the entire State of Florida and it gives me great pleasure to represent them in the U.S. House of Representatives.

Eatonville is a town rich in black history, tucked away just north of the city of Orlando and home to more than 2,000 people.

Eatonville is known as one of the first incorporated black towns and was formed after the signing of the Emancipation Proclamation.

Eatonville is named for Union Army Captain Josiah Eaton. He owned the land and sold it to a group of African-American men who wanted to start their own city.

On August 15, 1887, twenty-seven registered voters—all African-American men—met and voted to incorporate their parcels of land, creating the first African-American town in America.

The city thrived in music and arts and in 1897, the Robert Hungerford Normal and Industrial School was founded. For years, the school was the most important school for blacks in the state of Florida. Boys and girls from all over the state came to Eatonville to learn about great poets, writers, painters, and composers.

It stayed a private school until 1950 when the courts gave it to Orange County as a public trust, and is now known as Robert Hungerford Preparatory High School—Orange County's first all-magnet high school.

Eatonville hosts the annual Zora Neale Hurston Festival. Indeed, the Zora Neale Hurston Festival of Arts and Humanities in Eatonville, Florida is simply a prize for Eatonville and for the State of Florida.

People come from throughout the country and from around the world to visit and to participate in this great annual event, to celebrate not only the legacy of Zora, but of the cultural contributions made by African Americans around the globe. There have been twenty-three annual festivals and I have yet to miss one!

Please join me in honoring the Town of Eatonville, and I look forward to celebrating this town and its rich history for many years to come.

TRIBUTE TO UNIVERSITY OF ALABAMA ATHLETIC DIRECTOR MAL MOORE

**HON. JO BONNER**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 31, 2012*

Mr. BONNER. Mr. Speaker, I rise to congratulate Coach Mal Moore, the respected, longtime Athletic Director of The University of Alabama who was recently named the 2012 recipient of the John L. Toner Award from the National Football Foundation (NFF) and the College Hall of Fame.

The Toner Award is presented annually by the NFF to an Athletic Director who has demonstrated superior administrative abilities and shown outstanding dedication to college athletics, particularly college football.

For those who closely follow University of Alabama athletics, there is little doubt that Mal Moore deserves this tremendous honor. As Alabama's Athletic Director since 1999, he has guided the University's sports program to a new era of success, made improvements to athletic facilities and overseen numerous conference and national championships. This year alone, under his leadership, Mal Moore has been instrumental in the Crimson Tide winning four national championships in football, women's gymnastics, women's softball and women's golf.

Long a prominent figure in the "Alabama family," Coach Moore played quarterback under legendary head football coach Paul "Bear" Bryant, beginning in 1958, and was a

member of the 1961 national championship team. A secondary and, later, quarterbacks coach for Coach Bryant's Crimson Tide, Coach Moore became a fixture on the 'Bama coaching staff until Coach Bryant's retirement in 1982 when he was hired to be an assistant coach at The University of Notre Dame. In 1990, he returned to Alabama to serve as offensive coordinator under Coach Gene Stallings. All total, Coach Moore has been a part of nine of Alabama's 14 national championships.

As Athletic Director, Mal Moore directs a \$100 million budget and 21 men's and women's varsity sports teams. His record of leadership speaks for itself. Since 1999, the University has notched countless NCAA championships and even more SEC championships. Also during Coach Moore's tenure as Athletic Director, the Crimson Tide football team has won two national championships (2009 and 2011), posted six 10-win seasons, a 5–4 bowl record, appearances in four Bowl Championship Series (BCS) bowl games and SEC championships in 1999, 2009 and 2011.

Winning is not his only legacy; however, the face of the University of Alabama campus has also been transformed during Coach Moore's tenure with more than \$200 million in improvements to the athletic infrastructure. Alabama has erected new stadiums for soccer, softball and tennis; new facilities for women's basketball and volleyball; a new golf clubhouse; and improved facilities for every other sports team, in addition to the renovation of the Bill Battle Center for Athletic Student Services and Coleman Coliseum. In 2007, The University of Alabama Board of Trustees officially dedicated the facility formerly known as the Football Building as the Mal M. Moore Athletic Facility. Coach Moore also oversaw the expansion of Bryant-Denny Stadium in 2006 and 2009, pushing the venue's capacity to 101,821, which ranks fifth nationally.

Mal Moore will be officially honored at the 55th NNF awards dinner at Waldorf-Astoria in New York City on December 4, 2012. He was elected to the State of Alabama Sports Hall of Fame in 2011.

Mr. Speaker, on behalf of the people of Alabama and the entire Alabama Congressional Delegation, I would like to commend Coach Mal Moore for his exemplary leadership and congratulate him for receiving the John L. Toner Award. I know Coach Moore's daughter, Heather, his granddaughter, Anna Lee and grandson, Charles, as well as his many, many friends and associates around the country share in this proud and well-deserved honor.

THE UNFINISHED WAR

**HON. RUSH D. HOLT**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 31, 2012*

Mr. HOLT. Mr. Speaker, I rise today to share with my colleagues a recent article by my good friend Richard Leone, the former President of the Century Foundation. In his article "The Unfinished War" Leon reminds us all that "by ignoring the poor we undermine the welfare of everyone in the 99 percent liv-

ing from pay check to pay check." As Congress debates taxes, government investments, and countless other issues, I hope all of my colleagues will keep his sage words in mind.

[From the Huffington Post, July 6, 2012]

THE UNFINISHED WAR

Nearly 50 years ago President Lyndon Johnson rallied the nation in support of a "War on Poverty." It was a goal widely accepted as necessary and realistic. While total "victory" might not have been unachievable, the effort was embraced and pursued by many leaders of both parties. The Nixon administration, for example, played a key role in advancement of the earned income tax credit and Ronald Reagan reached an agreement with the then Democratic Speaker of the House, Tip O'Neill, to strengthen Social Security's finances for another generation (today, about half of the nation's elderly would fall below the poverty line without Social Security).

While Johnson's initiatives and subsequent policies didn't end poverty, they sure made a dent in it. Americans began the 1960s with 22.4 percent of the population living in poverty, but by the early 1970s that percentage had been cut in half. Not unconditional victory, but a major policy triumph nonetheless. Since that time the poverty rate has fluctuated between about 11 percent and 15 percent, reaching the upward proportion during the Reagan years and the lower end of the range during the administration of Bill Clinton. This may seem like a fairly narrow band—unless you're one of the millions who fall into poverty as the nation moves from the bottom of the range to the top. Right now, as we struggle to recover from the financial crisis of 2008–2009, the share of Americans living in poverty is back to levels not seen since 1993.

So is a renewal of the war against poverty in the offing? The current balance of political forces suggests that, rather than muster all the weapons we have to fight for the poor, many are willing to settle for uneasy neutrality. This is one "war of choice" we choose not to wage. Austerity is the watchword of the day defined somewhat differently but accepted by the mainstream of both parties as the bedrock of policy for the foreseeable future.

With lower expectations of growth projected for the next several years and continuing competitive pressures from abroad it is hard for most observers to see an optimistic scenario in which recovery accelerates to the point of leading to a new 1990s style period of prosperity. While this clearly sets limits on what is possible, it also opens up opportunities for those who wish to use the current difficulties as a lever to win arguments that are geared to their core values. Deregulation, weakening of unions, and further cuts in taxes for the wealthy and corporate America are all part of an ideological agenda that seems practical only because of the shifts of political forces and the imperatives of the financial weakness. To be sure there will be resistance to cuts in education, reductions in infrastructure spending, the weakening of Medicaid, and other radical departures from previous policies. But the defenders of the social contract seem at a distinct disadvantage. And what is not present in the debate, indeed has become virtually invisible in the media, is the issue of poverty.

In fact, the United States has proven over several decades to be more tolerant of poverty and of homelessness and other associated ills than is the case in other industrialized countries. One can only conclude from



the current reality that even discussing the issue of reducing poverty is a luxury. Like support for the arts, it is off the table during these difficult times. Workers have largely lost their past generous instincts about social programs after a generation of stagnant wages. Slightly further up the ladder, families who were until recently considered themselves solidly middle class now are scrambling to maintain their standard of living—and even their jobs.

Yet, the United States is still a wealthy country, by all measures among the wealthiest in the world. And it clearly has the resources to provide a decent standard of living for its workers and citizens, its children and elderly. Other countries do so without much fuss. We, on the other hand, have rationalized increasing concentrations of wealth and income as somehow producing results that will be better for everyone. At the same time, our expenditures on the things that might change the circumstances of average Americans are meager by international standards. Elementary and secondary education, an historical strength, is being squeezed by budgetary problems at the state and local level. College aid and support for public higher education is shrinking. And, retraining programs for those who have lost their jobs due to the globalization of manufacturing and markets are nowhere close to what is available, for example, within the European Union.

Overall, the United States has achieved levels of inequality not seen for generations and now ranks near the top among industrial nations in inequality. These are not trivial statistics for they reflect very different perceptions of what is important in the world of politics and government. Perhaps it's not a coincidence that those who can afford it pay for our campaigns and reap the rewards while average citizens, frustrated and angry, turn against their government because they don't see it helping them. Facts seem irrelevant; the U.S. has lower tax rates than almost all of the other industrialized countries and government employment has dropped sharply in the past few years, yet the explanation for hard times is that the government is taxing too much and spending too much. In this hostile environment it may be no wonder that new programs to help the poor get short shrift. In this Darwinian environment, we simply can't afford to help them.

It's past time to connect the dots and see that by ignoring the poor we undermine the welfare of everyone in the 99 percent living from pay check to pay check. We must revive our generous national nature. And more selfishly come to see that we might find ourselves in their shoes. It may be that the poor will always be with us, but that doesn't mean it's OK to ignore them.

#### HONORING THE NATIONAL CHAMPION UNIVERSITY OF ALABAMA SOFTBALL TEAM

##### HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 31, 2012*

Mr. BONNER. Mr. Speaker, I rise to honor the University of Alabama's softball team which captured its first national championship during a down to the wire late night victory on June 6, 2012.

The Tide was able to triumph over the Oklahoma Sooners after a rain delay brought out

a special determination on the part of the ladies from Alabama to take home the trophy. Down early, Alabama came back to score four runs, and at 12:31 a.m., Alabama pitcher Jackie Traina struck out a Sooners player to end the game.

With its 5 to 4 win in the Women's College World Series in Oklahoma City, the Crimson Tide softball team also garnered the University of Alabama its fourth national championship of the year—a school record. Alabama also made history as the first Southeastern Conference team to clinch the national softball title.

Since the creation of the Southeastern Conference (SEC) softball tournament in 1997, Alabama has claimed five SEC titles, including the 2012 season. The team ended their year with an impressive 60–8 record overall; 23–5 in the SEC.

This was the eighth time the University of Alabama has traveled to the Women's College World Series. This year's team is dominated by freshmen and sophomores who proved that heart and hard work can make the difference.

The victorious 2012 team members are Chaunsey Bell, Catcher; Jackey Branham, Infielder; Kayla Braud, Outfielder; Courtney Conley, Infielder; Keima Davis, Outfielder; Kendall Dawson, Catcher; Jennifer Fenton, Outfielder; Olivia Gibson, Catcher; Danae Hays, Infielder; Kaila Hunt, Infielder; Ryan Iamurri, Infielder; Leslie Jury, Pitcher; Amanda Locke, Utility; Jazlyn Luncford, Outfielder; Jordan Patterson, Catcher/Infielder; Cassie Reilly-Boccia, Outfielder/First Base; Danielle Richard, Infielder; Lauren Sewell, Pitcher; Jadyn Spencer, Utility; and Jackie Traina, Pitcher/Utility.

The coaching and support staff is led by Head Coach Patrick Murphy. Assisting him are Alyson Habetz, Associate Head Coach; Stephanie VanBrakle, Assistant Coach; Adam Arbour, Volunteer Assistant Coach; Kate Harris, Director of Operations; and Nick Seiler, Athletic Trainer.

On behalf of the people of Alabama and my colleagues in the Alabama delegation, I wish to extend personal congratulations to Coach Patrick Murphy, the coaching staff and the ladies of the University of Alabama Softball Team for their tremendous accomplishment. Along with a large fan base that traveled to Oklahoma City to cheer on the Crimson Tide was University of Alabama Athletic Director Mal Moore and Interim President Dr. Judith L. Bonner. Roll Tide!

#### IN HONOR OF DODGER STADIUM IN RECOGNITION OF ITS 50TH ANNIVERSARY

##### HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 31, 2012*

Mr. BECERRA. Mr. Speaker, I rise today to honor one of Los Angeles' greatest landmarks, Dodger Stadium, home of the Los Angeles Dodgers. The 2012 season marks the 50th anniversary of Dodger Stadium.

It ranks as the third oldest, continually-used park in Major League Baseball and still one of

the most attended and highly regarded stadiums in America. Dodger Stadium has hosted more than 143 million fans since it opened its doors in 1962. The club topped the 3.85 million attendance mark in 2007, which stands as the all-time franchise record.

Ever since Brooklyn Dodger President Walter O'Malley decided to move his team to Los Angeles in 1958 and bring Major League Baseball to California for the first time, this stadium has been home to some of the most memorable events in Dodger history. Many Dodger fans still recall Sandy Koufax's perfect game in 1965, the rise of Fernandomania, and Kirk Gibson's walk-off home run in Game 1 of the 1988 World Series.

Since opening its gates, Dodger Stadium has hosted eight World Series and the Los Angeles Dodgers have won four World Championships, eight National League pennants, 11 National League Western Division crowns and two National League Wild Card berths. From 1992 to 1996, the Dodgers set a major league baseball record with five consecutive players being named Rookie of the year: Eric Karros, Mike Piazza, Raul Mondesi, Hideo Nomo and Todd Hollandsworth.

Dodger Stadium has awed spectators with a breathtaking view of downtown Los Angeles to the south; green, tree-lined Elysian hills to the north and east; and the San Gabriel Mountains beyond. Walter O'Malley and architect Emil Praeger designed the 56,000-seat stadium, the second privately financed ballpark in baseball history. Its wavy roof atop each outfield pavilion, cantilevered grandstands and unique terraced-earthworks parking lot behind the main stands make Dodger Stadium one of the most innovatively designed baseball stadiums.

Besides being home of the Los Angeles Dodgers, the stadium has played host to the Major League Baseball All-Star Game in 1980 and the Olympic Games' baseball competition in 1984. The eight-team competition during the 1984 Olympic Games marked baseball's greatest involvement in the Olympic Games to that point. The Olympic spirit returned to Los Angeles again in 1991, as Dodger Stadium hosted the Opening Ceremonies for the United States Olympic Festival. In 2004, the Olympic Torch relay in Los Angeles concluded at Dodger Stadium as Rafer Johnson lit the cauldron at Chavez Ravine.

Dodger Stadium has also been the site of numerous non-baseball major events. On September 16, 1987 Pope John Paul II celebrated Mass at Dodger Stadium to a crowd of 63,000 people. Entertainers from around the world have performed here as well, such as Madonna, The Beatles and Michael Jackson. Dodger Stadium also staged one of the world's greatest entertainment events in 1994, when internationally-renowned tenors Jose Carreras, Plácido Domingo and Luciano Pavarotti reunited for a spectacular concert performance "Encore—The Three Tenors" with conductor Zubin Mehta.

Without a doubt, Dodger Stadium is one of America's treasured venues. It continues to be a major part of the history and tradition of the Dodgers. It has been the home of one of professional sports' most storied franchises, a destination for a worldwide fan base and an

enduring monument for a bustling, multicultural city. For 50 years in the heart of Los Angeles, Dodger Stadium has truly been a home for both a team and a community. I am honored to have such an organization and landmark in the 31st Congressional District of California.

Mr. Speaker, it is with deep pride that I ask my colleagues to join me in celebrating the "Golden Anniversary" of one of America's great landmarks, Dodger Stadium.

TRIBUTE TO FLOMATON POLICE  
CHIEF DANIEL THOMPSON

**HON. JO BONNER**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 31, 2012*

Mr. BONNER. Mr. Speaker, I rise to honor Police Chief Daniel Thompson of the Flomaton, Alabama Police Department for his heroic efforts to save the life of a 3-year-old boy on July 7, 2012.

While off-duty at the house of a friend, Chief Thompson was alerted by calls for help from a neighboring house. He acted quickly to reach a child who was unresponsive after falling into a swimming pool. Chief Thompson promptly performed CPR on the boy for several minutes until the boy regained consciousness. Other rescuers soon responded and took over care of the child. Due to Chief Thompson's well-trained and swift efforts, the young boy was able to be air lifted to Sacred Heart Hospital in Pensacola where he made a full recovery.

Chief Thompson began his career in law enforcement seven years ago, and he is quoted as saying, "I always wanted to do something to help people." His actions serve as a model

for others, and also show that public servants are never truly off duty. While we often take their service for granted, it can truly be a blessing when they are nearby in our time of need. While Chief Thompson may not have been wearing his badge at the time of the incident, his actions reflect a man who wears the motto "to protect and serve" in his heart.

This incident also illustrates the importance of being trained in CPR. One may never use the skill; however, when faced with a crisis situation, it may mean the difference between life and death. Flomaton Fire Chief Steve Stanton called Chief Thompson "a real hero," and I think we all share his sentiments. I would like to echo his comments.

Mr. Speaker, on behalf of the people of Alabama and my colleagues in the Alabama delegation, I wish to extend personal appreciation to Chief Thompson for his quick action to save a life, and to all those who serve us every day in our communities. We can never thank them enough.

IN RECOGNITION OF COL. TIMOTHY  
SULLIVAN'S CHANGE OF COM-  
MAND

**HON. MIKE ROGERS**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 31, 2012*

Mr. ROGERS of Alabama. Mr. Speaker, I ask for the House's attention today to recognize Colonel Timothy Sullivan who will have a change of command from Anniston Army Depot in August.

Sullivan received a commission as an Ordnance Officer in 1988 after graduating from Jacksonville State University. He later earned a Master of Science Degree in Information

Systems Management from Florida Tech University in 2001 and a Master of Strategic Studies from the Air War College, Air University in 2010.

His previous assignments include Platoon Leader, 503rd Maintenance Company, 530th S&S Battalion, 1st COSCOM; Platoon Leader and Shop Officer, Charlie Company, 782nd Maintenance Battalion, 82nd DISCOM, 82nd Airborne Division, Fort Bragg, N.C.; Company Commander, 520th Maintenance Company, 194th Maintenance Battalion, 23rd Area Support Group, Camp Humphrey's Korea; Operations Officer and Brigade Executive Officer, 59th Ordnance Brigade, Redstone Arsenal, Ala.; RTD Team Chief, 351st Infantry Battalion, 158th Infantry Brigade, Patrick Air Force Base, Fla.; Support Operations Officer and Battalion Executive Officer, 13th Corps Support Battalion, 3rd Sustainment Brigade, 3rd Infantry Division, Fort Benning, Ga.; APMS, Auburn University Army ROTC; Commander, 13th Combat Sustainment Support Battalion, 3rd Sustainment Brigade, 3rd Infantry Division; Chief, Logistics Division, Special Operations Command, Joint Forces Command (SOCJFCOM), SOCOM, Suffolk, Va.; and, most recently, graduate of the Air War College, Maxwell AFB, Ala.

While at Anniston Army Depot, he safely helped execute millions of direct labor hours while helping overhaul and maintain our nation's critical combat equipment. His hands-on leadership for the workforce helped ensure our nation's military was provided the best possible equipment available to keep them as safe as possible while allowing them to accomplish their vital mission.

Mr. Speaker, we will miss Colonel Sullivan in Anniston, but wish him the very best.

**SENATE—Wednesday, August 1, 2012**

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

**PRAYER**

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, the light of the world, as You illuminate our path, may we walk in the brightness of Your presence. Use our Senators to select the plans that most honor You. May they feel concern when our Nation drifts from Your precepts and labor to restore those values that will keep America strong. Lord, help them to do their very best each day and leave the results to You. Give them the wisdom to lift each other's burdens by being as encouraging to others as You have been to them.

We pray in Your sacred Name. Amen.

**PLEDGE OF ALLEGIANCE**

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, August 1, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

DANIEL K. INOUE,  
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

**RECOGNITION OF THE MAJORITY LEADER**

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

**VETERANS JOBS CORPS ACT OF 2012—MOTION TO PROCEED**

Mr. REID. Madam President, I now move to proceed to Calendar No. 476,

which is the Veterans Jobs Corps Act, sponsored by Senator NELSON of Florida.

The ACTING PRESIDENT pro tempore. The clerk will report the motion.

The assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 476, S. 3457, a bill to require the Secretary of Veterans Affairs to establish a veterans jobs corps, and for other purposes.

Mr. REID. Madam President, the first hour will be equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

**CYBER SECURITY**

Yesterday I filed cloture on the cyber security bill. As a result, the filing deadline for first-degree amendments is 1 p.m. today. We will let the Senate know about votes scheduled. We are trying to do one on Burma and the African trade bill that we have wanted to do for a long time, but Republicans have held it up to this point. But we will see what we can do to move forward on that.

Madam President, last week GEN Keith Alexander, commander of the U.S. Cyber Command, was asked to rate how prepared America was to face a cyber terrorist attack on the scale of 1 to 10. Here is what he said: "From my perspective I'd say around a 3."

Keep in mind, 1 is totally unprepared, 10 is totally prepared. Three is what he said. One of the country's top national security experts gave us 3 out of 10, a failing grade by any standard.

He went to say that the type of cyber attacks that could black out the United States for weeks or months are up seventeenfold in the last 3 years. The Nation's top security experts have said a cyber 9/11 is imminent. They say frailties in our defenses against these attacks are most urgent. They are a threat to our national security. Nothing is more important.

So it was with disappointment last night that I filed cloture on legislation to reinforce our defenses against these malicious attackers. Some are countries, some are organizations, some are individuals. National security experts have been plain about the urgent need to act. They say the question is not whether to act but whether we will act in time.

One need only look at the headlines in papers all over America today—all over the world today. As we speak, 600 million people in India are without electricity. It is not believed there was any terrorism involved. It is believed it relates to the unusual weather, prob-

ably based, many experts say, on global warming. They have never had such heat in India, which has put a tremendous burden on their fragile power system.

This legislation we are trying to finish has been worked on for years—years—not this Congress but going into last Congress. I was pleased to hear last week that many of my colleagues were working on thoughtful amendments to improve and strengthen this measure in spite of the untoward pressure by the Chamber of Commerce to kill this legislation. Senators on both sides have worked hard to address every concern raised by the private sector about this legislation. Senators LIEBERMAN and COLLINS have been exemplary. The bill that is before this body now is not nearly as strong as I would like, but that is what compromise is all about. I accept what they believed they had to do.

I expected a healthy debate on this important issue. I also expected to process many relevant amendments. Unfortunately, that was not good enough for a few of my Republican colleagues. Instead of substantive amendments that deal with our Nation's cyber security, they are insisting on political show votes. Instead of substantive amendments that deal with our Nation's cyber security, they are looking at all kinds of other things. I had thought they were going to be serious about this, but they are not. The threat is clear, and protecting the computer networks that control our electric grids, water supplies, and financial systems should be above political wrangling. So I was doubly disappointed to watch a bipartisan process derailed by ideological attacks—for example, on a woman's right to choose her health care generally.

As 47 million Americans were set to gain access to preventive services with no out-of-pocket costs, Republicans insisted once again on a vote to repeal these benefits. They want to roll back the clock to the days when insurance companies could discriminate against women. Why? Because they were women. They had a preexisting disability—their gender.

To make matters worse they are willing to kill a bill that will protect our Nation from cyber terrorism in the process. But this is not a new tactic. You may remember, as we all do—and I was reminded of that yesterday by a question that was asked of me by the distinguished assistant leader, Senator DURBIN, that reminded the entire Senate that on a surface transportation bill that put 3 million jobs at risk,

their first amendment was by Senator BLUNT on women's access to contraception.

Still, I admit I was surprised that Senator MCCONNELL would so brazenly drag partisan politics into a debate over a measure crucial to national security. It is today when the health care bill that we passed designates women will no longer be second-class citizens in relation to health care. So I cannot imagine a more untimely attack on women than yesterday.

Yesterday Senator MCCONNELL and I received a letter from General Alexander, who runs the National Security Agency—he is one of the top leaders there—urging us to move more quickly. Here is what he wrote, partially:

The cyber threat facing the nation is real and demands immediate action. The time to act is now; we simply cannot afford further delay. We need to move forward on comprehensive legislation now. I urge you to work together to get it passed.

What more do we need? What more does the Chamber of Commerce need so that they can release my Republican colleagues? I share General Alexander's concern.

Mr. DURBIN. Will the majority leader yield for a question.

Mr. REID. I will be happy to.

Mr. DURBIN. I would like to ask the majority leader if he is aware of the statement we had on the floor of the Senate by Senator WHITEHOUSE, who has been one of the leaders in putting together the cyber security bill relative to an incident at the Chamber of Commerce? I would like to read it, if I may, very briefly. And I quote Senator WHITEHOUSE from page S5720 of the July 31 CONGRESSIONAL RECORD:

Even the U.S. Chamber of Commerce has been the completely unwitting victim of a long-term and extensive cyber intrusion. Just last year the Wall Street Journal reported that a group of hackers in China breached the computer defenses of the U.S. Chamber, gained access to everything stored in its systems, including information about 3 million members, and they remained on the U.S. Chamber's network for at least 6 months and possibly more than a year. The Chamber only learned of the break-in when the FBI told the group that servers in China were stealing their information.

Even after the Chamber was notified and increased its cyber security, the article stated that the Chamber continued to experience suspicious activity, including a "thermostat at a townhouse the Chamber owns on Capitol Hill . . . [that communicated] with an Internet address in China . . . and . . . a printer used by the Chamber executives spontaneously . . . printing pages with Chinese characters.

As Senator WHITEHOUSE has said:

These are the people we are supposed to listen to about cyber security.

Can I ask the Senator from Nevada if he was aware that the chamber opposition to the cyber security bill certainly belies the fact that they have been hacked by the Chinese themselves, and they didn't even know it until the Fed-

eral Bureau of Investigation reported it?

Mr. REID. Madam President, in answer to my friend, we are living in a modern world. A thermostat—isn't that what the Senator just said?

Mr. DURBIN. That is right.

Mr. REID. Is the connectivity to what China wants to get from the Chamber of Commerce. Remember, that is only one way they get this information. But the numerous instruments we carry around—BlackBerrys, iPhones, all these kinds of things, instruments we have at home—every one of those is a vehicle to find out what is going on in my life, your life, the life of the Chamber of Commerce. I cannot imagine how my Republican friends can follow this lead. I don't know who. We have had Republican leaders in the past, on security—they have all said do something about this.

I would love to have a bipartisan bill to work through this with some amendments. I do not expect anyone to think the bill Senator LIEBERMAN and Senator COLLINS did is perfect. But it is a lot better than nothing. I hope people, when we vote on this tomorrow, will invoke cloture and pass their bill.

I had no choice but to file cloture. I am going to continue to work with all Senators to find out if we can reach a compromise.

I wish I had better news. Ignorance is bliss. I wish I did not know as much. I wish the briefings I had down in the classified area of the Capitol—a lot of that information is kind of scary. It is scary that we are not doing something about this bill.

Would the Chair announce the business of the day?

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. The majority leader's time is reserved.

#### ORDER OF BUSINESS

Under the previous order, the following hour will be equally divided and controlled between the two leaders or their designees, with Republicans controlling the first half and the majority controlling the final half.

The Senator from Georgia.

Mr. ISAKSON. Madam President, while the majority whip is on the floor, I want to pay him a compliment about some remarks I am going to make this morning. A group of 6 people in the Senate, three Republicans and three Democrats, about a year and half ago began getting together to deal with our fiscal problems in this country, both entitlements as well as our tax system as well as spending. I commend him for his work on that because I am going to talk exactly about what this Senate and this Congress has to do in the months ahead to deal with the fiscal cliff we are about to go over, but I want to acknowledge the fact that many of us, most importantly the distinguished majority whip, have been

working on solutions that we are going to have to take if we are going to save the Republic and the economy.

I wanted to pass that on to the distinguished majority whip.

In my State of Georgia, the most recent report on unemployment posted our unemployment rate at 9 percent. In our State we advertise foreclosures every Friday and leading up to the first Tuesday. We set a record in the month of July on the number of foreclosures being advertised.

Yesterday in my office I had a meeting with the President of Lockheed. They are headquartered in Fort Worth, but they have one of their largest manufacturing facilities in Marietta, GA. They are going to have to send out their notice of potential layoffs that will take place because of sequestration. We just got the second quarter GDP report that said we are still slowing down and going down to 1.5 percent from a previous quarter of 2 percent. All indicators are that we are heading to a second bump in our economy, and what has been a very protracted and weak recovery is beginning to fail, and we are looking at a fiscal problem that is going to affect this country for decades to come.

I encourage my colleagues in the Senate to recognize the clock is running and time is running out. We can no longer postpone doing those things we must do as a Congress to save the Republic and save our economy and begin producing jobs in this country. The most important thing our people need is certainty. They need certainty in regulation, and they need certainty in tax policy. The American people need to know we are going to do what we have to do to save this Republic and to save this economy. For the few minutes I have this morning, I wish to talk about that. All the solutions are on the table. The problem is that none of us seems willing to take them off the table and put them on the floor and deal with it.

Let's talk about spending. Our deficit has been announced for this particular fiscal year to be \$1.2 trillion, \$100 billion less than the total spending of the U.S. Government. We have to cut discretionary spending. We can't totally balance our books by cutting discretionary spending. We have entitlements. Our entitlements are growing because of what? Our economy. Why are food stamps up from \$35 billion to \$87 billion? Because a lot of people are hungry and a lot of people are out of work. Why are AFDC and many other programs rising rapidly? It is due to the economy. If we can deal with the spending and if we can deal with entitlements, then we can begin to bring back certainty and our economy will come back and our jobs will come back and there will be less pressure on the entitlement programs.

We are going to have to also recognize that "entitlements" is not the

right word for programs such as Medicare and Social Security. Those are contracts with the American people. I pay 6.2 percent of my income—the President does as well—to the payroll tax for my Social Security. I paid 1.35 percent for my entire life to Medicare. That is a contract with my government. We have to fix those programs.

Social Security is easy. Social Security is fixable by moving the eligibility date to the outyears. For my grandchildren, eight of whom are under 8 years old, that ought to be 69 or 70 years old before they become eligible. We don't need to cut their benefit or raise their tax, but we need to actuarially put out their eligibility. That is what Ronald Reagan and Tip O'Neill did in 1983 to save Social Security until the current pressure it is under right now.

Medicare is the tough animal to deal with. We are going to have to recognize that we have to get out of the fee-for-service business and then do a premium support business. That way, we can quantify premium support and know how much we are spending, and the American people have the choice of buying the insurance and the coverage for Medicare that they want. It ought to be means tested. We ought to make sure that those who can afford more insurance, like myself, have less support and those who are in need have more support. But it should be quantified in terms of support for premiums, not a fee-for-service reimbursement system.

In terms of our revenues, everybody always wants to talk about taxes. Last week we had a debate that was meaningless and worthless over political positions of two political parties on tax systems. We need to look at Bowles-Simpson. We need to clean up our Tax Code. We need to use the tax expenditures that we get as income by reducing them and waiving them. We need to use that income to reduce the rates on corporate taxes and all the marginal rates of taxation so we can encourage people to spend their money, invest their money, and make our Tax Code simple. We don't need to raise taxes, we need to raise their attitude. We need to improve the plight the American taxpayers have today by giving them certainty and a tax code that is clean, a tax code that is fair, and a tax code that produces jobs, revenues, and growth.

My message this morning is this: If we go up to probably Friday when we go home for the month of August and we come back in September for 60 days and wait until the election, we are putting off dealing with issues that affect our economy, affect our people, and affect our future. I, for one, stand ready the minute the leaders are ready to put these issues on the floor, and let's vote on them. Let's deal with the future of the American people, their taxes, their entitlements, and the guarantees we

made to them on Social Security and Medicare. Let's deal with our responsibility. Let's not sequester spending, let's cut where we should cut and let's add money where we should add money. Let's run this country like a business and not like a political action committee.

I yield to the Republican leader.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican is recognized.

DEFENSE SEQUESTER

Mr. MCCONNELL. Madam President, yesterday I came to the floor to draw attention to the administration's transparent attempts to conceal the impact of defense cuts President Obama demanded as part of last year's debt-ceiling deal. I was referring, of course, to the administration's Monday notification to businesses that work with the government that they are under no obligation to warn employees who might lose their jobs as a result of these cuts. Incredibly, the administration's argument was that they don't expect the cuts to happen even though the President had not done a thing to prevent them and even though Congress had to pass a law requiring the administration to tell us what the cuts would look like.

So let's be clear. The administration officials who sent out this notification instructing businesses to keep quiet about these cuts know just as well as I do that the cuts are coming unless Senate Democrats act or the President of the United States finally decides to come up with a credible plan to replace them.

The only reason the administration sent out this guidance to employers earlier this week was to keep people in the dark about the impact these defense cuts will have until, of course, after the election. So the White House is clearly trying to hide the ball from all of us. The clearest proof of that is the fact that no one even denied it after I noted it here just yesterday. But if we did need further proof, we actually got it yesterday when the Obama administration's Office of Management and Budget issued guidance of its own to departments and agencies telling folks they should prepare for the cuts.

So let's get this straight. Government workers should prepare for cuts, but private businesses and their employers should not. Not a week seems to pass that we don't see more evidence of the President's absolute contempt for the private sector, and here is the latest. The Federal Government is told to prepare for cuts, and yet the private sector businesses are specifically told it would be "inappropriate" to tell people they could lose their jobs. The cuts to the Defense Department under sequester are the law of the land, and until Congress changes that fact they are totally foreseeable.

Yesterday the Director of OMB exempted appropriations for military personnel from the sequester, providing even more certainty that the cuts to defense will fall upon training, maintenance, and weapons procurement and development. So the fact is that private businesses have a higher degree of certainty that their workforces will be hit. Yet here is the administration's message: If you are in the public sector, prepare for cuts. If you are in the private sector, don't even warn your employees that their jobs actually may be on the line.

What a perfect summary of this administration's approach to the economy and jobs over the past 3½ years. Private businesses didn't earn their success; somebody else made that happen. Now the President says: If you work hard in the private sector, you don't even deserve to know if your job is on the chopping block. The private sector is doing just fine; it is the government that needs help. That is the message of this administration.

Just as disturbing is what this says about the administration's approach to our national defense. The President's own Defense Secretary has said these cuts would hollow out our Armed Forces. Yet the President has not said a word about how he plans to responsibly replace them or, if he accepts a weakened national defense, how he will carry them out. Congress had to actually pass a law forcing him to make these plans clear to everybody. Now, he hasn't signed the bill yet. It went to him by voice vote out of the Senate last week. The defense cuts that will be triggered under the sequester are in addition to the \$487 billion in cuts to the Department identified by Secretary Gates.

It is time for the President to provide the leadership to avoid these reductions that will render his own strategy unsustainable. A lot of people are wondering how they will be affected by these cuts. The fact that many of them will be voting in swing States in November is no reason to leave them wondering about their fate any longer.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin.

THE DEFICIT

Mr. JOHNSON of Wisconsin. Madam President, I have been listening to the debate on spending and taxes and our debt and deficit. I come to the floor this morning with a few visual aids and charts and graphs to try to dispel some of the myths I have been hearing.

The first myth I constantly hear is about the Draconian cuts being proposed in the House budget. I think this chart pretty well dispels that by showing that 10 years ago, in 2002, the Federal Government spent \$2 trillion. This last year—this year—we will spend about \$3.8 trillion. We have doubled spending in just 10 years. The debate

moving forward shows that under the House budget, we would spend \$4.9 trillion. President Obama's budget proposes spending \$5.8 trillion. I think it is clear to see from this chart that nobody is proposing net cuts in spending. We are just trying to limit the rate of growth in spending.

Another way of looking at spending is over 10 years. In the 1990s, the Federal Government over a 10-year period spent \$16 trillion. The last decade, from 2002 through 2011, the Federal Government spent \$28 trillion. Again, the debate moving forward is, over the next 10 years do we spend \$40 trillion, as the House budget proposes, or do we spend \$47 trillion? Again, no cuts, just trying to reduce the rate of growth.

Let's talk a little bit about what the Federal Government has spent under the current administration. Over the 4 years of President Obama's administration, the Federal Government in total will spend \$14.4 trillion. Think back to the last graph. That is almost as much as we spent in the decade of the 1990s. The entire deficit for that time period was \$5.3 trillion. In other words, we had to borrow \$5.3 trillion of the \$14.4 trillion we spent; that is, about 37 cents of every dollar spent, we borrowed. We put that debt burden on the backs of our children, our grandchildren, and our great-grandchildren.

I often hear that the whole problem with the deficit is caused by the war costs or the 2001 to 2003 tax cuts. We added those to the chart here. We can see that the total amount over that 4-year period of the overseas war costs and the Bush tax cuts was \$1.2 trillion. It is less than 25 percent of the total deficit. Again, they are a factor but not the cause of the deficit. The cause of the deficit primarily is spending.

This chart basically shows what has been happening over the last 50 years. The structural deficit we have incurred is a basic result, on average, of the Federal Government spending 20.2 percent of the gross domestic product from 1959 to 2008, prior to this administration. On the other hand, revenue generation averaged about 18.1 percent of GDP, which gives us a 2.1-percent structural deficit. That is why our debt has continued to grow.

Under this administration, starting with the recession, that structural deficit exploded, with tax revenue dropping to about 15 percent and spending skyrocketing to 25 percent and now to about 24 percent. It is on a trajectory to hit 35 percent by the year 2035. Clearly, that is unsustainable.

Another way of taking a look at the tax cuts of 2001 and 2003, in terms of their total effect on our deficit figure, is to actually put them on a bar chart. The red bars represent the total deficit. The blue portions on the bottom of those red charts are the actual reductions in revenue from those tax cuts. We can see it is not a very large figure.

In total, over that—I guess that is an 11-year time period, the total Bush tax cuts were about \$1.7 trillion, while the entire deficit was about \$7.5 trillion. The tax cuts represent about 22 percent of that total deficit—but, again, when we take a look at the last 4 years, a far smaller portion of the deficit, because the primary deficit over the last 4 years has been on the spending side of the equation.

What does the President offer us for solutions? Last year, he proposed the Buffett rule. In a speech on September 26, in proposing the Buffett rule, he used the basic principle of fairness that he said the Buffett rule represents, and if that was applied to our Tax Code, it could raise enough to not only pay for his jobs bill, it would also stabilize our debt and deficits for the next decade. Think about what President Obama said there. He said the Buffett rule would not only pay for his jobs bill but would stabilize our debt and deficits for the next decade. Here is the chart and here is the fact: The Buffett rule for 4 years—4 years of the Buffett rule, it was projected, would raise about \$20 billion total. President Obama's 4 years of deficit is \$5.3 trillion. So let's state it a different way: \$5,300 billion. It doesn't take a math major to realize \$20 billion doesn't even come close to stabilizing a deficit of \$5,300 billion. President Obama misled the American people. I think the President of the United States has a far higher duty to the American people. He should be honest with them.

Last week, we debated the other tax proposals offered by our friends on the other side of the aisle. In proposing this and actually, unfortunately, passing this piece of tax legislation, the majority leader said this piece of legislation is about debt. It is about the debt, he said. We have to do something about the debt, and we have tried mightily to do that. We have tried mightily.

Again, let's take a look at the facts. The first years of that tax legislation—the only years that count—would have raised \$67 billion a year on average compared to last year's deficit of \$1,326 billion. Is that trying mightily to fix the debt and deficit? I don't think so.

If we were serious about fixing our debt and deficit situation, if we were trying mightily to do that, we might have tried passing a budget in the last few years. We might have actually brought appropriations bills to the floor so they could be debated and passed in the House and signed into law so we would not be faced with what we are faced with right now, which is a continuing resolution to fund the government in 2013.

Again, dispel the myth: The Democrats' tax proposal would do nothing—almost nothing—to stabilize our debt and deficit. It is simply a political exercise. It is political demagoguery. It is class warfare.

I ask the American people to consider a simple question: Are they for increasing taxes on the productive sector of our economy, the small businesses, those 1 million small businesses that would be affected by this? The money that would be taken out of those small businesses that they would use to expand their business, to buy capital equipment, to increase wages, to pay for health care, and invest in 401(k) plans, it does not stabilize the debt and deficit. It does nothing to do that.

I think Republicans basically agree with President Obama and President Clinton. Back on August 5, 2009, just as we were coming out of recession, President Obama said: "You don't raise taxes in a recession." I agree with that. Republicans agree with that.

Back in December—the last November and December of 2010—right after the lameduck session when all the tax rates were extended for 2 years, President Obama said: "If we allow these taxes to go up . . . the economy would grow less."

He was right. Back then, by the way, average growth in our economy was about 3.1 percent. During the last four quarters now, the economy has only grown about 2 percent. Our economy is in worse shape. It only grew at 1.5 percent in the last quarter. We can see the downward trajectory.

Of course, President Clinton also said probably the best thing we could do is to extend all the tax rates to take that sense of uncertainty off the table. That is what Republicans are proposing.

Let's not increase taxes on any American at this point in time. Let's not threaten any kind of government shutdown. As much as fiscal conservatives do not like the Budget Control Act or those spending limits, we think it is reasonable policy to pass a 6-month continuing resolution so a responsible leader can come into this town and actually start fixing our debt and deficit situation.

That is what Republicans are all about, taking the uncertainty of a shutdown off the table, taking the uncertainty of what people's tax rates will be over the next year off the table, and being responsible.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

#### SMALL BUSINESSES

Mr. HELLER. Madam President, I don't believe any State has felt the brunt of this recession more than the State of Nevada. We are a State that leads the Nation in unemployment, leads in foreclosure, and leads the country in bankruptcy.

There is not an evening that goes by or a day that goes by that I am not thinking about what can we do to create jobs and get our economy moving. In order to help small businesses thrive again, we must tear down the barriers

to growth and opportunity and launch this Nation into its next great chapter.

Small businesses are our Nation's economic backbone and they were built on the very same values of hard work and determination our Nation was founded upon. This issue is very personal to me. I spent most of my childhood working at my father's automotive shop in Carson City—Heller's Engine and Transmission. At this small business my dad taught me how to fix engines and transmissions but, more importantly, I learned about hard work, I learned about personal responsibility, and I learned how to provide an important service to our community.

Although my father's shop has been closed for some time, I have asked him what he would do as a small business owner in today's environment. First of all, he said, you couldn't open that same shop, not with the regulations, the taxes, the overhead that would be involved from what this government has produced. But his simple answer is he would have to close his shop because of the uncertainty and the costs due to all the Federal regulations and mandates.

Contrary to what some in Washington may believe, my father built his business and he worked long hours to make it successful. It was through this business that he provided for my mother and my five brothers and sisters. I can't thank my father enough for the values he instilled in me. It is humbling to think that all around our country sons and daughters are still learning from their parents who are making a living at their small businesses. These businesses are often struggling to make payroll, pay suppliers and, in some instances, can't even afford to pay themselves. These Americans are fighting every day to achieve the American dream, but what they get from Washington is more attacks on their livelihood in the form of new regulations, new mandates, and, of course, every day the talk of new taxes. Just last week, the majority party offered a tax plan that would kill 6,000 jobs in Nevada and more than 700,000 jobs nationwide. In a stagnant economy suffering from chronic unemployment, we should be looking for ways to strengthen job growth, not pushing destructive tax increases that serve as nothing more than political talking points.

Every week I hold telephone townhall meetings with Nevadans from across the State. Lately, a lot of Nevadans have discussed how some in the majority party are willing to take our economy off a fiscal cliff if Republicans will not vote for tax increases on small businesses.

For the past 2 weeks, I have asked all those participating in these townhall meetings if they believe this type of partisan politics is good for the econ-

omy. We shouldn't be surprised to know that a vast majority believe partisanship at the expense of the economy needs to end, and with that I agree.

Last Friday, I visited Joe Dutra, who owns Kimmie Candy in Reno, at his factory. He talked about how he is fighting to grow his business with his kids, John and Kathryn. Unfortunately, instead of supporting small businesses throughout our country, Washington has been making a difficult situation even worse. Joe has been getting a lot of heat lately from the press because he is standing up against politicians who belittle his efforts and has had the courage to fight the destructive policies coming out of Washington.

Let me assure my colleagues that Joe built his business and works hard to keep it going. That is what many small businesses across this country want to do. They want nothing more than to expand their businesses, hire more people, and pass on a legacy to their children and grandchildren that shows with hard work and dedication, anything is possible in America. Instead of encouraging this, Washington has increased their burden with miles of regulatory redtape. They passed a health care law that is costing jobs and continues with a top-down, Washington-knows-best mentality that has led to an anemic economy.

Small businesses are the lifeblood of our economy and will be a key component to our recovery. It is far past time Washington recognized this by encouraging their growth and getting our Nation on the right track.

Thank you. I yield the floor. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JOHANNES. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The remarks of Mr. JOHANNES pertaining to the introduction of S. 3467 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. JOHANNES. Madam President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. UDALL of Colorado. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### PRODUCTION TAX CREDIT

Mr. UDALL of Colorado. Madam President, as I begin to talk this morn-

ing about the wind production tax credit, I think we all know that tax credits have encouraged our wind industry to invest in that great, new, cutting-edge form of power, and that has resulted in the creation of thousands of American jobs and wind projects all over our country. Forty-eight States have a stake in our wind energy industry. But the production tax credit that has driven this investment in American manufacturing and job creation is about to expire at the end of this year.

I have been coming to the floor on an ongoing basis to make the case that we ought to extend the wind production tax credit as soon as possible.

I know the Acting President pro tempore has been here on a couple of occasions when I have spoken about this issue before. In fact, this is the 14th time I have come to the floor to speak to this important opportunity but also the peril that awaits us if we do not extend the wind production tax credit. The key here is that we have created uncertainty. The wind energy industry is beginning to back off investments for next year. They need certainty. They need predictability.

I have come to the floor today to talk, as I have been on each occasion, about a particular State and that State's contribution to the wind industry. Today I want to talk about North Dakota. It is a State with enough wind energy potential that it could meet more than 240 times its own electricity needs—240 times its own electricity needs. In fact, we know North Dakota sits in an ocean of wind, and it could power much of the Midwest if we could get that electricity to the city centers that need it, and if we keep the wind production tax credit in place.

What I want to talk about in particular in North Dakota are a couple of manufacturing facilities there. In the late 1990s, LM Glasfiber opened a facility in Grand Forks, which is in eastern North Dakota, close to the border of Minnesota, as shown on this map. They produce wind turbine blades there. And just a few years ago, DMI Industries—a company that manufactures the towers—opened a factory in West Fargo. That is also in eastern North Dakota. It is south of Grand Forks, over here, as shown on this map, on the Minnesota border as well.

These wind turbines—and the Acting President pro tempore knows this—are magnificent machines. They sit on towers that in some cases are 100 meters tall. The wind blades themselves are like aircraft wings. The cell that sits on the top of the towers, where the gear box and all the technology is—these are very technical, very complicated, very sophisticated machines, and manufacturing them brings out American greatness. The point I am making is these are two important facilities in North Dakota.



I also want to talk about the leadership that exists in North Dakota when it comes to wind energy. I want to start with our colleague, Senator CONRAD. He has been a proponent of the production tax credit for over a decade. His reasoning is that this is a great opportunity for North Dakota, as well as for the country, and the wind production tax credit creates certainty.

His colleague Senator HOEVEN has also taken up the cause during his first term in the Senate.

One of the key points I want to make here is those two Senators are from two political parties. Yet they each support the wind production tax credit. Last month, North Dakota hosted a renewable action energy summit in Bismarck, and both Senator CONRAD and Senator HOEVEN attended. During this summit national leaders talked about how North Dakota's robust and diverse energy sector has provided the model for creating jobs and helping reduce our Nation's dependence on foreign oil.

I have to say this strikes me as the most intelligent kind of policy. It is a mix of traditional energy sources with sustainable energy such as wind. What you get from that is advanced technology. You have certainty for developers. You spur investment. You create jobs. I applaud North Dakota's leadership in putting in place a smart energy policy, an all-of-the-above energy policy, as well as our colleagues' work on this subject.

The point I am making is that North Dakota recognizes investment in wind energy is an investment in jobs. Some of those numbers make that point. Some 2,000 jobs in North Dakota are supported by the wind energy industry. Those jobs are there no doubt because of the existence of a tax credit. I would add that the tax credit is a production tax credit. So you produce the power and then you get the tax credit. This is not speculative. This is not hoping that something will happen. This is based on production of electrons. That is why it is such a powerful tool. It has been used in the past, by the way, in other energy sectors. You produce power, you produce energy, you are rewarded with an energy tax credit.

Besides jobs, the wind industry provides \$4 million annually in property tax and land lease payments that go to supporting local communities and vital services tied to those communities. Where does North Dakota rank nationally? Well, they rank 10th in terms of installed wind capacity, and third in the Nation in percentage of electricity derived from wind, with almost 15 percent of their entire power supply coming from wind energy projects. That is the equivalent in North Dakota of 430,000 homes being powered by wind.

That number—I know this is important to the Presiding Officer—equals about 3 million metric tons of carbon dioxide that are not released into our

atmosphere every year. It is simple: The wind industry is important to America's future and it should be incented in communities that can support it, such as in North Dakota.

The wind production tax credit is that incentive. Without a doubt, if the PTC is allowed to expire, this important American industry will shrink, move overseas, and take thousands of American jobs with it. So as I have done when I come to the floor, I am imploring our colleagues to work with me, to work with us to stop this possibility from becoming a reality. Wind energy is not a partisan issue.

As I have noted, many of our colleagues agree with me, whether they are on this side of the aisle or the other side of the aisle. They understand if we do not extend the PTC we risk losing thousands of jobs and crippling a very important, successful, existing industry. So it would be a decision that we would all regret for a long time if we let the PTC expire.

As I close, I again implore and urge my colleagues to work on this together. If we believe in energy independence and job creation, as we say, then we need to work together. Let's show Americans that we understand the economy is job one. One of the ways we can create new jobs is to extend the wind production tax credit. One of the ways we lose jobs is if we let the wind production tax credit expire. So we ought to be passing the PTC as soon as possible.

The production tax credit equals jobs. It is crucial to our future. Let's not let the wind production tax credit be a casualty of election year partisanship. We cannot—America cannot—afford it.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

#### DISASTER RELIEF

Mr. MERKLEY. Madam President, I thank my colleague from Colorado for his remarks about the production tax credit. This is incredibly important to the wind industry. It is a big factor in the economy of Colorado and certainly a substantial factor in the economy of Oregon. So I join him in making the case, if you will, that we need to make sure we continue to drive forward this clean energy manufacturing economy that produces zero carbon dioxide.

I can tell you, I recently had the chance to drive from the northern border of Oregon to the southern border in an electric Leaf. We have enough charging stations now along the interstate to make this possible. It was miraculous to not produce a single molecule of pollution out of that car trip.

If that energy for that car is coming from wind, then not any—zero—carbon dioxide is produced, a zero impact on global warming. So certainly what is very good for the American worker, for the American economy, is also good for

our air and the environment here in our Nation and around the world. We must get this production tax credit passed. I will continue to work with him to make this happen.

I rise today to address a critical issue for Oregon's ranchers and farmers who are dealing with wildfire devastation—huge devastation. I am going to put up some pictures. We have had in the last month the largest fires in Oregon in over a century. An enormous amount of land has been burned in the process.

The Long Draw fire in Malheur County burned 557,000 acres or, to translate that, that is about 900 square miles. This is the largest wildfire in Oregon since the 1800s. This chart shows the incredibly powerful flames these ranchers and farmers have been dealing with. As these flames sweep across the grasslands, the cattle and other livestock are often killed in the process. The land does not quickly recover because of the intensity of the fire and how it affects the soil.

Let me give you another view of this same fire. This is actually a picture taken from Nevada looking toward Oregon. You see this massive wall, this massive wall of smoke coming across. It is an incredible sight to behold when a fire is in full rage as this was.

The Long Draw fire was one of the major fires, but the Miller Homestead fire was another. It burned about 250 square miles. Here again, you can see the dramatic flame front southeast Oregon was fighting. This is moving through the sagebrush, continuously progressing, moving very quickly when the wind is driving it, creating an enormous wall of smoke.

Let's take one more view. Here we see the aftermath of the fire when it was stopped by a road as an interlude. It completely destroyed land on one side of the highway, and what it looked like, this green grassland, this was not all dry and parched, this green grassland, before the fire moved through.

In addition to these two huge fires, we have had a number of others—the Lexfalls fire in Jefferson County; the Baker Canyon fire in Jefferson and Wasco Counties; the West Crater fire in Malheur County, each of these having a substantial impact in addition to the Miller Homestead and the Long Draw fires.

Together, these fires have consumed over 1,100 square miles. That is roughly an area the size of Rhode Island. So an entire State would fit into the area burned in Oregon. These fires are now under control, and southeastern Oregon is surveying the damage and picking up the pieces.

One of the things they would immediately turn to, our farmers and our ranchers, would be the disaster assistance that has always existed within the farm bill. But guess what. These disaster assistance programs are not available because the House has failed

to act on the farm bill. This Senate passed the farm bill, a bipartisan bill, Republicans and Democrats coming together.

In it are the reauthorizations of four key programs. One of them is the Livestock Indemnity Program that addresses when there is a natural disaster like this, addresses the death and the loss of cattle and other livestock.

A second is the Emergency Assistance for Livestock Program called the ELAP. But it basically addresses the lost value of forage on private land, and then the LFP program, or Livestock Forage Disaster Program, that addresses the loss of forage on public land. Those of you who are not from the West may not be aware that a lot of our livestock is operating on land that is leased to our ranchers. So when a fire like this affects those public lands, it also is affecting the value of the lease to those farmers and the ability of their livestock—those that have survived the fire—to be able to find forage and continue to live.

It is deeply disturbing that the House has not voted on the farm bill and sent it to conference. I urge them to act on this quickly. Without these key disaster relief programs, ranchers and farmers who have lost livestock and grazing land are left with few options. That is wrong. A rancher in southeastern Oregon who has been devastated by these wildfires should not pay the price because the House of Representatives will not bring a farm bill that it can pass and send to conference.

Let's be clear. The best solution to this problem, as well as many other issues, would be for the House to pass the bipartisan Senate farm bill. This would bring timely relief to all of those who have suffered in the disaster, and certainly to the farmers and ranchers across Oregon who have been struck by the largest fire in this century, a fire larger than the State of Rhode Island.

But if we can get consensus to bring immediate relief in the face of the inaction by the House, then we should do so. That is why I have introduced the Wildfire and Drought Relief for Farmers and Ranchers Act to extend the most urgently needed programs immediately. This would extend the programs for livestock indemnity. This would extend the program for forage loss on public lands and forage loss on private lands.

I urge my colleagues to take the same bipartisan spirit they brought to the farm bill to recognize that this Chamber has already voted to extend disaster programs and, if necessary, move quickly to extend these disaster programs, if necessary by themselves, in order to help our ranchers, to help our farmers who have been affected by these natural disasters, including this once-in-a-century fire in the State of Oregon.

Again, I encourage the House of Representatives to immediately get the

farm bill to conference. This should be done in the context of many programs that need to be renewed that have been worked out. But in absence of that, let's find a way to move quickly to assist our farmers and ranchers in the face of devastating natural disasters.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

Ms. KLOBUCHAR. Madam President, I ask unanimous consent to speak as in morning business for the duration of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### ANNIVERSARY OF I-35W BRIDGE DISASTER

Ms. KLOBUCHAR. Madam President, I rise today to speak on the 5-year anniversary of the horrific collapse of the I-35W bridge in Minneapolis, and to pay tribute to those who lost their lives on that tragic summer day.

As I said the day after the bridge collapse, "A bridge just should not fall down in the middle of America." Not a bridge that is a few blocks from my house. Not an eight-lane highway. Not a bridge that I drive over every day with my husband and my daughter. But that is what happened that sunny summer day in Minneapolis, MN.

I can't even begin to count how many times I have thought about that bridge, and everyone in our State actually remembers where they were the day it collapsed. It was one of the most heavily traveled bridges in our State, and in all that day 13 people lost their lives and scores were injured. So many more could have been killed if not for the first responders, if not for the volunteers, who instead of running away from the disaster, when they had no idea what actually happened, ran toward it and rescued their fellow citizens.

Everyone was shocked and horrified, but on that evening and in the days that followed, the whole world watched as our State came together, as they did in the minutes and hours after the collapse. I was proud to be a Minnesotan.

The emergency response to the bridge collapse demonstrated an impressive level of preparedness and coordination that should be a model for the Nation. We saw true heroes in the face of unimaginable circumstances. We saw an off-duty Minneapolis firefighter named Shannon Hanson, who grabbed her lifejacket and was among the first at the scene. Tethered to a yellow life rope in the midst of broken concrete and tangled rebar, she swam from car to car searching for survivors up and down in that river.

We saw that schoolbus perched precariously on the falling bridge deck. I called it the miracle bus. Inside there were dozens of kids from a very poor neighborhood, who had been on a swimming field trip. Their bus was crossing the bridge when it dropped. Thanks to

the quick action of responsible adults and the children themselves, they all survived, they all got off that bus.

Although you can never feel good about a tragedy like this one, I certainly felt good about our police officers, firefighters, paramedics, and all the medical personnel who literally saved dozens and dozens of lives.

On this, the 5-year anniversary of the bridge collapse, we should again honor those heroes and the countless lives they saved.

For a minute, I want to tell you a few examples. A woman named Pamela Louwagie, who writes for the Star Tribune, gathered some of their stories this weekend. Some of these people I know. Lindsey Patterson Walls was in a Volkswagen that went over the bridge; she kicked out the doors and windows and was able to get out and survive. She is putting the collapse to work in her career. She is a youth worker who counsels children and teens and she discovered that her trauma, as hard as it was, wasn't so different than that of her clients. She felt insecure in the world, wondering whether another bridge would collapse under her, and she realized that the homeless teens she counsels felt insecure, wondering where they would sleep at night. It is a lesson she takes with her every day in her job.

Betsy Sathers is someone I have come to know. Her husband was 29 years old when he died in that bridge collapse. They had just gotten married and they planned on having a family. She decided to adopt children from Haiti. In the aftermath of that earthquake, she already knew the names of these children she was going to adopt. She would not let those kids just be left in that rubble. She contacted our office. We worked with her and brought Alyse and Ross back from Haiti, and she is their mother. I saw them this weekend with their big smiles and their mom. That is an inspirational story.

The Coulter family was in their minivan—the kids, the mom, the dad. It was clear at the beginning that they were severely injured and the mom, Paula, they didn't think would survive. Also, after they learned that maybe she was going to make it—she had devastating injuries to her brain and her back—one time during one of the surgeries, they had to jolt her heart back to life. They had suggested that her family start looking for nursing home care. But she didn't give up—Paula and her family didn't give up. After 2 years, with the help of some great therapists, she could walk and move again and go back to her counseling job part time, and two summers ago she and her trainer ran a 5K race. That is inspirational.

Then there is the bridge itself. After it collapsed, it was so clear to us that

we had to rebuild it and we had to rebuild it right away. In just 3 days, Senator Coleman and I worked together in the Senate to secure \$250 million in emergency bridge reconstruction funding. Representative Jim Oberstar led the way in the House. Approval of the funding came with remarkable speed in this Chamber. It was bipartisan and we were able to get the funding. From the moment that bridge started construction to the end, it took less than a year to rebuild a bridge that is now a 10-lane highway.

Today, the new I-35W bridge is a symbol of pride and the resilience of a community. This weekend, when I was at the Twin Cities heroes parade with our veterans, the organizer looked at me proudly and said: Tonight they are lighting up the 35W bridge red, white, and blue. So it literally has become a symbol of hope in our State.

The new bridge is a hundred-year bridge with more lanes than before. It is also safer. The bridge includes state-of-the-art anti-icing technology, as well as shoulders, which the old bridge didn't have.

Of course, bridge safety was on the minds of all Americans, especially those of us in Minnesota, following the bridge collapse. Immediately afterward, the Minnesota Department of Transportation inspected all 25 bridges in Minnesota with a similar design as the I-35W bridge. This inspection led to the closing of the Highway 23 bridge in St. Cloud, where bulging of gusset plates was found. I remember seeing it. It accelerated its planned replacement of that bridge, which opened in 2009.

But the reforms were not all structural. Since then, the department of transportation in our State has improved the way the inspections and maintenance functions of the department handle critical information and necessary repairs.

Just as in Minnesota, bridge safety became a priority nationally as well. After the National Transportation Safety Board identified gusset plates as being heavily responsible for the collapse, a critical review of gusset plates was conducted on bridges across America, and there was new attention focused on deterioration of steel and weight added to bridges over the years through maintenance and resurfacing projects.

The national organization that develops highway and bridge standards, the American Association of State Highway Transportation Officials, updated bridge manuals that are used by State and county bridge engineers across the Nation.

I will say that 5 years later we have still not made as much progress as I would have liked. The Federal Highway Administration estimates that over 25 percent of the Nation's 600,000 bridges are still either structurally deficient or functionally obsolete.

The American Society of Civil Engineers gave bridges in America a C grade in its 2009 Report Card for America's Infrastructure and a D for infrastructure overall.

We did take a positive step forward with the recent bipartisan transportation bill that will help State departments of transportation fix bridges and improve infrastructure.

For Minnesota, that bill means more than \$700 million for Minnesota's roads, bridges, transit, congestion mitigation projects, and mobility improvements.

The bill gives greater flexibility to State departments of transportation to direct Federal resources to address unique needs in each State. It also establishes benchmarks and national policy goals, including strengthening our Nation's bridges, and links those to Federal funds. It reduces project delivery time and accelerates processes that will reduce in half the amount of time to get projects under way.

However, we all know more needs to be done. While other countries are moving full steam ahead with infrastructure investments, we seem to be simply treading water, and in an increasingly competitive global economy standing still is falling behind.

China and India are spending, respectively, 9 and 5 percent of their GDP on infrastructure. We need to keep up. We need to build our infrastructure. That is why I authored the Rebuild America Jobs Act last fall, which would have invested in our Nation's infrastructure. It would have also created a national infrastructure bank—something the occupant of the chair is familiar with—to help facilitate public-private partnerships, so that projects could be built that would otherwise be too expensive for a city, a county, or even a State to accomplish on its own. We included a provision to set aside a certain amount of funding for road projects. Unfortunately, while we got a majority of the Senate voting to advance this bill, we were unable to break the filibuster.

So 5 years to the day after the I-35W bridge fell into the Mississippi River, we know we have much to do to ensure our 21st century economy has the 21st century infrastructure we need. I know I am committed to move forward and work in a bipartisan way to address our Nation's critical bridge and infrastructure needs and prevent another tragedy like the collapse of the I-35W bridge.

They didn't distinguish on that bridge on that day 5 years ago who was a Democrat or Republican. Certainly those first responders—the cops and firefighters—didn't ask what political party somebody belonged to. They simply did their job. That is what we need to do in the Senate.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

#### CYBERSECURITY ACT OF 2012

Mr. LIEBERMAN. Madam President, I rise to speak about the Cybersecurity Act of 2012, which is numbered S. 3414.

Last night, the majority leader, Senator REID, filed a cloture motion which would ripen for a vote on tomorrow. Senator REID said he was saddened to have to file that motion. He also used a word we don't hear much when he said he was "flummoxed" by the need to file a cloture motion on bipartisan legislation that responds to what all of the experts in security in our country from the last administration and this one say is a critical threat to our security, which is the lack of defenses in the cyber infrastructure that is owned by the private sector.

Senator REID was saddened, as I was, that he had to file for cloture because, of course, there can be disagreements about how to respond to this threat to our security and our prosperity. Hundreds of billions of dollars of American ingenuity and money have already been stolen by cyber thieves operating not only from within our country but, more often, from outside. So you can have differences of opinion about how to deal with the problem. But the fact that people started to introduce totally irrelevant amendments, such as the one to repeal ObamaCare—well, that is a debatable issue. We have debated it many times, as the House has, but not on this bill, which we urgently need to pass and send to the House and then go into conference and then, hopefully, pass something and send it to the President.

I was at a briefing with more than a dozen Members of the Senate, representing a wide bipartisan group and ideological group, with leaders of our security agencies—cyber security agencies, including the Department of Defense, Department of Homeland Security, FBI, NSA, and they could not have been clearer about the fact that this cyber threat is not a speculative threat. The fact is we are under attack over cyber space right now. In terms of economics, we have already lost an enormous amount of money. GEN Keith Alexander, Chief of U.S. Cyber Command, described the loss of industrial information and intellectual property, and just plain money, through cyber theft as "the greatest transfer of wealth in history." That is going on.

We are also under cyber attack by enemies who are probing the control systems, the cyber control systems that control not the mom-and-pop businesses at home, not the Internet systems over which so many of us shop these days, but the cyber systems that control the electric supply, that control all of our financial transactions, large and small, that control our transportation system, our telecommunication system—all the things we depend on to sustain our society and our individual lives. That is who we are talking about here.

It is the greatest transfer of wealth in history. But our enemies are already probing those private companies' cyber systems that control that kind of critical infrastructure I have described. There is some reason to believe that because of the vulnerability of those systems and lack of adequate defenses, they have already placed in them malware, bugs—whatever we want to call it. In the old days, we used to call it a sleeper cell of spies and, more recently, in terms of terrorism, a sleeper cell of terrorists.

Let me put it personally, without stating it definitively on the floor. I worry that enemies of the United States have already placed what I call cyber sleeper cells in critical cyber control systems that control critical infrastructure in our country. Everybody will say that some companies that own critical infrastructure are doing a pretty good job of defending it and us, but some are not. That is one of the reasons this bill has occurred—to try to create a collaborative process where the private sector and the public sector can act together in the national interest.

The businesses themselves that control cyber infrastructure—God forbid there is a major cyber attack on the United States—are going to be enormous losers. They are going to be subject, under the current state of the law, to the kind of liability in court that may bring some of them down. It may end their corporate existence.

Mr. CARPER. Would the Senator yield for a question?

Mr. LIEBERMAN. I would be glad to yield to my friend from Delaware for a question. He is the cosponsor of our main bill, S. 3414.

Mr. CARPER. The message the Senator is conveying today is so important. I hope folks who are unsure about supporting our legislation are listening.

I was briefed earlier today by a large multinational company. One of its divisions is manufacturing, among other things, helicopters. Apparently, within the last 12 months, maybe even 6 months, the plans for developing and manufacturing one such helicopter were hacked and obtained by another nation—presumably the Chinese. So they will develop and will build their version of our helicopters. They won't be built by Americans. They will not provide American jobs. It will not provide revenues to that company or tax revenues to our Treasury; they will really be apprehended, if you will, by another nation. That is the reality of this theft.

So I was reminded just this morning of what the Senator is talking about, what General Alexander says is the largest economic threat in the history of our country, and it is taking place. I was reminded of that this morning, and I just wanted to share that with the Senator.

Mr. LIEBERMAN. I thank the Senator from Delaware very much. I think he crystallized the moment we are in.

I mentioned that Senator REID filed a cloture motion that will ripen tomorrow. Again, he did it in sadness, and I was sad he had to do it. This is an issue on which I had hoped we would overcome gridlock—special interest driven, ideologically driven, politically driven—but we couldn't do it, so the majority leader did exactly what he had to do, in my opinion, in the national security interest.

This does two things. One, as my colleagues know and I repeat just to remind them, we have a 1 p.m. deadline when any Member of the Senate can file a first-degree amendment to this bill. That is important to do. And I want to say that the managers of the bill—Senator COLLINS' staff, the Republican cloakroom, my staff, the Democratic cloakroom—are going to be working on these amendments to see if we can begin to move toward a finite list so we can give some sense of certainty.

Senator REID has been very clear. He has not wanted to, to use an idiom of the Senate, fill the tree, which is to say limit amendments. He has wanted to have an open amendment process, which really ought to happen on a bill of this kind, but open for germane and relevant amendments, not amendments on repealing ObamaCare or, I say respectfully, on enacting more gun control. Those are both significant and substantial issues, but they are going to block this bill from passing if people insist on bringing them up here.

So the first and positive consequence of Senator REID's cloture motion—one we all signed—is to require that amendments people have been talking about filing have to come forward by 1 p.m., and bipartisan staffs will be working to winnow that down to a finite list.

Second, if we don't have an agreement on a finite list and we cannot vitiate the cloture vote for tomorrow, then Members of the Senate—every one, in their own heart and head—will have to make the decision as to whether to vote against taking up this bill while all the nonpolitical experts on our security—GEN Keith Alexander, Director of Cyber Command within the Pentagon, head of the National Security Agency, and one of the jewels and treasures of our government protecting our security, appealed to Senators REID and MCCONNELL in a letter yesterday stating that this legislation is critically necessary now.

This legislation will give our government and the private sector operators of critical cyber infrastructure powers they do not have now, authorities they do not have now to collaborate, to take action, to share information, to adopt what General Alexander in a wonderful phrase said is the best computer hy-

giene, the best cyber hygiene to protect our country.

So that is the question facing Members of the Senate in the face of that kind of statement of the urgency of some form of cyber security legislation in this session from the Director of Cyber Command, an honored, distinguished veteran of our uniformed military—U.S. Army in this case.

Are we going to find it hard to get 60 Members of the Senate to vote to take up this bill and debate it? I hope not. For me, it would be hard to explain—I will put it that way—why I would vote against it no matter what the controversy is.

I would say to my friend from Delaware, who has been involved, that I will yield to him if he wants to make a statement, but we have been working really hard with three groups: the group who sponsored S. 3414, the Cybersecurity Act of 2012; the group who sponsored SECURE IT, Senators HUTCHISON, CHAMBLISS, MCCAIN, et al.; and the third group, the bipartisan group that sprung up because of the urgency of this clear-and-present danger to America, led by Senator KYL and Senator WHITEHOUSE, who is also on the floor and really has played an important role in bringing the two sides—if I can put it that way—closer together. Frankly, there was a chasm that separated us at the outset. We have changed our bill. We have made it much more voluntary—carrots instead of sticks, as the Senator and I have said. But still there are differences, and I would just say shame on us if we can't bridge those differences on national security, of all topics.

So this is an important day to see if we can come together. Senator COLLINS and I are ready and willing to meet with the sponsors of the other bills—Senator KYL, Senator WHITEHOUSE—to see if we can come to some kind of agreement on critical parts of this legislation and to come up with a finite list we can support.

Just a final word. I wish to thank the majority leader, Senator REID. Senator REID has a tough job, and it is obviously battered by the political moment we are in, whenever we are in it. And of course this is a particularly political moment—partisan—because of the election season and the campaign we are in. But I have known HARRY REID for quite a while, and I have the greatest confidence and trust in him and an awful lot of affection. He is a personal friend. He got briefed about the cyber security threat more than a year ago, and he called me in and we talked about it. He said he was really worried, that we had to do something in this session of Congress to protect our security, and he has been steadfast in that belief and has refused to give up.

Senator REID filed the cloture motion to bring this to a head and hopefully to get to that finite list of amendments. And I think he is going to

stretch, within the process and time, the great authority and power the majority leader has—some people say it may be the only power these days, but I think he has more because of his skills—in controlling the schedule. I think if there is a hope that we can bring a bill together and pass a cyber security bill, Senator REID is going to give us every opportunity to do that. So I wanted to put on the record my thanks to him for his own commitment to improving the cyber security of our country because he has listened to the experts and they have convinced him. This is rising to be a greater threat to America than any other threat we face today, and that is saying a lot, but I believe it.

I thank the Chair, and I yield the floor for my friend from Delaware.

The ACTING PRESIDENT pro tempore. The Senator from Delaware.

Mr. CARPER. Madam President, I am joined on the floor by Senator WHITEHOUSE, so we might take a moment here with the chairman to have a little bit of a colloquy and then head off to another hearing.

While he is here, I wanted to say a special thank-you to Senator WHITEHOUSE for the work he and JON KYL, our colleague from Arizona, and CHRIS COONS, our colleague from Delaware, and others have done in really helping to put the meat on the bones, if you will, of our original legislation. And they have done great work. I really admire them, and I thank all of them.

Over at the other end of the Capital, they have spent a whole lot of time in recent weeks and months on the issue of Fast and Furious, and I wanted to mention that one of the reasons I think the American people are furious with us is we are not moving fast enough to deal with the economy and to create jobs. Yet government doesn't create jobs. Presidents don't create jobs. Governors don't create jobs. As a former Governor, I know this. Members of the Senate don't create jobs. We help create a nurturing environment for jobs and job creation. That includes a lot of things, such as a world-class workforce, access to capital, infrastructure, access to reasonably priced energy and reasonably priced health care. But it also includes, as we go forward in time, the assurance that if a company spends a lot of money—a lot of R&D and investments—and it comes up with a really good idea that has commercial application, that before it can even build that idea, create that idea, or sell that idea in this country and manufacture and sell it around the world, the idea is not going to be stolen—stolen—by someone from another country who will use that idea to make money on their own.

That introduces an uncertainty in this country we have never had to worry about before. We just have not had to worry about that before. But, as

General Alexander has said and has been quoted here already today, the greatest economic thievery in our history is underway right now through cyber security. This is as much a jobs issue as it is a security issue. It is an economic security issue, and we have to be mindful of that.

I have spoken to some of our friends over at the chamber of commerce with whom we work on a variety of issues and said to them that we need their involvement and support. We need them to help us get through this. If they have good ideas, if they have read the legislation as it is redrawn and want to share those ideas with us today, Democrats and Republicans, that would be a huge help.

I hope everybody over at the chamber is watching today, and I hope they hear this request for them to be more involved in a constructive way. It is not so much that we need them in the Senate, we need them as a country, and the folks who are their members across the country need them to be involved as well.

This legislation started out as more of a command-and-control deal where our Department of Homeland Security was going to say: These are our standards, and we expect companies and industries in critical areas to comply with these, and that is it.

That is an oversimplification of the original legislation, but we have moved so far away from that, it is amazing. We have moved from a command-and-control system to one where we say to critical industries, sensitive industries: Listen, you figure out amongst yourselves what the best practices and standards ought to be for protecting you and your businesses and your ideas. You figure it out, you share those ideas, develop those ideas, really, in a collaborative way with a council that includes the Department of Commerce, the Department of Justice, the Department of Defense, Homeland Security. And then, in an interim process, we refine those ideas, refine those best practices, and refine those standards, which would then be implemented. If companies don't want to comply with them, they do not have to. It is on a voluntary basis. If they do, there are rewards. If they do not, they do not participate in those rewards, including protection from liability.

Sometimes we get stuck on legislation, and we just say: This is it, and we are not going to change it. This is it, and we are not going to let you do that. But here we have changed this legislation dramatically and I think for the better. Some people say we changed it too much in order to get to "yes."

The last thing I would say before I yield to Senator WHITEHOUSE is that the legislation before us is not a Democratic idea, nor is it a Republican idea. This is not a conservative idea. This is not a liberal idea. This is a good idea,

and this is an idea that has gotten better over time. This is an idea whose time has come. And we need to be mindful of the fury across our country. We need to move faster to take good ideas like this and make them better and to implement them.

With that, I yield to Senator WHITEHOUSE, and again a big thank-you for the great work he and Senators COONS and KYL have done, as usual.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, at this point I will speak, if I may, in the nature of a colloquy with the chairman and with the Senator from Delaware, but first let me thank the Senator from Delaware for his very kind remarks. Senator CARPER, as everybody knows in the Senate, is really a bellwether of bipartisanship, and he constantly seeks cooperation. So I appreciate very much his efforts to bring us together.

The chairman has been working very hard on these bills for many years, and the bill on the floor now is the product of considerable work in his committee—Homeland Security and Governmental Affairs Committee—considerable work in the Intelligence Committee, and considerable work in the Commerce Committee primarily, although we in the Judiciary Committee have had some input as well. So while there has been no specific hearing on the assembled bill, because it covers so many committees, it has to be brought together at some point, and its components have had extensive committee work. So we have all put a lot of effort into this, and we have actually all come a very long way, I believe.

Our window is very short, and I hope and expect we can use the hours ahead of us literally to work to close this gap. But I believe the distance we have come, and particularly that last bit of distance, when the chairman changed S. 3414 to go from a traditional mandatory regulatory system to the new voluntary standards, really has moved us in enormous ways. We are almost on the 1 yard line now, and I believe it would be such a shame, with things being that close, if we couldn't close the deal.

I would like to ask the chairman to react to that assessment of our situation, and I would also like to ask him to react to one other point, which is that the House took action on cyber security but it only did so in the form of legislation on information sharing. All of our information—the letter yesterday from General Alexander and everything we have heard from our national security officials—is that is not enough.

We have two really important jobs. One is information sharing, and the other is defending America's privately owned critical infrastructure—our electric grids, our communications

networks, our data-processing systems. Those are our great liability. Those are the things Secretary of Defense Panetta was referring to when he said that the next Pearl Harbor we confront could very well be a cyber attack.

So are we as close as I think and is it important that the Senate do its job because the House simply failed to address the critical infrastructure part of our responsibilities?

Mr. LIEBERMAN. Again, I thank our friend from Rhode Island for the extraordinarily constructive role he has played—unusual here, unfortunately—in bringing the group of eight Members, four Democrats and four Republicans, together. Senator WHITEHOUSE, along with Senator KYL of Arizona, created a bridge that really invited Senators COLLINS, FEINSTEIN, ROCKEFELLER, CARPER, and me to come halfway across to change our bill from mandatory to voluntary.

So my answers to the Senator's two questions are yes and yes. We are a lot closer than we were really just a month ago—a matter of weeks ago. There is a remaining difference, and it is real. But considering where we have come from, if we show a willingness to compromise—and again, as I have said over and over, not a compromise of principle—that acknowledges that if everybody in the Senate insists on getting 100 percent of what they want on a bill, nobody is going to get anything because nothing is going to pass. So we have come back from our 100 percent quite a lot, and we are still open to ideas that will enable us to achieve what we need to achieve here in improving our cyber security, which means changing where we are now.

That is why, as my friend from Rhode Island knows, we are going to keep meeting today with the other leading sponsors of the bill and with the peacemakers in between to see if we can find common ground and avoid what I think could be a very disappointing cloture vote—a very divisive, very destructive cloture vote—tomorrow.

The second point is a very important one; that is, the House has acted, but it has only acted with regard to information sharing. This is important, but it is only half the job. The information sharing, in brief, says that private companies that operate critical infrastructure can share with other private companies if they are attacked or as they begin to defend themselves so they mutually can strengthen each other. They can also share with the government, and the government, particularly through the Department of Homeland Security and the National Security Agency, can help the private sector strengthen itself. Those kinds of communications, which are critical and would seem natural, don't happen now in too many cases because the private sector is anxious about liability

that it might incur. Even the public sector is limited in how much it can reach out or help. So it is important that the House has addressed that part of it.

I will say—and not just parenthetically—that there has been very significant concern of a lot of Americans and a quite remarkable coalition of groups—remarkable in the sense that it is right to left, along the ideological spectrum—about the personal privacy rights of the American people, that they not be compromised as a result of this information sharing.

Those privacy advocacy groups are not happy with the House information-sharing bill. I am pleased they have praised what we have tried to do as a result of negotiations with colleagues in this Chamber who are concerned about privacy. The point Senator WHITEHOUSE makes is so true, but that is only half the job. Everybody who cares about cyber security has said it.

There was, I must say, an encouraging, inspiring, for us, editorial in the New York Times today, supporting essentially S. 3414, the underlying bill, and crying out to us to take action and not get dragged down into gridlock by special interest thinking. But here is a statistic that jumped out at me. I saw it once before, but we have not heard it in this debate. In a Times editorial today entitled “Cybersecurity at Risk,” this sentence: “Last year, a survey of more than 9,000 executives in more than 130 countries by the PricewaterhouseCoopers consulting firm found that only 13 percent of those polled had taken adequate defensive action against cyberthreats.”

That is worldwide. But I can tell you from what I know, the number in our country is not much better. That is why we need this set of standards, best practices, computer hygiene—no longer mandatory but we create an incentive. It is as if a company chooses to go into what my friend from Rhode Island has quite vividly described as Fort Cyber Security. We are going to build Fort Cyber Security of the best practices to defend cyber security, and we are going to leave it to the companies that operate critical infrastructure totally on their own whether they want to go into Fort Cyber Security. If they do, they will have some significant immunity from liability in the case of a major attack.

My answer to the Senator's questions are yes and yes. I just want to come back to something the Senator said at the outset of his remarks. I never know how much this argument weighs on Senators' minds, but once again it is being made here, which is this bill has received no hearings; it is not ready for action.

Good God. I went back and looked at the RECORD. I attended my first hearing on cyber security held in what was then the Governmental Affairs Com-

mittee—it is now the Homeland Security and Governmental Affairs Committee—chaired then by Senator Fred Thompson in 1998, 14 years ago. I can tell my colleague that in recent years, Senator COLLINS and I have held 10 hearings on the subject of cyber security. That is only in our committee. That is not counting judiciary, intelligence, commerce—I think foreign relations may have held some hearings on it too. In fact, we held a hearing just earlier this year, I believe it was March, on cyber security and the legislation that we knew we were going to bring forward. This has been heard.

I wish to say this too. I mentioned Senator REID's commitment to doing something about cyber security. Last year—I am trying to think, but I cannot remember a time on another bill where I saw this happen—Senator REID asked the Republican leader, Senator MCCONNELL, to join him in calling in the Democratic chairs and the ranking Republican members of all the relevant committees, relevant to cyber security that we just talked about, and made an appeal that we work together to bring one bill which he would then, as he has done before when a subject covers more than one committee, blend into a single bill and bring to the floor under majority leader's authority pursuant to rule XIV of the Senate rules, which he has done today.

So there has not been a specific hearing on this bill, but Lord knows there have been a lot of hearings and this bill has been vetted and negotiated not only with many Members of the Senate but by our committee and all the other committees—by stakeholders, private stakeholders, by some of the very businesses and business organizations that now seem to be the main block to moving forward on the bill.

I probably responded to my friend at greater length than I might have or perhaps more than he expected, but his questions were right on target, and I thank him for giving me the opportunity.

Mr. WHITEHOUSE. Will the Senator yield for another question?

Mr. LIEBERMAN. Yes.

Mr. WHITEHOUSE. I mentioned, to use the Senator's words, it was important to help the private sector strengthen itself. Some of the debate that has surrounded this bill has suggested that if we just get the heavy hand of government out of the way and let the nimble private sector do its thing to protect critical infrastructure, all will be well, and that a purely private sector way of proceeding is the best way to proceed.

In that context, the Senator mentioned the study that showed that only 13 percent of the private businesses that were reviewed were adequately cyber security prepared. The NCIJTF, which is the FBI-led joint task force

that protects our national cyber infrastructure, has said that when they detect a cyber attack and they go out to work with the corporation that has been attacked, 9 out of 10 times the corporation had no idea. It is not just a government agency, the NCJTF, saying that, there is a company called Mandiant which is sort of “Who are you going to call? Ghost Busters.” When someone is hit, they come in and help the companies clean up. They say the same thing: Out of 10 times, these companies had to find out that they had been penetrated from a government agency telling them, “By the way, you have been hacked. They are in there.”

In fact, he said 48 out of the last 50 companies they dealt with had no idea. The Aurora virus hit 300 American companies, and only three of them knew it. The chamber of commerce, which is very active in this debate, had Chinese hackers with complete impunity throughout its cyber systems without knowing about it for at least 6 months. It was only when the government said, “By the way, guys, your info was on a server in China,” that they realized, “Oh, my gosh; we have been hacked too.”

Then the Senator has used the statistic I have used before—that General Alexander, who is head of Cyber Command, has adopted—which is that America is now on the losing end of the biggest transfer of wealth in history through illicit means as a result of cyber industrial espionage—stealing from us our chemical formulas, our manufacturing processes, and various things that create value in the country.

So I am not just pinpointing individual examples. If we look at it from a macro point of view, we are getting our clocks cleaned in this area. The private sector, it seems to me all of the evidence suggests, is an area in which it is not adequately protecting itself without a government role to spur cooperation and to set an agreed standard that NSA and the people who are watching this with real anxiety every day know is an adequate standard to meet the needs.

If the Senator from Connecticut would respond, I would be grateful.

Mr. LIEBERMAN. Basically, I would say I agree. There is not much I could add to that. This is not legislation that is a solution in search of a problem. This is a real problem. Again, we are hearing it from all the cyber security experts.

If the private sector owners of critical cyber infrastructure—electric power grids, telecommunications, finance, water dams, et cetera—if they were taking enough defensive action, we wouldn’t want to act, but they are not. And we understand why. We have talked about this. A lot of the CIOs—chief information officers—in compa-

nies get frustrated that their CEOs don’t want to devote enough time and resources to beefing up their cyber defenses.

The Senator said something very important, which is cyber theft and cyber attack is so insidious that a lot of people and companies who are victims of cyber attack don’t even know it. My great fear is that there is a lot of malware or bugs—I called it cyber cells earlier—planted in some of our critical cyber control systems in our country waiting for the moment when an enemy wants to attack us.

Senator REID yesterday pointed to the terrible tragedy in India where the power system has gone out. There is no evidence there was a cyber attack, but I saw today that 600 million people are without electricity. It has had a terrible effect on quality of life, on the economy, et cetera. Unfortunately, this is what an enemy who is capable today could do to us, and they are out there.

Mr. WHITEHOUSE. The only reasonable conclusion one could draw is that it would be prudent to view, with some caution and some skepticism, the claims of folks who are hacked and penetrated at will—and who often usually don’t even know it—that: Don’t worry. Trust us. We can take care of this. Everything is fine.

Mr. LIEBERMAN. I thank my friend. And, of course, I agree. That is why we are legislating—but we are trying to legislate as minimally as we possibly can—to begin to solve this problem.

I yield the floor. The Senator from Maryland is here. The Senator from North Dakota is here.

Mr. HOEVEN. I thank the Senator. I certainly want to accommodate the schedule.

Mr. LIEBERMAN. In the order of fairness, we yield to my friend from North Dakota.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

ENERGY

Mr. HOEVEN. Madam President, I rise to speak as if in morning business on the subject of energy.

I commend my colleagues for their excellent work on cyber. I look forward to working with them, and I thank them for the incredible amount of work and diligence they are putting into this extremely important effort. I rise this morning to speak on the incredible importance of energy security for our country.

Last week I introduced the Domestic Energy and Jobs Act along with 30 sponsors on the legislation. It is a comprehensive plan for energy security for our country. When I say energy security, what I mean is producing more energy than we consume; getting our Nation to energy security by not only producing enough energy for our needs, but even beyond that. It is absolutely doable. There is no question we can do it.

It is about pursuing an all-of-the-above strategy, and I mean truly pursuing an all-of-the-above strategy; not saying it and then picking certain types of energy we want and don’t want but, instead, creating a climate and a national comprehensive energy policy that truly empowers private investment to develop all of our energy resources and all types of energy.

The Domestic Energy and Jobs Act is actually a package of energy bills. Many of these have already passed the House, and we have introduced them now in the Senate as well—13 separate pieces of legislation pulled together into this energy package, with energy leaders from both the House and the Senate. It clearly demonstrates that we have a strategy, we have a comprehensive energy plan to move our country, and it is ready to go.

If we look at the situation right now, there are hundreds of billions of dollars of private investment, of capital that would be invested in energy projects in this country, but they are being held up. These projects are being held on the sidelines because of the inability to be permitted or because of burdensome regulation. We need to create the kind of approach, the kind of business climate, the kind of energy policy that will unleash that private investment. That is exactly what this legislation does.

First, it reduces the regulatory burden so these stalled energy projects—again, hundreds of billions of dollars in private investment, not government spending but in private investment—that would move forward with energy projects that would not only develop more energy more cost effectively and more dependably, but also with better environmental stewardship, deploying the latest, greatest technology that would produce the energy, and do it with better environmental stewardship—not only for this country but actually leading the world to more energy production with better environmental stewardship.

But these projects are held up either because they can’t get permitted or because they can’t get through the regulatory redtape to get started and get going. This legislation cuts through that.

It also helps us develop the vital infrastructure we need for energy development. A great example is the Keystone XL Pipeline, a \$7 billion 1,700-mile pipeline that would move oil from Canada to our refineries in the United States, but that would also move oil from my home State—100,000 barrels a day for starters—to refineries. We need that vital infrastructure. That is just one example.

This legislation also develops our resources on public lands as well as private lands. So we are talking about expedited permitting both onshore and offshore, on private lands and on public



lands, including for renewables. It sets realistic goals. It sets a market-based approach that would truly foster all of our energy resources rather than picking winners and losers. It would also put a freeze and require a study of rules that are driving up gasoline prices that are hitting families and businesses across this country. And it includes legislation that Senator MURKOWSKI of Alaska has added to our package that would require an inventory of critical minerals in the United States and set policies to develop them as a key part of developing a comprehensive energy approach and a comprehensive energy plan for our country.

So what is the impact? The U.S. Chamber of Commerce in March of last year put forward a report. In that report they showed there are more than 350 energy projects nationwide that are being held up either due to inability to get permitted or regulatory burden, as I have described—more than 350 projects—that if we could just greenlight these projects, they would generate \$1.1 trillion in gross domestic product and create 1.9 million jobs a year just in the construction phase.

So this legislation truly is about energy—more energy, better technology, and better environmental stewardship. But it is also very much about creating jobs—creating jobs at a time when we have more than 8.2 percent unemployment, more than 13 million people out of work and looking for work. This will create an incredible number of jobs. It is about creating economic growth.

Look at our debt and our deficit. Our debt is now approaching \$16 trillion. We need to get this economy going and growing to reduce that deficit and reduce that debt along with controlling our spending. But we need economic growth to get on top of that debt and deficit. As I described, just the 350 projects alone and \$1.1 trillion in GDP to help create that economic growth, to put people to work, and help reduce our deficit and our debt.

Let's talk about national security. The reality is with the kind of approach I am putting forward in the United States and working together with our closest friend and ally Canada, we can get to energy security without a doubt in 5 to 7 years. That means producing more energy than we consume within 5 to 7 years. Think how important that is.

Look what is going on in the Middle East. Look what is going on in Syria. What is going to happen there? Look at what is going on in Iran and their efforts to pursue a nuclear weapon and what is going to happen with the Strait of Hormuz. An incredible amount of oil goes through that area. Look at what is happening in Egypt with the Muslim Brotherhood. Do we really want to be dependent on the Middle East for our oil?

I think the American people have said very clearly no, and we don't have

to be. We just need the right approach to make it happen right here and to work with our closest friend and ally, Canada.

The reality is developing our energy resources is an incredible opportunity, and we need to seize it right now, with both hands. We can do it. That is exactly the plan we are putting forward.

Earlier this year we passed legislation through the House and through the Senate in conjunction with the payroll tax credit legislation. Attached to it we required the President to make a decision on the Keystone XL Pipeline. He chose to turn it down. Shortly after that, the Prime Minister of Canada, Stephen Harper, went to China. He met with Chairman Wu and China's energy leaders, and he signed a memorandum of agreement. That memorandum of agreement between China and Canada called for more economic cooperation and more energy development, with China working in conjunction with Canada.

Just last week, CNOOC—one of China's largest government-controlled companies—made a \$15 billion tender offer for the Nexen Oil Company, a large oil company in Canada, to purchase their interests in the Canadian oil sands. It also includes mineral interests offshore, lease interests offshore of the United States in the gulf region, as well as in the North Sea area. But primarily it is an acquisition by the Chinese of huge amounts of tracts in the oil sands in Canada.

So just what we said: If we don't work with Canada on projects such as the Keystone XL Pipeline, the oil that is produced in Canada, instead of going to the United States will go to China or Americans will be put in the position of buying Canadian oil from the Chinese because of a failure to act on key projects such as the Keystone XL Pipeline because we are not acting on the kind of energy policy we are putting forward right here.

Ask the American people what they want. What they want is that we move forward with the energy package we put forward, and we need to do it. If we check gas prices, they are now back up to \$3.50 a gallon national average. When the current administration took office, it was \$1.85 national average per gallon. That is a 90-percent increase. What ramifications does that have for our economy? What ramifications does that have for small businesses? What ramifications does that have for hard-working American families? I think we all know the answer to that.

The time to move forward is now. It couldn't be more clear. We control our own destiny. We need to take action. We need to move forward on the kind of energy plans that truly benefit our people and our country. I call on my colleagues to join me in this effort.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Ms. MIKULSKI. Madam President, I come to the floor today to talk about cyber security, the pending Lieberman-Collins bill, and the need to act—and the need to act before we adjourn for the August break.

I come today to the floor as I did when I spoke yesterday. I don't come as a Democrat, I come as an American. If ever there was an issue where we have to forget if we are red States or blue States, it is this issue.

I am going to stop my remarks. I note the Senator from Arizona is on the Senate floor, and I know he was scheduled to speak at 12:45. I was scheduled to speak at 11:30. I have about 10 minutes. I just want to acknowledge where we are.

So resuming my comments, Madam President, what I wanted to say is this: This is when we have to forget we are red States or blue States, we have to forget what we have on our bumper stickers, and we have to come together and not be the red State party or the blue State party but to be the red, white, and blue party for the United States of America. We must put aside partisan differences and ideological viewpoints. We need to act, and we need to act in the defense of the United States of America.

The Senate has a great opportunity today and tomorrow to pass legislation to protect, defend, and deter a cyber attack on the critical infrastructure of the United States of America.

What do I mean by critical infrastructure? It is our electrical power grid, our financial services, our water supplies. It is those things that are the bread and butter of keeping America, its businesses, and its families going. Through voluntary participation, we can work with the private sector that owns and operates the critical infrastructure to keep our critical infrastructure hardened and resilient against attack.

I worry about the possibility of an attack. We know there are already attacks going on, particularly in our financial services. We know our personal identities are being hacked, and we know small business is being attacked. I will give examples later on. Not only do I worry about an attack, I equally worry about our inertia, where we do nothing.

I bring to the attention of the Senate and all those watching that Leon Panetta, the Secretary of Defense, called our cyber vulnerability our potential digital Pearl Harbor. The Presiding Officer is from New York. We don't want a cyber 9/11. We can act now. We can act when it is in our power to protect, defend, and deter these attacks. That is what I want. I want us to have a sense of urgency. I want us to go to the edge of our chair. I want us to put our best thinking on to be able to do the kind of job we need to do to find a sensible center on how we can do that.

Right now our adversaries are watching us. We are debating on how we will protect America from cyber attacks, and it looks like we are doing nothing. When all is said and done, more gets said than gets done. Our adversaries don't have to spy on us. They can look at the Senate floor and say: What the heck are they doing? What are they going to do? They are going to look at us and say: There they go again.

We know our own inability to pass legislation, our own partisan gridlock and deadlock works for our predatory enemies in a positive way. They are saying, well, our first line of attack is for them to do nothing. They are thinking how they can make sure the critical infrastructure is vulnerable. How can they weaken the critical infrastructure? One way is by not passing legislation and putting in those hardened, resilient ways to protect, defend, and deter. Our adversaries are laughing right this minute. They just have to watch us. Well, this is no laughing matter.

What is the intent of a cyber attack? What is the intent? Is it the same intent as a nuclear attack? Is it the same attempt as flying into the World Trade Center? It is all the same. It is to create chaos, it is to create civil instability, and it is to create economic catastrophe that makes 9/11 look minuscule.

Just think about a cyber attack in which our grid goes down. Think of a blackout in New York. Think of a blackout in Baltimore. Remember when we did the cyber exercise here where it showed what would happen? The stop lights go down, the lights go out in the hospitals, the respirators go off, business shuts down, commerce shuts down, 9-1-1 shuts down, America is shut down, and we will be powerless and impotent to put it back on in any quick and expeditious manner.

Right now we are in the situation where we have an early missile detection. We know the cyber attack will come. We need to do something. With this cyber attack, think of the chaos of no electricity. Just think of it. We have all lived through blackouts, and we had a terrible freak storm here a few weeks ago. No matter how late Pepco, BG&E, and Dominion was in responding, they can get the electricity back on. What happens if they can't get the electricity back on? What happens if they can't get it back on for weeks or longer? There we are powerless, impotent, and the President of the United States is wondering what to do.

Remember, the attack is to humiliate, intimidate, and cripple: humiliate by making us look powerless, intimidate by showing there is this power over us, and to cripple our functioning as a society. I find it chilling.

We saw an attack on a little country called Estonia. That is how I got into this. I was sitting on the Intelligence

Committee—I can say it now because it has been more than 5 years ago—and it was brought to my attention that Estonia—a brave little country that resisted communism, challenged the Soviet Union, and is now a part of NATO—was being attacked. The electricity was going off around Estonia. We thought, from the Intelligence Committee, it would be the first cyber attack on a NATO nation, and we were going to trigger the NATO Charter article V that an attack on one is an attack on all.

Thanks to the United States of America and our British allies, we had the technical know-how to go in and help them. Who is going to have the technical know-how to help us? We have the technical know-how right now to make our critical infrastructure hardened and resilient. We shouldn't harden our positions so we can't get to a resilient critical infrastructure.

I could go on with examples. I know my colleague from Arizona wants to come to the floor, but I just want to say one more thing. I have been involved in this from not only my work on the Intelligence Committee, but we fund the Justice Department through the Appropriations Committee, and they are very involved and hands on with the policy issues around the FBI.

Now, if Director Mueller were here, he would say the FBI currently has 7,600 pending bank robbery cases. Guess what. He has 9,000 pending cyber banking attacks. There are more cyber heists than there are regular heists. That doesn't make it right.

Now, is a cyber attack coming? Is it something out of Buck Rogers or Betty Rogers or the cyber Betty Crocker cookbook or whatever? The NASDAQ, as the gentlelady from New York knows, the NASDAQ and New York Stock Exchange has already been attacked. Hackers repeatedly penetrated the computer networks at the NASDAQ stock market. The New York Stock Exchange has been the target of cyber attacks. That sounds so vague but, remember, successful attempts to shut down or steal our information are going on every day.

Madam Chair, do you remember in 2010 the Dow Jones plunged 1,000 points because of a flash crash? That was a result of turbulent trading. That can be manipulated by cyber, and it could happen several times a week. What are we going to do?

Our banking industry clears \$7 trillion worth of financial goods, products, and actual real money every day. Imagine what would happen if that was thrown into turmoil or shut down. I don't want to go through grim example after grim example, but let me say this: Good people in this body have been working on both sides of the aisle.

We are close, and I urge my colleagues now: Let's either vote for closure or come to a regular agreement to

be able to offer amendments. For those who worry about the costs, for those who worry about regulation, for those who worry about homeland security, I understand that. That is why I would be willing to sunset the bill so we can always look ahead and reevaluate this. I want everyone to know if a cyber attack comes and happens to the United States and we have failed to act, we will overreact, we will overregulate, and we will overspend.

Why do I have a sense of urgency right now? Let me say this: When we adjourn tomorrow for the August break, we don't come back until September 10. We will go out somewhere around October 1. That means if we don't act by tomorrow or Friday, we will essentially only have about 14 working days in September to do this. Well, we can't let this go.

I conclude my remarks by saying this: To my colleagues on both sides of the aisle, let's be the red, white, and blue party. Let's come to the middle ground. Let's do what we need to do to protect and defend the United States of America. There are good people who have been working on this. Some have extraordinary national security credentials. Let's put our best heads together and come up with the best amendments. Let's come up with the best protections of the United States of America, and let's do it by tomorrow night.

God bless America. I yield the floor. The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Madam President, I ask to engage in a colloquy with the Senator from Georgia, Mr. CHAMBLISS, the Senator from South Carolina, Mr. LINDSEY GRAHAM, and if he wants to, the Senator from Indiana, Mr. COATS.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MCCAIN. Madam President, before I go to the issue we want to discuss, I want to point out in this debate that has become so impassioned that the issue of cyber security is one of transcendent importance, and I want to again reiterate my respect, appreciation, and affection for both Senator LIEBERMAN and Senator COLLINS.

I also point out to my colleagues that the people who are directly affected by this—and that is the business community of the United States of America—are unalterably opposed to the legislation in its present form. They are the ones who will be affected most dramatically by cyber security legislation. The U.S. Chamber of Commerce, which represents 3 million businesses and organizations of every size, sector, and region, has a strong letter which supports the legislation we have proposed.

I finally would just like to say that I have had hours and hours of meetings with my colleagues on both sides of the

aisle trying to work this out. I believe we can work this out. We understand that cyber security is important and of transcendent importance. But to somehow allege that the business community, the 3 million businesses in America, should be left out of this discussion, of course, is not appropriate nor do I believe it will result in effective cyber security legislation.

#### NATIONAL SECURITY LEAKS

I really came to the floor today to talk about the issue of the leaks, the leaks which have directly jeopardized America's national security. At the Aspen Security Forum, just in the last few days, the head of Special Operations Command, Admiral McRaven, observed that the recent national security leaks have put lives at risk and may ultimately cost America its lives unless there is an effective crackdown. Admiral McRaven, the head of our Special Operations Command said:

We need to do the best we can to clamp down because sooner or later it is going to cost people their lives or it is going to cost us our national security.

This is another national security issue, my friends, and I appreciate very much the fact that Governor Romney rightly referred to these leaks as contemptible and a betrayal of our national interests.

I wish to point out to my colleagues that, yes, there are supposedly investigations going on and, according to media, hundreds of people are being interviewed. Well, I am no lawyer. I am no prosecutor. Senator GRAHAM may have some experience in that. But what about the 2009 G20 economic summit when, according to the New York Times journalist David Sanger, "a senior official in the National Security Council" tapped him on the shoulder and brought him to the Presidential suite in the Pittsburgh hotel where President Obama was staying and where "most of the rest of the national security staff was present." There the journalist was allowed to review satellite images and other evidence that confirmed the existence of a secret nuclear site in Iran.

I wonder how many people have the key to the Presidential suite in that Pittsburgh, PA hotel? We might want to start there. Instead, we have two prosecutors, one of whom was a strong and great supporter of the President of the United States. And the same people—I am talking about the Vice President of the United States and others—who strongly supported a special counsel in the case of Valerie Plame and, of course, the Abramoff case. We need a special counsel to find out who was responsible for these leaks.

I ask my colleague Senator GRAHAM if he has additional comments on this issue. It has receded somewhat in the media, but the damage that has been done to our national security is significant. It has put lives at risk, and it has

betrayed our allies. This is an issue we cannot let go away until those who are responsible are held accountable for these actions.

Mr. GRAHAM. Madam President, my comment, in response to the question Senator MCCAIN has, is what we do today becomes precedent for tomorrow. So are we going to sit on the sidelines here and allow the Attorney General—who is under siege by our colleagues in the House about the way he has handled Fast and Furious and other matters—to appoint two U.S. attorneys who have to answer to him to investigate allegations against the very White House that appointed him? The reason so many Democrats wrote to President Bush and said, You cannot possibly investigate the Scooter Libby-Valerie Plame leak because it involves people very close to you—well, let's read some of the letters. Biden, Daschle, Schumer, and Levin letter to President Bush, October 9, 2003:

We are at risk of seeing this investigation so compromised that those responsible for this national security breach will never be identified and prosecuted. Public confidence in the integrity of this investigation would be substantially bolstered by the appointment of a special counsel.

Senator Biden:

I think they should appoint a special prosecutor, but if they're not going to do that, which I suspect they're not, is get the information out as quick as they possibly can. This is not a minor thing . . . There's been a federal crime committed. The question is who did it? And the President should do everything in his power to demonstrate that there's an urgency to find that out.

Then he goes on later and says:

There's been a federal crime committed. You can't possibly investigate yourself because people close to you are involved.

In the Abramoff scandal, which involved Jack Abramoff, a person very close to House leadership and some people in the Bush administration, and our Democratic colleagues, 34 of them, said the following:

FBI officials have said that the Abramoff investigation "involves systematic corruption within the highest levels of government." Such an assertion indicates extraordinary circumstances and it is in the public interest that you act under your existing statutory authority to appoint a special counsel.

So our Democratic colleagues back during the Bush administration said, We don't trust you enough to investigate compromising national security by having an agent outed allegedly by members of your administration. We don't trust the Republican Party apparatus enough to investigate Jack Abramoff, because you are so close to him, and you should have a special counsel appointed.

Well, guess what. They did.

Here is what I am saying. I don't trust this White House to investigate themselves. I think this reeks of a coverup. I think the highest levels of

this government surrounding the President, intentionally, over a 45-day period, leaked various stories regarding our national security programs, to make the administration look strong on national security. I don't think it is an accident that we are reading in the paper about efforts by the administration and our allies to use cyber attacks against the Iranian nuclear program as a way to try to head Israel off from using military force. I don't know if it happened, but the details surrounding the cooperation between us and Israel and how we engaged in cyber attacks against the Iranian nuclear program are chilling and something we should not read about in the paper.

The second thing we read about in the paper was how we disrupted the underwear bomber plot where there was a double agent who had infiltrated an al-Qaida cell, I believe it was in Yemen, and how we were able to break that up; and the man was given a suicide vest that was new technology and couldn't be detected by the current screening devices at the airports, and how we were able to basically infiltrate that cell, and God knows the damage done to our allies and that operation.

Mr. MCCAIN. Could I ask my friend, isn't it also true that this individual had some 23 family members whose lives were also placed in danger because of the revelation of his identity?

Mr. GRAHAM. That is what we have been told in the paper.

We also have a story about the kill list—a blow-by-blow description of how President Obama personally oversees who gets killed by drones in Pakistan, and at the end of the day, I am not so sure that is something we should all be reading about.

But if that is not enough, what about releasing the Pakistani doctor—the person who allegedly helped us find bin Laden, and his role in this effort to find bin Laden is also in the paper, and now he is in jail in Pakistan.

The sum total is that the leaks have been devastating. They have put people's lives at risk. They have compromised our national security, unlike anything I have seen, and people expect us to sit on the sidelines and let the White House investigate itself? No way.

Those who wrote letters in the past suggesting that Bush could not impartially investigate himself, where are they today? Is this the rule: We can't trust Republicans, but we can trust Democratic administrations to get to the bottom of things they are involved in up to their eyebrows?

Do we think it is an accident that all of these books quote senior White House officials? There is a review of one of the books the Senator from Arizona mentioned that talked about the unprecedented access to the National Security Adviser. There is a vignette in one of the books where the Secretary

of Defense goes up to the National Security Adviser and suggests a new communications strategy when it comes to the programs we are talking about: Shut the F up. Well, that makes great reading, but at the end of the day, should we be reading about all this? People's lives are at stake. Programs have been compromised. Our allies are very reluctant now to do business with us.

This was, in my view, an intentional effort by people at the highest level in the White House to leak these stories for political purposes. And to accept that Eric Holder is going to appoint two people within his sphere of influence and call it a day is acceptable. That is not going to happen. We are going to do everything we can to right this ship, and we are asking no more of our Democratic colleagues than they asked of the Bush administration.

To our Democratic colleagues: How do you justify this? How do you justify that you couldn't investigate Abramoff without a special counsel and you couldn't investigate what Scooter Libby may or may not have done without a special counsel, but it is OK not to have one here? How do you do that?

Mr. DURBIN. Mr. President, will the Senator yield for a question?

Mr. GRAHAM. Absolutely.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Illinois.

Mr. DURBIN. The Senator asked whether this side would like to explain our position. I would be happy to do it at this point, but I can wait until my colleagues finish their colloquy, so it is their choice.

Mr. GRAHAM. Whatever the Senator from Illinois wishes to do. I am dying to hear how my Democratic colleagues think it is good government not to have a special independent counsel investigate the most damaging national security leak in decades. I am dying to hear the explanation.

Mr. DURBIN. There is no need to die. I hope the Senator from South Carolina will continue living a good life because he is such a great Senator. But I am asking if my colleague wants me to join in this dialogue or would he rather make his presentation?

Mr. GRAHAM. Well, I tell you what. Why don't we let my colleague speak, and then the Senator from Illinois will have all the time he needs. What does my colleague, the Senator from Georgia, Mr. CHAMBLISS, think?

Mr. CHAMBLISS. Well, I am dying to hear his explanation too, let me say that.

First of all, let me say that I join in with everything my two colleagues have said with respect to, No. 1, the volume of the leaks that have come out in recent weeks. We all know this town has a tendency to leak information from time to time, but never in the volume and never with the sensitivity of the leaks we have read about on the

front page of newspapers around the country as we have seen in the last few weeks.

Irrespective of where they came from, to have folks who may be implicated in the White House, and the White House appointing the two individuals who have been charged with the duty of prosecuting this investigation, reeks of ethical issues. I don't know these two U.S. attorneys, but everything I know about them is they are dadgum good prosecutors and they are good lawyers. But why would we even put them in the position of having to investigate in effect the individual who appointed them to the position they are in? That is why we are arguing that a special counsel is, without question, the best way to go. I am interested to hear the response from my friend from Illinois to that issue.

Let me talk about something else for a minute, and that is the impact these leaks have had on the intelligence community. The No. 1 thing that individuals who go on the intelligence committees in both the House and the Senate are told—and I know because I have served on both of them and continue to serve on the Senate Intelligence Committee—is to be careful what you say. Be careful and make sure you don't inadvertently—and obviously advertently—reveal classified information. Be sure that in your comments you never reveal sources and methods.

Well, guess what. The individuals who were involved in these leaks were very overt in the release of sources and methods with respect to the issues Senator GRAHAM referred to as having been leaked. Not only that, but lives were put in danger, particularly the life of the individual who was an asset who worked very closely with respect to the underwear bomber issue. We know that to be a fact.

But there is also a secondary issue, and that is this: We have partners around the world we deal with in the intelligence community every single day, and we depend on those partners and they depend on us to provide them with information we have and likewise that they give to us. A classic example was detailed of one of these particular leaks on the front page of the New York Times. Today why in the world would any of our partners in the intelligence community around the world—those partners who have men and women on the front lines who are putting their life in harm's way and in danger every single day to gather intelligence information and share that information with us—why would they continue to do that if they are now concerned about that information being written about on the front page of newspapers inside the United States and blasted all over television or wherever it may be?

The answer is pretty simple. Very honestly, there are some strong consid-

erations being given by some of our partners as to how much information they should share with us. That creates a very negative atmosphere within the intelligence world.

Lastly, let me say that we dealt in the Intelligence Committee with our authorization bill recently in which we have tried to address this issue from a punishment standpoint.

There are certain things that individuals are required to do when they leave the intelligence community and go write a book. One of those things is they have to present their book to an independent panel of intelligence experts, and that panel is to review the information and then decide whether any of it is classified and shall not be released. In one of the instances we have, one of those individuals never submitted his book to that panel. In another instance, an individual submitted his book to the panel, and the panel said: You need to be careful in these areas. And the advice from that panel was pretty well disregarded.

One of the provisions in our bill says if someone does that, if someone fails to submit their book to that panel, or if they disregard what that panel tells them to do, then they are going to be subject to penalties. Part of those penalties include the possible removal of their right to a pension from the Federal Government—the portion the government is obligated to pay them, not what they have contributed.

Our intelligence bill is being criticized by some individuals out there. And guess who it is? It is the media and it is the White House. What does that tell you about their fear and their participation in the release of classified information?

So this issue is of critical importance. It simply has to stop for any number of national security reasons, but the ones that have been addressed by my colleagues obviously are to be highlighted. I look forward to whatever comments the Senator from Illinois may have with respect to justifying—I know he is not going to justify the leaks because I know him too well, but whatever his justification is for proceeding in a prosecution manner the way the Department of Justice is going versus what the Bush administration did and appointing a special counsel in a case that, by the way, pales in comparison to the leaks that took place in this particular instance.

Mr. MCCAIN. Mr. President, before we turn to our friend from Illinois for his, I am sure, convincing explanation as to why a special counsel is not required, even though it was, in the opinion of his side, in a previous situation, I want to just, again—and the Senator from Georgia and the Senator from South Carolina will also corroborate the fact that we have been working and working, having meeting after meeting after meeting, on the issue of cyber security.

We believe we have narrowed it down to three or four differences that could be worked out over time. Among them is liability. Another one is information sharing. But I think it is also important for us to recognize in this debate the people who are most directly affected in many respects are the business communities, and it is important that we have the input and satisfy, at least to a significant degree, those concerns.

There are those who allege that a piece of legislation is better than no legislation. I have been around this town for a long time. I have seen bad legislation which is far worse than no legislation. So we understand certainly—I and members of the Armed Services Committee and others understand—the importance of this issue.

We also understand that those who are directly affected by it—those concerns need to be satisfied as well. I commit to my colleagues to continue nonstop rounds of meetings and discussions to try to get this issue resolved. To this moment, there are still significant differences.

I say to my friend from Illinois, I look forward to hearing his convincing discussion.

I thank the Senator and yield the floor.

Mr. President, I ask unanimous consent that the Senator from Illinois be involved in the colloquy.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I did not know if the Senator wanted to make his unanimous consent request that he came to the floor to make.

Mr. McCAIN. No.

Mr. DURBIN. The Senator is not going to make it?

Mr. McCAIN. No. The Senator will object.

Mr. DURBIN. Yes, I will.

Mr. President, I want to thank my colleague from Arizona. Occasionally, historically, on the floor of the Senate there is a debate, and this may be one of those moments. I hope it is because it is a worthy topic.

Let's get down to the bottom line. I have served on the Intelligence Committee, as some of my colleagues have. We know the important work done by the intelligence community to keep America safe. They literally risk their lives every day for us, and they are largely invisible. We do not see them at the military parades and other places where we acknowledge those warriors who risk their lives, but these men and women do it in so many different ways.

When I spent 4 years on the Senate Intelligence Committee—and my colleagues, I am sure, feel the same—I went out of my way to make sure I was careful with classified information so as to continue to protect this country and never endanger those who were helping us keep it safe all around the world.

So the obvious question raised by the Republican side of the of the aisle is whether this President, President Barack Obama, thinks differently; whether President Obama believes we should cut corners and not be so careful when it comes to the leaking of classified information.

My answer to that is look at the record. Look at the record and ask this basic question: When it comes to prosecuting those believed to have been guilty of leaks of classified information, which President of the United States has prosecuted more suspected individuals than any other President, Democrat or Republican? Barack Obama.

On six different occasions—five in the Department of Justice and one in the Department of Defense—they pursued the active prosecution of those they believed were guilty of leaking classified information that might endanger the United States.

Let me add another personal observation. It was last year when my friend Bill Daley, then-Chief of Staff to President Obama, came to Chicago for a luncheon. It was a nice day. We had a nice luncheon. It was very successful. He said he had to get back to Washington. He was in a big hurry. He never said why. He told me later—he told me much later—after this occurred: I had to get back because we had a classified meeting about hunting down Osama bin Laden. We were sworn to secrecy at every level of government so that we never, ever disclosed information that we were even thinking about that possibility.

Bill Daley took it seriously. The President takes it seriously. Anyone in those positions of power will take it seriously. To suggest otherwise on the floor of the Senate is just plain wrong, and it raises a question about this President's commitment to the Nation, which I think is improper and cannot be backed up with the evidence.

Now, let's look at the evidence when it comes to the appointment of a special prosecutor. Let me take you back to those moments when a special prosecutor named Patrick Fitzgerald from the Northern District of Illinois was chosen to investigate the leak of classified information.

Let me put it in historical context. We had invaded Iraq. We did it based on assertions by the Bush-Cheney administration about the danger to the United States. One of those assertions dealt with Africa and certain yellow cake chemicals that might be used for nuclear weapons and whether they were going to fall into the hands of the Iraqi leadership.

It was one of the arguments—there were many: weapons of mass destruction, and so forth, that turned out to be totally false—leading us into a war which has cost us dearly in terms of human lives and our own treasure.

So one person spoke out. Former Ambassador Joe Wilson, who identified himself as a Republican, said: I do not believe there is any evidence to back up the assertion about the yellow cake coming out of Africa.

Well, he was punished. Do you remember how he was punished? He was punished when someone decided to out his wife Valerie Plame. Valerie Plame had served as an intelligence agent for the United States to protect our Nation, and someone decided that in order to get even with Joe Wilson they would disclose the fact that his wife worked in the intelligence agencies.

Then what happened? If you will remember, when that story broke, the intelligence community of the United States of America said: We have been betrayed. If one of our own can be outed in a political debate in Washington, are any of us safe? A legitimate question.

So there was an obvious need to find out who did it, who disclosed her identity, endangering her life, the life of every person who had worked with her, and so many other intelligence agents.

Mr. President, do you recall what happened? I do. The Attorney General of the United States, John Ashcroft, recused himself from this investigation. It was the right thing for him to do because the questions about this disclosure of her identity went to the top of the administration. He recused himself and appointed Patrick Fitzgerald, the U.S. attorney for the Northern District of Illinois, a professional, a professional prosecutor with the U.S. Department of Justice.

Well, the investigation went on for a long time. At the end of the investigation, the Chief of Staff of the Vice President of the United States was found to have violated a law. That came out, and eventually we learned the identity of who actually disclosed the name of Valerie Plame. It was a serious issue, one that called for a special counsel, and, if I remember correctly, there were even Republicans at that point joining Democrats saying: Let's get to the bottom of this. If this goes all the way to the top, let's find out who is responsible for it. So it was the appropriate thing to do.

Now, take a look at this situation. This President, who has activated the prosecution of six individuals suspected of leaking classified information, takes very seriously the information that was disclosed related to the al-Qaida techniques and all the things they were using to threaten the United States.

What has he done as a result of it? Let's be specific because I really have to call into question some of the statements that have been made on the floor. To say that the administration is covering this up, as to this leak, is just plain wrong.

At this point, the Department of Justice has appointed two highly respected

and experienced prosecutors with proven records of independence in the exercise of their duties. U.S. Attorney Machen has recently overseen a number of public corruption prosecutions in the District of Columbia. U.S. Attorney Rosenstein has overseen a number of national security investigations, including one of the five leak investigations that have been prosecuted under this President. The Justice Department has complete confidence in their ability to conduct thorough and independent investigations into these matters in close collaboration with career prosecutors and agents.

This is not being swept under the rug. This is not being ignored. This is being taken seriously by this administration, as every leak of classified information will be taken seriously.

I know it is an election year. We are fewer than 100 days away from the election, and I know the floor of the Senate is used by both parties this close to the election. But I want to make it clear this President has a record of commitment to protecting the men and women who gather intelligence for America. He has a record of prosecuting more suspects for leaks of this information than any other President in history. He has, through his Attorney General, appointed two career criminal prosecutors to look into this case and said they will have the resources and authority they need to get to the bottom of it. That is the way to do it.

Will the day come when we say perhaps a special counsel is needed? I will not ever rule that out. Perhaps that day will come. But it is wrong to come to the floor and question this President's commitment to our intelligence community. It is wrong to come to the floor and question the credentials of these two men who have performed so well in the service of the Department of Justice in years gone by.

I thought Senator MCCAIN was going to make a unanimous consent request. If he wishes to, let me yield to him at this point.

Mr. MCCAIN. I would be glad to respond to my friend.

First of all, obviously, he is in disagreement with the chairperson of the Intelligence Committee because she said these leaks were the worst in the 11 years she has been a member of the Senate Intelligence Committee. So, obviously, the Abramoff and the Valerie Plame investigations are not nearly as serious, and they certainly were not when we look at the incredible damage, according to Admiral McRaven, according to anyone who is an observer of the incredible damage these leaks have caused.

Again, the chairperson of the Intelligence Committee said it is the worst she has ever seen. Admiral McRaven, as I said, said these have put lives at risk and may ultimately cost Americans their lives.

I wonder if my colleague from Illinois is concerned when, according to his book, Mr. Sanger said: "A senior official in the National Security Council" tapped him on the shoulder and brought him to the Presidential suite in the Pittsburgh hotel where President Obama was staying, and—I am quoting from Mr. Sanger's book—where "most of the rest of the national security staff was present." There, the journalist was apparently allowed to review satellite images and other "evidence" that confirmed the existence of a secret nuclear site in Iran.

When leaks take place around this town, the first question you have to ask is, Who benefits? Who benefits from them? Obviously someone who wants to take a journalist up to the presidential suite would make it pretty easy for us to narrow down whom we should interview first. Who had the key to the presidential suite? Who uses the presidential suite in a hotel in Pittsburgh? These leaks are the most damaging that have taken place in my time in the Senate and before that in the U.S. military. Yes, six people have been prosecuted. Do you know at what level? A private. The lowest level people have been prosecuted by this administration. And this administration says they have to interview hundreds of people in the bottom-up process.

I can guarantee you one thing, I will tell the Senator from Illinois now, there will not be any definitive conclusion in the investigation before the election in November. That does not mean to me that they are not doing their job, although it is clear that one of these prosecutors was active in the Obama campaign, was a contributor to the Obama campaign. I am not saying that individual is not of the highest caliber. I am saying that would lead people to ask a reasonable question, and that is whether that individual is entirely objective.

Americans need an objective investigation by someone they can trust, just as then-Senator BIDEN and then-Senator Obama asked for in these previous incidents, which, in my view, were far less serious and, in the view of the chairperson of the Intelligence Committee, are far more severe than those that were previously investigated. I would be glad to have my colleague respond to that.

Mr. DURBIN. First, let me say that whatever the rank of the individual—private, specialist, chief petty officer—if they are responsible for leaking classified information, they need to be investigated and prosecuted, if guilty.

Mr. MCCAIN. Absolutely.

Mr. DURBIN. So the fact that a private is being investigated should not get him off the hook. I would—

Mr. MCCAIN. I do not think it gets him off the hook. I think it has some significance as compared to this kind of egregious breach of security that has

taken place at the highest level. We know that.

Mr. DURBIN. I would say to my friend from Arizona, if I am not mistaken, it was a noncommissioned officer at best and maybe not an officer in the Army who is being prosecuted for the Wiki leaks. So let's not say that the rank of anyone being prosecuted in any way makes them guilty or innocent. We need to go to the source of the leak.

Mr. MCCAIN. No. But my friend would obviously acknowledge that if it is a private or a corporal or something, it has not nearly the gravity it does when a person with whom the Nation has placed much higher responsibilities commits this kind of breach.

Mr. DURBIN. Of course. It should be taken to where it leads, period. But let me also ask—I do not know if quoting from a book on the floor means what was written in that book is necessarily true. Perhaps the Senator has his own independent information on that.

Mr. MCCAIN. But no one has challenged Mr. Sanger's depiction. No one in the administration has challenged his assertion that he was taken by "a senior official in the National Security Council to the presidential suite." No one has challenged that.

Mr. DURBIN. I would say to the Senator, I do not know if that has to do with the information that was ultimately leaked about al-Qaida. It seems as though it is a separate matter. But it should be taken seriously, period. What more does this President need to do to convince you other than to have more prosecutions than any President in history of those who have been believed to have leaked classified information?

If you will come to the floor, as you said earlier—and I quote, the investigation is "supposedly going on." I trust the administration that the investigation is going on. What evidence does the Senator have that it is not going on?

Mr. MCCAIN. I say to my friend, it is not a matter of trust, it is a matter of credibility because if an administration has the same argument that then-Senator BIDEN used and Senator Obama used in opposition to the administration investigating the Abramoff case and the Valerie Plame case—they argued that it is not a matter of trust, it is a matter of credibility with the American people whether an administration can actually investigate itself or should there be a credible outside counsel who would conduct this investigation, which would then have the necessary credibility, I think, with the American people. I think that there is a certain logic to that, I hope my colleague would admit.

Mr. DURBIN. Let me say to the Senator that in that case, the Attorney General of the United States, John Ashcroft, recused himself—recused



himself. He said there was such an appearance of a conflict, if not a conflict, he was stepping aside. It is very clear under those circumstances that a special counsel is needed. In this case, there is no suggestion that the President, the Vice President, or the Attorney General was complicit in any leak. So to suggest otherwise, I have to say to Senator MCCAIN, show me what you are bringing as proof.

Mr. MCCAIN. I am bringing you proof that this Attorney General has a significant credibility problem, and that problem is bred by a program called Fast and Furious where weapons were—under a program sponsored by the Justice Department—

Mr. DURBIN. When did the program begin?

Mr. MCCAIN. Let me just finish my comment. A young American Border Patrol agent was murdered with weapons that were part of the Fast and Furious investigation. What has the Attorney General of the United States done? He has said that he will not come forward with any information that is requested by my colleagues in the House.

So I would have to say that, at least in the House of Representatives and with many Americans and certainly with the family of Brian Terry, who was murdered, there is a credibility problem with this Attorney General of the United States.

Mr. DURBIN. I say to my colleague and friend Senator MCCAIN, I deeply regret the loss of any American life, particularly those in service of our country.

Mr. MCCAIN. I am convinced of that.

Mr. DURBIN. And I feel exactly that about this individual and the loss to his family. But let's make sure the record is complete. The Fast and Furious program was not initiated by President Obama, it was started by President George W. Bush.

Mr. MCCAIN. Which, in my view, does not in any way impact the need for a full and complete investigation.

Mr. DURBIN. Secondly, this Attorney General, Mr. Holder, has been brought before congressional committees time after time. I have been in the Senate Judiciary Committee when he has been questioned at length about Fast and Furious, and I am sure he has been called even more frequently before the House committees.

Third, he has produced around 9,000 pages of documents, and Chairman ISSA keeps saying: Not enough. We need more. Well, at some point it becomes clear he will never produce enough documents for them. And the House decided to find him in contempt for that. That is their decision. I do not think that was necessarily proper.

But having said that, does that mean every decision from the Department of Justice from this point forward cannot be trusted?

Mr. MCCAIN. No. But what I am saying is that there is a significant credibility problem that the Attorney General of the United States has, at least with a majority of the House of Representatives—

Mr. DURBIN. The Republican majority.

Mr. MCCAIN. On this issue, which then lends more weight to the argument, as there was in the case of Valerie Plame and Jack Abramoff, for the need for a special counsel.

Mr. DURBIN. I do not see the connection. If the Attorney General and the President said: We are not going to investigate this matter, Senator MCCAIN, I would be standing right next to the Senator on the floor calling for a special counsel. But they have said just the opposite. They have initiated an investigation and brought in two career criminal prosecutors whom we have trusted to take public corruption cases in the District of Columbia and leaks of classified information in other cases. And he said: Now you have the authority. Conduct the investigation.

They are not ignoring this.

Mr. MCCAIN. Those two counsels report to whom? The Attorney General of the United States.

Mr. DURBIN. And ultimately report to the people.

Mr. MCCAIN. So I would think, just for purposes of credibility with the American people, that a special counsel would be called for by almost everyone.

Look, I understand the position of the Senator from Illinois. We have our colleagues waiting. I appreciate the fact that he is willing to discuss this issue. I think we have pretty well exhausted it.

Mr. DURBIN. May I turn to one other issue the Senator raised, if he has a moment?

Mr. MCCAIN. Sure.

Mr. DURBIN. The pending bill, cyber security—this is a bill which I hope we both agree addresses an issue of great seriousness and gravity in terms of America's defense. I know the Senator from Arizona and some of his colleagues have produced an alternative. I support the bipartisan bill that Senators LIEBERMAN and COLLINS have brought to the floor.

The major group who opposes the passage of the cyber security bill is the U.S. Chamber of Commerce, an organization that represents the largest businesses in America, and what I have heard the Senator from Arizona say over and over is that they have to be an important part of this conversation and this discussion. I think Senator LIEBERMAN and Senator COLLINS would say: We have engaged them. We have listened to them. We have made changes consistent with what they were looking for. But clearly they have not reached the point where they are satisfied.

I learned yesterday, when Senator WHITEHOUSE of Rhode Island came to the floor, that, in fact, the U.S. Chamber of Commerce really turns out to be pretty expert on this issue of cyber security. And I call the attention of the Senator from Arizona, if he is not aware of it, to a Wall Street Journal article of December 21, 2011. This Wall Street Journal article is entitled "China Hackers Hit U.S. Chamber," and it starts by saying:

A group of hackers in China breached the computer defenses of America's top business lobbying group and gained access to everything stored on its systems, including information about its three million members, according to several people familiar with the matter. The complex operation involved at least 300 Internet addresses. . . . Four chamber employees who worked on Asian policy had six weeks of their emails stolen.

The article goes on to say that the Chamber of Commerce did not notice this breach that went on for 6 months. The Federal Bureau of Investigation brought it to their attention. And then they learned that the Chinese had not only hacked into the computer mainframe, they had somehow hacked into the computer-driven thermostats in their office, and at times in the office of the U.S. Chamber of Commerce, their copy machines and fax machines were spitting out pages with Chinese characters on them. They were completely compromised by this cyber attack. Now they come to us as experts on how to avoid a cyber attack.

I ask unanimous consent that the Wall Street Journal article be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Dec. 21, 2011]  
CHINA HACKERS HIT U.S. CHAMBER—ATTACKS  
BREACHED COMPUTER SYSTEM OF BUSINESS-  
LOBBYING GROUP; EMAILS STOLEN

(By Siobhan Gorman)

A group of hackers in China breached the computer defenses of America's top business-lobbying group and gained access to everything stored on its systems, including information about its three million members, according to several people familiar with the matter.

The break-in at the U.S. Chamber of Commerce is one of the boldest known infiltrations in what has become a regular confrontation between U.S. companies and Chinese hackers. The complex operation, which involved at least 300 Internet addresses, was discovered and quietly shut down in May 2010.

It isn't clear how much of the compromised data was viewed by the hackers. Chamber officials say internal investigators found evidence that hackers had focused on four Chamber employees who worked on Asia policy, and that six weeks of their email had been stolen.

It is possible the hackers had access to the network for more than a year before the breach was uncovered, according to two people familiar with the Chamber's internal investigation.

One of these people said the group behind the break-in is one that U.S. officials suspect



of having ties to the Chinese government. The Chamber learned of the break-in when the Federal Bureau of Investigation told the group that servers in China were stealing its information, this person said. The FBI declined to comment on the matter.

A spokesman for the Chinese Embassy in Washington, Geng Shuang, said cyberattacks are prohibited by Chinese law and China itself is a victim of attacks. He said the allegation that the attack against the Chamber originated in China "lacks proof and evidence and is irresponsible," adding that the hacking issue shouldn't be "politicized."

In Beijing, Foreign Ministry spokesman Liu Weimin said at a daily briefing that he hadn't heard about the matter, though he repeated that Chinese law forbids hacker attacks. He added that China wants to cooperate more with the international community to prevent hacker attacks.

The Chamber moved to shut down the hacking operation by unplugging and destroying some computers and overhauling its security system. The security revamp was timed for a 36-hour period over one weekend when the hackers, who kept regular working hours, were expected to be off duty.

Damage from data theft is often difficult to assess.

People familiar with the Chamber investigation said it has been hard to determine what was taken before the incursion was discovered, or whether cyberspies used information gleaned from the Chamber to send booby-trapped emails to its members to gain a foothold in their computers, too.

Chamber officials said they scoured email known to be purloined and determined that communications with fewer than 50 of its members were compromised. They notified those members. People familiar with the investigation said the emails revealed the names of companies and key people in contact with the Chamber, as well as trade-policy documents, meeting notes, trip reports and schedules.

"What was unusual about it was that this was clearly somebody very sophisticated, who knew exactly who we are and who targeted specific people and used sophisticated tools to try to gather intelligence," said the Chamber's Chief Operating Officer David Chavern.

Nevertheless, Chamber officials said they haven't seen evidence of harm to the organization or its members.

The Chamber, which has 450 employees and represents the interests of U.S. companies in Washington, might look like a juicy target to hackers. Its members include most of the nation's largest corporations, and the group has more than 100 affiliates around the globe.

While members are unlikely to share any intellectual property or trade secrets with the group, they sometimes communicate with it about trade and policy.

U.S. intelligence officials and lawmakers have become alarmed by the growing number of cyber break-ins with roots in China. Last month, the U.S. counterintelligence chief issued a blunt critique of China's theft of American corporate intellectual property and economic data, calling China "the world's most active and persistent perpetrators of economic espionage" and warning that large-scale industrial espionage threatens U.S. competitiveness and national security.

Two people familiar with the Chamber investigation said certain technical aspects of the attack suggested it was carried out by a known group operating out of China. It isn't

clear exactly how the hackers broke in to the Chamber's systems. Evidence suggests they were in the network at least from November 2009 to May 2010.

Stan Harrell, chief information officer at the Chamber, said federal law enforcement told the group: "This is a different level of intrusion" than most hacking. "This is much more sophisticated."

Chamber President and Chief Executive Thomas J. Donahue first learned of the breach in May 2010 after he returned from a business trip to China. Chamber officials tapped their contacts in government for recommendations for private computer investigators, then hired a team to diagnose the breach and overhaul the Chamber's defenses.

They first watched the hackers in action to assess the operation. The intruders, in what appeared to be an effort to ensure continued access to the Chamber's systems, had built at least a half-dozen so-called back doors that allowed them to come and go as they pleased, one person familiar with the investigation said. They also built in mechanisms that would quietly communicate with computers in China every week or two, this person said.

The intruders used tools that allowed them to search for key words across a range of documents on the Chamber's network, including searches for financial and budget information, according to the person familiar with the investigation. The investigation didn't determine whether the hackers had taken the documents turned up in the searches.

When sophisticated cyberspies have access to a network for many months, they often take measures to cover their tracks and to conceal what they have stolen.

To beef up security, the Chamber installed more sophisticated detection equipment and barred employees from taking the portable devices they use every day to certain countries, including China, where the risk of infiltration is considered high. Instead, Chamber employees are issued different equipment before their trips—equipment that is checked thoroughly upon their return.

Chamber officials say they haven't been able to keep intruders completely out of their system, but now can detect and isolate attacks quickly.

The Chamber continues to see suspicious activity, they say. A thermostat at a town house the Chamber owns on Capitol Hill at one point was communicating with an Internet address in China, they say, and, in March, a printer used by Chamber executives spontaneously started printing pages with Chinese characters.

"It's nearly impossible to keep people out. The best thing you can do is have something that tells you when they get in," said Mr. Chavern, the chief operating officer. "It's the new normal. I expect this to continue for the foreseeable future. I expect to be surprised again."

Mr. MCCAIN. First of all, could I say that is just unfair. They are not claiming to be experts on cyber attacks. They are claiming that there are issues of liability, issues of information sharing, and other issues that they believe will inhibit their ability to engage in business practices and grow and prosper. So to say that somehow they claim they are experts on cyber security, they are not, but they are experts on how their businesses can best cooperate, share information, resist these attacks, and come together with other

people and other interests to bring about some legislation on which we can all agree.

There are 3 million businesses and organizations that are represented here, I say to my colleague, so it seems to me that we should continue this conversation with them, particularly on issues of information sharing and liability. But to somehow say "well, we talked to them, but we did not agree with anything they wanted to do" is not fair to those 3 million businesses. We are making some progress. But please don't say they portray themselves as experts.

By the way, they hacked into my Presidential campaign, which shows they really were pretty bored and did not have a hell of a lot to do. But, anyway, go ahead.

Mr. DURBIN. I am sure that wasn't the case. I am sure it was a fascinating treasure trove of great insights and information.

But let me just say to my friend from Arizona, I am asking only for a little humility on both sides, both in the public sector and the private sector, by first acknowledging, as our security advisers tell us, that this is one of the most serious threats to our country and its future, and we should be joining with some humility, particularly if you have been victimized, whether in your campaign or in your offices, to understand how far this has gone. The FBI, according to Senator WHITEHOUSE when he came to the floor, found 50 different American businesses that had been compromised and hacked into by the same type of operation. Forty-eight were totally unaware of it. They did not even know it occurred. What we are trying to do is to get these businesses to cooperate with us so that we share information and keep one another safe.

At the end of the day, it is not just about the safety of the businesses—and I think it is important that they be safe—but the safety of the American people. This is really a serious issue.

Mr. MCCAIN. Can I say to my colleague, first of all, to somehow infer that businesses in America are less interested in national security than they are in their own businesses is not, I think, a fair inference. But let me also say that what they want to do is be more efficient in the way they can do business.

For example, information sharing—as you know, there is a serious problem with liability if they are not given some kind of protections in the information sharing they would do with each other and with the Federal Government. So we want to make sure they have that security so that they will more cooperatively engage in the kind of information we need. That is a vital issue. That is still something on which we have a disagreement.

I have no doubt that the comments of the Senator from Illinois about how

important this issue is are true. Nobody argues about that. But we have to get it right rather than get it wrong. The Senator from Illinois and I have been here a long time, and sometimes we have found out that we have passed legislation that has had adverse consequences rather than the positive ones we contemplated. By the way, I would throw Dodd-Frank in there. No company is too big to fail now. I would throw in some of the other legislation we have passed recently, which has not achieved the goals we sought.

That is why we need, in my view, more compromise and agreement. I believe we can reach it. I give great credit to both of our cosponsors of the bill, but please don't allege that this is "bipartisan" in any significant way. Most of the Republican Senators oppose the legislation in its present form. All Republican Senators understand the gravity of this situation and the necessity of acting.

Mr. DURBIN. I say to my friend from Arizona, I hope we get this done this week. I know it is a big lift, and it is a lot to do. But I believe the threat is imminent, and I believe it is continuous. If we don't find a way through our political differences to make this country safer, shame on us.

I believe Senator COLLINS is from the Senator's side of the aisle and is proud of that fact. So it is a bipartisan effort. She worked with—

Mr. McCAIN. It depends upon your definition of "bipartisan."

Mr. DURBIN. Well, it is clearly bipartisan with Senators LIEBERMAN and COLLINS. I also say that to raise the question of Dodd-Frank and appropriate government oversight and regulation—I suggest that we reflect on three things: LIBOR, Peregrine Investments, and the Chase loss of \$6 billion.

To say that we should not have government oversight of our financial institutions that dragged us into this recession we are still trying to recover from—I see it differently. We vote differently when it comes to that. I think there is a continuing need for government oversight of these financial institutions.

Mr. McCAIN. These institutions are not averse to government oversight. They are averse to legislation that harms their ability to share that information because if they face the threat of being taken into court for that, then obviously there is some reluctance. They also know how much has been lost because of the lack of cyber security to China and other countries. They are the ones who have been most directly affected. They are intelligent people, smart people, and they want this legislation to pass in a way that is the most effective way to enact legislation on this very serious issue.

I look forward to continuing the conversation with my friend from Illinois. I think both of us learn a bit from our

conversations, and I thank him for his continued willingness to discuss the issue.

Mr. DURBIN. I thank my friend, the Senator from Arizona. I hope other colleagues will engage in this kind of exchange. I don't know if we convinced one another, but we certainly leave with the same level of respect with which we started. I hope those who have followed the debate have heard a little more about both sides of the issue in the process.

Mr. McCAIN. I yield the floor.

#### CORRECTING THE ENROLLMENT OF H.R. 1627

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 55, which was submitted earlier today by Senator HARKIN.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

A concurrent resolution (S. Con. Res. 55) directing the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 1627.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be considered made and laid upon the table, with no intervening action or debate, and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 55) was agreed to, as follows:

S. CON. RES. 55

*Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill (H.R. 1627) an Act to amend title 38, United States Code, to furnish hospital care and medical services to veterans who were stationed at Camp Lejeune, North Carolina, while the water was contaminated at Camp Lejeune, to improve the provision of housing assistance to veterans and their families, and for other purposes, the Clerk of the House of Representatives shall make the following correction: in section 201, strike "Andrew Connelly" and insert "Andrew Connolly".*

#### VETERANS JOBS CORPS ACT OF 2012—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I am honored and grateful to follow that very enlightening and energetic exchange between two of the most able and respected Members of this body on a range of issues.

One of them I want to address now, and I want to particularly thank the

Presiding Officer for his contribution, my distinguished friend from Minnesota, who has really addressed so instructively some of the privacy concerns in various proposals in an amendment I have joined. I think his work on that issue is really reflective of the approach that has been brought to this issue of cyber security—an issue that this entire body, in my view, has a historic obligation to address this week, deal with it now authoritatively and effectively and in a way that the Nation expects us to do it.

I thank not only the Presiding Officer but a bipartisan group of colleagues, beginning with Senators LIEBERMAN, COLLINS, ROCKEFELLER, FEINSTEIN, and CARPER, who deserve our appreciation for drafting this bill and bringing it to the floor, and a number of other colleagues, including, along with the Presiding Officer, Senators WHITEHOUSE, MIKULSKI, COONS, COATS, BLUNT, AKAKA, and KYL. I mention this number because I think it is an important fact about the process that has brought us to this point. It really reflects the kind of collegial approach that is so important to this legislation.

This legislation has undergone very significant and substantial revisions to reflect suggestions made by myself and our colleagues, and this bill will give the government and private sector an opportunity to collaborate and share information so that they can confront the ongoing, present, urgent cyber threat directly and immediately.

This bill is not a top-down approach; it is voluntary in its direction to the private sector. What it says to critical industries—industries that are critical to our infrastructure—is that you determine what the best practices are, you tell us what the standards should be, and then those standards will be shared throughout the industry and overseen by a council that the Departments of Commerce and Justice and Defense and Homeland Security will be involved in implementing. And if companies comply with those standards—voluntary standards—they receive benefits that will enlist them in the program, benefits that will form incentives in the form of limited immunity in the event of an attack. If companies decline to comply, if they are not provided with sufficient incentives, in their judgment, there is no compulsion, no legal mandate that they need to do so. To use an often overused imagery, what we are talking about here is a carrot, not a stick, in solving one of the most pressing and threatening challenges our country faces today. It is the challenge of this moment, the challenge of our time.

I have been in briefings, as has been the Presiding Officer and other Members of this body, with members of the intelligence community and others who have, in stark and staggering

terms, presented to us the potential consequences of failing to act.

Just last week, GEN Keith Alexander, the chief of the U.S. Cyber Command and the Director of the National Security Agency, said that intrusions on our essential infrastructure have increased 17-fold between 2009 and 2011 and that it is only a matter of time before physical damage will result. He has said that the loss of industrial information and intellectual property—putting aside the physical threat and taking only the economic damage—is “the greatest transfer of wealth in history.”

We are permitting with impunity the greatest transfer of wealth in history from the United States of America to adversaries abroad, companies based overseas, at a time when every Member of this body says our priority should be jobs and protecting the economy of this country. It is an economic issue, not just a national security issue. In fact, cyber security is national security.

The United States is literally under attack every day. General Alexander described 200 attacks on critical infrastructure within the past year. He alluded to them without describing them in detail. And on a scale of 1 to 10, he said our preparedness for a large-scale cyber attack—shutting down the stock exchange or a blackout on the scale comparable to the one in India within the past few days—is around a 3 on a scale of 1 to 10. That situation is unacceptable.

We are, in a certain way, in a period of time now that is comparable to 1993, after the first World Trade Center bombing. Remember, in 1993 the World Trade Center—1,336 pounds of explosives were placed in a critical area of the World Trade Center, killing 6 people, injuring 1,000, fortunately, at that point, failing to bring down the building, which was the objective. That first bombing was a warning as well as a tragedy. America, even more tragically, disregarded that warning in failing to act. We are in that period now, comparable to 1993 and before 9/11, when the country could have acted and neglected to do so. We cannot repeat that failure now. We cannot disregard the day-to-day attacks, the serious intrusions that are stealing our wealth and endangering our security, our critical grid, transportation, water treatment, electricity, and financial system. The scale of damage that could be done is horrific, comparable to what 9/11 did. We have an obligation to act before that kind of damage is faced in reality by the country.

We have been adequately and eloquently warned on the floor of this body, in private briefings available to Members of this body, and in the public press, to some extent. One of the frustrations I think many of us feel is that we cannot share some of the classified

briefings we have received which would depict in even more graphic and dramatic terms what this Nation faces. Some of these attacks are launched by foreign countries that seek to do us harm. Some are launched by domestic criminals who simply want to steal money. Some are sophisticated and some are very crude.

Former Deputy Secretary William Lynch has detailed just one attack in which a foreign computer hacker—or group of them—stole 24,000 U.S. military files in March of 2011. As others have noted on the floor as recently as a few minutes ago, in late 2011 the computers of the U.S. Chamber of Commerce were completely compromised for more than a year by hackers. Yet today the U.S. Chamber of Commerce has essentially opposed the voluntary standards-based plan to help secure our Nation against attack. In fact, how extraordinary it is that certain parts of this bill have actually combined a consensus among the business community, the privacy advocates, as well as public officials, the National Security Agency. That consensus on privacy, again, reflects a profound and extraordinary feature of this bill, which is that we are coming together as a nation to face a common problem in a way that is demanded by the times and threats we face.

Shawn Henry, the Executive Assistant Director of the FBI, has said that “the cyber threat is an existential one, meaning that a major cyber attack could potentially wipe out whole companies.” That is the reason the business community has been involved and should support these proposals.

These attacks are not only ongoing, they have been occurring for years. These criminals are infiltrating our communications, accessing our secrets, and sapping our economic health through thefts of intellectual property.

Finally, Secretary of Defense Leon Panetta, as has been frequently quoted, said:

The next Pearl Harbor we confront could very well be a cyber attack that cripples our power system, our grid, our security systems, our financial systems, our government systems.

The panoply of harm is staggering, and we cannot wait for that harm to be a reality to this country. The consequences comparable to 9/11 are tragic to contemplate. FBI Director Mueller has said the cyber threat, which cuts across all programs, will be the No. 1 threat to our country.

FBI Director Mueller speaks the truth. We must make sure our government has the tools and authority they have asked for. The NSA, the Department of Defense, the Department of Homeland Security, our business community and privacy advocates are all united in feeling this threat must be confronted. We have the opportunity but we also have a historic obligation

to make sure we move this bill and that it moves forward so we do not squander this opportunity.

I thank the Presiding Officer and I yield the floor.

**THE PRESIDING OFFICER.** The Senator from Maryland.

THANKING KATHARINE BEAMER

**Mr. CARDIN.** Mr. President, if I might, let me first thank Katharine Beamer for her service to the Senate and to the American people. She has been an incredibly valuable part of my staff, detailed from the Department of State to my Senate office. She has helped me deal with preparations for my responsibility, as the Presiding Officer knows, while serving on the Senate Foreign Relations Committee as we deal with the confirmation of ambassadors. It is important to be adequately prepared to deal with the many foreign visitors who come to our office and to deal with foreign policy issues.

I particularly want to thank her for her help in the so-called Magnitsky bill, a bill that passed out of the Senate Foreign Relations Committee and has been also supported in the Senate Finance Committee. She has been a critical part of our team in developing the necessary support so that bill could move forward.

I want to thank her for her help on the Cardin-Lugar provisions that provide transparency among mineral companies so we can trace the resources of developing countries, allowing those resources to benefit the strength of a country's economy rather than become a curse.

And I want to thank Katharine Beamer for her help on a lot of human rights issues she has been involved with, including the issue of Alan Gross.

Senator DURBIN has spoken on the floor and has brought to our attention the human rights violations of a Marylander who is today in a prison in Cuba. Alan Gross was providing help to a small Jewish community in Cuba. He wasn't doing it in any secret manner. He was trying to provide them a better opportunity to communicate with the Internet. He was very open about what he was doing in Cuba and was doing it in order to advance the ability of a community to keep in touch around the world.

As a result of that activity, Alan Gross, a Marylander, was arrested and imprisoned, tried and convicted, and sentenced to 15 years in prison. His appeal to the Cuban Supreme Court was denied in August of 2011. For the past 2½ years, since December 3, 2009, Alan Gross has been imprisoned in Cuba—over 2½ years.

Throughout my legislative career, I have worked hard to improve the relationship between Cuba and the United States, particularly among the people of Cuba and the people of the United States. I have worked on ways to ease certain restrictions so we can improve

the climate between our two countries. But what the Cuban Government is doing today in continuing to imprison Alan Gross is absolutely outrageous. It violates international human rights standards and it is against any sense of humanity.

I am going to continue to speak out about it and urge the Cuban authorities to do what is right. This has gained international attention and there have been efforts made by other dignitaries from other countries to try to get Alan Gross's case heard in a proper manner. I particularly want to acknowledge Senator DURBIN's extraordinary leadership on this issue. Senator DURBIN took the time, when he was in Cuba, to meet with Alan Gross. I have been with Senator DURBIN when we have met with Alan Gross's family. I have been with Senator DURBIN when we have tried to engage other international diplomats to implore the Cuban authorities on a humanitarian basis to release Alan Gross.

There was no reason for his arrest. There was no reason for his conviction. There is no reason for his being in prison today. But one doesn't have to get too much involved in that issue to suggest that the Cuban authorities should release Alan Gross on a humanitarian basis. I say that because his health is in question. Alan's health has steadily deteriorated during his imprisonment. He has lost over 100 pounds, suffers from a multitude of medical conditions, including gout, ulcers, and arthritis, that have worsened without adequate treatment.

Of equal concern as his own health are the conditions of his beloved mother and daughter, both of whom are suffering from cancer. The Gross family should not have to suffer through another day of this desperate situation without Alan at home for support.

So for all those reasons, we speak out today to once again urge the Cuban authorities to do the right thing as far as human rights and their legal system and release Alan Gross. They should do the right thing from a humanitarian point of view and let Alan Gross come home to his beloved family so he can be supportive of them during this difficult time in their lives. We urge them to do the right thing so we can have a better relationship between the people of Cuba and the people of the United States. They should release Alan Gross because it is the right thing to do.

We are going to continue to speak out about this. I know many of us have looked for different ways in which to help the Gross family and we will continue to do that. But the simple, right thing for the Cuban authorities is to release Alan Gross today, and we urge them to do that.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator from West Virginia.

Mr. MANCHIN. Mr. President, I ask unanimous consent to speak as in morning business for up to 12 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### FINANCIAL STRENGTH

Mr. MANCHIN. Mr. President, I rise today to announce a rare opportunity for the people of my State, who care so much about the future of our country.

When I travel all around my beautiful State of West Virginia, one of the biggest concerns I hear from the people is simply that our Nation's finances are in such bad shape we could be the first generation that leaves this country and leaves our next generation in worse shape than we received it.

I am determined to make sure that doesn't happen, and I am sure the Presiding Officer is as well. I am determined to bring people together to fix our finances and put this country back on the right path. I am also determined that all our children and grandchildren will be able to live a more fulfilling and prosperous life than we do.

But we are running out of easy options to put our country's financial house in order. And every day we delay a big fix, the price will be higher, the changes will be more painful, and the choices will be more stark. With our country's finances so far out of control, all of the priorities we all care about—whether it is creating jobs, maintaining the best military in the world, keeping the core of vital programs such as Social Security, or educating the next generation—are in jeopardy.

If we care about rebuilding America—investing in our highways and our roads, our airports, our water and sewer systems—we cannot do it if we don't pay for it. If we care about creating jobs and giving our businesses certainty, we can't do that either if we can't pay for it. And if we care about educating the next generation and preparing this generation with the skill sets they need for the jobs of today and tomorrow, we can't do it if we can't pay for it.

If we care about having an energy policy that uses all of our domestic resources in the cleanest possible manner; if we care about developing technology for clean coal; if we care about finally ending our dependence on foreign oil from hostile countries, we can't do it if we can't pay for it.

If we care about having the best military in the world, one that can defend the liberty of this great Nation at home and, where needed, abroad, we simply can't do it if we can't pay for it.

If we care about helping the vulnerable, the sick, the weak, and keeping our vital core promises—such as Social Security, Medicare, Medicaid, and Head Start—we simply can't do it if we can't pay for it.

Any nation that wants to be a strong nation, that wants to invest in its priorities and wants to leave the country

in better shape for the next generation cannot be shackled by crippling debt. If the Federal Government can't get its financial houses in order, the hard truth is all these priorities I spoke about will be slashed—sooner than any of us would like to admit.

Whether we consider ourselves a Democrat, a Republican, an Independent, or we have no affiliation at all; whether we consider ourselves a liberal, a conservative, or a centrist—wherever we fall in the spectrum—none of the priorities we care about on all those sides can happen unless we can pay for it. The old saying is as true today as it ever has been: You can't help others if you're not strong enough to help yourself.

It is time to make America strong again.

Let me give some troubling figures that illustrate how bad it has gotten: The debt hole we have dug for ourselves now equals the entire amount of goods this country produces; in other words, our gross domestic product. That hasn't happened since 1947.

Think of the next group of lawmakers who will be sitting where we sit in 2033, which is just around the corner. They are going to have to look Americans in the eye and tell them the Social Security check they are receiving will only be 75 percent of what is owed to them. They will have to say it is because the group who came before us didn't do their job.

Think of 10 years from now, truly around the corner, when every man, woman, and child in this country will owe more than \$79,000 to pay off our national debt. Today it is about \$50,700, which is way too high, but it is only going to get worse if we don't do our job and fix it.

There are 3 million jobs going unfulfilled in this country because they say the workforce doesn't have the right skills in order to perform those jobs, and our unemployment rate has been the highest for the longest period of time. That is not acceptable.

Who exactly is supposed to pay for all this debt? If we do the math, the picture isn't pretty. We are not balancing our budget, we are not training people for the jobs of the future, and we are leaving our children and grandchildren a massive debt that, as of today, equals the entire economic production of this great Nation.

To me, however we do the math—even if we use funny Washington accounting tricks—this situation adds up to a train wreck at best. I am determined to prevent this oncoming train wreck, and I will do all I can, working with my colleagues on both sides of the aisle. I have said people back home didn't send me to Washington to put the next generation into more debt. They sent me to, hopefully, help get them out of debt.

Putting this country back on the right path will hurt, but we have to be

willing to come together across party lines. We have to determine our highest priorities and make tough choices. That is what the people of West Virginia sent me to do, not to cater to any one special interest group.

There are plenty of politicians who will talk about fixing the problem, who will pay lip service to coming up with a plan, who will talk a good game—what we call talk the talk—but can't walk the walk. But in the end, the problem will continue to fester if we don't do something.

I am not one of those politicians who can turn a blind eye to our debt and walk away from it. The people of West Virginia expect more. They expect me to make hard choices and work with both Democrats and Republicans to do the right thing for our State. No matter how hard it will be to fix our problems—and it is clear everyone will need to have a little skin in the game and share these sacrifices—I am determined to do it.

But no Senator—no matter how committed they may be—can do it alone. That is why I am so pleased to announce that two of the Nation's greatest financial leaders will be coming to West Virginia to hold an open forum with the people of our State about the future of our finances, and we call that "Our Finances and Our Future." Former Senator Alan Simpson, a Republican from Wyoming, and Mr. Erskine Bowles, a Democrat who is the former White House Chief of Staff under President Bill Clinton, are two of the toughest and smartest people in this country when it comes to our finances.

Since I have been here, the most bipartisan effort to fix our finances has been led by Erskine Bowles and Alan Simpson. They were asked to head the President's National Commission on Fiscal Responsibility and Reform. It was bipartisan when it began, it has stayed bipartisan all this time, and it has grown with the number of Senators from both sides of the aisle who understand we need a big fix that comes from both sides of the aisle in a bipartisan way.

Bowles and Simpson paint a grim picture about the problems we are facing. In December of 2010, they laid out a serious blueprint for a solution—one that isn't perfect but that has earned more support from members of both parties than anything else that has been proposed in Washington.

Since then, too many of our leaders have put their heads in the sand about this proposal and the choices we face. But West Virginia is different from most of the States. We welcome the hard truth because we know we have to face the truth. Believe me, we can handle the truth in West Virginia.

On September 10, West Virginians will have an opportunity to hear some truth telling. I am so proud that Alan

Simpson and Erskine Bowles will hold a forum, "Our Finances and Our Future: A Bipartisan Conversation about the Facts," at our magnificent cultural center. They will present the facts—and there is no doubt the facts are dire—and lay out the magnitude of the problem we face, and then we will talk about solutions. It is a rare opportunity to have a frank bipartisan conversation about the grave conditions of our Nation's finances.

I am inviting all West Virginians—be it business, labor, senior groups, the young people who are expected to pay off our debt, and anyone else with an interest in our future—to come and participate in this session. We will talk about what this framework will do, which is to find the balance between revenue and spending, fundamentally changing our Tax Code and cutting spending. In short, it will make our system more fair.

Let's look first at the Tax Code. There are some Americans who, because of their connections and ability to hire lobbyists, have manipulated our Tax Code so they get special tax breaks. That is not right. Too many corporations that depend on the strength of this great Nation—as has been noted, such as G.E.—are paying nothing or virtually nothing in taxes. That is wrong. It is not right.

We need to make our tax system more fair and straightforward. The bipartisan Bowles-Simpson plan would end many of those loopholes and lower tax rates for everyone. When it comes to our spending, right now in this country we spend so much more than we can afford. I know so many Americans who tell me they would be more than happy to pay more—if we were using it in the right direction—to pay down our debt and to invest in infrastructure.

But we are not spending well. I have always said public servants can do one or two things with public tax money: We can either spend it or invest it. Frankly, we have been doing too much spending and not enough investing.

Our annual deficit—the amount we spend versus the amount we take in—is about \$1.2 trillion this year alone. Looking into the future, if nothing changes, we will have deficits every year for the next decade. No one can tell me we can sustain that pace and still afford Social Security, Medicare, Medicaid, defending this Nation, and educating our children. The math doesn't add up. The bipartisan Bowles-Simpson framework addresses this by cutting more than \$2 trillion for our spending over the next decade.

After we address our spending and our Tax Code, guess what happens. Our interest payments—the amount we are spending every year just for the privilege of borrowing money from countries such as China to finance our day-to-day operations—will go down nearly \$700 billion over the next 10 years.

That is the bipartisan Bowles-Simpson framework. Yes, it will have some painful cuts, and, yes, everyone will have to share in the sacrifice. But because the pain is spread out, no one takes too deep a hit. That is why I believe this proposed blueprint is the only plan that has garnered any real show of bipartisan interest from the beginning of its inception to today.

When I became Governor of the great State of West Virginia, our State finances were in a tough place. We had to make very hard choices about our priorities, and not everyone was happy with those decisions. Seven or eight years ago, people believed West Virginia was hopeless; that we would always be challenged; that our finances would always be on the brink; that we wouldn't be able to invest in our priorities; that our economy would always be stagnant; that our credit ratings would always be miserably low; that we wouldn't be able to turn any of that around.

But I will tell you what. At the end of my term, we had lowered tax rates, reduced our food tax, ended our fiscal years with a budget surplus each and every year, and increased our credit rating three times in 3 years during the greatest recession because we put our priorities based on our values of what was important to West Virginia. Together, we weathered the recession better than 45 States. We are finally getting the last piece of our puzzle in place with a fix to the retirement system.

I can tell you this: I am not talking about fixing our Nation's finances from some ivory tower, from some rigid ideological position. I am talking about this country's finances because I know how much it costs all of us to live in debt. I know the burden of high interest payments and the way it robs us of the opportunity to pay for more important priorities. I know how much stronger this country will be when we manage our debt. I know because we came together in West Virginia and improved the quality of life in our State, and I know we can do it together in this country.

The truth is, Democrats don't have a lock on good ideas and neither do Republicans. But with less than 100 days to go before the election, we are not going to hear many Democrats giving Republicans any credit and we won't hear many Republicans acknowledging that Democrats have anything to bring to the table.

That is a true shame. We will not fix our problems with a go-it-alone attitude because the only way America has ever solved our problems is to put partisanship aside and come together for the good of this great Nation.

Put America first. The West Virginia fiscal summit is just one honest way we can take an important step toward, coming together to solve our problems

and one more way for the people of West Virginia to show this great Nation that we can—and will—do the heavy lifting it will take to put this country back on the right track.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

#### RENEWABLE FUELS STANDARD

Mr. GRASSLEY. Mr. President, the president and CEO of Smithfield Foods, Larry Pope, took to the opinion pages of the Wall Street Journal again to blame all that ails him on the renewable fuels standard for ethanol.

Some may recall he did the same thing back in April 2010 when commodity prices were rising. At that time, he perpetuated a smear campaign and blamed ethanol in an attempt to deflect blame for rising food prices while boosting Smithfield's profits. With this newspaper article, he is back at it again.

I start by referring to Mr. Pope as Henny Penny from the children's folktale "Chicken Little." Every time Smithfield has to pay a little more to America's corn farmers to feed his hogs, Mr. Pope starts with the same argument that the sky is falling, and it is all ethanol's fault.

Mr. Pope's opinion piece in the Wall Street Journal might lead some to believe he is very knowledgeable about the ethanol industry. But there are many areas of ethanol he doesn't know much about.

He continues to perpetuate the myth that ethanol production consumes 40 percent of the U.S. corn crop. Mr. Pope states: "Ethanol now consumes more corn than animal agriculture does."

Everyone with a basic understanding of a livestock farm—even a kernel of corn—or of an ethanol plant knows that is not a true statement. According to the U.S. Department of Agriculture, 37 percent of the corn crop is used in producing ethanol. But—and a very important but—the value of corn does not simply vanish when ethanol is produced.

One-third of the corn—that is, 18 pounds out of every 56-pound bushel—reenters the market as a high-value animal feed called dried distillers grain. I would imagine millions of hogs raised by our farms every year are fed a diet containing this ethanol co-product. For sure it is a very big feed product for cattle. Of course, Mr. Pope appears to be unaware of its existence.

When the distillers grains are factored in; that is, 18 pounds out of the 56 pounds that is left over after you make ethanol, 43 percent of the corn supply is available for animal feed. Only 28 percent is used for ethanol—unlike the 40 percent Mr. Pope says. This is the inconvenient truth of ethanol detractors. They prefer to live in a bubble where they believe ethanol is diverting corn from livestock use. That is just not the case.

Mr. Pope also proclaims that "ironically, if the ethanol mandate did not exist, even this year's drought-depleted corn crop would have been more than enough to meet the requirements for livestock feed and food production at decent prices."

I would like to ask Mr. Pope why he thinks that is the case. Why did farmers plant 96 million acres of corn this year when normally they would plant between 86 and 88 million acres of corn? Why have seed producers spent millions to develop better yielding and drought-resistant traits so we can produce more corn on less acres? The answer is simple: Because this gigantic industry of ethanol is there to consume more corn and more production on each acre.

If not for ethanol, it is very clear farmers wouldn't have planted 96 million acres of corn this year because those are more acres of corn than farmers have planted in this country since 1938. Without ethanol, I doubt we would have seen investment in higher yielding and more drought-tolerant corn plants by our seed corn companies.

I happen to think Mr. Pope is an intelligent man, but he is woefully uninformed on the issue of what the ethanol industry and the demand for corn has done for the size and genetic improvement of the corn crop. It is easy to understand Smithfield's motives. They benefit from an abundant supply of corn, just not the competing demand for it.

What is Smithfield's primary problem? Again, the answer is simple: cost and profit. They still want to pay \$2 for a bushel for corn. This is an important point that I hope people understand. For nearly 30 years, until about 2005, companies such as Smithfield had the luxury of buying corn below the cost of production. Corn prices remained for about 30 years between \$1.50 a bushel and \$3 a bushel. Farmers routinely lost money. The Federal Government then provided economic support for the farmers. Producers such as Smithfield had the best of both worlds. They were able to buy corn below the cost of production, and they were able to let the Federal Government subsidize their business by guaranteeing a cheap supply of corn.

In the view of corporate livestock producers, subsidies are fine—if they allow them to buy corn below the cost of production. Anybody could look like a genius with that sort of a business model.

Mr. Pope also continues to overstate the impact of corn prices on the consumer. Agriculture Secretary Vilsack recently stated that farmers receive about 14 cents of every dollar spent on food at the grocery store. Farmers get 14 percent and everybody else gets 86 percent, yet the farmers of America are the problem? It happens that that 14 cents works out to be about 3 cents of that 14 cents is because of corn.

A research economist at the U.S. Department of Agriculture recently stated that a 50-percent increase in the price of corn will raise the total grocery shopping bill by about 1 percent. To put it in perspective, the value of corn in a \$4 box of corn flakes is about 10 cents.

Mr. Pope also exaggerated the impact of ethanol on food prices in 2010, and he is doing it again. He is using the devastating drought that we now have—over 62 percent of the country and worse in the Midwest, of Iowa where I live—to once again undermine our Nation's food, feed, and fuel producers, and he is doing it—why? To make more money.

Repealing the renewable fuel standard will not bolster Smithfield's profits. Because of the flexibility built into the renewable fuels mandate, a waiver will not significantly reduce corn prices. A recent study by Professor Bruce Babcock, Iowa State University, found that a complete waiver of the renewable fuel standard—that is what the mandate is called—might reduce the corn prices by only 4.6 percent. That report goes on to state:

The desire by livestock groups to see the additional flexibility in ethanol mandates may not result in as large a drop in feed costs as hoped.

They continue:

... the flexibility built into the Renewable Fuels Standard allowing obligated parties to carry over blending credits from previous years, significantly lowers the economic impact of a short crop, because it introduces flexibility into that mandate.

The drought is enormous in both scale and severity. But we will not know the true impact until September when harvest begins. The latest estimates from the U.S. Department of Agriculture indicate an average yield of 146 bushels per acre. That would result in a harvest of 13 billion bushels. This would still be one of the largest corn harvests.

I suggest those claiming that the sky is falling withhold their call for waiving or repealing the renewable fuel standard. It is a premature action that will not produce desired results and it would increase our dependence upon foreign oil and it would drive up prices at the pump for consumers.

On another point with regard to taxes and the proposals around the Hill to increase taxes, I want to say that over the past few years my colleagues on the other side have come to the floor repeatedly to present a revisionist story regarding the fiscal history of the last two decades. On several occasions I have come to the floor to refute this history. Yet, again and again, the other side continues to present the same distorted facts, including lots of speeches last week.

The general misguided argument is that all of the economic and fiscal success of the 1990s is thanks to big tax increases by the Clinton administration



and the 2001 and 2003 bipartisan tax relief is responsible for all of our economic ills and fiscal problems.

Neither of these claims is supported by facts or a basic understanding of economics. I will begin with the Clinton tax increase to which people are giving so much credit. Many on the other side of the aisle argue that the Clinton tax increases are proof that tax increases will not harm our economy today—when they have even heard their own President say otherwise several times, until recently, that you should not increase taxes when you have a depression. These people frequently ask, “If our economy grew in the 1990s with higher marginal tax rates, how can it be bad to raise marginal taxes to these former levels?” Engrained in this argument is the assertion that tax hikes can actually be good for our economy.

This assertion fails to take into account numerous economic factors that occurred alongside the Clinton tax increases. The fact is that the economy grew not because of the 1993 tax increases but despite them.

The economy of the mid-1990s is a result of economic conditions that we may never see again. It was a time of great economic expansion due in large part to the advent of the Internet economy. The Internet spawned new technologies and created efficiencies in our economy that have never been matched. In turn, these new technologies and efficiencies spurred start-up businesses and new industries. Many seem to forget the huge Y2K fear that gripped the Nation, causing billions and billions in spending that helped prop up what became the infamous Internet bubble that blew up on all of us. Nevertheless, before the bubble burst these factors led to historically low unemployment and high workforce participation. Claiming that this was due to Clinton tax increases is equal to Vice President Gore claiming that he invented the Internet.

My colleagues on the other side of the aisle would be hard-pressed to find many economic studies indicating tax increases are stimulative. The focus of economic research in this area is not about whether tax increases are harmful or beneficial to the economy. Rather, the focus seems to be on the degree to which tax increases are very harmful to the economy. Admittedly, there are wide variations in views of economists on the responsiveness of individuals and businesses to taxes. However, even studies by economists who can hardly be labeled as conservative have concluded that tax increases have a significant negative effect on the economy.

For instance, a 2007 study by Christina Romer, President Obama's former chief economist, found “tax increases are highly contractionary,” and “have very large effects on output.”

In fact, this study found that a tax increase of 1 percent of gross domestic

product could lower real GDP by at least 3 percent.

Another likely contributor to the growth of the 1990s was a peace dividend we reaped from the end of the Cold War. We have Ronald Reagan's staredown of the Soviet Union to thank for that phenomenon. The end of the Cold War allowed for a reduction of government spending as a percent of GDP. Coupled with priorities pushed by the Republican-led Congress to reach a balanced budget and to reform welfare, spending as a percentage of GDP dropped to its lowest point in 30 years. With the Government spending less of the people's money, more was left in the hands of the private sector. This allowed the private sector to innovate, to invest, and eventually create jobs. The peace dividend is also the largest contributor to reining in deficits in the 1990s.

The biggest source of deficit reduction, 35 percent, came from the reduction of defense spending. The next biggest source of deficit reduction, 32 percent, came from other revenue because of a growing economy. Another 15 percent came from interest savings.

Let's get to the Clinton tax increase in reducing deficits. The Clinton tax increase, on the other hand, only accounted for 13 percent of the deficit reduction—only 13 percent.

There are further factors that contributed to the economic growth of the 1990s, including the expansion of free trade in the 1997 reduction in the capital gains tax rate. However, in the interest of time I am going to go on to other issues. One thing is clear, though, from this period of the 1990s. The economic growth of that time was not thanks to the Clinton tax increase nor was it a major player in bringing our deficit into balance.

Today we cannot rely on the unique economic conditions we experienced during that decade of the 1990s, some of which were artificial, to buttress the negative effects of the tax increase. In fact, we are in the middle of one of the worst economic eras since the Great Depression. Unemployment has remained above 8 percent now for over 41 straight months, almost 3½ years, in other words. Economic growth has been anemic.

Each passing day economic indicators are pointing more and more to the chance of a double-dip worldwide recession. Last Wednesday it was reported that Great Britain's economy contracted at the rate of .7 percent. Then on Friday it was reported that our own economy is stalling. Real GDP grew at an annual rate of just 1.5 percent, continuing its downward trend for three straight quarters. In a recent blog post, Nobel Laureate economist Gary Becker addressed the question of whether raising taxes on high-income earners is a very good idea. In his post, Professor Becker entertained arguments—these

were arguments by the supporters of the tax increases—by hypothesizing that there is a 50-50 chance that higher taxes on the so-called rich would damage the economy.

Of course I believe, as does Professor Becker, that in reality this chance is much higher than 50-50. However, even granting the other side this generous assumption he concluded the benefit of raising taxes was outweighed by the potential damage they would cause. According to Professor Becker, even if richer individuals only slightly reduce their work hours and reduce their effort at work, the gain in tax revenue from these individuals would not be great. In contrast, “the costs to the economy in the chance that higher taxes greatly discourage their efforts is likely to be substantial in terms of fewer hours worked and less work effort by high-income individuals, reduced incentives to start businesses, less investment in their human capital, investing abroad rather than in [this country] . . . and even migration abroad.”

Yet my colleagues on the other side of the aisle are pushing billions of dollars in tax increases. Last week they voted to increase taxes on nearly 1 million flowthrough businesses. Their vote to increase taxes on job creators came on the heels of an Ernst and Young study detailing its ramifications. This study concluded that these proposed tax hikes—on top of the 3.8-percent tax increase on dividends, interest, and capital gains that was added to pay for the health care reform bill—would reduce our economic output by 1.3 percent. The Ernst and Young study also found that real aftertax wages would fall by 1.8 percent as a result of President Obama's policies.

Even in the face of this information, my colleagues on the other side seem all too willing to gamble with the chance that our stalling economy can withstand such a hit. By doing this, they are playing Russian roulette with our economy.

To my colleagues I ask: How certain are you that tax increases on job creators will not be damaging the economy? If you have any doubt, I suggest don't pull the trigger.

I wish to shift gears a little bit to address the record of the 2001 and 2003 tax relief. Just as a perfect storm of good economic conditions blew at the back of the Clinton administration, a perfect storm of bad economic conditions and unpredictable events blew in the face of the Bush administration.

It is undisputed that at the end of the Clinton administration, the Congressional Budget Office was projecting a 10-year budget surplus of \$5.6 billion. Keep in mind, though, that CBO's projection was based on assumptions that did not pan out.

The CBO failed to predict the bursting of the tech bubble that was so beneficial in the previous years. CBO also



did not predict the September 11, 2001 tragedy that wreaked havoc on our economy.

In reaction to the economic recession from these events, Congress enacted the bipartisan 2001 tax relief that cut tax rates across the board, providing tax relief to virtually all taxpayers. Then in 2003, Congress expedited this relief so the benefit of lower rates would take effect more quickly. This resulted in one of the shortest and shallowest economic recessions yet on record. The economy grew for 25 straight quarters, making it the fourth longest period of economic expansion since 1930. Additionally, we had 47 straight months of private sector job gain.

Moreover, the expanding economy led to higher than expected revenues. That is a fact. Revenue actually rose in the years following the tax relief bill, peaking at 18.5 percent of GDP in 2007, well above the historical average of around 18 percent.

In fact, the Congressional Budget Office projects that if we extended all the 2001 and 2003 tax relief today, revenues would once again exceed the historical average. Under this scenario, the CBO projects that by 2022 revenues will reach 18.5 percent of GDP.

From 2004 to 2007, the deficit also shrank from a high of \$412 billion to a low of \$160 billion. That means the budget deficit was cut by more than half in 3 years. Given the trillion dollar deficits we are experiencing under President Obama, a deficit below \$200 billion would be very welcome news. Yet CBO projects that even if all the tax increases in President Obama's budget were enacted, deficits would never drop below \$500 billion in the 10-year period from 2013 to 2022.

I will give President Obama credit when he says he took office in very tough economic times. The bursting of the housing bubble and the resulting financial crisis gave him a very high hill to climb, but any assertion the 2001 and 2003 tax relief is related to these events is without merit. There is plenty of blame to go around for the housing bubble. It was the culmination of housing policies spanning administrations of both parties. It was further fueled by the Federal Reserve providing historically low interest rates and cheap credit.

However, the President's policies have failed at getting us out of this mess. The President's party passed the President's nearly \$1 trillion stimulus bill. He claimed this would keep the unemployment rate below 8 percent. However, the unemployment climbed to a high of 10.1 percent and has never dropped below 8 percent during his almost 4 years in office.

The President's party also passed the health care bill, which the President sold as a job creator, and the financial reform bill that was supposed to fix our

financial system. However, both of these bills, which the President signed, have actually turned out to be costly to our economy and a hindrance to job creation.

Now President Obama appears ready to gamble with the economy. He appears to go all in on raising taxes on our Nation's job creators. In doing so, he is betting that raising taxes on the so-called wealthy will result in a political payoff exceeding the chance his actions will throw us back into recession. It is not so long ago that I remember the President saying what I have already referred to in this speech: "You don't raise taxes in a recession." The President's statement is as true now it was then.

Let's end the political theater of holding votes for the purpose of campaign ads. Let's instead actually do what the people sent us here to do. Let us not drive the American economy head long off the fiscal cliff.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I ask unanimous consent to speak for up to 15 minutes on two subjects.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, first of all, I rise today to address the important legislation pending before this body, S. 3414, the Cybersecurity Act of 2012. I followed this debate, and I want to particularly compliment Senator LIEBERMAN, Senator COLLINS, Senator ROCKEFELLER, Senator FEINSTEIN, and folks such as Senator KYL and Senator WHITEHOUSE who have been trying to find some common ground in this area. I hope at some point in the next day or so we will be able to proceed to this bill and have it fully debated.

Many Senators bring different levels of expertise to this issue. As someone who spent 20 years in the technology field and in telecom in particular before entering government service, and has had the honor to serve for the last 3½ years on the Intelligence Committee, the Commerce Committee, and the Banking Committee, three of the committees that all immediately intersect with the challenges around cyber, I can add a bit of my perspective to this debate.

Let me start with concerns that have been raised by some of the opponents to this legislation. In the area around cyber, we need to make sure we have appropriate information sharing. How do we set some standards? Who should enforce those standards? I think most all of us, and anyone who has looked into this area, would recognize it is not a question of when we are going to have a major cyber attack or if we are going to have a cyber attack, it is only a question of when. We have already—as has been reported in the press in a number of fashions—been attacked on

a daily basis by foreign agents, criminal elements, hackers who are constantly probing our country's cyber defenses on the public and private side. One of the reasons I think it is so important to move on this legislation soon is I have great fears that when we have a major cyber element or cyber attack, Congress may, as they have done so many times in the past, overreact because we didn't take action on something we knew was imminent.

I do think this piece of legislation—and, candidly, I could have supported an even stronger piece of legislation—is a great first step in this area. I am going to come back in a moment to some amendments I hope to offer to this legislation to deal with some of the concerns other Members and folks have raised on this issue.

Let's talk about why we need cyber legislation and why we need it now. Inaction is not a solution. Every national security expert—not just from the current administration but previous administrations, and most Members of Congress—agrees that the status quo is not sustainable. Over a 5-month period between October of 2011 and February of 2012, there were 50,000 cyber attacks on private and government networks. We are told between 2009 and 2011 attacks on U.S. infrastructure increased by a factor of 17.

As more and more nations and rogue actors get more sophisticated with computer and technological knowledge, these numbers are going to grow exponentially. As the FBI has said, cyber espionage, computer crime, attacks on critical infrastructure will surpass terrorism as the No. 1 threat facing the United States. Think how many things we have done appropriately in the previous administration and this administration in terms of homeland security to protect our Nation against the threat of terrorists. We now have the Director of the FBI saying the cyber threat will soon surpass terrorism in terms of a threat to our Nation.

I know as a former businessman that we are already seeing manifestations of this threat in other areas. Intellectual property theft is one of the most insidious threats we face right now. A former FBI agent who specialized in counterintelligence and computer intrusion has said that in most cases companies don't realize they have been burned until years later when a foreign competitor puts out the very same product, only making it 30 percent cheaper. We have lost our manufacturing base in many ways. By not putting appropriate cyber protections in place, are we really prepared to lose our R&D base as well?

Some say cyber is different. Cyber is different in certain ways, but in many ways it is similar. Just as we would never have a nuclear facility without guards and a wall and a fence or—I see

my good friend, the Senator from Louisiana—we would never have power facilities or levees without appropriate protections, how is it we would not have some level of standards and information sharing of threats that are coming in amongst not only our public sector entities but our private sector entities as well?

As a matter of fact, as a former businessman, I have been surprised at some of the resistance from some business organizations that are saying this requirement of both information sharing and some minimum standards would actually be a burden on us. In many ways I actually think somewhat the opposite because there are a number of businesses right now that have taken the responsible step and put in place significant cyber protections while competitors in their industry, because they are not putting those same protections in place, are actually free riders on the system. Yet, not if but when we have a major cyber event, if one of those companies that has not put appropriate protections in place ends up causing dramatic harm to our economy or to that industry sector, all the industries and all the businesses in that sector will in one way or another end up paying the price. Again, this is one of the reasons why we need both this information sharing and some level of standards.

I know to try to move forward in terms of actual or mandatory standards, we are not going to have them at this point. We have set up a measure—and again, I commend Senator KYL and Senator WHITEHOUSE for working through what I think is a pretty darn good compromise where there would be an industry group that would develop, in effect, best practices. It is hard with the government and bureaucracy moving so slowly to keep up with something like technology that would allow an industry group to come up with, in effect, best practices. Those companies that adhere to those best practices would actually receive legal and other protections so we could encourage folks to make sure we have in place the kind of protections that all industries and our country need.

To make clear that we don't have mandatory standards, we have put in place—I have been working with Senator SNOWE on a couple of amendments. I believe there are other Members who will join us on at least one of these amendments. The first amendment is very important and hopefully will go some distance in terms of clarifying one of the issues that seems to be a major subject of debate in this legislation, and that is to modify—again working with the chairs of the committee, we may even move beyond this modification to elimination—a key section of the bill, section 103. It will make clear that the standards set by this bill, the protection of infrastruc-

ture, are indeed voluntary. This amendment makes it clear that this bill does not in any way alter the authority of any Federal agency to regulate the security of critical infrastructure. Again, there were some concerns that there might have been a mistake in the earlier draft. This amendment makes clear that the standards that are developed by industry working groups will be voluntary and that nothing in this legislation will allow any Federal agency to regulate the security of critical infrastructure.

I believe this amendment should alleviate the concerns of some that the bill might put in place mandatory standards for infrastructure protection—again, despite the very clear language that already exists in the bill that standards are voluntary. It is my understanding this amendment will be considered as part of a broader set of solutions negotiated by Senator LIEBERMAN, and whether our amendment comes forward or whether it is broadened into a managers' package, I hope it will clarify this portion of the debate about mandatory versus voluntary.

Voluntary is a good first step. The fact that this will be developed by industry working groups, the fact that this will not be subject to the lagging time of government bureaucracy or rulemaking, hopefully, will move us in the right direction.

A second amendment, again, one I have been working on with Senator SNOWE, is a bit more technical, and particularly as to my colleagues on the Commerce Committee, I hope we will be able to gain some support from them. This amendment seeks to ensure that the authority provided to DHS to sole-source highly specialized products will result in the procurement of interoperable, standards-based products and services whenever possible.

What does that mean in English? It means when government goes out, and particularly during sole-sourcing of a solution set, too often—and I have seen this in my old industry of telecom years in and years out—people will develop a particular product or solution that works for that company's only set of standards, and when the government subsequently or other private sector entities go on and buy or replace or expand whatever particular system it is, if it is not interoperable with the rest of the telecommunications system or the rest of the network, then we are really not getting value for our dollar.

Again, this is a small issue in the context of cyber security, but both Senator SNOWE and I believe it is important for the purpose of competition, and it should lower the overall cost of key technologies and services for the taxpayer.

So as I close on my first comments, I hope we will be able to move forward before the break on the question of cyber security. I think great progress

has been made in the negotiations. I know there are a lot of issues that remain to be resolved, but I would reinforce what so many other colleagues have already said. It is not a question of if we are hit by a cyber attack, it is only a question of when in terms of a major incident. Let's get ahead of the game.

TRIBUTE TO FEDERAL EMPLOYEES

DIANE BRAUNSTEIN

Let me take two more moments and rise on one other issue. As many of my colleagues and the floor staff know, I come down on a fairly regular basis to honor great Federal employees. With all of the challenges we face with the fiscal cliff—I see my good friend and partner here, the Senator from Oklahoma, and both he and I are always trying to look for ways we can get better value for the taxpayer. One of the things we need to do is find ways to reward and recognize the good work of so many Federal employees who share that goal of getting better value for the taxpayer. I know the Senator from Oklahoma has particularly worked with the GAO on a number of occasions to find and root out duplication and other issues of where we can save dollars.

I come down on a regular basis to recognize Federal employees—because so many times they are under assault—when they do good things. Today I do that one more time, with recognition of another great Federal employee, in this case Diane Braunstein, who is the Associate Commissioner for the Office of International Programs for the Social Security Administration. She has overseen the creation of the Compassionate Allowance Program, which has allowed thousands of seriously ill Americans to gain quick approval for much needed Social Security benefits in a matter of days or weeks rather than months or years; although in this area of Social Security disability we need to make sure only the appropriate beneficiaries are receiving those funds.

For years, the Social Security Disability Insurance Program has faced backlogs and delays in processing claims. In 2011 there were on average 700,000 pending cases. We need to do a better job of evaluating and weeding out some of those cases. Couple this with what used to be a lack of caseworker knowledge on rare illnesses, and the result was a number of applications with rare illnesses being incorrectly denied Federal benefits. They then had to face an appeals process which took years to complete.

Beginning in 2008, Ms. Braunstein partnered with patient advocacy groups and NIH to come up with a list of 25 cancers and 25 rare diseases that would automatically qualify an applicant to receive benefits. To further improve the speed and efficiency and cost effectiveness of this process, an easy-

to-use reference guide and training program was put together to aid case-workers.

According to Social Security Commissioner Michael Astrue, when Ms. Braunstein began work on the compassionate allowances, some Americans were waiting 2 to 4 years for a decision. Now those with the most devastating disabilities get approved for benefits in a matter of days. In 2010, the program was able to assist an estimated 45,000 people, and 65,000 people in 2011.

I hope my colleagues will join me in honoring Ms. Braunstein for her innovation and excellent work she has done as well as her commitment to public service.

Again, we have some hard choices to make beyond the question of cyber security, but as we approach this fiscal cliff there will be more asked of all Americans and there will be more asked of our Federal employees. We will have to continue to find ways to ratchet out those programs that are duplicative, those areas where we are not getting value for our dollar.

Again, I know this is an issue of concern to the Senator from Louisiana and the Senator from Oklahoma. But when we find initiatives that work, and we find Federal employees who are helping us provide value, particularly for those in need at a good price, they deserve this recognition.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, first, before I begin the topic I wish to speak about, I thank Mr. WARNER, the Senator from Virginia, for his leadership. He has many Federal employees, many defense contractors in Virginia. He, as a Senator from Virginia, recognizes the great threat to our Nation today in cyber security. The Senator knows very well that there are literally thousands of attacks taking place as we speak. That is why as we get ready to go back to our States for the August recess and visit with constituents, we are pressing very hard for a positive vote to move forward on the debate to fashion a cyber security bill for our Nation. So I thank the Senator for his leadership and, of course, the tremendous Federal employees who do get beat up all the time but, in fact, do remarkable work for our Nation and for the world.

So I thank the Senator from Virginia.

(The remarks of Senator LANDRIEU pertaining to the introduction of S. 3472 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Ms. LANDRIEU. I thank Senator COBURN for letting me speak in advance of his time on the floor.

I yield the floor.

The PRESIDING OFFICER (Mr. CARDIN). The Senator from Oklahoma.

Mr. COBURN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator is recognized.

ARMY WEAPONRY

Mr. COBURN. Mr. President, it is pretty unusual for me to come to the floor to say I want to spend money. But I have had a longstanding problem as I sign the letters of condolences to hundreds of families in Oklahoma who have lost their loved one by serving this country.

I come to the floor to offer a critique on one of the most important things to the people who truly put their lives on the line for this country. It is a national security issue, but it is truly about our men and women in uniform and the most important deployed weapon system over the last 10 years of war; that is, the Army service rifle and their other small arms.

There is nothing more important to a soldier than his rifle or her rifle. There is simply no excuse for not providing our soldiers with the best weapon, not just a weapon that is "good enough."

As I go through this, I am going to give a history of what the military has done—or, rather, basically what they have not done—in terms of having available for our soldiers a weapon that is capable of giving them the best possible chance when they serve our country.

Over the last few years, we have spent \$8,000 per soldier on new radios, but we still are using a weapon that is 25 years old when it comes to their M4.

I first got involved in this when I got e-mails. I gave many in the Oklahoma National Guard—who served multiple tours, with lots of life lost in Iraq and Afghanistan—I gave those soldiers my personal e-mail, and I said: If you are having a problem over there, e-mail me.

I started hearing about the malfunction, the lack of effectiveness of the M4 for the Oklahomans who were over there. It is the same weapon the career Army has. It is the same weapon everybody who is issued a standard rifle is given, except for our special forces and others in the world who have a better rifle than the U.S. soldier on the ground fighting on our behalf.

I have noted before in the CONGRESSIONAL RECORD that I have lifted my objection to the nomination of Ms. Heidi Shyu to be the Assistant Secretary of the Army for Acquisitions. It is an important position. She is in charge of \$28 billion worth of expenditures. My objection was due to the Army's continued lack of urgency in modernizing and fielding new rifles, carbines, pistols, light machine guns, and ammunition for our troops in combat. Ms. Shyu has been very responsive to me and has provided some information regarding the Army's future plans for small arms and ammunition.

So when I started getting the questions from our troops in Iraq and Afghanistan, I started looking into what was happening. Most of our soldiers know exactly what to do and how to care for their rifle. They know how to take care of it. So we looked into the issue. What we found was that there were several studies that raised questions about the reliability of the M4 rifle and whether there was a better weapon out there for our troops.

For example, a special operations forces report in February 2001 said the M4's short barrel and gas tube increased the risk that a round might not eject from the rifle properly after it is fired. In other words, they fire it and the round does not come out. That is called a jam—when you are having bullets coming at you and your rifle is jamming.

What we did was we set up a test, and the Army would not do it. So I put a hold on the Secretary of the Army Pete Geren's nomination. We talked, and he assured me we would have a new competition for a new rifle for our troops. That was in 2007.

Here we are, 5 years later, and the Army is now telling us we are going to complete a new competition in 2014. But in the meantime, we had a test done against our soldiers' rifle and others available in the world, in terms of a dust test, and we came in last.

So we are sending our troops to defend us and fight for a cause that we have put blood, sweat, tears, and \$1 trillion into, and we are sending them with one that does not work the best.

My question to the Army is, Why? I can tell you why. Because the guys who are responsible for making the decision on purchasing the rifles are not the guys who are out there on the line. Because if they were, we would have already had this competition and our service men and women would be getting new rifles.

It is not that we cannot do it because what we learned—as we went back in and reupped in Afghanistan—we determined that the MRAP was not suitable for the rocky terrain as compared to what we used it for in Iraq.

In less than 16 months and after rapid testing and fielding, new MRAP All-Terrain Vehicles—that was designed specifically for Afghanistan; a complicated piece of vital equipment, costing \$½ million each—started arriving in Afghanistan.

So it is not that we cannot supply our soldiers with a new rifle. It is not that it cannot be done. It is that we refuse to do it.

For \$1,500, we can give every person on the line something equivalent to what our special forces have today.

Let me show some history.

The average age of our troops rifle is 26 years. The average age of the German military rifle, small arms, is 12 years. For the U.S. special operations

forces, theirs is 8 years. Guess what. They have new technology. Our regular frontline guys, they do not get it. They cannot have it. It costs the same, but they cannot have it because it is not a priority for the leadership in the Army to give the most deployed piece of equipment our troops need—that defends them, protects them, and gives them the ability to come home alive—we will not give it to them. It is shameful. It is shameful.

Let me give a history of what happened just once in Afghanistan.

It was called the battle of Wanat. On July 13, 2008, in the battle of Wanat, in Afghanistan, 200 Taliban troops attacked U.S. troops at a remote outpost in eastern Afghanistan. The Taliban were able to break through our lines and entered the main base before eventually being repelled by artillery and aircraft.

What is notable about the battle was the perceived performance of the soldiers' small arms weapons in the initial part of the battle.

Here are some quotes:

My M4 quit firing and would no longer charge when I tried to correct the malfunction.

I couldn't charge my weapon and put another round in because it was too hot, so I got mad I threw my weapon down.

It would be bad enough if this was the first time it happened. But it is not the first time it has happened. It has happened multiple times to our troops in our present conflicts.

All we have to do is go back to what happened with the M16 when they were first used in Vietnam. There were instant reports of jamming and malfunctions. One tragic but indicative marine action report read:

We left with 72 men in our platoon and came back with 19. Believe it or not, you know what killed most of us? Our own rifle. Practically every one of our dead was found with his M16 torn down next to him where he had been trying to fix it.

That is occurring now, except it is not getting any press. Again, I would ask my colleagues in the Senate: Why would we not give our soldiers the capability that almost every other soldier has except ours?

There is another aspect of this that I think needs to be shared; that is, the fact that it is all about acquisitions and culture rather than about doing the right thing. I do not like giving this talk critical of the leadership of the Army. But when it is going to take 7 years to field a new rifle and in 18 months we can build and design a completely new \$500,000 piece of equipment, an MRAP, for Afghanistan or when we can spend \$8,000 per troop to give them a new radio—which are all going to be replaced in the next 2 years with another \$8,000—and we cannot give them a \$1,500 H&K or something equivalent, there is something wrong with our system. Our priorities are out of whack.

If the Department of Defense had spent just 15 percent less on radios,

they could give every soldier in the military a new, capable, modern weapon, and it does not just apply to their rifle.

One of the biggest complaints, after the M4, is the fact that the regular Army gets a 9-millimeter pistol that weighs over 2 pounds, but our special operations forces get a .45-caliber pistol that weighs less than 1½ pounds. That is a big difference when you are out there all day. But the most important thing is, a .45-caliber round is twice the size of a 9-millimeter round, so when you are shooting it and you hit somebody, it is going to take them down. A 9-millimeter does not. So we are giving them an inferior pistol throughout the military.

Then, finally, here is what an M4 carbine looks like compared to an HK416, as shown on this chart. One other point I would make. This piece of equipment fires on automatic. This other piece of equipment—because the military wants to save some bullets—will not fire on automatic. So our soldiers are facing people who have automatic fire and they can fire in bursts of three and at half the rate of what they are facing.

Why would we do that? The real question is, we are asking people to defend this country. For essentially the same amount of money, we can buy an old-style, 26-year-old M4 or we can buy a brand new one that gives them everything they need and gives them the best weapon. Do they not deserve that?

A lot of people do a lot of things for our country. But nobody does for our country what the soldier on the frontline does—nobody. This is a moral question, Mr. Secretary of the Army. This is a moral question. Get the rifle competition going.

Members of Congress, members of the Senate Armed Services Committee, do not allow this to continue to happen. Do not allow this to continue to happen. There is no excuse for it. We should be embarrassed. We should be ashamed. Because what we are doing is sending our troops into harm's way with less than the best that we can provide for them.

As I have noted, I have lifted my objection to the nomination of Ms. Heidi Shyu to be the Assistant Secretary of the Army for Acquisitions. This is an extremely important position for an organization as large as the U.S. Army which spends \$28 billion per year on acquisition of goods and services. My objection was due to the Army's continued lack of urgency in modernizing and fielding new rifles, carbines, pistols, light machine guns, and ammunition to our troops in combat. Ms. Shyu has been responsive to me and provided some information regarding the Army's future plans for small arms and ammunition.

I first got involved in the Army small arms issue 6 years ago when Oklahoma National Guard soldiers told me that

their issued weapon, the M4 carbine, was jamming in Iraq. These soldiers were told by their superiors that jamming resulted from poor weapons maintenance on their part and not from any fault of the rifle. While cleaning and proper maintenance of a weapon are extremely important, sand and dust in Iraq are a daily occurrence and any small arms weapon our troops use there should be able to fire reliably in spite of some sand and dust.

Also, the National Guard soldiers from my State—as is the case for Guard soldiers from many if not all of our States—are somewhat more likely to hunt or serve as police officers or security guards in their civilian lives. In other words, National Guard soldiers in the infantry generally know better than most how to care for rifles. So my staff looked into this issue and found that there were studies that raise questions on the reliability of the M4 and whether there was a better weapon out there for our troops. For example, a special operations forces report in February 2001 said that the M4's short barrel and gas tube increased risk that round might not eject from the rifle properly after firing.

I also learned that in the early 1990s Colt received funding from the Army to produce the M4 carbine, which would be a shorter variant on the M16 rifle. This was not done through a competition and was considered merely an extension of Colt's original M16 contract.

This lack of competition would later greatly benefit Colt. In 1999 Colt charged the military less than \$600 per M4 carbine. This would rise to more than \$900 in 2002 and more than \$1,200 for a fully equipped carbine in 2010 when the wars in Iraq and Afghanistan resulted in more M4s being bought.

So in 2007 I raised these questions and even put a hold on the nomination of Secretary of the Army Pete Geren. To his credit, he ordered a full and open competition for a new carbine rifle no later than the end of 2009.

It is now 2012 and the Army still has not completed a competition for a new carbine rifle, now scheduled for 2014. The window for the regular Army soldiers to battlefield test an improved rifle in a war we have been in for 12 years is rapidly closing. This extended and lengthy process is for a weapon system that—while vital—costs less than \$2,000 each.

This 7-year effort differs greatly from their effort to field new armored combat vehicles in Afghanistan. According to the Government Accountability Office, in 2008 Army leaders determined that the Mine Resistant Ambush Protected, MRAP, vehicle was not suitable for the rocky terrain of Afghanistan. In less than 16 months and after rapid testing and fielding, new MRAP all-terrain vehicles, M-ATV, a complicated piece of vital equipment costing \$500,000 each—started arriving in Afghanistan.

In contrast, according to the Government Accountability Office, the Department of Defense spent more than \$11 billion buying newer models of existing legacy radios from 2003 to 2011 and is currently planning on spending billions more on even newer radios to replace the ones just purchased for Iraq and Afghanistan. There are only 1.4 million troops on active duty so the Department of Defense has spent nearly \$8,000 per troop on new radios. A brand new rifle—that soldiers don't have—costs around \$1,000 to \$1,500.

If the Department of Defense had just spent 15 percent less on the billions and billions they spent on newer models of legacy radios in the last 10 years, every soldier in the Army could have had a brand new carbine rifle going to war.

In addition to the rifle, there remains a great need for improvement of the Army's service pistol. This pistol, usually given to officers but also as an additional weapon to some infantry soldiers, is the M9 Beretta. This pistol entered the Army in 1985, 27 years ago, and fires a 9mm round. The M9 pistol had the lowest satisfaction rate of any weapon surveyed by the military in 2006 on troops returning from Iraq and Afghanistan with half feeling that the 9mm ammunition is insufficient.

Is the Army's failure to modernize its rifles, pistols and machine guns a recent occurrence? Sadly no, the Army's reluctance to field new weapons runs throughout its history. In far too many instances U.S. Army troops have entered battle with an inferior weapon to their adversaries and either during or after the war ended the Army was reluctant to change and adapt to the superior weapons.

In 1776 colonial forces faced the British at the Battle of Brandywine where the British used a new breech loading weapon that loaded at the rear of the weapon rather than the muzzle or front of the weapon. As a result trained British soldiers could fire more than twice as fast as trained colonial American soldiers. The breech loading weapon was not used much in the Revolutionary War but where it was used, such as at the Battle of Brandywine, it was described as acting magnificently: 93 British killed and 400 wounded compared to over 300 Americans that died, 600 wounded, and 400 prisoners captured.

However when Americans again fought the British in the War of 1812—36 years later—the Americans were still using the same muzzle loading weapon they fought with during the Battle of Brandywine.

U.S. Army troops at war against Mexico in 1845 did not have breech loading rifles, but rather continued to carry muzzle-loading rifles when fighting against Mexico—nearly 80 years after the breech-loading rifle was invented.

During the Civil War one Union officer in particular was unsatisfied with

the Army's standard muzzle-loaded rifle and decided to do something about it. Colonel Wilder, commander of the Union's "Lightning Brigade" decided to go around the Army bureaucracy. His men spent \$35 out of their paychecks to buy Spencer Repeating Rifles direct from the factory for his mounted cavalry. In one of the first battles using this new rifle Wilder's "Lightning Brigade" of 1,000 soldiers defended the Union flank against over 8,000 Confederate troops that could not pass. At one point one company of Colonel Wilder's men held off ten times as many Confederate troops using their repeating rifles for 5 hours.

However, the Army did not widely adopt the repeating rifle after the Civil War. More than 30 years later in the Spanish-American War, 5,000 American soldiers armed with single shot rifles attacked fewer than 1,000 Spanish soldiers armed with a German 'Mauser' repeating rifle. While Americans won the battle by attrition (there were 10,000 U.S. troops in reserve), the U.S. Army suffered over 1,400 casualties, with 205 killed, while the Spanish lost fewer than 250, with 58 killed, before surrendering.

A telling American newspaper column title from 1898 aptly summarizes the problems: "The [U.S. Army] Gun: It is Inferior in Many Respects to the Mauser [rifle] used by the Spaniards." The article states unequivocally that the "enemy's [Spain's] weapon is easier to load [and] can be fired more rapidly".

The 20th Century would see a great deal of further modernization, improvement, and innovation in the area of small arms to include lighter fully automatic assault rifles capable of firing at a rate of more than 10 rounds per second rather than per minute.

The United States entered World War I with a Springfield 1903 rifle, named for the Armory and the year it was produced, which was possibly the third best rifle in the world at that time. The British Enfield-Lee rifle held ten rounds instead of 5 and could fire upwards of 20 rounds per minute. The American rifle held only 5 rounds and fired 10 rounds per minute which was similar, but still inferior to the German rifle that was capable of firing more rounds per minute.

The U.S. Army did enter World War II with one of the last great battle rifles, the M1 Garand, but its success during that conflict may have blinded the Army to a revolutionary development in small arms: the invention of the modern lightweight fully-automatic assault rifle. From 1942 to 1944 Germany invented the world's first assault rifles—rifles that could fire 550 to 600 rounds per minute and held detachable 30 round magazines. However, it would be over two decades later before U.S. Army soldiers were permitted to have lightweight assault rifles.

Shortly after World War II ended the Soviet Union invented the AK-47 fully automatic assault rifle. This rifle's success is easily stated: over 90 million AK-47s or derivatives have been built. It is very likely a weapon that has inflicted more casualties than any other weapon on earth. Soviet troops had this rifle nearly 20 years before the United States Army would issue assault rifles to its soldiers.

In 1958, an American inventor named Eugene Stoner developed the AR-15 rifle in less than 9 months, which would eventually become the M16. This revolutionary rifle weighed six pounds and fired at a rate between 700 and 900 shots per minute with little recoil and the lightweight but still deadly 5.56mm ammunition meant soldiers could carry more firepower than before.

However, it took the then-Chief of Staff of the Air Force General Curtis LeMay to purchase 85,000 of them for use by Air Force base defense airmen before they got into the military at all. The U.S. Army was strongly opposed to the M16. Some of these weapons were used by Special Forces troops serving as advisers in Vietnam, increasing the pressure for the Army to adopt it. The Army initially refused the AR-15s stating the "lack of any military requirement."

At this point, it should be clarified that the Army has used the phrase "lack of a requirement" for more than 50 years to justify slowing down and not innovating in the area of small arms. I first encountered the phrase "lack of a requirement" in 2006 when asking why the Army couldn't field a better carbine rifle that didn't jam in the desert. I am hearing the same phrase today when I ask why soldiers can't have a better light machine gun or pistol. Soldiers have complained about these weapons but they can't have a new one because there is no "military requirement." Congress is often frustrated by the term "military requirement" because it can be used to deflect responsibility from the person using it. It says the Army is fearful of offering its judgment on whether or not someone made a weapon that is better than what the Army has, so it instead says that the weapon is not needed.

It took intervention by President Kennedy and Secretary of Defense McNamara to order the Army to adopt the M16 rifle—the military version of the AR-15. Then what happened in Vietnam was a tragic occurrence that took the direct involvement and investigation of Congress and deaths of thousands of soldiers to remedy.

When the M16s were first used in Vietnam there were nearly instant reports of jamming and malfunctions. One tragic but indicative Marine after-action report read:

We left with 72 men in our platoon and came back with 19. Believe it or not, you

know what killed most of us? Our own rifle. Practically every one of our dead was found with his M16 torn down next to him where he had been trying to fix it.

Before the necessary fixes could be made to the weapon which included switching back to the original type of ammunition propellant and issuing cleaning supplies in early 1967, nearly ten thousand American soldiers had been killed. Before the Army made the changes these soldiers were told—much as soldiers are told today—that problems with their weapons are their fault: a lack of care and cleaning or operator error. There is no formal process where soldiers are required to provide feedback to Army leadership on a jammed weapon in order to accurately note issues with reliability.

There were six warnings from various arsenals and offices within the Department of Defense as to the problems with the M16. However, the Army Materiel Command and Army senior leaders would not listen. It took public pressure and a massive congressional investigation by the House Armed Services Committee to get to the bottom of the problems with the Army's small arms in Vietnam. It was discovered that the Army was using a different ammunition propellant—procured from a sole-source contract—that caused the M16 to jam. After Congressional intervention, the original propellant was used and the problems with the M16 nearly disappeared. After Vietnam, the Army formally adopted the M16 as its service rifle and by 1968 nearly all troops surveyed said they preferred the M16 to any other rifle.

The post-Vietnam era saw changes for the M16 weapon, few of them positive. In 1980 the Army adopted a different, heavier 5.56mm round that required different rifling for the caliber which marginally improved penetration of armor and helmets but at the cost of greatly reducing.

U.S. troops would find out in Iraq and Afghanistan that the enemy did not wear helmets or armor. As a result the rounds would penetrate through the enemy and exit the other side without causing enough damage to incapacitate him and he kept fighting. Soldiers have regularly reported having to fire multiple rounds into enemy combatants in Iraq and Afghanistan as a result.

In 1982 the Army also altered the M16 to prohibit soldiers from firing on full automatic. The current M16A2 rifle has a choice between semiautomatic and three-round burst. The M16A2 is now the only major assault rifle in the world fielded for military use that does have a full automatic capability.

As I said the problems we see with small arms procurement may not be sinister, but they are serious and they are current.

On July 13, 2008 in the Battle of Wanat in Afghanistan around 200 Taliban attacked U.S. troops at a re-

mote outpost in eastern Afghanistan. The Taliban were able to break through U.S. lines and enter the main base before eventually being repelled by artillery and aircraft. What is notable about the battle was the perceived poor performance of the soldiers' small arms weapons in the initial part of the battle. Some selected quotes from the report:

My M4 quit firing and would no longer charge when I tried to correct the malfunction.

I couldn't charge my weapon and put another round in because it was too hot, so I got mad and threw my weapon down.

Nine soldiers died and twenty-seven were wounded at the Battle of Wanat in Afghanistan.

For too much of its history from the Revolutionary War to today the Army has shown a slowness and reluctance to adopt improved small arms weapons and ammunition developed by others. It has also been slow to recognize and fix problems with its small arms. The Army has repeatedly engaged in poor negotiating and contracting on behalf of the American people. Senior Army leaders continue to go work for incumbent small arms manufacturers after they retire.

However, a major problem is also Congress. There have been far too few hearings and oversight on the topic of small arms. The House Armed Services Committee report in 1967 stands out as an exception that proves this point. Senior military leaders in uniform and civilians are regularly challenged and questioned—and in some cases chewed out—on all manner of programs and weapon systems here by Members of Congress including medical benefits, stealth fighter jets, missile defense, the size of the Army and Navy, and armored vehicles.

However, for some reason Congress, for the most part, has seen fit to give the Army a pass on small arms. For some reason the oversight committees responsible do not aggressively and regularly question whether the Army's rifle—the most deployed weapon system for the last ten years—is the best that American industry can offer our troops. There are many small arms experts that are independent of the industry that can inform Congress on this issue. I call on my colleagues to hold long overdue hearings on this topic with independent witnesses as soon as possible and will continue my efforts on this issue to raise awareness and push the Army to procure the best weapons and ammunition for our troops.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MORAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORAN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### THE DROUGHT

Mr. MORAN. Back home in Kansas, we are spending our time down on our knees and then looking up to the sky. We are praying and hoping for rain. Our State, along with much of the country, is in a very serious drought. Crops are dying. Cattle are hungry and are being sold off and water is in scarce supply.

Every county in Kansas, all 105, have now been declared disaster communities. Half of the continental United States is in the worst drought since 1956, and the situation is expected only to get worse. In this photograph, my friend Ken Grecian from Palco, KS—it is a little town in northwest Kansas—is pictured here with dry grass and hungry cattle. Over the past few weeks, Ken has had to reduce his herd at lower prices than before because there is not enough feed to feed the cattle. Ken is similar to many producers who have been diligently building their herds of cattle over many years and are now seeing those cattle sold due to the drought, undermining their efforts, year after year, to develop a herd.

Paul and Tommie Westfahl from Haven, KS, just a little bit north and west of Wichita, and their two daughters Jenna and Raegan are pictured standing next to their failed crops. South central Kansas has been hard hit this year by the drought. The corn on the right never got above chest high and dried up months before it was time to harvest.

Paul swathed and will soon bale his failed beans on the left of the photo and try to save some of that for feed for cattle this winter. Hard times are there and they are not over.

The United States has a long history of drought and recovery. From the Dust Bowl to today, we have faced periods of drought. The thirties were often called the worst of hard times. Don Hartwell, a farmer on the Kansas and Nebraska border, captured how hard it was when he wrote this in his diary on May 21, 1936:

15 years ago, the Republican River bottom was a vast expanse of alfalfa and corn fields. Now, it is practically a desert of wasted, shifting sand, washed-out ditches, cockle burs, and devastation. I doubt very much if it ever can be reclaimed.

A few weeks later he wrote in his diary, "I wonder where we will be a year from now?" In the 1930s, folks were faced with severe drought which resulted in the Dust Bowl. People were forced to abandon their farms and ranches and give up the only way of life they knew. Crops, livestock, and livelihoods vanished with the dust.



They were unimaginable times. Thankfully, those unimaginable times passed and the rains came and the Republican River bottom was reclaimed.

This happened with the help of the good Lord and by individual efforts by those who refused to give in to those bad times, to give in to nature. If we look at the drought now and compare it to that of the 1930s, we will notice a huge difference. There is no Dust Bowl. The programs and conservation management tools that were used have worked. The forward-thinking American farmers and ranchers, the landowners who adopted new land and livestock management practices have made conservation the most effective drought mitigation effort available today.

But conservation programs are in danger. While many conservation practices can be planned and executed by individual farmers and ranchers, certain programs administered by the Department of Agriculture deserve our attention so these important initiatives do not expire on September 30. In just about 60 days, farm programs will expire, and that means more uncertainty, compounding an already disastrous drought situation.

Right now, farmers and ranchers are wondering the same thing Don Hartwell wondered in 1936: Where am I going to be 1 year from now? As Congress debates the future of domestic agricultural policy, it is critical risk mitigation tools are included for farmers and ranchers. Most important among these tools is crop insurance. With the absence of direct payments in both the House and Senate versions of a new farm bill, crop insurance is and will remain the last protective tool available to those producers.

Viable crop insurance ensures that a farm operation can survive difficult times, when there is drought or hail or flood, in hopes that they can experience a successful yield the following year. Farmers always have hope: Tough times now? Come back next year. But crop insurance, as valuable as it is, does not cover all the problems agriculture producers face, and particularly livestock producers are not usually generally eligible for crop insurance coverage.

These producers require risk mitigation and a safety net just like producers covered by crop insurance. Disaster programs for livestock, along with crop insurance for cultivation agriculture, give producers the security they need to plan and invest for the future.

Currently, ranchers and cattlemen are left with few disaster programs. The 2008 farm bill disaster farm programs expired this year, leaving producers across our drought-stricken country with less protection from Mother Nature. These programs are an important safety net for farmers and

ranchers. Farmers and ranchers such as Ken and Paul deserve to know what the future of these programs will be.

We should not expect producers to plant crops or to buy and sell livestock if they do not know what the rules are. Putting these programs back in place and ensuring a sound safety net is vital for drought recovery, continued conservation work, and for the affordable food supply for the people of our country. Kansas farmers and ranchers should not have to keep guessing. It is too important to their families, their industry, and their Nation for more delay.

We must give agricultural producers the long-term certainty and support they deserve. While we wait for Washington, we will continue to hope and pray.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. We are on the motion to proceed.

#### CLIMATE CHANGE

Mr. KERRY. Mr. President, a number of us have spoken with increasing concern—I think probably most Senators have come to the floor in the course of the last months to express their alarm about the politics that surround big issues in our country that demand action and not partisanship, not acrimony, but which we continue to simply find a way to avoid. We have been artists in the politics of avoidance here in Washington over the course of too long a period now.

The debt and the fiscal cliff are obviously perfect examples of where, despite all of the warnings and all of the expert advice we get, Congress is fundamentally stuck in political cement of our own mixing. No one will credibly deny here the existence of the fiscal cliff, the crisis of our budget, the tax system, and so forth. So that, at least as an issue that is avoided, gets a credible amount of words being thrown at it.

But there is another issue that, in many ways, is just as serious because of its implications for all that we do on this planet, but which doesn't any longer elicit that kind of concern or expressions of alarm on both sides of the aisle, or from that many Senators. The two words that have described this particular issue over a long period of time now have actually become somewhat words of almost skepticism in many quarters in America, or a kind of shrug, where people say: I don't know what I can do about it. It is not something I ought to worry about. Somebody else will take care of it, or maybe it is not real. Those words are "climate change."

Climate change, over the last few years, has regrettably lost credibility in the eyes and ears of the American

people because of a concerted campaign of disinformation, a concerted campaign to brand the concept as somehow slightly outside of the mainstream of American political thinking. I have to say it has been a remarkably effective campaign. You can't sit here and say it hasn't worked. Every opportunity to cast a pall on facts with some kind of cockamamie theory has been taken advantage of, and a lot of money has been spent in this process of disinformation and discrediting.

People used to joke years and years ago about those who argued that the Earth was flat. For a long period of time, people argued that the Earth was flat, even though the evidence of astronomers and explorers evidenced that it was in fact quite the opposite. So we have, in effect, with respect to climate change in America today what is fundamentally a "flat Earth caucus"—a bunch of people, some in the U.S. Congress itself, who still argue against all of the science, all of the evidence, that somehow we don't know enough about climate change or that the evidence isn't sufficient or that it is a hoax. We have Members of the Senate who argue it is a hoax. But that is all they do. They make the argument it is a hoax, but they don't present—and they can't—any real, hard, scientific, peer-reviewed evidence to the effect that it is in fact a hoax. The reason they can't is there are 6,000-plus peer-reviewed studies, which is the way science has always been done in America. If you are a scientist and you are a researcher, you do your science and research, and then your analysis is put to the test by your peers in those particular disciplines. They pass on the methodology, the pedagogy by which you arrived at your conclusions.

We have more than 6,000 of those kinds of properly peer-reviewed analyses of the science of climate change, and the other side of the ledger has not one—not one, zero—peer-reviewed analysis that says human beings aren't doing this to the atmosphere and that humans are not contributing or the main cause of what is happening in terms of the warming of the surface of the Earth.

What has happened is that in America we all know it. We are seeing it in campaigns because of Citizens United. You have these unfathomable amounts of money being thrown into the political system—millionaires and billionaires who plunk down millions of dollars—a \$10 million or \$20 million check at a whack—and then what is happening is people buy their facts. They create their facts out of whole cloth.

As we all have been reminded so many times in the last year, certainly, because of this new debate we are having in America—as our colleague, with whom I was privileged to serve here, Pat Moynihan, reminded us again and again, everyone is entitled to their own



opinion in America, but you are not entitled to your own facts. But in fact, in American politics today, that is not true. Apparently, you are, because you can go out and buy them. You can buy some scientist to whom you give some appropriate amount of funds, and he does a study with a particular conclusion that has to be found, and they produce a whole bunch of hurly-burly to surround it and suggest that those are, in fact, facts.

The result of this is that over the last year and a half or 2 years, we have had this concerted assault on reason, an assault on science. This isn't the first time in the history of humankind we have been through these things. Galileo was put on trial for his findings and, as we all know, there have been countless periods of time—that is why we went through an Age of Enlightenment, Age of Reason, as people challenged these old precepts that weren't based on fact but were sort of raw belief and/or political interests in some cases, or religious interests in some cases. A handful of Senators here, including Senator BOXER, Senator WHITEHOUSE, Senator SANDERS, Senator LAUTENBERG, the occupant of the chair, and Senator FRANKEN have recently spoken out about this very process by which an incredibly important, legitimate issue of concern to all Americans—to everybody in the world—is being completely sidelined because of the status quo interests of powerful corporations and other interests in America that don't want to change, or some of whom find political advantage in somehow buying into the theory discrediting it.

This has not been an issue on which there is a profile of courage by some in the U.S. Congress who are prepared to stand up and say what they know is true, but what has become far more convenient to avoid. I believe the situation we face is as dangerous as any of the sort of real crises that we talk about.

Today we had a hearing in the Foreign Relations Committee on the subject of Syria. We all know what is happening with respect to Iran and nuclear weapons, and even the possibility of a war. This issue actually is of as significant a level of importance because it affects life itself on the planet, because it affects ecosystems on which the oceans and land depend for the relationship of the warmth of our Earth and the amount of moisture there is and all of the interactions that occur as a consequence of our climate. It involves our health because of policies that we do or don't choose to pursue with respect to pollution in the air.

Pollution didn't used to be a question mark in American politics. We fought that fight in the 1960s and 1970s. Rachel Carson started this enormous movement for reasonableness when she warned Americans they were living

next to toxic wells and water that had been polluted by companies that put mercury or other poisons into the Earth, which went down into the water supply, and people got cancer and died. America decided in the early 1970s—with the first Earth Day in 1970 itself, and the actions that Congress took after that in response to the American people—everybody decided we didn't want that pollution in the air. We actually passed legislation in 1972, 1973, and 1974 that created the EPA.

America didn't even have an Environmental Protection Agency until Americans said we want to be protected, and the people in Congress responded to that. We passed the Clean Air Act, Clean Water Act, Safe Drinking Water Act, Marine Mammal Protection, Coastal Zone Management, and all of these came about because of an awareness among the American people because they wanted to make a different set of choices or have their politicians do so on their behalf. Now, suddenly, there is an assault on the EPA, the Clean Air Act and, all of a sudden, pollution doesn't matter. That is what we are talking about.

Greenhouse gases are, in fact, a pollutant. The particulates that come with that have the same effect on human beings in terms of their breathing, their lungs, the input in some of their food and water, which ultimately impacts cancer, emphysema, and other diseases that come as a consequence of the quality of air we breathe. Yet we have this whole notion now that somehow we have gone too far, that we have done enough, or that the job has been done and we can go home, when, in fact, it is exactly the opposite. With respect to pollution, there are choices, and with respect to health, the single greatest cause of young Americans going to the hospital in the summertime and costing billions of dollars to the American people is environmentally induced asthma. That environmentally induced asthma comes about as a consequence of the ingredients that go into the air. All of this is related.

In addition, there is not one person in the Senate who doesn't know that we are still more dependent than we want to be on foreign oil. We are better than we were, and we have made improvements, but we are still more dependent than we want to be on foreign oil. We could be doing better with respect to that if we pursued an intelligent energy policy. We still don't have an energy policy after the years we have been talking about doing it in the Senate and elsewhere.

Why is that important to climate change? Because energy policy is the solution to the problem of climate change. If you have an effective energy policy, then you are dealing not only with your independence issues, but with the sources of carbon and other

greenhouse gases that are causing the problem today. Twenty years ago this year, I was privileged to go with the Senator from New Jersey, Senator LAUTENBERG, Senator John Chafee, Senator Al Gore, Senator Wirth, and others, down to Rio, where we took part in the first Earth Summit, which President George Herbert Walker Bush took seriously. To the great credit of George H. W. Bush, he not only sent a delegation, he personally went down there and spoke about the issue. He helped to embrace a forward-leaning idea. I think 160-some nations signed onto an agreement to try to restrain greenhouse gases. That was back in 1992. It was incredible.

Here we are, 20 years later, and we could not even get the time for the Senate to send a delegation down there, let alone enough people who thought it was important and of interest. The Earth summit, 20 years later, came and went without any major step forward or progress, and the procrastination continues.

Mr. President, today I remember the debate when we came back from Kyoto, in 1998 or so, and we had a debate in the Senate about whether the United States should take part in the Kyoto Treaty. We all know now, as a matter of long history, that we didn't because it was viewed as being too unilateral. In fact, everybody had the question of, what about China? We can't possibly sign up for this because China will not do it, and they will go racing ahead of us and continue to grow their economy at the expense of the United States.

Well, Mr. President, guess what. Today China is the leading clean energy producer in the world. China. The United States of America invented the technologies 50 years ago—of solar and wind, renewable energy technologies such as turbines, the transmission, and so forth, and photovoltaics. About 4 years ago, China had about 9 percent of the market. That was 4 years ago. Two years ago, China had 40 percent of the market. Today China has over 70 percent of the global solar market, and the United States, which invented the technology, doesn't have one company in the top 10 solar panel producers, solar energy producers in the world.

You know what is happening. Ninety-five percent of what China produces it exports to other countries, including the United States. So here we are, we give up our lead, and we don't get the jobs. Everybody is screaming about jobs. The energy market is a \$6 trillion market with about 6 billion users. Just to put that in perspective, the market that created the great wealth of the 1990s in the United States was in fact a \$1 trillion market with about 1 billion users. That was the technology market. We saw it with personal computers and with the rest of the telephone communications technology of the 1990s. We didn't even have an Internet in the

United States until about 1995 or 1996 when that began to be commercialized. Yet in that short span of time we created more wealth in America than we had ever created at any time in America's history. We created 23 million new jobs because we led in that new industry.

Here we are today staring at the potential of this extraordinary industry—the energy market—and we are just sitting on our hands while other countries take it and run with it and grow their economies. We are sitting around saying: Where are the jobs?

It is an insult. It is an insult to our intelligence. It is an insult to every American's aspirations about where they would like to see our country go. And the fact is it is not just China, but India, Mexico, Brazil, South Korea, and countless other countries have taken greater advantage of this than the United States.

One of the principal reasons we have trouble getting that market moving is we refuse to put a real price on the price of carbon. Carbon has a price. Everything we are doing to our country and to our communities today as a result of pollution is a price we are going to pay. But that price is not subsumed into the price of products, the price of doing business or anything else because we just avoid it altogether.

A lot of people here continue, unfortunately, to avoid the science and just not deal with the reality of what is happening. But 2 days ago, Mr. President, in the New York Times, there was a very important op-ed that appeared, written by a well-known climate skeptic Dr. Richard Muller, a professor of physics at the University of California at Berkeley. He has written many times about how he did not believe the science was adequate or had produced it. Let me read his words. This is Dr. Muller:

Call me a converted skeptic. Three years ago I identified problems in the previous climate studies that, in my mind, threw doubt on the very existence of global warming. Last year, following an intensive research effort involving a dozen scientists, I concluded that global warming was real and that the prior estimates of the rate of warming were correct. I'm now going a step further: Humans are almost entirely the cause.

That is what this former climate skeptic has said. Bottom line: We need to be armed with the facts, not with empty rhetoric. That is exactly what Dr. Muller set out to do. Let me quote him again:

We carefully studied issues raised by skeptics: biases from urban heating (we duplicated our results using rural data alone), from data collection selection (prior groups selected fewer than 20 percent of the available temperature stations; we used virtually 100 percent), from poor station quality (we separately analyzed good stations and poor ones) and from human intervention and data adjustment (our work is completely automated and hands-off). In our papers we demonstrate that none of these potentially trou-

blesome effects unduly biased our conclusions.

Now, obviously, we all know the future has a hard way of humbling people who try to predict it too precisely, but I have to say, when the science is screaming pretty consistently over a period of 20 years—and not just screaming at us to say it is coming back correctly but that it is coming back with faster results in greater amounts than the scientists predicted—as a matter of human precaution that ought to be an alarm bell and people ought to take note.

Here again is what Dr. Muller says:

What about the future? As carbon dioxide emissions increase, the temperature should continue to rise. I expect the rate of warming to proceed at a steady pace, about one and a half degrees over land in the next 50 years, less if the oceans are included.

And then he says ominously:

But if China continues its rapid economic growth—

And I say, as a matter of parentheses, who doesn't believe China isn't going to do everything in its power to continue its growth path and do what it is doing? So he says:

But if China continues its rapid economic growth (it has averaged 10 percent per year over the last 20 years) and its vast use of coal (it typically adds 1 new gigawatt per month), then that same warming could take place in less than 20 years.

Less than 20 years, folks. In North Carolina recently State Senators actually voted not to do any planning for the potential of sea level rise, even though scientists today tell us the sea level is rising. Ask insurance companies about what they are thinking in terms of their potential exposure and liability as we look down the road with respect to the disasters that could come as a consequence of these changes.

So the plain fact is we have all of the evidence—and I am not going to go through all of it right now, but it is there for colleagues to analyze—countless studies of what is happening in terms of the movement of forests—literally, movement—as it migrates, and species that have left Yellowstone National Park and migrated north. Talk to the park rangers. Talk to the folks in Canada and in Colorado and Montana and other places about the millions of acres of pine trees that have been destroyed by the pine bark beetle that now doesn't die off because it doesn't get as cold as it used to. Talk to people in Canada and in the Northern United States who used to skate on ponds that used to freeze over but that don't freeze over anymore.

There are hundreds of examples. Talk to the Audubon Society. Ask them about the reports from their members about certain plants and shrubs and trees that don't grow in the same places they used to. There is a 100-mile swath in the United States now where

there has been a migration of things that grow and don't grow. This is going to have a profound impact on agriculture in our country as we go forward if it continues. And I would just share with my colleagues why that is true beyond any scientific doubt.

The first scientist who actually wrote something about global climate change was a Swedish scientist by the name of Arrhenius, and he wrote around the turn of the 19th century—1890 or something, I don't remember the year. But he is the guy who first said there was this relationship to the gases trapped in the atmosphere and this thing called the greenhouse effect. In fact, science has now determined to a certainty the reason we can breathe on Earth today, the reason it is warm enough for us to live, the reason life itself exists on Earth is because there is a greenhouse effect. And it is called a greenhouse effect because it behaves just like a greenhouse.

The light comes down from the Sun at a very direct angle on many things on Earth and is reflected back from things such as the ice and snow and off roofs and parking lots and other things. But in the ocean and in certain other dark spots it is subsumed into that mass, and it goes back much more opaque than it comes down in its directness. The reason, therefore, for the greenhouse gas is that it doesn't escape. It doesn't break out of the thin veneer of the atmosphere that contains the gases that create the greenhouse effect, which actually creates an average temperature globally of about 57 degrees Fahrenheit.

That is why life can exist; we have a greenhouse effect. And it stands to absolute high school, if not elementary-middle school logic, if a certain amount of gases are contained, and there has always been balance to some degree, and you add to that massively and thicken the amount that is there, less heat is going to escape and we wind up augmenting that effect of the greenhouse.

Scientists tell us now—and I am not a scientist, but I learned how to listen to them and at least read the science and try to think about it—that in order to keep the temperature of the Earth somewhere near where it is today or within the permissible range of change, we have to keep our greenhouse gases at—originally, they said—450 parts per million. As they then noticed the damage and did more calculation, they came and said: No, 350 parts per million.

Why is this important? Because today, as we are here assembled in the Senate, we are now at 397 parts per million. We are above where they say you have to hold it. And worse, without doing anything—and we are not doing anything—we are only adding amounts; we are moving at a rate that will take it up to 500 or 600 parts per million. If

that happens, we will be at a tipping point with respect to the amount of temperature change—5 to 7 degrees—and nobody can predict with certainty what happens, except that we know the ice already melting in Greenland and in the Arctic will melt faster and disappear. As more water is exposed, that dark water subsumes more of the heat, and the heat creates greater, more rapid melting. And that is exactly what scientists are seeing in the Arctic and Antarctic today, where whole blocks of ice the size of the State of Rhode Island have broken off and dropped into the sea and floated south to melt.

There are dozens of other examples of what is happening. I said I wouldn't go into all of them today. I would just say to my colleagues, please read and challenge the science and talk to the people who are the peer reviewers of these analyses because we have a responsibility here, to future generations and to all of us, to try to get this right. And in the balance of right and wrong, I don't understand the judgment some people are making.

We know this is a \$6 trillion market. We know that if we were to price carbon, the marketplace would move rapidly toward the kinds of technologies and new job creation that would respond to that pricing and the United States could become a seller of these technologies and a builder of these new energy capacities in various parts of the world.

Astonishingly, the United States of America doesn't even have an energy grid. The east coast has an energy grid, the west coast has an energy grid, Texas has its own energy grid, and from Chicago out to the Dakotas, there is sort of an energy grid. But the entire center of the United States is just a great big gaping hole where we don't have any connected energy transmission capacity, and the result is that we can't produce renewable energy down in the four corners of the Southwest—in Colorado, New Mexico, Arizona, and so forth—and sell it to Minnesota in the wintertime or to New England, where we pay a very high price for energy. We can't send energy from one part to the other in the United States of America. It is an insult.

We need to build a national energy grid, and in the building of that grid, there are countless jobs to be created for Americans and countless technologies to be developed. For every \$1 billion we spend on infrastructure, we put 27,000 to 35,000 people to work. If we passed our infrastructure bank effort here in the Senate, for \$10 billion of American taxpayer leverage, we could have \$650 billion to \$700 billion of infrastructure investment paid for by Chinese investment, by Arab Emirates investment. It wouldn't cost the American taxpayers a dime to be building

America and putting people to work. We are not doing it, and we are not even building the energy grid of our Nation.

I must say to my colleagues, the avoidance here of responsibility for a whole host of choices we ought to be making—and obviously, yes, it begins with the deficit and the debt, and we can deal with those issues. There isn't a person in the Senate who doesn't understand what the magic formula is going to be to do that. But everybody wants to wait until the end of the election. I got it. But this issue has been waiting and waiting for 20 years now while other countries are stealing our opportunities to be able to be in the marketplace and winning.

Nothing screams at us more than the need to have an energy policy for our country that begins to address the realities of climate change, and nothing screams at us more than to tell the truth to the American people about climate change, to stop having it be an unusable word in American politics and not to allow it to become a source of attack and ridicule with nonfacts and a bunch of cockamamie theories that have no foundation in science or in the kind of analysis that does this institutional justice.

I hope over the course of the next months we can have this fight because nothing less than our economic future—which is, in the end, our greatest strength for our military, for our security, for all of our objectives—that is what is at stake in this effort. I hope we will finally wind up doing what is right.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, before the senior Senator from Massachusetts leaves the floor, I wish to commend him for his constant leadership on matters of a better environment, more effective ways to get our energy without spoiling the environment and putting what amounts to toxins in the air. I congratulate him for his constant leadership in this area.

#### SAFE CHEMICALS ACT

Mr. President, one thing Democrats and Republicans share is a desire to keep our children and grandchildren safe and healthy. Many of us remember the days when we simply counted to make sure our newborns had all of their fingers and toes and breathed a sigh of relief, but parents today face many more threats. As industrial chemicals have more common in consumer products, we have seen an increase in certain birth defects, childhood cancers, and behavioral disorders. That is why I have written legislation to reform our chemical management system and give parents peace of mind about chemicals in household products. My Safe Chemicals Act passed out of the Environment and Public Works

Committee last week, and I hope we are going to see it on the floor of the Senate this fall.

We think of the home as a place where our families are safe. We don't expect the carpet in our bedrooms, the shampoo in our showers, or the detergent in our laundry to pose a threat to our family's health. Many everyday products contain chemicals. Most Americans just assume those chemicals have been tested and proven safe. But for the vast majority of chemicals in products in our homes, safety testing is not required, and we look at the articles that suggest what kinds of things we are talking about.

Every morning, millions of American kids wake up in beds that have been treated with chemicals, their breakfasts are cooked on pans coated with chemicals, and their plates are cleaned with chemicals. Today, EPA lists more than 80,000 chemicals in its inventory, many of which are in regular household products—products that our children are exposed to every day.

We see here a child getting a bottle. It is made of plastic, and we don't really know what is in it. I think we can all agree that a chemical that comes into contact with a child should be tested to see if it is safe.

Many, if not most, chemicals in products are safe, but we know some are not. There have been too many cases of toxic chemicals showing up in our everyday lives that have horrible health effects, and we have found that out only after our families have been exposed.

Recently, the Chicago Tribune exposed the latest example of untested chemicals wreaking havoc in our bodies. The Tribune reported that flame retardants are widespread in furniture, electronics, and other items throughout our homes. In fact, the average couch contains 2 pounds of chemical flame retardants.

As we see here, a sofa like this looks as if it is all good and no harm could come, but there could be chemical materials in there that are releasing toxic fumes. Chemicals in products don't always stay in products. Many of them find their way into our bodies. It is not clear that we are safe with any of these products because we don't know just exactly what is in there.

In fact, the Tribune tragically found that a typical American baby is born with the highest concentrations of flame retardants in the world. And many flame retardants are highly toxic. Children born with high concentrations of flame retardants can suffer devastating consequences for the rest of their lives. Flame-retardant chemicals have been linked to cancer, developmental problems, and other health risks. High levels of these chemicals put newborns at greater risk of low birthrates and birth defects, and then in childhood they face lower IQs

and problems with fine motor skills. Even in adulthood, women who were born with flame retardants in their blood can have trouble becoming pregnant. Imagine, we are setting our children back from day one, before they have taken their first breath.

Flame retardants are just one example of the problems with our chemical safety system. According to the Centers for Disease Control and Prevention, Americans typically have 212 industrial chemicals—including 6 that cause cancer—coursing through their bodies. We know these chemicals can have serious health effects. We can see what kinds of health effects. Chemical exposure accounts for as much as 5 percent of childhood cancers, 10 percent of diabetes, 10 percent of Parkinson's disease, and 30 percent of childhood asthma. That is not a very comforting idea.

These chemicals are still around and untested because the 35-year-old law that is supposed to assess and protect against chemical health risks is broken. That law, called TSCA, is so severely flawed that the nonpartisan Government Accountability Office testified that it is "a high-risk area of the law." I want to repeat that. The law called TSCA is so severely flawed that the Government Accountability Office testified that it is "a high-risk area of the law." That is a credible government department saying this is a high-risk area of the law.

Of the more than 80,000 chemicals on EPA's inventory, TSCA has allowed testing of only around 200 chemicals and restrictions on only 5. That is more than 80,000 chemicals that are being used routinely, in EPA's inventory, that might affect children or adults in a household.

Until this law is fixed, toxic chemicals will continue to poison our bodies and threaten our health. This status quo is dangerous, and it is unacceptable. We have heard from parents across the country that we should not wait any longer for reform. We had a demonstration here in Washington just a few weeks ago with people asking for safer chemicals now. They are worried about it. They are parents. They don't want their children exposed to chemicals that might injure their health.

It is easy to do. These chemicals should be tested before they are made into products, and then we don't have to worry about whether we are doing something that puts our kids at risk. We have already waited too long. Entire generations have grown up in homes filled with untested chemicals. Every year, more chemicals are introduced, more children get sick, and more lives are put at risk.

I was proud when the Environment and Public Works Committee took an important step last week by passing the Safe Chemicals Act. We began working on TSCA reform in 2005. In the 7 years since, we have explored the

topic from many angles. We talked to scientists, workers, business leaders, State officials, firefighters, researchers, legal experts, and parents who are concerned about their children's health. We also heard from Senators on both sides of the aisle. Throughout this process, we have listened and we have learned.

The result is a commonsense bill that lays out a vision for strong but pragmatic regulation of chemicals. The bill requires the chemical manufacturers to demonstrate the safety of their products before they end up in our bodies. We already require this for pharmaceuticals and pesticides, so there is not any reason we should not require the same of industrial chemicals that are found in products in our bodies. The European Union, Canada, other countries require safety testing, but Americans remain unprotected. That is not acceptable.

I have received letters in support of the Safe Chemicals Act signed by more than 300 public health organizations—businesses, environmental organizations, health care providers, labor unions and, again, concerned parents. Twenty-four Senators have cosponsored my Safe Chemicals Act and I believe the full Senate should now be given a chance to vote for or against the testing of these industrial chemicals. We want to debate it on the floor of the Senate. We want families to know what we are thinking about as we go through this process. They deserve to know that Congress cares more about their kids' health than the concerns of the chemical industry lobbyists.

I come to this conclusion: There is risk out there that we take unnecessarily. It is time to take action to clear this up. It would be a positive act for the chemical manufacturers so they would not have to worry about responding to challenges from laws in 50 States but rather be under one guideline that takes care of them all.

It is time to take action. The health of our children is at stake. I hope my colleagues across the Chamber will stand and say yes, you are right, it is time we challenge what we know is an exposure that should not exist. Simply done, it would move the process very quickly, letting us know that everything we have that has a chemical component to it is safe for our use.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. HOEVEN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from North Dakota.

#### PROGROWTH TAX REFORM

Mr. HOEVEN. Mr. President, I rise to speak on the need for progrowth tax reform. It is a subject I have been here on the Senate floor speaking about repeatedly over the course of the year and certainly over the course of the recent weeks.

Last week the Senate voted on several tax measures. One of the measures was a measure we offered which would continue the current tax rates for a year, giving us an opportunity to engage in progrowth tax reform. That bill was defeated in the Senate.

The other bill, a bill which I voted against, was a bill that would raise taxes on approximately 1 million small businesses in this country. In fact, that bill was passed. But the fact is that under the Constitution any tax measure has to start in the House of Representatives. In fact, that is what is going on today. They are voting on a measure that would extend the current tax rates for a year, giving us the opportunity to engage in progrowth tax reform which I believe would truly help galvanize our economy and raise revenue for our country, not through higher taxes but in fact through growth and through more revenue from economic growth.

I believe that is exactly what we have to support in the Senate as well. The measure the administration favored, and that was earlier passed, as I say, will be blue-slipped so it will not take effect, but the problem with that measure is it would raise taxes on individuals and small businesses. Almost a million small businesses across this country would pay higher taxes and they are the generators of jobs for our economy. It also raises taxes on capital gains and it raises estate tax as well.

Let me talk about the estate tax or the death tax provision for a minute. Right now the estate tax provides an exemption on the first \$5 million and then amounts in an estate over that \$5 million threshold are taxed at 35 percent. However, reverting to the pre-2001-2003 tax rates, which happens at the end of the year unless action is taken—unless action is taken by both the House and the Senate to extend the current rates—then we revert to the tax rates before the 2001-2003 tax reductions. That means instead of a \$5 million exemption and a 35-percent tax rate on estate tax or the death tax, we go to a \$1 million exemption with a 55-percent tax rate after that.

Think about what that means to our farms and our small businesses across the country: 24 times more farms will then be in an estate tax situation and something like 14 times more businesses will be in an estate tax situation. What does that mean? What it means is when a family member dies and it is time to pass on that farm or pass on that business, they are going to have to borrow money to try to pay the

estate tax. That farm or that business is going to have to generate enough revenue to pay that estate tax. If you cannot pay that estate tax at 55 percent of the value of what you are passing—if that business or that farm cannot service that level of debt, then you have to sell that farm or sell that small business, which may have been in the family for many generations. Remember that those farms, those ranches, those small businesses are the backbone of the American economy and here we are, at a time when we have 8.2 percent unemployment and we are trying to get this economy going and we are putting our small businesses across this country in that situation.

That is why it is so important that we act. That is exactly what we have proposed. We have said rather than putting our economy in that situation right now, let's set up a 1-year extension of current tax rates, let's engage in progrowth tax reform where we actually lower rates but close loopholes, which will generate economic growth, and we will get revenue from economic growth rather than from higher taxes. That is vitally important.

In fact, on a bipartisan basis 2 years ago that is what we did, we extended the current tax rates. I think we had 44 Democratic votes to do that here in the Senate. Republicans voted for it. I think across the board we had 44 votes on the Democratic side. Also, it was a bipartisan measure. I argue that is exactly what we have to do again. Even the President—who came out that he supported doing exactly what I laid out because, he said, we can't raise taxes in a recession. He said raising taxes would hurt the economy and would hurt job creation.

If you look at the statistics today, we are actually in a more difficult economic situation now than we were then. Unemployment is at 8.2 percent and has been over 8 percent for more than 41 straight months. There are 13 million people who are out of work, 10 million people are underemployed, which makes 23 million people either looking for work or looking for a better job. Middle-class income has declined from approximately \$55,000 to about \$50,000 since this administration took office. Food stamp usage has increased from 32 million recipients to 46 million recipients, and as we have seen, economic growth is about 1.5 percent.

As far as job creation, there were 80,000 jobs gained during the month, but we need 150,000 jobs gained during the month just to keep up with population growth and not have our unemployment rate increase. So these are the facts, and the facts speak for themselves. We need to extend the current tax rates, we need progrowth tax reform on a bipartisan basis, and we need to get control of our spending.

If we look at the latest numbers from CBO, CBO says without taking those

steps we are looking at economic growth next year of maybe one-half percent for the entire year. If we take the steps to address the fiscal cliff, as I have described, and take those steps to undertake progrowth tax reform, CBO talks in terms of a 4.4-percent growth rate next year. Think what that means to 13 million unemployed people. It means the difference between getting a job and not getting a job.

The uncertainty that our economy faces right now because of the expiration of the current tax rates at the end of the year, and businesses not knowing what is going to happen, is freezing investment capital on the sidelines and freezing business expansion. There is more private capital and investment capital sidelined now more than in the history of our country. We unleash it, and we get it going not by raising taxes but by providing the legal tax and regulatory certainty—the kind of progrowth tax reform with closing loopholes, as I have described—to get this economy going.

The administration says: Well, everyone needs to pay their fair share. I think that is certainly true. We are saying exactly that. That is exactly what we do by engaging in progrowth tax reform and closing loopholes. Everyone is treated fairly, and everyone pays their fair share.

In fact, just to give a sense of that whole concept, let's look at who pays the income taxes right now according to the National Taxpayers Union. Today the top 5 percent of taxpayers pay almost 60 percent of the income tax in this country. The top 10 percent pay almost 70 percent of the income tax in this country. The top 25 percent pay almost 90 percent of the income tax in this country. The top 50 percent of taxpayers pay 98 percent of the income tax that is paid in the country.

So the point is, let's engage in progrowth tax reform that will get our economy growing rather than stagnant as it is today. It is that economic growth that puts our people back to work and truly generates the revenue, not higher tax rates which will hurt our growth. We can lower rates, close loopholes, come up with a fairer system that is simpler and will generate revenue through economic growth. That is the only way that economic growth, along with controlling and managing our spending, will get us on top of our debt and deficit and get Americans back to work. We need to do it in a bipartisan way. We can do it. We have done it before, and we absolutely need to get started, and get started now, for the good of the American people and the good of our country.

If I may, I want to close on one short message; that is, as the House works on a tax measure—as I described today—to extend the current tax rates and put us in a situation where we can truly engage in progrowth tax reform, I also

urge my colleagues in the House to make sure that at the same time they are acting on farm bill legislation and not just the drought legislation.

We passed a farm bill in this Senate several weeks ago on a bipartisan basis. I hope they are able to do the same thing and pass a farm bill in the House on a bipartisan basis as well that we can go to conference with. I believe the bill we produced in the Senate and the bill they have produced in the Agriculture Committee can be brought together in a conference committee. We can pass a farm bill that will be cost effective, will save money, and help reduce the deficit.

The bill we passed would generate \$23 billion in savings to help address the deficit. It would provide the right kind of safety net for our farmers and ranchers and ultimately this: Good farm policy benefits every single American because our farmers and ranchers produce the highest quality, lowest cost food supply in the world. That benefits every single one of us, not to mention creating a lot of great jobs throughout the country.

So I call on the House to act on that farm bill as well as engage in the kind of progrowth tax reform that I know will truly benefit our country.

With that, Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. KLOBUCHAR). Without objection, it is so ordered.

The Senator from Oklahoma is recognized.

Mr. INHOFE. I thank the Chair.

(The remarks of Senator INHOFE pertaining to the introduction of S. 3473 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. INHOFE. Madam President, I have a little bit of a problem in that I do not want to take time from the Senator who is in line to speak after me. But I would like to serve notice that there have been several things that were said on the floor today concerning this whole idea of global warming. We had a hearing this morning. It was kind of revealing because they have done everything they can to pass cap and trade, and it has not happened.

I wish to correct some statements that were made by Members. When the time comes that I have about 20 minutes to do this, I will do that. It will probably have to be later today because of the clock that is running now.

I yield the floor for my friend to take his turn.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. UDALL of Colorado. Madam President, I rise this afternoon in support of the bipartisan Cybersecurity Act of 2012, and I wish to share my concerns about the very real cyber threat facing our country. Most importantly, I rise to urge all my colleagues to move forward to the passage of this pending cyber security bill for the good of our national security. Top experts and respected members of both political parties have told us that time is wasting; we must debate and pass this critically important piece of legislation.

Cyber security policy is an issue with which I am deeply involved, given my seats on the Senate Intelligence Committee and the Senate Armed Services Committee. Moreover, Colorado's military and defense communities play a prominent role in defending our country, the United States, against cyber attacks.

The Air Force Space Command, located at Peterson Air Force Base in Colorado Springs, is responsible for protecting American space-based assets from network intrusions. The U.S. Northern Command, also located at Peterson Air Force Base, recently established a Joint Cyber Center to help provide on-demand cyber consequence response to civil authorities.

Multiple defense and technology industry companies based in Colorado also contribute hardware, software, and expertise to the effort to keep our networks and infrastructure secure.

Our Federal labs also conduct critical research into cyber security, most notably the National Institute of Standards and Technology, otherwise known as NIST, which is located in Boulder. They play a key role in helping establish cyber security standards.

The threats posed by cyber attacks have long been recognized, but we in the Congress have yet to act upon these threats in a comprehensive way. It is as if we see the danger in front of us, but yet we cannot find the courage to face it. But Congress cannot afford to wait for a 9/11-sized attack in order to act. Waiting for a catastrophic act—something military and intelligence leaders and a bipartisan collection of national security experts are warning us against—is the exact opposite of leadership and the exact opposite of what our constituents expect us to do.

This debate, to me, has seemingly, unfortunately, unraveled into an antiquated argument about the public sector versus the private sector. We cannot let old ways of thinking bog us down. This is a threat that can only be addressed by both the public and private sectors working together.

The private sector owns 85 percent of our Nation's critical infrastructure, which is itself heavily dependent on computer networks. A successful attack on our critical infrastructure could result in disabled power grids, refineries, and nuclear plants, disrupted

rail systems and air traffic control and telecommunications networks. A successful attack could bring commerce to a halt, our financial markets to their knees. It could also escalate into a war in cyber space or even a shooting war.

To defend against these serious threats, particularly those that involve national security, there needs to be an exchange of information between the public and the private sectors. Of course, allowing the government and industry to share information must be done with sufficient safeguards, so any legislation authorizing such sharing needs to strike a balance between privacy and civil liberties protections. I believe the bill's authors have achieved such a balance.

I recognize it is often difficult to find consensus on how to defend our Nation from security threats. Sometimes that is because we cannot agree on the nature of our vulnerabilities and in what priority to address them. Unfortunately, sometimes Congress is too polarized to act until after a crisis occurs.

But in the case of cyber security, we already know our Nation's computer networks are increasingly vulnerable. There is widespread agreement about the severity of the threat. Just last month, Defense Secretary Panetta testified before Congress that cyber attacks could "virtually paralyze this country." The threat is not impending, it is here. We already know many of the steps we need to take to mitigate or prevent these attacks. The only issue getting in the way is politics. Frankly, Coloradans are tired of this. They want us to reason together and solve our most vexing national challenges.

The Cybersecurity Act of 2012 is not overly intrusive. It has been scaled back to a voluntary system of industry-driven security standards for critical infrastructure. The bill's authors have offered a further amendment to address some of the remaining concerns of the bill's opponents. As much as the bill's authors have compromised and worked with groups and businesses from across the policy spectrum, one would think they would get more in return from the Republicans than a demand to vote on the repeal of health care reform. But that is where the debate stands, and it is not a proud moment for our Chamber.

The cyber security bill before us may not be perfect. In fact, I have offered three amendments that I believe make this an even stronger bill.

The first would require the administration to provide a detailed plan on how it would develop a highly trained, robust Federal cyber security workforce. A stronger Federal workforce will not only better protect government assets, but these individuals will go on to fill critical roles protecting cyber assets in the private sector.

My second amendment would establish permanent faculty positions to train the next generation of military cyber leaders at the U.S. Air Force Academy.

My third amendment would require the assessment of the costs and benefits of building a strategic stockpile of extra high voltage transformers. We do not produce these highly specialized pieces of equipment domestically, and it would take months to replace transformers damaged by a physical or cyber attack.

I hope my colleagues will join me in passing these commonsense amendments aimed at improving our national security.

This cyber security bill is over 3 years in the making. I find it ironic some argue the process has been rushed and we need more time. But I believe this bill is long overdue and we simply cannot afford not to act.

As the head of U.S. Cyber Command and the Director of the National Security Agency, General Alexander, wrote in a letter to Congress this week, "The cyber threat facing the Nation is real and demands immediate action."

This is coming from the national security official who knows more than anyone about the cyber threats facing our country. As a member of the Intelligence Committee, I take his cautions and advice very seriously. The rest of us should as well.

As I close, I urge all of us, let's put aside partisan ploys and partisan differences. Let's work together to amend and pass this vitally important cyber security bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, I understand the floor time is pretty much used up between now and 6:30. I have made inquiries. I understand I will have time at 6:30 for 25 minutes. I ask unanimous consent that I be recognized at 6:30 for 25 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. I understand the next speakers are in the cloakroom at this time. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT

Mr. LEAHY. Madam President, more than eight months ago, Senator CRAPO and I, two Senators from very different parts of the country with very different political perspectives, joined together to introduce the Leahy-Crapo Violence

Against Women Reauthorization Act of 2011. We put aside our political differences, listened to the law enforcement and victim services professionals, and drafted a bill that put victims first.

It has been more than 3 months since an overwhelming majority of the Senate joined us in our bipartisan effort to pass the Violence Against Women Reauthorization Act of 2011 with 68 votes, more than two-thirds of this body, including every woman Senator, Republican and Democratic. In doing so, the Senate sent a very clear message. We said stopping domestic and sexual violence is a national priority, and we are going to stand together, Republicans and Democrats alike, to protect all victims from these devastating crimes—all victims. It was very clear. If you are a victim of domestic and sexual violence, we are passing laws to help protect you, no matter who you are or where you live in this country.

Having sent such a strong bipartisan message from this body, I was—I don't know whether to say bewildered or shocked to see the House Republican leadership abandon the bipartisan approach that was so successful in the Senate. Instead of allowing a vote on the Senate-passed bipartisan bill that has the support of more than 1,000 national, state, and local victim service organizations, they insisted on crafting a new, partisan measure that intentionally stripped out protections for some of the most vulnerable victims and weakened existing protections for others. They refused to allow votes on amendments as we had done here in the Senate, choosing to stifle a full and honest debate about how to best meet the needs of victims.

This overtly political approach was too much even for some in their own party. Nearly two dozen House Republicans, including the chair of the crime victims' caucus, stood up and voted against the inadequate and harmful House bill. That opposition was not surprising since a similar provision offered during the Senate debate was rejected by 61 Senators, including nine Republicans.

The House Speaker's recent announcement naming as conferees only Republicans who supported that misguided and deeply partisan effort is hardly a step forward. Instead, I wish the Republican House leadership would do what it should have done four months ago—take up, debate, and vote on the bipartisan Senate-passed bill. I have no doubt we could reauthorize this life-saving bill in short order if they would just allow their members a straightforward vote on the merits.

Instead, Speaker BOEHNER continues to hide behind a procedural technicality, called a "blue slip," as an excuse to avoid debating the bipartisan Senate bill. He acts as if he has no choice, but this is nonsense. The

Speaker can waive the technicality and allow the House to vote on the Senate bill at any time. He is choosing to hold up this bill, and those efforts must stop.

Since the Senate bill passed, I have been consistently calling for House action on the legislation. Earlier this summer, Senator MURKOWSKI and I wrote a bipartisan letter to Speaker BOEHNER, urging him to allow an up-or-down vote. Two weeks ago, five House Republicans followed suit, calling on Speaker BOEHNER and Majority Leader CANTOR to take up the Senate-passed bill to resolve the "blue slip" problem. And yesterday Republican Representatives BIGGERT and DOLD again urged the House to work with the Senate to get this vital legislation signed into law.

But if the Speaker and the Republican leadership in the House insist on ignoring victims and the voices of the professionals in the field, and those in their own party, and continue to delay this crucial legislation on a technicality, a technicality which has been waived over and over and over again since I have been in the Senate, I think the Senate should once again lead by example.

We can solve this problem tonight—tonight, within the next few hours. If the Senate Republican leadership wants to get VAWA, the Violence Against Women Act, done, it can be done. We could take up a House revenue bill, substitute the bipartisan Senate VAWA bill, and send it to the House immediately.

To those who are watching and listening, this may sound like, what are these legislative moves? What they are is a simple thing I have seen done hundreds of times since I have been here. It would be our way of saying we want to stop violence against women. We have passed a bill that had Republicans and Democrats come together across the political spectrum. Now we are sending it to the other body, saying follow our example.

Majority Leader REID proposed this path forward nearly 2 months ago, but he was blocked by the Republican side. There is no good reason for their objection. Just this year, Republican Senators unanimously agreed to a similar procedure in order to overcome blue slip issues with both the transportation bill and the FAA reauthorization bill. Let's be clear about this—with just a little cooperation from Senate Republicans, we can move VAWA now. What I am saying is that just as 68 of us, Republicans and Democrats, came together before to pass this bill, I would urge the Republican leadership to join us and stop blocking it from moving forward.

We have only a precious few days left in this Congress to get this bill passed. The procedural excuses must stop. Partisan politicking must end, just as Sen-

ator CRAPO and I, two Senators of different political philosophies, came together when we started this process so many months ago, we came together to focus on the victims but also to make good on our promise to stop domestic and sexual violence in all its forms against all victims.

I have said so many times on this floor, this matter is deeply personal. I went to a lot of these crime scenes as a young prosecutor, a young prosecutor with a young family. I would see a victim of violence, sometimes a bloodied and barely conscious victim being taken in an ambulance to the hospital—but sometimes seeing a bloody corpse on the floor and then we would find out, as we unraveled the case, that we could have intervened and stopped this death if we had only had the tools. Well, now those early detection and intervention tools exist and we can stop this violence. Those tools, critical resources to reduce domestic violence homicide, are in the Senate-passed VAWA bill but they will not become law unless we act to pass this legislation now.

What I also learned is that the police officers who came to help investigate and help get the perpetrator, they never asked: Was this victim a Republican or Democrat, rich or poor, white or black, gay or straight, Native American or immigrant. They just said, as I have said so many times on the floor and the distinguished Presiding Officer, who herself was a prosecutor, has said: A victim is a victim is a victim.

I do not want to just be able to arrest people after the victim is dead. I want programs to stop the person from being abused in the first place. I want to protect victims before they become victims. If there is anything in this country that should unite all of us, it should be this, just as it united us before. Let's send it on to the other body. Let's get it passed. Let's get it on the President's desk, and let's hope we save the lives of people.

Helping these victims—no matter who they are—must be our goal. Their lives depend on it, and they are waiting on us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. BLUMENTHAL. Madam President, I am honored to follow the Senator from Vermont, who has been such an extraordinary leader in this area, and look forward to yielding shortly to the Senator from Washington, who has championed this bill and helped us all see the urgency of approving it.

In the minutes that I will be talking, and they will be brief minutes, every minute, two to three women will become victims of domestic abuse. Every minute that I am standing here, every minute that we occupy with debate and delay on this measure, two to three people in the United States, the greatest country in the history of the world,



will become victims of domestic violence.

We cannot afford to wait. That is why I urge that my colleagues advance this critical piece of legislation and urge the House of Representatives to agree to the Senate version of this bill so we can make this bill more inclusive to include Native Americans and immigrants and others who would not be covered by the House version.

We find ourselves at a crossroads. We can either strengthen VAWA or we can retreat and go back. I say let's go forward with the philosophy that the Senator from Vermont has articulated so well as a prosecutor, not to mention knowing how our police work. We do not ask whether someone is an immigrant, what their sexual preference is, whether they are Native American. We protect them if they are victims of domestic abuse and violence. That should be our philosophy in the greatest country in the history of the world.

There are two protections for battered immigrant women in VAWA that are particularly important. The first allows immigrant women married to an abusive U.S. citizen to apply for legal status independent of that spouse. The second, which is the U visa, provides temporary status to victims who cooperate with law enforcement to prosecute their abuser.

The reauthorization of VAWA is currently stalled principally because of the U Visa provisions in the Senate bill, S. 1925.

Let me illustrate the importance of this provision with one story. A woman who came to Connecticut from Guatemala fled her native country to escape her abuser and arrived in Connecticut in 2005. Her abuser followed her to Connecticut, where he continued to abuse her. He was eventually deported to Guatemala on criminal charges, but she found herself in another abusive relationship. Eventually, she was able to find shelter at a local domestic violence agency. She could not convince family to sponsor her so she could apply for legal status. She would have had nowhere to turn but for a transitional living program for domestic violence victims that connected her to a Connecticut legal aid attorney, who then enabled her to file for a new visa.

I am happy to report that this constituent survivor received her new visa in May of 2012. Because of VAWA, she is now safe, and so is her son.

This story is repeated countless times across Connecticut and the country by women who suffer in silence. Their undocumented status makes them particularly vulnerable and powerless to escape their abusive situations. My constituents tell me—and I want to listen to them—that we cannot afford to compromise those basic protections that are fundamental to human rights and dignity, and that is why I urge this body, and the Congress

as a whole, to move forward, not backward.

Again, every minute, two to three women become the victims of domestic violence. The consequences of this horrific problem are too high and the costs too dire to stay the course and simply repeat the inaction we have seen so far.

Thousands of victims of domestic violence are entrusting us with their safety today. We have an obligation to them to avoid the gamesmanship, end the gridlock, and move forward with S. 1925.

I thank the Chair and yield the floor. The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Madam President, I thank Senator LEAHY and Senator BLUMENTHAL and so many others who have come to the floor to speak on this critical issue.

Today the women of the Senate and the men who support the Violence Against Women Act are on the Senate floor to give Speaker BOEHNER and the Republicans another chance to do what is right. It is another chance to stop the delay. It is another chance to provide peace of mind to 30 million women whose protections are at risk, and it is another chance to pass the inclusive, bipartisan Senate, Violence Against Women Act bill.

The bipartisan Senate bill passed almost 100 days ago by a vote of 68 to 31. Fifteen of our Republican colleagues on the floor—I will repeat that—15 Republicans joined us that day, and they did so because they know the history of this bill. They know every time the Violence Against Women Act has been reauthorized, it has consistently included bipartisan provisions to address the women who have not been protected. They know domestic violence protections for all women should not be a Democratic or Republican issue.

But here we are back on the Senate floor urging support today for a bill that should not be controversial. Just as we did last week, just as we are doing today, and just as we will do in the coming weeks, we will be making sure this message resonates loudly and clearly both in Washington, DC, and back home in our States because we are not going to back down—not while there are thousands of women in the country who are excluded from the current law.

The numbers are staggering. One in three Native Americans will be raped in their lifetime. Two in five of them are victims of domestic violence, and they are killed at 10 times the rate of the national average.

Those shocking statistics are not just isolated to one group of women; 25 to 35 percent in the LGBT community experience domestic violence in their relationships. Three in four abused immigrant women never entered the process to obtain legal status, even though they are eligible. Why? Because their

abuser husbands never filed their paperwork.

This should make it perfectly clear to our colleagues in the other Chamber that their current inaction has a real impact on the lives of women across America affected by violence. Where a person lives, their immigration status, or who they love should not determine whether perpetrators of domestic violence are brought to justice.

Last week, the New York Times ran an editorial on this bill that gets to the heart of where we are. It began by saying:

House Republicans have to decide which is more important: protecting victims of domestic violence or advancing the harsh antigay and anti-immigrant sentiments of some of their party's far right. At the moment, harshness is winning.

The editorial also made the point that it doesn't have to be this way. It pointed out:

In May, fifteen Senate Republicans joined with the chamber's Democratic majority to approve a strong reauthorization bill.

It ended with what we all know it will take to move this bill forward: leadership from Congressman BOEHNER. The effort that was started in the Senate last week—an effort that will continue for as long as it takes—is a call for the very same—leadership.

It is time for Speaker BOEHNER to look beyond ideology and partisan politics. It is time for him to look at the history of a bill that again and again has been supported and expanded by Republicans and Democrats and end the delay because, frankly, it is taking a toll.

Every moment the House continues to delay is another moment that 30 million vulnerable women are without the protections they deserve in this country.

The women this bill protects have seen their lives destroyed by the cowardice of those who claimed to care for them. We have a chance now to stand for them where others have not. But the only way we can help protect these women is to prove that we as a nation have the courage to do so—the courage to show them that discrimination has no place in our domestic violence laws. To do that, we need to pass the Senate's inclusive, bipartisan Violence Against Women Act.

Mrs. BOXER. Will my friend yield for a question?

Mrs. MURRAY. Yes.

Mrs. BOXER. I have a question, and I want to make sure everyone listening to this debate gets what is about to happen.

Is it not true that the Senate passed the bipartisan Leahy-Crapo Violence Against Women Act with well more than 60 votes?

Mrs. MURRAY. Yes, the Senator from California is correct.

Mrs. BOXER. Is it not correct that the House passed its version and left out 30 million Americans?

Mrs. MURRAY. The Senator from California is correct. In fact, those 30 million Americans would be covered under the Senate bill. We made sure that Native American women are covered, and we put in important provisions to make sure campus violence is covered, and those provisions have been left out of the House bill.

Mrs. BOXER. Yes. And the immigrant women, as the Senator has discussed, which Senator BLUMENTHAL pointed out, are the most vulnerable because they are so afraid of their status, they are very scared to report that someone is raping them, beating them, or harming them every single day; is that correct?

Mrs. MURRAY. The Senator from California is absolutely correct. We cannot even imagine what it is like to have somebody hold that kind of power over you and use it to beat you day in and day out. We cover those women in this bill so that they have the protections they ought to have as human beings.

Mrs. BOXER. Isn't it fair to say that the 30 million people we cover—which the House leaves out—include college students, enhanced protections for them on campus; the LGBT community; Native American communities; and undocumented immigrants; is that correct?

Mrs. MURRAY. The Senator is correct.

Mrs. BOXER. As my friend pointed out, is it not true that when you look at rates of violence against these particular people in our communities, they are higher than the population at large?

Mrs. MURRAY. The Senator from California is correct.

Mrs. BOXER. Isn't it fair to say that the House bill—their version of the Violence Against Women Act left out the most vulnerable people who are the most susceptible to violence?

Mrs. MURRAY. The Senator from California is correct. That is why we have work to do, in a bipartisan fashion in the Senate, to make sure in this country, America, we do not discriminate against women when it comes to violence.

Mrs. BOXER. I have two more points, and then I will yield to my friend so she can make the unanimous consent request.

Isn't it also true that the excuse Speaker BOEHNER is giving as to why he will not take up and pass the bipartisan Leahy-Crapo bill, isn't it true that the excuse is that there is a technical problem, which he calls a blue slip, in the Senate bill? And isn't it true that my friend today is going to ask unanimous consent to correct that problem so that we can send this inclusive bill over to Speaker BOEHNER?

Mrs. MURRAY. The Senator from California is correct. It seems to me such a simple procedure to do, which

we have done many times in the Senate, to just by unanimous consent send the Speaker back the bill so he can't put a piece of blue paper in front of us and say that stands between women and the protections we are trying to pass for them today.

Mrs. BOXER. Finally, I hope, when my friend makes the unanimous consent request, to take the very same text of the Violence Against Women Act, which passed this body with well over 60 votes, and put it into a bill that would overcome the technical problem and enable us to send it back to the House. It is my strong hope that the Republican leadership will not object. If they do, let the whole country understand what they are objecting to: a way to fix this technical problem so that Speaker BOEHNER and the Republicans can pass the Senate bipartisan Violence Against Women Act and include the 30 million people who have been left out.

I thank my friend for yielding.

Mrs. MURRAY. I thank the Senator from California and say that she is absolutely correct. What I am about to do is to ask consent to do what we have done on many pieces of legislation, including the jobs and Transportation bills the Senator from California was able to pass, and the Senate overcame that technicality through a motion on the floor.

We have done it time and time again on bills like that. It seems to me that on a bill like this, which is affecting so many women and their right to protect themselves and the ability to get help in their communities, there should not be a technicality between them and our passing protections for them in this country.

#### UNANIMOUS CONSENT REQUEST—H.R. 9

Having said that, I ask unanimous consent that the Finance Committee be discharged from further consideration of H.R. 9 and the Senate proceed to its consideration; that all after the enacting clause be stricken, and the language of S. 1925, the Violence Against Women Act reauthorization, as passed in the Senate on April 26 by a vote of 68 to 31, be inserted in lieu thereof; that the bill, as amended, be read the third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. GRASSLEY. Madam President, rather than doing the usual thing and reserving the right to object, I will object, and then I would appreciate the courtesy, before I offer a parallel UC, to make my remarks.

Mrs. MURRAY. Madam President, has the Senator from Iowa objected to my request?

The PRESIDING OFFICER. Objection has been heard. The Senator from Iowa—

Mrs. MURRAY. Madam President, the Senator from Iowa has objected. I just have to say that it is stunning to me that the Senator has objected to a simple procedure that we have done many times on Transportation bills and FAA bills and, sadly, now there is an inability to provide protections for the women we have been talking about.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Madam President, I am going to make a unanimous consent request dealing with the same subject.

Before I do that, I am astounded that it took 100 days for the majority to decide that the bill they wanted to send to the House would be blue-slipped because they kept saying it really wasn't subject to a blue slip. Obviously, the Constitution gives the House of Representatives the power to make that decision, and they made the decision that the fee in this bill would keep it from being accepted by the House of Representatives.

They have obviously overcome that problem. But they have not overcome some other problems with the legislation. My reason for objecting for people on my side who voted against this bill is because of some unconstitutional provisions that it contains, and issues that don't have to be brought up to guarantee there is adequate legislation for fighting violence against women.

By the way, I believe this act, which has been on the books for more than a decade and a half, is going to be carried on. So there is not going to be a situation where, whether or not we go through this process, there is not going to be legislation protecting women on the books. It is just a question whether it will be expanded in a way that was intended to make the bill controversial so, presumably, it could be made a political issue in an election year.

What bothers me about this whole process—besides the fact it has taken 100 days to get to the point of offering it for conference—is it fits into a pattern of doing things at the last minute. We are 2 days away from a recess, and this is brought up at this particular time. I have to ask why. Why not sometime during the last 100 days?

I also see a pattern of this maneuver fitting into the maneuvers that have been going on ever since, I believe, the spring break we had in the Senate. Ever since then—as reported in an article published in the newspaper we know as Politico a couple of months ago about a strategy between the White House reelection effort and things that go on in the Senate—we seem to have a crisis every week.

We came back from the spring break, and we had the Buffett tax rule. That was carried on for a week. Everybody knew that wasn't going to pass, but we wasted a whole week on the Buffett tax rule.

Then this issue was brought up before and passed about that time as part of a strategy of having a war on women come up as an issue. That ended in this legislation being passed through the Senate but in a way where everybody knew it wasn't going to get through the House of Representatives. But it was a very convenient political issue.

Later on, we had the equal wages for women legislation that came up for about a week. Once again, everybody knew that wasn't going to go anyplace, but it was debated in this assembly, taking up time from a lot of important issues that ought to be dealt with—the economy and creating jobs. We spent a week on that.

Then we spent a week on taxing the rich, and everybody knew that wasn't going to go anywhere.

I think we spent a month on interest rates on student loans. Everybody knew there was a bipartisan solution to that, but nobody wanted to go there until the President had a whole month of going to university campuses to blame Republicans for not passing a bill that would keep interest rates low on student loans.

Then we spent last week on the DISCLOSE Act. Everybody knew that wasn't going to go anyplace.

So we have had a whole spring and summer in this body of accomplishing nothing because there is a strategy between the White House and the leadership of the Senate to help this President get reelected. And to keep away from issues the people of this country are concerned about, which are the economy and creating jobs and the fact that this White House and this Senate aren't going to do anything to work through those issues.

Here in the Senate it is an issue of politics and not an issue of process. I think the American people know the games being played, and they are sick and tired of it.

So I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 406, H.R. 4970, the House-passed Violence Against Women Reauthorization Act; provided further that all after the enacting clause be stricken, the text of the Senate-passed violence against women bill, S. 1925, with a modification that strikes sections 805 and 810 related to the immigration provisions; that the bill be read three times and passed, the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate with a ratio agreed to by both leaders.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Is there objection?

The Senator from Washington.

Mrs. MURRAY. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Washington.

Mrs. MURRAY. Mr. President, I listened carefully to the passion of the

Senator from Iowa on behalf of the Republican majority and Speaker BOEHNER, and, frankly, I have to say it is offensive to say that the issue of violence against women is about politics. This is about women who are abused, women who are powerless to fight back, and women being able to get the protection they need in this country that has provided protection for a very long time, to make sure women who are immigrants, women who live in a tribe, women who are gay and lesbian, women who are on college campuses get the protection this legislation supports. This is not about politics, this is about violence and this country standing up and saying we are going to protect them.

Make no mistake about it, what the Republicans are saying is that they want to move this bill to conference so they can strip out those provisions. Well, they have crossed a line—a line that in the history of this nonpolitical, bipartisan bill has been so deeply important to so many of us. They made this bill about politics just now. I find that offensive.

What they want is to take the Senate's bipartisan-passed bill, supported by both Republicans and Democrats here, send it to conference, and then pick it apart. They want to take it to conference so they can have a discussion about which women in this country deserve protection and which do not. They want to pit one group of women against another. This is not a game. It is not politics. And it certainly is not a game I am going to play. The new protections in this bill have been supported by Republicans and Democrats, groups across this country, and millions of Americans. They are not bartering chips, and it is not about politics.

The objection of the Senator on behalf of the Republicans raises issues that really are nothing more than a smokescreen. They do not want to be out in front saying they are willing to discriminate against certain women. They would rather hide behind these procedural objections. But I would remind all our colleagues that these procedural objections they are out here talking about—the politics—have been routinely overcome here in the Senate. Just as I said a few minutes ago, the transportation and jobs bill we passed a month ago, the blue slip issue was overcome. The FAA reauthorization last year funding our Nation's airports—overcome. The Food Safety Act—overcome. The Travel Promotion Act. All those had blue slip issues, and all of them were overcome, and there was a reason why—leadership and the will to do the right thing.

So let me make it abundantly clear. This is not about politics. It is about protecting women in this country. It is about making sure we do what is right for so many women who are looking to

Congress to put in place the protections they deserve.

So the ball is in the Speaker's court now. He is going to have to talk to women across the country about why their protections are at risk because of politics. But I want everyone to be clear: We are not going to compromise on the issues that are so important to so many women and throw them under the bus. That is not what we have fought for year after year on bipartisan legislation when we passed the Violence Against Women Act before. It is inclusive, it is bipartisan, and it is above ideology and partisan games. It is a bill that makes sure that no matter who you are or where you live or whom you love, you are protected in this great country in which we live.

Politics has no place in this. I would agree with the Senator from Iowa. Who is playing politics? We will leave it up for those who are watching. What I have asked is that the Senate do what we have done many times on many bills—move this bill to the House in a bipartisan way and pass it, and then politics won't matter, women will be covered.

I hope our Senate colleagues who have objected and the Speaker will reconsider. They can easily pass this bill today or next month, put it in place, and women in this country can say the leaders of this country are fighting for them.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. FRANKEN. Mr. President, I just want to do one thing in terms of responding to Senator GRASSLEY, who is a friend. We enjoy a very good relationship on the Judiciary Committee, and we are just friends. But the idea that these new provisions in the VAWA bill are political just couldn't be further from the truth.

Let me talk about just one provision. It is about women on Indian reservations who get abused by a partner or a boyfriend or husband who isn't Native. And this happens all the time. This provision gave jurisdiction to the tribes to prosecute these individuals.

I am on the Indian Affairs Committee. I talk to tribal leaders all the time. I go to reservations all the time. My colleagues have no idea how grateful tribal leaders were and how important this was. One out of every three Indian women in this country is raped at some time in her life, and by far the largest majority of that is not by male Indians, it is by non-Indians. I can't think of anything that is less political. I just can't. And I ask my colleagues to think, to give a second of thought before they say stuff like that.

It really is, as Senator MURRAY said, offensive to her. I actually found it more sad. I find it sad.

THE MEDICARE DIABETES PREVENTION ACT OF  
2012

Mr. President, I came to the floor to talk about diabetes. And the Presiding Officer has been such a champion in talking about the money that can be saved in our health care system by the prevention of chronic disease.

The burden of chronic disease in our country is staggering. Chronic disease affects half of all American adults, and 7 out of 10 deaths each year are due to chronic disease. If current trends continue, by the year 2020, 52 percent of American adults will either have type 2 diabetes or elevated glucose levels, known as prediabetes, and diabetes can often lead to other chronic diseases, such as heart disease.

But as grim as these statistics are for our country, we also have some of the best health care researchers in the world. A few years ago, the Centers for Disease Control and Prevention, the CDC, conducted a pilot program called the Diabetes Prevention Program in two cities: St. Paul, MN, and Indianapolis, IN. This program, which was administered by the YMCA, is a program focusing on 16 weeks of nutritional training, eating healthy, and physical activity. It costs about \$300 per participant. The results of this pilot were extraordinary. Among adults with prediabetes—who are at the highest risk for developing type 2 diabetes—the program reduced chances that a participant would be diagnosed with diabetes by 58 percent. For adults over the age of 60, it reduced the likelihood of being diagnosed with type 2 diabetes by 71 percent.

That is why Senator LUGAR and I introduced legislation in 2009 to authorize the National Diabetes Prevention Program as a grant program through the CDC. This bill was passed as part of the health care law and is helping community-based organizations such as the YMCA administer the program across the country. No one can participate in this program if it is not available, which is why we needed the CDC to help expand the program and scale it up. Thanks to their work and to our provisions in the Affordable Care Act, the YMCA is now offering the Diabetes Prevention Program at more than 300 sites in 30 States.

But we also need health insurers to pay for the program to make sure everyone who needs it can get it. We know that when eligible adults participate in the program, it saves everyone money. In fact, the CEO of United Healthcare told me that they will cover this. Why? Because they save \$4 for every \$1 they invest in the program because their beneficiaries are healthier. And the Urban Institute estimated that implementing community programs such as the Diabetes Prevention Program could save \$191 billion nationally, with 75 percent of the savings—more than \$142 billion—going to Medicare and Medicaid Programs.

That is why the Federal Government should also invest in this cost-saving program for seniors. Nearly one-third of Medicare beneficiaries had diabetes in 2010. The Diabetes Prevention Program costs about \$300 per participant, as compared to more than \$6,000 a year in added health care costs for someone with type 2 diabetes. There is no question that by preventing diabetes, we can all save money while keeping our seniors healthier.

That is why I introduced legislation yesterday with my friends, Senators LUGAR, ROCKEFELLER, COLLINS, and SHAHEEN, to allow Medicare to cover the National Diabetes Prevention Program. We are doing this to help our seniors enjoy their golden years while staying as healthy as possible. We are also doing it because it is the fiscally responsible thing to do. That is why the American Diabetes Association, the American Heart Association, the American Public Health Association, and the American Council on Aging have all endorsed this legislation. The National Association of Chronic Disease Directors, the National Association of State Long-Term Care Ombudsman Programs, and the YMCA of the USA have also endorsed the bill, as have 79 State and local organizations.

We know a really good way to prevent type 2 diabetes, and we know how to do it while saving the Federal Government billions of dollars. In fact, we know doing it will save the Federal Government billions of dollars.

Let's all here work together to prevent chronic disease in our country. I urge the Presiding Officer and my colleagues on both sides of the aisle to join me in guaranteeing that every senior has access to the Diabetes Prevention Program when they need it.

I-35W BRIDGE COLLAPSE

Mr. FRANKEN. Mr. President, I would like to take a moment to recognize that today is the fifth anniversary of a tragedy in my home State—the collapse of the I-35W bridge in Minneapolis. The collapse killed 13 people and injured 145 others. That collapse was a shock to Minnesotans and to the country. How could a bridge on our Interstate Highway System collapse? It underscores the importance, of course, of investing in our infrastructure. We did move quickly to replace the bridge—and it is a beautiful bridge—thanks to the leadership of Senator KLOBUCHAR and others.

I wish to say a few words about the response by the people and the first responders in Minneapolis and the metropolitan area. It was amazing. All the first responders had interoperable radio signals. People in Minneapolis ran to the bridge to help. People did heroic things. I am very proud of Minnesota. I am proud of Mayor Rybak and the response of other first responders in the metropolitan area. I am so proud to represent Minnesota.

My heart goes out to the families of those who perished that day and also to their loved ones and their friends and also to the survivors who are still recovering in so many different ways.

I urge my colleagues not to forget that day. We need to invest in our infrastructure to make sure this doesn't happen again.

Mr. President, I yield the floor.

THE PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I thank the Senator from Minnesota for his great remarks. He really does care about Minnesota. It is a nice State.

IRAN SANCTIONS

Mr. President, in a few hours the Iran sanctions bill is likely to pass both the House and the Senate. That is very good news because when it comes to Iran, time's a wastin'. We need to ratchet up the pressure. And this is a powerful package that will paralyze the Iranian economy. It tightens the screws tighter, tighter, tighter, so that the Iranians will have no choice but to see their economy basically in desperate shape if they continue to pursue obtaining a nuclear weapon.

I thank my colleague, Chairman JOHNSON of the Banking Committee, who has put so much time and effort into the Iran sanctions bill and done such a great job.

I thank Ranking Member SHELBY. We go to the gym in the Senate at about the same time early in the morning, and we have talked about this bill repeatedly. I know how much he cares about it.

I thank my colleague from New Jersey, whom I have worked with on this issue long and hard and who has taken a great leadership role. Senator MENENDEZ has been relentless in pushing this bill, and the many of us who wish not to see a nuclear Iran owe Senator MENENDEZ a great deal of thanks.

I thank my friend Senator KIRK, who, even though he is not physically present in the Chamber, has made this his highest priority. We have worked together on this issue a long time, and we continue to wish him a speedy recovery.

I believe that when it comes to Iran, of course, we should never take the military option off the table, but I believe—as almost everyone in this Chamber believes, our President believes, Prime Minister Netanyahu believes, and most Israelis believe—that economic sanctions are the preferred way to choke Iran's nuclear ambitions. If we can achieve sanctions and Iran truly backs off, not with a feint but in reality, by meeting the three standards that both President Obama and Prime Minister Netanyahu have set—turning over any 20-percent enriched uranium, stop producing any 20-percent enriched uranium, and destroying the new facility at Qom—then we will have achieved great victory. So we have to move forward.

Earlier this year a group of bipartisan Senators—I was proud to be amongst them—led by Senator LIEBERMAN called on the European Union to exert more pressure on Iran by imposing an oil embargo on this rogue regime. Our European partners have done just that, and their oil boycott is working. That, too, is furthering to ratchet the pressure on Iran's nuclear program.

Last November the report on Iran's nuclear program by the IAEA was its most alarming yet. It proved beyond a shadow of a doubt that Iran is developing a nuclear weapon. And according to published reports, they could have at least one workable weapon in less than a year and another in 6 months after that. So we don't have much time, and ratcheting up the economic pressure is imperative. We cannot dawdle. We cannot sit around and say: Let's wait 6 months and see if the existing sanctions are working. We have to ratchet up that pressure so that Iran sees that it is not in its interests economically, politically, militarily even, to pursue the path they have thus far chosen. The IAEA report details a highly organized program dedicated to acquiring the skills necessary to produce and test a nuclear bomb. And earlier this year DNI Director Clapper told the Senate Intelligence Committee that Iran's leaders even seem prepared to attack U.S. interests overseas. So we know Iran is on the path to continued evil.

Just last week a suspected suicide bomber killed 6 people and wounded 30 aboard an Israeli tourist bus in a coastal town in Bulgaria. Israel believes—and I tend to agree with them—that Hezbollah and Iran are to blame. Many questions remain about the bomb, but many Western counterterrorist officials share the suspicions that Israel and I, frankly, both have.

By giving our government the capability to impose even more crippling sanctions on Iran should they continue with their nuclear weapons program, the House and the Senate are putting forth a tough, smart plan to ratchet it up and prevent, hopefully, God willing, the very real threat Iran poses to the United States and our allies, particularly Israel.

I am not going to go over what the bill does. That has been talked about. But I want to mention one other part of the bill before I sit down. I am really happy and grateful to Chairman JOHNSON that the measure before us will also include language adopted from the Syrian Human Rights Accountability Act. That is legislation I cointroduced this year with my friend and colleague from New York, Senator GILLIBRAND. The legislation would require the administration to identify violators of human rights in Syria, it would call for reform and protection of the prodemocracy demonstrators, and it would also block any financial aid and property

transactions in the United States involving Syrian leaders involved in the crackdown on protesters.

If the Syrian Government, which in many respects operates as a client state for the rogue Iranian regime, will not willingly change its brutal approach and continues to violate the human rights of those seeking to exercise their voices, then we have to do everything we can to send the strongest message possible to that nation's leadership that this behavior is beyond the pale and not without consequences.

In conclusion, I believe my colleagues Chairman JOHNSON, ranking member SHELBY, Senator MENENDEZ, and Senator KIRK, have done an excellent job crafting a comprehensive plan to arm the administration with the tools it needs to put a stop to Iran's nuclear program. I urge my colleagues to unanimously support the Iran Threat Reduction and Syria Human Rights Act of 2012.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SERVICEMEMBERS' PROTECTION ACT

Mr. BROWN of Ohio. Mr. President, I rise today because servicemembers who risk their lives protecting our Nation should not have to ever worry about predatory banking practices. They should not have to worry about whether they can vote absentee while serving abroad. While they are fighting our Nation's foes, they should not have to worry about fighting a foreclosure. When they are serving our country, they should not have to worry if their civilian job, if they are Guard or Reserve, will be available when they return.

Unfortunately, too many do worry about that. Last week I joined the Attorney General of the United States at Wright-Patterson Air Force base near Dayton, OH, and spoke with men and women who serve our country, airmen and airwomen. Also around that time I spoke to some Guard and Reserve, members of the Guard and Reserve who serve our country, about some of these fraudulent practices. When they are overseas, some of them do not know when they return if they are going to still have their job. They don't know what happens to them when they go back to school if they are enrolled in a university, private or public, 2-year or 4-year. They don't know what happens sometimes with their families in foreclosure or facing financial fraud.

We know that employment is critical for servicemembers and military families. So is housing. So is protecting their ability to cast a ballot. That is why I am sponsoring legislation, the Servicemembers' Protection Act,

which is so vital to those men and women in uniform. It would make critical changes to the Servicemembers Civil Relief Act that could improve the quality of life for members of the Armed Forces.

My bill first would strengthen housing and lending rights for servicemembers. Right now, a bank cannot foreclose upon servicemembers while they are serving overseas until it gets a court order. Yet the bank has no real obligation to actually investigate whether a homeowner is on active duty overseas. My bill would require lenders who want to foreclose on a home to conduct a meaningful investigation into a borrower's military status. It would increase civil penalties for violating a servicemember's rights as a homeowner.

The bill also would strengthen enforcement for the Uniformed and Overseas Citizens Absentee Voting Act, to make sure servicemembers' votes are counted. It would create a nationwide standard for getting absentee ballots to overseas servicemembers in a timely fashion.

Finally, it would make sure servicemembers can return to their jobs after they have completed their military service with the seniority and pay rate they would have earned if they remained continuously employed by the civilian employer.

We know the Guard and Reserve who are called up leave their civilian jobs and too often come home to the uncertainty of, What happens when I arrive home? Members of the Guard should not have to worry about whether they will return home to the same job and the correct pay rate.

As citizens of a grateful Nation, we have a responsibility to do something—more than something to protect servicemembers' rights as they sacrifice to keep our country safe. That is why I urge my colleagues to stand up for our servicemembers. It is time we serve those who served us.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. BROWN of Ohio). The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the proceedings under the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ALASKA INTERNS

Ms. MURKOWSKI. Mr. President, I am delighted to have a fine group of young Alaskans with me—not only here on the floor, but in my office for four weeks, and I thank them for their help in Washington and really for all of Alaska. They have been back here for a

month and have done a great job. It is always a true delight to have good, high energy young people from back home to help me in the work we do here. I am so pleased they are with me.

#### TSUNAMI DEBRIS

Mr. President, I rise today to discuss an issue that people back home are talking about a lot. We are discussing the Federal Government's need to plan for the increasing level of marine debris that is hitting the Pacific coastline, whether it is out in Hawaii or all the way up north in Alaska. This debris is coming from the earthquake and tsunami that struck Japan last March. This is a subject of great discussion and debate for folks who are out fishing or walking our beaches.

We all know that tragic event claimed nearly 16,000 lives and destroyed community infrastructure, homes, and livelihoods. Our prayers continue for the ones we have lost and those who have lost their loved ones.

As horrifying as these natural disasters were, the Earth only shook anywhere from 3 to 5 minutes, and the tsunami rushed to the shore and then receded. But the devastation to property and coastlines continues as debris has moved from the shores of Japan over a year and a half later and we begin to see the debris pile up on our shores over here.

The Japanese Government has estimated that about 5 million tons of debris were carried into the ocean. We have assumed that the majority of that either sank or will sink. There is no concrete idea of how much is still floating or when the bulk of it will reach our beaches, but in Alaska we know it has been arriving.

We saw the first evidence of it last winter, and it arrived ahead of the projected timelines. It is understandable that we were not able to anticipate exactly when the tsunami debris would start arriving, but now that we are starting to see it along the shoreline there is no doubt we need to respond.

Last January, in trying to get ahead of the curve, if you will, I held a roundtable in Anchorage to find out what our State and Federal agencies were doing to prepare for the debris we knew would be coming to our shores, how the interagency work was being coordinated, and how individuals could report sightings and navigational issues.

I think I have mentioned on this floor that I have two sons out on a fishing vessel in the Gulf of Alaska. As they cross the gulf, I wonder if they will encounter debris from the tsunami?

We saw at one point in time a Japanese vessel that was literally a ghost ship, a relic from that tsunami. The Coast Guard took that vessel out of the navigation channels. Alaskans and people who live on the coast are very aware when there is stuff out in the water uncharted and unknown, and

we want to understand and know a little bit more.

This past June, I joined the U.S. Coast Guard to see for myself what was washing up on some of Alaska's remote shorelines and our beaches. We flew out of Cordova, AK. We went to Kayak Island. Kayak sticks out from the coastline at an angle that allows it to collect an incredible amount of marine debris on just an average year. So the reason to go to Kayak was to see what might be there other than the typical marine debris, unusual things like nets, ropes, and buoys. We saw real evidence of what is coming our way from the tsunami. We saw colored buoys. We saw large Styrofoam blocks. There was a large container that had washed up very recently.

We have a picture from NOAA that shows some of what we saw washed up there on Kayak Island. These are all the plastic buoys. The black ones, we were told, are what we see more of coming out of Japan.

Now, you may wonder, have we been clearly able to identify whether these items came from Japan or if this was the usual marine debris? NOAA is working to sort all of that out, but there are signs that give us somewhat of an idea of whether what we saw out there on Kayak Island was typical marine debris or not.

Many saw pictures of this huge dock that recently arrived on the coastline in Oregon. Just look at the size here and think: this concrete dock had floatations on either end and traveled all the way across the Pacific literally in one huge slab up onto the Oregon beach. I think when folks looked at that picture, their word was, Wow.

Again, for those who are navigators and fishermen, if they run across something like this in the water it is real evidence of why we need to be concerned.

This next photo is from somewhere in the Pacific. This shows the objects that are creating, again, a hazard to navigation. These same materials are going to end up somewhere on a shoreline, whether it is on our beaches or in our ports. Think about the impact this may have on sensitive habitats, making them unusable, possibly deadly for certain marine animals, such as shore birds and other species that may rely on them.

I think what is important to recognize from these three pictures I have just shown is that we are seeing now the debris that is floating on top or at least partly on top of the water. We are seeing it coming to U.S. shorelines earlier than anticipated because in addition to being carried by the currents from the ocean, this debris is being moved along by the wind.

What we are seeing in Alaska primarily are those buoys that sit up clear out of the water. You can also see fishing boats, building materials, and

roofs in this photograph. Again, this is what we can see because it is above the water.

So one of the real questions we need to ask is, What is below the water? What is just below the surface that we can't see?

A couple of weeks ago, I met with some representatives from the Yakutat Tlingit Tribe from Yakutat, AK. Yakutat is in the northern part of the Alaska panhandle, on the eastern side of the Gulf of Alaska. It is a very remote community. It is only accessible by air or by boat. The closest community is hundreds of miles away and, Yakutat is surrounded by National Park Service and Forest Service lands.

So this community—the tribe, city, borough—is meeting weekly to assess the debris that is coming up on their beaches, and they are trying to put together a response. They have done some cleanup along 15 miles of area beaches.

One beautiful beach is called Cannon Beach. It has black sand. It is absolutely gorgeous. I visited it in March, and now we are seeing the Styrofoam, housing foam, and buoys coming up on it and the other beaches near Yakutat. The community estimates that they have about 600 pounds of marine debris per mile. The borough has 1,074 miles of coastline, so this small village community is looking at the possibility of 3,000 tons of debris.

This next picture is actually from Yakutat. This details another problem that our coastal communities are facing. What do we do with this marine debris? Our landfills, particularly in southeastern Alaska, are maxed out or close to being maxed out. This landfill space that is already filling up could very quickly be overwhelmed by tsunami debris. And not only are my residents working to clean up beaches with limited landfills, often they are in very rugged and very remote locations, many with no road to access. Sometimes they can't land a vessel or a boat on the shoreline because it is just too dangerous. So how do we access this debris? That is a challenge.

It is also costly, and we are faced with the question of what do we do with the debris we have collected?

Yakutat is exploring some pretty creative solutions and alternative disposal solutions. Yakutat is one of those communities that has extremely high energy costs. If my memory serves me, I believe they pay in excess of 50 cents a kilowatt hour for their energy. So when they are dealing with challenges and problems, they try to find solutions that help with their high cost of energy.

What Yakutat is looking at now is whether there is the potential for any waste-to-energy technologies that could deal with two problems: clean up debris and support long-term efforts to deal with the high cost of energy. It is

kind of a two-for-one. They are trying to figure out how they can turn this problem into an energy source, and in this way they can support long-term community marine debris cleanup efforts. This would be a creative solution for this small remote community, largely on their own and facing truckloads of debris.

Now the State of Alaska has engaged in tsunami debris coordination, and I am told the Alaskan region representatives of various Federal agencies are as well, but headquarters of agencies across the Federal Government really need to be part of the plan and engage creatively to address this accumulating debris.

I don't have my typical Alaska map here that I usually use when I speak, but my State has an incredible coastline—more coastline than the rest of the country put together—and we depend on our marine sources for livelihood and recreation. We value a healthy coastline to support a resilient marine environment. Our fisheries, our tourism, and our coastal communities are so dependent on a strong and sustainable region.

So, think about this from the tourism perspective. When somebody is paying thousands of dollars to come up to Alaska to visit remote, wild areas, they are certainly going to be disappointed if they are greeted by a beach full of Styrofoam or pass by the many debris fields that are accumulating.

Communities up and down the coastline need assurance that the headquarters of various agencies are going to be part of the cleanup plan. In the aftermath of Hurricane Katrina, FEMA compiled a document denoting the debris removal authorities of Federal agencies. That document outlined that the Departments of Agriculture, Commerce, Defense, Homeland Security, and Transportation all had a role to play in debris removal.

So for this reason—and using this federal memorandum as an example—I have asked the White House to establish and lead an interagency task force to plan for tsunami debris. We also need to engage the relevant States, tribes, local governments, and international partners by inviting them to participate in this task force. We all need to work together. We cannot leave a little community like Yakutat and say: Clean up your section of the coastline.

I know private and government Japanese representatives have expressed interest in helping with the debris problem. The ability for Japan to offer experience and technology with waste-to-energy devices could provide a great opportunity for the U.S., Japan and public partnerships to come together and address the debris.

There are many reasons we need to act now. It is a difficult time of year

for many of us here in Washington, DC, to think about winter storms. We are enjoying some pretty warm weather here. But we need to recognize and think about what winter weather in Alaska will mean for accumulating debris. We have a lot of areas being impacted by tsunami debris that have already had huge tide swings. If we add that to a winter storm in areas with beaches, some of the debris we see will be buried deep by the sand, and will only be uncovered when snow melts. However even during the spring, accessing the coastline can be challenging due to breakup conditions. We have extreme tides and, of course, the weather will also move the debris up into the tree line, making access and removal even more difficult.

This last picture will give my colleagues some indication of what I am talking about when we think about the Alaska coastline. This is in a part of the State called Montague Island. With good high tides and the weather we get, downed trees are part of the ocean accumulation on the shore. You can see tucked among the trees, kind of sprinkled like confetti, some of the Styrofoam that has washed up. Again, this is marine debris we are seeing. Think about how difficult it will be to access some of this after winter storms.

Where debris lands on rough and rocky shorelines, wave action is expected to break it up. We know that happens, and I am concerned about our marine life, birds and animals consuming smaller plastic particles that have been broken down by this wave action. A piece of Styrofoam that is easy to pick up today because it is reasonably good-sized is going to be much more difficult to clean up when it has been broken down by wave action. So, again, all of this argues for prompt action.

Maybe the best we can do for now is pick up the debris and store it somewhere. But as we saw looking at the Yakutat picture, storing it in a landfill in most of these communities is probably not going to be feasible. Bailing technology could be available to Alaska communities for about \$10,000, and these machines would at least support the voluntary cleanup efforts and provide a means to store the debris rather than force strained landfills to absorb the incoming debris. I throw this out because I think it is important that we get creative about this. We need to be exploring all available technologies to support the most efficient means to handle this tsunami debris and other marine debris for the long run.

Every year I attend an annual alternative energy fair. It is held in the interior part of the State at Chena Hot Springs. We always learn something good and new at this energy fair. Last year, when I was there, I saw a device that is actually in production. It is on-

the-shelf technology. It may help turn much of the debris that is hitting our coastline into fuel. The device—I called it a gizmo but I know there is a much more technical term for it—processes plastics into fuel with the capacity to produce as much as 2,400 gallons per day. With fuel at over \$6 a gallon in Yakutat, people are looking at this and saying, We can actually take some of the waste, the garbage, the debris, the plastic, and turn that into fuel so we don't have to pay 6 bucks a gallon to fill up a four-wheeler, truck, or boat.

Given the tight budgets across the country, again, I think we need to be creative. We need to identify and deploy all available resources and share information. We need to leverage local knowledge and our coastal residents' proximity to the debris, as well as their vested interest in the cleanup efforts.

Our Federal agencies have regional staff and they have facility resources. Many run programs that are consistent with the objectives of tsunami debris response and mitigation. For those who would suggest, Well, if it has come up on your shore, it is your responsibility; there is no Federal role here; it is up to the States to figure this out, I would remind them that in my State, much of our land is owned by the Federal Government. This picture here is of Montague Island. Montague Island is entirely within the Chugach National Forest. And, in fact, over 60 percent of my State is owned by the Federal Government, so clearly the Federal Government has a role to play in cleaning up the debris.

We also can't forget about the private interests in cleanup. Many industries and private citizens are dependent on our navigable waterways and healthy ecosystems. We need good communication, leadership, and a plan to guide an interagency and public-private approach to solve this challenge during what we all acknowledge are difficult fiscal times. I commend the NOAA marine debris program for their coordination and response to this work, but the fact is they are a small and an overtasked program. They need the help of their Federal partners to address this as a national priority.

I encourage my colleagues to join me in recognizing that marine debris is a national problem as well as a priority, and a comprehensive response to tsunami debris that we are seeing on our shoreline in Alaska and other Pacific States, in addition to Hawaii, is past due.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

CYBER SECURITY

Mr. GRASSLEY. Mr. President, over the last few days we have been lectured numerous times that we must protect



cyber critical infrastructure; otherwise, our country is in jeopardy. Everybody agrees with that statement. Enhancing cyber security is important to our national security. I support efforts to strengthen our Nation against critical cyber attacks.

However, I take issue with those who have come to the floor and argued that those who don't support this bill are against strengthening our Nation's cyber security. Disagreements over how to address policy matters shouldn't evolve into accusations about a Member's willingness to tackle tough issues. The debate over cyber security legislation has turned from a substantive analysis of the merits into a political blame game as to which side supports defending our Nation more. If we want to tackle big issues such as cyber security, we need to rise above disagreements and work in a constructive manner. Disagreements over policy should be openly and freely debated.

Unfortunately, this isn't how the debate on cyber security proceeded. Instead, before a real debate began, the majority leader cut that debate off. As the discussion of cyber security began on the floor this week, Senators stated that a failure to grant broad new powers to the Federal Government will lead to a cyber 9/11. I agree that if we fail to take action on cyber security, there could be a national security consequence. However, I don't believe giving the Federal Government more regulatory authority over business and industry, as supporters of this bill propose, is the answer to strengthening cyber security.

Chief among my concerns with the pending bill is the role played by the Department of Homeland Security. These concerns stem from oversight that I have conducted on the implementation of a law called the Chemical Facility Antiterrorism Standards Program. That acronym would be CFATS. CFATS was the Department's first major foray into regulation of the chemical sector.

The Department of Homeland Security spent nearly \$½ billion on that program. Now, 5 years later, they have just begun to approve site security plans for the more than 4,000 facilities designated under the rule.

I have continued to conduct oversight on this matter. Despite assurances from the Department of Homeland Security that they fixed all the problems with CFATS, I keep discovering more problems. So now I am baffled why we would take an agency that has proven problems with overseeing a critical infrastructure and give them chief responsibility for our country's cyber security.

Additionally, I am concerned with provisions that restrict the way information is shared. The restrictions imposed under title VII of the bill are a

step backward from other information-sharing proposals. This includes the bill I have cosponsored, the SECURE IT bill. The bill before us places the Department of Homeland Security in the role of gatekeeper of cyber threat information. The bill calls for the Department of Homeland Security to share the information in "as close to real time as possible" with other agencies. However, this surely will create a bottleneck for information coming into the government.

Further, title VII includes restrictions on what types of information can be shared, limiting the use of it for criminal prosecution, except those that cause imminent harm.

This is exactly the type of restriction on information sharing that the 9/11 Commission warned us about. In fact, the 9/11 Commission said, "the [wall] resulted in far less information sharing and coordination." The 9/11 Commission further added, "the removal of the wall that existed before 9/11 between intelligence and law enforcement has opened up new opportunities for cooperative action."

Why would we even consider legislation that could rebuild these walls that threaten our national security? How much of a real debate have we had on those issues I have raised? The lack of a real process in the Senate on this very bill amplifies my substantive concerns.

In fact, this is eerily reminiscent of the debate surrounding the health care reform bill. During that time, then-Speaker of the House PELOSI declared, "We have to pass the bill so that you can find out what is in it." Well, we all know how well that worked out. Years of litigation later, the public is still learning what surprises the majority and President Obama had in store for the Nation's health care system.

Now here we are, once again, in the last week before our August summer break, tackling a serious problem that hasn't been given full process.

I do not want cyber security legislation to become another health care reform bill. If we are serious about our Nation's security, then shouldn't we treat it as serious as it really is? We all agree how serious it is.

We are told that the Senate has been working on cyber security for 3 to 5 years. However, we have not been working on this bill before us for that long. The bill before us was introduced 13 days ago, and it was only pending on the floor for 4 days before the motion for cloture was filed. It did not go through the normal committee process. It was not debated or amended. Instead, it was brought straight to the floor, and we are being forced to consider it under a very rushed schedule.

Talking about the danger of cyber attacks for years is not the same as discussing the impact of the actual text of the bill which could become law. The

words on the 212 pages of the bill are what must be analyzed, and analyzed in detail.

In fact, no one, except a handful of Senators, actually knows what the bill says or might say. And, of course, that is a process that debate in the U.S. Senate accomplishes or at least tries to accomplish.

We need full process and, unfortunately, that has not happened, and it does not look as if it will happen. Why won't it happen? Because the majority leader has limited debate. This week we were told that a group of Senators and their staff were working on a compromise.

Again, that is something all of us as a body do not know much about. We need an open debate in order to process this, as opposed to huddled, backroom meetings.

I do not think this is the way we are supposed to legislate. The people who elected us expect more. They expect transparency because they know when you get transparency, you have accountability.

How many Senators are prepared to vote on something this important without knowing its impact because we have not followed regular order? Are we to once again pass a bill so that the American public can then, at that time, find out what is in it a la Speaker PELOSI's statement on health care reform?

These are questions that all Senators should consider. And our citizens should know in advance what we are actually considering.

Yesterday, we heard claims that the amendments offered by Republicans were part of some obstructionist tactic. Why isn't the same statement made about the 77 or so amendments filed by Democrats? Somehow, are they acceptable and not obstructionist?

I had three amendments that addressed specific provisions in the bill, and I wanted to have a debate on them.

For example, I have an amendment to strike the provision in the bill that creates a cause of action against the Federal Government. What does that cause of action do? That provision waives sovereign immunity, provides for automatic damages, and provides for an award of attorney's fees.

This provision is, obviously, a gift to the trial lawyers lobby, which American taxpayers should not have to pay for. And I do not think class action lawsuits against the government will help with cyber security.

Another amendment of mine would have removed industry-specific carve-outs from the bill. This is another example of how backroom deal making takes place so as to get support and build support for a bill. We saw this happen with the health care reform bill. You know the famous "Cornhusker Kickback" that was agreed to in order to pass ObamaCare, and this process reminds me of that.

Here, to get support from companies in the information technology industry, the bill clearly states those companies cannot be identified as critical cyber infrastructure. So to build support for this bill—but without people knowing what is in the bill—the authors carved out these companies from having to comply with the bill.

For example, under this carve-out, say an information technology company builds a router that has a flaw that is exploited by hackers. That router is purchased by every sector of the critical infrastructure, including power, water, and probably a lot of others that I ought to be able to name.

If that router flaw is exploited, and if that is attacked, the companies that bought the router are held responsible. However, the company that made the faulty router is not.

It is obvious how absurd this is. It is obvious how much of a major giveaway to a key industry it is, just to give the appearance of private sector support. This is not how we should handle cyber security, and I have an amendment to strike this provision. We should openly debate this issue and discuss whether this is the right course of action to give a carve-out to a specific segment of industry.

Again, the carve-out was a deal cut with one purpose: to limit opposition to the bill. Well, that was not good policy in 2009 on the “Cornhusker Kickback” in the health care reform debate, and we should learn from that lesson that it is, obviously, not good policy in 2012.

I also know that Senator RON JOHNSON of Wisconsin had an amendment that the Congressional Budget Office issued a score on the cost of the bill before it could take effect.

Why were the supporters of the bill opposed to doing that? Do they believe they have a right to spend millions or billions of taxpayers' dollars at will without making the amount public? Are the supporters of the bill really prepared to vote for this bill without revealing how much it will cost?

But I will not get a chance to debate my amendments or Senator JOHNSON's amendment before the cloture vote because that is how the majority leader runs the U.S. Senate.

There are serious questions about this bill. It needs to be amended. We need to discuss changes. Unfortunately, it does not look as though that is going to happen.

I know some will, again, say that this has been a long process. The only thing true about that statement is that the issue and problem has been discussed for a long time—but not discussed for a long time on this bill.

If we are serious about addressing this problem, then let's deal with it appropriately. Rushing something through that will impact the country in such a massive way is not the way

the most deliberative body in the world, the U.S. Senate, should do its business. It is not good for the country, and it is, obviously, not good for the reputation of the U.S. Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, I understand my distinguished colleague from Oklahoma has asked consent to speak at 6:30 p.m. I will take about 10 or 15 minutes, which would put us about 5 minutes past that time. So I ask unanimous consent to speak for about 15 minutes, if that is acceptable to the Senator.

Mr. INHOFE. That is perfectly all right. And I ask unanimous consent that at the conclusion of the remarks of my friend from New Jersey I be recognized for 30 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from New Jersey is recognized.

Mr. MENENDEZ. I thank the Presiding Officer and I thank my colleague for his courtesy.

#### DEATH OF OSWALDO PAYA

Mr. President, while we are focused on issues here at home—and certainly we should be—there are incidents taking place around the world, and those of us who care about freedom and democracy and human rights, those of us like myself who sit on the Senate Foreign Relations Committee, also have our focus on what is happening in other places in the world.

I come to the floor to talk about the violence and repression that continues in the country of Cuba—this time in a dramatic and brazen attempt to exercise power through fear and intimidation over those who want nothing more than to see the day when the people of Cuba are free—and against members of the international community.

Once again, I am forced to come to the floor to put a spotlight on what is happening inside of Cuba and all those who put their lives on the line for freedom and human rights around the world.

The information we are receiving from both public reports and other information from Cuba concerning the circumstances surrounding the death of Oswaldo Paya—the island's most prominent and respected human rights advocate—is disturbing. It underscores the continued brutality and repression of the Castro regime, and it demands a response from the international community, as well as from ourselves as part of that community.

The facts as we know them are that 50 prodemocracy activists were arrested and detained at the funeral—at the funeral—of Oswaldo Paya. At a funeral—they were not demonstrating, they were not marching or carrying signs, they were not engaged in acts of

civil disobedience of any kind. They were not violating any laws. They were attending a funeral.

Hundreds gathered peacefully. Family, friends, and those who want nothing more than a free and democratic Cuba were at a funeral mourning the death of their hero, Oswaldo Paya.

But the arrest and detention of 50 dissidents who were mourning the loss of a friend and loved one is not the whole story of how far this regime will go.

The circumstances surrounding Oswaldo Paya's death leave any reasonable person to wonder what may have really happened on that road in Cuba that ended in the tragic automobile accident that took the life of Oswaldo Paya.

Paya's daughter Rosa Maria Paya immediately challenged the regime's version of events, stating that the family had received information from the survivors that their car was repeatedly rammed—rammed—by another vehicle. She said:

So we think it's not an accident. They wanted to do harm and then ended up killing my father.

The family also said that Oswaldo Paya was targeted in a similar incident 2 weeks earlier in Havana. The same thing: an effort as they were driving to ram them off the road. In retrospect, the family now sees that incident as a warning from the regime.

What we know is the car, driven by a politician from Spain, Angel Carromero, a citizen of Spain, and Aron Modig, an activist in Sweden, was involved in the fatal automobile accident that killed Paya and his Cuban colleague Harold Cepero.

Of course, we have no proof of that. But we do know Carromero and Modig survived the accident, and they obviously know exactly what happened that day. These are two individuals—one is a Spanish citizen, the other one is a Swedish citizen—who were involved in helping Paya promote, from an international perspective, the views of his civil society movement toward peaceful change in democracy and human rights.

But instead of getting the two survivors' real story, in a demonstration of the twisted nature of the Castro regime, the Cuban Ministry of Interior detained, without consular access, the two foreigners who survived the crash and then paraded Modig, the Swede, before a Ministry of Interior press conference, where he was clearly forced to apologize for working with Paya and “illegally aiding the Cuban opposition.”

The driver of the car, Carromero, the Spanish citizen, was less lucky than his Swedish colleague. It appears he will not be allowed to speak freely for years to come, courtesy of the Castro regime. They have formally charged him with vehicular manslaughter in the crash.

Carromero, like Modig, was forced to offer a mea culpa, which was made available in a video presentation hosted by Castro's nefarious Ministry of the Interior.

The regime's logic has to boggle the mind of any reasonable person who cares about the rule of law.

It is also my understanding, according to reports from Cuba, that—in a move typical of the Castro regime—Spanish diplomats were prohibited from seeing or meeting with Carromero until yesterday.

Meanwhile, the grieving widow of Oswaldo Paya has expressed outrage and has rejected Castro's official report regarding the death of her husband and the circumstances surrounding the accident which has now blamed the accident on the actions of Angel Carromero, who was driving the car.

Paya's widow has said: "Until I'm able to speak with Angel or with Aron, the last two people who saw my husband alive, have access to the expert reports, and have the advice of people independent of the Cuban government, I can have no idea what really happened that day."

I cannot be certain that the regime killed Oswaldo Paya, but the circumstances of his death are highly suspicious. There is no question that the regime had no motive to kill Oswaldo Paya. Oswaldo Paya was most—one of the most prominent opponents of the Castro dictatorship, a Catholic activist who funded the Christian Liberation Movement in 1988.

He is best known for the Varela Project, a petition drive he launched in 2002 that called for free elections and other rights. That drive led the Cuban Government to adopt a constitutional amendment making the Communist system in Cuba irrevocable. It followed that with the 2003 Black Spring, which arrested 75 of the most prominent Cuban activists in that year.

Paya had become the most known, most visible face of Cuba's peaceful opposition movement. The European Parliament awarded him the Sakharov Prize for Freedom of Thought in 2002. That year, he was also nominated for a Nobel Peace Prize by hundreds of parliamentarians in a campaign led by his friend Vaclav Havel, the Czech Republic President.

Paya was determined that Cuba and Cubans should enjoy the benefits of freedom and democracy and he committed his life to that cause and he may very well have lost his life to that cause. We cannot continue to turn our backs on those inside Cuba struggling in peaceful ways to promote democracy and human rights. We cannot allow the violence and the repression, the brutal detentions to continue without consequence. We cannot allow innocent members of the international community to be brutalized and victimized by the Castro brothers so they can hide

the truth without the international community standing together and holding them accountable for their repressive and illegal actions.

Will the Castro regime stop at nothing, nothing to repress the rights of its people? Can we turn our back on the rule of law on the Cuban people, on the facts of this case, on Mr. Carromero or can we once again have that wink and nod and say: Oh, well, you know, it has been over 50 years; things are changing for the better in Cuba, and we should let bygones be bygones, as people languish in jail, as people die at the hands of the regime, as we see the hunger strikers who give up their lives because of the brutality they are facing, to try to rivet the world's attention in this regard.

Some say we should permit Castro's hooligans to parade across our Nation, which we seem to give visas to, spewing lies while American Alan Gross sits in a prison simply because he brought some communications equipment for the Jewish community in Havana to be able to collaborate and to inform each other. That was his crime. He has now been in prison, a U.S. citizen, for 2 years, languishing in Castro's jails, not to mention thousands of Cuban political prisoners who suffer in Cuban prisons.

As I have said on this floor over and over, to me, the silence is so deafening from so many of our colleagues. They may have a different view than I do about how we promote democracy, but I do not hear them speak out about these human rights abuses, about the deaths in Castro's prisons, about those who can get knocked off the side of a road and killed. The silence in that respect is deafening.

So there are some of us who are committed to making sure that silence is broken. Today, I am asking my colleagues to join me in sending a letter to Ban Ki-moon, the Secretary General of the United Nations, demanding that the United Nations and the Human Rights Council immediately undertake a full and thorough investigation of the circumstances surrounding Oswaldo Paya's tragic death and the detention of Angel Carromero. We must demand the truth about these tragic events that took the life of Cuba's most devoted human rights advocate.

I hope our colleagues will join us in that respect. We have supported democracy movements around the world. They have often made a big difference, from Vaclav Havel, Lech Walesa, Soviet Jewry, Alexander Solzhenitsyn, and so many others. When we side on behalf of those struggling against repressive regimes for democracy and human rights, it makes a difference. It can make a difference in this regard as well.

I am hoping our colleagues will join us in helping break the silence, on behalf of the memory of Oswaldo Paya

and on behalf of all those who lose their lives every day or their liberty simply because they peacefully choose to try to change the nature of the country in which they live. It is something America should be a beacon of light for, something I hope we can shine very brightly, and in doing so, create a protective element to those who are peacefully trying to create change inside Cuba. We should do no less.

ALAN GROSS

Ms. MIKULSKI. Mr. President, 32 months almost 3 full years. That is how long Maryland native Alan Gross has been held by Cuba as a political prisoner.

Alan Gross went to Cuba in 2009 on an USAID contract to help install wireless Internet. The Cuban government responded by putting him in jail. They declared him a spy, ran a sham trial and sentenced him to 15 years in prison.

Alan Gross is from Potomac, MD, and like me, studied social work at the University of Maryland. I have met his wife on numerous occasions. Her focus and strength are truly inspiring. While her husband has been held in a Cuban prison, she has held down the fort and held the pressure on the Cuban government for its poor treatment of her husband.

And Alan Gross has held strong in the face of his unfair imprisonment. To maintain his physical and mental strength, he would pace his room and do pull ups. Unfortunately, however his health has declined. He has lost more than 100 pounds, is having difficulty walking, and—most worryingly—has had a mass develop behind his shoulder. Rather than act humanely, the Cuban government has been reluctant to share information on Mr. Gross's medical condition.

At home, Mr. Gross's mother is facing inoperable lung cancer and the family is concerned he will not have a chance to say goodbye. That is why the Gross family petitioned the Cuban government to allow him to come home for 2 weeks to see his mother for her 90th birthday.

This request was made following a U.S. Federal judge's humane decision to allow a Cuban intelligence agent on probation in the United States to return home to see his ailing brother. Their plea was met with silence.

Cuba has held Alan Gross as a political hostage, trying to leverage their possession of an American citizen for concessions from the United States. While Cuba might oppose U.S. policy, it has a responsibility to behave humanely to its people.

I want to thank Senator Dodd for his continued focus on the detention of Alan Gross. The Senator has been one trying to improve relations between the United States and Cuba, but has put those efforts on hold because of

their unwillingness to release Mr. Gross. I appreciate his decision and his unrelenting work to see Mr. Gross freed.

And most importantly, I want to send my thoughts and prayers to Mr. Gross, his wife Judy and their family. I think about you every day and am hopeful your family will be reunited soon. The pain you face is unfair, but the strength you show is inspiring. I promise we will continue to work to bring Alan back to Maryland.

I yield the floor.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Oklahoma.

#### GLOBAL WARMING

Mr. INHOFE. Mr. President, when we came back to session this week, I was pleased to see a very good friend of mine on the floor, of a completely different philosophy from mine and a different background and a different State, talking about—being somewhat critical of my position on global warming, which everybody knows I have been involved in for some 12 years since the Kyoto treaty, which was never before us.

Nonetheless, I appreciated the fact that we had a chance to resurrect that issue because, to my knowledge, nobody has uttered the term “global warming” since 2009. It has been completely refuted in most areas. But I was pleased to hear my good friend from Vermont talking about it because he and I have a very honest relationship with each other but a total disagreement. We are able to go over those things.

Then again today two things happened. First of all, we had the senior Senator from Massachusetts come down to the floor and was somewhat quite critical of me and anyone who is a skeptic. I think it is important to realize that to understand—so you understand, when we are talking, what we are referring to.

Those people who believe the world is coming to an end because of global warming and that is all due to manmade anthropogenic gases, we call those people alarmists. Those people such as myself who have looked at it very carefully and have come to the conclusion that is not happening and the fact or the assertion that global warming is occurring today and it is occurring because of the release of CO<sub>2</sub> and anthropogenic gases, methane, and such as that, it is a hoax, which I said way back in 2003. This became quite a charge to a lot of people, a hoax that—the fact that all of this is happening is due to manmade gases. I believe it is the greatest hoax ever perpetrated on the American people.

As a result of that, a lot of people are trying to do things to this country that are detrimental. By the way, we also had this morning—it was enjoyable. This is the first time since 2009 that

the Environment and Public Works Committee has had a hearing on global warming, on the science or lack of science behind global warming.

I was delighted to see all these things resurrected. I know it is not proper to talk about your own books on the floor, and I do not do it, except I have to do it because it was mentioned by some of my adversaries, my book which was called “The Greatest Hoax.” Things were taken out of this book so I had to defend them. Let me just mention, if I can in this fairly short period of time that I have, I think it is only 30 minutes, some of the things that were stated, first of all, on the floor by the senior Senator from Massachusetts and then make some comments about the hearing this morning.

In fact, I am glad it is coming to the surface again. First of all, I was referred to as a “skeptic.” I mentioned just now that skeptics are those who do not believe what I referred to as the hoax. He referred to us as “flat earthers.” I learned a long time ago that if they do not have logic on their side, they do not have the science on their side, they respond with name calling. I have been called a lot of names. Let me just name a few. This comes right out of the book and some of the things that were said this morning. The “noisiest climate skeptic,” “the Senate’s resident denier bunny,” “traitor,” “dumb,” “crazy man,” “science abuser,” “Holocaust denier,” “villain of the month,” “hate filled,” “war mongering,” “Neanderthal,” “Genghis Khan”. It goes on and on. I will submit this for the RECORD.

But quite often we hear these things, it is only because there is not logic or science on their side. So they do name calling, which is fine. To me, that gets attention, and it needs to have the attention. The second thing, one of the other things that came out this morning, the statement was made by the senior Senator from Massachusetts, and I am quoting now, I believe: There are 6,000 peer-reviewed studies that say that no one peer-reviewed study that proves it is not happening.

There is not one, not one peer-reviewed study. A peer-reviewed study is a study that is published and then the peers review it. I think that is a process that is necessary. Consequently, that statement was made. That statement just flat is not right. In fact, let me go ahead and talk about some of these studies. If we look at the Harvard-Smithsonian study, that was a study which examined the results of more than 240 peer-reviewed papers published by thousands of researchers over the past four decades.

The study covers a multitude of geophysical and biological climate indicators. They came to the conclusion—this is a Harvard-Smithsonian peer-reviewed study. They came to the conclusion that climate change is not real, that the science is not accurate.

Dr. Fred Seitz. Dr. Fred Seitz is a former president of the National Academy of Science. He said: “There is no convincing scientific evidence that human release of carbon dioxide, methane or other greenhouse gases is causing or will in the foreseeable future cause catastrophic heating of the earth’s atmosphere and disruption of the earth’s climate.”

I would like to pause at this moment, because I see the majority leader on the floor of the Senate, and inquire if they care to have some leadership time. I would be very glad to yield to them that time. Apparently, that is not the case.

Thirdly, this is something that happened very recently. One of the universities, George Mason University, surveyed 430 weathercasters and found that only 19 percent of the weathercasters felt catastrophic global warming is taking place and is a result of human activity.

That is quite a change from what it used to be. That means 81 percent of those weathercasters that we all see every night are saying that is not true.

Dr. Robert Laughlin, a Nobel Prize-winning Stanford University physicist, said:

Please remain calm. The earth will heal itself. Climate is beyond our power to control. The earth doesn’t care about government and legislation. Climate change is a matter of geologic time, something the earth does on its own without asking anyone’s permission or explaining itself.

I think the statement is certainly not an accurate statement that was made this morning. By the way, in terms of the climate change, I would like to suggest there is a Web site called Climate Depot by Marc Morano. In this, we can find multitudes of peer-reviewed studies. There is not time to go over them all, but we certainly can find them on that particular Web site.

Another statement made by the senior Senator from Massachusetts this morning was when they were talking about a former climate skeptic, Richard Muller, M-u-l-l-e-r. He changed his mind through extensive research, implying he at one time was a skeptic and he is now an alarmist. Let me tell you about Richard Muller. In 2008 Richard Muller said that the bottom line is that there is a consensus. The Intergovernmental Panel on Climate Change—we will talk about that later. The President needs to know what the IPCC says. Second, they say that most of the warming of the last 50 years is probably due to humans. You need to know that this is from carbon dioxide and that you need to know the understanding of the technology.

Mr. President, I was talking about and responding to the speech made on the floor this morning by the senior Senator from Massachusetts.

I think the main thing I got across at that time was the assertion that was

made that there are 6,000 peer-reviewed studies that say not one peer-reviewed study proves that global warming is not happening and that anthropogenic gases would be the cause of it. I know it wasn't the intention of the senior Senator from Massachusetts to say something that was factually wrong, but I did read several peer-reviewed studies and referred to the Web site [climatedepot.com](http://climatedepot.com), if anyone is interested in that.

Second is the fact that the Senator from Massachusetts—and then again in the hearing this morning, Richard Muller was referred to several times as being a former skeptic who converted over to an alarmist. I suggested—and I read something to show that, in my opinion, he never was a skeptic. I would like to make some comments about Richard Muller.

If you go to my Web site, you will find about 1,000 scientists who have come around and said: No, this assertion that we are having catastrophic global warming due to anthropogenic, manmade gases is not correct. Muller is not on that list. However, when they say that he is the one and made such a big issue, I will quote a couple people about their expressing themselves on the credibility of Richard Muller.

Professor Judith Curry, a climatologist at the Georgia Institute of Technology, stated “way over-simplistic and not at all convincing, in my opinion.” She was talking about the comments by Muller. She also said, “I don't see that their paper adds anything to our understanding of the causes of the recent warming.” That is on the paper submitted by Richard Muller.

Roger Peilke, Jr., said that the “bigger issue is how the New York Times let itself be conned into running [Muller's] op-ed.”

Michael Mann is the guy who started this whole thing at the U.N., putting it together. He had the hockey stick thing that has been totally discredited. He said:

It seems, in the end—quite sadly—that this is all really about Richard Muller's self-aggrandizement.

So much for the statements that were made to give credibility to their side by Richard Muller.

I think another thing that was stated this morning was we have evidence of climate change all around—wildfires, drought and vegetation, and all that type. Then they talked about glaciers. Well, let me just share the facts about that, which I think are very significant, as far as the droughts and all that are concerned. Again, this is a statement made by the senior Senator from Massachusetts this morning, talking about all these things that are happening as a result of global warming.

Well, hurricanes, according to NOAA, have been on the decline in the United

States since the beginning of records in the 19th century. The worst decade for major—category 3, 4, and 5—hurricanes was in the 1940s.

To quote the Geophysical Research Letters:

Since 2006, global tropical cyclone energy has decreased dramatically . . . to the lowest levels since the late 1970s. Global frequency of tropical cyclones has reached a historic low.

So just the opposite.

On tornadoes, NOAA scientists reject a global warming link to tornadoes. To quote them:

No scientific consensus or connection between global warming or tornado activity.

Droughts. The Senator talked about droughts this morning. Reading from this article, the headline is “Scientist disagrees with Obama on cause of Texas drought:” and to quote Dr. Robert Hoerling, a NOAA research meteorologist, “This is not a climate change drought.”

They further said severe drought in 1934 covered 80 percent of the country compared to only 25 percent in 2011.

The statements that were made about the Arctic and about Greenland this morning, if you look at a November 2007 peer-reviewed—and I stress peer-reviewed—study, conducted by a team of NASA and university experts, it found cyclical changes in ocean currents impacting the Arctic. The excerpt from this peer-reviewed study by NASA says:

Our study confirms that many changes seen in upper Arctic Ocean circulation in the 1990s were mostly decadal in nature, rather than trends caused by global warming.

And 2011 sees 9,000 Manhattans of Arctic ice recovery since the low point in 2007.

Let me explain what that means. When we talk about the Manhattan Arctic recovery, they use Manhattan because that is something people can identify with, and then they relate that to the recovery of ice. In this case—this is, again, from NASA. In 2011, there were 9,000 Manhattans of Arctic ice recovery since the low point in 2007. Now, this study was 2011. So that means the low point was actually below that, and it has been decreasing since that time.

Now, that was the Arctic. In the Antarctic there is a 2008 peer-reviewed paper in the American Geophysical Union, and it found a doubling in snow accumulation in the western Antarctic Peninsula since 1850. In a paper published in the October Journal of Climate Examples, the trend of sea ice extends along the east Antarctic coast from 2000 to 2008 and finds a significant increase of 1.43 percent per year.

Let's talk about Greenland. And I will always remember when I had occasion—well, one of the things I have been interested in is aviation. I have been an active pilot for, I guess, 60 years now. The occupier of the chair is

fully aware of this because he and I together were able to pass the pilots' bill of rights, so for the first time an accused pilot has access to the judicial system. But as the occupier of the chair is fully aware, I had occasion to fly an airplane around the world one time, emulating the flight of Wiley Post when he went around the world. It is an exciting thing, but it is one of those things where you feel you are glad you did it, but you never want to do it again. It was kind of miserable at times.

Anyway, I remember coming across Greenland, following Wiley Post, and starting in the United States, going up to Canada, then Greenland, to Iceland, back to western Europe, and then across Siberia. But in Greenland they are still talking up there about what it used to be like in Greenland. They had gone through this melting period where everyone up there was growing things. They were ecstatic up there, talking about the great old times. Then, of course, the cold spell came along, and it got much colder and it was much worse.

Now, the IPCC, in 2001, covered this. They said that to melt the Greenland ice sheet would require temperatures to rise by 5½ degrees Celsius and remain for 1,000 years. The ice sheet is growing 2 inches a year. So that is Greenland, and they were just talking about Greenland this morning. In fact, they talked about it during this hearing too.

Let me mention this IPCC and remind everyone of something that people tend to forget. The IPCC is the Intergovernmental Panel on Climate Change. It was put together by the United Nations a long time ago. It all started in 1992 down in Rio de Janeiro. They had their big gathering down there to try to encourage everyone to pass the Kyoto Treaty. The treaty was never even submitted by the Clinton-Gore administration, although Gore went to this big meeting in Rio de Janeiro. They had a wonderful time down there. At that time they were all saying the world is coming to an end so we have to pass the Kyoto Treaty to stop all that. Well, that is the IPCC that I have been very critical of because that is the science on which all of these things are based that we are dealing with today.

So much for these things that were stated in terms of the disasters and the droughts and all of these problems. The next thing he talked about—and I have already talked about Greenland—is he talked about it is going to be necessary to have carbon caps. I think we talked about that this morning. Right now, there are those people who are advocating cap and trade—a very complex, difficult thing to explain—which is essentially requiring a cap on carbon emissions and then trading these emissions back and forth. That is something they do not talk about anymore

because that has been completely discredited. Now they are talking about a carbon tax, and I think that was mentioned this morning.

Quoting the Senator from Massachusetts this morning once again:

The avoidance of responsibility has to stop. We have been waiting for 20 years now while other countries, including China, are stealing our opportunities.

Let's put up that chart. Let's talk a little about China. You know China is the great beneficiary of anything we do here to put caps on carbon because they are the ones that are doing it. So they say China is making great strides in reducing their carbon emissions. Well, look at this. The green line there is China. This is in emissions—billions of tons of emissions. It starts down at 2, a little over 2, which was in 1990, and it was fairly low until 2002.

Look at what has happened. It has doubled in tons of emissions. China has actually doubled in that period of time, from 2002 to 2012—a 10-year period.

At the same time, we have actually reduced our emissions—both the United States and the European Union. To suggest that China is sitting back there waiting for us to provide the leadership for them to destroy their economy is pretty outrageous.

By the way, the other statement that has been made in the past, not just by the Senator to whom I have referred but several others, is that we are not going to be able to solve the problem and to do something about our reliance upon the Middle East just by developing our own resources. That is wrong.

There is a guy named Harold Hamm, who is now the authority, and he has actually had more successful production in tight formations. He happens to be from my State of Oklahoma. I called him up before a speech or a debate I was involved in probably 6 months ago, and I said to Harold Hamm: You know, if we were to open up the United States—now, granted, there has been a surge in the production in this country, in the recovery, but that is all in private lands; none in public lands because we have had a reduction in public lands.

The Obama administration has said over and over and over—and I guess if you say something wrong enough times people will believe it—that even if we open these public lands it would take 10 years before that would arrive at the pumps.

So I asked Harold Hamm, and I said: You are going to have to give me something you can document, but if we were to set up in New Mexico, for example, where you are precluded on public lands from drilling, and you put up your operation, how long would it take you to bring up the oil and actually go through the whole refinery process and get it to the pump to get the supply there so we can bring down the price of

oil, of gas, at the pumps? He said: Seventy days. He didn't hesitate.

I said: Seventy days? They said it would take 10 years.

He said: No. He said: It would take 30 days to go down and lift it up—60 days before you hit the surface, and in preparation of sending it to a refinery, then in 10 days you get it to the refinery and to the pumps.

Well, I am just saying there is this whole idea we have to rely on some kind of green energy that has not even been developed yet in terms of technology and ration what we have in this country. I mean, this Obama administration has had a war on fossil fuels since before he was elected President of the United States. He wants to kill fossil fuels. We all know that. And I am not going to quote all the people in his administration who say we are going to have to raise the price at the pumps to be comparable to Central Europe before people will be weaned off of fossil fuel because I think people know that now.

This morning was kind of interesting. We had a hearing this morning, and one of the witnesses was a Dr. Christopher Field. He was a witness for the other side, and he made a lot of statements. It was kind of interesting because there is an article that was sent out, written by Roger Pielke, Jr., who is from the University of Colorado at Boulder, and he was actually on the IPCC at one time. But he is one of the authorities who disagrees with me, and he talked about how wrong Dr. Field was.

Now, this is what Field said, first of all:

As the U.S. copes with the aftermath of last year's record-breaking series of \$14 billion climate-related disasters and this year's massive wildfires and storms, it is critical to understand that the link between climate change and the kinds of extremes that lead to disasters is clear.

Well, what did Roger Pielke say this morning? He said:

Field's assertion that the link between climate change and disaster "is clear," which he supported with reference to U.S. "billion dollar" economic losses, is in reality scientifically unsupported by the IPCC. Period.

That was the response to the assertion made this morning.

Another assertion made this morning by Field was:

The report identified some areas where droughts have become longer and more intense (including southern Europe and west Africa), but others where droughts have become less frequent, less intense or shorter.

This is what was said in response to that. Again, this is Dr. Roger Pielke, Jr., just today. This is in today's paper he published.

Field conveniently neglected in his testimony to mention that one place where droughts have gotten less frequent, less intense or shorter is . . . the United States. Why did he fail to mention this region, surely of interest to U.S. Senators. . . .

Myself included—that were on the panel?

The third thing he mentioned on NOAA's billion-dollar disasters; Field said:

The U.S. experienced 14 billion-dollar disasters in 2011, a record that far surpasses the previous maximum of 9.

Field says nothing about the serious issues with NOAA's tabulation. The billion-dollar disaster memo is a PR train wreck, not peer-reviewed, and is counter to the actual science summarized in the IPCC. Again, this is Dr. Pielke, Jr., who disagrees with me on this, but he said he is tired of people saying things that are not true.

I ask unanimous consent to include his entire statement in the RECORD because he goes over point after point and discredits everything that was said by this witness—whose name is Christopher Field—this morning.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ROGER PIELKE JR IPCC LEAD AUTHOR  
MISLEADS US CONGRESS

The politicization of climate science is so complete that the lead author of the IPCC's Working Group II on climate impacts feels comfortable presenting testimony to the US Congress that fundamentally misrepresents what the IPCC has concluded. I am referring to testimony given today by Christopher Field, a professor at Stanford, to the US Senate.

This is not a particularly nuanced or complex issue. What Field says the IPCC says is blatantly wrong, often 180 degrees wrong. It is one thing to disagree about scientific questions, but it is altogether different to fundamentally misrepresent an IPCC report to the US Congress. Below are five instances in which Field's testimony today completely and unambiguously misrepresented IPCC findings to the Senate.

1. On the economic costs of disasters:

Field: "As the US copes with the aftermath of last year's record-breaking series of 14 billion-dollar climate-related disasters and this year's massive wildfires and storms, it is critical to understand that the link between climate change and the kinds of extremes that lead to disasters is clear."

Field's assertion that the link between climate change and disasters "is clear," which he supported with reference to US "billion dollar" economic losses, is in reality scientifically unsupported by the IPCC. Period. There is good reason for this—it is what the science says. Why fail to report to Congress the IPCC's most fundamental finding and indicate something quite the opposite?

2. On US droughts:

Field: "The report identified some areas where droughts have become longer and more intense (including southern Europe and West Africa), but others where droughts have become less frequent, less intense, or shorter."

What the IPCC actually said: ". . . in some regions droughts have become less frequent, less intense, or shorter, for example, central North America. . . ."

Field conveniently neglected in his testimony to mention that one place where droughts have gotten less frequent, less intense or shorter is . . . the United States. Why did he fail to mention this region, surely of interest to US Senators, but did include Europe and West Africa?



### 3. On NOAA's billion dollar disasters:

Field: "The US experienced 14 billion-dollar disasters in 2011, a record that far surpasses the previous maximum of 9."

What NOAA actually says about its series of "billion dollar" disasters: "Caution should be used in interpreting any trends based on this [data] for a variety of reasons"

Field says nothing about the serious issues with NOAA's tabulation. The billion dollar disaster meme is a PR train wreck, not peer reviewed and is counter to the actual science summarized in the IPCC. So why mention it?

### 4. On attributing billion dollar disasters to climate change, case of hurricanes and tornadoes:

Field: "For several of these categories of disasters, the strength of any linkage to climate change, if there is one, is not known. Specifically, the IPCC (IPCC 2012) did not identify a trend or express confidence in projections concerning tornadoes and other small-area events. The evidence on hurricanes is mixed."

What the IPCC actually said: "The statement about the absence of trends in impacts attributable to natural or anthropogenic climate change holds for tropical and extratropical storms and tornadoes"

Hurricanes are, of course, tropical cyclones. Far from evidence being "mixed" the IPCC was unable to attribute any trend in tropical cyclone disasters to climate change (anywhere in the world and globally overall). In fact, there has been no trend in US hurricane frequency or intensity over a century or more, and the US is currently experiencing the longest period with no intense hurricane landfalls ever seen. Field fails to report any of this and invents something different. Why present testimony so easily refuted? (He did get tornadoes right!)

### 5. On attributing billion dollar disasters to climate change, case of floods and droughts:

Field: "For other categories of climate and weather extremes, the pattern is increasingly clear. Climate change is shifting the risk of hitting an extreme. The IPCC (IPCC 2012) concludes that climate change increases the risk of heat waves (90% or greater probability), heavy precipitation (66% or greater probability), and droughts (medium confidence) for most land areas."

What the IPCC actually says: "The absence of an attributable climate change signal in losses also holds for flood losses" and (from above): "in some regions droughts have become less frequent, less intense, or shorter, for example, central North America"

Field fails to explain that no linkage between flood disasters and climate change has been established. Increasing precipitation is not the same thing as increasing streamflow, floods or disasters. In fact, floods may be decreasing worldwide and are not increasing in the US. The fact that drought has declined in the US means that there is no trend of rising impacts that can be attributed to climate change. Yet he implies exactly the opposite. Again, why include such obvious misrepresentations when they are so easily refuted?

Field is certainly entitled to his (wrong) opinion on the science of climate change and disasters. However, it is utterly irresponsible to fundamentally misrepresent the conclusions of the IPCC before the US Congress. He might have explained why he thought the IPCC was wrong in its conclusions, but it is foolish to pretend that the body said something other than what it actually reported. Just like the inconvenient fact that people are influencing the climate and carbon dioxide is a main culprit, the science says what the science says.

Field can present such nonsense before Congress because the politics of climate change are so poisonous that he will be applauded for his misrepresentations by many, including some scientists. Undoubtedly, I will be attacked for pointing out his obvious misrepresentations. Neither response changes the basic facts here. Such is the sorry state of climate science today.

Mr. INHOFE. It is important to talk about the IPCC because if we stop and think about it, everything that has been happening comes from the science that was investigated and formulated by the IPCC—Intergovernmental Panel on Climate Change—that is, the United Nations. In my book I talk a little bit about that, but I don't believe it would be appropriate to mention it at this time. But at today's hearing, we talked about the IPCC.

When they were unable, through about five or six different bills, to get cap and trade through—keep in mind, cap and trade through legislation would cost the American people between \$300 billion and \$400 billion a year. But when that failed, we had something happen in December 2009.

The United Nations has this big party every year, and they invite countries from around the world to testify that global warming is happening and they are going to do something about it. One time in Milan, Italy, I saw one of my friends from West Africa. I said, What in the world are you doing here? You know better than this—in terms of global warming. He said, This is the biggest party of the year. Besides that, if we agree to go along with this, we in West Africa are going to get billions of dollars from the United Nations, from those countries in the developed nations.

Another big party was coming up in Copenhagen in 2009. I think Senator KERRY had gone over; Hillary Clinton had gone over. I don't believe Barack Obama was there. NANCY PELOSI was there and several others were there. They were telling all these countries: Don't you worry about it because we in the United States of America are going to pass cap-and-trade legislation this year. So I said I was going to go over as a one-man truth squad to let them know the truth, and I did. I went over and told the 191 other countries there: We are not going to pass cap and trade. It is dead. It is gone. They can't get one-third of the Senate to support it.

Before I left, one of my favorite liberals, Lisa Jackson—I really like her. She is Obama's appointee and is now the Director of the Environmental Protection Agency. Right before I went to Copenhagen, we had a hearing and she was a witness.

I said: Madam Administrator, I have a feeling that once I leave and go to Copenhagen, you are going to come out with an endangerment finding that will give you justification to start doing what they couldn't do by legislation through regulations. And I could see a smile on her face.

I said: When you do this, it has to be based on science. What science are you going to base this on?

She said: Well, the Intergovernmental Panel on Climate Change would be the major thing. And, sure enough, that is exactly what happened.

I could not have planned it, but she made this declaration that we now are going to be able to do through regulation what we couldn't do through legislation because the people of America had spoken through their elected representatives in the House and the Senate and had denied the opportunity to do cap and trade, so they decided to do it on an endangerment finding.

What happened after that is what I call poetic justice. Climategate occurred. I had nothing to do with it when it happened, but all the speeches I had made in the previous 10 years on the floor of this Senate were speeches saying exactly the same thing: that they were cooking the science and what they were saying was not real.

I read several of the editorials that came out after climategate. The New York Times has always been on the other side of this issue. They said:

Given the stakes, the IPCC cannot allow more missteps and, at the very least, must tighten procedures and make its deliberation more transparent. The panel's chairman . . . is under fire for taking consulting fees from business interests. . . .

The Washington Post, which has also been on the other side of this issue, said:

Recent revelations about flaws in that seminal IPCC report, ranging from typos in key dates to sloppy sourcing, are undermining confidence not only in the panel's work but also in projections about climate change.

### Newsweek:

Some of the IPCC's most-quoted data and recommendations were taken straight out of unchecked activist brochures, newspaper articles. . . .

Christopher Booker of the UK Telegraph said of climategate, ". . . the worst scientific scandal of our generation."

Clive Crook of the Financial Times said: "The stink of intellectual corruption is overpowering."

A prominent physicist from the IPCC said: "Climategate was a fraud on the scale I have never seen."

### Another UN Scientist, bails:

UN IPCC Coordinating author Dr. Philip Lloyd calls out IPCC 'fraud'—the result is not scientific.

### Newsweek:

Once celebrated climate researchers feeling like used car salesmen. Some of IPCC's most-quoted data and recommendations were taken straight out of unchecked activist brochures.

Clive Cook of the Atlantic Magazine, speaking of the IPCC, responds:

I had hoped, not very confidently, that the various Climategate inquiries would be severe. This would have been a first step towards restoring confidence in the scientific consensus.



So everyone is in agreement that this is what climategate was all about. And why I am spending so much time on this is because this is the science of all of these things that started since Kyoto.

By the way, the Senator, this morning on the floor, commented about the Kyoto Treaty. Let's keep in mind, the Kyoto Treaty was back during the Clinton-Gore administration. They were strongly in support of it. Vice President Gore went down to the summit they were having in Rio de Janeiro and signed the treaty, but they never submitted it to the Senate.

To become a part of a treaty, it has to be ratified by the United States. It never was, and people need to understand that there is a reason it never was submitted.

I would suggest a couple of other things in the remainder of the time that I have that I think are significant and worthy of bringing up. One would be the one-weather event. The thing that we are hearing more about than anything else is that it has been a very hot summer. On Monday, my wife called me up and said: In Tulsa it is 109 degrees today.

I was joking around with my good friend from Vermont—we disagree with each other, but he is a good friend. Sure, it is hot. But it is so important that people understand, weather is not climate.

Roger Pielke, Jr., a professor of environmental studies at University of Colorado, said:

Over the long term, there is no evidence that disasters are getting worse because of climate change.

Judith Curry, chair of the Georgia Institute of Technology's School of Earth and Atmospheric Sciences, has said:

I have been completely unconvinced by any of the arguments . . . that attribute a single extreme weather event, a cluster of extreme weather events, or statistics of extreme weather events to anthropogenic forcing.

Myles Allen at the University of Oxford's Atmospheric, Oceanic, and Planetary Physics Department:

When Al Gore said . . . that scientists now have clear proof that climate change is directly responsible for the extreme and devastating floods, storms and droughts . . . my heart sank.

I consider Rachel Maddow of MSNBC to be one of the outstanding liberals, and she is one of my four favorite liberals. I have been on her program, and I have enjoyed it. Bill Nye, the Science Guy, agrees that some of these weather events have nothing to do with global warming.

The other thing I made a note of that came up this morning was that they said there is no evidence on cooling. I think it is important to talk about that a little bit because a prominent Russian scientist said:

We should fear a deep temperature drop—not catastrophic global . . . Warming had a natural origin . . . CO<sub>2</sub> is not guilty.

U.N. Fears (More) Global Cooling Cometh! An IPCC scientist warns the U.N.:

We may be about to enter one or even two decades during which temps cool.

I ask unanimous consent all of these be placed in the RECORD showing that a single weather event has nothing to do with climate.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### GLOBAL COOLING PREDICTIONS

3. Paleoclimate scientist Dr. Bob Carter, James Cook University in Australia, who has testified before the U.S. Senate Committee on EPW, noted on June 18, 2007, "The accepted global average temperature statistics used by the Intergovernmental Panel on Climate Change (IPCC) show that no ground-based warming has occurred since 1998. Oddly, this 8-year-long temperature stability as occurred despite an increase over the same period of 15 parts per million (or 4%) in atmospheric CO<sub>2</sub>.

(ANDREW REVKIN)

4. Just months before Copenhagen, on September 23, 2009, the New York Times acknowledged, "The world leaders who met at the United Nations to discuss climate change . . . are faced with an intricate challenge: building momentum for an international climate treaty at a time when global temperatures have been relatively stable for a decade and may even drop in the next few years."

Mr. INHOFE. I do think it is important to bring this up because this is happening right now, after 3 years, and not one mention of global warming, and all of a sudden it is global warming.

Mr. President, I ask unanimous consent to extend my time by 5 minutes.

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

Mr. INHOFE. This morning I showed a picture of an igloo. I have 20 kids and grandkids. My daughter Molly and her husband have four children. One of those is adopted from Africa, a little girl. She was brought over here when she was a little baby. She is now 12 years old, reading at a college level. She is an outstanding little girl. I sponsor the African dinner every February, and she, for the last 3 years, has been kind of a keynote speaker, and everybody loves her.

They were up here 2 years ago, and they couldn't leave because all the airports were closed because of the ice storm. What do you do with a family of six when they are stuck someplace? They built an igloo. That was fun—a real igloo that will sleep four people. This became quite an issue, and we had articles from France and Great Britain and all criticizing my family. In fact, my cute little family was declared by Keith Olbermann of MSNBC to be the worst family in America because of this.

The point they were trying to make is, no one ever asserted that because it was the coldest winter in several dec-

ades up here that somehow that refuted global warming. I said: No, that isn't true. Now those same people are saying that it is.

So you can fool the American people part of the time and you can talk about all the hysteria and all the things that are taking place, but the people of America have caught on.

In March 2010, in a Gallup poll, Americans ranked global warming dead last, No. 8 out of eight environmental issues. They had a vote, and this was dead last.

A March Rasmussen poll: 72 percent of American voters don't believe global warming is a serious problem.

An alarmist, Robert Socolow, laments:

We are losing the argument with the general public big time . . . I think the climate change activists—myself included—have lost the American middle.

So as much money as they have spent and the efforts they have made, and moveon.org and George Soros and Michael Moore and the United Nations and the Gore people and the elitists out in California in Hollywood, they have lost this battle. Now they are trying to resurrect it. They would love nothing more than to pass this \$300 billion tax increase. It is not going to happen.

But I am glad that we are talking about it again, and I applaud my friend, Senator SANDERS from Vermont is a real sincere activist on the other side. We agree on hardly anything—except infrastructure, I would have to say—and yet we respect each other. That is what this body is all about. We should have people who are on both sides of all these controversial issues talking about it. There has been a silence for 3 years. Now we are talking about it again.

So welcome back to the discussion of global warming. I look forward to future discussions about this.

Mr. President, I yield the floor.

UNANIMOUS CONSENT AGREEMENT S. 3326

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, we are about to do something really important in the Senate. It would increase U.S. textile exports to Central American countries, it would promote development and economic stability by creating jobs in, of course, African countries, and it would extend U.S. import sanctions with Burma, which the Republican leader will speak more about. This bill would help maintain about 2,000 jobs in North Carolina and South Carolina alone. It is a very good bill. It is fully paid for. It is an important piece of legislation.

Mr. President, I ask unanimous consent that at a time to be determined by the majority leader, after consultation with the Republican leader, the Senate proceed to the consideration of Calendar No. 459, S. 3326; that the only amendment in order be a Coburn

amendment, the text of which is at the desk; that there be 30 minutes for debate equally divided and controlled in the usual form; that upon the use or yielding back of that time, the Senate proceed to vote in relation to the amendment; that if the amendment is not agreed to, the bill be read the third time and passed without further action or debate; that when the Senate receives H.R. 5986 and if its text is identical to S. 3326, the Senate proceed to the immediate consideration of H.R. 5986, the bill be read the third time and passed without further debate, with no amendments in order prior to passage; further, that if the Coburn amendment is agreed to, the Finance Committee be discharged from further consideration of H.R. 9 and the Senate proceed to its immediate consideration; that all after the enacting clause be stricken and the text of S. 3326, as amended, be inserted in lieu thereof, the bill be read the third time and passed without further debate; that when the Senate receives H.R. 5986, the Senate proceed to it forthwith and all after the enacting clause be stricken and the text of sections 2 and 3 of S. 3326, as reported, be inserted in lieu thereof, the bill be read the third time and passed, without further debate, as amended, and S. 3326 be returned to the Calendar of Business; finally, that no motions be in order other than motions to waive or motions to table and that motions to reconsider be made and laid on the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Mr. President, reserving the right to object, and I will not be objecting, let me echo the remarks of the majority leader. This is an important piece of legislation.

The part I have the most interest in renews Burma's sanctions—something we have done on an annual basis for 10 years. We are renewing the sanctions in spite of the fact that much progress has been made in Burma in the last year and a half. Secretary Clinton will, of course, recommend to the President that these sanctions be waived in recognition of the significant progress that has been made in the last year and a half in that country, which is trying to move from a rather thuggish military dictatorship to a genuine democracy. There is still a long way to go.

This is an important step in the right direction. America speaks with one voice regarding Burma. My views are the same as the views of the Obama administration as expressed by Secretary Clinton.

I thank the chairman of the Finance Committee also for helping us work through the process, and particularly Senator COBURN, who had some reservations about the non-Burma parts of this bill. I think we have worked those out and are moving forward. It is an important step in the right direction.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### IRAN THREAT REDUCTION AND SYRIA HUMAN RIGHTS ACT OF 2012

Mr. REID. Mr. President, I ask the Chair to lay before the Senate a message from the House with respect to H.R. 1905.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

Resolved, that the House agree to the amendment of the Senate to the bill (H.R. 1905) entitled "An Act to strengthen Iran sanctions laws for the purpose of compelling Iran to abandon its pursuit of nuclear weapons and other threatening activities, and for other purposes", with an amendment.

Mr. JOHNSON of South Dakota. Mr. President, I rise in strong support of the Iran Threat Reduction and Syria Human Rights Act, our legislation which embodies a bipartisan, bicameral agreement to reconcile the current Senate and House-passed versions of Iran sanctions legislation. Once implemented, this comprehensive new set of sanctions will help dramatically to increase the pressure on Iranian government leaders to abandon their illicit nuclear activities and support for terrorism. This bill passed the House of Representatives by an overwhelming bipartisan vote of 421 to 6 earlier this evening. I hope all of my colleagues will join me in supporting it so that it can be adopted by the Senate and signed into law by the President as soon as possible.

So far, in the sputtering P5+1 negotiations, Iran has shown no clear signs of a willingness to work with the international community to engage in a serious way on nuclear issues. It remains to be seen whether Iran will ultimately be willing to work towards progress on the central issues at upcoming negotiating sessions, or whether the meetings will simply be another in a series of stalling actions to buy time to enrich additional uranium and further fortify their nuclear program. That is why I think it necessary to intensify the pressure, and move forward quickly now on this new package that leaves no doubts about U.S. resolve on this issue. As we all recognize, economic sanctions are not an end: they are a means to an end. That end is to apply enough pressure to secure agreement from Iran's leaders to fully, completely and verifiably abandon their illicit nuclear activities.

Isolated diplomatically, economically, and otherwise, Iran must understand that the patience of the international community is fast running out. With these new sanctions, includ-

ing those targeted at the I-R-G-C, we are pressing Iran's military and political leaders to make a clear choice. They can end the suppression of their people, come clean on their nuclear program, suspend enrichment, and stop supporting terrorist activities around the globe. Or they can continue to face sustained multilateral economic and diplomatic pressure, and deepen their international isolation.

This legislation is based on the Senate bill which passed with unanimous support in May. It incorporates new measures from Democrats and Republicans in the House and Senate. The sanctions contained in this bill reach more deeply into Iran's energy sector than ever before, and build on the sweeping banking sanctions Congress enacted 2 years ago to reach to insurance, shipping, trade, finance and other sectors, targeting those who help to bolster Iranian government revenues which support their illicit nuclear activities.

As I have said before, the prospect of a nuclear-armed Iran is the most pressing foreign policy challenge we face, and we must continue to do all we can—politically, economically, and diplomatically—to avoid that result. In recent months, we have seen increased signs that the Iranian regime is feeling the pressure of existing sanctions. Their currency has plummeted, their trade revenues have been sharply curtailed, and they are under increasing pressure from the oil sanctions regime currently in place. With passage of this bill, we are taking another significant step to block the remaining avenues for the Iranians to fund their illicit behavior and evade sanctions. The bill also requires sanctions on those who purchase new Iranian sovereign debt, thereby further limiting the regime's ability to finance its illicit activities.

In addition, there are substantial new sanctions for anyone who engages in joint ventures with the National Iranian Oil Company, NIOC; provides insurance or re-insurance to the National Iranian Oil Company or the National Iranian Tanker Company, NITC; helps Iran evade oil sanctions through reflagging or other means; or sells, leases, or otherwise provides oil tankers to Iran, unless they are from a country that is sharply reducing its oil purchases from Iran.

The bill also expands sanctions against Iranian and Syrian officials for human rights abuses, including against those who engage in censorship, jamming and monitoring of communications, and tracking of Internet use by ordinary Iranian citizens.

Many of my colleagues, both Democrats and Republicans, have helped us get to this point. I want to particularly thank Chairman ROS-LEHTINEN of the House Foreign Affairs Committee. Without her help, we would not be here. I also want to thank my colleagues, including Senator MENEDEZ,

who crafted many of its original provisions, and Senators SCHUMER, GILLIBRAND, LAUTENBERG, BROWN, KYL, LIEBERMAN, and others who contributed their ideas. I also want to thank Majority Leader REID for his tireless efforts to enact a strong comprehensive sanctions bill.

Finally, I want to thank the staff who crafted the details of this bill, and worked long hours in intensive discussions over the last several weeks to get it done. They include Patrick Grant, Steve Kroll, Georgina Cannon, Inganni Acosta and Colin McGinnis of my Committee staff; Dr. Yleem Poblete, Matt Zweig, and Ari Friedman of Chairman ROS-LEHTINEN's staff; John O'Hara and Andrew Olmem of Senator SHELBY's staff, and Shanna Winters, Dr. Richard Kessler, and Alan Makovsky of Ranking Member BERMAN's staff.

All told, when enacted this bill and other efforts by the President will significantly increase pressure on Iran to abandon its illicit nuclear activities. I ask unanimous consent to have printed in the RECORD a detailed summary of the bill. I urge all my colleagues to support this measure.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

IRAN THREAT REDUCTION AND SYRIA HUMAN RIGHTS ACT OF 2012

SECTION-BY-SECTION SUMMARY

Sec. 1—Short Title, Table of Contents

Sec. 2—Definitions: Provides that the definitions of key terms ("appropriate congressional committees," and "knowingly,") will be those found in the Iran Sanctions Act (ISA) of 1996, as amended, and that the definition of "United States person" will be that found in the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (CISADA). Also defines "financial transaction," to mean any transfer of value involving a financial institution, including precious metals and various swaps, futures, and other activities.

Sec. 101—Enforcement of Multilateral Sanctions Regime and Expansion and Implementation of Sanctions: States the sense of Congress that (i) the goal of compelling Iran to abandon its efforts to achieve nuclear weapons capacity can be effectively achieved through a comprehensive policy that includes expansion and vigorous implementation and enforcement of bilateral and multilateral sanctions against Iran, diplomacy, and military planning and options, consistent with the President's 2012 State of the Union Address; and (ii) that intensified efforts to counter Iranian sanctions evasion are necessary.

Sec. 102—Diplomatic Efforts to Expand Multilateral Sanctions Regime: Urges efforts by the US to expand the UN sanctions regime to include (i) imposing additional travel restrictions on Iranian officials responsible for human rights violations, the development of Iran's nuclear and ballistic missile programs, and Iran's support for terrorism; (ii) withdrawing sea- and airport landing rights for Iran Shipping Lines and Iran Air, for their role in nuclear proliferation and illegal arms sales; (iii) expanding the range of sanctions imposed on Iran by US allies; (iv) expanding sanctions to limit Iran's petroleum development and imports of

refined petroleum products; and (v) accelerating US diplomatic and economic efforts to help allies reduce their dependence on Iranian crude oil and other petroleum products. Requires periodic reporting to Congress on the status of such efforts.

Sec. 201—Expansion of Sanctions with Respect to Iran's Energy Sector: Makes a number of substantial changes in and additions to ISA's energy sanctions. These include (i) increasing the number of required sanctions from three to five; (ii) making sanctionable certain construction of transportation infrastructure to support delivery of domestically refined petroleum in Iran; (iii) making sanctionable certain barter transactions, and the purchase or facilitation of Iranian debt issued after the date of enactment, that contribute to Iran's ability to import refined petroleum products; (iv) extending ISA sanctions to persons knowingly participating in petroleum resources joint ventures established on or after January 1, 2002, anywhere in the world in which Iran's government is a substantial partner or investor; an exception is provided for ventures terminated within 180 days of enactment; (v) extending ISA sanctions to those providing certain goods and services (including construction of certain infrastructure) that support Iran's ability to develop its petroleum resources; and (vi) extending ISA sanctions to support for Iran's domestic production of petrochemical products.

Sec. 202—Imposition of Sanctions for Transportation of Crude Oil from Iran and Evasion of Sanctions by Shipping Companies: Requires imposition of at least five ISA sanctions on a person who owns or operates a vessel that within 90 days after the date of enactment is used to transport crude oil from Iran to another country; applies only if the President makes a determination, under the NDAA, that there is a sufficient supply of petroleum and petroleum products from countries other than Iran to permit purchasers of petroleum to significantly reduce their purchases from Iran; an exception is provided for transportation of crude oil from Iran to countries that are exempt from NDAA sanctions because they are significantly reducing such purchases. Also applies at least five ISA sanctions to persons that own or operate a vessel that conceals the Iranian origin of crude oil or refined petroleum products transported on the vessel, including by permitting the operator of the vessel to suspend the vessel's satellite tracking devices, or by obscuring or concealing the ownership by the government of Iran, or other entities owned or controlled by Iran. Ships involved could be barred from US ports for up to two years.

Sec. 203—Expansion of Sanctions with Respect to the Development by Iran of WMDs: Requires imposition of five or more ISA sanctions on persons who export, transfer, or otherwise facilitate the transshipment of goods, services, technology or other items and know or should have known this action would materially contribute to the ability of Iran to develop WMDs. Also requires ISA sanctions to be imposed (subject to certain conditions) on persons who knowingly participate in joint ventures with Iran's government, Iranian firms, or persons acting for or on behalf of Iran's government, in the mining, production or transportation of uranium anywhere in the world. Exempts persons if they withdraw from such joint ventures within six months after date of enactment.

Sec. 204—Expansion of Sanctions Available under the Iran Sanctions Act of 1996: Expands the current menu of sanctions avail-

able to the President under ISA, to include a prohibition on any US person from investing in or purchasing significant amounts of equity or debt instruments of a sanctioned person, an exclusion from the United States of aliens who are corporate officers, principals or controlling shareholders in a sanctioned firm, and application of applicable ISA sanctions to the CEO or other principal executive officers (or persons performing similar functions) of a sanctioned firm, which could include a freeze of their US assets.

Sec. 205—Modification of Waiver Standard under the Iran Sanctions Act of 1996: Revises the standard under section 9 of ISA for waivers of sanctions by the President (i) to require that energy-related sanctions can only be waived if waiver is essential to the national security interests of the United States; (ii) require that WMD-related sanctions can only be waived if waiver is "vital to the national security interests of the United States; (iii) to eliminate the "permanent" waiver in prior law and replace it with a one-year renewable waiver; and (iv) to clarify that all waivers must be on a case-by-case basis.

Sec. 206—Briefings on Implementation of the Iran Sanctions Act of 1996: Amends ISA to require briefings by the Secretary of State to the appropriate congressional committees on ISA implementation.

Sec. 207—Expansion of Definitions under the Iran Sanctions Act of 1996: Adds definitions of "credible information," "petrochemical product," and "services." "Credible information" includes public announcements by persons that they are engaged in certain activities, including those made in a report to stockholders, and may include announcements by the Government of Iran, and reports from the General Accountability Office (GAO), the Energy Information Administration, the Congressional Research Service, or other reputable governmental organizations, or trade or industry publications. "Petrochemical product" is defined consistent with Executive Order 13590. "Services" include software, hardware, financial, professional consulting, engineering, specialized energy information services, and others.

Sec. 208—Sense of Congress on Iran's Energy Sector: States the sense of Congress that Iran's energy sector remains a zone of proliferation concern, since the Iranian Government continues to divert substantial revenue from petroleum sales to finance its illicit nuclear and missile activities, and that the President should apply the full range of ISA sanctions to address the threat posed by Iran.

Sec. 211—Sanctions for Shipping WMD or Terrorism-Related Materials to or from Iran: Requires the blocking of assets of, and imposes other sanctions on, persons who knowingly sell, lease, or provide ships, insurance or reinsurance, or other shipping services, for transportation of goods that materially contribute to Iran's WMD program or its terrorism-related activities. Applies as well to parents of the persons involved if they knew or should have known of the sanctionable activity and to any of subsidiaries or affiliates of the persons involved that knowingly participated in the activity. Permits the President to waive sanctions in cases "vital to the national security interest," but requires a report to Congress regarding the use of such a waiver; the President must, in any event, submit a report to Congress identifying operators of vessels and other persons that conduct or facilitate significant financial transactions that manage Iranian ports designated for IEEPA sanctions.

Sec. 212—Imposition of Sanctions for Provision of Underwriting Services or Insurance or Reinsurance for NIOC and NITC: Requires five or more ISA sanctions against companies providing underwriting services, insurance, or reinsurance to National Iranian Oil Company (NIOC) or the National Iranian Tanker Company (NITC) or a successor entity to either company. Provides an exemption for persons providing such services for activities relating to the provision of food, medicine, and medical devices or humanitarian assistance to Iran.

Sec. 213—Imposition of Sanctions for Purchase, Subscription to, or Facilitation of the Issuance of Iran Sovereign Debt: Requires the imposition of five or more ISA sanctions on persons the President determines knowingly purchase, subscribe to, or facilitate the issuance of Iranian sovereign debt, or debt of an entity owned or controlled by the Iranian Government, issued on or after the date of enactment.

Sec. 214—Imposition of Sanctions on Subsidiaries and Agents of UN-Sanctioned Persons: Amends CISADA to ensure that US financial sanctions imposed on UN-designated entities reach those persons acting on behalf of, at the direction of, or owned or controlled by, the designated entities. Requires the Treasury Department to revise its regulations within 90 days of enactment to implement the change.

Sec. 215—Imposition of Sanctions for Transactions with Persons Sanctioned for Certain Activities Relating to Terrorism or Proliferation of WMD: Extends CISADA to impose sanctions on a foreign financial institution that facilitates a significant transaction or transactions or provides significant services not only to certain designated financial institutions but also to designated persons whose property or interests in property are blocked based on their connection to Iran's proliferation of weapons of mass destruction or support of terrorism.

Sec. 216—Expansion of Mandatory Sanctions with Respect to Financial Institutions that Engage in Certain Activities Relating to Iran: Requires the Treasury Secretary to revise regulations under Section 104 of CISADA to apply rules cutting off access to the U.S. financial institutions to foreign financial institutions knowingly facilitating, participating or assisting in, or acting on behalf of or as an intermediary, in connection with financial activities involving designated Iranian banks, whether or not the transactions are directly with those banks.

Sec. 217—Continuation of Sanction for the Government of Iran, the Central Bank of Iran, and Sanctions Evaders: Requires that various sanctions imposed by Executive Order, including blocking the property of the Government of Iran and Iranian financial institutions, imposing penalties on foreign sanction evaders, and blocking the property of the CBI, will remain in effect until the President certifies that Iran and the CBI have ceased to support terrorism and Iranian development of WMD.

Sec. 218—Liability of Parent Companies for Violations of Sanctions by Foreign Subsidiaries: Requires the imposition of civil penalties under the International Emergency Economic Powers Act (IEEPA) of up to twice the amount of the relevant transaction, on US parent companies for the activities of their foreign subsidiaries which, if undertaken by a US person or in the United States, would violate US sanctions law. Subsidiaries are defined as those entities in which a US person holds more than fifty percent equity interest or a majority of the

seats on the board, or that a US person otherwise controls. Covers activities under the current US trade embargo with Iran and would apply regardless of whether the subsidiary was established to circumvent US sanctions.

Sec. 219—Securities and Exchange Commission Disclosures on Certain Activities in Iran: Amends the Securities and Exchange Act of 1934 to require issuers whose stock is traded on US stock exchanges to disclose whether they or their affiliates have knowingly engaged in activities (i) described in section 5 of ISA (energy sector activity); (ii) described in 104(c)(2) or (d)(1) of CISADA (related to foreign financial institutions who facilitate WMD/terrorism, money laundering, IRGC activity, and other violations); (iii) in 105A(b)(2) of CISADA (related transfer of weapons and other technologies to Iran likely to be used for human rights abuses); (iv) involving persons whose property is blocked for WMD/terrorism and; (v) involving persons or entities in the government of Iran (without the authorization of a Federal department or agency). Provides for periodic public disclosure of such information, and communication of that information by the SEC to Congress and the President. Requires the President to initiate an investigation into the possible imposition of sanctions as specified, and to make a sanctions determination within six months.

Sec. 220—Reports on, and Authorization of Imposition of Sanctions with Respect to, the Provision of Specialized Financial Messaging Services to the Central Bank of Iran and Other Sanctioned Iranian Financial Institutions: States the sense of Congress that specialized financial messaging services are a critical link to the international financial system; requires the Secretary of the Treasury to report periodically listing the persons who provide such services to the Central Bank of Iran and Iranian banks that have been designated for involvement in WMD or support for terror, and assessing efforts to cut off the direct provision of such services to such institutions. Authorizes the imposition of sanctions under CISADA or IEEPA on persons continuing to provide such services to the CBI or such other Iranian institutions, subject to an exception for persons subject to foreign sanctions regimes that require them to cut off services to a substantially similar group of Iranian institutions.

Sec. 221—Identification and Immigration Restrictions on Senior Iranian Officials and their Family Members: Requires the identification of and denial of visa requests to senior officials, including the Supreme Leader, the President, members of the Assembly of Experts, senior members of the Intelligence Ministry of Iran, and senior members of the IRGC that are involved in nuclear proliferation, support international terrorism or the commission of serious human rights abuses against citizens of Iran. Also includes their family members. Provides for Presidential waiver if essential to the national interest or if necessary to meet our UN obligations; requires a report to Congress regarding the use of such a waiver.

Sec. 222—Sense of Congress and Rule of Construction Relating to Certain Authorities of State and Local Governments: States the sense of Congress that the US should support actions by States or local governments, within their authority, including determining how investment assets are valued for financial institutions safety and soundness purposes, that are consistent with and in furtherance of this Act. Amends CISADA to state that it shall not be construed to

abridge the authority of a State to issue and enforce rules governing the safety, soundness, and solvency of a financial institution subject to its jurisdiction or the business of insurance pursuant to the McCarran-Ferguson Act.

Sec. 223—GAO Reports on Foreign Investment in Iran's Energy Sector: Mandates reports from GAO on foreign investment in Iran's energy sector, exporters of refined petroleum products to Iran, entities providing shipping and insurance services to Iran, Iranian energy joint ventures worldwide, and countries where gasoline and refined petroleum products exported to Iran are produced or refined.

Sec. 224—Expanded Reporting on Iran's Crude Oil and Refined Petroleum Products: Amends section 110(b) of CISADA to require additional reporting by the President on the volume of crude oil and refined petroleum products imported to and exported from Iran, the persons selling and transporting crude oil and refined petroleum products, the countries with primary jurisdiction over those persons and the countries in which those products were refined, the sources of financing for such imports and the involvement of foreign persons in efforts to assist Iran in developing its oil and gas production capacity, importing advanced technology to upgrade existing Iranian refineries, converting existing chemical plants to petroleum refineries, and maintaining, upgrading or expanding refineries or constructing new refineries.

Sec. 301—Identifications and Sanctions on Iran Revolutionary Guard Corps Officials, Agents, and Affiliates: Requires the President to identify, and designate for sanctions, officials, affiliates and agents of the IRGC within 90 days of enactment, and periodically thereafter; designation requires exclusion of such persons from the United States, and imposition of sanctions related to WMD under IEEPA, including freezing their assets and otherwise isolating them financially. Also, outlines priorities for investigating certain foreign persons, entities, and transactions in assessing connections to the IRGC. Requires the President to report on designations and provides for a waiver if vital to the national security interest of the US.

Sec. 302—Identification and Sanctions on Foreign Persons Supporting IRGC: Subjects foreign persons to ISA sanctions if those persons knowingly provide material assistance to, or engage in any significant transaction—including barter transactions—with officials of the IRGC, its agents or affiliates. Requires imposition of similar sanctions against those persons who engage in significant transactions with UN-sanctioned persons, those acting for or on their behalf, or those owned or controlled by them. Provides for additional sanctions under IEEPA as the President deems appropriate. Requires the President to report on designations and waivers, as applicable. Waiver is available if essential to the national security interests of the US.

Sec. 303—Identification and Sanctions on Foreign Government Agencies Carrying Out Activities or Transactions with Certain Iran-Affiliated Persons: Requires the President, within 120 days and every 180 days thereafter, to submit to the appropriate congressional committees a report that identifies each agency of the government of a foreign country, other than Iran, that the President determines knowingly and materially supported a foreign person that is an official, agent, or affiliate of IRGC designated pursuant to IEEPA or various UN Resolutions.

Provides authority for the President to impose various measures described in the section, such as denying assistance under the Foreign Assistance Act or proscribing certain US loans to the agency involved.

Sec. 304—Rule of Construction: Clarifies that sections 301 to 303 sanctions do not limit the President's authority to designate persons for sanction under IEEPA.

Sec. 311—Expansion of US Procurement Ban to Foreign Persons who Interact with the IRGC: Requires certification by prospective US government contractors (for contract solicitations issued beginning 120 days from the date of enactment) that neither they nor their subsidiaries have engaged in significant economic transactions with designated IRGC officials, agents, or affiliates. Waiver is also amended, so that it is available if "essential to the national security interests." Establishes a minimum procurement ban penalty of two years for violators.

Sec. 312—Sanctions Determinations on NIOC and NITC: Amends CISADA to require the Secretary of the Treasury to determine and notify Congress whether the National Iranian Oil Company (NIOC) and the National Iranian Tanker Company (NITC) are agents or affiliates of the IRGC. If found to be IRGC entities, sanctions apply to transactions or relevant financial services for the purchase of petroleum or petroleum products from the NIOC or NITC, but only if the President determines that there exists a sufficient supply of petroleum from countries other than Iran to permit purchasers to significantly reduce in volume their purchases from Iran. Provides for an exception to financial institutions of a country that is significantly reducing its purchases of Iranian petroleum or petroleum products within specified periods which track those provided for in section 1245 of the FY 2012 National Defense Authorization Act.

Sec. 401—Sanctions on those Complicit in Human Rights Abuses: States the sense of Congress that the Supreme Leader, senior members of the Intelligence Ministry, senior members of the IRGC and paramilitary groups, and other Ministers, are responsible for directing and controlling serious human rights abuses against the Iranian people and should be included on the list of persons responsible for or complicit in those abuses and subject to property blocking and other CISADA 105 sanctions. Requires a report to appropriate congressional committees within 180 days detailing the involvement of the persons mentioned above in human rights abuses against the citizens of Iran.

Sec. 402—Sanctions on those Transferring to Iran Certain Goods or Technologies: Imposes sanctions provided for in CISADA, including a visa ban and property blocking/asset freeze, on persons and firms which supply Iran with equipment and technologies including weapons, rubber bullets, tear gas and other riot control equipment, and jamming, monitoring and surveillance equipment which the President determines are likely to be used by Iranian officials to commit human rights abuses. Requires the President to maintain and update lists of such persons who commit human rights abuses, submit updated lists to Congress, and make the unclassified portion of those lists public. Requires the President to report on designations and waivers, as applicable.

Sec. 403—Sanctions on those Engaging in Censorship and Repression in Iran: States the sense of Congress that satellite service providers and other entities that directly provide satellite service to the Iranian government or its entities should cease to pro-

vide such service unless the government ceases its activities intended to jam or restrict the signals and the US should address the illegal jamming through voice and vote at the UN International Telecommunications Union. Requires imposition of sanctions as in section 401 against individuals and firms found to have engaged in censorship or curtailment of the rights of freedom of expression or assembly of Iran's citizens.

Sec. 411—Codification of Sanctions with Respect to Human Rights Abuses by the Governments of Iran and Syria Using Information Technology: Codifies Executive Order 13606, Blocking The Property And Suspending Entry into the United States of Certain Persons with Respect to Grave Human Rights Abuses by the Governments of Iran and Syria Via Information Technology.

Sec. 412—Clarification of Sensitive Technologies for Purposes of Procurement Ban under CISADA: Requires the Secretary of State to issue guidelines, within 90 days of the date of enactment, describing technologies that may be considered "sensitive technologies" for the purposes of Sec. 106 of CISADA, with special attention to new technologies, determine the types of technology that enable Iran's indigenous capabilities to disrupt and monitor information and communications, and review the guidelines no less than once each year, adding items to the guidelines as necessary.

Sec. 413—Expedited Processing of Human Rights, Humanitarian, and Democracy Aid: Requires the Office of Foreign Assets Control (OFAC) of the Treasury Department to establish a 90-day process to expedite processing of US Iran-related humanitarian, human rights and democratization aid by entities receiving funds from the State Department; the Broadcasting Board of Governors; and other federal agencies. Requires the State Department to conduct a foreign policy review within 30 days of request submission. Provides for additional time for processing of applications involving certain specified sensitive goods and technology, and requests involving extraordinary circumstances.

Sec. 414—Comprehensive Strategy to Promote Internet Freedom in Iran: Requires the Administration to devise a comprehensive strategy and report to Congress on how best to assist Iran's citizens in freely and safely accessing the Internet, developing counter-censorship technologies, expanding access to "surrogate" programming including Voice of America's Persian News Network, and Radio FARDA inside Iran, and taking other similar measures.

Sec. 415—Statement of Policy on Political Prisoners: Declares the policy of the US to expand efforts to identify, assist, and protect prisoners of conscience in Iran, intensify work to abolish Iranian human rights violations, and publicly call for the release of political prisoners, as appropriate.

Sec. 501—Exclusion of Certain Iranian Students from the US: Requires the Secretary of State to deny visas and the Secretary of Homeland Security to exclude certain Iranian university students who may seek to come to the U.S. to study to prepare for work in Iran's energy sector or in fields related to its nuclear program, including nuclear sciences or nuclear engineering.

Sec. 502—Interests in Financial Assets of Iran: Makes certain blocked assets available for execution to satisfy any judgment or judgments to the extent of any compensatory damages against Iran for state-sponsored terrorism, so long as the court determines that Iran has an equitable title to or

beneficial interest in those assets (subject to an exception for certain custodial interests), and the court also determines that no one possesses a constitutionally-protected interest in the blocked assets under the Fifth Amendment.

Sec. 503—Technical Corrections: Reaffirms longstanding US policy allowing sale of certain licensed agricultural commodities to Iran by amending the National Defense Authorization Act to allow for continued payments related to such commodities. Adjusts date of delivery of EIA reports.

Sec. 504—Expansion of NDAA Sanctions: Amends the NDAA to provide that financial institutions located in countries that have been exempted because they are significantly reducing their reliance on Iranian oil may continue to do business with the Central Bank of Iran only for petroleum transactions and limited bilateral trade between Iran and those countries; for the first time treats state-owned banks (other than central banks) as subject to the same sanctions rules as foreign private banks; provides incentives for "significantly reducing" countries to reduce to zero; clarifies that "significantly reducing" includes a reduction in price or volume toward a complete cessation of crude oil imports; ties termination date to termination certification in CISADA. Makes other technical corrections.

Sec. 505—Report on Natural Gas Exports from Iran: Requires the Administrator of the Energy Information Administration to submit a report to Congress and the President within 60 days on Iran's natural gas sector, including an assessment of exports of Iranian natural gas, identification of countries purchasing the most Iranian natural gas, assessment of alternative supplies available to those countries, and assessment of the impact a reduction on exports would have on global supplies and pricing. Requires the President to submit a report to Congress within 60 days of receiving the EIA report, and using the information it contains to provide analysis and recommendations on the revenues received by Iran from its natural gas exports and whether further steps should be taken to limit such revenues.

Sec. 506—Report on Membership of Iran in International Organizations: Requires the Secretary of State to submit a report to Congress listing the international organizations of which Iran is a member and detailing the amount the US contributes to each such organization annually.

Sec. 507—Sense of Congress on Exportation of Goods, Services, and Technologies for Aircraft Produced in the US: States the sense of Congress that licenses to export or re-export goods, services, or technologies for aircraft produced in the US should be provided, in the case of Iran, only in situations where such licenses are essential and in a manner consistent with US laws and foreign policy goals.

Sec. 601—Implementation; Penalties: Provides the President with the necessary procedural tools to administer the provisions of the new law, including subpoena and other enforcement authorities for specified provisions of the bill.

Sec. 602—Applicability to Authorized Intelligence Activities: Provides a general exemption for authorized intelligence activities of the U.S.

Sec. 603—Applicability to Certain Natural Gas Projects: Contains special conditions for a project outside Iran of substantial importance to U.S. national interests and European energy security interests and energy independence from the Government of the Russian Federation.

Sec. 604—Rule of Construction: Provides that nothing in this Act shall be construed as a declaration of war or an authorization of the use of force against Iran or Syria.

Sec. 605—Termination: Provides for termination of some provisions of the new law if the President certifies as required in CISADA that Iran has ceased its support for terrorism and ceased efforts to pursue, acquire or develop weapons of mass destruction and ballistic missiles and ballistic missile launch technology, and has verifiably dismantled its WMD.

Sec. 701—Short Title for Title VII: The “Syria Human Rights Accountability Act of 2012.”

Sec. 702—Sanctions on those Responsible for Human Rights Abuses of Syria’s Citizens: Requires the President to identify within 90 days, and sanction under IEEPA, officials of the Syrian government or those acting on their behalf who are complicit in or responsible for the commission of serious human rights abuses against Syria’s citizens, regardless of whether the abuses occurred in Syria.

Sec. 703—Sanctions on those Transferring to Syria Technologies for Human Rights Abuses: Requires the President to identify and sanction persons determined to have engaged in the transfer of technologies—including weapons, rubber bullets, tear gas and other riot control equipment, and jamming, monitoring and surveillance equipment—which the President determines are likely to be used by Syrian officials to commit human rights abuses or restrict the free flow of information in Syria. Provides for exceptions where a person has agreed to stop providing such technologies, and agreed not to knowingly provide such technologies in the future. Requires the President to report on designations and waivers, where applicable, and to update the list periodically.

Sec. 704—Sanctions on those Engaging in Censorship and Repression in Syria: Requires the President to identify and report to Congress within 90 days of enactment those persons and firms found to have engaged in censorship or repression of the rights of freedom of expression or assembly of Syria’s citizens, and impose sanctions under IEEPA on such persons. Requires periodic updating of the list, and public access via the websites of the Departments of State and Treasury.

Sec. 705—Waiver: Provides for Presidential national security interest waiver for Syria provisions; requires a report to Congress on the reasons for the waiver.

Sec. 706—Termination: Provides for termination of the Syria provisions if the President certifies that certain conditions are met.

#### PARENT COMPANIES

Mr. LAUTENBERG. Mr. President, I rise today to engage in a colloquy with my friend, the distinguished Chairman of the Senate Committee on Banking, Housing, and Urban Affairs, regarding HR 1905, the Iran Threat Reduction and Syria Human Rights Act of 2012. I want to thank the chairman for crafting a strong sanctions package that includes language I authored to close a loophole in current law that allows foreign subsidiaries of U.S. companies to continue doing business with Iran without imposing any penalties on their U.S. parent companies. We must close this loophole once and for all, and I am pleased the Chairman agrees with me.

Mr. JOHNSON of South Dakota. I thank Senator LAUTENBERG for his

longstanding leadership on this issue. As I have previously noted, it is long past time for foreign subsidiaries of U.S. companies to end their business in Iran. That is already happening due to US and international pressure on the business and financial sectors, and this new provision will accelerate that process. Firms realize the huge risks such activity poses, reputationally and otherwise, to their companies. I note that it is already a violation of U.S. law for U.S. subsidiaries to engage in sanctionable activity in Iran’s energy sector and certain other activities under U.S. sanctions laws. It is also a violation of U.S. trade law for a U.S. firm to do business of any kind in Iran via a subsidiary that it directs. The balance that has been struck in prior law is to focus only on the activity of U.S. companies. Foreign subsidiaries are not, by definition, U.S. companies, and your provision takes a major new step forward in this area of the law. I agree with you that the way we have addressed this issue authorizing for the first time penalties on U.S. parents if their foreign subsidiaries engages in an activity that would be sanctionable if committed by a U.S. person—is a sound and responsible one, and will hopefully shut down this activity once and for all.

Mr. LAUTENBERG. Does the chairman agree that the language in the bill currently under consideration would apply the same penalties that can be imposed on U.S. companies that directly violate the U.S. trade ban to those U.S. parent companies whose foreign subsidiaries are doing business with Iran?

Mr. JOHNSON of South Dakota. The bill would authorize the imposition of similar civil penalties on such U.S. parent companies.

Mr. LAUTENBERG. Does the chairman also agree that this language subjects to penalties U.S. parent companies if their foreign subsidiaries knew or should have known that the subsidiary was directly or indirectly doing business with an Iranian entity, even if it was the case that the parent companies were not actually aware of the activity of the subsidiary?

Mr. JOHNSON of South Dakota. I agree this legislation mandates penalties on a U.S. parent company if its foreign subsidiary has knowledge or should have had knowledge that the subsidiary was doing prohibited business with Iran, even if the U.S. parent company has no knowledge of these transactions.

Mr. LAUTENBERG. And does the chairman agree that this requirement that the foreign subsidiary knew or should have known that they were doing business with Iran relates only to the actual business transaction and does not require that the subsidiary had or should have had knowledge of current U.S. sanctions law in order to

place penalties on the U.S. parent company?

Mr. JOHNSON of South Dakota. Yes. That is my intent.

Mr. LAUTENBERG. I thank Chairman JOHNSON for all of his work on this important Iran sanctions package. Iran continues to defy numerous United Nations Security Council resolutions. It funds Hamas, Hezbollah, and other terrorist organizations, and it commits severe human rights abuses against its own people. We must do everything we can to place as much pressure on the Iranian regime as possible to change its behavior, and I am pleased that we have finally closed this loophole in current law and put U.S. companies on notice that they will be held responsible for the activities of their subsidiaries with respect to Iran.

Mr. REID. I move to concur in the House amendment, and I believe the Senate is ready to act on this motion.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. REID. I ask unanimous consent that the motion to reconsider be laid upon the table with no intervening action or debate and that any statements related to this bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSON of South Dakota. Humanitarian trade, including agricultural commodities, food, medicine and medical products has long been specifically exempted by Congress from successive rounds of Iran sanctions legislation, as long as such trade is licensed by the Department of the Treasury’s Office of Foreign Assets Control, or OFAC.

With the sharp drop in the value of Iran’s currency, and the worsening economic situation in Iran, it is becoming more apparent that U.S. financial sanctions targeting Iran’s banking sector are causing increased concern among U.S. and other businesses, and banks of our allies engaged in such trade.

The fear is that engaging in humanitarian trade in the current sanctions environment might lead to sanctions for legitimately licensed humanitarian trade. We must underscore with other countries and their banks that humanitarian trade with Iran is not subject to sanctions if it is appropriately licensed by OFAC.

This has been a concern since the Senate first considered this bill and this concern still remains. It is not and has not been the intent of U.S. policy to harm the Iranian people by prohibiting humanitarian trade that is licensed by the U.S. Treasury Department, and we should do all we can to avoid this outcome. OFAC consistently issues many licenses, both general and specific, for this type of trade.

The practical financing difficulties arising today between banks and those



engaging in licensed humanitarian trade can be best addressed by U.S. government officials, who should do more to make it clear that no U.S. sanctions will be imposed against third-country banks that facilitate OFAC-licensed or exempted humanitarian trade. The Administration must continue to make this clear in public statements, in private meetings with foreign financial institutions, and elsewhere as appropriate. Misinterpretation of U.S. law, among foreign financial institutions, should no longer deny the people of Iran the benefit of OFAC-approved humanitarian trade.

Mr. REID. I am pleased that the Senate has just passed the final version of the Iran Sanctions legislation.

I want to thank Senators JOHNSON, SHELBY and MENENDEZ for their leadership and all of their hard work getting this bill completed.

At a time when Iran continues to defy the international community with its nuclear weapons program, it is critical we continue to tighten our sanctions regime.

This legislation expands our existing sanctions on Iran's energy sector, and imposes new sanctions targeting shipping and insurance.

Iran continues to try to evade existing sanctions. But this legislation, in combination with newly announced measures by the Obama administration, closes loopholes and stops the use of front companies or financial institutions to get around international sanctions.

Our current sanctions, and a recent European Union ban on purchasing Iranian oil, have already had an impact.

In spite of the rhetoric coming out of Iran, the regime is clearly feeling the heat.

Oil exports are down by 50 percent, and the Iranian currency has lost nearly 40 percent of its value.

Iranian tankers full of oil are crowding the waters around Iran, acting as floating storage facilities for oil the rogue nation cannot sell.

Over the past year, I have come to the floor many times urging passage of this measure.

I am pleased we have finally completed this important work.

There is no time to waste, as the Iranian regime continues to threaten our ally Israel and the national security of the United States.

#### MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators allowed to speak for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### REMEMBERING CHIEF ROD MAGGARD

Mr. MCCONNELL. Mr. President, I rise today in memory of former Hazard Police Chief Rod Maggard. Chief Maggard was a prominent member of the Perry County, KY, community, and he dedicated his life to serving his country, State, and city.

A native of the southeastern Kentucky region, Chief Maggard was born on April 9, 1944, to Ivory and Margaret Maggard. After graduating from Cumberland High School, he attended Southeast Community College. Shortly thereafter, Chief Maggard received his draft notice for the Vietnam War. Initially, he was stationed in Biloxi, MI, where he worked as a Morse radio intercept operator, and he ultimately served a 14-month tour in DaNang, Vietnam.

Chief Maggard became a State trooper in 1967 when he returned home from the war. He was a decorated trooper and even received the Trooper of the Year Award for the Hazard KSP Post. In 1981, Maggard left public service and became director of Blue Diamond Coal's security. However, in 1991, he returned to public duty when he accepted the position of police chief for the City of Hazard.

His career was highly distinguished as he earned many different forms of recognition. Chief Maggard was invited to the White House to represent the Kentucky Chiefs of Police; he also served on the Kentucky Law Enforcement Council from 1995 to 2001; in 1997 he was appointed to the National Law Enforcement and Corrections Technology Center Advisory Council; and he was president of the Kentucky Association of Chiefs of Police from 1999 to 2000. In 2001, Chief Maggard retired from the police force and became the director of the Rural Law Enforcement Technology Center in Hazard.

Though a decorated police officer and public servant, the legacy Chief Rod Maggard hoped to leave was that of a good member of his community. Current Hazard police chief Minor Allen said that Chief Maggard was not just a mentor but more like a second father to him. It was his love of Hazard and Kentucky that set Maggard apart as a great police chief, and that is the reason why Rod will be dearly missed by those he knew and with whom he worked.

Today, I ask that my colleagues in the U.S. Senate would join me in honoring Chief Rod Maggard. I extend my most sincere condolences to his wife, Beverly; their daughters, Lesley Buckner, Brandi Townsley, and Vali Dye; his sons-in-law; brother; grandchildren; and many more beloved family members and friends. The Hazard Herald, a publication from Hazard, KY, published an obituary that highlighted Chief Maggard's outstanding service to Kentucky. Mr. President, I ask unani-

mous consent that said article appear in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Hazard Herald, June 20, 2012]

ROD MAGGARD

Rodney Mitchell Maggard, 68, of Hazard, passed away on Wednesday, June 13, at the hospice care center in Hazard. He was the former director of the Rural Law Enforcement Technology Center and former chief of police with the Hazard Police Department.

He was the son of the late Ivory Mitchell Maggard and the late Margaret McIntosh Maggard, and was also preceded in death by his brother, James Charles Maggard.

He is survived by his wife, Beverly Maggard; daughters Lesley Buckner and husband Jay, Brandi Townsley and husband Jeff, and Vali Dye and husband Kevin; brother Tommy Wayne Maggard; godson Anthony Bersaglia; grandchildren Ali Townsley, Walker Townsley, Mitchell Buckner, Grayson Dye, and Avery Dye; along with a host of family and friends.

Arrangements were handled by Maggard Mountain View Chapel of Hazard. Funeral services were held on Saturday, June 16, at the Forum, with Dr. Bill Scott and Rev. Chris Fugate officiating. Interment was at Charlie Maggard Cemetery at Blair, Kentucky.

#### REMEMBERING AURORA'S LOSS

Mr. LEVIN. Mr. President, as we gain perspective on the recent horrific shooting in Aurora, CO, our thoughts and prayers are with the victims, their families, and on all those who have been impacted by this tragedy. I, like many Americans, have been uplifted by the many examples of courage and heroism that have emerged from this dark moment. A young woman refusing to leave her injured friend, pulling her out of harm's way. A man giving his life to shield a loved one. A 19-year-old stepping back into danger to rescue a mother and her two young daughters. These stories and the others that will almost certainly emerge as time goes on serve as powerful reminders of the simple decency that makes our Nation strong.

But as we reflect on these stories, it is also important that we begin to understand what caused or contributed to this heinous act. When the alleged shooter burst into the theater, he opened fire on the audience with an AR-15 assault rifle. The AR-15 is a type of military-style assault weapon, built for no purpose other than combat. According to the Congressional Research Service, they were designed in the aftermath of the Second World War to give soldiers a weapon suited for the modern battlefield. Such weapons often use high-capacity ammunition magazines, which allow shooters to continuously fire rounds without reloading. It has been reported that the alleged shooter used an oversized drum magazine, which reports have indicated could fire 100 rounds without reloading.



Between 1994 and 2004, a Federal ban prohibited the purchase of assault weapons. The idea was that if we took lethal weapons with no sporting purpose off the streets, it would make our society safer and protect American lives. Our law enforcement community strongly supported it. And it worked. After the ban was enacted, Brady Campaign studies observed a 66 percent decrease in the number of assault weapons that the Bureau of Alcohol, Tobacco, and Firearms, ATF, traced back to a crime scene. When assault weapons were taken off the market, our Nation became safer. But, unfortunately, Congress allowed the assault weapons ban to lapse in 2004, and repeated efforts to reinstate it have been unsuccessful.

So this past May, when the alleged gunman walked into a local gun shop, he was able to purchase an AR-15 assault rifle. The sale was completely legal. Two months later, he used that same weapon to open fire on a movie theater, filled with innocent people. The oversized ammunition magazine allowed him to fire continuously. Thankfully, the weapon jammed during the attack, and he was forced to switch to one of the other three firearms he had purchased, legally, in the preceding weeks. He killed 12 and injured 58. Some were fathers and sons, mothers and daughters. They were all individuals with plans and dreams. Some were members of our armed services, who had volunteered to fight for our country.

Mr. President, as elected officials, our greatest responsibility is to protect the lives of the American people. A renewal of the Federal ban on assault weapons would help keep these combat weapons off our streets and out of our neighborhoods. It would prevent them from getting into the hands of criminals who can legally buy them today or who can easily secure a straw purchaser to do so. They aren't used to hunt; they are too often used to kill. I urge my colleagues to reinstate the Federal ban on assault weapons and to take up and pass legislation like S. 32, the Large Capacity Ammunition Feeding Device Act, which would prohibit the sale of military-style ammunition cartridges. We can honor the memory of those who lost their lives in Aurora in many ways—one would be by passing such legislation.

#### CONGRATULATING KRISTIN ARMSTRONG

Mr. CRAPO. Mr. President, my colleague Senator JIM RISCH joins me today in congratulating fellow Idahoan Kristin Armstrong, who won her second consecutive gold medal in the Olympic cycling time trial. Kristin's perseverance and drive is an inspiration.

In the 2008 Olympics in Beijing, Kristin, who is a Boise resident and grad-

uate of the University of Idaho, took home the gold. She returned to racing in 2011 after a retirement to give birth to her son, Lucas.

Throughout her racing career, Kristin has demonstrated remarkable dedication and strength. Despite breaking her collarbone in the Exergy Tour in Idaho 2 months ago and sustaining minor injuries from a crash just a few days before her London win, Kristin did not let these difficulties hold her back. She surpassed many skillful competitors to once again achieve the gold medal while also becoming the oldest champion in a road cycling event. Kristin's time of 37 minutes and 34.82 seconds for the 18-mile course was more than 15 seconds faster than the silver medalist. These are considerable accomplishments.

We join the many Idahoans and Americans who applaud Kristin's commitment and excellence. We also commend Kristin's friends and loved ones, including her husband, Joe Savola, and son, Lucas William Savola, who have supported Kristin. Kristin is truly a gifted athlete with immense abilities and talents. Her capacity to push forward beyond the challenges provides encouragement to all of us, and we congratulate her on this, and her many, extraordinary achievements.

#### JOHN "JACK" KIBBIE

Mr. HARKIN. Mr. President, I have come to the floor today to pay tribute to a truly exceptional public servant and fellow Iowan, Jack Kibbie. Jack is retiring this year after 32 years of public service in the Iowa State Legislature. A decorated war hero before his time in office, Jack was awarded the Bronze Star for his service as a tank commander during the Korean war. After serving 4 years each in the Iowa House of Representatives and the Iowa Senate, he left the Senate in 1968 but returned in 1988 and has served ever since. The longest serving Senate president in Iowa's history, Jack has dedicated his life to fighting for Iowans and all Americans and I am truly proud to have the opportunity to honor his life's work today.

Jack has spent much of his time in public office supporting Iowa students. Known as the "Father of Iowa's Community Colleges," he sponsored the 1965 bill that created Iowa's community college system. Later on, Jack served on the Iowa Lakes Community College Board for 17 years and was president for 10 of those years. What is most remarkable about all of this work is that Jack himself does not have a college degree, but he spent his life making sure his fellow Iowans had the opportunity to attain one. Over the years, we have seen the Iowa community college system grow and succeed. The statewide community college student body, which began with a modest

enrollment of 9,000 students, has flourished into a system of 15 schools that now serve more than 155,000 college students and more than 254,000 non-credit students in every corner of the State. Together, these students represent nearly 22 percent of Iowa's working population.

This will forever stand as Jack Kibbie's great legacy—a living legacy that will enrich and empower Iowans far into the future. By 2018, for instance, Iowa will add 101,000 jobs requiring postsecondary education, according to the Georgetown University Center on Education and the Workforce. By this same year, nearly two out of every three jobs in Iowa will require postsecondary training beyond high school. At a time when community colleges are needed more than ever to help the United States regain its standing as the Nation with the highest proportion of college graduates in the world, Iowa's system—thanks to Jack Kibbie's life's work—is up to that task.

Another legacy of Jack Kibbie—often overlooked—is his leadership in ensuring that the Iowa Public Employee Retirement System is rock-solid. Jack has fought to ensure Iowa has one of the best funded public pension funds in the United States because he believes strongly in providing workers with traditional pensions. I couldn't agree more.

And I don't think there is anyone in Iowa who has been more persistent and determined—going back many years—in championing alternative fuels such as ethanol, biodiesel, and wind energy. Today, Iowa is the No. 1 biofuels producer in the United States and that is in no small measure thanks to Jack Kibbie.

Mr. President, Jack Kibbie's retirement is a tremendous loss for Iowans. For more than five decades Jack has fought for them and stood up for the values that make this country great. I wish him a long and happy retirement with his wife Kay and family.

#### JUSTICE FOR THE BYTYQI FAMILY

Mr. CARDIN. Mr. President, today is the 37th anniversary of the Helsinki process. Starting with the signing of the Helsinki Final Act on August 1, 1975, this process began as an ongoing conference which helped end the Cold War and reunite Europe. It has continued as a Vienna-based organization that today seeks to resolve regional conflicts and promote democratic development and the rule of law throughout the region.

While serving in both chambers of the U.S. Congress, it has been a unique and rewarding privilege to engage in this diplomatic process and its parliamentary component as a member and chairman of the U.S. Helsinki Commission, with the goal of improving the lives of everyday people. While

they may be citizens of other countries, promoting their human rights and fundamental freedoms helps us to protect our own. It is, therefore, in our national interest to engage in this process.

On this anniversary, however, I do want to focus on three U.S. citizens who suffered the ultimate violation of their human rights when they were taken into a field and shot, deliberately murdered, in July 1999 by a special operations unit under the control of the Interior Ministry in Serbia. They were brothers: Ylli, Agron and Mehmet Bytyqi.

The Bytyqi brothers were Albanian-Americans from New York. Earlier in 1999, they went to Kosovo to fight as members of the Kosovo Liberation Army in a conflict which eventually prompted a NATO military intervention designed to stop Serbian leader Slobodan Milosevic and his forces. When the conflict ended, the Bytyqi brothers assisted ethnic Roma neighbors of their mother in Kosovo by escorting them to the Serbian border. Accidentally straying into Serbian territory, they were arrested and sentenced to 2 weeks in jail for illegal entry. When released from prison, they were not freed. Instead, the Bytyqi brothers were transported to an Interior Ministry training camp in eastern Serbia, where they were brutally executed and buried in a mass grave with 75 other ethnic Albanians from Kosovo. Two years later, after the fall of the Milosevic regime, their bodies were recovered and repatriated to the United States for burial.

Ylli, Agron and Mehmet were never given a fair and public trial, an opportunity to defend themselves, or any semblance of due process. Their post-conflict, extrajudicial killing was cold-blooded murder.

In the last decade Serbia has made a remarkable recovery from the Milosevic era. I saw this myself last year when I visited Belgrade. This progress, however, has not sufficiently infiltrated the Interior Ministry, affording protection to those who participated in the Bytyqi murders and other egregious Milosevic-era crimes. Nobody has been held accountable for the Bytyqi murders. Those in command of the camp and the forces operating there have never been charged.

The same situation applies to the April 1999 murder of prominent journalist and editor Slavko Curuvija, who testified before the Helsinki Commission on the abuses of the Milosevic regime just months before. There needs to be justice in each of these cases, but together with other unresolved cases they symbolize the lack of transparency and reform in Serbia's Interior Ministry to this day. Combined with continued denials of what transpired under Milosevic in the 1990s, including the 1995 genocide at Srebrenica in

neighboring Bosnia, these cases show that Serbia has not completely put an ugly era in its past behind it. For that reason, not only does the surviving Bytyqi family in New York, as well as the friends and family of Slavko Curuvija, still need to have the satisfaction of justice. The people of Serbia need to see justice triumph in their country as well.

I want to thank the U.S. Mission to the OSCE in Vienna, which under the leadership of Ambassador Ian Kelly continues to move the Helsinki process forward, for recently raising the Bytyqi murders and calling for justice. I also want to commend the nominee for U.S. Ambassador to Serbia, Michael David Kirby, for responding to my question on the Bytyqi and Curuvija cases at his Foreign Relations Committee hearing by expressing his commitment, if confirmed, to make justice in these cases a priority matter. On this anniversary of the Helsinki Final Act, I join their call for justice.

#### TRIBUTE TO JOEL BOUSMAN

Mr. ENZI. Mr. President, I rise to speak on behalf of Joel Bousman who will be inducted into the Wyoming Agriculture Hall of Fame later this month at the 100th Wyoming State Fair. Since 1992, Wyoming has recognized the individuals each year who have made substantial contributions to agriculture in our State. This year I have the honor of presenting this award to Joel with my colleague Senator BARRASSO.

Joel Bousman is a fourth generation rancher and operator of Eastfork Livestock in Boulder, WY. Actively involved in the Wyoming Stock Growers Association, he is admired for his leadership in the State's livestock industry. Having served as regional vice president of the Wyoming Stock Growers and president of the Green River Valley Cattleman's Association, Joel is a determined advocate and defender of agriculture.

Wyoming ranchers are known nationwide for their stewardship and Joel leads by example with his own operation and when grazing on public lands. In 2003, he was presented with the Wyoming Stock Growers Environmental Stewardship Award and was most recently presented with the 2011 Guardian of the Range Award. Bousman's nomination letter reads, "He was a pioneer in initiating grazing monitoring that is conducted jointly by the federal land agencies and the grazing permittees." To this day, he remains active in promoting joint efforts to improve grazing and wildlife habitat on Wyoming's working lands.

Wyoming Agriculture Hall of Fame Award recipients are also expected to serve their communities and Joel has been no exception as the chairman of the Sublette County Board of County

Commissioners. Joel has not only served his community as a commissioner but has regularly come to Washington to bring his message before congressional committees and directly to Members. Wyoming Governor Matt Mead writes that Joel is, "a proven leader who is well respected in all circles—from the halls of Congress to the Wyoming Capitol and from the Sublette County Building to a constituent's kitchen table."

I am proud to have the opportunity to recognize Joel's achievements with Senator BARRASSO as a 2012 inductee into the Wyoming Agriculture Hall of Fame. Wyoming and its public lands are well served by his lasting and continuing contributions to our State.

#### TRIBUTE TO GENE HARDY

Mr. BARRASSO. Mr. President, during Wyoming's State Fair, Senator ENZI and I will have the honor of inducting Gene Hardy into the Wyoming Agriculture Hall of Fame.

Wyoming ranchers care for the land because it cares for them and their families. The Hardy Ranch tradition began in 1920 when Gene's father homesteaded in Converse County, WY. By the 1930s, the Hardy family was producing both cattle and sheep. Gene Hardy is a third generation rancher continuing the family business of multi-species livestock production. Additionally, he balances wildlife and energy production on the Hardy Ranch. Balancing the ranch's resources has led Gene to also be an industry leader in terms of multiple use land management.

Mr. President, innovative is a word that describes Gene. He has organized his livestock operation to improve production utilizing land management through aerial monitoring. As a pilot, he has been flying planes for 50 years over the Hardy Ranch with the result being profitable livestock production and sustainable grazing. Furthermore, he has focused on innovation through superior genetics to produce quality livestock.

Gene is committed to the livestock industry. He works tirelessly to help his fellow producers. Previously, Gene served as president of the Wyoming Wool Growers Association and on boards for the Wyoming Stock Growers Association. However, his involvement does not stop there. He is still actively involved in many local, State, and national agricultural organizations. Currently, Gene serves as the chairman of the American Sheep Industry Association's Predator Management Committee. Gene's dedication and leadership will help ensure the success of the industry for future generations of agriculturalists.

As my friend Bryce Reece, executive vice president of the Wyoming Wool Growers Association, remarked, "We

need a lot more Gene Hardy's in this world."

Mr. President, I ask my colleagues to join me and Senator ENZI in congratulating Gene Hardy, 2012 inductee into the Wyoming Agriculture Hall of Fame. Wyoming lands and livestock are better because of his service.

#### ADDITIONAL STATEMENTS

##### REMEMBERING MARY LOUISE RASMUSON

• Mr. BEGICH. Mr. President, I wish to recognize the passing of one of Alaska's most endeared philanthropists, Mary Louise Rasmuson. Mrs. Rasmuson died on July 30, 2012, at her home in Anchorage, AK. Mary Louise Rasmuson was a beloved Alaska pioneer who saw opportunity in every challenge. She was generous in spirit and deed, and through her family foundation made Alaska a much stronger and vibrant state.

Intelligent. Diplomatic. Principled and ethical. Gentle but firm. Mrs. Rasmuson spent her life breaking barriers, challenging conventions, and seeking to improve opportunities for those around her.

She was a trailblazer for women and left her mark across the country and the State of Alaska through her leadership, philanthropy, and the family foundation that she helped lead with her late husband Elmer.

Selected from the initial pool of 30,000 applicants for the new Women's Army Corp-WAC she rose quickly through the ranks and in 1957 became the fifth commandant of the WAC, a position she occupied for 6 years, first appointed by President Eisenhower and reappointed by President Kennedy. Mary Louise led the way for women in the military. Mrs. Rasmuson's oral history of the WAC unit, World War II and the Korean War is among those recorded by The Library of Congress for The Veterans History Project.

In 1942, as the United States entered World War II, Mrs. Rasmuson left her job as an assistant principal in a school district near Pittsburgh and became a member of the first class of the new WAC.

As director of the WAC unit, military historians credit her with major achievements including increasing the WAC's strength, insisting on effectiveness in command, working with Congress to amend laws that deprived women of service credit and benefits, and expanding the range of military opportunities open to women.

Mrs. Rasmuson retired in 1962 after 20 years of military service, during which she received a Legion of Merit award with two oak leaf clusters for her work integrating Black women into the WAC. She was also awarded the Women's Army Auxiliary Corps Service Medal, the American Campaign Medal,

World War II Victory Medal, Occupation Medal and National Defense Medal. At an event honoring her, former U.S. Secretary of Defense William Perry said, "When you hear about women seizing new opportunities to serve, remember that they march behind Colonel Rasmuson."

Mary Louise's impact can be felt virtually everywhere in Alaska, whether improving the position of families, founding a world-class museum, enhancing research in healthcare, and advancing understanding of Alaska Native cultures on a national stage. Her contributions have reached every corner of Alaska, from Ketchikan to Gambell.

Mrs. Rasmuson arrived in Alaska in 1962 after her marriage to Elmer E. Rasmuson, chairman of National Bank of Alaska. Together, they made a formidable team influential in the public and civic agenda in a rapidly developing city and State. She quickly adapted to life in Alaska and became active in several community groups. One of her most visible impacts on Alaska came from her service as head of the Municipality of Anchorage Historical and Fine Arts Commission and later as chair of the Anchorage Museum Foundation. Her vision, passion and personal effort led to the creation of the Anchorage Museum of Art and History in 1968. As Mayor of Anchorage, I was proud to be with Mrs. Rasmuson to cut the ribbon on the latest expansion of the museum, now named the Anchorage Museum at Rasmuson Center, a culminating moment in her decades-long vision to build a great museum for all Alaskans.

In 1967, Mrs. Rasmuson began what would become 45 years of service on the board of Rasmuson Foundation. She maintained an active voice in the affairs of the Foundation and regularly attended board meetings until her late 90s, when she transitioned to an emeritus position. Even in the last years of her life, Mrs. Rasmuson received briefings from Foundation staff on projects seeking Foundation support.

Facilities that bear her name include the Elmer and Mary Louise Rasmuson Theater at the Smithsonian National Museum of the American Indian in Washington, DC, the Elmer and Mary Louise Rasmuson Center for Rheumatic Disease at the Benaroya Research Institute of Virginia Mason Hospital in Seattle, WA, and the Mary Louise Rasmuson Pavilion at the Boy Scouts of America Camp Gorsuch in Chugiak, AK. Mary Louise Rasmuson will be missed by all who knew her, but her legacy will live forever in the hearts and minds of Alaskans.●

##### TRIBUTE TO SOFIA GUANA

• Mr. HELLER. Mr. President, I rise today in celebration of one of Nevada's own, Sofia Guana, on her 100th birth-

day. Her dedication to community service is commendable, and I am proud that she calls Nevada home.

After Sofia came to Carson City, NV, just more than 20 years ago, she dedicated her time to investing in the Silver State. Whether it was through working for the University of Nevada's Cooperative Extension or volunteering for the local senior citizen's center, Sofia's commitment to the betterment of her State and community is commendable. She serves as an example to us all, and I hope that many more will follow in her footsteps.

Sofia's dedication to the betterment of others does not stop with her local community of Carson. A devoted mother, grandmother, and great-grandmother, she is the lifeblood of her family.

Mr. President, I am proud to call Sofia one of Nevada's own and wish her a very happy 100th birthday. On behalf of the State and the residents of Carson City, I thank her for her service and wish her all the best.●

##### TRIBUTE TO JUDY KROLL

• Mr. THUNE. Mr. President, today I would like to take this opportunity to honor Judy Kroll of Volga, SD.

Judy Kroll has spent her career serving the community of Brookings, SD, in her capacity as an educator, as well as the director of the thriving speech and debate program at Brookings High School.

Judy, who retired this summer, served as a South Dakota educator for 37 years, teaching in both Madison and Parkston before starting at Brookings High School in 1980. During her 32 years as an educator and debate coach in Brookings, she has left an indelible impact on her students, dedicating an immeasurable amount of time to positively impacting the lives of young people. Judy has devoted countless hours to advance the critical and analytical skills of those students who she taught, coached, and mentored.

During her coaching career, Judy has been awarded South Dakota Forensic Coaches Association Coach of the Year on numerous occasions and coached her students to multiple State championships in various speech and debate events. Her success as a coach was also demonstrated at the national level. She coached policy debate teams to 2nd and 3rd place finishes in 2000 at the National Forensics League National Speech and Debate Tournament and a 7th place finish earlier this summer at the same tournament.

Judy's longstanding involvement in the debate community has been recognized not only by her South Dakota peers, but at a national level as well. In 2011, she was admitted to the National Forensics League Hall of Fame. Of the thousands of debate coaches who have been a part of the National Forensics

League since its inception in 1925, only 158 individuals have earned this honor. Judy is one of four South Dakotans to have received this honor. In addition, she was recently named the 2012 National Forensics League Coach of the Year. This award recognizes Judy's outstanding leadership and commitment to National Forensic League activities. Judy's receipt of this award marks only the second time a South Dakotan has received such an honor since it was first awarded in 1953.

During her teaching and coaching career, Judy encouraged her students to never give up on accomplishing their goals. She promoted outstanding sportsmanship and for years a large display in her classroom read, "What is popular is not always right, and what is right is not always popular." Judy exemplified for her students the importance of working hard and attaining success without compromising ethics and sense of doing what is right.

I join Judy's family, friends, and students in recognizing her meritorious work and extend my sincere thanks and appreciation to Judy for all she has done for her students and the State of South Dakota, and wish her the best in her retirement.●

#### MESSAGES FROM THE HOUSE

At 1:23 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 828. An act to amend title 5, United States Code, to provide that persons having seriously delinquent tax debts shall be ineligible for Federal employment.

H.R. 3641. An act to establish Pinnacles National Park in the State of California as a unit of the National Park System, and for other purposes.

The message further announced that the House has passed the following bill, without amendment:

S. 679. An act to reduce the number of executive positions subject to Senate confirmation.

The message also announced that the House agrees to the amendments of the Senate to the bill (H.R. 1627) to amend title 38, United States Code, to provide for certain requirement for the placement of monuments in Arlington National Cemetery, and for other purposes.

At 5:23 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 55. Concurrent resolution directing the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 1627.

#### ENROLLED BILLS SIGNED

The message further announced that the Speaker has signed the following enrolled bills:

S. 679. An Act to reduce the number of executive positions subject to Senate confirmation.

S. 1959. An Act to require a report on the designation of the Haqqani Network as a foreign terrorist organization and for other purposes.

At 6:54 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 1905) to strengthen Iran sanctions laws for the purpose of compelling Iran to abandon its pursuit of nuclear weapons and other threatening activities, and for other purposes, with an amendment.

#### MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 828. An act to amend title 5, United States Code, to provide that persons having seriously delinquent tax debts shall be ineligible for Federal employment; to the Committee on Homeland Security and Governmental Affairs.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-7025. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department's 2012 report to Congress on the Transportation Infrastructure Finance and Innovation Act of 1998; to the Committee on Commerce, Science, and Transportation.

EC-7026. A communication from the Attorney—Advisor, Office of the General Counsel, Department of Transportation, transmitting, pursuant to law, a report relative to a vacancy in the position of Under Secretary of Transportation for Policy, received in the Office of the President of the Senate on July 18, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7027. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Using Jig Gear in the Central Regulatory Area of the Gulf of Alaska" (RIN0648-XC079) received in the Office of the President of the Senate on July 18, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7028. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; 'Other Rockfish' in the Western Regulatory Area of the Gulf of Alaska" (RIN0648-XC087) received in the Office of the President of the Senate on July 18, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7029. A communication from the Secretary of the Commission, Bureau of Consumer Protection Division of Marketing Practices, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Disclosure Requirements and Prohibitions Concerning Franchising" (RIN3084-AA63) received in the Office of the President of the Senate on July 18, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7030. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Eureka, NV" ((RIN2120-AA66) (Docket No. FAA-2011-1333)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7031. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Livingston, MT" ((RIN2120-AA66) (Docket No. FAA-2012-0139)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7032. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Memphis, TN" ((RIN2120-AA66) (Docket No. FAA-2011-1211)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7033. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revocation of Class D Airspace; Andalusia, AL and Amendment of Class E Airspace; Fort Rucker, AL" ((RIN2120-AA66) (Docket No. FAA-2011-1457)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7034. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Woodland, CA" ((RIN2120-AA66) (Docket No. FAA-2012-0345)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7035. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class D Airspace; Pontiac, MI" ((RIN2120-AA66) (Docket No. FAA-2011-1142)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7036. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class D and Class E Airspace; Lakehurst, NJ" ((RIN2120-

AA66) (Docket No. FAA-2012-0456)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7037. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revocation and Modification of Multiple Domestic, Alaskan, and Hawaiian Compulsory Reporting Points" ((RIN2120-AA66) (Docket No. FAA-2012-0129)) received in the Office of the President of the Senate on July 24, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7038. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Removal of the Part 67 Requirement for Individuals Granted the Special Issuance of a Medical Certificate to Carry Their Letter of Authorization While Exercising Pilot Privileges; Confirmation of Effective Date" ((RIN2120-AK00) (Docket No. FAA-2012-0056)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7039. A communication from the Senior Program Analyst, Federal Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Flightcrew Member Duty and Rest Requirements; OMB Approval of Information Collection" ((RIN2120-AJ58) (Docket No. FAA-2009-1093)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7040. A communication from the Deputy Assistant General Counsel, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airport Concessions Disadvantaged Business Enterprise: Program Improvements" (RIN2105-AE10) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7041. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Alpha Aviation Concept Limited (Type Certificate Previously Held by Alpha Aviation Design Limited) Airplanes" ((RIN2120-AA64) (Docket No. FAA-2012-0279)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7042. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Aeronautical Accessories, Inc., High Landing Gear Aft Crosstube Assembly" ((RIN2120-AA64) (Docket No. FAA-2012-0083)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7043. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Fokker Services B.V. Airplanes" ((RIN2120-

AA64) (Docket No. FAA-2012-0039)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7044. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Agusta S.p.A. Helicopters" ((RIN2120-AA64) (Docket No. FAA-2012-0013)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7045. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Airplanes" ((RIN2120-AA64) (Docket No. FAA-2012-0298)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7046. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; BAE SYSTEMS (OPERATIONS) LIMITED Airplanes" ((RIN2120-AA64) (Docket No. FAA-2012-0106)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7047. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Dassault Aviation Airplanes" ((RIN2120-AA64) (Docket No. FAA-2012-0265)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7048. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Airplanes" ((RIN2120-AA64) (Docket No. FAA-2012-0034)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7049. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Saab AB, Saab Aerosystems Airplanes" ((RIN2120-AA64) (Docket No. FAA-2012-0330)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7050. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Fokker Services B.V. Airplanes" ((RIN2120-AA64) (Docket No. FAA-2012-0300)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7051. A communication from the Senior Program Analyst, Federal Aviation Adminis-

tration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Airplanes" ((RIN2120-AA64) (Docket No. FAA-2011-1170)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7052. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce plc Turbofan Engines" ((RIN2120-AA64) (Docket No. FAA-2012-0418)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7053. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Hartzell Engine Technologies Turbochargers" ((RIN2120-AA64) (Docket No. FAA-2012-0565)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7054. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; WACO Classic Aircraft Corporation Airplanes" ((RIN2120-AA64) (Docket No. FAA-2012-0578)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7055. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Continental Motors, Inc. (CMI) Reciprocating Engines" ((RIN2120-AA64) (Docket No. FAA-2011-1341)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7056. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Airplanes" ((RIN2120-AA64) (Docket No. FAA-2012-0441)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7057. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Enstrom Helicopter Corporation Helicopters" ((RIN2120-AA64) (Docket No. FAA-2012-0562)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7058. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of

a rule entitled “Airworthiness Directives; AGUSTA S.p.A. Helicopters” ((RIN2120-AA64) (Docket No. FAA-2012-0600)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7059. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Bell Helicopter Textron Canada, Limited, Helicopters” ((RIN2120-AA64) (Docket No. FAA-2012-0087)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7060. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Airbus Airplanes” ((RIN2120-AA64) (Docket No. FAA-2012-0152)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7061. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Airbus Airplanes” ((RIN2120-AA64) (Docket No. FAA-2012-0040)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7062. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Eurocopter Deutschland GmbH Helicopters” ((RIN2120-AA64) (Docket No. FAA-2012-0659)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7063. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; The Boeing Company Airplanes” ((RIN2120-AA64) (Docket No. FAA-2011-0645)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7064. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; The Boeing Company Airplanes” ((RIN2120-AA64) (Docket No. FAA-2011-0719)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7065. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; The Boeing Company Airplanes” ((RIN2120-AA64) (Docket No. FAA-2012-0673)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7066. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; The Boeing Company Airplanes” ((RIN2120-AA64) (Docket No. FAA-2011-1257)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7067. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; The Boeing Company Airplanes” ((RIN2120-AA64) (Docket No. FAA-2011-0991)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7068. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; The Boeing Company Airplanes” ((RIN2120-AA64) (Docket No. FAA-2011-1415)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7069. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; The Boeing Company Airplanes” ((RIN2120-AA64) (Docket No. FAA-2011-1412)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7070. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; The Boeing Company Airplanes” ((RIN2120-AA64) (Docket No. FAA-2011-1254)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7071. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; The Boeing Company Airplanes” ((RIN2120-AA64) (Docket No. FAA-2011-1255)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7072. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; The Boeing Company Airplanes” ((RIN2120-AA64) (Docket No. FAA-2010-1115)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7073. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Establishment of Area Navigation (RNAV) Routes; Southwestern United States” ((RIN2120-AA66) (Docket No. FAA-

2012-0286)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7074. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Part 95 Instrument Flight Rules (4); Amdt. No. 501” ((RIN2120-AA63) received in the Office of the President of the Senate on July 24, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7075. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Standard Instrument Approach Procedures; Miscellaneous Amendments (109); Amdt. No. 3484” ((RIN2120-AA65) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7076. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Standard Instrument Approach Procedures; Miscellaneous Amendments (97); Amdt. No. 3482” ((RIN2120-AA65) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7077. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Standard Instrument Approach Procedures; Miscellaneous Amendments (97); Amdt. No. 3483” ((RIN2120-AA65) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7078. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Standard Instrument Approach Procedures; Miscellaneous Amendments (33); Amdt. No. 3485” ((RIN2120-AA65) received in the Office of the President of the Senate on July 24, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7079. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Standard Instrument Approach Procedures; Miscellaneous Amendments (110); Amdt. No. 3486” ((RIN2120-AA65) received in the Office of the President of the Senate on July 24, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7080. A communication from the Deputy Bureau Chief, Consumer and Governmental Affairs Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Misuse of Internet Protocol (IP) Relay Service; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities” ((CG Docket Nos. 12-38 and 03-123) (FCC 12-71)) received in the Office of the President of the Senate on July 19, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7081. A communication from the Chief of the Policy and Rules Division, Office of Engineering, Federal Communications Commission, transmitting, pursuant to law, the



report of a rule entitled "Section 2.925 and 2.926 of the Rules Regarding Grantee Codes for Certified Radiofrequency Equipment" (FCC 12-60) received in the Office of the President of the Senate on July 25, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7082. A communication from the Deputy Bureau Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Rural Health Care Support Mechanism" ((RIN3060-AF85) (FCC 12-74)) received in the Office of the President of the Senate on July 25, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7083. A communication from the Deputy Division Chief of the Policy Division, International Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Procedures to Govern the Use of Satellite Earth Stations on Board Vessels in the 5925-6425 MHz/3700-4200 MHz Bands and 14.0-14.5 GHz/11.7-12.2 GHz Bands" ((IB Docket No. 02-10) (FCC 12-79)) received in the Office of the President of the Senate on July 30, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7084. A communication from the Acting Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Information from Foreign Regions Applying for Recognition of Animal Health Status" ((RIN0579-AD30) (Docket No. APHIS-2007-0158)) received in the Office of the President of the Senate on July 31, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7085. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report relative to providing certain support aid to the Government of Uzbekistan; to the Committee on Armed Services.

EC-7086. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; DoD Voucher Processing" ((RIN0750-AH52) (DFARS Case 2011-D054)) received during adjournment of the Senate in the Office of the President of the Senate on July 27, 2012; to the Committee on Armed Services.

EC-7087. A communication from the Assistant Secretary of Defense (Global Strategic Affairs), transmitting, pursuant to law, a report entitled "Report on the National Academy of Sciences Assessment and Report on Metrics of the Cooperative Threat Reduction Program"; to the Committee on Armed Services.

EC-7088. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Amendments to Adjudicatory Process Rules and Related Requirements: 10 CFR Parts 2, 12, 51, 54, and 61" ((RIN3150-AI43) (NRC-2008-0415)) received in the Office of the President of the Senate on July 30, 2012; to the Committee on Environment and Public Works.

EC-7089. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Patient Protection and Affordable Care Act; Data Collection to Support Standards Related to Essential Health Benefits; Recognition of

Entities for the Accreditation of Qualified Health Plans" (RIN0938-AR36) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Finance.

EC-7090. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Third Party Payer Issues and Reporting Agent, Revisions to Rev. Proc. 2007-38" (Rev. Proc. 2012-32) received in the Office of the President of the Senate on July 31, 2012; to the Committee on Finance.

EC-7091. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revisions to Rev. Proc. 98-32" (Rev. Proc. 2012-33) received in the Office of the President of the Senate on July 31, 2012; to the Committee on Finance.

EC-7092. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2012 Section 43 Inflation Adjustment" (Notice 2012-49) received in the Office of the President of the Senate on July 31, 2012; to the Committee on Finance.

EC-7093. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2012 Marginal Production Rates" (Notice 2012-50) received in the Office of the President of the Senate on July 31, 2012; to the Committee on Finance.

EC-7094. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 12-089, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible effects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Foreign Relations.

EC-7095. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled "Country Reports on Terrorism 2011"; to the Committee on Foreign Relations.

EC-7096. A communication from the Railroad Retirement Board, transmitting, pursuant to law, a report entitled "Railroad Unemployment Insurance System"; to the Committee on Health, Education, Labor, and Pensions.

EC-7097. A joint communication from the Executive Director and the Chair of the Board of Governors, Patient-Centered Outcomes Research Institute, transmitting, pursuant to law, the Institute's 2011 Annual Report; to the Committee on Health, Education, Labor, and Pensions.

EC-7098. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 12-092, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible effects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Foreign Relations.

EC-7099. A communication from the Administrator, Federal Emergency Manage-

ment Agency, Department of Homeland Security, transmitting, pursuant to law, a report relative to the cost of response and recovery efforts for FEMA-3330-EM in the Commonwealth of Massachusetts having exceeded the \$5,000,000 limit for a single emergency declaration; to the Committee on Homeland Security and Governmental Affairs.

EC-7100. A communication from the Federal Liaison Officer, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Implementation of Statute of Limitations Provisions for Office Disciplinary Proceedings" (RIN0651-AC76) received in the Office of the President of the Senate on July 30, 2012; to the Committee on the Judiciary.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. AKAKA, from the Committee on Indian Affairs, without amendment:

H.R. 1272. A bill to provide for the use and distribution of the funds awarded to the Minnesota Chippewa Tribe, et al, by the United States Court of Federal Claims in Docket Numbers 19 and 188, and for other purposes.

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

S. 3370. A bill to authorize the Administrator of General Services to convey a parcel of real property in Albuquerque, New Mexico, to the Amy Biehl High School Foundation.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KERRY:

S. 3465. A bill to amend the Older Americans Act of 1965 to define care coordination, include care coordination as a fully restorative service, and detail the care coordination functions of the Assistant Secretary, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MENENDEZ:

S. 3466. A bill to amend the Internal Revenue Code of 1986 to provide a credit for employer-provided job training, and for other purposes; to the Committee on Finance.

By Mr. JOHANNES:

S. 3467. A bill to establish a moratorium on aerial surveillance conducted by the Administrator of the Environmental Protection Agency; to the Committee on Environment and Public Works.

By Mr. PORTMAN (for himself, Mr. WARNER, and Ms. COLLINS):

S. 3468. A bill to affirm the authority of the President to require independent regulatory agencies to comply with regulatory analysis requirements applicable to executive agencies, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BINGAMAN:

S. 3469. A bill to establish a new organization to manage nuclear waste, provide a consensual process for siting nuclear waste facilities, ensure adequate funding for managing nuclear waste, and for other purposes; to the Committee on Energy and Natural Resources.



By Ms. STABENOW (for herself and Mr. CRAPO):

S. 3470. A bill to permanently extend the private mortgage insurance tax deduction; to the Committee on Finance.

By Mr. RUBIO:

S. 3471. A bill to amend the Internal Revenue Code of 1986 to eliminate the tax on Olympic medals won by United States athletes; to the Committee on Finance.

By Ms. LANDRIEU (for herself, Mr. GRASSLEY, Mr. BEGICH, Mr. BLUNT, Mrs. BOXER, Mr. FRANKEN, and Ms. KLOBUCHAR):

S. 3472. A bill to amend the Family Educational Rights and Privacy Act of 1974 to provide improvements to such Act; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INHOFE:

S. 3473. A bill to replace automatic spending cuts with targeted reforms, and for other purposes; to the Committee on Finance.

By Mr. MERKLEY (for himself, Ms. MIKULSKI, and Mr. HARKIN):

S. 3474. A bill to provide consumer protection for students; to the Committee on Health, Education, Labor, and Pensions.

By Ms. LANDRIEU:

S. 3475. A bill to increase the participation of historically underrepresented demographic groups in science, technology, engineering, and mathematics education and industry; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. MURRAY (for herself, Mr. FRANKEN, and Mr. KERRY):

S. 3476. A bill to amend the Child Care and Development Block Grant Act of 1990 to ensure access to high-quality child care for homeless children and families, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BOXER (for herself, Mrs. HUTCHISON, Mr. CASEY, Ms. SNOWE, Mrs. SHAHEEN, Mrs. GILLIBRAND, and Mr. BROWN of Massachusetts):

S. 3477. A bill to ensure that the United States promotes women's meaningful inclusion and participation in mediation and negotiation processes undertaken in order to prevent, mitigate, or resolve violent conflict and implements the United States National Action Plan on Women, Peace, and Security; to the Committee on Foreign Relations.

By Ms. LANDRIEU (for herself, Mr. GRASSLEY, Mr. BEGICH, Mr. BLUNT, Mrs. BOXER, Mr. FRANKEN, and Ms. KLOBUCHAR):

S. 3478. A bill to amend the Family Educational Rights and Privacy Act of 1974 to provide improvements to such Act; to the Committee on Health, Education, Labor, and Pensions.

By Mr. PRYOR (for himself, Mr. BLUNT, Mr. BROWN of Ohio, Ms. SNOWE, Mr. WYDEN, and Mr. WARNER):

S. 3479. A bill to strengthen manufacturing in the United States through improved training, retention, and recruitment of workers, to deter evasion of antidumping and countervailing duty orders, and to promote United States exports, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. JOHANNIS (for himself, Mr. CRAPO, Mr. TESTER, Mr. KOHL, Mr. TOOMEY, and Mrs. HAGAN):

S. 3480. A bill to provide end user exemptions from certain provisions of the Commodity Exchange Act and the Securities Exchange Act of 1934; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LEAHY (for himself, Mr. COCHRAN, and Mr. REED):

S.J. Res. 49. A joint resolution providing for the appointment of Barbara Barrett as a citizen regent of the Board of Regents of the Smithsonian Institution; considered and passed.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. KLOBUCHAR (for herself and Mr. CHAMBLISS):

S. Res. 535. A resolution recognizing the goals and ideals of the Movement is Life Caucus; to the Committee on Health, Education, Labor, and Pensions.

By Ms. MURKOWSKI (for herself, Mr. JOHNSON of South Dakota, and Mr. BEGICH):

S. Res. 536. A resolution designating September 9, 2012, as "National Fetal Alcohol Spectrum Disorders Awareness Day"; considered and agreed to.

By Ms. STABENOW (for herself, Ms. SNOWE, Mr. BENNET, Mr. BLUMENTHAL, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Ms. CANTWELL, Mr. CARDIN, Mrs. FEINSTEIN, Mr. KERRY, Mr. LAUTENBERG, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Mr. SCHUMER, Mr. TESTER, Mr. UDALL of Colorado, Mr. WEBB, Mr. WHITEHOUSE, and Ms. MURKOWSKI):

S. Res. 537. A resolution supporting the goals and ideals of National Ovarian Cancer Awareness Month; considered and agreed to.

By Mr. SESSIONS (for himself, Mr. CARDIN, Mr. KERRY, Mr. LUGAR, Mr. SHELBY, Mr. MENENDEZ, Mr. TESTER, Mr. LIEBERMAN, Mr. WYDEN, Mrs. HUTCHISON, Mr. ROBERTS, Mr. CRAPO, Mr. CHAMBLISS, Mr. COCHRAN, Mr. ISAKSON, Mr. WICKER, Mr. INHOFE, Mr. MORAN, Mr. BROWN of Massachusetts, Mr. AKAKA, Mr. KIRK, Ms. MURKOWSKI, and Mrs. FEINSTEIN):

S. Res. 538. A resolution designating September 2012 as "National Prostate Cancer Awareness Month"; considered and agreed to.

By Mr. ROCKEFELLER (for himself, Mr. ALEXANDER, and Mr. LEVIN):

S. Res. 539. A resolution designating October 13, 2012, as "National Chess Day"; considered and agreed to.

By Mr. INOUE (for himself and Mr. COCHRAN):

S. Res. 540. A resolution designating the week of August 6 through August 10, 2012, as "National Convenient Care Clinic Week"; considered and agreed to.

By Mr. HARKIN:

S. Con. Res. 55. A concurrent resolution directing the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 1627; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 202

At the request of Mr. PAUL, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. 202, a bill to require a full audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks by the Comptroller General of the United States before the end of 2012, and for other purposes.

S. 558

At the request of Mrs. FEINSTEIN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 558, a bill to limit the use of cluster munitions.

S. 645

At the request of Mr. SCHUMER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 645, a bill to amend the National Child Protection Act of 1993 to establish a permanent background check system.

S. 704

At the request of Mr. WYDEN, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 704, a bill to provide for duty-free treatment of certain recreational performance outerwear, and for other purposes.

S. 1461

At the request of Mr. NELSON of Florida, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1461, a bill to amend the Federal Food, Drug, and Cosmetic Act to clarify the Food and Drug Administration's jurisdiction over certain tobacco products, and to protect jobs and small businesses involved in the sale, manufacturing and distribution of traditional and premium cigars.

S. 1526

At the request of Mrs. GILLIBRAND, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 1526, a bill to amend the Internal Revenue Code of 1986 to provide a tax incentive for the installation and maintenance of mechanical insulation property.

S. 1872

At the request of Mr. CASEY, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 1872, a bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of ABLE accounts established under State programs for the care of family members with disabilities, and for other purposes.

S. 1880

At the request of Mr. BARRASSO, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1880, a bill to repeal the health care law's job-killing health insurance tax.

S. 1935

At the request of Ms. COLLINS, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 1935, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the 75th anniversary of the establishment of the March of Dimes Foundation.

At the request of Mrs. HAGAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1935, supra.

S. 1990

At the request of Mr. LIEBERMAN, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 1990, a bill to require the Transportation Security Administration to comply with the Uniformed Services Employment and Reemployment Rights Act.

S. 1993

At the request of Mr. NELSON of Florida, the names of the Senator from Delaware (Mr. COONS) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 1993, a bill to posthumously award a Congressional Gold Medal to Lena Horne in recognition of her achievements and contributions to American culture and the civil rights movement.

S. 2118

At the request of Mr. CORNYN, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 2118, a bill to remove unelected, unaccountable bureaucrats from seniors' personal health decisions by repealing the Independent Payment Advisory Board.

S. 2173

At the request of Mr. DEMINT, the names of the Senator from New Hampshire (Ms. AYOTTE) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. 2173, a bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 2281

At the request of Mr. WHITEHOUSE, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2281, a bill to amend the Federal Food, Drug, and Cosmetic Act to strengthen the ability of the Food and Drug Administration to seek advice from external experts regarding rare diseases, the burden of rare diseases, and the unmet medical needs of individuals with rare diseases.

S. 3204

At the request of Mr. JOHANNIS, the names of the Senator from Nebraska (Mr. NELSON), the Senator from South Carolina (Mr. GRAHAM), the Senator from Utah (Mr. LEE), the Senator from Mississippi (Mr. COCHRAN) and the Senator from Colorado (Mr. BENNET) were added as cosponsors of S. 3204, a bill to address fee disclosure requirements under the Electronic Fund Transfer Act, and for other purposes.

S. 3237

At the request of Mr. WHITEHOUSE, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 3237, a bill to provide for the establishment of a Commission to Accelerate the End of Breast Cancer.

S. 3243

At the request of Mrs. GILLIBRAND, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Sen-

ator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 3243, a bill to amend the Internal Revenue Code of 1986 to increase the amount of the low-income housing credit that may be allocated in States damaged in 2011 by Hurricane Irene or Tropical Storm Lee.

S. 3338

At the request of Mr. HARKIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 3338, a bill to amend the Public Health Service Act and title XVIII of the Social Security Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly.

S. 3384

At the request of Mr. BAUCUS, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 3384, a bill to extend supplemental agricultural disaster assistance programs.

S. 3407

At the request of Mr. WYDEN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 3407, a bill to amend the Public Health Service Act to increase the number of permanent faculty in palliative care at accredited allopathic and osteopathic medical schools, nursing schools, and other programs, to promote education in palliative care and hospice, and to support the development of faculty careers in academic palliative medicine.

S. 3441

At the request of Mr. JOHANNIS, his name was added as a cosponsor of S. 3441, a bill to provide for the transfer of excess Department of Defense aircraft to the Forest Service for wildfire suppression activities, and for other purposes.

S.J. RES. 39

At the request of Mr. CARDIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S.J. Res. 39, a joint resolution removing the deadline for the ratification of the equal rights amendment.

S.J. RES. 44

At the request of Mr. KOHL, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S.J. Res. 44, a joint resolution granting the consent of Congress to the State and Province Emergency Management Assistance Memorandum of Understanding.

S. RES. 399

At the request of Mr. MENENDEZ, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. Res. 399, a resolution calling upon the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, crimes against humanity, ethnic cleansing, and genocide doc-

umented in the United States record relating to the Armenian Genocide, and for other purposes.

AMENDMENT NO. 2574

At the request of Mrs. HUTCHISON, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of amendment No. 2574 intended to be proposed to S. 3414, a bill to enhance the security and resiliency of the cyber and communications infrastructure of the United States.

AMENDMENT NO. 2684

At the request of Mr. MCCONNELL, the names of the Senator from Wisconsin (Mr. JOHNSON), the Senator from Texas (Mr. CORNYN), the Senator from Missouri (Mr. BLUNT), the Senator from Utah (Mr. LEE) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of amendment No. 2684 intended to be proposed to S. 3414, a bill to enhance the security and resiliency of the cyber and communications infrastructure of the United States.

AMENDMENT NO. 2688

At the request of Mr. WYDEN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of amendment No. 2688 intended to be proposed to S. 3414, a bill to enhance the security and resiliency of the cyber and communications infrastructure of the United States.

AMENDMENT NO. 2699

At the request of Mr. DEMINT, the name of the Senator from Utah (Mr. LEE) was added as a cosponsor of amendment No. 2699 intended to be proposed to S. 3414, a bill to enhance the security and resiliency of the cyber and communications infrastructure of the United States.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY:

S. 3465. A bill to amend the Older Americans Act of 1965 to define care coordination, include care coordination as a fully restorative service, and detail the care coordination functions of the Assistant Secretary, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. KERRY. Mr. President, for the past 47 years, the Older Americans Act, OAA, has provided a wide array of services to improve the lives of older Americans, family caregivers, and persons with disabilities. Through the Act, millions of Americans receive critical home and community-based services including, home-delivered meal programs, transportation, adult day care, legal assistance and health promotion programs. The National Aging Network delivers these vital services to local communities through the Administration on Aging, State Units on Aging, SUAs, and over 600 Area Agencies on Aging, AAAs.

The aging network supports a number of health, prevention and wellness

programs for older adults, such as, chronic disease self-management programs, alcohol and substance abuse reduction, smoking cessation, weight loss and control, and health screenings. Despite this focus on health promotion, currently, there is no definition of care coordination included in the Older Americans Act. In fact, the unique coordination needed for an older adult with multiple chronic conditions is absent from the definition of the OAA case manager role.

The inclusion of care coordination in the OAA is necessary to prepare the aging network for their role in linking medical care to community long-term services and supports. The Affordable Care Act is transforming the health care delivery system through medical home demonstration, Accountable Care Organizations, and the Partnership for Patient-Care Transitions. But to be truly successful, these reforms will require the coordination of care between state and federal health care programs and the aging network.

Today, I am introducing the Care Coordination for Older Americans Act, a bill that would integrate care coordination in the long-term services and supports system. My legislation would include a definition of care coordination in the declaration of objectives of the Older Americans Act and would require the aging network to develop and implement a care coordination plan to address the needs of older individuals with multiple chronic illnesses.

I would like to thank a number of aging organizations who have been integral to the development of this legislation and who have endorsed it today, including: Aging Services of California, the American Geriatrics Society, the American Society on Aging, the Benjamin Rose Institute on Aging, the Center for Medicare Advocacy, the Consumer Coalition for Quality Health Care, the Easter Seals, The Gerontological Society of America, LeadingAge, the National Association of Area Agencies on Aging, n4a, the National Academy of Elder Law Attorneys, the National Association of Nutrition and Aging Services Programs, the National Association of the Professional Geriatric Care Managers, the National Center on Caregiving, the Family Caregiver Alliance, PHI Quality Care through Quality Jobs, the Social Work Leadership Institute / New York Academy of Medicine, and the University of Illinois College of Nursing Institute for Health Care Innovation. In addition, the National Coalition for Care Coordination was pivotal in their assistance developing a definition of care coordination which adequately addresses the needs of the aging network.

Since being enacted in 1965, the OAA has evolved over time to meet the ever-changing needs of our aging population. As we work to reauthorize this

successful program that has allowed millions of seniors to remain independent in their homes and communities, we should incorporate new initiatives that reflect the current challenges facing seniors, such as the lack of care coordination between health programs and community long-term services and supports.

For all of these reasons, I urge my colleagues to cosponsor this important legislation and to support its inclusion in the reauthorization of the OAA.

By Mr. JOHANNIS:

S. 3467. A bill to establish a moratorium on aerial surveillance conducted by the Administrator of the Environmental Protection Agency; to the Committee on Environment and Public Works.

Mr. JOHANNIS. Mr. President, I come to the floor today to discuss an issue I have brought up before in the Senate that continues to trouble me.

Whenever I meet with farmers and ranchers in Nebraska, they often raise concerns about regulatory overreach. I hear about the need for agencies such as the EPA to provide a more predictable and commonsense regulatory environment. So today I am introducing a bill that will do exactly that. It stops the EPA's use of aerial surveillance of agricultural operations for a period of 12 months—1 year.

Earlier this year, I began hearing about this issue from constituents who are worried about privacy concerns. Thus, a few of my colleagues and I wrote to Administrator Jackson in late May asking her several questions about EPA's practice of flying over livestock operations and taking pictures. We were curious about the scope of flights over agriculture operations in Nebraska and around the country. We asked how the agency selects targets for surveillance and whether any images of residences, land, or buildings not subject to EPA regulation were being captured.

Additionally, we asked a very fair question: We asked about the use of the images, where are they stored, how are they used, who are they shared with, and how long they would remain on file—all seemingly straightforward, fair, basic questions.

Well, to say the least, EPA has been less than forthcoming about the use of aerial surveillance. EPA has acknowledged aerial surveillance activities in Nebraska, Iowa, and West Virginia. But despite repeated requests, details concerning the national scope of this program and its management by EPA headquarters have not been disclosed.

You see, I believe the American public deserves open, straightforward, honest information about why EPA is flying over their land—not just in Nebraska but across the country.

Time and time again, farmers have consistently proven they are excellent

stewards of the environment. They make their living from the land, and they are very mindful of maintaining it and protecting it and leaving it improved.

I agree wholeheartedly that we should ensure our waterways are clean and our air is safe. So I want to be very clear: This legislation does not affect EPA's ability to use traditional onsite inspections. But given EPA's track record of ignorance about agriculture, if not downright contempt for it, farmers and ranchers do not trust this agency, and they sure as heck do not approve of EPA doing low-altitude surveillance flights over citizens' private property.

So until EPA takes a more commonsense, transparent, open approach, we need to step on the brakes. This bill simply does that. It places a 1-year moratorium on EPA from using aerial surveillance. This will give the agency time to come clean about its activities nationwide and make the case that these flights are an appropriate use of agency authority and taxpayer money.

Unless the EPA does that openly, the level of trust between farmers and ranchers and the EPA will continue to erode. In the meantime, passage of this legislation will help provide our farmers and our ranchers and others in rural America with much needed regulatory certainty.

I offered an amendment on this issue during the recent farm bill debate. It got broad bipartisan support—56 votes. Ten of my colleagues on the other side of the aisle joined me in this effort, so it is not a partisan issue.

I urge my colleagues to continue their support of this effort to bring accountability and transparency to the Environmental Protection Agency.

By Mr. BINGAMAN:

S. 3469. A bill to establish a new organization to manage nuclear waste, provide a consensual process for siting nuclear waste facilities, ensure adequate funding for managing nuclear waste, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I am today introducing a bill to implement the recommendations of the Blue Ribbon Commission on America's Nuclear Future.

The Blue Ribbon Commission was appointed by Secretary of Energy Steven Chu, at the request of President Obama, in March 2010. The purpose of the Commission was to examine the nation's nuclear waste management policy, consider alternatives, and recommend a new approach. The Commission was made up of 15 distinguished members, and co-chaired by Representative Lee Hamilton and General Brent Scowcroft. Two of our former colleagues, Senator Domenici and Senator Hagel, were also members.

The Commission did an outstanding job. It met more than two dozen times over two years, conducted five public hearings across the country, heard testimony from countless experts and stakeholders, visited nuclear waste management facilities both here and abroad, and assembled a very thorough, thoughtful, and authoritative report.

The Commission made eight clear, concise, and eminently sensible recommendations. Principally, it recommended that we adopt a new, consent-based approach to siting nuclear waste management facilities, and that we establish a new organization to manage the nuclear waste management program. It affirmed the need to build one or more geologic repositories in which nuclear waste can be permanently buried, and it endorsed the need to build one or more temporary storage facilities in which nuclear waste can be stored until it can be permanently disposed of in a repository. It emphasized the importance of giving the new organization access to the funds needed to implement the program. It also made useful recommendations on transportation, and on the importance of continued support for nuclear research and development and international nuclear non-proliferation programs.

The Commission published its report at the end of January, and the two co-chairs, Representative Hamilton and General Scowcroft, testified to the Committee on Energy and Natural Resources on it in early February.

Since then, I have been working with the Ranking Republican on the Committee on Energy and Natural Resources, Senator MURKOWSKI, and the Chairman and Ranking Republican on the Energy and Water Development Subcommittee of the Appropriations Committee, Senator FEINSTEIN and Senator ALEXANDER, to try to put the commission's recommendations into legislative language.

Much of our time and effort centered on the Commission's recommendation for "a new organization dedicated solely to implementing the waste management program." The Commission recommended that Congress establish a new "single purpose organization," outside of the Department of Energy, but still within the Federal Government to manage the nation's nuclear wastes in place of the Department of Energy. More specifically, it proposed formation of a government corporation, and suggested that the Tennessee Valley Authority might provide a useful model.

Our initial efforts focused on the government corporation approach, but we ultimately agreed to set that model aside in favor of a structure that we believe may be both more effective and more accountable. We chose to focus full responsibility and authority for the program in a single administrator, and to establish a separate board made

up of senior Federal officials to oversee the administrator.

Most of the rest of our discussions focused on the siting process for temporary storage facilities and permanent geologic repositories. We agreed with the commission's recommendation that the new organization employ a consent-based approach to siting nuclear waste facilities and with the need for to establish interim storage facilities pending completion of a repository. But we were unable to agree on the "linkage" between storage facilities and the repository.

Under current law, the Department of Energy cannot begin constructing a storage facility until the Nuclear Regulatory Commission issues a license to construct the repository. The Commission found that this tight linkage has prevented a storage facility from being built and recommended that it be eliminated. But the commission also recognized the need for what it called "positive linkages" between storage and disposal to ensure that progress continues on both fronts and interim storage does not end up become permanent.

Meanwhile, while our discussions were underway, the Energy and Water Development Appropriations Subcommittee reported legislation that authorizes the Secretary of Energy to begin storing nuclear waste at interim storage sites. My proposal for "positive linkages" was to allow the new agency to store up to 10,000 metric tons of spent nuclear fuel at a storage facility built under the authority in the appropriations bill, even if no agreement has been reached on a repository, but to require there to be an agreement for a repository before allowing the new agency to store nuclear waste at other storage facilities.

Regrettably, we were not able to reach an agreement on this issue or on whether the siting process for storage facilities should be identical to the siting process for repositories wherever possible.

Nonetheless, we agreed that I should introduce the bill with the linkages that I have proposed and that the Committee on Energy and Natural Resources should hold a hearing on it in September. I recognize, of course, that the bill will not become law this year. But my hope is to obtain testimony on it and to build a legislative record that might serve as the foundation for further consideration and ultimate enactment in the next Congress.

The Blue Ribbon Commission found that "it is long past time for the government to make good on its commitments to the American people to provide for the safe disposal of nuclear waste."

"Put simply," the Commission said, "this nation's failure to come to grips with the nuclear waste issue has already proved damaging and costly. It

will be even more damaging and more costly the longer it continues. . . ."

The Commission has performed a very valuable service to the nation in showing us a way forward. Its recommendations merit our careful consideration and deserve our approval. I have attempted to put them into legislative form so that they can be enacted and implemented.

I recognize that will not happen this year. It will take a great deal more time and work. But it must begin and I hope it will continue in the next Congress.

Mr. President, I ask for unanimous consent that the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3469

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Nuclear Waste Administration Act of 2012".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

#### TITLE I—FINDINGS, PURPOSES, AND DEFINITIONS

Sec. 101. Findings.

Sec. 102. Purposes.

Sec. 103. Definitions.

#### TITLE II—NUCLEAR WASTE ADMINISTRATION

Sec. 201. Establishment.

Sec. 202. Principal officers.

Sec. 203. Other officers.

Sec. 204. Inspector General.

Sec. 205. Nuclear Waste Oversight Board.

Sec. 206. Conforming amendments.

#### TITLE III—FUNCTIONS

Sec. 301. Transfer of functions.

Sec. 302. Transfer of contracts.

Sec. 303. Additional functions.

Sec. 304. Siting nuclear waste facilities.

Sec. 305. Licensing nuclear waste facilities.

Sec. 306. Limitation on storage.

Sec. 307. Defense waste.

Sec. 308. Transportation.

#### TITLE IV—FUNDING AND LEGAL PROCEEDINGS

Sec. 401. Working Capital Fund.

Sec. 402. Nuclear Waste Fund.

Sec. 403. Full cost recovery.

Sec. 404. Judicial review.

Sec. 405. Litigation authority.

Sec. 406. Liabilities.

#### TITLE V—ADMINISTRATIVE AND SAVINGS PROVISIONS

Sec. 501. Administrative powers of Administrator.

Sec. 502. Personnel.

Sec. 503. Offices.

Sec. 504. Mission plan.

Sec. 505. Annual reports.

Sec. 506. Savings provisions; terminations.

Sec. 507. Technical assistance in the field of spent fuel storage and disposal.

Sec. 508. Nuclear Waste Technical Review Board.

Sec. 509. Repeal of volume limitation.

#### TITLE I—FINDINGS, PURPOSES, AND DEFINITIONS

##### SEC. 101. FINDINGS.

Congress finds that—

(1) the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 et seq.).—

(A) made the Federal Government responsible for providing for the permanent disposal of nuclear waste;

(B) vested the responsibility for siting, constructing, and operating a permanent geologic repository for the disposal of nuclear waste in the Secretary of Energy; and

(C) required the Secretary to enter into binding contracts with the generators and owners of nuclear waste pursuant to which the Secretary is obligated to have begun disposing of the nuclear waste in a repository not later than January 31, 1998;

(2) in 1987, Congress designated the Yucca Mountain site as the site for the repository and precluded consideration of other sites;

(3) in 2002, the Secretary found the Yucca Mountain site to be suitable for the development of the repository, the President recommended the site to Congress, and Congress enacted a joint resolution approving the Yucca Mountain site for the repository;

(4) in 2008, the Secretary applied to the Nuclear Regulatory Commission for a license to construct a repository at the Yucca Mountain site;

(5) in 2009, the Secretary found the Yucca Mountain site to be unworkable and abandoned efforts to construct a repository;

(6) in 2010, the Secretary, at the request of the President, established the Blue Ribbon Commission on America's Nuclear Future to conduct a comprehensive review of the nuclear waste management policies of the United States and recommend a new strategy for managing the nuclear waste of the United States; and

(7) the Blue Ribbon Commission has recommended that Congress establish a new nuclear waste management organization and adopt a new consensual approach to siting nuclear waste management facilities.

#### SEC. 102. PURPOSES.

The purposes of this Act are—

(1) to establish a new nuclear waste management organization;

(2) to transfer to the new organization the functions of the Secretary relating to the siting, licensing, construction, and operation of nuclear waste management facilities;

(3) to establish a new consensual process for the siting of nuclear waste management facilities;

(4) to provide for centralized storage of nuclear waste pending completion of a repository; and

(5) to ensure that—

(A) the generators and owners of nuclear waste pay the full cost of the program; and

(B) funds collected for the program are used for that purpose.

#### SEC. 103. DEFINITIONS.

In this Act:

(1) **ADMINISTRATION.**—The term “Administration” means the Nuclear Waste Administration established by section 201.

(2) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the Administration.

(3) **AFFECTED INDIAN TRIBE.**—The term “affected Indian tribe” means any Indian tribe—

(A) within the reservation boundaries of which a repository or storage facility is proposed to be located; or

(B) that has federally defined possessory or usage rights to other land outside of the reservation boundaries that—

(i) arise out of a congressionally ratified treaty; and

(ii) the Secretary of the Interior finds, on petition of an appropriate governmental offi-

cial of the Indian tribe, may be substantially and adversely affected by the repository or storage facility.

(4) **AFFECTED UNIT OF GENERAL LOCAL GOVERNMENT.**—

(A) **IN GENERAL.**—The term “affected unit of general local government” means the unit of general local government that has jurisdiction over the site of a repository or storage facility.

(B) **INCLUSION.**—The term “affected unit of general local government” may include, at the discretion of the Administrator, units of general local government that are contiguous with the unit that has jurisdiction over the site of a repository or storage facility.

(5) **CIVILIAN NUCLEAR POWER REACTOR.**—The term “civilian nuclear power reactor” has the meaning given the term in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

(6) **COMMISSION.**—The term “Commission” means the Nuclear Regulatory Commission.

(7) **CONTRACT HOLDER.**—The term “contract holder” means any person who—

(A) generates or holds title to nuclear waste generated at a civilian nuclear power reactor; and

(B) has entered into a contract for the disposal of nuclear waste under section 302(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)) or this Act.

(8) **DEFENSE WASTE.**—The term “defense waste” means nuclear waste generated by an atomic energy defense activity (as defined in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101)).

(9) **DISPOSAL.**—The term “disposal” has the meaning given the term in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

(10) **HIGH-LEVEL RADIOACTIVE WASTE.**—The term “high-level radioactive waste” has the meaning given the term in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

(11) **INDIAN TRIBE.**—The term “Indian tribe” has the meaning given the term in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

(12) **NUCLEAR WASTE.**—The term “nuclear waste” means—

(A) spent nuclear fuel; and

(B) high-level radioactive waste.

(13) **NUCLEAR WASTE ACTIVITIES.**—The term “nuclear waste activities” has the meaning given the term in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014).

(14) **NUCLEAR WASTE FACILITY.**—The term “nuclear waste facility” means—

(A) a repository; and

(B) a storage facility.

(15) **NUCLEAR WASTE FUND.**—The term “Nuclear Waste Fund” means the separate fund in the Treasury established by section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)).

(16) **OVERSIGHT BOARD.**—The term “Oversight Board” means the Nuclear Waste Oversight Board established by section 205.

(17) **PUBLIC LIABILITY.**—The term “public liability” has the meaning given the term in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014).

(18) **REPOSITORY.**—The term “repository” has the meaning given the term in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

(19) **RESERVATION.**—The term “reservation” has the meaning given the term in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

(20) **SECRETARY.**—The term “Secretary” means the Secretary of Energy.

(21) **SITE CHARACTERIZATION.**—

(A) **IN GENERAL.**—The term “site characterization” means the site-specific activities that the Administrator determines necessary to support an application to the Commission for a license to construct a repository or storage facility under section 305(c).

(B) **REPOSITORY SITE CHARACTERIZATION.**—In the case of a site for a repository, the term “site characterization” may include borings, surface excavations, excavations of exploratory shafts, limited subsurface lateral excavations and borings, and in situ testing needed to evaluate the suitability of a candidate site for the location of a repository.

(C) **STORAGE SITE CHARACTERIZATION.**—In the case of a site for an above-ground storage facility, the term “site characterization” does not include subsurface borings and excavations that the Administrator determines are uniquely associated with underground disposal and unnecessary to evaluate the suitability of a candidate site for the location of an above-ground storage facility.

(D) **PRELIMINARY ACTIVITIES.**—The term “site characterization” does not include preliminary borings and geophysical testing needed to assess whether site characterization should be undertaken.

(22) **SPENT NUCLEAR FUEL.**—The term “spent nuclear fuel” has the meaning given the term in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

(23) **STORAGE.**—The term “storage” means the temporary retention of nuclear waste pending the disposal of the nuclear waste in a repository.

(24) **STORAGE FACILITY.**—The term “storage facility” means a facility for the storage of nuclear waste from multiple contract holders or the Secretary pending the disposal of the spent nuclear fuel in a repository.

(25) **TEST AND EVALUATION FACILITY.**—The term “test and evaluation facility” means an at-depth, prototypic underground cavity used to develop data and experience for the safe handling and disposal of nuclear waste in a repository.

(26) **UNIT OF GENERAL LOCAL GOVERNMENT.**—The term “unit of general local government” has the meaning given the term in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

(27) **WORKING CAPITAL FUND.**—The term “Working Capital Fund” means the Nuclear Waste Administration Working Capital Fund established by section 401.

## TITLE II—NUCLEAR WASTE ADMINISTRATION

### SEC. 201. ESTABLISHMENT.

(a) **ESTABLISHMENT.**—There is established an independent agency in the executive branch to be known as the “Nuclear Waste Administration”.

(b) **PURPOSE.**—The purposes of the Administration are—

(1) to discharge the responsibility of the Federal Government to provide for the permanent disposal of nuclear waste;

(2) to protect the public health and safety and the environment in discharging the responsibility under paragraph (1); and

(3) to ensure that the costs of activities under paragraph (1) are borne by the persons responsible for generating the nuclear waste.

### SEC. 202. PRINCIPAL OFFICERS.

(a) **ADMINISTRATOR.**—

(1) **APPOINTMENT.**—There shall be at the head of the Administration a Nuclear Waste Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate, from among persons who are, by reason of education, experience,

and attainments, exceptionally well qualified to perform the duties of the Administrator.

(2) **FUNCTIONS AND POWERS.**—The functions and powers of the Administration shall be vested in and exercised by the Administrator.

(3) **SUPERVISION AND DIRECTION.**—The Administration shall be administrated under the supervision and direction of the Administrator, who shall be responsible for the efficient and coordinated management of the Administration.

(4) **DELEGATION.**—The Administrator may, from time to time and to the extent permitted by law, delegate such functions of the Administrator as the Administrator determines to be appropriate.

(5) **COMPENSATION.**—The President shall fix the total annual compensation of the Administrator in an amount that—

(A) is sufficient to recruit and retain a person of demonstrated ability and achievement in managing large corporate or governmental organizations; and

(B) does not exceed the total annual compensation paid to the Chief Executive Officer of the Tennessee Valley Authority.

(b) **DEPUTY ADMINISTRATOR.**—

(1) **APPOINTMENT.**—There shall be in the Administration a Deputy Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate, from among persons who are, by reason of education, experience, and attainments, exceptionally well qualified to perform the duties of the Deputy Administrator.

(2) **DUTIES.**—The Deputy Administrator shall—

(A) perform such functions as the Administrator shall from time to time assign or delegate; and

(B) act as the Administrator during the absence or disability of the Administrator or in the event of a vacancy in the office of the Administrator.

(3) **COMPENSATION.**—The President shall fix the total annual compensation of the Deputy Administrator in an amount that—

(A) is sufficient to recruit and retain a person of demonstrated ability and achievement in managing large corporate or governmental organizations; and

(B) does not exceed the total annual compensation paid to the Administrator.

#### **SEC. 203. OTHER OFFICERS.**

(a) **ESTABLISHMENT.**—There shall be in the Administration—

(1) a General Counsel;

(2) a Chief Financial Officer, who shall be appointed from among individuals who possess demonstrated ability in general management of, and knowledge of and extensive practical experience in, financial management practices in large governmental or business entities; and

(3) not more than 3 Assistant Administrators, who shall perform such functions as the Administrator shall specify from time to time.

(b) **APPOINTMENT.**—Officers appointed under this section shall—

(1) be appointed by the Administrator;

(2) be considered career appointees; and

(3) be subject to section 161 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2201(d)).

(c) **ORDER OF SUCCESSION.**—The Administrator may designate the order in which the officers appointed pursuant to this section shall act for, and perform the functions of, the Administrator during the absence or disability of the Administrator and the Deputy Administrator or in the event of vacancies in the offices of the Administrator and the Deputy Administrator.

#### **SEC. 204. INSPECTOR GENERAL.**

There shall be in the Administration an Inspector General, who shall be appointed by the President, by and with the advice and consent of the Senate, in accordance with section 3 of the Inspector General Act of 1978 (5 U.S.C. App.).

#### **SEC. 205. NUCLEAR WASTE OVERSIGHT BOARD.**

(a) **ESTABLISHMENT.**—There is established an independent establishment in the executive branch, to be known as the “Nuclear Waste Oversight Board”, to oversee the administration of this Act and protect the public interest in the implementation of this Act.

(b) **MEMBERS.**—The Oversight Board shall consist of—

(1) the Deputy Director of the Office of Management and Budget;

(2) the Chief of Engineers of the Army Corps of Engineers; and

(3) the Deputy Secretary of Energy.

(c) **CHAIR.**—The President shall designate 1 of the 3 members as chair.

(d) **FUNCTIONS.**—The Oversight Board shall—

(1) review, on an ongoing basis—

(A) the progress made by the Administrator to site, construct, and operate nuclear waste facilities under this Act;

(B) the use of funds made available to the Administrator under this Act;

(C) whether the fees collected from contract holders are sufficient to ensure full cost recovery or require adjustment; and

(D) the liability of the United States to contract holders;

(2) identify any problems that may impede the implementation of this Act; and

(3) recommend to the Administrator, the President, or Congress, as appropriate, any actions that may be needed to ensure the implementation of this Act.

(e) **MEETINGS.**—The Oversight Board shall meet at least once every 90 days.

(f) **REPORTS.**—The Oversight Board shall report the findings, conclusions, and recommendations of the Oversight Board to the Administrator, the President, and Congress not less than once per year.

(g) **EXECUTIVE SECRETARY.**—The Oversight Board shall appoint and fix the compensation of an Executive Secretary, who shall—

(1) assemble and maintain the reports, records, and other papers of the Oversight Board; and

(2) perform such functions as the Oversight Board shall from time to time assign or delegate.

(h) **ADDITIONAL STAFF.**—

(1) **APPOINTMENT.**—The Oversight Board may appoint and fix the compensation of such additional clerical and professional staff as may be necessary to discharge the responsibilities of the Oversight Board.

(2) **LIMITATION.**—The Oversight Board may appoint not more than 10 clerical or professional staff members under this subsection.

(3) **SUPERVISION AND DIRECTION.**—The clerical and professional staff of the Oversight Board shall be under the supervision and direction of the Executive Secretary.

(i) **ACCESS TO INFORMATION.**—

(1) **DUTY TO INFORM.**—The Administrator shall keep the Oversight Board fully and currently informed on all of the activities of the Administration.

(2) **PRODUCTION OF DOCUMENTS.**—The Administrator shall provide the Oversight Board with such records, files, papers, data, or information as may be requested by the Oversight Board.

(j) **SUPPORT SERVICES.**—To the extent permitted by law and requested by the Over-

sight Board, the Administrator of General Services shall provide the Oversight Board with necessary administrative services, facilities, and support on a reimbursable basis.

(k) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Oversight Board from amounts in the Nuclear Waste Fund to carry out this section such sums as are necessary.

#### **SEC. 206. CONFORMING AMENDMENTS.**

(a) Section 901(b)(2) of title 31, United States Code, is amended by adding at the end the following:

“(R) The Nuclear Waste Administration.”.

(b) Section 12 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (1), by inserting “the Nuclear Waste Administration;” after “Export-Import Bank;”;

(2) in paragraph (2), by inserting “the Nuclear Waste Administration;” after “Export-Import Bank;”.

#### **TITLE III—FUNCTIONS**

##### **SEC. 301. TRANSFER OF FUNCTIONS.**

There are transferred to and vested in the Administrator all functions vested in the Secretary by—

(1) the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 et seq.) relating to—

(A) the construction and operation of a repository;

(B) entering into and performing contracts for the disposal of nuclear waste under section 302 of that Act (42 U.S.C. 10222);

(C) the collection, adjustment, deposition, and use of fees to offset expenditures for the management of nuclear waste; and

(D) the issuance of obligations under section 302(e)(5) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(e)(5)); and

(2) section 312 of the Energy and Water Development and Related Agencies Appropriations Act, 2013, relating to the pilot program for the construction and operation of 1 or more storage facilities to the extent provided in a cooperative agreement transferred to the Administrator pursuant to section 302(b).

##### **SEC. 302. TRANSFER OF CONTRACTS.**

(a) **DISPOSAL CONTRACTS.**—Each contract for the disposal of nuclear waste entered into by the Secretary before the date of enactment of this Act shall continue in effect according to the terms of the contract with the Administrator substituted for the Secretary.

(b) **COOPERATIVE AGREEMENT.**—Each cooperative agreement entered into by the Secretary pursuant to section 312 of the Energy and Water Development and Related Agencies Appropriations Act, 2013, before the date of enactment of this Act shall continue in effect according to the terms of the agreement with the Administrator substituted for the Secretary.

##### **SEC. 303. ADDITIONAL FUNCTIONS.**

In addition to the functions transferred to the Administrator under section 301, the Administrator may site, construct, and operate—

(1) additional repositories if the Administrator determines that additional disposal capacity is necessary to meet the disposal obligations of the Administrator;

(2) a test and evaluation facility in connection with a repository if the Administrator determines a test and evaluation facility is necessary to develop data and experience for the safe handling and disposal of nuclear waste at a repository; and

(3) additional storage facilities if the Administrator determines that additional storage capacity is necessary pending the availability of adequate disposal capacity.



**SEC. 304. SITING NUCLEAR WASTE FACILITIES.**

(a) IN GENERAL.—In siting nuclear waste facilities under this Act, the Administrator shall employ a process that—

(1) allows affected communities to decide whether, and on what terms, the affected communities will host a nuclear waste facility;

(2) is open to the public and allows interested persons to be heard in a meaningful way;

(3) is flexible and allows decisions to be reviewed and modified in response to new information or new technical, social, or political developments; and

(4) is based on sound science and meets public health, safety, and environmental standards.

**(b) SITING GUIDELINES.—**

(1) ISSUANCE.—Not later than 1 year after the date of enactment of this Act, the Administrator shall issue general guidelines for the consideration of candidate sites for—

(A) repositories; and

(B) storage facilities.

(2) REPOSITORIES.—In adopting guidelines for repositories under paragraph (1), the Administrator shall comply with the requirements of section 112(a) of the Nuclear Waste Policy Act of 1992 (42 U.S.C. 10132(a)).

**(3) STORAGE FACILITIES.—**

(A) IN GENERAL.—In adopting guidelines for storage facilities under paragraph (1), the Administrator shall comply with the requirements of section 112(a) of the Nuclear Waste Policy Act of 1992 (42 U.S.C. 10132(a)), except to the extent that section 112(a) of that Act requires consideration of underground geophysical conditions that the Administrator determines do not apply to above-ground storage.

(B) OTHER FACTORS.—In addition to the requirements described in subparagraph (A), the guidelines for storage facilities shall require the Administrator to take into account the extent to which a storage facility would—

(i) enhance the reliability and flexibility of the system for the disposal of nuclear waste;

(ii) minimize the impacts of transportation and handling of nuclear waste; and

(iii) unduly burden a State in which significant volumes of—

(I) defense wastes are stored; or

(II) transuranic wastes are disposed.

(4) REVISIONS.—The Administrator may revise the guidelines in a manner consistent with this subsection and section 112(a) of the Nuclear Waste Policy Act of 1992 (42 U.S.C. 10132(a)).

**(c) IDENTIFICATION OF CANDIDATE SITES.—**

(1) REVIEW OF POTENTIAL SITES.—As soon as practicable after the date of the issuance of the guidelines under subsection (b), the Administrator shall evaluate potential sites for a nuclear waste facility to determine whether the sites are suitable for site characterization.

(2) SITES ELIGIBLE FOR REVIEW.—The Administrator shall select sites for evaluation under paragraph (1) from among sites recommended by—

(A) the Governor or duly authorized official of the State in which the site is located;

(B) the governing body of the affected unit of general local government;

(C) the governing body of an Indian tribe within the reservation boundaries of which the site is located; or

(D) the Administrator, after consultation with, and with the consent of—

(i) the Governor of the State in which the site is located;

(ii) the governing body of the affected unit of general local government; and

(iii) the governing body of the Indian tribe, if the site is located within the reservation of an Indian tribe.

(3) SITE INVESTIGATIONS.—In evaluating a site under this subsection prior to any determination of the suitability of the site for site characterization, the Administrator—

(A) shall use available geophysical, geological, geochemical, hydrological, and other information; and

(B) shall not perform any preliminary borings or excavations at the site unless necessary to determine the suitability of the site and authorized by the landowner.

(4) DETERMINATION OF SUITABILITY.—The Administrator shall determine whether a site is suitable for site characterization based on an environmental assessment of the site, which shall include—

(A) an evaluation by the Administrator of whether the site qualifies for development as a nuclear waste facility under the guidelines established under subsection (b), including a safety case that provides the basis for confidence in the safety of the proposed nuclear waste facility at the proposed site;

(B) an evaluation by the Administrator of the effects of site characterization activities on public health and safety and the environment;

(C) a reasonable comparative evaluation by the Administrator of the site with other sites considered by—

(i) the Administrator under this section; or

(ii) the Secretary under the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 et seq.);

(D) a description of the decision process by which the site was recommended; and

(E) an assessment of the regional and local impacts of locating a repository or storage facility at the site.

**(d) SITE CHARACTERIZATION.—**

(1) SELECTION OF SITES.—From among the sites determined to be suitable for site characterization under subsection (c), the Administrator shall select—

(A) at least 1 site for site characterization as a repository; and

(B) at least 1 site for site characterization as a storage facility.

(2) PREFERENCE FOR CO-LOCATED REPOSITORY AND STORAGE FACILITY.—In selecting sites for site characterization as a storage facility, the Administrator shall give preference to sites determined to be suitable for co-location of a storage facility and a repository.

(3) PUBLIC HEARINGS.—Before selecting a site for site characterization, the Administrator shall hold public hearings in the vicinity of the site and at least 1 other location within the State in which the site is located—

(A) to inform the public of the proposed site characterization; and

(B) to solicit public comments and recommendations with respect to the site characterization plan of the Administrator.

**(4) CONSULTATION AND COOPERATION AGREEMENT.—**

(A) REQUIREMENT.—Before selecting a site for site characterization, the Administrator shall enter into a consultation and cooperation agreement with—

(i) the Governor of the State in which the site is located;

(ii) the governing body of the affected unit of general local government; and

(iii) the governing body of an affected Indian tribe, in the case of—

(I) a site located within the boundaries of a reservation; or

(II) an Indian tribe the federally defined possessory or usage rights to land outside of

a reservation of which may be substantially and adversely affected by the repository or storage facility.

(B) CONTENTS.—The consultation and cooperation agreement shall provide—

(i) compensation to the State, any affected units of local government, and any affected Indian tribes for any potential economic, social, public health and safety, and environmental impacts associated with site characterization; and

(ii) financial and technical assistance to enable the State, affected units of local government, and affected Indian tribes to monitor, review, evaluate, comment on, obtain information on, and make recommendations on site characterization activities.

**(e) FINAL SITE SUITABILITY DETERMINATION.—**

(1) DETERMINATION REQUIRED.—On completion of site characterization activities, the Administrator shall make a final determination of whether the site is suitable for development as a repository or storage facility.

(2) BASIS OF DETERMINATION.—In making a determination under paragraph (1), the Administrator shall determine if—

(A) the site is scientifically and technically suitable for development as a repository or storage facility, taking into account—

(i) whether the site meets the siting guidelines of the Administrator; and

(ii) whether there is reasonable assurance that a repository or storage facility at the site will meet—

(I) the radiation protection standards of the Administrator of the Environmental Protection Agency; and

(II) the licensing standards of the Commission; and

(B) development of a repository or storage facility at the site is in the national interest.

(3) PUBLIC HEARINGS.—Before making a final determination under paragraph (1), the Administrator shall hold public hearings in the vicinity of the site and at least 1 other location within the State in which the site is located to solicit public comments and recommendations on the proposed determination.

**(f) CONSENT AGREEMENTS.—**

(1) REQUIREMENT.—On making a final determination of site suitability under subsection (e), but before submitting a license application to the Commission under subsection (g), the Administrator shall enter into a consent agreement with—

(A) the Governor of the State in which the site is located;

(B) the governing body of the affected unit of general local government; and

(C) if the site is located on a reservation, the governing body of the affected Indian tribe.

(2) CONTENTS.—The consent agreement shall—

(A) contain the terms and conditions on which each State, local government, and Indian tribe consents to host the repository or storage facility; and

(B) express the consent of each State, local government, and Indian tribe to host the repository or storage facility.

(3) TERMS AND CONDITIONS.—The terms and conditions under paragraph (2)(A)—

(A) shall promote the economic and social well-being of the people living in the vicinity of the repository or storage facility; and

(B) may include—

(i) financial compensation and incentives;

(ii) economic development assistance;

(iii) operational limitations or requirements;



(iv) regulatory oversight authority; and  
(v) in the case of a storage facility, an enforceable deadline for removing nuclear waste from the storage facility.

(4) **RATIFICATION.**—No consent agreement entered into under this section shall have legal effect unless ratified by law.

(5) **BINDING EFFECT.**—On ratification by law, the consent agreement—

(A) shall be binding on the parties; and

(B) shall not be amended or revoked except by mutual agreement of the parties.

(g) **SUBMISSION OF LICENSE APPLICATION.**—On determining that a site is suitable under subsection (e) and ratification of a consent agreement under subsection (f), the Administrator shall submit to the Commission an application for a construction authorization for the repository or storage facility.

### SEC. 305. LICENSING NUCLEAR WASTE FACILITIES.

(a) **RADIATION PROTECTION STANDARDS.**—Not later than 1 year after the date of enactment of this Act, the Administrator of the Environmental Protection Agency, pursuant to authority under other provisions of law, shall adopt, by rule, generally applicable standards for protection of the general environment from offsite releases from radioactive material in geological repositories.

(b) **COMMISSION REGULATIONS.**—Not later than 1 year after the adoption of generally applicable standards by the Administrator of the Environmental Protection Agency under subsection (a), the Commission, pursuant to authority under other provisions of law, shall amend the regulations of the Commission governing the licensing of geological repositories to be consistent with any comparable standards adopted by the Administrator of the Environmental Protection Agency under subsection (a).

(c) **CONSTRUCTION AUTHORIZATION.**—

(1) **APPLICABLE LAWS.**—The Commission shall consider an application for a construction authorization for a nuclear waste facility in accordance with the laws (including regulations) applicable to the applications.

(2) **FINAL DECISION.**—Not later than 3 years after the date of the submission of the application, the Commission shall issue a final decision approving or disapproving the issuance of a construction authorization.

(3) **EXTENSION.**—The Commission may extend the deadline under paragraph (2) by not more than 1 year if, not less than 30 days before the deadline, the Commission submits to Congress and the Administrator a written report that describes—

(A) the reason for failing to meet the deadline; and

(B) the estimated time by which the Commission will issue a final decision.

### SEC. 306. LIMITATION ON STORAGE.

(a) **IN GENERAL.**—Except as provided in subsection (b), the Administrator may not possess, take title to, or store spent nuclear fuel at a storage facility licensed under this Act before ratification of a consent agreement for a repository under section 304(f)(4).

(b) **EXCEPTION.**—The Administrator may possess, take title to, and store not more than 10,000 metric tons of spent nuclear fuel at a storage facility licensed and constructed pursuant to a cooperative agreement entered into before the date of enactment of this Act under section 312 of the Energy and Water Development and Related Agencies Appropriations Act, 2013, before ratification of a consent agreement for a repository under section 304(f)(4).

### SEC. 307. DEFENSE WASTE.

(a) **DISPOSAL AND STORAGE BY ADMINISTRATION.**—The Secretary—

(1) shall arrange for the Administrator to dispose of defense wastes in a repository developed under this Act; and

(2) may arrange for the Administrator to store spent nuclear fuel from the naval nuclear propulsion program pending disposal in a repository.

(b) **MEMORANDUM OF AGREEMENT.**—The arrangements shall be covered by a memorandum of agreement between the Secretary and the Administrator.

(c) **COSTS.**—The portion of the cost of developing, constructing, and operating the repository or storage facilities under this Act that is attributable to defense wastes shall be allocated to the Federal Government and paid by the Federal Government into the Working Capital Fund.

(d) **PROHIBITION.**—No defense waste may be stored or disposed of by the Administrator in any storage facility or repository constructed under this Act or section 312 of the Energy and Water Development and Related Agencies Appropriations Act, 2013, until funds are appropriated to the Working Capital Fund in an amount equal to the fees that would be paid by contract holders under section 302 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222) if such nuclear waste were generated by a contract holder.

### SEC. 308. TRANSPORTATION.

(a) **IN GENERAL.**—The Administrator shall be responsible for transporting nuclear waste—

(1) from the site of a contract holder to a storage facility or repository;

(2) from a storage facility to a repository; and

(3) in the case of defense waste, from a Department of Energy site to a repository.

(b) **CERTIFIED PACKAGES.**—No nuclear waste may be transported under this Act except in packages—

(1) the design of which has been certified by the Commission; and

(2) that have been determined by the Commission to satisfy the quality assurance requirements of the Commission.

(c) **NOTIFICATION.**—Prior to any transportation of nuclear waste under this Act, the Administrator shall provide advance notification to States and Indian tribes through whose jurisdiction the Administrator plans to transport the nuclear waste.

(d) **TRANSPORTATION ASSISTANCE.**—

(1) **PUBLIC EDUCATION.**—The Administrator shall conduct a program to provide information to the public about the transportation of nuclear waste.

(2) **TRAINING.**—The Administrator shall provide financial and technical assistance to States and Indian tribes through whose jurisdiction the Administrator plans to transport nuclear waste to train public safety officials and other emergency responders on—

(A) procedures required for the safe, routine transportation of nuclear waste; and

(B) procedures for dealing with emergency response situations involving nuclear waste, including instruction of—

(i) government and tribal officials and public safety officers in command and control procedures;

(ii) emergency response personnel; and

(iii) radiological protection and emergency medical personnel.

(3) **EQUIPMENT.**—The Administrator shall provide monetary grants and contributions in-kind to assist States and Indian tribes through whose jurisdiction the Administrator plans to transport nuclear waste for the purpose of acquiring equipment for responding to a transportation incident involving nuclear waste.

(4) **TRANSPORTATION SAFETY PROGRAMS.**—The Administrator shall provide in-kind, financial, technical, and other appropriate assistance to States and Indian tribes through whose jurisdiction the Administrator plans to transport nuclear waste for transportation safety programs related to shipments of nuclear waste.

## TITLE IV—FUNDING AND LEGAL PROCEEDINGS

### SEC. 401. WORKING CAPITAL FUND.

(a) **ESTABLISHMENT.**—There is established in the Treasury a separate fund, to be known as the “Nuclear Waste Administration Working Capital Fund”, which shall be separate from the Nuclear Waste Fund.

(b) **CONTENTS.**—The Working Capital Fund shall consist of—

(1) all fees paid by contract holders pursuant to section 302(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)) on or after the date of enactment of this Act, which shall be paid into the Working Capital Fund—

(A) notwithstanding section 302(c)(1) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)(1)); and

(B) immediately on the payment of the fees;

(2) any appropriations made by Congress to pay the share of the cost of the program established under this Act attributable to defense wastes; and

(3) interest paid on the unexpended balance of the Working Capital Fund.

(c) **AVAILABILITY.**—All funds deposited in the Working Capital Fund—

(1) shall be immediately available to the Administrator to carry out the functions of the Administrator, except to the extent limited in annual authorization or appropriation Acts;

(2) shall remain available until expended; and

(3) shall not be subject to apportionment under subchapter II of chapter 15 of title 31, United States Code.

(d) **USE OF FUND.**—Except to the extent limited in annual authorization or appropriation Acts, the Administrator may make expenditures from the Working Capital Fund only for purposes of carrying out functions authorized by this Act.

### SEC. 402. NUCLEAR WASTE FUND.

(a) **ELIMINATION OF LEGISLATIVE VETO.**—Section 302(a)(4) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)(4)) is amended in the last sentence by striking “transmittal unless” and all that follows through the end of the sentence and inserting “transmittal”.

(b) **INTEREST ON UNEXPENDED BALANCES.**—Section 302(e)(3) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(e)(3)) is amended—

(1) by striking “Secretary” the first, second, and fourth place it appears and inserting “Administrator of the Nuclear Waste Administration”; and

(2) by striking “the Waste Fund” each place it appears and inserting “the Waste Fund or the Working Capital Fund established by section 401 of the Nuclear Waste Administration Act of 2012”.

### SEC. 403. FULL COST RECOVERY.

In determining whether insufficient or excess revenues are being collected to ensure full cost recovery under section 302(a)(4) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)(4)), the Administrator shall—

(1) assume that sufficient funds will be appropriated to the Nuclear Waste Fund to cover the costs attributable to disposal of defense wastes; and

(2) take into account the additional costs resulting from the enactment of this Act.

**SEC. 404. JUDICIAL REVIEW.****(a) JURISDICTION.—**

(1) COURTS OF APPEALS.—Except for review in the Supreme Court, a United States court of appeals shall have original and exclusive jurisdiction over any civil action—

(A) for review of any final decision or action of the Administrator or the Commission under this Act;

(B) alleging the failure of the Administrator or the Commission to make any decision, or take any action, required under this Act;

(C) challenging the constitutionality of any decision made, or action taken, under this Act; or

(D) for review of any environmental assessment or environmental impact statement prepared pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to any action under this Act, or alleging a failure to prepare any such assessment or statement with respect to any such action.

(2) VENUE.—The venue of any proceeding under this section shall be in—

(A) the judicial circuit in which the petitioner involved resides or has the principal office of the petitioner; or

(B) the United States Court of Appeals for the District of Columbia Circuit.

**(b) DEADLINE FOR COMMENCING ACTION.—**

(1) IN GENERAL.—Except as provided in paragraph (2), a civil action for judicial review described in subsection (a)(1) may be brought not later than the date that is 180 days after the date of the decision or action or failure to act involved.

(2) NO KNOWLEDGE OF DECISION OR ACTION.—If a party shows that the party did not know of the decision or action complained of (or of the failure to act) and that a reasonable person acting under the circumstances would not have known, the party may bring a civil action not later than 180 days after the date the party acquired actual or constructive knowledge of the decision, action, or failure to act.

**SEC. 405. LITIGATION AUTHORITY.**

(a) SUPERVISION BY ATTORNEY GENERAL.—The litigation of the Administration shall be subject to the supervision of the Attorney General pursuant to chapter 31 of title 28, United States Code.

(b) ATTORNEYS OF ADMINISTRATION.—The Attorney General may authorize any attorney of the Administration to conduct any civil litigation of the Administration in any Federal court, except the Supreme Court.

**SEC. 406. LIABILITIES.**

(a) PENDING LEGAL PROCEEDINGS.—Any suit, cause of action, or judicial proceeding commenced by or against the Secretary relating to functions or contracts transferred to the Administrator by this Act shall—

(1) not abate by reason of the enactment of this Act; and

(2) continue in effect with the Administrator substituted for the Secretary.

(b) SETTLEMENT OF PENDING LITIGATION; CONTRACT MODIFICATION.—

(1) SETTLEMENT.—The Attorney General, in consultation with the Administrator, shall settle all claims against the United States by a contract holder for the breach of a contract for the disposal of nuclear waste under section 302(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)) as a condition precedent of the agreement of the Administrator to take title to and store the nuclear waste of the contract holder at a storage facility.

(2) CONTRACT MODIFICATION.—The Administrator and contract holders shall modify con-

tracts entered into under section 302(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)) in accordance with the settlement under paragraph (1).

(c) PAYMENT OF JUDGMENTS AND SETTLEMENTS.—Payment of judgments and settlements in cases arising from the failure of the Secretary failure to meet the deadline of January 31, 1998, to begin to dispose of nuclear waste under contracts entered into under section 302(a)(1) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)(1)) shall continue to be paid from the permanent judgment appropriation established pursuant to section 1304 of title 31, United States Code.

(d) NEW CONTRACTS.—Notwithstanding section 302(a)(5) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)(5)), the Administrator shall not enter into any contract after the date of enactment of this Act that obligates the Administrator to begin disposing of nuclear waste before the Commission has licensed the Administrator to operate a repository or storage facility.

**(e) NUCLEAR INDEMNIFICATION.—**

(1) INDEMNIFICATION AGREEMENTS.—For purposes of section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) (commonly known as the “Price-Anderson Act”)—

(A) any person that conducts nuclear waste activities under a contract with the Administrator that may involve the risk of public liability shall be treated as a contractor of the Secretary; and

(B) the Secretary shall enter into an agreement of indemnification with any person described in subparagraph (A).

(2) CONFORMING AMENDMENT.—Section 11 ff. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(ff)) is amended by inserting “or the Nuclear Waste Administration” after “Secretary of Energy”.

**TITLE V—ADMINISTRATIVE AND SAVINGS PROVISIONS****SEC. 501. ADMINISTRATIVE POWERS OF ADMINISTRATOR.**

The Administrator shall have the power—

(1) to perform the functions of the Secretary transferred to the Administrator pursuant to this Act;

(2) to enter into contracts with any person who generates or holds title to nuclear waste generated in a civilian nuclear power reactor for the acceptance of title, subsequent transportation, storage, and disposal of the nuclear waste;

(3) to enter into and perform contracts, leases, and cooperative agreements with public agencies, private organizations, and persons necessary or appropriate to carry out the functions of the Administrator;

(4) to acquire, in the name of the United States, real estate for the construction, operation, and decommissioning of nuclear waste facilities;

(5) to obtain from the Administrator of General Services the services the Administrator of General Services is authorized to provide agencies of the United States, on the same basis as those services are provided to other agencies of the United States;

(6) to conduct nongeneric research, development, and demonstration activities necessary or appropriate to carrying out the functions of the Administrator; and

(7) to make such rules and regulations, not inconsistent with this Act, as may be necessary to carry out the functions of the Administrator.

**SEC. 502. PERSONNEL.**

(a) OFFICERS AND EMPLOYEES.—

(1) APPOINTMENT.—In addition to the senior officers described in section 203, the Admin-

istrator may appoint and fix the compensation of such officers and employees as may be necessary to carry out the functions of the Administration.

(2) COMPENSATION.—Except as provided in paragraph (3), officers and employees appointed under this subsection shall be appointed in accordance with the civil service laws and the compensation of the officers and employees shall be fixed in accordance with title 5, United States Code.

(3) EXCEPTION.—Notwithstanding paragraph (2), the Administrator may, to the extent the Administrator determines necessary to discharge the responsibilities of the Administrator—

(A) appoint exceptionally well qualified individuals to scientific, engineering, or other critical positions without regard to the provisions of chapter 33 of title 5, United States Code, governing appointments in the competitive service; and

(B) fix the basic pay of any individual appointed under subparagraph (A) at a rate of not more than level I of the Executive Schedule without regard to the civil service laws, except that the total annual compensation of the individual shall be at a rate of not more than the highest total annual compensation payable under section 104 of title 3, United States Code.

(4) MERIT PRINCIPLES.—The Administrator shall ensure that the exercise of the authority granted under paragraph (3) is consistent with the merit principles of section 2301 of title 5, United States Code.

(b) EXPERTS AND CONSULTANTS.—The Administrator may obtain the temporary or intermittent services of experts or consultants as authorized by section 3109 of title 5, United States Code.

**(c) ADVISORY COMMITTEES.—**

(1) ESTABLISHMENT.—The Administrator may establish, in accordance with the Federal Advisory Committee Act (5 U.S.C. App.), such advisory committees as the Administrator may consider appropriate to assist in the performance of the functions of the Administrator.

(2) COMPENSATION.—A member of an advisory committee, other than a full-time employee of the Federal Government, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government service without pay, while attending meetings of the advisory committee or otherwise serving away from the homes or regular place of business of the member at the request of the Administrator.

**SEC. 503. OFFICES.**

(a) PRINCIPAL OFFICE.—The principal office of the Administration shall be in or near the District of Columbia.

(b) FIELD OFFICES.—The Administrator may maintain such field offices as the Administrator considers necessary to carry out the functions of the Administrator.

**SEC. 504. MISSION PLAN.**

(a) IN GENERAL.—The Administrator shall prepare a comprehensive report (referred to in this section as the “mission plan”), which shall—

(1) provide an informational basis sufficient to permit informed decisions to be made in carrying out the functions of the Administrator; and

(2) provide verifiable indicators for oversight of the performance of the Administrator.

(b) CONTENTS.—The mission plan shall include—

(1) a description of the actions the Administrator plans to take to carry out the functions of the Administrator under this Act;

(2) schedules and milestones for carrying out the functions of the Administrator; and

(3) an estimate of the amounts that the Administration will need Congress to appropriate from the Nuclear Waste Fund (in addition to amounts expected to be available from the Working Capital Fund) to carry out the functions of the Nuclear Waste Fund, on an annual basis.

(c) **PROPOSED MISSION PLAN.**—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit a proposed mission plan for comment to—

(1) Congress;

(2) the Oversight Board;

(3) the Commission;

(4) the Nuclear Waste Technical Review Board established by section 502 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10262);

(5) the States;

(6) affected Indian tribes; and

(7) such other interested persons as the Administrator considers appropriate.

(d) **PUBLIC NOTICE AND COMMENT.**—On submitting the proposed mission plan for comment under subsection (c), the Administrator shall—

(1) publish a notice in the Federal Register of the availability of the proposed mission plan for public comment; and

(2) provided interested persons an opportunity to comment on the proposed plan.

(e) **SUBMISSION OF FINAL MISSION PLAN.**—After consideration of the comments received, the Administrator shall—

(1) revise the proposed mission plan to the extent that the Administrator considers appropriate; and

(2) submit the final mission plan to Congress, the President, and the Oversight Board.

(f) **REVISION OF THE MISSION PLAN.**—The Administrator shall—

(1) revise the mission plan, as appropriate, to reflect major changes in the planned activities, schedules, milestones, and cost estimates reported in the mission plan; and

(2) submit the revised mission plan to Congress, the President, and the Oversight Board prior to implementing the proposed changes.

#### **SEC. 505. ANNUAL REPORTS.**

(a) **IN GENERAL.**—The Administrator shall annually prepare and submit to Congress, the President, and the Oversight Board a comprehensive report on the activities and expenditures of the Administration.

(b) **MANAGEMENT REPORT.**—The annual report submitted under subsection (a) shall include—

(1) the annual management report required under section 9106 of title 31, United States Code; and

(2) the report on any audit of the financial statements of the Administration conducted under section 9105 of title 31, United States Code.

#### **SEC. 506. SAVINGS PROVISIONS; TERMINATIONS.**

(a) **COMMISSION PROCEEDINGS.**—This Act shall not affect any proceeding or any application for any license or permit pending before the Commission on the date of enactment of this Act.

(b) **AUTHORITY OF THE SECRETARY.**—This Act shall not transfer or affect the authority of the Secretary with respect to—

(1) the maintenance, treatment, packaging, and storage of defense wastes at Department of Energy sites prior to delivery to, and acceptance by, the Administrator for disposal in a repository;

(2) the conduct of generic research, development, and demonstration activities related to nuclear waste management, including proliferation-resistant advanced fuel recycling and transmutation technologies that minimize environmental and public health and safety impacts; and

(3) training and workforce development programs relating to nuclear waste management.

(c) **PILOT PROGRAM.**—Notwithstanding section 304, the Administrator may proceed with the siting and licensing of 1 or more consolidated storage facilities under a cooperative agreement entered into by the Secretary pursuant to section 312 of the Energy and Water Development and Related Agencies Appropriations Act, 2013, before the date of enactment of this Act in accordance with—

(1) the terms of the cooperative agreement; and

(2) section 312 of the Energy and Water Development and Related Agencies Appropriations Act, 2013.

(d) **TERMINATIONS.**—The authority for each function of the Secretary relating to the siting, construction, and operation of repositories, storage facilities, or test and evaluation facilities not transferred to the Administrator under this Act shall terminate on the date of enactment of this Act, including the authority—

(1) to provide interim storage or monitored, retrievable storage under subtitles B and C of title I of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10151 et seq.);

(2) to site or construct a test and evaluation facility under title II of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10191 et seq.); and

(3) to issue requests for proposals or enter into agreements under section 312 of the Energy and Water Development and Related Agencies Appropriations Act, 2013.

#### **SEC. 507. TECHNICAL ASSISTANCE IN THE FIELD OF SPENT FUEL STORAGE AND DISPOSAL.**

(a) **JOINT NOTICE.**—Not later than 90 days after the date of enactment of this Act and annually for 5 succeeding years, the Secretary and the Commission shall update and publish in the Federal Register the joint notice required by section 223(b) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10203(b)).

(b) **INFORMING FOREIGN GOVERNMENTS.**—As soon as practicable after the date of the publication of the annual joint notice described in subsection (a), the Secretary of State shall inform the governments of nations and organizations operating nuclear power plants, solicit expressions of interest, and transmit any such expressions of interest to the Secretary and the Commission, as provided in section 223(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10203(c)).

(c) **BUDGET REQUESTS.**—The President shall include in the budget request of the President for the Commission and the Department of Energy for each of fiscal years 2014 through 2019 such funding requests for a program of cooperation and technical assistance with nations in the fields of spent nuclear fuel storage and disposal as the President determines appropriate in light of expressions of interest in the cooperation and assistance.

(d) **ELIGIBILITY.**—Notwithstanding any limitation on cooperation and technical assistance to non-nuclear weapon states under section 223 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10203), the Secretary and the Commission may cooperate with and provide technical assistance to nuclear weapon states, if the Secretary and the Commission

determine the cooperation and technical assistance is in the national interest.

#### **SEC. 508. NUCLEAR WASTE TECHNICAL REVIEW BOARD.**

(a) **ELIGIBILITY.**—Section 502(b)(3)(C)(iii)(I) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10262(b)(3)(C)(iii)(I)) is amended by inserting “or the Nuclear Waste Administration” after “the Department of Energy”.

(b) **FUNCTIONS.**—Section 503 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10263) is amended by striking “Secretary after the date of the enactment of the Nuclear Waste Policy Amendments Act of 1987” and inserting “Nuclear Waste Administrator after the date of enactment of the Nuclear Waste Administration Act of 2012”.

(c) **PRODUCTION OF DOCUMENTS.**—Section 504(b) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10264(b)) is amended by striking “Secretary” each place it appears and inserting “Nuclear Waste Administrator”.

(d) **REPORTS.**—Section 508 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10268) is amended in the first sentence by striking “Congress and the Secretary” and inserting “Congress, the Nuclear Waste Administrator, and the Nuclear Waste Oversight Board”.

(e) **TERMINATION.**—Section 510 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10270) is amended by striking “Secretary” and inserting “Nuclear Waste Administrator”.

#### **SEC. 509. REPEAL OF VOLUME LIMITATION.**

Section 114(d) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134(d)) is amended by striking the second and third sentences.

By Ms. LANDRIEU (for herself,  
Mr. GRASSLEY, Mr. BEGICH, Mr.  
BLUNT, Mrs. BOXER, Mr.  
FRANKEN, and Ms. KLOBUCHAR):

S. 3472. A bill to amend the Family Educational Rights and Privacy Act of 1974 to provide improvements to such Act; to the Committee on Health, Education, Labor, and Pensions.

Ms. LANDRIEU. Mr. President, I come to the floor to speak about a bill that I have the pleasure of helping to lead with several of my colleagues, particularly Senator GRASSLEY, who has been my long-standing partner and a wonderful cochair of the foster care caucus. There are any number of us, Republicans and Democrats, who have our eyes on and our hearts connected to the 500,000 children who are technically being raised by the government.

The government does many things well, but raising children isn't one of them. So it is our responsibility, when we enter into or respond to a case of abuse, gross abuse, neglect, or gross neglect, that we respond appropriately by removing children from homes who have, unfortunately, been tortured at times by their own parents. That, of course, is inconceivable to me and to many, but, unfortunately, it happens.

So we remove children—hopefully temporarily—until the situation at home can be addressed with community services, faith-based services and support, where the children can be reunited with parents who have been healed, possibly, of their situation.

That is not always the case, and we work as quickly as we can to find responsible and able relatives to take in the child—willing and able relatives, the law says, to take in the child with sibling groups intact. If that is not possible, then we seek to find a family in the community that will adopt these children.

The thing I want to say about these wonderful children is that while their families may be broken—families may disintegrate for all sorts of reasons, including mental health, drug abuse, uncontrollable violence, criminal activity that disintegrates the family, and children are most certainly affected—these children, in many instances, aren't broken. Their families are broken. The possibility of these children, from the ages of zero to 1 or 2 or 3 or 9 or 12 or 15, being given an opportunity to be adopted into the loving arms of a stable family who will raise that child or children as their own or to be reunified with loving family members is ideal.

As I said, governments do many things well, but raising children isn't one of them. Human beings raise other human beings, and we need to do a better job of placing our children in quality, temporary foster homes, and then finding permanent, loving homes.

We have this crazy notion in America and around the world that children are grown when they are 18, so we put all of their belongings in a plastic bag and we say goodbye to them, and we tell them: Please forget my cell phone number because you have aged out of the system.

Several of us have been working for years, including former Senator Chafee, for one, to create more permanent opportunities for extended, independent living. While I support that—it is much better than putting their things in a bag, their few little items after 18 years, and sending them on their way—we now can extend that help until they are 21. However, what we really need to be doing is finding families for these children.

I am 57 and I still need my family. I still talk to my mother and father almost every day. I was with my family this weekend. They will be with me and have been with me for every important moment of my life. When did somebody get a notion that children don't need a family after they are 18? It is a silly notion, and it is not even true. We would not send our own children into the world alone by themselves. So our whole foster system needs great reform, and we are working on that.

But one piece of this system that needs reform is what we are trying to address today by introducing the Uninterrupted Scholars Act, which is a bill that Senator GRASSLEY and many others, including Senator BEGICH, Senator BLUNT, Senator BOXER, Senator FRANKEN, and Senator KLOBUCHAR have graciously agreed to cosponsor and pro-

vide their leadership. Congresswoman BASS is a U.S. Representative from California's 33rd District. She, along with Congresswoman BACHMANN from Minnesota, Congressman MARINO from Pennsylvania, and Congressman McDERMOTT from Washington State, has introduced the same bipartisan bill in the House. So we are very excited about the strong bipartisan support for this bill.

All this bill says—and it makes such sense I can't believe it is not in the law already—is that when a child comes into the care of the government, the government agency responsible for the care of this child—now it is not parents any longer because the parents' rights either have been terminated or are in the process of being terminated—the government will have the right, or the agencies representing the government, to their academic records.

What is happening now is foster children are getting lost not only in the system but lost in their schools because of the difficulty in getting access to education records under the guise that these records should be private, et cetera.

What is happening is some of these privacy rules are not protecting the children, they are protecting the system that is broken, and that is the problem. We are doing everything we can to protect the privacy of the child, but what is happening is some of these privacy rules are putting up a screen so that we can't find out that the school is not doing its job on behalf of the child, or the social workers are not doing their job on behalf of the child.

So this simply streamlines the process of making sure academic records can be accessed by foster families—either adoptive families or guardians—without having to go through the courts for a long, extended timeframe.

I think this is an important change. It is one of probably 100 changes to this system that need to be made. Of course, we can make these new laws in Washington. A lot of this has to be carried out with heart and compassion and common sense, which, unfortunately, we cannot legislate from Washington. But what we can do is try, when we see a problem—this problem was identified not by me or by my staff. It was actually identified by foster youth who came up here this summer to intern and brought to our attention the issue that some of their records are not accessible to their foster families who are trying their best to raise them and to help them, et cetera. So the young people themselves have asked for this change. We are happy to accommodate that request.

Let me end by saying again, there are over 480,000—about 400,000 to 500,000—children who are in our foster care system representing less than one-half of 1 percent of all the children in America, which is about 100 million.

But it is an important one-half of 1 percent because these are children whose families have failed them terribly. These are children who are vulnerable and need us to love them extra specially, to help them extra specially. That is what some of us spend a good bit of our time trying to do because they are willing and able to become great citizens of our Nation but need that extra special help.

So this Uninterrupted Scholars Act will give access, appropriately with protections, to their academic records. Senator FRANKEN has a bill to give them choice in public schools to help give them stability in their public schools, so they can stay with their friends, their teachers, as they, unfortunately, have to move around in the system.

Many people will benefit—most importantly, the youth involved.

By Mr. INHOFE:

S. 3473. A bill to replace automatic spending cuts with targeted reforms, and for other purposes; to the Committee on Finance.

Mr. INHOFE. Mr. President, I am waiting now for them to bring up a bill I have filed today and will have a number to go with it which I will announce in a moment.

First of all, let me say that the talk of the whole country right now is on the sequestration problems we are having. I would only observe that I don't know why it is so difficult for people to understand, but President Obama has written four budgets and these budgets have come before us, and if we add up all of the deficits in the four budgets, it comes to \$5.3 trillion worth of deficits. I suggest that is more deficit than all Presidents in the history of this country for the past 200-plus years.

So, people say, how did we get into this mess? Because when we have those kinds of deficits over a period of time, we wonder where it is coming from. Let me tell my colleagues where it didn't come from, where it wasn't spent, and that is military.

I went over the first budget President Obama had. I went over to Afghanistan so I could make sure I could get the attention of the American people and let them know how this disarming of America by President Obama is going. Of course, if one of my colleagues was part of that first budget, they would know that it cut out our only fifth-generation fighter, the F-22; our lift capacity, the C-17; the future combat system; the ground based interceptor in Poland. That was just the first budget. Then it has gotten worse since that time. Since there isn't time to go over that detail year by year, I can only say that the President has already cut in his budget over the next decade \$487 billion, roughly \$500 billion, \$½ trillion—from defense spending over the next 10 years.

I would suggest to my colleagues that the American people—this is something that is very frustrating, because they assume that when we send our kids into battle, they have the best of equipment, and this just flat isn't true. The British have an AS90, a Howitzer that is better than ours. The Russians have the 2S19 that is better than ours. Even South Africa has a system that is a better nonline-of-sight cannon than we have in our arsenal. The Chinese have a J-10 that is better than ours. In fact, they are now cranking them out to where they rival our F-15s, F-16s, and F/A18s.

So the point I am making here is there has been no emphasis. If we go out and borrow and increase the deficit by \$5.3 trillion as this President is doing, one would think we would be in a position to have a lot more robust military, but the military has been consistently cut over that period of time.

In the event the Obama sequestration as it is designed right now goes through, that will be another \$½ trillion that will come out of the military. Even the President's own Secretary of Defense, Secretary Panetta, has said if these cuts take place—talking about the Obama sequestration cuts—in addition to what he has already cut, it would be “devastating to the military.” That means we would have the smallest ground fleet since the 1940s, we would have the smallest fleet of ships since 1915, and the smallest tactical fighter capability or force in the history of the Air Force.

So if we want the United States to continue providing the type of global leadership our people have come to expect and meet the expectations of the American people—when we talk to the American people, they are shocked when they find out other countries have things that are better than we have.

If we want to beat this, then we are going to have to do something about, No. 1, what is happening to the military; and No. 2, the sequestration.

I have it all in one bill. In a minute we will get a number for that bill. Anyway, it is called the Sequestration Prevention Act of 2012. It replaces the sequestration cuts with some smart reforms, and I am going to go over those in a minute to show my colleagues what they are. It replaces the \$1.2 trillion and then has a lot of money left over.

Let me just kind of go over what this bill would do. People keep saying: We cannot do anything about it. We cannot do anything about the sequestration, the cuts.

We had this great committee that was supposed to be out there finding \$1.2 trillion over a 10-year period and yet we have a President who was able to give us deficits of five times that much over just a 4-year period.

What it does, first of all, to come up with this \$1.2 trillion, plus rebuilding the military—we want to rebuild the military, in my estimation, up to 4 percent of GDP. For the last 100 years, prior to 1990—for 100 years—the average defense spending constituted 5.7 percent of GDP. That was the average, in times of war and in times of peace. Now it is all the way down, after his sequestration, to below 3 percent; in other words, about half of that.

What I wish to do with additional funds that come from this bill I am introducing today is put that back into the military and bring us up to 4 percent of GDP—still considerably less than where we have been over the last 100 years.

The first thing it does is completely repeal ObamaCare and adopts PAUL RYAN's approach to block granting the Medicaid Program so States have complete control over the dollars they use to reach their low-income populations with health care assistance. Together, these two changes will reduce spending by \$1.1 trillion over 10 years.

Secondly, it returns nondefense discretionary spending to the 2006 levels. When this President came in, the amount of the nondefense discretionary spending surged. This would have a savings over that period of time of \$952 billion.

The third thing it does is it block grants the Food Stamp Program and converts it into a discretionary program so States have complete control over the design of their nutrition assistance programs to best meet the needs of their low-income populations. This provision reverses the massive expansion we have seen of the Food Stamp Program under the Obama administration, which has literally doubled in size, up to 100 percent, since he took office.

On President Obama's inauguration day, just under 32 million people were on food stamps. Today, it is more than 46 million people, and they receive these benefits. It is going to have to stop. It will continue to go up if we do not do something about it. This provision saves \$285 billion.

By the way, I think it is important to know, when we look at the farm program, the farm program is a welfare program because they increase all these provisions and call it part of the farm bill. But that is a different subject, and I will talk about it later, not today but later.

The fourth thing the legislation does is it reduces the Federal workforce by 10 percent through attrition. Nobody out there is going to be fired. There are not going to be any cuts. In fact, it would continue to have some modest increases in payment for those who are there. Through attrition, the savings would be about \$144 billion over 10 years.

The fifth thing the bill does is it repeals the authority of the Federal Gov-

ernment to spend taxpayer dollars on climate change or global warming. This is kind of interesting because very few people know that—even though they remember that every time there has been a bill on cap and trade, there is a cost to the American people of somewhere between \$300 billion and \$400 billion a year, and people's heads start spinning when we talk about these large amounts. Sometimes in my State of Oklahoma, what I have done is take the total number of families who file Federal tax returns and then I apply this to it. This would be about \$3,000 per family in my State of Oklahoma. Yet even the Director of the EPA admits that if we did this, it would not reduce CO<sub>2</sub> emissions worldwide. That is the Director of the EPA, Lisa Jackson, and that is on the record. I appreciate her honesty in that respect.

If we do this right now—what people do not know is this President has spent \$68.4 billion since he has been President on all this global warming stuff. That is without authority because we have clearly defeated all those bills. What he has done through regulations is what he could not do through legislation. But nobody knows about it, until now. Now they know about it.

Anyway, if we stop doing that over the next 10 years, that will save an additional \$83 billion.

Finally, the legislation includes comprehensive medical malpractice and tort reform. That is the same thing that was passed by the House of Representatives and that would save \$74 billion over 10 years.

All told, all the savings generated would be \$2.6 trillion—not \$1.2 trillion—\$2.6 trillion over 10 years. So do not let anyone tell you, we cannot get there from here. Clearly, we can get there from here.

We use the remaining amount to beef up the military to get back to our 4-percent level. I believe if we were to talk to the average American, they would say: Yes, let's go ahead and do this. Why aren't we doing it now?

Let me mention one other thing before I conclude; that is, we have something called the WARN Act. What that does is require the employers—who know because of sequestration there are going to be layoffs—to give pink slips at least 60 days prior to the time that will happen. Under sequestration, if they do not adopt my act, if they do that, then those pink slips would have to be out there by the 2nd of November.

The President does not want that to happen. He does not want the Obama sequestration to be pointed out and identified as to what is causing them to lose their jobs, so he is trying to get companies not to comply with the WARN Act.

Clearly, the WARN Act says “an employer shall not order a plant closing or mass layoff until the end of a 60-day

period after the employer serves written notice of such an order."

The WARN Act states—this is very significant because if there are companies out there that are listening to the President when he is asking them not to issue the pink slips, this is what would happen to them—it states that "any employer who orders a plant closing or mass layoff in violation of Section 3 . . . shall be liable to each aggrieved employee who suffers an employment loss as a result of such closing or layoff."

In other words, if they do not do it, then that opens the doors for all the trial lawyers to come in. Just imagine the cases. At Lockheed Martin, they say they are going to have to let go of some 120,000 people. If they had a class action suit, each one who was let go would receive something like \$1,000. That would be \$120 million that company would have to pay. I cannot imagine the board of directors of any company anywhere in America not complying with this legal act called the WARN Act.

By Mrs. BOXER (for herself, Mrs. HUTCHISON, Mr. CASEY, Ms. SNOWE, Mrs. SHAHEEN, Mrs. GILLIBRAND, and Mr. BROWN of Massachusetts):

S. 3477. A bill to ensure that the United States promotes women's meaningful inclusion and participation in mediation and negotiation processes undertaken in order to prevent, mitigate, or resolve violent conflict and implements the United States National Action Plan on Women, Peace, and Security; to the Committee on Foreign Relations.

Mrs. BOXER. Mr. President, I rise today to introduce the Women, Peace, and Security Act of 2012 with Senators HUTCHISON, CASEY, SNOWE, SHAHEEN, GILLIBRAND and SCOTT BROWN. A companion bill was also introduced in the House of Representatives today by Representatives CARNAHAN, BERMAN and SCHAKOWSKY.

This important legislation will help codify the United States National Action Plan on Women, Peace, and Security, which was released by the Obama administration in December, 2011, to help further ongoing U.S. initiatives regarding women, peace, and security and the objectives of United Nations Security Council Resolution 1325, UNSCR 1325.

UNSCR 1325 calls on all countries to establish national action plans aimed at promoting the inclusion of women in conflict resolution efforts and peace-building institutions, such as police services.

This is essential because women and girls are disproportionately impacted by violence and armed conflict. But at the same time, we know that women are critical to helping prevent violence before it occurs and resolving crises

once they begin. Furthermore, evidence shows that integrating women into peace-building processes helps promote democracy and ensure the likelihood of a peace process succeeding.

With the National Action Plan on Women, Peace, and Security, the U.S. joins the more than 37 other countries who have released similar National Action Plans recognizing women's contributions to peace building and committing to support women's inclusion in all aspects of peace processes.

As Chair of the Senate Foreign Relations Subcommittee on International Operations and Organizations, Human Rights, Democracy, and Global Women's Issues, I am proud of the Obama Administration for undertaking this important initiative, and remain committed to continuing to promote the full inclusion of women in all aspects of peace-building efforts.

I look forward to working with my colleagues to pass this important legislation.

#### SUBMITTED RESOLUTIONS

##### SENATE RESOLUTION 535—RECOGNIZING THE GOALS AND IDEALS OF THE MOVEMENT IS LIFE CAUCUS

Ms. KLOBUCHAR (for herself and Mr. CHAMBLISS) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 535

Whereas arthritis is the number one cause of disability in the United States, according to the Centers for Disease Control and Prevention, affecting 50,000,000 Americans, and among the leading reasons for doctors' visits and missed work;

Whereas the Centers for Disease Control and Prevention finds that in 2003 arthritis cost the United States economy \$128,000,000,000 annually in medical costs and lost wages;

Whereas 27,000,000 Americans suffer from osteoarthritis (the most common form of arthritis) and almost 80 percent have some degree of movement limitation;

Whereas the onset of chronic joint pain and osteoarthritis can lead to disability and a loss of personal independence;

Whereas, women along with African Americans and Latinos, the two largest racial and ethnic minority groups in the United States, face more severe osteoarthritis and disability, yet receive less than optimal access to diagnostic, medical, and surgical intervention than do other groups;

Whereas women and minorities experiencing chronic diseases (such as diabetes, obesity, and heart disease (all medical conditions positively impacted by physical activity)) struggle disproportionately with undiagnosed and diagnosed osteoarthritis;

Whereas there is a lack of awareness about the connection between musculoskeletal health disparities, increasing physical inactivity levels and disparities in diabetes, obesity, and heart disease among women, African-Americans and Latinos, which have a significant impact on increasing health care costs and workforce productivity;

Whereas the first Movement is Life National Summit in September 2010 facilitated a national dialogue among stakeholders engaged in the continuum of care of women, African Americans, and Latinos, about musculoskeletal health disparities;

Whereas the National Movement is Life Work Group Caucus has been established and the third annual meeting will be held this September 16-18, 2012 in Washington, D.C.;

Whereas the National Movement is Life Work Group Caucus will facilitate the development of action plans to help reduce musculoskeletal health disparities; and

Whereas the National Movement is Life Work Group Caucus seeks to promote early intervention, slow musculoskeletal disease progression, reduce disability, and encourage physical activity and daily movement in order to improve the health of those currently disadvantaged as well as the overall health of the nation: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the musculoskeletal health disparities present among women, African Americans, and Latinos;

(2) acknowledges the dangers posed to these populations, from rising inactivity levels and the impact on increased risk of chronic diseases such as diabetes, obesity, and heart disease;

(3) seeks to raise public awareness in these communities about osteoarthritis and the importance of early intervention;

(4) encourages physical activity and daily movement, in order to limit the exasperation of related chronic diseases and loss of independence; and

(5) commends the Movement is Life National Caucus for its efforts in creating a dialogue which draws attention to these health disparities which continue to impact our national economy and many lives around the country.

##### SENATE RESOLUTION 536—DESIGNATING SEPTEMBER 9, 2012, AS "NATIONAL FETAL ALCOHOL SPECTRUM DISORDERS AWARENESS DAY"

Ms. MURKOWSKI (for herself, Mr. JOHNSON of South Dakota, and Mr. BEGICH) submitted the following resolution; which was considered and agreed to:

S. RES. 536

Whereas the term "fetal alcohol spectrum disorders" includes a broader range of conditions than the term "fetal alcohol syndrome" and has replaced the term "fetal alcohol syndrome" as the umbrella term describing the range of effects that can occur in an individual whose mother consumed alcohol during her pregnancy;

Whereas fetal alcohol spectrum disorders are the leading cause of cognitive disability in Western civilization, including the United States, and are 100 percent preventable;

Whereas fetal alcohol spectrum disorders are a major cause of numerous social disorders, including learning disabilities, school failure, juvenile delinquency, homelessness, unemployment, mental illness, and crime;

Whereas the incidence rate of fetal alcohol syndrome is estimated at 1 out of every 500 live births and the incidence rate of fetal alcohol spectrum disorders is estimated at 1 out of every 100 live births;

Whereas, in February 1999, a small group of parents with children who suffer from fetal



alcohol spectrum disorders united to promote awareness of the devastating consequences of alcohol consumption during pregnancy by establishing International Fetal Alcohol Syndrome Awareness Day;

Whereas September 9, 1999, became the first International Fetal Alcohol Syndrome Awareness Day;

Whereas Bonnie Buxton of Toronto, Canada, the co-founder of the first International Fetal Alcohol Syndrome Awareness Day, asked "What if . . . a world full of FAS/E [Fetal Alcohol Syndrome/Effect] parents all got together on the ninth hour of the ninth day of the ninth month of the year and asked the world to remember that, during the 9 months of pregnancy, a woman should not consume alcohol . . . would the rest of the world listen?"; and

Whereas, on the ninth day of the ninth month of each year since 1999, communities around the world have observed International Fetal Alcohol Syndrome Awareness Day; Now, therefore, be it

*Resolved*, That the Senate—

(1) designates September 9, 2012, as "National Fetal Alcohol Spectrum Disorders Awareness Day"; and

(2) calls on the people of the United States to observe National Fetal Alcohol Spectrum Disorders Awareness Day with—

(A) appropriate ceremonies—

(i) to promote awareness of the effects of prenatal exposure to alcohol;

(ii) to increase compassion for individuals affected by prenatal exposure to alcohol;

(iii) to minimize the effects of prenatal exposure to alcohol; and

(iv) to ensure healthier communities across the United States; and

(B) a moment of reflection during the ninth hour of September 9, 2012, to remember that a woman should not consume alcohol during the 9 months of her pregnancy.

#### SENATE RESOLUTION 537—SUPPORTING THE GOALS AND IDEALS OF NATIONAL OVARIAN CANCER AWARENESS MONTH

Ms. STABENOW (for herself, Ms. SNOWE, Mr. BENNET, Mr. BLUMENTHAL, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Ms. CANTWELL, Mr. CARDIN, Mrs. FEINSTEIN, Mr. KERRY, Mr. LAUTENBERG, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Mr. SCHUMER, Mr. TESTER, Mr. UDALL of Colorado, Mr. WEBB, Mr. WHITEHOUSE, and Ms. MURKOWSKI) submitted the following resolution; which was considered and agreed to:

S. RES. 537

Whereas ovarian cancer is the deadliest of all gynecologic cancers;

Whereas ovarian cancer is the 5th leading cause of cancer deaths among women in the United States;

Whereas approximately 22,000 women will be diagnosed with ovarian cancer this year, and 15,500 will die from the disease;

Whereas these deaths are those of our mothers, sisters, daughters, family members, and community leaders;

Whereas the mortality rate for ovarian cancer has not significantly decreased since the "War on Cancer" was declared, more than 40 years ago;

Whereas all women are at risk for ovarian cancer, and 90 percent of women diagnosed with ovarian cancer do not have a family history that puts them at higher risk;

Whereas some women, such as those with a family history of breast or ovarian cancer, are at higher risk for developing the disease;

Whereas the Pap test is sensitive and specific to the early detection of cervical cancer, but not to ovarian cancer;

Whereas, as of the date of agreement to this resolution, there is no reliable early detection test for ovarian cancer;

Whereas many people are unaware that the symptoms of ovarian cancer often include bloating, pelvic or abdominal pain, difficulty eating or feeling full quickly, urinary symptoms, and several other symptoms that are easily confused with other diseases;

Whereas, in June 2007, the first national consensus statement on ovarian cancer symptoms was developed to provide consistency in describing symptoms to make it easier for women to learn and remember the symptoms;

Whereas there are known methods to reduce the risk of ovarian cancer, including prophylactic surgery, oral contraceptives, and breast-feeding;

Whereas, due to the lack of a reliable early detection test, 75 percent of cases of ovarian cancer are detected at an advanced stage, making the overall 5-year survival rate only 45 percent;

Whereas there are factors that are known to reduce the risk for ovarian cancer and that play an important role in the prevention of the disease;

Whereas awareness of the symptoms of ovarian cancer by women and health care providers can lead to a quicker diagnosis;

Whereas, each year during the month of September, the Ovarian Cancer National Alliance and its partner members hold a number of events to increase public awareness of ovarian cancer; and

Whereas September 2012 should be designated as "National Ovarian Cancer Awareness Month" to increase the awareness of the public regarding the cancer;

Now, therefore, be it

*Resolved*, That the Senate supports the goals and ideals of National Ovarian Cancer Awareness Month.

#### SENATE RESOLUTION 538—DESIGNATING SEPTEMBER 2012 AS "NATIONAL PROSTATE CANCER AWARENESS MONTH"

Mr. SESSIONS (for himself, Mr. CARDIN, Mr. KERRY, Mr. LUGAR, Mr. SHELBY, Mr. MENENDEZ, Mr. TESTER, Mr. LIEBERMAN, Mr. WYDEN, Mrs. HUTCHISON, Mr. ROBERTS, Mr. CRAPO, Mr. CHAMBLISS, Mr. COCHRAN, Mr. ISAKSON, Mr. WICKER, Mr. INHOFE, Mr. MORAN, Mr. BROWN of Massachusetts, Mr. AKAKA, Mr. KIRK, Ms. MURKOWSKI, and Mrs. FEINSTEIN) submitted the following resolution; which was considered and agreed to:

S. RES. 538

Whereas countless families in the United States live with prostate cancer;

Whereas 1 in 6 males in the United States will be diagnosed with prostate cancer during his lifetime;

Whereas prostate cancer is the most commonly diagnosed non-skin cancer and the second most common cause of cancer-related deaths among males in the United States;

Whereas, in 2012, the American Cancer Society estimates that 241,740 males will be diagnosed with prostate cancer, and 28,170 males will die from the disease;

Whereas 30 percent of newly diagnosed prostate cancer cases occur in males under the age of 65;

Whereas, approximately every 14 seconds, a male in the United States turns 50 years old and increases his odds of developing cancer, including prostate cancer;

Whereas African-American males suffer from a prostate cancer death rate that is more than twice the death rate of White males from prostate cancer;

Whereas obesity is a significant predictor of the severity of prostate cancer;

Whereas the probability that obesity will lead to death and high cholesterol levels is strongly associated with advanced prostate cancer;

Whereas males in the United States with 1 family member diagnosed with prostate cancer have a 33 percent chance of being diagnosed with the disease, males with 2 family members diagnosed have an 83 percent chance, and males with 3 family members diagnosed have a 97 percent chance;

Whereas screening by a digital rectal examination and a prostate-specific antigen blood test can detect the disease at the early stages, increasing the chances of survival for more than 5 years to nearly 100 percent;

Whereas only 27.8 percent of males survive more than 5 years if diagnosed with prostate cancer after the cancer has metastasized;

Whereas there are no noticeable symptoms of prostate cancer while the cancer is in the early stages, making screening critical;

Whereas ongoing research promises further improvements in prostate cancer prevention, early detection, and treatment; and

Whereas educating people in the United States, including health care providers, about prostate cancer and early detection strategies is crucial to saving the lives of males and preserving and protecting families; Now, therefore, be it

*Resolved*, That the Senate—

(1) designates September 2012 as "National Prostate Cancer Awareness Month";

(2) declares that steps should be taken—

(A) to raise awareness about the importance of screening methods for, and treatment of, prostate cancer;

(B) to increase research funding in an amount commensurate with the burden of prostate cancer so that—

(i) screening and treatment for prostate cancer may be improved;

(ii) the causes of prostate cancer may be discovered; and

(iii) a cure for prostate cancer may be developed; and

(C) to continue to consider ways for improving access to, and the quality of, health care services for detecting and treating prostate cancer; and

(3) calls on the people of the United States, interested groups, and affected persons—

(A) to promote awareness of prostate cancer;

(B) to take an active role in the fight to end the devastating effects of prostate cancer on individuals, families, and the economy; and

(C) to observe National Prostate Cancer Awareness Month with appropriate ceremonies and activities.

#### SENATE RESOLUTION 539—DESIGNATING OCTOBER 13, 2012, AS "NATIONAL CHESS DAY"

Mr. ROCKEFELLER (for himself, Mr. ALEXANDER, and Mr. LEVIN) submitted the following resolution; which was considered and agreed to:



## S. RES. 539

Whereas there are more than 80,000 members of the United States Chess Federation (referred to in this preamble as the "Federation"), and an unknown number of additional people in the United States who play chess without joining an official organization;

Whereas approximately ½ of the members of the Federation are members of scholastic chess programs, and many of those members join the Federation by the age of 10;

Whereas the Federation is very supportive of scholastic chess programs and sponsors a Certified Chess Coach program that provides the coaches involved in the scholastic chess programs with training and ensures schools and students can have confidence in the programs;

Whereas many studies have linked scholastic chess programs to the improvement of students' scores in reading and math, as well as improved self-esteem;

Whereas the Federation offers guidance to educators to help incorporate chess into the school curriculum;

Whereas chess is a powerful cognitive learning tool that can be used to successfully enhance students' reading skills and understanding of math concepts; and

Whereas chess engages students of all learning styles and strengths and promotes problem-solving and higher-level thinking skills: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates October 13, 2012, as "National Chess Day" to enhance awareness and encourage students and adults to play chess, a game known to enhance critical-thinking and problem-solving skills; and

(2) encourages the people of the United States to observe National Chess Day with appropriate programs and activities.

#### SENATE RESOLUTION 540—DESIGNATING THE WEEK OF AUGUST 6 THROUGH AUGUST 10, 2012, AS "NATIONAL CONVENIENT CARE CLINIC WEEK"

Mr. INOUE (for himself and Mr. COCHRAN) submitted the following resolution; which was considered and agreed to:

## S. RES. 540

Whereas convenient care clinics are health care facilities located in high-traffic retail outlets that provide affordable and accessible care to patients who have little time to schedule an appointment with a traditional primary care provider or are otherwise unable to schedule such an appointment;

Whereas millions of people in the United States do not have a primary care provider, and there is a worsening primary care provider shortage that will prevent many people from obtaining one in the future;

Whereas convenient care clinics have provided an accessible alternative for more than 15,000,000 people in the United States since the first clinic opened in 2000, the number of convenient care clinics continues to increase rapidly, and as of June 2012, there are approximately 1,350 convenient care clinics in 35 States;

Whereas convenient care clinics follow rigid industry-wide quality of care and safety standards;

Whereas convenient care clinics are staffed by highly qualified health care providers, including advanced practice nurses, physician assistants, and physicians;

Whereas convenient care clinicians all have advanced education in providing quality health care for common episodic ailments including cold and flu, skin irritation, and muscle strains and sprains, and can also provide immunizations, physicals, and preventive health screening;

Whereas convenient care clinics are proven to be a cost-effective alternative to similar treatment obtained in physicians' offices, urgent care clinics, or emergency departments; and

Whereas convenient care clinics complement traditional medical service providers by providing extended weekday and weekend hours without the need for an appointment, short wait times, and visits that generally last only 15 to 20 minutes: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week of August 6 through August 10, 2012, as "National Convenient Care Clinic Week";

(2) supports the goals and ideals of National Convenient Care Clinic Week to raise awareness of the need for accessible and cost-effective health care options to complement the traditional health care model;

(3) recognizes that many people in the United States face difficulties accessing traditional models of health care delivery;

(4) supports the use of convenient care clinics as an adjunct to the traditional model of health care delivery; and

(5) calls on the States to support the establishment of convenient care clinics so that more people in the United States will have access to the cost-effective and necessary emergent and preventive services provided in the clinics.

#### SENATE CONCURRENT RESOLUTION 55—DIRECTING THE CLERK OF THE HOUSE OF REPRESENTATIVES TO MAKE A CORRECTION IN THE ENROLLMENT OF H.R. 1627

Mr. HARKIN submitted the following concurrent resolution; which was considered and agreed to:

## S. CON. RES. 55

*Resolved by the Senate (the House of Representatives concurring)*, That, in the enrollment of the bill (H.R. 1627) an Act to amend title 38, United States Code, to furnish hospital care and medical services to veterans who were stationed at Camp Lejeune, North Carolina, while the water was contaminated at Camp Lejeune, to improve the provision of housing assistance to veterans and their families, and for other purposes, the Clerk of the House of Representatives shall make the following correction: in section 201, strike "Andrew Connelly" and insert "Andrew Connolly".

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 2743. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table.

SA 2744. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2745. Mr. BROWN of Massachusetts submitted an amendment intended to be pro-

posed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2746. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2747. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2748. Mr. AKAKA (for himself, Mr. BLUMENTHAL, Mr. COONS, Mr. FRANKEN, Mr. SANDERS, Mr. UDALL of New Mexico, Mr. WYDEN, Mr. DURBIN, and Mrs. SHAHEEN) submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2749. Mrs. MURRAY (for herself and Ms. LANDRIEU) submitted an amendment intended to be proposed by her to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2750. Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2751. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2752. Mr. JOHNSON of South Dakota submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2753. Mr. JOHNSON of South Dakota submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2754. Mr. JOHNSON of South Dakota submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2755. Mr. JOHNSON of South Dakota submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2756. Mr. JOHNSON of South Dakota submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2757. Mr. JOHNSON of South Dakota submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2758. Mr. JOHNSON of South Dakota submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2759. Mr. JOHNSON of South Dakota submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2760. Mr. JOHNSON of South Dakota submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2761. Mr. JOHNSON of South Dakota submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2762. Mr. JOHNSON of South Dakota submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2763. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2764. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2765. Mr. COCHRAN submitted an amendment intended to be proposed by him

to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2766. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2767. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2768. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2769. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 2579 submitted by Mr. LEAHY and intended to be proposed to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2770. Mr. REID (for Mr. CARPER (for himself, Ms. COLLINS, Mr. BROWN of Massachusetts, and Mr. COBURN)) proposed an amendment to the bill S. 1409, to intensify efforts to identify, prevent, and recover payment error, waste, fraud, and abuse within Federal spending.

#### TEXT OF AMENDMENTS

**SA 2743.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the end of section 604, add the following:

( ) CONSTRUCTION.—

(1) IN GENERAL.—Nothing in this Act may be construed as—

(A) an authorization for any person, entity, or element of the Federal Government, or any person or entity acting on behalf of an element of the Federal Government, to take, authorize, or direct any offensive cyber-related action against a foreign country or an entity owned or controlled by a foreign country; or

(B) an authorization for any person, entity, or element of the Federal Government, or any person or entity acting on behalf of an element of the Federal Government, to take, authorize, or direct any cyber-related action if such action is likely to cause death or serious bodily harm to any person outside of the jurisdiction of the United States,

unless Congress has declared war or otherwise specifically authorized such action pursuant to Article I, section 8, of the Constitution.

(2) CYBER-RELATED ACTIONS.—For purposes of this subsection, a cyber-related action includes, but is not limited to, any action by cyber means as follows:

(A) An action to disable a power grid or power source that will result in temporary or permanent loss of electricity to a civilian area.

(B) An action to disable or to cause a temporary or permanent malfunction of a civilian water supply, reservoir, or water source.

(C) An action to disable or otherwise cause a temporary or permanent loss of a civilian communication system, including telephone, electronic mail, or Internet services for a civilian population.

(D) An action to disrupt or disable a civilian transportation network, including, but not limited to—

- (i) a transportation hub;
- (ii) a railroad or train;

(iii) motor vehicles;

(iv) airplanes; and

(v) traffic signals, including motor vehicle and railroad traffic signals.

(3) DEFENSIVE ACTIONS.—Nothing in this subsection shall be construed to limit the ability of the President to respond to an imminent cyber threat to the extent that such response is solely defensive in nature and intended to terminate an ongoing cyber action that is causing, or is likely to cause, significant damage, injury, or loss of life.

**SA 2744.** Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

#### TITLE VIII—MISCELLANEOUS

##### SEC. 801. PILOT PROJECT OFFICES OF FEDERAL PERMIT STREAMLINING PILOT PROJECT.

Section 365 of the Energy Policy Act of 2005 (42 U.S.C. 15924) is striking subsection (d) and inserting the following:

“(d) PILOT PROJECT OFFICES.—The following Bureau of Land Management Offices shall serve as the Pilot Project offices:

“(1) Rawlins Field Office, Wyoming.

“(2) Buffalo Field Office, Wyoming.

“(3) Eastern Montana/Dakotas District, Montana.

“(4) Farmington Field Office, New Mexico.

“(5) Carlsbad Field Office, New Mexico.

“(6) Grand Junction/Glenwood Springs Field Office, Colorado.

“(7) Vernal Field Office, Utah.”.

**SA 2745.** Mr. BROWN of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 51, line 23, insert “, including through the use of security analytics whenever possible,” after “awareness”.

On page 53, line 9, insert “, including security analytics,” after “capabilities”.

On page 67, line 3, insert “the use of real-time security analytics for” before “reporting”.

On page 72, line 1, insert “, real-time or near real-time analysis,” after “security testing”.

**SA 2746.** Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 154, strike line 9, and insert the following:

##### SEC. 415. REPORT ON NATIONAL GUARD CYBER-SECURITY CAPABILITIES.

Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Defense, shall submit to the appropriate committees of Congress a report on—

(1) the current cybersecurity defensive, offensive, and training capabilities within the National Guard;

(2) the current balance of cybersecurity defensive, offensive, and training capabilities

across the Active and Reserve components of the Armed Forces and whether it achieves the appropriate balance between capability and cost; and

(3) the number of Federal cyber security civilian employees who are currently serving as members of the National Guard, including the States and units to which such National Guard members are assigned.

##### SEC. 416. MARKETPLACE INFORMATION.

**SA 2747.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 185, line 7, insert “if a warrant has been obtained and” after “(A)”.

**SA 2748.** Mr. AKAKA (for himself, Mr. BLUMENTHAL, Mr. COONS, Mr. FRANKEN, Mr. SANDERS, Mr. UDALL of New Mexico, Mr. WYDEN, Mr. DURBIN, and Mrs. SHAHEEN) submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 105, after the end of the matter between lines 11 and 12, insert the following:

##### SEC. 205. PRIVACY BREACH REQUIREMENTS.

(a) IN GENERAL.—Subchapter II of chapter 35 of title 44, United States Code, as amended by section 201 of this Act, is amended by adding at the end the following:

##### “§ 3559. Privacy breach requirements

“(a) POLICIES AND PROCEDURES.—The Director of the Office of Management and Budget shall establish and oversee policies and procedures for agencies to follow in the event of a breach of information security involving the disclosure of personally identifiable information, including requirements for—

“(1) timely notice to the individuals whose personally identifiable information could be compromised as a result of such breach;

“(2) timely reporting to a Federal cybersecurity center (as defined in section 708 of the Cybersecurity Act of 2012), as designated by the Director of the Office of Management and Budget; and

“(3) additional actions as necessary and appropriate, including data breach analysis, fraud resolution services, identity theft insurance, and credit protection or monitoring services.

“(b) REQUIRED AGENCY ACTION.—The head of each agency shall ensure that actions taken in response to a breach of information security involving the disclosure of personally identifiable information under the authority or control of the agency comply with policies and procedures established by the Director of the Office of Management and Budget under subsection (a).

“(c) REPORT.—Not later than March 1 of each year, the Director of the Office of Management and Budget shall report to Congress on agency compliance with the policies and procedures established under subsection (a).”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for subtitle II for chapter 35 of title 44, United States Code, as amended by section 201 of this Act, is amended by adding at the end the following: “3559. Privacy breach requirements.”.

**SEC. 206. AMENDMENTS TO THE E-GOVERNMENT ACT OF 2002.**

Section 208(b)(1)(A) of the E-Government Act of 2002 (44 U.S.C. 3501 note; Public Law 107-347) is amended—

(1) in clause (i), by striking “or” at the end;

(2) in clause (ii), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(iii) using information in an identifiable form purchased, or subscribed to for a fee, from a commercial data source.”.

**SEC. 207. AUTHORITY OF THE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET WITH RESPECT TO FEDERAL INFORMATION POLICY.**

Section 3504(g) of title 44, United States Code, is amended—

(1) paragraph (1), by striking “and” at the end;

(2) in paragraph (2), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(3) designate a Federal Chief Privacy Officer within the Office of Management and Budget who is a noncareer appointee in a Senior Executive Service position and who is a trained and experienced privacy professional to carry out the responsibilities of the Director with regard to privacy.”.

**SEC. 208. CIVIL REMEDIES UNDER THE PRIVACY ACT.**

Section 552a(g)(4)(A) of title 5, United States Code, is amended—

(1) by striking “actual damages” and inserting “provable damages, including damages that are not pecuniary damages.”; and

(2) by striking “, but in no case shall a person entitled to recovery receive less than the sum of \$1,000” and inserting “or the sum of \$1,000, whichever is greater.”.

On page 188, lines 5 through 7, strike “the Chief Privacy and Civil Liberties Officer of the Department of Justice and the Chief Privacy Officer of the Department” and insert “the Federal Chief Privacy Officer”.

On page 191, line 19, strike “actual damages” and insert “provable damages, including damages that are not pecuniary damages.”.

**SA 2749.** Mrs. MURRAY (for herself and Ms. LANDRIEU) submitted an amendment intended to be proposed by her to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 11, strike lines 12 and 13 and insert the following:

(7) the National Guard Bureau; and

(8) the Department.

At the end of title IV, add the following:

**SEC. 416. REPORT ON ROLES AND MISSIONS OF THE NATIONAL GUARD IN STATE STATUS IN SUPPORT OF THE CYBER-SECURITY EFFORTS OF THE FEDERAL GOVERNMENT.**

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall, in consultation with the Secretary of Defense and the Chief of the National Guard Bureau, submit to the appropriate committees of Congress a report on the roles and missions of the National Guard in State status (commonly referred to as “title 32 status”) in support of the cybersecurity efforts of the Department of Homeland Security, the Department of Defense, and other departments and agencies of the Federal Government.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) A description of the current roles and missions of the National Guard in State status in support of the cybersecurity efforts of the Federal Government, and a description of the policies and authorities governing the discharge of such roles and missions.

(2) A description of the current roles and missions of the National Guard while on active duty in support of the cybersecurity efforts of the Federal Government, and a comparison of the costs to organize, train, and equip units of the National Guard on active duty in support of such efforts with the costs to organize, train, and equip units of the regular components of the Armed Forces with the same or similar capabilities in support of such efforts.

(3) A description of potential roles and missions for the National Guard in State status in support of the cybersecurity efforts of the Federal Government, a description of the policies and authorities to govern the discharge of such roles and missions, and recommendations for such legislative or administrative actions as may be required to establish and implement such roles and missions.

(4) An assessment of the feasibility and advisability of public-private partnerships on homeland cybersecurity missions involving the National Guard in State status, including the advisability of using pilot programs to evaluate feasibility and advisability of such partnerships.

(c) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Homeland Security and Governmental Affairs and the Committee on Armed Services of the Senate; and

(2) the Committee on Homeland Security and the Committee on Armed Services of the House of Representatives.

**SA 2750.** Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the end of title IV, add the following:

**SEC. 416. GOVERNMENT ACCOUNTABILITY OFFICE REPORT ON CRITICAL INFRASTRUCTURE OPERATIONS.**

(a) **STUDY.**—

(1) **IN GENERAL.**—The Comptroller General of the United States shall conduct a study of the efforts and authorities of the Federal Government and States relating to the resiliency of public and private critical infrastructure operations after natural or man-made disasters, cyber attacks, or accidents, including the ability to operate critical infrastructure with backup or alternative power generation.

(2) **CONTENTS.**—In conducting the study under paragraph (1), the Comptroller General shall—

(A) examine critical infrastructure, including—

(i) fueling stations;

(ii) water treatment facilities;

(iii) banking institutions;

(iv) health care facilities;

(v) the Emergency Alert System;

(vi) emergency 911 operations; and

(vii) any other critical infrastructure that the Comptroller General identifies;

(B) examine the role and authority of—

(i) State public utility or service commissions;

(ii) the Federal Communications Commission;

(iii) the Federal Energy Regulatory Commission;

(iv) the North American Electric Reliability Corporation;

(v) the Department of Energy; and

(vi) the Department;

(C) review policies on the priorities for restoring electrical power; and

(D) consider—

(i) the voluntary Defense Industrial Base Critical Infrastructure Protection program of the Department of Defense; and

(ii) the West Virginia University project for Cyber Security in Critical Infrastructure.

(b) **REPORT.**—Not later than 6 months after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the study conducted under subsection (a) that includes recommendations, if any, to improve the reliability, resiliency, and sustainability of, and to reduce any redundancy in, the critical infrastructure and related systems studied.

**SA 2751.** Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 6, beginning on line 2, strike “the underlying framework that information systems and assets rely on” and insert “information and information systems relied upon”.

On page 7, strike line 20 and all that follows through page 8, line 9, and insert the following:

(21) **OPERATOR.**—The term “operator”—

(A) means an entity that manages, runs, or operates, in whole or in part, the day-to-day operations of critical infrastructure; and

(B) may include the owner of critical infrastructure.

(22) **OWNER.**—The term “owner”—

(A) means an entity that owns critical infrastructure; and

(B) does not include a company contracted by the owner to manage, run, or operate that critical infrastructure, or to provide a specific information technology product or service that is used or incorporated into that critical infrastructure.

On page 8, beginning on line 14, strike “, or an attempted to cause an incident that, if successful, would have resulted in”.

On page 8, after line 22, insert the following:

**SEC. 3. RULE OF CONSTRUCTION.**

(a) **DEFINITION.**—In this section, the term “covered information” means information collected by a Federal agency solely for statistical purposes under a pledge of confidentiality.

(b) **RULE OF CONSTRUCTION RELATING TO COVERED INFORMATION.**—Nothing in this Act or an amendment made by this Act shall be construed to alter, amend, or repeal any provision of title 13, United States Code, the International Investment and Trade in Services Survey Act (22 U.S.C. 3101 et seq.), or the Confidential Information Protection and Statistical Efficiency Act of 2002 (44 U.S.C. 3501 note), or any similar provision of law, that relates to the unauthorized disclosure or use of covered information, except that the head of each Federal agency that collects covered information pursuant to any such provision of law is authorized to disclose the covered information to the Secretary to fulfill the information security responsibilities

of the head of the Federal agency and the Secretary under sections 3553 and 3554 of title 44, United States Code, as amended by this Act.

On page 10, line 7, before “; and” insert “, in connection with activities authorized and conducted in accordance with this title”.

On page 10, beginning on line 9, strike “technical guidance or assistance to owners and operators consistent with this title” and insert “guidance on the application of cybersecurity practices in accordance with this title”.

On page 10, line 18, insert “and” after the semicolon.

On page 11, strike lines 1 through 13 and insert the following:

(d) MEMBERSHIP.—The Council shall be comprised of—

- (1) the Secretary of Commerce;
- (2) the Secretary of Defense;
- (3) the Attorney General;
- (4) the Director of National Intelligence;

(5) the heads of sector-specific Federal agencies that are appointed by the President, by and with the advice and consent of the Senate, as determined by the President in accordance with subsection (g);

(6) the heads of Federal agencies with responsibility for regulating the security of critical cyber infrastructure that are appointed by the President, by and with the advice and consent of the Senate, as determined by the President in accordance with subsection (g); and

(7) the Secretary.

On page 12, line 3, after “provide” insert “, to the maximum extent possible.”.

On page 12, line 5, after “provide” insert “, to the maximum extent possible.”.

On page 12, line 8, strike “A” and insert “The head of a”.

On page 12, line 9, strike “and a” and insert “or a”.

On page 12, line 13, after “responsibility” insert “, including”.

On page 13, line 13, after “with” insert “appropriate”.

On page 13, line 20, strike “180 days” and insert “90 days”.

On page 15, between lines 9 and 10, insert the following:

(6) INITIAL ASSESSMENTS.—Not later than 270 days after the date of enactment of this Act, the member agency designated under paragraph (1) shall complete initial cyber risk assessments described in paragraph (2)(B).

On page 17, line 16, strike “damage” and insert “harm”.

On page 18, line 2, strike “damage” and insert “harm”.

On page 20, line 5, strike “180 days” and insert “1 year”.

On page 20, line 12, strike “, standards.”.

On page 20, line 22, after “with” insert “appropriate”.

On page 21, beginning on line 3, strike “relevant security experts and” and insert “appropriate security experts.”.

On page 21, between lines 17 and 18, insert the following:

(2) NIST INVOLVEMENT.—As part of the process described in paragraph (1), the Director of the National Institute of Standards and Technology shall be invited to provide advice and guidance on any possible amendments to the cybersecurity practices and any additional cybersecurity practices in consultation with appropriate public and private stakeholders.

On page 21, line 18, strike “(2)” and insert “(3)”.

On page 21, line 19, strike “1 year” and insert “18 months”.

On page 22, beginning on line 11, strike “180 days” and insert “1 year”.

On page 22, line 13, strike “1 year” and insert “18 months”.

On page 25, strike lines 10 through 17 and insert the following:

(1) IN GENERAL.—After the Council adopts a cybersecurity practice, a relevant sector coordinating council and the Critical Infrastructure Partnership Advisory Council may issue a public report evaluating the cybersecurity practice, which may include input from appropriate institutions of higher education, including university information security centers, national laboratories, and appropriate nongovernmental cybersecurity experts.

On page 25, line 19, strike “consider any review conducted” and insert “consider, in accordance with subsection (c), any public report issued”.

On page 25, strike lines 21 through 24 and insert the following:

(i) VOLUNTARY GUIDANCE.—At the request of an owner or operator, the Council may provide guidance on the application of cybersecurity practices to the critical infrastructure in accordance with this title.

On page 26, line 5, strike “1 year” and insert “18 months”.

On page 27, line 13, strike “an assessment” and insert “a third-party assessment, in accordance with subsection (b).”.

On page 28, beginning on line 15, strike “specific cybersecurity measures that, if implemented, would” and insert “guidance on how to”.

On page 29, line 5, strike “owner” and all that follows through line 7, and insert the following: “owner has effectively implemented cybersecurity measures sufficient to satisfy the outcome-based cybersecurity practices established under section 103.”.

On page 30, line 20, strike “Subparagraph” and insert “Subparagraph”.

On page 34, line 15, before “or” insert “including under title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.).”.

On page 35, beginning on line 19, strike “treated as voluntarily shared critical infrastructure information under” and insert “afforded the protections of”.

On page 36, beginning on line 16, strike “covered critical” and insert “critical cyber”.

On page 36, beginning on line 19, strike “concerns (in addition to any concerns described under subparagraph (A))” and insert “other concerns”.

On page 37, line 11, strike “specifically prohibited by law or is”.

On page 37, line 14, after “affairs” insert “or the disclosure of which is otherwise subject to legal restrictions”.

On page 41, line 4, strike “1 year” and insert “2 years”.

On page 42, line 16, strike “covered critical” and insert “critical cyber”.

On page 43, line 14, after “and” insert “in connection with affording the protections of section 214 of the Homeland Security Act of 2012 (6 U.S.C. 133) to covered information in accordance with”.

On page 44, beginning on line 6, strike “a private sector coordinating council” and insert “the entity”.

On page 44, line 9, strike “sector of critical infrastructure” and insert “critical infrastructure or key resource sector”.

On page 44, line 10, after “Plan” insert “, or any successor plan”.

On page 44, line 15, strike “under the National” and all that follows through line 18, and insert the following: “, as designated by the President or the President’s designee.”.

On page 46, beginning on line 6, strike “improve and continuously monitor” and insert “continuously monitor and improve”.

On page 46, beginning on line 25, strike “the complete set of”.

On page 47, line 2, after “system” insert “have been implemented and”.

On page 47, line 5, strike “To the maximum” and all that follows through line 9.

On page 47, line 22, after “protected” insert “, or in accordance with section 3553(d)(3)”.

On page 47, between lines 22 and 23, insert the following:

“(4) CYBERSECURITY SERVICES.—The term “cybersecurity services” means products, goods, or services intended to detect, mitigate, or prevent cybersecurity threats.

On page 47, line 23, strike “(4)” and insert “(5)”.

On page 48, line 8, strike “(5)” and insert “(6)”.

On page 49, line 1, strike “(6)” and insert “(7)”.

On page 49, line 4, strike “(7)” and insert “(8)”.

On page 50, line 13, strike “(8)” and insert “(9)”.

On page 53, line 7, strike “and penetration testing” and insert “, penetration testing, and the operation of a continuous monitoring capability to provide real-time visibility into the condition and status of agency information systems”.

On page 57, beginning on line 21, strike “or information security services” and insert “services, remote computing services, or cybersecurity services”.

On page 57, line 24, strike “or to deploy countermeasures” and insert “, deploy countermeasures, or otherwise operate protective capabilities”.

On page 60, line 17, strike “Assistant Secretary” and all that follows through line 19, and insert the following: “Director of the National Center for Cybersecurity and Communications.”.

On page 76, line 5, strike “section 3553” and insert “section 3553(d)(3)”.

On page 77, beginning on line 17, strike “under the control of the Department of Defense” and insert “described in section 3553(g)(2)”.

On page 77, beginning on line 20, strike “under the control of the Central Intelligence Agency” and insert “described in section 3553(g)(3)”.

On page 77, beginning on line 24, strike “under the control of the Office of the Director of National Intelligence” and insert “described in section 3553(g)(4)”.

On page 81, strike the matter between lines 15 and 16 and insert the following:

“SUBCHAPTER II—INFORMATION SECURITY

“3551. Purposes.

“3552. Definitions.

“3553. Federal information security authority and coordination.

“3554. Agency responsibilities.

“3555. Annual assessments.

“3556. Independent evaluations.

“3557. National security systems.

“3558. Effect on existing law.”.

On page 90, line 16, before “National” insert “functions of the”.

On page 90, beginning on line 17, strike “on the date of enactment of the Cybersecurity Act of 2012” and insert “transferred to the Department”.

On page 90, line 19, strike “Order 12472” and insert “Order 13618”.

On page 91, beginning on line 19, strike “National Communications System” and insert “functions of the National Communications System transferred to the Department under section 201(g)”.

On page 91, line 20, strike “the” and insert “their”.

On page 91, line 21, strike “liabilities of the” and all that follows through line 24, and insert “liabilities.”

On page 93, line 20, after “providing” insert “technical assistance, analysis of incidents, and other”.

On page 102, line 5, after “as” insert “appropriate and”.

On page 105, line 23, strike “authorized” and insert “permitted”.

On page 105, line 24, strike “Code, or” and insert “Code.”

On page 106, line 2, after “et seq.” insert “, or section 3553 of title 44, United States Code”.

On page 113, line 19, after “Communications” insert “, and in consultation with the Director of the National Institute of Standards and Technology and the Administrator of the National Telecommunications and Information Administration”.

On page 120, line 15, before “of” insert “and the Committee on Homeland Security and Governmental Affairs”.

On page 120, line 16, after “Technology” insert “and the Committee on Oversight and Government Reform”.

On page 125, line 15, after “other” insert “cybersecurity”.

On page 128, line 18, after “Secretary” insert “and the Director of the Office of Personnel Management”.

On page 130, line 12, strike “shall” and insert “may”.

On page 131, line 16, after “Foundation” insert “, in coordination with the Director of the Office of Personnel Management.”

On page 134, line 6, strike “all” and insert “appropriate”.

On page 136, line 17, strike “engaged in” and insert “in vacant positions that are part of the Federal”.

On page 147, strike the matter between lines 3 and 4 and insert the following:

“Sec. 245. National Center for Cybersecurity and Communications acquisition authorities.

“Sec. 246. Recruitment and retention program for the National Center for Cybersecurity and Communications.”

On page 152, strike line 20 and all that follows through page 153, line 14, and insert the following:

(1) legal or other impediments to appropriate public awareness of the nature of, methods of propagation of, and damage caused by common cybersecurity threats such as computer viruses, phishing techniques, and malware; and

(2) a summary of the plans of the Secretary to enhance public awareness of common cybersecurity threats, including a description of the metrics used by the Department for evaluating the efficacy of public awareness campaigns.

On page 201, line 19, strike “or”.

On page 201, between lines 19 and 20, insert the following:

(1) to alter or amend the law enforcement or intelligence authorities of any agency or Federal cybersecurity center; or

On page 201, line 20, strike “(11)” and insert “(12)”.

**SA 2752.** Mr. JOHNSON of South Dakota submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United

States; which was ordered to lie on the table; as follows:

On page 156, line 3, strike “(1);” and all that follows through “any public” on line 10 and insert “(1); and  
“(3) any public”.

**SA 2753.** Mr. JOHNSON of South Dakota submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 61, between lines 4 and 5, insert the following:

“(D) CRITICAL INFRASTRUCTURE.—Notwithstanding subparagraph (A), if an agency identifies a system to the Secretary in writing as a system the disruption of which would cause grave damage to the economic infrastructure of the United States, including a system used to carry out payment, fiscal agency, lending, or liquidity activities or Federal open market operations, the Secretary may authorize the use of protective capabilities that affect the system only with the concurrence of the head of that agency.”

**SA 2754.** Mr. JOHNSON of South Dakota submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 60, strike lines 1 through 13 and insert the following:

“(A) IN GENERAL.—If the Secretary determines that there is a substantial and imminent threat to agency information systems and, after consultation with the affected agency, determines that a directive under this subsection is not reasonably likely to result in a timely response to the threat, the Secretary may authorize the use of protective capabilities under the control of the Secretary for communications or other system traffic transiting to or from or stored on an agency information system. If prior consultation with the affected agency is not reasonably practicable under the circumstances, the Secretary may authorize the use of the protective capabilities without prior consultation with the affected agency for the purpose of ensuring the security of the information or information system or other agency information systems.

**SA 2755.** Mr. JOHNSON of South Dakota submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 58, strike lines 18 through 21 and insert the following:

“(B) EXCEPTION.—The authorities of the Secretary under this subsection shall not apply to—

“(i) a system described in paragraph (2), (3), or (4) of subsection (g); or

“(ii) a system used to carry out payment, fiscal agency, lending, or liquidity activities or Federal open market operations where the disruption of such system could reasonably

result in catastrophic economic damage to the United States.

**SA 2756.** Mr. JOHNSON of South Dakota submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 55, line 22, insert “, with the concurrence of the affected agency,” after “the Secretary”.

**SA 2757.** Mr. JOHNSON of South Dakota submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 51, line 12, strike “used or”.

**SA 2758.** Mr. JOHNSON of South Dakota submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 18, line 25, strike “or” and all that follows through page 19, line 2, and insert the following:

(C) a commercial item that organizes or communicates information electronically; or

(D) critical infrastructure that is subject to the requirements under subchapter II of chapter 35 of title 44, United States Code, as amended by section 201 of this Act.

**SA 2759.** Mr. JOHNSON of South Dakota submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 12, between lines 21 and 22, insert the following:

(h) FEDERAL RESERVE BANKS.—For purposes of this title, the Federal agency with responsibility for regulating the security of critical cyber infrastructure of the Federal Reserve Banks is the Board of Governors of the Federal Reserve System.

**SA 2760.** Mr. JOHNSON of South Dakota submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 12, line 12, insert “or owner” after “the sector”.

**SA 2761.** Mr. JOHNSON of South Dakota submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 11, between lines 12 and 13, insert the following:

(7) the Department of the Treasury; and

**SA 2762.** Mr. JOHNSON of South Dakota submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 11, line 12, strike “and”.

On page 11, between lines 12 and 13, insert the following:

(7) the Department of the Treasury; and

On page 11, line 13, strike “(7)” and insert “(8)”.

On page 12, line 12, insert “or owner” after “the sector”.

On page 12, between lines 21 and 22, insert the following:

(h) **FEDERAL RESERVE BANKS.**—For purposes of this title, the Federal agency with responsibility for regulating the security of critical cyber infrastructure of the Federal Reserve Banks is the Board of Governors of the Federal Reserve System.

On page 18, line 25, strike “or” and all that follows through page 19, line 2, and insert the following:

(C) a commercial item that organizes or communicates information electronically; or

(D) critical infrastructure that is subject to the requirements under subchapter II of chapter 35 of title 44, United States Code, as amended by section 201 of this Act.

On page 51, line 12, strike “used or”.

On page 55, line 22, insert “, with the concurrence of the affected agency,” after “the Secretary”.

On page 58, strike line 18 and all that follows through page 60, line 13, and insert the following:

“(B) **EXCEPTION.**—The authorities of the Secretary under this subsection shall not apply to—

“(i) a system described in paragraph (2), (3), or (4) of subsection (g); or

“(ii) a system used to carry out payment, fiscal agency, lending, or liquidity activities or Federal open market operations where the disruption of such system could reasonably result in catastrophic economic damage to the United States.

“(2) **PROCEDURES FOR USE OF AUTHORITY.**—The Secretary shall—

“(A) in coordination with the Director of the Office of Management and Budget and, as appropriate, in consultation with operators of information systems, establish procedures governing the circumstances under which a directive may be issued under this subsection, which shall include—

“(i) thresholds and other criteria;

“(ii) privacy and civil liberties protections; and

“(iii) providing notice to potentially affected third parties;

“(B) specify the reasons for the required action and the duration of the directive;

“(C) minimize the impact of directives under this subsection by—

“(i) adopting the least intrusive means possible under the circumstances to secure the agency information systems; and

“(ii) limiting directives to the shortest period practicable; and

“(D) notify the Director of the Office of Management and Budget and head of any affected agency immediately upon the issuance of a directive under this subsection.

“(3) **IMMINENT THREATS.**—

“(A) **IN GENERAL.**—If the Secretary determines that there is a substantial and imminent threat to agency information systems and, after consultation with the affected agency, determines that a directive under this subsection is not reasonably likely to result in a timely response to the threat, the Secretary may authorize the use of protective capabilities under the control of the Secretary for communications or other system traffic transiting to or from or stored on an agency information system. If prior consultation with the affected agency is not reasonably practicable under the circumstances, the Secretary may authorize the use of the protective capabilities without prior consultation with the affected agency for the purpose of ensuring the security of the information or information system or other agency information systems.

On page 61, between lines 4 and 5, insert the following:

“(D) **CRITICAL INFRASTRUCTURE.**—Notwithstanding subparagraph (A), if an agency identifies a system to the Secretary in writing as a system the disruption of which would cause grave damage to the economic infrastructure of the United States, including a system used to carry out payment, fiscal agency, lending, or liquidity activities or Federal open market operations, the Secretary may authorize the use of protective capabilities that affect the system only with the concurrence of the head of that agency.

On page 61, line 5, strike “(D)” and insert “(E)”.

On page 156, line 3, insert “and” after the semicolon.

On page 156, strike lines 4 through 9.

On page 156, line 10, strike “(4)” and insert “(3)”.

**SA 2763.** Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 108, line 21, after “software” insert “, hardware, and other cybersecurity technology”.

On page 121, line 6, after “science” insert “and cyber-engineering”.

On page 121, line 14, after “Foundation” insert “, in consultation with the Secretary,”.

On page 124, line 13, strike “national and statewide” and insert “national, statewide, regional, and local”.

On page 125, line 24, after “other” insert “nonprofit or”.

On page 137, between lines 5 and 6, insert the following:

(e) **REPORT.**—The Secretary, in coordination with the Director of the Office of Personnel Management, the Director of National Intelligence, the Secretary of Defense, and the Chief Information Officers Council established under section 3603 of title 44, United States Code, shall submit a report to the appropriate committees of Congress on whether the establishment of a national institute dedicated to cybersecurity education and training described under subsection (b) is appropriate.

**SA 2764.** Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. . . CRITICAL COMMUNICATIONS INFRASTRUCTURE PILOT PROGRAM.**

(a) **DEFINITION.**—In this section, the term “passive Internet Protocol route analytics” means a method for determining behaviors, patterns, and statuses of Internet Protocol network equipment and paths without—

(1) actively communicating directly with network equipment, such as routers and switches; or

(2) significantly inspecting the contents of an Internet Protocol network packet.

(b) **ESTABLISHMENT.**—Not later than 6 months after the date of enactment of this Act, the Manager of the National Coordinating Center for Telecommunications, acting through the National Communications System, shall initiate a 12-month pilot program to evaluate enhanced critical communications infrastructure, including systems supporting operational and situational awareness, national security, and emergency preparedness.

(c) **EVALUATION CRITERIA.**—By means of passive Internet Protocol route analytics, the pilot program under this section shall include criteria to evaluate the status of a representative subset of critical communications infrastructure.

(d) **CONNECTIVITY.**—The program shall at a minimum provide—

(1) end-to-end connectivity between the National Center for Critical Information Processing and Storage and United States Pacific Command facilities; and

(2) undersea communications between the mainland of the United States and Europe.

(e) **TERMINATION.**—The pilot program established under this section shall terminate 1 year after the date on which the program is established.

(f) **REPORT.**—Not later than 6 months after the termination date described in subsection (e), the Manager of the National Coordinating Center for Telecommunications, acting through the National Communications System, shall submit to the appropriate Congressional committees a report on the effectiveness and scalability of enhanced critical communications infrastructure, including systems supporting operational and situational awareness, national security, and emergency preparedness.

**SA 2765.** Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 107, line 1, after “science” insert “, legal,”.

On page 108, strike lines 10 and 11 and insert the following:

amended by subsection (f);

(12) how improved education of judges and other legal professionals can contribute to cybersecurity; and

(13) any additional objectives the Director or

On page 115, line 11, before “; and” insert the following: “, including by increasing educational opportunities for judges and other legal professionals”.

On page 125, line 20, after “State,” insert “national,”.

On page 126, strike lines 9 through 11 and insert the following:

(F) offensive and defensive cyber operations;

(G) legal analysis of cyber crime and cybersecurity; and

(H) other areas to fulfill the cybersecurity

At the end of title IV, add the following:

**SEC. 416. CYBER EDUCATION AT INSTITUTIONS OF HIGHER EDUCATION AND CAREER AND TECHNICAL INSTITUTIONS.**

The Secretary of Education, in coordination with the Secretary, and after consultation with appropriate private entities, shall—

(1) develop model curriculum standards and guidelines to address cyber safety, cybersecurity, and cyber ethics for all students enrolled in institutions of higher education, and all students enrolled in career and technical institutions, in the United States; and

(2) analyze and develop recommended courses for students interested in pursuing careers in information technology, communications, computer science, engineering, law, mathematics, and science, as those subjects relate to cybersecurity.

**SA 2766.** Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 174, strike line 12 and all that follows through page 180, line 14, and insert the following:

**SEC. 703. CYBERSECURITY EXCHANGES.**

(a) DESIGNATION OF CYBERSECURITY EXCHANGES.—The Secretary of Homeland Security, in consultation with the Director of National Intelligence, the Attorney General, and the Secretary of Defense, shall establish—

(1) a process for designating one or more appropriate civilian Federal entities or non-Federal entities to serve as cybersecurity exchanges to receive and distribute cybersecurity threat indicators;

(2) procedures to facilitate and ensure the sharing of classified and unclassified cybersecurity threat indicators in as close to real time as possible with appropriate Federal entities and non-Federal entities in accordance with this title, including through automated and other means that allow for the immediate sharing of such indicators in accordance with this title; and

(3) a process for identifying certified entities to receive classified cybersecurity threat indicators in accordance with paragraph (2).

(b) PURPOSE.—The purpose of a cybersecurity exchange is to receive and distribute, in as close to real time as possible, cybersecurity threat indicators in accordance with the requirements of this title and the procedures established under subsection (a)(2), and to thereby avoid unnecessary and duplicative Federal bureaucracy for information sharing as provided in this title.

(c) REQUIREMENT FOR A LEAD FEDERAL CIVILIAN CYBERSECURITY EXCHANGE.—

(1) IN GENERAL.—The Secretary, in consultation with the Director of National Intelligence, the Attorney General, and the Secretary of Defense, shall designate a civilian Federal entity as the lead cybersecurity exchange to serve as a focal point within the Federal Government for cybersecurity information sharing among Federal entities and with non-Federal entities.

(2) RESPONSIBILITIES.—The lead Federal civilian cybersecurity exchange designated under paragraph (1) shall—

(A) receive and distribute, in as close to real time as possible, cybersecurity threat indicators in accordance with this title and the procedures established under subsection (a)(2);

(B) facilitate information sharing, interaction, and collaboration among and between—

(i) Federal entities;

(ii) State, local, tribal, and territorial governments;

(iii) private entities;

(iv) academia;

(v) international partners, in consultation with the Secretary of State; and

(vi) other cybersecurity exchanges;

(C) disseminate timely and actionable cybersecurity threat, vulnerability, mitigation, and warning information lawfully obtained from any source, including alerts, advisories, indicators, signatures, and mitigation and response measures, to appropriate Federal and non-Federal entities in accordance with this title and the procedures established under subsection (a)(2) in as close to real time as possible to improve the security and protection of information systems;

(D) coordinate with other Federal and non-Federal entities, as appropriate, to integrate information from Federal and non-Federal entities, including Federal cybersecurity centers, non-Federal network or security operation centers, other cybersecurity exchanges, and non-Federal entities that disclose cybersecurity threat indicators under section 704(a), in accordance with this title and the procedures established under subsection (a)(2) in as close to real time as possible, to provide situational awareness of the United States information security posture and foster information security collaboration among information system owners and operators;

(E) conduct, in consultation with private entities and relevant Federal and other governmental entities, regular assessments of existing and proposed information sharing models to eliminate bureaucratic obstacles to information sharing and identify best practices for such sharing; and

(F) coordinate with other Federal entities, as appropriate, to compile and analyze information about risks and incidents that threaten information systems, including information voluntarily submitted in accordance with section 704(a) or otherwise in accordance with applicable laws.

(3) SCHEDULE FOR DESIGNATION.—The designation of a lead Federal civilian cybersecurity exchange under paragraph (1) shall be made concurrently with the issuance of the interim policies and procedures under section 704(g)(3)(D).

(d) ADDITIONAL CIVILIAN FEDERAL CYBERSECURITY EXCHANGES.—In accordance with the process and procedures established in subsection (a), the Secretary, in consultation with the Director of National Intelligence, the Attorney General, and the Secretary of Defense, may designate additional civilian Federal entities to receive and distribute cybersecurity threat indicators, if such entities are subject to the requirements for use, retention, and disclosure of information by a cybersecurity exchange under section 704(b) and the special requirements for Federal entities under section 704(g).

(e) REQUIREMENTS FOR NON-FEDERAL CYBERSECURITY EXCHANGES.—

(1) IN GENERAL.—In considering whether to designate a private entity or any other non-Federal entity as a cybersecurity exchange to receive and distribute cybersecurity threat indicators under section 704, and what

entity to designate, the Secretary shall consider the following factors:

(A) The net effect that such designation would have on the overall cybersecurity of the United States.

(B) Whether such designation could substantially improve such overall cybersecurity by serving as a hub for receiving and sharing cybersecurity threat indicators in as close to real time as possible, including the capacity of the non-Federal entity for performing those functions in accordance with this title and the procedures established under subsection (a)(2).

(C) The capacity of such non-Federal entity to safeguard cybersecurity threat indicators from unauthorized disclosure and use.

(D) The adequacy of the policies and procedures of such non-Federal entity to protect personally identifiable information from unauthorized disclosure and use.

(E) The ability of the non-Federal entity to sustain operations using entirely non-Federal sources of funding.

(2) REGULATIONS.—The Secretary may promulgate regulations as may be necessary to carry out this subsection.

(f) CONSTRUCTION WITH OTHER AUTHORITIES.—Nothing in this section may be construed to alter the authorities of a Federal cybersecurity center, unless such cybersecurity center is acting in its capacity as a designated cybersecurity exchange.

(g) CONGRESSIONAL NOTIFICATION OF DESIGNATION OF CYBERSECURITY EXCHANGES.—

(1) IN GENERAL.—The Secretary, in coordination with the Director of National Intelligence, the Attorney General, and the Secretary of Defense, shall promptly notify Congress, in writing, of any designation of a cybersecurity exchange under this title.

(2) REQUIREMENT.—Written notification under paragraph (1) shall include a description of the criteria and processes used to make the designation.

**SA 2767.** Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 117, strike line 14 and all that follows to page 119, line 2 and insert the following:

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Director of the National Science Foundation, in coordination with the Secretary, shall establish cybersecurity research centers based at institutions of higher education and other entities that meet the criteria described in subsection (b) to develop solutions and strategies that support the efforts of the Federal Government under this Act in—

(1) improving the security and resilience of information infrastructure;

(2) reducing cyber vulnerabilities;

(3) mitigating the consequences of cyber attacks on critical infrastructure;

(4) developing awareness training strategies for owners and operators of critical infrastructure; and

(5) diversifying cybersecurity research and education.

(b) CRITERIA FOR SELECTION.—In selecting an institution of higher education or other entity to serve as a Research Center for Cybersecurity, the Director of the National Science Foundation shall consider—

(1) demonstrated expertise in systems security, wireless security, networking and



protocols, formal methods and high-performance computing, nanotechnology, and industrial control systems;

(2) demonstrated capability to conduct high performance computation integral to complex cybersecurity research, whether through on-site or off-site computing;

(3) demonstrated expertise in interdisciplinary cybersecurity research;

(4) affiliation with private sector entities involved with industrial research described in paragraph (1) and ready access to testable commercial data;

(5) prior formal research collaboration arrangements with institutions of higher education and Federal research laboratories;

(6) capability to conduct research in a secure environment; and

(7) affiliation with existing research programs of the Federal Government, including designation as a National Center of Academic Excellence by the National Security Agency.

(c) **REQUIREMENTS.**—The research centers established under subsection (a) shall include centers led by institutions of higher education that are eligible institutions, as defined in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)) that—

(1) have accredited engineering and law schools

(2) are classified by the Carnegie Foundation as research universities with high research activity; and

(3) have been designated as a center of excellence or model institute of excellence by a Federal agency.

(d) **ADVISORY BOARD.**—

(1) **IN GENERAL.**—The Secretary of Homeland Security shall establish a cybersecurity research advisory board, which shall meet regularly with the Director of the National Science Foundation, the Department of Homeland Security Under Secretary for Science and Technology, and the Department of Homeland Security Under Secretary for the National Protection and Programs Directorate to review the activities of the research centers established under subsection (a).

(2) **MEMBERSHIPS.**—In establishing the advisory board under subsection (d), the Secretary of Homeland Security shall ensure that the members of the advisory board are—

(A) from institutions of higher education with the expertise in the protection of critical infrastructure against cyber attacks;

(B) from institutions described in subsection (c); and

(C) equally representative of the 10 Federal regions that comprise the Standard Federal Regions established by the Office of Management and Budget in the document entitled “Standard Federal Regions” and dated April 1974 (circular A-105).

**SA 2768.** Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . FEDERAL CYBERSECURITY SCHOLARSHIP FOR SERVICE PROGRAM.**

(a) **DEFINITION.**—In this section, the term “veteran” has the meaning given that term under section 101 of title 38, United States Code.

(b) **ESTABLISHMENT OF PROGRAM.**—Not later than 180 days after the date of enactment of

this Act, the Director of the Office of Personnel Management, in coordination with the National Initiative for Cybersecurity Education of the National Institute of Standards and Technology and the Director of the National Science Foundation, shall establish a program within the Federal Cyber Service Scholarship for Service to provide education and training in the area of cybersecurity to veterans (in this section referred to as the “program”).

(c) **ELIGIBLE STUDENTS.**—To be eligible under the program, an applicant shall—

(1) be a veteran; and

(2) pursue a baccalaureate, master’s, or doctorate degree in a program of study relevant to cybersecurity.

(d) **PRIORITY FOR DISABLED VETERANS.**—Priority for eligibility under the program shall be given to veterans who are disabled.

(e) **ELIGIBLE INSTITUTIONS.**—In developing the program, the Director of the Office of Personnel Management, in coordination with the Director of the National Institute of Standards and Technology, shall designate multiple institutions participating in the Federal Cyber Service Scholarship for Service program on the date of enactment of this Act as Centers of Academic Excellence in Veteran Cyber Security Education, which shall be participating institutions for purposes of the program.

(f) **BENEFITS.**—Subject to the availability of appropriations, the Director of the National Science Foundation shall provide scholarship benefits to eligible students for attendance at an institution designated under subsection (e).

(g) **DIRECT HIRING AUTHORITY.**—The Director of the Office of Personnel Management shall establish direct hiring authority, which shall not be limited to a specific job code or grade, for relevant Federal agencies desiring to hire graduates of the program.

**SA 2769.** Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 2579 submitted by Mr. LEAHY and intended to be proposed to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 11, strike lines 1 through 10.

**SA 2770.** Mr. REID (for Mr. CARPER (for himself, Ms. COLLINS, Mr. BROWN of Massachusetts, and Mr. COBURN)) proposed an amendment to the bill S. 1409, to intensify efforts to identify, prevent, and recover payment error, waste, fraud, and abuse within Federal spending.

In lieu of the matter proposed to be inserted, insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Improper Payments Elimination and Recovery Improvement Act of 2012”.

**SEC. 2. DEFINITIONS.**

In this Act—

(1) the term “agency” means an executive agency as that term is defined under section 102 of title 31, United States Code; and

(2) the term “improper payment” has the meaning given that term in section 2(g) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note), as redesignated by section 3(a)(1) of this Act.

**SEC. 3. IMPROVING THE DETERMINATION OF IMPROPER PAYMENTS BY FEDERAL AGENCIES.**

(a) **IN GENERAL.**—Section 2 of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended—

(1) by redesignating subsections (b) through (g) as subsections (c) through (h), respectively;

(2) by inserting after subsection (a) the following:

“(b) **IMPROVING THE DETERMINATION OF IMPROPER PAYMENTS.**—

“(1) **IN GENERAL.**—The Director of the Office of Management and Budget shall on an annual basis—

“(A) identify a list of high-priority Federal programs for greater levels of oversight and review—

“(i) in which the highest dollar value or highest rate of improper payments occur; or

“(ii) for which there is a higher risk of improper payments; and

“(B) in coordination with the agency responsible for administering the high-priority program, establish annual targets and semi-annual or quarterly actions for reducing improper payments associated with each high-priority program.

“(2) **REPORT ON HIGH-PRIORITY IMPROPER PAYMENTS.**—

“(A) **IN GENERAL.**—Subject to Federal privacy policies and to the extent permitted by law, each agency with a program identified under paragraph (1)(A) on an annual basis shall submit to the Inspector General of that agency, and make available to the public (including availability through the Internet), a report on that program.

“(B) **CONTENTS.**—Each report under this paragraph—

“(i) shall describe—

“(I) any action the agency—

“(aa) has taken or plans to take to recover improper payments; and

“(bb) intends to take to prevent future improper payments; and

“(ii) shall not include any referrals the agency made or anticipates making to the Department of Justice, or any information provided in connection with such referrals.

“(C) **PUBLIC AVAILABILITY ON CENTRAL WEBSITE.**—The Office of Management and Budget shall make each report submitted under this paragraph available on a central website.

“(D) **AVAILABILITY OF INFORMATION TO INSPECTOR GENERAL.**—Subparagraph (B)(ii) shall not prohibit any referral or information being made available to an Inspector General as otherwise provided by law.

“(E) **ASSESSMENT AND RECOMMENDATIONS.**—The Inspector General of each agency that submits a report under this paragraph shall, for each program of the agency that is identified under paragraph (1)(A)—

“(i) review—

“(I) the assessment of the level of risk associated with the program, and the quality of the improper payment estimates and methodology of the agency relating to the program; and

“(II) the oversight or financial controls to identify and prevent improper payments under the program; and

“(ii) submit to Congress recommendations, which may be included in another report submitted by the Inspector General to Congress, for modifying any plans of the agency relating to the program, including improvements for improper payments determination and estimation methodology.”;

(3) in subsection (d) (as redesignated by paragraph (1) of this subsection), by striking

“subsection (b)” each place that term appears and inserting “subsection (c)”;

(4) in subsection (e) (as redesignated by paragraph (1) of this subsection), by striking “subsection (b)” and inserting “subsection (c)”;

(5) in subsection (g)(3) (as redesignated by paragraph (1) of this subsection), by inserting “or a Federal employee” after “non-Federal person or entity”.

(b) IMPROVED ESTIMATES.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall provide guidance to agencies for improving the estimates of improper payments under the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).

(2) GUIDANCE.—Guidance under this subsection shall—

(A) strengthen the estimation process of agencies by setting standards for agencies to follow in determining the underlying validity of sampled payments to ensure amounts being billed are proper; and

(B) instruct agencies to give the persons or entities performing improper payments estimates access to all necessary payment data, including access to relevant documentation;

(C) explicitly bar agencies from relying on self-reporting by the recipients of agency payments as the sole source basis for improper payments estimates;

(D) require agencies to include all identified improper payments in the reported estimate, regardless of whether the improper payment in question has been or is being recovered;

(E) include payments to employees, including salary, locality pay, travel pay, purchase card use, and other employee payments, as subject to risk assessment and, where appropriate, improper payment estimation; and

(F) require agencies to tailor their corrective actions for the high-priority programs identified under section 2(b)(1)(A) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) to better reflect the unique processes, procedures, and risks involved in each specific program.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—The Improper Payments Elimination and Recovery Act of 2010 (Public Law 111–204; 124 Stat. 2224) is amended—

(1) in section 2(h)(1) (31 U.S.C. 3321 note), by striking “section 2(f)” and all that follows and inserting “section 2(g) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).”; and

(2) in section 3(a) (31 U.S.C. 3321 note)—

(A) in paragraph (1), by striking “section 2(f)” and all that follows and inserting “section 2(g) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).”; and

(B) in paragraph (3)—

(i) by striking “section 2(b)” each place it appears and inserting “section 2(c).”; and

(ii) by striking “section 2(c)” each place it appears and inserting “section 2(d).”

**SEC. 4. IMPROPER PAYMENTS INFORMATION.**

Section 2(a)(3)(A)(ii) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended by striking “with respect to fiscal years following September 30th of a fiscal year beginning before fiscal year 2013 as determined by the Office of Management and Budget” and inserting “with respect to fiscal year 2014 and each fiscal year thereafter”.

**SEC. 5. DO NOT PAY INITIATIVE.**

(a) PREPAYMENT AND PREAWARD PROCEDURES.—

(1) IN GENERAL.—Each agency shall review prepayment and preaward procedures and en-

sure that a thorough review of available databases with relevant information on eligibility occurs to determine program or award eligibility and prevent improper payments before the release of any Federal funds.

(2) DATABASES.—At a minimum and before issuing any payment and award, each agency shall review as appropriate the following databases to verify eligibility of the payment and award:

(A) The Death Master File of the Social Security Administration.

(B) The General Services Administration’s Excluded Parties List System.

(C) The Debt Check Database of the Department of the Treasury.

(D) The Credit Alert System or Credit Alert Interactive Voice Response System of the Department of Housing and Urban Development.

(E) The List of Excluded Individuals/Entities of the Office of Inspector General of the Department of Health and Human Services.

(b) DO NOT PAY INITIATIVE.—

(1) ESTABLISHMENT.—There is established the Do Not Pay Initiative which shall include—

(A) use of the databases described under subsection (a)(2); and

(B) use of other databases designated by the Director of the Office of Management and Budget in consultation with agencies and in accordance with paragraph (2).

(2) OTHER DATABASES.—In making designations of other databases under paragraph (1)(B), the Director of the Office of Management and Budget shall—

(A) consider any database that substantially assists in preventing improper payments; and

(B) provide public notice and an opportunity for comment before designating a database under paragraph (1)(B).

(3) ACCESS AND REVIEW BY AGENCIES.—For purposes of identifying and preventing improper payments, each agency shall have access to, and use of, the Do Not Pay Initiative to verify payment or award eligibility in accordance with subsection (a) when the Director of the Office of Management and Budget determines the Do Not Pay Initiative is appropriately established for the agency.

(4) PAYMENT OTHERWISE REQUIRED.—When using the Do Not Pay Initiative, an agency shall recognize that there may be circumstances under which the law requires a payment or award to be made to a recipient, regardless of whether that recipient is identified as potentially ineligible under the Do Not Pay Initiative.

(5) ANNUAL REPORT.—The Director of the Office of Management and Budget shall submit to Congress an annual report, which may be included as part of another report submitted to Congress by the Director, regarding the operation of the Do Not Pay Initiative, which shall—

(A) include an evaluation of whether the Do Not Pay Initiative has reduced improper payments or improper awards; and

(B) provide the frequency of corrections or identification of incorrect information.

(c) DATABASE INTEGRATION PLAN.—Not later than 60 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall provide to the Congress a plan for—

(1) inclusion of other databases on the Do Not Pay Initiative;

(2) to the extent permitted by law, agency access to the Do Not Pay Initiative; and

(3) the multilateral data use agreements described under subsection (e).

(d) INITIAL WORKING SYSTEM.—

(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall establish a working system for prepayment and preaward review that includes the Do Not Pay Initiative as described under this section.

(2) WORKING SYSTEM.—The working system established under paragraph (1)—

(A) may be located within an appropriate agency;

(B) shall include not less than 3 agencies as users of the system; and

(C) shall include investigation activities for fraud and systemic improper payments detection through analytic technologies and other techniques, which may include commercial database use or access.

(3) APPLICATION TO ALL AGENCIES.—Not later than June 1, 2013, each agency shall review all payments and awards for all programs of that agency through the system established under this subsection.

(e) FACILITATING DATA ACCESS BY FEDERAL AGENCIES AND OFFICES OF INSPECTORS GENERAL FOR PURPOSES OF PROGRAM INTEGRITY.—

(1) DEFINITION.—In this subsection, the term “Inspector General” means an Inspector General described in subparagraph (A), (B), or (I) of section 11(b)(1) of the Inspector General Act of 1978 (5 U.S.C. App.).

(2) COMPUTER MATCHING BY FEDERAL AGENCIES FOR PURPOSES OF INVESTIGATION AND PREVENTION OF IMPROPER PAYMENTS AND FRAUD.—

(A) IN GENERAL.—Except as provided in this paragraph, in accordance with section 552a of title 5, United States Code (commonly known as the Privacy Act of 1974), each Inspector General and the head of each agency may enter into computer matching agreements that allow ongoing data matching (which shall include automated data matching) in order to assist in the detection and prevention of improper payments.

(B) REVIEW.—Not later than 60 days after a proposal for an agreement under subparagraph (A) has been presented to a Data Integrity Board established under section 552a(u) of title 5, United States Code, for consideration, the Data Integrity Board shall respond to the proposal.

(C) TERMINATION DATE.—An agreement under subparagraph (A)—

(i) shall have a termination date of less than 3 years; and

(ii) during the 3-month period ending on the date on which the agreement is scheduled to terminate, may be renewed by the agencies entering the agreement for not more than 3 years.

(D) MULTIPLE AGENCIES.—For purposes of this paragraph, section 552a(o)(1) of title 5, United States Code, shall be applied by substituting “between the source agency and the recipient agency or non-Federal agency or an agreement governing multiple agencies” for “between the source agency and the recipient agency or non-Federal agency” in the matter preceding subparagraph (A).

(E) COST-BENEFIT ANALYSIS.—A justification under section 552a(o)(1)(B) of title 5, United States Code, relating to an agreement under subparagraph (A) is not required to contain a specific estimate of any savings under the computer matching agreement.

(F) GUIDANCE BY THE OFFICE OF MANAGEMENT AND BUDGET.—Not later than 6 months after the date of enactment of this Act, and in consultation with the Council of Inspectors General on Integrity and Efficiency, the Secretary of Health and Human Services, the

Commissioner of Social Security, and the head of any other relevant agency, the Director of the Office of Management and Budget shall—

(i) issue guidance for agencies regarding implementing this paragraph, which shall include standards for—

(I) reimbursement of costs, when necessary, between agencies;

(II) retention and timely destruction of records in accordance with section 552a(o)(1)(F) of title 5, United States Code;

(III) prohibiting duplication and redisclosure of records in accordance with section 552a(o)(1)(H) of title 5, United States Code;

(ii) review the procedures of the Data Integrity Boards established under section 552a(u) of title 5, United States Code, and develop new guidance for the Data Integrity Boards to—

(I) improve the effectiveness and responsiveness of the Data Integrity Boards; and

(II) ensure privacy protections in accordance with section 552a of title 5, United States Code (commonly known as the Privacy Act of 1974); and

(III) establish standard matching agreements for use when appropriate; and

(iii) establish and clarify rules regarding what constitutes making an agreement entered under subparagraph (A) available upon request to the public for purposes of section 552a(o)(2)(A)(ii) of title 5, United States Code, which shall include requiring publication of the agreement on a public website.

(G) CORRECTIONS.—The Director of the Office of Management and Budget shall establish procedures providing for the correction of data in order to ensure—

(i) compliance with section 552a(p) of title 5, United States Code; and

(ii) that corrections are made in any Do Not Pay Initiative database and in any relevant source databases designated by the Director of the Office of Management and Budget under subsection (b)(1).

(H) COMPLIANCE.—The head of each agency, in consultation with the Inspector General of the agency, shall ensure that any information provided to an individual or entity under this subsection is provided in accordance with protocols established under this subsection.

(I) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to affect the rights of an individual under section 552a(p) of title 5, United States Code.

(f) DEVELOPMENT AND ACCESS TO A DATABASE OF INCARCERATED INDIVIDUALS.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit to Congress recommendations for increasing the use of, access to, and the technical feasibility of using data on the Federal, State, and local conviction and incarceration status of individuals for purposes of identifying and preventing improper payments by Federal agencies and programs and fraud.

(g) PLAN TO CURB FEDERAL IMPROPER PAYMENTS TO DECEASED INDIVIDUALS BY IMPROVING THE QUALITY AND USE BY FEDERAL AGENCIES OF THE SOCIAL SECURITY ADMINISTRATION DEATH MASTER FILE.—

(1) ESTABLISHMENT.—In conjunction with the Commissioner of Social Security and in consultation with relevant stakeholders that have an interest in or responsibility for providing the data, and the States, the Director of the Office of Management and Budget shall establish a plan for improving the quality, accuracy, and timeliness of death data maintained by the Social Security Administration, including death information re-

ported to the Commissioner under section 205(r) of the Social Security Act (42 U.S.C. 405(r)).

(2) ADDITIONAL ACTIONS UNDER PLAN.—The plan established under this subsection shall include recommended actions by agencies to—

(A) increase the quality and frequency of access to the Death Master File and other death data;

(B) achieve a goal of at least daily access as appropriate;

(C) provide for all States and other data providers to use improved and electronic means for providing data;

(D) identify improved methods by agencies for determining ineligible payments due to the death of a recipient through proactive verification means; and

(E) address improper payments made by agencies to deceased individuals as part of Federal retirement programs.

(3) REPORT.—Not later than 120 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall submit a report to Congress on the plan established under this subsection, including recommended legislation.

#### SEC. 6. IMPROVING RECOVERY OF IMPROPER PAYMENTS.

(a) DEFINITION.—In this section, the term “recovery audit” means a recovery audit described under section 2(h) of the Improper Payments Elimination and Recovery Act of 2010.

(b) REVIEW.—The Director of the Office of Management and Budget shall determine—

(1) current and historical rates and amounts of recovery of improper payments (or, in cases in which improper payments are identified solely on the basis of a sample, recovery rates and amounts estimated on the basis of the applicable sample), including a list of agency recovery audit contract programs and specific information of amounts and payments recovered by recovery audit contractors; and

(2) targets for recovering improper payments, including specific information on amounts and payments recovered by recovery audit contractors.

#### NOTICES OF HEARINGS

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a field hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Wednesday, August 15, 2012, at 10:00 a.m., at the University of Colorado, Centennial Room 203, Colorado Springs, 1420 Austin Bluffs Pkwy, Colorado Springs, CO.

The purpose of the hearing is to discuss the recent Colorado wildfires, focusing on lessons learned that can be applied to future suppression, recovery, and mitigation efforts. The Fourmile Canyon fire report that was released on July 25 will be discussed, as will projections for future wildfire conditions and best practices that can improve forest health.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those

wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by e-mail to

Meagan\_Gins@energy.senate.gov.

For further information, please contact Kevin Rennert (202) 224-7826, Meagan Gins at (202) 224-0883, or Jacqueline Emanuel at (202) 224-5512.

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a field hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Friday, August 17, 2012, at 10:00 a.m., at the Santa Fe Community College, 6401 Richards Avenue, Room 216 Lecture Hall, West Wing of the Main Building, Santa Fe, NM.

The purpose of the hearing is to examine the current and future impacts of climate change on the Intermountain West, focusing on drought, wildfire frequency and severity, and ecosystems.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by e-mail to

Meagan\_Gins@energy.senate.gov.

For further information, please contact Kevin Rennert at (202) 224-7826 or Meagan Gins at (202) 224-0883.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on August 1, 2012, at 9 a.m. in room SR 328A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on August 1, 2012, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

The Committee will hold a hearing entitled, “Marketplace Fairness: Leveling the Playing Field for Small Business.”

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on August 1, 2012, at 10 a.m. in Dirksen 406 to conduct a hearing entitled, "Update on the Latest Climate Change Science and Local Adaptation Measures."

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON FINANCE

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on August 1, 2012, at 10:30 a.m. in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled "Tax Reform: Examining the Taxation of Business Entities."

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON FOREIGN RELATIONS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on August 1, 2012, at 10 a.m. to hold a hearing entitled "Next Steps in Syria."

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON THE JUDICIARY

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on August 1, 2012, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Rising Prison Costs: Restricting Budgets and Crime Prevention Options."

The PRESIDING OFFICER. Without objection, it is so ordered.

## SUBCOMMITTEE ON EUROPEAN AFFAIRS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on August 1, 2012, at 2:30 p.m., to hold a European Affairs subcommittee hearing entitled, "The Future of the Eurozone: Outlook and Lessons."

The PRESIDING OFFICER. Without objection, it is so ordered.

## SUBCOMMITTEE ON HOUSING, TRANSPORTATION, AND COMMUNITY DEVELOPMENT

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs Subcommittee on Housing, Transportation, and Community Development be authorized to meet during the session of the Senate on August 1, 2012, at 10 a.m., to conduct a hearing entitled, "Streamlining and Strengthening HUD's Rental Housing Assistance Programs."

The PRESIDING OFFICER. Without objection, it is so ordered.

## PRIVILEGES OF THE FLOOR

Mr. MERKLEY. Mr. President, I ask unanimous consent that privileges of the floor be granted to Jenny Carson, an intern in my office, for the remainder of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARDIN. Mr. President, I ask unanimous consent that Katharine Beamer, a Department of State detailee from my office, be granted the privilege of the floor during today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask unanimous consent that Jasper Craven of my staff be given the privileges of the floor for the rest of today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask unanimous consent that Jeanette Quick, a detailee on the Banking Committee staff, as well as Inganni Acosta and Georgina Cannan, two interns on Senator JOHNSON's staff, be granted floor privileges for the remainder of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that Kareem Yakub and Ghazan Jamal, members of my staff, be granted the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the following interns from my office be granted floor privileges for today's session: Jenessa Albertson, Carly Colligan, Cale Clingenpeel, Courtney Lewis, Travis Logan, Joseph Mueller, Katherine Tomera, Marissa Torgerson, Sierra Udland, Douglas Watts, Mari Freitag, and Parker Haymans.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

## DESIGNATING THE WARREN LINDLEY POST OFFICE

DESIGNATING THE REVEREND ABE BROWN POST OFFICE BUILDING

DESIGNATING THE SERGEANT RICHARD FRANKLIN ABSHIRE POST OFFICE BUILDING

DESIGNATING THE SPC NICHOLAS SCOTT HARTGE POST OFFICE

DESIGNATING THE FIRST SERGEANT LANDRES CHEEKS POST OFFICE BUILDING

Mr. REID. I ask unanimous consent that the Homeland Security and Gov-

ernmental Affairs Committee be discharged from the following postal-naming bills en bloc, and the Senate proceed to their consideration en bloc: H.R. 1369 through H.R. 3276, H.R. 3412, H.R. 3501 and H.R. 3772.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate proceeded to consider the bills.

Mr. REID. Mr. President, I ask unanimous consent that the bills be read a third time and passed en bloc; the motions to reconsider be laid upon the table en bloc, with no intervening action or debate; and any related statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1369) to designate the facility of the United States Postal Service located at 1021 Pennsylvania Avenue in Hartshorne, Oklahoma, as the "Warren Lindley Post Office" was ordered to a third reading, was read the third time, and passed.

The bill (H.R. 3276) to designate the facility of the United States Postal Service located at 2810 East Hillsborough Avenue in Tampa, Florida, as the "Reverend Abe Brown Post Office Building," was ordered to a third reading, was read the third time, and passed.

The bill (H.R. 3412) to designate the facility of the United States Postal Service located at 1421 Veterans Memorial Drive in Abbeville, Louisiana, as the "Sergeant Richard Franklin Abshire Post Office Building," was ordered to a third reading, was read the third time, and passed.

A bill (H.R. 3501) to designate the facility of the United States Postal Service located at 125 Kerr Avenue in Rome City, Indiana, as the "SPC Nicholas Scott Hartge Post Office," was ordered to a third reading, was read the third time, and passed.

A bill (H.R. 3772) to designate the facility of the United States Postal Service located at 150 South Union Street in Canton, Mississippi, as the "First Sergeant Landres Cheeks Post Office Building," was ordered to a third reading, was read the third time, and passed.

AMENDING THE YSLETA DEL SUR PUEBLO AND ALABAMA AND COUSHATTA INDIAN TRIBES OF TEXAS RESTORATION ACT

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 480, H.R. 1560.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1560) to amend the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act to allow the Ysleta del Sur Pueblo Tribe to determine blood quantum requirement for membership in that tribe.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be made and laid upon the table, there be no intervening action or debate, and that any statements related to this measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1560) was ordered to a third reading, was read the third time, and passed.

# IMPROPER PAYMENTS ELIMINATION AND RECOVERY IMPROVEMENT ACT OF 2012

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 449, S. 1409.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1409) to intensify efforts to identify, prevent, and recover payment error, waste, fraud, and abuse within Federal spending.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

## SECTION 1. SHORT TITLE.

This Act may be cited as the "Improper Payments Elimination and Recovery Improvement Act of 2012".

## SEC. 2. DEFINITION.

In this Act, the term "agency" means an executive agency as that term is defined under section 102 of title 31, United States Code.

## SEC. 3. IMPROVING THE DETERMINATION OF IMPROPER PAYMENTS BY FEDERAL AGENCIES.

(a) IN GENERAL.—Section 2 of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended—

(1) by redesignating subsections (b) through (g) as subsections (c) through (h), respectively;

(2) by inserting after subsection (a) the following:

“(b) IMPROVING THE DETERMINATION OF IMPROPER PAYMENTS.—

“(1) IN GENERAL.—The Director of the Office of Management and Budget shall on an annual basis—

“(A) identify a list of high-priority Federal programs for greater levels of oversight and review—

“(i) in which the highest dollar value or highest frequency of improper payments occur; or

“(ii) for which there is a higher risk of improper payments; and

“(B) in coordination with the agency responsible for administering the high-priority program, establish annual targets and semi-annual or quarterly actions for reducing improper payments associated with each high-priority program.

“(2) REPORT ON HIGH-PRIORITY IMPROPER PAYMENTS.—

“(A) IN GENERAL.—Subject to Federal privacy policies and to the extent permitted by law, each

agency with a program identified under paragraph (1)(A) on an annual basis shall submit to the Inspector General of that agency, and make available to the public (including availability through the Internet), a report on that program.

“(B) CONTENTS.—Each report under this paragraph—

“(i) shall describe—

“(I) any action the agency—

“(aa) has taken or plans to take to recover improper payments; and

“(bb) intends to take to prevent future improper payments; and

“(ii) shall not include any referrals the agency made or anticipates making to the Department of Justice, or any information provided in connection with such referrals.

“(C) PUBLIC AVAILABILITY ON CENTRAL WEBSITE.—The Office of Management and Budget shall make each report submitted under this paragraph available on a central website.

“(D) AVAILABILITY OF INFORMATION TO INSPECTOR GENERAL.—Subparagraph (B)(ii) shall not prohibit any referral or information being made available to an Inspector General as otherwise provided by law.

“(E) ASSESSMENT AND RECOMMENDATIONS.—The Inspector General of each agency that submits a report under this paragraph shall—

“(i) review—

“(I) the assessment of the level of risk associated with the applicable program, and the quality of the improper payment estimates and methodology of the agency; and

“(II) the oversight or financial controls to identify and prevent improper payments; and

“(ii) provide recommendations, for modifying any plans of the agency, including improvements for improper payments determination and estimation methodology.”;

(3) in subsection (d) (as redesignated by paragraph (1) of this subsection), by striking “subsection (b)” each place that term appears and inserting “subsection (c)”; and

(4) in subsection (e) (as redesignated by paragraph (1) of this subsection), by striking “subsection (b)” and inserting “subsection (c)”.

(b) IMPROVED ESTIMATES.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall provide guidance to agencies for improving the estimates of improper payments under the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).

(2) GUIDANCE.—Guidance under this subsection shall—

(A) strengthen the estimation process of agencies by setting standards for agencies to follow in determining the underlying validity of sampled payments to ensure amounts being billed are proper; and

(B) instruct agencies to give the persons or entities performing improper payments estimates access to all necessary payment data, including access to relevant documentation;

(C) explicitly bar agencies from relying on self-reporting by the recipients of agency payments as the sole source basis for improper payments estimates;

(D) require agencies to include all identified improper payments in the reported estimate, regardless of whether the improper payment in question has been or is being recovered;

(E) include payments to employees, including salary, locality pay, travel pay, purchase card use, and other employee payments, as subject to risk assessment and, where appropriate, improper payment estimation; and

(F) require agencies to tailor their corrective actions for the high-priority programs identified under section 2(b)(1)(A) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) to better reflect the unique processes, pro-

cedures, and risks involved in each specific program.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—The Improper Payments Elimination and Recovery Act of 2010 (Public Law 111–204; 124 Stat. 2224) is amended—

(1) in section 2(h)(1) (31 U.S.C. 3321 note), by striking “section 2(f)” and all that follows and inserting “section 2(g) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).”; and

(2) in section 3(a) (31 U.S.C. 3321 note)—

(A) in paragraph (1), by striking “section 2(f)” and all that follows and inserting “section 2(g) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).”; and

(B) in paragraph (3)—

(i) by striking “section 2(b)” each place it appears and inserting “section 2(c)”; and

(ii) by striking “section 2(c)” each place it appears and inserting “section 2(d)”.

## SEC. 4. IMPROPER PAYMENTS INFORMATION.

Section 2(a)(3)(A)(ii) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended by striking “with respect to fiscal years following September 30th of a fiscal year beginning before fiscal year 2013 as determined by the Office of Management and Budget” and inserting “with respect to fiscal year 2014 and each fiscal year thereafter”.

## SEC. 5. DO NOT PAY INITIATIVE.

(a) PREPAYMENT AND PREAWARD PROCEDURES.—

(1) IN GENERAL.—Each agency shall review prepayment and preaward procedures and ensure that a thorough review of available databases with relevant information on eligibility occurs to determine program or award eligibility and prevent improper payments before the release of any Federal funds.

(2) DATABASES.—At a minimum and before issuing any payment and award, each agency shall review as appropriate the following databases to verify eligibility of the payment and award:

(A) The Death Master File of the Social Security Administration.

(B) The General Services Administration's Excluded Parties List System.

(C) The Debt Check Database of the Department of the Treasury.

(D) The Credit Alert System or Credit Alert Interactive Voice Response System of the Department of Housing and Urban Development.

(E) The List of Excluded Individuals/Entities of the Office of Inspector General of the Department of Health and Human Services.

(b) DO NOT PAY INITIATIVE.—

(1) ESTABLISHMENT.—There is established the Do Not Pay Initiative which shall consist of—

(A) the databases described under subsection (a)(2); and

(B) any other database designated by the Director of the Office of Management and Budget in consultation with agencies.

(2) OTHER DATABASES.—In making designations of other databases under paragraph (1)(B), the Director of the Office of Management and Budget shall consider any database that assists in preventing improper payments.

(3) ACCESS AND REVIEW BY AGENCIES.—For purposes of identifying and preventing improper payments, each agency shall have access to, and use of, the Do Not Pay Initiative to determine payment or award eligibility when the Director of the Office of Management and Budget determines the Do Not Pay Initiative is appropriately established for the agency.

(4) PAYMENT OTHERWISE REQUIRED.—When using the Do Not Pay Initiative, an agency shall recognize that there may be circumstances under which the law requires a payment or award to be made to a recipient, regardless of whether that recipient is on the Do Not Pay Initiative.

(c) **DATABASE INTEGRATION PLAN.**—Not later than 60 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall provide to the Congress a plan for—

(1) inclusion of other databases on the Do Not Pay Initiative;

(2) to the extent permitted by law, agency access to the Do Not Pay Initiative; and

(3) the multilateral data use agreements described under subsection (e).

(d) **INITIAL WORKING SYSTEM.**—

(1) **ESTABLISHMENT.**—Not later than 90 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall establish a working system for prepayment and preaward review that includes the Do Not Pay Initiative as described under this section.

(2) **WORKING SYSTEM.**—The working system established under paragraph (1)—

(A) may be located within an appropriate agency;

(B) shall include not less than 3 agencies as users of the system; and

(C) shall include investigation activities for fraud and systemic improper payments detection through analytic technologies and other techniques, which may include commercial database use or access.

(3) **APPLICATION TO ALL AGENCIES.**—Not later than January 1, 2013, each agency shall review all payments and awards for all programs of that agency through the system established under this subsection.

(e) **MULTILATERAL DATA USE AGREEMENTS.**—

(1) **IN GENERAL.**—Not later than 60 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall develop a plan to establish a multilateral data use agreement authority to carry out this section, including access to databases such as the New Hire Database under section 453(j) of the Social Security Act (42 U.S.C. 653(j)).

(2) **PRIVACY ACT MATCHING AGREEMENTS.**—Section 552a(o)(1) of title 5, United States Code, is amended in the matter preceding subparagraph (A), by inserting “or an agreement governing multiple agencies” before “specifying”.

(3) **GENERAL PROTOCOLS AND SECURITY.**—

(A) **IN GENERAL.**—In developing the multilateral data use agreements, the Director of the Office of Management and Budget shall establish implementing regulations and guidelines that include streamlined interagency processes to ensure agency access to data, and provide for appropriate transfer and storage of any transferred data, in a manner consistent with relevant privacy, security and disclosure laws.

(B) **CONSULTATION.**—The Director of the Office of Management and Budget shall consult with—

(i) the Council of Inspectors General on Integrity and Efficiency before implementing this paragraph; and

(ii) the Secretary of Health and Human Services, the Social Security Administrator, and the head of any other agency, as appropriate.

(f) **DEVELOPMENT AND ACCESS TO A DATABASE OF INCARCERATED INDIVIDUALS.**—Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit to Congress recommendations for increasing the use of, access to, and the technical feasibility of using data on the Federal, State, and local conviction and incarceration status of individuals for purposes of identifying and preventing improper payments by Federal agencies and programs and fraud.

(g) **PLAN TO CURB FEDERAL IMPROPER PAYMENTS TO DECEASED INDIVIDUALS BY IMPROVING THE QUALITY AND USE BY FEDERAL AGENCIES OF THE SOCIAL SECURITY ADMINISTRATION DEATH MASTER FILE.**—

(1) **ESTABLISHMENT.**—In conjunction with the Commissioner of Social Security and in con-

sultation with relevant stakeholders that have an interest in or responsibility for providing the data, and the States, the Director of the Office of Management and Budget shall establish a plan for improving the quality, accuracy, and timeliness of death data maintained by the Social Security Administration, including death information reported to the Commissioner under section 205(r) of the Social Security Act (42 U.S.C. 405(r)).

(2) **ADDITIONAL ACTIONS UNDER PLAN.**—The plan established under this subsection shall include recommended actions by agencies to—

(A) increase the quality and frequency of access to the Death Master File and other death data;

(B) achieve a goal of at least daily access as appropriate;

(C) provide for all States and other data providers to use improved and electronic means for providing data;

(D) identify improved methods by agencies for determining ineligible payments due to the death of a recipient through proactive verification means; and

(E) address improper payments made by agencies to deceased individuals as part of Federal retirement programs.

(3) **REPORT.**—Not later than 120 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall submit a report to Congress on the plan established under this subsection, including recommended legislation.

## **SEC. 6. IMPROVING RECOVERY OF IMPROPER PAYMENTS.**

(a) **DEFINITION.**—In this section, the term “recovery audit” means a recovery audit described under section 2(h) of the Improper Payments Elimination and Recovery Act of 2010.

(b) **IN GENERAL.**—The Director of the Office of Management and Budget shall determine—

(1) current and historical rates and amounts of recovery of improper payments (or, in cases in which improper payments are identified solely on the basis of a sample, recovery rates and amounts estimated on the basis of the applicable sample), including specific information of amounts and payments recovered by recovery audit contractors; and

(2) targets for recovering improper payments, including specific information on amounts and payments recovered by recovery audit contractors.

(c) **RECOVERY AUDIT CONTRACTOR PROGRAMS.**—

(1) **ESTABLISHMENT.**—Not later than 90 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall establish a plan for no less than 10 Recovery Audit Contracting programs for the purpose of identifying and recovering overpayments and underpayments in 10 agencies.

(2) **RANGE OF RECOVERY AUDIT CONTRACTING TYPES.**—Programs established under paragraph (1) shall be representative of different types of—

(A) programs, including programs that differ in size, payment types, and recipient types (such as beneficiaries and vendors or contractors) across the Federal Government; and

(B) recover audit contracting (including individual payments review and demographic analysis).

(3) **INITIAL OPERATION OF PROGRAMS.**—Not later than 1 year after the plan under paragraph (1) is established, each applicable agency shall establish the programs included in that plan which shall be conducted for not more than a 3-year period.

(4) **REPORTS.**—

(A) **IN GENERAL.**—Not later than 2 years after establishing a program under the plan established under paragraph (1), the head of the agency conducting the program shall submit a report on the program to Congress.

(B) **CONTENTS.**—Each report under this paragraph shall include—

(i) a description of the impact of the program on savings and recoveries; and

(ii) such recommendations as the head of the agency considers appropriate on extending or expanding the program.

Mr. REID. Mr. President, I ask unanimous consent that the committee-reported substitute amendment be considered, the Carper amendment, which is at the desk, be agreed to, the committee-reported amendment, as amended, be agreed to, and the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any related statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2770) was agreed to, as follows:

(Purpose: In the nature of a substitute)

In lieu of the matter proposed to be inserted, insert the following:

### **SECTION 1. SHORT TITLE.**

This Act may be cited as the “Improper Payments Elimination and Recovery Improvement Act of 2012”.

### **SEC. 2. DEFINITIONS.**

In this Act—

(1) the term “agency” means an executive agency as that term is defined under section 102 of title 31, United States Code; and

(2) the term “improper payment” has the meaning given that term in section 2(g) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note), as redesignated by section 3(a)(1) of this Act.

### **SEC. 3. IMPROVING THE DETERMINATION OF IMPROPER PAYMENTS BY FEDERAL AGENCIES.**

(a) **IN GENERAL.**—Section 2 of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended—

(1) by redesignating subsections (b) through (g) as subsections (c) through (h), respectively;

(2) by inserting after subsection (a) the following:

“(b) **IMPROVING THE DETERMINATION OF IMPROPER PAYMENTS.**—

“(1) **IN GENERAL.**—The Director of the Office of Management and Budget shall on an annual basis—

“(A) identify a list of high-priority Federal programs for greater levels of oversight and review—

“(i) in which the highest dollar value or highest rate of improper payments occur; or

“(ii) for which there is a higher risk of improper payments; and

“(B) in coordination with the agency responsible for administering the high-priority program, establish annual targets and semi-annual or quarterly actions for reducing improper payments associated with each high-priority program.

“(2) **REPORT ON HIGH-PRIORITY IMPROPER PAYMENTS.**—

“(A) **IN GENERAL.**—Subject to Federal privacy policies and to the extent permitted by law, each agency with a program identified under paragraph (1)(A) on an annual basis shall submit to the Inspector General of that agency, and make available to the public (including availability through the Internet), a report on that program.

“(B) **CONTENTS.**—Each report under this paragraph—



“(i) shall describe—

“(I) any action the agency—

“(aa) has taken or plans to take to recover improper payments; and

“(bb) intends to take to prevent future improper payments; and

“(ii) shall not include any referrals the agency made or anticipates making to the Department of Justice, or any information provided in connection with such referrals.

“(C) PUBLIC AVAILABILITY ON CENTRAL WEBSITE.—The Office of Management and Budget shall make each report submitted under this paragraph available on a central website.

“(D) AVAILABILITY OF INFORMATION TO INSPECTOR GENERAL.—Subparagraph (B)(ii) shall not prohibit any referral or information being made available to an Inspector General as otherwise provided by law.

“(E) ASSESSMENT AND RECOMMENDATIONS.—The Inspector General of each agency that submits a report under this paragraph shall, for each program of the agency that is identified under paragraph (1)(A)—

“(i) review—

“(I) the assessment of the level of risk associated with the program, and the quality of the improper payment estimates and methodology of the agency relating to the program; and

“(II) the oversight or financial controls to identify and prevent improper payments under the program; and

“(ii) submit to Congress recommendations, which may be included in another report submitted by the Inspector General to Congress, for modifying any plans of the agency relating to the program, including improvements for improper payments determination and estimation methodology.”;

(3) in subsection (d) (as redesignated by paragraph (1) of this subsection), by striking “subsection (b)” each place that term appears and inserting “subsection (c)”;

(4) in subsection (e) (as redesignated by paragraph (1) of this subsection), by striking “subsection (b)” and inserting “subsection (c)”;

(5) in subsection (g)(3) (as redesignated by paragraph (1) of this subsection), by inserting “or a Federal employee” after “non-Federal person or entity”.

(b) IMPROVED ESTIMATES.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall provide guidance to agencies for improving the estimates of improper payments under the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).

(2) GUIDANCE.—Guidance under this subsection shall—

(A) strengthen the estimation process of agencies by setting standards for agencies to follow in determining the underlying validity of sampled payments to ensure amounts being billed are proper; and

(B) instruct agencies to give the persons or entities performing improper payments estimates access to all necessary payment data, including access to relevant documentation;

(C) explicitly bar agencies from relying on self-reporting by the recipients of agency payments as the sole source basis for improper payments estimates;

(D) require agencies to include all identified improper payments in the reported estimate, regardless of whether the improper payment in question has been or is being recovered;

(E) include payments to employees, including salary, locality pay, travel pay, purchase card use, and other employee payments, as

subject to risk assessment and, where appropriate, improper payment estimation; and

(F) require agencies to tailor their corrective actions for the high-priority programs identified under section 2(b)(1)(A) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) to better reflect the unique processes, procedures, and risks involved in each specific program.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—The Improper Payments Elimination and Recovery Act of 2010 (Public Law 111–204; 124 Stat. 2224) is amended—

(1) in section 2(h)(1) (31 U.S.C. 3321 note), by striking “section 2(f)” and all that follows and inserting “section 2(g) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).”; and

(2) in section 3(a) (31 U.S.C. 3321 note)—

(A) in paragraph (1), by striking “section 2(f)” and all that follows and inserting “section 2(g) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).”; and

(B) in paragraph (3)—

(i) by striking “section 2(b)” each place it appears and inserting “section 2(c).”; and

(ii) by striking “section 2(c)” each place it appears and inserting “section 2(d).”.

#### SEC. 4. IMPROPER PAYMENTS INFORMATION.

Section 2(a)(3)(A)(ii) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended by striking “with respect to fiscal years following September 30th of a fiscal year beginning before fiscal year 2013 as determined by the Office of Management and Budget” and inserting “with respect to fiscal year 2014 and each fiscal year thereafter”.

#### SEC. 5. DO NOT PAY INITIATIVE.

(a) PREPAYMENT AND PREAWARD PROCEDURES.—

(1) IN GENERAL.—Each agency shall review prepayment and preaward procedures and ensure that a thorough review of available databases with relevant information on eligibility occurs to determine program or award eligibility and prevent improper payments before the release of any Federal funds.

(2) DATABASES.—At a minimum and before issuing any payment and award, each agency shall review as appropriate the following databases to verify eligibility of the payment and award:

(A) The Death Master File of the Social Security Administration.

(B) The General Services Administration's Excluded Parties List System.

(C) The Debt Check Database of the Department of the Treasury.

(D) The Credit Alert System or Credit Alert Interactive Voice Response System of the Department of Housing and Urban Development.

(E) The List of Excluded Individuals/Entities of the Office of Inspector General of the Department of Health and Human Services.

(b) DO NOT PAY INITIATIVE.—

(1) ESTABLISHMENT.—There is established the Do Not Pay Initiative which shall include—

(A) use of the databases described under subsection (a)(2); and

(B) use of other databases designated by the Director of the Office of Management and Budget in consultation with agencies and in accordance with paragraph (2).

(2) OTHER DATABASES.—In making designations of other databases under paragraph (1)(B), the Director of the Office of Management and Budget shall—

(A) consider any database that substantially assists in preventing improper payments; and

(B) provide public notice and an opportunity for comment before designating a database under paragraph (1)(B).

(3) ACCESS AND REVIEW BY AGENCIES.—For purposes of identifying and preventing improper payments, each agency shall have access to, and use of, the Do Not Pay Initiative to verify payment or award eligibility in accordance with subsection (a) when the Director of the Office of Management and Budget determines the Do Not Pay Initiative is appropriately established for the agency.

(4) PAYMENT OTHERWISE REQUIRED.—When using the Do Not Pay Initiative, an agency shall recognize that there may be circumstances under which the law requires a payment or award to be made to a recipient, regardless of whether that recipient is identified as potentially ineligible under the Do Not Pay Initiative.

(5) ANNUAL REPORT.—The Director of the Office of Management and Budget shall submit to Congress an annual report, which may be included as part of another report submitted to Congress by the Director, regarding the operation of the Do Not Pay Initiative, which shall—

(A) include an evaluation of whether the Do Not Pay Initiative has reduced improper payments or improper awards; and

(B) provide the frequency of corrections or identification of incorrect information.

(c) DATABASE INTEGRATION PLAN.—Not later than 60 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall provide to the Congress a plan for—

(1) inclusion of other databases on the Do Not Pay Initiative;

(2) to the extent permitted by law, agency access to the Do Not Pay Initiative; and

(3) the multilateral data use agreements described under subsection (e).

(d) INITIAL WORKING SYSTEM.—

(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall establish a working system for prepayment and preaward review that includes the Do Not Pay Initiative as described under this section.

(2) WORKING SYSTEM.—The working system established under paragraph (1)—

(A) may be located within an appropriate agency;

(B) shall include not less than 3 agencies as users of the system; and

(C) shall include investigation activities for fraud and systemic improper payments detection through analytic technologies and other techniques, which may include commercial database use or access.

(3) APPLICATION TO ALL AGENCIES.—Not later than June 1, 2013, each agency shall review all payments and awards for all programs of that agency through the system established under this subsection.

(e) FACILITATING DATA ACCESS BY FEDERAL AGENCIES AND OFFICES OF INSPECTORS GENERAL FOR PURPOSES OF PROGRAM INTEGRITY.—

(1) DEFINITION.—In this subsection, the term “Inspector General” means an Inspector General described in subparagraph (A), (B), or (I) of section 11(b)(1) of the Inspector General Act of 1978 (5 U.S.C. App.).

(2) COMPUTER MATCHING BY FEDERAL AGENCIES FOR PURPOSES OF INVESTIGATION AND PREVENTION OF IMPROPER PAYMENTS AND FRAUD.—

(A) IN GENERAL.—Except as provided in this paragraph, in accordance with section 552a of title 5, United States Code (commonly known as the Privacy Act of 1974), each Inspector General and the head of each agency



may enter into computer matching agreements that allow ongoing data matching (which shall include automated data matching) in order to assist in the detection and prevention of improper payments.

(B) REVIEW.—Not later than 60 days after a proposal for an agreement under subparagraph (A) has been presented to a Data Integrity Board established under section 552a(u) of title 5, United States Code, for consideration, the Data Integrity Board shall respond to the proposal.

(C) TERMINATION DATE.—An agreement under subparagraph (A)—

(i) shall have a termination date of less than 3 years; and

(ii) during the 3-month period ending on the date on which the agreement is scheduled to terminate, may be renewed by the agencies entering the agreement for not more than 3 years.

(D) MULTIPLE AGENCIES.—For purposes of this paragraph, section 552a(o)(1) of title 5, United States Code, shall be applied by substituting “between the source agency and the recipient agency or non-Federal agency or an agreement governing multiple agencies” for “between the source agency and the recipient agency or non-Federal agency” in the matter preceding subparagraph (A).

(E) COST-BENEFIT ANALYSIS.—A justification under section 552a(o)(1)(B) of title 5, United States Code, relating to an agreement under subparagraph (A) is not required to contain a specific estimate of any savings under the computer matching agreement.

(F) GUIDANCE BY THE OFFICE OF MANAGEMENT AND BUDGET.—Not later than 6 months after the date of enactment of this Act, and in consultation with the Council of Inspectors General on Integrity and Efficiency, the Secretary of Health and Human Services, the Commissioner of Social Security, and the head of any other relevant agency, the Director of the Office of Management and Budget shall—

(i) issue guidance for agencies regarding implementing this paragraph, which shall include standards for—

(I) reimbursement of costs, when necessary, between agencies;

(II) retention and timely destruction of records in accordance with section 552a(o)(1)(F) of title 5, United States Code;

(III) prohibiting duplication and redisclosure of records in accordance with section 552a(o)(1)(H) of title 5, United States Code;

(ii) review the procedures of the Data Integrity Boards established under section 552a(u) of title 5, United States Code, and develop new guidance for the Data Integrity Boards to—

(I) improve the effectiveness and responsiveness of the Data Integrity Boards; and

(II) ensure privacy protections in accordance with section 552a of title 5, United States Code (commonly known as the Privacy Act of 1974); and

(III) establish standard matching agreements for use when appropriate; and

(iii) establish and clarify rules regarding what constitutes making an agreement entered under subparagraph (A) available upon request to the public for purposes of section 552a(o)(2)(A)(ii) of title 5, United States Code, which shall include requiring publication of the agreement on a public website.

(G) CORRECTIONS.—The Director of the Office of Management and Budget shall establish procedures providing for the correction of data in order to ensure—

(i) compliance with section 552a(p) of title 5, United States Code; and

(ii) that corrections are made in any Do Not Pay Initiative database and in any rel-

evant source databases designated by the Director of the Office of Management and Budget under subsection (b)(1).

(H) COMPLIANCE.—The head of each agency, in consultation with the Inspector General of the agency, shall ensure that any information provided to an individual or entity under this subsection is provided in accordance with protocols established under this subsection.

(I) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to affect the rights of an individual under section 552a(p) of title 5, United States Code.

(f) DEVELOPMENT AND ACCESS TO A DATABASE OF INCARCERATED INDIVIDUALS.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit to Congress recommendations for increasing the use of, access to, and the technical feasibility of using data on the Federal, State, and local conviction and incarceration status of individuals for purposes of identifying and preventing improper payments by Federal agencies and programs and fraud.

(g) PLAN TO CURB FEDERAL IMPROPER PAYMENTS TO DECEASED INDIVIDUALS BY IMPROVING THE QUALITY AND USE BY FEDERAL AGENCIES OF THE SOCIAL SECURITY ADMINISTRATION DEATH MASTER FILE.—

(1) ESTABLISHMENT.—In conjunction with the Commissioner of Social Security and in consultation with relevant stakeholders that have an interest in or responsibility for providing the data, and the States, the Director of the Office of Management and Budget shall establish a plan for improving the quality, accuracy, and timeliness of death data maintained by the Social Security Administration, including death information reported to the Commissioner under section 205(r) of the Social Security Act (42 U.S.C. 405(r)).

(2) ADDITIONAL ACTIONS UNDER PLAN.—The plan established under this subsection shall include recommended actions by agencies to—

(A) increase the quality and frequency of access to the Death Master File and other death data;

(B) achieve a goal of at least daily access as appropriate;

(C) provide for all States and other data providers to use improved and electronic means for providing data;

(D) identify improved methods by agencies for determining ineligible payments due to the death of a recipient through proactive verification means; and

(E) address improper payments made by agencies to deceased individuals as part of Federal retirement programs.

(3) REPORT.—Not later than 120 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall submit a report to Congress on the plan established under this subsection, including recommended legislation.

#### SEC. 6. IMPROVING RECOVERY OF IMPROPER PAYMENTS.

(a) DEFINITION.—In this section, the term “recovery audit” means a recovery audit described under section 2(h) of the Improper Payments Elimination and Recovery Act of 2010.

(b) REVIEW.—The Director of the Office of Management and Budget shall determine—

(1) current and historical rates and amounts of recovery of improper payments (or, in cases in which improper payments are identified solely on the basis of a sample, recovery rates and amounts estimated on the basis of the applicable sample), including a

list of agency recovery audit contract programs and specific information of amounts and payments recovered by recovery audit contractors; and

(2) targets for recovering improper payments, including specific information on amounts and payments recovered by recovery audit contractors.

The committee-reported substitute, as amended, was agreed to.

The bill (S. 1409), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

#### PROVIDING FOR THE APPOINTMENT OF BARBARA BARRETT AS A CITIZEN REGENT OF THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S.J. Res. 49.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 49) providing for the appointment of Barbara Barrett as a citizen regent of the Board of Regents of the Smithsonian Institution.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. REID. Mr. President, I ask unanimous consent that the joint resolution be read a third time and passed, the motion to reconsider be laid upon the table, there be no intervening action or debate, and any statements related to the matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (S.J. Res. 49) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

#### S.J. RES. 49

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That, in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the expiration of the term of Alan Spoon of Massachusetts on May 5, 2012, is filled by the appointment of Barbara Barrett of Arizona. The appointment is for a term of 6 years, beginning on the later of May 5, 2012, or the date of the enactment of this joint resolution.

#### NATIONAL DAY OF REMEMBRANCE FOR NUCLEAR WEAPONS PROGRAM WORKERS

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 519, and that the Senate proceed to the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 519) designating October 30, 2012, as a national day of remembrance for nuclear weapons program workers.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table with no intervening action or debate, and any statements be printed in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 519) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 519

Whereas, since World War II, hundreds of thousands of men and women, including uranium miners, millers, and haulers, have served the United States by building nuclear weapons for the defense of the United States;

Whereas those dedicated workers paid a high price for their service to develop a nuclear weapons program for the benefit of the United States, including by developing disabling or fatal illnesses;

Whereas the Senate recognized the contribution, service, and sacrifice those patriotic men and women made for the defense of the United States in Senate Resolution 151, 111th Congress, agreed to May 20, 2009; Senate Resolution 653, 111th Congress, agreed to September 28, 2010; and Senate Resolution 275, 112th Congress, agreed to September 26, 2011;

Whereas a national day of remembrance time capsule has been crossing the United States, collecting artifacts and the stories of nuclear weapons program workers relating to the nuclear defense era of the United States, and a remembrance quilt has been constructed to memorialize the contribution of those workers;

Whereas the stories and artifacts reflected in the time capsule and the remembrance quilt reinforce the importance of recognizing nuclear weapons program workers; and

Whereas those patriotic men and women deserve to be recognized for the contribution, service, and sacrifice they have made for the defense of the United States: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates October 30, 2012, as a national day of remembrance for the nuclear weapons program workers, including uranium miners, millers, and haulers, of the United States; and

(2) encourages the people of the United States to support and participate in appropriate ceremonies, programs, and other activities to commemorate October 30, 2012, as a national day of remembrance for past and present workers in the nuclear weapons program of the United States.

## RESOLUTIONS SUBMITTED TODAY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration en bloc of the following resolutions which were submitted earlier today: S. Res. 536, S.

Res. 537, S. Res. 538, S. Res. 539, and S. Res. 540.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senate will proceed to consider the resolutions en bloc.

Mr. REID. Mr. President, I ask unanimous consent the resolutions be agreed to, the preambles be agreed to, the motions to reconsider be laid upon the table en bloc with no intervening action or debate, and any statements related to these matters be printed in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolutions were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:

S. RES. 536

(Designating September 9, 2012, as “National Fetal Alcohol Spectrum Disorders Awareness Day”)

Whereas the term “fetal alcohol spectrum disorders” includes a broader range of conditions than the term “fetal alcohol syndrome” and has replaced the term “fetal alcohol syndrome” as the umbrella term describing the range of effects that can occur in an individual whose mother consumed alcohol during her pregnancy;

Whereas fetal alcohol spectrum disorders are the leading cause of cognitive disability in Western civilization, including the United States, and are 100 percent preventable;

Whereas fetal alcohol spectrum disorders are a major cause of numerous social disorders, including learning disabilities, school failure, juvenile delinquency, homelessness, unemployment, mental illness, and crime;

Whereas the incidence rate of fetal alcohol syndrome is estimated at 1 out of every 500 live births and the incidence rate of fetal alcohol spectrum disorders is estimated at 1 out of every 100 live births;

Whereas, in February 1999, a small group of parents with children who suffer from fetal alcohol spectrum disorders united to promote awareness of the devastating consequences of alcohol consumption during pregnancy by establishing International Fetal Alcohol Syndrome Awareness Day;

Whereas September 9, 1999, became the first International Fetal Alcohol Syndrome Awareness Day;

Whereas Bonnie Buxton of Toronto, Canada, the co-founder of the first International Fetal Alcohol Syndrome Awareness Day, asked “What if . . . a world full of FAS/E [Fetal Alcohol Syndrome/Effect] parents all got together on the ninth hour of the ninth day of the ninth month of the year and asked the world to remember that, during the 9 months of pregnancy, a woman should not consume alcohol . . . would the rest of the world listen?”; and

Whereas, on the ninth day of the ninth month of each year since 1999, communities around the world have observed International Fetal Alcohol Syndrome Awareness Day: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates September 9, 2012, as “National Fetal Alcohol Spectrum Disorders Awareness Day”; and

(2) calls on the people of the United States to observe National Fetal Alcohol Spectrum Disorders Awareness Day with—

(A) appropriate ceremonies—

(i) to promote awareness of the effects of prenatal exposure to alcohol;

(ii) to increase compassion for individuals affected by prenatal exposure to alcohol;

(iii) to minimize the effects of prenatal exposure to alcohol; and

(iv) to ensure healthier communities across the United States; and

(B) a moment of reflection during the ninth hour of September 9, 2012, to remember that a woman should not consume alcohol during the 9 months of her pregnancy.

S. RES. 537

(Supporting the goals and ideals of National Ovarian Cancer Awareness Month)

Whereas ovarian cancer is the deadliest of all gynecologic cancers;

Whereas ovarian cancer is the 5th leading cause of cancer deaths among women in the United States;

Whereas approximately 22,000 women will be diagnosed with ovarian cancer this year, and 15,500 will die from the disease;

Whereas these deaths are those of our mothers, sisters, daughters, family members, and community leaders;

Whereas the mortality rate for ovarian cancer has not significantly decreased since the “War on Cancer” was declared, more than 40 years ago;

Whereas all women are at risk for ovarian cancer, and 90 percent of women diagnosed with ovarian cancer do not have a family history that puts them at higher risk;

Whereas some women, such as those with a family history of breast or ovarian cancer, are at higher risk for developing the disease;

Whereas the Pap test is sensitive and specific to the early detection of cervical cancer, but not to ovarian cancer;

Whereas, as of the date of agreement to this resolution, there is no reliable early detection test for ovarian cancer;

Whereas many people are unaware that the symptoms of ovarian cancer often include bloating, pelvic or abdominal pain, difficulty eating or feeling full quickly, urinary symptoms, and several other symptoms that are easily confused with other diseases;

Whereas, in June 2007, the first national consensus statement on ovarian cancer symptoms was developed to provide consistency in describing symptoms to make it easier for women to learn and remember the symptoms;

Whereas there are known methods to reduce the risk of ovarian cancer, including prophylactic surgery, oral contraceptives, and breast-feeding;

Whereas, due to the lack of a reliable early detection test, 75 percent of cases of ovarian cancer are detected at an advanced stage, making the overall 5-year survival rate only 45 percent;

Whereas there are factors that are known to reduce the risk for ovarian cancer and that play an important role in the prevention of the disease;

Whereas awareness of the symptoms of ovarian cancer by women and health care providers can lead to a quicker diagnosis;

Whereas, each year during the month of September, the Ovarian Cancer National Alliance and its partner members hold a number of events to increase public awareness of ovarian cancer; and

Whereas September 2012 should be designated as “National Ovarian Cancer Awareness Month” to increase the awareness of the public regarding the cancer:

Now, therefore, be it

*Resolved*, That the Senate supports the goals and ideals of National Ovarian Cancer Awareness Month.

S. RES. 538

(Designating September 2012 as "National Prostate Cancer Awareness Month")

Whereas countless families in the United States live with prostate cancer;

Whereas 1 in 6 males in the United States will be diagnosed with prostate cancer during his lifetime;

Whereas prostate cancer is the most commonly diagnosed non-skin cancer and the second most common cause of cancer-related deaths among males in the United States;

Whereas, in 2012, the American Cancer Society estimates that 241,740 males will be diagnosed with prostate cancer, and 28,170 males will die from the disease;

Whereas 30 percent of newly diagnosed prostate cancer cases occur in males under the age of 65;

Whereas, approximately every 14 seconds, a male in the United States turns 50 years old and increases his odds of developing cancer, including prostate cancer;

Whereas African-American males suffer from a prostate cancer death rate that is more than twice the death rate of White males from prostate cancer;

Whereas obesity is a significant predictor of the severity of prostate cancer;

Whereas the probability that obesity will lead to death and high cholesterol levels is strongly associated with advanced prostate cancer;

Whereas males in the United States with 1 family member diagnosed with prostate cancer have a 33 percent chance of being diagnosed with the disease, males with 2 family members diagnosed have an 83 percent chance, and males with 3 family members diagnosed have a 97 percent chance;

Whereas screening by a digital rectal examination and a prostate-specific antigen blood test can detect the disease at the early stages, increasing the chances of survival for more than 5 years to nearly 100 percent;

Whereas only 27.8 percent of males survive more than 5 years if diagnosed with prostate cancer after the cancer has metastasized;

Whereas there are no noticeable symptoms of prostate cancer while the cancer is in the early stages, making screening critical;

Whereas ongoing research promises further improvements in prostate cancer prevention, early detection, and treatment; and

Whereas educating people in the United States, including health care providers, about prostate cancer and early detection strategies is crucial to saving the lives of males and preserving and protecting families: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates September 2012 as "National Prostate Cancer Awareness Month";

(2) declares that steps should be taken—

(A) to raise awareness about the importance of screening methods for, and treatment of, prostate cancer;

(B) to increase research funding in an amount commensurate with the burden of prostate cancer so that—

(i) screening and treatment for prostate cancer may be improved;

(ii) the causes of prostate cancer may be discovered; and

(iii) a cure for prostate cancer may be developed; and

(C) to continue to consider ways for improving access to, and the quality of, health care services for detecting and treating prostate cancer; and

(3) calls on the people of the United States, interested groups, and affected persons—

(A) to promote awareness of prostate cancer;

(B) to take an active role in the fight to end the devastating effects of prostate cancer on individuals, families, and the economy; and

(C) to observe National Prostate Cancer Awareness Month with appropriate ceremonies and activities.

S. RES. 539

(Designating October 13, 2012, as "National Chess Day")

Whereas there are more than 80,000 members of the United States Chess Federation (referred to in this preamble as the "Federation"), and an unknown number of additional people in the United States who play chess without joining an official organization;

Whereas approximately ½ of the members of the Federation are members of scholastic chess programs, and many of those members join the Federation by the age of 10;

Whereas the Federation is very supportive of scholastic chess programs and sponsors a Certified Chess Coach program that provides the coaches involved in the scholastic chess programs with training and ensures schools and students can have confidence in the programs;

Whereas many studies have linked scholastic chess programs to the improvement of students' scores in reading and math, as well as improved self-esteem;

Whereas the Federation offers guidance to educators to help incorporate chess into the school curriculum;

Whereas chess is a powerful cognitive learning tool that can be used to successfully enhance students' reading skills and understanding of math concepts; and

Whereas chess engages students of all learning styles and strengths and promotes problem-solving and higher-level thinking skills: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates October 13, 2012, as "National Chess Day" to enhance awareness and encourage students and adults to play chess, a game known to enhance critical-thinking and problem-solving skills; and

(2) encourages the people of the United States to observe National Chess Day with appropriate programs and activities.

## NATIONAL CHESS DAY RESOLUTION

Mr. ROCKEFELLER. Mr. President, I rise in support of a bipartisan resolution to designate National Chess Day as October 13, 2012. I greatly appreciate the support of my colleagues, Senator LAMAR ALEXANDER of Tennessee and Senator CARL LEVIN of Michigan.

National Chess Day is designed to enhance awareness and encourage students and adults to engage in a game known to enhance critical thinking and problem-solving skills.

There are over 80,000 members of the Chess Federation with many of these members joining before the age of 10. Studies indicate that chess programs aid in improving students' scores in math and reading and interest students of all learning styles and strengths. Engaging students in such activities can make learning fun and help them develop a lifelong pastime to exercise their skills.

Engaging students in chess is a wonderful opportunity to promote education, and I hope as school begins in a few weeks, more students will join the

Chess Federation and learn to love this historical game.

S. RES. 540

(Designating the week of August 6 through August 10, 2012, as "National Convenient Care Clinic Week")

Whereas convenient care clinics are health care facilities located in high-traffic retail outlets that provide affordable and accessible care to patients who have little time to schedule an appointment with a traditional primary care provider or are otherwise unable to schedule such an appointment;

Whereas millions of people in the United States do not have a primary care provider, and there is a worsening primary care provider shortage that will prevent many people from obtaining one in the future;

Whereas convenient care clinics have provided an accessible alternative for more than 15,000,000 people in the United States since the first clinic opened in 2000, the number of convenient care clinics continues to increase rapidly, and as of June 2012, there are approximately 1,350 convenient care clinics in 35 States;

Whereas convenient care clinics follow rigid industry-wide quality of care and safety standards;

Whereas convenient care clinics are staffed by highly qualified health care providers, including advanced practice nurses, physician assistants, and physicians;

Whereas convenient care clinicians all have advanced education in providing quality health care for common episodic ailments including cold and flu, skin irritation, and muscle strains and sprains, and can also provide immunizations, physicals, and preventive health screening;

Whereas convenient care clinics are proven to be a cost-effective alternative to similar treatment obtained in physicians' offices, urgent care clinics, or emergency departments; and

Whereas convenient care clinics complement traditional medical service providers by providing extended weekday and weekend hours without the need for an appointment, short wait times, and visits that generally last only 15 to 20 minutes: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week of August 6 through August 10, 2012, as "National Convenient Care Clinic Week";

(2) supports the goals and ideals of National Convenient Care Clinic Week to raise awareness of the need for accessible and cost-effective health care options to complement the traditional health care model;

(3) recognizes that many people in the United States face difficulties accessing traditional models of health care delivery;

(4) supports the use of convenient care clinics as an adjunct to the traditional model of health care delivery; and

(5) calls on the States to support the establishment of convenient care clinics so that more people in the United States will have access to the cost-effective and necessary emergent and preventive services provided in the clinics.

Mr. INOUE. Mr. President, today I rise to recognize all of the providers who work in retail-based Convenient Care Clinics in a Resolution to designate August 6 through August 10, 2012 as National Convenient Care Clinic Week. National Convenient Care Clinic Week will provide a platform from which to promote the pivotal services

offered by the more than 1,350 retail-based convenient care clinics in the United States.

Today, thousands of nurse practitioners, physician assistants, and physicians provide care in convenient care clinics. At a time when Americans are more and more challenged by the inaccessibility and high costs of health care, convenient care clinics offer a primary care alternative.

A Senate Resolution will help pave the way for this effort. I ask my colleagues to join me in supporting this tribute to Convenient Care Clinics.

I request unanimous consent that the full text of my resolution be printed in the CONGRESSIONAL RECORD.

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ORDERS FOR THURSDAY, AUGUST 2, 2012

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow, Thursday, August 2; that following the prayer and pledge, the Journal of proceedings be approved to date, the

morning hour be deemed expired and the time for the two leaders be reserved for their use later in the day; that the majority leader be recognized, and that following his remarks, the Senate begin consideration of S. 3326, the AGOA/Burma sanctions bill and the Coburn amendment under the previous order.

Mr. President, I think it is important to note because of the time frame in the morning which Senator McCONNELL and I just briefly announced, he and I will give no opening statements tomorrow.

Following the debate on the Coburn amendment, the time until 11 a.m. will be equally divided and controlled between the two leaders or their designees prior to the cloture vote on S. 3414, the cyber security bill; further, that notwithstanding the outcome of the cloture vote, the Senate then proceed to vote on the Coburn amendment to S. 3326, and the remaining provisions of the previous order be executed; and finally I ask consent that the filing deadline for second-degree amendments

to S. 3414 be at 10 a.m. on Thursday morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

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PROGRAM

Mr. REID. Mr. President, there will be two rollcall votes tomorrow at 11 a.m. The first will be a cloture vote on the cyber security bill. The second will be on the Coburn amendment to the Burma sanctions legislation. Additional votes are possible tomorrow. Senators will be notified as soon as we know.

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ADJOURNMENT UNTIL 9:30 A.M.  
TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 8:05 p.m., adjourned until Thursday, August 2, 2012, at 9:30 a.m.

## HOUSE OF REPRESENTATIVES—Wednesday, August 1, 2012

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. WEBSTER).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
August 1, 2012.

I hereby appoint the Honorable DANIEL WEBSTER to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
*Speaker of the House of Representatives.*

### RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following resignation from the House of Representatives:

HOUSE OF REPRESENTATIVES,  
Washington, DC, July 31, 2012.

Hon. JOHN BOEHNER,  
*Speaker, House of Representatives, The Capitol, Washington, DC.*

DEAR SPEAKER BOEHNER: I hereby resign from the office of United States Representative for the Fourth District of Kentucky, effective at close of business on July 31, 2012. Enclosed is the letter I have submitted to Governor Steve Beshear.

I thank the people of Kentucky's Fourth District for the honor of serving as their Congressman over the last eight years.

When I was a Cadet at West Point, I internalized the words of the U.S. Military Academy's motto, "Duty, Honor, Country." Next, I learned that success was based on honoring God, Family, and Work, in that order. In December 2011, I decided that in order to honor those values, I needed to retire from Congressional service so I could more effectively serve my family as a husband and father.

Those priorities continue to guide my decisions. Recently, a family health issue has developed that will demand significantly more of my time to assist. As a result, I cannot continue to effectively fulfill my obligations to both my office and my family. Family must and will come first.

I have served with great men and women in the Congress in both parties, and leave knowing that the House is filled with people who love this country and are working to make our future better. I am grateful to have been blessed by being a part of this great institution.

Sincerely,

GEOFF DAVIS,  
*Member of Congress.*

HOUSE OF REPRESENTATIVES,  
Washington, DC, July 31, 2012.

Hon. STEVE BESHEAR,  
*Governor, Commonwealth of Kentucky, Frankfort, Kentucky.*

DEAR GOVERNOR BESHEAR: I hereby resign from the office of United States Representa-

tive for the Fourth District of Kentucky, effective at close of business on July 31, 2012.

When I was a Cadet at West Point, I internalized the words of the U.S. Military Academy's motto, "Duty, Honor, Country." Next, I learned that success was based on honoring God, Family, and Work, in that order. In December 2011, I decided that in order to honor those values, I needed to retire from Congressional service so I could more effectively serve my family as a husband and father.

Those priorities continue to guide my decisions. Recently, a family health issue has developed that will demand significantly more of my time to assist. As a result, I cannot continue to effectively fulfill my obligations to both my office and my family. Family must and will come first.

I thank the people of Kentucky's Fourth District for the honor of serving as their Congressman over the last eight years.

Sincerely,

GEOFF DAVIS,  
*Member of Congress.*

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the resignation of the gentleman from Kentucky (Mr. DAVIS), the whole number of the House is 431.

### REPORT IN THE MATTER OF ALLEGATIONS RELATING TO REPRESENTATIVE LAURA RICHARDSON

Mr. BONNER, from the Committee on Ethics, submitted a privileged report (Rept. No. 112-642) in the matter of allegations relating to Representative LAURA RICHARDSON which was referred to the House Calendar and ordered to be printed.

### MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 17, 2012, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

### RECOGNIZING STEVE LATOURETTE

The SPEAKER pro tempore. The Chair recognizes the gentleman from

Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, the House of Representatives is a unique and special place. There are many political offices in America where one can get into office via accident or appointment, but every man and woman on this floor had to be elected by friends and neighbors to deal with the fiscal and economic health of the Nation, for giving voice to people's fears, aspirations, and dreams. I count every day of service in Congress as a gift. Our friend and colleague STEVE LATOURETTE's announcement that he would not seek reelection should give pause to every one of us.

You often hear a person say they don't always agree with somebody but they respect them. With STEVE LATOURETTE, that's true. Despite being in different political parties, I deeply respect and appreciate STEVE's forthright opinions.

His focus on having the resources to rebuild and renew America is as refreshing as it is important. He's willing to call for increases in fees and taxes for infrastructure at the same time he pushes for responsible budget cutting and right-sizing government in a way that's going to pinch almost everyone. His approach is courageous and consistent and, ultimately, we will follow that balanced path.

He has a sense of justice and regular order, as when he took to the floor as a lonely voice arguing for due process on behalf of a disgraced former Member. He does what he believes in.

Another overused phrase in this body is "wake-up call." But STEVE's decision and announcement should be a wake-up call, a wake-up call to the majority party to think about what this portends for their ability to govern and what will happen when the political winds shift just a little, which they surely will. It's a wake-up call for the people on my side of the aisle that as we fight against what we think are shortsighted and destructive policies, we need to do so in a way that is fair. We all should look for opportunities to make a little progress on second- and third-tier issues that will help do some good while we build the capacity of this institution in bipartisan problem solving.

Most of all, this should be a wake-up call to the American public. Too many of us have allowed our political decisions to be outsourced as the political process increasingly is taken over by smaller and smaller groups of extreme opinion in primaries of both parties.

The Tea Party activists have gotten headlines this weekend in the Texas Senate primary, but the dynamic is known by both parties and potentially distorts the choices of candidates and of issues in the fall.

Some Members of Congress gain a little notoriety by virtue of vision or policy. Usually we get it by being outrageous and stark. Perhaps we are known at home and for groups that have interests that we work with, but the vast majority of us wouldn't register above "margin of error" on the larger stage of American national politics.

STEVE, despite two decades of solid, distinguished service, his wit, good humor, and effectiveness—is like a number of us who may be characterized as an "obscure Member of Congress." Yet I would argue STEVE LATOURETTE should be on the radar screen of every American. His is a powerful message of an institution that needs serious readjustment.

STEVE, his family, especially the younger children, will do just fine. I think he'll have a better job, spend more time with family and friends, and I think he'll live longer. But make no mistake, everybody should pay attention to his story, his career, and why he's leaving.

After a lifetime of solid, productive public service, if this leads to people's reconsidering how we do business and how the American public assesses whom they reward or punish, then our loss due to his retirement may be the most important contribution in his distinguished career.

#### OLYMPIAN RACHEL BOOTSMA MAKES MINNESOTA PROUD

The SPEAKER pro tempore. The Chair recognizes the gentleman from Minnesota (Mr. PAULSEN) for 5 minutes.

Mr. PAULSEN. Mr. Speaker, I rise to recognize Eden Prairie, Minnesota, native and U.S. Olympian, Rachel Bootsma. The 18-year-old swimmer competed on Sunday in the semifinals of the women's 100-meter backstroke. She has made her home community very proud with her incredible hard work and grace on such a grand stage.

It is no small feat to have made it to her very first Olympics, and in the coming weeks, Rachel will take another important step when she leaves Minnesota for her freshman year of college and also at that opportunity be able to swim for Olympic Coach Teri McKeever.

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So I have a feeling, Mr. Speaker, this is not the last that we will see of this tenacious swimmer. I'd like to congratulate Rachel and all of the American athletes for carrying our banner in London.

Go, Team USA.

#### DREAM ACT BECOMING A REALITY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. GUTIERREZ) for 5 minutes.

Mr. GUTIERREZ. Mr. Speaker, I believe there is no greater cause for celebration in America than when we expand rights to more of our people. We are never truer to our American values than when we look at a group of people and demand that they be treated with dignity and respect. We are never more patriotic than when we protect and expand the rights of honest, hardworking people, when we live up to our original promise of liberty and equality and give meaning to those American words: "We hold these truths to be self-evident, that all men are created equal."

Right now, we have reasons to celebrate because, shortly, the Department of Homeland Security and the White House are scheduled to announce guidelines on the application process for DREAM Act-eligible immigrants to defer deportation and get work permits so they can take a vital step toward living freely and fully in the only nation that has ever truly been their home.

Today, I want to congratulate the DREAM Act-eligible youth who have fought so hard for this right, the 1 million of them that will be taking a step forward. And I want to remind DREAM Act-eligible youth that because of the intelligent action by President Obama on August 15, they will be able to apply for work permits and protection from deportation.

On August 15, Mr. Speaker, they will take a step out of the shadows and into the light. I encourage them to take this step, and I want them to know that help and resources are available. But first, a warning: any progress on immigration is soon followed by some unscrupulous attempts to make money off the backs of deserving immigrants. So I say to my friends today: Be careful.

There is no reason that applying for relief through President Obama's use of prosecutorial discretion should be expensive or cumbersome. If someone says the only way for a DREAMer to apply is to write a big check, my advice to the DREAMer is they should run in the other direction; they are being lied to. But DREAMers should run toward help because help is on the way.

In Chicago yesterday, the Illinois Coalition for Immigration and Refugee Rights and I announced a workshop that will be held on August 15—the very first day the 1 million young people can apply for work permits and come out of the shadows and get deferred action from deportation.

The event will be held at Navy Pier in Chicago. Mayor Emanuel, myself,

and Senator DURBIN—who has played such a leadership role on the DREAM Act for years—will be there. We will have all the resources anyone needs to apply that day. It will be free. We will answer questions and we will provide the resources necessary to thousands of young people that we expect will attend.

And we are not alone in Chicago. All across the country, plans are being made by immigrant advocates and organizations and elected officials for how to help DREAM Act-eligible youth to apply for their work permits and a stay of deportation. Tomorrow, I will be joined by my colleagues to talk about resources available coast to coast.

As one important step, I encourage people to visit this Web site: dreamrelief.org. That's dreamrelief.org to find out more about who is eligible, how to apply, and where people can receive assistance, dreamrelief.org.

On August 15, across America, thousands of honest, hardworking, law-abiding DREAM Act-eligible youth immigrants should be celebrating by lining up and taking that historic step toward equality. It's a day of long-overdue fairness for our young people, and I don't want one eligible young person to miss this opportunity.

I want our young DREAMers to demonstrate to America on August 15 what they've demonstrated to their communities and their families and their friends their entire lives: they've worked hard and earned this right by excelling in school, by helping their neighborhoods, and by serving our Nation.

I know who you are—you are the next generation of leaders of our great Nation. On August 15, show all of America who you are. We need your example because it's vital to remember that every time we've expanded civil rights in America—every time—someone tried to stand in the way. From women's suffrage, to voting rights for African Americans, to Americans with disabilities, to marriage equality, someone will raise their voice against expanding the rights enjoyed by some Americans to all Americans. There is always someone who says these rights, these liberties, this equality, it's for me, it's not for you.

So I ask my DREAM Act-eligible friends—1 million strong—on August 15, show America who you are and remind America that freedom and equality is for all of us.

#### HONORING DEPUTY WILLIAM MAST, JR.

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from North Carolina (Ms. FOXX) for 5 minutes.

Ms. FOXX. Mr. Speaker, my heart is heavy for the family and friends of

Watauga County Sheriff's Deputy William Mast, Jr., who gave his life in the line of duty on July 26.

In his 23 short years, Deputy Mast made an imprint on the communities he served and called home. He was a graduate of Watauga High School and a member of Bibleway Baptist Church. He cherished the North Carolina way of life—hunting, fishing, off-roading, and riding horses in our beautiful country.

The thoughts and prayers of thousands remain with his beloved wife, Paige, their unborn child, William, his parents, Angela Wall and William Mast, Sr., his extended family, and the entire Watauga County Sheriff's Office.

May each be comforted and find peace in the midst of this tragedy. And may we be faithful to remember that the safety we experience in our communities is maintained, in part, because people like Deputy Mast volunteer to place themselves in harm's way for our protection. For that caliber of service and sacrifice, we are grateful.

#### PRESCRIPTION DRUG ABUSE

The SPEAKER pro tempore. The Chair recognizes the gentleman from West Virginia (Mr. RAHALL) for 5 minutes.

Mr. RAHALL. Mr. Speaker, I rise today to urge legislative action on a widespread public health crisis.

I want to thank, first of all, my colleagues, especially my good neighbor and chairman of the House Appropriations Committee, the gentleman from Kentucky, Mr. HAL ROGERS, Congresswoman MARY BONO MACK, and Congressmen STEVE LYNCH and BILL KEATING—whom you'll hear from in a moment—all tremendous leaders in our fight to stop this epidemic.

The CDC has confirmed what local leaders and professionals across the board have been struggling with daily: prescription drug abuse is a national epidemic—a term the CDC does not use lightly.

It is no longer a silent epidemic. It can be seen at any hour of any day on street corners and in school yards. Every day, there are new stories reporting overdoses, deaths, accidents, and tragedies of families torn apart by the vicious cycle of prescription drug abuse. And the cycle is certainly vicious.

Unlike cocaine or heroin, prescription drugs are legal and frequently prescribed by caring physicians who are led by the principle oath of "first do no harm." Yet, alarming statistics show that children and adults are blind to the harmful consequences of these drugs even as they become addicted, paying upwards of \$150 per pill to buy them on the black market.

Distressingly, my home State of West Virginia has our Nation's highest rate of drug-related deaths. In fact, between 2001 and 2008, more than 9 out of

10 of those deaths involved prescription drugs. Incredibly, drug overdoses now kill more West Virginians each year than do car accidents.

But the alarming use and deaths by prescription drugs is not just in West Virginia. As other distinguished Members will tell you, prescription drug abuse hits everyone, whether you're 9 or 90, whether you're rich or poor, living in big cities or small towns, whether you're Democrat, Independent, Republican, or whatever, anywhere in our great United States.

We know there is no one single answer, no single action, and no silver bullet in the fight against prescription drug abuse. I've met many times with law enforcement, community organizations, educators, physicians, and many other constituents, and I know that fighting back against prescription drug abuse will take the work of an entire village.

We must strengthen drug diversion, educate children and adults on prevention, work with the medical community on addiction and pain treatment, and treat and rehabilitate those affected by vicious addiction before they succumb to the death spiral.

□ 1020

I and my distinguished colleagues have put forth and supported legislation that aims to combat prescription drug abuse. We know that something more must be done from a Federal level, and that's why I've introduced H.R. 1925, the Prescription Drug Abuse Prevention and Treatment Act. This bill would implement multiple measures essential to combating prescription drug abuse, education and training, monitoring, evaluation and enforcement, and it provides a good guideline to coordinate Federal, State, and local efforts to fight this epidemic.

The bill establishes mandatory physician and consumer education and authorizes Federal funding to help our States create and maintain prescription drug monitoring programs that all States can access. It would also set up a uniform system for tracking painkiller-related deaths, helping States and law enforcement professionals manage and report data.

The West Virginia State Police, our State's attorney general, and even physicians have all consistently stressed the need for access to a prescription drug monitoring system that is shared between State lines and updated in real time.

I know my colleagues have authored and supported similar bills, like H.R. 2119, the Ryan Creedon Act, which also seeks to implement targeted physician education on prescription drug abuse and addiction, and H.R. 1065, the Pill Mill Crackdown Act, which would help further eradicate pill mills throughout our Nation. These bills address critical issues that ought to be part of this

Congress' effort to craft legislation to assist our States and communities in combating prescription drug abuse.

The toll of destruction and devastation heaped upon America's families and our economy by this epidemic demands that U.S. Congress must act, and act swiftly. So I urge my colleagues to move forward and bring legislation to the floor that will enable our communities to fight back against prescription drug abuse.

Let us act with dispatch and compassion and with an acute understanding of the enormity of the challenge before us. The future of our families and children and the entire health and well-being of local communities and our Nation depend on us.

#### THE MEDICINE CABINET EPIDEMIC

The SPEAKER pro tempore. The Chair recognizes the gentleman from Kentucky (Mr. ROGERS) for 5 minutes.

Mr. ROGERS of Kentucky. Mr. Speaker, I want to begin by thanking my colleague and friend from across the Big Sandy that divides Kentucky and West Virginia and my good friend across the aisle, NICK RAHALL, for organizing these Special Orders by the Congressional Caucus on Prescription Drug Abuse. Congress, the DEA, the medical community, State partners, and particularly the Federal Drug Administration must do more to fight the medicine cabinet epidemic.

The Office of National Drug Control Policy in the White House has identified prescription drugs as our Nation's fastest growing drug problem, easily eclipsing cocaine and heroin abuse. As has been said, the national Centers for Disease Control has said that prescription drug abuse is now a national epidemic.

In 2010, 254 million prescriptions for opioids were filled in this country. That's enough painkillers to medicate every American adult around the clock for a month.

Our military soldiers are coming back from Iraq and Afghanistan hooked on these pain pills. In the last 2 years, over 150 of our soldiers have died from overdoses.

In my home State, Kentucky's losing roughly 82 people a month to prescription drug deaths, more than car crashes. Our medicine cabinets are more dangerous than our cars.

But these statistics, of course, are just numbers. So many Americans, including members of our caucus who've taken to the House floor today, have been touched by this tragedy in some personal way. In some counties in my district, half of the children are living in a home without their parents in large part because of prescription drug abuse.

I've met single moms struggling to get through drug court and employers who can't string together a clean workforce. We've lost mothers. We've lost



grandfathers, police officers, children, brothers and sisters, husbands and wives.

This epidemic does not distinguish between socioeconomic lines or gender lines or geographic lines. It's indiscriminate in its path of destruction, and it has to stop.

FDA has to be part of saying "no" to the abuse of legal drugs. FDA is the primary entity for regulating prescription drugs with its hands on the spigot. For years, I've pleaded with the FDA to take a harder look at how these painkillers are allowed to be prescribed.

Congressman FRANK WOLF of Virginia and I have implored FDA to make these painkillers available only for severe pain. Prescription painkillers such as OxyContin and Opana were originally intended to treat severe pain caused by cancer, but over the years, based in large part on marketing practices, many physicians, dentists, other health care providers began prescribing opioid painkillers for moderate-to-severe pain. A toothache or a stubbed toe has become an excuse for an Oxy prescription.

Now, OxyContin's a wonderful drug, intended for terminally ill cancer patients, people in severe pain that need a time-released capsule over 12 hours. It helped the patient and helped the caregiver. But it's also a very addictive drug and very difficult to kick once addicted. So this is really a dangerous drug when not used in the prescribed way.

This FDA-approved indication for moderate-to-severe pain can create the false assumption that opioids are a safe and effective treatment for chronic, noncancer pain. On the contrary, more than 30 leading clinicians, researchers, and health officials recently petitioned the FDA to strike the term "moderate" from the indication for noncancer pain, add a maximum daily dose and a maximum duration of 90 days for continuous daily use.

When we're losing 16,000 people a year to these drugs, the FDA must take this petition seriously.

Second, the FDA shortly will make a vital determination about whether to approve generic versions of the original formulation of the drug OxyContin.

In 2007, the manufacturer of this drug, Purdue Pharma, was found criminally liable for deliberately misbranding their product.

After paying an unprecedented \$630 million penalty, Purdue voluntarily removed the original formulation of OxyContin from the market—and reissued the drug with a formulation which is much more difficult to abuse.

Since this new, more "gummy" drug has come on the market, abuse of OxyContin has steadily declined—while the abuse of other painkillers, like Opana, is on the rise.

Purdue's patent on the original OxyContin formulation expires in 2013, and at least three companies have filed applications with FDA to produce generic versions.

If approved, this stands to be a disaster:

1. As previously seen, original Oxy was incredibly misused and wrought havoc. We could see a new wave of deaths if this drug is available in a cheaper, generic form.

2. This would also be a tremendous setback to companies developing abuse-resistant pain medications. If generic OxyContin is available on the market for a low price, there is no financial incentive for investment in the development of abuse-resistant drugs.

FDA must realize the wide-reaching implications of this pending decision, and I encourage the Agency and Commissioner Hamburg not to put this potent drug back on the market when there are so many alternatives already available and under development.

Mr. Speaker, this epidemic is touching people in every corner of our great nation—and for that reason, I invite all of my colleagues to join us in the fight by becoming a member of the Congressional Caucus on Prescription Drug Abuse and working with us in pressing FDA to make the right decisions.

#### VERIFYING OFFICIAL TOTALS FOR ELECTIONS ACT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia (Mr. JOHNSON) for 5 minutes.

Mr. JOHNSON of Georgia. Mr. Speaker, I will introduce today the Verifying Official Totals for Elections Act, also known as the VOTE Act.

Electronic voting machines are vulnerable to poor design and tampering, and there is currently no way to verify the accuracy of an electronic vote count. The VOTE Act will ensure the integrity of our voting machines system by requiring any software used in an electronic voting system for any Federal election to be deposited in the National Software Reference Library. Depositing the software in the National Software Reference Library will allow the software to be available for review in the event of an election contest or recount.

The VOTE Act is definitely needed. We are 97 days away from a crucial election and, according to a recent report, half the States have inadequate post-audit election procedures for electronic voting machines. It also found that a quarter of States have post-audit election procedures that need improvement. Further, the report found that in every national election in the past decade, computerized voting systems have failed, machines did not start or failed in the middle of voting, memory cards could not read, and votes were mistallied.

I'm sure that you all who are computer literate out there have had a computer and you were working on it and suddenly it froze up.

□ 1030

In order to unfreeze it, you had to reboot it, and in the process, you lost all of your data that you were working on; or some of you may have had the

misfortune of a computer hard drive just freezing up on you and just crashing, and you had to take it somewhere and try to retrieve your data off of that hard drive, and it cost a whole lot of money. You may have even manipulated your child's computer to prevent access to a dangerous Web site; or somebody may have installed, unbeknownst to you, some software on your laptop computer that you carry around so that one can keep track of your whereabouts.

These are the kinds of things that we must be concerned about as far as our electronic voting machines—their accuracy and the fact that they can be manipulated.

There have been several e-voting inaccuracies since 2006, including prominent controversies in South Carolina, Florida, and Pennsylvania. The VOTE Act provides peace of mind. It does so by requiring that the source code, or the blueprint, of the e-voting system be stored in the National Software Reference Library, which will allow auditors to compare that code with the actual machine to determine if there has been any improper activity.

This is an urgent problem, and the VOTE Act is the solution. The right to vote is fundamental to our democratic process, and it is protected by the Constitution of the United States. The right to vote is protected by more constitutional amendments—the First, 14th, 15th, 19th, 24th, and 26th—than is any other right we enjoy as Americans. Thus, it is vital to ensure the integrity of that vote. We must do everything in our power to ensure that every American who casts a vote in the upcoming election is counted.

I thank Common Cause, Florida Voting, VerifiedVoting.org, and the North Carolina Coalition for Verified Voting for endorsing this bill.

I urge all of my colleagues to support the VOTE Act, and I invite Members from both sides of the aisle, Democrats and Republicans, to cosponsor this bill. Protecting the vote and the integrity of the voting process is not a partisan issue, but an issue that is important to all citizens and vital to the strength of America.

#### JOE HARTLE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. THOMPSON) for 5 minutes.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, today I rise to recognize and remember Joe Hartle—a friend and a lifelong farmer of Centre County, Pennsylvania, which is located in the Commonwealth's Fifth Congressional District.

Joe Hartle was a distinguished leader in both the agricultural and fair industries, and was a staple in the Centre County community. Sadly, he passed away in March of 2012.

First elected at the age of 17, Joe served on the Centre County Grange Fair committee for more than 60 years. For the past 25 years, Joe Hartle faithfully served as president of the Grange Encampment and Fair. Joe was instrumental in making the Centre County Grange Fair a showcase for agriculture with events to satisfy all ages. Through his leadership and hard work, the grange fair has become one of the leading fairs in the State. Held annually the week before Labor Day, the Centre County Grange Fair has become the largest encampment east of the Mississippi, and it highlights Pennsylvania's number one industry—agriculture.

In addition to his work, family was always a very important part of Joe Hartle's life. He was married to his wife, Gladys, for 56 years. They had five children—Linda, Jan, Tom, Deb, and Betsy—and 11 grandchildren. I want to thank Joe for a life spent serving others and a legacy for Centre County that will live on for generations.

Rest with the Lord, my friend.

#### KNOW BEFORE YOU OWE ACT

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Pennsylvania (Ms. SCHWARTZ) for 5 minutes.

Ms. SCHWARTZ. As August begins, millions of young people across the country are preparing to head off to college. Fall brings not only a return to course selection and roommates and football games but also to high college tuition bills. In my home State of Pennsylvania, the average cost of tuition and fees tops \$12,000 for a public 4-year school and \$32,000 a year for a private university. These high costs force 70 percent of Pennsylvania college students to take out student loans.

One of the biggest decisions facing students and college graduates is not just the amounts they borrow but who their lenders will be and whether they will be private lenders or Federal loans. Federal loans are simply a better deal. They offer lower, fixed interest rates, consumer protections and manageable repayment options. Private student loans, on the other hand, typically have uncapped, variable rates, hefty fees and few consumer protections. From 2001 to 2008, the private student loan market exploded, increasing from \$5 billion to \$20 billion. Lenders loosened underwriting standards and often cut school financial aid offices out of the process.

While students may need private loans, they should know the differences between private lenders and Federal loans and be fully informed of the differences in cost and obligation. Unfortunately, right now, a majority of student loan borrowers who are turning to more expensive student loan programs

of private options do so without fully exhausting all of the Federal student loan options available to them. This means that student borrowers unnecessarily take on increased costs.

That's why I've joined with my colleagues, Representatives JARED POLIS and TIM BISHOP, to introduce the Know Before You Owe Act in order to make sure that students and their families have access to vital information regarding their student loan programs. The legislation requires schools to counsel students on the financial aid options available to them, and it requires private lenders to adopt commonsense steps to protect student borrowers. The Know Before You Owe Act will empower students and their families to make informed decisions about financing their educations.

Access to higher education is a top priority for middle class families. They know that higher education is one of the keys to being able to succeed in a competitive 21st-century marketplace. They are willing to invest in their futures by taking out student loans in order to afford college. We need to ensure that students have full and complete information about the most affordable student loan options available to them in order to fight back against those who might take unscrupulous advantage of families facing tough financial decisions.

I urge my colleagues to join with me in supporting this important legislation and to better ensure that millions of Americans can afford college without taking unnecessary long-term financial hardship and risk.

#### PRESCRIPTION DRUG ABUSE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Massachusetts (Mr. KEATING) for 5 minutes.

Mr. KEATING. I would like to thank Congressman RAHALL for organizing this morning-hour on prescription drug abuse. I would also like to thank Chairman ROGERS for his work as well as Congresswoman MARY BONO MACK, Congressman STEVE LYNCH, and all Members with the Prescription Drug Abuse Caucus.

Prescription drug abuse is defined now as an epidemic in this country, and the cost of this epidemic is more than \$70 billion a year. This is by no means just a criminal issue, and that's where the stigma sometimes makes this issue more difficult. It is, indeed, a public health issue, and for this reason Congress needs to step in.

Painkillers account for the country's fastest growing area of drug abuse, which is ahead of cocaine, heroin, and methamphetamine. Throughout my 12-year career as a Norfolk County district attorney in Massachusetts, the susceptibility of new users, particularly of teenagers, to these drugs has

been a recurring theme. As district attorney, I have seen in concrete terms that this scourge goes across every social and economic boundary that exists.

I have seen law enforcement officials, while on duty and who were involved in automobile accidents, take these painkillers, become addicted and actually go out with their guns and rob—armed robbery—banks and other institutions in order to just try and feed their habits. I've seen real estate professionals get involved and go to open houses just to search medicine cabinets in order to fulfill their habits. I have also seen young people begin addictions and abuses of prescription drugs from their families' medicine cabinets, finding that later on they cannot afford their habits, and move to a cheaper, purer form of heroin.

□ 1040

I've seen the public health effects of this as well. I've seen the HIV disease spread to people. I've seen 14-year-old girls with hepatitis C as a result of trying to deal with this scourge that is an epidemic around our country.

In Massachusetts alone, 1.7 people every day die of an opiate-derivative overdose. In 2010, the National Institute of Drug Abuse showed that 2.7 percent of eighth-graders, 7.7 percent of 10th-graders, and 8 percent of 12th-graders abused Vicodin. Over 2 percent of eighth-graders, almost 5 percent of 10th-graders, and over 5 percent of 12th-graders abused OxyContin for non-medical purposes at least once in the year prior to that survey. This is why I've introduced the Stop Tampering of Prescription Pills Act, the STOPP Act of 2012, with Chairman ROGERS, Congresswoman BONO MACK, and my other colleagues.

Currently, tamper-resistant mechanisms are in use for some drugs, but this bill is the first of its kind Federal legislation to put a clear pathway for others to come to market. The process outlined in the bill applies both to brand name and generic drugs, both to time-release and to immediate-release pills. Initially, we will incentivize the use of these tamper-resistant processes. Then, in time, they'll be required. This bill is not a silver bullet by any stretch of the imagination, but it is a very important piece in preventing new users from abusing painkillers and safeguarding against overdose. Just as seatbelts and airbags in cars cannot prevent all car accidents, tamper-resistant formulations will not prevent all instances of drug abuse, but it is a necessary tool in protecting vulnerable populations like the adolescents I have spoken about.

With this bill, we're also preparing for the potential onslaught of pure hydrocodone pills. These are currently being developed, and without proper physical and pharmaceutical barriers

in place to prevent the tampering of these painkillers, this potential advent of pure hydrocodone will dramatically increase the already alarming rates of abuse and addiction. The bill would mandate the tamper resistance of these pills, as well as many others.

These pills provide great relief for many Americans in terms of extreme pain, but we must do something about another type of pain, a terminal pain, a pain that family members and loved ones feel when they have lost someone to the disease that results in this type of addiction.

I encourage all my colleagues in the House to cosponsor H.R. 6160, and further encourage the development of these tamper-resistant mechanisms. It's not a silver bullet, but it's an important first step.

#### PRESCRIPTION DRUG ABUSE IN AMERICA

The SPEAKER pro tempore. The Chair recognizes the gentleman from Massachusetts (Mr. LYNCH) for 5 minutes.

Mr. LYNCH. Mr. Speaker, I want to thank my friend and colleague, Mr. KEATING, for his leadership on this issue.

I rise this morning, along with several of my colleagues, Mr. RAHALL and Mr. KEATING, whom you just heard, and also Chairman ROGERS, to talk about the very important issue of prescription drug abuse in America.

Prescription drugs are responsible for the fastest growing area of drug abuse in this country, ahead of cocaine, heroin, methamphetamines, and other drugs. In fact, according to the Centers for Disease Control in Atlanta, prescription drugs cause most of the more than 26,000 fatal overdoses that we see each year. Despite this alarming number, there exists a lack of knowledge about this particular type of substance abuse that prevents many people from identifying it as the problem that it is, and that in turn makes it more difficult to achieve a real solution.

Prescription drug abuse is an epidemic in this country plain and simple, and it must be dealt with as such. While prescription drug medication can help people suffering from a range of chronic and temporary conditions, for many others, exposure to pain medication, whether prescribed or obtained through other means, can be the beginning of a long and tragic battle with addiction. As you heard from previous speakers, from Massachusetts to West Virginia to Kentucky and to California, many of my constituents also struggle with prescription drug addiction and its consequences. Those people are homemakers, they are professionals, they are students and laborers. Addiction does not discriminate.

Abuse of prescription medicine, especially opioid pain relievers, is a major

problem nationally and in Massachusetts, where deaths, emergency room episodes, and admissions for treatment related to non-heroin opioids has skyrocketed in recent years. In fact, 99 percent of individuals entering treatment facilities who report heroin use started with a prescription medication like OxyContin.

OxyContin is a narcotic painkiller which has started too many people on this terrible journey to addiction. It is a drug that by design is inherently so powerfully addictive that it actually changes the brain over long periods of treatment, and it creates customers for life. It creates addicts. OxyContin is a drug that has caused so much grief to individuals, families, and communities, has caused so much pain and suffering, that earlier this year the nation of Canada removed it from the market. I commend them for that. I, in fact, filed a bill in May of 2005 to do exactly the same thing in the United States, but because of the powerful lobbying efforts of the drug companies, that legislation was not successful. That's a big part of the problem.

In the United States, we continue to put corporate profit ahead of personal loss. Reports of the abuse of OxyContin surfaced soon after its introduction in 1996, a year in which Purdue Pharma, the manufacturer of OxyContin, made \$1 billion on the drug. In 2007, Purdue Pharma pled guilty to criminal charges that they intentionally misled doctors, Federal regulators, and patients in regard to the addictive nature of their gold-mine drug in order to boost their profits. Despite its troubled history, OxyContin is still available. In 2011, it earned \$2.8 billion in profits for the company.

In addressing the problem, we need to consider the range of contributing factors. We need to look at the composition of the drugs and the marketing of these addictive drugs and the regulatory approval process. There are two measures that I want to note here: one, there has been a significant effort to reformulate this drug so that it is less susceptible to abuse. I commend the drug-makers on that effort. The second issue is with BlueCross BlueShield, which has instituted a limiting factor. It requires a robust reevaluation of any patient who is being prescribed OxyContin over a period of time. I think that is one of the best decisions by an insurance company in this country in some time.

I commend my colleagues on the Congressional Prescription Drug Abuse Caucus for their legislative efforts, and I look forward to continuing to work with them on this very important issue.

#### THE VICTIMS OF COLUMBINE

The SPEAKER pro tempore. The Chair recognizes the gentleman from

Colorado (Mr. PERLMUTTER) for 5 minutes.

Mr. PERLMUTTER. Good morning, Mr. Speaker, and to a fellow softball coach.

The columbine is the State flower of Colorado. It's a beautiful flower found in our mountains with whites and blues and yellows. It's just a gorgeous State flower for us to have.

Thirteen years ago, on April 20, 1999, at Columbine High School, we had a terrible tragedy. And I want all of us to remember the names of the kids that were killed at that shooting: Cassie Bernall, Steve Curnow, Corey DePooter, Kelly Flemming, Matt Kechter, Daniel Mauser, Daniel Rohrbough, Rachel Scott, Isaiah Shoels, John Tomlin, Lauren Townsend, Kyle Velasquez, and teacher, Dave Sanders.

□ 1050

Now Columbine, just like this flower, has recovered, sprouted. It's a beautiful school. It has strong academics, strong sports, and good citizens. We're very proud of the kids in that high school. It's near where I live.

We have suffered some scars from Columbine in Colorado, but we've also learned some lessons. We've learned some lessons that were put to good use 10 days ago in Aurora, Colorado.

Aurora, as many of you will remember from your mythology classes, is the goddess of the dawn. And there will be a new day.

We're suffering in Colorado right now. It's a beautiful State. It is a wonderful place. We've had two very difficult, tragic moments. And in these last 10 days, Mr. Speaker, I have had a chance to go to five funerals and visit with some people in the hospital.

I want us to remember the names of the people that were killed 10 days ago:

Jonathan Blunk, Alexander Jonathan (AJ) Boik, Staff Sergeant Jesse Childress, Gordon Cowden, Jessica Ghawi, Petty Officer 3rd Class John Larimer, Matthew McQuinn, Micayla Medek, Veronica Moser, Alex Sullivan, Alex Teves, Rebecca Wingo.

Beautiful people, good people harmed in a very senseless moment in our history.

But in the midst of this tragedy, there were a lot of heroes. And from Columbine, we learned lessons to get in and move quickly to save lives.

So beginning with the Aurora police force and the firefighters from Aurora, there were tremendous acts of courage that saved lives, that saved people from bleeding to death. We saw in our medical teams a coordination of efforts, the likes of which none of us would ever want to go through again, but tremendous efforts on the part of the medical teams to save lives.

Yesterday I had a chance to meet with some of the people still in the hospital, which gave me so much hope and

inspiration. I want to start with the family where the husband and the wife—she's 9 months pregnant—decided that they want to go to a movie before they have their first born. They want to get that one last date out.

He's shot. She suffers shots from the shotgun pellets. He's down on the first floor having surgery on his brain. She is up on the third floor of the hospital having a baby—baby Hugo, who is like the biggest kid I have ever seen at that age. His hands, he's definitely going to be a baseball player. And the Rockies came by to visit him and gave this baby two baseballs.

But she was so positive and so optimistic about her son's future and about the future of her husband, who has had great medical care and will have long-lasting injuries, but he will do well. And this wife was so positive, a young woman who is really optimistic about life.

Another young man who was shot in the side, he was in a coma. He has since come out of it, and he is now planning to start his first year of college at Western State in Gunnison, Colorado.

And finally, one guy who had been in a difficult state, the President of the United States came and visited him. He woke up at that moment—whether it was because of that visit or not, who knows, but he has a huge smile. The Rockies came to visit him, and he said, "I'm sorry, but I'm a Yankees fan." And then, to my chagrin, he also is a fan of the San Diego Chargers and the Oakland Raiders, when he should be a Broncos fan. But he is recovering well, too.

These people are recovering. Our community will recover. We live in a great State.

And I want to just finish with these words, if I could, Mr. Speaker. Ordinarily I speak off the cuff, but one of the staff members in my office, who is a Coloradan, wanted me to say this, and I believe it.

Even after these tragedies, we must remind ourselves and the world what it is to be a Coloradan.

We are the cities and the open spaces. We are the mountains and the prairie. We are the mountains and the trees. We are the snow and the sunshine.

We are loving families and longtime friends. We are the welcoming neighbor and the kind stranger.

We are Coloradans. We live in paradise and surround ourselves with loving, wonderful people who enrich our lives. This is what defines our State.

We will always remember the victims, we will always honor the heroes, and we will grow stronger.

I am proud of my State. I'm sorry for what happened. But we will grow from this.

#### RECOGNIZING THE LIFE AND LEGACY OF PROFESSOR THELMA MCWILLIAMS GLASS

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Alabama (Ms. SEWELL) for 5 minutes.

Ms. SEWELL. I rise today to recognize and pay tribute to a distinguished Alabama educator and civil rights pioneer, Professor Thelma McWilliams Glass. She was known for her exemplary efforts in the field of higher education and her tireless commitment to the struggle for racial equality.

Professor Thelma Glass was the last surviving member of the Women's Political Council, the organization that was instrumental in the planning and organization of the Montgomery Bus Boycott in the 1950s.

She recently passed away in Montgomery, Alabama, on Wednesday, July 25, at the age of 96.

Professor Thelma Glass was born in Mobile, Alabama, on May 16, 1916, and at an early age was instilled with a love of learning that led to her lifelong pursuit of academic excellence. She graduated valedictorian of Dunbar High School in Mobile, Alabama, at the age of 15 and earned a bachelor's degree from Alabama State University and a master's degree from Columbia University, both in geography.

In 1942, Thelma McWilliams married the love of her life, Arthur Glass. They were both professors at Alabama State University for over 40 years. Their love for each other was as strong as their dedication and commitment to the students they taught at Alabama State University. After 41 years of marriage, her husband, Professor Arthur Glass, passed away in 1983.

Professor Thelma Glass was an accomplished educator who taught geography at Alabama State University for 40 years. She led by example, displaying the same exceptionalism, tenacity, and commitment to public service that she demanded of her students. After four decades of dedication to Alabama State University and her community activism, in 1981, the Thelma M. Glass auditorium in Trenholm Hall was dedicated on the campus of Alabama State University in her honor.

Professor Glass was at the forefront of the civil rights movement, showing great courage as she stood up to social injustices of segregated Montgomery, Alabama, in the 1950s. She was a core member and secretary of the Women's Political Council that formed at Alabama State University to campaign against the abuses and the indignities of segregation.

The activism of the Women's Political Council laid the groundwork for the successful Montgomery Bus Boycott. When Rosa Parks set the protest into motion with her arrest in 1955 after refusing to give up her seat on the bus, women like Professor Thelma

Glass were ready and willing to fight against such racial injustice.

The Women's Political Council was soon absorbed into the newly formed Montgomery Improvement Association with Dr. Martin Luther King, Jr., at its helm. Professor Glass continued to play an integral role by copying thousands of flyers and recruiting her students to help spread the word of the bus boycott. She risked her life driving in carpools and organizing transportation for those participating in the boycott.

The success of the Montgomery boycott pushed the civil rights movement into full force, as African Americans across the South fought against racial inequality and ultimately led to the signing of the Voting Rights Act in 1965 by President Lyndon B. Johnson.

It was women like Professor Glass who refused to sit on the sidelines and be a footnote in history that made it possible for all of us to enjoy the rights that we do today. I know I would not be standing here today as the first African American Congresswoman from Alabama if not for activists like Professor Thelma Glass.

The remarkable career of Professor Thelma Glass as an educator and civil rights activist has been recognized by numerous awards. In 2011, Professor Glass received the Black and Gold Standard Award, one of the highest honors awarded to an alumna by Alabama State University. Professor Glass was an active member of Alpha Kappa Alpha sorority, the Montgomery chapter of the Links Incorporated, and St. John A.M.E. Church.

Thelma Glass was, indeed, an inspiration to all. I know on a personal note, Professor Glass served as a role model and mentor to my mother Nancy Gardner Sewell, whom she encouraged as a student at Alabama State University to pledge Alpha Kappa Alpha sorority. She was the epitome of a woman of grace and style who lifted as she climbed.

I stand on the shoulders of these trailblazing activists such as Professor Glass, this remarkable woman who paved the way for the advancement of African Americans.

Our Nation is eternally grateful to Professor Thelma Glass' commitment to racial equality and social justice that is a great example to all of us. She left an indelible mark on the State of Alabama and on this Nation, and today I proudly stand to acknowledge her legacy and hope that we all remember it for generations to come.

□ 1100

#### REPUBLICAN INTRANSIGENCE AND OBSTRUCTION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Maryland (Mr. HOYER) for 5 minutes.

Mr. HOYER. Mr. Speaker, this week's middle class tax cut debate is unfortunately an unnecessary sequel to December's fight over extending payroll tax cuts. Republicans campaigned on a pledge to seek bipartisan solutions to our pressing challenges, but when faced with a bipartisan agreement in December of last year, they chose to walk away. Unfortunately, they appear ready to do so again. When it comes to extending tax cuts to the middle class, Democrats and Republicans agree; both believe we ought to do so. So we have agreement. That agreement has been reflected in a Senate-passed bill, Mr. Speaker, as you know.

So with millions faced with the uncertainty of whether their taxes will go up next year, why haven't we acted? This should be an easy vote for an overwhelming majority of Members to say, Let's extend these tax cuts we agree on, and then debate what we don't agree on. It should be easy. But the Republicans, Mr. Speaker, are continuing to do what they do so often, have done best this Congress—obstruct, delay, and walk away.

In December, by holding hostage an extension of the payroll tax cuts for 98 percent of our taxpayers, Republicans walked away from the middle class. They walked away from their responsibility to seek compromise on job creation and economic recovery. They walked away from negotiations over deficit reduction, setting up the dangerous sequester that now looms at the end of the year. The sequester exists because Republicans pursued a policy of placing the Nation's debt at risk.

Today, sadly, they are walking away from the middle class and working families once more, demanding their way or nothing on tax cuts. No tax cuts for the middle class, they insist, without an additional tax break for the upper 2 percent of income earners. In other words, we agree on 98 percent. We don't agree on 2 percent. Rather than doing that which we agree upon for 98 percent of the American taxpayers, we will hold them hostage until we get agreement on the 2 percent. Of course if we agree on the 2 percent, it will add a trillion dollars over 10 years, if followed for 10 years, to our deficit and debt.

Republicans' plan of tax cuts for the wealthy hasn't worked before, and it won't work now. Under President Reagan and both Presidents Bush, deficits climbed. Democrats want to return to the successful policies we had under President Clinton, when we had the most successful economy, 4 years of balanced budgets, and 4 years in which we did not increase the national debt.

I say to my friends on the Republican side of the aisle, Mr. Speaker, we've had many opportunities to work together this year to address our challenges, but each time our Republican colleagues have walked away. In doing

so, they broke a central promise in their pledge to America—that is, the promise to let the majority work its will.

We could have extended the payroll tax cuts without a fight. We could have found a big and balanced solution to deficits. And we could be voting today on a tax cut extension for 100 percent of Americans who make up to \$200,000. Or, if they're a couple, \$250,000. But in each case, Mr. Speaker, Republicans moved not towards the center but to the right to placate the extreme wing within their party.

Yesterday, Mr. Speaker, Representative RICHARD HANNA of New York, a Republican, said this about his party in Congress:

I have to say that I am frustrated by how much we—I mean the Republican Party—are willing to give deferential treatment to our extremes in this moment of history.

The gentleman from New York went on to say:

We render ourselves incapable of governing when all we do is take severe sides. If all people do is go down there and join a team, and the team is invested in winning and you have something similar to the shirts and the skins, there's not a lot of value there.

Congressman HANNA in this instance is right. Republicans have been unable to govern. Again and again, this Republican House has received compromise bills from the Senate but has been incapable of agreeing to legislation or passing a version that could become law.

That was true on transportation. It's true on the farm bill, and it's true on Violence Against Women. And it's true on this tax bill. Examples include, as I've said, Violence Against Women and the farm bill, postal reform, the highway bill, FAA reauthorization, and many others. Instead of focusing on winning politically, they ought to be concerned about governing effectively.

They could learn much from our outstanding Olympic athletes. In team sports like soccer and basketball, athletes who normally compete against each other at home have come together as one team, Team USA. They've won gold; they've been successful. We could be as well if we came together as Team USA.

Those athletes may harbor rivalries most of the time. They may not be used to working together. And they all know that when the cauldron is extinguished, they'll once again wear different colors. But right now in London, they're all wearing red, white, and blue, and they've set their differences aside to achieve victory together. We ought to follow their example. Republicans ought to follow their example.

We have a chance today to be one team and make possible what we agree ought to happen. Again, we agree on 98 percent of the proposal. Let's agree on that, and agree to debate that on which we don't agree. So I say to my Repub-

lican friends, stop walking away from the middle class and start working with us to get things done on their behalf.

Let me quote someone I don't usually quote, Newt Gingrich, when he was Speaker of this House when we were considering a compromise that he and President Clinton had agreed to, and so many of his Republicans colleagues, Mr. Speaker, as you may remember, opposed Newt Gingrich's efforts. He said:

I would say for just a minute, if I might, to my friends who were asking for a 'no' vote, the 'perfectionist caucus.'

He concluded his remarks in urging them to vote for a compromise agreement:

So the question is: Can we craft a bill which is a win for the American people because it is a win for the President and a win for the Congress? Because if we cannot find a way to have all three winning, we do not have a bill worthy of being passed.

The President has indicated he will not sign the Republican bill, and the Senate won't pass the Republican bill. But again, my friends, Mr. Speaker, as you know, we have agreement on 98 percent, and we are hung up because we don't have agreement on the other 2 percent.

Speaker Gingrich went on:

Now, my fine friends who are perfectionists, each in their own world where they are petty dictators, could write a perfect bill.

And he concluded:

In a free society, we have to have give and take. We have to be able to work.

Mr. Speaker, Americans must lament the fact that they see their Representatives agreeing on 98 percent of a proposition and will not pass it. They will not pass it because the perfectionist caucus has promised in many respects to one individual American we will not raise taxes ever. We won't pay for what we buy, even if we think it's important.

Mr. Speaker, both parties have an opportunity today to stand up and reflect agreement and do something positive for the American people, do something positive for the American economy, do something positive to grow jobs in America. Do something that will give certainty and confidence to the overwhelming majority of Americans, who will say that Congress can work.

□ 1110

It can, as families understand they must do every day, reach compromise, come together, reason with one another and give and take, as Speaker Gingrich said.

Let us hope, Mr. Speaker, that we reflect the best in us today, not the worst, not the confrontational inclination, but the inclination to come together, to make America better and to make sure that the American people, who are working hard every day, don't see a tax increase on January 1 as a result of a "perfectionist caucus" unwilling to compromise, unwilling to pass

an already-passed Senate bill that will give 98 percent of Americans confidence that they will not receive any tax increase on January 1.

What a good thing that would be for America, for the American people, and for the American economy. Let's work together. America expects us to do that, and that's what we ought to do.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 11 o'clock and 11 minutes a.m.), the House stood in recess.

□ 1200

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

#### PRAYER

Reverend Michael Catt, Sherwood Baptist Church, Albany, Georgia, offered the following prayer:

Lord God, I give thanks to live in a free land, blessed by You. Since the days of the Pilgrims who sought freedom from religious and political tyranny, You have blessed this land. You have guided us through wars, recession, and prosperity. We owe our existence to Your sovereign hand.

May those elected to represent the people follow the teachings of Your Word. We pray for all in authority that we may live in peace. Please guide the Congress, regardless of political persuasion, to follow the words of Micah 6:

He has told you, O man, what is good. What does the Lord require of you but to do justice, to love kindness, and to walk humbly before your God? The voice of the Lord will call to the city. It is sound wisdom to fear Your name.

In the name of my Lord Jesus, I pray. Amen.

#### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

#### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Colorado (Mr. PERLMUTTER) come forward and lead the House in the Pledge of Allegiance.

Mr. PERLMUTTER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Repub-

lic for which it stands, one nation under God, indivisible, with liberty and justice for all.

#### WELCOMING REVEREND MICHAEL CATT

(Mr. SHULER asked and was given permission to address the House for 1 minute.)

Mr. SHULER. Mr. Speaker, I rise today to recognize today's guest chaplain, Dr. Michael Catt. Dr. Catt is the senior pastor at Sherwood Baptist Church in Albany, Georgia. I'm honored to welcome Dr. Catt, his wife, Terri, and his daughter, Hayley, to the U.S. House of Representatives today.

Dr. Catt has served as senior pastor at Sherwood Baptist Church since 1989. The church has 3,000 members and has averaged 100 baptisms each year. Thousands have joined the church from Albany and 29 surrounding communities. The church has evolved from a neighborhood church to a regional, multi-ethnic congregation with members from 11 nations.

Most notably, under Dr. Catt's leadership, Sherwood Baptist developed an out-of-the-box church outreach. Dr. Catt's goal is to change the world from Albany, Georgia. While this may sound and seem like a radical or even ridiculous statement from a pastor in southwest Georgia, it has, in fact, become a reality through Sherwood Pictures. Dr. Catt has served as executive producer of "Flywheel," "Facing the Giants," "Fireproof," and "Courageous." Each of these major motion pictures serves to influence the world for Christ.

I am honored to call Dr. Catt a friend, and I look forward to how God continues to use Dr. Catt in the future. I ask my colleagues to welcome Dr. Catt and his family as he leads us today in opening prayer.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. MILLER of Michigan). The Chair will entertain 15 further requests for 1-minute speeches from both sides of the aisle.

#### THE POWER TO TAX IS THE POWER TO DESTROY

(Mr. POE of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE of Texas. Madam Speaker, "The last thing you want to do is to raise taxes in the middle of a recession because that would take more demand out of the economy and put business in a further hole."

That's what the President said in 2009, but that was then and this is now. If Congress doesn't act, Americans will face higher taxes when the clock strikes midnight on December 31 of

this year. The President's solution is to raise taxes on some. That would eliminate 700,000 jobs in our country; 60,000 of those would be lost in my home State of Texas. The tax increase will cost the average American a year's worth of groceries—\$4,000.

Madam Speaker, almost half of Americans pay no Federal income tax at all. What we need are more taxpayers, not more taxes. We need to renew the so-called "Kennedy-Reagan-Bush tax cuts." No tax increases on Americans. Because the power to tax is the power to destroy, and the last thing we should do is raise taxes in a recession.

And that's just the way it is.

#### DON'T FORGET THE LITTLE PEOPLE

(Ms. HOCHUL asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HOCHUL. Madam Speaker, "Don't forget the little people." That's what a gentleman said as he grabbed my hand and looked into my eyes at the Sanborn Farm Museum French toast breakfast on Saturday morning. "Don't forget the little people."

Who are these little people? I'll tell you right now, these are millions of moms and dads sitting at their dinner table tonight trying to cover their worried expression from their kids as they look over their family finances, wondering whether Congress is going to step up to the plate and give them the tax break they so desperately deserve.

Only in Washington will people tell you you need to address our growing out-of-control deficit by spending a trillion dollars on tax breaks for millionaires and billionaires. And not just that. That puts us into further debt with the Chinese. I've got a problem with that.

It seems simple to me. If we want to cut our deficit, we cut spending, and we also ask those who benefited from tax breaks for the last decade to pay their fair share.

Like many of us, I'm with the little people and I'm with the middle people. Let's vote for a middle class tax cut today.

#### STOP THE TAX HIKES

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Madam Speaker, let the countdown begin. Come January 1, the President and the Democrats plan to raise taxes on hard-working families and small business.

That's right. Instead of reining in their out-of-control spending, the President wants all Americans to hand over even more of their hard-earned

money to the Federal Government. It's not smart to raise taxes ever, and certainly not in a struggling economy.

With 3 years of sky-high unemployment across the country, record-breaking deficits, and countless new rules and mandates coming from the White House, the solution is simple: Stop these job-killing tax hikes.

It's time to rewrite the Tax Code, work on pro-growth tax reform, and get this economy working again. Stop the Democrats' massive tax hikes to pay for their Big Government agenda. The American people want, need, and deserve better.

□ 1210

#### DISESTABLISHMENT OF THE POSTAL SERVICE

(Mr. KUCINICH asked and was given permission to address the House for 1 minute.)

Mr. KUCINICH. Article I, section 8, clause 7 of the U.S. Constitution gives Congress the responsibility to establish and ensure operations of the postal service. Today, August 1, 2012, 234 years after the Constitution was ratified, Congress is presiding over the disestablishment of the postal service.

Today, a manufactured default created by congressional legislation is pushing the postal service to the brink. Today, the postal service will not make a payment that it should have never had to make in the first place to pay for prefunding 75 years of retiree health benefits in 10 years. A manufactured default, encouraged by banks and other interest groups, a move towards privatization of one of America's most vital services. The Congress has a responsibility to stand up. But here in the USA under Citizens United, everything is up for auction, including the postal service.

Wake up, America. Universal service is on the line. Wake up, America, and stand up for the Constitution, the 575,000 postal service workers, and our obligation to the American people to see to it that the postal service is rescued from those who want to push it into default or privatize it for their own profit.

#### HONORING THE SERVICE AND SACRIFICE OF ADAM ROSS

(Mr. GOWDY asked and was given permission to address the House for 1 minute.)

Mr. GOWDY. Madam Speaker, I rise to say thank you to Adam Ross and his parents, Dudley and Amanda Ross, from the Boiling Springs community in Spartanburg, South Carolina. Adam Ross has been described as a "well-mannered, good-spirited, and all-around good American boy." When he left Spartanburg to follow in his father's and his brother's footsteps to go

fight for this country he loved so much, he told his family, Madam Speaker, I know where I am going, I know why I am going and what the purpose is.

Madam Speaker, Adam Ross' body was returned to this country he loved and believed in last week in a flag-draped coffin. His parents buried him at the tender age of 19. He died defending this country and fighting for the qualities that make this the last best hope for mankind.

So, Madam Speaker, I rise to honor his service, to honor the sacrifice his parents made, to pray for their peace and their wisdom, and to pray that when Adam Ross looks down from heaven and sees the America of years to come, he may believe his sacrifice and service were worth it.

#### MIDDLE CLASS TAX CUT

(Mr. CICILLINE asked and was given permission to address the House for 1 minute.)

Mr. CICILLINE. Madam Speaker, now is the time for Congress to stand up for middle class families. I urge my Republican colleagues to abandon their plans to hold middle class tax cuts hostage to their demands for another tax cut for millionaires and billionaires and to pass a balanced tax plan, such as that contained in H.R. 15 that extends tax cuts for 98 percent of all Americans and 97 percent of small businesses.

If Congress fails to act, an estimated 400,000 families in Rhode Island could face an average tax increase of \$1,600. The Republican tax proposal will end the expanded earned income tax credit and expanded child tax credit and eliminate the American opportunity tax credit. In my State of Rhode Island, it's estimated that more than 100,000 families would lose an average of \$1,000 in 2013 if the child tax credit expansion is allowed to expire.

The Republicans' misguided plan would protect tax cuts for the wealthiest, while effectively raising taxes on 25 million lower- and middle-income Americans. I urge my colleagues to support a balanced plan that protects the middle class, strengthens our small businesses, and strengthens our economy.

#### BUFFALO-NIAGARA AND THE URBAN AREA SECURITY INITIATIVE PROGRAM

(Mr. HIGGINS asked and was given permission to address the House for 1 minute.)

Mr. HIGGINS. Madam Speaker, on Monday, I hosted a field hearing of the Homeland Security Subcommittee on Counterterrorism and Intelligence, on which I serve as ranking member. This was an opportunity for the committee to hear from local officials on the deci-

sion to eliminate Buffalo-Niagara from the Urban Area Security Initiative program.

Niagara County Sheriff Voutour and Erie County Commissioner of Emergency Services Daniel Neaverth testified that the capability gains made under this program cannot be sustained without fully funding this program. The Federal investment that supported the security gains achieved over the past 8 years in this program will be lost unless we fully fund this program.

Madam Speaker, the witness testimony made clear that the decision to eliminate Buffalo-Niagara from the Urban Areas Security Initiative program was ill-advised, shortsighted, and counterproductive. Congress and the Department of Homeland Security must reverse this course and restore Buffalo-Niagara's eligibility for this all-important program.

#### NEW PREVENTIVE SERVICES FOR WOMEN

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Madam Speaker, I rise today to mark a key milestone in women's access to affordable health care services. Starting today, and thanks to the health care reform law, women will have guaranteed access to a host of preventive services in new health care plans, without additional costs. These benefits—including annual well-women physicals, birth control coverage, and screenings for domestic violence among them—are a critical step to ensuring that all women get the care they need to stay healthy and treat disease early.

Far too often, women put off needed care because of the cost; but this new coverage benefit makes some of these tough decisions a thing of the past, decisions like whether to pay for treatment or to pay for groceries.

As we celebrate this day, we must also remember that these health care services continue to be politicized and face many attacks. These attacks are not only divisive but an intrusion into women's private health decisions. We must stand up to such partisan attacks and support these important health care benefits and thus ensure that all women and their families have access to affordable preventive care services.

#### BRIGHT SPOTS IN COLORADO

(Mr. PERLMUTTER asked and was given permission to address the House for 1 minute.)

Mr. PERLMUTTER. Madam Speaker, it's been a hard summer in Colorado, but we have a lot of bright spots. And I want to focus on three today—one thing and two people.



The “thing” is the patent office. In this country, we’ve had one patent office. It’s been here in Washington, D.C. And now we’re going to have three patent offices across the country, and Colorado got one of those. We’re going to have a satellite patent office in Colorado, and that will help us continue our innovative and entrepreneurial spirit.

Now, of the two people I would like to highlight, one is Chief Dan Oates. We had tremendous heroes in this recent tragedy that we had in Colorado. But Chief Dan Oates and his leadership of the Aurora Police Department were fantastic, and I want to compliment him on that.

Now, the last person I want to highlight, who is a bright spot and will keep getting brighter, is Missy Franklin who has won a bronze medal and a gold medal in swimming. And she is going to win a lot more.

So even though we’ve had a tough summer, there are a lot of bright things and a lot of bright people in Colorado, and it’s going to be better from here on out.

#### JOE BACA MIDDLE SCHOOL

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Madam Speaker, this Monday, Colton Joint Unified School District held a dedication ceremony for the new Joe Baca Middle School in Bloomington, California. Next week, 800 students from the surrounding communities in Bloomington and Rialto will begin to attend classes there.

I am truly humbled to receive this distinguished honor, and I thank the Colton Joint Unified School District. I want to especially recognize Superintendent Jerry Almendarez; all of the school board members of the Colton Joint Unified School District; Ignacio Gomez, whose beautiful artwork will be displayed at the school; and Congressman GARY MILLER for his bipartisan support.

Growing up the youngest of 15 children in a poor household, I never would imagine that one day I would have a school named in my honor. I never thought I would live to see this day. Again, I want to thank everyone involved and give a special thank you to my family for their continued love and support.

#### LET PEOPLE VOTE ALREADY

(Mrs. DAVIS of California asked and was given permission to address the House for 1 minute.)

Mrs. DAVIS of California. Madam Speaker, our democracy flourishes when every citizen who wants to, votes—but just once. And luckily, there’s just not much evidence that anyone’s voting more than once. Look

at Pennsylvania, where one of the Nation’s strictest voter ID laws is on trial. The State can offer zero evidence that fraud has been committed. They can offer zero evidence that future fraud is likely.

So why would we require a voter ID when we know one in 10 voters doesn’t have ID? Why would we close early voting sites or deny voters an absentee ballot when they can’t make it to the polls on election day?

Madam Speaker, the number of people hurt by barriers to voting is clearly higher than the number of illegal votes these methods purport to stop. So let’s quit fooling ourselves and let people vote already.

□ 1220

#### WOMEN’S HEALTH

(Ms. BONAMICI asked and was given permission to address the House for 1 minute.)

Ms. BONAMICI. Madam Speaker, this is an important day for women across this great country. Starting today, all new health insurance plans will include coverage for important preventive health care for women. Many have looked forward to this date since the passage of the Affordable Care Act, and I’m thrilled that it’s finally here.

Starting today, women across the country will have access to essential preventive health care without copayments or deductibles. Women who were effectively barred from these services because of the cost will now be able to receive annual visits, testing for diseases like HPV and HIV, breast feeding support and education, domestic violence counseling, and contraceptives.

This is an important step in lowering our country’s health care costs and making sure that women have sufficient access to preventive health care.

In my home State of Oregon, there are more than 633,000—and 47 million across the country—who are going to benefit from this change. These are women who had unintended pregnancies because they couldn’t access contraceptives. These are women who avoided going to the doctor because they didn’t have the money, only to end up in the emergency room. And these are women whose pregnancies were endangered because of lack of prenatal care. Today this changes. Now all women can take control of their health.

#### SEQUESTRATION

(Mr. CONNOLLY of Virginia asked and was given permission to address the House for 1 minute.)

Mr. CONNOLLY of Virginia. Madam Speaker, sequestration—that’s the bogeyman Republicans created last year when they refused, for the first time in American history, to allow a clean debt

ceiling vote. So they formed a super-committee which they doomed to failure when they refused to consider a balanced approach that included revenue and spending cuts. And now they decry the impending \$1.2 trillion cuts they fashioned and voted for as a crisis for national defense. This giveschutzpah a bad name.

If Senators MCCAIN, GRAHAM, and AYOTTE want to resolve this crisis in their town hall meetings—that they helped create—join me in calling our House Republican leadership to cancel the 5-week August recess and solve this solvable problem.

#### AMERICA NEEDS A FARM BILL

(Mr. WELCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELCH. Madam Speaker, America needs a farm bill. America needs a farm bill. Our ranchers, our agricultural conservation districts, our dairy farmers, our commodity farmers need and deserve a farm bill. It was passed by the Senate. It was passed by the House Agriculture Committee in a strong bipartisan vote. But for the first time, literally the first time in the history of this country, a farm bill passed by the Agriculture Committee is not being allowed to come to the floor. There’s no excuse for that.

Is it a hard job? Yes. But is that an excuse for Congress to duck its responsibility? No. Are there contentious issues? Yes.

Some on the other side want to cut commodity programs. Give them a shot. Let them bring an amendment. My colleague, ROSA DELAURO, thinks we ought to restore all funding for nutrition. I agree. Give her a shot.

Congress must do its job. It must bring a farm bill to the floor for a vote so that each and every one of us is held to account to our constituents.

#### WOMEN’S PREVENTIVE HEALTH

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Madam Speaker, 26 years ago, I was diagnosed with ovarian cancer. I was lucky. I had excellent doctors. They detected the cancer by chance in stage I. If my cancer had not been caught early, I might not be speaking to you today. Many women are not so lucky because they have never had access to preventive health care.

That is why I am so pleased to see that today, thanks to the Affordable Care Act, more lifesaving preventive services will begin to be covered for women all over the country. Last year, 54 million Americans with private health insurance gained access to preventive services without cost sharing,

including over 700,000 in my State of Connecticut.

Starting today, 47 million American women, including over 600,000 Connecticut women, will now have access to well-women visits, screenings for gestational diabetes, HPV and HIV, contraception, and counseling and support for STIs, breast feeding, and for domestic violence.

A report in 2009 found that more than half of American women delayed or avoided necessary care because they could not afford it. This is why we passed the Affordable Care Act.

Let's help Americans get quality care. Let's save lives.

#### MIDDLE CLASS TAX CUTS

(Ms. MCCOLLUM asked and was given permission to address the House for 1 minute.)

Ms. MCCOLLUM. Madam Speaker, House Democrats and President Obama are fighting for families by working to extend middle class tax cuts that will benefit 98 percent of Americans. Our plan will put \$2,200 in the pockets of an average family next year. That's money that can be spent by your family on your family's needs. That money will help Minnesota businesses grow and hire employees in St. Paul, Roseville, and Oakdale.

But House Republicans refuse to extend tax cuts for the middle class unless millionaires and billionaires get an extra tax cut. It's wrong to borrow \$50 billion from China so millionaires and billionaires can get an extra tax cut of \$160,000.

The Bush tax cuts for the super-wealthy built a mountain of debt and failed to strengthen the economy. The Bush years proved that the Republican love affair with tax cuts for the super-wealthy are a wasteful handout. They failed to create jobs.

The American economy is strong when the American middle class is strong. I urge my colleagues to vote for the Democrats' middle class tax cuts.

#### AMERICAN WOMEN WIN

(Ms. SPEIER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SPEIER. Madam Speaker, today American women win. Congress has finally done something right. No more copays for contraception. No more copays for mammograms. No more copays for well-women visits. No more copays for diabetes screening, DV counseling, HPV DNA testing, or HIV screening.

So what does that mean to women in America?

Women in America today are saving money. For contraception alone, they'll save \$400 to \$600 a year. For all women in this country, it's a billion

dollars worth of savings because the Affordable Care Act was passed by Congress and signed by the President of the United States.

Yes, President Obama does care. And yes, American women win.

#### MIDDLE CLASS TAX CUTS

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Madam Speaker, today the House will take up a bill on the Bush tax cuts. The Republicans want to extend the Bush tax cuts to everybody, but tax 25 million Americans by not extending certain credits that they get right now. The Democratic proposal, which I will support and which I'm here for today, despite the fact that my election is tomorrow, will extend tax cuts to everybody and raise taxes somewhat on people who make over \$200,000 individual and \$250,000 married. Those people still get a tax cut, but just not as much.

Madam Speaker, 93 percent of the income growth in the last decade went to the top 1 percent. That's the people who can afford to pay more taxes. And the fact is, to deal with the deficit, we've got to have both income and cuts to wasteful spending.

Republicans and Democrats have agreed. Economists Paul Krugman and Joseph Stiglitz have called on both revenue and cuts. And so have Martin Feldstein, an adviser to President Reagan, and Hank Paulson, Treasury Secretary to President Bush. So did Simpson-Bowles. They've all said you need both revenue and cuts. That's what President Clinton recommended in 1993, the Democrats supported, and we had a surplus—wasted on Bush tax cuts.

I urge support for middle class tax cuts.

#### RESIGNATIONS AS MEMBER OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, COMMITTEE ON THE BUDGET, AND COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

The SPEAKER pro tempore laid before the House the following resignations as a member of the Committee on Transportation and Infrastructure, Committee on the Budget, and Committee on Oversight and Government Reform:

HOUSE OF REPRESENTATIVES,  
Washington, DC, August 1, 2012.

Hon. JOHN BOEHNER,  
Speaker, House of Representatives, The Capitol,  
Washington, DC.

MR. SPEAKER, I hereby announce my resignation, effective immediately, from the House Committee on Transportation and Infrastructure. Should you have any questions please contact my Chief of Staff.

Sincerely,

FRANK GUINTA,  
Member of Congress.

HOUSE OF REPRESENTATIVES,  
Washington, DC, August 1, 2012.

Hon. JOHN BOEHNER,  
Speaker, House of Representatives, The Capitol,  
Washington, DC.

MR. SPEAKER, I hereby announce my resignation, effective immediately, from the House Committee on Budget. Should you have any questions please contact my Chief of Staff.

Sincerely,

FRANK GUINTA,  
Member of Congress.

HOUSE OF REPRESENTATIVES,  
Washington, DC, August 1, 2012.

Hon. JOHN BOEHNER,  
Speaker, House of Representatives, The Capitol,  
Washington, DC.

MR. SPEAKER, I hereby announce my resignation, effective immediately, from the House Committee on Oversight and Government Reform. Should you have any questions please contact my Chief of Staff.

Sincerely,

FRANK GUINTA,  
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignations are accepted.

There was no objection.

□ 1220

#### ELECTING A MEMBER TO A CERTAIN STANDING COMMITTEE OF THE HOUSE OF REPRESENTATIVES

Mr. SCOTT of South Carolina. Mr. Speaker, by direction of the House Republican Conference, I send to the desk a privileged resolution and ask for its immediate consideration in the House.

The Clerk read the resolution, as follows:

H. RES. 751

*Resolved*, That the following named Member be, and is hereby, elected to the following standing committee of the House of Representatives:

COMMITTEE ON FINANCIAL SERVICES.—Mr. Guinta.

The resolution was agreed to.

A motion to reconsider was laid on the table.

#### PROVIDING FOR CONSIDERATION OF H.R. 6169, PATHWAY TO JOB CREATION THROUGH A SIMPLER, FAIRER TAX CODE ACT OF 2012; PROVIDING FOR CONSIDERATION OF H.R. 8, JOB PROTECTION AND RECESSION PREVENTION ACT OF 2012; PROVIDING FOR PROCEEDINGS FROM AUGUST 3, 2012, THROUGH SEPTEMBER 7, 2012; PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES; AND WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. SCOTT of South Carolina. Madam Speaker, by direction of the Committee on Rules, I call up House

Resolution 747 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 747

*Resolved*, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 6169) to provide for expedited consideration of a bill providing for comprehensive tax reform. All points of order against consideration of the bill are waived. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chair and ranking minority member of the Committee on Rules; (2) two hours of debate on the subject of reforming the Internal Revenue Code of 1986 equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means; (3) the amendment in the nature of a substitute printed in part A of the report of the Committee on Rules accompanying this resolution, if offered by Representative Slaughter of New York or her designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for 20 minutes equally divided and controlled by the proponent and an opponent; and (4) one motion to recommit with or without instructions.

SEC. 2. Upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 8) to extend certain tax relief provisions enacted in 2001 and 2003, and for other purposes. All points of order against consideration of the bill are waived. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means; (2) the amendment in the nature of a substitute printed in part B of the report of the Committee on Rules accompanying this resolution, if offered by Representative Levin of Michigan or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for 20 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

SEC. 3. On any legislative day during the period from August 3, 2012, through September 7, 2012,—

(a) the Journal of the proceedings of the previous day shall be considered as approved;

(b) the Chair may at any time declare the House adjourned to meet at a date and time, within the limits of clause 4, section 5, article I of the Constitution, to be announced by the Chair in declaring the adjournment; and

(c) bills and resolutions introduced during the period addressed by this section shall be numbered, listed in the Congressional Record, and when printed shall bear the date of introduction, but may be referred by the Speaker at a later time.

SEC. 4. The Speaker may appoint Members to perform the duties of the Chair for the duration of the period addressed by section 3 of this resolution as though under clause 8(a) of rule I.

SEC. 5. Each day during the period addressed by section 3 of this resolution shall not constitute a calendar day for purposes of section 7 of the War Powers Resolution (50 U.S.C. 1546).

SEC. 6. Each day during the period addressed by section 3 of this resolution shall not constitute a legislative day for purposes of clause 7 of rule XIII.

SEC. 7. Each day during the period addressed by section 3 of this resolution shall not constitute a calendar or legislative day for purposes of clause 7(c)(1) of rule XXII.

SEC. 8. It shall be in order at any time on the legislative day of August 2, 2012, for the Speaker to entertain motions that the House suspend the rules as though under clause 1 of rule XV.

SEC. 9. The requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported through the legislative day of August 2, 2012.

The SPEAKER pro tempore. The gentleman from South Carolina is recognized for 1 hour.

Mr. SCOTT of South Carolina. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. SCOTT of South Carolina. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. SCOTT of South Carolina. House Resolution 747 provides for a structured rule for consideration of H.R. 8, a bill to extend the current tax rates for all Americans for 1 year; a structured rule for consideration of H.R. 6169, which provides a legislative path for true tax reform; and for other tools allowing the House to finish its business and continue to operate during the August district work period.

Madam Speaker, I rise today in support of this rule and the underlying bill.

Madam Speaker, why are we here today? My friends on the left will tell you that we are here today to discuss the issue of fairness in our Tax Code. I would agree. America is the land of opportunity. We believe that the worst possible thing you can do during a fragile recovery—that feels like a recession to me—is to increase taxes. Why? Because by increasing taxes, we jeopardize another 710,000 jobs, according to the experts, 710,000 jobs.

One of those jobs could be held by one of my constituents, a friend of mine named Joe Stringer. Joe Stringer is a middle class American, 62 years

old. His wife is 67 years old and on Medicare. Joe doesn't make \$250,000, Joe doesn't make \$200,000, not even \$150,000 or \$100,000, but Joe does have dividend income, like 9 million seniors around this Nation who have dividend income.

And here is the interesting fact, Madam Speaker, when we hear the left talk about taxing the millionaires and the billionaires, here is the new definition: of those 9 million seniors who have dividend income, 68 percent of them have an income of less than \$100,000, 40 percent have an income of less than \$50,000. But my friends on the left would categorize these folks as a member of the rich, with their tax cuts being expired at the end of this year.

We are looking at an increase in the dividend tax rate of 185 percent for millions of Americans who are on fixed incomes. These folks aren't rich. They depend on their dividend income, and yes, with the actions of the left, we would see their dividend income tax responsibility and burden go up by 185 percent. This is definitely not right. It is definitely wrong.

Now this is on top of all the new taxes that we find as a part of the Affordable Care Act, another \$804 billion of new taxes on Americans throughout this Nation. And in addition to that, Madam Speaker, under their proposal, we see the death tax going from 35 percent with a \$5 million elimination to 55 percent. And for farmers, folks in agriculture, and for small businessowners, their wealth is not liquid. You would have to sell your land to pay these taxes. It's what we call a "fire sale."

So my friends on the left would punish people who work all their lives and come up with wealth to pass on to the next generation. But in this instance the taxes would go up significantly. And that's wrong.

□ 1240

In spite of the results of all the surveys—yesterday we had a survey done in my district that said that 61 percent of folks would like to see the 2001 and 2003—and, oh, by the way, 85 Members of the Democrats voted for these exact same tax cuts to stay in place in 2010. It was good in 2010; it's still good right now. Sixty-one percent of folks say let's extend these tax cuts for all Americans, and let's keep those 710,000 Americans who would lose their jobs employed.

But in addition to that, the environment that we're working in right now matters; it matters significantly. Because we have over 41 months—over 41 months, Madam Speaker—of unemployment over 8 percent. It's devastating. It's devastating, Madam Speaker.

Madam Speaker, I hope all of my colleagues will come together here today and realize that the time for political points should be over; that my colleagues would come together today and

realize that the time for trying to divide Americans is over; that we would come together today, Madam Speaker, and realize that the time for punishing success is over.

In many ways, Madam Speaker, in many ways this debate today is about the very soul of who we are as Americans: Are we going to lift everyone up as one Nation, or are we going to push some down to bring everyone somewhere in the fuzzy middle in some misguided attempt to redefine fairness? Are we going to let the foundation of this Nation continue to crack, or are we going to strengthen it for another 200 years?

We encourage—I encourage—success in this Nation. We have to ensure our children can learn about America the same way all of us learned about the land of opportunity. That's fairness that I believe in.

Once again, Madam Speaker, I rise in support of this rule and the underlying legislation. I encourage my colleagues to vote "yes" on the rule, "yes" on the underlying bill, and I reserve the balance of my time.

Ms. SLAUGHTER. I thank my colleague for yielding me the time, and I yield myself such time as I may consume.

Madam Speaker, under the rule before us today, we will choose between two starkly different visions for America. My Democratic colleagues and I are proposing a simple and fair tax cut for the middle class. This proposal has already passed the Senate. If passed by the House, the legislation could quickly become law. Our tax cut is based upon a simple premise—that it is time for the wealthy and corporations to pay their fair share—no more. Their fair share.

Unfortunately, despite agreeing with the tax cuts proposed in our bill, our colleagues on the other side of the aisle are standing in the way of the tax cut becoming law. Instead of passing a commonsense tax cut, the majority is demanding that any tax cut for the middle class be accompanied by an additional tax cut for the richest 2 percent. Their proposal is based upon the disproved theory of trickle-down economics—a failed economic theory that has led to record inequality and a broken Tax Code that is riddled with loopholes and giveaways to the wealthy.

For decades, our tax system has been tilted in favor of the wealthy and big corporations—a rigged system that isn't working for most Americans. As just one example, between 2008 and 2010, 30 profitable Fortune 500 companies paid absolutely nothing in Federal taxes, and many more companies and wealthy individuals avoid paying taxes by sheltering the money in bank accounts overseas.

This stands in sharp contrast to other moments in American history. In the 1950s, 1960s, 1970s—a 30-year period

that saw the creation of the middle class and the realization of the American Dream—top income tax rates often reached levels we wouldn't even dream of today. But despite these tax rates, we saw incredible economic growth and the creation of the strongest middle class on Earth.

The middle class grew, in part, because we did not allow the most successful members of our society to dodge their responsibility as American taxpayers. In years since, we've witnessed a purposeful and concerted effort by some to undermine the notion of shared responsibility, which this government was based on. In years since, we've witnessed a purposeful and concerted effort to undermine that. Starting with Reaganomics in the 1980s, a new theory pervaded American politics—a belief that our focus should really be on helping corporations and the wealthy in hopes that they might in return help some of us.

Many on the other side of the aisle subscribed to this idea and believed that by providing for the powerful interests first, success would trickle down onto the middle class. What we now know is the theory is simply not true. Today, America is increasingly unequal, millions of jobs have been shipped overseas, and the middle class has been gutted. These results are strong evidence that trickle-down economics have completely and utterly failed.

In 2001, President Bush proposed a series of unpaid-for tax cuts that exploded our deficit and put millions of dollars directly into the pockets of the richest families in America, and that's where we are today. At the same time, President Bush claimed that these tax cuts would create jobs. And Vice President Cheney told us not to worry about the cost to our Nation because "deficits don't matter." A decade later, we can see that President Bush and Vice President Cheney couldn't have been more wrong.

Under President Bush, our deficit exploded to record levels; and according to FactCheck.org, he created only 1.1 million jobs. In contrast, President Clinton erased our deficit through a balanced tax plan and created 23 million jobs—quite a difference—which brings us back to the legislation that we are considering today.

Today, the majority proposes that we continue failed policies by extending the Bush tax cuts for the richest 2 percent. Doing so, Madam Speaker, would cost us nearly \$1 trillion over the next 10 years, it would force us to continue borrowing billions of dollars from China, and would force us to make cuts in vital programs like Medicare and student loans.

To continue the failed status quo is a disservice to the American people that we represent. It is high time that we start making our Tax Code fair for

those who work hard and play by the rules—not just the wealthy who lobby hard and rewrite the rules. We can do that by passing a simple and fair tax cut for the middle class today.

Unlike the proposal from the majority, the Democratic proposal to cut taxes for the middle class is something that both sides already agree on. The majority's strategy of holding middle class tax cuts hostage in exchange for tax cuts for the top 2 percent is outrageous, and it must end.

Far too often, the majority has pursued a partisan and zero-sum ideology that has led this Congress down dead-end roads. We've seen it over and over again, whether it's the majority's proposal to end Medicare as we know it, or their inability to avoid a downgrade—the first in our Nation's history—in our credit. Unfortunately, their proposal today is yet another partisan piece of legislation that will never become law. Indeed, the President has already said that he will veto the majority's proposal if it ever reaches his desk.

When faced with these two starkly different proposals—one, a non-controversial and commonsense tax cut for the middle class; the other, a partisan tax cut to benefit the richest 2 percent—it's clear what we should do.

I urge my colleagues to provide a fair and simple tax cut to all Americans—because the rich will benefit too—while standing up for the financial security and prosperity of the middle class. Why would we continue a program we know has failed?

I reserve the balance of my time.

Mr. SCOTT of South Carolina. Madam Speaker, I just want to make sure that I note once again, reinforce the fact, that this 1-year extension that we are suggesting on the right is in fact an extension of not only the 2001 and 2003 tax cuts, but also the tax cuts that passed this House in 2010 in a bipartisan fashion.

There is no doubt that an action not to extend these tax cuts is actually increasing taxes on many people in this Nation.

□ 1250

And, in fact, if we do extend these tax cuts, what we are actually doing is allowing current tax law to stay in place. But if we don't do that we are talking about 9 million seniors, 68 percent of whom make less than \$100,000, seeing their dividend income go up in taxation by 185 percent. That's the middle class.

We're talking about how the marriage penalty will place a \$591 higher tax on over 88 million families. That's the middle class. We're talking about a reduction in the child tax credit that will pose a \$1,028 tax hike on 31 million families. This looks like to me that my friends on the left are willing to tax the middle class and the poor.

Madam Speaker, I yield 4 minutes to the gentleman from South Carolina, Mr. TREY GOWDY.

Mr. GOWDY. Madam Speaker, I want to thank my good friend and colleague, TIM SCOTT. And I was in rapt attention when he was talking. It was almost as if he stole my thoughts. But I don't mind because he's a member of the freshman class.

And many of us in the freshman class, Madam Speaker, we weren't here in December of 2010 when this body last decided to extend the tax cuts for all Americans, not some of them, but all Americans, 18 months ago. So you can imagine, Madam Speaker, how intrigued we are by the debate on the other side.

We're also intrigued at the number of our colleagues who, not 18 months ago, decided it would be bad economics to raise taxes on any American, which leads me to wonder, were the rules not fair 18 months ago? I know that's the campaign slogan, that everybody has to play by the rules and everybody should pay their fair share.

Were the rules not fair 18 months ago? Was everybody not paying their fair share 18 months ago? Because heaven knows they voted for it 18 months ago. Which got me wondering, Madam Speaker, what's different today than it was 18 months ago?

Well, maybe the economy's better off. Maybe that's the explanation. And then I saw, well, gas prices are higher and milk prices are higher and bread prices are higher and inflation is higher, which is the most insidious of all taxes, and people's purchasing power is down. So, no, that couldn't be why they changed their minds. It can't be because people are better off, because they're not.

So then I thought, Madam Speaker, well, maybe it's because government has become a better steward of the tax dollars that we do give them. Maybe government's spending the money better. And then I thought, well, no, we've had Solyndra and we've had Abound, and we've had a failed stimulus plan, and we've had a GSA scandal, so no, it couldn't possibly be that we're spending the money wiser.

So why in the world, Madam Speaker, would so many of our colleagues who just 18 months ago thought the rules were just fine and that 35 percent was enough to pay, why in the world would they change their mind in the course of just 18 months?

And then it dawned on me, Madam Speaker. It dawned on me while I was listening to the President tell our fellow Americans you didn't build that, and promising more flexibility in a second term, that we're in the middle of a reelection campaign. It dawned on me, no, the economy's not better, and no, government's not spending its money better, but I have to have something to run on, so I'm going to pit one group of Americans against another group of Americans, because God knows I can't run on my record.

So let's try the politics of bringing people down and perpetuating this myth that somehow pulling other people down makes me taller. Let's pit one group of Americans against another group.

Madam Speaker, the economy is still struggling. Heaven knows it is. People are suffering.

If you want economic growth, why in the world are you talking about taking more money from people, even if you don't think they built it?

What has changed in the last 18 months other than the vicissitudes of a political cycle, Madam Speaker?

And then I got to thinking, while Congressman SCOTT was talking, let's assume for the sake of argument, Madam Speaker, that we do what they want us to do. Go ahead and raise it to 39 percent. It may be 39 this time. How about 50? If you didn't build it, how about take half of it?

What about 60 percent, Madam Speaker? If you didn't build it, take 60 percent of it. Where does it stop?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SCOTT of South Carolina. I yield the gentleman an additional 1 minute.

Mr. GOWDY. What the Democrats want to do, Madam Speaker, is bad citizenship. It is bad economics. It is bad for our fellow Americans. It remains to be seen if it's good electioneering or not. That remains to be seen.

But duplicity is duplicity, no matter what the calendar says.

Ms. SLAUGHTER. Madam Speaker, I am pleased to yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. I would just like to remind the previous speaker that 18 months ago there was a Republican majority in this House that made a determination to bring this Nation to its knees and to shut down the government because they would not raise a debt ceiling and were holding the government hostage and the Nation hostage.

And quite frankly, that's what they're doing again today. And this time, it is about tax relief for working families and for middle class families. The duplicity is on the other side of the aisle, which always is trying to bring this body and this country to the precipice.

I rise in opposition to the House majority's tax plan. What it would do is raise taxes on 25 million middle class and working families, people with incomes below \$250,000. Their taxes would go up by \$1,000 each.

Why? In order to give another tax break to the rich.

The New York Times article just a few days ago said the Republicans will press to extend tax cuts for affluent families scheduled to expire on January 1. But the same Republican tax plan would allow a series of tax cuts

for the working poor and for the middle class to end next year.

The Washington Post said, and I quote, "Republicans want to raise taxes on the poor. Why?"

Why indeed. In order to pay for an over \$160,000 tax break for millionaires. The plan would slash the Child Tax Credit, taking an average of \$854 away from nearly 9 million families, pushing 2 million children back into poverty.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Ms. SLAUGHTER. I yield the gentlewoman another minute.

Ms. DELAURO. It weakens the Earned Income Tax Credit, which kept 8.3 million people out of poverty last year—this as poverty rates head towards the highest levels in nearly half a century.

We all know there's a better way forward. The Senate has passed a plan, supported by the President, which cuts taxes for 98 percent of Americans, 97 percent of small businesses in the country. Rather than holding tax relief for the vast majority of American families and small businesses hostage to more tax cuts for the wealthiest 2 percent, let us take up that Senate bill.

I urge my colleagues to vote against the rule and this Republican Reverse Robin Hood tax plan, and support tax relief for the middle class.

Mr. SCOTT of South Carolina. Madam Speaker, I just want to make sure that we remember the facts as they are. There's no reason for us to so quickly revise history to meet our political objectives.

In 2010, this House, controlled by the Democrats, the Senate, controlled by the Democrats, and the White House, controlled by the Democrats, passed the 2001 and 2003 Bush tax cuts. So what we're talking about is a bipartisan piece of legislation that would continue the current tax law because the previous Congress, in a bipartisan fashion, decided that tax cuts were good for all Americans. And now we find ourselves, as Mr. GOWDY said, in the midst of a political season.

Madam Speaker, I yield 2 minutes to the gentleman from Florida, Mr. RICH NUGENT, the sheriff.

□ 1300

Mr. NUGENT. Madam Speaker, I want to thank my good friend and fellow Rules Committee member TIM SCOTT for allowing me to speak on this very important issue.

This rule does something that is decades overdue. It puts the Nation on a path to comprehensive tax reform. Achieving a fairer, simpler Tax Code isn't an easy goal, which is why we are considering today and tomorrow a multi-step process. First, we need to extend the current tax rate. This extension gives us a bridge, the time we need, to dig into the Tax Code and find a way to make it work for all Americans, not just some. Perhaps even more

importantly, it stops the largest tax hike in history. It's worth repeating: the largest tax hike in history.

Madam Speaker, this tax increase would threaten more than 700,000 American jobs, and for those folks lucky enough not to lose their jobs, it could very well lead to lower wages for them. If we don't act, the Democrats' tax increase will hit 53 percent—more than half—of all American small business income.

When I brought these small businesses up at the Rules Committee last night, my colleagues on the other side of the aisle responded to me and my questions by coming back with statistics, things that don't really matter much to anybody. Yet, when I talked about small businesses in my district—those folks making over \$200,000 who are going to be impacted by this increase on taxes—it related to actual jobs, what they can create and what they may have to cut back on. These are real people, not some statistics that somebody in some Washington think tank came up with. These are real people, real job creators in America. We are talking now about stifling that at a time when job growth in America is anemic at best.

My fellow speakers earlier talked about just that issue in regards to what has changed.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SCOTT of South Carolina. I yield the gentleman an additional 30 seconds.

Mr. NUGENT. What has changed in America since that increase, or the 2001–2003 tax decrease, was passed by the democratically-controlled Congress in 2010? What has changed?

You heard from my good friend Mr. GOWDY that nothing has changed. Now we are going to look at those job creators—and let's slap them again. Let's take away the certainty for the people. We have almost 11 percent unemployment in my district, so now we are going to crush them again by taxing those job creators and by putting jobs out of the reach of real Americans.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. SCOTT of South Carolina. I yield the gentleman another 30 seconds.

Mr. NUGENT. I thank my friend.

H.R. 8 will prevent real hardworking Americans from getting hit with history's largest tax increase. We have an obligation to make sure that we do this. If we extend it for a year, it gives us the opportunity. It has been decades since we have had real tax reform. The Ways and Means Committee, through regular order, has the opportunity to have input from both Democrats and Republicans alike—experts in the field—to talk about how we craft tax policies that are going to carry us through the next decade.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. SCOTT of South Carolina. I yield the gentleman another minute.

Mr. NUGENT. This is such an important issue, Madam Speaker. This is about the future of America. This is about how we move forward.

Ways and Means has had 20 committee hearings already on this issue. One of my favorites was on the Fair Tax, which is what we are talking about as we move forward—the ability of the American people to hear debate on this floor and in committee sessions through an open process in which we can amend laws or legislation that is going to come forward to this House. It is also the ability to get input from all of us—Democrats and Republicans alike—because it really is about where we are heading as a Nation.

We talk about job creation. This is about job creation. This is about sustaining the current jobs that we have and about allowing American businesses and entrepreneurs to create more jobs. It's not some crazy idea. This is real America. These are businesses in my district.

Ms. SLAUGHTER. The real issue here today is: Are we going to continue something that we know utterly failed? More than 10 years ago, this deal was made with corporations that we would cut the tax rate and that they would produce jobs. We didn't get the jobs. Half of it didn't work. Why would a country as intelligent as ours want to continue that failed policy? We are at a critical crossroads here, and we had better this time get it right.

In that regard, I am pleased to yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER), a member of the Committee on Ways and Means.

Mr. BLUMENAUER. I appreciate the gentlelady's courtesy.

She had it exactly right. We've gone down this path. We had an opportunity for us to see how effective the Bush tax cuts were in creating employment in America versus those high rates in the Clinton era, a couple of percentage points higher. Look at the job creation: 22 million jobs in the Clinton years when we were actually balancing the budget for 4 years in a row, reducing the deficit, versus anemic job creation in the Bush administration that was less than 5 percent of that.

We've tried it their way.

With all due respect, it's really hard to characterize what happened in 2010 as bipartisan legislation. The Republicans in the Senate refused to legislate. It was going to be that all the tax relief expired. A consensus was reached. A compromise was made to extend it. Hopefully, we could have worked things out, but we didn't. We're now right back in the same spot.

I would respectfully suggest that what we are looking at now with my

Republican colleagues, when they talk about the largest tax increase in American history, is when you put the Republican-Romney bill in effect. If you are going to have that massive cut for the wealthiest of Americans, the only way you can make that deficit-neutral is by raising taxes on the other 95 percent. And you can quibble with some of the assumptions of the various independent experts, but they all agree: if you're going to give people who make over \$1 million an average of more than \$100,000 in annual relief, you are going to be raising taxes on the 95 percent of the rest of America.

That's not right. It's not necessary. There are better alternatives, and you're going to hear it in the form of the Democratic alternative that's going to come forth later this afternoon.

Mr. SCOTT of South Carolina. I yield 3 minutes to the gentleman from Georgia and my colleague on the Rules Committee, Mr. ROB WOODALL.

Mr. WOODALL. I thank my colleague from South Carolina for yielding me the time.

I don't actually have the words for this debate, so I had to bring something with me, Madam Speaker. What I brought are the very words that President Obama spoke from right here behind me in his State of the Union address in 2011. As you'll remember, we had just done this thing that we had all agreed on. I say "we." My colleague from South Carolina and I were not in Congress at the time. "You." This thing that you agreed on with the President and with the Senate to not raise taxes on job creators, why did you agree on that? Let's look and see what the President said.

He said:

We measure progress by the success of our people—by the jobs they can find and the quality of the jobs they can find. Opportunities for a better life that we pass on to our children, that's a project the American people want us to work on together. We did that in December.

He was talking about when we came together to prevent the largest tax increase in American history from impacting Americans and the jobs they were seeking.

Here is what he said:

We did that in December. Thanks to the tax cuts that we passed, Americans' paychecks are bigger today. Businesses can write off the full cost of investments, and these steps taken by Democrats and Republicans will grow the economy and add more than 1 million private sector jobs.

That's why Ernst & Young says doing what the Democrats propose to do is going to kill 700,000 jobs. It's because, as the President said, doing what we all agreed on—doing what we are proposing to do here today—added 1 million jobs. That was from the President's address in 2011.

He went on. He talked about the parade of lobbyists who have rigged the



Tax Code to benefit particular companies and industries.

He says:

Those with accountants and lawyers can work the system and pay no taxes at all, but the rest are hit with one of the highest corporate tax rates in the world. It makes no sense, and it has to change.

He's right, but the proposal that my friends on the Democratic side are bringing to the floor raises taxes on these small businesses that create jobs. The President knows that's not fair. He goes on.

□ 1310

He says, "Tonight, I'm asking Democrats and Republicans to simplify the system. Get rid of the loopholes," he says, "level the playing field," he says, "and use the savings to lower the corporate tax rate for the first time in 25 years without adding to the deficit."

That's what the President called on us all to do. That's what this rule that my friend from South Carolina allows us to do. That's what, if we're willing to put politics aside in this election year, we can do together as you did in 2010.

Madam Speaker, I will close with this. That was his 2011 address, and maybe you think that was just the enthusiasm of our cooperation there at the end of 2010, but it wasn't.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SCOTT of South Carolina. Madam Speaker, I yield an additional 30 seconds to the gentleman from Georgia.

Mr. WOODALL. Standing right here in this Chamber 10 feet behind me this year, the President said this:

We have an opportunity at this moment to bring manufacturing back, but we have to seize it. We should start with our Tax Code. Right now, companies get tax breaks for moving jobs and profits overseas; meanwhile, companies that choose to stay in America get hit with one of the highest tax rates in the world. It makes no sense and everyone knows it. So let's change it.

What you do does not change it. What you do dooms our small business owners to continue to operate at one of the highest tax rates in the world. We can do better. We have the bill to do better. Together we will do better.

With that, I thank my friend from South Carolina.

Ms. SLAUGHTER. I think I must say that 97 percent of small businesses in America will not be affected at all.

With that, I'm pleased to yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I thank my friend for yielding.

Madam Speaker, Americans who served on the school board or a parents council or the board of trustees, their fire company, that have ever had a dispute about what to do know that one of the ways to resolve the dispute is to say, Listen, let's take the things that

we agree on and do them, and set aside the things in which we disagree and argue about them later. But let's agree on the things we can do and get them done.

I think virtually every Member of this Chamber agrees that if a family makes less than a quarter of a million dollars a year, their taxes should not go up. Let's pass a bill that says that and then move on to the things on which we disagree.

Here is one of the things that we disagree on: The majority's bill that's on the floor raises taxes on 25 million Americans, and they are some of the Americans who least merit and deserve a tax increase. For example, an E4 corporal in the Marine Corps with 4 years of service, married and with two children sees his taxes go up by \$448 a year under the Republican bill. Under the Democratic bill, that Marine's taxes do not go up. A military police sergeant, an E5 in the Air Force, who has 8 years of service, with a spouse and three young children would see a tax increase of \$1,118 a year.

How could this be?

In 2009, President Obama increased the earned income tax credit, which helps low-income people who work for a living, and he increased the child care credit, which is working people with children. We pay our marines, our Air Force, our Army, and our sailors a lot less than we should. They're very underpaid, and they take advantage of these tax breaks.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. SLAUGHTER. I will be happy to yield an additional 30 seconds to the gentleman from New Jersey.

Mr. ANDREWS. The Democratic bill preserves these tax rules for working families, including members of the military; the Republican bill does not.

So I would urge my friends on both sides of the aisle to do the following: Let's oppose the rule that's on the floor, which gives us a chance to amend the bill. When we amend the bill, let's cancel out the tax increase on the Air Force sergeant of \$1,118 and let's cancel out the tax increase on the Marine corporal of \$448.

Vote "no."

[From the Center for American Progress, Aug. 1, 2012]

HOUSE REPUBLICAN TAX BILL LEAVES SOME MILITARY FAMILIES BEHIND

MILITARY FAMILIES WITH MODEST INCOMES COULD LOSE IMPORTANT TAX CREDITS

(By Seth Hanlon)

The House of Representatives today is scheduled to vote on a House Republican proposal (H.R. 8) that purportedly extends all tax cuts but actually raises taxes on about 25 million families by reducing certain tax credits. The 25 million families include middle-class families and students who currently benefit from a tax credit for college expenses. Others are parents raising children on modest incomes who are helped by the child tax credit and earned income tax cred-

it. Some, as illustrated below, are members of the U.S. military and their families.

The competing Democratic proposal, which has already passed the Senate (S. 3412/H.R. 15), extends all income tax cuts for the 98 percent of families with incomes under \$250,000 (\$200,000 for singles), including these tax credits in their current forms.

Below are three illustrative examples of military families whose tax bill would rise next year under H.R. 8, the House Republican tax bill.

A corporal (E4) in the Marines with four years of service, who is married and has two children would see a tax increase of \$448 under H.R. 8.

In 2009, President Barack Obama signed into law improvements to the earned income tax credit—an important tax credit that boosts the earnings of low- and moderate-income workers. In 2009, 211,000 military families benefitted from the earned income tax credit.[1] One of the 2009 improvements reduced the tax credit's so-called marriage penalty (phasing out the credit at higher income levels for families that file joint tax returns). H.R. 8 would let that provision expire, increasing the marriage penalty and thus reducing the EITC for married couples in the phaseout range.

With military basic pay of \$27,660[2] (and assuming no other household income), this Marine Corporal's family is affected by the worsened marriage penalty under H.R. 8. As a result, the family's tax credit would be reduced by \$448 under H.R. 8 compared to the current tax rules, the Senate-passed bill, and the House Democratic alternative. Here are the details:

Marine corporal (E4), four years' service, married with two children;

Military basic pay: \$27,660

Earned income tax credit under current tax policy and Democratic plan: \$4,326

Earned income tax credit under H.R. 8: \$3,878

Tax increase under H.R. 8: \$448

A military police sergeant (E5) in the Air Force with eight years' service, with a spouse and three young children at home, would see a tax increase of \$1,118 under H.R. 8.

Another provision enacted in 2009 boosted the value of the earned income tax credit for families with three or more children, reflecting the fact that these families have a higher cost of living. H.R. 8 would let this provision expire, so that families with three or more children get the same-sized tax credit as families with two children.

With basic pay of \$34,723, this sergeant's family would be affected by both the earned income tax credit's worsened marriage penalty under H.R. 8 and the reduced credit for families with three or more children. In total, the family's earned income tax credit would be reduced by \$1,118 under H.R. 8. Under the Senate-passed bill and the House Democratic alternative, it would not be cut. Here are the details:

Air Force sergeant (E5), eight years' service, married with three children:

Basic pay: \$34,723

Earned income tax credit under current tax policy and Democratic plan: \$3,508

Earned income tax credit under H.R. 8: \$2,390

Tax increase under H.R. 8: \$1,118

A private in the U.S. Army (E1) in his first year of service, who is married with an infant child, would see a \$273 tax increase under the Republican plan.

The child tax credit generally provides a \$1,000 credit per child. But the credit is only



partially “refundable” for families who do not have federal income tax liability in a given year. H.R. 8 would reduce the ability of some low-income families to claim the credit. That is because the credit’s refundability is based on the level of a family’s earnings above a certain threshold—and H.R. 8 would raise that threshold.

With basic pay of an estimated \$18,196 in 2013, the Army private’s family’s income is too low to owe federal income tax because of the standard deduction and personal exemptions. Under H.R. 8, the family would only be able to claim a partial child tax credit, limited to \$727. In contrast, under the Senate-passed bill and the House Democratic alternative, the family could claim the full \$1,000 credit for its child. Here are the details:

U.S. Army private (E1), first year of service, married with one child:

Basic pay: \$18,196

Child tax credit under current tax policy and Democratic plan: \$1,000

Child tax credit under H.R. 8: \$727

Tax increase: \$273

These are just three typical military families who face a tax increase from H.R. 8’s failure to extend important tax benefits for working families. Many families with similar incomes, military and nonmilitary, would face similar tax increases because of H.R. 8’s failure to extend the child tax credit and earned income tax credit improvements. H.R. 8 also fails to extend the American opportunity tax credit for families and students paying for college.

In all, the House Republican plan raises taxes on about 25 million families, including 18 million families with children (constituting 37 percent of all families with children).[3] By contrast, all 98 percent of families with incomes under \$250,000 (\$200,000 for singles) would see no tax increase under the Democratic bill, and the 2 percent of Americans with higher incomes will keep tax cuts on their income up to those amounts.

Seth Hanlon is Director of Fiscal Reform at the Center for American Progress.

Mr. SCOTT of South Carolina. At this time, I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I’m pleased to yield 2 minutes to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH. I thank the gentlelady.

Madam Speaker, let’s first of all define what these two bills are.

Number one, the Democratic bill would provide tax relief to 100 percent of Americans: 98 percent would get tax relief on every dollar of income; 2 percent would get tax relief on up to \$250,000 of income. Above that, they would be going back to the Clinton rates.

The Republican bill would provide 100 percent of Americans tax relief, including those top 2 percent. At what cost? A trillion dollars added to the debt, number one. Number two, higher taxes on military folks and low-income folks who would be hammered by the tax increases in the Republican bill.

Why is that? There’s two reasons:

One, the underlying philosophy behind the Republican bill is that trickle-down economics works. It is a proposition that says that the tax cuts that go to the 2 percent, the highest-income Americans—who don’t need them—will

benefit 98 percent of Americans who don’t get them. There’s absolutely no evidence to back that up. Secondly, there’s a total doubling down on supply-side economics, trickle-down economics.

Our bill basically has two propositions:

Number one, if we’re going to work ourselves out of the biggest recession that we’ve had since the Great Depression, we have to increase employment and we have to increase demand. That’s why we’ve got to give purchasing power to the vast majority of low-income and middle Americans. That’s why we sustain the tax breaks that we’ve had in place since the Bush tax cuts were passed.

Number two, we have to pay down on the debt and have money to invest in things like infrastructure, science, and education. That’s a trillion dollars that would be made available by going with the Democratic approach.

We’ve been here before, trickle-down economics versus middle class commitment.

Mr. SCOTT of South Carolina. Madam Speaker, I yield 2 minutes to the gentlelady from North Carolina, Mrs. RENEE ELLMERS.

Mrs. ELLMERS. Madam Speaker, I thank my colleague for allowing me to speak on this very important issue today.

I rise today in support of H.R. 8, which will ensure that we will not raise taxes on our Nation’s job creators and harm our recovery.

Madam Speaker, I would like to speak about one sector of the economy that will be the greatest harmed, and that is our farmers. Our farmers provide for our Nation and deserve our gratitude and protection from unnecessary harm. In my district, thousands of farmers and their families wait in fear that their homes and businesses will be destroyed by the devastating tax increases on the horizon. And yes, I am including the inheritance tax, or the estate tax, or, which I like to refer to as, the “death tax,” which I think, all in all, needs to be repealed in full.

Let’s just talk today about what will happen if we do not pass H.R. 8.

Our farmers will be forced to lay off workers, and they will be forced to sell off equipment and land because that is where their investment is.

They will not be able to pass along to their families the accomplishments that they and their ancestors put forward because most farms are family-owned businesses. What I am speaking of is the inheritance tax going up. It will increase to—total asset income of \$1 million, increase to 55 percent, currently at \$5 million at 35 percent. You can see that that would be devastating.

As Steve Mitchell of Mitchell Farms in my district noted:

It will be very hard for our son to carry on. We have paid taxes all our lives, and now

they want to tax us when we die. With the value of our farm equipment these days, it wouldn’t take long for a family farm to run up against this limit.

We are here today because our economy and job creators continue to wait anxiously for real solutions. H.R. 8 will ensure that our family farmers, job creators will be protected.

□ 1320

Ms. SLAUGHTER. Madam Speaker, I am pleased to yield 2 minutes to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. I thank my New York colleague and friend.

Madam Speaker, I rise today in strong opposition to H.R. 8, which should be more appropriately named the Job Prevention and Recession Protection Act.

We always hear talk about tax reform, but the only solution my colleagues on the other side of the aisle have to offer is an extension of the failed policies that skyrocketed the debt and contributed to the current state of the economy. My Republican colleagues say their plan will create jobs. If that’s true, why didn’t it work during the Bush administration when we lost millions of jobs? The Republican philosophy always seems to be to help the wealthy and give the back hand to the middle class.

So let’s put this in perspective: at the same time the majority demands we give the wealthiest a break, they cut Medicaid and Medicare, early education programs, title X family planning, and food stamps. The list goes on and on. Madam Speaker, I would laugh if this weren’t so tragic.

Our government should be about giving everyone a fair chance and making sure that we help the middle class and working people. Unfortunately, the current Republican philosophy seems to make it easier for those who are already ahead and more difficult for everyone else. The Republican proposal would give our military soldiers a tax increase while giving millionaires and billionaires a huge tax break.

That’s why I strongly support the Democratic substitute introduced by Congressman LEVIN. Our substitute is in stark contrast to the billion-dollar boondoggle proposed by the majority. Our proposal continues the tax cuts for the middle class and requires the wealthiest to pay their fair share, as well they should. Until we can have a meaningful debate about actual tax reform, the Democratic proposal is the only one worth supporting.

Madam Speaker, I urge my colleagues to oppose H.R. 8 and to support the Democratic substitute.

Mr. SCOTT of South Carolina. I reserve the balance of my time.

Ms. SLAUGHTER. I yield 2 minutes to the gentleman from Tennessee (Mr. COHEN).

Mr. COHEN. Madam Speaker, this week there was some disturbing news

about Members of the House. One of our finest, longest-serving Members, Mr. LATOURETTE of Ohio, a Republican, announced he wasn't going to run for reelection. He said he couldn't run for reelection because of the gridlock and the difficulty getting things done.

He was for income, revenue—not for Grover Norquist's pledge that most of the Republicans have signed. And because he was for revenue, which is what the Democrat plan is, in taxing the wealthiest and most financially blessed in this country, he gave up because he said, you couldn't get things done. That's a shame.

People ask, why is there partisan gridlock? This is a perfect example. The two sides agree that people making \$200,000 a year or married couples making \$250,000 a year should get continued tax breaks. We should pass that, as the Senate did. We know that can become law and guarantee those tax breaks. The difference that we have is whether people making over \$200,000 single and \$250,000 married get tax breaks. They will get tax breaks on that amount of income but not on the income over that.

I have been blessed in my life, and I have had sufficient monies to do the things I want. But I have never made \$250,000 a year. I consider that a lot of money.

On the Democratic side, we call that middle class tax cuts. The reality is, in my perspective, it's upper-middle class tax cuts and middle class tax cuts. The only people at the top who are having to pay a little more are the very wealthy and predominantly millionaires.

When I grew up, a millionaire was somebody who had a net worth of \$1 million. Today it's somebody who makes \$1 million—rock stars, business tycoons, bankers. They can afford to pay it. They're not spending that money. We need Americans who spend their money to stimulate our economy. We need purchasers.

So that's why I am against the Republican plan and for the Democratic plan. It will activate our economy.

I thank the gentlewoman from New York for yielding the time.

The SPEAKER pro tempore. The Chair will advise the gentleman from South Carolina that he has 7½ minutes remaining, and the gentlewoman from New York has 9½ minutes remaining.

Mr. SCOTT of South Carolina. Madam Speaker, I yield 1 minute to the gentlelady from Kansas, Ms. LYNN JENKINS.

Ms. JENKINS. Madam Speaker, stopping the tax hike is not just about taxes; it's about jobs. Small businesses have been responsible for about two-thirds of the new jobs created. Raising taxes on the so-called "rich" will hit nearly 1 million of these businesses and in this weak economy will risk destroying 700,000 jobs.

Is it worth it? Raising taxes simply allows Washington to spend more. If we want to have a serious discussion about reining in our out-of-control spending, I welcome that debate. But first we should do no harm to our fragile economy.

Extending current rates gives us time to pass our plan for comprehensive tax reform without risking thousands of jobs and another recession. CBO estimates that action will produce 2 million jobs next year alone.

The choice is clear. Let's stop the tax hikes and create jobs.

Ms. SLAUGHTER. Madam Speaker, I am pleased to yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. Madam Speaker, although I have great affection for the gentleman from South Carolina, I am so enthusiastic that Ranking Member SLAUGHTER is managing this bill.

I rise in great opposition to H.R. 8, but in enthusiastic support for H.R. 15. This is a gift to America's women, working women, mothers.

And let me give you the role: every taxpayer will get tax relief on \$250,000. That, by the evidence of this letter from small businesses, will be 97, 98 percent of small businesses. And they are women—most of them, many of them—women who are in their homes having a one-person small business, women who have hired people in a five-person small business, women who are thinking of getting ready to start their small businesses.

Then, of course, the child tax credit. What a boon for working mothers and others who need that desperate relief. And then, of course, the marriage tax relief. EITC, if you come from the gulf region, we were saved by the earned income tax credit for Hurricane Katrina victims. They were able to get some minimal relief to carry them through. The higher education tax credit. The adoption tax credit. And as I indicated, the child care tax credit. A tax credit, as well, for expensing in small businesses.

What are my colleagues and my friends on the other side talking about? A job-killing, economy-killing, deficit-busting H.R. 8 is not the way to go.

So I am enthusiastically here to tell the women of America that this is a vote for you today. Those women who get up every day, who design a way to make a living when there is no job—these women, along with men, who have come into understanding what small business can do for America.

I'm excited because I consider the 18th Congressional District to be a host of small businesses. Everywhere I go, individuals are talking about their small businesses.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Ms. SLAUGHTER. I yield the gentlewoman an additional 10 seconds.

Ms. JACKSON LEE of Texas. I will submit into the RECORD, Madam Speaker, a letter from small businesses of the Main Street Alliance opposing H.R. 8 and supporting this legislation the Democrats are offering.

This is a celebration for women. This vote today will enhance opportunities for women, small businesses, and families across America.

Madam Speaker. I rise in strong opposition to H.R. 8 and H.R. 6169, and ask my colleagues on both sides of the aisle to come together in support of regular order for any proposed tax legislation, whether it comes to the House Floor today, tomorrow, or next year. The Rule before us is structured and I note that it is titled H. Res. 747, but unlike the jetliners that we Americans use every day, this bill and the Rule are not yet ready for take-off.

House Republicans released a proposal, H.R. 6169, that would relax some of Congress's normal procedural rules in order to enact an overhaul of the tax code—so long as the tax overhaul meets the objectives laid out in the House budget plan authored by House Budget Committee Chairman PAUL RYAN.

Their proposal states:

"The United States tax code is far too complex and bloated. It forces American citizens and small business owners to focus on filling out tax forms instead of tending to their families and businesses. It is clear to lawmakers on both sides of the aisle that real, fundamental reforms to our tax code are long overdue. In fact, our revenue laws have not been substantially reformed in 50 years," Chairman DREIER said.

I couldn't agree more with Chairman DREIER but by putting a stranglehold on the tax reform process before we even begin is tantamount to forcing debate on any tax reform bill while potentially limiting input.

H.R. 6169 lays out several components that the tax overhaul legislation must have in order to be passed through the easier legislative procedure.

All of these components seem identical to those laid out in the Ryan Plan that we witnessed in the Spring—it's like a bad B movie rerun.

The required components of the tax overhaul include:

- replacing the personal income tax rates with just two rates, 10 percent and 25 percent (or less)

- repeal of the Alternative Minimum Tax, AMT reducing the statutory corporate income tax rate to 25 percent (or less)

- adoption of a "territorial" tax system (exempting offshore profits of corporations from U.S. taxes)

- collecting revenue equal to between 18 and 19 percent of GDP

The "findings" section of the bill states that revenue will "rise to 21.2 percent of GDP under current law," meaning its proposed revenue target of between 18 and 19 percent of GDP is an explicit cut in revenue.

Like the Republican Plan, the bill introduced by my colleagues Ways and Means Chairman CAMP and Rules Committee Chair DREIER, does not say which tax loopholes and tax subsidies should be closed to ensure that the tax system still collects revenue equaling between

18 and 19 percent of GDP even after the plan's steep rate reductions and the repeal of the AMT are in effect.

My sense is that even if those with incomes exceeding \$1 million were forced to give up all the tax expenditures RYAN could possibly want to take away from them—all their itemized deductions, tax credits, the exclusion for employer-provided health insurance and the deduction for health insurance for the self-employed—even then the net result for these taxpayers would be an average income tax cut of \$187,000 in 2014.

That's because the income tax rate reductions RYAN proposed are so deep that they would far outweigh the loss of all these tax loopholes and tax subsidies.

I have consistently supported and voted for middle class tax cuts, as I did two years ago when I voted for the Middle Class Tax Relief Act of 2010, and the extension of unemployment benefits.

I am deeply saddened that the fate of unemployed, low and middle income Americans has been held hostage by the insistence by Republicans that this legislation include a giveaway to the wealthiest 2 percent of Americans that is going to irresponsibly expand the already large deficit.

I have spoken to and heard from many fine, patriotic, hardworking middle income Americans from Houston, from the great state of Texas, and all across the nation. Middle class American families and small businesses are deeply concerned about our troubled economy, the skyrocketing national deficit, high unemployment rates, job creation, and sorely needed extension of the tax relief and unemployment benefits set to expire at the end of this month.

The Republican bill temporarily extends for one year, through 2013, all the reduced tax rates and other tax benefits enacted in 2001 and 2003 that are scheduled to expire on Dec. 31. The measure maintains the maximum estate tax rate of 35 percent while retaining the exemption amount of \$5 million, provides a two-year "patch" to prevent the alternative minimum tax, AMT, from hitting over 27 million taxpayers and allows small businesses to deduct an increased amount of their capital expenditures for another year.

I feel like we have been down this path before and I recall many of my colleagues staking a claim to fiscal responsibility. Well, I ask in all sincerity, which bill is more fiscally responsible: H.R. 8, which blows a hole in the deficit, or H.R. 15, the Democratic alternative which keeps the Bush Tax rates in place for the people who truly need tax relief.

This is the same Republican Congress which has asked for a balanced budget amendment. It has codified the Joint Select Committee on Deficit Reduction, which is possibly unconstitutional, and has had no impact on jobs and the unemployment problem. Yet today they want us to vote on a tax increase for the top 2 percent. This illustrates what happens when Congress does not work together in a bipartisan manner, laboring for the American people. We must work together and compromise.

The Senate gave us a layup by producing a bill last week which is virtually identical to the Democratic Substitute. All we have to do is act like Olympians and pass it.

The American people are asking the President and Members of Congress to move swiftly and take decisive action to help restore our economy in a fiscally responsible manner. I am disappointed that Republicans have insisted on holding tax cuts for working and middle class families' hostage in order to benefit the wealthiest 2 percent of Americans.

I would like to thank President Obama for his determined leadership, support and commitment to protecting important tax relief issues for middle-income Americans and the nation's small businesses and farmers during these challenging economic times. I would also like to thank all the Members and their staff who worked diligently to bring this essential legislation to the House floor today in an attempt to do all that we can to protect the American people and move this nation toward fiscally responsible economic recovery.

I support those provisions of H.R. 8 which provide relief for middle-class families and small businesses who will see their taxes go down and get much needed certainty. But I cannot in good conscience support tax relief for millionaires and billionaires at a time when others need help just to make ends meet.

Unlike those provisions of H.R. 8 which benefit America's struggling middle class, I do not support the provisions of this legislation which condition that desperately needed relief upon the unconscionably high cost of providing an unnecessary, expensive giveaway to the wealthiest Americans by providing a 2-year extension of Bush-era tax cuts for the wealthiest 2 percent of Americans while keeping their estate tax rate at 35 percent on estates valued at more than \$5 million for individuals and more than \$10 million for couples.

These giveaways to the wealthiest Americans during these dire economic times needlessly add billions of dollars to our skyrocketing deficit yet create no value for our ailing economy since these tax cuts are not tied to job creation and preservation.

#### ESTATE TAX AMENDMENT

I offered an amendment that would have set the Estate Tax at reasonable levels. My amendment would have allowed estates valued at \$3.5 million or less to pay 35 percent, estates valued between \$3.5 million and \$10 million to pay a 45 percent rate, and estates over \$10 million to pay a 55 percent rate. This commonsense amendment would have restored a sense of fairness to H.R. 8.

According to the Center on Budget and Policy Priorities, the 2009 estate tax rules already are extremely generous, tilting in favor of the wealthy. The Tax Policy Center estimates that if policymakers reinstated the 2009 rules:

The estates of 99.7 percent of Americans who die would owe no estate tax at all in 2013. Only the estates of the wealthiest 0.29 percent of Americans who die—about 7,450 people nationwide in 2013—would owe any tax.

Moreover, under the 2009 rules, the small number of estates that were taxable would face an average effective tax rate of 19.1 percent, far below the statutory estate-tax rate of 45 percent. In other words, 81 percent of the value of these estates would remain after the tax, on average. An estate tax that exempts the estates of 997 of every 1,000 people who die and leaves in place an average of 81 per-

cent of the very wealthiest estates is hardly a confiscatory or oppressive tax.

Moreover, only 60 small farm and business estates in the entire country would owe any estate tax in 2013, under a reinstatement of the 2009 rules, and these estates would face an average effective tax rate of just 11.6 percent. Failing to tie tax cuts to job creation is irresponsible since it exacerbates our growing deficit without bolstering job creation.

My amendment does not address the step-up in basis. The exemption level and rate are consistent with parts of the estate tax proposal included in the President's FY2010 and FY2011 Budgets and H.R. 16, the intelligent estate tax proposal being put forth by my colleague Mr. LEVIN of the Ways and Means Committee.

#### CLASSROOM EXPENSE DEDUCTION AMENDMENT

My second amendment would have provided tax relief to school teachers by providing them a deduction for qualified out-of-pocket classroom expenses of \$250 dollars, whether or not they itemize their deductions. You may recall Mr. Speaker that the President included this proposal in his Budget for Fiscal Year 2013.

I understand the tremendous personal costs incurred by educators with little or no classroom budget. According to a 2006 National School Supply and Equipment Association Retail Awareness Study, teachers spend an average of \$493 out of pocket on school supplies for their own classrooms.

Seven percent of teachers surveyed said they plan to spend more than \$1,000 of their personal finances on supplies. As education budgets face major shortfalls in the recession, that amount is expected to increase significantly.

Beginning in 2002 the IRS allowed for an above-the-line deduction for classroom expenses of up to \$250. The educator expense deduction allows teachers to write off some expenses that they incur to provide books, supplies, and other equipment and materials for their classrooms. I introduced this amendment and would like to acknowledge the work of my colleagues who have put forth legislation advocating this deduction. America's teachers from Texas to Maine to Florida to Washington deserve our renewed appreciation for their commitment to educating future generations.

Our children should not have to suffer because our teachers are given a Hobson's Choice, forced to choose between using their own finances to effectively teach a class or forced to cut corners due to budgetary restrictions. We promote an increased quality of education by lessening the financial burden on them when they are trying to go above and beyond their responsibilities is certainly warranted.

While I am opposed to the portions of H.R. 8 that amount to an expensive giveaway to the wealthiest 2 percent of Americans, I want to emphasize that I fully support job-creation and job creators. I also support President Obama's vision for change. I share his commitment to fighting for low- and middle-income Americans who are the backbone of this country and our economy.

However, this legislation, H.R. 8, especially as it pertains to tax cuts for the top 2 percent

of Americans and estate tax provisions that are regressive and inflate the deficit, does not comport with this vision. I have serious misgivings about extending tax cuts for the wealthiest Americans at the expense of our deficit, especially if these tax cuts are not targeted towards job creation.

#### DEFICIT AND TAXATION

You may recall that in the Budget, the Administration calls for individual tax reform that: cuts the deficit by \$1.5 trillion, including the expiration of the high-income 2001 and 2003 tax cuts. As a matter of sound fiscal policy, I am supportive of this effort. I recognize the putative economic benefits that many attribute to the Bush Tax Cuts, but we must ask ourselves are they affordable? There is no amount of dynamic scoring that will help penetrate the deficit.

The President's budget also eliminated inefficient and unfair tax breaks for millionaires while making all tax breaks at least as good for the middle class as for the wealthy; and observes the Buffett Rule that no household making more than \$1 million a year pays less than 30 percent of their income in taxes.

The individual income tax is a hodgepodge of deductions, exemptions, and credits that provide special benefits to selected groups of taxpayers and favored forms of consumption and investment. These tax preferences make the income tax unfair because they can impose radically different burdens on two different taxpayers with the same income. In essence, Congress has been picking winners and losers.

There is absolutely no justification for huge tax cuts. The wealthiest tax brackets should not profit at the expense of programs keeping struggling families from poverty.

Bear in mind, the Republican's 2012 budget cut \$2 trillion dollars more than President Obama's Debt Commission advised, and those cuts come from vital social services and safety nets for low-income families, children and seniors.

Tax expenditures also reduce the economy's productivity because decisions on earning, spending, and investment are driven by tax considerations rather than the price signals that a well-balanced, and fair free market economy produces. These expenditures, whether for individuals or corporations, are really no different than the much ballyhooed entitlement programs, but they have cute names and fancy lobbyists.

Moreover, tax expenditures make the tax system excessively complex for honest taxpayers who are trying to comply with the law while seeking the benefits to which they are legally entitled.

The system is so complex that most taxpayers—even those with low incomes—now use either a professional tax preparer or tax software. A one-page form shouldn't require a tax preparer who earns a percentage of the return, or a fee.

It is not justifiable, especially when some commentators like to point out that a number of taxpayers pay no tax—well they somehow conveniently forget to mention that these tax scofflaws making \$30,000 dollars a year more than make up for it with a long list of regressive taxes at the state and local level.

The alternative minimum tax, or AMT, was initially designed to ensure that all high-in-

come taxpayers paid some income tax, has become the poster child for the tax system's failure, requiring Congress to enact increasingly expensive temporary patches to prevent the AMT from encroaching on millions of middle class households particularly those with children, in a web of pointless high tax rates, complexity, and unfairness.

On the deficit reduction front it is important to remember the economic crisis that the President inherited. I remember back in 2008 and 2009, when we experienced the worst recession since the Great Depression. The economy actually contracted, it shrunk, at a rate of almost 9 percent in the fourth quarter of 2008.

We lost 800,000 private-sector jobs in January of 2009 alone, and unemployment was surging. Those are the conditions the President inherited—the car was swerving into the ditch. He was not the driver, but he was asked to come in on literally his first day of office, roll-up his sleeves and figure out how to prevent the car from rolling farther down the hill. If you'll recall we also faced a housing market that was in crisis, and we faced a financial market crisis as well that threatened to set off a global financial collapse. We have come a long way since then yet there is more work to be done.

The cloud looming over this Congress is an unintended "triple-witching hour" of tax increases that will take effect at the beginning of 2013.

The expiration of the Bush Tax Cuts, the end of the recently extended Payroll Tax Cut, and increases in capital gains and dividends taxation will shock the conscience and wallets of the American people. That is why Congress needs to enact bi-partisan legislation that helps lower the deficit but does not wreck havoc on the financial soul of the middle class.

But again, tax reform that lowers the rate, reduces the deficit, and does not pick winners and losers is not easy, but let's not forget, if President Reagan and then-Speaker Tip O'Neill could do it in 1986, anything is possible.

The so-called "99ers" have been sincerely looking for work for a very long time and have run out of resources to provide for their families and pay their mortgages, pay their bills and buy food. They simply want and need a job to pay for these obligations. H.R. 8 proposes to give tax cuts to the wealthiest Americans, yet fails to provide for the so-called "99ers."

H.R. 8 unfortunately is not ready for prime-time.

THE MAIN STREET ALLIANCE,  
Seattle, WA, August 1, 2012.

To: Members of the U.S. House of Representatives.

Re Small business support for ending the extra Bush tax cuts for the top 2 percent.

DEAR REPRESENTATIVE: As small business owners, we urge you to end the special Bush-era tax cuts for the top 2 percent of income earners, or household income over \$250,000 a year. This is the right thing to do for small businesses, our local economies, and America.

The debate over the Bush tax cuts has been clouded by claims that ending special breaks for the top 2 percent of income earners would

impact many small businesses. As small business owners, we know these claims don't square with the facts.

In reality, only a tiny fraction—roughly 3 percent—of all American taxpayers who report any form of business income on their personal tax returns would be impacted by a change in tax rates for income over \$250,000. Even this small fraction includes hedge fund managers, high-powered corporate lawyers, and K Street lobbyists, so the number of real small businesses affected is even fewer.

Furthermore, the "trickle down" theory used to justify extra tax cuts at the top simply doesn't work. When the Congressional Budget Office examined close to a dozen options to jumpstart economic activity and job creation in early 2010, it found that extending special tax breaks for the richest Americans was the least effective of all 11 options for creating jobs and boosting the economy.

Finally, claims about how ending these special tax cuts will impact job creation ignore the most basic fact about what drives small business hiring. Customers drive small business hiring, not tax cuts. We hire when we see opportunities, when demand exceeds the capacity of our current workforce, not because of a tax cut on our take-home income.

Small businesses need more customers. How do we get there? Build roads and bridges, invest in education, hire teachers and first responders—this will create local jobs, inject money into local economies, and bring more customers into our businesses. But we won't have the resources to do these things if we take the nearly \$1 trillion we would raise from ending the extra tax cuts for income over \$250,000 and hand it right back in another giveaway to the top.

We urge you to stand with real small businesses and end the special Bush tax cuts for the top 2 percent.

Sincerely,

Charles Carter, Boy Genius World Productions, Eureka Springs, AR; William Wallin, Wallin Mental Medical, Richmond, CA; Penny Shaw, Financial Affairs, Cooper City, FL; Ron Dinsdale, Midvale Pinacotheca, Huxley, IA; Laura Schlegel, Mario's Mondo Cafe, Chicago, IL; Iris Marreck, Iris B. Branding & Communications, Northfield, IL; Maude Varela, Kidutopia, New Orleans, LA; Thomas Dougherty, Pancro Cinema Products, Grass Valley, CA; Marian Gallagher, Nube de Helado Software, Inc., San Diego, CA; Jena Schill, Hair stylist, Ames, IA; James Berge, Berge Farms, Kensett, IA; Kristin Aufmann, Aufmann Associates, Ltd., Mount Prospect, IL; Kyle Schulz, Kar-Fre Flowers, Sycamore, IL; Brian England, British American Auto Care Inc., Columbia, MD; Timothy Larive, Larive Appraisal Services, Mount Shasta, CA; Laurie Chadwick, Bed and Biscuits, Santa Cruz, CA; Natalie Dinsdale, TaDah Salon, Ames, IA; ReShonda Young, Alpha Express Inc, Waterloo, IA; David Borris, Hel's Kitchen Catering, Northbrook, IL; Mary Noel Black, The UPS Store @ Citiplace, Baton Rouge, LA; Catherine Cretu, Anaconda Press, Inc., Forestville, MD.

Jerry Alexandratos, Alexandratos Rental Properties, Frederick, MD; Timothy Floyd, Floyd Consulting, Augusta, ME; Halcyon Blake, Halcyon Yarn, Inc., Bath, ME; Jerry Provencher, MRPS, Bath, ME; Beverly Evans Messer, Electrolysis by Bev, Belfast, ME; Jim

Riley, Black Dog Services, Berwick, ME; Alexander Jackimovicz, Jackimovicz Electric, Boothbay, ME; Gloria Coomer, Solarmarine LLC, Brooksville, ME; Steven Klockow, Healing Relationships, Brunswick, ME; Amy Smith, Social Insight, Arrowsic, ME; Gary Friedmann, Bar Harbor Community Farm, Bar Harbor, ME; George Waldman, MainePhotoJournalism.com, Bath, ME; William Savedoff, Social Insight, Bath, ME; Dr Rebekka Freeman, Partners for Change, Belfast, ME; Patricia Vigue, Music Plus, Biddeford, ME; Joan Lee Hunter, Fifth House Lodge Writers' Retreat, Bridgton, ME; Harold Roberts, Coryell Clayworks, Brunswick, ME; Moreen Halmo, Psychologist, Brunswick, ME; Bill Tibbetts, Brookside Auto Repair, Augusta, ME; Emily Henry, Chickadee Hill Flowers, Bar Harbor, ME; Michael Kelly, Michael Thorne Kelly, Inc., Bath, ME; Susan Lubner, Yoga in Bath, Bath, ME; Carol P. Gater, Wealthy Poor House B&B, Belfast, ME; Frank Svatek, Photographer, Biddeford, ME; Ken Converse, Quality Images, Bridgton, ME; Daniel Atkins, Fine Blade Carpentry, Brunswick, ME; Robert Theberge, RC Theberge GC, Inc., Brunswick, ME.

Laurie Garrec, Westcon Mfg Inc, Brunswick, ME; Anna Dembska, Publishing, Camden, ME; Mark Braun, Mark Braun, MD, Cape Elizabeth, ME; David A. Woolsey, David Woolsey Violinmaker, Ellsworth, ME; Melanie A. Collins, Melanie's Home Childcare, Falmouth, ME; William Berlinghoff, Oxtown House Publishers, LLC, Farmington, ME; Nancy Glista, Glista Jewellery, Franklin, ME; Carson Lynch, The Gorham Grind, Gorham, ME; Steve Workman, Workman Management Consulting, Kittery, ME; Jennifer Porter, Honey Tree Films, Buxton, ME; Constance Jordan, Behavioral Health Resources, Cape Elizabeth, ME; Mary Ellen Serina, Paradise Studio, East Boothbay, ME; Edward Grohoski, Ed's Electric Inc., Ellsworth, ME; Ned Kitchel, Quaker Marine Supply Co, Falmouth, ME; Emery Goff, The Old Barn Annex Antiques, Farmington, ME; David Hutchinson, Checkout Convenience Stores, Glenburn, ME; Doris Luther, Mediation & Conflict Resolution Services, Hollis, ME; Edward Walworth, MD, Retired Surgeon, Lewiston, ME; Mallory Hattie, Raising Canine Maine Dog Training, Buxton, ME; Scott Cronenweth, Freelance writer, Cape Elizabeth, ME; Sandra Fayle, Faraway Antique Shop, East Millinocket, ME; Kathryn Gannon, Gannon-Janelle Interiors, Falmouth, ME; Sandra Stanton, Artist, Farmington, ME; Beth Labaugh, Kennebec Therapeutics, Fayette, ME; Elizabeth Beane, Clinical Social Worker, Private Practice, Gorham, ME; Gary McGrane, GT McGrane Builders, Jay, ME; Craig Saddlemire, Round Point Movies, Lewiston, ME.

Mike Relac, Fox Hill Associates, Inc., Limington, ME; Cheryl L. Wilder, Pine Street Redemption Center, Madison, ME; John Sweet, Sweet Timber Frames, Mount Desert, ME; Marla Bottesch, Snowbound Books, Norridgewock, ME; Doty Caldwell, Dorothy Caldwell, LCPC, Penobscot, ME; Elizabeth Della Valle, Elizabeth A

Della Valle, AICP, Portland, ME; Joel Bolton, Internet Island Web Development, Portland, ME; Jennifer Lunden, The Center for Creative Healing, Portland, ME; Abi Morrison, Red Bird Acupuncture, Rockland, ME; Scott Gaiason, Bear Wood, Lisbon Falls, ME; Susan D'Alessandro, Maine Nature & Nostalgia, Millinocket, ME; Jessie Greenbaum, Therapeutic Massage, Mount Desert, ME; Irja Frank, Frank Translations, Orono, ME; Cynthia L. Cochran, Cynthia L Cochran, CPA, Portland, ME; Martha Fenton, Freelance writer, Portland, ME; Cecile Deroche-Cain, Musician, Portland, ME; Mary Zarate, Z Fabrics, Portland, ME; Ginger Woods, Self-employed, Rumford, ME; Elizabeth Como, Winter Journeys, Lovell, ME; John Ackerman, Residence, Mount Desert, ME; Winston Mctague, Jr, Mctague Logging, Newport, ME; Geno Scalzo, Shipwright, Owls Head, ME; Gary Ameika, Dune Marketing, Portland, ME; Dr. Wendy Pollock, Inner Shores, Portland, ME; Barbara McKim, Psychologist—Private Practice, Portland, ME; Joanne Dunlap, Mo's Variety, Rangeley, ME; Susan Littlefield, Echo Farm Pottery, Saco, ME.

Matthew B. Westerlund, Matt Westerlund Financial Services, Sanford, ME; Shahzad Kirmani, VisionMaster, Inc., Scarborough, ME; Frank Ridley, Different Drummer Workshop, Solon, ME; Priscilla Skerry, Healing Routes, South Portland, ME; Ann Breeden, Spring Woods Gallery, Sullivan, ME; John H. Noyes, The Picture Framer, Inc., Topsham, ME; Earl Morse, Waterford Design, Waterford, ME; Bill Nave, Bill Nave Consulting, Winthrop, ME; Mary Campbell, Everyday Wines, Ann Arbor, MI; Edwin Farrar AE Profit Solutions, Scarborough, ME; Joe Thompson, Salt Pond Rowing, Sedgwick, ME; Bonnie Jackson, Bonnie Jackson Remodeling, South Portland, ME; Artis Bernard, Inleaf Press, South Portland, ME; Eileen Mielenhausen, Healing & Expressive Arts Retreats of Maine, Surry, ME; Seth Hall, S & J Llama LLC, Waldoboro, ME; John O'Donnell, Tilton & O'Donnell Law Offices, Waterville, ME; David Mercer, Mercer & Sons, Yarmouth, ME; Steve Koch, Midnight Security & Communications Inc, Flint, MI; Allegra Kirmani, Heart Art Studios, Inc, Scarborough, ME; Pat Berger, The Pond, Sidney, ME; Georgia Williamson, Georgia Deveres Studio, South Portland, ME; William Clarke, CIMPAC INC, St George, ME; David Hynd, Carpentry, Thomaston, ME; Mitch Kihn, Mid-Maine Forestry, Warren, ME; Tori Stenbak, Stenbak Law Offices, PA, Westbrook, ME; Chris Barbour, Barbour Computing, York, ME; Mary Bridge, Hip Hoopla LLC, Chesterfield, MO.

James Hoffmann, Hoffmann/Morgan Architects, Missoula, MT; Elizabeth Wood, Crossroads Veterinary Clinic, Cortland, NY; Ann Stanley, Radiant Health Acupuncture and Massage, LTD, Bend, OR; Michael O'Shea, Tiffany and O'Shea, Inc, Happy Valley, OR; Karen McCarthy, Madras Garden Depot, Madras, OR; Vincent Alvarez, Peanuts on the Half Shell, Milwaukie, OR; Thomas Karwaki, CAI, Portland, OR; Michael Schulte, Joe's Garage,

Portland, OR; Steve Hanrahan, Mirador Community Store, Portland, OR; Kent Watson, Kent Watson & Associates, Missoula, MT; Freddy Castiblanco, Terraza 7, Elmhurst, NY; Kate Lindburg, Animal Crackers Pet Supply, Corvallis, OR; Peter Bluett, Pete Bluett Sculpture, Lake Oswego, OR; Barbara Byram, Barbara Byram Consulting, Medford, OR; Jim Gilbert, Northwoods Nursery, Molalla, OR; Sherry Dirks, Gray Bear Construction Co., Portland, OR; Samuel Pardue, Lensbaby, Portland, OR; Peter Rossing, Muse Art and Design, Portland, OR; J. Kelly Conklin, Foley-Waite Associates Inc, Bloomfield, NJ; Greg Nickle, Nickle & Associates, Tulsa, OK; Brian McDonald, Gresham Music, Gresham, OR; Karen Alexander-Brown, Wind Song at the Sea Gypsy, Lincoln City, OR; Mark Kellenbeck, BrainJoy LLC, Medford, OR; John Mullin, Amalgamy Productions, Oregon City, OR; Bruce Chaser, Hawthorne Wellness Center, Portland, OR; Moses Ross, M. J. Ross Group, Inc., Portland, OR; Deborah and John Field, Paperjam Press, Portland, OR.

Judith Wallace, Serenity Shop, Portland, OR; Brian Setzler, CPA, TriLibrium, Portland, OR; Hank Keeton, Keeton Corporation, Scotts Mills, OR; Aylene Geringer, The Chocolate Box, Silverton, OR; Gary Mazzilli, Outsource Estimating Inc., Hayes, VA; Chuck Robinson, Village Books, Bellingham, WA; Robert Jekel, Parkade Hobbies, Kennewick, WA; Diana Thompson, Harmony SoapWorks, Ocean Park, WA; Dan Emerson, Summit View Pet Clinic, Puyallup, WA; Tamara Maher, Tamara B Maher PC, Portland, OR; Jack Coelho, Vital Body Studio, Portland, OR; Victor Madge, Architecture, Silverton, OR; Terrell McDaniel, Hughes McDaniel and Associates, Hendersonville, TN; Diane Middaugh, Quik Tan, Bellevue, WA; Dante Montoya, Dante Lee Montoya CPA, Kennewick, WA; Allan Willis, Tri-City Music, Kennewick, WA; Carolyn Hart, Olympia Frameworks, Olympia, WA; Laura Waite, Jay's Professional Automotive, Renton, WA; KB Mercer, Traveling Lantern, Portland, OR; Jose Gonzalez, Tu Casa real Estate, Salem, OR; Jason Freilinger, Freilinger Electronics, Inc., Silverton, OR; Martha Eberle, WildWoods of Texas, Dripping Springs, TX; Ben Knudsen, DIGS, Bellingham, WA; Rick Van Heel, Music Machine, Kennewick, WA; Consuelo Gomez, Marty K Inc., Mercer Island, WA; Randy Eakman, Finish Craft, Pasco, WA; Sarah Stegner, Again and A Gain, Seattle, WA.

Eli Reich, Alchemy Goods, Seattle, WA; Beth Sanders, Athena Video Arts, Seattle, WA; Dan McComb, BizNik, Seattle, WA; Jody Hall, Cupcake Royale, Seattle, WA; Lauren Kelly, Einstein Signs, Seattle, WA; Frank Taylor, Frank's Barber/Salon, Seattle, WA; Kathryn Hooks, J.O.Y Unlimited, Seattle, WA; Tarek Gelate, Lucy Ethiopian Restaurant, Seattle, WA; Beckie Lindley, Merry Tails & Dog Alley, Seattle, WA; Valeriy Arrymanon, Alluan, Inc, Seattle, WA; Ed Whitfield, BBQ Pit, Seattle, WA; Nicole Miller, Blackbird, Seattle, WA; Keith Gormezano, Dr. Quick Books, Inc., Seattle, WA; Peter Aaron, Elliott Bay

Book Company, Seattle, WA; Eduardo Revelo, Guaracos Tacos, Seattle, WA; Yong Kim, Jackson Cleaners, Seattle, WA; Malia Keene, Magpie, Seattle, WA; Mary Clark, Merryweather Books, Seattle, WA; Annie Davis, Annie's Nannies Inc, Seattle, WA; Joline El-Hai, Bella Luz Studio, Seattle, WA; Joshua Huisenga, Chalkbox Creative, LLC, Seattle, WA; Berhane Amanuel, East African Imports, Seattle, WA; JK Burwell, Family Heritage, Seattle, WA; Theo Martin, Island Soul, Seattle, WA; Heather Caldwell, Kismet Salon, Seattle, WA; Terry, Many Many Moons, Seattle, WA; Jack Burg, Montlake Mousse, Seattle, WA; Dale Russ, Morning Dew Productions, Seattle, WA; Mohammed Almatn, Professional Copy/Print, Seattle, WA; Wasif Qadri, Shalimar Indian/Pakistani Cuisine, Seattle, WA.

Brian Wells, Tougo Coffee, Seattle, WA; Anil Shrestha, University Food & Deli, Seattle, WA; Mari Cook, Voyeur, Seattle, WA; Steven Hall, MD, Steven M. Hall, MD, Snoqualmie, WA; Eben Cole, Cole Music Co, Spokane, WA; Jason Berg, Infinity Fitness, Spokane, WA; Carl Medeiros, Panache Clothing, Seattle, WA; Eduardo Marlo, Puerto Vallarta Mexican Restaurant, Seattle, WA; Jason Grimes, Spin Cycle, Seattle, WA; Mohammed Toure, Toure Apparel, Seattle, WA; Lois Ko, University Haagen Dais, Seattle, WA; Park, Western Beauty Supply, Seattle, WA; Mark Gerard, Advanced Radon, Spokane, WA; John Friar, Friar Farms, Spokane, WA; Nate Coming, Mark's Guitar Shop, Spokane, WA; Pirkko Karhunen, Pirkko, Seattle, WA; Ben Jenkins, Shadowland, Seattle, WA; Ryan Calkins, Statements, Seattle, WA; Kirk Strong, University Ave Barber, Seattle, WA; Andrew Park, University Teriyaki, Seattle, WA; Deborah Cziske, Cascade Industrial Supply, Shoreline, WA; Michael Bonnes, Brooklyn Deli, Spokane, WA; Rick Ericksen, Halpins, Spokane, WA; Larry Lent, Mr. J's Take & Bake Pizza, Spokane, WA; Janine Vaughn, Revival Lighting, Spokane, WA; Mollie Fenton, Fenton/Stahl Gallery, Walla Walla, WA; James Kytonen, Violin Works, Spokane, WA; Wayne Chabre, Wayne Chabre Sculptor, Walla Walla, WA; Rob Robinson, Building Dynamics LLC, Walla Walla, WA.

Mr. SCOTT of South Carolina. Madam Speaker, I yield 2½ minutes to the gentleman from Iowa, Mr. STEVE KING.

Mr. KING of Iowa. I thank the gentleman from South Carolina for yielding and for leading this reform debate for real tax reform.

In the time I came to this Congress, I have made the pledge that I would push for tax reform. I believed at the time that the debate that had been taking place in this Congress over the preceding years would flow into the following years.

I remember the inspiration that came when Billy Tauzin and Dick Armey went around the country and debated tax reform between the flat tax and the Fair Tax. I don't ever remember anyone debating in favor of the Fair Tax having lost that debate. But we had a real tax reform debate.

And in this time—and I have pushed in my time in this Congress—I can think of only one time that we have had a serious debate on tax reform, and that was at a time when we had some debate, and I testified before the Ways and Means Committee in favor of a national sales tax.

This rule that's before us expedites this debate. It expedites the consideration of a bill providing for comprehensive tax reform. And I look at the conditions that are in here. There are five conditions that are written in, and the Fair Tax meets all of those conditions, I think, by design.

I am looking forward to an open debate that will take place at least within the Ways and Means Committee and hopefully come here to the floor. It says to me, as I look at this rule, that the legitimate proposals that would come for real tax reform will be in order before the Ways and Means Committee.

So I encourage those committee members, as this expedited debate takes place, to bring your reforms to the Ways and Means Committee. Bring them in the form of amendment. Let's have a real debate. Let's put the Fair Tax up against everything else.

□ 1330

And I have done that now since about 1980. And even though I have lost a couple of debates with my wife and some with my family, and even one or two with my staff, I've never lost a debate on the fair tax because the American people understand this—right now, the Federal Government has a first lien on all productivity in America. If you punch a time clock on Monday morning, just imagine, Uncle Sam is standing there by that time clock. When it goes thunk, his hand goes out and he gets into his hand what he wants until he gets his share, and then he puts it in his pocket and you get to keep what's left.

Let's change the tax from production to consumption. Let America grow, let America breathe, to quote the Congressman from Pennsylvania.

Ms. SLAUGHTER. Madam Speaker, I would like to inquire of my colleague if he has further speakers?

Mr. SCOTT of South Carolina. I have one.

Ms. SLAUGHTER. I reserve the balance of my time.

Mr. SCOTT of South Carolina. Madam Speaker, I yield 1 minute to the gentleman from Texas (Mr. FARENTHOLD).

Mr. FARENTHOLD. Madam Speaker, I thank my freshman colleague from South Carolina.

I rise today in support of this rule. America has waited long enough for the uncertainty over taxes to go away. This rule gives us the opportunity to avoid a huge tax increase and gives us the opportunity to have that debate

about a fairer, flatter, simpler tax that the American people want and need and this economy wants and needs.

You know, we shouldn't be having a big argument over these extensions. They passed on a bipartisan basis under Speaker PELOSI. They should pass on a bipartisan basis this time. We do not need the politics of envy and divisiveness. We need tax reform, and this puts us on the path to do it.

I urge my colleagues to support this rule and the underlying bill.

Ms. SLAUGHTER. Madam Speaker, I yield myself the balance of my time to close.

Madam Speaker, we understand the majority intends to have a last-minute change in the rule. The amendment would create a number of obstacles to middle class tax cuts. And under the last-minute change, the middle class taxes could not be cut until the Senate has approved the entire Republican tax reform agenda, and we certainly don't need that kind of obstacle and we don't need that kind of bill. We need quick action on tax cuts, so I hope we can get that today. But let me remind you that you need to vote against this rule, unless you want the Republican bill to pass automatically.

The Senate-passed tax cuts are a simple and fair extension of tax cuts that will directly benefit the middle class. It was quite wonderful to see the Senate of the United States do the sensible thing and say that everyone making \$250,000 and under would receive a tax cut. Unfortunately, our colleagues on the other side of the aisle are the only ones standing in the way of the tax cut becoming law.

Their flawed alternative proposal demands that any middle class tax cut be accompanied by an additional tax cut for the richest 2 percent. Such a proposal would be and has been a fiscal disaster. It would explode the Nation's deficit, fail to create jobs, and perpetuate the record of inequality facing our Nation.

The oft-repeated premise that we need to protect job creators—who haven't created new jobs—with lower corporate taxes and lower taxes for the wealthy should be put to bed. It has been thoroughly and convincingly disproven.

Instead of protecting tax loopholes for corporations that ship jobs overseas and serving the wealthy at the expense of the middle class, we should be making the Tax Code more simple and fair and asking everyone just to pay their fair share. Our proposed middle class tax cut would be a great first step towards doing just that.

In addition, Madam Speaker, if we defeat the previous question, I will offer an amendment to the rule to give the House a vote on H. Res. 746, which would prohibit us from going home until the President signs middle class tax cuts into law. Otherwise, we will be



going home perhaps tomorrow with that undone.

There is no excuse for Congress to go on summer vacation at the end of this week. No other American leaves work with a job half done, and neither should we. It is our duty to deliver results for the American people, and we should not leave this town until every middle class family has a tax cut in their hands.

In closing, I urge my colleagues to support the middle class tax cuts, to vote "no" on the rule and on ordering the previous question.

Madam Speaker, I ask unanimous consent to put the amendment and other extraneous material in the RECORD immediately prior to the vote.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Ms. SLAUGHTER. I yield back the balance of my time.

Mr. SCOTT of South Carolina. Madam Speaker, I wonder what my friend from Texas would have said, if she was still here, to the 253,000 women, small business owners, who will be impacted by higher taxes based on the actions of our friends on the left. I wonder, Madam Speaker, what my friends on the left would say to the 710,000 newly unemployed Americans because of their actions on the left? I wonder, Madam Speaker, what my friends on the left would say to the senior citizens who make less than \$100,000, to the senior citizens who make less than \$50,000 who would see a 185 percent increase on their taxes for their dividend income?

Madam Speaker, my friends on the left have asked a very interesting and telling question when they asked: Who deserves a tax increase? Well, we on the right have a very clear answer to that question. We believe everybody deserves a tax decrease.

Madam Speaker, with unemployment for the 41st month over 8 percent, with unemployment in south Atlanta over 9.4 percent, I would suggest, Madam Speaker, now is not the time to engineer fairness. Now is a time for us to keep taxes low.

Madam Speaker, everyone in this room can agree we need to take steps to turn our economy around. But while one side of the room wants to divide our Nation to do so, we understand that punishing some Americans in the name of helping others is not the solution. We must lift everyone up; otherwise, we will all just end up in the squishy, nebulous middle. And America isn't about being mediocre. America is about being the best, the strongest, and the leader of the free world. Let's stay there as a Nation.

AMENDMENT OFFERED BY MR. SCOTT OF SOUTH CAROLINA

Mr. SCOTT of South Carolina. Madam Speaker, I move to amend the resolution with the amendment I have placed at the desk.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Add the following new section:

SEC. 10. (a) In the engrossment of H.R. 8 the Clerk shall—

(1) add the text of H.R. 6169, as passed by the House, as new matter at the end of H.R. 8;

(2) conform the title of H.R. 8 to reflect the addition of H.R. 6169, as passed by the House, to the engrossment;

(3) assign appropriate designations to provisions within the engrossment; and

(4) conform provisions for short titles within the engrossment.

(b) Upon the addition of the text of H.R. 6169, as passed by the House, to the engrossment of H.R. 8, H.R. 6169 shall be laid on the table.

Mr. SCOTT of South Carolina. Madam Speaker, the amendment instructs the Clerk to add the text of H.R. 6169 as new matter at the end of H.R. 8 before transmitting the bill to the Senate.

The material previously referred to by Ms. SLAUGHTER is as follows:

AN AMENDMENT TO H. RES. 747 OFFERED BY  
MS. SLAUGHTER OF NEW YORK

At the end of the resolution, add the following new section:

SEC. 10. Immediately upon adoption of this resolution, the House shall proceed to the consideration in the House of the resolution (H. Res. 746) prohibiting the consideration of a concurrent resolution providing for adjournment or adjournment sine die unless a law is enacted to provide for the extension of certain expired or expiring tax provisions that apply to middle-income taxpayers if called up by Representative SLAUGHTER of New York or her designee. All points of order against the resolution and against its consideration are waived.

(The information contained herein was provided by the Republican Minority on multiple occasions throughout the 110th and 111th Congresses.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT  
IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308-311), describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused,

the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: "Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. SCOTT of South Carolina. Madam Speaker, I yield back the balance of my time, and I move the previous question on the amendment and on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question on the amendment and on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time of any electronic vote on the question of adoption of the amendment, if ordered, and adoption of the resolution, if ordered.

The vote was taken by electronic device, and there were—yeas 240, nays 183, not voting 7, as follows:



[Roll No. 540]

## YEAS—240

Adams Gosar Nunnelee  
 Aderholt Gowdy Olson  
 Alexander Granger Palazzo  
 Amash Graves (GA) Paul  
 Amodei Graves (MO) Paulsen  
 Austria Griffin (AR) Pearce  
 Bachmann Griffith (VA) Pence  
 Bachus Grimm Petri  
 Barletta Guinta Pitts  
 Bartlett Guthrie Platts  
 Barton (TX) Hall Poe (TX)  
 Bass (NH) Hanna Pompeo  
 Benishek Harper Posey  
 Berg Harris Price (GA)  
 Biggert Hartzler Quayle  
 Bilbray Hastings (WA) Reed  
 Bilirakis Hayworth Rehberg  
 Bishop (UT) Heck Reichert  
 Black Hensarling Renacci  
 Blackburn Herger Ribble  
 Bonner Herrera Beutler Rigell  
 Bono Mack Huelskamp Rivera  
 Boren Huizenga (MI) Roby  
 Boustany Hultgren Roe (TN)  
 Brady (TX) Hunter Rogers (AL)  
 Brooks Hurt Rogers (KY)  
 Broun (GA) Issa Rogers (MI)  
 Buchanan Jenkins Rohrabacher  
 Bucshon Johnson (IL) Rokita  
 Buerkle Johnson (OH) Rooney  
 Burgess Johnson, Sam Ros-Lehtinen  
 Burton (IN) Jones Roskam  
 Calvert Jordan Ross (FL)  
 Camp Kelly Royce  
 Campbell King (IA) Runyan  
 Canseco King (NY) Ryan (WI)  
 Cantor Kingston Scalise  
 Capito Kinzinger (IL) Schilling  
 Carter Kline Schmidt  
 Cassidy Labrador Schock  
 Chabot Lamborn Schweikert  
 Chaffetz Lance Scott (SC)  
 Coble Landry Scott, Austin  
 Coffman (CO) Lankford Sensenbrenner  
 Cole Latham Sessions  
 Conaway LaTourette Shimkus  
 Crawford Latta Shuler  
 Crenshaw Lewis (CA) Shuster  
 Culberson LoBiondo Simpson  
 Denham Long Smith (NE)  
 Dent Lucas Smith (NJ)  
 DesJarlais Luetkemeyer Smith (TX)  
 Diaz-Balart Lummis Southerland  
 Dold Lungren, Daniel Stearns  
 Dreier E. Stivers  
 Duffy Mack Stutzman  
 Duncan (SC) Manzullo Terry  
 Duncan (TN) Marchant Thompson (PA)  
 Ellmers Marino Thornberry  
 Emerson Matheson Tiberi  
 Farenthold McCarthy (CA) Tipton  
 Fincher McCaul Turner (NY)  
 Fitzpatrick McClintock Turner (OH)  
 Flake McHenry Upton  
 Fleischmann McIntyre Walberg  
 Fleming McKeon Walden  
 Flores McKinley Walsh (IL)  
 Forbes McMorris Webster  
 Fortenberry Rodgers West  
 Foxx Meehan Westmoreland  
 Franks (AZ) Mica Whitfield  
 Frelinghuysen Miller (FL) Wilson (SC)  
 Gallegly Miller (MI) Wittman  
 Gardner Miller, Gary Wolf  
 Garrett Mulvaney Womack  
 Gerlach Murphy (PA) Woodall  
 Gibbs Myrick Yoder  
 Gibson Neugebauer Young (AK)  
 Gingrey (GA) Noem Young (FL)  
 Gohmert Nugent Young (IN)  
 Goodlatte Nunes

## NAYS—183

Ackerman Berkley Brown (FL)  
 Altmire Berman Butterfield  
 Andrews Bishop (GA) Capps  
 Baca Bishop (NY) Capuano  
 Baldwin Blumenauer Carnahan  
 Barber Bonamici Carney  
 Barrow Boswell Carson (IN)  
 Bass (CA) Brady (PA) Castor (FL)  
 Becerra Braley (IA) Chandler

Chu Holden  
 Cicilline Holt  
 Clarke (MI) Honda  
 Clarke (NY) Israel  
 Clay Jackson Lee  
 Cleaver (TX)  
 Clyburn Johnson (GA)  
 Cohen Johnson, E. B.  
 Connolly (VA) Kaptur  
 Conyers Keating  
 Cooper Kildee  
 Costa Kind  
 Costello Kissell  
 Courtney Kucinich  
 Critz Langevin  
 Crowley Larsen (WA)  
 Cuellar Larson (CT)  
 Cummings Lee (CA)  
 Davis (CA) Levin  
 Davis (IL) Lewis (GA)  
 DeFazio Lipinski  
 DeGette Loeb sack  
 DeLauro Lofgren, Zoe  
 Dicks Lowey  
 Doggett Luján  
 Donnelly (IN) Lynch  
 Doyle Maloney  
 Edwards Markey  
 Ellison Matsui  
 Engel McCarthy (NY)  
 Eshoo McCollum  
 Farr McDermott  
 Fattah McGovern  
 Filner McNerney  
 Frank (MA) Meeks  
 Fudge Michaud  
 Garamendi Miller (NC)  
 Gonzalez Moore  
 Green, Al Moran  
 Green, Gene Murphy (CT)  
 Grijalva Nadler  
 Gutierrez Napolitano  
 Hahn Neal  
 Hanabusa Oliver  
 Hastings (FL) Owens  
 Heinrich Pallone  
 Higgins Pascarell  
 Himes Pastor (AZ)  
 Hinchey Pelosi  
 Hinojosa Perlmutter  
 Hirono Peters  
 Hochul Peterson

## NOT VOTING—7

Akin Dingell  
 Cardoza Hoyer  
 Cravaack Jackson (IL)

□ 1404

So the previous question was ordered.  
 The result of the vote was announced  
 as above recorded.

The SPEAKER pro tempore. The  
 question is on the amendment.

The question was taken; and the  
 Speaker pro tempore announced that  
 the ayes appeared to have it.

## RECORDED VOTE

Ms. SLAUGHTER. Madam Speaker, I  
 demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This  
 will be a 5-minute vote.

The vote was taken by electronic de-  
 vice, and there were—ayes 238, noes 186,  
 not voting 6, as follows:

[Roll No. 541]

## AYES—238

Adams Barton (TX) Bonner  
 Aderholt Bass (NH) Bono Mack  
 Alexander Benishek Boustany  
 Amash Berg Brady (TX)  
 Amodei Biggert Brooks  
 Austria Bilbray Broun (GA)  
 Bachmann Bilirakis Buchanan  
 Bachus Bishop (UT) Bouchon  
 Barletta Black Buerkle  
 Bartlett Blackburn Burgess

Burton (IN) Herger  
 Calvert Herrera Beutler  
 Camp Huelskamp  
 Campbell Huizenga (MI)  
 Canseco Hultgren  
 Cantor Hunter  
 Capito Hurt  
 Carter Issa  
 Cassidy Jenkins  
 Chabot Johnson (IL)  
 Chaffetz Johnson (OH)  
 Coble Johnson, Sam  
 Coffman (CO) Jones  
 Cole Kelly  
 Conaway King (IA)  
 Cravaack King (NY)  
 Crawford Kingston  
 Crenshaw Kinzinger (IL)  
 Culberson Kline  
 Denham Labrador  
 Dent Lamborn  
 DesJarlais Lance  
 Diaz-Balart Landry  
 Dold Lankford  
 Dreier Latham  
 Duffy LaTourette  
 Duncan (SC) Latta  
 Duncan (TN) Lewis (CA)  
 Ellmers LoBiondo  
 Emerson Long  
 Farenthold Lucas  
 Fincher Luetkemeyer  
 Fitzpatrick Lummis  
 Flake Lungren, Daniel  
 Fleischmann E.  
 Fleming Mack  
 Flores Manzullo  
 Forbes Marchant  
 Fortenberry Marino  
 Foxx McCarthy (CA)  
 Franks (AZ) Smith (NE)  
 Frelinghuysen Smith (NJ)  
 Gallegly Smith (TX)  
 Gallegly McClintock  
 Gardner McHenry  
 Garrett McKintyre  
 Gerlach McKeon  
 Gibbs McKinley  
 Gibson McMorris  
 Gibson Rodgers  
 Gingrey (GA) Meehan  
 Gohmert Mica  
 Goodlatte Miller (FL)  
 Gosar Miller (MI)  
 Gowdy Miller, Gary  
 Granger Mulvaney  
 Graves (GA) Murphy (PA)  
 Graves (MO) Myrick  
 Griffin (AR) Neugebauer  
 Griffith (VA) Noem  
 Grimm Nugent  
 Guinta Nunes  
 Guthrie Westmoreland  
 Hall Whitfield  
 Hanna Olson Wilson (SC)  
 Harper Palazzo  
 Harris Paul  
 Hartzler Paulsen  
 Hastings (WA) Pearce  
 Hayworth Pence  
 Heck Petri  
 Hensarling Pitts  
 Hensarling Platts

## NOES—186

Carnahan Davis (CA)  
 Carney Davis (IL)  
 Carson (IN) DeFazio  
 Castor (FL) DeGette  
 Chandler DeLauro  
 Chu Deutch  
 Cicilline Dicks  
 Clarke (MI) Doggett  
 Clarke (NY) Donnelly (IN)  
 Clay Doyle  
 Cleaver Edwards  
 Clyburn Ellison  
 Cohen Engel  
 Connolly (VA) Farr  
 Conyers Fattah  
 Cooper Filner  
 Costa Frank (MA)  
 Costello Fudge  
 Courtney Garamendi  
 Critz Gonzalez  
 Crowley Green, Al  
 Capps Green, Gene  
 Cummings Grijalva

Gutierrez	Matheson	Ryan (OH)	Coble	Jenkins	Quayle	Hochul	Michaud	Schakowsky
Hahn	Matsui	Sánchez, Linda	Coffman (CO)	Johnson (IL)	Reed	Holden	Miller (NC)	Schiff
Hanabusa	McCarthy (NY)	T.	Cole	Johnson (OH)	Rehberg	Holt	Miller, George	Schrader
Hastings (FL)	McCollum	Sanchez, Loretta	Conaway	Johnson, Sam	Reichert	Honda	Moore	Schwartz
Heinrich	McDermott	Sarbanes	Cravaack	Jones	Renaacci	Hoyer	Moran	Scott (VA)
Higgins	McGovern	Schakowsky	Crawford	Jordan	Ribble	Israel	Murphy (CT)	Scott, David
Himes	McNerney	Schiff	Crenshaw	Kelly	Rigell	Jackson Lee	Nadler	Serrano
Hinchey	Meeks	Schrader	Culberson	King (IA)	Rivera	(TX)	Napolitano	Sewell
Hinojosa	Michaud	Schwartz	Denham	King (NY)	Roby	Johnson (GA)	Neal	Sherman
Hirono	Miller (NC)	Scott (VA)	Dent	Kingston	Roe (TN)	Johnson, E. B.	Olver	Shuler
Hochul	Miller, George	Scott, David	DesJarlais	Kinzinger (IL)	Rogers (AL)	Kaptur	Owens	Sires
Holden	Moore	Serrano	Diaz-Balart	Kline	Rogers (KY)	Keating	Pallone	Slaughter
Holt	Moran	Sewell	Dold	Labrador	Rogers (MI)	Kildee	Pascarell	Smith (WA)
Honda	Murphy (CT)	Sherman	Dreier	Lamborn	Rohrabacher	Kind	Pastor (AZ)	Speier
Hoyer	Nadler	Shuler	Duffy	Lance	Rokita	Kissell	Pelosi	Stark
Israel	Napolitano	Sires	Duncan (SC)	Landry	Rooney	Kucinich	Perlmutter	Sutton
Jackson Lee	Neal	Slaughter	Duncan (TN)	Lankford	Ros-Lehtinen	Langevin	Peters	Thompson (CA)
(TX)	Olver	Smith (WA)	Ellmers	Latham	Roskam	Larsen (WA)	Peterson	Thompson (MS)
Johnson (GA)	Owens	Speier	Emerson	LaTourette	Ross (FL)	Larson (CT)	Pingree (ME)	Tierney
Johnson, E. B.	Pallone	Stark	Farenthold	Latta	Royce	Lee (CA)	Polis	Tonko
Kaptur	Pascarell	Sutton	Fincher	Lewis (CA)	Runyan	Levin	Price (NC)	Townes
Keating	Pastor (AZ)	Thompson (CA)	Fitzpatrick	LoBiondo	Ryan (WI)	Lewis (GA)	Quigley	Tsongas
Kildee	Pelosi	Thompson (MS)	Flake	Long	Scalise	Lipinski	Rahall	Van Hollen
Kind	Perlmutter	Tierney	Fleischmann	Lucas	Schilling	Loeb sack	Rangel	Velázquez
Kissell	Peters	Tonko	Fleming	Luetkemeyer	Schmidt	Lofgren, Zoe	Reyes	Visclosky
Kucinich	Peterson	Towns	Flores	Lummis	Schock	Lowey	Richardson	Walz (MN)
Langevin	Pingree (ME)	Tsongas	Forbes	Lungren, Daniel	Schweikert	Luján	Richmond	Wasserman
Larsen (WA)	Polis	Van Hollen	Fortenberry	E.	Scott (SC)	Lynch	Ross (AR)	Schultz
Larson (CT)	Price (NC)	Velázquez	Fox	Mack	Scott, Austin	Maloney	Rothman (NJ)	Waters
Lee (CA)	Quigley	Visclosky	Franks (AZ)	Manzullo	Sensenbrenner	Markey	Roybal-Allard	Watt
Levin	Rahall	Walz (MN)	Frelinghuysen	Marchant	Sessions	Matsui	Ruppersberger	Waxman
Lewis (GA)	Rangel	Wasserman	Galleghy	Marino	Shimkus	McCarthy (NY)	Rush	Welch
Lipinski	Reyes	Schultz	Gardner	Matheson	Shuster	McCollum	Ryan (OH)	Wilson (FL)
Loeb sack	Richardson	Waters	Garrett	McCarthy (CA)	Simpson	McDermott	Sánchez, Linda	Woolsey
Lofgren, Zoe	Richmond	Watt	Gerlach	McCaul	Smith (NE)	McGovern	T.	Yarmuth
Lowey	Ross (AR)	Waxman	Gibbs	McClintock	Smith (NJ)	McNerney	Sanchez, Loretta	
Luján	Rothman (NJ)	Welch	Gibson	McHenry	Smith (TX)	Meeks	Sarbanes	
Lynch	Roybal-Allard	Wilson (FL)	Gingrey (GA)	McIntyre	Southerland			
Maloney	Ruppersberger	Woolsey	Gohmert	McKeon	Stearns			
Markey	Rush	Yarmuth	Goodlatte	McMorris	Stivers			
			Gosar	Rodgers	Stutzman			
			Gowdy	Meehan	Sullivan			
			Granger	Mica	Terry			
			Graves (GA)	Miller (FL)	Thompson (PA)			
			Graves (MO)	Miller (MI)	Thornberry			
			Griffin (AR)	Miller, Gary	Tiberi			
			Griffith (VA)	Mulvaney	Tipton			
			Grimm	Murphy (PA)	Turner (NY)			
			Guinta	Myrick	Turner (OH)			
			Guthrie	Neugebauer	Upton			
			Hall	Noem	Walberg			
			Hanna	Nugent	Walden			
			Harper	Nunes	Walsh (IL)			
			Harris	Nunnelee	Webster			
			Hartzler	Olson	West			
			Hastings (WA)	Palazzo	Westmoreland			
			Hayworth	Paul	Whitfield			
			Heck	Paulsen	Wilson (SC)			
			Hensarling	Pearce	Wittman			
			Herger	Pence	Wolf			
			Herrera Beutler	Petri	Womack			
			Huelskamp	Pitts	Woodall			
			Huizenga (MI)	Platts	Yoder			
			Hultgren	Poe (TX)	Young (AK)			
			Hunter	Pompeo	Young (FL)			
			Hurt	Posey	Young (IN)			
			Issa	Price (GA)				

## NOT VOTING—6

Akin	Dingell	Jackson (IL)
Cardoza	Eshoo	Jordan

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WOMACK) (during the vote). There are 2 minutes remaining.

□ 1411

Mr. BOREN changed his vote from “aye” to “no.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

## RECORDED VOTE

Ms. SLAUGHTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 240, noes 184, not voting 6, as follows:

[Roll No. 542]

AYES—240

Adams	Biggart	Bucshon
Aderholt	Bilbray	Buerkle
Alexander	Bilirakis	Burgess
Amash	Bishop (UT)	Burton (IN)
Amodei	Black	Calvert
Austria	Blackburn	Camp
Bachmann	Bonner	Campbell
Bachus	Bono Mack	Canseco
Barletta	Boren	Capito
Bartlett	Boustany	Carter
Barton (TX)	Brady (TX)	Cassidy
Bass (NH)	Brooks	Chabot
Benishkek	Broun (GA)	Chaffetz
Berg	Buchanan	

Ackerman	Chandler	Doggett
Altmire	Chu	Donnelly (IN)
Andrews	Cicilline	Doyle
Baca	Clarke (MI)	Edwards
Baldwin	Clarke (NY)	Ellison
Barber	Clay	Engel
Barrow	Cleaver	Eshoo
Bass (CA)	Clyburn	Farr
Becerra	Cohen	Fattah
Berkley	Connolly (VA)	Filner
Berman	Conyers	Frank (MA)
Bishop (GA)	Cooper	Fudge
Bishop (NY)	Costa	Garamendi
Blumenauer	Costello	Gonzalez
Bonamici	Courtney	Green, Al
Boswell	Critz	Green, Gene
Brady (PA)	Crowley	Grijalva
Braley (IA)	Cuellar	Hahn
Brown (FL)	Cummings	Hanabusa
Butterfield	Davis (CA)	Hastings (FL)
Capps	Davis (IL)	Heinrich
Capuano	DeFazio	Higgins
Carnahan	DeGette	Himes
Carney	DeLauro	Hinchey
Carson (IN)	Deutch	Hinojosa
Castor (FL)	Dicks	Hirono

## NOES—184

Doggett	Donnelly (IN)	Doyle
Edwards	Ellison	Engel
Eshoo	Farr	Fattah
Filner	Frank (MA)	Fudge
Garamendi	Gonzalez	Green, Al
Green, Gene	Grijalva	Hahn
Hanabusa	Hastings (FL)	Heinrich
Higgins	Himes	Hinchey
Hinojosa	Hirono	

## NOT VOTING—6

Akin	Dingell	Jackson (IL)
Cardoza	Gutierrez	McKinley

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1420

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 55. Concurrent resolution directing the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 1627.

## CORRECTING THE ENROLLMENT OF H.R. 1627

Mr. MILLER of Florida. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the concurrent resolution (S. Con. Res. 55) directing the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 1627, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The text of the concurrent resolution is as follows:

S. CON. RES. 55

*Resolved by the Senate (the House of Representatives concurring),* That, in the enrollment of the bill (H.R. 1627) an Act to amend title 38, United States Code, to furnish hospital care and medical services to veterans who were stationed at Camp Lejeune, North Carolina, while the water was contaminated at Camp Lejeune, to improve the provision of housing assistance to veterans and their families, and for other purposes, the Clerk of the House of Representatives shall make the following correction: in section 201, strike "Andrew Connelly" and insert "Andrew Connolly".

The concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

#### PRESENTATION OF CONGRESSIONAL GOLD MEDAL TO DAW AUNG SAN SUU KYI

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the concurrent resolution (H. Con. Res. 135) authorizing the use of the rotunda of the Capitol for the presentation of the Congressional Gold Medal to Daw Aung San Suu Kyi, in recognition of her leadership and perseverance in the struggle for freedom and democracy in Burma, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The text of the concurrent resolution is as follows:

H. CON. RES. 135

*Resolved by the House of Representatives (the Senate concurring),*

#### SECTION 1. USE OF ROTUNDA FOR PRESENTATION OF CONGRESSIONAL GOLD MEDAL TO DAW AUNG SAN SUU KYI.

The rotunda of the Capitol is authorized to be used on September 19, 2012, for the presentation of the Congressional Gold Medal to Daw Aung San Suu Kyi, in recognition of her leadership and perseverance in the struggle for freedom and democracy in Burma. Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

#### HOURLY MEETING ON TOMORROW

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

#### IRAN THREAT REDUCTION AND SYRIA HUMAN RIGHTS ACT OF 2012

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 750) providing for the concurrence by the House in the Senate amendment to H.R. 1905, with an amendment.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 750

*Resolved,* That upon the adoption of this resolution the bill (H.R. 1905) entitled "An Act to strengthen Iran sanctions laws for the purpose of compelling Iran to abandon its pursuit of nuclear weapons and other threatening activities, and for other purposes.", with the Senate amendment thereto, shall be considered to have been taken from the Speaker's table to the end that the Senate amendment thereto be, and the same is hereby, agreed to with the following amendment:

In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) *SHORT TITLE.*—This Act may be cited as the "Iran Threat Reduction and Syria Human Rights Act of 2012".

(b) *TABLE OF CONTENTS.*—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

#### TITLE I—EXPANSION OF MULTILATERAL SANCTIONS REGIME WITH RESPECT TO IRAN

Sec. 101. Sense of Congress on enforcement of multilateral sanctions regime and expansion and implementation of sanctions laws.

Sec. 102. Diplomatic efforts to expand multilateral sanctions regime.

#### TITLE II—EXPANSION OF SANCTIONS RELATING TO THE ENERGY SECTOR OF IRAN AND PROLIFERATION OF WEAPONS OF MASS DESTRUCTION BY IRAN

Subtitle A—Expansion of the Iran Sanctions Act of 1996

Sec. 201. Expansion of sanctions with respect to the energy sector of Iran.

Sec. 202. Imposition of sanctions with respect to transportation of crude oil from Iran and evasion of sanctions by shipping companies.

Sec. 203. Expansion of sanctions with respect to development by Iran of weapons of mass destruction.

Sec. 204. Expansion of sanctions available under the Iran Sanctions Act of 1996.

Sec. 205. Modification of waiver standard under the Iran Sanctions Act of 1996.

Sec. 206. Briefings on implementation of the Iran Sanctions Act of 1996.

Sec. 207. Expansion of definitions under the Iran Sanctions Act of 1996.

Sec. 208. Sense of Congress on energy sector of Iran.

#### Subtitle B—Additional Measures Relating to Sanctions Against Iran

Sec. 211. Imposition of sanctions with respect to the provision of vessels or shipping services to transport certain goods related to proliferation or terrorism activities to Iran.

Sec. 212. Imposition of sanctions with respect to provision of underwriting services or insurance or reinsurance for the National Iranian Oil Company or the National Iranian Tanker Company.

Sec. 213. Imposition of sanctions with respect to purchase, subscription to, or facilitation of the issuance of Iranian sovereign debt.

Sec. 214. Imposition of sanctions with respect to subsidiaries and agents of persons sanctioned by United Nations Security Council resolutions.

Sec. 215. Imposition of sanctions with respect to transactions with persons sanctioned for certain activities relating to terrorism or proliferation of weapons of mass destruction.

Sec. 216. Expansion of, and reports on, mandatory sanctions with respect to financial institutions that engage in certain activities relating to Iran.

Sec. 217. Continuation in effect of sanctions with respect to the Government of Iran, the Central Bank of Iran, and sanctions evaders.

Sec. 218. Liability of parent companies for violations of sanctions by foreign subsidiaries.

Sec. 219. Disclosures to the Securities and Exchange Commission relating to sanctionable activities.

Sec. 220. Reports on, and authorization of imposition of sanctions with respect to, the provision of specialized financial messaging services to the Central Bank of Iran and other sanctioned Iranian financial institutions.

Sec. 221. Identification of, and immigration restrictions on, senior officials of the Government of Iran and their family members.

Sec. 222. Sense of Congress and rule of construction relating to certain authorities of State and local governments.

Sec. 223. Government Accountability Office report on foreign entities that invest in the energy sector of Iran or export refined petroleum products to Iran.

Sec. 224. Reporting on the importation to and exportation from Iran of crude oil and refined petroleum products.

#### TITLE III—SANCTIONS WITH RESPECT TO IRAN'S REVOLUTIONARY GUARD CORPS

Subtitle A—Identification of, and Sanctions With Respect to, Officials, Agents, Affiliates, and Supporters of Iran's Revolutionary Guard Corps and Other Sanctioned Persons

Sec. 301. Identification of, and imposition of sanctions with respect to, officials, agents, and affiliates of Iran's Revolutionary Guard Corps.

Sec. 302. Identification of, and imposition of sanctions with respect to, persons that support or conduct certain transactions with Iran's Revolutionary Guard Corps or other sanctioned persons.

Sec. 303. Identification of, and imposition of measures with respect to, foreign government agencies carrying out activities or transactions with certain Iran-affiliated persons.

Sec. 304. Rule of construction.

*Subtitle B—Additional Measures Relating to Iran's Revolutionary Guard Corps*

Sec. 311. Expansion of procurement prohibition to foreign persons that engage in certain transactions with Iran's Revolutionary Guard Corps.

Sec. 312. Determinations of whether the National Iranian Oil Company and the National Iranian Tanker Company are agents or affiliates of Iran's Revolutionary Guard Corps.

**TITLE IV—MEASURES RELATING TO HUMAN RIGHTS ABUSES IN IRAN**

*Subtitle A—Expansion of Sanctions Relating to Human Rights Abuses in Iran*

Sec. 401. Imposition of sanctions on certain persons responsible for or complicit in human rights abuses committed against citizens of Iran or their family members after the June 12, 2009, elections in Iran.

Sec. 402. Imposition of sanctions with respect to the transfer of goods or technologies to Iran that are likely to be used to commit human rights abuses.

Sec. 403. Imposition of sanctions with respect to persons who engage in censorship or other related activities against citizens of Iran.

*Subtitle B—Additional Measures to Promote Human Rights*

Sec. 411. Codification of sanctions with respect to grave human rights abuses by the governments of Iran and Syria using information technology.

Sec. 412. Clarification of sensitive technologies for purposes of procurement ban under Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010.

Sec. 413. Expedited consideration of requests for authorization of certain human rights-, humanitarian-, and democracy-related activities with respect to Iran.

Sec. 414. Comprehensive strategy to promote Internet freedom and access to information in Iran.

Sec. 415. Statement of policy on political prisoners.

**TITLE V—MISCELLANEOUS**

Sec. 501. Exclusion of citizens of Iran seeking education relating to the nuclear and energy sectors of Iran.

Sec. 502. Interests in certain financial assets of Iran.

Sec. 503. Technical correction to section 1245 of the National Defense Authorization Act for Fiscal Year 2012.

Sec. 504. Expansion of sanctions under section 1245 of the National Defense Authorization Act for Fiscal Year 2012.

Sec. 505. Reports on natural gas exports from Iran.

Sec. 506. Report on membership of Iran in international organizations.

Sec. 507. Sense of Congress on exportation of goods, services, and technologies for aircraft produced in the United States.

**TITLE VI—GENERAL PROVISIONS**

Sec. 601. Implementation; penalties.

Sec. 602. Applicability to certain intelligence activities.

Sec. 603. Applicability to certain natural gas projects.

Sec. 604. Rule of construction with respect to use of force against Iran and Syria.

Sec. 605. Termination.

**TITLE VII—SANCTIONS WITH RESPECT TO HUMAN RIGHTS ABUSES IN SYRIA**

Sec. 701. Short title.

Sec. 702. Imposition of sanctions with respect to certain persons who are responsible for or complicit in human rights abuses committed against citizens of Syria or their family members.

Sec. 703. Imposition of sanctions with respect to the transfer of goods or technologies to Syria that are likely to be used to commit human rights abuses.

Sec. 704. Imposition of sanctions with respect to persons who engage in censorship or other forms of repression in Syria.

Sec. 705. Waiver.

Sec. 706. Termination.

**SEC. 2. DEFINITIONS.**

Except as otherwise specifically provided, in this Act:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” has the meaning given that term in section 14 of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note).

(2) **FINANCIAL TRANSACTION.**—The term “financial transaction” means any transfer of value involving a financial institution, including the transfer of forwards, futures, options, swaps, or precious metals, including gold, silver, platinum, and palladium.

(3) **KNOWINGLY.**—The term “knowingly” has the meaning given that term in section 14 of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note).

(4) **UNITED STATES PERSON.**—The term “United States person” has the meaning given that term in section 101 of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8511).

**TITLE I—EXPANSION OF MULTILATERAL SANCTIONS REGIME WITH RESPECT TO IRAN**

**SEC. 101. SENSE OF CONGRESS ON ENFORCEMENT OF MULTILATERAL SANCTIONS REGIME AND EXPANSION AND IMPLEMENTATION OF SANCTIONS LAWS.**

It is the sense of Congress that the goal of compelling Iran to abandon efforts to acquire a nuclear weapons capability and other threatening activities can be effectively achieved through a comprehensive policy that includes economic sanctions, diplomacy, and military planning, capabilities and options, and that this objective is consistent with the one stated by President Barack Obama in the 2012 State of the Union Address: “Let there be no doubt: America is determined to prevent Iran from getting a nuclear weapon, and I will take no options off the table to achieve that goal”. Among the economic measures to be taken are—

(1) prompt enforcement of the current multilateral sanctions regime with respect to Iran;

(2) full, timely, and vigorous implementation of all sanctions enacted into law, including

sanctions imposed or expanded by this Act or amendments made by this Act, through—

(A) intensified monitoring by the President and the designees of the President, including the Secretary of the Treasury, the Secretary of State, and senior officials in the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))), as appropriate;

(B) more extensive use of extraordinary authorities provided for under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) and other sanctions laws;

(C) reallocation of resources to provide the personnel necessary, within the Department of the Treasury, the Department of State, and the Department of Commerce, and, where appropriate, the intelligence community, to apply and enforce sanctions; and

(D) expanded cooperation with international sanctions enforcement efforts;

(3) urgent consideration of the expansion of existing sanctions with respect to such areas as—

(A) the provision of energy-related services to Iran;

(B) the provision of insurance and reinsurance services to Iran;

(C) the provision of shipping services to Iran; and

(D) those Iranian financial institutions not yet designated for the imposition of sanctions that may be acting as intermediaries for Iranian financial institutions that are designated for the imposition of sanctions; and

(4) a focus on countering Iran's efforts to evade sanctions, including—

(A) the activities of telecommunications, Internet, and satellite service providers, in and outside of Iran, to ensure that such providers are not participating in or facilitating, directly or indirectly, the evasion of the sanctions regime with respect to Iran or violations of the human rights of the people of Iran;

(B) the activities of financial institutions or other businesses or government agencies, in or outside of Iran, not yet designated for the imposition of sanctions; and

(C) urgent and ongoing evaluation of Iran's energy, national security, financial, and telecommunications sectors, to gauge the effects of, and possible defects in, particular sanctions, with prompt efforts to correct any gaps in the existing sanctions regime with respect to Iran.

**SEC. 102. DIPLOMATIC EFFORTS TO EXPAND MULTILATERAL SANCTIONS REGIME.**

(a) **MULTILATERAL NEGOTIATIONS.**—Congress urges the President to intensify diplomatic efforts, both in appropriate international fora such as the United Nations and bilaterally with allies of the United States, for the purpose of—

(1) expanding the United Nations Security Council sanctions regime to include—

(A) a prohibition on the issuance of visas to any official of the Government of Iran who is involved in—

(i) human rights violations in or outside of Iran;

(ii) the development of a nuclear weapons program and a ballistic missile capability in Iran; or

(iii) support by the Government of Iran for terrorist organizations, including Hamas and Hezbollah; and

(B) a requirement that each member country of the United Nations—

(i) prohibit the Islamic Republic of Iran Shipping Lines from landing at seaports, and cargo flights of Iran Air from landing at airports, in that country because of the role of those organizations in proliferation and illegal arms sales; and

(ii) apply the prohibitions described in clause (i) to other Iranian entities designated for the

imposition of sanctions on or after the date of the enactment of this Act;

(2) expanding the range of sanctions imposed with respect to Iran by allies of the United States;

(3) expanding efforts to limit the development of petroleum resources and the importation of refined petroleum products by Iran;

(4) developing additional initiatives to—

(A) increase the production of crude oil in countries other than Iran; and

(B) assist countries that purchase or otherwise obtain crude oil or petroleum products from Iran to eliminate their dependence on crude oil and petroleum products from Iran; and

(5) eliminating the revenue generated by the Government of Iran from the sale of petrochemical products produced in Iran to other countries.

(b) **REPORTS TO CONGRESS.**—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the President shall submit to the appropriate congressional committees a report on the extent to which diplomatic efforts described in subsection (a) have been successful that includes—

(1) an identification of the countries that have agreed to impose sanctions or take other measures to further the policy set forth in subsection (a);

(2) the extent of the implementation and enforcement of those sanctions or other measures by those countries;

(3) the criteria the President uses to determine whether a country has significantly reduced its crude oil purchases from Iran pursuant to section 1245(d)(4)(D) of the National Defense Authorization Act for Fiscal Year 2012, as amended by section 504, including considerations of reductions both in terms of volume and price;

(4) an identification of the countries that have not agreed to impose such sanctions or measures, including such countries granted exceptions for significant reductions in crude oil purchases pursuant to such section 1245(d)(4)(D);

(5) recommendations for additional measures that the United States could take to further diplomatic efforts described in subsection (a); and

(6) the disposition of any decision with respect to sanctions imposed with respect to Iran by the World Trade Organization or its predecessor organization.

## **TITLE II—EXPANSION OF SANCTIONS RELATING TO THE ENERGY SECTOR OF IRAN AND PROLIFERATION OF WEAPONS OF MASS DESTRUCTION BY IRAN**

### **Subtitle A—Expansion of the Iran Sanctions Act of 1996**

#### **SEC. 201. EXPANSION OF SANCTIONS WITH RESPECT TO THE ENERGY SECTOR OF IRAN.**

Section 5(a) of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note) is amended—

(1) in the subsection heading, by striking “WITH RESPECT TO” and all that follows through “TO IRAN” and inserting “RELATING TO THE ENERGY SECTOR OF IRAN”;

(2) in paragraph (1)(A)—

(A) by striking “3 or more” and inserting “5 or more”; and

(B) by striking “the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010” and inserting “the Iran Threat Reduction and Syria Human Rights Act of 2012”;

(3) in paragraph (2)—

(A) in subparagraph (A)—

(i) by striking “3 or more” and inserting “5 or more”; and

(ii) by striking “the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010” and inserting “the Iran Threat Reduction and Syria Human Rights Act of 2012”; and

(B) in subparagraph (B), by inserting before the period at the end the following: “or directly

associated infrastructure, including construction of port facilities, railways, and roads, the primary use of which is to support the delivery of refined petroleum products”;

(4) in paragraph (3)—

(A) in subparagraph (A)—

(i) by striking “3 or more” and inserting “5 or more”; and

(ii) by striking “the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010” and inserting “the Iran Threat Reduction and Syria Human Rights Act of 2012”; and

(B) in subparagraph (B)—

(i) in clause (ii), by striking “; or” and inserting a semicolon;

(ii) in clause (iii), by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following:

“(iv) bartering or contracting by which goods are exchanged for goods, including the insurance or reinsurance of such exchanges; or

“(v) purchasing, subscribing to, or facilitating the issuance of sovereign debt of the Government of Iran, including governmental bonds, issued on or after the date of the enactment of the Iran Threat Reduction and Syria Human Rights Act of 2012.”; and

(5) by adding at the end the following:

“(4) **JOINT VENTURES WITH IRAN RELATING TO DEVELOPING PETROLEUM RESOURCES.**—

“(A) **IN GENERAL.**—Except as provided in subparagraph (B) or subsection (f), the President shall impose 5 or more of the sanctions described in section 6(a) with respect to a person if the President determines that the person knowingly participates, on or after the date of the enactment of the Iran Threat Reduction and Syria Human Rights Act of 2012, in a joint venture with respect to the development of petroleum resources outside of Iran if—

“(i) the joint venture is established on or after January 1, 2002; and

“(ii)(I) the Government of Iran is a substantial partner or investor in the joint venture; or

“(II) Iran could, through a direct operational role in the joint venture or by other means, receive technological knowledge or equipment not previously available to Iran that could directly and significantly contribute to the enhancement of Iran’s ability to develop petroleum resources in Iran.

“(B) **APPLICABILITY.**—Subparagraph (A) shall not apply with respect to participation in a joint venture established on or after January 1, 2002, and before the date of the enactment of the Iran Threat Reduction and Syria Human Rights Act of 2012, if the person participating in the joint venture terminates that participation not later than the date that is 180 days after such date of enactment.

“(5) **SUPPORT FOR THE DEVELOPMENT OF PETROLEUM RESOURCES AND REFINED PETROLEUM PRODUCTS IN IRAN.**—

“(A) **IN GENERAL.**—Except as provided in subsection (f), the President shall impose 5 or more of the sanctions described in section 6(a) with respect to a person if the President determines that the person knowingly, on or after the date of the enactment of the Iran Threat Reduction and Syria Human Rights Act of 2012, sells, leases, or provides to Iran goods, services, technology, or support described in subparagraph (B)—

“(i) any of which has a fair market value of \$1,000,000 or more; or

“(ii) that, during a 12-month period, have an aggregate fair market value of \$5,000,000 or more.

“(B) **GOODS, SERVICES, TECHNOLOGY, OR SUPPORT DESCRIBED.**—Goods, services, technology, or support described in this subparagraph are goods, services, technology, or support that could directly and significantly contribute to the maintenance or enhancement of Iran’s—

“(i) ability to develop petroleum resources located in Iran; or

“(ii) domestic production of refined petroleum products, including any direct and significant assistance with respect to the construction, modernization, or repair of petroleum refineries or directly associated infrastructure, including construction of port facilities, railways, and roads, the primary use of which is to support the delivery of refined petroleum products.

“(6) **DEVELOPMENT AND PURCHASE OF PETROCHEMICAL PRODUCTS FROM IRAN.**—

“(A) **IN GENERAL.**—Except as provided in subsection (f), the President shall impose 5 or more of the sanctions described in section 6(a) with respect to a person if the President determines that the person knowingly, on or after the date of the enactment of the Iran Threat Reduction and Syria Human Rights Act of 2012, sells, leases, or provides to Iran goods, services, technology, or support described in subparagraph (B)—

“(i) any of which has a fair market value of \$250,000 or more; or

“(ii) that, during a 12-month period, have an aggregate fair market value of \$1,000,000 or more.

“(B) **GOODS, SERVICES, TECHNOLOGY, OR SUPPORT DESCRIBED.**—Goods, services, technology, or support described in this subparagraph are goods, services, technology, or support that could directly and significantly contribute to the maintenance or expansion of Iran’s domestic production of petrochemical products.”.

#### **SEC. 202. IMPOSITION OF SANCTIONS WITH RESPECT TO TRANSPORTATION OF CRUDE OIL FROM IRAN AND EVASION OF SANCTIONS BY SHIPPING COMPANIES.**

(a) **IN GENERAL.**—Section 5(a) of the Iran Sanctions Act of 1996, as amended by section 201, is further amended by adding at the end the following:

“(7) **TRANSPORTATION OF CRUDE OIL FROM IRAN.**—

“(A) **IN GENERAL.**—Except as provided in subsection (f), the President shall impose 5 or more of the sanctions described in section 6(a) with respect to a person if the President determines that—

“(i) the person is a controlling beneficial owner of, or otherwise owns, operates, or controls, or insures, a vessel that, on or after the date that is 90 days after the date of the enactment of the Iran Threat Reduction and Syria Human Rights Act of 2012, was used to transport crude oil from Iran to another country; and

“(ii)(I) in the case of a person that is a controlling beneficial owner of the vessel, the person had actual knowledge the vessel was so used; or

“(II) in the case of a person that otherwise owns, operates, or controls, or insures, the vessel, the person knew or should have known the vessel was so used.

“(B) **APPLICABILITY OF SANCTIONS.**—

“(i) **IN GENERAL.**—Except as provided in clause (ii), subparagraph (A) shall apply with respect to the transportation of crude oil from Iran only if a determination of the President under section 1245(d)(4)(B) of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a(d)(4)(B)) that there is a sufficient supply of petroleum and petroleum products produced in countries other than Iran to permit purchasers of petroleum and petroleum products from Iran to reduce significantly their purchases from Iran is in effect at the time of the transportation of the crude oil.

“(ii) **EXCEPTION FOR CERTAIN COUNTRIES.**—Subparagraph (A) shall not apply with respect to the transportation of crude oil from Iran to a country to which the exception under paragraph (4)(D) of section 1245(d) of the National Defense Authorization Act for Fiscal Year 2012

(22 U.S.C. 8513a(d)) to the imposition of sanctions under paragraph (1) of that section applies at the time of the transportation of the crude oil.

“(8) CONCEALING IRANIAN ORIGIN OF CRUDE OIL AND REFINED PETROLEUM PRODUCTS.—

“(A) IN GENERAL.—Except as provided in subsection (f), the President shall impose 5 or more of the sanctions described in section 6(a) with respect to a person if the President determines that the person is a controlling beneficial owner, or otherwise owns, operates, or controls, a vessel that, on or after the date that is 90 days after the date of the enactment of the Iran Threat Reduction and Syria Human Rights Act of 2012, is used, with actual knowledge in the case of a person that is a controlling beneficial owner or knowingly in the case of a person that otherwise owns, operates, or controls the vessel, in a manner that conceals the Iranian origin of crude oil or refined petroleum products transported on the vessel, including by—

“(i) permitting the operator of the vessel to suspend the operation of the vessel’s satellite tracking device; or

“(ii) obscuring or concealing the ownership, operation, or control of the vessel by—

“(I) the Government of Iran;

“(II) the National Iranian Tanker Company or the Islamic Republic of Iran Shipping Lines; or

“(III) any other entity determined by the President to be owned or controlled by the Government of Iran or an entity specified in subclause (II).

“(B) ADDITIONAL SANCTION.—Subject to such regulations as the President may prescribe and in addition to the sanctions imposed under subparagraph (A), the President may prohibit a vessel owned, operated, or controlled by a person, including a controlling beneficial owner, with respect to which the President has imposed sanctions under that subparagraph and that was used for the activity for which the President imposed those sanctions from landing at a port in the United States for a period of not more than 2 years after the date on which the President imposed those sanctions.

“(C) VESSELS IDENTIFIED BY THE OFFICE OF FOREIGN ASSETS CONTROL.—For purposes of subparagraph (A)(ii), a person shall be deemed to have actual knowledge that a vessel is owned, operated, or controlled by the Government of Iran or an entity specified in subclause (II) or (III) of subparagraph (A)(ii) if the International Maritime Organization vessel registration identification for the vessel is—

“(i) included on a list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury for activities with respect to Iran; and

“(ii) identified by the Office of Foreign Assets Control as a vessel in which the Government of Iran or any entity specified in subclause (II) or (III) of subparagraph (A)(ii) has an interest.

“(D) DEFINITION OF IRANIAN ORIGIN.—For purposes of subparagraph (A), the term ‘Iranian origin’ means—

“(i) with respect to crude oil, that the crude oil was extracted in Iran; and

“(ii) with respect to a refined petroleum product, that the refined petroleum product was produced or refined in Iran.

“(9) EXCEPTION FOR PROVISION OF UNDERWRITING SERVICES AND INSURANCE AND REINSURANCE.—The President may not impose sanctions under paragraph (7) or (8) with respect to a person that provides underwriting services or insurance or reinsurance if the President determines that the person has exercised due diligence in establishing and enforcing official policies, procedures, and controls to ensure that the person does not provide underwriting services or insur-

ance or reinsurance for the transportation of crude oil or refined petroleum products from Iran in a manner for which sanctions may be imposed under either such paragraph.”

(b) REGULATIONS AND GUIDELINES.—Not later than 90 days after the date of the enactment of this Act, the President shall prescribe such regulations or guidelines as are necessary to implement paragraphs (7), (8), and (9) of section 5(a) of the Iran Sanctions Act of 1996, as added by this section, including such regulations or guidelines as are necessary to implement subparagraph (B) of such paragraph (8).

#### SEC. 203. EXPANSION OF SANCTIONS WITH RESPECT TO DEVELOPMENT BY IRAN OF WEAPONS OF MASS DESTRUCTION.

(a) IN GENERAL.—Section 5(b) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by striking paragraph (1) and inserting the following:

“(1) EXPORTS, TRANSFERS, AND TRANSHIPMENTS.—Except as provided in subsection (f), the President shall impose 5 or more of the sanctions described in section 6(a) with respect to a person if the President determines that the person—

“(A) on or after the date of the enactment of the Iran Threat Reduction and Syria Human Rights Act of 2012, exported or transferred, or permitted or otherwise facilitated the transshipment of, any goods, services, technology, or other items to any other person; and

“(B) knew or should have known that—

“(i) the export, transfer, or transshipment of the goods, services, technology, or other items would likely result in another person exporting, transferring, transshipping, or otherwise providing the goods, services, technology, or other items to Iran; and

“(ii) the export, transfer, transshipment, or other provision of the goods, services, technology, or other items to Iran would contribute materially to the ability of Iran to—

“(I) acquire or develop chemical, biological, or nuclear weapons or related technologies; or

“(II) acquire or develop destabilizing numbers and types of advanced conventional weapons.

“(2) JOINT VENTURES RELATING TO THE MINING, PRODUCTION, OR TRANSPORTATION OF URANIUM.—

“(A) IN GENERAL.—Except as provided in subparagraph (B) or subsection (f), the President shall impose 5 or more of the sanctions described in section 6(a) with respect to a person if the President determines that the person knowingly participated, on or after the date of the enactment of the Iran Threat Reduction and Syria Human Rights Act of 2012, in a joint venture that involves any activity relating to the mining, production, or transportation of uranium—

“(i)(I) established on or after February 2, 2012; and

“(II) with—

“(aa) the Government of Iran;

“(bb) an entity incorporated in Iran or subject to the jurisdiction of the Government of Iran; or

“(cc) a person acting on behalf of or at the direction of, or owned or controlled by, the Government of Iran or an entity described in item (bb); or

“(ii)(I) established before February 2, 2012;

“(II) with the Government of Iran, an entity described in item (bb) of clause (i)(II), or a person described in item (cc) of that clause; and

“(III) through which—

“(aa) uranium is transferred directly to Iran or indirectly to Iran through a third country;

“(bb) the Government of Iran receives significant revenue; or

“(cc) Iran could, through a direct operational role or by other means, receive technological

knowledge or equipment not previously available to Iran that could contribute materially to the ability of Iran to develop nuclear weapons or related technologies.

“(B) APPLICABILITY OF SANCTIONS.—Subparagraph (A) shall not apply with respect to participation in a joint venture established before the date of the enactment of the Iran Threat Reduction and Syria Human Rights Act of 2012 if the person participating in the joint venture terminates that participation not later than the date that is 180 days after such date of enactment.”

(b) CONFORMING AMENDMENTS.—The Iran Sanctions Act of 1996, as amended by this section and sections 201 and 202, is further amended—

(1) in section 5—

(A) in paragraph (3) of subsection (b), as redesignated by subsection (a)(1) of this section—

(i) by striking “paragraph (1)” each place it appears and inserting “paragraph (1) or (2)”; and

(ii) in subparagraph (F)—

(I) by striking “that paragraph” and inserting “paragraph (1) or (2), as the case may be”; and

(II) by striking “the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010” and inserting “the Iran Threat Reduction and Syria Human Rights Act of 2012”;

(B) in subsection (c)—

(i) in the matter preceding paragraph (1), by striking “subsections (a) and (b)(1)” and inserting “subsection (a) and paragraphs (1) and (2) of subsection (b)”; and

(ii) in paragraph (1), by striking “subsection (a) or (b)(1)” and inserting “subsection (a) or paragraph (1) or (2) of subsection (b)”; and

(C) in subsection (f)—

(i) in the matter preceding paragraph (1), by striking “subsection (a) or (b)(1)” and inserting “subsection (a) or paragraph (1) or (2) of subsection (b)”; and

(ii) by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively; and

(2) in section 9, by striking “section 5(a) or 5(b)(1)” each place it appears and inserting “subsection (a) or paragraph (1) or (2) of subsection (b) of section 5”.

#### SEC. 204. EXPANSION OF SANCTIONS AVAILABLE UNDER THE IRAN SANCTIONS ACT OF 1996.

(a) IN GENERAL.—Section 6(a) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note) is amended—

(1) by redesignating paragraph (9) as paragraph (12); and

(2) by inserting after paragraph (8) the following:

“(9) BAN ON INVESTMENT IN EQUITY OR DEBT OF SANCTIONED PERSON.—The President may, pursuant to such regulations or guidelines as the President may prescribe, prohibit any United States person from investing in or purchasing significant amounts of equity or debt instruments of a sanctioned person.

“(10) EXCLUSION OF CORPORATE OFFICERS.—The President may direct the Secretary of State to deny a visa to, and the Secretary of Homeland Security to exclude from the United States, any alien that the President determines is a corporate officer or principal of, or a shareholder with a controlling interest in, a sanctioned person.

“(11) SANCTIONS ON PRINCIPAL EXECUTIVE OFFICERS.—The President may impose on the principal executive officer or officers of any sanctioned person, or on persons performing similar functions and with similar authorities as such officer or officers, any of the sanctions under this subsection.”

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of

the enactment of this Act and apply with respect to activities described in subsections (a) and (b) of section 5 of the Iran Sanctions Act of 1996, as amended by this title, commenced on or after such date of enactment.

**SEC. 205. MODIFICATION OF WAIVER STANDARD UNDER THE IRAN SANCTIONS ACT OF 1996.**

Section 9(c) of the Iran Sanctions Act of 1996, as amended by section 203, is further amended by striking paragraph (1) and inserting the following:

“(1) **AUTHORITY.**—

“(A) **SANCTIONS RELATING TO THE ENERGY SECTOR OF IRAN.**—The President may waive, on a case-by-case basis and for a period of not more than one year, the requirement in section 5(a) to impose a sanction or sanctions on a person described in section 5(c), and may waive the continued imposition of a sanction or sanctions under subsection (b) of this section, 30 days or more after the President determines and so reports to the appropriate congressional committees that it is essential to the national security interests of the United States to exercise such waiver authority.

“(B) **SANCTIONS RELATING TO DEVELOPMENT OF WEAPONS OF MASS DESTRUCTION OR OTHER MILITARY CAPABILITIES.**—The President may waive, on a case-by-case basis and for a period of not more than one year, the requirement in paragraph (1) or (2) of section 5(b) to impose a sanction or sanctions on a person described in section 5(c), and may waive the continued imposition of a sanction or sanctions under subsection (b) of this section, 30 days or more after the President determines and so reports to the appropriate congressional committees that it is vital to the national security interests of the United States to exercise such waiver authority.

“(C) **RENEWAL OF WAIVERS.**—The President may renew, on a case-by-case basis, a waiver with respect to a person under subparagraph (A) or (B) for additional one-year periods if, not later than 30 days before the waiver expires, the President makes the determination and submits to the appropriate congressional committees the report described in subparagraph (A) or (B), as applicable.”

**SEC. 206. BRIEFINGS ON IMPLEMENTATION OF THE IRAN SANCTIONS ACT OF 1996.**

Section 4 of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note) is amended by adding at the end the following:

“(f) **BRIEFINGS ON IMPLEMENTATION.**—Not later than 90 days after the date of the enactment of the Iran Threat Reduction and Syria Human Rights Act of 2012, and every 120 days thereafter, the President, acting through the Secretary of State, shall provide to the appropriate congressional committees a comprehensive briefing on efforts to implement this Act.”

**SEC. 207. EXPANSION OF DEFINITIONS UNDER THE IRAN SANCTIONS ACT OF 1996.**

(a) **IN GENERAL.**—Section 14 of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note) is amended—

(1) by redesignating paragraphs (17) and (18) as paragraphs (20) and (21), respectively;

(2) by redesignating paragraphs (15) and (16) as paragraphs (17) and (18), respectively;

(3) by redesignating paragraphs (4) through (14) as paragraphs (5) through (15), respectively;

(4) by inserting after paragraph (3) the following:

“(4) **CREDIBLE INFORMATION.**—The term ‘credible information’, with respect to a person—

“(A) includes—

“(i) a public announcement by the person that the person has engaged in an activity described in subsection (a) or (b) of section 5; and

“(ii) information set forth in a report to stockholders of the person indicating that the person has engaged in such an activity; and

“(B) may include, in the discretion of the President—

“(i) an announcement by the Government of Iran that the person has engaged in such an activity; or

“(ii) information indicating that the person has engaged in such an activity that is set forth in—

“(I) a report of the Government Accountability Office, the Energy Information Administration, or the Congressional Research Service; or

“(II) a report or publication of a similarly reputable governmental organization or trade or industry organization.”;

(5) by inserting after paragraph (15), as redesignated by paragraph (3), the following:

“(16) **PETROCHEMICAL PRODUCT.**—The term ‘petrochemical product’ includes any aromatic, olefin, or synthesis gas, and any derivative of such a gas, including ethylene, propylene, butadiene, benzene, toluene, xylene, ammonia, methanol, and urea.”; and

(6) by inserting after paragraph (18), as redesignated by paragraph (2), the following:

“(19) **SERVICES.**—The term ‘services’ includes software, hardware, financial, professional consulting, engineering, and specialized energy information services, energy-related technical assistance, and maintenance and repairs.”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and apply with respect to activities described in subsections (a) and (b) of section 5 of the Iran Sanctions Act of 1996, as amended by this title, commenced on or after such date of enactment.

**SEC. 208. SENSE OF CONGRESS ON ENERGY SECTOR OF IRAN.**

It is the sense of Congress that—

(1) the energy sector of Iran remains a zone of proliferation concern since the Government of Iran continues to divert substantial revenues derived from sales of petroleum resources to finance its illicit nuclear and missile activities; and

(2) the President should apply the full range of sanctions under the Iran Sanctions Act of 1996, as amended by this Act, to address the threat posed by the Government of Iran.

**Subtitle B—Additional Measures Relating to Sanctions Against Iran**

**SEC. 211. IMPOSITION OF SANCTIONS WITH RESPECT TO THE PROVISION OF VESSELS OR SHIPPING SERVICES TO TRANSPORT CERTAIN GOODS RELATED TO PROLIFERATION OR TERRORISM ACTIVITIES TO IRAN.**

(a) **IN GENERAL.**—Except as provided in subsection (c), if the President determines that a person, on or after the date of the enactment of this Act, knowingly sells, leases, or provides a vessel or provides insurance or reinsurance or any other shipping service for the transportation to or from Iran of goods that could materially contribute to the activities of the Government of Iran with respect to the proliferation of weapons of mass destruction or support for acts of international terrorism, the President shall, pursuant to Executive Order 13382 (70 Fed. Reg. 38567; relating to blocking of property of weapons of mass destruction proliferators and their supporters) or Executive Order 13224 (66 Fed. Reg. 49079; relating to blocking property and prohibiting transactions with persons who commit, threaten to commit, or support terrorism), or otherwise pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), block and prohibit all transactions in all property and interests in property of the persons specified in subsection (b) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(b) **PERSONS SPECIFIED.**—The persons specified in this subsection are—

(1) the person that sold, leased, or provided a vessel or provided insurance or reinsurance or another shipping service described in subsection (a); and

(2) any person that—

(A) is a successor entity to the person referred to in paragraph (1);

(B) owns or controls the person referred to in paragraph (1), if the person that owns or controls the person referred to in paragraph (1) had actual knowledge or should have known that the person referred to in paragraph (1) sold, leased, or provided the vessel or provided the insurance or reinsurance or other shipping service; or

(C) is owned or controlled by, or under common ownership or control with, the person referred to in paragraph (1), if the person owned or controlled by, or under common ownership or control with (as the case may be), the person referred to in paragraph (1) knowingly engaged in the sale, lease, or provision of the vessel or the provision of the insurance or reinsurance or other shipping service.

(c) **WAIVER.**—The President may waive the requirement to impose sanctions with respect to a person under subsection (a) on or after the date that is 30 days after the President—

(1) determines that such a waiver is vital to the national security interests of the United States; and

(2) submits to the appropriate congressional committees a report that contains the reasons for that determination.

(d) **REPORT REQUIRED.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of the Treasury, in coordination with the Secretary of State, shall submit to the appropriate congressional committees a report identifying operators of vessels and other persons that conduct or facilitate significant financial transactions with persons that manage ports in Iran that have been designated for the imposition of sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

(2) **FORM OF REPORT.**—A report submitted under paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

(e) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to limit the authority of the President to designate persons for the imposition of sanctions pursuant to Executive Order 13382 (70 Fed. Reg. 38567; relating to the blocking of property of weapons of mass destruction proliferators and their supporters) or Executive Order 13224 (66 Fed. Reg. 49079; relating to blocking property and prohibiting transactions with persons who commit, threaten to commit, or support terrorism), or otherwise pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

**SEC. 212. IMPOSITION OF SANCTIONS WITH RESPECT TO PROVISION OF UNDERWRITING SERVICES OR INSURANCE OR REINSURANCE FOR THE NATIONAL IRANIAN OIL COMPANY OR THE NATIONAL IRANIAN TANKER COMPANY.**

(a) **IN GENERAL.**—Except as provided in subsection (b), not later than 60 days after the date of the enactment of this Act, the President shall impose 5 or more of the sanctions described in section 6(a) of the Iran Sanctions Act of 1996, as amended by section 204, with respect to a person if the President determines that the person knowingly, on or after such date of enactment, provides underwriting services or insurance or reinsurance for the National Iranian Oil Company, the National Iranian Tanker Company, or a successor entity to either such company.



## (b) EXCEPTIONS.—

(1) UNDERWRITERS AND INSURANCE PROVIDERS EXERCISING DUE DILIGENCE.—The President is authorized not to impose sanctions under subsection (a) with respect to a person that provides underwriting services or insurance or reinsurance if the President determines that the person has exercised due diligence in establishing and enforcing official policies, procedures, and controls to ensure that the person does not provide underwriting services or insurance or reinsurance for the National Iranian Oil Company, the National Iranian Tanker Company, or a successor entity to either such company.

(2) FOOD; MEDICINE; HUMANITARIAN ASSISTANCE.—The President may not impose sanctions under subsection (a) for the provision of underwriting services or insurance or reinsurance for any activity relating solely to—

(A) the provision of agricultural commodities, food, medicine, or medical devices to Iran; or

(B) the provision of humanitarian assistance to the people of Iran.

(3) TERMINATION PERIOD.—The President is authorized not to impose sanctions under subsection (a) with respect to a person if the President receives reliable assurances that the person will terminate the provision of underwriting services or insurance or reinsurance for the National Iranian Oil Company, the National Iranian Tanker Company, and any successor entity to either such company, not later than the date that is 120 days after the date of the enactment of this Act.

## (c) DEFINITIONS.—In this section:

(1) AGRICULTURAL COMMODITY.—The term “agricultural commodity” has the meaning given that term in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602).

(2) MEDICAL DEVICE.—The term “medical device” has the meaning given the term “device” in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(3) MEDICINE.—The term “medicine” has the meaning given the term “drug” in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(d) APPLICATION OF PROVISIONS OF IRAN SANCTIONS ACT OF 1996.—The following provisions of the Iran Sanctions Act of 1996, as amended by this Act, apply with respect to the imposition of sanctions under subsection (a) to the same extent that such provisions apply with respect to the imposition of sanctions under section 5(a) of the Iran Sanctions Act of 1996:

- (1) Subsection (c) of section 4.
- (2) Subsections (c), (d), and (f) of section 5.
- (3) Section 8.
- (4) Section 9.
- (5) Section 11.
- (6) Section 12.
- (7) Subsection (b) of section 13.
- (8) Section 14.

(e) RULE OF CONSTRUCTION AND IMPLEMENTATION.—Nothing in this section shall be construed to limit the authority of the President to impose sanctions pursuant to the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note), the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8501 et seq.), the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), section 1245 of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a), or any other provision of this Act.

**SEC. 213. IMPOSITION OF SANCTIONS WITH RESPECT TO PURCHASE, SUBSCRIPTION TO, OR FACILITATION OF THE ISSUANCE OF IRANIAN SOVEREIGN DEBT.**

(a) IN GENERAL.—The President shall impose 5 or more of the sanctions described in section 6(a) of the Iran Sanctions Act of 1996, as amended by section 204, with respect to a person if the President determines that the person knowingly,

on or after the date of the enactment of this Act, purchases, subscribes to, or facilitates the issuance of—

(1) sovereign debt of the Government of Iran issued on or after such date of enactment, including governmental bonds; or

(2) debt of any entity owned or controlled by the Government of Iran issued on or after such date of enactment, including bonds.

(b) APPLICATION OF PROVISIONS OF IRAN SANCTIONS ACT OF 1996.—The following provisions of the Iran Sanctions Act of 1996, as amended by this Act, apply with respect to the imposition of sanctions under subsection (a) to the same extent that such provisions apply with respect to the imposition of sanctions under section 5(a) of the Iran Sanctions Act of 1996:

- (1) Subsection (c) of section 4.
- (2) Subsections (c), (d), and (f) of section 5.
- (3) Section 8.
- (4) Section 9.
- (5) Section 11.
- (6) Section 12.
- (7) Subsection (b) of section 13.
- (8) Section 14.

**SEC. 214. IMPOSITION OF SANCTIONS WITH RESPECT TO SUBSIDIARIES AND AGENTS OF PERSONS SANCTIONED BY UNITED NATIONS SECURITY COUNCIL RESOLUTIONS.**

(a) IN GENERAL.—Section 104(c)(2)(B) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513(c)(2)(B)) is amended—

(1) by striking “of a person subject” and inserting the following: “of—

“(i) a person subject”;

(2) in clause (i), as designated by paragraph (1), by striking the semicolon and inserting “; or”;

(3) by adding at the end the following:

“(ii) a person acting on behalf of or at the direction of, or owned or controlled by, a person described in clause (i);”.

(b) REGULATIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Treasury shall make such revisions to the regulations prescribed under section 104 of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513) as are necessary to carry out the amendments made by subsection (a).

**SEC. 215. IMPOSITION OF SANCTIONS WITH RESPECT TO TRANSACTIONS WITH PERSONS SANCTIONED FOR CERTAIN ACTIVITIES RELATING TO TERRORISM OR PROLIFERATION OF WEAPONS OF MASS DESTRUCTION.**

(a) IN GENERAL.—Section 104(c)(2)(E)(ii) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513(c)(2)(E)(ii)) is amended in the matter preceding subclause (I) by striking “financial institution” and inserting “person”.

(b) REGULATIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Treasury shall make such revisions to the regulations prescribed under section 104 of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513) as are necessary to carry out the amendment made by subsection (a).

**SEC. 216. EXPANSION OF, AND REPORTS ON, MANDATORY SANCTIONS WITH RESPECT TO FINANCIAL INSTITUTIONS THAT ENGAGE IN CERTAIN ACTIVITIES RELATING TO IRAN.**

(a) IN GENERAL.—The Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8501 et seq.) is amended by inserting after section 104 the following:

**“SEC. 104A. EXPANSION OF, AND REPORTS ON, MANDATORY SANCTIONS WITH RESPECT TO FINANCIAL INSTITUTIONS THAT ENGAGE IN CERTAIN ACTIVITIES.**

“(a) IN GENERAL.—Not later than 90 days after the date of the enactment of the Iran

Threat Reduction and Syria Human Rights Act of 2012, the Secretary of the Treasury shall revise the regulations prescribed under section 104(c)(1) to apply to a foreign financial institution described in subsection (b) to the same extent and in the same manner as those regulations apply to a foreign financial institution that the Secretary of the Treasury finds knowingly engages in an activity described in section 104(c)(2).

“(b) FOREIGN FINANCIAL INSTITUTIONS DESCRIBED.—A foreign financial institution described in this subsection is a foreign financial institution, including an Iranian financial institution, that the Secretary of the Treasury finds—

“(1) knowingly facilitates, or participates or assists in, an activity described in section 104(c)(2), including by acting on behalf of, at the direction of, or as an intermediary for, or otherwise assisting, another person with respect to the activity;

“(2) attempts or conspires to facilitate or participate in such an activity; or

“(3) is owned or controlled by a foreign financial institution that the Secretary finds knowingly engages in such an activity.

**“(c) REPORTS REQUIRED.—**

“(1) IN GENERAL.—Not later than 180 days after the date of the enactment of the Iran Threat Reduction and Syria Human Rights Act of 2012, and every 180 days thereafter, the Secretary of the Treasury shall submit to the appropriate congressional committees a report that contains a detailed description of—

“(A) the effect of the regulations prescribed under section 104(c)(1) on the financial system and economy of Iran and capital flows to and from Iran; and

“(B) the ways in which funds move into and out of financial institutions described in section 104(c)(2)(E)(ii), with specific attention to the use of other Iranian financial institutions and other foreign financial institutions to receive and transfer funds for financial institutions described in that section.

“(2) FORM OF REPORT.—Each report submitted under paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

**“(d) DEFINITIONS.—In this section:**

“(1) FINANCIAL INSTITUTION.—The term ‘financial institution’ means a financial institution specified in subparagraph (A), (B), (C), (D), (E), (F), (G), (H), (I), (J), (K), (M), (N), (R), or (Y) of section 5312(a)(2) of title 31, United States Code.

“(2) FOREIGN FINANCIAL INSTITUTION.—The term ‘foreign financial institution’ has the meaning of that term as determined by the Secretary of the Treasury pursuant to section 104(i).

“(3) IRANIAN FINANCIAL INSTITUTION.—The term ‘Iranian financial institution’ means—

“(A) a financial institution organized under the laws of Iran or any jurisdiction within Iran, including a foreign branch of such an institution;

“(B) a financial institution located in Iran;

“(C) a financial institution, wherever located, owned or controlled by the Government of Iran; and

“(D) a financial institution, wherever located, owned or controlled by a financial institution described in subparagraph (A), (B), or (C).”.

(b) CLERICAL AMENDMENT.—The table of contents for the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 is amended by inserting after the item relating to section 104 the following:

“Sec. 104A. Expansion of, and reports on, mandatory sanctions with respect to financial institutions that engage in certain activities.”.

**SEC. 217. CONTINUATION IN EFFECT OF SANCTIONS WITH RESPECT TO THE GOVERNMENT OF IRAN, THE CENTRAL BANK OF IRAN, AND SANCTIONS EVADERS.**

(a) **SANCTIONS RELATING TO BLOCKING OF PROPERTY OF THE GOVERNMENT OF IRAN AND IRANIAN FINANCIAL INSTITUTIONS.**—United States sanctions with respect to Iran provided for in Executive Order 13599 (77 Fed. Reg. 6659), as in effect on the day before the date of the enactment of this Act, shall remain in effect until the date that is 90 days after the date on which the President submits to the appropriate congressional committees the certification described in subsection (d).

(b) **SANCTIONS RELATING TO FOREIGN SANCTIONS EVADERS.**—United States sanctions with respect to Iran provided for in Executive Order 13608 (77 Fed. Reg. 26409), as in effect on the day before the date of the enactment of this Act, shall remain in effect until the date that is 30 days after the date on which the President submits to the appropriate congressional committees the certification described in section 401(a) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8551(a)).

(c) **CONTINUATION OF SANCTIONS WITH RESPECT TO THE CENTRAL BANK OF IRAN.**—In addition to the sanctions referred to in subsection (a), the President shall continue to apply to the Central Bank of Iran sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), including blocking of property and restrictions or prohibitions on financial transactions and the exportation of property, until the date that is 90 days after the date on which the President submits to Congress the certification described in subsection (d).

(d) **CERTIFICATION DESCRIBED.**—

(1) **IN GENERAL.**—The certification described in this subsection is the certification of the President to Congress that the Central Bank of Iran is not—

(A) providing financial services in support of, or otherwise facilitating, the ability of Iran to—

(i) acquire or develop chemical, biological, or nuclear weapons, or related technologies;

(ii) construct, equip, operate, or maintain nuclear facilities that could aid Iran's effort to acquire a nuclear capability; or

(iii) acquire or develop ballistic missiles, cruise missiles, or destabilizing types and amounts of conventional weapons; or

(B) facilitating transactions or providing financial services for—

(i) Iran's Revolutionary Guard Corps; or

(ii) financial institutions the property or interests in property of which are blocked pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) in connection with—

(I) Iran's proliferation of weapons of mass destruction or delivery systems for weapons of mass destruction; or

(II) Iran's support for international terrorism.

(2) **SUBMISSION TO CONGRESS.**—

(A) **IN GENERAL.**—The President shall submit the certification described in paragraph (1) to the appropriate congressional committees in writing and shall include a justification for the certification.

(B) **FORM OF CERTIFICATION.**—The certification described in paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

(e) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to limit the authority of the President pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) or the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8501 et seq.).

**SEC. 218. LIABILITY OF PARENT COMPANIES FOR VIOLATIONS OF SANCTIONS BY FOREIGN SUBSIDIARIES.**

(a) **DEFINITIONS.**—In this section:

(1) **ENTITY.**—The term "entity" means a partnership, association, trust, joint venture, corporation, or other organization.

(2) **OWN OR CONTROL.**—The term "own or control" means, with respect to an entity—

(A) to hold more than 50 percent of the equity interest by vote or value in the entity;

(B) to hold a majority of seats on the board of directors of the entity; or

(C) to otherwise control the actions, policies, or personnel decisions of the entity.

(b) **PROHIBITION.**—Not later than 60 days after the date of the enactment of this Act, the President shall prohibit an entity owned or controlled by a United States person and established or maintained outside the United States from knowingly engaging in any transaction directly or indirectly with the Government of Iran or any person subject to the jurisdiction of the Government of Iran that would be prohibited by an order or regulation issued pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) if the transaction were engaged in by a United States person or in the United States.

(c) **CIVIL PENALTY.**—The civil penalties provided for in section 206(b) of the International Emergency Economic Powers Act (50 U.S.C. 1705(b)) shall apply to a United States person to the same extent that such penalties apply to a person that commits an unlawful act described in section 206(a) of that Act if an entity owned or controlled by the United States person and established or maintained outside the United States violates, attempts to violate, conspires to violate, or causes a violation of any order or regulation issued to implement subsection (b).

(d) **APPLICABILITY.**—Subsection (c) shall not apply with respect to a transaction described in subsection (b) by an entity owned or controlled by a United States person and established or maintained outside the United States if the United States person divests or terminates its business with the entity not later than the date that is 180 days after the date of the enactment of this Act.

**SEC. 219. DISCLOSURES TO THE SECURITIES AND EXCHANGE COMMISSION RELATING TO SANCTIONABLE ACTIVITIES.**

(a) **IN GENERAL.**—Section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m) is amended by adding at the end the following new subsection:

"(r) **DISCLOSURE OF CERTAIN ACTIVITIES RELATING TO IRAN.**—

"(1) **IN GENERAL.**—Each issuer required to file an annual or quarterly report under subsection (a) shall disclose in that report the information required by paragraph (2) if, during the period covered by the report, the issuer or any affiliate of the issuer—

"(A) knowingly engaged in an activity described in subsection (a) or (b) of section 5 of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note);

"(B) knowingly engaged in an activity described in subsection (c)(2) of section 104 of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513) or a transaction described in subsection (d)(1) of that section;

"(C) knowingly engaged in an activity described in section 105A(b)(2) of that Act; or

"(D) knowingly conducted any transaction or dealing with—

"(i) any person the property and interests in property of which are blocked pursuant to Executive Order 13224 (66 Fed. Reg. 49079; relating to blocking property and prohibiting transactions with persons who commit, threaten to commit, or support terrorism);

"(ii) any person the property and interests in property of which are blocked pursuant to Executive Order 13382 (70 Fed. Reg. 38567; relating to blocking of property of weapons of mass destruction proliferators and their supporters); or

"(iii) any person or entity identified under section 560.304 of title 31, Code of Federal Regulations (relating to the definition of the Government of Iran) without the specific authorization of a Federal department or agency.

"(2) **INFORMATION REQUIRED.**—If an issuer or an affiliate of the issuer has engaged in any activity described in paragraph (1), the issuer shall disclose a detailed description of each such activity, including—

"(A) the nature and extent of the activity;

"(B) the gross revenues and net profits, if any, attributable to the activity; and

"(C) whether the issuer or the affiliate of the issuer (as the case may be) intends to continue the activity.

"(3) **NOTICE OF DISCLOSURES.**—If an issuer reports under paragraph (1) that the issuer or an affiliate of the issuer has knowingly engaged in any activity described in that paragraph, the issuer shall separately file with the Commission, concurrently with the annual or quarterly report under subsection (a), a notice that the disclosure of that activity has been included in that annual or quarterly report that identifies the issuer and contains the information required by paragraph (2).

"(4) **PUBLIC DISCLOSURE OF INFORMATION.**—Upon receiving a notice under paragraph (3) that an annual or quarterly report includes a disclosure of an activity described in paragraph (1), the Commission shall promptly—

"(A) transmit the report to—

"(i) the President;

"(ii) the Committee on Foreign Affairs and the Committee on Financial Services of the House of Representatives; and

"(iii) the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate; and

"(B) make the information provided in the disclosure and the notice available to the public by posting the information on the Internet website of the Commission.

"(5) **INVESTIGATIONS.**—Upon receiving a report under paragraph (4) that includes a disclosure of an activity described in paragraph (1) (other than an activity described in subparagraph (D)(iii) of that paragraph), the President shall—

"(A) initiate an investigation into the possible imposition of sanctions under the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note), section 104 or 105A of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010, an Executive Order specified in clause (i) or (ii) of paragraph (1)(D), or any other provision of law relating to the imposition of sanctions with respect to Iran, as applicable; and

"(B) not later than 180 days after initiating such an investigation, make a determination with respect to whether sanctions should be imposed with respect to the issuer or the affiliate of the issuer (as the case may be).

"(6) **SUNSET.**—The provisions of this subsection shall terminate on the date that is 30 days after the date on which the President makes the certification described in section 401(a) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8551(a))."

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect with respect to reports required to be filed with the Securities and Exchange Commission after the date that is 180 days after the date of the enactment of this Act.

**SEC. 220. REPORTS ON, AND AUTHORIZATION OF IMPOSITION OF SANCTIONS WITH RESPECT TO, THE PROVISION OF SPECIALIZED FINANCIAL MESSAGING SERVICES TO THE CENTRAL BANK OF IRAN AND OTHER SANCTIONED IRANIAN FINANCIAL INSTITUTIONS.**

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) providers of specialized financial messaging services are a critical link to the international financial system;

(2) the European Union is to be commended for strengthening the multilateral sanctions regime against Iran by deciding that specialized financial messaging services may not be provided to the Central Bank of Iran and other sanctioned Iranian financial institutions by persons subject to the jurisdiction of the European Union; and

(3) the loss of access by sanctioned Iranian financial institutions to specialized financial messaging services must be maintained.

(b) **REPORTS REQUIRED.**—

(1) **IN GENERAL.**—Not later than 60 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of the Treasury shall submit to the appropriate congressional committees a report that contains—

(A) a list of all persons that the Secretary has identified that directly provide specialized financial messaging services to, or enable or facilitate direct or indirect access to such messaging services for, the Central Bank of Iran or a financial institution described in section 104(c)(2)(E)(ii) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513(c)(2)(E)(ii)); and

(B) a detailed assessment of the status of efforts by the Secretary to end the direct provision of such messaging services to, and the enabling or facilitation of direct or indirect access to such messaging services for, the Central Bank of Iran or a financial institution described in that section.

(2) **ENABLING OR FACILITATION OF ACCESS TO SPECIALIZED FINANCIAL MESSAGING SERVICES THROUGH INTERMEDIARY FINANCIAL INSTITUTIONS.**—For purposes of paragraph (1) and subsection (c), enabling or facilitating direct or indirect access to specialized financial messaging services for the Central Bank of Iran or a financial institution described in section 104(c)(2)(E)(ii) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513(c)(2)(E)(ii)) includes doing so by serving as an intermediary financial institution with access to such messaging services.

(3) **FORM OF REPORT.**—A report submitted under paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

(c) **AUTHORIZATION OF IMPOSITION OF SANCTIONS.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), if, on or after the date that is 90 days after the date of the enactment of this Act, a person continues to knowingly and directly provide specialized financial messaging services to, or knowingly enable or facilitate direct or indirect access to such messaging services for, the Central Bank of Iran or a financial institution described in paragraph (2)(E)(ii) of section 104(c) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513(c)), the President may impose sanctions pursuant to that section or the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) with respect to the person.

(2) **EXCEPTION.**—The President may not impose sanctions pursuant to paragraph (1) with respect to a person for directly providing specialized financial messaging services to, or enabling or facilitating direct or indirect access to

such messaging services for, the Central Bank of Iran or a financial institution described in section 104(c)(2)(E)(ii) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513(c)(2)(E)(ii)) if—

(A) the person is subject to a sanctions regime under its governing foreign law that requires it to eliminate the knowing provision of such messaging services to, and the knowing enabling and facilitation of direct or indirect access to such messaging services for—

(i) the Central Bank of Iran; and

(ii) a group of Iranian financial institutions identified under such governing foreign law for purposes of that sanctions regime if the President determines that—

(I) the group is substantially similar to the group of financial institutions described in section 104(c)(2)(E)(ii) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513(c)(2)(E)(ii)); and

(II) the differences between those groups of financial institutions do not adversely affect the national interest of the United States; and

(B) the person has, pursuant to that sanctions regime, terminated the knowing provision of such messaging services to, and the knowing enabling and facilitation of direct or indirect access to such messaging services for, the Central Bank of Iran and each Iranian financial institution identified under such governing foreign law for purposes of that sanctions regime.

(d) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to limit the authority of the President pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) or the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8501 et seq.).

**SEC. 221. IDENTIFICATION OF, AND IMMIGRATION RESTRICTIONS ON, SENIOR OFFICIALS OF THE GOVERNMENT OF IRAN AND THEIR FAMILY MEMBERS.**

(a) **IDENTIFICATION.**—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the President shall publish a list of each individual the President determines is—

(1) a senior official of the Government of Iran described in subsection (b) that is involved in Iran's—

(A) illicit nuclear activities or proliferation of weapons of mass destruction or delivery systems for weapons of mass destruction;

(B) support for international terrorism; or

(C) commission of serious human rights abuses against citizens of Iran or their family members; or

(2) a family member of such an official.

(b) **SENIOR OFFICIALS OF THE GOVERNMENT OF IRAN DESCRIBED.**—A senior official of the Government of Iran described in this subsection is any senior official of that Government, including—

(1) the Supreme Leader of Iran;

(2) the President of Iran;

(3) a member of the Cabinet of the Government of Iran;

(4) a member of the Assembly of Experts;

(5) a senior member of the Intelligence Ministry of Iran; or

(6) a senior member of Iran's Revolutionary Guard Corps, including a senior member of a paramilitary organization such as Ansar-e Hezbollah or Basij-e Motaz'afin.

(c) **EXCLUSION FROM UNITED STATES.**—Except as provided in subsection (d), the Secretary of State shall deny a visa to, and the Secretary of Homeland Security shall exclude from the United States, any alien who is on the list required by subsection (a).

(d) **EXCEPTION TO COMPLY WITH UNITED NATIONS HEADQUARTERS AGREEMENT.**—Subsection (c) shall not apply to an individual if admitting the individual to the United States is necessary

to permit the United States to comply with the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, signed June 26, 1947, and entered into force November 21, 1947, and other applicable international obligations.

(e) **WAIVER.**—The President may waive the application of subsection (a) or (c) with respect to an individual if the President—

(1) determines that such a waiver is essential to the national interests of the United States; and

(2) not less than 7 days before the waiver takes effect, notifies Congress of the waiver and the reason for the waiver.

**SEC. 222. SENSE OF CONGRESS AND RULE OF CONSTRUCTION RELATING TO CERTAIN AUTHORITIES OF STATE AND LOCAL GOVERNMENTS.**

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that the United States should support actions by States or local governments that are within their authority, including determining how investment assets are valued for purposes of safety and soundness of financial institutions and insurers, that are consistent with and in furtherance of the purposes of this Act and other Acts that are amended by this Act.

(b) **RULE OF CONSTRUCTION.**—Section 202 of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8532) is amended by adding at the end the following:

“(j) **RULE OF CONSTRUCTION.**—Nothing in this Act or any other provision of law authorizing sanctions with respect to Iran shall be construed to abridge the authority of a State to issue and enforce rules governing the safety, soundness, and solvency of a financial institution subject to its jurisdiction or the business of insurance pursuant to the Act of March 9, 1945 (15 U.S.C. 1011 et seq.) (commonly known as the ‘McCarran-Ferguson Act’).”

**SEC. 223. GOVERNMENT ACCOUNTABILITY OFFICE REPORT ON FOREIGN ENTITIES THAT INVEST IN THE ENERGY SECTOR OF IRAN OR EXPORT REFINED PETROLEUM PRODUCTS TO IRAN.**

(a) **INITIAL REPORT.**—

(1) **IN GENERAL.**—Not later than 120 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate congressional committees a report—

(A) listing all foreign investors in the energy sector of Iran during the period specified in paragraph (2), including—

(i) entities that exported gasoline and other refined petroleum products to Iran;

(ii) entities involved in providing refined petroleum products to Iran, including—

(I) entities that provided ships to transport refined petroleum products to Iran; and

(II) entities that provided insurance or reinsurance for shipments of refined petroleum products to Iran; and

(iii) entities involved in commercial transactions of any kind, including joint ventures anywhere in the world, with Iranian energy companies; and

(B) identifying the countries in which gasoline and other refined petroleum products exported to Iran during the period specified in paragraph (2) were produced or refined.

(2) **PERIOD SPECIFIED.**—The period specified in this paragraph is the period beginning on January 1, 2009, and ending on the date that is 150 days after the date of the enactment of this Act.

(b) **UPDATED REPORT.**—Not later than one year after submitting the report required by subsection (a), the Comptroller General of the United States shall submit to the appropriate congressional committees a report containing the matters required in the report under subsection (a)(1) for the one-year period beginning

on the date that is 30 days before the date on which the preceding report was required to be submitted by this section.

**SEC. 224. REPORTING ON THE IMPORTATION TO AND EXPORTATION FROM IRAN OF CRUDE OIL AND REFINED PETROLEUM PRODUCTS.**

Section 110(b) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8518(b)) is amended by striking “a report containing the matters” and all that follows through the period at the end and inserting the following: “a report, covering the 180-day period beginning on the date that is 30 days before the date on which the preceding report was required to be submitted by this section, that—

“(1) contains the matters required in the report under subsection (a)(1); and

“(2) identifies—

“(A) the volume of crude oil and refined petroleum products imported to and exported from Iran (including through swaps and similar arrangements);

“(B) the persons selling and transporting crude oil and refined petroleum products described in subparagraph (A), the countries with primary jurisdiction over those persons, and the countries in which those products were refined;

“(C) the sources of financing for imports to Iran of crude oil and refined petroleum products described in subparagraph (A); and

“(D) the involvement of foreign persons in efforts to assist Iran in—

“(i) developing upstream oil and gas production capacity;

“(ii) importing advanced technology to upgrade existing Iranian refineries;

“(iii) converting existing chemical plants to petroleum refineries; or

“(iv) maintaining, upgrading, or expanding existing refineries or constructing new refineries.”.

**TITLE III—SANCTIONS WITH RESPECT TO IRAN’S REVOLUTIONARY GUARD CORPS**

**Subtitle A—Identification of, and Sanctions With Respect to, Officials, Agents, Affiliates, and Supporters of Iran’s Revolutionary Guard Corps and Other Sanctioned Persons**

**SEC. 301. IDENTIFICATION OF, AND IMPOSITION OF SANCTIONS WITH RESPECT TO, OFFICIALS, AGENTS, AND AFFILIATES OF IRAN’S REVOLUTIONARY GUARD CORPS.**

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and as appropriate thereafter, the President shall—

(1) identify foreign persons that are officials, agents, or affiliates of Iran’s Revolutionary Guard Corps; and

(2) for each foreign person identified under paragraph (1) that is not already designated for the imposition of sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)—

(A) designate that foreign person for the imposition of sanctions pursuant to that Act; and

(B) block and prohibit all transactions in all property and interests in property of that foreign person if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(b) PRIORITY FOR INVESTIGATION.—In identifying foreign persons pursuant to subsection (a)(1) as officials, agents, or affiliates of Iran’s Revolutionary Guard Corps, the President shall give priority to investigating—

(1) foreign persons or entities identified under section 560.304 of title 31, Code of Federal Regulations (relating to the definition of the Government of Iran); and

(2) foreign persons for which there is a reasonable basis to find that the person has con-

ducted or attempted to conduct one or more sensitive transactions or activities described in subsection (c).

(c) SENSITIVE TRANSACTIONS AND ACTIVITIES DESCRIBED.—A sensitive transaction or activity described in this subsection is—

(1) a financial transaction or series of transactions valued at more than \$1,000,000 in the aggregate in any 12-month period involving a non-Iranian financial institution;

(2) a transaction to facilitate the manufacture, importation, exportation, or transfer of items needed for the development by Iran of nuclear, chemical, biological, or advanced conventional weapons, including ballistic missiles;

(3) a transaction relating to the manufacture, procurement, or sale of goods, services, and technology relating to Iran’s energy sector, including a transaction relating to the development of the energy resources of Iran, the exportation of petroleum products from Iran, the importation of refined petroleum to Iran, or the development of refining capacity available to Iran;

(4) a transaction relating to the manufacture, procurement, or sale of goods, services, and technology relating to Iran’s petrochemical sector; or

(5) a transaction relating to the procurement of sensitive technologies (as defined in section 106(c) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8515(c))).

(d) EXCLUSION FROM UNITED STATES.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary of State shall deny a visa to, and the Secretary of Homeland Security shall exclude from the United States, any alien who, on or after the date of the enactment of this Act, is a foreign person designated pursuant to subsection (a) for the imposition of sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

(2) REGULATORY EXCEPTIONS TO COMPLY WITH INTERNATIONAL OBLIGATIONS.—The requirement to deny visas to and exclude aliens from the United States pursuant to paragraph (1) shall be subject to such regulations as the President may prescribe, including regulatory exceptions to permit the United States to comply with the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, signed June 26, 1947, and entered into force November 21, 1947, and other applicable international obligations.

(e) WAIVER OF IMPOSITION OF SANCTIONS.—

(1) IN GENERAL.—The President may waive the application of subsection (a) or (d) with respect to a foreign person if the President—

(A) determines that it is vital to the national security interests of the United States to do so; and

(B) submits to the appropriate congressional committees a report that—

(i) identifies the foreign person with respect to which the waiver applies; and

(ii) sets forth the reasons for the determination.

(2) FORM OF REPORT.—A report submitted under paragraph (1)(B) shall be submitted in unclassified form but may contain a classified annex.

(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to remove any sanction of the United States in force with respect to Iran’s Revolutionary Guard Corps as of the date of the enactment of this Act.

**SEC. 302. IDENTIFICATION OF, AND IMPOSITION OF SANCTIONS WITH RESPECT TO, PERSONS THAT SUPPORT OR CONDUCT CERTAIN TRANSACTIONS WITH IRAN’S REVOLUTIONARY GUARD CORPS OR OTHER SANCTIONED PERSONS.**

(a) IDENTIFICATION.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter, the President shall submit to the appropriate congressional committees a report identifying foreign persons that the President determines, on or after the date of the enactment of this Act, knowingly—

(A) materially assist, sponsor, or provide financial, material, or technological support for, or goods or services in support of, Iran’s Revolutionary Guard Corps or any of its officials, agents, or affiliates the property and interests in property of which are blocked pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.);

(B) engage in a significant transaction or transactions with Iran’s Revolutionary Guard Corps or any of its officials, agents, or affiliates—

(i) the property and interests in property of which are blocked pursuant to that Act; or

(ii) that are identified under section 301(a)(1) or pursuant to paragraph (4)(A) of section 104(c) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010, as added by section 312; or

(C) engage in a significant transaction or transactions with—

(i) a person subject to financial sanctions pursuant to United Nations Security Council Resolution 1737 (2006), 1747 (2007), 1803 (2008), or 1929 (2010), or any other resolution that is adopted by the Security Council and imposes sanctions with respect to Iran or modifies such sanctions; or

(ii) a person acting on behalf of or at the direction of, or owned or controlled by, a person described in clause (i).

(2) FORM OF REPORT.—A report submitted under paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

(3) BARTER TRANSACTIONS.—For purposes of paragraph (1), the term “transaction” includes a barter transaction.

(b) IMPOSITION OF SANCTIONS.—If the President determines under subsection (a)(1) that a foreign person has knowingly engaged in an activity described in that subsection, the President—

(1) shall impose 5 or more of the sanctions described in section 6(a) of the Iran Sanctions Act of 1996, as amended by section 204; and

(2) may impose additional sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) with respect to the person.

(c) TERMINATION.—The President may terminate a sanction imposed with respect to a foreign person pursuant to subsection (b) if the President determines that the person—

(1) no longer engages in the activity for which the sanction was imposed; and

(2) has provided assurances to the President that the person will not engage in any activity described in subsection (a)(1) in the future.

(d) WAIVER OF IMPOSITION OF SANCTIONS.—

(1) IN GENERAL.—The President may waive the imposition of sanctions under subsection (b) with respect to a foreign person if the President—

(A)(i) determines that the person has ceased the activity for which sanctions would otherwise be imposed and has taken measures to prevent a recurrence of the activity; or

(ii) determines that it is essential to the national security interests of the United States to do so; and

(B) submits to the appropriate congressional committees a report that—

(i) identifies the foreign person with respect to which the waiver applies;

(ii) describes the activity that would otherwise subject the foreign person to the imposition of sanctions under subsection (b); and

(iii) sets forth the reasons for the determination.

(2) **FORM OF REPORT.**—A report submitted under paragraph (1)(B) shall be submitted in unclassified form but may contain a classified annex.

(e) **WAIVER OF IDENTIFICATIONS AND DESIGNATIONS.**—Notwithstanding any other provision of this subtitle and subject to paragraph (2), the President shall not be required to make any identification of a foreign person under subsection (a) or any identification or designation of a foreign person under section 301(a) if the President—

(1) determines that doing so would cause damage to the national security of the United States; and

(2) notifies the appropriate congressional committees of the exercise of the authority provided under this subsection.

(f) **APPLICATION OF PROVISIONS OF IRAN SANCTIONS ACT OF 1996.**—The following provisions of the Iran Sanctions Act of 1996, as amended by this Act, apply with respect to the imposition under subsection (b)(1) of sanctions relating to activities described in subsection (a)(1) to the same extent that such provisions apply with respect to the imposition of sanctions under section 5(a) of the Iran Sanctions Act of 1996:

(1) Subsections (c) and (e) of section 4.

(2) Subsections (c), (d), and (f) of section 5.

(3) Section 8.

(4) Section 9.

(5) Section 11.

(6) Section 12.

(7) Subsection (b) of section 13.

(8) Section 14.

**SEC. 303. IDENTIFICATION OF, AND IMPOSITION OF MEASURES WITH RESPECT TO, FOREIGN GOVERNMENT AGENCIES CARRYING OUT ACTIVITIES OR TRANSACTIONS WITH CERTAIN IRAN-AFFILIATED PERSONS.**

(a) **IDENTIFICATION.**—

(1) **IN GENERAL.**—Not later than 120 days after the date of the enactment of this Act, and every 180 days thereafter, the President shall submit to the appropriate congressional committees a report that identifies each agency of the government of a foreign country (other than Iran) that the President determines knowingly and materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services in support of, or knowingly and materially engaged in a significant transaction with, any person described in paragraph (2).

(2) **PERSON DESCRIBED.**—A person described in this paragraph is—

(A) a foreign person that is an official, agent, or affiliate of Iran's Revolutionary Guard Corps that is designated for the imposition of sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.);

(B) a foreign person that is designated and subject to financial sanctions pursuant to—

(i) the Annex of United Nations Security Council Resolution 1737 (2006);

(ii) Annex I of United Nations Security Council Resolution 1747 (2007);

(iii) Annex I, II, or III of United Nations Security Council Resolution 1803 (2008);

(iv) Annex I, II, or III of United Nations Security Council Resolution 1929 (2010); or

(v) any subsequent and related United Nations Security Council resolution, or any annex thereto, that imposes new sanctions with respect to Iran or modifies existing sanctions with respect to Iran; or

(C) a foreign person that the agency knows is acting on behalf of or at the direction of, or owned or controlled by, a person described in subparagraph (A) or (B).

(3) **FORM OF REPORT.**—Each report submitted under paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

(b) **IMPOSITION OF MEASURES.**—

(1) **IN GENERAL.**—The President may impose any of the following measures with respect to an agency identified pursuant to subsection (a) if the President determines that the assistance, exports, or other support to be prohibited by reason of the imposition of the measures have contributed and would otherwise directly or indirectly contribute to the agency's capability to continue the activities or transactions for which the agency has been identified pursuant to subsection (a):

(A) No assistance may be provided to the agency under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) or the Arms Export Control Act (22 U.S.C. 2751 et seq.) other than humanitarian assistance or the provision of food or other agricultural commodities.

(B) No sales of any defense articles, defense services, or design and construction services under the Arms Export Control Act (22 U.S.C. 2751 et seq.) may be made to the agency.

(C) No licenses for export of any item on the United States Munitions List that include the agency as a party to the license may be granted.

(D) No exports may be permitted to the agency of any goods or technologies controlled for national security reasons under the Export Administration Regulations, except that such prohibition shall not apply to any transaction subject to the reporting requirements of title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.; relating to congressional oversight of intelligence activities).

(E) The United States shall oppose any loan or financial or technical assistance to the agency by international financial institutions in accordance with section 701 of the International Financial Institutions Act (22 U.S.C. 262d).

(F) The United States shall deny to the agency any credit or financial assistance by any department, agency, or instrumentality of the United States Government, except that this paragraph shall not apply—

(i) to any transaction subject to the reporting requirements of title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.; relating to congressional oversight of intelligence activities);

(ii) to the provision of medicines, medical equipment, and humanitarian assistance; or

(iii) to any credit, credit guarantee, or financial assistance provided by the Department of Agriculture to support the purchase of food or other agricultural commodities.

(G) Additional restrictions as may be imposed pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

(2) **RULE OF CONSTRUCTION.**—Nothing in this subsection shall be construed to impose measures with respect to programs under section 1501 of the National Defense Authorization Act for Fiscal Year 1997 (50 U.S.C. 2632 note) and programs under the Atomic Energy Defense Act (50 U.S.C. 2501 et seq.).

(c) **TERMINATION.**—The President may terminate any measures imposed with respect to an agency pursuant to subsection (b) if the President determines and notifies the appropriate congressional committees that—

(1)(A) a person described in subparagraph (A) or (B) of subsection (a)(2) with respect to which the agency is carrying out activities or transactions is no longer designated pursuant to subparagraph (A) or (B) of subsection (a)(2); or

(B) any person described in subparagraph (C) of subsection (a)(2) with respect to which the agency is carrying out activities or transactions is no longer acting on behalf of or at the direction of, or owned or controlled by, any person described in subparagraph (A) or (B) of subsection (a)(2);

(2) the agency is no longer carrying out activities or transactions for which the measures were imposed and has provided assurances to the

United States Government that the agency will not carry out the activities or transactions in the future; or

(3) it is essential to the national security interest of the United States to terminate such measures.

(d) **WAIVER.**—If the President does not impose one or more measures described in subsection (b) with respect to an agency identified in the report required by subsection (a), the President shall include in the subsequent report an explanation as to why the President did not impose such measures.

(e) **DEFINITION.**—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Foreign Relations, the Committee on Appropriations, the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, the Committee on Finance, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on Appropriations, the Committee on Armed Services, the Committee on Financial Services, the Committee on Ways and Means, and the Permanent Select Committee on Intelligence of the House of Representatives.

(f) **EFFECTIVE DATE.**—This section shall take effect on the date of the enactment of this Act and apply with respect to activities and transactions described in subsection (a) that are carried out on or after the later of—

(1) the date that is 45 days after such date of enactment; or

(2) the date that is 45 days after a person is designated as described in subparagraph (A) or (B) of subsection (a)(2).

**SEC. 304. RULE OF CONSTRUCTION.**

Nothing in this subtitle shall be construed to limit the authority of the President to designate foreign persons for the imposition of sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

**Subtitle B—Additional Measures Relating to Iran's Revolutionary Guard Corps**

**SEC. 311. EXPANSION OF PROCUREMENT PROHIBITION TO FOREIGN PERSONS THAT ENGAGE IN CERTAIN TRANSACTIONS WITH IRAN'S REVOLUTIONARY GUARD CORPS.**

(a) **IN GENERAL.**—Section 6(b)(1) of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note) is amended—

(1) by striking "Not later than 90 days" and inserting the following:

"(A) CERTIFICATIONS RELATING TO ACTIVITIES DESCRIBED IN SECTION 5.—Not later than 90 days"; and

(2) by adding at the end the following:

"(B) CERTIFICATIONS RELATING TO TRANSACTIONS WITH IRAN'S REVOLUTIONARY GUARD CORPS.—Not later than 120 days after the date of the enactment of the Iran Threat Reduction and Syria Human Rights Act of 2012, the Federal Acquisition Regulation shall be revised to require a certification from each person that is a prospective contractor that the person, and any person owned or controlled by the person, does not knowingly engage in a significant transaction or transactions with Iran's Revolutionary Guard Corps or any of its officials, agents, or affiliates the property and interests in property of which are blocked pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)."

(b) **TECHNICAL AND CONFORMING AMENDMENTS.**—

(1) Section 6(b) of the Iran Sanctions Act of 1996, as amended by subsection (a), is further amended—

(A) in subparagraph (A) of paragraph (1), as designated by subsection (a)(1), by striking "issued pursuant to section 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 421)";

(B) in paragraph (2)—  
(i) in subparagraph (A)—  
(I) by striking “the revision” and inserting “the applicable revision”; and

(II) by striking “not more than 3 years” and inserting “not less than 2 years”; and

(ii) in subparagraph (B), by striking “issued pursuant to section 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 421)”;

(C) in paragraph (5), by striking “in the national interest” and inserting “essential to the national security interests”;

(D) by striking paragraph (6) and inserting the following:

“(6) DEFINITIONS.—In this subsection:

“(A) EXECUTIVE AGENCY.—The term ‘executive agency’ has the meaning given that term in section 133 of title 41, United States Code.

“(B) FEDERAL ACQUISITION REGULATION.—The term ‘Federal Acquisition Regulation’ means the regulation issued pursuant to section 1303(a)(1) of title 41, United States Code.”; and

(E) in paragraph (7)—

(i) by striking “The revisions to the Federal Acquisition Regulation required under paragraph (1)” and inserting the following:

“(A) CERTIFICATIONS RELATING TO ACTIVITIES DESCRIBED IN SECTION 5.—The revisions to the Federal Acquisition Regulation required under paragraph (1)(A)”;

(ii) by adding at the end the following:

“(B) CERTIFICATIONS RELATING TO TRANSACTIONS WITH IRAN’S REVOLUTIONARY GUARD CORPS.—The revisions to the Federal Acquisition Regulation required under paragraph (1)(B) shall apply with respect to contracts for which solicitations are issued on or after the date that is 120 days after the date of the enactment of the Iran Threat Reduction and Syria Human Rights Act of 2012.”.

(2) Section 101(3) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8511(3)) is amended by striking “section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)” and inserting “section 133 of title 41, United States Code”.

**SEC. 312. DETERMINATIONS OF WHETHER THE NATIONAL IRANIAN OIL COMPANY AND THE NATIONAL IRANIAN TANKER COMPANY ARE AGENTS OR AFFILIATES OF IRAN’S REVOLUTIONARY GUARD CORPS.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that the National Iranian Oil Company and the National Iranian Tanker Company are not only owned and controlled by the Government of Iran but that those companies provide significant support to Iran’s Revolutionary Guard Corps and its affiliates.

(b) DETERMINATIONS.—Section 104(c) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513(c)) is amended by adding at the end the following:

“(4) DETERMINATIONS REGARDING NIOC AND NITC.—

“(A) DETERMINATIONS.—For purposes of paragraph (2)(E), the Secretary of the Treasury shall, not later than 45 days after the date of the enactment of the Iran Threat Reduction and Syria Human Rights Act of 2012—

“(i) determine whether the NIOC or the NITC is an agent or affiliate of Iran’s Revolutionary Guard Corps; and

“(ii) submit to the appropriate congressional committees a report on the determinations made under clause (i), together with the reasons for those determinations.

“(B) FORM OF REPORT.—A report submitted under subparagraph (A)(ii) shall be submitted in unclassified form but may contain a classified annex.

“(C) APPLICABILITY WITH RESPECT TO PETROLEUM TRANSACTIONS.—

“(i) APPLICATION OF SANCTIONS.—Except as provided in clause (ii), if the Secretary of the

Treasury determines that the NIOC or the NITC is a person described in clause (i) or (ii) of paragraph (2)(E), the regulations prescribed under paragraph (1) shall apply with respect to a significant transaction or transactions or significant financial services knowingly facilitated or provided by a foreign financial institution for the NIOC or the NITC, as applicable, for the purchase of petroleum or petroleum products from Iran, only if a determination of the President under section 1245(d)(4)(B) of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a(d)(4)(B)) that there is a sufficient supply of petroleum and petroleum products produced in countries other than Iran to permit purchasers of petroleum and petroleum products from Iran to reduce significantly their purchases from Iran is in effect at the time of the transaction or the provision of the service.

“(ii) EXCEPTION FOR CERTAIN COUNTRIES.—If the Secretary of the Treasury determines that the NIOC or the NITC is a person described in clause (i) or (ii) of paragraph (2)(E), the regulations prescribed under paragraph (1) shall not apply to a significant transaction or transactions or significant financial services knowingly facilitated or provided by a foreign financial institution for the NIOC or the NITC, as applicable, for the purchase of petroleum or petroleum products from Iran if an exception under paragraph (4)(D) of section 1245(d) of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a(d)) applies to the country with primary jurisdiction over the foreign financial institution at the time of the transaction or the provision of the service.

“(iii) RULE OF CONSTRUCTION.—The exceptions in clauses (i) and (ii) shall not be construed to limit the authority of the Secretary of the Treasury to impose sanctions pursuant to the regulations prescribed under paragraph (1) for an activity described in paragraph (2) to the extent the activity would meet the criteria described in that paragraph in the absence of the involvement of the NIOC or the NITC.

“(D) DEFINITIONS.—In this paragraph:

“(i) NIOC.—The term ‘NIOC’ means the National Iranian Oil Company.

“(ii) NITC.—The term ‘NITC’ means the National Iranian Tanker Company.”.

(c) CONFORMING AMENDMENTS.—

(1) WAIVER.—Section 104(f) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513(f)) is amended by inserting “or section 104A” after “subsection (c)”.

(2) CLASSIFIED INFORMATION.—Section 104(g) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513(g)) is amended by striking “subsection (c)(1)” and inserting “paragraph (1) or (4) of subsection (c) or section 104A” both places it appears.

(d) APPLICABILITY.—

(1) IN GENERAL.—If an exception to sanctions described in clause (i) or (ii) of paragraph (4)(C) of section 104(c) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010, as added by subsection (b), applies to a person that engages in a transaction described in paragraph (2) at the time of the transaction, the President is authorized not to impose sanctions with respect to the transaction under—

(A) section 302(b)(1);

(B) section 104A of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010, as added by section 216; or

(C) any other applicable provision of law authorizing the imposition of sanctions with respect to Iran.

(2) TRANSACTION DESCRIBED.—A transaction described in this paragraph is a transaction—

(A) solely for the purchase of petroleum or petroleum products from Iran; and

(B) for which sanctions may be imposed solely as a result of the involvement of the National Iranian Oil Company or the National Iranian Tanker Company in the transaction under—

(i) section 302(b)(1);

(ii) section 104A of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010, as added by section 216; or

(iii) any other applicable provision of law authorizing the imposition of sanctions with respect to Iran.

**TITLE IV—MEASURES RELATING TO HUMAN RIGHTS ABUSES IN IRAN**

**Subtitle A—Expansion of Sanctions Relating to Human Rights Abuses in Iran**

**SEC. 401. IMPOSITION OF SANCTIONS ON CERTAIN PERSONS RESPONSIBLE FOR OR COMPLICIT IN HUMAN RIGHTS ABUSES COMMITTED AGAINST CITIZENS OF IRAN OR THEIR FAMILY MEMBERS AFTER THE JUNE 12, 2009, ELECTIONS IN IRAN.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Supreme Leader of Iran, the President of Iran, senior members of the Intelligence Ministry of Iran, senior members of Iran’s Revolutionary Guard Corps, Ansar-e-Hezbollah and Basij-e-Mostaz’afin, and the Ministers of Defense, Interior, Justice, and Telecommunications are ultimately responsible for ordering, controlling, or otherwise directing a pattern and practice of serious human rights abuses against the Iranian people, and thus the President should include such persons on the list of persons who are responsible for or complicit in committing serious human rights abuses and subject to sanctions pursuant to section 105 of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8514).

(b) REPORT.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a detailed report with respect to whether each person described in subsection (a) is responsible for or complicit in, or responsible for ordering, controlling, or otherwise directing the commission of serious human rights abuses against citizens of Iran or their family members on or after June 12, 2009, regardless of whether such abuses occurred in Iran. For any such person who is not included in such report, the Secretary of State should describe in the report the reasons why the person was not included, including information on whether sufficient credible evidence of responsibility for such abuses was found.

(2) FORM.—The report required by paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

(3) DEFINITION.—In this subsection, the term “appropriate congressional committees” means—

(A) the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(B) the Committee on Foreign Affairs and the Committee on Financial Services of the House of Representatives.

**SEC. 402. IMPOSITION OF SANCTIONS WITH RESPECT TO THE TRANSFER OF GOODS OR TECHNOLOGIES TO IRAN THAT ARE LIKELY TO BE USED TO COMMIT HUMAN RIGHTS ABUSES.**

(a) IN GENERAL.—The Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8501 et seq.) is amended by inserting after section 105 the following:

**“SEC. 105A. IMPOSITION OF SANCTIONS WITH RESPECT TO THE TRANSFER OF GOODS OR TECHNOLOGIES TO IRAN THAT ARE LIKELY TO BE USED TO COMMIT HUMAN RIGHTS ABUSES.**

“(a) IN GENERAL.—The President shall impose sanctions in accordance with subsection (c) with



respect to each person on the list required by subsection (b).

“(b) LIST.—

“(1) IN GENERAL.—Not later than 90 days after the date of the enactment of the Iran Threat Reduction and Syria Human Rights Act of 2012, the President shall submit to the appropriate congressional committees a list of persons that the President determines have knowingly engaged in an activity described in paragraph (2) on or after such date of enactment.

“(2) ACTIVITY DESCRIBED.—

“(A) IN GENERAL.—A person engages in an activity described in this paragraph if the person—

“(i) transfers, or facilitates the transfer of, goods or technologies described in subparagraph (C) to Iran, any entity organized under the laws of Iran or otherwise subject to the jurisdiction of the Government of Iran, or any national of Iran, for use in or with respect to Iran; or

“(ii) provides services (including services relating to hardware, software, and specialized information, and professional consulting, engineering, and support services) with respect to goods or technologies described in subparagraph (C) after such goods or technologies are transferred to Iran.

“(B) APPLICABILITY TO CONTRACTS AND OTHER AGREEMENTS.—A person engages in an activity described in subparagraph (A) without regard to whether the activity is carried out pursuant to a contract or other agreement entered into before, on, or after the date of the enactment of the Iran Threat Reduction and Syria Human Rights Act of 2012.

“(C) GOODS OR TECHNOLOGIES DESCRIBED.—Goods or technologies described in this subparagraph are goods or technologies that the President determines are likely to be used by the Government of Iran or any of its agencies or instrumentalities (or by any other person on behalf of the Government of Iran or any of such agencies or instrumentalities) to commit serious human rights abuses against the people of Iran, including—

“(i) firearms or ammunition (as those terms are defined in section 921 of title 18, United States Code), rubber bullets, police batons, pepper or chemical sprays, stun grenades, electroshock weapons, tear gas, water cannons, or surveillance technology; or

“(ii) sensitive technology (as defined in section 106(c)).

“(3) SPECIAL RULE TO ALLOW FOR TERMINATION OF SANCTIONABLE ACTIVITY.—The President shall not be required to include a person on the list required by paragraph (1) if the President certifies in writing to the appropriate congressional committees that—

“(A) the person is no longer engaging in, or has taken significant verifiable steps toward stopping, the activity described in paragraph (2) for which the President would otherwise have included the person on the list; and

“(B) the President has received reliable assurances that the person will not knowingly engage in any activity described in paragraph (2) in the future.

“(4) UPDATES OF LIST.—The President shall submit to the appropriate congressional committees an updated list under paragraph (1)—

“(A) each time the President is required to submit an updated list to those committees under section 105(b)(2)(A); and

“(B) as new information becomes available.

“(5) FORM OF REPORT; PUBLIC AVAILABILITY.—

“(A) FORM.—The list required by paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

“(B) PUBLIC AVAILABILITY.—The unclassified portion of the list required by paragraph (1) shall be made available to the public and posted on the websites of the Department of the Treasury and the Department of State.

“(c) APPLICATION OF SANCTIONS.—

“(1) IN GENERAL.—Subject to paragraph (2), the President shall impose sanctions described in section 105(c) with respect to a person on the list required by subsection (b).

“(2) TRANSFERS TO IRAN’S REVOLUTIONARY GUARD CORPS.—In the case of a person on the list required by subsection (b) for transferring, or facilitating the transfer of, goods or technologies described in subsection (b)(2)(C) to Iran’s Revolutionary Guard Corps, or providing services with respect to such goods or technologies after such goods or technologies are transferred to Iran’s Revolutionary Guard Corps, the President shall—

“(A) impose sanctions described in section 105(c) with respect to the person; and

“(B) impose such other sanctions from among the sanctions described in section 6(a) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note) as the President determines appropriate.”.

(b) CLERICAL AMENDMENT.—The table of contents for the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 is amended by inserting after the item relating to section 105 the following:

“Sec. 105A. Imposition of sanctions with respect to the transfer of goods or technologies to Iran that are likely to be used to commit human rights abuses.”.

**SEC. 403. IMPOSITION OF SANCTIONS WITH RESPECT TO PERSONS WHO ENGAGE IN CENSORSHIP OR OTHER RELATED ACTIVITIES AGAINST CITIZENS OF IRAN.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) satellite service providers and other entities that have direct contractual arrangements to provide satellite services to the Government of Iran or entities owned or controlled by that Government should cease providing broadcast services to that Government and those entities unless that Government ceases activities intended to jam or restrict satellite signals; and

(2) the United States should address the illegal jamming of satellite signals by the Government of Iran through the voice and vote of the United States in the United Nations International Telecommunications Union.

(b) IMPOSITION OF SANCTIONS.—The Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8501 et seq.), as amended by section 402, is further amended by inserting after section 105A the following:

**SEC. 105B. IMPOSITION OF SANCTIONS WITH RESPECT TO PERSONS WHO ENGAGE IN CENSORSHIP OR OTHER RELATED ACTIVITIES AGAINST CITIZENS OF IRAN.**

“(a) IN GENERAL.—The President shall impose sanctions described in section 105(c) with respect to each person on the list required by subsection (b).

“(b) LIST OF PERSONS WHO ENGAGE IN CENSORSHIP.—

“(1) IN GENERAL.—Not later than 90 days after the date of the enactment of the Iran Threat Reduction and Syria Human Rights Act of 2012, the President shall submit to the appropriate congressional committees a list of persons that the President determines have, on or after June 12, 2009, engaged in censorship or other activities with respect to Iran that—

“(A) prohibit, limit, or penalize the exercise of freedom of expression or assembly by citizens of Iran; or

“(B) limit access to print or broadcast media, including the facilitation or support of intentional frequency manipulation by the Government of Iran or an entity owned or controlled by that Government that would jam or restrict an international signal.

“(2) UPDATES OF LIST.—The President shall submit to the appropriate congressional committees an updated list under paragraph (1)—

“(A) each time the President is required to submit an updated list to those committees under section 105(b)(2)(A); and

“(B) as new information becomes available.

“(3) FORM OF REPORT; PUBLIC AVAILABILITY.—

“(A) FORM.—The list required by paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

“(B) PUBLIC AVAILABILITY.—The unclassified portion of the list required by paragraph (1) shall be made available to the public and posted on the websites of the Department of the Treasury and the Department of State.”.

(c) CLERICAL AMENDMENT.—The table of contents for the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010, as amended by section 402, is further amended by inserting after the item relating to section 105A the following:

“Sec. 105B. Imposition of sanctions with respect to persons who engage in censorship or other related activities against citizens of Iran.”.

(d) CONFORMING AMENDMENTS.—Section 401(b)(1) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8551(b)(1)) is amended—

(1) by inserting “, 105A(a), or 105B(a)” after “105(a)”; and

(2) by inserting “, 105A(b), or 105B(b)” after “105(b)”.

**Subtitle B—Additional Measures to Promote Human Rights**

**SEC. 411. CODIFICATION OF SANCTIONS WITH RESPECT TO GRAVE HUMAN RIGHTS ABUSES BY THE GOVERNMENTS OF IRAN AND SYRIA USING INFORMATION TECHNOLOGY.**

United States sanctions with respect to Iran and Syria provided for in Executive Order 13606 (77 Fed. Reg. 24571), as in effect on the day before the date of the enactment of this Act, shall remain in effect—

(1) with respect to Iran, until the date that is 30 days after the date on which the President submits to Congress the certification described in section 401(a) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8551(a)); and

(2) with respect to Syria, until the date on which the provisions of and sanctions imposed pursuant to title VII terminate pursuant to section 706.

**SEC. 412. CLARIFICATION OF SENSITIVE TECHNOLOGIES FOR PURPOSES OF PROCUREMENT BAN UNDER COMPREHENSIVE IRAN SANCTIONS, ACCOUNTABILITY, AND DIVESTMENT ACT OF 2010.**

The Secretary of State shall—

(1) not later than 90 days after the date of the enactment of this Act, issue guidelines to further describe the technologies that may be considered “sensitive technology” for purposes of section 106 of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8515), with special attention to new forms of sophisticated jamming, monitoring, and surveillance technology relating to mobile telecommunications and the Internet, and publish those guidelines in the Federal Register;

(2) determine the types of technologies that enable any indigenous capabilities that Iran has to disrupt and monitor information and communications in that country, and consider adding descriptions of those items to the guidelines; and

(3) periodically review, but in no case less than once each year, the guidelines and, if necessary, amend the guidelines on the basis of technological developments and new information regarding transfers of technologies to Iran



and the development of Iran's indigenous capabilities to disrupt and monitor information and communications in Iran.

**SEC. 413. EXPEDITED CONSIDERATION OF REQUESTS FOR AUTHORIZATION OF CERTAIN HUMAN RIGHTS-, HUMANITARIAN-, AND DEMOCRACY-RELATED ACTIVITIES WITH RESPECT TO IRAN.**

(a) **REQUIREMENT.**—The Office of Foreign Assets Control, in consultation with the Department of State, shall establish an expedited process for the consideration of complete requests for authorization to engage in human rights-, humanitarian-, or democracy-related activities relating to Iran that are submitted by—

(1) entities receiving funds from the Department of State to engage in the proposed activity;

(2) the Broadcasting Board of Governors; and

(3) other appropriate agencies of the United States Government.

(b) **PROCEDURES.**—Requests for authorization under subsection (a) shall be submitted to the Office of Foreign Assets Control in conformance with the Office's regulations, including section 501.801 of title 31, Code of Federal Regulations (commonly known as the Reporting, Procedures and Penalties Regulations). Applicants shall fully disclose the parties to the transactions as well as describe the activities to be undertaken. License applications involving the exportation or reexportation of goods, technology, or software to Iran shall include a copy of an official Commodity Classification issued by the Department of Commerce, Bureau of Industry and Security, as part of the license application.

(c) **FOREIGN POLICY REVIEW.**—The Department of State shall complete a foreign policy review of a request for authorization under subsection (a) not later than 30 days after the request is referred to the Department by the Office of Foreign Assets Control.

(d) **LICENSE DETERMINATIONS.**—License determinations for complete requests for authorization under subsection (a) shall be made not later than 90 days after receipt by the Office of Foreign Assets Control, with the following exceptions:

(1) Any requests involving the exportation or reexportation to Iran of goods, technology, or software listed on the Commerce Control List maintained pursuant to part 774 of title 15, Code of Federal Regulations, shall be processed in a manner consistent with the Iran-Iraq Arms Non-Proliferation Act of 1992 (title XVI of Public Law 102-484) and other applicable provisions of law.

(2) Any other requests presenting unusual or extraordinary circumstances.

(e) **REGULATIONS.**—The Secretary of the Treasury may prescribe such regulations as are appropriate to carry out this section.

**SEC. 414. COMPREHENSIVE STRATEGY TO PROMOTE INTERNET FREEDOM AND ACCESS TO INFORMATION IN IRAN.**

Not later than 90 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of the Treasury and the heads of other Federal agencies, as appropriate, shall submit to the appropriate congressional committees a comprehensive strategy to—

(1) assist the people of Iran to produce, access, and share information freely and safely via the Internet, including in Farsi and regional languages;

(2) support the development of counter-censorship technologies that enable the citizens of Iran to undertake Internet activities without interference from the Government of Iran;

(3) increase the capabilities and availability of secure mobile and other communications through connective technology among human rights and democracy activists in Iran;

(4) provide resources for digital safety training for media and academic and civil society organizations in Iran;

(5) provide accurate and substantive Internet content in local languages in Iran;

(6) increase emergency resources for the most vulnerable human rights advocates seeking to organize, share information, and support human rights in Iran;

(7) expand surrogate radio, television, live stream, and social network communications inside Iran, including—

(A) by expanding Voice of America's Persian News Network and Radio Free Europe/Radio Liberty's Radio Farda to provide hourly live news update programming and breaking news coverage capability 24 hours a day and 7 days a week; and

(B) by assisting telecommunications and software companies that are United States persons to comply with the export licensing requirements of the United States for the purpose of expanding such communications inside Iran;

(8) expand activities to safely assist and train human rights, civil society, and democracy activists in Iran to operate effectively and securely;

(9) identify and utilize all available resources to overcome attempts by the Government of Iran to jam or otherwise deny international satellite broadcasting signals;

(10) expand worldwide United States embassy and consulate programming for and outreach to Iranian dissident communities;

(11) expand access to proxy servers for democracy activists in Iran; and

(12) discourage telecommunications and software companies from facilitating Internet censorship by the Government of Iran.

**SEC. 415. STATEMENT OF POLICY ON POLITICAL PRISONERS.**

It shall be the policy of the United States—

(1) to support efforts to research and identify prisoners of conscience and cases of human rights abuses in Iran;

(2) to offer refugee status or political asylum in the United States to political dissidents in Iran if requested and consistent with the laws and national security interests of the United States;

(3) to offer to assist, through the United Nations High Commissioner for Refugees, with the relocation of such political prisoners to other countries if requested, as appropriate and with appropriate consideration for the national security interests of the United States; and

(4) to publicly call for the release of Iranian dissidents by name and raise awareness with respect to individual cases of Iranian dissidents and prisoners of conscience, as appropriate and if requested by the dissidents or prisoners themselves or their families.

**TITLE V—MISCELLANEOUS**

**SEC. 501. EXCLUSION OF CITIZENS OF IRAN SEEKING EDUCATION RELATING TO THE NUCLEAR AND ENERGY SECTORS OF IRAN.**

(a) **IN GENERAL.**—The Secretary of State shall deny a visa to, and the Secretary of Homeland Security shall exclude from the United States, any alien who is a citizen of Iran that the Secretary of State determines seeks to enter the United States to participate in coursework at an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) to prepare the alien for a career in the energy sector of Iran or in nuclear science or nuclear engineering or a related field in Iran.

(b) **APPLICABILITY.**—Subsection (a) applies with respect to visa applications filed on or after the date of the enactment of this Act.

**SEC. 502. INTERESTS IN CERTAIN FINANCIAL ASSETS OF IRAN.**

(a) **INTERESTS IN BLOCKED ASSETS.**—

(1) **IN GENERAL.**—Subject to paragraph (2), notwithstanding any other provision of law, in-

cluding any provision of law relating to sovereign immunity, and preempting any inconsistent provision of State law, a financial asset that is—

(A) held in the United States for a foreign securities intermediary doing business in the United States,

(B) a blocked asset (whether or not subsequently unblocked) that is properly described in subsection (b), and

(C) equal in value to a financial asset of Iran, including an asset of the central bank or monetary authority of the Government of Iran or any agency or instrumentality of that Government, that such foreign securities intermediary or a related intermediary holds abroad,

shall be subject to execution or attachment in aid of execution in order to satisfy any judgment to the extent of any compensatory damages awarded against Iran for damages for personal injury or death caused by an act of torture, extrajudicial killing, aircraft sabotage, or hostage-taking, or the provision of material support or resources for such an act.

(2) **COURT DETERMINATION REQUIRED.**—In order to ensure that Iran is held accountable for paying the judgments described in paragraph (1) and in furtherance of the broader goals of this Act to sanction Iran, prior to an award turning over any asset pursuant to execution or attachment in aid of execution with respect to any judgments against Iran described in paragraph (1), the court shall determine whether Iran holds equitable title to, or the beneficial interest in, the assets described in subsection (b) and that no other person possesses a constitutionally protected interest in the assets described in subsection (b) under the Fifth Amendment to the Constitution of the United States. To the extent the court determines that a person other than Iran holds—

(A) equitable title to, or a beneficial interest in, the assets described in subsection (b) (excluding a custodial interest of a foreign securities intermediary or a related intermediary that holds the assets abroad for the benefit of Iran), or

(B) a constitutionally protected interest in the assets described in subsection (b), such assets shall be available only for execution or attachment in aid of execution to the extent of Iran's equitable title or beneficial interest therein and to the extent such execution or attachment does not infringe upon such constitutionally protected interest.

(b) **FINANCIAL ASSETS DESCRIBED.**—The financial assets described in this section are the financial assets that are identified in and the subject of proceedings in the United States District Court for the Southern District of New York in *Peterson et al. v. Islamic Republic of Iran et al.*, Case No. 10 Civ. 4518 (BSJ) (GWW), that were restrained by restraining notices and levies secured by the plaintiffs in those proceedings, as modified by court order dated June 27, 2008, and extended by court orders dated June 23, 2009, May 10, 2010, and June 11, 2010, so long as such assets remain restrained by court order.

(c) **RULES OF CONSTRUCTION.**—Nothing in this section shall be construed—

(1) to affect the availability, or lack thereof, of a right to satisfy a judgment in any other action against a terrorist party in any proceedings other than proceedings referred to in subsection (b); or

(2) to apply to assets other than the assets described in subsection (b), or to preempt State law, including the Uniform Commercial Code, except as expressly provided in subsection (a)(1).

(d) **DEFINITIONS.**—In this section:

(1) **BLOCKED ASSET.**—The term “blocked asset”—

(A) means any asset seized or frozen by the United States under section 5(b) of the Trading

With the Enemy Act (50 U.S.C. App. 5(b)) or under section 202 or 203 of the International Emergency Economic Powers Act (50 U.S.C. 1701 and 1702); and

(B) does not include property that—

(i) is subject to a license issued by the United States Government for final payment, transfer, or disposition by or to a person subject to the jurisdiction of the United States in connection with a transaction for which the issuance of the license has been specifically required by a provision of law other than the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) or the United Nations Participation Act of 1945 (22 U.S.C. 287 et seq.); or

(ii) is property subject to the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations, or that enjoys equivalent privileges and immunities under the laws of the United States, and is being used exclusively for diplomatic or consular purposes.

(2) **FINANCIAL ASSET; SECURITIES INTERMEDIARY.**—The terms “financial asset” and “securities intermediary” have the meanings given those terms in the Uniform Commercial Code, but the former includes cash.

(3) **IRAN.**—The term “Iran” means the Government of Iran, including the central bank or monetary authority of that Government and any agency or instrumentality of that Government.

(4) **PERSON.**—

(A) **IN GENERAL.**—The term “person” means an individual or entity.

(B) **ENTITY.**—The term “entity” means a partnership, association, trust, joint venture, corporation, group, subgroup, or other organization.

(5) **TERRORIST PARTY.**—The term “terrorist party” has the meaning given that term in section 201(d) of the Terrorist Risk Insurance Act of 2002 (28 U.S.C. 1610 note).

(6) **UNITED STATES.**—The term “United States” includes all territory and waters, continental, or insular, subject to the jurisdiction of the United States.

(e) **TECHNICAL CHANGES TO THE FOREIGN SOVEREIGN IMMUNITIES ACT.**—

(1) **TITLE 28, UNITED STATES CODE.**—Section 1610 of title 28, United States Code, is amended—

(A) in subsection (a)(7), by inserting after “section 1605A” the following: “or section 1605(a)(7) (as such section was in effect on January 27, 2008)”;

(B) in subsection (b)—

(i) in paragraph (2)—

(I) by striking “(5), 1605(b), or 1605A” and inserting “(5) or 1605(b)”; and

(II) by striking the period at the end and inserting “, or”; and

(ii) by adding after paragraph (2) the following:

“(3) the judgment relates to a claim for which the agency or instrumentality is not immune by virtue of section 1605A of this chapter or section 1605(a)(7) of this chapter (as such section was in effect on January 27, 2008), regardless of whether the property is or was involved in the act upon which the claim is based.”.

(2) **TERRORISM RISK INSURANCE ACT OF 2002.**—Section 201(a) of the Terrorist Risk Insurance Act of 2002 (28 U.S.C. 1610 note) is amended by striking “section 1605(a)(7)” and inserting “section 1605A or 1605(a)(7) (as such section was in effect on January 27, 2008)”.

**SEC. 503. TECHNICAL CORRECTIONS TO SECTION 1245 OF THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012.**

(a) **EXCEPTION FOR SALES OF AGRICULTURAL COMMODITIES.**—

(1) **IN GENERAL.**—Section 1245(d)(2) of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a(d)(2)) is amended—

(A) in the paragraph heading, by inserting “‘AGRICULTURAL COMMODITIES,’” after “‘SALES OF’”; and

(B) in the text, by inserting “‘agricultural commodities,’” after “‘sale of’”.

(2) **EFFECTIVE DATE.**—The amendments made by paragraph (1) shall take effect as if included in the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1298).

(b) **REPORT OF ENERGY INFORMATION ADMINISTRATION.**—

(1) **IN GENERAL.**—Section 1245(d)(4)(A) of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a(d)(4)(A)) is amended—

(A) by striking “60 days after the date of the enactment of this Act, and every 60 days thereafter” and inserting “October 25, 2012, and the last Thursday of every other month thereafter”; and

(B) by striking “60-day period” and inserting “2-month period”.

(2) **EFFECTIVE DATE.**—The amendments made by paragraph (1) shall take effect on September 1, 2012.

**SEC. 504. EXPANSION OF SANCTIONS UNDER SECTION 1245 OF THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012.**

(a) **IN GENERAL.**—Section 1245 of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a), as amended by section 503, is further amended—

(1) in subsection (d)—

(A) in paragraph (3), by striking “a foreign financial institution owned or controlled by the government of a foreign country, including”; and

(B) in paragraph (4)(D)—

(i) by striking “Sanctions imposed” and inserting the following:

“(i) **IN GENERAL.**—Sanctions imposed”;

(ii) in clause (i), as designated by clause (i) of this subparagraph—

(I) by striking “a foreign financial institution” and inserting “a financial transaction described in clause (ii) conducted or facilitated by a foreign financial institution”;

(II) by striking “institution has significantly” and inserting “institution—

“(I) has significantly reduced”;

(III) by striking the period at the end and inserting “; or”; and

(IV) by adding at the end the following:

“(II) in the case of a country that has previously received an exception under this subparagraph, has, after receiving the exception, reduced its crude oil purchases from Iran to zero.”; and

(iii) by adding at the end the following:

“(ii) **FINANCIAL TRANSACTIONS DESCRIBED.**—A financial transaction conducted or facilitated by a foreign financial institution is described in this clause if—

“(I) the financial transaction is only for trade in goods or services between the country with primary jurisdiction over the foreign financial institution and Iran; and

“(II) any funds owed to Iran as a result of such trade are credited to an account located in the country with primary jurisdiction over the foreign financial institution.”;

(2) in subsection (h)—

(A) by redesignating paragraph (3) as paragraph (4); and

(B) by inserting after paragraph (2) the following:

“(3) **SIGNIFICANT REDUCTIONS.**—The terms ‘reduce significantly’, ‘significant reduction’, and ‘significantly reduced’, with respect to purchases from Iran of petroleum and petroleum products, include a reduction in such purchases in terms of price or volume toward a complete cessation of such purchases.”; and

(3) by adding at the end the following:

“(i) **TERMINATION.**—The provisions of this section shall terminate on the date that is 30 days after the date on which the President submits to Congress the certification described in section 401(a) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8551(a)).”.

(b) **EFFECTIVE DATE.**—The amendments made by paragraphs (1) and (2) of subsection (a) shall apply with respect to financial transactions conducted or facilitated on or after the date that is 180 days after the date of the enactment of this Act.

**SEC. 505. REPORTS ON NATURAL GAS EXPORTS FROM IRAN.**

(a) **REPORT BY ENERGY INFORMATION ADMINISTRATION.**—Not later than 60 days after the date of the enactment of this Act, the Administrator of the Energy Information Administration shall submit to the President and the appropriate congressional committees a report on the natural gas sector of Iran that includes—

(1) an assessment of exports of natural gas from Iran;

(2) an identification of the countries that purchase the most natural gas from Iran;

(3) an assessment of alternative supplies of natural gas available to those countries;

(4) an assessment of the impact a reduction in exports of natural gas from Iran would have on global natural gas supplies and the price of natural gas, especially in countries identified under paragraph (2); and

(5) such other information as the Administrator considers appropriate.

(b) **REPORT BY PRESIDENT.**—

(1) **IN GENERAL.**—Not later than 60 days after receiving the report required by subsection (a), the President shall, relying on information in that report, submit to the appropriate congressional committees a report that includes—

(A) an assessment of—

(i) the extent to which revenues from exports of natural gas from Iran are still enriching the Government of Iran;

(ii) whether a sanctions regime similar to the sanctions regime imposed with respect to purchases of petroleum and petroleum products from Iran pursuant to section 1245 of the National Defense Authorization Act for Fiscal Year 2012, as amended by sections 503 and 504, or other measures could be applied effectively to exports of natural gas from Iran;

(iii) the geostrategic implications of a reduction in exports of natural gas from Iran, including the impact of such a reduction on the countries identified under subsection (a)(2);

(iv) alternative supplies of natural gas available to those countries; and

(v) the impact a reduction in exports of natural gas from Iran would have on global natural gas supplies and the price of natural gas and the impact, if any, on swap arrangements for natural gas in place between Iran and neighboring countries; and

(B) specific recommendations with respect to measures designed to limit the revenue received by the Government of Iran from exports of natural gas; and

(C) any other information the President considers appropriate.

(2) **FORM OF REPORT.**—Each report required by paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

**SEC. 506. REPORT ON MEMBERSHIP OF IRAN IN INTERNATIONAL ORGANIZATIONS.**

Not later than 180 days after the date of the enactment of this Act, and not later than September 1 of each year thereafter, the Secretary of State shall submit to the appropriate congressional committees a report listing the international organizations of which Iran is a member and detailing the amount that the United

States contributes to each such organization on an annual basis.

**SEC. 507. SENSE OF CONGRESS ON EXPORTATION OF GOODS, SERVICES, AND TECHNOLOGIES FOR AIRCRAFT PRODUCED IN THE UNITED STATES.**

It is the sense of Congress that licenses to export or reexport goods, services, or technologies for aircraft produced in the United States should be provided only in situations in which such licenses are truly essential and in a manner consistent with the laws and foreign policy goals of the United States.

**TITLE VI—GENERAL PROVISIONS**

**SEC. 601. IMPLEMENTATION; PENALTIES.**

(a) **IMPLEMENTATION.**—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out—

(1) sections 211, 212, 213, 217, 218, 220, 312, and 411, subtitle A of title III, and title VII;

(2) section 104A of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010, as added by section 312; and

(3) sections 105A and 105B of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010, as added by subtitle A of title IV.

(b) **PENALTIES.**—

(1) **IN GENERAL.**—The penalties provided for in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to a person that violates, attempts to violate, conspires to violate, or causes a violation of a provision specified in paragraph (2) of this subsection, or an order or regulation prescribed under such a provision, to the same extent that such penalties apply to a person that commits an unlawful act described in section 206(a) of that Act.

(2) **PROVISIONS SPECIFIED.**—The provisions specified in this paragraph are the following:

(A) Sections 211, 212, 213, and 220, subtitle A of title III, and title VII.

(B) Sections 105A and 105B of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010, as added by subtitle A of title IV.

**SEC. 602. APPLICABILITY TO CERTAIN INTELLIGENCE ACTIVITIES.**

Nothing in this Act or the amendments made by this Act shall apply to the authorized intelligence activities of the United States.

**SEC. 603. APPLICABILITY TO CERTAIN NATURAL GAS PROJECTS.**

(a) **EXCEPTION FOR CERTAIN NATURAL GAS PROJECTS.**—Nothing in this Act or the amendments made by this Act shall apply to any activity relating to a project—

(1) for the development of natural gas and the construction and operation of a pipeline to transport natural gas from Azerbaijan to Turkey and Europe;

(2) that provides to Turkey and countries in Europe energy security and energy independence from the Government of the Russian Federation and other governments with jurisdiction over persons subject to sanctions imposed under this Act or amendments made by this Act; and

(3) that was initiated before the date of the enactment of this Act pursuant to a production-sharing agreement, or an ancillary agreement necessary to further a production-sharing agreement, entered into with, or a license granted by, the government of a country other than Iran before such date of enactment.

(b) **TERMINATION OF EXCEPTION.**—

(1) **IN GENERAL.**—The exception under subsection (a) shall not apply with respect to a project described in that subsection on or after the date on which the President certifies to the appropriate congressional committees that—

(A) the percentage of the equity interest in the project held by or on behalf of an entity de-

scribed in paragraph (2) has increased relative to the percentage of the equity interest in the project held by or on behalf of such an entity on January 1, 2002; or

(B) an entity described in paragraph (2) has assumed an operational role in the project.

(2) **ENTITY DESCRIBED.**—An entity described in this paragraph is—

(A) an entity—

(i) owned or controlled by the Government of Iran or identified under section 560.304 of title 31, Code of Federal Regulations (relating to the definition of the Government of Iran); or

(ii) organized under the laws of Iran or with the participation or approval of the Government of Iran;

(B) an entity owned or controlled by an entity described in subparagraph (A); or

(C) a successor entity to an entity described in subparagraph (A).

**SEC. 604. RULE OF CONSTRUCTION WITH RESPECT TO USE OF FORCE AGAINST IRAN AND SYRIA.**

Nothing in this Act or the amendments made by this Act shall be construed as a declaration of war or an authorization of the use of force against Iran or Syria.

**SEC. 605. TERMINATION.**

(a) **IN GENERAL.**—The provisions of sections 211, 212, 213, 218, 220, 221, and 501, title I, and subtitle A of title III shall terminate on the date that is 30 days after the date on which the President makes the certification described in section 401(a) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8551(a)).

(b) **AMENDMENT TO TERMINATION DATE OF COMPREHENSIVE IRAN SANCTIONS, ACCOUNTABILITY, AND DIVESTMENT ACT OF 2010.**—Section 401(a)(2) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8551(a)(2)) is amended by inserting “and verifiably dismantled its,” after “development of”.

**TITLE VII—SANCTIONS WITH RESPECT TO HUMAN RIGHTS ABUSES IN SYRIA**

**SEC. 701. SHORT TITLE.**

This title may be cited as the “Syria Human Rights Accountability Act of 2012”.

**SEC. 702. IMPOSITION OF SANCTIONS WITH RESPECT TO CERTAIN PERSONS WHO ARE RESPONSIBLE FOR OR COMPLICIT IN HUMAN RIGHTS ABUSES COMMITTED AGAINST CITIZENS OF SYRIA OR THEIR FAMILY MEMBERS.**

(a) **IN GENERAL.**—The President shall impose sanctions described in subsection (c) with respect to each person on the list required by subsection (b).

(b) **LIST OF PERSONS WHO ARE RESPONSIBLE FOR OR COMPLICIT IN CERTAIN HUMAN RIGHTS ABUSES.**—

(1) **IN GENERAL.**—Not later than 120 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a list of persons who are officials of the Government of Syria or persons acting on behalf of that Government that the President determines, based on credible evidence, are responsible for or complicit in, or responsible for ordering, controlling, or otherwise directing, the commission of serious human rights abuses against citizens of Syria or their family members, regardless of whether such abuses occurred in Syria.

(2) **UPDATES OF LIST.**—The President shall submit to the appropriate congressional committees an updated list under paragraph (1)—

(A) not later than 300 days after the date of the enactment of this Act and every 180 days thereafter; and

(B) as new information becomes available.

(3) **FORM OF REPORT; PUBLIC AVAILABILITY.**—

(A) **FORM.**—The list required by paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

(B) **PUBLIC AVAILABILITY.**—The unclassified portion of the list required by paragraph (1) shall be made available to the public and posted on the websites of the Department of the Treasury and the Department of State.

(4) **CONSIDERATION OF DATA FROM OTHER COUNTRIES AND NONGOVERNMENTAL ORGANIZATIONS.**—In preparing the list required by paragraph (1), the President shall consider credible data already obtained by other countries and nongovernmental organizations, including organizations in Syria, that monitor the human rights abuses of the Government of Syria.

(c) **SANCTIONS DESCRIBED.**—The sanctions described in this subsection are sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), including blocking of property and restrictions or prohibitions on financial transactions and the exportation of property, subject to such regulations as the President may prescribe.

**SEC. 703. IMPOSITION OF SANCTIONS WITH RESPECT TO THE TRANSFER OF GOODS OR TECHNOLOGIES TO SYRIA THAT ARE LIKELY TO BE USED TO COMMIT HUMAN RIGHTS ABUSES.**

(a) **IN GENERAL.**—The President shall impose sanctions described in section 702(c) with respect to—

(1) each person on the list required by subsection (b); and

(2) any person that—

(A) is a successor entity to a person on the list;

(B) owns or controls a person on the list, if the person that owns or controls the person on the list had actual knowledge or should have known that the person on the list engaged in the activity described in subsection (b)(2) for which the person was included in the list; or

(C) is owned or controlled by, or under common ownership or control with, the person on the list, if the person owned or controlled by, or under common ownership or control with (as the case may be), the person on the list knowingly engaged in the activity described in subsection (b)(2) for which the person was included in the list.

(b) **LIST.**—

(1) **IN GENERAL.**—Not later than 120 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a list of persons that the President determines have knowingly engaged in an activity described in paragraph (2) on or after such date of enactment.

(2) **ACTIVITY DESCRIBED.**—

(A) **IN GENERAL.**—A person engages in an activity described in this paragraph if the person—

(i) transfers, or facilitates the transfer of, goods or technologies described in subparagraph (C) to Syria; or

(ii) provides services with respect to goods or technologies described in subparagraph (C) after such goods or technologies are transferred to Syria.

(B) **APPLICABILITY TO CONTRACTS AND OTHER AGREEMENTS.**—A person engages in an activity described in subparagraph (A) without regard to whether the activity is carried out pursuant to a contract or other agreement entered into before, on, or after the date of the enactment of this Act.

(C) **GOODS OR TECHNOLOGIES DESCRIBED.**—Goods or technologies described in this subparagraph are goods or technologies that the President determines are likely to be used by the Government of Syria or any of its agencies or instrumentalities to commit human rights abuses against the people of Syria, including—

(i) firearms or ammunition (as those terms are defined in section 921 of title 18, United States

Code), rubber bullets, police batons, pepper or chemical sprays, stun grenades, electroshock weapons, tear gas, water cannons, or surveillance technology; or

(ii) sensitive technology.

(D) SENSITIVE TECHNOLOGY DEFINED.—

(i) IN GENERAL.—For purposes of subparagraph (C), the term “sensitive technology” means hardware, software, telecommunications equipment, or any other technology, that the President determines is to be used specifically—

(I) to restrict the free flow of unbiased information in Syria; or

(II) to disrupt, monitor, or otherwise restrict speech of the people of Syria.

(ii) EXCEPTION.—The term “sensitive technology” does not include information or informational materials the exportation of which the President does not have the authority to regulate or prohibit pursuant to section 203(b)(3) of the International Emergency Economic Powers Act (50 U.S.C. 1702(b)(3)).

(3) SPECIAL RULE TO ALLOW FOR TERMINATION OF SANCTIONABLE ACTIVITY.—The President shall not be required to include a person on the list required by paragraph (1) if the President certifies in writing to the appropriate congressional committees that—

(A) the person is no longer engaging in, or has taken significant verifiable steps toward stopping, the activity described in paragraph (2) for which the President would otherwise have included the person on the list; and

(B) the President has received reliable assurances that the person will not knowingly engage in any activity described in paragraph (2) in the future.

(4) UPDATES OF LIST.—The President shall submit to the appropriate congressional committees an updated list under paragraph (1)—

(A) not later than 300 days after the date of the enactment of this Act and every 180 days thereafter; and

(B) as new information becomes available.

(5) FORM OF REPORT; PUBLIC AVAILABILITY.—

(A) FORM.—The list required by paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

(B) PUBLIC AVAILABILITY.—The unclassified portion of the list required by paragraph (1) shall be made available to the public and posted on the websites of the Department of the Treasury and the Department of State.

**SEC. 704. IMPOSITION OF SANCTIONS WITH RESPECT TO PERSONS WHO ENGAGE IN CENSORSHIP OR OTHER FORMS OF REPRESSION IN SYRIA.**

(a) IN GENERAL.—The President shall impose sanctions described in section 702(c) with respect to each person on the list required by subsection (b).

(b) LIST OF PERSONS WHO ENGAGE IN CENSORSHIP.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a list of persons that the President determines have engaged in censorship, or activities relating to censorship, in a manner that prohibits, limits, or penalizes the legitimate exercise of freedom of expression by citizens of Syria.

(2) UPDATES OF LIST.—The President shall submit to the appropriate congressional committees an updated list under paragraph (1)—

(A) not later than 300 days after the date of the enactment of this Act and every 180 days thereafter; and

(B) as new information becomes available.

(3) FORM OF REPORT; PUBLIC AVAILABILITY.—

(A) FORM.—The list required by paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

(B) PUBLIC AVAILABILITY.—The unclassified portion of the list required by paragraph (1)

shall be made available to the public and posted on the websites of the Department of the Treasury and the Department of State.

**SEC. 705. WAIVER.**

The President may waive the requirement to include a person on a list required by section 702, 703, or 704 or to impose sanctions pursuant to any such section if the President—

(1) determines that such a waiver is in the national security interests of the United States; and

(2) submits to the appropriate congressional committees a report on the reasons for that determination.

**SEC. 706. TERMINATION.**

(a) IN GENERAL.—The provisions of this title and any sanctions imposed pursuant to this title shall terminate on the date on which the President submits to the appropriate congressional committees—

(1) the certification described in subsection (b); and

(2) a certification that—

(A) the Government of Syria is democratically elected and representative of the people of Syria; or

(B) a legitimate transitional government of Syria is in place.

(b) CERTIFICATION DESCRIBED.—A certification described in this subsection is a certification by the President that the Government of Syria—

(1) has unconditionally released all political prisoners;

(2) has ceased its practices of violence, unlawful detention, torture, and abuse of citizens of Syria engaged in peaceful political activity;

(3) has ceased its practice of procuring sensitive technology designed to restrict the free flow of unbiased information in Syria, or to disrupt, monitor, or otherwise restrict the right of citizens of Syria to freedom of expression;

(4) has ceased providing support for foreign terrorist organizations and no longer allows such organizations, including Hamas, Hezbollah, and Palestinian Islamic Jihad, to maintain facilities in territory under the control of the Government of Syria; and

(5) has ceased the development and deployment of medium- and long-range surface-to-surface ballistic missiles;

(6) is not pursuing or engaged in the research, development, acquisition, production, transfer, or deployment of biological, chemical, or nuclear weapons, and has provided credible assurances that it will not engage in such activities in the future; and

(7) has agreed to allow the United Nations and other international observers to verify that the Government of Syria is not engaging in such activities and to assess the credibility of the assurances provided by that Government.

(c) SUSPENSION OF SANCTIONS AFTER ELECTION OF DEMOCRATIC GOVERNMENT.—If the President submits to the appropriate congressional committees the certification described in subsection (a)(2), the President may suspend the provisions of this title and any sanctions imposed under this title for not more than 180 days to allow time for a certification described in subsection (b) to be submitted.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from California (Mr. BERMAN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

Ms. ROS-LEHTINEN. Mr. Speaker, by prior agreement with the gentleman from California, who will do the same, I would like to yield 5 minutes of my

time to the gentleman from Ohio (Mr. KUCINICH) and ask unanimous consent that he be allowed to control those 5 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. KUCINICH. Mr. Speaker, reserving the right to object, are we apportioning that 5 minutes from each side?

Mr. BERMAN. Will the gentleman yield?

Mr. KUCINICH. I yield to the gentleman from California.

Mr. BERMAN. At the point where I am recognized, I will be also seeking unanimous consent for the same kind of referral of time to your control.

Mr. KUCINICH. I withdraw my reservation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BERMAN. Mr. Speaker, I would also yield 5 minutes of my time to the gentleman from Ohio and ask unanimous consent that he be allowed to control those 5 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

**GENERAL LEAVE**

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the measure under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have spoken on this floor many times about the Iranian threat and the need for action to stop it, but ultimately we will all be judged by a simple question: Did we stop Iran from getting a nuclear weapons capability? If the answer is “no,” if we fail, then nothing else matters. If we fail, it would be of no comfort to the American people whose security and future would be put in danger. If we fail, it would be of no comfort to our ally, Israel, whose very existence would be put in danger.

History is full of avoidable tragedies, of foolish countries that have allowed their enemies to prepare to destroy them. The entire world now is fully aware of Iran's true intention. Now is the time to take a stand. As Sir Winston Churchill said:

You ask, What is our aim? I can answer with one word: victory. For without victory, there is no survival.

To get us on that path to victory, Mr. Speaker, I ask my colleagues to render their full support to the Iran Threat Reduction and the Syria Human Rights

Act of 2012, a bicameral, bipartisan agreement that represents the strongest set of sanctions ever put in place against the regime in Tehran. It blacklists virtually all of Iran's energy, financial, and transportation sectors, and cuts off companies that keep doing business with Iran from access to our markets in the United States.

This legislation also imposes sanctions to prevent Iran from repatriating any proceeds from its oil sales, depriving the Iranian regime of 80 percent of its hard currency earnings and half of the funds that support its budget. This bill also imposes tough new sanctions on the National Iranian Oil Company, the National Iranian Tanker Company, and Iran's Islamic Revolutionary Guard Corps. It also targets Iran's use of barter transactions to bypass sanctions, the provisions of insurance to Iran's energy sector. It also targets provisions of specialized financial messaging services to the Central Bank of Iran.

Mr. Speaker, in 1995, the late former Secretary of State, Warren Christopher said:

In terms of its organization, programs, procurement, and covert activities, Iran is pursuing the classic route to nuclear weapons, which has been followed by almost all states that have recently sought a nuclear capability.

That was in 1995.

Secretary Christopher added:

There is no room for complacency.

Congress passed the Iran-Libya Sanctions Act in '96. That law, now called the Iran Sanctions Act, sought to target Iran's economic lifeline—its energy sector—and denied Tehran the financial resources to pursue its nuclear ambitions, to sponsor violent Islamic groups, and to dominate the region.

□ 1430

Regrettably, just a couple years after enactment of that law, the Clinton administration issued a blanket waiver of energy sector sanctions that has been continued by successive administrations.

In 1996, U.S. concerns were not shared by our allies in Europe and Asia, who argued that trade, dialogue, and engagement toward the Iranian regime would succeed in moderating Tehran's behavior. This allowed the Iranian threat to flourish.

However, Congress continued to develop new legislative countermeasures in the form of the Iran Freedom Support Act of 2006 and the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 to address these Iranian threats and to hold the regime accountable for its human rights violations, for its state sponsorship of violent extremists, and for its pursuit of a nuclear capability.

We have analyzed Iranian reaction and behavior in response to these new sanctions. We have looked at what

steps our allies have undertaken and considered the actions, or the paralysis, of the United Nations. But most importantly, Mr. Speaker, we have intensified our response as the Iranian threat has evolved and grown.

We know that "the price of freedom is eternal vigilance." But far more than vigilance is needed in this case.

Which brings us to the Iran Threat Reduction and Syria Human Rights Act, which we are considering today. This bipartisan, bicameral agreement seeks to tighten the choke hold on the regime beyond anything that has been done before. It sends a clear message that the American people, through their elected representatives, are fully committed to using every economic and political lever at their disposal to prevent Iran from crossing the nuclear threshold.

Through this bill, we declare that the Iranian energy sector is off limits, and it blacklists any related unauthorized dealings. It will undermine Iran's ability to repatriate the revenues it receives from the sale of crude oil, depriving Iran of hard currency earnings and funds needed to sustain its nuclear program. It prevents the purchasing of Iranian sovereign debt, thereby further limiting the regime's ability to finance its illicit activities. It also expands sanctions against Iranian and Syrian officials for human rights abuses, particularly those facilitated by computer and network disruption, monitoring, and tracking by those governments.

Yet we should be under no illusions, Mr. Speaker, that this legislation is a magic wand that we wave, and we will resolve the problem overnight. Sanctions have helped to knock the regime off balance. But unless the executive branch fully implements these measures immediately, the regime is likely to regain its footing and further speed up its nuclear march. So let us act now to stop that march.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. Speaker, the threat posed by the Iranian regime is not just a threat to the United States, or to our allies, or to the Iranian people.

The Iranian regime is also a threat to the Syrian people, because of Iran's close ties and assistance, including weapons that have helped the regime in Syria to slaughter thousands.

Like Iran, Syria is a state sponsor of terrorism that poses a threat to the U.S., to our ally Israel, and to other responsible nations.

I hope to be back on the House floor in the near future with the Syria Freedom Support Act to address the totality of the Syrian threat, but today we stand ready to hold the Assad regime accountable for its gross human rights violations.

Today, we seek to ensure that neither of these brutal regimes has access to resources that would enable them to perpetuate their cruelty.

Those allies who, 16 years ago, wanted to engage and continue business as usual with

Iran and who, until just a few years ago, were proposing expanded trade agreements with the Assad regime in Syria, have awoken to take a stand against the threatening activities of these pariah states.

Congress must carry out its responsibility to the American people and overwhelmingly adopt the bicameral, bipartisan agreement we are considering today.

I urge the President to quickly sign it into law and immediately and fully implement the sanctions it contains.

Mr. BERMAN. Mr. Speaker, I am very pleased to yield 2 minutes to the gentleman from Maryland (Mr. HOYER), a national leader on the issue of non-proliferation and human rights and particularly our efforts to stop Iran's nuclear weapons program, the Democratic whip of the House.

Mr. HOYER. I thank the gentleman from California for yielding.

First, I want to rise and thank Chairwoman ILEANA ROS-LEHTINEN for her continuing leadership and focus on this important issue, as she does on so many other issues as well.

Mr. Speaker, let me thank my friend, the gentleman from California and ranking member of the Foreign Affairs Committee, Mr. BERMAN. His leadership on this issue in Congress is second to none, and I commend him for his work.

This is a bill I expect will pass with overwhelming support in both parties and for good reason. Iran cannot be allowed to develop a nuclear weapon. America's policy, as President Obama has stated, is prevention, not containment.

We have many tools at our disposal to prevent Iran from obtaining nuclear weapons technology. While President Obama is keeping all options on the table, the best diplomatic tool we have to deter Iran is the sanctions regime his administration has expanded along with our allies in Europe and elsewhere. These sanctions have already had a significant effect, and Iran continues to face the prospect of severe economic repercussions if they fail to abandon their nuclear weapons plan.

President Obama deserves credit for his tough stances. The new sanctions this legislation would impose target entities conducting business with Iran's insurance, energy, and shipping sectors. As a result of prohibitions on repatriating oil revenues, these sanctions would deny Iran 80 percent of its hard currency earnings. Iran's banking sector, including its central bank, is already sanctioned, a result of the Iranian Government's financial support for terrorism in the region and around the world.

There is no better evidence why this bill is so important than the fact that 2 weeks ago, a terrorist attack in Bulgaria killed six innocent civilians, five of them vacationing Israelis. There have been numerous press reports linking Iran to that attack.

As long as Iran continues to pursue nuclear weapons, call for the destruction of Israel, and provide arms to terrorist groups like Hamas and Hezbollah, it will face the consequences in the form of sanctions, isolation, and the continuing reality of the option of military action.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BERMAN. I am pleased to yield the gentleman an additional 30 seconds.

Mr. HOYER. I thank the gentleman.

The United States continues to stand strongly with our ally Israel. And I am proud to have led an effort earlier this year with the majority leader to strengthen U.S.-Israel military and intelligence relations.

I urge all of my colleagues to unite behind this bill, just as we did behind that one. A nuclear-armed Iran is not an option for the Middle East, for the international community, and for the United States.

Mr. KUCINICH. Mr. Speaker, I yield 2½ minutes to the gentleman from Texas, Congressman RON PAUL, an American patriot, someone who has been relentless in his efforts to stop America from blundering into foreign adventures.

Mr. PAUL. I thank the gentleman for yielding.

I think this bill would be better named if we called it "Obsession with Iran Act of 2012" because this is what we continue to be doing—obsess with Iran and the idea that Iran is a threat to our national security.

Iran happens to be a Third World nation. They have no significant navy, air force, intercontinental ballistic missiles. The IAEA and our CIA say they are not on the verge of a nuclear weapon.

It's so similar to what we went through in the early part of this last decade where we were beating the war drums to go to war against Iraq. And it was all a facade. There was no danger from Iraq. So this is what we're doing, beating the war drums once again.

Since the bill has come back from the conference, if we are to deal with civil liberties in Syria—well, I happen to be a civil libertarian. I am very concerned about civil liberties. But let me tell you, this bill is not going to do anything to enhance the civil liberties of the individuals in Syria.

If we were really interested in civil liberties, why wouldn't we look to ourselves? Why wouldn't we look to the things we do here? What about our warrantless searches under the PATRIOT Act? What about the policy of assassination, assassinating American citizens? What about arrests by the military, the National Defense Authorization Act? What about the drone warfare that we go on? Do you think we are protecting civil liberties by arbitrarily dropping drones or threatening

to drop drones anyplace in the world, with innocent people dying?

If we want to really care about civil liberties in Syria, why don't we care about the secret prisons we have and the history of torture that we have had in this country?

What about the fact that kill lists are being made by the executive branch of government, and we sit idly by and approve of it by saying nothing, and the American people put up with it, and we march in this direction, marching into a determination to have another war?

When you put sanctions on a country, it's an act of war, and that is what this is all about. The first thing you do when war breaks out between two countries is you put sanctions on them. You blockade the country. So this is an act of war.

What would we do if somebody blockaded and put sanctions on us and prevented the importation of any product of this country? We would be furious. We would declare war. We would go to war.

□ 1440

So we are the antagonists. We're over there poking our nose and poking our nose in other people's affairs, just looking for a chance to start another war. First it's Syria and then Iran. We have too many wars. We need to stop the wars. We don't have the money to fight these wars any longer.

Ms. ROS-LEHTINEN. Mr. Speaker, I'm pleased to yield 2 minutes to the gentleman from New York (Mr. TURNER), a member of our Committee on Foreign Affairs.

Mr. TURNER of New York. Mr. Speaker, I rise in strong support of H.R. 1905, the Iran Threat Reduction and Syria Human Rights Act of 2012. I would like to applaud Chairwoman ROS-LEHTINEN's tireless effort on this legislation to ensure that Iran's terrorist regime does not threaten the security of the United States and our greatest ally in the Middle East, Israel.

I'm sure many of you remember that Iran was found by a Federal court to have been directly involved in both the 1983 attacks on the marine barracks in Beirut which killed 241 soldiers and the Khobar Towers bombing in Saudi Arabia where a suicide bomber killed 14 airmen. The victims and their families won a judgment in court against the Iranian Government, but have had difficulty enforcing it because Iran could hide behind sovereign immunity.

I introduced H.R. 4070, which is now part of this bill, to change a specific part of Federal law to allow assets seized from the Iranian Government to be allocated to the Beirut and Khobar Towers families to recover the judgments owed to them. It is time that Iran is held accountable for their involvement in the deaths of our soldiers.

I'm proud to say that this provision is truly bipartisan. My colleagues on

both sides of the aisle stand together against Iran. By passing this bill today, we offer the victims' families the justice that they have long been denied.

Mr. BERMAN. Mr. Speaker, I rise in support of H. Res. 750, and I yield myself 2½ minutes.

The bill before us today marks a significant step forward in our sanctions effort against the Iranian regime and its illicit nuclear program, the sanctions effort which even Tehran acknowledges is already having a stressful impact on Iran's economy. I want to commend my colleague, ILEANA ROS-LEHTINEN, for her work on this legislation; and I'm proud to be the bill's chief cosponsor in the House.

Building on previous sanctions, this bill adds to what the gentlelady and I set out to do when we introduced it. For example, through further limiting transitions with the Central Bank of Iran, an initiative I originated, this legislation restricts Iran's ability to repatriate the revenue it receives from its diminishing oil sales. It includes provisions that clamp down on Iran's oil exports by targeting the National Iranian Oil Company and the National Iranian Tanker Company; and it expands sanctions on Iranian shipping, insurance, and financing in the energy sector.

The bill also increases sanctions on transactions with Iran's Islamic Revolutionary Guard Corps, the spearhead of Iran's nuclear proliferation and terrorism effort and the dominant player in the Iranian economy. Further, at my suggestion, this bill now includes a measure which expands CISADA sanctions beyond financial institutions to include more than 200 additional individuals and companies that have been linked to Iran's nuclear weapons of mass destruction and terrorism programs.

And of critical importance, this bill vastly strengthens sanctions on both Iranian and Syrian human rights abusers. These provisions are very important, but the Iranians should not be fooled into thinking this is the last word on sanctions. Far from it.

Finally, Mr. Speaker, I want to call on the administration to implement the authorities we have given them, fully and without delay. Iran's nuclear clock is ticking, and time is not on our side. The actions the executive branch took yesterday, including the first-ever CISADA sanctions on foreign banks—more than 2 years after CISADA became law—are a good beginning, but Iran's nuclear weapons program continues apace. Every day, it is enriching more uranium and at higher levels.

The only hope we have for a peaceful solution is to apply enough pressure to ensure that Iran ends its nuclear weapons program. The bill before us and the action the administration has taken applies significantly more pressure; but



let there be no doubt, there is more we can do and more that we will do if Iran doesn't end its nuclear weapons program verifiably and completely. We have more work to do.

SPECIALLY DESIGNATED NATIONALS AND BLOCKED PERSONS LIST SEARCH (UPDATED: 6/25/2012)

## NPWMD

## ENTITIES/INDIVIDUALS

Advanced Information and Communication Technology Center; ADVANCE NOVEL LIMITED; AEROSPACE INDUSTRIES ORGANIZATION; AFZALI, Ali; ALPHA EFFORT LIMITED; ASHTEAD SHIPPING COMPANY LIMITED; ASIA MARINE NETWORK PTE. LTD.; ASSA CO. LTD.; ASSA CORP.; ATLANTIC INTERMODAL; AZORES SHIPPING COMPANY LL FZE; BALDACCHINO, Adrian; BATENI, Naser; BEST PRECISE LIMITED; BUIS MARITIME LIMITED; BMIC INTERNATIONAL GENERAL TRADING LTD; BUSHEHR SHIPPING COMPANY LIMITED; BYFLEET SHIPPING COMPANY LIMITED; CARVANA COMPANY; CEMENT INVESTMENT AND DEVELOPMENT COMPANY.

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Mr. KUCINICH. I yield myself 30 seconds.

What this is doing is essentially stopping any kind of a negotiated deal and putting us on a path towards war with Iran. You know, it is likely that any negotiated deal that would prevent a nuclear-armed Iran would provide for Iranian enrichment for peaceful purposes under the framework of the nuclear nonproliferation weapons treaty with strict safeguards and inspections. So we're taking a path here that guarantees that we're put on a glide slope right to war. Why are we doing this, we don't have enough wars in this country? We aren't involved in enough places around the world in war?

This is a bad resolution.

Ms. ROS-LEHTINEN. Mr. Speaker, I'd like to yield 3½ minutes to the gentleman from Ohio (Mr. CHABOT), who is our subcommittee chairman on Middle East and South Asia of our Committee on Foreign Affairs.

Mr. CHABOT. I thank the gentlelady for yielding and I thank her for her very strong support and leadership on this particular issue and on so many issues in this Congress.

Mr. Speaker, I rise in support of this well-crafted legislation which significantly ratchets up pressure on the regime in Tehran, as well as all those who support or enable its dangerous quest for a nuclear weapons capability. As we stand here today, Iran's centrifuges continue to spin and the regime inches closer to that very end. If allowed to cross that threshold, untold consequences would surely follow.

Iran, which former President George W. Bush aptly called the "world's primary state sponsor of terror," would no doubt feel emboldened in its meddling in the internal affairs of our gulf allies and in threats to U.S. global and regional interests. Questions of rationality aside, the regime would also have the ability to follow through on its repeated threats to eradicate the State of Israel. Iran cannot be allowed to acquire this capability, and I believe that this legislation may very well significantly enhance pressure on the regime.

The nuclear program is, however, a symptom of the disease rather than the disease itself. A nuclear program is not in and of itself what makes this particular regime so nefarious. Rather, it



is the perverse nature of the regime that makes the nuclear program so dangerous. And there can be no doubt that the regime in Tehran is a blight upon the Iranian people and on the region, and, in fact, on the whole world. To speak of the nuclear program independently of the regime which pursues it is in effect putting the cart before the horse.

But this legislation does not fall into that trap. In addition to targeting the nuclear program, H.R. 1905 puts significant pressure on the regime for its horrific human rights abuses and supports the oppressed Iranian people in their fight for freedom.

Mr. Speaker, I urge adoption of this critical legislation, and I want to once again thank the distinguished chairwoman, Ms. ILEANA ROS-LEHTINEN from Florida, for her leadership on this issue. She has been pushing and pushing and pushing against this corrupt Iranian regime for such a long time, and to do right by our ally Israel, and ultimately to do what is in the best interest of the people of the United States as well. It is in nobody's interest to have a nuclear Iran, and so I want to thank her for her leadership.

Mr. BERMAN. Mr. Speaker, I'm pleased to yield 1½ minutes to the gentleman from California (Mr. SHERMAN), the ranking member of the Subcommittee on Terrorism and Non-proliferation and Trade.

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Mr. SHERMAN. I thank the gentleman for yielding.

I want to thank the chairwoman of the Foreign Affairs Committee for her work on this bill and for reaching an agreement with the Senate Banking Committee, and I rise in strong support of this measure.

I especially want to thank the chairman for working with me on title III of this bill, as it reflects several years of our work together. Title III targets the Iran Revolutionary Guard Corps and began its life as H.R. 2379, then designated the Iran Revolutionary Guard Corps Designation Implementation Act, which I introduced along with the chairman in May of 2009.

These provisions impose tough secondary sanctions against any person, including foreign companies, that conduct any significant transaction with the IRGC or any of its designated fronts and affiliates. The IRGC, through its support of Hezbollah and its direct action, has much blood on its hands.

I want to thank the chairman and her staff for including section 303, which applies sanctions to countries and governments—not just companies—that conduct transactions or provide support for the IRGC and for provisions which indicate that if you want to be a Federal contractor, you must certify that you do not do prohibited business with the IRGC.

This bill also includes important provisions I first proposed in the Stop Iran's Nuclear Weapons Program Act that will provide sanctions against those who lend money to the Iranian Government. It includes another provision I authored which will implement sanctions against those firms that give the Iranian Government the technologies for surveillance and repression of their own people.

This is not the final act, literally or figuratively. What we've done so far is not enough to force Iran to abandon its nuclear program. We ought to stay in session and pass even more sanctions against Iran.

Mr. KUCINICH. I would like to include for the RECORD a statement by the Friends Committee on National Legislation, which says that the new sanctions push the U.S. and Iran closer to war.

#### NEW IRAN SANCTIONS PUSH U.S., IRAN CLOSER TOWARD WAR—FRIENDS COMMITTEE ON NATIONAL LEGISLATION

WASHINGTON, DC.—FCNL's Lobbyist on Middle East issues Kate Gould issued the following statement opposing the Iran Threat Reduction and Syria Human Rights Act of 2012 (H.R. 1905) that could reach the House floor as early as today:

The Friends Committee on National Legislation strongly opposes the Iran Threat Reduction and Syria Human Rights Act of 2012 (H.R. 1905). We believe this legislation would undermine human rights in Iran and cripple the accountability of the diplomatic process now underway to prevent a nuclear-armed Iran, pushing the U.S. and Iran closer toward a devastating war.

War is the ultimate human rights violation, and this bill lays the groundwork for war by escalating the scale of economic warfare that Congress would impose on ordinary Iranian citizens. As in the case of the decades of U.S. and U.N. sanctions against Iraq that culminated in a U.S. invasion of that country, economic warfare punishes civilians, emboldens hardliners in Iran's regime, and forecloses diplomatic options to prevent a nuclear-armed Iran and war.

#### PUNISHING IRANIAN CIVILIANS

FCNL and ten other national advocacy and religious organizations from the human rights and peace and security community wrote to Senator Tim Johnson, Chair of the Senate Banking Committee, last week to oppose this bill, and to highlight the importance of keeping channels open for Iranians to have access to food, medicine, and other humanitarian goods and services.

Ordinary Iranians already face tremendous difficulties in accessing basic medicine under sanctions. For example, this week, the board of directors of the Iranian Hemophilia Society informed the World Federation of Hemophilia that the lives of tens of thousands of children are being endangered by the lack of proper drugs, as a consequence of international sanctions.

The Iranian Hemophilia Society notes that U.S. and international sanctions technically do not ban medical goods. Yet, despite the 'humanitarian exemption' in U.S. sanctions laws, medicine is not getting in to Iran because the "sanctions imposed on the Central Bank of Iran and the country's other financial institutions have severely disrupted the purchase and transfer of medical goods."

The humanitarian exemption is of profound importance, as the U.S. business community and humanitarian organizations have pointed out. We are relieved that this legislation does not directly prohibit Iranians from accessing food, medicine, and humanitarian trade. However, if the Iranian civilian economy is destroyed by sanctions, then millions of Iranians will be deprived of their livelihoods, and unable to purchase the food, medicine, and other goods that the humanitarian exemption is supposed to protect. Further destabilization of the Iranian currency and decimation of the Iranian economy will push Iran closer to the state of Iraq when it was under sanctions. During that time, UNICEF estimated that U.N. sanctions contributed to the deaths of half a million children.

#### EMBOLDENING HARDLINERS IN IRAN

This bill would embolden hardliners in the Iranian regime, at the expense of the civilians who will overwhelmingly bear the brunt of these sanctions. Just as Saddam Hussein never missed a meal under the decades of sanctions against Iraq, top Iranian officials will not have difficulty accessing food and medicine. National security expert Fareed Zakaria has noted that the U.S./U.N. sanctions' "basic effect has been to weaken civil society and strengthen the state", and that "the other effects of the sanctions has been that larger and larger parts of the economy are now controlled by Iran's Revolutionary Guard—the elite corps of the armed forces."

#### FORECLOSING DIPLOMATIC OPTIONS, LAYING GROUNDWORK FOR WAR

As countless U.S. and Israeli security officials have pointed out, diplomacy is the single most effective way to prevent war and a nuclear-armed Iran. This bill would be a setback to achieving a near-term diplomatic resolution of the standoff over Iran's nuclear program, foreclosing diplomatic options to prevent a nuclear-armed Iran and a devastating war.

This bill would tie the President's hands, eroding the little flexibility that Congress normally allows the executive branch to conduct negotiations with Iran and allow for sanctions relief in exchange for serious, verifiable Iranian concessions. We are particularly concerned about section 217, which effectively endorses regime change. The provision would prohibit the President from lifting sanctions against the Central Bank of Iran unless Iran agrees to a host of conditions that the Islamic Republic of Iran cannot reasonably be expected to agree to.

As veteran intelligence officer Paul Pillar has pointed out, requiring Iran to end efforts to "acquire or develop ballistic missiles", [section 217 (d)(1)(A)(iii)] "goes beyond any United Nations resolutions on Iran, which talk about nuclear capability of missiles, and even beyond anything ever demanded of Saddam Hussein's Iraq, for which range limits were imposed. It would be understandable if Tehran reads such language as further evidence that the United States is not interested in any negotiated agreement but instead only in regime change."

The bill even requires the President to certify that Iran does not "construct, equip, operate, or maintain nuclear facilities that could aid Iran's effort to acquire a nuclear capability" [section 217 (d)(1)(A)(ii)]; in order to lift sanctions against Iran's Central Bank. It appears that Congress is requiring that broad indiscriminate sanctions remain in place unless Iran surrenders its nuclear program entirely, even if it is a verifiably peace program.

FCNL strongly urges members of Congress to speak out and vote against this broad, indiscriminate sanctions legislation on the House floor today.

I yield 2½ minutes to the gentleman from Texas, Representative RON PAUL.

Mr. PAUL. I thank the gentleman for yielding.

I'm still rather impressed with the obsession over a weapon that does not exist and no concern whatsoever about many nuclear weapons that are held by countries that never even joined the nuclear nonproliferation treaty.

It's called for in the debate that Iran should end all its nuclear programs, but they're permitted to have the nuclear program under the nonproliferation treaty. And the other countries that have weapons, including the countries that hold the weapons that came from the Soviet system, it seems like that would be a much greater danger.

The investigation by either the U.N. or by our CAs has never indicated that they have ever enriched above 20 percent. And they said they won't even do it to 20 percent if the West would cooperate and sell them this material. They said, we don't need it, but we need 20 percent enrichment for nuclear isotopes, medical isotopes. So our refusal to deal with them prompts them to take up enrichment to 25 percent; 5 percent, of course, is what they're allowed to do for nuclear energies.

But this idea that we can badger people and then defy the law, what we're asking them to do, to close down their program, is you're asking them to defy international law. They agreed to this. They have a right to do this under this treaty. And for us to come and say, well, they must quit it, I think it really is very close to an obsession on a country that is incapable of attacking us, or attacking—they don't have a history of invading their neighboring countries. The last time they were at war was with Iraq, and we bugged Iraq to go into Iran.

So I find this very distressing that the obsession continues. I find it very, very upsetting that this vote will, of course, be overwhelmingly in support of correcting the civil liberties of Syria and making Iran toe the line and give up on something that they're permitted to do. A vote for this, in my opinion, in time will show that it's just one more step to another war that we don't need.

We have not been provoked. They are not a threat to our national security, and we should not be doing this. We've been doing it too long. For the last 10, 15 years we have been just obsessed with this idea that we go to war and try to solve all the problems of the world; and at the same time, it is bankrupting us.

I strongly urge a "no" vote on this resolution.

Ms. ROS-LEHTINEN. Mr. Speaker, I'm pleased to yield 2 minutes to the

gentleman from California (Mr. ROYCE), who is the chairman of the Foreign Affairs Subcommittee on Terrorism, Nonproliferation and Trade.

Mr. ROYCE. Mr. Speaker, I want to start here by commending Chairman ROS-LEHTINEN for this sustained focus on Iran that she has had for many, many years. I also want to thank Ranking Member BERMAN for the strong pressure that he has put on the regime in Iran, as well.

Recently, we had the administration fighting hard against bipartisan sanctions targeting the Central Bank of Iran. But what I want to point out is that in a bipartisan way here, Congress insisted on, and today the administration touts, the impact of sanctions on Iran's economy.

Here is the point I'd like to make: we'd be in a much better position if the executive branch, both Republicans and Democrats—right now we have the problem with the Obama administration's slow-walking this; but had they been more willing to work with Congress to craft tougher sanctions earlier, we'd be in a lot better position right now. The bill's stepped-up penalties on those cooperating with Iran's energy and shipping sectors, frankly, that's the Achilles' heel that we should be aiming at.

Very importantly, this bill also includes a human rights title to go after those abusing Iran's citizens. Let's let Iranians know that we are on their side and we are going to focus on those crimes against humanity and on the brutal regime opposing them. It's a regime that beats and that imprisons—I've talked to some of these victims—and that often rapes its own people in order to try to impose its will. It's a regime that executes political prisoners by the hundreds.

Congress is increasing the pressure. Many of us, certainly the chairman, would like to go further. Iran's centrifuges are spinning, but this progress here today deserves support.

Mr. BERMAN. Mr. Speaker, I yield 1½ minutes to my friend from Florida (Mr. DEUTCH), a member of the Foreign Affairs Committee and the author of the bill which declares Iran's energy sector a zone of proliferation.

Mr. DEUTCH. Mr. Speaker, first, I would like to recognize Chairman ILEANA ROS-LEHTINEN and Ranking Member HOWARD BERMAN for their extraordinary leadership and their tireless work to bring forward a bipartisan and bicameral bill. I thank you for working with me to include several of my provisions in this legislation, including the Iran Transparency and Accountability Act, a measure that will, for the first time, require companies to disclose their business with Iran on SEC filings and for the first time create a public listing of these disclosures to clearly and definitively let the American people know which compa-

nies continue to support the illicit nuclear weapons program of Iran.

Mr. Speaker, the Iran Threat Reduction and Syria Human Rights Act significantly expands sanctions against the Iranian regime and those who, in the face of united international opposition, continue to contribute to Iran's quest for nuclear weapons.

This bill sends one clear message to the entire world: if you do virtually any business in the Iranian energy sector—the financial lifeline of this regime's nuclear program—you will be subject to sanctions.

Today, the United States Congress takes U.S. sanctions policy to an unprecedented level. By sending this legislation to the President's desk, Congress can initiate an unprecedented crackdown on the Iranian regime. But our work does not end here. These punishing sanctions are a means to an end; and we cannot, for one moment, take our eye off the endgame—halting Iran's march toward a nuclear weapon.

Again, I thank the chairman and ranking member for their leadership. I urge my colleagues to support this important bill. Now is the time to stand for human rights in Iran and Syria. Now is the time. Now is the time to stop Iran from developing nuclear weapons.

Mr. KUCINICH. I would like to include for the RECORD a publication from the International Civil Society Action Network, "What the Women Say: Killing Them Softly: The Stark Impact of Sanctions on the Lives of Ordinary Iranians."

WHAT THE WOMEN SAY: KILLING THEM SOFTLY: THE STARK IMPACT OF SANCTIONS ON THE LIVES OF ORDINARY IRANIANS—BRIEF 3: JULY 2012

The unprecedented, devastating and counterproductive impact of sanctions, coupled with the on-and-off threat of war, is an ever-growing reality in the lives of ordinary Iranians. For the generation of Iranians whose childhood was punctured by nightly bombings, fear of chemical attacks, and eight years of death and destruction resulting from the Iran-Iraq war, the current state of uncertainty, prospects of hardship and unraveling of the lives they rebuilt is overwhelming.

In New York, London, Washington and Brussels the rationale for sanctions vary. Central to the case is the notion that only crippling sanctions can slow Iran's nuclear program and bring about change. A number of the sanctions also target state institutions and individuals implicated in human rights violations. Regardless of their political leanings, among western leaders, policymakers and pundits, no one denies that economic sanctions are blunt instruments that typically harm the civilian population far more than the state. Western policy makers, however, respond that 'this is the price that has to be paid'—the questions of price for what, how much, how long and by whom are left hanging.

Iranians have the answers. The earliest sanctions imposed in the immediate aftermath of the 1979 Iranian revolution (and American hostage taking) had less direct impact on the public. But since 1995, when the

Clinton Administration honed in on the oil and gas sector to the current day where the banking and financial sectors have been targeted, private enterprise and ordinary citizens are the primary and overwhelming victims. Needless to say, they are skeptical of western politicians or institutions that claim to care about the well being, human rights or aspirations of the Iranian populace.

It is not uncommon for Iranians in every walk of life to recall the Iran-Iraq war (1980–88), when the Western world was complicit with Saddam's Iraq and its use of chemical weapons. With the impact of current sanctions seeping into every day life now, many Iranians consider them to be a profoundly insidious and destructive force and source of basic human rights violations, affecting a wide cross section of Iranians.

As one women's rights activist stated, "the international community's sole focus on the nuclear issue has resulted in the adoption of policies that inflict great damage on the Iranian people, civil society and women. Militarization of the environment will prompt repressive state policies and the possibility of promoting reform in Iran will diminish."

Iranians' wariness of the international community, however, has not quelled criticism of their own government. They have neither an appetite for war nor for the bellicose language of the state. They criticize the government's mishandling of the economy in recent years. They balk at the continued imposition of social restrictions. Those involved in civil rights activism including students, workers, women and leaders from ethnic groups and religious minority communities are among the first to feel the endless pressures and limitations imposed on them. Not least because the sanctions and threat of war allow the state to invoke "a state of emergency" and in so doing suppress critics and voices of dissent.

In its ongoing series of MENA region 'What the Women Say' briefs, ICAN provides a gendered analysis of the impact of sanctions, echoing the voices and experiences of Iranians, particularly women's rights activists, regarding the social, economic, political and security consequences. At a time when the United States, the European Union and others are heralding their national action plans on women, peace and security that highlight the need for women's protection in times of crisis and their participation in conflict prevention and peacemaking, this brief offers the international community recommendations on limiting the immediate and long-term damage being wrought on women, Iranian society and ultimately regional security.

#### 1. CURRENT SANCTIONS CUT DEEP AND WIDE INTO THE SOCIAL AND ECONOMIC LIFE OF ORDINARY IRANIANS

Iranians know war and they know sanctions. The experiences of women, men, the elderly and the young who lived through the eight years of the Iran-Iraq war are rarely recounted today, but the long term impact is still evident. Though their plight is rarely discussed, women of child bearing age and soldiers exposed to chemical warfare still suffer from complex health problems. Similarly the thousands of men handicapped by landmines and war wounds are rarely a topic of conversation. Another long term impact has been the rise of female headed households in part due to war deaths among men.

Throughout the 1980s war years, Iranians also suffered from sanctions and lived under a strict rations policy. But it was a very different society then. Some 50 percent of Iranians lived in rural areas and were largely

self sufficient through domestic agricultural production. The sanctions too were limited to key sectors pertaining to military equipment. As a result the public impact was less evident. International trade relations were sustained including with the U.S. private sector. Today only 29 percent of Iranians live in rural areas. Continued migration to urban areas has led to the expansion of cities and their peripheries. The majority of migrants eke out their living in the service industry and informal economy on the margins of cities. The sanctions regime is doing most damage to those who are already vulnerable—the urban poor. As the pressures increase, economic class and social divisions are also being exacerbated.

2010 sanctions choking insurance and shipping sectors with implications for public health: Sanctions introduced in the summer of 2010 directly targeted insurance companies that insured Iranian shipping involved in the import and export of products. Despite denials by proponents of the sanctions regime, this round of sanctions directly affected the availability of foreign-made medication and other healthcare products to Iranians including vitamins for children and pregnant women and sanitary products. The implication for serious illnesses including cancer is particularly profound. As one women's rights activists recounted, "foreign made medicine became difficult to find in 2010, and with the intensification of sanctions this trend has continued. Domestically produced drugs, which are dependent on imported ingredients, are also more expensive and difficult to find." Others echo this experience. "Many Iranians can no longer afford the high cost of cancer treatment drugs that have become hard to find," says the daughter of a female cancer patient. "Family members have to go from one hospital to another and to multiple pharmacies to find and then purchase the medicines at high costs for the treatment and life of their family members. Patients with poorer prognoses or those who cannot afford it are forgoing treatments and opting for an early death so they don't burden their families financially."

Sanctions targeting Iran's oil and gas sector were also intensified in 2010, through limiting or ending the sale of gasoline products to Iran. In anticipation, the Iranian government initiated a number of steps including ending of subsidies for gasoline, rationing gasoline and increasing domestic refining processes. As a result, the price increase has been significant, with unrationed gasoline costing 4000 Rials per liter in 2009 and projected to increase to 8000 Rials in 2012. Free market prices for gasoline are currently at 7000 Rials per liter. Additionally the quality of the domestic product is much lower than imports, according to experts.

One significant impact of the increased use of domestically produced gasoline has been a noticeable decline in air quality, particularly in Tehran. Reports note that Tehran's air quality, which was already poor, has worsened significantly since gasoline imports were sanctioned. Even the New York Times report explained the connection between the ban on gasoline imports, the push to use domestically produced gasoline and the rapid air quality deterioration:

"According to e-mails circulated to industry experts . . . Iran's new supply of domestic gasoline may contain high levels of aromatics—more than twice the level permitted by Iranian law. Burning aromatics in car engines produces exhaust packed with high concentrations of "floating particles" or "particulates" that, added to the typical

smog caused by nitrous oxides and ozone, can cause a range of health problems, from headaches and dizziness to more serious cardiac and respiratory complaints."

In the same year, Mohsen Nariman, MP from Babol said, "air pollution is on the rise at an unusual rate and it seems that one of the main causes is the substandard gasoline that is being used in Tehran." One newspaper, the Hamshahri Daily, reported that 310 persons died per day as a result of poor air quality in Tehran in the months of October and November 2011. The cause of death included increased respiratory complications, heart attacks and stroke.

Unprecedented banking sanctions targeting Iranians in all areas of life: The banking sanctions that went into effect in December 2011 have also wreaked havoc in people's lives. The Iranian Rial has almost halved in value against the US dollar and other currencies. With memories of the Iran-Iraq war still fresh for many Iranians, across Tehran and other cities, people, including shopkeepers and merchants reacted by hoarding products. Consequently the price of a wide range of goods and products including foodstuffs rose between 20–100 percent, and continues to fluctuate.

The knock-on effect is evident in all areas of life. While incomes have not increased, rents have doubled in some areas of the city. The price of bread—a staple of the Iranian diet especially for the poor—has increased by some 1500% in the past 2 years, in part due to the removal of state subsidies. The uncertainty is causing stagnation for the private sector, while some businessmen point out that companies affiliated with the state are exploiting the situation as they have access to government exchange rates. Sanctions were imposed to prevent a nuclear weapons program. Instead, as one commentator notes, the price of manure has risen.

Iranian students studying abroad have also been impacted seriously. Many are being forced to give up their education as their families can no longer afford the tuition. Some UK universities are refusing to register Iranian students because they cannot prove that they can transfer the necessary fees. But the sanctions—or the way that banks and other bodies currently interpret them—make it impossible for most Iranian students to do so.

In addition countless Iranians who have relatives living in the EU and US and those who travel for medical treatment have become entangled in the vast banking sanctions net. Thousands have personal bank accounts and savings in western banks, some dating back decades. Now they are being forced to shut down their accounts and find themselves caught in a financial no-man's land; being forced to close existing accounts, while barred from transferring their savings to other accounts internationally or in Iran.

In effect the banking sanctions are forcing massive reliance on a cash based economy, making already vulnerable Iranians dependent on black marketeers for the transfer of funds to cover educational, health or other legitimate costs. It is also fostering the rise of informal power structures and contributing to the lack of accountability and transparency. Even the Iranian Vice President has acknowledged this development, stating, "in the framework of these sanctions we [the Iranian government] have to begin negotiations with goods traffickers near the borders and use them to buy products which are included in the sanctions."

Not surprisingly many Iranians are left questioning if the banking sanctions are intent on forcing Iran's rulers to come to the

negotiating table or if Iranian society and the country's infrastructure at large are being deliberately targeted and weakened. The timing of the intensification of sanctions is particularly questionable. Iranian observers, notably civil and political activists are asking whether sanctions are in fact intent on balancing power in the region in favor of regimes that "despite their authoritarian nature accommodate the west and its security agenda in the Middle East, at a time when revolutions may threaten the existing security dynamics in the region."

In an interview with Radio Farda, Mehrdad Emadi, Economic Consultant to the EU, stressed the destructive nature of these sanctions, noting:

"This particular form of sanctioning a nation has been unprecedented in the history of the world. The only similar type of sanctions, were implemented for a short period of time, and were intended to prevent the illegal transfer of funds by Qaddafi within the framework of the activities of Libya's Central Bank. But even during that time, [the sanctions] weren't implemented in this fashion [as we see against Iran's Central Bank], . . . not all the transactions of the Libyan Central Bank were sanctioned and the sanctions focused only on the illegal transfer of funds and money laundering . . . [The Iranian sanctions] are not related to a specific sector or industry nor to business entities or specific individuals. In this framework, all monetary transactions, currency transactions and business credit accounts for imports as well as exports and for the coverage and payment of insurance, which in every country falls under the responsibilities of the Central Bank of that country, will be made illegal in Iran. Iran's Central Bank will no longer be able to carry-out these duties, because it has now been identified as a center for money laundering. In this framework, international corporations, governmental organizations, non-governmental bodies or security organizations will no longer be able to transfer funds or open credit lines for trade, using the Central Bank."

In the same interview, Hossein Mansour, a UK-based economist offered a bleaker analysis, noting, "the negative impact on Iran's economy, especially in the long run, will only be addressed with the expenditure of billions of dollars and after several generations, and will be devastating for the infrastructure of the Iranian economy."

## 2. WOMEN ARE BEARING THE BRUNT OF THE ECONOMIC AND SOCIAL IMPACT OF SANCTIONS

Women are especially affected by the economic fall out of the sanctions. They are being pushed out of the job market and bearing the brunt of increased unemployment. Women's rights experts recognize socio-economic pattern emerging similar to those in Iraq when sanctions were imposed. In Iraq sanctions and the ensuing poverty resulted in the withdrawal of girls from education and increases in child marriage (families were forced to marry off their young daughters to reduce the number of mouths to feed). Iranian girls are at risk of similar developments." Moreover, women's rights experts believe that the externally imposed sanctions will allow conservatives to further their regressive social agenda by relegating women back to the domestic sphere, limiting their access to education and the job market and couching it as an attempt to increase male employment.

Despite significant societal changes, Iran remains a male dominated culture, reinforced by the government's conservative ideology that considers men as the heads of

households and primary breadwinners. Programs in line with this ideology, seeking to relegate women to the home as wives and mothers only have been stepped up in recent years.

Indirect and immeasurable consequences of sanctions: stifling women's education, a key engine of socio-political change: Women's rights activists are also wary of the indirect impact of sanctions—and the manipulation of the economic hardships by conservatives—on women's access to higher education. Educated women from middle and traditional working classes across rural and urban areas, among the rich and the poor, have been the primary engine of socio-political change in Iran. The demand for equal rights and equal socio-political, economic and cultural rights permeates every level of society. From the outset of the Islamic republic, the status of women has been a critical and contentious issue. In 2003, conservatives proposed the imposition of quotas to limit women's access to higher education and the measures were briefly implemented across some medical fields in the 2004 national university entrance exams. Massive outcry among students and women's rights activists forced the withdrawal of the quotas.

Conservatives have not backed down however. They continue to argue that when women are more educated than men, traditional family values are undermined, as women prefer to marry at an older age, seek similarly educated (or more educated spouses) and have higher expectations. These traditionalists also posit that women in the work force take away men's jobs. Concerns about the impact of women being more educated than men have prompted some conservative lawmakers to reinstate quotas limiting women's participation in higher education. Women and student's rights activists believe that during President Ahmadinejad's second term the quotas have been introduced with greater zeal and less accountability. They coincide with the intensification of sanctions and increased economic hardships. As the economic situation worsens, women's access to higher education, will likely endure further limitations. Even school age girls are at risk as economic pressures may force families to make choices and opt for boys' schooling. This may lead to diminished literacy rates among girls in the near future.

In effect, the marginalization of women from education and employment enables extreme conservatives to kill many birds with one stone. They prevent a high rate of women's entry into the public space (via universities). They eliminate women from the economy and job market, particularly, higher earning and more influential positions. They sustain and revive the power imbalance between women and men, as women will have fewer choices in life, limited control of resources and become (and remain) more economically dependent on men at greater rates than already exist. Ultimately they may quash the force of women's demands—the next generation's voices—for progressive change in society at large. As one conservative member of parliament and staunch supporter of limiting women's presence in university has put it: "when women can't travel to far away cities without the permission of their husbands, their expertise has no impact on improving the situation of the country!"

There is also a significant reduction in women's share of the national budget. In the past for example, housewives received national insurance, but this has been eliminated, while the military budget has doubled for next year.

Downturns in domestic production, increases male unemployment and violence against women: There are also more insidious effects, difficult to quantify but increasingly evident. The sanctions have caused massive downturns in domestic production. The fledgling private sector is unable to import the necessary raw materials for manufacturing. The banking sanctions are causing a virtual standstill in imports and exports by legitimate businesses. Even domestic agriculture will lose its markets.

Meanwhile those with political connections are exploiting the situation often by importing cheaper Chinese products. This downward trend in domestic production will give rise to lower wages, increase unemployment among men and women and ultimately put pressure on families. As evident in other settings, women will bear the brunt of dealing with their unemployed spouses and the men of the family within the home. These new dynamics are likely to lead to increased incidences of domestic violence and family conflicts, as men's inability to live up to social expectations can lead to depression and attacks on women. Reduction in family income inevitably is forcing women to find new sources of income. Their coping strategies will likely include cutting back on their own health, wellbeing and dietary needs to provide for their dependents. As in other countries, for the most vulnerable, poverty will likely lead to risky survival strategies including child labor and sex work—informal sectors which have expanded in Iran in recent years.

The most vulnerable are at the greatest risk: Afghan refugee women and children: Vulnerable groups, such as Afghan refugees and migrants who have been living in Iran legally and illegally as a result of decades of war and unrest in their own country, are also at greater risk. The situation is most severe for Afghan women and children refugees or Iranian women married to Afghan men and their children who do not have identity cards. The intensification of government crackdowns and forced repatriation programs, against Afghans (including their Iranian wives and children) with illegal status in Iran, has already had a negative impact on the livelihood of these groups, but as the economy has worsened the hostility they face from Iranian society and the government has also increased. Afghans have been targeted with segregation programs in public spaces and are facing increased state and other forms of violence, while their access to income and jobs has also been severely limited. Comprising a large percent of those employed in the informal sector as household help, street peddlers and in the service industry Afghan women and children are at risk of facing worsening working conditions and abuse in their place of employment.

## 3. INDEPENDENT CIVIL SOCIETY AND CIVIC ACTIVISM ARE AMONG THE FIRST CASUALTIES OF CURRENT INTERNATIONAL POLICIES

Many of the men and women who founded and run Iran's civil rights movements including human rights and women's rights activists, workers unions and journalists spent their childhood or young adulthood at war. They have tasted and experienced the impact of war and sanctions on a personal level. They are also fierce advocates of international human rights and humanitarian norms and ideals.

The public outpouring in the aftermath of the disputed 2009 presidential elections prompted the state to impose heavy security measures against civic actors. But debilitating sanctions coupled with the daily rhetoric of war has elevated national security

concerns and further diminished the state's tolerance of dissent internally. Activists are regularly accused of working in concert with the west to destroy the Islamic Republic. The uncertainty and fear has also affected the public's receptivity to social activism. It is seen as a secondary issue compared to the urgent realities of poverty and prospect of war.

The sanctions are having a long-term negative impact on the source of societal change in Iran. The urban middle class that has historically played a central role in creating change and promoting progress in Iran are key casualties of the sanctions regime. Many civil society organizations and charities survive on the basis of voluntary activism and support. But facing economic uncertainty, many people are retreating from public voluntary work. Even the most committed have less time, as they are working longer hours and often at multiple jobs to meet their economic needs. Moreover with private enterprise in demise, more people will become dependent on the state and thus unable and fearful of engaging in civil activism. Additionally, sanctions and in particular the limitations placed on transfer of funds, has created serious impediments for charity organizations engaged in health and medical services, education efforts, support for orphans and disadvantaged women and children to carry-out their work. Many of these organizations have ceased their activities.

Sanctions are isolating Iranians from international forums: Beyond the economic impact, civil society, including the women's movement in Iran has been further isolated from their international counterparts, as a result of the sanctions. Security challenges imposed by their own government already curtail civil society's ability to attend regional and international conferences, workshops and other events. But the policies of other governments further complicate their lives. Visas that Iranian passport holders need to travel internationally, take considerable amount of time and resources. The new banking sanctions have ended the possibility of financial exchanges, while the falling price of the Rial has increased the financial burden for those activists who want to participate in conferences and training opportunities. Activists, like regular Iranians, cannot use banks to transfer funds for conference participation, hotel reservations, or to attend courses abroad. Finally, for years despite state restrictions, activists have used the internet as a critical tool for communication. But the sanctions policies have led many large hardware and software manufacturers in the United States to deny services and products to Iranians. Thus just when contact with and solidarity from the outside world are most needed, Iranians are faced with the greatest level of isolation.

#### 4. WHAT WOMEN DO: RESILIENCE, COURAGE, VOICES OF PEACE AND A WINDOW TO THE FUTURE

Women's rights activists have never had it easy. They have fought against an assault on their legal and political rights as well as their demand for equal opportunities in the economic, social and cultural life of the country. In 2006, when a group of women initiated the Million Signatures Campaign to demand the reform of laws that discriminate against women, they immediately faced state scrutiny and obstruction. The movement thrived however, transcending age, economic, rural, urban and even political and religious divisions to draw in a mix of volunteers. Using new and old media, improvised street theater and small group edu-

cation and outreach initiatives they raised public awareness about the impact of gender based discriminatory laws and called on people to sign up and join their campaign in favor of legal changes. Despite security pressures the movement elevated issues of gender equality to the national level both politically and within wider society.

After the summer of 2009, and the mass post-election protests, women's rights activists faced increased restrictions as the space for dissent became ever more limited. With the rise of sanctions and ratcheting up of the war rhetoric, these activists are under immense pressure to become silent and conform. Countless social and political activists have been imprisoned and or forced into exile. Students—female and male have been expelled from universities because of their civil activism. Under these circumstances, with economic hardships and prospects of yet another devastating war, longterm planning and the development of sustainable programs to maintain the gains already made and push for basic rights are increasingly difficult, if not impossible.

Women's Demands: no sanctions, no war, talk it out! Despite these pressures, the Iranian women's movement has not been silenced. The call against war, in favor of a negotiated settlement, and an end to sanctions has become a primary issue for many, despite the risks they incur. They are using every opportunity to send their message to the world.

Women's rights activists now living outside of Iran draw on international platforms to echo the concerns and voices of their counterparts inside the country. Meanwhile, despite the risks, women in Iran have not been silenced either. One group, the Mothers for Peace, representing different sectors and ideologies began its activities in 2008, with the aim of preventing war and violence in the country and promoting peace regionally. They, along with other women's groups, have issued several statements opposing the possibility of war. Echoing this, in 2011, on the International Day to Fight Violence Against Women (November 25th), another group of Iranian activists issued their antiwar and violence statement, noting:

"We a group of women's rights activists in Iran, are worried about the increasing violence against women and children [that is the result] of the polarized and hostile atmosphere [and] dead-end national and international politics of tension and violence. As a result of these policies, violence against women and children infiltrates the deepest social and political and familial layers of Iranian society."

On March 8, 2012, in honor of International Women's Day, several activists involved in the One Million Signatures Campaign recorded video messages opposing war. They reject the official narratives that often pose the problems in the terms of good and evil, just and unjust, and call on all sides—including their own government—to engage in constructive dialogue rather than the rhetoric of war and threats.

#### RECOMMENDATIONS TO THE INTERNATIONAL COMMUNITY, PARTICULARLY THE US AND EUROPEAN COUNTRIES

Fundamentally rethink policy on Iran:

1. End the sanctions policy against Iran. Recognize that sanctions as a general rule have a poor record of influencing the behavior of states and in many situations have severely harming the population at large, particularly vulnerable groups and democratic movements. Ninety-nine percent of the current sanctions against Iran are too broad to

impact the behavior of the government, instead they target the population.

2. Sanctions are not a substitute for war. They are a step closer to war. Failed sanctions will only work to strengthen the position of those advocating for another war in the region. Resolve to address the differences in a mutually respectful manner immediately.

3. Recognize that sanctions weaken society not the state. Iranian society is already witnessing the emergence of radical groups. As one women's rights activist notes, in countries of this region, including Iran, growing gaps between the rich and poor do not make governments vulnerable, rather they make the population vulnerable to increased radicalization against the West as a way of coping with humiliation. In border areas, where poverty is severe, we already witness the increasing influence of terrorist groups. If this trend continues we will be faced with a weakened Iranian society—at risk of being radicalized, with detrimental consequences for regional security in the medium and long term.

4. Recognize that sanctions undermine women's security and empowerment. The US and EU have been strong proponents of the global women, peace and security agenda with the development of priorities and action plans to ensure women's empowerment. But sanctions undermine and contravene these policies. The contradictory nature of US and EU rhetoric, policies and actions increase the Iranian public's suspicion about them, and credence to charges of hypocrisy.

On negotiations with the Iranian government:

5. Engage Iran on the full range of issues, including regional security, economic issues, human rights, culture, etc. Incentives, especially those that reduce the hardship of ordinary Iranians, should be put forth to encourage a peaceful settlement to the disputes of the international community with Iran.

6. Call for the inclusion of civil society in engagement with Iran. Should Iran and the international community reach an agreement that would allow for negotiations and dialogue on a wider set of issues, civil society, including women's groups, human rights groups and peace activists, should participate.

On immediate steps for redressing the impact of sanctions on ordinary citizens:

7. Do not force an entire nation to adopt nontransparent means of financial transactions. Revise the banking sanctions so that ordinary people are not caught in them. Specifically, adopt measures to facilitate the transfer of funds by ordinary Iranian citizens and Iranians with dual nationality (EU, US, UK etc) for travel, tuition, and medical care, in the case of sale of property, inheritance or for other personal and familial purposes. Forcing Iranians to move toward a cash economy reduces transparency and fosters the growth of shadowy actors.

8. Address the adverse healthcare impact of sanctions immediately. Sanctions including limitations impacting the import of medicines, medical equipment and forced usage of substandard gasoline are affecting people's health and lives. These issues should be investigated and alleviated immediately with cooperation between the US, European and Iranian governments.

9. Help ease and enable visa applications for Iranians seeking to visit relatives. Throughout the EU, US, Canada and Australia there are millions of citizens of Iranian descent. They have elderly parents and relatives living in Iran who visit them regularly. Visas for relatives should be expedited and offered for longer periods.

10. Encourage student visas and conference attendance. Student visas and visas for conference participation should be processed more quickly and with less financial burden on applicants.

11. Facilitate free and safe access to the internet to help foster independent civil society. Sanctions have severely limited Iranian civil society's safe access to the internet including necessary software and hardware. The international community should help provide this access and limit the imposition of sanctions in this sector.

□ 1500

Mr. KUCINICH. I yield myself 30 seconds.

The Senate Banking Committee summarized this bill by saying that it "aims to prevent Iran from repatriating any of the revenue from sale of its crude oil, depriving Iran of hard currency earnings and funds to run its state budget."

Spoken plainly, this bill would destroy the Iranian economy and further hurt the Iranian people that we claim to support. Iranians are already suffering under stifling sanctions as they experience rising food prices and lack of access to basic medicine. For example, the sanctions against the Iranian banking sector have greatly diminished the value of Iranian currency and have a negative effect on nearly every aspect of the lives of ordinary Iranians. The price of rent, education, and bread have all increased.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 1½ minutes to the gentleman from Illinois (Mr. DOLD), an esteemed member of the Committee on Financial Services.

Mr. DOLD. I certainly want to thank the chairwoman for her leadership on this very important issue. I also want to thank the ranking member for his bipartisan leadership as well.

Mr. Speaker, I believe that a nuclear-armed Iran is actually the greatest threat we have to our own national security here at home. This issue is not a right versus left issue; this is a right versus wrong issue.

Mr. Speaker, this legislation is significant in its seriousness and its scope. By blacklisting virtually all of Iran's energy, banking, and transportation sectors, and specifically targeting those who enable Iran's attempted evasion of sanctions, this legislation sends a powerful signal to the Iranian regime that they should not ever question the resolve of the United States Congress to do what is necessary to confront Iran's illicit nuclear ambitions.

This legislation is the product of bipartisan efforts and hard work of many people, and I certainly appreciate Chairman ROS-LEHTINEN's and Ranking Member BERMAN's focus to try to get this passed as quickly as possible.

I'm pleased to have contributed to strengthening this sanctions package with bipartisan proposals that I intro-

duced with Representative DEUTCH from Florida, whom we just heard from, that declare the Iranian energy sector a "zone of proliferation concern," and which will enhance the human rights portion of the bill.

I also want to note the significant contributions by Senator MARK KIRK, who has been a consistent champion and leader on the forcefulness of Iran sanctions.

I look forward to this legislation's passage today and implementation with urgency by the administration, and I look to continue to work with my colleagues in Congress on this issue until we can affirm that the Iranian regime is no longer pursuing a nuclear weapons capability.

I urge adoption of this resolution and for the immediate implementation by this administration.

Mr. BERMAN. Mr. Speaker, I'm very pleased to yield 1½ minutes to the gentleman who organized the Iran Working Group 7 or 8 years ago to focus congressional attention on the looming threat of a nuclear Iran, my friend from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I thank the chairlady from Florida and my friend from California for recognizing some grave and serious points.

First, they recognize that on the 11th of September of 2001, 19 people armed with airplane tickets and box cutters wreaked havoc on the United States of America. They recognize that a group of people with a small, improvised nuclear device could wreak havoc far worse than that on the Mall that stands in front of this building or on Times Square.

Weapons these days are not just delivered by intercontinental ballistic missiles; they can be delivered by U-Haul trucks or by other means. This is the essential threat of Iranian nuclear proliferation to the United States.

The choice that we face is whether we should take concerted action to prevent that threat or whether we shouldn't. I commend the chairlady and my friend from California for choosing to unify this Congress, this country with the rest of the world with the proposition that we should present the Iranian leadership with a choice. If they decide to abandon their nuclear weapons program—which they illicitly concealed for 25 years—if they agree to live under international protocols, then the sanctions that have been imposed will be lifted and we can move forward toward peace and progress. But if they do not, they will most certainly suffer the consequences of a deteriorating economy and problems within their social structure.

We have made our choice to stand united in favor of these strong sanctions. We are presenting the Iranians with their choice. Let us hope and pray they make a choice for peace and renewed prosperity.

Mr. KUCINICH. I yield myself 30 seconds.

We went to war against Iraq under the assumption they had weapons of mass destruction. Iran doesn't have weapons of mass destruction.

One of the problems with this bill is that it effectively states that sanctions on Iran's Central Bank would not be lifted unless there's a regime change. So we're bringing a whole new dimension here. It's about even more than nuclear weapons; now we're talking about regime change, because this resolution creates a new requirement for the termination of sanctions that are dependent on the cessation of the Central Bank's financing of the Revolutionary Guard, and it imposes new restrictions on the President's ability to waive sanctions.

So, what are we doing here? Setting the stage for another war. Regime change, and then upping the bar for Iran and essentially laying the groundwork for a conflict.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I reserve the right to close.

Mr. BERMAN. I'm very pleased to yield 1 minute to a former member of the Foreign Affairs Committee, my friend from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I thank the ranking member and the chairwoman of this committee for bringing us together.

I don't like sanctions, Mr. Speaker, but I rise in strong support of this legislation. And when I say that, I understand what sanctions can do to women and children and families. In fact, I'm reminded of a debate on apartheid and sanctions in South Africa. That debate was a question of whether you undermine that nation. But we saw what happened with sanctions when we came together as a Nation to bring down the dastardly structure of apartheid.

Iran, right now today, can stop this legislation by shedding itself of all signs of building a nuclear weapon. The regime change is not by war. This bill does not suggest war. It means that voluntarily, by election, their government can change. But what I believe is most important is that we recognize, having seen that fallen woman bleeding in the street, that human rights abuses are massive. They're massive in their influence on Iraq, where they're influencing the treatment of residents of Camp Ashraf. That must stop.

So this legislation is crucial because it impacts the human rights abuses, it indicates that there is no giving on a nuclear weapon, and it gives Iran, right now today, the ability to stop this legislation and sanctions by owning up to eliminating any sign of a nuclear weaponization, treating its people with dignity, and responding to the needs of the people in Camp Ashraf.

I support the legislation enthusiastically.



Mr. KUCINICH. I yield myself 30 seconds.

Collectively, the provisions in this bill move the goalpost from negotiations over Iran's nuclear enrichment program to regime change. I just want to point out that the record of our country on regime change isn't all that good. Yes, we knocked out Saddam Hussein under the lie that he had weapons of mass destruction, and now al Qaeda is all over Iraq.

So, what are we about here? We're setting the stage for another war where we syphon the revenue out of this country, send it to war machines, can't meet our own needs. Since when does Iran achieve greater importance than our own country? That's what I want to know. I want somebody to explain that to me.

I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, could I get another indication of the time remaining?

The SPEAKER pro tempore. The gentleman from California has 4½ minutes remaining; the gentleman from Ohio has 3 minutes remaining; the gentleman from Florida has 30 seconds remaining.

Mr. BERMAN. In this case, I'm pleased to yield 1½ minutes to the ranking member of the Western Hemisphere Subcommittee, a longtime member and leader on the Foreign Affairs Committee and a very active legislator on the issue before us today—that is, the effort to stop Iran from getting a nuclear weapon—my friend from New York (Mr. ENGEL).

Mr. ENGEL. I thank my friend for yielding to me, and I rise in strong support of this legislation.

I am glad that the Senate and the House finally came together on this very, very important bill.

□ 1510

This bill has very, very strong support, as you can tell, on both sides of the aisle, and the reason it does is because Iran has proven itself to be a very, very dangerous player.

Iran is the leading supporter of terrorism in the world. Iran supplies and supports the terrorist group Hezbollah in Lebanon. And, in fact, now we see what's going on in Syria. And if it was not for Iran, Assad would not be able to continue his brutal ways and his murdering of his own people. Right now, as we talk, there are Iranian guards fighting on the side of Assad in Syria, and Iran chooses to be, and continues to be, a rogue nation.

Iran must not be allowed to have a nuclear weapon. She has lied to the world consistently in talking about her purposes of the weapon, but Iran is not fooling anybody.

And so what these sanctions do is hits at Iran's oil and natural gas sectors, making it very, very difficult for them to launder money and making it

very, very difficult to continue their repressive ways.

The world has spoken. This isn't only the United States. These are countries all over the world. And unfortunately, or the blocking of some vetoes in the United Nations, there would already be sanctions in Iran.

So I urge my colleagues to support this. I think there's a reason why virtually every Member of Congress on both sides of the aisle supports it.

Mr. KUCINICH. I yield myself 1 minute.

These sanctions are hurting ordinary people in Iran. I pointed out earlier, matters like the price of rent, bread—Americans can understand that—education, all of these things are increasing. And these sanctions then directly undermine Iran's civil society by giving the regime a chance to crack down even harder on internal dissent. These sanctions will ensure that those crack-downs continue.

Ordinary Iranians are struggling simply to make ends meet under this sanctions regime that already exists. They cannot afford to suspend the time necessary to participate in social movements which provide basic social services to push for democratic change in their country.

Are these the intended effects that we wish to have on the Iranian people and Iranian Americans?

And if not, passing this kind of a broad, indiscriminate sanctions bill sends the wrong message. If the sanctions imposed on Iraq are any precedent, we know that sanctions are not an effective tool in promoting or supporting domestic democracy movements.

We also know those sanctions did not prevent an unnecessary and wasteful war with Iraq. In effect, the expansion of the broad and indiscriminate sanctions, including this legislation, hurts our ability to negotiate with Iran, imposes long-term harm detrimental to the Iranian people.

I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I yield myself such time as I may consume. I have no further requests for time.

And I'd like to just raise a couple of the issues that my friends, Mr. PAUL from Texas and Mr. KUCINICH from Ohio, have put forth in the context of opposition to this bill.

This is not the next step to war. This is the alternative to war. Iran having a nuclear weapon is unacceptable for many, many reasons:

It means the end of the nonproliferation regime;

It means countries all through that part of the world will seek their own nuclear weapons;

It raises the specter of nuclear weapons being passed on and dirty bombs being passed on to terrorists, and there is nothing in the comments of the regime that could let one relax and think

they would never be the first to use those nuclear weapons.

That is unacceptable. Our alternatives are either war or finding a diplomatic resolution of their nuclear weapons program, the end of that program.

They've been found, not by the White House, not by some Vulcans in foreign policy, but by the IAEA and the U.N. Security Council, over and over again, to have violated their obligations under the nonproliferation treaty to which they are a signatory. They don't ratify the additional protocols. They move ahead with enrichment plants that they don't need for a peaceful weapons program.

They do not have a right to enrich. You could argue they have a right to a nuclear energy program, but not a right to enrich. They conceal information in violation of their treaty obligations.

This is, hopefully, the final step, but if not we will have to intensify the sanctions to achieve that diplomatic program.

And Iran is not some bucolic, peace-loving state that has never done anything against its neighbors. Everyone knows that Hezbollah is a direct foreign agent of Iran that gets its funding, its training, and its sponsorship and its directions from Iran.

We know what they've done to the marines in Lebanon. We've known what they tried to do to the Saudi Ambassador here in Washington. We know that in Delhi and in Bulgaria and a number of other capitals around the world, their effort to commit terrorist acts against Israeli diplomats and Israeli citizens. Their record as a state sponsor of terror is the largest and most impactful in the world.

They are pursuing a nuclear weapons capability. It is our obligation to do every measure we have to stop them from getting that, and we want to do it peacefully. This strategy that we are embarked on is an effort to find a way to do this without resorting to war, and I urge my colleagues to stand strongly behind this bill.

This is the alternative. It is the only feasible alternative. Otherwise, we are faced with two very dismal prospects: a military action or an Iran with nuclear weapons and all that means.

I urge an "aye" vote.

I yield back the balance of my time.

Mr. KUCINICH. I yield myself 1 minute.

Sanctions are a form of war in this case, and it will lead to war. And remember, we're not talking about—some time ago we were talking about if Iran would have a nuclear weapon, but then the bar's been lowered to say nuclear weapon capability. And now the game's being changed to say not just nuclear weapon capability, but we want regime change as well.

I mean, if this isn't a prescription for war, then I didn't participate in the debate in this House of Representatives



in October of 2002 warning this Congress, chapter and verse, that Iraq had no weapons of mass destruction, no role with al Qaeda in 9/11, did not have any intention or capability of attacking the United States. This is a version of that debate all over again.

I mean, come on. What are we doing here? Why is this more important than our country?

You know, our postal service is going into default tonight, a manufactured default, mind it. No debate on the House floor about this today, but an attempt to manufacture a war with Iran. What are we about?

I reserve the balance of my time.

Ms. ROS-LEHTINEN. I continue to reserve the balance of my time.

I will retain my time to close, so if Mr. KUCINICH could wrap up his part of the debate, we can conclude.

Mr. KUCINICH. Could I ask how much time remains?

The SPEAKER pro tempore. The gentleman from Ohio has 1 minute remaining.

Mr. KUCINICH. And how much time does the gentlelady have?

The SPEAKER pro tempore. The gentlewoman from Florida has 30 seconds remaining.

Mr. KUCINICH. I yield myself 1 minute.

This legislation also requires the President to impose sanctions on those who are responsible for or are complicit in certain human rights abuses in Syria, but it fails to acknowledge that our own country and a number of our allies are actively participating and stoking the violence on the ground. Divisions and infighting within the various militias operating on the ground are already occurring. And we also read that al Qaeda's also been involved in Syria.

So, look, we have to get serious about what America's purpose is in the world. It's not to be a heavy foot. It's not to proliferate wars all over.

The first thing we have to do is take care of things here at home: jobs for all, health care for all, education for all, retirement security for all. When we can do those kinds of things, then we can pretend that we can be the policeman of the world. But until we've done that, we don't have any right to go all around the world trying to tell people how to live.

And we can settle this matter with Iran without war. We can settle it through diplomacy. Diplomacy. It would be real interesting to try it. And we ought to support any efforts of the Obama administration to use diplomacy here. Let's not use this political climate to push us into a war.

I yield back the balance of my time.

□ 1520

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself the remaining time.

I would like to recognize the commitment, the dedication and tireless ef-

forts of the members of our House Foreign Affairs Committee family, particularly of our staff director, Dr. Yleem Poblete, who Ranking Member BERMAN once described as driving a hard bargain. Just ask her hubby, Jason. Also, thanks to Matt Zweig and Ari Fridman.

Thanks to Chairman JOHNSON of the Senate Banking Committee and to his staff, particularly Colin McGinnis, Patrick Grant and Steve Kroll, as well as Ranking Member SHELBY and his staff.

A strong and warm thanks and big hug to my good friend Mr. BERMAN—the ranking member—and to his staff, particularly Shanna Winters, Alan Makovsky and Ed Rice, as well as minority staff director Richard Kessler.

I would like to thank Senators MENENDEZ and MARK KIRK and the critical Representatives, DEUTCH, SHERMAN and DOLD.

Let's stop Iran before it's too late. Let's pass this bill. I yield back the balance of my time.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON ENERGY AND COMMERCE,  
Washington, DC, July 30, 2012.

Hon. ILEANA ROS-LEHTINEN,  
Chairman, Committee on Foreign Affairs,  
Rayburn, Washington, DC.

DEAR CHAIRMAN ROS-LEHTINEN: I write concerning the House-Senate negotiations on H.R. 1905, an Act to strengthen Iran sanctions laws for the purpose of compelling Iran to abandon its pursuit of nuclear weapons and other threatening activities, and for other purposes. I understand the House and Senate have reached an agreement on provisions related to an Energy Information Administration report on Iran's natural gas sector.

I wanted to notify you that the Committee on Energy and Commerce will forgo action on this House-Senate compromise language so that the bill may proceed expeditiously to the House floor for consideration. This is done with the understanding that the Committee is not waiving any of its jurisdiction on this or similar legislation.

I would appreciate your response confirming this understanding with respect to this provision of the House-Senate compromise to H.R. 1905, and I ask that a copy of our exchange of letters on this matter be included in the Congressional Record during its consideration on the House floor.

Sincerely,

FRED UPTON,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON FOREIGN AFFAIRS,  
Washington, DC, July 30, 2012.

Hon. FRED UPTON,  
Chairman, Committee on Energy and Commerce,  
Rayburn, Washington, DC.

DEAR CHAIRMAN UPTON: Thank you for your letter concerning H.R. 1905, an Act to strengthen Iran sanctions laws for the purpose of compelling Iran to abandon its pursuit of nuclear weapons and other threatening activities, and for other purposes.

I appreciate your Committee's decision to forgo action on the House-Senate compromise text so that it may proceed expeditiously to the House floor. I acknowledge that your decision in this case does not represent the waiver of any of your jurisdiction over this bill or similar legislation.

I will place a copy of your letter and this reply into the Congressional Record during House consideration of the Senate amendment to H.R. 1905.

Sincerely,

ILEANA ROS-LEHTINEN,  
Chairman.

Ms. SCHAKOWSKY. Mr. Speaker, I rise today in support of H.R. 1905, the Iran Threat Reduction and Syria Human Rights Act of 2012. This bill is a critical effort to tighten sanctions against the Tehran regime, and to increase pressure to force the government to abandon its pursuit of nuclear weapons.

Iran's nuclear ambitions pose a grave threat to the United States, to regional stability in the Middle East, and to the entire international community. Both President Obama and the United States Congress have unequivocally stated that Iran must not be permitted to develop nuclear weapons.

On his visit to the Middle East this week, U.S. Defense Secretary Leon Panetta stated that "sanctions are having a serious impact in terms of the economy in Iran." Iran is now struggling to conduct international trade, losing markets and trading partners. Its currency has lost over half of its value.

Meanwhile, the administration continues to expand sanctions against Tehran. Earlier this week, President Obama signed an executive order to extend sanctions to anyone, using any method of payment, who purchases Iranian crude oil—preventing Iran from circumventing sanctions by using bartering and other unconventional payment options. It also expanded sanctions on buyers of Iranian petrochemical products, and authorized penalties for entities seeking to evade U.S. sanctions. Also this week, the U.S. Treasury sanctioned the Bank of Kunlun in China and Elaf Islamic Bank in Iraq for providing financial services to Iranian banks.

Today, Congress is acting to further tighten the economic noose on the Iranian regime. The bill under consideration today, H.R. 1905, strengthens and expands existing sanctions, banning any commercial activities with Iran's oil and natural gas sector, including helping Iran ship its oil under the flag of another nation. This bill increases sanctions targeting entities involved with the Iranian Revolutionary Guard Corps and sanctions human rights offenders.

When coupled with existing sanctions, today's bill represents the strongest-ever effort to financially isolate Iran. This is critical, because we must persuade the Tehran government to abandon its pursuit of nuclear weapons. I strongly support utilizing our entire diplomatic and economic arsenal to ensure that Iran does not develop nuclear weapons.

Today's bill is a critical step towards increasing pressure on the Iranian government. I urge my colleagues to join me in strongly supporting this legislation.

Mr. REED. Mr. Speaker, I rise today to reaffirm my support for sanctions to be placed upon Iran. Mahmoud Ahmadinejad and Ali Khamenei are once again stressing the proliferation of nuclear weapons and ballistic missiles within Iran's borders and we must take swift and strong actions against these measures.

Iran is not just a threat to the United States, but to all free countries around the globe. As

a country that harbors terrorists, foreign leaders must stay vigilant and recognize Iran's practices as a national security concern.

Lastly, we must stand up against the human rights abuses the Iranian regime is supporting. Its citizens have continually been sheltered from outside information and ideas due to strict governmental control. We need to inform the regime that the Iranian citizens deserve the basic human rights as laid out by the United Nations. I am proud to support H.R. 1905 and I encourage the President to sign this into law promptly.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise in strong support of the conference report to H.R. 1905, the Iran Threat Reduction and Syria Human Rights Act of 2012. This bipartisan legislation represents the strongest set of sanctions to isolate any country in the world during peacetime.

It is imperative that our nation takes all steps necessary to isolate Iran, force them to end their dangerous pursuit of nuclear weapons, and secure that the regime in Teheran will no longer be a threat to peace and prosperity in the Middle East.

Once this legislation is passed and signed into law, virtually all of Iran's energy, financial, and transportation sectors would be subject to U.S. sanctions. Companies conducting business in these industries would face the possibility of losing access to U.S. markets.

I also applaud the inclusion of sanctions against human rights abusers in Iran and Syria in this legislation. The deplorable actions by the political and military leaders in Iran and Syria against their own people must come to an immediate halt and deserve global condemnation.

Important allies, such as the European Union, Canada, Australia, Japan, South Korea, India, and Israel, have joined the American people in enacting sanctions against Iran.

It is important that this Chamber say with a strong, unified voice that we stand with Israel during these difficult times.

As co-chair of the Democratic Israel Working Group, I call on Members from both sides of the aisle to vote in support of this bipartisan resolution.

I would also like to take a moment to thank the President for his leadership on sanctions on Iran. Yesterday, President Obama signed an Executive Order that imposes new sanctions against the Iranian energy and petrochemical sectors, as well as sanctions against those who are providing material support to the National Iranian Oil Company, Naftiran Intertrade Company, or the Central Bank of Iran. These measures will help strengthen the existing sanctions regime and bring Iran that much closer to ending its heedless quest for nuclear weapons.

Mr. SMITH of New Jersey. Mr. Speaker, I rise today in strong support of the House amendment to the previous Senate amendment to H.R. 1905. In his 2002 State of the Union Address, former President George H.W. Bush said that Iran was pursuing weapons of mass destruction and exporting terror. A decade later, Iran's global threat is greater than ever.

We are currently embroiled in a standoff with Iran over its pursuit of nuclear capability.

We find ourselves on the brink of conflict over potential Iranian armed interference with oil and other shipments through the Strait of Hormuz and its persistent threats against Israel. Even prior to 9–11, Hezbollah, supported by Iran, was responsible for more American deaths around the world than any other terrorist organization. Since 2001, Iran has embarked on more direct efforts to harm American interests as evidenced by last year's foiled Iranian-backed assassination plot against the Saudi ambassador to the United States.

The current state of Iranian sanctions clearly has not worked to reduce Tehran's threat to global peace. That's why we need the enhanced approach this legislation will take in countering efforts by Iran to evade the impact of international sanctions. H.R. 1905 as amended tightens reporting on countries violating sanctions on these countries and strengthens measures against those who would aid and abet these disturbers of global peace.

It also effectively blacklists Iran's energy sector and anyone doing business with it. By preventing Iran from repatriating the proceeds from its oil sales, this rogue government will be deprived of 80 percent of its hard currency earning and half of the funds used to support its national budget.

Iran has used many tricks to subvert current sanctions—from oil for gold swaps to selling energy bonds to other trading and bartering schemes. They have been successful because there are governments who care more for making profit from doing business in Iran than in preventing threats to world peace. International efforts to rein in the nuclear ambitions of Iran have been stymied particularly by China.

Despite expressing formal support for United Nations Security Council sanctions against Iran since 2005, China has stepped in where other nations have curtailed trade with Iran. China's Bank of Kunlun and the Elaf Islamic Bank in Iraq have facilitated transactions worth millions of dollars for Iranian banks already under sanctions. Stronger sanctions will make such unsavory alliances more difficult. This is why the reformulated bill we consider today is so vital in eliminating to the extent possible all avenues for Iran's allies to play enabler to its nuclear ambitions and to its patronage of terrorist operations.

I want to congratulate House Foreign Affairs Committee Chairman ILEANA ROS-LEHTINEN, Senate Banking, Housing and Urban Affairs Committee Chairman TIM JOHNSON and other members for their hard work in crafting a bipartisan, bicameral bill that works.

Mr. WAXMAN. Mr. Speaker, the Iranian nuclear threat is a daunting and dangerous challenge. With Iran stalling diplomatic talks, adding enrichment centrifuges, and continuing work at unmonitored enrichment sites, there is frustration and alarm that time may be running out. But time has not run out and if we are to avert a military confrontation with Iran over its nuclear weapons ambitions, we must make use of every opportunity to pressure Iran to change course. This bill achieves that goal with sanctions that are deeper and stronger than any we have ever seen.

Without a doubt sanctions against Iran are having a powerful impact. In the last year

alone, exports of Iranian oil have dropped by sixty percent. The value of Iran's currency has plummeted by more than one-third. Full tankers are idling in Iranian harbors unable to sell crude in the world market. Although Iran has attempted to work around the sanctions by re-flagging vessels and hiding transactions, the shell game isn't sustainable. Sanctions announced by President Obama in recent days and weeks and those authorized in the bill before us today will tighten the grip.

Our message to Iran is loud and clear—there is no escaping accountability. The consequences of defying the international community and continuing an illegal nuclear program are severe and they will be gravely worse if the Iranian government continues on its current course.

This bill is our third round of congressional sanctions legislation since the Obama Administration successfully galvanized U.N. Security Council support for multilateral sanctions against the Iranian nuclear program in June 2010. Together with sanctions enacted in July 2010 and December 2011, the sanctions in the bill before us today reinforce the message to countries, companies and financial institutions that now is not the time for business as usual with Iran.

The bill gives the Administration an array of new tools to shore up international resolve. It has sharp enforcement mechanisms to help enlist other countries in the effort to starve the Iranian nuclear program of cash flows from Iranian Revolutionary Guard Corps, the National Iranian Oil Company, the National Iranian Tanker Company, and other Iranian banks, businesses and government entities being used to funnel money into nuclear activities.

The bill also expands sanctions against Iranian and Syrian officials responsible for human rights abuses by using electronic monitoring and tracking of regime opposition and specifically targets the paramilitary organizations that have been most insidious in terrorizing democracy activists.

But what this bill does not do is authorize war with Iran. In fact, the bill explicitly says so. I want to underscore that point, because the motivation of the sanctions is to pressure Iranian leaders to abide by the International Atomic Energy Agency's demands and negotiate in good faith and to avoid a military escalation.

As President Obama has stated clearly, the United States does not have a policy of containment. All options are on the table if Iran does not change course. By passing this legislation we will continue to leave no stone unturned in our determination to try and achieve a diplomatic resolution to this crisis.

Mr. BACA. Mr. Speaker, I rise in support of H.R. 1905.

Today, it is vital that the U.S. sends a strong message to the Iranian government.

A nuclear capable Iran is our greatest security threat in a region currently defined by conflict, chaos, and uncertainty.

We must prevent Iran from acquiring nuclear weapons through any and all means necessary.

There needs to be strong economic sanctions and focused diplomatic efforts.

As a nation it is also essential to prepare a strategy in the event that sanctions and diplomatic efforts are not successful.

Allowing Iran to become a nuclear threat is not an acceptable outcome.

That is why we must pass H.R. 1905, which increases the economic pressure on Iran's leadership to abandon their illicit efforts to develop a nuclear weapon.

Iran has the power to threaten and provoke regional allies without consequence.

We must stand with our allies in these dangerous and challenging times to prevent a nuclear capable Iran.

We must pass H.R. 1905 before it is too late for sanctions and diplomacy to reduce the Iranian threat.

Mr. VAN HOLLEN. Mr. Speaker, I rise in support of the conference agreement for H.R. 1905, the Iran Threat Reduction and Syria Human Rights Act of 2012, a bill of which I am a cosponsor. In addition to imposing sanctions on anyone found to be guilty of committing or contributing to the repression or abuse of the human rights of the Syrian people, this measure also continues the congressional efforts to apply pressure to the government of Iran for its nuclear enrichment activities.

Mr. Speaker, yesterday the president announced the application of new sanctions on the Iranian oil industry and on Chinese and Iraqi banks for helping Iran to circumvent the global sanctions regime. These sanctions are a part of an escalating series of penalties against Iran. In June, the U.S. imposed a round of sanctions targeting any foreign country that buys Iranian oil. Then, in early July, the EU, a major market for Iranian oil, put in place a complete embargo of oil imports from the country.

Since the effort began, Iranian oil production has declined by a million barrels a day, its exports have fallen by about 50 percent and its currency has plunged more than 40 percent against the dollar. Today, the House meets to further tighten the sanctions on Iran's energy, shipping and insurance sectors. This package of sanctions will be the most comprehensive passed to date. Virtually all of Iran's energy, financial, and transportation sectors will be subject to U.S. sanctions and any company that does business in these sectors will run the risk of losing access to U.S. markets.

The economic sanctions imposed on Iran have succeeded in bringing the Iranians to the negotiating table. It remains to be seen whether the Iranians are simply engaged in stall-tactics or are willing to end their effort to produce weapons-grade nuclear material.

As President Obama has made clear, it is unacceptable for Iran to develop a nuclear weapon. The U.N. Security Council has passed numerous resolutions demanding that Iran comply with the Nuclear Nonproliferation Treaty and suspend its nuclear enrichment activities. The IAEA has repeatedly found Iran to be in violation of the U.N. resolutions.

A nuclear-armed Iran would pose a grave threat to the State of Israel, a country the President of Iran has stated should "be wiped off the map." A nuclear Iran could also trigger a nuclear-arms race in the Middle East that would further destabilize an already volatile region. It is in the national security interests of the United States to prevent Iran from obtaining nuclear weapons.

By most accounts, the sanctions passed by Congress have ratcheted up pressure on the

Iranian government. But Iran continues to increase its stockpile of enriched uranium. This bi-partisan measure is necessary to give the President additional tools to penalize the Iranian regime for its continual refusal to heed the objections of the international community.

I encourage my colleagues to join me in support of this conference agreement.

Mr. HOLT. Mr. Speaker, I rise in support of the amended version of H.R. 1905, the Iran Threat Reduction & Syria Human Rights Act.

I am a co-sponsor of and voted for the original version of this bill when it was on the House floor in December 2011. Since that time, the bill has been refined in the Senate with language designed to essentially paralyze Iran's oil sector, which has already seen its oil exports fall by 60 percent as a result of sanctions imposed to date. The improved bill before us even more broadly targets Iran's oil sector and anyone who tries to do business with Iran in this area. It will prevent the Central Bank of Iran from repatriating funds from the sale of oil as part of bilateral trade agreements Iran may have with other nations. Indeed, prior sanctions passed by this Congress have caused India and Turkey to deny Iranian banks licenses to set up branches in those nations. Finally, this bill includes sanctions targeting Syrian officials responsible for the massacres in that nation since the Syrian people began their uprising more than 18 months ago.

These are important steps we must take as part of a strategy to use every means available to compel Iran to meet its international obligations. Iran must renounce any effort to acquire nuclear weapons, and that claim must be verified through thorough, intrusive on-site inspections and monitoring.

I should also note that yesterday, President Obama announced a fresh set of sanctions against Iran's energy and petrochemical sectors based on existing sanctions law and his own authority as president. As President Obama noted this week, "The United States remains committed to a diplomatic solution, but the onus is on Iran to abide by its international obligations. If the Iranian government continues its defiance, there should be no doubt that the United States and our partners will continue to impose increasing consequences." The government of Iran should understand that Congress, on a bipartisan basis, is sending the same message by passing H.R. 1905. I urge my colleagues to join me in supporting this bill.

Ms. RICHARDSON. Mr. Speaker, I rise today in support of the Senate amendment to H.R. 1905, the Iran Threat Reduction Act. This bipartisan legislation is critical to the protection of the American people and our allies around the world.

Mr. Speaker, I believe it is imperative that the United States take the lead in opposing Iran's effort to produce nuclear weapons. Such a development would introduce an intolerable and destabilizing element into one of the world's most volatile regions. The discovery of a plot to assassinate the Saudi Ambassador to the United States on American soil is but a reminder of the urgent need for the United States to take forceful and effective action to ensure that Iran does not succeed in developing the capability to produce nuclear weapons.

In, Congress passed H.R. 2194, the Iran Sanctions, Accountability and Divestment Act, which at the time were the most comprehensive sanctions ever imposed on Iran by the United States. But more needs to be done.

While current sanctions on Iran have impeded Iran's ability to successfully develop a nuclear weapon, most experts agree that Iran will have nuclear capabilities in the next two to three years if tougher sanctions are not imposed. According to a report released by the International Atomic Energy Agency, Iran has a stockpile of low-enriched uranium that if further enriched could produce three nuclear weapons.

Last year, I wrote to Chairman ROSELEHTINEN, Ranking Member BERMAN, Leader PELOSI, and Speaker BOEHNER urging them to bring before the House legislation imposing sanctions on the Central Bank of Iran. Shortly thereafter, I was very encouraged and pleased that the Committee reported favorably and the House passed H.R. 1905.

H.R. 1905 strongly reflects the demands of the international community that tougher sanctions must be placed on Iranian leaders to end their nuclear program. H.R. 1905 increases sanctions on human rights violators in Iran, imposes tougher sanctions on the Islamic Revolutionary Guard Corps (IRGC), and codifies U.S. policy to prevent Iran from developing unconventional weapons and ballistic missiles. This bill takes steps to peacefully thwart Iran's nuclear aspirations.

During the markup of this bill, an amendment offered by Ranking Member Berman to strengthen sanctions against Iran's Central Bank was unanimously agreed to. The Berman Amendment strengthens H.R. 1905 by inserting language that directs the President to determine whether the Central Bank of Iran is engaged in sanctionable activity.

By sanctioning the Central Bank of Iran, the United States would set a strong example for countries around the world that depend on a geopolitically stable Middle East for their own security and prosperity. Imposing tougher sanctions on the Iranian economy will demonstrate that the international community will not tolerate Iran's continued refusal to end their nuclear enrichment program.

Specifically, the Berman Amendment directs the President of the United States to determine whether the Central Bank of Iran has: (1) assisted Iran's VVMD or missile programs, including proliferation of WMD to other governments; (2) financed Iran's procurement of advanced conventional weapons; (3) provided financial services for the Islamic Revolutionary Guard Corps; or (4) facilitated Iran's support of international terrorism.

Should the President make the determination that the Central Bank of Iran is involved in any of these areas, the bill requires him to apply sanctions under the International Emergency Economic Powers Act. The President will have 30 days to make this determination. These sanctions would ensure that any foreign bank involved in significant transactions with the Central Bank of Iran is excluded from doing business with the U.S.

Mr. Speaker, the bill also includes Title WI, entitled the "Syria Human Rights Accountability Act of 2012." I support the inclusion of this title. What began as a peaceful stand

against tyranny has degenerated into the bloodiest movement of the Arab Spring. According to the International Red Cross more than 16,000 people have been killed in the conflict and the violence has increased substantially in the past few weeks.

This is why Title VII of this bill is necessary. It builds upon efforts to bring about a peaceful and swift resolution by

(1) requiring the President to identify within 90 days and impose sanctions on officials of the Syrian government or those acting on their behalf who are complicit in or responsible for the commission of serious human rights abuses against Syria's citizens, regardless of whether the abuses occurred in Syria;

(2) imposing sanctions on anyone who transfers equipment or technologies including weapons, rubber bullets, tear gas and other riot equipment, and jamming, monitoring and surveillance equipment which the President determines are likely to be used by Syrian officials to commit human rights abuses, and

(3) imposing sanctions on anyone who engages in censorship, or activities relating to censorship, in a manner that prohibits, limits, or penalizes the legitimate exercise of freedom of expression by citizens of Syria.

Mr. Speaker, history has taught us that strong sanctions can bring about peaceful change. A generation ago, Congress passed the Anti-Apartheid Act which led to the end of the apartheid regime and brought about a peaceful revolution resulting in the new democratic South Africa.

H.R. 1905 will help to refocus our efforts on appropriately addressing these critical issues. Leaders in the Iranian and Syrian governments have shown repeatedly that they are unwilling to comply with international demands.

For these reasons, Mr. Speaker, I strongly support H.R. 1905 and the Senate amendments. I urge my colleagues to join me in voting to pass this bill.

Mr. KUCINICH. Mr. Speaker, I rise in opposition to H.R. 1905, the Iran Threat Reduction and Syria Human Rights Act of 2012. This is yet another broad and indiscriminate sanctions bill that will only serve to hurt ordinary Iranian people, undermine their democracy movement and further tie the hands of the President and his team in their efforts to achieve a diplomatic resolution over its nuclear program.

Proponents of this bill believe that tightening sanctions on Iran will bring us closer to a diplomatic solution with Iran. We only need to look to the latest round of failed talks to recognize that these sanctions achieved the exact opposite response. U.S. negotiators lacked the flexibility they needed to secure Iranian concessions through the freezing of certain sanctions.

I strongly support Section 604 of this bill which makes clear that nothing in this bill shall be construed as a declaration of war or an authorization of the use of force against Iran or Syria. Yet this bill would further undermine and thwart the most effective tool we have to ensure that the United States does not get sucked into a war with Iran: diplomacy.

THE EFFECTS OF SANCTIONS ON ORDINARY IRANIAN PEOPLE

The Senate Banking Committee summarized this bill by saying that it "aims to prevent

Iran from repatriating any of the revenue from sale of its crude oil, depriving Iran of hard currency earnings and funds to run its state budget." Spoken plainly, this bill will destroy the Iranian economy and further hurt the Iranian people that we claim to support. Iranians are already suffering under stifling sanctions as they experience rising food prices and a lack of access to basic medicine.

For example, the sanctions against the Iranian banking sector have greatly diminished the value of Iranian currency and have had a negative effect on nearly every aspect of the lives of ordinary Iranians: the price of rent, education and bread have all increased. Rather than having the sanctions weaken the Iranian regime, they are weakening the Iranian people and their ability to make a living or pursue an education.

A recent publication by the International Civil Society Action Network (ICAN) quotes an Iranian women's rights activist as saying that "The international community's sole focus on the nuclear issue has resulted in the adoption of policies that greatly inflict damage on the Iranian people, civil society and women. Militarization of the environment will prompt repressive state policies and the possibility of promoting reform in Iran will diminish."

The report further highlights that the sanctions this Congress pushed "directly affected the availability of foreign-made medication and other healthcare products including vitamins for children and pregnant women. . . ." It points out that these sanctions are "doing the most damage to those who are already vulnerable—the urban poor."

Iranian-Americans are even facing discrimination here in the United States. Several Iranian-Americans were recently prevented from buying an iPhone or other Apple products simply because of their ethnicity. Such discriminatory treatment is emblematic of the unintended effects of sanctions.

#### UNDERMINING THE IRANIAN CIVIL SOCIETY

These sanctions directly undermine Iran's civil society by giving the regime an excuse to crack down even harder on internal dissent. These sanctions will ensure that this continues to happen. With many ordinary Iranians struggling to simply make ends meet under our sanctions regime, they cannot afford to or spend the time necessary participating in social movements which provide basic social services or to push for democratic change in their country. Are these the intended effects we wish to have on the Iranian people or Iranian-Americans? If not, passing another broad and indiscriminate sanctions bill sends the wrong message.

If the sanctions the U.S. imposed on Iraq are any precedent, we know that sanctions are not an effective tool in promoting or supporting domestic democracy movements. We also know that those sanctions did not prevent an unnecessary and wasteful war with Iraq.

In effect, the expansion of the broad and indiscriminate sanctions included in this legislation hurts our ability to negotiate with Iran and imposes long-term detrimental harm on the Iranian people. It detracts from the real human rights abuses currently occurring in Iran by allowing the regime to deflect blame on the United States and its allies.

#### SUPPORTING REGIME CHANGE AND TYING THE PRESIDENT'S HANDS

Section 217 in this bill effectively states that sanctions on Iran's central bank would not be lifted unless there is regime change. It does this by creating new requirements for the termination of sanctions that are dependent on the cessation of the Central Bank's financing of the Revolutionary Guard. Section 205 imposes new restrictions on the President's ability to waive certain sanctions. Collectively, these provisions have moved the goal post from negotiations over Iran's nuclear enrichment program to regime change. The U.S. record on successful regime changes is not impressive.

The National Iranian American Council has pointed out that this legislation "imposes collective punishment on the Iranian people by seeking to destroy the Iranian economy. The goal is to bankrupt Iran, and cause hyperinflation by destroying the value of Iran's currency, the rial."

If your goal is to punish the Iranian people, undermine their brave efforts to push for democracy, and thwart our sensitive and critical negotiations, then support this bill. If not, I urge you to join me in opposing this legislation.

#### SYRIA SANCTIONS INCLUDED IN THIS LEGISLATION

This legislation also requires the President to impose sanctions on actors that are responsible for or complicit in certain human rights abuses in Syria.

This legislation fails to acknowledge that the United States and a number of our allies are actively participating in stoking the violence on the ground, including through the arming and support of Syrian rebel groups. Divisions and in-fighting within the various militias operating on the ground are already occurring. If our own intelligence agencies are unable to fully grasp what is transpiring on the ground in Syria, we can be sure that these targeted sanctions will overlook other non-state actors that are participating in human rights abuses.

Recent reports also indicate that the instability and chaos in Syria has opened the door for fundamentalist groups to move in, including Al Qaeda. This threatens stability in the region as a whole and U.S. allies in the region, including Israel.

We can all agree that the violence in Syria must end. But in order to do that, supporters on both sides of the conflict must cease providing either side with the tools to continue this bloody conflict.

Mr. BLUMENAUER. Mr. Speaker, today, a time of heightened tensions in U.S.-Iran relations, I voted for the Iran Threat Reduction and Syria Human Rights Act of 2012, H.R. 1905, a balanced and serious approach towards ensuring Iran will never have nuclear weapons.

Throughout my time in Congress, I have firmly opposed the use of indiscriminate sanctions as a blunt tool of foreign policy, one often more successful as political fodder than as leverage to effect positive change.

The timing of previous Iran sanctions legislation was damaging, undermining the administration in the midst of complex, delicate discussions with Iran. Today, the circumstances have changed. Negotiations are stalled, and this legislation has been focused and toned-

down, making it an asset, not a liability, for the administration as it works to prevent a nuclear-armed Iran.

A coherent and unified U.S. policy towards Iran is the best way to strengthen diplomacy, which remains the best, some say the only, way to prevent Iran from acquiring nuclear weapons. This revised legislation—based on input from a broad coalition, including the White House—brings coherence and focused pressure to the negotiating table.

I commend Chairwoman ROS LEHTINEN and Ranking Member BERMAN of the House Foreign Affairs Committee for producing a bill that is based on policy, not politics. There were extreme voices pushing to include some very harsh language that, for example, would have made the few currently permitted humanitarian transactions with Iranian financial institutions illegal. To the benefit of the U.S. and innocent Iranian civilians, these provisions were left out.

Another critical change to this legislation is language that clarifies in the Act is not an authorization of the use of force against Iran or Syria.

The resolution would provide the administration with additional leverage for their broader diplomatic effort. Sanctions are effective when it is clear that if concessions are made, the other side has the ability to reciprocate by easing elements of the sanctions regime. This bill provides the administration with such flexibility.

In the midst of negotiations yet to yield progress, focused sanctions that unite both Congress and the executive provides leverage that increases the likelihood of success, and an alternative to military action, which our nation can ill-afford and which I oppose.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 750.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. ROS-LEHTINEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### JOB PROTECTION AND RECESSION PREVENTION ACT OF 2012

Mr. CAMP. Mr. Speaker, pursuant to House Resolution 747, I call up the bill (H.R. 8) to extend certain tax relief provisions enacted in 2001 and 2003, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 747, the bill is considered read.

The text of the bill is as follows:

H.R. 8

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Job Protection and Recession Prevention Act of 2012”.

#### SEC. 2. EXTENSION OF 2001 AND 2003 TAX RELIEF.

(a) EXTENSION OF 2001 TAX RELIEF.—

(1) IN GENERAL.—Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by striking “December 31, 2012” both places it appears and inserting “December 31, 2013”.

(2) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Economic Growth and Tax Relief Reconciliation Act of 2001.

(b) EXTENSION OF 2003 TAX RELIEF.—

(1) IN GENERAL.—Section 303 of the Jobs and Growth Tax Relief Reconciliation Act of 2003 is amended by striking “December 31, 2012” and inserting “December 31, 2013”.

(2) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the enactment of the Jobs and Growth Tax Relief Reconciliation Act of 2003.

#### SEC. 3. EXTENSION OF INCREASED SMALL BUSINESS EXPENSING.

(a) DOLLAR LIMITATION.—Section 179(b)(1) of the Internal Revenue Code of 1986 is amended—

(1) by striking “and” at the end of subparagraph (C), by redesignating subparagraph (D) as subparagraph (E), and by inserting after subparagraph (C) the following new subparagraph:

“(D) \$100,000 in the case of taxable years beginning in 2013, and”, and

(2) by striking “2012” in subparagraph (E) (as redesignated by paragraph (1)) and inserting “2013”.

(b) REDUCTION IN LIMITATION.—Section 179(b)(2) of such Code is amended—

(1) by striking “and” at the end of subparagraph (C), by redesignating subparagraph (D) as subparagraph (E), and by inserting after subparagraph (C) the following new subparagraph:

“(D) \$400,000 in the case of taxable years beginning in 2013, and”, and

(2) by striking “2012” in subparagraph (E) (as redesignated by paragraph (1)) and inserting “2013”.

(c) APPLICATION OF INFLATION ADJUSTMENT.—Section 179(b)(6)(A) of such Code is amended—

(1) by striking “calendar year 2012, the \$125,000 and \$500,000 amounts in paragraphs (1)(C) and (2)(C)” in the matter preceding clause (i) and inserting “calendar year 2013, the \$100,000 and \$400,000 amounts in paragraphs (1)(D) and (2)(D)”, and

(2) by striking “calendar year 2006” in clause (ii) and inserting “calendar year 2002”.

(d) COMPUTER SOFTWARE.—Section 179(d)(1)(A)(ii) of such Code is amended by striking “2013” and inserting “2014”.

(e) SPECIAL RULE FOR REVOCATION OF ELECTIONS.—Section 179(c)(2) of such Code is amended by striking “2013” and inserting “2014”.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2012.

#### SEC. 4. EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF FOR INDIVIDUALS.

(a) EXTENSION OF INCREASED ALTERNATIVE MINIMUM TAX EXEMPTION AMOUNT.—Section 55(d)(1) of the Internal Revenue Code of 1986 is amended—

(1) by striking “\$72,450” and all that follows through “2011” in subparagraph (A) and inserting “\$78,750 in the case of taxable years beginning in 2012 and \$79,850 in the case of taxable years beginning in 2013”, and

(2) by striking “\$47,450” and all that follows through “2011” in subparagraph (B) and inserting “\$50,600 in the case of taxable years beginning in 2012 and \$51,150 in the case of taxable years beginning in 2013”.

(b) EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF FOR NONREFUNDABLE PERSONAL CREDITS.—Section 26(a)(2) of such Code is amended—

(1) by striking “during 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, or 2011” and inserting “after 1999 and before 2014”, and

(2) by striking “2011” in the heading thereof and inserting “2013”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2011.

#### SEC. 5. TREATMENT FOR PAYGO PURPOSES.

The budgetary effects of this Act shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

The SPEAKER pro tempore. After 1 hour of debate on the bill, it shall be in order to consider the amendment in the nature of a substitute printed in part B of House Report 112-641, if offered by the gentleman from Michigan (Mr. LEVIN) or his designee, which shall be considered read and shall be separately debatable for 20 minutes equally divided and controlled by the proponent and an opponent.

The gentleman from Michigan (Mr. CAMP) and the gentleman from Michigan (Mr. LEVIN) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan (Mr. CAMP).

GENERAL LEAVE

Mr. CAMP. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H.R. 8.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CAMP. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 8, the Job Protection and Recession Prevention Act. In doing so, I and my fellow Republican House colleagues have made an important choice—the choice to focus on job creation. Unfortunately, my colleagues on the other side of the aisle who oppose this important piece of legislation have made a different choice—the choice to focus on tax hikes that destroy jobs.

The Job Protection and Recession Prevention Act stops the tax hike we face at the end of the year and provides a 1-year extension of the low tax policies originally enacted in 2001 and 2003 and then extended again in 2010. The 2010 bill was supported by 85 current House Democrats, 40 current Senate Democrats, and President Obama.

Importantly, this legislation allows Congress time to pass and enact comprehensive tax reform without causing undue harm to our fragile economy. Economists have noted that comprehensive tax reform, when paired

with appropriate government spending cuts, could lead to the creation of 1 million American jobs in the first year alone.

The choice Republicans have made is to pass this bill, work toward comprehensive tax reform, and create jobs. In contrast, my Democrat colleagues have proposed raising taxes. They claim the tax hike will only affect the rich. What they don't want to tell you is that, in reality, this tax hike will hit nearly 1 million small businesses and 53 percent of small business income. A study conducted by Ernst & Young concluded that the Democrat tax hike could lead to the loss of over 700,000 jobs. That is the choice the Democrats have made—to raise taxes on families and small businesses and to destroy jobs.

As this chart illustrates, America is at a crossroads. The question is: Which path will our country take? The Democrats' path includes tax hikes that will cause small businesses to lose 700,000 jobs. The Republicans' tax reform path will make the Tax Code simpler and fairer, and it will lead to the creation of more than 1 million jobs in the first year.

What is even worse is that, in their quest to raise taxes on the so-called "wealthy," several of my Democrat colleagues have made it clear that they are willing to hold low- and middle-income Americans hostage by threatening to let all income tax rates rise as scheduled at the end of the year if they don't get their way. These massive and imminent tax hikes are part of the fiscal cliff, or "jobs cliff" as I often refer to it, that we face at the end of this year. The nonpartisan Congressional Budget Office estimates that going over the fiscal cliff could cost America 2 million to 3 million jobs. This would be a devastating blow to almost 13 million Americans who are unemployed, as well as to middle class Americans who have been struggling in the Obama economy.

Mr. Speaker, the choice, to me, is obvious. Let's pass this bill. Let's work toward comprehensive tax reform that creates a simpler, fairer Tax Code for all Americans and, most importantly, that creates the jobs that we so badly need.

I urge my colleagues on the other side of the aisle to reconsider their choice to increase taxes and destroy over 700,000 jobs. Now is not the time to dig the hole we are in any deeper. Instead, Democrats should take the advice of people like President Bill Clinton and former economic adviser to President Obama, Larry Summers, and join Republicans to stop the tax hike, work to strengthen our economy, and get our country back on track.

I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield myself such time as I may consume.

There is a choice to be made here, and it isn't what the chairman has put

forth for one second. Everyone in this body agrees that we should extend the middle class tax cut. The Senate passed a bill that does just that. The President is ready to sign it this week.

□ 1530

The middle class families of this country need certainty, not some vague promises about something to be done in the future. The question is: If everybody agrees that we should continue the middle class tax cut, why don't we come together? The answer is this: The Senate bill continues all of the tax cuts for every American household on their first \$250,000 of income; 114 million families would see their tax cuts extended in full; 97 percent of small businesses would keep all of their tax cuts, according to the Joint Taxation Committee. Why don't the Republicans join us in acting?

I think the answer is clear. This chart shows it. They're insistent. Their priority is cutting taxes for the very wealthy. They want to give households that earn more than \$1 million a year a tax cut on average of \$160,000. This chart shows it. What we have here for middle class families, \$2,200; for the very wealthy, \$160,000. That's over 70 times more of a tax cut for millionaires than for typical families. What makes it worse, if possible, is it would add \$49 billion to the deficit.

This Republican bill also would raise taxes on 25 million families. Those who benefited from the EITC, the child tax credit, and a higher education tax credit, that they would eliminate altogether. It's still worse. The bill we're going to discuss tomorrow, the so-called "tax reform," essentially would provide someone earning more than \$1 million a \$331,000 tax cut.

This debate is not about tax reform. It's about whether or not we protect the very wealthy at all costs—at all costs at the expense of middle-income families, and everybody except the very wealthy. This talk about 700,000 jobs being lost, that study was financed by special interest friends, and it's been discredited by every fact checker.

They're talking about 70 times more for the millionaire than for middle-income families on average, when in 2010, 93 percent of income growth went to the top 1 percent of wealthy households. And they come here and say that their first priority is protecting the very wealthy.

This isn't about tax reform. We need to work on this. This is about whether the first priority of the Republicans is protecting the very wealthy, holding hostage middle-income families. Let the middle-income family hostages be released. Join together for what everybody says they're for. Let's pass today our substitute and give a middle-income tax cut to everybody, including 97 percent of small businesses.

With that, I reserve the balance of my time.

Mr. CAMP. At this time, I yield 2 minutes to the distinguished chairman of the Health Subcommittee, the gentleman from California (Mr. HERGER).

Mr. HERGER. Mr. Speaker, this House must act to stop the midnight tax hike that threatens to hit all American taxpayers on December 31. This midnight menace includes a 50 percent cut in the value of the child tax credit, higher taxes on dividends for seniors living on fixed incomes, the return of the infamous marriage penalty for working families, and the alternative minimum tax, ensnaring middle-income taxpayers.

An average family of four with an income of \$50,000 could see a tax increase of almost \$2,200 a year. The President says he wants to stop the midnight tax hike for some taxpayers, but not all. He claims that he merely wants the wealthy to pay more. The truth is that his tax increase proposal would especially hit small business owners. As someone who comes from a small business background myself, I understand that many small businesses pay taxes as individuals. Their income includes money that they reinvest in the business to expand and hire more workers. A big tax increase could harm the very businesses we are relying on to create more jobs. In fact, a new study by Ernst & Young suggests that the President's tax proposal would cost more than 700,000 American jobs.

Mr. Speaker, what lane will you choose? I urge the House to pass H.R. 8 and prevent a tax hike for all Americans.

Mr. LEVIN. Mr. Speaker, I yield myself 10 seconds.

When you look at Mr. HERGER's district, he's standing up to protect 180 people who have income over \$1 million, sacrificing a middle-income tax cut for 285,000.

I now yield 2 minutes to the very distinguished former chairman and a gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Chairman, I've never been so fortunate in this House to have the Republicans state the argument as clearly as they have this afternoon, and I think WALLY HERGER said it. It is possible that we're not talking about a tax cut. People working every day trying to make ends meet, they don't know the wonderful tax cut that they are enjoying, but you bet your life if we don't come together, if we don't reach agreement, they'll understand what a tax hike is. That's exactly what's going to happen to 98 percent of the tax-paying people of this great country.

Taxpayers, who work every day, who raise their families, who buy from the local merchants that keep small business alive, are going to find out, probably too late, that the Republican Party says you don't deserve the lower tax rate. Then they may ask: What's holding this up if everyone agrees that they should have it?



We're going to have to explain to the middle class what the Republicans are explaining to us: that somehow we are to believe that less than 2 percent of the population is creating the jobs and really supporting the economy. I don't know where they've been or how they're going to come back, but they haven't been creating jobs, and they haven't been spending and investing money. Even if there was a controversy, why the heck are we holding hostage 98 percent of the people?

If Republicans agree and Democrats agree and liberals and conservatives and even Tea Party people agree that these people who work hard every day should continue to have this tax cut, then why the heck don't we agree to give it to them? If it ever becomes that we're in a political debate, and it's only about less than 2 percent of 100 percent, then let's fight like the devil over that and see who prevails. But it's not going to be hard for us to explain this. If you do this to the hardworking American people, shame on you.

□ 1540

Mr. CAMP. I yield 3 minutes to the gentleman from Illinois (Mr. ROSKAM), a distinguished member of the Ways and Means Committee.

Mr. ROSKAM. I thank the gentleman for yielding.

I would like to pause and just listen and think through a couple of the arguments that we've been hearing over the past couple of weeks from our friends on the other side of the aisle and from the President of the United States, and one is that people should pay their fair share. Now, that's an interesting argument, Mr. Speaker, and let's look at that a little bit closer.

So, if the President's will were to prevail on this, in other words, if this tax hike goes into place, then the top tax rate for some small businesses would be over 44 percent. Now, contrast that to the top tax rate that President Obama is proposing, which would be 28 percent.

All afternoon you are going to hear a lot of things go back and forth, but you won't hear anyone contradict those numbers and that disparity, Mr. Speaker, because they are true. There is no sense in telling corporations, You get a 28 percent rate, and the top rate for small business is 44 percent. There's nothing fair about that.

All right. Well, let's look at another argument.

Another argument is that this somehow closes a budget gap and this is deficit reduction, and we're all about deficit reduction and let's have at it. Well, a little secret on the deficit reduction is, at best, the most generous estimate is this would take care of—what?—maybe 7, 8, 9, 10 days of spending, maybe. But who would pay the cost for that? I'll tell you who pays the cost for that. The job creators and the people

that are looking for jobs right now, Mr. Speaker, according to Ernst & Young and others that have looked at this. Some estimates are that it would cost 700,000 jobs.

Now, I know nobody that is willing to say, You know what? We've just got too many jobs. Let's just thin the herd. There are too many people working. Let's thin the herd. There are too many people working. And let's do it because of Democratic dogma.

We have got leading Democrats on the other side of the rotunda who have said, Let's embrace the fiscal cliff. Let's just grab onto the dogma and go right off the cliff, regardless of the outcome.

Well, you know what? That's ridiculous.

And we have an opportunity here to make some certainty to move to the next year—not to move to the next year just for the sake of another year, but to move to next year to fundamentally reform our tax system, to create a more competitive Tax Code that is broad and fair and wise and well thought out and that does what—that creates the most competitive Tax Code in the world right here in the United States. Mr. Speaker, it could be great. We could have a great Tax Code, but what we've got to do is create a year of certainty to move forward.

I urge passage of this.

Mr. LEVIN. I yield myself 15 seconds.

You know, it's ironical that the gentleman from Illinois minimizes adding \$50 billion to the deficit over 10 years, if continued, which is your policy, continued the high income. A trillion dollars, that's something you just shrug your shoulders at?

I now yield 2 minutes to the gentleman from Oregon, EARL BLUMENAUER, another distinguished member of our committee.

Mr. BLUMENAUER. It is an interesting question: Which lane are we going to choose?

The study that has been offered by our friends on the other side of the aisle is bogus, and I invite people to actually look at it and look at the critiques that have been offered up.

But we've had a real-life experiment because these tax rates that are being talked about were exactly what we had in the Clinton years, at which time some of our good friends on the other side of the aisle predicted calamity, job loss, and that the economy would crash. What, in fact, happened is that we created 22 million jobs.

What has happened is that, when they had a chance to experiment with their vision in the Bush years, where they put in place these tax reductions, if they would have worked, what would have happened? Did employment even match what happened in the Clinton years? No. In fact, it was less than 5 percent of what happened in the 8 years of Bill Clinton.

In fact, the Obama administration—after the first few months when it was in office and could be credited with responsibility for the economy—has produced more private sector jobs than the entire Bush administration in 8 years. The job loss that's gone negative has been slashing in the public sector, primarily teachers and firefighters and police officers at the State and local levels.

Mr. Speaker, the strategy here is to continue punting. My Republican friends are punting on the farm bill. My Republican friends are punting on SGR. They are now proposing a budget solution that gets us past the election because they can't face up to their own Tea Party extremists, and they're split.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEVIN. I yield the gentleman an additional 15 seconds.

Mr. BLUMENAUER. That's what is at stake here.

I would suggest that we take what we ought to be able to agree on, the 98 percent of this tax reduction, agree on that, not punt, give some real certainty, and then have an honest debate about their proposal to increase taxes on the middle class at the expense of being able to provide for the richest of Americans. Let's have that debate. Let's not hold people hostage in the short term.

Mr. CAMP. At this time, Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BRADY), the distinguished chairman of the Trade Subcommittee.

Mr. BRADY of Texas. Mr. Speaker, I appreciate Chairman CAMP's leadership on this important jobs issue.

For America, this recovery is the weakest since World War II. It's dead last. Millions of Americans can't find work. Millions of Americans have given up looking for work. Businesses along Main Street are struggling. Business confidence is down. Consumer confidence is down. This economy is not working, but yet the President has a plan. He gave it to us a couple of weeks ago. He said, I want to raise taxes on small businesses and professionals.

But here is the cost in real terms for our economy: 700,000 more Americans will be kicked to the unemployment line; the economy will grow slower, in fact, it will shrink; paychecks will shrink; there will be less investment in America.

What kind of plan is that for a recovery?

And also, seniors are going to write more checks in capital gains and dividends to Uncle Sam, the dividends they live on. Small businesses will be able to expand less often because of this.

Republicans think there is a different choice for America's economy. We want to stop the tax hikes. We want to grow this economy by 1 million new



jobs. We want to make sure that when you, as a senior, save your whole life, you invest in dividends in a home and land, that you keep it to survive in your retirement years. We want to make sure the death tax doesn't come back to life.

Think about this: You work your whole life to build a family-owned farm or business, and when you die, Uncle Sam swoops in and takes more than half of everything you've worked a lifetime to earn.

That's the choice between the Republican plan to stop the tax hikes and grow this economy and the President's plan to raise taxes and hurt this economy. It is a clear choice. The House is going to act. And more importantly, we're going to make sure America has the best tax system in the world again so that we can compete and win so that our kids and grandkids have the opportunity for the strongest economy in the world. It's a clear choice.

Mr. LEVIN. I now yield 2 minutes to the gentleman from the great State of New Jersey (Mr. PASCRELL), another member of our committee.

Mr. PASCRELL. I thank the ranking member.

Mr. Speaker, this bill makes it as clear as day just what the priorities of the majority are. Instead of working with us to shift the tax burden away from the middle class—who haven't gotten a raise in a long time—and small businesses, this bill does the exact opposite.

And for you to continue to say that this is going to be a burden across the board on small businesses is delusional. Ninety-seven percent of small businesses won't be affected by our bill.

To the antitax crusaders, this bill will raise taxes on the middle class—your bill—and working poor—your bill—by an average of \$1,000. In New Jersey, this bill will make 3.2 million middle class and working poor families pay more taxes so that 231,400 millionaires can get a bigger tax cut.

□ 1550

It's as simple as that. You can shake your head all you want; those are the facts. This bill would add almost \$1 trillion more to the deficit than the Democratic bill. My Lord, I don't hear you talk about that. I don't hear you say that. I wonder why? Just so that 0.3 percent of the taxpayers can get an average tax cut of over \$74,000?

At least the last time the Republicans took this shortsighted, trickle-down approach, we had a \$5.6 trillion surplus, thanks to Bill Clinton. In 2008, we were \$11 trillion, over \$11 trillion in debt. We quite simply can't afford to give millionaires another tax break and make our children and our grandchildren foot the bill.

The proof is in the pudding. In 2000, when we first tried this supply side voodoo, unemployment was 4.2 percent. By 2008, it had doubled.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEVIN. I yield the gentleman an additional 15 seconds.

Mr. PASCRELL. To those Members concerned with tax fairness: today, wealth concentrated with the top 1 percent is at the same level as the period immediately preceding the Great Depression. So you shrunk the middle class with your great economic ideas between 2001 and 2008, and what you did was made the rich richer. I salute you if that's what you think America is about. We are all job creators, not just the rich.

Mr. CAMP. At this time, Mr. Speaker, I yield 1 minute to the distinguished gentleman from Ohio (Mr. BOEHNER), the Speaker of the House.

Mr. BOEHNER. I thank my friend for yielding, and remind my colleagues that for the last 18 months when we've been in the majority, we have focused on jobs. Now, the American people are still asking the question: where are the jobs? And that's why we've got over 30 jobs bills now pending over in the United States Senate. And after today, we'll have another bill sitting over in the Senate that will help create more jobs in America.

Two years ago, the President said we shouldn't raise taxes in this time of a slow economy. I agreed with the President. The Congress agreed with the President. All of the Republicans and 119 Democrats voted to extend all of the current tax rates. And here we are some 18 months later, economic growth is actually slower than it was when President Obama made those remarks, and yet the President wants to go out and raise the taxes on the so-called rich.

Well, let me tell you who the so-called rich are. About a million of those people who you want to increase taxes on are small business owners, small business owners who pay their business taxes through their personal tax return. I know all about this. I used to be one of them. I had a subchapter S corporation, and whatever the company's so-called profits were, I had to pay taxes on those, whether I actually got the money or not.

So when you look at what the President wants to do, you want to tax a million small business owners. Ernst & Young has come out and made it clear that if you do this, 750,000 jobs are going to be destroyed, at a time when the American people are asking: where are the jobs?

It's time to put the rhetoric aside. It's time to put the politics aside. I know we're in an election year, but my goodness, raising taxes at this point in this economy is a very big mistake. Extend all of the current tax rates, which our bill does, for 1 year, so we've got time to revise our Tax Code. Lower rates, fairer rates for all Americans, which is what needs to happen if we're

truly going to make America more competitive. Put more Americans back to work. And bring some of those jobs that have been shipped overseas back home. We all know that we need to revise our Tax Code and reform it from top to bottom. But that's not going to happen overnight. So extending all of these rates for 1 year will provide certainty. Certainty for whom? Certainty for small business owners, people who can make decisions about what they want to invest in terms of new plant, new equipment, whether they want to hire new employees. This is the most commonsense thing that we can do, and there's no reason that we shouldn't.

When we look at the proposal coming from our colleagues across the aisle, it raises taxes on dividends. Probably not a smart thing to do. When you look at senior citizens, many of them who depend on their dividend income, they're going to get whacked by your proposal. And under your proposal, not only do we tax small business people, but, oh, yeah, the death tax comes back in full force because it fails to address one of the most penalizing parts of our Tax Code.

I believe that the proposal that my colleague Mr. CAMP and his committee have brought forward is a reasonable, responsible approach, and I would urge its passage.

Mr. LEVIN. I yield myself 15 seconds.

Look, no one here should distort the facts. From Joint Tax: 97 percent of small business people would keep all of their tax cuts. And in the Speaker's district, there are 144 people with income over a million, compared to the 300,000-plus. He's sacrificing the middle class for a few with over a million dollars.

I now have the pleasure of yielding 2 minutes to the very distinguished gentleman from South Carolina (Mr. CLYBURN).

Mr. CLYBURN. Mr. Speaker, I thank Mr. LEVIN for yielding me this time, and for his leadership on this very important issue, and I rise in strong opposition to this legislation.

South Carolina, my home State, is home to many military installations—Fort Jackson in Columbia; Shaw Air Force Base and the 3rd Army Headquarters in Sumter; the Joint Air Base in Charleston; Parris Island; and the Marine Air Station in Beaufort. I proudly work to represent these military communities, and I oppose H.R. 8 because of the hurt it would visit upon middle-income and military families.

A new report out today by the Center for American Progress documents the harsh impact that H.R. 8 would have on many military families. For example, a private in the United States Army in his first year of service who is married with an infant child would have a \$273 increase under H.R. 8. That's real money to a young soldier.

A marine corporal with 4 years of service who is married with two children would see a tax increase of \$448 under H.R. 8. That family is already struggling to make ends meet.

And finally, Mr. Speaker, a military police sergeant in the Air Force with 8 years service, a spouse, and three young children would get a whopping tax increase of \$1,118 under H.R. 8.

Mr. Speaker, these are just three examples of how the Republican bill would negatively impact our military families. The Senate has passed a middle class tax cut, and the President has told us he will sign it. The only thing standing between the middle income and their tax cut is the Republican leadership in this House.

Mr. Speaker, it is time that we come together and extend to the middle class in this society an income tax cut that is fair, that will create jobs, that will offer security to families and stability to communities. I urge a vote against this bill.

□ 1600

Mr. CAMP. I yield myself 15 seconds. I would just say that the gentleman's remarks refer to the stimulus bill, a failed stimulus bill that was promised to create unemployment of under 8 percent. Frankly, it's never been there. For 40 months, we've been over 8 percent. These are spending items that were failed, that failed in the stimulus program. That program did not work.

At this time, I yield 2 minutes to the distinguished member of the Ways and Means Committee, the gentleman from Louisiana, Dr. BOUSTANY.

Mr. BOUSTANY. Mr. Speaker, I rise in support of this very important legislation.

The administration and congressional Democrats seek to raise taxes on America's families, small businesses, and job creators. There's a very clear choice here: either we can let small business owners, the job creators, America's entrepreneurs, create jobs, or we can follow the path they're advocating over here and tax small businesses.

I stand in strong support of creating American jobs. Over 940,000 business owners will see higher taxes if the President and Washington Democrats are allowed to raise the top two rates. This means over half—over half—of our Nation's small businesses will see higher taxes at a cost of over 700,000 fewer jobs for Americans—over 700,000 fewer jobs for Americans.

Allowing these tax cuts to expire will hurt middle class families. If we pass this, the average taxpayer in my State of Louisiana will see tax relief of almost, on the average, about \$1,800. The average family of four earning \$50,000 per year can face tax increases of over \$2,200 per family if these cuts expire. A single parent earning \$36,000 per year could see tax increases of \$1,100 if these provisions expire.

Mr. Speaker, this administration continues its assault on the American family and American businesses with its tax-and-spend policies. Our country can't afford it. Certainly, America's families and businesses can't afford it.

What we need is this: a 1-year extension to allow us to move forward with a real comprehensive approach to tax reform.

We have a real opportunity to do what's right for America, to promote American competitiveness. This is the moment. Let's seize it. Let's do it. We need to take this step today to get us where we can move to that next step, that next point.

So I urge my colleagues on both sides of the aisle, let's quit dilly-dallying around with this. Let's show some leadership for the American people. They want us to step up and be leaders and solve these problems. Let's step up and be leaders. Let's extend these provisions and move forward with a 21st century Tax Code.

Mr. LEVIN. I now yield 2 minutes to the very distinguished member of our committee, Mr. CROWLEY, from the great State of New York.

Mr. CROWLEY. I thank my good friend from Michigan for yielding me this time.

I rise in strong opposition to H.R. 8. The reason I oppose this bill is because this bill will impose taxes on hundreds of thousands of U.S. military families, our heroes. That's right, of the millions facing a tax hike, hundreds of thousands are U.S. military families. Let's call this bill what it is, the "Republicans' Tax Hike on Our Heroes Act."

Now, I know those on the other side of the aisle will come down here one by one and claim they are extending tax cuts for everyone, but you're extending cuts for people earning over \$1 million a year and raising taxes on families earning under \$45,000 a year. This bill scales back tax breaks put in place by President Obama and directly aimed at benefiting working families.

Let's take a moment to put a face on the 25 million Americans whose taxes will go up, including hundreds of thousands of U.S. military families.

If you're an Air Force Staff Sergeant with 8 years of service, a spouse and three young children here stateside at home, the Republicans' Tax Hike on Our Heroes Act will raise their taxes by \$1,100. A new recruit, a private in the U.S. Army in their first year of service earning a little over \$18,000 a year—\$18,000 a year, men and women on the front line defending our freedom—if they're married with an infant child at home, they will see an increase under this bill of \$273, a tax increase under the Republicans' Tax Hike on Our Heroes Act.

It begs the question, how are my colleagues who represent Fort Hamilton in Brooklyn going to vote on the Re-

publicans' Tax Hike on Our Heroes Act? Are you going to stand with your military family constituents or with the 2 percent?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEVIN. I yield the gentleman an additional 15 seconds.

Mr. CROWLEY. How are my colleagues who represent Fort Dix in New Jersey going to vote on the Republicans' Tax on Our Heroes Act? My colleagues who represent Fort Bragg in North Carolina? Fort Detrick in Maryland? Fort Monroe in Virginia? Rock Island Arsenal in Illinois? Beale Air Force Base in California?

Today, the choice is clear. Stand with Democrats and the President who have put forward a plan that simply asks America's wealthiest to support this great land.

Mr. CAMP. At this time, I yield 1 minute to a distinguished member of the Ways and Means Committee, the gentleman from Minnesota (Mr. PAULSEN).

Mr. PAULSEN. Mr. Speaker, I thank the chairman for yielding.

Mr. Speaker, last week, I took part in a roundtable conversation in my district with over 20 small business leaders. They discussed the devastating impact that these looming tax hikes would have on job creation, not only across the country, but in Minnesota.

The sentiment that was echoed throughout that entire conversation was that Washington should not be raising taxes when our economy is still struggling to recover.

These job creators understand all too well what our country is facing as we approach, on January 1, this tax cliff, this fiscal cliff and this jobs cliff. The message from all of these entrepreneurs was simple: Job creators and business leaders alike were saying, very directly, stop the tax hike.

Studies have shown that this looming tax hike would negatively impact half of all small business income, a loss of 700,000 jobs, potentially, and 14,500 of those jobs are in my home State of Minnesota, Mr. Speaker. But if we extend these rates and we move toward tax reform, we can have a positive impact on our economy of 1 million new jobs.

Mr. Speaker, the choice is clear. With the national unemployment rate of over 8 percent for 41 consecutive months, we must stop the tax hike.

Mr. LEVIN. I yield myself 15 seconds.

Look, I want to repeat, Joint Tax says 97 percent of small businesses would keep all of their tax cuts. And in Mr. PAULSEN's district, there are 1,345 people with income over 1 million compared with over 325,000 households. That's the equation at stake here. That's the equation.

I now have a real pleasure to yield 2 minutes to the very active gentleman from Massachusetts (Mr. NEAL).

Mr. NEAL. There's one indisputable fact in this debate today, and that is that the Bush tax cuts used borrowed money.

How much sense did that make to borrow the money to give tax cuts to the wealthiest people in America, the top 2 percent? The argument at the time was simple, that we should give tax cuts to the people at the top because they create jobs for the people in the middle and at the bottom. Fact: the slowest economic growth at any time since Herbert Hoover was President of the United States.

The argument, or the assault on the Clinton Presidency was that he raised taxes of the top bracket, 39.6 percent—22 million jobs; the greatest economic growth spurt in the history of America; a reminder to our friends, an unemployment rate of 3.8 percent.

So borrow the money during the Bush years for tax cuts so that we can give the wealthy—and, my goodness, what a ride they've had for these 12 years. It is unbelievable when you look at what those rate cuts did to people at the top.

We have a responsibility here to protect the middle class from a big tax hike next year. Last week, the Senate passed a bill that would extend tax cuts for 98 percent of the American people, the middle class, and now it's up to the House to provide some certainty to the middle class that their taxes are not going to go up next year. But instead of doing so, what are we doing today, once again? We are having an argument about what to do for that top 2 percent of income earners in America whom our Republican friends can never seem to do quite enough for.

Even more troubling, this tax package ends President Obama's tax cuts that make college more affordable and help working families with children. So not only are we attempting, with their package today and proposal, to hold the middle class hostage to extending tax cuts for the wealthiest, but they want to raise taxes on 25 million families, with an average increase of \$1,000.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEVIN. I yield the gentleman an additional 15 seconds.

Mr. NEAL. We need to extend the child tax credit and the earned income tax credit, and that's what we should be doing today for middle income Americans and provide them with some sense of security and support.

And, my God, can we do any more to help the wealthy in America than what our Republican friends have done?

□ 1610

Mr. CAMP. At this time I yield 1 minute to a distinguished member of the Ways and Means Committee, the gentleman from Texas (Mr. MARCHANT).

Mr. MARCHANT. Mr. Speaker, I rise today in strong support of the Job Pro-

tection and Recession Prevention Act of 2012.

Businesses in my district in Texas and across the country are reluctant to hire and make investments due to an uncertain economy and an impasse over taxes. This bill is a thoughtful step to bolster our economy and bridge the gap to tax simplification. This bill provides a serious game plan and a timetable that shows the American economy how to move forward.

If we don't act, the looming tax hike could destroy an estimated 700,000 jobs, according to an Ernst & Young study. And it's no surprise, then, that the Institute of International Finance said there was a strong case to extend lower Bush-era taxes due to expire at the end of the year in order to avert a fiscal cliff.

I'm proud to support—and urge my colleagues to support—this bill that helps U.S. job creators and gives businesses more confidence to put Americans and Texans back to work.

Mr. LEVIN. Could the Speaker indicate how much time there is on each side?

The SPEAKER pro tempore. The gentleman from Michigan (Mr. LEVIN) has 11 minutes remaining. The gentleman from Michigan (Mr. CAMP) has 13¾ minutes remaining.

Mr. LEVIN. I reserve the balance of my time.

Mr. CAMP. Mr. Speaker, at this time I yield 2 minutes to a distinguished member of the Ways and Means Committee, the gentleman from Nebraska (Mr. SMITH).

Mr. SMITH of Nebraska. Mr. Speaker, I rise in favor of the bill that we are facing here today. It's been an interesting debate that we've had now for some time.

I learn a lot traveling around my district, but it was especially compelling when I was at a manufacturing plant, less than 40 employees, and they told me—unprovoked—they said the estate tax going up to 55 percent would devastate their business. Those were their words, "devastate their business." It's not just farmers and ranchers that would pay the estate tax, it would also be small businesses—and very thriving small businesses who put people to work, who provide benefits, health care, and otherwise.

Truly, the 35 percent rate is a compromise. I would prefer to see no estate tax, given the fact that it is double taxation—and certainly 55 percent is what many folks would consider confiscatory in nature. So I rise in favor of the bill that we are debating here today. I think that it is better policy—certainly better for our economy that we would not raise taxes on the American people.

Mr. LEVIN. I now yield 2 minutes to another distinguished member of our committee, the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Speaker, when the Wall Street banking crisis of 2008 hit, causing the worst recession since the Great Depression, it was the middle class that took it on the chin. More than 8 million Americans lost their job through no fault of their own. And as millions of Americans were losing their jobs and their homes, the big banks received bailouts and CEOs continued to receive million-dollar payouts.

While too many middle class Americans are still out looking for work, this Congress is voting again to give over \$160,000 a year in tax breaks to the richest 2 percent of Americans while the average American will be lucky to get about one-100th or maybe two-100ths of that. Can anyone in this Chamber blame the middle class for thinking the system is rigged against them?

Mr. Speaker, we all admire financial success, but when we give away trillions in tax cuts that we cannot afford to those who need them the least, it's the middle class who has to make up the difference. To pay for these tax cuts, our Republican colleagues have voted to end Medicare and would force seniors to pay \$6,400 more for their own care. On top of that, Republicans propose changing Social Security, slashing its budget by over \$800 million. It's an ideological agenda that chooses millionaires over the middle class. Regular folks pay more so that folks like Donald Trump and Mitt Romney can get yet another tax break.

Einstein is credited with saying that the definition of insanity is doing the same thing over and over again and expecting different results. Eleven years after the Bush tax breaks became law and drove us deeper into deficits, let's not repeat these mistakes. Rather than having these debates about whether the richest 2 percent of Americans deserve extra breaks, we should stand with the middle class.

Mr. Speaker, this should be an all-hands-on-deck moment. America works best when the middle class in America is working. Let's start talking about how we can get all Americans back to work and strengthen our economy.

I urge my colleagues to reject this bill and support the Democratic alternative, which is focused on the middle class.

Mr. CAMP. At this time I yield myself 15 seconds.

We have a note here from Stan's Two from Rowland Heights, California, a small business. They were asked: How would increased taxes impact your business? "Less hiring, more struggle to pay for expenses and payroll." If rates were allowed to increase, would that affect your ability to hire new employees? "Absolutely. We've done nothing except cut staff for 4 years now. A tax increase could spell disaster."

At this time I yield 3 minutes to a distinguished member of the Ways and

Means Committee, the gentleman from Washington (Mr. REICHERT).

Mr. REICHERT. I thank the gentleman for yielding.

Mr. Speaker, most Americans think that the economy is moving in the wrong direction. And most of them think it's Congress' fault, and that we've not done enough to help them take care of their families and give them financial security. They don't want political rhetoric today. They don't care who's wrong or who's right. They want to know what we're doing now, what we're doing today to make buying groceries and gas and paying the electric bill affordable.

Mr. Speaker, if we don't act, a family of four that earns \$50,000 a year will have an increase in their taxes of \$2,200 every year. That's real money, Mr. Speaker. That's the difference between buying an extra box of Cheerios and paying the gas bill and saving for college. And for the job creators, the mood is even worse.

We all know that small businesses create jobs—every one of us in this House knows small businesses create jobs—but the Democrats would raise taxes on them, killing 700,000 jobs. I refuse to raise taxes on small businesses while they struggle to bring our country out of this recession. I refuse to destroy over 700,000 jobs that support families who need and want breadwinners, not handouts.

We must ask ourselves every day: What else can we do for these families? We can offer them some long-term security so that when they die, their families, their farms, and their small businesses will survive and thrive. But tax increases don't even stop when you die. If we do nothing, the death tax increases to 55 percent. We pay tax when we earn the income; we pay when we invest our income; and we pay again when we leave it to our kids. You want to talk about a fair Tax Code, Mr. Speaker? So today, I'm voting for a clear path forward.

After 41 months of unemployment above 8 percent, we must stop the tax hike. I'm committed to tax reform that will create jobs, grow our economy, and support families. I am voting today for working families, for small businesses, for entrepreneurs, and for family farms, Mr. Speaker. This bill puts America back on the right track.

Mr. LEVIN. Could you tell us, please, again how much time there is remaining?

The SPEAKER pro tempore. The gentleman from Michigan (Mr. LEVIN) has 9 minutes remaining. The gentleman from Michigan (Mr. CAMP) has 9½ minutes remaining.

Mr. LEVIN. I now yield 2 minutes to another active member of our committee, the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Now is not the time to let the Republicans raise taxes on

thousands of Texas families in order to provide more tax breaks for a privileged few. Republicans would hike the taxes by almost \$500 for a married marine corporal with 4 years of service and two children living in Schertz.

□ 1620

That's wrong. Nor is this the time for Republicans to tax opportunity. A single mom, working as a nurse, helping a daughter attend the Alamo Colleges or Texas State or ACC, would be denied the \$2,500 higher education tax credit that I authored, all of this, in the very same bill that would give a Republican who earns \$1 million a tax cut that is larger than that marine or that nurse will earn in an entire year.

If there were an Olympic medal out there for protecting those sitting atop the economic ladder at the expense of those trying to get a foothold on one of the first rungs, these Republicans would have no competition for going for the gold.

Nor has this trickle-down Republican approach grown our jobs and our economy. Extending tax breaks for those at the very top, it was done in 2010, over my objection; it hasn't grown jobs in the past year anymore than it helped to avoid the Bush/Cheney recession.

And as for this much ballyhooed Ernst & Young report, it was bought and paid for by the same millionaires that would get a tax break bigger than what the nurse or the marine earns all of next year, along with a few large corporations who paid for the report. It is not credible.

It is not just to see many Americans pay higher taxes in order to help the few gain even more tax breaks.

Mr. CAMP. I yield 3 minutes to the gentlewoman from Tennessee (Mrs. BLACK), a distinguished member of the Ways and Means Committee.

Mrs. BLACK. Mr. Speaker, you know, when nearly 23 million Americans are struggling to find full-time employment, President Obama and his Democrat allies seem to think that now is the time to raise taxes on small businesses.

And the President may be satisfied with an 8 percent or more unemployment rate for 41 straight months, but I'm not and, more importantly, the American people are not. The American people don't need to settle for a country with fewer and fewer opportunities and a diminished future.

So the House today will vote to stop the tax hike for all taxpayers, and tomorrow we will vote to move forward with a comprehensive tax reform. This is a critical step in providing the certainty that our small businesses desperately need to grow and create jobs.

Now, the Democrats' proposal to raise taxes on nearly 1 million small businesses will cost more than 700,000 jobs, and they have not even offered a plan on tax reform. This is more of the

same failed leadership that has given us the weakest economic recovery since the Great Depression.

Democrats think that we are just one more tax increase away from prosperity. But when has a nation ever taxed its way to prosperity? Prosperity is built by the American people, not the government. American entrepreneurs and small business owners are the lifeblood of our American Dream, and they're the backbone of our economy.

It is clear that we must stop this tax hike and reform our broken Tax Code to revive our struggling economy and keep the American Dream alive.

Mr. LEVIN. It is now my pleasure to yield 2 minutes to the gentleman from Maryland (Mr. VAN HOLLEN), our ranking member on the Budget Committee.

Mr. VAN HOLLEN. Mr. Speaker, it's very important everyone understand the choice that's facing the House today. The Democrats will offer an amendment that will immediately extend tax relief to 100 percent of American people. The Senate has already passed that proposal; and if our Republican colleagues vote for it today, we can send it down to the White House, the President will sign it today.

Someone asked what we're going to do today. We could provide immediate tax relief to 98 percent of the American people.

Now, let's be clear. The Democratic proposal provides tax relief to everybody up to \$250,000. What our Republican colleagues are saying is they will deny tax relief to 98 percent of the American people, unless people making over \$250,000 get a bonus, an extra tax cut. In other words, unless the top 2 percent get an extra tax cut, nobody else gets anything.

It gets worse. We've heard a lot of talk here about small businesses, that we need to adopt the Republican plan in order to support small businesses. It's just not true.

The Democratic proposal, according to the nonpartisan Independent Joint Tax Committee, provides tax relief to 97 percent of the businesses that we're talking about here. In fact, they point out that the other 3 percent of businesses include about 20,000 pass-through businesses that make over \$50 million a year.

Now, they may be good businesses, but these are not mom-and-pop businesses. The language we're hearing from our Republican colleagues would use small businesses as a cover to providing breaks for firms like Fortune 100 Pipeline Company Enterprise Products Partners; PricewaterhouseCoopers, good business, not a mom-and-pop; KKR Investment Banking; and guess what, Bain Capital, Bain Capital, the kind of small business that our Republican colleagues are trying to protect.

This is all really in service to the trickle-down ideology. We tried it in

the Bush administration. At the end of 8 years we actually saw a net job loss. The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEVIN. I yield the gentleman an additional 15 seconds.

Mr. VAN HOLLEN. We tried trickle-down. We lived it; we saw a net job loss. But who picked up the tab? The rest of the country because it drove a huge hole in our deficit; and in order to deal with that, if we don't ask folks at the top to pay a little bit more, the rest of the country ends up picking up the tab. That's just not right, and it doesn't help the economy.

Mr. CAMP. I yield myself 15 seconds.

I would just say that my friend's proposals just aren't bold enough. The economy isn't growing. Unemployment is still above 8 percent for 40 consecutive months.

We need to get on a plan for comprehensive reform, not just raising taxes on a segment, not just pitting one group of Americans against another. But let's get a comprehensive reform so we can get certainty, we can get job growth, we can get economic prosperity and get Americans back to work.

I yield 2 minutes to the distinguished gentleman from New York (Mr. REED), a member of the Ways and Means Committee.

Mr. REED. Mr. Speaker, I rise today in support of the proposed legislation to make sure that we do not increase taxes on any Americans come the end of this year. I think it's prudent, it's responsible, and it's the right message to send to America, that we are going to stand with every American and every small business owner across the country and say, end of the year, no tax increases.

And I appreciate my colleagues on the other side of the aisle and their passion and their commitment to raising taxes. They get to choose which threshold, 200, \$250,000 or more. But it's clear to me that there's a clear distinction that the American people will have an opportunity to decide come this November between my Democratic colleagues across the aisle and this side of the aisle.

My Democratic colleagues across the aisle raise taxes as part of the solution going forward. This side of the aisle, I'm proud to stand, Mr. Speaker, to say "no" to raising taxes on any American moving forward.

Now, the gentleman had recognized and said that some of these tax increases that we're talking about in regards to businesses are not the mom-and-pop shop.

Well, I'll tell you something. I just had a conversation with Dick Clark from my district, an owner of Villager Construction. That's a mom-and-pop shop. Sterilator Company out of Cuba, New York, in my district. That's a mom-and-pop shop. Those are people

that have told me that one of their greatest concerns as small business owners is the tax burden that they're going to face next year.

Let's not stand for rhetoric. Let's do the responsible, prudent thing and say "no" to tax increases. And I leave it up to the American people who I believe are hardworking taxpayers who are not stupid. They know what the distinction will be by the end of this year and next year when they come to the voting booth in November, that we stand for no tax increases, and my colleagues on the other side of the aisle are going down the path of let's raise taxes.

Now is not the time to raise taxes in an economic climate when people are struggling and we're trying to have the job creators have the capital so that they can put people back to work for today and tomorrow.

□ 1630

Mr. LEVIN. I now yield 2 minutes to the gentlelady from New York (Ms. VELÁZQUEZ), who is the ranking member on the Committee on Small Business and who has toiled in the vineyards and beyond on behalf of the small businesses of this country.

Ms. VELÁZQUEZ. Thank you, Ranking Member, for yielding.

Mr. Speaker, I rise in opposition to the bill before us today.

Republicans love to focus on small businesses when it's convenient for them. They claim it is imperative to pass today's bill because, if we don't, small firms will be harmed. However, today's bill is only good for millionaires and billionaires, not the Nation's job creators.

The argument that a partial extension of tax cuts hinders small business hiring relies on distorted facts. Republicans are using a warped definition of a "small firm" that counts Mitt Romney as a small business owner. I don't think the average person considers 237 people whose incomes average more than \$200 million as small business owners.

Contrary to Republican claims, this is not what the American taxpayers think of when they hear "small business." When most people think of entrepreneurs, they envision small manufacturers, architects, Main Street restaurants, and hardware stores—those Americans who risk their savings to create jobs in our communities. Tax cuts should go to real small businesses that are creating jobs, not to people who are simply moving money around for their own profits.

Instead of addressing the top concern of small business owners—a lack of demand for their goods and services—this bill simply gives more tax cuts to the very rich. The numbers don't lie. Over 80 percent of the value of these cuts goes to millionaires. That is an average tax cut of \$164,000.

Let's call this bill what it really is—a tax cut for the rich, not for small

businesses. That is not what our economy needs. Vote "no."

Mr. CAMP. Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore. The gentleman from Michigan (Mr. CAMP) has 5½ minutes remaining. The gentleman from Michigan (Mr. LEVIN) has 2¾ minutes remaining.

Mr. CAMP. I yield 2 minutes to the distinguished gentleman from Illinois (Mr. DOLD).

Mr. DOLD. I certainly thank the chairman for his leadership on this.

Mr. Speaker, I'm confused. I think my colleagues on the other side of the aisle haven't read what H.R. 8 is. They keep talking about how my colleagues and I are looking to try to raise taxes on a segment of the population. Actually, what this does is extend current tax rates for everyone—for every single American. I can tell you that, for people all across the country right now, foreclosures are up. They're concerned about how they will send their kids to school. We've got energy prices that are on the rise. We want to make sure that the government is not taking more from them.

I have to tell you that I think what we're talking about right now is trying to empower the American people. We want to make sure that we have upward mobility. We want to try to create growth in our economy.

Mr. Speaker, in 2010, the President of the United States came before the American public and said that our economy was too fragile. The President said that our economy is fragile and that we should extend these tax rates. That's when the economy was growing at 3½ percent, Mr. Speaker. The Commerce Department just came out with statistics that we are growing at 1½ percent today. There is no way in the world that we should be taking more out of the pockets of the American public. It's just not feasible.

Two-thirds of all net new jobs are created by small businesses, but this isn't just for small businesses—this is for every single American. We're running the experiment today. If you want to talk about higher taxes—more taking in the State of Illinois—if you want to take a look at what's going on in the State of Illinois, we are dead last in too many categories. We are not creating jobs. Jobs are picking up and they're going to neighboring States. They're leaving because we've decided to take more from hardworking taxpayers in the State of Illinois.

What we want to do is to make sure that we extend these for an additional year so that we can have real tax reform. That's what this is about. We want to talk about pro-growth tax policies so that we can get the American public back to work. This is about jobs and the economy.

Frankly, I tip my hat to my colleagues because, when I talk to my colleagues on the other side of the aisle,

they also indicate to me that the number one issue is jobs and the economy.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CAMP. I yield the gentleman an additional 15 seconds.

Mr. DOLD. Let's come together. Let's not talk about how we want to raise taxes on the middle class because, frankly, that's just inaccurate, not true. We are looking to try to make sure these get extended for an additional year so that we can talk about pro-growth tax reform and get people off of the unemployment lines and back to work.

So I applaud you for trying to get up there and plead your political point, but we need to come together. We need to make this happen for the American public.

Mr. LEVIN. How much time is left on this bill?

The SPEAKER pro tempore. The gentleman from Michigan (Mr. LEVIN) has 2¾ minutes remaining. The gentleman from Michigan (Mr. CAMP) has 3¼ minutes remaining.

Mr. LEVIN. We have one more speaker on this.

Mr. CAMP, do you have more than one?

Mr. CAMP. I have one more speaker and then myself.

Mr. LEVIN. Why don't you call on the one, and then Mr. HOYER is going to wrap up on this bill.

Mr. CAMP. I yield 2 minutes to the distinguished gentleman from Oklahoma (Mr. LANKFORD).

Mr. LANKFORD. There has been a tremendous amount of rhetoric and hyperbole in the conversation today—all this energy about how we are trying to raise taxes on different groups. Let's clear this up.

This is about keeping the rates the same for another year for all Americans. Really, this debate is not about tax rates. What my colleagues on the other side of the aisle seem to identify as the problem is that some people in America have too much money and that the solution to fix this problem is for people to go down the street and find someone with a bigger house and take some of their stuff and bring it to the other house. Then the problems in America would be solved. Things would be fair.

The issue is not whether we should tax one group more and then distribute that to another group. That doesn't create more jobs, and that doesn't create more stability. That doesn't pull us out of a recession. That only makes one group feel better that they took money from another group and gave it to another.

There are really two philosophies that are at work here. We want to make this debate about taxes, but it's really a philosophical issue. One group says that the purpose of taxation is to take from one group and redistribute

to another one to make America fair. The other group, that of the Republicans, says the purpose of taxation is to collect as little as possible in order to efficiently run the government so that individuals are able to keep their money. We became the most powerful, prosperous nation on Earth because Americans were able to keep what they earned, were able to invest it into other things and were able to grow it.

Here is the real proposal: one, keep tax rates the same for another year; two, fix the broken Code.

There are 70,000 pages—3.8 million words—in this Tax Code. It needs to be fixed. It's miserably complicated. No Americans feel confident that when they file their taxes they got it all right. We've got to fix this Code and be able to simplify it dramatically. It's going to take time to do that. So let's extend rates for another year, and then let's spend next year fixing the Code. Let's get this right for all Americans, not just for some.

Mr. LEVIN. I now yield the balance of my time on this bill to the distinguished whip, the gentleman from Maryland (Mr. HOYER).

The SPEAKER pro tempore. The gentleman from Maryland is recognized for the remaining 2¾ minutes.

Mr. HOYER. Designed to fail. That's what this bill is. It is designed to fail. Very frankly, you made sure that it was going to fail when you passed the amendment that added the reform bill and this bill together.

Designed to fail. How sad.

I don't think you want to raise taxes on anybody. I understand that. I'll accept that premise. What we ought to do is to make sure, in the agreement that we have with the Senate and the House, that at least the 98 percent of Americans who make less than \$250,000 have no increase in their taxes. At least we ought to do that. America knows we have agreement on that. They're wondering why, when you have agreement, you don't take that agreement and give the assurance and certainty to 98 percent of the American working people that they won't have an increase in their taxes so that they'll have the confidence that they'll have that money in their pockets to, perhaps, purchase that refrigerator that they need or that oven that they need or perhaps a new car or so that they can help their kids go to college.

Why don't we give them that confidence, I say to my friends. Mr. Speaker, I wish we would do so.

Today, we could embrace the agreement that the Senate has come to and tell the 98 percent, "You're safe." In addition to that, by rejecting this bill, we will reject taking money out of 25 million people's pockets that they rely on to support themselves and their children.

□ 1640

That's what the Senate bill does. It protects the wealthiest in America

while telling some of the poorest in America, the least well-off in America, you're going to pay more, you're going to get less. How perverse. How undermining of our economy. How undermining of the confidence of our people. Ladies and gentlemen of this House, we're better than this.

Newt Gingrich talked some years ago in 1998 about the "Perfectionist Caucus." Mr. Speaker, he said embrace agreement. He was agreeing with President Clinton and Newt Gingrich at that point in time on a budget which adopted PAYGO one more time, which is one of the reasons why we balanced the budget 4 years in a row. The House Ways and Means bill leaves 98 percent of our people at risk, while our bill gives 100 percent of the people a tax cut.

Let us reject the House bill. Let us adopt the substitute. Let us send it to the Senate and make it law. The President will sign it, and it can become law and give confidence and help to those 98 percent of Americans.

This Republican proposal, is not the straight-forward tax cut extension middle-class families and small business owners are asking for.

Instead it extends tax cuts to even the highest incomes, a plan already rejected by the Senate and which the President has said he would veto.

Moving forward with this legislation will only prolong the uncertainty the American people have asked us to end.

What we ought to do—before the August district work period—is pass the extension where we have agreement—for earnings under \$250,000, which is a tax cut for 100 percent of Americans.

Ninety eight percent of families and 97 percent of small businesses will see no change to their taxes.

Let's pass what we agree on now and afterward debate what we disagree on.

Instead, we've seen Republicans insist on an all or nothing approach, which has held middle-class tax relief hostage to tax cuts for the top 2 percent.

Now, they are doing so once again, with a rule on this bill that makes it harder for us to reach an agreement to prevent a tax hike on the middle class.

This is not the regular order or open process Speaker BOEHNER and Republicans campaigned on and pledged to uphold in this House.

At the same time, this bill would impose an average tax hike of \$1,000 on 25 million working families by allowing the expanded Child Tax Credit and Earned Income Tax Credit to expire while eliminating the American Opportunity Tax Credit.

That lies in stark contrast to the \$160,000 tax cut this bill would deliver to the average millionaire, according to the National Economic Council.

Mr. Speaker I urge my colleagues to join me in defeating this bill, and I call on Republicans to work with us to pass the tax cut extension for the middle class on which we all agree.

Mr. CAMP. Mr. Speaker, I yield myself the balance of my time.



I would just say this isn't just about taxes. I would agree with my friend from Maryland, Republicans do not want to raise taxes on small businesses, job creators, or investors because it's also about the economy.

This has been a dismal recovery, the worst since the Great Depression; and unemployment has been above 8 percent for 40 consecutive months. Their answer is to raise taxes on the small business sector, the area where we need to have those jobs to begin to be created. What we're saying is let's keep the law the same for 1 year. We're the only Nation in the world that has all of these tax provisions expiring year in and year out. Let's leave this the same for 1 year, then let's move and adopt comprehensive tax reform in an expedited procedure to do that so we can finish that next year.

If we go down their path of raising taxes on small businesses, 700,000 jobs will be lost. If we go down our path of extending current law for a year, bringing certainty, extending that law for a year, moving forward on comprehensive reform, addressing some spending problems we know this Nation has had, 3 years of trillion-dollar deficits, if we do that, we create a million jobs.

Vote for H.R. 8.

Mr. GINGREY of Georgia. Mr. Speaker, I rise in strong support of H.R. 8, the Job Protection and Recession Prevention Act of 2012. In August of 2009, President Obama told NBC News, "You don't raise taxes in a recession." Quite frankly, I agree with the President and would take it a step further. We should never raise taxes at all, period.

Unfortunately, if we do nothing before the end of the year, we risk raising taxes on Americans by \$384 billion over the next ten years according to the Joint Committee on Taxation. For my home State of Georgia alone, this would represent a tax increase of \$3,010 per tax return. At a time when we have had 41 straight months of unemployment, it would be irresponsible to place an additional burden on working families and job creators, particularly when Ernst & Young recently released a study stating that this tax increase would destroy 700,000 jobs.

Mr. Speaker, House Republicans have a simple solution. H.R. 8 will prevent this looming tax increase on all Americans, especially the 1 million small business entrepreneurs that would likely feel the pain the most.

To all of my colleagues, we have a clear choice today. You can either support H.R. 8 to prevent a \$384 billion tax increase, or you could oppose this legislation, endorse these tax increases and destroy 700,000 jobs in the process. The choice is yours.

Mr. LANGEVIN. Mr. Speaker, I rise in strong opposition to the Republican tax proposal. Their plan will give more tax breaks for the richest 2 percent, providing \$160,000 for the average millionaire—on top of the \$1 million that they received over the last 9 years.

A hundred and sixty thousand dollars means different things to different people. For 464 Rhode Island veterans, it means access to employment and job training services; for

2,340 Rhode Island parents, it means immunizations for their children against Measles, Mumps, and the flu; and for Rhode Island's youth, it means 25 more students get a leg up through Head Start. But for millionaires, \$160,000 simply represents the additional gift they receive under the Republican tax proposal.

A hundred and sixty thousand dollars is a lot of money, and it can go a long way towards improving the lives and opportunities of Rhode Islanders. While every program I mentioned is on the chopping block, Republicans seem complacent to mortgage our children and grandchildren's future to preserve these tax cuts for the wealthiest top two percent at a cost of \$1 trillion. These are tax cuts we simply cannot afford. In fact, if we want to talk about responsible deficit reduction, this would be an excellent place to start.

Democrats and Republicans do agree on one thing;—the need to extend tax cuts for the middle class and small businesses, which is exactly what the Democratic proposal will do. Under the Democratic plan, every single taxpayer will receive a tax cut on income earned up to \$200,000 if you are single, and \$250,000 if you are married.

For our middle class families, this translates to an extra \$2,200 in their pockets. And even high-income households will continue to receive a tax cut averaging more than \$10,000 on their first \$250,000 of income.

No one thinks raising taxes on the middle class is a good idea. Right now, my top priority is giving middle-class families and our small businesses the security and certainty they deserve by extending tax cuts they desperately need. This should be an issue where Republicans and Democrats can work together to do what is right for hard-working Americans.

I urge my colleagues to reject the Republican plan that continues down the same fiscally irresponsible path. Give our small businesses and working families the certainty they deserve, and support the Democratic plan to cut taxes for everyone and help move the economy forward.

Mr. STARK. Mr. Speaker, I rise in opposition to H.R. 8. I cannot support legislation that prioritizes millionaires over middle class families. By bringing this legislation to the floor, Republicans hold hostage the middle class tax cuts in order to help those who need it least. If enacted, this bill would give millionaires an average tax cut of \$160,000 next year. Hedge fund managers and corporate CEOs who make up the wealthiest 2 percent of this country do not need a massive tax break. The Republican tax plan on the floor today not only favors millionaires, it takes away tax programs that help working families. Under this legislation, 25 million families and college students in this country will lose as much as \$1,000 because of cuts to the Earned Income Tax Credits, the Child Tax Credit, and the American Opportunity Tax Credit. It is these lower and middle income families that deserve our help. It is time to start creating a tax code that reflects our values by ensuring that every individual pays their fair share.

I stand with the House Democrats, the Senate and the President in supporting an extension of the middle class tax cuts. Working

Americans are facing high unemployment and stagnant wages. They should have the certainty to know that they will not face a tax increase next year. Extending the middle class tax cuts means helping 114 million middle class families, including 13.2 million in California. If the House extends the middle class tax cuts—already passed by the Senate—these families will save an average of \$2,200 on next year's taxes.

This country cannot afford to keep giving out tax breaks to the wealthy and large corporations. This Republican bill adds another \$50 billion to our deficit in just one year. This is the wrong approach and is just plain irresponsible. We need to strengthen the middle class, put people back to work, and grow our economy. The first step is introducing fairness to our tax code and helping the middle class Americans who work hard and play by the rules. I urge my colleagues to join me in voting against the Republican giveaway to the most wealthy and to instead support the Democratic substitute which protects the middle class.

Mrs. CAPPS. Mr. Speaker, I rise today in support of extending tax cuts for middle class families and small businesses.

I support a plan that allows generous tax cuts for the wealthiest two percent to expire, while also ensuring taxes do not go up on those that can least afford it. This is the plan that passed the Senate last week. And this is the plan that President Obama said he is ready and eager to sign should it pass the House.

Unfortunately, however, this is not the plan being offered by the Majority on the floor here today. The Majority's proposal, H.R. 8, preserves tax cuts for the wealthiest two percent at the expense of middle class families and small businesses.

It gives, on average, an extra \$160,000 tax cut to millionaires while raising taxes on 25 million middle class families by an average of \$1,000 by restricting or eliminating crucial tax credits that middle class families depend on to pay their bills and send their kids to college, like the Earned Income Tax Credit, Child Tax Credit, and American Opportunity Tax Credit.

This is not the balanced, equitable solution my constituents on the Central Coast and the American people are asking for, which is why I strongly oppose H.R. 8 and will vote against it.

I will instead be voting for the substitute amendment, which is identical to the legislation the Senate passed last week.

It extends for one year the current tax rates on income, capital gains and dividends for taxable income up to \$200,000 for individuals and \$250,000 for couples. Under this plan, all taxpayers will benefit from the tax breaks on income up to these thresholds, and 98 percent of Americans and 97 percent of small businesses will see no tax increase at all.

This proposal also fixes the Alternative Minimum Tax for 2012 and extends several other important tax provisions that middle class families and small businesses depend on, including marriage penalty relief, expanded child and earned income tax credits, education tax incentives, and small business expensing.

This is a reasonable, responsible plan that should have bipartisan support.



Democrats and Republicans agree on the need to extend the tax cuts for middle class families and small businesses, and this plan does exactly that. The substitute reflects this consensus and gives middle class families certainty that their taxes will not go up next year.

We should move forward with what we already agree on instead of holding hostage those who can least afford it for the benefit of the wealthiest among us.

We simply cannot afford to continue the tax cuts for the richest two percent and leave middle class families with the bill. We have a serious deficit problem that requires a balanced solution to ensure everyone bears a fair share of the burden. Letting tax rates on the richest in our society simply return to where they were in the 1990s, when our economy was booming, is one common sense step in that process.

I urge my colleagues to join me in supporting this balanced approach and voting yes on the substitute.

Ms. RICHARDSON. Mr. Speaker, I rise in opposition to H.R. 8, the Job Protection and Recession Prevention Act of 2012. I oppose this bill because it extends the 2001 and 2003 Bush tax cuts to millionaires who do not need it, have not requested it, and at a time when the nation cannot afford it.

The extension of this 2001 tax policy would keep the rates of all tax brackets at a reduced level. While this reduced level would keep more funds in the hands of American families, it provides for a disproportionate distribution of the tax burden on different income levels. These reduced rates give a greater break to the incredibly wealthy, placing unfair monetary responsibility on the middle class.

The extension of this tax policy also maintains a lower rate on capital gains, and taxes dividends at the same rate as capital gains instead of as ordinary income. In addition, this extension lowers the estate tax. Lower rates on such incomes further burden the middle class, as they further relieve the incredibly wealthy from their duty to give back to this country. As a result of these policies, the average income tax cut for households making more than \$1 million a year would be over \$74,000 in 2013.

Concurrently, as a result of H.R. 8, some of the tax cuts for working families which were adopted in 2009 would be allowed to expire, and eligibility for the Earned Income Tax Credit and the Child Tax Credit will be reduced. This bill also ends the American Opportunity Tax Credit, 85 percent of the benefactors of which made less than \$100,000 a year. These actions will effectively raise taxes on 25 million middle- and low-income households by an average of \$1000.

The conversation surrounding our nation's tax policies has focused on ensuring that tax cuts for the middle class are extended. It has been made clear, on both sides of the aisle, that this is imperative not only to helping American families get back on their feet, but also to the continuing recovery of the United States economy.

Unfortunately, my Republican colleagues are determined to use these middle class tax cuts as leverage to make sure that the Bush-era tax cuts for the wealthy are extended.

They use top-down economics as the argument for the validity of these cuts—that they help to restore our economy and reduce the unemployment rate, because the individuals earning incomes in the top two percent are “job creators.” Contrary to this claim, the facts demonstrate that fewer than 35 percent of small business owners make over \$250,000 a year. Allowing the Bush tax cuts for the upper class to expire would not affect the vast majority of “job creators” in the American economy, but it would help relieve the tax burden of working families.

Mr. Speaker, I oppose H.R. 8 not only because the policies included within it would inflict an unbalanced tax burden on working families, but also because it will prevent this Congress from helping to reduce America's budget deficit. My colleagues across the aisle consistently claim they are committed to reducing our deficit, yet they have fought to pass this bill, extending Bush's tax cuts for the wealthy. If we were to let these cuts expire, our deficit could be reduced by \$50 billion in 2013 alone. Simply stated, the tax plan laid out in H.R. 8 will not raise adequate revenue to fund our national priorities or repay our debt.

Instead of arguing over tax cuts for those individuals who don't need our help, this Congress should be working across the aisle to create a fair, comprehensive tax reform that unburdens our working families. The conversation should be focused on continuing to rebuild our economy and reduce our deficit, not give handouts to the wealthy few. When a bill that outlines real, fair tax reform comes up for consideration on the Floor, I will support it.

Mr. Speaker, it is for these reasons that I urge my colleagues to join me in opposing H.R. 8, the Job Protection and Recession Prevention Act of 2012.

Mr. HOLT. Mr. Speaker, I rise today in strong opposition to H.R. 8, which should be called the Protecting America's Wealthiest 2 Percent Act of 2012.

Our main priority in the House of Representatives must be to support middle class families. It should not be to protect the wealthiest 2 percent of Americans by extending the so-called Bush tax cuts for them. As a body, we should work together to make our nation's tax system more equitable while continuing to support the middle class.

I opposed the so-called Bush tax cut plans in 2001 and 2003. In the aftermath of these cuts, federal revenue fell, real GDP grew at a rate less than 2 percent and the cumulative deficit grew to \$6 trillion. Today, I rise in support of the Democratic Substitute to H.R. 8 which extends all income tax cuts for the 98 percent of Americans and asks the richest households to contribute to deficit reduction by reverting back to the 1990s rates—a decade in which the workforce grew by 22 million jobs and saw the largest budget surplus in recent history.

My colleagues across the aisle have shown that their priority is to protect only privileged Americans by giving away tax breaks to the wealthiest in this country and continuing to ignore the needs of middle class families. Republicans are holding tax cuts for 98 percent of Americans and 97 percent of small businesses hostage to deficit-busting tax breaks

for the top 2 percent, while rewarding Big Oil, special interests, and corporations that outsource American jobs.

H.R. 8 would raise taxes on 25 million American families by an average \$1,000 by ending vital expansions of the Earned Income Tax Credit and the Child Tax Credit and end the American Opportunity Tax Credit entirely. These 25 million families are earning the least and who rely on these credits to put more wages in their pockets, increase access to child care services, and make college more affordable. It would add to the deficit by extending tax breaks for the highest-earning households, giving millionaires a tax break savings of \$160,000 annually. Republicans are holding the middle class hostage by demanding tax cut extensions for the richest 2 percent and by adding \$50 billion to the deficit. What is even more egregious is that H.R. 8 would disproportionately affect those military families who sacrifice every day to protect our freedoms. The American middle class, including our military families, would see a tax increase on January 1, 2013 if we fail to come to an agreement on taxes for the top 2 percent.

I want to protect hard working Americans, including our military families. I support making sure everyone, especially the wealthiest Americans and large corporations, pays their fair share. That is why I am an original cosponsor of the Democratic Substitute to H.R. 8, which is identical to The Middle Class Tax Cut Act which passed the Senate last week. The Middle Class Tax Cut Act would preserve the current tax rates for 98 percent of Americans and only increase taxes on the richest 2 percent who earn the most and have seen the largest tax breaks over the last ten years. We can act now. If we pass The Middle Class Tax Cut Act today we can keep taxes low for the 98 percent of Americans who rely on the tax breaks and credits extended in this bill. Then we can separately debate the issue of extending the so-called Bush tax cuts for the wealthiest among us. Instead, the majority will adjourn today until September having done nothing to protect the middle class or to make sure everyone pays their fair share.

Under the Republicans' plan, 30.5 percent of tax cuts going to my home state, New Jersey, would go to the richest 1 percent, and 45.8 percent would go to the richest 5 percent. That is 76.3 percent of tax cuts going to the top 6 percent of state residents, leaving 23.7 percent of cuts for the remaining 94 percent of New Jerseyans.

I strongly support The Middle Class Tax Cut Act and the Democratic Substitute to H.R. 8. We can no longer afford to continue giving the biggest breaks to those who need them the least. It's time to put money back into the pockets of hard working Americans.

The SPEAKER pro tempore (Mr. BASS of New Hampshire). All time for debate has expired.

AMENDMENT IN THE NATURE OF A SUBSTITUTE  
OFFERED BY MR. LEVIN

Mr. LEVIN. I now call up the substitute amendment.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE; ETC.**

(a) **SHORT TITLE.**—This Act may be cited as the “Middle Class Tax Cut Act”.

(b) **AMENDMENT OF 1986 CODE.**—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

Sec. 1. Short title; etc.

**TITLE I—TEMPORARY EXTENSION OF TAX RELIEF**

Sec. 101. Temporary extension of 2001 tax relief.

Sec. 102. Temporary extension of 2003 tax relief.

Sec. 103. Temporary extension of 2010 tax relief.

Sec. 104. Temporary extension of election to expense certain depreciable business assets.

**TITLE II—ALTERNATIVE MINIMUM TAX RELIEF**

Sec. 201. Temporary extension of increased alternative minimum tax exemption amount.

Sec. 202. Temporary extension of alternative minimum tax relief for non-refundable personal credits.

**TITLE III—TREATMENT FOR PAYGO PURPOSES**

Sec. 301. Treatment for PAYGO purposes.

**TITLE I—TEMPORARY EXTENSION OF TAX RELIEF**

**SEC. 101. TEMPORARY EXTENSION OF 2001 TAX RELIEF.**

(a) **TEMPORARY EXTENSION.**—

(1) **IN GENERAL.**—Section 901(a)(1) of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by striking “December 31, 2012” and inserting “December 31, 2013”.

(2) **EFFECTIVE DATE.**—The amendment made by this subsection shall take effect as if included in the enactment of the Economic Growth and Tax Relief Reconciliation Act of 2001.

(b) **APPLICATION TO CERTAIN HIGH-INCOME TAXPAYERS.**—

(1) **INCOME TAX RATES.**—

(A) **TREATMENT OF 25- AND 28-PERCENT RATE BRACKETS.**—Paragraph (2) of section 1(i) is amended to read as follows:

“(2) 25- AND 28-PERCENT RATE BRACKETS.—The tables under subsections (a), (b), (c), (d), and (e) shall be applied—

“(A) by substituting ‘25%’ for ‘28%’ each place it appears (before the application of subparagraph (B)), and

“(B) by substituting ‘28%’ for ‘31%’ each place it appears.”.

(B) **33-PERCENT RATE BRACKET.**—Subsection (i) of section 1 is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

“(3) 33-PERCENT RATE BRACKET.—

“(A) **IN GENERAL.**—In the case of taxable years beginning after December 31, 2012—

“(i) the rate of tax under subsections (a), (b), (c), and (d) on a taxpayer’s taxable income in the fourth rate bracket shall be 33 percent to the extent such income does not exceed an amount equal to the excess of—

“(I) the applicable amount, over

“(II) the dollar amount at which such bracket begins, and

“(ii) the 36 percent rate of tax under such subsections shall apply only to the tax-

payer’s taxable income in such bracket in excess of the amount to which clause (i) applies.

“(B) **APPLICABLE AMOUNT.**—For purposes of this paragraph, the term ‘applicable amount’ means the excess of—

“(i) the applicable threshold, over

“(ii) the sum of the following amounts in effect for the taxable year:

“(I) the basic standard deduction (within the meaning of section 63(c)(2)), and

“(II) the exemption amount (within the meaning of section 151(d)(1) (or, in the case of subsection (a), 2 such exemption amounts)).

“(C) **APPLICABLE THRESHOLD.**—For purposes of this paragraph, the term ‘applicable threshold’ means—

“(i) \$250,000 in the case of subsection (a),

“(ii) \$225,000 in the case of subsection (b),

“(iii) \$200,000 in the case of subsections (c), and

“(iv) ½ the amount applicable under clause (i) (after adjustment, if any, under subparagraph (E)) in the case of subsection (d).

“(D) **FOURTH RATE BRACKET.**—For purposes of this paragraph, the term ‘fourth rate bracket’ means the bracket which would (determined without regard to this paragraph) be the 36-percent rate bracket.

“(E) **INFLATION ADJUSTMENT.**—For purposes of this paragraph, with respect to taxable years beginning in calendar years after 2012, each of the dollar amounts under clauses (i), (ii), and (iii) of subparagraph (C) shall be adjusted in the same manner as under paragraph (1)(C), except that subsection (f)(3)(B) shall be applied by substituting ‘2008’ for ‘1992’.”.

(2) **PHASEOUT OF PERSONAL EXEMPTIONS AND ITEMIZED DEDUCTIONS.**—

(A) **OVERALL LIMITATION ON ITEMIZED DEDUCTIONS.**—Section 68 is amended—

(i) by striking “the applicable amount” the first place it appears in subsection (a) and inserting “the applicable threshold in effect under section 1(i)(3)”,

(ii) by striking “the applicable amount” in subsection (a)(1) and inserting “such applicable threshold”,

(iii) by striking subsection (b) and redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively, and

(iv) by striking subsections (f) and (g).

(B) **PHASEOUT OF DEDUCTIONS FOR PERSONAL EXEMPTIONS.**—

(i) **IN GENERAL.**—Paragraph (3) of section 151(d) is amended—

(I) by striking “the threshold amount” in subparagraphs (A) and (B) and inserting “the applicable threshold in effect under section 1(i)(3)”,

(II) by striking subparagraph (C) and redesignating subparagraph (D) as subparagraph (C), and

(III) by striking subparagraphs (E) and (F).

(ii) **CONFORMING AMENDMENTS.**—Paragraph (4) of section 151(d) is amended—

(I) by striking subparagraph (B),

(II) by redesignating clauses (i) and (ii) of subparagraph (A) as subparagraphs (A) and (B), respectively, and by indenting such subparagraphs (as so redesignated) accordingly, and

(III) by striking all that precedes “in a calendar year after 1989,” and inserting the following:

“(4) **INFLATION ADJUSTMENT.**—In the case of any taxable year beginning”.

(c) **EFFECTIVE DATE.**—Except as otherwise provided, the amendments made by this section shall apply to taxable years beginning after December 31, 2012.

(d) **APPLICATION OF EGTRRA SUNSET.**—Each amendment made by subsection (b)

shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 to the same extent and in the same manner as if such amendment was included in title I of such Act.

**SEC. 102. TEMPORARY EXTENSION OF 2003 TAX RELIEF.**

(a) **EXTENSION.**—

(1) **IN GENERAL.**—Section 303 of the Jobs and Growth Tax Relief Reconciliation Act of 2003 is amended by striking “December 31, 2012” and inserting “December 31, 2013”.

(2) **EFFECTIVE DATE.**—The amendment made by this subsection shall take effect as if included in the enactment of the Jobs and Growth Tax Relief Reconciliation Act of 2003.

(b) **20-PERCENT CAPITAL GAINS RATE FOR CERTAIN HIGH INCOME INDIVIDUALS.**—

(1) **IN GENERAL.**—Paragraph (1) of section 1(h) is amended by striking subparagraph (C), by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F) and by inserting after subparagraph (B) the following new subparagraphs:

“(C) 15 percent of the lesser of—

“(i) so much of the adjusted net capital gain (or, if less, taxable income) as exceeds the amount on which a tax is determined under subparagraph (B), or

“(ii) the excess (if any) of—

“(I) the amount of taxable income which would (without regard to this paragraph) be taxed at a rate below 36 percent, over

“(II) the sum of the amounts on which a tax is determined under subparagraphs (A) and (B),

“(D) 20 percent of the adjusted net capital gain (or, if less, taxable income) in excess of the sum of the amounts on which tax is determined under subparagraphs (B) and (C).”.

(2) **MINIMUM TAX.**—Section 55 is amended by adding at the end the following new subsection:

“(f) 20-PERCENT CAPITAL GAINS RATE FOR CERTAIN HIGH INCOME INDIVIDUALS.—

“(1) **IN GENERAL.**—In the case of any individual, if the taxpayer’s taxable income for the taxable year exceeds the applicable amount determined under section 1(i) with respect to such taxpayer for such taxable year, the amount determined under paragraph (2) shall be substituted for the amount determined under subsection (b)(3)(C) for purposes of determining the taxpayer’s tentative minimum tax for such taxable year.

“(2) **DETERMINATION OF 20-PERCENT CAPITAL GAINS RATE.**—The amount determined under this paragraph is the sum of—

“(A) 15 percent of the lesser of—

“(i) so much of the adjusted net capital gain (or, if less, taxable excess) as exceeds the amount on which tax is determined under subsection (b)(3)(B), or

“(ii) the excess described in section 1(h)(1)(C)(ii), plus

“(B) 20 percent of the adjusted net capital gain (or, if less, taxable excess) in excess of the sum of the amounts on which tax is determined under subparagraph (A) and subsection (b)(3)(B).”.

(c) **CONFORMING AMENDMENTS.**—

(1) The following provisions are each amended by striking “15 percent” and inserting “20 percent”:

(A) Section 531.

(B) Section 541.

(C) Section 1445(e)(1).

(D) The second sentence of section 7518(g)(6)(A).

(E) Section 5351(f)(2) of title 46, United States Code.

(2) Section 1445(e)(6) is amended by striking “15 percent (20 percent in the case of taxable years beginning after December 31, 2010)” and inserting “20 percent”.

(d) **EFFECTIVE DATES.**—

(1) **IN GENERAL.**—Except as otherwise provided, the amendments made by subsections (b) and (c) shall apply to taxable years beginning after December 31, 2012.

(2) **WITHHOLDING.**—The amendments made by paragraphs (1)(C) and (2) of subsection (c) shall apply to amounts paid on or after January 1, 2013.

(e) **APPLICATION OF JGTRRA SUNSET.**—Each amendment made by subsections (b) and (c) shall be subject to section 303 of the Jobs and Growth Tax Relief Reconciliation Act of 2003 to the same extent and in the same manner as if such amendment was included in title III of such Act.

**SEC. 103. TEMPORARY EXTENSION OF 2010 TAX RELIEF.**

(a) **AMERICAN OPPORTUNITY TAX CREDIT.**—

(1) **IN GENERAL.**—Section 25A(i) is amended by striking “or 2012” and inserting “2012, or 2013”.

(2) **TREATMENT OF POSSESSIONS.**—Section 1004(c)(1) of division B of the American Recovery and Reinvestment Tax Act of 2009 is amended by striking “and 2012” each place it appears and inserting “2012, and 2013”.

(b) **CHILD TAX CREDIT.**—Section 24(d)(4) is amended—

(1) by striking “AND 2012” in the heading and inserting “2012, AND 2013”, and

(2) by striking “or 2012” and inserting “2012, or 2013”.

(c) **EARNED INCOME TAX CREDIT.**—Section 32(b)(3) is amended—

(1) by striking “AND 2012” in the heading and inserting “2012, AND 2013”, and

(2) by striking “or 2012” and inserting “2012, or 2013”.

(d) **TEMPORARY EXTENSION OF RULE DISREGARDING REFUNDS IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.**—Subsection (b) of section 6409 is amended by striking “December 31, 2012” and inserting “December 31, 2013”.

(e) **EFFECTIVE DATES.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2012.

(2) **RULE DISREGARDING REFUNDS IN THE ADMINISTRATION OF CERTAIN PROGRAMS.**—The amendment made by subsection (d) shall apply to amounts received after December 31, 2012.

**SEC. 104. TEMPORARY EXTENSION OF ELECTION TO EXPENSE CERTAIN DEPRECIABLE BUSINESS ASSETS.**

(a) **IN GENERAL.**—

(1) **DOLLAR LIMITATION.**—Section 179(b)(1) is amended—

(A) by striking “and” at the end of subparagraph (C),

(B) by redesignating subparagraph (D) as subparagraph (E),

(C) by inserting after subparagraph (C) the following new subparagraph:

“(D) \$250,000 in the case of taxable years beginning in 2013, and”, and

(D) in subparagraph (E), as so redesignated, by striking “2012” and inserting “2013”.

(2) **REDUCTION IN LIMITATION.**—Section 179(b)(2) is amended—

(A) by striking “and” at the end of subparagraph (C),

(B) by redesignating subparagraph (D) as subparagraph (E),

(C) by inserting after subparagraph (C) the following new subparagraph:

“(D) \$800,000 in the case of taxable years beginning in 2013, and”, and

(D) in subparagraph (E), as so redesignated, by striking “2012” and inserting “2013”.

(b) **COMPUTER SOFTWARE.**—Section 179(d)(1)(A)(ii) is amended by striking “2013” and inserting “2014”.

(c) **ELECTION.**—Section 179(c)(2) is amended by striking “2013” and inserting “2014”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2012.

**TITLE II—ALTERNATIVE MINIMUM TAX RELIEF**

**SEC. 201. TEMPORARY EXTENSION OF INCREASED ALTERNATIVE MINIMUM TAX EXEMPTION AMOUNT.**

(a) **IN GENERAL.**—Paragraph (1) of section 55(d) is amended—

(1) by striking “\$72,450” and all that follows through “2011” in subparagraph (A) and inserting “\$78,750 in the case of taxable years beginning in 2012”, and

(2) by striking “\$47,450” and all that follows through “2011” in subparagraph (B) and inserting “\$50,600 in the case of taxable years beginning in 2012”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2011.

**SEC. 202. TEMPORARY EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF FOR NONREFUNDABLE PERSONAL CREDITS.**

(a) **IN GENERAL.**—Paragraph (2) of section 26(a) is amended—

(1) by striking “or 2011” and inserting “2011, or 2012”, and

(2) by striking “2011” in the heading thereof and inserting “2012”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2011.

**TITLE III—TREATMENT FOR PAYGO PURPOSES**

**SEC. 301. TREATMENT FOR PAYGO PURPOSES.**

The budgetary effects of this Act shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

The SPEAKER pro tempore. Pursuant to House Resolution 747, the gentleman from Michigan (Mr. LEVIN) and a Member opposed each will control 10 minutes.

Mr. CAMP. Mr. Speaker, I claim the time in opposition.

Mr. LEVIN. Could the Chair be clear as to who has the right to close on this amendment?

The SPEAKER pro tempore. The gentleman from Michigan (Mr. CAMP) has the right to close.

The Chair recognizes the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. I now yield 2 minutes to another Member of our committee, the distinguished gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS. Mr. Speaker, I want to thank Mr. LEVIN for yielding.

After 2 years of talking about spending cuts and deficit reduction, Republicans somehow believe it is wise to fill the pockets of each and every millionaire in America with an additional \$160,000 tax cut. We've been here before. This is the same picture. Mr. Speaker, we all know what this is about. This is about two competing visions of America. The Democratic vision is oppor-

tunity for all Americans to prosper, while the Republican vision reserves prosperity for the select few.

That is not right, Mr. Speaker. That is not fair. That is not just. American hardworking families need tax relief, and they need it now. Not tomorrow, not next week, not next month, not next year, but now. If you believe in a strong, solid middle class, vote “no” on this bill. If you believe in American opportunity, vote “no” on this bill. If you're serious about reducing the deficit, vote “no” on this bill. I urge all of my colleagues to vote “no” on this bill and to vote “yes” on the Levin amendment. It is simply the right thing to do.

We can do much better by voting for the Levin amendment. It is the right thing to do. It is the fair thing to do. It is the just thing to do. We should do it and do it now.

Mr. CAMP. Mr. Speaker, I yield myself such time as I may consume.

Let me just say that this substitute increases taxes, and it increases taxes on small businesses, the very sector that we need to be growing to bring us out of this recession. It does not include tax reform. There's no path to tax reform. Our Tax Code has had 5,000 changes in the last decade. The complexity is making it difficult for Americans to know what their responsibilities are. They suspect others get a better deal under the Tax Code because of the complexity. If we can take that away and move to a system that has a lower rate, revenue neutral, that closes off some of these 5,000 changes that have been made in the last few years, we can create a million jobs in the first year alone.

One of the things that led us into this recession is the housing crisis. Here we have a letter from the National Association of Home Builders saying that housing can be a key engine of job growth that this country needs. However, the recovery we're seeing remains fragile. As the rest of the economy is experiencing softening conditions, now would be the worst time to raise taxes.

The National Association of Home Builders believes that lower rates, simplification, and a fair system will spur economic growth and increase competitiveness. That's good for housing, because housing not only equals jobs, but jobs mean more demand for housing. This is just one area that if we raise taxes, as this substitute attempts to do, we're going to really close off what little recovery we've been seeing, and obviously it's been very anemic. Economic growth is just over 1 percent.

We need to be the best country in the world. We need to have the strongest country in the world. We need to have the best Tax Code in the world. Raising taxes on one segment, one group of Americans against another is not the way to get America's greatness back.

I reserve the balance of my time.

Mr. LEVIN. I now yield 1 minute to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Speaker, I rise in support of the Democratic substitute on this tax provision.

I have tremendous respect for Chairman CAMP and the members of the Ways and Means Committee, but I would like to note that not a single one of my colleagues on the other side of the aisle refuted what I spoke about before, about the fact that if the Republican tax bill were to pass, as opposed to the Democratic tax bill, there would be an increase in taxes on 225,000 military men and women, many of whom are in Active Duty overseas as we speak.

I mentioned in my remarks that under the Democratic bill, the EITC rate, the earned income tax credit under the bill would afford a sergeant in our Army today with 8 years of service, married and with three children, and has a basic pay of \$34,723, would receive under the Democratic plan an EITC benefit of \$3,508.

The SPEAKER pro tempore. The time of the gentleman has expired.

□ 1650

Mr. LEVIN. I yield the gentleman 1 additional minute.

Mr. CROWLEY. I want to be very clear about this, Mr. Speaker. The earned income tax credit under the Republican bill would only be \$2,390. Now when I do the math, that means that under the Republican bill, that sergeant and his or her family would have a \$1,118 tax increase. You can't get around it. Those are the facts. Those are the numbers. They speak loud and clear. And not a single one of my colleagues on the other side of the aisle refuted that.

We have refuted the \$250,000 issue as it pertains to small business owners. The reality is, the men and women on the front lines defending this democracy, defending our freedom, defending our way of life, allowing for small businessmen and -women to prosper in this country, they're not worth a tax break.

Your bill increases taxes on our military men and women. There's no getting around it. A vote for the Republican bill is a vote to increase taxes on military men and women. A vote for the Democratic substitute is a tax cut for our military men and women.

Mr. CAMP. I yield myself such time as I may consume.

I don't have to refute what the Member from New York said because the nonpartisan Joint Committee on Taxation has already done that. They've said the matters the gentleman is talking about are not tax increases. Those are spending through the Tax Code. That spending was put into the stimulus bill. We know how unsuccessful that was in lowering our unemployment rate below 8 percent, as was promised.

So at this time, I yield 2 minutes to the distinguished gentleman from New York (Mr. REED).

Mr. REED. I thank the chairman for yielding.

I rise in opposition to the substitute amendment that we're debating here, Mr. Speaker. The reason why is, it's clear the Democratic substitute amendment that we're discussing is a further expansion of tax increases that the Senate passed recently. I'm opposed to those tax increases.

We're dealing with a situation where the proposed amendment will raise the estate tax and take 55 percent of our hardworking Americans' assets when they pass away. They are raising taxes on dividends and capital gains at a time when senior citizens rely on those most in these dire economic times. They also seek to raise taxes on those making \$200,000 to \$250,000 and above. Raising taxes on those individuals goes right to the heart of our small businesses across America, coast to coast, North to South.

In this dire economic time, I actually agree with President Obama when he signed the tax rates in December 2010, when he said, In dire economic times, we don't raise taxes on Americans.

I just ask my colleagues to join me and say, Reject this substitute, freeze the Tax Code, and deal with the issue of comprehensive tax reform over the next 12 months, and put no Americans in harm in having their tax bill increased at the end of this year.

Mr. LEVIN. It's now my real pleasure to yield 2 minutes to the gentleman from Connecticut (Mr. LARSON) who is the chair of our caucus and an active member of our committee.

Mr. LARSON of Connecticut. I thank the distinguished ranking member.

This debate today is extraordinarily informative. This isn't about Democrats or Republicans. This is about saving and preserving our middle class.

Lauren Mishkin from Connecticut, a mother who recently came up to talk to me about student loans, said, "When only the rich can follow their dreams, we have a problem."

So here today, we face a very clear choice that I think all Americans understand. We should be able to come together as Democrats and Republicans and provide a tax break for everyone up to \$250,000. Lauren was right: we have a problem.

A constituent of mine said, "How is it that the Congress doesn't understand that what they're doing is throwing all of us into the deep abyss of uncertainty?" It's that deep abyss of uncertainty that all Americans are concerned about. And what they want is for us to come together.

We know that we have a bill that has passed the Senate, a bill that the President will sign, a bill that we virtually agree on on both sides of the aisle. So what really frustrates the American

citizens and the people in my district is that we can't come together.

I implore my colleagues on the other side, don't plunge us further into this dark abyss. Do the things that the wealthy amongst us have more than the ability to shoulder and make sure that we all come together, as Americans, and do the right thing on behalf of our constituents. That's what the Lauren Mishkins want, that's the kind of dream that we need to provide for all American citizens, and that's what this country desperately needs—a Congress that will take leadership.

There are times when you need to step aside, and there are times when you need to step up. We need to step up as a Congress and pass this Democratic substitute.

Mr. CAMP. I yield 1 minute to the gentlewoman from Tennessee (Mrs. BLACK), a distinguished member of the Ways and Means Committee.

Mrs. BLACK. Mr. Speaker, as I have been back in the district talking to my constituents and visiting many of the businesses and the job creators in the district, I have continued to hear from them that if we place one more tax increase on them, they're just not sure that they can survive.

Now these are good people that I go to the grocery store with, that I go to church with. I know how hard they're working, and I know how hard their families are working in order to keep businesses going within our community. And when we know that two out of every three jobs are created by a small businessman or -woman, we impact those very folks who are creating the jobs for so many people in the district.

I hear this over and over again. And they look at me and say, Diane, please go back to Congress and please relay this to the Members of Congress, that we need to make sure that we have the certainty and that we don't impact them and their businesses so that they have to close down and, once again, increase the amount of unemployment.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. CAMP. I yield the gentlewoman an additional 30 seconds.

Mrs. BLACK. My colleagues on the other side of the aisle do not have a plan. Their plan is to increase the taxes on this group of people.

Second to that are those who continue to say to me—especially those who are looking at planning for their families for the future, of what they're going to leave for them—they're not going to be able to leave those things that they've worked so hard for because the estate taxes are going to go up.

We cannot do this to the people in my district. I'm going to be here to fight for that.

Mr. LEVIN. I would ask my colleague from Michigan how many further requests for time do you have left?

Mr. CAMP. I am prepared to close.

Mr. LEVIN. It's now my privilege to yield 1 minute to the gentlelady from California, our distinguished leader.

Ms. PELOSI. I thank the gentleman for yielding. I also thank him for his legislation on the floor today, to strengthen the backbone of our democracy, the great American middle class.

Today we can do just that by passing President Obama's middle-income tax cut, which is on the floor today as the Levin substitute. It has already passed the Senate and could be signed into law by the President before the weekend.

We have an opportunity. We have an opportunity to give a tax cut to 100 percent of the American people. We have an opportunity to relieve some of the uncertainty that exists in our economy as to how we are going to pay the bills and how America's working families are going to pay the bills.

We have an opportunity for fairness, which is an all-American value, for fairness for our families, for our businesses, and for our budget. We must not—as some people always accuse Congress of doing—miss an opportunity.

□ 1700

We have to take advantage of the opportunity that is here today. The bill provides for fairness for the middle class and certainty, as I mentioned.

The Republican alternative says not only do we want to give 100 percent of the American people a tax cut; we want to give a bigger and better tax cut to people making over \$250,000 a year, 2 percent of the American people. In order to do that, we greatly increase the deficit which would incur borrowing from other countries, including China. And to top it all off, in order to give a tax cut to the wealthiest people in our country, we have to increase taxes for the middle class in order to pay for that. If you make over \$1 million a year, the Republican tax proposal will give you a tax cut of \$160,000 on average. And on average, America's middle-income families would have to pay \$1,000 more in taxes.

You know, we work for the American people. You are our bosses. So as our bosses, what would you instruct us to do when it comes to reducing the deficit, giving a tax cut to 100 percent of the American people, which will inject demand into the economy and therefore create jobs. So we are reducing the deficit. We're creating jobs, and we're having fairness as a principle as to how we go forward.

Make no mistake, by refusing to vote for the Senate-passed bill, House Republicans are giving more tax breaks to the richest 2 percent, tax breaks they don't need and we can't afford. At the same time they cut taxes for the rich, as I said, they would raise an average of \$1,000 on 25 million American families, families who rely on that

money for day-to-day needs to pay their bills. That isn't fair, and Democrats will fight to prevent these tax increases on middle-income families in order to give a tax break to the wealthiest people in our country.

Today is a day when we can end some uncertainty. People talk about the cliff. We are going to go over the cliff come January. Let's not even go anywhere near the edge of that cliff. Let's pass this bill today. It will save just under \$1 trillion because we're not giving those tax cuts to the high end. That is almost all the money that is needed to avoid the sequestration come January. So again, we are addressing the uncertainty not only in the lives of the American people, but in the life of our economy.

Or today is the day that Republicans will continue to hold the middle class hostage to tax cuts for the wealthiest people in our country.

I urge my colleagues to join Mr. LEVIN, join the President of the United States, join all of us. There isn't a person in this room, in this body, I think, who doesn't support tax cuts for the middle class. Why can't we just do that, do what we can agree upon right now, tax cut by the weekend, alleviating uncertainty for our economy as we go forward, and then we can have a debate about what a Tax Code should look like that has fairness, simplification, and again keeps us competitive, innovative, and, number one, allows the private sector to create jobs. Again, jobs, jobs, jobs.

We will reduce that deficit by having additional revenue, by creating growth, by addressing spending so we are investing in those initiatives that grow our economy. Pretty soon when we end this debate, it will be around the time when America's families will sit down for dinner at the kitchen table or wherever, and they will have these discussions about how they pay the bills, the bills to stay in their home or their apartment, wherever. Discussions on how they will pay for their children's education, how their pensions are affected by all of this. The list goes on and on.

With one vote, we can alleviate that uncertainty. We're not going to eliminate it, but we can lessen it. We have that responsibility. Let's not miss an opportunity to do just that.

So I thank you, Mr. LEVIN, for your leadership and members of the committee for all of your hard work.

Mr. CAMP. I reserve the balance of my time to close.

Mr. LEVIN. I yield myself the balance of my time.

There are a few undisputed facts. Small business—97 percent of small businesses will receive all of their tax cut. Don't listen to the propaganda to the contrary. Everyone will receive their tax cuts up to \$250,000 of income. Don't listen to propaganda that says

otherwise. And income over \$1 million, for those who have that, would receive under the Republican bill 70 times more than the typical family. And when the two bills are combined, 150 times more than the typical family.

Let me say just a word about tax reform, which I favor. It's being used as an argument for inaction. But, look, let's be realistic. No matter who controls the Congress next year, there won't be tax reform until maybe the spring or the summer. So are you going to use that same argument for tax reform, say, in a lame duck against middle-income tax cuts? Or in January, are you going to use the same argument? Are you going to use tax reform as a shield to protect the high-income taxpayer? In a word, the Republican bill is a path to nowhere for middle-income taxpayers.

Our substitute is a sure path. Pass it. The Senate already has. The President will sign it. Act now. Vote for the substitute.

I yield back the balance of my time.

Mr. CAMP. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, as I travel around Michigan and my district, the Fourth Congressional District of Michigan, I often hear from many families that they think America is at a crossroads. They really question is the American Dream, is that dream that their children and grandchildren are going to have the opportunities that they had, is that dream still alive for their kids and their grandkids? The reason they ask that is because we've been on the economic path that the majority has established for the last 3 years, and we've seen the slowest recovery from any recession since the Great Depression. Unemployment is still too high. I think maybe being from Michigan, I'm particularly sensitive to that because we've had tough times for more than a decade. We need to get people back to work. We need to get jobs growing in this country.

There's really a choice: Which path are we going to be on? Which road are we going to take? Which lane are we going to be in? Are we going to be in the lane where we just simply raise taxes? No matter what segment it is, I don't care, just name the segment, but one that we know will cost us 700,000 jobs?

Or will we go down a path where we extend current law for 1 year, as many bipartisan experts have called for. Even President Bill Clinton has called for it. The President's former economic adviser, Larry Summers, has said let's extend current law for a year. Let's take the uncertainty out. And in the 20 hearings we've had on tax reform this year in the Ways and Means Committee, so many employers, so many tax experts, so many independent groups have come forward and said the uncertainty of all of this expiring tax policy is causing a huge problem.

And my friends would say, well, if only we'd raise taxes on people and small businesses and others who make \$250,000, that'll solve our problems. Well, it won't. It's just a piece of it. The Tax Code is so complex, with 5,000 changes over the last decade. I often say it's 10 times larger than the Bible, with none of the good news.

The burden that this Tax Code is placing on our economy, it's a huge wet blanket. Our GDP growth is just barely over 1 percent, the gross domestic product. Our economy is not growing enough; and if we don't grow our economy, we can't create the jobs that we need so desperately.

□ 1710

Let's work together. Let's pass this 1-year extension. Tomorrow, we have a package that will lay out our principles for comprehensive tax reform that will also lay out a process to expedite this next year in the House and Senate. We've been working with the Senate to establish these procedures. They will go through regular committee in an open and transparent way, not just roll a bill out on the floor and say, oh, if we only ding that one segment, things will be okay. Let's do this the right way.

This is the greatest country in the world. Let's make this the greatest economic power in the world. Let's reform our Tax Code for the first time in 26 years. Let's make it a pro-growth, modern code that lets our U.S. companies compete around the world, lowers its rates and makes it simpler for people to file their taxes, lessens that burden, lessens that uncertainty and creates 1 million jobs in the first year alone.

It's very clear which path we need to choose. Reject this substitute. Support H.R. 8. Get on the right path. Get on the path to job creation.

I yield back the balance of my time.

Ms. JACKSON LEE of Texas. Mr. Speaker. I rise in strong support of H.R. 15, and ask my colleagues on both sides of the aisle to come together in support of H.R. 15, the Democratic alternative offered by our colleague from the Ways and Means Committee, Mr. LEVIN.

I have consistently supported and voted for middle class tax cuts, as I did two years ago when I voted for the Middle Class Tax Relief Act of 2010, and the extension of unemployment benefits.

The intelligent Democratic substitute offered by my Ways and Means colleague temporarily extends for one year, through 2013, the reduced tax rates and other tax benefits enacted in 2001 and 2003 that expire on Dec. 31—but only for income levels below \$250,000 for joint tax returns and \$200,000 for individuals. This is smart tax policy which acknowledges the deficit problem but does not squelch tax benefits for those most in need.

It also extends the expanded education tax credit, child tax credit and earned income tax credit benefits that were included in the 2009 stimulus law and extended in the 2010 tax ex-

tension law; those provisions unfortunately are not included in H.R. 8.

On the other hand, the Democratic proposal does the following:

#### TEMPORARY EXTENSION OF TAX RELIEF

One-year extension of marginal individual income tax rate reductions for middle-class taxpayers.

One-year extension of repeal of the overall limitation on itemized deductions ("Pease") and the personal exemption phase-out ("PEP") for middle-class taxpayers.

One-year extension of EGTRRA and ARRA improvements to child tax credit.

One-year extension of marriage penalty relief for middle-class taxpayers.

One-year extension of earned income tax credit simplification and increase.

One-year extension of education tax incentives.

One-year extension of tax benefits for families and children.

One-year extension of reduced maximum rate for capital gains and qualified dividend income for middle-class taxpayers.

One-year extension of the American Opportunity Tax Credit ("AOTC"). One-year extension of enhanced small business expensing.

The measure provides a one-year "patch" to prevent the alternative minimum tax (AMT) from affecting millions of additional taxpayers and allows small businesses to deduct an increased amount of their capital expenditures for another year. It does not extend current estate tax provisions, which set a maximum estate tax rate of 35% with an exemption amount of \$5 million.

I am deeply saddened that the fate of unemployed, low and middle income Americans has been held hostage by the insistence by Republicans that this legislation include a giveaway to the wealthiest 2% of Americans that is going to irresponsibly expand the already large deficit.

I have spoken to and heard from many fine, patriotic, hardworking middle income Americans from Houston, from the great state of Texas, and all across the nation. Middle class American families and small businesses are deeply concerned about our troubled economy, the skyrocketing national deficit, high unemployment rates, job creation, and sorely needed extension of the tax relief and unemployment benefits set to expire at the end of this month.

The Republican bill temporarily extends for one year, through 2013, all the reduced tax rates and other tax benefits enacted in 2001 and 2003 that are scheduled to expire on Dec. 31. The measure maintains the maximum estate tax rate of 35% while retaining the exemption amount of \$5 million, provides a two-year "patch" to prevent the alternative minimum tax (AMT) from hitting over 27 million taxpayers and allows small businesses to deduct an increased amount of their capital expenditures for another year.

I feel like we have been down this path before and I recall many of my colleagues staking a claim to fiscal responsibility. Well, I ask in all sincerity, which bill is more fiscally responsible: H.R. 8, which blows a hole in the deficit, or H.R. 15, the Democratic alternative which keeps the Bush Tax rates in place for the people who truly need tax relief.

This is the same Republican Congress which has asked for a balanced budget amendment. It has codified the Joint Select Committee on Deficit Reduction, which is possibly unconstitutional, and has had no impact on jobs and the unemployment problem. Yet today they want us to vote on a tax increase for the top 2 percent. This illustrates what happens when Congress does not work together in a bipartisan manner, laboring for the American people. We must work together and compromise.

The Senate gave us a layup by producing a bill last week which is virtually identical to the Democratic Substitute. All we have to do is act like Olympians and pass it.

The American people are asking the President and Members of Congress to move swiftly and take decisive action to help restore our economy in a fiscally responsible manner. I am disappointed that Republicans have insisted on holding tax cuts for working and middle class families hostage in order to benefit the wealthiest 2% of Americans.

I would like to thank President Obama for his determined leadership, support and commitment to protecting important tax relief issues for middle-income Americans and the nation's small businesses and farmers during these challenging economic times. I would also like to thank all the Members and their staff who worked diligently to bring this essential legislation to the House floor today in an attempt to do all that we can to protect the American people and move this nation toward fiscally responsible economic recovery.

I support those provisions of H.R. 8 which provide relief for middle-class families and small businesses who will see their taxes go down and get much needed certainty. But I cannot in good conscience support tax relief for millionaires and billionaires at a time when others need help just to make ends meet.

Unlike those provisions of H.R. 8 which benefit America's struggling middle class, I do not support the provisions of this legislation which condition that desperately needed relief upon the unconscionably high cost of providing an unnecessary, expensive giveaway to the wealthiest Americans by providing a two year extension of Bush-era tax cuts for the wealthiest 2% of Americans while keeping their estate tax rate at 35% on estates valued at more than \$5 million for individuals and more than \$10 million for couples.

These giveaways to the wealthiest Americans during these dire economic times needlessly add billions of dollars to our skyrocketing deficit yet create no value for our ailing economy since these tax cuts are not tied to job creation and preservation.

#### ESTATE TAX AMENDMENT

I offered an amendment that would have set the Estate Tax at reasonable levels. My amendment would have allowed estates valued at \$3.5 million or less to pay 35 percent, estates valued between \$3.5 million and \$10 million to pay a 45 percent rate, and estates over \$10 million to pay a 55 percent rate. This commonsense amendment would have restored a sense of fairness to H.R. 8. According to the Center on Budget and Policy Priorities, the 2009 estate tax rules already are extremely generous, tilting in favor of the wealthy. The Tax Policy Center estimates that if policymakers reinstated the 2009 rules:



The estates of 99.7 percent of Americans who die would owe no estate tax at all in 2013. Only the estates of the wealthiest 0.29 percent of Americans who die—about 7,450 people nationwide in 2013—would owe any tax.

Moreover, under the 2009 rules, the small number of estates that were taxable would face an average effective tax rate of 19.1 percent, far below the statutory estate-tax rate of 45 percent. In other words, 81 percent of the value of these estates would remain after the tax, on average. An estate tax that exempts the estates of 997 of every 1,000 people who die and leaves in place an average of 81 percent of the very wealthiest estates is hardly a confiscatory or oppressive tax.

Moreover, only 60 small farm and business estates in the entire country would owe any estate tax in 2013, under a reinstatement of the 2009 rules, and these estates would face an average effective tax rate of just 11.6 percent. Failing to tie tax cuts to job creation is irresponsible since it exacerbates our growing deficit without bolstering job creation.

My amendment does not address the step-up in basis. The exemption level and rate are consistent with parts of the estate tax proposal included in the President's FY2010 and FY2011 Budgets and H.R. 16, the intelligent estate tax proposal being put forth by my colleague Mr. LEVIN of the Ways and Means Committee.

#### CLASSROOM EXPENSE DEDUCTION AMENDMENT

My second amendment would have provided tax relief to school teachers by providing them a deduction for qualified out-of-pocket classroom expenses of \$250 dollars, whether or not they itemize their deductions. You may recall Mr. Speaker that the President included this proposal in his Budget for Fiscal Year 2013.

I understand the tremendous personal costs incurred by educators with little or no classroom budget. According to a 2006 National School Supply and Equipment Association Retail Awareness Study, teachers spend an average of \$493 out of pocket on school supplies for their own classrooms.

7 percent of teachers surveyed said they plan to spend more than \$1,000 of their personal finances on supplies. As education budgets face major shortfalls in the recession, that amount is expected to increase significantly.

Beginning in 2002 the IRS allowed for an above-the-line deduction for classroom expenses of up to \$250. The educator expense deduction allows teachers to write off some expenses that they incur to provide books, supplies, and other equipment and materials for their classrooms. I introduced this amendment and would like to acknowledge the work of my colleagues who have put forth legislation advocating this deduction. America's teachers from Texas to Maine to Florida to Washington deserve our renewed appreciation for their commitment to educating future generations.

Our children should not have to suffer because our teachers are given a Hobson's Choice, forced to choose between using their own finances to effectively teach a class or forced to cut corners due to budgetary restrictions. We promote an increased quality of

education by lessening the financial burden on them when they are trying to go above and beyond their responsibilities is certainly warranted.

While I am opposed to the portions of H.R. 8 that amount to an expensive giveaway to the wealthiest 2% of Americans, I want to emphasize that I fully support job-creation and job creators. I also support President Obama's vision for change. I share his commitment to fighting for low- and middle-income Americans who are the backbone of this country and our economy.

However, this legislation, H.R. 8, especially as it pertains to tax cuts for the top 2% of Americans and estate tax provisions that are regressive and inflate the deficit, does not comport with this vision. I have serious misgivings about extending tax cuts for the wealthiest Americans at the expense of our deficit, especially if these tax cuts are not targeted towards job creation.

#### DEFICIT AND TAXATION

You may recall that in the Budget, the Administration calls for individual tax reform that: cuts the deficit by \$1.5 trillion, including the expiration of the high-income 2001 and 2003 tax cuts. As a matter of sound fiscal policy, I am supportive of this effort. I recognize the putative economic benefits that many attribute to the Bush Tax Cuts, but we must ask ourselves are they affordable? There is no amount of dynamic scoring that will help penetrate the deficit.

The President's budget also eliminated inefficient and unfair tax breaks for millionaires while making all tax breaks at least as good for the middle class as for the wealthy; and observes the Buffett Rule that no household making more than \$1 million a year pays less than 30 percent of their income in taxes.

The individual income tax is a hodgepodge of deductions, exemptions, and credits that provide special benefits to selected groups of taxpayers and favored forms of consumption and investment. These tax preferences make the income tax unfair because they can impose radically different burdens on two different taxpayers with the same income. In essence, Congress has been picking winners and losers.

There is absolutely no justification for huge tax cuts. The wealthiest tax brackets should not profit at the expense of programs keeping struggling families from poverty.

Bear in mind, the Republican's 2012 budget cut \$2 trillion dollars more than President Obama's Debt Commission advised, and those cuts come from vital social services and safety nets for low income families, children and seniors.

Tax expenditures also reduce the economy's productivity because decisions on earning, spending, and investment are driven by tax considerations rather than the price signals that a well-balanced, and fair free market economy produces. These expenditures, whether for individuals or corporations, are really no different than the much ballyhooed entitlement programs, but they have cute names and fancy lobbyists.

Moreover, tax expenditures make the tax system excessively complex for honest taxpayers who are trying to comply with the law while seeking the benefits to which they are legally entitled.

The system is so complex that most taxpayers even those with low incomes now use either a professional tax preparer or tax software. A one-page form shouldn't require a tax preparer who earns a percentage of the return, or a fee. It is not justifiable, especially when some commentators like to point out that a number of taxpayers pay no tax—well they somehow conveniently forget to mention that these tax scofflaws making \$30,000 dollars a year more than make up for it with a long list of regressive taxes at the state and local level.

The alternative minimum tax, or AMT, was initially designed to ensure that all high-income taxpayers paid some income tax, has become the poster child for the tax system's failure, requiring Congress to enact increasingly expensive temporary patches to prevent the AMT from encroaching on millions of middle class households particularly those with children, in a web of pointless high tax rates, complexity, and unfairness.

On the deficit reduction front it is important to remember the economic crisis that the President inherited. I remember back in 2008 and 2009, when we experienced the worst recession since the Great Depression. The economy actually contracted, it shrunk, at a rate of almost 9 percent in the fourth quarter of 2008.

We lost 800,000 private-sector jobs in January of 2009 alone, and unemployment was surging. Those are the conditions the President inherited—the car was swerving into the ditch. He was not the driver, but he was asked to come in on literally his first day of office, roll-up his sleeves and figure out how to prevent the car from rolling farther down the hill. If you'll recall we also faced a housing market that was in crisis, and we faced a financial market crisis as well that threatened to set off a global financial collapse. We have come a long way since then yet there is more work to be done.

The cloud looming over this Congress is an unintended "triple-witching hour" of tax increases and Sequestration measures that will take effect at the beginning of 2013.

The expiration of the Bush Tax Cuts, the end of the recently extended Payroll Tax Cut, and increases in capital gains and dividends taxation will shock the conscience and wallets of the American people. That is why Congress needs to enact bi-partisan legislation that helps lower the deficit but does not wreak havoc on the financial soul of the middle class.

But again, tax reform that lowers the rate, reduces the deficit, and does not pick winners and losers is not easy, but let's not forget, if President Reagan and then-Speaker Tip O'Neill could do it in 1986, anything is possible.

The so-called "99ers" have been sincerely looking for work for a very long time and have run out of resources to provide for their families and pay their mortgages, pay their bills and buy food. They simply want and need a job to pay for these obligations. H.R. 8 proposes to give tax cuts to the wealthiest Americans, yet fails to provide for the so-called "99ers."

H.R. 8 unfortunately is not ready for prime-time. Let us come together for the American



people and pass the Levin Substitute—a bill which has already passed in the Senate.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to the rule, the previous question is ordered on the bill and on the amendment offered by the gentleman from Michigan (Mr. LEVIN).

The question is on the amendment offered by the gentleman from Michigan.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. LEVIN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 170, nays 257, not voting 3, as follows:

[Roll No. 543]

YEAS—170

Ackerman	Garamendi	Neal
Andrews	Gonzalez	Oliver
Baca	Green, Al	Pallone
Baldwin	Green, Gene	Pascarell
Barber	Grijalva	Pastor (AZ)
Bass (CA)	Gutierrez	Pelosi
Becerra	Hahn	Perlmutter
Berkley	Hanabusa	Peters
Berman	Hastings (FL)	Pingree (ME)
Bishop (GA)	Heinrich	Polis
Bishop (NY)	Higgins	Price (NC)
Blumenauer	Himes	Quigley
Bonamici	Hinchey	Rahall
Boswell	Hinojosa	Rangel
Brady (PA)	Hirono	Reyes
Braley (IA)	Hochul	Richardson
Brown (FL)	Holden	Richmond
Butterfield	Holt	Rothman (NJ)
Capps	Honda	Roybal-Allard
Capuano	Hoyer	Ruppersberger
Carnahan	Israel	Rush
Carney	Jackson Lee	Ryan (OH)
Carson (IN)	(TX)	Sánchez, Linda
Castor (FL)	Johnson (GA)	T.
Chu	Johnson, E. B.	Sanchez, Loretta
Cicilline	Kaptur	Sarbanes
Clarke (MI)	Keating	Schakowsky
Clarke (NY)	Kildee	Schiff
Clay	Kind	Schwartz
Cleaver	Kucinich	Scott (VA)
Clyburn	Langevin	Scott, David
Cohen	Larsen (WA)	Serrano
Connolly (VA)	Larson (CT)	Sewell
Conyers	Lee (CA)	Sherman
Costello	Levin	Sires
Courtney	Lewis (GA)	Slaughter
Critz	Lipinski	Smith (WA)
Crowley	Loebsock	Speier
Cummings	Loftgren, Zoe	Stark
Davis (CA)	Lowe	Sutton
Davis (IL)	Luján	Thompson (MS)
DeFazio	Lynch	
DeGette	Maloney	
DeLauro	Markey	
Deutch	Matsui	
Dicks	McCarthy (NY)	
Dingell	McCollum	
Doggett	McDermott	
Doyle	McGovern	
Edwards	Meeks	
Ellison	Michaud	
Engel	Miller (NC)	
Eshoo	Miller, George	
Farr	Moore	
Fattah	Moran	
Filner	Murphy (CT)	
Frank (MA)	Nadler	
Fudge	Napolitano	

NAYS—257

Adams	Austria	Barton (TX)
Aderholt	Bachmann	Bass (NH)
Alexander	Bachus	Benishkek
Altmire	Barletta	Berg
Amash	Barrow	Biggart
Amodei	Bartlett	Bilbray

Bilirakis	Hall	Peterson
Bishop (UT)	Hanna	Petri
Black	Harper	Pitts
Blackburn	Harris	Platts
Bonner	Hartzler	Poe (TX)
Bono Mack	Hastings (WA)	Pompeo
Boren	Hayworth	Posey
Boustany	Heck	Price (GA)
Brady (TX)	Hensarling	Quayle
Brooks	Herger	Reed
Broun (GA)	Herrera Beutler	Rehberg
Buchanan	Huelskamp	Reichert
Bucshon	Huizenga (MI)	Renacci
Buerkle	Hultgren	Ribble
Burgess	Hunter	Rigell
Burton (IN)	Hurt	Rivera
Calvert	Issa	Roby
Camp	Jenkins	Roe (TN)
Campbell	Johnson (IL)	Rogers (AL)
Canseco	Johnson (OH)	Rogers (KY)
Cantor	Johnson, Sam	Rogers (MI)
Capito	Jones	Rohrabacher
Carter	Jordan	Rokita
Cassidy	Kelly	Rooney
Chabot	King (IA)	Ros-Lehtinen
Chaffetz	King (NY)	Roskam
Chandler	Kingston	Ross (AR)
Coble	Kinzinger (IL)	Ross (FL)
Coffman (CO)	Kissell	Royce
Cole	Kline	Runyan
Conaway	Labrador	Ryan (WI)
Cooper	Lamborn	Scalise
Costa	Lance	Schilling
Cravaack	Landry	Schmidt
Crawford	Lankford	Schock
Crenshaw	Latham	Schrader
Cuellar	LaTourette	Schweikert
Culberson	Latta	Scott (SC)
Denham	Lewis (CA)	Scott, Austin
Dent	LoBiondo	Sensenbrenner
DesJarlais	Long	Sessions
Diaz-Balart	Lucas	Shimkus
Dold	Luetkemeyer	Shuler
Donnelly (IN)	Lummis	Shuster
Dreier	Lungren, Daniel	Simpson
Duffy	E.	Smith (NE)
Mack	Manzullo	Smith (NJ)
Marchant	Marino	Smith (TX)
McCarthy (CA)	Matheson	Southerland
McCauley	McCarthy (CA)	Stearns
McClintock	McCauley	Stivers
McHenry	McClintock	Stutzman
McIntyre	McHenry	Sullivan
McKeon	McIntyre	Terry
McKinley	McKeon	Thompson (CA)
McMorris	McKinley	Thompson (PA)
Rodgers	McMorris	Thornberry
McNerney	Rodgers	Tiberi
Meehan	McNerney	Tipton
Mica	Meehan	Turner (NY)
Miller (FL)	Mica	Turner (OH)
Miller (MI)	Miller (FL)	Upton
Miller, Gary	Miller (MI)	Walberg
Mulvaney	Miller, Gary	Walden
Murphy (PA)	Mulvaney	Walsh (IL)
Myrick	Murphy (PA)	Walz (MN)
Neugebauer	Myrick	Webster
Noem	Neugebauer	West
Nugent	Noem	Westmoreland
Nunes	Nugent	Whitfield
Nunnelee	Nunes	Wilson (SC)
Olson	Nunnelee	Wittman
Owens	Olson	Wolf
Palazzo	Owens	Womack
Paul	Palazzo	Woodall
Paulsen	Paul	Yoder
Pearce	Paulsen	Young (AK)
Pence	Pearce	Young (FL)
	Pence	Young (IN)

NOT VOTING—3

Akin	Cardoza	Jackson (IL)
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□ 1737

Messrs. JONES and JOHNSON of Ohio changed their vote from “yea” to “nay.”

Ms. EDWARDS, Ms. HAHN, Mrs. DAVIS of California, and Messrs. ELLISON, HINCHEY, and MORAN changed their vote from “nay” to “yea.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. DEFAZIO. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. DEFAZIO. Yes, I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. DeFazio moves to recommit the bill H.R. 8 to the Committee on Ways and Means with instructions to report the same back to the House forthwith with the following amendment:

Add at the end of the bill the following:

#### SEC. 6. FINDINGS.

Congress finds the following:

(1) Section 2 of this Act (H.R. 8) extends tax cuts for millionaires instead of helping small businesses with tax cuts to invest in the future and create jobs.

(2) Small businesses would be better served by ending tax breaks for millionaires and instead using that revenue to expand the small business expensing provision, which fosters investment in new plants and equipment.

(3) This Act (H.R. 8) fails to extend expansions to the Child Tax Credit and the Earned Income Tax Credit, and it fails to extend altogether the American Opportunity Tax Credit. This tax relief encourages work, has lifted millions of Americans into the middle class, and helps middle class families pay for the costs of higher education.

#### SEC. 7. APPLICATION OF EXTENSION OF 2001 AND 2003 TAX RELIEF TO CERTAIN HIGH-INCOME TAXPAYERS.

(a) APPLICATION OF EXTENSION OF 2001 TAX RELIEF.—

(1) TREATMENT OF 25-, 28-, AND 33-PERCENT RATE BRACKETS.—Paragraph (2) of section 1(i) of the Internal Revenue Code of 1986 is amended to read as follows:

“(2) 25-, 28-, AND 33-PERCENT RATE BRACKETS.—The tables under subsections (a), (b), (c), (d), and (e) shall be applied—

“(A) by substituting ‘25%’ for ‘28%’ each place it appears (before the application of subparagraph (B)),

“(B) by substituting ‘28%’ for ‘31%’ each place it appears, and

“(C) by substituting ‘33%’ for ‘36%’ each place it appears.”.

(2) 35-PERCENT RATE BRACKET.—Subsection (i) of section 1 of such Code is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

“(3) 35-PERCENT RATE BRACKET.—

“(A) IN GENERAL.—In the case of taxable years beginning after December 31, 2012—

“(i) the rate of tax under subsections (a), (b), (c), and (d) on a taxpayer’s taxable income in the highest rate bracket shall be 35 percent to the extent such income does not exceed an amount equal to the excess of—

“(I) the applicable amount, over

“(II) the dollar amount at which such bracket begins, and

“(ii) the 39.6 percent rate of tax under such subsections shall apply only to the taxpayer’s taxable income in such bracket in excess of the amount to which clause (i) applies.

“(B) APPLICABLE AMOUNT.—For purposes of this paragraph, the term ‘applicable amount’ means the excess of—

“(i) the applicable threshold, over

“(ii) the sum of the following amounts in effect for the taxable year:

“(I) the basic standard deduction (within the meaning of section 63(c)(2)), and

“(II) the exemption amount (within the meaning of section 151(d)(1) (or, in the case of subsection (a), 2 such exemption amounts)).

“(C) APPLICABLE THRESHOLD.—For purposes of this paragraph, the term ‘applicable threshold’ means—

“(i) \$1,000,000 in the case of subsection (a), (b), and (c), and

“(ii) ½ the amount applicable under clause (i) (after adjustment, if any, under subparagraph (E)) in the case of subsection (d).

“(D) HIGHEST RATE BRACKET.—For purposes of this paragraph, the term ‘highest rate bracket’ means the bracket which would (determined without regard to this paragraph) be the 39.6-percent rate bracket.

“(E) INFLATION ADJUSTMENT.—For purposes of this paragraph, with respect to taxable years beginning in calendar years after 2012, the dollar amount in subparagraph (C)(i) shall be adjusted in the same manner as under paragraph (1)(C), except that subsection (f)(3)(B) shall be applied by substituting ‘2008’ for ‘1992’.”

(3) OVERALL LIMITATION ON ITEMIZED DEDUCTIONS.—Section 68 of such Code is amended—

(A) by striking “the applicable amount” the first place it appears in subsection (a) and inserting “the applicable threshold in effect under section 1(i)(3)”,

(B) by striking “the applicable amount” in subsection (a)(1) and inserting “such applicable threshold”,

(C) by striking subsection (b) and redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively, and

(D) by striking subsections (f) and (g).

(4) PHASEOUT OF DEDUCTIONS FOR PERSONAL EXEMPTIONS.—

(A) IN GENERAL.—Paragraph (3) of section 151(d) of such Code is amended—

(i) by striking “the threshold amount” in subparagraphs (A) and (B) and inserting “the applicable threshold in effect under section 1(i)(3)”,

(ii) by striking subparagraph (C) and redesignating subparagraph (D) as subparagraph (C), and

(iii) by striking subparagraphs (E) and (F).

(B) CONFORMING AMENDMENTS.—Paragraph (4) of section 151(d) of such Code is amended—

(i) by striking subparagraph (B),

(ii) by redesignating clauses (i) and (ii) of subparagraph (A) as subparagraphs (A) and (B), respectively, and by indenting such subparagraphs (as so redesignated) accordingly, and

(iii) by striking all that precedes “in a calendar year after 1989,” and inserting the following:

“(4) INFLATION ADJUSTMENT.—In the case of any taxable year beginning”.

(b) APPLICATION OF EXTENSION OF 2003 TAX RELIEF.—

(1) 20-PERCENT CAPITAL GAINS RATE FOR CERTAIN HIGH INCOME INDIVIDUALS.—Paragraph (1) of section 1(h) of the Internal Revenue Code of 1986 is amended by striking subparagraph (C), by redesignating subparagraphs

(D) and (E) as subparagraphs (E) and (F) and by inserting after subparagraph (B) the following new subparagraphs:

“(C) 15 percent of the lesser of—

“(i) so much of the adjusted net capital gain (or, if less, taxable income) as exceeds the amount on which a tax is determined under subparagraph (B), or

“(ii) the excess (if any) of—

“(I) the amount of taxable income which would (without regard to this paragraph) be taxed at a rate below 39.6 percent, over

“(II) the sum of the amounts on which a tax is determined under subparagraphs (A) and (B),

“(D) 20 percent of the adjusted net capital gain (or, if less, taxable income) in excess of the sum of the amounts on which tax is determined under subparagraphs (B) and (C).”.

(2) MINIMUM TAX.—Section 55 of such Code is amended by adding at the end the following new subsection:

“(f) 20-PERCENT CAPITAL GAINS RATE FOR CERTAIN HIGH INCOME INDIVIDUALS.—

“(1) IN GENERAL.—In the case of any individual, if the taxpayer’s taxable income for the taxable year exceeds the applicable amount determined under section 1(i) with respect to such taxpayer for such taxable year, the amount determined under paragraph (2) shall be substituted for the amount determined under subsection (b)(3)(C) for purposes of determining the taxpayer’s tentative minimum tax for such taxable year.

“(2) DETERMINATION OF 20-PERCENT CAPITAL GAINS RATE.—The amount determined under this paragraph is the sum of—

“(A) 15 percent of the lesser of—

“(i) so much of the adjusted net capital gain (or, if less, taxable excess) as exceeds the amount on which tax is determined under subsection (b)(3)(B), or

“(ii) the excess described in section 1(h)(1)(C)(ii), plus

“(B) 20 percent of the adjusted net capital gain (or, if less, taxable excess) in excess of the sum of the amounts on which tax is determined under subparagraph (A) and subsection (b)(3)(B).”.

(3) CONFORMING AMENDMENTS.—

(A) The following provisions are each amended by striking “15 percent” and inserting “20 percent”:

(i) Section 531 of the Internal Revenue Code of 1986.

(ii) Section 541 of such Code.

(iii) Section 1445(e)(1) of such Code.

(iv) The second sentence of section 7518(g)(6)(A) of such Code.

(v) Section 53511(f)(2) of title 46, United States Code.

(B) Section 1445(e)(6) of the Internal Revenue Code of 1986 is amended by striking “15 percent (20 percent in the case of taxable years beginning after December 31, 2010)” and inserting “20 percent”.

(c) APPLICATION OF SUNSETS.—

(1) APPLICATION OF EGTRRA SUNSET.—Each amendment made by subsection (a) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 to the same extent and in the same manner as if such amendment was included in title I of such Act.

(2) APPLICATION OF JGTRRA SUNSET.—Each amendment made by subsection (b) shall be subject to section 303 of the Jobs and Growth Tax Relief Reconciliation Act of 2003 to the same extent and in the same manner as if such amendment was included in title III of such Act.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments

made by this section shall apply to taxable years beginning after December 31, 2012.

(2) WITHHOLDING.—The amendments made by subparagraphs (A)(iii) and (B) of subsection (b)(3) shall apply to amounts paid on or after January 1, 2013.

#### SEC. 8. ADDITIONAL INCREASE IN SMALL BUSINESS EXPENSING.

(a) IN GENERAL.—Section 179(b) of the Internal Revenue Code of 1986, as amended by section 3, is further amended—

(1) by striking “\$100,000” in paragraph (1)(D) and inserting “\$1,000,000”,

(2) by striking “\$400,000” in paragraph (2)(D) and inserting “\$5,000,000”, and

(3) by striking paragraph (6).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2012.

Mr. DEFAZIO (during the reading). Mr. Speaker, I ask unanimous consent that reading of the motion be suspended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

Mr. CAMP. I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk will read.

The Clerk continued to read.

Mr. DEFAZIO (during the reading). I ask unanimous consent that further reading be suspended.

The SPEAKER pro tempore. Is there objection?

Without objection, the reading is dispensed with.

There was no objection.

The SPEAKER pro tempore. Under the rule, the gentleman from Oregon is recognized for 5 minutes in support of his motion.

Mr. DEFAZIO. This is the final amendment to the bill. It won’t kill the bill or send it back to committee. If adopted, the bill will be immediately amended and will proceed to final passage.

It’s a pretty simple amendment. It would create a tax break for the real job creators in America, which are small businesses and middle-income families. A middle-income person with a job or a small business and enough money to go out and invest and buy products made in America for his business—that’s a key component of this—would be allowed an expensing.

The Republican version of the bill would limit the expensing to small businesses to \$100,000 a year for the purchases of new equipment made in America. If this amendment is adopted, those same small businesses would be allowed to expense up to \$1 million to purchase products made in America, which would put people back to work.

Now, I know we’re going to hear of the millionaires and billionaires because this tax increase, or restoration of the Clinton era rates, would only apply to incomes over \$1 million. So a millionaire still gets the break on the first \$1 million. It’s only on income over \$1 million that would go to the Clinton era rates.

They'll say they're the job creators and that it would depress job creation. Let's think back to the Clinton administration. We had a 39.6 percent top bracket on the millionaires and billionaires. We had 3.8 percent unemployment in the United States of America, and we paid down debt for the first time since the Eisenhower administration. I'd like to go back to those bad old days.

Now, we've been doing the Bush tax cuts for 12 years. Where are the jobs? Where are the jobs from cutting taxes on people's incomes of over \$1 million? They aren't creating those jobs. Let me give you two quick examples from my district, and they're typical.

□ 1750

I have Palo Alto Software, a small business. They make software for business start-ups. We contacted them, and they said, Yes, we could invest way more both in new hardware, new software, and other things that would enhance our business than \$100,000 if we were given this expensing privilege, and we would put more people back to work.

Bulk Handling Systems, they make recycling systems in my district. They had the same answer: If you gave us a million dollars of expensing, we would spend every penny of that on products made in America and put people back to work.

The bottom line is the Republicans want to limit these small businesses, these real job creators, to a \$100,000 deduction when they could use a million dollars in expensing and put more people back to work, because their premise is that the millionaire, the person who got hundreds of millions or more in income, that having them not pay more taxes on their income over \$1 million will create more jobs than the small business. I don't buy that. I don't think the American people buy that.

There's no limit on what they can do with their huge tax breaks, their very expensive tax breaks. They can buy another vacation home in the Caribbean. They can buy a Lamborghini. Paris Hilton can go on a shopping spree in London or Paris.

This bill limits the expensing and the purchase of equipment to products made in the United States of America. I want to see things made in this country again. I want to put Americans back to work, not people overseas.

It's time that we admitted that we can't afford to continue the tax cuts over \$1 million of income.

It would also reduce the deficit over 10 years by \$29 billion after we create jobs, after we give this expensing privilege to small businesses.

The choice is yours. You can stick with those who have income over \$1 million or you can side with small businesses and American workers. You decide.

I yield back the balance of my time. Mr. CAMP. Mr. Speaker, I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman from Michigan is recognized for 5 minutes.

Mr. CAMP. It's clear that my friends on the other side are committed to raising taxes at any cost. Does anyone believe that they're going to use that to reduce the deficit? We'll just see more wasteful Washington spending. This isn't a solution. America is at a crossroad. We've had 40 months of 8 percent unemployment. What do we get from them? Not a solution. We get a political ploy.

I appreciate my friend from Oregon touting the benefits of the Clinton administration when we had a Republican Congress. Let me just say I've welcomed the advice of former President Bill Clinton. He said extend all of the current tax rates. Let me just say that this would gut tax reform.

Say "yes" to tax reform. Say "no" to raising taxes. Say "no" to this motion to recommit.

With that, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

#### RECORDED VOTE

Mr. DEFAZIO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of H.R. 8, if ordered, and the motions to suspend with regard to House Resolution 750 and H.R. 4365.

The vote was taken by electronic device, and there were—ayes 181, noes 246, not voting 3, as follows:

[Roll No. 544]

AYES—181

Ackerman	Chandler	Deutch
Andrews	Chu	Dicks
Baca	Cicilline	Dingell
Baldwin	Clarke (MI)	Doggett
Barber	Clarke (NY)	Doyle
Bass (CA)	Clay	Duncan (TN)
Becerra	Cleaver	Edwards
Berkley	Clyburn	Ellison
Berman	Cohen	Engel
Bishop (GA)	Connolly (VA)	Eshoo
Bishop (NY)	Conyers	Farr
Blumenauer	Cooper	Fattah
Bonamici	Costa	Filner
Boswell	Costello	Frank (MA)
Brady (PA)	Courtney	Fudge
Braley (IA)	Critz	Garamendi
Brown (FL)	Crowley	Gonzalez
Butterfield	Cuellar	Green, Al
Capps	Cummings	Green, Gene
Capuano	Davis (CA)	Grijalva
Carnahan	Davis (IL)	Gutierrez
Carney	DeFazio	Hahn
Carson (IN)	DeGette	Hanabusa
Castor (FL)	DeLauro	Hastings (FL)

Heinrich	McCarthy (NY)	Sánchez, Linda
Higgins	McCollum	T.
Himes	McDermott	Sanchez, Loretta
Hinchey	McGovern	Sarbanes
Hinojosa	McNerney	Schakowsky
Hirono	Meeks	Schiff
Hochul	Michaud	Schwartz
Holden	Miller (NC)	Scott (VA)
Holt	Miller, George	Scott, David
Honda	Moore	Serrano
Hoyer	Moran	Sewell
Israel	Murphy (CT)	Sherman
Jackson Lee	Nadler	Sires
(TX)	Napolitano	Slaughter
Johnson (GA)	Neal	Smith (WA)
Johnson, E. B.	Olver	Speier
Jones	Owens	Stark
Kaptur	Pallone	Sutton
Keating	Pascarell	Thompson (CA)
Kildee	Pastor (AZ)	Thompson (MS)
Kind	Pelosi	Tierney
Kissell	Perlmutter	Tonko
Kucinich	Peters	Towns
Langevin	Pingree (ME)	Tsongas
Larsen (WA)	Polis	Van Hollen
Larson (CT)	Price (NC)	Velázquez
Lee (CA)	Quigley	Visclosky
Levin	Rahall	Walz (MN)
Lewis (GA)	Rangel	Wasserman
Lipinski	Reyes	Schultz
Loeback	Richardson	Waters
Lofgren, Zoe	Richmond	Watt
Lowey	Rothman (NJ)	Waxman
Lujan	Roybal-Allard	Welch
Lynch	Ruppersberger	Wilson (FL)
Maloney	Rush	Woolsey
Markey	Ryan (OH)	Yarmuth
Matsui		

#### NOES—246

Adams	Diaz-Balart	Issa
Aderholt	Dold	Jenkins
Alexander	Donnelly (IN)	Johnson (IL)
Altmire	Dreier	Johnson (OH)
Amash	Duffy	Johnson, Sam
Amodel	Duncan (SC)	Jordan
Austria	Ellmers	Kelly
Bachmann	Emerson	King (IA)
Bachus	Farenthold	King (NY)
Barletta	Fincher	Kingston
Barrow	Fitzpatrick	Kinzing (IL)
Bartlett	Flake	Kline
Barton (TX)	Fleischmann	Labrador
Bass (NH)	Fleming	Lamborn
Benishek	Flores	Lance
Berg	Forbes	Landry
Biggart	Fortenberry	Lankford
Bilbray	Fox	Latham
Bilirakis	Franks (AZ)	LaTourette
Bishop (UT)	Frelinghuysen	Latta
Black	Gallegly	Lewis (CA)
Blackburn	Gardner	LoBiondo
Bonner	Garrett	Long
Bono Mack	Gerlach	Lucas
Boren	Gibbs	Luetkemeyer
Boustany	Gibson	Lummis
Brady (TX)	Gingrey (GA)	Lungren, Daniel
Brooks	Gohmert	E.
Broun (GA)	Goodlatte	Mack
Buchanan	Gosar	Manzullo
Bucshon	Gowdy	Marchant
Buerkle	Granger	Marino
Burgess	Graves (GA)	Matheson
Burton (IN)	Graves (MO)	McCarthy (CA)
Calvert	Griffin (AR)	McCaul
Camp	Griffith (VA)	McClintock
Campbell	Grimm	McHenry
Canseco	Guinta	McIntyre
Cantor	Guthrie	McKeon
Capito	Hall	McKinley
Carter	Hanna	McMorris
Cassidy	Harper	Rodgers
Chabot	Harris	Meehan
Chaffetz	Hartzler	Mica
Coble	Hastings (WA)	Miller (FL)
Coffman (CO)	Hayworth	Miller (MI)
Cole	Heck	Miller, Gary
Conaway	Hensarling	Mulvaney
Cravaack	Herger	Murphy (PA)
Crawford	Herrera Beutler	Myrick
Crenshaw	Huelskamp	Neugebauer
Culberson	Huizenga (MI)	Noem
Denham	Hultgren	Nugent
Dent	Hunter	Nunes
DesJarlais	Hurt	Nunnelee

Olson  
Palazzo  
Paul  
Paulsen  
Pearce  
Pence  
Peterson  
Petri  
Pitts  
Platts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Quayle  
Reed  
Rehberg  
Reichert  
Renacci  
Ribble  
Rigell  
Rivera  
Robby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher

Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (AR)  
Ross (FL)  
Royce  
Runyan  
Ryan (WI)  
Scalise  
Schilling  
Schmidt  
Schock  
Schrader  
Schweikert  
Scott (SC)  
Scott, Austin  
Sensenbrenner  
Sessions  
Shimkus  
Shuler  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southerland  
Stearns

Stivers  
Stutzman  
Sullivan  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner (NY)  
Turner (OH)  
Upton  
Walberg  
Walden  
Walsh (IL)  
Webster  
West  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Young (AK)  
Young (FL)  
Young (IN)

## NOT VOTING—3

Akin Cardoza Jackson (IL)

## □ 1811

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

## RECORDED VOTE

Mr. LEVIN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 256, noes 171, not voting 3, as follows:

## [Roll No. 545]

## AYES—256

Adams  
Aderholt  
Alexander  
Amash  
Amodei  
Austria  
Bachmann  
Bachus  
Barletta  
Barrow  
Bartlett  
Barton (TX)  
Bass (NH)  
Benishek  
Berg  
Biggert  
Bilbray  
Bilirakis  
Bishop (GA)  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Bono Mack  
Boren  
Boswell  
Boustany  
Brady (TX)  
Brooks  
Broun (GA)  
Buchanan  
Bucshon  
Buerkle  
Burgess  
Burton (IN)

Calvert  
Camp  
Campbell  
Canseco  
Cantor  
Capito  
Carter  
Cassidy  
Chabot  
Chaffetz  
Chandler  
Coble  
Coffman (CO)  
Cole  
Conaway  
Connolly (VA)  
Costa  
Cravack  
Crawford  
Crenshaw  
Critz  
Cuellar  
Culberson  
Denham  
Dent  
DesJarlais  
Diaz-Balart  
Dold  
Donnelly (IN)  
Dreier  
Duffy  
Duncan (SC)  
Duncan (TN)  
Ellmers  
Emerson

Farenthold  
Fincher  
Pitzpatrick  
Flake  
Fleischmann  
Fleming  
Flores  
Forbes  
Portenberry  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Gardner  
Garrett  
Gratch  
Gibbs  
Gibson  
Gingrey (GA)  
Gohmert  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guinta  
Guthrie  
Hall  
Hanna  
Harper  
Harris

Hartzler  
Hastings (WA)  
Hayworth  
Heck  
Hensarling  
Herger  
Herrera Beutler  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Issa  
Jenkins  
Johnson (OH)  
Johnson, Sam  
Jones  
Jordan  
Kelly  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kissell  
Kline  
Labrador  
Lamborn  
Lance  
Landry  
Lankford  
Latham  
LaTourette  
Latta  
Lewis (CA)  
LoBiondo  
Loeb sack  
Long  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel E.  
Mack  
Manzullo  
Marchant  
Marino  
Matheson  
McCarthy (CA)  
McCauley  
McClintock  
McHenry

McIntyre  
McKeon  
McKinley  
McMorris  
Rodgers  
McNerney  
Meehan  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mulvaney  
Murphy (PA)  
Myrick  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Owens  
Palazzo  
Paul  
Paulsen  
Pearce  
Pence  
Peterson  
Petri  
Pitts  
Platts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Quayle  
Reed  
Rehberg  
Reichert  
Renacci  
Ribble  
Rigell  
Rivera  
Robby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen

Roskam  
Ross (AR)  
Ross (FL)  
Royce  
Runyan  
Ryan (WI)  
Scalise  
Schilling  
Schmidt  
Schock  
Schweikert  
Scott (SC)  
Scott, Austin  
Sensenbrenner  
Sessions  
Shimkus  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southerland  
Stearns  
Stivers  
Stutzman  
Sullivan  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner (NY)  
Turner (OH)  
Upton  
Walberg  
Walden  
Walsh (IL)  
Walz (MN)  
Webster  
West  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Young (AK)  
Young (FL)  
Young (IN)

## NOES—171

Ackerman  
Altmire  
Andrews  
Baca  
Baldwin  
Barber  
Bass (CA)  
Becerra  
Berkley  
Berman  
Bishop (NY)  
Blumenauer  
Bonamici  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Butterfield  
Capps  
Capuano  
Carnahan  
Carney  
Carson (IN)  
Castor (FL)  
Chu  
Cicilline  
Clarke (MI)  
Clarke (NY)  
Clay  
Cleaver  
Clyburn  
Cohen  
Conyers  
Cooper  
Costello  
Courtney  
Crowley  
Cummings  
Davis (CA)  
Davis (IL)  
DeFazio  
DeGette  
DeLauro

Deutch  
Dicks  
Dingell  
Doggett  
Doyle  
Edwards  
Ellison  
Engel  
Eshoo  
Farr  
Fattah  
Filner  
Frank (MA)  
Fudge  
Garamendi  
Gonzalez  
Green, Al  
Green, Gene  
Grijalva  
Gutierrez  
Hahn  
Hanabusa  
Hastings (FL)  
Heinrich  
Higgins  
Himes  
Hinchey  
Hinojosa  
Hirono  
Hochul  
Holden  
Holt  
Honda  
Hoyer  
Israel  
Jackson Lee  
(TX)  
Johnson (GA)  
Johnson (IL)  
Johnson, E. B.  
Kaptur  
Keating

Kildee  
Kind  
Kucinich  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis (GA)  
Lipinski  
Loftgren, Zoe  
Lowey  
Lujan  
Lynch  
Maloney  
Markey  
Matsui  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
Meeks  
Michaud  
Miller (NC)  
Miller, George  
Moore  
Moran  
Murphy (CT)  
Nadler  
Napolitano  
Neal  
Oliver  
Pallone  
Pascarella  
Pastor (AZ)  
Pelosi  
Perlmutter  
Peters  
Pingree (ME)  
Polis  
Price (NC)  
Quigley

Rahall  
Rangel  
Reyes  
Richardson  
Richmond  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Sanchez, Linda T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff

Schrader  
Schwartz  
Scott (VA)  
Scott, David  
Serrano  
Sewell  
Sherman  
Shuler  
Sires  
Slaughter  
Smith (WA)  
Speier  
Stark  
Sutton  
Thompson (CA)  
Thompson (MS)

Tierney  
Tonko  
Towns  
Tsongas  
Van Hollen  
Velázquez  
Vislosky  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Welch  
Wilson (FL)  
Woolsey  
Yarmuth

## NOT VOTING—3

Akin Cardoza Jackson (IL)

## □ 1819

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## IRAN THREAT REDUCTION AND SYRIA HUMAN RIGHTS ACT OF 2012

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution (H. Res. 750) providing for the concurrence by the House in the Senate amendment to H.R. 1905, with an amendment, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 421, nays 6, not voting 3, as follows:

## [Roll No. 546]

## YEAS—421

Ackerman  
Adams  
Aderholt  
Alexander  
Altmire  
Amodei  
Andrews  
Austria  
Baca  
Bachmann  
Bachus  
Barber  
Barletta  
Barrow  
Bartlett  
Barton (TX)  
Bass (CA)  
Bass (NH)  
Becerra  
Benishek  
Berg  
Berkley  
Berman  
Biggert  
Bilbray  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Black  
Blackburn  
Bonamici  
Bonner  
Bono Mack  
Boren  
Boswell  
Boustany  
Brady (PA)  
Brady (TX)  
Braley (IA)  
Brooks  
Broun (GA)  
Brown (FL)  
Buchanan  
Bucshon  
Buerkle  
Burgess  
Burton (IN)  
Butterfield  
Calvert  
Camp  
Campbell  
Canseco  
Cantor  
Capito  
Capps  
Capuano  
Carnahan  
Carney  
Carson (IN)  
Carter  
Cassidy  
Castor (FL)  
Chabot  
Chaffetz  
Chandler

Chu  
Cicilline  
Clarke (MI)  
Clarke (NY)  
Clay  
Cleaver  
Clyburn  
Coble  
Coffman (CO)  
Cohen  
Cole  
Conaway  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Cravack  
Crawford  
Crenshaw  
Critz  
Crowley  
Cuellar  
Culberson  
Cummings  
Davis (CA)  
Davis (IL)  
DeFazio  
DeGette  
DeLauro  
Denham  
Dent  
DesJarlais

Deutch	Johnson, E. B.	Pelosi	Tipton	Walsh (IL)	Wilson (FL)	Cuellar	Hultgren	Olver
Diaz-Balart	Johnson, Sam	Pence	Tonko	Walz (MN)	Wilson (SC)	Culberson	Hunter	Owens
Dicks	Jordan	Perlmutter	Towns	Wasserman	Wittman	Cummings	Hurt	Palazzo
Dingell	Kaptur	Peters	Tsongas	Schultz	Wolf	Davis (CA)	Israel	Pallone
Doggett	Keating	Peterson	Turner (NY)	Waters	Womack	Davis (IL)	Issa	Pascrell
Dold	Kelly	Petri	Turner (OH)	Watt	Woodall	DeFazio	Jackson Lee	Pastor (AZ)
Donnelly (IN)	Kildee	Pingree (ME)	Upton	Waxman	Woolsey	DeGette	(TX)	Paulsen
Doyle	Kind	Pitts	Van Hollen	Webster	Yarmuth	DeLauro	Jenkins	Pearce
Dreier	King (IA)	Platts	Velázquez	Weich	Yoder	Denham	Johnson (GA)	Pelosi
Duffy	King (NY)	Poe (TX)	Visclosky	West	Young (AK)	Dent	Johnson (OH)	Pence
Duncan (SC)	Kingston	Polis	Walberg	Westmoreland	Young (FL)	DesJarlais	Johnson, E. B.	Perlmutter
Edwards	Kinzing (IL)	Pompeo	Walden	Whitfield	Young (IN)	Deutch	Johnson, Sam	Peters
Ellison	Kissell	Posey				Diaz-Balart	Jordan	Peterson
Ellmers	Kline	Price (GA)				Dingell	Keating	Petri
Emerson	Labrador	Price (NC)	Amash	Johnson (IL)	Kucinich	Doggett	Kelly	Pingree (ME)
Engel	Lamborn	Quayle	Duncan (TN)	Jones	Paul	Dold	Kildee	Pitts
Eshoo	Lance	Quigley				Donnelly (IN)	Kind	Platts
Farenthold	Landry	Rahall				Doyle	King (IA)	Poe (TX)
Farr	Langevin	Rangel	Akin	Cardoza	Jackson (IL)	Dreier	King (NY)	Polis
Fattah	Lankford	Reed				Duffy	Kingston	Pompeo
Filner	Larsen (WA)	Rehberg				Duncan (SC)	Kinzing (IL)	Posey
Fincher	Larson (CT)	Reichert				Duncan (TN)	Kissell	Price (GA)
Fitzpatrick	Latham	Renacci				Edwards	Kline	Price (NC)
Flake	LaTourette	Reyes				Ellison	Kucinich	Quayle
Fleischmann	Latta	Ribble				Ellmers	Labrador	Quigley
Fleming	Lee (CA)	Richardson				Emerson	Lance	Rahall
Flores	Levin	Richmond				Engel	Landry	Rangel
Forbes	Lewis (CA)	Rigell				Eshoo	Langevin	Reed
Fortenberry	Lewis (GA)	Rivera				Farenthold	Lankford	Rehberg
Fox	Lipinski	Roby				Farr	Larsen (WA)	Reichert
Frank (MA)	LoBiondo	Roe (TN)				Fattah	Larson (CT)	Renacci
Franks (AZ)	Loeb	Rogers (AL)				Filner	Latham	Reyes
Frelinghuysen	Lofgren, Zoe	Rogers (KY)				Fincher	LaTourette	Ribble
Fudge	Long	Rogers (MI)				Fitzpatrick	Latta	Richardson
Gallely	Lowey	Rohrabacher				Flake	Lee (CA)	Richmond
Garamendi	Lucas	Rokita				Fleischmann	Levin	Rigell
Gardner	Luetkemeyer	Rooney				Fleming	Lewis (CA)	Rivera
Garrett	Luján	Ros-Lehtinen				Flores	Lewis (GA)	Roby
Gerlach	Lummis	Roskam				Forbes	Lipinski	Roe (TN)
Gibbs	Lungren, Daniel	Ross (AR)				Fortenberry	LoBiondo	Rogers (AL)
Gibson	E.	Ross (FL)				Fox	Loeb	Rogers (KY)
Gingrey (GA)	Lynch	Rothman (NJ)				Frank (MA)	Lofgren, Zoe	Rogers (MI)
Gohmert	Mack	Roybal-Allard				Franks (AZ)	Long	Rohrabacher
Gonzalez	Maloney	Royce				Frelinghuysen	Lowey	Rokita
Goodlatte	Manzullo	Runyan				Fudge	Lucas	Rooney
Gosar	Marchant	Ruppersberger				Gallely	Luetkemeyer	Ros-Lehtinen
Gowdy	Marino	Rush				Garamendi	Luján	Roskam
Granger	Markey	Ryan (OH)				Gardner	Lummis	Ross (AR)
Graves (GA)	Matheson	Ryan (WI)				Garrett	Lungren, Daniel	Ross (FL)
Graves (MO)	Matsui	Sánchez, Linda				Gerlach	E.	Rothman (NJ)
Green, Al	McCarthy (CA)	T.				Gibbs	Lynch	Roybal-Allard
Green, Gene	McCarthy (NY)	Sanchez, Loretta				Gibson	Mack	Royce
Griffin (AR)	McCaul	Sarbanes				Gingrey (GA)	Maloney	Runyan
Griffith (VA)	McClintock	Scalise				Gohmert	Manzullo	Ruppersberger
Grijalva	McCollum	Shakowsky				Gonzalez	Marchant	Rush
Grimm	McDermott	Schiff				Goodlatte	Marino	Ryan (OH)
Guinta	McGovern	Schilling				Gosar	Markey	Ryan (WI)
Guthrie	McHenry	Schmidt				Gowdy	Matheson	Sánchez, Linda
Gutierrez	McIntyre	Schock				Granger	Matsui	T.
Hahn	McKeon	Schrader				Graves (GA)	McCarthy (CA)	Sanchez, Loretta
Hall	McKinley	Schwartz				Graves (MO)	McCarthy (NY)	Sarbanes
Hanabusa	McMorris	Schweikert				Green, Al	McCaul	Scalise
Hanna	Rodgers	Scott (SC)				Green, Gene	McClintock	Shakowsky
Harper	McNerney	Scott (VA)				Griffin (AR)	McCollum	Schiff
Harris	Meehan	Scott, Austin				Griffith (VA)	McDermott	Schilling
Hartzer	Meeks	Scott, David				Grijalva	McGovern	Schmidt
Hastings (FL)	Mica	Sensenbrenner				Grimm	McHenry	Schock
Hastings (WA)	Michaud	Serrano				Guinta	McIntyre	Schrader
Hayworth	Miller (FL)	Sessions				Guthrie	McKeon	Schwartz
Heck	Miller (MI)	Sewell				Gutierrez	McKinley	Schweikert
Heinrich	Miller (NC)	Sherman				Hahn	McMorris	Scott (SC)
Hensarling	Miller, Gary	Shimkus				Hall	Rodgers	Scott (VA)
Herger	Miller, George	Shuler				Hanabusa	McNerney	Scott, Austin
Herrera Beutler	Moore	Shuster				Hanna	Meehan	Scott, David
Higgins	Moran	Simpson				Harper	Mica	Sensenbrenner
Himes	Mulvaney	Sires				Harris	Michaud	Serrano
Hinche	Murphy (CT)	Slaughter				Hartzer	Miller (FL)	Sessions
Hinojosa	Murphy (PA)	Smith (NE)				Hastings (WA)	Miller (MI)	Sewell
Hirono	Myrick	Smith (NJ)				Hayworth	Miller (NC)	Sherman
Hochul	Nadler	Smith (TX)				Heck	Miller, Gary	Shimkus
Holden	Napolitano	Smith (WA)				Heinrich	Miller, George	Shuler
Holt	Neal	Southernland				Hensarling	Moore	Shuster
Honda	Neugebauer	Speier				Herger	Moran	Simpson
Hoyer	Noem	Stark				Herrera Beutler	Mulvaney	Sires
Huelskamp	Nugent	Stearns				Higgins	Murphy (CT)	Slaughter
Huizenga (MI)	Nunes	Stivers				Himes	Murphy (PA)	Smith (NE)
Hultgren	Nunnelee	Stutzman				Hinche	Myrick	Smith (NJ)
Hunter	Olson	Sullivan				Hinojosa	Nadler	Smith (TX)
Hurt	Olver	Sutton				Hirono	Napolitano	Smith (WA)
Israel	Owens	Terry				Hochul	Neal	Speier
Issa	Palazzo	Thompson (CA)				Holden	Neugebauer	Stark
Jackson Lee	Pallone	Thompson (MS)				Holt	Noem	Stearns
(TX)	Pascrell	Thompson (PA)				Honda	Nugent	Stivers
Jenkins	Pastor (AZ)	Thornberry				Hoyer	Nunes	Stutzman
Johnson (GA)	Paulsen	Tiberi				Huelskamp	Nunnelee	Sullivan
Johnson (OH)	Pearce	Tierney				Huizenga (MI)	Olson	Sutton

NAYS—6

NOT VOTING—3

□ 1826

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### THRIFT SAVINGS FUND CLARIFICATION ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 4365) to amend title 5, United States Code, to make clear that accounts in the Thrift Savings Fund are subject to certain Federal tax levies, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CHAFFETZ) that the House suspend the rules and pass the bill, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 414, nays 6, answered “present” 1, not voting 9, as follows:

[Roll No. 547]

YEAS—414

Adams	Blackburn	Carson (IN)
Aderholt	Blumenauer	Carter
Alexander	Bonamici	Cassidy
Altman	Bonner	Castor (FL)
Amash	Bono Mack	Chabot
Amodei	Boren	Chaffetz
Andrews	Boswell	Chandler
Austria	Boustany	Chu
Baca	Brady (PA)	Cicilline
Bachmann	Brady (TX)	Clarke (MI)
Bachus	Brady (IA)	Clarke (NY)
Baldwin	Brooks	Clay
Barber	Brown (GA)	Cleaver
Barletta	Brown (FL)	Clyburn
Barrow	Buchanan	Coble
Bartlett	Bucshon	Coffman (CO)
Barton (TX)	Buerkle	Cohen
Bass (NH)	Burgess	Cole
Becerra	Burton (IN)	Conaway
Benish	Butterfield	Connolly (VA)
Berg	Calvert	Conyers
Berkley	Camp	Cooper
Berman	Campbell	Costa
Biggart	Canseco	Costello
Bilbray	Cantor	Courtney
Bilirakis	Capito	Cravack
Bishop (GA)	Capps	Crawford
Bishop (NY)	Capuano	Crenshaw
Bishop (UT)	Carnahan	Critz
Black	Carney	Crowley

Terry	Van Hollen	Whitfield
Thompson (CA)	Velázquez	Wilson (FL)
Thompson (MS)	Visclosky	Wilson (SC)
Thompson (PA)	Walberg	Wittman
Thornberry	Walden	Wolf
Tiberi	Walsh (IL)	Womack
Tierney	Walz (MN)	Woodall
Tipton	Waters	Woolsey
Tonko	Watt	Yarmuth
Towns	Waxman	Yoder
Tsongas	Webster	Young (FL)
Turner (NY)	Welch	Young (IN)
Turner (OH)	West	
Upton	Westmoreland	

## NAYS—6

Ackerman	Jones	Paul
Bass (CA)	Meeks	Young (AK)

## ANSWERED "PRESENT"—1

Johnson (IL)

## NOT VOTING—9

Akin	Jackson (IL)	Wasserman
Cardoza	Kaptur	Schultz
Dicks	Lamborn	
Hastings (FL)	Southerland	

□ 1833

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER  
PRO TEMPORE

The SPEAKER pro tempore (Mr. HULTGREN). Pursuant to clause 8 of rule XX, proceedings will now resume on motions to suspend the rules previously postponed.

GOVERNMENT CHARGE CARD  
ABUSE PREVENTION ACT OF 2012

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (S. 300) to prevent abuse of Government charge cards, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CHAFFETZ) that the House suspend the rules and pass the bill, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## ACCEPTANCE OF RELINQUISHMENT OF RAILROAD RIGHT OF WAY NEAR PIKE NATIONAL FOREST, COLORADO

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 4073) to authorize the Secretary of Agriculture to accept the quitclaim, disclaimer, and relinquishment of a railroad right of way within and adjacent to Pike National Forest

in El Paso County, Colorado, originally granted to the Mt. Manitou Park and Incline Railway Company pursuant to the Act of March 3, 1875, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. LAMBORN) that the House suspend the rules and pass the bill, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

EXPRESSING SENSE OF CONGRESS  
ON GOVERNANCE OF THE INTERNET

Mr. WALDEN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 127) expressing the sense of Congress regarding actions to preserve and advance the multistakeholder governance model under which the Internet has thrived.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

## H. CON. RES. 127

Whereas given the importance of the Internet to the global economy, it is essential that the Internet remain stable, secure, and free from government control;

Whereas the world deserves the access to knowledge, services, commerce, and communication, the accompanying benefits to economic development, education, and health care, and the informed discussion that is the bedrock of democratic self-government that the Internet provides;

Whereas the structure of Internet governance has profound implications for competition and trade, democratization, free expression, and access to information;

Whereas countries have obligations to protect human rights, which are advanced by online activity as well as offline activity;

Whereas the ability to innovate, develop technical capacity, grasp economic opportunities, and promote freedom of expression online is best realized in cooperation with all stakeholders;

Whereas proposals have been put forward for consideration at the 2012 World Conference on International Telecommunications that would fundamentally alter the governance and operation of the Internet;

Whereas the proposals, in international bodies such as the United Nations General Assembly, the United Nations Commission on Science and Technology for Development, and the International Telecommunication Union, would justify under international law increased government control over the Internet and would reject the current multistakeholder model that has enabled the Internet to flourish and under which the private sector, civil society, academia, and individual users play an important role in charting its direction;

Whereas the proposals would diminish the freedom of expression on the Internet in favor of government control over content, contrary to international law;

Whereas the position of the United States Government has been and is to advocate for

the flow of information free from government control; and

Whereas this and past Administrations have made a strong commitment to the multistakeholder model of Internet governance and the promotion of the global benefits of the Internet: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that the Assistant Secretary of Commerce for Communications and Information, in consultation with the Deputy Assistant Secretary of State and United States Coordinator for International Communications and Information Policy, should continue working to implement the position of the United States on Internet governance that clearly articulates the consistent and unequivocal policy of the United States to promote a global Internet free from government control and preserve and advance the successful multistakeholder model that governs the Internet today.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. WALDEN) and the gentlewoman from California (Ms. ESHOO) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon.

## GENERAL LEAVE

Mr. WALDEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous materials into the RECORD on H. Con. Res. 127.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. WALDEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H. Con. Res. 127, a resolution that opposes international regulation of the Internet.

The resolution was introduced by Mrs. BONO MACK in May and passed the House Committee on Energy and Commerce with bipartisan support from more than 60 Members, including Energy and Commerce Committee Chairman UPTON, Ranking Member WAXMAN, and my colleague on the Communications and Technology Subcommittee, Ranking Member ESHOO. I, too, am pleased to be an original cosponsor of this important resolution.

Nations from across the globe will meet in December for the World Conference on International Telecommunications in Dubai. There, the 193 member countries of the United Nations will consider whether to apply to the Internet a regulatory regime that the International Telecommunications Union created for old-fashioned telephone service, as well as whether to swallow the Internet's nongovernmental organization's structure whole and make it part of the United Nations. Neither of these are acceptable outcomes.

Now, among those that are supportive of such regulation is Russian President Vladimir Putin, who spoke

positively about the idea of “establishing international control over the Internet.” Some countries have even proposed regulations that would allow them to read citizens’ email in the name of security. H. Con. Res. 127 rejects these proposals by taking the radical position that if the most revolutionary advance in technology, commerce, and social discourse of the last century isn’t broken, well, we shouldn’t be trying to fix it.

The Internet is the greatest vehicle for global progress and improvement since the printing press; and despite the current economic climate, the Internet continues to grow at an astonishing pace. Cisco estimates that by 2016 roughly 45 percent of the world’s population will be Internet users, there will be more than 18.9 billion network connections, and the average speed of mobile broadband will be four times faster than it is today.

The ability of the Internet to grow at this staggering pace is due largely to the flexibility of the multi-stakeholder approach that governs the Internet today. Nongovernmental institutions now manage the Internet’s core functions, with input from private and public sector participants. This structure prevents governmental or nongovernmental actors from controlling the design of the network or the content that it carries.

□ 1840

Without one entity in control, the Internet has become a driver of jobs and information, business expansion, investment and, indeed, innovation. Now, moving away from that multi-stakeholder model, Mr. Speaker, would harm these abilities and would prevent the Internet from spreading prosperity and freedom.

In May, the Subcommittee on Communications and Technology invited a panel of witnesses, including Federal Communications Commissioner Robert McDowell, to discuss the effects an international regulatory regime would have on the Internet. All agreed that such a regime would not only endanger the Internet, but would endanger global development on a much larger scale. House Concurrent Resolution 127 expresses the commitment of Congress to do all that it can to keep the Internet free from an international regulatory regime.

I’m pleased to report that earlier today, Ambassador Kramer, the leader of the U.S. delegation to the WCIT, gave a speech outlining the position of the United States that seems to be embracing the very principles contained in this resolution. Now, my hope is that the administration stays on this very course.

As the U.S. delegation continues to work in advance of the WCIT, House Concurrent Resolution 127 is an excellent bipartisan demonstration of our

Nation’s commitment to preserve the multistakeholder governance model and to keep the Internet free from international regulation. The House Committee on Energy and Commerce strongly supports House Concurrent Resolution 127, and I urge the rest of my colleagues in the House to join us.

I reserve the balance of my time.

Ms. ESHOO. Mr. Speaker, I yield myself such time as I may consume.

I’m very pleased to join with all of my colleagues. This is an unusual happening on the floor, and I hope there are lots of people tuned in from C-SPAN listening and watching, because it is one of the few times that we’ve come together in a true bipartisan, 100 percent bipartisan way.

I want to pay tribute to the gentlewoman from California, Representative BONO MACK, for her leadership on this. And I’m very, very pleased to join her and all of the members of the Energy and Commerce Committee on H. Con. Res. 127.

As I said, this is bipartisan and it’s bicameral, and it demonstrates the bipartisan commitment of the Congress to preserve the open structure and multistakeholder approach that has guided the Internet over the past two decades.

The distinguished chairman of our subcommittee said that he hopes the administration will remain on this. The administration was there before the Congress took action. There is no light between the administration, the executive branch, the Senate or the House, and that’s the way it should be.

Through this open and transparent structure, Mr. Speaker, the Internet has literally transformed into a platform supporting thousands of innovative companies, applications, and services, not just in the United States, but in communities around the world.

I’m very, very proud, because my congressional district is very much a part of Silicon Valley, and many of these companies helped to launch these innovations. In fact, since 1995—this is really stunning—venture capital funds have invested approximately \$250 billion—with a B, dollars—in industries reliant on an open Internet, including \$91.8 billion on software alone.

But later this year, the World Conference on International Telecommunications—at the committee, we call it WCIT, that’s a lot easier—will take up proposals that represent a really fundamental departure from the International Telecommunications Regulations adopted in 1988. Nearly 25 years ago, this treaty provided a framework for how telecommunications traffic is handled among countries, but much has changed since that time.

In addition to proposing new regulations on broadband services, several nations, including Russia, are set on asserting intergovernmental control over the Internet, leading to a balkan-

ized Internet where censorship could become the new norm. While there’s no question that nations have to work together to address challenges to the Internet’s growth and stability, such as cybersecurity, online privacy, and intellectual property protection, these issues can best be addressed under the existing model.

It’s absolutely essential that the United States defend the current model of Internet governance at the upcoming Dubai conference this December because the very fabric of the free and open Internet is at stake.

So I urge all of my colleagues to support this bipartisan resolution which reflects, as I said a few months ago, a viewpoint already shared by the Obama administration, the Federal Communications Commission, and the U.S. delegation to the WCIT, and unite in opposition to proposals that threaten the innovation, openness, and transparency enjoyed by Internet users around the world.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. WALDEN. I’m now honored to yield 3 minutes to the gentlewoman from California (Mrs. BONO MACK), the sponsor of this legislation, the chairman of the Commerce, Manufacturing, and Trade Subcommittee of the Energy and Commerce Committee, and a very active and effective member of the subcommittee I chair, the Communications and Technology Subcommittee, who has put a lot of time into making sure the Internet remains free and open. This is her resolution. We thank her for her work.

Mrs. BONO MACK. Mr. Speaker, I thank my dear colleague for yielding me the time.

Today, if you browse the Internet and enter the search words “Russia, China, human rights violations,” you’ll get back nearly 300 million hits. Think about it. Five simple words, 300 million hits.

In the future, how many of these stories will you actually be able to read if Russian President Vladimir Putin and China’s Communist Party are allowed to exert unprecedented control over Internet governance?

Here are two words you should Google: “Good luck.”

As the United States prepares to take part in the World Conference on International Telecommunications in Dubai, we need to provide the delegation with a clear and unmistakable mandate: Keep the Internet free of any and all government control.

At the WCIT discussions, a new treaty on Internet governance will be debated. Most worrisome to me are efforts by some countries to provide the U.N. with extraordinary new authority over the management of the Internet.

That’s bad enough. But unlike the U.N. Security Council, the U.S. will not have veto power to prevent censorship or despotic actions which could



threaten freedom everywhere. To prevent this from happening, I introduced House Concurrent Resolution 127.

I want to thank my cosponsors, Energy and Commerce Committee Chairman UPTON, Ranking Member WAXMAN, Communications and Technology Subcommittee Chairman WALDEN, and my good friend and the Ranking Subcommittee Member ESHOO for their strong bipartisan support in this effort. I also want to commend Senator RUBIO for championing this critically important cause in the Senate.

In many ways, this is a first-of-its-kind referendum on the future of the Internet. For nearly a decade, the United Nations has been angling quietly to become the epicenter of Internet governance. A vote for our resolution is a vote to keep the Internet free from government control, and to prevent Russia, China, India, and other nations from succeeding in giving the U.N. unprecedented control over Web content and infrastructure.

Last year, e-commerce topped \$200 billion in the U.S. for the first time and is up 15 percent so far this year. We also continue to lead the world in online innovation, creating millions of jobs and bolstering our economy at a time when we really need it.

These proposed treaty changes, which have been going on in secret, could have a devastating impact worldwide on both freedom and economic prosperity. If this power grab is successful, I'm concerned that the next Arab Spring will instead become a Russian Winter where free speech is chilled, not encouraged, and the Internet becomes a wasteland of unfulfilled hopes, dreams, and opportunities.

We cannot let this happen. I urge my colleagues to vote "yes" for this resolution, and say "no" to online censorship by foreign governments.

Ms. ESHOO. Mr. Speaker, at this time I yield 2 minutes to the gentleman from Pennsylvania (Mr. DOYLE), a highly regarded member of our committee.

Mr. DOYLE. Mr. Speaker, I want to add my support for this important resolution to safeguard the Internet from government control.

I'd like to thank my friend and colleague, MARY BONO MACK, and my other colleagues from the Energy and Commerce Committee for introducing this measure, and I was delighted to become an original cosponsor.

□ 1850

This bipartisan resolution sends a clear message to the United Nations. It tells the International Telecommunication Union, which is the U.N. arm handling telecommunications issues, not to adopt regulations that would make it easier for governments to exercise tracking, surveillance, or censorship online.

The Internet has developed into the revolutionary medium it is today be-

cause decisions over the structure of the Internet have been made by non-governmental, expert organizations. These groups invite the participation of a number of stakeholders from academia, the private sector, public interests, and other experts, and they've done a good job of avoiding a lot of the political interference.

At a time when some governments have actively been blocking users from accessing certain Web sites online, I am glad to see my colleagues unite against such repressive actions and in support of Internet freedom. Opposition to Internet censorship has always been a very bipartisan issue. I want to make that clear because sometimes this issue gets confused with other policy issues like net neutrality. Some of my colleagues have argued that net neutrality supporters somehow favor Internet censorship. I believe that users should be able to surf the Internet however they want to without being blocked from certain Web sites or services, which is what net neutrality is all about as well, so I think opposing censorship and favoring net neutrality go hand in hand.

Mr. Speaker, I am glad to see this resolution move forward in a bipartisan fashion. I urge my colleagues to support it.

Mr. WALDEN. I now yield 3 minutes to a member of the Judiciary Committee who chairs the Intellectual Property, Competition, and the Internet Subcommittee and who has been one of our terrific leaders on the Republican side on the Internet with regard to keeping it free and open, the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. I would like to thank Chairman WALDEN for his great work in this area and for his leadership on this issue.

I rise to strongly support House Concurrent Resolution 127.

Mr. Speaker, several hostile countries continue to pursue a U.N. takeover of the Internet through an organization known as the International Telecommunication Union, or ITU, which is an agency within the United Nations. In fact, a push is being made to negotiate international control of the Internet in Dubai this December. The U.N. is the absolute last entity that should have anything to do with managing the functioning of the Internet.

Currently, the private, nonprofit ICANN, which is the Internet Corporation for Assigned Names and Numbers, performs this function. While ICANN is far from perfect, having this responsibility rest with a private entity helps foster market principles and is the most efficient way to administer the Internet's domain name system and root servers.

We must remain vigilant against efforts by foreign governments to con-

solidate the control of the Internet into a U.N.-centered body, which would lead to free speech and access restrictions and abuses. House Concurrent Resolution 127 will show Congress' unity behind this concept, and I strongly urge my colleagues to support this important resolution.

Ms. ESHOO. Mr. Speaker, I would now like to yield 3 minutes to the gentleman from Massachusetts (Mr. MARKEY), who has been a recognized intellectual leader on telecommunications and the Internet for a long time in the Congress.

Mr. MARKEY. I thank the gentlelady for her great leadership.

I have served 36 years on the Telecommunications Subcommittee. No Member of Congress has ever done this.

I know that this is an important moment. This is an important resolution because the Internet today is indispensable to our economy, intricately linked to innovation worldwide, and initiates the free flow of ideas around the planet. It is the most successful communications and commercial medium in the history of the world.

In testimony before the Telecommunications Subcommittee in May, Vint Cerf, known to many as the "Father of the Internet," explained:

To allow any rules that would sequester this innovation and inhibit others would damage the future of the Internet dramatically.

I could not agree more. That is why I strongly support this bipartisan resolution with Ms. ESHOO, Mr. WAXMAN, Mr. WALDEN, and Mrs. BONO MACK. This is why we have to be out here together. It is why we must send a bipartisan signal to the rest of the world that the United States will defend an open Internet.

The World Wide Web is essential to our economy. Companies large and small rely on the Web regardless of whether their commercial aspirations are local or global. The Internet's worldwide scope has also helped to foster community and cultural communications across the planet. We have recently witnessed the power of social media in toppling dictators and in promoting democracy across the globe.

What makes the Internet so special is the decentralized, open system that currently governs it. It is chaotic; it is impossible to control; and the multi-stakeholder process that is in place today ensures the Internet's vibrancy will continue into the future.

Here, domestically, we have to ensure that the broadband barons don't close down this cacophony of voices which are heard and stifle innovation. But globally, yes, a number of countries, including China and Russia, are now proposing measures that strike at the core of what makes the Internet great. Their proposals could stifle innovation, cripple job growth, muzzle democratic principles. These proposed

measures include bringing the Internet under intergovernmental control and imposing fees for relaying Internet traffic or termination rates for delivering Internet traffic to its end destination.

We have to resist and reject these regressive ideas. It would undermine the essence of the Internet. It would take us back to the days when, in the satellite world, it was the controlling governmental officials in countries that actually decided what ideas could go into that country and made people pay exorbitant rates in order to get access to those ideas. The Internet—this packet switch system that was invented in the United States—breaks down those barriers. We must ensure that we keep Internet freedom. Thank you all for bringing this great resolution out to the floor here this evening.

Mr. WALDEN. I reserve the balance of my time.

Ms. ESHOO. Mr. Speaker, I would now like to yield 3 minutes to my distinguished colleague from California, Representative ZOE LOFGREN, who is respected in the House for her knowledge, not only of technology, but of all the wraparound issues that are a part of it.

Ms. ZOE LOFGREN of California. Thank you, Representative ESHOO, and thank you to all who have brought this important bipartisan resolution forward.

I remember, as the Internet was beginning to take off commercially, that we had a discussion here in the government. Again, it was bipartisan, and there was an understanding that the Commerce Department was not going to be able to run the Internet. We did something that was a risk, but it worked out pretty well. We created ICANN, which basically allowed a multistakeholder, nongovernmental organization to do the technology, to assign the names and numbers. They've not been perfect but not half bad.

What is before us today is a threat to what has been, as my colleague Mr. MARKEY has said, the greatest force in modern times for communication, for growth, for low-barrier entry into innovation—the Internet. Whether it is to tax it or to censor it for political or cultural reasons, we are aware that there are those around the world who wish to burn the Internet. We need to take a stand in this body and with our administration to say “no” to that.

Whether the attempts to control the Internet from the top down come from an international body like the International Telecommunication Union or from international trade agreements and treaties—and there have been many threats to the Internet that have been included in our international treaties or even sometimes from our own government—we need to stand up and protect the Internet and the freedom that it embodies.

We know that the multistakeholder approach is critical to the continued robust growth of the Internet. We also know that the transparent, multistakeholder model has made the Internet such a hugely successful global platform for economic growth, human rights, and the free flow of information.

□ 1900

I'm proud to stand with my colleagues on both sides of the aisle to say that America is going to stand up for freedom, we're going to stand up for technology, and we're not going to allow anyone, whatever their intentions may be, to threaten the freedom of the Internet to succeed.

I appreciate Mrs. BONO MACK's efforts in this regard, along with Ms. ESHOO's, and the entire committee. I'm proud to be a cosponsor of the measure. I look forward to its resounding success in a vote tomorrow.

Mr. WALDEN. Mr. Speaker, I continue to reserve the balance of my time.

Ms. ESHOO. Mr. Speaker, how much time do I have?

The SPEAKER pro tempore. The gentlewoman from California has 8 minutes remaining.

Ms. ESHOO. I'll just make some closing comments because I don't have anyone else who is here to speak to this.

Mr. Speaker, I think that everyone who has spoken has really spoken beautifully about this issue, about what the Internet represents not only to individuals, businesses, students, how it has changed how we live, how we work, how we learn, and the jobs that it has produced, what it has done for our national economy, but also what it has done relative to exporting democracy. Of course, the United States is front and center in this.

It's a very interesting thing to me to examine those countries that are thinking another way and want to impose that thinking on the Internet. There are far more closed societies where freedom of thought, freedom of expression is not valued the way we do and other democracies do. So we need to form partnerships with other countries around the world to make sure that the democratizing effect that the Internet actually holds will continue.

I'm proud to join again with my colleagues, with Mr. WALDEN, the distinguished chairman of our subcommittee, and Representative BONO MACK, who led the effort with this resolution. I'm proud that we're all together. And I always want to thank our staff, both on the majority and the minority side of the aisle, for the work that they do on the committee. I thank you all, and I salute you. I look forward to a unanimous vote of the United States House of Representatives in support of a free and open Internet.

With that, I yield back the balance of my time.

Mr. WALDEN. Mr. Speaker, I yield myself as much time as I may consume.

Tonight, the U.S. House of Representatives will send a clear and distinct message not only to our negotiators but to the world that we stand for liberty and we stand for freedom. When it comes to the Internet, both of those are incredibly important.

The Internet has brought us economic prosperity not here alone but all over the globe. The Internet has allowed for political discourse as never imagined by the great scholars of Greece and Rome. It's brought us intellectual capabilities. If you think about what you can do on the Internet today to research something, to evaluate something, there are an unlimited number of sources of data. It's improved our lives. It's improved our lives through our political systems. It's allowed people who thought they had no opportunity to effect change to have an overwhelming effect by communicating together. This really is a vote for liberty. It's a vote for freedom. It's a vote for free speech. It's a vote for the things that our Founders believed in when they gave us the Constitution and the Bill of Rights. It's our version of that.

We know that there are forces out there in the world that are opposed to all of those things, because they want command and control of their people, and that's not right. We have an opportunity tonight to send a clear and convincing message that we stand in America for freedom of the Internet, for no government anywhere in the globe taking charge of it and shutting it down and denying that great human spirit that we believe in so much here in America.

Mr. Speaker, I ask my colleagues to join us in a unanimous show of support. I thank my staff and the staff of Representative ESHOO and Ranking Member WAXMAN for their good work on this, and especially to my colleague from California, MARY BONO MACK, who raised this with us early on and worked closely to write a piece of legislation, that, as you can see in a sometimes otherwise controversial House, has brought us all together. That's a real tribute to Congresswoman BONO MACK's work.

With that, Mr. Speaker, I call on my colleagues to support this resolution, and I yield back the balance of my time.

Mr. WAXMAN. Mr. Speaker, I am pleased to join Representative ESHOO, Representative BONO MACK, Representative UPTON, and Representative WALDEN as an original co-sponsor of this resolution.

The Internet has been a unique and powerful driver of social and economic progress. A critical element of that success has been the

open manner in which the Internet is governed. Rather than relying on centralized control by governments, the Internet instead adopts a multi-stakeholder model in which all who have an interest can have a voice in the Internet's operation.

Lately, however, the multi-stakeholder model towards Internet governance has been under assault on the global stage. In a few months at the World Conference on International Telecommunications in Dubai in December, the International Telecommunication Union may consider proposals that could fundamentally alter the way the Internet operates. Some of these proposals, if adopted, would undermine the successful decentralized approach to Internet governance and impose a government-controlled management regime, thereby threatening citizens' access to content and information via the Internet as well as the global free flow of information online.

We cannot allow this to happen.

The Obama Administration has worked diligently to ensure that the Internet remains a tool for the global dissemination of ideas, information, and commerce. In doing so, the Administration continues the work of previous Administrations of both parties in protecting a global open Internet as a tool that benefits citizens around the world.

In May, the Subcommittee on Communications and Technology held a hearing to examine proposals that would change the Internet governance model.

At that hearing we heard from witnesses from the Administration and experts with a long history of working on issues relating to Internet governance. The witnesses all agreed that the United States must continue to resist any proposals that would undermine the multi-stakeholder model. Their testimony reinforced my belief that Democrats and Republicans in Congress must stand united with the Administration in its efforts to resist proposals that would undermine the existing multi-stakeholder approach.

I am pleased that so many Democrats and Republicans have signed on as co-sponsors of this resolution.

This large, bipartisan coalition of co-sponsors demonstrates that there is support across the political spectrum for continuing the multi-stakeholder model that allows the Internet to thrive. We urge the Administration to continue to resist international efforts to allow greater government control of the Internet, and I urge my colleagues to vote for this resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. WALDEN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 127.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. WALDEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

## RESOLVING ENVIRONMENTAL AND GRID RELIABILITY CONFLICTS ACT OF 2012

Mr. OLSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4273) to clarify that compliance with an emergency order under section 202(c) of the Federal Power Act may not be considered a violation of any Federal, State, or local environmental law or regulation, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4273

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Resolving Environmental and Grid Reliability Conflicts Act of 2012".*

### SEC. 2. AMENDMENTS TO THE FEDERAL POWER ACT.

(a) COMPLIANCE WITH OR VIOLATION OF ENVIRONMENTAL LAWS WHILE UNDER EMERGENCY ORDER.—Section 202(c) of the Federal Power Act (16 U.S.C. 824a(c)) is amended—

(1) by inserting "(1)" after "(c)"; and

(2) by adding at the end the following:

"(2) With respect to an order issued under this subsection that may result in a conflict with a requirement of any Federal, State, or local environmental law or regulation, the Commission shall ensure that such order requires generation, delivery, interchange, or transmission of electric energy only during hours necessary to meet the emergency and serve the public interest, and, to the maximum extent practicable, is consistent with any applicable Federal, State, or local environmental law or regulation and minimizes any adverse environmental impacts.

"(3) To the extent any omission or action taken by a party, that is necessary to comply with an order issued under this subsection, including any omission or action taken to voluntarily comply with such order, results in non-compliance with, or causes such party to not comply with, any Federal, State, or local environmental law or regulation, such omission or action shall not be considered a violation of such environmental law or regulation, or subject such party to any requirement, civil or criminal liability, or a citizen suit under such environmental law or regulation.

"(4)(A) An order issued under this subsection that may result in a conflict with a requirement of any Federal, State, or local environmental law or regulation shall expire not later than 90 days after it is issued. The Commission may renew or reissue such order pursuant to paragraphs (1) and (2) for subsequent periods, not to exceed 90 days for each period, as the Commission determines necessary to meet the emergency and serve the public interest.

"(B) In renewing or reissuing an order under subparagraph (A), the Commission shall consult with the primary Federal agency with expertise in the environmental interest protected by such law or regulation, and shall include in any such renewed or reissued order such conditions as such Federal agency determines necessary to minimize any adverse environmental impacts to the maximum extent practicable. The conditions, if any, submitted by such Federal agency shall be made available to the public. The Commission may exclude such a condition from the renewed or reissued order if it determines that such condition would prevent the order from adequately addressing the emergency necessitating such order and provides in the order, or otherwise

makes publicly available, an explanation of such determination."

(b) TEMPORARY CONNECTION OR CONSTRUCTION BY MUNICIPALITIES.—Section 202(d) of the Federal Power Act (16 U.S.C. 824a(d)) is amended by inserting "or municipality" before "engaged in the transmission or sale of electric energy".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. OLSON) and the gentleman from Pennsylvania (Mr. DOYLE) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. OLSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous materials in the RECORD on H.R. 4273.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. OLSON. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise today in support of H.R. 4273, Resolving Environmental and Grid Reliability Conflicts Act of 2012.

My colleagues and I carefully drafted this bill to resolve a conflict between the Federal Power Act and environmental laws and regulations that, if left unresolved, could create serious problems for the reliability of our Nation's electric grid.

Every year, as the heat of summer settles in across our country and demand surges for electricity, the potential for dangerous power outages grows. Some States, such as California, and my home State of Texas, are being warned by electricity regulators that reserve margins could dip dangerously low.

Texas is expected to have a 2,500 megawatt shortfall in generating capacity—equivalent to five large power plants—as early as 2014. This shortfall could cause rolling blackouts across Texas that have the potential to impact more than 25 million people.

□ 1910

As we've seen happen before in our country, and as we are watching it unfold in India this week, an unexpected loss of power can result in significant harm to human health and the environment.

Prior experience shows that in rare and limited circumstances, emergency actions are needed to ensure the reliable delivery of electricity. In these circumstances, the Department of Energy has a tool of last resort to address the emergency. That tool is an emergency order issued under section 202(c) of the Federal Power Act. DOE can order a power plant to generate electricity when outages occur due to weather events, equipment failures, or when the electricity supply is too low

and could cause a blackout. As they should, DOE can force a company to comply with a 202(c) order even if it means a technical violation of environmental law. Unfortunately, under current law, a company or individual can be held liable for this technical violation even when they are acting under a Federal order to avoid a blackout.

In recent years, these conflicting Federal laws have resulted in lawsuits and heavy fines for electricity providers who were complying with DOE orders. A power generator in San Francisco had to pay a significant sum as a settlement after they were ordered by DOE to exceed their emissions limits to avoid a blackout. Unless Congress passes legislation to resolve the potential conflict of laws, the effectiveness of this tool is in jeopardy.

As testimony this year before the House Energy and Commerce Committee confirms, the next time DOE invokes 202(c), the power generator may choose to fight the order in court if it conflicts with an environmental law. Conflicting Federal laws put a power generator in a no-win situation—either sue DOE to comply with environmental laws or be sued by third parties for compliance with DOE orders.

H.R. 4273 eliminates the legal conflict facing power generators and their customers by providing a needed safety valve, which clarifies that compliance with an emergency order under section 202(c) of the Federal Power Act may not be considered a violation of any Federal, State, or local environmental law or regulation.

Emergency orders are not issued lightly and only under extreme power reliability scenarios. In the last 30 years, this authority has only been used six times. But when the need arises, my legislation will ensure that DOE works to minimize any adverse environmental impacts, meaning they must balance environmental interests with reliability needs.

While I believe DOE may need to use its emergency authority more often in the future given the strain EPA's new power sector rules will put on the electric grid, I still expect DOE emergency authority orders to be the exception, not the rule.

In those rare instances when the authority is invoked, we should not punish generators that are simply following orders from the Federal Government. That's why we must amend the Federal Power Act so that generators are not forced to choose between compliance with an emergency order and environmental regulations.

This conflict is why I introduced this bipartisan legislation to allow America's power companies to comply with Federal orders to maintain grid reliability during a power emergency without facing lawsuits or penalties.

I am extremely pleased with the bipartisan support this bill has received.

This is proof that we can find common ground when working to address a critical glitch in Federal law and provide reliable energy supply to all Americans.

I want to thank committee Chairman FRED UPTON, Ranking Member HENRY WAXMAN, and Subcommittee Chairman ED WHITFIELD and Ranking Member BOBBY RUSH for their support and assistance in moving this bill forward. I also want to thank my colleagues on the committee, GENE GREEN and MIKE DOYLE, for working with me to fix this problem and to keep power running for all Americans in an emergency.

Mr. Speaker, I urge my colleagues to support this commonsense, bipartisan legislation that protects energy consumers, the environment, and those who provide the power.

I reserve the balance of my time.

Mr. DOYLE. Mr. Speaker, I yield myself as much time as I may consume.

The bill before us today is the result of efforts from both sides of the aisle to find a solution that really works for industry, government, and our environment.

Currently, the Department of Energy has the authority to issue a "must-run" order to a power provider in emergency cases to protect grid reliability. At the same time, environmental laws and regulations could prohibit a company from complying with a DOE must-run order. So a company is left in the position of choosing which law it violates—environmental rules or an emergency order from the Department of Energy.

In fact, Mr. Speaker, this has happened in the past. During the California energy crisis, and as recently as 2005 in Virginia, a company was issued emergency orders by the Department of Energy. To comply with those orders, the company was temporarily in noncompliance with environmental law. Therefore, after complying with an emergency must-run order, the company was both fined and forced to settle a citizen lawsuit. If it happens once, twice, or 50 times, it will never be proper for the Federal Government to put a company in the position of choosing which law to violate.

Reliability concerns for our electric grid are real, and power plant retirements are being announced nearly every week. In June, the North American Electric Reliability Corporation issued their summer reliability assessment. They told us that reserves in Texas are coming up short to meet peak demand and that the California reserve margin will be extremely tight.

So this bill will fix a clear conflict in Federal laws with a narrow, targeted approach. This bill will ensure that the Department of Energy will have the ability to keep the lights on while still protecting the environment.

The bill before us simply clarifies that if an emergency order issued pur-

suant to section 202(c) of the Federal Power Act may result in such a conflict with an environmental law or regulation, it shall expire not later than 90 days after issuance. This is to ensure that DOE continues to have the necessary authority to "keep the lights on" in true emergencies.

It then gives DOE the opportunity to renew or reissue such an order for an additional 90-day period after consulting with the appropriate Federal agencies and including conditions submitted by such agencies to mitigate adverse environmental impacts. DOE may exclude a recommended condition from the order if it determines the condition would prevent the order from adequately addressing the emergency.

Mr. Speaker, this bill is the result of many months of work with members on both sides of the Energy and Commerce Committee. It is supported by both the chairman and the ranking member of the committee. And I ask my colleagues to support it also.

I want to thank the gentleman from Texas (Mr. OLSON). It has been a pleasure to work with him on this piece of legislation. It is my hope that all our colleagues also support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. OLSON. I thank my colleague from Pennsylvania for his kind words.

Mr. Speaker, at this time, I see no colleagues on my side of the aisle looking to speak, so I will reserve the balance of my time.

Mr. DOYLE. Mr. Speaker, it is a pleasure for me to now yield such time as he may consume to the gentleman from Texas (Mr. GENE GREEN), a valuable member of our Energy and Commerce Committee.

Mr. GENE GREEN of Texas. Mr. Speaker, I would like to thank both my colleague from Pennsylvania and also my neighbor in Texas, Congressman OLSON, for making sure we get this bill to the floor today.

I rise in strong support of H.R. 4273, the Resolving Environmental and Grid Reliability Conflicts Act of 2012. This bipartisan legislation addresses a longstanding conflict in Federal law where a company or individual can be held liable for violating environmental laws when complying with a Federal order to generate power to avoid blackouts.

Section 202(c) of the Federal Power Act gives the Department of Energy the authority to order an electric-generating facility to operate to avoid a reliability emergency. At the same time, environmental laws and regulations may restrict the operation of power plants or transmission lines.

So if a company or publicly owned utility is ordered by the DOE to operate under section 202(c) and at the same time is prohibited from operating in accordance with the DOE order due to environmental limitations, the operator must choose which legal mandate

to follow. These conflicting legal mandates should not complicate an electric reliability crisis.

As a long-time member of the Energy and Commerce Committee and someone who has worked on both reliability and environmental legislation during that time, I can honestly say it was never our intention to put electric-generating facilities in the position of having to choose between compliance with one law over another.

And while there have only been a couple of instances to date where a generator has been in this situation, the potential for conflict will only grow as several coal-fired plants are scheduled to be taken offline in the coming years.

And as my Pennsylvania colleague noted, we have potential reliability issues in my and Mr. OLSON's home State of Texas. Even though we are under a separate grid—ERCOT—it's important that we have this distinction corrected.

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That's why Congress needs to address this issue, right here, right now or else we risk threatening our electrical reliability. H.R. 4273 clarifies that if an emergency order issued pursuant to section 202(c) of the Federal Power Act may result in a conflict with an environmental law or regulation, the order shall expire no later than 90 days after issuance. This is to ensure that DOE continues to have the necessary authority to "keep the lights on" in true emergencies.

However, it then gives DOE the opportunity to renew or reissue the order for an additional 90-day period only after consulting with the appropriate Federal agencies and including conditions submitted by these agencies to mitigate the adverse environmental impacts.

This is not a messaging bill. This is not an anti-EPA bill or an anti air toxic standards bill. Instead, it's a commonsense bill that would address a very worrisome deficiency in current law that is only going to become more prominent in the coming years.

This is one of a handful of bills that actually was supported by both Democrats and Republicans in the Energy and Commerce Committee. It also has support from the utility industry. That's why I encourage my colleagues on both sides of the aisle to support the bill.

Mr. OLSON. Mr. Speaker, I reserve the balance of my time to close.

Mr. DOYLE. Mr. Speaker, we have no further speakers, and at this time I yield back the balance of my time.

Mr. OLSON. Mr. Speaker, in closing, H.R. 4273 is a bipartisan, commonsense piece of legislation that ensures that during a power crisis, the lights will come on when it's dark, the heat will come on when it's cold, and the air

conditioning will come on when it's hot. And lives will be saved.

I urge my colleagues to vote for H.R. 4273, and I yield back the balance of my time.

Mr. WAXMAN. I would like to make a few comments on the committee process for H.R. 4273.

As introduced, I had substantial concerns about H.R. 4273. The introduced bill gave the Department of Energy unprecedented and unchecked new authority to waive any federal, state or local environmental law if DOE determines there is an emergency with respect to electric power, and the only references to environmental safeguards in the bill were hortatory. This approach was unacceptable. I also believed that the bill was unnecessary, as federal agencies already have the tools necessary to resolve any conflicts between environmental requirements and emergency orders.

However, the bill's sponsors, the committee Chairman, and the affected industry were willing to engage in serious, substantive negotiations to improve the bill, which produced significant improvements. The version of the bill reported from Committee is narrower in scope and effect, and provides some environmental safeguards.

I would like to extend my thanks to all of the participants in the negotiations for a good-faith and productive process. In particular, I would like to thank Mr. DOYLE and Mr. GREEN for their leadership and hard work on making improvements and producing a bill that can be supported on a broad bipartisan basis. I also want to thank Chairman UPTON and Subcommittee Chairman WHITFIELD and Representative OLSON for working with us. The language of this bill represents a delicate compromise that was very carefully negotiated, and changes to the bill before us could well jeopardize that broad support.

H.R. 4273, as it is before us today, requires any emergency order that may result in a conflict with environmental requirements to require generation only during the hours necessary to meet the emergency and to minimize any adverse environmental impacts to the maximum extent practicable. The reported bill also limits the length of such an order to 90 days, and requires any renewed order to include any conditions identified by the relevant federal environmental agency as necessary to minimize any environmental impacts.

In discussions and testimony on the bill, DOE officials informed the Committee that in any situation where time permits, they always consult with and rely on the relevant expert environmental agency with respect to minimizing environmental impacts of an emergency order, and they assured the Committee that they would continue this practice. This assurance is important to my support for the bill.

Mr. DINGELL. Mr. Speaker, I am proud that the Energy & Commerce Committee has been able to come up with another bipartisan piece of legislation that addresses a significant problem. I thank Chairman UPTON, Ranking Member WAXMAN, as well as my good friends Mr. GREEN and Mr. DOYLE. The work they and their staffs put into this bill is admirable.

To quote Charles Dickens' *Oliver Twist*, "the law is an ass." Current law makes no sense

by forcing a utility to comply with one federal agency and then be fined by another for complying. The bill before us eliminates this contradiction and will provide certainty to utilities that might need to operate under an order in the future. I believe the compromise negotiated will allow environmental protections to stay in place while ensuring the Department of Energy has the tools it needs in order to respond quickly to true emergencies.

Of the few emergency orders that have been issued under the Federal Power Act, most have been short term propositions. If an emergency order violates an environmental law, the negotiated compromise will allow the Department of Energy to react to an emergency situation and quickly issue a 90 day order which is longer than most of the orders that have been implemented. Should the emergency last longer than 90, the Department is required to consult with the appropriate Federal agency of the violated environmental law. The appropriate agency will submit its recommendations on how to tailor the extended order to minimize violations adverse environmental impacts. The Department of Energy may exclude recommendations it believes will interfere with implementation of the emergency order.

I believe this is a good piece of compromise legislation that solves an unnecessary contradiction in current law. I urge all my colleagues to support the Olson bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. OLSON) that the House suspend the rules and pass the bill, H.R. 4273, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### RESIDENTIAL AND COMMUTER TOLL FAIRNESS ACT OF 2011

Mr. CRAWFORD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 897) to provide authority and sanction for the granting and issuance of programs for residential and commuter toll, user fee, and fare discounts by States, municipalities, other localities, and all related agencies and departments, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 897

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Residential and Commuter Toll Fairness Act of 2011".

#### SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) Residents of various localities and political subdivisions throughout the United States are subject to tolls, user fees, and fares to access certain roads, highways, bridges, railroads, busses, ferries, and other transportation systems.

(2) Revenue generated from transportation tolls, user fees, and fares is used to support

various infrastructure maintenance and capital improvement projects that directly benefit commuters and indirectly benefit the regional and national economy.

(3) Residents of certain municipalities, counties, and other localities endure significant or disproportionate toll, user fee, or fare burdens compared to others who have a greater number of transportation options because such residents—

(A) live in geographic areas that are not conveniently located to the access points for roads, highways, bridges, rail, busses, ferries, and other transportation systems;

(B) live on islands, peninsulas, or in other places that are only accessible through a means that requires them to pay a toll, user fee, or fare; or

(C) are required to pay much more for transportation access than residents of surrounding jurisdictions, or in other jurisdictions across the country, for similar transportation options.

(4) To address this inequality, and to reduce the financial hardship often imposed on such residents, several State and municipal governments and multi-State transportation authorities have established programs that authorize discounted transportation tolls, user fees, and fares for such residents.

(5) Transportation toll, user fee, and fare discount programs based on residential status—

(A) address actual unequal and undue financial burdens placed on residents who live in areas that are only accessible through a means that requires them to pay a toll, user fee, or fare;

(B) do not disadvantage or discriminate against those individuals ineligible for residential toll, user fee, or fare discount programs;

(C) are not designed to favor the interests or promote the domestic industry or economic development of the State implementing such programs;

(D) do not interfere or impose undue burdens on commerce with foreign nations or interfere or impose any undue burdens on commerce among the several States, or commerce within particular States;

(E) do not interfere or impose undue burdens on the ability of individuals to travel among, or within, the several States;

(F) do not constitute inequitable treatment or deny any person within the jurisdiction of the United States the equal protection of the laws; and

(G) do not abridge the privileges or immunities of citizens of the United States.

(b) PURPOSES.—The purposes of this Act are—

(1) to clarify the existing authority of States, counties, municipalities, and multi-jurisdictional transportation authorities to establish programs that offer discounted transportation tolls, user fees, and fares for residents in specific geographic areas; and

(2) to authorize the establishment of such programs, as necessary.

### SEC. 3. AUTHORIZATION OF LOCAL RESIDENTIAL OR COMMUTER TOLL, USER FEE OR FARE DISCOUNT PROGRAMS.

(a) AUTHORITY TO PROVIDE RESIDENTIAL OR COMMUTER TOLL, USER FEE, OR FARE DISCOUNT PROGRAMS.—States, counties, municipalities, and multi-jurisdictional transportation authorities that operate or manage roads, highways, bridges, railroads, busses, ferries, or other transportation systems are authorized to establish programs that offer discounted transportation tolls, user fees, or other fares for residents of specific geographic areas in order to reduce or alleviate toll burdens imposed upon such residents.

(b) RULEMAKING WITH RESPECT TO THE STATE, LOCAL, OR AGENCY PROVISION OF TOLL, USER FEE OR FARE DISCOUNT PROGRAMS TO LOCAL RESIDENTS OR COMMUTERS.—States, counties, municipalities, and multi-jurisdictional transportation authorities that operate or manage roads, highways, bridges, railroads, busses, ferries, or other transportation systems are authorized to enact such rules or regulations that may be necessary to establish the programs authorized under subsection (a).

(c) RULE OF CONSTRUCTION.—Nothing in this Act may be construed to limit or otherwise interfere with the authority, as of the date of the enactment of this Act, of States, counties, municipalities, and multi-jurisdictional transportation authorities that operate or manage roads, highways, bridges, railroads, busses, ferries, or other transportation systems.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arkansas (Mr. CRAWFORD) and the gentleman from Washington (Mr. LARSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Arkansas.

#### GENERAL LEAVE

Mr. CRAWFORD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on H.R. 897.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. CRAWFORD. Mr. Speaker, I yield myself such time as I may consume.

Because of the geographic area in which they live, many Americans don't have as many transportation options as others. As a result, these people are more directly impacted by highway and bridge tolls than others who live in areas with several transportation options.

This bill simply emphasizes that State and local governments have the authority to establish toll programs that offer discounted rates for residents in specific geographic areas. By exercising such authority, State and local governments can mitigate the impact of tolls on residents who have fewer transportation options.

I urge my colleagues to join me in supporting the legislation, and I reserve the balance of my time.

Mr. LARSEN of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I understand the objective of the legislation before the House today—to clarify the existing authority of public authorities to offer discounts in transportation tolls to residents of communities faced with limited transportation access and heavy toll burdens.

Last Congress, the House passed similar legislation. That legislation, at the time introduced by Mr. McMahon of New York, reaffirmed the authority of States and local governments to pro-

vide discounted fare or toll rates to residents faced with undue financial hardships imposed by highway and bridge tolls.

We recognize that the residents of Staten Island are forced to endure some of the highest toll burdens in the country. The legislation passed by the last Congress would have provided a targeted approach to address the unique challenges facing communities like Staten Island.

Unfortunately, unlike Mr. McMahon's bill from last Congress, H.R. 897 as currently drafted is overly broad and raises some potentially serious legal issues.

A number of highway user organizations, including the American Highway Users Alliance, have raised concerns that H.R. 897 could lead to discrimination against interstate commerce, and be used in an attempt to preclude constitutional challenges to an individual toll or fare discount program.

Unfortunately, the Committee on Transportation and Infrastructure has not held any hearings to examine the potential implications of this legislation. The Republican leadership has decided to bring this bill to the floor with no notice, at least not to this side of the aisle, under suspension of the rules prior to the important issues raised by this bill being examined and, if necessary, addressed.

Mr. Speaker, the House should be considering legislation to simply reinforce the existing right of communities to reduce the extreme toll burdens borne by captive toll payers. We should not be considering legislation that could be used to implement programs that impede interstate commerce by encouraging States and public authorities to find ways to shift the burden of tolls to out-of-State residents, or truckers, for that matter, or those making longer through trips.

Not all residential-based toll discounts are fair or necessarily appropriate, but some are. The context and how they are implemented are important to determining if they are appropriate.

Unfortunately, as currently drafted, H.R. 897 could be used to remove any case that could be made against a toll discount program. In that sense, it is overly broad and unreasonable.

I would hope that as we move forward, we can address the concerns of the highway user community and ensure that this legislation is not used to preclude challenges to toll discount programs.

With that, I reserve the balance of my time.

Mr. CRAWFORD. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from New York (Mr. GRIMM), the sponsor of this bill.

Mr. GRIMM. Mr. Speaker, I thank the gentleman from Arkansas.



Just to clarify the record, this bill, which I stand in strong support of—but actually before that, let me just say that I want to thank my colleague and friend, GREG MEEKS, for all of his work on this. It was a true bipartisan effort. But this bill, all it does is clarify what is already allowed by law. So to say that it is overly broad, it's almost ridiculous because again, all this does is clarify what is already allowed by law. States and cities already have. There were challenges in court that have failed, and the purpose of this legislation is to make sure that those frivolous challenges do not continue to go forward.

The Residential and Commuter Toll Fairness Act, I feel it is vital to toll discount programs, specifically for my constituents, but for all of New York and throughout this country.

I would like to also thank Chairman MICA, who traveled to my district, to Staten Island, for moving this bill forward and for seeing firsthand in Staten Island the devastating effects and the impacts that tolls can have.

Again, this bill, all it does is continue to clarify and allow the States and municipal governments to offer the discounted toll rates to residents for trips taken on roads, bridges, rail, bus, ferry, and other transportation systems.

I introduced the legislation for one purpose: it was in response to a 2009 case in which the U.S. Court of Appeals for the Second Circuit questioned the constitutionality of discounts for residents of towns bordering the New York Thruway. In New York, we simply can't afford to lose our discounts.

The majority of my district in New York City is an island; it's Staten Island. And the only way to drive on or off the island is to cross a bridge and pay a toll, something many of my constituents do often as part of their daily commute. Without a discount, it costs \$13 to cross the Verrazano Bridge. Yes, I said \$13 without the Staten Island residential EZ-Pass discount. On the other side of Staten Island, going to New Jersey, the cash tolls on three bridges have just gone up to \$12, and that amount is slated to go up in 2015 to \$15. That's without the residential discount.

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On Staten Island, we have fought long and hard to reach an agreement on residential toll discounts, which is why this legislation is crucial to making sure we protect those new rates.

The Residential Commuter Toll Fairness Act provides clarification only of the existing authority of local governments to issue or grant transportation toll, user fee or fare discount programs based on residential status. It also provides congressional authorization for discount programs. Passage of H.R. 897 is nothing more than clarification of

what can already be done, and I ask for the strong support of my colleagues.

Mr. LARSEN of Washington. Mr. Speaker, I yield myself such time as I may consume.

First, I would just like to enter in the RECORD a letter from the American Highway Users Alliance dated August 1 expressing concerns about the legislation.

AMERICAN HIGHWAY USERS ALLIANCE,  
August 1, 2012.

DEAR MEMBER OF CONGRESS: This afternoon, under suspension of the rules, the House will consider HR 897, the Residential and Commuter Toll Fairness Act of 2011, sponsored by New York City Representatives Grimm and Meeks. We write to express serious concerns about this bill.

We are on record in support of greater tolling accountability and fairness for commuters. For example, we have endorsed HR 3684, the Commuter Protection Act, also authored by Congressman Grimm. We share particular concerns about the high costs of tolling for New York City residents. However the provisions of HR 897 are not narrowly constructed for New York's specific problems and have unintended consequences for other toll-payers throughout the country.

HR 897 broadly authorizes local tolling discount programs. If this bill were narrowly constructed to apply to places like Staten Island, New York; where residents are only able to access their homes and businesses via tolled bridges, our concerns would be minimal. But HR 897 allows my State or local jurisdiction to charge discriminatory toll rates for non-residents, even on the National Highway System, and regardless of circumstance or impact on interstate commerce.

In effect, this bill could actually encourage more tolls for all and higher tolls for selected users, authorizing locally popular tolling schemes that, in effect, overcharge interstate and long distance travelers who have no vote at the local ballot box.

If States and local governments widely adopt the practice of tolling non-residents to pay higher rates than locals, it could sharply increase the costs of interstate tourism and freight. These are national concerns requiring caution from Congress. The federal government has an obligation to regulate interstate commerce. As such, HR 897 should be revised to ensure that interstate and non-local traffic is not treated unfairly, by State and local tolling authorities.

Sincerely,

GREGORY M. COHEN,  
President & CEO.

Second, I think the gentleman from New York makes a compelling case for why the bill should be more narrowly focused.

And third, Mr. Speaker, I may say things on the floor that people disagree with, but I do save my almost ridiculous statements for off the floor and not the floor of the House.

I yield back the balance of my time.

Mr. CRAWFORD. Mr. Speaker, I urge my colleagues to join me in supporting this important legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arkansas (Mr. CRAWFORD) that the House suspend the rules and pass the bill, H.R. 897.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### MILLE LACS LAKE FREEDOM TO FISH ACT OF 2012

Mr. CRAVAACK. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5797) to amend title 46, United States Code, with respect to Mille Lacs Lake, Minnesota, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5797

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Mille Lacs Lake Freedom To Fish Act of 2012".*

#### SEC. 2. MILLE LACS LAKE, MINNESOTA.

*Notwithstanding any other provision of law, the owner or operator of a vessel operating on Mille Lacs Lake, Minnesota, shall not, with respect to such vessel, be subject to any Federal requirement under subtitle II of title 46, United States Code, relating to licensing or vessel inspection.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. CRAVAACK) and the gentleman from Washington (Mr. LARSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

#### GENERAL LEAVE

Mr. CRAVAACK. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous materials on H.R. 5797.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. CRAVAACK. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, in March 2010, the U.S. Coast Guard ruled that Mille Lacs Lake was a federally navigable body of water based on historical interstate commerce.

Specifically, the Coast Guard justified their actions by using a U.S. Army Corps of Engineers determination from 1981 that said because lumberjacks in the 1800s floated logs on Mille Lacs Lake and down the Rum River, Mille Lacs Lake should now be made a federally navigable water body. Currently, the Rum River is dammed in three places, and the same Corps of Engineers report said that the dams prohibit through navigation. In addition, two previous Army Corps determinations in 1931 and 1974 also considered the river nonnavigable.

I would like to submit the U.S. Coast Guard determination for the RECORD.



## MEMORANDUM

From: D. L. Nichols, CAPT, USCG, CGD Eight (dl).

To: S. L. Hudson, CAPT, USCG, CG Sector Upper Mississippi River (s).

Subj: Navigability Determination for Mille Lacs Lake, Minnesota.

Ref: (a) 33 C.F.R. §2.36; (b) 33 C.F.R. §3.40-1; (c) 33 C.F.R. §3.45-1.

1. For the purpose of determining its jurisdictional authority, the Coast Guard has determined that Mille Lacs Lake is a "navigable waterway of the United States."

2. The geographic boundary between the Eighth Coast Guard District and the Ninth Coast Guard District currently runs through Mille Lacs Lake. This navigability determination is for the entirety of Mille Lacs Lake. The Ninth District Legal Staff has reviewed and agrees with this determination.

3. No federal statute addresses the navigability of Mille Lacs Lake, and no federal court has determined the navigability of the waterway. Furthermore, Mille Lacs Lake is not subject to tidal influence. This navigability determination is based on the historical use of the waterway. Specifically, Mille Lacs Lake has been used, in connection with other waters, as a highway for substantial interstate or foreign commerce.

4. Navigability determinations are administrative findings based on the criteria set forth in 33 C.F.R. 2.36. The precise definitions of "navigable waters of the United States" and "navigability" are dependent ultimately on judicial interpretation and cannot be made conclusively by administrative agencies.

5. This opinion solely represents the opinion of the Coast Guard as to the extent of its own jurisdiction to enforce laws and regulations, and does not represent an opinion as to the extent of the jurisdiction of the United States or any of its agencies.

## MEMORANDUM

From: CGD Eight.

To: File.

Subj: Legal Support for Navigability Determination for Mille Lacs Lake, Minnesota.

Ref: (a) CGD Eight (dl) memo of 3 March 2010, *Navigability Determination for Mille Lacs Lake, Minnesota*; (b) 33 C.F.R. §2.36; (c) 33 C.F.R. §3.40-1; (d) 33 C.F.R. §3.45-1.

1. Purpose. This memorandum documents the legal basis for the Coast Guard's determination of navigability in ref (a).

2. Discussion.

a. Internal waterways of the United States not subject to tidal influence are "navigable waters of the United States" if they "[a]re or have been used, or are or have been susceptible for use, by themselves or in connection with other waters, as highways for substantial interstate or foreign commerce, notwithstanding natural or man-made obstructions that require portage." 33 C.F.R. §2.36(a)(3)(i)(emphasis added). The test is one of historic navigability. *U.S. v. Harrell*, 926 F.2d 1036 (11th Cir. 1991). In 1921 the Supreme Court discussed the issue of obstructions by stating that a waterway "capable of carrying commerce among the states is within the power of Congress to preserve for purposes of future transportation, even though it . . . be incapable of such use according to present methods, either by reason of changed conditions or because of artificial obstructions." *Economy Light & Power Co. v. U.S.*, 256 U.S. 113, 122 (1921); see also *U.S. v. Appalachian Power Co.*, 311 U.S. 377, 408 ("When once found navigable, a waterway remains so."). When logs are floated on a waterway in

interstate commerce, the waterway is a highway for interstate commerce. See id. at 405; *Wisconsin Public Service Corp. v. Federal Power Commission*, 147 F.2d 743 (7th Cir. 1945); *United States v. Underwood*, 344 F. Supp. 486, 490 (M.D. Fla. 1972).

B. In April 1981 the ACOE conducted an historical analysis of commerce on Mille Lacs Lake and the Run River in Minnesota. See encl. (1). Historical accounts in the document reveal a history of interstate commerce on Mille Lacs Lake. Specifically, Mille Lacs Lake was "used in the transportation of logs" from 1848 to 1904, and evidence shows that at least a portion of the logs floated were transported to markets outside of the state. Encl (1) at 5.

3. Conclusion. Mille Lacs Lake has been used in the past as a highway for interstate commerce. The Coast Guard thus determines that Mille Lacs Lake is a "navigable water of the United States" and the Coast Guard may properly enforce applicable federal law on this waterway.

Enclosure: Army Corps of Engineers (ACOE) memo of 2 April 1981: *Navigability Determination for Mille Lacs Lake and Rum River, Minnesota*.

Now the U.S. Coast Guard is forcing all Mille Lacs Lake fishing guides to spend time and money to obtain a Federal boating license. This license and associated costs can run well over \$2,000, and according to testimony by the U.S. Coast Guard in the Transportation and Infrastructure Committee, they have to travel to Toledo, Ohio, or St. Louis, Missouri, in order to apply for these licenses in person and to take the tests.

This new U.S. Coast Guard regulation is killing jobs by making it impractical for some fishing guides to even stay in business and making it even more expensive for tourists to hire their services.

The Mille Lacs Lake Freedom to Fish Act removes this burdensome, administrative overreach from the U.S. Coast Guard and restores to the State of Minnesota the original authority to permit and inspect vessels.

I truly appreciate all the Coast Guard does, I truly do. But the State of Minnesota already patrols Mille Lacs Lake quite well and the Coast Guard's authority over the lake is an unwanted intrusion. It's duplicative, and it's currently nonexistent. This would be a new area of jurisdiction for the Coast Guard requiring additional assets and manpower.

The State has rules and inspection procedures in place to keep its residents safe and has been doing so for as long as anybody can remember. The State is perfectly capable of enforcing boating laws on Mille Lacs Lake, and ultimately Mille Lacs Lake belongs to Minnesotans and should not be controlled by the Federal Government.

We heard from the U.S. Coast Guard on the issue in a Coast Guard Subcommittee hearing on May 24, 2011. Rear Admiral Kevin Cook and Deputy JAG Calvin Lederer testified about the burden this would impose on Minnesota fishing guides. Additionally, they were

unable to provide adequate justification for the navigability determination beyond the Army Corps report.

My legislation would stop fishing guides from being forced to spend over \$2,000 on obtaining a fishing license they simply just don't need. Ultimately, it will allow Minnesotans to focus on what is most important—enjoying one of Minnesota's most beautiful lakes.

This has been fully vetted by the Mille Lacs Band of Ojibwe and National Association of State Boating Law Administrators. This legislation is also supported by the Minnesota Department of Labor and Industry, fishing guides and resort owners, Minnesota Anglers for Habitat and Minnesota Outdoor Heritage Alliance.

I would like to submit for the RECORD a letter of support from the Minnesota Outdoor Heritage Alliance.

MINNESOTA OUTDOOR  
HERITAGE ALLIANCE,

June 31, 2012.

REPRESENTATIVE CRAVAACK: As president of the Minnesota Outdoor Heritage Alliance (MOHA), I am always interested in legislation that preserves our constitutional right to hunt and fish, improves sportsmen recruitment and retention or increases the economic viability of these pursuits for Minnesota's sportsmen and women. Because of these organizational goals, I am submitting this letter in favor of the Mille Lacs Freedom to Fish (HR 5797) legislation. Since many Minnesota guides are small, family owned concerns that have been in business for many years, additional regulations and fees are not only unnecessary but also cost prohibitive and dangerous to our time honored way of guiding and fishing. Moving this legislation forward will address these concerns and update the laws in a way that is not only safe but beneficial for our fishing industry and our fishing license holders.

Sincerely,

TIM SPRECK,  
MOHA President.

Senator KLOBUCHAR also introduced companion legislation that has been cosponsored by Senator FRANKEN. In the committee markup, Representative TIM WALZ and Ranking Member RAHALL lent their support as well, making this truly a bipartisan and bicameral piece of legislation.

I'd like to thank Geoff Gosselin and John Rayfield of the Coast Guard Subcommittee staff for their working with me on the language of this amendment, as well as Tom Dillon from legislative counsel. I would also like to thank Joel Amato, the chief boiler inspector from the Minnesota Department of Labor and Industry for providing his guidance and expertise, as well as Mr. Kim Elverum from the Minnesota Department of Natural Resources, and George Nitti of Nitti's Hunters Point Resort.

Although the text of this bill is short, a lot of work went into making sure that this accomplishes the goals of restoring jurisdiction to Minnesota.

I reserve the balance of my time.

Mr. LARSEN of Washington. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, H.R. 5797 exempts the owners and operators of small passenger vessels operating on Mille Lacs Lake in central Minnesota from U.S. Coast Guard licensing and inspection requirements.

This bill provides rather narrow regulatory relief. However, because this bill was rushed to legislation, to mark-up without first having a hearing on the bill itself or having the Subcommittee on Coast Guard and Maritime Transportation consider the specific bill, no one can say for sure what consequences might arise in the future. My concerns are somewhat allayed by learning the State of Minnesota has an adequate program to regulate vessels operating on its inland lakes, including Mille Lacs.

Nonetheless, the Coast Guard has expressed concerns that the limitations imposed on its vessel safety authorities by this bill could create uncertainty and some confusion among the boating public, especially regarding marine casualty investigations and maritime liability.

Notwithstanding these objections, and because the bill, as reported, would no longer vacate the Coast Guard's 2010 determination that Mille Lacs Lake is navigable, I do not object to the bill moving forward today.

With that, I yield back the balance of my time.

Mr. CRAVAACK. I thank my respected colleague for his kind remarks, and I ask my colleagues to join me in supporting this important legislation to Minnesota.

I yield back the balance of my time, as well.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. CRAVAACK) that the House suspend the rules and pass the bill, H.R. 5797, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to exempt the owners and operators of vessels operating on Mille Lacs Lake, Minnesota, from certain Federal requirements."

A motion to reconsider was laid on the table.

□ 1940

#### FARMERS UNDERTAKE ENVIRONMENTAL LAND STEWARDSHIP ACT

Mr. CRAWFORD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3158) to direct the Administrator of the Environmental Protection Agency to change the Spill Prevention, Control, and Countermeasure rule with respect to certain farms, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3158

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Farmers Undertake Environmental Land Stewardship Act" or the "FUELS Act".

#### SEC. 2. APPLICABILITY OF SPILL PREVENTION, CONTROL, AND COUNTERMEASURE RULE.

(a) IN GENERAL.—The Administrator, in implementing the Spill Prevention, Control, and Countermeasure rule with respect to any farm, shall—

(1) require certification of compliance with such rule by—

(A) a professional engineer for a farm with—

(i) an individual tank with an aboveground storage capacity greater than 10,000 gallons;

(ii) an aggregate aboveground storage capacity greater than or equal to 42,000 gallons; or

(iii) a history that includes a spill, as determined by the Administrator; or

(B) the owner or operator of the farm (via self-certification) for a farm with—

(i) an aggregate aboveground storage capacity greater than 10,000 gallons but less than 42,000 gallons; and

(ii) no history of spills, as determined by the Administrator; and

(2) exempt from all requirements of such rule any farm—

(A) with an aggregate aboveground storage capacity of less than or equal to 10,000 gallons; and

(B) no history of spills, as determined by the Administrator.

(b) CALCULATION OF AGGREGATE ABOVEGROUND STORAGE CAPACITY.—For the purposes of subsection (a), the aggregate aboveground storage capacity of a farm excludes all containers on separate parcels that have a capacity that is less than 1,320 gallons.

#### SEC. 3. DEFINITIONS.

In this Act, the following terms apply:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) FARM.—The term "farm" has the meaning given such term in section 112.2 of title 40, Code of Federal Regulations.

(3) GALLON.—The term "gallon" refers to a United States liquid gallon.

(4) SPILL PREVENTION, CONTROL, AND COUNTERMEASURE RULE.—The term "Spill Prevention, Control, and Countermeasure rule" means the regulation promulgated by the Environmental Protection Agency under part 112 of title 40, Code of Federal Regulations.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arkansas (Mr. CRAWFORD) and the gentleman from Iowa (Mr. BOSWELL) each will control 20 minutes.

The Chair recognizes the gentleman from Arkansas.

#### GENERAL LEAVE

Mr. CRAWFORD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on H.R. 3158.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. CRAWFORD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I'd like to thank Members from both parties who joined in cosponsoring this bipartisan bill that will provide regulatory relief to our family farmers, in particular, my colleague, Mr. BOSWELL. Thank you very much.

The EPA-mandated Oil Spill Prevention, Control and Countermeasure program, or SPCC, requires that oil storage facilities with a capacity of over 1,320 gallons make costly infrastructure modifications to reduce the possibility of oil spills.

The regulations require farmers to construct a containment facility, like a dike or a basin, which must retain 110 percent of the fuel in the container. These mandated infrastructure improvements—along with the necessary inspection and certification by a specially licensed professional engineer—will cost many farmers tens of thousands of dollars. In some cases, compliance costs could reach higher than \$60,000 for a single farmer in my district.

The SPCC program dates back to 1973, shortly after the Clean Water Act was signed into law. In the last decade, it has strictly come down on agriculture, and the rules have been amended, delayed, and extended dozens of times, creating enormous confusion in the farming community. On top of that, the EPA has failed to engage in effective outreach to producers and co-operators on SPCC application.

In 2009, the EPA lifted a 2006 rule that suspended compliance requirements for small farms with oil storage of 10,000 gallons or less. The rule applies to more than just fuel. In fact, it applies to hydraulic oil, adjuvant oil, crop oil, vegetable oil, and even animal fat. It was scheduled to go into effect this past November.

Last summer, I headed up an effort to send a bipartisan letter with over 100 cosigners to EPA Administrator Lisa Jackson highlighting problems with the program and requesting a permanent fix. At the very least, I requested a delay so farmers impacted by last year's natural disasters would have more time to comply. The EPA responded only a few weeks before the November deadline and issued a statement saying they would not begin enforcement until May of 2013. While we were thankful for the delay, this action still didn't do anything to fix the burden on small farms. It just kicked the can down the road.

The FUELS Act is simple. It revises the SPCC regulations to be reflective of a producer's spill risk and financial resources. The exemption level would be adjusted upward from an unworkable 1,320 gallons of oil storage to an amount that would protect small

farms—10,000 gallons. The proposal would also place a greater degree of responsibility on farmers and ranchers to self-certify compliance if their storage facilities exceed the exemption level. To add another layer of environmental protection, the producer must be able to demonstrate that he or she has no history of oil spills.

Mr. Speaker, this legislation is necessary because the existing regulations are not only burdensome to small farmers; they're unenforceable. According to USDA, the current regulations would bring more than 70 percent of farms into the SPCC regulatory net. This is more than 1.5 million farms in the SPCC regulatory net next year alone.

The University of Arkansas, Division of Agriculture did a study recently concluding that the FUELS Act would exempt over 80 percent of producers from SPCC compliance. It could save, in my home State, up to \$240 million in costs. Over the entire country, it could save small farmers up to \$3.36 billion.

This year, the ag sector of the economy is facing a crisis. Over two-thirds of the Nation is being impacted by drought, and farm revenue has dropped substantially. Food costs are projected to skyrocket for consumers. On top of that, the fate of a multiyear farm bill is still unknown, creating long-term uncertainty for the agriculture community. The last thing the government should be doing right now is imposing a regulation on producers that could cost our Nation's family farmers up to \$3.36 billion during next year's planting season. There is absolutely no justification for such an expensive regulation, especially when the EPA cannot provide data or even anecdotal evidence of agriculture spills.

By nature of occupation, family farmers are already careful stewards of the land and water. No one has more at stake than those who work on the ground from which they derive their livelihood.

I urge adoption of H.R. 3158 and reserve the balance of my time.

Mr. BOSWELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. CRAWFORD, I believe that you pretty much covered the details of this. And I see the gentleman sitting beside you there and I'm sure he's going to add to it, so I don't think I'll spend a lot of time repeating what you said. But I want you to know that as a hands-on farmer producer, I appreciate the efforts you put into this to bring this forward because there are just too many times we see where the farmers in your State, my State, and across the country are burdened with these extra expenses and criteria that they don't really need. Because you know, I know, and I think those of us that are familiar with the farming industry, we are stewards of the land. We don't want to ruin the land; we certainly don't want to ruin the water.

So this is a good thing to come forth with this piece of legislation, to put a practical sense, practical application to the situation. It's been delayed and delayed and delayed.

It refers to American farmers. American farmers are very much dedicated to what they represent. And again, those that, as I do and as I'm sure you do and others, when we have fuel on the farm for whatever reason—to run the tractors, the combines, the irrigation pumps, or whatever—we're very careful. The cost of the fuel and the exposure of it being stolen or something is something we don't have a lot of excess sitting around these days anyway. Those that are large operators, seems to me like quite a few of them have got a tank wagon.

So I appreciate what you've offered up here, and I'm very supportive of it.

With that, I reserve the balance of my time.

Mr. CRAWFORD. Again, thank you, Mr. BOSWELL, not only for your support, but your real-world common sense as an ag producer. I appreciate it.

I'd just like to yield 2 minutes to my esteemed colleague from Oklahoma (Mr. LANKFORD) and thank him for his patience.

Mr. LANKFORD. I may not even use all 2 minutes of that, but I do want to be able to just tell the story a little bit of an Oklahoma farm.

The things that they're up against right now are common to farms all across the Midwest. They're dealing with drought right now. They're dealing with the threat of new dust particulate rules coming down from the EPA. They just fought through a battle to try to be able to have family farms be able to function with their own kids working on their family farms or their grandparents' farms, or their cousin's farm down the road—is that permissible or not—point source pollution rules that are coming down on them. Farm truck distance rules, if they want to drive 151 miles in their farm truck and the new regulations they deal with on it. All these different regulations.

And then imagine the Federal Government contacting them and saying, on top of all those rules and all those threatened rules, now you need to go find a professional engineer to check out your fuel tank, and we want to send a regulator to be able to evaluate it. And we want you to have a whole new set of rules around your tank as well. It assumes family farms and farmers don't take care of their land. Nothing could be further from the truth.

A family farm, and farms all around the country, these are individuals that they farm that land, they take care of that land, that water is very important to them. Many of them live on well water itself, and so a spill into their groundwater is incredibly important to

them for their own personal family as well. They're great stewards of the land; that's how they make their living.

In addition to that, they're careful guardians of their storage tank because that tank itself, if it spills, they lose a tremendous amount of money; and the margins on a farm are not very high.

I'd like to stand with my colleagues, as well, to say let's respect the farmer for what they're doing already on their land and not send someone from Washington to come check out their farm and check out their tank and be able to evaluate all those things. Let's allow some trust to the commonsense folks in the country that take care of our food and take care of the land and water every single day.

With that, I'd urge my colleagues to support this.

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Mr. BOSWELL. Mr. Speaker, we have no other speakers.

In closing, I feel like we've defined what the need is. This will be very helpful to the Nation's producers, and it's a step in the right direction. So I will urge agreement and support of H.R. 3158. And thank you again for bringing this forth.

I yield back the balance of my time.

Mr. CRAWFORD. Mr. Speaker, again my thanks to the gentleman from Iowa and to those who spoke tonight. I just urge my colleagues to join me in supporting this important legislation.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arkansas (Mr. CRAWFORD) that the House suspend the rules and pass the bill, H.R. 3158, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 6233, AGRICULTURAL DISASTER ASSISTANCE ACT OF 2012

Ms. FOXX, from the Committee on Rules, submitted a privileged report (Rept. No. 112-644) on the resolution (H. Res. 752) providing for consideration of the bill (H.R. 6233) to make supplemental agricultural disaster assistance available for fiscal year 2012 with the costs of such assistance offset by changes to certain conservation programs, and for other purposes, which was referred to the House Calendar and ordered to be printed.

#### MARINE DEBRIS ACT AMENDMENTS OF 2012

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the

bill (H.R. 1171) to reauthorize and amend the Marine Debris Research, Prevention, and Reduction Act, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1171

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Marine Debris Act Amendments of 2012”.

#### SEC. 2. REFERENCES.

Except as otherwise expressly provided, whenever in this Act an amendment is expressed as an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Marine Debris Research, Prevention, and Reduction Act (33 U.S.C. 1951 et seq.), as in effect immediately before the enactment of this Act.

#### SEC. 3. SHORT TITLE AMENDMENT.

Section 1 (33 U.S.C. 1951 note) is amended by striking “Research, Prevention, and Reduction”.

#### SEC. 4. PURPOSE.

Section 2 (33 U.S.C. 1951) is amended to read as follows:

##### “SEC. 2. PURPOSE.

“The purpose of this Act is to address the adverse impacts of marine debris on the United States economy, the marine environment, and navigation safety through identification, determination of sources, assessment, prevention, reduction, and removal of marine debris.”.

#### SEC. 5. NOAA MARINE DEBRIS PROGRAM.

##### (a) NAME OF PROGRAM.—

(1) IN GENERAL.—Section 3 (33 U.S.C. 1952) is amended—

(A) in the section heading by striking “PREVENTION AND REMOVAL”; and

(B) in subsection (a)—

(i) by striking “Prevention and Removal Program to reduce and prevent” and inserting “Program to identify, determine sources of, assess, prevent, reduce, and remove”; and

(ii) by inserting “the economy of the United States,” after “marine debris on”; and

(iii) by inserting a comma after “environment”.

(2) CONFORMING AMENDMENT.—Paragraph (7) of section 7 (33 U.S.C. 1956) is amended by striking “Prevention and Removal”.

(b) PROGRAM COMPONENTS.—Section 3(b) (33 U.S.C. 1952(b)) is amended to read as follows: “(b) PROGRAM COMPONENTS.—The Administrator, acting through the Program and subject to the availability of appropriations, shall—

“(1) identify, determine sources of, assess, prevent, reduce, and remove marine debris, with a focus on marine debris posing a threat to living marine resources and navigation safety;

“(2) provide national and regional coordination to assist States, Indian tribes, and regional organizations in identification, determination of sources, assessment, prevention, reduction, and removal of marine debris;

“(3) undertake efforts to reduce adverse impacts of lost and discarded fishing gear on living marine resources and navigation safety, including—

“(A) research and development of alternatives to gear posing threats to the marine environment, and methods for marking gear used in specific fisheries to enhance the tracking, recovery, and identification of lost and discarded gear; and

“(B) development of effective nonregulatory measures and incentives to cooperatively reduce the volume of lost and discarded fishing gear and to aid in its recovery; and

“(4) undertake outreach and education of the public and other stakeholders on sources of marine debris, threats associated with marine debris, and approaches to identify, determine sources of, assess, prevent, reduce, and remove marine debris and its adverse impacts on the United States economy, the marine environment, and navigational safety, including outreach and education activities through public-private initiatives.”.

(c) REPEAL.—Section 2204 of the Marine Plastic Pollution Research and Control Act of 1987 and the item relating to that section in the table of contents contained in section 2 of the United States-Japan Fishery Agreement Approval Act of 1987 (33 U.S.C. 1915) are repealed.

(d) GRANT CRITERIA AND GUIDELINES.—Section 3(c) (33 U.S.C. 1952(c)) is amended—

(1) in paragraph (1), by striking “section 2(1)” and inserting “section 2”; and

(2) by repealing paragraph (5); and

(3) by redesignating paragraphs (6) and (7) as paragraphs (5) and (6).

#### SEC. 6. REPEAL OF OBSOLETE PROVISIONS.

Section 4 (33 U.S.C. 1953) is amended—

(1) by striking “(a) STRATEGY.—”; and

(2) by repealing subsections (b) and (c).

#### SEC. 7. AMENDMENTS TO DEFINITIONS.

(a) INTERAGENCY MARINE DEBRIS COORDINATING COMMITTEE.—

(1) IN GENERAL.—Except as provided in subsection (b), section 2203 of the Marine Plastic Pollution Research and Control Act of 1987 (33 U.S.C. 1914) is redesignated and moved to replace and appear as section 5 of the Marine Debris Research, Prevention, and Reduction Act (33 U.S.C. 1954).

(2) CLERICAL AMENDMENT.—The item relating to section 2203 in the table of contents contained in section 2 of the United States-Japan Fishery Agreement Approval Act of 1987 is repealed.

(b) BIENNIAL PROGRESS REPORTS.—Section 5(c)(2) (33 U.S.C. 1954(c)(2)), as in effect immediately before the enactment of this Act—

(1) is redesignated as subsection (e) of section 5, as redesignated and moved by the amendment made by subsection (a) of this section; and

(2) is amended—

(A) by striking “ANNUAL PROGRESS REPORTS.—” and all that follows through “thereafter” and inserting “BIENNIAL PROGRESS REPORTS.—Biennially”; and

(B) by inserting “Natural” before “Resources”;

(C) by redesignating subparagraphs (A) through (E) as paragraphs (1) through (5) of such subsection; and

(D) by moving such subsection 2 ems to the left.

#### SEC. 8. CONFIDENTIALITY OF SUBMITTED INFORMATION.

Section 6(2) (33 U.S.C. 1955(2)) is amended by striking “by the fishing industry”.

#### SEC. 9. MARINE DEBRIS DEFINITION.

Section 7 (33 U.S.C. 1956) is amended—

(1) by redesignating paragraph (3) as paragraph (9), and moving such paragraph to appear after paragraph (8); and

(2) by inserting after paragraph (2) the following:

“(3) MARINE DEBRIS.—The term ‘marine debris’ means any persistent solid material that is manufactured or processed and directly or indirectly, and intentionally or unintentionally, disposed of or abandoned into the marine environment or the Great Lakes.”.

#### SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

Section 9 (33 U.S.C. 1958) is amended—

(1) by striking “are” and inserting “is”;

(2) by striking “2006 through 2010” and all that follows through “(1)” and inserting “through fiscal year 2015”; and

(3) in paragraph (1), by striking “\$10,000,000” and inserting “\$4,900,000”; and

(4) by striking “; and” and all that follows through the end of paragraph (2) and inserting a period.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from Washington (Mr. LARSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska.

#### GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous materials on H.R. 1171.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

H.R. 1171, the Marine Debris Act Amendments of 2012, reauthorizes the National Oceanic and Atmospheric Administration's, NOAA, Marine Debris Program at currently appropriated levels through 2015. The program has played a crucial role in preventing and reducing the amount of trash on our beaches and in the ocean.

I think it's important to note that this program is not regulatory in nature. It takes a voluntary approach to improving the conditions of our marine environment.

Failure to adequately address marine debris has major consequences on our economy. Large objects floating in our oceans threaten the safe navigation of cargo ships and recreational boaters. Derelict fishing gear costs commercial fishermen millions of dollars in lost revenue. And debris washing up on our shores forces the closing of beaches, a major blow to local economies reliant on tourism.

In Alaska, NOAA's Marine Debris has worked with local partners to conduct more than 20 projects that have removed 750,000 pounds of debris from our shoreline since 2006. But the problem of marine debris is about to get worse for Alaska and other Pacific coast States. NOAA estimates there's 1.5 million tons of debris headed our way as a result of the 2011 Japanese earthquake and the tsunami.

Alaskans are already finding Styrofoam, plastic, wood, and other lightweight debris washing up on our islands. In May, the Coast Guard was forced to sink an abandoned Japanese vessel laden with fuel oil before it broke open on the Southeast panhandle.

Reauthorization of the Marine Debris Program is critical to help Alaska and other coastal States protect our economies and ecosystems and ensure the safety of those transiting our waters.

I want to commend Representative SAM FARR from California for introducing this bill. As an original cosponsor of this important bipartisan effort, I urge all Members to support the bill.

I reserve the balance of my time.

Mr. LARSEN of Washington. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise in support of H.R. 1171, bipartisan legislation that reauthorizes the Marine Debris Research Prevention and Reduction Act through fiscal year 2016.

Just this June, on the Pacific coast, an entire 70-foot dock washed up on the coast of Oregon. This is only one piece of the estimated 1.5 million tons of marine debris from the disastrous 2011 Japanese tsunami that will wash up on the west coast. Disasters like this are why it is so important that we reauthorize this legislation today.

Marine debris remains a persistent threat to maritime safety and to the health of our oceans and to our lakes. Thanks to the enactment of the Marine Debris Research Prevention and Reduction Act in 2006, we now have a much better understanding of marine debris and its impact on our shorelines.

This law led to the establishment of effective partnerships between the National Oceanic and Atmospheric Administration, or NOAA, and the United States Coast Guard. It has led to better coordinated research and debris removal activities, and it built greater understanding of the challenges we face in addressing this threat.

Marine debris is a much larger and growing problem than we first thought, and with the recent disaster in Japan, it will continue to grow. Cleaning up marine debris takes coordination between several agencies and States and requires expensive resources to clean up.

Earlier this week, NOAA provided a new analysis estimating that it now costs the agency, on average, more than \$4,300 to remove 1 ton of marine debris from the environment. NOAA also said that the dock that washed up on the shores of Oregon will cost \$85,000 alone.

Despite what we've learned, and despite the fact that States on the Pacific coast and Hawaii will have to contend with 1.5 million tons of marine debris from the 2011 Japanese tsunami for years to come, the majority has insisted on cutting authorized funding levels for this program in half. Cutting authorized funding for this program at this time seems shortsighted, and I'm confident that the Senate will insist on the higher authorized funding level in any final compromise bill.

But despite those reservations about the reduced funding levels in this bill

as reported by the majority, it is imperative that we reauthorize the Marine Debris Act today to address this growing threat in our future.

I want to thank the sponsor of the legislation, the gentleman from California (Mr. FARR), for his extraordinary leadership on this issue. I urge my colleagues to join me in supporting H.R. 1171.

I reserve the balance of my time.

Mr. YOUNG of Alaska. I continue to reserve the balance of my time.

Mr. LARSEN of Washington. Mr. Speaker, I yield as much time as he may consume to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Speaker, I truly appreciate the support we've seen in a bipartisan fashion here for this legislation known as the Marine Debris Act Amendments of 2012.

This bill was first carried and introduced in the United States Senate by Senator INOUE and the late Senator Ted Stevens. They recognized, Senator INOUE from Hawaii, the entire island surrounded by ocean, and so much washes up on the shores of the islands, and Alaska, with probably one of the longest coastlines in the United States, certainly impacts from the ocean on them. And that's why it's so nice and wonderful to have my colleague DON YOUNG from Alaska, the only Representative in the House from Alaska, to be a strong proponent of this.

As he pointed out, Alaska has already seen the consequences of not having reauthorization when the Japanese tsunami has started to wash up. They've spent, in the first wave of the tsunami debris, Alaska's already spent over \$200,000 of State money in just aerial monitoring of the local debris from the Japanese tsunami.

What this legislation does in reauthorization is allow States to receive grants from NOAA so that the States can deal with their coastline debris problems.

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It is important we do this for an even bigger purpose, which is that, frankly, life on land is dependent on the quality of life at sea. We know that we have over the years and decades been dumping everything we don't like on land—and can't figure out where else to dump it—into the ocean. At the same time, we take whatever we want out of the ocean. Dumping and taking can upset the system so badly that you have oceans die; and, certainly, we have big parts of the ocean that are dying because of all the debris and waste that are in the oceans.

What this bill does is allow the Coast Guard, in working with NOAA, which is the National Oceanic and Atmospheric Administration, to jointly look at, monitor and figure out ways to clean this stuff up. If we don't do that, we're going to suffer. It's like living in pollu-

tion in your own backyard. Eventually, there are consequences.

I think that those of us who have done ocean legislation over the years—and DON YOUNG has been one of the greater ones to understand it—realize that, in solving the problem, it's going to require local action and that it's going to require national and international coordination. It's not our ocean alone. It goes all over the world, and things in the ocean go all over the world. Just think of the old stories about bottles and where they wind up. Now we see with the tsunami that all this Japanese land mass stuff that was washed into the sea is now showing up in Alaska and is showing up in Oregon and has shown up on the beaches in California—in Capitola, where I live.

This problem is also going to require some partnerships between the private sector and the fishermen community, in that it knows where some of these drift nets are, and between the public sector. It's going to require innovative technology. You have to detect it. We have found nets that have been left in Monterey Bay that are too heavy to lift out with conventional craft. We're going to have to go back to the fishing boats and to the families who lost those nets and use their fishing boats, which is a private enterprise supported by the public know-how of how to retrieve those nets. I think it's very exciting. It's certainly going to require education so that people don't keep dumping things they don't want into the ocean.

There are consequences for dumping. California is now addressing it in every local community by just storm water, the fact that all the water that falls on our streets and roads picks up oil and picks up other stuff that isn't compatible with ocean life and washes into it. We have done a lot to clean up sewers and to say we're not going to dump that stuff out into the ocean anymore, but we're still allowing other storm water to get out there. California is addressing this almost community by community, that being: How do we stop storm water and polluted storm water from getting into the ocean?

So this legislation of reauthorizing debris cleanup is much more than just giving NOAA some money to go out there and figure it out. It's really an entire program of figuring out how to keep oceans healthy.

I appreciate the bipartisan support. I appreciate the leadership of Mr. YOUNG, and I appreciate the leadership on the committees. This bill went to two committees—to the Transportation and Infrastructure Committee and to the Natural Resources Committee. Both committees passed it out in bipartisan fashion, and now we have to pass it in the Senate. I hope it's not too late, and I hope Congressman YOUNG will work with me in getting bipartisan support in the Senate so that we can get this

bill to the President and get it signed before the calendar year runs out.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

I want to thank the gentleman from California. Mr. FARR has been one of the leaders who has been concerned with the oceans, and this debris bill is crucially important to the State of California and especially to Alaska. Mr. FARR came to me many months ago and said we've got to get this done. We've got to get this done. A lot of people weren't interested, and now we finally get to a point where we see what's occurring from the tsunami, although we may not have that recur again.

The crisis in the ocean, though, is detrimental, as I mentioned in my opening statement, to the fishermen whom I represent and to the recreational people whom I represent. So to get it out of the ocean even before it reaches the beaches is crucially important. The beaches sometimes are sort of fun to beachcomb, but if there is something bad that's in the ocean, we should try to retrieve it sooner, if possible; and when it gets there, we really want to be able to take care of it.

There should be more money—I won't disagree with the gentleman from Washington—but we're moving this down the road. We'll see what happens on the Senate side, and we'll see if we can't get a little more effort, because it's a partnership program that makes this thing work. A lot of people have interest in Alaska and in trying to clean the beaches after it arrives, and we're trying to get more people interested in cleaning the ocean up before it does arrive. Hopefully, it will work together.

With that, I reserve the balance of my time.

Mr. LARSEN of Washington. I have no more speakers, and I yield back the balance of my time.

Mr. YOUNG of Alaska. I have no more speakers, so I yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, I rise today in strong support of H.R. 1171, the Marine Debris Act Amendments of 2012. I want to commend my colleague and friend Congressman SAM FARR from California for introducing this legislation and continually working for its passage.

As a member of the Subcommittee on Fisheries, Wildlife and Oceans, one of my top priorities was to take action on legislation to address our nation's ocean environment. I am pleased to say that this legislation, H.R. 1171, would continue to combat the adverse impacts of marine debris on the United States economy, the marine environment, and navigation safety through identification, determination of sources, assessment, prevention, reduction, and removal of marine debris.

This legislation will reauthorize NOAA's existing Marine Debris Program to support important projects throughout the country, includ-

ing beach cleanups, derelict fishing gear location and removal, and educational campaigns. The program helps to identify, determine sources of, assess, prevent, reduce, and remove marine debris, with a focus on marine debris posing a threat to living marine resources and navigation safety. This reauthorizing language would serve to streamline these programs by avoiding any overlaps or conflicts with other federal agencies.

The legislation would help protect the environment and the economy of coastal communities throughout the Nation. Earlier this year, tsunami debris washed ashore the coasts of Oregon and Washington, calling attention to the need for a comprehensive plan to coordinate clean-up efforts. Indeed, the impacts of the March 2011 tsunami in Japan will continue to impact our shores over the coming months and years and this bill gives us the tools to respond to this situation. In particular, Guam would greatly benefit from the passage of the Marine Debris Act Amendments of 2012 as it would give states and local communities the additional tools needed to effectively care for our marine environments and wildlife.

Again, I applaud Representative FARR for introducing this legislation. I thank Chairman MICA, Chairman HASTINGS, Ranking Member RAHALL and Ranking Member MARKEY for their leadership in bringing this important bill which enhances our understanding of the marine environment to the House floor. I encourage my colleagues to continue supporting this important legislation that addresses one of the most serious threats to our oceans today.

Mr. FARR. Mr. Speaker, the House passed H.R. 1171, known as the Marine Debris Act Amendments of 2012.

This act reauthorizes the NOAA Marine Debris Program at currently appropriated levels through fiscal year 2015. It has strong bipartisan support, particularly from my colleague DON YOUNG, who was an original co-sponsor.

Look, nobody wants to go out on the water or to sit on the beach and see trash. But it's not just an eyesore—marine debris is a very critical problem for marine ecosystems, fisheries, and shipping. Marine debris can have devastating impacts on the U.S. economy too. For instance, it is estimated that \$250 million of marketable lobster is lost annually to derelict fishing gear, which can also cause up to \$792 million per year in damages to boat propellers.

Right now, an estimated 5–20 million tons of debris from the Japan's tsunami are floating across the Pacific Ocean toward the United States. As this first wave of tsunami debris—including a 66-ft dock teaming with over 90 non-native species—washes ashore, I am astounded by the magnitude of this disaster's global impact. Cleanup costs can be huge. Alaska has already spent \$200,000 just for aerial monitoring of the local debris field from the Japanese tsunami. While the Japanese tsunami debris resulted from a natural disaster, ocean trash is preventable.

Added to the debris that's already out there—is an average of 7 million tons of new trash dumped into the ocean each year. Solving this problem is going to require:

Local action, national and international coordination;

Unique partnerships between private and public sectors;

Innovative technology; Education, Research and Prevention.

The NOAA Marine Debris Program has been achieving real successes at sea and on shore, for a modest amount of funding. But this program expired in 2010 and must be reauthorized. Over the past 5 years, funding has ranged from 3.2 million to 4.9 million dollars.

It is clear from the recent tsunami debris events—the boat off the coast of Washington and the dock washed ashore in Oregon—that the problem is growing. There is no doubt in my mind that the Marine Debris Program could effectively spend \$10 million dollars a year—that is the magnitude of the problem. And that is what was authorized in 2006. As this bill moves through the legislative process, I hope we can bring up the funding levels. Most of these funds go to local communities in the form of grants for marine debris cleanup, education, research, and prevention efforts.

Mr. Speaker, NOAA's Marine Debris Program is leading the effort to address this growing problem proactively and I thank my colleagues for passing for H.R. 1171.

Mr. THOMPSON of California. Mr. Speaker, I rise in strong support of the Marine Debris Act Reauthorization Amendments, which is important legislation to my district in Northern California and the West Coast. This bipartisan legislation will maintain current efforts to remove marine debris from our coastlines, provide updates on the status of marine debris, and prevent redundant activities among state and federal agencies.

Marine debris has been a problem for our oceans and coasts for decades. Trash has been filling our oceans and thereby impacting human health, harming wildlife, and littering our favorite beaches. For over 25 years, we have been relying heavily on volunteers, non-governmental organizations, and local governments to patrol our shores and pick up our trash. For example, in 2010 more than 5,400 cars could have been outfitted with the tires found during beach cleanup efforts. The work of these volunteers and organizations is invaluable and they need our help. Not only in terms of their planned cleanup activities, but to help in times of catastrophic events that create debris that is beyond physical and fiscal capabilities to remove.

Today, marine debris is of even more concern since a massive tsunami tragically struck the coastline of Japan 16 months ago. The disaster claimed nearly 16,000 lives, injured 6,000, and destroyed or damaged well over a million buildings with 130-foot waves.

Studies by the Japanese government estimate approximately 5 million tons of debris was swept into the ocean. Of that, 1.5 million tons are thought to be heading towards the West Coast of the United States.

As the Congressional representative for the longest coastline in the lower 48 states, the impending arrival of the tsunami debris is of utmost concern. It is essential that we have fully developed contingency plans to remove debris that hits our shores, especially objects that are considered hazardous.

Over the past few months, debris from the Japanese tsunami (ranging from soccer balls to 66-foot piers) has landed along the Pacific Coast of the United States. It is clear we cannot deal with this issue without proper funding



and resources. In this economic climate, we need to think critically and creatively to develop funding solutions that address this increase in marine debris.

The reauthorization of the Marine Debris Program by this legislation will facilitate national and international efforts to research, prevent, and reduce the impacts of garbage on our shores. Once we pass this crucial legislation, the next step is to provide funding to our states to handle both emergency debris issues and everyday trash problems.

Marine debris is a global problem with local implications. More than ever, we need knowledge and guidance on marine debris and I urge a yes vote for H.R. 1171.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the bill, H.R. 1171, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### RESPA HOME WARRANTY CLARIFICATION ACT OF 2011

Mrs. BIGGERT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2446) to clarify the treatment of homeowner warranties under current law, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2446

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the "RESPA Home Warranty Clarification Act of 2012".*

#### SEC. 2. TREATMENT OF HOMEOWNER WARRANTIES.

*Section 8 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2607) is amended by adding at the end the following new subsection:*

*"(e) HOMEOWNER WARRANTIES.—*

*"(1) IN GENERAL.—Nothing in this section, section 2, or section 3 shall be deemed to include, or be deemed to have included, homeowner warranties or similar residential service contracts for the repair or replacement of home system components or home appliances.*

*"(2) NOTICE BY HOME WARRANTY COMPANY.—Any person that pays another person not employed by the person for selling, advertising, marketing, or processing, or performing an inspection in connection with, a homeowner warranty or similar residential service contract for the repair or replacement of home system components or home appliances shall include the following statement, in boldface type that is 10-point or larger, in any such warranty or contract offered or sold as an incident to or as part of any transaction involving the origination of a federally related mortgage loan:*

*"NOTICE: THIS COMPANY MAY PAY PERSONS NOT EMPLOYED BY THE COMPANY FOR SELLING, ADVERTISING, MARKETING, OR PROCESSING, OR PERFORMING AN INSPECTION IN CONNECTION WITH, A HOMEOWNER WARRANTY OR*

*SIMILAR RESIDENTIAL SERVICE CONTRACT FOR REPAIRING OR REPLACING HOME SYSTEM COMPONENTS OR HOME APPLIANCES."*

*"(3) NOTICE BY REAL ESTATE AGENT OR BROKER.—Any person who has contracted to receive payment from a provider of the services described in paragraph (1) for recommending the purchase of a home warranty or similar residential service contract, and is not an employee of such provider, shall provide the potential purchaser, upon first recommending the purchase of a homeowner warranty or similar residential service contract, a written notice containing the following language in boldface type that is 10-point or larger (with the bracketed matter being replaced with the information described by such bracketed matter):*

*"NOTICE: THIS IS TO GIVE YOU NOTICE THAT [the provider of the notice] HAS RECEIVED OR WILL RECEIVE COMPENSATION FROM [the home warranty company] FOR [the residential service for which the notice provider is being compensated]. YOU ARE NOT REQUIRED TO PURCHASE A HOME WARRANTY OR A SIMILAR RESIDENTIAL SERVICE CONTRACT AND IF YOU CHOOSE TO PURCHASE SUCH COVERAGE YOU ARE FREE TO PURCHASE IT FROM ANOTHER PROVIDER."*

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Illinois (Mrs. BIGGERT) and the gentleman from Georgia (Mr. DAVID SCOTT) each will control 20 minutes.

The Chair recognizes the gentlewoman from Illinois.

#### GENERAL LEAVE

Mrs. BIGGERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and add extraneous material on this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mrs. BIGGERT. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 2446, the RESPA Home Warranty Clarification Act, and urge my colleagues to support the bill. H.R. 2446 is a bipartisan bill that Mr. CLAY of Missouri and I introduced last year. The bill has 40 cosponsors, including 13 Democrats and 27 Republicans, and I thank the gentleman from Georgia (Mr. SCOTT) for managing this bill.

On March 27, the Financial Services Committee reported out the bill by voice vote. The RESPA Home Warranty Clarification Act would amend the Real Estate Settlement Procedures Act of 1974, or RESPA, to clarify that, as long as a consumer or borrower receives specific disclosures about it, a fee paid to a real estate broker or agent related to the sale of a home warranty is not a RESPA violation.

When Congress passed RESPA in 1974, it intended for the law to provide consumers or borrowers with timely disclosures related to the cost of real estate settlement services. Title insurance, a flood elevation certificate and homeowners insurance are a few examples of services required at a mortgage

settlement. Unlike these settlement services, a home warranty is not a required service. For a borrower or a consumer, the purchase of a home warranty is optional. It is a service contract under which a home warranty company provides repair or replacement coverage for a home's system components and/or appliances. A real estate broker or agent typically acts as a representative for the home warranty company that offers the home warranty, and the real estate broker or agent receives a commission from the home warranty company for presenting the home warranty to the home buyer if the homeowner chooses to purchase the warranty.

Congress originally delegated RESPA rulemaking and enforcement authority to the U.S. Department of Housing and Urban Development, HUD. For nearly 20 years, from 1974 to 1992, HUD issued no rules or guidance related to the sale of a home warranty by a real estate broker or agent.

□ 2010

In 1992, HUD issued regulations addressing homeowners warranties as a settlement service, but was silent on the matter until recent years. Citing evidence to demonstrate a problem with home warranty-related sale practices, commission arrangements, disclosures, or the product itself between 2008 and 2010, HUD issued an unofficial staff interpretive rule and the subsequent guidance. In short, after 34 years, with no apparent problem with a product that is not required for closing, HUD determined that, under RESPA, it is a violation for a real estate broker or an agent to be compensated by a home warranty company for offering a home warranty to a borrower in connection with the real estate transaction.

Mr. Speaker, HUD clearly is seeking to create a solution where there simply is no problem. HUD's unfounded interpretation doesn't follow the letter of the law as intended by Congress. According to witness testimony received by the Financial Services Subcommittee on Insurance, Housing and Community Opportunity, this misinterpretation of law has resulted in unnecessarily disrupting longstanding business practices that could increase the costs and decrease the availability of home warranties to consumers, as well as unintentionally harm small businesses. H.R. 2446 would clarify longstanding law and practice while restoring certainty related to home warranties in the real estate marketplace.

I'd like to thank my colleague, Mr. CLAY, for working with me on this bill, and I'd like to thank the gentleman from Georgia for managing this bill. I'd also like to thank the bill's 40 bipartisan cosponsors from across the country.

I urge my colleagues to support H.R. 2446, and I reserve the balance of my time.



Mr. DAVID SCOTT of Georgia. Mr. Speaker, I yield myself such time as I may consume.

I rise today to encourage all of my colleagues to vote in favor of H.R. 2446, the RESPA Home Warranty Clarification Act.

Before I explain exactly why this legislation is so important and vital, let me first take a moment to thank my friend and colleague, and my fellow Financial Services Committee member and the sponsor of this legislation, Mrs. BIGGERT, for her hard work on this bill. The fact that this bill passed both subcommittee and full committee by voice vote is a testament to not only the issue's importance, but also to Mrs. BIGGERT's dedication and openness in alleviating Members' concerns.

Regarding the bill, itself, Mr. Speaker, this legislation will help small businesses. It will help real estate professionals. Most importantly, it will help homeowners by clarifying the law on the sale of home warranties.

Congress enacted legislation many years ago to outlaw kickbacks paid in connection with services that must be performed to close a federally-related mortgage loan. An interpretive rule released by the Department of Housing and Urban Development has, unfortunately, created uncertainty about application of the law to home warranties which are not necessary to close a loan to purchase a home. To eliminate confusion and reduce uncertainty, our bill makes clear that the term "settlement services" does not include home warranties.

This legislation also provides new notice requirements applicable to home service contract companies and to real estate professionals so that prospective purchasers of home warranties are aware that a payment may have been made in connection with the selling, advertising, marketing, processing, or performing an inspection in connection with the home warranty.

This simple clarification will allow members of the home warranty industry to pay modest sums to real estate professionals for direct marketing and related services in connection with the sale of a home warranty without a risk of running afoul of a law Congress never intended to be applicable for a completely optional product.

This is the simplification of this law that is very important. It's very simple, but it's very important so that our real estate industry and home mortgage industry can move more smoothly.

Please join me in voting for this commonsense legislation that will benefit consumers and the small businesses that repair and replace home systems covered by home warranties.

With that, Mr. Speaker, I reserve the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I have no further requests for time if the gentleman is ready to close.

Mr. DAVID SCOTT of Georgia. Likewise, I'm ready to close.

I just want to say in closing that, again, Mrs. BIGGERT has done a wonderful job on this, Mr. Speaker, and should be commended for it. This is a very important and simple piece of legislation, but it will help to iron out and smooth out confusion and allow for our real estate and our housing and our home mortgage industry to move more smoothly. I urge all of my colleagues to vote for it.

With that, I yield back the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I encourage all of my colleagues to support this bill, as amended, and I yield back the balance of my time.

Mr. HINOJOSA. Mr. Speaker, I rise today in support of H.R. 2446, "The RESPA Home Warranty Clarification Act." The Real Estate Settlement Procedures Act of 1974, or RESPA, was crafted by Congress to only cover those services necessary for closing the transaction of buying a home. A recent interpretive rule issued by the Department of Housing and Urban Development broke this precedent by bringing home warranties under RESPA. This bipartisan act clarifies that home warranties fall outside the scope of RESPA because they are unnecessary for closing.

This bill was passed out of the Financial Services Committee on voice vote, and I am proud that the Committee also passed an amendment that I offered, which adds even more transparency to the bill.

This amended bill would require the real estate broker who recommends the purchase of a home warranty to a homebuyer to disclose that he or she may receive compensation for the recommendation; that the homebuyer is not required to purchase a home warranty contract; and that the homebuyer can purchase a home warranty contract from a provider not recommended by the real estate broker.

This is essential information for the homebuyer to make an informed choice when deciding whether to purchase a home warranty and I am proud to have added this disclosure requirement to H.R. 2446. This bill makes clear that the term "settlement service" in RESPA does not include home warranties, something Congress never intended.

Mr. BACA. Mr. Speaker, I rise in support of H.R. 2446, the RESPA Home Warranty Clarification Act.

This bill clarifies that the sale of home warranties cannot be considered a settlement service, and therefore cannot be governed under the Real Estate Settlement Procedures Act, or RESPA.

Many individuals buying a home want to avoid the financial risk of having to pay for major repairs on major systems and appliances.

To reduce that risk and to get the peace of mind that comes with knowing they can help guard against the cost of significant repairs, home buyers often purchase a home warranty.

Many individuals selling a home find that providing a home warranty at their own cost can help facilitate a quicker sale at a higher price by reducing the risk of the unknown for potential buyers.

It is important to note that the purchase of the product is completely optional, and is not made mandatory by any financial institution or government sponsored enterprise during the home-buying process.

Recently, however, HUD erroneously issued an interpretive rule blocking real estate agents from receiving a modest fee when they recommend the product to their client upon the purchase of their new home.

As such, if this rule is allowed to stand, realtors would have no incentive to inform their clients about this product.

Consequently, first-time homebuyers, or low- and moderate income-families may not be made aware of this option, instead being forced to pay full price for the replacement of their home's most expensive appliances.

At a time when our economy is still struggling, we need to ensure that hard working American families are still allowed to gain access to financial products that they depend on.

That is why I urge my colleagues to support H.R. 2446.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Illinois (Mrs. BIGGERT) that the House suspend the rules and pass the bill, H.R. 2446, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### PROVIDING FOR USE OF NATIONAL INFANTRY MUSEUM AND SOLDIER CENTER COMMEMORATIVE COIN SURCHARGES

Mr. DOLD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 3363) to provide for the use of National Infantry Museum and Soldier Center Commemorative Coin surcharges, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The text of the bill is as follows:

S. 3363

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

#### SECTION 1. NATIONAL INFANTRY MUSEUM AND SOLDIER CENTER COMMEMORATIVE COIN SURCHARGES.

Section 6(b) of the National Infantry Museum and Soldier Center Commemorative Coin Act (Public Law 110-357, 122 Stat. 3999) is amended by inserting before the period at the end the following: "and for the retirement of debt associated with building the existing National Infantry Museum and Soldier Center".

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

# MARCH OF DIMES COMMEMORATIVE COIN ACT OF 2011

Mr. DOLD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3187) to require the Secretary of the Treasury to mint coins in recognition and celebration of the 75th anniversary of the establishment of the March of Dimes Foundation, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3187

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE.

This Act may be cited as the “March of Dimes Commemorative Coin Act of 2011”.

## SEC. 2. FINDINGS.

The Congress finds the following:

(1) President Franklin Roosevelt’s personal struggle with polio led him to create the National Foundation for Infantile Paralysis (now known as the March of Dimes) on January 3, 1938, at a time when polio was on the rise.

(2) The Foundation established patient aid programs and funded research for polio vaccines developed by Jonas Salk, MD, and Albert Sabin, MD.

(3) Tested in a massive field trial in 1954 that involved 1.8 million schoolchildren known as “polio pioneers”, the Salk vaccine was licensed for use on April 12, 1955 as “safe, effective, and potent”. The Salk and Sabin polio vaccines funded by the March of Dimes ended the polio epidemic in the United States.

(4) With its original mission accomplished, the Foundation turned its focus to preventing birth defects, prematurity, and infant mortality in 1958. The Foundation began to fund research into the genetic, prenatal, and environmental causes of over 3,000 birth defects.

(5) The Foundation’s investment in research has led to 13 scientists winning the Nobel Prize since 1954, including Dr. James Watson’s discovery of the double helix.

(6) Virginia Apgar, MD, creator of the Apgar Score, helped develop the Foundation’s mission for birth defects prevention; joining the Foundation as the head of its new birth defects division in 1959.

(7) In the 1960s, the Foundation created over 100 birth defects treatment centers, and then turned its attention to assisting in the development of Neonatal Intensive Care Units, or NICUs.

(8) With March of Dimes support, a Committee on Perinatal Health released *Toward Improving the Outcome of Pregnancy* in 1976, which included recommendations that led to the regionalization of perinatal health care in the United States.

(9) Since 1998, the March of Dimes has advocated for and witnessed the passage of the Birth Defects Prevention Act, Children’s Health Act, PREEMIE Act, and Newborn Screening Save Lives Act.

(10) In 2003, the March of Dimes launched a Prematurity Campaign to increase awareness about and reduce the incidence of preterm birth, infant mortality, birth defects, and lifelong disabilities and disorders.

(11) The March of Dimes actively promotes programs for and funds research into newborn screening, pulmonary surfactant therapy, maternal nutrition, smoking cessation, folic acid consumption to prevent neural tube defects, increased access to maternity

care, and similar programs to improve maternal and infant health.

## SEC. 3. COIN SPECIFICATIONS.

(a) \$1 SILVER COINS.—In recognition and celebration of the founding and proud service of the March of Dimes, the Secretary of the Treasury (hereafter in this Act referred to as the “Secretary”) shall mint and issue not more than 500,000 \$1 coins, which shall—

- (1) weigh 26.73 grams;
- (2) have a diameter of 1.500 inches; and
- (3) contain 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

## SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall be emblematic of the mission and programs of the March of Dimes, and its distinguished record of generating Americans’ support to protect our children’s health.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act, there shall be—

- (A) a designation of the value of the coin;
- (B) an inscription of the year “2015”; and
- (C) inscriptions of the words “Liberty”, “In God We Trust”, “United States of America”, and “E Pluribus Unum”.

(b) SELECTION.—The design for the coins minted under this Act shall—

(1) contain motifs that represent the past, present, and future of the March of Dimes and its role as champion for all babies, such designs to be consistent with the traditions and heritage of the March of Dimes;

(2) be selected by the Secretary, after consultation with the March of Dimes and the Commission of Fine Arts; and

(3) be reviewed by the Citizens Coin Advisory Committee.

## SEC. 5. ISSUANCE.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—For the coins minted under this Act, at least 1 facility of the United States Mint shall be used to strike proof quality coins, while at least 1 other such facility shall be used to strike the uncirculated quality coins.

(c) PERIOD FOR ISSUANCE.—The Secretary of the Treasury may issue coins minted under this Act only during the 1-year period beginning on January 1, 2015.

## SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

- (1) the face value of the coins;
- (2) the surcharge provided in section 7(a) with respect to such coins; and
- (3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

## SEC. 7. SURCHARGES.

(a) IN GENERAL.—All sales of coins minted under this Act shall include a surcharge of \$10 per coin.

(b) DISTRIBUTION.—Subject to section 5134(f) of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to the March of Dimes to help finance research, education, and services aimed at improving the health of women, infants, and children.

(c) AUDITS.—The March of Dimes shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code, with regard to the amounts received under subsection (b).

(d) LIMITATION.—Notwithstanding subsection (a), no surcharge may be included with respect to the issuance under this Act of any coin during a calendar year if, as of the time of such issuance, the issuance of such coin would result in the number of commemorative coin programs issued during such year to exceed the annual 2 commemorative coin program issuance limitation under section 5112(m)(1) of title 31, United States Code. The Secretary may issue guidance to carry out this subsection.

## SEC. 8. FINANCIAL ASSURANCES.

The Secretary shall take such actions as may be necessary to ensure that—

(1) minting and issuing coins under this Act will not result in any net cost to the United States Government; and

(2) no funds, including applicable surcharges, shall be disbursed to any recipient designated in section 7 until the total cost of designing and issuing all of the coins authorized by this Act (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping) is recovered by the United States Treasury, consistent with sections 5112(m) and 5134(f) of title 31, United States Code.

## SEC. 9. BUDGET COMPLIANCE.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Committee on the Budget of the House of Representatives, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DOLD) and the gentleman from Georgia (Mr. DAVID SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DOLD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to add extraneous materials on this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DOLD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 3187, the March of Dimes Commemorative Coin Act of 2011. I’m proud to have introduced this bill and to have

worked closely with my friend and colleague from New York, Congresswoman NITA LOWEY.

This legislation authorizes the minting and issue in 2015 of a commemorative coin honoring the 75th anniversary of the March of Dimes and recognizes their landmark accomplishments in maternal and child health. Surcharges on the sales of these special coins will fund critical research and programs to support healthy mothers, healthy infants, and healthy families nationwide.

□ 2020

Mr. Speaker, it's summertime across our Nation, and back home in our districts, children are playing outside with friends or are going swimming at the pool. But more than 75 years ago, children stayed indoors during the summer. Their parents wouldn't let them go to the park or to the pool because of outbreaks of polio. Polio back then could strike any child, and no one knew what the cause was.

The March of Dimes is a nonprofit organization that was founded in 1938 by President Franklin Delano Roosevelt, with a mission to eradicate polio. In FDR's day, polio was an epidemic disease that paralyzed or killed up to 52,000 Americans, mostly children, every year. Even the President had polio.

So during the Great Depression, citizens sent dimes—4 billion of them—to the White House to fund polio research. That effort funded the research by Doctors Salk and Sabin that produced the vaccines that have eradicated polio in the United States and in much of the world.

In the quest for a vaccine, the March of Dimes supported many other research milestones in newborn and child health. For example, in 1953, Francis Crick and March of Dimes grantee Dr. James D. Watson identified the double helix structure of DNA and, in 1962, won the Nobel Prize for mapping the human genome.

Another research breakthrough came in the 1960s when the March of Dimes supported research that developed the first screening test for PKU, a rare metabolic genetic disorder that causes intellectual disabilities. Since that time, the March of Dimes has led the effort to expand newborn screening. Now every baby born in the United States receives screening for dozens of conditions that have the potential to cause catastrophic health problems or death if not detected or treated promptly at birth.

Today the March of Dimes is leading the national effort to reduce premature birth. Every year, nearly 500,000 infants are born far too soon. In my home State of Illinois, almost 13 percent of all infants are born prematurely. Preterm birth is the leading cause of death among newborns. Many of those who survive face a lifetime of serious

health problems, including cerebral palsy, intellectual disabilities, chronic lung disease, and vision and hearing loss. Preterm delivery can happen to any pregnant woman, and in nearly half of the cases, no one knows why.

The March of Dimes National Prematurity Campaign funds a robust portfolio of research and education programs designed to unveil the causes and address the risk factors of preterm birth. For example, the March of Dimes is working with hospitals to implement best practices that discourage early elective deliveries before 39 completed weeks of pregnancy. Thanks to the dedication of the March of Dimes and others, the United States has seen a decline in the prematurity rate for 4 consecutive years.

Mr. Speaker, the March of Dimes has an extraordinary history of achievement. More than 4 million infants are born every year in the United States, and the March of Dimes helps each and every one through research, education, vaccines, and breakthroughs. The commemorative coin will help fund these vitally important activities.

H.R. 3187 has broad bipartisan support in both Chambers of the Congress, with 304 cosponsors here in the House and 68 in the United States Senate. This legislation complies with all statutory requirements for the commemorative coin program, and the coins will be produced at no cost to the American taxpayer. To claim the surcharges, the March of Dimes will raise matching funds from private sources.

Mr. Speaker, I am proud to have sponsored this bipartisan bill, and I would like to thank the Congresswoman from New York, Representative LOWEY, for her steadfast leadership and hard work to see this day become a reality. I would also like to thank Chairman SPENCER BACHUS and Ranking Member BARNEY FRANK for helping to get this bill to the floor today. I also want to thank my friend from Georgia, for him managing time on the other side today and for his leadership as well.

Mr. Speaker, for 75 years, the March of Dimes has dedicated itself to helping all infants get a healthy start in life, which is what I think is very, very important. I ask my colleagues to join me in voting for H.R. 3187, the March of Dimes Commemorative Coin Act.

I reserve the balance of my time.

Mr. DAVID SCOTT of Georgia. Mr. Speaker, I yield myself such time as I may consume.

I rise today to lend my support to this extraordinary and wonderful piece of legislation, an expression of strong bipartisan support.

I certainly want to thank my friend, Congressman DOLD from Illinois, for his leadership on this. It's a pleasure to join with him on the floor today to manage time on this bill.

This bill, H.R. 3187, as was pointed out, is the March of Dimes Commemo-

rative Coin Act. For 75 years now, the March of Dimes organization has worked to prevent infant mortality, premature births, and birth defects in our children in the United States and in other parts of the world. And I can think of no better time and place to honor this wonderful organization than right here and right now in the Halls of Congress.

This organization was originally founded by President Franklin Delano Roosevelt to help treat and prevent polio. The March of Dimes would meet with tremendous success and, through their funding of the work of Dr. Jonas Salk, would contribute greatly to curing that disease.

Having accomplished their original goal, the March of Dimes would turn their attention to promoting healthy women, healthy pregnancies, and healthy babies. The March of Dimes Foundation works not only here in the United States in local communities around the country but, as I mentioned, also around the world to educate and inform women, doctors, and policymakers on the prevention of birth defects and premature birth. This work is so vital, so very important, and really so very precious, Mr. Speaker. And a healthy pregnancy and a healthy birth can mean so much and start the child off on the right foot that will last the rest of their entire life.

This bill is simple, Mr. Speaker. It would allow for the minting, the making of a commemorative coin, which basically will be a silver \$1 coin, for this wonderful organization. These coins would then be sold to the general public with a portion going to pay off the cost of minting the coin, but the rest going to support the very, very important work of this foundation.

So I ask, Mr. Speaker, that my colleagues join me in voting in favor of this bill, and in so doing, we'll be sending a big thank-you to the March of Dimes for their hard work and for their dedication over the last 75 years.

Mr. Speaker, I will also mention the fact that we support them each year in our special cooking and preparation for their major fundraiser that many Members of Congress and our families and our wives take part in. What an extraordinary organization doing an extraordinary thing for those who are most precious to us, that is, the children of the United States of America.

I reserve the balance of my time.

Mr. DOLD. Mr. Speaker, before I yield, I do want to just thank my good friend from Georgia (Mr. SCOTT) for his leadership and support of the March of Dimes.

He talked a little bit about the recent fundraiser that the March of Dimes held, where Members of Congress actually were cooking for this fundraiser. What he failed to mention was that I believe Mr. SCOTT—and Mrs. Scott, for that matter—actually won

the cooking contest. So thank you again. It was one of the few places I know we went back for seconds. I really appreciate that.

Mr. DAVID SCOTT of Georgia. I thank the gentleman.

Mr. DOLD. Mr. Speaker, at this time, I would like to yield 2 minutes to my good friend, the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I thank the gentleman from Illinois for yielding, and I commend him for his hard work on this important bill.

I rise in support of the bill, H.R. 3187, the March of Dimes Commemorative Coin Act of 2011.

This legislation recognizes the tremendous achievements of the March of Dimes in protecting the health of infants and mothers across the United States.

Founded by President Franklin Roosevelt, as was noted, in 1938, the March of Dimes was instrumental in eradicating polio. The organization then turned its sights on birth defects, premature birth, and infant mortality.

For decades, the March of Dimes has been on the forefront of medical research. It educates parents and medical professionals about healthy pregnancies and has helped significantly expand access to neonatal intensive care for premature and sick infants.

□ 2030

H.R. 3187 recognizes the accomplishments of this great American success story of goodwill and public service, and it celebrates the 75th anniversary of the March of Dimes through a commemorative coin.

I'm pleased to have been an original cosponsor of this important bill, and I urge my colleagues to join us in paying a fitting tribute to an organization known as the "champion for all babies."

Mr. DAVID SCOTT of Georgia. Mr. Speaker, I have no more speakers, so I will just close my remarks.

Again, it is a pleasure working with you on this bill, Mr. DOLD. And what a noble occasion this is for such a worthy cause.

Thank you for mentioning about my wife. I give all credit to my wife for that cooking she did. I think it was shrimp and grits and let's see, and gumbo, her mother's gumbo, and it won first prize at that event. It is such a wonderful occasion, and to have all Members of Congress who participate with this fund-raising effort every year is just wonderful. I just urge a unanimous vote.

I yield back the balance of my time.

Mr. DOLD. Mr. Speaker, in closing, I just want to again commend my colleague. This is a bipartisan bill, broad bipartisan support, talking about the Commemorative Coin Act for the March of Dimes, truly a wonderful organization that really helps protect

our nearest and dearest, our children. I just want to thank my colleagues for their leadership and support, and urge swift passage.

I yield back the balance of my time.

COMMITTEE ON WAYS AND MEANS,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, August 1, 2012.

Hon. SPENCER BACHUS,  
Chairman, Committee on Financial Services,  
Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN BACHUS: I am writing concerning H.R. 3187, the "March of Dimes Commemorative Coin Act of 2011," which is scheduled for floor action the week of July 30, 2012.

As you know, the Committee on Ways and Means maintains jurisdiction over matters that concern raising revenue. H.R. 3187 contains a provision that establishes a surcharge for the sale of commemorative coins that are minted under the bill, and this falls within the jurisdiction of the Committee on Ways and Means.

However, as part of our ongoing understanding regarding commemorative coin bills and in order to expedite this bill for floor consideration, the Committee will forgo action. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation in the future.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 3187, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration.

Sincerely,

DAVE CAMP,  
Chairman.

COMMITTEE ON FINANCIAL SERVICES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, August 1, 2012.

Hon. DAVE CAMP,  
Chairman, Committee on Ways and Means,  
House of Representatives, Longworth House  
Office Building, Washington, DC.

DEAR CHAIRMAN CAMP: I am writing in response to your letter regarding H.R. 3187, March of Dimes Commemorative Coin Act of 2011, which is scheduled for Floor consideration under suspension of the rules on Wednesday, August 1, 2012.

I wish to confirm our mutual understanding on this bill. As you know, section 7 of the bill establishes a surcharge for the sale of commemorative coins that are minted under the bill. I acknowledge your committee's jurisdictional interest in such surcharges as revenue matters and appreciate your willingness to forego action by the Committee on Ways and Means on H.R. 3187 in order to allow the bill to come to the Floor expeditiously. Also, I agree that your decision to forego further action on this bill will not prejudice the Committee on Ways and Means with respect to its jurisdictional prerogatives on this or similar legislation. Therefore, I would support your request for conferees on those provisions within your jurisdiction should this bill be the subject of a House-Senate conference.

I will include this exchange of letters in the Congressional Record when this bill is considered by the House. Thank you again for your assistance and if you should need anything further, please do not hesitate to

contact Natalie McGarry of my staff at 202-225-7502.

Sincerely,

SPENCER BACHUS,  
Chairman.

Mrs. LOWEY. Mr. Speaker, I rise today in support of the March of Dimes Commemorative Coin Act.

I am proud to be an original cosponsor and to work with my colleague from Illinois, Mr. DOLD, to issue a commemorative coin honoring the 75th anniversary of the March of Dimes, based in my district in White Plains. Funds from the sale of the coins would be used to support the March of Dimes' vital work to ensure healthy pregnancies.

The March of Dimes has a long and proud history. President Franklin Roosevelt took the four billion dimes sent to him by Americans in the Great Depression and created the National Foundation for Infantile Paralysis. Later renamed the March of Dimes, the foundation was dedicated to supporting the care of thousands of Americans with polio, as well as supporting research into the prevention and treatment of the crippling disease.

The March of Dimes fulfilled President Roosevelt's dream of a polio-free nation by funding the development of polio vaccines, which led to its eradication in the United States and much of the world.

In the decades that followed, the organization helped stamp out rubella, pushed for Neonatal Intensive Care Units, promoted folic acid to prevent neural tube defects, and brought newborn screening to every American baby.

Today, the March of Dimes focuses on reducing prematurity. Every year, nearly half a million babies in the U.S. are born premature, the leading cause of newborn death. In my home state of New York, almost 600 infants are born preterm every week—representing 12.2% of all live births in the state.

The March of Dimes New York State Chapter has one goal—to help babies start life in the healthiest way possible by helping moms-to-be learn to care for themselves before, during and after their pregnancy. The New York Chapter also partners with local medical groups and organizations to establish guidelines for how to care for pregnant women and premature infants.

Over four million babies will be born across the United States this year, and each and every one will benefit from the March of Dimes historic legacy of scientific breakthroughs—from the polio vaccine to newborn screening. The March of Dimes Commemorative Coin will help us reach the day when we celebrate a new scientific breakthrough: preventing premature birth.

Mr. Speaker, I'd like to thank the gentleman from Illinois, and I urge your support.

The SPEAKER pro tempore (Mr. BROOKS). The question is on the motion offered by the gentleman from Illinois (Mr. DOLD) that the House suspend the rules and pass the bill, H.R. 3187, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

# PRO FOOTBALL HALL OF FAME COMMEMORATIVE COIN ACT

Mr. RENACCI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4104) to require the Secretary of the Treasury to mint coins in recognition and celebration of the Pro Football Hall of Fame, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4104

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE.

This Act may be cited as the “Pro Football Hall of Fame Commemorative Coin Act”.

## SEC. 2. FINDINGS.

The Congress finds the following:

(1) The Pro Football Hall of Fame’s mission is—

(A) to honor individuals who have made outstanding contributions to professional football;

(B) to preserve professional football’s historic documents and artifacts;

(C) to educate the public regarding the origin, development, and growth of professional football as an important part of American culture; and

(D) to promote the positive values of the sport.

(2) The Pro Football Hall of Fame opened its doors on September 7, 1963. On that day a charter class of 17 players, coaches, and contributors were enshrined. Among the group were such legends as Sammy Baugh, Red Grange, George Halas, Don Hutson, Bronko Nagurski, and Jim Thorpe. Through 2012, there are 273 members who have been elected to the Pro Football Hall of Fame. Three distinct iconic symbols represent an individual’s membership in the Hall of Fame: a bronze bust, a Hall of Fame gold jacket, and a Hall of Fame ring.

(3) The Pro Football Hall of Fame has welcomed nearly 9 million visitors from around the world since opening in 1963. The museum has grown from its original 19,000-square-foot building to an 118,000-square-foot, state-of-the-art facility as result of expansions in 1971, 1978, 1995, and most recently in 2011–2013. In addition, major exhibit renovations have been completed in 2003, 2008, and 2009.

(4) The Pro Football Hall of Fame houses the world’s largest collection on professional football. Included in the museum’s vast collection are more than 20,000 three-dimensional artifacts and more than 20 million pages of documents including nearly 3,000,000 photographic images.

(5) The Pro Football Hall of Fame reaches a world-wide audience of nearly 15,000,000 people annually through visitors to the museum, participants in the annual Pro Football Hall of Fame Enshrinement Festival, three nationally televised events, the Hall of Fame’s Web site, social media outlets, special events across the country, and through the museum’s Educational Outreach videoconferencing programs.

## SEC. 3. COIN SPECIFICATIONS.

(a) DENOMINATIONS.—The Secretary of the Treasury (hereafter in this Act referred to as the “Secretary”) shall mint and issue the following coins:

(1) \$5 GOLD COINS.—Not more than 50,000 \$5 coins, which shall—

(A) weigh 8.359 grams;

(B) have a diameter of 0.850 inches; and

(C) contain 90 percent gold and 10 percent alloy.

(2) \$1 SILVER COINS.—Not more than 400,000 \$1 coins, which shall—

(A) weigh 26.73 grams;

(B) have a diameter of 1.500 inches; and

(C) contain 90 percent silver and 10 percent copper.

(3) HALF-DOLLAR CLAD COINS.—Not more than 750,000 half-dollar coins which shall—

(A) weigh 11.34 grams;

(B) have a diameter of 1.205 inches; and

(C) be minted to the specifications for half-dollar coins contained in section 5112(b) of title 31, United States Code.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of section 5134 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

## SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall be emblematic of the game of professional football.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year “2016”; and

(C) inscriptions of the words “Liberty”, “In God We Trust”, “United States of America”, and “E Pluribus Unum”.

(b) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary after consultation with the Commission of Fine Arts and the Pro Football Hall of Fame; and

(2) reviewed by the Citizens Coinage Advisory Committee.

## SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this Act.

(c) PERIOD FOR ISSUANCE.—The Secretary may issue coins minted under this Act only during the 1-year period beginning on January 1, 2016.

## SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in section 7(a) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

## SEC. 7. SURCHARGES.

(a) IN GENERAL.—All sales of coins issued under this Act shall include a surcharge of—

(1) \$35 per coin for the \$5 coin;

(2) \$10 per coin for the \$1 coin; and

(3) \$5 per coin for the half-dollar coin.

(b) DISTRIBUTION.—Subject to section 5134(f)(1) of title 31, United States Code, all

surcharges received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to the Pro Football Hall of Fame, to help finance the construction of a new building and renovation of existing Pro Football Hall of Fame facilities.

(c) AUDITS.—The Pro Football Hall of Fame shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code, with regard to the amounts received under subsection (b).

(d) LIMITATION.—Notwithstanding subsection (a), no surcharge may be included with respect to the issuance under this Act of any coin during a calendar year if, as of the time of such issuance, the issuance of such coin would result in the number of commemorative coin programs issued during such year to exceed the annual 2 commemorative coin program issuance limitation under section 5112(m)(1) of title 31, United States Code (as in effect on the date of the enactment of this Act). The Secretary of the Treasury may issue guidance to carry out this subsection.

## SEC. 8. FINANCIAL ASSURANCES.

The Secretary shall take such actions as may be necessary to ensure that—

(1) minting and issuing coins under this Act will not result in any net cost to the United States Government; and

(2) no funds, including applicable surcharges, shall be disbursed to any recipient designated in section 7 until the total cost of designing and issuing all of the coins authorized by this Act (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping) is recovered by the United States Treasury, consistent with sections 5112(m) and 5134(f) of title 31, United States Code.

## SEC. 9. BUDGET COMPLIANCE.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Committee on the Budget of the House of Representatives, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. RENACCI) and the gentleman from New York (Mr. MEEKS) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

### GENERAL LEAVE

Mr. RENACCI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and add extraneous material on this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. RENACCI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to urge approval of H.R. 4104, the Pro Football Hall of Fame Commemorative Coin Act. Since being introduced on February 28, 2012, we have gathered 294 co-sponsors.

I would like to give a special thanks to Representatives STIVERS and

SHULER for helping me collect such a large and bipartisan group of cosponsors. I would also like to thank the chairman and ranking member of the House Financial Services Committee, Representative BACHUS and Representative FRANK, for their support.

The bill before us celebrates the 50th anniversary of the Pro Football Hall of Fame, the pride of Canton, Ohio. The Hall opened its doors on September 7, 1963. Six legends were enshrined that day: Sammy Baugh, Red Grange, George Halas, Don Hutson, Bronko Nagurski, and Jim Thorpe. These titans were the first of the 273 men who are now enshrined in the Hall of Fame. And I must add that 23 of those members are from Ohio.

Americans from all walks of life have enjoyed the game of football for decades, and the Pro Football Hall of Fame ensures the achievements of the gridiron's greatest will be remembered and preserved for generations of future fans.

Since its opening almost 50 years ago, the Pro Football Hall of Fame has attracted more than 9 million visitors to Ohio from across the world. Through its media and Internet outreach, nearly 15 million more participate in Hall-related activities.

The Pro Football Hall of Fame's efforts go beyond preserving the history of the gridiron. Two of the Hall's core missions are educating youth and promoting positive values.

A few highlight programs exemplify its missions: Camps for Kids, designed to promote good nutrition and physical fitness; the Hall's Black History Month program, which details the African American experience in professional football; the Hall of Fame Reader, a kindergarten through 12th grade summer literacy program; and teacher workshops for graduate and continuing education studies.

These educational programs are designed to strengthen core curriculum knowledge and skills across key learning areas: the arts, geography, health, history, language arts, math, and science.

Mr. Speaker, this legislation recognizes and celebrates the accomplishments of our sports heroes, but it also will help support those exceptional philanthropic efforts. Each coin will be sold for an amount that recovers all real and imputed cost plus a surcharge, so there is absolutely no cost to the taxpayer. Once the Hall raises matching funds from the private sector, it may claim the surcharges that will be available to help finance the expansion and renovation of its facilities and carry out its mission.

We are now at the goal line and prepared to put this legislation into the end zone. I urge all Members to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MEEKS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the sponsors of this bill. I want to thank the gentleman from Ohio for sponsoring this bill and bringing this bill to the floor.

Indeed, the Pro Football Hall of Fame is the pride of Canton, Ohio. It is also the apple of the eye of all Americans.

When we think of the National Football League, we immediately think of the grand names in football history. The gentleman from Ohio named the initial inductees. Initially coming into my mind are individuals such as Jim Brown or Jerry Rice or Johnny Unitas or Joe Montana, Walter Payton. These are household names that are housed now forevermore in the Hall of Fame and the National Football League.

But we forget that the National Football League and the Hall of Fame says: We're giving back. We're not going to just be involved in keeping the fame and the records of the NFL. We understand that we are an American sport, and so we're going to give back to the American people. Especially our young people, our children who, like me, growing up, idolized many of the players that are now in the Hall of Fame.

So what the Hall of Fame does is to make sure that it gets involved in programs that the gentleman from Ohio just talked about, Camps for Kids, to help promote nutrition and physical fitness.

We often hear in this society that we're talking about, people are too obese. Well, the NFL recognizes that, and the NFL Hall of Fame, the Pro Football Hall of Fame, as a result, makes sure there are programs promoting good nutrition, eating good foods, exercise.

Particularly it has been very important to me when I look at the Hall of Fame's Black History Month program, which details the African American experience. I can recall growing up with my father talking about Marion Motley with the Cleveland Browns at the time and the history that he played in helping and promoting others. And this gives us all-around history about every American.

Kindergarten through 12th graders, a literacy program. We talk about the need to make sure that our young people are able to compete. You can't compete if you're not literate. The Pro Football Hall of Fame makes sure that every child that it can touch will also be a reader.

We want to be competitive in health and history and language and arts and math and science. The Pro Football Hall of Fame has a program that it takes throughout America to help make that happen.

And so this Commemorative Coin Act will help them, at no cost to the tax-

payers, run these programs and preserve its facilities so that it can continue to build a legacy of a strong American game, but of also making sure that all of America's children and all of America's people have an opportunity to grow up, to be literate, to be healthy, and to be competitive globally with anyone.

□ 2040

So indeed, I urge all of my colleagues to vote "aye" for the Pro Football Hall of Fame Commemorative Coin Act, and I reserve the balance of my time.

Mr. RENACCI. Mr. Speaker, I want to thank the gentleman from New York for his inspiring comments.

I would agree that the Pro Football Hall of Fame is a great asset not only to the city of Canton, the State of Ohio, and America, and the accomplishments that it provides other than just enshrining inductees are a great asset to this hall.

I reserve the balance of my time.

Mr. MEEKS. Having no further speakers, I yield back the balance of my time.

Mr. RENACCI. Mr. Speaker, at this time, I ask my colleagues to join me in passing H.R. 4104, and I yield back the balance of my time.

HOUSE OF REPRESENTATIVES,

COMMITTEE ON WAYS AND MEANS,

Washington, DC, August 1, 2012.

Hon. SPENCER BACHUS,  
Chairman, Committee on Financial Services,  
Washington, DC.

DEAR CHAIRMAN BACHUS: I am writing concerning H.R. 4104, the "Pro Football Hall of Fame Commemorative Coin Act," which is scheduled for floor action the week of July 30, 2012.

As you know, the Committee on Ways and Means maintains jurisdiction over matters that concern raising revenue. H.R. 4104 contains a provision that establishes a surcharge for the sale of commemorative coins that are minted under the bill, and this falls within the jurisdiction of the Committee on Ways and Means.

However, as part of our ongoing understanding regarding commemorative coin bills and in order to expedite this bill for floor consideration, the Committee will forgo action. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation in the future.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 4104, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration.

Sincerely,

DAVE CAMP,  
Chairman.

HOUSE OF REPRESENTATIVES,

COMMITTEE ON FINANCIAL SERVICES,

Washington, DC, August 1, 2012.

Hon. DAVE CAMP,  
Chairman, Committee on Ways and Means,  
Washington, DC.

DEAR CHAIRMAN CAMP: I am writing in response to your letter regarding H.R. 4104, Pro



Football Hall of Fame Commemorative Coin Act, which is scheduled for Floor consideration under suspension of the rules on Wednesday, August 1, 2012.

I wish to confirm our mutual understanding on this bill. As you know, section 7 of the bill establishes a surcharge for the sale of commemorative coins that are minted under the bill. I acknowledge your committee's jurisdictional interest in such surcharges as revenue matters and appreciate your willingness to forego action by the Committee on Ways and Means on H.R. 4104 in order to allow the bill to come to the Floor expeditiously. Also, I agree that your decision to forego further action on this bill will not prejudice the Committee on Ways and Means with respect to its jurisdictional prerogatives on this or similar legislation. Therefore, I would support your request for conferees on those provisions within your jurisdiction should this bill be the subject of a House-Senate conference.

I will include this exchange of letters in the Congressional Record when this bill is considered by the House. Thank you again for your assistance and if you should need anything further, please do not hesitate to contact Natalie McGarry of my staff at 202-225-7502.

Sincerely,

SPENCER BACHUS,  
*Chairman.*

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. RENACCI) that the House suspend the rules and pass the bill, H.R. 4104, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, procedures will resume on motions to suspend the rules previously postponed.

#### AUTHORIZING APPOINTMENT OF CHIEF FINANCIAL OFFICER FOR THE VIRGIN ISLANDS

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 3706) to create the Office of Chief Financial Officer of the Government of the Virgin Islands, and for other purposes, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. LAMBORN) that the House suspend the rules and pass the bill, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### LA PINE LAND CONVEYANCE ACT

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (S. 270) to direct the Secretary of the Interior to convey certain Federal land to Deschutes County, Oregon.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. LAMBORN) that the House suspend the rules and pass the bill.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### WALLOWA FOREST SERVICE COMPOUND CONVEYANCE ACT

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (S. 271) to require the Secretary of Agriculture to enter into a property conveyance with the city of Wallowa, Oregon, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. LAMBORN) that the House suspend the rules and pass the bill.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### ADAM WALSH REAUTHORIZATION ACT OF 2012

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 3796) to reauthorize certain programs established by the Adam Walsh Child Protection and Safety Act of 2006, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### RECODIFICATION OF EXISTING LAWS RELATED TO NATIONAL PARK SERVICE

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 1950) to enact title 54, United

States Code, "National Park System", as positive law, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### STUDENT VISA REFORM ACT

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 3120) to amend the Immigration and Nationality Act to require accreditation of certain educational institutions for purposes of a non-immigrant student visa, and for other purposes, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### FOREIGN AND ECONOMIC ESPIONAGE PENALTY ENHANCEMENT ACT OF 2012

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 6029) to amend title 18, United States Code, to provide for increased penalties for foreign and economic espionage, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### CHILD PROTECTION ACT OF 2012

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 6063) to amend title 18, United States Code, with respect to child pornography and child exploitation offenses.

The Clerk read the title of the bill.



The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### STOPPING TAX OFFENDERS AND PROSECUTING IDENTITY THEFT ACT OF 2012

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 4362) to provide effective criminal prosecutions for certain identity thefts, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM REAUTHORIZATION ACT OF 2012

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 6062) to reauthorize the Edward Byrne Memorial Justice Assistance Grant Program through fiscal year 2017.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 2050

#### FEDERAL LAW ENFORCEMENT PERSONNEL AND RESOURCES ALLOCATION IMPROVEMENT ACT OF 2012

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 1550) to establish programs in the Department of Justice and in the Department of Homeland Security to help States that have high rates of homicide and other violent crime, and for other purposes, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to direct the Attorney General to give priority in the allocation of Federal law enforcement personnel and resources to States and local jurisdictions that have a high incidence of homicide or other violent crime."

A motion to reconsider was laid on the table.

#### CAMPAIGN FINANCE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentlewoman from Maryland (Ms. EDWARDS) is recognized for 35 minutes as the designee of the minority leader.

Ms. EDWARDS. Mr. Speaker, you know, they say that he who pays the piper plays the tune; but unfortunately in today's campaign finance system, it's just like one Johnny One Note, and it's about millionaires and billionaires.

I rise today, Mr. Speaker, to speak on an important issue. The fact is that our democracy is for sale to the highest bidder. Super PACs, millionaires and billionaires are taking over our election. They're doing what ordinary individuals don't have any capacity to do, and the impact on policymaking and on elections is debilitating. It makes voiceless the very people, Mr. Speaker, who most need a voice in these very troubling times. Our seniors, young people, poor people, working people, women, middle-income families, and small business owners, all of them have just been shut down because of this system. But it's worse now than it was even in the dark days of Watergate.

Now, before coming to Congress, Mr. Speaker, I spent nearly 15 years of my career actually working on issues related to campaign finance reform, election law, voting rights, and government ethics, from my time as a lawyer to my service as executive director of several nonprofit organizations; and I just can't think of a worse time than this time that we're living in now.

The complexity of balancing important constitutional considerations is really important, but appropriate public policy is also important; and we're just not striking that balance. In fact, Mr. Speaker, if you think about it, in the days following Watergate and the reforms that came thereafter, much of the way that we thought about our campaign finance system and that we thought about the role of money in politics and its relation to policymaking

was almost completely circumscribed by pretty much one decision and a couple of others, the Buckley v. Valeo decision and all the cases that followed.

During that time, we could not have imagined a more desolate campaign finance landscape, in fact, than the one we have here today, Mr. Speaker. Here we are facing the Supreme Court's 2010 decision in Citizens United v. The Federal Election Commission. Now, you would think that a lot of people would not really be familiar with any one Supreme Court decision, but in fact all across this country people are outraged by that decision because it has been devastating to the political system.

Now, Mr. Speaker, my congressional district is in the metropolitan Washington area, in the Maryland suburbs, and so we get the benefit in this area of hearing advertising that comes on television from Virginia. Now, Virginia is a battleground State in the Presidential elections, and so that means that we get to experience in Maryland, where we wouldn't ordinarily, all of the election advertising. What we see is ad after ad. And you can't even read the small print on the ad. You don't know who's paying for it. You don't know where it's coming from. You don't know what's behind it because none of that is disclosed. You hear hammering one candidate or hammering another candidate.

And so here you sit, as an ordinary person at home just wanting to get up and take care of your family and make sure that your kids are okay, and this political system has gone amuck and awash in campaign dollars, money coming from all sorts of sources.

But what Citizens United did was it upended the role of the people in the process and took away our voice in the face of unlimited, undisclosed sources of money that did not, in the past, have a place in the campaign finance mix. Well, Mr. Speaker, I think this can't continue. We can't allow it to go unchecked. It's just been too debilitating to people at home. It has an impact all across the board on participation, on whether people feel that they have a voice in policymaking, on the candidates who choose to run for elected office or not. I can understand why the American people feel like, you know what, I just want to shut down because the system simply isn't working for me.

So here we are, Mr. Speaker, and I'm glad to have this opportunity to say a few words this evening because we're 97 calendar days away from the November 2012 election, but we're 16 legislative days away. That means that Congress—every elected Member of the House and the Senate—has 16 legislative days, 16 days of opportunity to restore sanity to the campaign finance system, to let the people know that we actually care about whether their voice is important, versus the voices of the millionaires

and the billionaires who get to set the agenda. Sixteen days. There's a lot that you can do in 16 days—or you can do nothing. That's the choice that we have today.

So there can't be any doubt that in fact we've entered a really unprecedented era in our political system, where super PACs rule. I didn't even know what a super PAC was, most Americans probably didn't, but we sure do now, where one person, one vote has been more appropriate for a history lesson than a description of the electoral process.

How did we get to this framework that allows a free rein to outside organizations, to corporations and their treasuries, to the wealthy, allowing them to raise unlimited amounts of cash to influence American elections? The question really is that we got here because of Citizens United.

So, 2 years ago, the Supreme Court, in a 5-4 ruling, said, you know what, we're going to invalidate everything we've known about the campaign finance system; the Federal Election Campaign Act—which has been rendered pretty much useless; the bipartisan—and I'll repeat that, bipartisan, Mr. Speaker, Campaign Reform Act that was a way that Republicans and Democrats came together for things like disclosure and limiting contributions and circumscribing the role of money in politics, and in a 5-4 decision, the United States Supreme Court threw it all out. In doing so, what the Court did was it struck down long-time prohibitions against corporate use of general treasury funds for independent expenditures and for communicating in elections.

Now, what the American people need to understand, Mr. Speaker, is that means that no matter what corporation you are, maybe you represent insurance companies or the financial sector or the energy sector or any number of sectors that certainly hire a lot of employees, and they have shareholders, but what the Supreme Court said is we're going to reach into the corporate piggy bank and we're going to allow corporations—for the first time ever, really, in our modern-day politics—to spend their money directly on campaigns.

Now, Mr. Speaker, corporations have name-brand identity, so they don't do this willy-nilly. So what do they do? They pass it through an organization that's a shadow organization so we don't know where that money is coming in directly until after the fact. Maybe we see three-point type on a television screen that flashes right by, Mr. Speaker; but the fact is the American public doesn't know.

□ 2100

Now, there had been long-settled cases in this country that said that corporations actually didn't have the

ability to spend out of their corporate treasuries when corporations are formed for all kinds of reasons, but not really to spend out of their treasuries like people, real people can and should in the political process. But Citizens United changed all of that.

Then came another case. Now keep in mind, this is just in the last 2 years that our system has been completely upended. Then came another case called *speechnow.org v. the Federal Election Commission*. And what the United States Court of Appeals for the District of Columbia decided was that contributions to political action committees that only make supposed independent expenditures can't be limited. That's right: unlimited contributions from political action committees. These have come to be known as super PACs.

And why are they so super? Because it's unlimited money, and it's just gushing into the political system. In States all across the country that are the favored battleground States, people in those States, and States like North Carolina and Virginia and Ohio and other States, can actually see that money firsthand because it's just being spent like crazy.

And you know what? With 97 days, Mr. Speaker, left until the election, there will be more.

In fact, I think that the American people will be so sick and tired of the advertising and not knowing who's behind it and the cross-messaging and things that may or may not be true, but you have no way of checking it, the American people are going to be so sick and so outraged that they will continue to demand, as they have been, that we return some sanity to the system.

These court decisions, of course, have said that corporations have equal rights to those of an individual. Can you imagine that your local corporation that does a great job of hiring people in your community is on par with an individual when it comes to making a political contribution? But that is, in effect, the land that we live in right now.

The result has been a stunning influx of money that threatens to erode our democratic process and leads us to even lower voter participation rates. The danger of Citizens United and the cases that followed was actually heralded by Justice Stevens in his dissenting opinion in the case. And he couldn't have been more prescient. Here's what he said. He warned that it would “undermine the integrity of elected institutions around the Nation.”

Well, you don't have to look very far, Mr. Speaker, to know that the American people understand and believe that our institution is about as low as you can go. I mean, all of us have seen the numbers; and it can't be separated,

the way that the American people feel about our elected officials, feel about our elected institutions, feel about the ability of our institutions to respond to their everyday needs. We must know that that is deeply connected to the role, the perverse role of money and politics.

I don't have to tell the American people. Mr. Speaker, you don't have to tell the American people because they know. They know in their gut that it's actually wrong for corporations to reach in their treasuries and spend on campaigns. They know in their gut that it's wrong for a handful of millionaires and billionaires to control the agenda, to control the policy, to control the message. They know it's wrong.

Now, Justice Kennedy, in his majority opinion—and, remember, the majority won in Citizens United—stated that “independent expenditures simply do not give rise to corruption or the appearance of corruption.”

Clearly, the Justice has not really participated in politics because you don't have to look very far to know that, in fact, the corruption is actually rampant. Now, there is the appearance of corruption, maybe not out right. Nobody's buying or selling a vote. That's not the point.

But the point is that it appears to be just really dirty. Most people look at our politics, they look at the nastiness, and you know what, Mr. Speaker? They just want to wash their hands.

Now, it's possible that this flow of super PACS into elections would allow for independent expenditures; but the fact is there's nothing independent about it. It's not independent when a family member starts a super PAC. It's not independent when a former business partner starts a super PAC. It's not independent when former colleagues and coworkers start a super PAC and then begin spending on elections not very far from the candidate. And the American people understand this.

Now, we can try to pretend that it's something different, but it's not different. The operations of these super PACs provide a stark contrast to the flawed assumptions that the Court made in its ruling.

It's up to us in the Congress, in 16 legislative days, 97 days before this important election, to change that dynamic, to say that for the future, that for going forward, we understand that there is no role for this kind of money in our politics. There's no role for it in our elections.

And so, although these organizations have been supposedly declared independent by the courts, the reality is that they flout the coordination rules that have set up, that supposedly would keep them independent, staffers, family, friends of a particular candidate that the super PAC is supporting.

No great secret. In fact, coming out of the Republican primary elections, it was no secret at all who the millionaires and the billionaires were putting their money behind. And so, while the official campaign and the candidate are allowed to keep their hands clean, and I use that term loosely, clean, these shadow arms of a campaign are used to launch unrelenting attacks against an opponent that they pretend or that are unaffiliated with a particular candidate or an election strategy. It's almost laughable. And in fact I think people at home, when they're not tuning out, in fact they're laughing at us.

Justin Stevens' warning materialized initially in the 2010 election. I know that I recall that because for the first time in our history, corporate and wealthy individuals really began to flood the airwaves. And here we are in 2012, and in that 2-year interim, boy, have they figured out this system, Mr. Speaker. And it's all over the place, flooding the entire electoral process.

In the 2010 election cycle, the spending by corporations and outside groups actually multiplied fourfold from the 2006 election, going to nearly \$300 million, astonishing at that time. But you know what? You haven't seen anything yet.

Let's take a look at where we are today. From 2008 to 2010, the average amount spent for a House seat, that is, for a winning candidate, increased 32 percent, from about \$2 million to over \$2.7 million. But as we know, the worst really was yet to come.

At the start of the 2012 Republican Presidential primaries, we really began to see the creep and the crawl and the impact and the danger of Citizens United. And the results, as I said, were on full display in Iowa. Super PACs there actually outspent candidates 2-1. That's right, the so-called independent expenditure groups outspent the actual candidates. The super PACs had a bigger voice than the actual candidates for the Republican primary.

Republican Presidential hopeful and former Speaker of this House, Newt Gingrich, who, at the time, actually supported the Supreme Court's decision, what did he see? He saw his poll numbers plummet after a barrage attack of about \$4 million in negative advertising that was paid for by Restore Our Future, a super PAC supporting former Governor Mitt Romney and run by his former staffers.

The same group then poured nearly \$8 million into the Florida primary, with Winning Our Future, a super PAC supporting former Speaker Gingrich spending a \$6 million ad buy.

Let's look at the numbers. And I'm sure the American public, Mr. Speaker, must be saying, I can't believe they spend that much money on politics. But surely they do.

And after being targeted by Restore Our Future, former Speaker Gingrich,

who, keep in mind, said that he had supported Citizens United, concluded, "I think," referring to the anonymous ads, "that it debilitates politics." He said, "I think it strengthens millionaires and it weakens middle class candidates."

I couldn't agree with him more. I could not agree with him more.

□ 2110

Mr. Speaker, the landscape has continued to darken as we march toward the general election with groups that are collecting and planning to spend enormous sums of money.

American Crossroads and Priorities USA reportedly plan to raise and spend \$240 million and \$100 million respectively on the election. Just recently, National Public Radio reported that Republican super PACs and other outside groups, including Karl Rove, the Koch brothers, and Tom Donohue of the U.S. Chamber of Commerce—supposedly independent—plan to spend a combined \$1 billion before election day. That's right. The American people need to understand that. \$1 billion. Unless we think that this is just about Republicans, Democrats are trying to play, too. It doesn't matter who is playing. It's wrong.

According to the Center for Responsive Politics, as of August 1—that's today—705 groups have organized as super PACs and have reported receipts of over \$318 million and independent expenditures already of more than \$167 million in the 2012 election cycle. That's as of today and here we are. They've got 97 more days to raise more money, to spend more money and to do all of that undercover. I want to put it into stark contrast because just a couple of weeks ago, just 2 weeks ago, the numbers stood at 678. Today, it's 705—who knows what it will be next week?—with receipts of \$281 million. Now those receipts are \$318 million. Can you do a little math on a multiplier? Because this thing is like rapid fire all across the country in this election cycle. The growth is really out of control.

Citizens United will continue to allow super PACs to permeate the airwaves with distortions and with half-truths, all of it in an attempt to alter the political discourse. This is not about what candidates are saying individually. It's hard to even hear directly from them because we're hearing so much from the super PACs.

I can recall many years ago when I began working on issues of campaign finance reform, it was the Republicans who said, Do you know what, we don't want all that other regulation, but we love disclosure. It turns out that now, in the day when the majority opinion in Citizens United declared that the one thing that wasn't off limits is actually disclosure, Democrats have put forward a disclosure bill called DIS-

CLOSE, introduced by my colleague from Maryland, CHRIS VAN HOLLEN. Many of us have signed onto it. That disclosure bill was brought up in the Senate. It has been brought up over here in the House. And do you know what? It has gone nowhere. It's the same people who over the last 20 years or more, even since Buckley v. Valeo—certainly more—said we support disclosure. We are robust supporters of disclosure, but not today. Not today, Mr. Speaker. Not today. They don't want to disclose anyone—any individual, any corporation—that's behind these contributions.

Why is that?

It's about politics, Mr. Speaker. It's because maybe it's working in the favor of those who don't want disclosure, who don't want their names out there, who don't want the American public, whether it's in my district or in any other district, to know who they are and to know what's being spent.

Of course, I envision that, like many Members of Congress, you could run the risk as a Member of Congress, to be sure, in speaking out against this nasty, dirty, unlimited money in our politics, and they'll all gang up on you. I'm going to take that risk, Mr. Speaker, because I happen to believe that the American people are sick and tired of it. They want us to do something about it. It's important for us to speak out about that because otherwise we lose everything. We lose participation. We lose people wanting to be involved and engaged in politics and wanting to run for elected office. Those who pay the piper just get to carry on in the process. We can't allow that to happen.

So I believe in disclosure, but I don't think we can end at disclosure. I think we have to go a step farther. We want to promote that kind of transparency, though, in the political process. We want to enhance the public reporting by corporations and unions and all outside groups. I'm happy to let anybody know who is funding my elections. All of us should be pleased to do that because we know that it contributes to the public confidence in us as elected officials. I want to stand by any ad and say I approve of this message. Well, a corporation should stand by and say that it approves of that message, too. I want to know who is behind those ads.

I think we still have 16 legislative days left in this Congress. Bring DISCLOSE to the floor. It's time to do the right thing. Now, I don't control the agenda on the floor, Mr. Speaker. The Republican majority does. They do have the capacity to bring reforms to this floor before we do anything else.

I also think this campaign finance problem requires some other things, too, which is why I've supported the Fair Elections Now Act. It's in the Senate as S. 750, and here in the House it's H.R. 1404. It's modeled after successful programs in the States. There

are some people who believe the States are the laboratories for democracy. I share that belief. The States have experimented with ways in which you could fund campaigns to encourage different and more diverse people to run for elective office and with ways that you could clean the dirty money out of the system so that we're not governed by making phone calls and asking people for money to fund our campaigns. I think that the Fair Elections Now Act actually does that, and it's why I've supported it.

What would happen is we would create a voluntary program where congressional candidates could actually qualify for funding to run for competitive elections and campaigns. In exchange, what those participating candidates would do—and what I would do as a candidate—is agree to strict campaign limits and to forgo all private fundraising.

To the American public, Mr. Speaker, what I would say is, If you don't own your elections, then who does?

Right now we know that we don't own our elections. We need that kind of reform. So I believe those interim reforms are really necessary. Yet as an attorney and as somebody who has spent decades working on campaign finance, I think that we have to go farther.

I think that what the Court says is, Congress, you don't have any authority to regulate except by doing disclosure. To me, what that means is that it requires the serious consideration of an amendment to the Constitution. I don't take that lightly. In fact, as an advocate and as a donor long before I came to Congress, I spent the better part of my career shunning attempts by reform groups who would come to me and who wanted me to work on reforms that required us to amend the Constitution. I always said no.

The reason is that I think amending the Constitution is a serious step and requires serious consideration, but here the Supreme Court really hasn't left us any choice. In fact, in a couple of cases from Citizens United, they inasmuch have said so. They said pretty directly, Congress, you don't have the authority to regulate campaigns except to the extent that you do disclosure.

So I have made a proposal to amend the Constitution. I worked with Laurence Tribe, a noted constitutional professor. I worked with colleagues here in the Congress, including the then-House chairman of the Judiciary, JOHN CONYERS in the last Congress. I reintroduced that amendment in this Congress because I think that the time is now. I've always questioned the rationale for the Court's decision, but I've done a reality check because writing this decision requires us to start in the Halls of this Congress. It requires us to continue on to the States with a constitutional amendment. So I've introduced this amendment.

I know that, since then, there have been a number of other constitutional amendments introduced. Just last week, I testified over in the Senate Judiciary Subcommittee on the Constitution where there is the consideration of a constitutional amendment in the Senate. Now is the time.

The other thing that we could do in these legislative days, in addition to bringing the DISCLOSE Act to this floor, is to convene serious hearings among serious people about amending the Constitution so that we can restore sanity to our system and to make sure that our citizens' voices count more than those voices of those just digging into corporate treasuries.

I don't think there is even one way to do this, but I think it's important to put something on the table. I urge the consideration by this House of House Joint Resolution 78, which is an amendment to the Constitution. It goes on the very limited track of saying that Congress, indeed, has the authority that it needs under our Constitution to make the changes that we need to of the campaign finance system in order to make sure that elections are owned by the American people.

□ 2120

It's a really simple thing to do, and let's take it to the legislatures.

Because so many of my colleagues have introduced constitutional amendments also, many of us have actually joined with people all across this country. In fact, millions of people across this country are calling for us to be on the side of democracy, and we've signed on to a declaration for democracy. I'm a proud declarant for democracy. We have 275 cities and towns from New York to Boulder, to Los Angeles, all across the country, big cities, small cities, who have called on a declaration for democracy to pass anti-Citizens United resolutions. We might differ on the subtleties on what this resolution might be, but that's the job of the United States Congress, to hear it out, to hear all sides, to hear from constitutional scholars about how we need to do this, but to do this together for the American people.

Over 1,854 public officials across the country, including 92 Members of the House, 28 senators, and over 2,000 business leaders across the country have said it's time for us to take a stand for democracy. They've signed their name to our declaration for democracy. I would encourage all of our colleagues, before you leave town, sign your name to the declaration for democracy. Show the American people that we stand on their side.

There's no doubt that it's a bold step to amend a document that's only been amended 27 times, and some would question the need to fix the problem with a constitutional amendment. But the Supreme Court pretty much answered that question unequivocally.

The Supreme Court has also said, You know what, if Congress wants to do something, then Congress has to act in this way. I don't question that the Supreme Court made this decision. I accept that. It was a 5-4 ruling. That's the way our system works. The other part of our system is that free thinking Members of the United States House of Representatives and of the Senate come together to do what's right for the American people.

Mr. Speaker, here's what I would say in closing. Millionaires and billionaires are really doing simply what ordinary citizens can't do anymore. They've got all the strings. I can understand, Mr. Speaker, that there are people at home who just really aren't sure where they fit in this system. They're not sure what it means for their elected officials to be responsive to them because they believe that there's somebody out there who has more money and, as a result, more power and, as a result, more influence than they do at home.

I've traveled all across this country, and I have to tell you that it doesn't matter whether you're in Maine or Montana, or you're all the way down through the South of this country and all across this great landscape, people really want to feel that they have some power, that they have some influence. Mr. Speaker, they just don't have that right now.

I just don't even know another way to say that there's a "for sale" sign on the doors. I see poor old Uncle Sam here. He's looking mighty sad, Mr. Speaker. I've never seen a more sad looking Uncle Sam. Part of the reason is because he's shackled. He's shackled by \$100 million from Priorities USA Action. Uncle Sam is shackled by \$300 million from Karl Rove and American Crossroads. Uncle Sam is shackled by \$61 million from only 26 billionaires. Uncle Sam is shackled by \$39 million from who knows who else. And poor Uncle Sam, sad with his hand out, is shackled by \$400 million from the Koch Brothers, shackled by \$100 million from Sheldon Adelson.

We could put a lot more up there, Mr. Speaker, but it's time for the United States Congress to remove the shackles of money from Uncle Sam so that we don't continue to sell our democracy. It's time for us to remove the shackles. It's time for us to say to the millionaires and billionaires, You've got to play just like the person who gives \$5 or \$1. Not a lot of people give money to political campaigns. I can certainly understand that.

Mr. Speaker, I would close by urging us to use the 16 legislative days that are left to restore democracy, to restore sanity, by acting for the American people to restore the campaign finance system.

With that, I yield back the balance of my time.

## 20TH ANNIVERSARY OF PRIESTS FOR LIFE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentlewoman from Minnesota (Mrs. BACHMANN) is recognized for 35 minutes as the designee of the majority leader.

GENERAL LEAVE

Mrs. BACHMANN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of my Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Minnesota?

There was no objection.

Mrs. BACHMANN. Today, Mr. Speaker, we mark the 20th anniversary of Priests for Life, and I'm pleased to yield 1 minute to my colleague, JEAN SCHMIDT, of Ohio.

Mrs. SCHMIDT. Thank you for giving me 1 minute.

I do want to celebrate the 20th anniversary, and I want to celebrate three pro-life advocates in my own hometown. The first is Archbishop Dennis Schnurr, who has been unequivocally in the forefront of this movement. I have stood with Archbishop Schnurr in front of Planned Parenthood of Greater Cincinnati praying the rosary. I have walked with him in the Cross the Bridge for Life. I've watched him get on a bus with schoolchildren and come up here to Washington for the March for Life. Auxiliary Bishop Joseph Binzer is another pro-life advocate who has walked the walk and talked the talk. And most importantly, my own parish priest, Father Michael Cordier, who again has come up here to Washington with a group of students from St. Elizabeth Ann Seton and St. Andrew to March for Life, but most importantly in his own personal life has witnessed his brother and his sister-in-law with a very challenged girl, Sophia Cordier, who not only exemplified what the meaning of life is, but as she passed into her eternal reward earlier this year, has become an emblematic portion of the right-to-life movement in greater Cincinnati.

Mrs. BACHMANN. Mr. Speaker, I now yield 3 minutes to Mr. WALBERG of Michigan.

Mr. WALBERG. I thank the gentlewoman. I thank you for commanding this time to call attention to people, heroes of life like Father Frank Pavone.

Congressman RON PAUL, one of our colleagues, shared a poem with me on the floor one day. It caught my attention. It's called "The Anvil":

Last eve I passed beside a blacksmith door,  
and heard the anvil ring the vesper chime;

Looking in, I saw upon the floor old hammers,  
worn with beating years of time.

'How many anvils have you had,' said I, 'To wear and batter all these hammers so?'

'Just one,' said he, and then with twinkling eye, 'The anvil wears the hammers out, you know.'

And so, thought I, the anvil called the master's Word, for ages skeptic blows have beat upon;

Yet, though the noise of falling blows was heard, The anvil is unharmed, and the hammers gone.

Father Pavone and others who command the interest in life understand the power of truth, the truth that comes with the Creator, a Creator who has designed life itself for good and for the best interests of all.

In our great document, the Declaration of Independence, it said:

We hold these truths to be self-evident, that all men are created equal and are endowed by their Creator with certain unalienable, God given rights, among them, the right to life, liberty and the pursuit of happiness.

□ 2130

And so, Mr. Speaker, I would just refer back to the truth. Tonight, as we think about life and honor and organizations like Priests for Life and others who understand the truth that are contained in words like this, "Behold, children are a gift of the Lord. The fruit of the womb is a reward"; of the prophet Jeremiah, of whom it was said, "Before I formed you in the womb, I knew you. Before you were born, I set you apart," that's life before even the womb was open.

And then that beautiful psalm, Psalm 139, says:

For You formed my inward parts. You wove me in my mother's womb. I will give thanks to You, for I am fearfully and wonderfully made. Wonderful are Your works, and my soul knows it very well. My frame was not hidden from You when I was made in secret and skillfully wrought in the depths of the Earth. Your eyes have seen my unformed substance. And in Your book were all written the days that were ordained for me, when as yet there was not one of them.

Father Frank, we thank you for your work and the Priests for Life. We thank all of those who stand for life.

Mr. Speaker, I thank this body for the opportunity to speak for the principle that God created life for a purpose, and we must adore it and continue it on.

Mrs. BACHMANN. Mr. Speaker, I now yield to Representative CHRIS SMITH of New Jersey, the leading voice for the pro-life cause and for the unborn across the United States.

Mr. SMITH of New Jersey. I thank my good friend for yielding and thank her for calling this very important Special Order.

For two decades, I, along with countless others, have been moved, inspired, and motivated to defend the weakest and most vulnerable among us by the remarkable life and pro-life witness of Father Frank Pavone. Ordained to the Roman Catholic priesthood by Cardinal John O'Connor in 1988, Father Pavone celebrates 20 years since the founding of Priests for Life, the organization he so effectively leads.

A prolific writer and gifted speaker, Father Pavone takes the gospel mes-

sage of love, forgiveness, truth, and reconciliation both to friendly audiences who draw encouragement from his messages and to those—especially post-abortive women—who suffer and are in deep pain.

I have heard Father Pavone challenge priests to more robustly defend the sanctity of life, especially in their homilies. In promoting the gospel of life, he insists no venue should be forsaken or ignored. Whether it be from the pulpit or in the public square, Father Pavone couldn't be more clear: Speak out with candor, clarity and compassion—silence is not an option. Silence, I've heard him say, does a woman contemplating abortion no favor whatsoever. She needs pro-life options, real alternatives presented in a meaningful way. She needs understanding and genuine support. And others who might help her need to know that their willingness to assist might be the difference between life and death.

In like matter, Father Pavone and Executive Director Janet Morana are unceasing in their efforts to tangibly aid post-abortive women who often suffer not only physical damage from abortion but lifelong negative emotional, psychological, and spiritual consequences. The Silent No More Awareness Campaign provides a safe place for women who have had abortions to grieve and find peace.

Amazingly, Father Pavone also steadfastly reaches out to the actual purveyors of death in the abortion industry. This good priest sees not just the abortionist and their enablers committing violence against women and babies, but what might be if we genuinely care about their souls. Father Pavone reminds us that we are to pray for them, care for them, all while tenaciously opposing the deeds that they do.

Abby Johnson, a woman who ran a Planned Parenthood abortion clinic for 8 years in Texas, said of Father Pavone:

Father Frank Pavone has been a staple in my house for many years, even during my Planned Parenthood years. Every week, I would record and watch *Defending Life* on EWTN. I enjoyed watching him, even if I disagreed. I loved how outspoken he was and how he didn't seem to live in the gray. You know, everything seemed black-and-white for him. Right and wrong was clear.

I remember watching him during the Terri Schiavo tragedy. I was drawn to his gentle spirit. I had seen two sides to him—or was it? One side was so unabashedly, unapologetically, and passionately against abortion. The other was a man who had an incredibly compassionate heart and a kind spirit. This was the man who was helping a family grieve the loss of their daughter. But now I see they are the same. Father Frank is for life, all life. His compassion for life fuels his passion.

Mr. Speaker, Priests for Life turns 20, doing best what it has done so faithfully, defending the least of these as if it were the Lord, Himself.

Mrs. BACHMANN. I thank you, Mr. SMITH, for your important pro-life voice, and thank you for the years of steadfastness on this issue. And we do thank Father Pavone and also Priests for Life.

Now I would like to yield to a wonderful Member from Nebraska, Mr. JEFF FORTENBERRY, an important pro-life voice here in the United States Congress.

Mr. FORTENBERRY. I thank the gentlelady from Minnesota for yielding, and thank you for your stalwart and courageous stand for life tonight.

Women deserve better than abortion, and of course celebrating an extraordinary organization such as Priests for Life who have tried to heal the wounded and protect those who are most vulnerable is, of course, an extraordinary cause.

Mr. Speaker, as my colleagues and I gather on the floor, I am going to turn the subject to another matter because we are marking what could possibly be considered one of the most significant turning points in the history of our Nation. But it is not a cause for celebration.

In America, where we have a legacy of principle that undergirds our Nation and makes it possible to create prosperity—not just material means, but a flourishing of the potential of each person—where does that principle come from? Well, we've all heard the line from the earliest of our founding documents, the Declaration of Independence, which goes like this:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness.

This is the operative philosophical paradigm of our culture, so much so we don't even think about it—that our rights are not conferred by a king or a government. They are inherent, based upon the dignity of each person.

And as we worked this out in the early stages of our development of our country, we wrote a Constitution which basically did one thing: It defined power, and it defined power as coming from the consent of the government, consistent with our operative philosophical paradigm of the inherent dignity and rights and responsibilities of each individual person.

Beyond that, the consent of the governed turns that power over to representatives who then make prudential judgments about what is in the common good. We make the law and are held accountable by the people in elections.

We then spread that power out. We developed three branches of government: the Congress makes the law; the President enforces the law; and the judiciary interprets the law in order that we have even more balance of power to ensure that it is not abused.

But then we took it a step further. There were still concerns that we had defined where power is coming from—from the natural inherent dignity of the person—but we also wanted to define what government must not do, and so we wrote the Bill of Rights, the first 10 amendments to the Constitution. And the First Amendment starts with these words:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Now, Mr. Speaker, the threats to religious liberty in our country are often more subtle than in other parts of the world. But as a legislator, what has grieved me deeply is that, for the first time in the history of health care in the United States, Americans are being forced to choose to either obey the government or violate their personal convictions. Buried in the President's 2010 health care law was a provision empowering the Secretary of Health and Human Services, Kathleen Sebelius, to issue rules on preventative services.

□ 2140

Who could have predicted that she would use her authority, sanctioned by President Obama, to force everyone to purchase drugs and procedures—including abortion-inducing drugs—that violate the fundamental ethical sensibilities of many Americans.

No American should be forced to choose between their conscience and their livelihood. No American should be forced to stand for their deeply held, reasoned beliefs, or stand convicted by government coercion. No American should be forced to choose between their faith and their job. This is wrong. It is a false choice. It is unjust. It is unnecessary. It is un-American, and it is an affront to the very purpose of our government derived from the consent of the governed.

America owes its unique character and strength to empowering, protecting, and upholding the inalienable rights of her citizens. Health care should be about the common good, caring for the sick, and healing the wounded. Health care policy should not be a vehicle to drive divisive ideology, forcing Americans to violate deeply held beliefs. The Health and Human Services mandate violates the fundamental principle of religious liberty and the rights of conscience so dear to this country. America owes its unique character and strength to empowering, protecting, and upholding those rights of her citizens.

Mr. Speaker, Karen McGiveny-Llecht, one of my constituents, sent me this email:

As a woman's health practitioner and a Catholic, I need the ability to stay within my faith boundaries. I would be unable to

work if I was required to provide the services this mandate has imposed.

Indeed, it is sad that the Health and Human Services ruling seems most perniciously targeted at faith-based providers who are the backstop of compassionate care for our most vulnerable. Throughout our history, the U.S. health care service has in large measure owed its success to the doctors, nurses, and health care providers staffing faith-based institutions. These institutions, including hospitals and university clinics and nonprofit health institutions, serve the common good of all Americans. The government should celebrate the contribution of these faith-based entities, which fulfill the mission of helping the sick and serving the poor. Without them, we will see reduced access to high-quality care, especially for vulnerable persons who have traditionally relied on these benevolent organizations of civil society. Several health care practitioners have told me personally that they would choose to leave their professions rather than compromise their beliefs. But undoubtedly, some will not obey the government. And our government has effectively condemned them.

Another man who was condemned for his beliefs had this to say:

I submit that an individual that breaks a law that conscience tells him is unjust, and willingly accepts the penalty by staying in jail to arouse the conscience of the community over its injustice, is, in reality, expressing the very highest respect for the law.

So wrote Dr. Martin Luther King from the Birmingham jail.

The purpose of our government is to create just structures for societal order, empowering liberty, beginning with the affirmation of the natural rights of the person, including the most basic right of conscience. In my office, there is a copy of a draft of the Bill of Rights. The rights of conscience were initially included in that draft. But by the final version, that right was formalized by the concept of religious freedom, perhaps given that the rights of conscience were such an ordinarily understood concept that its fullness did not need provision. James Madison, the architect of the Constitution, wrote that "conscience is the most sacred of all property," linking conscience rights to the foundation of religious liberty.

In 1809, Thomas Jefferson stated that:

No provision in our Constitution ought to be dearer to man than that which protects the rights of conscience against the enterprises of civil authority.

The Health and Human Services mandate violates the fundamental principle of religious liberty and rights of conscience so dear to our country. No American should be forced to choose between violating their conscience in order to serve the public. From the faith-based hospital to the business person providing health care



coverage in their insurance plan to their employees, to the school established for children with special needs, no American should be forced to choose between their faith and their job.

This is why so many people of goodwill, regardless of their religious traditions or their political affiliation, consider the Health and Human Services mandate to be a gross affront to the very essence of what it means to be an American. And all of us must choose our response. This is not simply a religious issue. It's not a Catholic issue. It's not an Evangelical issue. It's an American issue. We all have a responsibility to decide, informed by our faith, what our country means to us, and what it demands of us in this moment.

Last Friday, there was a Federal judge who ruled in a court case in this regard, and I think Federal Judge John Kane in *Hercules v. Sebelius* got it right. He had this to say:

The government's interests are countered, and indeed outweighed, by the public interest in the free exercise of religion.

I thank the gentlelady from Minnesota for her leadership on this important issue, and so many others.

Mrs. BACHMANN. I thank you, Mr. FORTENBERRY, a father of five. And I'm a mother of five, and so I thank you.

Mr. Speaker, I will give just a few remarks on Priests for Life and on their 20th anniversary. Tonight is a very important night because, as we know, it has been 40 years since the infamous *Roe v. Wade* decision removed legal protection for those who are unborn, the youngest members of our society, those who still remain in the womb of their mother.

And since that time, numerous groups have risen up to restore that protection to the unborn and to educate the public about the issue that we all know as abortion, and to provide compassionate service, both to those who need alternatives to abortion and those who need healing after abortion.

I stand here today with my colleagues in the United States Congress to honor one extremely important institution known as Priests for Life as they celebrate 20 years of advocacy and service to the unborn. As many people across America know, Priests for Life is led by Father Frank Pavone. He is one of the strongest voices for the unborn throughout the world, as well as for children in America, and he stands strong because as we know, contrary to what its name might suggest, Priests for Life isn't just for priests, and it's not just for Catholics.

The work of Priests for Life has enabled Americans of every walk of life, every ethnicity, every faith background, every political affiliation, to awaken their consciences about the life issue, to speak up for the unborn. And here's just a few of the outreach efforts, Mr. Speaker, that Priests for Life have been involved in.

Every year, Priests for Life holds nearly 1,000 retreats across America for men and women who have lost a child to abortion. Priests for Life also runs the very important Silent No More awareness campaign to mobilize men and women who have lost a child to abortion but who have gone on to experience healing through God and who now want to share their testimony.

One of the full-time members of Priests for Life is a very important voice in the United States, Dr. Alveda King. I was just with her this last weekend. Americans know her as the niece of Dr. Martin Luther King, Jr. Alveda heads up the effort to reach the black community with the truth of abortion and how it disproportionately impacts unborn black children in the United States.

Priests for Life also sponsors a non-partisan voter registration drive, focused on saving innocent human life and helping to heal the hurt of men and women as they are post-abortive. Through churches, they distribute voter guides. They train clergy on what they can do within the limits of the law to foster political responsibility.

Now, it is very difficult to find any national initiative to the pro-life movement that either Father Frank Pavone or Priests for Life are somehow not deeply involved in. For example, in February of this year, 2012, Priests for Life launched a lawsuit against the Health and Human Services mandate, which we have heard much about this evening, that requires job creators to offer health insurance coverage for morally objectionable practices.

□ 2150

This mandate is an enormous affront to our First Amendment religious liberty rights in the United States and it needs to be stopped, because never before has this government, Mr. Speaker, required a job creator to provide insurance that includes contraception, abortion-causing pills and sterilization. No organization, no American, Mr. Speaker, should have to violate their religious beliefs because of this President's health care dictates. I am a mom to 28 kids, five natural born children, 23 foster children. I believe with every fiber in my being that every child matters and that we should have a right to life for every American, because every life is precious, every life is sacred, and every life is made in the image and likeness of a holy God. Every life matters.

I'm extremely proud to be a part of the pro-life movement that is truly a voice for the voiceless and to have been affiliated with Priests for Life and Father Frank Pavone. As we take note of the 20th anniversary of one of the leading pro-life organizations in our Nation, I wish to thank this evening Priests for Life for everything they

continue to do to protect and defend the sanctity of every human life.

I would now like to yield to one of the strongest pro-life voices in the State of Texas, well-known and beloved to Americans all across this Nation, Representative LOUIE GOHMERT.

Mr. GOHMERT. I thank my friend from Minnesota, my very, very dear friend.

This is an important day, Priests for Life marking 20 years. As a Christian, as a Southern Baptist, it is an honor to pay tribute to the Catholic priests who have stood strong, stood for life, that precious one of the trilogy that was set out in the Declaration of Independence. But first life. Only if you have life can you then go to liberty and have a chance at a pursuit of happiness.

For those of us who believe the scripture written in the Old Testament, as did our founders, most all of them—in fact a third of the signers of the Declaration of Independence, over a third, were ordained Christian ministers—but certainly George Washington and even Ben Franklin, even though some history teachers mislead their students these days. They all believed in those scriptures.

When you look at the fall of the northern kingdom of Israel, it's a little scary, because, as I've read, one of the things that God was angry over was that people had fallen into such incredible idol worship that they were willing to sacrifice their own children. That is so abominable. How could anybody love such idols and idol worship such that they would sacrifice their own child and allow the taking of their own child's life?

And then I thought about abortion in this country, and we have no room to talk. For 20 years, Priests for Life have known that, and they have stood firm that the most essential right of our Creator is life, and you can't get to liberty until you start with life.

And then the irony of all ironies, today, the first day that the Catholic church and really all of us who are Christians, all of us who believe in freedom of religion, all of us that in fact actually believe the Constitution means what it says have been slapped down by this administration. Regardless of what the Supreme Court says, the First Amendment makes clear, as my friend from Nebraska (Mr. FORTENBERRY) says:

Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.

Or prohibiting the free exercise thereof.

And we have friends, Christian friends, who believe with all their heart it is a right to practice their religion, and they have these religious beliefs, and this administration has demeaned them to the point that it would release a quote as was pointed out by Amy Payne with the Heritage



Foundation today, when quoting the Health and Human Services Department:

The Obama administration will continue to work with all employers to give them the flexibility and resources they need to implement the health care law in a way that protects women's health while making common-sense accommodations for values like religious liberty.

Values nothing. It's a constitutional right that this administration is trodding on and trampling and stomping on. And if it will take this right, what's next? Can Jews not worship on the Sabbath because it's inconvenient? But maybe this administration will help try to accommodate that value.

Or how about communion? Maybe this administration will find at some point it's really not healthy, and so they'll try to accommodate the religious conviction, the freedom of religion, as a value. They'll try to work with people who believe this to the core of their hearts.

You go back to the founding. We didn't even have a Constitution. Ben Franklin sat for 5 weeks, virtually, listening to all the rancor back and forth. He finally rises, 80 years old, gout, trouble getting up, overweight, a couple of years or so from meeting his Judge, and he points out, We've been going for nearly 5 weeks. We've got more noes than ayes on virtually everything, and he asks:

How has it happened, sir, that we've not once thought of humbly applying to the Father of Lights to illuminate our understanding? In the beginning contest with Great Britain when we were sensible of danger, we had daily prayer in this room. Our prayers, sir, were heard and they were graciously answered.

Now that's not a deist, and it's someone who does not believe in the accommodation of a religious value. He believed in religious freedom. Not only that, he believed in the power of prayer because in that same speech that we know is his speech, because he wrote it out in his own hand, he says:

I have lived, sir, a long time, and the longer I live the more convincing proofs I see of this truth: God governs in the affairs of men. And if a sparrow cannot fall to the ground without His notice, is it possible that an empire could rise without His aid?

Ben Franklin said:

We have been assured, sir, in the sacred writing—

Not that we're accommodating, but that we believe in—

We've been assured in the sacred writing that unless the Lord build it, they labor in vain that build it. I firmly believe this. I also believe without His, God's, concurring aid, we will succeed in our political building no better than the builders of Babel.

Now, here we are over 200 years later trying to accommodate what Ben Franklin said that stirred the hearts of those and even stirred Randolph to say,

You know what: Let's take a break. Let's go listen to a preacher preach the word all together as a constitutional convention and then come back. And they did and they came back with a new spirit and they gave us a Constitution that this administration is now trodding and trampling upon.

God, the God of which Ben Franklin spoke, without whom we will succeed in our political building no better than the builders of Babel, is now being told by this administration that they'll accommodate as best they can, but make no mistake, they're trampling on the rights that Priests for Life have been preaching about for 20 years.

I thank my friend for yielding.

Mrs. BACHMANN. I thank our friend from Texas.

I just want to say, we've had so many Members of Congress that wanted to be down here on the floor this evening and there was only so much time.

I would like to thank also Congresswoman BLACK of Tennessee, Congressman HUELSKAMP of Kansas, Congressman LANKFORD of Oklahoma, Congresswoman BLACKBURN of Tennessee. Also, I want to thank Congressman TRENT FRANKS of Arizona. We had many in addition to the Members that we have heard from this evening: Congressman FORTENBERRY of Nebraska, Congressman WALBERG of Michigan, and Congresswoman SCHMIDT of Ohio, in addition to Congressman SMITH of New Jersey. I want to thank them, Congressman GOHMERT of Texas, and so many other pro-life Members of Congress. This is an important night. We thank Priests for Life for 20 years of standing firm for the cause of the unborn. We will get there yet. Thank you, Father Frank.

Mr. Speaker, I yield back the balance of my time.

Mrs. BLACKBURN. Mr. Speaker, today the Obama Administration is following through on their HHS mandate that violates religious freedom as today begins the date where the rule goes into effect. 24 separate lawsuits across the country have been filed representing 76 plaintiffs.

On Friday, a Carter-appointed judge in Denver provided a preliminary injunction against the HHS mandate to the Newland family, the Catholic owners of a HVAC company in Colorado. This case, led by Alliance Defending Freedom, is a welcomed initial victory for religious freedom. We will need the courts or the Congress to reverse this tragic disregard for American's First Amendment right to freedom of religion without government interference.

Protecting the First Amendment has to be our First priority. The first words of the First Amendment read: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof. . . ."

What happened to the promise that "if you like the health care you have you can keep it?"

The radical mandate makes it so religious-based institutions are forced to defy a Higher

Order at the will of a Government Order. Religious liberty is a sacred and fundamental right. It's central to who we are as a country, a country founded by people who fled Europe for their religious beliefs.

If President Obama does not reverse his administration's attack on religious freedom, Congress, led by the People's House, will do it for him.

People who go to church on Sunday and who put money in an offering plate shouldn't have to worry that their donations will go to pay for things that they don't believe in their hearts to be good.

The House is going to address this matter fairly and deliberately, through the appropriate legislative channels in the House Energy & Commerce Committee.

The rule announced by the Obama Administration's Department of Health & Human Services would require faith-based employers—including Catholic charities, schools, universities, and hospitals—to provide services they consider immoral. Those services include sterilization, abortion-inducing drugs and devices, and contraception (FDA approved items).

The effect is government crowding out religious-based institutions. Government is using raw political force to impose a government view on society where religious institutions are not welcome to serve or practice their faith freely. It is government forcing private and religious institutions off the public square. They're forcing resources off the table that serve the public good. Since when was that a good idea?

## PUBLICATION OF BUDGETARY MATERIAL

REVISIONS TO THE AGGREGATES AND ALLOCATIONS OF THE FISCAL YEAR 2012 AND 2013 BUDGET RESOLUTIONS

Mr. RYAN of Wisconsin. Mr. Speaker, pursuant to section 404 of H. Con. Res. 34, the House-passed budget resolution for fiscal year 2012, deemed to be in force by H. Res. 287, and sections 503 of H. Con. Res. 112, the House-passed budget resolution for fiscal year 2013, deemed to be in force by H. Res. 614 and H. Res. 643, I hereby submit for printing in the CONGRESSIONAL RECORD revisions to the budget allocations and aggregates. The revision reflects the budgetary impact of H.R. 8, the Job Protection and Recession Prevention Act of 2012, which would extend for one year through 2013, certain tax policies enacted in 2001, 2003, and 2010 and would provide relief from the Alternative Minimum Tax. A corresponding table is attached.

This revision represents an adjustment pursuant to sections 302 and 311 of the Congressional Budget Act of 1974, as amended (Budget Act). For the purposes of the Budget Act, these revised aggregates and allocations are to be considered as aggregates and allocations included in the budget resolutions, pursuant to sections 101 of H. Con. Res. 34 and H. Con. Res. 112.

BUDGET AGGREGATES  
[On-budget amounts, in millions of dollars]

	Fiscal year		
	2012	2013	2013–2022
Current Aggregates: <sup>1</sup>			
Budget Authority .....	2,858,503	2,793,848	2
Outlays .....	2,947,662	2,891,589	2
Revenues .....	1,890,365	2,293,339	32,472,564
The Job Protection & Recession Prevention Act of 2012 (H.R. 8):			
Budget Authority .....	0	0	2
Outlays .....	0	0	2
Revenues .....	0	–227,950	–383,203
Revised Aggregates:			
Budget Authority .....	2,858,503	2,793,848	2
Outlays .....	2,947,662	2,891,589	2
Revenues .....	1,890,365	2,065,389	32,089,361

<sup>1</sup> Sections 407 and 506 of H. Con. Res. 34 and H. Con. Res. 112, respectively, stipulate that adjustments to allocations and aggregates shall apply while the measure is under consideration and take effect upon enactment of that measure. The current aggregates reflect the original budget resolution levels adjusted only for those measures, which were provided an adjustment during consideration and that have been enacted into law. At present, the original aggregates in H. Con. Res. 34 have been adjusted by –\$42 million for budget authority; –\$254 million for outlays and –\$1,046 million for revenues for measures enacted into law. No adjustments to the aggregates in H. Con. Res. 112 have been enacted into law.

<sup>2</sup> Not applicable because annual appropriations acts for fiscal years 2013 through 2022 will not be considered until future sessions of Congress.

DIRECT SPENDING LEGISLATION—AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR RESOLUTION CHANGES

[Fiscal Years, in millions of dollars]

House Committee on Ways and Means	2012		2013		2013–2022 Total	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
Current allocation:	1,030,960	1,031,280	985,036	982,582	11,683,572	11,672,931
Changes for the Job Protection and Recession Prevention Act of 2012 (H.R. 8) .....	0	0	0	0	+19,561	+19,561
Revised Allocation:	1,030,960	1,031,280	985,036	982,582	11,703,133	11,692,492

## SENATE ENROLLED BILLS SIGNED

The Speaker announced his signature to enrolled bills of the Senate of the following titles:

S. 679. An act to reduce the number of executive positions subject to Senate confirmation.

S. 1959. An act to require a report on the designation of the Haqqani Network as a foreign terrorist organization and for other purposes.

## ADJOURNMENT

Mrs. BACHMANN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 p.m.), under its previous order, the House adjourned until tomorrow, Thursday, August 2, 2012, at 9 a.m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

7150. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the Board's semiannual Monetary Policy Report pursuant to Pub. L. 106-569; to the Committee on Financial Services.

7151. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting notification of a possible unauthorized transfer of U.S.-origin defense articles pursuant to Section 3(e) of the Arms Export Control Act (AECA); to the Committee on Foreign Affairs.

7152. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-400, "Heat Wave Safety Temporary Amendment Act of 2012"; to the Committee on Oversight and Government Reform.

7153. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-399, "Walter Reed Army Medical Center Base Realignment and Closure Homeless Assistance Submission Approval Act of 2012"; to the Committee on Oversight and Government Reform.

7154. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's Seventh Annual No FEAR Report to Congress for Fiscal Year 2011; to the Committee on Oversight and Government Reform.

7155. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area [Docket No.: 111213751-2120-02] (RIN: 0648-XC083) received July 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7156. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron Canada, Limited, Helicopters [Docket No.: FAA-2012-0087; Directorate Identifier 2011-SW-029-AD; Amendment 39-17091; AD 2012-12-11] (RIN: 2120-AA64) received July 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7157. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Agusta S.p.A. Helicopters [Docket No.: FAA-2012-0600; Directorate Identifier 2012-SW-017-AD; Amendment 39-17076; AD 2012-11-12] (RIN: 2120-AA64) received July 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7158. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Enstrom Helicopter Corporation

Helicopters [Docket No.: FAA-2012-0562; Directorate Identifier 2012-SW-038-AD; Amendment 39-17068; AD 2012-11-05] (RIN: 2120-AA64) received July 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7159. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2011-0645; Directorate Identifier 2010-NM-009-AD; Amendment 39-17052; AD 2012-10-03] (RIN: 2120-AA64) received July 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7160. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2011-0991; Directorate Identifier 2010-NM-134-AD; Amendment 39-17110; AD 2012-13-08] (RIN: 2120-AA64) received July 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7161. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Airplanes [Docket No.: FAA-2012-0040; Directorate Identifier 2011-NM-121-AD; Amendment 39-17108; AD 2012-13-06] (RIN: 2120-AA64) received July 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7162. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2010-1115; Directorate Identifier 2010-NM-221-AD; Amendment 39-17111; AD 2012-13-09] (RIN: 2120-AA64) received July 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7163. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness

Directives; The Boeing Company Airplanes [Docket No.: FAA-2012-0673; Directorate Identifier 2012-NM-091-AD; Amendment 39-17109; AD 2012-13-07] (RIN: 2120-AA64) received July 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7164. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model Airplanes [Docket No.: FAA-2012-0441; Directorate Identifier 2012-CE-011-AD; Amendment 39-17106; AD 2012-13-04] (RIN: 2120-AA64) received July 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7165. A letter from the Chairman, International Trade Commission, transmitting the Commission's report entitled, "The Year in Trade 2011"; to the Committee on Ways and Means.

7166. A letter from the Chairman and Vice-Chairman, U.S.-China Economic and Security Review Commission, transmitting notification of a public hearing held on "The Evolving U.S.-China Trade and Investment Relationship"; jointly to the Committees on Ways and Means, Armed Services, and Foreign Affairs.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BONNER: Committee on Ethics. In the Matter of Allegations Relating to Representative Laura Richardson (Rept. 112-642). Referred to the House Calendar.

Mr. MICA: Committee on Transportation and Infrastructure. H.R. 3158, a bill to direct the Administrator of the Environmental Protection Agency to change the Spill Prevention, Control, and Countermeasure rule with respect to certain farms (Rept. 112-643). Referred to the Committee of the Whole House on the state of the Union.

Ms. FOXX: Committee on Rules. House Resolution 752. Resolution providing for consideration of the bill (H.R. 6233) to make supplemental agricultural disaster assistance available for fiscal year 2012 with the costs of such assistance offset by changes to certain conservation programs, and for other purposes (Rept. 112-644). Referred to the House Calendar.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mrs. HARTZLER (for herself, Mr. GRAVES of Missouri, Ms. JENKINS, Mr. LANKFORD, Mr. COLE, Mr. AKIN, and Mr. SHIMKUS):

H.R. 6244. A bill to amend the Federal Power Act to permit States to prohibit the Federal Energy Regulatory Commission from enforcing certain requirements of a license, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DEFAZIO (for himself and Mr. CHAFFETZ):

H.R. 6245. A bill to amend chapter 29 of title 35, United States Code, to provide for the recovery of computer hardware and soft-

ware patent litigation costs in cases where the court finds the claimant did not have a reasonable likelihood of succeeding, and for other purposes; to the Committee on the Judiciary.

By Mr. JOHNSON of Georgia (for himself, Mr. HOLT, Ms. WILSON of Florida, Mr. HINCHEY, Mr. CONYERS, Mr. CLYBURN, Ms. FUDGE, Ms. EDWARDS, Mr. BARTLETT, and Mr. VAN HOLLEN):

H.R. 6246. A bill to amend the Help America Vote Act of 2002 to require the deposit in the National Software Reference Library of the National Institute of Standards and Technology of a copy of any election-dedicated voting system technology used in the operation of a voting system for an election for Federal office, to establish the conditions under which the Director of the National Institute of Standards and Technology may disclose the technology and information regarding the technology to other persons, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS of Washington:

H.R. 6247. A bill to protect the Federal Columbia River Power System, Power Marketing Administration customers, and Bureau of Reclamation dams and other facilities and to promote new Federal and other hydropower generation; to the Committee on Natural Resources, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CALVERT (for himself, Ms. CHU, Mr. BILBRAY, Mr. GOSAR, Mr. LEWIS of California, Ms. MCCOLLUM, Mr. HINOJOSA, Mr. GARY G. MILLER of California, Mr. MCCAUL, Mr. SCHIFF, Mr. GALLEGLY, Mrs. BONO MACK, Mr. ISSA, and Mr. CAMPBELL):

H.R. 6248. A bill to provide for the transfer of excess Department of Defense aircraft to the Forest Service for wildfire suppression activities, and for other purposes; to the Committee on Armed Services, and in addition to the Committees on Agriculture, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BLUMENAUER:

H.R. 6249. A bill to establish a Water Protection and Reinvestment Fund to support investments in clean water infrastructure, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Ways and Means, and Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FARENTHOLD:

H.R. 6250. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income any prizes or awards won in competition in the Olympic Games; to the Committee on Ways and Means.

By Ms. BONAMICI (for herself, Ms. HERRERA BEUTLER, Mr. SCHRADER, Mr. McDERMOTT, Mr. DEFAZIO, Mr. LARSEN of Washington, Mr. HONDA, Mr. BLUMENAUER, Mr. THOMPSON of California, Ms. CHU, Ms. SPEIER, Mr.

SMITH of Washington, Mr. DICKS, Ms. WOOLSEY, Mr. GEORGE MILLER of California, Ms. HAHN, Mr. WALDEN, and Mr. STARK):

H.R. 6251. A bill to amend the Marine Debris Research, Prevention, and Reduction Act to establish an expedited award process for grants to address marine debris emergencies, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BONO MACK (for herself and Mr. BUTTERFIELD):

H.R. 6252. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income any prizes or awards won in competition in the Olympic Games; to the Committee on Ways and Means.

By Ms. RICHARDSON:

H.R. 6253. A bill to authorize the Maritime Administrator to make grants to States or port authorities to cover the cost of repair and construction activities relating to certain commercial strategic seaports, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARNAHAN (for himself and Mr. LATOURETTE):

H.R. 6254. A bill to amend the National Dam Safety Program Act to establish a program to provide grant assistance to States for the rehabilitation and repair of deficient dams; to the Committee on Transportation and Infrastructure.

By Mr. CARNAHAN (for himself, Mr. BERMAN, Ms. SCHAKOWSKY, Mr. VAN HOLLEN, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. TSONGAS, Mrs. MALONEY, Ms. SPEIER, Mr. MURPHY of Connecticut, Mr. MORAN, Mr. CONYERS, Mr. MCGOVERN, Ms. PINGREE of Maine, and Ms. LEE of California):

H.R. 6255. A bill to ensure that the United States promotes women's meaningful inclusion and participation in mediation and negotiation processes undertaken in order to prevent, mitigate, or resolve violent conflict and implements the United States National Action Plan on Women, Peace, and Security; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARSON of Indiana (for himself, Mr. STARK, Ms. RICHARDSON, Ms. LEE of California, Mr. CUMMINGS, Ms. JACKSON LEE of Texas, Ms. NORTON, Ms. MOORE, Mr. KUCINICH, and Ms. EDWARDS):

H.R. 6256. A bill to ensure prompt access to Supplemental Security Income, Social Security disability, and Medicaid benefits for persons released from certain public institutions; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CLAY (for himself, Mrs. CHRISTENSEN, Ms. BASS of California,

Mr. CLEAVER, Mr. TOWNS, Ms. LEE of California, Mr. HASTINGS of Florida, Mr. RANGEL, Mr. JOHNSON of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DAVIS of Illinois, Mr. CONYERS, Ms. CLARKE of New York, Mr. BUTTERFIELD, Mr. AL GREEN of Texas, Mr. REYES, Mr. THOMPSON of Mississippi, Mr. WATT, Mr. SCOTT of Virginia, Ms. FUDGE, Ms. MOORE, Ms. WILSON of Florida, Ms. RICHARDSON, Ms. EDWARDS, Ms. WATERS, Ms. BROWN of Florida, Mr. RUSH, Ms. JACKSON LEE of Texas, Ms. NORTON, Mr. MEEKS, Mr. FILNER, and Mr. FATTAH):

H.R. 6257. A bill to require the Secretary of the Interior to conduct a special resource study regarding the proposed United States Civil Rights Trail, and for other purposes; to the Committee on Natural Resources.

By Ms. DEGETTE (for herself, Ms. SCHAKOWSKY, and Ms. CASTOR of Florida):

H.R. 6258. A bill to amend title XIX of the Social Security Act to provide medical assistance to uninsured newborns under the Medicaid program; to the Committee on Energy and Commerce.

By Mr. DEUTCH:

H.R. 6259. A bill to amend the Federal Election Campaign Act of 1971 to require the Federal Election Commission to establish and operate a website through which members of the public may view the contents of certain political advertisements, to require the sponsors of such advertisements to furnish the contents of the advertisements to the Commission, and for other purposes; to the Committee on House Administration.

By Ms. ESHOO:

H.R. 6260. A bill to designate the facility of the United States Postal Service located at 211 Hope Street in Mountain View, California, as the "Lieutenant Kenneth M. Ballard Memorial Post Office"; to the Committee on Oversight and Government Reform.

By Mr. GOHMERT (for himself, Mr. MULVANEY, Mr. CHABOT, Mr. LAMBORN, Mr. POSEY, Mr. FLEMING, Mr. BRADY of Texas, Mrs. LUMMIS, Mr. KELLY, Mr. FRANKS of Arizona, Mr. HARRIS, Mr. DUNCAN of South Carolina, and Mr. LABRADOR):

H.R. 6261. A bill to amend title 37, United States Code, to provide for the continuance of pay and allowances for members of the Armed Forces, including reserve components thereof, during lapses in appropriations; to the Committee on Armed Services.

By Mr. LOEBSACK (for himself, Mr. BOSWELL, and Mr. GARAMENDI):

H.R. 6262. A bill to amend the Internal Revenue Code of 1986 to provide tax relief to middle-class families, small businesses, and family farms; to the Committee on Ways and Means.

By Mrs. MALONEY (for herself, Mr. HONDA, and Mr. RANGEL):

H.R. 6263. A bill to establish a commission to study how Federal laws and policies affect United States citizens living in foreign countries; to the Committee on Oversight and Government Reform, and in addition to the Committees on Financial Services, Ways and Means, the Judiciary, House Administration, Energy and Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MYRICK (for herself and Mr. LATOURETTE):

H.R. 6264. A bill to authorize a pilot program for Federal agencies to enter into contracts with the private sector for property management, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RANGEL:

H.R. 6265. A bill to renew and modify the temporary duty suspensions on certain cotton shirting fabrics; to the Committee on Ways and Means.

By Mr. RUNYAN:

H.R. 6266. A bill to amend title 10, United States Code, to limit increases in the certain costs of health care services under the health care programs of the Department of Defense, and for other purposes; to the Committee on Armed Services.

By Mr. SCHOCK (for himself, Ms. JENKINS, and Mr. POE of Texas):

H.R. 6267. A bill to amend the Internal Revenue Code of 1986 to eliminate the tax on Olympic medals won by United States athletes; to the Committee on Ways and Means.

By Ms. SCHWARTZ:

H.R. 6268. A bill to amend the Internal Revenue Code of 1986 to repeal the phasedown of the credit percentage for the dependent care tax credit; to the Committee on Ways and Means.

By Ms. SPEIER:

H.R. 6269. A bill to amend the Food and Nutrition Act of 2008 to expand the eligibility of certain veterans while they have disability claims pending under title 38 of the United States Code; to the Committee on Agriculture.

By Ms. SPEIER:

H.R. 6270. A bill to amend the Federal Crop Insurance Act to require annual disclosure of crop insurance premium subsidies in the public interest; to the Committee on Agriculture.

By Mr. TIPTON:

H.R. 6271. A bill to amend the Internal Revenue Code of 1986 to exclude certain farmland and family-owned business interests from the value of the gross estate of decedents; to the Committee on Ways and Means.

By Ms. ROS-LEHTINEN:

H. Res. 750. A resolution providing for the concurrence by the House in the Senate amendment to H.R. 1905, with an amendment; considered and agreed to.

By Mr. SCOTT of South Carolina:

H. Res. 751. A resolution electing a Member to a certain standing committee of the House of Representatives; considered and agreed to.

By Mr. MEEKS:

H. Res. 753. A resolution recognizing that the occurrence of prostate cancer in African-American men has reached epidemic proportions and urging Federal agencies to address that health crisis by supporting education, awareness outreach, and research specifically focused on how prostate cancer affects African-American men; to the Committee on Energy and Commerce.

By Mr. PETERSON:

H. Res. 754. A resolution expressing support for the designation of the third week in October as National School Bus Safety Week; to the Committee on Education and the Workforce.

257. The SPEAKER presented a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 161 memorializing the Congress to explore funding opportunities for the Individuals with Disabilities Education Act; to the Committee on Education and the Workforce.

258. Also, a memorial of the Joint Interim Committee on Energy of the General Assembly of the State of Arkansas, relative to Interim Resolution 2011-008 urging the Administration and the Congress to enable the construction of one or more centralized interim fuel storage facilities; to the Committee on Energy and Commerce.

259. Also, a memorial of the Senate of the State of Maine, relative to Senate Joint Resolution requesting the President and the Congress to restore proper funding under the federal Clean Water Act; to the Committee on Transportation and Infrastructure.

260. Also, a memorial of the Senate of the State of Maine, relative to Senate Joint Resolution urging the President and the Congress to work together to enact the Social Security Fairness Act of 2011; to the Committee on Ways and Means.

261. Also, a memorial of the Senate of the State of Colorado, relative to Senate Joint Memorial 12-003 memorializing the Congress to amend 26 U.S.C. sec. 6033; to the Committee on Ways and Means.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mrs. HARTZLER:

H.R. 6244.

Congress has the power to enact this legislation pursuant to the following:

Article I: Section 8: Clause 3 The United States Congress shall have power

"To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes."

By Mr. DeFAZIO:

H.R. 6245.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8:

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

To constitute Tribunals inferior to the Supreme Court;

By Mr. JOHNSON of Georgia:

H.R. 6246.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 4, Clause 1 of the United States Constitution. This provision permits Congress to make or alter the regulations pertaining to Federal elections.

By Mr. HASTINGS of Washington:

H.R. 6247.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3, clause 2; Article I, Section 8, clause 18; and Article I, Section 8, Clause 3.

By Mr. CALVERT:

H.R. 6248.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution, specifically Clause 1 and Clause 18, and Article IV, Section 3, Clause 2.

#### MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

By Mr. BLUMENAUER:

H.R. 6249.

Congress has the power to enact this legislation pursuant to the following:

The Constitution of the United States provides clear authority for Congress to pass legislation regarding taxes. In particular, Article I of the Constitution clearly describes the Congressional authority to levy excise taxes, providing "The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises . . ." (U.S. Const., Art. I, §8, cl. I).

By Mr. FARENTHOLD:

H.R. 6250.

Congress has the power to enact this legislation pursuant to the following:

Art 1 §8 cl.1

By Ms. BONAMICI:

H.R. 6251.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the US Constitution.

By Mrs. BONO MACK:

H.R. 6252.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to clause 1 of section 8 of article I of the Constitution.

By Ms. RICHARDSON:

H.R. 6253.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 3 and Clause 13 of the United States Constitution.

By Mr. CARNAHAN:

H.R. 6254.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 1. "All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and a House of Representatives."

By Mr. CARNAHAN:

H.R. 6255.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 1. "All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and a House of Representatives."

By Mr. CARSON of Indiana:

H.R. 6256.

Congress has the power to enact this legislation pursuant to the following:

Article I, §8, clause 1.

By Mr. CLAY:

H.R. 6257.

Congress has the power to enact this legislation pursuant to the following:

Clause 2 of Section 3 of Article IV of the Constitution: The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

By Ms. DEGETTE:

H.R. 6258.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1: "The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;" and Article I, Section 8, Clause 18:

"The Congress shall have Power To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof."

By Mr. DEUTCH:

H.R. 6259.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 4, Clause 1 of the US Constitution

The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but Congress may at any time make or alter such Regulations, except as to the Place of choosing Senators.

By Ms. ESHOO:

H.R. 6260.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 7 of the United States Constitution.

By Mr. GOHMERT:

H.R. 6261.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 9, Clause 7 of the U.S. Constitution sets forth the power of appropriations states "No Money shall be drawn from the Treasury but in Consequence of Appropriations made by Law. . . ."

Article I, Section 8, Clause 1 states that "The Congress shall have the Power. . . to pay the Debts and provide for the common Defense and general Welfare of the United States . . ."

Article I, Section 8, Clauses 12 and 13 state that Congress shall have the power "to raise and support Armies. . ." and "to provide and maintain a Navy."

By Mr. LOEBSACK:

H.R. 6262.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article I of the United States Constitution and Amendment XVI of the United States Constitution.

By Mrs. MALONEY:

H.R. 6263.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18

The Congress shall have Power \* \* \* To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mrs. MYRICK:

H.R. 6264.

Congress has the power to enact this legislation pursuant to the following:

Article 4, Section 3, Clause 2 with respect to the power of Congress to make rules regarding the disposal of the property of the United States.

By Mr. RANGEL:

H.R. 6265.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. RUNYAN:

H.R. 6266.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. SCHOCK:

H.R. 6267.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 7 and Article I, Section 8 of the United States Constitution.

By Ms. SCHWARTZ:

H.R. 6268.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section VIII

The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States.

By Ms. SPEIER:

H.R. 6269.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8: Congress shall have the power to regulate commerce among the states, and provide for the general welfare.

By Ms. SPEIER:

H.R. 6270.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8: Congress shall have the power to regulate commerce among the states, and provide for the general welfare.

By Mr. TIPTON:

H.R. 6271.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1.

#### ADDITIONAL SPONSORS TO PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 8: Mr. SCOTT of South Carolina and Mr. CALVERT.

H.R. 127: Mr. COBLE.

H.R. 139: Mr. COURTNEY.

H.R. 153: Mr. SCOTT of South Carolina.

H.R. 263: Mr. KEATING.

H.R. 288: Mr. DAVIS of Illinois.

H.R. 289: Ms. LEE of California.

H.R. 297: Mr. ROKITA.

H.R. 303: Mr. MARCHANT.

H.R. 329: Mr. FITZPATRICK.

H.R. 333: Mr. REHBERG and Mr. MARCHANT.

H.R. 458: Mr. TIERNEY and Mr. LOEBSACK.

H.R. 531: Mr. BISHOP of New York.

H.R. 574: Ms. WOOLSEY.

H.R. 591: Mr. MCGOVERN.

H.R. 640: Mr. CARSON of Indiana and Mr. TIERNEY.

H.R. 719: Mr. RYAN of Ohio and Mr. GUINTA.

H.R. 733: Mrs. BACHMANN.

H.R. 735: Mrs. MILLER of Michigan.

H.R. 749: Mr. ROKITA.

H.R. 750: Mr. STUTZMAN.

H.R. 798: Mr. BISHOP of New York.

H.R. 812: Mrs. MILLER of Michigan.

H.R. 829: Ms. SPEIER.

H.R. 860: Ms. MATSUI.

H.R. 942: Mr. DENHAM, Mr. AMODEI, and Mr. DONNELLY of Indiana.

H.R. 965: Mrs. MCCARTHY of New York and Ms. ROYBAL-ALLARD.

H.R. 978: Mr. HINCHEY.

H.R. 998: Mr. CARNEY and Mrs. CHRISTENSEN.

H.R. 1063: Mr. KING of Iowa and Mr. LONG.

H.R. 1195: Mr. BISHOP of New York.

H.R. 1204: Mr. RANGEL.

H.R. 1206: Mr. FLAKE, Mrs. LUMMIS, and Mr. GARY G. MILLER of California.

H.R. 1236: Mr. KINGSTON.

H.R. 1244: Mr. BONNER.

H.R. 1259: Mr. DENT.

H.R. 1265: Mrs. EMERSON, Mr. NUGENT, Mr. LATTA, and Ms. FOXX.

- H.R. 1279: Mr. LAMBORN.  
H.R. 1291: Mr. KEATING.  
H.R. 1370: Ms. ROS-LEHTINEN, Mr. HUIZENGA of Michigan, Mr. RIVERA, and Mr. DIAZ-BALART.  
H.R. 1464: Mr. JOHNSON of Ohio.  
H.R. 1509: Mr. KIND.  
H.R. 1513: Mr. COFFMAN of Colorado.  
H.R. 1546: Mr. PAULSEN and Mr. KELLY.  
H.R. 1614: Mr. KING of New York.  
H.R. 1621: Mr. WOLF, Mr. JOHNSON of Ohio, and Mr. GRIFFIN of Arkansas.  
H.R. 1639: Mr. HINOJOSA and Mr. PERLMUTTER.  
H.R. 1653: Mr. ROKITA, Mr. JOHNSON of Ohio, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HULTGREN, and Mr. LUETKEMEYER.  
H.R. 1781: Mr. PASCRELL.  
H.R. 1936: Mr. LEWIS of Georgia.  
H.R. 1964: Mr. ROKITA.  
H.R. 1993: Mr. PAULSEN.  
H.R. 2016: Ms. BONAMICI and Mr. TIERNEY.  
H.R. 2032: Mr. LANDRY and Mr. LONG.  
H.R. 2094: Mr. OWENS.  
H.R. 2140: Ms. BALDWIN.  
H.R. 2168: Mr. MARKEY.  
H.R. 2198: Mrs. EMERSON.  
H.R. 2239: Mr. POSEY.  
H.R. 2364: Mr. HONDA.  
H.R. 2382: Mr. RANGEL, Mr. SCHRADER, Mr. MILLER of Florida, and Mr. PAULSEN.  
H.R. 2402: Mr. FLEMING, Mr. STUTZMAN, Mr. WALBERG, Ms. BUERKLE, Mr. JORDAN, Mr. GARRETT, Mr. AKIN, Mr. MULVANEY, and Mr. PRICE of Georgia.  
H.R. 2479: Mr. KIND.  
H.R. 2655: Mr. CLEAVER.  
H.R. 2672: Mr. OWENS and Ms. LORETTA SANCHEZ of California.  
H.R. 2695: Mr. OWENS.  
H.R. 2721: Mr. BERMAN and Ms. TSONGAS.  
H.R. 2746: Mr. CONNOLLY of Virginia and Mr. STARK.  
H.R. 2794: Mr. McDERMOTT, Mr. LOEBSACK, and Mr. MORAN.  
H.R. 2827: Ms. HAYWORTH.  
H.R. 2866: Mr. LANCE and Mr. PALLONE.  
H.R. 2925: Mr. LATTA, Mr. MANZULLO, and Mr. DAVIS of Illinois.  
H.R. 2960: Mr. JOHNSON of Illinois.  
H.R. 2969: Mrs. BACHMANN.  
H.R. 2978: Mr. MANZULLO and Mr. HURT.  
H.R. 2989: Mr. LARSON of Connecticut.  
H.R. 2992: Mr. SCALISE.  
H.R. 3032: Mr. BARTLETT.  
H.R. 3102: Mr. CONNOLLY of Virginia.  
H.R. 3151: Mr. HONDA.  
H.R. 3187: Mr. OWENS.  
H.R. 3238: Mrs. CAPPS and Mr. LYNCH.  
H.R. 3242: Ms. VELÁZQUEZ.  
H.R. 3264: Mr. STUTZMAN.  
H.R. 3269: Mr. LYNCH.  
H.R. 3423: Mr. OWENS.  
H.R. 3458: Mr. LOEBSACK and Mrs. EMERSON.  
H.R. 3487: Mr. WESTMORELAND, Mr. GINGREY of Georgia, Mr. ROSS of Florida, and Mr. SOUTHERLAND.  
H.R. 3612: Mr. GARY G. MILLER of California.  
H.R. 3618: Mr. BLUMENAUER.  
H.R. 3627: Mr. YOUNG of Alaska and Mr. BASS of New Hampshire.  
H.R. 3634: Mr. CAMP.  
H.R. 3656: Mr. RANGEL.  
H.R. 3661: Mr. MURPHY of Connecticut, Mr. SCHILLING, Mr. KEATING, Ms. HANABUSA, and Mr. GEORGE MILLER of California.  
H.R. 3767: Mr. HARRIS, Mr. GRIJALVA, and Mr. GOSAR.  
H.R. 3769: Mr. MCGOVERN.  
H.R. 3798: Mr. DOGGETT and Mr. PALLONE.  
H.R. 3849: Mr. CARSON of Indiana.  
H.R. 3861: Mr. AMASH.  
H.R. 3978: Mr. CLAY.  
H.R. 3993: Mr. MARCHANT.  
H.R. 4122: Mr. JOHNSON of Ohio.  
H.R. 4160: Ms. BUERKLE and Mr. GOHMERT.  
H.R. 4169: Ms. MCCOLLUM.  
H.R. 4235: Mr. DOGGETT.  
H.R. 4271: Mr. HONDA.  
H.R. 4315: Mrs. NAPOLITANO.  
H.R. 4369: Mr. GOODLATTE.  
H.R. 4373: Mr. CONNOLLY of Virginia.  
H.R. 4396: Mr. HEINRICH.  
H.R. 4405: Mr. JOHNSON of Ohio.  
H.R. 5284: Mr. LARSON of Connecticut, Mr. NEAL, and Mr. SCHOCK.  
H.R. 5542: Mrs. NAPOLITANO.  
H.R. 5684: Ms. SUTTON.  
H.R. 5741: Mr. FARR.  
H.R. 5746: Mr. LARSON of Connecticut.  
H.R. 5787: Mr. RANGEL and Mr. MCGOVERN.  
H.R. 5796: Mr. BARLETTA, Mr. ROSKAM, and Ms. HIRONO.  
H.R. 5817: Ms. HANABUSA.  
H.R. 5846: Ms. JENKINS, Mr. KINZINGER of Illinois, and Mr. OWENS.  
H.R. 5864: Mr. BLUMENAUER.  
H.R. 5903: Mr. OLVER and Ms. HIRONO.  
H.R. 5911: Mr. BERG.  
H.R. 5938: Ms. SCHWARTZ.  
H.R. 5943: Mr. PETRI, Mrs. EMERSON, and Mr. ALTMIRE.  
H.R. 5948: Mr. CULBERSON.  
H.R. 5977: Mr. BERMAN.  
H.R. 5990: Mr. ROGERS of Kentucky.  
H.R. 6012: Mr. TIERNEY and Mr. ENGEL.  
H.R. 6025: Mr. GOSAR.  
H.R. 6061: Mr. CLARKE of Michigan and Ms. NORTON.  
H.R. 6092: Mr. POLIS and Mr. FARR.  
H.R. 6097: Mr. BARTLETT.  
H.R. 6111: Mr. JOHNSON of Ohio.  
H.R. 6112: Mr. BURTON of Indiana.  
H.R. 6113: Mr. BARLETTA.  
H.R. 6128: Ms. LINDA T. SÁNCHEZ of California.  
H.R. 6134: Ms. PINGREE of Maine.  
H.R. 6138: Ms. HAHN, Mr. KUCINICH, Ms. CASTOR of Florida, and Mr. QUIGLEY.  
H.R. 6147: Mr. WILSON of South Carolina.  
H.R. 6150: Ms. BONAMICI, Ms. WOOLSEY, and Mr. DAVIS of Illinois.  
H.R. 6151: Mr. PRICE of North Carolina.  
H.R. 6164: Mr. HUELSKAMP.  
H.R. 6165: Mr. CARTER, Mr. BROOKS, and Mr. BURTON of Indiana.  
H.R. 6174: Mr. COLE, Mr. SCHOCK, Mrs. ELLMERS, Mrs. EMERSON, Mr. GUINTA, and Mr. PAUL.  
H.R. 6187: Ms. WILSON of Florida.  
H.R. 6188: Ms. CHU.  
H.R. 6199: Mr. CANSECO.  
H.R. 6203: Mr. SCHILLING.  
H.R. 6213: Mr. CASSIDY.  
H.R. 6229: Mr. KING of New York.  
H.R. 6241: Mr. PASCRELL and Mr. BISHOP of New York.  
H.J. Res. 106: Mr. GALLEGLY and Mr. COBLE.  
H.J. Res. 110: Mr. BURTON of Indiana.  
H.J. Res. 115: Mr. COURTNEY, Mr. RYAN of Ohio, and Mr. SHIMKUS.  
H. Con. Res. 101: Mr. TIERNEY.  
H. Con. Res. 129: Mr. JOHNSON of Ohio and Mr. GARY G. MILLER of California.  
H. Res. 298: Mr. BRALEY of Iowa.  
H. Res. 506: Mr. HONDA.  
H. Res. 583: Mrs. DAVIS of California.  
H. Res. 671: Mr. DEFazio and Mr. JONES.  
H. Res. 676: Mr. MANZULLO, Mr. PALLONE, Mr. FRELINGHUYSEN, and Mrs. MCCARTHY of New York.  
H. Res. 742: Mr. LEVIN.  
H. Res. 745: Mr. SENSENBRENNER.

## EXTENSIONS OF REMARKS

CONGRATULATING MINISTER LOUIS FARRAKHAN AND THE NATION OF THE ISLAM ON RE-OPENING OF THE SALAAM RESTAURANT IN THE CITY OF CHICAGO.

**HON. DANNY K. DAVIS**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Mr. DAVIS of Illinois. Mr. Speaker, I rise to pay tribute to Minister Louis Farrakhan and the Nation of Islam for implementation of a tremendous economic development project in the Auburn-Gresham community of Chicago, Illinois.

After being closed for twelve years, on Sunday July 1, 2012, at 706 W. 79th Street, 17 Ward, where the Honorable Latasha Thomas is Alderman. The Nation of Islam re-opened the beautiful five (5) million dollar renovated Salaam Restaurant. In the Webster Dictionary, Salaam is defined as meaning peace. And peaceful it is.

The Nation is reported to have spent in excess of \$5 million dollars to renovate the facility and make it a top of the line, first class community venue.

The Salaam has already attracted family gatherings, dinner parties, ministers meetings, business group meetings and visitors from across the nation.

At one meeting with ministers, Minister Farrakhan is reported to have said to the group "We built the Salaam restaurant with steel and concrete, that's why we could close it for twelve years and come and find it still here! Because brothers and sisters; for you, there is nothing too good."

For you, we call this, "The Palace of the People." "From our bakery, we intend to give out your daily bread, freshly baked bread made of the finest ingredients. The Salaam restaurant also has wonderful vegetarian cuisine. But for those who just must have a tenderloin steak, or lamb, come on here to the Salaam."

"Up stairs on the second floor is a private banquet hall, along with the Ministers' private dining room and adjacent is a piano room."

Currently the restaurant employs forty people and is eager to expand. Many people have called this magnificent creation the "jewel of 79th street" and is a wonderful place for tourists and visitors when they come to Chicago."

Once again, my hat is off to Minister Louis Farrakhan and the Nation of Islam for putting their money where their mouth is and adding another level of pride for Alderman Latasha Thomas and the people of the 17th Ward in the City of Chicago.

IN RECOGNITION OF NATIONAL HEALTH CENTER WEEK

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Mr. KUCINICH. Mr. Speaker, I rise today to honor Federally Qualified Health Centers (FQHC) for 47 years of service during National Health Center Week.

In Cleveland, the celebration honoring National Health Center Week will take place on Tuesday, August 7th, and be hosted by the members of Cleveland's Federally Qualified Community Health Network which consists of: Care Alliance Health Center, Neighborhood Family Practice, Northeast Ohio Neighborhood Health Services and The Free Medical Clinic of Greater Cleveland.

The theme for this year's event is "Celebrating America's Health Centers: Powering Healthier Communities." The focus will be on the success of Cleveland's FQHCs over the years, as well as how the community will welcome new movements in the health sector.

The event will feature local and state experts to discuss health disparities in the Cleveland area. A representative from the Ohio Department of Health will provide the keynote address.

As of 2011, the Cleveland Community Health Center Network has served more than 66,000 patients; Nationwide FQHC's have served over 20 million people. Community Health Centers all across America are partnering with local healthcare providers, social service agencies, and visionaries to ensure that quality health care is available to all.

Mr. Speaker and colleagues, please join me in honoring Cleveland Community Health Center Network as well as the Federally Qualified Health Centers for their dedication and service to our communities and country.

IN SUPPORT OF WOMEN'S ACCESS TO PREVENTIVE HEALTH CARE SERVICES

**HON. LAURA RICHARDSON**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Ms. RICHARDSON. Mr. Speaker, beginning today, August 1, preventative health care provisions for women under the Affordable Care Act will begin going into effect for new insurance plans.

As an increasing number of health insurance policies come under the reach of the Affordable Care Act, a growing number of women will finally be able to access—with no co-payments or deductibles—important preventative services including breastfeeding sup-

port, counseling for domestic violence, screenings for HIV, and well-woman visits.

Also importantly, women with these new insurance policies will have access to all FDA-approved forms of contraception. This is an unprecedented victory for women in every district and for women of all backgrounds.

The use of birth control is nearly universal, with 99 percent of women using contraception at some point in their lives. A June Hart Research poll also found that 80 percent of all American women agree that cost should not be a barrier to using effective birth control.

In addition, a letter released by leading law-and-religion scholar Leslie Griffin, and co-signed by 170 law professors at top religiously affiliated and non-religiously affiliated law schools clearly explains why the contraceptive-coverage benefit protects the rights of individual employees and in no way violates religious freedom. I ask unanimous consent to include the letter in the RECORD.

Mr. Speaker, I agree with the majority of Americans that all women have the right to affordable and effective birth control, and I am proud to have fought for this great achievement.

Even before the Affordable Care Act went into effect, the benefits of publicly-funded family planning services could be seen, as these programs have assisted 7 million women each year and have prevented 2 million unintended pregnancies.

Every dollar spent on family planning services is also estimated to save four dollars on future Medicaid costs for prenatal services, delivery, and one year of the baby's medical care.

Affordable birth control and preventative health care services help women plan the timing and size of their families and protect their health. There is a direct link between increased access to birth control and declines in maternal and infant mortality.

The critical provisions within the Affordable Care Act will therefore allow us to expand on these previous successes and give women the freedom to make their own private health decisions.

Mr. Speaker, I am proud to stand with my colleagues and to acknowledge the hard work and long hours we devoted to ensuring that women have access to health care they deserve and I pledge to continue championing women's access to these important preventative services.

AUGUST 1, 2012.

TO PRESIDENT BARACK OBAMA AND THE CONGRESSIONAL LEADERSHIP: We are law professors concerned about the Constitution, religious freedom, individual liberty, and gender equality. Today, the egalitarian notion that every American deserves to enjoy religious freedom is under attack from those who would cede employees' religious-liberty rights to corporate executives and nonprofit directors. In this cramped and one-sided view of religious freedom, supervisors are entitled

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



to decide, based on their religious sentiments, whether their employees will be permitted to enjoy essential health benefits without the slightest concern for their religious beliefs. In particular, advocates claim that the Constitution gives all employers the right to veto their employees' health-insurance coverage of contraception.

This view, which is espoused by the U.S. Conference of Catholic Bishops and others, is both wrong as a matter of law and profoundly undemocratic. Nothing in our nation's history or laws permits a boss to impose his or her religious views on non-consenting employees. Indeed, this nation was founded upon the basic principle that every individual—whether company president or assistant janitor—has an equal claim to religious freedom.

Nor does religious freedom provide a constitutional entitlement to limit women's liberty and equality, which are protected by the Fourteenth Amendment. Throughout the 1960s, religious leaders advocated laws banning contraception because they believed contraception was immoral. Nonetheless, in 1965 the Supreme Court held that contraceptive use enjoys constitutional protection in *Griswold v. Connecticut*. Moreover, the Equal Protection Clause of the Fourteenth Amendment requires that women enjoy the same health and reproductive freedom enjoyed by men.

Women's liberty and equality are well-settled constitutional law and must remain so. Just as the Court ruled in 1983 in *Bob Jones* that the free exercise of religion may not override government policies against racial discrimination, today free exercise must not undermine women's liberty and equality.

The diminishment of women's liberty and equality will be the result if organizations claiming a religious affiliation are granted an exemption from the Obama administration's policy requiring all employers to provide contraceptive insurance to their employees.

The battle against legal contraception has been fought and lost before, not only in the 1960s, but also in the 1990s, when state legislatures and courts repeatedly rejected the argument that religious liberty provides a justification for undermining women's equality and denying them contraceptive insurance.

The same principle must apply today in the battle between the U.S. Conference of Catholic Bishops and their allies and the Obama administration over insurance coverage for contraception. Simply put, religious freedom requires religiously affiliated employers to obey the law rather than to become a law unto themselves.

Even forty-seven years after the Supreme Court recognized a constitutional right to contraceptive use, many American women continue to lack access to effective and affordable contraception. One reason for this has been the disparate insurance coverage for men and women. For that reason, twenty-eight states have passed contraceptive equity acts that help women gain equal access to reproductive health care. Several of those acts, just like the Obama administration's policy, require employer insurance plans that offer prescription-drug coverage to include contraceptive drugs and devices in their coverage. Most of those acts, just like the Obama plan, do not apply to houses of worship but to religiously affiliated employers like Catholic Charities, a large social-services organization that receives more than two-thirds of its funding from taxpayers, as well as to Catholic schools, uni-

versities and hospitals that employ both non-Catholics and Catholic women who use contraception.

The bishops and their allies opposed those bills in the legislatures and the state courts, arguing that religious freedom requires a complete exemption for all employers that claim a religious affiliation. As the recent debate demonstrates, that argument has a certain intuitive appeal to religious organizations that believe that free exercise allows religiously affiliated organizations to avail themselves of special rules. Under the leading free exercise case (*Employment Division v. Smith*), however, religious employers are subject to neutral laws of general applicability. Two state courts, namely the highest courts of New York and California, forcefully rejected the bishops' argument for exemptions from laws requiring the provision of contraception insurance to employees.

The state courts first ruled that providing insurance could not be a matter of internal church governance protected from state interference by the First Amendment. The courts also held that insurance laws applying to all employers were neutral laws of general applicability that could be constitutionally applied to religious employers under *Smith*. The two holdings reinforce each other. As the New York Court of Appeals explained, "The employment relationship is a frequent subject of legislation, and when a religious organization chooses to hire non-believers it must, at least to some degree, be prepared to accept neutral regulations imposed to protect those employees' legitimate interests in doing what their own beliefs permit."

The California Supreme Court took a further step, ruling that its women's health act survived strict scrutiny. Under strict scrutiny, a law that substantially burdens a religious practice is upheld only if the law represents the least restrictive means of achieving a compelling interest. The court concluded that the women's health care act was narrowly tailored to the government's compelling interest in eliminating gender discrimination, obviating the need to undertake a substantial-burdens analysis.

The California Supreme Court's strict scrutiny analysis remains relevant to criticisms of President Obama's plan. Opponents of the regulations have argued that they violate the Religious Freedom Restoration Act (RFRA), which subjects federal policies to strict scrutiny if they substantially burden a person's exercise of religion. The opponents are wrong. First, under existing case law, the provision of insurance coverage is arguably not the exercise of religion. Moreover, allowing individuals the choice of contraceptives does not substantially burden any exercise of religion.

Even if the courts found a substantial burden on religion, however, the government's interests in protecting women's health and reproductive freedom, and combating gender discrimination, are compelling. The Institute of Medicine panel's report, and a mountain of evidence from other public health groups, amply demonstrate the government's compelling interest in ensuring widespread access to affordable contraception as a means of promoting health and remedying gender inequality.

The California Supreme Court ruled that a law nearly identical to President Obama's initial plan to provide insurance coverage—including a virtually identical exemption for houses of worship—was narrowly tailored to protect women's equality. Thus President Obama's original regulation could have with-

stood constitutional scrutiny. The constitutional case is even clearer for the accommodation, which requires insurance companies to bear the burden of providing coverage to employees claiming a religious affiliation. The accommodation is even more narrowly tailored than the initial regulation was to reflect the government's interest in women's equality.

In past Supreme Court decisions, religious employers have been required to pay Social Security and unemployment taxes for their employees and to observe the minimum wage laws. Federal courts of appeals have required religious employers to comply with the child labor laws and to observe the equal pay laws even when the employers believed head-of-household pay was required by the Bible. As the California Supreme Court observed, "We are unaware of any decision in which this court, or the United States Supreme Court, has exempted a religious objector from the operation of a neutral, generally applicable law despite the recognition that the requested exemption would detrimentally affect the rights of third parties."

The federal government must continue to protect the rights of women who need insurance laws so that they may make reproductive choices consistent with their individual consciences. Religious freedom must not provide a justification to deprive women of legal rights they should enjoy as employees and citizens. To the contrary, the First Amendment specifically preserves space for their religious liberty, and secures their right to act as individuals who exercise their own conscience on matters pertaining to their faith, body, and health.

LESLIE GRIFFIN,  
Professor of Law,  
William S. Boyd School of Law,  
University of Nevada Las Vegas.

Signed [Note: Affiliations provided for identification purposes only]:

Paula Abrams, Jeffrey Bain Faculty Scholar and Professor of Law, Lewis & Clark Law School; Libby Adler, Professor of Law, Northeastern University School of Law; Janet Ainsworth, John D. Eshelman Professor of Law, Seattle University School of Law; Sara Ainsworth, Lecturer, University of Washington School of Law; Catherine Albiston, Professor of Law and Professor of Sociology; Executive Committee Member, Thelton E. Henderson Center for Social Justice, University of California, Berkeley School of Law; Jose Alvarez, Herbert and Rose Rubin Professor of International Law, New York University School of Law; Mark Anderson, Associate Professor of Law, Temple University Beasley School of Law; Susan Appleton, Lemma Barkeloo and Phoebe Couzins Professor of Law, Washington University School of Law; Margalynne Armstrong, Associate Professor of Law, Santa Clara University School of Law and Marie Ashe, Professor of Law, Suffolk University Law School.

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Anita Bernstein, Anita and Stuart Subotnick Professor of Law, Brooklyn Law School; Caroline Bettinger-Lopez, Associate Professor of Clinical Legal Education and Director, Human Rights Clinic, University of Miami School of Law; M. Gregg Bloche, M.D., J.D., Professor of Law, Georgetown University; Karen M. Blum, Associate Dean and Professor of Law, Suffolk University Law School; Grace Ganz Blumberg, Distinguished Professor of Law Emerita, UCLA School of Law; AmeliaBoss, Trustee Professor of Law, Earle Mack School of Law, Drexel University; Cynthia Bowman, Dorothea S. Clarke Professor of Law, Cornell Law School; Alfred L. Brophy, Judge John J. Parker Distinguished Professor of Law, University of North Carolina, Chapel Hill; Naomi Cahn, John Theodore Fey Research Professor of Law, George Washington University Law School; June Carbone, Edward A. Smith/Missouri Chair of Law, University of Missouri-Kansas City School of Law.

David Cassuto, Professor of Law and Director, Brazil-American Institute for Law & Environment, Pace Law School; Erwin Chemerinsky, Founding Dean, University of California Irvine School of Law; Nancy Chi Cantalupo, Professor, Temple University Beasley School of Law; Margaret Chon, Donald & Lynda Horowitz Professor for the Pursuit of Justice, Seattle University School of Law; Roger Clark, Board of Governors Professor, Rutgers University School of Law—Camden; David S. Cohen, Associate Professor of Law, Earle Mack School of Law at Drexel University; Clare Coleman, Assistant Teaching Professor and Director of Student Advising, Earle Mack School of Law at Drexel University; Rebecca Cook, Faculty Chair in International Human Rights Faculty of Law and Co-Director of the International Program on Reproductive and Sexual Health Law, University of Toronto; Bridget Crawford, Professor of Law and Associate Dean for Research and Faculty Development, Pace Law School; Lynn Daggett, Professor of Law, Gonzaga School of Law.

Anne Dailey, Evangeline Starr Professor of Law, University of Connecticut School of Law; Anne Dalesandro, Director of the Law Library, Rutgers School of Law—Camden; Christine S. Davik, Professor of Law, University of Maine School of Law; Martha Davis, Professor of Law, Northeastern University School of Law; Kate Nance Day, Professor of Law, Suffolk University Law School; Bernard Dickens, Emeritus Professor of Health Law and Policy, University of Toronto; Norman Dorsen, Frederick I. and Grace A. Stokes Professor of Law, New York University School of Law; Margaret Drew, Professor of Clinical Law and Director of the Domestic Violence and Civil Protection Order Clinic, University of Alabama School of Law; Jennifer Drobac, Professor of Law, Indiana University Robert H. McKinney School of Law; and Linda Edwards, E.L. Cord Foundation Professor of Law, William S. Boyd School of Law, University of Nevada Las Vegas.

Maxine Eichner, Reef C. Ivey II Professor of Law, University of North Carolina Chapel Hill School of Law; Kathleen C. Engel, Associate Dean for Intellectual Life and Professor of Law, Suffolk University Law School; JoAnne Epps, Dean, Beasley School of Law, Temple University; Deborah Epstein,

Professor of Law and Associate Dean, Georgetown Law; Martha Ertman, Carole & Hanan Sibel Research Professor of Law, University of Maryland School of Law; Lisa Faigman, Lecturer in Law, University of California Hastings College of the Law; Bryan Fair, Thomas E. Skinner Professor of Law, University of Alabama School of Law; Mary Fellows, Everett Fraser Professor of Law, Emerita, University of Minnesota Law School; Linda Fentiman, James D. Hopkins Professor of Law, Pace Law School; and Zanita E. Fenton, Professor of Law, University of Miami School of Law.

Victor Platt, Taft Distinguished Professor of Environmental Law, University of North Carolina Chapel Hill School of Law; Marsha Freeman, Professor of Law, Barry University Dwayne O. Andreas School of Law; Jaqueline Fox, Associate Professor of Law, University of South Carolina School of Law; Katherine Franke, Isidor and Seville Sulzbacher Professor of Law and Director of the Center for Gender and Sexuality Law, Columbia Law School; Theresa Gabaldon, Lyle T. Alverson Professor of Law and Director of Academic Programs and Administration, George Washington University Law School; Ruben Garcia, Professor of Law, William S. Boyd School of Law, University of Nevada Las Vegas; Leslie Garfield, Professor of Law, Pace Law School; Marsha Garrison, Suzanne J. and Norman Miles Professor of Law, Brooklyn Law School; Susan Gary, Orlando J. and Marian H. Hollis Professor of Law, School of Law University of Oregon; and Bennett Gershman, Professor of Law, Pace Law School.

Lauren Gilbert, Professor of Law, St. Thomas University School of Law; Theresa Glennon, Professor of Law, James E. Beasley School of Law at Temple University; Sally Goldfarb, Professor of Law, Rutgers University School of Law—Camden; Julie Goldscheid, Professor of Law, CUNY Law School; Leigh Goodmark, Associate Professor, Director, Family Law Clinic and Co-Director of the Center on Applied Feminism, University of Baltimore School of Law; Michele Goodwin, Everett Fraser Professor of Law, University of Minnesota; Cheryl Hanna, Professor of Law, Vermont Law School; Kathy Hessler, Clinical Professor of Law and Animal Law Clinic Director, Lewis & Clark Law School; Steven J. Heyman, Professor of Law, IIT Chicago-Kent College of Law; and Tracy Higgins, Professor of Law, Fordham School of Law.

Jessie Hill, Professor of Law, Case Western Reserve University School of Law; Cynthia M. Ho, Associate Professor of Law & Vickrey Research Professor; Director, Intellectual Property & Technology Program, Loyola University Chicago School of Law; Sharon Hoffman, Edgar A. Hahn Professor of Law, Professor of Bioethics, Co-Director, Law-Medicine Center, Case Western Reserve University School of Law; Joan H. Hollinger, Lecturer-in-Law, Berkeley Law School, University of California; Deena Hurwitz, Associate Professor of Law and Director of the International Human Rights Law Clinic and Human Rights Program, University of Virginia; Melanie Jacobs, Professor of Law, Michigan State University College of Law; Stewart Jay, Pendleton Miller Endowed Chair of Law, University of Washington School of Law; Faye Jones, Director and Professor of Law, Florida State University College of Law; Sital Kalantry, Associate Clinical Professor of Law and Faculty Director of the Avon Global Center for Women and Justice, Cornell University Law School; and Margo Kaplan, Assistant Professor of Law, Rutgers School of Law.

Harriet Katz, Professor of Law, Rutgers University School of Law—Camden; Linda K. Kerber, May Brodbeck Professor in the Liberal Arts Emerita, and Lecturer in Law, University of Iowa College of Law; Jaime King, Associate Professor of Law, University of California Hastings College of the Law; Kristine S. Knaplund, Professor of Law, Pepperdine University School of Law; Ellen Kreitzberg, Professor of Law, Santa Clara University School of Law; Sylvia Law, Elizabeth K. Dollard Professor of Law Medicine and Psychiatry, New York University School of Law; Nancy Leong, Assistant Professor, University of Denver, Sturm College of Law; Nancy Levit, Curators' and Edward D. Ellison Professor of Law, UMKC School of Law; Francine J. Lipman, William S. Boyd Professor of Law, William S. Boyd School of Law, University of Nevada Las Vegas; and David Luban, University Professor in Law and Philosophy, Georgetown Law.

Jody Lynne Madeira, Associate Professor of Law, Indiana University School of Law; Kevin Noble Maillard, Professor of Law, Syracuse University College of Law; Maya Manian, Associate Professor of Law, University of San Francisco School of Law; Thomas McAfee, William S. Boyd Professor, William S. Boyd School of Law, University of Nevada Las Vegas; Joyce E. McConnell, William J. Maier, Jr. Dean, Thomas R. Goodwin Professor of Law, WVU College of Law; Marcia McCormick, Associate Professor, Saint Louis University School of Law; Ann McGinley, William S. Boyd Professor, William S. Boyd School of Law, University of Nevada Las Vegas; Michelle McKinley, Associate Professor, Dean's Faculty Fellow, University of Oregon School of Law; Laura McNally, Professor of Law, Case Western Reserve University School of Law; and Carrie Menkel-Meadow, A.B. Chettle, Jr. Professor of Dispute Resolution and Civil Procedure, Georgetown Law.

Cynthia Mertens, Associate Dean for Academic Affairs and Professor of Law, Santa Clara University; Vanessa Merton, Professor of Law and Faculty Supervisor of the Immigration Justice Clinic, Pace Law School; Sally Merry, Professor of Anthropology, Institute for Law and Society, New York University School of Law; Carlin Meyer, Professor of Law and Director of the Diane Abbey Law Center for Children and Families, New York Law School; Naomi Mezey, Professor of Law, Georgetown Law; Jennifer Moore, Professor of Law, University of New Mexico School of Law; Karen Moran, Associate Professor of Law, General Faculty, University of Virginia; Daniel Morrissey, Former Dean and Professor of Law, Gonzaga University School of Law; Jill Morrison, Adjunct Professor of Law, University of DC David A. Clarke School of Law; and Ann Murphy, Professor of Law, Gonzaga School of Law.

Karen Musalo, Clinical Professor of Law and Director of the Center for Gender and Refugee Studies, University of California, Hastings College of Law; Michael Mushlin, Professor of Law, Pace Law School; Kimberly Mutcherson, Associate Professor of Law, Rutgers University School of Law—Camden; Cynthia Nance, Dean Emeritus & Nathan G. Gordon Professor of Law, University of Arkansas; Michelle Oberman, Professor of Law, Santa Clara University School of Law; Nancy K. Ota, Professor of Law, Albany Law School; Richard L. Ottinger, Dean Emeritus, Pace Law School; Justin Pidot, Assistant Professor, University of Denver, Sturm College of Law; Deana Pollard-Sacks, Professor of Law, Texas Southern University

Thurgood Marshall School of Law; and Andrew S. Pollis, Assistant Professor of Law, Milton A. Kramer Law Clinic Center, Case Western Reserve University School of Law.

Terrill Pollman, Director of the Lawyering Process Program and Professor of Law, Williams S. Boyd School of Law, University of Las Vegas; Lucille M. Ponte, Professor of Law, Florida Coastal School of Law; Sarah Ricks, Clinical Professor of Law, Rutgers University School of Law—Camden Angela R. Riley, Professor of Law, UCLA School of Law, Director, UCLA American Indian Studies Center; Dorothy Roberts, George A. Weiss University Professor of Law & Sociology and Raymond Pace & Sadie Tanner Mossell Alexander Professor of Civil Rights, University of Pennsylvania; Rand Rosenblatt, Professor of Law, Rutgers University School of Law—Camden; Susan Deller Ross, Professor of Law and Director, International Women's Human Rights Clinic, Georgetown Law; Margaret Russell, Professor of Law, Santa Clara University School of Law; Carol Sanger, Barbara Aronstein Black Professor of Law, Columbia Law School and Nadia N. Sawicki, Assistant Professor of Law, Beazley Institute for Health Law and Policy, Loyola University Chicago School of Law.

Robert P. Schuwerk, Professor of Law, University of Houston Law Center; Elizabeth Sepper, Associate Professor of Law, Washington University School of Law; Ann Shalleck, Professor of Law, Director of Women and Law Program, Carrington Shields Scholar, American University Washington College of Law; Laurie Shanks, Clinical Professor of Law, Albany Law School; Julie Shapiro, Professor of Law, Seattle University School of Law; Jessica Silbey, Professor of Law, Suffolk University Law School; Rosalind Simson, Adjunct Professor of Law, Mercer University School of Law and Associate Professor of Philosophy, Mercer University; Jana Singer, Professor of Law, University of Maryland, Francis King Carey School of Law; Abbe Smith, Professor of Law and Director of the Criminal Defense and Prisoner Advocacy Clinic, Georgetown Law and Cynthia Soohoo, Director of the International Women's Human Rights Clinic, CUNY Law School.

Roy G. Spece, Professor of Law, University of Arizona James E. Rogers College of Law; Carrie Sperling, Associate Clinical Professor of Law, Sandra Day O'Connor College of Law; Ralph Stein, Professor of Law, Pace Law School; Lara Stemple, Director of Graduate Studies, Director of Health and Human Rights Law Project, UCLA School of Law; Richard Storrow, Professor of Law, CUNY School of Law; John Strait, Associate Professor of Law, Seattle University School of Law; Jennifer Templeton Dunn, Executive Director, UCSF/Hastings Consortium on Law and Adjunct Professor, University of California, Hastings College of the Law; Tracy Thomas, Professor of Law, University of Akron School of Law; Stacey Tovino, Professor of Law, William S. Boyd School of Law, University of Nevada Las Vegas and Mary Pat Treuthart, Professor of Law, Gonzaga University School of Law.

Ann E. Tweedy, Assistant Professor, Hamline University School of Law; Carole Vance, Associate Clinical Professor of Sociomedical Sciences, Mailman School of Public Health, Columbia University; Valerie K. Vojdik, Professor and Deputy Director, Law Clinic, West Virginia University College of Law; Lois Weithorn, Professor of Law, University of California Hastings College of the Law; Robin West, Frederick J. Haas Professor of Law and Philosophy, Georgetown

Law; Lesley Wexler, Thomas M. Mengler Faculty Scholar and Professor of Law, University of Illinois College of Law; Deborah Widiss, Associate Professor of Law, Indiana University Maurer School of Law; Lindsay Wiley, Assistant Professor of Law, American University Washington College of Law; Verna Williams, Professor of Law, University of Cincinnati College of Law; Zipporah Wiseman, Thos. H. Law Centennial Professor, University of Texas at Austin School of Law and Marcia Zug, Assistant Professor of Law, University of South Carolina School of Law.

#### IN HONOR OF KATHLEEN PEPERA

#### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Kathleen Pepera who is retiring on August 1, 2012 after 34 years of dedicated service with the Social Security Administration.

Kathy began her career with the Social Security Administration (SSA) in the Cleveland West District Office as a summer intern while still a student at Baldwin-Wallace College. Following graduation, she took the Professional and Administrative Career Examination and was subsequently hired in 1979 as a Claims Representative in the Cleveland Southwest Social Security Office.

Throughout her career with SSA, Kathy has held a number of positions with increasing responsibilities. She has served as a supervisor at the Cleveland Teleservice Center and the Cleveland Downtown Field Office. Kathy also worked as the District Manager at the Cleveland Southeast Office and Cleveland Northeast Office. She also fulfilled a temporary role as Deputy Area Director for Northern Ohio. Kathy will be retiring as the District Manager of the Cleveland West District Office, the same office where she started her 34 year career.

Kathy's dedication to the SSA and citizens she helped serve was unquestionable. She was steadfast in fulfilling SSA's mission to "deliver Social Security services that meet the changing needs of the public."

Mr. Speaker and colleagues, please join me in honoring Kathleen Pepera on the occasion of her retirement.

#### PERSONAL EXPLANATION

#### HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Mr. GINGREY of Georgia. Mr. Speaker, on rollcall No. 537 on suspending the rules and passing S. 679—the Presidential Appointment Efficiency and Streamlining Act of 2011—I am not recorded because I was unavoidably detained. Had I been present, I would have voted "no."

Mr. Speaker, on rollcall No. 538 on suspending the rules and passing H.R. 828—the Federal Employee Tax Accountability Act of 2011—I am not recorded because I was un-

avoidably detained. Had I been present, I would have voted "aye."

Mr. Speaker, on rollcall No. 539 on suspending the rules and passing H.R. 3803—the District of Columbia Pain-Capable Unborn Child Protection Act—I am not recorded because I was unavoidably detained. Had I been present, I would have voted "aye."

#### CONCURRENT TECHNOLOGIES CORPORATION CELEBRATES ITS 25TH ANNIVERSARY, TUESDAY, AUGUST 28, 2012

#### HON. MARK S. CRITZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Mr. CRITZ. Mr. Speaker, on August 28, 2012, Concurrent Technologies Corporation will celebrate its twenty-fifth anniversary. I rise to acknowledge this notable milestone and to pay recognition to the company's history and dedicated employees.

Concurrent Technologies Corporation (CTC) was first known as Metalworking Technology Inc., a subsidiary of the University of Pittsburgh Trust. Metalworking Technology Inc. was formed in 1987 in Johnstown, Pennsylvania, to operate the National Center for Excellence in Metalworking Technology for the U.S. Navy.

In 1992, Metalworking Technology Inc. changed its name to Concurrent Technologies Corporation to more accurately convey the organization's expanded mission: to provide cutting-edge scientific, applied research and development solutions to its clients. Two years later, CTC separated from the University of Pittsburgh Trust to become a fully independent nonprofit corporation.

Daniel R. DeVos was the company's first permanent Chief Executive Officer, and through his leadership the organization quickly expanded its capabilities and gained national recognition. Edward J. Sheehan, Jr., who succeeded Mr. DeVos, is the current President and Chief Executive Officer. Under his guidance, CTC continues to grow and prosper—earning respect and appreciation from its many customers across our nation and globe.

Over its 25 years, Concurrent Technologies Corporation, in partnership with its clients, has created numerous breakthrough technologies and innovative solutions. CTC takes a collaborative approach to its work, sharing credit and celebrating achievements with everyone who plays a role in its success.

Today, Concurrent Technologies Corporation, with offices throughout the U.S. and in Europe, is an independent, nonprofit, applied research and development professional services organization providing management and technology-based solutions to each branch of the U.S. military, various U.S. Government agencies, and industry. CTC is routinely listed as one of the Top 100 Government Contractors by Washington Technology.

At any given time, CTC is working on multiple projects in areas such as advanced engineering and manufacturing; environment and sustainability; intelligence and information security; logistics, management, and acquisition;

power and energy; readiness, preparedness, and continuity; safety and occupational health; and special missions.

For example, CTC helped NATO establish quality management services in less than 60 days at Kabul International Airfield in Afghanistan. The company also won the Environmental Excellence in Transportation Award for designing and implementing laser coatings removal systems throughout the U.S. Air Force.

Concurrent Technologies Corporation played a major role in the development, certification, and implementation of HSLA-115, a new higher strength modification of the HSLA-100 structural steel used for critical applications on aircraft carriers and other U.S. Navy combatant vessels.

Working for the U.S. Marine Corps Logistics Command, CTC developed an information technology tool that benefits U.S. warfighters by resolving logistics challenges in the Marine Corps supply chain. The tool, known as START, which stands for Secondary Repairables (SECREP) Total Allowance Re-computation Tool, won the Defense Logistics' Best Technology Implementation Award as a "significant contribution to military logistics and the warfighter."

Concurrent Technologies Corporation developed a highly successful Exportable Combat Training program that immerses warfighters in real-life computer-generated scenarios, preparing our troops to survive and succeed in rapidly changing operational environments. The program was developed for the National Training Center with the support of the U.S. Army Forces Command.

The transportation Capacity Planning Tool developed for the U.S. Marine Corps has grown into an approved Global Combat Support System-Marine Corps bridge technology.

Concurrent Technologies Corporation is a responsible employer, business partner and community-oriented organization. The company was recently named one of the world's most ethical companies by the Ethisphere Institute. For 11 consecutive years, CTC has been named "One of the Best Places to Work in Pennsylvania."

Concurrent Technologies Corporation has received multiple honors as a military-friendly organization. Two awards came from the Employer Support of the Guard and Reserve that recognized the company's initiatives in promoting cooperation and understanding between the National Guard and Reserve members and their civilian employers. CTC is a member of the 100,000 Jobs Mission; a coalition of 41 companies committed to hiring at least 100,000 veterans by 2020, and has also been named a "Best for Vets Employer" for the past two years.

The company is also a good corporate citizen, whose employees volunteer thousands-of-hours to worthwhile local, regional, and national causes. They actively support schools, healthcare and human service providers, economic development programs, the arts, and recreation.

Mr. Speaker, I offer my congratulations to Concurrent Technologies Corporation on completing twenty-five years of vital collaboration with the U.S. Department of Defense and other U.S. agencies to improve the security of our nation. Because of their efforts, the United

States military is better equipped to serve our great nation and the United States is a safer place to live for all of us. I know I speak for many when I wish CTC and its employees the best of luck in the future.

IN HONOR OF THE 102ND ANNIVERSARY OF THE INTERNATIONAL ASSOCIATION OF HEAT AND FROST INSULATORS AND ALLIED WORKERS LOCAL NO. 3

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2012

Mr. KUCINICH. Mr. Speaker, I rise today in honor of the International Association of Heat and Frost Insulators and Allied Workers Local No. 3 of Cleveland, Ohio, which is celebrating its 102nd anniversary on September 8, 2012.

Members of Local No. 3 can trace their beginnings back to the earliest days of the modern industrial era with the sudden expansions of steam power in the 1880s which created the need for the insulation industry. An attempt to form a national bond between insulators occurred in 1900 when the Salamander Association of New York sent out an appeal to related crafts in other cities to form a "National Organization of Pipe and Boiler Covers." The appeal struck a chord of solidarity and two years later, the officers and members of the Pipe Covers Union affiliated with the National Building Trades Council of America and invited other pipe cover unions and related trades to join them. Seven local unions from around the country, including Cleveland, responded, resulting in the birth of the foundation for an international union. The interested locals met for their first convention on July 7, 1902, where they drafted and approved a constitution and elected Thomas Kennedy as their first president. They chose "the National Association of Heat, Frost and General Insulators and Asbestos Workers of America" as the name of the international union. On September 22, 1902, the American Federation of Labor issued an official charter designating the insulator workers as a national union.

The union met again in October, 1904 in Pittsburgh to adopt a constitution and issue local numbers: St. Louis, No. 1; Pittsburgh, No. 2; Cleveland, No. 3; Buffalo, No. 4; Chicago, No. 5; Boston, No. 6; and Seattle, No. 7. The charter issued to Local No. 3 in 1910 contained these Clevelanders: Thomas Richards, James Wiley, Phil Frigge, M.O. Taitle, Harry Jacoby, Archie Budd, Harry Morris, Harry Graff and George Davis. James Dalton, Al Dalton and Thomas O'Neil of Local No. 3 became officers of the International Association.

Over the years, Local No. 3 has fought for higher wages, safer working conditions on construction sites and better benefits. Local No. 3 has established funds to help with medical expenses, retirement, apprenticeships and training. As Local No. 3 continues into its second century, its goals remain to make a member's life safer, more productive and prosperous, to continue to work to meet the needs of its current members and to teach new

members that there is strength and prosperity in solidarity.

Mr. Speaker and colleagues, please join me in honoring the 102nd anniversary of the International Association of Heat and Frost Insulators and Allied Workers Local No. 3 of Cleveland, Ohio.

CELEBRATING THE 50TH ANNIVERSARY OF BOY SCOUT TROOP 508

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2012

Mr. MARCHANT. Mr. Speaker, it is with great pride that I celebrate the 50th anniversary of Boy Scout Troop 508 of Irving, Texas. The troop has a remarkable history of serving the community and developing young men into leaders.

Troop 508 was originally chartered at Woodhaven Presbyterian Church in 1962. The troop has a reputation for frequent traveling and extended outdoor adventures. Much of the boys' solidarity has revolved around their travels together, starting with "The Green Weeny" bus in 1966. During its history, the troop has traveled to exciting natural locations such as the Grand Canyon, Colorado, Brazos River, and to the center of civic leadership—right here in Washington, D.C. Indeed, in a troop where "three-fourths of scouting is outing" it is only fitting that the group have adopted the roadrunner as its traditional logo.

Boy Scout Troop 508 also has a history of exceptional adult leadership, both in its scoutmasters and former members. The adult leaders have been trained in Woodbadge and eight of the last twelve Silver Beavers were members of the 508. Many of them serve on the staff of ALTs, Webelorees, Camporees, and the District Committee for Five Trails. The troop has won first-place several times at Camporees and at Winter Camp. Throughout its 50 years, the distinguished troop has been guided by the leadership of scoutmasters including Mitch Barker, Sterling Bradley, David White, Blackie Marks, Norman Rozell, Jack Graham, George Gray, Bob Hootman, "Indian George" Alford, Dwight Sensabough, Jim Bell, Herb Boyd, Hamilton, Jerry Wicker, Scott Pohl, Roger Knapp, Bob Harris, Randall Svajda, Carter Hallmark, Richard Gamble, Roland Jeter, Dean Calvert, Bob Perkins, and Wayne Fletcher. "Indian George" Alford was an especially noteworthy man, a selfless and kind Comanche who founded Troop and Post 134 in Dallas and moved on to make a lasting legacy with Troop 508 in Irving, particularly with his Indian dance teams.

Mr. Speaker, on behalf of the 24th Congressional District of Texas, I ask all my distinguished colleagues to join me in congratulating Boy Scout Troop 508 on 50 years of inspiring young men to do their best in all that they do, while enjoying competition with good sportsmanship.

CONGRATULATING ELIZABETH  
BEISEL

**HON. JAMES R. LANGEVIN**

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Mr. LANGEVIN. Mr. Speaker, I rise to congratulate Olympic silver medalist and Rhode Island resident, Elizabeth Beisel. Elizabeth is a member of the USA Olympic Swimming Team, and on July 28, she competed in the Women's 400 meter individual medley, finishing in second place with a time of 4:31.27. I join her family, friends, Rhode Islanders, and the entire United States in congratulating her on this remarkable accomplishment.

Growing up in Saunderson, Rhode Island, Elizabeth began swimming at 5 years old. Her passion, energy, and hard work paid off in 2008 when she qualified for her first Olympics. In Beijing, 15 year old Elizabeth was the first Olympic swimmer from Rhode Island in 44 years. She finished in fourth and fifth in the 400 meter individual medley and the 200 meter backstroke respectively. Last year she won her first world title at the Shanghai World Championships in the 400 meter individual medley.

After the Beijing Olympics, Elizabeth enrolled in the University of Florida, where she continues to train and compete. Outside of the pool, Elizabeth is a dedicated student and a talented violin player. She balances the demands of her collegiate and Olympic training programs, academic coursework, and international competition schedule with incredible grace and maturity.

Mr. Speaker, I know my colleagues join me in extending congratulations and best wishes to Elizabeth and all of the exceptional athletes who make up Team USA. America is so proud of you!

HONORING BARBARA ANTHONY,  
VALDINE ATWOOD, BARBARA  
DRISKO, AND SALLY JACOBS

**HON. MICHAEL H. MICHAUD**

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Mr. MICHAUD. Mr. Speaker, I rise today to honor the nominations of Barbara Anthony, Valdine Atwood, Barbara Drisko, and Sally Jacobs for the Mighty Women of Washington County Elder Award.

The Mighty Women of Washington County is a group of strong, compassionate women who collaborate with businesses in Washington County to promote positive social and economic change in the community. This self sustaining organization continues to draw together talented and dedicated women who are committed to the region. Since 2006, the Mighty Women of Washington County have grown their membership to over 180 strong representing business owners, government workers and volunteers. Together, their remarkable efforts have made a positive impact in the areas of homelessness, health care and other social issues.

In June of this year, the organization held its first event "Celebrating the Mighty Women of Washington County" in the town of Machias. At the event, Barbara Anthony, Valdine Atwood, Barbara Drisko, and Sally Jacobs were nominated for the Mighty Women Elder Award. This recognition is offered to members of the organization who embody exceptional character and citizenship.

Each of these women is a pillar of the Washington County community and they are all tremendously deserving of this recognition. Their energy, commitment to helping others, and devotion to the region are an inspiration to future generations of Washington County women and to Mainers throughout the state.

Mr. Speaker, please join me in congratulating these exceptional women for being recognized through this honor and thanking them all that they do for their community.

IN RECOGNITION OF THE CON-  
GRESSIONAL BLACK CAUCUS  
FOUNDATION'S 2012 SUMMER IN-  
TERNS

**HON. CHARLES B. RANGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Mr. RANGEL. Mr. Speaker, it is with immense gratification that I recognize the Congressional Black Caucus Foundation (CBCF) and its Summer 2012 Interns for the completion of their intensive nine-week internship program on Capitol Hill. This summer, 40 college-aged students from across the nation participated in this program. These students were chosen through a competitive process based on an essay submission, a history of community involvement and a sense of civic engagement.

The CBCF's Congressional Internship program was designed to diversify our Congressional offices and give students an opportunity to develop their talent as young professionals and future leaders. During their tenure, summer interns had the opportunity to learn more about public policy and gain a complete understanding of the federal legislative process. In addition, they have grown professionally by identifying the skills and qualities of strong leaders. Outside their congressional offices interns put their legislative experience to use by engaging in their own mock Congress simulation.

Furthermore, interns were offered the opportunity to attend numerous professional and leadership development workshops, networking events, and engage with Members of the Congressional Black Caucus. I had the privilege to speak with the CBCF interns myself, encouraging them to be leaders and continue to be persistent in their fight for equal justice and opportunities for all. I would like to specially recognize CBCF intern Amir Rowe who worked in my office this summer. Amir demonstrated a great deal of proficiency in completing assignments and engaging with my constituents.

Mr. Speaker, I am proud to congratulate the CBCF 2012 summer interns for taking advantage of this lifetime opportunity and I thank the

CBCF, under the leadership of Elsie L. Scott, Ph.D., for providing such an invaluable experience.

Ashley Bobo, interning in the office of Rep. LAURA RICHARDSON, attending Harvard College;

Jeremy Broadus, interning in the office of Rep. EMANUEL CLEAVER, attending Rutgers University;

Tierra Burns, interning in the office of Rep. MELVIN WATT CAMERON, attending North Carolina Central University;

Melissa Chin, interning in the office of Sen. CHARLES SCHUMER, attending Brown University;

Salih Cifci, interning in the office of Rep. AL GREEN, attending Rutgers University;

Devon Cox, interning in the office of Rep. HANSEN CLARKE, attending University of Michigan;

Nairobi Cratic, interning in the office of Rep. GWEN MOORE, attending Temple University;

Devon Crawford, interning in the office of Rep. TERRI SEWELL, attending Morehouse College;

Elizabeth Davis, interning in the office of Rep. BOBBY SCOTT, attending George Mason University;

Courtne Drigo, interning in the office of Rep. EDDIE BERNICE JOHNSON, attending Rice University;

Camille Fleming, interning in the office of Rep. ELEANOR HOLMES NORTON, attending Wellesley College;

Chazmon Flood, interning in the office of Rep. MAXINE WATERS, attending Howard University;

Ariana Gibbs, interning in the office of Rep. BENNIE THOMPSON, attending Spelman College;

Brianna Gibson, interning in the office of Rep. DONNA EDWARDS, attending Columbia University;

John Grigg, Jr., interning in the office of Rep. DONNA CHRISTENSEN, attending University of Tampa;

Brittany Harvey, interning in the office of Rep. ANDRÉ CARSON, attending Clark Atlanta University;

Brandon Hill, interning in the office of Rep. CORRINE BROWN, attending Stanford University;

Tyler Hill, interning in the office of Rep. BARBARA LEE, attending University of California, Berkeley;

Brooke Hutchins, interning in the office of Rep. CHAKA FATTAH, attending Georgetown University;

Duane Jackson, interning in the office of Rep. YVETTE CLARKE, attending Bates College;

Ocosio Jackson, interning in the office of Rep. SANFORD BISHOP JR., attending Morehouse College;

Tatehona Kelly, interning in the office of Rep. MARCIA FUDGE, attending American University;

Jordan Lindsay, interning in the office of Rep. WILLIAM LACY CLAY, attending Morehouse College;

Malaiya McGee, interning in the office of Rep. GREGORY MEEKS, attending Howard University;

Kaylan Meaza, interning in the office of Rep. G.K. BUTTERFIELD, attending North Carolina State University;

Origen Monsanto, interning in the office of Rep. DAVID SCOTT, attending Southern Polytechnic State University;

Khristopher Nicholas, interning in the office of Rep. ALCEE HASTINGS, attending Columbia University;

Matthew Norwood, interning in the office of Rep. JOHN LEWIS, attending Dartmouth College.

Jasmine Omeke, interning in the office of Rep. JESSE JACKSON JR., attending Harvard University.

Brittany Porter, interning in the office of Rep. FREDERICA WILSON, attending Hampton University;

Jeremy Ratcliff, interning in the office of Rep. EMANUEL CLEAVER, II, attending Livingstone College;

Amir Rowe, interning in the office of Rep. CHARLES RANGEL, attending St. John's University;

Shannon Schoultz, interning in the office of Rep. JAMES CLYBURN, attending American University;

Kaleese Shepperd, interning in the office of Rep. BOBBY L. RUSH, attending Western Illinois University;

Jason Sneed, interning in the office of Rep. KAREN BASS, attending University of Southern California;

Travis Stanislaus, interning in the office of Rep. EDOLPHUS TOWNS, attending Cornell University;

Jonathan Sykes, interning in the office of Rep. HANK JOHNSON, attending Fort Valley State University;

Rahel Tekola, interning in the office of Rep. SHEILA JACKSON LEE, attending Texas Tech University;

Terrence Threault Jr., interning in the office of Rep. ELIJAH CUMMINGS, attending St. Mary's College of Maryland;

Benjamin Turman, interning in the office of Rep. JOHN CONYERS, attending Hampton University.

#### TRIBUTE TO PRIVATE FIRST CLASS JOSE OSCAR BELMONTES

#### HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2012

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to a hero from La Verne, California, Private First Class (PFC) Jose Oscar Belmontes, United States Army. Today I ask that the House of Representatives join me to honor and remember this incredible young man who died in service of our country.

PFC Belmontes was born in Riverside, California in 1984. He graduated from Polytechnic High School in 2002 and joined the Army in February 2011. After training at Fort Leonard Wood, Missouri, he arrived at Fort Drum in July 2011. He was serving as a construction engineer with the 630th Engineer Company, 7th Engineer Battalion, 10th Sustainment Brigade, 10th Mountain Division, which deployed to Afghanistan later that month. He died of injuries sustained from small arms fire in Wardak Province, Afghanistan on July 28, 2012 in support of Operation Enduring Freedom. PFC Belmontes was 28 years old.

PFC Belmontes' fellow servicemen and women fondly remember him for his positive attitude; Belmontes was known for stepping up to the plate and helping out whenever he was needed. PFC Belmontes accomplished so much during his short time and he will be dearly missed by his unit and all who knew him. PFC Belmontes served honorably, earning many awards and decorations including the Purple Heart, the Army Achievement Medal, the Afghanistan Campaign Medal with one star, the National Defense Service Medal, the Army Service Ribbon, the Overseas Service Ribbon and the Combat Action Badge. He is survived by his wife, mother, and father.

As we look at the incredibly rich military history of our country we realize that this history is comprised of men, just like PFC Belmontes, who bravely fought for the ideals of freedom and democracy. Each story is unique and humbling for those of us who, far from the dangers they have faced, live our lives in relative comfort and ease. The day the Belmontes family learned of their husband and son's death was probably the hardest day they have ever faced and our thoughts, prayers and deepest gratitude for their sacrifice go out to them. There are no words that can relieve their pain and what words we can offer only begin to convey our deep respect and highest appreciation.

PFC Belmontes' family have all given a part of themselves in the loss of their loved one and we hope they know that the goodness he brought to this world and the sacrifice he has made, will never be forgotten.

#### IN HONOR OF THE HITCHCOCK CENTER FOR WOMEN

#### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2012

Mr. KUCINICH. Mr. Speaker, I rise today in honor of the Hitchcock Center for Women, HCFW, for 30 years of dedicated service to thousands of women and their families in Cleveland, OH.

The mission of the Hitchcock Center is to holistically empower women to achieve and maintain productive, chemical-free lives. The Hitchcock Center is "the place where healing begins" for women who are in need of help.

The founder of the Hitchcock Center is Jayne Mazzerella, who realized that women recover differently from chemical substances than men. She founded Merrick Hall, a 4-bed treatment program for female alcoholics, which led to the beginnings of the Hitchcock Center.

The Hitchcock Center is now the largest agency of its kind in the Greater Cleveland area. To date, it has provided services to approximately 13,000 women and their families. The Hitchcock Center recently announced its planned expansion of the Traditional Housing and Recovery Management services, which strives to return families back into the community. They eventually seek to expand into even more communities.

Today, there are 53 women who work for the Hitchcock Center. There are also many alumnae of the program who return to volun-

teer for the center through the HCFW Alumnae Council. Together, they have proven success in helping women to grow and recover so they can go back to their families and homes as whole and healed persons.

Mr. Speaker and colleagues, please join me in honoring the HCFW of Cleveland, OH, for all of their dedication and service to the community.

#### IN RECOGNITION OF EUGENE MORGAN WELSH

#### HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2012

Mr. CARDOZA. Mr. Speaker, it is with great sadness that I rise today to honor the late Eugene Morgan Welsh. Gene passed away peacefully on July 25, 2012. Staff Sgt. Gene Welsh was a true American hero and served his country with pride and dedication.

Eugene "Gene" Morgan Welsh was born May 9, 1925 in McAllister, OK to William Morgan Welsh and Tina Pearl Welsh. Gene had two brothers, Kenneth and Billy Welsh, who preceded him in death, brother Don and a sister Wanda Griffith.

Proudly at age 18, Gene joined the U.S. Army's 19th Infantry Regiment during World War II. Staff Sgt. Welsh's assignment took him to the South Pacific. While serving in the Asiatic Pacific, Staff Sgt. Welsh was wounded in combat and was eventually awarded the Purple Heart with the Oak Leaf Cluster.

While recovering from his injuries, Gene started writing to a Pen Pal, Miss Bettye Cavazos from Sharyland, TX. This was the bright spot during his recovery and he often told her in his letters that if he ever made it out of the war alive he was going to come back to the U.S. and marry her. Upon completion of his military career, he in fact went to Texas and asked for her hand in marriage. Flag Day, June 14, 1946, Bettye Cavazos became Mrs. Eugene Welsh; that same year they moved to Ceres, CA. Gene eventually opened up a business in 1967 that is known today as Ceres ProTow and it is still located at the same place 45 years later. Gene and Bettye had two sons, Mike and Ron. Gene was very proud of his sons and was devastated when Ron passed away from a pulmonary embolism. Mike continues to run the family business.

Gene had a great love for his community and was very active with many social and charitable as well as civic organizations. In 1987, Gene was awarded Rotarian of the Year and in 1988 he was awarded Ceres Citizen of the Year and in 2003 he was awarded the Stanislaus County Senior Citizen of the Year. Gene also had a love of Square Dancing, and taught beginner Square Dance lessons and eventually formed the Ceres Twisters where he was the club caller for over 40 years. Gene and Bettye were always happy to share their love of Square Dancing with others and provided demonstrations to Ceres and Modesto grammar schools and convalescent homes and they danced at local, state and national festivals as well as on cruise ships.

Gene is survived by his wife of 66 years Bettye, son Mike and his wife Maureen, daughter-in-law Sherry and 8 grandchildren, 8 great-grandchildren and one great-great grandson.

Mr. Speaker, the recognition that I am offering today before the House of Representatives for Eugene Morgan Welsh is small compared to the contributions and impact he had on the lives of so many. He was a leader of our community, role model to our youth and a great American.

A TRIBUTE IN HONOR OF THE  
LIFE OF DOROTHY MAE JAROCH

**HON. ANNA G. ESHOO**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Ms. ESHOO. Mr. Speaker, I rise today to honor the life of an exceptional woman, Dorothy Mae Jaroch, who passed away on June 12, 2012, at the age of 88. Her youngest son, Pete, cared for her in her final weeks and was by her side at the moment of her passing. Dorothy Mae Jaroch was a devoted wife, an exceptional mother, a loving grandmother, a beloved sister, a teacher and a leader. She will be greatly missed by all who were fortunate enough to know her, and I count myself among those so blessed.

Dorothy Mae Jaroch, a longtime resident of the San Francisco Bay Area, was born and raised in Lenexa, Kansas. She attended Spring Hill High School, and after completing her academics there, Dorothy married Lieutenant Commander Eugene Jaroch in 1945. She moved to San Francisco to join her new husband, Eugene with the tune "Sentimental Journey" by Doris Day with the Les Brown Orchestra in her heart and mind. Together, they travelled extensively throughout the country, danced in harmony and were very much in love. Dorothy, a longtime friend of the Religious of the Sacred Heart at Oakwood, was dedicated to helping others, always making them feel that her home was also theirs. Her greatest attribute was her unswerving faith in God and the goodness of people, and her legacy of compassion serves as a positive example for us all.

Dorothy is survived by her children Eugene Paul, Steven, Peter and Suzanne; grandchildren and great-grandchildren. Her husband, Eugene, the love and light of her life, passed away twelve years ago.

Mr. Speaker, I ask the entire House of Representatives to join me in extending our deepest condolences to Dorothy Mae Jaroch's family and to all those who were blessed by her friendship. Dorothy Mae Jaroch was an exceptional citizen whose pursuits strengthened our community and bettered our country.

PERSONAL EXPLANATION

**HON. RUSS CARNAHAN**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Mr. CARNAHAN. Mr. Speaker, I regrettably missed the suspension votes on July 31,

2012. Please let the RECORD reflect my position on each of these pieces of legislation.

(1) S. 679 (Roll no. 537)—Presidential Appointment Efficiency and Streamlining Act of 2011. I would like the RECORD to reflect that I would have voted in favor of this legislation, which I support, had I been present to record my vote.

(2) H.R. 828 (Roll no. 538)—Federal Employee Tax Accountability Act of 2011, as amended. I would like the RECORD to reflect that I would have voted against this legislation, which I oppose, had I been present to record my vote. I believe that holding individuals with seriously delinquent tax debts accountable is important—to address our fiscal deficit and to ensure all Americans are fulfilling their responsibilities as citizens of this country. However, this legislation unnecessarily and unfairly singles out federal employees. For this reason, I oppose this legislation.

(3) H.R. 3803 (Roll no. 539)—District of Columbia Pain-Capable Unborn Child Protection Act. I would like the RECORD to reflect that I would have voted against this legislation, which I strongly oppose, had I been present to record my vote.

The District of Columbia Pain-Capable Unborn Child Protection Act represents just one more step in the Republican's agenda to undermine women's access to reproductive health care. This measure cruelly contains no exemptions in the case of rape, incest, or a terminal fetal anomaly, requiring a woman to carry a non-viable fetus to term. Moreover, this bill is another instance of a congressional overreach into the District of Columbia's affairs. If supporters truly deemed this legislation acceptable for all Americans, they would have moved to enact it nationally, as opposed to imposing it solely on D.C.'s population.

I have long been a strong supporter of women's reproductive rights, and I have continued to work to ensure that women's rights and access to abortion care remain safe and legal. This Congress, we have seen the rights of women come under attack repeatedly in the House of Representatives. Though I firmly believe in encouraging healthy debate, the attacks we have seen are an affront to the rights and health of women around this country. I have, and will continue to, consistently oppose measures like this legislation, which undercut critical access to reproductive health care.

RECOGNIZING THE RETIREMENT  
OF DALE JOHNSEN

**HON. PETER J. VISCLOSKEY**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Mr. VISCLOSKEY. Mr. Speaker, I am pleased to stand before you and my colleagues today to applaud Mr. Dale Johnsen upon his retirement. Dale has devoted his life to the interests of his fellow tradesmen and women, and to the entire community of Northwest Indiana. Mr. Johnsen has been a member of Bricklayers Local #4 Indiana/Kentucky for 36 years, 22 of which he served as an officer and field representative. Additionally, he has served as President of the Indiana State Building and

Construction Trades Council for the past two years. For his lifetime of service to the Bricklayers and the Northwestern Indiana Building and Construction Trades Council, as well as the Indiana State Building Trades Council, Mr. Johnsen will be honored at a retirement dinner taking place at Avalon Manor in Merrillville, Indiana on August 17, 2012.

During his 36 years with Bricklayers Local #4 Indiana/Kentucky, Dale Johnsen has assisted those who want to work for a living wage in countless ways. For example, he has represented the union as a Trustee for the Pension Fund and the Health and Welfare Fund, as well as the Joint Apprenticeship and Training Committee. A leader in the truest sense of the word, Dale has also served as President of the Northwestern Indiana Building and Construction Trades Council. Also, he is currently a member of the Business Construction Resource Center and the Tripartite Committees for ArcelorMittal Indiana Harbor and Burns Harbor. In addition, Dale served as Admiral for the Pirates Charity Organization and now serves on the organization's Captain's Table. Mr. Johnsen's enthusiasm, dedication, and constant support to the Building Trades and charities within our greater community is truly outstanding, and for this, he is worthy of the utmost praise.

Northwest Indiana's building trades have a strong history of excellence in its craftsmanship and loyalty by its members, as well as a steadfast commitment to serving the community. Dale Johnsen has always exhibited these qualities, and I have a profound respect and admiration for his absolute dedication to helping others, both locally and statewide. When it comes to serving those in need, the Indiana State Building and Construction Trades Council and the Northwestern Indiana Building and Construction Trades Councils have long been one of the state's most generous organizations. Dale Johnsen has been at the forefront of these efforts.

From a personal perspective, I am proud and lucky to have Dale Johnsen as a friend. A friend who has been completely loyal, a friend who has been selfless, a friend who has always "been there."

Mr. Speaker, in conclusion, Dale Johnsen has generously dedicated his life and all his efforts to those he has worked with and represented so well. His passion and commitment to the Building Trades and to the community of Northwest Indiana is to be admired. I respectfully request that you and my other dignified colleagues join me in commending Dale for his many years of service and in wishing him well upon his retirement.

HONORING BLACK LAW  
ENFORCEMENT PIONEERS

**HON. E. SCOTT RIGELL**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Mr. RIGELL. Mr. Speaker, I rise today to recognize an important milestone in my community. On August 20, 2012, the Virginia Beach Police Department is hosting an event to honor Black Law Enforcement Pioneers



from our area. Robert E.W. Sparrow, Mondoza Holloway, Clyde I. Siler, Alexander H. Woodhouse, Russell H. Lawrence, Charles Pace, Johnny E. Parks III, Warfield M. Wood and as many as 22 auxiliary police officers who patrolled Virginia Beach prior to 1969, will be honored for serving during a time when bigotry and racism ran rampant throughout our country. I want to thank these fine men for standing bravely in the face of hatred, and doing their jobs honorably. Because of men like these, America remains the greatest country in the world, where the bastions of liberty and freedom stand over those who wish to harm it. We can all learn from their outstanding character and commitment to doing what is right.

HONORING SECOND LIEUTENANT  
YER VANG

**HON. JEFF DENHAM**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Mr. DENHAM. Mr. Speaker, I rise today to acknowledge and honor the life and service of the late Second Lieutenant Yer Vang. Second Lieutenant Vang served the United States of America honorably during the Vietnam War.

Yer Vang was born on February 2, 1960, at Ban Long Xai, Muan Long Xai, in the Xieng Khouang province in the Kingdom of Laos. He attended Ban Na Elementary School. In March of 1972, when he reached the age of twelve, he was recruited to train at Muang Cha Military Training Center, located in the Xieng Khouang province.

Upon completion of his military training, Yer Vang was assigned to work as a water supplier and a mail carrier at the 228th Battalion Headquarters. On January 1, 1973, he was transferred to the 2281st Company Infantry Division of the 228th Battalion Special Guerrilla Units (SGU), 1st Strike Division Infantry of the United States Secret Army. Yer Vang fought in the Vietnam War with this unit through May of 1975. During this tenure of his service, he took part in many important missions advanced by the United States Secret Army and was promoted to the rank of Second Lieutenant.

After the communist takeover of Laos in May of 1975, Yer Vang's unit was stationed south of the Plains des Jarres. Unable to be airlifted to a U.S. Airbase in Thailand, Yer Vang had to flee his position and go into hiding in fear of being persecuted by the ruling government. He remained in hiding until June of 1979, when he passed through the jungles of Laos by moonlight and crossed the Mekong River to safety in Thailand.

Yer Vang was a political refugee at Ban Vinai Camp in Thailand for twenty years. On January 31, 1990, he came to the United States and began his life in Fresno, California. Once resettled in Fresno, Yer Vang attended Fresno Adult School, where he graduated in 1993. He worked at a local Pizza Hut for two years, before he was hired as a teacher's aide for Fresno Unified School District in August of 1995. In 1997, Yer Vang was selected to be a board member of the Lao Veterans of Amer-

ica, where he served as Treasurer from 1997 through 2000 and Secretary from 2005 through 2012.

Second Lieutenant Yer Vang passed away on June 24, 2012. He is survived by his wife, whom he married while in the refugee camp in Thailand. The couple has thirteen children: three sons and ten daughters.

For his military service, Yer Yang was awarded the Bronze Medal from the King of Laos, the United States Special Forces in Laos Medal, and multiple commendations and citations from the United States Congress. He was also honored by the United States Congress with the Vietnam Service Medal, Vietnam Campaign Medal, and Vietnam Veterans Medal.

Mr. Speaker, please join me in posthumously honoring Second Lieutenant Yer Yang for his heroic service to the United States of America and extending our deepest condolences to his family. His legacy serves as an example of excellence, and his contributions to our country will not be forgotten.

CELEBRATING THE 50TH WEDDING  
ANNIVERSARY OF JOHN AND  
BETTY DODD

**HON. KENNY MARCHANT**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Mr. MARCHANT. Mr. Speaker, it is with a sense of joy that I recognize and celebrate the 50th anniversary of the wedding of John and Betty Dodd, two outstanding and esteemed citizens of Farmers Branch, Texas.

John and Betty were married on August 19, 1962, and have lived in Dallas County ever since. They have both led inspiring lives dedicated to education and our community. John is a Certified Financial Planner and CEO of Honors Academy, a nonprofit organization that operates charter schools. He has served as a member of the Dallas Independent School District Board, a city council member and the mayor of Farmers Branch, and remains active in many community organizations. Betty is a teacher and a volunteer and board member at several organizations including her children's schools, Prestonwest Republican Women, Farmers Branch Civic League, and Farmers Branch Women's Club. Truly, the Dodds have been valuable assets in the town that they call home.

They have raised a family together and are the dedicated parents of David Dodd and Angela Dodd Miller. John and Betty are also the loving parents-in-law of Shannon and Jon, and grandparents of Justin and Caroline Dodd, and Matthew, Caroline, Nathan, and Andrew Miller. The Dodds are members of First United Methodist Church in Dallas, Texas.

Mr. Speaker, on behalf of the 24th Congressional District of Texas, I ask all my distinguished colleagues to join me in congratulating John and Betty Dodd on 50 years of marriage, a truly noteworthy testament to their strong commitment to each other and to the beauty of marriage.

TRIBUTE TO HORACE CURLIN  
HALL III

**HON. HENRY CUELLAR**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Mr. CUELLAR. Mr. Speaker, I rise today to honor the late Horace Curlin Hall III, an upstanding lawyer, devoted father and true friend to the South Texas community. Mr. Hall will be long remembered as a man who was dedicated to his country, his family and his profession for years after his passing.

Mr. Hall, a third generation Laredoan, attended Martin High School where he graduated at the young age of fifteen. A lifetime Longhorn, he attended The University of Texas at Austin, where he joined the Sigma Chi fraternity, an organization whose fundamental purpose is to promote the core values of friendship, justice and learning—all virtues he modeled throughout his lifetime. After graduating with a Bachelor of Arts in 1950, he honorably served his country as First Lieutenant in the Army during the Korean Conflict. Upon his return from Korea, he enrolled at The University of Texas School of Law and received his degree in 1955.

While attending law school, Mr. Hall met and married Nancy Louise Black and together they raised five daughters. Mr. Hall presented each daughter as a debutante in the Society of Martha Washington, a bicultural organization committed to celebrating the legacy of our country and chartered in part by Mr. Hall's grandmother, Camila Scott Hall. An endlessly supportive father and an advocate of education, Mr. Hall encouraged each daughter to attend college.

Regarded as a distinguished lawyer, Mr. Hall joined his father's law firm in Laredo, Texas, and practiced until passing, advocating on behalf of those that shared his loyalty to the South Texas community. In continuation of his commitment to education, Mr. Hall legally represented Laredo Community College throughout most of his career. Included in the list of clients to the firm were banks, construction companies and the Association of Laredo Forwarding Agents, an organization whose purpose is to promote local corporations at both the national and international level.

Mr. Hall was well known for his many passions outside of his profession, including a love of literature and poetry, which he shared with those close to him. He enjoyed the South Texas country and was considered an excellent marksman, often bringing together his family after a hunt for a gourmet meal. His sense of humor was one of his greatest characteristics, attracting friends that remained faithful to him until the end.

Mr. Speaker, I am honored to have had the opportunity to recognize the late Horace Curlin Hall III. He is no longer with us, but his contributions not only to his country and family, but also to his profession and his beloved community will live on.

TRIBUTE TO DR. CLEMMIE E.  
WEBBER

**HON. JAMES E. CLYBURN**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to an extraordinary educator, entrepreneur, author, community activist and mother. Dr. Clemmie E. Webber passed away on July 25, 2012, at the age of 99. This remarkable trailblazer will be sorely missed by all who had the honor of knowing her, and I count myself in that number.

Dr. Webber was born in St. Matthews, South Carolina in 1913. She moved at the age of three with her parents, Henry W. and Colin Embly, to Treadwell Street in Orangeburg. She grew up there with her four younger siblings, and would later write a book about their childhood experiences.

Education was always important to Dr. Webber. Her early school years were spent at Claflin University's elementary department, and in high school she attended what is now South Carolina State University. She earned both her bachelor's and master's degrees in chemistry at South Carolina State, and went on to earn a doctorate in science education from The American University.

In 1935, at the age of 19, Dr. Webber married Paul Webber, a fellow classmate at South Carolina State. They were entrepreneurs who owned Webber Motor Sales and the Orangeburg Tigers baseball team. However, they were most known for their ownership of two soda shops in Orangeburg that were popular hang outs for students and provided them much-needed jobs. The College Soda Shop also became the inspiration for her second book.

Dr. Webber began her teaching career at the former Wilkinson High School and several elementary schools in the area. She went on to teach chemistry and economics at her alma mater for 25 years. While a professor on South Carolina State's campus, Dr. Webber was a catalyst for change. She led the effort to build the I.P. Stanback Museum and Planetarium, which now houses the Clemmie E. Webber Educator Resource Center. She and her husband, who also served as a history and economics professor at South Carolina State, were mentors for many young people—myself included—during the student Movement of the 1960s.

Her love for education extended to serving on the Orangeburg School District 5 Board for 11 years. She served as Chair of that body for six years, and is credited with developing the compromise that allowed the school district to build the current Orangeburg-Wilkinson High School on U.S. Highway 601. She also served as President of the South Carolina School Boards Association and was appointed to a five-year term as a Commissioner on the State Education Commission.

Dr. Webber had an interest not only in educating young people, but helping them to develop character and be good leaders. She was actively involved in the Cub Scouts and Girl Scouts organizations, the Jack and Jill program, the Sunlight Club, and served as the PTA President at two schools.

She also demonstrated her exceptional touch with young people at home raising three children—Carolyn, Sheryl, and Paul, III. Her nurturing nature led to her recognition as the South Carolina and National Mother of the Year in 1983.

Dr. Webber has received numerous other awards and honors including the Order of the Palmetto, the highest honor a South Carolina governor can bestow on a citizen. She was also inducted into the South Carolina Black Hall of Fame, received the South Carolina School Boards Distinguished Service Award, and the South Carolina Legislative Black Caucus Award in recognition of her outstanding civic and educational achievements. In 2008, an Orangeburg street was renamed Webber Boulevard in honor of Dr. Webber and her husband's contributions to the community.

Mr. Speaker, I ask you and our colleagues to join me in celebrating the extraordinary life of Dr. Clemmie E. Webber. She led by example and gave generations of young people the tools they would need to excel in life. What a tremendous legacy she has left for the City of Orangeburg and the State of South Carolina.

HONORING ROBERT D. GRANT

**HON. MIKE QUIGLEY**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Mr. QUIGLEY. Mr. Speaker, I rise today to honor and express my gratitude to Robert D. Grant, Special Agent-in-Charge of the Chicago office of the Federal Bureau of Investigation. He is retiring from his position as head of the Chicago FBI after an outstanding 29 years of distinguished service to this country.

In 1983, Mr. Grant began his career with the FBI and has since served in Memphis, New York, and San Antonio, along with several different assignments at FBI headquarters here in Washington, D.C., including Chief Inspector.

Mr. Grant spent his time with the FBI committed to improving all areas of operations and has brought tremendous changes to fruition. In 2005, Mr. Grant became the head of the Chicago office, where he is now the longest serving agent-in-charge in the history of that office.

During his time in Chicago, Mr. Grant has overseen numerous widely-recognized investigations, from corrupt public officials to our most violent criminals.

He was at the forefront of the indictment and convictions of several high-ranking members of the Chicago Mafia and played a key role in the arrest of two Chicago men on charges related to the 2008 terror attacks in Mumbai, India.

Throughout his career, Mr. Grant has received numerous accolades for his impressive service, ranging from local community group recognition to the 2008 Presidential Rank Service Award.

While acknowledging Special Agent-in-Charge Grant today for his three decades of service, we also reaffirm our appreciation to all of the brave men and women of the United States law enforcement community, who work every day to protect our families and keep our country safe.

Once more, we thank Mr. Grant for his integrity, leadership, and dedication to the FBI and our country. And we wish him the best of luck in his future endeavors.

PERSONAL EXPLANATION

**HON. GWEN MOORE**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Ms. MOORE. Mr. Speaker, I was absent from votes in the House Tuesday afternoon (July 31). My flight was unavoidably delayed on my return to Washington from Milwaukee, WI due to bad weather.

Had I been present—

(1) I would have voted "yea" on rollcall No. 537—S. 679—Presidential Appointment Efficiency and Streamlining Act of 2011.

(2) I would have voted "nay" on rollcall No. 538—H.R. 828—Federal Employee Tax Accountability Act of 2011, as amended.

(3) I would have voted "nay" on rollcall No. 539—H.R. 3803—District of Columbia Pain-Capable Unborn Child Protection Act.

PERSONAL EXPLANATION

**HON. RICHARD L. HANNA**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Mr. HANNA. Mr. Speaker, on rollcall No. 537, I was unavoidably absent. Had I been present, I would have voted "yes."

Mr. Speaker, on rollcall No. 538, I was unavoidably absent. Had I been present, I would have voted "yes."

Mr. Speaker, on rollcall No. 539, due to severe thunderstorms over the Northeast, my flight was unavoidably delayed. Had I been present, I would have voted "no."

TRIBUTE TO RONALD F. DASH

**HON. JON RUNYAN**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Mr. RUNYAN. Mr. Speaker, I rise today to pay tribute to one of my constituents, Ronald F. Dash, a resident of the Township of Willingboro, Burlington County, New Jersey in recognition of his outstanding service on behalf of veterans throughout the State of New Jersey. Ronald F. Dash has served as Chairman of the Willingboro Veterans Advisory Committee and as the Advisor to Willingboro's Mayor and Council on Veterans Issues. He also serves on my Military Academy Advisory Committee which makes recommendations for young men and women from New Jersey's Third District who are applying to attend one of our nation's service academies.

Ronald F. Dash served his country with honor and valor as a member of the United States Marine Corps during the Vietnam War, where he was wounded and received the Purple Heart. After his Marine Corps (USMC)

service in Vietnam, he served in the Army Reserves and then transitioned to the Army National Guard attaining a final military rank of Staff Sergeant (E6).

He has given generously of his time, energies, and resources as a Commander and State Chaplain in the Military Order of the Purple Heart Chapter 26, and as a member of the Veterans of Foreign Wars (V.F.W.) Post 4914, the American Legion Post 516, the Disabled American Veterans Chapter 42, and the Marine Corps League 695. Ron Dash continues to visit and assist veterans, provide food for the homeless, and provide transportation for people with special needs across Willingboro and other communities.

I thank Ronald F. Dash for his patriotism, and his continued service to the Willingboro community, the State of New Jersey, and this great nation. I urge my colleagues to join me in recognizing this great veteran hero and community servant.

**VIRGINIA BEACH CRIME SOLVERS  
30TH ANNIVERSARY**

**HON. E. SCOTT RIGELL**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Mr. RIGELL. Mr. Speaker, I rise today to recognize the 30th anniversary of the Virginia Beach Crime Solvers. This organization has been a stalwart in our community and has been instrumental in keeping the streets of Virginia Beach safe. The partnership between the community, the Virginia Beach Police Department, and local media, is key to helping the Crime Solvers become one of the top crime solver organizations in the country. Since its inception in 1982, tips to Crime Solvers have resulted in over seven thousand arrests and fourteen thousand solved crimes. Their fine work led the Federal Bureau of Investigation to name Virginia Beach as the "lowest violent crime rate city in the United States" in 2010. I would like to thank the original Board of Directors: Chairman Al Craft; Vice Chairman John J. Kruger; Tom Gmitter, Secretary; Bob DeFord, Treasurer; and, Members Thomas C. Broyles, Mary Ellen Cox, Ed Crittenden, Glenn R. Croshaw, George Duvall, John Godfrey, Marlene J. Hager, Ernie Hyers, Clarence Keel, Bill Myers, Dennis O'Hearn, Ragan B. Pulley, Jr., Gerald Weimer, Roy Willman, Navy Captain Danny Michaels and Aaron Parsons. I also want to thank the current Board of Directors: Chairman Joe O'Brien; Vice Chairman Freddi E. Moody; Bonnie B. Capito, Secretary; Daniel D. Edwards, Treasurer; and Members Don Albee, Marie Bauckman, Ginger Carl, James H. Capps, Alfred W. Craft, III, Ross Forster, Dr. Valerio M. Genta; Nancy Guy, Carleen Lombardo, Roseann Lugar, Stuart Myers, Karl Nichols, Ragan B. Pulley, Jr., Chris Roberts, Laura Roland, Lawrence E. Ronan, Troy Snead, Ruth Ann Steenburgh, Thomas H. Thatcher, Donald R. Thrush, Marion Wall and Francis L. Warren, Jr. I am thankful to both groups for stepping forward when their community needed them. Because of these fine community leaders, our children and grand-

children continue to have the opportunity to grow up in a safe community. I congratulate them on 30 years of service and look forward to having the Virginia Beach Crime Solvers serve the community for many years to come.

**IN RECOGNITION OF THE VICTORY  
ARCH**

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of the Victory Arch, which will make its debut after undergoing a two year restoration at the Cuyahoga County Fair in Berea, Ohio.

The original Victory Arch was built in 1929 by Fred Hartman and was erected at the main entry to the Berea Fairgrounds on Eastland Road. The arch's columns are 25 feet high and span 35 feet across. For years the Victory Arch served as a beautiful welcoming sign to Cuyahoga County residents coming to enjoy the annual County Fair. Unfortunately, over the years, with the exception of some minimal work in the late 1970s, the arch began to rust and fell into disrepair. A few years ago, Berea's Save Our Arch Committee began advocating for a full restoration of the Victory Arch. Two years ago the project began.

The Cuyahoga County Fair Board, American Legion Post 91 and the Berea Historical Society helped to raise money and awareness needed to restore the structure. However, the physical restoration would not have been possible if it had not been for donations, support and countless man hours of the Berea City Club, Iron Workers Local 17 Apprentice Program, Cosmos Industrial Service, Inc., AkzoNobel, eGlobal Construction, Kottler Metal Products, Inc., Ziegler Bolt, Local 17 President Tim McCarthy, Retiree Local 17 Doug McJunkins, Sealcoat, Horizon Metal, Inc., Luna and American International—Michael Petrasek.

The Victory Arch was resurrected to its original place on Eastland Avenue on July 12, 2012 just weeks before thousands will visit the Berea Fairgrounds for the 116th Cuyahoga County Fair.

Mr. Speaker and colleagues, please join me in honoring the reinstatement of the Victory Arch at the Cuyahoga County Fairgrounds.

**HONORING THE LIFE OF ANÍBAL  
DE JESÚS RODRÍGUEZ**

**HON. PEDRO R. PIERLUISI**

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Mr. PIERLUISI. Mr. Speaker, I rise today to pay my respects to a great Puerto Rican and a great American, Anibal De Jesús Rodríguez, who passed away on June 26, 2012. Army Staff Sergeant De Jesús Rodríguez was a veteran of both World War II and the Korean War. He served with distinction from September 1943 until December 1964, retiring

after more than 20 years of active-duty service to our nation.

In recognition of his achievements while in uniform, De Jesús Rodríguez was awarded the Army Commendation Medal, the American Theater Service Medal and the World War II Victory Medal.

In addition to his own extraordinary service, Sergeant De Jesús Rodríguez helped cultivate a tradition of service in his family. His brothers also served in the U.S. Army, as did his three sons: Anibal, Efrain and Juan. Moreover, three of his grandsons have served in the U.S. Air Force, U.S. Army and U.S. Navy. It is families like his that keep our nation safe and strong. And it is families like his that make our country great.

I ask my colleagues to join me in honoring the life of this proud veteran, American patriot, family patriarch and role model, Anibal De Jesús Rodríguez. I know he will be greatly missed by those who had the privilege to know him. But I also know that he will never be forgotten.

**TRIBUTE TO T. RANDOLPH COX**

**HON. SHELLEY MOORE CAPITO**

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Mrs. CAPITO. Mr. Speaker, I rise today to recognize the lifetime accomplishments of my friend, T. Randolph "Randy" Cox, who is being honored by the YMCA of the Kanawha Valley as its 2012 Spirit of the Valley recipient. Unfortunately Randy is being recognized post mortem as he passed away on his birthday, October 19, 2011, while participating in one of his favorite athletic sports, the game of squash.

Raised in Princeton, New Jersey, Randy attended the University of Virginia as an undergraduate, the University of Massachusetts completing an MBA, and the University of Miami, where he completed his law degree and met his wife and lifelong partner, Ann. Randy and Ann moved to West Virginia and each became members of the law firm of Spilman, Thomas & Battle. Randy's practice included environmental, telecommunications and corporate law, with a primary focus on government relations and insurance regulatory matters. Randy was well respected as a member of his firm and for his work throughout West Virginia's legal community.

Randy was also committed to serving the Kanawha Valley and his state, by giving back to the region where he resided and raised his family. He served in leadership roles with a number of local charitable, civic and philanthropic organizations, most notably, the Greater Kanawha Valley Foundation as its former chairman of the board, the West Virginia Chamber of Commerce as its former chairman of the government relations committee and board of directors, and lastly, the Charleston YMCA, who is honoring him as its 2012 Spirit of the Valley recipient, having served as its chairman of the board. At the time of his death, Randy was serving as President of Edgewood Country Club where he spent his leisure time on the golf course or squash

court. Randy was truly a versatile and talented man whose life was cut too short.

The Spirit of the Valley award specifies that its recipient be, "... a person who quietly gives of themselves, their time and their resources when the Valley's citizens need them. Their commitment, persistence, good judgment and joyful heart only enrich the fabric of life in our Valley." There is no question that Randy certainly embodies these good character traits and is most deserving of this esteemed honor. I am just sorry that he cannot be with us as we honor him.

In addition to his wife, Ann, Randy leaves behind two children, Thomas and his wife, Brittany, and his daughter Erin, whom he truly loved.

Mr. Speaker, I am honored to speak to the accomplishments of T. Randolph "Randy" Cox, for the level of devotion to his family and his dedication to community service which makes Randy most deserving of the honor of the YMCA's Spirit of the Valley. I am honored to call him my good friend and the Kanawha Valley is fortunate to remember him as one of their own.

MR. DAVID M. DONNINI

### HON. LOU BARLETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Mr. BARLETTA. Mr. Speaker, I rise today to honor David M. Donnini who will be sworn in as President of UNICO National in August 2012. Founded on October 10, 1922, UNICO National is the largest Italian-American service organization in the United States. During its outstanding history, the group has raised hundreds of thousands of dollars to help countless people and numerous charities.

Mr. Donnini, a former Wilkes-Barre, Pennsylvania resident, joined the Wilkes-Barre Chapter of UNICO National in 2001. He was exceptionally active in committee work within the chapter and held numerous positions including treasurer and first elected vice president. In 2005, he relocated to Redondo Beach, California, and continued to dedicate his time to UNICO National by joining the Los Angeles Chapter. Due to his hard work, a year later, he was elected chapter president and served in this role from 2007 to 2008. To further aid the community, he founded the annual Italian Festival and Bocce Ball tournament in Hawthorne, California, to benefit the Jimmy V Foundation for Cancer Research.

It is an honor to recognize Mr. Donnini and his involvement in an organization that has given so much to the community. I have had the esteemed privilege of attending many UNICO events in my congressional district, including pig roasts and charity events, and proudly witnessed the positive impact the group's efforts have made in my community.

I congratulate Mr. Donnini on this major accomplishment and look forward to seeing how his leadership impacts Italian-Americans and the thousands of people who benefit from this fine organization.

Mr. Speaker, I commend David M. Donnini for his years of committed service to UNICO

National and his readiness to serve the needs of Italian-Americans across our Nation and in northeastern Pennsylvania.

### AFGHANISTAN WITHDRAWAL LOGISTICS AND CAPABILITY OF AZERBAIJAN TO SUPPORT U.S. MILITARY REQUIREMENTS

### HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Ms. BORDALLO. Mr. Speaker, I rise today to bring to the attention of my colleagues a very important matter that our military will soon face; the logistics of withdrawing our servicemembers and supplies from Afghanistan.

Some 90,000 servicemembers, 100,000 shipping containers and 50,000 vehicles will need to be transported out of Afghanistan by the end of 2014 when U.S. and NATO major combat operations come to an end. This accumulation has occurred over a decade and the logistics to drawdown will be monumental.

Adding to this challenge is the instability of what has been the primary transit route which relies on the cooperation of Pakistan. Pakistan only recently reopened the transit routes after having closed them in late 2011. We must have safe, reliable, and secure alternative ways to move our servicemembers and supplies.

Azerbaijan is one of several options that provides a reliable transit route for over 40% of non-munitions supplies to Afghanistan and with the announced closing of Transit Center at Manas (formerly Manas Air Base) in Kyrgyzstan, this route will be ever more important.

Azerbaijan has been a strategic partner and key ally in our efforts to combat global terrorism. Azerbaijan was among the first Muslim countries to send troops to Afghanistan and Iraq as well as provide flyover rights to our military.

Mr. Speaker, I ask my colleagues to join me in thanking Azerbaijan for their friendship and partnership. I hope we continue to work with Azerbaijan to make certain our servicemembers have a safe and secure route for the supplies they need for their well-being while we are still in Afghanistan. It is also essential that we continue to partner with Azerbaijan to ensure we have reliable ways to safely withdraw by the end of 2014.

### IN HONOR OF THE LAWNSIDE VOLUNTEER FIRE COMPANY NO. 1

### HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Mr. ANDREWS. Mr. Speaker, I rise today to honor the Lawnside Volunteer Fire Company No. 1 for its tireless efforts protecting and serving the residents of Lawnside over the last 100 years. At this great milestone, I recognize the heroic work of these individuals who rou-

tinely place themselves in harm's way for the greater good of the community. These volunteers serve as vanguards of safety and stability, performing necessary duties that few are willing to undertake.

Since its humble beginnings in 1912 with only a small fire hall and single Model T Ford, the Lawnside Volunteer Fire Company has found growth through determination and community initiative. Through fundraising and the awarding of federal grants, the Lawnside Fire Company steadily grew its fleet of emergency vehicles, providing greater lifesaving assistance to the Lawnside community. The Lawnside Fire Company has also gained statewide recognition as a premiere company, having won a series of awards at the annual New Jersey Firemen's Convention.

Mr. Speaker, Lawnside Fire Company's contributions and endless dedication to the Lawnside community should not go unrecognized. I join the citizens of Lawnside and all of Camden County in honoring the achievements of this exceptional fire company.

### PERSONAL EXPLANATION

### HON. JIM JORDAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Mr. JORDAN. Mr. Speaker, my scheduled flight into Washington yesterday afternoon was cancelled for mechanical reasons. As a result, I was absent from the House floor during last night's three rollcall votes.

Had I been present, I would have voted against S. 679 and in favor of H.R. 828 and H.R. 3803.

### A TRIBUTE TO THE CAMELLIA SYMPHONY ORCHESTRA AND RECOGNITION OF THEIR 50TH ANNIVERSARY

### HON. DANIEL E. LUNGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I rise today to recognize the 50th anniversary of the Camellia Symphony Orchestra of Sacramento, California.

The Camellia Symphony Orchestra is one of Sacramento's prized assets and has deep roots in the region.

Today's Orchestra traces its beginnings back to a small group of local musicians who began informally gathering together and playing music, simply for the fun of it. This group began performing at Encina High School, originally naming themselves the "Pot Luck Symphony."

On September 1, 1962, the group formally organized eventually adopting the name the North Area Community Symphony. Ever since that September evening, the Orchestra has continued to grow, educate and entertain people in the Sacramento area.

By 1970 the Orchestra changed its name to the Camellia Symphony and became a regular

participant of Camellia Day events held annually by the City of Sacramento. As the Orchestra has grown, it continues to earn national praise while also showcasing the talent of Sacramentans across the country. In 1979 the Camellia Symphony won its first of many future ASCAP awards, and in 1986 won the prestigious "INDIE" award for best classical release.

As the years have progressed, the Camellia Symphony Orchestra has developed and produced innovative, historical and exciting performances, earning a reputation as one of the finest orchestras in the region. While earning this reputation of excellence, the Orchestra has continued to give back to the Sacramento community, providing opportunities for local musicians to display their musical ability. The Orchestra's commitment to community is seen through its ongoing collaboration with a variety of Sacramento events and organizations, such as Camerata California, the Strauss Festival, St. John's Lutheran Church and many others in the region.

On behalf of all those in the Sacramento area who appreciate what the Camellia Symphony Orchestra means to our community, I would like to congratulate them on their 50th anniversary and wish them many more years of success and prosperity.

#### INTRODUCTION OF COMMISSION ON AMERICANS LIVING ABROAD ACT

#### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Mrs. MALONEY. Mr. Speaker, U.S. citizens who live and work abroad serve as America's informal ambassadors, helping to strengthen the United States economy and promoting American influence around the globe. For years I have worked to ensure overseas Americans are able to exercise their right to vote and have access to banking services. Five years ago I formed the Congressional Americans Abroad Caucus to focus and bring awareness to the concerns of the 4–6 million U.S. citizens residing abroad. Because they're scattered across the world, it can be hard for Americans living abroad to get the attention of Congress. U.S. citizens remain Americans wherever they are in the world and should not be ignored.

Americans living and working outside the U.S. continue to voice concerns regarding the impact of federal policies on voting, access to financial institutions, immigration, and taxation. Given that these and other federal policies affecting Americans abroad cover an array of agencies, we should study the full impact of these policies on the overseas community. That is why today I am introducing the Commission on Americans Living Abroad Act, creating an Executive Commission expressly charged with examining the concerns of U.S. citizens living and working abroad. This new legislation creates a 15 member panel to study the impact of U.S. laws and Executive actions on the overseas Americans community. The study would then be used to make

recommendations for actions Congress and the Executive Branch could take to improve collaboration and communication of policies impacting this community. Through this study we can better ensure awareness, coordination, and integration of the activities of the federal government relating to Americans abroad. Thanks to original cosponsors Reps. MICHAEL HONDA and CHARLES RANGEL for their support of the bill and their advocacy on behalf of overseas Americans.

It is time we take a systemic look at all the issues affecting our citizens living abroad. Through this bipartisan Commission we can establish the state of policies and rules affecting Americans abroad so we can better serve their needs as they live and work in our global economy. I urge my colleagues to support the bill.

#### PERSONAL EXPLANATION

#### HON. AUSTIN SCOTT

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Mr. AUSTIN SCOTT of Georgia. Mr. Speaker, on rollcall No. 537, I was unavoidably absent due to my flight being canceled. Had I been present, I would have voted "No."

Mr. Speaker, on rollcall No. 538, I was unavoidably absent due to my flight being canceled. Had I been present, I would have voted "yes."

Mr. Speaker, on rollcall No. 539, I was unavoidably absent due to my flight being canceled. Had I been present, I would have voted "yes."

#### HONORING JOHN BOGERT

#### HON. JANICE HAHN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Ms. HAHN. Mr. Speaker. I rise today to honor the memory of John Bogert, who passed away on July 29, 2012 at the age of 63 following a lengthy battle with cancer.

John Bogert was a columnist for the Daily Breeze, a South Bay local staple, for 28 years. In that time, he wrote some 6,500 columns. He worked hard, writing five or six columns weekly, and his efforts did not go unrecognized. By the end of his life he was known as the "Voice of the South Bay."

He wrote about anything and everything, but some of my favorite columns were those he wrote about his family. These columns were honest—sometimes brutally so—and gave readers insight into a life that often seemed very familiar. He had an uncanny ability to draw readers into his experiences and after reading his columns, his followers felt that they knew him. His book signings were characterized by long lines and his appearance at local events drew crowds of people waiting to shake his hand. He even wrote one of his columns on me as he attempted to capture a "Day in the Life of Janice Hahn"—it was one of my favorite writings on my life.

John was born on October 7, 1948 in Utica, New York and spent much of his childhood in Fort Lauderdale, Florida. He attended the University of Florida where he started his own newspaper and starred on the track team. After some time abroad, he moved to Southern California where he was hired by the Daily Breeze in 1979. He did not originally plan on staying long, but he became one of the Breeze's longest tenured journalists until his departure in June of this year.

He once said in an interview that journalism gave him the opportunity to "meet some pretty great people." And indeed he met with so many interesting figures, from presidents to nuns to an encounter that let him drop the line, "Stalin's interpreter once told me . . ."

John Bogert leaves behind three children: Caitlin, 29, Rachel, 25 and Ian, 18. His eldest daughter is expecting his first grandchild in September. The granddaughter will be named Charlotte, a name picked by John himself. I consider myself incredibly lucky to have known John, and to have considered him a close friend. His family, friends, colleagues and so many readers will miss him dearly. I know that I will.

#### RECOGNIZING RADIOLOGISTS AND THE INTERNATIONAL DAY OF RADIOLOGY

#### HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Mr. SESSIONS. Mr. Speaker, I rise to recognize the International Day of Radiology, and draw attention to the important contribution that radiology, in particular diagnostic imaging, serves in the health care delivery system. International Day of Radiology is observed annually on November 8th, an important date in the history of radiology. On that day in 1895, Professor Wilhelm Conrad Roentgen discovered x-rays. Radiology will be celebrated by many groups including the American College of Radiology, the Radiological Society of North America, and the European Society of Radiology.

Radiologists (physicians with special training in the use of imaging including x-rays), Radiation Oncologists (physicians trained to treat cancers with radiation alone or in combination with surgery and/or chemotherapy), and the medical imaging community have made significant contributions to modern medicine, providing powerful tools for clinical diagnosis, decision making, and treatment of disease. Over the last 30 years, medical imaging tools have been among the most sophisticated and cutting-edge technologies developed for patient care. During that span we have seen consistent decreases in cancer mortality rates with corresponding increases in American life expectancy.

The U.S. National Academy of Engineering recognized the tremendous contribution of medical imaging exams when it ranked imaging among the 20 greatest engineering achievements of the twentieth century. Practicing physicians surveyed in a 2001 Health Affairs study ranked Computed Tomography

(CT) and Magnetic Resonance Imaging (MRI) number one among the top 30 recent medical innovations. Perhaps most telling, the New England Journal of Medicine named medical imaging one of the top 10 medical advances of the last 1,000 years.

A 2009 National Bureau of Economic Research study found that individuals with greater access to imaging scans live longer. Diagnostic imaging services have enabled patients to avoid several types of expensive and invasive procedures. Imaging scans cost less than surgeries and reduce the number of unnecessary hospital admissions and length of hospital stays. As such, medical imaging serves an important role in containing the cost of health care in the United States.

With its impact on patients' health, I'm pleased to recognize the importance of diagnostic imaging and radiation oncology, and call attention to November 8th as the International Day of Radiology.

HONORING DIANE SHERMAN,  
MAINE HOUSING COUNSELOR

**HON. CHELLIE PINGREE**

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Ms. PINGREE of Maine. Mr. Speaker, I would like to honor the work of housing counselors across the country who have assisted homeowners during the hardships of the recent housing crisis—and one counselor in particular from Maine.

A constituent wrote to me about Diane Sherman, a housing counselor at Coastal Enterprises in Wiscasset, Maine, who helped this constituent in a four-year process to modify their mortgage. For all that time, Diane has been this family's constant advocate. She has helped them through multiple hearings, held their bank to their word, and guided them through the bank's maze-like bureaucracy.

But what has mattered to this constituent more than anything else is that Diane treated her family with dignity, respect, and sympathy. This was in stark contrast to an institution that dealt with them more like a number than a person. At every step of the way, Diane reminded all involved that this was not an inhuman transaction—the situation was about real people threatened with losing a home that meant so much to them.

Truly outstanding, though, is that Diane performed her services for this family and many others while she herself dealt with life-threatening cancer. When too sick to go to the office, she worked from home. She is still dealing with the terrible disease but I hope and pray for her recovery.

Across the country, thousands of housing counselors like Diane are working to keep families in their homes. They've only become more important in recent years as the housing crisis impacted millions of families. Combined with falling home values, unresponsive mortgage servicers, and long-term unemployment, these families have few places to turn. Thank goodness for housing counselors, who work to make sure consumers get a fair shot. They are not always successful, but they still make

an incredible difference for families in very difficult situations.

My sincere gratitude goes to these housing counselors for their heartfelt work, and my best wishes to Diane Sherman for her recovery.

#### INTRODUCTION OF THE WATER PROTECTION AND REINVESTMENT ACT

**HON. EARL BLUMENAUER**

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Mr. BLUMENAUER. Mr. Speaker, there is nothing more essential to quality of life, to the health of our families and of our communities than water. Water is life. Safe drinking water and basic sanitation make the difference between health and sickness, between a family thriving or struggling just to exist.

Water quality and quantity are serious issues in communities across the country, especially now, when changing weather patterns, extreme drought, continued growth combine to put an even greater demand on our aging, inadequate infrastructure. To ease these pressures, I am introducing the Water Protection and Reinvestment Act, which would establish a trust fund to help local communities meet their water infrastructure needs.

Over a thousand communities across the country are struggling with combined sewer overflows as well as inadequate and aging sewer pipes. Small communities in particular, which already face huge questions of water supply and quality, have few resources with which to pay the bills and are seeing sky-high monthly costs for consumers.

The Water Protection and Reinvestment Act creates a deficit-neutral, consistent, and firewalled trust fund to help states replace, repair, and rehabilitate critical wastewater treatment facilities. It will be financed by assessing small fees on a broad base of those who use water and contribute to pollution: water-based beverages, items disposed of in wastewater, and pharmaceuticals, which often wind up in wastewater systems.

The materials that flow into sewer systems and then into rivers and streams present unprecedented challenges to our water infrastructure. More and more products are designed to be flushed down toilets and drains, placing them in systems that are already stressed. Pharmaceutical residues are showing up in treated wastewater and because they are difficult to treat, I'm afraid we are slowly medicating vast numbers of Americans against their will. Aging water systems—some still made out of brick or wood, some dating from the century before last—mean that America also faces old-fashioned system reliability issues. Reports indicate that each year an average of six billion gallons of drinking water leaks from these inadequate and ancient pipes. Six billion gallons is enough to fill 6,000 Olympic sized swimming pools—if lined up, these pools would stretch from Washington, DC to Pittsburgh, PA.

These aging and outdated systems are not just a local problem, relevant only to a single

neighborhood, city, county, or even state. Water does not obey county boundaries or even state lines, and it is a resource on which we all rely. The Federal Government should help fill the funding gaps that local communities and States cannot. The opportunity is now: There is significant State and local investment, interest rates are near an all-time low, and enacting this legislation, the Water Protection and Reinvestment Act, will leverage hundreds of billions of additional dollars.

The American public is already paying a disproportionate share of the costs of water infrastructure. Residential households have the least capacity to absorb additional costs during these difficult times, and they already face wildly escalating costs to deal with problems that they did not create. The voracious water demands of industry far outstrip household needs. In large measure, the Cokes of the world, the pharmaceutical companies, and industries that produce products that get flushed are the ones that accelerate water demand and complicate water treatment. Industries that profit by putting their products in the sewer systems—either by design or inadvertently—or who withdraw vast amounts of fresh water to make a profit should pay their fair share. Clean water is absolutely essential for these industries and the rest of the business community to function. A small fee to pay for water infrastructure upgrades would provide the business community far more in benefits than it would cost, and it could be used to leverage a broader range of investments.

This bill will help communities deal with their water infrastructure needs in a stable, proactive way, and will provide significant benefits for those who rely on our water system, the local government officials charged with making the system work, and the industries who rely on a clean, consistent source of water for their products.

#### PERSONAL EXPLANATION

**HON. JOHN FLEMING**

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Mr. FLEMING. Mr. Speaker, I was not present to vote for rollcall 537 and rollcall 538 due to flight delays from storm systems moving through the area. Had I been present I would have voted "no" on S. 679, the Presidential Appointment Efficiency and Streamlining Act of 2011, and "yes" on H.R. 828, the Federal Employee Tax Accountability Act of 2011.

HONORING GARY WADDELL

**HON. SHELLEY BERKLEY**

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Ms. BERKLEY. Mr. Speaker, I rise to recognize the outstanding achievements of a great Nevadan, Mr. Gary Waddell. I am proud to call Gary my friend, and that makes me just like hundreds of thousands of Southern Nevadans

who also have a friend in Gary. All of us know that when we catch a Gary Waddell television newscast, we get the news as it should be presented. No other newscaster has ever delivered news with better judgment and community perspective than Gary has for more than 30 years. No one has ever broadcast with more intelligence, warmth, and integrity than has Gary.

Gary is the "dean" of newscasters, but that term hardly captures what he means to Southern Nevada. In times of crisis in our community over the years, we've always turned to Gary's coverage because he is a consummate news professional, never allowing competitive pressure to compromise accuracy, thoroughness and fairness. Gary's signature on-air style is incisive, sincere, assuring, and warm. Southern Nevadans rightly call him their "Cronkite."

When we see Gary's work on TV, we are also seeing Gary the man—the man who has done so much good for Southern Nevada, above and beyond the ordinary call of his profession. Since the 1970s, Gary has given his time and talent to help people in need. His efforts, both public and private, have aided countless thousands of Southern Nevadans and built a stronger community for all.

Gary is coming to the end of his legendary broadcasting career. To say he will be missed is a major understatement. I understand he'll soon be riding off on his motorcycle, but I look forward to his return, and hope he may pursue a new venture that will again bring him into our living rooms.

Congratulations and best wishes on your new life chapter, my friend.

#### NO CO-PAY DAY

### HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today to commemorate No Co-Pay Day.

Today marks a victory for women's health care. Some 47 million women will now be able to get preventative services that couldn't before this rule went into effect.

Any new insurance policies sold to individuals or employers must cover contraception without a co-pay as part of a larger package of mandatory co-pay-free women's preventive care benefits. Insurance plans that have already been purchased will have to start offering no-co-pay contraception when they renew.

Before the Affordable Care Act, some insurance companies did not cover preventative services for women under their health care plans, and others required deductibles or co-pays for the care they needed.

That changes today—all health insurance policies are required to cover new preventative care without charging women any co-pays or deductibles. Some of the new preventative services now available with no co-pay include annual visits, FDA-approved contraceptives, domestic violence screenings and counseling, breastfeeding support, HPV DNA testing for women 30 or older, HIV and sexually transmitted infections screenings, and gestational

diabetes screenings that help protect pregnant women from one of the most serious pregnancy-related diseases.

Too often, women put their families' health care before their own, especially when it comes to preventative care.

Thanks to this new benefit in the Affordable Care Act, women can get the regular check-ups and screenings that are so important to staying healthy without having to worry about how much it will affect the family budget.

Today's announcement is just one more part of the overall implementation plan for improving our nation's health care system.

The Affordable Care Act will provide greater access to affordable health care for millions of women and families who do not have coverage now, while also lowering health care costs, creating jobs, strengthening the middle class, and reducing the deficit.

#### PERSONAL EXPLANATION

### HON. BETTY SUTTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Ms. SUTTON. Mr. Speaker, due to problems with travel, I was unable to vote. Had I been present, I would have voted "yes" on rollcall No. 537, "yes" on rollcall No. 538, and "no" on rollcall No. 539.

#### NATIONAL INFANTRY MUSEUM

### HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Mr. BISHOP of Georgia. Mr. Speaker, I am pleased to join my colleagues, LYNN WEST-MORELAND and Senator SAXBY CHAMBLISS, in support of this legislation, which will strengthen for the future one of the crown jewels of southwest Georgia—the National Infantry Museum and Soldier Center at Fort Benning.

The National Infantry Museum sits on a 200 acre site that serves as a tribute to the Infantry's legacy of valor and sacrifice. The Museum honors infantry soldiers—from those who crossed the icy Delaware River with George Washington to those serving in Afghanistan today—for their selfless service to our country, while preserving their stories for future generations.

It also serves as a functional area for basic training graduations and other special and community events. Since its opening in 2009, for example, Infantry School classes regularly graduate on the facility's parade field.

In addition, the National Infantry Museum hosted a Congressional Military Family Caucus Summit just over a month ago, which connected military families with Members of Congress, officials from the Department of Defense, personnel from the Department of Veterans Affairs, and various military and veteran support organizations to discuss pressing issues impacting America's service members and their families.

In 2008, the National Infantry Museum and Soldier Center Commemorative Coin Act was

enacted to raise funds to complete the facility as well as create an endowment to support its maintenance. No taxpayer funds have been involved and the U.S. Mint even made a profit for the taxpayers from the coin sales.

With the current economic challenges, however, the National Infantry Museum and Soldier Center hopes to direct the coin proceeds to pay down a portion of the \$16 million in bank loans that the Foundation incurred in order to complete the facility as well as reduce interests costs.

Accordingly, this legislation makes a technical change that will allow the coin proceeds to be used "for the retirement of debt associated with building the existing National Infantry Museum and Soldier center and for any future capital improvements." It is within the letter and the spirit of the original measure, and it will go a long way toward keeping our proud Army Infantry past alive so we as great nation never forget the sacrifices of our brave Infantry soldiers.

I urge my colleagues to support this legislation.

#### RECOGNITION OF THE RETIREMENT OF GARY BARRIGER

### HON. DAVID P. ROE

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Mr. ROE of Tennessee. Mr. Speaker, I rise today to recognize Mr. Gary Barrigar, who is stepping down as president of the Boone Watershed Partnership, which he has served since 2005. Through both his work with the Partnership and as a schoolteacher, Gary has made incredible contributions to his East Tennessee community.

As a science teacher who was in the classroom for 38 years at Elizabethton High School, Gary headed the award-winning Elizabethton High Ecology Club. He has also been an integral part of numerous organizations that protect the environment and outdoor areas that we East Tennesseans hold so close to our hearts.

Gary has made it his life's mission to increase water quality awareness and help preserve local rivers and streams—something that all of us in East Tennessee are the better for.

I commend Gary for his selfless contributions to East Tennessee and its water resources and wish him the best as he transitions into this new stage in life.

#### PERSONAL EXPLANATION

### HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Mr. JOHNSON of Illinois. Mr. Speaker, on Tuesday, July 31, 2012 I missed votes due to a meeting in my district with constituents in Urbana, IL on pressing local issues. Had I been present, I would have voted "aye" for S. 679, Presidential Appointment Efficiency and



Streamlining Act of 2011; "aye" for H.R. 828, Federal Employee Tax Accountability Act of 2011; and "aye" for H.R. 3803, District of Columbia Pain-Capable Unborn Child Protection Act.

IN HONOR OF DR. JOHN PETER GROTHE

**HON. SAM FARR**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Mr. FARR. Mr. Speaker, I rise today to honor the late Dr. John Peter Grothe who passed away on June 16th, 2012 at the age of 81. Dr. Grothe was a dedicated public servant who counted among his proudest achievements drafting the original Peace Corps legislation and giving it the name "Peace Corps" when he worked for Senator Hubert Humphrey. Dr. Grothe was a dedicated educator, author, and public speaker whose passion and work touched countless lives.

Dr. Grothe was born on May 28, 1931 in San Francisco to Walter and Dorothy Grothe and grew up in Hillsborough, California. He earned his BA and MA degrees in Journalism from Stanford University and later went on to earn his PhD in Political Science from George Washington University. After his work with Senator Humphrey, Dr. Grothe was appointed Deputy Director of the United Nations Division of the U.S. Peace Corps.

Following this appointment, Dr. Grothe launched a long career in academia, serving as an Adjunct Professor at the Graduate School of International Policy Studies at the Monterey Institute of International Studies in my Congressional District where he was the Director of International Student Programs and taught American Politics and Cross-Cultural Communications. Dr. Grothe also held positions at San Jose State University, Odense University in Denmark, and State University of New York, Stony Brook. Dr. Grothe brought his knowledge and abilities to his work as a visiting research scholar, lecturing in Sweden, Norway, and 51 other countries. He also served with the American Field Service as an adviser, leader, and volunteer.

Dr. Grothe was also an accomplished author who wrote *To Win the Minds of Men—A Study of the Propaganda War in East Germany* and penned numerous scholarly articles that appeared in *The New York Times*, *Washington Post*, *Christian Science Monitor*, and *San Francisco Chronicle*, among other publications.

Dr. Grothe was an inspiring mentor, leader and volunteer who served as a father figure to many. He was committed to creating opportunity for tomorrow's leaders and made a financial contribution that allowed 145 qualified international and minority students to pursue their educational goals. The Peter Grothe Scholarship Fund for Women in Developing Countries was created to continue Dr. Grothe's tradition of providing educational opportunity.

Mr. Speaker, I offer my deepest condolences to Dr. Grothe's sister, Ms. Carol Stevens, and half siblings, Mr. Tom Grothe, and

Ms. Heidi Carman. Dr. Grothe leaves an inspiring legacy and he will be deeply missed.

CELEBRATING IAB'S FIRST 30 YEARS

**HON. JOE BARTON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Mr. BARTON of Texas. Mr. Speaker, today Dr. Burgess and I rise to recognize the Independent Association of Businesses (IAB), a leading national trade association, in celebrating 30 years of supporting small business owners and self-employed individuals. IAB was founded in 1982 and after years of growth, now serves more than one million members.

IAB was founded in Washington, DC and maintains its administrative headquarters in the Dallas/Fort Worth area. IAB is a non-profit, 501(c)6 designated business organization, and has been recognized by numerous State and Federal officials for its success in aiding and advancing small businesses. The organization has had success in providing businesses and individuals with beneficial tools such as research, advocacy, and access to numerous services. Additionally, members have the opportunity to become associates with IAB in order to further promote the organization's efforts.

After 30 years, IAB continues to put the interests of both business owners and consumers first. It is our pleasure to recognize the Independent Association of Businesses for 30 years of service and this significant milestone in its history. We are privileged to represent IAB, America's Premier Membership Association in the U.S. House of Representatives.

IN RECOGNITION OF THE CAREER AND ACHIEVEMENTS OF SEYMOUR S. LEVANDER

**HON. GARY L. ACKERMAN**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Mr. ACKERMAN. Mr. Speaker, I rise today to honor the exceptional achievements and outstanding career of Seymour S. Levander. Sy, as his friends and family know him, will turn 89 years old later this year, is a beloved father and grandfather. Sy, the son of immigrant refugees from Europe, began his version of the American Dream growing up in the Bronx, graduating from James Madison High School in 1941. He continued his academic studies at Cooper Union University, graduating in 1944 and teaching electrical engineering there for a short time.

Sy then started designing and selling equipment for the building trade, which was booming at that time in post-war America. In the 1950s, Sy, seeing an opportunity, struck out on his own and started his own business which he owned and ran until he sold the firm at the age of 66 at his wife Ellenore's request. However, retirement didn't take with Sy, and

he continued to work. At the tender young age of 71, he started a new engineering and sales firm with younger partners where he continues his storied career in the construction industry to this day, still going in to work at age 88. Sy's knowledge, work ethic, and old-fashioned integrity are the stuff of legend in the industry. Over the years, he has been honored several times by ASHRAE, the nationwide building technology society, as well as other industry organizations.

Sy has also been a terrific community leader and a fighter for the underdog throughout his life. Through his businesses and a lifetime of charitable endeavors, he has created opportunities for people from all walks of life and backgrounds. In addition, he and his beloved wife Ellenore, who unfortunately passed away this year after 67 years of marriage, were founders of the Pelham Jewish Center, which has been a primary focus of his energies and care for many years.

Mr. Speaker, while he has many achievements to his name, Sy is most proud of his two children, a doctor and a lawyer; his daughter-in-law, an architect; and his four grandchildren, who are, respectively, the first trumpet for the San Francisco Opera and a music professor at Berkley, a doctor interning at Stony Brook University Medical Center, a law student and Human Rights Fellow at Columbia University Law School, and a rising junior at Dartmouth College. I ask all of our colleagues to rise and join me in honoring Seymour S. Levander.

IN SUPPORT OF H. RES. 742, CONDEMNING THE RUSSIAN FEDERATION FOR SELLING WEAPONS TO SYRIA

**HON. LAURA RICHARDSON**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Ms. RICHARDSON. Mr. Speaker, today I rise in support of H. Res. 742, a resolution I introduced condemning the Russian government for selling weapons to the Assad regime of Syria.

A bipartisan companion resolution sponsored by Senators CORNYN (R-TX) and DURBIN (D-IL) has been introduced in the Senate as S. Res. 494. I am proud that my colleagues SHEILA JACKSON LEE, DAVE CAMP, SUE MYRICK, BILL PASCRELL, JR. and BETTY MCCOLLUM have joined me as original co-sponsors of this important resolution.

The resolution is endorsed by the American Syrian Coalition, ASC, and I ask unanimous consent to include in the RECORD a letter of support from ASC Chairman Mahmoud Khattab. I welcome and invite all members of the House to co-sponsor this resolution.

I am proud that I was able to work with Republican colleagues in the House and the Senate on a resolution that puts the Congress on record in calling upon the government of Russia to immediately end all weapons sales to Syria, support international sanctions against the regime of Syrian President Assad, and to use its influence to help bring about a peaceful transition of leadership within the government of Syria.

Mr. Speaker, what began as a peaceful stand against tyranny has morphed into the bloodiest movement of the Arab Spring. According to the International Red Cross, more than 16,000 men, women and children have been killed in the conflict, and the violence has increased substantially in the past few weeks. An estimated 1 million Syrians have also been internally displaced and tens of thousands more have fled to neighboring countries.

The massacres in Houla and Tremseh where dozens if not hundreds of civilians were killed are just two of the more shocking examples of the terror that has gripped this nation for over a year.

Battles are currently raging for the country's two largest cities, the capital Damascus and the commercial center Aleppo. In Aleppo rockets and shells have routinely been landing in residential areas, and there have been sightings of fighter planes over the city. The international community is holding its breath as the Assad regime gears up for what many fear will be a massacre of the city. A rebel victory in Aleppo would be a decisive turning point in the war, and this is something the Syrian government will prevent from happening at all costs.

President Assad's brutal crackdown in response to these protests has been directly fueled by the unrelenting support of the Russian Federation. Throughout the mass murders, torture and other atrocities perpetrated by the regime, Russia has continued to send weapons, knowing they are not being used for self defense purposes.

Although the vast majority of the world has condemned the actions of President Assad and his government, China and Russia have refused to support any efforts to end the violence. Russia in particular has been Mr. Assad's staunchest defender. The Russian Federation has now vetoed three United Nations Security Council Resolutions that would have imposed long overdue international sanctions against the Syrian regime.

I agree with Secretary of State Hillary Clinton when she stated, and I quote: "History will judge this council; its members must ask themselves whether continuing to allow the Assad regime to commit unspeakable violence against its own people is the legacy they want to leave."

These comments were obviously directed towards Russia and China, and Russian Defense Minister Sergei Lavrov has simply repeated Russia's support for non-intervention, and stated that any solution would have to be decided by Syrians themselves, and not a foreign power.

Mr. Lavrov says this as his country continues to send arms to Mr. Assad and his army whose firepower is already vastly superior to the rebels they are attacking.

Mr. Speaker, Russia can do what I cannot, and that is to sit idly by as thousands of innocent civilians are slaughtered because of their desire to live in a free and democratic country.

Syrian men and women fighting for democratic ideals should not be abandoned to face the wrath of a tyrant alone. They should know that they have a friend in the American government.

Today, I ask for my colleagues' support for H. Res. 742. The Russian government has en-

abled the Assad regime to commit murder among other mass atrocities, and they need to be held accountable for their actions.

As a member of the Committee on Homeland Security I have seen how America is an example of democracy and peace, and I wish to see the same outcome for Syria.

I stand today not only to ask for the support of my colleagues, but to show my support and admiration for the rebel fighters and all those in Syria who are fighting against oppression and cruelty.

JULY 30, 2012.

HON. LAURA RICHARDSON,  
*House of Representatives, Longworth Office Building, Washington, DC.*

DEAR REP. RICHARDSON: On behalf of the American Syrian Coalition (ASC), I would like to thank you for introducing H. Res. 742, a bipartisan resolution condemning the Russian government for continuing to sell offensive weapons to the Assad regime of Syria, which is using them to violently suppress peaceful demonstrations and protests by innocent Syrian citizens.

Since the beginning of the Syrian revolution in March 2011, more than 21,000 people have been killed, according to the Syrian Observatory for Human Rights, and thousands more have been wounded, displaced, detained, and/or tortured. Emboldened by the Russian and Chinese vetoes at the U.N. Security Council, the regime continues its all-out military assault using Russian-supplied helicopter gunships and fighter jets to bomb Syrian civilians simply because they demanded freedom, dignity and democracy. Your stance with the Syrian people is courageous and we wholeheartedly appreciate your efforts to help put an end to the brutal Assad regime.

Thank you again for supporting the Syrian people and for standing up for those facing injustice at home and abroad.

Sincerely,

DR. MAHMOUD KHATTAB,  
*Chairman,  
American Syrian Coalition.*

HONORING NAVY LIEUTENANT  
COMMANDER LAWRENCE E.  
WESTERLUND

HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2012

Mr. DENHAM. Mr. Speaker, I rise today to honor the career of United States Navy Lieutenant Commander Lawrence E. Westerlund and to congratulate him on his upcoming retirement from the U.S. Navy, following 20 years of active and reserve service.

Lieutenant Commander Westerlund, a native of Fresno, California, entered the U.S. Navy through Officer Candidate School, Class 8809, in Newport, Rhode Island shortly after graduating from California Polytechnic State University in San Luis Obispo, California. He was commissioned an Ensign on November 18, 1988, with his father, Richard Westerlund, and brother, Midshipman Lance Westerlund, in attendance.

After graduation from Surface Warfare Officer School in Coronado, California, he reported aboard the USS *Mahon S. Tisdale* (FFG-27), where he was assigned the posi-

tion of First Lieutenant and also served as Helicopter Control Officer. He served two years aboard the USS *Tisdale*, earning his Surface Warfare Pin and deploying to Japan and Korea in support of PACEX89.

In 1990, Lieutenant Commander Westerlund was promoted to Lieutenant Junior Grade. He entered the U.S. Naval Reserves and became the Administrative Officer for the USS *Worden* (CG-18) naval reserve detachment based in Fresno, California.

From 1991 through 1994, Lieutenant Commander Westerlund served as a Convoy Officer for the Convoy Command Detachment in Seattle, Washington. In September of 1994, Lieutenant Commander Westerlund reported for duty with Mobile Inshore Underwater Warfare Units 103 and 104, where he served as a Division Officer and Department Head. He served multiple training periods in Korea and Bahrain with these two units.

In June 1997, Lieutenant Commander Westerlund was awarded the Navy and Marine Corp Achievement Medal while serving as the Physical Security Officer during Overseas Operations in Manama, Bahrain, where he was tasked with establishing waterside security watch to counter terrorist threats.

Lieutenant Commander Westerlund was recalled to active duty in April of 1998 for one year in support of stabilization operations in Bosnia. During this assignment, he was instrumental in writing a major force structure study for the US-European Command (EUCOM). While serving for the EUCOM, he was awarded his first Defense Commendation Medal and NATO Operations Medal. Shortly after returning from Bosnia, Lieutenant Commander Westerlund transferred to the Inactive Ready Reserve.

As a result of the attacks on the United States on September 11, 2001, Lieutenant Commander Westerlund returned to active drilling status. He was assigned to Commander Pacific Fleet (COMPACFLT) Det-520 in Sacramento, California—a capacity in which he served as the head of various divisions and departments.

In 2004, Lieutenant Commander Westerlund ran a successful election campaign for a seat on the Fresno City Council. Before taking office, Lieutenant Commander Westerlund returned to active duty for six months standing the Battle Watch for COMPACFLT. In January 2005, Lieutenant Commander Westerlund was sworn in as the District Four Representative for the Fresno City Council. During this time, he continued to drill in Sacramento for COMPACFLT Det-520.

Lieutenant Commander Westerlund was recalled to active duty in support of Operation Enduring Freedom in 2007. He served from April 2008 to May 2009 as the Counterterrorism Train and Equip Manager for the Joint Special Operations Task Force for the Trans-Sahara for the U.S. European Special Operations Command (SOCEUR) and Africa Special Operations Command (SOCAFRICA). For his service, he was awarded his second Defense Commendation Medal.

In December of 2009, Lieutenant Commander Westerlund became the Officer in Charge (OIC) of the 38 sailors of the Military Sealift Command Cargo Afloat Rigging Team III, Detachment C based out of Lemoore, California. While serving as OIC, he was deployed

twice onboard the USNS *Guadalupe* (T-AO-200).

Lieutenant Commander Westerlund is married to Dora Rivera of Mazatlan, Mexico. While deployed overseas in Operation Enduring Freedom, Lieutenant Commander Westerlund was reelected to the Fresno City Council, and his first child, Zoe, was born. Lieutenant Commander Westerlund and his wife recently welcomed their second child—a son named William.

On August 11, 2012, Lieutenant Commander Westerlund will retire from the United States Navy after 20 years of honorable military service. Mr. Speaker, please join me in honoring Lieutenant Commander Lawrence E. Westerlund for his outstanding career. He is a true public servant. I congratulate him on his retirement, and wish him the best of success in his future endeavors.

IN HONOR OF ADMIRAL JAMES D.  
WATKINS

**HON. SAM FARR**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Mr. FARR. Mr. Speaker, I rise today to honor the life and exemplary service of the late Admiral James D. Watkins. Chief of Naval Operations, Chairman of the Commission on AIDS, Secretary of Energy, and Chairman of the U.S. Commission on Ocean Policy, he was called out of retirement on multiple occasions but left the service of our Nation and our world last Thursday night. He passed on from his home in Alexandria, VA at the age of 85. His presence will certainly be missed not just in Washington, but across the country and particularly in the ocean science community.

A native of California and a graduate of the U.S. Naval Postgraduate School in Monterey, Admiral Watkins served in the Navy for 37 years where he rose to become the Chief of Naval Operations. An esteemed feat by itself, this position was just the starting point for what would become his most venerable legacy. After retirement from the Navy, Admiral Watkins was appointed Secretary of Energy during the Reagan administration.

Accomplished through his ability to bring disparate groups together to understand and solve complex problems, he led two of the most important federal commissions to occur in the past 25 years—one on the AIDS pandemic and the other on the Congressionally directed Commission on Ocean Policy. Both commissions sought to improve the health and well-being of all through improved understanding of our least understood systems—the human immune system and the planetary ocean system. As a public servant and as a citizen, Admiral Watkins acted deliberately and thoughtfully to digest massive quantities of information and actors into specific challenges with clearly articulated steps to achieve agreed-upon outcomes.

His 16-member Commission on Ocean Policy developed “An Ocean Blueprint for the 21st Century” which offered comprehensive recommendations for a national ocean policy. When those recommendations were finalized

and presented in 2004, he said, “With a clear mandate from the President, and strong, bipartisan support among Members of Congress, we can begin the difficult, but critical process of implementing a comprehensive national ocean policy.” He spent the last eight years of his life acting on implementing those recommendations. In his wake it will take many of us here in Congress, along with other nongovernmental actors to continue to steer and direct these efforts and contribute to the heavy lift of moving this important work forward.

Mr. Speaker, I know I speak for the whole House in recognizing the contributions that Admiral Watkins made to make this world a better place. We offer our condolences to his family and friends, and particularly his six children and his wife, Janet. Those of us who had the good fortune to have known him are better people for the experience.

HONORING MONSIGNOR FELIX S.  
DIOMARTICH

**HON. JANICE HAHN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Ms. HAHN. Mr. Speaker, I rise to honor Monsignor Felix S. Diomartich, the oldest priest in the City of Los Angeles and the Sibenik region of Croatia, who is celebrating 75 years of service in the priesthood. Monsignor Diomartich was born on November 2, 1914, in Zlarin, Croatia. He began his life's journey at the parish of Vodice as the Associate Pastor. Soon after, he was named Secretary to Bishop Mileta. He later earned two doctorate degrees in theology and church law at the Gregorian University in Rome, Italy. Before leaving for the United States, he obtained the title of the lawyer of the Sacra Romana Rota.

After arriving in the United States, Monsignor Diomartich served at three parishes in the Archdiocese of New York before he was invited to serve at St. Anthony Croatian Church in Los Angeles. Monsignor Diomartich served for 36 years as an administrator and as a pastor. He supported such organizations as the St. Ann's Altar Society for women and the Holy Name Society for men. He founded two new societies for American-born young adults called the Anthonians and the St. Anthony's Women's Guild. His other accomplishments at the parish include the St. Anthony's Annual Picnic Festival, building of a new rectory, and remodeling and expanding the original parish hall.

In 1978, Pope Paul VI awarded him the title of Monsignor. The Croatian National Association and Foundation awarded him with its Lifetime Achievement award in 2008. Though he has retired from its administration, Monsignor Diomartich continues to reside at the St. Anthony Croatian Church, helping with masses and confessions. Through his passion of spreading the word of God, he has inspired and guided the residents of Los Angeles and has brought unity and pride to the Croatian community.

He has truly made a difference in the lives of so many people. It has been a privilege to

call him a friend and to celebrate this significant milestone.

TRIBUTE TO DON DILLENBECK

**HON. GREG WALDEN**

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Mr. WALDEN. Mr. Speaker, it is with great pride that I rise today to pay special tribute to Hood River County Sheriff's Deputy Don Dillenbeck. Deputy Dillenbeck is retiring from the Sheriff's Office on July 29, capping more than 37 years of duty, honor and service to the citizens and visitors of Hood River County, Oregon.

Don Dillenbeck was born and raised in my home town of Hood River, Oregon where he graduated from Hood River Valley High School in 1972. Don began his career in public safety as a Dispatcher and Corrections Deputy with the Hood River County Sheriff's Office on January 23, 1975.

Deputy Dillenbeck was promoted to Road Deputy in 1978, taking on more responsibility with his new position. Patrolling the county for the next 34 years and serving under three different Sheriffs, Deputy Dillenbeck logged over 1 million miles on six different patrol cars. His duties included not only the protection of the public, but also the training and mentoring of new Deputies. His extensive knowledge of procedure, law and tactics has been invaluable to the county over the course of his career.

Mr. Speaker, Deputy Dillenbeck is also somewhat of a celebrity due to a dangerous highspeed pursuit that was featured on the television program “World's Wildest Police Chases.” In 1997, a fleeing suspect rammed his patrol car three times. Thankfully, the suspect was apprehended and did not seriously injure Deputy Dillenbeck. This incident is a prime example of the high level of commitment Deputy Dillenbeck holds for public service. When he is called upon to put his own life in danger—whether it's apprehending a fleeing felon or volunteering as a firefighter with Westside Fire Department—Deputy Dillenbeck can be counted on to answer.

Although he will officially retire from his full-time position, Deputy Dillenbeck has requested to remain with the Sheriff's Office in a volunteer capacity as a Reserve Deputy so he can continue to serve and protect the public in Hood River County. Even in retirement, Deputy Don Dillenbeck will continue to answer the call to service.

Mr. Speaker, I ask that my fellow colleagues join me in recognizing Don Dillenbeck. He has earned the thanks of a grateful nation not only for his dedication to service, but for his unwavering commitment to his community. Please join me in wishing Deputy Don Dillenbeck a very long and happy retirement.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all

meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose

of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for

printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, August 2, 2012 may be found in the Daily Digest of today's RECORD.